
Lincoln City - Lancaster County

**PLANNING COMMISSION
AGENDA**

PLANNING COMMISSION

Chris Hove: Chair

Dennis Scheer: Vice-Chair

Cathy Beecham

Michael Cornelius

Tracy Corr

Maja V. Harris

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PLANNING STAFF

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Amy Huffman: Office Specialist

November 18, 2015

NOTICE: The Lincoln/Lancaster County Planning Commission will hold a public hearing on Wednesday, November 18, 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, November 18, 2015, from 11:00 a.m. through 12:45 p.m., in Studio Room 113 of the County-City Building, 555 S. 10th Street, Lincoln, Nebraska, to discuss the Review Process for Long Range Plan and Comprehensive Plan Update.

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

****PLEASE NOTE:** 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, NOVEMBER 18, 2015

Approval of minutes of the regular meeting held October 28, 2015.

1. CONSENT AGENDA
(Public Hearing and Administrative Action):

COMPREHENSIVE PLAN CONFORMANCE:

- Page
01
- 1.1 Comprehensive Plan Conformance No. 15031, to review as to conformance with the 2040 Lincoln-Lancaster County Comprehensive Plan, a request to declare properties as surplus in various locations, generally located at 14th and New Hampshire, 2100 Y Street, and City-owned lots on the 400 block of South 40th Street and the 400 block of South 55th Street.
Staff recommendation: Conformance with the Comprehensive Plan
Staff Planner: Paul Barnes, 402-441-6372, pbarnes@lincoln.ne.gov

ANNEXATIONS AND RELATED CHANGES OF ZONE AND SPECIAL PERMIT:

- Page 15 1.2a Annexation No. 15010, to annex approximately 28 acres, more or less, for 91 single-family lots, on property generally located at South 98th Street and Andermatt Drive.
Staff recommendation: Approval
Staff Planner: Brian Will, 402-441-6362, bwill@lincoln.ne.gov
- Page 15 1.2b Change of Zone No. 15029, from AG Agriculture District and B-2 Planned Neighborhood Business District to R-3 Residential District, on property generally located at South 98th Street and Andermatt Drive.
Staff recommendation: Approval
Staff Planner: Brian Will, 402-441-6362, bwill@lincoln.ne.gov
- Page 31 1.2c Special Permit No. 06014A, adding approximately 32 acres to the Southlake Community Unit Plan for 91 single-family lots, with requests for adjustments to setbacks, the lot width-to-depth ratio, and to allow drive-over curbs in private roadways, on property generally located at South 98th Street and Andermatt Drive. ****FINAL ACTION****
Staff recommendation: Conditional Approval
Staff Planner: Brian Will, 402-441-6362, bwill@lincoln.ne.gov
- Page 51 1.3a Annexation No. 15012, to annex approximately 5 acres, more or less, to allow an additional 12 single-family lots, on property generally located at South 88th Street and Pioneers Boulevard.
Staff recommendation: Approval
Staff Planner: Brian Will, 402-441-6362, bwill@lincoln.ne.gov
- Page 51 1.3b Change of Zone No. 15032, from AG Agriculture District to R-3 Residential District, for approximately 5 acres, more or less, on property generally located at South 88th Street and Pioneers Boulevard.
Staff recommendation: Approval
Staff Planner: Brian Will, 402-441-6362, bwill@lincoln.ne.gov

TEXT AMENDMENTS:

- Page 63 1.4 Text Amendment No. 15022, amending Section 27.62.100 of the Lincoln Municipal Code relating to Conditional Uses in Retail Sales and Services Use Group to correct an error made to subsection (h)(2) in a previous text amendment to clarify that the floor area restriction for personal services applies to the size of the use and not to the size of the building the use is located in, and repealing Section 27.62.100 of the Lincoln Municipal Code as hitherto existing.
Staff recommendation: Approval
Staff Planner: Rachel Jones, 402-441-7603, rjones@lincoln.ne.gov

Page 75 1.5 Text Amendment No. 15023, amending Sections 1 through 10 of Chapter 2.05 - Stormwater Drainage Design Standards to add definitions in Section 1, to provide information in Section 2 as to where and how to obtain a copy of the City of Lincoln Drainage Criteria Manual, and to update Sections 2 through 10 to clarify references to the City of Lincoln's Drainage Criteria Manual, the Federal Emergency Management Agency, the Flood Insurance Study, the Department of Public Works and Utilities, the City of Lincoln and the Nebraska Department of Natural Resources, and to match provisions included in Ordinance No. 19990 (adding a new Chapter 28.03 - Regulations for Post Construction Storm Water Management to the Lincoln Municipal Code) and included in Resolution No. A -88056 (adopting a new Chapter 8 to the City of Lincoln's Drainage Criteria Manual).
Staff recommendation: Approval
Staff Planner: Tom Cajka, 402-441-5662, tcajka@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

COMPREHENSIVE PLAN AMENDMENT:

Page 109 4.1 Comprehensive Plan Amendment No. 15003, to adopt the South Haymarket Neighborhood Plan as an amendment to the 2005 Downtown Master Plan and by reference in the Lincoln-Lancaster County Comprehensive Plan. The area under consideration for this amendment is generally bounded by O Street, South 10th Street, G Street, and South 4th Street.
Staff recommendation: Approval
Staff Planner: Paul Barnes, 402-441-6372, pbarnes@lincoln.ne.gov

CHANGES OF ZONE AND RELATED SPECIAL PERMITS:

Page 137 4.2 Change of Zone No. 15030, from R-4 Residential District to B-3 Commercial District, with a Conditional Zoning Agreement and site plan, on property generally located at 711 - 725 South Street.
Staff recommendation: Approval, Subject to Zoning Agreement
Staff Planner: Paul Barnes, 402-441-6372, pbarnes@lincoln.ne.gov

Page 151 4.3a Change of Zone No. 15033, from AG to R-3, including approximately 5.44 acres, more or less, on property generally located at South 27th Street and Rokeby Road.

Staff recommendation: Approval

Staff Planner: Rachel Jones, 402-441-7603, rjones@lincoln.ne.gov

Page 155 4.3b Special Permit No. 15069, for a Community Unit Plan to allow for the addition of up to 37 dwelling units, with waivers to allow for double-frontage lots, waive the storm water detention requirement, and allow for reduction of the radius of a cul-de-sac, on property generally located at South 27th Street and Rokeby Road. ****FINAL ACTION****

Staff recommendation: Conditional Approval

Staff Planner: Rachel Jones, 402-441-7603, rjones@lincoln.ne.gov

SPECIAL PERMIT:

Page 175 4.4 Special Permit No. 1762E, the Vintage Heights Community Plan, to increase the number of dwelling units from 964 to 990, and which allows 84 dwelling units to be served by sanitary sewer, which requires a sewage pump lift station to use the City's sanitary sewer system, and a request to waive Section 26.23.130 of the Subdivision Ordinance to allow for a block length of more than 1,320 feet, on property generally located at South 98th Street and Old Cheney Road.

Staff recommendation: Conditional Approval

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

WAIVER:

Page 199 4.5. Waiver No. 15018, a request to waive the sidewalk requirement adjacent to property generally located at 731 Glenridge Road. ****FINAL ACTION****

Staff recommendation: Denial

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

5. CONTINUED PUBLIC HEARING AND ADMINISTRATIVE ACTION

SPECIAL PERMIT:

Page 207 5.1 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.

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**

Adjournment

PENDING LIST: *None*

Planning Dept. staff contacts:

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Ed Zimmer, <i>Historic Preservation Planner</i>	402-441-6360	ezimmer@lincoln.ne.gov

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

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

ACCOMMODATION NOTICE

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

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for November 18, 2015 PLANNING COMMISSION MEETING

- PROJECT #:** Comprehensive Plan Conformance No. 15031
- PROPOSAL:** To find that the declaration of four surplus properties located in various locations throughout the City of Lincoln is in conformance with the Comprehensive Plan.
- LOCATION:** Parcel 1: Southeast of 12th & New Hampshire (excluding the 12th Street right-of-way)
Parcel 2: 2100 Y Street
Parcel 3: Along 40th Street, South of L, west side
Parcel 4: Strip along 55th Street, South of L, west side
- LAND AREA:** Parcel 1: 113,256 square feet (2.6 acres), more or less
Parcel 2: 6,098 square feet, more or less
Parcel 3: 7,841 square feet, more or less
Parcel 4: 2,614 square feet, more or less
- CONCLUSION:** This surplus declaration is in conformance with the Comprehensive Plan.

RECOMMENDATION:	In conformance with the Comprehensive Plan.
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NOTE: There are four separate parcels included in this surplus application. Each parcel has its own General Information section. A map attached to this report identifies the number for each parcel, 1 through 4. All parcels are discussed in further detail in the Analysis section.

PARCEL 1

GENERAL INFORMATION:

LEGAL DESCRIPTION: The remaining portion of Lot 1, Block 14, Antelope Valley 1st Addition

EXISTING ZONING: P, Public Use

EXISTING LAND USE: Parking Lot

SURROUNDING LAND USE AND ZONING:

North: Single and Two-Family Dwellings; R-4
South: Railroad; P
East: Commercial; B-3
West: Single Family Dwellings; R-4

HISTORY:

- May, 1979 This site was re-zoned from K, Light Industrial District, to I-1, Industrial District, with the 1979 Zoning Update. The property was later rezoned from I-1 to P.
- November, 2004 This site was included within the Antelope Valley Redevelopment Plan area.
- June, 2010 Street and alley vacation 09007 to vacate various rights-of-way in Antelope Valley was approved by the City Council. Two small alley rights-of-way within the site were vacated.
- August, 2012 CPC 12016 - Application was submitted to declare approximately 4,188 square feet of land surplus adjacent to 1315 New Hampshire Street residence. The application was later withdrawn.

COMPREHENSIVE PLAN SPECIFICATIONS:

- P. 1.9 - A majority of this site is shown as Public & Semi-Public on the Future Land Use Map. The northwest corner of the site is shown as Urban Density Residential.
- P. 2.9 - Development principle: Floodplain preserved as open space, ballfields, trails, conservation areas.
- P. 3.9 - Designate areas for future urban development outside of the floodplain and floodway.
- P. 4.2-4.3 - This site is within a Capitol View Corridor. Protecting key vistas that provide important public views to the Capitol, along with identification and enhancement of new view corridors as the community grows, are important urban design strategies.
- P. 5.5 - Commercial and industrial development strategy: Outside of saline wetlands, signature habitat areas, native prairie and floodplain areas (except for areas of existing commercial and industrial zoning).
- P. 7.4 - Discourage residential development in areas of environmental resources such as endangered species, saline wetlands, native prairies, and in floodplain corridors.
- P. 7.8 - Minimize impacts on flood storage when vacant land in the floodplain is developed.
- P. 7.10-7.11 - Detailed strategies for existing neighborhoods:
Redevelopment and infill should strive for compatibility with the character of the neighborhood and adjacent uses.
- Encourage shared parking whenever possible - permit minor incursions of accessory parking for public/semi-public uses into neighborhoods if properly screened.

ANTELOPE VALLEY DEVELOPMENT PLAN SPECIFICATIONS:

- P. 44 - Antelope Valley Projects: Enhancement of residential neighborhoods with proper balance of new residential housing products and reinvestment in quality housing stock.
- P. 54 - This site is identified as Medium Density Neighborhood and Parks/Community Service on the Future Land Use Map.

P. 55 - New construction will be invited and encouraged provided primary emphasis is given to the preservation of existing buildings. The design of such new space should enhance and contribute to the aesthetic character and function of the existing buildings and the surrounding neighborhood form.

P. 68 - Urban Design Principles: Diminish visual prominence of parking; concentrations of parking should be concealed within interior parking courts (buildings on the street, parking behind) or in garages wrapped with buildings.

P. 82 - North Bottoms University Parking Lot Area:
New medium density residential opportunities
Easy access to campus
Site will not be available until after the "X" Street Bridge and related roadways are complete
Need to address floodplain issue

PARCEL 2

GENERAL INFORMATION:

LEGAL DESCRIPTION: Lot 13, Yate's & Thompson's Subdivision of Lot 13 of J.G. Miller's Subdivision

EXISTING ZONING: I-1, Industrial

EXISTING LAND USE: Vacant/Undeveloped

SURROUNDING LAND USE AND ZONING:

North: Single Family Dwellings; I-1
South: Warehouse/Industrial; I-1
East: Parking Lot; I-1
West: Parking Lot/Industrial; I-1

HISTORY:

May, 1979 This site was re-zoned from K (Light Industrial District) to I-1 (Industrial District) with the 1979 Zoning Update.

COMPREHENSIVE PLAN SPECIFICATIONS:

P. 1.9 - This site is shown as Industrial on the Future Land Use Map.

P. 2.9 - Development principle: Floodplain preserved as open space, ballfields, trails, conservation areas.

P. 3.9 - Designate areas for future urban development outside fo the floodplain and floodway.

P. 4.2-4.3 - This site is within a Capitol View Corridor. Protecting key vistas that provide important public views to the Capitol, along with identification and enhancement of new view corridors as the community grows, are important urban design strategies.

P. 5.5 - Commercial and industrial development strategy: Outside of saline wetlands, signature habitat areas, native prairie and floodplain areas (except for areas of existing commercial and industrial zoning).

P. 7.4 - Discourage residential development in areas of environmental resources such as endangered species, saline wetlands, native prairies, and in floodplain corridors.

P. 7.8 - Minimize impacts on flood storage when vacant land in the floodplain is developed.

ANTELOPE VALLEY DEVELOPMENT PLAN SPECIFICATIONS:

P. 54 - This area is shown as Flex/Industrial on the Future Land Use Map.

P. 64 - Flex/Industrial: Flex-space and Industrial is currently zoned industrial and that is the predominant land use presently on those properties. The Flex-space option is included to allow for some further evolution of these properties. Flex means that it is flexible in terms of what can be done on these properties. This could mean reuse of the existing industrial buildings as future residential, retail or even industries such as an environmental or 'green' research center.

PARCEL 3

GENERAL INFORMATION:

LEGAL DESCRIPTION: The South 15 of Lot 5 & all of Lot 6, Block 1, Grovedale, & the East ½ of the adjacent vacated alley

EXISTING ZONING: R-2, Residential

EXISTING LAND USE: Vacant/Undeveloped

SURROUNDING LAND USE AND ZONING:

North: Single and Two-Family Dwellings; R-2
South: Single and Two-Family Dwellings; R-2
East: Single Family Dwellings; R-2
West: Single and Two-Family Dwellings; R-2

HISTORY:

May, 1979 This site was re-zoned from B (Two Family Dwelling District) to R-4, Residential District, with the 1979 Zoning Update.

October 2006 This neighborhood was downzoned from R-4 to R-2.

COMPREHENSIVE PLAN SPECIFICATIONS:

P. 1.9 - This site is shown as Residential - Urban Density on the Future Land Use Map.

P. 7.10-7.11 - Detailed strategies for existing neighborhoods: Redevelopment and infill should strive for compatibility with the character of the neighborhood and adjacent uses.

P. 10.15 - 40th Street is identified as a Minor Arterial.

PARCEL 4

GENERAL INFORMATION:

LEGAL DESCRIPTION: The East 135 feet of the South 20 feet of Lot 26, Randolph Acres

EXISTING ZONING: R-2, Residential

EXISTING LAND USE: Vacant/Undeveloped

SURROUNDING LAND USE AND ZONING:

North:	Single Family Dwelling; R-2
South:	Single Family Dwelling; R-2
East:	Single Family Dwelling; R-2
West:	Single Family Dwelling; R-2

HISTORY:

May, 1979 This site was re-zoned from A-2, Single Family Dwelling District, to R-2, Residential District, with the 1979 Zoning Update.

COMPREHENSIVE PLAN SPECIFICATIONS:

P. 1.9 - This site is shown as Residential - Urban Density on the Future Land Use Map.

P. 7.10 - Detailed strategies for existing neighborhoods: Redevelopment and infill should strive for compatibility with the character of the neighborhood and adjacent uses.

ANALYSIS:

1. This is a request to find four parcels in various locations as surplus. A map attached to this report identifies the number for each parcel, 1 through 4.

2. Parcel 1 is located in the North Bottoms Neighborhood and is currently developed as a parking lot. This property was acquired from the University of Nebraska by the City in conjunction with the Antelope Valley project. This property is currently zoned P, Public. Any future private owner will need to rezone this property to something other than P. The west portion of the parcel was recently dedicated as right-of-way and is not included in this surplus application. No potential buyers have expressed interest in purchasing the property at this time. This property has the following development constraints:
 - A. The parcel is within the Salt Creek storage area and floodplain. A conservation easement will be required at the time of deed transfer in order to retain flood storage capacity.
 - B. A railroad main line is located directly adjacent to the south property line. The Lincoln/Lancaster County Health Department recommends against any new habitable structures, childcare facilities, schools, retirement facilities or hospitals within 300 feet of the railroad and potentially hazardous materials. Structure and buildings are acceptable on the parcel if they meet the requirements for a conservation easement.
 - C. Lincoln Electric System (LES) requests a 10' utility easement to the far northeast-north property line for existing underground facilities, a 10' perimeter easement and a 15' easement on the south property line for future facilities.
 - D. A sanitary sewer line is located in the alley along the northern property line. Easements will need to be retained for the sewer main.

3. Parcel 2 is located at 2100 Y Street. No potential buyers have expressed interest in purchasing the property at this time. The property includes the following development constraints:
 - A. This parcel is located within the Antelope Creek floodplain. A conservation easement will be required at the time of deed transfer in order to retain flood storage capacity.
 - B. Lincoln Electric System (LES) requests that the existing easement along the south property line be retained and a 5' easement be added along the west property line.

4. Parcel 3 is located on the 400-block of S. 40th Street. No potential buyers have expressed interest in purchasing the property at this time. The includes the following development constraints:
 - A: This property will need a drainage easement over the entire lot. Any construction on this property will need to be carefully coordinated with the Watershed Management Division.
 - B. A storm sewer is located on this property. Public Works requests that the existing 15' easement on each side of the pipe be maintained.
 - C. S. 40th Street, a Minor Arterial, is located along the east property line. The street currently includes 33 feet of right-of-way from the street centerline. Public Works requests that this ROW be extended into the parcel by an additional 7 feet, to obtain the standard 40 feet of right-of-way from the centerline.
 - D. Lincoln Electric System (LES) requests that existing easements be maintained along the west property line.

5. Parcel 4 is located in the 400 block of S. 55th Street and includes the following development constraints:
 - A. The parcel is too narrow (width 20 feet, total area 2,614 square feet) for a habitable dwelling. The adjacent neighbor is interested in purchasing this property.
 - B. A storm drain passes through the site. Public Works requests that the existing 15' easement on each side of the pipe be maintained. The easement covers nearly the entire parcel.
 - C. Lincoln Electric System (LES) requests a 5' utility easement on the west property line for future facilities.

6. The proposal to surplus these four parcels, subject to the identified easement conditions and development restrictions listed below, is consistent with the Comprehensive Plan.
 - A. Parcel 1 Conditions:
 1. Retain a conservation easement at the time of deed transfer in order to retain flood storage capacity.
 2. Prohibit new habitable structures, childcare facilities, schools, retirement facilities or hospitals within 300 feet of the railroad.

3. Retain L.E.S. utility easements: 10 foot utility easement on the northeast-north property line, 10 foot perimeter easement and 15 foot easement on the south property line.

4. Retain a sewer main utility easement along the northern property line.

B. Parcel 2 Conditions:

1. Retain a conservation easement at the time of deed transfer in order to retain flood storage capacity.

2. Maintain the existing L.E.S. easement along the south property line and add a 5 foot easement along the west property line.

C. Parcel 3 Conditions:

1. Retain a drainage easement over the entire property.

2. Maintain the existing 30 foot storm sewer easement, 15 feet on each side of the sewer.

3. Obtain an additional 7 feet of right-of-way for S. 40th Street.

4. Maintain existing L.E.S. utility easements along the west property line.

D. Parcel 4 Conditions:

1. Maintain the existing 30 foot storm drain easement, 15 feet on each side of the sewer.

2. Retain a 5 foot L.E.S. utility easement on the west property line.

Prepared by:

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

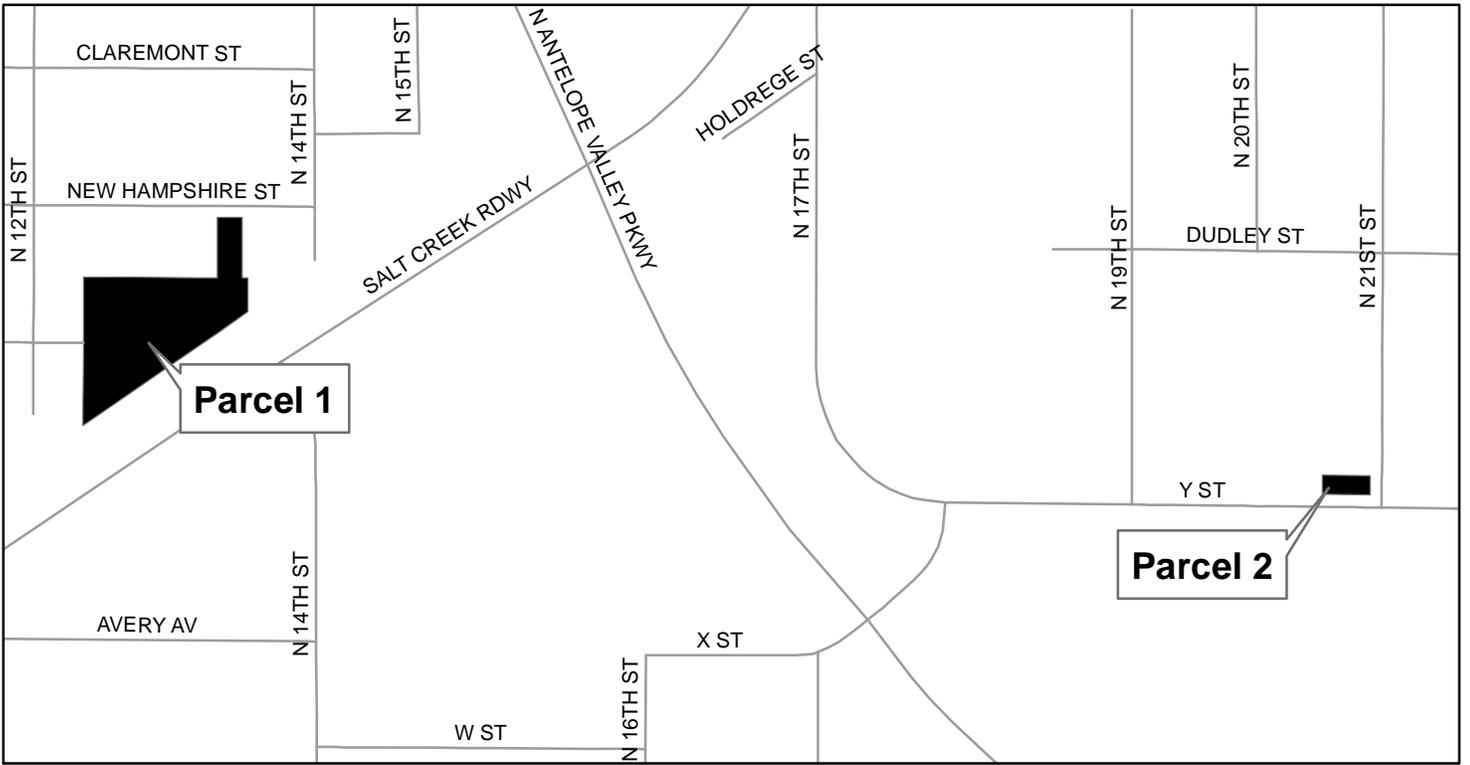
DATE: November 6, 2015

APPLICANT/OWNER: City of Lincoln
555 S. 10th Street, Suite 205
Lincoln, NE 68508

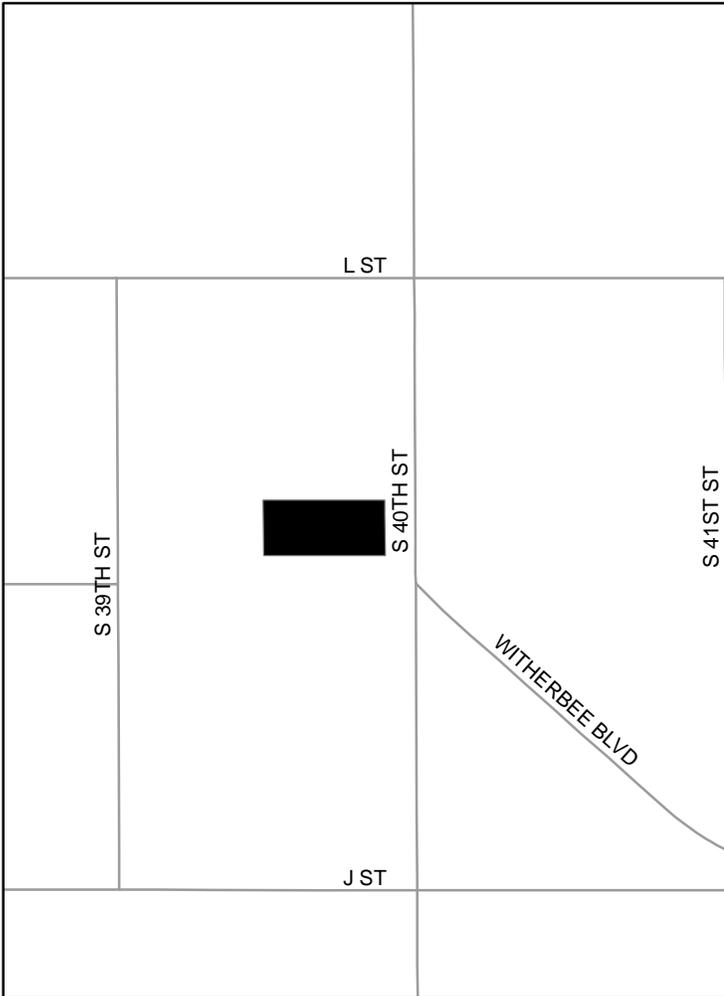
CONTACT: Steve Werthmann
City of Lincoln
555 S. 10th Street, Suite 205
Lincoln, NE 68508

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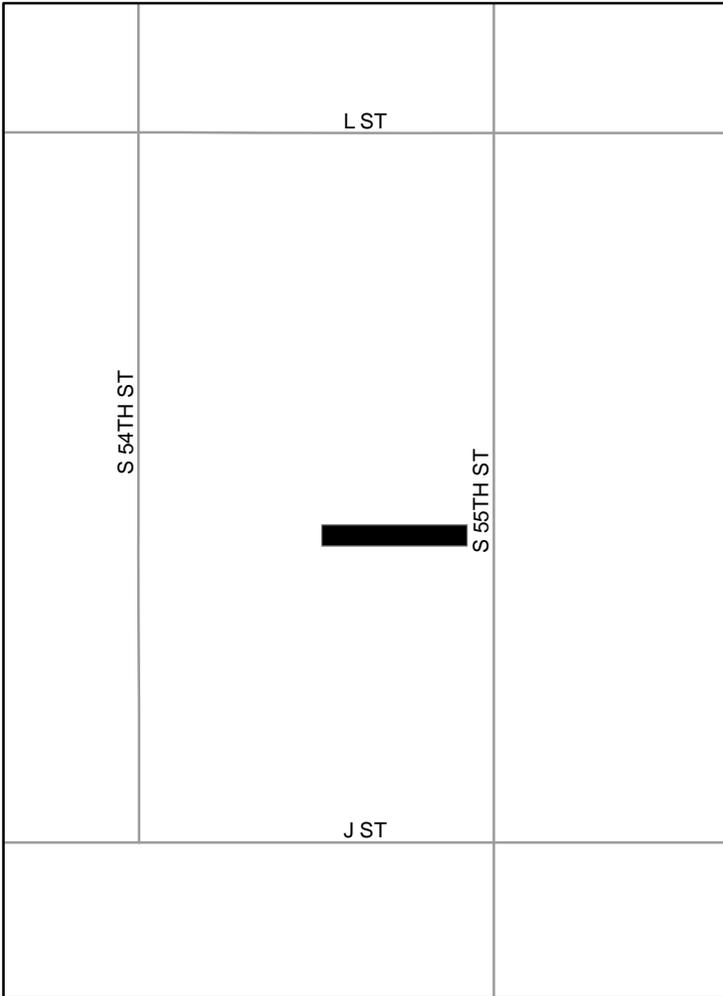
CPC15031 Application Parcels



Parcel 3



Parcel 4





Comp Plan Conformance #: CPC15031
Surplus Property (Parcel 1)
N 14th & New Hampshire St

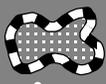
2013 aerial

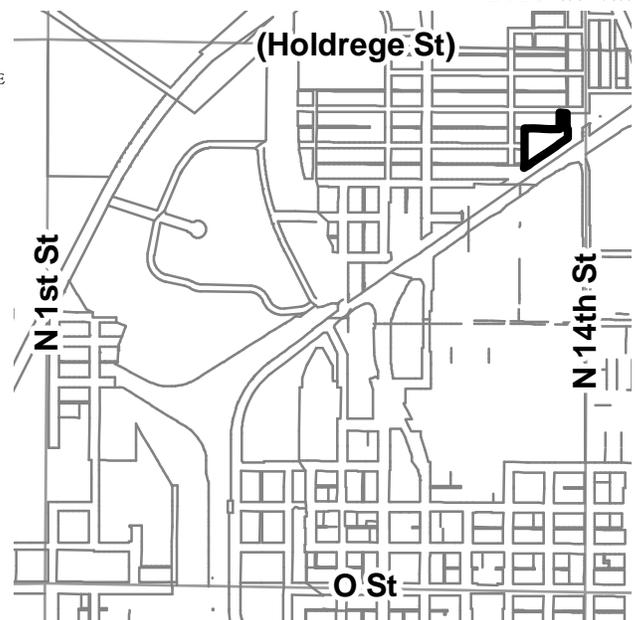
Zoning:

- 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. 23 T10N R06E



	Area of Application
	Zoning Jurisdiction Lines
	Lancaster County Jurisdiction





Comp Plan Conformance #: CPC15031
Surplus Property (Parcel 2)
N 21st & Y St

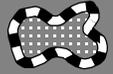
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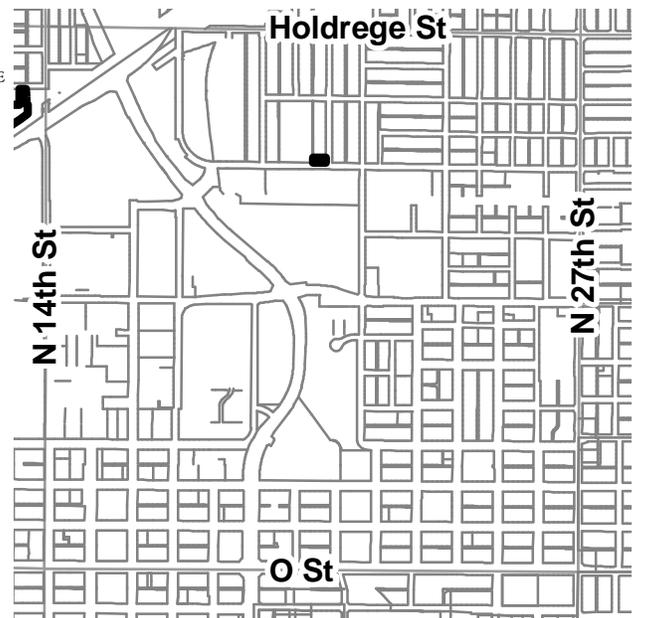
Zoning:

- 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. 24 T10N R06E



	Area of Application
	Zoning Jurisdiction Lines
	Lancaster County Jurisdiction





2013 aerial

Comp Plan Conformance #: CPC15031
Surplus Property (Parcel 3)
S 40th & L St



One Square Mile:
 Sec.30 T10N R07E

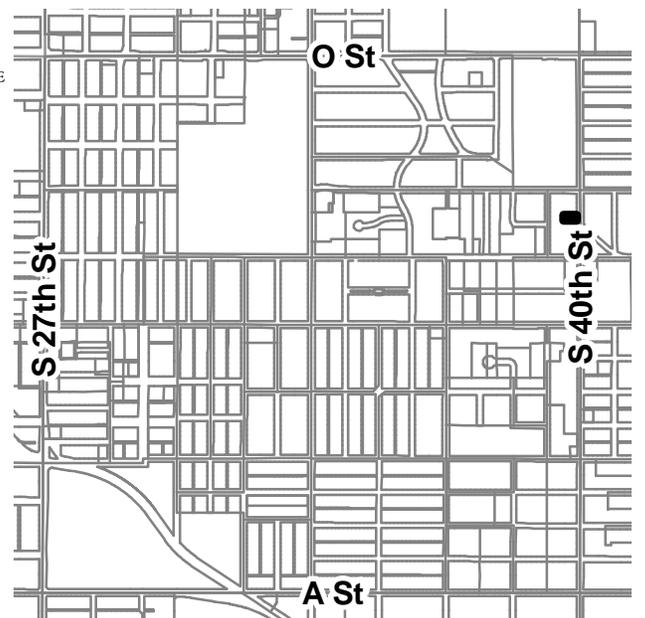
Zoning:

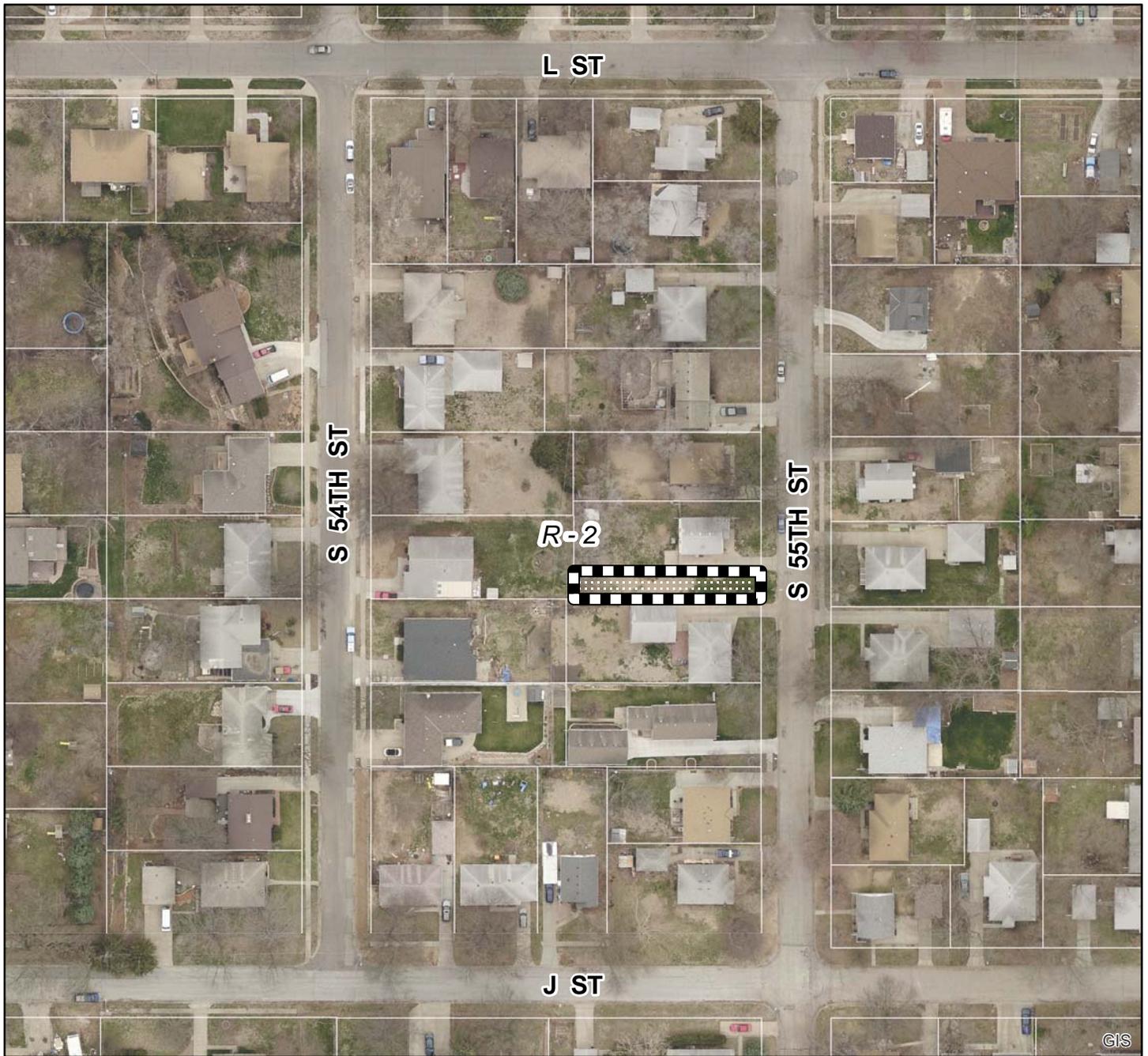
- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial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

Area of Application

Zoning Jurisdiction Lines

Lancaster County Jurisdiction





2013 aerial

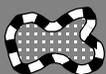
Comp Plan Conformance #: CPC15031
Surplus Property (Parcel 4)
S 55th & J St

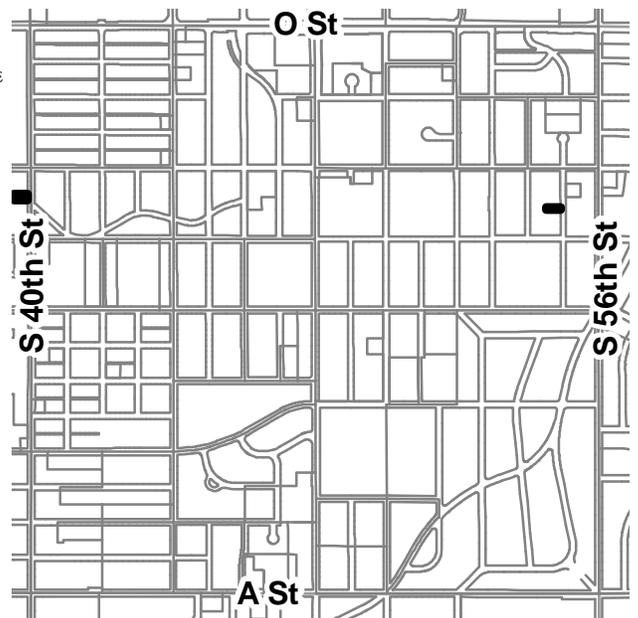


One Square Mile:
 Sec. 29 T10N R07E

Zoning:

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

	Area of Application
	Zoning Jurisdiction Lines
	Lancaster County Jurisdiction



October 19, 2015

David Cary, Director
Lincoln-Lancaster County
Planning Department
555 S. 10th Street
Lincoln, NE 68508

Dear David:

Enclosed is an application to declare surplus four properties in various locations throughout the City of Lincoln. We have had requests by interested parties for the two properties on "L" Street. We have no one interested in purchasing the other two properties, but would like to declare them surplus and advertise them on the City's surplus property list as available for sale. The 12th Street ROW that is included in the parcel identification number for the property near 13th and New Hampshire is not included in the surplus dedication nor available for sale.

There has been no opposition to the sale of any of these properties by any other departments or public agencies other than a request to retain easements and right of way as noted in the attached responses.

Please forward the request to the Planning Commission for their earliest consideration for Comprehensive Plan conformance. My understanding is that the request should be on the November 18, 2015, agenda.

If you have questions or need additional information, please contact me at 441-8617 or at mbackemeyer@lincoln.ne.gov. Thank you.

Sincerely,



Michelle R. Backemeyer
Real Estate and Relocation
Assistance Agent

cc: Dave Landis, Director, Urban Development Dept.

Attachments



LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for November 18, 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.

PROJECT #: Annexation #15010
Change of Zone #15029

PROPOSAL: To annex approximately 28 acres, and change the zoning from AG and B-2 to R-3 over approximately 32 acres for the South Lake Community Unit Plan

LOCATION: South 91st Street and Highway 2

LAND AREA: Annexation #15010 - Approximately 28 acres
Change of Zone #12030:
AG to R-3 - Approximately 31.2 acres
B-2 to R-3 - Approximately 0.8 acres

CONCLUSION: The subject property is adjacent to the city limit, and the full range of municipal services can be provided if annexed. A change of zone to R-3 is consistent with the Future Land Use Map and compatible with the adjacent development. Both requests comply with the Zoning Ordinance and are consistent with the Comprehensive Plan.

<u>RECOMMENDATION:</u>	
AN#15010	Approval
CZ#15029	Approval

PROPOSED CITY COUNCIL DISTRICT ASSIGNMENT: District #2.

GENERAL INFORMATION:

LEGAL DESCRIPTION: AN#15010 - See attached legal description.
CZ#15029 - See attached legal descriptions.

EXISTING ZONING: AG Agriculture, B-2 Planned Neighborhood Business PUD

SURROUNDING LAND USE AND ZONING:

North: Residential (under development) R-3
South: Highway 2, Residential, Vacant AG, R-2, H-3

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.

ASSOCIATED REQUEST: Special Permit #06014A amending the Southlake community unit plan to add 91 dwelling units to the existing CUP.

HISTORY:

November 5, 2001 - AN#01006 was approved and included an annexation agreement that generally included the area bounded by Pine Lake Road, the railroad line one-quarter mile south of Highway 2, and South 84th and South 98th Streets.

SPECIFIC INFORMATION:

UTILITIES & SERVICES:

The area of these requests was included in the annexation agreement for the Appian Way Shopping Center approved in 2001. It is exempt from impact fees as the developer instead contributed to public infrastructure improvements per the terms of the agreement. This included contributions to help extend trunk water and sewer mains, and to make improvements in the surrounding arterial streets.

- A. **Sanitary Sewer:** Sanitary sewer is available in the adjacent developed portion of the Southlake CUP, and can be extended to serve this phase.
- B. **Water:** Water is also available in the adjacent development and can be extended as well.
- C. **Roads:** The nearby adjacent arterial streets are improved, and include South 91st Street, Pine Lake Road, and South 98th Street. All proposed streets internal to the development are private roadways which will be constructed as part of the development.
- D. **Parks and Trails:** The bike trail system extends along the east side of South 91st Street from Highway 2 to Pine Lake Road.
- E. **Fire Protection:** After annexation, fire protection will be provided by Lincoln Fire Rescue (LFR). LFR recommends approval, noting that a new fire station is planned to built in southeast Lincoln, closer to this development.

ANALYSIS:

1. These are related requests for both annexation and a change of zone, and are associated with the special permit amending the Southlake community unit plan. See the report for the associated application SP#06014A for the detailed review and recommendations on that request.
2. This area of these requests is included within the boundary of the area previously covered by the Appian Way annexation agreement. Contributions to public infrastructure have been made, and as a result the area is not subject to impact fees.
3. The areas of the annexation and the change of zone vary slightly. That is because there is a narrow strip along South 98th Street that was annexed in 2010 to assist with the South 98th Street improvement project. Also, Outlot B, Southlake 6th Addition was annexed in 2009 when the adjacent lots were re-zoned to B-2. So while only a portion of Lot 127 has to be annexed, the other two parcels along with the portion of Lot 127 being annexed all have to be re-zoned to R-3.
4. This area was planned to be developed as part of the larger Appian Way development since the initial approval in 2001. Even though the Future Land Use Map of the Comprehensive Plan designated the area for future residential land uses, the specific land use had not been determined until now. The single-family dwellings proposed by the associated SP#06014A are consistent with the Plan.
5. The area to be annexed is located within Tier I, Priority B of the Comprehensive Plan, and can be served by the full range of city services.
6. Annexation of the area complies with the Annexation Policy from the Comprehensive Plan, and the re-zoning to R-3 is consistent with the Zoning Ordinance.

Prepared by:

Brian Will, 441-6362, bwill@lincoln.ne.gov
November 3, 2015

Annexation #15010
Change of Zone #15029
Southlake

Page 5

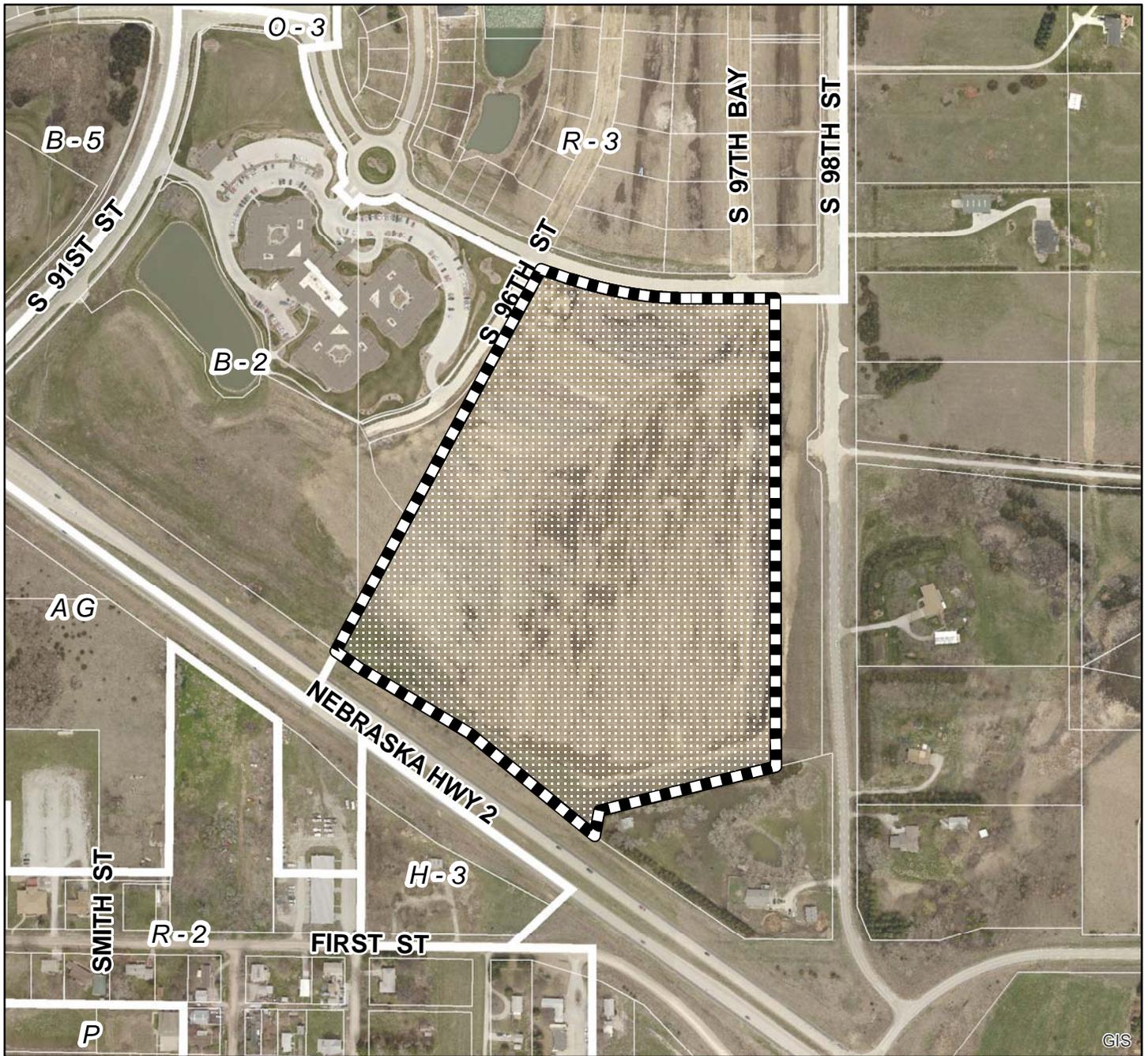
**APPLICANT/
CONTACT:**

Tim Gergen
Clark Enersen Partners
1010 Lincoln Mall
Lincoln, NE 68508
402-477-9291

OWNER:

Andermatt, LLC,
16934 Pella Road
Adams, NE 68301

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GIS

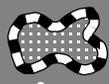
Annexation #: AN15010
Southlake Addition
S 91st St & Hwy 2

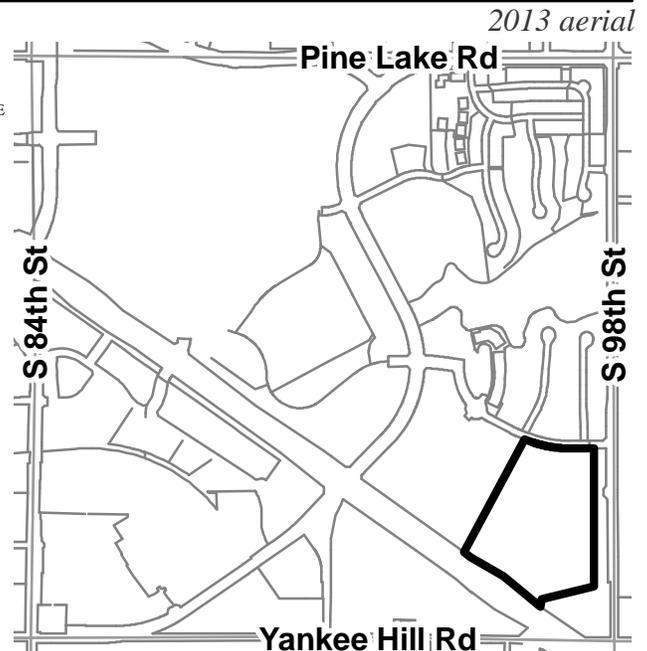
Zoning:

- 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
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- H-4 General Commercial District
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- I-3 Employment Center District
- P Public Use District

One Square Mile:
 Sec.23 T09N R07E



	Area of Application
	Zoning Jurisdiction Lines
	Lancaster County Jurisdiction



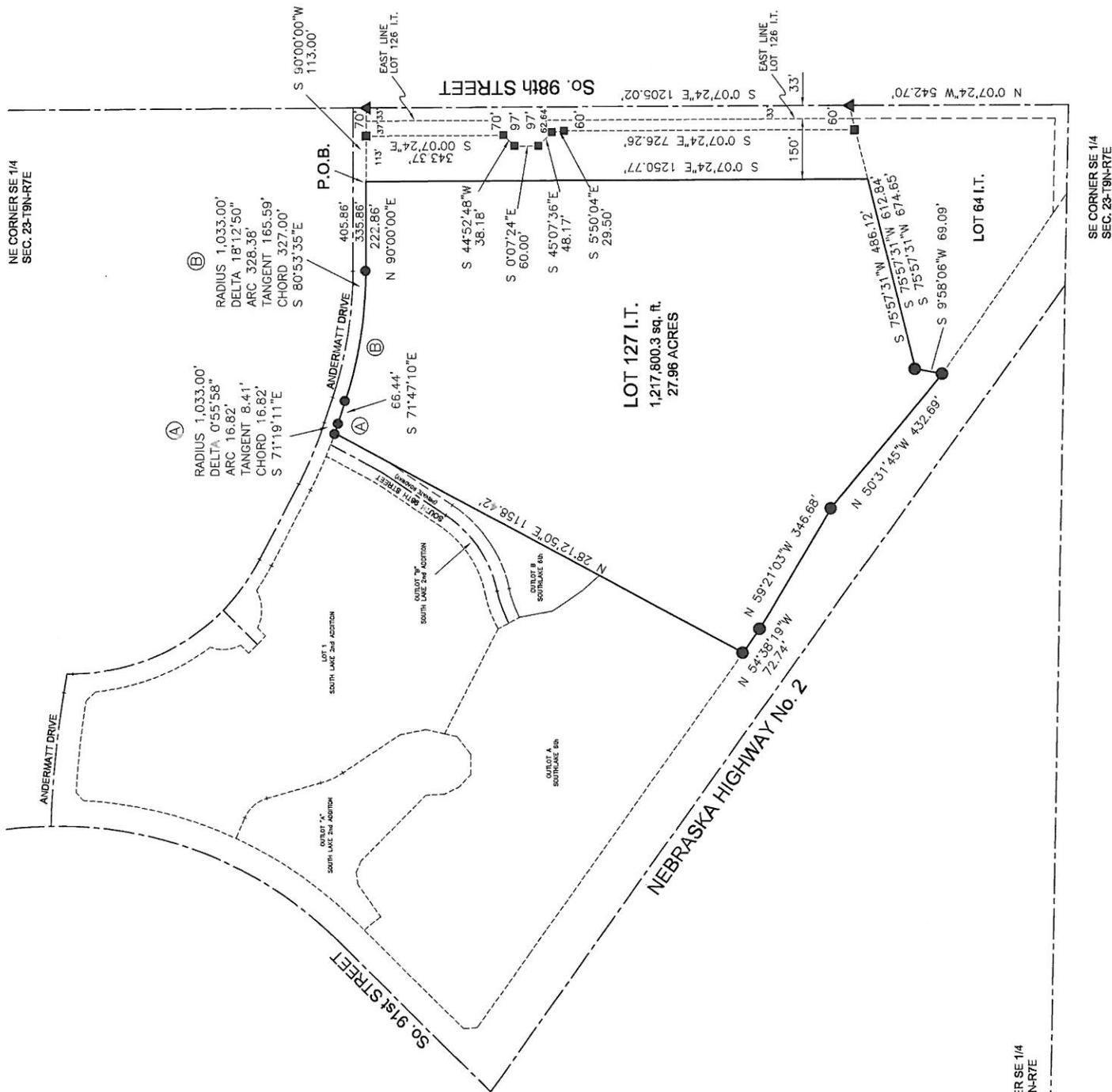
2013 aerial

**SOUTHLAKE 1ST ADDITION
ANNEXATION LEGAL DESCRIPTION**

PART OF LOT 127 IRREGULAR TRACT, LOCATED IN THE SOUTHEAST QUARTER OF SECTION 23, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 127, SAID POINT BEING AN INTERSECTION POINT OF THE WEST RIGHT-OF-WAY LINE FOR SOUTH 98th STREET WITH THE SOUTH RIGHT-OF-WAY LINE FOR ANDERMATT DRIVE; THENCE WESTERLY, S 90°00'00"W 113.00', TO THE POINT OF BEGINNING; THENCE SOUTHERLY AND 183' WEST OF AND PARALLEL WITH THE EAST LINE OF SAID SECTION, S 0°07'24"E 1250.77', TO A POINT ON THE NORTH LINE OF LOT 64 IRREGULAR TRACT IN SAID SECTION; THENCE ON THE NORTH LINE OF SAID LOT 64 FOR THE NEXT TWO (2) COURSES, S 75°57'31"W 486.12'; THENCE S 9°58'06"W 69.09', TO A POINT ON THE NORTH RIGHT OF WAY LINE FOR NEBRASKA HIGHWAY No. 2; THENCE NORTHWESTERLY ON SAID NORTH RIGHT OF WAY LINE FOR THE NEXT THREE (3) COURSES, N 50°31'45"W 432.69'; THENCE N 59°21'03"W 346.68'; THENCE N 54°38'19"W 72.74', TO THE SOUTHWEST CORNER OF SAID LOT 127; THENCE NORTHEASTERLY ON THE WEST LINE OF SAID LOT 127, N 28°12'50"E 1158.42', TO A POINT ON THE SOUTH RIGHT OF WAY LINE FOR ANDERMATT DRIVE, SAID POINT ALSO BEING A POINT ON A CIRCULAR CURVE TURNING IN A COUNTER CLOCKWISE DIRECTION, HAVING A RADIUS OF 1033.00', A CENTRAL ANGLE OF 0°55'58" AND AN ARC LENGTH OF 16.82'; THENCE ON SAID SOUTH RIGHT OF WAY LINE FOR THE NEXT FOUR (4) COURSES, ON SAID CURVE, HAVING A CHORD OF S 71°19'11"E 16.82'; THENCE S 71°47'10"E 66.44', TO A POINT ON A CIRCULAR CURVE TURNING IN A COUNTER CLOCKWISE DIRECTION, HAVING A RADIUS OF 1033.00', A CENTRAL ANGLE OF 18°12'50" AND AN ARC LENGTH OF 328.38'; THENCE ON SAID CURVE, HAVING A CHORD OF S 80°53'35"E 327.00'; THENCE N 90°00'00"E 222.86', TO THE POINT OF BEGINNING, SAID TRACT CONTAINING AN AREA OF 1,217,800.3 SQUARE FEET OR 27.96 ACRES MORE OR LESS.

Annexation Exhibit



NE CORNER SE 1/4
SEC. 23-19N-R7E

SE CORNER SE 1/4
SEC. 23-19N-R7E

SW CORNER SE 1/4
SEC. 23-19N-R7E



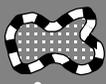
Change of Zone #: CZ15029
Southlake Addition
S 91st St & Hwy 2

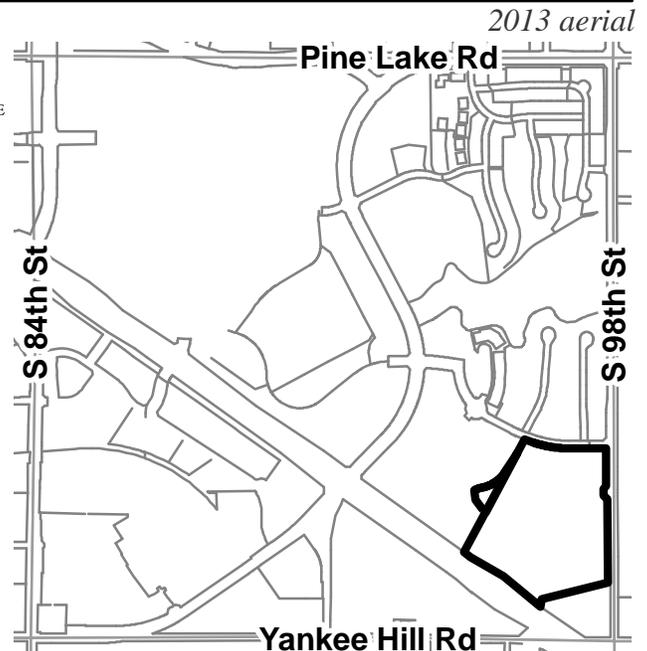
Zoning:

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- AGR Agricultural Residential District
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- I-1 Industrial District
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- P Public Use District

One Square Mile:
 Sec.23 T09N R07E



	Area of Application
	Zoning Jurisdiction Lines
	Lancaster County Jurisdiction



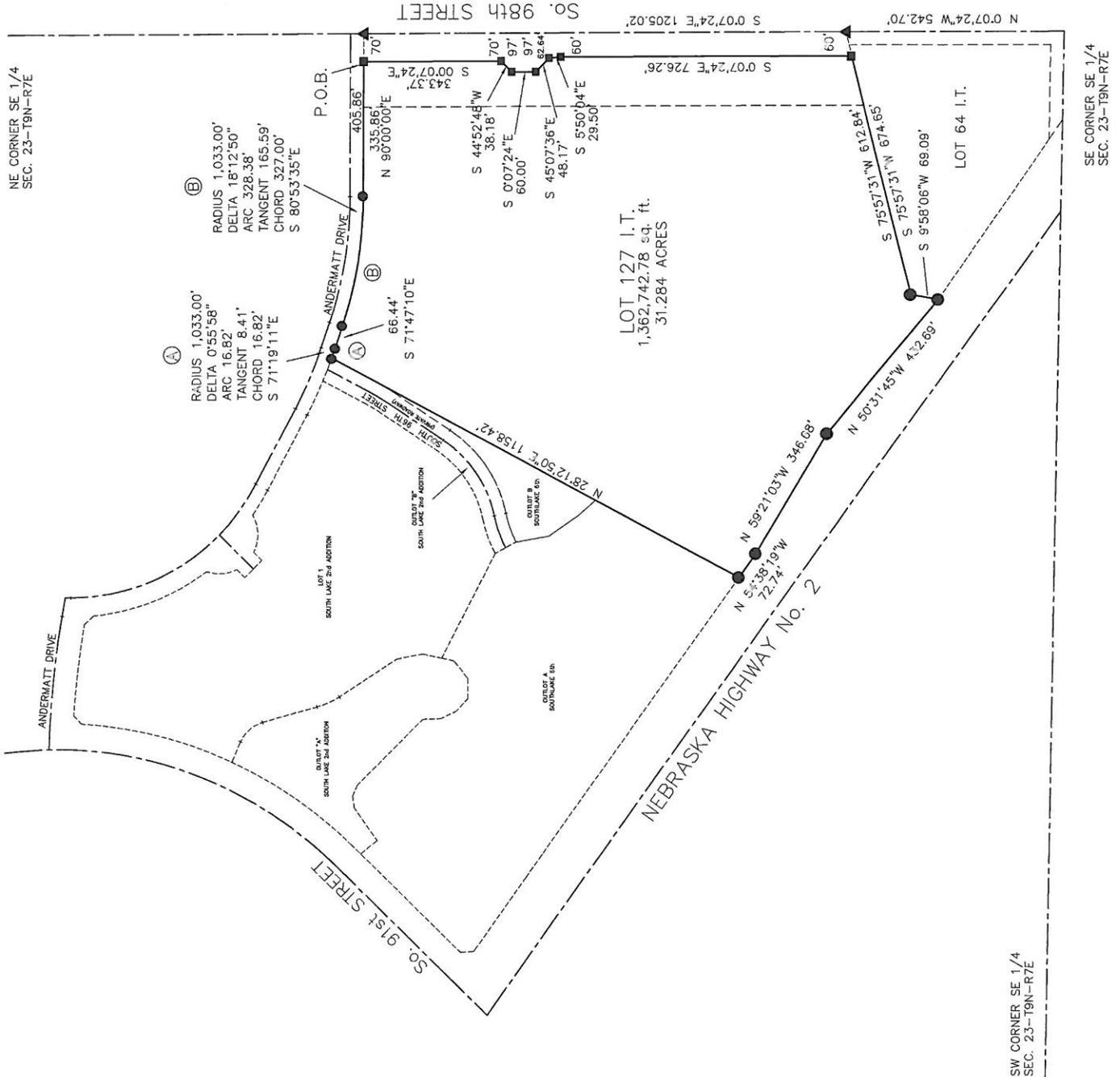
2013 aerial

SOUTHLAKE
CHANGE OF ZONE FROM AG TO R-3 LEGAL DESCRIPTION

ALL LOT 127 IRREGULAR TRACT, LOCATED IN THE SOUTHEAST QUARTER OF SECTION 23, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 127, SAID POINT BEING AN INTERSECTION POINT OF THE WEST RIGHT-OF-WAY LINE FOR SOUTH 98th STREET WITH THE SOUTH RIGHT-OF-WAY LINE FOR ANDERMATT DRIVE; THENCE SOUTHERLY ON THE WEST RIGHT OF WAY FOR SOUTH 98th STREET FOR THE NEXT SIX (6) COURSES, S 0°07'24"E 343.37'; THENCE S 44°52'48"W 38.18'; THENCE S 0°07'24"E 60.00'; THENCE S 45°07'36"E 48.17'; THENCE S 5°50'04"E 29.50'; THENCE S 0°07'24"E 726.26', TO THE SOUTHEAST CORNER OF SAID LOT 127, SAID POINT BEING THE NORTHEAST OF LOT 64 IRREGULAR TRACT IN SAID SECTION; THENCE ON THE NORTH LINE OF SAID LOT 64 FOR THE NEXT TWO (2) COURSES, S 75°57'31"W 612.84'; THENCE S 9°58'06"W 69.09', TO A POINT ON THE NORTH RIGHT OF WAY LINE FOR NEBRASKA HIGHWAY No. 2; THENCE NORTHWESTERLY ON SAID NORTH RIGHT OF WAY LINE FOR THE NEXT THREE (3) COURSES, N 50°31'45"W 432.69'; THENCE N 59°21'03"W 346.68'; THENCE N 54°38'19"W 72.74', TO THE SOUTHWEST CORNER OF SAID LOT 127; THENCE NORTHEASTERLY ON THE WEST LINE OF SAID LOT 127, N 28°12'50"E 1158.42', TO A POINT ON THE SOUTH RIGHT OF WAY LINE FOR ANDERMATT DRIVE, SAID POINT ALSO BEING A POINT ON A CIRCULAR CURVE TURNING IN A COUNTER CLOCKWISE DIRECTION, HAVING A RADIUS OF 1033.00', A CENTRAL ANGLE OF 0°55'58" AND AN ARC LENGTH OF 16.82'; THENCE ON SAID SOUTH RIGHT OF WAY LINE FOR THE NEXT FOUR (4) COURSES, ON SAID CURVE, HAVING A CHORD OF S 71°19'11"E 16.82'; THENCE S 71°47'10"E 66.44', TO A POINT ON A CIRCULAR CURVE TURNING IN A COUNTER CLOCKWISE DIRECTION, HAVING A RADIUS OF 1033.00', A CENTRAL ANGLE OF 18°12'50" AND AN ARC LENGTH OF 328.38'; THENCE ON SAID CURVE, HAVING A CHORD OF S 80°53'35"E 327.00'; THENCE N 90°00'00"E 335.86', TO THE POINT OF BEGINNING, SAID TRACT CONTAINING AN AREA OF 1,362,742.78 SQUARE FEET OR 31.284 ACRES MORE OR LESS.

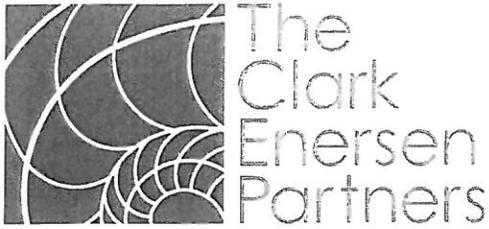
AG to R-3 Change of Zone
Exhibit



**SOUTHLAKE
CHANGE OF ZONE FROM B-2 TO R-3 LEGAL DESCRIPTION**

OUTLOT B, SOUTHLAKE 6TH ADDITION

SAID TRACT CONTAINING AN AREA OF 38,587.19 SQUARE FEET, OR 0.886 ACRES
MORE OR LESS.



October 21, 2015

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

RE: Southlake Amendment to the CUP, Annexation, Change of Zone

Dear Mr. Cary:

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

1. Application (Amendment to the CUP, Annexation, Change of Zone)
2. Application fee \$4,584.00 (\$792.00 + \$3,792.00)
3. Annexation Legal Description w/ exhibit
4. Community Unit Plan Legal Description w/ exhibit
5. Change of Zone Legal Description w/ exhibit
6. Site Plan, 2 sheets
7. Grading & Drainage Plan, 2 sheets
8. Street Profiles, 2 sheets

On behalf of the Developer, Krueger Development, 8200 Cody Drive, Suite F, Lincoln NE 68512, we are requesting an Amendment to the existing Southlake Community Unit Plan, Annexation, and Change of Zone to the property approximately located at the southwest corner of South 98th Street and Andermatt Drive. This application is to add 91 single family lots to the Southlake neighborhood. The proposed lots will be served by public water and public sanitary sewer within a private roadway system. We are requesting a waiver to the design standards to allow a 3" tall drive-over curb to eliminate the necessary curb grinding necessary with a 6" tall curb. The owner wishes to request this waiver for the aesthetic reasons for the neighborhood and to match the existing conditions of the neighborhood roadways. In addition to, the lots adjacent to Highway 2 exceed the 3:1 width to depth ratio due to the attempt to preserve an existing 40'-80' wide berm. This landscape berm will be used to screen the lots proposed lots from the highway. One of the front yard setbacks on corner lots is being requested to be reduced from 20' to 15' to be able to accommodate the residential unit better on the corner lots.

Architecture + Landscape Architecture + Engineering + Interiors

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

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

There is an existing acreage lot to the southeast of the proposed development with access to South 98th Street. The City of Lincoln may desire a street connection from the proposed Southlake development to this acreage lot. However, significant import of dirt was added to the Southlake development to be able to gravity sewer this development (approximately 15'). This import of dirt makes a roadway connection to this acreage lot from the Southlake development very difficult to meet the design guidelines. An exhibit has been included to show a location for a possible roadway connection with a vertical profile. To eliminate runoff from the Southlake development to the acreage lot a slight vertical hump is being shown in the profile with a transition to a steep vertical grade. At the mutual property line of the proposed Southlake development the roadway will be approximately 6 feet higher than the existing grade and would not be able to intersect the existing ground elevation until the roadway is 325 feet into the acreage lot. Due to the existing topographical differences between the Southlake development and the acreage lot it would be better for the acreage lot to take its access from South 98th Street.

Sincerely,



Tim Gergen

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT
for November 18, 2015 PLANNING COMMISSION MEETING

PROJECT #: Special Permit #06014A - Southlake

PROPOSAL: To expand existing community unit plan by approximately 32 acres and 91 dwelling units.

LOCATION: South 91st Street and Andermatt Drive

WAIVER REQUESTS:

1. Allow drive-over curbs on private roadways.
2. Exceed 3:1 lot width to depth ratio.
3. Adjust the front setback for one front yard for corner lots from 20' to 15'.

LAND AREA: Approximately 32 acres.

CONCLUSION: The waivers requested are appropriate and are typical for this type of development. A Comprehensive Plan Amendment approved in 2003 designated urban residential land uses on a portion of this site and is reflected in the zoning pattern proposed in the associated change of zone request. This request for a special permit for a CUP is consistent with the Comprehensive Plan, and subject to the conditions of approval complies with the requirements of the Zoning Ordinance.

RECOMMENDATION:		
SP#06014		Conditional Approval
Waivers:	1. Allow drive-over curbs on private roadways.	Approval
	2. Exceed 3:1 lot width to depth ratio.	Approval
	3. Adjust the front setback for one front yard for corner lots from 20' to 15'.	Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION: See attached legal description.

EXISTING ZONING: AG Agriculture, B-2 Planned Neighborhood Business

EXISTING LAND USE: Vacant and undeveloped.

SURROUNDING LAND USE AND ZONING:

North:	Single-family Residential	R-3
South:	Highway 2, Vacant	AG, H-3
East:	Acreage Residential	AG
West:	Residential Health Care Facility	B-2

ASSOCIATED APPLICATIONS:

AN#15010 - A request to annex approximately 31 acres, most all the property included in the expanded area of the CUP. The total area of the expanded CUP is approximately 32, as a small portion is included adjacent to South 96th Street which was previously annexed.

CZ#15029 - A change of zone from AG and B-2 to R-3.

HISTORY:

Nov, 2001 - AN#01006 was approved and included an annexation agreement that generally included the area bounded by Pine Lake Road and Highway 2, and South 84th and South 98th Streets.

Apr, 2006 - SP#06014 was approved for Southlake community unit plan for up to 90 dwelling units.

COMPREHENSIVE PLAN SPECIFICATIONS:

Pg 1.9 - The Future Land Use Map designates the area for urban-density residential land uses.

Pg 1.10 - This property is in the Tier I, Priority A of the Growth Tiers with Priority Areas map for the City of Lincoln.

Pg 2.7 - The community's present infrastructure investment should be maximized by planning for well-designed and appropriately-placed residential and commercial development in areas with available capacity. This can be accomplished in many ways including encouraging appropriate new development on unused land in existing neighborhoods, redevelopment of underperforming commercial areas into mixed use redevelopment areas that include residential, retail, office and entertainment uses, and encouraging a greater amount of commercial space per acre and more dwelling units per acre in new neighborhoods.

Pg 7.1 - One of the essential elements of the community and LPlan 2040 is housing. Ensuring safe, adequate, and affordable housing is an important function in maintaining the vitality of neighborhoods and the city as a whole.

Pg 7.2 - Distribute and preserve affordable housing throughout the community to be near job opportunities and to provide housing choices within existing and developing neighborhoods. Provide a wide variety of housing types and choices for an increasingly diverse and aging population.

Pg 7.10 - Encourage a mix of housing types all within one area.

Pg 11.2 - Continue the City's growth policy of contiguous urban growth; urban development will occur in areas immediately abutting the City that reflect a logical and timely extension of urban infrastructure.

Pg 12.1 - The land use plan displays the generalized location of each land use. It is not intended to be used to determine the exact boundaries of each designation. The area of transition from one land use to another is often gradual. The Comprehensive Plan also encourages the integration of compatible land uses, rather than a strict segregation of different land uses.

UTILITIES: Sanitary sewer and water are available to serve this site.

TRAFFIC ANALYSIS: South 91st Street is a four-lane arterial street. South 98th Street is a two-lane paved road. Andermatt Drive is a local street and connects South 91st and South 98th Streets. All streets internal to the CUP are private roadways, where a waiver to Design Standards has been request to allow drive-over curbs.

PUBLIC SERVICE: The site will be served by City of Lincoln Fire and Police Departments. The nearest fire station is currently at South 84th and South Streets, however a new fire station is scheduled to replace it in the vicinity of South 70th Street and Pine Lake Road, likely moving it closer to this development.

ANALYSIS:

1. There are annexation and change of zone applications associated with this request. The annexation and change of zone must be approved by City Council for this permit to become effective.
2. This area was covered by the annexation agreement approved as part of AN#01006 for the Appian Way development. The terms of that agreement have been fulfilled by the developer making the required contributions for improvements to needed public infrastructure including road improvements, water and sewer lines.
3. This request proposes to expand the existing CUP by approximately 32 acres to accommodate 91 dwelling units. While this area was intended to be developed as part of the larger Appian Way development, a specific land use had not been identified. The development consists of a conventional lot and block layout, where all new street are shown to be private roadways. The proposed single-family dwelling units are consistent with the Urban Density Residential land use designation in the Comprehensive Plan.
4. Th 91 dwelling units proposed on approximately 32 acres is well below the 222 units allowed by Design Standards for a CUP under R-3 zoning.
5. Three waivers are requested:

- A. Exceed the 3:1 lot width to depth ratio - Lots 6-14, Block 5 exceed the maximum 3:1 ratio. That is, they are more than three times as deep as they are wide. Typically, lots exceeding this ratio are discouraged. However, circumstances where increase depth may be warranted include lots backing onto more intense land uses, to rail roads, or to highways. In this case, these lots back onto Highway 2 and the increased depth is appropriate.
 - B. Waive the front yard setback for one of the front yards for corner lots only - Corner lots have two front yards (one for each yard adjacent to a street), and the same front setback applies to each yard. This request seeks to reduce one of the front setbacks from 20' to 15'. This waiver has been approved as part of several CUP's in the past, and in some cases down to 10'. It can result in less uniformity throughout a neighborhood, but it has in general been found that the adjustment is not detrimental to the neighborhood or adjacent properties, and allows for more efficient use of land. Staff understands the yard with the setback adjustment will not be the yard with the driveway. This needs to be made clear on the site plan to ensure there is always adequate room to park a car in the driveway without overhanging the sidewalk and impeding pedestrian movement.
 - C. Allow drive-over curbs on private roadways - The Design Standards contain specifications for standard curbs which state they need to be 5" in height. This request seeks a waiver to be allowed to install drive-over, or roll-over curbs instead along all the private roadways within the development. The advantage to the developer is that drive-over curbs do not have to be altered (ground or cut) to install driveways, and they present a uniform appearance. However, they don't convey as much storm water as streets with standard curbs, and it is more difficult to keep snow plows in the street due a less well-defined edge. Given these are all private roadways and will be maintained by the homeowner's association, Public Works and Utilities does not object to this request.
6. With respect to the front setback adjustment, the dwelling units must still be sure to provide enough separation from the back of curb to the garage to allow cars to park in the driveway without overhanging into the sidewalk. The general notes need to be revised to ensure the back of the sidewalk will be at least 22' away from the face of the garage in all cases, including those yards where the setback has been adjusted to 15'. For the purpose of this note, the face of the garage is considered the wall with the garage door openings.
7. Block 5 extends along the east, south, and a portion of the west boundaries of the development. Block 5 is necessarily long as it's adjacent to Highway 2 and South 98th Street where access limited by the State Department of Roads and the City of Lincoln, respectively.

However, a pedestrian connection is required when a block exceeds 1,000' in length. In the case of Block 5 there is an opportunity to provide a sidewalk connecting the two properties. While the specific design for the sidewalk has not been shown, the applicant is confident it can be built in a way that will meet ADA requirements and provide a useable pedestrian connection between properties.

8. There is a right-of-way stub onto South 98th Street that is no longer needed. There is also right-of-way dedicated for a turn lane that is also no longer needed. The plan should be revised to show the correct area to be vacated, and then a petition to vacate submitted to the City.
9. A complete grading and drainage plan with calculations has not been provided to Public Works for review. That report must be submitted and approved prior to any development on the site. The applicant is confident that plan can be provided to the satisfaction of Public Works and Utilities, and this requirement is included as a recommended condition of approval.
10. Several minor revisions to the notes are required and are listed in the conditions of approval.

CONDITIONS OF APPROVAL:

This approval permits an additional 91 dwelling units for a total of 181 dwelling units, with waivers to allow drive-over curbs on private roadways, lots to exceed the 3:1 lot width to depth ratio, and to adjust the front setback for one front yard for corner lots from 20' to 15'.

Site Specific:

1. Before receiving final plat approval:
 - 1.1 The permittee shall complete the following instructions and submit the documents and plans to the Planning Department:
 - 1.1.1 Three copies of a revised site plan showing the following revisions:
 - 1.1.1.1 Revise Note #31 to reflect the correct number of dwelling units, which is 181.
 - 1.1.1.2 Revise the legal description to contain the legal description for the entire CUP.
 - 1.1.1.3 Show the pedestrian connection extending to the adjacent lot to the south, the design of which will comply with the applicable ADA requirements.

- 1.1.1.4 The street name of 'Bell' is already in use. The proposed name 'Belle' is too similar and another name needs to be selected.
- 1.1.1.5 Revise Note #25 to: Include the setback adjustments granted up to this point; to include the statement that for all residential dwellings there shall be a minimum of 22' between the face (door side) of the garage and the back of the sidewalk; and to note that one front setback for corner lots in the blocks south of Andermatt Drive are adjusted from 20' to 15' as specified in Waiver Note #12.
- 1.1.1.6 Revise Waiver Note #12 to include the lot/block designations of the lots with a front setback adjustment from 20' to 15'.
- 1.1.2 Revise the grading and drainage and utilities plans to the satisfaction of Public Works and Utilities.
- 1.2 Submit a petition to vacate the right-of-way stub and any other excess right-of-way in South 98th Street. Said vacation must be approved prior to time of final plat.
- 1.3 City Council approves associated requests AN#15010 and CZ#15029.
- 1.4 The construction plans comply with the approved plans.

Standard:

- 2. The following conditions are applicable to all requests:
 - 2.1 Before occupying any dwellings all development and construction is to comply with the approved plans.
 - 2.2 All privately-owned improvements, including landscaping and recreational facilities, are to be permanently maintained by the owner or an appropriately established 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, filing fees therefor to be paid in advance by the applicant. Building permits will not be issued unless the letter of acceptance has been filed.
- 2.6 The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all prior resolutions approving this permit remain in full force and effect as specifically amended by this resolution.

Prepared by

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

OWNER: Andermatt, LLC
16934 Pella Road
Adams, NE 68301

APPLICANT: Krueger Development
8200 Cody Drive
Lincoln, NE 68512

CONTACT: Tim Gergen
Clark Enersen Partners
1010 Lincoln Mall
Lincoln, NE 68508
402.477.9291

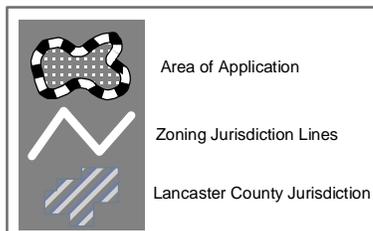


Special Permit #: SP06014A
Southlake Addition
S 91st St & Hwy 2

Zoning:

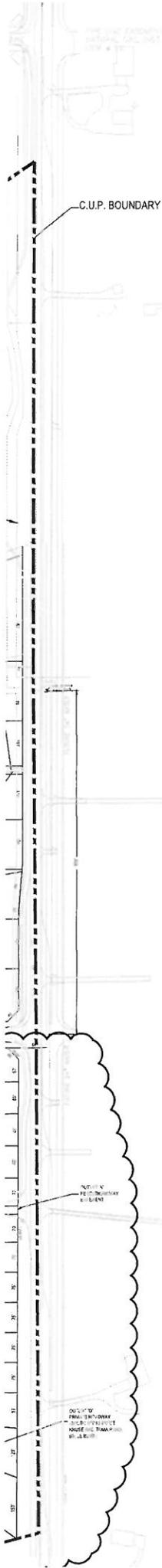
- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial 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.23 T09N R07E



2013 aerial

GENERAL SITE NOTES



1. ALL SANITARY SEWERS & WATER MAINS TO BE PUBLIC.
2. ALL DIMENSIONS ALONG C.U.P.'S ARE CHORD DISTANCES.
3. ALL PAVING RADII TO BE 20' UNLESS OTHERWISE NOTED.
4. ALL INTERSECTION ANGLES SHALL BE 90° ± 10' UNLESS OTHERWISE NOTED.
5. DIRECT VEHICULAR ACCESS TO SOUTH 91ST, SOUTH 98TH STREET AND HIGHWAY 2 IS RELINQUISHED EXCEPT AS SHOWN.
6. ALL ELEVATIONS ARE BASED ON NAVD 1988.
7. SIDEWALKS TO BE BUILT ALONG BOTH SIDES OF PUBLIC & PRIVATE STREETS.
8. ALL SIDEWALKS SHALL BE 4' WIDE MINIMUM AND ALL SIDEWALK EASEMENTS SHALL BE 10' WIDE. (UNLESS OTHERWISE NOTED)
9. ORNAMENTAL LIGHTING ALONG ALL PUBLIC STREETS SHALL BE IN ACCORDANCE WITH L.E.D. REGULATIONS.
10. 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 COMPLETE.
11. THE DEVELOPER AGREES TO COMPLY WITH PROVISIONS OF THE LAND SUBDIVISION ORDINANCE REGARDING LAND PREPARATION.
12. CENTER ISLANDS IN CUL-DE-SACS, BOULEVARDS AND ROUNDABOUTS SHALL BE LANDSCAPED.
13. LANDSCAPE SCREENING BETWEEN THE O-3 OFFICE & F-3 DWELLING UNITS SHALL BE PROVIDED UTILIZING THE RT DISTRICT STANDARDS.
14. A HOMEOWNER ASSOCIATION SHALL BE ESTABLISHED TO MAINTAIN ALL OPEN SPACE AREAS INCLUDING THE PRIVATE ROADWAYS, MEDIANS AND ROUNDABOUTS.
15. LOT DIMENSIONS ARE APPROXIMATE AND MAY VARY AT THE TIME OF FINAL PLAT.
16. ALL STREET DIMENSIONS ARE TO BACK OF CURB.
17. EXISTING AND PROPOSED EASEMENTS TO BE IDENTIFIED AND SHOWN AT TIME OF FINAL PLATTING.
18. EXACT LOCATIONS OF WATER, SEWER, DRAINAGE AND PAVING WILL BE SUBMITTED WITH INDIVIDUAL SITE PLANS AT TIME OF BUILDING PERMIT IN ACCORDANCE WITH CITY OF LINCOLN DESIGN STANDARDS.
19. ALL DISABLED PARKING STALLS SHALL BE IN COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT, (FEDERAL REGISTER VOL. 58, NO. 144 RULES AND REGULATIONS).
20. A COMMON ACCESS EASEMENT WILL BE PROVIDED OVER ALL DRIVES AND PARKING STALLS, AS SUCH DRIVES AND PARKING STALLS MAY EXIST IN THE OFFICE AREAS.
21. DETAILS OF ALL SIGNS, INCLUDING TYPE, HEIGHT AND SIZE, WILL BE SUBMITTED SEPARATELY FOR REVIEW WITH THE BUILDING PERMIT AND NEED NOT BE SHOWN ON THE PLAN, AND SHALL BE IN ACCORDANCE WITH LINCOLN MUNICIPAL CODE TITLE 27, ACCEPT AS ADJUSTED AND SHOWN BY THIS PERMIT.
22. FENCES, DUMPSTERS, DECORATIVE STRUCTURES AND ACCESSORY BUILDINGS ARE NOT SHOWN ON THE PLANS IF THEY ARE 100⁰ SQUARE FEET OR SMALLER AND ARE OUTSIDE OF THE SIGHT TRIANGLES AND SETBACKS AND ARE IN CONFORMANCE WITH ALL APPLICABLE ORDINANCES AND CODES.
23. INDIVIDUAL LOT LANDSCAPING FOR ALL OFFICE BUILDINGS WILL BE REVIEWED AT THE TIME OF BUILDING PERMITS. STREET TREES AND REQUIRED LANDSCAPE SCREENS TO BE REVIEWED AT TIME OF FINAL PLAT AND ASSIGNED BY PARKS AND RECREATION.
24. MINIMUM DISTANCE BETWEEN BUILDINGS IN THE C.U.P. SHALL BE AT LEAST 20' FOR LOTS 1-6, BLOCK 1 AND LOTS 12-25, BLOCK 1, LOTS 6-11, BLOCK 1 SHALL BE 15'.
25. MINIMUM DISTANCE BETWEEN TOWNHOUSE GARAGE AND THE SIDEWALK IN THE PRIVATE ROADWAYS IN THE R-3 AREA SHALL BE 22'.
26. DRIVEWAY FOR BLOCK 1 LOT 23 SHALL NOT BE BUILT CLOSER THAN 42' FROM EDGE OF ROTARY PAVEMENT.
27. LOTS WITH FRONTAGE TO ANDERMATT DRIVE ARE ALLOWED DIRECT VEHICULAR ACCESS TO ANDERMATT DRIVE WITH THE EXCEPTION OF BLOCK 1, LOTS 6 WHICH SHALL HAVE A SHARED DRIVE AS SHOWN.
28. IN ADDITION TO THE USES ALLOWED UNDER SECTION 27.27.020 THE FOLLOWING SHALL BE A PERMITTED USE IN THE O-3 ZONING AREA.
 1. HEALTH CARE FACILITIES
 2. CLUBS
 3. MAIL ORDER CATALOG SALES
 4. MEDICAL TESTING LABORATORIES
29. BUILDINGS IN THE O-3 AREA SHALL NOT BE GREATER THAN 8,000 SF OF FLOOR AREA AS DEFINED BY LINCOLN MUNICIPAL CODE 27.03.250.
30. HEIGHT IN THE O-3 SHALL NOT EXCEED 28 FEET AS DEFINED BY THE CITY OF LINCOLN BUILDING & SAFETY DEPARTMENT.
31. R-3 ZONING AREA APPROVES A MAXIMUM OF 144 DWELLING UNITS.
32. REQUIRED SCREENING SHALL BE PROVIDED AT TIME OF FINAL PLATS.
33. NORTH DRIVEWAY CONNECTION FOR LOTS 6-11, BLOCK 1 SUBJECT TO THE OWNER OF OUTLOT A, BLOCK 1 GRANTING AN ACCESS EASEMENT. OTHERWISE, THE LOTS CAN BE DEVELOPED WITH ONLY ONE DRIVEWAY ONTO ANDERMATT DRIVE.

WAIVERS

1. ADJUST FRONT, SIDE, AND REAR SETBACKS TO 0'.
2. ALLOW TRANSFER OF WASTEWATER FROM ONE DRAINAGE BASIN TO ANOTHER.
3. ALLOW SANITARY SEWER TO EXCEED MAXIMUM DEPTH.
4. EXCEED MINIMUM TANGENT LENGTH BETWEEN NON-COMPOUND HORIZONTAL CURVES.
5. ALLOW SANITARY SEWER TO BE CONSTRUCTED NON-PARALLEL TO THE CENTERLINE OF THE STREET.
6. ALLOW LOT LINES NON-PERPENDICULAR TO THE RIGHT-OF-WAY.
7. ALLOW LOTS THAT DO NOT FRONT UPON A PUBLIC STREET OR PRIVATE ROADWAY.
8. ALLOW BLOCK LENGTH IN EXCESS OF 1,320'.
9. TO ALLOW THE O-3 OFFICE PARK GROUND SIGN TO BE LOCATED NEAR THE INTERSECTION OF SOUTH 91ST STREET AND ANDERMATT DRIVE.
10. DRIVE-OVER CURB
11. LOTS EXCEED 3:1 WIDTH TO DEPTH RATIO
12. FRONT YARD SETBACK REDUCED FROM 20' TO 15' ON CORNER LOTS FOR ONE SIDE.

**LEGAL DESCRIPTION
CUP**

A LEGAL DESCRIPTION FOR A TRACT OF LAND COMPOSED OF LOT 127 I.T.; LOT 128 I.T.; LOTS 1-17, OUTLOT A AND OUTLOT C SOUTHLAKE ADDITION; OUTLOT A SOUTHLAKE 1st ADDITION; PART OF OUTLOT "C" SOUTHLAKE 2nd ADDITION; LOTS 2-34 AND OUTLOTS A-G SOUTHLAKE 3rd ADDITION; LOTS 1-6 AND OUTLOT A SOUTHLAKE 4th ADDITION; LOTS 1-2 SOUTHLAKE 5th ADDITION; AND OUTLOT B SOUTHLAKE 6th ADDITION, ALL LOCATED IN THE EAST HALF OF SECTION 23, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6TH P.M., CITY OF LINCOLN, LANCASTER COUNTY, STATE OF NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 128 I.T., SAID POINT BEING **THE TRUE POINT OF BEGINNING**; THENCE ON THE NORTH LINE OF SAID LOT 128 I.T. FOR THE NEXT NINETEEN (19) COURSES, ON AN ASSUMED BEARING OF N68°45'51"E A DISTANCE OF 96.18' TO A POINT OF CURVATURE, THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A CENTRAL ANGLE OF 29°22'37", A RADIUS OF 107.86', AN ARC LENGTH OF 55.30', A CHORD BEARING OF N54°04'33"E A CHORD DISTANCE OF 54.70' TO A POINT OF TANGENCY, THENCE N39°23'14"E A DISTANCE OF 67.74' TO A POINT OF CURVATURE, THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A CENTRAL ANGLE OF 21°50'12", A RADIUS OF 308.32', AN ARC LENGTH OF 117.51', A CHORD BEARING OF N50°18'20"E A CHORD DISTANCE OF 116.80' TO A POINT OF TANGENCY, THENCE N61°13'26"E A DISTANCE OF 25.77' TO A POINT OF CURVATURE, THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A CENTRAL ANGLE OF 48°26'27", A RADIUS OF 63.99', AN ARC LENGTH OF 54.10', A CHORD BEARING OF N37°00'13"E A CHORD DISTANCE OF 52.50' TO A POINT OF TANGENCY, THENCE N12°46'59"E A DISTANCE OF 69.78 FEET TO A POINT OF CURVATURE, THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A DELTA ANGLE OF 154°34'56", A RADIUS OF 52.25', AN ARC LENGTH OF 140.97', A CHORD BEARING OF S89°55'32"E A CHORD DISTANCE OF 101.94' TO A POINT, THENCE S48°44'34"E A DISTANCE OF 130.61' TO A POINT OF CURVATURE, THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A DELTA ANGLE OF 79°18'19", A RADIUS OF 202.52', AN ARC LENGTH OF 280.32', A CHORD BEARING OF S 88°23'43"E A CHORD DISTANCE OF 258.46' TO A POINT OF TANGENCY, THENCE N51°57'07"E A DISTANCE OF 196.74' TO A POINT OF CURVATURE, THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A DELTA ANGLE OF 10°31'14", A RADIUS OF 500.00', AN ARC LENGTH OF 91.81', A CHORD BEARING OF N46°41'31"E A CHORD DISTANCE OF 91.68' TO A POINT OF TANGENCY, THENCE N41°25'54"E A DISTANCE OF 42.78' TO A POINT OF CURVATURE, THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A DELTA ANGLE OF 17°35'57", A RADIUS OF 500.00', AN ARC LENGTH OF 153.58', A CHORD BEARING OF N50°13'52"E A CHORD DISTANCE OF 152.98' TO A POINT OF TANGENCY, THENCE N59°01'51"E 474.32' TO A POINT OF DEFLECTION, THENCE N81°57'07"E A DISTANCE OF 100.21' TO A POINT OF DEFLECTION,

THENCE N55°32'46"E A DISTANCE OF 154.33', TO A POINT ON THE WEST RIGHT OF WAY FOR SOUTH 98th STREET, SAID POINT BEING THE NORTHWEST CORNER OF SAID LOT 128; THENCE ON SAID WEST RIGHT OF WAY LINE FOR THE NEXT NINE (9) COURSES, S00°07'15"E A DISTANCE OF 1303.54'; THENCE S00°07'24"E A DISTANCE OF 426.88'; THENCE S04°39'52"W A DISTANCE OF 119.81'; THENCE S00°07'24"E A DISTANCE OF 689.25'; THENCE S44°52'48"W A DISTANCE OF 38.18'; THENCE S00°07'24"E A DISTANCE OF 60.00'; THENCE S45°07'36"E A DISTANCE OF 48.17'; THENCE S05°50'04"E A DISTANCE OF 29.50'; THENCE S00°07'24"E A DISTANCE OF 726.26', TO THE SOUTHEAST CORNER OF SAID LOT 127; THENCE ON THE SOUTH LINE OF SAID LOT 127 FOR THE NEXT FIVE (5) COURSES, S75°56'26"W A DISTANCE OF 612.81', TO THE NORTHWEST CORNER OF SAID LOT 64; THENCE ON THE WEST LINE OF SAID LOT 64, S09°58'06"W 69.09', TO A POINT ON THE NORTH RIGHT OF WAY LINE FOR NEBRASKA HIGHWAY No. 2; THENCE NORTHWESTERLY ON SAID NORTH RIGHT OF WAY LINE FOR THE NEXT THREE (3) COURSES, N50°31'45"W 432.69'; THENCE N59°21'03"W 346.68'; THENCE N54°38'19"W 72.74', TO THE SOUTHWEST CORNER OF SAID LOT 127; THENCE NORTHEASTERLY ON THE WEST LINE OF SAID LOT 127, N28°12'50"E 407.51'; THENCE N41°33'20"W 57.29'; THENCE N34°41'33"W 88.57'; THENCE N10°08'12"W 84.62', TO A POINT ON A CIRCULAR CURVE TURNING IN A CLOCKWISE DIRECTION, HAVING A RADIUS OF 270.00', A CENTRAL ANGLE OF 16°12'09" AND AN ARC LENGTH OF 76.35'; THENCE ON SAID CURVE, HAVING A CHORD OF N70°02'18"E 76.10', TO A POINT OF REVERSE CURVATURE FOR A CIRCULAR CURVE TURNING IN A COUNTER CLOCKWISE DIRECTION, HAVING A RADIUS OF 330.00', A CENTRAL ANGLE OF 44°34'42" AND AN ARC LENGTH OF 256.75'; THENCE ON SAID CURVE, HAVING A CHORD OF N55°51'01"E 250.33'; THENCE N33°33'40"E 170.97', TO A POINT ON A CIRCULAR CURVE TURNING IN A COUNTER CLOCKWISE DIRECTION, HAVING A RADIUS OF 530.00', A CENTRAL ANGLE OF 5°20'50" AND AN ARC LENGTH OF 49.46'; THENCE ON SAID CURVE, HAVING A CHORD OF N30°53'15"E 49.45', TO THE NORTHEAST CORNER OF SAID OUTLOT "C", SAID POINT BEING ON THE WEST LINE OF SAID LOT 127; THENCE NORTHEASTERLY ON SAID WEST LINE, N28°12'50"E 126.31', TO A POINT ON THE SOUTH RIGHT OF WAY LINE FOR ANDERMATT DRIVE, SAID POINT ALSO BEING A POINT OF NON-TANGENT CURVATURE OF A CIRCULAR CURVE TURNING IN A COUNTER CLOCKWISE DIRECTION, HAVING A CENTRAL ANGLE OF 08°31'30", A RADIUS OF 1,033.00' AND AN ARC LENGTH OF 153.70'; THENCE ON SAID CURVE, HAVING A CHORD BEARING OF N66°35'27"W, AND A CHORD DISTANCE OF 153.56' TO A POINT OF TANGENCY, THENCE N62°19'42"W, A DISTANCE OF 211.09' TO A POINT OF CURVATURE, THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A CENTRAL ANGLE OF 07°22'03", A RADIUS OF 558.00' AND AN ARC LENGTH OF 71.75'; THENCE ON SAID CURVE, HAVING A CHORD BEARING OF N58°38'40"W, AND A CHORD DISTANCE OF 71.70' TO A POINT OF CURVATURE OF A NON TANGENT CURVE, THENCE ON A CURVE IN A CLOCKWISE DIRECTION, HAVING A CENTRAL ANGLE OF 139°51'42", A RADIUS OF 97.00' AND AN ARC LENGTH OF 236.78'; THENCE ON SAID CURVE, HAVING A CHORD BEARING OF N50°22'50"W, AND A CHORD DISTANCE OF 182.22' TO A POINT OF CURVATURE OF A NON TANGENT CURVE; THENCE ON A CURVE IN A CLOCKWISE DIRECTION,

HAVING A CENTRAL ANGLE OF $30^{\circ}11'37''$, A RADIUS OF 573.00' AND AN ARC LENGTH OF 301.96 FEET; THENCE ON SAID CURVE, HAVING A CHORD BEARING OF $N21^{\circ}22'57''W$, AND A CHORD DISTANCE OF 298.48' TO A POINT; THENCE $N46^{\circ}20'45''W$ A DISTANCE OF 30.16' TO A POINT OF CURVATURE OF A NON-TANGENT CURVE; THENCE ON A CURVE IN A CLOCKWISE DIRECTION, HAVING A CENTRAL ANGLE OF $02^{\circ}18'57''$, A RADIUS OF 581.00' AND AN ARC LENGTH OF 23.48'; THENCE ON SAID CURVE, HAVING A CHORD BEARING OF $N85^{\circ}15'43''W$ AND A CHORD DISTANCE OF 23.48' TO A POINT OF TANGENCY, THENCE $N84^{\circ}06'15''W$, A DISTANCE OF 204.69 FEET TO A POINT, THENCE $S49^{\circ}44'20''W$ A DISTANCE OF 27.71' TO A POINT OF INTERSECTION WITH THE EAST RIGHT OF WAY LINE FOR SOUTH 91st STREET, SAID POINT BEING THE POINT OF CURVATURE OF A NON TANGENT CURVE; THENCE ON A CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A CENTRAL ANGLE OF $31^{\circ}46'58''$, A RADIUS OF 1,065.00' AND AN ARC LENGTH OF 590.77', A CHORD BEARING OF $N11^{\circ}46'17''W$ ON SAID EAST RIGHT OF WAY LINE, AND A CHORD DISTANCE OF 583.23' TO A POINT OF TANGENCY; THENCE $N27^{\circ}39'47''W$ ON SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 54.44' TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA OF 3,981,001.30 SQUARE FEET OR 91.39 ACRES, MORE OR LESS.

Current Project - Agency Review Report

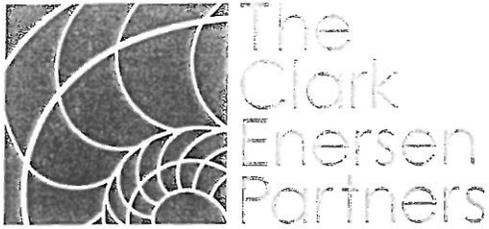
Agency Name	User Name	Review Cycle	Review Status	Comments	Assignment
County Health	chris schroeder	1	Recommend Approval	<p>Developers are responsible for all mosquito control issues during the building process and all outlots, green-spaces, and/or natural corridors subsequently controlled by the owner, tenant, occupant, lessee, or otherwise, for that subdivision would be responsible for vectors of zoonotic disease in those areas.</p> <p>All wind and water erosion must be controlled during construction. The Lower Platte South Natural Resources District should be contacted for guidance in this matter.</p> <p>During the construction process, the land owner(s) will be responsible for controlling off-site dust emissions in accordance with Lincoln-Lancaster County Air Pollution Regulations and Standards Article 2 Section 32. Dust control measures shall include, but not limited to application of water to roads, driveways, parking lots on site, site frontage and any adjacent business or residential frontage. Planting and maintenance of ground cover will also be incorporated as necessary.</p>	Individual
Department of Roads - Noise	will packard	1	Recommend Approval	A noise analysis was completed using future traffic volumes. Residential impacts would NOT likely occur beyond 100 feet within the next 20 years. No specific setbacks are recommended	First In Group
Development Review Manager	steve henrichsen	1	Corrections Required	need revised legal and exhibit	Individual
		2	Corrections Required		Individual
Emergency Communications	Kelly Davila	1	Did Not Complete		Individual
		2	Pending		Individual
Fire Department	patrick borer	1	Recommend Approval	LF&R recommends approval of this application in light of the public approval to build a new station in the area of 70th and Pine Lake.	First In Group
I FS	les reviews	1	Corrections Required	10/19/2015-	First In Group

Current Project - Agency Review Report

				Uploaded red line drawing into the miscellaneous documents folder. Comments were: "Possible easement release on portions of Outlot c, South Lake 2nd Add. needed. No requests for release has been received." Shana Sprackling -Sarah Ryan	
		2	Recommend Approval	10/29/2015- Uploaded red line drawing into the miscellaneous documents folder. Comments were: This is an annexation-Easements were shown on map for future reference only.- Steve Hanks.	Individual
Lincoln Police Department	Lincoln Police Department	1	Did Not Complete		First In Group
Planning Dept	brandon garrett	1	Recommend Approval	City Council District #2.	Individual
	brenda thomas	1	No Review Required		First In Group
Public Works - Engineering Services	Bob Simmering	1	Did Not Complete		First In Group
		2	Recommend Approval	10-27. PW considers the proposed road connection to the south to be undesirable. The grade on the road could be hazardous during poor weather conditions;with this being the only access this could result in ongoing problems. An access for the South parcel on 98th street is a lesser problem. Please provide plans and estimates for the infrastructure improvements to assist in establishing surety amounts.	Individual
Public Works - Survey Check	julio talero	1	Corrections Required	See markup for details.	First In Group
		2	Pending		Individual
Public Works - Watershed Management	ben higgins	1	Recommend Denial	- No drainage report, no detention ponds, insufficient documentation to review	Individual
	Jared Nelson	2	Pending		Individual
Rural Fire District - Southeast	Rural Fire District - Southeast	1	Did Not Complete		First In Group
School District 145 - Waverly	School District 145 - Waverly	1	Did Not Complete		First In Group
United States Post Office	kerry kowalski	1	Recommend Approval	Recommend approval on the condition all new deliveries are established in Centralized Box Units (CBUs) which will	First In Group

Current Project - Agency Review Report

				be purchased and installed at the developers expense in a location mutually agreed upon by the developer and the US Postal Service	
--	--	--	--	------------------------------------------------------------------------------------------------------------------------------------	--



October 21, 2015

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

RE: Southlake Amendment to the CUP, Annexation, Change of Zone

Dear Mr. Cary:

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

1. Application (Amendment to the CUP, Annexation, Change of Zone)
2. Application fee \$4,584.00 (\$792.00 + \$3,792.00)
3. Annexation Legal Description w/ exhibit
4. Community Unit Plan Legal Description w/ exhibit
5. Change of Zone Legal Description w/ exhibit
6. Site Plan, 2 sheets
7. Grading & Drainage Plan, 2 sheets
8. Street Profiles, 2 sheets

On behalf of the Developer, Krueger Development, 8200 Cody Drive, Suite F, Lincoln NE 68512, we are requesting an Amendment to the existing Southlake Community Unit Plan, Annexation, and Change of Zone to the property approximately located at the southwest corner of South 98th Street and Andermatt Drive. This application is to add 91 single family lots to the Southlake neighborhood. The proposed lots will be served by public water and public sanitary sewer within a private roadway system. We are requesting a waiver to the design standards to allow a 3" tall drive-over curb to eliminate the necessary curb grinding necessary with a 6" tall curb. The owner wishes to request this waiver for the aesthetic reasons for the neighborhood and to match the existing conditions of the neighborhood roadways. In addition to, the lots adjacent to Highway 2 exceed the 3:1 width to depth ratio due to the attempt to preserve an existing 40'-80' wide berm. This landscape berm will be used to screen the lots proposed lots from the highway. One of the front yard setbacks on corner lots is being requested to be reduced from 20' to 15' to be able to accommodate the residential unit better on the corner lots.

Architecture + Landscape Architecture + Engineering + Interiors

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

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There is an existing acreage lot to the southeast of the proposed development with access to South 98th Street. The City of Lincoln may desire a street connection from the proposed Southlake development to this acreage lot. However, significant import of dirt was added to the Southlake development to be able to gravity sewer this development (approximately 15'). This import of dirt makes a roadway connection to this acreage lot from the Southlake development very difficult to meet the design guidelines. An exhibit has been included to show a location for a possible roadway connection with a vertical profile. To eliminate runoff from the Southlake development to the acreage lot a slight vertical hump is being shown in the profile with a transition to a steep vertical grade. At the mutual property line of the proposed Southlake development the roadway will be approximately 6 feet higher than the existing grade and would not be able to intersect the existing ground elevation until the roadway is 325 feet into the acreage lot. Due to the existing topographical differences between the Southlake development and the acreage lot it would be better for the acreage lot to take its access from South 98th Street.

Sincerely,



Tim Gergen

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for November 18, 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.

PROJECT #: Annexation #15012
Change of Zone #15032

PROPOSAL: To annex approximately five acres, and change the zoning from AG to R-3 over that same five acres for the HiMark Community Unit Plan

LOCATION: South 88th Street and Pioneers Blvd

LAND AREA: Annexation #15012 - Approximately 4.8 acres
Change of Zone #12032 - Approximately 4.8 acres

CONCLUSION: The subject property is adjacent to the city limit, and the full range of municipal services can be provided if annexed. A change of zone to R-3 is consistent with the Future Land Use Map and compatible with the adjacent development. Both requests comply with the Zoning Ordinance and are consistent with the Comprehensive Plan.

RECOMMENDATION:	
AN#15012	Approval
CZ#15032	Approval

PROPOSED CITY COUNCIL DISTRICT ASSIGNMENT: District #2.

GENERAL INFORMATION:

LEGAL DESCRIPTION: AN#15012 and CZ#15032 - See attached legal description.

EXISTING ZONING: AG Agriculture

SURROUNDING LAND USE AND ZONING:

North:	Golf Course	AG
South:	Golf Course	AG
East:	Golf Course	AG
West:	Vacant (residential under development)	R-3

EXISTING LAND USE: Golf Course

COMPREHENSIVE PLAN SPECIFICATIONS:

Pg 1.9 - The Future Land Use Map designates this site for green/open space.

Pg. 1.10 - This site is shown in Tier I, Priority C on the Growth Tier Map.

Pg 7.8 - Vacant Land - Currently, there are roughly 350 acres of vacant residentially-zoned land in the existing built-out portion of the City. Some of the land is in the floodplain and lots scattered throughout the City. The Plan envisions a portion of this land will be utilized by 2040 since it has access to urban services today.

Pg 12.4 - Green Space. Public or privately-owned areas predominantly used for recreation, such as parks, golf courses, soccer or ball fields, and trails. Many green space areas also serve functions such as buffers between incompatible uses and as stormwater management areas. In some cases, privately-owned Green Space such as golf courses may also be appropriate to be considered for future Urban Residential development.

Pg 12.14 - The ANNEXATION POLICY of the 2040 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.

ASSOCIATED REQUEST: Administrative Amendment #15116 to Special Permit #1423J amending the HiMark community unit plan to add 12 dwelling units to the existing CUP, consistent with the area shown to be annexed and re-zoned.

HISTORY:

- Mar 1979 The zoning for the area of this CUP was changed from A-A Rural and Public Use to AG Agricultural as part of the 1979 Zoning Update.

- Apr 1992 Special Permit #1423 was approved for a golf course.

- Mar 1996 Special Permit #1423A submitted. This application sought to expand the existing clubhouse and add a cart storage building to the HiMark Golf Course.

- Jul 1998 Special Permit #1423B approved for the HiMark Estates Community Unit Plan, which included up to 507 dwelling units and golf course.

- Jul 1998 Change of Zone #3125 approved to change the zoning for the area covering the CUP application from AG Agricultural to R-3 Residential.

- Nov 2000 Special Permit #1423C submitted. This was a request to rename a private roadway and install gates at its entrance but was subsequently withdrawn.

- Aug 2001 Special Permit #1423D approved an increase in multiple-family dwelling units from 240 to 272 but was later voided.

- Apr 2002 Special Permit #1423E was approved for setback adjustments and up to 539 dwelling units.

- Feb 2003 Special Permit #1423F approved the identification of certain townhouse lots with zero setbacks on all lot lines. The total number of approved dwelling units was still 539.

- Sep 2003 Special Permit #1423G and #1423H were approved adding additional single-family dwelling units, roadways, and outlots, and reduce the number of multiple-family dwelling units.
- May 2004 Special Permit #1423i was approved adjusting minimum lot area and a revised lot layout.
- Feb 2011 Special Permit #1423J was approved to allow an additional 30 dwelling units over approximately 21 acres.

SPECIFIC INFORMATION:

UTILITIES & SERVICES:

- A. **Sanitary Sewer:** Sanitary sewer is available in the adjacent developed phase of HiMark approved by SP#1423J, and can be extended to serve this phase.
- B. **Water:** Water is also available in the adjacent phase and can be extended as well.
- C. **Roads:** There are no adjacent arterial streets. The only new public street is an extension of HiMark Lane, a local public street, which will be installed by the developer.
- D. **Parks and Trails:** There are no planned bike trail system improvements shown in this area beyond the trail along South 84th Street.
- E. **Fire Protection:** After annexation, fire protection will be provided by Lincoln Fire Rescue (LFR). The nearest station is now at S. 84th and South Streets, less than two miles away. LFR has commented that a new fire station is planned to be built in southeast Lincoln, likely putting a fire station even closer to this development.

ANALYSIS:

1. These are related requests for both annexation and a change of zone, where the areas of the annexation and the change of zone are one and the same.
2. The area of these requests is already located within the boundary of the HiMark CUP, so the CUP is not being expanded. Rather, the revised layout showing the 12 new lots and cul-de-sac is considered a minor change, and is one that is eligible to be approved administratively by the Planning Director. AA#15116 is

now under review by staff for that purpose. The two requests covered by this report however, must be approved by the City Council.

3. The proposed layout of AA#15116 is generally consistent with what was shown in concept in the latest version of the HiMark CUP approved by the City in 2011 with SP#1423J. The cul-de-sac proposed today had been shown as a through street connection back into the golf course to accommodate future, potential redevelopment. Instead, that conceptual street connection has been moved slightly to the west, and the cul-de-sac where the street connection had been located. While slightly different, the same goals are achieved with the revised layout and a street connection back to the golf course is still shown.
4. The area to be annexed is located within Tier I, Priority C of the Comprehensive Plan, but the full range of city services can be provided now. Utilities exist in the adjacent developed portions of HiMark and can be extended to serve this area.
5. An agreement was reached between the Lancaster County Rural Water District #1 (LRWD#1) and the City of Lincoln. It established defined compensation amounts to be paid to the District to account for lost revenue potential as a result of annexation and a reduced market area. The City has typically required those costs to be paid to the District as a condition of annexation. In this case, the area being annexed is just outside the District's boundary so there will be no compensation due to the District.
6. The Comprehensive Plan describes the redevelopment of vacant, private open space such as golf courses like this one. It anticipates potential higher and better uses, like that proposed in this case, when it can be achieved in manner compatible with the neighborhood and which does not negatively affect surrounding properties.
7. Annexation of the area complies with the Annexation Policy from the Comprehensive Plan, and the re-zoning to R-3 is consistent with the Zoning Ordinance.

Prepared by:

Brian Will, 441-6362, bwill@lincoln.ne.gov
November 4, 2015

**APPLICANT/
CONTACT:**

Tim Gergen
Clark Enersen Partners

Annexation #15012
Change of Zone #15032
HiMark CUP

Page 6

1010 Lincoln Mall
Lincoln, NE 68508
402-477-9291

OWNER: HiMark Properties
8901 Augusta Drive
Adams, NE 68520

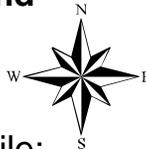
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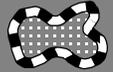


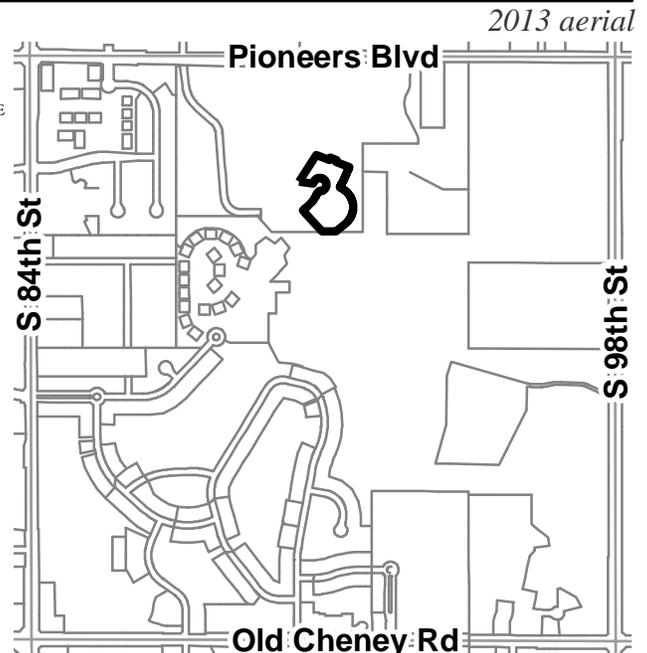
**Change of Zone #: CZ15032 (AG - R3) and
Annexation #: AN15012
HiMark Estates
S 88th St & Pioneers Blvd
Zoning:**

- | | |
|------------|----------------------------------------|
| 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.11 T09N R07E



	Area of Application
	Zoning Jurisdiction Lines
	Lancaster County Jurisdiction

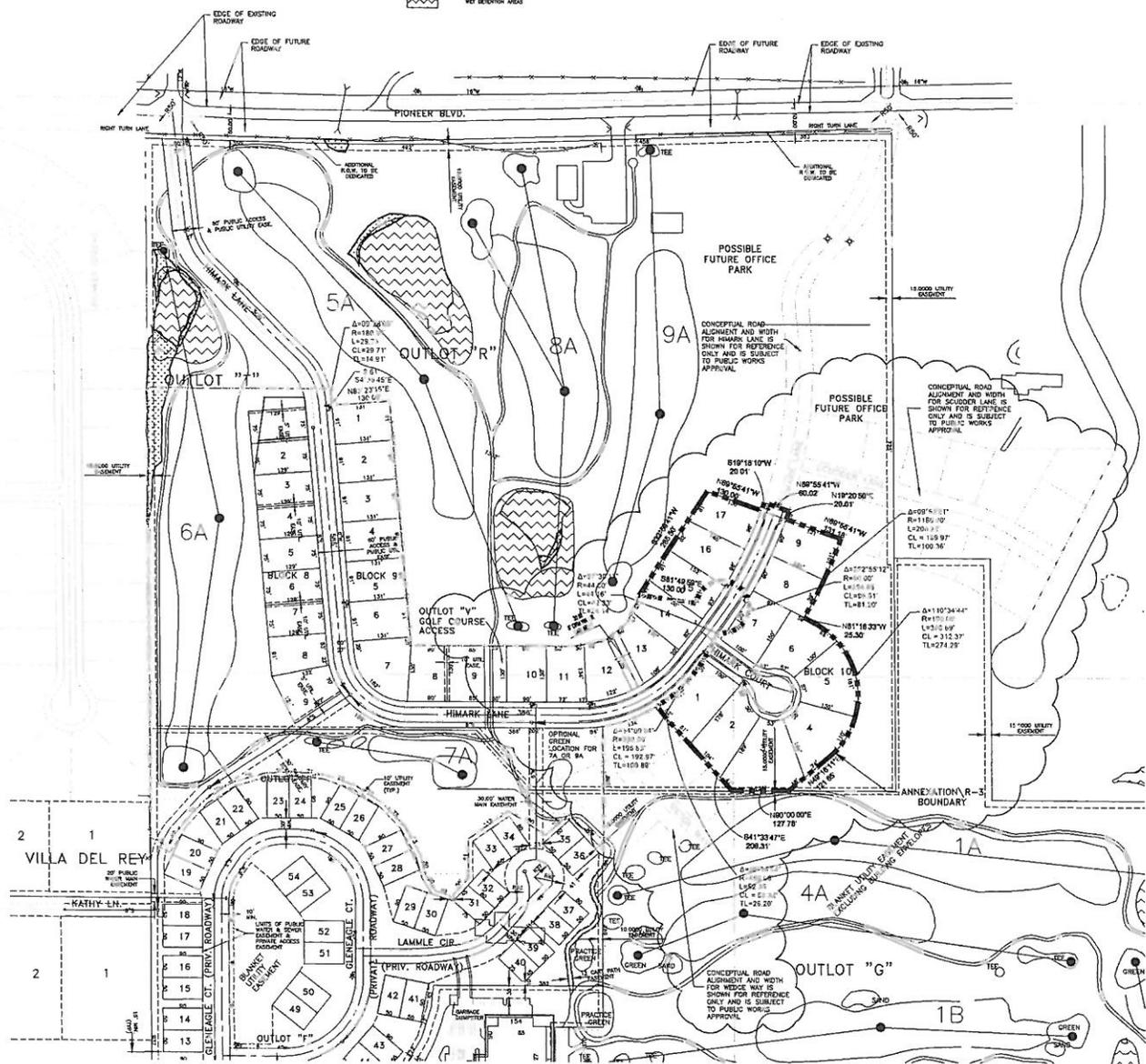


HIMARK ESTATES AMENDMENT TO THE C.U.P. SITE PLAN / ZONING PLAN



LEGEND

- W — EXISTING WATER MAIN
- P — PROPOSED WATER MAIN
- S — EXISTING SANITARY SEWER
- S — PROPOSED SANITARY SEWER
- S — SANITARY SEWER MANHOLE
- F — FIRE HYDRANT
- W — WATER MAIN
- S — EXISTING STORM SEWER
- S — PROPOSED STORM SEWER
- ▨ — WETLANDS
- ▨ — WET SENSATION AREAS



HIMARK ESTATES
AMENDMENT
TO THE C.U.P.

Lincoln, Ne
TCUP No. 24-001-14

November 5, 2015

A LEGAL DESCRIPTION FOR A TRACT OF LAND COMPOSED OF A PORTION OF LOT 9, BLOCK 2, HIMARK ESTATES 19TH ADDITION, LOCATED IN THE NORTH HALF OF SECTION 11, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6TH P.M., CITY OF LINCOLN, LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID NORTHWEST QUARTER; THENCE ON AN ASSUMED BEARING OF S00°06'34"E ALONG THE WEST LINE OF SAID NORTHEAST QUARTER OF THE NORTHWEST QUARTER, A DISTANCE OF 660.01'; THENCE S89°52'51"E, ALONG A LINE THAT IS 660 FEET SOUTH OF A PARALLEL WITH THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID NORTHWEST QUARTER, A DISTANCE OF 412.72' A POINT OF NON-TANGENT CURVATURE OF A CIRCULAR CURVE IN A CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 09°28'09", A RADIUS OF 180.00' AND AN ARC LENGTH OF 29.75'; THENCE ON SAID CURVE, HAVING A CHORD BEARING OF S09°20'50"E A DISTANCE OF 29.71' TO A POINT; THENCE S04°36'45"E, A DISTANCE OF 8.61' TO A POINT; THENCE N85°23'15"E, A DISTANCE OF 130.00' TO A POINT; THENCE S04°36'45"E, A DISTANCE OF 568.43' TO A POINT; THENCE N90°00'00"E, A DISTANCE OF 360.00' TO A POINT; THENCE N80°46'19"E, A DISTANCE OF 75.00' TO A POINT; THENCE N51°35'58"E, A DISTANCE OF 70.00' TO A POINT; THENCE N22°38'40"E, A DISTANCE OF 70.00' TO THE TRUE POINT OF BEGINNING; THENCE N32°59'41"E A DISTANCE OF 285.50' TO A POINT; THENCE S69°55'41"E A DISTANCE OF 130.00' TO A POINT; THENCE N19°18'10"E A DISTANCE OF 20.01' TO A POINT; THENCE S69°55'41"E A DISTANCE OF 60.02' TO A POINT; THENCE S19°20'50"W A DISTANCE OF 20.01' TO A POINT; THENCE S69°55'41"E A DISTANCE OF 131.18' TO A POINT OF NON-TANGENT CURVATURE OF A CIRCULAR CURVE IN A CLOCKWISE DIRECTION, HAVING A RADIUS OF 1160.00', A CENTRAL ANGLE OF 9°53'21" AND AN ARC LENGTH OF 200.22'; THENCE ON SAID CURVE, HAVING A CHORD BEARING OF S25°01'00"W A DISTANCE OF 199.97' TO A POINT; THENCE S 61°18'33"E A DISTANCE OF 25.30', TO A POINT OF CURVATURE FOR A CIRCULAR CURVE TURNING IN A CLOCKWISE DIRECTION, HAVING A RADIUS OF 190.00', A CENTRAL ANGLE OF 110°34'44" AND AN ARC LENGTH OF 366.69'; THENCE ON SAID CURVE, HAVING A CHORD BEARING OF S06°01'11"E A DISTANCE OF 312.37' TO A POINT OF TANGENCY; THENCE ON SAID TANGENT, S49°16'11" W A DISTANCE OF 121.65' TO A POINT ON THE SOUTH LINE OF SAID LOT 9; THENCE WESTERLY ON SAID SOUTH LINE, N90°00'00"W A DISTANCE OF 127.78' TO A POINT; THENCE N41°33'47"W A DISTANCE OF 206.31' TO A POINT OF CURVATURE OF A CIRCULAR CURVE IN A CLOCKWISE DIRECTION, HAVING A RADIUS OF 450.00', A CENTRAL ANGLE OF 6°39'54" AND AN ARC LENGTH OF 52.35'; THENCE ON SAID CURVE, HAVING A CHORD BEARING OF N38°13'50"W A DISTANCE OF 52.32' TO A POINT OF NON-TANGENT CURVATURE OF A CIRCULAR CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A RADIUS OF 330.00', A CENTRAL ANGLE OF 34°00'04" AND AN ARC LENGTH OF 195.83'; THENCE ON SAID CURVE, HAVING A CHORD BEARING OF N40°34'57"E A DISTANCE OF 192.97' TO A POINT OF REVERSE CURVATURE OF A CIRCULAR CURVE IN A CLOCKWISE DIRECTION, HAVING A RADIUS OF 44.00', A CENTRAL ANGLE OF 57°30'18" AND AN ARC LENGTH OF 44.16'; THENCE ON SAID CURVE, HAVING A CHORD BEARING OF N52°20'04"E A DISTANCE OF 42.33' TO A POINT OF REVERSE CURVATURE OF A CIRCULAR CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A RADIUS OF 60.00', A CENTRAL ANGLE OF 126°27'36" AND AN ARC LENGTH OF 132.43'; THENCE ON SAID CURVE, HAVING A CHORD BEARING OF N17°51'25"E A DISTANCE OF 107.14' TO A POINT; THENCE CONTINUING ON SAID CURVE, HAVING A RADIUS OF 60.00', A CENTRAL ANGLE OF 126°27'36" AND AN ARC LENGTH OF 132.43'; THENCE ON SAID CURVE, HAVING A CHORD BEARING OF S71°23'49"W A DISTANCE OF 107.14' TO A POINT; THENCE N81°49'59"W 130.00', TO THE POINT OF BEGINNING, SAID TRACT CONTAINING AN AREA OF 205,907.53 SQUARE FEET OR 4.727 ACRES, MORE OR LESS

P.O.C.
NW CORNER NE 1/4 NW 1/4
SEC. 11-T9N-R7E

NE CORNER NW 1/4
SEC. 11-T9N-R7E

PIONEERS

BOULEVARD



660.01'
S0°06'34"E

660'

$\Delta=09^{\circ}28'09''$
R=180.00'
L=29.75'
CL=29.71'
T=14.91'
CB=S09°20'50"E

412.72'
S89°52'51"E

S4°36'45"E
8.61'
N85°23'15"E
138.00'

568.43'
S4°36'45"E

R=60.00'
 $\Delta=126^{\circ}27'36''$
L=132.43'
CL=107.14'
T=118.93'
CB=S 71°23'49"W

130.00'
S69°55'41"E
20.01'
N19°18'10"E
60.00'
S69°55'41"E
20.01'
S19°20'50"W

R=60.00'
 $\Delta=126^{\circ}27'36''$
L=132.43'
CL=107.14'
T=118.93'
CB=N 17°51'25"E

P.O.B.
N22°38'40"E
70.00'
N51°35'58"E
70.00'
N80°46'19"E
75.00'

S81°49'59"E
130.00'

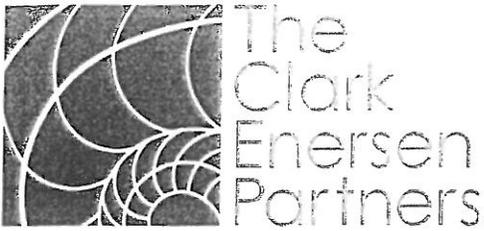
R=1160.00'
 $\Delta=09^{\circ}53'21''$
L=280.22'
C LEN=199.97'
CB=S25°01'00"W

R=330.00'
 $\Delta=34^{\circ}00'04''$
L=195.83'
C=192.97'
CB=S40°34'57"W

R=190.00'
 $\Delta=110^{\circ}34'44''$
L=366.69'
C=312.37'
CB=S06°01'11"E

R=450.00'
 $\Delta=06^{\circ}39'54''$
L=52.35'
C=52.32'
CB=N38°13'50"W

208.31'
N41°33'47"W
121.85'
S 49°16'11"W
127.78'
N 90°00'00"W



October 21, 2015

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

RE: HiMark Administrative Amendment to the CUP, Annexation, Change of Zone

Dear Mr. Cary:

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

1. Application (Admin. Amend. CUP, Annexation, Change of Zone)
2. Application fee \$957.00 (\$165.00 + \$792.00)
3. Annexation Legal Description w/ exhibit
4. Change of Zone Legal Description w/ exhibit
5. Site Plan, 2 sheets
6. Grading & Drainage Plan
7. Street Profiles

On behalf of the Owner/Developer, HiMark Properties LLC, 8901 Augusta Drive, Lincoln NE 68520, we are requesting an Administrative Amendment to the existing HiMark Community Unit Plan, Annexation, and Change of Zone from AG to R-3 to the property located at the end of HiMark Lane. This application is to add 12 single family lots to the HiMark neighborhood. The proposed lots will be served by public water and public sanitary sewer within a public roadway system. This application is part of a phased construction of the extension HiMark Lane which will be looped back to Pioneers Blvd. A 50' wide outlot is being shown between the proposed lots for golf cart path access. Please let me know if you need any additional information.

Sincerely,



Tim Gergen

Architecture + Landscape Architecture + Engineering + Interiors

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

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

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT
for November 18, 2015 PLANNING COMMISSION MEETING

PROJECT #: Text Amendment No. 15022

PROPOSAL: Amend Section 27.62.100 of the Lincoln Municipal Code, Retail Sales and Services Use Group, to correct an error made to subsection (h) (2) to clarify that the floor area restriction for personal services applies to the size of the use and not to the building in which the use is located.

CONCLUSION: The proposed change is in conformance with the Zoning Ordinance and the 2040 Comprehensive Plan, and should not have a significant negative impact on surrounding properties.

<u>RECOMMENDATION:</u>	Approval
-------------------------------	----------

GENERAL INFORMATION:

HISTORY:

June 2012

City Council approved Ordinance No. 19733, a text amendment to Title 27 of the Lincoln Municipal Code generally to reformat and streamline the Zoning Code. Chapter 27.62, Conditional Uses was added to the Zoning Code under that ordinance.

COMPREHENSIVE PLAN SPECIFICATIONS:

P. 5.2 - Business & Economy Guiding Principles:

- Promote and foster appropriate, balanced, and focused future economic growth that maintains the quality of life of the community.
- Seek to efficiently utilize investments in existing and future public infrastructure to advance economic development opportunities.
- Provide flexibility in the marketplace in siting future commercial and industrial locations.

ANALYSIS:

1. This text amendment will change one section of the Zoning Ordinance, Section 27.62.100, Retail Sales and Services Use Group.
2. The language to be changed involves replacement of the word “building” with “use” in Section 27.62.100 (h) as follows: *Personal Services are allowed uses in the O-1, O-2, O-3, and R-T zoning district under the following conditions: (2) In the O-2, and*

R-T zoning districts, the floor area of said building use shall not exceed 5,000 square feet.

3. Ordinance No. 19733 was passed in June 2012 and amended Title 27 of the Lincoln Municipal Code. That ordinance approved a number of changes to the Zoning Code. One of the changes involved adding a new Chapter 27.62, Conditional Uses, to relocate and consolidate all zoning district use types which are allowed as permitted conditional uses in designated zoning districts into a single chapter. A new Chapter 27.06, Use Groups, was also added as part of Ordinance No. 19733. The last version of the Zoning Code prior to the amendments passed with Ordinance No. 19733 is referred to in this report as “the Zoning Code Pre-Use Groups” for ease of reference.
4. Conditions on retail sales and services uses are currently contained in Section 27.62.100, Retail Sales and Services Use Group. Section 27.62.100 (h) (2) describes the conditions under which Personal Services are allowed in the O-2 and R-T zoning districts. Section 27.62.100 (h) (2) reads: *In the O-2, and R-T zoning districts, the floor area of said building shall not exceed 5,000 square feet.*

The text that described conditions on personal service uses in Chapter 27.26, O-2 Suburban Office District and Chapter 27.28, R-T Residential Transition District of the Zoning Code Pre-Use Groups from which Section 27.62.100 (h) (2) was formed did not limit the floor area of the building in which the use was located. Where there was a floor area limitation, the floor area of the use itself (i.e., the premises) was restricted. The word "building" was therefore used in error, as it was in not in accordance with the original intent of the Zoning Code Pre-Use Groups.

5. There are no other instances in Section 27.62.100 where the maximum floor area of the building in which the retail sales or service use is regulated. However, there are several instances where the floor area of the retail sales and service use is regulated. In particular, Section 27.62.100 (h) (1) (ii) regulates the floor area of Personal Service uses within the O-1 and O-3 zoning districts as a percentage of the total square feet of floor area in the building. These precedents support replacement of the word "use" with "building" in this instance.
6. The proposed text change conforms with the intent of the current Zoning Code as well as the intent of the Zoning Code Pre-Use Groups. The change is also in conformance with the 2040 Comprehensive Plan.
7. A text change to Section 27.62.100 was previously passed in September 2012 under Ordinance No. 19773, which corrected unintentional drafting errors and omissions resulting from the reformatting and streamlining changes to the Zoning Code as amended by Ordinance No. 19733. Section 27.62.100 was amended to include the omitted provisions that in the I-1 zoning district, retails sales and services

are a permitted conditional use and shall not occupy more than 20,000 square feet of floor area per business.

8. The impact of this change will be minimal on neighborhoods, as it does not alter building size regulations or the districts in which personal services can locate. This text change only regulates the square footage of personal services uses in the O-2 and R-T districts.
9. This text amendment was initiated in association with an inquiry about a commercial property in the O-2 district at 5521 Shady Creek Court in Lincoln. The owner wishes to lease one of the building's suites to a hair salon, but under the code as written, the building is too large to allow for the use of a salon.
10. The proposed change will replace the word "building" with "use" in Section 27.62.100 (h) (2) as follows:
 - (h) Personal Services are allowed uses in the O-1, O-2, O-3, and R-T zoning district under the following conditions:
 - (1) In the O-1 and O-3 zoning districts:
 - (i) The services shall be located entirely within a building containing office or residential uses.
 - (ii) The services shall not exceed twenty percent of the total square feet of floor area in such building.
 - (2) In the O-2, and R-T zoning districts, the floor area of said building use shall not exceed 5,000 square feet. [emphasis added]
11. The proposed change will increase flexibility for locating personal services within buildings in the O-2 and R-T districts while restricting the square footage of the personal service use to an appropriate maximum of 5,000 square feet, as was originally intended.

Prepared by:
Rachel Jones, Planner
402-441-7603 or rjones@lincoln.ne.gov

Text Amendment #15022 Floor Area Requirement for
Personal Services in the O-2 and R-T Districts

DATE: November 4, 2015

APPLICANT: U.S. Property
129 N. 10th Street, Capitol Hall
Lincoln, NE 68508

OWNER: Shady Creek LLC, c/o Monte Froelich
129 N. 10th Street, Capitol Hall
Lincoln, NE 68508

CONTACT: Joy Urquhart
129 N. 10th Street, Capitol Hall
Lincoln, NE 68508

F:\DevReview\TX\15000\TX15022 Personal Services Floor Area.rkj.wpd

ORDINANCE NO. _____

1 AN ORDINANCE amending Section 27.62.100 of the Lincoln Municipal Code
2 relating to Conditional Uses in Retail Sales and Services Use Group to correct an error made to
3 subsection (h)(2) in a previous text amendment to clarify that the floor area restriction for personal
4 services applies to the size of the use and not to the size of the building the use is located in; and
5 repealing Section 27.62.100 of the Lincoln Municipal Code as hitherto existing.

6 BE IT ORDAINED by the City Council of the City of Lincoln, Nebraska:

7 Section 1. That Section 27.62.100 of the Lincoln Municipal Code be amended to read
8 as follows:

9 **27.62.100 Retail Sales and Services Use Group.**

10 A building or premises may be used for the following use types as a permitted conditional
11 use in the designated zoning districts and in compliance with the conditions of approval applicable
12 for that use type.

13 (a) Hotels and motels are allowed in the I-3 zoning district under the following conditions:

14 (1) The total square footage of such use shall not exceed ten percent (10%) of the
15 buildable square footage of the tract of land included within the boundaries of the use
16 permit assuming a floor-to-area ratio of one to four.

17 (2) Accessory uses operated by a concessionaire or lessee of an employer may occupy
18 no more than five percent (5%) of the total floor area of the hotel or motel.

19 (b) Kennels and/or Veterinary Facilities may be allowed in those zoning districts where such use
20 is designated as a permitted conditional use under a Use Group Table in Chapter 27.06, under
21 the following conditions:

22 (1) Any associated outdoor area must be located no closer than 200 feet from any R-1
23 through R-8 residential district.

24 (2) No more than 3 animals are permitted in the outdoor area at any one time.

1 (NOTE: If the above conditions cannot be met, the use may be allowed upon approval of a
2 special permit pursuant to Chapter 27.63).

3 (c) Motorized vehicle sales and/or repair/services facilities are permitted in the B-3, B-4, H-2
4 and H-3 zoning districts and Motorized vehicle services is permitted in the B-1 under the
5 following conditions:

6 (1) In the B-1 and B-3 zoning districts:

7 (i) No facility shall be permitted to locate within 100 feet of any residential use
8 or district;

9 (ii) Any facility located within 100 feet of any residential use or district which
10 was lawfully established in the B-1 or B-3 zoning district on the effective
11 date of this ordinance, shall screen the facility from such residential use or
12 district by the use of an opaque fence six feet in height, constructed of wood,
13 or of a substitute material found acceptable to the Director of Building and
14 Safety;

15 (iii) The locational or screening requirements of (i) and (ii) above shall not apply
16 when said residential use or district is across a public street from the
17 motorized vehicle sales and/or repair facility, but shall apply if said
18 residential use or district is across an alley or private drive from said facility;

19 (2) In the H-2 and H-3 zoning districts, the storage of vehicles for sale and resale is
20 permitted in the front yard except for the front twelve feet under the following
21 conditions:

22 (i) Parking barriers in accordance with parking lot design standards must be
23 provided around the storage/display area to prevent the vehicles
24 stored/displayed for sale or resale from overhanging the front twelve feet of
25 the front yard.

26 (ii) No vehicle shall be stored/displayed for sale or resale in the front yard upon
27 a raised concrete island or on a raised display structure.

28 (iii) The hood or trunk or both of vehicles stored/displayed for sale or resale in the
29 front yard shall not be open except when being inspected by a customer or for
30 servicing.

- 1 (iv) The front twelve feet of the front yard shall be devoted to shrubs and grasses.
- 2 (v) The front twelve feet of the front yard not permitted to be used for the storage
- 3 of vehicles for sale and resale shall be screened at least sixty percent from
- 4 zero feet to two feet above the surface of the lot. The design and construction
- 5 of the landscaping shall be in conformance with the Design Standards for
- 6 Screening and Landscaping except that fences may not be used to meet the
- 7 above screening requirements. If plant material is used, the density
- 8 percentage is calculated using the design size found in the City of Lincoln's
- 9 plant material list approved by the Planning Director. The landscape screen
- 10 shall be located throughout the area but far enough from the barrier so as to
- 11 be protected from the bumpers of overhanging vehicles. Entrance driveways
- 12 shall be excluded from the required screen.
- 13 (vi) No fence shall be erected in the front yard.
- 14 (vii) Lighting in the front yard shall be in conformance with the Design Standards
- 15 for Outdoor Lighting.
- 16 (viii) Any existing motorized vehicle sales facility lawfully established on the
- 17 effective date of this ordinance which does not comply with conditions (i)
- 18 through (vii) above may be continued in accordance with the provisions of
- 19 Chapter 27.61 for nonconforming uses.
- 20 (3) In the area of the B-4 zoning district from 150 feet east of 17th Street to the eastern
- 21 edge of the B-4 zoning district, motorized vehicle sales and/or repair/service facilities
- 22 are prohibited;
- 23 (d) Motor fuel sales facilities are allowed in the B-4 zoning district under the following
- 24 condition: In the area of the B-4 zoning district from 150 feet east of 17th Street to the
- 25 eastern edge of the B-4 zoning district, fuel sales facilities are prohibited;
- 26 (e) Motorized vehicle wash facilities are allowed in the B-1, B-2, B-3, B-4, H-2, and H-3 zoning
- 27 districts under the following conditions:
- 28 (1) In the B-1, B-2 and B-3 zoning districts, a self-service, coin-operated wash facility
- 29 shall not exceed four wash bays.

- 1 (2) In the H-2 and H-3 zoning districts, a self-service, coin-operated wash facility shall
2 not exceed six wash bays.
- 3 (3) In the B-2 and B-3 zoning districts, the stacking space shall not be located within the
4 required front yard.
- 5 (4) In the area of the B-4 zoning district from 150 feet east of 17th Street to the eastern
6 edge of the B-4 zoning district and in the area bounded by 10th Street, 150 feet north
7 of "P" Street, 14th Street and "N" Street, motorized vehicle wash facilities are
8 prohibited;
- 9 (f) Outdoor seasonal sales, tents and other temporary structures are allowed in the AG and AGR
10 zoning districts under the following conditions:
- 11 (1) In the AG and AGR zoning districts, roadside stands for the temporary or seasonal sale of
12 produce shall:
- 13 (i) Be located outside the city limits;
- 14 (ii) Be allowed in addition to any other main use, regardless of lot size;
- 15 (iii) Be allowed in a required yard, provided that such roadside stand shall be located no
16 closer than thirty feet to the edge of a traveled roadway;
- 17 (iv) Not be operated for more than 180 days in any one calendar year.
- 18 (g) Parking as a primary use is allowed in the O-2 and B-4 zoning districts under the following
19 conditions:
- 20 (1) In the O-2 zoning district provided that no part of the street frontage within the block
21 face on which a parking lot is proposed to be located may be zoned residential.
- 22 (2) In the area of the B-4 zoning district bounded by 10th Street, 150 feet north of "P"
23 Street, 14th Street, and "N" Street, parking as a primary use is prohibited;
- 24 (NOTE: If the above conditions cannot be met, the use may be allowed upon approval of a
25 special permit pursuant to Chapter 27.63).
- 26 (h) Personal Services are allowed uses in the O-1, O-2, O-3, and R-T zoning district under the
27 following conditions:
- 28 (1) In the O-1 and O-3 zoning districts:

- 1 (i) The services shall be located entirely within a building containing office or
2 residential uses.
- 3 (ii) The services shall not exceed twenty percent of the total square feet of floor
4 area in such building.
- 5 (2) In the O-2, and R-T zoning districts, the floor area of said ~~building~~ use shall not
6 exceed 5,000 square feet.
- 7 (i) Retail sales including mail order catalog sales are allowed in the O-1, O-3, H-3, H-4 and I-1
8 zoning districts under the following conditions:
- 9 (1) In the O-1 and O-3 zoning districts:
- 10 (i) The retail sales shall be located entirely within a building containing office
11 or residential uses.
- 12 (ii) Retail sales shall not exceed twenty percent of the total square feet of floor
13 area in such building.
- 14 (iii) Retail sales shall occupy no more than 10,000 square feet of floor area per
15 business.
- 16 (2) In the H-3 zoning district, retail sales shall occupy no more than 20,000 square feet
17 of floor area per business.
- 18 (3) In the H-4 zoning district, retail sales shall occupy no more than 30,000 square feet
19 of floor area per business.
- 20 (4) In the I-1 zoning district, retail sales and service shall occupy no more than 20,000
21 square feet of floor area per business.
- 22 (NOTE: If conditions (2), (3) and (4) above cannot be met, the use may be allowed if a
23 special permit is approved pursuant to Chapter 27.63).
- 24 (j) Sale of alcoholic beverages for consumption off the premises is allowed in the B-2 and B-5
25 zoning districts under the following conditions:
- 26 (1) Parking shall be in conformance with the provisions of Chapter 27.67; provided that
27 in the B-5 zoning district no parking spaces shall be located in that portion of any

1 required side yard or rear yard of the building containing the licensed premises that
2 abuts a residential district.

3 (2) Any exterior door opening must meet the following conditions:

4 (i) Be located at least 100 feet (as measured by the shortest, most direct distance)
5 from a day care facility, church, state mental health institution, park
6 (excluding golf courses and hiker/biker trails), or a residential district;
7 provided that, if there is an intervening exterior wall of the building
8 containing the licensed premises between the exterior door opening and such
9 day care facility, church, state mental health institution, park (excluding golf
10 courses and hiker/biker trails), or residential district, then the 100 feet shall
11 be measured from the exterior door opening, along the exterior base of the
12 building wall(s) to the point where there is no intervening exterior building
13 wall, and from that point the shortest, most direct distance to the day care
14 facility, church, state mental health institution, park (excluding golf courses
15 and hiker/biker trails), or residential district.

16 (ii) If the exterior door opening faces a residential district, then such opening
17 shall be at least 150 feet from a residential district as measured by the
18 shortest, most direct perpendicular distance. The exterior door shall not be
19 kept or propped open during the hours of operation. For purposes of this
20 section, "exterior door opening" shall mean (A) that portion of the exterior
21 wall face of the building containing the licensed premises that contains a
22 break to accommodate the exterior building door, door frame, door vestibule,
23 or door entryway area; and (B) provides public or membership access to the
24 licenses premises. "Exterior door opening" shall not apply to openings for
25 emergency exit doors required by building or safety codes, loading doors or
26 unloading doors that are not available for public or membership access in the
27 ordinary course of business.

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

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

5 (5) Notwithstanding any contrary provision contained in Section 27.64.010(h), the yard
6 requirements, the parking location requirements, and the exterior door opening
7 location requirements in this section shall not be adjusted by the City Council.

8 (6) In addition, in the B-2 zoning district, all exterior door openings of the licensed
9 premises shall be located more than 100 feet away from any parking spaces located
10 in a side or rear yard adjacent to a residential district. For the purpose of this
11 measurement, the side yard shall be 50 feet. In addition, if there is an intervening
12 exterior wall of the building containing the licensed premises between the exterior
13 door opening and such residential district, then the 100 feet shall be measured from
14 the exterior door opening, along the exterior base of the building wall(s) to the point
15 where there is no intervening exterior building wall, and from that point the shortest,
16 most direct distance to any parking spaces located in a side or rear yard adjacent to
17 the residential district.

18 (7) In addition, in the B-5 zoning district when the building containing the licensed
19 premises abuts a residential district, the required yards shall be met.

20 (k) Service and repair facilities are allowed in the R-T, B-1, B-3, and H-2 zoning districts under
21 the following conditions:

22 (1) The floor area of said premises not devoted to sales or office space shall not exceed
23 5,000 square feet; and

24 (2) All displays and merchandise shall be within the enclosure walls of the buildings.

25 (3) In addition, in the B-3 zoning district, appliance service and repair shall comply with
26 the following additional conditions:

27 (i) No appliance sales and repair facility shall be permitted to locate within 100
28 feet of any residential use or district;

29 (ii) Any appliance service and repair facility located within 100 feet of any
30 residential use or district which was lawfully established in this district on the

1 effective date of this ordinance, shall screen the facility from such residential
2 use or district by the use of an opaque fence six feet in height, constructed of
3 wood, or of a substitute material found acceptable to the Director of Building
4 and Safety;

5 (iii) The locational or screening requirements of (i) and (ii) above shall not apply
6 when said residential use or district is across a public street from the
7 appliance sales and repair facility, but shall apply if said residential use or
8 district is across an alley or private drive from the appliance sales and repair
9 facility.

10 Section 2. That Section 27.62.100 of the Lincoln Municipal Code as hitherto existing
11 be and the same is hereby repealed.4

12 Section 3. Pursuant to Article VII, Section 7 of the City Charter, this ordinance shall
13 be posted on the official bulletin board of the City, located on the wall across from the City Clerk's
14 office at 555 S. 10th Street, in lieu of and in place of newspaper publication with notice of passage
15 and such posting to be given by publication one time in the official newspaper by the City Clerk.
16 This ordinance shall take effect and be in force from and after its passage and publication as herein
17 and in the City Charter provided.

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ___ day of _____, 2015: _____ Mayor

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT
for NOVEMBER 18, 2015 PLANNING COMMISSION MEETING

PROJECT #: Text No.15023

PROPOSAL: Amend Chapter 2.05 of the City of Lincoln Design Standards for Stormwater Drainage Design Standards

CONCLUSION: The proposed text change to Chapter 2.05 of the City of Lincoln Design Standards will make the designs standards consistent with Title 28 and the Drainage Criteria Manual.

RECOMMENDATION:	Approval
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GENERAL INFORMATION:

HISTORY:

January 13, 2014 Resolution A-88056 to amend Chapter 8 of the Drainage Criteria Manual for the purpose of providing requirements and criteria to manage water quality was approved by the City Council.

February 3, 2014 Ordinance 19990 to amend Title 28 by adding Chapter 28.03 to manage stormwater runoff was approved by the City Council.

COMPREHENSIVE PLAN SPECIFICATIONS:

The Watershed Management division of Public Works and Utilities and the Lower Platte South Natural Resource District (NRD) partner to design management plans that address both the quantity and quality of surface water. (P.3.1)

Watershed planning will continue in order to be proactive and integrate stewardship principles for land conservation, stream and wetland buffers, better site design, Best Management Practices (BMP), and erosion and sediment control. (P.11.2)

Naturalized or bioengineered solutions to drainage issues should be used wherever possible. (P.11.2)

A comprehensive watershed management program needs to incorporate a range of strategies including land use planning, conservation efforts, appropriate standards for floodplains and stormwater, and other structural flood control efforts. (P.11.13)

Basin management plans are a more recent watershed planning initiative that is part of the ongoing effort to proactively forecast, evaluate and manage stormwater quality impacts associated with existing and future development and redevelopment of the City. These plans provide available information on the source of contaminants and how such contaminants can be reduced through projects and programs. (P.11.13)

Utilize naturalized approaches or bioengineered solutions to drainage issues wherever possible. Seek opportunities for Best Management Practices that reduce flood damages, protect water quality and natural areas. (P.11.14)

Develop project approaches which view stormwater as an asset, by working with the natural topography and using wetlands, floodplains, and natural drainage corridors as natural ways to manage flood flows and stormwater runoff. (P.11.14)

ANALYSIS:

1. This application is to amend Chapter 2.05 of the City of Lincoln Design Standards for Stormwater Drainage. The amendment is necessary so that the Design Standards are consistent with Title 28 and the Drainage Criteria Manual for stormwater management.
2. The City of Lincoln is required to meet state regulations relating to stormwater quality as one of the requirements of the City's stormwater permit (NPDES-MS4, National Pollutant Discharge Elimination System-Municipal Separate Storm Sewer System permit). The related Stormwater Ordinances and Drainage Criteria Manual have been previously approved and go into effect February 1, 2016.
3. Revisions to Chapter 2.05 include:
 - Consistent use of the term City of Lincoln Drainage Criteria Manual instead of Manual or Flood Design Criteria.
 - Clarification: e.g. Information on drainage system evaluations, culvert replacements
 - Correct use of Nebraska Department of Natural Resources.
 - Replacement of Section 10 Stormwater Best Management Practices in Chapter 2.05 of the City of Lincoln Design Standards.
4. These proposed revisions to Chapter 2.05 of the City of Lincoln Design Standards will not go into effect until February 1, 2016, same as the Stormwater Ordinances.
5. There was extensive public process prior to adoption in February 2014 and education process with the development community over the last two years.

Prepared by:

Tom Cajka
Planner

DATE: November 3, 2015

APPLICANT: Ben Higgins
Public Works and Utilities Department
555 S. 10th Street
Lincoln, NE 68508
402-441-7589

CONTACT: Same as applicant

F:\DevReview\TX\15000\TX15023 Stormwater Drainage.tjc.wpd

October 15, 2015

David Cary
Lincoln Lancaster County Planning
555 S. 10th Street, suite 213
Lincoln, NE 68508

Dear David,

Enclosed is an application for revision to the Stormwater Drainage Design Standards (Chapter 2.05). Principal changes are to Section 10 Stormwater Best Management Practices which was updated to match current approved Stormwater Ordinances (approved February 11, 2014, Ordinance 19990) and Drainage Criteria Manual (approved January 13, 2014, Resolution A-88056). These updates are being done so that the Stormwater Drainage Design Standards match the approved Stormwater Ordinances and Drainage Criteria Manual.

It is requested that that this item be placed on the November 18, 2015 Planning Commission agenda for revisions to Chapter 2.05 "Stormwater Drainage Design Standards".

Background

The City of Lincoln is required to meet state regulations relating to stormwater quality as one of the requirements of the City's stormwater permit (NPDES-MS4, National Pollutant Discharge Elimination System – Municipal Separate Storm Sewer System permit). The related Stormwater Ordinances and Drainage Criteria Manual have been previously approved and go into effect February 1, 2016.

The following processes and educational outreach have been accomplished to date:

- Mayor's Clean Water Program Task Force met in 2012 and came up with Post Construction Standards (i.e. Stormwater quality) recommendations. Reference: Mayor's Clean Water Program task Force Final Report, November 2012
- Follow up with Mayor's Clean Water Program Task Force in 2013 after Stormwater Ordinances drafted along with drafted revisions to the Stormwater Drainage Design Standards and Drainage Criteria Manual
- Presentation to various entities including a combined LIBA, Chamber of Commerce, Home Builders Association of Lincoln, Relators Group meeting. Follow up meetings with ad hoc subcommittee of the previous combined meeting
- Approval of Stormwater Ordinance (Lincoln Municipal Code 28.03) and revised Drainage Criteria Manual January/February 2014
- April – November 2014, City provided seven Stormwater webinars in coordination with the Lower Platte South Natural Resources District for local consultants
- 2014-15, City sent information on several various related educational venues (e.g. webinars, field trips, seminars, conferences) to local consultants via email. Venues also posted on Watershed Managements web page
- March 9, 2015 letter to developers/consultants on the Build Greener program

- Presentation of Stormwater Ordinance requirements to American Council of Engineering Companies on March 11, 2015 and the Chamber of Commerce April 15, 2015 including information on the Build Greener program
- April – May 2015, Presentation of Stormwater Ordinances to seven individual consultant groups at their offices
- October 28, 2015, Presentation of concept Conservation Design for a 15 acre subdivision that would meet the Stormwater Ordinance standards
- Coordinated or assisted with funding on several green infrastructure projects over the last several years with various private and public partners (e.g. P Street, Centennial Mall, Sherman Ballfield, Pine Lake Heights HOA, Antelope Park, etc.)
- The proposed revisions to the Stormwater Drainage Design Standards as well as related stormwater quality information (e.g. Mayor’s Clean Water Program Task Force Final Report) is on the City’s website at lincoln.ne.gov, keyword ‘watershed’, click on ‘Water Quality Standards’ in the Technical Information box.

Summary of Revisions

- Minor Revisions and Consistency: e.g., Consistent use of the term City of Lincoln Drainage Criteria Manual instead of Manual or Flood Design Criteria. Information that the Stormwater Drainage Design Standards are available on the web. Reducing the number of acronyms (e.g. FEMA, FIS). Generic information for computer models instead of citing a specific model to use
- Clarification: e.g., Information on drainage system evaluations, culvert replacements
- Corrections: Correct use of Nebraska Department of Natural Resources instead of Nebraska Department of Water Resources. Information that erosion and sediment control applications are to be sent to the City and not the Lower Platte South Natural Resources District
- Guidance and Technical Information: Replacement of Section 10 Stormwater Best Management Practices with updated information related to the approved Stormwater Ordinances and Drainage Criteria Manual, as well as related revisions to other sections

Watershed Management staff will be available to present this to Planning Commission. Questions, concern and responses to this application can be directed to Ben Higgins at watershed@lincoln.ne.gov or 402-441-7589.

Sincerely,



Donna Garden, Assistant Public Works & Utilities Director

Enclosure: Application

cc: Glenn Johnson, LPSNRD
Ben Higgins, Jared Nelson, Tim Zach, Public Works and Utilities
Jocelyn Golden, Law
Chad Blahak, Building and Safety

RESOLUTION NO. A-_____

1 WHEREAS, the City of Lincoln has previously adopted the City of Lincoln Design
2 Standards including Sections 1 through 11 of Chapter 2.05 - Stormwater Drainage Design Standards
3 by Resolution No. A-80518 as amended by Resolution No. A-82748, and Resolution A-84431; and

4 WHEREAS, amendments to Sections 1 through 10 of Chapter 2.05 - Stormwater
5 Drainage Design Standards; are necessary to add definitions in Section 1, to provide information
6 in Section 2 as to where and how to obtain a copy of the City of Lincoln Drainage Criteria Manual,
7 and to update Sections 2, 3, 4, 5, 6, 7, 8, 9 and 10 to clarify references to the City of Lincoln's
8 Drainage Criteria Manual, the Federal Emergency Management Agency, the Flood Insurance Study,
9 the Department of Public Works and Utilities, the City of Lincoln and the Nebraska Department of
10 Natural Resources, and to match provisions included in Ordinance No. 19990 (adding a new Chapter
11 28.03 - Regulations for Post Construction Storm Water Management to the Lincoln Municipal Code)
12 and included in Resolution No. A -88056 (adopting a new Chapter 8 to the City of Lincoln's
13 Drainage Criteria Manual).

14 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln,
15 Nebraska:

16 That Sections 1 through 10 of Chapter 2.05 Stormwater Drainage Design Standards;
17 adopted by the City Council on November 6, 2000 by Resolution No. A-80518 as amended by
18 Resolution No. A-82748 adopted on May 10, 2004, be and the same are hereby amended as shown
19 on Attachment "A" which is attached hereto and incorporated herein by reference.

15R-

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ___ day of _____, 2015:

Mayor

1 **Chapter 2.05**

2 **STORMWATER DRAINAGE DESIGN STANDARDS**

3 *The Department of Public Works and Utilities is assigned*
 4 *responsibility for administration of these design standards*

5 **Section 1. DEFINITIONS**

6 **Best Management Practices:** Practices that reduce pollutants in stormwater. Post Construction
 7 BMPs (or permanent BMPs) may include structural or non-structural solutions that are used to
 8 prevent or control pollutants in storm water and minimize runoff to streams and lakes. Examples of
 9 Structural BMPs include permanent features of the landscape such as bioretention, extended
 10 detention ponds, permeable pavement and retention ponds. Examples of Nonstructural BMPS
 11 include a schedule of activities, prohibition of practices and maintenance procedures.

12 **Conveyance structure:** A pipe, open channel, or other facility that transports runoff from one
 13 location to another.

14 **Drainage criteria:** Specific guidance provided to the engineer/designer to carry out drainage
 15 policies. An example might be the specification of local design hydrology (“design storm”).

16 **Drainage plan:** The plan that an engineer/designer formulates to manage urban stormwater runoff
 17 for a particular project or drainage area. It typically addresses such subjects as characterization of
 18 site development; grading plans; peak rates of runoff and volumes of various return frequencies;
 19 locations; criteria and sizes of detention ponds and conveyances; measures to enhance runoff quality;
 20 salient regulations and how the plan addresses them; and consistency with secondary objectives such
 21 as public recreation, aesthetics, protection of public safety, and groundwater recharge. It is usually
 22 submitted to regulatory officials for their review.

23 **Existing Urban Area:** Those areas inside the corporate limits of the City of Lincoln. as well as
 24 those areas outside the corporate limits having a zoning designation other than AG Agriculture and
 25 AGR Agricultural Residential, as defined by the Lincoln Municipal Code. (*Added 5-10-04;*
 26 *Resolution No. A-82748*)

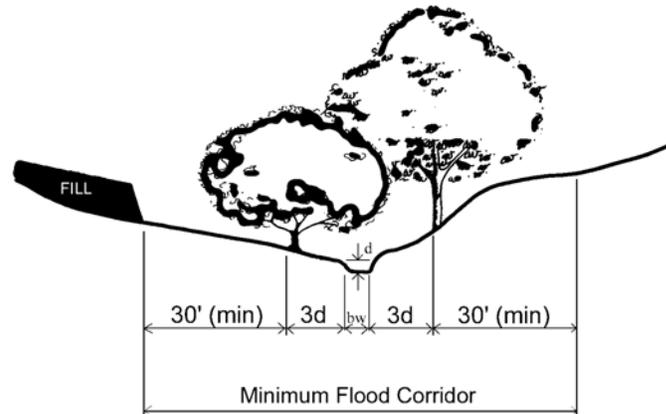
27 **Flood Design Criteria:** Chapter 10 of the City of Lincoln Drainage Criteria Manual, adopted on
 28 February 22, 2000 by Resolution No. A-80038, as amended. (*Added 5-10-04; Resolution No. A-*
 29 *82748*)

30 **Floodplain planning/floodplain management:** Technical and nontechnical studies, policies,
 31 management strategies, statutes and ordinances that collectively manage floodplains along rivers,
 32 streams, major drainageways, outfalls, or other conveyances. The federal government normally plays
 33 a major role in floodplain planning and management, whereas in urban stormwater management and
 34 design, local governments dominate the decision-making process.

1 **Major drainageway:** A readily recognizable natural or improved channel that conveys runoff that
 2 exceeds the capacity of the minor drainage system, including emergency overflow facilities.

3 **Major system:** The portion of the total drainage system that collects, stores, and conveys runoff that
 4 exceeds the capacity of the minor system. The major system is usually less controlled than the minor
 5 system, and will function regardless of whether or not it has been deliberately designed and/or
 6 protected against encroachment, including when the minor system is blocked or otherwise
 7 inoperable. It may be collinear with, or separate from, the minor system. It should be noted that there
 8 are those who object to the use of the terms “major” and “minor” to describe portions of the drainage
 9 system, perhaps because these terms imply that the minor system is less important. Other terms
 10 (primary system, convenience or basic system, overflow system, major/primary drainage ways,
 11 subordinate system, etc.), have been suggested. Major/minor are used in this Standard because they
 12 seem to be the most widely used terms.

13 **Minimum Corridor:** Minimum flood corridor shall mean the existing channel bottom width plus
 14 60 feet plus six times the channel depth and the corridor will be centered on the channel, as shown
 15 in Figure 1 below, or aligned such that the corridor follows the natural flow of flood waters. *(Added*
 16 *5-10-04; Resolution No. A-82748)*



17 **Figure 1 - Minimum Flood Corridor**

18
 19 **Minor system:** The portion of the total drainage system that collects, stores and conveys
 20 frequently-occurring runoff, and provides relief from nuisance and inconvenience. This system has
 21 traditionally been carefully planned and constructed, and normally represents the principal portion
 22 of the urban drainage infrastructure investment. The degree of inconvenience the public is willing
 23 to accept, balanced against the price it is willing to pay, typically establishes the discharge capacity
 24 or design recurrence frequency of a minor system. Minor systems include roof gutters and on-site
 25 drainage swales, curbed or side-swaled streets, stormwater inlets, underground system sewers, open
 26 channels and street culverts.

27

1 **Multiple-purpose facility:** An urban stormwater facility that fulfills multiple functions such as
 2 enhancement of runoff quality, erosion control, wildlife habitat, or public recreation, in addition to
 3 its primary goal of conveying or controlling runoff.

4 **New Growth Areas:** Those areas outside the corporate limits of the City of Lincoln and zoned AG
 5 Agriculture and AGR Agricultural Residential as defined by the Lincoln Municipal Code. (*Added*
 6 *5-10-04; Resolution No. A-82748*)

7 **Outfall facility:** Any channel, storm drain, or other conveyance receiving water into which a storm
 8 drain or storm drainage system discharges.

9 **Post Construction Design Criteria:** Chapter 8 of the City of Lincoln Drainage Criteria Manual,
 10 adopted on January 13, 2014 by Resolution No. A-88056, as amended.

11 **Post Construction Water Quality Rainfall Event:** The rainfall event that is equivalent to a depth
 12 of rainfall which is not exceeded in a set percentile of the historic runoff producing rainfall storm
 13 events. This percentile is provided in City of Lincoln Municipal Code Chapter 28.03. The rainfall
 14 depth related to the percentile is identified in Chapter 8 of the City of Lincoln Drainage Criteria
 15 Manual. The depth of rainfall is used in hydrologic calculations to determine the volume of water
 16 to be detained.

17 **“Risk-based” design:** Design of urban stormwater management facilities not only on the basis of
 18 local standards, but also on the basis of the risk (cost) of the flow exceeding a selected design.
 19 Virtually all stormwater management projects have some component of risk which is inherent in
 20 selection of a design return frequency. Risk may also account for special upstream or downstream
 21 hazards that would be posed by adherence to some recommended standard. For example, the
 22 designer of culverts in a subdivision might choose to upsize particular storm drains from a 10-year
 23 to a 50-year basis to protect properties, or to make other provisions to secure emergency discharge
 24 capacity.

25 **Special structures:** Those components of urban drainage systems that can be thought of as
 26 “features” or “appurtenances” such as manholes, inlets, energy dissipators, transitions, channel slope
 27 protection, storage facilities, and outlet works.

28 **“Standard-based” design:** Design of urban stormwater management facilities based on some
 29 specified set of regulatory standards. An example is the stipulation in local drainage policies that
 30 culverts for a given subdivision are designed to pass the 50-year flood before road overtopping.

31 **Storm drain:** Often buried pipe or conduit, also referred to as storm sewer that conveys storm
 32 drainage, also includes, curb & gutter, grate & curb inlets, swales, open channels, and culverts.

33 **Stormwater detention:** The temporary storage of stormwater runoff in ponds, parking lots,
 34 depressed grassy areas, rooftops, buried underground tanks, etc., for future release. Used to delay
 35 and attenuate flow, normally drained between storms.

36 **Stormwater retention:** Similar to detention except the facility may have a permanent pool of water
 37 or wetland that does not drain between storms.

1 **Water Quality Control Volume (WQCV):** The storage volume required to treat runoff resulting
2 from the post construction water quality rainfall event.

3 **Watershed Master Plan:** A plan generated by the City or by the City in cooperation with other
4 agencies, which includes hydrologic and hydraulic modeling for the base flood event, including
5 floodplain elevation and limits. (*Added 5-10-04; Resolution No. A-82748*)

6 **Section 2. GENERAL**

7 The following design standards have been prepared to provide guidance to the engineers and
8 developers interested in stormwater runoff related design and construction and in the management
9 of stormwater runoff. The following design standards are based on national engineering state-of-the-
10 practice for stormwater management, modified to suit the needs of Lincoln. The City of Lincoln and
11 the Lower Platte South Natural Resources District (LPSNRD) have also developed an extensive and
12 detailed document entitled "City of Lincoln Drainage Criteria Manual"~~(Manual)~~The City of
13 Lincoln Drainage Criteria Manual includes; various charts, tables, and a compilation of a large
14 amount of technical information with illustrative examples to help users to design stormwater runoff
15 related structures in a safe, practical and effective manner. The City of Lincoln Drainage Criteria
16 Manual, as amended, is hereby adopted by reference to and made part of the Stormwater Drainage
17 Design Standards, and users shall refer to the City of Lincoln Drainage Criteria Manual in
18 concurrence with the following standards. The City of Lincoln Drainage Criteria Manual can be
19 obtained by going to the City of Lincoln's website or by contacting the Watershed Management
20 Division of the Public Works and Utilities Department~~contacting City's clerk or Department of~~
21 ~~Public Works and Utilities~~. Details of construction shall conform to the *City of Lincoln Standard*
22 *Specifications for Municipal Construction and the Lincoln Standard Plans*. (*Amended 5-10-04;*
23 *Resolution No. A-82748*)

24 **Section 3. POLICY**

25 **3.1 Major and Minor System**

26 Every urban area has two separate and distinct drainage systems, whether or not they are
27 actually planned for and designed. One is the *minor* system and the other is the *major*
28 system. The minor drainage system is typically thought of as storm drains and related
29 appurtenances, such as inlets, curbs and gutters. The minor system is normally designed for
30 floods with return frequencies of 2-years to 10-years, depending upon the kind of land use.
31 For residential areas in Lincoln, the drainage system shall be designed for the 5-year storm.
32 For the downtown areas, industrial/commercial areas, and arterial roadways the drainage
33 system shall be designed for the 10-year storm. ***During design, the hydraulic grade line for***
34 ***all enclosed systems shall be determined to ensure that inlets act as inlets, not outlets.***

35 The major drainage system is normally a flow path designed to convey runoff from large and
36 infrequently occurring events. The 100-year return frequency storm shall be the major
37 drainage system design storm for all new developments. Runoff from major storms should
38 pass through a development without flooding buildings or homes. Overland flow routes can
39 be provided using streets, swales, and open space.

40 Open channels for conveyance of major storm runoff are desirable in urban areas and use of
41 such channels is encouraged. Optimum benefits from open channels can best be obtained by
42 incorporating parks and greenbelts with the channel layout. To the extent practicable, open

1 channels should follow the natural channels and should not be filled or straightened
 2 significantly. Effort must be made to reduce flood peaks and control erosion so that the
 3 natural channel regime is maintained. Channel improvement or stabilization projects are
 4 encouraged which minimize use of visible concrete, riprap, or other hard stabilization
 5 materials.

6 **3.2 Stormwater Runoff Computation**

7 The calculation of the storm runoff peaks and volumes is important to the proper planning
 8 and design of drainage facilities. The calculation of runoff magnitude shall be by either the
 9 rational method, the Soil Conservation Service (SCS, now known as the Natural Resource
 10 Conservation Service) TR-55 method, or SCS method in the U.S. Army Corps of Engineers
 11 (USACE) HEC-HMS software. Refer to Chapter 2 of the City of Lincoln Drainage Criteria
 12 Manual for limits of applicability.

13 **3.3 Detention Facilities**

14 Detention and retention facilities shall have release rates that do not exceed the
 15 predevelopment peak discharge rates for the 2-year, 10-year, and 100-year storms.
 16 Hydrologic conditions as of 1 August 1999 shall be used to determine peak release rates for
 17 predevelopment conditions. Submittal of hydraulic design calculations is required to
 18 document that major and minor design storm peak flows are attenuated. On-site and regional
 19 detention facilities shall be designed with adequate access and sediment storage right-of-way
 20 (including sediment forebays) to facilitate maintenance.

21 In addition to managing post development peak discharge rates, detention and retention
 22 facilities may be used to provide treatment for the post construction water quality rainfall
 23 event, if designed and constructed per the applicable provisions in Chapter 8 of the City of
 24 Lincoln Drainage Criteria Manual.

25 Detention and retention facilities must be maintained according to the guidelines as
 26 provided in Chapters 6 and 8 of the City of Lincoln Drainage Criteria Manual.
 27 A maintenance plan for proposed facilities shall be submitted to the City of Lincoln
 28 in accordance with guidelines provided in Chapter 6 Appendices.

29 **3.4 Streets**

30 The primary drainage functions of streets are to convey nuisance flows quickly and
 31 efficiently to the storm drain or open channel drainage with minimal interference to traffic
 32 movement and to provide an emergency passageway for the major flood flows with minimal
 33 damage to adjoining properties, while allowing for safe movement of emergency vehicles.

34 **3.5 Flood Corridor Management**

35 In the Existing Urban Area, the preservation of a Minimum Flood Corridor is required along
 36 all channels outside the ~~FEMA~~ Federal Emergency Management Agency mapped floodplain
 37 which drain greater than 150 acres or have a defined bed and bank. In New Growth Areas,
 38 the preservation of a Minimum Flood Corridor is required along all channels which drain
 39 greater than 150 acres or have a defined bed and bank, regardless of whether a floodplain
 40 or a floodprone area has been mapped along the corridor. For application of this standard

1 to floodplains and floodprone areas in New Growth Areas see Section 10.3 of the City of
 2 Lincoln Drainage Criteria Manual Flood Design Criteria.

3 The width of minimum flood corridors shall be equal to the channel bottom width, plus 60
 4 feet, plus six times the channel depth, and the corridor shall be centered on the channel or
 5 aligned such that the corridor follows the natural flow of flood waters.

6 Riparian vegetation and the existing grade within the identified flood corridors shall be
 7 preserved or enhanced to the maximum extent practicable, or mitigated during the
 8 development planning and construction processes when impacted by allowable encroach-
 9 ments. Individual areas of encroachments into the riparian vegetation and encroachments of
 10 fill into the existing grade will be permitted for operation, maintenance and repair, channel
 11 improvements, stormwater storage facilities, and utility crossings. Individual areas of
 12 encroachments may also be permitted for parks, pedestrian/bike trails, recreational uses, and
 13 public purposes, provided the encroachments are minimal and the uses are generally
 14 consistent with the purpose of the corridor. Prior to allowing vegetative encroachments or
 15 fill for permitted purposes into the minimum flood corridor, a sequencing process will be
 16 required which first seeks to avoid, then to minimize, then mitigate for impacts to the
 17 minimum flood corridor.

18 Documentation must be submitted to the City for review showing the steps taken using the
 19 sequencing approach, and the selected alternative. The sequencing process shall include an
 20 evaluation of alternative approaches in the order listed below:

- 21 1. Avoidance. Encroachment of riparian vegetation and the existing grade should be
 22 avoided if there is a practicable alternative that does not cause encroachment.
- 23 2. Minimization. If it is determined that avoidance is not practicable then steps must
 24 be taken to minimize impacts to the riparian vegetation and/or the existing grade.
- 25 3. Mitigation. Impacts to the riparian vegetation or to the existing grade must be
 26 mitigated after an appropriate and feasible alternative has been chosen through
 27 minimization.

28 Mitigation for loss of riparian vegetation in impacted areas shall occur at a 1.5 to 1 ratio.
 29 Mitigation shall occur as close as possible to the area of encroachment and disturbance.
 30 Where land uses prior to development have an impact on the buffer, the area should be
 31 replanted with vegetation compatible with the minimum flood corridor and water quality
 32 benefits.

33 Mitigation for fill in impacted areas shall occur at a 1.5 to 1 ratio and shall follow the
 34 standards that are applicable to compensatory storage requirements described in ~~this~~ Chapter
 35 10 of the City of Lincoln Drainage Criteria Manual.

36 Through the watershed master planning process, develop approximate 100-year projected
 37 future condition flood profiles for mainstem and tributary channel corridors that are between
 38 the limits of detailed study by FHS Flood Insurance Study and the boundary of the uppermost
 39 150-acre sub-basin(s). Once the master plan flood profiles have been accepted by the City,
 40 regulate new development along the channel areas so the lowest opening in new buildings
 41 is protected from the flood profile.

1 In watersheds where FIS Flood Insurance Study floodplains have not been delineated and
 2 where flood prone areas have not yet been determined through the watershed master
 3 planning process, regulate new development so the lowest opening of adjacent new buildings
 4 is protected to one foot above the calculated 100-year flood profile. Flood corridors
 5 delineated during development of land shall be legally described and recorded. (*Amended*
 6 *5-10-04; Resolution No. A-82748*)

7 **3.6 Erosion and Sediment Control from Construction Site Activities**

8 An NPDES “nNotice of iIntent”²² and a Stormwater Pollution Prevention Plan (SWPPP) shall
 9 be required before land disturbance or vegetation removal activities occur on any site equal
 10 to or greater than one acre in size. Contractors and developers shall contact the City on the
 11 business day prior to performing land disturbance or vegetation removal on any site equal
 12 to or greater than one acre in size. Construction sites will be inspected periodically for
 13 compliance with submitted SWPPPs. The structural and non-structural best management
 14 practices (BMPs) are recommended to address stormwater quality enhancement.
 15 (*Amended 6-2-2003; Resolution No. A-82127*).

16 **3.7 Stormwater Best Management Practices**

17 Best Management Practices shall be required for new developments and redevelopment projects
 18 per Chapter 8 of the Drainage Criteria Manual. The purpose is to reduce the concentrations and
 19 quantities of pollutants reaching receiving waters. BMPs are defined in Section I as measures that
 20 function to either keep pollutants from entering stormwater or remove pollutants from stormwater.
 21 BMPs prevent and manage stormwater pollution and diminish adverse impacts to health, safety,
 22 property and the general welfare of the citizens of the City of Lincoln.

23 **Section 4. HYDROLOGY**

24 The Rational Method shall be used for estimating peak flows and the design of small subdivision-
 25 type storm drain systems for developments with watershed areas from 0 to 150 acres. The
 26 Rational Method shall not be used for design of storage facilities. The SCS Method may be used
 27 for the design of all drainage structures and shall be used for design of any storage facility or any
 28 other facility with a drainage basin greater than 150 acres. Other methods may be used if they
 29 received prior approval from the Director of Public Works and Utilities^y and if they are calibrated
 30 to local conditions and tested for accuracy and reliability. In addition, complete source
 31 documentation must be submitted for approval.

32 **4.1 Design Frequency**

33 Cross drainage facilities transport storm runoff under roadways. The cross drainage
 34 facilities shall be designed to convey (at a minimum) the 50-year runoff event without
 35 overtopping the roadway. The flow rate shall be based on upstream ultimate buildout land-
 36 use conditions. In addition, the 100-year frequency storm shall be routed through all
 37 culverts to be sure structures are not flooded or increased damage does not occur to the
 38 roadway or adjacent property for this design event.

39 Storm drains and inlets (Minor Systems) shall be designed to accommodate a 5-year storm
 40 in residential areas and a 10-year storm in commercial developments, downtown areas and
 41 in industrial developments, and arterial streets.

1 Overland flow routes (Major Systems) shall be designed to accommodate a 100-year
2 storm without flooding buildings in all developments.

3 All storage facilities shall be designed to provide sufficient storage and release rates to
4 accommodate the 2-, 10-, and 100-year design storm events such that the post
5 development peak discharges do not exceed the predevelopment rates.

6 Facilities must also be designed to accommodate the post construction water
7 quality rainfall event as required per City of Lincoln Municipal Code and per the
8 provisions in Chapter 8 of the City of Lincoln Drainage Criteria Manual.

9 **4.2 Rational Method**

10 The rational formula is expressed as $Q = CIA$ where; Q = peak rate of runoff (cfs), C =
11 runoff coefficient representing a ratio of runoff to rainfall, I = average rainfall intensity
12 (in/hr) for a duration equal to the time of concentration for a selected return period, and
13 A = drainage area tributary to the design location, acres.

14 For inlet design the minimum time of concentration (t_c) recommended shall not be less
15 than 8 minutes. The value of rainfall intensity (I) can be obtained from IDF curve for the
16 City of Lincoln are given in Figure 2-3 of the City of Lincoln Drainage Criteria Manual.
17 The value of C shall be representative of the subarea land use, ~~for example, the average~~
18 ~~C=0.4 used for typical residential subdivisions is not appropriate for subareas bounded by~~
19 ~~the street centerline and the middle of the building pad where a more representative value~~
20 ~~is C=0.63.~~

21 The method for determining the runoff coefficient (C) is based on land use, soil groups
22 and land slope. Table 2-4 in the City of Lincoln Drainage Criteria Manual gives the
23 recommended coefficient C of runoff for pervious surfaces by selected hydrologic soil
24 groupings and slope ranges. *The value of C shall be based on fully built-out land use*
25 *conditions. The minimum runoff coefficient shall be 0.4, unless the developer can clearly*
26 *demonstrate a value less than 0.4 is appropriate.*

27 **4.3 SCS Unit Hydrograph Method**

28 Techniques developed by the U. S. Soil Conservation Service for calculating rates of
29 runoff require the same basic data as the rational method, drainage area, runoff factor,
30 time of concentration, and rainfall. Two types of hydrographs are used in the SCS
31 procedure, unit hydrographs and dimensionless hydrographs. The SCS 24-hr, Type II
32 storm hydrographs shall be used for modeling rainfall in Lincoln. Refer to Chapter 2.6 of
33 the City of Lincoln Drainage Criteria Manual for the detailed information on SCS design
34 procedures.

35 **4.4 Hydrologic Computer Modeling**

36 HEC-HMS (a nonproprietary model written by the U.S. Army Corps of Engineers) has
37 been selected for use in Lincoln by the Public Works & and Utilities Department and the
38 Lower Platte South NRD.

1 **Section 5. STORM DRAINAGE**

2 **5.1 Pavement Drainage**

3 The design storm for pavement period for pavement period shall be consistent with the
 4 frequency selected for other components of the drainage systems. Allowable maximum
 5 encroachment is provided in the following table:

6 **Allowable Maximum Encroachment for Minor Storms**

7 Street	
8 Classification	Maximum Encroachment
9 Local	No curb overtopping.
10 Collector	No curb overtopping.
11 Arterial	No curb overtopping. Flow spread must leave at least one lane free of water in each direction.
12 Freeway	Refer to Nebraska Department of Roads design criteria.

13 The storm drainage system will start at a minimum where ~~When~~ these encroachments are met, ;
 14 ~~the storm drain system shall commence.~~

15 For the major storm runoff, the following street inundation is allowable:

16 **Allowable Maximum Encroachment for Major Storms**

17 Street	
18 Classification	Maximum Encroachment
19 Local and	The depth of water over the gutter flowline but shall not exceed the right-of-way width.
20 Collector	
21 Arterial	The depth of water at the street crown shall not exceed 6 inches.
22 Freeway	Refer to Nebraska Department of Roads design criteria.

23 The following table provides recommendation for allowable cross street flow.

24 **Allowable Cross Street Flow**

25 Street		
26 Classification	Minor Storm Design Runoff	Major Storm Design Runoff
27 Local	Flow equivalent to not greater than 5" allowable depth in upstream curb and gutter.	The depth of water over the gutter flowline but shall not exceed the right-of-way width.

1	Collector and	None	The depth of water over the gutter
2	Arterial		flowline but shall not exceed the
			right-of-way width.
3	Arterial	None	6 inches or less over crown.
4	Freeway	Refer to Nebraska Department of Roads design criteria.	Refer to Nebraska Department of Roads design criteria.

5 **5.2 Storm Water Inlets Design**

6 The following criteria shall be used for inlet design:

7		Average Return
8	<u>Land Use</u>	<u>Frequency (years)</u>
9	Residential Areas	5
10	Commercial, Industrial, and Arterial Roads	10

11 Inlets

- 12 ● 72-inch straight and canted curb inlets shall be used in the public street system
- 13 ● Grate inlets may be used for parking lot drains, area drains, etc.
- 14 ● Flow in the gutter shall ~~should~~ not exceed five (5) inches.
- 15 ● Inlets shall ~~should~~ be placed at the low points in the street grade.

16 Design charts for standard City of Lincoln inlets are provided in the Chapter 3 of the City
17 of Lincoln Drainage Criteria Manual

18 The first inlet shall be placed at a point where the maximum depth of flow in the gutter is
19 five inches. Subsequent inlets downstream from the initial inlets shall be located at or
20 before points where the depth of flow in the gutter is five inches. Usually inlets shall be
21 placed at the ends of radii and/or before crosswalks at intersections. Inlets that the study
22 shows are needed at locations other than at intersections shall generally be centered
23 between lot lines. Inlets shall be installed at the upper end of all storm drain lines and at
24 low points in the street grades. It may be necessary at some locations to use more than one
25 inlet to pick up the contributing flow. Canted inlets shall not be placed along intersection
26 radii, unless approved by the Director of Public Works and Utilities.

27
28 Concrete valley gutters may be used across roadways at T-intersections of local roadways,
29 if the calculated depth of flow for the minor system design flow in the curb and gutter
30 section immediately upstream is less than 5 inches and if there is no existing or proposed
31 storm drain conduit extended to the intersection. The pavement cross-slope on the “uphill”
32 lane of the minor approach shall be reduced at a gradual rate from 3% to 1% to allow
33 drainage of the “uphill” gutter flow line through the return. No valley gutters shall be used
34 across collector or arterial roadways.

1 Curb and gutter grades that are equal to pavement slopes shall not exceed 8 percent or fall
2 below 0.5 percent without approval from the Director of Public Works and Utilities.

3 The detailed procedures and necessary charts to design inlets are described in Chapter 3 of
4 the City of Lincoln Drainage Criteria Manual. Curb and gutter installation shall be
5 designed in accordance with the most current City Standard Drawings and Specifications.

6 **5.3 Manholes**

7 Manholes shall be installed at the upper end of all storm drain lines and at all changes in
8 grade, size, or alignment. The recommended maximum spacing is 600 feet for storm drain
9 lines, 36 inches and less in diameter. Greater spacings than this will require approval by
10 the Director of Public Works and Utilities. The crowns of all storm drain pipes entering
11 and leaving a junction shall be at the same elevation. Laterals from a storm drain inlet to
12 the main storm drain line may be tapped directly into the main storm drain line if the
13 diameter of the lateral does not exceed one-half the diameter of the pipe being tapped. If
14 the diameter of the lateral does exceed one-half the diameter of the pipe being tapped, a
15 storm drain manhole or inlet will be required. The crown of the lateral pipe shall match the
16 crown of the main storm drain pipe. Storm drain manholes shall be constructed in
17 accordance with the most current City Standard Drawings and Specifications.

18 **5.4 Storm Drains**

19 For ordinary conditions, drain pipes should be sized on the assumption that they will flow
20 full or practically full under the design discharge but will not be placed under pressure
21 head. The Manning Formula is recommended for capacity calculations. The beginning
22 point at which a storm drain shall be required in a street is where the depth of flow in one
23 or both gutters requires inlets to be built. Easements for storm drain pipe and surface water
24 flow shall be used where a drainage way must be maintained to carry stormwater flow in
25 excess of the storm drain pipe capacity. The easement cross-section shall accommodate
26 the depth and width of flow from the higher intensity storms. The minimum size of the
27 storm drain pipe shall be 15" in diameter.

28 Street right-of-ways convey the portion of runoff in excess of pipe capacity, whether
29 planned or not. Street right-of-way capacity is determined using Manning's equation for
30 open channel flow conditions. In order to determine if design flows can be accommodated
31 by the storm drains system without causing flooding, or causing flows to exit the system at
32 unacceptable locations, the designer shall determine *the hydraulic gradient*. The following
33 design criteria shall be followed when determining the elevation at the HGL:

- 34 ● The hydraulic grade line shall be 0.75 feet below the intake lip of any affected
35 inlet, any manhole cover, or any entering nonpressurized system.
- 36 ● The energy grade line shall not rise above the intake lip of any affected inlet, any
37 manhole cover or any entering nonpressurized system.
- 38 ● If an urban stormwater pipe drainage system is being designed to connect to an
39 existing stormwater pipe drainage system, both systems must be evaluated to
40 determine any pipe deficiencies. The starting hydraulic grade line for the new
41 system must be determined from a downstream analysis of the existing pipe
42 system.

1 Refer to Chapter 3 of the City of Lincoln Drainage Criteria Manual for detailed storm
 2 drain design procedures, necessary charts and tables.

3 **5.5 Slope**

4 The standard recommended maximum and minimum slopes for storm drains shall conform
 5 to the following criteria:

6 5.5.1. The maximum hydraulic gradient shall not produce a velocity that exceeds 20 feet
 7 per second.

8 5.5.2. The minimum desirable physical slope shall be 0.5 percent or the slope that will
 9 produce a velocity of 3.0 feet per second when the storm drain is flowing full,
 10 whichever is greater.

11 Systems should generally be designed for non pressure conditions. For very flat flow lines
 12 the general practice is to design components so that flow velocities will increase
 13 progressively throughout the length of the pipe system.

14 **5.6 Location and Alignment**

15 In new subdivisions the center of the street is reserved for storm drain system. When
 16 construction of a storm drain system is necessary in the older parts of the City of Lincoln
 17 town, the location will be determined by the City. Permanent easements are required for
 18 public storm drains located on private property. No structures may be placed over a public
 19 storm drain system. All easements for storm drain pipe should be a minimum of 30 feet
 20 wide. In situations where it can clearly be demonstrated that an easement less than 30 feet
 21 is adequate, the City may consider such a request. Easements for storm drain pipe and
 22 surface water flowage shall be used where a drainageway must be maintained to carry
 23 stormwater flow in excess of the storm drain pipe capacity. The easement cross-section
 24 shall accommodate the depth and width of flow from the 100-year storm. The width must
 25 also be designed to allow for access of maintenance equipment during the major storm.
 26 The developer shall obtain required permits prior to final approval of plans for proposed
 27 improvements located in railroad or highway right-of-ways.

28 **5.7 Depth of Cover**

29 The desired depth of cover above a storm drain pipe shall be 2 to 3 feet, with 1.5 feet
 30 being the absolute minimum at an inlet location. Depth of cover greater than 3 feet shall
 31 be avoided due to the possibility of the storm drain blocking access of sanitary sewer
 32 service lines to the main sanitary sewer lines.

33 **5.8 Material and Joints**

34 Only reinforced concrete storm drain pipe shall be used for public storm drain systems
 35 within the City limits, unless other materials are approved by the Director of Public Works
 36 and Utilities. Construction of pipe and joint shall conform to the City of Lincoln Standard
 37 Specification.

1 **5.9 Bar Grates on End Sections**

2 An open pipe inlet from an open channel (similar to a culvert inlet) into a closed pipe
3 storm drain shall be designed and constructed with flared end sections with a bar grate. No
4 bar grate is required on the end section of a pipe outlet into an open channel unless
5 directed by the Director of Public Works and Utilities.

6 **5.10 Outlets**

7 The outlet of a pipe system must be placed at a location where the downstream area or
8 receiving stream is capable of accepting the design flow. Downstream erosion, stream
9 degradation and flooding impacts must be considered. Impacts to property or channels
10 downstream must be mitigated (e.g. energy dissipation structure, downstream channel
11 improvement).

12 On all urban stormwater system plans, the flow path from an outlet of a drainage system
13 should be clearly shown on plans relative to the property lines for a minimum of 100 feet
14 downstream or the nearest defined channel, whichever is greater.

15 **Section 6. DESIGN OF CULVERTS**

16 Culverts shall be designed to convey (at a minimum) the 50-year runoff event without
17 overtopping the roadway. The flow rate shall be based on upstream full-buildout land-use
18 conditions from the City of Lincoln/Lancaster County Comprehensive Plan. Where roadside
19 ditches convey the minor storm drainage in lieu of storm sewers, appurtenant culverts shall be
20 designed to convey the 10-year storm event, but in no case shall be less than the minimum sizes
21 specified in Section 4.5.16 of the City of Lincoln Drainage Criteria Manual. In addition, the 100-
22 year frequency storm shall be routed through all culverts to be sure structures are not flooded or
23 increased damage does not occur to the roadway or adjacent property for this design event.

24 If a culvert is being replaced and the proposed culvert size is different than the existing culvert
25 size, a downstream analysis must be completed to evaluate flooding and stream stability impacts.
26 If it is shown that impacts will occur downstream, mitigation for the impacts will be required (e.g.
27 channel improvements, flowage easements). Any channel improvements must comply with
28 current floodplain regulations and minimum corridor standards.

29 An economic analysis may justify a design to pass floods greater than those noted above where
30 potential damage to adjacent property, to human life, or heavy financial loss due to flooding is
31 significant.

32 Also, in compliance with the National Flood Insurance Program, it is necessary to consider the
33 100-year frequency flood at locations identified as being special flood hazard areas. This does not
34 necessitate that the culvert be sized to pass the 100-year flood, provided the capacity of the
35 culvert plus flow bypassing the culvert, is sufficient to accommodate the 100-year flood without
36 raising the associated water surface elevation more than floodplain regulations or adjacent
37 property elevations allow for that location. In addition, stormwater management facilities cannot
38 be installed which would result in a major lowering of the associated water surface elevation
39 without a downstream evaluation. The design engineer should review the City floodway regula-
40 tions for more information related to floodplain regulations.

Two procedures for designing culverts are described in the City of Lincoln Drainage Criteria Manual: (1) manual use of inlet and outlet control nomographs and (2) use of a an acceptable personal computer system for culvert design HYDRAIN. It is recommended that an acceptable computer system culvert design the HYDRAIN computer model be used for culvert design since it will allow the engineer to easily develop performance curves to examine more than one design situation.

6.1 Loading Requirements

Reinforced concrete box culvert, reinforced concrete pipe culverts and corrugated metal pipe culverts shall be designed for an HS20 live load, with the appropriate impact factor, and dead load. Dead load (fill) shall be based on the depth of earth cover, plus the pavement, above the top of the culvert.

6.2 Headwalls

Culvert or storm drain headwalls constructed in or adjacent to public right-of-way shall be designed to protect pedestrians. This protection shall include a pipe railing fence on the headwall and any wingwalls, unless the grading and size of the pipe precludes the need for the fence, as approved by the Director of Public Works and Utilities.

6.3 Minimum Culvert Size

The minimum culvert size shall be 18 inches for roadways and 15 inches for driveways.

6.4 Debris Control

In general, bar grates shall not be used on flared end sections of culverts.

6.5 Driveway culverts

Driveway culverts are permissible along unpaved city streets. The Maintenance Division of the Public Works and Utilities Department shall determine culvert size and grade and install the culvert. The owner shall purchase the corrugated metal pipe culvert complete with flared end sections and have it delivered to the site.

Section 7. OPEN CHANNELS

For any open channel conveyance, channel stability must be evaluated to determine what measures are needed to avoid bottom scour and bank cutting. Channels shall be designed for long term stability, but be left in as near a natural condition as possible. The use of open, natural channels is especially encouraged in the major drainage system and can have advantages in terms of cost, capacity, multiple use (i.e., recreation, wildlife habitat, etc.) and flow routing storage. It shall be demonstrated that the natural condition or an alternative channel design will provide stable stream bed and bank conditions (Refer to Chapter 5 ~~Open Channels~~ in the City of Lincoln Drainage Criteria Manual). Where this cannot be demonstrated, a concrete low flow liner with a nonerosive crosssection may be required by the Director of Public Works and Utilities. Even where streams retain a relatively natural state, streambanks may need to be stabilized while vegetation recovers. To preserve riparian characteristics of channels, channel improvement or stabilization projects should minimize the use of visible concrete, riprap or other hard stabilization materials. The main classifications of open channel types are natural, bio-technical vegetated

1 grass-lined, rock-lined, and concrete. Grass-lined channels include grass with mulch and/or sod,
 2 reinforced turf, and wetland bottom. Rock-lined channels include riprap, grouted riprap, and wire-
 3 enclosed rock. See Chapter 5 of the City of Lincoln Drainage Criteria Manual for more discussion
 4 of channel types and design procedures.

5 In open channels for which the City has developed a watershed master plan hydraulic model,
 6 hydraulic calculations submitted for open channels in a development may be used to update the
 7 watershed master plan hydraulic model. Those submitting hydraulic calculations are encouraged
 8 to use the most current watershed master plan model.

9 **7.1 Return Period Design Criteria**

10 Open channels shall be sized to convey the 100-year storm.

11 **7.2 Approximate Flood Limits Determination**

12 Flood corridors delineated during development of land shall be legally described and
 13 recorded.

14 In developments for which the City has not developed a watershed master plan, open
 15 channel hydraulic calculations submitted for the developments will be done using a
 16 backwater analysis for streams draining more than 150 acres.

17 **7.3 Velocity Limitations**

18 Sediment transport must be considered for conditions of flow below the design frequency.
 19 Minimum channel flow velocity for the 2-year storm shall be 2.0 feet per second. A low
 20 flow channel component within a larger channel can reduce maintenance by improving
 21 sediment transport in the channel. Channel flow velocities shall be non erosive for the 2-
 22 10- and 100-year storms. Trickle channel design flow rates shall be 1% of the major storm
 23 flow rates and shall be non erosive. Grade control structures, streambank protection, and
 24 construction and maintenance considerations shall be determined during design.
 25

26 Hydraulic analysis shall be performed during the planning and design phase to address the
 27 potential for erosion, and the need for stabilization measures. The following criteria and
 28 analysis techniques are recommended for natural channel evaluation and stabilization:

- 29 ● The channel and overbank areas shall have adequate capacity for the 100-year post
 30 development storm runoff.
- 31 ● The water surface profiles shall be defined and delineated so that the 100-year
 32 floodplain can be identified and managed. Plan and profile drawings shall be
 33 prepared of the floodplain, and allowances should be made for future bridges or
 34 culverts.
- 35 ● Any fill material or structures placed in Filling of the floodplain is are subject to
 36 the restriction of local, state and Federal Emergency Management Agency FEMA
 37 floodplain regulations.
- 38 ● Manning's n roughness factors representative of maintained channel conditions
 39 should be used.

- 1 ● Erosion control structures such as drop structures and grade control checks should
2 be provided as necessary to control flow velocities and channel erosion.

3 Natural channels should be left in as near a natural condition as feasible. However, with
4 most natural channels, grade control structures will need to be constructed at regular
5 intervals to limit channel degradation and to maintain what is expected to be the final
6 stable longitudinal slope after full urbanization of the watershed. In addition, the owner is
7 reminded that modification of the channel may require a US Army Corps of Engineers
8 Section 404 permit

9 Grass-lined channels are encouraged when designing artificial channels. Advantages
10 include: channel storage, lower velocities, provision of wildlife habitat, and aesthetic and
11 recreational values. Design considerations include velocity, longitudinal slopes, roughness
12 coefficients, depth, freeboard, curvature, cross-section shape, and channel lining material
13 (vegetation and trickle channel considerations). Channel shape may be almost any type
14 suitable to the site-specific conditions, and can be designed to meet multipurpose uses,
15 such as recreational needs and wildlife habitat. However, limitations to the design include
16 the following:

- 17 ● Side slopes shall be 4 (horizontal) to 1 (vertical) or flatter. Slopes as steep as
18 3H:1V may be considered in areas where development already exists and there are
19 right-of-way limitations.
- 20 ● The bottom width shall be designed to accommodate the hydraulic capacity of the
21 cross-section, recognizing the limitations on velocity and depth. Width shall be
22 adequate to allow necessary maintenance.
- 23 ● Maintenance/access routes shall be provided for along all major drainageways.
- 24 ● Trickle channels or underdrain pipes should be provided on grass-lined channels to
25 minimize erosion. As an alternative, low flow channels can be provided (low flow
26 channels are particularly applicable for larger conveyances). Trickle channels
27 should be designed to carry base flow originating from lawn watering, low
28 intensity rainfall events, and snow melt.
- 29 ● ~~To preserve riparian characteristics of channels, design channel~~ Channel
30 improvement or stabilization projects shall to minimize use of visible concrete,
31 riprap, or other hard stabilization materials in order to preserve riparian
32 characteristics of channels.

33 7.4 **Maintenance**

34 Open channels shall be maintained by the developer or a property-owners' association
35 unless an alternative ownership/maintenance arrangement has been approved by the
36 Director of Public Works and Utilities, Planning Commission and the City Council.

37 **Section 8. STORAGE FACILITIES**

38 On-site storage facilities are required unless the master planning process or regional analysis has
39 as shown that the detention requirements can be transferred to a regional facility, which is
40 determined to be of regional benefit to the drainage system by the City and LPSNRD. On-site
41 facilities may still be necessary to provide ~~maintenance of~~ for receiving stream channel stability,

1 maintenance and water quality. All storage facilities shall be designed and analyzed using
 2 reservoir routing calculations. Watershed routing for storage facilities shall be performed
 3 ~~manually~~ using the procedures outlined in Chapter 6 of the City of Lincoln Drainage Criteria
 4 Manual or using HEC-HMS.

5 **8.1 Plan Review**

6 8.1.1 Detention or retention storage construction plans shall be submitted by the
 7 owner to the Nebraska Department of ~~Water~~ Natural Resources for approval,
 8 or shall be certified by the owner that Nebraska Department of ~~Water~~ Natural
 9 Resources approval is not required.

10 8.1.2 Supporting calculations for hydrologic and hydraulic analysis and design shall
 11 be submitted by the owner to the Public Works and Utilities Department for
 12 review and approval. As a minimum, supporting calculations shall include;
 13 design storm inflow and outflow hydrographs, stage-storage-discharge curves,
 14 and cumulative inflow-outflow elevation curves for the design storms.

15 8.1.3 Appropriate soil investigation (i.e., suitability for water storage, settlement
 16 potential, slope stability, and influence of groundwater) shall be completed for
 17 the structure hazard classification.

18 8.1.4 Construction plans for detention or retention storage, including the outlet
 19 structure, shall be submitted by the owner to the Public Works and Utilities
 20 Department for review and approval.

21 8.1.5 The owner shall provide, at the end of construction, a separate written
 22 statement prepared by a licensed surveyor or engineer to the Director of Public
 23 Works and Utilities that grading and construction of the storage facility have
 24 been completed in conformance with the approved construction plans.

25 **8.2 Ownership and Maintenance of Storage Facilities**

26 Storage facilities proposed in a development, along with all inlet and outlet structures
 27 and/or channels, are to be owned and maintained by the developer or a property-owners'
 28 association unless a different ownership/maintenance arrangement has been approved by
 29 the Director of Public Works and Utilities. Because the downstream storm sewer drainage
 30 system will be designed assuming detention storage upstream, a storage facility in the
 31 storm sewer drainage system shall remain functional as a storage facility site permanently.
 32 Provisions shall be made in the approval of development by the Planning Commission and
 33 City Council for the permanence of the storage facilities and ongoing maintenance of the
 34 storage facilities.

35
 36 Detention and retention facilities must be maintained according to the guidelines as
 37 provided in Chapter 6 of the City of Lincoln Drainage Criteria Manual. A maintenance
 38 plan for proposed facilities shall be submitted to the City of Lincoln in accordance
 39 with guidelines provided in Chapter 6 Appendices.

1 **8.3 General Criteria**

2 Storage may be concentrated in large basin-wide (or regional) facilities or distributed
 3 throughout an urban drainage system. Storage may be developed in depressed areas in
 4 parking lots, behind road embankments, freeway interchanges, parks and other recreation
 5 areas, and small lakes, ponds and depressions within urban developments. The utility of
 6 any storage facility depends on the amount of storage, its location within the system and
 7 its operational characteristics. An analysis of such storage facilities shall consist of
 8 comparing the design flow at a point or points downstream of the proposed storage site
 9 with and without storage. In addition to the design flow, other flows in excess of the
 10 design flow that might be expected to pass through the storage facility shall be included in
 11 the analysis. Compute inflow hydrograph for runoff from the 2-, 10- and 100-year design
 12 storms using the procedures outlined in Urban Hydrology for Small watersheds TR-55 or
 13 other appropriate models. Both predevelopment and post development hydrographs are
 14 required. The design criteria for storage facilities shall include the following list.

- 15 a. release rates,
- 16 b. storage volume,
- 17 c. grading and depth requirements,
- 18 d. safety considerations and landscaping,
- 19 e. outlet works and location, and
- 20 f. efficiency of maintenance.

21 If a detention or retention pond for managing post development peak discharge rates is
 22 also being used to provide treatment for the post construction water quality rainfall event,
 23 it must be designed and constructed per the applicable provisions in Chapter 8 of the City
 24 of Lincoln Drainage Criteria Manual. A maintenance plan for proposed facilities shall be
 25 submitted to the City of Lincoln in accordance with requirements as provided in Chapters
 26 6 and 8 and associated Appendices.

27
 28 **8.4 Release Rate**

29 Control structure release rates shall be such that peak discharge rates for post development
 30 conditions do not exceed predevelopment peak runoff rates for the 2-year, 10-year and
 31 100-year discharges at the project property line and in accordance with paragraph 6.4.6 of
 32 the City of Lincoln Drainage Criteria Manual, unless waived by the Director of Public
 33 Works and Utilities. Parameters for predevelopment conditions shall be determined for
 34 actual site conditions existing on the site as of 1 August 1999. In addition, structures must
 35 provide the necessary detention of the water quality control volume per Chapter 8 of the
 36 City of Lincoln Drainage Criteria Manual ~~initial 1/2-inch per impervious acre of storm~~
 37 ~~runoff for 24-hours~~ if the facility will also be used for water quality purposes. Storage
 38 volume shall be adequate to attenuate the post development peak discharge rates to
 39 predevelopment discharge rates for the 2-year, 10-year and 100-year storms, depending on
 40 the downstream system design capacity. Storage volume shall allow for the sediment load
 41 anticipated from the contributing watershed. If sedimentation during construction causes
 42 loss of detention volume, design dimensions shall be restored before completion of the
 43 project. For storage facilities, all temporarily stored runoff shall be drained within 72-
 44 hours.

1 Dams shall be designed as per the applicable Department of ~~Water~~ Natural Resources
 2 requirements. Vegetated embankments shall have side slopes no steeper than 4:1
 3 (horizontal to vertical), the top width of any embankment shall be no narrower than 14
 4 feet, and traversable vehicular access for maintenance purposes shall be provided from
 5 public right-of-way. New development shall be designed so the lowest opening of adjacent
 6 new buildings is a minimum of one foot above the calculated 100-year flood elevation.

7 Areas above the normal high-water elevations of storage facilities shall slope at a
 8 minimum of 2% toward the facilities to allow drainage and to prevent standing water. The
 9 bottom area of storage facilities shall be graded toward the outlet to prevent standing
 10 water conditions. A minimum 2% lateral and longitudinal bottom slope is required on
 11 unpaved areas. A low flow or pilot channel constructed across the facility bottom from the
 12 inlet to the outlet is required to convey low flows, and prevent standing water conditions.
 13 If the detention area is constructed in the location of a natural drainageway, the bottom
 14 slope of the natural drainageway will be used as the minimum longitudinal slope required
 15 for the detention pond.

16 Where wetland habitat is desired, vegetative and geometric conditions shall be provided to
 17 minimized the propagation of undesired vegetation. If the facility provides open water
 18 conditions, a depth sufficient to discourage growth of vegetation, except along the
 19 shoreline, (without creating undue potential for anaerobic bottom conditions) shall be
 20 provided. Aeration may be required in permanent pools to prevent anaerobic conditions.

21 Design of ~~retention~~ storage facilities must allow for performance of maintenance
 22 activities. The owner's capability for performing required maintenance shall be
 23 considered. Provisions for weed control and aeration for prevention of anaerobic
 24 conditions shall be considered. Water budget calculations are required for all permanent
 25 pool facilities and shall consider performance for average annual conditions to
 26 demonstrate that adequate runoff is available for maintenance of a permanent pool. The
 27 water budget shall consider all significant inflows and outflows including, but not limited
 28 to, rainfall, runoff, infiltration, exfiltration, evaporation and outflow.

29 Outlet works selected for storage facilities shall include a principal spillway and an
 30 emergency overflow, and must be able to accomplish the design functions of the facility
 31 unless adequate supporting documentation is provided to the satisfaction of the Public
 32 Works and Utilities Department. Principal spillway discharge must be released in a
 33 nonerosive manner. Storage facilities shall pass the 2-year, 10-year and 100-year design
 34 storms for post development conditions without allowing flow to enter an emergency
 35 outlet through a combination of available storage and outlet works capacity. Outlet works
 36 must operate without requiring attendance or operation. The emergency spillway crest
 37 elevation shall be set at the maximum water surface elevation for the 100-year design
 38 storm. Minimum freeboard of three feet above the emergency spillway crest elevation will
 39 be necessary for embankment structures which are large enough to require review and
 40 permitting by Nebraska Department of Natural Resources NDWR. For large storage
 41 facilities, selecting a flood magnitude for sizing the emergency outlet shall be consistent
 42 with the potential threat to downstream life and property if the basin embankment were to
 43 fail. The sizing of a particular outlet works shall be based on results of hydrologic routing
 44 calculations.

1 A maintenance plan for proposed facilities shall be submitted to the City of Lincoln in
 2 accordance with requirements as provided in Chapters 6 and 8 of the City of Lincoln
 3 Drainage Criteria Manual and associated Appendices.

4 **8.5 Location and Downstream Analysis**

5 If the storage facility being designed is located in a drainage basin that has a master plan,
 6 the discharge hydrographs from the outlet works shall be routed down stream to the
 7 bottom of the master plan subbasin. The resulting 2-, 10-, and 100-year peak flows with
 8 the proposed facility in place shall be compared to the master plan peak flows to verify the
 9 development drainage and storage facility plan is acceptable. If the resulting peak flows
 10 exceed the master plan flows, the designs shall be improved to be consistent with the
 11 master plan.

12 **8.6 Safe Dams Act**

13 An owner proposing a detention or retention embankment shall submit to ~~Lincoln~~
 14 ~~Department of Public Works and Utilities Department,~~ documentation of compliance with
 15 Nebraska Department of Natural Resources NDWR review and permitting requirements,
 16 or documentation supporting why the embankment does not fall under Nebraska
 17 Department of Natural Resources NDWR jurisdiction.

18 **8.7 Construction and Maintenance Considerations**

19 Facilities shall be designed to minimize maintenance problems typical of urban detention
 20 facilities such as; weed growth, grass and vegetation maintenance, sedimentation control,
 21 bank deterioration, standing water or soggy surfaces, mosquito control, blockage of outlet
 22 structures, litter accumulation, and maintenance of fences and perimeter plantings. Proper
 23 design focuses on elimination or reduction of maintenance requirements by addressing the
 24 potential for problems to develop. A maintenance plan for proposed facilities shall be
 25 submitted to the City of Lincoln in accordance with requirements as provided in Chapters
 26 6 and 8 of the City of Lincoln Drainage Criteria Manual and associated Appendices.

27 Sedimentation shall be controlled by constructing traps to contain sediment for easy
 28 removal or low-flow channels to reduce erosion and sediment transport. Bank
 29 deterioration shall be controlled with protective lining or by limiting bank slopes. Access
 30 easements shall be provided for heavy equipment when facilities do not abut public right-
 31 of-way. Access for vehicular maintenance shall be provided to the control structure, along
 32 side(s) of the storage pond as necessary (15-foot minimum width), and to the basin bottom
 33 for facilities with bottom widths greater than 15 feet. When a facility abuts a City right-of-
 34 way such as a local or arterial street, maintenance access from the abutting City right-of-
 35 way is an option which may be acceptable if it will not result in an unsafe or otherwise
 36 unworkable condition. Retention storage, which proposes a permanent pool in addition to
 37 flood storage, shall be constructed to facilitate silt removal and disposal. An outlet shall be
 38 provided that will allow the retention facilities to be completely drained when required for
 39 silt removal, maintenance, or inspection. Provisions shall be made for the deposit of silt
 40 removed from the stilling basin and/or the main pool.

41 Principal spillway openings shall be protected by trash racks. Trash racks at entrances to
 42 pipes and conduits should slope at about 3:1 to 5:1 to allow trash to slide up the rack with

1 flow pressure and rising water level, the slower the approach flow, the flatter the angle.
 2 The bar opening space for small pipes shall be less than the pipe diameter. The control for
 3 the outlet shall not shift to the grate, nor shall the grate cause the headwater to rise above
 4 planned levels.

5 **Section 9. ENERGY DISSIPATORS**

6 **9.1 Design Criteria**

7 **9.1.1 Overview**

8 Energy dissipators shall be employed whenever the velocity of flow leaving a
 9 stormwater management facility exceeds the velocity that will cause erosion of the
 10 downstream channel system. Several standard energy Dissipator designs have been
 11 documented by the U.S. Department of Transportation including hydraulic jump,
 12 forced hydraulic jump, impact basins, drop structures, stilling wells, and riprap.
 13 The detailed design procedures of the energy dissipators are given in Chapter 7 of
 14 the City of Lincoln Drainage Criteria Manual.

15 **9.1.2 Design Limitations**

16 If ice buildup is a factor, it shall be mitigated by sizing the structure to not obstruct
 17 the winter low flow and by using external dissipators. Debris control facilities shall
 18 be designed using Hydraulic Engineering Circular No. 9, "Debris-Control Struc-
 19 tures" and shall be considered where clean-out access is limited and if the
 20 dissipator type selected cannot pass debris. The flood frequency used in the design
 21 of the energy dissipator device shall be the same flood frequency used for the
 22 culvert design. The use of a greater frequency is permitted, if justified by low risk
 23 of failure of the crossing, substantial cost savings, limited or no adverse effect on
 24 the downstream channel, and limited or no adverse effect on downstream develop-
 25 ment. The culvert exit velocity shall be consistent with the maximum velocity in
 26 the natural channel or shall be mitigated by using channel stabilization and energy
 27 dissipation. The hydraulic conditions downstream shall be evaluated to determine
 28 a tailwater depth and the maximum velocity for a range of discharges. Lake, pond,
 29 or large water body shall be evaluated using the high water elevation that has the
 30 same frequency as the design flood for the culvert. (See Lincoln Flood Insurance
 31 Study for the appurtenant stream information.)

32 **9.1.3 Design Options**

33 The material selected for the dissipator shall be based on a comparison of the total
 34 cost over the design life of alternate materials and shall not be made using first
 35 cost as the only criteria. This comparison shall consider replacement cost and the
 36 difficulty of construction as well as traffic delay. Traffic shall be protected from
 37 external energy dissipators by locating them outside the appropriate "clear zone"
 38 distance per the AASHTO Roadside Design Guide or shielding them with a traffic
 39 barrier. If weep holes are used to relieve uplift pressure, they shall be designed in a
 40 manner similar to underdrain systems.
 41

1 **Section 10. STORMWATER BEST MANAGEMENT PRACTICES**

2 **10.1 Overview**

3 ~~10.1.1 Introduction~~

4 ~~To comply with federal law, the City of Lincoln is adopting a program to encourage~~
 5 ~~the use of water quality Best Management Practices (BMPs) for new developments~~
 6 ~~and redevelopment efforts. BMPs are defined as measures that function to keep~~
 7 ~~either pollutants from entering stormwater or remove pollutants from stormwater.~~
 8 ~~Various BMPs have been implemented throughout the United States. In general,~~
 9 ~~they can be categorized as either structural or nonstructural. Structural BMPs can be~~
 10 ~~thought of as constructed facilities designed to reduce runoff and/or passively treat~~
 11 ~~urban stormwater runoff before it enters the receiving waters. Nonstructural BMPs~~
 12 ~~consist of pollution prevention BMPs and source control BMPs. Both structural and~~
 13 ~~nonstructural BMPs are used for erosion control during construction.~~

14 ~~The selection of the most appropriate BMPs for a given site or basin is largely~~
 15 ~~dependent on whether development is in place or has yet to occur. In areas with~~
 16 ~~existing development, nonstructural BMPs are the most cost-effective because~~
 17 ~~retrofitting structural controls in a developed area can be expensive. Structural~~
 18 ~~controls are more appropriate for new development and significant redevelopment,~~
 19 ~~where they have been integrated into the planning of the infrastructure.~~

20 ~~Because non point source pollution is varied in nature and impact, no individual~~
 21 ~~BMP may fit all situations. It must be tailored to fit the needs of particular sources~~
 22 ~~and circumstances. An effective strategy for minimizing stormwater pollution loads~~
 23 ~~is to use multiple BMPs (structural, nonstructural, and source controls). Multiple~~
 24 ~~BMPs and combining BMPs in series can provide complementary water quality~~
 25 ~~enhancement that minimizes pollutant loads being transported to the receiving~~
 26 ~~waters. General planning and design guidelines are provided in chapter 8 of the~~
 27 ~~Drainage Criteria Manual.~~

28 To comply with federal law, the City of Lincoln has adopted a program to require the use of water
 29 quality Best Management Practices (BMPs) for new developments and redevelopment efforts that
 30 are one acre or greater.

31 **10.1 Overview**

32 To reduce the concentrations and the loads of pollutants reaching receiving waters, a
 33 system of stormwater BMPs must be implemented. The selection of the most appropriate
 34 BMPs for a given site or basin is largely dependent on whether development is in place or
 35 has yet to occur. In areas with existing development, Nonstructural BMPs are the most
 36 cost-effective because retrofitting structural controls in a developed area can be expensive.
 37 Structural controls are more appropriate for new development and significant
 38 redevelopment, where they have been integrated into the planning of the infrastructure.
 39 Because non point source pollution is varied in nature and impact, no individual BMP may
 40 fit all situations. It must be tailored to fit the needs of particular sources and circumstances.

1 An effective strategy for minimizing stormwater pollution is to use multiple BMPs
 2 (structural, nonstructural, and source controls). Multiple BMPs and combining BMPs in
 3 series can provide complementary water quality enhancement that minimizes pollutants
 4 being transported to the receiving waters. General planning and design guidelines are
 5 provided in Chapter 8 of the Drainage Criteria Manual.

6 **10.2 Ownership and Maintenance of Best Management Practices**

7 Structural BMP facilities proposed in a development or redevelopment, along with all inlet
 8 and outlet structures and/or channels, are to be owned and maintained by the developer or a
 9 property-owners' association unless a different ownership/maintenance arrangement has
 10 been approved by the Director of Public Works and Utilities. Structural BMPs are a
 11 critical part of the storm drainage system and shall remain functional as Structural BMP
 12 facilities permanently. Provisions shall be made in the approval of developments or
 13 redevelopments by the Planning Commission and City Council for the permanence of the
 14 Structural BMP facilities and ongoing maintenance of Structural BMP facilities.

15 **10.3 General Criteria**

16 Management of frequent rainfall events for water quality may be concentrated in a single
 17 facility or distributed throughout an entire development or redevelopment project. However
 18 flows must be managed at every discharge point from a development or redevelopment
 19 project. The usefulness and effectiveness of any water quality facility depend on the
 20 amount of storage provided, its location within the system and its operational
 21 characteristics. An analysis of such water quality facilities shall include designing the
 22 facilities to manage the Water Quality Control Volume at each discharge point from the
 23 contributing drainage area. Flows greater than the Water Quality Control Volume, that
 24 might be expected to pass through the water quality facility shall be included in the
 25 analysis. The design criteria for water quality facilities shall include the following list:

- 26 -Water Quality Control Volume
- 27 - Release rate
- 28 - Storage volume
- 29 - Infiltration
- 30 - Grading and depth requirements
- 31 - Safety considerations and landscaping
- 32 - Outlet works and location
- 33 - Downstream impact
- 34 - Operations and maintenance guidelines

35 **10.4 Water Quality Control Volume**

36 At a minimum, the Water Quality Control Volume shall be based on a set percentile rainfall
 37 event at every discharge point within new development sites that are one acre or greater.
 38 For redevelopment sites that are one acre or greater, at a minimum, the Water Quality
 39 Control Volume shall also be based on a set percentile rainfall event measured at every

1 discharge point within the development. These percentiles are provided in City of Lincoln
 2 Municipal Code Chapter 28.03.

3 **10.5 Release Rate**

4 The Water Quality Control Volume is to be temporarily held and then released over a 24 to
 5 40 hour period. For facilities that combine water quality control with flood control, the
 6 runoff from the design storms for the flood control criteria shall be 'stacked' on top of the
 7 Water Quality Control Volume. These types of facilities may be required to have multi-
 8 stage outlet control structures to control the release of the Water Quality Control Volume
 9 as well as the water detained for flood control.

10 For Structural BMPs that are designed for subsurface storage (e.g. pervious pavements,
 11 bioretention, rain gardens, etc) the subsurface storage must hold the Water Quality Control
 12 Volume and infiltrate into the underlying soil as is practical.

13 **10.6 Storage Volume**

14 Storage volume of Structural BMP facilities shall be adequate to hold the Water Quality
 15 Control Volume. Proper implementation of site erosion and sediment measures is
 16 necessary to prevent clogging and failure of Structural BMPs. Phasing is also critical as
 17 Structural BMPs should typically be the last infrastructure constructed. For facilities that
 18 combine water quality control with flood control or that are not subsurface, both the flood
 19 control volume and water quality volume shall all be drained from the facility within 72
 20 hours. For facilities that function just for water quality control and are not subsurface the
 21 Water Quality Control Volume will be stored for a duration between 24 and 40 hours (for
 22 retention ponds and subsurface facilities the Water Quality Control Volume will be stored
 23 for a duration between 12 and 40 hours).

24 **10.7 Infiltration**

25 The construction of Structural BMP facilities that require infiltration will have adequate
 26 infiltration to drain the Structural BMP within the specified time periods (e.g. 12 to 24
 27 hours for subsurface type Structural BMPs). Most soils in the City of Lincoln consist of 'D'
 28 soils that are clayey and have relative low infiltration rates in the order of less than 0.6
 29 inches/hour. Also in the City of Lincoln there are some more silty loam type 'B' soils that
 30 have higher infiltration rates in the order of 0.6 to 2.0 inches/hour. Infiltration tests shall be
 31 run to determine the local infiltration rates if infiltration is a critical part of the Structural
 32 BMP facility. An underdrain is needed for subsurface type Structural BMPs if the
 33 infiltration rate is inadequate or if infiltration is not desired.

34 **10.8 Grading and Depth Requirements**

35 The construction of Structural BMP facilities can require excavation to obtain sufficient
 36 storage volume. It is required for non subsurface storage that embankments be vegetated
 37 and shall have side slopes no steeper than 4:1 (horizontal to vertical), that the top width of
 38 any embankment shall be no narrower than 14 feet, and traversable vehicular access for
 39 maintenance purposes shall be provided from public right-of-way.

1 Non subsurface Structural BMP facilities shall slope at a minimum of 2% everywhere
 2 towards the outlet to allow drainage and to prevent standing water. Careful finish grading is
 3 required to avoid creation of upland surface depressions that may retain runoff The bottom
 4 area of storage facilities shall be graded toward the outlet to prevent standing water
 5 conditions. A minimum 2% bottom slope is required.

6 **10.9 Outlet Works**

7 Outlet works selected for Structural BMP facilities must be able to accomplish the design
 8 functions of the facility unless adequate supporting documentation is provided to the
 9 satisfaction of the Public Works and Utilities Department. Discharge must be released in a
 10 non-erosive manner. Outlet works can be combinations of drop inlets, pipes, weirs, orifices,
 11 chutes, and channels. Slotted riser pipes are discouraged because of clogging problems.
 12 Outlet works must function without requiring attendance or operation.

13 **10.10 Downstream Impacts**

14 Structural BMP facilities shall be located and designed to not cause flooding and nuisance
 15 impacts to downstream properties. An analysis is required for the downstream receiving
 16 stream or waterbody to ensure that there is a proper outlet from the Structural BMP.

17 **10.11 Operations and Maintenance Considerations**

18 Facilities shall be designed to minimize maintenance problems that can be typical of Best
 19 Management Practices. Proper design focuses on elimination or reduction of maintenance
 20 requirements by addressing the potential for problems to develop. In order for stormwater
 21 Structural BMPs to be effective, proper maintenance is essential.

22 Maintenance includes both routinely scheduled activities, as well as non-routine repairs
 23 that may be required after large storms, or as a result of other unforeseen problems.
 24 Structural BMP maintenance is the responsibility of the entity owning the Structural BMP.
 25 The City of Lincoln per the National Pollutant Discharge Elimination System Permit (i.e.
 26 stormwater permit) is required to maintain an inventory of BMPS as well as conduct
 27 periodic inspections of all Structural BMPs .

28 Structural BMPs should be designed with maintenance as one of the key design
 29 considerations. Planning-level design guidance pertaining to maintenance is included in the
 30 individual Structural BMP information contained within Chapter 8 of the City of Lincoln
 31 Drainage Criteria Manual. Chapter 8 focuses on maintenance of Structural BMPs and
 32 provides recommendations for private Structural BMP owners, as well as City
 33 responsibilities for ensuring proper maintenance for both public and private facilities.

34 **10.12 Structural Best Management Practices Selection**

35 When selecting the appropriate BMPS for a given site, it is important to consider the
 36 advantages and disadvantages of each BMP. This involves looking at the applicability,
 37 pollutant removal efficiencies, benefits, limitations, maintenance considerations, and
 38 design considerations. The following is a list of Structural BMPs that can be used in the
 39 City's jurisdiction. Other Structural BMPs not listed may be applicable for use also in the

1 City's jurisdiction. See Section 8.3 in the City of Lincoln Drainage Criteria Manual for
 2 more information on these Structural BMPs.

3 - Bioretention (rain garden, biocell, bioswale, etc)

4 - Constructed Wetland

5 - Extended Detention Basin

6 -Green Roof

7 - Permeable Pavement (Permeable Interlocking Concrete Pavement, Concrete Grid
 8 Pavement, Porous Concrete, Pervious Gravel, Reinforced Grass Pavement).

9 - Retention Pond

10 - Underground BMP

11 **Section 11. EROSION AND SEDIMENT CONTROL**

12 **11.1 Purpose and Scope**

13 The purpose of the design standards for erosion and sediment control is to set forth
 14 standards for construction site stormwater discharges to meet the requirements of the
 15 Federal Clean Water Act, the Nebraska Environmental Protection Act, and the City of
 16 Lincoln Municipal Code ordinances adopted to meet State and Federal requirements.
 17 Chapter 9 of the City's Drainage Criteria Manual (~~DCM~~), which is adopted by reference in
 18 the Stormwater Drainage Design Standards, provides more detailed criteria and should be
 19 used as a reference to meet the standards of this section.

20 **11.2 Construction Activity**

21 Construction Activity is defined in Lincoln Municipal Code Section 28.01.030 Regulations
 22 for Construction Site Discharges. Prior to any land disturbance associated with construction
 23 activity, a permit application must be submitted in the form of a Notice of Intent (NOI) to
 24 ~~the Lower Platte South Natural Resources District (LPSNRD) on behalf of the City of~~
 25 Lincoln Public Works and Utilities Department. The forms are to be submitted to the City
 26 of Lincoln ~~LPSNRD~~ for authorization, and to the Nebraska Department of Environmental
 27 Quality for approval. The NOI must include a Construction Activity Stormwater Pollution
 28 Prevention Plan (SWPPP) with the information identified in Section 28.01.060 of the
 29 Lincoln Municipal Code and the Drainage Criteria Manual. The SWPPP must identify
 30 Best Management Practices (BMPs) to be implemented to control erosion, sedimentation,
 31 and pollutants. Chapter 9 of the City of Lincoln Drainage Criteria Manual ~~City's DCM~~
 32 describes requirements for SWPPPs and provides specifications for a range of BMPs.

33 The Construction Activity SWPPP must be prepared and signed by a qualified individual
 34 such as a Professional Engineer, Landscape Architect, and/or Certified Professional in
 35 Erosion and Sediment Control (CPESC). If review comments are not received by the
 36 permittee within seven (7) business days after receipt of application by the City of Lincoln
 37 ~~LPSNRD~~, the application shall be deemed authorized. ~~Prior to actual initiation of the~~
 38 ~~construction activity, the applicant shall submit to the LPSNRD a Notice of Start of~~
 39 ~~construction.~~ Once the construction is complete in accordance with the design standards,

1 the applicant shall submit to the City of Lincoln LPSNRD-a Notice of Termination.

2 The building phase of development for a common plan of development or sale may be
3 covered under one SWPPP that is submitted by and under the control of the permittee. Any
4 person engaging in construction activity under a Construction Activity SWPPP must meet
5 the requirements of Section 28.01:070 of the Lincoln Municipal Code.

6 **11.3 Criteria for Erosion and Sediment Control**

7 More specific criteria for meeting the Design Standards for Erosion and Sediment Control
8 can be found in Chapter 9 of the City of Lincoln 's Drainage Criteria Manual which, as
9 amended, is adopted by reference and made a part of the Design Standards for Erosion and
10 Sediment Control.

11

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for November 18, 2015 PLANNING COMMISSION MEETING

PROJECT #: Comprehensive Plan Amendment #15003

PROPOSAL: The Director of the Planning Department requests to amend the 2040 Lincoln/Lancaster County Comprehensive Plan to adopt the proposed “South Haymarket Neighborhood Plan” as a recognized amendment to the 2005 Downtown Master Plan subarea plan of the 2040 Lincoln/Lancaster County Comprehensive Plan.

CONCLUSION: The proposed South Haymarket Neighborhood Plan is in conformance with the principles of the 2040 Lincoln/Lancaster County Comprehensive Plan and should be added into the Comprehensive Plan as an approved amendment to the Downtown Master Plan subarea plan.

RECOMMENDATION:

Approval

GENERAL INFORMATION:

LOCATION:

The South Haymarket area is bounded by O Street on the north, 10th Street on the east, G Street on the south and 4th Street and the BNSF railroad on the west.

EXISTING LAND USE:

The predominant land uses in South Haymarket are governmental and industrial in character, but the area also contains an increasing amount of residential and mixed-uses.

HISTORY:

“Master Plan” for Downtown Lincoln

The community’s first “Master Plan” for the Downtown Lincoln area was adopted by the Lincoln City Council over 40 years ago. This first Plan – entitled the “Lincoln Center Development Program” – contained a multi-faceted set of development recommendations ranging from broad policy objectives to site specific projects. The Plan’s 14-point implementation strategy identified nearly 140 potential downtown improvements. Some of the more notable examples include the conversion of the “Old Town District” (a.k.a., “Haymarket”) from an industrial/warehouse area into an entertainment and retail district; the retention of State government offices in the Downtown, including the construction of a new State Office Building; the establishment of a one-way system of streets; the construction of a new performing arts center; the formulation of a program for upgrading streetscape appearance through landscaping and pedestrian-oriented lighting; the creation of an integrated parking program, including the building of the first publicly owned and operated parking structures; the development of a skywalk system to provide elevated weatherproof

connections between office and retail activities; the revamping of the City's public transit services in the Downtown, including an expanded loop route system and provision of a Downtown shuttle service; the development of additional retailing space to support existing retail operations; the reuse of the Old City Hall and Post Office complex; and the first use of "tax increment financing" (TIF) for public improvements. The Plan was instrumental in bringing about significant redevelopment efforts in the Downtown area over the past several decades. The Plan's success is attributable in part to the community's willingness and desire to embrace and actively pursue the vision established by the Plan.

2005 Downtown Master Plan

The "Lincoln Downtown Master Plan" was adopted by the Lincoln City Council in 2005. It provided a comprehensive update on the plan for the Downtown area after an extensive community process. Detailed information and plans were developed for a Land Use Framework, a Transportation Framework, a Public Realm Framework and an Implementation Program. The Implementation Program included both short-term and long-term projects, and it identified Catalyst Projects that were considered higher priorities for Downtown Lincoln. Many of the projects have been implemented including the major West Haymarket development and arena projects, a major Parking/Mixed Use development at 14th and Q Street, the Arbor Day Foundation building development, site clearing and construction of the Civic Square, and various retail improvements. The Plan's success is attributable in part to the community's longstanding willingness and desire to embrace and actively pursue the vision established by the Plan.

The 2005 Downtown Master Plan identified the South Haymarket as an emerging district within Greater Downtown and recommended further study to be conducted. The 2005 Downtown Master Plan suggested future land use types, redevelopment projects and transportation improvements for South Haymarket. These recommendations include:

- *Preserve and renovate historic buildings wherever feasible*
- *Renovate the K Street Power Station Complex for High Density Residential*
- *Study the need for an M Street Extension west of 7th Street*
- *Develop Bicycle Lanes for M Street and N Street*
- *Extend the Jamaica North Trail South of O Street*
- *Expanded dining and entertainment uses on 8th Street south of O Street*
- *An urban style neighborhood marketplace to serve anticipated new housing planned for South Haymarket District*

Further, the 2005 Downtown Master Plan identified South Haymarket as a unique area for high density residential. Specifically, the 2005 Downtown Master Plan states:

The South Haymarket District affords a unique opportunity to develop a significant amount of urban housing. The area – bounded by the Harris Overpass, G Street, the railyards and 9th Street – offers significant benefits:

- *Industrial or warehouse buildings – many existing and historic buildings (such as the K Street Power Station) can be preserved and converted to a higher and better use.*
- *Underutilized or vacant parcels – including a significant number of sites that accommodate infill, high density construction.*
- *Amenities – planned transit, new parks, stores and services within easy walking distance.*
- *Innovative housing opportunities – work-live, “artist lofts” or other unique housing types that are likely to occur only in older, underutilized buildings.*

Lincoln Downtown Master Plan Update (2012)

The Downtown Master Plan Update reflected on completed projects in Downtown Lincoln and identified three main components within the Public Realm Framework of the 2005 Downtown Master Plan that changed downtown’s context – the M Street east/west link between Antelope Valley and West Haymarket; the pedestrian Promenade system; and the emphasis on P Street as the primary retail street Downtown. This Plan also reflected the recently adopted Lincoln/Lancaster County 2040 Comprehensive Plan and applied the “Complete Streets Policy” throughout the update. The N Street protected bikeway is under construction, and the P Street improvements have been completed.

Concepts Composite Map from 2012 Update

The concepts composite identifies N Street for the Protected Bikeway and continues to show multiple blocks of open space on the western boundary of South Haymarket.

COMPREHENSIVE PLAN SPECIFICATIONS:

The 2040 Lincoln/Lancaster County Comprehensive Plan identifies an increasing role for Downtown Lincoln in the long term growth and development of the community. The importance of Downtown to the overall success of Lincoln receives special acknowledgment with numerous references in the Plan as a key subarea within the community. A number of these references from various chapters in the Plan are presented below.

P. 1.2 -The community continues its commitment to a strong Downtown. A strong, vital Downtown provides a common center for all of Lincoln and Lancaster County and will be a catalyst for future growth. LPlan 2040 acknowledges Downtown’s unique role and will guide decisions that will maintain Downtown’s vitality and enhance its contribution to the quality of life of all Lincoln and Lancaster County.

P. 1.3 - Downtown Lincoln — the Heart of our Community

Downtown Lincoln is the heart of our community, a unique common ground for all Lincoln and Lancaster County residents. It is also emerging as an attractive place to live, becoming an increasingly vibrant mixed use neighborhood. At the same time, Downtown Lincoln belongs to all residents of Nebraska because “downtown” is synonymous with the University of Nebraska, state government, and the State Capitol building. This state-wide ownership has strong economic implications. LPlan 2040 will ensure that downtown remains a special place.

P. 1.4 - The following goals are based on the Healthy Community Statement:

- Urban design encourages walking and bicycling which improve environmental and physical health.
- Neighborhoods are friendly to pedestrians, children bicycles, the elderly and people with disabilities.
- Redevelopment projects consider the use of existing infrastructure and buildings in their design.
- Mixed use communities that integrate a variety of housing types and commercial services and

serve a variety of income levels allow people to live, work and shop within walking and biking distance.

P. 1.6 - The following goals are based on the Summary of Comprehensive Plan Assumptions:

- Approximately 52,100 dwelling units will need to be added in Lancaster County to support the additional population of 126,000 persons by 2040.
- Approximately 16% of new dwelling units will be built within the existing City, with about 3,000 in the Downtown and Antelope Valley areas, 1,000 in existing neighborhoods, and 4,000 in mixed use redevelopment nodes and corridors.

P. 1.7 - Subarea Planning Process:

Subarea planning for neighborhoods or other small geographic areas can address issues at a more refined scale than can be included in LPlan 2040. Subarea plans may then become incorporated into LPlan 2040 through a formal adoption process. Subarea plans can serve as an official guide for elected decision makers, individuals and various City or County departments to promote improvements in areas such as land use, housing, transportation, parks and recreation, public safety, infrastructure and the built and natural environments.

P. 1.9 – This area is shown as Commercial, Industrial, Residential and Public on the 2040 Lincoln Area Future Land Use Plan.

P. 2.4 – While many single families with children will likely desire suburban development similar to what is seen today, there are indications that other segments of the population may have different housing needs. The large increase in households with a head of household over the age of 65 may create a demand for smaller dwellings with smaller yards, multi-family units such as apartments, condos and townhouses, or assisted living facilities. Generation Y, the children of the Baby Boomers (those born between 1977 and 1994) also express a desire for a more urban setting that includes access to transit, proximity to amenities such as shopping and dining, and smaller dwellings that don't require a great deal of time spent on maintenance.

P. 2.5 – Due to the changes suggested by these trends, LPlan 2040 assumes an increase in the amount of infill and redevelopment, as well as the proportion of dwellings that will be multi-family (apartments, townhouses, condominiums, etc.). Sixteen and one half percent of future dwelling units are expected to be built within the existing built environment, as opposed to 4% as shown in the 2030 Comprehensive Plan. Of the total new dwelling units, 40% are expected to be multi-family and 60% single family (including duplexes).

P. 2.6 – The Government sector employment is projected to grow at 1.02 percent annually, similar to the projected population growth rate. This sector's share of the total employment will decrease from about 17 percent in 2010 to 15 percent in 2040.

P. 2.8 – Preservation and renewal of historic buildings, districts, and landscapes is encouraged. Development and redevelopment should respect historical patterns, precedents, and boundaries in towns, cities and existing neighborhoods.

P. 2.8 – Mixed use redevelopment, adaptive reuse, and well-designed and appropriately-placed infill development, including residential, commercial and retail uses, are encouraged. These uses may develop along transit routes, at major nodes, and near employment centers to provide residential opportunities for person who do not want to or cannot drive an automobile.

P. 2.9 – Greater Downtown should attract thousands of new residents, while "greyfields" – older commercial and industrial areas reaching obsolescence – should be converted to residential and mixed use.

P. 3.11 – Document historic, cultural and archeological sites throughout the city and county.

P. 4.6 – Public buildings and structures should be well built, durable and highly functional. Most should be designed to blend attractively within the context of surrounding development. Major civic structures should serve as focal points in the community and should be of superior, even iconic, design. All public projects should be worthy to serve as guides for future development or redevelopment.

P. 4.6 – Design standards should be developed, monitored and revised as necessary to express and protect community values without imposing burdensome delays or restrictions on creativity. Well-crafted standards should add predictability and clarity to the development process, rather than imposing a design solution. Design standards for landscape elements should be developed and then monitored and enforced with attention to long-term sustainability, or the benefit of this investment can quickly be lost.

P. 6.3 - Strategies for Greater Downtown

Support development and implementation of the *Downtown Master Plan* and the *Antelope Valley Redevelopment Plan*.

- Ensure that new development is compatible with the existing Downtown and is pedestrian-oriented.
- Maintain the urban environment, including a mix of land uses with a major focus on residential uses.
- Encourage higher density development with parking areas at the rear of buildings, below grade, or on upper floors of multi-use parking structures.

P. 8.9 – During the time period covered by this Plan, there will likely be a need to construct, renovate, or abandon certain public buildings and facilities not already discussed in this document. At such time as these events may occur, care should be taken by public officials making decision that the vision of this Plan is recognized and respected. This may apply to the siting of a new facility, the abandonment of an existing one, the way renovations are undertaken, the manner of financing used to complete the work, the arrangements made for the facility's operation, the process followed in making the decision, and the timing of the action.

P. 12.16 - Plan Amendments

The Plan is the community's collective vision. Yet, change is inevitable. New technologies and new community needs will arise during the planning period which were not foreseen during the Plan's development. Jobs, housing, transportation, goods and services will shift over time. The amendment process to the Plan must accommodate and help manage the inevitable change in a way that best promotes, and does not compromise, the community's core values, health and well-being. The Plan amendment process must be an open and fair process, utilizing sound planning, economic, social and ecological principals.

ANALYSIS:

1. South Haymarket is a 38-block area located within Greater Downtown Lincoln, and is bounded by O Street on the north, 10th Street on the east, G Street on the south and 4th Street/railroad mainline on the west. South Haymarket is an intriguing area of Lincoln, given its history of development including industrial properties, commercial buildings and residences. Coupled with its desirable location, this pattern of development in South Haymarket provides the foundation for substantial development and redevelopment opportunities.
2. The City of Lincoln, in concert with community stakeholders, has developed this plan

for South Haymarket that will continue to encourage and guide redevelopment. The 2005 Downtown Master Plan first acknowledged South Haymarket as an emerging district in Greater Downtown and recommended further study be conducted. The 2005 Downtown Master Plan suggested future land uses, redevelopment projects and transportation improvements that established a vision for an urban neighborhood, including:

- Preserve and renovate historic buildings when possible
 - Renovate the K Street Power Station Complex for High Density Residential
 - Study the need for an M Street Extension west of 7th Street
 - Develop Bicycle Lanes for M Street and N Street
 - Extend the Jamaica North Trail South of O Street
 - Expanded dining and entertainment uses on 8th Street south of O Street
 - An urban style neighborhood marketplace to serve anticipated new housing planned for South Haymarket District
3. The South Haymarket Plan was undertaken to engage the community and develop a consensus on how South Haymarket will continue to redevelop over the next 25 years. The recommendations derived from this plan support significant residential development in Downtown Lincoln as supported by the Downtown Master Plan and the City/County Comprehensive Plan. Overall, this plan presents a redevelopment strategy to create an urban neighborhood for an additional 1,000 to 2,000 residential units with well-defined streetscapes that connect to trails, an urban plaza, open spaces, and other amenities within Greater Downtown.
4. The South Haymarket Neighborhood Plan process began with an inventory of the area in early 2013. Staff held meetings with multiple public agencies and more than two dozen property owners, business owners, stakeholders, City staff and government agencies including Lincoln Police Department, Lincoln Electric System, District Energy Corporation, StarTran, West Haymarket JPA and Public Building Commission. Additionally, staff toured several business facilities and photographed and inventoried nearly every block within the study boundary. A series of presentations were provided to public boards and commissions in 2014 and 2015, as well as two open houses for South Haymarket stakeholders and the general public.

Eight overarching goals were developed out of these meetings, presentations and discussions. The main goal for South Haymarket is to create an urban neighborhood, and each of the subsequent goals supports that neighborhood vision as described below:

- Create an Urban Neighborhood: The vision for South Haymarket is to identify redevelopment opportunities to transform this area into a high-density urban neighborhood. Important neighborhood elements include a variety of housing choices, parks and recreation areas, schools, supportive commercial activity,

pleasant streetscapes ideal for walking, biking and driving and thoughtfully designed buildings.

- Consolidate the Government Footprint: All land uses in South Haymarket should be more efficient to encourage opportunities for redevelopment, including publicly-owned properties which currently occupy 24% of the land area in South Haymarket. The concept in the Plan demonstrates how a consolidated government campus would occupy less land, making it available for private development, while still providing an efficient government campus with capacity for future growth.
- Transition from Heavy Industrial Uses: Historically, manufacturing, warehousing and processing facilities have dominated South Haymarket. In order to support residential and mixed-use redevelopment, heavy industrial uses should transition to residential, mixed use, light industrial or office.
- Organize the Streets, Sidewalks & Trails: Consistent street and sidewalk connections are important neighborhood elements and are recommended throughout the South Haymarket Neighborhood. Reestablished streets create urban blocks that are appropriate for urban redevelopment, sidewalks provide safe routes for pedestrians and trails provide recreational opportunities and connect South Haymarket residents to destinations throughout Lincoln.
- Develop Adequate Open Space: The demand and need for additional open space will increase as new residential units are developed in South Haymarket. New open spaces also provide opportunities for floodplain mitigation.
- Preserve Historic Resources: Historic buildings and sites are important to the character of South Haymarket and should be preserved and renovated when possible.
- Implement Site & Building Design: Existing and new design standards for South Haymarket address streetscapes, site development and building design. The intention is for both public and private property owners to comply with the design standards. New design standards would be developed after this plan is adopted.
- Develop a Parking Program: The overall existing parking program in South Haymarket is disjointed. The increase in parking demand is accommodated by a combination of on-street and off-street, public and private facilities.

5. The South Haymarket Neighborhood Plan is organized into six geographic subareas. These subareas are called out separately because they currently contain, or are recommended to contain, unique features that are considered significant to the overall development of the South Haymarket Neighborhood. The vision for the South Haymarket Neighborhood is illustrated by applying the overarching goals from above to each subarea. The six subareas are described below and include development recommendations for each. A map showing all subareas is included as an attachment to this report.

N Street Corridor

High-density residential recommended throughout in new and existing buildings
One-way N Street proposed in conjunction with extending Arena Drive and M Street
Public plaza at the terminus of Canopy Street

Arena Drive Corridor

Extend Arena Drive south to J Street & extend L Street west of 6th Street
Dedicate open space for passive recreation and floodplain storage
Extend the Jamaica North Trail through the open space from J Street to N Street
Develop high-density residential at the corner of 6th and L Streets

Tech & Office Hub

Support existing and new office, tech and light industrial businesses and their expansions
Encourage residential units throughout
Organize the on and off-street parking

9th & 10th Street Corridor

Encourage mixed-use development
Support higher-density development as a transition from the Downtown Core
Implement the 9th Street streetscape recommendations
Consolidate the Government Campus between L Street and G Street

J Street Boulevard

Develop rowhouse units along J Street
Enhance the J Street streetscape with a landscaped median
Encourage westward business expansion of TMCO

South Salt Creek Village

Preserve historic structures
Support historically sensitive development

6. Outreach efforts included meetings with government agencies and appointed and elected officials. The plan was presented at the joint meeting of the Urban Design Commission (UDC) and Historic Preservation Commission (HPC) on October 15, 2015, the Nebraska Capitol Environs Commission on October 22, 2015 and the Pedestrian Bicycle Advisory Committee on November 10, 2015. Support for the plan from these groups is included in the attached draft minutes. Several blocks in South Haymarket are under control of the Public Building Commission (PBC), so the Planning Department invited the PBC members and their staff to presentations, open houses and brainstorming sessions. The plan was presented and/or discussed during regular PBC meetings on September 9, 2014, October 13, 2015 and November 10, 2015.

The South Haymarket Neighborhood Plan presents bold recommendations that are significantly different from existing conditions and requires existing land uses to

transition over the next 20 to 25 years. The recommendations differ from the PBC Master Plan documents in several ways.

The last PBC Master Plan was completed in 2002 and subsequent updates have been made in 2012 and 2014. Development patterns have changed significantly in Downtown over the last decade and are now impacting redevelopment opportunities in South Haymarket. Plans and recommendations that were established in master plan documents 10-20 years ago should be reevaluated and updated to reflect more recent trends. The South Haymarket Plan acknowledges and is informed by the Public Building Commission's efforts over the years to centralize government activities and be prudent with taxpayer dollars. These efforts have resulted in government efficiencies and savings to the City of Lincoln and Lancaster County, and are outcomes that are pointed to by the South Haymarket Neighborhood Plan as continued goals.

The concept of consolidating the government footprint is common in both the PBC master plans and the South Haymarket Neighborhood Plan. There is a need for continued and heightened coordination with the Public Building Commission and other County and City agencies to further realize the efforts of the Public Building Commission and the South Haymarket Neighborhood Plan to increase government efficiencies through both phased and incremental approaches and through implementation of the long-term vision of the neighborhood.

The South Haymarket Neighborhood and surrounding areas have seen dramatic change over the past 20 years. This plan recognizes that change happens and can be good if well-planned and thought out. In order to provide direction for the vision set out in the South Haymarket Neighborhood Plan, several changes are recommended to existing government facilities. The concept in the South Haymarket Neighborhood Plan demonstrates how a consolidated government campus would occupy less land and would make land available for private development in South Haymarket while still meeting the needs of government expansion. No changes to government-owned facilities would be made until the financial acceptability of any such transaction would be determined to maximize the value of the publicly held land and provide for replacement costs of the public activity so that the value of the property is retained to the benefit of the taxpayers.

7. The Neighborhood Plan provides a vision for South Haymarket to develop as an urban residential and mixed-use neighborhood over the next 20-25 years. The concepts in this plan require action in order to become realized. Specific action steps are outlined in the Plan including zoning and design standards, floodplain mitigation, historic designations, catalyst projects and phasing. Although the market will heavily influence how the South Haymarket Neighborhood is developed, careful planning and public investments will assist in directing appropriate growth and redevelopment.

Prepared by:

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DATE: November 5, 2015

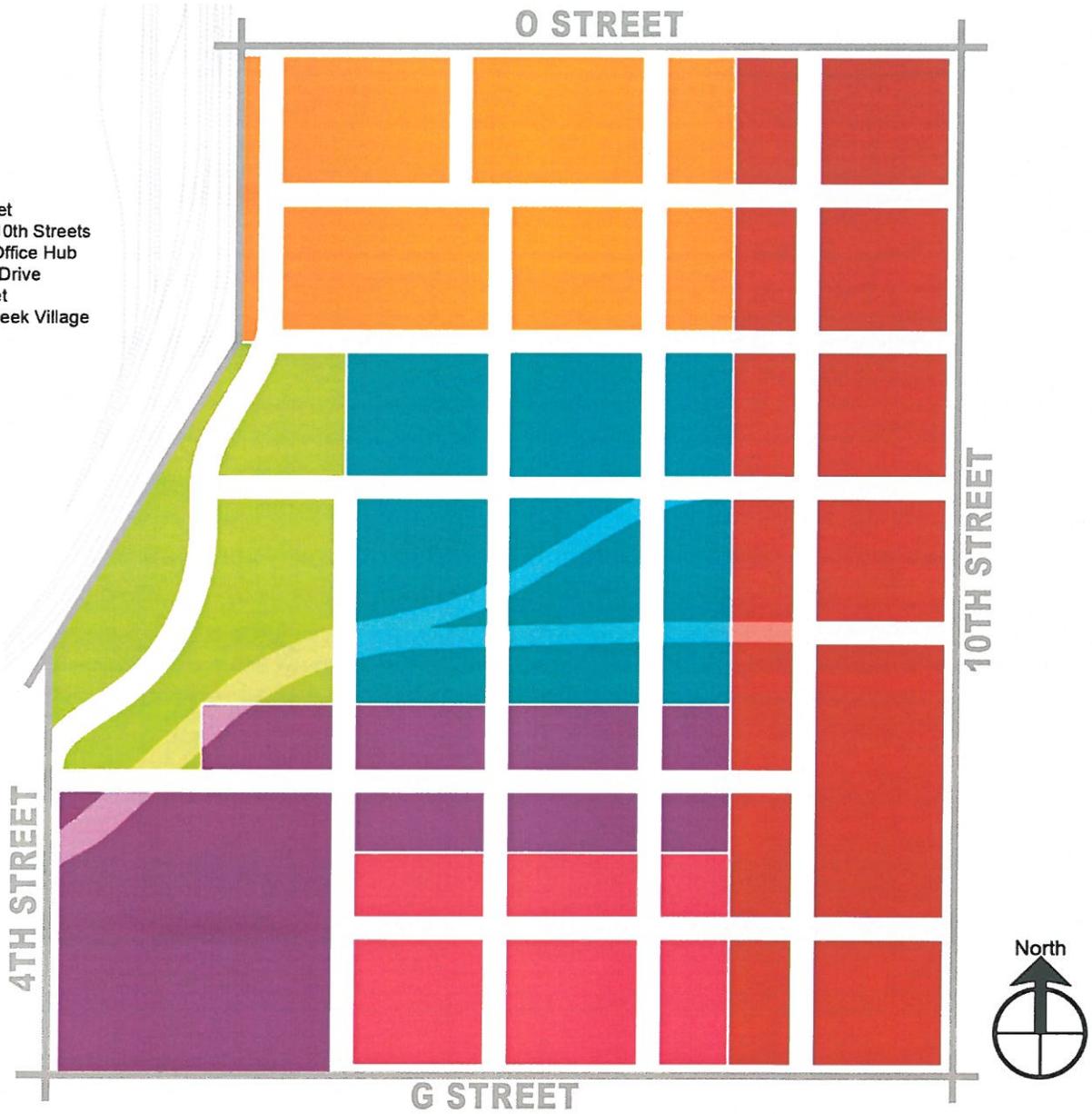
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South Haymarket Neighborhood Plan Subareas

- Legend**
- N Street
 - 9th & 10th Streets
 - Tech/Office Hub
 - Arena Drive
 - J Street
 - Salt Creek Village



DRAFT MEETING RECORD

NAME OF GROUP: HISTORIC PRESERVATION COMMISSION and URBAN DESIGN COMMITTEE

DATE, TIME AND PLACE OF MEETING: October 15, 2015, 1:30 p.m., Conference Room 113, County-City Building, 555 S. 10th Street, Lincoln, NE.

MEMBERS IN ATTENDANCE: Historic Preservation Commission (HPC): Tim Francis, Jim Hewitt, Jim Johnson, Liz Kuhlman and Jim McKee; (Greg Munn absent).
Urban Design Committee (UDC): JoAnne Kissel, Gill Peace, Michelle Penn and Michele Tilley; (Emily Casper, Tammy Eagle Bull and Tom Huston absent).

OTHERS IN ATTENDANCE: Ed Zimmer, Stacey Groshong-Hageman and Teresa McKinstry of the Planning Department; Ryan Haffey with Nebraska Sign Co.; Adam Criswell, Craig Smith and Ken Fougeron with Speedway; Terry Heimes and Chuck Norris with Nelnet; Nancy Hicks with the Lincoln Journal Star; and other interested parties.

SUMMATIVE BRIEFING ON SOUTH HAYMARKET NEIGHBORHOOD PLAN

PUBLIC HEARING:

October 15, 2015

Members present: HPC - Francis, Hewitt, Johnson, Kuhlman, McKee and Munn.
UDC - Kissel, Peace, Penn and Tilley; Casper, Eagle Bull and Huston absent.

Stacey Groshong-Hageman has been working on this plan for quite some time now. Lots of things have changed in the South Haymarket. The plan area is within the greater downtown area. South of South Haymarket area is Cooper Park. The plan area is 38 blocks bounded by O St., 10th St., G St. and the railroad mainline. There is a lot of opportunity for redevelopment. The plan is divided into six subareas. The main goal is to create an urban neighborhood. The other goals are to consolidate the government footprint, transition from heavy industrial uses, organize the streets, sidewalks & trails, develop adequate open space, preserve historic resources, implement site & building design and develop a parking program.

N Street Corridor is the first area. The main focus for this area would be for high density residential, a one way N street, public plaza and public parking garage. M Street could be converted into a one way pair to work with N Street. She presented some concept images for the area. There could be some additional parking on the Lumberworks Building. The southeast corner of 8th and N Streets is currently under redevelopment for high-density residential. There could be potential reuse of the Midwest Steel Works building.

The next area is the Arena Drive Corridor. The focus of this area would be the extension of Arena Drive and L Street. This area is dominated by a plan for open space that could also be used as

floodplain storage. The Jamaica North Trail could be extended. The buildings are shown as more of a high density residential. We don't want to build residential within 300 feet of the railroad. There would probably be more office on that side.

Kissel inquired what is known about the railroad tracks. Hageman is unsure about the train traffic on the lines. Zimmer stated that the crossings have been quieted. These lines run through the South Bottoms area.

Tilley questioned how much property is in the floodplain. Hageman has a floodplain map she can show.

Hageman continued that the next area is the Tech & Office Hub. The focus is on supporting the existing businesses in the area. It also transitions the heavy industrial uses to more of a mixed office or light industrial and supporting residential units throughout. Along 8th Street, StarTran has a lot of property. There is a bus storage facility. There could potentially be a public private facility with some office or residential above that.

Johnson wondered if StarTran is moving. Hageman replied they are most interested in staying here, but they have looked at other options

Hageman continued that the space beneath Rosa Parks Way could be reused for parking.

The next area is the 9th and 10th Street Corridor. This is the eastern boundary of South Haymarket. This is more of a mixed use area, a transition to downtown, and close to government offices. StarTran has identified a site to try and obtain funding for a downtown transit center. The focus of the area is to consolidate the government offices, building out the north and south blocks. Concepts in this area focus heavily on the public properties. The K Street building is used today for storage. Properties at 9th and J Street, we see this as an entryway to the J Street Boulevard Concept. The City parking garage could have more decks added for additional parking. Something similar could be done to the south end of the County/City complex. 9th Street could be made more pedestrian friendly with plantings along the street.

The J Street Boulevard has a vision of a row house development along J Street, with an enhanced streetscape and center median. TMCO would be encouraged to expand to the west away from residential. Staff has met with LES and StarTran and shown them the plan. LPD also has been shown the plan. They have properties in the area.

The last area is South Salt Creek Village. The goal of this area would be mostly to preserve historic structures. Reclaiming a lot of the streetscape space would be a main goal as well.

Hageman stated that the primary goal of this plan is to focus on residential. The plan will be presented to Nebraska Capitol Environs Commission next week. Staff is hoping to take the plan for public hearing at Planning Commission on November 18, 2015, then on to City Council. This would be adopted as an amendment to the downtown masterplan.

Kissel thinks this is a great presentation. Plenty of thought has been put into this presentation. She wondered if there has been push back from anyone. Hageman hasn't seen a lot negative comments. Even industrial area users seem to understand the area is changing. The Public Building Commission has plans to expand the campus to the west. This doesn't go with their plan. Everyone seems to understand there will be a lot of pressure in this area with redevelopment.

Peace wanted to know who the authors are of this plan. Hageman stated that the primary staff is herself and Paul Barnes. We have had a lot of input over the last couple of years. Paul Barnes went out early on and met with a lot of the large property owners.

Peace wondered what will come out of this, as this gets folded into the master plan. What are the specifics of what will be built? Hageman stated this is similar to when something comes in for a redevelopment area. For projects with TIF, this would be a good guide. We would like to create specific South Haymarket design standards.

Zimmer stated that this area is entirely under the downtown design standards. Some area is in the Capitol Environs District.

Peace questioned the options for Arena Drive. He questioned if Public Works Dept. has had any input into this. Zimmer replied that the Planning Department recommendation is for M St. and N St. to be a two way pair, ending at Arena Drive. Public Works response is that they are satisfied with how M St. and N St. are working. They see that a two way pair could work, but the concept is more Planning Dept. driven, than a traffic circulation necessity. Woollam is a valuable employer. They have vacated M St. right-of-way. We are working closely with them on what happens there. M St. and N St. one way pair, with the extension of Arena Drive is the primary recommendation. This also a long term plan.

ACTION:

UDC

Kissel moved to enthusiastically endorse the South Haymarket Neighborhood Plan, seconded by Tilley and carried 4-0: Kissel, Peace, Penn and Tilley voting 'yes'; Casper, Eagle Bull and Houston absent.

HPC:

Johnson moved approval of the plan, seconded by Kuhlman and carried 5-0: Francis, Hewitt, Johnson, Kuhlman and McKee voting 'yes'; Munn absent.

DRAFT MEETING NOTES

NAME OF GROUP: NEBRASKA CAPITOL ENVIRONS COMMISSION

DATE, TIME AND PLACE OF MEETING: Thursday, October 22, 2015, 8:00 a.m., Conference Room 214, 2nd Floor, County-City Building, 555 S. 10th Street, Lincoln, Nebraska

MEMBERS IN ATTENDANCE: Christie Dionisopoulos, John Kay, Thomas Laging, Karen Nalow and Jeff Searcy; (Gene Crump absent, but phoned in to listen to presentations, Jon Weinberg absent). Ed Zimmer, Stacey Groshong-Hageman and Teresa McKinstry of the Planning Department; Lynn Johnson and J.J. Yost of Parks and Recreation; Robert Ripley, Matt Hansen and Clark deVries from the Office of the Capitol Commission; Mike Smith and Lynne Ireland of the Nebraska State Historical Society; John Heacock of the Nebraska State Building Division; and David Landis, Steve Werthmann, Sean McClatchey and Loren Roberts of Urban Development; and Kevin Abourezk of the Lincoln Journal Star.

STATED PURPOSE OF MEETING: Regular Nebraska Capitol Environs Commission Meeting

MISCELLANEOUS:

- Presentation of South Haymarket Neighborhood Plan

Stacey Groshong-Hageman stated that this plan will appear before Planning Commission on November 18, 2015, for approval as part of the Downtown Master Plan. The plan area is within the greater downtown area. It consists of 38 blocks. The boundaries are O St., 10th St., G St. and 4th St. and the railroad on the west. The plan divides this area into six subareas, each with unique characteristics. The overall goal is to create an urban neighborhood. There are eight overarching goals. They are to consolidate the government footprint, transition from heavy industrial uses, organize the streets, sidewalks & trails, develop adequate open space, preserve historic resources, implement site & building design and develop a parking program. The existing boundary of the Capitol Environs district goes to 5th St. We are proposing extending it to 4th Street.

Searcy questioned if extending the district to 4th St. can be accomplished without legislation. Zimmer believes it needs state legislation. Boundaries can't be adjusted at the local level.

Laging suggested that future boundaries not go down the center of street, but at the lot line.

Searcy would like a feel for the goal of how much of the area would be considered owner occupied housing. Groshong-Hageman stated that we don't have anything specific addressing that in the plan. She believes it could be a mix, particularly in the southern area and the J St. area, could be housing.

Groshong-Hageman stated that the first area is the N Street Corridor. It would be for high density residential. There is a concept for a one way N Street which would pair with a one way M Street. There could be a public plaza and a public parking garage. Throughout the plan are a number of concepts which show the existing conditions and a concept of what it could be. 7th and N St. could have a better pedestrian area and more green space. Canopy Street could become a plaza. The Lumberworks Parking Garage and Liner Building is out for an RFP. We have seen some proposals for how to screen the LES Substation. There is a building under construction at the old Baker Hardware site. We see 8th St. as a primary connection throughout South Haymarket. There could be reuse of the Midwest Steel building. Also in the plan is an alternate for the 7th and N Street site. If not residential, it could be mixed use.

Searcy inquired if there would be a capitol vista on the green space. Zimmer doesn't believe so.

Nalow questioned if that has been looked into throughout the plan. Searcy stated that we need to preserve all opportunities to preserve or create, a capitol vista.

Ripley stated that around the County-City Building, there is street lighting on both sides that are almost impossible to look through. If it was moved to a single pole lighting where it starts to curve in, it would eliminate the visual barrier. That is just his thought for LES, Public Works and the Building Commission.

The next area is the Arena Drive Corridor. This area could have an extension of Arena Drive and L St. The area is mostly greenspace that could also be used for floodplain storage, an extension of the Jamaica North Trail and high density residential. A concept for 6th and L St. shows redevelopment of the industrial for residential uses.

Laging wondered if the alignment of the road should follow the rail. It would make it more accessible. Ripley thinks it should be parallel to the Jamaica North Trail.

Groshong-Hageman continued that Tech & Office Hub is the next area. It would support existing and new office, tech and light industrial businesses. We would encourage residential units throughout to make it more of a mixed use area and organize the parking. A lot of reuse is suggested in the area. Under the viaduct, the parking could be organized and reused for public parking.

Next is the 9th & 10th St. Corridor. This is a transition from downtown into South Haymarket. It would be more mixed use and government campus.

Ripley had to leave. He thanked everyone for the presentation. He thinks it is really great.

Groshong-Hageman continued that a concept is to consolidate the government campus and build out the north and south blocks. Decks could be added to the north parking garage and development could happen in the south parking lot. We recommend a reuse of the K St. Power Plant building to residential. 9th and J St. could have multi-story buildings.

J St. Boulevard is the next area. Staff is recommending row houses along J St., an enhanced streetscape and westward business expansion. TMCO could expand to the west. J St. has the potential to accommodate medium density residential and row houses.

The last area is the South Salt Creek Village. This area would focus on preserving historic structures and historically sensitive development. These would be small residential lots. The South Bottoms Historic Area extends into this neighborhood.

The expectation for this plan is a 20 to 25 year change. There is already a lot of change on the north side.

Searcy finds that this could be accelerated. These things can happen very quickly. He complimented staff for a beautiful job on this plan.

Searcy had to leave.

Groshong-Hageman stated that the main goal of this plan is to create an urban neighborhood. It will have public hearing before Planning Commission on Nov. 18, 2015 and then it will go on to City Council.

Kay would like to hear a summarization of other comments that staff has heard. Groshong-Hageman stated that overall there has been a lot of support. We met with a lot of property owners. A lot of business owners realize that their location won't make sense in this area in the future. The Public Building Commission has already had plans in place. They would prefer we leave out the mostly government area between 8th and 9th St.

Kay knows that the Public Building Commission expressed strong opposition. They have made investment in the area. They do bonding for these projects. They want a longer investment. Perhaps there is a phasing opportunity for a period longer than 25 years, but less than 40 years. That would be one way to alleviate their concerns. Groshong-Hageman stated that perhaps we could revise some text. In general, we don't address phasing in this plan. Zimmer believes that a 20-25 year horizon is a way of saying long range. Staff is trying to give long term guidance. This would suggest a robust public conversation about what the right step would be for expansion.

Laging thinks Groshong-Hageman did a great job. He is concerned there is no energy sustainability issue in the goal statement. That, and infrastructure is not addressed. There is a lot of old infrastructure in this area. Tie that in with trees and aesthetic. Sustainability should be a goal. Groshong-Hageman stated that related to that, Planning staff just met with Public Works Stormwater staff and the District Energy folks. Those are things we will add to the plan.

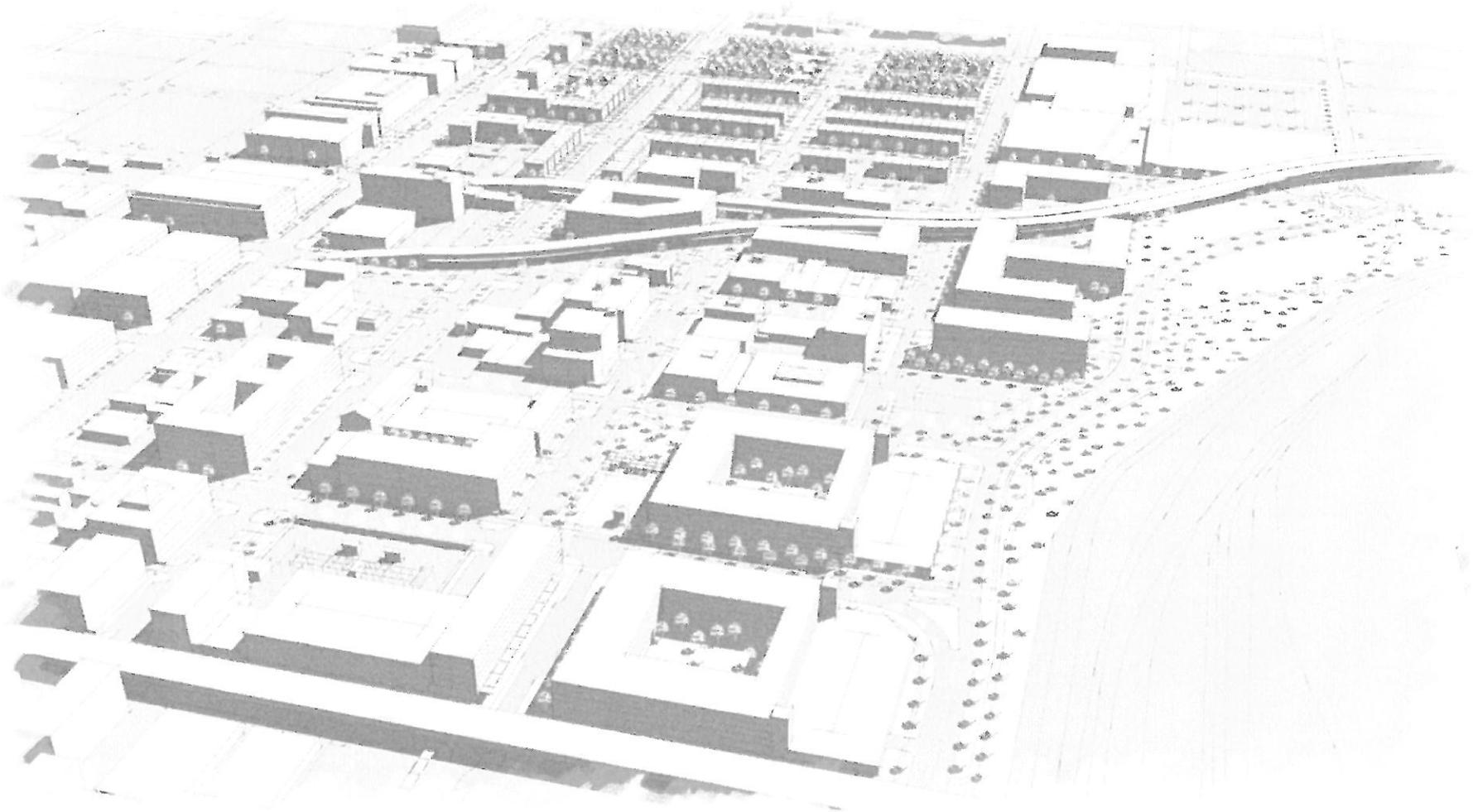
Zimmer stated that the proposal is to adopt this as an amendment to the Downtown Master Plan. That is a subset of the Comprehensive Plan. This plan is catching a lot of things that are happening. Sustainability was a high item in the discussion.

The Commission complimented Groshong-Hageman on a job well done.

There being no further business, the meeting was adjourned at 10:00 a.m.

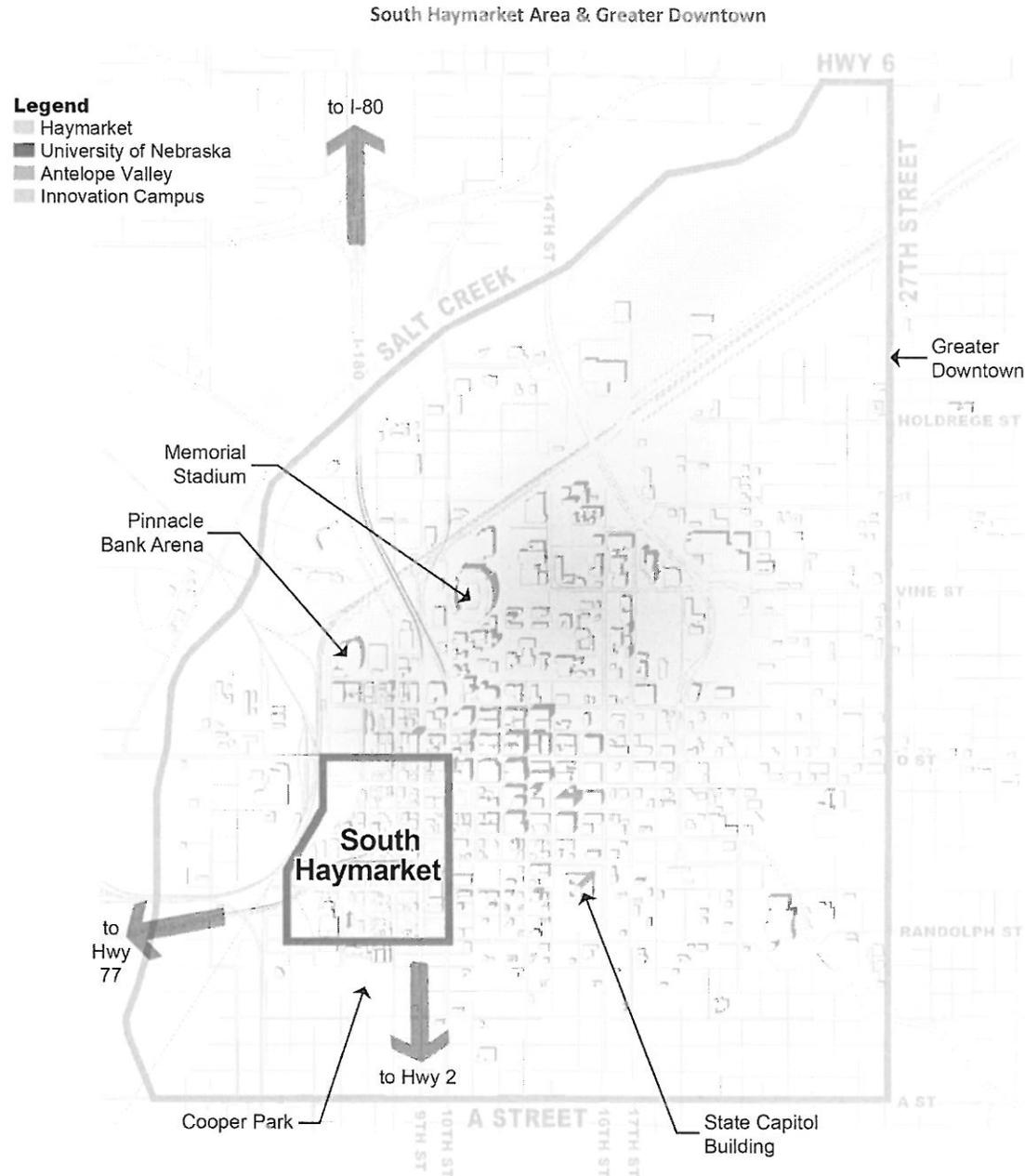
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Executive Summary



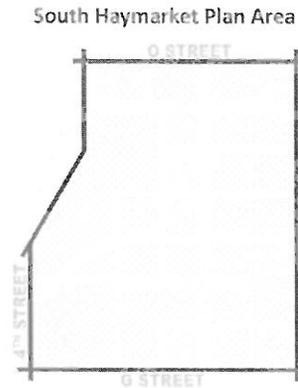
Project Background

The City of Lincoln, in concert with community stakeholders, has developed this plan for South Haymarket that will continue to encourage and guide redevelopment. The 2005 Downtown Master Plan first acknowledged South Haymarket as an emerging district in Greater Downtown and recommended further study be conducted. The 2005 Downtown Master Plan suggested future land uses, redevelopment projects and transportation improvements that established a vision for an urban neighborhood. The Lincoln/Lancaster County Comprehensive Plan further states that areas within Greater Downtown should accommodate around 3,000 new dwelling units by 2040. The South Haymarket Plan was undertaken to engage the community and develop a consensus on how South Haymarket will continue to redevelop over the next 25 years. The recommendations derived from this plan support significant residential development in Downtown Lincoln as supported by the Downtown Master Plan and the City-County Comprehensive Plan.



Location

South Haymarket is a 38 block subarea located in the southwest area of Greater Downtown. The boundaries of the subarea are O Street on the north, 10th Street on the east, G Street on the south and 4th Street and the railroad on the west. South Haymarket is adjacent to Historic Haymarket and West Haymarket to the north and is within walking distance to other Downtown destinations including the UNL Downtown Campus and the state Capitol.



Purpose

South Haymarket is an intriguing area of Lincoln, given its history of development including industrial properties, commercial buildings and residences along

Color Court Project



Dairy House Project



9th and 10th Streets. Coupled with its desirable location, this pattern of development provides the foundation for substantial development and redevelopment opportunities. The South Haymarket area has already been experiencing successful redevelopment projects such as the Color Court Project, Dairy House Project, N Street Protected Bikeway, Schwarz Paper Building, Lumberworks parking garage, 8|N Lofts, and Structural Design Group redevelopment.

The Lincoln/Lancaster County Comprehensive Plan states that subarea plans should be developed for specific areas that set a framework for development.

This planning document recognizes the increasing development interest and future development potential of the South Haymarket area and offers guidance to ensure the redevelopment efforts meet the expectations of the stakeholders and the community. The concepts in this plan are explained in some detail but are not intended to convey only one development pattern. This plan addresses elements of land use, access, transportation, connectivity, zoning and design standards. Several questions about the future direction of South Haymarket are answered here, but the details must be discussed at the time redevelopment is proposed.

Outreach

The South Haymarket Neighborhood Plan process began with an inventory of the area in early 2013. Staff held meetings with multiple public agencies and more than two dozen property owners, business owners and stakeholders. Additionally, staff toured several business facilities and photographed and inventoried nearly every block in the study boundary. A series of presentations were provided to public boards and commissions in the summer of 2014, as well as an open house for South

Haymarket stakeholders and the general public. Four key findings resonate from these discussions:

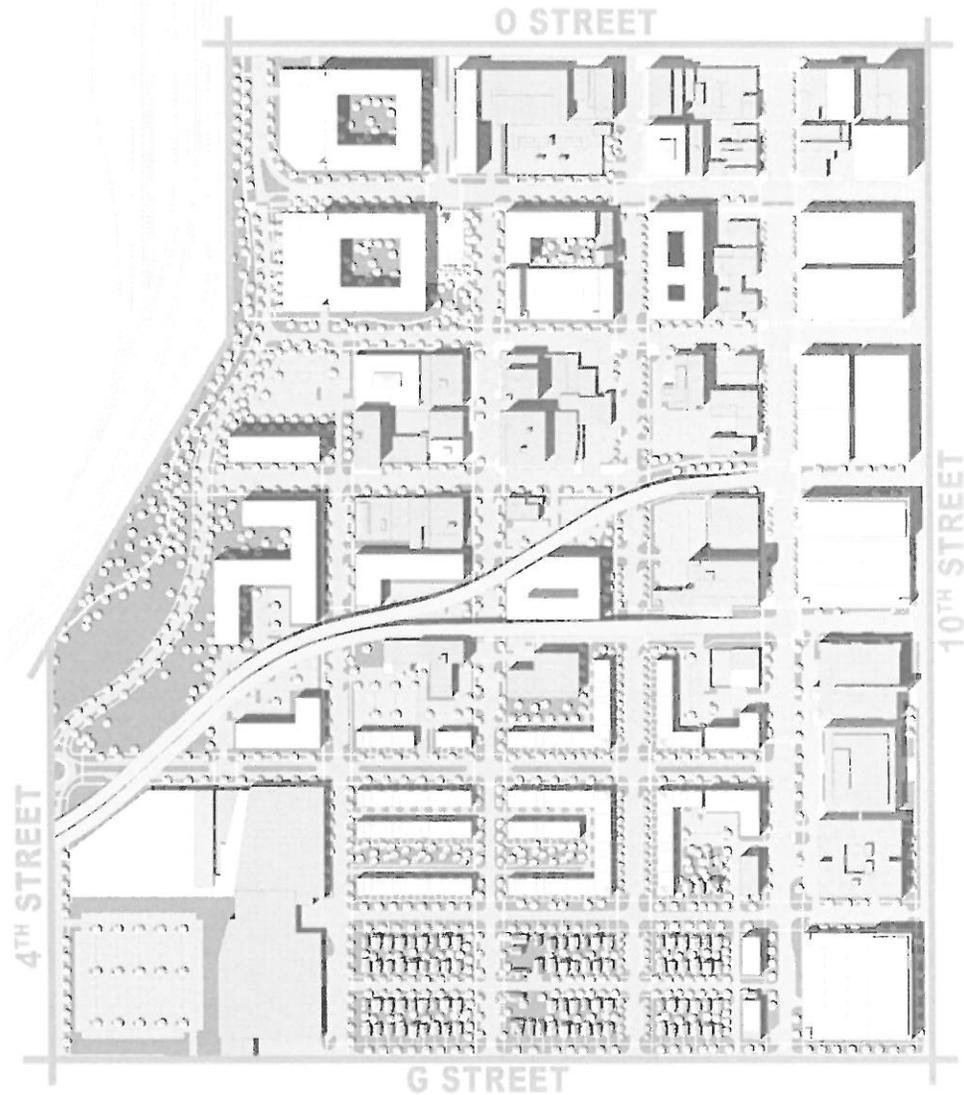
- South Haymarket should be a mixed-use district with an emphasis on urban infill housing in support of Greater Downtown.
- South Haymarket's proximity to Haymarket and other Downtown attractions make it a desirable place to live.

- Public rights-of-way should be upgraded to identify pedestrian, bicyclist and vehicular routes and to enhance connections within and across the neighborhood.
- The government and industrial footprints in South Haymarket have an impact on redevelopment opportunities.

A second round of discussions and a public open house occurred in late 2015 to review the findings of the Plan.

Vision

The South Haymarket Neighborhood Plan presents a vision for the future that is based on consultation with and input from property owners, community representatives and elected officials. South Haymarket is an opportunity area for high-density residential and mixed-use development which will support the redevelopment efforts in the Lincoln Historic Haymarket District, West Haymarket, Antelope Valley, UNL Downtown Campus, Innovation Campus and Downtown Lincoln. Some of the redevelopment recommendations in this plan may occur in the next 5 years or less, and some may occur over the next 20 years and beyond. Overall, this plan presents a redevelopment strategy to create an urban neighborhood for an additional 1,000 to 2,000 residential units, well-defined streetscapes that connect to trails, an urban plaza, open spaces, expanded commercial and office space, adequate parking for the new uses and other amenities within Greater Downtown.



Goals & Recommendations

The vision for the South Haymarket Neighborhood is driven by the eight goals listed below. These goals were developed out of meetings with property and business

owners, City staff and other stakeholders. Each goal represents a key component to developing the vision for South Haymarket. Each goal of the South Haymarket

Neighborhood Plan includes a description and is applied to the identified subareas in The Neighborhood section of the plan.



Create an Urban Neighborhood

Successful neighborhoods contain key elements to make them desirable places for people to live. Together, these elements create neighborhoods that become popular places in a community. Important neighborhood



elements include a variety of housing choices, parks and recreation areas, schools, supportive commercial activity, pleasant streetscapes ideal for walking, biking and driving and thoughtfully designed buildings. The goal for South Haymarket is to transform this area into a high-density, urban neighborhood. The basis of this vision is shown on the future land use map, which transitions from more heavy industrial and government uses to residential and mixed-uses. Recommendations include:

- Build a variety of high-density residential units, but within the maximum height limits per the zoning districts
- Decrease development density and height from north to south in the South Haymarket Neighborhood

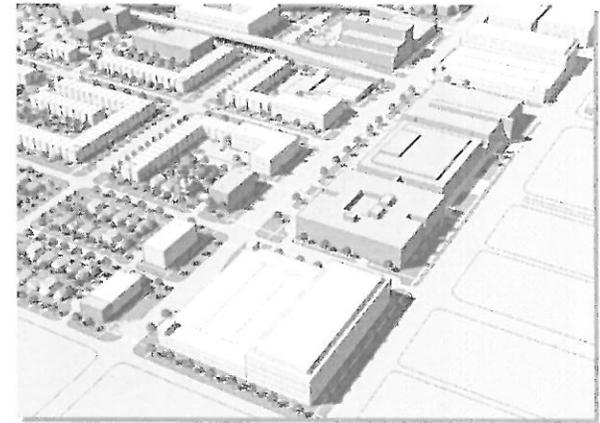
- Respect the 300' buffer between new residential units and the rail lines
- Develop first floor residential and/or active uses where identified
- Support and encourage appropriate expansion of existing businesses
- Elevate residential structures 1 foot above base flood elevation
- Encourage "slip-in" apartments to provide new exterior facades that blend in with the surrounding dwellings
- Implement the Village redevelopment by supporting a Community Unit Plan



Consolidate the Government Footprint

The South Haymarket Neighborhood Plan states that all land uses should be more efficient to encourage opportunities for redevelopment, including publicly-owned properties. The concept in the South Haymarket Neighborhood Plan demonstrates how a consolidated government campus would occupy less land in order to make land available for private development in South Haymarket, while still providing an efficient government campus with capacity for future growth. The timing of potential redevelopment of public properties will be dependent on the maximization of the investment in the property and the level of benefit provided by the potential private development. Continued and heightened coordination with the Public Building Commission and other County and City agencies is required to further realize the recommendations and vision of the neighborhood. Recommendations include:

- Work in concert with County/City government offices, including the PBC, to seek redevelopment opportunities of identified publicly-owned properties for residential and mixed uses including:
 - LPD Maintenance Facility
 - StarTran Administrative Offices and Bus Garage
 - LES Substation and Peak Facility at 8th & J Streets
 - 9th & J Street Building and 825 J Street
 - 8th & H Street Parking Lot
- Support consolidation of the County/City Offices between L, 10th, G and 9th Streets
- Promote the K Street Records Warehouse for reuse and determine alternate locations for records storage
- Request development proposals for the JPA-owned land on the western edge of the N Street Corridor



Transition from Heavy Industrial Uses

South Haymarket has historically been an industrial district. Over the years, manufacturing, warehousing and processing facilities have dominated this area. A handful of heavy industrial uses still exist today in South Haymarket while most other industrial areas have transitioned to other uses. In order to allow for residential redevelopment, most heavy industrial uses should transition to residential or mixed uses. Recommendations include:

- Continue to communicate with heavy industrial uses, such as Sprenger Lumber, Midlands Recycling, and Midwest Steel Works, Inc., regarding their current and future business needs
- Explore acquisition opportunities for the public plaza at Canopy Street
- Recommend a westward expansion on future TMCO projects
- Coordinate and explore funding opportunities for demolition of the grain elevators
- Support continued expansion of office/light industrial/mixed-use properties
- Coordinate with J.A. Woollam on their business expansion and potential land exchange
- Encourage office and light industrial uses that:
 - Do not contain outdoor storage;
 - Have minimal noise and odor; and,
 - Operate mainly during normal business hours





Organize the Streets, Sidewalks & Trails

Additional street and sidewalk connections are recommended in the South Haymarket Neighborhood. Reestablished streets begin to create urban blocks that are appropriate for high-density redevelopment, and sidewalks provide safe routes for pedestrians within and adjacent to South Haymarket. New or expanded transit routes should be reviewed for South Haymarket. New trails provide recreational opportunities and connect South Haymarket residents to destinations throughout Lincoln. Recommendations include:

- Plan for N and M Street one-way couplet and implement the N Street streetscape
- Plan for significant streetscape upgrades to J Street, including a landscaped median
- Implement the streetscape recommendations along 9th Street and 10th Street



- Plan for construction of the L Street slip road
- Implement streetscape recommendations on 8th Street

- Dedicate right-of-way and construct Arena Drive from N Street to 4th Street incrementally as redevelopment occurs
- Dedicate right-of-way and construct L Street west of 6th Street to Arena Drive
- Provide a green connection for the Jamaica North Trail extension
- Develop a roundabout design for the intersection of Arena Drive, J Street and 4th Street
- Implement the 7th Street streetscape concept
- Incorporate on-site amenities and connections in public right-of-way for pedestrians and bicyclists
- Dedicate right-of-way for 7th Street between J and H Streets and H Street between 6th and 7th Streets



Develop Adequate Open Space

As new residential units are developed in South Haymarket the demand for open space will increase. The City should plan for this demand and incorporate places for residents to recreate in South Haymarket. New open spaces also provide opportunities for floodplain mitigation. Recommendations include:

- Program a public plaza space at Canopy Street and 7th Street with green connections to the N Street Protected Bikeway and the Jamaica North Trail
- Dedicate open space along the western boundary of the South Haymarket Neighborhood as

- compensatory floodplain storage to encourage redevelopment and for passive open space use by the neighborhood
- Program open space for neighborhood amenities



Preserve Historic Resources

Historic buildings are important to the character of South Haymarket and should be preserved and renovated whenever possible. The historic assets of South Haymarket enrich the area and provide some of the sense of place which this plan seeks to strengthen through revitalization and redevelopment. Recommendations include:

- Support reuse of National Register and Local Landmark properties
- Encourage owners to pursue historic designation on properties determined to be eligible or designate the site as a Local Landmark
- Respectful redevelopment should occur around the contributing historic structures in the South Bottoms Historic District





Implement Site & Building Design

Existing and new design standards for the South Haymarket Neighborhood should address streetscapes, site development, and building design. The intention is for both public and private property owners to comply with South Haymarket design standards to enhance the livability of the neighborhood. Recommendations include:

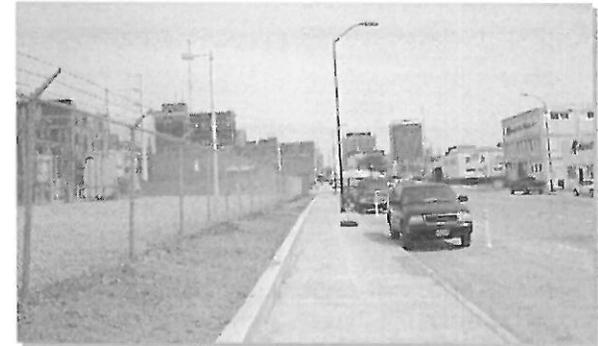
- Develop South Haymarket Design Standards for site and building design with application as redevelopment projects occur
- Extend the Capitol Environs District west along J Street to 4th Street
- Screen the LES substation facility on N Street
- Apply Downtown Lincoln, Neighborhood, and Capitol Environs Design Standards where applicable
- Respect the 57 foot height maximum in the Capitol Environs District



Develop a Parking Program

More than 4,000 parking spaces exist in South Haymarket today, including approximately 870 on-street spaces. However, the current parking program for South Haymarket is disjointed and haphazard. The South Haymarket Neighborhood Plan recommends significant redevelopment to occur, so parking will be a key factor to the neighborhood's success and a coherent parking program will be needed. Recommendations include:

- Develop parking stalls beneath the Rosa Parks Way viaduct to offset the loss of parking lot stalls needed for residential development
- Provide for parking on-street and on-site, preferably in parking garages versus surface lots
- Access the off-street parking from an alley behind the homes in the South Salt Creek Village and/or provide additional angled parking on 7th and 8th Streets
- Anticipate private structured parking with major redevelopment projects
- Study the block bounded by N, 8th, M and 7th to determine feasibility for a public parking facility
- Study the site between the Rosa Parks Way viaducts for mixed-use and parking structure once StarTran relocates this facility
- Add additional decks to the lot north of the County/City Building and add a public parking structure to the south surface parking lot when future growth requires additional parking



LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT
for November 18, 2015 PLANNING COMMISSION MEETING

PROJECT #: Change of Zone #15030

PROPOSAL: To rezone property from R-4 Residential to B-3 Commercial

LOCATION: 711 and 725 South Street, generally located on the southeast corner of S. 7th Street and South Street

LAND AREA: 0.45 acres, more or less

EXISTING ZONING: R-4 Residential

CONCLUSION: This is a transition area of South Street that is zoned R-4, Residential. There is a block and a half of property zoned R-4 that is located between B-3 Commercial zoning east of S. 8th Street and I-1 Industrial zoning west of S. 7th Street. Over time it is likely that the remaining residential uses between the B-3 and I-1 districts will transition to non-residential uses as has occurred along South Street east of S. 9th Street. The change of zone to B-3 Commercial zoning, with certain conditions, will be a transition from the industrial uses to the west and should address some of the impacts on adjacent residential uses to the east.

<u>RECOMMENDATION:</u>	Approval, subject to a zoning agreement.
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GENERAL INFORMATION:

LEGAL DESCRIPTION: See attached legal description.

EXISTING LAND USE: Undeveloped

SURROUNDING LAND USE AND ZONING:

North: Single-Family Dwellings/R-4
South: Window Manufacturer/I-1
East: Single-Family Dwellings/R-4
West: Various Industrial Uses/I-1

HISTORY:

This property was rezoned from Two-Family Residential District to R-4, Residential District with the 1979 Zoning Update.

COMPREHENSIVE PLAN SPECIFICATIONS:

P. 1.8 - This property is shown as Urban Residential on the Future Land Use Map.

P. 5.14 - Strategies for Commercial Infill: Develop infill commercial areas to be compatible with the character of the area.

P. 5.14 - Avoid encroachment into existing neighborhoods during expansion of existing commercial and industrial uses, and take steps to ensure expansions are in scale with the adjacent neighborhood, are properly screened, fulfill a demonstrated need and are beneficial to health and safety.

P. 5.18 - Industrial zoning districts should be primarily for industrial uses.

P. 5.18 - Risk Reduction: In areas where industrial and residential uses are already close, efforts should focus on changes in the quantity and type of hazardous materials used and on increasing the distance between to where hazardous materials are stored and residential districts.

SOUTH STREET REDEVELOPMENT PLAN:

The South Street Redevelopment Plan was adopted in July 2007, and the plan boundary included this property. A number of known redevelopment projects were included in the plan at the time it was adopted. The plan supports redevelopment throughout the corridor but did not specifically call for commercial development at this location. Over time the plan recognizes and reacts to redevelopment proposals that were not in the original plan.

UTILITIES: This site is served by existing utilities.

TOPOGRAPHY: The site generally drains to the west.

TRAFFIC ANALYSIS: South Street is classified as a minor arterial and S. 7th Street is a local street.

ANALYSIS:

1. This request is to rezone property located at 711 and 725 South Street from R-3 Residential to B-3 Commercial. Dallman Drywall owns the property and would like to use the property for contractor services. Development on the property would include an approximately 4,000 square foot building and paved parking lot. This property was previously occupied by dwellings, but those structures have been demolished.
2. The zoning pattern of this area is mixed with a combination of residential, commercial and industrial. The block face from S. 7th to S. 8th Street is completely occupied by R-4 zoning as well as the ½ block to the east. The block and a half of R-4 zoning is located between B-3 Commercial to the east and I-1 Industrial to the west. R-2 is located to the southeast along S. 8th Street. Given the existing zoning pattern the R-4 area is recommended to transition to commercial zoning over time. These blocks also front on South Street which is classified as a minor arterial street. Redevelopment from residential to commercial is appropriate at this location along an arterial street.

3. The Lincoln-Lancaster County Health Department does not object to the approval of this application. The proposal doesn't expand the I-1 zoning closer to the residential uses to the east. The B-3 zoning would become a transition from the I-1 on the south and west to the R-4 and R-2 on the east.
4. This request is similar to a recent application that was recommended for approval by the Planning Commission and approved by the City Council. A change of zone was requested on S.W. 1st Street near W. L Street. That property was zoned R-4 and was across the street from I-1 zoning and industrial uses. The request was to rezone property from R-4 Residential to H-3 Highway Commercial. Given the proximity to industrial zoning and uses it was no longer an appropriate location for residential development. That change of zone application was supported by City staff with an accompanying zoning agreement that addressed land uses and buffering between the nearby residences and public park.

The property located at the southeast corner of S. 9th & South Street was approved for redevelopment in 2007. A change of zone from R-4 Residential to B-3 Commercial was approved on that property as well. A conditional zoning agreement accompanied the change of zone request in order to protect nearby residential properties.

5. The requested change of zone to B-3 will facilitate the eventual conversion of the property to commercial uses which is consistent with the long-term vision for South Street. There are a few items in regards to the use of the property that the B-3 zoning district alone does not address. The zoning agreement will accompany the change of zone. The draft agreement (attached) requires the following:
 - a. The property shall only be used for offices, personal services, adult day services, neighborhood support services, kennels/veterinary facilities (per the conditional use conditions), and contractor services (per the conditional use conditions, except that no open and unenclosed storage of materials and equipment shall be allowed).
 - b. Provide a 12 foot wide landscaping buffer along the entire east side of the property that includes at least a double row of the 60% screen from the ground elevation to a height of 10 feet. A fence may be used with the screening, but a fence alone does not eliminate the requirement for a double row of landscaping.
 - c. Access to the property is restricted to S. 7th Street and the east/west alley on the south.
 - d. Conditions a and b shall remain in effect as long as the property to the east (729 South Street) is zoned residential.

6. The Watershed Management Division reviewed the proposed drainage plan for this development and notes that changes in the grading plan or other improvements may be needed to address the increased runoff with this development.
7. The applicant will be holding a neighborhood meeting on November 5th and will provide neighborhood feedback at the November 18th Planning Commission hearing.

CONDITIONS OF APPROVAL:

1. Sign the zoning agreement before the City Council approves the change of zone.
 - 1.1 Revise the site plan to:
 - 1.1.1 Add a note to the plan that states “The east/west alley must be paved adjacent to the property if the east/west alley will be used to access the site.”
 - 1.1.2 Change the landscape buffer to 12 feet.
 - 1.1.3 Shift the location of the fence so the landscaping can be easily maintained.
 - 1.1.4 Remove the sign on the site plan and add a note that states, “Signs need not be shown on this plan but are permitted per Chapter 27.69 and must be approved through the Building and Safety Department.”
 - 1.1.5 Remove “Sound Proof” from the fence description.
 - 1.1.6 Note on the plan the type of curb or barrier to the existing alley.
 - 1.1.7 Revise the plan to the satisfaction of the Public Works & Utilities Watershed Management Division.
2. The following conditions are applicable to all requests:
 - 2.1 Before occupying the buildings all development and construction shall substantially comply with the approved plans.
 - 2.2 All privately-owned improvements shall be permanently maintained by the owner.

- 2.3 The physical location of all setbacks and yards, buildings, parking and circulation elements, and similar matters must be in substantial compliance with the location of said items as shown on the approved site plan.
- 2.4 The terms, conditions, and requirements of the ordinance shall run with the land and be binding upon the developer, its successors and assigns.
- 2.5 The applicant shall sign and return the letter of acceptance to the City Clerk. This step should be completed within 60 days following the approval of the special permit. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefore to be paid in advance by the applicant. Building permits will not be issued unless the letter of acceptance has been filed.

Prepared by:

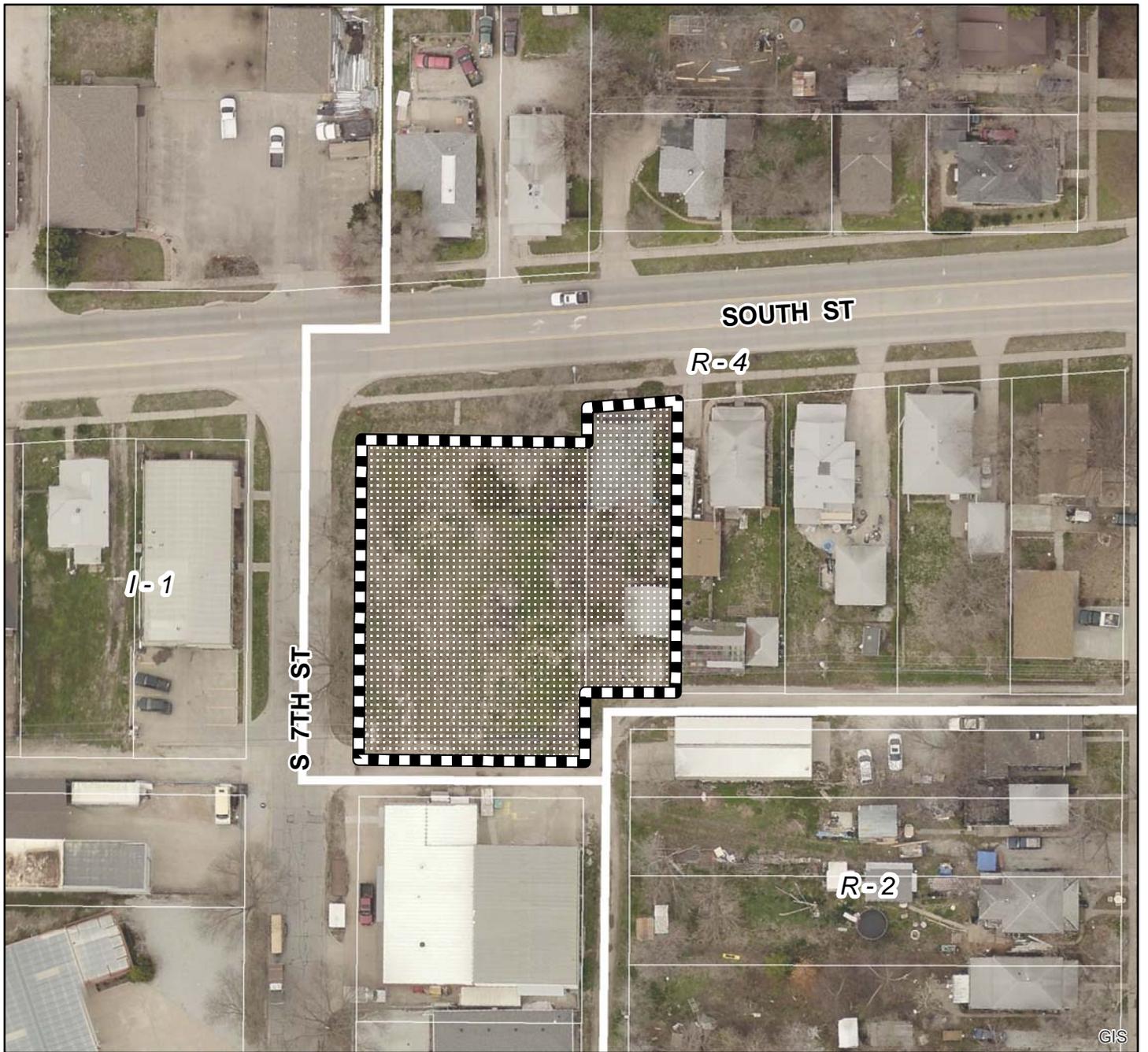
Paul Barnes, Planner
402-441-6372
pbarnes@lincoln.ne.gov

DATE: November 4, 2015

APPLICANT/OWNER: Dan Dallman
622 South Street
Lincoln, NE 68502

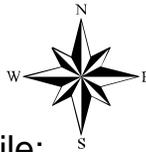
CONTACT: Gus Ponstingl
PO Box 30581
Lincoln, NE 68503

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2013 aerial

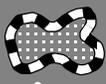
**Change of Zone #: CZ15030 (R-4 to B-3)
S 7th & South St**

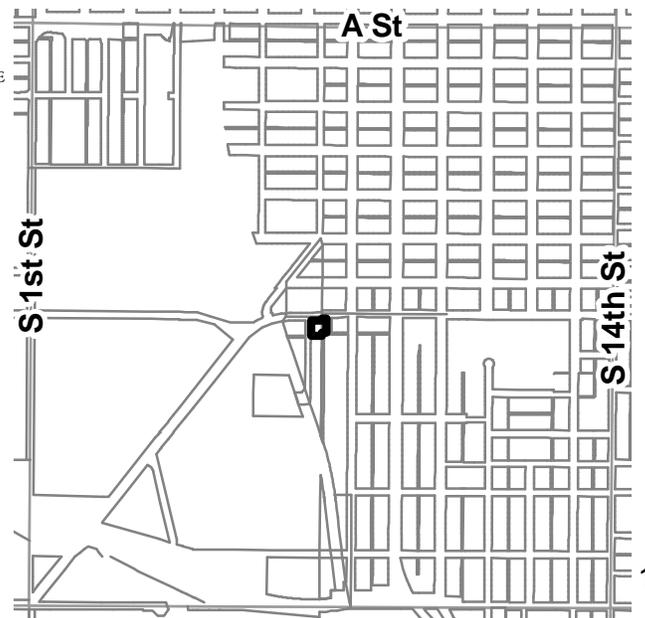


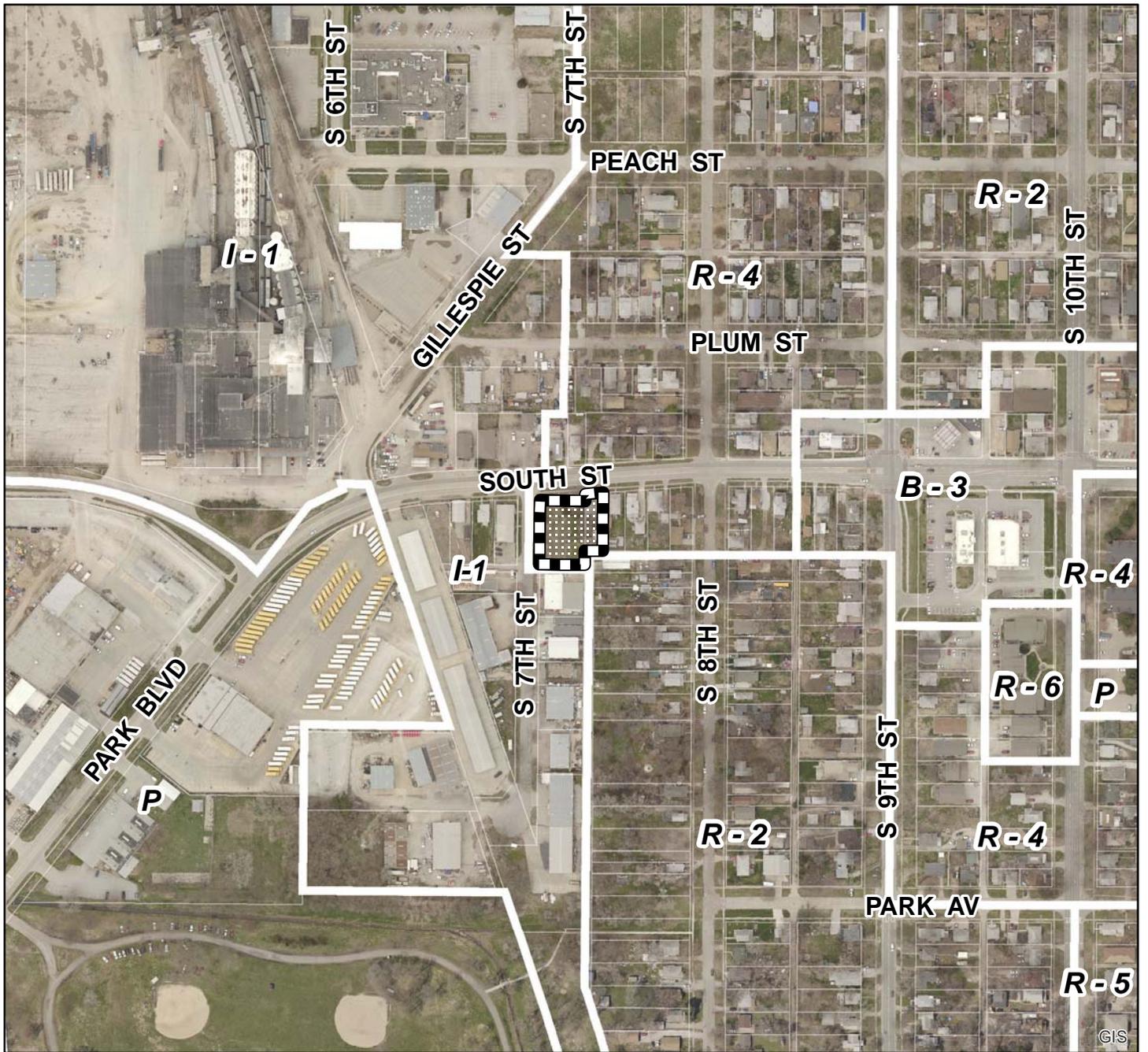
One Square Mile:
Sec.35 T10N R06E

Zoning:

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

	Area of Application
	Zoning Jurisdiction Lines
	Lancaster County Jurisdiction

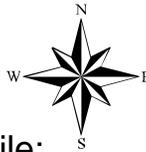




GIS

2013 aerial

Change of Zone #: CZ15030
R-4 to B-3
S 7th & South St



One Square Mile:
 Sec.35 T10N R06E

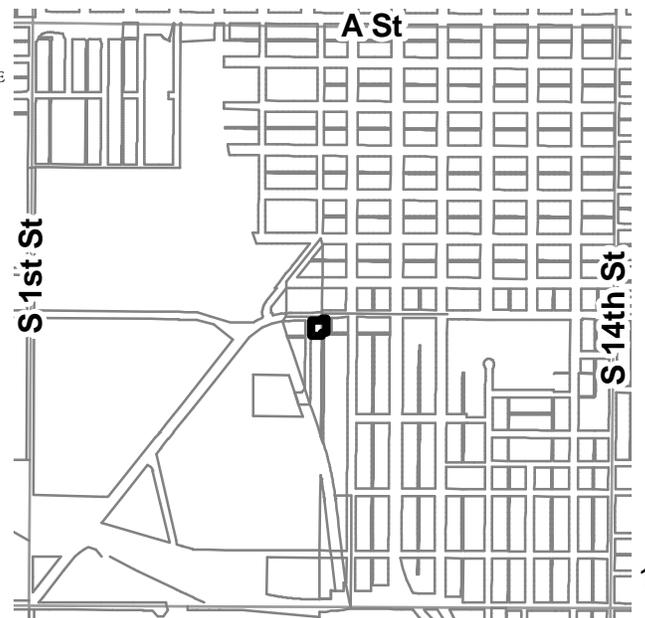
Zoning:

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

Area of Application

Zoning Jurisdiction Lines

Lancaster County Jurisdiction



CZ15030 Legal Description

Lots 1 and 2, Block 1, Moulton's Subdivision, Lincoln, Lancaster County, Nebraska, and the west 40 feet of Lot 4, Block 4, South Park, Lincoln, Lancaster County, Nebraska, except that portion more particularly described as follows:

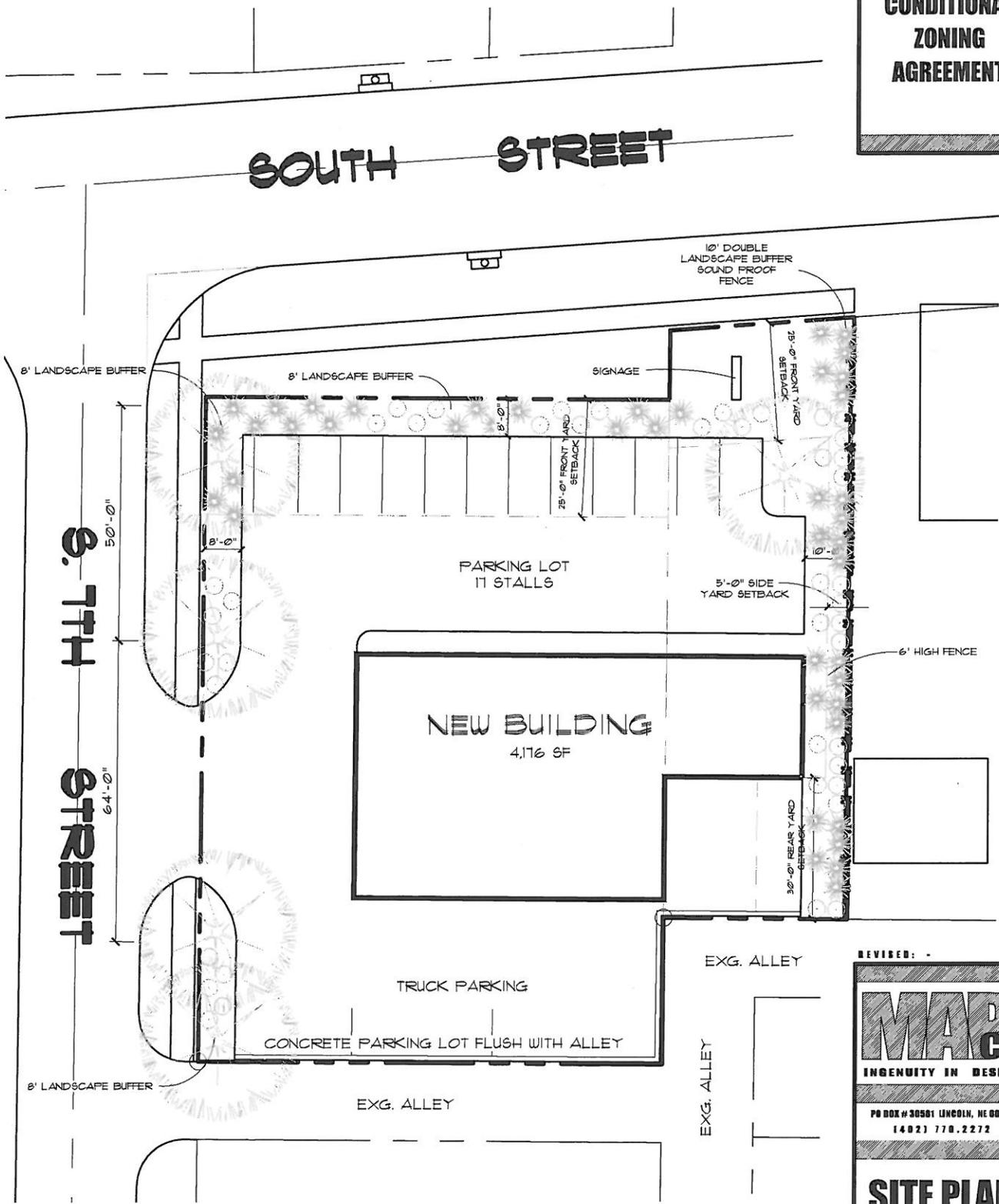
Beginning at the northwest corner; thence south 4.80 feet; thence northeast to a point 13.00 feet east of northwest corner; thence west 13.00 feet to place of beginning, and except

Beginning at a point on the north line of said Lot 4, 47.75 feet west of the northeast corner thereof; thence south along a line which is parallel to and 47.75 feet west of the east line of said Lot 4, a distance of 14.31 feet; thence westerly along a line which deflects 85 degrees 43 minutes 00 seconds right, a distance of 40.01 feet to a point on the west line of said Lot 4; thence north along the said west line a distance of 17.35 feet to the northwest corner of said Lot 4; thence east along the north line of said Lot 4, a distance of 40.00 feet to the point of beginning (the "Property").

DATE: 10/20/2018

PROJECT NAME:

**DALLMAN:
CONDITIONAL
ZONING
AGREEMENT**



REVISED: -

MAP CO
INGENUITY IN DESIGN

PO BOX # 30501 LINCOLN, NE 68503
1 402 1 778.2272

SITE PLAN



October 21, 2015

Paul Barnes
555 S 10th St, Ste 213
Lincoln, NE, 68508 USA
Work 402-441-7491

Dear Paul,

We are pleased to submit the following application for Change of Zone to City of Lincoln for the property at 711-725 South St..

During our pre-application meeting, it is our impression that the city is in favor of approving this type of project because this area is in transition from residential to commercial. It is a type of transitional use zone. The City has supported similar 'transitional use zones' recently, for example one recently approved is near W. J St./SW. 1st St..

The City has alerted us that it would like a conditional zoning agreement – including a landscape plan and a layout plan showing parking and the building boundary. We have included a site plan for you to review. Please note a wider screening buffer along the east edge of the property. This buffer is 10 foot wide with 6' fence and landscaping both sides. We feel this is more than enough considering the codes's main requirement is for a 60% screening of the vertical plane 10 foot high along that side of the property. We are proposing this be done with a 6 foot high fence that is 100% opaque - which would meet the code by it self, but we have also doubled the amount of landscape to include a very dense and lush screen on the neighbor's side of the fence as well as landscaping on the commercial side as well.

Parking is shown in the front yard setback, which is allowed in the B3 zoning, and an 8 foot wide landscape buffer is provided from the back of curb to the property line. Please see this on our plan as well.

Other issues:

We have spoke with our neighbors, included the neighbor adjacent to the east lot. Generally the neighbors are very agreeable to the development. Several have written letters stating they approve of the change of zone. There one who wasn't in favor of the development because he feels the new building would adversely affect his land value. He has spent quite a bit of money on his project recently and wants to get that money back. We feel he can benefit from the change of zone for his property.

August Ponstingl
President
MAPCO, INC.
402 770 2272

Included: \$330 Application Fee
Application
Neighbor Support Letters
Site Plan for Conditional Zoning Agreement

DEVELOPMENT AND CONDITIONAL ZONING AGREEMENT

This Development and Conditional Zoning Agreement ("Agreement") is hereby made and entered into this _____ day of _____, 2015, by and between Danniell L. Dallman, Trustee of the Danniell L. Dallman Revocable Trust and Rebecca L. Dallman, Trustee of the Rebecca L. Dallman Revocable Trust, hereinafter referred to as "Developer", and the City of Lincoln, Nebraska, a municipal corporation, hereinafter referred to as "City."

RECITALS

I.

Developer, as owner of the below described property, has petitioned the City for a change of zone from R-4 Residential District ("R-4") to B-3 Commercial District ("B-3") upon property generally located at 711-725 South Street and legally described as:

Lots 1 and 2, Block 1, Moulton's Subdivision, Lincoln, Lancaster County, Nebraska, and the west 40 feet of Lot 4, Block 4, South Park, Lincoln, Lancaster County, Nebraska, except that portion more particularly described as follows:

Beginning at the northwest corner; thence south 4.80 feet; thence northeast to a point 13.00 feet east of northwest corner; thence west 13.00 feet to place of beginning, and except

Beginning at a point on the north line of said Lot 4, 47.75 feet west of the northeast corner thereof; thence south along a line which is parallel to and 47.75 feet west of the east line of said Lot 4, a distance of 14.31 feet; thence westerly along a line which deflects 85 degrees 43 minutes 00 seconds right, a distance of 40.01 feet to a point on the west line of said Lot 4; thence north along the said west line a distance of 17.35 feet to the northwest corner of said Lot 4; thence east along the north line of said Lot 4, a distance of 40.00 feet to the point of beginning (the "Property").

II.

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

III.

The Developer has represented to the City that, in consideration of the City re-zoning the Property to B-3, the Developer will enter into an agreement with the City to restrict use on the Property to contractor services storage as long as the property to the east (i.e. 729 South Street) is zoned residential.

IV.

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

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

1. The City hereby agrees to grant Developer's petition to change the zoning map from R-4 Residential District to B-3 Commercial District on the Property.
2. In consideration for the City rezoning the Property to B-3 Commercial District, the Developer agrees that the development of the Property shall be subject to the following requirements:
 - a. The Property shall be only used for the following uses: offices, personal services, adult day services, neighborhood support services, kennels/veterinary facilities (per the conditional use conditions), and contractor services (per the conditional use conditions, except that no open and unenclosed storage of materials and equipment shall be allowed). Development of the Property shall be in substantial compliance with the attached site plan.
 - b. The Developer shall provide a 12 foot wide landscaping buffer along the entire east side of the Property. The buffer must include at least a double row of the 60% screen from the ground elevation to a height of 10 feet, required under Section 7.5 of Chapter 3.50 of the City of Lincoln Design Standards. A fence may be used with the screening, but the fence does not eliminate the requirement for a double row of landscaping. The screening plan shall be submitted to and approved by the Planning Department prior to issue of the building permit for the New Building shown on the attached site plan. Plant material shall be installed prior to occupancy of the New

Building, unless the Developer provides the City with a bond, escrow or security agreement in the amount necessary (as determined by the City) to guarantee the timely purchase and planting of the above required landscape screen in the next appropriate planting season (spring or fall, depending on the particular plant material) following initial occupancy of the New Building.

- c. There shall be no access to the Property from the abutting north/south alley on the east. Access shall be restricted to South 7th Street and the east/west alley on the south abutting that portion of the Property legally described as Lots 1 and 2, Moulton's Subdivision.

3. Conditions 2.a and 2.b shall remain in effect so long as the property to the east known as 729 South Street and legally described as Lot 4, Block 4, South Park Addition, except the west 40 feet and except for the north part for street, is zoned residential (i.e. R-1 through R-8 Residential District).

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

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

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

City of Lincoln, Nebraska
a municipal corporation

Chris Beutler, Mayor

Danniel L. Dallman Revocable Trust,
an undivided ½ interest

By: _____
Danniel L. Dallman, Trustee

Rebecca L. Dallman Revocable Trust,
an undivided ½ interest

By: Rebecca L. Dallman, Trustee

STATE OF NEBRASKA)
) ss.
COUNTY OF LANCASTER)

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

Notary Public

STATE OF NEBRASKA)
) ss.
COUNTY OF LANCASTER)

The foregoing instrument was acknowledged before me this ____ day of _____, 2015, by Danniell L. Dallman, Trustee of the Danniell L. Dallman Revocable Trust.

Notary Public

STATE OF NEBRASKA)
) ss.
COUNTY OF LANCASTER)

The foregoing instrument was acknowledged before me this ____ day of _____, 2015, by Rebecca L. Dallman, Trustee of the Rebecca L. Dallman Revocable Trust.

Notary Public

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT
for November 18, 2015 PLANNING COMMISSION MEETING

PROJECT #: Change of Zone No. 15033
PROPOSAL: From AG Agriculture to R-3 Residential
LOCATION: S. 27th Street and Rokeby Road
LAND AREA: 5.44 acres more or less
EXISTING ZONING: AG Agriculture

CONCLUSION: This residential property is located at the southern edge of the City limits, to the south of existing residential development. The R-3 district is consistent with the 2040 Future Land Use Plan which shows this area as urban residential. The proposed change of zone is consistent with the zoning pattern in the area and is in conformance with the Comprehensive Plan.

<u>RECOMMENDATION:</u>	Approval
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GENERAL INFORMATION:

LEGAL DESCRIPTION: Lot 85, I.T., located in the NE 1/4 of Section 36-9-6, Lancaster County, Nebraska

EXISTING LAND USE: Single family detached residential

SURROUNDING LAND USE AND ZONING:

North: Single Family Attached Residential; R-3
South: Single Family Detached Residential; AG
East: Agricultural; AG
West: Agricultural; AG

ASSOCIATED APPLICATIONS:

SP15069 Special Permit for a Community Unit Plan for up to 37 dwelling units.

HISTORY:

AN08012 This site was annexed in March 2009.

COMPREHENSIVE PLAN SPECIFICATIONS:

P. 1.9 - This property is shown as urban residential on the 2040 future land use map.

P. 7.2 - Neighborhoods and Housing Guiding Principles:

- Provide a wide variety of housing types and choices for an increasingly diverse and aging population.
- Provide flexibility to the marketplace in siting future residential development locations.
- Strive for predictability for neighborhoods and developers for residential development and redevelopment.

UTILITIES: All utilities are available at this site.

TRAFFIC ANALYSIS: 27th Street is classified as a Principal Arterial and Rokeby Road is classified as a Minor Arterial in the 2040 Comprehensive Plan.

PUBLIC SERVICE: The nearest Lincoln Fire & Rescue Station is located at S. 27th Street and Old Cheney Road.

ANALYSIS:

1. This is a request for a change of zone over a parcel on the southwest corner of S. 27th Street and Rokeby Road from AG Agriculture to R-3 Residential. This rezoning is requested in association with an application for a Special Permit for a Community Unit Plan over the same area.
2. Rezoning the property to R-3 would allow for a maximum of 37 dwelling units with approval of Special Permit No. 15069 for a Community Unit Plan. The applicant is not asking for additional dwelling units with this application. Special Permit No. 15069 contains a total of 24 buildable lots and 24 dwelling units, and the developer requests to reserve the right to utilize the remaining 13 dwelling units.
3. R-3 zoning is appropriate at this location. This property is located south of an existing R-3 district containing single family attached and detached residential dwellings. The proposed change of zone is consistent with the zoning pattern in the area. In addition, the Comprehensive Plan designates this area for future urban density residential development. The R-3 zoning district allows the type of development consistent with this land use designation.

Prepared by:

Rachel Jones, Planner
402-441-7603 or rjones@lincoln.ne.gov

DATE: November 4, 2015

APPLICANT: VerMaas & Sons, LLC, 1900 SW 6th Street, Lincoln, NE 68522

OWNER: John D. & Janice K. VerMaas, 1900 SW 6th Street, Lincoln, NE 68522

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

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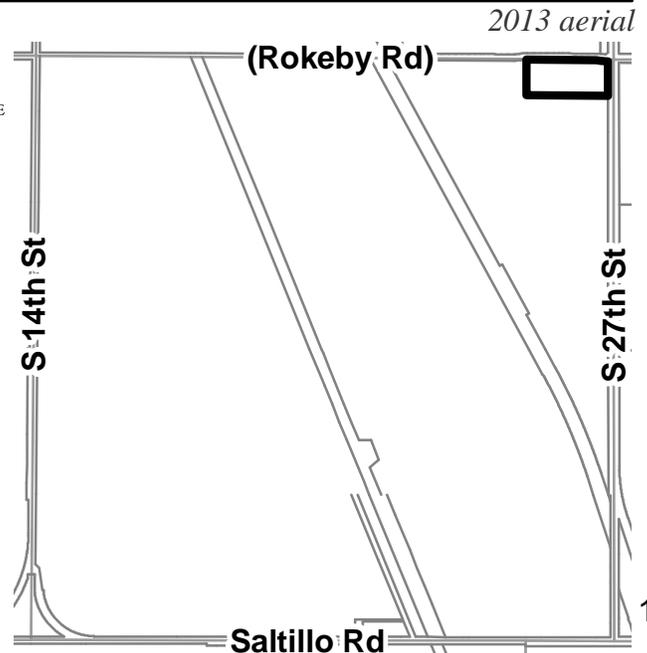
**Special Permit #: SP15069 and
Change of Zone #: CZ15033 (AGR to R-3)
Sievers Landing CUP
S 27th St & Rokeby Rd
Zoning:**

- 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.36 T09N R06E



- Area of Application
- Zoning Jurisdiction Lines
- Lancaster County Jurisdiction



LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for November 18, 2015 PLANNING COMMISSION MEETING

PROJECT #: Special Permit No. 15069

PROPOSAL: A request per Section 27.63.320 for a Community Unit Plan to develop up to 37 dwelling units

LOCATION: S. 27th Street and Rokeby Road

LAND AREA: 5.44 acres more or less

EXISTING ZONING: AG Agriculture

WAIVER/MODIFICATION REQUEST:

1. Allow for double-frontage lots between Rokeby Road and Sievers Lane/Sievers Court.
2. Waive the requirement to provide stormwater detention facilities.
3. Allow for the radius of the cul-de-sac on a private street to be reduced to 30'.
4. Allow roll-over curbs on private roadways.

CONCLUSION: Single family residential is an appropriate land use for this site. This site can be easily served by existing infrastructure such as roads and utilities. This request for a special permit for a Community Unit Plan is consistent with the Comprehensive Plan, and subject to the conditions of approval, complies with the requirements of the Zoning Ordinance.

RECOMMENDATION:	Conditional Approval
WAIVER/MODIFICATIONS:	
1. Allow for double-frontage lots between Rokeby Road and Sievers Lane/Sievers Court.	Approval
2. Waive the requirement to provide stormwater detention facilities.	Approval
3. Allow for the radius of the cul-de-sac on a private street to be reduced to 30'.	Approval
4. Allow roll-over curbs on private roadways.	Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION: Lot 85, I.T., located in the NE 1/4 of Section 36-9-6, Lancaster County, Nebraska

EXISTING LAND USE: Single family detached residential

SURROUNDING LAND USE AND ZONING:

North: Single Family Attached Residential; R-3
South: Single Family Detached Residential; AG
East: Agricultural; AG
West: Agricultural; AG

ASSOCIATED APPLICATIONS:

CZ15033 An application for a change of zone from AG Agricultural to R-3 Residential.

HISTORY:

AN08012 This area was annexed in March 2009.

COMPREHENSIVE PLAN SPECIFICATIONS:

P. 1.9 - This property is shown as urban residential on the 2040 future land use map.

P. 7.2 - Neighborhoods and Housing Guiding Principles:

- Provide a wide variety of housing types and choices for an increasingly diverse and aging population.
- Provide flexibility to the marketplace in siting future residential development locations.
- Strive for predictability for neighborhoods and developers for residential development and redevelopment.

UTILITIES: All utilities are available at this site.

TOPOGRAPHY: The site generally slopes down from the center to the east and west.

TRAFFIC ANALYSIS: 27th Street is classified as a Principal Arterial and Rokeby Road is classified as a Minor Arterial in the 2040 Comprehensive Plan.

PUBLIC SERVICE: The nearest Lincoln Fire & Rescue Station is located at S. 27th Street and Old Cheney Road.

ANALYSIS:

1. This is a request for a Community Unit Plan (CUP) to develop up to 37 dwelling units

on property located southwest of S. 27th Street and Rokeby Road.

2. The future land use map shows this area as urban density residential. The proposed development provides for 24 buildable lots and 24 dwelling units, which is an appropriate urban density. This density would be achieved under the proposed R-3 zoning district. A CUP in the R-3 district is permitted a maximum density of 6.96 dwelling units per acre, which equates to 37 dwelling units within this CUP. The developer would like to reserve the right to utilize the remaining 13 units permitted under the R-3 zoning. The applicant is not asking for additional dwelling units with this application beyond what is permitted in the R-3 district.
3. An application to rezone this property from AG Agricultural to R-3 Residential has been submitted in conjunction with the CUP. This property is located south of an existing R-3 district containing single family attached and detached dwellings. The proposed change of zone is consistent with the zoning pattern in the area. In addition, the Comprehensive Plan designates this area for future urban density residential development. The R-3 zoning district allows the type of development consistent with this land use designation.
4. The applicant has requested one waiver to the Lincoln Municipal Code and three waivers to Design Standards:
 - A. Per Section 26.23.140, allow for double-frontage lots between Rokeby Road and Sievers Lane/Sievers Court. This waiver allows for achievement of additional density based on the narrow nature of the parcel. Lots within the CUP on the south side of Rokeby Road will have rear yards adjacent to Rokeby Road. The single family attached dwellings on the north side of Rokeby Road have front yards adjacent to the road, and therefore the front yards of these existing dwellings will face the rear yards of the dwellings in this CUP across Rokeby Road. This pattern of development is not one that is usually approved under normal circumstances.

However, a typical density for the R-3 district could not be achieved on this parcel without the use of double-frontage lots. Due to the smaller size and narrowness of this parcel north to south, a typical subdivision layout is more difficult and costly. Double-frontage lots are therefore considered allowable in this instance in order to achieve the desired and typical density for a Community Unit Plan in the R-3 district. The density depicted on the site plan is well below the maximum allowed density.
 - B. Waiver of the requirement to provide stormwater detention per Design Standards Chapter 2.05, Section 3.3. Waiver of the stormwater detention requirement is allowable due to the close proximity of the property to the floodplain to the south, which renders detention on this property unnecessary. Public Works and Utilities recommends approval of this waiver.

- C. Reduction of the radius of a cul-de-sac on a private street per Design Standards Chapter 2.25. The radius of the Sievers Court cul-de-sac can be reduced from the standard 43.5' to 30' based on the relatively short length of the private street. The City will support Sievers Court as a private roadway for the purpose of a smaller cul-de-sac. Public Works and Utilities recommends approval of this waiver.

- D. Allow roll-over/drive-over curbs on private roadways. There is one private roadway within this CUP, Sievers Court. The Design Standards contain specifications for standard 5-inch curbs. This request seeks a waiver to be allowed to install drive-over, or roll-over curbs along the private roadways within the development. Drive-over curbs do not have to be altered to install driveways, but streets with lower curbs do not convey as much storm water, and it is more difficult to keep snowplows in the street due a less well-defined edge. Streets have a drainage function to convey runoff and City Design Standards do not permit curb overtopping during minor storm events (5-year). By reducing the curb height, it effectively reduces the drainage capacity of the street. This will necessitate more curb inlets spaced more frequently, as well as special curb inlet design to function with a lower curb height.

Given that this is a private roadway and will be maintained by a future homeowner's association, Public Works and Utilities does not object to this request. However, the applicant must provide calculations and details showing intended design and inlet spacing as a condition of approval of this special permit.

- 5. The availability of on-street parking has historically been a concern in townhome (i.e., single family attached) developments, especially in those developments with streets that are narrower than the standard width and the lots are very narrow, leaving no room for on street parking. That concern has been reduced in this development as all roadways are shown with the standard width of 27'. The lots here are wider, but the applicant is required to show a minimum amount of on-street parking as one of the conditions of approval listed below.

- 6. A landscape plan will need to be submitted and approved prior to obtaining a building permit. The landscape plan will need to meet the design standards for landscaping and screening.

- 7. This site can be easily served by existing infrastructure such as roads and utilities. Access to this development will be provided off Rokeby Road.

- 8. Lincoln Fire and Rescue will NOT be able to respond to the location of this development with an ambulance within eight (8) minutes or with a fire engine or truck within 4 minutes due to the distance of this development from their existing

facilities.

9. Several revisions to the site plan are required and are listed in the conditions of approval.

CONDITIONS OF APPROVAL:

Per Section 27.63.320 this approval permits a Community Unit Plan for up to 37 dwelling units, with waivers to allow for double-frontage lots, waiver of the requirement to provide stormwater detention facilities, allow modification to the design standard for radius of a cul-de-sac, and allow roll-over curbs on private roadways.

Site Specific Conditions:

1. The City Council approves associated request:
 1. Change of Zone #15033
2. Before a final plat is approved, the permittee shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including 3 copies with all required revisions and documents as listed below:
 - 2.1 Change title of site plan to "Sievers Landing C.U.P. Special Permit #15069".
 - 2.2 Make the following changes to the General Site Notes:
 - 2.2.1 Remove Note 3, as building envelopes are to be removed.
 - 2.2.2 Revise Note 4 to specify that private roadways shall be 27 feet in width as shown.
 - 2.2.3 Delete Note 5. This note is redundant, as the note is already covered by Chapters 14.80, 26.23, and 26.27 of the Lincoln Municipal Code.
 - 2.2.4 Delete Note 7. This note regarding common and public access easements is not necessary to include on a Special Permit for a Community Unit Plan, but would be appropriate to include on a future final plat.
 - 2.2.5 Delete Note 8. This note references Section 27.71.110. That section of the Zoning Code no longer exists, and the note is already covered by Section 27.72.060 (f) of the Zoning Code.
 - 2.2.6 Add a note stating that "Setbacks are per the R-3 district."
 - 2.2.7 Add a note stating that "Signs need not be shown on this site plan, but

need to be in compliance with chapter 27.69 of the Lincoln Zoning Ordinance, and must be approved by Building & Safety Department prior to installation".

- 2.3 List the fourth requested waiver to allow roll-over curbs on private roadways under the Approved Waivers section of the site plan.
- 2.4 Remove the building envelopes and setback dimensions on the lots, as setbacks are per the R-3 district.
- 2.5 Show a minimum of at least one on-street guest parking stall per two dwelling units. These minimum guest stalls must be adjacent or near the front of the houses, along Sievers Lane, Sievers Court, or 26th Street, not along Rokeby Road behind the houses.
- 2.6 Show future extension and lot layout of Sievers Lane and S. 26th Street for a full 300' to the west and south, respectively.
- 2.7 Show stormwater drainage infrastructure and easements to the satisfaction of the Public Works & Utilities department.
 - 2.7.1 Specifically regarding roll-over curbs, provide calculations and details showing intended design of roll-over curb and curb inlets, as well as inlet spacing that will result in no curb overtopping during a 5-year storm event.
- 2.8 A demolition permit will be required for all existing buildings prior to final platting.
3. Before a final plat is approved provide the following documents to the Planning Department:
 - 3.1 Verification from the Register of Deeds that the letter of acceptance as required by the approval of the special permit has been recorded.
4. Final plat(s) is/are approved by the City.

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

Before the approval of a final plat, the public streets, private roadway improvements, sidewalks, public sanitary sewer system, public water system, drainage facilities, land preparation and grading, sediment and erosions control measures, storm water detention/retention facilities, drainageway improvements, street lights, landscaping screens, street trees, temporary turnaround and barricades, and street name signs, must be completed or provisions (bond, escrow or security agreement) to guarantee completion must be approved by the City Law Department. The improvements must be completed in conformance with adopted design standards and within the time period specified in the Land Subdivision Ordinance. A cash contribution to the City in lieu of a bond, escrow, or security agreement may be furnished for sidewalks and street trees along major streets that have not been improved to an urban cross section. A cash contribution to the City in lieu of a bond, escrow, or security agreement may be furnished for street trees on a final plat with 10 or fewer lots.

No final plat shall be approved until the Permittee, as subdivider, enters into an agreement with the City whereby Permittee 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 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 Sievers Court, Sievers Lane, S. 26th Street, and Rokeby Road as shown on the final plat within four (4) years following the approval of the final plat.

to complete the installation of sidewalks along S. 27th 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 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 within this plat within two (2) years following the approval of the final plat.

to complete the planting of the street trees within this plat within six (6) years following the approval of the final plat.

to complete the installation of street trees along S. 27th Street as shown on the final plat within two (2) years following the approval of this final plat.

to complete the planting of the landscape screen within this plat within two (2) 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 complete any other public or private improvement or facility required by Chapter 26.23 (Development Standards) of the Land Subdivision Ordinance in a timely manner which inadvertently may have been omitted from the above list of required improvements.

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

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

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

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

to maintain the outlots on a permanent and continuous basis.

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

to maintain the 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 facilities, on a permanent and continuous basis.

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

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

- (1) Permittee shall not be relieved of Permittee's maintenance obligation for each specific private improvement until a registered professional engineer or nurseryman who supervised the installation of said private improvement has certified to the City that the improvement has been installed in accordance with approved plans.
- (2) The maintenance agreements are incorporated into covenants and restrictions in deeds to the subdivided property and the documents creating the association and the restrictive covenants have been reviewed and approved by the City Attorney and filed of record with the Register of Deeds

to pay all design, engineering, labor, material, inspection, and other improvement costs.

Standard Conditions:

5. The following conditions are applicable to all requests:
 - 5.1 Before occupying the dwelling units all development and construction shall substantially comply with the approved plans.
 - 5.2 All privately-owned improvements, including landscaping and recreational facilities, shall be permanently maintained by the Permittee or an appropriately established homeowners association approved by the City.

- 5.3 The physical location of all setbacks and yards, buildings, parking and circulation elements, and similar matters be in substantial compliance with the location of said items as shown on the approved site plan.
- 5.4 The terms, conditions, and requirements of this resolution shall run with the land and be binding upon the Permittee, its successors and assigns.
- 5.5 The applicant shall sign and return the letter of acceptance to the City Clerk. This step should be completed within 60 days following the approval of the special permit. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the applicant. Building permits will not be issued unless the letter of acceptance has been filed.

Prepared by

Rachel Jones, Planner
402-441-7603 or rjones@lincoln.ne.gov

DATE: November 9, 2015

APPLICANT: VerMaas & Sons, LLC, 1900 SW 6th Street, Lincoln, NE 68522

OWNER: John D. & Janice K. VerMaas, 1900 SW 6th Street, Lincoln, NE 68522

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

F:\DevReview\SP\15000\SP15069 Sievers Landing CUP.rkj.wpd

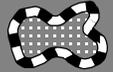


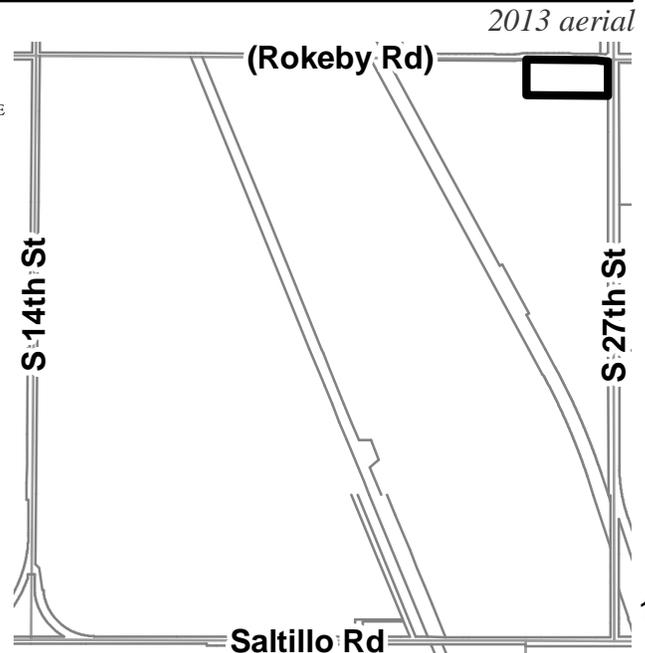
**Special Permit #: SP15069 and
Change of Zone #: CZ15033 (AGR to R-3)
Sievers Landing CUP
S 27th St & Rokeby Rd
Zoning:**

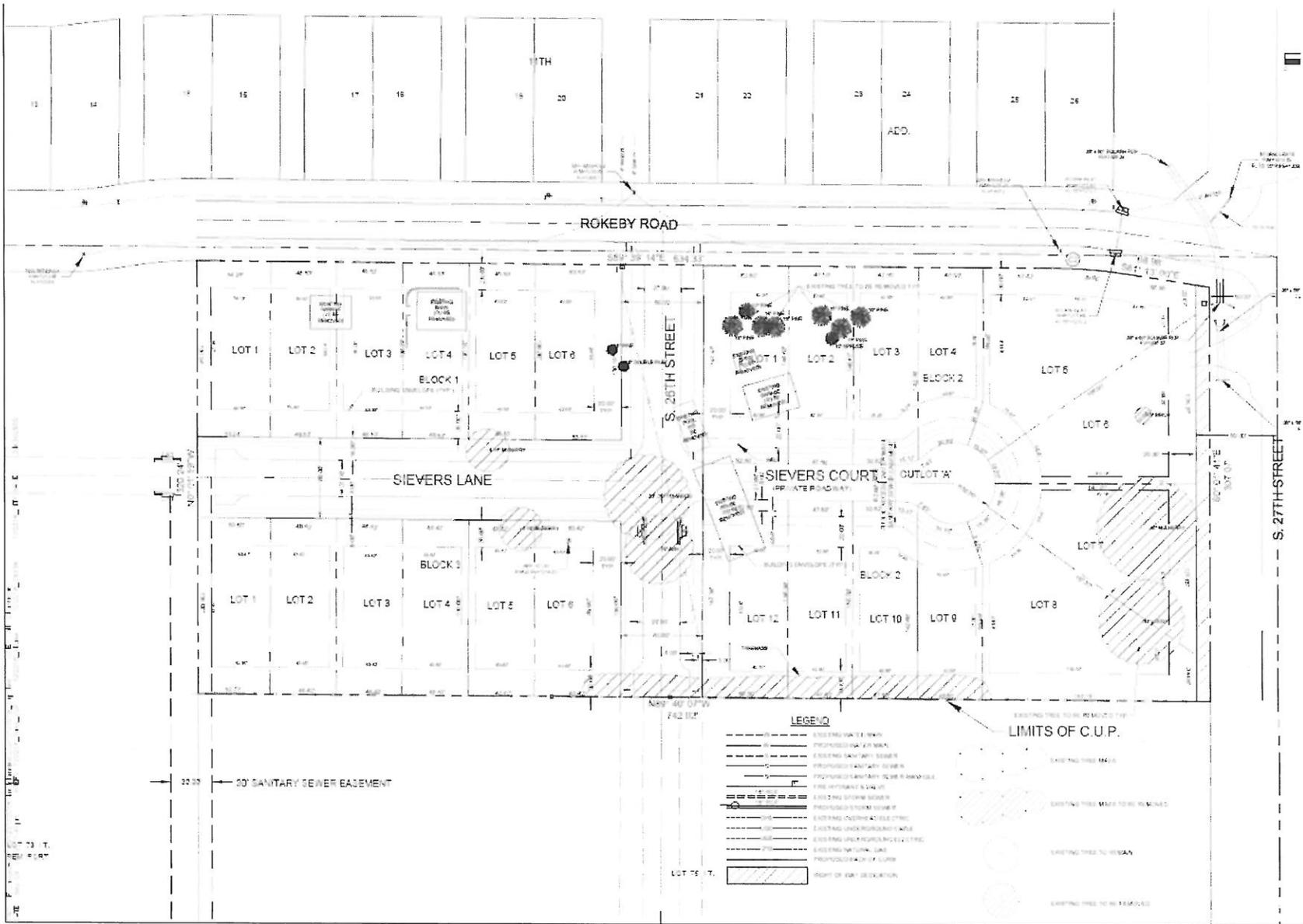
- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial 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.36 T09N R06E



	Area of Application
	Zoning Jurisdiction Lines
	Lancaster County Jurisdiction





GENERAL SITE NOTES

1. THIS SPECIAL PERMIT CONTAINS A TOTAL OF 24 BUILDABLE LOTS (3 BLOCKS) AND 24 DWELLING UNITS. THE DEVELOPER RESERVES THE RIGHT TO UTILIZE THE REMAINING 13 PERMITTED UNITS.
2. THE CURRENT ZONING IS AG WITH A REQUESTED CHANGE OF ZONE TO R-3.
3. THE DEVELOPER RESERVES THE RIGHT TO BUILD ANYWHERE WITHIN THE BUILDING ENVELOPES.
4. PRIVATE ROADWAYS SHALL BE 25 FEET IN WIDTH (BACK TO BACK OF CURB), UNLESS OTHERWISE SPECIFIED AND SHALL BE SURFACED WITH 6" OF PORTLAND CEMENT OR 5" OF PORTLAND CEMENT BASE AND 2½" OF ASPHALTIC CONCRETE SURFACE WITH ROLL-OVER CURB.
5. PUBLIC SIDEWALKS SHALL BE INSTALLED AS SHOWN ALONG PRIVATE ROADWAYS. SIDEWALKS SHALL BE 4 FEET IN WIDTH AND SHALL BE 4" THICK AND 5" THICK AT DRIVEWAY CROSSINGS.
6. ALL CURVILINEAR DIMENSIONS ARE CHORD LENGTHS.
7. COMMON AND PUBLIC ACCESS EASEMENTS ARE HEREBY GRANTED OVER ALL PRIVATE ROADWAYS AND SIDEWALKS SHOWN.
8. IN ADDITION TO WHAT IS ALLOWED BY 27.71.110 UNENCLOSED DECKS MAY EXTEND MORE THAN THREE FEET ABOVE OR BELOW THE ADJACENT GROUND LEVEL AND MAY PROJECT IN TO A REAR YARD PROVIDED THIS PROJECTION BE AT LEAST 10 FEET FROM SAID REAR LOT LINE AND PROVIDED THE REAR LOT LINE ABUTS A LOT OR OUTLOT RESERVED FOR OPEN SPACE.
9. EXISTING TOPOGRAPHICAL CONTOURS ARE IN NORTH AMERICA VERTICAL DATUM (NAVD) 1988.
10. "ATTACHED SINGLE FAMILY" LOTS SHALL HAVE A ZERO SETBACK ALONG THE COMMON WALL PROPERTY LINE, AND 5-FOOT SIDE YARD SETBACK OPPOSITE THE COMMON WALL PROPERTY LINE. THESE SETBACKS SHALL REGULATE STRUCTURAL WALLS ONLY AND SHALL NOT RESTRICT OVERHANGS, PATIOS, DECKS, DOOR SWINGS OR WINDOW SWINGS FROM ENCROACHING INTO THE SETBACKS. ENCROACHMENTS ARE NOT ALLOWED OVER PROPERTY LINES AND MUST CONFORM TO BUILDING AND LIFE SAFETY CODES.
11. LOT DIMENSIONS SHOWN ARE APPROXIMATE AND MAY VARY AT THE TIME OF FINAL PLAT.



Civil Design Group, Inc.

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

www.civildg.com

October 21, 2015

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

Re: Sievers Landing, Community Unit Plan and Change of Zone applications, South 27th Street and Rokeby Road, CDG Project #2012-0018.

Dear Mr. Cary:

On behalf of VerMaas and Sons, LLC., we submit the above mentioned Sievers Landing CUP and Change of Zone application. This CUP contains 5.44 acres of land that is currently zone AGR and is currently annexed. We are requesting a change of zone to R-3 with 24 single family attached homes on 24 lots.

We request the following waivers with this application:

1. To allow for double-frontage lots between Rokeby Rd and Sievers Lane/John Court, per Section 26.23.140.
Per pre-application discussions with Planning Staff, in order to achieve maximum density with the narrow nature of this parcel the shown layout requires 11 double frontage lots.
2. To the storm water detention requirement, per Design Standards, Chapter 2.05, Section 3.3.
Per pre-application discussions with Watershed Management staff it was determined that due to the small size of the project and its proximity to the floodplain of Wilderness Creek, (which is preserved by the city in a permanent floodplain easement) releasing the storm water from this development into the creek immediately would minimize the potential implications of a delayed release from a detention cell that could coincide with the arrival of the peak flooding event from the large Wilderness Creek drainage basin that lies upstream of this project.
3. To allow for the radius of cul-de-sac on a private street to be 30', per Design Standards, Chapter 2.25.
Per pre-application meetings with Public Work' staffs, it was determined this would for more buildable lots on the relatively short John Court.

In conjunction with this submittal we have included the following:

Change of Zone Fee - \$792.00

CUP Fee - \$1,510.08

Change of Zone and CUP 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 CUP and change of zone application. As always, please call me at (402) 434-8494 if you have questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Eckert", with a long, sweeping horizontal flourish extending to the right.

Mike Eckert, AICP

Encl

cc: VerMaas & Sons, LLC

F:\Projects\2012\20120018\landplanning\Doc\cup-planning_10-21-15.doc

Current Project - Agency Review Report

Agency Name	User Name	Review Cycle	Review Status	Comments	Assignment
Building & Safety	christy eichorn	1	Corrections Required	<p>These lots will only permit attached single family development. Does the developer also want to allow detached single family units? If so they should ask for a waiver and note the allowance of detached single family units in the notes.</p> <p>Note #8 references 27.71.110 – this section of the zoning code no longer exists.</p> <p>Eliminate building envelopes if setbacks are per the R-3.</p> <p>There are no corner lots shown with a 10' front yard setback on the site plan.</p> <p>Note #8 is already covered by 27.72.060 (f) of the Zoning Ordinance.</p> <p>A demolition permit will be required for all existing buildings prior to final plat.</p>	First In Group
County Health	chris schroeder	1	Recommend Approval	<p>Developers are responsible for all mosquito control issues during the building process and all outlots, green-spaces, and/or natural corridors subsequently controlled by the owner, tenant, occupant, lessee, or otherwise, for that subdivision would be responsible for vectors of zoonotic disease in those areas.</p> <p>All wind and water erosion must be controlled during construction. The Lower Platte South</p>	Individual

Current Project - Agency Review Report

				<p>Natural Resources District should be contacted for guidance in this matter.</p> <p>During the construction process, the land owner(s) will be responsible for controlling off-site dust emissions in accordance with Lincoln-Lancaster County Air Pollution Regulations and Standards Article 2 Section 32. Dust control measures shall include, but not limited to application of water to roads, driveways, parking lots on site, site frontage and any adjacent business or residential frontage. Planting and maintenance of ground cover will also be incorporated as necessary.</p>	
Development Review Manager	steve henrichsen	1	Corrections Required		Individual
Emergency Communications	Kelly Davila	1	Pending		Individual
Fire Department	Fire Department	1	Pending		First In Group
LES	les reviews	1	Corrections Required	<p>11/2/2015- Uploaded red line drawing into the miscellaneous documents folder. One comment to: "please include blanket utility excluding building envelopes for area of proposed plat."- Shana Sprackling. -Sarah Ryan</p>	First In Group
Lincoln Police Department	Lincoln Police Department	1	Pending		First In Group
Planning Dept	brenda thomas	1	No Review Required		First In Group

Current Project - Agency Review Report

Public Works - Engineering Services	bob simmering	1	Recommend Approval	10-26. Surety required for public and private infrastructure. Please provide quantities and engineer's estimate prior to final plat.	First In Group
Public Works - Watershed Management	ben higgins	1	Recommend Denial	- Storm drain inlets on private property and discharges to private property. Need written approval that the landowner is OK with this - Storm drain alignment on Lot 6, Block 3. Need 30' easement.	Individual
Public Works & Utilities - Wastewater	brian kramer	1	Recommend Approval	This area can be easily served by sanitary sewer.	Individual
Public Works & Utilities - Water	Public Works & Utilities - Water	1	Pending		First In Group
United States Post Office	kerry kowalski	1	Recommend Approval	Recommend approval on the condition that all new deliveries are established in Centralized Box Units(CBUs) that will be purchased and installed at the developers expense in a location mutually agreed upon by the developer and the US Postal Service	First In Group
Windstream	jon littrell	1			Individual

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for November 18, 2015 PLANNING COMMISSION MEETING

- PROJECT #:** Special Permit No. 1762E - Vintage Heights CUP
- PROPOSAL:** Allow the use of a sanitary sewer lift station to serve 84 dwelling units where it was previously prohibited, and to revise the layout for the area of the CUP involved.
- LOCATION:** Southwest of the intersection of South 98th Street and Old Cheney Road.
- EXISTING ZONING:** R-3 Residential
- CONCLUSION:** Serving the sanitary sewer needs of new development via pump stations has long been contrary to City policy, a policy that was formalized, expanded, and adopted by the City Council in 2004. The rationale for adopting the Policy on Temporary Pump Stations and Force Mains in 2004 were several. Primarily, pump stations are inefficient and more costly in the long-term when compared to the City's gravity system, due to the increased maintenance and operational costs.

There has also been no shortage of developable land that could be served by gravity flow sewer to necessitate the annexation of land serviced by pumping systems. Additionally, the city's well-planned growth pattern is largely attributable to annexation of those properties which can equally share in all the City's services and infrastructure. This type of coherent growth has helped make development more predictable and equitable.

For the land involved in this request, the fact that they couldn't be served by gravity sewer flow was known since the development was approved in 1997. What distinguishes this property from multiple others at the edge of the city that would also like to use pump stations, is that the property has already been annexed and re-zoned. Done today, annexation and re-zoning of any area that cannot be served by gravity flow would not be the recommended process. Instead, those areas should remain outside the city limit and only annexed at such time as they can be fully served by the full range of city services, including gravity flow sanitary sewer.

RECOMMENDATION:

Conditional Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION: See attached.

EXISTING LAND USE: Vacant.

AREA: 35.6 acres more or less.

SURROUNDING LAND USE AND ZONING:

North:	Residential	AG, R-3
South:	Residential, Vacant	AG, R-3, B-5
East:	Agriculture, Residential	AG
West:	Residential, Vacant	R-3

HISTORY:

- Jul 1997** The preliminary plat of Vintage Heights was approved. It included none of the land involved in this request, and any land that could not be served by gravity sewer was excluded from the plat. (See attached)
- Jul 1998** The preliminary plat of Vintage Heights 1st Addition was approved, showing development to the south of that approved in the original addition. The limit of gravity sewer was clearly delineated on the plan, and no area was annexed or re-zoned that couldn't be served by sanitary sewer. (See attached)
- Sep 1999** The preliminary plat of Vintage Heights 2nd Addition and Special Permit #1762 for Vintage Heights were approved (see attached). The area of Vintage Heights was extended to South 98th Street, including the area that could not be served by gravity sewer. The plat showed large acreage lots and a church site in the area that could not be served, but with the western edge of those lots able to be served by gravity sewer. Individual homes and a church could be located on the western edge of the lots, with the remainder dedicated to large yards, or in the case of the church, play fields and parking areas.
- Feb 2003** Special permit #1762A to include an additional seven acres of land expanding the development to the south, along with revisions to the internal lot layout. There was no change in the lot layout where sewer was limited.
- Oct 2004** Special permit #1762B was approved. The owner again requested a lift

station but was denied by the City Council. The site plan for the CUP was revised to show a proposed urban density lot layout for those lots beyond gravity sewer flow. While the acreage lots could have developed immediately using septic systems, the developer abandoned them and instead chose to show urban density lots with the understanding they could not be developed until gravity sewer was available. (See attached)

Mar 2005 Special Permit #1762C was withdrawn by the applicant.

Feb 2009 Special Permit #1762D was approved adjusting the setback for all lots adjacent to 98th Street in the event additional right-of-way is acquired.

ANALYSIS:

1. This is a request to amend the Vintage Heights CUP to delete Note #24 from the site plan, and to revise the layout for those lots within the area that can't be served by gravity sewer.

2. Note #24 states that "All lots that cannot be served by gravity sanitary sewer shall not be final platted until such time that gravity sewer is available or the City adopts a policy that allows a pump station.

3. A summary of the history:

1997 - The original Vintage Heights CUP was approved. All the property within the CUP could be served by gravity sewer.

1998 - Vintage Heights 1st Addition preliminary plat was approved. The area that could not be served by sanitary sewer was clearly delineated, and passive uses like open space, a park, or school site were shown, and was not annexed nor re-zoned.

1999 - Vintage Heights 2nd Addition was approved, and the request for a lift station to serve those areas beyond gravity sewer flow was denied. Instead, large acreage lots and a church site were shown.

2004 - A request for a lift station was again denied by the City Council. However, the layout for those lots affected by lack of sewer was revised to an urban density layout. The owner changed the acreage development plan (which could have been done immediately) for the urban density layout, but with the understanding that the smaller lots could not be developed until sanitary sewer was available.

4. In 2004, the City of Lincoln adopted the Policy on Temporary Pump Stations and Force Mains (see attached). While there had been guidance in this regard in the

Comprehensive Plan, the adoption of a policy statement was deemed important due to the number of requests for lift stations, including this one, that the City had been receiving.

In summary, some of the key points of the policy regarding pump stations includes the following:

- A. Allowed on a temporary basis, which is less than six years in duration.
 - B. In Priority A areas only. That is, areas where city services are anticipate in the near future.
 - C. A substantial public benefit needs to be demonstrated.
 - D. How the development allowed by the pump station will impact other services.
 - E. The sewer system has the capacity to accept the discharge form the pump station.
 - F. The pump stations should not require the use of storage tanks.
 - G. The pump and force main should be sized to serve all the land within the sub-basin that drains to the pump, at least 500-1,000 acres.
 - H. The length of the force should be as short as possible due to maintenance costs.
 - G. The developer should own the pump station and land, but the City should operate it along with the force mains.
5. The city's growth has long been predicated upon orderly, predictable growth at the edge where all public facilities were available. Once infrastructure is built to standard, the City accepts it for maintenance and the burden of upkeep and is shared by all.

The main disadvantages of lift stations is that they are more costly and less reliable to operate when compared to gravity sewer systems. For efficiency alone, gravity systems are superior.

6. There are currently only five private lift stations in operation within the City today. They are:
- a. Lincoln Benefit Life (now Allstate). The lift station was approved to support a major employer.
 - b. Southwest Village. The lift station was adopted in accordance with the Pump Station Policy.
 - c. Waterford Estates. A lift station was allowed in accordance with the Pump Station Policy, but has since been decommissioned. The development has been

connected to the City system.

- d. Super Target at South 40th Street and Yankee Hill Road - A lift station was allowed because it served one user, and on a temporary basis. It is scheduled for decommissioning in the next 12 months.
 - e. South 8th and Calvert Streets - A lift station was approved on a temporary basis as the developer failed to connect to a trunk line. It is also scheduled for decommissioning in the next 12 months.
7. In his letter the applicant notes that the subject property is in Tier 1, Priority A, and has already been annexed and re-zoned. This does distinguish this property from most all others at the edge of the City also requesting to develop and use pump stations.
 8. The site plan proposes a revised street and lot layout. There were no prior meetings with staff to discuss the layout shown, so there are a number of recommended revisions/changes which are listed below:
 - A. Due to block length, show a pedestrian easement in a 15 foot wide outlet between Lots 14 and 15, Block 28. Revise the grading plan to show that the easement meets ADA standards.
 - B. Show a pedestrian easement leading from the cul-de-sac (south of Beaumont Drive) to 98th Street. Revise the grading plan to reflect the sidewalk and show that the easement meets ADA standards.
 - C. Add a pedestrian easement, in a minimum 15 foot wide outlet, from S. 97th Street Circle to Nappa Ridge Drive to provide for pedestrian access to Kloefkorn Elementary School and as required by block length.
 - D. The cul-de-sac in Block 28 needs a street name.
 - E. Label the natural gas pipeline in Outlot B.
 - F. Identify the Pipeline Planning Area as determined by the Health Department.
 - G. Identify Outlot B, Vintage Heights 26th Addition on the CUP.
 - H. Identify those lots on the CUP which are to be served by the pump station.
 9. The applicant notes that a waiver to block length is requested for Block 10. This request is not necessary, as the basic street layout was approved by prior amendment. Also, the east portion of the block abuts South 98th Street, an arterial street. The Access Management Policy limits intersections to 1/4 mile intervals, and another connection to South 98th Street is not warranted in this area.
 10. If approved, an agreement needs to be entered into between the owner and the City. The terms of the ownership, maintenance, operation, and cost

responsibilities of the pump station need to be stated so they are clear to all involved. The details of that have not yet been defined, but this should be done prior to this request being considered by the City Council.

11. Moving forward, the City should not annex and re-zone areas that cannot be served gravity sewer in the first place. The fact the property is annexed and properly zoned, however, is unique. If a pump station is allowed to serve the lots in question, it should be made clear that it was allowed due to these special circumstances. Given this, it is clear that a precedent is not established by this action for use by others under different circumstances also seeking to employ pump stations.

CONDITIONS OF APPROVAL:

Standard:

Permits a total of 990 dwelling units within the CUP, 84 of which are to be served by a sanitary sewer pump station.

Site Specific:

1. Before receiving building permits:
 - 1.1 The applicant will submit a revised site plan including 5 copies showing the following revisions:
 - 1.1.1 Due to block length, show a pedestrian easement in a 15 foot wide outlet between Lots 14 and 15, Block 28. Revise the grading plan to show that the easement meets ADA standards.
 - 1.1.2 Show a pedestrian easement leading from the cul-de-sac (south of Beaumont Drive) to 98th Street. Revise the grading plan to reflect the sidewalk and show that the easement meets ADA standards.
 - 1.1.3 Add a pedestrian easement, in a minimum 15 foot wide outlet, from S. 97th Street Circle to Nappa Ridge Drive to provide for pedestrian access to Kloefkorn Elementary School and as required by block length.
 - 1.1.4 Provide a street name for the cul-de-sac in Block 28.
 - 1.1.5 Label the natural gas pipeline in Outlet B.
 - 1.1.6 Identify the Pipeline Planning Area as determined by the Health

Department.

- 1.1.7 Identify Outlot B, Vintage Heights 26th Addition on the CUP.
- 1.1.8 Identify those lots on the CUP which are to be served by the pump station.
- 1.2 Revise the grading and drainage plan to the satisfaction of Public Works and Utilities.
- 1.3 Prior to scheduling with the City Council:
 - 1.3.1 The applicant enters into an agreement with the City regarding the terms of the ownership, maintenance, operation, and cost responsibilities of the pump station.

General:

2. Prior to final plats:
 - 2.1.1 Provide documentation from the Register of Deeds that the letter of acceptance as required by the approval of the special permit has been recorded.

Standard:

3. The following conditions are applicable to all requests:
 - 3.1 Before occupying the new dwellings all development and construction is to be in substantial compliance with the approved plans.
 - 3.2 All privately-owned improvements are to be maintained by the owner or an appropriately established owners association approved by the City.
 - 3.3 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.
 - 3.4 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
 - 3.5 The applicant shall sign and return the letter of acceptance to the City

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

4. 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, 441-6362, bwill@lincoln.ne.gov
Planner
November 5, 2015

APPLICANT: Tom Smith
4089 South 84th Street
Omaha, NE 68127
402-437-1026

OWNER: Pine Lake Development
4089 South 84th Street
Omaha, NE 68127
402-437-1026

CONTACT: Mark Hunzeker
1248 O Street
Lincoln, NE 68508
402-475-1075

Policy on Temporary Pump Stations & Force Mains
Approved by the Lincoln City Council on December 6, 2004
Resolution A-83112

For decades the community has been well served by its policy to use a gravity based sanitary sewer system. This policy has led to more efficient and cost effective utility service for the citizens and rate payers. Alternatives, such as relying on pump stations, are more expensive to maintain and operate in the long run.

More importantly, the gravity system is a fundamental tool of the City's infrastructure and community planning that has allowed Lincoln to grow in a more contiguous and predictable manner in order to meet the community's goals.

The 2025 Lincoln/ Lancaster County Comprehensive Plan states:

“The City's collection system, in general, will continue to be a gravity fed system that is designed to accommodate urbanization of drainage basins and sub-basins. This system encourages orderly growth within the natural drainage basin boundaries. This policy encourages urban growth from the lower portion of the drainage basin and prohibits pumping of wastewater across basin boundaries. Explore alternative methods, such as lift stations, where practical.”

The adopted City of Lincoln sanitary sewer design standards state:

“The various elements of the sanitary sewer system in the City of Lincoln are designed to handle only that wastewater contribution which originates within the natural surface watershed where in the sanitary sewer system is located. The transfer of wastewater from one watershed to another by any means, such as lift station or construction of a sanitary sewer which cuts through the ridge separating the watersheds, shall not be permitted.”

In light of developer requests to waive this standard and permit temporary pump stations and force mains, such requests will be considered based on the criteria on the following pages.

1. **Temporary Basis:** Pump stations are more expensive to maintain and operate than gravity systems and will only be allowed on a temporary basis. Gravity flow sanitary sewer lines are still the best and most cost efficient long term method to provide service. Temporary shall mean a period up to **six years**, at which point the new gravity line is built allowing the facility to be discontinued. As soon as the gravity line is available, the pump station shall be discontinued and removed.
2. **Priority A Areas Only:** Pump stations and force mains shall only be allowed in Tier I - Priority A areas; provided that the gravity trunk line to the service area is in the 6 Year Capital Improvement Program (CIP) with funding clearly identified.
3. **Limited Use:** The City of Lincoln's gravity sewer system policy has served the community well for decades. It is the most efficient and cost effective system for the citizens and rate payers of Lincoln. Pump stations and force mains shall only be used in unusual circumstances for a substantial public benefit. It is anticipated that temporary pump stations may only be used one or two times in the entire Lincoln area. In the vast majority of situations, gravity sewer should be used, even if the trunk line construction is several years away. Pump stations and force mains are to be temporary due to a delay in the construction of the gravity line.
4. **Impact on Other Services:** Use of a pump station to advance development may also impact the provision of other public services. Thus, the developer must address the following information (based on principles for serving Priority B areas before Priority A areas, page F 30 of the Comprehensive Plan):
 - a. "Demonstrate how the necessary infrastructure improvements to serve the sub-basin would be provided and financed. The City shall contact other public agencies to obtain their report on the infrastructure necessary to serve the sub-basin including utilities, roads, fire service, public safety, parks, trails, schools and library needs.
 - b. The impact that development in the sub-basin will have on capital and operating budgets, level of service, service delivery and Capital Improvement Programs is addressed.
 - c. There is demonstrated substantial public benefit and circumstances that warrant approval of the proposal in advance of the anticipated schedule."
5. **Crossing Creeks:** Permanent lift stations to transfer sewage from one side of a creek to the other, as part of gravity system have always been permitted. There are circumstances where a lift station to cross a creek is the best solution instead of siphons. This has been a policy and practice of the city for decades.
6. **Receiving Sewer Line Capacity:** The receiving trunk and/or smaller line must have capacity based on current and projected flows to receive the extra flow during the temporary basis. The projected capacity should assume a full buildout of any land that is already planned to be served in the Comprehensive Plan, then projected capacity should be based on a reasonable buildout of any undeveloped land.

7. **Basins with Sewer Line Capacity:** The following sanitary sewer trunk lines have capacity as of this date (assuming projected Tier I development)

Lines With Capacity

- West O
- Little Salt

Lines Without Capacity

- Havelock
- Dead Man's Run
- East Campus
- Antelope Creek
- Beal Slough
- Salt Creek (south)
- Middle Creek
- Oak Creek
- Lynn Creek

"Lines Without Capacity" is based on current and projected flows and could not be pumped into unless there is capacity based on a reasonable buildout of the area to be served. In some situations, once major improvements to a few of these lines are made, then there may be some capacity.

The new Stevens Creek trunk line, when constructed, would have capacity. The new Salt Valley relief trunk line is designed for a specific service area and will be considered at capacity.

8. **Use of Storage Tanks:** The use of storage tanks is prohibited. Developments have proposed building storage tanks in order to pump the waste out at night in areas where the existing pipes are at capacity. There are compelling technical and operational problems with storing effluent for period beyond a few hours. For example, there are odor problems and the waste when held for a long period can cause corrosion problems in pipe lines. A pump station is typically designed to pump all the waste out every 2 to 3 hours, which is the longest period the waste should be held.
9. **Service Area of Pump Station:** The pump station and force main should be sized to serve Tier I, Priority A land that is in the same sub-basin which naturally drains to the pump station. Pump stations to benefit and serve a single property are discouraged. Small pump stations are inefficient to operate. Pump stations should be designed to serve at least 500 to 1,000 acres. The area to be served by the pump station must be contiguous to the city limits. This policy is not intended to permit "leap frog" or growth that is not contiguous to the city. Any land to be served must be inside the city limits prior to service.
10. **Length of Force Main:** Even if fully funded by a developer, building long force mains rather than a gravity sewer lines is inefficient use of the future homeowner's financial resources. The longer time it takes to transport the waste, the greater potential for problems with respect to corrosion and odor. The transit time must be based on estimated sulfide generating capacity (or offset by chemical addition). The developer must ensure reasonable velocity with at least 4 to 5 feet per second (fps) at least 1x/day. It will be important to make appropriate use of air relief valves, blowoffs, oxygen injection (if needed), in accordance with City design standards. To protect against peak flow impacts of major storm events, the pump station should be sunk in the ground and with an enlarged pipe coming in to the pump station to provide additional storage (Hydraulic Institute Standards 98). Standards will be needed for acceptable chemicals for use in pump station odor control.

11. **Notification of Other Affected Properties:** The City is responsible for contacting all other property owners that may reasonably be served by a pump station, early in the review process. This will allow other owners to have the same information and determine their interest in the potential pump station.
12. **Location of Pump Stations:** The developer is responsible for all costs involved in acquiring suitable land for the pump station and any costs for providing access drives to the facility. Pump stations shall not be in public right-of-way. The developer shall be solely responsible for all costs of any environmental analysis needed to locate the facility.
13. **Obtaining Right-of- Way and Easements:** The developer shall be solely responsible for all costs of obtaining right-of-way and easements without any reimbursement from the City or third parties. Force mains will be allowed to be located in arterial street right-of-way, if space is available. If the force main is to be abandoned after conversion to a gravity system, the developer must prove that there is adequate right-of-way for the unused force main and all other utilities typically found in the right-of-way.
14. **Construction:** The developer shall be solely responsible for all costs of constructing the pump station and force main. Construction plans shall be approved by the Director of Public Works and Utilities Department and be per city standards. Pump stations and force mains are considered temporary facilities and thus are not eligible for reimbursement under the Impact Fee Ordinance. Any construction will be solely at the cost of the developer without reimbursement from the City.
15. **Pump Station Design Specifications:** The developer will conform to the City design specifications for temporary pump stations and force mains as developed by the Director of the Public Works & Utilities Department. Even with the design standards, there may be additional review time required for the pump stations since they are uncommon in Lincoln. All costs for any additional review time, outside of the normal EO process, of the pump station and force main shall be paid for by the developer.
16. **Third Party Connections:** Provided there is downstream capacity, when another party other than the developer connects to the pump station that party shall reimburse the developer for their "fair share" of the cost of constructing and operating the pump station and force main (including design and soft costs.) The method and formula for contribution is to be determined.
17. **Ownership and Operation:** The developer will own the pump station, land and easements, and the City will operate the pump station and force mains once inspections have been completed and the facilities are found acceptable. Pump stations in general are costly to maintain and operate and take staff dedicated to handle some time late night calls on failures and problems. Pump stations should be avoided and the City accepts operation responsibilities only to avoid problems of an inexperienced or inaccessible private operator would inadequately respond to complaints or emergency situations.

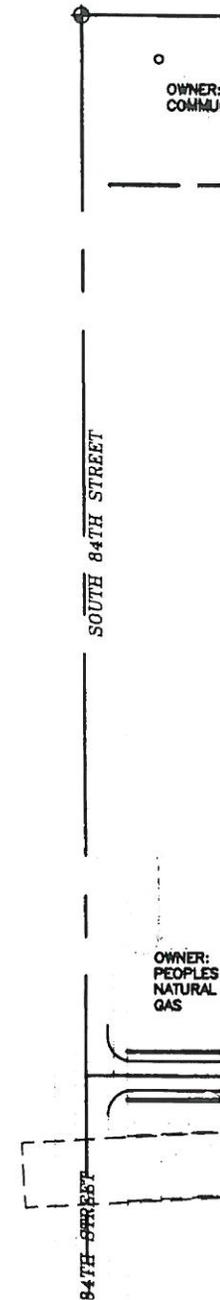
18. **Operating, Repair and Maintenance Costs:** There are substantial operation, repair and maintenance costs for a pump station and force main. The City may be required to hire additional staff to operate the facility. This requires specialized training and employees with this training are difficult to find and hire. The developer will be responsible for all costs for operating and maintaining the pump station and force main during the life of the facility. The costs of operating, maintenance, upgrading, permitting, administering, all are costs of the system that must be covered by the developer. The developer will be billed for the cost, who in turn may collect from property owners who connect to the facilities. The City does not want the additional cost of collecting from multiple property owners.

The developer will need to provide a bond for the operating costs over the full estimated life time of the facility at time of Annexation Agreement. The preliminary estimate for the operating, repair and maintenance costs is \$25,000 per year. The bond will be estimated on a case by case basis depending upon the size and operation of the pump station and force main. The amount of the bond may be reduced each year, if the sanitary sewer trunk line progresses forward in the CIP, as long as at least two years of costs is provided.

19. **Closing of the Pump Station:** Once the station is decommissioned, the developer and any third parties will be billed all costs involved in decommissioning the station.
20. **Salvage Rights:** The developer shall fund all costs associated with properly abandoning the temporary pump station and force main, including any costs for restoring all property in or adjacent to the easements. The developer shall fund all costs associated with closing and removing the pump station. The developer shall have full salvage rights to the building, equipment and land for the pump station after it is closed. The future use of the land for the pump station shall be identified prior to approving the station.
21. **Notification:** The developer shall notify all property owners who will connect to the facility of the temporary pump station and cost obligations.

VINTAGE HEIGHTS NOTES

16. WITH THE EXCEPTION OF INSTALLATION, REPAIR AND REPLENISHMENT OF TREE IMPROVEMENTS, STORM WATER AND DRAINAGE IMPROVEMENTS, UTILITIES AND PEDESTRIAN SIDEWALKS AND TRAILS APPROVED WITH A PLAT OR COMMUNITY UNIT PLAN, ALL WETLANDS ON THE SITE ARE TO BE PRESERVED, SUBJECT TO ANY WETLAND IMPROVEMENTS OR WETLAND EXPANSIONS FROM OFF-SITE WETLAND MITIGATION".
17. OUTLOT E, O, & R:
THE WETLANDS, NATURAL DRAINAGEWAY, TREES AND FLOOD PLAIN SHOWN ON THE GRADING/DRAINAGE PLAN SHALL BE PROTECTED AND PRESERVED SUBJECT TO GENERAL SITE NOTE NO. 16 AND FUTURE MAINTENANCE AND STORMWATER/DRAINAGE IMPROVEMENTS CARRIED OUT WITH MINIMUM IMPACT.
18. OUTLOT D, E, & R:
THE WETLANDS, NATURAL DRAINAGEWAY, FLOOD PLAIN SHOWN ON THE GRADING/DRAINAGE PLAN AND TREES NOT SHOWN TO BE REMOVED ON THE LANDSCAPE PLAN SHALL BE PROTECTED AND PRESERVED SUBJECT TO GENERAL SITE NOTE NO. 16 AND STORMWATER/DRAINAGE IMPROVEMENTS CARRIED OUT WITH MINIMUM IMPACT.
19. BEFORE THE INITIAL FINAL PLAT CREATING LOTS ABUTTING S. 98th STREET IS APPROVED, S. 98th STREET MUST BE PAVED TO A TWO LANE RURAL STREET STANDARD OR SECURITY SUBMITTED TO GUARANTEE ITS COMPLETION.
20. BLANKET EASEMENT, EXCLUDING BUILDING ENVELOPES AND 66' GAS EASEMENT, GRANTED ON OUTLOTS "A" THROUGH "R".
21. NO PORTION OF ANY LOT ABUTTING ANTELOPE CREEK SHALL BE GRADED BELOW THE 100 YR. FLOOD ELEVATION AS SHOWN ON THE GRADING AND DRAINAGE PLANS, SHEETS 5, 6, 7 AND 8.
22. REFERENCE GEOTECHNICAL SERVICES INC. LETTER DATED JULY 13, 1999 REGARDING IMPACT TO THE WETLANDS IN OUTLOT "E" DUE TO THE PROPOSED DETENTION CELL.
23. FINAL PLACEMENT OF HIKER BIKER TRAILS AND PEDESTRIAN EASEMENTS IN THE OUTLOTS HAVE NOT BEEN DECIDED UPON BY THE PARKS AND RECREATION DEPARTMENT AND ARE SUBJECT TO CHANGE UPON COMPLETION OF THEIR FINAL DESIGN. GRADING OF THE HIKER BIKER TRAILS AND PEDESTRIAN WAY EASEMENTS SHALL FOLLOW CITY OF LINCOLN DESIGN STANDARDS FOR HIKER BIKER TRAILS. ANY STORM SEWER PIPE THAT IS IN CONFLICT WITH DESIGN OF THESE EASEMENTS WILL BE RELOCATED OR EXTENDED BY THE DEVELOPER, AT THE TIME OF HIKER BIKER TRAIL CONSTRUCTION.
24. ALL LOTS THAT CANNOT BE SERVICED BY GRAVITY SANITARY SEWER SHALL NOT BE FINAL PLATTED UNTIL SUCH TIME THAT GRAVITY SANITARY SEWER IS AVAILABLE OR THE CITY ADOPTS A POLICY THAT ALLOWS THIS PUMP STATION.



msto/neak, 1:1



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

October 19, 2015

David Cary, Acting Director
Lincoln/Lancaster County
55 South 10th Street
Lincoln, NE 68508

RE: Vintage Heights CUP

Dear David:

Attached is an application to amend the Vintage Heights Community Unit Plan. The purpose of the application is to develop approximately 92 single family lots west of 98th Street and generally east of the existing developed lots in Vintage Heights.

As you know, the property sought to be developed has been part of the Vintage Heights CUP from its original approval in 1997 and is within the City limits. However, Note 24 of the CUP states: "All lots that cannot be serviced within gravity sewer shall not be final platted until such time that gravity sewer is available or the City adopts a policy that allows this pump station."

Since 1997 the City has adopted a policy regarding the use of pump stations, and there are some which have been installed pursuant to the policy; others have been installed without reference to the policy. Not all points of the policy have been adhered to in all cases, indicating that there is, or has been, some flexibility in applying the policy to the circumstances of each project.

We believe the circumstances existing at Vintage Heights are compelling, and that a pump station is justified by both fair application of the City's policy and common sense.

We request that Note 24 be deleted from the Vintage Heights CUP, and that the developer be permitted to install a pump station as shown on the plans. The developer proposes to install the lift station in accordance with the City standards, at the developer's expense. The pump station will be equipped with a back-up generator for emergency power. Maintenance, repairs and/or replacement of the pump station and generator (and decommissioning when gravity sewer is available) will be paid for by the developer, subject to the developer's right to assign that responsibility to a homeowner's association created for that purpose, and approved by the City Attorney. Prior to the developer being relieved of its obligation, a trust account will be established for the homeowner association and funded in an amount sufficient to replace a pump and/or generator. The covenants will require the homeowner association to contract with a firm, approved by the City, to maintain the pump station, assess annual

OMAHA OFFICE
ONE PACIFIC PLACE

1125 S. 103RD STREET SUITE 400 OMAHA, NE 68124
PHONE 402.934.5468

LINCOLN MAIN OFFICE
WELLS FARGO CENTER

1248 O STREET SUITE 600 LINCOLN, NE 68508
PHONE 402.475.1075 - FAX 402.475.9515

SYRACUSE OFFICE

920 12TH STREET SYRACUSE, NE 68446
PHONE 402.269.3200

Mr. David Cary
October 19, 2015
Page 2 of 2

dues to cover routine maintenance and repairs, as well as contributions, as needed, to replenish trust funds which may be used for replacement of the pump or generator, and decommission the pump station when gravity sewer is available.

The land proposed to be served with sewer via the pump station is unique. It is designated Tier 1, Priority A in the Comprehensive Plan, and it is already within the City limits. Other projects which have been approved with pump stations were not within City limits when the pump stations were approved, and were not identified as Tier 1, Priority A. Moreover, this area is served with new arterial streets, schools, water and other infrastructure built to City standards. Approval of development of the 92 lots proposed will add approximately \$25 million assessed valuation to Lincoln's tax base, at no cost to the City of Lincoln.

We also request a waiver of section 26.23.130 of the subdivision ordinance to allow for a block length of more than 1,320 feet. The undeveloped property south of Forest Glen Drive is bounded by existing homes to the west, a major drainage way to the south and an arterial roadway on the east.

If you need any further information, please contact me.

Sincerely,



Mark A. Hunzeker
For the Firm
mhunzeker@bayloreven.com

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for November 18, 2015 PLANNING COMMISSION MEETING

PROJECT #: Waiver #15018 of the Subdivision Ordinance

PROPOSAL: Waive the requirement to install a sidewalk adjacent to a residential lot on Lot 1, Block 1, Wilderness Estates 3rd Addition, Final Plat #15087, as required by Title 26, Land Subdivision Ordinance

LOCATION: 731 Glenridge Road

LAND AREA: The sidewalk length is approximately 150 feet

CONCLUSION: Sidewalks are required by Title 26 along both sides of all streets to provide for safe pedestrian movement. Installing the sidewalk adjacent to this lot will complete the sidewalk system in this neighborhood and would provide a consistent pedestrian connection for residents. The Comprehensive Plan supports sidewalks on both sides of all streets to encourage connectivity and convenient access to surrounding neighborhoods and destinations. The waiver request is not supported by the Comprehensive Plan.

<u>RECOMMENDATION:</u>	Denial
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GENERAL INFORMATION:

LEGAL DESCRIPTION: Lot 1, Block 1, Wilderness Estates to be platted as Lots 1 and 2, Block 1, Wilderness Estates 3rd Addition.

EXISTING ZONING: R-2, Residential

EXISTING LAND USE: Single-Family Dwelling/Undeveloped

SURROUNDING LAND USE AND ZONING:

North: Single-Family Dwellings/R-2
South: Single-Family Dwellings/R-2
East: Single-Family Dwellings/R-2
West: Railroad and Wilderness Park/AG and P

HISTORY:

This property was rezoned from A-2, Residential District to R-2, Residential District with the 1979 Zoning Update.

October 1992 This property was platted as Lot 1, Block 1, Wilderness Estates.

December 1997 Wilderness Estates First Addition was approved. This plat dedicated Glenridge Road right-of-way adjacent to this lot.

COMPREHENSIVE PLAN SPECIFICATIONS:

P. 6.2 - Promote activities of daily living within walking distance, and provide sidewalks on both sides of all streets, or in alternative locations as allowed through design standards or review process.

P. 7.4 - Incorporate interconnected networks of streets, transit, trails, and sidewalks with multiple connections within and between neighborhoods and commercial centers to maximize access and mobility to provide alternatives and reduce dependence upon the automobile.

P. 7.4 - Provide sidewalks on both sides of all streets, or in alternative locations as allowed through design standards or review process.

P. 7.4 - Encourage substantial connectivity and convenient access to neighborhood services (stores, schools, parks) from residential areas.

P. 7.5 - Developing Neighborhoods - Developing neighborhoods should have a variety of housing types and sizes, plus commercial and employment opportunities. Developing a pedestrian orientation of buildings and street networks that provides substantial connectivity is also a priority for developing areas.

P. 7.7 - Detailed Strategies for Developing Neighborhoods - (5) Sidewalks on both sides of all streets.

P. 10.6 - Existing Pedestrian and Bicycle Facilities: Walking is an essential part of our daily activities, whether it be trips to work, shop, or play. Lincoln's greatest pedestrian asset is the long standing policy of requiring sidewalks on both sides of all City streets and connectivity between subdivisions. Because of this policy, the vast majority of homes and businesses are served by Lincoln's 1,500 miles of sidewalks.

10.27-Lincoln currently has a well developed sidewalk system, and the requirement of sidewalks on both sides of all streets should continue.

P. 10.31 - Pedestrian connections to transit must be direct and the sidewalk system must have continuity.

P. 10.48 - Pedestrian and Bicycle Facilities - Develop and implement a coordinated system of well connected pedestrian and bicycle facilities that serve both new and older neighborhoods and provide access to activity centers such as schools, parks, employment areas and shopping.

ANALYSIS:

1. This is a request to waive the installation of a sidewalk which is associated with the final plat of Wilderness Estates, 3rd Addition, and which is required by the Land Subdivision Ordinance. That plat would create two lots. The requested waiver affects the sidewalk to be installed adjacent to Lot 1 (see attached final plat).
2. Sidewalks are required along both sides of all public streets by the Lincoln Municipal Code. The standard is intended to provide a separation between pedestrians and motor vehicles primarily for public safety. It provides pedestrians the ability to move

freely throughout the City using the sidewalk system with minimal interaction with motor vehicles. It also reduces distractions for drivers thereby making vehicle trips safer.

3. This property was originally platted as Lot 1, Block 1, Wilderness Estates in 1992. Glenridge Road provided access to this lot, but it did not extend the full length of Lot 1. The remaining portion of the plat was platted in an Outlot. The City Council approved a requested a waiver from installing sidewalks on the south side of Old Cheney Road at approximately S. 6th Street, under the condition that the sidewalk along Old Cheney Road be installed at the time Lot 1 was replatted. A final plat to subdivide Lot 1 is now under review, so the remaining portion of sidewalk along Old Cheney Road should be installed as a condition of approval of Wilderness Estates 3rd Addition.
4. Wilderness Estates First Addition was approved in 1997 and extended Glenridge Road further west to connect with S. 7th Street. The Planning Commission resolution required that all sidewalks be installed within that plat, and specifically required the sidewalk on the south side of Glenridge Road be constructed. The sidewalk was to be installed within 4 years of the Planning Commission's approval.

A bond to guarantee installation of the sidewalks with Wilderness Estates First Addition was submitted and held by the City. A letter from November 2010 was sent to the bond company asking that a check be issued to the City of Lincoln to pay for installation of the sidewalks. It was later found that the developer filed for bankruptcy and abandoned the project. A request was sent to the bonding company requesting the bond, but the statute of limitations had run and the bonds were cancelled in 1998. The bonds were written off as uncollectible.

5. The owner's request to subdivide Lot 1, Block 1, Wilderness Estates is a new application and should comply with the current development standards. A waiver of sidewalks along Glenridge Road was not approved in the past and is not supported at this time.
6. The missing portion of sidewalk along S. Glenridge Road is approximately 150 feet long. This is the only piece of sidewalk that does not exist in the neighborhood. Sidewalks are otherwise installed on both sides of all streets in this area. A sidewalk has been built on the west side of S. 7th Street and provides a pedestrian connection to 7 homes. Installing this sidewalk would provide a consistent pedestrian connection for these residents on S. 7th Street.
7. The applicant sites obstacles with constructing the sidewalk at this location, including a street light, a tree, and a steep grade. These are not legitimate obstacles to installing the sidewalk. The grading or retaining walls necessary are routine and similar to what might be needed in other areas where sidewalks are built.

- A. Street lights and sidewalks exist in all other locations throughout this development.
 - B. The Parks and Recreation Department notes that the western tree will need to be removed to construct the sidewalk, and a new street tree should be planted as a replacement.
 - C. The final plat under review will create a new lot on undeveloped property. Grading and other improvements will need to be done to construct a new house on this lot, and any significant grade issues impacting the sidewalk location could be addressed at the same time.
8. Additional City departments have reviewed this application and do not support the waiver request. The Public Works and Utilities Department does not agree with the applicant's analysis. They state that building a sidewalk at this location would not be impractical. The Health Department does not support the waiver and states that sidewalks are an important part of the community that help to encourage physical activity. Continuous sidewalks also provide paved surfaces, separated from the streets, as called for in the ADA standards.
9. The Comprehensive Plan is supportive of continuous sidewalks built on both sides of all streets. This long-standing requirement has developed a network of over 1,500 miles and is a significant asset to our community. The waiver is not supported by the Comprehensive Plan.

Prepared by:

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

DATE: November 4, 2015

APPLICANT/OWNER/CONTACT: Dennis and Sandra Slama
731 Glenridge Road
Lincoln, NE 68512

F:\DevReview\WVR\15000\WVR15018 Wilderness Estates Sidewalk.pdb.wpd



2013 aerial

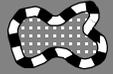
Waiver #: WVR15018
Sidewalk Waiver
S 7th St & Glenridge Rd

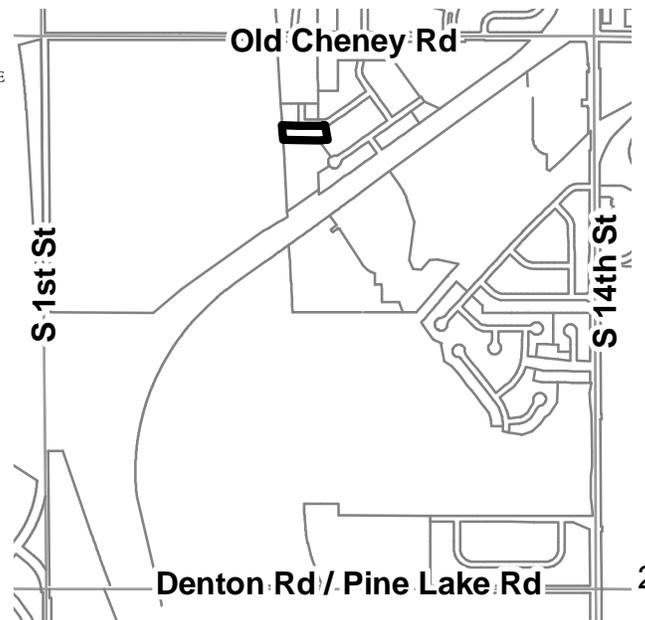
Zoning:

- 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.14 T09N R06E



	Area of Application
	Zoning Jurisdiction Lines
	Lancaster County Jurisdiction



Sidewalk Waiver Application

Dennis and Sandra Slama, 731 Glenridge Road, Lincoln, Ne 68512

I am in the process of subdividing my 1 1/3 acre parcel into two parts. One with the current house and one (of just a little over 1 acre) on which I will be building a new house. This new property will have approximately 150 feet of frontage on Glenridge Road which does not have a sidewalk. This frontage has a wooden fence and will continue to have this fence which is approximately 3 1/2 to 4 feet above the street level. The house will not actually be facing this frontage but instead will face West toward the railroad tracks.

When we bought this property in 2000, Glenridge Road ended about 15 feet west of our driveway but within about 2 years the vacant property west and north of us was divided into 13 residential lots and homes were built. At this time if there was a need or reason for a sidewalk next to my property then the city should have required the developer to put it in. When the developer put in the street they cut back this area (rather crudely) and formed a ridge next to my fence of about 2 to 3 feet wide and 3 to 4 feet high along its length as well as a semi-flat area that I believe is usually referred to as the parking area. This area was not graded very well and is quite uneven especially at the West end.

When I started this process to subdivide my property back in 2014, I contacted various people about the process including the person in charge of sidewalks which I believe was Barney Bloom (excuse spelling if wrong) and he told me that he saw no reason for a sidewalk there particularly since the ground adjacent to it was so high and there was a sidewalk right across the street. If you look at the 13 homes built in this area, 12 of the 13 are North of Glenridge Road and there would be no reason for any of these people to want to go to the South side of Glenridge Road to walk on a sidewalk when there is already one on the side they live on. As for the other property it would be about the same distance to get to a sidewalk on the South side of Glenridge Road as it would to get to the one already on the North side.

Now as far as putting in this sidewalk is concerned, there would be some obstacles. One is the street light that sits at the East end of where this sidewalk would start and it would be only about 6 inches from the edge of a new sidewalk which I would guess might cause a problem. Two is the tree (actually more of a big bush) that sits toward the West end of this frontage which would probably need to be removed to make this sidewalk usable. The two tree/bush's that are in this area were put in several years ago but I have no idea by who. Three there would need to be a 150 foot long retaining wall that would need to be built right along the South side of this sidewalk.

Lastly, as this is basically a sidewalk to nowhere and would be used by no one, the only person that would benefit from this would be the contractor that builds the wall and sidewalk at an estimated cost of around \$10,000 if I am lucky.

I would greatly appreciate it if you could just grant a waiver now instead of using up time at your meeting that I am sure could be put toward bigger problems.

Thank you for your help in this matter.



Dennis L. Slama

WILDERNESS ESTATES 3RD ADDITION

SCALE: 1" = 30'
SHEET 1 OF 1

- ▲=TEMP. POINT
- =FOUND AS NOTED
- =SET #5 REBAR OR AS NOTED
- M=MEASURED
- P=PLATTED
- R=RECORD

ACKNOWLEDGEMENT

STATE OF NEBRASKA }
LANCASTER COUNTY } SS

On this ____ day of _____ 2015, before me, the undersigned, a notary public, duly commissioned qualified for and residing in said county, personally came Dennis L. Slama and Sandra S. Slama, to me personally known to be the identical persons whose name is affixed to the dedication and they acknowledged the same to be their voluntary act and desire.

NOTARY PUBLIC _____

My commission expires the ____ day of _____

S. 7TH STREET

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	180.00'	25.12'	25.10'	N 85°56'52" E	07°59'40"

GLENRIDGE ROAD

SURVEYORS CERTIFICATE

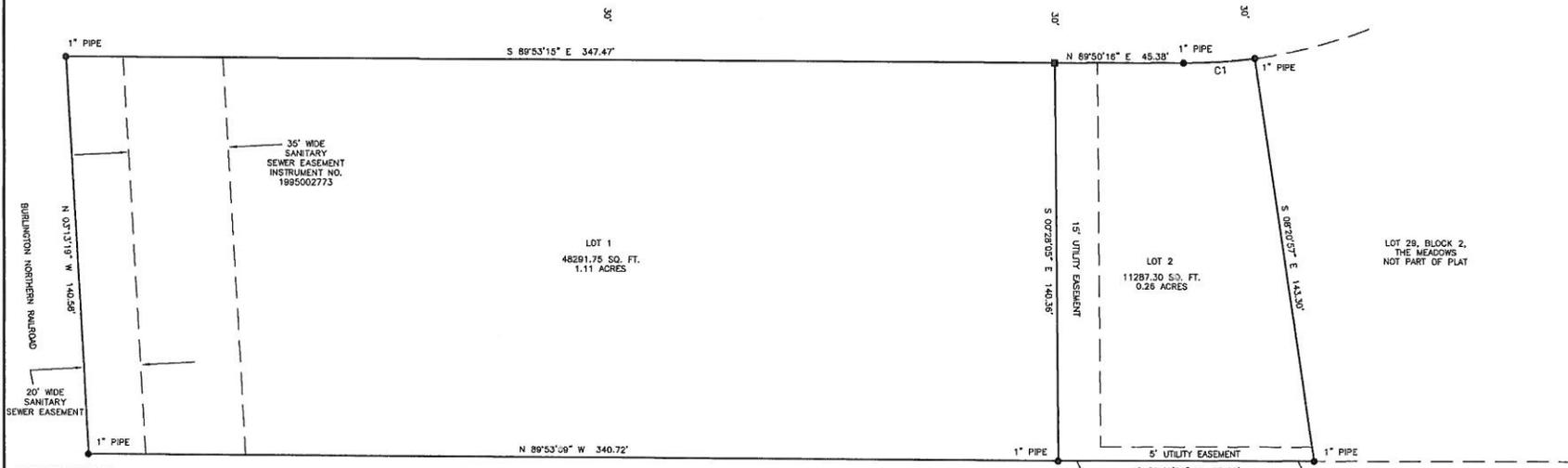
I hereby certify that I have caused to be surveyed the subdivision to be known as "WILDERNESS ESTATES THIRD ADDITION", a subdivision of Lot 1, Block 1, Wilderness Estates, located in the Northwest Quarter of Section 14, Township 9 North, Range 6 East of the 6th P.M., Lincoln, Lancaster County, Nebraska. More particularly described as follows:

Beginning at the northeast corner of said lot 1; thence along the easterly line of said lot 1, S 08°20'57" E a distance of 143.30' to the southeast corner of said lot 1; thence along the south line of lot 1 S 89°42'05" W a distance of 90.08'; thence along the south line of lot 1 N 89°53'09" W a distance of 340.72'; to the southwest corner of said lot 1; thence along the westerly line of said lot 1 N 03°13'19" W a distance of 144.58' to the northwest corner of said lot 1; thence along the northerly line of said lot 1 S 89°53'15" E a distance of 347.47'; thence N 89°50'16" E a distance of 45.38' to a curve to the left, said curve has a radius of 180.00', a chord bearing of N 85°56'52" E, and a chord length of 25.10' to the point of beginning.

Together with and subject to covenants, easements, and restrictions of record. Said property contains 0.65 acres more or less. Permanent monuments have been found or set at all boundary corners, lot corners, street intersections, block corners, points of tangency and curvature as shown on this Final Plat in accordance with Title 28 of the Lincoln Municipal Code. All dimensions are chord measurements unless otherwise shown, and are in feet and decimals of a foot.

Signed this ____ day of _____ 20____

Kyle E. Catt L.S. #609
WNK Surveying
PO Box 154, Panama, NE



DEDICATION

The foregoing plat, known as "Wilderness Estates 3rd Addition" as described in the surveyor's certificate is made with free consent and in accordance with the desires of the undersigned, the sole owners, and the easements shown thereon granted in perpetuity to the CITY OF LINCOLN, NEBRASKA, a municipal corporation, Windstream Nebraska Inc., Time Warner Cable Midwest LLC, Black Hills Energy, and Lincoln Electric System, their successors and assigns, to allow entry for the purpose of construction, reconstruction, repair, operation and maintenance of wires, cables, conduits, fixtures, poles, towers, pipes, and equipment for the distribution of electricity and gas; telephone and cable television; wastewater collectors; storm drains; water mains and all appurtenances thereto, over, upon, or under the easements as shown on the foregoing plat. The construction or location of any building or structure, excluding fences, over, upon, or under any easement shown thereon shall be prohibited.

The City of Lincoln, Nebraska, its successors and assigns, are hereby held harmless for the cost of replacement or damage to any improvement or vegetation over, upon, or under any easement shown thereon.

WITNESS MY HAND

Dennis L. Slama _____ Sandra S. Slama _____

LOT 2, BLOCK 1, WILDERNESS ESTATES NOT PART OF PLAT

PLANNING DIRECTOR APPROVAL

The Planning Director, pursuant to Section 26.11.060 of the Lincoln Municipal Code, hereby approves this final plat.

Signed this ____ day of _____ 2015

PLANNING DIRECTOR _____

LOT 11, BLOCK 2, THE MEADOWS NOT PART OF PLAT

LOT 12, BLOCK 2, THE MEADOWS NOT PART OF PLAT

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

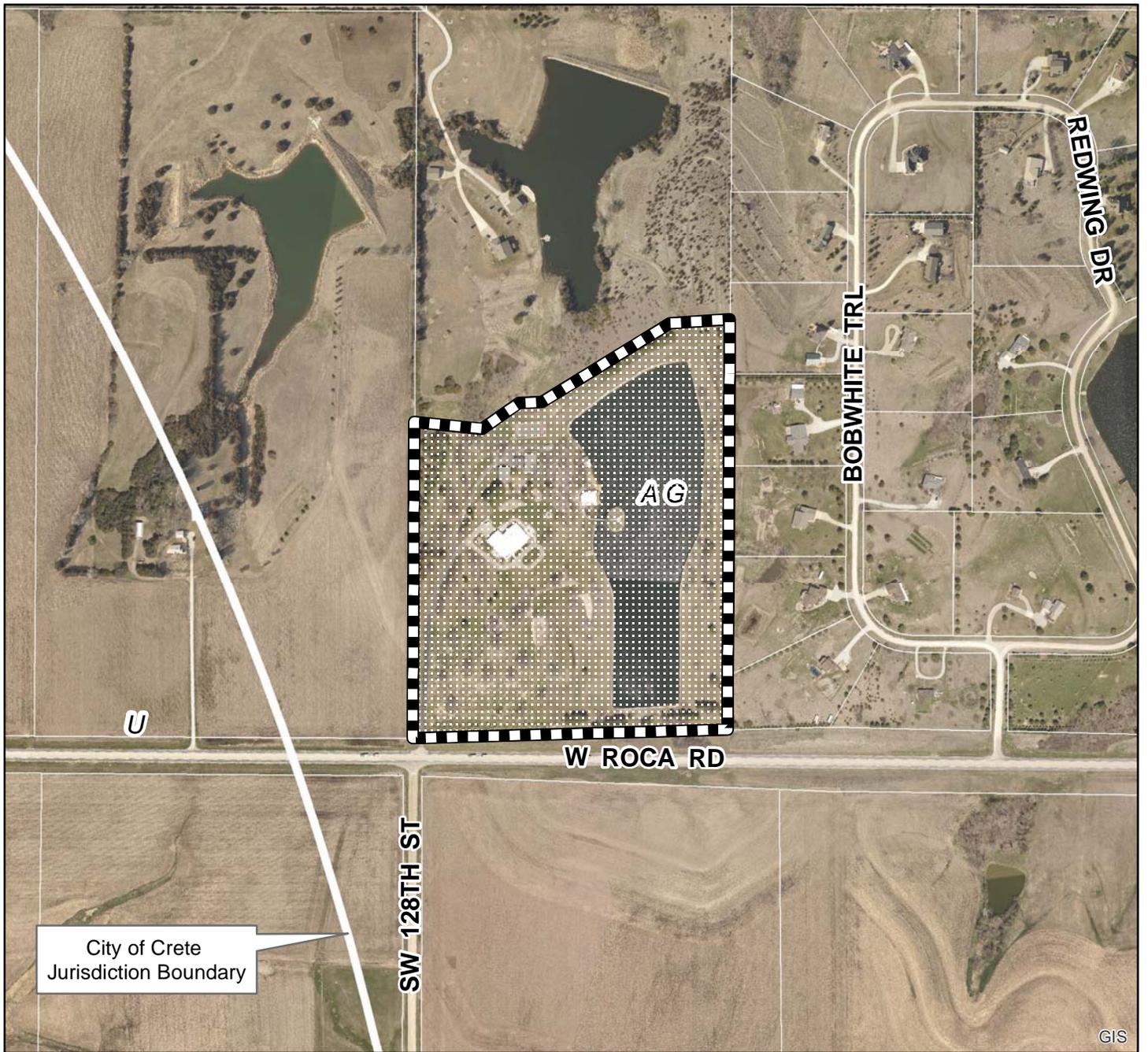
DATE: October 20, 2015

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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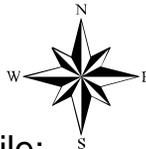


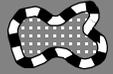
Special Permit #: SP15064
Avalon Event Paradise
SW 128th St & W Roca Rd

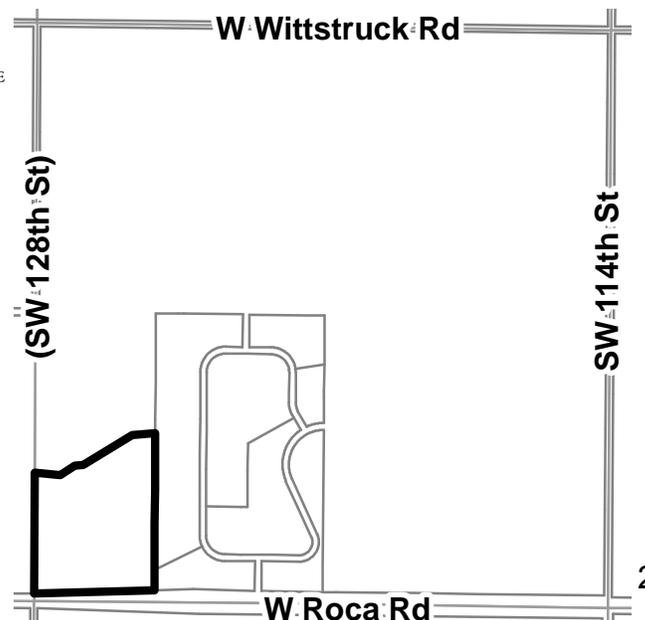
Zoning:

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

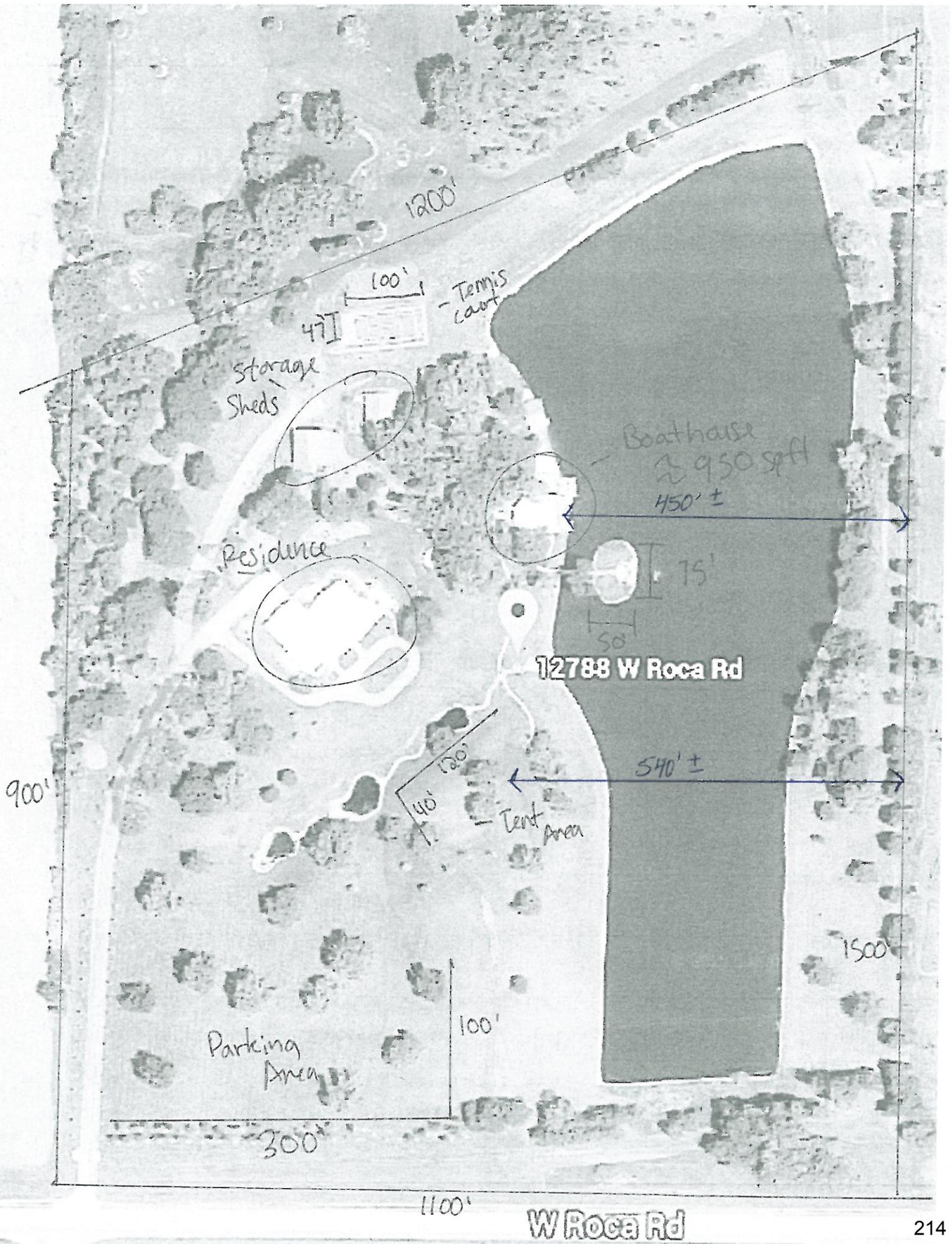
One Square Mile:
 Sec.17 T08N R05E



	Area of Application
	Zoning Jurisdiction Lines
	City of Lincoln Jurisdiction



2013 aerial



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.

A handwritten signature in cursive script that reads "Vian Martin". The signature is written in black ink and is positioned in the lower right quadrant of the page.

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 at 12788 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

