Lincoln City - Lancaster County

PLANNING COMMISSION AGENDA

PLANNING COMMISSION

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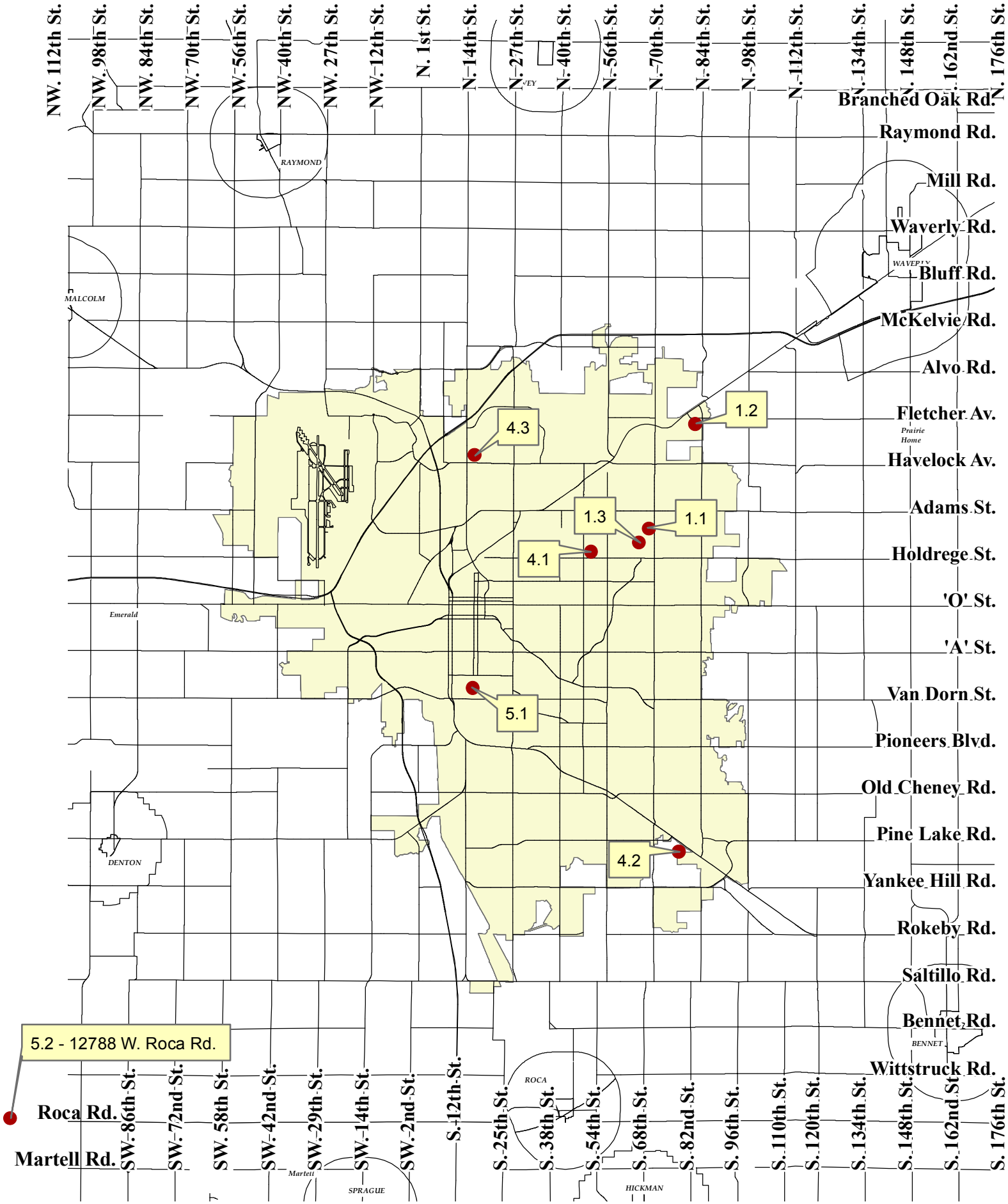
May 11, 2016



Planning Commission - Agenda Item Map
May 11, 2016

NOTICE: **The Lincoln/Lancaster County Planning Commission will hold a public hearing on Wednesday, May 11, 2016, 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, May 11, 2016, from 11:00 a.m. to 1:00 p.m., to discuss the FY 2016/17 - 2021/22 Capital Improvement Program (CIP), FY 2017-2020 Transportation Improvement Program (TIP) and the 2016 Community Indicators Report in Studio Room 113 of the County-City Building, 555 S. 10th Street, Lincoln, Nebraska.

****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, MAY 11, 2016

Approval of minutes of the regular meeting held April 27, 2016.

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

PERMITS:

1.1 Special Permit No. 1906A, to modify allowed antennas on an existing personal wireless facility (cell tower), on property generally located at 2601 North 70th Street. ***** FINAL ACTION *****
Page 01
Staff recommendation: Conditional Approval
Staff Planner: Brian Will, 402-441-6362, bwill@lincoln.ne.gov

1.2 Special Permit No.16019, to operate a rock crusher, on property generally located at 7845 Fletcher Avenue. ***** FINAL ACTION *****
Page 13
Staff recommendation: Conditional Approval
Staff Planner: Andrew Thierolf, 402-441-6371, athierolf@lincoln.ne.gov

Page 23

1.3 Special Permit No. 16022, to permit a licensed early childhood care facility, including a waiver to the parking design standards, on property generally located at 6519 Colby Street.
Staff recommendation: Conditional Approval
Staff Planner: Andrew Thierolf, 402-441-6371, athierolf@lincoln.ne.gov

2. REQUESTS FOR DEFERRAL:

2.1 _____

2.2 _____

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

3.1 _____

3.2 _____

4. PUBLIC HEARING AND ADMINISTRATIVE ACTION:

COMPREHENSIVE PLAN WITH RELATED ITEMS:

Page 33

4.1a Comprehensive Plan Conformance No. 16003, to review the proposed "University Place South Redevelopment Plan" as to conformance with the 2040 Lincoln-Lancaster County Comprehensive Plan. The Redevelopment Plan area includes approximately 37 acres, more or less, and is generally bounded by North 48th Street and North 49th Street, from Holdrege Street to Francis Street, including all of the University Place Community Organization (UPCO) Park, in Lincoln, Lancaster County, Nebraska.
Staff recommendation: Conformance with the Comprehensive Plan
Staff Planner: Andrew Thierolf, 402-441-6371, athierolf@lincoln.ne.gov

Page 61

4.1b Change of Zone No. 16016, from B-1 Local Business District, H-2 Highway District and O-2 Suburban Office District to B-3 PUD Commercial Business District, Planned Unit Development, including waivers for storm water detention, building height, setbacks, and screening and landscaping requirements, on property generally located at 48th and Holdrege Streets.
Staff recommendation: Conditional Approval
Staff Planner: Andrew Thierolf, 402-441-6371, athierolf@lincoln.ne.gov

4.1c Street & Alley Vacation No. 16002, to vacate the north-south alley, from the north line of Holdrege Street to the existing alley to the north; and east-west alley, from the west side of 49th Street to the existing alley to the west, generally located at 48th and Holdrege Streets.
Page 79
Staff recommendation: Conformance with the Comprehensive Plan
Staff Planner: Andrew Thierolf, 402-441-6371, athierolf@lincoln.ne.gov

ANNEXATION WITH RELATED ITEMS:

4.2a Annexation No. 16006, to annex approximately 7.88 acres, more or less, on property generally located at 7601 Pine Lake Road.
Page 87
Staff recommendation: Approval
Staff Planner: Brian Will, 402-441-6362, bwill@lincoln.ne.gov

4.2b Change of Zone No. 16014, from AGR Agricultural Residential District to R-3 Residential District, for a residential health care facility, on property generally located at 7601 Pine Lake Road.
Page 87
Staff recommendation: Approval
Staff Planner: Brian Will, 402-441-6362, bwill@lincoln.ne.gov

4.2c Special Permit No. 16018, to allow a residential healthcare facility, on property generally located at 7601 Pine Lake Road**. *** FINAL ACTION *****
Page 95
Staff recommendation: Conditional Approval
Staff Planner: Brian Will, 402-441-6362, bwill@lincoln.ne.gov

CHANGE OF ZONE:

4.3 Change of Zone No.16015, from B-1 Local Business District to B-2 Planned Neighborhood Business District, on property Nebraska, generally located at 1404 Superior Street.
Page 101
Staff recommendation: Approval
Staff Planner: Brian Will, 402-441-6362, bwill@lincoln.ne.gov

5. CONTINUED PUBLIC HEARING AND ADMINISTRATIVE ACTION

CHANGE OF ZONE:

5.1 Change of Zone No. 16010, from R-4 Residential District to B-3 Commercial District, on property generally located at 2201 South 17th Street.
Page 115
Staff recommendation: Conditional Approval, subject to a Conditional Zoning Agreement
Staff Planner: Tom Cajka, 402-441-6371, tcajka@lincoln.ne.gov

PERMITS:

5.2 Special Permit No. 15064, for an expanded home occupation, 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: Conditional Approval
Staff Planner: Tom Cajka, 402-441-5662, tcajka@lincoln.ne.gov

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****

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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Stephen Henrichsen, *Development Review Manager*	402-441-6374	shenrichsen@lincoln.ne.gov
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Michael Brienzo, *Transportation Planner*	402-441-6369	mbrienzo@lincoln.ne.gov
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Brandon Garrett, *Planner*	402-441-6373	bgarrett@lincoln.ne.gov
Stacey Groshong Hageman, *Planner*	402-441-6361	slhageman@lincoln.ne.gov
Rachel Jones, *Planner*	402-441-7603	rjones@lincoln.ne.gov
Andrew Thierolf, *Planner*	402-441-6371	athierolf@lincoln.ne.gov
Brian Will, *Planner*	402-441-6362	bwill@lincoln.ne.gov
Kellee Van Bruggen, *Transportation Planner*	402-441-6363	kvanbruggen@lincoln.ne.gov
Ed Zimmer, *Historic Preservation Planner*	402-441-6360	ezimmer@lincoln.ne.gov

* * * * *

The Planning Commission meeting
which is broadcast live at 1:00 p.m. every other Wednesday
will be rebroadcast on Wednesdays at 7:00 p.m., Thursdays at 12:00 a.m. and
Sundays at 12:30 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 CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for April 27, 2016 PLANNING COMMISSION MEETING

PROJECT #: Special Permit #1906A - Verizon at the Northeast YMCA

PROPOSAL: To allow collocation on a 78'-tall light pole/monopole for personal wireless facilities

LOCATION: 2601 North 70th Street

LAND AREA: Approximately 2.1 acres more or less.

CONCLUSION: Siting on a large institutional site can be an appropriate way to locate wireless facilities near the neighborhoods they serve, as a large site can help provide separation and screening from the surrounding neighborhood. Camouflaging the facility as was done with the original facility by placing a small canister at the top of an extended light pole also helps to reduce its profile and remain unobtrusive. Locating a second, similar canister is not possible, and the pole was not designed for placing antennas inside of it. The next best alternative is flush-mounted antennas similar to what is being proposed. Because it deviates slightly from the original proposal, a public hearing with notice to neighbors is appropriate. Subject to the recommended conditions of approval, this request complies with the requirements of the Zoning Ordinance and the Comprehensive Plan.

RECOMMENDATION: Conditional Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION: Lot 5, Harland Taylor 2nd Addition, located in the NE 1/4 of Section 16-10-7, Lincoln, Lancaster County, Nebraska

EXISTING ZONING: R-2 Residential

EXISTING LAND USE: This site is developed with the Northeast YMCA and associated outbuildings and parking areas.

SURROUNDING LAND USE AND ZONING:

North:	Multiple-family Dwellings	R-4
South:	Single-family Residential	R-2
East:	Church	R-2
West:	Single-family Residential, Daycare Facility	R-2

HISTORY:

May 2001 - Special Permit #1906 was approved authorizing a 78'-tall, low-profile wireless facility, replacing a light pole in the parking lot of the Northeast YMCA.

COMPREHENSIVE PLAN SPECIFICATIONS:

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

Page 4.4 - Placemaking - Current Practice

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

Page 11.19 - Information technology

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

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

ANALYSIS:

OVERVIEW

The applicant is seeking to collocate on an existing wireless facility approved in 2001. The tower replaced a parking lot light pole, upon which the lights were reattached at normal height, and a compact canister antenna array was then fitted to the top of the tower at 78' in height.

Collocation on approved towers is allowed without any additional zoning approval provided the antennas comply with the provisions of the special permit approving the tower. The antenna application originally submitted for staff to review was a more conventional application which included mounting the antennas with standoff arms.

Because the array proposed initially differed so much from the original approval, the Planning Department thought a public hearing and notice to neighbors was appropriate. Since then, the array has been revised to a much smaller profile, and is represented by the elevation attached to this report.

Wireless facilities are allowed in any zoning district by special permit per Lincoln Municipal Code (LMC) Section 27.63.720. However, provisions of the special permit require review per the provisions of Chapter 27.68 for Personal Wireless Facilities. The review using those provisions is as follows:

STANDARDS FOR EVALUATION:

Conformity with Comprehensive Plan.

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

   The Comprehensive Plan designates residential land uses for this site. Residential areas are not initially preferred locations, but wireless facilities can be appropriate in residential areas provided care is taken in their design and siting. Typical strategies include camouflaged facilities, screening, low-profile antennas, or a limit on the height of the tower.

   Locating flush-mounted antennas on the existing camouflaged light pole at approximately 62' reduces the silhouette of the facility. It also makes use of an existing facility, thereby reducing the need for another tower.

Preference of site location in accordance with Chapter 27.68.080.

2. There are three location preferences as follows:

A. Preferred Location Sites:

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

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

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

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

B. Limited Preference Sites:

(1) Sites on other public property.

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

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

While the location is a sensitive site due to the proximity to a residential neighborhood, this specific request is a preferred application given it is a collocation on an existing facility.

Compatibility with abutting property and land uses.

3. The proposed antenna collocate uses the existing light pole/wireless facility. This includes six antenna panels (two per sector), and eight radio units, all of which use no stand-off arms and are flush-mounted. Along with a true stealth or camouflage application, flush-mounted antennas are one of the least unobtrusive options.

Located in the parking lot of the Northeast YMCA, the facility is the tallest in the area. However, the relative compactness of the tower, combined with mature trees and adequate separation the facility is relatively obscure.

While the site is residentially zoned, it is occupied by a non-residential uses - the Northeast YMCA. Also, these is a day care facility adjacent to the west, and a church to the east across North 70th Street.

Adverse impacts such as visual, environmental or noise impacts.

4. There are no environmental affects such as noise or light to note. The frequency of the broadcast signals and whether they interfere with any electromagnetic devices in the area is not reviewable by local governments per the Federal Communications Commission (FCC).

Availability of suitable existing structures for antenna mounting.

5. This request seeks to collocate, and so utilizes an existing facility.

Scale of facility in relation to surrounding land uses.

6. The wireless facility is the tallest facility in the area. However, the height is mitigated by the separation provided by the size of the YMCA site, by mature trees, and by the overall design of the compact antennas proposed. The site slopes to the west, and when viewed from North 70th Street the majority of the pole is screened by trees, and it does not seem significantly taller than the light poles in South 70th Street.

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

7. There are no historically significant structures in the area impacted by the proposed tower.

Color and finish.

8. The proposed antennas are of either a white or galvanized finish. Because the tower is less than 200' in height no lighting is required by the FAA.

Ability to collocate.

9. This is a request to collocate, and is consistent with the provision to accommodate for a second carrier as required by Chapter 27.68.

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

10. The facility is existing, and no additional screening is required as a result of collocation.

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

11. Collocation such as this is a preferred application.

CONDITIONS:

This approval permits collocation on an existing 78'-tall personal wireless facility.

Site Specific:

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

    1.1 Three copies of the revised plans.

Standard:

2. The following conditions are applicable to all requests:

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

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

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

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

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

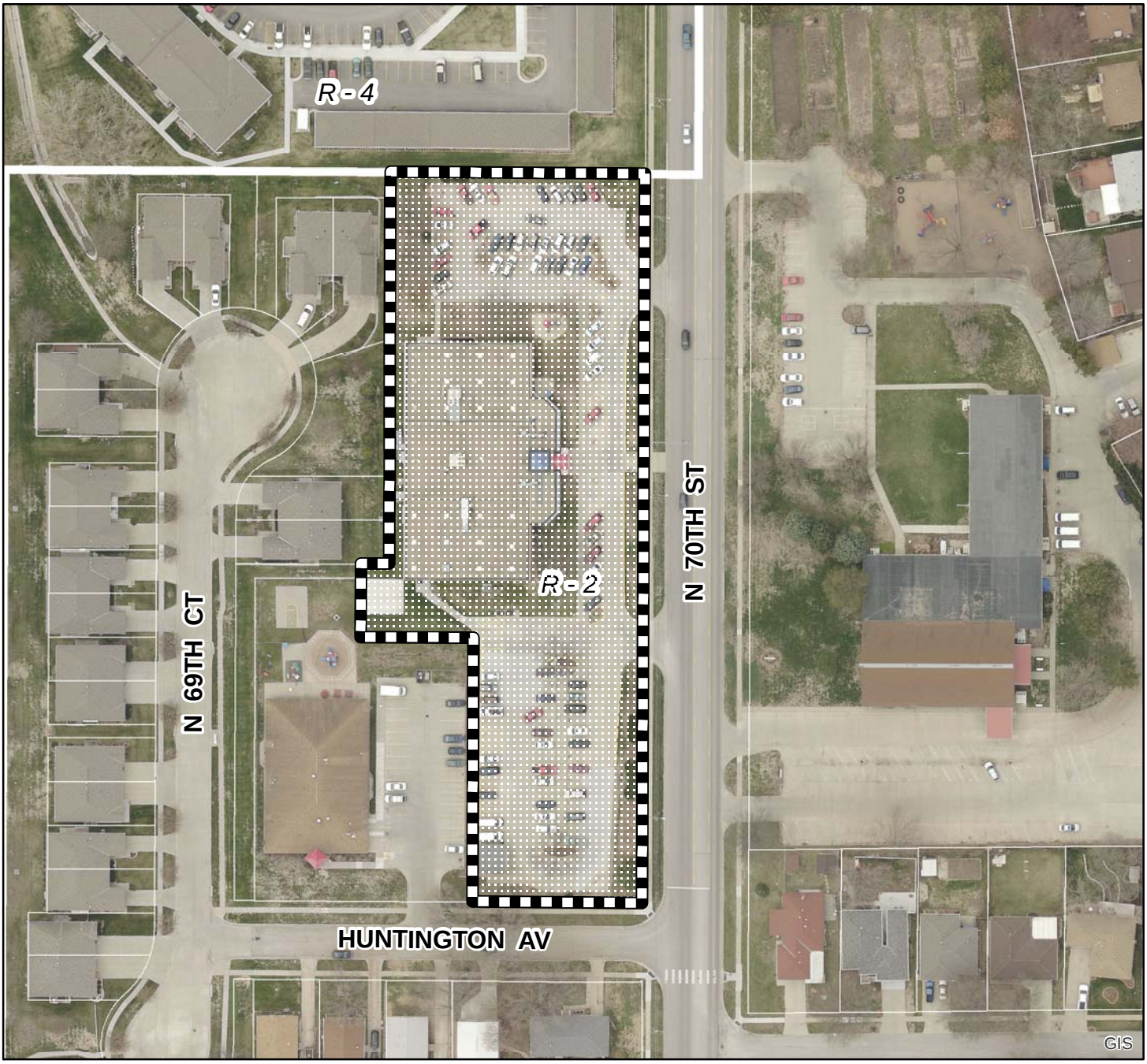
Prepared by:

_____
Brian Will, 441-6362, bwill@lincoln.ne.gov
Planner
April 27, 2016

CONTACT/ APPLICANT: Kathy Wenger
1600 Utical Ave So
St. Louis Park, MN 55416
763-852-0588

OWNER: YMCA
570 Fallbrook Blvd
Lincoln, NE 68521

F:\DevReview\SP\1900\SP1906A Verizon at Northeast YMCA.bjw.wpd



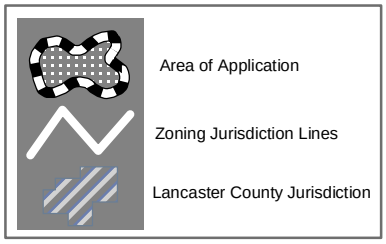
2013 aerial

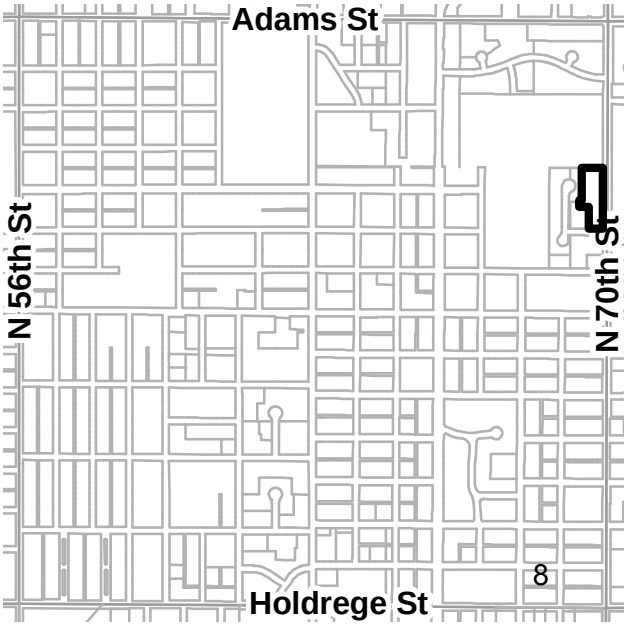
Special Permit #: SP1906A
N 70th St & Huntington Ave

Zoning:

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

One Square Mile:
Sec.16 T10N R07E





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CROWN CASTLE

Crown Castle
1600 Utica Avenue South, Suite 475
Minneapolis, MN 55416

March 29, 2016

City of Lincoln
Mr. Brian Will
Planning Department
555 South 10th Street, Suite 213
Lincoln, NE 68508

RE: Crown Castle Site Number: BUN 879190
Site Location Address: 2601 North 70th Street – Lincoln, NE 68505

Dear Mr. Will,

This Letter of Purpose is to explain the need and rationalization as to why the Telecommunications Tower located at the above address requires a different design than what was originally conditionally approved. Please note the details of the design for the Telecommunications Tower located at 1550 South Coddington Avenue in Lincoln are extremely similar to the subject at hand.

- A true flush mount where the antennas are right up against the pole only allows room enough for one antenna per sector (just 3 antennas at any given level on the pole);
- Verizon Wireless has to support more than one type of technology at its site locations and this requires a greater number of antennas;
- A short standoff arm design that allows 2 antennas per sector (for a total of 6 at one level on the pole) represents a reasonable compromise between a full 3 sector platform mount and a flush mount;
- If Verizon Wireless were forced to go to a flush mount design they would have to take up an additional level on the tower – taking up two Centerlines, which would reduce co-location opportunity;
- The difference between a true flush mount and short standoff arms is not significant to the casual observer when mounted on a 70' structure with a total height of 74'; and,
- Allowing this design will not only service the public with more clear reception for Verizon users, but also 911 calls and other Emergency Service communications.

Please let me know if you have any questions.

Sincerely,

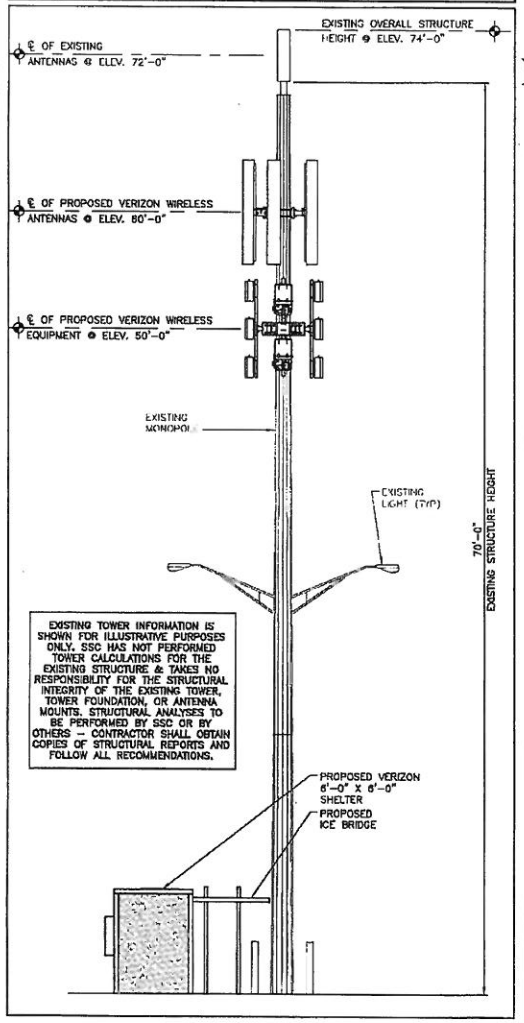
Kathy Wenger

Kathy Wenger, Real Estate Specialist

THE UTILITIES AS SHOWN ON THIS SET OF DRAWINGS WERE DEVELOPED FROM THE INFORMATION AVAILABLE. THE INFORMATION PROVIDED IS NOT IMPLIED NOR INTENDED TO BE THE COMPLETE INVENTORY OF UTILITIES IN THIS AREA. IT IS THE CONTRACTOR'S RESPONSIBILITY TO VERIFY THE LOCATION OF ALL UTILITIES (WHETHER SHOWN OR NOT) AND PROTECT SAID UTILITIES FROM ANY DAMAGE CAUSED BY CONTRACTOR'S ACTIVITIES.

Know what's below. Call before you dig. www.ne811.com

TOWER ELEVATION

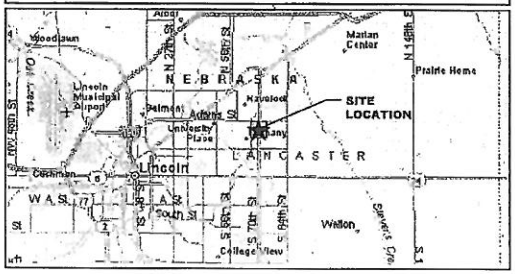


EXISTING TOWER INFORMATION IS SHOWN FOR ILLUSTRATIVE PURPOSES ONLY. SSC HAS NOT PERFORMED TOWER CALCULATIONS FOR THE EXISTING STRUCTURE & TAKES NO RESPONSIBILITY FOR THE STRUCTURAL INTEGRITY OF THE EXISTING TOWER, TOWER FOUNDATION, OR ANTENNA MOUNTS. STRUCTURAL ANALYSES TO BE PERFORMED BY SSC OR BY OTHERS -- CONTRACTOR SHALL OBTAIN COPIES OF STRUCTURAL REPORTS AND FOLLOW ALL RECOMMENDATIONS.

verizon wireless

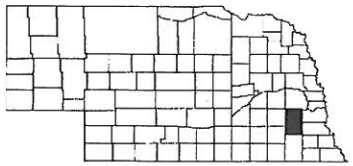
LIN YMCA NORTHEAST - NEW BUILD COLLOCATION

VICINITY MAP



AERIAL VIEW

GENERAL LOCATION MAP



COUNTY: LANCASTER

PROJECT INFORMATION

SITE NAME:
YMCA LINCOLN

SITE NUMBER:
-

ADDRESS:
2601 N. 70TH STREET
LINCOLN, NE 68505

LATITUDE:
40° 50' 16.03" N

LONGITUDE:
96° 37' 31.12" W

GROUND ELEVATION:
1215' AMSL

PROJECT DESCRIPTION:
ANTENNAS ON EXISTING MONOPOLE TOWER WITH RELATED UNMANNED COMMUNICATION EQUIPMENT

FIBER PROVIDER:
QWEST

POWER PROVIDER:

OWNER/LESSOR:
CROWN CASTLE
2000 CORPORATE DRIVE
CANONBURG, PENNSYLVANIA 15317
CCI#: 879190

LESSEE:
VERIZON WIRELESS
10801 BUSH LAKE ROAD
BLOOMINGTON, MINNESOTA 55438
CONTACT: MIKE COGAR
PHONE: 952-946-4700
FAX: 952-946-2118

CONSULTING ENGINEER:
SELECTIVE SITE CONSULTANTS, INC
9900 WEST 109TH STREET, SUITE 300
OVERLAND PARK, KANSAS 66210
CONTACT: BUTCH DOUGHERTY
PHONE: (913) 438-7700
FAX: (913) 438-7777

VERIZON WIRELESS DEPT. APPROVALS

TITLE	NAME	DATE
RF ENGINEER		
OPERATIONS MANAGER		
CONSTRUCTION ENGINEER		

LESSOR/LICENSOR APPROVAL

SIGNATURE	PRINTED NAME	DATE

☐ NO CHANGES ☐ CHANGES NEEDED. SEE COMMENTS ON PLANS.

SHEET INDEX

SHEET NUMBER	SHEET DESCRIPTION	RESPONSIBLE DISCIPLINE
T-1	TITLE SHEET	SC/E
A-1.1	OVERALL SITE PLAN	SC
A-1.2	ENLARGED SITE PLAN	SC
A-2	ANTENNA KEY	SC
A-3	EQUIPMENTS & GENERAL NOTES	SC
A-4	ANTENNA PLAN & DETAILS	SC
A-5	FOUNDATION PLANS AND DETAILS	SC
A-6.1	SHELTER ELEVATIONS	SC
A-6.2	SHELTER DETAILS	SC
[illegible]	ELECTRICAL DETAILS	E
[illegible]	GROUNDING PLAN	E

PROFESSIONAL CIVIL ENGINEER MICHAEL L. OWENS E-12100 STATE OF NEBRASKA 2/23/16

STATE OF NEBRASKA 2-23-16

CONTRACTOR IS REQUIRED TO CALL CROWN CASTLE CONSTRUCTION MANAGER 48 HOURS PRIOR TO CONSTRUCTION START

APPLICANT:
verizon wireless

PLANS PREPARED FOR:
CROWN CASTLE

PLANS PREPARED BY:
SSC
9900 West 109th Street, Suite 300
Overland Park, Kansas 66210
Phone: 913-438-7700
Fax: 913-438-7777

ENGINEER/NO LICENSE

STATE OF NEBRASKA
PE CERTIFICATE OF AUTHORIZATION #CA0376

ENGINEER:		PE #:	DISCIPLINE:	
MO	MICHAEL L. OWENS	E-12100	STRUCTURAL/CIVIL	SC
KY	KEVIN VANZANDT	E-14292	STRUCTURAL/CIVIL	SC
TXE	TERRANCE M. SUPER	E-0417	ELECTRICAL	E
SCK	SHELTON D. KENNUD	E-14383	ELECTRICAL	E

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SUBMITTALS

DESCRIPTION	DATE	BY	REV
ISSUED FOR REVIEW	09/26/15	RAH	A
ISSUED FOR OWNER REVIEW	10/06/15	RAH	B
ISSUED FOR CONSTRUCTION	11/17/15	RAH	0
ISSUED FOR CONSTRUCTION	02/23/16	DDS	1

MLA NAME & SITE NUMBER:
F-2 FILL-IN-LINCOLN 879190

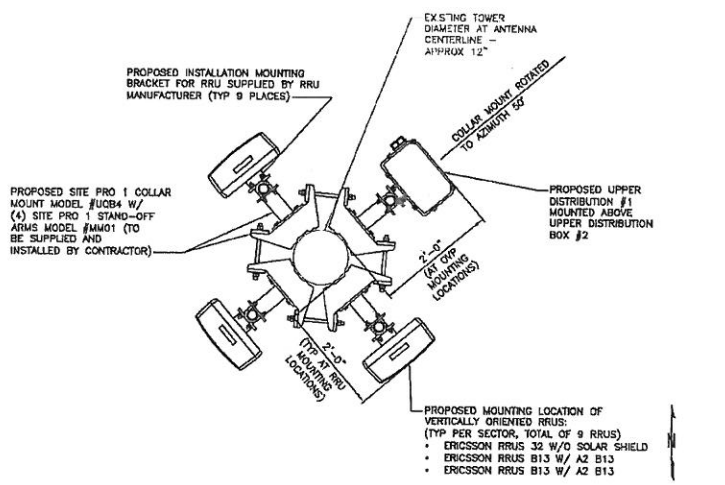
APPLICANT NAME & SITE NUMBER:
LIN YMCA NORTHEAST NEW BUILD COLLO.

SITE ADDRESS:
2601 N. 70TH ST.
LINCOLN, NEBRASKA
68505

SHEET DESCRIPTION:
TITLE SHEET

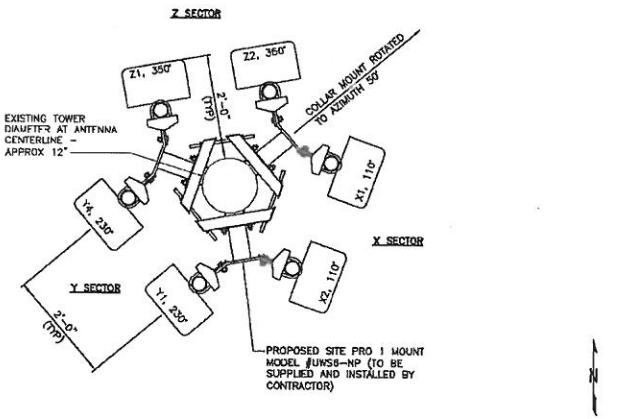
SSC #: -

SHEET NUMBER: T-1

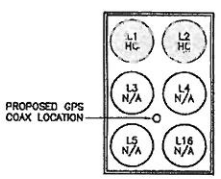


PROPOSED EQUIPMENT CONFIGURATION AT 50'–0" | 3

NOTE:
CONTRACTOR SHALL REFERENCE VERIZON WIRELESS NEW SITE BUILD DETAIL BOOKLET PROVIDED BY VERIZON WIRELESS WITH DRAWING SET



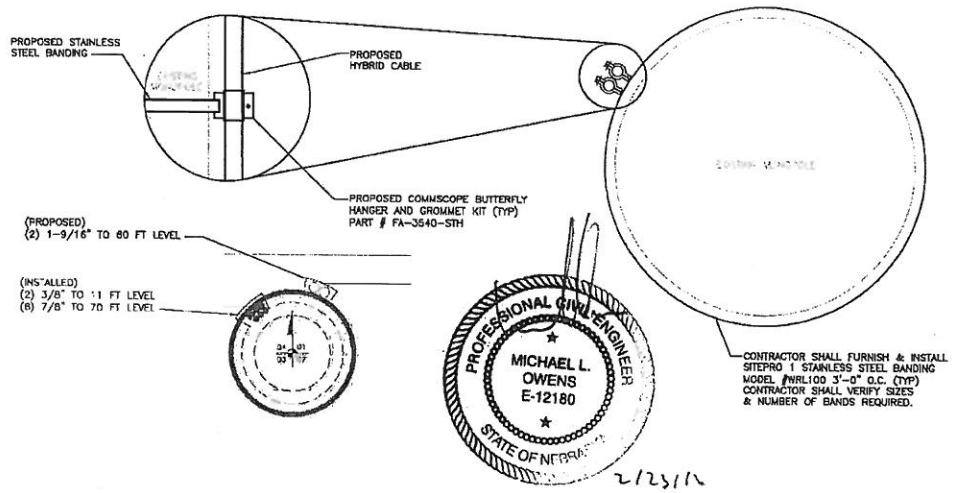
PROPOSED ANTENNA CONFIGURATION AT 60'–0" | 1



ENTRY PANEL LAYOUT FROM INSIDE SHELTER

ENTRY PANEL NOTES:
1. ENTRY PANEL LAYOUT AS VIEWED FROM INSIDE THE SHELTER.
2. IF OUTDOOR CABINETS ARE USED, THIS SHALL BE THE VIEW OF THE LAYOUT OF THE LINES AT THE TRANSITION TO THE EQUIPMENT JUMPERS FROM THE ICE BRIDGE.

FEED–LINE TAG IDENTIFICATION | 4



COAX MOUNTING DETAIL | 2

CONTRACTOR IS REQUIRED TO CALL CROWN CASTLE CONSTRUCTION MANAGER 48 HOURS PRIOR TO CONSTRUCTION START

APPLICANT:
verizon wireless

PLANS PREPARED FOR:
CROWN CASTLE

PLANS PREPARED BY:
SSC
9900 West 109th Street, Suite 300
Overland Park, Kansas 66210
Phone: 913-438-7700
Fax: 913-438-7777

ENGINEERING LICENSE:
STATE OF NEBRASKA
PE CERTIFICATE OF AUTHORIZATION #CA0376
ENGINEER: PE #: DISCIPLINE:
RLO MICHAEL L. OWENS E-12180 STRUCTURAL/CIVIL SC
KVF KEVIN VANDELE E-4222 STRUCTURAL/CIVIL SC
TER TERRANCE M. SUPER E-9417 ELECTRICAL E
SDK SHELTON D. KERLING E-4303 ELECTRICAL E

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SUBMITTALS

DESCRIPTION	DATE	BY	REV
ISSUED FOR REVIEW	09/25/15	RAH	A
ISSUED FOR OWNER REVIEW	10/08/15	RAH	B
ISSUED FOR CONSTRUCTION	11/17/15	RAH	0
ISSUED FOR CONSTRUCTION	02/23/16	DDS	1

MLA NAME & SITE NUMBER:
F-2 FILL-IN-LINCOLN
879190

APPLICANT NAME & SITE NUMBER:
LIN YMCA NORTHEAST
NEW BUILD COLLO.

SITE ADDRESS:
2601 N. 70TH ST.
LINCOLN, NEBRASKA
68505

SHEET DESCRIPTION:
ANTENNA PLAN
& DETAILS

SSC #: -

SHEET NUMBER:
A-4

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for May 11, 2016 PLANNING COMMISSION MEETING

PROJECT #: Special Permit No. 16019

PROPOSAL: A request to allow a rock crusher as per Section 27.63.290 for I-1 District Special Permit

LOCATION: 7845 Fletcher Avenue

LAND AREA: 25 acres, more or less

EXISTING ZONING: I-1 Industrial

CONCLUSION: This request would allow for the operation of a rock crusher in an existing industrial area. This request is consistent with the requirements of the Zoning Ordinance and in conformance with the Comprehensive Plan.

RECOMMENDATION: Conditional Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION: Lot 2, Rose Equipment Addition of Lincoln, Lancaster County, Nebraska

EXISTING LAND USE: Industrial Storage Yard

SURROUNDING LAND USE AND ZONING:

North:	Light Industrial	I-1 Industrial
South:	Industrial	I-1 Industrial
East:	Agriculture	I-1 Industrial
West:	Light Industrial	I-1 Industrial

HISTORY:

May 1979 The site was re-zoned from L Heavy Industrial and K Light Industrial to I-1 Industrial.

2013 Asphalt plant that operated on-site was removed.

COMPREHENSIVE PLAN SPECIFICATIONS:

p. 1.9 The site is identified as Industrial on the Future Land Use Map.

p 4.6 Major entryways to Lincoln including Cornhusker Highway from the east should be studied, protected, and enhanced to create and express community pride.

p. 4.8 Cornhusker Highway located north of the site is identified as a secondary entryway corridor.

p. 5.16 Moderate to heavy industrial uses are encouraged to locate near each other in planned industrial centers.

ANALYSIS:

1. This application is for a rock crusher on one parcel at 7845 Fletcher Avenue. There is approximately 150,000 tons of asphalt rubble currently piled on the site, and more may be added in the future.

2. The rock crushing operation will be on-going. Asphalt rubble is collected as a by-product of an associated construction business. The asphalt will be crushed with a mobile crusher, and the crushed piles will remain on-site until sold. Crushing will occur over two week periods, 20,000 tons at a time, several times a year depending on how fast the crushed material can be sold.

3. The site was formerly an asphalt plant, which was removed in 2013. Asphalt rubble was crushed on-site and the crushed material was used to produce new asphalt. The applicant has indicated that asphalt crushing had been occurring on-site without a special permit for approximately 15 years prior to 2013.

4. The operator of the mobile rock crusher has a permit from the Lincoln-Lancaster County Health Department for a rock crushing operation, although the permit is not site-specific. The operator is responsible for controlling off-site dust emissions in accordance with the Lincoln-Lancaster County Air Pollution Regulations and complying with the Noise Ordinance.

5. Cornhusker Highway is identified in the Comprehensive Plan as an entryway corridor. The piles of material and machinery associated with the crushing operation are approximately 750 feet from the Cornhusker Highway right-of-way. The site is separated from the highway by additional industrial facilities.

   N 84th Street is not identified as an entryway corridor, but it is a commonly-used entrance into the community. The piles and crusher are approximately 1,100 feet from the 84th Street right-of-way and separated by agricultural land which is zoned I-1 Industrial. It is likely that an industrial operation will occupy this site in the future.

A similar situation was the Sadoff Salvage Yard special permit from 2012 (Special Permit No. 12035). The yard is approximately 900 feet from NW 48th Street. A condition was added to that special permit that limits pile height to 40 feet. That condition would also be appropriate for this site to reduce any potential visual impact from Cornhusker Highway and N 84th Street.

Given the distance from both streets and existing/potential industrial facilities between the rock crusher and the streets, it is unlikely that the rock crusher would have a visual impact on either corridor.

6. The site is surrounded by I-1 Industrial zoning. Neighboring uses include Rose Equipment (construction equipment supplier), ISCO Industries (pipe manufacturer), ABC Supply Co (building materials supplier), LTR Towing, Scrapy's (recycling facility), ADM (agricultural processor), and a rail yard.

   A single family residence in the I-1 district is located approximately 1,500 feet north of the proposed crushing operation. The nearest residential district is located approximately 2,400 feet southwest of the proposed crushing operation.

7. The site is surrounded by existing industrial uses and vacant/agricultural land designated for future industrial uses. A rock crusher is appropriate in this location and would match the industrial character of the area.

CONDITIONS OF APPROVAL:

Per Section 27.63.290 this approval permits a rock crusher.

Site Specific Conditions:

1. Before beginning the crushing operation the permittee shall cause to be prepared and submitted to the Planning Department three copies of a revised final site plan with all required revisions as listed below:

   1.1 Show the legal description on the site plan: Lot 2, Rose Equipment Addition of Lincoln, Lancaster County, Nebraska.

   1.2 Show dimensions from lot lines for Crushed Material, Existing Material, and Crushing Operation areas.

   1.3 Add note that reads: "Other uses per the zoning district are allowed on this property."

1.4 Add note that reads: "Crushing or storage of materials is prohibited in the floodplain."

1.5 Add note that reads: "Piles of material associated with the crushing operation may not exceed 40 feet in height."

Standard Conditions:

2. The following conditions are applicable to all requests:

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

2.2 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 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

Andrew Thierolf, Planner, 441-6371, athierolf@lincoln.ne.gov
May 2, 2016

APPLICANT/ CONTACT: Sam Olson
Dobson Brothers Construction Co.
PO Box 81409
Lincoln, NE 68501

OWNER: Nebco, Inc
PO Box 80268
Lincoln, NE 68501

F:\DevReview\SP\16000\SP16019 Nebco Rock Crusher.adt.wpd

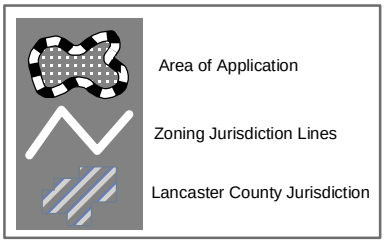
2013 aerial

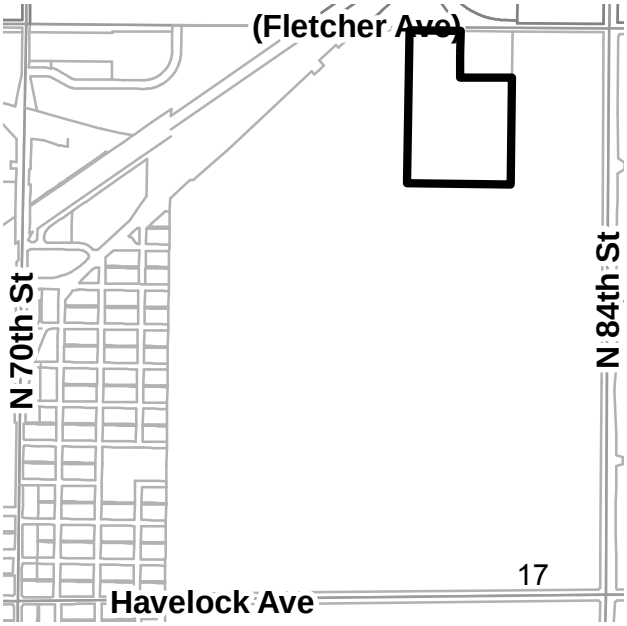
Special Permit #: SP16019
Nebco Inc Crushing
N 84th St & Fletcher Ave

Zoning:

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

One Square Mile:
Sec.03 T10N R07E





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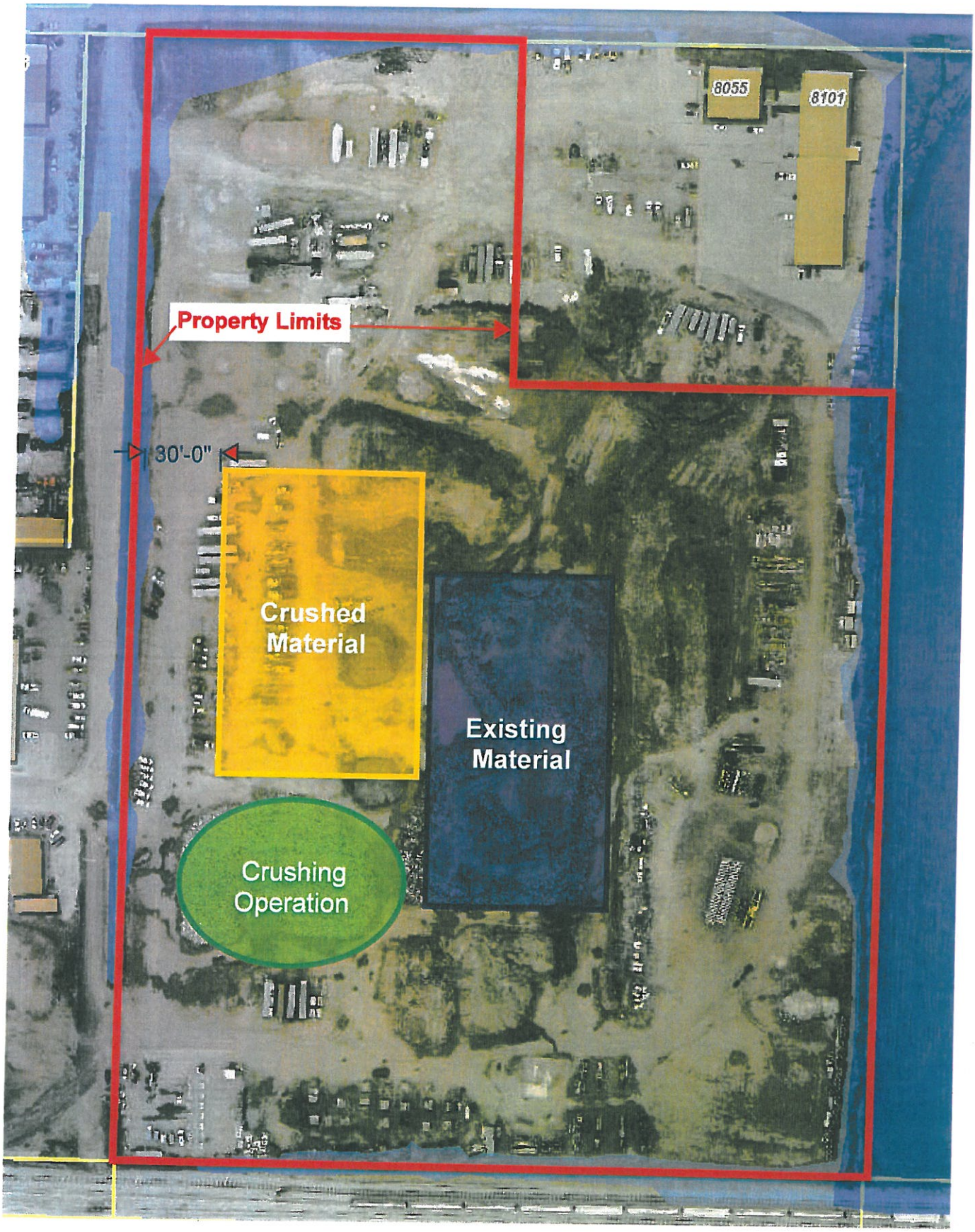
8055
8101
Property Limits
30'-0"
Crushed Material
Existing Material
Crushing Operation

Sam Olson

From: Sam Olson
Sent: Tuesday, April 12, 2016 2:19 PM
To: 'athierolf@lincoln.ne.gov'
Cc: 'Dave Olson'
Subject: Crushing Application
Attachments: SKMBT_C35116041213020.pdf

Andrew Thierolf
City of Lincoln Planning Department
555 south 10th Street , Ste 213
Lincoln, Nebraska 68508

Andrew, There is currently 150,000 tons of broken asphalt to crush on the site. This material was accumulated over the years by Dobson and we wish to remove it at this time. We would crush 20,000 tons at a time. As we sell the product we would crush more. The crusher would operate from the west side of the existing piles. The stockpile of the newly crushed material would be placed west and north of the existing pile. (see attached Dwg)

TNT earthmoving (a related company to K-2) will be doing the crushing. The will move in a mobile crusher. It is my understanding that they are approved by the Health Department to crush (see attached e-mail)

Enclosed please find my personal check paid to the City of Lincoln in the amount of $792.00 for the necessary fee for this application

Thank you for your help in this matter

Sam Olson
Dobson Brothers Construction
P.O. Box 81409
Lincoln, NE, 68501
1-402-429-764

Sam Olson

From: Gary R. Bergstrom
Sent: Monday, April 11, 2016 9:19 AM
To: 'solson@dobsonbrothers.com'
Subject: Crushing @ 7845 Fletcher Ave.

Sam,

TNT Earthmoving Inc. (which, as I understand it, is a subsidiary of K2 Construction) has obtained a construction permit from our Department that allows them to operate their portable concrete crusher within the parameters of the permit. The permit is good within our permitting jurisdiction (which includes all of Lancaster County), and is good for the life of the crushing plant. TNT Earthmoving is required to notify us whenever they relocate their crusher, but they do not require any other approval from our office.

In regard to the zoning applicability, I do believe a special permit will be required to perform concrete crushing at that location (unless a previously issued permit for that activity remains effective).
As we discussed, Christy Eichorn would be the individual to contact (phone number is 402-441-8622). As I understand the rules, the special permit applies to the property...not to the crusher...so the permit would remain applicable even after the crushing activity is completed and the crushing equipment is moved off-site.

Let me know if you have any other questions.

GARY BERGSTROM
Senior Environmental
Health Specialist

LINCOLN-LANCASTER COUNTY
HEALTH DEPARTMENT
Environmental Public Health Division
3140 "N" Street Lincoln, NE 68510

gbergstrom@lincoln.ne.gov 402-441-6202 fax: 402-441-3890

CITY OF
LINCOLN
NEBRASKA

lincoln.ne.gov

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Current Project - Agency Review Report

Agency Name	User Name	Review Cycle	Review Status	Comments	Assignment
Building & Safety	christy eichorn	1	Corrections Required	1. A note should be added that prohibits any crushing or storage of materials in the floodplain. 2. If setbacks are required as part of the special permit they should be clearly shown on the site plan. 3. If other uses per the I-1 zoning district are allowed on this property it should be noted on the site plan. 4. The address and legal description on the application form do not match the site plan. The correct address and legal description should be added to the site plan.	First In Group
County Health	chris schroeder	1	Recommend Approval	The land owner(s)/operator(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.	Individual
Public Works - Watershed Management	ben higgins	1	Recommend Approval		Individual

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for May 11, 2016 PLANNING COMMISSION MEETING

PROJECT #:	Special Permit No. 16022
PROPOSAL:	A request per Section 27.63.070 for an Early Childhood Care Facility
LOCATION:	6519 Colby Street
LAND AREA:	6,998 square feet
EXISTING ZONING:	R-2 Residential
WAIVER REQUEST:	Section 1.6, Chapter 3.90 of the Design Standards for Early Childhood Care Facilities prohibiting access to a childcare facility from an alley
CONCLUSION:	This request would allow for a childcare facility containing eight children to be located in a renovated house. The house currently takes access from the alley, and the minimal traffic created by this small daycare would not have a notable impact on neighbors. The proposed facility would provide a valued service for the surrounding neighborhood.

RECOMMENDATION:	Conditional Approval
Waiver:	
Section 1.6, Chapter 3.90 of the Design Standards for Early Childhood Care Facilities	
To allow access to a childcare facility solely from an alley	Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION:	Lot 7, Block 33, Bethany Heights located in Lincoln, Lancaster County, Nebraska
EXISTING LAND USE:	Single Family Residential

SURROUNDING LAND USE AND ZONING:

North:	Residential	R-2
South:	Residential	R-2
East:	Residential	R-2
West:	Residential	R-2

COMPREHENSIVE PLAN SPECIFICATIONS:

page 1.9 The site is identified as Urban Density Residential on the Future Land Use map.

page 8.2 Child care centers should be located within neighborhoods and near schools and parks when possible.

TRAFFIC: The site is located on Colby Street, which is a local street.

PUBLIC SERVICE: The nearest fire station is at 901 N. Cotner Boulevard, approximately 0.8 miles away.

ANALYSIS:

1. This application is for a licensed early childhood care facility at 6519 Colby Street. The facility would have a maximum of eight children and two staff members.

2. The applicant has purchased a single family residence and is renovating it for use as a daycare. Plans have been submitted to the Building and Safety Department to ensure that the renovation meets building code requirements for early childhood care facilities. The applicant is in the process of obtaining a license through the Nebraska Department of Health and Human Services.

3. This special permit is required because the applicant will not be living at the house. If the applicant were living at the house this daycare would be an accessory use with no additional permitting requirements because it will serve less than 15 children.

4. Per 27.67.040(v) required parking for an early childhood care facility is one space per employee on the largest shift plus one off-street loading/unloading area per ten care receivers. With eight children and two employees this facility requires three parking spaces. The existing garage will be utilized as one parking space. Two additional parking spaces that will be surfaced with crushed rock are shown on the site plan. The Design Standards for Parking Lots do not apply to this site since there will be less than six spaces.

5. Section 1.6, Chapter 3.90 of the Design Standards for Early Childhood Care Facilities prohibits access to any childcare facility solely from an alley. The applicant is requesting to waive this requirement since the existing garage and driveway take access from the alley. Per 27.63.070(d) and (g) City Council approval is required to modify design standards for early childhood care facilities.

   The impact on the alley will be minimal since there will only be a maximum of eight children at this facility. The entrance ramp for the alley is paved but the remaining portion is crushed rock. Given the limited number of children many parents may simply park on the street and walk to the front door.

6. The Comprehensive Plan supports locating early childhood care facilities within neighborhoods. This facility will have a minimal impact on neighbors given that it will serve only eight children

CONDITIONS OF APPROVAL:
Per Section 27.63.070 this approval permits an early childhood care facility with a waiver to Section 1.6. Chapter 3.90 of the Design Standards for Early Childhood Care Facilities to allow access to the facility solely from an alley.

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 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.

   1.3 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.

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

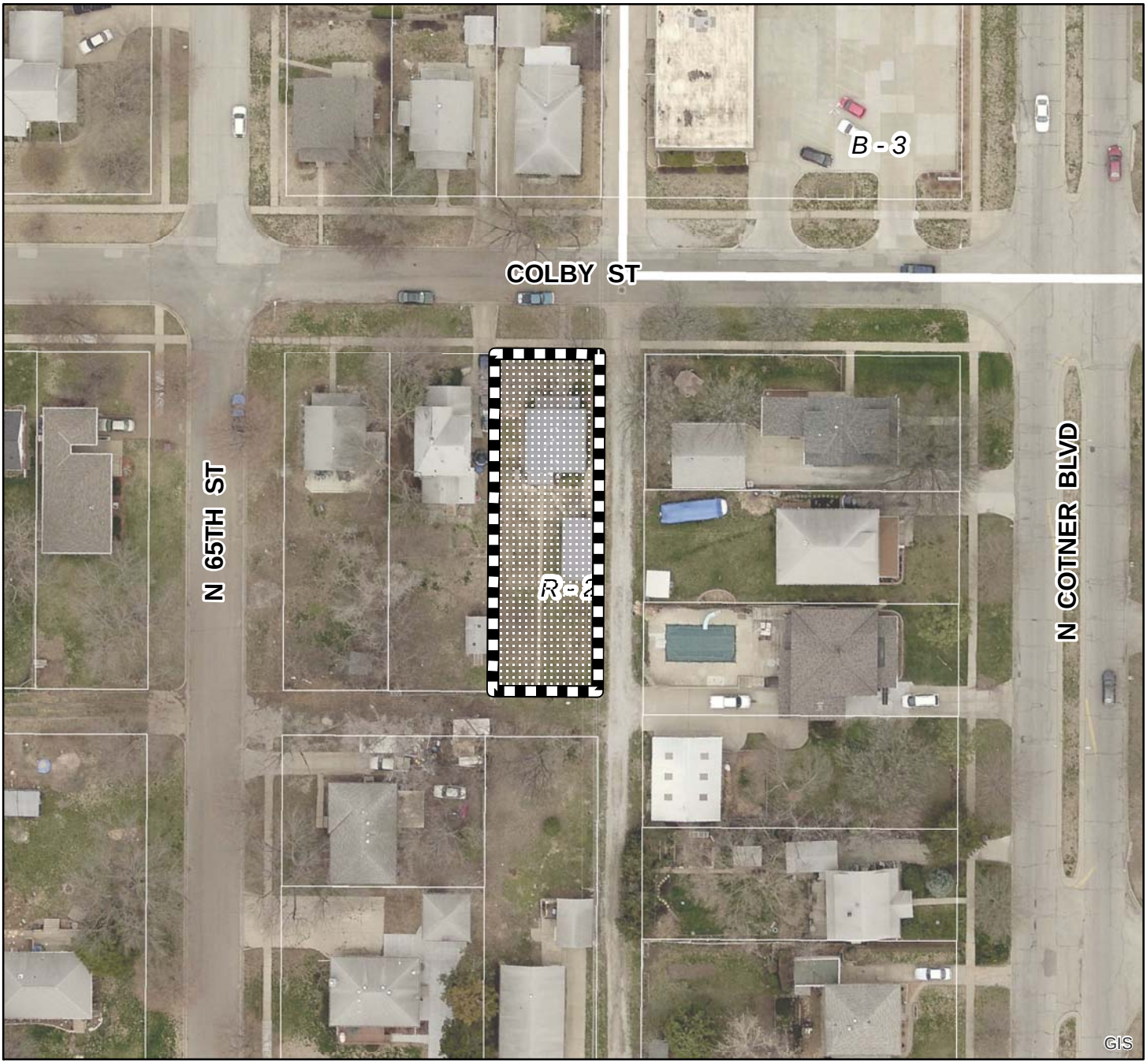
   1.5 The applicant shall sign and return the letter of acceptance to the City Clerk. This step should be completed within 60 days following the approval of the special permit. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register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

Prepared by

Andrew Thierolf, 441-6371, athierolf@lincoln.ne.gov
Planner
May 2, 2016

APPLICANT/ OWNER: Joshua Nix
7611 Leighton Avenue
Lincoln, NE 68507

F:\DevReview\SP\16000\SP 16022 Blue Iris Kids.adt.wpd



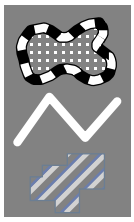
2013 aerial

Special Permit #: SP16022
Blue Iris Kids
N 65th St & Colby St

Zoning:

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

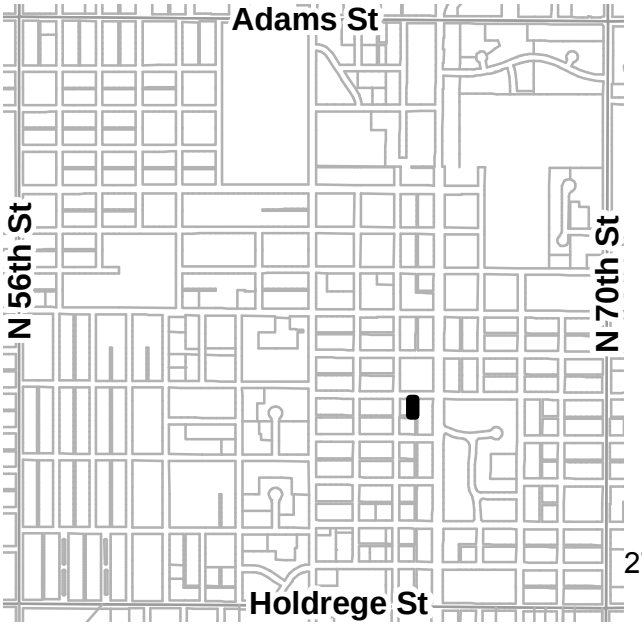
One Square Mile:
Sec.16 T10N R07E



Area of Application

Zoning Jurisdiction Lines

Lancaster County Jurisdiction



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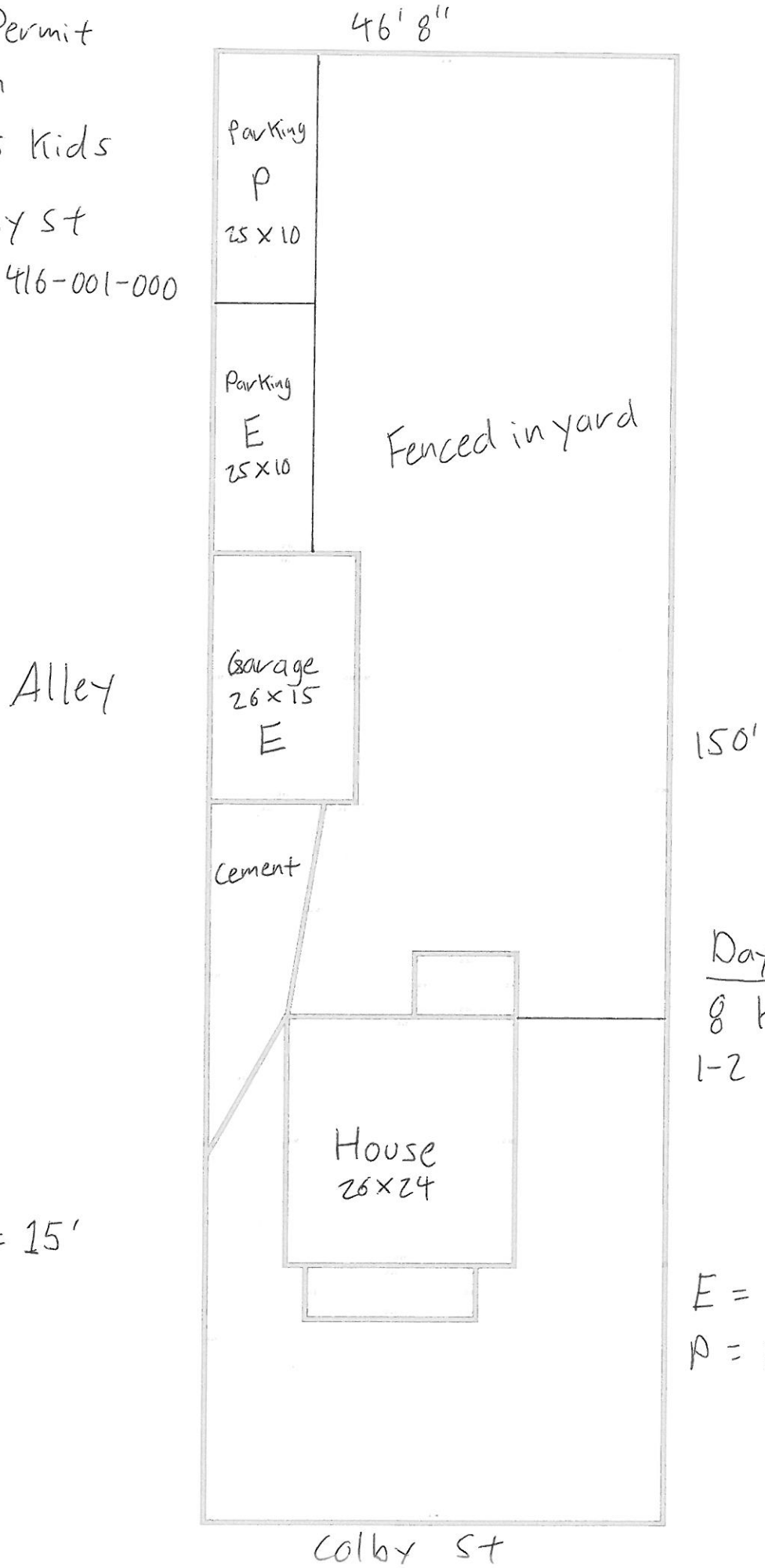
Special Permit
Site plan
Blue Iris Kids
6519 Colby st
PID: 17-16-416-001-000



Daycare
8 kids
1-2 staff

Scale: 1" = 15'

N

E = Employee Parking
P = Parent Parking

City of Lincoln, Planning Department:

A little bit about us. We are newlyweds, we got married last October. I have owned and operated a handyman company here in Lincoln for the past 6 years. Now it's my wife's turn to take her passion and create a business. She is passionate about helping children succeed in life. She is very compassionate and patient when working with kids and is an amazing problem solver in different ways to teach kids by meeting them where they're at.

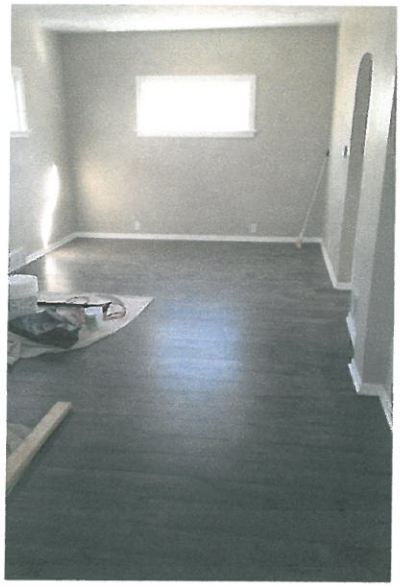
The purpose of our application for a special permit is to allow us to use one of our investment properties located at 6519 Colby St. Lincoln, NE 68505 that we own as a licensed early childhood care facility. We are currently in the process of getting our Early Childhood Care II licenses through the Department of Health and Human services.

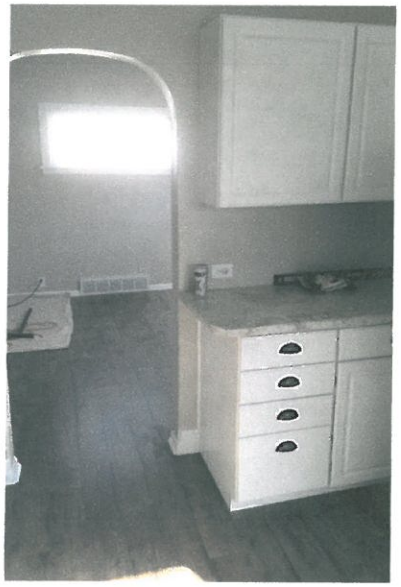
Currently there isn't enough parking per the design standards, attached is a site plan proposing how we can accommodate all the parking requirements. We would be moving a section of fencing and using crushed rock to create the adequate parking. Our daycare would have no more than 8 kids and 1-2 staff members, these are requirement set by the Department of Health and Human Services for Early Childhood Care II licenses.

We appreciate all you help in allowing us to pursue our goals, Please contact us if you have any questions.

Thanks
Josh & Amera Nix
402-770-7950 (josh)
joshuaenix@gmail.com
7611 Leighton Ave
Lincoln, NE 68507

Interior photos of 6519 Colby St





Current Project - Agency Review Report

Agency Name	User Name	Review Cycle	Review Status	Comments	Assignment
Building & Safety	christy eichorn	1	Corrections Required	The proposed site plan would not be allowed per Section 1.6 of the Early Childhood Care Facilities Design Standards.	First In Group
County Health	chris schroeder	1	Recommend Approval	This facility will be licensed by the Nebraska Health and Human Services. The applicant is requesting a waiver from the Design Standards for Early Childhood Care Facilities (Chapter 3.90). It appears the facility only has designated parking off of an alley. It is recommended that no streets, parking lots or alleys are crossed by children during their approach to the facility.	Individual
Development Review Manager	steve henrichsen	1	Recommend Approval		Individual
Public Works - Engineering Services	bob simmering	1	Recommend Approval	4-18. Impact fee estimate $1800. See building and safety comments concerning parking.	First In Group

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for May 11, 2016 PLANNING COMMISSION MEETING

PROJECT #: Comprehensive Plan Conformance No. 16003

PROPOSAL: To review as to conformance with the 2040 Lincoln-Lancaster County Comprehensive Plan, the proposed "University Place South Redevelopment Plan". The University Place South Redevelopment Plan area is generally located between N 48th and N 49th Streets, Holdrege Street to Garland Street, including University Place Park.

LOCATION: N 48th Street and Holdrege Street

LAND AREA: 37 acres, more or less

CONCLUSION: The redevelopment plan is in conformance with the Comprehensive Plan.

RECOMMENDATION: In conformance with the Comprehensive Plan.

GENERAL INFORMATION:

LEGAL DESCRIPTION: Block 129, University Place Addition; Block 4, Lots 7-10, and Block 5, Mills Subdivision; Blocks 6 -10, Block 11 except north 71.5' of Lots 1 and 2, Blocks 21-22, and Block 35, Mills Addition to University Place, Lincoln, Lancaster County, Nebraska.

EXISTING ZONING: B-1 Local Business, O-2 Suburban Office, H-2 Highway Business, R-2 Residential, P Public

EXISTING LAND USE: Commercial, Residential, Vacant, Park

SURROUNDING LAND USE AND ZONING:

North:	Commercial, Residential	B-3 Commercial, O-2 Suburban Office, R-5 Residential, R-2 Residential
South:	Commercial	H-2 Highway Commercial
East:	Residential	R-2 Residential
West:	UNL - East Campus	P Public

COMPREHENSIVE PLAN SPECIFICATIONS:

p. 1.9 The area along N 48th Street is shown is commercial on the Future Land Use map. The area further to the east is shown as urban density residential and University Place Park is shown as green space.

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

Encourage and provide incentives for mixed uses in future developments.

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

p. 6.2 Mixed Use Redevelopment should:

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

Occur on sites supported by adequate road and utility capacity.

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

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

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

p. 6.10 Strategies for facilitating infill development:

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

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

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

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

p. 7.9 Strategies for redevelopment in existing neighborhoods:

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

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

ANALYSIS:

1. This is a request to review the University Place South Redevelopment Plan for a determination of conformity with the Lincoln and Lancaster County 2040 Comprehensive Plan.

2. The proposed redevelopment plan is in the same area as the South University Place Redevelopment Area Blight and Substandard Determination Study (MISC #16001). The Planning Commission recommended approval of the blight study on April 13, 2016 and it is scheduled for City Council public hearing on May 9, 2016.

3. Applications for a Planned Unit Development (PUD) (CZ #16016) and alley vacation (SAV #16002) are associated with this application. The PUD and alley vacation are consistent with the redevelopment activities outlined in the proposed University Place South Redevelopment Plan. The proposed PUD is located in the southernmost block of the redevelopment area. Tax Increment Financing will be utilized to fund some public improvements associated with this project.

4. The redevelopment area includes 31 structures, 23 of which were identified in the blight study as being in deteriorating or dilapidated condition. The area includes approximately 1.5 acres of vacant land.

5. The adjacent uses and existing sidewalk network create the opportunity for walkable mixed-use redevelopment. The area includes approximately 3.8 acres of commercial, 1.9 acres of single family residential, and 21.2 acres of park space. The East Campus of University of Nebraska is located across N 48th Street, and Nebraska Wesleyan University is located three blocks to the north.

6. The site is centrally-located within the city and served by N 48th and Holdrege Streets, which are both classified as minor arterials.

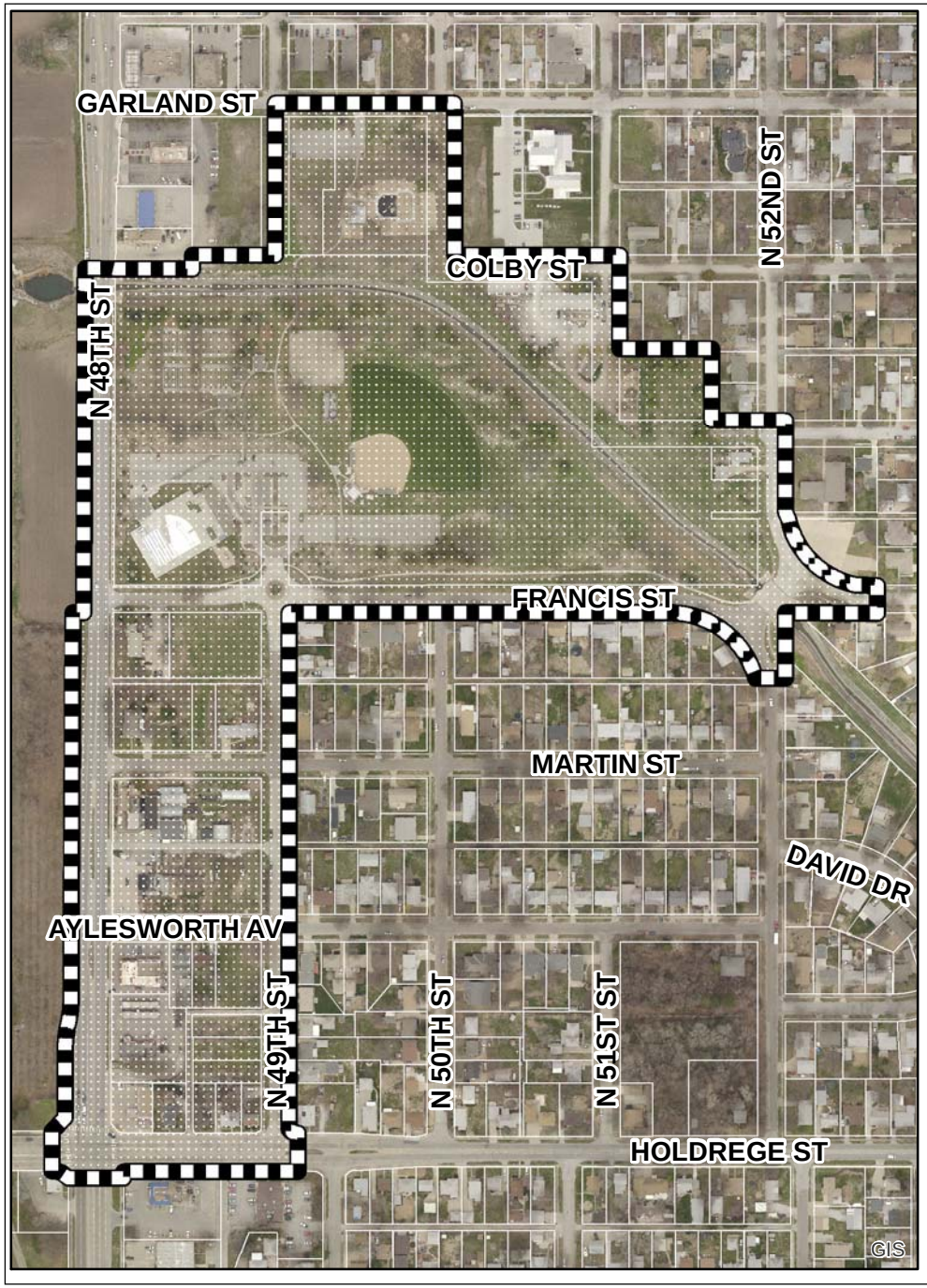
7. This redevelopment plan is in conformance with the Comprehensive Plan. It meets several goals/strategies of the Comprehensive Plan including utilizing investments in existing infrastructure, removing blighted conditions, and developing mixed use in a way that is compatible with the existing neighborhood. The Comprehensive Plan identifies the site as a commercial area appropriate for dwelling units/mixed use.

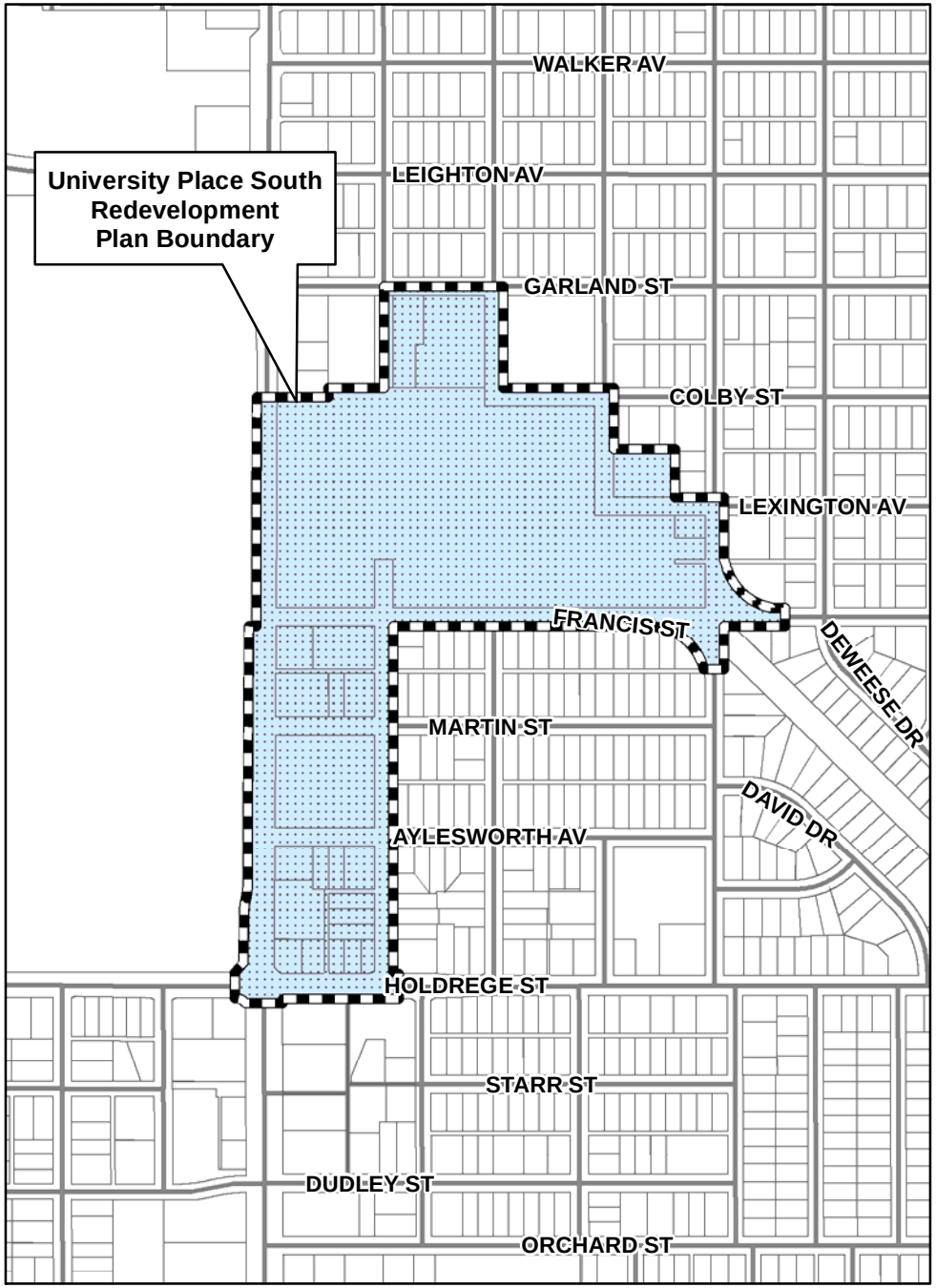
Prepared by:

Andrew Thierolf, Planner, 441-6371, athierolf@lincoln.ne.gov
May 2, 2016

APPLICANT/ CONTACT: Wynn Hjermstad, 402-441-8211, whjermstad@lincoln.ne.gov
Urban Development Department
555 S. 10th Street, Ste. 205
Lincoln, NE 68508

F:\DevReview\CPC\16000\CPC16003 University Place South Redevelopment Plan.adt.wpd





2013 aerial

m:\plan\arcview\CPCRevelopmentAreaDrawings.mxd (CPC16003)

Comprehensive Plan Conformance #16003

University Place South Redevelopment Plan

CITY OF LINCOLN NEBRASKA

URBAN DEVELOPMENT DEPARTMENT
555 South 10th Street Suite 205 Lincoln, Nebraska 68508
402-441-7606 fax: 402-441-8711 lincoln.ne.gov

April 13, 2016

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

Dear David:

Enclosed is the *University Place South Redevelopment Plan*. This is a new Redevelopment Plan that includes approximately 37 acres, roughly located between N. 48th and 49th, Holdrege to Francis, and including all of UPCO Park. The Plan addresses statutory elements required by the State of Nebraska's Community Development Law. The principal project is mixed-use located on the block between 48th and 49th, Holdrege to Aylesworth and includes ground floor commercial/restaurant space and four stories of market rate apartments above.

Please forward the Plan to the Planning Commission for their earliest consideration for Comprehensive Plan conformance. My understanding is that the Plan should be on the May 11, 2016 agenda.

If you have questions or need additional information, please contact me at 402-441-8211 or whjermstad@lincoln.ne.gov. Thank you.

Sincerely,

Wynn S. Hjermstad

Wynn S. Hjermstad, AICP
Community Development Manager

Cc: David Landis, Director, Urban Development Department

enc.

DEVELOPMENT SERVICES CENTER DSC

UNIVERSITY PLACE SOUTH REDEVELOPMENT PLAN

Prepared by:
City of Lincoln, Nebraska
Chris Beutler, Mayor
Urban Development Department
David Landis, Director

Approved by:
Planning Commission: _____
City Council: _____

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UNIVERSITY PLACE SOUTH REDEVELOPMENT PLAN

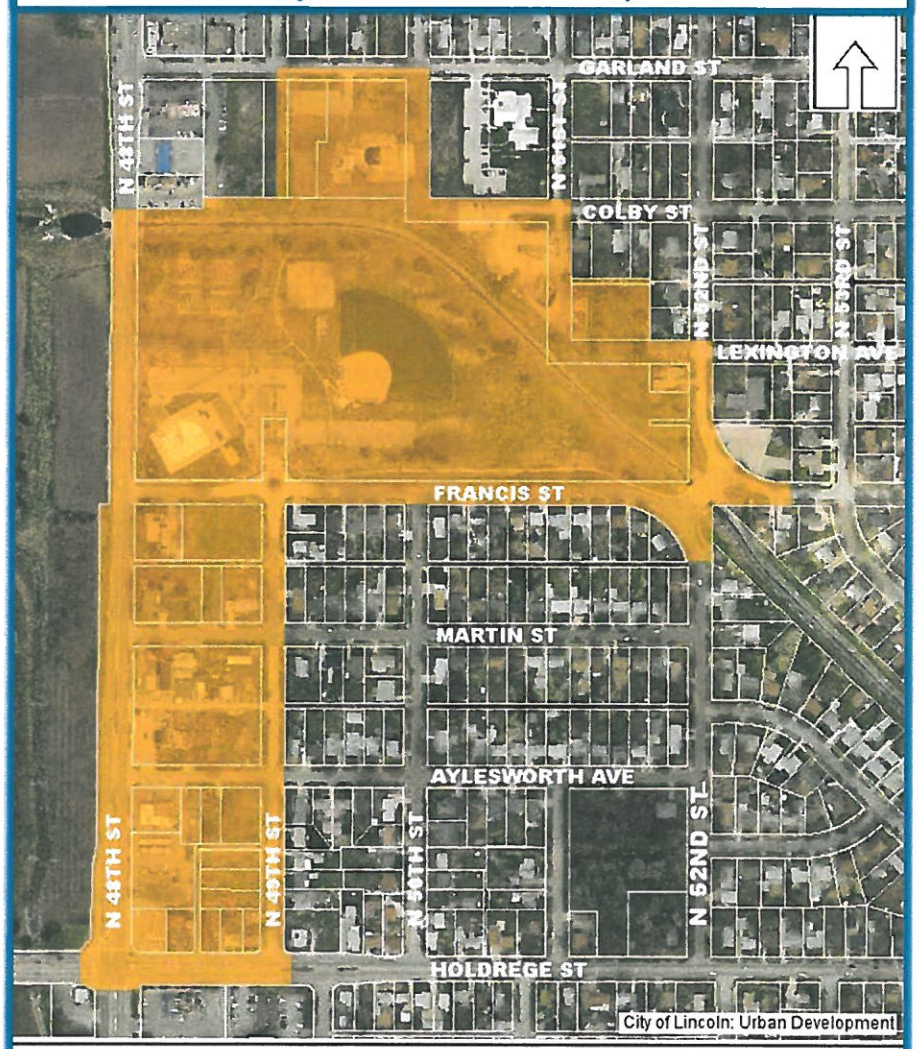
Introduction

The *University Place South Redevelopment Plan* is a guide for redevelopment activities within the Redevelopment Area. Exhibit 1 shows the location of the area within the context of the city of Lincoln. The southern boundaries are generally Holdrege Street between 48th Street and 49th Street, and Francis Street between 49th Street and North 52nd Street. North of Francis Street, the boundaries are generally the boundaries of the University Place Park. The area is adjacent to and south of an area included in the *University Place Redevelopment Plan* that was adopted by the Lincoln City Council in December 7, 1998, as amended. The area covers approximately 37 acres: the largest percentage is park/open space (57.3%) followed by commercial (10.3%). The area's legal description is found in Appendix A.

The Redevelopment Area has shown signs of decline over the last several years. Operating businesses have closed. The existing development, structures, and public facilities and utilities are old and in need of updating. Identifying the need to redevelop this area led to a *Blight and Substandard Determination Study,* which confirmed the number and degree of blighting and substandard factors. The Study was completed in March 2016.

The City recognizes the continuing blight and deterioration as a threat to the stability and vitality of the area. Revitalization efforts cannot reasonably occur without public action. The *University Place South Redevelopment Plan* provides a guide for public and private partners as redevelopment efforts move forward.

Exhibit 1: University Place South Redevelopment Area



University Place South Redevelopment Area

Plan Requirements

Redevelopment activities are guided by the Nebraska Community Development Law, Neb. Rev. Stat. Section 18-2101, et. seq., as amended (the "Act"). The statutes indicate the governing body must first declare the project area substandard and blighted in order to prepare a redevelopment plan for the designated redevelopment area.

The City has authorized its Urban Development Department to act as the community redevelopment authority under the Act. The Urban Development Department has developed a plan for guiding appropriate private and public resources to:

- eliminate or prevent the development or spread of urban blight;
- encourage urban rehabilitation;
- provide for the redevelopment of substandard and blighted areas including provision for the prevention of the spread of blight into areas of the municipality which are free from blight through diligent enforcement of housing, zoning, and occupancy controls and standards;
- rehabilitation or conservation of substandard and blighted areas or portions thereof by re-planning, removing congestion, providing parks, playgrounds, and other public improvements by encouraging voluntary rehabilitation and by compelling the repair and rehabilitation of deteriorated or deteriorating structures; and
- clear and redevelop substandard and blighted areas or portions thereof.

Section 18-2111 of the Act defines the minimum requirements of a redevelopment plan as follows:

"A redevelopment plan shall be sufficiently complete to indicate its relationship to definite local objectives as to appropriate land uses, improved traffic, public transportation, public utilities, recreational and community facilities and other public improvements, and the proposed land uses and building requirements in the redevelopment project area..."

Section 18-2111 also outlines six elements that must be included in all redevelopment plans:

1. The boundaries of the redevelopment project area with a map showing the existing uses and condition of the real property area;
2. A land-use plan showing proposed uses of the area;
3. Information showing the standards of population densities, land coverage, and building intensities in the area after redevelopment;
4. A statement of the proposed changes, if any, in zoning ordinances or maps, street layouts, street levels or grades, or building codes and ordinances;
5. A site plan of the area;
6. A statement as to the kind and number of additional public facilities or utilities, which will be required to support the new land uses in the area after redevelopment.

In making the recommendation to approve this plan, the Urban Development Department has considered the land uses and building requirements of the University Place South Redevelopment Area and determined they are in conformance with the general plan for redevelopment in the city and represent a coordinated, adjusted, and harmonious development of the city and its environs.

These determinations are in accordance with:

- present and future needs to promote health, safety, morals, order, convenience, prosperity;
- the general welfare; and
- efficiency and economy in the process of development.

Factors considered in the determination included among other things:

- adequate provision for traffic and vehicular parking;

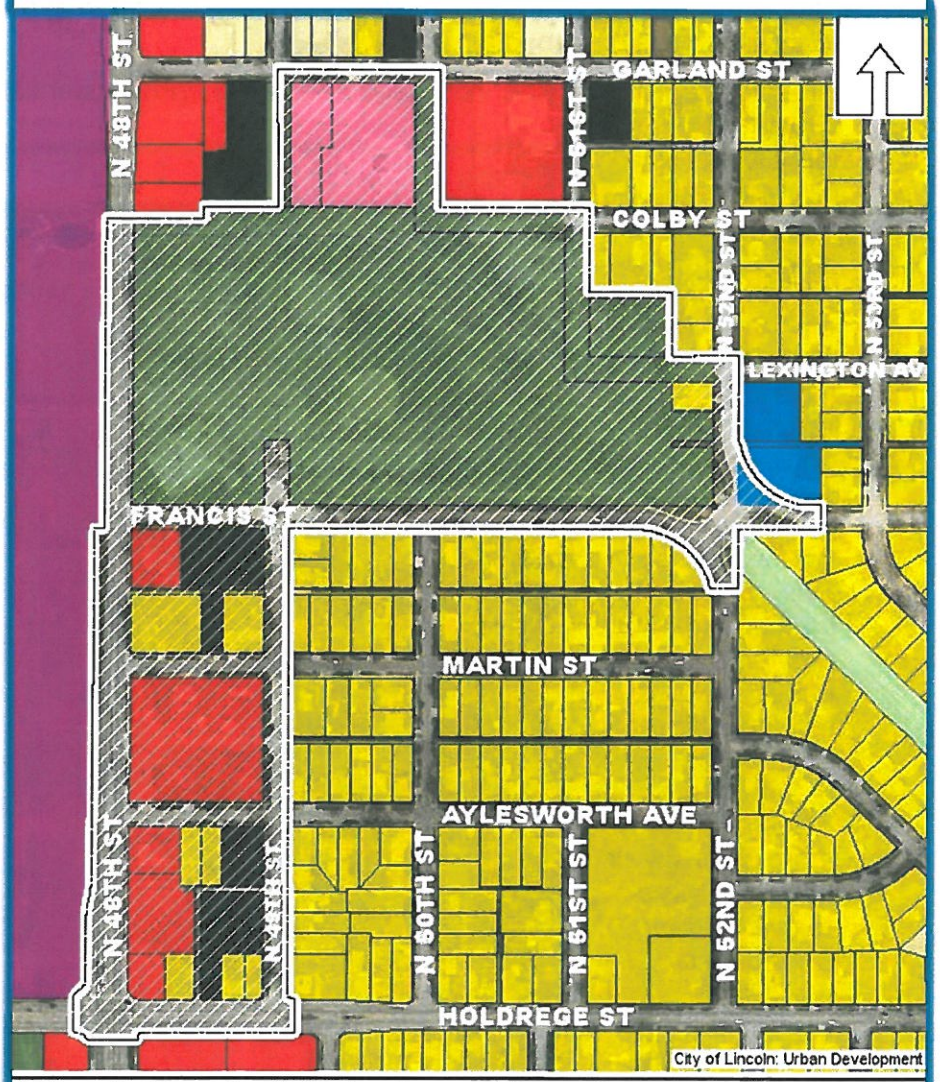
- promotion of fire safety and prevention of other dangers;
- adequate provision for light and air;
- promotion of the healthful and convenient distribution of population;
- provision of adequate transportation, water, sewerage, and other public utilities;
- schools, parks, recreational and community facilities, and other public requirements;
- promotion of sound design and arrangement;
- efficient expenditure of public funds; and
- prevention of insanitary or unsafe dwelling accommodations or conditions of blight.

Existing Conditions

Land Use

The University Place South Redevelopment Area consists of approximately 37 acres of land. The largest amount of land, approximately 21.2 acres, is park/open space, followed by commercial uses, approximately 3.8 acres. The largest tract of park/open space is located east of 48th Street and north of Francis Street, which houses University Place Park. The park includes the University Place Municipal Pool, the Lincoln Horseshoe Club facility, playground and picnic shelter, tennis/basketball courts and open space recreational areas. The majority of commercial uses are located along 48th Street between Francis Street and Holdrege Street. The primary commercial uses include the vacant Tastee Inn & Out restaurant and the vacant QP Hardware Store. The area also contains single family residential uses, approximately 1.9 acres, including seven single family dwellings that average 91 years of age.

Exhibit 2: Current Land Use



Finally, vacant land is also present, approximately 1.5 acres, with seven vacant lots located on the eastern half of the redevelopment area. The table below includes existing land uses by type and acre for the area.

Land Use	*Acres*	*Percent*
Vacant	*1.5*	*4.0*
Park/Open Space	*21.2*	*57.3*
Single Family Residential	*1.9*	*5.1*
Commercial	*3.8*	*10.3*
Public Streets/Alleys	*8.6*	*23.3*
TOTAL	***37.0***	***100.0%***

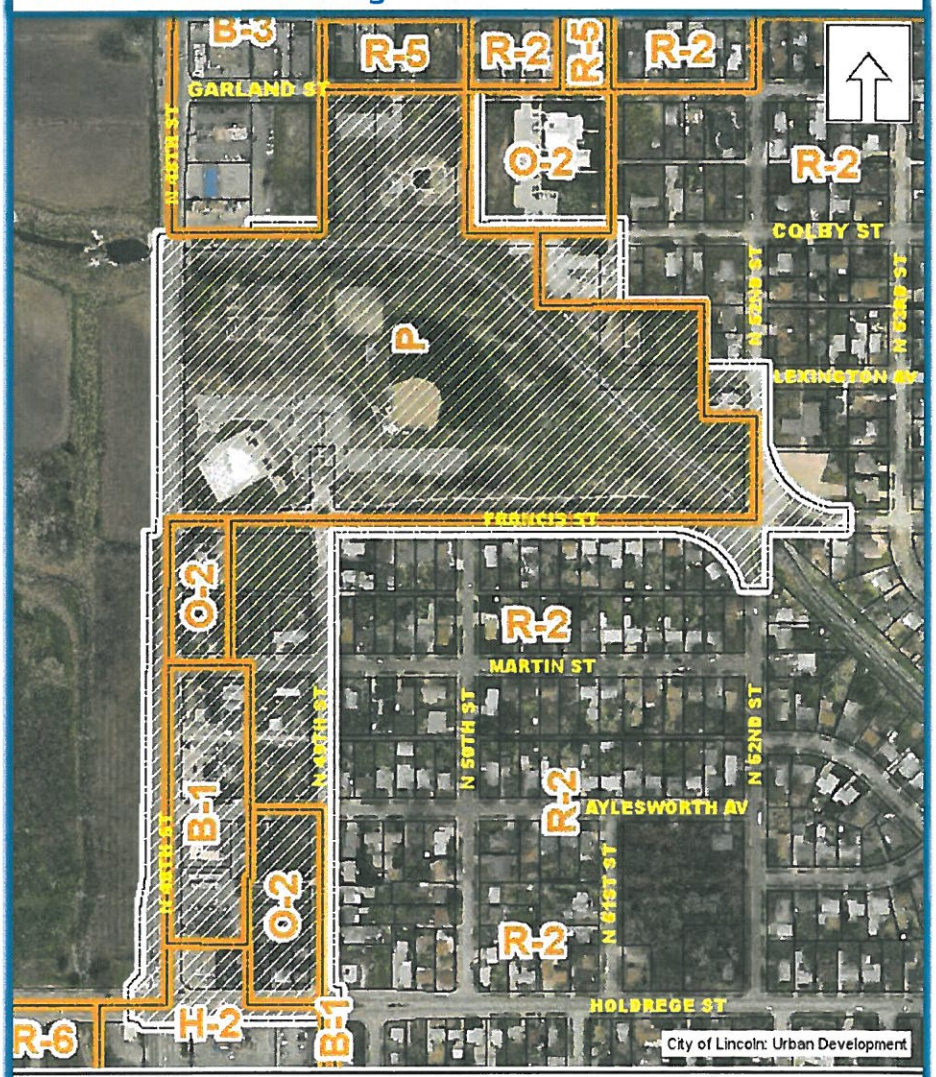
Source: Hanna:Keelan Associates, P.C., 2016

Zoning

The primary zoning districts in the area are P Public, R-2 Residential, O-2 Suburban Office, and B-1 Local Business. A small amount of H-2 Highway Business is located at the southwest corner of the area. These districts are described as:

- **P Public Use**: This district is intended to provide a district essentially for mapping purposes which will identify real property presently owned and used by any governmental entity, including local, state, or federal governmental units, and put to some form of public use.
- **R-2 Residential**: This district is intended to provide a generally stable residential use in areas of the city that are largely developed. With a gross density of generally three to five dwelling units per acre, this district permits single- and two-family dwellings and supportive community services, such as parks, playgrounds, schools libraries, and churches. It

Exhibit 3: Current Zoning



University Place South Redevelopment Area: Current Zoning

University Place South Zoning

is intended that this district be limited to previously platted portions of the city already undergoing substantial development, thereby preserving existing low-density residential development.

- **O-2 Suburban Office**: This district is intended to provide a redeveloping area, primarily of office uses in those suburban areas previously zoned O-1 Office District and those fronting the same street, with the same side lot lines and within 150 feet of the following districts: B-1, B-3, B-4, H-2, H-3, and I-1. This district is intended as a transition zone where it abuts the previously mentioned districts.
- **B-1 Local Business**: This district is intended to provide a stable area of local retail relating to existing communities and existing neighborhoods. It provides for functional business uses to serve those communities and neighborhoods. Dwellings are permitted only above the first floor.
- **H-2 Highway Business**: This is a district for a redeveloping area intended to provide business and services oriented to major arterial streets. It provides for those uses usually found in neighborhood business areas, plus a limited number of additional uses, such as auto repair garages, mini-warehouses, and auto sales.

Parks and Recreational Facilities and Trails

- **Trails:** There are various all-weather, multi-use trails located in the area, including trails around and through UNL's East Campus located to the west of the Redevelopment Area. Additionally, the MoPac Trail West is located approximately one-third of a mile south of the area, which has a paved surface and extends from 84 Street to UNL City Campus.
- **Parks:** The University Place Park is located on the north portion of the Redevelopment Area, which is approximately 21.2 acres in size. The Park has had much of the facilities upgraded, including the pool, baseball bleachers, lighting and backstop, and walking/hiking bridge across the creek to the playground. However, the tennis and basketball courts and the horseshoe areas are in need of upgrade and replacement of equipment.

Exhibit 4: Parks, Recreation Facilities & Trails

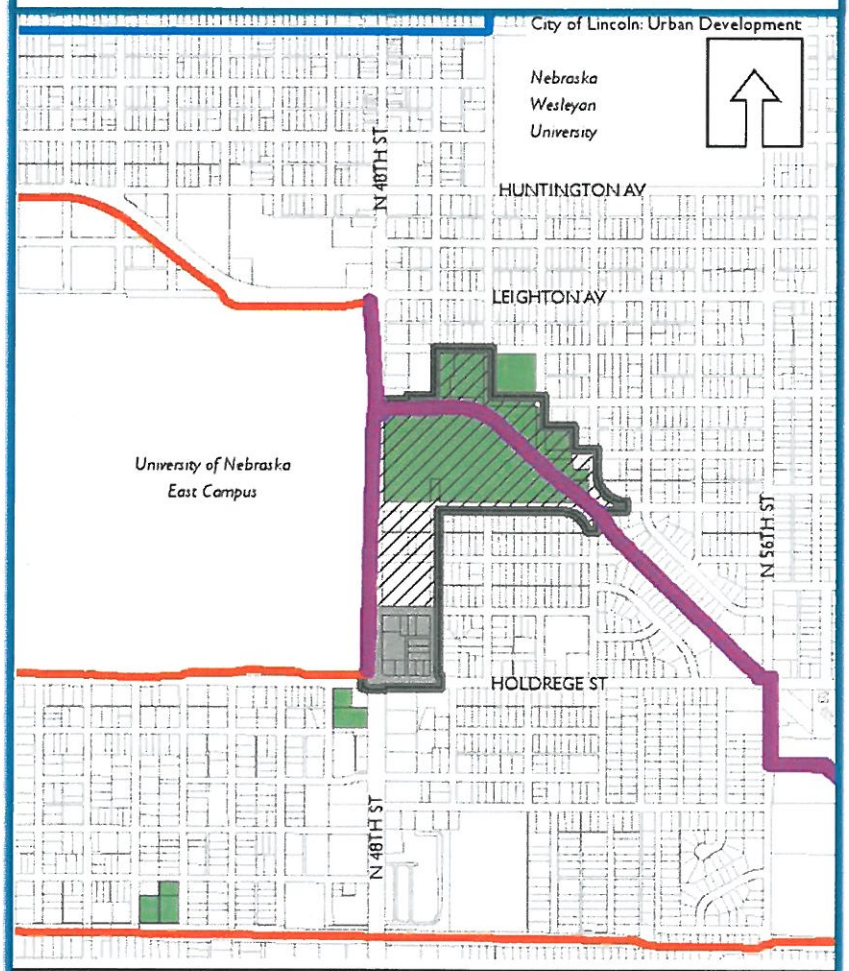


Exhibit 5: Parks, Recreation Facilities & Trails

University Place South
48th & Holdrege Project
Park Boundary
Future Trails
Existing Trails
On Street Bicycle Routes

Transportation

- **Traffic** There are two major roadways bordering the Redevelopment Area: 48th Street to the west and Holdrege Street to the south. The City's Capital Improvement Program envisions a potential future resurfacing project..
- **Access and Parking Issues:** Access to the area from 48th Street on the west is available at the following three locations: (1) Francis Street, (2) Martin Street, and (3) Aylesworth Avenue. However, a raised concrete median located on 48th Street prevents southbound traffic from accessing the area at Aylesworth Avenue. Access to the area from the east is available along 49th Street at (1) Francis Street, (2) Martin Street, and (3) Aylesworth Avenue, and along North 51st Street and North 52nd Street.

  Several privately owned concrete, asphalt or gravel surfaced parking areas and driveways are in fair to poor condition. Approximately 45 percent of the existing sidewalks, driveways and off-street parking areas are deteriorating or dilapidated. One of the four parks and recreation parking lots and all six of the commercial parking lots are substandard and dilapidated, with surfaces in need of paving.
- **Public Transportation:** Star Tran, Lincoln's bus system has a route that runs along Holdrege Street from 33rd to 70th. However, Star Tran serves the surrounding area, including various bus stops on or near UNL's East Campus which is located directly west of the Redevelopment Area.
- **Street Conditions:** Street conditions within the area are in good to excellent condition. Only one parcel fronts on a street that is in substandard conditions.
- **Sidewalk and Pedestrian Activity:** Approximately 45 percent, or 17 of the 32 parcels were identified as having sidewalks in fair or poor condition. Except for the 48th Street and Holdrege Street intersection, there are no other effective pedestrian/vehicular safety control devices within the Redevelopment Area.
- **Street Layout:** The street pattern within the Redevelopment Area generally consists of a standard grid-iron plan. The large parcel of land on which the University Place Park is located lacks an interior street system. Deadman's run located near the north/northeast of the Redevelopment Area may limit land accessibility and future development.

Public Utilities

- **Water and Sanitary Sewer Systems:** The majority of the water and sewer mains within the redevelopment area are appropriately sized. The issue is that the water, sanitary sewer and storm water mains are all at least 45 years of age, with the oldest segments constructed over 70 years ago. As underground mains and privately owned and maintained service lines age, more frequent maintenance and repair will be needed.
- **Watershed Management:** Deadman's Run is a major tributary to Salt Creek and runs west though University Place Park. Local drainage in the redevelopment area is toward Deadman's Run though urban underground drainage systems from the south and though a combination of overland flow, a ditch and an urban underground drainage system from the north. Deadman's Run has a floodplain and floodway. The floodway covers most of the park area and the floodplain covers the remainder of the park area as well as a portion of the redevelopment area south of Francis Street. Future redevelopment will need to take into account the floodplain and any improvement within the floodway is unlikely. Stormwater quality standards are in effect and any redevelopment that disturbs an acre or more of ground must include facilities for stormwater quality standards.

There are no current plans to update, rehabilitate or enhance any of the existing urban drainage systems in this area. The Corp of Engineers in partnership with the Lower Platte South Natural Resources District (LPSNRD) and the City of Lincoln has an on-going study to improve Deadman's Run for the purposes of reducing the floodplain and floodway. The current concept for reducing the floodplain and floodway indicate that they will be reduced, but not to the extent that eliminates the 100 year flood.

- **Electrical/Street Lighting:** The street lights along 48th Street are all fed underground, while most of the collector streets are fed with overhead wiring. Construction in the area is currently underway on an overhead rebuild. Many of the poles in this area will be or have already been replaced due to age; the location of the facilities is adequate at this time. Four street lights were converted to LED's within the redevelopment area.

Historical Significance

There are no historic properties or areas of historic significance in the Redevelopment Area.

Blight & Substandard Determination Study

For a project to be considered eligible for redevelopment in Lincoln, the area must qualify as both "Blighted" and "Substandard" based on the Nebraska Community Development Law. The *University Place South Redevelopment Area Blighted and Substandard Study* was undertaken to determine whether existing conditions warrant designation of the Area as blighted and substandard. The Study includes formal investigation of the existence and extent of blighting and substandard factors as outlined in the Nebraska Community Development Law. The Study was completed in March 2016 by Hanna:Keelan Associates, P.C.

- **Process:** The consultant's evaluation included a detailed exterior structural survey of 31 structures, field inventory, conversations with the City of Lincoln staff and a review of available reports and documents containing information which could substantiate the existence of blight and substandard conditions.
- **Analysis Findings:** All 4 of the substandard factors identified in the Nebraska Community Development Law represent a "strong presence" within the Redevelopment Area. These four factors are generally distributed throughout the Area.
    - Dilapidated/deterioration. The field survey resulted in 23 structures, or 74 percent of the 31 total structures, as being identified as in a deteriorating or dilapidated condition.
    - Age or obsolescence. Approximately 25, or 81 percent of the 31 total buildings are at least 40 years old (built prior to 1976).
    - Inadequate provision for ventilation, light, air, sanitation or open spaces. City of Lincoln Public Works Staff described the municipal water and sewer mains that primarily serve the Area as being appropriately sized and in good condition, but segments of mains and service lines are over 45 years old, with some segments being over 70 years old. Public Works Staff also estimated that the majority of the privately owned service lines are constructed with outmoded materials and will need to be replaced to support redevelopment in the Area.

- Existence of conditions which endanger life or property by fire and other causes. The primary contributing elements include the existence of deteriorating and dilapidated buildings that are comprised of wood structural components and masonry buildings containing combustible elements and fixtures.

Seven of the 12 blight factors identified in the Nebraska Community Development law are present with a "strong presence" and reasonably distributed throughout the Area:

- A substantial number of deteriorated or dilapidated structures. A total of 23 structures, or 74 percent of the 31 total structures, were documented as deteriorating or dilapidated.
- Faulty lot layout in relation to size, adequacy, accessibility or usefulness. The development of the commercial uses located along the City Blocks south of Francis Street generally ignored the original platted lots.
- Deterioration of site or other improvements. An estimated 29 parcels, or 76 percent of the total 38 parcels, were observed to have "fair" or "poor" overall site conditions. Sixteen parcels had sidewalks in "fair" condition and an additional parcel's sidewalk was in "poor" condition. Accordingly, a total of 44.7 percent of the parcels have substandard sidewalks.
- Improper subdivision or obsolete platting. City Blocks on the southern portion of the Redevelopment Area contain commercial buildings that were constructed with no regard for the platted lots that originally existed.

- The existence of conditions which endanger life or property by fire or other causes. The Redevelopment Area contains the existence of wood buildings and masonry buildings containing

combustible elements and fixtures. Additionally, portions of the Area have water mains that were constructed of obsolete materials, are over 45 years old, with some over 70 years old, and that are undersized by current engineering standards.

- Other environmental and blighting factors. Other environmental and blighting factors in the Area include economically and socially undesirable land uses with functional and economic obsolescence. The Area contains buildings that are deteriorating with outmoded infrastructure and buildings that are dilapidated and too small to support modern uses or needs.
- One of the required five additional blighting conditions. The estimated average age of the residential properties is 91 years and the average age of the commercial buildings is 65 years.

The blight factors determined to have a "reasonable presence" are:

- Existence of defective or inadequate street layout. The Area contains a lack of existing sidewalks, with 44.7 percent of those existing sidewalks being in "fair" or "poor" condition. Additionally, the Area lacks effective pedestrian/vehicular safety devices.
- Insanitary or unsafe conditions. The Area contains deteriorating and dilapidated buildings that are over 40 years old and segments of water and sewer mains and privately owned service lines that were constructed with outmoded materials and that are in need of replacement.

The consultant's opinion is that the number, degree and distribution of blight and substandard factors, as identified in the Study, are beyond remedy and control solely by regulatory processes in the exercise of police power and cannot be dealt with effectively by the ordinary operations of private enterprise without the aids provided in the Nebraska Community Law. The consultant concluded that the findings of the *Blight and Substandard Determination Study* warrant designating the Redevelopment Area as "substandard" and "blighted." The Lincoln City Council Agreed and declared the area Blighted and Substandard on _____ ___, 2016.

Identified Issues

Based on the review of existing conditions, the following issues and concerns were identified and should be considered in conjunction with the Guiding Principles of this document (in the next section) to provide a framework for determining projects in the Redevelopment Area:

- Approximately 74 percent of structures surveyed are dilapidated or deteriorating with major defects.
- Approximately 45 percent of the existing sidewalks, driveways and off-street parking areas are deteriorating or dilapidated. One of the four parks and recreation parking lots and all six

of the commercial parking lots are substandard and dilapidated, with surfaces in need of paving.

- Approximately 45 percent, or 17 of the 32 parcels were identified as having sidewalks in fair or poor condition.
- Except for the 48th Street and Holdrege Street intersection, there are no other effective pedestrian/vehicular safety control devices within the Redevelopment Area.
- The development of the commercial uses located along the City Blocks south of Francis Street generally ignored the original platted lots.
- The tennis and basketball courts and the horseshoe areas at University Place Park are in need of upgrade and replacement of equipment.
- Star Tran, Lincoln's bus system has a route that runs along Holdrege Street from 33rd to 70th, but does not have a bus stop located within the Redevelopment Area.
- Segments of water and sewer mains and service lines that serve the Redevelopment Area are over 45 years old, with some segments being over 70 years old. Public Works Staff estimated that the majority of the privately owned service lines are constructed with outmoded materials and will need to be replaced to support redevelopment in the Area.
- A portion of the Redevelopment Area is in the floodplain.
- A Blight and Substandard Determination Study determined that factors are present to warrant the blight and substandard designation. Issues include aging and deteriorated structures and infrastructure, inadequate lot layouts, and fair to poor overall site conditions.

Redevelopment Plan

LPlan 2040: Guiding Principles

LPlan 2040 is the Lincoln-Lancaster County 2040 Comprehensive Plan. The Plan embodies Lincoln and Lancaster County's shared vision for the future, to the year 2040. It outlines where, how and when the community intends to grow, how to preserve and enhance the things that make Lincoln special, and strategies for implementing the vision for how we will live, work, play and get around in the future.

The relevant principles listed below are taken directly from **LPlan 2040** and will be used as a guide for redevelopment activities in combination with the concerns identified in previous sections of the *University Place South Redevelopment Plan.*

Business & Economy

- Focus primarily on retention and expansion of existing businesses; attracting new business should also be encouraged.
- Seek to efficiently utilize investments in existing and future public infrastructure to advance economy.
- Strive for predictability for neighborhoods and developers.
- Encourage commercial areas and limited industrial areas to make available opportunities for individuals and/or organizations to raise and market local food.
- Encourage preservation or restoration of natural resources within or adjacent to commercial or industrial development.
- Encourage commercial centers to encompass a broad range of land uses with the integration of compatible land use types.

Mixed-Use Redevelopment

- Target existing underdeveloped or redeveloping commercial and industrial areas in order to remove blighted conditions and more efficiently utilize existing infrastructure.
- Be located and designed in a manner compatible with existing or planned land uses.
- Encourage substantial connectivity and convenient access to neighborhood service (schools, parks, stores) from nearby residential areas.
- Help to create neighborhoods that include homes, stores, workplaces, schools and places to recreate.
- Encourage residential mixed-use for identified corridors and redeveloping Regional, Community, Neighborhood, and Mixed-Use Office Centers identified as nodes.
- Mixed-use redevelopment nodes and corridors should strive to locate:
    - Where there is existing potential for good access to transit, to enhance the public transit system by making it accessible to residents and to facilitate development of neighborhood multimodal hubs where residents can drive, bike, or walk to a transit stop, go to work, and then shop for their daily needs before they return home.
    - On at least one arterial street to help provide for traffic and utility capacity and access to transit.
    - Encourage alley access and shared driveways to parking areas in order to reduce interruptions to pedestrian traffic, to preserve on-street parking capacity, and to reduce automobile conflict points.
    - Support the preservation and restoration of natural resources.

Parks, Recreation and Open Space

Parks and open space enhance the quality of life of the community's residents and are central to the community's economic development strategy—the community's ability to attract and retain

viable businesses, industries, and employees is directly linked to quality of life issues, including indoor and outdoor recreational opportunities.

Public and private partnerships are important in the development of recreational opportunities and the preservation of environmental resources that bring a high quality of life to the City and County.

University Place Park is considered a Community Park. As stated in the Comprehensive Plan, Community Parks are typically 30 to 50 acre sites that are readily accessible from arterial streets and the commuter/recreational trail system. Community Parks may include play fields and play courts for organized sports, a playground with an accessible fall surface, facilities for day use activities including a picnic shelter and restroom, seating, walking paths, and off-street parking. Community Parks often include a swimming pool and/or recreation center. Community Parks often include activity areas consistent with those located in neighborhood parks and as a result, Community Parks may serve as the neighborhood Park for surrounding residential areas. Most of the strategies in the Comprehensive Plan pertain to new Community Parks, but the following strategies also apply to existing parks:

- Locate Community Parks on a collector or arterial street to accommodate automobile access and parking; park sites should also be readily accessible by pedestrians and bicyclists from a commuter/recreation trail.
- Community Parks should be adjacent to greenway linkages.
- Provide buffering between Community Park activities and adjacent residential areas to minimize traffic and noise impacts.
- Focus on the development and maintenance of sports fields and associated day use facilities.
- Create pedestrian connections between surrounding residential development and neighborhood-related park features such as playgrounds and park shelters.

Floodplain Management

The overriding policy for the floodplain is a "No Adverse Impact" policy for the City and County, which means that the community has a goal of insuring that the action of one property owner does not adversely impact the flooding risk for other properties.

- Seek opportunities for "Best Management Practices" (e.g., Rain to Recreation, Rain Gardens, etc.) that reduce flood damages, protect water quality and natural areas, while providing for recreational and educational opportunities so as to realize multiple benefits.
- Develop project approaches which view storm water 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 storm water runoff.

University Place South Redevelopment Activities

- Public Improvements
  1. **Future public improvements** may include replacing aging public utilities and resurfacing and paving of substandard public streets.
  2. **Public sidewalk improvements** may include resurfacing and paving the substandard public sidewalks.
  3. **Park improvements**: Improve or replace the basketball and tennis courts and horseshoe areas at University Place Park. Resurface or pave the substandard and dilapidated parking lot in University Place Park.

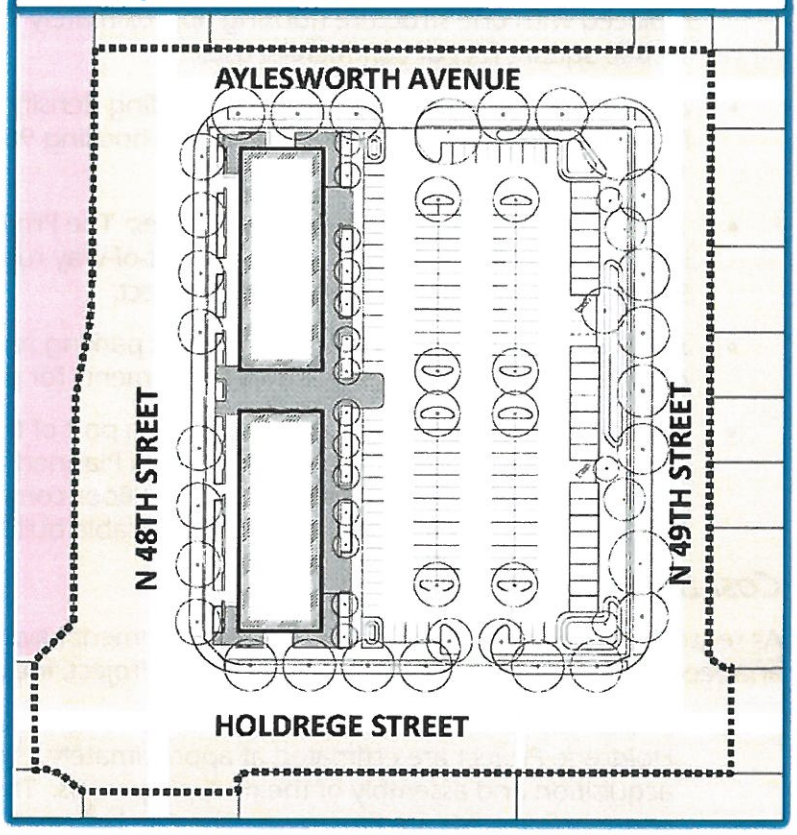
- Private Improvements

1. 48th & Holdrege Redevelopment Project

The 48th & Holdrege Redevelopment Project (the "Project") is located on the city block south of Aylesworth Avenue, north of Holdrege Street, east of 48th Street and west of 49th Street, including approximately three acres. The Project envisions a mixed-use development with approximately 98 market-rate residential units and approximately 19,000 square feet of first floor retail and/or restaurant uses.

The goal of the Project is to strengthen the Lincoln community by providing in-fill residential dwelling units and commercial uses through the redevelopment of existing underutilized and deteriorating real property. The Project will remove blighted and substandard conditions and will make positive contributions to the Area. The Project will increase the security and safety in the Redevelopment Area through the removal and redevelopment of certain blighted and substandard conditions.

Exhibit 5: 48th & Holdrege Project Area & Conceptual Site Plan



The existing land uses are residential and vacant commercial. Surrounding land uses include residential, commercial, and park/open space.

The Project is consistent with the goals of this *University Place South Redevelopment Plan* and is intended to support private sector residential and commercial development in the Redevelopment Area. Publicly funded redevelopment activities may include site acquisition, streetscape/landscape, and other public area enhancements, energy efficiency improvements, façade enhancements, and other public improvements in the project area. The Project is also consistent with the LP2040's Lincoln Area Future Land Use Plan Map, which identifies the project area as commercial and high density residential. The project area currently includes the following zones: B-1 (Local Business District), O-2 (Suburban Office District), and H-2 (Highway Business District). The project will require a rezone to an anticipated B-3 Commercial District with a Planned Unit Development overlay.

The proposed redeveloper currently controls the project area. Demolition will include clearing structures on the property, including any required environmental remediation and any necessary capping, removal or replacement of utilities, and site preparation.

Statutory Elements

- ***Property Acquisition, Demolition, and Disposal:*** The proposed redeveloper currently controls the majority of the project area. Demolition will include clearing structures on the property including any required environmental remediation and any necessary capping, removal or replacement of utilities, and site preparation. There is no public land to be publicly disposed.
- ***Population Density:*** The Project will have an impact on and will increase the project area's population density, as four commercial structures and five residential structures will be replaced with one structure housing approximately 98 residential units and approximately 19,000 square feet of commercial uses.
- ***Land Coverage:*** Land coverage and building density will be altered with construction of the Project, which will construct one building housing 98 residential units and approximately 19,000 square feet of commercial uses.
- ***Traffic Flow, Street Layouts & Street Grades:*** The Project is not likely to result in a significant increase in traffic. The existing public right-of-way running north and south from Holdrege Street will be vacated as a part of the Project.
- ***Parking:*** The Project will include off-street parking and some available single-car parking garages. The Project will meet the requirements for parking.
- ***Zoning, Building Codes & Ordinances:*** As a part of the Project, the project area will be rezoned to a B-3 Commercial District with a Planned Unit Development overlay, which will allow for the proposed residential and first-floor commercial uses. The Project will require that the project area be replatted. All applicable buildings codes will be met.

Cost Benefit Analysis

As required by the Nebraska Community Development Law (Neb. Rev. Stat. § 18-2113), the City has analyzed the costs and benefits of the proposed Project, including:

- ***Public Tax Revenues:*** The total demolition and construction costs for the proposed 48th & Holdrege Project are estimated at approximately $16,400,000, including the cost of acquisition and assembly of the multiple parcels. The project cost will be finalized as construction costs are firmed up. The City has analyzed the costs and benefits of the proposed Project including:

Tax Increment Financing Analysis		
48th & Holdrege Redevelopment Project		**Amount**
Base Value		$1,195,200
Estimated New Assessed Value		$9,484,000
Increment Value	*= New Assessed Value - Base Assessed Value*	$8,289,000
Annual TIF Generated (Estimated)	*= Increment x 0.02027922 (2015 Tax Rate)*	$168,000
Funds Available	*= Annual TIF Generated x 14 years @ 5%*	**$1,680,000**

Upon completion of the Project, the assessed value of the property within the Project Area will increase by an estimated $8,290,000 as a result of the private investment. This will result in an estimated annual property tax collections increase during the fourteen (14) year

TIF period of approximately $168,000 that will be available for the construction of public improvements related to the project. The public investment of a currently projected $1,680,000 in TIF funds, which is less than the projected total available TIF Funds, will leverage approximately $16,400,000 in private sector financing, resulting in a private investment of approximately $9.80 for every TIF dollar spent.

The Urban Development Department believes that the public improvements and enhancements proposed in the Plan would not occur "but for" the Tax Increment Financing generated by private redevelopment within the project area. Project improvements would not be achievable to the extent shown without TIF.

- ***Public Infrastructure and Community Public Service Needs Impacts:*** It is not anticipated that the Project will have an adverse impact on existing public infrastructure. The Project entails the capture of the incremental tax revenues for eligible public purposes including, but not limited to, site acquisition, façade enhancements, streetscape and public area enhancements, and other eligible improvements. The Project will also encourage private investment in the South University Place Redevelopment Area and will increase security and safety in the area by the removal of certain blighted and substandard areas that are conducive to such problems.

  It is not anticipated that the Project will have any adverse impact on City services, but the project will generate additional revenue providing support for those services.

- ***Employment within the Project Area:*** It is not anticipated that the Project will have an adverse impact on employers and employees of firms locating or expanding within the boundaries of the area of the redevelopment project. The Project will add mixed uses to a site that previously held vacated commercial uses and five residential single-family structures. Additionally, commercial spaces are a positive benefit for firms locating or expanding in the area. Additional housing opportunities should positively affect employers and employees in the area.

- ***Employment in the City outside the Project Area:*** Approximately 142,161 persons living in the City of Lincoln were employed, according to the 2010-2014 American Community Survey. The median household income for the City between 2010 and 2014 was $49,794. While the impact of this project on city-wide employment would be minimal, a strong residential presence and available commercial spaces are essential to the attraction, retainage, and expansion of retail and commercial services and employment. The Project should increase the need for services and products from existing businesses in in and around the Redevelopment Area.

- ***Other Impacts:*** The Project will improve the Redevelopment Area through the development of blighted and substandard areas. The Project will increase available commercial spaces and housing opportunities within the Redevelopment Area and is consistent with the Comprehensive Plan's call for mix-use developments. The Project will also increase the safety and security of the Redevelopment Area, which will be a substantial benefit to the area.

  The Project should have a positive impact on private sector businesses in the Redevelopment Area and the City, and should encourage additional private development in and around the Redevelopment Area. The Project is not anticipated to impose a burden or have a negative impact on other local area employers, but should increase the need for services and products from existing businesses. The additional housing opportunities will provide a substantial benefit to the City.

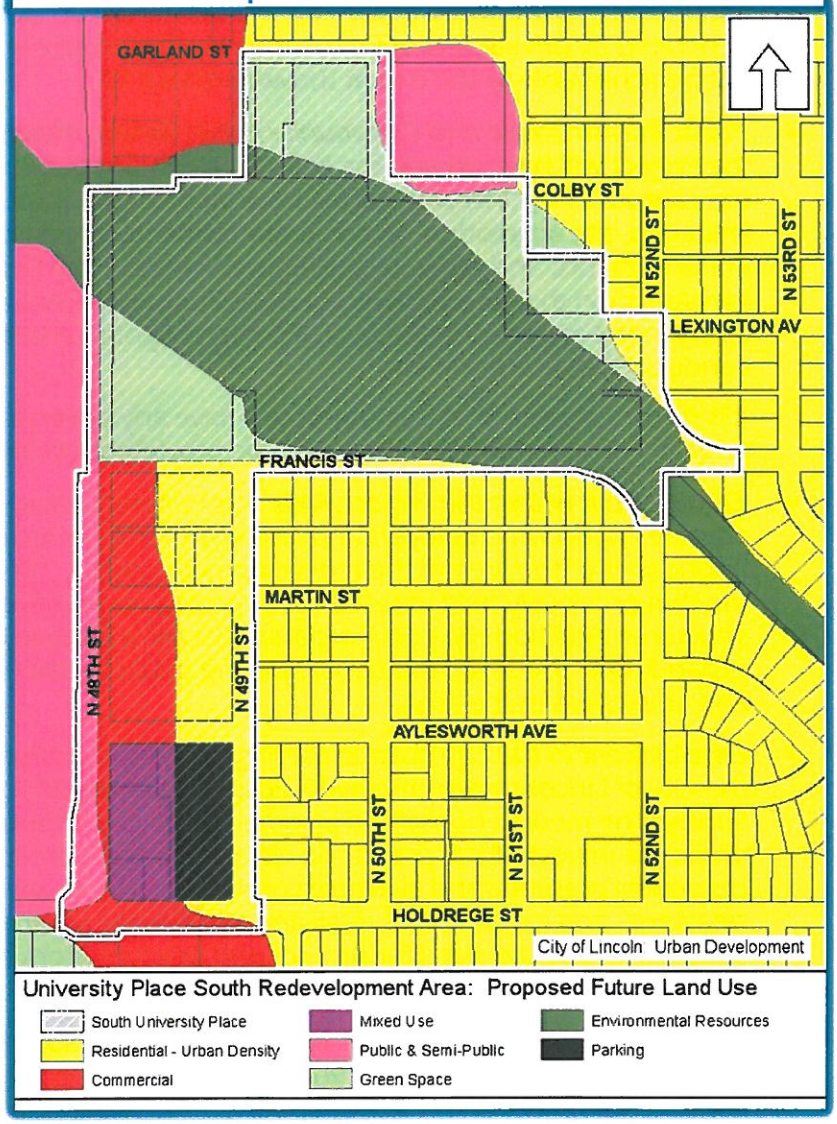
  While the use of tax increment financing will defer receipt of a majority of the incremental ad valorem real property taxes generated by the Project for up to 15 years, there will be

additional revenue generated, including sales tax paid by the businesses and residents of the Project. Upon completion of the 15-year collection, the project will benefit the community through higher property tax payments.

Future Land Use

Exhibit 6 is a Proposed Future Land Use map. The overall density of the Redevelopment Area will increase with this mixed-use redevelopment.

Exhibit 6: Proposed Future Land Use



Redevelopment Process

Public improvements and redevelopment activities may require construction easements; vacation of street and alley right-of-ways, temporary and permanent relocation of businesses and residences; demolition, disposal/sale of property; and site preparation (e.g., include driveway easements; paving driveways, approaches and sidewalks outside property lines; relocation of overhead utility lines; and rerouting/upgrading of underground utilities as needed). The process for these activities include the following:

- Property Acquisition. The City may acquire the necessary fees, easements, property and covenants through voluntary negotiations (See *Land Acquisition Policy Statement*, on file at the Urban Development Department and available on request).
- Relocation. Relocation may involve the temporary or permanent relocation of families, individuals, or businesses to complete redevelopment activities. Relocation will be completed according to local, state, and federal relocation regulations (see *Relocation Assistance*, on file at the Urban Development Department and available on request).
- Demolition. Demolition will include clearing sites on property proposed for public improvements; necessary capping, removal or replacing utilities; site preparation; securing insurance and bonds; and taking other necessary measures to protect citizens and surrounding properties. Measures to mitigate environmental findings may also be necessary if determined by site testing.

- Disposal/Disposition. Future sub-area projects may include the sale of land to private developers for redevelopment purposes. Developers will be selected in an equitable, open, and competitive proposal process according to City requirements.
- Requests for Proposals. Architects and engineers will follow the City's standard selection process for the design of public facilities and improvements. Primary contractors for public facilities and improvements will also be competitively selected.

Conformance with Comprehensive Plan

LPlan 2040, the Lincoln-Lancaster County Comprehensive Plan, adopted October 2011, as amended, represents the local goals, objectives, and policies of the City of Lincoln and Lancaster County. The *University Place South Redevelopment Plan* was developed to be consistent with the **LPlan 2040.**

Financing

The primary burden for revitalization of the Redevelopment Area must be on the private sector. The City must provide public services and public improvements and participate where necessary in the redevelopment process, but the needs of the area are beyond the City's capacity to do alone. Financing of proposed improvements will require participation by both the private and public sectors. Where appropriate, the City may participate by providing financial assistance for the rehabilitation of structures.

Sources of funding may include:

- Special Assessments – Business Improvement Districts
- Private Contributions
- Sale of Land (Proceeds from the sale of land acquired for redevelopment, as identified in the Redevelopment Pan, shall be reinvested in the Redevelopment Area)
- Municipal Infrastructure Redevelopment Fund (MURF)
- Community Development Block Grant Funds (CDBG)
- Home Investment Partnership Act (HOME)
- HUD Section 108 Loan Program
- Community Improvement (Tax Increment) Financing (Ad Valorem Tax)
- Capital Improvements Program Budget
- Federal and State Grants
- Interest Income
- Advance Land Acquisition Fund – property rights/easements, public facility site acquisition
- Impact Fees

Project activities will be undertaken subject to the limit and source of funding authorized and approved by the Mayor and City Council.

According to the Community Development Law, any ad valorem tax levied upon real property in the redevelopment project for the benefit of any public body shall be divided, for a period not to exceed 15 years after the effective date of such provision, by the governing body as follows:

> *That portion of the ad valorem tax which is produced by the levy at the rate fixed each year by or for each such public body upon the redevelopment project valuation shall be paid into the funds of each such public body in the same proportion as are all other taxes collected by or for the body; and*
>
> *That portion of the ad valorem tax on real property in the redevelopment project in such amount, if any, shall be allocated to and, when collected, paid into a special fund of the authority to be used solely to pay the principal of, the interest on, and*

any premiums due in connection with the bonds of loan, of money to, or indebtedness incurred by, whether funded, refunded, assumed, or otherwise, priority for financing or refinancing, in whole or in part, the redevelopment project.

When such bonds, loans, notes, advances of money, or indebtedness, including interest and premiums due, have been paid, the authority shall so notify the county assessor and country treasurer and all ad valorem taxes upon taxable real property in such a redevelopment project shall be paid into the funds of the respective public bodies.

The effective date for the Community Improvement Financing for each Redevelopment Project shall be identified in the project redevelopment contract or in the resolution of the authority authorizing the issuance of bonds pursuant to Neb. Rev. Stat. Section 18-2124.

Appendix A: Property ID's & Legal Descriptions

1. **17-17-408-002-000.** Lots 5-7 and the West Part of Lot 8, Block 129, University Place, Lincoln, Lancaster County, Nebraska.
2. **17-17-408-001-000.** Lots 1-4, the East Part of Lot 8, and Lots 9-12, Block 129, University Place, Lincoln, Lancaster County, Nebraska.
3. **17-17-416-005-000.** Lots 7-10, Block 4, Lots 1-3, part of Lots 4-5 lying south of the creek, Lots 6-10 and part of Lot 12 lying north of the creek, Block 5, all of Blocks 6 and 7, Mills Subdivision; Blocks 8-10 and Block 11, except for the North 71.5 feet of Lots 1 and 2 and the adjacent streets and alleys, Mills Addition to University Place, Lincoln, Lancaster County, Nebraska.
4. **17-17-428-002-000.** Lots 5-6, Block 21, Mills Addition to University Place, Lincoln, Lancaster County, Nebraska.
5. **17-17-428-007-000.** Lots 1-4, Block 21, Mills Addition to University Place, Lincoln, Lancaster County, Nebraska.
6. **17-17-428-003-000.** Lots 7-9, Block 21, Mills Addition to University Place, Lincoln, Lancaster County, Nebraska.
7. **17-17-428-004-000.** Lots 10, Block 21, Mills Addition to University Place, Lincoln, Lancaster County, Nebraska.
8. **17-17-428-005-000.** Lots 11-12, Block 21, Mills Addition to University Place, Lincoln, Lancaster County, Nebraska.
9. **17-17-435-008-000.** Lots 1-12, and the adjacent vacated alley, Block 22, Mills Addition to University Place, Lincoln, Lancaster County, Nebraska.
10. **17-17-441-004-000.** North 112 feet of Lots 5 and 6, Block 35, Mills' Subdivision of Mills Addition to University Place, Blocks 34-35, Lincoln, Lancaster County, Nebraska.
11. **17-17-441-003-000.** Lot 4, Block 35, Mills' Subdivision of Mills Addition to University Place, Blocks 34-35, Lincoln, Lancaster County, Nebraska.
12. **17-17-441-002-000.** Lot 3, Block 35, Mills' Subdivision of Mills Addition to University Place, Blocks 34-35, Lincoln, Lancaster County, Nebraska.
13. **17-17-441-001-000.** Lots 1-2, Block 35, Mills' Subdivision of Mills Addition to University Place, Blocks 34-35, Lincoln, Lancaster County, Nebraska.
14. **17-17-441-015-000.** South 31 feet of Lots 5 and 6, all of Lots 7-9, and all of the vacated alley adjacent, Block 35, Mills' Subdivision of Mills Addition to University Place, Blocks 34-35, Lincoln, Lancaster County, Nebraska.
15. **17-17-441-014-000.** Lot A, Speechley Place, Lincoln, Lancaster County, Nebraska.
16. **17-17-441-013-000.** Lot B, Speechley Place, Lincoln, Lancaster County, Nebraska.
17. **17-17-441-012-000.** Lot C, Speechley Place, Lincoln, Lancaster County, Nebraska.
18. **17-17-441-011-000.** Lot D except for portion of street, Speechley Place, Lincoln, Lancaster County, Nebraska (street further described in Inst. No. 2005054469).
19. **17-17-441-010-000.** Lot E, except the South 7.5 feet deed to the City of Lincoln, Speechly Place, Lincoln, Lancaster County, Nebraska.

20. **17-17-441-009-000.** Lot F, except street right of way, Speechley Place, Lincoln, Lancaster County, Nebraska.
21. **17-17-441-008-000.** East 73.3 feet of Lots 10-11, except for a portion of Lot 11, Block 35, Mills' Subdivision of Mills Addition to University Place, Blocks 34-35, Lincoln, Lancaster County, Nebraska (excluded portion of Lot 11 further described in Inst. No. 2006061649).
22. **17-17-441-007-000.** West 90 feet of Lots 10-11, except for portion of street, Block 35, Mills' Subdivision of Mills Addition to University Place, Blocks 34-35, Lincoln, Lancaster County, Nebraska.

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for May 11, 2016 PLANNING COMMISSION MEETING

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

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

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

LAND AREA: 3.11 acres, more or less

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

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

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

GENERAL INFORMATION:

LEGAL DESCRIPTION:

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

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

SURROUNDING LAND USE AND ZONING:

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

ASSOCIATED APPLICATIONS:

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

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

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

HISTORY:

May 1887	Site originally platted into two lots as part of Mills Addition to University Place.
October 1889	Subdivided into 12 lots as part of Mills Subdivision of Blocks 34 and 35 of Mills Addition to University Place.
October 1946	Additional four lots created with Speechley Place subdivision.
May 1979	Change of zone from G Local Business and A-2 Single Family Dwellings to B-1 Local Business and R-2 Residential.

March 1985 Change of zone for the southwest corner of the site from B-1 Local Business to H-2 Highway Business.

February 1994 Change of zone for the east half of the site from R-2 Residential to O-2 Suburban Office.

COMPREHENSIVE PLAN SPECIFICATIONS:

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

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

Encourage and provide incentives for mixed uses in future developments.

p, 5.14 Strategies for commercial infill:

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

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

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

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

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

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

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

p. 6.2 Mixed Use Redevelopment should:

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

Occur on sites supported by adequate road and utility capacity.

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

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

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

p. 6.10 Strategies for facilitating infill development:

> Develop subarea plans for specific areas that set a framework for development, including advance blight studies, redevelopment plans, identification of infrastructure needs and public/private roles.
>
> Work with state and local government to extend financial incentives to designated locations within the built environment.
>
> Develop incentives to reduce the cost and risk of infill and redevelopment.
>
> Support and enhance existing infrastructure and amenities (p. 6.11).

p. 7.9 Strategies for redevelopment in existing neighborhoods:

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

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

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

ENVIRONMENTAL CONCERNS:

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

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

ANALYSIS:

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

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

3. Requested waivers:

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

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

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

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

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

Design Standards, Section 7.3, Chapter 3.50 - Waive required screening for multiple family dwellings along the west, north, and south sides of the site. The Design Standards for Screening and Landscaping require vertical screening for multi-family dwellings. That type of screening is not appropriate for a mixed-use building such as this because it would significantly impact visibility of the first floor commercial uses. This waiver is recommended for approval provided that screening remains along the east side of the site (N 49th Street) facing the residential neighborhood. The following screening requirements located in the Design Standards are not waived:

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

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

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

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

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

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

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

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

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

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

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

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

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

CONDITIONS OF APPROVAL:

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

Site Specific Conditions:

1. The City Council approves associated request:

    1.1 Street and Alley Vacation No. 16002

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

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

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

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

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

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

   3.1 Water Quality Control Form

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

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

Standard Conditions:

5. The following conditions are applicable to all requests:

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

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

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

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

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

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

Prepared by:

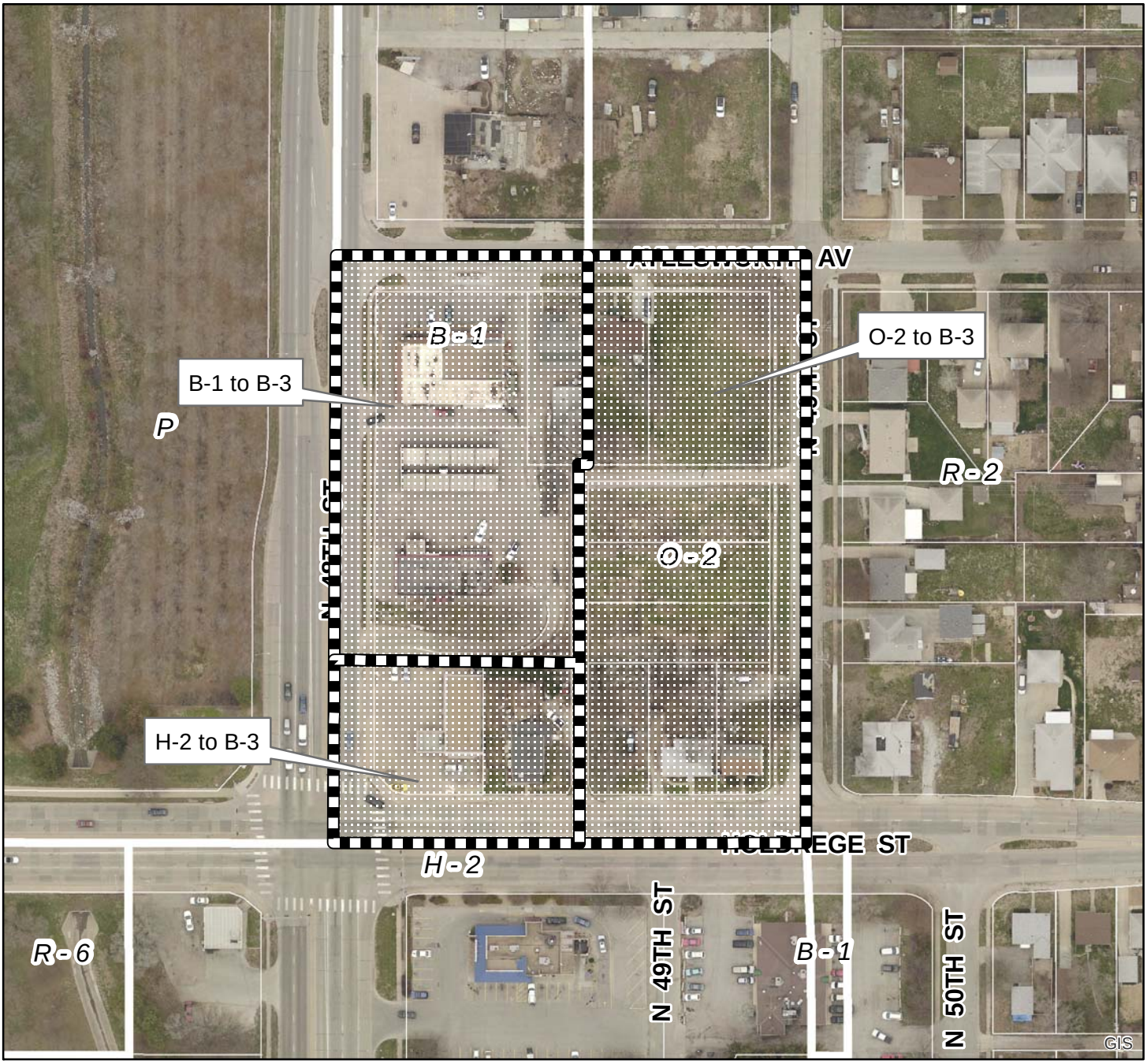
Andrew Thierolf, 441-6371, athierolf@lincoln.ne.gov
Planner

May 2, 2016

APPLICANT: 48th Street Development, LLC
300 North 44th Street, Suite 207
Lincoln, NE 68503

CONTACT: Tom Huston
Cline Williams
233 South 13th Street, Suite 1900
Lincoln, NE 68508

F:\DevReview\CZ\16000\CZ16016 48th & Holdrege.adt.wpd



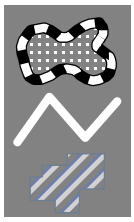
2013 aerial

Change of Zone #: CZ16016
N 48th St & Holdrege St

Zoning:

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

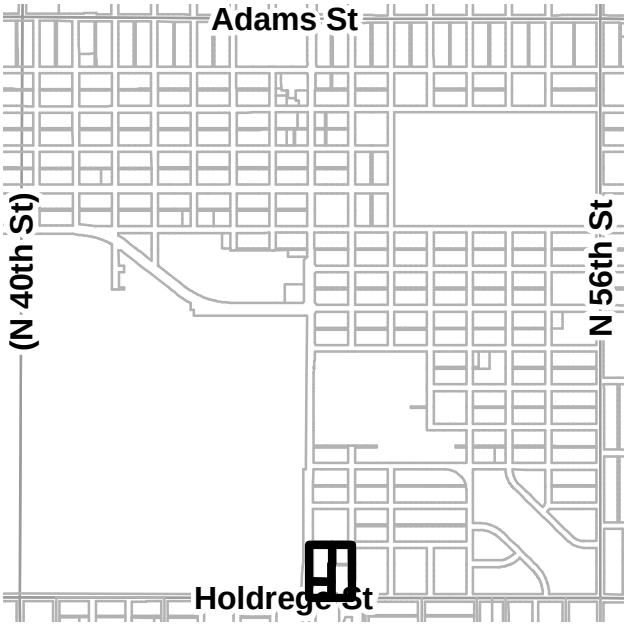
One Square Mile:
Sec.17 T10N R07E



Area of Application

Zoning Jurisdiction Lines

Lancaster County Jurisdiction



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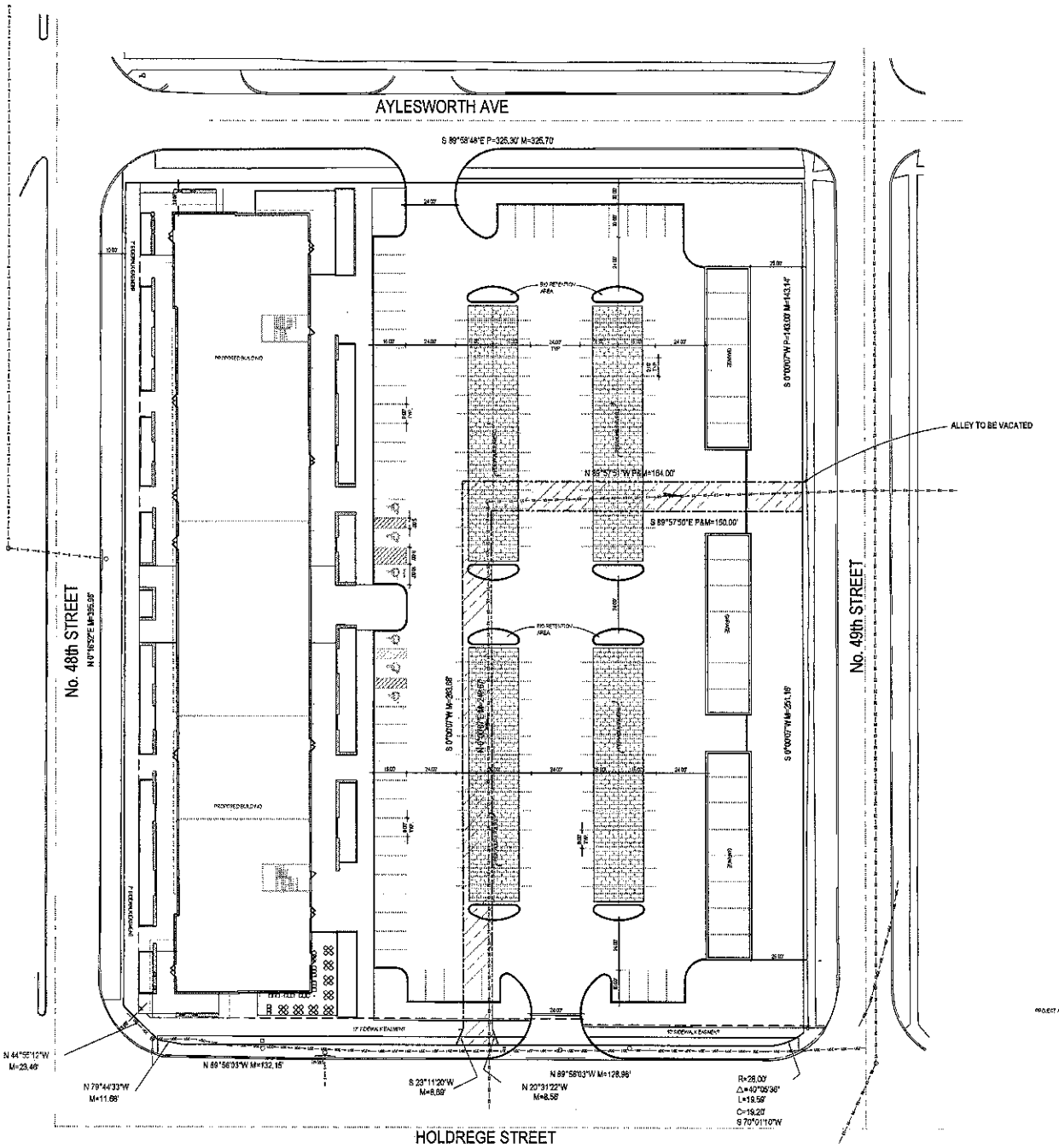


SITE PLAN
SCALE: 1" = 50'-0"

B-3 PLANNED UNIT DEVELOPMENT

SITE PLAN

ENGINEER & PREPARER
THE CLARK ENERSEN PARTNERS
5010 LINCOLN MALL
SUITE 100
LINCOLN, NE 68506

DEVELOPER & OWNER
SOUTH UNIVERSITY DEVELOPMENT, LLC
300 N. 44TH STREET
SUITE 300
LINCOLN, NE 68503

LEGAL DESCRIPTION

LOTS 1 THROUGH 10, INCLUDING THE VACATED ALLEY AS PLATTED THEREBETWEEN, THE NORTH, SOUTH AND EAST WEST ALLEY AND NORTH PARKER'S MILLS SUBDIVISION OF BLOCKS 5 AND 6 IN MILLS ADDITION TO UNIVERSITY PLACE, NOW A PART OF THE CITY OF LINCOLN, LANCASTER COUNTY, NEBRASKA

LOT 11, BLOCK 10, MILLS SUBDIVISION OF BLOCKS 5 AND 6 IN MILLS ADDITION TO UNIVERSITY PLACE, NOW A PART OF THE CITY OF LINCOLN, LANCASTER COUNTY, NEBRASKA, EXCEPTING THEREFROM THE FOLLOWING: BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 11, THENCE EASTERLY ALONG THE SOUTH LINE OF SAID LOT 11, A DISTANCE OF 50 FEET, THENCE NORTHERLY ALONG A LINE WHICH IS 50 FEET EAST OF AND PARALLEL TO THE WEST LINE OF SAID LOT 11, A DISTANCE OF 143 FEET, THENCE WESTERLY ALONG A LINE WHICH IS 143 FEET NORTH OF AND PARALLEL TO THE SAID SOUTH LINE, A DISTANCE OF 50 FEET, THENCE SOUTHERLY ALONG A LINE WHICH DEFLECTS 90 DEGREES 12 MINUTES 55 SECONDS RIGHT FROM THE SAID PREVIOUS DESCRIBED LINE, A DISTANCE OF 143 FEET TO A POINT OF INTERSECTION WITH THE SAID WEST LINE, A DISTANCE OF 26 FEET TO THE POINT OF BEGINNING

AND

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 11, THENCE WESTERLY ALONG THE SOUTH LINE OF SAID LOT 11, A DISTANCE OF 75 FEET, THENCE NORTHERLY ALONG A LINE WHICH IS 75 FEET WEST OF AND PARALLEL TO THE EAST LINE OF SAID LOT 11, A DISTANCE OF 143 FEET, THENCE EASTERLY ALONG A LINE WHICH IS 143 FEET NORTH OF AND PARALLEL TO THE SAID SOUTH LINE, A DISTANCE OF 75 FEET, THENCE NORTHWESTERLY ALONG A LINE WHICH DEFLECTS 90 DEGREES 12 MINUTES 55 SECONDS RIGHT FROM THE SAID PREVIOUSLY DESCRIBED LINE, A DISTANCE OF 26 FEET TO A POINT OF INTERSECTION WITH THE SAID EAST LINE, THENCE SOUTHERLY ALONG SAID EAST LINE, A DISTANCE OF 169 FEET TO THE POINT OF BEGINNING

LOTS 1, 2, 3, AND 10, BRESSLER'S PLACE, LINCOLN, LANCASTER COUNTY, NEBRASKA

LOT 10, BRESSLER'S PLACE, LINCOLN, LANCASTER COUNTY, NEBRASKA, EXCEPT A PORTION OF SAID LOT 10 DESCRIBED AS BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 10, THENCE WESTERLY ALONG THE SOUTH LINE OF SAID LOT 10, A DISTANCE OF 141 FEET TO THE WEST LINE OF SAID LOT 10, THENCE NORTHERLY ALONG SAID WEST LINE, A DISTANCE OF 7.5 FEET, THENCE EASTERLY ALONG A LINE WHICH IS 7.5 FEET NORTH OF AND PARALLEL TO THE SAID SOUTH LINE, A DISTANCE OF 141 FEET, THENCE SOUTHERLY ALONG THE WEST LINE OF SAID CIRCULAR CURVE BEARING TO THE LEFT, WHOSE RADIUS IS 15 FEET AND WHOSE CENTRAL ANGLE IS 90 DEGREES 00 MINUTES 00 SECONDS, A DISTANCE OF 23.56 FEET TO A POINT OF INTERSECTION WITH THE EAST LINE OF SAID LOT 10, THENCE SOUTHERLY ALONG THE EAST LINE, A DISTANCE OF 15.00 FEET TO THE POINT OF BEGINNING

LOT 37, EXCEPT THE SOUTH 30 FEET DEEDED TO THE CITY OF LINCOLN, BRESSLER'S PLACE, LINCOLN, LANCASTER COUNTY, NEBRASKA

LOTS 1 EXCEPT STREET, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41,

NOTES

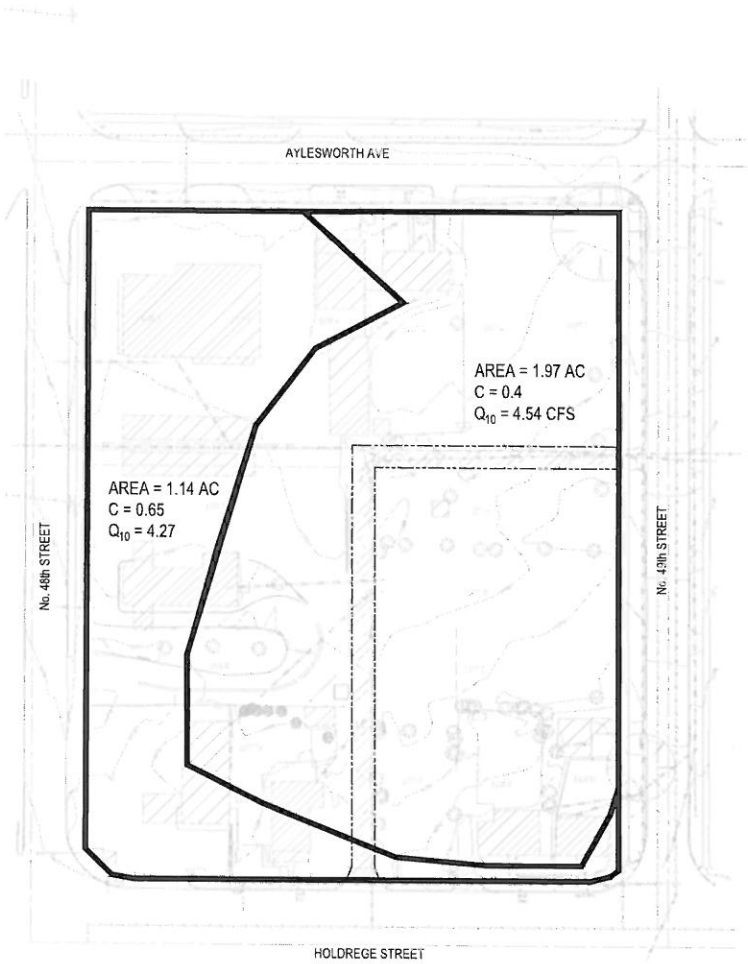
1. CURRENT ZONING IS H-2, O-2 AND B-1. A CHANGE OF ZONE IS BEING REQUESTED TO B-3 PUD.
2. ALL ELEVATIONS ARE BASED ON NAVD 1988.
3. FENCES, TRASH ENCLOSURES, DECORATIVE STRUCTURES AND ACCESSORY BUILDINGS NEED NOT BE SHOWN ON THE PLAN. BUILDINGS MAY BE LOCATED ANYWHERE ON THE LOT SUBJECT TO SETBACK LIMITATIONS, AND OTHER LIMITATIONS DESCRIBED IN THESE NOTES.
4. A LANDSCAPE PLAN SHALL BE PROVIDED AT THE TIME OF BUILDING PERMIT AND SHALL BE IN ACCORDANCE WITH CHAPTER 3.50 OF THE DESIGN STANDARDS FOR SCREENING AND LANDSCAPING EXCEPT AS DESCRIBED IN WAIVERS. THE STREET TREES WILL BE PROVIDED ON ALL STREETS.
5. DIRECT VEHICULAR ACCESS TO NORTH 48TH STREET, NORTH 49TH STREET, HOLDREGE STREET, & AYLESWORTH AVENUE IS RELINQUISHED EXCEPT AS SHOWN.
6. THE YARD SETBACKS REGULATES STRUCTURAL WALLS ONLY AND DOES NOT RESTRICT OVERHANGS, PATIOS, DOOR SWINGS, WINDOW SWINGS, ETC. FROM ENCROACHING INTO THE SETBACKS.
7. SIGNS TO COMPLY WITH THE REQUIREMENTS OF THE B-3 DISTRICT AT THE TIME OF SIGN PERMITS. OFF-PREMISE SIGNS ARE PROHIBITED, EXCEPT THAT FREE-STANDING SIGNS MAY ADVERTISE BUSINESSES LOCATED WITHIN THE PUD BOUNDARIES.
8. THE PUD ALLOWS UP TO 25,000 SF OF COMMERCIAL AREA AND UP TO 100 UNITS OF RESIDENTIAL. UP TO 50% OF THE FIRST FLOOR MAY BE RESIDENTIAL USE.
9. NO COMMERCIAL USES OTHER THAN PARKING, GARAGES AND SIGNAGE SHALL BE LOCATED ON THE EASTERN 150' OF THE BLOCK.
10. LOCATION OF BUILDINGS, PARKING STALLS AND WATER QUALITY FEATURES ARE CONCEPTUAL AND ARE SUBJECT TO MINOR CHANGES.

PARKING TABLE

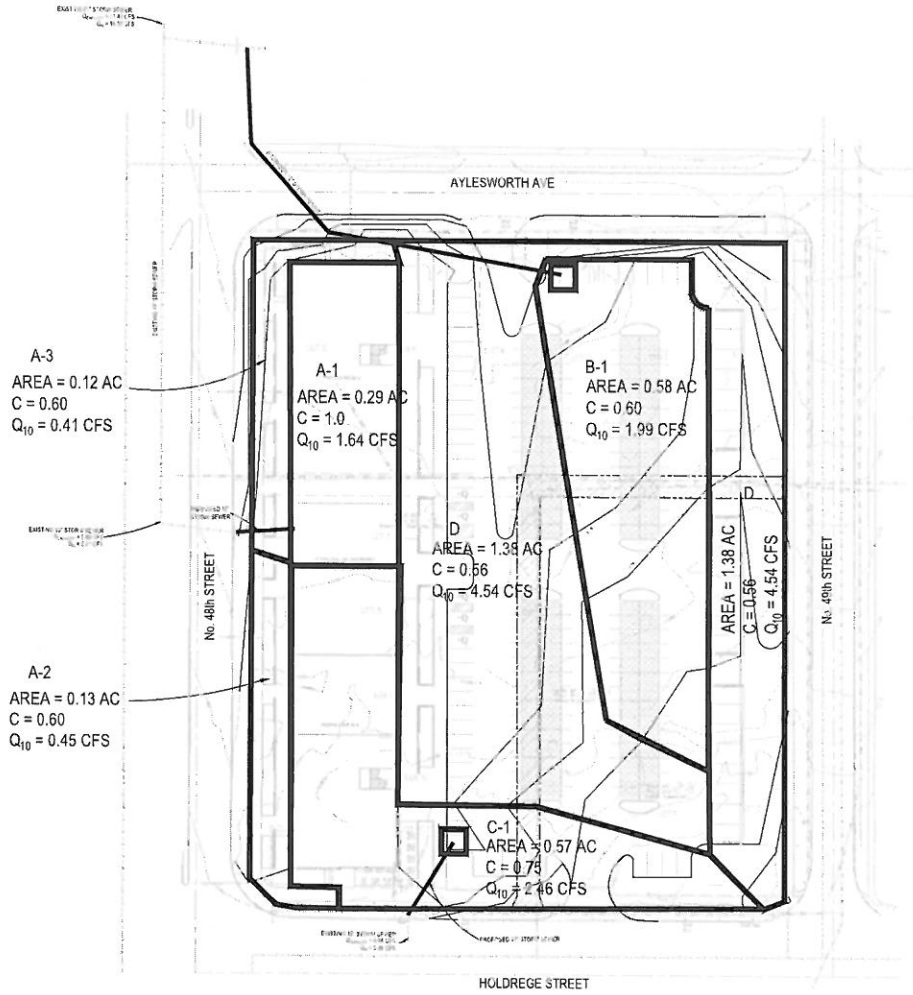
165 PARKING STALLS
22 GARAGE STALLS
6 ACCESSIBLE STALLS
187 TOTAL STALLS PROVIDED

WAIVERS

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



EXISTING SITE PLAN



PROPOSED SITE PLAN

WATER QUALITY CONTROL VOLUME

WATER QUALITY BMP's

TOTAL VOLUME TREATED

The Clark Enersen Partners

South University Place

Lincoln, NE

TCEP No. 055-001-16

April 13, 2016

Grading & Drainage Plan

C2.1

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

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

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1900 U.S. BANK BUILDING
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ANDRE R. BARRY
DAVID J. ROUTH
JASON R. YUNGTUM
MEGAN S. WRIGHT
THERESA D. KOLLER
AUSTIN L. MCKILLIP
KEITH T. PETERS
ANDREW R. WILLIS
TARA A. STINGLEY
SEAN D. WHITE
MICHELLE L. SITORIUS
JONATHAN J. PAPIK
RENEE A. EVELAND
HENRY L. WIEDRICH
ADAM W. BARNEY
GREGORY S. FRAYSER
KARA J. RONNAU
TRAVIS W. TETTENBORN
HEATHER A. CARVER
SHANNON E. FALLON
KATHERINE M. KOCK
KATIE A. JOSEPH
LILY A. CARR

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

April 13, 2016

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

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

Dear Mr. Cary:

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

A. The Project

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

B. Petition to Vacate Right-of-Way

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

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

C. Change of Zone

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

D. Waivers

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

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

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

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

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

E. Enclosures

Enclosed with this delivery are the following:

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

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

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

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

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

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

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

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

Sincerely,

Thomas C. Huston
For the Firm

Enclosures

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

4829-0622-8784, v. 2

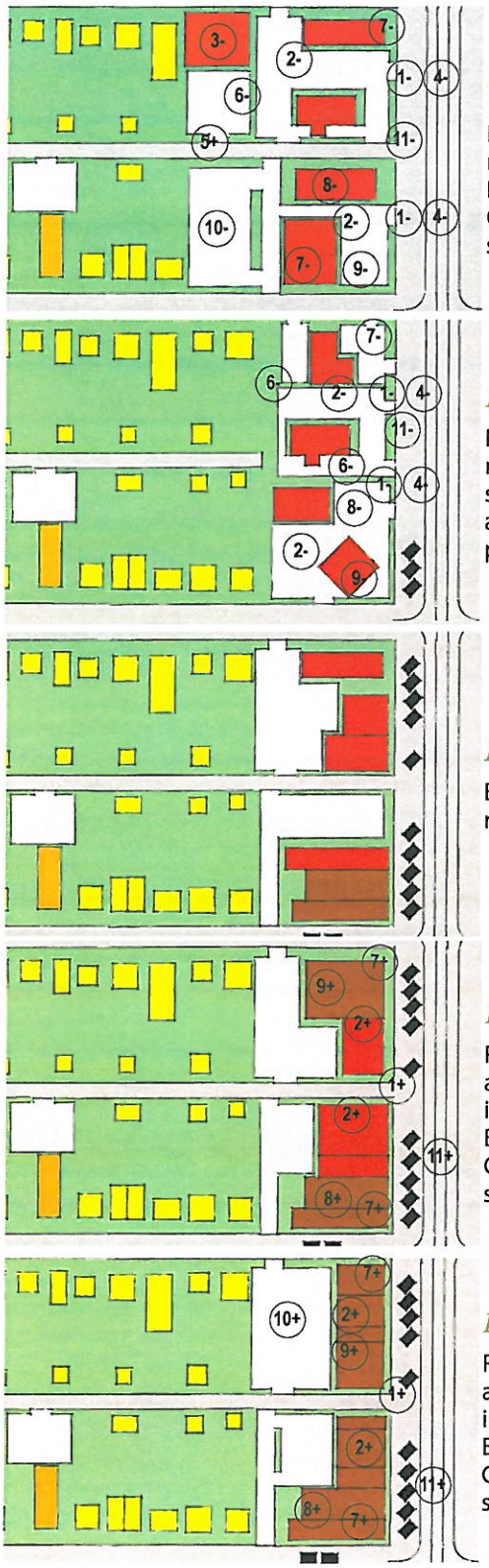
The accompanying conceptual images illustrate examples of how a variety of strategies might work together for commercial infill:

Figure 5.2: Detailed Strategies for Commercial Infill

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

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

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



Very Poor

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

Poor

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

Existing

Existing site prior to infill or redevelopment.

Better

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

Preferred

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

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

Current Project - Agency Review Report

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

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for May 11, 2016 PLANNING COMMISSION MEETING

PROJECT #: Street and Alley Vacation No. 16002

PROPOSAL: Vacate the existing "L" shaped alley on the block bounded by N 48th Street, N 49th Street, Holdrege Street, and Aylesworth Avenue.

LOCATION: Northeast of the intersection of N 48th and Holdrege Streets.

LAND AREA: 5,890 square feet, more or less

CONCLUSION: Vacation of the public rights-of-way will not negatively impact the transportation system and will accommodate redevelopment of the property. This request is in conformance with the Comprehensive Plan.

RECOMMENDATION: Conforms to the Comprehensive Plan

GENERAL INFORMATION:

LEGAL DESCRIPTION: The north-south alley, from the north line of Holdrege Street to the existing perpendicular alley to the north; and the east-west alley, from the west side of 49th Street to the existing perpendicular alley to the west.

SURROUNDING LAND USE AND ZONING:

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

ASSOCIATED APPLICATIONS:

Change of Zone No. 16016 for a B-3 Planned Unit Development (PUD)

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

COMPREHENSIVE PLAN SPECIFICATIONS:

page 10.15 The alley is not shown on the Functional Street and Road Classification plan.

HISTORY:

May 1887	East-west alley platted as part of Mills Addition to University Place.
October 1889	North-south alley platted as part of Mills Subdivision of Blocks 34 and 35 of Mills Addition to University Place.
1953/1954	A portion of the east-west alley was vacated by Ordinance 5438.

UTILITIES: Sanitary sewer and the associated easement is located in the alley and will be retained. Private utilities in the alley will be relocated or removed.

ANALYSIS:

1. This request is to vacate the existing "L" shaped alley on the block bounded by N 48th Street, N 49th Street, Holdrege Street, and Aylesworth Avenue.

2. This application is associated with Change of Zone No. 16016 to permit a multi-story, mixed-use building on the site. The proposed parking area for the building is located in the existing alley right-of-way. The parking area is allowed over the existing sanitary sewer easement, which will remain. The alley would serve no public purpose in the proposed site plan.

3. The city block containing this alley currently contains 17 platted lots. The applicant has a purchase agreement with the owners to acquire these lots as part of the redevelopment project. The existing buildings on the block are in the process of being removed. The lots and vacated alley right-of-way will be re-platted as one large lot over the entire block.

4. Alleys were vacated in adjacent blocks to the east and north of this site.

5. The alley vacation is supported in the proposed University Place South Redevelopment Plan in the associated application Comprehensive Plan Conformance No. 16003.

6. Lincoln Municipal Code Chapter 14.20 requires the City to establish the proper price to be paid for the right-of-way, as well as any amounts necessary to guarantee required reconstruction within the right-of-way. These values must be established and deposited with the City Clerk prior to scheduling the vacation request with the City Council.

BEFORE THE VACATION REQUEST IS SCHEDULED ON THE CITY COUNCIL AGENDA THE FOLLOWING MUST BE COMPLETED:

1.1 The provisions of Chapter 14.20 of the Lincoln Municipal Code are met.

1.2 Include retention of utility easements by City with deed transfer.

Prepared by:

Andrew Thierolf, 441-6371, athierolf@lincoln.ne.gov
Planner

May 2, 2016

APPLICANT: 48th Street Development, LLC
300 North 44th Street, Suite 207
Lincoln, NE 68503

CONTACT: Tom Huston
Cline Williams
233 South 13th Street, Suite 1900
Lincoln, NE 68508

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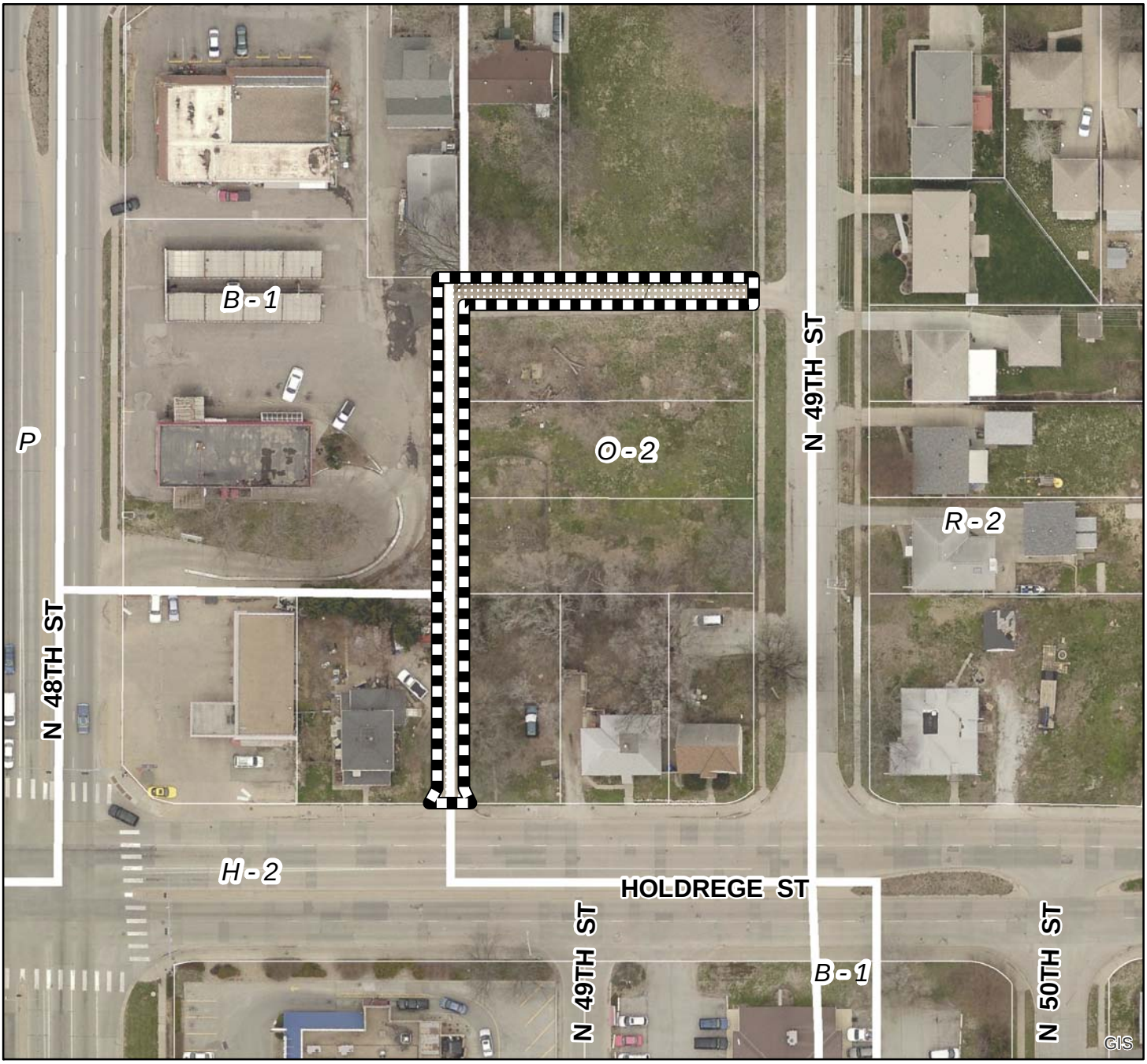


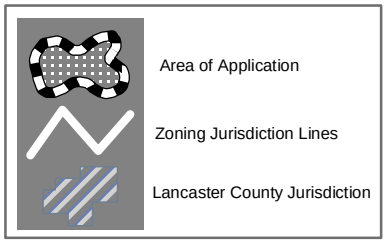
2013 aerial

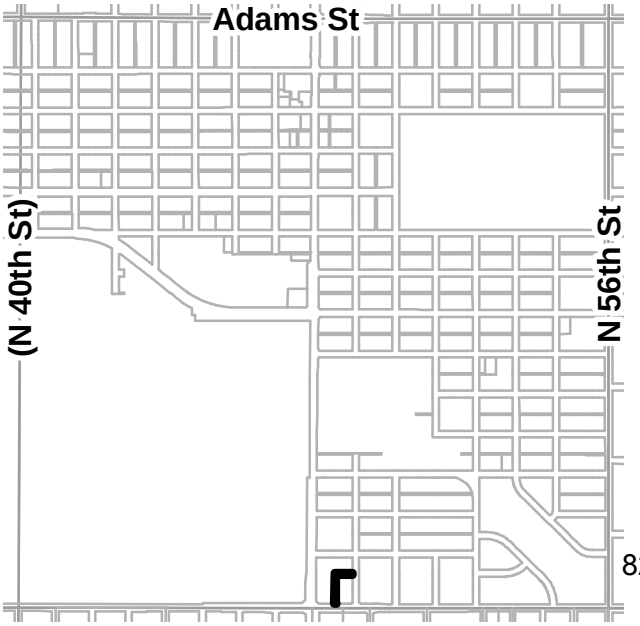
Street and Alley Vacation #: SAV16002
N 48th St & Holdrege St

Zoning:

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

One Square Mile:
Sec.17 T10N R07E





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L. BRUCE WRIGHT
JAMES M. BAUSCH
ROBERT J. ROUTH
DAVID R. BUNTAIN
STEPHEN H. NELSEN
MICHAEL C. MUELLER
DANIEL R. STOGSDILL
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CLINE WILLIAMS
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KATHERINE M. KOCK
KATIE A. JOSEPH
LILY A. CARR

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

April 13, 2016

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

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

Dear Mr. Cary:

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

A. The Project

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

B. Petition to Vacate Right-of-Way

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

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

C. Change of Zone

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

D. Waivers

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

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

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

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

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

E. Enclosures

Enclosed with this delivery are the following:

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

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

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

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

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

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

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

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

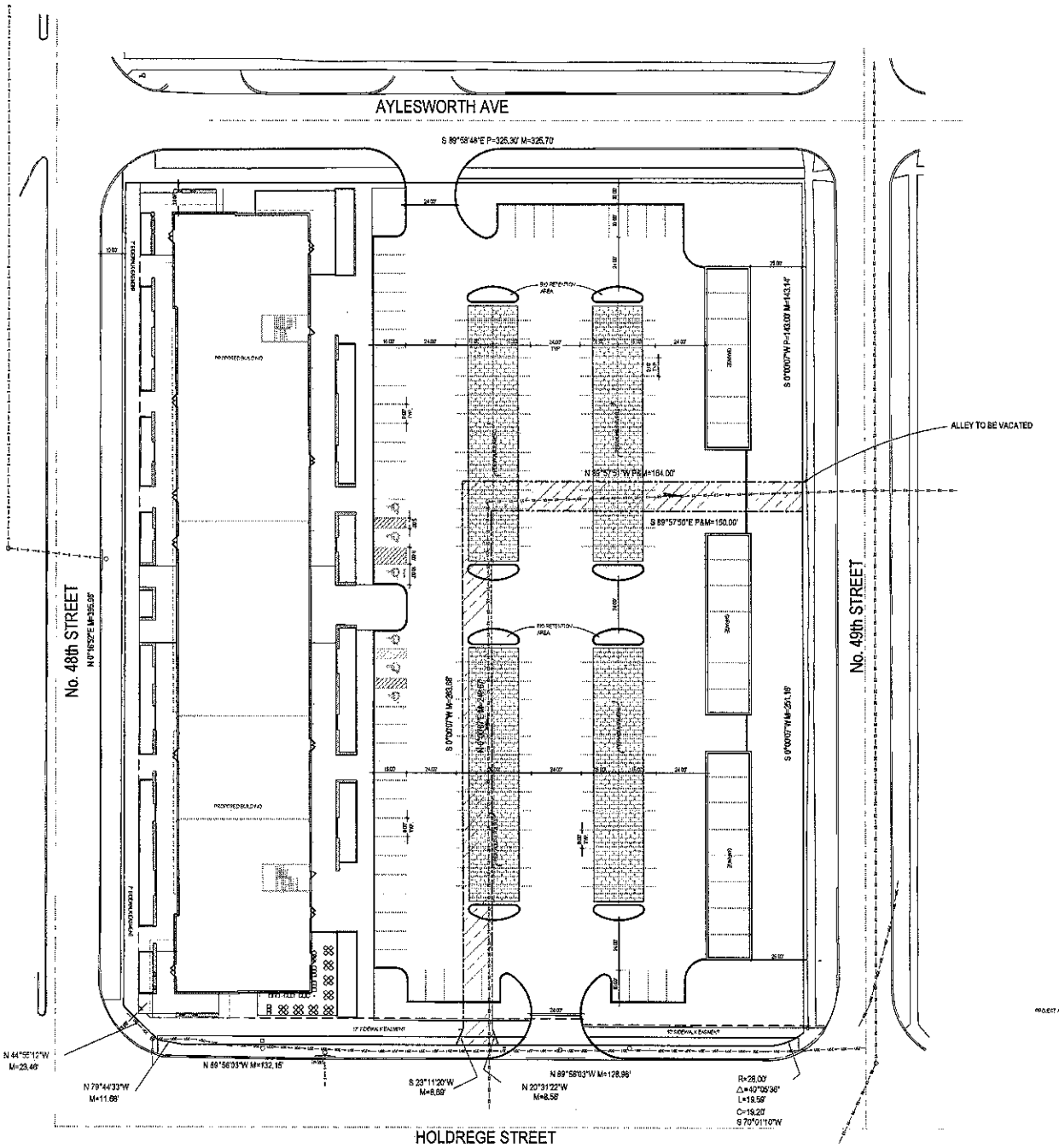
Sincerely,

Thomas C. Huston
For the Firm

Enclosures

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

4829-0622-8784, v. 2



SITE PLAN
SCALE: 1" = 20'-0"

B-3 PLANNED UNIT DEVELOPMENT

SITE PLAN

ENGINEER & PREPARER
THE CLARK ENERSEN PARTNERS
3010 LINCOLN MALL
SUITE 100
LINCOLN, NE 68506

DEVELOPER & OWNER
SOUTH UNIVERSITY DEVELOPMENT, LLC
300 N. 44TH STREET
SUITE 300
LINCOLN, NE 68503

LEGAL DESCRIPTION

LOTS 1 THROUGH 10, INCLUDING THE VACATED ALLEY AS PER DOCKET 16, PAGE 6 AND THE NORTH, SOUTH AND EAST WEST ALLEY AND VACATED PARTS OF MILLS SUBDIVISION OF BLOCKS 9 AND 10 IN MILLS ADDITION TO UNIVERSITY PLACE, NOW A PART OF THE CITY OF LINCOLN, LANCASTER COUNTY, NEBRASKA

LOT 11, BLOCK 10, MILLS SUBDIVISION OF BLOCKS 9 AND 10 IN MILLS ADDITION TO UNIVERSITY PLACE, NOW A PART OF THE CITY OF LINCOLN, LANCASTER COUNTY, NEBRASKA, EXCEPTING THEREFROM THE FOLLOWING: BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 11, THENCE EASTERLY ALONG THE SOUTH LINE OF SAID LOT 11, A DISTANCE OF 150 FEET, THENCE NORTHERLY ALONG A LINE WHICH IS 50 FEET EAST OF AND PARALLEL TO THE WEST LINE OF SAID LOT 11, A DISTANCE OF 143 FEET, THENCE WESTERLY ALONG A LINE WHICH IS 143 FEET NORTH OF AND PARALLEL TO THE SAID SOUTH LINE, A DISTANCE OF 164 FEET, THENCE NORTHERLY ALONG A LINE WHICH DEFLECTS 90 DEGREES 12 MINUTES 52 SECONDS RIGHT FROM THE SAID PREVIOUS DESCRIBED LINE, A DISTANCE OF 595.95 FEET, THENCE NORTHWESTERLY ALONG A LINE WHICH DEFLECTS 14 DEGREES 46 MINUTES 15 SECONDS RIGHT FROM THE SAID PREVIOUS DESCRIBED LINE, A DISTANCE OF 23.46 FEET TO A POINT OF INTERSECTION WITH THE SAID WEST LINE, A DISTANCE OF 30.16 FEET TO THE POINT OF BEGINNING

AND

BEGINNING AT THE SOUTHEAST CORNER OF BLOCK 11, THENCE WESTERLY ALONG THE SOUTH LINE OF SAID LOT 11, A DISTANCE OF 75 FEET, THENCE NORTHERLY ALONG A LINE WHICH IS 25 FEET WEST OF AND PARALLEL TO THE EAST LINE OF SAID LOT 11, A DISTANCE OF 143 FEET, THENCE EASTERLY ALONG A LINE WHICH IS 168 FEET NORTH OF AND PARALLEL TO THE SAID SOUTH LINE, A DISTANCE OF 75 FEET, THENCE NORTHWESTERLY ALONG A LINE WHICH DEFLECTS 90 DEGREES 12 MINUTES 52 FEET FROM THE SAID PREVIOUSLY DESCRIBED LINE, A DISTANCE OF 8.89 FEET TO A POINT OF INTERSECTION WITH THE SAID EAST LINE, THENCE SOUTHERLY ALONG SAID EAST LINE, A DISTANCE OF 19.49 FEET TO THE POINT OF BEGINNING

LOCATED IN THE CITY OF LINCOLN, LANCASTER COUNTY, NEBRASKA

LOT 10, EXCEPT THE EAST 5 FEET, BLOCK 11, LANCASTER COUNTY, NEBRASKA, EXCEPT A PORTION THEREOF DESCRIBED AS BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 10, THENCE WESTERLY ALONG THE SOUTH LINE OF SAID LOT 10, A DISTANCE OF 143 FEET TO THE WEST LINE OF SAID LOT 10, THENCE NORTHERLY ALONG SAID WEST LINE, A DISTANCE OF 7.50 FEET, THENCE EASTERLY ALONG A LINE WHICH IS 7.50 FEET NORTH OF AND PARALLEL TO THE SAID SOUTH LINE, A DISTANCE OF 143 FEET, THENCE SOUTHERLY ALONG THE WEST LINE OF SAID CIRCULAR CURVE BEARING TO THE LEFT, WHOSE RADIUS IS 19.50 FEET AND WHOSE CENTRAL ANGLE IS 40 DEGREES 05 MINUTES 36 SECONDS, A DISTANCE OF 13.90 FEET TO A POINT OF INTERSECTION WITH THE EAST LINE OF SAID LOT 10, THENCE SOUTHERLY ALONG THE EAST LINE, A DISTANCE OF 11.58 FEET TO THE POINT OF BEGINNING

LOT 10, EXCEPT THE SOUTH 50 FEET DEEDED TO THE CITY OF LINCOLN FOR PUBLIC STREET AND ALLEY, LANCASTER COUNTY, NEBRASKA

LOT 9, EXCEPT STREET AND ALLEY, BLOCK 11, LANCASTER COUNTY, NEBRASKA

SAID TRACT CONTAINS A CALCULATED AREA OF 120,127 SQUARE FEET OR 2.76 ACRES, MORE OR LESS

NOTES

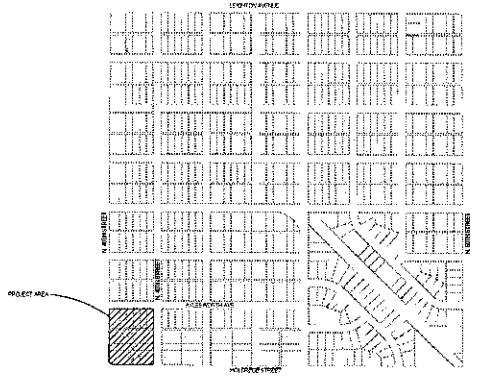
1. CURRENT ZONING: H2, O2 AND B-1. A CHANGE OF ZONE IS BEING REQUESTED TO B-3 PUD.
2. ALL ELEVATIONS ARE BASED ON NAVD 88.
3. FENCES, TRASH ENCLOSURES, DECORATIVE STRUCTURES AND ACCESSORY BUILDINGS NEED NOT BE SHOWN ON THE PLAN. BUILDINGS MAY BE LOCATED ANYWHERE ON THE LOT SUBJECT TO SETBACK LIMITATIONS, AND OTHER LIMITATIONS DESCRIBED IN THESE NOTES.
4. A LIGHTING PLAN SHALL BE PROVIDED AT THE TIME OF BUILDING PERMIT AND SHALL BE IN ACCORDANCE WITH CHAPTER 5.56 OF THE REVISED STANDARDS FOR SCREENING AND LANDSCAPING EXCEPT AS DESCRIBED IN WAIVERS. THE STREET TREES WILL BE PROVIDED ON ALL STREETS.
5. DIRECT VEHICULAR ACCESS TO NORTH 48TH STREET, NORTH 49TH STREET, HOLDREGE STREET, & AYLESWORTH AVENUE IS PROHIBITED EXCEPT AS SHOWN.
6. SITE LAYOUT, SIGNAGE PLAN, EXACT LOCATIONS OF WATER, SEWER, DRAINAGE, LANDSCAPE AND PAVING WILL BE SUBMITTED WITH SITE PLAN AT TIME OF BUILDING PERMIT IN ACCORDANCE WITH CITY OF LINCOLN DESIGN STANDARDS AND EXCEPT AS DESCRIBED IN THESE NOTES.
7. THE YARD SETBACKS REGULATED STRUCTURAL WALLS ONLY AND DOES NOT PROHIBIT OVERHANGS, PATIOS, DOOR AWNINGS, WINDOW CHANGES, ETC. FROM PUTTING SUCH ITEMS INTO THE SETBACKS.
8. PROMISE TO COMPLY WITH THE REQUIREMENTS OF THE B-3 DISTRICT AT THE TIME OF SITE PERMITS. ALL SIGNS MUST BE LOCATED OUTSIDE OF SIGHT TRIANGLES AND MAYBE ILLUMINATED. OFF-PREMISE SIGNS ARE PROHIBITED EXCEPT THAT PARKED VEHICLES SIGNS WHICH SERVE TO ADVERTISE BUSINESSES CONDUCTED WITHIN THE PLANNED UNIT DEVELOPMENT. THIS PROVISION DOES NOT ALLOW ANY ADDITIONAL SIGNS BEYOND THE NUMBER ALLOWED IN THE B-3 DISTRICT.
9. THE SITE ALLOWS UP TO 20,000 SF OF COMMERCIAL AREA AND UP TO 100 UNITS OF RESIDENTIAL. UP TO 50% OF THE FIRST FLOOR MAY BE RESIDENTIAL USE.
10. NO COMMERCIAL USE OTHER THAN PARKING, GARAGES AND STORAGE SHALL BE LOCATED ON THE EASTERN 150' OF THE SITE.
11. PARKING REQUIREMENT SHALL BE 1 STALL PER 150 SF OF COMMERCIAL AREA REGARDLESS OF USE AND 1 STALL PER RESIDENTIAL UNIT.
12. SETBACKS SHALL FOLLOW THE B-3 ZONING REGULATIONS EXCEPT AS NOTED WITH THE WAIVERS. OUTDOOR DINING TO BE ALLOWED IN THE SETBACKS BUT WITHIN THE PROPERTY LINES.
13. SIDEWALK EASEMENTS SHALL BE DEDICATED TO CITY OF LINCOLN TO MOVE FROM EDGE OF SIDEWALK 5 FEET FROM CURB LINE OF STREETS.
14. LOCATION OF BUILDINGS AND PARKING STALLS ARE CONCEPTUAL AND ARE SUBJECT TO MINOR CHANGES.
15. NORTH 49TH STREET SHALL BE IMPROVED BY PARKING GARAGES AS SHOWN ON THE SITE PLAN WITH A FENCE SCREEN NOT IN EXCESS OF 6' OF THE GARAGE WALL.

PARKING TABLE

180 PARKING STALLS
50 GARAGE STALLS
6 ACCESSIBLE STALLS
180 TOTAL STALLS PROVIDED
150 STALLS REQUIRED

WAIVERS

1. GARAGE BUILDING HEIGHT TO 19'
2. REDUCE SETBACK TO 7' ALONG AYLESWORTH AVENUE
3. STORMWATER DETENTION REQUIREMENTS
4. SCREENING AND LANDSCAPE PER CHAPTER 3.50, SECTION 3.70



VICINITY MAP
NO SCALE

Revisions (if any)

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

NOBODE
DATE

THE CLARK ENERSEN P.C.

The Clark Enersen Partners

South University Place

Lincoln, NE

TCEP No.: 055-001-16

April 13, 2016

Site Plan

C1.1

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for May 11, 2016 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 #16006
Change of Zone #16014

PROPOSAL: To annex approximately 7.88 acres, and change the zoning from AGR Agricultural Residential to R-3 Residential over approximately 6.06 acres

LOCATION: Highway 2 and Pine Lake Road

LAND AREA: Annexation #16006 - Approximately 7.88 acres
Change of Zone #16014 - Approximately 6.06 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#16006	Approval
CZ#16014	Approval

PROPOSED CITY COUNCIL DISTRICT ASSIGNMENT: District #2.

GENERAL INFORMATION:

LEGAL DESCRIPTION: AN#16006 - Lot 1, Block 1, Portsche Heights Third Addition, and Lot 1, Block 1, Clarendon Hills, including all of the old Pine Lake Road right-of-way between South 75th Street and Highway 2, all located in the NW 1/4 of Section 22-9-7, and Lot 56 located in the SW 1/4 of Section 15-9-7, Lincoln, Lancaster County, Nebraska.

CZ#16014 - Lot 1, Block 1, Portsche Heights Third Addition, and Lot 1, Block 1, Clarendon Hills, located in the NW 1/4 of Section 22-9-7, Lincoln, Lancaster County, Nebraska.

EXISTING ZONING: AGR Agricultural Residential

SURROUNDING LAND USE AND ZONING:

North:	Highway 2	
South:	Residential	AGR
East:	Highway 2	
West:	Vacant, Residential	AGR, O-3

EXISTING LAND USE: Vacant, Residential

ASSOCIATED APPLICATIONS: Special Permit #16018 for the Pemberly Place residential health care facility.

HISTORY:

FEB 2013 - Special Permit #13060 for a 13-space campground per Section 27.63.270 was withdrawn by the applicant.

FEB 2013 - Change of Zone 13029 from AGR to H-3 was withdrawn by the applicant.

COMPREHENSIVE PLAN SPECIFICATIONS:

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

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

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. 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.

SPECIFIC INFORMATION:

UTILITIES & SERVICES:

A. **Sanitary Sewer:** City sanitary sewer is available to the site, there is a sanitary sewer main n Highway 2.

B. **Water:** Water is also available to the site via a water main in Highway 2.

C. **Roads:** Access to the site will be off South 75th Street via the old Pine Lake Road right-of-way. The old roadway will need to be improved to City standards, and can also be used for access by intervening properties. Lot 1, Block 1, Portsche Heights 3rd currently has an access permit onto Highway 2 from the State of Nebraska. However, that access will need to be relinquished as a consequence of this rezoning.

D. **Fire Protection:** After annexation, fire protection will be provided by Lincoln Fire Rescue (LFR). LFR recommends approval, noting that in response to the recently approved bond issue there will be new fire station built in southeast Lincoln, perhaps in the vicinity of South 70th Street and Pine Lake Road.

ANALYSIS:

1. These are related requests for both annexation and a change of zone, and are based upon the residential health care facility special permit for Pemberly Place.

2. AN#16006 is for approximately 7.88 acres, and CZ#16014 is for approximately 6.06 acres. The area of the associated special permit and the change of zone are the same, and cover the area of application for the residential health care facility.

   The additional 1.82 acres includes Lot 56 located on the north side of the old Pine Lake Road right-of-way owned by someone other than the applicant. After annexation of the lots included in this request, and the annexation of the old Pine Lake Road right-of-way, Lot 56 will be totally surrounded by the City. It otherwise meets the annexation policy of the City, so it is included and recommended for annexation along with the applicant's property.

3. The area to be annexed is located within Tier I, Priority B of the Comprehensive Plan. All utilities, including public water and sewer, exist adjacent to the area of these requests. The development can be served by the full range of city services.

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

5. It is also the developer's responsibility to reach an agreement regarding any compensation due the Rural Water District #1 (RWD) as a result of the proposed annexation. This area is outside the boundary of the RWD, and no claim of reimbursement will be made as a result of this annexation.

6. The 2013 change of zone proposal to H-3 zoning was recommended for denial because neither the H-3 zoning nor the proposed use of a campground were deemed appropriate. These requests for R-3 zoning and a residential health care facility were recommended at that time as an appropriate zoning designation and land use.

7. The associated Special Permit #16018 is recommended for approval, but has recommended conditions of approval. One of those conditions requires that these requests be approved by the City Council.

8. The area is designated for future urban density residential land uses on the Future Land Use Map, and these requests comply with the requirements of the Zoning Ordinance and Comprehensive Plan.

Prepared by:

_____
Brian Will, 441-6362, bwill@lincoln.ne.gov
April 27, 2016

APPLICANT/ OWNER: Highway 2 Development LLC
129 North 10th Street
Lincoln, NE 68508
402-805-4136

CONTACT: Rob Duvall
Schemmer Associates
1044 North 115th Street, Ste 300
Omaha, NE 68154

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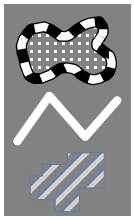
2013 aerial

Annexation #: AN16006
Pemberly Place
S 76th St & Pine Lake 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

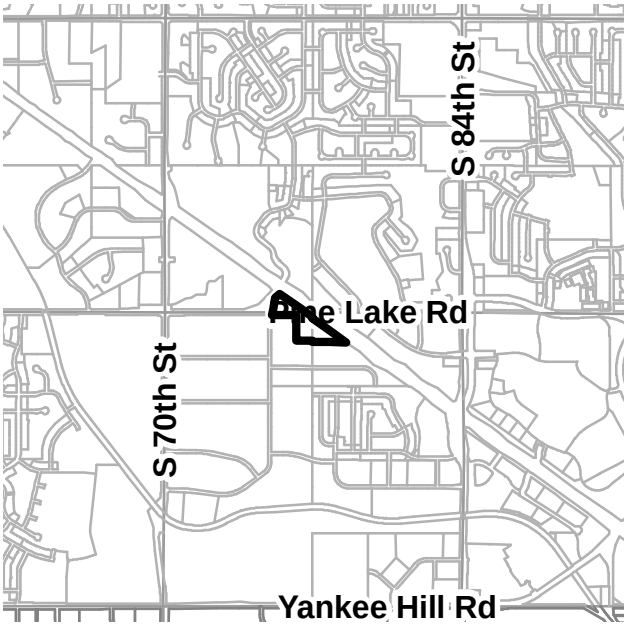
Two Square Miles:
Sec.15 T09N R07E
Sec.22 T09N R07E



Area of Application

Zoning Jurisdiction Lines

Lancaster County Jurisdiction



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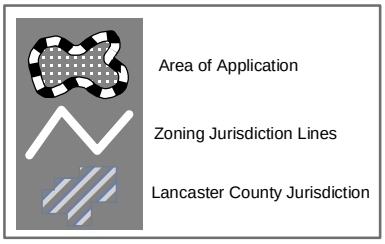
2013 aerial

Change of Zone #: CZ16014 (AGR to R-3) and Special Permit #: SP16018
Pemberly Place
Hwy 2 & Pine Lake 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.22 T09N R07E



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SCHEMMER
ARCHITECTS | ENGINEERS | PLANNERS

March 30, 2016

Mr. Stephen Henrichsen
Development Review Manager
City of Lincoln Planning Department
555 S. 10th St., Suite 213
Lincoln, NE 68508

RE: Highway 2 Development
City of Lincoln Change of Zone and Special Permit
Schemmer Project No. 06787.001

Dear Mr. Henrichsen:

The following letter is to declare the intent for the Change of Zone and Special Permit for Lot 1, Block 1 of Clarendon Hills and Lot 1, Block 1 of Portsche Heights Third Addition, all in Section 22, Township 9N, Range 7E. This parcel is located southeast of the intersection of Old Pine Lake Road and S. 75th Street.

The purpose of this Change of Zone application and Special Permit application is to provide the above-mentioned parcels a zoning designation that is compatible with the use group of our client, Healthcare Facilities; Residential. The City of Lincoln has directed the property owner to rezone these parcels as the R3 zoning designation. The Healthcare Facilities; Residential use group is identified as a Special Permit use for the R3 zoning designation within the use group table in 27.06.080, which is why we are also submitting the Special Permit application.

On behalf of our client, I would also like the City of Lincoln to consider the request for the annexation of these parcels.

Please find the attached Change of Zone Application, Special Permit Application, and application fees.

Please do not hesitate to call if you have any questions or comments.

Sincerely,

THE SCHEMMER ASSOCIATES INC.
ARCHITECTS | ENGINEERS | PLANNERS

Rob DuVall

Rob DuVall, PE

jl:P/

PHONE 402.493.4800
FAX 402.493.7951
1044 North 115th Street, Suite 300
Omaha, Nebraska 68154-4436
SCHEMMER.COM

EMPLOYEE OWNED

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for May 11, 2016 PLANNING COMMISSION MEETING

PROJECT #: Special Permit No. 16018 - Pemberly Place

PROPOSAL: A request per Section 27.63.530 for a Residential Health Care Facility

LOCATION: 7601 Pine Lake Road

LAND AREA: Approximately 6.06 acres

EXISTING ZONING: AGR Agricultural Residential (R-3 Residential requested with associated change of zone)

CONCLUSION: Given such facilities are residential in nature, the Comprehensive Plan supports locating residential health care facilities in or adjacent to residential neighborhoods. The future land use for this area is residential, according to the Comprehensive Plan. Prior attempts to develop this site proposed inappropriate land uses, but that is not the case in this instance. A residential health care facility is an appropriate land use as a transition between Highway 2 and the low density residential uses to the south at this location. Subject to the recommended conditions of approval, this request complies with the Zoning Ordinance and is consistent with the Comprehensive Plan.

RECOMMENDATION: Conditional Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION: Lot 1, Block 1, Portsche Heights Third Addition, and Lot 1, Block 1, Clarendon Hills, all located in the NW 1/4 of Section 22-9-7, Lincoln, Lancaster County, Nebraska.

EXISTING LAND USE: Vacant, Residential

SURROUNDING LAND USE AND ZONING:

North:	Highway 2	
South:	Residential	AGR
East:	Highway 2	
West:	Residential	AGR

ASSOCIATED APPLICATIONS: Annexation #16006 and Change of Zone #16014**.**

HISTORY:

FEB 2013 - Special Permit #13060 for a 13-space campground per Section 27.63.270 was withdrawn by the applicant.

FEB 2013 - Change of Zone 13029 from AGR to H-3 was withdrawn by the applicant.

COMPREHENSIVE PLAN SPECIFICATIONS:

Pg 1.9 - This area is designated as Low Density Residential on the Future Land Use Map.

Pg 2.4 - New assisted living and nursing facilities will likely be needed as Baby Boomers move into their later years.

Pg 7.2 - During the planning period, there will continue to be a need to accommodate Special Needs Housing, which generally includes, but is not limited to: elderly housing, assisted living facilities, group homes, domestic shelters, and children's homes.

Pg 7.4 - Design and locate special needs housing to enhance the surrounding neighborhood.

Pg 7.5 - A location that is deemed appropriate for special needs housing may not be deemed appropriate for other types of higher-density housing such as apartments or town homes.

Pg 8.7 - Provide for accessible physical and mental health care services in appropriate areas in and around residential neighborhoods.

ANALYSIS:

1. This is a request for a residential health care facility to accommodate up to 120 residents. It will provide three different levels of care, including 40 independent living units, 60 assisted living units, and 20 memory care units.

2. The facility is proposing to occupy two lots, ordinally platted for acreage development. One has dwelling located on it to be removed, the lot other is vacant.

3. Per Section 27.63.580, residential health care facilities may be allowed in the R-1, R-2, R-3, R-4, R-5, R-6, R-7, R-8, O-1, O-2, R-T, B-1, B-2, B-3, B-4, and B-5 zoning districts under the following conditions:

   (a) Parking shall be in conformance with Chapter 27.67 unless modified under the condition of the special permit, provided that no parking shall be permitted in the required front or side yards.

The parking requirement for a residential health care facility is one space for every four residents, and two spaces for every three employees on the largest shift.

The site plan shows there to be 120 residents, and 20 employees on the largest shift requiring 50 parking spaces. There are 104 spaces provided on site, with 85 spaces located outside, and 19 spaces provided in an indoor parking garage.

(b) Residential healthcare facilities shall be licensed to comply with all state requirements.

The facility cannot legally accommodate persons unless State approval is granted.

(c) The total number of client or employee residents shall not exceed the lot area ratio below except as provided for in this section, and provided that all facilities may have up to four individuals sixty years of age or older and one family acting as the residential caretaker: Proposed R-3 zoning district: One person per 2,000 square feet of lot area.

The lot is 6.06 acres in area, and can accommodate up to a maximum of 131 residents under this provision. A maximum of 120 residents is being proposed.

(d) Depending on the character of the development and impacts on adjacent land uses, the Planning Commission may grant an increase in the number of residents allowed in (d) above where the site plan and building plans comply with the barrier-free standards in the design standards as adopted by the City Council. Such increase shall not exceed fifty percent.

No increase over what is allowed is being requested.

(e) The height and yard requirements of the district in which the proposed use is located shall apply provided, however, that if the area of the lot is one acre or more, the height requirement of the district may be adjusted to provide flexibility in the design of buildings and to provide compatibility with surrounding uses except that solar access to adjacent buildings or potential buildings on land under other ownership shall not be reduced by such adjustment.

A single-story facility is proposed, and no adjustment to the 35'-maximum height limit of the R-3 zoning district has been requested.

4. This facility is locating in an established acreage area that has been developed for many years. While the facility will be residential in character, the scale will different than that of surrounding dwellings. Screening can buffer and enhance the transition

from the nearby dwellings to this facility. The landscaping plan only shows plantings along the south and west boundaries, which is only a portion of what is appropriate for this site. No screening is shown in the front yard along Highway 2, nor is parking lot screening shown. While there is no specific design standard for screening this type of facility (other than parking lot screening), the standard applicable to apartments has been used in similar cases where the facility is adjacent to single-family dwellings. A recommended condition of approval is included to require screening be provided in the amount required for apartments, which is as follows:

"The screen shall be evenly distributed horizontally: It may vary in height so as to screen at least fifty percent (50%) of the surface area of a vertical plane extending along the property line from six feet to fifteen feet (6' to 15') above the adjacent ground elevation of multiple dwelling structures, garages, maintenance buildings, etc. This screen shall be located between the structures and the adjacent property line."

As screening for the parking areas is also required, that is included as a condition of approval.

5. A consistent screen surrounding the facility is necessary, and should be located in adequate open space. The rear setback in the R-3 zoning district is 20', and is provided in most areas along the west and south lot lines abutting residential uses. However, there are areas where either the parking lot or grass-pave emergency access drive encroach into this yard. The site plan needs to accommodate this required yard, and show it as open space where the screening can be located. The provides the type of separation and screening needed to mitigate locating a facility of this scale next to single-family dwellings.

6. Storm water detention assumes the use of Highway 2 and an oversized detention facility further west along Highway 2. Public Works and Utilities had indicated this solution may be acceptable, but the applicant must apply for a waiver to the water quality design standards to develop the site as shown without on-site detention. The waiver can be approved administratively by Public Works and Utilities staff, but will need to be approved prior to building permits.

7. Access is shown via the old Pine Lake road right-of-way. The plans show it improved to the standard of a local street. Once improved, it will be used to access this site, along with two neighboring lots that abut it. The street will be needed when the facility is in operation, so it must be improved prior to the facility opening.

8. The section of old Pine Lake Road technically no longer has a valid name, as Pine Lake Road has been realigned to intersect with Highway 2 further to the north. Prior to addressing the new facility, the section of old Pine Lake Road right-of-way needs to be re-named. Such re-naming requires City Council approval.

9. If approved, a residential health care facility for up to 120 residents will be allowed. Subject to the recommended conditions of approval, this request complies with the Zoning Ordinance and is consistent with the Comprehensive Plan.

CONDITIONS OF APPROVAL:

Per Section 27.63.580 this approval permits a residential health care facility for up to 120 residents.

Site Specific:

1. Before receiving building permits the permittee shall cause to be prepared and submitted to the Planning Department 3 copies of a revised site with all required revisions listed below:

    1.1 Delete the landscaping shown, and revise the landscape schedule to note that "Landscaping and screening to provided per Chapter 3.50, Sections 7.1 and 7.3."

    1.2 Show the parking areas and grass-pave driveway located outside the 20' setback along the west and south property lines.

2. Before receiving building permits provide the following documents to the Planning Department:

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

    2.2 Approval by Public Works and Utilities of a waiver to the storm water quality regulations.

3. Prior to the issuance of a building permit:

    3.1 The construction plans must substantially comply with the approved plans.

    3.2 The City Council approves associated requests Annexation #16006 and Change of Zone #16014.

    3.3 The City Council approves a new street name for old Pine Lake Road.

    3.4 An executive order must be approved by Public Works and Utilities for the improvement of the street in the old Pine Lake Road right-of-way.

Standard:

4 The following conditions are applicable to all requests:

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

4.2 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.

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

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

Prepared by

_____
Brian Will
Planner
April 28, 2016

APPLICANT/ OWNER: Highway 2 Development LLC
129 North 10th Street
Lincoln, NE 68508
402-805-4136

CONTACT: Rob Duvall
Schemmer Associates
1044 North 115th Street, Ste 300
Omaha, NE 68154

F:\DevReview\SP\16000\SP16018 Pemberly Place.bjw.wpd

2013 aerial

Change of Zone #: CZ16014 (AGR to R-3) and Special Permit #: SP16018
Pemberly Place
Hwy 2 & Pine Lake 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
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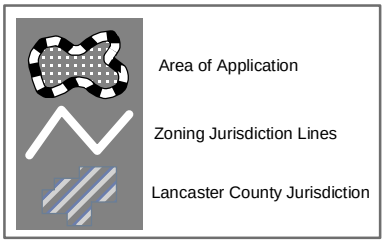
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile:
Sec.22 T09N R07E



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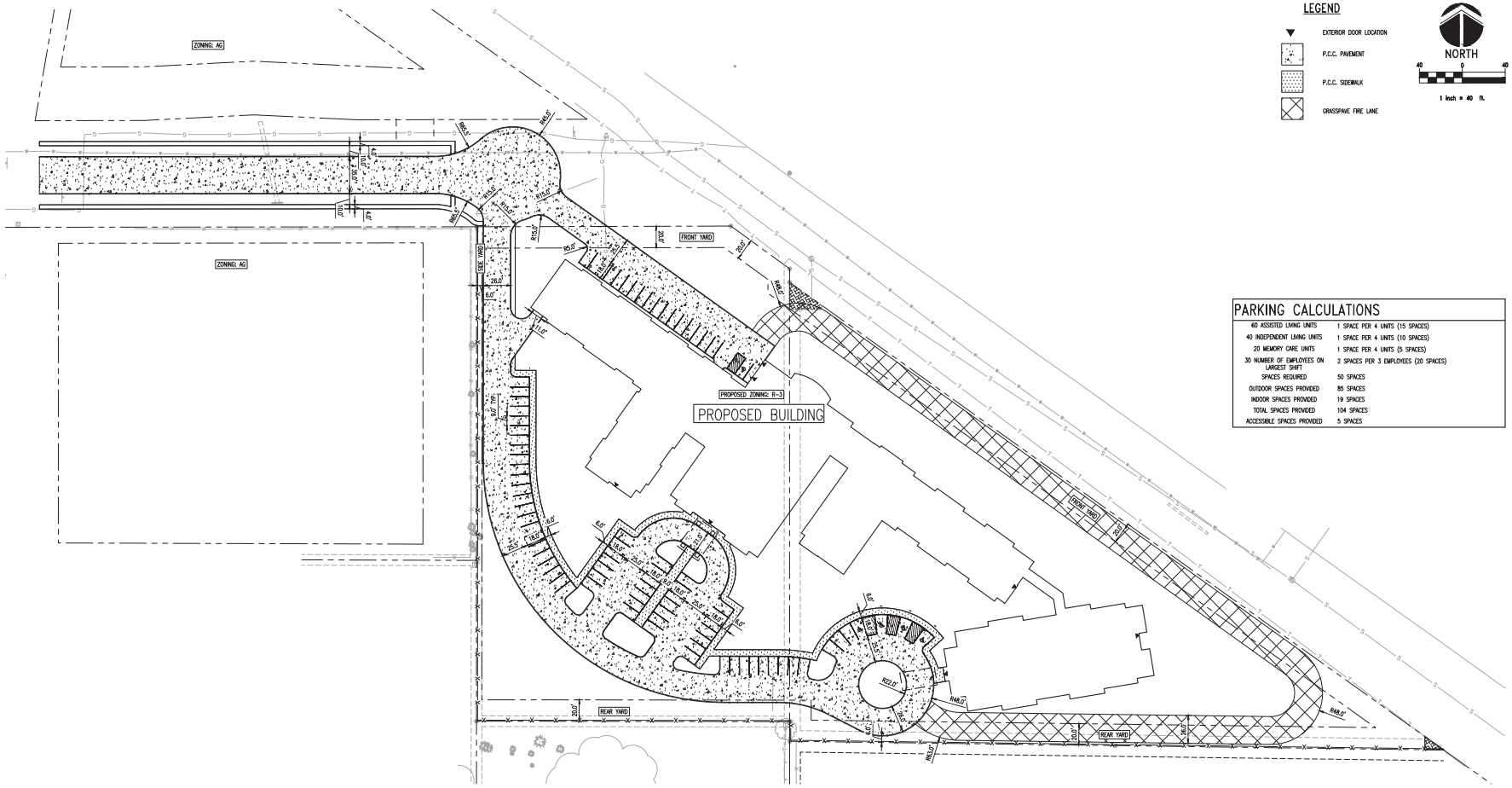

PARKING CALCULATIONS

60 ASSISTED LIVING UNITS	1 SPACE PER 4 UNITS (15 SPACES)
40 INDEPENDENT LIVING UNITS	1 SPACE PER 4 UNITS (10 SPACES)
20 MEMORY CARE UNITS	1 SPACE PER 4 UNITS (5 SPACES)
30 NUMBER OF EMPLOYEES ON LARGEST SHIFT	2 SPACES PER 3 EMPLOYEES (20 SPACES)
SPACES REQUIRED	50 SPACES
OUTDOOR SPACES PROVIDED	85 SPACES
INDOOR SPACES PROVIDED	19 SPACES
TOTAL SPACES PROVIDED	104 SPACES
ACCESSIBLE SPACES PROVIDED	5 SPACES

DESIGNED: XXX
DRAWN: XXX
CHECKED: XXX

ISSUE DATE: FEBRUARY 8, 2018
REVISIONS:

No.:	DATE:	BY:	DESCRIPTION:

THE DRAWING AND SPECIFICATIONS CONTAINED HEREIN ARE THE PROPERTY OF SCHEMMER AND SHALL NOT BE REPRODUCED IN WHOLE OR IN PART WITHOUT WRITTEN PERMISSION OF SCHEMMER. THEY ARE TO BE RETURNED UPON REQUEST.

35% SUBMITTAL

SCHEMMER
ARCHITECTS | ENGINEERS | PLANNERS

HIGHWAY 2 DEVELOPMENT LLC
PROPOSED SENIOR LIVING COMMUNITY DEVELOPMENT
PROJECT ADDRESS
SPECIAL PERMIT SITE PLAN

PROJECT NO.: **06787.001**

EX 1

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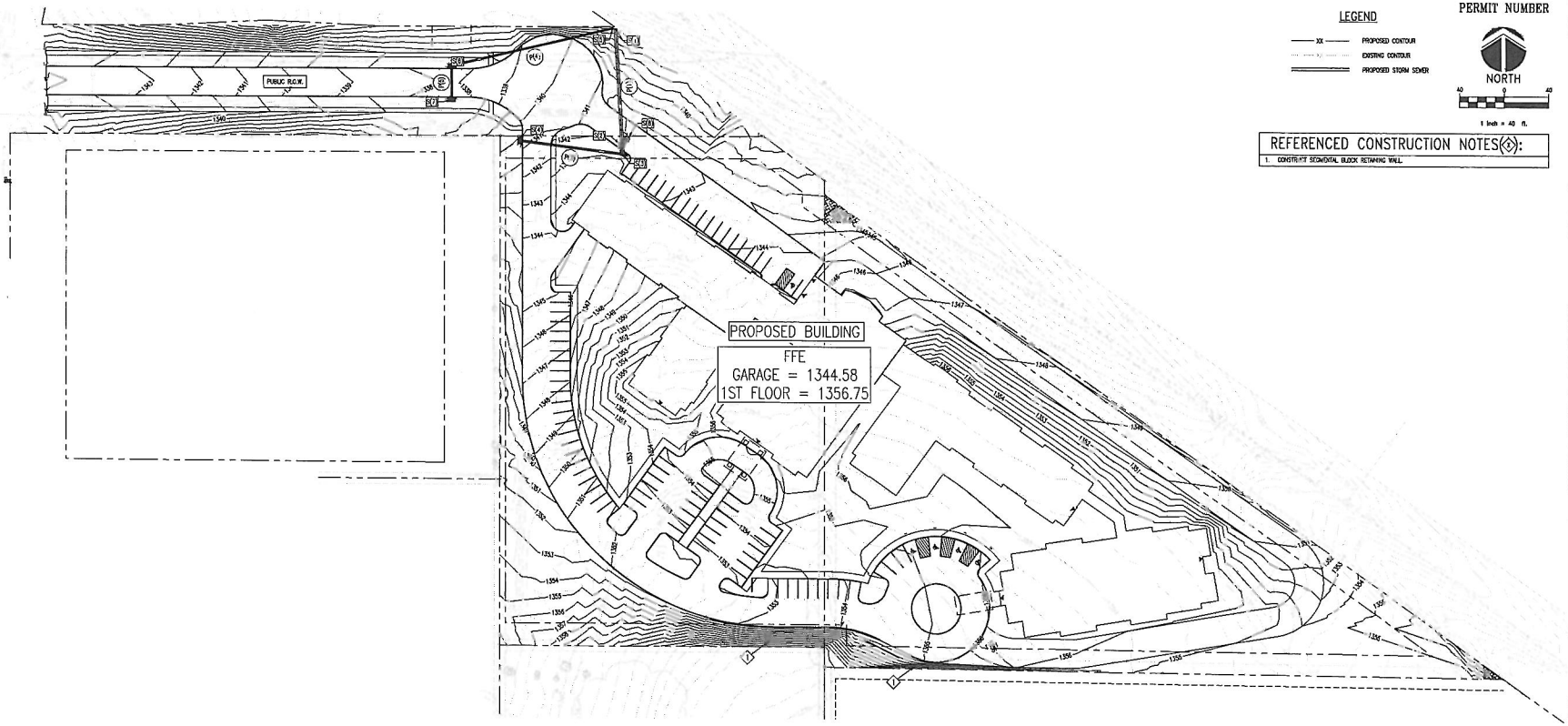
2/8/2018 3:47:28 PM Donald Bossert



LEGEND

- PROPOSED CONTOUR
- EXISTING CONTOUR
- PROPOSED STORM SEWER

PERMIT NUMBER

NORTH

1 inch = 40 ft.

REFERENCED CONSTRUCTION NOTES(◇):

1. CONSTRUCT SEGMENTAL BLOCK RETAINING WALL.

STORM SEWER STRUCTURE TABLE(▭):

STRUCTURE NAME	TYPE	DETAILS	LOCATION
S(1)	FLARED END SECTION	RIM: 1337.83 (PG) I.E. 24": 1335.08 (S)	STRM-1: 0+00, 0.00 N: 179874.49 E: 163877.06
S(2)	BAYSEPARATOR MANHOLE	RIM: 1341.95 (PG) I.E. 24": 1332.15 (S) I.E. 24": 1332.55 (W)	STRM-1: 1+06.06, 0.00 N: 178768.60 E: 163863.03
S(3)	TYPE 'A-2' CURB INLET	RIM: 1342.66 (PG) I.E. 18": 1338.28 (W) I.E. 24": 1335.58 (N)	STRM-1: 1+14.21, 0.00 N: 178705.40 E: 163863.49
S(4)	TYPE 'A-2' CURB INLET	RIM: 1341.12 (PG) I.E. 18": 1336.50 (E)	STRM-1: 2+07.74, 0.00 N: 178772.06 E: 163790.56
S(5)	FLARED END SECTION	RIM: 1336.65 (PG) I.E. 15": 1334.91 (W)	STRM-2: 0+00, 0.00 N: 178675.36 E: 163674.05
S(6)	TYPE 'A-2' CURB INLET	RIM: 1338.27 (PG) I.E. 15": 1335.11 (S) I.E. 15": 1335.11 (E)	STRM-2: 1+49.30, 0.00 N: 178940.61 E: 163729.79
S(7)	TYPE 'A-2' CURB INLET	RIM: 1338.27 (PG) I.E. 15": 1335.17 (N)	STRM-2: 1+81.21, 0.00 N: 178908.69 E: 163729.61
S(8)	BAYSEPARATOR MANHOLE	RIM: 1342.05 (PG)	STRM-1: 1+00.61, -4.58 N: 178774.09 E: 163887.23

STORM SEWER PIPE TABLE(◯):

NAME	SIZE	LENGTH	SLOPE
P(1)	24"	106.06'	0.44%
P(2)	24"	8.5'	0.44%
P(3)	18"	93.33'	0.44%
P(4)	15"	140.30'	0.13%
P(5)	15"	31.32'	0.15%

DESIGNED: RGB
DRAWN: RGB
CHECKED: MJH
ISSUE DATE: FEBRUARY 15, 2018
REVISION:
NO. DATE BY DESCRIPTION

SCHEMMER
ARCHITECTS | ENGINEERS | PLANNERS

HIGHWAY 2 DEVELOPMENT LLC
PROPOSED SENIOR LIVING COMMUNITY DEVELOPMENT
PROJECT ADDRESS
SITE GRADING & DRAINAGE PLAN

PROJECT NO.: 06787.001

C1-02

SCHEMMER
ARCHITECTS | ENGINEERS | PLANNERS

March 30, 2016

Mr. Stephen Henrichsen
Development Review Manager
City of Lincoln Planning Department
555 S. 10th St., Suite 213
Lincoln, NE 68508

RE: Highway 2 Development
City of Lincoln Change of Zone and Special Permit
Schemmer Project No. 06787.001

Dear Mr. Henrichsen:

The following letter is to declare the intent for the Change of Zone and Special Permit for Lot 1, Block 1 of Clarendon Hills and Lot 1, Block 1 of Portsche Heights Third Addition, all in Section 22, Township 9N, Range 7E. This parcel is located southeast of the intersection of Old Pine Lake Road and S. 75th Street.

The purpose of this Change of Zone application and Special Permit application is to provide the above-mentioned parcels a zoning designation that is compatible with the use group of our client, Healthcare Facilities; Residential. The City of Lincoln has directed the property owner to rezone these parcels as the R3 zoning designation. The Healthcare Facilities; Residential use group is identified as a Special Permit use for the R3 zoning designation within the use group table in 27.06.080, which is why we are also submitting the Special Permit application.

On behalf of our client, I would also like the City of Lincoln to consider the request for the annexation of these parcels.

Please find the attached Change of Zone Application, Special Permit Application, and application fees.

Please do not hesitate to call if you have any questions or comments.

Sincerely,

THE SCHEMMER ASSOCIATES INC.
ARCHITECTS | ENGINEERS | PLANNERS

Rob DuVall

Rob DuVall, PE

jl:P/

PHONE 402.493.4800
FAX 402.493.7951
1044 North 115th Street, Suite 300
Omaha, Nebraska 68154-4436
SCHEMMER.COM

EMPLOYEE OWNED

Current Project - Agency Review Report

Agency Name	User Name	Review Cycle	Review Status	Comments	Assignment
Building & Safety	christy eichorn	1	Corrections Required	See Markups	First In Group
County Health	chris schroeder	1	Recommend Approval	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. 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. 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.	Individual
Department of Roads - Noise	will packard	1	Recommend Approval		First In Group
Development Review Manager	steve henrichsen	1	Corrections Required		Individual
LES	les reviews	1	Corrections Required	04/06/2016 Retain existing easements and request proposed easements.	First In Group
Planning Dept	brenda thomas	1	No Review Required		First In Group
Public Works - Engineering Services	bob simmering	1	Recommend Approval	4-4. Verify if street is public or private. Relinquish access to HWY 2. Turning radius at SE point on emergency access does not appear to be suitable for fire truck; please verify.	First In Group
Public Works -	ben higgins	1	Corrections Required	Need to meet stormwater quality standards as this is a new	Individual

Current Project - Agency Review Report

Watershed Management				development. Need to meet stormwater detention requirements. Need to get NDOR approval to discharge increased runoff to their property.	

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for May 11, 2016 PLANNING COMMISSION MEETING

PROJECT #: Change of Zone #16015 - Walgreens

PROPOSAL: Change the zoning from B-1 Local Business to B-2 Planned Neighborhood Residential

LOCATION: 1404 Superior Street

LAND AREA: Approximately 1.98 acres

CONCLUSION: This site was re-zoned to B-1 in 1998 at the same time as the land for the adjacent park and library site were acquired by the City. The primary reason for this request is to allow for the sale of alcohol from the existing drug store. The site will meet the conditional requirements for the sale of alcohol per the B-2 district, but cannot meet the criteria for a special permit as required in the B-1. Similar to the B-2 zoning at the southeast corner of the intersection, B-2 zoning is appropriate for a developing area which is more suburban in character with no adjacent residential land uses. This request complies with the Zoning Ordinance and is consistent with the Comprehensive Plan.

RECOMMENDATION: Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION: Lot 67, located in the SW 1/4 of Section 1-10-6 of the 6th P.M., Lancaster County, Nebraska.

EXISTING LAND USE: Commercial

SURROUNDING LAND USE AND ZONING:

North:	Park	P
South:	Commercial	B-2
East:	Park	P
West:	Residential	R-1

COMPREHENSIVE PLAN SPECIFICATIONS:

Pg 1.9 - The Future Land Use Map designates the area for commercial land uses.

HISTORY:

MAR 1979 - CZ#1668 to change the zoning from A-2 Residential to G-1 Planned Commercial was denied.

JUL 1979 - CZ#1682 to change the zoning from R-3 to B-2 was withdrawn after a recommendation for denial by the Planning Commission.

APR 1993 - The approval of CZ#2752 by the City Council to change the zoning from R-3 to B-2 was vetoed by the Mayor.

MAY 1998 - CPC#98001 was found to be in conformance with the Comprehensive Plan to acquire property for a park and library site at North 14th and Superior Streets.

MAY 1998 - CZ#3119 was approved changing the zoning from R-3 to B-1 at the request of the Planning Director.

ANALYSIS:

1. This request seeks to re-zone a single lot from B-1 to B-2 for the purpose of meeting the separation requirements for the sale of alcohol for consumption off the premises.

2. There were three failed prior attempts to re-zone this property from residential to either G-1 or B-2 commercial. They were denied primarily because there was a lack of any buffer between the commercial area and what was anticipated to be residential areas surrounding the site.

3. In 1998 the City acquired the adjacent 11.5 acres for a park and library, and simultaneously approved a re-zoning of the subject 2 acre tract from R-3 to B-1. It appears the re-zoning of 2 acres to B-1was a condition of the sales agreement for the acquisition of the park land.

4. The B-1 area has been developed with a Walgreens drug store. While developed under the B-1 zoning regulations, the site was developed in such a way that it meets the requirements of the B-2 zoning district as well.

5. B-1 is typically found in the older, established commercial areas scattered about the city. The requirements of the district acknowledge the traditional development pattern found in these areas where commercial buildings often abut residential areas, and zoning district boundary lines can extend through the middle of a block. While accepted as the norm in these older commercial areas, such proximity of commercial development to residential is not always desirable.

6. B-2 zoning was adopted as part of the 1979 zoning update to allow for planned commercial development in manner more compatible with surrounding residential areas. This was achieved through greater increased setbacks, required screening and landscaping, restrictions on allowed uses, and the requirement for site plan approval by the City via the use permit. Since 1979, B-2 zoning has typically been applied to all suburban neighborhood commercial centers in developing areas.

7. The subject property requested to be re-zoned is approximately 2 acres in area. It is surrounded on the north and south by Keech Park. The nearest dwellings are: R-3 zoned apartments to the north more than 500' away; townhomes zoned R-3 to the east more than 700' away; an R-1 zoned single-family dwelling west of North 14th Street more than 650' away; a single-family dwelling zoned R-2 southwest of the intersection of North 14th and Superior Streets more than 600' away; and R-5 zoned apartments southeast of the intersection of North 14th and Superior Streets more than 400' away.

8. The applicant notes that the purpose of this change of zone request is to allow for the sale of alcohol for consumption off the premises. Under B-1 zoning, a special permit for the sale of alcohol is required. The special permit contains several criteria to be allowed, one of which is a 100' separation between the licensed premises and a park. In this case, Keech Park is adjacent on the north and east, and is less than 100' away from the licensed premises.

9. The B-2 (and B-5) zoning district regulations were amended in 2004 making both on and off-sale alcohol conditional uses. The rationale for the amendment was that the regulations for the district had built-in safeguard regarding separation and buffering. Instead of the primary 100' separation to a day care, church, state mental health institution, park or residential zoning district being measured from simply the licensed premises, the 100' separation to those items is measured from the front door (public entrance) to the premises. The subject site was developed in a way that meets the both the zoning district requirements of the B-2 zoning district, as well as the conditional use requirements for the sale of alcohol.

10. The Northridge Shopping Center at the southeast corner of the intersection was already commercially developed and zoned G-1 prior to the 1979 zoning update. After the zoning update, commercial areas throughout the city were evaluated and given new zoning designations consistent with the new ordinance as deemed appropriate by the City. The center was re-designated as B-2.

11. There is no discussion in the record why this property was originally zoned B-1 versus B-2 in 1998. Done today, staff would recommend the site be zoned B-2 and that a use permit be required.

12. No site plan was submitted with the request, so the exact dimensions of the site and existing development cannot be fully evaluated. While it appears it can meet all the conditional requirements for the sale of alcohol in the B-2, that cannot be conclusively determined until a fully dimensioned site plan is submitted. If re-zoned to B-2, a use permit will be required to be approved by the City. If the City concludes that this site meets all the applicable requirements, the City could recommend approval of a liquor license after approval of the use permit by the City.

13. The Future Land Use Map designates commercial land uses for this site. B-2 is more appropriate than B-1 given the area and will allow for development in a manner compatible with a newer, developing area. This request complies with the Zoning Ordinance and is consistent with the Comprehensive Plan.

Prepared by:

_____
Brian Will
bwill@lincoln,ne.gov, 402-441-6362
April 26, 2016

OWNER: Capitol Group, Inc.
PO Box 1159
Deerfield, IL 60015

APPLICANT: Walgreen Co.
104 Wilmot Road, MS 1420
Deefield, IL 60015

CONTACT: Mark Hunzeker
600 Wells Fargo Center
1248 O Street
Lincoln, NE 68508
402-458-2131

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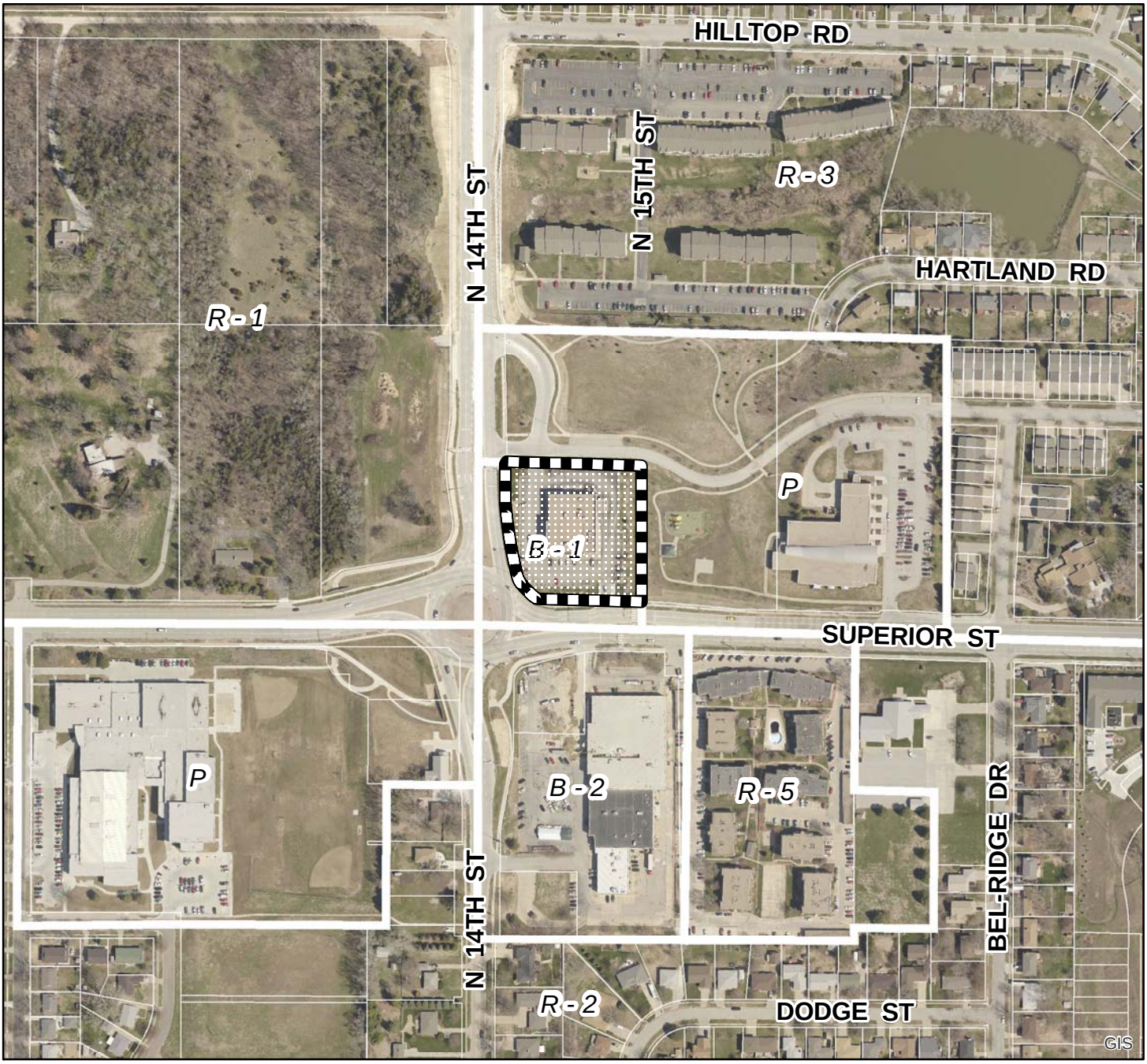


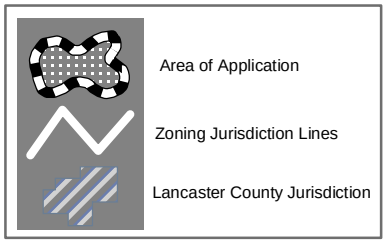
2013 aerial

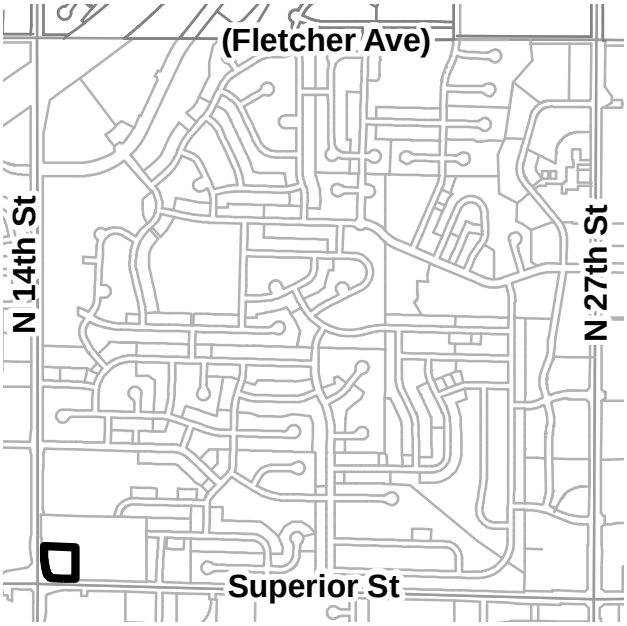
Change of Zone #: CZ16015 (B-1 to B-2)
Walgreens
N 14th St & Superior St

Zoning:

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

One Square Mile:
Sec.01 T10N R06E





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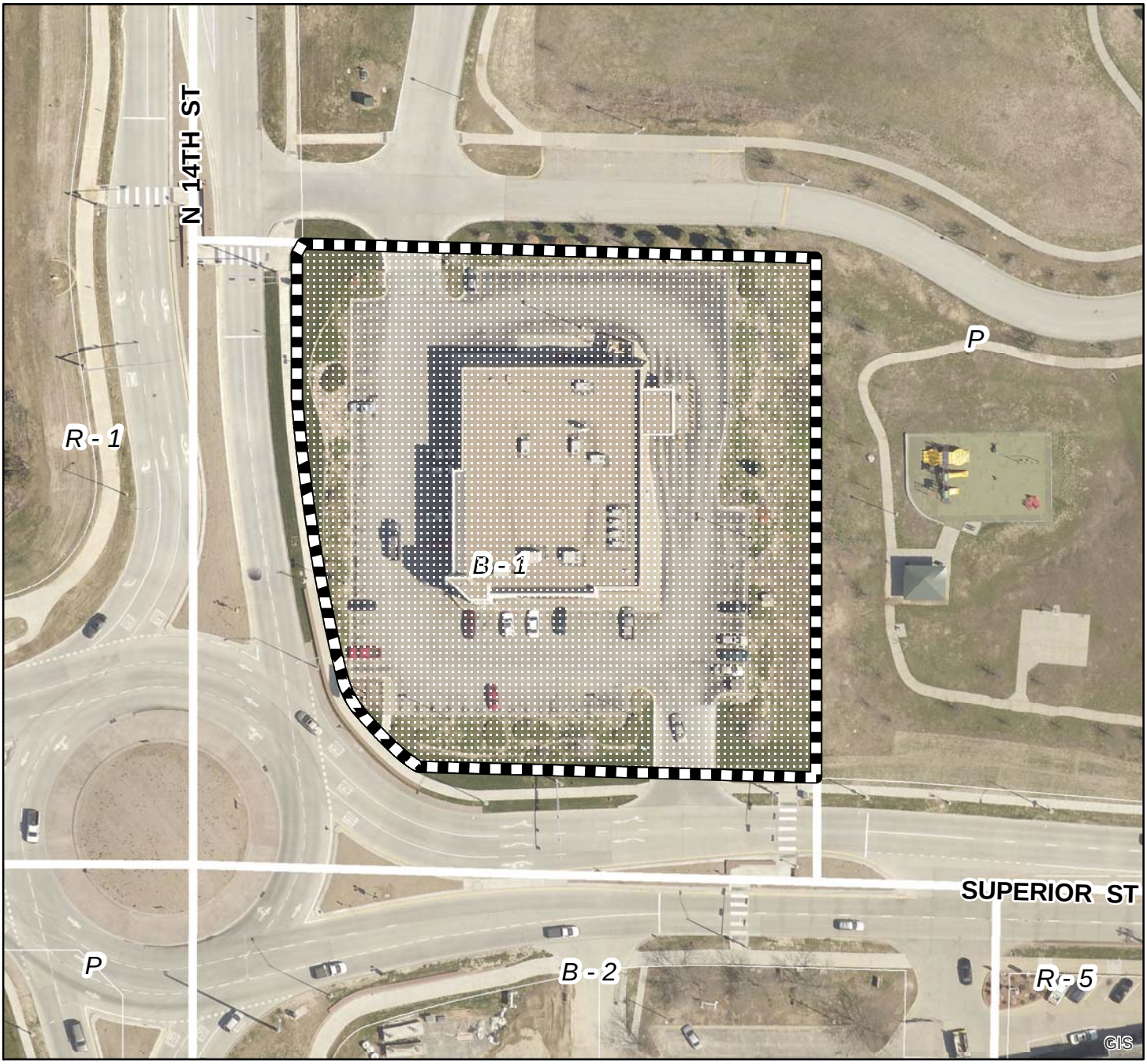

2013 aerial

Change of Zone #: CZ16015 (B-1 to B-2)
Walgreens
N 14th St & Superior St

Zoning:

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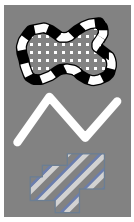
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

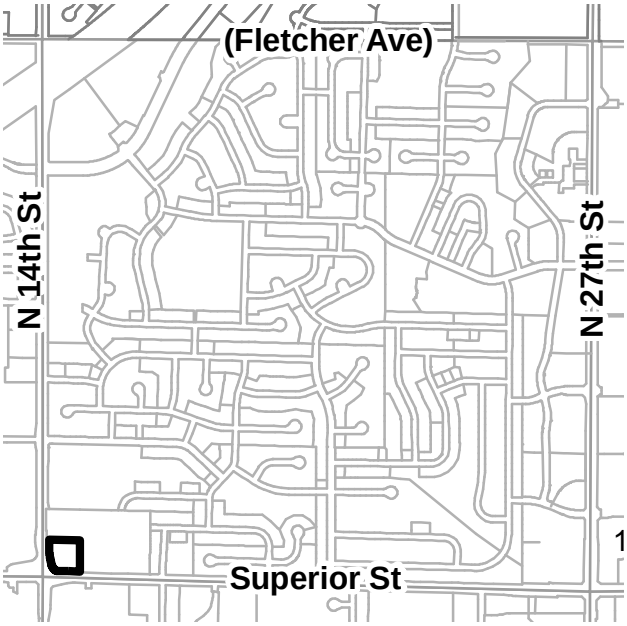
One Square Mile:
Sec.01 T10N R06E



Area of Application

Zoning Jurisdiction Lines

Lancaster County Jurisdiction



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

RANDALL L. GOYETTE*
STEPHEN S. GEALY
GAIL S. PERRY
DALLAS D. JONES
JILL GRADWOHL SCHROEDER
DAVID A. DUDLEY
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THOMAS B. SHIRES*
EMILY R. MOTTO*
AMANDA M. PHILLIPS*
MICHAEL D. SANDS *

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

ALSO ADMITTED IN:
*IOWA
**KANSAS

April 12, 2016

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

RE: Change of Zone from B-1 to B-2
Walgreens at 14th & Superior

Dear Mr. Cary:

On behalf of Walgreens Co. we request a change of zone on the above captioned property from B-1 Local Business District to B-2 Planned Neighborhood Business District. Extension of the B-2 district located across the street to the south will conform with the minimum district size requirement. Zoning this property B-2 will enable Walgreens to meet the setback requirements for the sale of alcohol for consumption off the premises, a conditional use in the B-2 district.

The application form, site map, and application fee check are attached.Please let me know if there is any other information you need.

Sincerely,

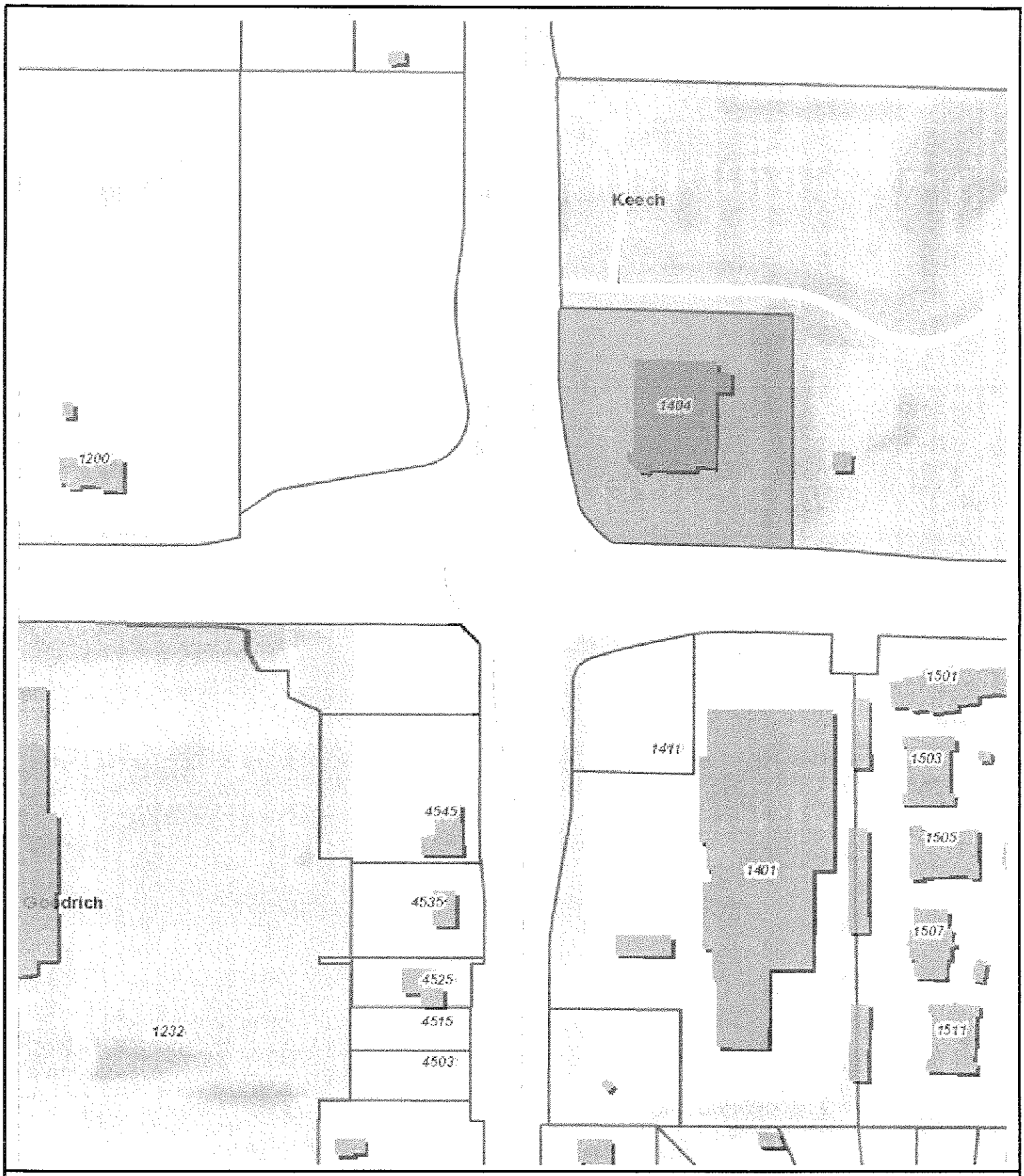
Mark A. Hunzeker
For the Firm
mhunzeker@baylorevnen.com

1354086

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



Lancaster County/City of Lincoln GIS Map

Walgreens 1404 Superior

N
W E
S

Printed: Apr 12, 2016

DISCLAIMER: The information is presented on a best-efforts basis, and should not be relied upon for making financial, survey, legal or other commitments. If you have questions or comments regarding the data displayed on this map, please email ags@lincoln.ne.gov and you will be directed to the appropriate department.

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for APRIL 27, 2016 PLANNING COMMISSION MEETING

PROJECT #: Change of Zone No.16010

PROPOSAL: From R-4 Residential to B-3 Commercial

LOCATION: 2201 South 17th Street

LAND AREA: 70,576 sq. ft., more or less

EXISTING ZONING: R-4 Residential with a Special Permit for Health Care Facility

CONCLUSION: The change of zone to B-3 Commercial zoning, with limited allowed uses as described in the Development and Conditional Zoning Agreement is in conformance with the goals of the Comprehensive Plan. The zoning agreement permits the existing use while limiting uses that may negatively impact residential uses to the east.

RECOMMENDATION: Conditional Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION: See attached

EXISTING LAND USE: Health Care facility

SURROUNDING LAND USE AND ZONING:

North:	B-3 Commercial	Parking lot and retail on the north side of South Street.
South:	R-4 Residential	Bryan Medical Center West
East:	R-2 Residential	Single family and duplex
West:	R-4 Residential	Bryan Medical Center West

HISTORY:

June 4, 2001 Special Permit #1020G to amend SP1020F to expand the hospital and medical offices and add a parking garage at Bryan Medical Center West was approved by the City Council.

March 10, 2014 Special Permit #14001 for a Non-residential Health Care Facility for Lutheran Family Services of Nebraska was approved by the City Council.

COMPREHENSIVE PLAN SPECIFICATIONS:
The 2040 Future Land Use Plan shows this property as Public and Semi-Public. (p.1.9)

Focus primarily on retention and expansion of existing businesses; attracting new businesses should also be encouraged. (p.5.1)

Strive for predictability incentives for mixed uses in future developments. (p.5.2)

Develop infill commercial areas to be compatible with the character of the area. (p.5.14)

Maintain and encourage businesses that conveniently serve nearby residents, while ensuring compatibility with adjacent neighborhoods. (p.5.14)

Diversity of land uses, including commercial and special needs housing, is important provided the use fits within the character of the block and neighborhood. (p.7.2)

Hospitals represent one of the highest and most important community service land uses. Lincoln has a growing number of medical campuses such as Bryan LGH East and West. (p.8.6)

Provide for accessible physical and mental health care services in appropriate areas in and around residential neighborhoods. (p.8.7)

UTILITIES: All utilities are available.

TRAFFIC ANALYSIS: South Street and South 17th Street are identified as Minor Arterial in the 2040 Comprehensive Plan.

ANALYSIS:

1. This application is for a change of zone from R-4 Residential to B-3 Commercial on property located southwest of S. 17th Street and South Street. The property is adjacent to Bryan Medical Center West and has a special permit for Non-Residential Health Care facility.

2. Lancaster County operated a Community Mental Health Center in this building prior to Lutheran Family Services. The property is being sold by the County Board. The site has a building with approximately 28,641 sq. ft. in area that was recently leased to Lutheran Family Services. Under the current R-4 zoning allowed uses are limited. The applicant is requesting the change of zone to allow more uses on the property.

3. The B-3 District allows uses such as: motor vehicle sales, motor vehicle repair, car wash, gas stations, convenience stores, restaurants, contractor services, social halls, and retail sales. Uses such as drive-thru restaurants, gas stations, car repair and car wash could have a negative impact to the residential area due to increased noise, additional outside lights and increase in traffic.

4. There is currently B-3 zoning to the north of this site. That site previously had a grocery store and large parking area. The special permit for Bryan West Hospital was amended to include the former grocery store site and now has a smaller parking lot and large landscaped area.

5. To allow additional uses on the property and to help offset potential negative impacts such as increased noise, additional outside lighting and increased traffic to the residential neighborhood, a Development and Conditional Zoning Agreement is proposed (see attached). The Agreement would allow all O-2 uses as well as retail and personal services. Retail is a broad category but it does not include vehicle sales, restaurants or gas stations which are listed separately from retail in use groups in the zoning ordinance. Personal Services include uses such as barber shop, dry cleaner, laundromat and health club The O-2 District allows uses such as adult day services, early childhood care facilities, hospitals, neighborhood support services, office, medical office and residential and non-residential health care facilities,

6. The applicant has scheduled a neighborhood meeting for April 19th and will provide neighborhood feedback at the April 27th Planning Commission hearing.

CONDITIONS OF APPROVAL:

1. Sign the Development and Conditional Zoning Agreement before the City Council approves the change of zone.

Prepared by:

Tom Cajka
Planner

DATE: April 18, 2016

APPLICANT: Lancaster County
555 S. 10th Street, Suite 110
Lincoln, NE 68508

OWNER: Same as applicant

CONTACT: Kerry Eagan, Chief Administrative Officer
555 S. 10th Street, Suite 110
Lincoln, NE 68508
402-441-6865

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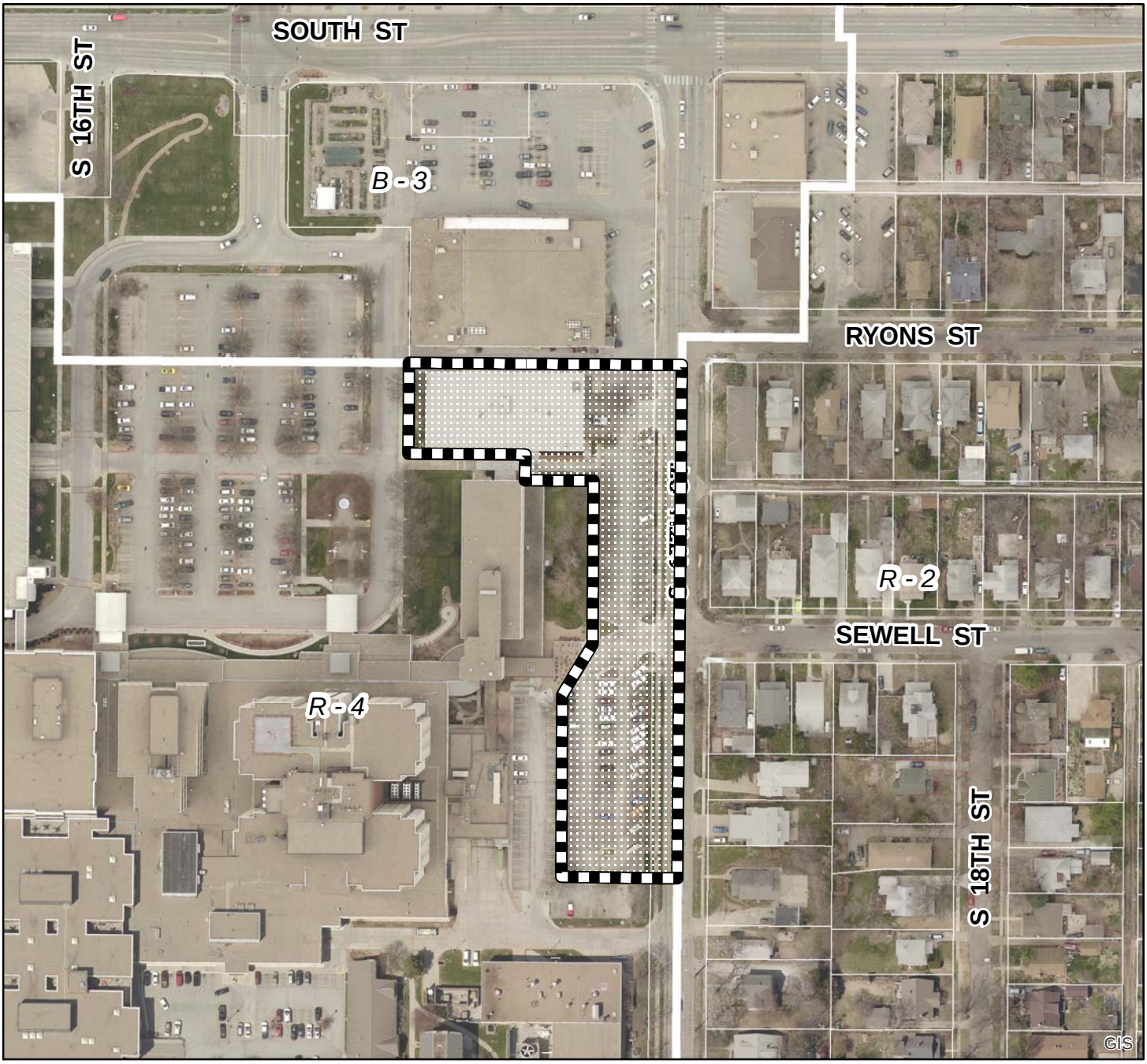


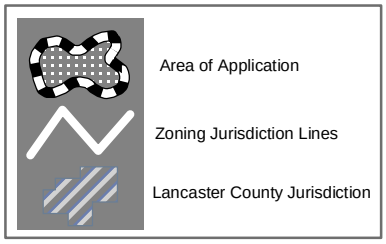
2013 aerial

Change of Zone #: CZ16010 (R-4 to B-3)
S 17th St & South St

Zoning:

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

One Square Mile:
Sec.36 T10N R06E



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DATE OF THE APPRAISAL

The effective date of this appraisal is **February 10, 2016**. For the purpose of this appraisal, the property was personally inspected on February 10, 2016, by Thomas W. Kubert, MAI, CCIM on behalf of the Great Plains Appraisal firm.

IDENTIFICATION OF THE PROPERTY

The subject property includes an existing mental health center and office building located at 2201 South 17th Street. The property is in use as a mental health center in association with Lancaster County. Portions of the property are occupied by Lutheran Family Services.

LEGAL DESCRIPTION

The following is the legal description of the subject property:

Lots 8, 9, 18, and 19, Lot 10 except the South 21.5 feet of the West 63.42 feet, Lot 17 except the South 21.5 feet, the East 65.38 feet of Lots 11, 12, and 13, and the vacated north-south alley lying between the north line of Lots 8 and 19 and a point located 28.5 feet south of the north line of Lots 10 and 17, all in Davis Subdivision, and part of the East Half of Lot 6, in the Southwest Quarter of Section 36, Township 10 North, Range 6 East of the 6th P.M., Lincoln, Lancaster County, Nebraska.

This appraisal is based on the subject property with a legal description as described above. The appraiser estimated the legal description based on legal descriptions contained within deeds related to historical transfers of the subject property and the Plat Map of Section 36, Township 10 North, Range 6 East of the 6th P.M. located in the Lancaster County Engineering Department Database. The analyst was not provided with a Certificate of Title relative to the subject property. The appraiser is not a qualified title or survey expert and any user of this report should seek the services of qualified experts to verify ownership, encumbrances, or other issues related to the subject property (See *Extraordinary Assumptions*).

OWNERSHIP

According to the records located in the Register of Deeds' Office, Lancaster County, Nebraska, the ownership of the subject property as of the date of the appraisal rests with:

Lancaster County

Copyright 2016, Great Plains Appraisal

LANCASTER COUNTY BOARD OF COMMISSIONERS

Roma Amundson Larry Hudkins Deb Schorr Todd Wiltgen Bill Avery

Kerry Eagan, *Chief Administrative Officer* Gwen Thorpe, *Deputy Chief Administrative Officer*

April 6, 2016

You are invited to an Open Tuesday, April 19 on a proposed change of zone for County property at 2201 S. 17 Street. The Open House is from 5:30 - 6:30 pm in the lower level conference room at the Community Mental Health Center building, 2201 S. 17 Street.

The County is requesting a change of zone from the current R-4 to conditional B-3. The Planning Commission will hear the issue on April 27 and vote on the proposal, after which their recommendation will be sent to the City Council.

This property will be sold by the County after current services located in the building move.

The Open House will not include a formal presentation but those attending will be able to learn more about the proposed change of zone and provide feedback. Commissioner Bill Avery will make a few comments and City-County Planning staff will be on hand to answer questions.

Please contact our office if you have any questions.

Roma Amundson, Chair
Lancaster County Board of Commissioners

555 South 10th Street, Suite 110 / Lincoln, NE 68508 / (402) 441-7447 / Fax: (402) 441-6301
Email: commish@lancaster.ne.gov / www.lancaster.ne.gov

DEVELOPMENT AND CONDITIONAL ZONING AGREEMENT

This Development and Conditional Zoning Agreement ("Agreement") is hereby made and entered into this _____ day of _____, 2016, by and between the County of Lancaster, Nebraska, a political subdivision of the State of Nebraska, 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 ("Change of Zone") from R-4 Residential District ("R-4") to B-3 Commercial District ("B-3") upon property generally located at 2201 South 17th Street and legally described as:

> The east 60.00 feet of Lots 9 and 10, and the west 5.38 feet of the east 65.38 feet except the north 28.50 feet of Lot 10; the east 65.38 feet of Lots 11, 12 and 13, all in Davis's Subdivision of Lot 3 in the Southwest Quarter of Section 36, Township 10 North, Range 6 East of the 6th P.M., Lancaster County, Nebraska; and
>
> That part of the Northeast Quarter of Lot 6, State Subdivision of the Southwest Quarter of Section 36, Township 10 North, Range 6 East of the 6th P.M., Lancaster County, Nebraska, and more particularly described as follows:
>
> Commencing at the northeast corner of said Northeast Quarter of Lot 6, State Subdivision of the Southwest Quarter of Section 36, said point being the centerline of platted 17th Street and Sewell Street; thence on an assumed bearing of south 89 degrees 59 minutes 15 seconds west, and with the north line of said Northeast Quarter of Lot 6, State Subdivision 30.00 feet to a point of the west right-of-way line of 17th Street, said point also being the POINT OF BEGINNING; thence south 00 degrees 20 minutes 19 seconds west, 30.00 feet west of as measured perpendicular to and parallel

with the east line of said Northeast Quarter of Lot 6, State Subdivision and with the west right-of-way line of 17th Street 265.77 feet; thence north 88 degrees 57 minutes 31 seconds west, 98.21 feet; thence north 00 degrees 19 minutes 56 seconds east, 200.38 feet; thence north 31 degrees 06 minutes 08 seconds east, 64.23 feet; thence north 00 degrees 21 minutes 52 seconds east, 8.60 feet to a point on the north line of said Northeast Quarter of Lot 6, State Subdivision, said point also being on the south line of Lot 13, Davis's Subdivision of Lot 3 in the Southwest Quarter of said Section 36; thence north 89 degrees 59 minutes 15 seconds east, with said north line of the Northeast Quarter of Lot 6, State Subdivision and with said south line of Lot 13, Davis's Subdivision 65.38 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 those uses listed in paragraph 2.a below.

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:

i. Those use types designated in the Use Group Table in Chapter 27.06 of the Lincoln Municipal Code as a permitted use, permitted conditional use, or special permitted use in the O-2 Suburban Office District provided that any such permitted conditional use or permitted special use shall be in conformance with Chapter 27.62 conditions of approval for permitted conditional uses and in conformance with the conditions of approval under the special permit granted for such permitted special use in conformance with Chapter 27.63 of the Lincoln Municipal Code.

ii. Retail Sales and Personal Service uses designated in the Use Group Table in Section 27.06.130 of the Lincoln Municipal Code as a permitted use in the B-3 Commercial District.

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

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

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

City of Lincoln, Nebraska
a municipal corporation

_____
Chris Beutler, Mayor

ATTEST:

County of Lancaster, Nebraska,
a political subdivision of the State of Nebraska

By: _____
County Clerk

_____
Roma Amundson, Chair

Approved as to form this ____ day of _____, 2016.

_____
Deputy County Attorney for
Joe Kelly, Lancaster County Attorney

STATE OF NEBRASKA)
) ss.
COUNTY OF LANCASTER)

The foregoing instrument was acknowledged before me this _____ day of _____, 2016, 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 _____, 2016, by Roma Amundson, Chair of the Board of Commissioners of the County of Lancaster, Nebraska.

_____
Notary Public

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for OCTOBER 28, 2015 PLANNING COMMISSION MEETING

REVISED APRIL 29, 2016
(Revisions underlined)

PROJECT #: Special Permit No.15064

PROPOSAL: A request per Article 13, Section 13.001aa 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 limited 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 to 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:		Conditional Approval
Waivers		
1.	To allow more than two employed persons who are not members of the family residing on the premises.	Conditional Approval
2.	To waive the requirement that the parking area be gravel.	Approval
3.	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 County Special Permit #10028 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 approved 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. Home occupations allow one person that does not reside on the premises to be employed in the home occupation. The home occupation must be carried on within a dwelling unit or an accessory building. This does not preclude outside activity if it is limited and incidental to the home occupation. Due to the receptions and other gatherings, and having more than one employee that does not reside on the premise, the

approval of the special permit for Expanded Home Occupation is needed.

3. The Lancaster County Zoning Regulations were amended in September 2009 to allow for Expanded Home Occupation by special permit. The intent was to allow small family owned businesses to operate out of their homes. The business is to be accessory to the residential use of the property and operated by the family occupying the residence. This condition makes it more likely that the business will be a "good neighbor." The business should not detract from the peace and enjoyment of surrounding properties

4. 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 east property line has some evergreen trees. Additional trees should be planted to provide an adequate buffer for the properties to the east.

5. 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.

6. 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.

7. 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.

The Planning Department, Building and Safety Department and County Attorney's Office discussed what constitutes employed under this provision.

With respect to who should be considered to be "employed" under this provision, it was determined that those employed for expanded home occupation should include anyone who is employed to carry out the activity on the premises and who also is not a family member living on the premise, regardless of who is determined to be the employee's employer. Accordingly, employees of the resident family or the LLC as well as employees of the resident family's or LLC's independent contractors who are working on-site to carry out the events should be counted as employees engaged in the home occupation's activity. For example, it is likely that persons setting up a tent, catering, or bartending, would be the employees of one of the independent contractors hired to prepare or operate the site for an event, and therefore they would be "employed" on the premises to carry out the home occupation's activity. Because owners of the LLC would not be considered employees based merely on their status as owners, any owner of the LLC could work on site and not be considered to be "employed."

Given the above parameters of who is "employed to carry out the occupation or activity" it can be determined no more than 2 persons employed can be on site at one time. This means, for example, only one bartender and one caterer could be on site at one time or one musician and one person helping to set up. Most weddings or large gatherings need more than 2 persons on site at one time. The intent of 2 employed persons under "expanded home occupation" allowed up to 2 full time employees working approximately 40 hours per week.

(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.

(l) 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. There are some trees along the east lot line. To provide a sufficient screen additional trees should be planted.
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. The sign is larger than the 20 square feet allowed.

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

8. Similar uses in the county approved by special permit that have large attendance such as Camp Gargano, Camp Sonshine and Prairie Creek Inn have limitations on the number of participants at any one time**.** Camp Gargano and Camp Sonshine were approved as “recreational facility” and Prairie Creek Inn was approved through a special permit for Historic Preservation and Expanded Home Occupation.

9. Prairie Creek Inn located at 2400 S. 148th Street was approved for a Bed and

Breakfast and Expanded Home Occupation by County Special Permit 08021A. As accessory to the Bed and Breakfast, wedding ceremonies and receptions were allowed:

> "Events are limited to 300 persons except that up to 4 events per calendar year of up to 500 persons may be allowed through the Lancaster County Amusement License process. Events of over 200 persons must utilize portable changeable message signs warning traffic on S. 148th Street fo turning vehicles."

Although Prairie Creek Inn is similar in its use, there are differences in the surrounding area. The distance between the nearest property line and the area of where events happen is over 1,250 feet. This is more than twice the distance of Avalon Event Paradise to its nearest property line. There are only six houses in proximity to the event area as compared to 24 houses near Avalon Event Paradise.

10. Camp Gargano located at SW 29th Street and West Wittstruck Road was approved for a Recreational Facility by special permit in June 2012. Originally the camp was for a club that allowed up to 50 persons for a youth athletic club. In 2012, the special permit was changed to "Recreational Facility". Recreational facility is defined as facilities primarily for participation by the public in athletic activities. As accessory to active recreation, they may also have fundraisers, training events and receptions.

    Camp Gargano is allowed:

    "1) a maximum occupancy of 50 persons per day that shall not exceed 5 consecutive days in a given calendar week.
    2) A maximum occupancy of 150 persons that shall not exceed 5 events in a 30 day period and no more than 2 events in a calendar week.
    3) One day occupancy of 500 persons 6 times in a calendar year, if a separate amusement license is granted by the County Board."

Alcohol may be served for special events by a licensed caterer if a Special Designated Licenses is approved. Alcohol sales in the County is not considered a land use issue. Avalon would also need a Special Designated License for events.

The special event area is 600 feet away from the adjacent properties and is buffered by a tree mass and drainageway. Major events, those over 500 persons, must conclude by 10:00 p.m.

There was substantial opposition to this special permit. 81 letters were sent to property owners within one mile. Of the 81 property owners, 21 were in opposition. Opposition was to the increased size, number of participants, traffic, noise, and alcohol.

11. Camp Sonshine generally located at S. 25th Street and 1/4 mile south of Bennet Road was approved for a recreational facility in May 2012. The recreational facility is a camp for children. The special permit allows up to 300 campers with a four tier approach.

    a. Tier 1: between 80 and 150 campers. Mitigation efforts: spray water or calcium chloride on S. 25th from Saltillo Rd to Camp Sonshine entrance, arrange car pools, communicate transportation information to parents via Parent Guide, digital media and print materials, petition for road regrading at County 1&6 Road Plan public hearing.

    b. Tier 2: Between 151 and 180 campers. Continue with Tier 1 actions, close existing driveway and begin using new entrance drive to the west of current location.

    c. Tier 3: Between 181 and 200 campers. Continue Tier 1 & 2 actions, implement bus transportation option, pick up 40 to 50 campers from 2 or 3 "drop off" sites.

    d. Tier 4: Between 201 and 300 campers. Continue Tier 1, 2, & 3 actions, pick up 80 to 100 campers from 3 to 5 "drop off" sites, evaluate traffic situation and address most important concerns affecting traffic impact.

12. Other expanded home occupation special permits approved in the County include a medical office located at 12100 West Roca Road and for outdoor storage at Highway 77 between Hickman Road and Stagecoach Road. A third expanded home occupation was approved for a counter top business at N. 1st Street and Mill Road. Each of these home occupations had limited impacts on neighboring properties as approved.

13. To help minimize the impact to adjacent neighbors the number of large events, those between 100 and 200 persons, should be limited to no more than two times per month from April 1st thru October 31st. Having more smaller events of under 100 persons would help reduce traffic and noise. The business should not detract from the peace and enjoyment of surrounding properties. In order to meet this goal no amplified music should be allowed outside.

14. Home occupations primarily operate Monday thru Friday 8:00 a.m. to 5:00 p.m. There are no impact to surrounding properties in the evenings or weekends. This proposal for Avalon primarily operates in the evenings and weekends. This is the time residents are wanting to enjoy the outdoors or quiet rural setting.

15. Avalon Event Paradise is primarily oriented to the occasional outside wedding reception. Due to their extensive landscaping, island and pond it provides a

unique reception setting not found typically in an urban area. It is well served by a paved highway that already experiencing significant traffic and is well maintained. Due to the outdoor setting, it will primarily only be used in late April to October. It is on a large site of over 30 acres with the tents in the center of land and the parking well screened by existing trees. This area is intended for agricultural and low density residential uses, not for commercial developments. But given the setting, highway access, increased screening and with the limitation on no more than two large events of 100 to 200 people a month for the spring and summer, it is an appropriate home occupation in a rural setting.

CONDITIONS OF APPROVAL:

Per Article 13, Section 13.001.aa, 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 with the following waivers and conditions:

Waivers

1. Waive the requirement for gravel surface of parking lots.

2. Waive the requirement that outside areas used for the business not exceed 15,000 square feet as shown on the site plan.

3. To allow more than two employed persons who are not members of the family residing on the premises.

The waiver for no more than two employed persons is approved with the condition that the total hours of all persons working on site for an event cannot total more that 80 hours in any one week. The applicant must provide a listing of all persons working on site upon request of the County.

(If the County desires to allow receptions and other events to be regularly held in a rural area, the limit to two employees does not suit the business operation. Instead a different method to limit employees trips and activity would be needed.)

(A correlation could be made that as long as the cumulative hours of all persons engaged in the operation of an event did not exceed 80 hours per week this would be the same as having 2 full time employees. In the case of Avalon and other similar venues more than 2 person could be on site at one time as long as the total hours worked by those persons did not exceed 80 hours in any one week. For example you could have 4 persons for set up at 4 hours each, a bartender at 4 hours, 2 caterers at 4

hours each, a musician at 4 hours and a 4 persons for tear down at 4 hours each. This totals to 48 hours.)

Conditions

1. No limit on the number of events that have no more than ~~50~~ 100 people (or the occupancy limit of boathouse, whichever is less) in the boathouse with accessory use of deck and island.

2. Events between ~~50~~ 100 and ~~150~~ 200 persons are allowed two days in any one calendar month from April 1st thru October 31st. No events of persons between 100 and 200 persons is allowed between November 1st and March 31st.

3. Any outside music is not allowed to use speakers or other forms of amplification.

4. Any outdoor event must conclude by 11:00 p.m.

5. Fireworks are not allowed except on July 3rd and 4th.

6. The waiver for no more than two employed persons is approved with the condition that the total hours of all persons working on site for an event cannot total more that 80 hours in any one week. The applicant must provide a listing of all persons working on site and hours worked upon request of the County.

7. Provide a landscape plan that shows a 60% screen from the ground to 10 feet above the ground along the east property line.

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

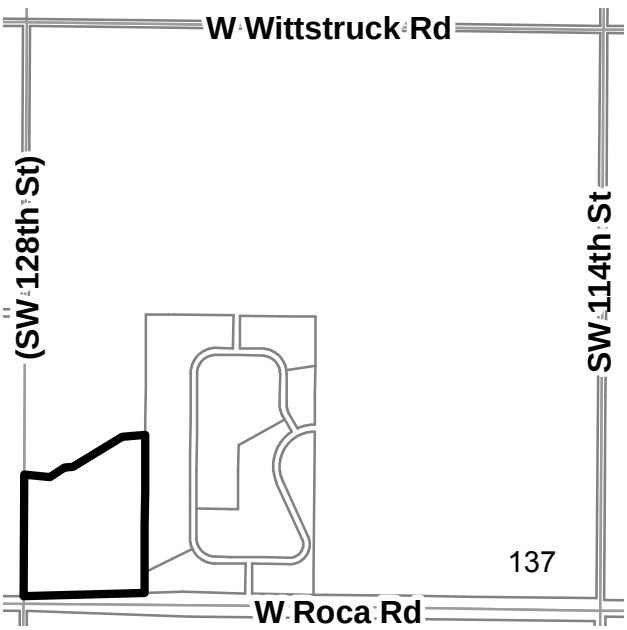
CONTACT: Same as applicant

F:\DevReview\SP\15000\SP15064 REVISED Avalon Event Paradise.tjc.wpd

2013 aerial

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

One Square Mile:
Sec.17 T08N R05E



Zoning:

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

Area of Application

Zoning Jurisdiction Lines

City of Lincoln Jurisdiction

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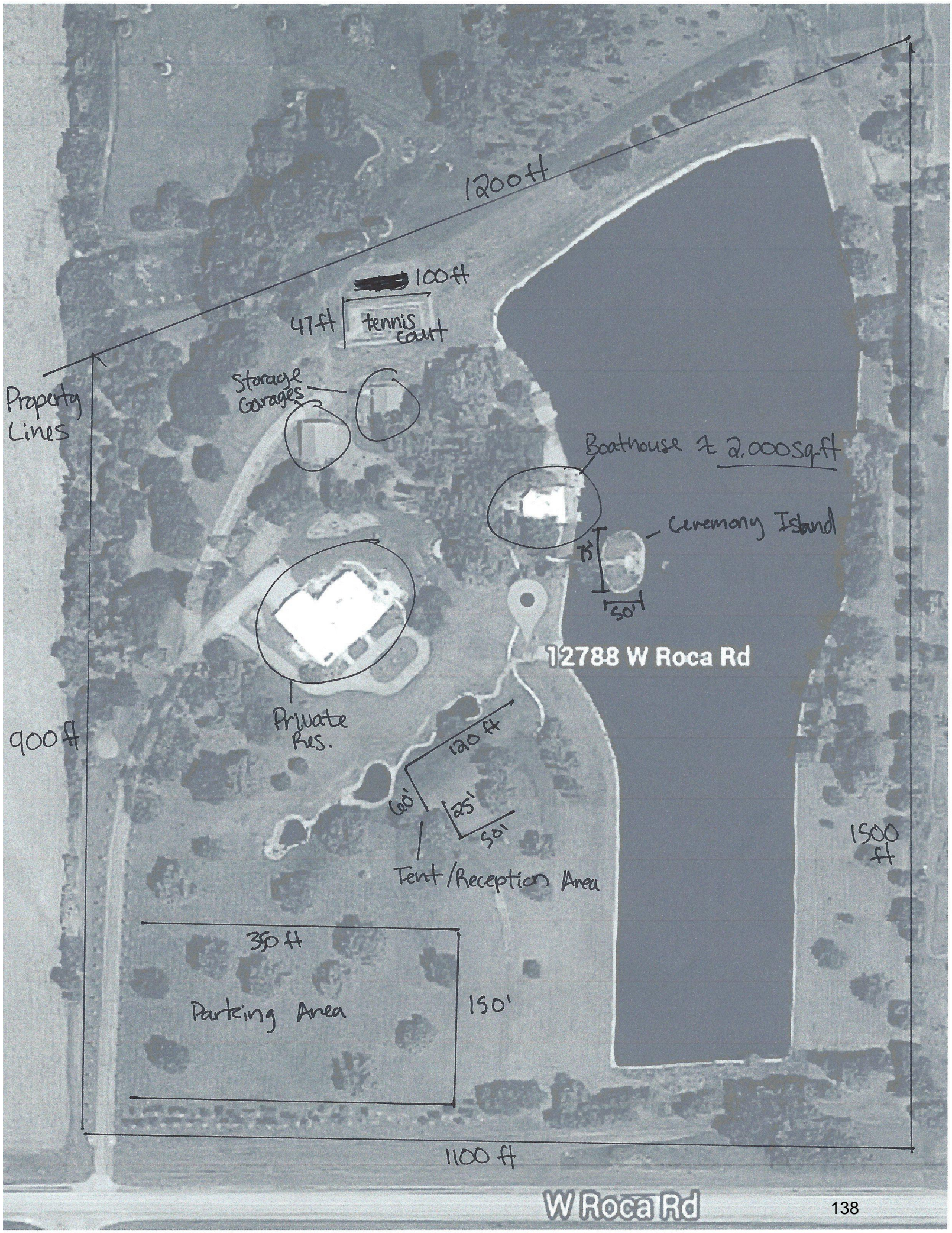
File: F:\DevReview\PlannerPacket\MXD\Agendadrawings.mxd (SP15064)


1200 ft
[redacted] 100 ft
47 ft
tennis court
Storage Garages
Property Lines
Boathouse ≈ 2,000 sq.ft
Ceremony Island
75'
50'
12788 W Roca Rd
Private Res.
900 ft
120 ft
60'
25'
50'
Tent/Reception Area
1500 ft
350 ft
Parking Area
150'
1100 ft
W Roca Rd

September 25, 2015

Lancaster County Planning Department:

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

Viann Martin

Tom J. Cajka

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

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

Thank you for your consideration.

Viann Martin
(Owner)

Sent from my iPad