

# **Lincoln City - Lancaster County**

## **PLANNING COMMISSION AGENDA**

### **PLANNING COMMISSION**

Dennis Scheer: Chair  
Tracy Corr: Vice-Chair  
Thomas Beckius  
Tracy Edgerton  
Deane Finnegan  
Maja V. Harris  
Chris Hove  
Cristy Joy  
Sandra Washington

### **PLANNING STAFF**

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

## **June 20, 2018**



**NOTICE:** The Lincoln/Lancaster County Planning Commission will hold a public hearing on Wednesday, June 20, 2018, at 1:00 p.m. in Hearing Room 112 on the first floor of the County-City Building, 555 S. 10<sup>th</sup> St., Lincoln, Nebraska. For more information, call the Planning Department, (402) 441-7491.

**\*\*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, JUNE 20, 2018

Approval of minutes of the regular meeting held June 6, 2018.

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

**CHANGE OF ZONE:**

Page  
01

1.1 Change of Zone No. 18019, from H-3 (Highway Commercial District) to R-2 (Residential District), on property generally located at 1340 Furnas Avenue.

**Staff recommendation: Approval**

**Staff Planner: Rachel Jones, 402-441-7603, [rjones@lincoln.ne.gov](mailto:rjones@lincoln.ne.gov)**

2. **REQUESTS AND 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 CONFORMANCE AND RELATED ITEMS:**

- Page 09  
4.1a Comprehensive Plan Conformance No. 18009, to review as to conformance with the 2040 Lincoln Lancaster County Comprehensive Plan, a request to declare approximately 13,163 square feet, more or less, of the Missouri Pacific Trail property as surplus, on property generally located between South 95th and South 97th Streets on the north side of "A" Street.  
**Staff recommendation: Conformance with the Comprehensive Plan**  
**Staff Planner: George Wesselhoft, 402-441-6366, [gwesselhoft@lincoln.ne.gov](mailto:gwesselhoft@lincoln.ne.gov)**
- Page 21  
4.1b Annexation No. 18001, for the annexation and development of approximately 103.07 acres, more or less, on property generally located at South 93rd Street and "A" Street.  
**Staff recommendation: Conditional Approval**  
**Staff Planner: George Wesselhoft, 402-441-6366, [gwesselhoft@lincoln.ne.gov](mailto:gwesselhoft@lincoln.ne.gov)**
- Page 21  
4.1c Change of Zone No. 18006, from AG (Agricultural District) to R-3 (Residential District), on property generally located at South 93rd Street and "A" Street.  
**Staff recommendation: Conditional Approval**  
**Staff Planner: George Wesselhoft, 402-441-6366, [gwesselhoft@lincoln.ne.gov](mailto:gwesselhoft@lincoln.ne.gov)**
- Page 37  
4.1d Special Permit No. 18021, for a CUP (Community Unit Plan) with 290 residential dwelling units on approximately 96.18 acres, with requested waivers, on property generally located at South 93rd Street and "A" Street.  
**\*\*FINAL ACTION\*\***  
**Staff recommendation: Conditional Approval**  
**Staff Planner: George Wesselhoft, 402-441-6366, [gwesselhoft@lincoln.ne.gov](mailto:gwesselhoft@lincoln.ne.gov)**
- Page 59  
4.2 Comprehensive Plan Conformance No. 18013, to review as to conformance with the Lincoln Lancaster 2040 Comprehensive Plan, a request to declare Lincoln Electric System property as surplus, generally located at 1040 O Street.  
**Staff recommendation: Conformance, Subject to Conditions**  
**Staff Planner: George Wesselhoft, 402-441-6366, [gwesselhoft@lincoln.ne.gov](mailto:gwesselhoft@lincoln.ne.gov)**

##### **ANNEXATION AND RELATED ITEM:**

- Page 69  
4.3a Annexation No. 18004, to annex approximately 42.49 acres, more or less, on property generally located at the SW corner of West Old Cheney Road and West Folsom Street.  
**Staff recommendation: Conditional Approval**  
**Staff Planner: Dessie Redmond, 402-441-6373, [dredmond@lincoln.ne.gov](mailto:dredmond@lincoln.ne.gov)**
- Page 69  
4.3b Change of Zone No. 18017, from AG (Agricultural District) to R-3 (Residential District), on property generally located at the SW corner of West Old Cheney Road and West Folsom Street.  
**Staff recommendation: Approval**  
**Staff Planner: Dessie Redmond, 402-441-6373, [dredmond@lincoln.ne.gov](mailto:dredmond@lincoln.ne.gov)**

**5. CONTINUED PUBLIC HEARING AND ADMINISTRATIVE ACTION:**

**CHANGE OF ZONE AND RELATED ITEMS:**

- Page 83  
5.1a Change of Zone No. 18014, From R-2 (Residential District) To R-3 (Residential District), on property generally located at SW 17th and West B Streets.  
**Staff recommendation: Approval**  
**Staff Planner: Dessie Redmond, 402-441-6373, [dredmond@lincoln.ne.gov](mailto:dredmond@lincoln.ne.gov)**
- Page 91  
5.1b Special Permit No. 18019, for 21 dwelling units with a CUP (Community Unit Plan), on property generally located at SW 17th and West B Streets.  
**\*\*FINAL ACTION\*\***  
**Staff recommendation: Conditional Approval**  
**Staff Planner: Dessie Redmond, 402-441-6373, [dredmond@lincoln.ne.gov](mailto:dredmond@lincoln.ne.gov)**
- Page 103  
5.1c Street and Alley Vacation No. 18002, to vacate approximately 50 by 40 feet of the West B Street right-of-way, generally located at SW 17th and West B Streets.  
**Staff recommendation: Conformance with the Comprehensive Plan**  
**Staff Planner: Dessie Redmond, 402-441-6373, [dredmond@lincoln.ne.gov](mailto:dredmond@lincoln.ne.gov)**

**6. COUNTY PUBLIC HEARING AND ADMINISTRATIVE ACTION:**

**COUNTY SPECIAL PERMIT:**

- Page 113  
6.1 County Special Permit No. 18025, for the construction of a commercial feedlot, on property generally located at 13350 West Wittstruck Road. **\*\*FINAL ACTION\*\***  
**Staff recommendation: Conditional Approval**  
**Staff Planner: Tom Cajka, 402-441-5662, [tcajka@lincoln.ne.gov](mailto:tcajka@lincoln.ne.gov)**

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

\*\*\*\*\*

**Adjournment:**

**PENDING LIST:**

Change of Zone No. 18013, from AGR (Agricultural Residential) to O-3 (Office Park District), on property generally located at 8435 Firethorn Lane.  
**Staff Planner: Brian Will, 402-441-6362, [bwill@lincoln.ne.gov](mailto:bwill@lincoln.ne.gov)**

Use Permit No. 107F, to expand the use permit by approximately 1.12 acres for an additional 13,400 square feet of commercial floor area, on property legally generally located at 8435 Firethorn Lane. **\*\*FINAL ACTION\*\***  
**Staff Planner: Brian Will, 402-441-6362, [bwill@lincoln.ne.gov](mailto:bwill@lincoln.ne.gov)**

## Planning Department Staff Contacts:

David Cary, <i>Director</i> .....	402-441-6364	<a href="mailto:dcary@lincoln.ne.gov">dcary@lincoln.ne.gov</a>
Stephen Henrichsen, <i>Development Review Manager</i> .....	402-441-6374	<a href="mailto:shenrichsen@lincoln.ne.gov">shenrichsen@lincoln.ne.gov</a>
Paul Barnes, <i>Long Range Planning Manager</i> .....	402-441-6372	<a href="mailto:pbarnes@lincoln.ne.gov">pbarnes@lincoln.ne.gov</a>
Collin Christopher, <i>Planner</i> .....	402-441-6372	<a href="mailto:cchristopher@lincoln.ne.gov">cchristopher@lincoln.ne.gov</a>
Michael Brienzo, <i>Transportation Planner</i> .	402-441-6369	<a href="mailto:mbrienzo@lincoln.ne.gov">mbrienzo@lincoln.ne.gov</a>
Tom Cajka, <i>Planner</i> .....	402-441-5662	<a href="mailto:tcajka@lincoln.ne.gov">tcajka@lincoln.ne.gov</a>
Stacey Groshong Hageman, <i>Planner</i> ...	402-441-6361	<a href="mailto:slhageman@lincoln.ne.gov">slhageman@lincoln.ne.gov</a>
Rachel Jones, <i>Planner</i> ..	402-441-7603	<a href="mailto:rjones@lincoln.ne.gov">rjones@lincoln.ne.gov</a>
Dessie Redmond, <i>Planner</i> .....	402-441-6373	<a href="mailto:dredmond@lincoln.ne.gov">dredmond@lincoln.ne.gov</a>
Andrew Thierolf, <i>Planner</i> .....	402-441-6371	<a href="mailto:athierolf@lincoln.ne.gov">athierolf@lincoln.ne.gov</a>
George Wesselhoft, <i>Planner</i> .....	402-441-6366	<a href="mailto:gwesselhoft@lincoln.ne.gov">gwesselhoft@lincoln.ne.gov</a>
Brian Will, <i>Planner</i> .....	402-441-6362	<a href="mailto:bwill@lincoln.ne.gov">bwill@lincoln.ne.gov</a>
Kellee Van Bruggen, <i>Transportation Planner</i> .....	402-441-6363	<a href="mailto:kvanbruggen@lincoln.ne.gov">kvanbruggen@lincoln.ne.gov</a>
Ed Zimmer, <i>Historic Preservation Planner</i> .	402-441-6360	<a href="mailto:ezimmer@lincoln.ne.gov">ezimmer@lincoln.ne.gov</a>

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**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.**

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

### **ACCOMMODATION NOTICE**

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

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

FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER Change of Zone #18019	FINAL ACTION? No	OWNER Steven and Sara Schott
PLANNING COMMISSION HEARING DATE June 20, 2018	RELATED APPLICATIONS None	PROPERTY ADDRESS 1430 Furnas Avenue

**RECOMMENDATION: APPROVAL**

**BRIEF SUMMARY OF REQUEST**

This is a request for a change of zone from H-3 Highway Commercial District to R-2 Residential District over one property comprised of two lots. This change of zone would make the existing single family dwelling a conforming use.



**JUSTIFICATION FOR RECOMMENDATION**

The proposed change of zone conforms to the intent of the 2040 Comprehensive Plan. Although new residential zoning would be created within 300 feet of industrial zoning, it would allow an existing condition to continue that matches the overall zoning and land use pattern of the block and neighborhood.

**APPLICATION CONTACT**

Steven and Sara Schott, (402) 476-2064 or [sschott@neb.rr.com](mailto:sschott@neb.rr.com)

**STAFF CONTACT**

Rachel Jones, (402) 441-7603 or [rjones@lincoln.ne.gov](mailto:rjones@lincoln.ne.gov)

**COMPATIBILITY WITH THE COMPREHENSIVE PLAN**

The future land use map designates this property and the block face fronting N. 14<sup>th</sup> Street to the south for commercial uses. The future land use reflects the existing zoning in this area. This change of zone is supported by several goals of the Comprehensive Plan including the preservation of existing housing in established neighborhoods.

## KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

P. 12.3 - this site is shown as future commercial on the 2040 Lincoln Area Future Land Use Plan.

P. 12.4 - Commercial. Areas of retail, office, service and residential mixed uses. Commercial uses may vary widely in their intensity of use and impact. Individual areas designated as commercial in the land use plan may not be appropriate for every commercial zoning district.

P. 5.17 - There are considerations for industrial uses in regard to the potential impact on adjacent property. In 2005, a Joint Committee of the Board of Health and Planning Commission began to meet regularly to discuss issues of common interest; including industrial land uses that use and store hazardous materials. The Joint Committee developed reports called Use and Storage of Hazardous Materials and Pipelines Carrying Hazardous Materials.

P. 5.18 - Public Health & Safety Measures: Industrial zoning districts should be primarily for industrial uses. Risk Reduction: In areas where industrial and residential uses are already close, efforts should focus on changes in the quantity and type of hazardous materials used and on increasing the distance between where hazardous materials are stored and residential districts. Notification: Persons living in close proximity to businesses with hazardous materials should be notified of the hazards.

P. 7.1 - In existing neighborhoods, preservation, maintenance, and rehabilitation of existing housing should continue to be the focus.

P. 7.2 - Neighborhoods & Housing Guiding Principles

- Promote sustainability and resource conservation by preserving and improving housing in existing neighborhoods.
- Distribute and preserve affordable housing throughout the community to be near job opportunities and to provide housing choices within existing and developing neighborhoods.
- Make available a safe residential dwelling for all citizens.
- Provide a wide variety of housing types and choices for an increasingly diverse and aging population.
- Strive for predictability for neighborhoods and developers for residential development and redevelopment.

## ANALYSIS

1. This is a request for a change of zone from H-3 Highway Commercial District to R-2 Residential District over one lot with an existing single family dwelling.
2. The use of the property as a dwelling makes it a legal nonconforming use because housing is not a permitted use in the H-3 district. This change of zone would cause the house to become a conforming use. Under R-2 zoning, the owners could rebuild by right in conformance with the R-2 setbacks if the home were significantly damaged.

Section 27.61.050 states: **“When the use of a building is nonconforming as defined in this chapter and such a building is damaged by a fire, explosion, act of God, or the public enemy to the extent of more than sixty percent of its fair market value, it shall not be restored except in conformity with the regulations of the district in which the building is located, or in conformance with the provisions of Chapter 27.75 [approval by the Board of Zoning Appeals], Section 27.63.280 [the Special Permit for Expansion of Nonconforming Uses], or this chapter.”**

3. The house was constructed in 1930. The H-3 zoning on this property and the property to the south were likely rezoned from residential to H-3 prior to 1979. The O-2 zoning one block to the south at N. 14<sup>th</sup> Street and Garber Avenue was approved in 1990 with Change of Zone #1694. The lot to the west was originally included in the H-3 boundary but was re-zoned to R-2 in 1990 with Change of Zone #2533.
4. The future land use map in the 2040 Comprehensive Plan designates this property and the block face fronting N. 14<sup>th</sup> Street to the south for commercial uses. All other frontage on the west side of N. 14<sup>th</sup> Street between Cornhusker Highway and Superior Street is zoned and designated for residential uses except for the two schools and cemetery. The future land use in this area follows the existing zoning pattern and should not serve as the sole

guide for determining the appropriateness of the proposed change of zone. The other applicable sections of the Comprehensive Plan listed above provide the best guidance in this case.

The Comprehensive Plan supports the preservation of existing housing and neighborhoods. With regards to areas where industrial and residential uses are already close, the plan states that efforts should focus on tracking changes in the quantity and type of hazardous materials used in the industrial area and on increasing the distance between hazardous materials storage and residential districts.

5. New industrial zoning is generally discouraged within 300 feet of residential zoning. There is an existing condition wherein I-1 zoning is located approximately 260 feet to the east across N. 14<sup>th</sup> Street. This lot does not have sufficient area to construct a duplex by right under R-2 zoning, which limits the potential density. The Lincoln-Lancaster County Health Department reviewed this application and recommends approval of this change of zone. The LLCHD has historically advocated against locating residential zoning within 300 feet of industrial zoning. However, the LLCHD supports this change of zone because of the existing residential use and the fact that there is limited potential to increase the residential density on this parcel.
6. R-2 zoning is appropriate in this location. This property is an existing single family dwelling that was made nonconforming through a zoning action several decades ago. The future land use is a reflection of the existing zoning pattern which included several piecemeal changes of zone along N. 14<sup>th</sup> Street from residential to commercial. The H-3 zoning does not reflect an intent to phase out an inappropriate use as might be the case in other locations. This change of zone will make the existing house a conforming use and will not cause any properties to become nonconforming.

**EXISTING LAND USE & ZONING:** Single family dwelling; H-3

**SURROUNDING LAND USE & ZONING**

North: Single family dwelling; R-2  
South: Motorized vehicle sales; H-3  
East: Commercial; H-3  
West: Two-family dwelling; R-2

**APPLICATION HISTORY**

April 1887 The Belmont Addition to Lincoln final plat was approved.  
1909 This property was annexed into the City limits.  
1930 The existing house was built.  
May 1979 This property was likely re-zoned from A-2 Single Family Dwelling District to H-2 Highway Commercial District prior to 1979 but a record of the action could not be located. This property was zoned H-2 at the time of the May 1979 zoning update. The zoning was changed to H-3 Highway Commercial District with the update.

**APPROXIMATE LAND AREA:** 0.20 acres, more or less

**LEGAL DESCRIPTION:** Lots 43-44, Block 6, Belmont Addition, located in the NE ¼ of Section 14-10-6, Lincoln, Lancaster County, Nebraska.

Prepared by

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Rachel Jones, Planner

Date: June 14, 2018

Applicant/Owner: Steven and Sara Schott  
1340 Furnas Avenue  
Lincoln, NE 68521  
(402) 476-2064  
[sschott@neb.rr.com](mailto:sschott@neb.rr.com)

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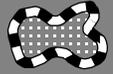
2016 aerial

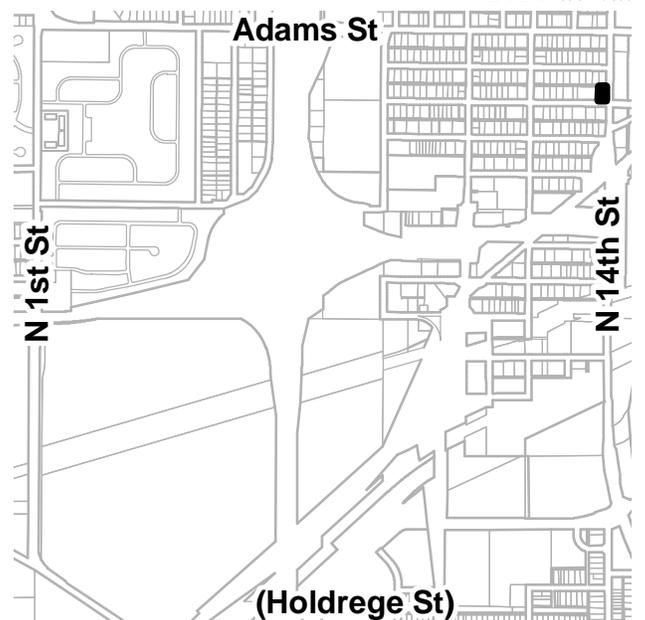
**Change of Zone #: CZ18019 (H-3 to R-2)  
N 14th St & Furnas Av**

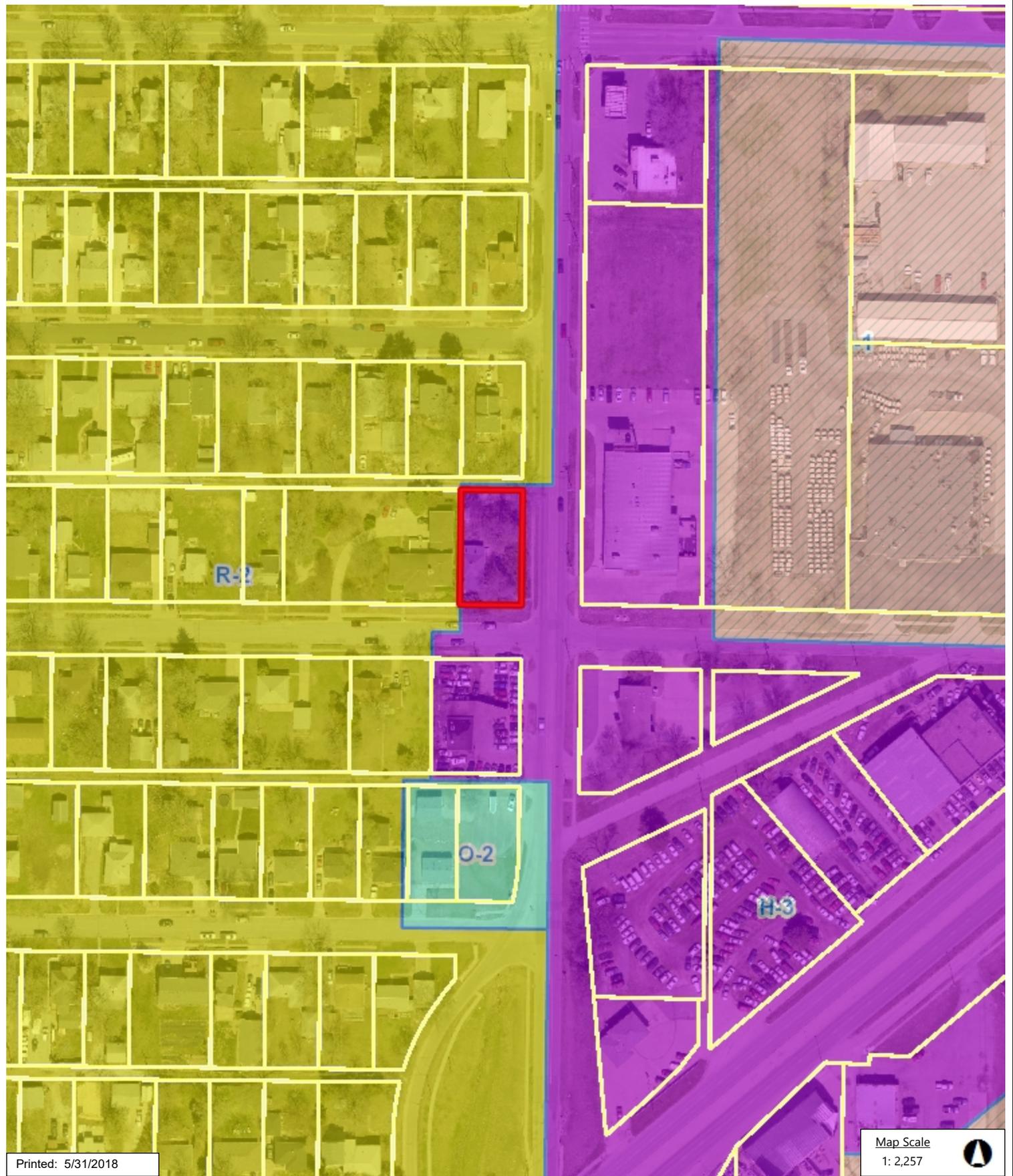
**Zoning:**

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

One Square Mile:  
Sec.14 T10N R06E

	Area of Application
	Zoning Jurisdiction Lines
	Lancaster County Jurisdiction





Printed: 5/31/2018

Map Scale  
1: 2,257



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 [assessor@lancaster.ne.gov](mailto:assessor@lancaster.ne.gov) and you will be directed to the appropriate department.

1340 Furnas Avenue  
Lincoln, Nebraska 68521

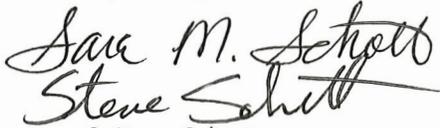
May 15, 2018

Dear Members of the Planning Commission,

We are writing to request a change of zoning for our residence at 1340 Furnas Avenue. We bought the property nearly 22 years ago, with a zoning of H-3. At the time, we had no trouble with getting a mortgage written for the property.

When we tried to refinance our mortgage, we were unable to do so because of the zoning. Banks would not write a new mortgage with the H-3 zoning. Our family has completely outgrown the house, and we need to move. In order to sell the house without complications, we request that it be rezoned to R-2. This would match all the other residences on the block.

Thank you for your consideration.

  
Sara & Steve Schott



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

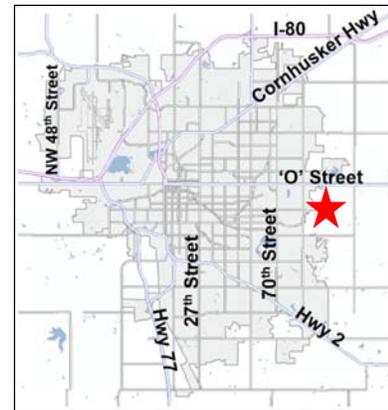
FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER Comprehensive Plan Conformance #18009	FINAL ACTION? No	DEVELOPER/OWNER City of Lincoln
PLANNING COMMISSION HEARING DATE June 20, 2018	RELATED APPLICATIONS AN18001, CZ18006, SP18021	PROPERTY ADDRESS/LOCATION Generally between 95th and 97th Street north of A Street

**RECOMMENDATION: IN CONFORMANCE WITH THE COMPREHENSIVE PLAN**

**BRIEF SUMMARY OF REQUEST**

The City is requesting the declaration of surplus property for 13,163 square feet of the MoPac Trail Corridor between S. 95th Street and S. 97th Street on the north side of A Street. This is an existing off street multiuse trail system identified in the Comprehensive Plan as a pedestrian/bike facility. The trail occupies the former right of way of the Missouri Pacific Railroad. The surplus designation will allow the developer of the Hillcrest Community Unit Plan to provide adequate drainage for the property. In exchange for this surplus property, the developer will be dedicating a similar area between the vacation area and S. 98th Street to provide for future trail corridor. This proposal will maintain the existing trail. This request seeks to find conformance with the Comprehensive Plan to declare the property as surplus.



**JUSTIFICATION FOR RECOMMENDATION**

The City acquired this property as part of an agreement with the Lower Platte South Natural Resources District which recognized the transitioning of the trail from rural to urban as the City of Lincoln continues to grow. The related application for the Hillcrest Community Unit Plan will include maintaining connectivity for the existing trail system to the west and east. There has been no opposition to the sale of the property by any departments or public agencies.

**APPLICATION CONTACT**  
Sara Hartzell, (402) 441-8261 or  
[shartzell@lincoln.ne.gov](mailto:shartzell@lincoln.ne.gov)

**STAFF CONTACT**  
George Wesselhoft, (402) 441-6366, or  
[gwesselhoft@lincoln.ne.gov](mailto:gwesselhoft@lincoln.ne.gov)

**COMPATIBILITY WITH THE COMPREHENSIVE PLAN**

This declaration of surplus property conforms to the Comprehensive Plan. Existing and future trail connectivity will be maintained with as part of the proposal.

**ANALYSIS**

1. This is a request to find in conformance with the Comprehensive Plan the surplus of approximately 13,163 square feet of MoPac Trail corridor between S. 95th Street and S. 97<sup>th</sup> Street on the north side of A Street (See attached Trade Parcel 2) in exchange for a property trade of equal size (See attached Trade Parcel 1). The MoPac Trail property was acquired through agreement with the Lower Platte South Natural Resources District (NRD) as the need to transition from a rural to urban trail was identified. The current use of the property was established after the former railroad right of way was vacated and transferred to the Lower Platte South NRD who constructed the trail.
2. The surplus of this parcel is related to the proposed Hillcrest Development Annexation, Change of Zone and Special Permit Applications (AN18001, CZ18006, and SP18021). In exchange for this surplus property, the developer will be dedicating a similar area between the vacation area and S. 98<sup>th</sup> Street to provide for future trail corridor. The Comprehensive Plan identifies this as an off street multiuse trail.
3. The developer attended several Great Plains Bicycling Club (GPBC) and the Mayor’s Pedestrian/Bicycle Advisory Committee (PBAC) meetings starting months before application submittal to discuss the development plans and listen to issues and concerns. The developer has also worked closely with the Parks and Recreation Department. The proposal was reviewed and received recommendation from PBAC with conditions as described in the minutes of their December 12, 2017 meeting (See attached minutes). Previous planning had called for the relocation of the trail such that it would have extended along the development’s west property line and then east along A Street. However, after further review the developer is no longer proposing trail relocation but instead the small property trade of equal size.
4. Ownership of the parcel will allow the developer of the Hillcrest Community Unit Plan to provide adequate drainage for their property while maintaining the existing trail. The surplus area is excess width that does not benefit the trail. This area represents a small percentage of the property which was originally considered for surplus. In exchange for the surplus property, the developer will be dedicating an area of similar size along the North side of A Street. This will allow for the trail east of the existing A Street crossing to have a wider route upon relocation from the south side of A Street to the north side of the street in the future.
5. This request is to declare 13,163 square feet of the MoPac Trail as surplus. There has been no opposition to the surplus of the property by any other departments or public agencies. The request is consistent with the Comprehensive Plan.

**EXISTING LAND USE & ZONING:** Trail/AG Agricultural

**APPROXIMATE LAND AREA:** 13,163 square feet

**LEGAL DESCRIPTION:**

A portion of vacated Missouri Pacific Railroad Right-of-way, located in the SE 1/4 of Section 26-10-7, Lincoln, Lancaster County, Nebraska

Prepared by

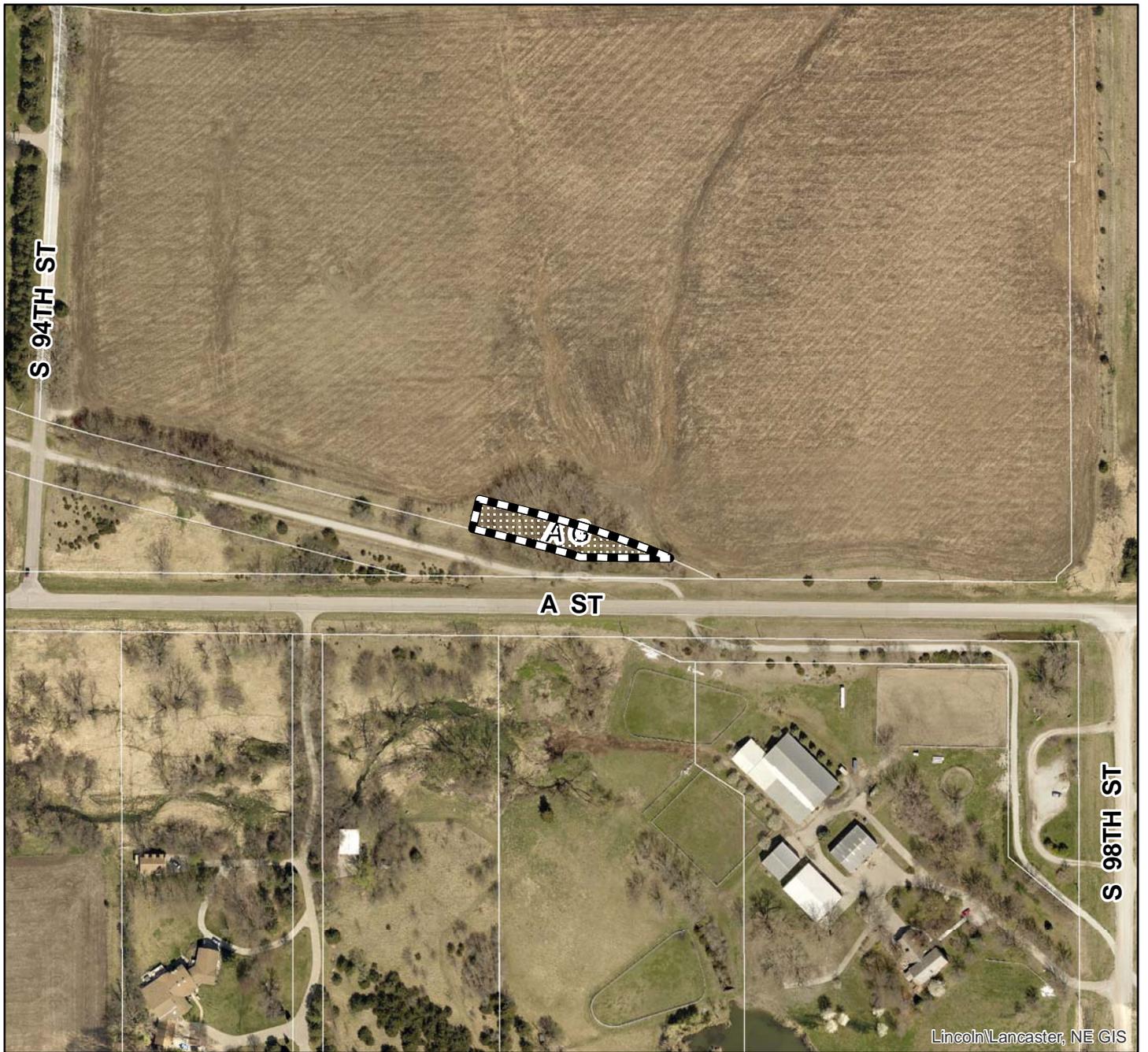
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George Wesselhoft, Planner  
(402) 441-6366 or [gwesselhoft@lincoln.ne.gov](mailto:gwesselhoft@lincoln.ne.gov)  
Date: June 7, 2018

Applicant/Owner: City of Lincoln - Parks and Recreation Department  
3131 O Street, Suite 300  
Lincoln, NE 68510

Contact: Sara Hartzell  
City of Lincoln - Parks and Recreation Department  
3131 O Street, Suite 300  
Lincoln, NE 68510  
(402) 441-8261 or [shartzell@lincoln.ne.gov](mailto:shartzell@lincoln.ne.gov)

CPC18009 MoPac Trail.gjw.docx



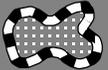
2016 aerial

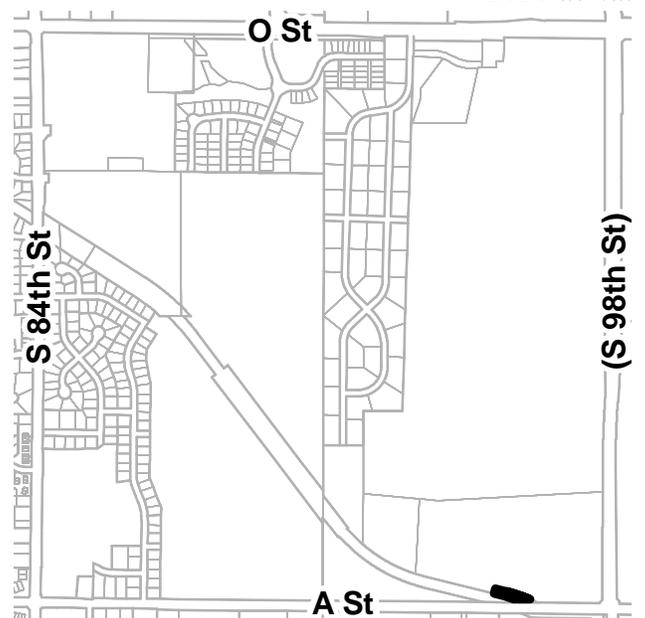
**Comp Plan Conformance #: CPC18009**  
**S 93rd St & A St**

**Zoning:**

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

One Square Mile:  
 Sec.26 T10N R07E

	Area of Application
	Zoning Jurisdiction Lines
	Lancaster County Jurisdiction





LINCOLN PARKS & RECREATION DEPARTMENT  
3130 "O" Street, Suite 300, Lincoln, NE 68510-1514  
402-441-7847 fax: 402-441-9249 lincoln.ne.gov

David Cary, Director  
Lincoln and Lancaster County Planning Department  
555 S. 10<sup>th</sup> St.  
Lincoln, NE 68508

Dear David,

Please accept this application for a finding of Conformity with the Lincoln and Lancaster County Comprehensive Plan for the surplus of 0.30 acres of the MoPac Trail corridor between about S. 91<sup>st</sup> Street and A Street. This application has received review and recommendation from the Mayor's Pedestrian Bicycle Advisory Committee (PBAC), with conditions as described in the minutes of their December 12, 2017, meeting minutes.

The area to be surplus represents a small percentage of the property which was originally considered for surplus. Ownership of this 0.30 acre parcel will allow the developer of the Hillcrest CUP provide adequate drainage for the property. In exchange for this surplus property, the developer will be dedicating a similar area between the vacation and S. 98<sup>th</sup> Street to provide for future trail corridor.

Sincerely,

A handwritten signature in blue ink that reads "Lynn Johnson".

Lynn Johnson, Director  
Lincoln Park and Recreation



**Pedestrian Bicycle Advisory Committee**  
Minutes from December 12, 2017  
Health Dept. Building – 3140 O Street

**Members Present:** Gary Bentrup, Parks Coble, Rick Dockhorn, Barb Fraser, Elaine Hammer, Jordan Messerer, Dalyce Ronnau, Susan Larson Rodenburg, Delrae Hirschman, Luke Pitts, Michael Wylie

**Guests:** Chris St. Pierre, Mary Amen.

**Staff Present:** J.J. Yost, Sara Hartzell, Lynn Johnson, Michele Jordan, Kellee Van Bruggen, Mike Hyle, Paul Zillig, Mark Lutjeharms

**Call to Order**

Chair Jordan Messerer called the meeting to order at 7:00 a.m., followed by announcement recognizing regulations of the Open Meetings Act as posted on the wall and introduction of everyone present at meeting.

**Minutes:**

Approval of the November 14, 2017 minutes: moved by Dalyce Ronnau and second Parks Coble, unanimous approval. Motion was approved by Elaine & Delrae of changes via Hartzell regarding Billy Wolff and Boosalis trail pieces have been completed listed on appreciate opportunity handout.

**Staff Reports:**

Hartzell spoke with Watershed Management who are putting together their bid package for the work under the Penny Bridges. Anticipate Spring construction. Approximately one month of work. Will have alternative routes open. Hartzell also stated continued work on 84<sup>th</sup> & Old Cheney, no construction date yet. New driveway at Mahoney Dog Park with a rerouted crossing. Should be safer crossing for pedestrians and cyclists. Salt Creek Trail from 14<sup>th</sup> Street along Oak Creek and then along Salt Creek to 27<sup>th</sup>. Also continued work on the Rosa Parks underpass of the RR tracks.

Bike Share will be opening in April. May have Open House mid-February. All sites are selected and construction will begin in February.

New campus routes along 16<sup>th</sup> and 17<sup>th</sup> are a learning curve. Using some new “Yield to Pedestrian” signage. Traffic engineering is work to develop some criteria for traffic control devices and what is appropriate where.

Much discussion regarding crosswalks where RRFBs are used. Many options still on the table and open for discussion. Changes made during specific time periods will delay the pedestrians a short while if traffic is heavy.

**Old Business:** Hartzell made a presentation of the changes being discussed at 98<sup>th</sup> and A Street, sharing the same presentation as was shared with the GPTN Board and some PBAC members last week. That meeting did not include enough members of either group to take action, however, a vote was taken and a recommendation made to PBAC for consideration today. Went through the items that group discussed as being what they would want to see in order not to object to it.

1. Make sure the space between ROW and lot lines is at least 50 feet
2. Provide a 30 foot wide easement to provide for possible future side path
3. Additional landscaping with conifers to provide screening, berms where possible
4. Pave from 84<sup>th</sup> to 98<sup>th</sup>
5. Provide a permanent trail counter

PBAC action today will be forwarded by Parks and Recreation to the Planning Department to become of the official report.

Comparable trail segments were discussed that may have similar corridor width to what is being proposed by the developer. Aerials were used to show trails through the Preserve at Antelope Creek south of Lucille Drive and north of Phares Park. Also the Williamsburg Trail south of Williamsburg Drive. Discussion of fencing that the development would be allowed to have and the ability of the City to require landscaping. Discussion also of the general character and feel of the land uses on either side. There is a need to make certain all of the requirements are clearly communicated and are of record in the ordinance for the development. Parks would have to be part of the review process for any changes that may be made in the future.

Discussion of process for the developer going forward to the Planning Commission and City Council. Additions to the five conditions made by the earlier group – Add all neighborhood connections to the trail on the plans, and Parks is to review any changes to the plans. Johnson discussed the opportunity to use the full corridor and pull the trail south of the lot lines a bit and remove the required 5 foot sidewalk. This will allow landscaping on both sides of the trail and have a nicer corridor. Add that as a condition – remove the sidewalk and move the trail far enough south that we can get landscaping on both sides. Add that consideration of table-tops, signage and markings at all the crossings to prioritize the trail. The eight conditions are reordered and listed below.

1. Remove sidewalk along north side of A Street, set the trail further south from the back of the lots and use evergreens and berming to screen the trail from both the lots and streets. The trail corridor should be no less than 50 feet wide.
2. Provide a 30 foot wide easement to provide for possible future side path
3. Show all connections to be made to neighborhood sidewalks or trails
4. Show the crossing of A St., which may temporarily be located at about 96<sup>th</sup> Street, as well as the future 98<sup>th</sup> St. crossing.
5. Consider special design features, such as speed tables and special markings or signage, to be used at crossings.
6. Pave from 84<sup>th</sup> to 98<sup>th</sup>
7. Provide a permanent trail counter
8. Parks is to review any changes that might impact the trail, preference would be for any of these changes to come before the PBAC

Motion to support the development should these conditions be met made by Hammer and seconded by Hirschman, approved 10-0

The PBAC appreciates the opportunity to work with the developer on this project.

Need to continue the discussions with the County Engineer about the safety of the crossing of 98<sup>th</sup> Street.

#### **New Business:**

2018 Officers Nomination and Vote. Nomination of current officers – Jordan Messerer, Chair, Susan Larson Rodenburg, Vice-Chair – was made by Bentrup and seconded by Hammer, approved 10 – 0.

#### **Adjourn:**

Meeting adjourned at 8:15

DWG: F:\2016\3001-3500\016-3109\40-Design\Survey\SRVY\Final Plats\Drawings\016-3109\_Park Trail Property Trade.dwg  
 DATE: May 16, 2018 3:51pm  
 USER: mjohnson  
 XREFS:

## LEGAL DESCRIPTION PARK TRAIL PROPERTY TRADE PARCEL 1

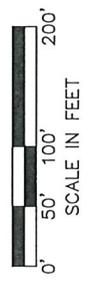
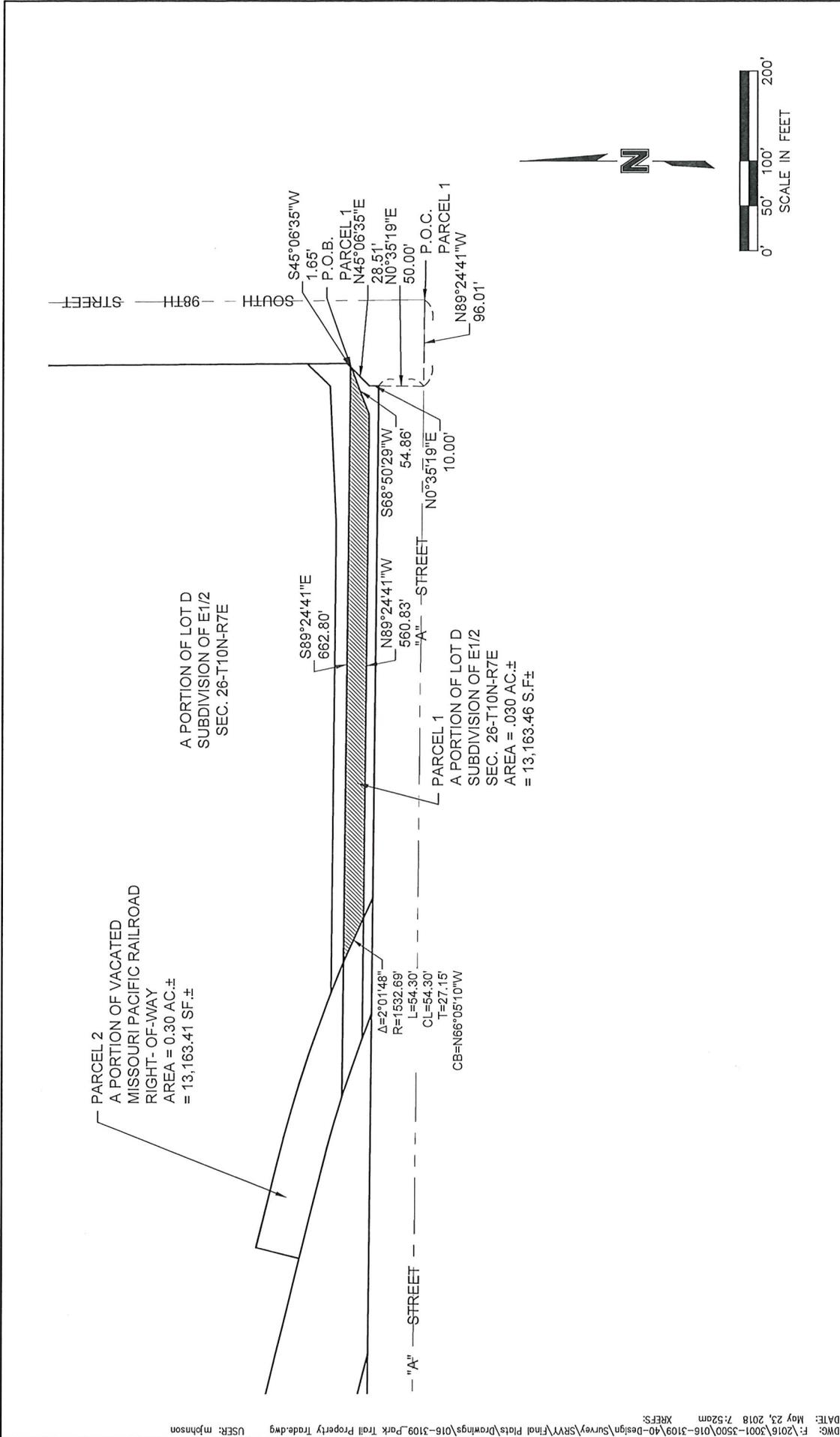
A TRACT OF LAND COMPOSED OF A PORTION OF LOT D, SUBDIVISION OF THE EAST ONE HALF OF SECTION 26, TOWNSHIP 10 NORTH, RANGE 7 EAST OF THE 6TH P.M. LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER OF SECTION 26, TOWNSHIP 10 NORTH, RANGE 7 EAST OF THE 6TH P.M.; THENCE WESTERLY ON THE SOUTH LINE OF SAID SOUTHEAST QUARTER ON AN ASSUMED BEARING OF N89°24'41"W, A DISTANCE OF 96.01' TO A POINT; THENCE N00°35'19"E, A DISTANCE OF 50.00' TO THE SOUTHEAST CORNER OF THE REMAINING PORTION OF LOT D, SUBDIVISION OF THE EAST ONE HALF OF SECTION 26, TOWNSHIP 10 NORTH, RANGE 7 EAST OF THE 6TH P.M., SAID POINT BEING ON A NORTH RIGHT-OF-WAY LINE OF "A" STREET, AND ON A WEST RIGHT-OF-WAY LINE OF SOUTH 98TH STREET; THENCE CONTINUING N00°35'19"E ON A EAST LINE OF SAID LOT D, AND ON A WEST LINE OF SAID SOUTH 98TH STREET RIGHT-OF-WAY, A DISTANCE OF 10.00' TO A POINT; THENCE N45°06'35"E, ON A SOUTHEAST LINE OF SAID LOT D, SAID LINE BEING A NORTHWEST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 28.51' TO **THE TRUE POINT OF BEGINNING**; THENCE S68°50'29"W, A DISTANCE OF 54.86' TO A POINT LOCATED 60.00' NORTH OF THE SOUTH LINE OF SAID SOUTHEAST QUARTER; THENCE N89°24'41"W, ON A LINE 60.00' NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 560.83' TO A POINT OF INTERSECTION WITH A NORTH LINE OF VACATED MISSOURI PACIFIC RAILROAD RIGHT-OF-WAY, SAID POINT BEING A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 02°01'48", A RADIUS OF 1,532.69', AN ARC LENGTH OF 54.30' ON A NORTH LINE OF SAID VACATED RAILROAD RIGHT-OF-WAY, A CHORD LENGTH OF 54.30', A TANGENT LENGTH OF 27.15', AND A CHORD BEARING OF N66°05'10"W TO A POINT LOCATED 81.50' NORTH OF THE SOUTH LINE OF SAID SOUTHEAST QUARTER; THENCE S89°24'41"E, ON A LINE LOCATED 81.50' NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 662.80' TO A POINT OF INTERSECTION WITH A SOUTHEAST LINE OF SAID LOT D, SAID POINT BEING ON A NORTHWEST RIGHT-OF-WAY LINE OF SOUTH 98TH STREET; THENCE S45°06'35"W, ON A SOUTHEAST LINE OF SAID LOT D, SAID LINE BEING A NORTHWEST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 1.65' TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA 13,163.46 SQUARE FEET OR 0.30 ACRES, MORE OR LESS.

Wednesday, May 16, 2018

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PROJECT NO: 016-3109	<b>PARK TRAIL PROPERTY TRADE PARCEL 1</b>		601 P Street, Suite 200 P.O. Box 84608 Lincoln, NE 68508 TEL 402.474.6311 FAX 402.474.5160	EXHIBIT
DRAWN BY: MRJ			A	
DATE: MAY 16TH, 2018				



DWG: F:\2016\3001-3500\016-3109\40-Design\Survey\SRVY\Final\Plats\Drawings\016-3109\_Park Trail Property Trade.dwg  
 USFR: mjohnson  
 DATE: May 23, 2018 7:52am XREFS:

PROJECT NO: 016-3109	<b>OLSSON</b> ASSOCIATES	EXHIBIT
DRAWN BY: MRJ		B
DATE: MAY 23RD, 2018		
PARK TRAIL PROPERTY TRADE PARCEL 1		

USER: mjohnson  
 DWG: F:\2016\3001-3500\016-3109\40-Design\Survey\SRVY\Final Plats\Drawings\016-3109\_Park Trail Property Trade.dwg  
 DATE: May 16, 2018 4:39pm  
 XREFS:

**LEGAL DESCRIPTION**  
**PARK TRAIL PROPERTY**  
**TRADE PARCEL 2**

A TRACT OF LAND COMPOSED OF A PORTION OF VACATED MISSOURI PACIFIC RAILROAD RIGHT-OF-WAY, LOCATED IN THE SOUTHEAST QUARTER OF SECTION 26, TOWNSHIP 10 NORTH, RANGE 7 EAST OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

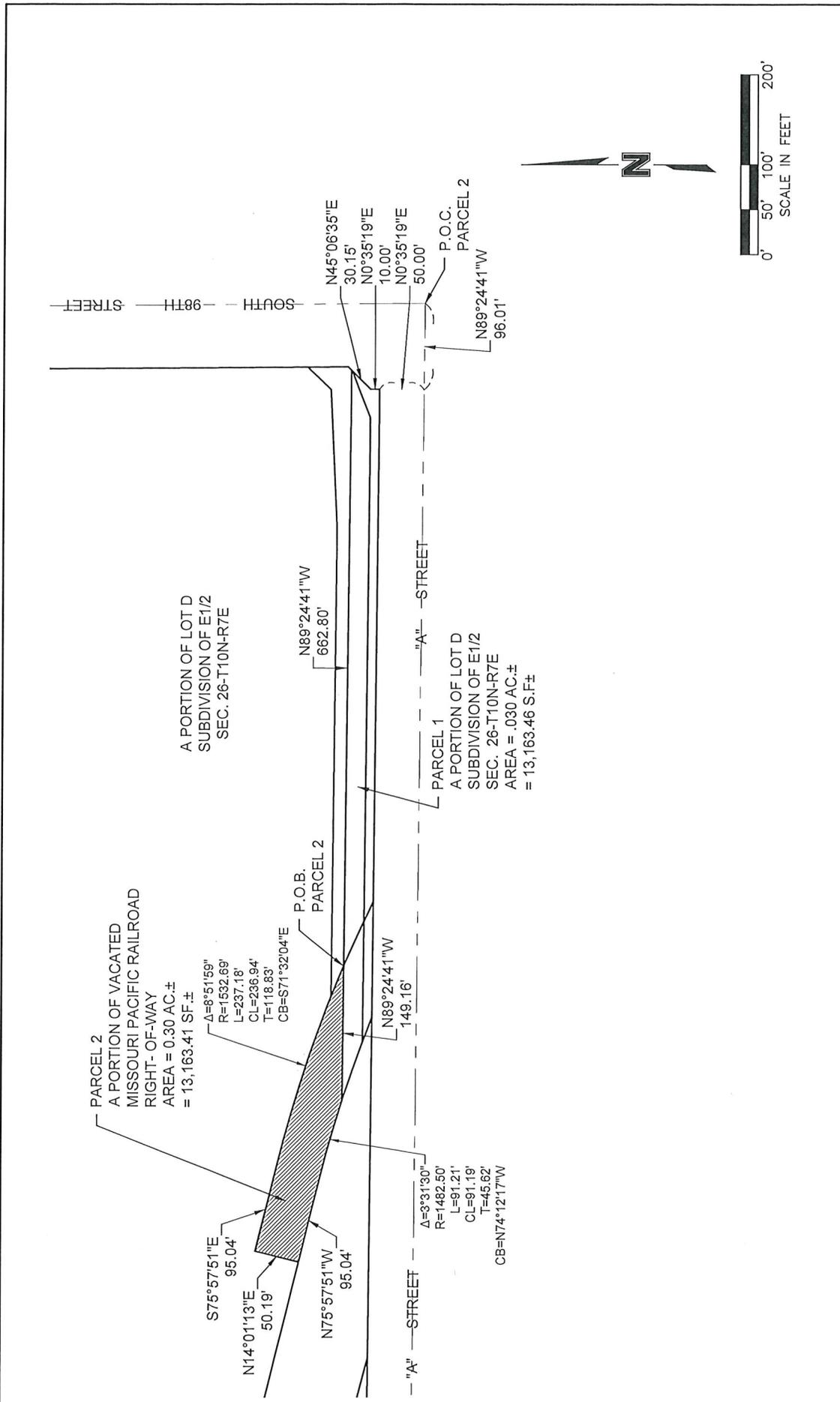
COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER OF SECTION 26, TOWNSHIP 10 NORTH, RANGE 7 EAST OF THE 6TH P.M.; THENCE WESTERLY ON THE SOUTH LINE OF SAID SOUTHEAST QUARTER ON AN ASSUMED BEARING OF N89°24'41"W, A DISTANCE OF 96.01' TO A POINT; THENCE N00°35'19"E, A DISTANCE OF 50.00' TO THE SOUTHEAST CORNER OF THE REMAINING PORTION OF LOT D, SUBDIVISION OF THE EAST ONE HALF OF SECTION 26, TOWNSHIP 10 NORTH, RANGE 7 EAST OF THE 6TH P.M., SAID POINT BEING ON A NORTH RIGHT-OF-WAY LINE OF "A" STREET, AND ON A WEST RIGHT-OF-WAY LINE OF SOUTH 98TH STREET; THENCE CONTINUING N00°35'19"E ON A EAST LINE OF SAID LOT D, SAID LINE BEING A WEST RIGHT-OF-WAY LINE OF SOUTH 98TH STREET, A DISTANCE OF 10.00' TO A POINT; THENCE N45°06'35"E, ON A SOUTHEAST LINE OF SAID LOT D, SAID LINE BEING A NORTHWEST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 30.15' TO A POINT LOCATED 81.50' NORTH OF THE SOUTH LINE OF SAID SOUTHEAST QUARTER; THENCE N89°24'41"W, ON A LINE LOCATED 81.50' NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 662.80' TO A POINT OF INTERSECTION WITH A NORTH RIGHT-OF-WAY LINE OF VACATED MISSOURI PACIFIC RAILROAD, SAID POINT BEING **THE TRUE POINT OF BEGINNING**; THENCE CONTINUING N89°24'41"W ON SAID LINE, A DISTANCE OF 149.16' TO A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 03°31'30", A RADIUS OF 1,482.50', AN ARC LENGTH OF 91.21', A CHORD LENGTH OF 91.19', A TANGENT LENGTH OF 45.62', AND A CHORD BEARING OF N74°12'17"W TO A POINT; THENCE N75°57'51"W, A DISTANCE OF 95.04' TO A POINT; THENCE N14°01'13"E, ON A WEST LINE OF SAID VACATED RAILROAD RIGHT-OF-WAY, A DISTANCE OF 50.19' TO A POINT; THENCE S75°57'51"E, ON A NORTH LINE OF SAID VACATED RAILROAD RIGHT-OF-WAY, A DISTANCE OF 95.04' TO A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 08°51'59", A RADIUS OF 1,532.69', AN ARC LENGTH OF 237.18' ON A NORTH LINE OF SAID VACATED RAILROAD RIGHT-OF-WAY, A CHORD LENGTH OF 236.94', A TANGENT LENGTH OF 118.83', AND A CHORD BEARING OF S71°32'04"E TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA 13,163.41 SQUARE FEET OR 0.30 ACRES, MORE OR LESS.

Wednesday, May 16, 2018

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PROJECT NO: 016-3109	<b>PARK TRAIL PROPERTY</b> <b>TRADE PARCEL 2</b>		601 P Street, Suite 200 P.O. Box 84608 Lincoln, NE 68508 TEL 402.474.6311 FAX 402.474.5160	EXHIBIT
DRAWN BY: MRJ			A	
DATE: MAY 16TH, 2018				

DWG: F:\2016\3001-3500\016-3109\40-Design\Survey\SRYY\Final\Plots\Drawings\016-3109\_Park Trail Property Trade.dwg  
 DATE: May 23, 2018 7:51am XREFS: USFR: mjohnson



PROJECT NO: 016-3109	EXHIBIT
DRAWN BY: MRJ	B
DATE: MAY 23RD, 2018	
<b>OLSSON ASSOCIATES</b>	
PARK TRAIL PROPERTY TRADE PARCEL 2	
601 P Street, Suite 200 P.O. Box 600 Lincoln, NE 68508 TEL: 402.474.6311 FAX: 402.474.5160	



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

FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER Annexation #18001 Change of Zone #18006	FINAL ACTION? No (both applications)	DEVELOPER/OWNER Heritage Lakes, LLC c/ Roger Severin et al.
PLANNING COMMISSION HEARING DATE June 20, 2018	RELATED APPLICATIONS CPC18009, SP18021	PROPERTY ADDRESS/LOCATION S. 93rd Street and A Street

**RECOMMENDATIONS: ANNEXATION #18001  
CHANGE OF ZONE #18006**

**CONDITIONAL APPROVAL  
CONDITIONAL APPROVAL**

**BRIEF SUMMARY OF REQUEST**

This is a combined staff report for two related applications associated with the Hillcrest Community Unit Plan (CUP), located on approximately 96.18 acres on the north and south sides of A Street at approximately S. 93rd Street south of Hillcrest Country Club. The developer is requesting annexation and change of zone from AG to R-3 for 290 residential units including single family attached, single family detached and townhomes. The proposed annexation area includes 103.07 acres which also includes part of the Hillcrest golf course land where the clubhouse, pool and improved area is located but excluding the golf course, practice areas and environs. This area is included so that City services can be provided to the clubhouse and is not part of the change of zone or related CUP for Hillcrest.



**JUSTIFICATION FOR RECOMMENDATION**

The subject property is adjacent to the city limits, 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.

**APPLICATION CONTACT**  
Brad Marshall (402) 458-5672 or  
[bmarshall@olssonassociates.com](mailto:bmarshall@olssonassociates.com)

**STAFF CONTACT**  
George Wesselhoft, (402) 441-6366 or  
[gwesselhoft@lincoln.ne.gov](mailto:gwesselhoft@lincoln.ne.gov)

**COMPATIBILITY WITH THE COMPREHENSIVE PLAN**

The site 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. These requests are also compatible with the Annexation policy of the Comprehensive Plan.

## KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

P. 1.10 - The 2040 Growth Tiers Map designates this area as Tier 1, Priority B.

P. 7.2 - Neighborhoods and Housing Guiding Principles:

- Provide flexibility to the marketplace in siting future residential development locations.
- Strive for predictability for neighborhoods and developers for residential development and redevelopment.

P. 7.4 - Strategies for Neighborhoods and Housing

- Discourage residential development in areas of environmental resources such as endangered species, saline wetlands, native prairies, and in floodplain corridors.
- Encourage preservation or restoration of natural resources within or adjacent to development.

P. 7.4-7.8 - Strategies for Developing Neighborhoods

- Encourage new development to achieve densities greater than five dwelling units per gross acre.

P. 12.3 - this site is shown as future urban density residential on the 2040 Lincoln Area Future Land Use Plan.

P. 12.4 - Urban Residential. Multi-family and single family residential uses in areas with varying densities ranging from more than fifteen dwelling units per acre to less than one dwelling per acre.

P. 12.4 - Environmental Resources. Land and water masses which are of particular importance for maintenance and preservation, such as saline wetlands, native prairie, and some floodway and riparian corridors.

**P 12.14-15 - 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 that is remote or otherwise removed from the limits of the City of Lincoln will not be annexed. The City should review for potential annexation all property in Priority B for which basic infrastructure is generally available or planned for in the near term.

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

The character of existing residential areas should be respected as much as possible during the annexation process.

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

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

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

#### **UTILITIES & SERVICES:**

A. Sanitary Sewer: The Steven's Creek Trunk Sewer is to be completed by the city by June 2019. The extension to serve the Hillcrest CUP Area appears in year 2021/2022 of the proposed CIP. The timing of the sanitary sewer line extension (East "A" Street Sewer Line) to connect the CUP area to the Trunk Sewer is part of the associated Annexation Agreement.

B. Water: A 16" water main in A St. from Smokey Hill Road to 94th St is in design and projected to be available to serve these areas by March 2019. Water mains do not currently exist in 98th St. and are not currently being planned or designed. A main in 98th Street is not necessary to serve this development.

C. Roads: Nearby arterial streets include A Street and S. 98th Street. S. 98th Street north of A Street is not yet built, though the right of way exists. The proposed development includes a roundabout at S. 93rd Street and A Street. Right in/right out access to A Street will be provided for S. 91st Street on the south side of A Street. A right in/right out intersection is planned to connect Hillcrest Trail to S. 98th Street at the time S. 98th Street is built from A Street to O Street.

D. Parks and Trails: The MoPac trail extends through the proposed community unit plan. The development team attended several Great Plains Bicycling Club (GPBC) and Pedestrian/Bicycle Advisory Committee (PBAC) meetings to discuss development plans and listen to issues and concerns related to the MoPac trail. Related CPC18009 MoPac Trail is a request to find in conformance with the Comprehensive Plan the surplus of approximately 13,163 square feet of MoPac Trail corridor between S. 95th Street and S. 97th Street north of A Street. The MoPac Trail property was acquired through agreement with the Lower Platte South Natural Resources District (NRD) as the need to transition from a rural to urban trail was identified. In exchange for this surplus property, the developer will be dedicating an area of comparable size between the vacation area and S. 98th Street to provide for future trail corridor. The Comprehensive Plan identifies this as an off street multiuse trail. Ownership of the parcel will allow the developer of Hillcrest to provide adequate drainage for their property.

E. Fire Protection: After annexation, fire protection will be provided by Lincoln Fire & Rescue (LFR). The goal for Lincoln Fire and Rescue is to respond to all locations within 4 minutes of travel time. Currently, they can meet this travel time standard. Fire Station #16 is planned to be constructed at 98th and O Street. However, until 98th Street is built from O Street to A Street the response time may be less than today.

#### **ANALYSIS**

1. These are related requests for both annexation and a change of zone, and are based upon the overall site plan for Hillcrest CUP. This development is generally located at S. 93rd Street and A Street south of Hillcrest golf course and Hillcrest Heights subdivision. The area proposed to be annexed includes 103.07 acres, including property on both sides of A Street, the MoPac trail, A Street and South 98th Street rights of way. This proposed annexation is Phase 1. At a later time, Phase 2 would also include an additional 79.15 acres on the south side of A Street west of the current annexation proposal. The proposed change of zone includes 96.18 acres which includes the Phase 1 area on both the north and south sides of A Street with the exception of the Hillcrest clubhouse area which is not part of the proposed Community Unit Plan. 290 residential dwelling units are proposed as part of the change of zone for the related SP18021 Community Unit Plan.
2. These requests if approved will allow for 96.18 acres to be final platting for residential including single family attached, single family detached and townhomes.

3. The area to be annexed is located within Tier I Priority B of the Comprehensive Plan. Public water will be available to serve the area by 2019. The City is planning the Stevens Creek Trunk Sewer which will be completed in 2019 with the developer planning the extension of the sanitary sewer line to connect to the trunk line. Thus, the development can be served by the full range of city services.
4. The subject property is located within the Southeast Fire District. 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. The developer is proposing an Annexation Agreement for the East "A" Street Coalition. This includes eight property owners and the ultimate annexation of approximately 200 acres on both the north and south sides of A Street located generally between 94<sup>th</sup> and 98<sup>th</sup> Streets. This agreement will establish that the annexation of the property would be phased with the current proposed annexation inclusive of the related SP18021 Hillcrest Community Unit Plan and establishes the responsibilities for the necessary public improvements. These include public sewer, intersection improvements, and arterial street sidewalk improvements associated with the new development. The immediate first phase annexation area includes 103.07 acres which also includes part of the Hillcrest golf course land with the clubhouse, pool and improved area but excluding the golf course, practice areas and environs. This area is included so that City services can be provided to the clubhouse.
6. Associated request CPC18009 is a surplus property designation for 13,163 square feet of the MoPac Trail Corridor between about S. 95<sup>th</sup> Street and S. 97<sup>th</sup> Street north of A Street. The surplus designation will allow the developer of the Hillcrest to provide adequate drainage for the property. In exchange for this surplus property, the developer will be dedicating a similar area between the vacation area and S. 98<sup>th</sup> Street to provide for future trail corridor.
7. The developer held an informational meeting with surrounding neighbors on April 3, 2018. The meeting was attended by several nearby residents including from the Hillcrest Heights subdivision to the north. Some of the neighbor concerns included additional traffic and the type of residential use proposed near Hillcrest Heights.
8. Annexation and re-zoning of the area of these requests will facility new residential development at urban densities contiguous to the existing City limits of Lincoln with all public utilities. The site 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.

**EXISTING LAND USE & ZONING:** Agriculture/Single Family Detached; AG

**SURROUNDING LAND USE & ZONING**

North: Golf Course, Single Family Residential; AG  
 South: Agricultural, Single Family Residential; AG  
 East: Agricultural, Single Family Residential; AG  
 West: Agriculture, Utility Facility; AG, P, R-3

**APPROXIMATE LAND AREA:**

Annexation #18001: 103.07 acres, more or less  
 Change of Zone #18006: 96.18 acres, more or less

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

**LEGAL DESCRIPTION:**

Annexation #18001: See attached  
 Change of Zone #18006: See attached

Prepared by

---

George Wesselhoft, Planner  
(402) 441-6366 or [gwesselhoft@lincoln.ne.gov](mailto:gwesselhoft@lincoln.ne.gov)  
Date: June 7, 2018

Applicant/Owner: Heritage Lakes, LLC c/o Roger Severin  
5950 Vandevoot Drive, Suite #B  
Lincoln, NE 68516  
(402) 430-2024 or [rseverin@olssonassociates.com](mailto:rseverin@olssonassociates.com)

Contact: Brad Marshall  
601 P Street, Suite 200  
Lincoln, NE 68508  
(402) 458-5672 or [bmarshall@olssonassociates.com](mailto:bmarshall@olssonassociates.com)

AN18001 CZ18006 Hillcrest.gjw.docx

**CONDITIONS OF APPROVAL - ANNEXATION #18001**

1. Before the public hearing is held at the City Council, the developer signs the annexation agreement before the City Council approves the change of zone.

**CONDITIONS OF APPROVAL - CHANGE OF ZONE #18006**

1. The Developer signs the annexation agreement before the City Council approves the change of zone.



Lincoln/Lancaster, NE GIS

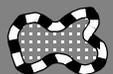
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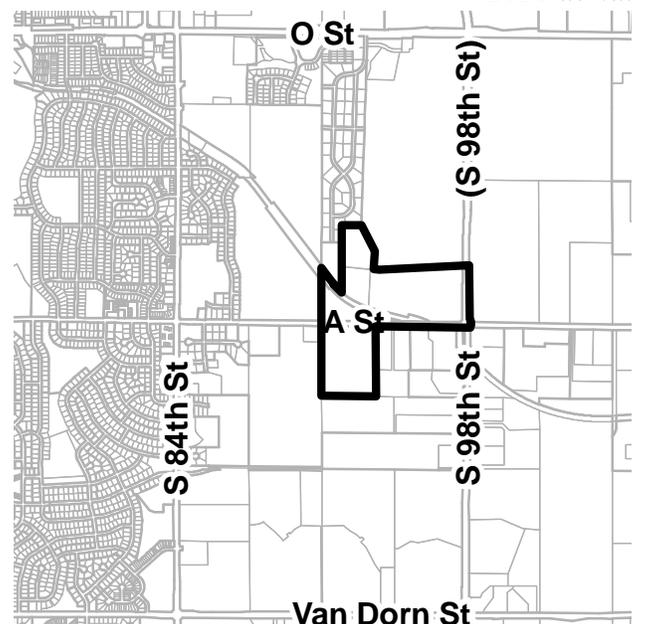
**Annexation #: AN18001**  
**Hillcrest**  
**S 93rd St & A St**

**Zoning:**

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

Two Square Miles:  
 Sec.26 T10N R07E  
 Sec.35 T10N R07E

	Area of Application
	Zoning Jurisdiction Lines
	Existing City Limits





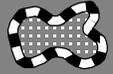
2016 aerial

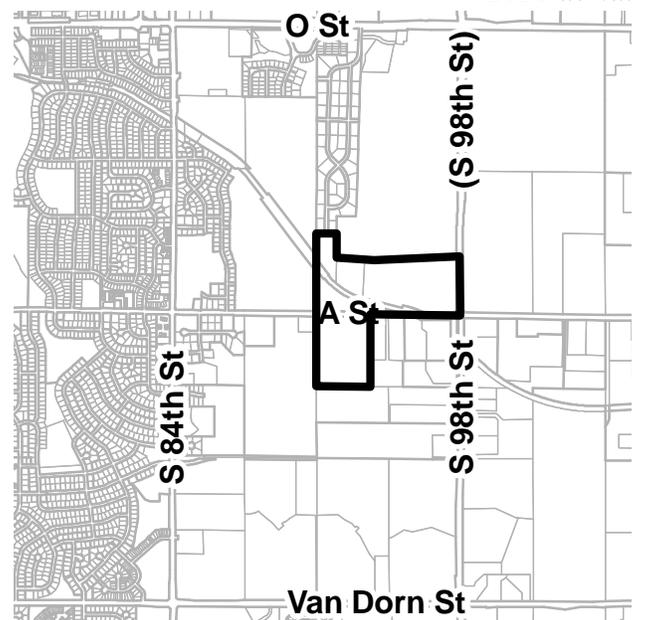
**Change of Zone #: CZ18006 (AG to R-3)**  
**Hillcrest**  
**S 93rd St & A St**

**Zoning:**

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

Two Square Miles:  
 Sec.26 T10N R07E  
 Sec.35 T10N R07E

	Area of Application
	Zoning Jurisdiction Lines
	Existing City Limits





May 9, 2018

Mr. David Cary  
Planning Director  
Planning Department  
555 South 10<sup>th</sup> St., Suite 213  
Lincoln, NE 68508

Re: Hillcrest CUP  
Applications for Annexation, Change of Zone to R-3, Special Permit Community Unit Plan  
Olsson Project No. 016-3109

Dear Mr. Cary,

On behalf of the East "A" Street Coalition ("Coalition"), the owners are requesting annexation, a change of zone to R-3 and a Special Permit Community Unit Plan (CUP).

A draft Annexation Agreement is being submitted to the City of Lincoln by Tom Huston of Cline Williams to master plan the infrastructure to provide for the phased annexation of the Coalition properties.

The Coalition members of Phase I Annexation are prepared to proceed with the development of the Property which contains approximately 96.18 acres and is legally described and shown on Exhibits "A1" and "A2" enclosed herein ("First Phase Property"). The Coalition is submitting a change of zone for the First Phase Property from AG to an R-3 and a Special Permit CUP.

The proposed CUP for the First Phase Property contains residential areas including single family detached and attached and townhomes.

A draft Annexation Agreement is being submitted to the City for review. The development team has met with City Staff several times to discuss the proposed applications. East O Property, the owner, of the Hillcrest Country Club is also requesting annexation so that City utilities may be extended to serve the property.

Enclosed find the following:

1. City of Lincoln Application, including:
  - a. Annexation of First Phase Property and a portion of East O Property
  - b. Change of Zone from AG to R-3 for First Phase Property,
  - c. Special Permit Community Unit Plan
2. Special Permit CUP application fee in the amount of \$4,283
3. Change of Zone application fee in the amount of \$988
4. CUP Site Plan
5. Exhibits "A1" & "A2" – Change of Zone Legal and Exhibit
6. Exhibits "B1" & "B2" – Annexation Legal and Exhibit

The proposed CUP site plans shows the development working around the MoPac trail. The Coalition considered several site plans and options. The development team has attended several Great Plains Bicycling Club (“GPBC”) and Pedestrian / Bicycle Advisory Committee (“PBAC”) meetings to discuss development plans and listen to issues and concerns. Parks and Recreation have been included in Staff meetings to help communicate how the development and trail could work together in the transition of the MoPac trail from a rural trail into an urban area as the City continues to grow.

Green space is being maintained around the MoPac trail and proposed drainage areas. Stormwater runoff and water quality improvements will be provided within the development and are outlined in the Grading and Drainage Study.

The development includes one full access intersection at S. 93<sup>rd</sup> Street and ‘A’ Street. This intersection is planned to be a future roundabout; however, the development is proposing a “rural section” roundabout to improve safety at this intersection upon the start of development. Right-in/right-out intersections are being proposed at S. 91<sup>st</sup> Street and ‘A’ Street and Hillcrest Trail and S. 98<sup>th</sup> Street. The Hillcrest Trail connection to S. 98<sup>th</sup> Street will be connected at the time the City constructs S. 98<sup>th</sup> Street from ‘A’ Street to ‘O’ Street.

Olsson Associates has also held a public meeting for neighbors to attend and also met with the Hillcrest Acres HOA to discuss the project.

The CUP includes waivers to address block length issues caused by the MoPac Trail, drainage ways and the existing Hillcrest golf course.

We look forward to continuing to work with the City, Committees, and neighbors on the applications. Plans and other supporting documents will be submitted to ProjectDox upon notification from the Planning Staff. If you require further information or have any questions, please do not hesitate to contact me at [bmarshall@olssonassociates.com](mailto:bmarshall@olssonassociates.com) or (402) 458-5672.

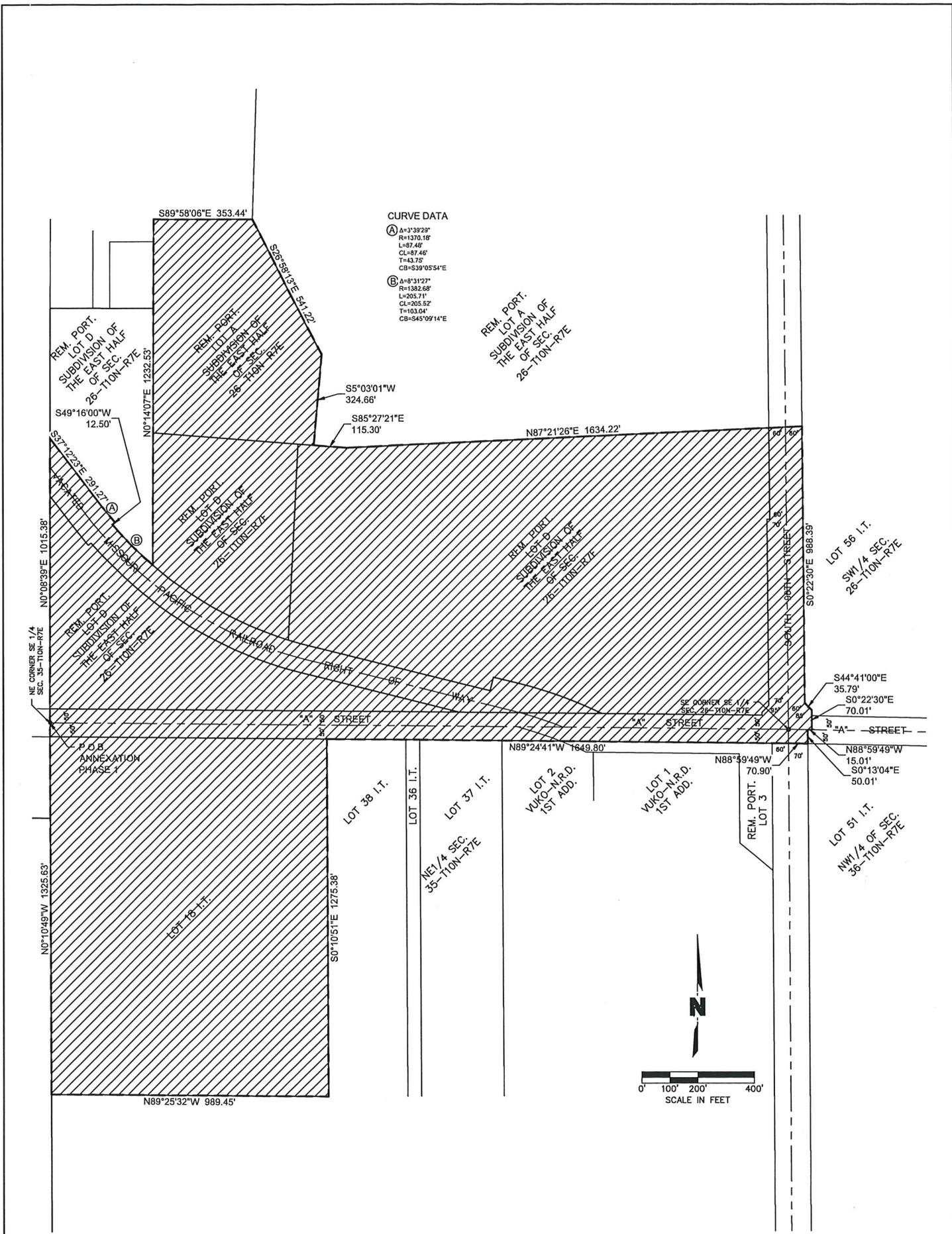
Sincerely,

A handwritten signature in blue ink that reads "Brad J. Marshall".

Brad J Marshall, P.E.

Enclosures.

DWG: F:\2018\3091-3109\3109-3109\3109-3109\Drawings\016-3109\_L2-PLOT.dwg USER: mjbenson  
 DATE: Mar 22, 2018 12:37pm XREFS: C:\BASE\_3109



CURVE DATA

- Ⓐ A=339.23'  
R=1370.16'  
L=87.46'  
CL=87.46'  
T=43.75'  
CB=S39°05'54"E
- Ⓑ A=831.27'  
R=1382.68'  
L=205.71'  
CL=205.52'  
T=103.04'  
CB=S45°09'14"E

REM. PORT. LOT A SUBDIVISION OF THE EAST HALF OF SEC. 26-110N-R7E

PROJECT NO:	016-3109
DRAWN BY:	MRJ
DATE:	MARCH 22ND, 2018

HILLCREST ADDITION ANNEXATION

**AGLSSON ASSOCIATES**  
 601 P Street, Suite 200  
 P.O. Box 84059  
 Lincoln, NE 68528  
 TEL: 402.474.8311  
 FAX: 402.474.3160

EXHIBIT	B
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**LEGAL DESCRIPTION  
ANNEXATION**

A TRACT OF LAND COMPOSED OF A PORTION OF SOUTH 98<sup>TH</sup> STREET RIGHT-OF-WAY, A PORTION OF "A" STREET RIGHT-OF-WAY, A PORTION OF VACATED MISSOURI PACIFIC RAILROAD RIGHT-OF-WAY, AND A PORTION OF THE REMAINING PORTION OF LOTS A AND D, SUBDIVISION OF THE EAST ONE HALF OF SECTION 26, TOWNSHIP 10 NORTH, RANGE 7 EAST OF THE 6<sup>TH</sup> P.M., ALL LOCATED IN THE SOUTHEAST QUARTER OF SECTION 26, TOWNSHIP 10 NORTH, RANGE 7 EAST OF THE 6<sup>TH</sup> P.M., A PORTION OF SOUTH 98<sup>TH</sup> STREET RIGHT-OF-WAY, AND A PORTION OF "A" STREET RIGHT-OF-WAY, ALL LOCATED IN THE SOUTHWEST QUARTER OF SECTION 25, TOWNSHIP 10 NORTH, RANGE 7 EAST OF THE 6<sup>TH</sup> P.M., A PORTION OF SOUTH 98<sup>TH</sup> STREET RIGHT-OF-WAY, AND A PORTION OF "A" STREET RIGHT-OF-WAY, ALL LOCATED IN THE NORTHWEST QUARTER OF SECTION 36, TOWNSHIP 10 NORTH, RANGE 7 EAST OF THE 6<sup>TH</sup> P.M., A PORTION OF SOUTH 98<sup>TH</sup> STREET RIGHT-OF-WAY, A PORTION OF "A" STREET RIGHT-OF-WAY, AND LOT 18 I.T., ALL LOCATED IN THE NORTHEAST QUARTER OF SECTION 35, TOWNSHIP 10 NORTH, RANGE 7 EAST OF THE 6<sup>TH</sup> P.M., LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**BEGINNING** AT THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF SECTION 26, TOWNSHIP 10 NORTH, RANGE 7 EAST OF THE 6<sup>TH</sup> P.M., LANCASTER COUNTY; THENCE NORTHERLY ON THE WEST LINE OF SAID SOUTHEAST QUARTER ON AN ASSUMED BEARING OF N00°08'39"E, A DISTANCE OF 1,015.38' TO A POINT OF INTERSECTION WITH A NORTH RIGHT-OF-WAY LINE OF THE VACATED MISSOURI PACIFIC RAILROAD; THENCE S37°12'23"E, ON A NORTH LINE OF SAID VACATED RIGHT-OF-WAY, A DISTANCE OF 291.27' TO A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 03°39'29", A RADIUS OF 1,370.18', AN ARC LENGTH OF 87.48' ON A NORTH LINE OF SAID VACATED RIGHT-OF-WAY, A CHORD LENGTH OF 87.46', A TANGENT LENGTH OF 43.75', AND A CHORD BEARING OF S39°05'54"E TO A POINT; THENCE S49°16'00"W, ON A EAST LINE OF SAID VACATED RIGHT-OF-WAY, A DISTANCE OF 12.50' TO A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 08°31'27", A RADIUS OF 1,382.68', AN ARC LENGTH OF 205.71' ON A NORTH LINE OF SAID VACATED RIGHT-OF-WAY, A CHORD LENGTH OF 205.52', A TANGENT LENGTH OF 103.04', AND A CHORD BEARING OF S45°09'14"E TO A POINT OF INTERSECTION WITH A WEST LINE OF A REMAINING PORTION OF LOT D, SUBDIVISION OF THE EAST ONE HALF OF SECTION 26, TOWNSHIP 10 NORTH, RANGE 7 EAST OF THE 6<sup>TH</sup> P.M.; THENCE N00°14'07"E, ON A WEST LINE OF SAID REMAINING PORTION OF LOT D, AND ON A WEST LINE OF A REMAINING PORTION OF LOT A, SUBDIVISION OF THE EAST ONE HALF OF SECTION 26, TOWNSHIP 10 NORTH, RANGE 7 EAST OF THE 6<sup>TH</sup> P.M., A DISTANCE OF 1,232.53' TO A NORTH CORNER OF SAID REMAINING PORTION OF LOT A; THENCE S89°58'06"E, ON A NORTH LINE OF SAID REMAINING PORTION OF LOT A, A DISTANCE OF 353.44' TO A NORTH CORNER OF SAID REMAINING PORTION OF LOT A; THENCE S26°58'13"E, A DISTANCE OF 541.22' TO A POINT; THENCE S05°03'01"W, A DISTANCE OF 324.66' TO A POINT OF INTERSECTION WITH A NORTH LINE OF A REMAINING PORTION OF LOT D; THENCE S85°27'21"E, ON A NORTH LINE OF SAID REMAINING PORTION OF D, A DISTANCE OF 115.30' TO A POINT; THENCE N87°21'26"E ON A NORTH LINE OF SAID REMAINING PORTION OF LOT D, AND ON A WESTERLY EXTENSION OF SAID LINE, A DISTANCE OF 1,634.22' TO A POINT OF INTERSECTION WITH A EAST LINE OF SOUTH 98<sup>TH</sup> STREET RIGHT-OF-WAY, SAID POINT BEING 60.00' EAST OF THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 25,

TOWNSHIP 10 NORTH, RANGE 7 EAST OF THE 6<sup>TH</sup> P.M.; THENCE S00°22'30"E, ON A EAST LINE OF SAID RIGHT-OF-WAY, SAID LINE BEING 60.00' EAST OF AND PARALLEL WITH THE WEST LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 988.39' TO A POINT; THENCE S44°41'00"E, ON A NORTHEAST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 35.79' TO A POINT LOCATED 85.00' EAST OF THE WEST LINE OF SAID SOUTHWEST QUARTER; THENCE S00°22'30"E, ON A EAST LINE OF SAID RIGHT-OF-WAY, SAID LINE BEING 85.00' EAST OF AND PARALLEL WITH THE WEST LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 70.01' TO A POINT OF INTERSECTION WITH THE SOUTH LINE OF SAID SOUTHWEST QUARTER; THENCE N88°59'49"W, ON THE SOUTH LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 15.01' TO A POINT; THENCE S00°13'04"E, ON A LINE LOCATED 70.00' EAST OF AND PARALLEL WITH THE WEST LINE OF THE NORTHWEST QUARTER OF SECTION 36, TOWNSHIP 10 NORTH, RANGE 7 EAST OF THE 6<sup>TH</sup> P.M., A DISTANCE OF 50.01' TO A POINT OF INTERSECTION WITH A SOUTH RIGHT-OF-WAY LINE OF "A" STREET; THENCE N88°59'49"W, ON A SOUTH LINE OF SAID RIGHT-OF-WAY, SAID LINE BEING 50.00' SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 70.90' TO A POINT; THENCE N89°24'41"W, ON A SOUTH LINE OF SAID RIGHT-OF-WAY, SAID LINE BEING 50.00' SOUTH OF AND PARALLEL WITH THE NORTH LINE OF THE NORTHEAST QUARTER OF SECTION 35, TOWNSHIP 10 NORTH, RANGE 7 EAST OF THE 6<sup>TH</sup> P.M., A DISTANCE OF 1,649.80' TO THE NORTHEAST CORNER OF LOT 18 I.T.; THENCE S00°10'51"E, ON THE EAST LINE OF SAID LOT 18 I.T., A DISTANCE OF 1,275.38' TO THE SOUTHEAST CORNER OF SAID LOT 18 I.T.; THENCE N89°25'32"W, ON THE SOUTH LINE OF SAID LOT 18 I.T., A DISTANCE OF 989.45' TO THE SOUTHWEST CORNER OF SAID LOT 18 I.T.; THENCE N00°10'49"W, ON THE WEST LINE OF SAID LOT 18 I.T., A DISTANCE OF 1,325.63' TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA OF 4,489,876.93 SQUARE FEET OR 103.07 ACRES, MORE OR LESS.

Wednesday, May 16, 2018

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

A TRACT OF LAND COMPOSED OF THE REMAINING PORTION LOT D, SUBDIVISION OF THE EAST HALF OF SECTION 26, TOWNSHIP 10 NORTH, RANGE 7 EAST OF THE 6<sup>TH</sup> P.M., A PORTION OF VACATED MISSOURI PACIFIC RAILROAD RIGHT-OF-WAY, A PORTION OF "A" STREET RIGHT-OF-WAY, AND A PORTION OF SOUTH 98<sup>TH</sup> STREET RIGHT-OF-WAY, ALL LOCATED IN SOUTHEAST QUARTER OF SECTION 26, TOWNSHIP 10 NORTH, RANGE 7 EAST OF THE 6<sup>TH</sup> P.M.,

**TOGETHER WITH THE FOLLOWING:**

LOT 18 I.T., AND A PORTION OF "A" STREET RIGHT-OF-WAY, ALL LOCATED IN THE NORTHEAST QUARTER OF SECTION 35, TOWNSHIP 10 NORTH, RANGE 7 EAST OF THE 6<sup>TH</sup> P.M., LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**BEGINNING** AT THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF SECTION 26, TOWNSHIP 10 NORTH, RANGE 7 EAST OF THE 6<sup>TH</sup> P.M.; THENCE NORTHERLY ON THE WEST LINE OF SAID SOUTHEAST QUARTER, AND ON A SOUTHERLY EXTENSION OF THE WEST LINE OF THE REMAINING PORTION OF LOT D, SUBDIVISION OF THE EAST HALF OF SECTION 26, TOWNSHIP 10 NORTH, RANGE 7 EAST OF THE 6<sup>TH</sup> P.M., AND ON THE WEST LINE OF SAID REMAINING PORTION OF LOT D, ON AN ASSUMED BEARING OF N00°08'39"E, A DISTANCE OF 1,478.89' TO THE NORTHWEST CORNER OF SAID REMAINING PORTION OF LOT D; THENCE S89°52'00"E, ON A NORTH LINE OF SAID REMAINING PORTION OF LOT D, A DISTANCE OF 370.12' TO A NORTH CORNER OF SAID REMAINING PORTION OF LOT D; THENCE S00°14'07"W, ON A EAST LINE OF SAID REMAINING PORTION OF LOT D, A DISTANCE OF 443.45' TO A NORTH CORNER OF SAID REMAINING PORTION OF LOT D; THENCE S85°27'21"E, ON A NORTH LINE OF SAID REMAINING PORTION OF LOT D, A DISTANCE OF 690.54' TO A NORTH CORNER OF SAID REMAINING PORTION OF LOT D; THENCE N87°21'26"E, ON A NORTH LINE OF SAID REMAINING PORTION OF LOT D, AND ON AN EASTERLY EXTENSION OF SAID LINE, A DISTANCE OF 1,574.17' TO A POINT OF INTERSECTION WITH THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 26; THENCE S00°22'30"E, ON THE EAST LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 1,079.59' TO THE SOUTHEAST CORNER OF SAID SOUTHEAST QUARTER; THENCE N89°24'41"W, ON THE SOUTH LINE OF SAID SOUTHEAST QUARTER, SAID LINE BEING THE NORTH LINE OF THE NORTHEAST QUARTER OF SECTION 35, TOWNSHIP 10 NORTH, RANGE 7 EAST OF THE 6<sup>TH</sup> P.M., A DISTANCE OF 1,650.65' TO A POINT OF INTERSECTION WITH THE NORTHERLY EXTENSION OF THE EAST LINE OF LOT 18 I.T.; THENCE S00°10'51"E, ON THE EAST LINE OF THE NORTHERLY EXTENSION OF THE EAST LINE OF SAID LOT 18 I.T., AND ON THE EAST LINE OF LOT 18 I.T., A DISTANCE OF 1,325.38' TO THE SOUTHEAST CORNER OF SAID LOT 18 I.T.; THENCE N89°25'32"W, ON THE SOUTH LINE OF SAID LOT 18 I.T., A DISTANCE OF 989.45' TO THE SOUTHWEST CORNER OF SAID LOT 18 I.T., SAID POINT BEING ON THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 35; THENCE N00°10'49"W, ON THE WEST LINE OF SAID NORTHEAST QUARTER, SAID LINE BEING THE WEST LINE OF SAID LOT 18 I.T., AND ON THE NORTHERLY EXTENSION OF THE WEST LINE OF SAID LOT 18 I.T., A DISTANCE OF 1,325.63' TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA 4,189,726.77 SQUARE FEET OR 96.18 ACRES, MORE OR LESS.

Wednesday, May 16, 2018



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

FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER Special Permit #18021 Hillcrest Community Unit Plan	FINAL ACTION? Yes	DEVELOPER/OWNER Heritage Lakes, LLC c/o Roger Severin et al.
PLANNING COMMISSION HEARING DATE June 20, 2018	RELATED APPLICATIONS AN18001, CZ18006, CPC18009	PROPERTY ADDRESS/LOCATION S. 93 <sup>rd</sup> Street and A Street

**RECOMMENDATION: CONDITIONAL APPROVAL**

**BRIEF SUMMARY OF REQUEST**

This is a request for a new Community Unit Plan (CUP) including 290 residential dwelling units on approximately 96.18 acres, including single family detached, single family attached and townhouse units. Access for the development will include one full access intersection at S. 93<sup>rd</sup> Street and A Street. Right-in/right-out intersections are proposed at S. 91<sup>st</sup> Street on the south side of A Street and Hillcrest Trail and S. 98<sup>th</sup> Street. The Hillcrest Trail connection to S. 98<sup>th</sup> Street will be connected at the time S. 98<sup>th</sup> Street is built from A Street to O Street. In addition, street connections will be provided to the existing Hillcrest Heights subdivision to the north, the White Horse Development to the west, and Lincoln Public Schools property for future development.



**JUSTIFICATION FOR RECOMMENDATION**

This proposal will have R-3 zoning similar to the White Horse development to the west and will have residential lots at urban density consistent with other R-3 CUP developments. The waivers to the Subdivision Ordinance for block length are related to issues caused by the MoPac Trail. The waiver from the Subdivision Ordinance for side lot lines to deviate from being radial and perpendicular to the street right of way lines on curved streets is a typical waiver. The Zoning Ordinance waivers are to allow flexibility for corner lots in the development. The Design Standard waivers are to allow sanitary sewer running opposite of street grade and for cul-de-sac radii and street radius less than Design Standards. These waivers are typical and are justified.

**APPLICATION CONTACT**

Brad Marshall (402) 458-5672 or [bmarshall@olssonassociates.com](mailto:bmarshall@olssonassociates.com)

**STAFF CONTACT**

George Wesselhoft, (402) 441-6366 or [gwesselhoft@lincoln.ne.gov](mailto:gwesselhoft@lincoln.ne.gov)

**COMPATIBILITY WITH THE COMPREHENSIVE PLAN**

The proposed land use and density are in conformance with the 2040 Comprehensive Plan, which identifies future urban density residential uses in this location.

## WAIVERS

1. Subdivision Ordinance 26.23.130(a), to allow block lengths to exceed 1,320 feet for Blocks 1, 6, 8, 9, 12, 15. (Recommend Approval for Blocks 1, 8,9; waivers not needed for 6,12 and 15)
2. Subdivision Ordinance 26.23.140(c) to allow for side lot lines to deviate from being radial and perpendicular to street right of way lines on curved streets. (Recommend Approval)
3. Zoning Ordinance, Table 27.72.020 to allow for single family detached on certain lots for corner lots to have front yard of 20 feet on one side with 10 feet on the other street side with no garages permitted to face the street and rear yard of 10 feet. (Recommend Approval)
4. Zoning Ordinance, Table 27.72.020 to allow for single family attached on certain lots for corner lots to have front yard of 20 feet on one side with 10 feet on other street side with no garages permitted to face the street, side yard of 5 feet, shared lot line of 0 feet, and rear yard of 15 feet and frontage for "flag" lot 21-22, Block 1, shall be allowed frontage less than 50'. (Recommend approval)
5. Zoning Ordinance, Table 27.72.020 to allow for the townhome area and for single family attached a minimum lot area of 2,500 square feet, a minimum lot width of 20 feet, for corner lots a front yard of 20 feet on one side with 10 feet on other street side with no garages permitted to face the street, side yard of 5 feet, shared lot line of 0 feet and a rear yard of 10 feet. (Recommend approval)
6. Design Standards, Title 2, Chapter 2.00, Section 3.6, to allow for sanitary sewer mains to run opposite the street grades. (Recommend Approval)
7. Design Standards, Title 2, Chapter 2.15, Section 3.3.3. Cul-de-sac radius less than Design Standards for Casa Colina Court (R30'), Casa Galenao Court (R30'), Triana Court (R30'), Signature Court (R35'). (Recommend Approval)
8. Design Standards, Title 2, Chapter 2.15, Section 3.3.2. Street radius less than Design Standard for curves C1, C4, C5, C6. (Recommend Approval)

## KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

P. 12.3 - this site is shown as future urban density residential and green space on the 2040 Lincoln Area Future Land Use Plan.

P. 12.4 - Urban Residential. Multi-family and single family residential uses in areas with varying densities ranging from more than fifteen dwelling units per acre to less than one dwelling per acre.

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

P. 7.2 - Neighborhoods and Housing Guiding Principles:

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

P. 7.4 - Strategies for Neighborhoods and Housing

- Discourage residential development in areas of environmental resources such as endangered species, saline wetlands, native prairies, and in floodplain corridors.
- Encourage preservation or restoration of natural resources within or adjacent to development.

P. 7.4-7.8 - Strategies for Developing Neighborhoods

- Encourage new development to achieve densities greater than five dwelling units per gross acre.

## ANALYSIS

1. This is a request for a new Community Unit Plan (CUP) to develop 290 total dwelling units consisting of single family attached, single family detached and townhouse units on approximately 96.18 acres. The project is located to the south of Hillcrest Heights subdivision and the Hillcrest golf course along both the north and south sides of A Street.
2. The development will include one full access intersection at S. 93<sup>rd</sup> Street and A Street. This intersection is planned to be a future roundabout, however, the development is proposing a rural section roundabout to improve safety at this intersection upon the start of the development. Right-in/right-out intersections are being proposed at S. 91<sup>st</sup> Street and A Street (south side of A Street) and Hillcrest Trail and S. 98<sup>th</sup> Street. The Hillcrest Trail connection to S. 98<sup>th</sup> street will be connected at the time S. 98<sup>th</sup> Street is built from A Street to O Street. There are no plans at this time to construct 98<sup>th</sup> Street.
3. The future land use map shows the proposed residential area for future urban density residential land uses. The community unit plan identifies 290 dwelling units, which is an appropriate urban density. A CUP in the R-3 district is permitted a maximum density of 6.96 dwelling units per acre, which equates to 669 dwelling units based on the ultimate buildout of the CUP area at 96.18 acres. Therefore, the total allowable number of dwelling units is 669 with 290 dwelling units and 379 unassigned units proposed. However, staff is recommending 100 unassigned dwelling units as 379 is too many for a single family subdivision.
4. An application to rezone part of this property from AG Agriculture to R-3 Residential has been submitted in conjunction with the CUP. The proposed change of zone is consistent with the zoning pattern in the area. In addition, the Comprehensive Plan designates this area for future urban density residential development. The R-3 zoning district allows the type of development consistent with the future land use designation.
5. The applicant has requested the following waivers to the Lincoln Municipal Code and to Design Standards:
  - i) Subdivision Ordinance 26.23.130(a), to allow block lengths to exceed 1,320 feet for Blocks 1, 6, 8, 9, 12, 15. This is to address block length issues caused by the MoPac Trail and drainage ways. Blocks 6, 12 and 15 do not need a block length waiver. Blocks 6 and 12 are adjacent to an arterial street so a longer block length is permitted. Block 15 is adjacent to a drainageway so longer block length is permitted.
  - ii) Subdivision Ordinance 26.23.140(c) to allow for side lot lines to deviate from being radial and perpendicular to street right of way lines on curved streets. This is a common waiver request.
  - iii) Zoning Ordinance, Table 27.72.020 to allow for single family detached for Lots 12-17 Block 6 and Lots 1-7 Block 5 for corner lots to have front yard of 20 feet on one side with 10 feet on the other street side with no garages permitted to face the street and rear yard of 10 feet. This request is to allow flexibility for corner lot building.
  - iv) Zoning Ordinance, Table 27.72.020 to allow for single family attached for Lots 1-16 Block 4, Lots 1-20 Block 3, Lots 1-6 Block 2, Lots 17-26 Block 1 for corner lots to have front yard of 20 feet on one side with 10 feet on other street side with no garages permitted to face the street, side yard of 5 feet, shared lot line of 0 feet, and rear yard of 15 feet and frontage for "flag" lot 21-22, Block 1, shall be allowed frontage less than 50'. This is to allow flexibility for corner lot building and for the "flag" lot.
  - v) Zoning Ordinance, Table 27.72.020 to allow for the townhome area and for single family attached for Lots 10-25 Block 8, Lots 1-24 Block 9, Lots 1-10 Block 11, and Lots 1-38 Block 12 a minimum lot area of 2,500 square feet, a minimum lot width of 20 feet, for corner lots a front yard of 20 feet on one side with 10 feet on other street side with no garages permitted to face the street, side yard of 5 feet, shared lot line of 0 feet and a rear yard of 10 feet. This request is to allow flexibility for corner lot building.
  - vi) Design Standards, Title 2, Chapter 2.00, Section 3.6, to allow for sanitary sewer mains to run opposite the street grades.
  - vii) Design Standards, Title 2, Chapter 2.15, Section 3.3.3. Cul-de-sac radius less than Design Standards for Casa Colina Court (R30'), Casa Galenao Court (R30'), Triana Court (R30'), Signature Court (R35').
  - viii) Design Standards, Title 2, Chapter 2.15, Section 3.3.2. Street radius less than Design Standard for curves C1, C4, C5, C6.
6. The Steven's Creek Trunk Sewer is to be completed by the city by June 2019. The extension to serve the Hillcrest

CUP Area appears in year 2021/2022 of the proposed CIP. The sanitary sewer line extension (East "A" Street Sewer Line) to connect the CUP area to the Trunk Sewer is planned subject to Annexation Agreement. Building permits will be allowed prior to the trunk sewer and sewer line extension being provided, as long as streets, street signs, and water mains are completed and provided both sanitary sewer project completion dates are within 6 months of expected occupancy. The developer will be responsible for any temporary pumping of sewage until connection to the trunk sewer is completed. Temporary pumping of sewage will be per the approval of the Public Works & Utilities Department.

7. The proposed CUP shows the development working around the MoPac trail. Different site plans and options were considered. The development team attended several Great Plains Bicycling Club (GPBC) and Pedestrian/Bicycle Advisory Committee (PBAC) meetings to discuss development plans and listen to concerns. Meetings have also included Parks and Recreation staff to work through the transition of the MoPac trail from a rural trail into an urban area as the City continues to grow. Green space will be maintained around the MoPac trail and proposed drainage areas.
8. The developer held an informational meeting with surrounding neighbors on April 3, 2018. The meeting was attended by several nearby residents including from the Hillcrest Heights subdivision to the north. Some of the neighbor concerns included additional traffic and the type of residential use proposed near Hillcrest Heights.
9. The proposed community unit plan subject to conditions of approval is consistent with the Comprehensive Plan and will be at appropriate urban residential density. Street connectivity will include connections to existing Hillcrest Heights, the White Horse development, A Street and future connection to the Lincoln Public Schools property west of Hillcrest Heights when that is developed as well as future connection to 98<sup>th</sup> Street when it is ultimately constructed. These various connections will disperse traffic. In addition, one of the conditions of approval is to place a temporary barricade at the existing terminus of East Hillcrest Drive so as to limit construction traffic through Hillcrest Heights. The barricade will remain in place until such time that East Hillcrest Drive, Hillcrest Trail and S. 93<sup>rd</sup> Street connecting to A Street are constructed and accepted by the City. In addition, the condition for one single family residential lot instead of four lots for townhouses adjacent to Hillcrest Heights on the east side of East Hillcrest Drive along with the outlot on the west side of the street to provide a front yard setback to the existing lot will provide for a land use transition.
10. The developer is working to address Public Works-Watershed Management comments (see attached Project Dox Agency Review Report). A meeting was held June 8, 2018 with the developer to review these comments. Additional information will be provided for Public Works-Watershed Management review.

**CONDITIONS OF APPROVAL:** See attached.

**PUBLIC SERVICE:** Fire protection for the community unit plan will be provided by Lincoln Fire & Rescue (LFR). The goal for Lincoln Fire and Rescue is to respond to all locations within 4 minutes of travel time. Currently, they can meet this travel time standard. In a year from now, they may not be able to until 98<sup>th</sup> Street is developed from O Street to A Street.

**EXISTING LAND USE & ZONING:** Agriculture/Single Family Detached; AG

**SURROUNDING LAND USE & ZONING**

North: Golf Course, Single Family Residential; AG  
South: Agricultural, Single Family Residential; AG  
East: Agricultural, Single Family Residential; AG  
West: Agriculture, Utility Facility; AG, P, R-3

**APPROXIMATE LAND AREA:** 96.18 acres, more or less

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

**LEGAL DESCRIPTION:**

A portion of Lot D, a Subdivision of the east half of Section 26-10-7, a portion of vacated Missouri Pacific Railroad right-

of-way, a portion of "A" Street Right-of-way, and a portion of South 98th Street right-of-way, all located in the SE 1/4 of Sec. 26-10-7 together with the following: Lot 18 I.T., and a portion of "A" Street right-of-way, all located in the NE 1/4 of Section 35-10-7, Lincoln, Lancaster County, Nebraska

Prepared by

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George Wesselhoft, Planner  
(402) 441-6366 or [gwesselhoft@lincoln.ne.gov](mailto:gwesselhoft@lincoln.ne.gov)  
Date: June 7, 2018

Applicant/Owner: Heritage Lakes, LLC c/o Roger Severin  
5950 Vandevoot Drive, Suite #B  
Lincoln, NE 68516  
(402) 430-2024 or [rseverin@olssonassociates.com](mailto:rseverin@olssonassociates.com)

Contact: Brad Marshall  
601 P Street, Suite 200  
Lincoln, NE 68508  
(402) 458-5672 or [bmarshall@olssonassociates.com](mailto:bmarshall@olssonassociates.com)

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## CONDITIONS OF APPROVAL - SPECIAL PERMIT #18021

Per Section 27.63.320 this approval permits a Community Unit Plan for 290 residential units of single family attached, single family detached and townhouse residential uses with 100 unassigned units, with the following waivers

1. Subdivision Ordinance 26.23.130 (a), Block length for blocks 1, 8, 9.
2. Subdivision Ordinance 26.23.140(c) to allow for side lot lines to deviate from being radial and perpendicular to street right of way lines on curved streets.
3. Zoning Ordinance, Table 27.72.020 to allow for single family detached for corner lots to have front yard of 20 feet on one side with 10 feet on the other street side with no garages permitted to face the street and rear yard of 10 feet.
4. Zoning Ordinance, Table 27.72.020 to allow for single family attached for corner lots to have front yard of 20 feet on one side with 10 feet on other street side with no garages permitted to face the street, side yard of 5 feet, shared lot line of 0 feet, and rear yard of 15 feet and frontage for "flag" lot 21-22, Block 1, shall be allowed frontage less than 50'.
5. Zoning Ordinance, Table 27.72.020 to allow for the townhome area and for single family attached for a minimum lot area of 2,500 square feet, a minimum lot width of 20 feet, for corner lots a front yard of 20 feet on one side with 10 feet on other street side with no garages permitted to face the street, side yard of 5 feet, shared lot line of 0 feet and a rear yard of 10 feet.
6. Design Standards, Title 2, Chapter 2.00, Section 3.6, to allow for sanitary sewer mains to run opposite the street grades.
7. Design Standards, Title 2, Chapter 2.15, Section 3.3.3. Cul-de-sac radius less than Design Standards for Casa Colina Court (R30'), Casa Galenao Court (R30'), Triana Court (R30'), Signature Court (R35').
8. Design Standards, Title 2, Chapter 2.15, Section 3.3.2. Street radius less than Design Standard for curves C1, C4, C5, C6.

### Site Specific Conditions:

1. The City Council approves associated requests:
  - 1.1 Annexation #18001
  - 1.2 Change of Zone #18006
  - 1.3 Comprehensive Plan Conformance #18009
2. Before a final plat is approved the permittee shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including 3 copies with all required revisions and documents as listed below:
  - 2.1 Make the following revisions:
    - 2.1.1 Sheet 1 of 14: Add CUP density calculation per Title 3, 3.35 Design Standards for Community Unit Plans. List the 290 dwelling units shown and 100 unassigned units.
    - 2.1.2 Sheet 1 of 14: Add note to Community Unit Plan notes that a temporary barricade will be placed at the existing terminus of East Hillcrest Drive in Hillcrest Heights which will remain in

place until such time that East Hillcrest Drive, Hillcrest Trail and S. 93<sup>rd</sup> Street connecting to A Street are constructed.

2.1.3 Sheet 1 of 14: Remove reference to City Council under CUP Notes 2.

2.1.4 Sheet 1 of 14: Revise CUP Notes 8 to as follows:

The Steven's Creek Trunk Sewer is to be completed by the city by June 2019. The extension to serve the Hillcrest CUP Area appears in year 21/22 of the proposed CIP. The sanitary sewer line extension (East "A" Street Sewer Line) to connect the CUP area to the Trunk Sewer is planned subject to Annexation Agreement. Both sanitary sewers are necessary to serve the Hillcrest Community Unit Plan area. Building permits shall be allowed prior to the trunk sewer and sewer line extension being provided, as long as streets, street signs, and water mains are completed and provided both sanitary sewer project completion dates are within 6 months of expected occupancy. The developer shall be responsible for any temporary pumping of sewage until connection to the trunk sewer is completed. Temporary pumping of sewage shall be per the approval of the Public Works & Utilities Department.

2.1.5 Revise proposed lots 22-25 in Block 8 along East Hillcrest Drive to be one single family residential lot instead of four lots for townhouses.

2.1.6 Dimension Lincoln Public Schools property and show conceptual lot layout.

2.1.7 Show conceptual lot layout on Kidwell property.

2.1.8 Show location of existing house on Earthtone property.

2.1.9 Remove conceptual layout note on White Horse property and show the lot layout per the preliminary plat.

2.1.10 Provide pedestrian connection for Block 17, Lots 11, 12 if block length is over 1,000 feet.

2.1.11 Provide pedestrian easement for Block 19, Lot 1.

2.1.12 Rename Reserve Lane, Lauren Lane and Cordoba streets to other names not already in use or similar to existing names. Rename Casa Colina Drive north-south section to different name than east-west section. Name the private streets off of White Horse Way.

2.1.13 Sheet 2 of 14: Add note that easement will be provided to the City for detention on Hillcrest golf course property for the proposed west and east detention cells if off site detention is found acceptable by Public Works-Watershed Management.

2.1.14 Sheet 2 of 14: Add curbs to private street cross section and change reduced berm cross section "c" to stream crossing section "c".

2.1.15 Provide block length information for all blocks in a separate exhibit including adjacent lot layout with the total block length calculation divided by 2 to provide the block length. Blocks 2, 3, 4, and 5 need to be recalculated as per block length calculation (total block length divided by 2).

2.1.16 Sheet 1 of 14: Add note that existing residence located on proposed Lot 7, Block 8 will request an address change at owner expense.

2.1.17 Submit corrections to the satisfaction of the County Assessor for CAD.

2.1.18 Sheet 1 of 14: Remove Note 6 from General Site Notes.

- 2.1.19 Sheet 1 of 14: Correct letter formatting under Requested Waivers, Notes 4, 6, and 7.
- 2.1.20 Sheet 1 of 14: Add a note that sidewalk installation along A Street on the entire south side and on the north side from the west boundary to the trail, will be included as final plat for adjacent lots.
- 2.1.21 Grading Plan: Update to reflect sidewalk installation along A Street per above condition and to accommodate all pedestrian easements required.
- 2.1.22 Sheet 2 of 14: Add note for Outlot E along Cordoba Drive "to be dedicated at no cost to owner of adjacent lot for purpose of providing a front yard setback to existing lot.
- 2.1.23 Sheet 2 of 14: As proposed by the developer, change private street on north side of A Street next to White Horse development to a public street and name 91<sup>st</sup> Street and show turn lane to the satisfaction of Public Works & Utilities Department.
- 2.1.24 Show guest parking as required for lots under 35' in width to meet Zoning Ordinance 27.67.040 requirements.
- 2.1.25 Provide correct block length information for Block 17.
- 2.2.26 Provide street connection to Kidwell property to the west through Block 15 Lot 18 location.
- 2.2.27 Revise lot layout for Lots 8-10, Block 8 to a more functional lot layout for future owners.
- 2.1.28 Remove Block 11 label and relabel as part of Block 9.
- 2.1.29 Remove 60' Access & Utility Easement label next to S. 97<sup>th</sup> Street by golf course.
- 2.1.30 Remove easement directly north of S. 97<sup>th</sup> Street for extension of future street.
- 2.1.31 Show S 97<sup>th</sup> Street extending fully to north property line next to golf course.
- 2.1.32 Show sidewalk connection from Triana Court cul de sac to A Street sidewalk and from S. 97<sup>th</sup> Street Outlot A to A Street sidewalk.
- 2.1.33 Submit corrections and additional information to the satisfaction of Public Works-Watershed Management.

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

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

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

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

Before the approval of a final plat, the public streets, private roadway improvements, sidewalks, public sanitary sewer system, public water system, drainage facilities, land preparation and grading, sediment and

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

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

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

to complete the installation of sidewalks along both sides of all streets as shown on the final plat within four (4) years following the approval of the final plat.

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

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

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

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

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

to complete the planting of the landscape screen within this plat within two (2) years following the approval of the final plat.

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

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

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

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

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

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

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

to maintain the outlots on a permanent and continuous basis.

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

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

to maintain the landscape screens, including replacement and replanting as reasonably necessary, on a permanent and continuous basis.

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

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

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

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

to inform all purchasers and users of land is located within the 100 year floodplain that the grading of the lots and outlots within the 100 year floodplain shall be in conformance with the approved grading plan or as amended by the Director of Planning. The volume of fill material brought into each lot and outlot from outside the floodplain shall not exceed that shown on the approved grading plan accompanying the preliminary plat.

to protect the trees that are indicated to remain during construction and development.

**Standard Conditions:**

5. The following conditions are applicable to all requests:
  - 5.1 Before occupying the dwelling units all development and construction shall substantially comply with the approved plans.
  - 5.2 All privately-owned improvements, including landscaping and recreational facilities, shall be permanently maintained by the Permittee or an appropriately established homeowners association approved by the City.
  - 5.3 The physical location of all setbacks and yards, buildings, parking and circulation elements, and similar matters be in substantial compliance with the location of said items as shown on the approved site plan.

- 5.4 The terms, conditions, and requirements of this resolution shall run with the land and be binding upon the Permittee, its successors and assigns.
- 5.5 The applicant shall sign and return the letter of acceptance to the City Clerk. This step should be completed within 60 days following the approval of the special permit. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the applicant. Building permits will not be issued unless the letter of acceptance has been filed.



2016 aerial

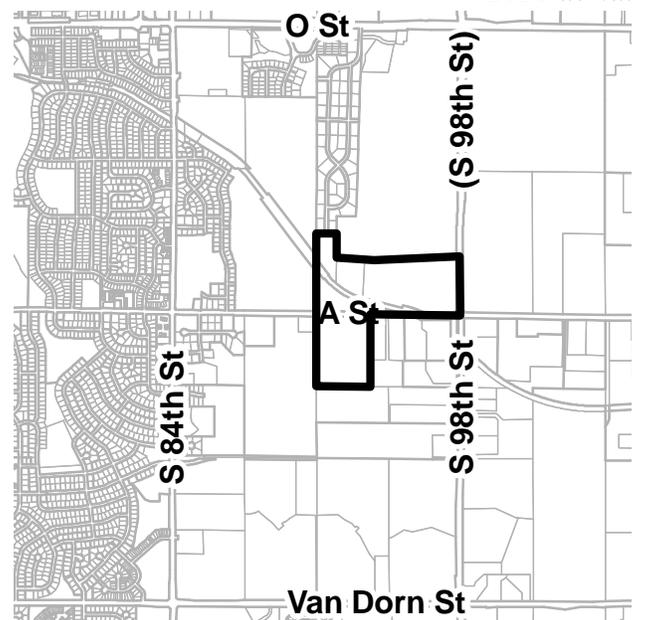
**Special Permit #: SP18021**  
**Hillcrest Community Unit Plan**  
**S 93rd St & A St**

**Zoning:**

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

Two Square Miles:  
 Sec.26 T10N R07E  
 Sec.35 T10N R07E

	Area of Application
	Zoning Jurisdiction Lines
	Existing City Limits





May 9, 2018

Mr. David Cary  
Planning Director  
Planning Department  
555 South 10<sup>th</sup> St., Suite 213  
Lincoln, NE 68508

Re: Hillcrest CUP  
Applications for Annexation, Change of Zone to R-3, Special Permit Community Unit Plan  
Olsson Project No. 016-3109

Dear Mr. Cary,

On behalf of the East "A" Street Coalition ("Coalition"), the owners are requesting annexation, a change of zone to R-3 and a Special Permit Community Unit Plan (CUP).

A draft Annexation Agreement is being submitted to the City of Lincoln by Tom Huston of Cline Williams to master plan the infrastructure to provide for the phased annexation of the Coalition properties.

The Coalition members of Phase I Annexation are prepared to proceed with the development of the Property which contains approximately 96.18 acres and is legally described and shown on Exhibits "A1" and "A2" enclosed herein ("First Phase Property"). The Coalition is submitting a change of zone for the First Phase Property from AG to an R-3 and a Special Permit CUP.

The proposed CUP for the First Phase Property contains residential areas including single family detached and attached and townhomes.

A draft Annexation Agreement is being submitted to the City for review. The development team has met with City Staff several times to discuss the proposed applications. East O Property, the owner, of the Hillcrest Country Club is also requesting annexation so that City utilities may be extended to serve the property.

Enclosed find the following:

1. City of Lincoln Application, including:
  - a. Annexation of First Phase Property and a portion of East O Property
  - b. Change of Zone from AG to R-3 for First Phase Property,
  - c. Special Permit Community Unit Plan
2. Special Permit CUP application fee in the amount of \$4,283
3. Change of Zone application fee in the amount of \$988
4. CUP Site Plan
5. Exhibits "A1" & "A2" – Change of Zone Legal and Exhibit
6. Exhibits "B1" & "B2" – Annexation Legal and Exhibit



The proposed CUP site plans shows the development working around the MoPac trail. The Coalition considered several site plans and options. The development team has attended several Great Plains Bicycling Club ("GPBC") and Pedestrian / Bicycle Advisory Committee ("PBAC") meetings to discuss development plans and listen to issues and concerns. Parks and Recreation have been included in Staff meetings to help communicate how the development and trail could work together in the transition of the MoPac trail from a rural trail into an urban area as the City continues to grow.

Green space is being maintained around the MoPac trail and proposed drainage areas. Stormwater runoff and water quality improvements will be provided within the development and are outlined in the Grading and Drainage Study.

The development includes one full access intersection at S. 93<sup>rd</sup> Street and 'A' Street. This intersection is planned to be a future roundabout; however, the development is proposing a "rural section" roundabout to improve safety at this intersection upon the start of development. Right-in/right-out intersections are being proposed at S. 91<sup>st</sup> Street and 'A' Street and Hillcrest Trail and S. 98<sup>th</sup> Street. The Hillcrest Trail connection to S. 98<sup>th</sup> Street will be connected at the time the City constructs S. 98<sup>th</sup> Street from 'A' Street to 'O' Street.

Olsson Associates has also held a public meeting for neighbors to attend and also met with the Hillcrest Acres HOA to discuss the project.

The CUP includes waivers to address block length issues caused by the MoPac Trail, drainage ways and the existing Hillcrest golf course.

We look forward to continuing to work with the City, Committees, and neighbors on the applications. Plans and other supporting documents will be submitted to ProjectDox upon notification from the Planning Staff. If you require further information or have any questions, please do not hesitate to contact me at [bmarshall@olssonassociates.com](mailto:bmarshall@olssonassociates.com) or (402) 458-5672.

Sincerely,

A handwritten signature in blue ink that reads "Brad J. Marshall".

Brad J Marshall, P.E.

Enclosures.









### GENERAL SITE NOTES

1. SANITARY SEWER AND WATER LINES TO BE 8" AND 6" PIPE DIAMETER RESPECTIVELY AND TO BE CONSTRUCTED TO OTHER CITY OF LINCOLN SPECIFICATIONS, UNLESS OTHERWISE SHOWN.
2. ALL SANITARY SEWERS AND WATER MAINS TO BE PUBLIC.
3. ALL DIMENSIONS ALONG CURVES ARE CHORD DISTANCES.
4. ALL PAVING RADII TO BE 20' UNLESS OTHERWISE NOTES.
5. ALL ELEVATIONS ARE TO BE ON NAVD 1988.
6. SIDEWALKS TO BE 5 FEET MINIMUM WHERE RIGHT-OF-WAY ABUTS OPEN SPACE OR DOES NOT ABUT RESIDENTIAL LOTS. SIDEWALKS SHALL BE 4 FEET WIDE WHERE ABUTTING RESIDENTIAL LOTS. PEDESTRIAN SIDEWALK CONNECTIONS ARE REQUIRED TO BE 5 FEET WIDE WHEN EXCEEDING 190 FEET IN LENGTH. THIS WIDTH WILL BE REQUIRED AT THE TIME OF FINAL PLAT.
7. LOT, OUTLOT AND BLOCK DIMENSIONS SHOWN ARE APPROXIMATE AND MAY VARY.
8. ALL STREET DIMENSIONS ARE TO BACK OF CURB OR EDGE OF PAVEMENT.
9. THE YARD SETBACKS REGULATE STRUCTURAL WALLS ONLY AND DO NOT RESTRICT OVERHANGS, PATIOS, DOOR SWINGS, WINDOW SWINGS, ETC. FROM ENCROACHING INTO THE SETBACKS.
10. DETAILS OF ALL SIGNS, INCLUDING TYPE, HEIGHT, AND SIZE WILL BE SUBMITTED SEPARATELY FOR REVIEW WITH THE BUILDING PERMIT AND NEED NOT BE SHOWN ON THE CUP PLANS.
11. ALL STREETS WITHIN THIS CUP ARE PUBLIC LOCAL STREETS UNLESS DESIGNATED OTHERWISE ON THE PLAN.
12. THE FINAL LOCATION AND GRADING OF THE BIKE TRAIL WILL BE DETERMINED BY THE PARK AND RECREATION DEPARTMENT AT THE TIME OF FINAL PLAT.

### COMMUNITY UNIT PLAN NOTES

1. THIS COMMUNITY UNIT PLAN CONTAINS 96.2 ACRES.
2. ALL REGULATIONS OF THE UNDERLYING ZONING DISTRICT SHALL APPLY, EXCEPT AS PROVIDED HEREIN AND/OR SPECIFICALLY MODIFIED BY THE CITY COUNCIL.
3. THE 'R-3' ZONING REGULATIONS APPLY THROUGHOUT THIS CUP WITH THE FOLLOWING EXCEPTIONS:
  - A. PER THE APPROVED WAIVERS AS LISTED IN THE REQUESTED WAIVERS' TABLE.
4. LOT LAYOUT IS CONCEPTUAL. ACTUAL LAYOUT WILL BE DETERMINED AT THE TIME OF FINAL PLAT SUBJECT TO COMPLIANCE WITH L.M.C. TITLE 26.
5. ALL OPEN SPACE AND DETENTION AREAS MAINTENANCE IS THE RESPONSIBILITY OF THE DEVELOPERS AND/OR FUTURE HOMEOWNER'S ASSOCIATION.
6. ALL CENTER ISLANDS OF TRAFFIC CIRCLES LOCATED WITHIN THE DEVELOPMENT AND IN THE PUBLIC RIGHT-OF-WAY SHALL BE MAINTAINED BY THE DEVELOPER AND/OR FUTURE HOMEOWNER'S ASSOCIATION.
7. THE DEVELOPER SHALL CONSTRUCT IMPROVEMENTS AS SHOWN ON THE PLANS AT ALL STREET CONNECTIONS TO 'A' STREET.
8. THE STEVEN'S CREEK TRUNK SEWER IS TO BE COMPLETED BY THE CITY BY JUNE 2019 FOR CONNECTION AND EXTENSION TO SERVE THE HILLCREST CUP AREA. BUILDING PERMITS SHALL BE ALLOWED PRIOR TO THE TRUNK SEWER BEING PROVIDED BY THE CITY OF LINCOLN, AS LONG AS STREETS, STREET SIGNS, AND WATER MAINS ARE COMPLETED. THE DEVELOPER SHALL BE RESPONSIBLE FOR ANY TEMPORARY PUMPING OF SEWAGE UNTIL CONNECTION TO TRUNK IS COMPLETED. TEMPORARY PUMPING OF SEWAGE SHALL BE PER THE APPROVAL OF THE PUBLIC WORKS & UTILITIES DEPARTMENT.
9. OUTLOT DESIGNATION AND USES ARE AS FOLLOWS:
  - a. OUTLOT A PUBLIC ACCESS AND BLANKET PUBLIC UTILITY EASEMENT
  - b. OUTLOT B, C, D, G & H OPEN SPACE, DRAINAGE & DETENTION
  - c. OUTLOT E & F OPEN SPACE
  - d. OUTLOT J OPEN SPACE & PUBLIC UTILITY EASEMENT



### Current Project - Agency Review Report

Agency Name	User Name	Review Cycle	Review Status	Comments	Assignment
Army Corps of Engineers	Army Corps of Engineers	1	Pending		First In Group
Black Hills Corp	randy kreifels	1	Recommend Approval	BHE has no issues.	Individual
	ron rehtus	1	Corrections Required	No comments. See Terry Kathe review comments.	First In Group
Building & Safety	terry kathe	1	Corrections Required	1. Casa Colina Drive north-south section should be renamed, as it is north-south in nature and other section is clearly east-west. 2. Name the private streets off of White Horse Way. Without naming the access, the ability of 911 to locate these structures or see the address from the street is greatly diminished. 3. Existing accessory structures that are currently located on Block 8 must receive a demolition permit. 4. Existing residence located on proposed Lot 7, Block 8 must request an address change, at the expense of the owner of the property. 5. The property currently addressed 1180 East Hillcrest Drive requires a demolition permit. 6. The street name Lauren Lane should be discussed with 911 operators(911 Emergency Services), as there is a Laura Lynn, Lauren Marie, Laurent, Laura.... street names that are very similar.	Individual
Charter Communications	David Mason	1	Pending		Individual
County Assessor	chris ladegard	1	Corrections Required	CAD file not in correct version. No SUB-POB point in CAD or equivalent Northing/Easting annotation in CAD or plat map CAD file only contained Subdivision boundary, which was ok	Individual
County Engineer	ken schroeder	1	Recommend Approval	Recommend approval subject to development improvements to follow area annexations including the adjacent County Road Right-of-ways. May 19, 2018 (kds)	Individual
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. Water wells existing when annexation occurs may continue to exist and be used for domestic (household) or non-domestic (irrigation) use if the use is consistent with the use prior to annexation. An annual well permit is required for all wells within the city limits. Unused wells must be properly decommissioned by a licensed well driller. Any existing on-site wastewater treatment systems must be properly abandoned by a licensed wastewater treatment system installer.	Individual
County Sheriff	Todd Duncan	1	In Review		Individual
Development Review Manager	steve henrichsen	1	Corrections Required		Individual
Emergency Communications	Kelly Davila	1	Pending		Individual
Fire Department	patrick borer	1	Recommend Approval	Lincoln Fire and Rescue recommends approval of this application.	Individual
LES	les reviews	1	Recommend Approval	5/21/18 Easements to be acquired during platting process. DG	Individual
Lincoln Police Department	sgt randy clark	1	Recommend Approval		First In Group
	Paul Barnes	1	Pending		Individual

Long Range Manager					
Lower Platte South NRD	kyle hauschild	1	Corrections Required	See city Comments. Also may need to do breach analysis of the dam that is on the property line. May change classification of dam depending on storage or specs.	Individual
Parks & Recreation	sara hartzell	1	Recommend Approval		Individual
Planning Dept	brenda thomas	1	No Review Required		First In Group
Public Works - Engineering Services	brion perry	1	Recommend Approval	5-16-18	First In Group
Public Works - Survey Check	troy griffin	1	Recommend Approval		Individual
Public Works - Watershed Management	tim zach	1	Recommend Denial	<p>5/21/18 There is not enough information to complete a review. The following items need to be submitted before a complete review can be completed:</p> <ol style="list-style-type: none"> <li>1. Show on the grading plan the minimum corridor boundary centered on the channel. The latest submittal does not include the minimum corridor boundary, and shows grading (and lots) most likely within this boundary. Sequencing documentation must also be submitted showing how these encroachments will be either avoided, minimized, or mitigated. Include with this submittal GIS shapefiles of the minimum corridor boundary, all floodplain boundaries, lot layout, and proposed grading.</li> <li>2. Include in the drainage report the HEC-HMS output, HEC-RAS data tables, profile, cross sections, and HydroCAD output. Also submit the HEC-HMS model along with the revised HEC-RAS model.</li> <li>3. Per the discussion in the meeting on 3/26/18, it was understood that "Detention 4" and "Detention 5" were not actually attenuating flow. But the drainage report shows attenuation. This is not acceptable to use these two offsite areas as detention, especially "Detention 5" since it is located where a future street connection will be. Instead, show these areas as flowage easements over the 100-year ponding limits created by the proposed fill, and size the storm pipes to handle the minor storm event. Then reevaluate the detention for this site without these two areas attenuating flow.</li> <li>4. The request for alternative to the water quality requirements is denied. It is not acceptable to used area already protected by minimum corridor and floodplain regulation, and being used for detention, also for water quality. Submit all required documents showing the water quality requirements are being met.</li> </ol> <p>Once the required information is submitted, a review can be completed and further comments may arise.</p>	First In Group
Public Works & Utilities - Wastewater	brian kramer	1	Corrections Required	sanitary sewer is in year 4 of proposed CIP	Individual
Public Works & Utilities - Water	dave beyersdorf	1	Recommend Approval	Water is currently not available. A 16" water main in A St. from Smokey Hill to 94th St is in design and projected to be available to serve these areas by March 2019. Water mains do not currently exist in 98th St. as depicted on the attached drawings, and are not currently being planned or designed.	First In Group
Stronger Safer Neighborhoods	Jon Carlson	1	Pending		Individual
United States Post Office	kerry kowalski	1	Recommend Approval	Recommend approval on the condition all new deliveries are established in centralized box units(CBUS) which will be purchased and installed at the developers expense in a location mutually agreed upon by the developer and the US Postal Service.	First In Group
Windstream	Jeff Zoller	1	Pending		Individual



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

FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER Comprehensive Plan Conformance #18013	FINAL ACTION? No	DEVELOPER/OWNER Lincoln Electric System
PLANNING COMMISSION HEARING DATE June 20, 2018	RELATED APPLICATIONS None	PROPERTY ADDRESS/LOCATION 1040 O Street

**RECOMMENDATION: IN CONFORMANCE WITH THE COMPREHENSIVE PLAN SUBJECT TO HISTORIC PRESERVATION EASEMENT AND LANDMARK DESIGNATION**

**BRIEF SUMMARY OF REQUEST**

Lincoln Electric System (LES) is requesting the declaration of surplus property for 7,100 square feet of property located at the northwest corner of O Street and N. 11<sup>th</sup> Street. LES intends to make this property available for private sale and development and does not plan to vacate the property until sometime in 2021 depending upon the completion of the new LES center. This request seeks to find conformance with the Comprehensive Plan to declare the property as surplus.



**JUSTIFICATION FOR RECOMMENDATION**

LES entered into a contract to purchase this property in 1993 after already having been a tenant. With construction of the Lincoln Electric System’s Operations Center at the Southwest corner of 98<sup>th</sup> Street and Rokeby Road currently underway, the Lincoln Electric Building located at 1040 O Street has been declared surplus for LES future need and use. There has been no opposition to the sale of the property by any departments or public agencies.

**APPLICATION CONTACT**

Shana Sprackling, (402) 467-7621 or [ssprackling@les.com](mailto:ssprackling@les.com)

**STAFF CONTACT**

George Wesselhoft, (402) 441-6366, or [gwesselhoft@lincoln.ne.gov](mailto:gwesselhoft@lincoln.ne.gov)

**COMPATIBILITY WITH THE COMPREHENSIVE PLAN**

This declaration of surplus property conforms to the Comprehensive Plan which supports Downtown’s role as a major center for mixed use.

## **COMPREHENSIVE PLAN SPECIFICATIONS:**

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

p. 1.3 Downtown Lincoln continues to serve as the heart of our community and is an asset for all Nebraska residents.

p. 1.3 Downtown Lincoln continues to serve its role as the central location for commerce, government, entertainment and the arts.

p. 1.3 Downtown Lincoln is promoted as vibrant mixed use neighborhood, offering choices for residential lifestyles and daily needs commerce in a walkable and bicycle-friendly environment.

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

p. 2.7 Lincoln will continue to have managed and contiguous growth, including strengthening our Downtown core.

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

p. 4.6 Public property, especially publicly owned historic property, is a community trust and should be maintained, preserved, and utilized in an exemplary fashion. Most historic property is and should be privately owned and maintained.

p. 4.9 Implement a public policy of the careful stewardship of significant, publicly owned historic resources, including a full and open examination of alternatives when major alterations or demolition are considered. Consider designation of such resources under the preservation ordinance to demonstrate leadership and standardize review of proposed changes.

p. 5.4 The City should preserve and enhance Downtown's role as...A major focus for new residential reuse, infill, and redevelopment.

P. 6.1 The primary focus for new dwelling units is the "Greater Downtown" which includes Downtown proper, Antelope Valley, the Haymarket, South Haymarket, Telegraph District and Innovation Campus.

P. 6.3 Support development and implementation of the Downtown Master Plan, South Haymarket Neighborhood Plan and the Antelope Valley Redevelopment Plan.

p. 6.3 Strategies for Greater Downtown...Maintain the urban environment, including a mix of land uses with a major focus on residential uses.

## **DOWNTOWN MASTER PLAN SPECIFICATIONS:**

p. 19 Build upon downtown Lincoln's greatest assets: its historic buildings, and districts which ought to be preserved and renovated wherever feasible.

p. 20 A Mix of Uses: The framework encourages mixed use development wherever feasible. Mixed-use buildings with housing on upper floors support the retail uses on their ground floors, and benefit from nearby transit services.

P. 25 Retail and commercial uses should be developed along ground floors of parcels on O Street (between 11<sup>th</sup> and 15<sup>th</sup>), parts of N Street, and P Street.

P 31 The Housing Framework meets the current and future demands of downtown Lincoln. It brings economic vitality to downtown by fostering 24-hour activity and lively, vibrant streets. Urban dwellers financially help support downtown retail, restaurants and other services.

P. 31 Housing in downtown Lincoln - with its easy access to transit and a variety of other goods, services, and activities - is highly desirable to a new demographic....Key requirements for the Housing Framework including providing: A vertical mix - housing over retail and/or parking.

#### **LINCOLN CENTER REDEVELOPMENT PLAN SPECIFICATIONS:**

- P III-8 Intensify and strengthen Lincoln's central business district as a focal point for regional development;
- P III-8 Provide for compact and interrelated development in order to increase the amount and variety of activity in the core while increasing pedestrian convenience and visual interest;
- P III-8 Encourage rehabilitation/renovation of existing structures throughout the Community Redevelopment Area;
- P III-9 Encourage the development of mixed use projects that attract and maintain commercial activity and residential developments in the Downtown and Haymarket areas;
- P III-9 Encourage development that is consistent and complementary to existing land uses, architectural systems, and building materials found Downtown and in the Haymarket;
- P III-9 Encourage expanded housing opportunities and types to foster 24-hour activity and a lively street;
- P III-9 Encourage the development of a vibrant retail presence.

#### **ANALYSIS**

1. This is a request to find in conformance with the Comprehensive Plan the surplus of approximately 7,100 square feet of property located near the northwest corner of O Street and N. 11<sup>th</sup> Street to make it available for private sale and redevelopment. On February 20, 2015, the Administrative Board of Lincoln Electric System (LES) approved the purchase of real property for Lincoln Electric System's Operations Center (LOC) in SE Lincoln, Lancaster County at the SW corner of 98<sup>th</sup> Street and Rokeby Road. With construction of the LOC currently underway, the Lincoln Electric Building located at 1040 O Street has been declared surplus for LES future need and use. LES does not plan to vacate the property until sometime in 2021 depending upon the completion of the new LES center.
2. The LES Building at 1040 O Street began as the Little Building, a five-story retail and office building constructed in 1907 by the Lincoln architects Fiske & Dieman. In 1936, the structure was remodeled for Lincoln Liberty Life Insurance Co., including addition of a 6th story with windowless, Art Deco limestone facades to the south and east, designed by Meginnis & Schaumberg, former partners of F. C. Fiske. A federally certified historic rehabilitation was undertaken in 1987, and in 1988 the Lincoln Liberty Life Building, was listed on the National Register of Historic Places as one of Lincoln's best examples of the Art Deco style. LES was already a tenant in the rehabbed building in 1987 and entered into a contract to purchase the structure in 1993. The building's status as a National-Register-listed properties provides eligibility for two State of Nebraska tax incentives for historic rehabilitation, as well as the federal program utilized in 1986.
3. Prior to sale, designation of the LES Building as a Lincoln landmark under Chapter 27.57 of the zoning code would implement a strategy of the Comprehensive Plan for protection of publicly owned historic property. When the City of Lincoln sold the former U. S. Post Office & Courthouse (aka "Old Fed" or Grand Manse), preservation easements were retained for the principal exterior facades and key interior historic features. At least exterior preservation easements should be retained for the LES Building.

4. The LES property sits squarely within the long-established Lincoln Center Redevelopment Area. In 1985, the City Council adopted Resolution A-70273 establishing this redevelopment area generally bounded by “R” Street, 17<sup>th</sup> Street, “S” Street, and 7<sup>th</sup> Street, which was declared blighted and substandard. Many redevelopment projects have since been undertaken in this area.
5. No utilities have identified easements which need to be retained as part of the property surplus designation.
6. No City agencies identified a need for the office space. While the Comprehensive Plan encourages Downtown to be the center of all levels of government, the Plan also supports Downtown's role as a major center for mixed use. Reuse of this building should strengthen Downtown's role as a mixed-use urban center with a focus on new residential reuse, infill, and redevelopment.

**EXISTING LAND USE & ZONING:** LES Business Office/B-4 Commercial

**SURROUNDING LAND USE AND ZONING:**

North: Apartments/B-4 Commercial  
 South: Commercial/B-4 Commercial  
 East: Commercial/B-4 Commercial  
 West: Commercial/B-4 Commercial

**APPROXIMATE LAND AREA:** 7,100 square feet

**LEGAL DESCRIPTION:** Lots 20 and 21, Block 42, Original Plat of Lincoln, Lancaster County, Nebraska

Prepared by

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George Wesselhoft, Planner  
 (402) 441-6366 or [gwesselhoft@lincoln.ne.gov](mailto:gwesselhoft@lincoln.ne.gov)

Date: June 7, 2018

Applicant/Owner: Lincoln Electric System  
 2620 Fairfield Street  
 Lincoln, NE 68521

Contact: Shana Sprackling - LES Land Management Manager  
 2620 Fairfield Street  
 Lincoln, NE 68521  
 (402) 467-7621 or [ssprackling@les.com](mailto:ssprackling@les.com)

CPC18013 LES Surplus.gjw.docx

**CONDITIONS OF APPROVAL - COMPREHENSIVE PLAN CONFORMANCE #18013**

- 1.1 Prior to sale, place a historic preservation easement on the property for the exterior of the structure and designate the LES Building as a Lincoln landmark under Chapter 27.57 of the Zoning Ordinance.



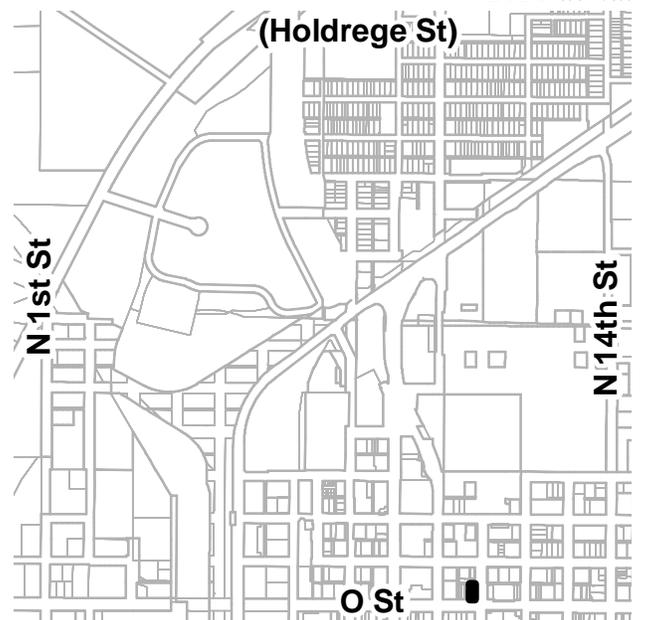
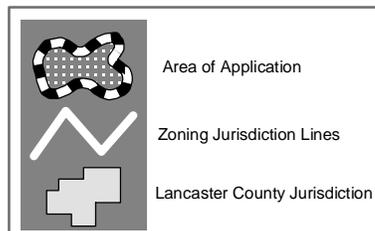
2016 aerial

**Comp Plan Conformance #: CPC18013**  
**N 11th St & O St**

**Zoning:**

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

One Square Mile:  
 Sec.23 T10N R06E





June 11, 2018

Lincoln-Lancaster County Planning Department  
Attn: David Carey, Planning Director  
555 South 10<sup>th</sup> Street, Suite 213  
Lincoln, NE 68508

RE: Lincoln Electric Building  
1040 O Street  
Lincoln, NE 68508

Dear David,

On February 20, 2015, the Administrative Board of Lincoln Electric System ratified, approved, and affirmed the purchase of real property for the location of Lincoln Electric System's Operations Center (LOC) in SE Lincoln, Lancaster County, Nebraska. With construction of the LOC currently underway, the Lincoln Electric Building located in Lincoln's Central Business District has been declared surplus for LES future need and use.

On May 18<sup>th</sup>, 2018, the Administrative Board of Lincoln Electric System ratified, approved, and affirmed the declaration of the Lincoln Electric Building located at 1040 "O" Street in Lincoln, Lancaster County, Nebraska as surplus property and authorized the competitive sale of the real property via Resolution 2018-3.

Lincoln Electric System is in receipt of a letter dated May 25, 2018, written by David Landis, Urban Development Director, confirming that the future sale of the real property is consistent with the redevelopment plan for the downtown Lincoln area.

Please accept this correspondence as an application for the Planning Commission's June 20<sup>th</sup> hearing on the future sale of this property conforming to the current Lincoln/Lancaster County Comprehensive Plan as well as an amendment to the Lincoln Center Redevelopment Area.

Thank you for your consideration. Questions pertaining to the sale of the real property can be directed to myself at [ssprackling@les.com](mailto:ssprackling@les.com) or 402-467-7621.

Respectfully,

Shana Sprackling  
Manager, Land Management

C: Trish Owen  
J.D. Linscott  
Richard Grabow



Urban Development Department  
555 South 10th Street Suite 205 Lincoln NE 68508  
402-441-7606 [lincoln.ne.gov](http://lincoln.ne.gov)

May 25, 2018

David Carey  
Planning Director  
Lincoln-Lancaster County Planning Director  
555 S. 10<sup>th</sup> Street, Ste. 213  
Lincoln, NBE 68508

Dear Director Carey,

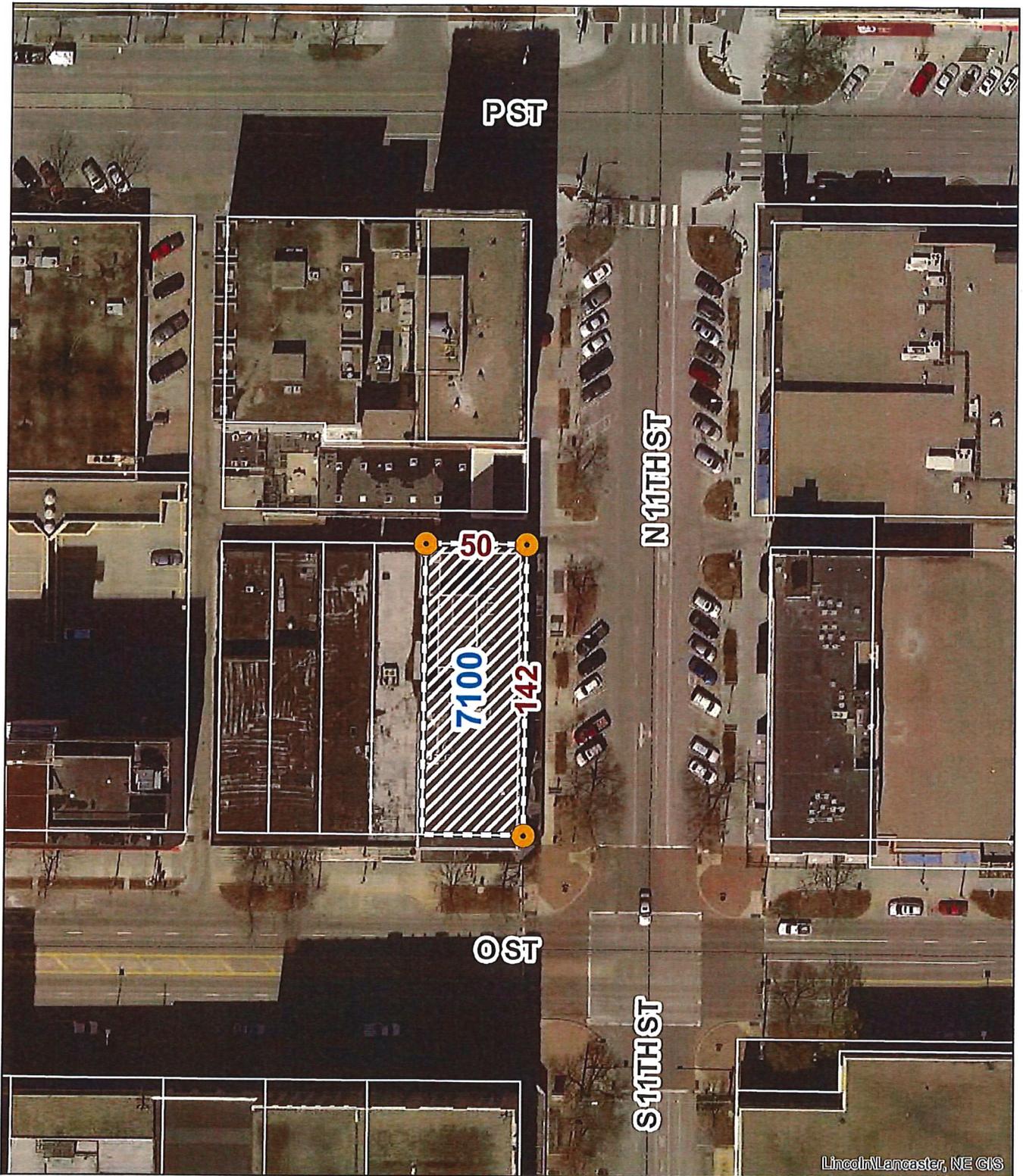
You have informed me of Lincoln Electric System's (LES) intent to surplus its property at 1040 O Street to make it available for private sale and redevelopment. Please accept this correspondence as the Urban Development Department's commentary on the proposed surplus designation of this property with regard to the City of Lincoln's Comprehensive Plan, and more specifically with the City's urban redevelopment objectives.

The LES property sits squarely within the long-established Lincoln Center Redevelopment Area. In 1985, the City Council adopted Resolution A-70273 establishing this redevelopment area generally bounded by "R" Street, 17<sup>th</sup> Street, "S" Street, and 7<sup>th</sup> Street, which was declared blighted and substandard. Many redevelopment projects have since been undertaken in the area. Redevelopment of the LES property at 1040 O Street is consistent with the redevelopment plan for the area and the Urban Development Department is eager to assist redevelopment of the property in conformance with the Plan and the Nebraska Community Redevelopment Act.

A handwritten signature in blue ink that reads "David Landis".

David Landis

Urban Development Director



SURPLUS PROPERTY REVIEW: 1040 O St - LES Building

 Surplus Property





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

FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER Annexation #18004 Change of Zone #18017	FINAL ACTION? No for both applications	DEVELOPER/OWNER SW. Folsom Development, LLC
PLANNING COMMISSION HEARING DATE June 20, 2018	RELATED APPLICATIONS None	PROPERTY ADDRESS/LOCATION 801 W. Old Cheney Road

**RECOMMENDATIONS: ANNEXATION #18004  
CHANGE OF ZONE #18017**

**CONDITIONAL APPROVAL  
APPROVAL**

**BRIEF SUMMARY OF REQUEST**

This is a combined staff report for two related applications associated with the SW Village Heights property, located approximately between SW 12<sup>th</sup> Street and S. Folsom Street and, south of W. Old Cheney Road. The annexation request includes approximately 42.49 acres and the change of zone includes approximately 38.90 acres. This proposal is phase 1 of a larger subdivision that will develop incrementally with anticipated future phases of annexation and rezoning requests.



**JUSTIFICATION FOR RECOMMENDATION**

The subject property is abutting the city limits to the south, and a full range of municipal services can be provided if annexed. It is within the City’s Future Service Limits, and designated for future urban residential land uses. A change of zone from AG (Agriculture) to R-3 (Residential) is consistent with the Future Land Use Map designation, and compatible with surrounding development. Both requests comply with the Zoning Ordinance and are consistent with the Comprehensive Plan.

**APPLICATION CONTACT**  
Mark Palmer, Olsson Associates  
(402) 458-5632  
[mpalmer@olssonassociates.com](mailto:mpalmer@olssonassociates.com)

**STAFF CONTACT**  
Dessie E. Redmond, Planner  
(402) 441-6373  
[dredmond@lincoln.ne.gov](mailto:dredmond@lincoln.ne.gov)

**COMPATIBILITY WITH THE COMPREHENSIVE PLAN**

The site is within the Future Service Limit, and is designated for future urban density residential land uses on the Future Land Use Map. These requests comply with the requirements of the Zoning Ordinance and Comprehensive Plan.

## KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

P. 1.10 - The 2040 Growth Tiers Map designates this area as Tier 1, Priority B, and within boundary of the Future Service Limit.

P. 7.2 - Neighborhoods and Housing Guiding Principles:

- Provide flexibility to the marketplace in siting future residential development locations.
- Strive for predictability for neighborhoods and developers for residential development and redevelopment.

P. 7.4 - Strategies for Neighborhoods and Housing

- Discourage residential development in areas of environmental resources such as endangered species, saline wetlands, native prairies, and in floodplain corridors.
- Encourage preservation or restoration of natural resources within or adjacent to development.

P. 7.4-7.8 - Strategies for Developing Neighborhoods

- Encourage new development to achieve densities greater than five dwelling units per gross acre.

P. 12.3 - this site is designated for future urban density residential land uses on the 2040 Lincoln Area Future Land Use Plan.

P. 12.4 - Urban Residential. Multi-family and single family residential uses in areas with varying densities ranging from more than fifteen dwelling units per acre to less than one dwelling per acre.

P. 12.4 - Environmental Resources. Land and water masses which are of particular importance for maintenance and preservation, such as saline wetlands, native prairie, and some floodway and riparian corridors.

**P 12.14-15 - 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 that is remote or otherwise removed from the limits of the City of Lincoln will not be annexed. The City should review for potential annexation all property in Priority B for which basic infrastructure is generally available or planned for in the near term.

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

The character of existing residential areas should be respected as much as possible during the annexation process. When low density "acreage" areas are proposed for annexation due to the City's annexation policy, additional steps

should be taken to ease the transition as much as possible, such as public meetings, advance notice and written explanation of changes as a result of annexation. In general, many aspects of acreage life may remain unchanged, such as zoning or covenants. However, any annexation of existing residential areas will include some costs which must be the responsibility of property owners.

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

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

## **UTILITIES & SERVICES**

- A. Sanitary Sewer: The City will build SW Salt Creek main trunk and fund \$3 million for the project in first two budget years of the 18/19 – 23/24 Capital Improvement Program (CIP). The City will also fund the smaller SW Subbasin Extension and complete it by June 30, 2021. Developer has the option to build the SW Subbasin Extension on its own with City repayment by November 2020. A draft Annexation Agreement covers subsidies for oversizing that is typical of development projects. It also includes a provision, used at Wandering Creek at 91<sup>st</sup> and Van Dorn Street, allowing the developer to start homes while sewer projects are underway. They will pump sewage out of the local mains, at their own cost, if they finish a few months ahead of the trunk and subbasin extension.
- B. Water: A water main in S. Folsom Street is already in place adjacent to the development. Additional mains are not needed for this development. The Agreement covers subsidies for oversizing internal water mains that is typical of development projects.
- C. Roads: The developer will improve a section of unpaved S. Folsom Street, including a new roundabout at the new subdivision intersection. The project is to be funded by the developer with reimbursement from Arterial Street Impact Fees from within the entire development. No additional road funds are requested. The future design of W. Old Cheney Road is the subject of a new Transportation Study to be led by Public Works & Utilities. The developer agreed to put a preliminary plat on hold until the anticipated completion of the study at the end of August 2018. Additionally, the developer agreed to build intersection improvements on SW 12<sup>th</sup> Street at their new entrance without reimbursement as SW 12<sup>th</sup> Street is a rural paved road today.
- D. Parks and Trails: The developer will provide a 2.8 acre park site at a location that is acceptable to Parks & Recreation Department. Neighborhood Park & Trail impact fees paid within the subdivision will be directed to repay the developer for the value of the land as required by the Impact Fee Ordinance. The City expects an appraisal on value of land by the end of June.

The City has funds to subsidize trail construction in S. Folsom Street. The developer will pay for 5 feet of a 10 foot wide trail as they are responsible for a 5 foot wide sidewalk along S. Folsom Street anyhow. The City will pay for the extra 5 feet in width.

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

## **ANALYSIS**

- 1. These are two associated requests for an annexation and a change of zone. The annexation request includes approximately 42.49 acres and the change of zone includes approximately 38.90 acres. The difference in acreage is the annexation includes right-of-way along S. Folsom Street, but the change of zone does not. Right-of-way is typically void of any zoning classification district. This proposal is phase 1 and will develop incrementally with anticipated future phases of annexation and rezoning requests.

2. The development can be served by the full range of city services.
3. Any portion within the boundaries of the SW Rural Fire Protection District, can be petitioned under State law 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.
4. Annexation and re-zoning of the area of these requests will facilitate new residential development at urban densities contiguous to the existing City limits of Lincoln with all public utilities. The site 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.
5. A Preliminary Plat was also submitted with the annexation and change of zone applications. With the Preliminary Plat submittal, the developer proposes to realign and reclassify W. Old Cheney Road. However, a new Transportation Study currently being conducted by Public Works & Utilities will detail the city's anticipated needs for the future design and classification of W. Old Cheney Road. Therefore, the developer agreed to put the preliminary plat on hold until the projected completion of the study at the end of August 2018.

**CONDITIONS OF APPROVAL for AN18004:** see attached

**CONDITIONS OF APPROVAL for CZ18017:** none

**EXISTING LAND USE & ZONING:** vacant/agricultural land; AG

**SURROUNDING LAND USE & ZONING:**

North: vacant/agricultural land; AG

South: vacant/agricultural land; R-4 and R-3

East: vacant/agricultural land/LES substation; AG

West: generally vacant/agricultural land/single-family dwelling; AG

**APPLICATION HISTORY:** none

**APPROXIMATE LAND AREA:** 42.49 acres (annexation); 38.90 acres (change of zone)

**PROPOSED CITY COUNCIL DISTRICT ASSIGNMENT:** District #3

**LEGAL DESCRIPTION:** see attached for both applications

Prepared by:

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Dessie E. Redmond, Planner  
(402) 441-6373

Date: June 12, 2018

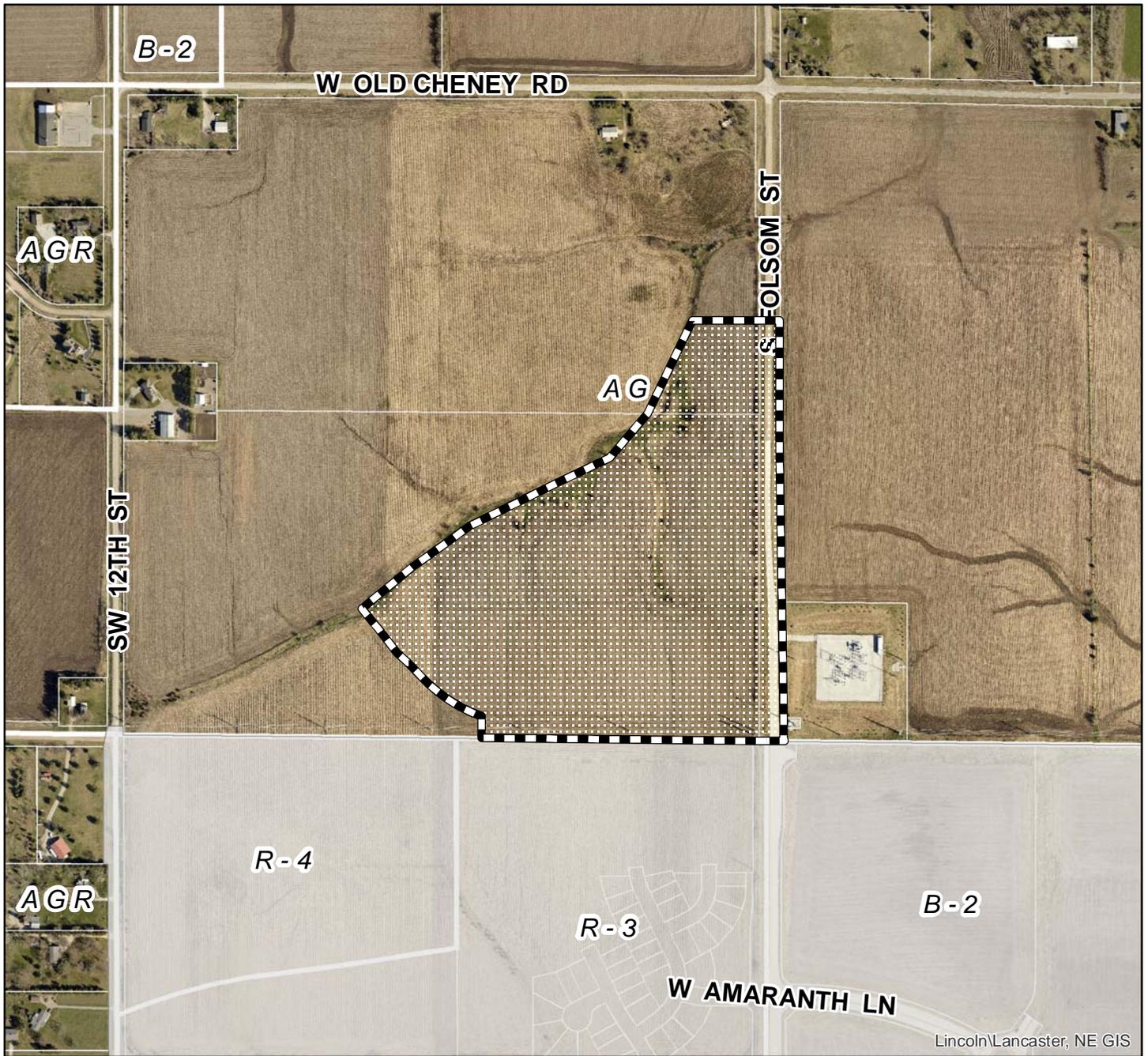
Applicant: Mark Palmer  
Olsson Associates  
601 P Street, Suite 200  
Lincoln, NE 68508

Owner: SW Folsom Development, LLC  
2001 Pine Lake Road, Suite 100  
Lincoln, NE 68512

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## **CONDITIONS OF APPROVAL - ANNEXATION #18004**

1. Before these requests are scheduled for City Council consideration, the annexation agreement between the City and the owner(s) will be complete.
2. The developer will be required to pay any compensation due to the Southwest Rural Fire District as a result of annexation as a condition of the annexation agreement.

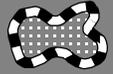


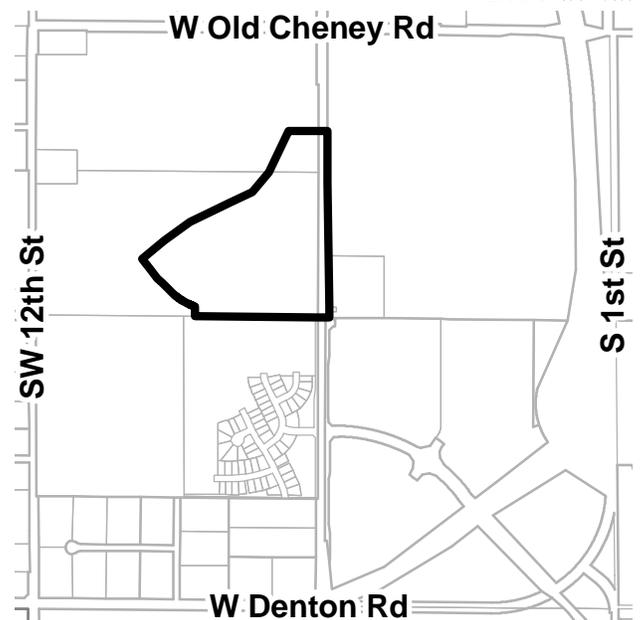
2016 aerial

**Change of Zone #: CZ18017 (AG to R-3) and  
Annexation #: AN18004  
Southwest Village Heights 1st Addition  
S Folsom St & W Old Cheney 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.15 T09N R06E

	Area of Application
	Zoning Jurisdiction Lines
	Existing City Limits



## LEGAL DESCRIPTION ANNEXATION

A TRACT OF LAND COMPOSED OF A PORTION OF SOUTH FOLSOM STREET RIGHT-OF-WAY, A PORTION LOT 26 I.T., AND A PORTION OF LOT 35 I.T., ALL LOCATED IN THE NORTHWEST QUARTER OF SECTION 15, TOWNSHIP 9 NORTH, RANGE 6 EAST OF THE 6TH P.M., AND A PORTION OF SOUTH FOLSOM STREET RIGHT-OF-WAY LOCATED IN THE NORTHEAST QUARTER OF SECTION 15, TOWNSHIP 9 NORTH, RANGE 6 EAST OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

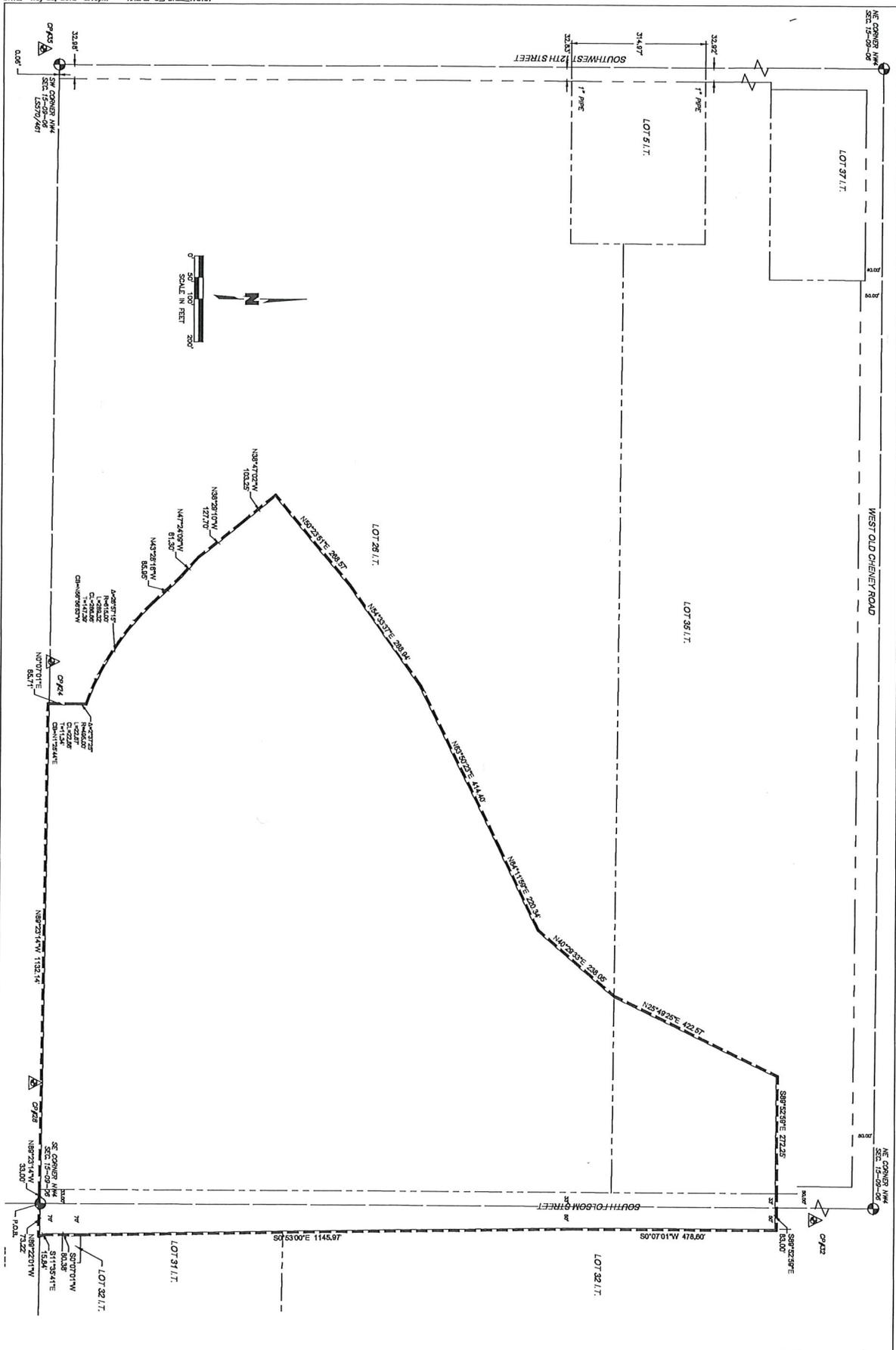
**BEGINNING** AT THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF SECTION 15, TOWNSHIP 9 NORTH, RANGE 6 EAST OF THE 6TH P.M.; THENCE N89°23'14"W, ON THE SOUTH LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 33.00' TO THE SOUTHEAST CORNER OF LOT 26 I.T., SAID POINT BEING ON THE WEST RIGHT-OF-WAY LINE OF SOUTH FOLSOM STREET; THENCE CONTINUING N89°23'14"W ON SAID LINE, SAID LINE BEING THE SOUTH LINE OF LOT 26 I.T., A DISTANCE OF 1,132.14' TO A POINT; THENCE N00°07'01"E, A DISTANCE OF 65.71'; TO A POINT OF CURVATURE FOR A CURVE IN A CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 02°37'25", A RADIUS OF 495.00', AN ARC LENGTH OF 22.67', A CHORD LENGTH OF 22.66', A TANGENT LENGTH OF 11.34', AND A CHORD BEARING OF N01°25'44"E; TO A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 26°57'15", A RADIUS OF 615.00', AN ARC LENGTH OF 289.32', A CHORD LENGTH OF 286.66', A TANGENT LENGTH OF 147.39', AND A CHORD BEARING OF N56°56'53"W TO A POINT; THENCE N43°28'16"W, A DISTANCE OF 85.95' TO A POINT; THENCE N47°24'09"W, A DISTANCE OF 61.30' TO A POINT; THENCE N38°29'10"W, A DISTANCE OF 127.70' TO A POINT; THENCE N38°47'02"W, A DISTANCE OF 103.25' TO A POINT; THENCE N50°23'51"E, A DISTANCE OF 268.57' TO A POINT; THENCE N54°33'37"E, A DISTANCE OF 288.94' TO A POINT; THENCE N63°50'23"E, A DISTANCE OF 414.40' TO A POINT; THENCE N64°11'59"E, A DISTANCE OF 220.34' TO A POINT; THENCE N40°29'33"E, A DISTANCE OF 238.05' TO A POINT; THENCE N25°49'25"E, A DISTANCE OF 422.57' TO A POINT; THENCE S89°52'59"E, A DISTANCE OF 272.25' TO A POINT OF INTERSECTION WITH THE EAST LINE OF LOT 35 I.T., SAID POINT BEING ON THE WEST RIGHT-OF-WAY OF SOUTH FOLSOM STREET; THENCE CONTINUING N89°52'29"E ON SAID LINE, A DISTANCE OF 83.00' TO A POINT OF INTERSECTION WITH AN EAST RIGHT-OF-WAY LINE OF SOUTH FOLSOM STREET, SAID POINT BEING ON A WEST LINE OF LOT 32 I.T.; THENCE S00°07'01"W, ON AN EAST LINE OF SAID RIGHT-OF-WAY, SAID LINE BEING A WEST LINE OF SAID LOT 32 I.T., SAID LINE ALSO BEING 50.00' EAST OF AND PARALLEL WITH THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 15, A DISTANCE OF 478.60' TO A WEST CORNER OF SAID LOT 32 I.T.; THENCE S00°53'00"E, ON AN EAST LINE OF SAID RIGHT-OF-WAY, SAID LINE BEING A WEST LINE OF SAID LOT 32 I.T., AND ON A WEST LINE LOT 31 I.T., A DISTANCE OF 1,145.97' TO A WEST CORNER OF SAID LOT 31 I.T., SAID POINT BEING A NORTHWEST CORNER OF LOT 32 I.T., SAID POINT BEING 70.00' EAST OF THE WEST LINE OF SAID NORTHEAST QUARTER; THENCE S00°07'01"W, ON AN EAST LINE OF SAID RIGHT-OF-WAY, SAID LINE BEING A WEST LINE OF SAID LOT 32 I.T., AND A WEST LINE OF SAID LOT 31 I.T., SAID LINE ALSO BEING 70.00' EAST OF AND PARALLEL WITH THE WEST LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 80.38' TO A WEST CORNER OF SAID LOT 32 I.T., THENCE S11°35'41"E, ON AN EAST LINE OF SAID RIGHT-OF-WAY, SAID LINE BEING A WEST LINE OF SAID LOT 32 I.T., A DISTANCE OF 15.84' TO THE SOUTHWEST CORNER OF SAID LOT 32 I.T., SAID POINT BEING ON THE SOUTH LINE OF SAID NORTHEAST QUARTER; THENCE N89°22'01"W, ON THE SOUTH LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 73.22' TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA OF 1,850,699.17 SQUARE FEET OR 42.49 ACRES, MORE OR LESS.

WEDNESDAY, MAY 23, 2018

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DWG: F:\2017\3001-3500\017-3161\40-Design\SURVEY\SRV\FINAL PLAT\Drawings\ANNEX LIMITS\_173161.dwg  
 DATE: May 23, 2018 3:03pm XREFS: C:\PBASE\_173161  
 USER: mjohnson

PROJECT NO: 017-3161	SOUTHWEST VILLAGE HEIGHTS		601 P Street, Suite 200 P.O. Box 84608 Lincoln, NE 68508 TEL 402.474.6311 FAX 402.474.5160	EXHIBIT
DRAWN BY: ALB/MRJ	FIRST ADDITION CHANGE OF		A	
DATE: 5/23/2018	ZONE, AND ANNEXATION			



REV. NO.	DATE	REVISIONS DESCRIPTION
1	2018	REVISED BOUNDARIES TO INCLUDE ADJACENT SOUTH PLATEFORM STREET ROW

**OLSSON ASSOCIATES**

601 P Street, Suite 200  
 P.O. Box 6403  
 Lincoln, NE 68506

TEL: 402.474.8111  
 FAX: 402.474.8100  
 www.olssonassociates.com

DWG: F:\2017\3001-3500\017-3161\40-Design\Survey\SRV\Final Plat\Drawings\ANNEX\_LIMITS\_173161.dwg  
 DATE: Feb 26, 2018 1:48pm  
 XREFS: C\_PBASE\_173161 UC-D-0894  
 USER: dbroeker

**LEGAL DESCRIPTION  
CHANGE OF ZONE**

A TRACT OF LAND COMPOSED OF A PORTION LOT 26 I.T., AND A PORTION OF LOT 35 I.T., ALL LOCATED IN THE NORTHWEST QUARTER OF SECTION 15, TOWNSHIP 09 NORTH, RANGE 06 EAST OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID NORTHWEST QUARTER; THENCE N89°23'14"W, ON A SOUTH LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 33.00' TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF SOUTH FOLSOM STREET, SAID POINT BEING; TO **THE TRUE POINT OF BEGINNING**; THENCE CONTINUING N89°23'14"W ON SAID LINE, SAID LINE BEING THE SOUTH LINE OF LOT 26 I.T., A DISTANCE OF 1,132.14' TO A POINT; THENCE N00°07'01"E, A DISTANCE OF 65.71'; TO A POINT OF CURVATURE FOR A CURVE IN A CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 02°37'25", A RADIUS OF 495.00', AN ARC LENGTH OF 22.67', A CHORD LENGTH OF 22.66', A TANGENT LENGTH OF 11.34', AND A CHORD BEARING OF N01°25'44"E; TO A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 26°57'15", A RADIUS OF 615.00', AN ARC LENGTH OF 289.32', A CHORD LENGTH OF 286.66', A TANGENT LENGTH OF 147.39', AND A CHORD BEARING OF N56°56'53"W TO A POINT; THENCE N43°28'16"W, A DISTANCE OF 85.95' TO A POINT; THENCE N47°24'09"W, A DISTANCE OF 61.30' TO A POINT; THENCE N38°29'10"W, A DISTANCE OF 127.70' TO A POINT; THENCE N38°47'02"W, A DISTANCE OF 103.25' TO A POINT; THENCE N50°23'51"E, A DISTANCE OF 268.57' TO A POINT; THENCE N54°33'37"E, A DISTANCE OF 288.94' TO A POINT; THENCE N63°50'23"E, A DISTANCE OF 414.40' TO A POINT; THENCE N64°11'59"E, A DISTANCE OF 220.34' TO A POINT; THENCE N40°29'33"E, A DISTANCE OF 238.05' TO A POINT; THENCE N25°49'25"E, A DISTANCE OF 422.57' TO A POINT; THENCE S89°52'59"E, A DISTANCE OF 272.25' TO A POINT LOCATED 33.00 FEET WEST OF THE EAST LINE OF SAID NORTHWEST QUARTER, SAID POINT BEING ON THE WEST RIGHT-OF-WAY LINE OF SOUTH FOLSOM STREET; THENCE S00°07'01"W, ON AN EAST LINE OF LOT 35 I.T., AND ON A EAST LINE OF LOT 26 I.T., SAID LINE BEING 33.00' WEST OF AND PARALLEL WITH THE EAST LINE OF SAID NORTHWEST QUARTER, SAID LINE ALSO BEING THE WEST LINE OF SAID RIGHT-OF-WAY A DISTANCE OF 1,719.34'; TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA 1,694,562.04 SQUARE FEET OR 38.90 ACRES, MORE OR LESS.

MONDAY, FEBRUARY 26, 2018

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PROJECT NO: 017-3161	SOUTHWEST VILLAGE HEIGHTS FIRST ADDITION CHANGE OF ZONE, AND ANNEXATION		601 P Street, Suite 200 P.O. Box 84608 Lincoln, NE 68508 TEL 402.474.6311 FAX 402.474.5160	EXHIBIT  A-1
DRAWN BY: ALB				
DATE: 2/26/2018				





May 9, 2018

Mr. David Cary  
Planning Director  
Planning Department  
555 South 10<sup>th</sup> St., Suite 213  
Lincoln, NE 68508

Re: Southwest Village Heights 1<sup>st</sup> Addition  
Applications for Annexation, Change of Zone to R-3, and Preliminary Plat  
Olsson Project No. 017-3161

Dear Mr. Cary,

Southwest Folsom Development, LLC ("Developer") is the owner of Lot 35 I.T. and Lot 26 I.T., located in the Northwest Quarter of Section 15, Township 9 North, Range 6 East of the 6<sup>th</sup> P.M., Lancaster County, Nebraska (the "Property"). Developer is requesting a preliminary plat for the Property, as well as annexation and a change of zone from AG to R-3 for the first phase of the preliminary plat.

The proposed preliminary plat encompasses 152.1 acres that includes 418 residential lots. The first phase of annexation and change of zone is 38.9 acres, including 101 lots. A potential "affordable housing" area is planned for future phases of development at the corner of Old Cheney Road and SW Folsom Street.

A draft Annexation Agreement will be submitted under separate cover to the City of Lincoln to address the infrastructure improvements required to serve development of the Property. The development team has met with City Staff several times to discuss the proposed applications. The Developer is requesting annexation so that City sanitary sewer will be extended to serve the Property.

Enclosed please find the following:

1. City of Lincoln Application, including:
  - a. Annexation of First Phase Property
  - b. Change of Zone from AG to R-3 for First Phase Property,
2. Application fees in the amount of \$4,283.
3. Preliminary Plat Site Plan
4. Environmental analysis of channels and wetlands on property
5. Exhibits "A1" & "A2" – Annexation and Change of Zone Legal and Exhibit
6. Exhibits "B1" & "B2" – Preliminary Plat Legal and Exhibit

The proposed preliminary plat shows Old Cheney Road being realigned and reclassified to a residential roadway. We have met with staff on numerous occasions to discuss the future arterial roadway classifications in this area and believe that Old Cheney Road in the location shown will not serve as an arterial roadway in the future. Old Cheney Road does not extend westward past SW 12<sup>th</sup> Street and is planned to close at Highway 77 as part of the Nebraska Department of Transportation's plans to upgrade Highway 77 to Freeway status. The Developer also owns and/or controls the property on the north side of

601 P Street, Suite 200  
Lincoln, NE 68508

TEL 402.474.6311  
FAX 402.474.5160

[www.olssonassociates.com](http://www.olssonassociates.com)

Old Cheney Road and, therefore, is proposing the realignment and reclassification to better serve the neighborhood. Please note that both Folsom Street and SW 12<sup>th</sup> Street (the roads adjacent to this development) are classified as Arterial roadways. These roads are one-half mile apart rather than the typical full mile spacing.

The Developer has also been working with Lincoln Public Schools to locate an elementary school in the neighborhood. LPS has been looking at property on the north side of Old Cheney Road for a potential school site as future development north and south of Old Cheney Road will include many young children. The proposed reclassification of Old Cheney Road from an arterial roadway to a residential roadway will allow school children living south of Old Cheney Road safer access to the future elementary school which has been a concern to Developer and City staff.

Land for a future City park is shown in Outlot F, Block 7. Stormwater runoff and water quality improvements will be provided within the development and are outlined in the Grading and Drainage Study. A memo from an environmental scientist identifies the channels and wetlands located on the Property. Developer proposes to protect more channel than what is required by design standards. We propose that the additional channel protection serve to meet the development's water quality requirements.

The proposed roadway improvements include access points that have been discussed with City staff. Folsom Street is shown at ultimate roadway configuration. However, a 3-lane section will be constructed where gravel exists today. The annexation agreement will detail the improvements required to be completed for this development.

The preliminary plat includes waivers to address block length issues caused by green space and drainage ways. We also request that lot lines do not intersect right of way perpendicularly, and that sanitary sewer is permitted to flow opposite street grades.

Plans and other supporting documents will be submitted to ProjectDox upon notification from the Planning Staff. If you require further information or have any questions, please do not hesitate to contact me at [mpalmer@olssonassociates.com](mailto:mpalmer@olssonassociates.com) or (402) 458-5632.

Sincerely,



Mark C Palmer, P.E.

Enclosures.



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

FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER Change of Zone #18014	FINAL ACTION? No	DEVELOPER/OWNER Knobbe Man Co./RKKR, LLC
PLANNING COMMISSION HEARING DATE June 20, 2018	RELATED APPLICATIONS SP18019 & SAV18002	PROPERTY ADDRESS/LOCATION 1200 SW. 17 <sup>th</sup> Street

**RECOMMENDATION: APPROVAL**

**BRIEF SUMMARY OF REQUEST**

This original request was heard at the May 23, 2018 Planning Commission meeting with a request by the applicant to defer the application to consider revisions to the plan. This revised request proposed to reduce the boundaries of the change of zone (CZ) from the original request. This CZ request is from R-2 Residential to R-3 Residential on approximately 2.55 acres associated with a proposed new Community Unit Plan (Special Permit 18019) and a Street and Alley Vacation (SAV18002) for W. B Street.

The Planning Department is recommending including one existing residence in the change of zone request that was not included in the applicant’s request. Including this residence will establish the best zoning pattern, which our Zoning Ordinance encourages to follow block patterns.

**JUSTIFICATION FOR RECOMMENDATION**

A change of zone to R-3 is consistent with the Future Land Use Map and the zoning pattern of the area, and is compatible with the adjacent development based on the site plan for the proposed Community Unit Plan (CUP).



**APPLICATION CONTACT**

Marcia Kinning, REGA Engineering  
(402) 484-7342  
marcia@regaeng.com

**STAFF CONTACT**

Dessie E. Redmond, Planner  
(402) 441-6373  
dredmond@lincoln.ne.gov

**COMPATIBILITY WITH THE COMPREHENSIVE PLAN**

The proposed zoning aligns with the designated future land use of urban density residential.

## KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

P. 12.3 - This site is shown as future Urban Density Residential on the 2040 Lincoln Area Future Land Use Plan.

P. 12.4 - Urban Residential is for Multi-family and single family residential uses in areas with varying densities ranging from more than fifteen dwelling units per acre to less than one dwelling per acre.

P. 1.6 - Approximately 20% of new dwelling units will be built within the existing City, with about 3,000 in the Downtown and Antelope Valley areas, 1,000 in existing neighborhoods, and 4,000 in mixed use redevelopment nodes and corridors.

P. 7.2 - Neighborhoods & Housing Guiding Principles

- Promote sustainability and resource conservation by preserving and improving housing in existing neighborhoods.
- Distribute and preserve affordable housing throughout the community to be near job opportunities and to provide housing choices within existing and developing neighborhoods.
- Make available a safe residential dwelling for all citizens.
- Provide a wide variety of housing types and choices for an increasingly diverse and aging population.
- Provide flexibility to the marketplace in siting future residential development locations.
- Strive for predictability for neighborhoods and developers for residential development and redevelopment.
- Provide safe and decent affordable and special needs housing for low- and moderate-income households.

P. 7.8 - Preserving existing housing and promoting homeownership should remain the focus in established neighborhoods, with modest opportunities for infill and redevelopment.

P. 7.8 - 1,000 well-designed and appropriately-placed dwelling units are projected for neighborhoods in the existing city – a one percent increase to the existing housing stock—on vacant lots, expansions of existing apartment complexes with undeveloped land, and through accessory dwelling units. Residential redevelopment in existing neighborhoods tends to occur naturally without public intervention over a long period of time, as individual properties become obsolete or are acquired piecemeal by private or nonprofit developers.

P. 7.9 - Strategies for Redevelopment in Existing Neighborhoods

- Promote the preservation, maintenance and renovation of existing housing and neighborhoods throughout the city, with special emphasis on low and moderate income neighborhoods.
- Maintain and enhance infrastructure and services in existing neighborhoods.
- Encourage well-designed and appropriately placed density, including within existing apartment complexes and special needs housing where there is land available for additional buildings or expansions.
- Recognize that broad economic diversity within existing neighborhoods encourages reinvestment and improves quality of life for all residents while acknowledging the need for affordable housing.
- Retain existing predominately single-family blocks in some existing neighborhoods, in order to maintain the mix of housing types.

## ANALYSIS

1. This original request was heard at the May 23, 2018 Planning Commission meeting with a request by the applicant to defer the application to consider revisions to the plan. This revised request proposes to reduce the boundaries of the change of zone (CZ) from the original request of 3.39 acres to 2.41 acres for the revised request. This revised request and the original request is for a CZ from R-2 Residential to R-3 Residential and are associated with a proposed new Community Unit Plan (Special Permit 18019) and a Street and Alley Vacation (SAV18002) for W. B Street.
2. This request is for a change of zone from R-2 to R-3, generally located at SW 17<sup>th</sup> and W. B Street. The applicant proposes to rezone approximately 2.41 acres non-inclusive of one existing residence that is located within the block (Lots 16 & 17, Block 6 - as shown on the attached aerial). Staff is recommending including this residence for a total of approximately 2.55 acres.
3. The best zoning pattern would be to add this existing residence as the Zoning Ordinance encourages zoning patterns to generally follow block patterns. The property owner has expressed unwillingness to be a part of the

associated Special Permit #18019 and are not being proposed to be a part of the SP, only the change of zone.

4. The City Council has authority to approve change of zones on any property within the City limits.
5. The purpose of this change of zone is to allow for additional dwelling units associated with a proposed new CUP and SAV for a total of 14 dwelling units (including one existing residence). For 2.41 acres, under the R-2 zoning a maximum of 13 dwelling units would be allowed with a CUP. R-3 zoning would allow up to 16 units with a CUP.
6. There is not a significant difference between the R-2 and R-3 zoning districts except that the R-3 allows for a slight gain in density.
7. Abutting to the east there is an area of R-3 zoning with a CUP for up to 29 dwelling units and an early childhood care facility for 150 children.
8. This change of zone is consistent with the Comprehensive Plan based on the proposed residential use. In addition, the proposed density is suitable adjacent to SW. 17<sup>th</sup> Street and fits with the designated future urban density residential land use identified for the site.

**EXISTING LAND USE & ZONING:** W. B Street ROW; R-2

**SURROUNDING LAND USE & ZONING**

North: Vacant and single-family residential; R-2

South: Single-family residential; R-2

East: Vacant; R-3

West: Vacant, single-family residential and W. B Street ROW; R-2

**APPLICATION HISTORY:** none

**APPROXIMATE LAND AREA:** 2.55 acres

**LEGAL DESCRIPTION:** Lots 16-30, Block 6, and Lots 1-15, Block 9, Fairview Heights, and a proposed vacated portion of W. B Street, located in the SE 1/4 of Section 28-10-6, Lincoln, Lancaster County, Nebraska.

Prepared by:

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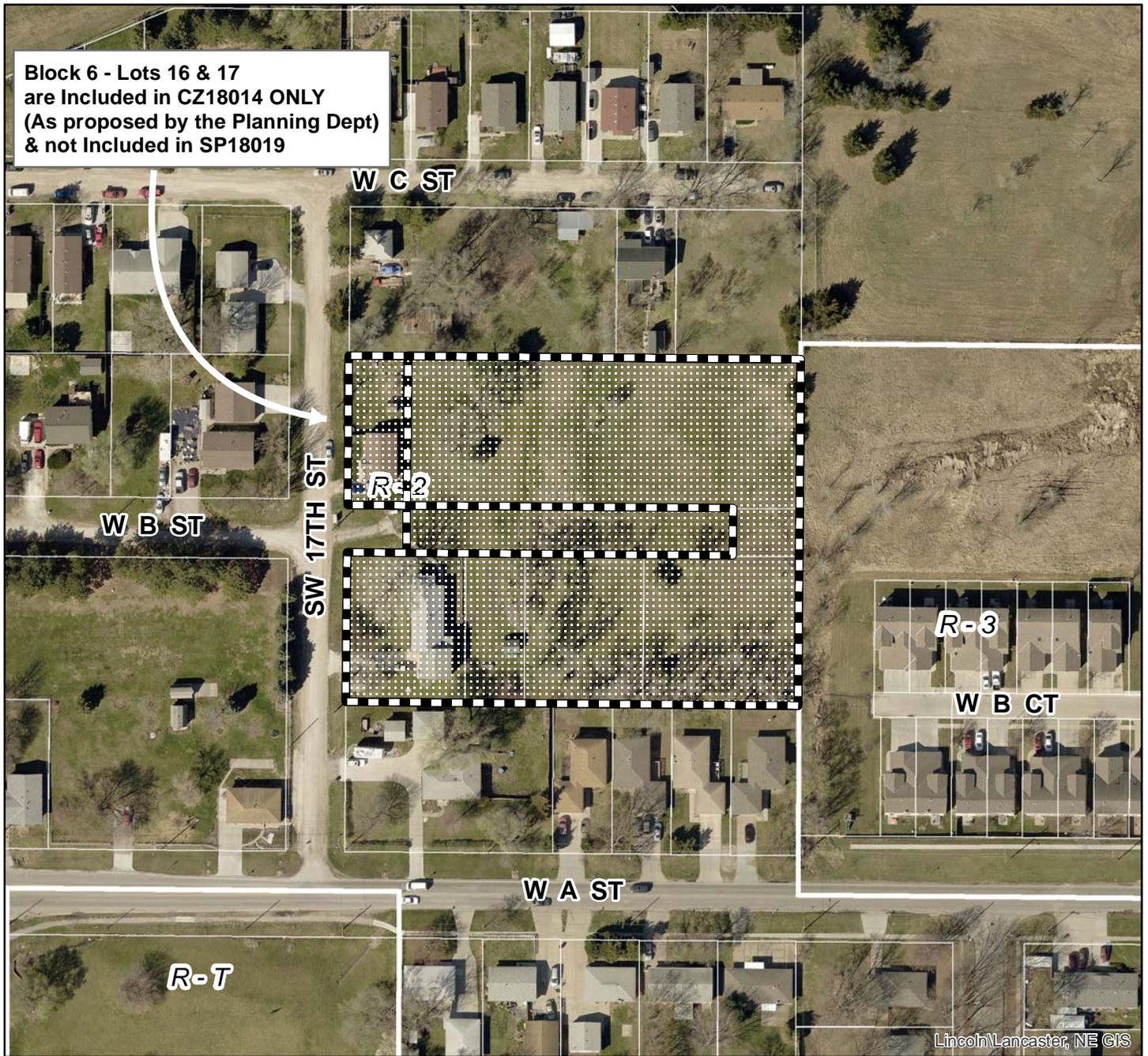
Dessie E. Redmond, Planner  
(402) 441-6373

Date: June 12, 2018

Applicant: Marcia Kinning  
REGA Engineering  
601 Old Cheney Road, Suite A  
Lincoln, NE 68512

Owner: RKKKR, LLC  
Eric Knobbe  
6756 Blueridge Lane  
Lincoln, NE 68516

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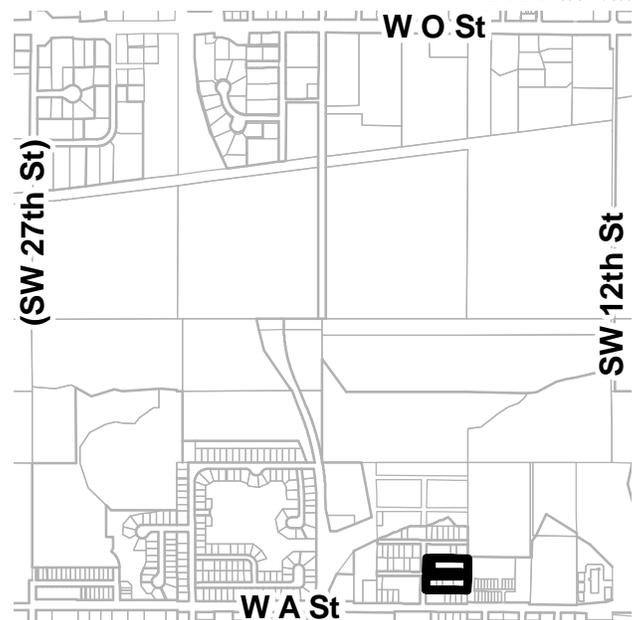
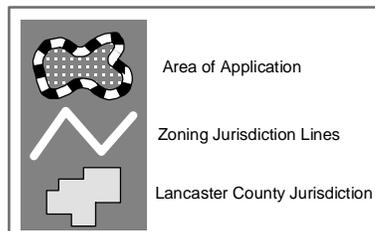


2016 aerial

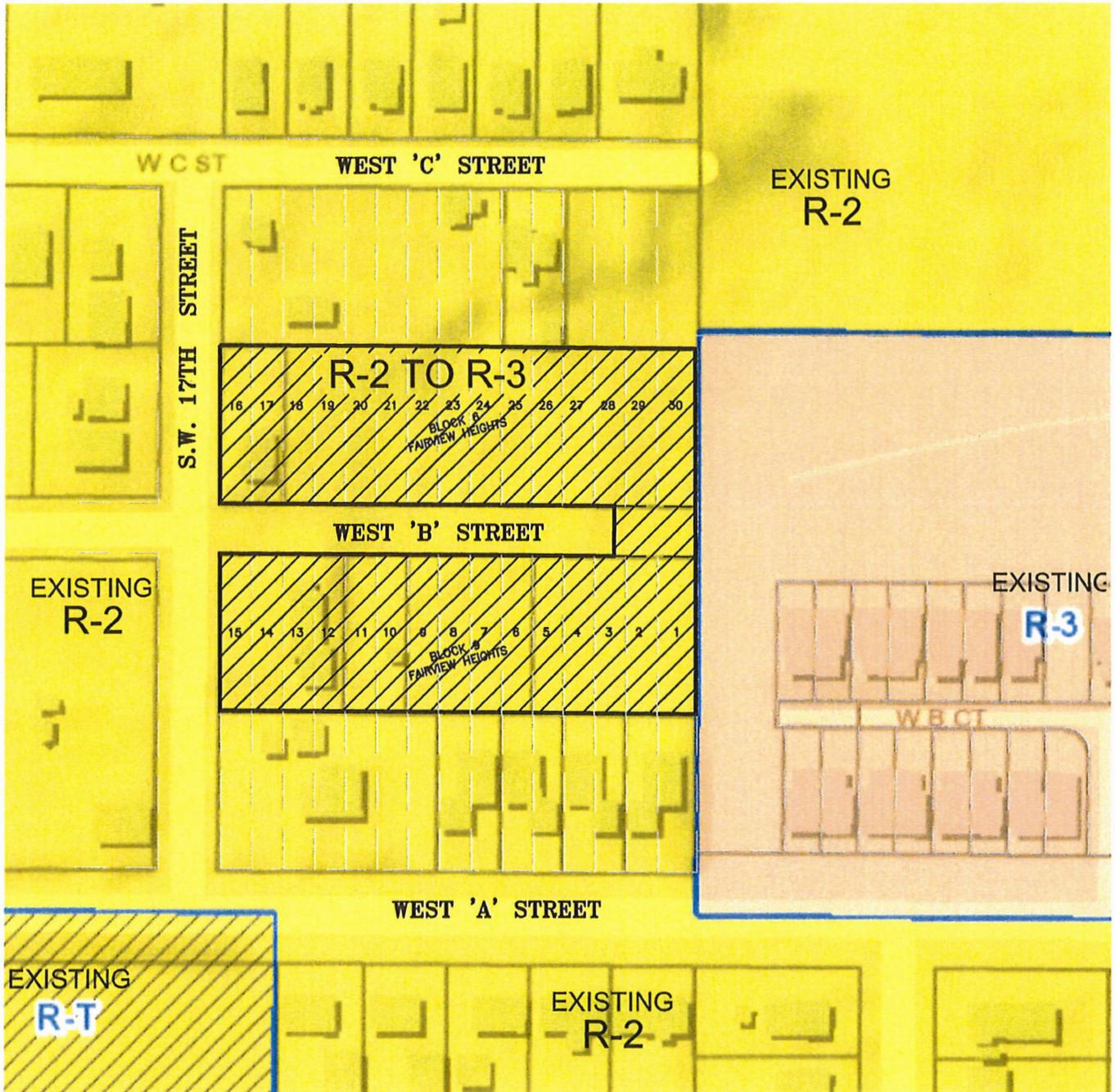
**Special Permit #: SP18019 and  
Change of Zone #: CZ18014 (R-2 to R-3)  
City View CUP  
SW 17th St & W B St  
Zoning:**

- 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.28 T10N R06E



# CHANGE OF ZONE EXHIBIT



<p><b>CITY VIEW</b></p> <p><b>CHANGE OF ZONE FROM R-2 TO R-3</b></p>	<p><b>REGA</b></p> <p>ENGINEERING GROUP, INC.</p>	<p>601 OLD CHENEY RD. SUITE 'A' LINCOLN, NE 68512 (402) 484-7342</p> <ul style="list-style-type: none"> <li>● ENGINEERING</li> <li>● PLANNING</li> <li>● LAND SURVEYING</li> </ul>	<p>DATE: 05/29/2018</p>
			<p>PROJECT 171291</p>
			<p>SHEET NO. <b>1 of 1</b></p>

File No. 171291  
April 25, 2018  
Revised May 30, 2018

David Cary  
Director of Planning  
Dessie Redmond, Planner  
City of Lincoln/ Lancaster County  
555 South 10<sup>th</sup> Street  
Lincoln, NE 68508

RE: CITY VIEW  
SPECIAL PERMIT/COMMUNITY UNIT PLAN  
CHANGE OF ZONE FROM R-2 TO R-3  
STREET VACATION OF WEST B STREET  
S.W. 17<sup>th</sup> Street and West 'B' Street

Dear David,

On behalf of RKKKR, LLC and Knobbe Man Co., we are submitting the above mentioned applications for review on property located east of S.W. 17<sup>th</sup> Street and between West 'C' Street and half a block north of West 'A' Street. The property currently is final platted as 28 residential lots with West B Street as a 40 foot wide public street within the final plat of Fairview Estates. One existing single family residence is located on a total of 6 of those existing lots which will remain as one dwelling unit.

City View is requesting a total of 14 dwelling units as per the density calculations for the project area. Along with the 1 existing residence, 13 townhome lots are proposed acquiring access from West B Street. Due to the lack of right-of-way within West B Street, an additional 10 feet to each side of the right-of-way is shown to be dedicated adjacent to the proposed townhome lots equaling a total of 60 feet of right-of-way.

To accommodate the lack of right-of-way adjacent to the property of the existing residence, a public access and utility easement is being shown along West B Street and S.W. 17<sup>th</sup> Street. A general note has been shown on the Site Plan stating that the public access and utility easements shall be filed and granted to the City of Lincoln.

Proposed public water and sanitary sewer shall be constructed within West B Street right-of-way. The water shall connect to the existing public water in S.W. 17<sup>th</sup> Street and the sanitary sewer shall connect to the public sanitary sewer manhole along the east property line of the development.

The development is within the 100 year floodplain. A line has been shown on the drawings which reflects the 100 year floodplain based on the FEMA Flood Map as well a line based on the FEMA established elevation. A floodplain fill permit shall be requested through the Building & Safety Department after the proposed grading plan with this permit is approved by the Watershed Management Department. A LOMR-F application will also be submitted to FEMA once the grading has been completed to remove the proposed lots from the 100 year floodplain based on elevation of the grade.

Established wetlands are also located in the southeast corner of the development. To reduce the amount of grading affecting the wetlands, a street vacation of the far east portion of West B Street is also being requested with this application. The wetlands being affected by this development are less than a tenth of an acre. Due to this, a Nation-Wide Permit will be submitted to the Corps of Engineers for their review and acceptance prior to any grading within the wetland area. A delineation has been completed by EA Science and Technology and is included within the drainage summary for reference.

We are requesting the following waivers at this time:

1. *Storm water detention facilities. (Design Standards, Chapter 2.05, Section 3.3)*  
Due to the established wetlands on-site, the intent of the project is to mitigate disturbance of the wetlands and keep the wetlands as a water quality feature. In discussions with Watershed Management, they agreed that minimizing impact on the wetlands would be an acceptable practice. Therefore, we are requesting a waiver of detention.
2. *Lot width-to-depth ratio on Lots 2 through 14. (Subdivision Ordinance 26.23.140(a))*  
The townhome lot width and the minimum lot width of 90 feet will not allow the specified lots to meet the 3 to 1 ratio requirement. This is a typical waiver requested with townhome units.
3. *Lot area on Lots 2 through 14 to a minimum lot area of 2,500 square feet per unit. (Zoning Ordinance, 27.72.020(a))*  
The townhome lot width and the depth of the units, due to allowing drainage be within the outlot at the rear of the lots instead of within them, the standard area of the lots cannot be met.
4. *Average lot width on Lots 2 through 14 to a minimum width of 28.00 feet per unit. (Zoning Ordinance, 27.72.020(a))*  
The proposed townhomes consist of either 4-plex or 5 plex units. Each internal unit is 28 feet wide and the lot to be created for the unit also needs to be the same.

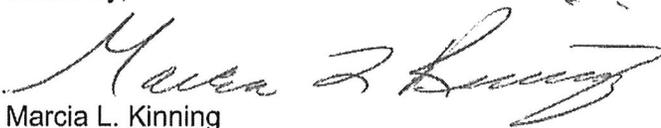
# REGA

ENGINEERING  
GROUP, INC.

Page 3

An informational letter and site plan was mailed to the neighbors prior to the to the Planning Commission meeting on May 23<sup>rd</sup>, 2018. Through that mailing, concerns from the development to the east, expressed water standing at the west end of their development. Due to this information, a lot has been removed from our proposed development to enlarge the detention and to help with the direction of the water flow. In addition, the 1 existing residences that is located within the block north of West B Street had contacted and requested to be included within the development. The owner expressed their unwillingness to be a part of the special permit and therefore are not part of this application. We look forward to working with the Planning Department and other City Departments on this application. Please do not hesitate to contact me if you have any additional questions or comments.

Sincerely,



Marcia L. Kinning

Cc: Eric Knobbe  
Roger Pearson

Enclosures: Application Form for Special Permit and Change of Zone  
Application Form for Street Vacation  
Special Permit Fee of \$1,492.90  
Change of Zone Fee of \$988.00  
Street Vacation Fee of \$206.00  
Legal Descriptions  
Waiver Request List  
General Notes

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

FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER Special Permit #18019	FINAL ACTION? Yes	DEVELOPER/OWNER Knobbe Man Co./RKKR, LLC
PLANNING COMMISSION HEARING DATE June 20, 2018	RELATED APPLICATIONS CZ18014 & SAV18002	PROPERTY ADDRESS/LOCATION 1200 SW. 17 <sup>th</sup> Street

**RECOMMENDATION: CONDITIONAL APPROVAL**

**BRIEF SUMMARY OF REQUEST**

This original request was heard at the May 23, 2018 Planning Commission meeting with a request by the applicant to defer the application to consider revisions to the plan. The revised request is for a Community Unit Plan (CUP) to develop a total of 14 dwelling units consisting of one existing single-family residence and 13 proposed townhome lots adjacent to W. B Street. The site plan also shows one outlot (Outlot A) for open space for a blanket drainage and utility easement. This revised request proposes to reduce the boundaries of the Special Permit (SP) from the original request.



**JUSTIFICATION FOR RECOMMENDATION**

This proposal will have similar zoning and housing types as the existing development to the east in the West Park Addition. The four waivers to the Subdivision Ordinance and Zoning Ordinance are supportable based on the small size of the site and limited potential for an alternative lot layout.

Additionally, this request is compatible with development to the north, west and south as similar types of residential units and lot sizes are existing in the area.

**APPLICATION CONTACT**

Marcia Kinning, REGA Engineering  
(402) 484-7342  
marcia@regaeng.com

**STAFF CONTACT**

Dessie E. Redmond, Planner  
(402) 441-6373  
dredmond@lincoln.ne.gov

**COMPATIBILITY WITH THE COMPREHENSIVE PLAN**

The proposed land use and density are in conformance with the 2040 Comprehensive Plan, which identifies future urban density residential uses in this location.

**WAIVERS**

1. Stormwater detention facilities, Design Standards, Chapter 2.05, Section 3.3. (Recommend Approval)
2. Lot width-to-depth ratio on Lots 2-14, Subdivision Ordinance 26.23.140(a). (Recommend Approval)
3. Lot area to a minimum lot area of 2,500 square feet per unit on Lots 2-14, Zoning Ordinance 27.72.020(a). (Recommend Approval)
4. Average lot width to a minimum width of 28 feet per unit on Lots 2-14, Zoning Ordinance 27.72.020(a). (Recommend Approval)

## KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

P. 12.3 - This site is shown as future urban density residential on the 2040 Lincoln Area Future Land Use Plan.

P. 12.4 - Urban Residential. Multi-family and single family residential uses in areas with varying densities ranging from more than fifteen dwelling units per acre to less than one dwelling per acre.

P. 7.2 - Neighborhoods and Housing Guiding Principles:

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

P. 7.4-7.8 - Strategies for Developing Neighborhoods

- Encourage new development to achieve densities greater than five dwelling units per gross acre.

## ANALYSIS

1. This is a request for a new CUP to develop 14 dwelling units consisting of one existing single-family residence and 13 proposed townhome lots adjacent to W. B Street. Along with one outlot for drainage, utilities and open space, on property in the R-2 zoning district, generally located at 1200 SW. 17<sup>th</sup> Street. The original request, heard at the May 23, 2018 Planning Commission meeting was for a new CUP to develop 21 dwelling units consisting of one existing single-family residence, six proposed single-family detached or attached units adjacent to W. C Street, and 14 proposed townhome lots adjacent to W. B Street. It also included one outlot for drainage, utilities and open space.
2. An application for a change of zone (CZ18014) from R-2 Residential to R-3 Residential and a Street and Alley Vacation (SAV18002) have also been submitted in conjunction with the SP for a CUP. The proposed change of zone is consistent with the Future Land Use Map and the zoning pattern of the area.
3. Based on the site plan, the proposed CUP is compatible with development to the north, west and south as similar types of residential units and lot sizes are existing in the area.
4. The future land use map shows the proposed residential area for future urban density residential land uses. The site plan shows 14 lots, which is an appropriate urban density for this area.
5. Sanitary sewer is available to serve the area and will connect to the public sanitary sewer manhole along the east property line of the development.
6. Water is available to serve the area but additional right-of-way and/or easements will be required. The water will connect to the existing public water in SW. 17<sup>th</sup> Street.
7. Proposed water and sanitary sewer shall be constructed within W. B Street right-of-way.
8. Access to this development will be provided off SW. 17<sup>th</sup> Street. Improvements to SW. 17<sup>th</sup> Street and W. B Street are required when adjacent lots are final platted.
9. The applicant is proposing where there is an existing residence along SW. 17<sup>th</sup> and W. B Streets (Lots 10-15, Block 9) to utilize an easement when typically right-of-way dedication would be required. This is justifiable because of the existing residence. However, all other lots shall dedicate the appropriate right-of-way along SW. 17<sup>th</sup> and W. B Streets.
10. The development is within the 100 year floodplain. The Watershed Management Department has reviewed the plans are revisions are required.
11. There are also established wetlands in the southeast corner of the development. To reduce the amount of grading effecting the wetlands, SAV18002 is requested.
12. As proposed, Lot 1 (currently Lots 10-15, Block 9) is surrendering all redevelopment rights. As it exists today, it is made up of six legal lots but will only be allowed the one existing dwelling in the future. The property owner has been contacted and desires his property to remain as is indefinitely.
13. The applicant has requested four waivers:

- 1) Stormwater detention facilities, Design Standards, Chapter 2.05, Section 3.3.  
Due to the established wetlands on-site, the intent of the project is to mitigate disturbance of the wetlands. The Public Works and Utilities Department supports this request.
- 2) Lot width-to-depth ratio on Lots 2-14, Subdivision Ordinance 26.23.140(a).  
The townhome lot typically cannot meet the 3 to 1 ratio requirement, so Section 26.23.140(a) allows this ratio to be modified for duplex or townhome lots, and is routinely allowed.
- 3) Lot area to a minimum lot area of 2,500 square feet per unit on Lots 2-14, Zoning Ordinance 27.72.020(a).  
Due to drainage requirements, Outlot A is located on the east side of the property and wraps around to the north of proposed Lots 7-14 and to the south of proposed Lots 2-6, and in turn the lot area requirement cannot be met.
- 4) Average lot width to a minimum width of 28 feet per unit on Lots 2-14, Zoning Ordinance 27.72.020(a).  
The proposed townhomes consist of either 4 or 5 attached units. An internal unit would be 28 feet wide and the lot created for the unit needs to be the same because the units are attached/share a common wall (there is no side yard setback requirement). This is a typical request.

**CONDITIONS OF APPROVAL:** See attached

**EXISTING LAND USE & ZONING:** W. B Street ROW; R-2

**SURROUNDING LAND USE & ZONING**

North: Vacant and single-family residential; R-2  
 South: Single-family residential; R-2  
 East: Vacant; R-3  
 West: Vacant, single-family residential and W. B Street ROW; R-2

**APPLICATION HISTORY:** none

**APPROXIMATE LAND AREA:** 2.41 acres

**LEGAL DESCRIPTION:** Lots 18-30, Block 6, and Lots 1-15, Block 9, Fairview Heights, and a proposed vacated portion of W. B Street, located in the SE 1/4 of Section 28-10-6, Lincoln, Lancaster County, Nebraska.

Prepared by:

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Dessie E. Redmond, Planner  
 (402) 441-6373

Date: June 12, 2018

Applicant: Marcia Kinning  
 REGA Engineering  
 601 Old Cheney Road, Suite A  
 Lincoln, NE 68512

Owner: RKKKR, LLC  
 Eric Knobbe  
 6756 Blueridge Lane  
 Lincoln, NE 68516

## CONDITIONS OF APPROVAL - SPECIAL PERMIT #18019

Per Section 27.63.320 this approval permits a Community Unit Plan to develop a total of 14 dwelling units consisting of one existing single-family residence and 13 proposed townhome lots and one outlot for open space for a blanket drainage and utility easement. The approval includes waivers to 1) stormwater detention facilities, 2) lot width-to-depth ratio on lots 2-14, 3) lot area to a minimum of 2,500 square feet per unit on lots 2-14, and 4) average lot width to a minimum width of 28 feet per unit on Lots 2-14.

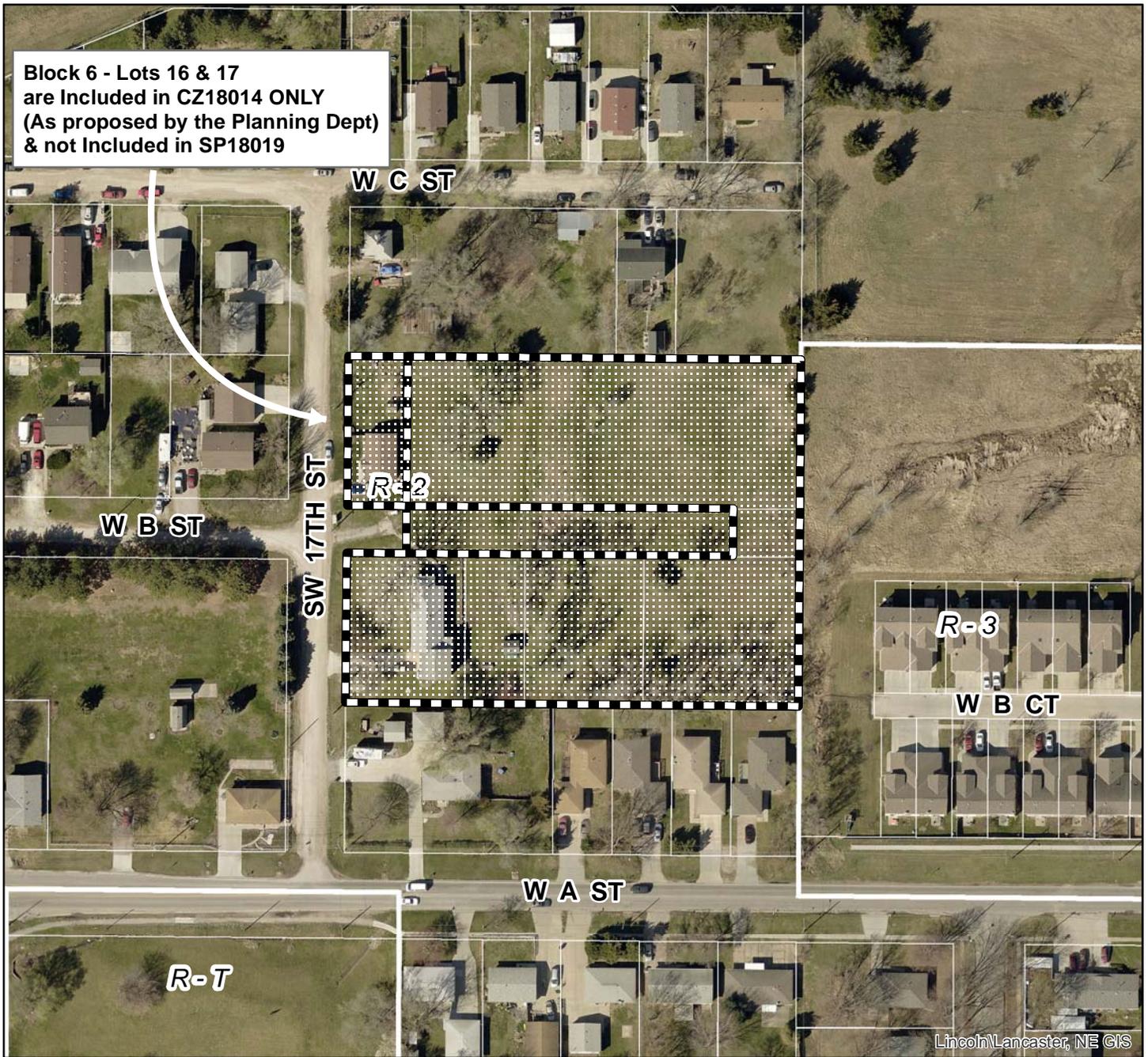
### Site Specific Conditions:

1. The City Council approves associated request:
  - 1.1 Street and Alley Vacation 18002
  - 1.2 Change of Zone 18014
2. Before a final plat is approved the permittee shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including **3** copies with all required revisions and documents as listed below:
  - 2.1 Revise the legal description.
  - 2.2 Provide guest parking per Section 27.67.040(f) Parking Requirements; Special Conditions.
  - 2.3 Provide easements as required by Lincoln Electric System (LES).
  - 2.4 Revise Grading Plans and Drainage Report to the satisfaction of the Public Works & Utilities - Watershed Management Department.
  - 2.5 Identify the new floodplain line after fill. All lots must be out of the new floodplain line.
  - 2.6 Revise the Plans to the satisfaction of Public Works & Utilities - Water and Engineering Services Departments.
  - 2.7 Revise General Note 12 to state, "A public access and utility easement shall be granted to the City of Lincoln on property which is designated on this Special Permit as Lot 1 to meet the standard street right-of-way width requirement. All other lots shall dedicate the appropriate right-of-way."
3. Before a final plat is approved, provide the following documents to the Planning Department:
  - 3.1 Verification from the Register of Deeds that the letter of acceptance as required by the approval of the special permit has been recorded.
  - 3.2 Verification that an aviation and noise easement to the Lincoln Airport Authority on all or that part of the land located within the Airport Environs Noise District has been received by the Lincoln Airport Authority.

### Standard Conditions:

4. The following conditions are applicable to all requests:
  - 4.1 Before occupying the dwelling units all development and construction shall substantially comply with the approved plans.
  - 4.2 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.

- 4.3 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.
- 4.4 The terms, conditions, and requirements of this resolution shall run with the land and be binding upon the Permittee, its successors and assigns.
- 4.5 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.

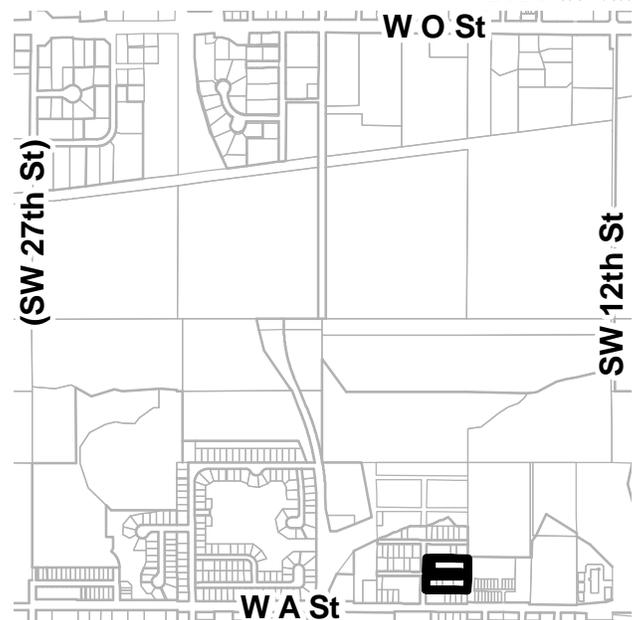
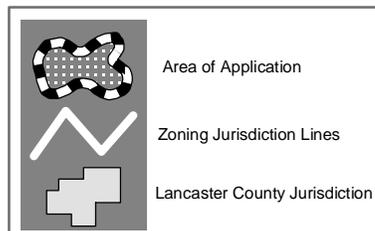


2016 aerial

**Special Permit #: SP18019 and  
Change of Zone #: CZ18014 (R-2 to R-3)  
City View CUP  
SW 17th St & W B 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.28 T10N R06E



DEVELOPERS: KNOBBE MAN CO. 5100 KNOBBE 6450 'C' STREET, SUITE 1 LINCOLN, NE 68516 (402)380-3155

OWNER: RODER L. PEARSON 1541 WEST 'B' STREET LINCOLN, NE 68516

ENGINEER: NATHANIEL P. BURNETT REGA ENGINEERING GROUP, INC. 601 OLD CHENEY ROAD, SUITE 'A' LINCOLN, NE 68512 (402)484-7342

SURVEYOR: LYLE L. LOTH REGA ENGINEERING GROUP, INC. 601 OLD CHENEY ROAD, SUITE 'A' LINCOLN, NE 68512 (402)484-7342

NO.	REVISIONS		
	DESCRIPTION	DATE	BY
1	Revisions as per PC meeting	9/30/18	MLK

PROJECT  
171291

**REGA**  
ENGINEERING GROUP, INC.  
601 OLD CHENEY RD., SUITE A  
LINCOLN, NEBRASKA 68512  
(402)484-7342  
● ENGINEERING  
● PLANNING  
● LAND SURVEYING

LOT DATA:

LOT	AREA (S.F.)	AREA (Acres)
1	15,281.58	--
2	3,617.84	--
3	2,625.00	--
4	2,625.00	--
5	2,625.00	--
6	2,625.00	--
7	3,136.00	--
8	2,880.00	--
9	2,880.00	--
10	3,136.00	--
11	3,136.00	--
12	2,625.00	--
13	2,880.00	--
14	3,136.44	--
OUTLET A	30,215.63	0.74

**LEGAL DESCRIPTION:**

Lots 18 through 30, Block 6, Lots 1 through 15, Block 9, Fairview Heights and a wooded portion of West B Street, all located in the Southwest Quarter of Section 28, Township 10 North, Range 9 East of the Sixth Principal Meridian, Lancaster County, Nebraska, more particularly described as follows:

Commencing at the Southeast Corner of the Southwest Quarter of said Section 28; Thence on the east line of the Southwest Quarter of said Section 28, N07°03'11"E, a distance of 150.18 feet to the southeast corner of said Lot 1, Block 9, also the POINT OF BEGINNING;

Thence in a westerly direction on the south line of said Lot 1 through 15, Block 9, N89°30'37"W, a distance of 301.12 feet to the southwest corner of said Lot 15, Block 9, also a point on the east line of S.W. 17th Street;

Thence in a northerly direction on the west line of said Lot 15, Block 9, also the west line of S.W. 17th Street, N00°22'09"W, a distance of 123.32 feet to the northwest corner of said Lot 15, Block 9, also a point on the south line of West B Street;

Thence in a southerly direction on the north line of said Lot 15 through 3, Block 9, also the south line of West B Street, S02°04'24"E, a distance of 316.13 feet;

Thence in a westerly direction on the south line of said Lot 28 through 18, Block 6, also the north line of West B Street, N82°04'29"W, a distance of 295.38 feet to the south common corner of Lots 17 and 18, Block 6, Fairview Heights;

Thence in a northerly direction on the common line of Lots 17 and 18, Block 6, Fairview Heights, N07°04'41"W, a distance of 126.71 feet to the north common corner of Lots 17 and 18, Block 6, Fairview Heights;

Thence in a southerly direction on the north line of said Lot 18 through 30, Block 6, S89°25'09"E, a distance of 330.88 feet to the northeast corner of said Lot 30, Block 6;

Thence in a southerly direction on the east line of said Lot 30, Block 6, West B Street and Lot 1, Block 9, also the east line of the Southwest Quarter of the Southwest Quarter of said Section 28, S07°03'11"E, a distance of 261.73 feet to the POINT OF BEGINNING and containing a consolidated area of 92,287.65 square feet or 2.12 acres.

**SURVEYOR'S CERTIFICATE:**

I HEREBY CERTIFY THAT THIS BOUNDARY SURVEY WAS MADE UNDER MY SUPERVISION AND THAT I AM A LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF NEBRASKA.

DATE: LYLE L. LOTH, L.S. #

**GENERAL NOTES  
COMMUNITY UNIT PLAN**

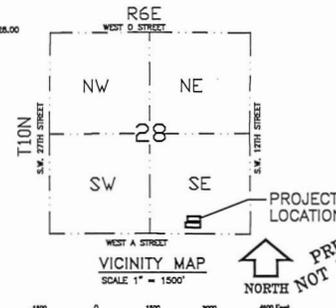
1. THIS SPECIAL PERMIT CONTAINS 1 OUTLET FOR DRAINAGE AND OPEN SPACE, 1 EXISTING SINGLE FAMILY RESIDENCE, AND 13 TOWNHOME UNITS FOR A TOTAL OF 14 RESIDENTIAL UNITS.
2. ZONING IS R-3 WITH A C.U.P.
3. THE OWNER/DEVELOPER RESERVES THE RIGHT TO BUILD ANYWHERE WITHIN THE SETBACKS AS PER R-3 ZONING DISTRICT.
4. ALL CURVILINEAR DIMENSIONS ARE CHORD LENGTHS.
5. TOPOGRAPHIC GRADING CONTOURS ARE AT NAVD 1988.
6. ALL LOT LINES ARE CONCEPTUAL AND FINAL PLATS MAY SHOW DIFFERENT LOT WIDTHS.
7. AN AVIGATION AND NOISE EASEMENT TO THE LINCOLN AIRPORT AUTHORITY SHALL BE GRANTED PRIOR TO BUILDING PERMITS. PART OF THE LAND IS LOCATED WITHIN THE AIRPORT ENVIROMENT NOISE DISTRICT AND POTENTIALLY SUBJECTS THE LAND TO AIRBORN NOISE LEVELS WHICH MAY AFFECT USES OF THE PROPERTY AND INTERIORS WITH ITS USE.
8. THE DEVELOPMENT IS WITHIN A TURNING ZONE OF THE LINCOLN AIRPORT AND SHALL COMPLY WITH CHAPTER 27.59 OF THE LINCOLN ZONING ORDINANCE.
9. SIGNS NEED NOT BE SHOWN ON THIS SITE PLAN, BUT NEED TO BE IN COMPLIANCE WITH CHAPTER 27.59 OF THE LINCOLN ZONING ORDINANCE, AND MUST BE APPROVED BY BUILDING & SAFETY DEPARTMENT PRIOR TO INSTALLATION.
10. IMPROVEMENTS TO S.W. 17TH STREET SHALL NOT BE REQUIRED UNLESS ADJACENT LOT IS FINAL PLATTED.
11. RELOCATION EXPENSES OF EXISTING IMPROVEMENTS SHALL BE AT THE DEVELOPER'S EXPENSE.
12. A PUBLIC ACCESS & UTILITY EASEMENT SHALL BE GRANTED TO THE CITY OF LINCOLN ON PROPERTY WHICH IS DESIGNATED ON THIS SPECIAL PERMIT AS LOT 1 TO MEET THE STANDARD STREET RIGHT-OF-WAY WIDTH REQUIREMENT ADJACENT TO SAID LOT.

**WAIVERS:**

1. STORM WATER DETENTION FACILITIES: (DESIGN STANDARDS, CHAPTER 2.3, SECTION 3.3)
2. LOT WIDTH-TO-DEPTH RATIO ON LOTS 2 THROUGH 14. (SUBDIVISION ORDINANCE 28.23.140(a))
3. LOT AREA ON LOTS 2 THROUGH 14 TO A MINIMUM LOT AREA OF 2,500 SQUARE FEET PER UNIT. (ZONING ORDINANCE 27.72.020(a))
4. AVERAGE LOT WIDTH ON LOTS 2 THROUGH 14 TO A MINIMUM WIDTH OF 28.00 FEET PER UNIT. (ZONING ORDINANCE 27.72.020(b))

DENSITY:  
Total Project Area 92,287.65 s.f.  
or 2.118 acres  
= 2.92 R-3 Units  
14.74 Units Allowed

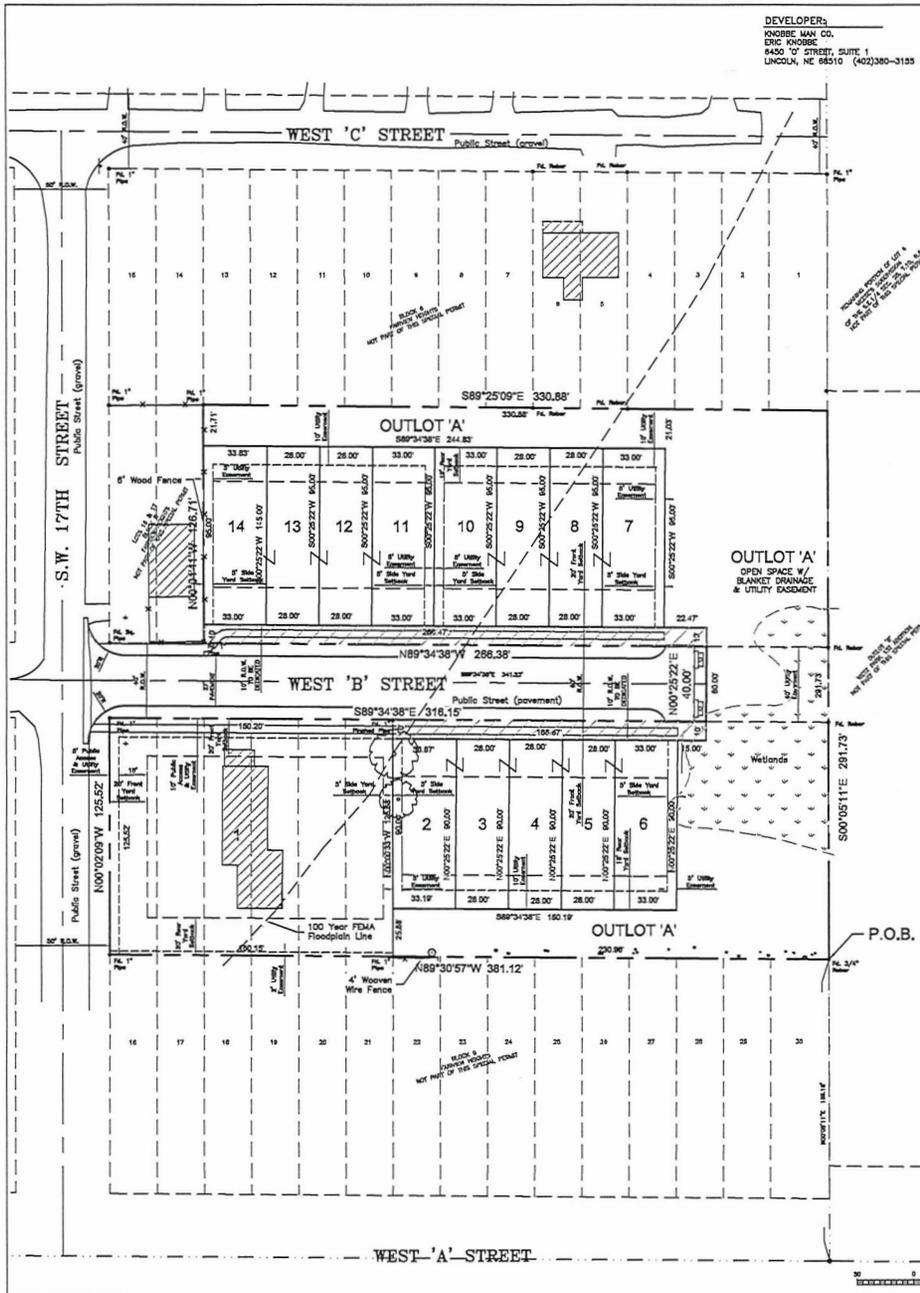
SHEET INDEX  
SITE PLAN 1  
UTILITY PLAN 2  
PRE & POST DEVELOPMENT PLAN 3  
GRADING PLAN 4  
STREET PROFILES 5



DATE: 4/25/2018  
DESIGNED BY: MLK/JB  
DRAWN BY: MLK/JB  
CHECKED BY: NPB/JB

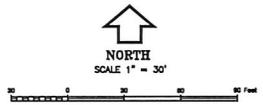
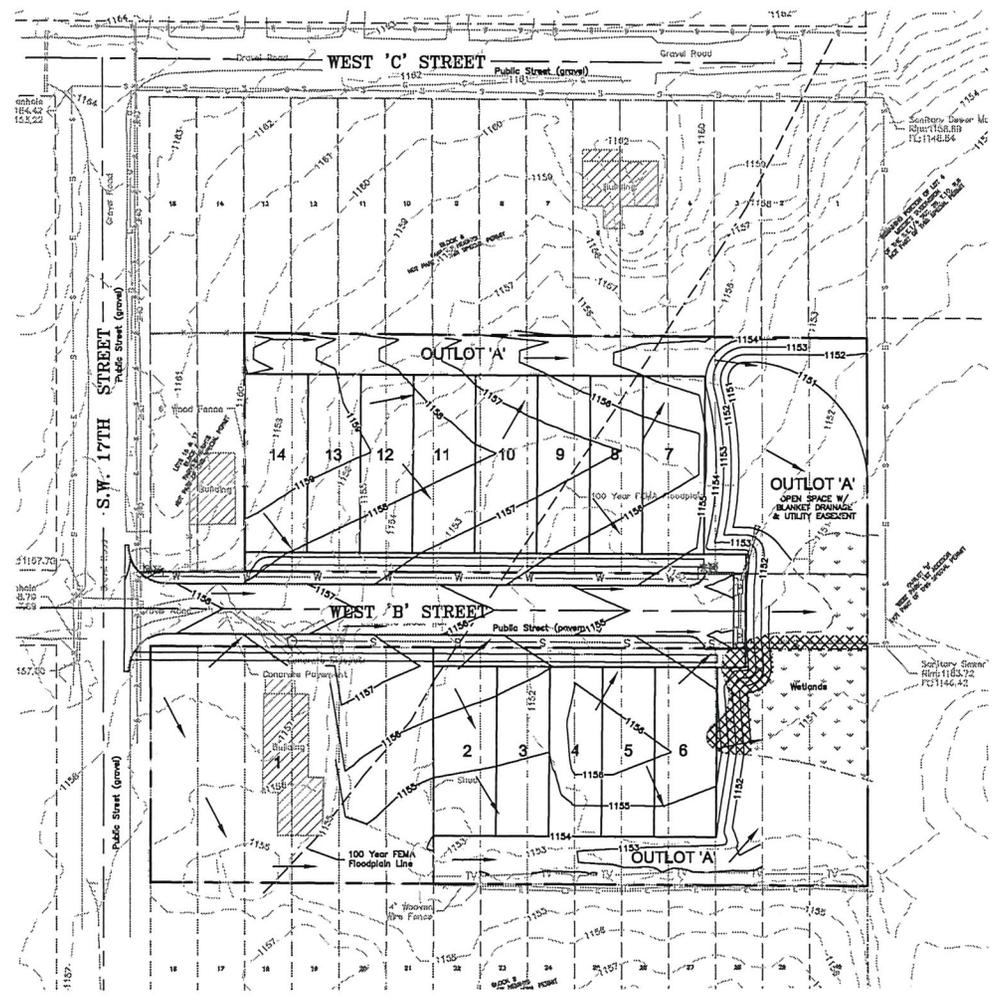
PRELIMINARY PLAN  
NOT FOR CONSTRUCTION

SHEET NO.  
1 of 5



NO.	REVISIONS			PROJECT
	DESCRIPTION	DATE	BY	
	Revisions on per PC meeting	5/30/18	JR	171291

**REGA**  
**ENGINEERING**  
**GROUP, INC.**  
 801 OLD CHENEY RD., SUITE A  
 LINCOLN, NEBRASKA 68512  
 (402) 484-7342  
 • ENGINEERING  
 • PLANNING  
 • LAND SURVEYING



- LEGEND**
- DIRECTION OF FLOW
  - - - PROPERTY LINE
  - - - 1157 EXISTING CONTOURS
  - - - 1157 PROPOSED CONTOURS
  - - - EXISTING FLOODPLAIN LINE
  - ▨ DISTURBED WETLANDS (0.037 AC.)

**FINISH FLOOR ELEVATIONS**

LOT	ELEV(NAYD83)
2-8	1154.4
7-10	1154.4

**SHEET NOTE:**  
 BUILDING FLOORS, ELECTRICAL, HEATING, VENTILATION, PLUMBING, AND AIR CONDITIONING EQUIPMENT SHALL BE ELEVATED AT LEAST ONE FOOT ABOVE THE BASE FLOOD ELEVATION OF 1153.4.

CITY VIEW  
 CUP/SPECIAL PERMIT #18019  
 GRADING PLAN  
 S.W. 17TH STREET AND WEST B STREET

DATE: 04/25/2018  
 DESIGNED BY: BAW/MLK  
 DRAWN BY: BAW/MLK  
 CHECKED BY: LL/NPB

PRELIMINARY PLAN  
 NOT FOR CONSTRUCTION

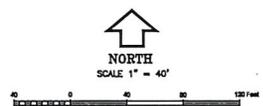
SHEET NO.  
 4 of 5

NO.	REVISIONS	DATE	BY
	Revisions on per PC meeting	5/20/18	JB

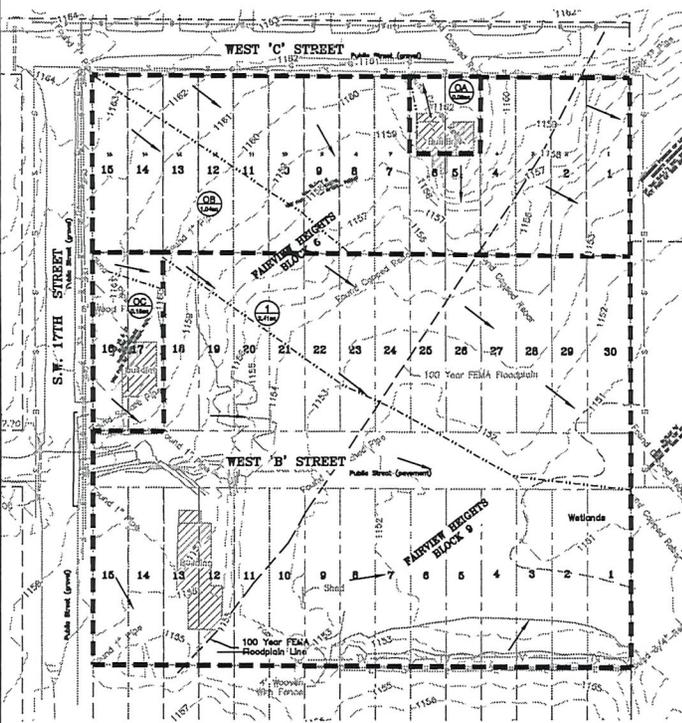
PROJECT  
171291

**REGA**  
ENGINEERING  
GROUP, INC.

801 OLD CHENEY RD., SUITE A  
LINCOLN, NEBRASKA 68512  
(402) 484-7342  
• ENGINEERING  
• PLANNING  
• LAND SURVEYING



- LEGEND**
- DIRECTION OF FLOW
  - - - PROPERTY LINE
  - - - 1157 - - - EXISTING CONTOURS
  - - - 1157 - - - PROPOSED CONTOURS
  - - - DRAINAGE AREAS
  - - - TIME OF CONCENTRATION
  - - - EXISTING FLOODPLAIN LINE
  - ▨ - DISTURBED WETLANDS (0.037 AC.)



**PRE-DEVELOPMENT**

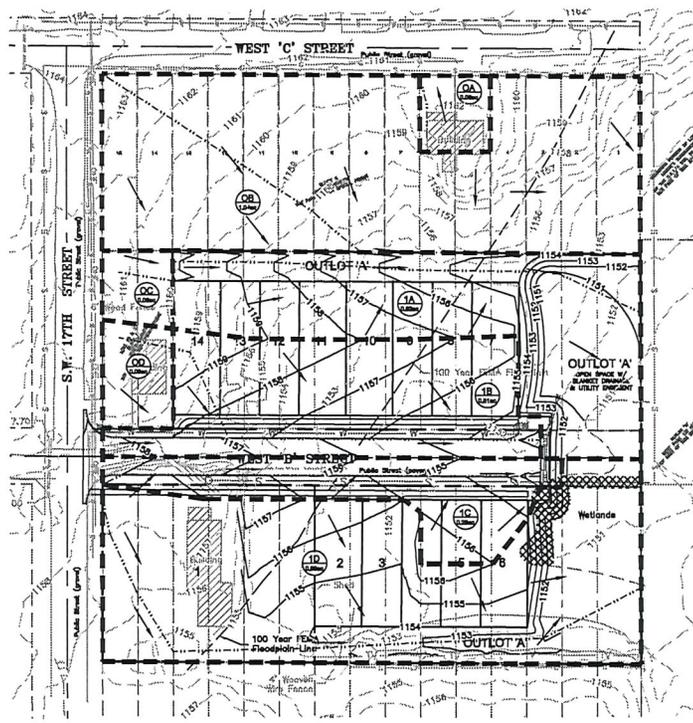
**Pre-Development Areas**

Sub-basin	Area	Curve Number	Length of Flow Path	Time of Concentration
Offsite A	0.06	90	45	8.0
Offsite B	1.04	74	224	8.4
Offsite C	0.15	90	40	8.0
1	2.41	75	359	15.0

**Post-Development Areas**

Sub-basin	Area	Curve Number	Length of Flow Path	Time of Concentration
Offsite A	0.06	90	45	8.0
Offsite B	1.04	71	224	8.4
Offsite C	0.06	90	40	8.0
Offsite D	0.09	90	40	8.0
1A	0.62	81	316	8.8
1B	0.51	92	336	8.0
1C	0.24	92	326	8.0
1D	0.99	81	460	9.6

**SHEET NOTE:**  
BUILDING FLOORS, ELECTRICAL HEATING, VENTILATION, PLUMBING, AND AIR CONDITIONING EQUIPMENT SHALL BE ELEVATED AT LEAST ONE FOOT ABOVE THE BASE FLOOD ELEVATION OF 1153.4.



**POST-DEVELOPMENT**

**Preliminary Pipe Sizing Calculations**

Minor Storm System Conveyance Analysis										Major Storm System Conveyance Analysis											
Minor Storm Average Return Frequency										Major Storm Average Return Frequency											
10 Years										100 Years											
Location	Area	Coefficient	Intensity	Time of	Runoff	Pipe	Pipe	Pipe	Pipe	Pipe	Time in	Intensity	Flow	Overflow	Street	Street	Swale	Swale	Overflow		
	acres	A	in/hr	concn. tration, Tc	Qr	Slope, Sp	Length, L	Diameter, D	Capacity, Cp	Velocity, Vp	Section, Tp	in/hr	Q100	Route Slope	Width	Capacity	Width	Capacity	+ Pipe Capacity	Comments	
				min	cfs	ft/ft	ft	in	cfs	ft/s	ft		cfs	ft/ft	ft	cfs	ft	cfs	cfs		
11	0.2	0.5	0.14	0.14	0.0	0.0200	17	15	9.9	0.1	0.04	11.25	4.85							(22)	
1C	0.28	0.5	0.14	0.14	0.0	0.0200	17	15	9.9	0.1	0.04	11.25	1.58							Pipe can carry 100 Year Storm	
OD	0.09	0.4	0.04	0.18	0.0																
1B	0.51	0.5	0.25	0.43	0.0	0.0200	17	15	9.9	0.1	0.04	11.25	4.85							Pipe can carry 100 Year Storm	

**FINISH FLOOR ELEVATIONS**

LOT	ELEV.(NAVDB)
2-4	1154.4
7-10	1154.4

**Inlet Design**

Location	Area, A	Runoff Coefficient, C	Time of Conc., Tc	Intensity, I	Runoff, Q	Long Slope, SL	Cross Slope, Sc	Prev. Flow	Cross Over Flow	Total Gutter Flow	Depth of Curb	Inlet Type	Intercepted, Ij	Bypassed, Ibs
	acres	constant	minutes	in/hr	cfs	ft/ft	ft/ft	cfs	cfs	cfs	inches		cfs	cfs
1C	0.28	0.5	8.0	11.25	1.6	0.01	0.01		3.6	3.7	72"		1.6	0.0
OD=1B	0.60	0.5	8.0	11.25	3.4	0.01	0.01		3.4	4.9	72"		3.4	0.0

CITY VIEW  
CUP/SPECIAL PERMIT #18019  
PRE AND POST DEVELOPMENT PLAN  
S.W. 17TH STREET AND WEST B STREET

DATE: 04/25/2018  
DESIGNED BY: BAW/MLK  
DRAWN BY: BAW/MLK  
CHECKED BY: LL/NPB

PRELIMINARY PLAN  
NOT FOR CONSTRUCTION

SHEET NO.  
3 of 5

File No. 171291  
April 25, 2018  
Revised May 30, 2018

David Cary  
Director of Planning  
Dessie Redmond, Planner  
City of Lincoln/ Lancaster County  
555 South 10<sup>th</sup> Street  
Lincoln, NE 68508

RE: CITY VIEW  
SPECIAL PERMIT/COMMUNITY UNIT PLAN  
CHANGE OF ZONE FROM R-2 TO R-3  
STREET VACATION OF WEST B STREET  
S.W. 17<sup>th</sup> Street and West 'B' Street

Dear David,

On behalf of RKKKR, LLC and Knobbe Man Co., we are submitting the above mentioned applications for review on property located east of S.W. 17<sup>th</sup> Street and between West 'C' Street and half a block north of West 'A' Street. The property currently is final platted as 28 residential lots with West B Street as a 40 foot wide public street within the final plat of Fairview Estates. One existing single family residence is located on a total of 6 of those existing lots which will remain as one dwelling unit.

City View is requesting a total of 14 dwelling units as per the density calculations for the project area. Along with the 1 existing residence, 13 townhome lots are proposed acquiring access from West B Street. Due to the lack of right-of-way within West B Street, an additional 10 feet to each side of the right-of-way is shown to be dedicated adjacent to the proposed townhome lots equaling a total of 60 feet of right-of-way.

To accommodate the lack of right-of-way adjacent to the property of the existing residence, a public access and utility easement is being shown along West B Street and S.W. 17<sup>th</sup> Street. A general note has been shown on the Site Plan stating that the public access and utility easements shall be filed and granted to the City of Lincoln.

Proposed public water and sanitary sewer shall be constructed within West B Street right-of-way. The water shall connect to the existing public water in S.W. 17<sup>th</sup> Street and the sanitary sewer shall connect to the public sanitary sewer manhole along the east property line of the development.

The development is within the 100 year floodplain. A line has been shown on the drawings which reflects the 100 year floodplain based on the FEMA Flood Map as well a line based on the FEMA established elevation. A floodplain fill permit shall be requested through the Building & Safety Department after the proposed grading plan with this permit is approved by the Watershed Management Department. A LOMR-F application will also be submitted to FEMA once the grading has been completed to remove the proposed lots from the 100 year floodplain based on elevation of the grade.

Established wetlands are also located in the southeast corner of the development. To reduce the amount of grading affecting the wetlands, a street vacation of the far east portion of West B Street is also being requested with this application. The wetlands being affected by this development are less than a tenth of an acre. Due to this, a Nation-Wide Permit will be submitted to the Corps of Engineers for their review and acceptance prior to any grading within the wetland area. A delineation has been completed by EA Science and Technology and is included within the drainage summary for reference.

We are requesting the following waivers at this time:

1. *Storm water detention facilities. (Design Standards, Chapter 2.05, Section 3.3)*  
Due to the established wetlands on-site, the intent of the project is to mitigate disturbance of the wetlands and keep the wetlands as a water quality feature. In discussions with Watershed Management, they agreed that minimizing impact on the wetlands would be an acceptable practice. Therefore, we are requesting a waiver of detention.
2. *Lot width-to-depth ratio on Lots 2 through 14. (Subdivision Ordinance 26.23.140(a))*  
The townhome lot width and the minimum lot width of 90 feet will not allow the specified lots to meet the 3 to 1 ratio requirement. This is a typical waiver requested with townhome units.
3. *Lot area on Lots 2 through 14 to a minimum lot area of 2,500 square feet per unit. (Zoning Ordinance, 27.72.020(a))*  
The townhome lot width and the depth of the units, due to allowing drainage be within the outlot at the rear of the lots instead of within them, the standard area of the lots cannot be met.
4. *Average lot width on Lots 2 through 14 to a minimum width of 28.00 feet per unit. (Zoning Ordinance, 27.72.020(a))*  
The proposed townhomes consist of either 4-plex or 5 plex units. Each internal unit is 28 feet wide and the lot to be created for the unit also needs to be the same.

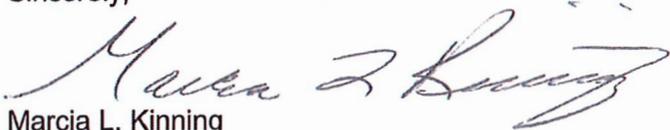
# REGA

ENGINEERING  
GROUP, INC.

Page 3

An informational letter and site plan was mailed to the neighbors prior to the to the Planning Commission meeting on May 23<sup>rd</sup>, 2018. Through that mailing, concerns from the development to the east, expressed water standing at the west end of their development. Due to this information, a lot has been removed from our proposed development to enlarge the detention and to help with the direction of the water flow. In addition, the 1 existing residences that is located within the block north of West B Street had contacted and requested to be included within the development. The owner expressed their unwillingness to be a part of the special permit and therefore are not part of this application. We look forward to working with the Planning Department and other City Departments on this application. Please do not hesitate to contact me if you have any additional questions or comments.

Sincerely,



Marcia L. Kinning

Cc: Eric Knobbe  
Roger Pearson

Enclosures: Application Form for Special Permit and Change of Zone  
Application Form for Street Vacation  
Special Permit Fee of \$1,492.90  
Change of Zone Fee of \$988.00  
Street Vacation Fee of \$206.00  
Legal Descriptions  
Waiver Request List  
General Notes

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

FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER Street and Alley Vacation #18002	FINAL ACTION? No	DEVELOPER/OWNER Knobbe Man Co./RKKR, LLC
PLANNING COMMISSION HEARING DATE June 20, 2018	RELATED APPLICATIONS SP18019 & CZ18014	PROPERTY ADDRESS/LOCATION 1200 SW. 17 <sup>th</sup> Street

**RECOMMENDATION: CONFORMS TO THE COMPREHENSIVE PLAN**

**BRIEF SUMMARY OF REQUEST**

This original request was heard at the May 23, 2018 Planning Commission meeting with a request by the applicant to defer the application to consider revisions to the plan. This is a request to vacate an eastern portion of W. B Street between SW. 17<sup>th</sup> Street and West Park 1<sup>st</sup> Addition, Outlot B. The vacation is requested to reduce the amount of grading affecting the established wetlands in the area. The developer is also proposing to rezone the property from R-2 to R-3 with a Special Permit (SP) for a Community Unit Plan (CUP). If this vacation is approved, this portion of W. B Street will be within the boundaries of the CUP. Access to all properties abutting this portion of W. B Street will not be affected by this vacation.

**JUSTIFICATION FOR RECOMMENDATION**

This public right-of-way is not being used for the general public as it is not built and is not a through street. The developer owns the properties to the north and south of this portion of W. B Street. Therefore, there is no benefit to the general public to retain this as part of the transportation system.

Additionally, there are no plans to extend W. B Street to the east or make this a through street. Due to the existing wetlands and floodplains, the subdivision abutting to the east did not extend W. B Street to the west.

**COMPATIBILITY WITH THE COMPREHENSIVE PLAN**

Vacation of this portion of public right-of-way will not negatively impact the transportation system and subject to the conditions of approval, this request is in conformance with the Comprehensive Plan.



**APPLICATION CONTACT**

Marcia Kinning, REGA Engineering  
(402) 484-7342  
marcia@regaeng.com

**STAFF CONTACT**

Dessie E. Redmond, Planner  
(402) 441-6373  
dredmond@lincoln.ne.gov

## KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

P. 10.14 - Local streets and alleys are not shown on the Functional Street and Road Classification plan.

P. 10.15 - Local or residential streets provide the greatest access. These streets provide very limited opportunities for through traffic; their primary function is to provide access to adjacent properties.

## ANALYSIS

1. This is a request to vacate a portion of W. B Street right-of-way west of SW. 17<sup>th</sup> Street. The area to be vacated includes approximately .06 acres. The original request heard at the May 23, 2018 Planning Commission meeting was for approximately .05 acres.
2. The developer owns the abutting properties to the north and south of the proposed vacation area. The right-of-way in question does not include a through street to the east and does not provide access to other properties.
3. 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.
4. W. B Street is a local street in the 2040 Comprehensive Plan but is not built nor is it a right-of-way that functions as a through street. It is not generally traveled by the public.
5. As the vacation area is located in a floodplain and established wetlands, a conservation easement will be required prior to deed transfer as stated by the Public Works Utilities - Watershed Management Department in the Agency Review Report (attached).
6. There are no existing public utilities and no private utilities appear to be in the vacation area. Therefore, there is no need for a utility easement to be retained.
7. Vacation of the right-of-way will not affect the transportation system and is consistent with the Comprehensive Plan.
8. With this request, Lots 29-30, Block 6 and Lots 1-2, Block 9 of the Fairview Heights Subdivision become land locked (no street frontage) and will be required to be replatted. A final plat must be submitted that shows all new lots front on and have access to a street.

**CONDITIONS OF APPROVAL:** See attached

**EXISTING LAND USE & ZONING:** W. B Street ROW; R-2

## SURROUNDING LAND USE & ZONING

North: Vacant; R-2

South: Vacant; R-2

East: Vacant; R-3

West: W. B Street ROW; R-2

**APPLICATION HISTORY:** none

**APPROXIMATE LAND AREA:** .06 acres

**LEGAL DESCRIPTION:** A portion of W. B Street located in the SE 1/4 of Section 28-10-6, Lincoln, Lancaster County,

Nebraska.

Prepared by:

---

Dessie E. Redmond, Planner  
(402) 441-6373

Date: June 12, 2018

Applicant: Marcia Kinning  
REGA Engineering  
601 Old Cheney Road, Suite A  
Lincoln, NE 68512

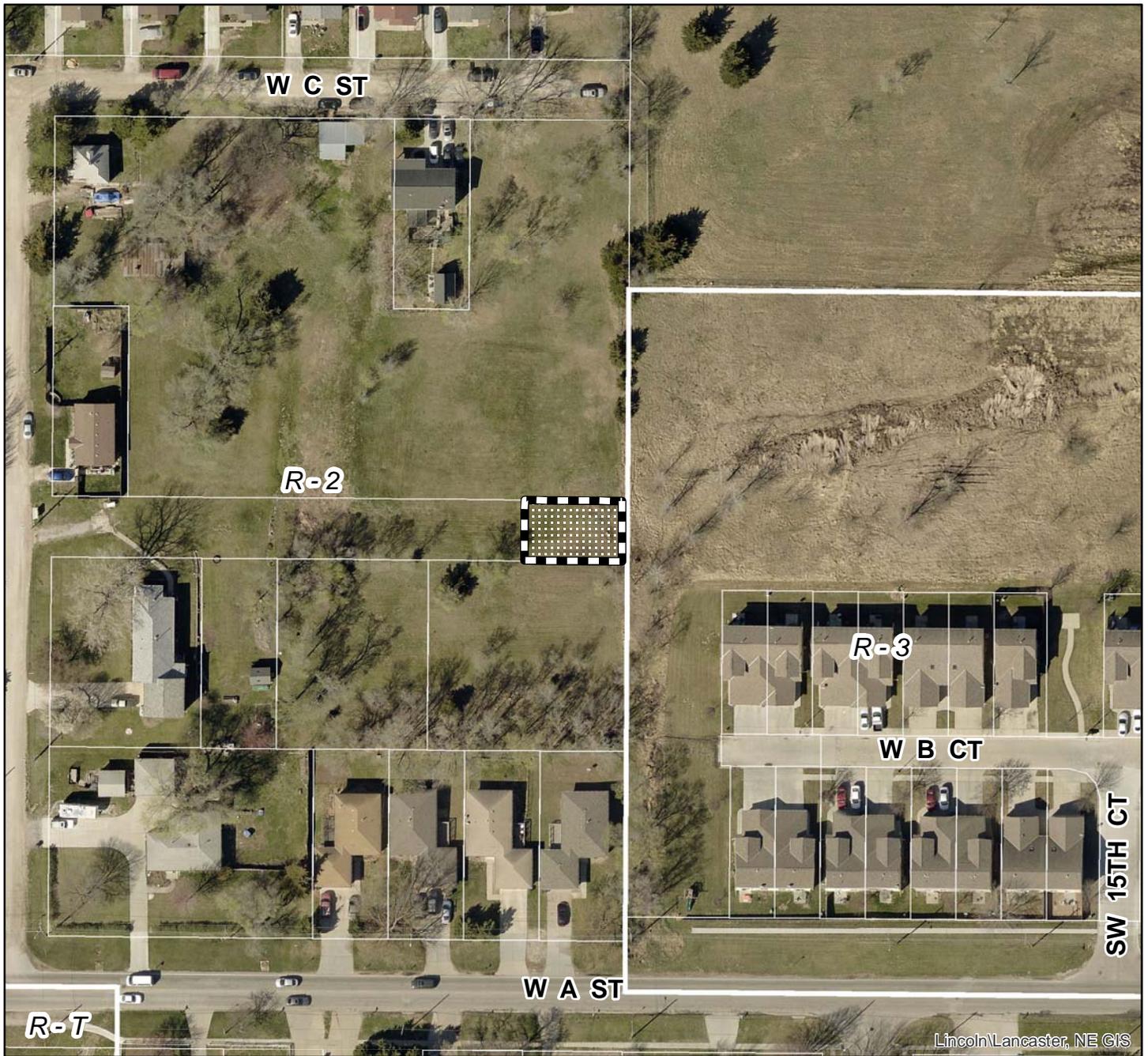
Owner: RKKKR, LLC  
Eric Knobbe  
6756 Blueridge Lane  
Lincoln, NE 68516

F:\DevReview\SAV\18000\SAV18002 City View.dr.docx

## CONDITIONS OF APPROVAL - STREET AND ALLEY VACATION #18002

### 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 The abutting owners must submit a final plat that will create lots that front on and have access to public streets or private roadways and all requirements of the final plat have been completed except the transfer of ownership of the vacated street to the subdividers.
- 1.3 Include retention of utility easements, if any utilities are located in the vacation area, by City with deed transfer.
- 1.4 Include retention of conservation easement by City with deed transfer to the satisfaction of the Public Works & Utilities - Watershed Management Department.



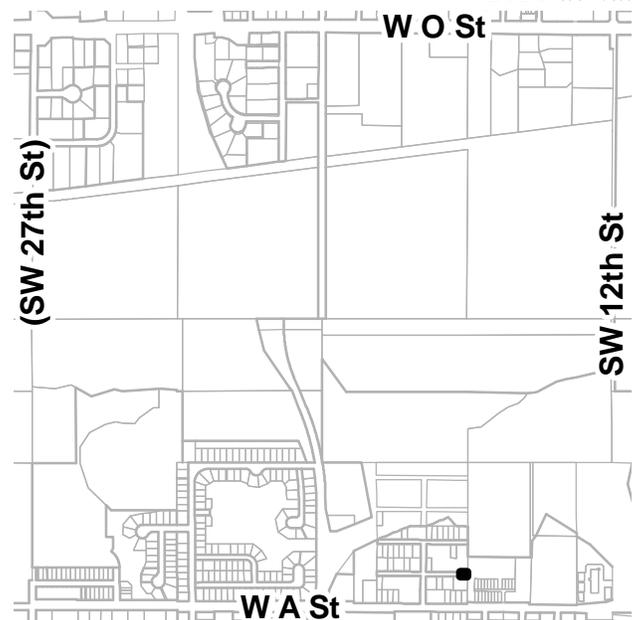
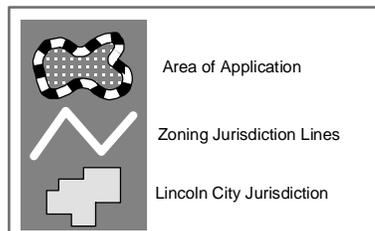
2016 aerial

**Street and Alley Vacation #: SAV18002**  
**City View CUP**  
**W B Street Vacation**

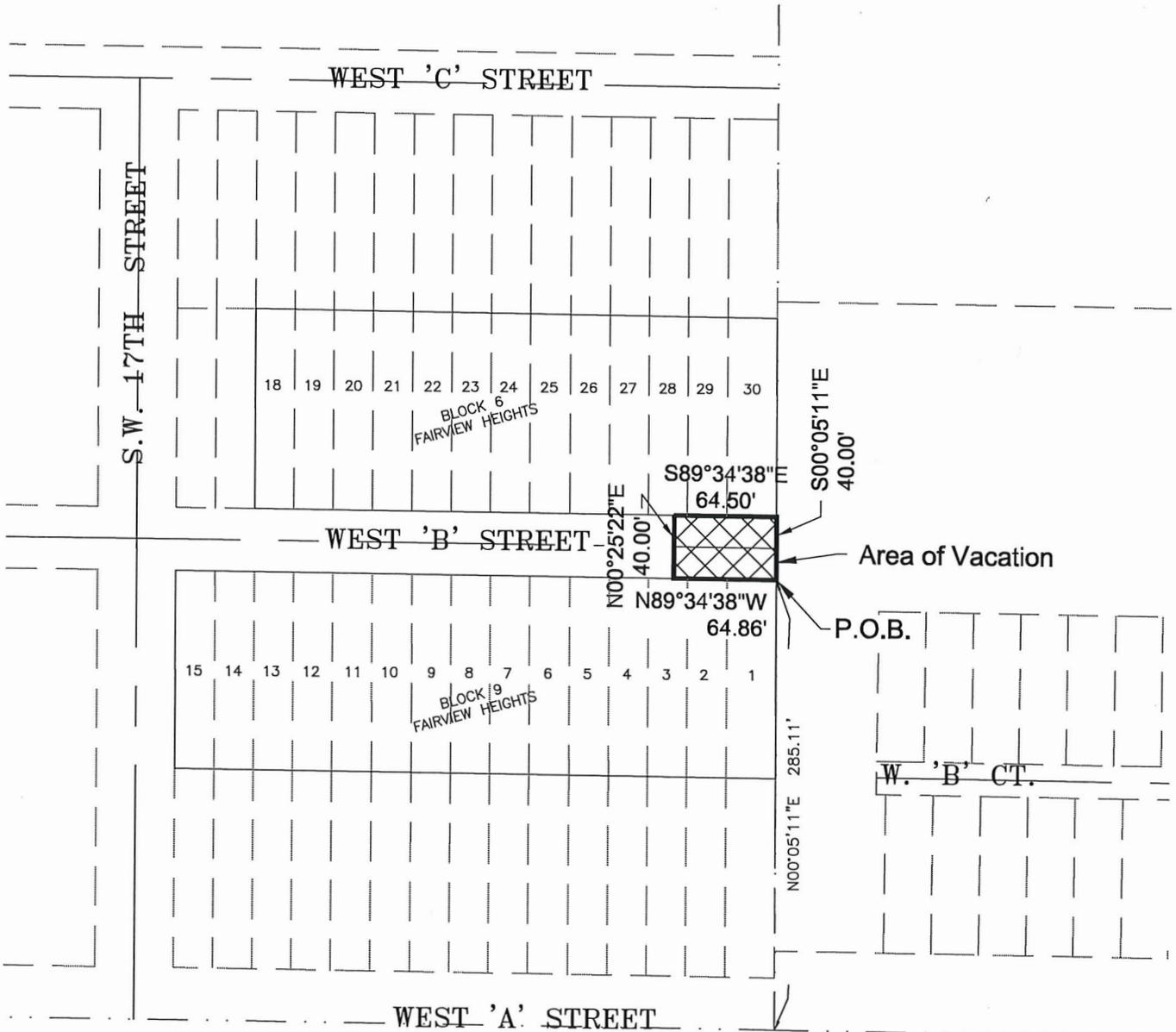
**Zoning:**

- 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.28 T10N R06E



# WEST B STREET STREET VACATION EXHIBIT



<p>CITY VIEW</p> <p><b>WEST B STREET STREET VACATION</b></p>	<p><b>REGA</b></p> <p>ENGINEERING GROUP, INC.</p>	<p>601 OLD CHENEY RD. SUITE 'A' LINCOLN, NE 68512 (402) 484-7342</p> <ul style="list-style-type: none"> <li>● ENGINEERING</li> <li>● PLANNING</li> <li>● LAND SURVEYING</li> </ul>	<p>DATE: 05/29/2018</p> <hr/> <p>PROJECT 171291</p> <hr/> <p>SHEET NO. <b>1 of 1</b></p>
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File No. 171291  
April 25, 2018  
Revised May 30, 2018

David Cary  
Director of Planning  
Dessie Redmond, Planner  
City of Lincoln/ Lancaster County  
555 South 10<sup>th</sup> Street  
Lincoln, NE 68508

RE: CITY VIEW  
SPECIAL PERMIT/COMMUNITY UNIT PLAN  
CHANGE OF ZONE FROM R-2 TO R-3  
STREET VACATION OF WEST B STREET  
S.W. 17<sup>th</sup> Street and West 'B' Street

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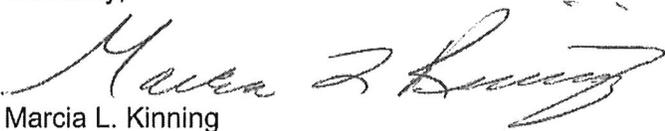
# REGA

ENGINEERING  
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Page 3

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Sincerely,



Marcia L. Kinning

Cc: Eric Knobbe  
Roger Pearson

Enclosures: Application Form for Special Permit and Change of Zone  
Application Form for Street Vacation  
Special Permit Fee of \$1,492.90  
Change of Zone Fee of \$988.00  
Street Vacation Fee of \$206.00  
Legal Descriptions  
Waiver Request List  
General Notes

## **WEST B STREET – STREET VACATION**

*(In conjunction with City View – Community Unit Plan/Special Permit)*

A portion of West B Street located in the Southeast Quarter of Section 28, Township 10 North, Range 6 East of the Sixth Principal Meridian, Lancaster County, Nebraska, more particularly described as follows:

Commencing at the Southeast Corner of the Southwest Quarter of the Southeast Quarter of said Section 28;  
Thence on the east line of the Southwest Quarter of the Southeast Quarter of said Section 28, N00°05'11"E, a distance of 285.11 feet to the northeast corner of Lot 1, Block 9, Fairview Heights and the POINT OF BEGINNING;

Thence on the south line of said West B Street, also the north line of Lots 1, 2 and 3, Block 9, N89°34'38"W, a distance of 64.86 feet;

Thence N00°25'22"E, a distance of 40.00 feet to a point on the north line of said West B Street, also a point on the south line of Lot 28, Block 6, Fairview Heights;

Thence on the north line of said West B Street, also the south line of Lots 28, 29 and 30, Block 6, Fairview Heights, S89°34'38"E, a distance of 64.50 feet to a point on the east line of the Southwest Quarter of the Southeast Quarter of said Section 28, also the southeast corner of Lot 30, Block 6, Fairview Heights;

Thence on the Southwest Quarter of the Southeast Quarter of said Section 28, S00°05'11"E, a distance of 40.00 feet to the POINT OF BEGINNING and containing a calculated area of 2,587.25 square feet or 0.06 acres.

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

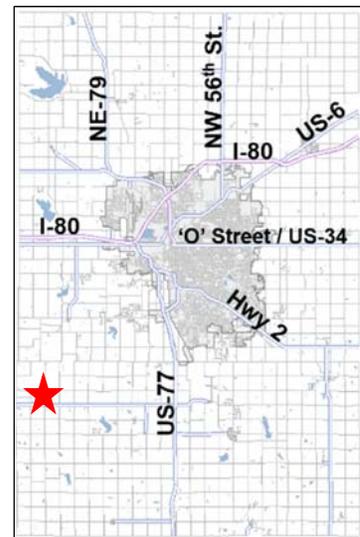
FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER Special Permit #18025 Randy Essink Poultry	FINAL ACTION? Yes	DEVELOPER/OWNER Randy Essink
PLANNING COMMISSION HEARING DATE June 20, 2018	RELATED APPLICATIONS None	PROPERTY ADDRESS/LOCATION 13350 W. Wittstruck Rd.

**RECOMMENDATION: APPROVAL WITH CONDITIONS**

**BRIEF SUMMARY OF REQUEST**

This is a request for a Commercial Feedlot for up to 190,000 chickens in four buildings. The area of the special permit is approximately 20 acres within a 75 acre lot. The special permit area is in the northern 1,300 feet of the lot.



**JUSTIFICATION FOR RECOMMENDATION**

This application is in conformance with the 2040 Lincoln-Lancaster County Comprehensive Plan. The commercial feedlot is an agricultural use. Traffic generated by this operation will be minimal. There are few houses nearby that would be impacted. Nebraska Department of Environmental Quality does not object to this application. The nearest house should not be negatively impacted by the proposal as it is approximately ¼ mile from the site.

**APPLICATION CONTACT**

Randy Essink, (402) 310-1874  
[essinkdrywall@gmail.com](mailto:essinkdrywall@gmail.com)

**STAFF CONTACT**

Tom Cajka, (402) 441-5662 or  
[tcajka@lincoln.ne.gov](mailto:tcajka@lincoln.ne.gov)

**COMPATIBILITY WITH THE COMPREHENSIVE PLAN**

The Comprehensive Plan identifies the area of application as agricultural. A commercial feedlot is a type of agricultural land use. A goal of the Comprehensive Plan is for more diversified agribusiness ventures and to preserve land for agricultural purposes.

**KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN**

P. 3.11- Agricultural lands refers to land-about 90.3% of the county- utilized for growing crops, raising livestock, or producing other agricultural products.

P. 7.12- LPlan 2040 supports the preservation of land in the bulk of the County for agricultural and natural resource purposes.

P. 12.3 - this site is shown as future agriculture on the 2040 Lincoln Area Future Land Use Plan.

P. 12.4 - Agricultural land is principally in use for agricultural production. Agricultural land may be in transition to more diversified agribusiness ventures.

**ANALYSIS**

1. This is a request for a special permit under Article 13.035 of the Lancaster County Zoning Regulations for a Commercial Feedlot. The proposal is for 4 barns each housing 47,500 chickens for a total of 190,000 chickens. Each barn will be 63’ x 600’ in size.
2. Article 13.035 does not have specific conditions for commercial feedlots other than a statement from Nebraska Department of Environmental Quality addressing anti-pollution controls is required. Although there are no specific conditions listed, Article 13.002 offers guidance to the Planning Commission in reviewing special permits; “The Planning Commission shall hold a public hearing and shall consider the effect of such proposed building or uses upon the character of the neighborhood, traffic conditions, public utility facilities, the Comprehensive Plan and other matters relating to the public health, safety and general welfare.”
3. Traffic will be minimal. On average the operation will generate 1.4 semi-trucks per day. The County engineers does not object to this application. The County Engineer does note that due to the sharp roadway bends along West Wittstruck Rd near the entrance, semi-truck traffic entering and exiting this site shall be via West Wittstruck Rd. going west to SW 142<sup>nd</sup> St.
4. The current parcel is 75 acres. The special permit is for a 20 acre area within the 75 acre lot. The site plan shows the proposed 20 acre parcel.
5. This site is shown as agriculture in the Comprehensive Plan, a feedlot is an agricultural use.
6. There are 7 dwellings within one mile of the proposed site and 4 dwellings within one-half mile of the site. The nearest house is approximately one-quarter mile north of the barns.
7. The Lincoln-Lancaster County Health Department notes that the applicant will need to comply with Lancaster County Air Pollution Control Resolution R-13-0073, Section 11. Section 11 specifically states that is shall be unlawful to cause or permit odorous emissions from animal confinement and feeding operations. They do not object to this application.
8. The Lancaster County Zoning Regulations requires that any commercial feedlot have a statement from the Department of Environmental Quality (DEQ) that either the facility does not need to provide for anti-pollution controls, or that the applicant has received approval from DEQ for anti-pollution controls.
9. Nebraska Department of Environmental Quality (DEQ) has inspected the site. DEQ has determined that this facility is not required to construct a livestock waste control facility or obtain a Construction and Operating Permit or a National Pollutant Discharge Elimination System permit.

**CONDITIONS OF APPROVAL:** See attached.

**EXISTING LAND USE & ZONING:** AG Agricultural                      Farm ground

**SURROUNDING LAND USE & ZONING**

North:	AG Agricultural	Farm ground and two dwellings
South:	AG Agricultural	Farm ground
East:	AG Agricultural	Farm ground

West: AG Agricultural Farm ground and two dwellings

**APPROXIMATE LAND AREA:** 20 acres, more or less

**LEGAL DESCRIPTION:** A portion of the West 1/2 of the SE 1/4 located in the SW 1/4 of Section 7-8-5, Lancaster County, Nebraska.

Prepared by

---

Tom Cajka, Planner  
(402) 441-5662 or tcajka@lincoln.ne.gov

Date: June 8, 2018

Applicant: Randy Essink  
355 West 1<sup>st</sup> St.  
Cortland, NE 68331  
402-310-1874

Contact: Jordan Kingsley  
Nutrient Advisors  
449 E. Deere St.  
West Point, NE 68788  
402-372-2236

Owner: Denton Storage LLC  
2825 Porter Ridge Rd.  
Lincoln, NE 68516  
402-314-7682  
bruce-deb-pester@yahoo.com

F:\DevReview\SP\17000\SP17018 Heetderks Farm.tjc.docx

## CONDITIONS OF APPROVAL - SPECIAL PERMIT #18025

Per Article 13.035 this approval permits a Commercial Feedlot for up to 190,000 chickens.

### Site Specific Conditions:

1. Before receiving building permits the permittee shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including 3 copies with all required revisions and documents as listed below:
  - 1.1 Add the title "Randy Essink Commercial Feedlot. Special Permit #18025 to the site plan.
  - 1.2 Add a legal description to the site plan.
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.

### Standard Conditions:

3. The following conditions are applicable to all requests:
  - 3.1 Before starting the operation all development and construction shall substantially comply with the approved plans.
  - 3.2 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.
  - 3.3 The terms, conditions, and requirements of this resolution shall run with the land and be binding upon the Permittee, its successors and assigns.
  - 3.4 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.



Lincoln\LANCASTER, NE GIS

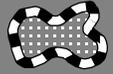
2016 aerial

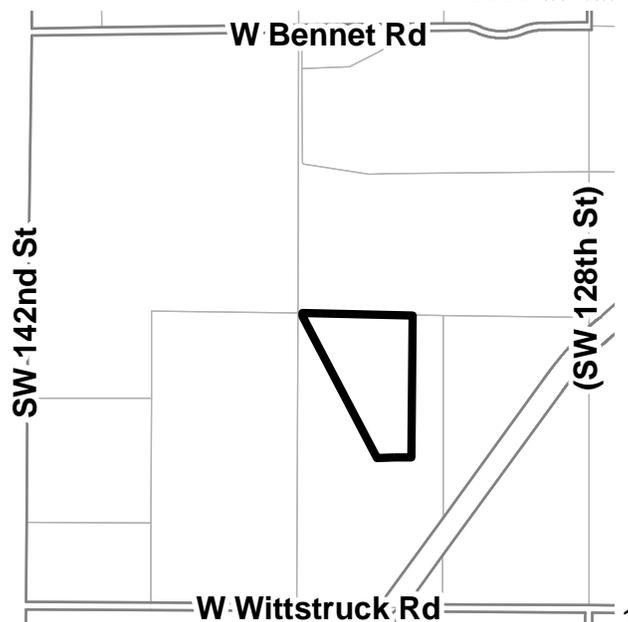
**Special Permit #: SP18025**  
**SW 142nd St & W Wittstruck Rd**

**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.07 T08N R05E

	Area of Application
	Zoning Jurisdiction Lines
	Lincoln City Jurisdiction

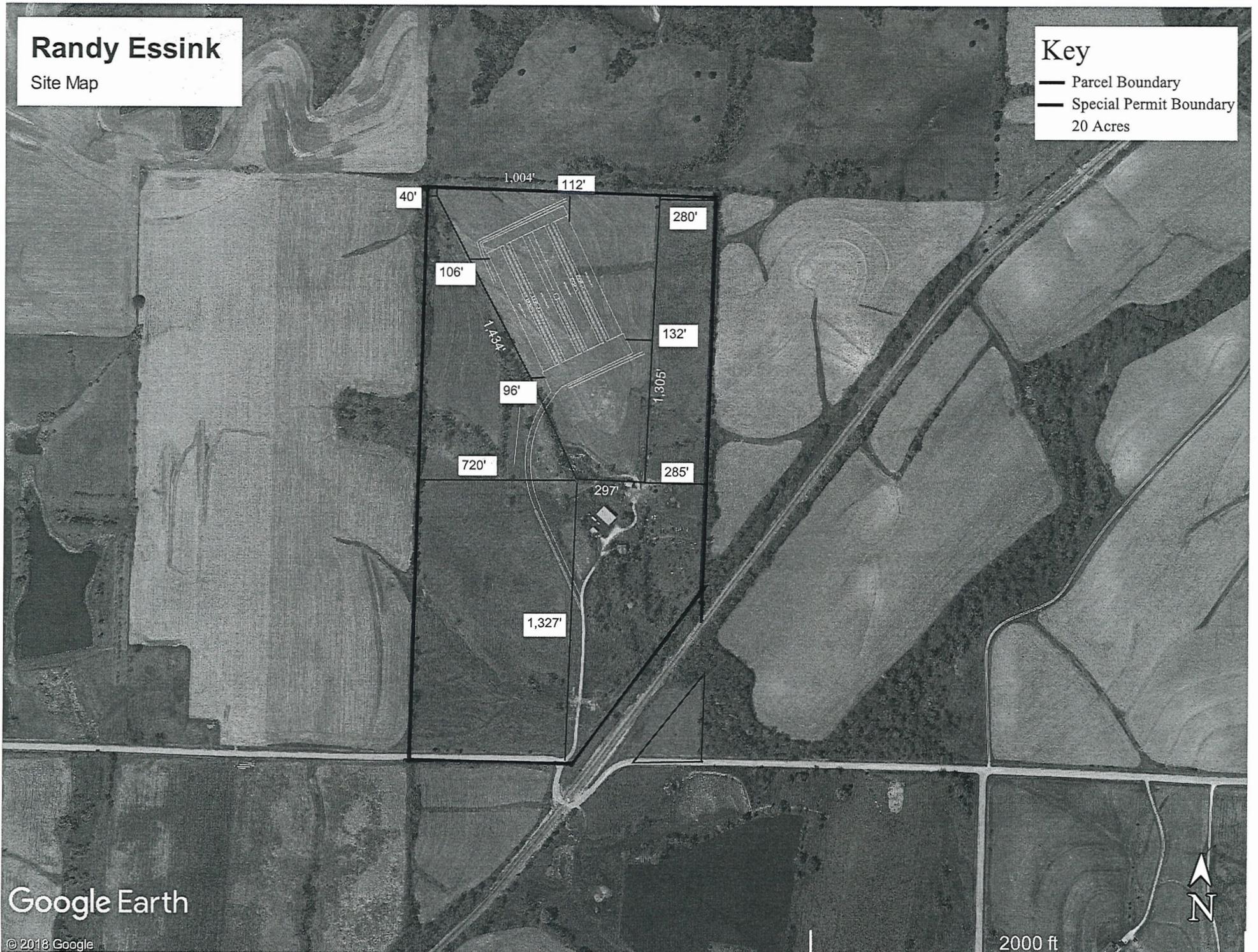


# Randy Essink

Site Map

## Key

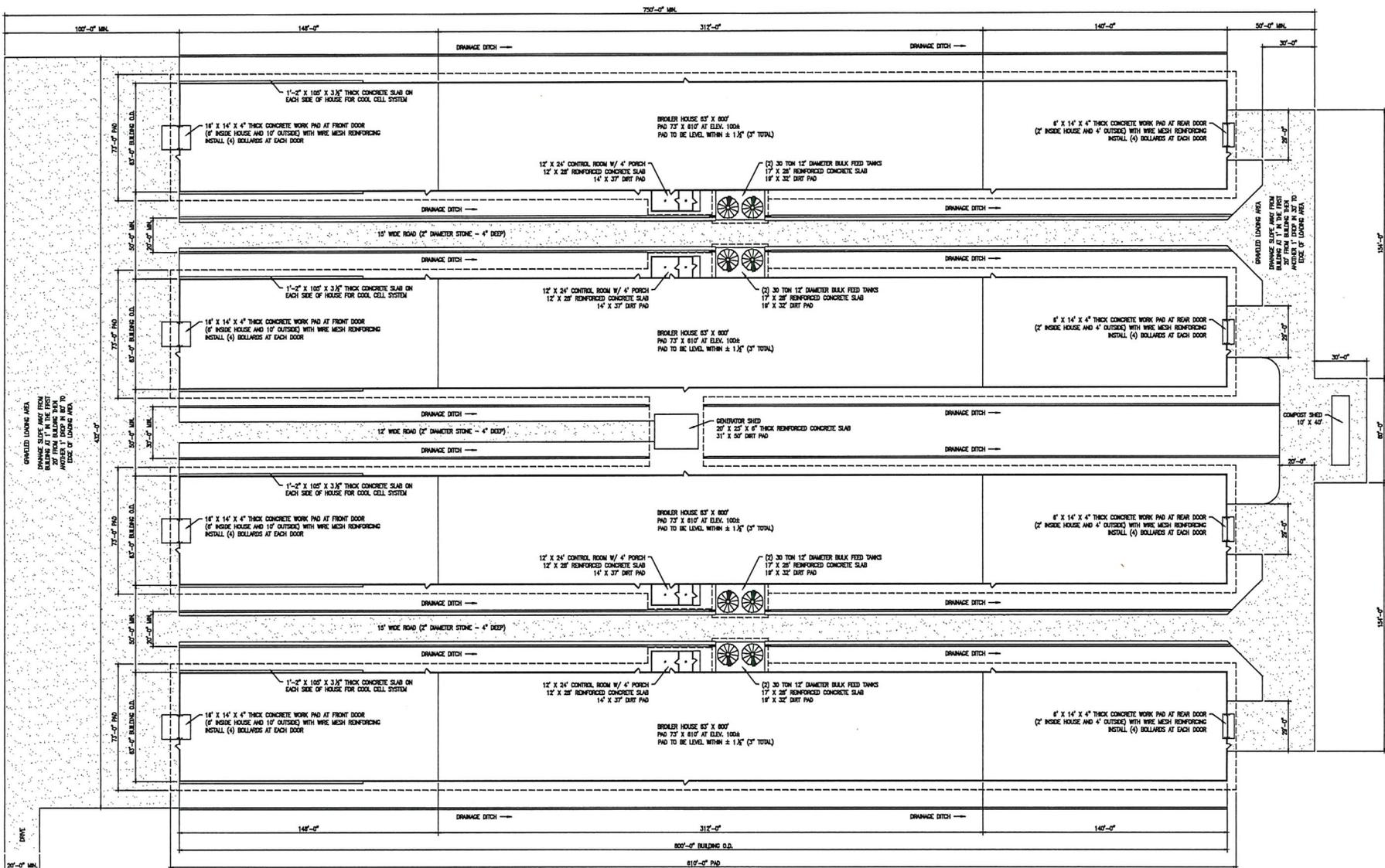
- Parcel Boundary
- Special Permit Boundary  
20 Acres



Google Earth

© 2018 Google

2000 ft



QC SUPPLY

63' x 600' TUNNEL VENT. BROILER HOUSE  
 LPP - (4) HOUSE SITE PLAN

NO.	DATE	DESCRIPTION
1	11/11/17	REVISED LIVING AREA

DATE: 11/11/17  
 DRAWN BY: [Name]  
 CHECKED BY: [Name]

THIS DRAWING IS THE SOLE PROPERTY OF QC SUPPLY. NO PART OF THIS DRAWING IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT PERMISSION FROM QC SUPPLY. THE ACCURACY OF THIS DRAWING IS NOT GUARANTEED. QC SUPPLY SHALL BE RESPONSIBLE FOR THE ACCURACY OF THIS DRAWING. ANY ERRORS OR OMISSIONS ARE THE SOLE RESPONSIBILITY OF THE USER. THIS DRAWING IS NOT TO BE USED BY ANY PERSON NOT EMPLOYED BY QC SUPPLY.

QC SUPPLY  
 1000 W. 100th St.  
 Omaha, NE 68137  
 (402) 333-3377  
 FAX: (402) 333-8825

## Lincoln-Lancaster County Health Department

Animal confinement feeding operations are addressed under County Resolution R-13-0073 –Lancaster County Air Pollution Control Resolution. Specifically, Section 11(b) – Odor Nuisances Prohibited states that it shall be unlawful to cause or permit odorous emissions from animal confinement and feeding operations. Such emissions shall not be a violation where: (1) The owner or operator has employed all reasonable techniques to minimize odor; (2) The operation is in compliance with all applicable regulations adopted by the state and zoning regulations of the County; (3) The complaint is filed by a person other than a person in lawful possession of the land claimed to be affected by the odor; and (4) The complaint is filed by a person who acquired lawful possession of the affected land after the owner or operator began lawful operation.

The Lincoln-Lancaster County Health Department (LLCHD) met with the Nebraska Department of Environmental Quality (NDEQ) to discuss this proposed animal confinement feeding operation. NDEQ staff advised that the applicant will be obtaining a construction/operating permit in accordance with Nebraska Administrative Code Title 130 – Livestock Waste Control Regulations. This regulation requires the permit holder to submit a nutrient management plan which addresses the proper management and handling of animal waste from such operations. Non-compliance with the nutrient management plan would be grounds for the LLCHD to initiate enforcement action under County Resolution R-13-0073.

# NEBRASKA

Good Life. Great Environment.

DEPT. OF ENVIRONMENTAL QUALITY



Pete Ricketts, Governor

Randy Essink  
Randy Essink Livestock  
PO Box 76  
Cortland, NE 68331-0076

MAY 29 2018

RE: Randy Essink Livestock Concentrated Animal Feeding Operation  
NDEQID: 111275  
Program ID: LWC 2-1087  
Subject: **Construction & Operating or NPDES Permit Not Required**  
NW 1/4, SE 1/4, Section 07, Township 08N, Range 05E, Lancaster County

Dear Mr. Essink:

Your proposed concentrated animal feeding operation (CAFO) is not required to construct a livestock waste control facility (LWCF) or obtain a Construction and Operating Permit or a National Pollutant Discharge Elimination System (NPDES) Permit for CAFOs. This determination is based on the May 23, 2018 inspection conducted by Kevin Franzluebbers from the Nebraska Department of Environmental Quality (Department), according to the Livestock Waste Management Act and Title 130, *Livestock Waste Control Regulations*.

While your operation is exempt from the Title 130 permitting requirements described above, please be aware that any construction activity that disturbs a land area of one (1) acre or more must still obtain coverage under the Construction Storm Water General Permit Number NER160000, which authorizes storm water discharges from construction sites (Title 119). This permit may be obtained by the operation's authorized representative, the contractor or other party responsible for the construction project. Application for permit coverage can be made by accessing the following website: <https://ecmp.nebraska.gov/DEQ-CSW>.

At the time of the inspection, the Department considered your operation a large CAFO that proposed the following:

Livestock Species	Maximum No. of Head Capacity	Existing or Proposed?
Chickens (Broilers)	190,000	Proposed

Type of Structure	Number of Each Type	Existing or Proposed?
Dry Litter Barns	4	Proposed

If you desire to receive a Construction and Operating Permit for your operation, please refer to the minimum application requirements outlined in Title 130, Chapter 4, 001. These include, but are not limited to, the submission of a Nutrient Management Plan and a \$200 application fee. It may take the Department up to 110 days from the receipt of a complete application to approve or deny the application.



2018033492

Please remember, you are responsible for complying with any Natural Resources District, county or local zoning requirements and for preventing any discharge of livestock waste to waters of the State. If you plan to expand or modify the operating style of your operation in the future, you must request an inspection by the Department prior to starting construction or modifications. Failure to request an inspection could result in late fees or other penalties. Enclosed is a copy of Title 130 for your information. If you have any questions, please contact Kevin Franzluebbers at (402) 471-6687 or myself at (402) 471-4239.

Sincerely,

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

Blake Onken, Supervisor  
Agriculture Section  
Water Permits Division  
blake.onken@nebraska.gov

Enclosure  
cc: Nutrient Advisors



May 14, 2018

Lincoln/Lancaster County Planning Commission  
555 S 10<sup>th</sup> St, Ste 213  
Lincoln, NE 68508

Subject: Special Use Permit Request

To whom it may concern,

Please accept this application and request for a special use permit on behalf of Randy Essink. The purpose of this permit is to take a portion of land out of crop production and construct four barns for broiler chickens. Each building will house approximately 47,500 chickens. The buildings will roughly be 63' wide by 600' long with 50' pathways between buildings. In front of the building there will be 50' rock for semi- trucks to be able to maneuver and turn around to load and unload chickens. There will be approximately 1.4 trucks per day that serve the site. All trucks will be covered to help eliminate dust, odor, and for the health and safety of the birds. There will also be maintenance building for housing tools, equipment, and a backup generator. The manure produced from the chickens will be applied to fields listed in the Nutrient Management Plan in place of commercial fertilizer. The manure will be removed once a year and applied to the fields in a timely manner. No waivers are requested.

Sincerely,

Jordan T. Kingsley

Nutrient Advisors

Enclosures

