

**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 12018B	FINAL ACTION? No	DEVELOPER/OWNER Nebraska Alpha Gamma Sigma Alumni Association/Stallion Ventures LLC
PLANNING COMMISSION HEARING DATE September 16, 2020	RELATED APPLICATIONS None	PROPERTY ADDRESS/LOCATION 3535 Holdrege Street

**RECOMMENDATION: CONDITIONAL APPROVAL**

**BRIEF SUMMARY OF REQUEST**

This is a request to amend the Holdrege/Idylwild Planned Unit Development (PUD) to add fraternities and sororities as a permitted use for the B-1 Local Business District PUD portion and to allow signage pursuant to the B-1 Zoning District signage standards regardless of the use. This pertains to the B-1 PUD area which is at the southwest corner of Holdrege Street and Idylwild Drive. This amendment would allow for a fraternity use to locate in the west building of the site.



**JUSTIFICATION FOR RECOMMENDATION**

The proposed PUD amendment is justified because it allows for the diversification of allowed uses while still keeping the overall mixed use for the PUD. There will be no negative impact to the neighborhood, and there is sufficient parking for the use.

**APPLICATION CONTACT**

Kent Seacrest, (402) 435-6000 or [kent@sk-law.com](mailto:kent@sk-law.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.

**KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN**

p. 1.9 - this site is shown as future urban density residential on the 2040 Lincoln Area Future Land Use Plan.

**STRATEGIES FOR COMMERCIAL INFILL**

P. 5.14 - Discourage auto-oriented strip commercial development and seek opportunities for residential mixed use redevelopment and/or transit oriented development of existing commercial strips.

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

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

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

p. 5.14 - Ensure the priority in order areas is on retaining areas for residential development. Prior to approving the removal of housing in order to provide for additional parking to support existing centers, alternatives such as reduced parking requirements, shared parking, additional on-street parking, or the removal of other commercial structures should be explored.

#### DETAILED STRATEGIES FOR COMMERCIAL INFILL

P 5.15 - Encourage a higher Floor Area Ratio for commercial redevelopment.

p. 5.15 - Encourage shared driveways and interconnected parking lots where possible.

p. 5.15 - Orient buildings to the street, especially corners.

p. 5.15 - Encourage a vertical mix of residential and commercial use types.

p. 5.15 - Encourage shared parking between land uses with different peak demand periods.

#### MIXED USE REDEVELOPMENT GUIDING PRINCIPLES

P. 6.2 - Target existing undeveloped or redeveloping commercial and industrial areas in order to remove blighted conditions and more efficiently utilize existing infrastructure.

p. 6.2 - Be located and designed in a manner compatible with existing or planned land uses.

p. 6.2 - Help to create neighborhoods that include homes, stores, workplaces, schools, and places to recreate.

p. 7.2 - Provide a wide variety of housing types and choices for an increasingly diverse and aging population.

p. 7.9 - 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.

#### ANALYSIS

1. This request is for an amendment to the Holdrege/Idylwild Planned Unit Development (CZ12018A) B-1 PUD notes to add fraternities and sororities as a permitted use and add it as a Group Living Use and also clarify that any use is allowed signage pursuant to the B-1 Zoning District signage standards. This PUD is located at the intersection of Holdrege Street and Idylwild Drive on the south side of Holdrege Street. The full PUD consists of 3.49 acres and includes two general areas, a B-1 PUD Area comprising 2.46 acres on the west side of Idylwild Drive, and a residentially zoned area on the east side of Idylwild Drive. This includes a R-6 PUD area comprising 0.73 acres and an R-2 area that is 0.3 acres in size located on the east side Idylwild Drive. In this case, the property in question is across the street from University of Nebraska East Campus and as such is a very typical location for a fraternity.
2. The applicant proposes to acquire all of the condominium units in the west building in the B-1 PUD Area at the southwest corner of Holdrege Street and Idylwild Drive. They will use all or portions of the west building as a fraternity, refurbish and update the west building into the new fraternity site and sell its current fraternity site at 4001 Holdrege for potential conversion into a residential apartment building. CZ12018A, the current PUD, authorizes 34 dwelling units in the West Building. However, only 28 dwelling units were initially constructed and after the fraternity remodeling, there will be an additional dwelling unit added for the house mother for a total of 29 dwelling units.
3. The proposed amendment specifically as it pertains to land use includes adding fraternities and sororities under the Group Living Use Group list of uses in the PUD. This listing also already includes dwellings for members of religious orders under Group Living Use Group.
4. The proposed amendment as relates to signage would allow signage regardless of the type of user or business for any occupant to have signs per the B-1 PUD zoning. Signs within the front yard that are freestanding would be

limited to 50 square feet, 12 feet tall while those outside the front yard would be limited to 100 square feet, 18 feet tall. Center signs would be limited to 50 square feet, 12 feet tall within the front yard, 150 square feet, 35 feet tall outside the front yard. The sign amendment proposed is for the proposed fraternity use so they can have signage as per B-1 zoning regulations.

5. CZ12018 approved by City Council in September, 2012 approved a Planned Unit Development for up to 66,000 square feet of office and commercial floor area, 40 dwelling units and for the east side of Idylwild Drive a fraternity for that part of the PUD. Waivers were also approved for parking reductions, maximum height increase, setbacks and to allow the Planning Director to make minor setback changes by administrative amendment. CZ12018A approved by City Council in September, 2014 amended the Holdrege/Idylwild Planned Unit Development to increase the allowable dwelling units from 40 to 60 and to decrease the commercial floor area from 66,000 square feet to 27,750 square feet. The current proposed amendment does not change the commercial square footages or the maximum number of dwelling units and contains no new waivers.
6. In terms of parking, the applicant is not requesting an amendment to the current PUD parking requirements. The LMC 27.67.040(a) fraternity parking requirement is 0.75 stalls per fraternity resident whereas the current parking standard in the PUD for the commercial building is 1 space per 375 square feet of commercial floor area. There will be a total of 69 fraternity residents including the house mother. With the Zoning Ordinance requirement of 0.75 stalls per fraternity residents there will still be a surplus of 38 parking stalls compared to a surplus of 12 parking stalls if the PUD requirement is applied. There will be a minimum of 161 parking stalls available after remodeling for the PUD commercial buildings (West Building and East Building).
7. The applicant noted that they explained their proposal to the East Campus Community Organization (ECCO) through a Zoom conference call and that the ECCO Board unanimously voted to support the proposed change to the PUD. In addition, the applicant indicated they would notify the neighbors within 200 feet of the PUD boundary and invite them to a Zoom conference call to learn more about the proposal.
8. The east part of the property near Idylwild Drive is in the Historic District but the west building is not. Therefore, the proposal would not be subject to Historic District review unless there was a freestanding sign proposal related to the west building but located on the east side of the site within the district. The addition or replacement of signs" is an item Historic Preservation Commission reviews in the East Campus Historic District.
9. The site is designated for future Urban Density Residential on the Future Land Use Map, and the request complies with the requirements of the Zoning Ordinance and Comprehensive Plan. The development will still provide a mixed-use neighborhood commercial center as intended.

**EXISTING LAND USE & ZONING:** Commercial, Apartments, Alpha Gamma Rho Fraternity House; B-1, R-2 and R-6

**SURROUNDING LAND USE & ZONING**

North: University of Nebraska- East Campus; P  
South: Single Family Residential; R-2, R-5  
East: Single Family Residential; R-2  
West: Apartments; R-5, R-6

**APPROXIMATE LAND AREA:** 3.4 acres

**LEGAL DESCRIPTION:**

Lots 1-5, Lots 13-16, and the adjacent vacated east-west alley, Block 1, Idylwild Place; Lot 3, First Addition to Idylwild Place; Lots 1-4, Paine's Subdivision and the adjacent vacated N. 35th Street right-of-way; Lots 1-6, Block 1, Woods Bros. University Addition; and Lot 48, University Park and the north 6.0' feet of the west 60.0' of Lot 46, University Park; all located in the NE 1/4 of Section 19-10-7, Lancaster County, Nebraska, generally located at Idylwild Drive and Holdrege Street.

Prepared by

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

Date: September 3, 2020

Owner: Stallion Ventures, LLC  
440 N. 8<sup>th</sup> Street, Suite 140  
Lincoln, NE 68508  
(402) 477-6767 or [will@wrkllc.com](mailto:will@wrkllc.com)

Applicant: Nebraska Alpha Gamma Sigma Alumni Association  
7593 E. 8<sup>th</sup> Place  
Denver, CO 80230  
(303) 886-8925 or [billmunn@comcast.net](mailto:billmunn@comcast.net)

Contact: Kent Seacrest  
1128 Lincoln Mall, Suite 105  
Lincoln, NE 68508  
(402) 435-6000 or [kent@sk-law.com](mailto:kent@sk-law.com)

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## APPLICATION HISTORY

October, 2011	Special Permit 11021 to allow a parking lot in a residential district for the AGR Fraternity at Idylwild Dr and Starr Street was approved by City Council.
October, 2011	Change of Zone 11032 for a change of zone from R-2 to R-6 on the property of the AGR Fraternity was approved by the City Council.
August, 2012	Comprehensive Plan Conformance 12009 was approved by City Council to adopt the proposed Holdrege/Idylwild Redevelopment Plan related to Change of Zone 12018.
September, 2012	Street and Alley Vacation 12004 was approved vacated N. 35 <sup>th</sup> Street between Holdrege Street and Starr Street and the east 200 feet of the east-west alley in Block 1, Idyl-Wild Place.
September, 2012	Change of Zone 12018 Holdrege/Idylwild PUD for 40 dwelling units, 66,000 square feet of commercial floor area and a fraternity was approved by the City Council.
September, 2014	Change of Zone 12018A approved by City Council to amend the Holdrege/Idylwild Planned Unit Development to increase the allowable dwelling units from 40 to 60 and to decrease the commercial floor area from 66,000 square feet to 27,750 square feet.

## CONDITIONS OF APPROVAL - CHANGE OF ZONE 12018B

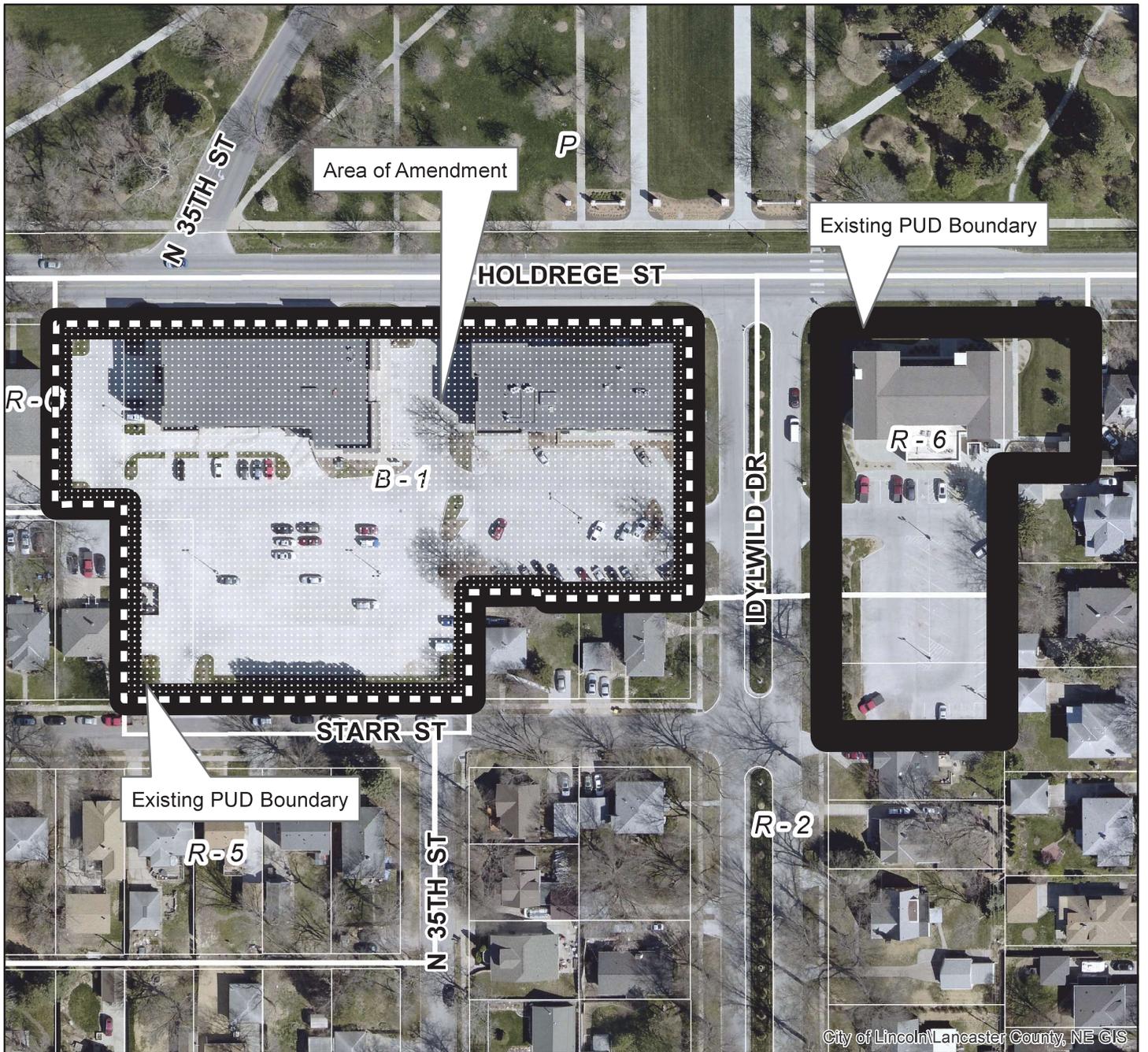
This approval amends the Holdrege/Idylwild Planned Unit Development B-1 PUD Notes by adding fraternities and sororities to the list of Group Living Uses permitted and also allows any occupant, such as a fraternity, to have signs per the underlying B-1 zoning.

### Site Specific Conditions:

1. Before receiving building permits or before a final plat is approved the developer shall cause to be prepared and submitted to the Planning Department a revised set of PUD Notes including 2 copies with all required revisions and documents as listed below upon approval of the planned unit development by the City Council.
  - 1.1 Remove the specific unit numbers for the West Building for the Fraternities and Sororities use.
2. Before receiving building permits, the developer shall 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 planned unit development has been recorded.

### Standard Conditions:

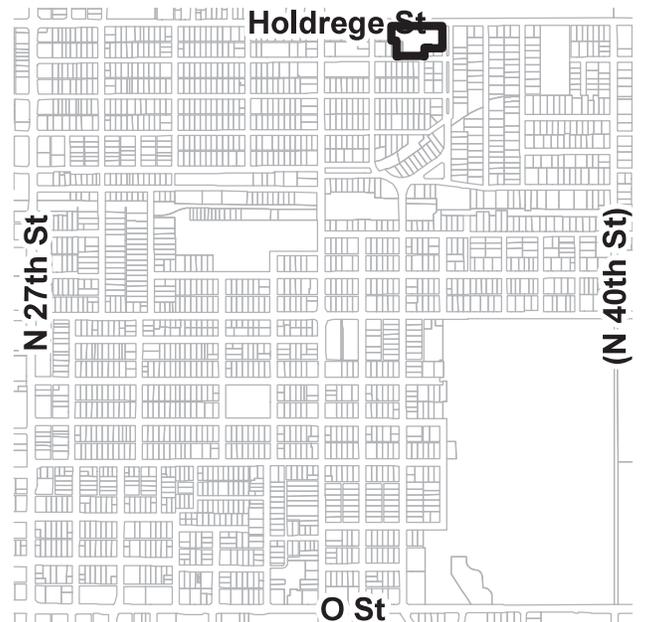
3. The following conditions are applicable to all requests:
  - 3.1 Before occupying the dwelling units/buildings all development and construction shall substantially comply with the approved plans.
  - 3.2 All privately-owned improvements shall be permanently maintained by the owner or an appropriately established homeowners association approved by the City Attorney.
  - 3.3 The physical location of all setbacks and yards, buildings, parking and circulation elements, and similar matters must be in substantial compliance with the location of said items as shown on the approved site plan.
  - 3.4 The terms, conditions, and requirements of the ordinance shall run with the land and be binding upon the developer, its successors and assigns.
  - 3.5 The applicant shall sign and return the letter of acceptance to the City Clerk. This step should be completed within 60 days following the approval of the special permit. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, 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.
  - 3.6 The site plan as approved with this ordinance voids and supersedes all previously approved site plans, however all ordinances approving previous permits remain in full force and effect unless specifically amended by this ordinance.



City of Lincoln Lancaster County, NE GIS

2020 aerial

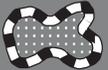
**Change of Zone #: CZ12018B**  
**Holdrege/Idylwild PUD**  
**Idylwild Dr & Holdrege St**



**Zoning:**

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

**One Square Mile:**  
**Sec.19 T10N R07E**

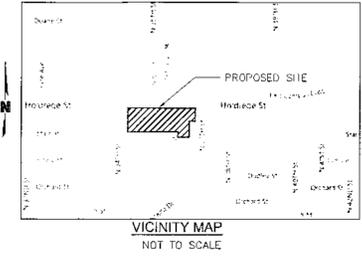
	Area of Application
	Zoning Jurisdiction Lines
	Lancaster County Jurisdiction

# HOLDREGE/ IDYLVILD P.U.D. PLANNED UNIT DEVELOPMENT

**ENGINEER**  
OLSSON ASSOCIATES  
1111 LINCOLN MALL, SUITE 111  
LINCOLN, NE 68502  
ERIN BRIGHT, PE  
(402) 474-6311

**PROPERTY OWNERS/ DEVELOPERS**  
KAPPA FOUNDATION  
6501 SALTGRASS CT  
LINCOLN, NE 68521  
PHONE: 402-251-4833

STALLION VENTURES, LLC  
440 N 8TH ST, SUITE 140  
LINCOLN, NE 68508  
PHONE: (402) 477-6767



**OLSSON ASSOCIATES**  
1111 Lincoln Mall, Suite 111  
P.O. Box #8008  
Lincoln, NE 68501-0808  
TEL: 402-474-6311  
FAX: 402-474-6310  
www.olsonpa.com



REV. NO.	DATE	DESCRIPTION
1	9/2/13	ADMINISTRATIVE AMENDMENT
2	9/2/14	AMENDMENT FOR RESIDENTIAL ZONING (R-2) AND R-6

**REVISIONS**

2014

**SITE PLAN**

HOLDREGE/IDYLVILD P.U.D.  
PLANNED UNIT DEVELOPMENT

Lincoln, NE

drawn by: [Signature]  
checked by: [Signature]  
approved by: [Signature]  
date: 09/09/2014

**SHEET 1 of 3**

### B-1 PUD LEGAL DESCRIPTIONS

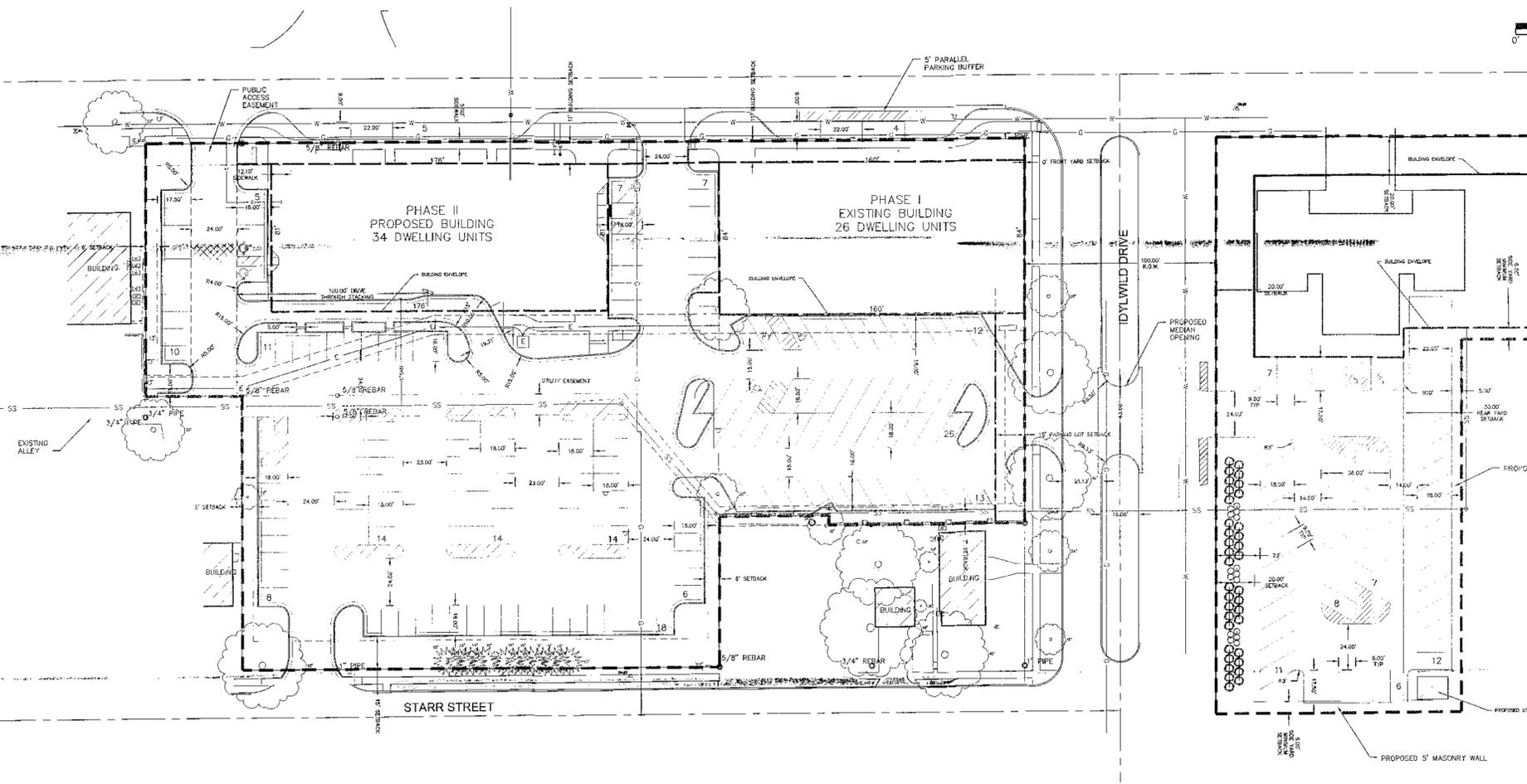
A LEGAL DESCRIPTION FOR A TRACT OF LAND COMPOSED OF LOTS 1 THROUGH 5, BLOCK 1, IDYLWILD PLACE, LOTS 13 THROUGH 16, BLOCK 1, IDYLWILD PLACE, A PORTION OF THE EAST-WEST ALLEY IN BLOCK 1, IDYLWILD PLACE, LOT 3, FIRST ADDITION TO IDYLWILD PLACE, LOTS 1 THROUGH 4, PAINE'S SUBDIVISION, AND A PORTION OF NORTH 35TH STREET RIGHT-OF-WAY, ALL LOCATED IN THE NORTHEAST QUARTER OF SECTION 19, TOWNSHIP 10 NORTH, RANGE 7 EAST OF THE 6TH P.M., CITY OF LINCOLN, LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF LOT 1, PAINE'S SUBDIVISION, SAID POINT BEING ON THE SOUTH RIGHT-OF-WAY LINE OF HOLDREGE STREET, AND ON THE WEST RIGHT-OF-WAY LINE OF IDYLWILD DRIVE, SAID POINT BEING THE TRUE POINT OF BEGINNING, THENCE SOUTHERLY ALONG THE EAST LINE OF SAID LOT 1, AND THE EAST LINE OF LOTS 2 THROUGH 4, PAINE'S SUBDIVISION, SAID LINE BEING THE WEST LINE OF SAID RIGHT-OF-WAY, ON AN ASSUMED BEARING OF S00°05'40"E, A DISTANCE OF 199.71' TO THE SOUTHEAST CORNER OF SAID LOT 4, THENCE S89°42'14"W ALONG THE SOUTH LINE OF SAID LOT 4, A DISTANCE OF 102.11' TO THE SOUTHWEST CORNER OF SAID LOT 4, THENCE N01°02'22"W ALONG THE WEST LINE OF SAID LOT 4, A DISTANCE OF 6.00' TO THE SOUTHWEST CORNER OF LOT 3, FIRST ADDITION TO IDYLWILD PLACE, THENCE S89°42'14"W ALONG THE SOUTH LINE OF SAID LOT 3, A DISTANCE OF 37.00' TO THE SOUTHWEST CORNER OF SAID LOT 3, SAID POINT BEING ON THE EAST RIGHT-OF-WAY LINE OF NORTH 35TH STREET, THENCE S00°02'19"E ALONG THE EAST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 77.78' TO THE SOUTHWEST CORNER OF LOT 8, PAINE'S SUBDIVISION, SAID POINT BEING ON THE NORTH RIGHT-OF-WAY LINE OF STARR STREET, THENCE S00°14'20"W ALONG THE WEST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 50.00' TO THE SOUTHWEST CORNER OF LOT 16, BLOCK 1, IDYLWILD PLACE, SAID LINE BEING THE NORTH LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 199.91' TO THE SOUTHWEST CORNER OF SAID LOT 13, THENCE N00°02'12"W ALONG THE WEST LINE OF SAID LOT 13, A DISTANCE OF 130.00' TO THE NORTHWEST CORNER OF SAID LOT 12, SAID POINT BEING ON THE SOUTH LINE OF THE EAST-WEST ALLEY LOCATED IN BLOCK 1, IDYLWILD PLACE, THENCE N00°41'42"E, A DISTANCE OF 11.00' TO THE SOUTHWEST CORNER OF LOT 5, BLOCK 1, IDYLWILD PLACE, SAID POINT BEING ON THE NORTH LINE OF SAID EAST-WEST ALLEY, THENCE S89°42'14"W ALONG THE SOUTH LINE OF SAID LOT 5, SAID LINE BEING THE NORTH LINE OF SAID EAST-WEST ALLEY, A DISTANCE OF 59.65' TO THE SOUTHWEST CORNER OF SAID LOT 5, THENCE N00°06'44"W ALONG THE WEST LINE OF SAID LOT 5, A DISTANCE OF 130.34' TO THE NORTHWEST CORNER OF SAID LOT 5, SAID POINT BEING ON THE SOUTH RIGHT-OF-WAY LINE OF HOLDREGE STREET, THENCE N89°42'14"E ALONG THE NORTH LINE OF SAID LOT 5, AND THE NORTH LINE OF LOTS 4 THROUGH 1, BLOCK 1, IDYLWILD PLACE, SAID LINE BEING THE SOUTH LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 250.17' TO THE NORTHEAST CORNER OF SAID LOT 1, SAID POINT BEING ON THE WEST RIGHT-OF-WAY LINE OF NORTH 35TH STREET, THENCE CONTINUING N89°42'14"E ALONG THE SOUTH LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 50.00' TO THE NORTHWEST CORNER OF LOT 4, FIRST ADDITION TO IDYLWILD PLACE, SAID POINT BEING ON THE EAST RIGHT-OF-WAY LINE OF NORTH 35TH STREET, THENCE CONTINUING N89°42'14"E ALONG THE NORTH LINE OF SAID LOT 3, AND THE NORTH LINE OF LOT 1, PAINE'S SUBDIVISION, SAID LINE BEING THE SOUTH LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 199.29' TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA OF 168,317.63 SQUARE FEET OR 2.44 ACRES, MORE OR LESS.

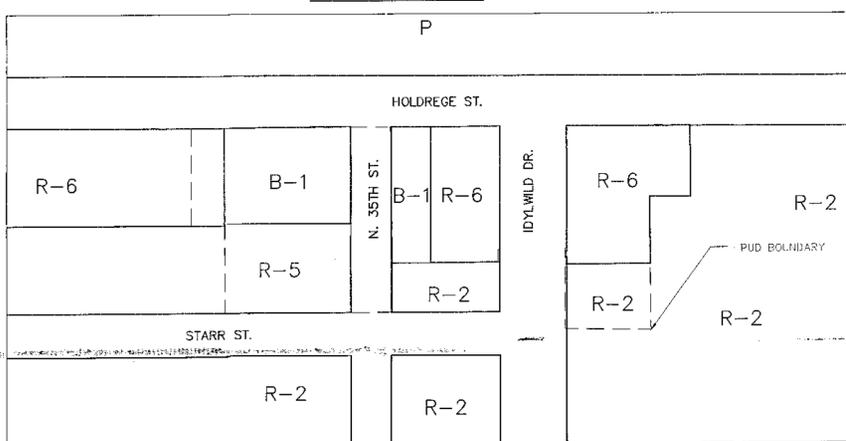
### R-6 & R-2 PUD LEGAL DESCRIPTIONS

A LEGAL DESCRIPTION FOR A TRACT OF LAND COMPOSED OF LOTS 1 THROUGH 6, BLOCK 1, WOODS BROS. UNIVERSITY ADDITION, LOT 48, UNIVERSITY PARK, AND THE NORTH 60.00' OF THE WEST 60.00' OF LOT 48 UNIVERSITY PARK, ALL LOCATED IN THE NORTHEAST QUARTER OF SECTION 19, TOWNSHIP 10 NORTH, RANGE 7 EAST OF THE 6TH P.M., CITY OF LINCOLN, LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

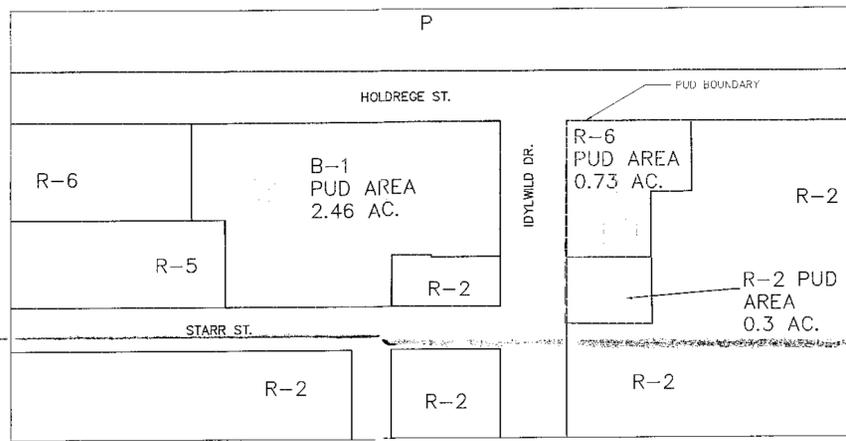
COMMENCING AT THE NORTHWEST CORNER OF LOT 1, BLOCK 1, WOODS BROS. UNIVERSITY ADDITION, SAID POINT BEING ON THE SOUTH RIGHT-OF-WAY LINE OF HOLDREGE STREET AND THE EAST RIGHT-OF-WAY LINE OF IDYLWILD DRIVE, SAID POINT ALSO BEING 33.00' SOUTH OF THE NORTH LINE OF SAID NORTHEAST QUARTER, SAID POINT BEING THE TRUE POINT OF BEGINNING, THENCE EASTERLY ALONG THE NORTH LINE OF SAID LOT 1 AND THE NORTH LINE OF LOT 48, UNIVERSITY PARK, SAID LINE BEING THE SOUTH LINE OF SAID RIGHT-OF-WAY, SAID LINE BEING 33.00' SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID NORTHEAST QUARTER ON AN ASSUMED BEARING OF N89°42'28"E, A DISTANCE OF 188.66' TO THE NORTHEAST CORNER OF SAID LOT 48, THENCE S00°06'42"E ALONG THE EAST LINE OF SAID LOT 48, A DISTANCE OF 99.75' TO THE SOUTHWEST CORNER OF SAID LOT 48, THENCE S89°42'14"W ALONG THE SOUTH LINE OF SAID LOT 48, SAID LINE BEING THE NORTH LINE OF LOT 48, UNIVERSITY PARK, A DISTANCE OF 9.00' TO A POINT 60.00' EAST OF THE NORTHWEST CORNER OF SAID LOT 48, THENCE S00°00'54"E ALONG A LINE 60.00' EAST OF AND PARALLEL WITH THE WEST LINE OF SAID LOT 48, A DISTANCE OF 6.00' TO A POINT, THENCE S88°45'21"W ALONG A LINE 6.00' SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID LOT 48, A DISTANCE OF 60.00' TO A POINT OF INTERSECTION WITH THE WEST LINE OF SAID LOT 48, SAID POINT BEING ON THE EAST LINE OF LOT 3, BLOCK 1, WOODS BROS. UNIVERSITY ADDITION, THENCE S00°00'54"E ALONG THE EAST LINE OF SAID LOT 3, AND THE EAST LINE OF LOTS 4 THROUGH 6, BLOCK 1, WOODS BROS. UNIVERSITY ADDITION, A DISTANCE OF 183.98' TO THE SOUTHWEST CORNER OF SAID LOT 6, THENCE S89°42'22"W ALONG THE SOUTH LINE OF SAID LOT 6, A DISTANCE OF 127.89' TO THE SOUTHWEST CORNER OF SAID LOT 6, SAID POINT BEING ON THE EAST RIGHT-OF-WAY LINE OF IDYLWILD DRIVE, THENCE N00°01'23"W ALONG THE WEST LINE OF SAID LOT 6, AND THE WEST LINE OF LOTS 5 THROUGH 1, BLOCK 1, WOODS BROS. UNIVERSITY ADDITION, SAID LINE BEING THE EAST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 286.84' TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA OF 44,796.08 SQUARE FEET OR 1.03 ACRES, MORE OR LESS.



### EXISTING ZONING AREAS:



### PUD PROPOSED ZONING AREAS:



### LEGEND:

- BUSH
- △ CONTROL POINT/BENCHMARK
- CURB STOP
- CONIFEROUS TREE
- DECIDUOUS TREE
- ELECTRIC METER
- FIRE HYDRANT
- FLAG POLE
- FOUND PROPERTY CORNER
- GAS METER
- GUY WIRE
- MAILBOX
- POWER POLE
- SET PROPERTY CORNER
- SIGN
- SANITARY SEWER MANHOLE
- WATER VALVE
- YARD LIGHT
- CONTOUR LINE
- CENTER LINE
- PROPERTY LINE
- SECTION LINE
- EASEMENT LINE
- WOOD FENCE
- CHAIN LINK FENCE
- SPLIT RAIL FENCE
- SANITARY SEWER LINE
- STORM SEWER LINE
- WATER LINE
- UNDERGROUND GAS MAIN
- OVERHEAD POWER
- UNDERGROUND POWER
- PLANNED UNIT DEVELOPMENT BOUNDARY
- PROPOSED PUBLIC ACCESS EASEMENT
- PROPOSED VACATED RIGHT OF WAY
- PROPOSED SIDEWALKS
- PROPOSED MEDIAN OPENING

### GENERAL SITE NOTES

- SIGNS NEED NOT BE SHOWN ON THIS SITE PLAN, BUT NEED TO BE IN COMPLIANCE WITH CHAPTER 27.69 OF THE LINCOLN ZONING ORDINANCE AND MUST BE APPROVED BY THE BUILDING AND SAFETY DEPARTMENT PRIOR TO INSTALLATION.
- LANDSCAPE SCREENING SHALL COMPLY WITH THE CITY OF LINCOLN STANDARDS AND SHALL BE SHOWN AT TIME OF BUILDING PERMIT.
- A 5 FEET TALL (MEASURED FROM THE NORTH 37TH NEIGHBORS SIDE OF THE WALL) PAINTED OR COLORED BRICK FORMED CONCRETE WALL WILL BE PROVIDED ON OR NEAR THE BOUNDARY LINE, ALONG THE SOUTH AND EAST BOUNDARIES OF THE PARKING LOT OF P.U.D. AREA R-2/R-6.
- REFER TO P.U.D. DOCUMENTS FOR GENERAL NOTES AND WAIVERS.
- NOTE #3 AND THE PARKING LOT / LANDSCAPING DESIGN FOR THE R-6 AND R-2 PUD AREA SHALL NOT BE AMENDED BY THE ADMINISTRATIVE PROCESS, BUT SHALL ONLY BE AMENDED BY SUBMITTAL TO THE PLANNING COMMISSION IN THE SAME MANNER AS THE ORIGINAL PUD.
- PROVIDE HISTORIC PARKING LOT FIXTURES AS PRESENTED AND CERTIFIED BY THE HISTORIC PRESERVATION COMMISSION FOR THE R-2 AND R-6 PUD AREAS IN COMPLIANCE WITH THE DESIGN STANDARDS FOR PARKING LOT LIGHTING.
- A ZONING AGREEMENT IS ASSOCIATED WITH THIS PUD.
- PARKING LOT LAYOUT IS CONCEPTUAL AND CAN BE MODIFIED WITHOUT AN ADMINISTRATIVE AMENDMENT.
- THE FIRST FLOOR OF THE BUILDINGS SHALL BE FOR COMMERCIAL USES ONLY. ANY CHANGE FROM COMMERCIAL TO RESIDENTIAL MUST BE APPROVED BY ADMINISTRATIVE AMENDMENT OR AMENDMENT.
- BUILDING OVERHANG ON SECOND AND THIRD FLOORS IS ALLOWED TO ENCRACH INTO BUILDING SETBACK.

#### R-2/R-6 PARKING CALCULATIONS

PARKING REQUIREMENTS: 1 STALL PER 400 SF LIVABLE SPACE

PARKING INFORMATION	PROPOSED LIVABLE SPACE	STALLS
	16,000 SF	40 STALLS
	ADA PARKING PROVIDED	2 STALLS (1 VAN ACCESSIBLE)
	PARKING PROVIDED	51 STALLS
	ALLOWABLE LIVABLE SPACE (BASED ON 51 STALLS)	20,400 SF

#### B-1 PUD PARKING CALCULATIONS

\*\*PARKING REQUIREMENTS: 1 STALL PER 375 SF COMMERCIAL SPACE, 1.75 STALLS PER RESIDENTIAL D.U.

PARKING INFORMATION FOR MAXIMUM USE	SF	USE	REQUIRED STALLS
	27,750	COMMERCIAL USE	74
	60	RESIDENTIAL DWELLING UNITS	105

\*NOTE: PARALLEL PARKING ON HOLDREGE STREET PROVIDES 9 STALLS  
\*\*A MAXIMUM OF 27,750 SF BUILDING COMMERCIAL USE AND 60 DWELLING UNITS WILL BE PERMITTED ON THE SITE.

- ### WAIVERS
- A WAIVER TO THE FRONT YARD SETBACK FROM 25' TO 20' IN THE R-2 PUD PROPERTY (LOTS 5 & 6).

FINAL APPROVED COPY

PLU PLAN REFERRED TO IN  
Ordinance # 20090  
ADOPTED BY THE CITY COUNCIL  
ON Sept. 3, 2014



SEACREST & KALKOWSKI, PC, LLO

KENT@SK-LAW.COM | DANAY@SK-LAW.COM

August 18, 2020

David Cary  
Planning Department, City of Lincoln  
County-City Building  
555 So. 10<sup>th</sup> Street  
Lincoln, NE 68508

RE: Holdrege/Idylwild Planned Unit Development, CZ12018A, effective date 9-23-14; Request for Amendment

Dear David:

Our law firm represents the following two clients:

- Stallion Ventures, LLC (“**Stallion**”) who is the owner of the Stallion Ventures Condominium Units described on Exhibit A as “**Stallion Property**”; and
- Nebraska Alpha Gamma Sigma Alumni Association (“**AGS**”) who has entered into a purchase agreement with Stallion to acquire Units W100, W101, W102, W103, W104, W200, and W300, Stallion Ventures Condominium (collectively “**West Building**”).

Currently, Stallion owns all of the Stallion Ventures Condominium Units in the West Building and owns five of the six Stallion Ventures Condominium Units in the East Building. VAL Limited is the owner of the remaining Stallion Ventures Condominium Unit (Unit E100) in the East Building (“**VAL Limited Property**”).

AGS proposes to (i) acquire all the Stallion Ventures Condominium Units in the West Building, (ii) apply for this proposed amendment of the PUD (defined below) to use of all or portions of the West Building as a fraternity, (iii) refurbish and update the West Building into AGS’ new fraternity site and (iv) sell its current fraternity site (4001 Holdrege Street) for potential conversion into a residential apartment building (collectively “**AGS Proposal**”).

On behalf of Stallion and AGS, we are requesting an amendment to the Holdrege/Idylwild Planned Unit Development, as amended, CZ12018A (“**PUD**”) to (i) add fraternities and sororities as a permitted use and to add it as a Group Living Use Group use and (ii) clarify that fraternities and sororities are allowed signage pursuant to

the B-1 signage standard as shown on the attached Amended Holdrege/Idylwild Planned Unit Development Application Submitted Notes (“**PUD Notes**”).

Representatives of the Stallion and AGS team have previously had conversations with City Staff. As part of those communications, City Staff suggested that the proposed Stallion/AGS amendment to the PUD also include removing the limitation of no residential dwelling units on the first floor of the West Building. Upon further review of CZ12018 (2012) and CZ12018A (2014), it appears that the approval of CZ12018A previously removed the first floor dwelling prohibition.

Last week, representatives of the Stallion and AGS team had a Zoom conference call with the East Campus Community Organization (“**ECCO**”) Board of Directors to explain the AGS Proposal. After hearing about the AGS Proposal and asking follow-up questions on the conference call, the ECCO Board unanimously voted to support the AGS Proposal, including Stallion/AGS’s request to amend the PUD to allow a fraternity in the West Building. Shortly, the Stallion and AGS team will be sending out an information letter to property owners located within 200 feet of the PUD boundaries, inviting them to a Zoom conference call to learn about the AGS Proposal.

This proposed PUD amendment includes no requested waivers.

For your information, the West Building portion of the PUD is located outside of the East Campus Neighborhood Landmark District. It is our understanding that the amendment to the PUD Notes does not require review by the Historic Preservation Commission. If our understanding is incorrect, please advise us and we will schedule the necessary review with the Historic Preservation Commission.

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

1. Application for the Amendment to the PUD
2. Legal descriptions for Amendment to the PUD
3. Amended Application Submittal Notes
4. Application fee: \$988.00 plus  $2.15 \times \$165 = \$1,342.75$ .

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

Very Truly Yours,



KENT SEACREST  
For the Firm

Enclosures

cc: James Michael Bowers, NE District 1 City Council representative, City Council Member, 555 South 10<sup>th</sup> Street, Lincoln, NE 68508  
VAL Limited, attention Anthony Messineo, [ajmessineo@valscorp.com](mailto:ajmessineo@valscorp.com)  
Keith Carlson, Kappa Foundation, 1248 "O" Street, Suite 1000, PO Box 85506, Lincoln, NE 68501  
Paul Johnson, President of East Campus Community Organization, 4027 Holdrege Street, Lincoln, NE 68503  
Mary Eisenhart Belka, Secretary of East Campus Community Organization, 1420 N. 37<sup>th</sup> Street, Lincoln, NE 68503  
Will Scott, Stallion Ventures, LCC, Manager, [will@wrkllc.com](mailto:will@wrkllc.com)  
John H. Bergmeyer, Stallion Ventures, LLC, Manager, [jbergmeyer@ohdbslaw.com](mailto:jbergmeyer@ohdbslaw.com)  
William Munn, [billmunn@comcast.net](mailto:billmunn@comcast.net)  
Logan B. Schweitzer, President of Nebraska Alpha Gamma Sigma Alumni Association, 522 Lakeside Drive, Lincoln, Nebraska 68528  
Shane Belohrad, [Shane\\_Belohrad@ajg.com](mailto:Shane_Belohrad@ajg.com)

AMENDED HOLDREGE/IDYLVILD PLANNED UNIT DEVELOPMENT  
APPLICATION SUBMITTAL NOTES

July 29, 2014 8-16-20

**A. B-1 PUD Notes: applicable to the B-1 PUD portion:**

**1. Use Regulations**

- a. Permitted Uses: A building or premises is allowed to be used for those use types designated in the Use Group Tables in Chapter 27.06 as permitted use in the B-1 Local Business District, as such Chapter may be amended from time to time; and
  - i. The following additional Housing Living Use Group uses:
    - 1. Apartment hotels
    - 2. Dwelling for caretakers, resident watchmen and supervisory personnel employed and residing on premises
    - 3. Elderly and retirement housing
    - 4. Housing for the handicapped
    - 5. Multiple family dwellings
  - ii. The following additional Group Living Use Group uses:
    - 1. Dwellings for members of religious orders
    - 2. Fraternalities and sororities (West Building only—Units W100, W101, W102, W103, W104, W200, and W300)
  - iii. The following additional Civic Services Use Group uses:
    - 1. Health care facilities. Non-residential
  - iv. The following additional Education and Instruction Use Group uses:
    - 1. Private Schools
  - v. The following additional Retail Sales and Services Use Group uses:
    - 1. Off-sale alcoholic beverages in grocery stores, pharmacies or micro-brewing establishments
    - 2. Service and repair facilities
    - 3. Veterinary facilities
    - 4. Indoor kennels
  - vi. The following additional Feed and Drink Establishments Use Group Uses:
    - 1. On-sale alcoholic beverages served in restaurants
  - vii. Expansion of nonconforming uses
- b. Permitted Conditional Uses: A building or premises is allowed to be used for those use types designed in the Use Group Table in Chapter 27.06 as permitted conditional use in the B-1 Local Business District in conformance with Chapter 27.62 conditions of approval for such use, as such Chapters may be amended from time to time, unless such use types are designated as a Permitted Use in A. 1. A. above.
- c. Permitted Special Uses: A building or premises is allowed to be used for those use types designated in the Use Group Tables in Chapter 27.06 as permitted special use

in the B-1 Local Business District in conformance with the conditions of approval under the special permit granted for such use in conformance with the requirements of Chapter 27.63, as such Chapters may be amended from time to time, unless such use types are designated as a Permitted Uses in A. 1. A. above.

- d. Prohibited Uses: Sexually oriented businesses are prohibited, including live entertainment establishment as defined in Section 27.03.545 of the Lincoln Municipal Code.

## 2. Waivers

- a. The total number of parking spaces required for apartment hotels, motels and hotels shall be one (1) space per dwelling unit. The total number of parking spaces required for all other Household Living Use Group shall be 1.75 spaces per dwelling unit. The total number of parking spaces required for all other uses shall be one (1) space per 375 square feet of floor area. All required parking spaces shall be provided within 300 feet and are not required to be provide on the same lot as the use for which they are required.
- b. The B-1 Height and Area regulations of 27.29.080 do not apply except as otherwise stated herein or shown in the PUD.
  - (i) The front yard, side yard and rear yard setback is reduced per the dimensions on the site plan. The Planning Director may make minor adjustments to the front yard, side yard and rear yard setbacks by administrative amendment.
  - (ii) Maximum height of buildings shall not exceed 45 ft.
  - (iii) The yard setbacks regulate does not restrict overhangs, patios, door swings, window swings, etc. from encroaching into the setbacks.
  - (iv) The building structure above the first floor can extend into the building setbacks. The building structure shall not extend beyond the property line.

## 3. General Notes

- a. The East Building land uses shall not exceed 35,000 square feet and the West Building land uses shall not exceed 35,000 square feet; provided that, the total combined maximum square feet for the East Building and West Building shall not exceed 66,000 square feet and a maximum of sixty (60) dwelling units.
- b. Drainage, landscape and paving plans will be submitted with individual site plans at time of building permit in accordance with City of Lincoln design standards.
- c. Building may be located anywhere with the building envelope.
- d. Signage: Chapter 27.69.340 “Permitted Signs for Planning Unit Development” shall not apply. Regardless of the type of user or business, any occupant is allowed signs per the underlying B-1 zoning. All signage allowed in the B-1 zoning districts are allowed, except as modified below:
  - i. Freestanding and Center Signage for the B-1 PUD is shown below:
    - 1. ~~Chapter 27.69.340 “Permitted Signs for Planning Unit Development” shall not apply and instead the following shall apply to the B-1 PUD, except as :~~

B-1 PUD	FREESTANDING	1 per main building	50 sq. ft. 12 ft. tall	100 sq. ft. 18 ft. tall
	And			
	CENTER	1 per frontage	50 sq. ft. 12 ft. tall	150 sq. ft. 35 ft. tall

2. The Valentino's "Pizza" freestanding sign as shown on Exhibit C may be additional "freestanding" sign for the East Building and may be located within the PUD area.
  - ii. A fraternity or sorority shall be considered a commercial use or a business for purposes of signage.
  - iii. Off-premise signs are prohibited.
  - iv. Detail of all signs, including type, height and size, will be submitted separately for review and need not be shown on the plan.
- e. Dumpsters, decorative structures and accessory buildings are not shown on the plans if they are outside of the sight triangles and setbacks and are in conformance with all applicable ordinance and codes.
- f. The following standards apply to all privately owned buildings: exterior buildings walls of private buildings should be a majority (at least 40%) of brick, stone and/or glass or equivalent in quality or appearance, and designed to a similar level of building details. Building walls should contain some articulation by inclusion of building features such as defined entrance, recesses and projections, changes in height, canopy treatments, landscaping and change of building materials, etc. to reduce massing and provide pedestrian scale. Ground floor exterior walls with pedestrian entrance should include transparent windows / door openings along at least 50% of the length between 3-8 feet in height.
- g. Ground level and rooftop mechanical equipment will be screen from public view along public streets.
- h. Existing trees with the boundary of the PUD are intended to be removed during land preparation, except as noted.

**B. R-2 PUD Notes: applicable to the R-2 PUD portion:**

**1. Use Regulations**

- a. Permitted Uses: A building or premises is allowed to be used for those use types designated in the Use Group Tables in Chapter 27.06 as permitted use in the R-2 Residential District, as such Chapter may be amended from time to time.
- b. Permitted Conditional Uses: A building or premises is allowed to be used for those use types designed in the Use Group Table in Chapter 27.06 as permitted conditional use in the R-2 Residential District in conformance with Chapter

27.62 conditions of approval for such use, as such Chapters may be amended from time to time.

- c. Permitted Special Uses: A building or premises is allowed to be used for those use types designated in the Use Group Tables in Chapter 27.06 as permitted special use in the R-2 Residential District in conformance with the conditions of approval under the special permit granted for such use in conformance with the requirements of Chapter 27.63, as such Chapters may be amended from time to time.

## **2. Waivers**

- a. A waiver to reduce the front yard setback from 25' to 20' in the R-2 PUD Property (Lots 5 & 6).

## **3. General Notes**

- a. Signage: All signage allowed in the R-2 zoning districts are allowed except as modified below:
  - i. Signs need not be shown on the site plan, but need to be in compliance with Chapter 27.69. of the Lincoln Zoning Ordinance and must be approved by the Building and Safety Department prior to installation.
- b. Landscape screening shall comply with the City of Lincoln Standards and shall be shown at the time of building permit.
- c. A 5 feet tall (measured from the North 37<sup>th</sup> neighbors' side of the wall) painted or colored brick formed concrete wall will be provided on or near the boundary line, along the south and east boundaries of the parking lot in accordance with the attached drawings (Exhibit B).
- d. Note #3 and the parking lot landscaping / design shall not be amended by Administrative Amendment Process, but shall only be amended by submittal to the Planning Commission in the same manner as the special permit.
- e. Provide historic parking lot fixtures as presented to and certified by the Historic Preservation Commission in compliance with the design standards for parking lot lighting.

## **C. R-6 PUD Notes: applicable to the R-6 PUD portion:**

### **2. Use Regulations**

- a. Permitted Uses: A building or premises is allowed to be used for those use types designated in the Use Group Tables in Chapter 27.06 as permitted use in the R-6 Residential District, as such Chapter may be amended from time to time.

- b. Permitted Conditional Uses: A building or premises is allowed to be used for those use types designed in the Use Group Table in Chapter 27.06 as permitted conditional use in the R-6 Residential District in conformance with Chapter 27.62 conditions of approval for such use, as such Chapters may be amended from time to time.
- c. Permitted Special Uses: A building or premises is allowed to be used for those use types designated in the Use Group Tables in Chapter 27.06 as permitted special use in the R-6 Residential District in conformance with the conditions of approval under the special permit granted for such use in conformance with the requirements of Chapter 27.63, as such Chapters may be amended from time to time.

**2. Waivers: None**

**3. General Notes**

- a. Signage: All signage allowed in the R-6 zoning districts are allowed except as modified below:
  - i. The Alpha Gamma Rho Fraternity is permitted (i) one wall sign of 20 square feet in size and (ii) the current freestanding ground sign relocated or reconstructed as a freestanding ground sign not exceeding 25 square feet in size and not exceeding 5 feet in height. Such signs need not be shown on the site plan, but other aspects of such signs need to be in compliance with Chapter 27.69 of the Lincoln Zoning Ordinance and must be approved by the Building and Safety Department and the Planning Department prior to installation.

**D. R-2 and R-6 PUD Notes: applicable to the R-2 PUD portion and R-6 PUD portion:**

**1. General Notes**

In consideration for the City rezoning of the north 6 feet of the west 60 feet of Lot 46 and all of Lot 48, Block 1, University Park Addition, Lincoln, Lancaster County, Nebraska (“Property”) to R-6 Residential District, the R-2 PUD and R-6 PUD shall be subject to the following requirements:

- a. The east and south boundaries of the Property shall have a landscape buffer screen with (i) trees and shrubs from the ground to six (6) feet high or (ii) fence/wall as shown on Exhibit B and shrubs. The screen shall be a minimum of 90 percent coverage along of the east and south lot lines of the Property.
- b. The Property’s east yard setback will be fifteen (15) feet (“East Setback”).

- c. The new Fraternity Building will be lowered to a grad elevation that is a minimum of one (1) feet lower than the existing fraternity building's finished floor elevation and as generally shown on the attached images (Exhibit A).
- d. The new parking lot will be lowered to a grad elevation that is a minimum of two (2) feet lower than the current and general elevation of the proposed parking lot footprint and as generally shown on the attached images (Exhibit A).
- e. The East Setback will not be improved with motor vehicle parking lot or with any new accessory building.
- f. The East Setback will not be improved with motor vehicle parking lot.
- g. The remaining Property's open space between the new Fraternity Building and the East Setback will not be improved with the expansion of the Fraternity House or motor vehicle parking lot for a term of twenty (20) years.
- h. Street trees will be planted along Holdrege Street and Idylwild Dr. spaced every 50 feet or as sited by the Parks and Recreation Department.
- i. No new permanent or temporary structures for active recreation are permitted in the East Setback or in the 20 feet wide area north of the south boundary of the Property.
- j. A 5 feet tall (measured from the North 37<sup>th</sup> Street neighborhood side of the wall) painted or colored brick formed concrete wall shall be provided on or near the boundary line, in accordance with the attached drawings (Exhibit B).
- k. Items 2. a. through h. above shall not be amended by the Administrative Amendment process, but shall only be amended by submittal to and approval by the City Council.