

# **Lincoln City - Lancaster County**

# **PLANNING COMMISSION**

# **AGENDA**

## **PLANNING COMMISSION**

Cindy Ryman Yost: Chair

Cristy Joy: Vice Chair

Lorenzo Ball

Dick Campbell

Maribel Cruz

Brett Ebert

Gloria Eddins

Bailey Feit

Richard Rodenburg

## **PLANNING STAFF**

David R. Cary: Director

Shelli Reid: Administrative Officer

Jennifer McDonald: Administrative Aide

# **October 16, 2024**

**NOTICE:** The Lincoln/Lancaster County Planning Commission will hold a public hearing on Wednesday, October 16, 2024, at 1:00 p.m. in the City Council Chambers 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, October 16, 2024**

Approval of minutes of the regular meeting held [October 2, 2024](#).

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

**CHANGE OF ZONE:**

Page 14 1.1 CHANGE OF ZONE 2304A, to amend the Planned Unit Development (PUD) to allow uses and signs under the regulations of O-3 zoning on property generally located at 2200 S 40th Street.

**Staff recommendation: Conditional Approval**

**Staff Planner:** Ben Callahan, 402-441-6360, [bcallahan@lincoln.ne.gov](mailto:bcallahan@lincoln.ne.gov)

**PERMITS:**

Page 22 1.2 SPECIAL PERMIT 11013D, to allow for soil excavation for West O soil mining, on property generally located at NW 63rd and West O Streets.

**\*\*FINAL ACTION\*\***

**Staff recommendation: Conditional Approval**

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

Page 31 1.3 SPECIAL PERMIT 17022C, to amend the Dominion at Stevens Creek CUP (Community Unit Plan) to remove the previously approved 440 multi-family units, and replace them with 130 attached townhome units and 18 single-family attached dwellings, and associated waivers, on property generally located at N 105<sup>th</sup> Street and Wayborough Lane.

**Staff recommendation: Conditional Approval**

**Staff Planner:** Steve Dush, 402-441-5662, [sdush@lincoln.ne.gov](mailto:sdush@lincoln.ne.gov)

Page 44 1.4 SPECIAL PERMIT 24031, to manufacture firearms on property generally located at 3200 N 20th Street. **\*\*FINAL ACTION\*\***  
**Staff recommendation: Conditional Approval**  
**Staff Planner:** Emma Martin, 402-441-6369, [emartin@lincoln.ne.gov](mailto:emartin@lincoln.ne.gov)

Page 52 1.5 USE PERMIT 15015A, to amend the existing Use Permit 15015 to allow a 7,500 square foot addition to an existing building on site, increasing the total allowed floor area within the use permit to 21,521 square feet on property generally located at 1415 S Old Farm Road. **\*\*FINAL ACTION\*\***  
**Staff recommendation: Conditional Approval**  
**Staff Planner:** Ben Callahan, 402-441-6360, [bcallahan@lincoln.ne.gov](mailto:bcallahan@lincoln.ne.gov)

**2. REQUESTS FOR DEFERRAL**

**CHANGE OF ZONE**

2.1 CHANGE OF ZONE 21020B, to amend the South of Downtown Planned Unit Development (PUD) to create a "Subarea 2", allowing a Neighborhood Support Service use on property generally located at 1145 E Street.  
**Staff Planner:** Ben Callahan, 402-441-6360, [bcallahan@lincoln.ne.gov](mailto:bcallahan@lincoln.ne.gov)

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

**4. PUBLIC HEARING AND ADMINISTRATIVE ACTION**

**ANNEXATION AND ASSOCIATED ITEM**

Page 62 4.1a ANNEXATION 24009, to annex approximately 36.59 acres, on property generally located at NW 48th Street and W Holdrege Street.  
**Staff recommendation: Conditional Approval**  
**Staff Planner:** Emma Martin, 402-441-6369, [emartin@lincoln.ne.gov](mailto:emartin@lincoln.ne.gov)

Page 62 4.1b CHANGE OF ZONE 24025, from AG Agricultural to R-5 Residential PUD (Planned Unit Development) and B-2 Planned Neighborhood Business District PUD, containing a mix of mini-warehouse and residential uses with exceptions to the zoning and subdivision ordinances and design standards, on property generally located at NW 48th Street and W Holdrege Street.  
**Staff recommendation: Conditional Approval**  
**Staff Planner:** Emma Martin, 402-441-6369, [emartin@lincoln.ne.gov](mailto:emartin@lincoln.ne.gov)

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

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**Adjournment**

**PENDING LIST:** No items

**Planning Department Staff Contacts:**

David Cary, <i>Director</i> <a href="mailto:dcary@lincoln.ne.gov">dcary@lincoln.ne.gov</a>	402-441-6364
Stephen Henrichsen, <i>Development Review Manager</i> <a href="mailto:shenrichsen@lincoln.ne.gov">shenrichsen@lincoln.ne.gov</a>	402-441-6374
Paul Barnes, <i>Long Range Planning Manager</i> <a href="mailto:pbarnes@lincoln.ne.gov">pbarnes@lincoln.ne.gov</a>	402-441-6372
Benjamin Callahan, <i>Planner</i> <a href="mailto:bcallahan@lincoln.ne.gov">bcallahan@lincoln.ne.gov</a>	402-441-6360
Collin Christopher, <i>Planner</i> <a href="mailto:cchristopher@lincoln.ne.gov">cchristopher@lincoln.ne.gov</a>	402-441-6370
Rachel Christopher, <i>Transportation Planner</i> <a href="mailto:rchristopher@lincoln.ne.gov">rchristopher@lincoln.ne.gov</a>	402-441-7603
Jill Dolberg, <i>Planner</i> <a href="mailto:jdolberg@lincoln.ne.gov">jdolberg@lincoln.ne.gov</a>	402-441-6373
Steve Dush, <i>Planner</i> <a href="mailto:sdush@lincoln.ne.gov">sdush@lincoln.ne.gov</a>	402-441-5662
Arvind Gopalakrishnan, <i>Planner</i> <a href="mailto:agopalakrishnan@lincoln.ne.gov">agopalakrishnan@lincoln.ne.gov</a>	402-441-6361
Emma Martin, <i>Planner</i> <a href="mailto:emartin@lincoln.ne.gov">emartin@lincoln.ne.gov</a>	402-441-6369
Jacob Schlange <a href="mailto:jschlange@lincoln.ne.gov">jschlange@lincoln.ne.gov</a>	402-441-6362
Andrew Thierolf, <i>Planner</i> <a href="mailto:athierolf@lincoln.ne.gov">athierolf@lincoln.ne.gov</a>	402-441-6371
George Wesselhoft, <i>County Planner</i> <a href="mailto:gwesselhoft@lincoln.ne.gov">gwesselhoft@lincoln.ne.gov</a>	402-441-6366

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**The Planning Commission meeting which is broadcast live at 1:00 p.m. every other Wednesday will be available for viewing on LNK City TV at <https://lnktv.lincoln.ne.gov/CablecastPublicSite/watch/3?channel=1>**

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**The Planning Commission agenda may be accessed on the Internet at <https://app.lincoln.ne.gov/city/plan/boards/pc/pc.htm>**

**MEETING RECORD**

*Advanced public notice of the Planning Commission meeting was posted on the County-City bulletin board and the Planning Department’s website. In addition, a public notice was emailed to the Lincoln Journal Star for publication on Tuesday, September 24, 2024.*

**NAME OF GROUP:** PLANNING COMMISSION

**DATE, TIME AND PLACE OF MEETING:** Wednesday, October 2, 2024, 1:00 p.m., Hearing Room 112, on the first floor of the County-City Building, 555 S. 10<sup>th</sup> Street, Lincoln, Nebraska.

**MEMBERS AND OTHERS IN ATTENDANCE:** Lorenzo Ball, Dick Campbell, Maribel Cruz, Brett Ebert, Gloria Eddins, Bailey Feit, Rich Rodenburg and Cristy Joy. Cindy Ryman Yost absent. David Cary, Steve Henrichsen, Shelli Reid, Jennifer McDonald, Ben Callahan, Rachel Christopher, George Wesselhoft and Steve Dush with the Planning Department; media and other interested citizens were present.

**STATED PURPOSE OF MEETING:** Regular Planning Commission Hearing

Vice Chair Joy called the meeting to order and acknowledged the posting of the Open Meetings Act in the room.

Joy requested a motion approving the minutes for the regular meeting held September 18, 2024.

Motion for approval of the minutes made by Campbell; seconded Eddins.

Minutes approved 8-0: Ball, Campbell, Cruz, Ebert, Eddins, Feit, Rodenburg and Joy voting “yes”; Ryman Yost absent.

Clerk noted that Comprehensive Plan Conformance 24018 is being removed from the consent agenda and will have a public hearing.

**CONSENT AGENDA**  
**PUBLIC HEARING & ADMINISTRATIVE ACTION**  
**BEFORE PLANNING COMMISSION:**

**October 2, 2024**

Members present: Ball, Campbell, Cruz, Ebert, Eddins, Feit, Rodenburg and Joy; Ryman Yost absent.

**The Consent Agenda consisted of the following item: Change of Zone 24023.**

There were no ex-parte communications disclosed.

There were no ex-parte communications disclosed relating to site visit.

Campbell made a motion for approval of the Consent Agenda item; seconded by Eddins.

Motion carried 8-0: Ball, Campbell, Cruz, Ebert, Eddins, Feit, Rodenburg and Joy voting "yes"; Ryman Yost absent.

**COMPREHENSIVE PLAN CONFORMANCE 24018  
TO REVIEW AS TO CONFORMANCE WITH THE 2050 LINCOLN LANCASTER COUNTY  
COMPREHENSIVE PLAN, A REQUEST FOR A PROPOSED CONSERVATION EASEMENT, TO  
PRESERVE, PROTECT AND MAINTAIN FLOOD STORAGE AND NATURAL RESOURCES  
WITHIN THE JAMAICA NORTH USE PERMIT BOUNDARY, ON PROPERTY GENERALLY  
LOCATED NORTHEAST OF S 14<sup>TH</sup> AND SALTILLO ROAD.**

**PUBLIC HEARING:**

**October 2, 2024**

Members present: Ball, Campbell, Cruz, Ebert, Eddins, Feit, Rodenburg and Joy; Ryman Yost absent.

**Staff Recommendation:** In Conformance with the Comprehensive Plan

There were no ex-parte communications disclosed.

There were no ex-parte communications disclosed relating to site visit.

**Staff Presentation:**

**Ben Callahan, Planning Department, 555 S. 10<sup>th</sup> Street, Lincoln, NE** came forward and stated that this is regarding the conservation easement in the Jamaica North Use Permit. This request is following the conditions of the Use Permit with a conservation easement over the two future outlots. This proposed request is following the Comprehensive Plan with being in conformance.

Campbell asked Callahan why there is an area on the map that is not included in the request. Callahan stated that this area in question is not included in the Use Permit property.

**Applicant:**

**DaNay Kalkowski, Seacrest & Kalkowski, 1128 Lincoln Mall, Lincoln NE,** came forward representing the applicant, FOG Limited Partnership. Kalkowski noted the area of the conservation easement will be platted into two outlots with the east outlot gifted to the city as a buffer for Wilderness Park. Kalkowski stated that outlot B will be anticipated to potentially be a prairie wetland and/or a forested wetland bank.

**Proponents:**

**Adam Hintz, Executive Director of Wilderness Park, 1919 Prospect Street, Lincoln, NE** came forward and stated that he wanted it known that all the good work being done in Lancaster County needs to be understood and is important to understand. Hintz stated that it is

important to create the buffer areas in terms of adding more land to the park system and adding more wetland area to the west.

**Neutral:**

No one approached in neutral.

**Opposition:**

No one approached in opposition.

Campbell moved to close the public hearing; seconded by Eddins.

Motion carried 8-0: Ball, Campbell, Cruz, Ebert, Eddins, Feit, Rodenburg and Joy voting “yes”; Ryman Yost absent.

**COMPREHENSIVE PLAN CONFORMANCE 24018**

**ACTION BY PLANNING COMMISSION:**

**October 2, 2024**

Campbell moved to approve Comprehensive Plan Conformance 24018; seconded by Eddins.

Campbell stated that this is a great plan and the efforts that have been made over the last couple of years have been appreciated.

Rodenburg stated that he is glad that Hintz took this item off the consent agenda. It is important that the value of creating buffers around Wilderness Park are in place.

Joy stated that she agrees with fellow commissioners. This is an excellently done development with the buffers, wetlands and utility easement.

Motion carried 8-0: Ball, Campbell, Cruz, Ebert, Eddins, Feit, Rodenburg and Joy voting “yes”; Ryman Yost absent.

**CHANGE OF ZONE 24018**

**FROM AG (AGRICULTURAL DISTRICT) TO H-4 (HIGHWAY COMMERCIAL DISTRICT ON APPROXIMATELY 15 ACRES OF PROPERTY; AND SPECIAL PERMIT 24030**

**TO ALLOW A PLANNED SERVICE COMMERCIAL DEVELOPMENT AND ASSOCIATED WAIVERS WITH UP TO 22,500 SQUARE FEET OF AUTO REPAIR SERVICES AND 90,000 SQUARE FEET OF MINI WAREHOUSING IN THE H-4 DISTRICT, ON APPROXIMATELY 15 ACRES OF PROPERTY GENERALLY LOCATED NORTH OF THE INTERSECTION OF O STREET AND ANTHONY LANE.**

**PUBLIC HEARING:**

**October 2, 2024**

Members present: Ball, Campbell, Cruz, Ebert, Eddins, Feit, Rodenburg and Joy; Ryman Yost absent.

**Staff Recommendation:** Change of Zone 24018 Conditional Approval  
Special Permit 24030 Conditional Approval

There were no ex-parte communications disclosed.  
There were no ex-parte communications disclosed relating to site visit.

**Staff Presentation:**

**Steve Dush, Planning Department, 555 S. 10<sup>th</sup> Street, Lincoln, NE** came forward and stated that this site plan proposes two distinct uses. One is for a mini storage of 90,000 square feet and the other is 22,000 square feet for automotive repair. Dush stated that some of the waivers that are included are with request and are typical to this type of use. There is a provision for an allowance of a center sign to serve these uses. Dush stated that there is development all around and the traffic comments that have been heard have been worked out. Dush stated that staff recommends approval.

**Applicant:**

**Tim Gergen, Clark & Enersen, 1010 Lincoln Mall, Suite 200, Lincoln, NE** came forward and stated that he is representing the developer on this project. Gergen stated that an agreement has been met with all the conditions.

**Bryan Modlin, Eustis Body Shop, 8820 Amber Hill, Lincoln NE** came forward and stated that this provides opportunity for the need to repair electric and hybrid vehicles. Modlin stated that they want to fill the goals and needs for these vehicles.

Feit stated that this is close to Southeast Community College and was inquiring if there is a partnership to help the students learn. Modlin stated that most of the staff are Southeast Community College alumni, and they have a great relationship with them.

**Proponents:**

No one approached in support.

**Neutral:**

No one approached in neutral.

**Opposition:**

No one approached in opposition.

Campbell moved to close the public hearing; seconded by Eddins.

Motion carried 8-0: Ball, Campbell, Cruz, Ebert, Eddins, Feit, Rodenburg and Joy voting "yes"; Ryman Yost absent.

**CHANGE OF ZONE 24018**

**ACTION BY PLANNING COMMISSION:**

**October 2, 2024**

Campbell moved to approve Change of Zone 24018; seconded by Eddins.



Campbell stated that this is a nice project, and it is next to the training of the students at Southeast Community College that would fit into this type of project. Campbell stated that this is a good use of the land and location.

Joy stated that she agrees with Campbell, and this is nice to see a great infill project like this.

Motion carried 8-0: Ball, Campbell, Cruz, Ebert, Eddins, Feit, Rodenburg and Joy voting "yes"; Ryman Yost absent.

**SPECIAL PERMIT 24030**

**ACTION BY PLANNING COMMISSION:**

**October 2, 2024**

Campbell moved to approve Special Permit 24030, seconded by Eddins.

Motion carried 8-0: Ball, Campbell, Cruz, Ebert, Eddins, Feit, Rodenburg and Joy voting "yes"; Ryman Yost absent.

**COMPREHENSIVE PLAN CONFORMANCE 24019**

**TO REVIEW AS TO CONFORMANCE WITH THE 2050 LINCOLN LANCASTER COUNTY COMPREHENSIVE PLAN, A PROPOSED ONE AND SIX-YEAR LANCASTER COUNTY ROAD AND BRIDGE CONSTRUCTION PROGRAM FOR FISCAL YEARS 2025 AND 2026-2030.**

**PUBLIC HEARING:**

**October 2, 2024**

Members present: Ball, Campbell, Cruz, Ebert, Eddins, Feit, Rodenburg and Joy; Ryman Yost absent.

**Staff Recommendation:** In Conformance with the Comprehensive Plan

There were no ex-parte communications disclosed.

There were no ex-parte communications disclosed relating to site visit.

**Staff Presentation:**

**Pam Dingman, Lancaster County Engineer, 444 Cherry Creek Drive, Lincoln, NE** came forward and stated that there are over 100 faces in County Engineering. Dingman stated that there are 289 bridges in Lancaster County. In addition, 6,900 pipe culverts and 1,000 box culverts. Dingman stated that in the past year they have modified the way that subdivisions are being taken care of. Subdivisions will now be considered private roads. It is impossible to continue to maintain those as a county entity. This has been a big drain on the overall tax system.

Feit asked Dingman if the owners were notified that the subdivisions are now being considered private roads. Dingman stated going forward, it will be private roads.

Dingman stated that the 2025-2026 challenge that is being faced is the supply chain and labor. There has been a break on escalation of construction costs. Culverts are inspected on a rolling 4-year rotation. There are currently two closed bridges at this time in Lancaster County. The

overall dashboard for bridge health is down from the previous years. Dingman stated that there are five bridge replacements (or in progress) in the 2024 fiscal year. The American Rescue Plan Act (ARPA) fund was able to design and construct three pipe culverts. In the fiscal year 2025, there are four proposed bridge projects that are planned. There is also a federal aid bridge project. Once the federal aid bridge is replaced, it will open the northern edge of Lancaster County. Dingman stated overall they are focusing on the bridges that are poor and need replaced and repairing the bridges so that it stabilizes the overall proposed projects.

Dingman stated that Lancaster County has 43.05 miles of dirt roads. Dingman stated that there are currently 45-46 miles of roads that need maintenance. There will be \$65 million that will be applied to the roads and bridges in the next 5 years. Dingman stated that by the time Saltillo Road project is completed, it will be a \$14-15 million project. Dingman mentioned that a "BRIC" grant and "A Safe Street and Roads for All" grant have been received for Lancaster County.

Campbell asked if the funds for 2024 and 2025 were different. Dingman stated that they do everything that they can to ensure that there are not any surprises with the funds coming in. This is helping be more resilient moving into the future.

Rodenburg asked if the street widening project will include a bicycle traffic lane when they widen the streets. Dingman stated that they currently are not including the bicycle lane. There is almost no shoulder to the corridor. Dingman stated that they are focusing on a space for bicyclists to have a little more foot of surface. This is too much to pay for with property tax dollars, but they have not been able to see any funding for it currently. Rodenburg asked if there were any rumble strips and Dingman stated that she is pretty sure that there are. Rodenburg stated that the rumbles alert the car, but also alert a cyclist that a car is coming. Dingman emphasized that they are asking for the funding, but do not have a 'yes' yet.

Joy stated that she appreciates the work and the bridges that have been done.

**Proponents:**

No one approached in support.

**Neutral:**

No one approached in neutral.

**Opposition:**

No one approached in opposition.

Joy stated that the maintainers in her area are doing a great job.

Campbell asked Dingman if the public comments that come in, are some of the projects being done based on the feedback from the public. Dingman stated that they are being based on how much traffic and if the roads still meet the conditions to be a useable surface.

Campbell moved to close the public hearing; seconded by Eddins.

Motion carried 8-0: Ball, Campbell, Cruz, Ebert, Eddins, Feit, Rodenburg and Joy voting “yes”; Ryman Yost absent.

**COMPREHENSIVE PLAN CONFORMANCE 24019**

**ACTION BY PLANNING COMMISSION:**

**October 2, 2024**

Campbell moved to approve Comprehensive Plan Conformance 24019; seconded by Eddins.

Eddins wanted to thank Dingman and her group for all the hard work that is being done.

Ball wanted to tell Dingman that he appreciated all the work that her and her team do.

Joy thanked Dingman for all the work and the report that was put together.

Dingman wanted to thank her staff for being dedicated to seeing improvements throughout the system.

Motion carried 8-0: Ball, Campbell, Cruz, Ebert, Eddins, Feit, Rodenburg and Joy voting “yes”; Ryman Yost absent.

Clerk noted the following items were carried over from the September 18<sup>th</sup> hearing for action only, as the motion to recommend approval by the Planning Commission failed to obtain the necessary five affirmative votes to move it forward.

There were no ex-parte communications disclosed.

There were no ex-parte communications disclosed relating to site visit.

**COMPREHENSIVE PLAN AMENDMENT 24004**

**TO AMEND THE LINCOLN-LANCASTER COUNTY 2050 COMPREHENSIVE PLAN TO CHANGE THE FUTURE LAND USE DESIGNATION FROM URBAN-DENSITY RESIDENTIAL TO COMMERCIAL, ON PROPERTY GENERALLY LOCATED ON THE NORTHWEST CORNER OF S 70TH STREET AND NEBRASKA PARKWAY.**

**ADMINISTRATIVE ACTION ONLY:**

**October 2, 2024**

Campbell moved to approve Comprehensive Plan Amendment 24004, seconded by Rodenburg.

Campbell stated after reviewing the documentation that was given to the Planning Commissioners at the last hearing, that it does not make sense to have an entrance off 70<sup>th</sup> Street. Campbell would highly encourage the City to put right turn lanes on both east and west of Nebraska Parkway going south on 70<sup>th</sup> Street. This does not currently exist.

Campbell stated that with the deceleration lane, this would make more sense. Campbell does not think that there will ever be homes built in that area and having a Medical Plaza

makes more sense than the other options that would be available. Campbell will continue to support what is being proposed for this development.

Rodenburg stated that he also voted yes but would like to clarify his previous statement of where the dedicated merge lanes are between Pioneers, and on 27<sup>th</sup> Street and on 56<sup>th</sup> Street. Rodenburg stated that with the addition of a right turn lane on 70<sup>th</sup> street going west, is vital and with the developers willing to put this in, a merge lane would be good.

Rodenburg stated that this is the highest and best use of the property which was looked at and no one was interested. Rodenburg stated that the semi traffic has gone away, the stop lights are timed with the speed limit. Rodenburg stated that the Planning recommended denial because of it being an expressway, but with the semi-trucks are no longer using Nebraska Parkway, it could accommodate that one access point.

Feit stated that she agrees with the right turn lane being necessary. Feit stated that this intersection is a high priority to being fixed. There have been 102 accidents at this intersection in the past 10 years. Feit stated that her concern is that it needs to be fixed before something new comes to the area. Feit stated that even with the efficiency, there still needs to be a better safety flow with the goals of the intersection. Feit stated that there is a need for medical and infill. This part of town, does not need medical. The medical need is to the north. Feit stated that safety is the number one issue with this plan.

Campbell stated that he is a person who normally never goes against the Planning Department's recommendations. With this being part of the city and no one is wanting to come and build residential, this adds to his support of this project.

Joy stated that with the previous and current discussion, this feels like a chicken and egg issue. Joy does not like to go against what the staff has researched and put all that effort into with the denial. There are issues with the exits and how to get in and out. The expressway will be changing in the future with the bypass. Joy is going to support the motion but will ask that the roadway and intersection be in the process of improving the roadways.

Motion failed 4-4: Ball, Campbell, Rodenburg and Joy voting "yes"; Cruz, Ebert, Eddins, Feit dissenting. Ryman Yost absent.

Clerk stated that motion failed due to not obtaining five affirmative votes.

Campbell stated that he feels that this is important to move on to the City Council, so he would like to change his vote to no, only to get this to City Council.

**Tim Sieh, Lincoln City Attorney, 555 S. 10<sup>th</sup> Street, Lincoln, NE** came forward and stated that a second motion will need to be made to deny the matter, then a new vote would need to be taken.

Eddins moved to deny Comprehensive Plan Amendment 24004; seconded by Feit.

Ball stated that this is an opportunity and a concern for the public private partnership. Ball stated that this is an opportunity to fill an area of concern. Ball will be saying yes, and that this is an opportunity to progress it.

Campbell stated that he hopes the City Council reviews the Planning Commissioners' views and discussions and will be voting 'yes' to the denial, so it can move forward to the City Council.

Cruz stated that it is important for the public private collaboration but does not want to compromise the integrity of design. If there is a better way, she would like to see the better way even if this means to wait a little longer, for a more obvious public private collaboration. This should not be rushed off just because someone is wanting to pay for it. This is only one necessary turn lane and there are three other lanes that need to be anticipated. Cruz stated that she will continue to deny this.

Rodenburg stated that the State had first stated no, but then they changed it to a yes to say that this was allowed. Rodenburg stated that what is being voted on is overriding their decision. Rodenburg stated that he would like to know what was changed on Nebraska Parkway to allow the State to change their decision.

Feit agrees with Rodenburg about wanting to know the information that was changed to allow the State to change their decision. Feit stated that the turns on some of the roads flows well, but on 70<sup>th</sup> Street, there is a slight hill on Nebraska Highway, that can make this intersection not safe.

Joy stated the 70<sup>th</sup> Street intersection is a challenge and as this moves forward, that whole corner is a challenge. Joy stated that as it moves forward, that maybe the group can work with all property owners on all four corners.

Motion for denial carried 5-3: Campbell, Cruz, Ebert, Eddins, Feit voting "yes". Ball, Rodenburg and Joy dissenting. Ryman Yost absent.

**CHANGE OF ZONE 24003  
FROM AGR (AGRICULTURAL RESIDENTIAL DISTRICT) TO O-3 (OFFICE DISTRICT) ON  
PROPERTY GENERALLY LOCATED ON THE NORTHWEST CORNER OF S 70TH STREET AND  
NEBRASKA PARKWAY.**

**ADMINISTRATIVE ACTION ONLY:**

**October 2, 2024**

Eddins made a motion for denial of Change of Zone 24003; seconded by Feit.

Motion for denial carried 5-3: Campbell, Cruz, Ebert, Eddins, Feit voting "yes". Ball, Rodenburg and Joy dissenting. Ryman Yost absent.

**USE PERMIT 24003**

**TO ALLOW A USE PERMIT IN THE O-3 (OFFICE DISTRICT) ZONING DISTRICT FOR APPROXIMATELY 51,000 SQUARE FEET OF COMMERCIAL FLOOR AREA, WITH WAIVERS TO SETBACKS, ON PROPERTY GENERALLY LOCATED ON THE NORTHWEST CORNER OF S 70TH STREET AND NEBRASKA PARKWAY.**

**ADMINISTRATIVE ACTION ONLY:**

**October 2, 2024**

Eddins made a motion for denial of Use Permit 24003; seconded by Cruz.

Motion for denial carried 5-3: Campbell, Cruz, Ebert, Eddins, Feit voting “yes”. Ball, Rodenburg and Joy dissenting. Ryman Yost absent.

Campbell moved to adjourn the Planning Commission meeting of October 2, 2024; seconded by Eddins.

Motion to adjourn 8-0: Ball, Campbell, Cruz, Ebert, Eddins, Feit, Rodenburg and Joy voting “yes”; Ryman Yost absent.

There being no further business the meeting was adjourned at 2:23 p.m.



## 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 #2304A

FINAL ACTION?  
No

DEVELOPER/OWNER  
Mchomesolutions, LLC

PLANNING COMMISSION HEARING DATE  
October 16, 2024

RELATED APPLICATIONS  
None

PROPERTY ADDRESS/LOCATION  
Southeast corner of S. 40<sup>th</sup> Street and  
Normal Boulevard.

### RECOMMENDATION: CONDITIONAL APPROVAL

#### BRIEF SUMMARY OF REQUEST

This is a request for an amendment to the Central Park Offices and Apartments Planned Unit Development (PUD) located at the southeast corner of S. 40<sup>th</sup> Street and Normal Boulevard. The existing R-5 PUD was approved in 1987 and totals approximately 9.16 acres, including 156 multifamily dwelling units on Lot 2 and 10,350 square feet of office or a residential health care facility use on Lot 1. With this amendment, the applicant is proposing to allow Lot 1 to follow the O-3 zoning regulations for allowed uses and signage requirements. This amendment does not change the regulations for the dwellings on Lot 2.



#### JUSTIFICATION FOR RECOMMENDATION

This request is compatible as the building on Lot 1 has been designated for an office or residential healthcare use since the approval of this PUD. The site is located at the corner of two major arterial roadways with both O-3 Office and B-1 Commercial at this intersection. The O-3 will provide additional flexibility for uses and signs on Lot 1 which are compatible with the surrounding area.

#### APPLICATION CONTACT

Nancy Loftis, (402) 476-1111 or  
[nloftis@aol.com](mailto:nloftis@aol.com)

#### STAFF CONTACT

Ben Callahan, (402) 441-6360 or  
[bcallahan@lincoln.ne.gov](mailto:bcallahan@lincoln.ne.gov)

#### COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The 2050 Comprehensive Plan designates this site as a mix of environmental resources and future urban residential on the 2050 Future Land Use Map. Future urban residential allows for a mix of residential densities and includes neighborhood commercial uses which are compatible with the surrounding residential uses.

#### KEY QUOTES FROM THE 2050 COMPREHENSIVE PLAN

##### Introduction Section: Growth Framework

Figure GF.b: 2050 - This site is shown as future urban residential on the 2050 Future Land Use Plan.

Land Use Plan - Residential uses in areas with varying densities ranging from more than fifteen dwelling units per acre to less than one dwelling per acre. All types of housing are appropriate here, from detached single family, duplex and missing middle, to higher density multi-family. Undeveloped areas shown as Urban Residential may also include neighborhood-scale commercial and other compatible uses that will be added to the map after approval of development plans.

## Goals Section

G2: Complete Neighborhoods. Lincoln and Lancaster County will support complete neighborhoods within both developing and redeveloping areas of Lincoln. A complete neighborhood is one where residents are able to get the goods and services to meet daily needs within 15 minutes of their residence including a variety of housing options, grocery stores and other commercial services, quality public schools, public open spaces and recreational facilities, affordable active transportation options, and civic amenities. Housing variety should include townhomes, senior living facilities, low/no maintenance condominiums, accessory dwelling units, multi-family development, and even small lot single-family.

G4: Economic Opportunity. Lincoln and Lancaster County will have high-quality jobs in an economic environment that supports business creation, innovation, and expansion. Quality-of-life attributes, such as diverse and accessible housing, good shopping, restaurants and entertainment, quality schools and healthcare, a sense of safety, and amenities such as parks and trails are important to ensuring that skilled individuals want to remain or relocate to our community.

## Elements Section

### E1: Complete Neighborhoods and Housing

A complete neighborhood is more than housing - great neighborhoods combine all the elements of parks, education, commercial areas, environmental resources, and housing together in one place.

A complete neighborhood is one where residents have safe and convenient access to goods and services needed for daily life activities.

### E3: Business, Economy, and Workforce

#### **Commercial and Industrial Development**

Commercial and Industrial Centers in Lancaster County should be located:

- Within the City of Lincoln or incorporated villages.
- Outside of saline wetlands, signature habitat areas, native prairie and floodplain areas (except for areas of existing commercial and industrial zoning).
- Where urban services and infrastructure are available or planned for in the near term. In sites supported by adequate road capacity – commercial development should be linked to the implementation of the transportation plan.
- In areas compatible with existing or planned residential uses.
- In existing underdeveloped or redeveloping commercial and industrial areas in order to remove blighted conditions and to more efficiently utilize existing infrastructure.
- In areas accessible by various modes of transportation (i.e. automobile, bicycle, transit, and pedestrian).
- So that they enhance entryways or public way corridors, when developing adjacent to these corridors.
- In a manner that supports the creation and maintenance of green space as indicated in the environmental resources section of this Plan.

#### **Commercial Infill**

#### **Figure E3.f: Commercial Infill Design Strategies**

1. Encourage additional vehicular access to an arterial street.
2. Encourage a Floor Area Ratio that exceeds to existing/previous commercial uses on the site.
3. Face existing residential uses with new residential uses rather than the backs of commercial buildings unless existing residential faces the opposite direction such as along an alley.
4. Discourage commercial driveways that interrupt the blockface of a residential street, especially when residences face the street.
5. Encourage shared driveways and interconnected parking lots where possible.
6. Orient buildings to the street, especially corners.



7. Maintain or adaptively reuse existing structures (especially historical structures) where possible.
8. Encourage a vertical mix of residential and commercial use types.
9. Encourage shared parking between land uses with different peak demand periods.
10. Maintain or enhance on-street parking resources, especially in established/historic commercial districts

## **Policies Section**

P14: Commercial Infill - Develop infill commercial areas to be compatible with the character of the area.

### **Action Steps**

1. Implement commercial infill redevelopment principles as discussed in the Business & Economy element.
2. Maintain and encourage businesses that conveniently serve nearby residents, while ensuring compatibility with adjacent neighborhoods.
3. Avoid encroachment into existing neighborhoods during expansion of existing commercial and industrial uses, and take steps to ensure expansions are in scale with the adjacent neighborhood, use appropriate screening, fulfill a demonstrated need, and do not hinder health and safety.
4. Prioritize retaining areas for continued residential development in older sections of the community by maintaining existing housing and supporting infill housing. Prior to approving the removal of housing to provide additional parking for existing centers, alternatives such as reduced parking requirements, shared parking, additional on-street parking, and/or the removal of other commercial structures should be explored. Maintain and encourage ethnically diverse commercial establishments that are beneficial to existing neighborhoods.

## **CLIMATE ACTION PLAN SPECIFICATIONS:**

p. 11 Key Initiative - Transition to Low-Carbon Energy.

- Continue incentive-based (residential, commercial, or industrial) programs promoting the installation of renewable energy systems. Incentives may include offering rebates on purchasing equipment, attractive net metering pricing, tax incentives, height allowances, setback, and area-based incentives, expedited permitting, and others.

## **ANALYSIS**

1. This is a request to amend Change of Zone #2304 for the existing Central Park Offices and Apartments Planned Unit Development (PUD). The R-5 PUD is located at the southeast corner of S. 40<sup>th</sup> Street and Normal Boulevard and approximately 9.16 acres. Today, the PUD consists of two lots, with Lot 1 allowing 10,350 square feet of office or residential health care space and Lot 2 allowing a maximum of 156 multifamily dwelling units. This amendment is proposed only for Lot 1 with the request to allow Lot 1 to follow the O-3 Office zoning regulations including allowed uses and sign regulations. This amendment will not affect the existing zoning or allowed multifamily residential on Lot 2.
2. The PUD is surrounded by a mix of uses including multifamily, commercial and office. To the north, across Normal Boulevard is single family residential zoned R-2 Residential. To the northwest, on the opposite corner of the S. 40<sup>th</sup> Street and Normal Boulevard intersection is a Pinnacle Bank branch zoned B-1 Local Business. To east is an existing multifamily complex zoned R-5 Residential. To south is Campbell's Nursey and Garden Center zoned O-3 Office Park and to the west across S. 40<sup>th</sup> Street is a multi-tenant office building zoned O-3 and R-2 Residential.
3. Originally approved in 1987, this PUD was developed for both the multifamily complex and one building in the northwest corner of the site that was designated for an office and residential healthcare use, now shown as Lot 1. Over the last 37 years this PUD has had very few modifications as the multifamily complex and office building have continued to exist on site. The proposed amendment does not propose any modification to site access on S. 40<sup>th</sup> Street or Normal Boulevard or to the existing parking lot serving both lots.
4. With this amendment Note #11 will be added to the site plan allowing Lot 1 to follow the O-3 Office Park zoning classification for allowed uses and sign regulations. This request is justified as the site allows an office use today and sits at the intersection of two major arterial roadways. The note will provide clarification for the allowed uses on Lot 1 and provide flexibility in additional allowed uses such as but not limited to personal services and retail uses. Uses with commonly higher trip generation such as a restaurant would not be permitted by right and would require a special permit at this location.

5. The request to amend the PUD is appropriate within the existing PUD and surrounding land use. The proposed increase in floor area and to allow Lot 1 to follow the O-3 zoning for uses and signs is justified as the site has allowed an office use for many years. The location at the corner of Normal Boulevard and S. 40<sup>th</sup> Street makes it compatible area for O-3 uses and signage beyond what the R-5 Residential zoning district would allow. The 2050 Comprehensive Plan shows this location as future urban residential on the Future Land Use Map, which can offer a variety of residential uses and densities, but also includes neighborhood-scale commercial and compatible uses.

**CONDITIONS OF APPROVAL:** See attached.

**EXISTING LAND USE & ZONING:** Office Space, R-5 PUD

**SURROUNDING LAND USE & ZONING**

North: Normal Boulevard/Single Family Residential/Pinnacle Bank	R-2 Residential & B-1 Local Business
South: Campbell's Nurseries & Garden Center	O-3 Office Park
East: Multifamily Dwellings	R-5 Residential
West: Multi-tenant Building	O-3 Office Park

**APPLICATION HISTORY**

- Feb 1987 Change of Zone #2304 was approved creating the PUD allowing up to 156 multifamily dwelling units and 9,000 square feet of office space.
- Feb 2024 Administrative Amendment #24008 was approved showing the PUD with two lots, Lot 1 & 2 separating the office building on Lot 1 from the multifamily complex on Lot 2.
- Mar 2024 Administrative Amendment #24019 was approved for a minor increase in allowed floor area on Lot 1 from 9,000 square feet to 10,350 square feet.

**APPROXIMATE LAND AREA:** 9.16 acres, more or less

**LEGAL DESCRIPTION:** Lot 1 & 2, Central Park Addition

Prepared by Ben Callahan, Planner  
(402) 441-6360 or [bcallahan@lincoln.ne.gov](mailto:bcallahan@lincoln.ne.gov)

Date: October 3, 2024

Applicant/  
Owner Mchomesolutions, LLC  
2840 S. 70<sup>th</sup> Street, Suite 7, Box 162  
Lincoln, NE 68506  
[davidbadermchs@gmail.com](mailto:davidbadermchs@gmail.com)

Contact: Loftis Law  
Nancy Loftis  
5533 S. 27<sup>th</sup> Street  
Lincoln, NE 68516  
(402) 476-1111  
[nloftis@aol.com](mailto:nloftis@aol.com)

<https://linclanc.sharepoint.com/sites/PlanningDept-DevReview/Shared Documents/DevReview/CZ/2300/CZ2304A 40th & Normal PUD.bmc.docx>

## CONDITIONS OF APPROVAL - CHANGE OF ZONE #2304A

This approval permits Lot 1 to follow the O-3 Office Park allowed uses and sign zoning regulations.

### Site Specific Conditions:

1. Before receiving building permits the developer shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including 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 bubbling from office space floor area and parking requirement as it was related to the most recently approved administrative amendment and is not changing with this request.
  - 1.2 Revise Note #11 to state "The uses and signs for Lot 1 shall follow the zoning regulations for the O-3 district."
  - 1.3 Add to the General 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 Building & Safety Department prior to installation".

### Standard Conditions:

2. The following conditions are applicable to all requests:
  - 2.1 Before occupying the buildings all development and construction shall substantially comply with the approved plans.
  - 2.2 All privately-owned improvements shall be permanently maintained by the owner or an appropriately established property owners association approved by the City Attorney.
  - 2.3 The physical location of all setbacks and yards, buildings, parking and circulation elements, and similar matters must be in substantial compliance with the location of said items as shown on the approved site plan.
  - 2.4 The terms, conditions, and requirements of the ordinance shall run with the land and be binding upon the developer, its successors and assigns.
  - 2.5 The applicant shall sign and return the letter of acceptance to the City Clerk. This step should be completed within 60 days following the approval of the special permit. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefore to be paid in advance by the applicant. Building permits will not be issued unless the letter of acceptance has been filed.
  - 2.6 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.



2020 aerial

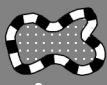


**Change of Zone #: CZ2304A  
S 40th St & Normal Blvd**

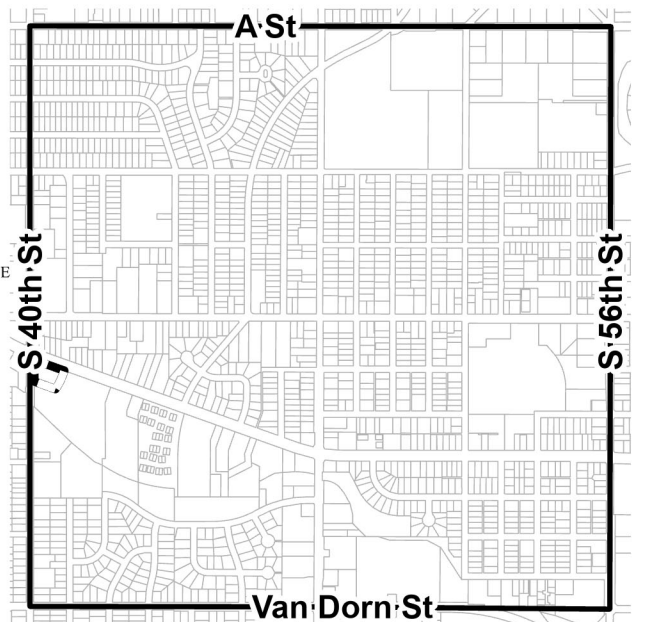
**Zoning:**

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

One Square Mile:  
Sec.32 T10N R07E



	Area of Application
	Zoning Jurisdiction Lines
	Lancaster County Jurisdiction



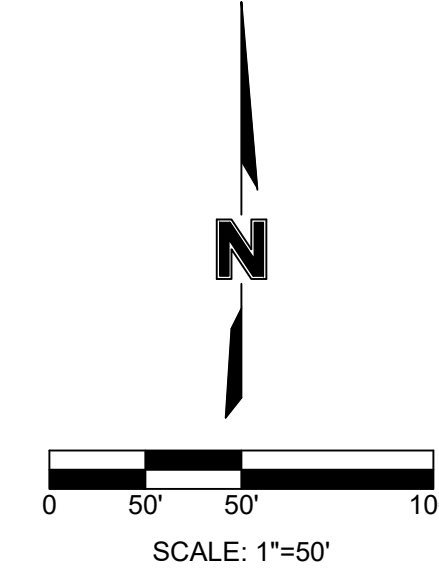
# CENTRAL PARK OFFICE & APARTMENTS

## CZ2304A - AMENDED PLANNED UNIT DEVELOPMENT

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

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

CURVE DATA						
CURVE #	RADIUS	ANGLE	TANGENT	LENGTH	CH DIST	CH BRG
C1	20.00'	109°39'56"	28.39'	38.28'	32.70'	N54°49'35"E



### CODE DATA

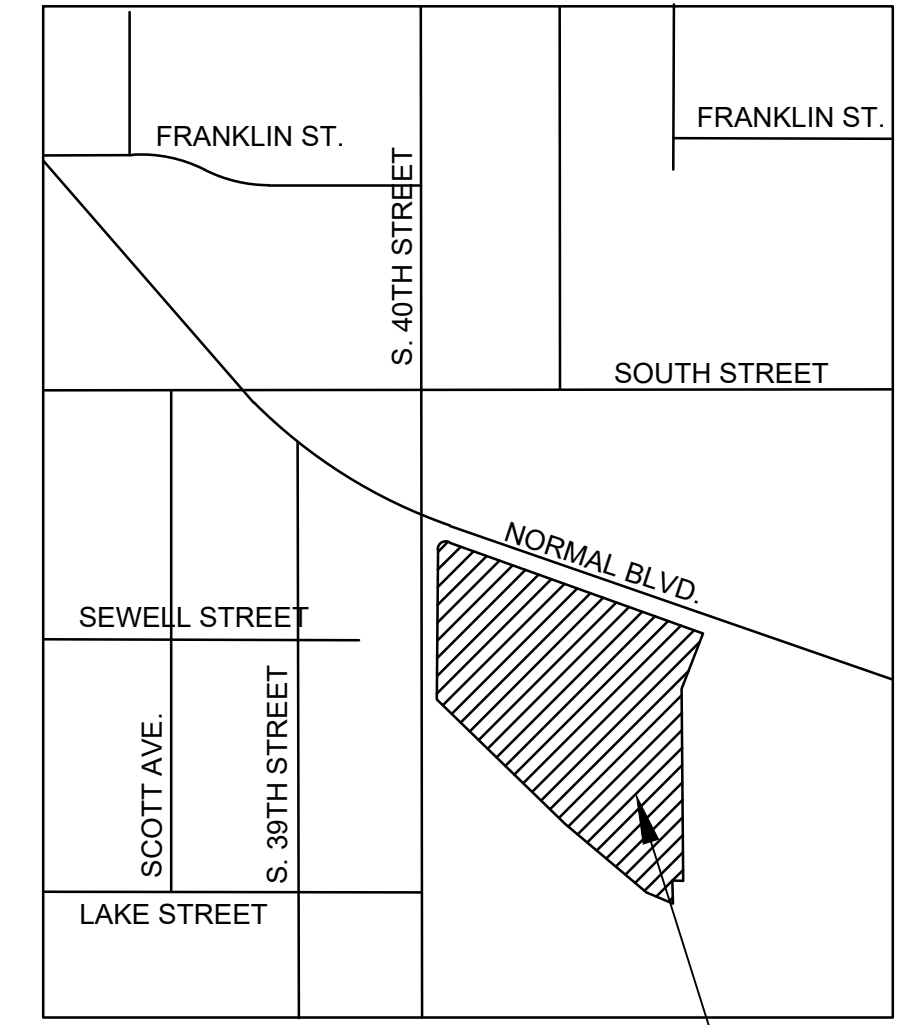
PRESENT ZONING R-2  
 PROPOSED ZONING R-5  
 PROPOSED UNITS: 132 DWELLING UNITS  
 10,350 S.F. OFFICE OR RESIDENTIAL HEALTHCARE FACILITY

LAND AREA TOTAL: 9.16 ACRES 399,009.6 S.F.  
 LAND AREA COMM: .916 ACRES 39,009.96 S.F.  
 LAND AREA RES.: 8.24 ACRES 358,934.4 S.F.

RESIDENTIAL 2 STALL PER UNIT  
 PARKING REQUIRED: 264 STALLS  
 PARKING PROVIDED: 235 STALLS 38 GARAGE STALLS

OFFICE SPACE 1/300 S.F.  
 PARKING REQUIRED: 35 STALLS  
 PARKING PROVIDED: 56 STALLS

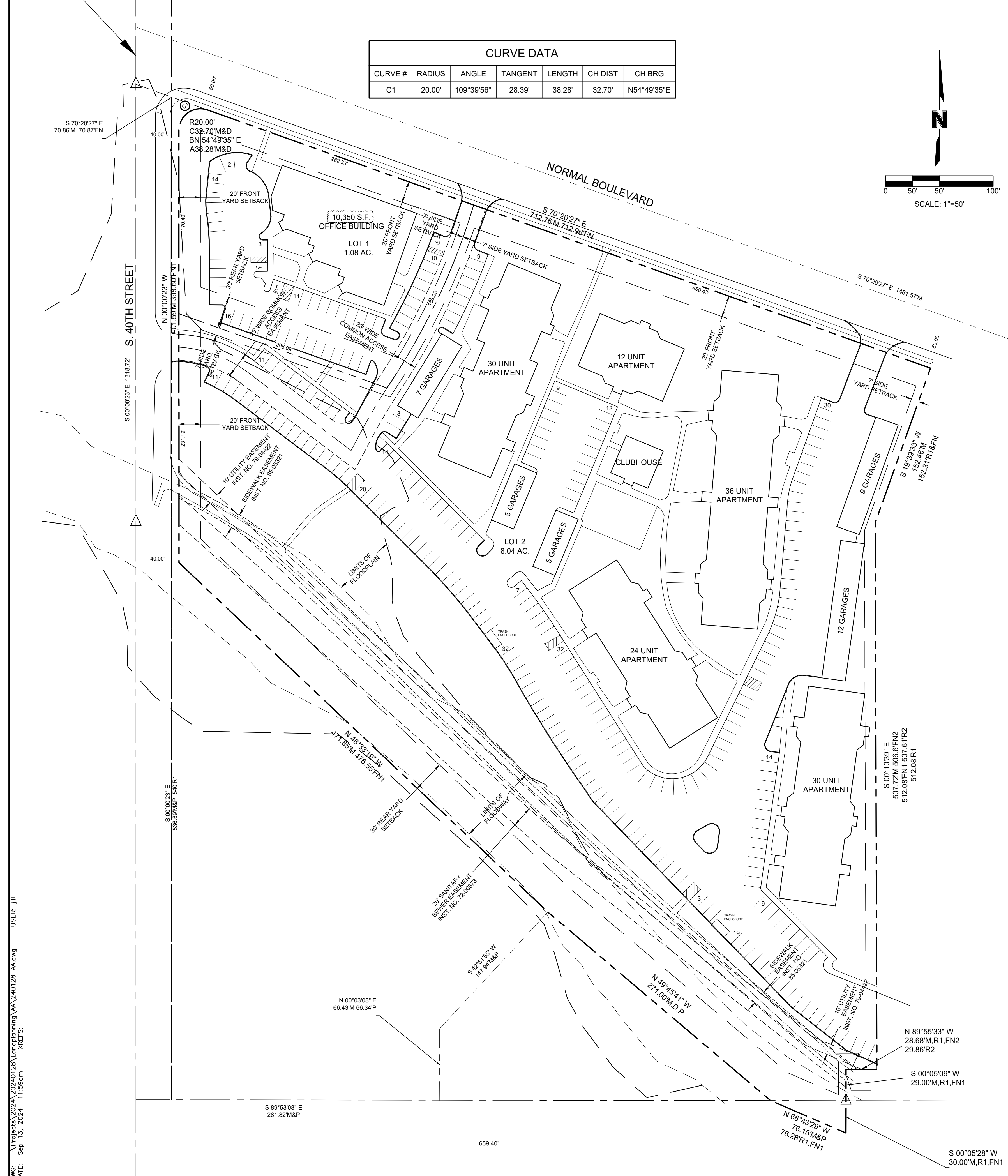
LEGAL DESCRIPTION  
 LOT 432, SECTION 32, T10N, R7E, LANCASTER COUNTY, NEBRASKA



VICINITY MAP  
 NO SCALE  
 PROJECT LOCATION

### GENERAL NOTES:

- ALL SEWERS SHALL BE PRIVATELY OWNED AND MAINTAINED UNLESS OTHERWISE NOTED.
- WATER AND SEWER LINES SHALL BE CITY OF LINCOLN STANDARDS INCLUDING 2' VERTICAL 10' HORIZONTAL SEPARATION. MINIMUM COVER OVER WATER LINES SHALL BE 5'. WATER LINES SHALL PASS OVER SEWER LINES.
- PRIVATE DRIVEWAYS SHALL BE 6" POURED CONCRETE OR 5" CONCRETE BASE WITH 2 1/2" ASPHALTIC CONCRETE TOPPING OR 6" ASPHALTIC CONCRETE. CURBS SHALL BE 6" CONCRETE. DRIVEWAYS SHALL BE 25' WIDE FACE TO FACE OF CURB WITH A 5' INVERTED CROWN UNLESS OTHERWISE SHOWN.
- BY MUTUAL AGREEMENT OF THE DEVELOPER AND THE UTILITY COMPANIES, A BLANKET EASEMENT FOR ELECTRICAL DISTRIBUTION, TELEPHONE, T.V., CABLE AND GAS MAINS SHALL BE GRANTED OVER THE ENTIRE AREA EXCEPT BUILDING ENVELOPS.
- EASEMENTS SHALL BE GRANTED FOR THE PUBLIC USE OF THE PRIVATE DRIVEWAYS AND SIDEWALKS. SIDEWALKS SHALL BE 4' WIDE AND 6' NEXT TO PARKING STALLS.
- NO BUILDINGS ARE WITHIN THE FLOODWAY THEREFORE NO CERTIFICATION IS REQUIRED PER SECTION 1.1 OF PLANNING REPORT.
- THE DEVELOPER RESERVES THE RIGHT TO LOCATE BUILDINGS ANYWHERE WITHIN THE LOT OR BUILDING ENVELOPES EXCEPT WHERE MINIMUM BUILDING SETBACK IS SHOWN.
- ALL WATER LINES SHALL BE PRIVATELY OWNED AND MAINTAINED UNLESS OTHERWISE NOTED. AN EASEMENT IS GRANTED BY THE DEVELOPER FOR FIRE DEPARTMENT USE OF PRIVATE WATER FACILITIES.
- PARKING IS ALLOWED IN THE SIDE AND REAR YARD SETBACKS LONG THE COMMON LOT LINE FOR LOTS 1 AND 2.
- THE BUILDING FOOTPRINT IS ALLOWED ON LOT 1 WITHIN THE SHOWN SETBACKS.
- THE USES AND SIGNS FOR LOT 1 SHALL BE THOSE ALLOWED UNDER THE REGULATIONS FOR O-3 ZONING.



**OWNER**  
 MCHOMESOLUTIONS, LLC  
 2840 S. 70TH STREET, SUITE 7  
 BOX 162  
 LINCOLN, NE 68506  
 KOLL INVESTMENT PROPERTIES, LLC  
 2840 S. 70TH STREET, SUITE 7  
 LINCOLN, NE 68506

**AMENDMENT ENGINEER**  
 CIVIL DESIGN GROUP, INC.  
 8535 EXECUTIVE WOODS DRIVE  
 SUITE 200  
 LINCOLN, NE 68512  
 402-434-8494

REVISIONS	
NO.	DESCRIPTION
1	ADD T118 SF TO LOT 1 OFFICE

**SITE PLAN**  
 CENTRAL PARK OFFICE & APARTMENTS  
 AMENDMENT TO CZ2304A  
 LINCOLN, NEBRASKA

2024

drawn by: JDS  
 checked by: .  
 approved by: .  
 project no.: 2024-0128  
 drawing no.:  
 date: 09/03/2024

**SHEET**  
 1 OF 1

USER: jll  
 DATE: Sep 13, 2024 11:59am  
 FILE: F:\Projects\2024\20240128 Landplanning\AA\240128\_AA.dwg  
 XREFS:



# Civil Design Group, Inc.

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

September 11, 2024

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

**Re: Amended Planned Unit Development for Central Park Office & Apartment  
generally located at S. 40<sup>th</sup> & Normal Blvd.  
CDG Project # 2024-0128**

Dear Mr. Cary:

On behalf of MCHOMESOLUTIONS, LLC the owner and Nancy Loftis, legal counsel , we submit an Amended Planned Unit Development to add Note 11 to the Site Plan that states: "The uses and signs for Lot 1 shall be those allowed under the regulations for O-3 Zoning." This note will help clarify Lot 1 uses and signage at Building and Sign Permits.

With this application, we submit the following items:

Application for Amended Planned Unit Development  
Amended Planned Unit Development Review Fee of \$1,109.00  
Plans uploaded via ProjectDox

I hope that this letter, in conjunction with the plans, assists you in reviewing this Amended Planned Unit Development application. Please feel free to call me at (402) 434-8494 with any questions you may have.

Sincerely,

Jill D. Schuerman

cc: MCHOMESOLUTIONS, LLC  
Nancy Loftis

**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 #11013D

FINAL ACTION?  
Yes

DEVELOPER/OWNER  
Roger Schwisow/Eldonna Schwisow  
Revocable Trust

PLANNING COMMISSION HEARING DATE  
October 16, 2024

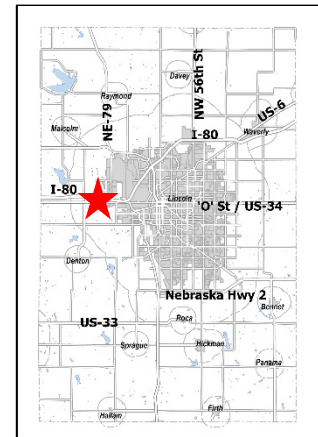
RELATED APPLICATIONS  
None

PROPERTY ADDRESS/LOCATION  
W O & NW 63<sup>rd</sup> Streets

**RECOMMENDATION: CONDITIONAL APPROVAL**

**BRIEF SUMMARY OF REQUEST**

This is a request per Section 27.63.160 of Lincoln Municipal Code for Excavation on property generally located north of the intersection of W O Street and SW 63<sup>rd</sup> Street. The request is to excavate on 41.71 acres with 6.73 acres being disturbed. This property has had five Special Permits for excavation, most recently SP11013C which was approved in October of 2021. The area of excavation has decreased from previous approvals, and it is anticipated that this will be the last request.



**JUSTIFICATION FOR RECOMMENDATION**

The application with the conditions of approval meets the requirements for an excavation permit. No waivers are requested. There will be no negative impact to nearby properties with the proposal with the conditions and associated requirement for this special permit.

**APPLICATION CONTACT**  
Nate Burnett, (402) 484-7342 or  
[nate@regaeng.com](mailto:nate@regaeng.com)

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

**COMPATIBILITY WITH THE COMPREHENSIVE PLAN**

The area is shown as industrial in the 2050 Future Land Use Plan. The use is compatible with the with the intended future land uses along the West O Street corridor which include additional industrial to the north and east of this property along with commercial use identified for the south side of W O Street.

**KEY QUOTES FROM THE 2050 COMPREHENSIVE PLAN**

Introduction Section: Growth Framework

Figure GF.b: 2050 - This site is shown as industrial on the 2050 Future Land Use Plan.

Land Use Plan -

Industrial. Areas where railroads, manufacturing, trucking and transportation facilities are the dominant land use, with some commercial activities.

**ANALYSIS**

1. This request is for soil excavation on approximately 41.71 acres with 6.73 acres being disturbed with the requested soil mining activities, under the provisions of Lincoln Municipal Code (LMC) 27.63.160 Excavation.
2. This site was granted a special permit in July 2008 for excavation and then again in July 2011 with a renewal in 2015 and 2018 and 2021. The site plan submitted with this application is similar to the site plan submitted for the previous special permit.
3. The area of excavation proposes to extract 203,000 cubic yards of soil. The excavation of fill material will be used in and around the Lincoln area. The area of excavation has decreased significantly from the last approved permit (SP11013C) which included 17.98 acres being disturbed. It is anticipated that this will be the last request for a soil mining permit on this property.
4. Hours of operation shall be limited to daylight hours Monday through Saturday.
5. The Lincoln-Lancaster County Health Department notes that during the soil mining process, the landowner(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 are not limited to, application of water or other dust suppression chemicals.
6. A berm along the south side of the parcel provides a screen to “O” Street.
7. The site is visible and in a Capitol View Corridor and is an entryway along I-80 to Lincoln. The lay of the land, distance from I-80 and the railroad partly hide this operation. Views from the west are totally obstructed and from the Interstate to the north will be limited. The previous special permits did not require any berms or landscaping to the north due to the distance from the Interstate and minimal visual impact.
8. The Special Permit with the conditions of approval meets the Zoning Ordinance requirements for excavation and is consistent with the Comprehensive Plan. There will be no negative impact to the nearby properties.

**CONDITIONS OF APPROVAL:** See attached

**EXISTING LAND USE & ZONING:** Mining/extraction & Agricultural (AG)

**SURROUNDING LAND USE & ZONING:**

North: Farm land/Interstate 80 & Agricultural (AG)

South: Farm land/W. O St & Agricultural (AG)

East: Farm land & Agricultural (AG)

West: Pla Mor Ballroom/single-family house & Agricultural (AG and AGR)

**APPLICATION HISTORY:**

October, 2021	Special Permit 11013C, an amendment to renew the special permit for soil excavation was approved for three years by the Planning Commission.
September, 2018	Special Permit 11013B, an amendment to renew the special permit for soil excavation was approved for three years by the Planning Commission.
April, 2015	Special Permit 11013A, an amendment to renew the special permit for soil excavation was approved for three years by the Planning Commission.
July, 2011	Special Permit 11013 for soil excavation on this property was approved for three years by the City Council.
July, 2008	Special Permit 08015 for soil excavation on this property was approved for three years by the City Council.



**APPROXIMATE LAND AREA:** Approximately 41.71 acres with 6.73 acres being disturbed with the requested soil mining activities.

**LEGAL DESCRIPTION:** Lot 25, I.T., located in the SW 1/4 of Section 24-10-5, Lincoln, Lancaster County, Nebraska.

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

Date: October 3, 2024

Applicant: Nate Burnett  
REGA Engineering  
601 Old Cheney Road, Suite A  
Lincoln, NE 68512  
(402) 484-7342 or [nate@regaeng.com](mailto:nate@regaeng.com)

Owner: Eldonna Schwisow Revocable Trust  
1354 Pelican Bay Place  
Lincoln, NE 68528

<https://linclanc.sharepoint.com/sites/PlanningDept-DevReview/Shared Documents/DevReview/SP/11000/SP11013D W O Soil Excavation.gjw.docx>

## CONDITIONS OF APPROVAL - SPECIAL PERMIT #11013D

Per Section 27.63.160 this approval permits Excavation for three years from the date of approval for approximately 41.71 acres with 6.73 acres being disturbed.

### Site Specific Conditions:

1. Before receiving building permits or 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 2 copies with all required revisions and documents as listed below:
  - 1.1 Update General Erosion Control Note 1 to reflect 6.73 acres for area of land disturbance.
  - 1.2 Delete Sheet 2.
  - 1.3 Update for the Minimum Flood Corridor to meet the current design requirements.
  - 1.4 Update the Stormwater Pollution Prevention Plan (SWPPP).
2. The following conditions shall apply:
  - 2.1 Before beginning the excavation operations, the Permittee shall have:
    - 2.1.1 Post performance bond in the amount of \$3,533.25 (\$525.00 per acre) intended to be disturbed to assure compliance with the final reclamation plan, including but not limited to regrading, topsoil conditioning, and re-vegetation. A registered professional engineer must certify at closure of operations that grading and final reclamation has been completed in accordance with the approved plans before the bond may be released.
    - 2.1.2 Upon completion of all terms, conditions and requirements of the special permit that are to be completed before beginning operations, the Permittee shall request the Director of Building and Safety to issue a certificate of operation. Permittee shall not begin operation until it has received said certificate of operation.
    - 2.1.3 A sign shall be posted and maintained at the entrance to the site. The sign shall be:
      - 2.1.3.1 Clearly visible from the adjacent road;
      - 2.1.3.2 At least 32 square feet in area;
      - 2.1.3.3 Lettering shall be at least two inches in heights, black on a white background;
      - 2.1.3.4 The shall list:
        - (a) The approved Special Permit Number;
        - (b) The name, contact phone and email address for the land owner;
        - (c) The name, contact phone and email address for the operator/contractor;
        - (d) The Building and Safety Department contact number.
  - 2.2 After beginning the excavation operations, the Permittee shall have
    - 2.3.1 Erosion controls, including retention and sediment basins shall be provided during excavation in conformance with state and federal standards and City land erosion and sediment control regulations to prevent a change in the character of runoff onto adjacent land.

- 2.3.2 No more than twenty (20) acres of the site shall be open for operations at any one time. The surface shall be maintained in such a manner that surface waters do not collect and pond, unless specifically approved by the City. Underground drainage may be supplied if it connects to an existing drainage facility and is satisfactory to the City.
- 2.3.3 Topsoil shall be collected and stored for redistribution on the site at the termination of the operation or termination of each phase.
- 2.3.4 Excavation shall be conducted in such a way as not to constitute a hazard to any person, not to the adjoining properties. Dust shall be controlled on-site to meet Lincoln-Lancaster County Air Pollution Control program Regulations. In addition, the Health Department may require dust control on unpaved perimeter roads.
- 2.3.5 Safety screening may be required at the outer boundary of the site. Visual screening through setbacks, berming and other techniques may also be required where said boundary is adjacent to residential or park land, school property, or at major entryways/corridors into a city, town or village.
- 2.3.6 Operating hours shall be limited to daylight hours, Monday through Saturday.
- 2.3.7 The applicant will take appropriate measures, such as street sweeping or “rumble bars” as specified by the County Engineer to minimize mud or dirt tracking onto streets and roads on a continuing (daily) basis during operation.
- 2.3.8 Operations shall commence within one year from the date the special permit is approved or the special permit will automatically terminate and be considered null and void. All existing certificates of operation shall automatically terminate on the same date.
- 2.3.9 Within nine months after the completion of excavation on any portion of the site, all cuts shall be returned to a slope of less than three to one, the topography and soils shall be restored and stabilized, and the land shall be graded, seeded, and sodded so as to prevent erosion and siltation, and to protect the health, safety, and general welfare of the public.
- 2.3.10 A special permit may be approved for a maximum of three-years from the date the special permit is issued.
- 2.3.11 Permittee shall prepare and submit an annual report to the Director of Building and Safety addressing the status and extent of operations and each condition of the special permit. Failure to submit the annual report shall constitute just cause for the City Council to revoke the special permit.
- 2.3.12 Permittee shall be subject to an annual site inspection by the Director of Building and Safety. The cost of such inspection shall be paid for by the applicant. Cost shall be based upon the Department of Building and Safety’s hourly rate in effect on the date of the application. Building and Safety shall:
  - 2.3.12.1 Inspect the site to determine whether terms, special conditions and requirements imposed by the City in the approval of the special permit have been met and complied with; and
  - 2.3.12.2 Review all complaints from public and other departments/agencies and report to the Planning Director.
- 2.3.13 The County or City Engineer may require installation of traffic signs to warn motorists of excavation or stone milling operations and truck traffic.
- 2.3.14 The construction plans shall generally comply with the approved plans.

3. At the conclusion of the operation, the permittee shall provide to the Building & Safety Department a certificate from an engineer stating that the final grading substantially reflects the finish contours shown on the approved site plan and request a release of the performance bond.

**Standard Conditions:**

3. The following conditions are applicable to all requests:
  - 3.1 Before occupying 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 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.
  - 3.5 The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all prior resolutions approving this permit remain in full force and effect as specifically amended by this resolution.



**Special Permit #: SP11013D**  
**NW 56th St & W O St**

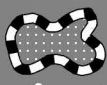


2020 aerial

**Zoning:**

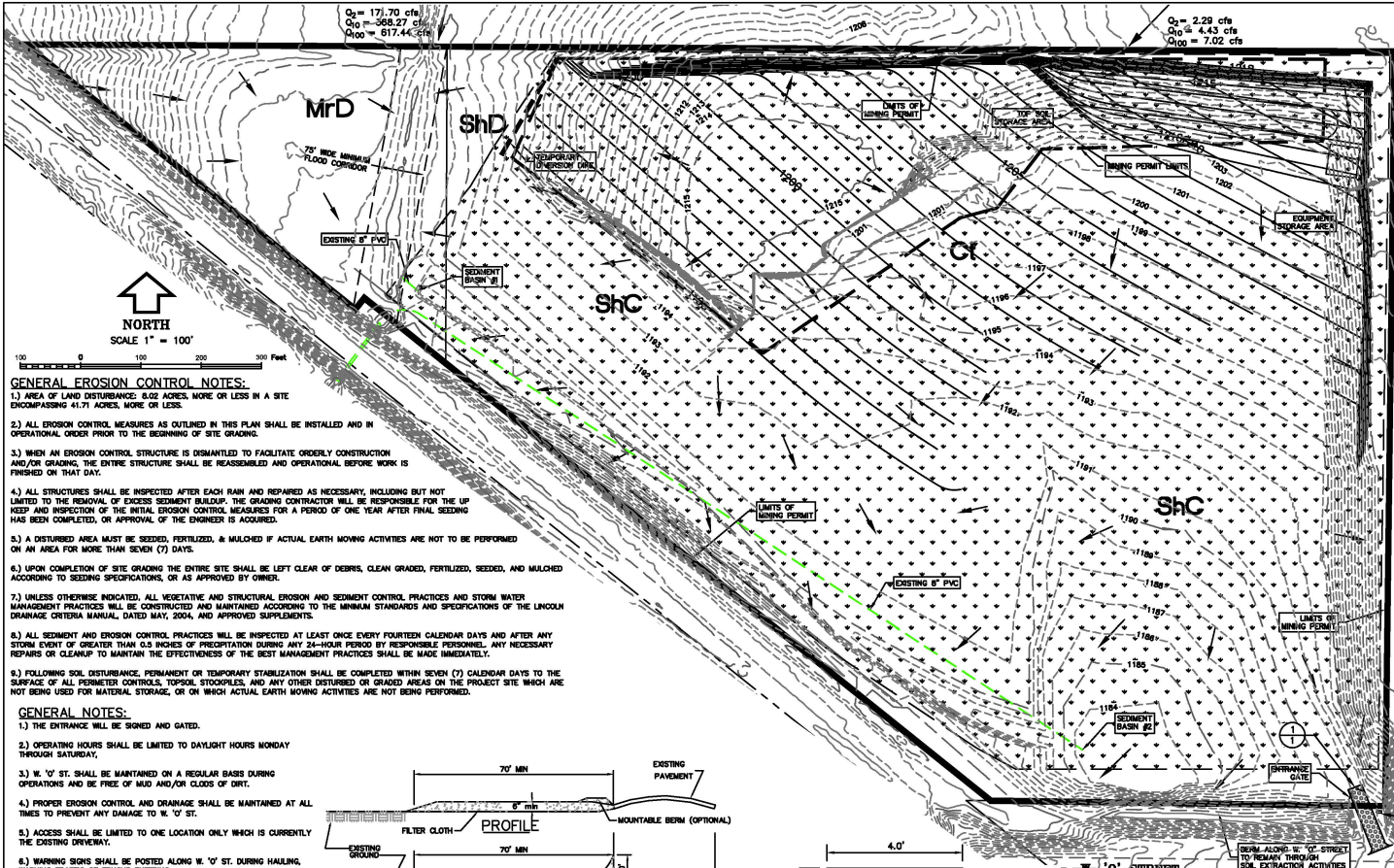
- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial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

One Square Mile:  
 Sec.24 T10N R05E



	Area of Application
	Zoning Jurisdiction Lines
	Lancaster County Jurisdiction





**GENERAL EROSION CONTROL NOTES:**

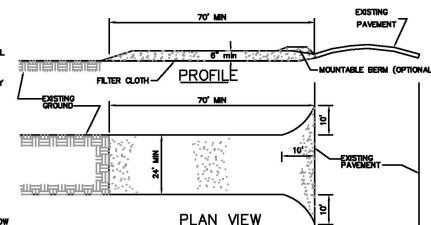
- 1.) AREA OF LAND DISTURBANCE IS 4.71 ACRES, MORE OR LESS IN A SITE ENCOMPASSING 41.71 ACRES, MORE OR LESS.
- 2.) ALL EROSION CONTROL MEASURES AS OUTLINED IN THIS PLAN SHALL BE INSTALLED AND IN OPERATIONAL ORDER PRIOR TO THE BEGINNING OF SITE GRADING.
- 3.) WHEN AN EROSION CONTROL STRUCTURE IS DISMANTLED TO FACILITATE ORDERLY CONSTRUCTION AND/OR GRADING, THE ENTIRE STRUCTURE SHALL BE REASSEMBLED AND OPERATIONAL BEFORE WORK IS FINISHED ON THAT DAY.
- 4.) ALL STRUCTURES SHALL BE INSPECTED AFTER EACH RAIN AND REPAIRED AS NECESSARY, INCLUDING BUT NOT LIMITED TO THE REMOVAL OF EXCESS SEDIMENT BUILDUP. THE GRADING CONTRACTOR WILL BE RESPONSIBLE FOR THE UP KEEP AND INSPECTION OF THE INITIAL EROSION CONTROL MEASURES FOR A PERIOD OF ONE YEAR AFTER FINAL SEEDING HAS BEEN COMPLETED, OR APPROVAL OF THE ENGINEER IS ACQUIRED.
- 5.) A DISTURBED AREA MUST BE SEED, FERTILIZED, & MULCHED IF ACTUAL EARTH MOVING ACTIVITIES ARE NOT TO BE PERFORMED ON AN AREA FOR MORE THAN SEVEN (7) DAYS.
- 6.) UPON COMPLETION OF SITE GRADING THE ENTIRE SITE SHALL BE LEFT CLEAR OF DEBRIS, CLEAN GRADED, FERTILIZED, SEED, & MULCHED ACCORDING TO SEEDING SPECIFICATIONS, OR AS APPROVED BY OWNER.
- 7.) UNLESS OTHERWISE INDICATED, ALL VEGETATIVE AND STRUCTURAL EROSION AND SEDIMENT CONTROL PRACTICES AND STORM WATER MANAGEMENT PRACTICES WILL BE CONSTRUCTED AND MAINTAINED ACCORDING TO THE MINIMUM STANDARDS AND SPECIFICATIONS OF THE LINCOLN DRAINAGE CRITERIA MANUAL, DATED MAY, 2004, AND APPROVED SUPPLEMENTS.
- 8.) ALL SEDIMENT AND EROSION CONTROL PRACTICES WILL BE INSPECTED AT LEAST ONCE EVERY FOURTEEN CALENDAR DAYS AND AFTER ANY STORM EVENT OF GREATER THAN 0.5 INCHES OF PRECIPITATION DURING ANY 24-HOUR PERIOD BY RESPONSIBLE PERSONNEL. ANY NECESSARY REPAIRS OR CLEANUP TO MAINTAIN THE EFFECTIVENESS OF THE BEST MANAGEMENT PRACTICES SHALL BE MADE IMMEDIATELY.
- 9.) FOLLOWING SOIL DISTURBANCE, PERMANENT OR TEMPORARY STABILIZATION SHALL BE COMPLETED WITHIN SEVEN (7) CALENDAR DAYS TO THE SURFACE OF ALL PERIMETER CONTROLS, TOPSOIL STOCKPILES, AND ANY OTHER DISTURBED OR GRADED AREAS ON THE PROJECT SITE WHICH ARE NOT BEING USED FOR MATERIAL STORAGE, OR ON WHICH ACTUAL EARTH MOVING ACTIVITIES ARE NOT BEING PERFORMED.

**GENERAL NOTES:**

- 1.) THE ENTRANCE WILL BE SIGNED AND GATED.
- 2.) OPERATING HOURS SHALL BE LIMITED TO DAYLIGHT HOURS MONDAY THROUGH SATURDAY.
- 3.) W. 10' ST. SHALL BE MAINTAINED ON A REGULAR BASIS DURING OPERATIONS AND BE FREE OF MUD AND/OR FLOODS OF DEBT.
- 4.) PROPER EROSION CONTROL AND DRAINAGE SHALL BE MAINTAINED AT ALL TIMES TO PREVENT ANY DAMAGE TO W. 10' ST.
- 5.) ACCESS SHALL BE LIMITED TO ONE LOCATION ONLY WHICH IS CURRENTLY THE EXISTING DRIVEWAY.
- 6.) WARNING SIGNS SHALL BE POSTED ALONG W. 10' ST. DURING HAULING, WARNING TRAFFIC OF TRUCKS ENTERING.
- 7.) THE LAND WILL BE RECLAIMED IN CONFORMANCE WITH USDA "FARM BILL COMPLIANCE".
- 8.) THERE SHALL BE NO GRADING WITHIN THE MINIMUM FLOOD CORRIDOR.
- 9.) RECYCLED CONCRETE MAY NOT BE USED FOR ANY NEW ENTRANCES OR FOR RE-ROOFING THAT IS NEEDED FOR MAINTENANCE PURPOSES.
- 10.) TRAFFIC CONTROL WILL BE MAINTAINED ON A DAILY BASIS WHEN BORROW SITE IS IN USE. HAULING TRUCKS AND VEHICLES ARE NOT PERMITTED TO PARK ALONG ROADWAY SHOULD FOR ANY PERIOD OF TIME.
- 11.) EXISTING LOTS OVERHEADS ALONG EAST AND NORTH - USE CAUTION.
- 12.) THE OWNER/DEVELOPER WILL BE RESPONSIBLE FOR CONTROLLING OFF-SITE DUST EMISSIONS IN ACCORDANCE WITH LINCOLN-LANCASTER COUNTY AIR POLLUTION REGULATIONS AND STANDARD ARTICLE 2, SECTION 32.

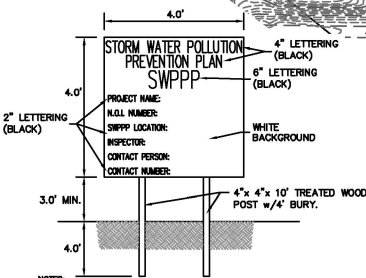
**LEGEND**

- CONSTRUCTION ENTRANCE
- EXCAVATION COMPLETE, TOP SOIL REPLACED & RETURNED TO FARMING OPERATIONS
- EXISTING CONTOURS
- PROPOSED CONTOURS
- PROPERTY LINE LIMITS
- FLOW DIRECTION



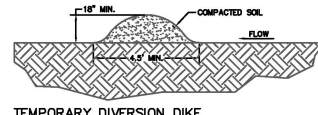
- CONSTRUCTION SPECIFICATIONS**
1. STONE SIZE - USE 2" MINIMUM, BUT NOT MORE THAN 3.5" CLEAN CRUSHED STONE.
  2. LENGTH - AS REQUIRED, BUT NOT LESS THAN 7' FEET (EXCEPT ON A SINGLE RESIDENCE LOT WHERE A 30 FOOT MINIMUM LENGTH WOULD APPLY).
  3. THICKNESS - NOT LESS THAN SIX (6) INCHES.
  4. WIDTH - TWENTY FOUR (24) FOOT MINIMUM, BUT NOT LESS THAN THE FULL WIDTH AT POINTS WHERE INGRESS OR EGRESS OCCURS.
  5. FILTER CLOTH - WILL BE PLACED OVER THE ENTIRE AREA PRIOR TO PLACING OF STONE. FILTER WILL NOT BE REQUIRED ON A SINGLE FAMILY RESIDENCE LOT.
  6. SURFACE WATER - ALL SURFACE WATER FLOWING OR DIVERTED TOWARD CONSTRUCTION ENTRANCES SHALL BE PREPARED ACROSS THE ENTRANCE IF PIPING IS IMPRACTICAL. A MOUNTAINABLE BERM WITH SIX (6) INCH SLOPES WILL BE PERMITTED. MAINTENANCE - THE ENTRANCE SHALL BE MAINTAINED IN A CONDITION WHICH WILL PREVENT TRACKING OR FLOWING OF SEDIMENT ONTO PUBLIC RIGHTS-OF-WAY. THIS MAY REQUIRE PERIODIC TOP DRESSING WITH ADDITIONAL STONE AS CONDITIONS DEMAND AND REPAIR AND/OR CLEANOUT OF ANY MEASURES USED TO TRAP SEDIMENT BY WEEDS SHALL BE CLEANED, WASHED OR TRACKED INTO PUBLIC RIGHT-OF-WAYS MUST BE CLEANED IMMEDIATELY.
  7. PERIODIC MAINTENANCE SHALL BE PROVIDED AFTER EACH RAIN. ONLY ONE CONSTRUCTION ENTRANCE IS SHOWN ON THE PLAN, IF CONTRACTOR ELECTS TO HAVE TWO ACCESS POINTS, A STABILIZED CONSTRUCTION ENTRANCE SHALL BE CONSTRUCTED AT BOTH ACCESS POINTS.

1 STABILIZED CONSTRUCTION ENTRANCE  
NO SCALE



- NOTES:**
1. SIGN TO BE CONSTRUCTED OF ROOF MATERIAL SUCH AS PLYWOOD OR OUTDOOR SIGN MATERIAL. LETTERING AND SIGN PAINT SHALL BE SUCH TO BE PROTECTED FROM THE ELEMENTS. SIGN SHALL BE LOCATED ON PUBLIC RIGHT OF WAY OR EASEMENT.
  2. SIGN SHALL BE LOCATED NEAR THE ENTRANCE TO THE SITE AND VISIBLE BY THE GENERAL PUBLIC, AND SHALL NOT BE AN OBSTRUCTION OR SAFETY HAZARD.
  3. ALL POSTED DOCUMENTS MUST BE MAINTAINED AT ALL TIMES THROUGH OUT CONSTRUCTION AND UNTIL THE NOTICE OF TERMINATION IS FILED FOR THE PERMIT.
  4. CONTRACTOR IS RESPONSIBLE TO MAINTAIN THE SIGN THROUGH OUT CONSTRUCTION AND REMOVE SIGN COMPLETELY AFTER CONSTRUCTION.

2 SWPPP SIGN DETAIL  
NO SCALE



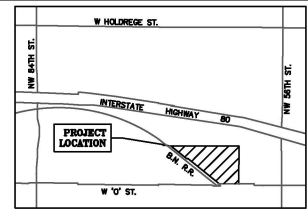
TEMPORARY DIVERSION DIKE  
NO SCALE

**TEMPORARY DIVERSION DIKE NOTES:**

1. TEMPORARY DIVERSION DIKES MUST BE INSTALLED AS A FIRST STEP IN THE LAND DISTURBING ACTIVITY AND MUST BE FUNCTIONAL PRIOR TO UPOUSE LAND DISTURBANCE.
2. THE DIKE SHALL BE ADEQUATELY COMPACTED TO PREVENT FAILURE.
3. TEMPORARY OR PERMANENT SEEDING AND MULCH SHALL BE APPLIED TO THE DIKE IMMEDIATELY FOLLOWING ITS INSTALLATION.
4. THE DIKE SHOULD BE LOCATED TO MINIMIZE DAMAGES BY CONSTRUCTION OPERATIONS AND TRAFFIC.

**MAINTENANCE:**

THE MEASURE SHALL BE INSPECTED AFTER EVERY STORM AND REPAIRS MADE TO THE DIKE, FLOW CHANNEL, OUTFLET OR SEDIMENT TRAPPING FACILITY, AS NECESSARY, ONCE EVERY TWO WEEKS. WHETHER A STORM EVENT HAS OCCURRED OR NOT, THE MEASURE SHALL BE INSPECTED AND REPAIRS MADE IF NEEDED. DAMAGES CAUSED BY CONSTRUCTION TRAFFIC OR OTHER ACTIVITY MUST BE REPAIRED BEFORE THE END OF EACH WORKING DAY.



VICINITY MAP:  
NO SCALE

**OWNER:**  
ROGER H. SCHWAB TRUST  
1334 PELICAN BAY PLACE  
LINCOLN, NE 68528  
(402) 435-8251

**ENGINEER:**  
NATHANIEL BURNETT  
REGA ENGINEERING  
601 OLD CHENEY RD. SUITE 'A'  
LINCOLN, NE 68512  
(402) 484-7342

**CONTRACTOR:**  
LAND CONSTRUCTION  
3808 WEST 10' ST.  
LINCOLN, NE 68528  
(402) 477-5283

**LEGAL DESCRIPTION:**  
LOT 23 1/2, SW 1/4 OF SECTION  
24, TOWNSHIP 10 NORTH, RANGE 5  
EAST OF THE 6TH P.M., LANCASTER  
COUNTY, NEBRASKA.

**MACHINERY:**

1. BACKHOE
2. FRONT-END LOADER
3. MOTOR GRADER

- PROJECT SCHEDULE:**
1. CONSTRUCTION ENTRANCE & SEDIMENT BASINS SHALL BE INSTALLED AND IN WORKING ORDER PRIOR TO ALL EARTHWORK.
  2. TOP SOIL, STRIPPING AND STOCK PILING, A WORKING AREA NOT TO EXCEED 20 ACRES.
  3. EARTH MINING.
  4. REPLACEMENT OF TOP SOIL.
  5. OTHER RETURN TO FARMING OPERATIONS, TEMPORARY SEEDING, OR SPRAY OR TACKLER (SEE HARRINGTON).
  6. EVENTS 2 THRU 5 TO REPEAT UNTIL GRADING HAS BEEN COMPLETED.
  7. OPERATIONAL MAINTENANCE, INSPECTION OF PRACTICES.
  8. REMOVAL OF SEDIMENT CONTROLS.

**APPROXIMATE EXCAVATION VOLUME**

NET HAUL OFF	
203,000 CY	

**TEMPORARY SEEDING SPECIFICATIONS:**

ALTERNATE NO. 1	MINIMUM PURITY (%)	APPROVED MESH, DRILL APPLICATION RATE IN LB. OF PURE LIME SEED/ACRE
OATS	90	45
ALTERNATE NO. 2		
NRD COOL SEASON #4 SEED MIX		50
1/2 FARM FESCUE	85	
1/2 PERENNIAL RYE	80	
1/2 SMOOTH BROME	80	

FERTILIZER-200 LBS/ACRE OF 18-45-0 OR 18-40-0 OR 11-32-0  
MULCH-2 TONS/ACRE OF PRAIRIE HAY OR 2.25 TONS/ACRE OF STRAW, NO BROME HAY.

NOTES: DEVELOPER SHALL HAVE THE OPTION TO USE THE ABOVE NOTED MIXES OR AN ALTERNATIVE IF APPROVED PRIOR TO PLACEMENT BY THE LOWER PLATE SOUTH NATURAL RESOURCES DISTRICT.

**PERMANENT SEEDING SPECIFICATIONS:**

MIXTURE	MINIMUM PURITY (%)	APPROVED MESH, DRILL APPLICATION RATE IN LB. OF PURE LIME SEED/ACRE
PERENNIAL PRAIRIEGRASS-LINN	85	5
WESTERN WHEATGRASS-PUNTLUCK	85	8
IDEATED GRAMA-TWILWAY	75	3
LITTLE BLUESTEM-CAMPER	40	2
SAND LOVERGRASS-HAYTIC	90	1.5
BLUE GRAMA-NEBRASKO	90	1
BLUE FLAX	90	3
BLACK-OYED SUSAN	90	1
RED CLOVER-2X INOCULATION	90	0.25
PARDONME PEA-PLATTE	90	1.25
OATS	90	20
NRD COOL SEASON #4 SEED MIX		50
1/2 FARM FESCUE	85	
1/2 PERENNIAL RYE	80	
1/2 SMOOTH BROME	80	

FERTILIZER-200 LBS/ACRE OF 18-45-0 OR 18-40-0 OR 11-32-0  
MULCH-2 TONS/ACRE OF PRAIRIE HAY OR 2.25 TONS/ACRE OF STRAW, NO BROME HAY.

NOTES: DEVELOPER SHALL HAVE THE OPTION TO USE THE ABOVE NOTED MIXES OR AN ALTERNATIVE IF APPROVED PRIOR TO PLACEMENT BY THE LOWER PLATE SOUTH NATURAL RESOURCES DISTRICT.

PROJECT  
211220 Mining Permit



- ENGINEERING
  - PLANNING
  - LANDSCAPE ARCHITECTURE
  - LAND SURVEYING
  - IRRIGATION
- REGA CA#1678

NO.	DATE	BY	DESCRIPTION

WEST 'O' MINING PERMIT  
SPECIAL PERMIT #1013D  
GRADING PLAN  
LINCOLN, NE



SHEET NO.  
1 of 2



REGA File No. 211220  
September 18, 2024

Mr. David Cary  
Planning Director  
George Wesselhoft, Planner  
Lincoln/Lancaster County Planning Department  
555 South 10<sup>th</sup> Street  
Lincoln, NE 68508

RE: West 'O' Mining Permit  
Special Permit #11013D  
NW 63<sup>rd</sup> Street and West O Street

Dear David,

On behalf of Roger Schwisow, we are submitting a special permit application for soil excavation on property located at approximately NW 63<sup>rd</sup> and West O Streets. The property is currently zoned AG. The total site includes Lot 25 of Irregular Tracts and is approximately 41.71 acres with 6.73 acres being disturbed with the requested mining activities. Previously, the same application was submitted and approved in 2008, 2011, 2018 and 2021. The latest permit was Special Permit #11013C approved in 2021.

The excavation/mining of fill material shall be used in and around the Lincoln area. The area of excavation has decreased significantly from the last approved permit. We anticipate that this will be that last request for a soil mining permit on this property.

In 2008, a ground water report was completed for the original application for soil excavation. A copy of the original report by Geotechnical Services, Inc., has been included with this application in ProjectDox.

Please feel free to contact me if you have any further questions or comments.

Sincerely,

A handwritten signature in blue ink that reads 'Nathaniel Burnett'.

Nathaniel P. Burnett, PE

Cc: Roger Schwisow

Enclosures: Application Form  
Application Fee of \$1109.00

Engineering • Planning • Surveying



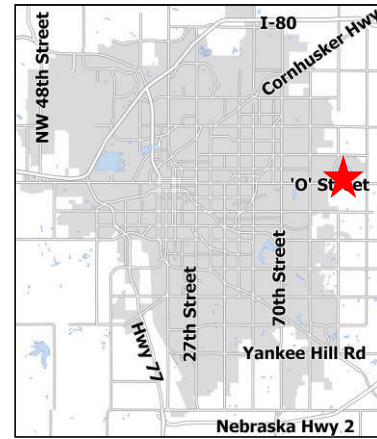
**LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT**  
 FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER Special Permit #17022C	FINAL ACTION? No	DEVELOPER/OWNER Dominion South, LLC
PLANNING COMMISSION HEARING DATE October 16, 2024	RELATED APPLICATIONS None	PROPERTY ADDRESS/LOCATION N 105 <sup>th</sup> Street & Wayborough Lane

**RECOMMENDATION: CONDITIONAL APPROVAL**

**BRIEF SUMMARY OF REQUEST**

This is a request to amend the Dominion at Stevens Creek CUP to remove the previously approved 440 multi-family units in the southern area of the CUP and replace them with 130 attached townhomes and 18 single-family attached dwellings. Waivers to increase block length; reduce the minimum lot area; reduce the minimum lot depth; reduce the minimum lot width; and reduce minimum front yard and rear yard setbacks are also requested to provide a development that incorporates a neo-traditional design concept through the use of alleys and allowing for “missing middle housing”. No other changes to the existing approved special permit are being requested. The development is located east of Waterford Estates with access from O Street at N. 105<sup>th</sup> street and is zoned R-3 Residential.



**JUSTIFICATION FOR RECOMMENDATION**

The request is appropriate as the area is identified for urban density residential in the Comprehensive Plan. The proposed density and housing types provides a less intensive housing transition to the existing single-family attached units to the north. Additionally, the request for , the reduction in block length, lot area, lot depth, setbacks, and width, which are correlative, provides the ability to provide “Missing-Middle” housing, provides additional housing choice, and will not have a detrimental impact upon the immediate or surrounding neighborhood.

**APPLICATION CONTACT**

Mike Eckert (402) 434-8494 or [meckert@civildg.com](mailto:meckert@civildg.com)

**STAFF CONTACT**

Steve Dush, (402) 441-5662 or [sdush@lincoln.ne.gov](mailto:sdush@lincoln.ne.gov)

**COMPATIBILITY WITH THE COMPREHENSIVE PLAN**

The existing land use and density of development are in conformance with the Comprehensive Plan, the established land use pattern, and the proposed waivers continue to forward the existing plan by allowing a design, urban form, and residential product type that provides more choice and diversity in the new housing stock within the community.

**WAIVERS**

1. Zoning Ordinance, Table 27.72.020(a) lot area from 6,000 square feet to 1,700 square feet on Lots 59-80 Block 4 and Blocks 26, 27, & 28. (Recommend Approval)
2. Zoning Ordinance, Table 27.72.020(a) lot width from 50 feet to 21 feet on Lots 59-80 Block 4 and Blocks 26, 27, & 28. (Recommend Approval)



3. Zoning Ordinance, Table 27.72.020(a) front yard setback from 20 feet to 15 feet on Lots 59-80 Block 4 and Blocks 26, 27, & 28. (Recommend Approval except for lots not in compliance with intersection design standards)
4. Zoning Ordinance, Table 27.72.020(a) rear yard setback from 30 feet or 20% of lot depth to 15 feet on Lots 59-80 Block 4 and Blocks 26, 27, & 28. (Recommend Approval)
5. Subdivision Ordinance 26.23.130(a) block length to exceed 1,320 feet due to the established block pattern. (Recommend Approval)
6. Subdivision Ordinance 26.23.140 (a) reduce lot depth from 90 feet to 82 feet on lots 59-80 within Block 4 and all lots on Blocks 26, 27, & 28. (Recommend Approval)

**KEY QUOTES FROM THE 2050 COMPREHENSIVE PLAN**

**Introduction Section: Growth Framework**

Figure GF.b: 2050 - This site is shown as future residential - Urban Density on the 2050 Future Land Use Plan.

**Fundamentals of Growth in Lancaster County**

The City of Lincoln’s present infrastructure investment should be maximized by planning for well-designed and appropriately-placed residential and commercial development in existing areas of the city with available capacity. This can be accomplished by redeveloping underutilized commercial centers into areas that include a mix of uses, and encouraging higher-density residential redevelopment in appropriate locations, including missing middle housing. New infrastructure investments to serve growth areas can be maximized by encouraging a higher density of both residential and commercial uses in these areas.

**The Community in 2050**

The following assumptions provide the framework for growth in the 2050 plan.

Lancaster County is projected to add approximately 53,000 households by 2050, with 48,000 of those new households in Lincoln (roughly 1,600 new households per year).

25 percent of all new dwelling units in Lincoln will be infill, meaning they will be located within the existing city. This equates to roughly 12,000 infill units over the next 30 years.

New growth areas will have an average gross residential density of 4.0 du/acre.

The population age 65 and above is projected to increase from 45,600 (14.2 percent of total) in 2020 to 74,900 (17 percent of total) in 2050.

**Benefits of Well-Planned Growth**

Continued investment within the city ensures that our existing neighborhoods and commercial areas remain vibrant and desirable locations. More “rooftops” near existing commercial areas help to support continued commercial investment.

**Goals Section**

G1: Safe, Affordable, and Accessible Housing. Lincoln and Lancaster County will support the development of safe, affordable, and accessible quality housing that meets the diverse needs of the community. PlanForward understands the ongoing need for affordable housing and supports development of 5,000 affordable units by the year 2030.

G2: Complete Neighborhoods. Lincoln and Lancaster County will support complete neighborhoods within both developing and redeveloping areas of Lincoln. A complete neighborhood is one where residents are able to get the goods and services to meet daily needs within 15 minutes of their residence including a variety of housing options, grocery stores and other

commercial services, quality public schools, public open spaces and recreational facilities, affordable active transportation options, and civic amenities. Housing variety should include townhomes, senior living facilities, low/no maintenance condominiums, accessory dwelling units, multi-family development, and even small lot single-family.

## Elements Section

### E1: Complete Neighborhoods and Housing

A complete neighborhood is more than housing - great neighborhoods combine all the elements of parks, education, commercial areas, environmental resources, and housing together in one place.

A complete neighborhood is one where residents have safe and convenient access to goods and services needed for daily life activities.

#### **Figure E1.a: Strategies for Design, Sustainability and Complete Neighborhoods in Developing Areas**

1. Encourage a mix of compatible land uses to develop more complete neighborhoods:
  - a. Similar uses on the same block face: residential faces residential.
  - b. Similar housing densities developed near each other: single-family and “missing middle” residential (3-12 units) scattered throughout with higher density residential (more than 12 units) near the neighborhood edge or clustered near commercial centers.
  - c. Non-residential uses, including parking lots, should be screened from residential areas.
  - d. Locate Commercial Centers so as residents can safely access essential goods and services (i.e. not located across arterial streets) and no more than a 15-minute walk from all residences.
2. Require sidewalks on both sides of all streets.
3. Encourage locations within neighborhoods to grow local food.
4. Plan for residences to be located within 1 mile to an existing or planned multi-use trail.
5. Plan for residences to be located within 1/2 mile to an existing or planned neighborhood park.
6. Integrate transit stops into developing neighborhoods and within a 1/2 mile distance from residences.
7. Encourage employment areas to be within a 15-minute walking distance to residences.
8. Plan for elementary or middle schools to be within a 15-minute walking distance to residences.
9. Encourage pedestrian orientation with parking at rear of residential and neighborhood commercial uses.
10. Develop shorter block lengths to provide multiple connections across residential and commercial areas.
11. Provide pedestrian connections when maximum block lengths are exceeded.
12. Encourage shared City and School facilities (aka SPARKS).
13. Provide adequate curb space to allow for on-street parking.
14. Encourage alley access and shared driveways to reduce interruptions to pedestrians, to preserve on street parking capacity, and to reduce automobile conflict points.
15. Support preservation or restoration of natural areas, and limit stream or drainageway crossings.

## Policies Section

P3: Developing Neighborhoods - Accommodate and encourage growth that aligns with PlanForward’s growth scenario and provides a mix of housing options with convenient access to parks, schools, shopping, jobs, and other community resources.

### Action Steps

1. Provide for an adequate supply of land and timely infrastructure improvements that meet the demands of growth.
2. Structure incentives to encourage higher densities to make greater use of the community’s infrastructure.
3. Encourage new development to achieve densities greater than five dwelling units per gross acre by zoning at least 20% of residentially zoned land in developing areas to allow greater than five dwelling units per acre by right.
4. Develop new design standards or zoning tools that encourage density, optimize infrastructure costs, and help lower the overall cost of property development.
5. Implement elements of Complete Neighborhoods for Developing Areas.
6. Develop and utilize a measurement tool to evaluate neighborhoods in terms of how well they achieve

- PlanForward's goals for design, sustainability, and Complete Neighborhoods goals.
7. Encourage public and private investment in neighborhood infrastructure and services to support economic diversity that improves the quality of life for all residents.
  8. Include housing for a variety of incomes and households throughout the community that is integrated into neighborhoods and provides appropriate transitions, scale, and context.
  9. Promote mixed-income neighborhoods.
  10. Preserve areas designated for multi-family, and group living housing in approved plans to support a distributed choice in affordable housing.
  11. Support addition of higher density development in existing multi-family development.
  14. Promote neighborhood and community design that supports healthy and active lifestyles, such as the benefits of street trees.
  16. Encourage a variety of housing types including townhomes, senior living facilities, low/no maintenance condominiums, accessory dwelling units, multi-family development, and small lot single-family units.

P17: Predictability - Strive for predictability for neighborhoods and developers.

#### Action Steps

1. Continue to make updates as needed to zoning and subdivision ordinances, along with design standards, to support economic development, complete neighborhoods, and other PlanForward initiatives.
2. Support timely and efficient implementation of the growth tiers framework through the Capitol Improvement Program and other coordinated infrastructure enhancements.

#### CLIMATE ACTION PLAN SPECIFICATIONS:

- p. 11 Key Initiative - Transition to Low-Carbon Energy.
- Continue incentive-based (residential, commercial, or industrial) programs promoting the installation of renewable energy systems. Incentives may include offering rebates on purchasing equipment, attractive net metering pricing, tax incentives, height allowances, setback, and area-based incentives, expedited permitting, and others.
- p. 14 Key Initiative - Build a Decarbonized and Efficient Transportation System.
- Continue to encourage mixed-use development in the Comprehensive Plan.
  - Consider Transit Oriented Development policies in the update of the Comp Plan 2050.

#### ANALYSIS

1. This is a request for an amendment to SP17022 Dominion at Stevens Creek Community Unit Plan (CUP) to remove the 440 unit multi-family residential development and replace it with 130 attached townhomes and 18 single-family attached dwellings and associated waivers to dimensional standards including lot area, lot width, lot depth, front and rear yard setbacks, and block length are inter-related due to the neo-traditional design and missing middle housing proposed. This request advances multiple elements of the comprehensive plan and provides a less intensive transition to the existing built environment. The waivers requested will not have a negative impact upon the existing and planned uses in the area. There are no additional modifications to the CUP or waivers sought.
2. The future land use map identifies the CUP for urban density residential and the proposed amendment does not increase the density or phasing in any manner.
3. The application is in keeping with the Comprehensive Plan and advances the policies of the Pipeline Planning Area (PPA) located parallel to the southern property line as there is a significant number of units being removed from the previous approval within the PPA.
4. The project will also reduce the number of vehicle trips as there is a 298 residential unit reduction from the existing approved plan.
5. The property is located within the Tier I Priority A growth tier and development is actively occurring in the immediate vicinity.

**CONDITIONS OF APPROVAL:** see attached

**EXISTING LAND USE & ZONING:** Single Family Attached, Developing and Vacant, R-3

**SURROUNDING LAND USE & ZONING**

North: Single Family Detached & Vacant - AG  
South: Single Family Detached, Ag production - AG  
East: Single Family Detached Vacant - R-4 (East Dominion Estates)  
West: Single Family Detached - R-3 (Waterford Estates)

**APPLICATION HISTORY**

- 1 The original **SP17022** approved by the City Council in February 2018 authorized a CUP for single family detached and townhome residential uses for up to 433 total dwelling units with associated waivers. The development was planned in a total of five phases. Phase 1 included 74 single family units in the northwest part of the CUP adjacent to Sky Ranch Acres to the north and Waterford Estates to the west. Phase 2 included 78 single family units located on the west side of the CUP next to Waterford Estates. Phase 3A included 78 single family units in the northeast part of the CUP while Phase 3B and Phase 4 included the southwest and southeast parts of the CUP, respectively, with 38 single family homes in Phase 3B and 83 single family homes and 82 townhome units in Phase 4.
- 2 **SP17022A** - A previous CUP amendment was approved by the City Council in January 2022 and removed 77 single family and townhome lots and added 462 multi-family units. This amendment resulted in a total permissible 835 residential units consisting of 297 single family detached units, 76 single family attached units, and 462 apartment units.
- 3 **AA24024** approved a request to adjust lot widths and increase the density by 2 single family lots and within the permissible density.
- 4 **SP17022B** - A previous CUP amendment was approved by the City Council in July 2024 to request waivers to: 1) reduce the average minimum lot width from 40 feet to 35 feet; and 2) reduce the lot area per family unit from 5,000 SF to 4,200 SF.
- 5 There have been 11 final plats completed as of the time of this application within the CUP.

**APPROXIMATE LAND AREA:** 152.26 acres overall

**LEGAL DESCRIPTION:** See Attached

Prepared by Steve Dush, AICP  
(402) 441- 5662 or [sdush@lincoln.ne.gov](mailto:sdush@lincoln.ne.gov)

Date: October 2, 2024

Applicant/Contact: Civil Design Group, Inc.  
Mike Eckert, AICP  
8535 Executive Woods Drive  
Lincoln, NE 68512  
402-434-8494 or [meckert@civildg.com](mailto:meckert@civildg.com)

Owner: Dominion South, LLC  
429 Industrial Drive  
Grand Island, NE 68803

[https://linclanc.sharepoint.com/sites/PlanningDept-DevReview/Shared Documents/DevReview/SP/17000/SP17022C\\_Dominion at Stevens Creek CUP.docx](https://linclanc.sharepoint.com/sites/PlanningDept-DevReview/Shared Documents/DevReview/SP/17000/SP17022C_Dominion at Stevens Creek CUP.docx)

## CONDITIONS OF APPROVAL - SPECIAL PERMIT #17022C

Per Section 27.63.320 this approval permits a Community Plan with up to 541 dwelling units consisting of single family, single family attached, and townhome units, all previously approved waivers and the following additional waivers: reduce minimum lot area from 6,000 square feet to 1,700 square feet; reduce lot width from 50 feet to 21 feet; reduce front yard setbacks from 20 feet to 15 feet except for corner lots not in compliance with intersection design standards; reduce rear yard setbacks from 30 feet or 20% of lot depth to 15 feet; increase block length from 1,320 feet to dimensions per site plan; reduce lot depth from 90 feet to 82 feet.

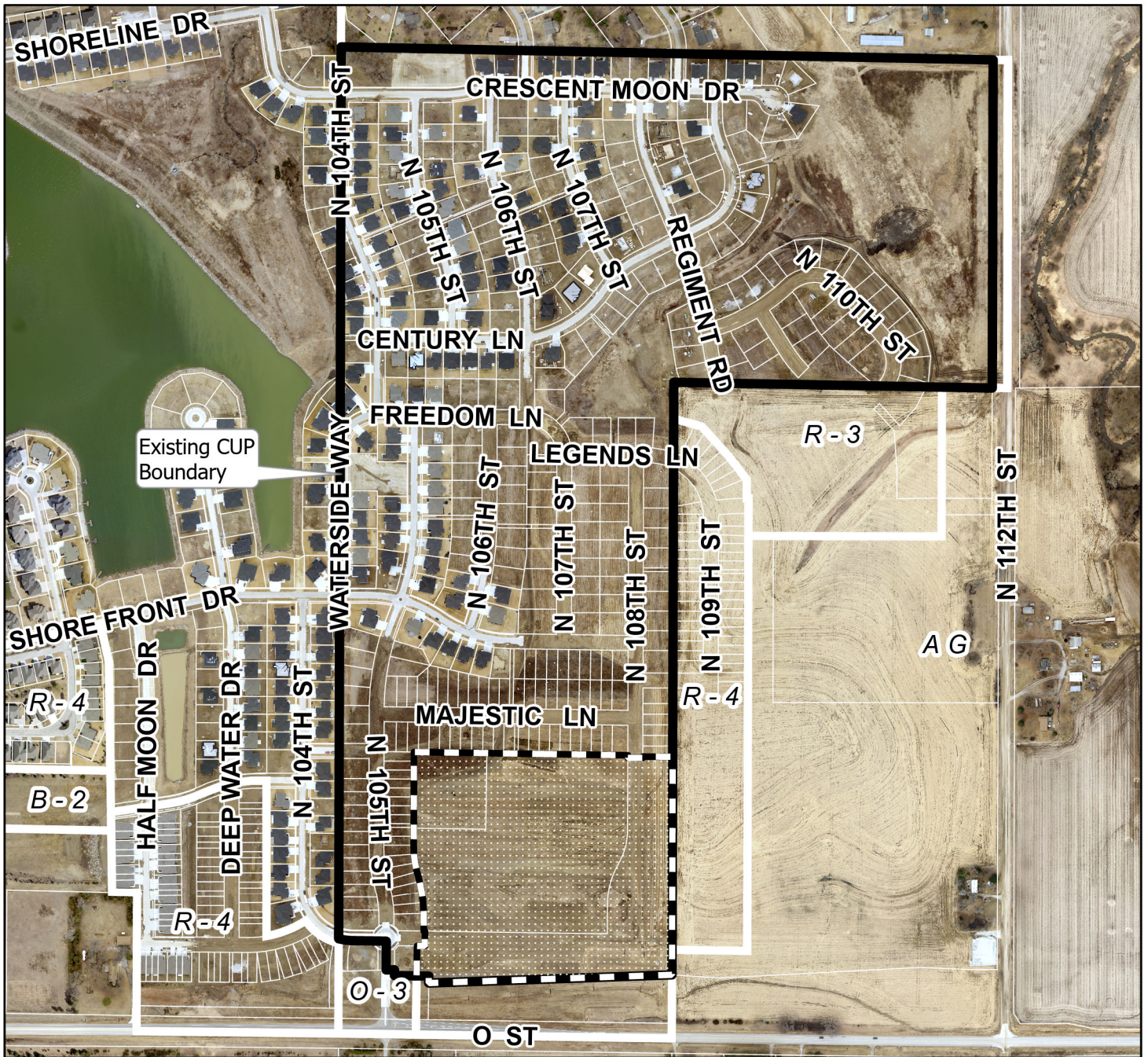
### Site Specific Conditions:

1. 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 2 copies with all required revisions and documents as listed below:
  - 1.1 Revise the grading plan, if needed, after submitting for LTU review and approval a plan depicting the difference in impermeable area from the previous design and proposed design with smaller lots to ensure the design change will not impact the overall drainage calculations per City of Lincoln requirements.
  - 1.2 Add to the General 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 Building & Safety Department prior to installation".
  - 1.3 Revise site plan to illustrate compliance with T-Intersection design standards per City of Lincoln standards; reconcile only those areas within the plan that have changed through the use of "clouding" to note the change; and other technical comments per City of Lincoln standards.
  - 1.4 Revise site plan to depict the Lincoln Design Standards for intersection sight triangles for uncontrolled intersections.
  - 1.5 Add note to plan indicating all garages attached to the residential units shall have a front yard setback of 20 feet when the garage faces that street.
  - 1.6 Revise plans to depict compliance with City of Lincoln standards per LTU-Traffic comments dated 9/27/2024.

### Standard Conditions:

2. The following conditions are applicable to all requests:
  - 2.1 Before occupying the dwelling units / buildings or starting the operation all development and construction shall substantially comply with the approved plans.
  - 2.2 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.
  - 2.3 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.
  - 2.4 The terms, conditions, and requirements of this resolution shall run with the land and be binding upon the Permittee, its successors and assigns.

- 2.5 The applicant shall sign and return the letter of acceptance to the City Clerk. This step should be completed within 60 days following the approval of the special permit. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the applicant. Building permits will not be issued unless the letter of acceptance has been filed.
- 2.6 The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all prior resolutions approving this permit remain in full force and effect as specifically amended by this resolution.



**Special Permit #: SP17022C**  
**Dominion at Stevens Creek CUP**  
**N 105th St & O St**

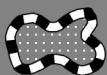


2020 aerial

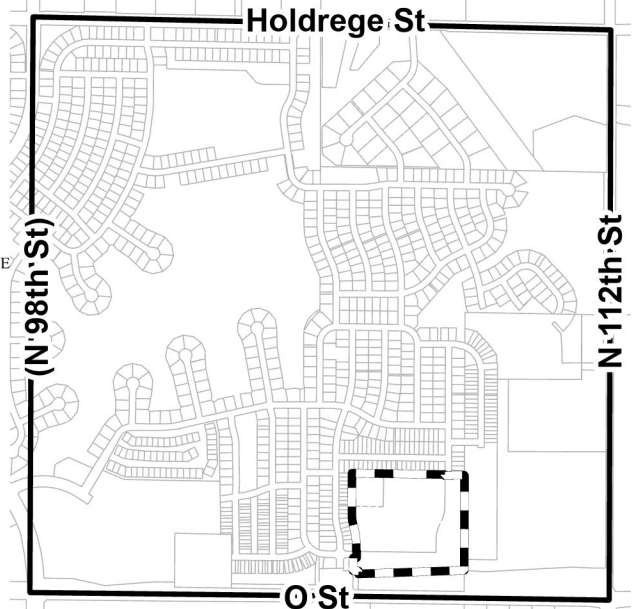
**Zoning:**

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

One Square Mile:  
 Sec.24 T10N R07E



	Area of Application
	Zoning Jurisdiction Lines
	Lancaster County Jurisdiction









# Civil Design Group, Inc.

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

October 2, 2024

Mr. David Cary, Director of Planning  
City of Lincoln/Lancaster County  
555 S. 10<sup>th</sup> St, Room 213  
Lincoln, NE 68508

**RE: Application for Amendment to the Dominion at Stevens Creek CUP, CDG project #2024-0104.**

Dear Mr. Cary:

On behalf of Dominion South, LLC we submit the above mentioned application for an amendment to Dominion at Stevens Creek CUP. This amendment is seeking to remove 440 multi-family units in the southern area of this CUP and replace them with 130 attached townhomes in groupings of three to five units along with 18 single-family attached dwellings. The associated grading plans, hydrology calculations and street profiles will be uploaded.

In order to accommodate the design of these units with alley access we are requesting the following waivers:

- To LMC 27.72.020(a) R-3, 'other allowed uses' for the townhomes located on Lots 59-80 Block 4 and Blocks 26, 27, & 28, and to allow accessory uses on Lots 34 & 35 Block 26, Lot 39, Block 27 and Lot 38, Block 28, to reduce the yard setbacks and minimum lot area as follows: Minimum Lot Area from 6,000 SF to 1,700 SF, the Average Lot Width from 50' to 21', the Front Yard setback from 20' to 15' and the Rear Yard setback to 15'.
- To LMC 26.23.140(a) to reduce the minimum lot depth of a residential from 110' to 82' on Lots 59-80 Block 4 and all lots on Blocks 26, 27, & 28.

In conjunction with this submittal we have included the following:

City of Lincoln CUP Amendment Fee: \$1,109.00  
Amendment Community Unit Plan Application  
Plans uploaded via Project Dox

I hope that this letter and associated plans provide you with the enough information to review this application. Please call me at (402) 434-8494 if you have questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Mike Eckert".

Mike Eckert, AICP

Encl

Cc: Dominion South, LLC

/Volumes/Public/F/Projects/2024/20240104/Landplanning/Doc/2024-0104 Full CUP Amendment 10-02-24.docx

DOMINION AT STEVENS CREEK  
AMENDED SPECIAL PERMIT

A legal description of a tract of land composed of Dominion at Stevens Creek Addition a portion of Lots 9 & 10, Block 3, Lots 1-3, Block 4, Lots 1-12, Block 5, Lots 1-11, Block 6, Lots 1-2, Block 7, Lots 1-5, Block 8, Lot 2, Block 9 and Outlots 'E' & 'F'; Dominion at Stevens Creek 2nd Addition Lots 1-17, Block 1, Lots 1-6, Block 2, Lot 1, Block 3, Lots 1-14, Block 4, Lots 1-2, Block 5, Lot 1, Block 6, Lots 1-5, Block 7 and Outlots 'B', 'C', 'D' and 'E'; Dominion at Stevens Creek 3rd/ Addition Lots 1-10, Block 1, Lots 1-15, Block 2, Lots 1-10, Block 3, Lots 1-5, Block 4, Lots 1-7, Block 5, Lot 1, Block 6 and Outlots 'A', 'B' and 'C'; Dominion at Stevens Creek 4th/ Addition Lot 1; Dominion at Stevens Creek 5th/ Addition Lots 1-6, Block 1, Lots 1-10, Block 2, Lots 1-10, Block 3, Lots 1-10, Block 4, Lots 1-16, Block 5, Lots 1-8, Block 6, Lot 1, Block 7 and Outlot 'D'; Dominion at Stevens Creek 6th/ Addition Lots 1-3, Block 1, Lots 1-14, Block 2, Lots 1-3, Block 3, Lots 1-8, Block 4 and Outlots 'A', 'B' and 'C'; Dominion at Stevens Creek 7th/ Addition Lots 1-4, Block 1, Lots 1-6, Block 2, Lots 1-8, Block 3, Lots 1-18, Block 4, Lots 1-18, Block 5, Lots 1-10, Block 6, Lots 7-16, Block 7, Lots 1-10, Block 8, Lots 1-6, Block 9, Outlots 'A', 'B', 'E', 'F', 'G' and 'H'; Dominion at Stevens Creek 8th/ Addition Lot 1-6, Block 1, Lot 1, Block 2, Lots 1-14, Block 3, Lots 1-2, Block 4; Dominion at Stevens Creek 9th/ Addition Lots 1-10; Dominion at Stevens Creek 10th/ Addition Lots 1-11, Block 1, and Outlots 'A', 'B' and 'C'; and the adjacent west half of N. 112th Street, all located in Section 24, Township 10 North, Range 7 East, of the 6th P.M., Lincoln, Lancaster County, Nebraska and more particularly described as follows:

Referring to the Southwest Corner of the Southeast Quarter of said Section 24; Thence North, on the West Line of the Southeast Quarter on an assumed bearing of N 00°10'16" E for a distance of 392.08' to a point on the Centerline of Wayborough Lane, said point being the Point of Beginning;

Thence N 00°10'16" E, on the West Line of the Southeast Quarter of Section 24, for a distance of 2243.43' to the Southwest Corner of the South Half of the Northeast Quarter of Section 24; Thence N 00°09'38" E, on the West Line of the South Half of the Northeast Quarter of Section 24, for a distance of 1321.04' to the Northwest Corner of the South Half of the Northeast Quarter of Section 24, said point also being the Northeast Corner of Outlot 'B' Dominion at Stevens Creek 2nd Addition; Thence S 88°51'12" E, on the North Line of the South Half of the Northeast Quarter of Section 24, and on the North Line of Dominion at Stevens Creek 2nd, 3rd and 5th Additions, for a distance of 2676.41' to the Northeast Corner of the South Half of the Northeast Quarter of Section 24; Thence S 00°09'35" W, on the East Line of the South Half of the Northeast Quarter of Section 24, for a distance of 1314.02' to the Southeast Corner of the North Half of the Northeast Quarter of Section 24; Thence N 88°59'43" W, on the South Line of the South Half of the Northeast Quarter of Section 24, and on the South Line of Dominion at Stevens Creek 5th and 6th Additions, for a distance of 1338.08' to the Northeast Corner of the West Half of the Southeast Quarter of Section 24, said point also being a Corner of Dominion at Stevens Creek 7th Addition; Thence S 00°10'18" W, on the East Line of the West Half of the Southeast Quarter of Section 24, and the East

Line of Dominion at Stevens Creek 10th Addition, for a distance of 2377.77' to the Southeast Corner of Outlot 'A' Dominion at Stevens Creek 10th Addition;  
Thence on the South and West Lines of Outlot D Dominion at Stevens Creek 10th Addition the following 4 courses:  
S 87°55'09" W, for a distance of 976.90'  
Thence N 00°51'40" E for a distance of 30.36';  
Thence N 89°08'20" W for a distance of 137.90';  
Thence N 00°10'16" E for a distance of 23.34';  
Thence S 88°14'59" W for a distance of 33.06' to a point on the Centerline of N. 105th Street; Thence N 00°10'16" E, on the Centerline of N. 105th/ Street, for a distance of 128.18' to the intersection of N. 105th Street and Wayborough Lane;  
Thence on the Centerline of Wayborough Lane the following 2 courses:  
N 89°08'20" W for a distance of 138.86';  
Thence with a curve turning to the right, with an arc length of 53.24', with a radius of 200.00', with a chord bearing of N 81°30'00" W, with a chord distance of 53.08', to the Point of Beginning, and having a calculated area of 154.07 Acres more or less.

Subject to any and all easements and restrictions of record.



**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 #24031	FINAL ACTION? Yes	DEVELOPER/OWNER MASP Industries/ Detweiler Properties
PLANNING COMMISSION HEARING DATE Oct. 16, 2024	RELATED APPLICATIONS None	PROPERTY ADDRESS/LOCATION 3200 N 20 <sup>th</sup> Street

**RECOMMENDATION: CONDITIONAL APPROVAL**

**BRIEF SUMMARY OF REQUEST**

This is a request for a Special Permit for the I-1 District for the production, manufacture, or distribution of arsenals per Lincoln Municipal Code (LMC) Section 27.63.290 on approximately 0.19 acres, generally located at 3200 N 20<sup>th</sup> Street. This request will permit the small-scale manufacture of firearms and firearms parts.



**JUSTIFICATION FOR RECOMMENDATION**

The request, subject to the conditions of approval, meets the requirements of LMC 27.63.290. The manufacture of firearms and firearms parts uses non-toxic materials and processing methods and will have minimal impact on the surrounding uses. The Lincoln/Lancaster Health Department reviewed the proposal and recommended approval of the permit. The nearest dwelling is approximately 390 feet from the use.

**APPLICATION CONTACT**

Tigh Mumbaard, MASP Industries (402) 770-7962 or [tigh@maspindustries.com](mailto:tigh@maspindustries.com)

**STAFF CONTACT**

Emma Martin, (402) 441-6369 or [emartin@lincoln.ne.gov](mailto:emartin@lincoln.ne.gov)

**COMPATIBILITY WITH THE COMPREHENSIVE PLAN**

The proposed use is compatible with the 2050 Comprehensive Plan. MASP Industries, the applicant, is a small business and is a light industrial use within the City of Lincoln's limits. The City of Lincoln and Lancaster County have policies and elements in place to encourage the growth and retention of small businesses, as well as locating industrial uses within the City limits while protecting residential uses. This request helps the City and County meet those goals.

**KEY QUOTES FROM THE 2050 COMPREHENSIVE PLAN**

**Introduction Section:** Growth Framework

Figure GF.b: 2050 - This site is shown as future Commercial on the 2050 Future Land Use Plan.

Land Use Plan - Commercial - Areas of retail, office, service and residential mixed uses. Commercial uses may vary widely in their intensity of use and impact.

## Policies Section

P10: Supporting Small Businesses - Support the development, growth, and retention of small businesses.

Supporting small businesses is important to the local economy for a variety of reasons. Small businesses provide an opportunity for local entrepreneurs to enter the marketplace, serve as a platform for innovation, and nurture businesses that specialize in niche products and services.

P61: Industrial Zoning and Pipelines - Provide adequate separation between vulnerable populations and hazardous materials to protect and promote the public's health.

### Action Steps

2. Land uses with vulnerable populations should not be located within 300 feet of an industrially-zoned district or heavy industrial use.

## Elements Section

E3: Business, Economy and Workforce

### **Commercial and Industrial Development**

Commercial and Industrial Centers in Lancaster County should be located:

- Within the City of Lincoln or incorporated villages.
- Outside of saline wetlands, signature habitat areas, native prairie and floodplain areas (except for areas of existing commercial and industrial zoning).
- Where urban services and infrastructure are available or planned for in the near term. In sites supported by adequate road capacity – commercial development should be linked to the implementation of the transportation plan.
- In areas compatible with existing or planned residential uses.
- In existing underdeveloped or redeveloping commercial and industrial areas in order to remove blighted conditions and to more efficiently utilize existing infrastructure.
- In areas accessible by various modes of transportation (i.e. automobile, bicycle, transit, and pedestrian).
- So that they enhance entryways or public way corridors, when developing adjacent to these corridors.
- In a manner that supports the creation and maintenance of green space as indicated in the environmental resources section of this Plan.

### *Light Industrial*

The Light Industrial category is for uses that have a minimal impact on surrounding properties. They could include lighter manufacturing uses with some additional office and retail uses located within the center, such as the Horizon Business Center located near 14th & Pine Lake Road south of Lincoln Southwest High School. Light industrial centers can be located more closely to residential uses than traditional industrial centers, though residential uses should be buffered through landscaping, setbacks, and transitional uses, such as office or open space.

## **ANALYSIS**

1. This application is a request to permit the manufacture of firearms. This request falls under the I-1 use group of the production, manufacture, or distribution of arsenals.
2. The applicant, MASP Industries, states they currently manufactures around 200 guns per year and does not use any hazardous materials. The manufacturing process uses parts that are made mainly of aluminum and stainless alloys and uses non-toxic water based cutting fluids. MASP Industries does not manufacture magazines and holds a Federal Firearms License with the Bureau of Alcohol, Tobacco and Firearms (ATF). The special permit does not limit the amount of firearms that could be manufactured in the future.
3. Building & Safety has noted that a building permit will be required to change the use of the building to ensure that

all building and safety codes are being applied and met. The Lincoln-Lancaster Health Department recommended approval of the special permit.

4. The 2050 Comprehensive Plan discourages industrial uses closer than 300 feet to vulnerable and residential populations. The measured distance from the proposed special permit to the nearest residential use is approximately 390 feet.
5. Lincoln Municipal Code (LMC) 27.63.290 for I-1 District Special Permits does not have a set list of requirements for projects and activities, as there are a variety of unique and uncommon uses that may fall under the Industrial umbrella. As such, I-1 District Special Permit requirements are developed in a case-by-case basis. In this case, the project was reviewed to determine if there were any traffic or health and safety concerns with the use. A firearms manufacturer in the I-1, if located near residential uses would not be appropriate. In this case, given the small size of the facility and distance to residential uses, the use is appropriate. No additional parking is required because I-1 zoning does not have a minimum parking requirement.
6. This project helps the City of Lincoln meet elements and policy goals laid out in the 2050 Comprehensive Plan. Specifically, Element 3 for Business, Economy, and Workforce and Policy 10 for Small Business. Element 3 encourages that industrial development and businesses be in areas compatible with existing residential uses. MASP Industries activity is in an existing I-1 district that is bordered by other commercial and industrial uses. It will have no additional impact on any nearby residential uses.
7. Policy 10 encourages supporting the development, growth, and retention of small businesses in the City of Lincoln. Supporting MASP Industries fits with Lincoln and Lancaster County's policy of serving as a place that nurtures businesses that specialize in niche products and small businesses as a whole.

**CONDITIONS OF APPROVAL:** See attached.

**EXISTING LAND USE & ZONING:** Light Industrial & Commercial                      I-1, Industrial District

**SURROUNDING LAND USE & ZONING**

North: Light Industrial & Commercial    I-1, Industrial District  
South: Light Industrial & Commercial    I-1, Industrial District  
East: Light Industrial & Commercial    I-1, Industrial District  
West: Light Industrial & Commercial    H-3, Highway Commercial District

**APPROXIMATE LAND AREA:** 0.19 acres, more or less

**LEGAL DESCRIPTION:** A portion of Lot 1, specifically the southern 130 feet of the western 177 feet of Lot 1, Cornhusker Industrial Plaza 2nd Addition, in the SE 1/4 of section 12-10-6, Lincoln, Lancaster County, Nebraska generally located at 3200 N 20th Street.

Prepared by Emma Martin, Planner  
(402) 441-6369 or [emartin@lincoln.ne.gov](mailto:emartin@lincoln.ne.gov).

Date: October 2, 2024

Applicant/Contact: Tigh Mumgaard, MASP Industries  
3200 N 20<sup>th</sup> Street  
Lincoln, NE 68521  
[tigh@maspindustries.com](mailto:tigh@maspindustries.com)

Owner: Detweiler Properties  
3441 NW 84<sup>th</sup> Street  
Lincoln, NE 68524  
[gdetw@windstream.net](mailto:gdetw@windstream.net)

<https://linclanc.sharepoint.com/sites/PlanningDept-DevReview/Shared Documents/DevReview/SP/24000/SP24031 3200 N 20th Street I-1 Special Permit.edm.docx>



## CONDITIONS OF APPROVAL - SPECIAL PERMIT #24031

Per Section 27.63.290 this approval permits an I-1 District Special Permit for 8,300 square feet of production, manufacture, or distribution of arsenal.

### Standard Conditions:

1. The following conditions are applicable to all requests:
  - 1.1 Before occupying buildings or starting the operation all development and construction shall substantially comply with the approved plans.
  - 1.2 The physical location of all setbacks and yards, buildings, parking and circulation elements, and similar matters be in substantial compliance with the location of said items as shown on the approved site plan.
  - 1.3 The terms, conditions, and requirements of this resolution shall run with the land and be binding upon the Permittee, its successors and assigns.
  - 1.4 The applicant shall sign and return the letter of acceptance to the 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.



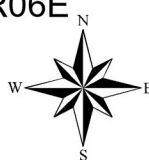
**Special Permit #: SP24031**  
**N 20th St & Cornhusker Hwy**

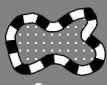


2020 aerial

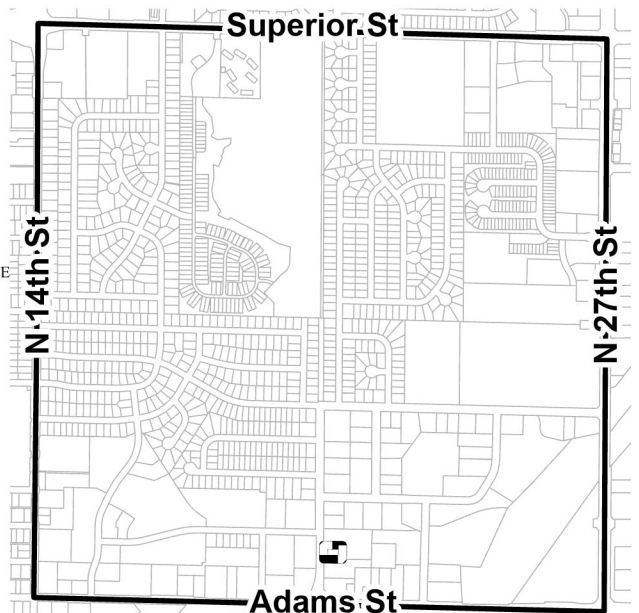
**Zoning:**

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

One Square Mile:  
 Sec.12 T10N R06E



	Area of Application
	Zoning Jurisdiction Lines
	Lancaster County Jurisdiction

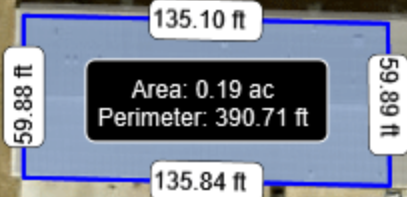


Parcel ID: 1112421001000  
Situs Address: 3260 N 20TH ST, LINCOLN, NE  
68521  
Legal Description: CORNHUSKER  
INDUSTRIAL PLAZA 2ND ADDITION, Lot 1

3260

3250

Existing Building



3220

2130

N 20th  
Street

3201

Permit is only for the southern 130 feet of the western 175 feet of  
Lot 1, Cornhusker Industrial Plaza 2nd Addition

50

Site Plan SP24031: 3200 N 20th Street I-1 Special Permit



Lincoln-Lancaster County Planning Department  
555 S 10th Street, Suite 213  
Lincoln, NE 68508

**Re: Special Permit Application  
MMST Group, LLC  
MMST Group Special Permit**

Dear Planning Committee:

We are hereby applying for a Special Permit under Section 27.63.290 I-1 District on property located at 3200 NORTH 20TH STREET LINCOLN, NE 68521 within a I-1 Zone as the department has stated is required to manufacture firearms.

Relating to the proposal, please find the following relevant information.

We are a precision manufacturing business that has been located and operating at the above stated location since 2017. We are an ITAR approved critical manufacturer for the likes of SpaceX, Blue Origin, NASA, Northrop Grumman, L3, Boeing, Los Alamos National Laboratories, Department of Energy, among many others. We use precision CNC machines to manufacture parts made mostly from aluminum and stainless alloys, using non-toxic water based cutting fluids. We recycle 99% of our material and tooling "waste" and do not create any toxic or dangerous byproducts in our manufacturing processes. MMST Group LLC is also a Federal Firearms License holder with authorization to buy, sell and manufacture serialized firearms. We use the same materials, machines and processes when manufacturing firearms as the processes stated above for the manufacturing of aerospace parts. Our firearms manufacturing is limited to small run, high precision, unique firearms that creates no additional safety or hazard concerns for our employees, the neighborhood or the environment. We do not partake in the storage or manufacturing of any toxic, flammable or explosive materials.

The owner of the property, has authorize us to conduct this type of business at this property.

Very truly yours,

Tigh Mumgaard

A handwritten signature in black ink, appearing to read "Tigh Mumgaard", written over a horizontal line.

9/13/24

MASP INDUSTRIES | 3200 NORTH 20TH ST LINCOLN, NE 68521 | 402.937.9290  
WWW.MASPINDUSTRIES.COM



## 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  
Use Permit #15015A

FINAL ACTION?  
Yes

DEVELOPER/OWNER  
IBEW Local Union #256

PLANNING COMMISSION HEARING DATE  
October 16, 2024

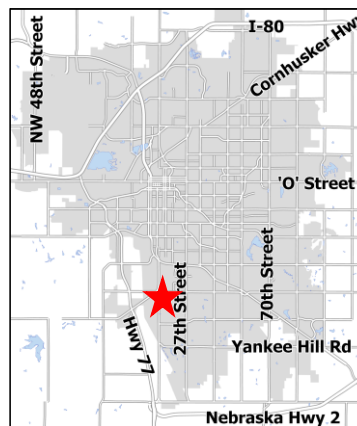
RELATED APPLICATIONS  
None

PROPERTY ADDRESS/LOCATION  
1415 S. Old Farm Road

### RECOMMENDATION: CONDITIONAL APPROVAL

#### BRIEF SUMMARY OF REQUEST

This is a request to amend the existing Use Permit #1515A for the International Brotherhood of Electrical Workers (IBEW) Local Union #256 location, generally located at the northeast corner of S. 14<sup>th</sup> Street and S. Old Farm Road. The property is zoned O-3 Office Park and approximately 2.15 acres. The amendment is proposed to show a future addition of a 7,500 square foot building, bringing the total allowed square footage within the permit boundary to 21,521 square feet.



#### JUSTIFICATION FOR RECOMMENDATION

The request for the amendment is compatible as the site is within an existing use permit today. The applicant is not requesting an expansion of the existing use permit boundary or modification to the existing access on Old Farm Road. The additional space will be used for office space and training with no expected impacts on the existing access or traffic on site. There are no concerns with the abutting residential to the east as no new waivers are being requested with this amendment, requiring the building expansion to meet the previously approved 10-foot rear yard setback.

#### APPLICATION CONTACT

REGA Engineering, Nate Burnett, (402) 484-7342 or [nate@regaeng.com](mailto:nate@regaeng.com)

#### STAFF CONTACT

Ben Callahan, (402) 441-6360 or [bcallahan@lincoln.ne.gov](mailto:bcallahan@lincoln.ne.gov)

#### COMPATIBILITY WITH THE COMPREHENSIVE PLAN

This request is compatible with the Comprehensive Plan as the area is shown to continue as future commercial. The Comprehensive Plan defines Commercial as areas of retail, office, service and residential mixed uses that can vary in intensity and use. The site is developed with access and within close proximity to a major arterial roadway.

## KEY QUOTES FROM THE 2050 COMPREHENSIVE PLAN

### Introduction Section: Growth Framework

Figure GF.b: 2050 - This site is shown as future commercial on the 2050 Future Land Use Plan.

Land Use Plan - 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.

### Goals Section

G2: Complete Neighborhoods. Lincoln and Lancaster County will support complete neighborhoods within both developing and redeveloping areas of Lincoln. A complete neighborhood is one where residents are able to get the goods and services to meet daily needs within 15 minutes of their residence including a variety of housing options, grocery stores and other commercial services, quality public schools, public open spaces and recreational facilities, affordable active transportation options, and civic amenities. Housing variety should include townhomes, senior living facilities, low/no maintenance condominiums, accessory dwelling units, multi-family development, and even small lot single-family.

G4: Economic Opportunity. Lincoln and Lancaster County will have high-quality jobs in an economic environment that supports business creation, innovation, and expansion. Quality-of-life attributes, such as diverse and accessible housing, good shopping, restaurants and entertainment, quality schools and healthcare, a sense of safety, and amenities such as parks and trails are important to ensuring that skilled individuals want to remain or relocate to our community.

### Elements Section

#### E2: Infill and Redevelopment

##### Commercial Infill

##### Figure E3.f: Commercial Infill Design Strategies

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

### Policies Section

P14: Commercial Infill - Develop infill commercial areas to be compatible with the character of the area.

#### Action Steps

1. Implement commercial infill redevelopment principles as discussed in the Business & Economy element.
2. Maintain and encourage businesses that conveniently serve nearby residents, while ensuring compatibility with adjacent neighborhoods.

3. Avoid encroachment into existing neighborhoods during expansion of existing commercial and industrial uses, and take steps to ensure expansions are in scale with the adjacent neighborhood, use appropriate screening, fulfill a demonstrated need, and do not hinder health and safety.
4. Prioritize retaining areas for continued residential development in older sections of the community by maintaining existing housing and supporting infill housing. Prior to approving the removal of housing to provide additional parking for existing centers, alternatives such as reduced parking requirements, shared parking, additional on-street parking, and/or the removal of other commercial structures should be explored. Maintain and encourage ethnically diverse commercial establishments that are beneficial to existing neighborhoods.

#### CLIMATE ACTION PLAN SPECIFICATIONS:

- p. 11 Key Initiative - Transition to Low-Carbon Energy.
- Continue incentive-based (residential, commercial, or industrial) programs promoting the installation of renewable energy systems. Incentives may include offering rebates on purchasing equipment, attractive net metering pricing, tax incentives, height allowances, setback, and area-based incentives, expedited permitting, and others.

#### ANALYSIS

1. This is a request for an amendment to the IBEW Local Union #265 Use Permit #15015A to allow a future building expansion on site. The property is located at the northeast corner of S. 14<sup>th</sup> Street and Old Farm Road. The property is zoned O-3 Office Park and approximately 2.15 acres in size.
2. The site is surrounded by a mix of residential uses with a multifamily dwellings zoned R-4 to the north and east. To the south is the Lincoln Memorial Park Cemetery, and single family residential zoned R-2 Residential to the west across S. 14<sup>th</sup> Street.
3. The IBEW purchased the site in 1973 and constructed the first building. The use permit was originally approved in 2016 with a change of zone from H-3 Highway Commercial to O-3 Office Park based on the surrounding residential uses. The use permit including a site plan showing a future and proposed building totaling 8,400 square feet which was later built in 2017 on the southeast corner of the site. In 2016, the setbacks along the south and east side of the permit boundary were reduced to 10 feet. The proposed building additional will continue to meet the previously approved setbacks as the applicant is not proposing any additional waivers with this request.
4. The use permit currently has two separate buildings on site totaling approximately 14,021 square feet. The proposed amendment would allow for an expansion of 7,500 square feet for a new total of 21,521 square feet of floor area within the use permit boundary. The proposed building expansion is for additional office and training space on site for IBEW. The full amendment is required as 7,500 square feet is more than 15% of the existing floor area on site, which requires the Planning Commission approval for the increase.
5. Access to the site will remain as it exists today with one access point on Old Farm Road. The site will continue to use the existing parking lot and will not be required to provide more parking spaces with the building addition as it is important to note there is no parking requirement in the O-3 zoning district. As part of the submittal the applicant has submitted an updated grading plan and landscape plan. As part of the original approval in 2016, a landscape plan was required as a majority of the landscape screen along the west side of the property, along Old Farm Road is located slightly outside of the property line and within the public right-of-way and the responsibility of the owner. Additionally, because the setbacks were reduced along the south and east side, the landscape plan detailed additional landscaping along the south property line abutting the cemetery and a new 6' tall opaque fence along the east property line which will still be required.
6. The request for the amendment to the existing use permit is compatible with the existing use of the site and the proposed location for the future building expansion. The amendment will update the maximum allowed floor area for the site and continue to follow the O-3 zoning for allowed uses on site. The request is compatible with the 2050 Comprehensive Plan and site is shown to continue for commercial on the Future Land Use Map. The proposed additional and modification of the site plan is not expected to have any adverse impact on the surrounding property as the ingress and egress to the site will remain the same along with the required landscaping and fencing associated with the use permit. The proposed building addition will continue to meet the required setbacks as

approved in the use permit in 2016 as no additional waivers were requested to the O-3 zoning regulations.

**CONDITIONS OF APPROVAL:** See attached.

**EXISTING LAND USE & ZONING:** IBEW Local Union #265 & O-3 Office Park

**SURROUNDING LAND USE & ZONING**

North: Multifamily Residential	R-4 Residential
South: Lincoln Memorial Park Cemetery	R-1 Residential
East: Multifamily Residential	R-4 Residential
West: Single Family Residential	R-2 Residential

**APPLICATION HISTORY**

Dec 2016 Change of Zone #15038 from H-3 Highway Commercial to O-3 Office Park with Use Permit #15015 allowing a new 8,500 square foot building for the I B E W site was approved.

**APPROXIMATE LAND AREA:** 2.15 acres, more or less

**LEGAL DESCRIPTION:** Lot 68 NW I. T.

Prepared by Ben Callahan, Planner  
(402) 441-6360 or [bcallahan@lincoln.ne.gov](mailto:bcallahan@lincoln.ne.gov)

Date: October 3, 2024

Applicant/  
Contact: REGA Engineering  
Nate Burnett  
601 Old Cheney Road, Suite A  
Lincoln, NE 68512  
(402) 484-7342  
[nate@regaeng.com](mailto:nate@regaeng.com)

Owner: I B E W Local Union #265  
P.O. Box 22725  
Lincoln, NE 68512  
(402) 423-4497  
[Roy.lamb@ibew265.org](mailto:Roy.lamb@ibew265.org)

<https://linclanc.sharepoint.com/sites/PlanningDept-DevReview/Shared Documents/DevReview/UP/15000/UP15015A IBEW Use Permit.bmcdocx.docx>



## CONDITIONS OF APPROVAL - USE PERMIT #15015A

This approval permits the increase in the allowed floor area within the use permit from 14,021 to 21,521 square feet.

### Site Specific Conditions:

1. The permittee shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including 2 copies with all required revisions and documents as listed below upon approval before receiving building permits.
  - 1.1 Provide table on Sheet 1 stating the maximum approved floor area and built floor area.
  - 1.2 Add to the General 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 Building & Safety Department prior to installation".

### Standard Conditions:

2. The following conditions are applicable to all requests:
  - 2.1 Before occupying the building all development and construction is to substantially comply with the approved plans.
  - 2.2 All privately-owned improvements, including landscaping, are to be permanently maintained by the Permittee.
  - 2.3 The physical location of all setbacks and yards, buildings, parking and circulation elements, and similar matters must be in substantial compliance with the location of said items as shown on the approved site plan.
  - 2.4 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
  - 2.5 The applicant shall sign and return the letter of acceptance to the City Clerk. This step should be completed within 60 days following the approval of the special permit. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefore to be paid in advance by the applicant. Building permits will not be issued unless the letter of acceptance has been filed.
  - 2.6 The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all resolutions/ordinances approving previous permits remain in force unless specifically amended by this resolution. This site plan supersedes Use Permit #15015.



2020 aerial

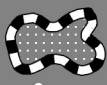


**Use Permit #: UP15015A**  
**S 14th St & S Old Farm Rd**

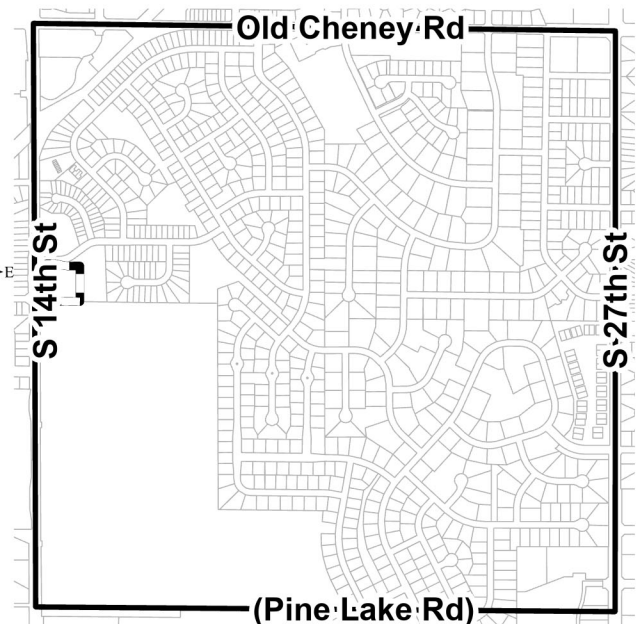
**Zoning:**

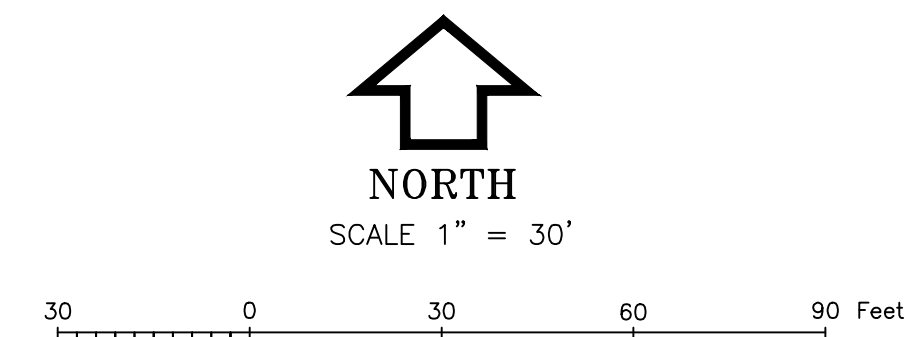
- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial 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.13 T09N R06E



	Area of Application
	Zoning Jurisdiction Lines
	Lancaster County Jurisdiction



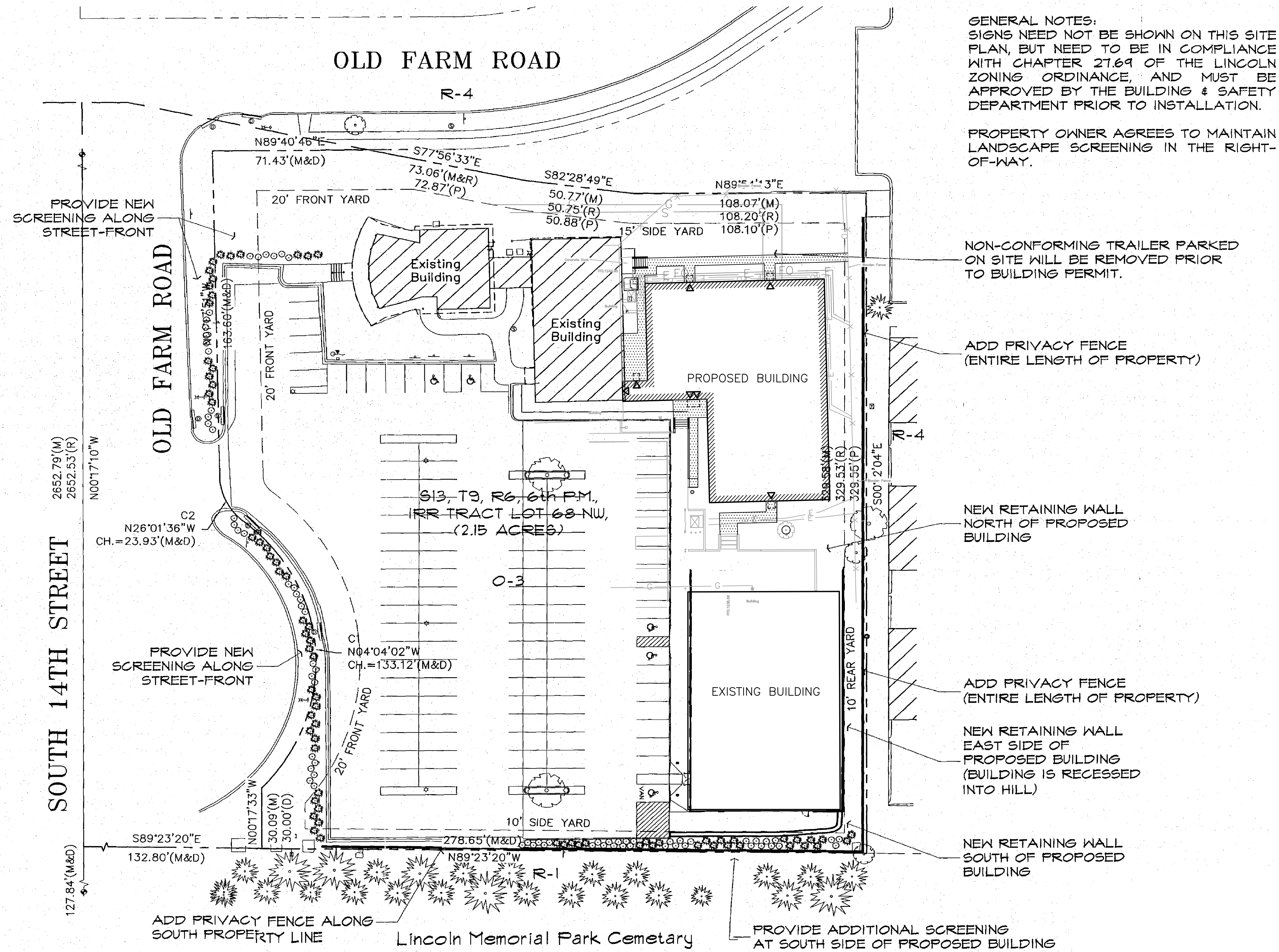


PROJECT  
241172

**REGA  
ENGINEERING**

601 OLD CHENEY RD., SUITE A  
LINCOLN, NEBRASKA 68512  
(402).484.7342  
● ENGINEERING  
● PLANNING  
● LANDSCAPE ARCHITECTURE  
● LAND SURVEYING  
● IRRIGATION  
REGA CA\*1678

ISSUED FOR DATE  
USE PERMIT 09/18/24



IBEW LOCAL UNION #265  
LINCOLN, NE 68512  
UP15015A

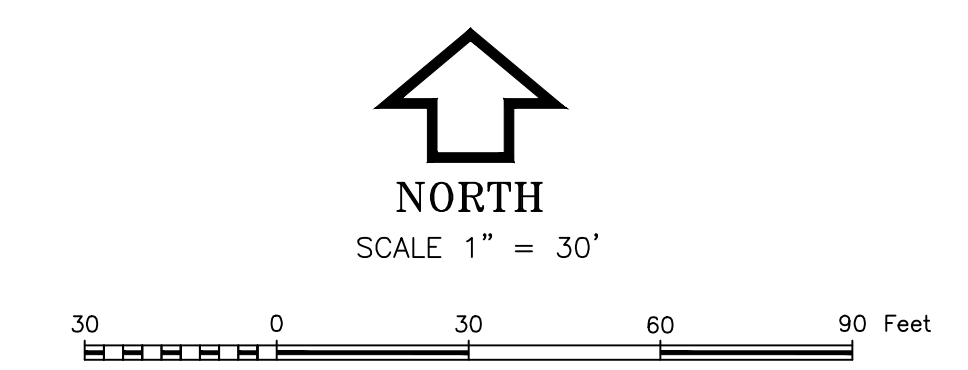
SITE PLAN

SHEET NO.

1 of 3

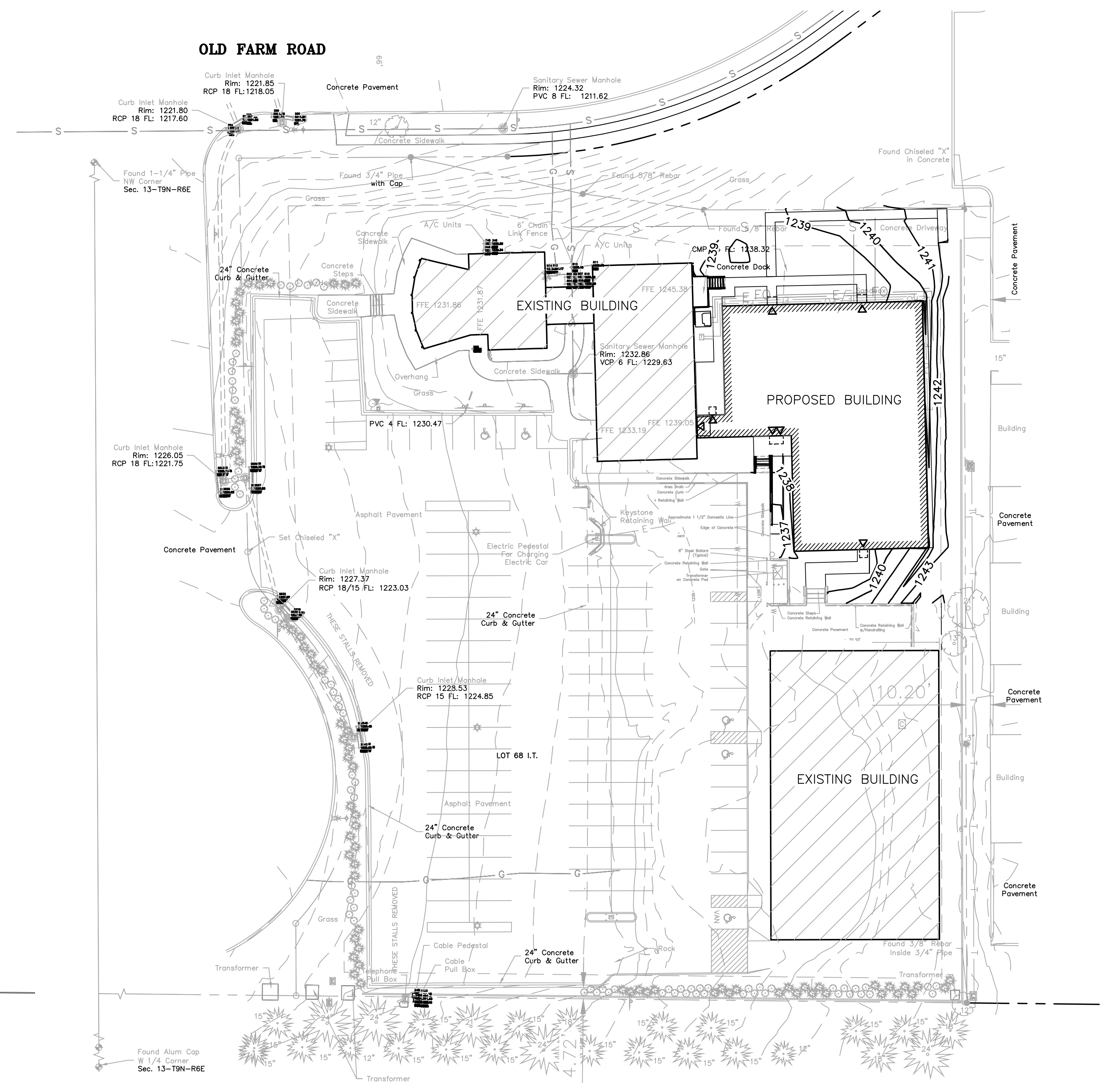
ISSUED FOR	DATE
USE PERMIT	09/18/24

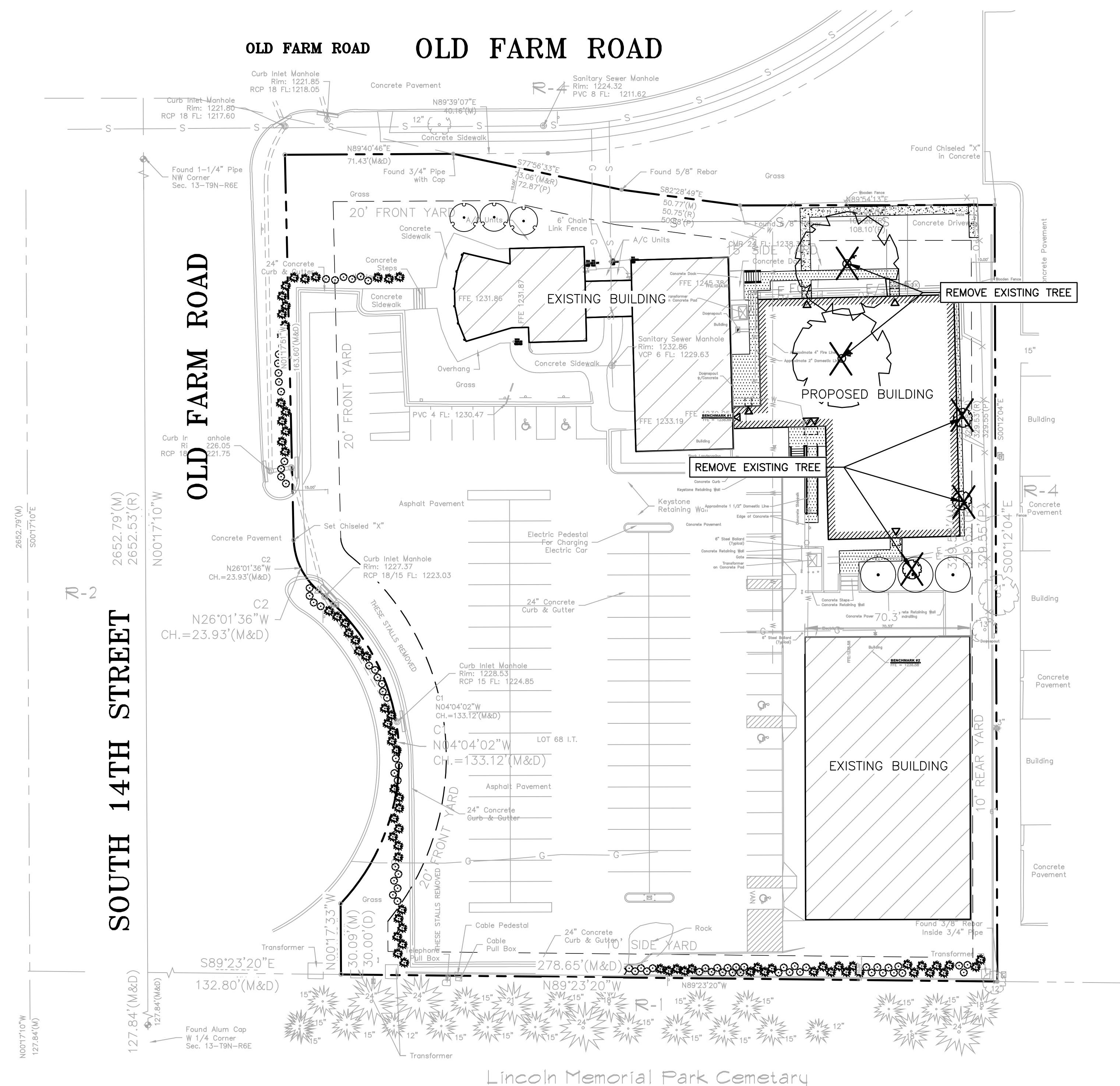
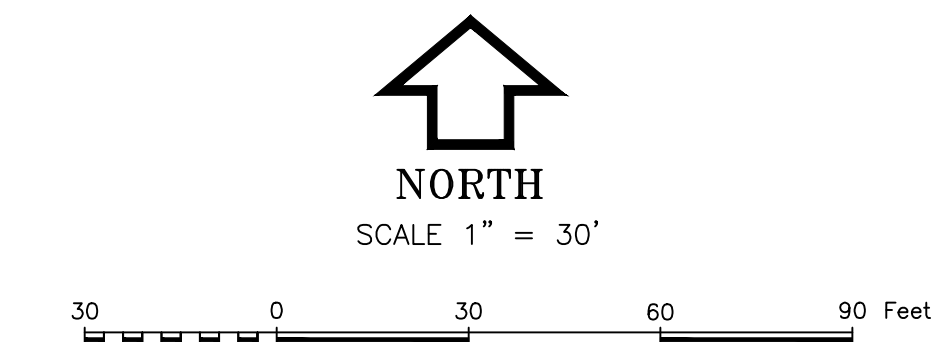
**IBEW LOCAL UNION #265**  
**LINCOLN, NE 68512**  
**UP15015A**



**LEGEND**

- — — — — PROPERTY LINE
- - - - - 1240 — — — — — EXISTING CONTOURS
- 1240 — — — — — PROPOSED CONTOURS





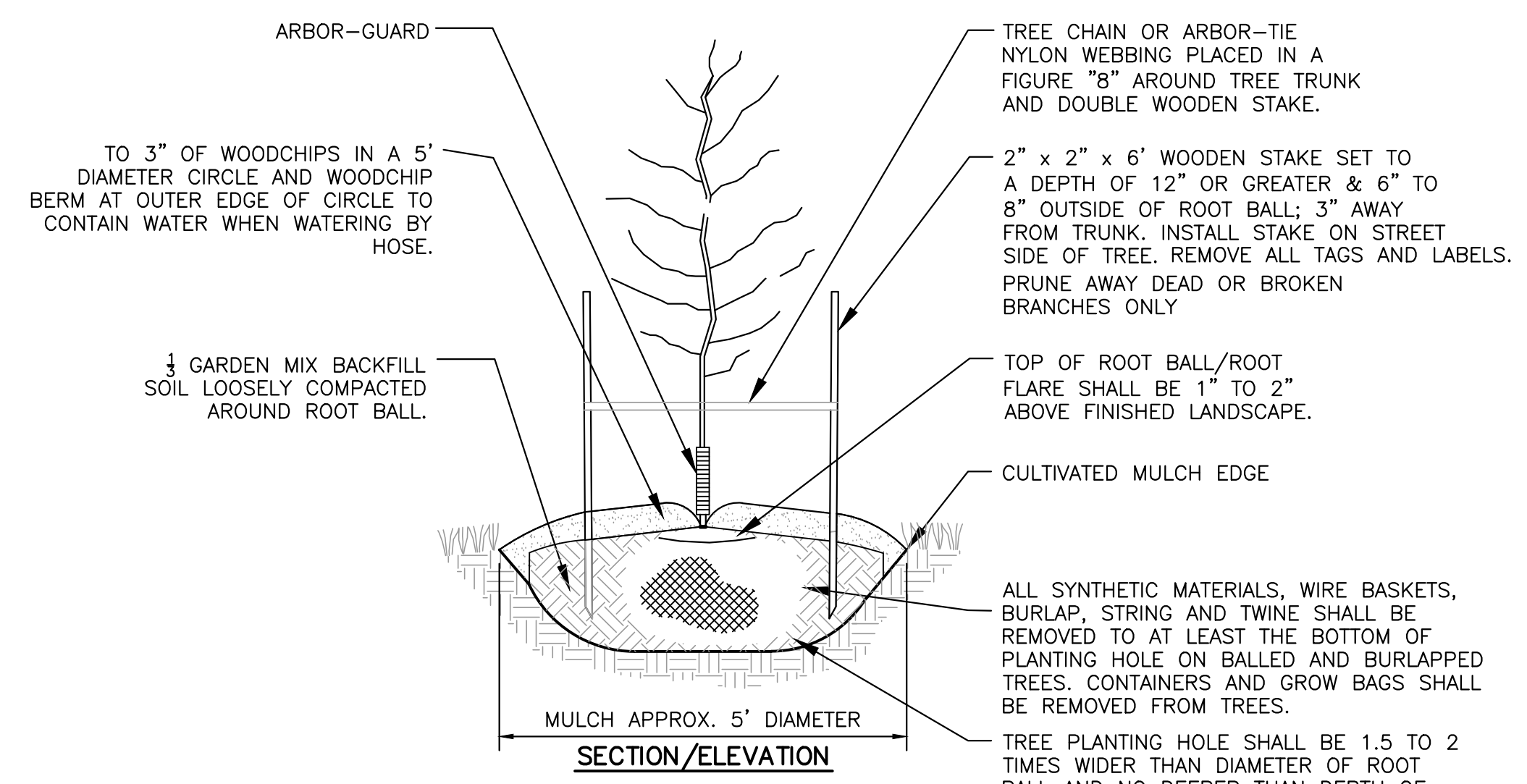
**CITY OF LINCOLN, NE. –  
LANDSCAPE REQUIREMENTS:**

PER ARTICLE 7.6:  
**TREE REQUIREMENTS.**  
 3 DECIDUOUS TREES PER 10,000SF OF BUILDING.  
 21,345 SF OF BUILDING = 6 TREES REQUIRED.  
 6 TREES PROVIDED

**UNDERSTORY REQUIREMENTS**  
 400 SF OF UNDERSTORY SHRUBS AND/OR ORNAMENTAL  
 GRASSES FOR EVERY 10,000 SF OF BUILDING  
 21,345 SF OF BUILDING = 800 SF OF UNDERSTORY  
 0 SF OF UNDERSTORY PROVIDED

**PLANT SCHEDULE**

SYMBOL	QTY	BOTANICAL / COMMON NAME	SIZE	CONTAINER	MATURE HEIGHT	MATURE WIDTH
<b>TREES</b>						
	3	ULMUS X 'FRONTIER' FRONTIER ELM	1.5" CAL.	B&B	25 – 40ft. ht.	25 – 40ft. w.
	3	QUERCUS ROBUR X BICOLOR 'LONG' REGAL PRINCE® OAK	1.5" CAL.	B&B	40 – 65ft. ht.	15 – 25ft. w.



NOTE: SHRUBS DO NOT REQUIRE WOODEN STAKE AND ARBOR-GUARD.

**1 TREE PLANTING**  
L101 NO SCALE

IBEW LOCAL UNION #265  
LINCOLN, NE 68512  
UP15015A



REGA File No. 241172  
September 18, 2024

Mr. David Cary  
Planning Director  
Ben Callahan, Planner  
Lincoln/Lancaster County Planning Department  
555 South 10<sup>th</sup> Street  
Lincoln, NE 68508

RE: 1415 S. Old Farm Rd.  
Lincoln, NE 68512  
Use Permit #15015

Dear Ben,

On behalf of IBEW, we are submitting a full amendment to Use Permit 15015. The previously approved permit which added square footage to the lot for a banquet hall did not specify a specific total amount of square footage for the lot. The existing square footage on the site is 14,021 SF.

Due to the growth of the electrical workers union for training needs, an additional 7,500 SF of floor space is being requested with the proposed amendment east of the existing training building. The proposed building fits within the previously adjusted setbacks, therefore, we are only requesting additional square footage to UP15015.

The existing parking on-site will be adequate for the building addition. Please feel free to contact me if you have any further questions or comments.

Sincerely,

A handwritten signature in blue ink that reads 'Nathaniel Burnett'.

Nathaniel P. Burnett, PE

Cc: IBEW Local Union 265

Enclosures: Application Form  
Application Fee of \$1109.00



**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 #24025, Annexation #24009	FINAL ACTION? No	DEVELOPER/OWNER NebHoldings, LLC
PLANNING COMMISSION HEARING DATE October 16, 2024	RELATED APPLICATIONS None	PROPERTY ADDRESS/LOCATION NW 48 <sup>th</sup> Street & W Holdrege Street

**RECOMMENDATION: CONDITIONAL APPROVAL**

**BRIEF SUMMARY OF REQUEST**

This is a combined request to approve a change of zone from AG Agricultural to R-5 Residential PUD and B-2 Neighborhood Business District PUD and the annexation of approximately 36.59 acres. The Falcon Heights Planned Unit Development (PUD) will be on approximately 31.75 acres that will include up to 206 dwelling units and 280,000 square feet (SF) of mini warehouse space.

This PUD will center around the creation of small homes on small lots to create affordable housing and will include mini warehousing and/or apartments to the west of the residential area. The applicant has requested waivers to the design standards and land subdivision and zoning ordinances.



**JUSTIFICATION FOR RECOMMENDATION**

The proposed PUD is appropriate because it is consistent with the Comprehensive Plan through the encouragement of mixed-use development and safe, affordable, and accessible housing. The requested waivers to minimum lot area, width, and depth that are justified in this PUD due to the reduced lot and dwelling unit size. Waivers to reduce the front, side, and rear yard setbacks within the R-5 area are generally acceptable. The increase in maximum height for the single family units is not appropriate as no justification was provided and it appears unnecessary. Waivers to parking have received conditional approval, as long as parking does not interfere with the public right-of-way. The request to reduce the width of private roadways was denied, due to emergency response requirements. Several waivers were not required.

**APPLICATION CONTACT**

Tim Gergen, (402) 477-9291 or [tim.gergen@clarkenersen.com](mailto:tim.gergen@clarkenersen.com)

**STAFF CONTACT**

Emma Martin, (402) 441-6369 or [emartin@lincoln.ne.gov](mailto:emartin@lincoln.ne.gov)

**COMPATIBILITY WITH THE COMPREHENSIVE PLAN**

This PUD is compatible with the 2050 Comprehensive Plan. It supports the City and County’s goals, elements, and policies that recommend the creation of safe and affordable housing and complete neighborhoods that provide housing for a diverse, growing population and complete neighborhoods that are within 15 minutes of schools and commercial services.

**WAIVERS**

1. Zoning Ordinance 27.72.020(b) to reduce the minimum lot area in the R-5 PUD area from 5,000 SF to 750 SF.

(Recommend Approval)

2. Zoning Ordinance 27.72.020(b) to reduce the minimum lot width for the R-5 area from 50 feet to 22 feet. (Recommend Approval)
3. Subdivision Ordinance 26.23.140(a) to reduce the minimum lot depth in the R-5 PUD area from 90 feet to 45 feet. (Recommend Approval)
4. Zoning Ordinance 27.72.020(b) to reduce the front, side, and rear yard setbacks for the R-5 PUD area:
  - a. Reduction of front yard setbacks along public streets from 20' to 15'. (Recommend Conditional Approval)
  - b. Reduction of corner front yard setbacks to 10' along public streets (Recommend Conditional Approval)
  - c. Reduction of front yard setback from 20' to 0' along private roadways (Recommend Approval)
  - d. Reduction of side yard setbacks from 5' to 0' when adjacent to an outlot (Recommend Approval)
  - e. Increase of maximum height from 35' to 40' (Recommend Denial)
5. Title 27.67.020 to allow the required parking of 1.75 stalls per dwelling unit within the R-5 PUD area to be located off-premises. (Recommend Conditional Approval)
6. Design Standards Chapter 2.25 to reduce the width of the private roadways in the R-5 PUD area from 21' to 16'. (Recommend Denial)
7. Waiver to Design Standards for cross section of a private roadway in the R-5 PUD area. (Recommend Conditional Approval)
8. Waiver to Design Standards to the conditions for an alternative sidewalk locations along private roadways in the R-5 PUD area. (Recommend Approval)
9. Access Management Policy deviation for the access point at NW 44<sup>th</sup> Street. (Deviation Requests are handled separately by Lincoln Transportation & Utilities (LTU))

## KEY QUOTES FROM THE 2050 COMPREHENSIVE PLAN

### Introduction Section: Growth Framework

Figure GF.b: 2050 - This site is shown as future Urban Residential and Commercial on the 2050 Future Land Use Plan.

Land Use Plan - Urban Residential - Residential uses in areas with varying densities ranging from more than fifteen dwelling units per acre to less than one dwelling per acre. All type of housing are appropriate here.

Commercial - Areas of retail, office, service and residential mixed uses. Commercial uses may vary widely in their intensity of use and impact.

Figure GF.c - This site is shown in Tier 1, Priority A on the 2050 Priority Growth Area Map.

### **Fundamentals of Growth in Lancaster County**

The City of Lincoln's present infrastructure investment should be maximized by planning for well-designed and appropriately-placed residential and commercial development in existing areas of the city with available capacity. This can be accomplished by redeveloping underutilized commercial centers into areas that include a mix of uses, and encouraging higher-density residential redevelopment in appropriate locations, including missing middle housing. New infrastructure investments to serve growth areas can be maximized by encouraging a higher density of both residential and commercial uses in these areas.

New commercial and industrial development should be located in Lincoln and other incorporated communities.



Lincoln has ample land area and infrastructure availability for commercial and industrial development. The situation is similar in most incorporated communities in the county. Rural areas of the county do not have access to urban infrastructure, and commercial or industrial development can add significant traffic and maintenance responsibilities to county roads.

Natural and environmentally sensitive areas should be preserved within and between neighborhoods. Conservation areas and open lands should be used to define and connect different neighborhoods. The natural topography and features of the land should be preserved by new development to maintain the natural drainageways and minimize land disturbance.

### **Concurrency**

The key to a successful community is the concurrent development of infrastructure proportionate to the development and need of the community – a balance between the need for infrastructure and the need to conserve resources.

### **The Community in 2050**

The following assumptions provide the framework for growth in the 2050 plan.

Lancaster County is projected to add approximately 53,000 households by 2050, with 48,000 of those new households in Lincoln (roughly 1,600 new households per year).

25 percent of all new dwelling units in Lincoln will be infill, meaning they will be located within the existing city. This equates to roughly 12,000 infill units over the next 30 years.

New growth areas will have an average gross residential density of 4.0 du/acre.

The population age 65 and above is projected to increase from 45,600 (14.2 percent of total) in 2020 to 74,900 (17 percent of total) in 2050.

### **Benefits of Well-Planned Growth**

Continued investment within the city ensures that our existing neighborhoods and commercial areas remain vibrant and desirable locations. More “rooftops” near existing commercial areas help to support continued commercial investment.

### **Goals Section**

G1: Safe, Affordable, and Accessible Housing. Lincoln and Lancaster County will support the development of safe, affordable, and accessible quality housing that meets the diverse needs of the community. PlanForward understands the ongoing need for affordable housing and supports development of 5,000 affordable units by the year 2030.

G2: Complete Neighborhoods. Lincoln and Lancaster County will support complete neighborhoods within both developing and redeveloping areas of Lincoln. A complete neighborhood is one where residents are able to get the goods and services to meet daily needs within 15 minutes of their residence including a variety of housing options, grocery stores and other commercial services, quality public schools, public open spaces and recreational facilities, affordable active transportation options, and civic amenities. Housing variety should include townhomes, senior living facilities, low/no maintenance condominiums, accessory dwelling units, multi-family development, and even small lot single-family.

### **Elements Section**

#### **E1: Complete Neighborhoods and Housing**

A complete neighborhood is more than housing - great neighborhoods combine all the elements of parks, education, commercial areas, environmental resources, and housing together in one place.

A complete neighborhood is one where residents have safe and convenient access to goods and services needed for daily life activities.

**Figure E1.a: Strategies for Design, Sustainability and Complete Neighborhoods in Developing Areas**

1. Encourage a mix of compatible land uses to develop more complete neighborhoods:
  - a. Similar uses on the same block face: residential faces residential.
  - b. Similar housing densities developed near each other: single-family and “missing middle” residential (3-12 units) scattered throughout with higher density residential (more than 12 units) near the neighborhood edge or clustered near commercial centers.
  - c. Non-residential uses, including parking lots, should be screened from residential areas.
  - d. Locate Commercial Centers so as residents can safely access essential goods and services (i.e. not located across arterial streets) and no more than a 15-minute walk from all residences.
2. Require sidewalks on both sides of all streets.
3. Encourage locations within neighborhoods to grow local food.
4. Plan for residences to be located within 1 mile to an existing or planned multi-use trail.
5. Plan for residences to be located within 1/2 mile to an existing or planned neighborhood park.
6. Integrate transit stops into developing neighborhoods and within a ½ mile distance from residences.
7. Encourage employment areas to be within a 15-minute walking distance to residences.
8. Plan for elementary or middle schools to be within a 15-minute walking distance to residences.
9. Encourage pedestrian orientation with parking at rear of residential and neighborhood commercial uses.
10. Develop shorter block lengths to provide multiple connections across residential and commercial areas.
11. Provide pedestrian connections when maximum block lengths are exceeded.
12. Encourage shared City and School facilities (aka SPARKS).
13. Provide adequate curb space to allow for on-street parking.
14. Encourage alley access and shared driveways to reduce interruptions to pedestrians, to preserve on street parking capacity, and to reduce automobile conflict points.
15. Support preservation or restoration of natural areas, and limit stream or drainageway crossings.

**Policies Section**

P1: Housing Affordability - Make available a safe residential dwelling for all residents.

**Action Steps**

1. Implement the housing and neighborhood strategies as embodied in the Affordable Housing Coordinated Action Plan, City of Lincoln Consolidated and Annual Action Plans and subsequent housing and neighborhood plans. These plans provide the core for affordable housing and neighborhood preservation actions for public and private agencies.
2. Distribute and preserve affordable housing throughout the community to be near job opportunities and public transit and to provide housing choices within existing and developing neighborhoods.
6. Preserve the existing affordable housing stock, increase the supply of affordable owner and renter units, and add more variety in housing types.

P80: Annexation - Annexation should be utilized to provide municipal services in a fair and efficient manner.

The City of Lincoln requires that properties receiving municipal services be located within city limits. City annexation should occur before any property is provided with water, sanitary sewer, or other potential City services. In most cases this also means that annexation must occur prior to a property receiving an urban zoning designation. The City routinely annexes land at the request of a developer or landowner as part of the regular development process. This allows properties to be supplied with City services when they are needed, and the City benefits from the property taxes, utilities, and other fees that City residents pay. Some properties along the City’s edge may not be interested in further development and thus will not request annexation. In some cases it is necessary for the City to initiate annexation of adjacent properties that are already developed and require a minimal public investment to serve.

**Action Steps**

1. Regularly evaluate for potential annexation all property along the city's edge for which basic infrastructure is generally available or planned for in the near term. The City should annex land in Tier 1 Priorities A and B that is contiguous to city limits and generally urban in character. All land that is engulfed by the City should be annexed.
2. Provide advance notice to properties that may be subject to city-initiated annexation.
3. Properties within the Tier 1 Priority A growth area should be annexed upon approval of final plat.
4. Coordinate the provision of services for areas considered for annexation with the Capital Improvement Program.

## UTILITIES & SERVICES

- A. Sanitary Sewer: LTU will build the sanitary sewer from the south to serve the development. There is no anticipated completion date for the construction, as it is still under discussion.
- B. Water: There is an existing water main along NW 48<sup>th</sup> Street and along the north side of W Holdrege Street. The water line along W Holdrege will be extended to serve the single family detached residential area of PUD.
- C. Roads: NW 48<sup>th</sup> Street is a major arterial street and W Holdrege Street is a minor arterial. Two points of access will be provided along W Holdrege Street. NW 40<sup>th</sup> Street is a local street and there will be one access point to it.
- D. Parks and Trails: There is an existing Commuter Trail along the east side of NW 48<sup>th</sup> Street and a proposed future Commuter Trail Unit along the western side of NW 40<sup>th</sup> Street.
- E. Fire Protection: Fire protection will be provided by Lincoln Fire and Rescue (LFR). The nearest station is Fire Station #11 which is located at 4600 W Adams Street. LFR can access the site via either W Holdrege Street or NW 40<sup>th</sup> Street.

## ANALYSIS

1. This is a request for an annexation and a change of zone from AG Agriculture to R-5 Residential Planned Unit Development (PUD) and B-2 Planned Neighborhood Business District PUD. The annexation will cover approximately 36.59 acres while the change of zone and PUD will cover approximately 31.75 acres all generally located at NW 48<sup>th</sup> Street and W Holdrege Street.
2. This request is to develop 81 dwelling units on lots smaller than the required minimum for dwellings in the City of Lincoln in the R-5 area, as well as develop up to 280,000 SF of mini warehousing and/or up to 125 multi-family units in the B-2 area.
3. Per the Lincoln Municipal Code, PUDs are intended to provide flexibility in private or public development and are typically mixed-use in nature. This PUD will allow flexibility in lot size, thus permitting for small homes that are more affordable, and for mini warehousing as a use near to future residential uses and to serve the neighborhood as a whole.
4. The proposed annexation would annex approximately 36.59 acres and the adjacent NW 40<sup>th</sup> Street right-of-way (ROW). The annexation will include the land within the proposed PUD as well as three adjacent lots that, due to the annexation of NW 40<sup>th</sup> Street, will be surrounded by the City of Lincoln on all sides if they are not annexed. Per the City's annexation policy, found in Policy 80 of the Lincoln-Lancaster County Comprehensive Plan, land that is completely surrounded by the City should be annexed.
5. The site is designated for future Commercial and Residential - Urban Density on the 2050 Future Land Use Plan. It is within Growth Tier 1, Priority A of the Growth Tiers Map in the 2050 Comprehensive Plan. The annexation and change of zone requests, subject to the conditions of approval, comply with the requirements of the Zoning Ordinance and Comprehensive Plan.
6. Access for the PUD includes two public street accesses off of W Holdrege Street and one public street access off of NW 40<sup>th</sup> Street. Access to and from W Holdrege at NW 44<sup>th</sup> Street (as shown on the site plan) will be required to be only right-in/right-out once W Holdrege Street is further improved in the future. Internal circulation is a mix of public streets and private roadways. All turn lanes will meet the requirements of Access Management. The developer is not required to pave the portion of NW 40<sup>th</sup> Street that is annexed with this PUD.

7. Outlots B and M, shown between the Spooner Street right-of-way and the adjacent properties, will need to be changed to right-of-way to ensure that neighboring properties have access to the public street and NW 40<sup>th</sup> Street.
8. There are some issues with the proposed public and private street names noted by Emergency Communications and the Lincoln Fire Department (LFR). It has been requested that the following proposed names be changed:
  - 8.1. Privet Drive, Privet Court, and Privet Place, as they can easily be confused with “Private Drive” in both spelling and verbalization.
  - 8.2. Spooner Street, as it is too similar to the existing street name Schooner. Additionally, the new name for what is currently shown as Spooner Street must include the “West” directional prefix.
  - 8.3. “Diagon” in Diagon Court and Diagon Place is not a common spelling or pronunciation and is too similar to the existing street “Diadem”. Additionally, the current Diagon Court and Diagon Place will need to have different names (for example, the name cannot be changed to “X Court” and “X Place” but could be changed to “X Court” and “Y Place”).
  - 8.4. Privet Court and Spooner Court must have different names all together because they can be easily mistaken for the proposed Privet Place and Spooner Place. This is the same concern with having two cul-de-sacs with the same first name as listed in 8.3.
9. It is not recommended that Spooner Place and Spooner Court be within the same address range, as some residents may simply verbalize “Spooner” and not “Street” or “Place” at the end of the address. It also creates the potential in GIS for the wrong address to be selected when they both look so similar and have the same address numbers. The same concern resides with Diagon Place and Diagon Court as they would have the same address numbering range.
10. All private streets and drives shown on the site plans must be at least 20’ wide. Most private streets in this plan are shown to be 16’ wide which is insufficient for LFR response. Additionally, if the private streets are only 20’ wide, no parking is allowed along either side of the private street so as to not obstruct emergency response.
11. The applicant must request a waiver and provide justification for Block 1, which is approximately 2,000 feet in length. The 2,000 feet exceeds the Title 26.23.130 requirement that block lengths not exceed 1,320 feet except where a major street, school, park, or other man-made barrier, lake, or other natural barrier forms one boundary of a block, or if a block crosses a glow route which drains an area of more than 200 acres unless the street is needed to provide more than one access point to the development for emergency response.
12. Due to the unique layout to accommodate smaller single family lots, further discussion and review are needed for the locations of utilities, sidewalk, water, and sanitary sewer and the corresponding easements. Generally, water will be extended from across W Holdrege Street. The storm sewer will be constructed and extended by LTU.
13. Regarding the requested waivers:
  - Zoning Ordinance 27.72.020(b) to reduce the minimum lot area in the R-5 PUD area from 5,000 SF to 750 SF. This request is justified because this PUD is meant to create small homes on small lots to provide more affordable housing options in the City of Lincoln and Lancaster County. The proposed reduction does not pose any concerns for fire separation or life safety.
  - Zoning Ordinance 27.72.020(b) to reduce the minimum lot width for the R-5 area from 50 feet to 22 feet. This request is justified and is compatible with the PUD’s mission to provide small and affordable homes. The reduction in the lot width does not necessarily put dwelling units closer together, as shown by the site plan where outlots of 10 feet in width generally separate lots. This reduction in lot width will also assist in providing more affordable housing due to the smaller size of the lots.
  - Subdivision Ordinance 26.23.140(a) to reduce the minimum lot depth in the R-5 PUD area from 90 feet to 45 feet. This request is justified and is compatible with the PUD’s mission to provide small and affordable homes. Similar to Waiver #2, this reduction in minimum lot depth will not necessarily put dwelling units closer together and will assist in bringing the cost of the homes down. The reduction in lot depth will allow for greater density while providing more affordable housing due to the small size of the dwellings.
  - Zoning Ordinance 27.72.020(b) to reduce the front, site, and rear yard setbacks for the R-5 PUD area:
    - Reduction of front yard setbacks along public streets from 20’ to 15’. This request is partially

justifiable. The reduction to 15' from the lot line to the dwelling unit will allow dwelling unit to be on a lot with reduced size. However, any garage that has doors facing a public street must have a setback of 20' from the lot line. If the garage doors do not have a 20' setback, cars parked in the driveway will obstruct the sidewalks.

- Reduction of corner front yard setbacks to 10' along public streets. Not required, as the corner front yard setback for R-5 lots is already 10'. However, it should be noted that the corner front yard setback for any garage that faces the public street must be 20'.
- Reduction of front yard setback from 20' to 0' along private roadways. This request is justified, as distance between the curb line of the private roadways and the lots (and dwelling) will be provided by outlots. Additionally, there will be a requirement that nothing can be built in outlots within 10 feet of the single family detached lots.
- Reduction of side yard setbacks from 5' to 0' when adjacent to an outlot. Justified because there will be separation due to the outlot between the properties and the structures. A note stating that no structure or accessory building may be built within 10 feet of the single family detached lots will also ensure that nothing will be built between the properties that conflicts with life safety and building codes.
- Increase of maximum height from 35' to 40'. There was no justification provided for this waiver and there does not appear to be any need for 40' tall single family detached dwellings. The proposed small houses will be two stories or less. Thus there is no reason for this waiver.
- Title 27.67.020 to allow the required parking of 1.75 stalls per dwelling unit within the R-5 PUD area to be located off-premises. This waiver is only partially justified. Minimum require width of private roadways is 20' so that emergency responders may access units. Any private roadway that is only 20' wide cannot have parking on either side so as not to obstruct emergency responders. However, parking may be allowed on public streets and driveways in outlots as long as they do not obstruct sidewalks.
- Title 27.67.020 to allow tandem parking to count towards the required parking count in the R-5 PUD area. This waiver is not required, as parking in the front yard on a concrete driveway in the R-5 is permitted, as long as it meets the conditions of LMC 27.67.030(a)(2).
- Design Standards Chapter 2.25 to reduce the width of the private roadways in the R-5 PUD area from 21' to 16'. This waiver is not justified as Lincoln Fire and Rescue (LFR) requires at least 20' of width to access emergencies. A reduction to 20' would be approved as previously discussed.
- Waiver to Design Standards for cross section of a private roadway in the R-5 PUD area. This waiver is requested to allow a narrower pavement section that is cross sloped to the middle of the pavement to be similar to an alley cross section. The alley reference is significant to reinforce the private roadway is in the back of the house, and not the front. This waiver is partially justified. The private roadways cannot be less than 20' in width, and further discussion with LTU needs to occur to determine if the additional changes are appropriate. ....
- Waiver to Design Standards to allow alternative sidewalk locations along private streets in the R-5 PUD area and waive the conditions for the alternative sidewalks. This waiver is justified due to the layout of the PUD.
- Access Management Policy deviation for the access point at NW 44<sup>th</sup> Street. This waiver must be submitted as a deviation request to Lincoln Transportation and Utilities (LTU).

14. The PUD will require an avigation easement, and once grading is finalized, a revised map that depicts the new "shaded area" will need to be developed to determine compliance with height permits and/or regulations

**CONDITIONS OF APPROVAL:** See attached.

**EXISTING LAND USE & ZONING:** Agricultural production

AG Agricultural

**SURROUNDING LAND USE & ZONING**

North: Single family detached, apartments      B-2 Planned Neighborhood Business District and R-3 Residential  
South: Agricultural production                      AG Agricultural  
East: Agricultural production                      AG Agricultural  
West: Public use                                        R-3 Residential

**APPROXIMATE LAND AREA:**

**Change of Zone (PUD):** 31.75 acres, more or less

**Annexation:** 36.59 acres, more or less

**PROPOSED CITY COUNCIL DISTRICT ASSIGNMENT:** City Council District 4

**LEGAL DESCRIPTION:**

**Change of Zone (PUD):** The Remaining Portion of Lot 3, Junes Place, located in the NE 1/4 of Section 19-10-6, Lincoln, Lancaster County, Nebraska, generally located at NW 48th Street and W Holdrege Street. See attached metes and bounds.

**Annexation:** Lots 1 and 2 and the Remaining Portion of Lot 3, Junes Place and the adjacent NW 40th Street right-of-way; and Lot 46 Irregular Tract, all located in the NE 1/4 of Section 19-Township 10 North-Range 6 East, Lincoln, Lancaster County, Nebraska, generally located at NW 48th Street and W Holdrege Street. See attached metes and bounds.

Prepared by Emma Martin, Planner  
(402) 441-6369 or [emartin@lincoln.ne.gov](mailto:emartin@lincoln.ne.gov)

Date: Oct. 3, 2024

Applicant: Clark & Enersen  
1010 Lincoln Mall, Suite 200  
Lincoln, NE 68508  
[Tim.gergen@clarkenersen.com](mailto:Tim.gergen@clarkenersen.com)

Contact: Clark & Enersen  
1010 Lincoln Mall, Suite 200  
Lincoln, NE 68508  
[Tim.gergen@clarkenersen.com](mailto:Tim.gergen@clarkenersen.com)

Owner: NebHoldings, LLC  
7130 S 29<sup>th</sup> Street, Suite D3  
Lincoln, NE 68516  
[lawkatt@nebholdings.com](mailto:lawkatt@nebholdings.com)

<https://linclanc.sharepoint.com/sites/PlanningDept-DevReview/Shared Documents/DevReview/CZ/24000/CZ24025, AN24009 Falcon Heights PUD.edm.docx>

## CONDITIONS OF APPROVAL - CHANGE OF ZONE #24025 and ANNEXATION #24009

This approval permits up to 206 dwelling units and 280,000 Square Feet of mini-warehousing with the following waivers to single family, two family and townhouse dwelling units in the R-5 PUD Area:

1. Zoning Ordinance 27.72.020(b) to reduce the minimum lot area from 5,000 SF to 750 SF.
2. Zoning Ordinance 27.72.020(b) to reduce the minimum lot width from 50 feet to 22 feet.
3. Subdivision Ordinance 26.23.140(a) to reduce the minimum lot depth from 90 feet to 45 feet.
4. Zoning Ordinance 27.72.020(b) to reduce the front, side, and rear yard setbacks:
  - a. Reduction of front yard setbacks along public streets from 20' to 15', except for any garage that faces a public street shall be 20 feet.
  - b. Reduction of front yard setback from 20' to 0' to outlots along private roadways.
  - c. Reduction of side setback of 5' and rear yard setback of 20' to 0' to an outlot.
5. Zoning Ordinance 27.67.020 to allow the required parking of 1.75 stalls per dwelling unit to be located off-premises.
6. Waiver to Design Standards for cross section of a private roadway. Recommend Conditional Approval)
7. Waiver to Design Standards to the conditions for an alternative sidewalk locations along private roadways.

### Site Specific Conditions:

1. The Developer signs an annexation and/or zoning agreement before the City Council approves the change of zone.
2. Before a final plat is approved the developer shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including 2 copies with all required revisions and documents as listed below upon approval of the planned unit development by the City Council.
  - 2.1 Provide street centerline information, including distances and bearing on tangent sections, and centerline distance in relationship to section line.
  - 2.2 Revise the plans to show temporary turnarounds with the following specifications: A 30' radius surfaced temporary turnaround shall be constructed at the end of all temporary dead-end streets and road which extend more than 150' beyond the nearest intersection with another street, road, or private roadway.
  - 2.3 Confirm the units on the rating curve for the proposed water quality pond.
  - 2.4 Add more flow path arrows throughout PWS 3, 4, and 5 for clarity.
  - 2.5 Provide separate exhibits for the annexation and change of zone requests.
  - 2.6 Add note that states "If Block 1 is developed with use other than mini warehouse, additional public or private street connections may be required by the Director of Planning due to proposed block length of approximately 2,000 feet."
  - 2.7 Delete the following notes and waivers: Waiver 4.6, Waiver 9, Waiver 10, General Site Note 17, and General Site Note 5
  - 2.8 Extend sanitary sewer to provide for future service to Lot 46 I. T. and Lots 1 and 2, Junes Place to the satisfaction of LTU.
  - 2.9 Identify the future use of Lot 1, Block 2.

- 2.10 Identify use for Outlot D as “future development”.
- 2.11 Renumber waivers as needed.
- 2.12 Amend Waiver 4.1 to state that the front yard and corner front yard setbacks shall be 20 feet for any garage that faces a public street.
- 2.13 Amend General Site Note 8 to read “Setbacks shall follow the zoning ordinance except as shown on the site plan.”
- 2.14 Add a waiver request to allow for a 0’ rear yard setback for lots in the R-5 PUD.
- 2.15 Add a note that no structure or accessory building may be built within 10 feet of the residential lots.
- 2.16 Show a 20-foot front yard setback for garages that have doors that face public streets.
- 2.17 Show setbacks to private roadways.
- 2.18 Add numbered street names where indicated on the plans.
- 2.19 Show locations of all sidewalks and alternative sidewalks.
- 2.20 Note that public access easements will be provided over sidewalks in the outlots.
- 2.21 Label all private roadways as private roadways and provide the paving width and easement width.
- 2.22 Provide street names for all private roadways and outlots to the satisfaction of the Director of Planning. The street names Privet and Diagon shall be replaced and cul-de-sac will not have more than one name reused in the prefix.
- 2.23 Show a blanket public access, water, sanitary sewer, and utility easement over all private roadways. The width of the easements are subject to approval from the Directors of LTU and Planning.
- 2.24 Where indicated, adjacent to Lot 1, Junes Place, show the public right-of-way as 83’ wide.
- 2.25 Change the dimension of the private roadways paving width to 20 feet as required by Lincoln Fire and Rescue.
- 2.26 Add a note that NW 44<sup>th</sup> Street may be required to be a right-in/right-out access only once W Holdrege Street is paved to the east.
- 2.27 Submit an exhibit demonstrating the required sight triangle can be achieved with requested 15 foot front yard setback waiver.
- 2.28 Submit a memo that documents design speeds for the intersection of W Holdrege Street and NW 44<sup>th</sup> Street meets city standards to the satisfaction of the Director of LTU.
- 2.29 Add design speeds to NW 40<sup>th</sup> Street on the public street profile sheet.
- 2.30 Add design speeds to W Holdrege Street on the public street profile sheet.
- 2.31 Show that water mains will be installed in the private streets/ outlot areas to provide an abutting water main on each lot on the cul-de-sacs.
- 2.32 Provide an alternative to the small orifices noted by LTU - Watershed Management on the Grading & Drainage plan.
- 2.33 Include the area of W Holdrege Street that is not being treated by the Extended MFC.
- 2.34 Show the location of guest parking for lots with a width of less than 35’.



- 2.35 Add a note that an administrative amendment for grading and drainage is required before any development may begin in the B-2 PUD Area.
  - 2.36 Amend General Site Note 16 to show that 280,000 SF of mini warehousing is permitted.
  - 2.37 Clarify that Waiver 4.4 setback reduction is to private roadways and that Waiver 4.5 is a reduction to outlots.
  - 2.38 Amend the typical private roadway cross section and private roadways to show 20' of pavement.
  - 2.39 Revise the utility, sidewalk, water, and sanitary sewer locations and easements to the satisfaction of the Directors of LTU and Planning.
  - 2.40 Add a note that parking is not allowed on either side of the private roadways.
  - 2.41 Label the private roadway and provide a street name for the access to Lots 2-4, Block 2 and Lots 1-7 in Block 3. Designate outlots as a private roadway and revise as per other private roadways. Parking for the dwelling units may be retained in Outlot P.
  - 2.42 Show an additional 6 feet of right-of-way for the proposed future trail along the west side of NW 40<sup>th</sup> Street.
  - 2.43 Add to the General 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 Building & Safety Department prior to installation".
  - 2.44 Add a sheet for the future the Blanket Airport Height Permit Requirements sheet.
3. Before receiving building permits, the developer shall provide the following documents to the Planning Department:
- 3.1 Verification that an avigation 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.
4. Before issuance of building permits, final plat(s) shall be approved by the City.

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

Before the approval of a final plat, the public streets, private roadway improvements, sidewalks, public sanitary sewer system, public water system, drainage facilities, land preparation and grading, sediment and erosions control measures, storm water detention/retention facilities, drainageway improvements, street lights, landscaping screens, street trees, temporary turnaround and barricades, and street name signs, must be completed or provisions (bond, escrow or security agreement) to guarantee completion must be approved by the City Law Department. The improvements must be completed in conformance with adopted design standards and within the time period specified in the Land Subdivision Ordinance. **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.**

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

to complete the street paving of public streets as shown on the final plat within two (2) years following the approval of the final plat.

To complete the paving of private roadway as shown on the final plat within two (2) years following the approval of this final plat.

to complete the installation of sidewalks along both sides of the public streets and in alternate locations 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 land preparation including storm water detention/retention facilities and open drainageway improvements to serve this plat prior to the installation of utilities and improvements but not more than two (2) years following the approval of the final plat

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

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

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

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

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

to timely complete any other public or private improvement or facility required by the Land Subdivision Ordinance which inadvertently may have been omitted from the above list of required improvements.

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

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

to complete the public and private improvements shown on the Planned Unit Development.

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

to maintain the outlots on a permanent and continuous basis.

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

to maintain the street trees along the private roadways and landscape screens, including replacement and replanting as reasonably necessary, on a permanent and continuous basis.

to maintain the private facilities which have common use or benefit in good order and condition and state of repair, including the routine and reasonable preventive maintenance of the private improvements, on a permanent and continuous basis.

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

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

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

to relinquish the right of direct vehicular access from Lots 1 and 2, Block 1; Lot 1, Block 2; and all residential lots as shown to W Holdrege Street.

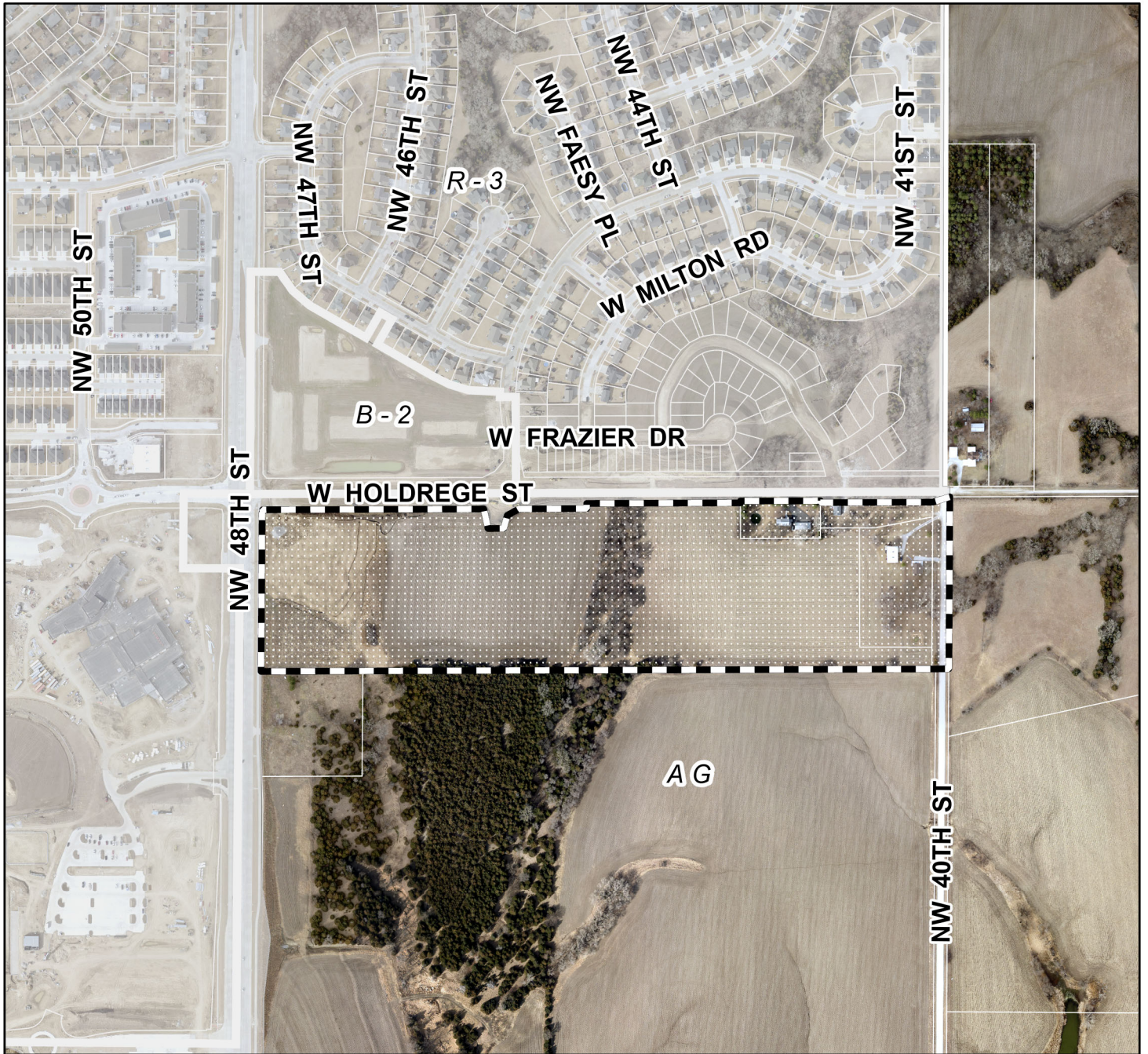
to relinquish the right of direct vehicular access from Lot 1, Block 1 to NW 48<sup>th</sup> Street.

to inform all prospective purchasers and users of land located within the Airport Environs Noise District, that such land is subject to an avigation and noise easement granted to Lincoln Airport Authority, and that the land is potentially subject to aircraft noise levels which may affect users of the property and interfere with its use.

**Standard Conditions:**

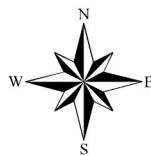
5. The following conditions are applicable to all requests:
  - 5.1 Before occupying the dwelling units and buildings all development and construction shall substantially comply with the approved plans.
  - 5.2 All privately-owned improvements shall be permanently maintained by the owner or an appropriately established homeowners association approved by the City Attorney.
  - 5.3 The physical location of all setbacks and yards, buildings, parking and circulation elements, and similar matters must be in substantial compliance with the location of said items as shown on the approved site plan.
  - 5.4 The terms, conditions, and requirements of the ordinance shall run with the land and be binding upon the developer, its successors and assigns.
  - 5.5 The applicant shall sign and return the letter of acceptance to the City Clerk. This step should be completed within 60 days following the approval of the special permit. The City Clerk shall file a copy

of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefore to be paid in advance by the applicant. Building permits will not be issued unless the letter of acceptance has been filed.



2020 aerial

**Annexation #: AN24009**  
**NW 48th St & W Holdrege St**



Two Square Miles:  
 Sec.19 T10N R06E  
 Sec.20 T10N R06E

**Zoning:**

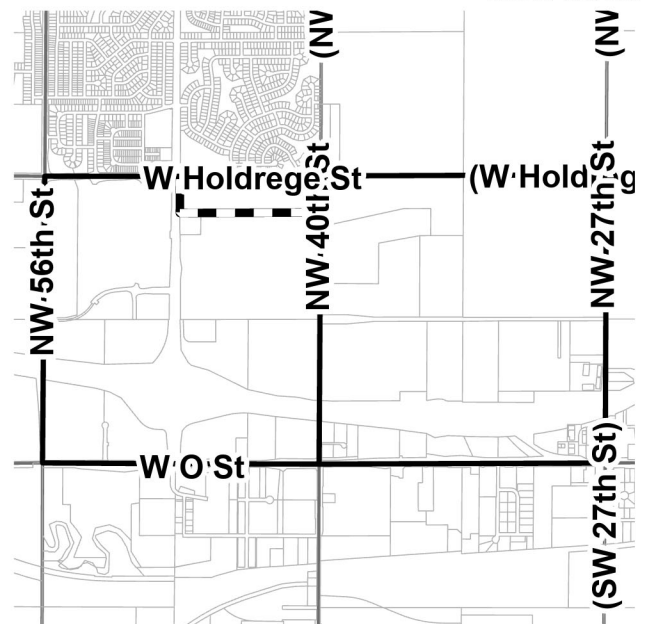
- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial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

Area of Application

Zoning Jurisdiction Lines

Existing Lincoln City Limits

76





**Change of Zone #: C224025**  
**Falcon Heights PUD**  
**NW 48th St & W O St**

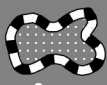


2020 aerial

**Zoning:**

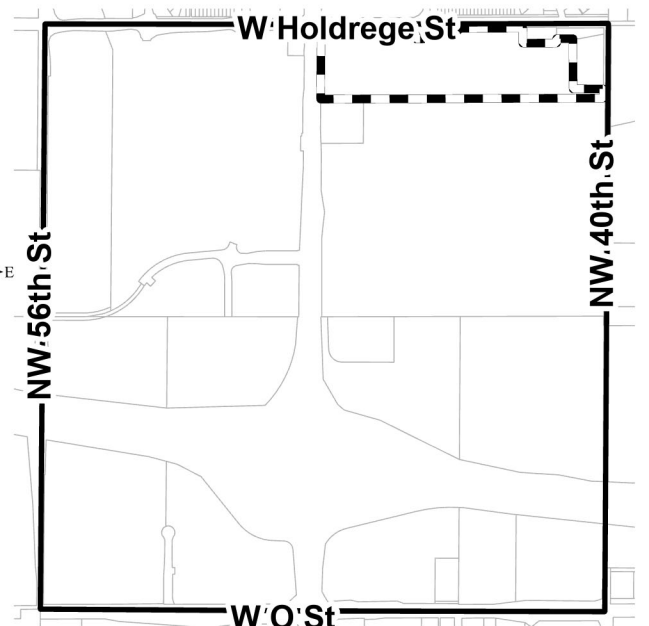
- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial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

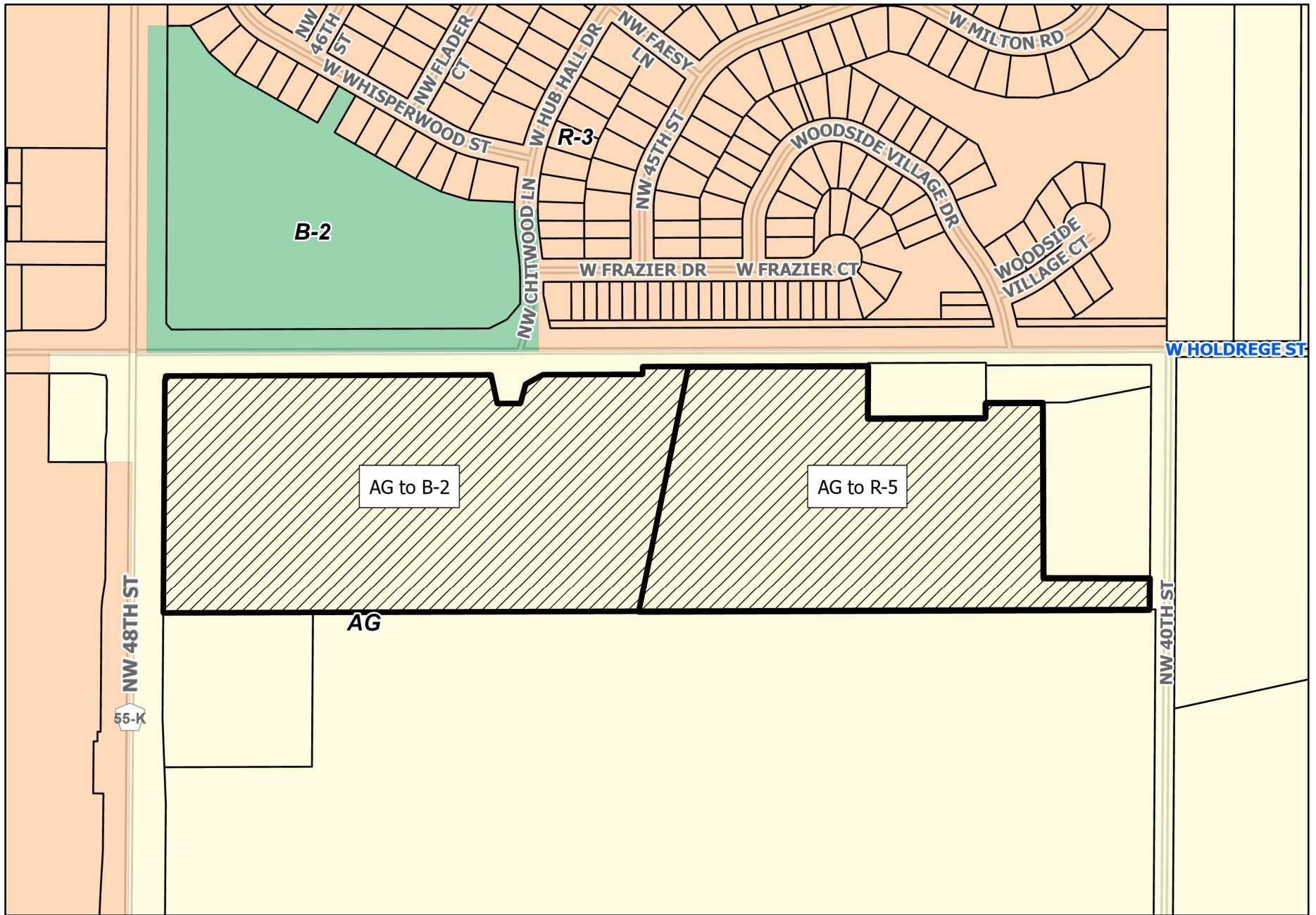
One Square Mile:  
 Sec.19 T10N R06E



	Area of Application
	Zoning Jurisdiction Lines
	Existing Lincoln City Limits

77





Proposed CZ24025  
 Falcon Heights PUD  
 NW 48th St & W Holdrege St



**ROADWAY CENTERLINE CURVE DATA**

<b>(A)</b> R = 450.00' L = 107.89' T = 54.21' CL = 107.63' Δ = 13° 44' 13"	<b>(B)</b> R = 300.00' L = 123.07' T = 62.37' CL = 122.14' Δ = 23° 29' 26"	<b>(C)</b> R = 450.00' L = 76.60' T = 38.40' CL = 75.51' Δ = 9° 45' 13"	<b>(D)</b> R = 1500.00' L = 319.97' T = 160.59' CL = 319.36' Δ = 12° 13' 19"	<b>(E)</b> R = 750.00' L = 159.86' T = 80.23' CL = 159.56' Δ = 12° 12' 44"
<b>(F)</b> R = 300.00' L = 222.17' T = 116.45' CL = 217.12' Δ = 42° 29' 50"	<b>(G)</b> R = 300.00' L = 222.17' T = 116.45' CL = 217.12' Δ = 42° 29' 50"	<b>(H)</b> R = 450.00' L = 131.20' T = 66.07' CL = 130.73' Δ = 15° 42' 17"		

**OWNER & DEVELOPER**  
NEBHOLDINGS LLC  
7100 S. 29TH ST. SUITE D3  
LINCOLN, NE 68516

**ENGINEER & PREPARER**  
CLARK & ENERSEN  
1010 LINCOLN MALL, SUITE 200  
LINCOLN, NE 68508  
CONTACT: TJ SCHIRMER  
PHONE: 402-477-9291

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

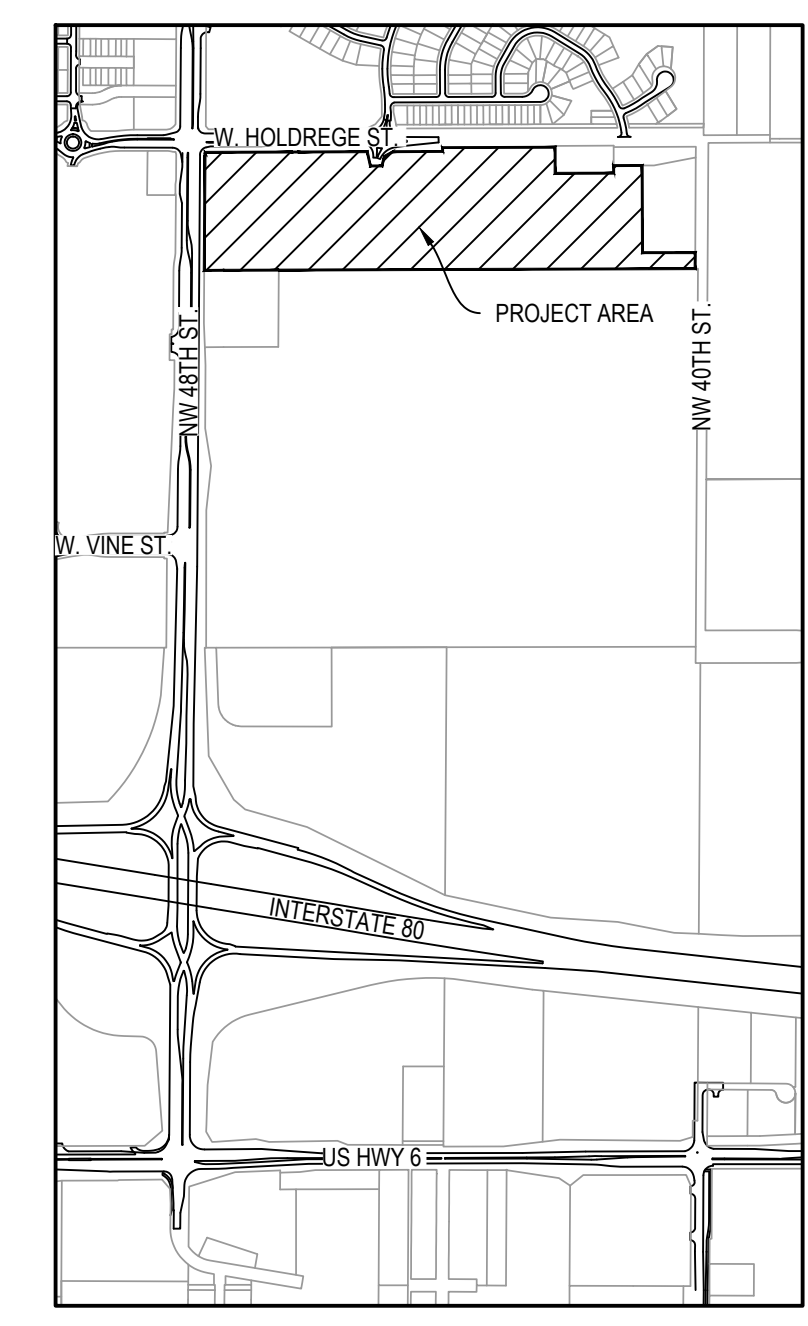
9-18-2024 DATE  
E-20913 STAMP

**FALCON HEIGHTS**  
PLANNED UNIT DEVELOPMENT

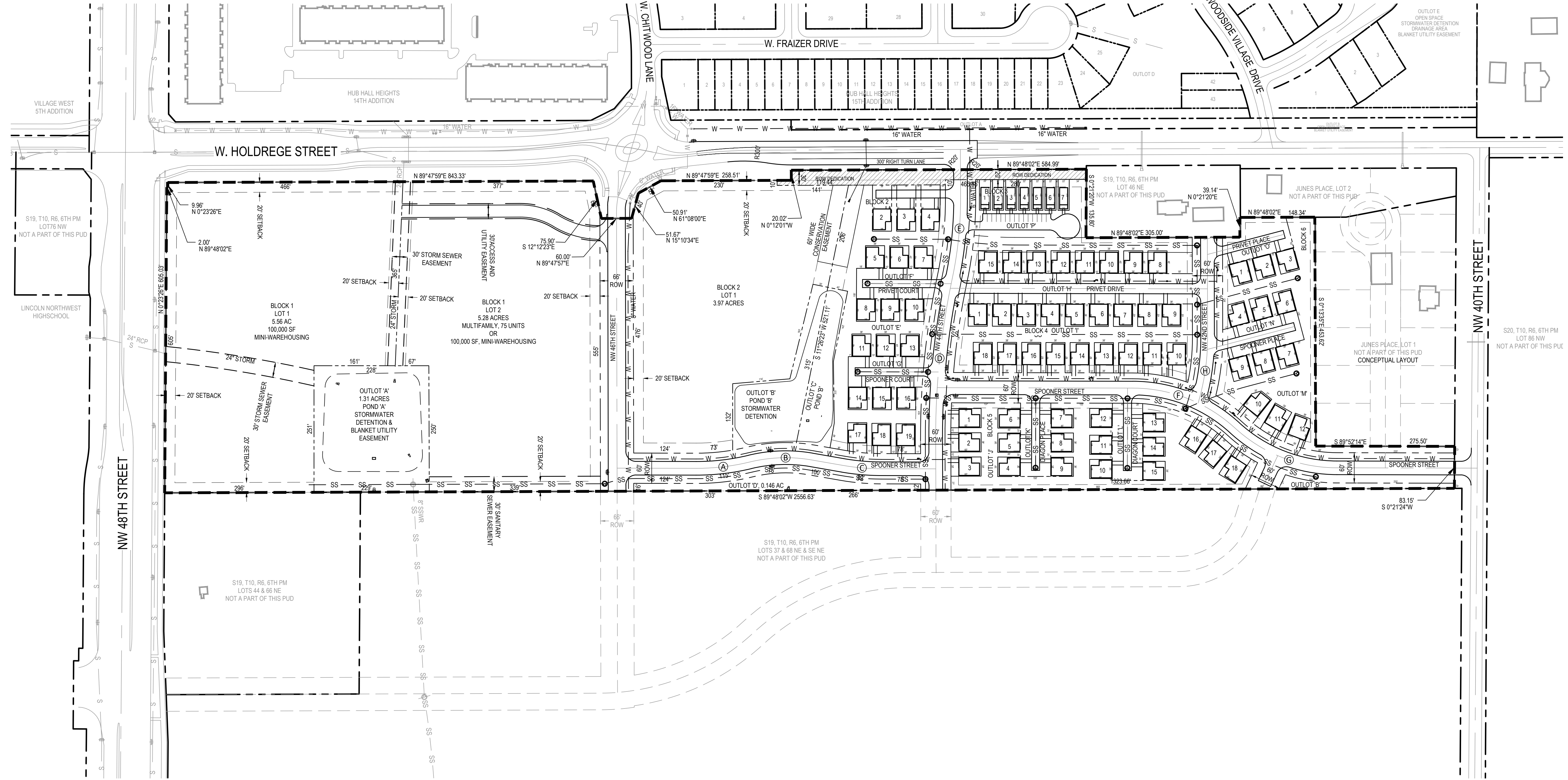
**CLARK & ENERSEN**

Architecture | Engineering | Interior Design | Landscape Architecture | Planning

clarkensers.com  
Fort Collins, Colorado  
Lawrence, Kansas  
Kansas City, Missouri  
Lincoln, Nebraska  
Omaha, Nebraska  
Portland, Oregon  
Charleston, South Carolina



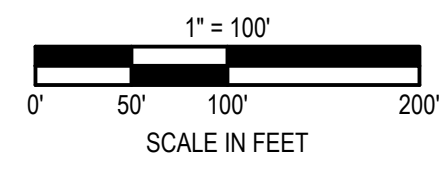
**VICINITY MAP**  
NO SCALE



**LEGEND**

---	PUD BOUNDARY
---	PROPERTY LINE
---	ROADWAY CENTERLINE
---	EASEMENT LINE
---	LOT SETBACK LINE
W-W-W-W	WATER MAIN
S-S-S-S	EXISTING STORM SEWER
SS-SS-SS	STORM SEWER
SS-SS-SS	SANITARY SEWER
GAS-GAS-GAS	EXISTING GAS UTILITY
FO-FO-FO	EXISTING FIBER/OPTIC UTILITY
OHE-OHE-OHE	OVERHEAD POWER UTILITY
UGE-UGE-UGE	UNDERGROUND POWER UTILITY
x	WATER VALVE
+	FIRE HYDRANT
+	STORM SEWER INLET
+	STORM SEWER MANHOLE
+	SANITARY SEWER MANHOLE
+	UTILITY BOX
+	LIGHT POLE
+	UTILITY POLE

**SITE PLAN**  
SCALE: 1" = 100'



**WAIVERS**

- MINIMUM LOT AREA 750 SF (R-5 PUD AREA)
- MINIMUM LOT WIDTH 22' (R-5 PUD AREA)
- MINIMUM LOT DEPTH 45' (R-5 PUD AREA)
- FRONT, SIDE AND REAR YARD SETBACKS
  - 15' FRONT (R-5 PUD AREA PUBLIC STREET)
  - 10' FRONT (R-5 PUD AREA PRIVATE LOT)
  - 0' FRONT (R-5 PUD AREA PRIVATE LOT)
  - 0' SIDE (R-5 PUD AREA PRIVATE LOT)
  - HEIGHT OF 40' (R-5 PUD AREA)
- PARKING OF 2 STALLS PER DWELLING UNIT FOR R-5 PUD AREA MAY BE LOCATED OFF-PREMISES.
- ALLOW TANDEM PARKING TO COUNT TOWARDS PARKING COUNT IN R-5 PUD AREA.
- DESIGN STANDARD FOR WIDTH OF PRIVATE ROADWAY IN R-5 PUD AREA.
- DESIGN STANDARD FOR CROSS SECTION OF PRIVATE ROADWAY IN R-5 PUD AREA.
- DESIGN STANDARD FOR ALTERNATIVE SIDEWALK LOCATION FOR PRIVATE STREETS IN R-5 PUD AREA.
- ACCESS MANAGEMENT POLICY FOR THE ACCESS POINT OF NW 48TH STREET.

**GENERAL SITE NOTES**

- SANITARY SEWER AND WATER LINES TO BE 8" PIPE UNLESS OTHERWISE SHOWN. STORM SEWER SHALL BE CONSTRUCTED USING APPROVED PIPE MATERIALS OF THE BUILDING AND SAFETY PLUMBING DEPARTMENT. PUBLIC AND PRIVATE UTILITIES TO BE BUILT TO CITY OF LINCOLN SPECIFICATIONS.
- SIDEWALKS SHALL BE CONSTRUCTED ON BOTH SIDES OF THE PUBLIC STREETS.
- ALL DIMENSIONS ALONG CURVES ARE CHORD DISTANCES.
- ALL ELEVATIONS ARE TO NAVD 1988.
- THE PROPOSED LOT LINES, BUILDING LAYOUT AND PARKING LOT LAYOUT ARE CONCEPTUAL AND MAY VARY IN THE FINAL PLAT & BUILDING PERMIT.
- ALL EAVES, CANOPIES AND OTHER BUILDING PROJECTIONS MAY EXTEND OVER THE BUILDING SETBACK LINES BUT NOT LOT LINES.
- FINAL SITE LAYOUT AND INDIVIDUAL LANDSCAPE PLANS FOR BUILDINGS TO BE SUBMITTED AT TIME OF BUILDING PERMIT.
- SETBACKS SHALL BE AS SHOWN ON THE SITE PLAN.
- MINI-WAREHOUSE IS A PERMITTED USE IN THE B-2 PUD ZONING AREA.
- ANY BUILDING OUTLINE SHOWN ON THE PUD SITE PLAN IS ILLUSTRATIVE ONLY. FENCES, TRASH ENCLOSURES, DECORATIVE STRUCTURES AND ACCESSORY BUILDINGS ARE NOT SHOWN. BUILDINGS MAY BE LOCATED ANYWHERE ON THE LOT SUBJECT TO SETBACK LIMITATIONS.
- ANY LOTS SHOWN ON THE PUD SITE PLAN ARE ILLUSTRATIVE ONLY. LOT CONFIGURATIONS SHALL BE APPROVED BY ADMINISTRATIVE AMENDMENT.
- LOTS MAY BE CREATED WITHOUT FRONTAGE TO A PUBLIC STREET IF THEY HAVE ACCESS TO A PUBLIC OR COMMON ACCESS EASEMENT.
- LOTS MAY BE CREATED WITH NON-PERPENDICULAR LOT LINES.
- A HOMEOWNERS AND/OR PROPERTY OWNERS ASSOCIATION SHALL BE RESPONSIBLE FOR MAINTENANCE OF ALL COMMON AREAS AND OUTLOTS INCLUDING THE BOULEVARD MEDIANS WITHIN THE PUBLIC STREETS.
- THE R-5 PUD RESIDENTIAL AREA MAY CONTAIN UP TO 81 DWELLING UNITS.
- THE TOTAL COLLECTIVE FLOOR AREA OF NON-RESIDENTIAL USES IN THE B-2 PUD COMMERCIAL AREA SHALL NOT EXCEED 280,000 SF OF MINI-WAREHOUSING AND/OR 125 MULTIFAMILY UNITS.
- ADJUSTMENTS TO THE SIZING AND LOCATIONS OF THE PUD ZONING AREAS CAN BE MADE VIA ADMINISTRATIVE AMENDMENT.
- DIRECT VEHICULAR ACCESS TO NW 48TH STREET, W. HOLDREGE STREET, AND NW 40TH STREET SHALL BE RELINQUISHED EXCEPT AS SHOWN.

**LEGAL DESCRIPTION - ANNEXATION & PUD**

LOT 3, JUNE'S PLACE, EXCEPT THAT PORTION DESCRIBED IN INSTRUMENT NUMBERS 2015018309 & 2021029997 & 2021043381, AND ALSO BEING DESCRIBED IN WARRANTY DEED INSTRUMENT NUMBER 2023038445, LOCATED IN THE NORTH-EAST QUARTER OF SECTION 19, TOWNSHIP 10 NORTH, RANGE 6 EAST, OF THE 6th P.M., LANCASTER COUNTY, NEBRASKA, BEING DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF LOT 3, JUNE'S PLACE, SAID POINT BEING LOCATED ON THE WEST LINE OF SAID NORTHEAST QUARTER AND 40.00' SOUTH OF THE NORTHWEST CORNER OF SAID NORTHEAST QUARTER; THENCE EASTERLY 40' SOUTH OF AND PARALLEL TO THE NORTH LINE OF SAID NORTHEAST QUARTER ON AN ASSIGNED BEARING OF N 89°48'02" E A DISTANCE OF 46.21'; THENCE SOUTHERLY S 0°23'50" W 20.04' TO THE POINT OF BEGINNING, SAID POINT BEING ON THE SOUTH RIGHT OF WAY LINE FOR WEST HOLDREGE STREET; THENCE ON SAID SOUTH RIGHT OF WAY LINE FOR THE NEXT EIGHT (8) COURSES, EASTERLY N 89°47'59" E 843.33'; THENCE SOUTHERLY S 12°12'23" E 75.90'; THENCE EASTERLY N 89°47'57" E 60.00'; THENCE NORTHERLY N 15°10'34" E 51.67'; THENCE NORTHEASTERLY N 81°00'00" S 50.91'; THENCE EASTERLY N 89°47'59" E 258.51'; THENCE NORTHERLY N 0°12'01" W 20.02'; THENCE EASTERLY N 89°48'02" E 584.99' TO A POINT ON THE WEST LINE OF LOT 46 IRREGULAR TRACT IN SAID NORTHEAST QUARTER, THENCE SOUTHERLY ON SAID WEST LINE S 0°21'20" W 135.80' TO THE SOUTHWEST CORNER OF SAID LOT 46; THENCE EASTERLY ON THE SOUTH LINE OF SAID LOT 46 N 89°48'02" E 305.00' TO THE SOUTHEAST CORNER OF SAID LOT 46; THENCE NORTHERLY ON THE EAST LINE OF SAID LOT 46 N 21°20' E 39.14' TO THE WEST MOST CORNER COMMON TO LOTS 2 AND 3, JUNE'S PLACE; THENCE EASTERLY ON THE SOUTH LINE OF SAID LOT 2, N 89°48'02" E 148.34' TO THE NORTHEAST CORNER OF SAID LOT 3; THENCE ON THE EASTERN LINE OF SAID LOT 3 FOR THE NEXT THREE (3) COURSES, SOUTHERLY S 0°13'35" E 453.62'; THENCE EASTERLY S 89°52'14" E 275.50' TO A POINT ON THE WEST 40' RIGHT OF WAY LINE FOR NORTHWEST 40th STREET; THENCE SOUTHERLY ON S 0°21'24" W 83.15' TO THE SOUTHWEST CORNER OF SAID LOT 3; THENCE WESTERLY ON THE SOUTH LINE OF SAID LOT 3, S 89°48'02" W 2556.63' TO A POINT ON THE EAST RIGHT OF WAY LINE FOR NORTHWEST 48th STREET; THENCE ON SAID RIGHT OF WAY LINE FOR THE NEXT THREE (3) COURSES, NORTHERLY N 0°23'28" E 605.03'; THENCE EASTERLY N 89°48'02" E 2.00'; THENCE NORTHERLY N 0°23'26" E 9.96' TO THE POINT OF BEGINNING, SAID TRACT CONTAINING AN AREA OF 1,383,186.9 SQUARE FEET OR 31.75 ACRES, MORE OR LESS.

**LEGAL DESCRIPTION - CHANGE OF ZONE AG TO B-2 PUD**

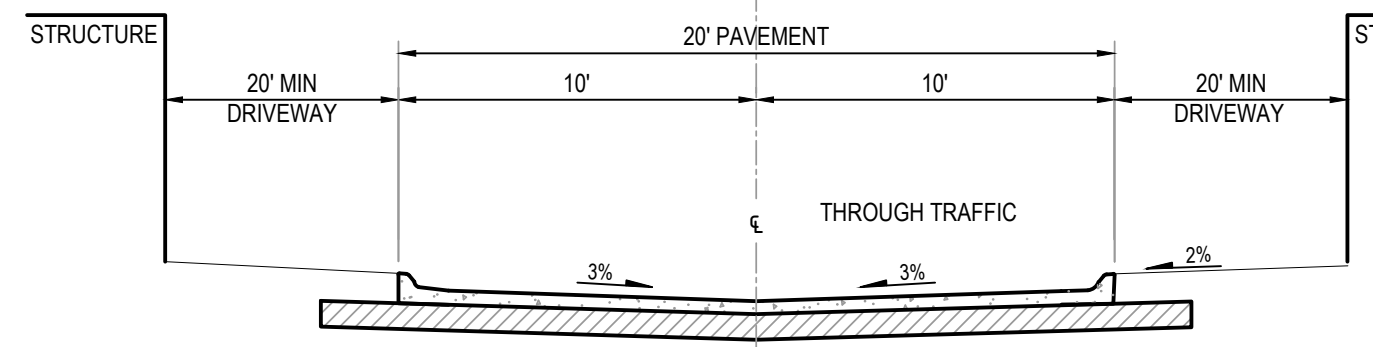
PART OF LOT 3, JUNE'S PLACE, EXCEPT THAT PORTION DESCRIBED IN INSTRUMENT NUMBERS 2015018309 & 2021029997 & 2021043381, AND ALSO BEING DESCRIBED IN WARRANTY DEED INSTRUMENT NUMBER 2023038445, LOCATED IN THE NORTH-EAST QUARTER OF SECTION 19, TOWNSHIP 10 NORTH, RANGE 6 EAST, OF THE 6th P.M., LANCASTER COUNTY, NEBRASKA, BEING DESCRIBED AS FOLLOWS:

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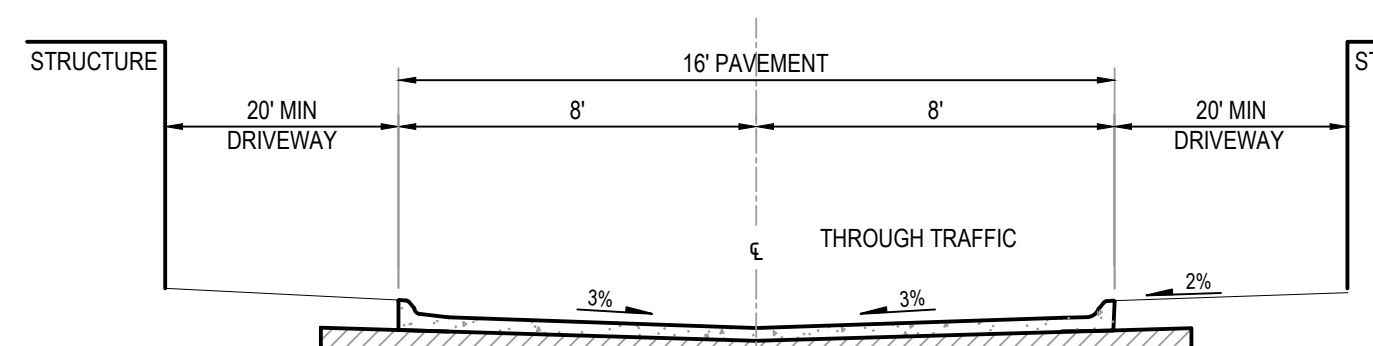
**LEGAL DESCRIPTION - CHANGE OF ZONE AG TO R-5 PUD**

THAT PART OF LOT 3, JUNE'S PLACE, EXCEPT THAT PORTION DESCRIBED IN INSTRUMENT NUMBERS 2015018309 & 2021029997 & 2021043381, AND ALSO BEING DESCRIBED IN WARRANTY DEED INSTRUMENT NUMBER 2023038445, LOCATED IN THE NORTH-EAST QUARTER OF SECTION 19, TOWNSHIP 10 NORTH, RANGE 6 EAST, OF THE 6th P.M., LANCASTER COUNTY, NEBRASKA, BEING DESCRIBED AS FOLLOWS:

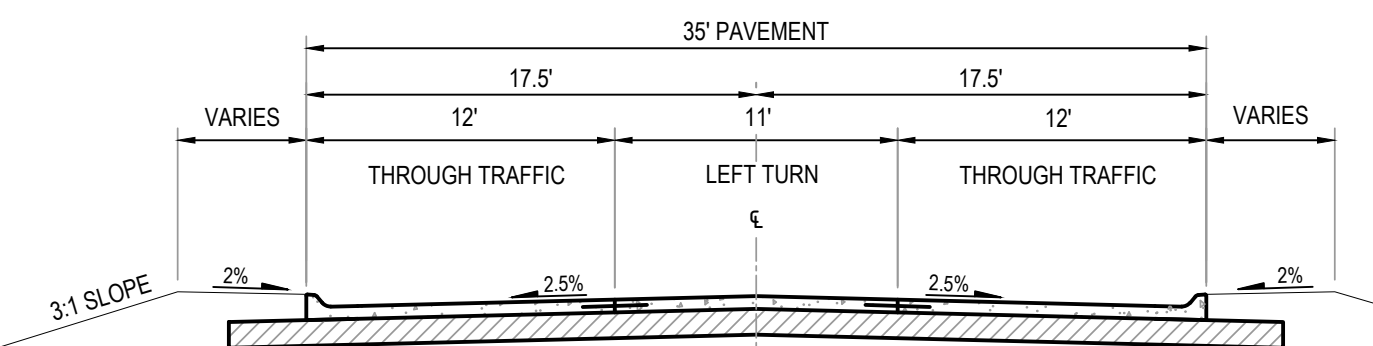
COMMENCING AT THE NORTHWEST CORNER OF LOT 3, JUNE'S PLACE, SAID POINT BEING LOCATED ON THE WEST LINE OF SAID NORTHEAST QUARTER AND 40.00' SOUTH OF THE NORTHWEST CORNER OF SAID NORTHEAST QUARTER; THENCE EASTERLY 40' SOUTH OF AND PARALLEL TO THE NORTH LINE OF SAID NORTHEAST QUARTER ON AN ASSIGNED BEARING OF N 89°48'02" E A DISTANCE OF 46.21'; THENCE SOUTHERLY S 0°23'50" W 20.04' TO A POINT ON THE SOUTH RIGHT OF WAY LINE FOR WEST HOLDREGE STREET; THENCE ON SAID SOUTH RIGHT OF WAY LINE FOR THE NEXT EIGHT (8) COURSES, EASTERLY N 89°47'59" E 843.33'; THENCE SOUTHERLY S 12°12'23" E 75.90'; THENCE EASTERLY N 89°47'57" E 60.00'; THENCE NORTHERLY N 15°10'34" E 51.67'; THENCE NORTHEASTERLY N 81°00'00" S 50.91'; THENCE EASTERLY N 89°47'59" E 258.51'; THENCE NORTHERLY N 0°12'01" W 20.02'; THENCE EASTERLY N 89°48'02" E 119.44'; THENCE SOUTHERLY S 11°26'23" W 648.33' TO A POINT ON THE SOUTH LINE OF SAID LOT 3; THENCE WESTERLY ON SAID SOUTH LINE OF SAID LOT 3, S 89°48'02" W 232.97' TO A POINT ON THE EAST RIGHT OF WAY LINE FOR NORTHWEST 48th STREET; THENCE ON SAID SOUTH RIGHT OF WAY LINE FOR THE NEXT THREE (3) COURSES, NORTHERLY N 0°23'29" E 605.03'; THENCE EASTERLY N 89°48'02" E 2.00'; THENCE NORTHERLY N 0°23'28" E 9.96' TO THE POINT OF BEGINNING, SAID TRACT CONTAINING AN AREA OF 591,676.74 SQUARE FEET OR 13.59 ACRES, MORE OR LESS.



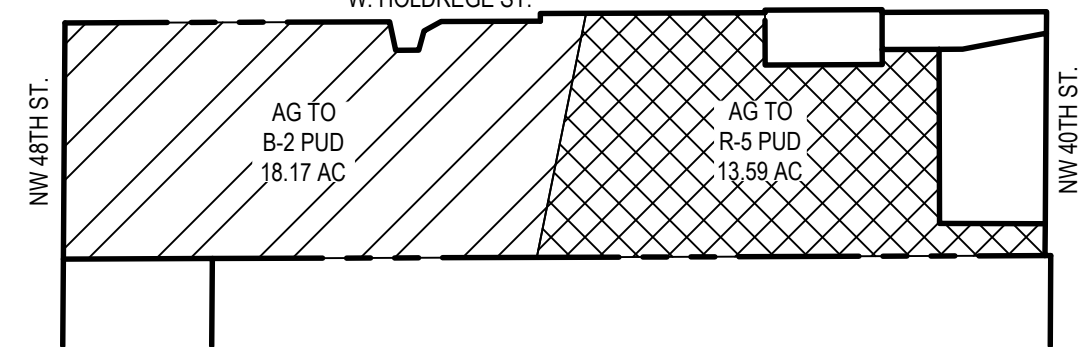
**PRIVET DRIVE ROADWAY CROSS SECTION**  
NO SCALE



**TYPICAL PRIVATE ROADWAY CROSS SECTION**  
NO SCALE



**WEST HOLDREGE TYP. CROSS SECTION**  
NO SCALE



**ZONING MAP**  
NO SCALE

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**Falcon Heights PUD**

Lincoln, NE

CE No.: 863-011-24

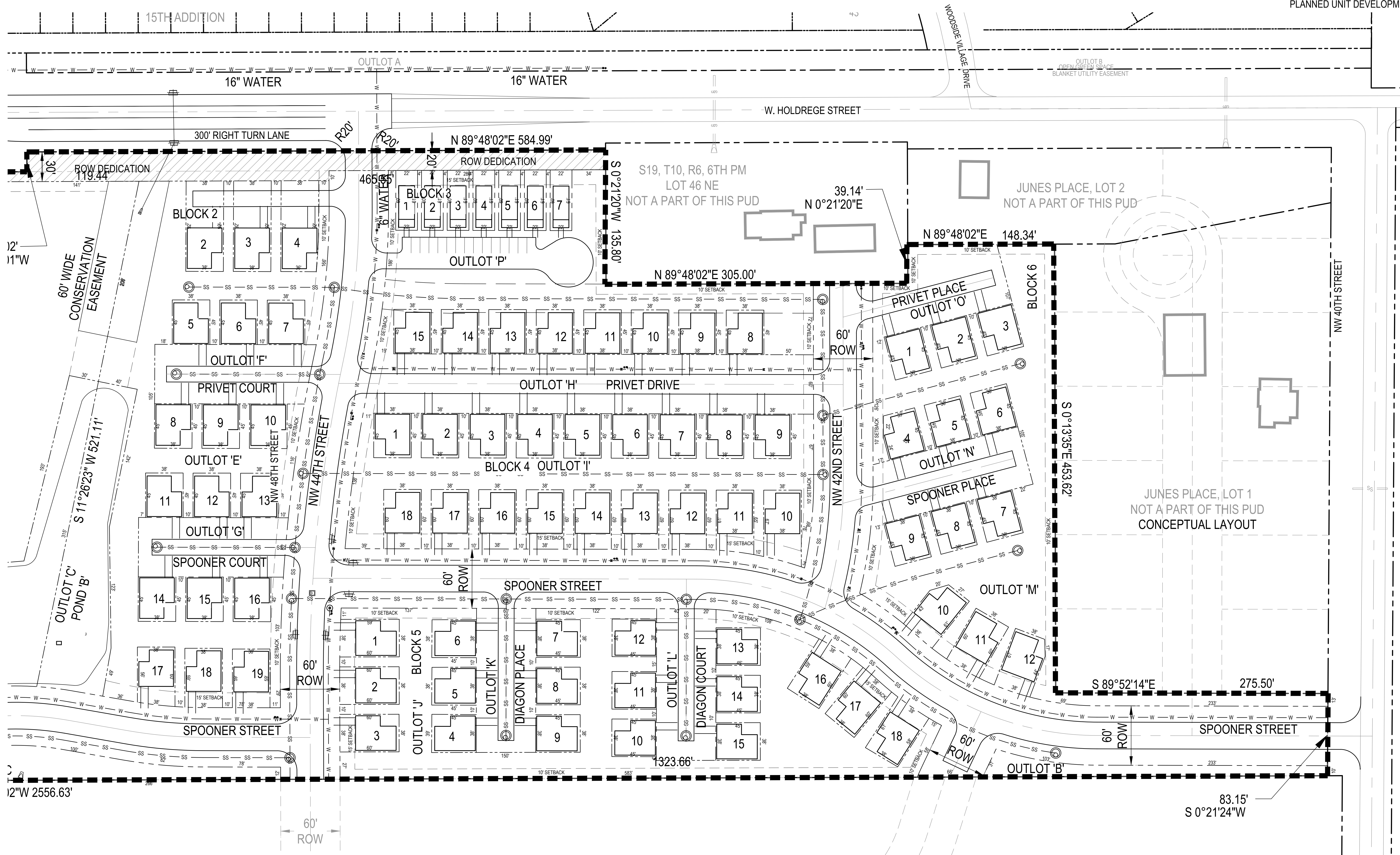
September 18, 2024



Site Plan

1 of 6

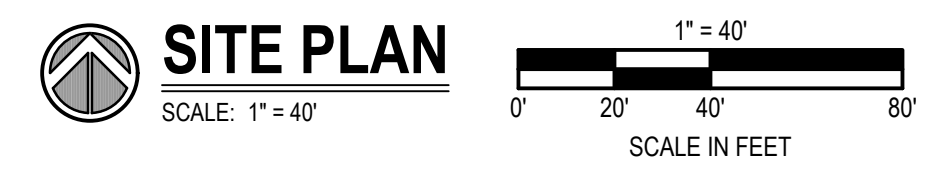




Per Nebraska State Statute 81-3436, section 6.5.3  
Required Information on Technical Submissions  
Clark & Enersen, Inc.  
Architecture Contact: Tim Ripp  
Engineering Contact: TJ Schirmer  
1010 Lincoln Mall, Suite 200  
Lincoln, NE 68508  
COA No. CA0029AE  
Note that this information is being provided as required by state statutes for an organization. The individual in responsible charge for design is designated by the professional stamps on individual drawings. Please follow information in the Project Manual for submitting questions during bidding or construction.

**LEGEND**

	PUD BOUNDARY
	PROPERTY LINE
	ROADWAY CENTERLINE
	EASEMENT LINE
	LOT SETBACK LINE
	WATER MAIN
	EXISTING STORM SEWER
	STORM SEWER
	SANITARY SEWER
	EXISTING GAS UTILITY
	EXISTING FIBER/COMM UTILITY
	OVERHEAD POWER UTILITY
	UNDERGROUND POWER UTILITY
	WATER VALVE
	FIRE HYDRANT
	STORM SEWER INLET
	STORM SEWER MANHOLE
	SANITARY SEWER MANHOLE
	UTILITY BOX
	LIGHT POLE
	UTILITY POLE



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Falcon Heights PUD

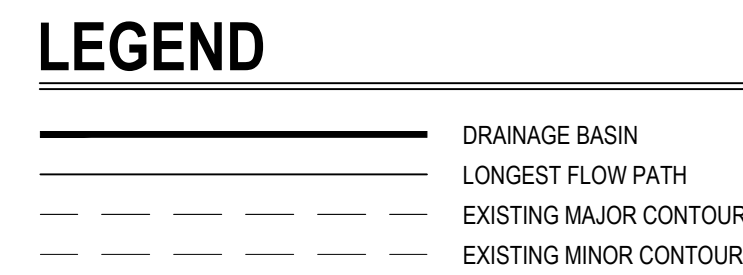
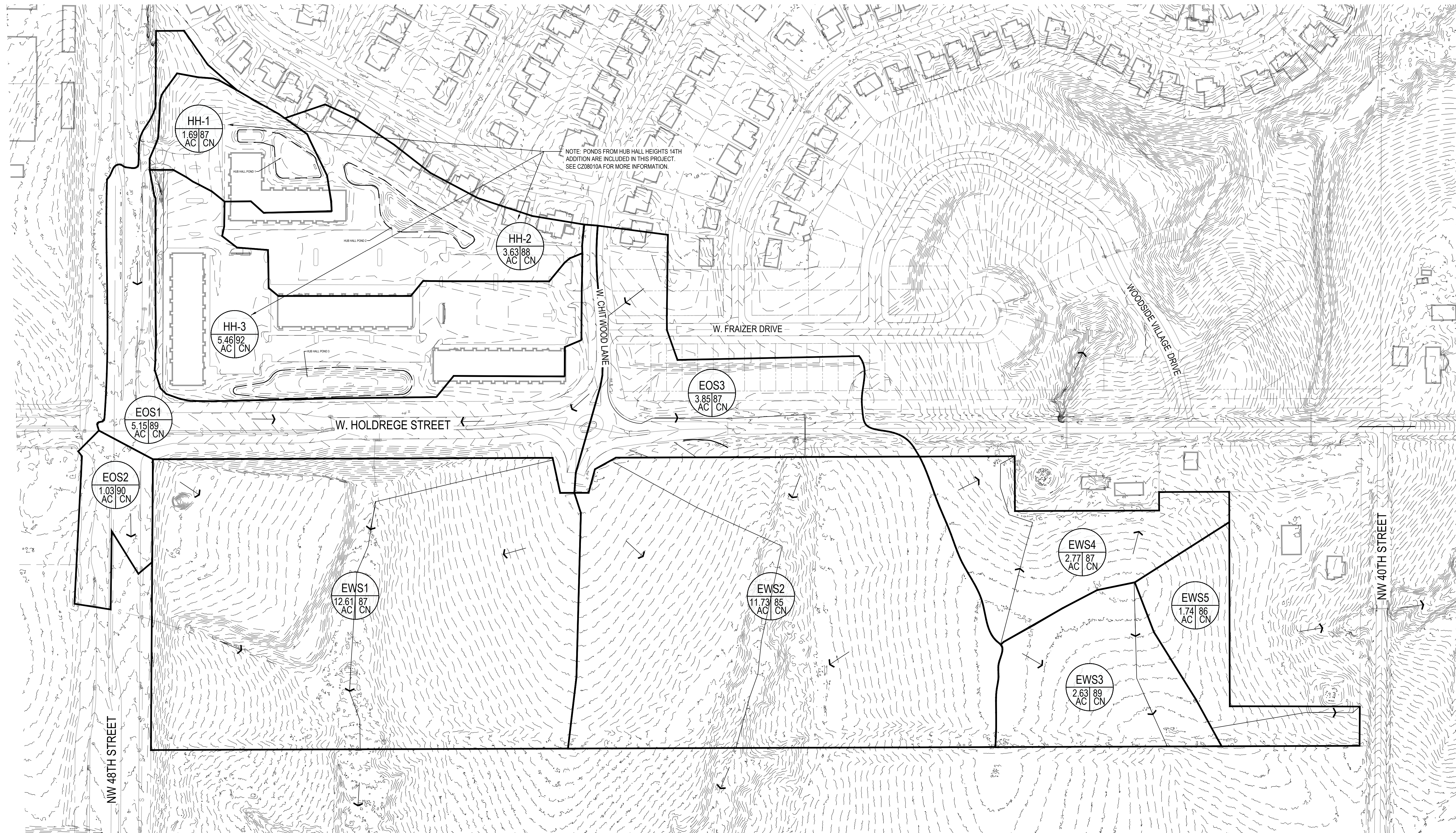
Lincoln, NE

CE No.: 863-011-24

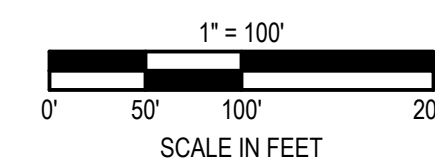
September 18, 2024



Residential Site Plan



**EXISTING GRADING & DRAINAGE**  
SCALE: 1" = 100'



**EXISTING DRAINAGE CALCULATIONS**

Basin	Drainage Area (Acres)	CN	TC (Min)	Q <sub>1</sub> (CFS)	Q <sub>2</sub> (CFS)	Q <sub>10</sub> (CFS)	Q <sub>100</sub> (CFS)	Land Use
EWS1	12.61	87	26.1	21.62	37.23	68.35		ROW CROPS, SR, GOOD, HSG C & D >75% GRASS COVER
EWS2	11.73	85	25.2	18.79	33.38	62.88		ROW CROPS, SR, GOOD, HSG C
EWS3	2.63	89	8.0	1.72	3.18	6.12		ROW CROPS, SR, GOOD, HSG C & D
EWS4	2.77	87	18.3	6.37	10.88	19.97		ROW CROPS, SR, GOOD, HSG C & D
EWS5	1.74	86	14.5	3.83	6.66	12.37		ROW CROPS, SR, GOOD, HSG C & D

**OFFSITE DRAINAGE CALCULATIONS**

Basin	Drainage Area (Acres)	CN	TC (Min)	Q <sub>1</sub> (CFS)	Q <sub>2</sub> (CFS)	Q <sub>10</sub> (CFS)	Q <sub>100</sub> (CFS)	Land Use
EOS1	5.15	89	8.0	1.63	2.97	5.92	47.92	PAVED ROADS WITH STORM SEWER >75% GRASS COVER, GOOD, HSG C & D
EOS2	1.03	89	8.0	0.39	0.70	1.39	9.69	PAVED ROADS WITH STORM SEWER >75% GRASS COVER, GOOD, HSG C
EOS3	3.85	88	16.1	0.40	0.89	1.29		1/4 AC LOTS, 65% IMP, HSG C & D PAVED ROADS WITH STORM SEWER >75% GRASS COVER, GOOD, HSG C & D
HH-1	1.69	87	8.0	4.98	8.46	15.37		PAVED PARKING, HSG D ROOFS, HSG D >75% GRASS COVER, GOOD, HSG D
HH-2	3.63	88	9.9	10.69	17.93	32.23		PAVED PARKING, HSG D ROOFS, HSG D >75% GRASS COVER, GOOD, HSG D
HH-3	5.46	92	9.9	17.80	28.23	46.56		PAVED PARKING, HSG D ROOFS, HSG D >75% GRASS COVER, GOOD, HSG D

NOTE: DRAINAGE BASINS AND PONDS FROM WOODSIDE VILLAGE PUD, CZ08010A.

Per Nebraska State Statute 81-3436, section 6.5.3  
Required Information on Technical Submissions  
Clark & Enersen, Inc.  
Architecture Contact: Tim Ripp  
Engineering Contact: TJ Schirmer  
1010 Lincoln Mall, Suite 200  
Lincoln, NE 68508  
COA No. CA0029AE  
Note that this information is being provided as required by state statutes for an organization. The individual in responsible charge for design is designated by the professional stamps on individual drawings. Please follow information in the Project Manual for submitting questions during bidding or construction.

**Falcon Heights PUD**

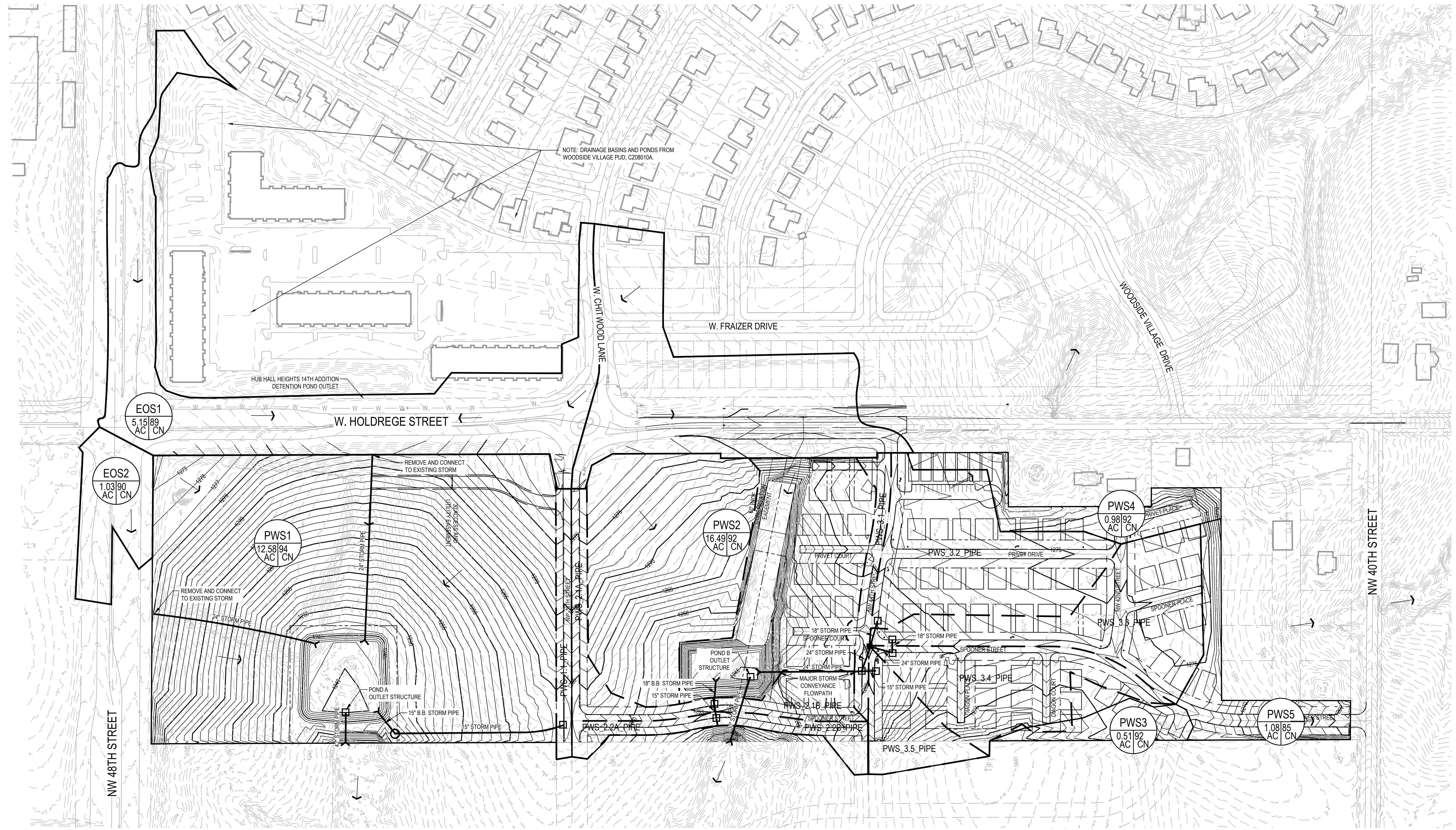
Lincoln, NE

CE No.: 863-011-24

September 18, 2024



Existing  
Grading & Drainage



**LEGEND**

- DRAINAGE BASIN
- PIPE-SIZING SUB BASIN
- EXISTING MAJOR CONTOUR
- EXISTING MINOR CONTOUR
- PROPOSED MAJOR CONTOUR
- PROPOSED MINOR CONTOUR
- STORM INLET LOCATION
- STORM MANHOLE LOCATION
- STORM PIPE LOCATION

**MINIMUM OPENING ELEVATIONS**

BLOCK	LOT	ELEVATION
2	1	1256.42
2	2	1256.42
5		1256.42
8		1256.42
11		1256.42
14		1256.42
17		1256.42



**PROPOSED DRAINAGE CALCULATIONS**

PWS1 DRAINAGE AREA = 12.58 ACRES CN = 94 TC = 15.1 MIN. Q <sub>1</sub> = 56.70 CFS Q <sub>2</sub> = 56.82 CFS Q <sub>100</sub> = 96.03 CFS	PWS2 DRAINAGE AREA = 16.03 ACRES CN = 92 TC = 15.6 MIN. Q <sub>1</sub> = 44.76 CFS Q <sub>2</sub> = 71.17 CFS Q <sub>100</sub> = 122.69 CFS	PWS3 DRAINAGE AREA = 0.94 ACRES CN = 92 TC = 8.0 MIN. Q <sub>1</sub> = 1.80 CFS Q <sub>2</sub> = 4.89 CFS Q <sub>100</sub> = 4.89 CFS	PWS4 DRAINAGE AREA = 1.80 ACRES CN = 92 TC = 8.0 MIN. Q <sub>1</sub> = 6.35 CFS Q <sub>2</sub> = 10.06 CFS Q <sub>100</sub> = 17.28 CFS	PWS5 DRAINAGE AREA = 1.08 ACRES CN = 91 TC = 8.0 MIN. Q <sub>1</sub> = 16.36 CFS Q <sub>2</sub> = 27.00 CFS Q <sub>100</sub> = 47.92 CFS
LAND USE URBAN COMMERCIAL, 85% IMP, HSG C & D >75% GRASS COVER, GOOD, HSG D	LAND USE ½ AC LOTS, 65% IMP, HSG C & D WOODS/GRASS COMBO, GOOD, HSG D >75% GRASS COVER, GOOD, HSG D URBAN COMMERCIAL, 85% IMP, HSG C & D	LAND USE ½ AC LOTS, 65% IMP, HSG D	LAND USE ½ AC LOTS, 65% IMP, HSG D	LAND USE ½ AC LOTS, 65% IMP, HSG C & D

**OFFSITE DRAINAGE CALCULATIONS**

EOS1 DRAINAGE AREA = 5.15 ACRES CN = 89 TC = 8.0 MIN. Q <sub>1</sub> = 16.36 CFS Q <sub>2</sub> = 27.00 CFS Q <sub>100</sub> = 47.92 CFS	EOS2 DRAINAGE AREA = 1.03 ACRES CN = 90 TC = 8.0 MIN. Q <sub>1</sub> = 3.39 CFS Q <sub>2</sub> = 5.52 CFS Q <sub>100</sub> = 9.69 CFS	EOS3 DRAINAGE AREA = 3.85 ACRES CN = 88 TC = 16.1 MIN. Q <sub>1</sub> = 15.40 CFS Q <sub>2</sub> = 28.23 CFS Q <sub>100</sub> = 52.23 CFS
LAND USE PAVED ROADS WITH STORM SEWER >75% GRASS COVER, GOOD, HSG C & D	LAND USE PAVED ROADS WITH STORM SEWER >75% GRASS COVER, GOOD, HSG C	LAND USE ½ AC LOTS, 65% IMP, HSG C & D PAVED ROADS WITH STORM SEWER >75% GRASS COVER, GOOD, HSG C & D
HH 1 DRAINAGE AREA = 1.89 ACRES CN = 97 TC = 8.0 MIN. Q <sub>1</sub> = 4.98 CFS Q <sub>2</sub> = 9.46 CFS Q <sub>100</sub> = 15.37 CFS	HH 2 DRAINAGE AREA = 3.63 ACRES CN = 98 TC = 8.8 MIN. Q <sub>1</sub> = 10.69 CFS Q <sub>2</sub> = 17.93 CFS Q <sub>100</sub> = 32.23 CFS	HH 3 DRAINAGE AREA = 5.46 ACRES CN = 92 TC = 9.9 MIN. Q <sub>1</sub> = 17.80 CFS Q <sub>2</sub> = 28.23 CFS Q <sub>100</sub> = 48.56 CFS
LAND USE PAVED PARKING, HSG D ROOFS, HSG D >75% GRASS COVER, GOOD, HSG D	LAND USE PAVED PARKING, HSG D ROOFS, HSG D >75% GRASS COVER, GOOD, HSG D	LAND USE PAVED PARKING, HSG D ROOFS, HSG D >75% GRASS COVER, GOOD, HSG D

**MAJOR STORM CONVEYANCE SIZING CALCULATIONS**

**Major Storm System Conveyance Analysis**  
Minor Storm Average Return Frequency, Years 100 YR

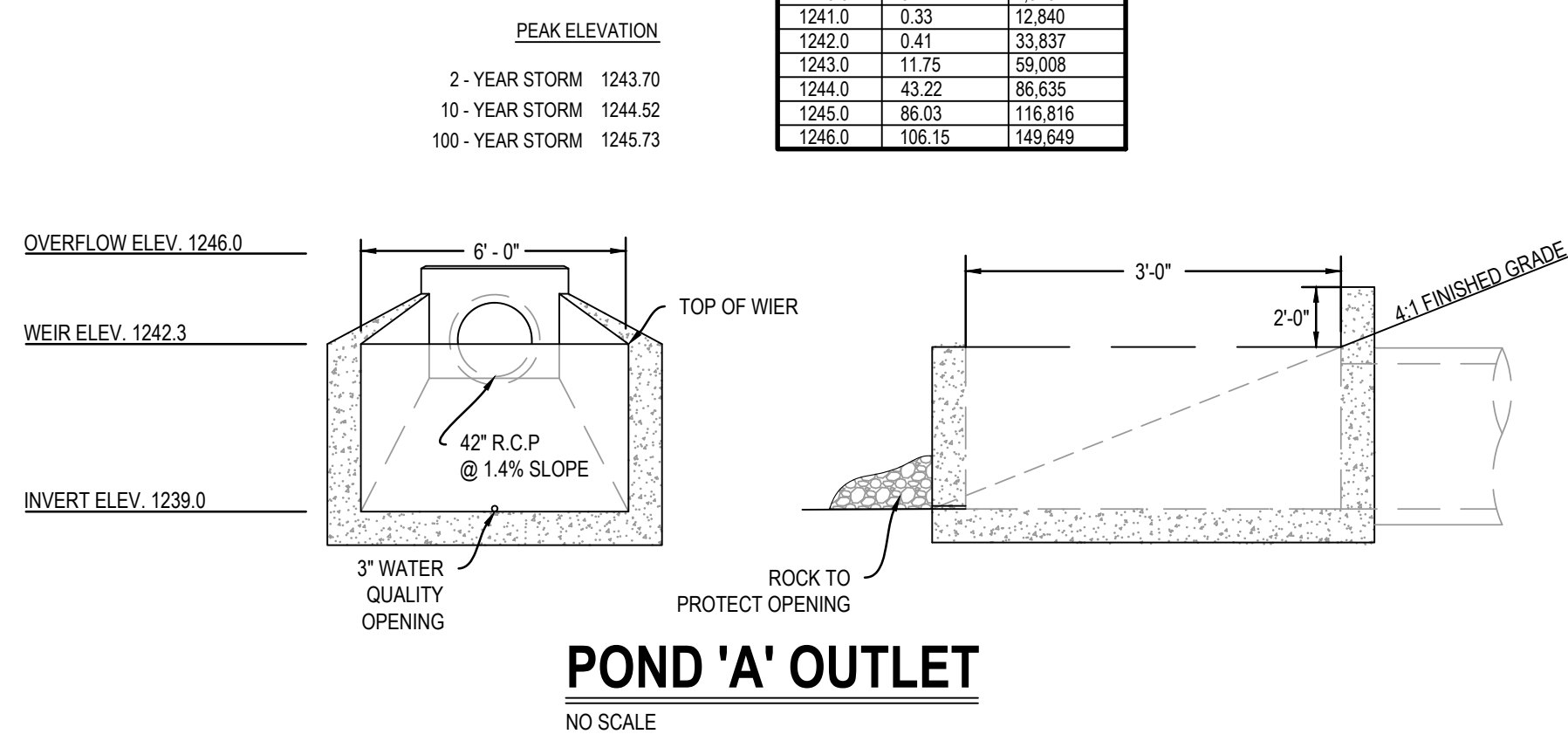
Location	Intensity 1100 in/hr	Total Flow Q <sub>100</sub> cfs	Pipe Capacity cfs	Total Flow Minus Pipe Capacity Q <sub>100</sub> cfs	Overflow Route Slope ft/R	Manning's Roughness	Side Slope H:1V	Channel Bottom ft	100-yr Depth	Comments
Overland Flow to Pond B	9.87	61.59	32.78	28.81	0.025	0.035	8	8	0.61	Conveys 100-YR

**RATING CURVE FOR  
PROPOSED WATER QUALITY POND**

ELEV. (CFS)	DISCHARGE (CFS)	STORAGE (CF)
1244.0	0	0
1245.0	0.15	696
1246.0	0.23	3,196
1247.0	0.39	9,111
1248.0	0.52	16,435
1249.0	0.86	29,891
1250.0	1.49	43,180
1251.0	25.16	59,151
1252.0	30.39	72,277
1253.0	62.58	100,762
1254.0	69.91	129,860
1255.0	73.80	157,042
1256.0	168.71	191,220

**RATING CURVE FOR  
PROPOSED WATER QUALITY POND**

ELEV. (CFS)	DISCHARGE (CF)	STORAGE (CF)
1239.0	0	0
1240.0	0.24	1,940
1241.0	0.33	12,840
1242.0	0.44	33,637
1243.0	11.75	59,008
1244.0	43.22	86,635
1245.0	80.03	116,616
1246.0	106.15	140,642



**PRELIMINARY PIPE SIZING CALCULATIONS**

**Minor Storm System Conveyance Analysis**  
Minor Storm Average Return Frequency, Years 5 YR

Location	Area AC	Coefficient C	A-C Sum A-C	I <sub>c</sub> minutes	Intensity I in/hour	Runoff Q <sub>i</sub> cfs	Pipe Slope Sp ft/ft	Pipe Length L ft	Pipe Diameter D in	Pipe Capacity Q <sub>p</sub> cfs	Pipe Velocity V <sub>p</sub> ft/sec	Time in Section T <sub>p</sub> minutes	Comments	
PIPE 1.1	0.46	0.83	0.38	8.00	6.55	3.12	0.00750	420	15	5.59	4.56	1.54	10-YR Event	
PIPE 2.2	0.62	0.80	0.50	8.00	6.55	4.06	0.00750	27	15	5.59	4.56	0.10	10-YR Event	
PIPE 2.1	1.09	0.75	0.82	1.31	8.00	6.55	8.60	0.00750	50	18	9.10	5.15	0.16	10-YR Event
PIPE 3.2	2.71	0.70	1.90	1.90	8.00	5.58	0.01100	45	18	11.02	6.23	0.12		
PIPE 3.3	2.20	0.70	1.54	1.54	8.00	5.58	0.01800	27	15	8.67	7.06	0.08		
PIPE 3.4	1.73	0.70	1.21	2.75	8.00	5.57	0.00500	45	24	16.00	5.09	0.15		
PIPE 3.5	0.74	0.70	0.52	8.00	6.55	3.38	0.00750	27	15	5.59	4.56	0.10	10-YR Event	
PIPE 3.5 / 3.1	-	-	-	4.65	8.21	5.53	0.01300	45	24	25.79	8.21	0.09		
PIPE 3.1	0.43	0.80	0.34	4.99	8.30	6.55	0.02100	180	24	32.78	10.44	0.29	10-YR Event	

Falcon Heights PUD

Lincoln, NE

CE No.: 863-011-24

September 18, 2024



Proposed  
Grading & Drainage

## **LEGAL DESCRIPTION ANNEXATION AND PLANNED UNIT DEVELOPMENT**

LOT 3, JUNE'S PLACE, EXCEPT THAT PORTION DESCRIBED IN INSTRUMENT NUMBERS 2015018309 & 2021029997 & 2021043381, AND ALSO BEING DESCRIBED IN WARRANTY DEED INSTRUMENT NUMBER 2023038445, LOCATED IN THE NORTHEAST QUARTER OF SECTION 19, TOWNSHIP 10 NORTH, RANGE 6 EAST, OF THE 6th P.M., LANCASTER COUNTY, NEBRASKA, BEING DESCRIBED AS FOLLOWS;

COMMENCING AT THE NORTHWEST CORNER OF LOT 3, JUNE'S PLACE, SAID POINT BEING LOCATED ON THE WEST LINE OF SAID NORTHEAST QUARTER AND 40.00' SOUTH OF THE NORTHWEST CORNER OF SAID NORTHEAST QUARTER; THENCE EASTERLY, 40' SOUTH OF AND PARALLEL TO THE NORTH LINE OF SAID NORTHEAST QUARTER ON AN ASSIGNED BEARING OF N 89°48'02"E A DISTANCE OF 49.21'; THENCE SOUTHERLY, S 0°23'50"W 20.04', TO THE POINT OF BEGINNING, SAID POINT BEING ON THE SOUTH RIGHT OF WAY LINE FOR WEST HOLDREGE STREET; THENCE ON SAID SOUTH RIGHT OF WAY LINE FOR THE NEXT EIGHT (8) COURSES, EASTERLY N 89°47'59"E 843.33'; THENCE SOUTHERLY, S 12°12'23"E 75.90'; THENCE EASTERLY, N 89°47'57"E 60.00'; THENCE NORTHERLY, N 15°10'34"E 51.67'; THENCE NORTHEASTERLY, N 61°08'00"E 50.91'; THENCE EASTERLY, N 89°47'59"E 258.51'; THENCE NORTHERLY, N 0°12'01"W 20.02'; THENCE EASTERLY, N 89°48'02"E 584.99', TO A POINT ON THE WEST LINE OF LOT 46 IRREGULAR TRACT IN SAID NORTHEAST QUARTER; THENCE SOUTHERLY ON SAID WEST LINE, S 0°21'20"W 135.80', TO THE SOUTHWEST CORNER OF SAID LOT 46; THENCE EASTERLY ON THE SOUTH LINE OF SAID LOT 46, N 89°48'02"E 305.00', TO THE SOUTHEAST CORNER OF SAID LOT 46; THENCE NORTHERLY ON THE EAST LINE OF SAID LOT 46, N 0°21'20"E 39.14', TO THE WEST MOST CORNER COMMON TO LOTS 2 AND 3, JUNE'S PLACE; THENCE EASTERLY ON THE SOUTH LINE OF SAID LOT 2, N 89°48'02"E 148.34', TO THE NORTHEAST CORNER OF SAID LOT 3; THENCE ON THE EASTERLY LINE OF SAID LOT 3 FOR THE NEXT THREE (3) COURSES, SOUTHERLY, S 0°13'35"E 453.62'; THENCE EASTERLY, S 89°52'14"E 275.50', TO A POINT ON THE WEST 40' RIGHT OF WAY LINE FOR NORTHWEST 40th STREET; THENCE SOUTHERLY ON SAID RIGHT OF WAY LINE, S 0°21'24"W 83.15', TO THE SOUTHEAST CORNER OF SAID LOT 3; THENCE WESTERLY ON THE SOUTH LINE OF SAID LOT 3, S 89°48'02"W 2556.63', TO A POINT ON THE EAST RIGHT OF WAY LINE FOR NORTHWEST 48th STREET; THENCE ON SAID RIGHT OF WAY LINE FOR THE NEXT THREE (3) COURSES, NORTHERLY, N 0°23'26"E 605.03'; THENCE EASTERLY, N 89°48'02"E 2.00'; THENCE NORTHERLY, N 0°23'26"E 9.96', TO THE POINT OF BEGINNING, SAID TRACT CONTAINING AN AREA OF 1,383,186.9 SQUARE FEET OR 31.75 ACRES, MORE OR LESS.

**LEGAL DESCRIPTION CHANGE OF ZONE AG TO B-2 PUD**

PART OF LOT 3, JUNE'S PLACE, EXCEPT THAT PORTION DESCRIBED IN INSTRUMENT NUMBERS 2015018309 & 2021029997 & 2021043381, AND ALSO BEING DESCRIBED IN WARRANTY DEED INSTRUMENT NUMBER 2023038445, LOCATED IN THE NORTHEAST QUARTER OF SECTION 19, TOWNSHIP 10 NORTH, RANGE 6 EAST, OF THE 6th P.M., LANCASTER COUNTY, NEBRASKA, BEING DESCRIBED AS FOLLOWS;

COMMENCING AT THE NORTHWEST CORNER OF LOT 3, JUNE'S PLACE, SAID POINT BEING LOCATED ON THE WEST LINE OF SAID NORTHEAST QUARTER AND 40.00' SOUTH OF THE NORTHWEST CORNER OF SAID NORTHEAST QUARTER; THENCE EASTERLY, 40' SOUTH OF AND PARALLEL TO THE NORTH LINE OF SAID NORTHEAST QUARTER ON AN ASSIGNED BEARING OF N 89°48'02"E A DISTANCE OF 49.21'; THENCE SOUTHERLY, S 0°23'50"W 20.04', TO THE POINT OF BEGINNING, SAID POINT BEING ON THE SOUTH RIGHT OF WAY LINE FOR WEST HOLDREGE STREET; THENCE ON SAID SOUTH RIGHT OF WAY LINE FOR THE NEXT EIGHT (8) COURSES, EASTERLY N 89°47'59"E 843.33'; THENCE SOUTHERLY, S 12°12'23"E 75.90'; THENCE EASTERLY, N 89°47'57"E 60.00'; THENCE NORTHERLY, N 15°10'34"E 51.67'; THENCE NORTHEASTERLY, N 61°08'00"E 50.91'; THENCE EASTERLY, N 89°47'59"E 258.51'; THENCE NORTHERLY, N 0°12'01"W 20.02'; THENCE EASTERLY, N 89°48'02"E 119.44'; THENCE SOUTHERLY, S 11°26'23"W 648.33', TO A POINT ON THE SOUTH LINE OF SAID LOT 3; THENCE WESTERLY ON SAID SOUTH LINE OF SAID LOT 3, S 89°48'02"W 1232.97', TO A POINT ON THE EAST RIGHT OF WAY LINE FOR NORTHWEST 48th STREET; THENCE ON SAID RIGHT OF WAY LINE FOR THE NEXT THREE (3) COURSES, NORTHERLY, N 0°23'26"E 605.03'; THENCE EASTERLY, N 89°48'02"E 2.00'; THENCE NORTHERLY, N 0°23'26"E 9.96', TO THE POINT OF BEGINNING, SAID TRACT CONTAINING AN AREA OF 791,310.15 SQUARE FEET OR 18.17 ACRES, MORE OR LESS.

**LEGAL DESCRIPTION CHANGE OF ZONE AG TO R-5 PUD**

THAT PART OF LOT 3, JUNE'S PLACE, EXCEPT THAT PORTION DESCRIBED IN INSTRUMENT NUMBERS 2015018309 & 2021029997 & 2021043381, AND ALSO BEING DESCRIBED IN WARRANTY DEED INSTRUMENT NUMBER 2023038445, LOCATED IN THE NORTHEAST QUARTER OF SECTION 19, TOWNSHIP 10 NORTH, RANGE 6 EAST, OF THE 6th P.M., LANCASTER COUNTY, NEBRASKA, BEING DESCRIBED AS FOLLOWS;

COMMENCING AT THE NORTHWEST CORNER OF LOT 3, JUNE'S PLACE, SAID POINT BEING LOCATED ON THE WEST LINE OF SAID NORTHEAST QUARTER AND 40.00' SOUTH OF THE NORTHWEST CORNER OF SAID NORTHEAST QUARTER; THENCE EASTERLY, 40' SOUTH OF AND PARALLEL TO THE NORTH LINE OF SAID NORTHEAST QUARTER ON AN ASSIGNED BEARING OF N 89°48'02"E A DISTANCE OF 49.21'; THENCE SOUTHERLY, S 0°23'50"W 20.04', TO A POINT ON THE SOUTH RIGHT OF WAY LINE FOR WEST HOLDREGE STREET; THENCE ON SAID SOUTH RIGHT OF WAY LINE FOR THE NEXT EIGHT (8) COURSES, EASTERLY N 89°47'59"E 843.33'; THENCE SOUTHERLY, S 12°12'23"E 75.90'; THENCE EASTERLY, N 89°47'57"E 60.00'; THENCE NORTHERLY, N 15°10'34"E 51.67'; THENCE NORTHEASTERLY, N 61°08'00"E 50.91'; THENCE EASTERLY, N 89°47'59"E 258.51'; THENCE NORTHERLY, N 0°12'01"W 20.02'; THENCE EASTERLY, N 89°48'02"E 119.44', TO THE POINT OF BEGINNING; THENCE CONTINUING EASTERLY ON SAID SOUTH RIGHT OF WAY LINE, N 89°48'02"E 465.55', TO A POINT ON THE WEST LINE OF LOT 46 IRREGULAR TRACT IN SAID NORTHEAST QUARTER; THENCE SOUTHERLY ON SAID WEST LINE, S 0°21'20"W 135.80', TO THE SOUTHWEST CORNER OF SAID LOT 46; THENCE EASTERLY ON THE SOUTH LINE OF SAID LOT 46, N 89°48'02"E 305.00', TO THE SOUTHEAST CORNER OF SAID LOT 46; THENCE NORTHERLY ON THE EAST LINE OF SAID LOT 46, N 0°21'20"E 39.14', TO THE WEST MOST CORNER COMMON TO LOTS 2 AND 3, JUNE'S PLACE; THENCE EASTERLY ON THE SOUTH LINE OF SAID LOT 2, N 89°48'02"E 148.34', TO THE NORTHEAST CORNER OF SAID LOT 3; THENCE ON THE EASTERLY LINE OF SAID LOT 3 FOR THE NEXT THREE (3) COURSES, SOUTHERLY, S 0°13'35"E 453.62'; THENCE EASTERLY, S 89°52'14"E 275.50', TO A POINT ON THE WEST 40' RIGHT OF WAY LINE FOR NORTHWEST 40th STREET; THENCE SOUTHERLY ON SAID RIGHT OF WAY LINE, S 0°21'24"W 83.15', TO THE SOUTHEAST CORNER OF SAID LOT 3; THENCE WESTERLY ON THE SOUTH LINE OF SAID LOT 3, S 89°48'02"W 1323.66'; THENCE NORTHERLY, N 11°26'23"E 648.33', TO THE POINT OF BEGINNING, SAID TRACT CONTAINING AN AREA OF 591,876.74 SQUARE FEET OR 13.59 ACRES, MORE OR LESS.

September 18, 2024

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

RE: Falcon Heights  
Annexation & Planned Unit Development

Dear Mr. Cary:

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

1. Application
2. Application fee = \$5,101
3. Sheet 1 of 6 – Site Plan
4. Sheet 2 of 6 – Residential Site Plan
5. Sheet 3 of 6 - Existing Grading and Drainage Plan
6. Sheet 4 of 6 - Proposed Grading & Drainage Plan
7. Sheet 5 of 6 – Public Street Profiles
8. Sheet 6 of 6 – Private Street Profiles
9. Hydrologic Study

On behalf of the Developer, NebHoldings, LLC, 7130 S. 29<sup>th</sup> Street suite D3, Lincoln NE 68516, we are requesting Annexation and a Planned Unit Development for the property located southeast of the intersection of NW 48<sup>th</sup> Street and W Holdrege Street known as part of Lot 3, June's Place.

The annexation and Planned Unit Development is for a mixed-use development for up to 280,000 sf of mini warehousing; up to 125 multi-family dwelling units; and 81 single family dwelling units. The development will be served by public utilities and public streets that will intersect with W Holdrege Street at the existing intersection of W Chitwood Lane and a new intersection point at NW 44<sup>th</sup> Street. A future public street will connect to NW 40<sup>th</sup> Street. The lots will be served by both public and private streets. There will be outlots for the required stormwater detention, private roadways and open space.

The PUD will have two zoning types with an underlying zoning of B-2 commercial and R-5 residential. The B-2 PUD will have the flexibility of either multifamily units or commercial floor area. At this time, we are projecting commercial floor area of mini-warehousing. The PUD will be

allowing the mini-warehousing as a permitted use in the B-2 PUD zoning. The R-5 PUD zoning will have the small-house concept. The small house concept will have numerous design standard waivers for the private roadways, lot area and reduced setbacks to accommodate the unique nature of small-house development. The design standard waivers for the private streets will include reduced pavement width, pavement cross section and alternative sidewalk locations to name a few. The site plan will name the full list of waivers for the PUD.

We are seeking a waiver to the access management policy for the NW 44<sup>th</sup> Street access to W Holdrege Street. The access point is located in between the existing W Chitwood Lane and the existing W Woodside Village Drive however does not meet the minimum separation distance between the accesses. W Holdrege Street is a minor arterial however given that this street terminates easterly of this development due to the airport its traffic projections would be lower than a typical minor arterial.

The proposed uses will generate less than 100 commercial trips in the peak hour thus a traffic study was not deemed necessary and will use the minimum requirements from the Access Management Policy for the improvements along W Holdrege Street. Traffic projection below:

Up to 280,000 SF Mini Warehousing at 0.26 PM peak trips/1,000 SF = 72.8 PM trips

We are seeking reimbursement of the W. Holdrege Street extension from W Chitwood Lane to NW 44<sup>th</sup> Street as shown on the PUD site plan. We are proposing to build the minor arterial street extension to urban standards. The estimated costs for the W. Holdrege Street extension is \$775,000. The projected maximum amount of impact fees for this PUD is \$469,100 based on 100,000 SF of Mini-warehousing, 125 dwelling units of multi-family and 81 dwelling units of single family.

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

Sincerely,



Tim Gergen