



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. 40th 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. 40th 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

STAFF CONTACT

Ben Callahan, (402) 441-6360 or
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. 40th 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. 40th 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. 40th 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. 40th 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. 40th 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

Date: October 3, 2024

Applicant/
Owner Mchomesolutions, LLC
2840 S. 70th Street, Suite 7, Box 162
Lincoln, NE 68506
davidbadermchs@gmail.com

Contact: Loftis Law
Nancy Loftis
5533 S. 27th Street
Lincoln, NE 68516
(402) 476-1111
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

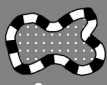


**Change of Zone #: CZ2304A
S 40th St & Normal Blvd**

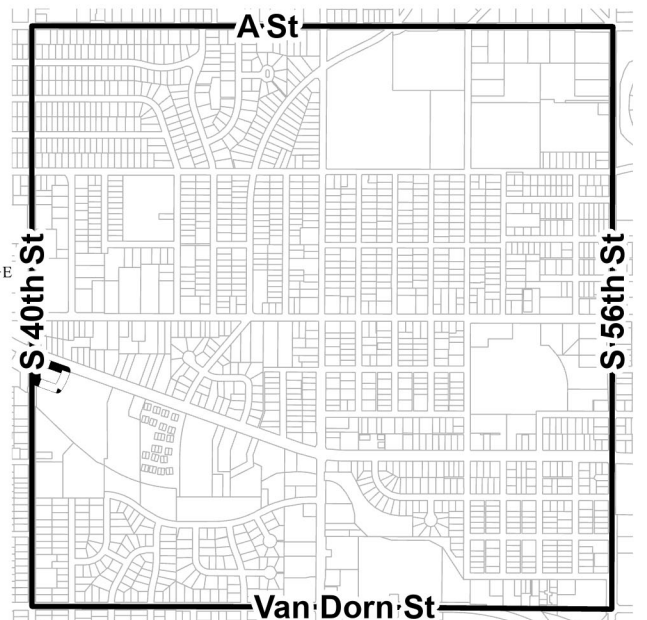
One Square Mile:
Sec.32 T10N R07E



Zoning:

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

	Area of Application
	Zoning Jurisdiction Lines
	Lancaster County Jurisdiction



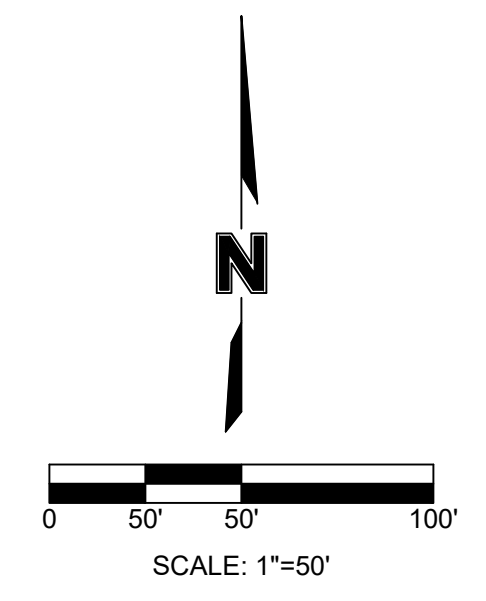
CENTRAL PARK OFFICE & APARTMENTS

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

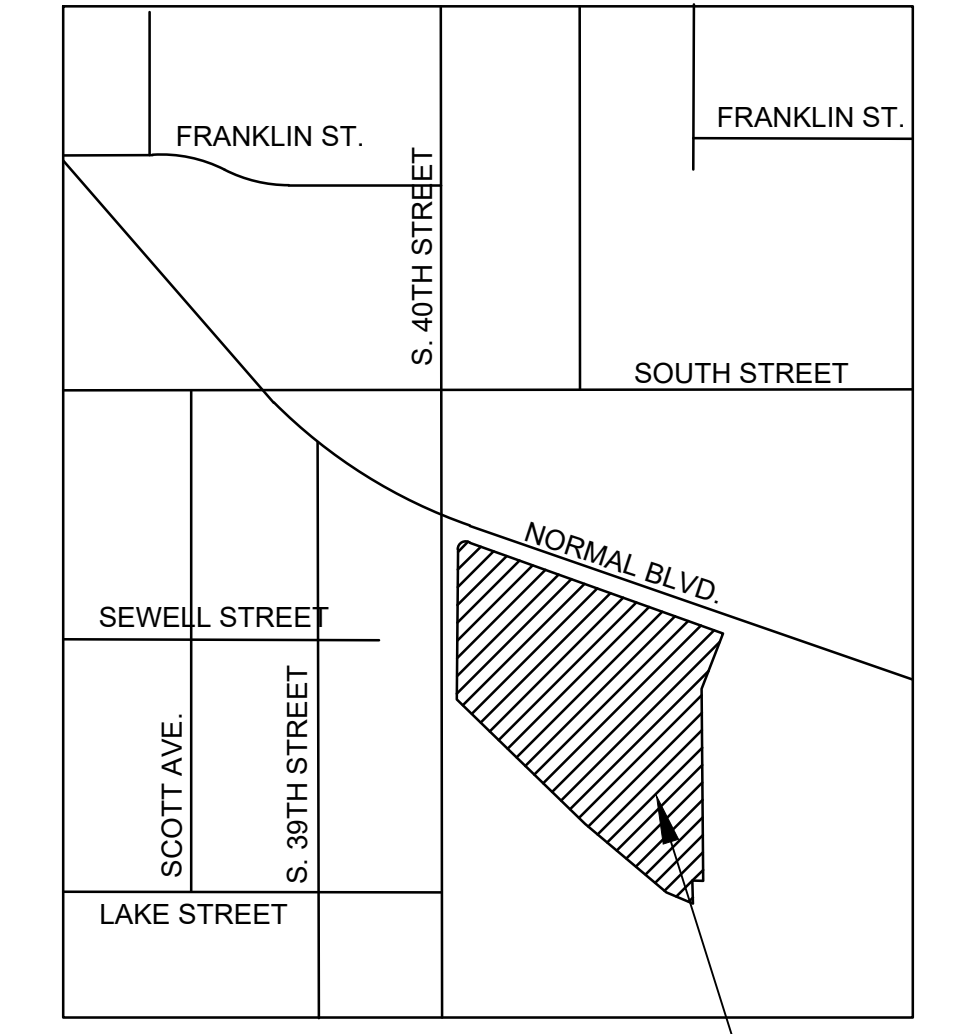
PRESENT ZONING R-2
 PROPOSED ZONING R-5
 PROPOSED UNITS: 132 DWELLING UNITS
 (10,350 S.F.) OFFICE OR RESIDENTIAL HEALTHCARE FACILITY

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

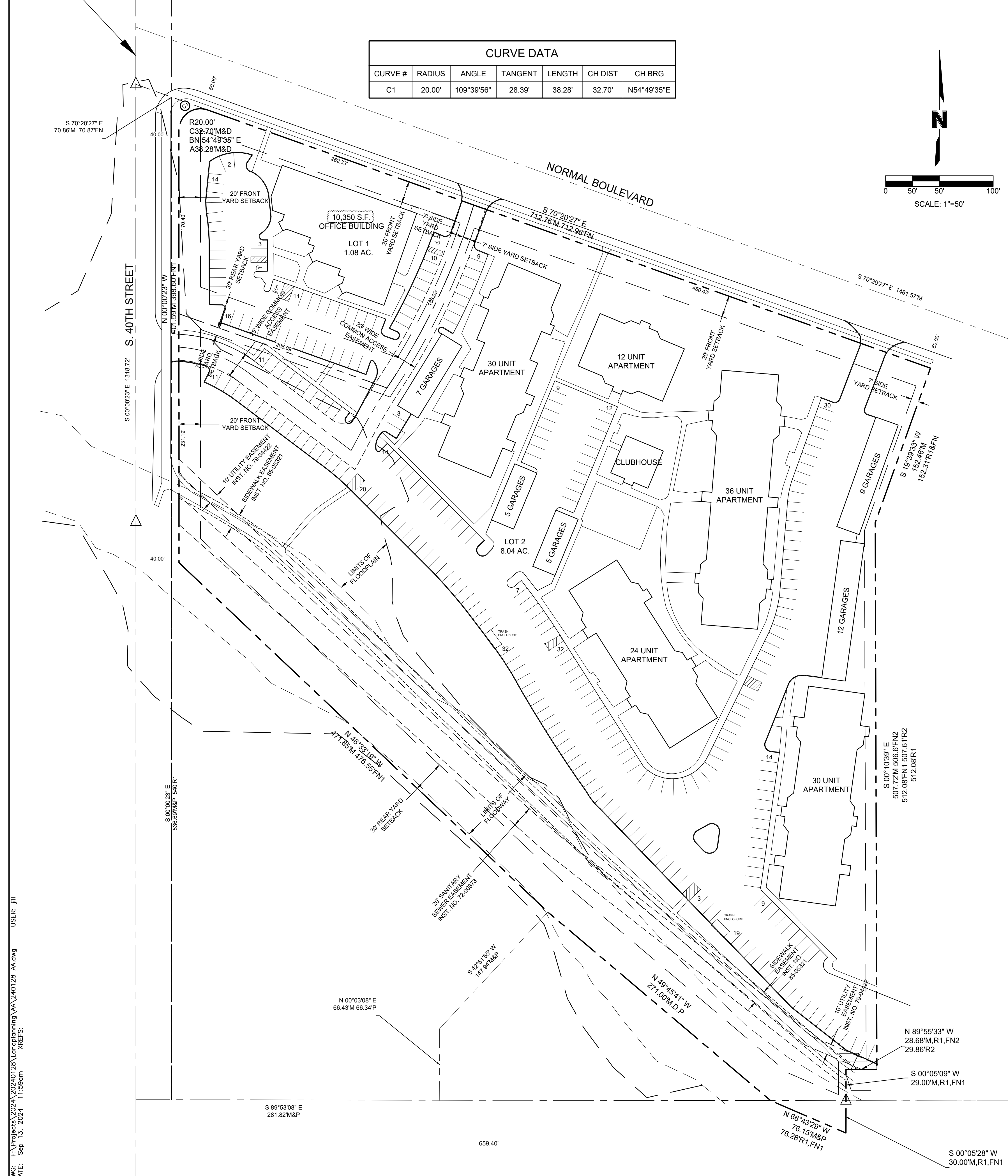
LEGAL DESCRIPTION
 LOT 432, SECTION 32, T10N, R7E, LANCASTER COUNTY, NEBRASKA



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. 40th & 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