

Lincoln City - Lancaster County

PLANNING COMMISSION AGENDA

PLANNING COMMISSION

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May 11, 2022

NOTICE: The Lincoln/Lancaster County Planning Commission will hold a public hearing on Wednesday, May 11, 2022, at 1:00 p.m. in Hearing Room 112 on the first floor of the County-City Building, 555 S. 10th St., Lincoln, Nebraska. For more information, call the Planning Department, (402) 441-7491.

****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.

The Planning Commission will be allowing testimony on agenda items by videoconferencing. For those who wish to testify by video, you must register with the Planning Department Office to participate by calling 402-441-7491 or emailing Plan@lincoln.ne.gov by 10:00 a.m. the day of the meeting. You will be asked to provide your name, address, phone number and the agenda item(s) you wish to speak on, and your position on this item. On the day of the hearing, you will receive a link via email, which will be needed to join the hearing to provide your testimony.

AGENDA

WEDNESDAY, May 11th, 2022

Approval of minutes amended of the regular meeting held March 30, 2022

Approval of minutes of the regular meeting held April 27, 2022.

1. CONSENT AGENDA (Public Hearing and Administrative Action)

CHANGE OF ZONE:

- 1.1 CHANGE OF ZONE 15021A, to amend the Victory Park PUD (Planned Unit Development) to increase allowable building height from 2 stories to 3 stories up to 50 feet for multi-family structures and adjust the lot layout for further platting, with associated waivers, on property generally located at 600 South 70th Street.

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Staff recommendation: Conditional Approval

Staff Planner: George Wesselhoft, 402-441-6366, gwesselhoft@lincoln.ne.gov

MISCELLANEOUS:

- 1.2 MISCELLANEOUS 22004, to review the proposed determination that the Coyote/Finke Redevelopment Area be declared blighted and substandard as defined in the Nebraska Community Development Law, on property generally located North of O Street between North 66th and North 70th Streets along the MoPac trail.

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Staff recommendation: Finding of Substandard and Blighted Conditions

Staff Planner: George Wesselhoft, 402-441-6366, gwesselhoft@lincoln.ne.gov

2. **REQUESTS FOR DEFERRAL**
3. **ITEMS REMOVED FROM CONSENT AGENDA**
4. **PUBLIC HEARING AND ADMINISTRATIVE ACTION**
5. **CONTINUED PUBLIC HEARING AND ADMINISTRATIVE ACTION**

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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: *CHANGE OF ZONE 21024, from B-1 (Local Business District) to H-2 (Highway Business District), on property generally located at 4615 Vine Street.*

PRELIMINARY PLAT 04011A, for a preliminary plat amendment to show a revised street layout, with associated waiver, on property generally located at Waterford Estates Drive and Linwood Lane.

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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>

ACCOMMODATION NOTICE

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

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

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

APPLICATION NUMBER
Change of Zone 15021A
Victory Park PUD

FINAL ACTION?
No

DEVELOPER/OWNER
Senior Foundation V.A. Vision & Victory
Park LLC/United States Vets Hospital,
United States of America

PLANNING COMMISSION HEARING DATE
May 11, 2022

RELATED APPLICATIONS
None

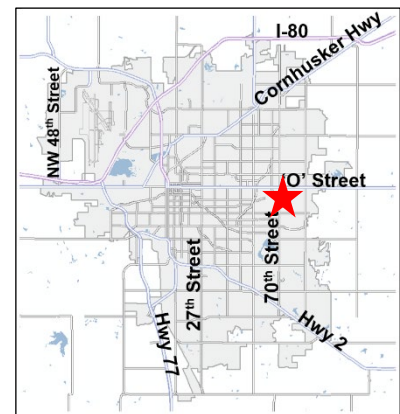
PROPERTY ADDRESS/LOCATION
S. 70th Street and Victory Park Drive

RECOMMENDATION: CHANGE OF ZONE 15021A

CONDITIONAL APPROVAL

BRIEF SUMMARY OF REQUEST

This is a request to amend the Victory Park Planned Unit Development (PUD) to allow for height increase for the multi-family structures along the northeast property line from two stories to three stories (50 feet maximum) along with lot configuration changes for future platting. The developer plans to repurpose the former VA hospital in the initial phase and in subsequent phases construct multi-family residential units and townhome units along the north and east sides of the PUD in the existing R-4 PUD area.



JUSTIFICATION FOR RECOMMENDATION

The proposed amendment is justified because it is still in general conformance with the original intent of the PUD with adjustments needed for specific projects. The proposed height increase for the multi-family structures should have a minimum impact on the adjacent neighborhood given a 100-foot setback that will be maintained.

APPLICATION CONTACT

Frank Doland, (402) 479-2412 or
fdoland@benesch.com

STAFF CONTACT

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

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The site is designated for Commercial, Public and Semi-Public and Urban Density Residential on the Future Land Use Map, and these requests comply with the requirements of the Zoning Ordinance and Comprehensive Plan.

WAIVERS

1. Zoning Ordinance 27.67.030 to allow all required parking spaces to be provided either on the same lot or within 300 feet for the entire PUD (Conditional Approval).
2. Zoning Ordinance 27.72.020 to allow front yard setback reduction from 25 feet to 18 feet for R-4 lots

(Recommend Approval).

3. Zoning Ordinance 27.72.030 to allow front yard setback reduction from 30 feet to 20 feet for O-3 lots (Recommend Approval).
4. Zoning Ordinance 27.72.030 to allow side yard setback reduction from 15 feet to 10 feet for O-3 lots (Recommend Approval).
5. Zoning Ordinance 27.72.030 to allow side yard setback reduction from 20 feet to 10 feet for B-2 lots (Recommend Approval).
6. Title 3 Design Standards - Chapter 3.50, Section 7.1 to allow portions of parking lot screening to be omitted for parking lots that are bounded by lots/outlots that are part of the PUD (Recommend Approval).

KEY QUOTES FROM THE 2050 COMPREHENSIVE PLAN

Introduction Section: Growth Framework

Figure GF.b: 2050 - This site is designated for Commercial, Public and Semi-Public and Urban Density Residential uses 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. Individual areas designated as commercial in the land use plan may not be appropriate for every commercial zoning district.

Land Use Plan - Public and Semi-Public. Areas of public or semi-public land use and/or structures that serve the general public. Only the largest facilities are shown on the land use plan. Highways and interstates are also included in this category.

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 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. Low Density Residential.

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.

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.

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.

E2: Infill and Redevelopment

Infill and Redevelopment Approach

PlanForward identifies the potential for 12,000 new dwelling units to be located within the existing built-out portion of the City, roughly 25 percent of the projected 48,000 new dwelling units to be built citywide by 2050.

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.
- 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).

Policies Section

P8: Infill and Redevelopment - Encourage infill and redevelopment in appropriate locations throughout the community in order to meet the assumption for 25% of all new dwelling units being infill.

Action Steps

1. Encourage redevelopment of aging and underutilized commercial centers, along with other large sites in existing areas such as former schools and residential acreages, to add a variety of housing types that are affordable to diverse income levels. A mix of residential and commercial uses is desirable in locations with good visibility and access, such as most existing commercial centers, but in some cases redevelopment sites are more suited for exclusively residential uses.

P12: Economic Growth - Promote and foster appropriate, balanced, and focused future economic growth that maintains the quality of life of the community.

UTILITIES & SERVICES: The federally owned campus has a mix of public and private utility service. This PUD with final platting and the related Redevelopment Plan and Redevelopment Agreement address extending public utilities throughout the campus.

TRAFFIC ANALYSIS: S. 70th Street is an improved minor arterial street. There is a signalized intersection at Victory Park Drive/L Street and S. 70th Street. This is the first street intersection south of O Street and provides access to the new VA clinic and the north part of the campus. There will be a second private street connection to S. 70th Street at the south side of the campus. The proposed amendment does not increase the number of dwelling units or add additional commercial uses from what is already permitted in the PUD. Therefore, there is no new impact on traffic.

ANALYSIS

1. This request is for an amendment to the Victory Park Planned Unit Development (PUD) to allow for further repurposing of the former VA hospital and to allow the previously planned multi-family residential to have taller building heights along the north side of the PUD. Specifically, the original CZ15021 PUD limits these multi-family

buildings to 2 stories in height. The proposal is to allow a height of 50 feet. In addition, the PUD amendment proposes new lot and outlot configuration for final platting. The PUD includes 59.93 acres in total and is generally located south of O Street at the intersection of Victory Park Drive and S. 70th Street.

2. The developer plans to repurpose the former VA hospital in the initial phase of the project. In subsequent phases, the PUD shows the construction of multi-family residential structures and townhomes on the R-4 PUD lots within the campus. The proposal is generally consistent with the land uses as originally approved in CZ15021 Victory Park PUD. The original PUD included an R-4 area with apartments as well as townhouse units whereas the B-2 area encompassing the original VA hospital included residential and non-residential health care in addition to allowable B-2 uses, which could include residential units.
3. The R-4 Residential area is located along the north and east sides of the PUD and includes townhomes east of the former VA hospital building and apartment buildings along the north property line. In addition, it also includes the existing housing project that was built along with a future apartment building to the southeast. Three apartment buildings directly along the north property line are presently shown with 42 units in each and a height of two stories. It is the latter area of apartments for which a height adjustment to 50 feet is sought to allow the buildings to be 3 stories in height.
4. The current PUD has 14 lots and 6 outlots whereas the PUD amendment is showing 13 lots and 7 outlots in total. The principal changes include combining two lots of the original PUD (Lots 13-14) into one lot for multi-family residential and configuring the private street layout on the south side of the PUD.
5. The project area, the VA Medical Center Campus, served veteran's medical needs since 1930. Prior to the Victory Park PUD it had been zoned P Public Use District appropriately to reflect its federal ownership and usage. The Lincoln VA Hospital ceased in-patient services in 1998 but continued the active provision of outpatient services. In anticipating the creation of a new Lincoln VA Clinic, the VA entered into a lease with the Seniors Foundation in 2011 to assume responsibility for maintaining and redeveloping the campus.
6. As part of the original CZ15021 PUD approved by City Council in August 2015, O-3 PUD, B-2 PUD and R-4 PUD zoned areas were established to permit commercial uses and 600 dwelling units. This approval readied the VA campus for anticipated mixed-use redevelopment in conjunction with the announced intention to develop a new clinic facility in Lincoln and relinquish the current clinic. This was consistent with the VA's lease of the campus to Seniors Foundation for the purposes of redevelopment and continued maintenance. While the campus remained in federal ownership, the redevelopment with a mix of uses required the PUD zoning.
7. The initial PUD projects included the development of 70 units of Veterans Administrative Supportive Housing (VASH) in the north-central part of the campus and then construction of the new 90,000 square foot VA clinic in the northwest part of the campus along S. 70th Street.
8. The original PUD approved waivers to allow pedestrian connections to exceed 1,000 feet, to allow block length to exceed 1,320 feet, to allow height limitations of buildings on Lots 9, 10 and 11 (included VA Clinic, VASH and adjoining interior lots) in part of the R-4 area of the PUD to increase from 35 feet to 45 feet and to accept the existing roadways as private roadways.
9. The new requested waivers for the PUD amendment include the following:
 - a) Zoning Ordinance 27.67.030 to allow all required parking spaces to be provided either on the same lot or within 300 feet for the entire PUD. As a condition of approval, a note will be added to allow regulation of parking based on the entire site. Given the uniqueness of the Victory Park PUD campus and with no detrimental effect to the neighborhood this waiver is justified.
 - b) Zoning Ordinance 27.72.020 to allow front yard setback reduction from 25 feet to 18 feet for R-4 lots. This is to allow reduced front yard for the R-4 residential which this will be internal to the site and is still comparatively close to an R-3 front setback which is 20 feet. Therefore, the waiver is justified.
 - c) Zoning Ordinance 27.72.030 to allow front yard setback reduction from 30 feet to 20 feet for residential use on

O-3 lots. Other allowed uses in O-3 zoning are allowed a 20-foot front yard setback whereas residential is required a 30-foot front yard. This would allow reduced front setback for any residential uses comparable to office uses and is internal to the PUD, as such it is justified.

- d) Zoning Ordinance 27.72.030 to allow side yard setback reduction from 15 feet or greater if applicable per 27.72.030 (a) to 10 feet for O-3 lots. This allows a reduction of side yard for all uses on O-3 lots to 10 feet, which is still comparable to side setbacks in other office or residential zoning districts. This will not affect properties outside the PUD as perimeter setbacks are not being adjusted.
 - e) Zoning Ordinance 27.72.030 to allow side yard setback reduction from 20 feet if adjacent residential to 10 feet for B-2 lots. This allows a reduction of side yard for all uses on B-2 lots to 10 feet, which is still generally comparable to other commercial or residential zoning districts. This will not affect properties outside the PUD as perimeter setbacks are not being adjusted.
 - f) Title 3 Design Standards - Chapter 3.50, Section 7.1 to allow portions of parking lot screening to be omitted for parking lots that are bounded by lots/outlots that are part of the PUD. This pertains to parking lots where they are abutting an internal PUD lot, and since it will not negatively affect the neighborhood is justifiable for the VA campus as an internal waiver.
10. Lots 12,13 and 14 of the original PUD were limited to two stories for height. The current request to amend the PUD for these lots to allow height limit of 50' to allow for three story structures. These specific three lots of the PUD are located on the north perimeter adjacent to existing residential homes that front on Wedgewood Drive with the The original PUD specified 2 stories for the height limit for the lots abutting the north property line and were limited to 35 feet height under the R-4 zoning. The request for a height limit of 50 feet is justifiable because there will still be a 100' setback from the multi-family buildings to the rear lot lines of the residential lots on Wedgewood Drive. This 100' setback exceeds the minimum required rear yard for R-4 by more than 3 times. In addition, the PUD requirements of 27.60.020 were recently amended to allow a maximum height for multifamily structures not to exceed a height of 45 feet where Neighborhood Design Standards govern, and in the R-1 through R-4 districts where Neighborhood Design Standards do not govern, maximum height of multi-family structures shall not exceed 55 feet. In this case, Neighborhood Design Standards do not govern so they would otherwise be allowed 55 feet. Therefore, a waiver is no longer needed for this height request, though an amendment is still required since the original PUD specifically identified two stories for the height limitation for these three lots.
11. Victory Park is listed on the National Register of Historic Places. The Redevelopment lists phased improvements to be reviewed by the Historic Preservation Commission. Projects will need to be reviewed by the Historic Preservation Commission.
12. The site is designated for Commercial, Public and Semi-Public and Urban Density Residential on the Future Land Use Map, and these requests subject to the conditions of approval comply with the requirements of the Zoning Ordinance and Comprehensive Plan.

EXISTING LAND USE & ZONING: VA Clinic, Apartments, Former VA Hospital and Campus grounds ; O-3, B-2, R-4 PUD

SURROUNDING LAND USE & ZONING

North: Single Family Residential, Residential Health Care Facility; R-1, R-3, O-3
South: Single Family Residential; R-1
East: Single Family Residential; R-1
West: Saint Elizabeth Hospital, Commercial; R-1, B-1

HISTORY:

1929 320-acre Leavitt farm acquired for a veterans hospital.
1930 Construction began on Lincoln VA Hospital, first patients accepted.
1931 April, formal dedication of Lincoln VA Hospital
1956 Wooden cupola removed from main hospital building.

1983 VA Outpatient Clinic constructed.
1998 Cessation of in-patient services.
2011 VA selected Lincoln's Seniors Foundation to redevelop the VA Campus under an Enhanced Use Lease (EUL).
2012 Lincoln VA Hospital campus was listed on the National Register of Historic Places.

APPROXIMATE LAND AREA: 59.93 acres, more or less

LEGAL DESCRIPTION: See attached

Prepared by

George Wesselhoft, Planner
(402) 441-6366 or gwesselhoft@lincoln.ne.gov
Date: April 28, 2022

Owner: United States Vets Hospital/United States of America
600 S. 70th Street
Lincoln, NE 68510

Applicant: Senior Foundation V.A. Vision & Victory Park LLC
One Burlington Place
1004 Farnam Street
Omaha, NE 68102
(402)-930-3090

Contact: Frank Doland
825 M Street, Suite 100
Lincoln, NE 68508
(402)-479-2412 or fdoland@benesch.com

<https://linclanc.sharepoint.com/sites/PlanningDept-DevReview/Shared Documents/DevReview/CZ/15000/CZ15021A Victory Park PUD.gjw.docx>

APPLICATION HISTORY - CZ15021A

June, 2015	MISC15002 VA Campus Blight Study was approved by City Council declaring the Veterans Affairs (VA) Campus Redevelopment Area as blighted and substandard.
August, 2015	CZ15021 was approved by City Council which established the Victory Park PUD with O-3 PUD, B-2 PUD and R-4 PUD zoning and permitted commercial uses and 600 dwelling units and approved waivers to the subdivision ordinance, zoning ordinance and design standards.
August, 2015	CPC15010 was approved by City Council for the VA Campus Redevelopment Plan which included the adaptive reuse of all historical buildings facing South 70 th Street for veteran and senior housing, medical offices, and a new VA outpatient clinic and other office and commercial uses.
September, 2016	FPPL15114 Victory Park Addition was approved which included 3 lots and 5 outlots, including platting the lot for the apartments for low income veterans (VASH housing).
June, 2019	FPPL18120 Victory Park 1 st Addition was approved which platting the lot for the new VA clinic.
April, 2021	CPC21005 was approved by City Council for the Victory Park - Aging Partners which included two existing buildings on the VA campus to be used and required capital investment for the centralization of their administration, social work, health and fitness and other programming for seniors.

CONDITIONS OF APPROVAL - CHANGE OF ZONE 15021A

This approval permits the increase of structure height for multi-family buildings on the original PUD Lots 12,13, and 14 from two stories with 35-foot R-4 height limit to 50 feet and allows for lot reconfiguration for future final platting along with the following waivers:

1. Zoning Ordinance 27.67.030 to allow all required parking spaces to be counted as part of the total PUD boundary instead of individual lots and/or within 300 feet.
2. Zoning Ordinance 27.72.020 to allow front yard setback reduction from 25 feet to 18 feet for R-4 lots.
3. Zoning Ordinance 27.72.030 to allow front yard setback reduction from 30 feet to 20 feet for residential use on O-3 lots.
4. Zoning Ordinance 27.72.030 to allow side yard setback reduction from 15 feet or greater where abutting residential to 10 feet for O-3 lots.
5. Zoning Ordinance 27.72.030 to allow side yard setback reduction from 20 feet if adjacent residential to 10 feet for B-2 lots.
6. Title 3 Design Standards - Chapter 3.50, Section 7.1 to allow portions of parking lot screening to be omitted for parking lots that are bounded by lots/outlots that are part of the PUD.

Site Specific Conditions:

1. Before receiving building permits or before a final plat is approved the developer shall cause to be prepared and submitted to the Planning Department a revised 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 Change lot numbers to match original PUD lots, amended where necessary, for numbering instead of final plat lots. Show lot lines but simply number them 1 to 13 and delete block and lot numbering from plats.
 - 1.2 Designate use for all outlots.
 - 1.3 Provide access easement for Outlot G.
 - 1.4 Sheet 1: Show required parking in addition to existing and proposed parking.
 - 1.5 Specify all waivers required, including setback waivers, with reference to ordinance or design standard section and note under Waivers table.
 - 1.6 Remove sidewalk waiver from waiver table.
 - 1.7 Remove height waiver from waiver table.
 - 1.8 Update Vicinity Map to show full PUD boundary.
 - 1.9 Sheet 6: Match PUD lots not platted lots for PUD Land Use Chart.
 - 1.10 Sheet 6: Match original CZ15021 PUD sidewalk notes for easements with sidewalks to be provided on both sides of all new roadways.

- 1.11 Sheet 6: Restore the notes concerning S. 70th Street turn lanes and sidewalk from the original CZ15021 PUD, under the original PUD Notes 4-1 and 4-h except where said improvements have already been installed.
- 1.12 Submit revisions per LTU-Watershed 4/20/22 comments.
- 1.13 Sheet 6: Add note to Additional Notes that prior to platting the continuation of Victory Park Drive or Honor Drive or the lots abutting them, the street addresses will need to be changed by submitting a change of address request.
- 1.14 Sheet 6: Add Elderly and Retirement Housing and Multi-Family as Permitted to Lots 1-8 in Land Use Chart.
- 1.15 Move all notes from Sheet 1 to Sheet 6.
- 1.16 Sheet 6: Remove reference to parking within 300 feet and note that only overall parking count will be regulated in the PUD.
- 1.17 Sheet 6: Delete Note 4a.
- 1.18 Sheet 6: Delete Note 4e.
- 1.19 Sheet 1: Update General Note 8 to reflect new building numbers.
- 1.20 Sheet 6: Update Note 2a to reflect new building numbers.

Standard Conditions:

- 2. The following conditions are applicable to all requests:
 - 2.1 Before occupying the dwelling units/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 homeowners 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.
- 3. Before receiving building permits, the developer shall provide the following documents to the Planning Department:

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

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

To complete the paving of private roadway, **and temporary turnarounds and barricades located at the temporary dead-end of the private roadways** 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 streets (private roadways)** as shown on the final plat within four (4) years following the approval of the final plat.

to complete the installation of sidewalks along as shown on the final plat within two (2) years following the approval of this final plat.

to construct the sidewalk in the pedestrian way easements at the same time as adjoining streets are paved and to agree that no building permit shall be issued for construction on until such time as the sidewalk in the pedestrian way easement is constructed.

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

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

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

to complete the enclosed private 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 within this plat within six (6) years following the approval of the final plat.

to complete the planting of street trees along Van Dorn Street shown on the final plat within two (2) years following the approval of this final plat.

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

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

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

to 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 Department 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 plants in the medians and islands, including replacement and replanting as reasonably necessary, 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.

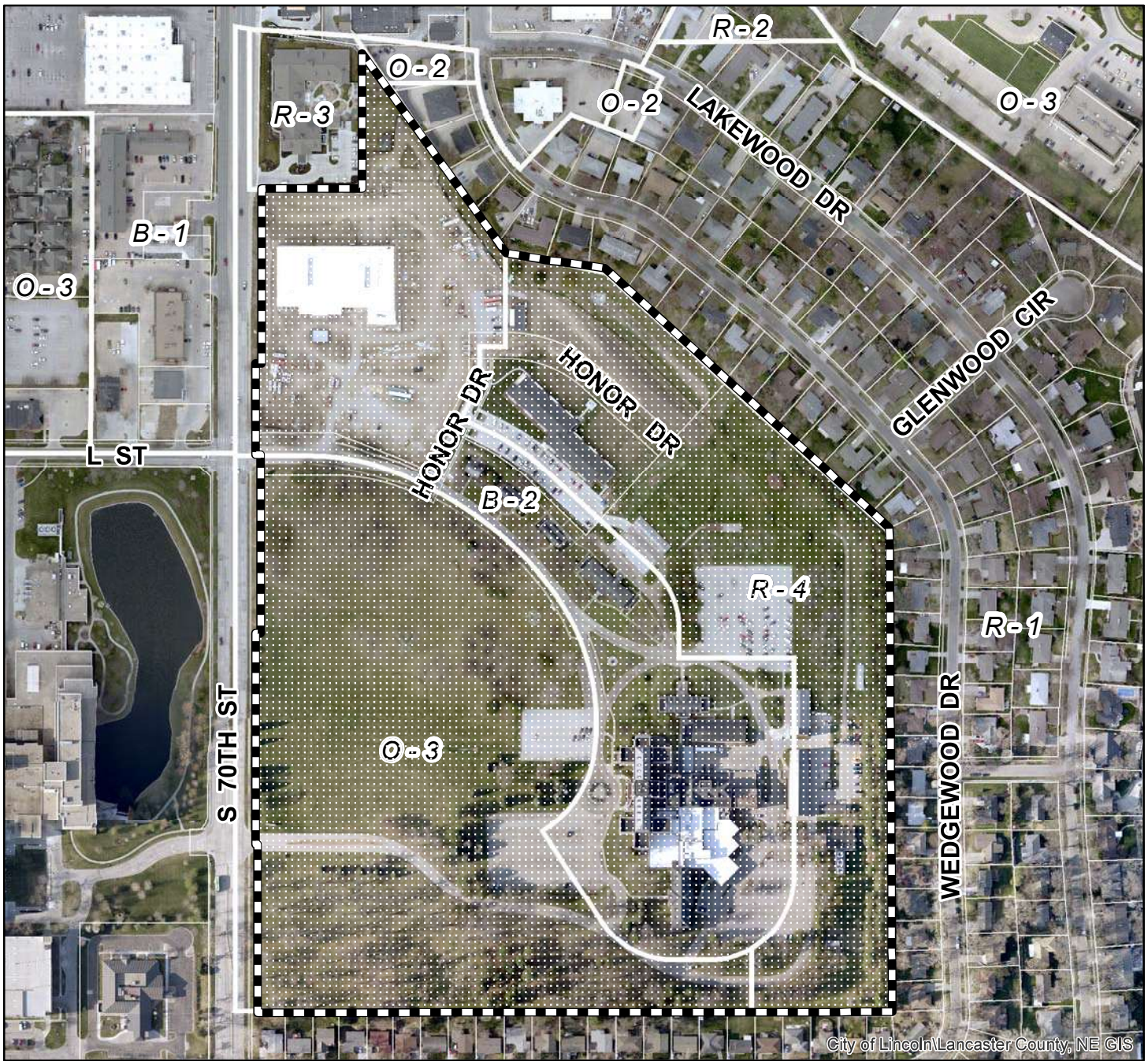
to maintain the sidewalks in the pedestrian way easements in good order and condition, including repair and replacement as reasonably necessary, on a permanent and continuous basis.

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.

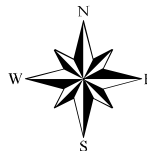
to retain ownership of and the right of entry to the outlots in order to perform the above-described maintenance of the outlots and private improvements on a permanent and continuous basis. However, Developer(s) may be relieved and discharged of such maintenance obligations upon creating in writing a 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.



2020 aerial

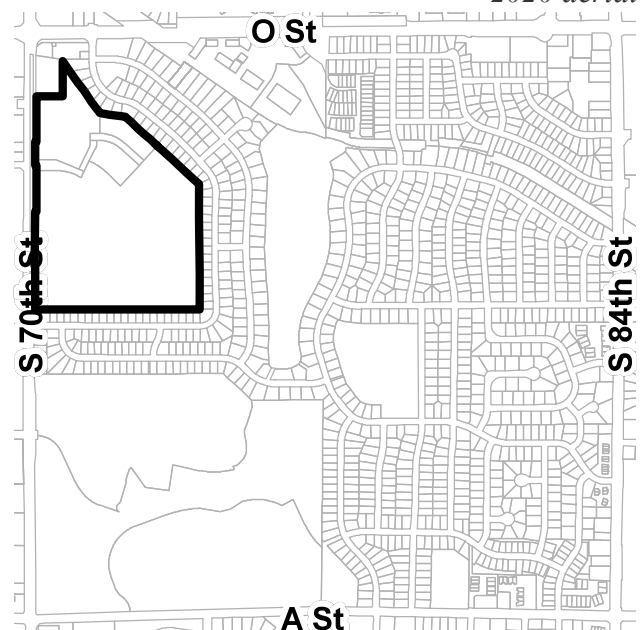
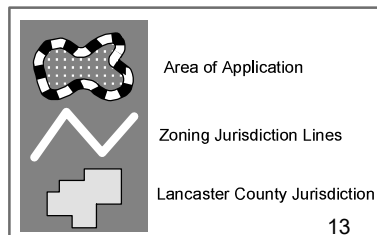
Change of Zone #: CZ15021A **Victory Park PUD** **S 70th St & Victory Park Dr**



One Square Mile:
 Sec.27 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

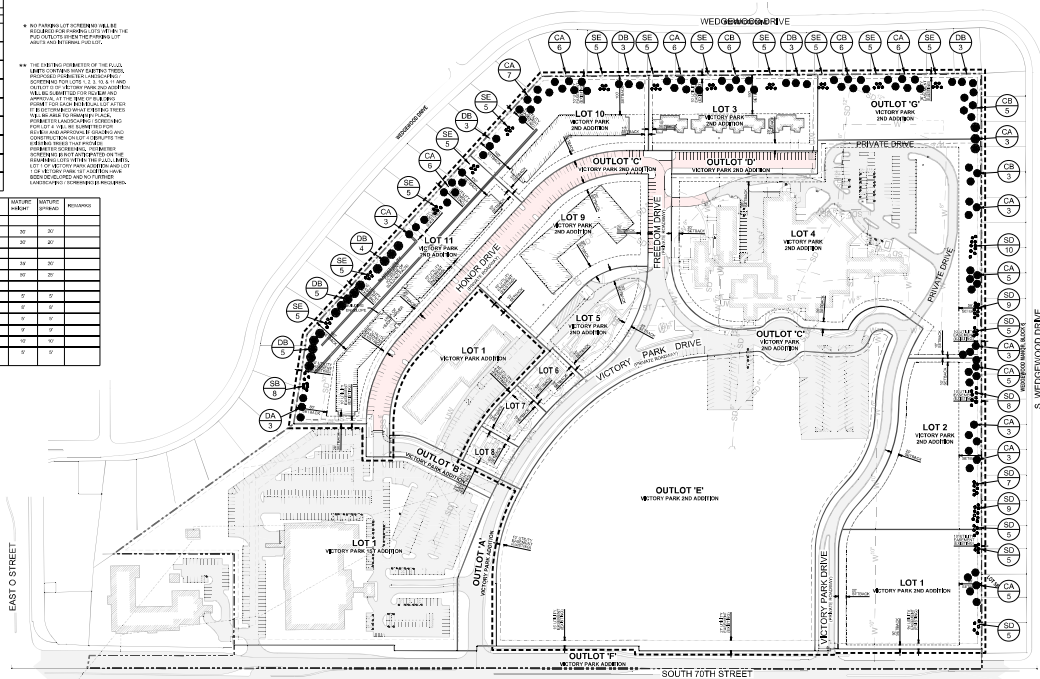


ENGLEBERG & PROSSER 1000114 825 W STREET BOULON, NE 98500 PHONE: (408) 454-2220	ENGLEBERG 800-875-7642 EXT 200 • FAX 800-875-7643 8100 WYOMING AVE OAK GORGE ACHSIA ONE BAY BRIDGTON PLACE, 1004 PARKWAY ST, OAKHURST, MA 01901 PHONE: (408) 555-0090
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[illegible][illegible][illegible]

LEGEND

—————	PROPERTY LINE
-----	UTILITY EASEMENT
-----	BUILDING FOOTPRINT
-----	LOT OF 1.2 AC.
-----	BUILDING DEVELOPER
-----	PROPOSED PARCELS
-----	ROADWAY / ENTRANCES / PARKING
-----	OPEN PUBLIC SPACE
-----	EXISTING PARCELS
-----	ROADWAY / ENTRANCES / PARKING
-----	OPEN PUBLIC SPACE

[illegible][illegible]

VICTORY PARK
PLANNED UNIT DEVELOPMENT
GENERAL NOTES

DESIGNED BY
BENESCH
1000 N. G ST. SUITE 200
LINCOLN, NE 68502
PHONE: 402.441.1000

PROJECT NO. 27-63-001
DATE: 01/15/2020
DRAWN BY: J. HARRIS
CHECKED BY: J. HARRIS
APPROVED BY: J. HARRIS

GENERAL NOTES

- LAND USE:
 - SEE VICTORY PARK PUD LAND USES CHART.
 - PUD PERMITS A MAXIMUM OF 600 DWELLING UNITS, FOR RESIDENTIAL HEALTH CARE FACILITIES. THE NUMBER OF PERSONS ALLOWED MAY BE CALCULATED USING AN EQUIVALENT TO THE DWELLING UNITS ASSIGNED TO THE LOT.
- HEIGHT AND LOT REGULATIONS:
 - B-2 PUD LOT 1 OF VICTORY PARK 1ST ADDITION AND LOTS 4, 5, 6, 7, 8 AND OUTLOT G OF VICTORY PARK 2ND ADDITION ARE SUBJECT TO THE B-2 PLANNED NEIGHBORHOOD BUSINESS ZONING DISTRICTS EXCEPT FOR:
 - HEIGHT: LOT 4 PERMITS THE EXISTING HOSPITAL HEIGHT, PLUS ADDITIONAL HEIGHT NECESSARY IF THE CUPOLA IS EVER RESULT ON THE STRUCTURE; AND LOT 1 OF VICTORY PARK 1ST ADDITION AND LOTS 5, 6, 7 & 8 OF VICTORY PARK 2ND ADDITION PERMITS THE EXISTING BUILDING HEIGHTS.
 - SETBACKS: ANY SETBACK LINES SHOWN ON THE SITE PLAN.
 - D-3 PUD LOTS 1, 2 AND OUTLOT E OF VICTORY PARK 2ND ADDITION ARE SUBJECT TO THE D-3 OFFICE PARK ZONING DISTRICT, EXCEPT FOR:
 - SETBACKS: ANY SETBACK LINES SHOWN ON THE SITE PLAN.
 - R-4 PUD LOTS LOT 1 OF VICTORY PARK ADDITION LOTS 3, 9, 10, AND 11 OF VICTORY PARK 2ND ADDITION ARE SUBJECT TO THE R-4 RESIDENTIAL ZONING DISTRICT, EXCEPT FOR:
 - HEIGHT: 50 FEET ON LOTS 9, 10 & 11 OF VICTORY PARK 2ND ADDITION AND LOT 1 OF VICTORY PARK ADDITION PERMITS THE EXISTING BUILDING HEIGHT.
 - SETBACKS: ANY SETBACK LINES SHOWN ON THE SITE PLAN.
 - EXISTING BUILDINGS - THE EXISTING PORTION OF THE BUILDING SHOWN ON THE SITE PLAN ON LOT 4 OF VICTORY PARK 2ND ADDITION WILL REMAIN. THE EXISTING BUILDINGS SHOWN ON THE SITE PLAN ON LOT 1 OF VICTORY PARK ADDITION, LOT 2 OF VICTORY PARK 1ST ADDITION, AND LOTS 5, 6, 7 AND 8 OF VICTORY PARK 2ND ADDITION WILL REMAIN.
 - ADJUSTMENTS - LOTS, OUTLOTS, ROADWAYS, EASEMENTS, DETENTION FACILITIES, BUILDING ENVELOPES, AND PARKING AREAS ARE APPROXIMATE AND MAY BE ADJUSTED BY ADMINISTRATIVE AMENDMENT.
- PARKING:
 - ALL REQUIRED PARKING SPACES DO NOT NEED TO BE PROVIDED ON THE SAME LOT FOR ANY USE, PROVIDED SUCH PARKING IS LOCATED WITH THREE HUNDRED FEET.
 - EXCEPT FOR SPECIAL CONDITIONS, THE GENERAL PARKING REQUIREMENTS FOR RESIDENTIAL USES IN THE PUD SHALL BE ONE AND A HALF (1.5) PARKING SPACES PER DWELLING UNITS. LOT 1 OF VICTORY PARK ADDITION HAS BEEN APPROVED AND CONSTRUCTED WITH 1 PARKING SPACE PER DWELLING UNIT AND THIS REQUIREMENT SHALL REMAIN UNCHANGED FOR THIS LOT.
 - EXCEPT FOR SPECIAL CONDITIONS, THE GENERAL PARKING REQUIREMENTS FOR NON-RESIDENTIAL USES IN THE PUD SHALL BE ONE PARKING STALL PER 300 SQUARE FEET.
 - PARKING IS NOT REQUIRED FOR ANY USE OPERATED BY A CITY, COUNTY, STATE OR FEDERAL GOVERNMENT AGENCY.
 - SHARED PARKING BETWEEN LOTS IS PERMITTED. THE AGGREGATE PARKING REQUIREMENT SHALL BE COMPUTED ON THE BASIS OF PROVIDING THE PARKING REQUIRED FOR THAT USE OR THOSE USES HAVING CONCURRENT PARKING DEMAND THAT HAVE THE LARGEST PARKING DEMANDS AS DETERMINED BY THE PARKING MATRIX (SECTION 27.67.020) AND ANY ADDITION CONDITIONS IN CHAPTER 67; PROVIDED, HOWEVER, THAT THE NUMBER OF ADDITIONAL SPACES THAT WOULD BE REQUIRED IN THE ABSENCE OF THIS PARAGRAPH NEED NOT BE PROVIDED PHYSICALLY, BUT SUFFICIENT LAND SHALL BE RESERVED IN THE EVENT THAT FUTURE USES MAY NOT HAVE NONCONCURRENT PARKING DEMAND, FOR THE PURPOSE OF DETERMINING THE ADEQUACY OF THE JOINT PARKING ARRANGEMENT. ALL SUCH JOINT PARKING USE SHALL BE AUTHORIZED BY A WRITTEN AGREEMENT BETWEEN THE CITY AND ALL PARTIES TO SUCH USE.

- ADDITIONAL NOTES:
 - ADMINISTRATIVE AMENDMENTS SHALL BE REQUIRED FOR FUTURE GRADING, DETENTION, STREET ALIGNMENTS, UTILITY LOCATIONS, STREET PROFILES, AND SITE PLANS.
 - LOTS MAY BE CREATED WITHOUT FRONTAGE TO A PUBLIC OR PRIVATE STREET IF THEY HAVE A PUBLIC ACCESS EASEMENT.
 - FENCES, CHIMNEYS, DECORATIVE STRUCTURES AND ACCESSORY BUILDINGS ARE NOT SHOWN ON THE PLANS BUT ARE ALLOWED IF THEY ARE OUTSIDE OF THE RIGHT TRIANGLES AND SETBACKS AND ARE IN CONFORMANCE WITH ALL APPLICABLE ORDINANCE AND CODES.
 - ALL NEW SIGNAGE SHALL CONFORM TO SECTION 27.68.340 OF THE LINCOLN MUNICIPAL CODE, UNLESS SPECIFICALLY MODIFIED BY THE CITY COUNCIL.
 - SIDEWALKS SHALL BE PROVIDED ALONG BOTH SIDES OF FREEDOM DRIVE AND HONOR DRIVE. SIDEWALKS WILL BE LOCATED WITHIN OUTLOT C WHEN POSSIBLE. IF PERPENDICULAR STREET PARKING IS PROVIDED, OR WHEN ANOTHER OBSTRUCTION PROHIBITS THE SIDEWALK TO BE LOCATED WITHIN THE OUTLOT, THE SIDEWALK MAY BE LOCATED ON THE LOT ADJACENT TO THE OUTLOT. SIDEWALKS ARE TO BE A FEET WIDE AT A MINIMUM. EXACT LOCATION OF SIDEWALKS SHALL BE SHOWN AT THE TIME OF BUILDING PERMITS.
 - EYES, OVERHANGS, WINDOW SWINGS, DOOR SWINGS, AIR CONDITIONER UNITS, ETC, MAY ENCRUSCH OVER THE SETBACK LINE AND PEDESTRIAN ZONES. ENCROACHMENTS ARE NOT ALLOWED OVER PROPERTY LINES AND MUST CONFORM TO BUILDING AND LIFE SAFETY CODES.
 - THE DESIGN OF ANY EXTERIOR NEW BUILDINGS WILL COMPLY WITH THE DESIGN GUIDELINES FOR NEW CONSTRUCTION THAT HAVE BEEN APPROVED BY NEBRASKA STATE HISTORIC PRESERVATION OFFICE. A DIVISION OF THE NEBRASKA STATE HISTORICAL SOCIETY AND THE U.S. DEPARTMENT OF VETERAN AFFAIRS. THIS IS NOTED FOR INFORMATION PURPOSES ONLY, AND IS NOT A REQUIREMENT TO BE VERIFIED BY THE CITY AT TIME OF BUILDING PERMIT.
 - AFTER APPROVAL OF THE PUD, BUILDING PERMITS, CERTIFICATES OF OCCUPANCY AND FINAL PLATS OF THE PROPERTY WILL BE ISSUED OR APPROVED UPON GENERAL COMPLIANCE WITH THE DEVELOPMENT PLAN AS APPROVED, OR AS AMENDED, IN CIRCUMSTANCES WHERE THERE ARE MINOR VARIATIONS FROM THE DEVELOPMENT PLAN. THE PLANNING DIRECTOR OR HIS DESIGNEE SHALL REVIEW THE PROPOSAL AND DETERMINE IF THE PROPOSAL IS IN GENERAL CONFORMANCE WITH THE SPIRIT AND INTENT OF THE APPROVED P.U.D.

Victory Park PUD Land Uses Chart										
PUD Zoning	O-3 PUD	O-3 PUD	O-3 PUD	R-4 PUD	R-4 PUD	R-4 PUD	R-4 PUD	B-2 PUD	B-2 PUD	B-2 PUD
Lots	Lots 1 & 2 of Victory Park 2nd Addition	Outlot E of Victory Park 2nd Addition	Outlot G of Victory Park 2nd Addition	Lot 1 of Victory Park Addition	Lot 3 of Victory Park 2nd Addition	Lots 9, 10 & 11 of Victory Park 2nd Addition	Outlots C & D of Victory Park 2nd Addition	Lot 1 of Victory Park 1st Addition	Lots 4, 5, 6, 7 & 8 of Victory Park 2nd Addition	Outlots C & G of Victory Park 2nd Addition
B-2 Planned Neighborhood Business District Uses (include restaurants with drive thru; allow residential on the first floor)									*	
Non Residential Health Care Facility								P	P	
Residential Health Care Facility				P				P	P	
On-site alcohol beverages										S
O-3 Office Park District Uses	*								*	
R-4 Residential District Uses				*	*	*				
Elderly and Retirement Housing										
All uses in Education and Instruction Use Group	P			P		P				
Recreation uses, outdoor		P	P				P			P
Parking lots as primary use		P	P				P			P
Multiple Family				P		P				

* = Subject to underlying zoning district, except as amended by this table
P = Permitted use by right does not require special permit
S = Subject to the conditions of Section 27.63.600 and 27.685. However, the spacing requirements of Section 27.63.600 and 27.685 do not apply to the residential uses within the Victory Park PUD.

April 13, 2022

City of Lincoln Planning Department
Attn: George J. Wesselhoft
555 S 10th Street, Suite 213
Lincoln, NE 68508

Planned Unit Development (P.U.D.) Application Letter – Victory Park Addition

Mr. Wesselhoft:

We are applying to the Planning Department for the amendment of the Planned Unit Development (P.U.D.) for Lots 1 and 2, and Outlots 'A', 'B', 'C', 'D', and 'F' of Victory Park Addition, a platted and recorded subdivision, and also Lot 1 of Victory Park 1st Addition, a platted and recorded subdivision, both located in Lancaster County, Nebraska. The property is generally located at east of South 70th Street, south of East O Street, and north of South Wedgewood Drive on the old Lincoln VA campus. This revised P.U.D. will amend a previously approved P.U.D., application number CZ15021, that was effective as of 9/15/2015.

In general, the developer plans to repurpose the VA hospital in the initial phase. In subsequent phases, preliminary plans show the construction of multi-family residential units and townhouse units on the R-4 P.U.D. lots within the campus. The high-level summary of the revisions to the existing P.U.D. being requested include:

- Minor changes in the zoning
- The addition / elimination of Lots and Outlots within the P.U.D. limits
- Lot & Outlot size and shape modifications
- Modifications to the public access routes
- Modifications or the waivers requested

A more detailed description of the changes being made and requested on each individual lot can be found in the attached Table A. Additional requested changes that apply to the entire P.U.D. area can be found in the attached Table B.

Please find the following enclosed documents for the revised Victory Park P.U.D.:

- 1) Table A – Original P.U.D. Lot / Revised P.U.D. Comparison
- 2) Table B – Approved / Requested Waivers & Notes That Apply to the Entire P.U.D.
- 3) Victory Park P.U.D. plan set which includes the Victory Park P.U.D. notes.

If you have any questions, please feel free to call me at 402-479-2412 or by email at fdoland@benesch.com.

Sincerely:

Alfred Benesch & Company



Frank Doland, PE
Civil Group Manager

The legal description for the Victory Park Planned Unit Development, application number CZ15021A, is as follows:

LOTS 1 AND 2, AND OUTLOTS 'A', 'B', 'C', 'E', AND 'F' OF VICTORY PARK ADDITION, A PLATTED AND RECORDED SUBDIVISION, AND ALSO LOT 1 OF VICTORY PARK 1ST ADDITION, A PLATTED AND RECORDED SUBDIVISION, BOTH LOCATED IN LANCASTER COUNTY, NEBRASKA

MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID OUTLOT 'F', THENCE ON AN ASSUMED BEARING OF N00°01'58"E, ALONG THE WEST LINE OF SAID OUTLOT 'F', A DISTANCE OF 2301.60'; THENCE S80°46'42"E, ALONG THE NORTH LINE OF SAID OUTLOT 'F', A DISTANCE OF 33.43'; THENCE S00°01'48"W, ALONG THE EAST LINE OF SAID OUTLOT 'F', A DISTANCE OF 372.84'; THENCE S89°59'25"E, ALONG THE NORTH LINE OF LOT 1, VICTORY PARK 1ST ADDITION, A DISTANCE OF 261.40'; THENCE N00°00'07"W, ALONG THE WEST LINE OF SAID LOT 1, A DISTANCE OF 311.72'; THENCE S35°47'26"E, ALONG THE NORTHEASTERLY LINE OF SAID LOT 1, A DISTANCE OF 572.78'; THENCE S81°37'34"E, ALONG THE NORTH LINE OF SAID OUTLOT 'E', A DISTANCE OF 232.84'; THENCE S47°40'09"E, ALONG THE NORTH LINE OF SAID OUTLOT 'E' AND SAID LOT 2, A DISTANCE OF 898.37'; THENCE S00°22'36"E, ALONG THE EAST LINE OF SAID LOT 2, A DISTANCE OF 1130.77'; THENCE S89°58'07"W, ALONG THE SOUTH LINE OF SAID LOT 2, A DISTANCE OF 1532.42' TO THE POINT OF BEGINNING.

CONTAINING AN AREA OF 59.93 ACRES.

EXISTING WAIVER REQUESTS FROM ORIGINAL P.U.D.			
Waiver Requested	Reference Ordinance	Applies to	Request Type
Allow information on or accompanying a preliminary plat, final plat or building permit for the PUD to be submitted with future administrative amendments, including: 1) Building configuration 2) Site specific grading and drainage design 3) Paving profiles/roadway cross sections 4) Storm sewer calculations 5) Lot layout 6) Street data 7) Street trees	L.M.C. - Title 26 - Section 26.15.020	Entire PUD Site	Existing (In Previous PUD)
Allow pedestrian block length to exceed 1,000'	L.M.C. - Title 26 - Section 26.23.125	Entire PUD Site	Existing (In Previous PUD)
Allow Block Length to Exceed 1,320'	L.M.C. - Title 26 - Section 26.23.130	Outlot A Outlot B Outlot C	Existing (In Previous PUD)
Allow existing building heights plus additional height necessary necessary if the cupola is ever rebuilt on Lot 4	L.M.C. - Title 27 - Section 27.72.030	Lot 1 of Victory Park Addition Lot 1 of Victory Park Addition Lot 4 Lot 5 Lot 6 Lot 7 Lot 8	Existing (In Previous PUD)
Existing roadways are to to be permitted as private roadways as currently designed		Outlot A Outlot B	Existing (In Previous PUD)

Waiver Requested	Reference Ordinance	Applies to	Request Type
and built		Outlot C	
NEW WAIVER REQUESTS			
Waiver Requested	Reference Ordinance	Applies to	Request Type
Allow sidewalk locations to vary provided a sidewalk on each side of the street is provided for all new private roadways and a sidewalk on one side of the street is provided for each existing private roadway	L.M.C. - Title 26 - Section 26.23.095	Entire PUD Site	New Request
50' Buiding Height (3 Stories)	L.M.C. - Title 27 - Section 27.72.020	Lot 9 of Victory Park 2nd Addition Lot 10 of Victory Park 2nd Addition Lot 11 of Victory Park 2nd Addition	New Request
All required parking spaces do note need to be provided on the same lot for any use, provided such parking is located within three hundred feet.	L.M.C. - Title 27 - Section 27.67.030	Entire PUD Site	New Request
Allow 20' front yard setback on R-4 Lots	L.M.C. - Title 27 - Section 27.72.020	Lot 3 of Victory Park 2nd Addition Lot 9 of Victory Park 2nd Addition Lot 10 of Victory Park 2nd Addition Lot 11 of Victory Park 2nd Addition	New Request
Allow 20' front yard setback on O-3 Lots	L.M.C. - Title 27 - Section 27.72.020	Lot 1 of Victory Park 2nd Addition Lot 2 of Victory Park 2nd Addition	New Request
Allow 10' side yard setback on O-3 Lots	L.M.C. - Title 27 - Section 27.72.020	Lot 1 of Victory Park 2nd Addition Lot 2 of Victory Park 2nd Addition	New Request
Allow 10' side yard setback on B-2 Lots for existing buildings to remain	L.M.C. - Title 27 - Section 27.72.020	Lot 5 of Victory Park 2nd Addition Lot 6 of Victory Park 2nd Addition Lot 7 of Victory Park 2nd Addition Lot 8 of Victory Park 2nd Addition	New Request

Waiver Requested	Reference Ordinance	Applies to	Request Type
Allow portion of parking lot screening to be omitted for parking lots that are bounded by lots / outlots that are a part of this PUD.	Title 3 Design Standards - Chapter 3.50 - Section 7.1	Entire PUD Site	New Request

ProjectDox

Department Review Status Report

Project Name:	CZ15021A
Workflow Started:	03/30/2022 7:40 AM
Report Generated:	05/03/2022 05:01 AM

Cycle	Department	Reviewer	Email	Status	Reviewer Comments	Applicant Comments
1						
2	Planner Review	George Wesselhoft	gwesselhoft@lincoln.ne.gov	Corrections Required	1) Use PUD Lots for numbering not Final Plats (existing or future). Remove future platting naming/lots 2) Designate use for all outlots 3) Provide access easement for Outlot G 4) Sheet 1: Show required parking in addition to existing and proposed parking 5) Specify all waivers requested, including setback waivers, with reference to ordinance or design standard sections. All waivers would need to be noted under the Waivers table 6) Sheet 1: Update Vicinity Map to show full PUD boundary 7) Sheet 6: PUD Land Use Chart should reference PUD lots not platted or future platted lots 8) Sheet 6: Match original CZ15021 PUD sidewalk notes for easements with sidewalks to be provided on both sides of all new roads 9) Restore the notes about S. 70th Street turn lanes and sidewalk from the original CZ15021 PUD, under the original PUD Notes 4-a and 4-h except where said improvements have already been installed.	
	Building and Safety	Ron Rehtus	rrehtus@lincoln.ne.gov			
	LTU - Engineering Services	Brion Perry	bperry@lincoln.ne.gov	Recommend Approval	Changes in the specifications, quantities, layout or other aspects of the 2nd review not shown within a revision cloud nor correctly numbered revision triangle does not constitute as being accepted. Additional reviews are only on the prior comments and factors which relate to the changes	
	Development Review Manager	Stephen Henrichsen	shenrichsen@lincoln.ne.gov	Corrections Required		
	Historic Districts - Capitol Environs	Stacey Hageman	slhageman@lincoln.ne.gov			
	Sidewalk and Pedestrian Waivers	Stephanie Rouse	srouse@lincoln.ne.gov	Corrections Required 26	Sidewalks need to be shown on both sides of all new roadways on the plan. While the waive states the location may vary, the requirement that they be on both sides of all roadways remains.	

Department Review Status Report

2	Urban Development	Wynn Hjermstad	whjermstad@lincoln.ne.gov	Recommend Approval		
	GIS Survey	Kimberly Pester	khaman@lancaster.ne.gov	Recommend Approval		
	LTU - Watershed Management	Justin Cermak	jcermak@lincoln.ne.gov			
	LTU - Watershed Management	Ben Higgins	bhiggins@lincoln.ne.gov			
	LTU - Watershed Management	Mike Middendorf	MMiddendorf@lincoln.ne.gov	Corrections Required	see comments	
	LTU - Watershed Management	Tim Zach	TZach@lincoln.ne.gov	Corrections Required	See Mike Middendorf's comments for Watershed.	
	LES	LES Reviews	edreviewer@les.com	Recommend Approval	No comments	
	Street Name Review	Terry Kathe	tkathe@lincoln.ne.gov	No Review Required	It should be noted that prior to platting the continuation of Victory Park Drive or Honor Drive...or the lots abutting them, the street addresses will need to be changed by a submitted change of address request. As an added note; By utilizing Victory Park Drive as a one street name, the numbering will be of north-south street and will need to be condensed to fit within the range dictated by the access points off of South 70th Street and no number will be allowed to exceed 620 to maintain uniformity of addressing along 70th Street. This may mean the main building will need to change the address to a lower numerical street address to allow for additional address numbers within the development. As was discussed in the original meetings on the site development.	
	LTU - Watershed Management	Mike Middendorf	MMiddendorf@lincoln.ne.gov	Corrections Required		
	Fire Department					
	Planning Review	Collin Christopher	cchristopher@lincoln.ne.gov	Recommend Approval	No comments.	

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
Miscellaneous #22004
*Coyote/Finke Redevelopment Area Blight
& Substandard Determination Study*

FINAL ACTION?
No

PLANNING COMMISSION HEARING DATE
May 11, 2022

RELATED APPLICATIONS
None

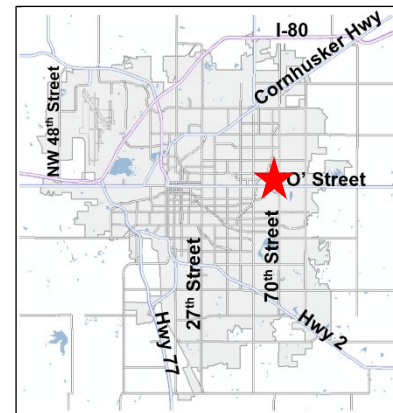
PROPERTY ADDRESS/LOCATION
Generally located north of O Street between
N. 66th and N. 70th Streets

RECOMMENDATION: FINDING OF SUBSTANDARD AND BLIGHTED CONDITIONS

BRIEF SUMMARY OF REQUEST

Coyote/Finke Redevelopment Area is generally located between N. 66th and N. 70th Streets north of O Street along the former Missouri Pacific Railroad corridor which is now the MoPac Trail. The Area includes approximately 7.1 acres and contains both commercial and undeveloped land uses.

This request is to determine whether the area qualifies as substandard and blighted within the definition set forth in the Nebraska Community Development Law, Nebraska Revised Statute 18-2103.



JUSTIFICATION FOR RECOMMENDATION

The Coyote/Finke Redevelopment Area qualifies as substandard and blighted within the definition set forth in the Nebraska Community Development Law, Nebraska State Statutes 18-2103, as determined by the Coyote/Finke Redevelopment Area Blight and Substandard Determination Study. The Substandard and Blight Determination Study is consistent with the redevelopment and revitalization activities identified in Lincoln-Lancaster County 2050 Comprehensive Plan.

Nebraska Community Development Law, Nebraska State Statutes 18-2109 requires the Planning Commission to review whether an area is substandard and blighted. A recommendation of the Planning Commission is required to be provided to the City Council prior to a redevelopment area being declared blighted and substandard.

APPLICATION CONTACT

Ernie Castillo, (402) 441-7855 or
ecastillo@lincoln.ne.gov

STAFF CONTACT

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

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The Comprehensive Plan encourages new development and utilizing blight studies to facilitate redevelopment and infill within the city. Blight studies are identified as part of the strategy to facilitate infill development and revitalization.

KEY QUOTES FROM THE 2050 COMPREHENSIVE PLAN

Introduction Section: Growth Framework

Figure GF.b: 2050 - This site is shown as future Commercial, Environmental Resources and Green Space on the 2050 Future Land Use Plan. The Environmental Resources part designation is for the floodplain area on the property while the Green Space part designation is for the trail. Otherwise, the site is shown Commercial.

Land Use Plan - Commercial land uses include 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.

Elements Section

E2: Infill and Redevelopment

Infill and Redevelopment Approach

PlanForward identifies the potential for 12,000 new dwelling units to be located within the existing built-out portion of the City, roughly 25 percent of the projected 48,000 new dwelling units to be built citywide by 2050.

E3: Business, Economy, and Workforce

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

P8: Infill and Redevelopment - Encourage infill and redevelopment in appropriate locations throughout the community in order to meet the assumption for 25% of all new dwelling units being infill.

Infill projects should target existing underdeveloped or redeveloping areas in order to remove blighted conditions and more efficiently utilize existing infrastructure.

Action Steps

1. Encourage redevelopment of aging and underutilized commercial centers, along with other large sites in existing areas such as former schools and residential acreages, to add a variety of housing types that are affordable to diverse income levels. A mix of residential and commercial uses is desirable in locations with good visibility and access, such as most existing commercial centers, but in some cases redevelopment sites are more suited for exclusively residential uses.
2. Encourage redeveloped commercial centers to incorporate a variety of medium and high-density housing affordable to diverse income levels that could serve as a transitional use to less intensive residential

development and benefit from walkable access to the commercial area and transit.

4. Provide a mechanism for adjustments in older zoning districts to lot area, height, setbacks, and parking standards, similar to the provisions already available for newer districts.
5. Strive for predictability for neighborhoods and developers for residential development and redevelopment.
6. Encourage efforts to find new uses for abandoned, under-utilized or “brownfield” sites that are contaminated, through redevelopment and environmental mitigation.
7. Environmentally sensitive areas (i.e. floodplains, wetlands, native prairie) may not be appropriate for redevelopment. When redevelopment does occur, environmentally sensitive areas need to be considered and incorporated holistically as part of a redevelopment project.

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.

ANALYSIS

1. This is a request to determine whether the Coyote/Finke Redevelopment Area should or should not be declared substandard and blighted per 18-2103 (11) Nebraska Revised Statutes. The Area is located between N. 66th and N. 70th Streets generally north of O Street along the MoPac Trail and was the site of the former Finke Gardens and Nursery. After an area is declared substandard and blighted, the City may proceed with the preparation and approval of a Redevelopment Plan. Redevelopment activities may include utilizing Tax Increment Financing (TIF) from private development to pay for public infrastructure and improvements. A total of 2 Parcels and 7.1 acres are within this request. Comprehensive Plan conformity must be found by each of the respective jurisdictions.
2. A consultant conducted the study for the developer to determine whether or not there was a presence of substandard or blighting conditions in the study area per 18-2103 (11) Nebraska Revised Statutes. Both functionally and economically obsolete buildings exist throughout the Area.
3. The area comprises 7.1 acres. According to the land use categories identified in the Blight Study, approximately 64.8% is in commercial/trail use, 35.2% of the land is undeveloped/trail use. It should be noted that although the MoPac trail is included in the blight study, no changes are anticipated to the trail. The trail is in an easement on the private property included in the study.
4. All of the land within the study area is inside the City of Lincoln corporate limits.
5. The Urban Development Department requests the determination study be reviewed by the Planning Commission for conformance with the Comprehensive Plan.
6. A **substandard** area is defined in the Nebraska Revised Statutes as containing a predominance of buildings or improvements with at least one of four conditions present:
 1. Dilapidation/deterioration
 2. Age or obsolescence

3. Inadequate provision for ventilation, light, air, sanitation or open spaces
4.
 - a) High density of population and overcrowding; or
 - b) The existence of conditions which endanger life or property by fire and other causes; or
 - c) Any combination of such factors, is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency, and crime, and is detrimental to the public health, safety, morals or welfare.
7. According to the Blight Study, the area qualifies as **substandard** because all of the four factors were found to have a strong presence in the study area.
 - A) Dilapidation, deterioration, age or obsolescence of structures is evident in that 3 of the 4 buildings are deteriorating with minor effects while 1 of the 4 buildings is deteriorating with major effects (Page 19).
 - B) Based on field evaluation 100% (4 out of 4) of structures are over 40 years of age (Page 20).
 - C) Based on field evaluation conducted by the consultant the overall site conditions are either fair or poor condition. Factors related to these conditions included structures deteriorating with either minor or major defects and site features such as parking lots, driveways, yard and landscaping conditions that are noticeably deteriorating. Additionally, both parcels had minor or major debris (Page 21).
 - D) There is a combination of factors detrimental to public health, safety and welfare including deterioration of structures, advanced age of structures, and aging infrastructure with water and sanitary lines from the 1960s and early 1970 (Pages 22-23).
8. A **blighted** area is defined in the Nebraska Revised Statutes as having the presence of one or more of the twelve following conditions:
 1. A substantial number of deteriorated or deteriorating structures;
 2. Existence of defective or inadequate street layout;
 3. Faulty lot layout in relation to size, adequacy, accessibility or usefulness;
 4. Insanitary or unsafe conditions;
 5. Deterioration of site or other improvements;
 6. Diversity of ownership;
 7. Tax or special assessment delinquency exceeding the fair value of the land;
 8. Defective or unusual conditions of title;
 9. Improper subdivision or obsolete platting;
 10. The existence of conditions which endanger life or property by fire or other causes;
 11. Any combination of such factors, substantially impairs or arrests the sound growth of the community, retards the provision of housing accommodations or constitutes an economic or social liability;
 12. Is detrimental to the public health, safety, morals, or welfare in its present condition and use; and in which there is at least one of the following conditions:
 - a) Unemployment in the designated blighted area is at least one hundred twenty percent of the state or national average;
 - b) The average age of the residential or commercial units in the area is at least 40 years;
 - c) More than half of the platted and subdivided property in the area is unimproved land that has been within the City for 40 years and has remained unimproved during that time;
 - d) The per capita income of the designated blighted area is lower than the average per capita income of the city or City in which the area is designated; or
 - e) The area has had either stable or decreasing population based on the last two decennial censuses.
9. The study found the following nine **blighting** factors to be present to a reasonable or strong extent in the area:
 - A) A substantial number of deteriorated or deteriorating structures (Page 26).
 - B) Existing of defective of inadequate street layout (Page 27).
 - C) Faulty lot layout in relation to size, adequacy, accessibility or usefulness. (Page 27).
 - D) Insanitary or unsafe conditions (Page 28).
 - E) Deterioration of site improvements (Page 29).
 - F) Improper subdivision or obsolete platting (Page 31).
 - G) Conditions which endanger life or property by fire and other causes (Page 32).
 - H) Other environmental and blighting factors (Page 33).

I) The average estimated age of residential or commercial units in the area is over 40 years (Page 35).

10. The study finds that all four factors that constitute an area as substandard within the study area are present to a strong extent, and 9 out of 12 possible factors that constitute an area blighted have a reasonable or strong presence. Although all of the listed factors are at least reasonably present throughout the Coyote/Finke Redevelopment area, the conclusion is that the average age and condition of the structures deterioration of site or other improvements, environment factors and presence of functionally and economically obsolete properties are sufficient basis for designation of the Area as Blighted and Substandard.
11. The Blight & Substandard Determination Study is on file with the Urban Development Department and the Planning Department. It can also be found on the Planning Application Tracking System, search: MISC22004. lincoln.ne.gov | Planning Application Tracking System

EXISTING LAND USE & ZONING: The existing land uses within the Coyote/Finke Redevelopment Area are comprised of commercial, undeveloped and the MoPac trail. The existing zoning is H-3 PUD, R-1.

SURROUNDING LAND USE & ZONING

North:	Commercial, Single-Family Residential	B-1 PUD, R-2
South:	Commercial	B-5
East:	MoPac Trail, Single-Family Residential	R-2, P
West:	Commercial	H-3 PUD

APPROXIMATE LAND AREA: 7.1 Acres

Prepared by

George Wesselhoft, Planner

Date: April 28, 2022

Applicant: Dan Marvin, Director
Urban Development Department
555 S. 10th Street
Lincoln, NE 68508
(402) 441-7126

Contact: Ernie Castillo
Urban Development Department
(402) 441-7855
ecastillo@lincoln.ne.gov

<https://linclanc.sharepoint.com/sites/PlanningDept-DevReview/Shared Documents/DevReview/MISC/22000/MISC22004 Finke Coyote Redevelopment Area Blight & Substandard Study.gjw.docx>



2020 aerial



**Miscellaneous #22004
Coyote/Finke Redevelopment
Blight and Substandard Determination Study**

City of Lincoln/Lancaster County, NE GIS

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(MISC22004)



URBAN DEVELOPMENT

555 South 10th Street, Suite 205 | Lincoln, NE 68508
402-441-7606 | F: 402-441-8711 | urbandev@lincoln.ne.gov

April 12, 2022

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

Dear David:

Enclosed is a copy of the Coyote/Finke Redevelopment Area Blight and Substandard Study. The study will assist the city in moving forward with a redevelopment plan and an eventual redevelopment agreement for the area described in the study. The site is located at the 500 N. 66th Streets.

Please forward this study to the Planning Commission for their earliest consideration for Comprehensive Plan compliance. My understanding is that the Blight and Substandard Study should be on the May 11, 2022, agenda.

If you have questions or need additional information, please contact me at 402-441-7855 or at ecastillo@lincoln.ne.gov.

Sincerely,

A handwritten signature in black ink that reads "Ernie Castillo".

Ernie Castillo

Cc: Dan Marvin, Director, Urban Development
Dallas McGee, Urban Development
Steve Henrichsen, Planning Department