

Lincoln City - Lancaster County

PLANNING COMMISSION AGENDA

PLANNING COMMISSION

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PLANNING STAFF

David R. Cary: Director
Shelli Reid: Administrative Aide
Alexis Longstreet: Office Specialist

June 8, 2022

NOTICE: The Lincoln/Lancaster County Planning Commission will hold a public hearing on Wednesday, June 8, 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.

The Lincoln-Lancaster County Planning Commission will meet on Wednesday, June 8, 2022, at 12:00 p.m. in the Council Chambers, for a pre-briefing to review “The Fair Housing Act, Reasonable Accommodations, and the implications for city zoning and land use regulations”.

****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, June 8th, 2022

Approval of minutes of the regular meeting held May 25, 2022.

1. CONSENT AGENDA (Public Hearing and Administrative Action)

COMPREHENSIVE PLAN CONFORMANCE:

- 1.1 COMPREHENSIVE PLAN CONFORMANCE 22010, to review as to conformance with the 2050 Comprehensive Plan, a request to declare the property known as the Aging Department as surplus, on property generally located at 1005 O Street.
Page 1 **Staff recommendation: In Conformance with the Comprehensive Plan**
Staff Planner: Ben Callahan, 402-441-6360, bcallahan@lincoln.ne.gov

TEXT AMENDMENT:

- 1.2 TEXT AMENDMENT 22002, to amend Article 13, Section 13.005, Enforcement, Revocation, and Cancellation of Special Permits of the Lancaster County Zoning Regulations.
Page 7 **Staff recommendation: Approval**
Staff Planner: Tom Cajka, 402-441-5662, tcajka@lincoln.ne.gov

CHANGE OF ZONE AND RELATED ITEMS:

- 1.3a CHANGE OF ZONE 16016A, from B-1 (Local Business District) and R-2 (Residential District) to B-3 PUD (Planned Unit Development) to add 2.23 acres to the 48th & Holdrege PUD for an additional 115 dwelling units with associated waivers and adjustments to the zoning ordinance and design standards, on property generally located at North 48th Street and Aylesworth Avenue.

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Staff recommendation: Conditional Approval

Staff Planner: Brian Will, 402-441-6362, bwill@lincoln.ne.gov

- 1.3b COMPREHENSIVE PLAN CONFORMANCE 22009, to review as to conformance with the 2050 Lincoln-Lancaster Comprehensive Plan, an amendment to the University Place South Redevelopment Plan to include the "48th & Aylesworth Redevelopment Project" for a 115-unit multiple-family residential development, on property generally located at North 48th & Aylesworth Streets.

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Staff recommendation: In Conformance with the Comprehensive Plan

Staff Planner: Brian Will, 402-441-6362, bwill@lincoln.ne.gov

MISCELLANEOUS:

- 1.4 MISCELLANEOUS 22007, request to vacate Eden Acres Addition final plat, on property generally located at 4770 Agnew Road.

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Staff recommendation: Conditional Approval

Staff Planner: Tom Cajka, 402-441-5662, tcajka@lincoln.ne.gov

SPECIAL PERMIT:

- 1.5 SPECIAL PERMIT 16004B, for the renewal of Excavation and Soil Mining permit, on property generally located at 6401 Saltillo Road. The Planning Commission action is final. *** **FINAL ACTION** ***

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Staff recommendation: Conditional Approval

Staff Planner: Brian Will, 402-441-6362, bwill@lincoln.ne.gov

- 1.6 SPECIAL PERMIT 17030B, to amend the site plan to add a maintenance building to the site for a medical clinic associated with a designated landmark, on property generally located at 2202 South 11th Street. The Planning Commission action is final.

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*** **FINAL ACTION** ***

Staff recommendation: Conditional Approval

Staff Planner: Stephanie Rouse, 402-441-6361, srouse@lincoln.ne.gov

STREET AND ALLEY VACATION:

- 1.7 STREET AND ALLEY VACATION 22002, to vacate a public alley way from the south right-of-way of W. Monroe St. to the north right-of-way of West "M" St., on property legally described as all of Block 13, Cushman Subdivision, located in the NE 1/4 of Section 30-10-6, Lincoln, Lancaster County, Nebraska, generally located southeast of Southwest 44th and O Streets.

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Staff recommendation: Conforms to the Comprehensive Plan

Staff Planner: Tom Cajka, 402-441-5662, tcajka@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.**

* * * * *

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.

Planning Department Staff Contacts:

David Cary, <i>Director</i>	402-441-6364	dcary@lincoln.ne.gov
Stephen Henrichsen, <i>Development Review Manager</i>	402-441-6374	shenrichsen@lincoln.ne.gov
Paul Barnes, <i>Long Range Planning Manager</i>	402-441-6372	pbarnes@lincoln.ne.gov
Benjamin Callahan, <i>Planner</i>	402-441-6360	bcallahan@lincoln.ne.gov
Collin Christopher, <i>Planner</i>	402-441-6370	cchristopher@lincoln.ne.gov
Rachel Christopher, <i>Planner</i>	402-441-7603	rchristopher@lincoln.ne.gov
Tom Cajka, <i>Planner</i>	402-441-5662	tcajka@lincoln.ne.gov
Stacey Hageman, <i>Planner</i>	402-441-6361	slhageman@lincoln.ne.gov
Stephanie Rouse, <i>Planner</i>	402-441-6373	srouse@lincoln.ne.gov
Andrew Thierolf, <i>Planner</i>	402-441-6371	athierolf@lincoln.ne.gov
George Wesselhoft, <i>Planner</i>	402-441-6366	gwesselhoft@lincoln.ne.gov
Brian Will, <i>Planner</i>	402-441-6362	bwill@lincoln.ne.gov

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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
Comprehensive Plan Conformance #22010

FINAL ACTION?
No

DEVELOPER/OWNER
City of Lincoln

PLANNING COMMISSION HEARING DATE
June 8, 2022

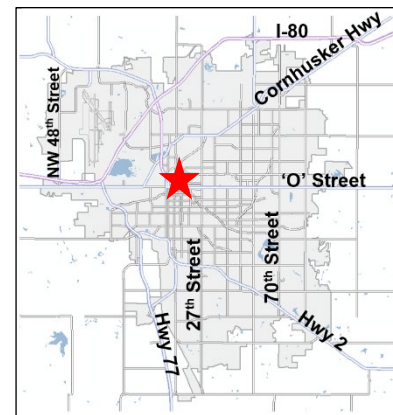
RELATED APPLICATIONS
None

PROPERTY ADDRESS/LOCATION
1005 O Street / Located between 10th
Street & 11th Street

RECOMMENDATION: IN CONFORMANCE WITH THE COMPREHENSIVE PLAN

BRIEF SUMMARY OF REQUEST

This is a request to surplus the City and County-owned parcel that currently serves as the Aging Department. The property is located along O Street between 10th Street & 11th Street. The property is approximately .24 acres and is currently zoned B-4, Lincoln Center Business District.



JUSTIFICATION FOR RECOMMENDATION

This property is the current location used by the Aging Department. The facility will soon be vacated as the department will be relocated to a new location in the Fall of 2022. The property is under joint ownership with both the City and Lancaster County, which has granted approval to surplus this property. There has been no opposition to the sale of the property by any department or public agencies.

APPLICATION/STAFF CONTACT

Michelle Backemeyer
Urban Development Dept
(402) 441-8617 or
mbackemeyer@lincoln.ne.gov

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

This surplus will help facilitate redevelopment of this property under private ownership either with a commercial use or residential use consistent with the Comprehensive Plan for neighborhood compatibility.

KEY QUOTES FROM THE 2050 COMPREHENSIVE PLAN

Introduction Section: Growth Framework

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

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

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.

Existing Neighborhoods

Infill of housing in existing neighborhoods should respect the existing pattern of development. Infill redevelopment should include housing for a variety of incomes and households and should complement the character of the existing neighborhood by including appropriate transitions, scale, and context.

E3: Business, Economy, and Workforce

Commercial and Industrial Development

Commercial and Industrial Centers in Lancaster County should be located:

- 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 areas accessible by various modes of transportation (i.e. automobile, bicycle, transit, and pedestrian).

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.

ANALYSIS

1. This is a request to find in conformance with the Comprehensive Plan the surplus of a .24-acre parcel that is the existing site for the Aging Department at 1005 O Street. The department will be relocating to a new site in the Fall of 2022 and will no longer use this location. The city is intending to surplus and allow the property to be sold in near future.
2. The City of Lincoln and Lancaster County currently own the property today. The property has one structure that encompasses the entire parcel boundary with the main entrance to the building is located along O Street.
3. The property is currently zoned B-4, Lincoln Center Business District which allows for a range of uses within the downtown area including commercial, office, and residential. The property is surrounded by B-4, Commercial

zoning and is not located within the floodplain.

4. The Urban Development Department distributed a memo to public agencies on April 15, 2022, asking if there was any opposition to the sale or desire for retaining easements. Multiple departments reviewed the request and did not require any easements to be retained. Urban Development did not receive opposition to the sale of the property from the responding public agencies.
5. This request is to declare a City and County-owned property that is unused as surplus. The request is consistent with the Comprehensive Plan and will allow the City to sell a property that is no longer needed.

EXISTING LAND USE & ZONING: The Aging Department, B-4, Lincoln Center Business District

SURROUNDING LAND USE & ZONING

North: O Street, Commercial space / Residential	B-4, Lincoln Center Business District
South: Gold's Building	B-4, Lincoln Center Business District
East: Commercial space/ Gold's Building	B-4, Lincoln Center Business District
West: Commercial space / Residential	B-4, Lincoln Center Business District

APPROXIMATE LAND AREA: .24 acres

LEGAL DESCRIPTION: Lots 8-10, Block 55, Original Plat, located in the NE ¼ of Section 26-10-06, Lincoln, Lancaster County, Nebraska, generally located at 1005 O Street.

Prepared by

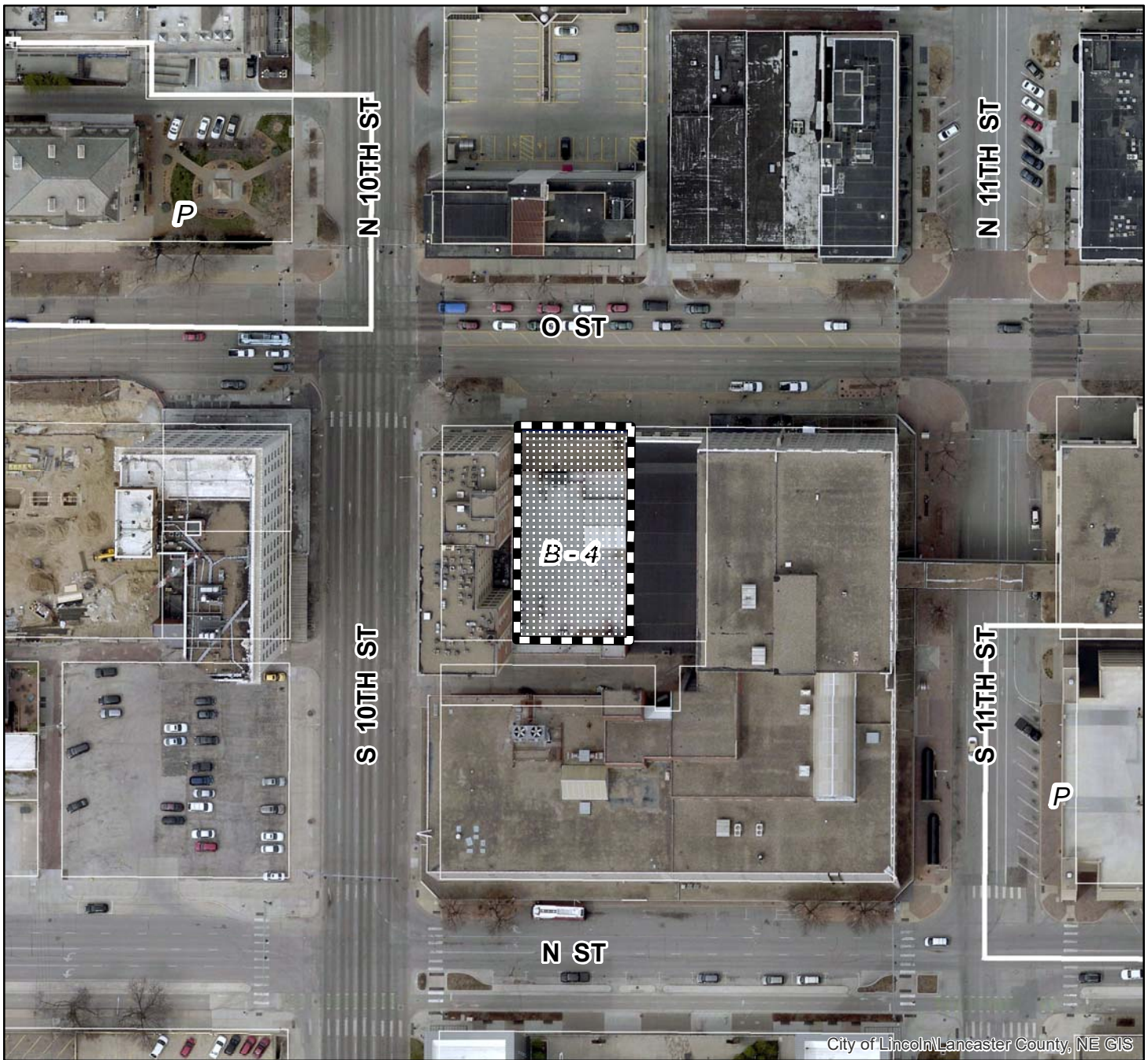
Ben Callahan, Planner

Date: May 26, 2022

Applicant/ Contact: Michelle Backemeyer
Urban Development Department
555 S 10th Street, Suite 205
Lincoln, NE 68508
(402) 441-8617 or
mbackemeyer@lincoln.ne.gov

Owner: City of Lincoln & Lancaster County

<https://linclanc.sharepoint.com/sites/PlanningDept-DevReview/Shared Documents/DevReview/CPC/22000/CPC22010 Aging Department Surplus.bmc.docx>



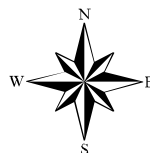
2020 aerial

Comp Plan Conformance #: CPC22010 S 10th St & O St

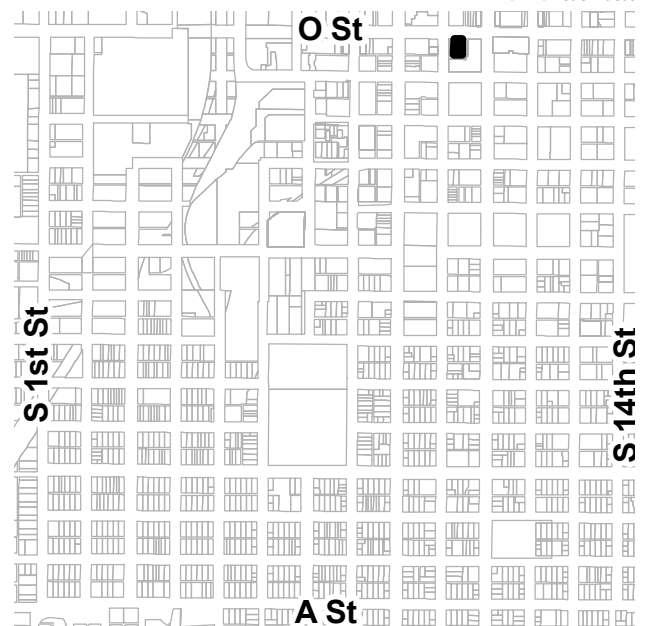
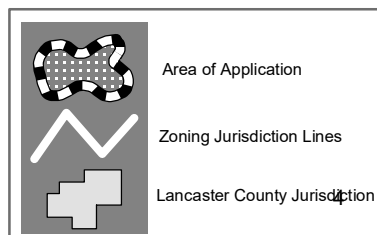
Zoning:

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

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One Square Mile:
Sec.26 T10N R06E





URBAN DEVELOPMENT

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

May 11, 2022

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

Dear David:

Enclosed is an application to declare surplus the City property located at 1005 "O" Street. The Aging Department who occupies the building will be vacating and moving to their new office space in the fall of 2022 and no longer needs the property. The County who has joint title with the City has entered into and executed a purchase agreement whereby they are authorizing the City to sell the property on their behalf. No other City departments or governmental agencies have expressed any interest in the property so the property can be deemed surplus and eventually sold.

Please forward the request to the Planning Commission for their earliest consideration for Comprehensive Plan conformance. My understanding is that the request should be on the June 8, 2022, agenda.

If you have questions or need additional information, please contact me at 441-8617 or at mbackemeyer@lincoln.ne.gov. Thank you.

Sincerely,

A handwritten signature in blue ink that reads "Michelle R. Backemeyer".

Michelle R. Backemeyer
Real Estate and Relocation
Assistance Agent

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
Text Amendment #22002

FINAL ACTION?
No

PLANNING COMMISSION HEARING DATE
June 8, 2022

RELATED APPLICATIONS
None

RECOMMENDATION: APPROVAL

BRIEF SUMMARY OF REQUEST

The amendment from the County Attorney's Office is to the Lancaster County Zoning Regulations Article 13.005 to add language for rescinding a special permit by an owner, applicant, or permittee.

JUSTIFICATION FOR RECOMMENDATION

The proposed text amendment will fix a problem in the current zoning regulations by allowing a property owner, applicant, or permittee to rescind a special permit. Currently there is no provision to allow someone to voluntarily rescind a special permit.

APPLICATION CONTACT

John Ward, County Attorney Office
402-441-7320 or jward@lancaster.ne.gov

STAFF CONTACT

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

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The proposed text amendment is compatible with the Comprehensive Plan goals of streamlining the process.

KEY QUOTES FROM THE 2050 COMPREHENSIVE PLAN

Page 4.25 Policy 12 - Economic Growth: Promote and foster appropriate, balanced, and focused future economic growth that maintains the quality of life of the community.

Action Steps

6. Explore additional opportunities for streamlining the zoning and building permitting processes.

Page 4.31 Policy 17- Strive for predictability for neighborhoods and developers.

Action Steps

1. Continue to make updates as needed to zoning and subdivision ordinances, along with design standards, to support economic development, complete neighborhoods, and other PlanForward initiatives.

ANALYSIS

1. This request is from the Lancaster County Attorney's office. This application is to amend Article 13.005, Enforcement and Revocation of Special Permits of the Lancaster County Zoning Regulations. The amendment is to add language to rescind a special permit by an owner, applicant or permittee.
2. Currently there is no process for a property owner to voluntarily rescind a special permit. The only process now is for the Director of Building and Safety to make a report to the County Board to revoke a special permit. The special permit can only be revoked by the Lincoln-Lancaster County Planning Commission or the County Board.

3. The proposed language allows for the owner, applicant, or permittee to file a request to the Planning Department to rescind a special permit. Rescinding the special permit may be approved by the Planning Commission if the special permit was final action by the Planning Commission. If the special permit was approved by the County Board, only the County Board can rescind the special permit.
4. An owner, applicant, or permittee requesting a special permit be rescinded does not entitle them to have the special permit be rescinded. There could be situations where the special permit should not be rescinded. This could include special permits where there were specific conditions placed on the special permit such as, expanded home occupation, solar energy conversion system, commercial composting operation or commercial feedlot. Particularly if the development is partially or fully developed using the special permit, then the special permit shouldn't be rescinded. But in the case of a special permit that was never used, or the building(s) have been demolished and the site is vacant, rescinding a special permit might be very appropriate.
5. In the City of Lincoln jurisdiction, the Planning Director can rescind a special permit. This has been done in several circumstances over the years. For example, a house was being used as an early childhood care facility under a special permit, but the new owner wanted to return it to residential use. Rescinding the special permit allowed the new owner to no longer follow the conditions of the special permit for a care facility.

Prepared by

Tom Cajka, Planner

Date: May 24, 2022

Applicant: John Ward, Deputy Lancaster County Attorney
575 S. 10th St.
Lincoln, NE 68508
402-441-7320

Contact: Same as applicant

<https://linclanc.sharepoint.com/sites/PlanningDept-DevReview/Shared Documents/DevReview/TX/22000/TX22002 Rescind special permit.tjc.docx>

13.005. Enforcement, ~~and~~ Revocation, and Rescinding of Special Permits.

- a. The Director of Building and Safety shall make a report to the County Board at any time the Director of Building and Safety finds the following:
 1. Any of the terms, conditions, or requirements of a special permit have not been complied with by the Permittee or that any phase thereof has not been completed within the time required under said special permit or any administrative amendment thereto.
- b. The Planning Commission may, after a public hearing of which the permittee shall be notified, take any of the following actions:
 1. Revoke the special permit for failure to comply with any of the terms, conditions, and requirements of the special permit, or
 2. Take such other action as it may deem necessary to obtain compliance with the special permit, or
 3. Take such action that it deems necessary to preserve the public health, safety, and general welfare. (Resolution No. [R-09-0011](#); March 10, 2009).
 4. Issue a recommendation to the County Board if the special permit was approved by the County Board.
- c. The County Board, upon receipt of a recommendation from the Planning Commission pursuant to Section 13.005(b)(4), shall then hold a public hearing within thirty (30) days from the date of the Planning Commission recommendation, and may thereafter take any of the following actions:
 1. Revoke the special permit for failure to comply with any of the terms, conditions, and requirements of the special permit, or
 2. Take such other action as it may deem necessary to obtain compliance with the special permit, or
 3. Take such action that it deems necessary to preserve the public health, safety, and general welfare.
- d. After approval of a special permit, the owner, applicant, or permittee may file a request in writing with the Planning Department to rescind the special permit.
 1. If the special permit was approved by the Planning Commission, the Planning Commission shall hold a public hearing and shall consider the effect of rescinding the special permit. In making its decision, the Planning Commission shall consider the public health, safety, and general welfare. The Planning Commission may thereafter rescind the special permit. Any action by the Planning Commission may be appealed to the County Board.
 2. If the special permit was initially approved by the County board or initially approved the Planning Commission and subsequently appealed to the County Board before approval, the Planning Commission shall hold a public hearing and shall consider the effect of rescinding the special permit. The Planning Commission shall consider the public health, safety, and general welfare, and shall issue a recommendation to the County Board. The County Board shall hold a public hearing thereon within thirty (30) days from the date of the Planning Commission recommendation. The County Board shall consider the Planning Commission recommendation and shall consider the public health, safety, and general welfare. The County Board may thereafter rescind the special permit.

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 #16016A 48 th & Holdrege Planned Unit Development (PUD)	FINAL ACTION? No	DEVELOPER/OWNER Dominik Jensen OBO 48th Street Development LLC
PLANNING COMMISSION HEARING DATE June 8, 2022	RELATED APPLICATIONS CPC#22009	PROPERTY ADDRESS/LOCATION North 48 th Street and Aylesworth Avenue

RECOMMENDATION: CONDITIONAL APPROVAL

BRIEF SUMMARY OF REQUEST

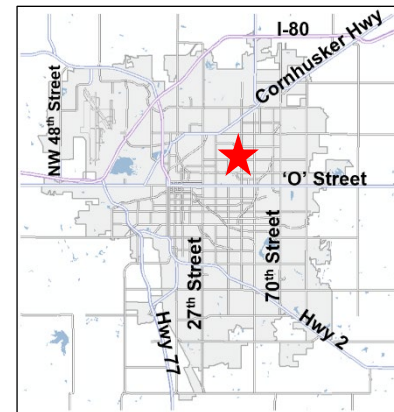
This is a request for a change of zone from R-2 and B-1 to B-3PUD. It expands the original PUD for the 48th & Holdrege PUD approved in 2016 for the block adjacent to the south.

This request expands the PUD by approximately 2.23 acres for an additional 115-unit multiple-family building and associated parking. There is no commercial component associated with this project which consists of a mix of studio, one and two-bedroom units.

The project area is within the boundary of the University Place South Redevelopment Plan. The associated application CPC#22009 is a request to amend the plan to include this as a development project.

JUSTIFICATION FOR RECOMMENDATION

Most all the requested waivers were all approved with the original PUD and are being carried forward, with the exception of the setback waiver and first floor residential. Given the block to the north is anticipated to be a future redevelopment project also joining this PUD the waivers are appropriate. This project is consistent with the Comprehensive Plan and the University Place South Redevelopment Plan. It will provide for the location of a new high-density, multiple-family residential facility and support continued redevelopment in this part of the city.



APPLICATION CONTACT

Andrew Willis, 402-479-7151 or
awillis@clinewilliams.com

STAFF CONTACT

Brian Will, 402-441-6362 or
bwill@lincoln.ne.gov

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

This project is consistent with the goals in the Comprehensive Plan that support infill of housing in existing neighborhoods which respect the existing pattern of development. It provides infill redevelopment that includes housing for a variety of incomes and households and complements the character of the existing neighborhood by including appropriate transitions, scale, and context. It helps meet the goal of encouraging infill and redevelopment in appropriate locations throughout the community to meet the assumption for 25% of all new dwelling units being infill.

WAIVERS

1. LMC 26.23.105 - Storm Water Detention - Recommend Approval
2. LMC 27.72.070 - Adjust height from 45' to 70' - Recommend Approval
3. LMC 27.62.040 - Allow first-floor residential - Recommend Approval
4. Design Standards Chap. 3.5 Sec. 7.3 to waive screening - Recommend Approval

KEY QUOTES FROM THE 2050 COMPREHENSIVE PLAN

Introduction Section: Growth Framework

Figure GF.b: 2050 - This site is designated for commercial and residential land uses on the 2050 Future Land Use Plan.

Land Use Plan - LIST THE DEFINITION(S) FOR DESIGNATED FUTURE USE [Industrial, Commercial, Urban Residential, etc.]

Fundamentals of Growth in Lancaster County

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

The Community in 2050

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

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

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

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

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

Benefits of Well-Planned Growth

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

Goals Section

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

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

Elements Section

Existing Neighborhoods

The diversity of architecture, housing types and sizes are central to what make existing neighborhoods great places to live. New construction should continue the architectural variety, but in a manner that is sensitive to the existing neighborhoods.

Infill and redevelopment is supported and must respect the street pattern, block sizes, and development standards of the area, such as parking at the rear and porches, windows, and doors on the front street side. The City's primary strategy for residential infill and redevelopment outside of the Greater Downtown is to encourage the redevelopment and reuse of sites and buildings in commercial areas in order to create new mixed use centers that are compatible and complementary to adjacent neighborhoods.

Modest opportunities for redevelopment may also be appropriate along "neighborhood edges." Neighborhood edges include arterial streets and transition zones between lower density residential and commercial areas.

Developing Neighborhoods

Developing neighborhoods should have a variety of housing types and sizes, plus commercial and employment opportunities.

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.

Greater Downtown

The Plan envisions an additional 5,000 dwelling units in Greater Downtown by 2050. This area is the main hub of employment, entertainment, and higher education. Over the years, there have been significant public and private investments in new building construction, renovations, and infrastructure. In order to capitalize on these collective investments, further development in the Greater Downtown should be realized.

Mixed Use Redevelopment Nodes and Corridors

The City's primary strategy for residential infill and redevelopment outside of the Greater Downtown is to encourage the redevelopment and reuse of sites and buildings in underutilized commercial and industrial areas.

Location Criteria

Mixed Use Redevelopment Nodes and Corridors should be located based on the following criteria:

- In areas where there is a predominance of commercial or industrial zoning and/or development, focusing on non-residential areas.
- In proximity to planned or existing neighborhoods and community services, to facilitate access to existing community services or to address a deficiency by providing services such as grocery stores, childcare centers, and restaurants.
- Where there is existing or potential for good access to transit, to enhance the public transit system by making it accessible to residents and to facilitate the development of neighborhood multimodal hubs where residents can drive, bike, or walk to a transit stop, go to work, and then shop for their daily needs before they return home.
- On at least one arterial street to help provide for traffic and utility capacity and access to transit.
- Outside of areas with existing or potential industrial use to avoid conflicts with health and safety.
- In areas that minimize floodplain and other environmental impacts. Areas within the floodplain that already have buildings and fill are appropriate for redevelopment; projects that receive public assistance should meet a higher standard to preserve flood storage. This criterion encourages redevelopment while protecting sensitive environmental areas. Preservation or restoration of natural resources within or adjacent to mixed use redevelopment areas should be encouraged

Neighborhood Edges

Neighborhood edges present an opportunity for missing middle housing, which can help expand affordable housing options and overall housing choice in the community. Missing middle housing includes "house-scale" buildings that provide typically 3 to 12 units and fit in with the character of single-family neighborhoods.

Criteria to consider when locating and designing neighborhood edge redevelopment should include:

- Provide direct or adjacent access to an arterial street to minimize traffic impacts on neighborhood streets.
- In some cases a transition zone may be needed when creating higher-density redevelopment adjacent to lower density neighborhoods.
- Target legacy commercial sites and abandoned, vacant, or blighted parcels for new missing middle housing.
- Consider the character of adjacent built environment in both the design and location of buildings.

Existing Neighborhoods

Infill of housing in existing neighborhoods should respect the existing pattern of development. Infill redevelopment should include housing for a variety of incomes and households and should complement the character of the existing neighborhood by including appropriate transitions, scale, and context.

Policies Section

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

Action Steps

1. Implement the housing and neighborhood strategies as embodied in the Affordable Housing Coordinated Action Plan, City of Lincoln Consolidated and Annual Action Plans and subsequent housing and neighborhood plans. These plans provide the core for affordable housing and neighborhood preservation actions for public and private agencies.
2. Distribute and preserve affordable housing throughout the community to be near job opportunities and public transit and to provide housing choices within existing and developing neighborhoods.
3. Encourage public/private partnerships with housing entities such as Lincoln Housing Authority, Affordable Housing Initiatives, Habitat for Humanity, and NeighborWorks Lincoln.
4. Provide for more education of the public about affordable housing and code enforcement.
5. Promote the preservation, maintenance and renovation of existing housing and neighborhoods throughout the city, with special emphasis on low and moderate income neighborhoods.
6. Preserve the existing affordable housing stock, increase the supply of affordable owner and renter units, and add more variety in housing types.

P2: Existing Neighborhoods - Continue our commitment to strong, diverse, and complete neighborhoods.

Action Steps

1. Promote the preservation, maintenance, and renovation of existing housing and supporting neighborhood uses throughout the City, with special emphasis on low and moderate income neighborhoods.
2. Maintain and enhance infrastructure and services, commensurate with needs, in existing neighborhoods.
3. Encourage well-designed and appropriately placed density, including within existing apartment and group living complexes and in redeveloping commercial or industrial centers, where there is land available for additional buildings or expansions. Provide flexibility to the marketplace in siting future residential development locations. This includes appropriately placed infill in prioritized Nodes and Corridors, neighborhood edges, and underutilized commercial or industrial sites.
4. Recognize that broad economic diversity within existing neighborhoods encourages reinvestment and improves quality of life for all residents while acknowledging the need for affordable housing.
5. Preserve, protect and promote the character and unique features of urban neighborhoods, including their historical and architectural elements.
6. Promote the continued use of residential dwellings and all types of buildings, to maintain the character of neighborhoods and to preserve portions of our past. Building code requirements for the rehabilitation of existing buildings should protect the safety of building occupants, while recognizing the need for flexibility that comes with rehabilitating existing buildings.
7. Implement the housing and neighborhood strategies as embodied in the Affordable Housing Coordinated Action Plan, City of Lincoln Consolidated, Annual Action Plans, and subsequent housing and neighborhood plans. These plans provide the core for affordable housing and neighborhood preservation actions for public and private agencies.
8. Retain and encourage a mix of housing in existing and new neighborhoods in order to provide a mix of

housing types at a variety of price points.

9. Implement elements of Complete Neighborhoods for existing neighborhoods.
10. Develop and utilize a measurement tool to evaluate neighborhoods in terms of how well they achieve PlanForward's goals for design, sustainability, and Complete Neighborhoods goals.
11. Encourage public and private investment in neighborhood infrastructure and services to support economic diversity that improves the quality of life for all residents.
12. Balance expanding housing options and neighborhood character. Infill development should include housing for a variety of incomes and households and should complement the character of the existing neighborhood by including appropriate transitions, scale, and context.
13. Preserve areas designated for multi-family and group living housing in approved plans to support a distributed choice in affordable housing.
14. Promote neighborhood and community design that supports healthy and active lifestyles.
15. Examine current residential zoning districts and propose modifications to encourage 'missing middle' units (single-family attached, cottage courts, townhomes, live-work, and a variety of three- and four-plex configurations), including affordable units, to people with a range of incomes. Neighborhood edges in particular present an opportunity for missing middle housing.
16. Encourage a variety of housing types including townhomes, senior living facilities, low/no maintenance condominiums, accessory dwelling units, multi-family development, and small lot single-family units.

ANALYSIS

1. This is a request to rezone the entire block bounded by North 48th Street, Aylesworth Avenue, North 49th Street and Martin Street from R-2 and B-1 to B-3 PUD. It expands the existing 48th & Holdrege PUD approved in 2016 for the block to the south which has been built-out and is occupied.
2. The area of this amendment is within the boundary of the University Place South Redevelopment Plan which was adopted in 2016. Included in the Plan was the redevelopment project for the block adjacent to the south. Associated with this request is CPC#22009 which amends the original redevelopment plan to include the project proposed by this PUD amendment.
3. The site is currently developed with a mix of older commercial uses, all of which will be removed prior to redevelopment. Surrounding uses include residential to the east zoned R-2; residential to the north zoned O-2 and R-2; residential to the south zoned B-3PUD; and North 48th Street/the University of Nebraska East Campus test orchard zone P to the west.
4. The site plan shows a layout like the one approved for CZ#16016 on the block to the south. The apartment building is located on the west side of the parcel with the parking to east and nine single-stall garages stalls are shown in the southeast corner of the site.
5. Of the waivers requested, all have been previously approved with the original PUD and are appropriate to carry forward with one new waiver.
 - a. LMC 27.62.040 - Allow first-floor residential - This plan shows residential uses the first floor of the apartment building. That use is otherwise prohibited in the underlying B-3 zoning district, so a waiver must specifically be granted to allow it. As there is no existing commercial district/development with first-floor store fronts to preserve in this part of University Place this waiver is appropriate.
6. It is noted that the application letter also requested a waiver to setbacks. This waiver is not required as the setback for the proposed B-3 zoning district are 0' and so it is unnecessary. However, instead of the setbacks of the zoning district the site plan delineates increased setbacks to mitigate/buffer the development to surrounding uses. An 8' building setback is shown along both the north and south lines and is needed to provide adequate area for screening/landscaping. The 15' setback to parking shown along the north can be reduced to 8' thereby matching the south line if the applicant wishes to. This setback is appropriate because it is anticipated that the block to the north will also join the PUD in the future.

Along the east line where residential exists across the street, a 25' setback is shown and is the same as the front setback for the adjacent R-2 zoning district and is appropriate. The setback along North 48th Street is not clear as three dimensions are shown. Clarification of the setback/dimensions shown along North 48th Street is included as a condition of approval where the minimum setback along North 48th Street should also be 8' to provide area for landscaping.

7. It is noted that portions of the site are in the floodplain. This will require the building to be elevated one foot above base flood elevation. The parking lot will not need to be elevated provided it is put in a separate outlot for parking with a common access easement over the outlot at the time of final plat. Floodplain permits will be required as well as a LOMR-F prior to building permits. Grading and fill can occur in advance of building permits and it is recommended that the owners apply for the necessary permits immediately to begin preparing the site for development now and not wait until the time of building permits.
8. The waiver to storm water detention is carried forward and LTU Watershed Management does not object. It is noted that water quality standards still apply and must be met, and this is acknowledged by the applicant in the application.
9. If approved, this project is consistent with the larger University Place South Redevelopment Plan and will further advance the goals of that plan. The waivers are appropriate and allow the development to occur in a manner consistent with the first phase of the PUD.
10. There are minor corrections and revisions which are required, and they are noted as recommended conditions of approval. Subject to the recommended conditions of approval this request is consistent with the Zoning Ordinance and Comprehensive Plan and is an appropriate use of land at this location.

CONDITIONS OF APPROVAL: See attached.

EXISTING LAND USE & ZONING: Commercial R-2, B-1

SURROUNDING LAND USE & ZONING

North: Residential	R-2, O-2
South: Residential	B-3PUD
East: Residential	R-2
West: North 48 th Street/UN-L East Campus	P

APPLICATION HISTORY:

Jun 2016 - CZ#16016 was approved for the 48th & Holdrege B-3PUD.

Jun 2016 - CPC#16003 for the University Place South Redevelopment Plan was approved including the 48th & Holdrege redevelopment project.

May 2016 - MISC#16001 - The Blight and Substandard designation was approved for the University Place South Redevelopment Area.

APPROXIMATE LAND AREA: 2.23 acres, more or less.

PROPOSED CITY COUNCIL DISTRICT ASSIGNMENT: District #1

LEGAL DESCRIPTION: Lots 1, 2, 3, 10, 11, 12 and adjacent vacated alley from R-2 to B-3 PUD, and Lots 4, 5, 6, 7, 8, and 9 and adjacent vacated alley from B-1 to B-3PUD, all located in Block 22, Mills Addition to University Place, located in the SE 1/4 of Section 17-10-7, Lincoln, Lancaster County, Nebraska.

Prepared by

Brian Will
441-6362 or bwill@lincoln.ne.gov
May 26, 2022

Applicant: Dominik Jensen
300 North 44th Street, Ste 112
Lincoln, NE 68503
612-305-7095
djensen@sr-re.com

Contact: Andrew Willis
Cline Williams
233 South 13th Street, Ste 1900
Lincoln, NE 68508
402-479-7151
awillis@clnewilliams.com

Owner: The Estate of Joan Williams McKeen
1800 N 48th Street
Lincoln, NE 68504
alan@alanwoodlaw.com

CONDITIONS OF APPROVAL - CHANGE OF ZONE #16016A

This approval permits a change of zone to B-3 PUD to add up to 115 dwelling units to the existing 115 dwelling units and 25,000 square feet of commercial floor area for a total of 230 dwelling units and 25,000 square feet of commercial floor area with waivers to increase the height from 45 to 70 feet, requirement for storm water detention, landscape screening of the multi-family building and to allow first-floor residential uses in the B-3.

Site Specific Conditions:

1. The City Council approves associated request:
 - 1.1 CPC#22009.
2. 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.
 - 2.1 Update the waiver table to reflect the waivers requested with this request.
 - 2.2 Prior to advancing for consideration by the City Council provide an updated legal description indicating the change of zone being requested including a metes and bounds description of the entire are of the proposed amendment.
 - 2.3 Delete the existing lot lines from the site plan and show Lot 1 and Outlot A representing how the site is to be replatted.
 - 2.4 Add a note which states: A floodplain permit is required prior to building permits.
 - 2.5 It is not clear what the 6', 7' and 8' dimensions adjacent to North 48th Street represent. Provide clarification and revise if necessary to the satisfaction of the Planning Department.
 - 2.6 Remove the interior detail of the apartment building which is unnecessary and show just the building footprint.
 - 2.7 Submit the Water Quality Form to the satisfaction to LTU/Watershed Management.
3. 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 installation of sidewalks as shown on the final plat within four (4) years following the approval of the final plat.

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

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

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

to complete land preparation including storm water detention/retention facilities and open drainageway improvements to serve this plat prior to the installation of utilities and improvements but not more than two (2) years following the approval of the final plat

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

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

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

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

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

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

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

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

to maintain the outlots on a permanent and continuous basis.

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

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

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

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

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

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

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

to inform all purchasers and users of land located within the 100 year floodplain and that the grading of the lots and outlots within the 100 year floodplain shall be in conformance with the grading plan approved with the PUD change of zone #16016A or as amended by the Director of Planning. The volume of fill material brought into each lot and outlot from outside the floodplain shall not exceed that shown on the approved grading plan accompanying the PUD.

to relinquish the right of direct vehicular access to North 48th Street.

Standard Conditions:

4. The following conditions are applicable to all requests:

- 4.1 Before occupying the dwelling units all development and construction shall substantially comply with the approved plans.
- 4.2 All privately-owned improvements shall be permanently maintained by the owner or an appropriately established homeowners association approved by the City Attorney.
- 4.3 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.
- 4.4 The terms, conditions, and requirements of the ordinance shall run with the land and be binding upon the developer, its successors and assigns.
- 4.5 The applicant shall sign and return the letter of acceptance to the City Clerk. This step should be completed within 60 days following the approval of the special permit. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefore to be paid in advance by the applicant. Building permits will not be issued unless the letter of acceptance has been filed.
- 4.6 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.



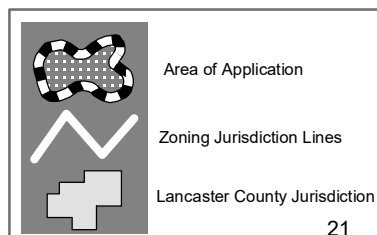
2020 aerial

Change of Zone #: CZ16016A 48th & Aylesworth Redevelopment N 48th St & Aylesworth Ave

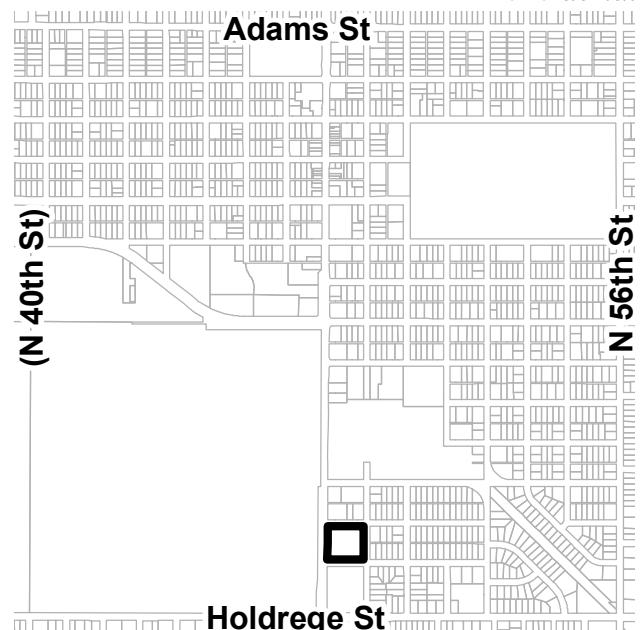
Zoning:

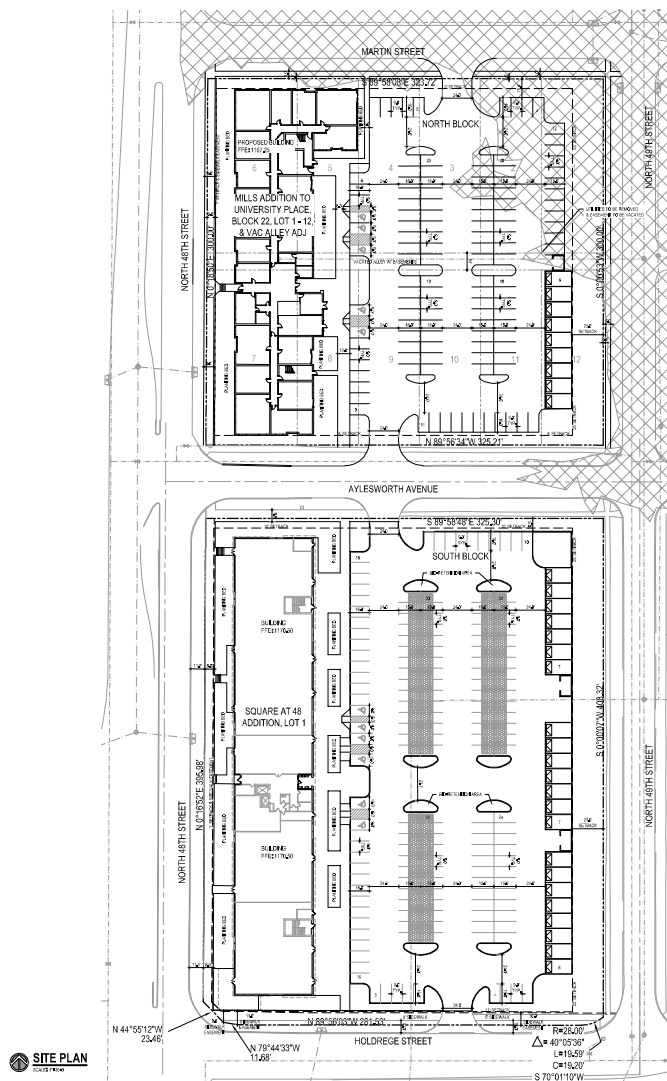
R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4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

One Square Mile:
Sec.17 T10N R07E



21





SCOTT D. KELLY
MARK A. CHRISTENSEN
RICHARD P. GARDEN, JR.
SUSAN K. SAPP
KEVIN J. SCHNEIDER
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TRENTEN P. BAUSCH
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May 10, 2022
(updated May 26, 2022)

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DONALD F. BURT (INACTIVE)
STEPHEN H. NELSEN (INACTIVE)
TERRY R. WITTLER (INACTIVE)

†ATTORNEYS ADMITTED IN COLORADO ONLY

VIA HAND DELIVERY

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

Re: 48th Street Development, LLC submittal of Application for Change of
Zone
Our File No.: 21187.002

Dear Mr. Cary:

This firm represents 48th Street Development, LLC ("48th Street Development"), which has a written purchase agreement with the owners of all the real property located on the city block north of Aylesworth Avenue, south of Martin Street, east of N. 48th Street, and west of N. 49th Street (the "Property"). 48th Street Development intends to develop the Property as further described below and has the owners' consent to submit this application and petition.

A. The Project

48th Street Development proposes to redevelop the Property and construct a multifamily development with approximately 115 market-rate residential apartment units (the "Project"). The Project will include 122 surface parking stalls and 9 garage stalls, for a total of 131 parking spaces, exceeding a ratio of 1 parking stall per unit (1.14 stalls/unit).

The goal of the Project is to strengthen the Lincoln community by providing infill residential dwelling units through the redevelopment of existing underutilized and deteriorating real property. The Project will remove blighted and substandard conditions of the Property and will make positive contributions to the area.

48th Street Development, LLC, previously constructed the mixed used building on adjacent block to the south of the Property (the block south of Aylesworth and north of Holdrege) in 2017 (referred to herein as the “48th and Holdrege Project” and the site referred to as the “48th and Holdrege Block”). In connection with the 48th and Holdrege Project, the City approved CZ16016, which created a B-3 Planned Unit Development overlay on the 48th and Holdrege Block. The B-3 Planned Unit Development was approved pursuant to Ordinance No. 20351, which was approved on July 14, 2016.

The proposed Project will be compatible in size and appearance with the 48th and Holdrege Project and 48th Street Development desires to extend and expand the existing B-3 Planned Unit Development one block to the north to encompass the Property to allow for the development of the Project.

B. Change of Zone

48th Street Development respectfully requests a change of zone from the existing B-1 and R-2 zoning districts on the Property to the B-3 zoning district with a Planned Unit Development overlay designation. Specifically, the applicant is requesting an amendment to the existing B-3 Planned Unit Development to add the Property to the PUD area and to allow up to 120 residential units on the Property.

The requested change of zone is compatible with the surrounding area; the requested amendment to the PUD is an extension of the B-3 Planned Unit Development and current zoning that exists on the 48th and Holdrege Block.

C. Waivers

As part of the request for the B-3 PUD for the Project, we request the following waivers, which are the same waivers that were approved as part of the existing B-3 Planned Unit Development:

1. Stormwater Detention. We request that the requirements for on-site stormwater detention be waived due to the small 2.23 acre size of the Project site and its proximity to Deadman’s Run. The Project will still comply with stormwater quality requirements.
2. Height. We request that the Project be subject to a 70 foot height restriction. The height waiver is intended to permit increased density in a “node” and along a “corridor” in conformance with the comprehensive plan. To facilitate such height, the building footprint has been located along 48th Street and the PUD prohibits any commercial uses on the eastern half of the block along 49th Street. This waiver will create uniformity and continuity within the PUD area.

3. Setback. For the setback along Martin Avenue, we request a reduction from the required 25 feet to 8 feet. The 25-foot setback is required because of the R-2 zone on the north side of Martin Avenue. The waiver facilitates the future change of zone and commercial development of the property to the north with a similar setback. The same waiver was previously requested and granted with respect to Aylesworth Avenue for the 48th and Holdrege Block.
4. Screening/Landscaping. The Project further requests a waiver of the screening requirement in Section 7.3 of Chapter 3.50 of the City of Lincoln Design Standards in light of the notes and conditions reflected in the Development Plan.
5. First Floor Dwelling Units. The Project requests a waiver of Section 27.62.040a, which would not permit dwelling units on the first floor. The first floor commercial space in the 48th and Holdrege Project had been a significant challenge to fill, while the residential units are approximately 97% occupied. Despite 48th Street Development's best efforts, commercial tenants cannot be located to occupy the commercial space in the 48th and Holdrege Project. Whether this is due to the current economic conditions, the specific location, or a combination of both factors, it does not make sense to exacerbate the problem by adding more commercial space to an already difficult situation. On the other hand, more residential units, including first floor units, would likely be filled without concern.

As stated above, all of the requested waivers except the waiver of Section 27.62.040a have already been approved for the existing PUD and it is the applicant's desire to maintain uniformity within the PUD and the continued development along 48th Street. The additional waiver will create a stronger development area overall.

D. Enclosures

Enclosed with this delivery are the following:

1. Application Request Forms signed by 48th Street Development, LLC;
2. Site Plan and Development Plan, as required by the City of Lincoln application. Tim Gergen with the Clark Enersen Partners is the ProjectDox Contact for this Application. The electronic version of the Amendment to the PUD will be uploaded to the ProjectDox registry by Tim Gergen;
3. Owner Authorization Letter.

David Cary
May 10, 2022
Page 4

E. Application Fee

The Application Fee in the amount of \$1,379.64 is due for the Amendment to the Planned Unit Development:

- i. Base: \$1,005.00
- ii. Per Acre: \$374.64 (2.23 acres * \$168.00 per acre)

The Applicant will pay the application fee by credit card in connection with the delivery of this application.

If there are any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Andrew Willis", written in a cursive style.

Andrew Willis
For the Firm

Enclosures

4884-9072-0286, v. 2

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

APPLICATION NUMBER	FINAL ACTION?	DEVELOPER
Comprehensive Plan Conformance #22009 48 th & Aylesworth Streets Redevelopment Project	No	Dominik Jensen OBO 48 th Street Development, LLC
PLANNING COMMISSION HEARING DATE	RELATED APPLICATIONS	PROPERTY ADDRESS/LOCATION
June 8, 2022	Change of Zone #16016A	N. 48 th and Aylesworth Streets

BRIEF SUMMARY OF REQUEST

The Project is consistent with the Comprehensive Plan and the University Place South Redevelopment Plan. It will provide for the location of a new high-density, multiple-family residential facility and support continued redevelopment in this part of the city.

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

This project is consistent with the goals in the Comprehensive Plan that support infill of housing in existing neighborhoods which respect the existing pattern of development. It provides infill redevelopment that includes housing for a variety of incomes and households and complements the character of the existing neighborhood by including appropriate transitions, scale, and context. It helps meet the goal of encouraging infill and redevelopment in appropriate locations throughout the community to meet the assumption for 25% of all new dwelling units being infill.

COMPREHENSIVE PLAN SPECIFICATIONS:

Introduction Section: Growth Framework

Figure GF.b: 2050 - This site is designated for future commercial and urban density residential land uses in the 2050 Future Land Use Plan.

Elements Section

E1: Complete Neighborhoods and Housing

Figure E1.b: Strategies for Design, Sustainability and Complete Neighborhoods in Existing Areas

1. Encourage a mix of compatible land uses to develop more complete neighborhoods:
 - a. Similar uses on the same block face: residential faces residential.
 - b. Similar housing densities developed near each other: single-family and “missing middle” residential (3-12 units) scattered throughout with higher density residential (more than 12 units) near the neighborhood edge or clustered near commercial centers.
 - c. Non-residential uses, including parking lots, should be screened from residential areas.
 - d. Locate mixed-use centers so as residents can safely access essential goods and services (i.e. not located across arterial streets) and no more than a 15-minute walk from all residences.
 - e. Support existing Commercial Centers and encourage inclusion of essential goods and services.
 - f. Infill and redevelopment projects should meet or exceed Neighborhood or Commercial Design Standards.
2. Require sidewalks on both sides of all streets or in alternative locations as allowed through design standards or review process.
3. Strive for residences to be located within 1 mile to an existing or planned multi-use trail.
4. Strive for residences to be located within 1/2 mile to an existing or planned neighborhood park.
5. Integrate transit stops into developing neighborhoods and within a ½ mile distance from residences.
6. Develop shorter block lengths to provide multiple connections across residential and commercial areas.
7. Encourage locations within neighborhoods to grow local food.
8. Infill development should balance expanding housing options and neighborhood character by complementing the character of the existing neighborhood and providing appropriate transitions, scale and context. Encourage pedestrian orientation with parking at rear of residential and neighborhood commercial uses.
9. Allow non-standard lots to be buildable.
10. Retain and encourage a mix of housing in order to provide a mix of housing types at a variety of price points.
11. Encourage historic preservation and the rehabilitation and maintenance of buildings.
12. Support retention of public and semi-public uses (elementary schools, churches) as centers of neighborhoods.
13. Maintain existing pattern of streets for connectivity.
14. Maintain arterial streets that are compatible with the existing neighborhood character with two through lanes and a center turn lane where applicable.
15. Utilize streets for commercial and residential parking.
16. Encourage shared parking whenever possible: permit minor incursions of accessory parking for public/ semi-public uses into neighborhoods if properly screened.
17. Maintain alley access and encourage shared driveways to parking areas in order to reduce interruptions to pedestrian traffic, to preserve on-street parking capacity, and to reduce

- automobile conflict points.
- 18. Support the preservation and restoration of natural resources, and limit stream or drainageway crossings.
- 19. Encourage additional density of a variety of housing types and price points on open and available land areas.
- 20. Encourage middle housing in Neighborhood Edges.

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.

Greater Downtown

The Plan envisions an additional 5,000 dwelling units in Greater Downtown by 2050. This area is the main hub of employment, entertainment, and higher education. Over the years, there have been significant public and private investments in new building construction, renovations, and infrastructure. In order to capitalize on these collective investments, further development in the Greater Downtown should be realized.

Mixed Use Redevelopment Nodes and Corridors

The City's primary strategy for residential infill and redevelopment outside of the Greater Downtown is to encourage the redevelopment and reuse of sites and buildings in underutilized commercial and industrial areas.

Location Criteria

Mixed Use Redevelopment Nodes and Corridors should be located based on the following criteria:

- In areas where there is a predominance of commercial or industrial zoning and/or development, focusing on non-residential areas.
- In proximity to planned or existing neighborhoods and community services, to facilitate access to existing community services or to address a deficiency by providing services such as grocery stores, childcare centers, and restaurants.
- Where there is existing or potential for good access to transit, to enhance the public transit system by making it accessible to residents and to facilitate the development of neighborhood multimodal hubs where residents can drive, bike, or walk to a transit stop, go to work, and then shop for their daily needs before they return home.
- On at least one arterial street to help provide for traffic and utility capacity and access to transit.
- Outside of areas with existing or potential industrial use to avoid conflicts with health and safety.
- In areas that minimize floodplain and other environmental impacts. Areas within the floodplain that already have buildings and fill are appropriate for redevelopment; projects that receive public assistance should meet a higher standard to preserve flood storage. This criterion encourages redevelopment while protecting sensitive environmental areas. Preservation or restoration of natural resources within or adjacent to mixed use redevelopment areas should be encouraged

Figure E2.b: Design Strategies for Mixed Use Nodes and Corridors

1. Maintain existing vehicular access, relocate drives as needed, share access where possible, and discourage additional vehicular access to an arterial street.
2. Encourage a higher Floor Area Ratio for commercial redevelopment.
3. Encourage a wide variety of commercial tenants.
4. Face existing residential uses with new residential uses rather than the backs of buildings, unless existing residential faces the opposite direction such as along an alley.
5. Align commercial driveways with existing streets where possible.
6. Discourage commercial driveways that interrupt the blockface of a residential street, especially when residences face the street.
7. Encourage shared driveways and interconnected parking lots where possible.
8. Orient buildings to the street, especially corners.
9. Maintain or adaptively reuse existing structures (especially historic structures) where possible.
10. Incorporate a variety of residential price ranges and use types such as rowhouses, apartment buildings,

apartments in mixed use buildings, live-work units, and group housing. These buildings could also serve as a transition to the existing neighborhood.

11. Encourage a vertical mix of residential and commercial use types.
12. Encourage shared parking between land uses with different peak demand periods.
13. Create public/semi-public green or open spaces such as parks, plazas, or community gardens.
14. Establish or re-establish an internal public or private street network within the node that has substantial connectivity to adjacent neighborhoods to maximize access and mobility options.
15. Encourage public/semi-public uses.
16. Encourage supermarkets or specialty grocery stores to locate within nodes.
17. Encourage substantial connectivity and convenient access to neighborhood services (stores, schools, parks) from nearby residential areas.
18. Promote activities of daily living within walking distance, and provide sidewalks on both sides of all streets, or in alternative locations as allowed through design standards or review process.

Primary Mixed Use Redevelopment Nodes and Corridors

Primary Mixed Use Redevelopment Nodes and Corridors provide the opportunity for large-scale infill redevelopment, and the creation of new urban neighborhoods that function as “villages within the city” with a mix of uses and amenities that are accessible through multiple modes of transportation. O Street is also expected to be Lincoln’s first candidate for an enhanced mass transit option, such as Bus Rapid Transit (BRT). Dense concentrations of jobs and housing are necessary for BRT or other enhanced transit options to be effective. Focusing efforts on the O Street corridor, and the nodes along the corridor, will help to extend Lincoln’s high-density urban core beyond Downtown.

Neighborhood Edges

Neighborhood edges present an opportunity for missing middle housing, which can help expand affordable housing options and overall housing choice in the community. Missing middle housing includes “house-scale” buildings that provide typically 3 to 12 units and fit in with the character of single-family neighborhoods.

Criteria to consider when locating and designing neighborhood edge redevelopment should include:

- Provide direct or adjacent access to an arterial street to minimize traffic impacts on neighborhood streets.
- In some cases a transition zone may be needed when creating higher-density redevelopment adjacent to lower density neighborhoods.
- Target legacy commercial sites and abandoned, vacant, or blighted parcels for new missing middle housing.
- Consider the character of adjacent built environment in both the design and location of buildings.

Existing Neighborhoods

Infill of housing in existing neighborhoods should respect the existing pattern of development. Infill redevelopment should include housing for a variety of incomes and households and should complement the character of the existing neighborhood by including appropriate transitions, scale, and context.

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.
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.

ANALYSIS

1. This is an amendment to the University Place South Redevelopment Plan that originally identified the 48th and Holdrege Redevelopment Project adjacent to the south of this project area. This project designates the block bounded by North 48th, North 49th, Aylesworth and Martin Streets for residential development for the 48th & Aylesworth Redevelopment Project.
2. The project area includes the entire block and adjacent public rights-of-way to allow for a 115 unit, multiple-family building consisting of approximately 23 studio, 19 alcove (studio with more separation for bed), 45 one-bedroom and 28 two-bedroom dwelling units. The apartment structure is located on the west side of the block, where the east side of the block provides 122 surface parking spaces and nine single-stall garages. Parking is provided at a ratio of 1.14 spaces per unit, slightly in excess of the one stall per unit required by the Zoning Ordinance.
3. The goal of the project is to strengthen the Lincoln community by providing infill residential dwelling units through the redevelopment of existing, underutilized and deteriorating real property. The project will make positive contributions to the continued removal of blight and substandard conditions in the redevelopment area.
4. The estimated total cost to implement the Project is approximately \$20,000,000 which includes approximately \$3,185,000 in public financing. The project cost will be finalized as construction costs are determined. The source of public funds for these improvements will be the tax increment generated for the private developments on the project site. Funding sources and uses will be negotiated and identified in the redevelopment agreement, subject to approval by the Mayor and the City Council.
5. The 2022 assessed value of the Project Site is \$746,100. Upon completion of the Project, the assessed value of the Project Site will increase by an estimated \$14,516,140 as a result of the private investment for the project. This will result in an increase in estimated annual property tax collections during the 15-year TIF period of approximately \$289,310, which will be available to finance the costs of construction of the public improvements related to the Project. The public investment will leverage approximately \$16,815,000 in private sector financing.
6. The project is consistent with goals in the University Place South Redevelopment Plan and the Comprehensive Plan by supporting the infill of housing in existing neighborhoods and providing infill redevelopment that includes housing for a variety of incomes and households. It also helps meet the goal of encouraging infill and redevelopment in appropriate locations throughout the community to meet the assumption for 25% of all new dwelling units being infill, and by supporting the implementation of the University Place South Redevelopment Plan.
7. The Redevelopment Plan amendment can be found on the Planning Application Tracking System, search: CPC22009. <https://app.lincoln.ne.gov/aspx/city/pats/>

EXISTING ZONING: B-1 Local Business, R-2 Residential

EXISTING LAND USES: Commercial

SURROUNDING LAND USE AND ZONING:

North:	Residential	O-2, R-2
South:	Residential, Commercial	B-3PUD
East:	Residential	R-2
West:	North 48 th Street, East Campus UN-L	P

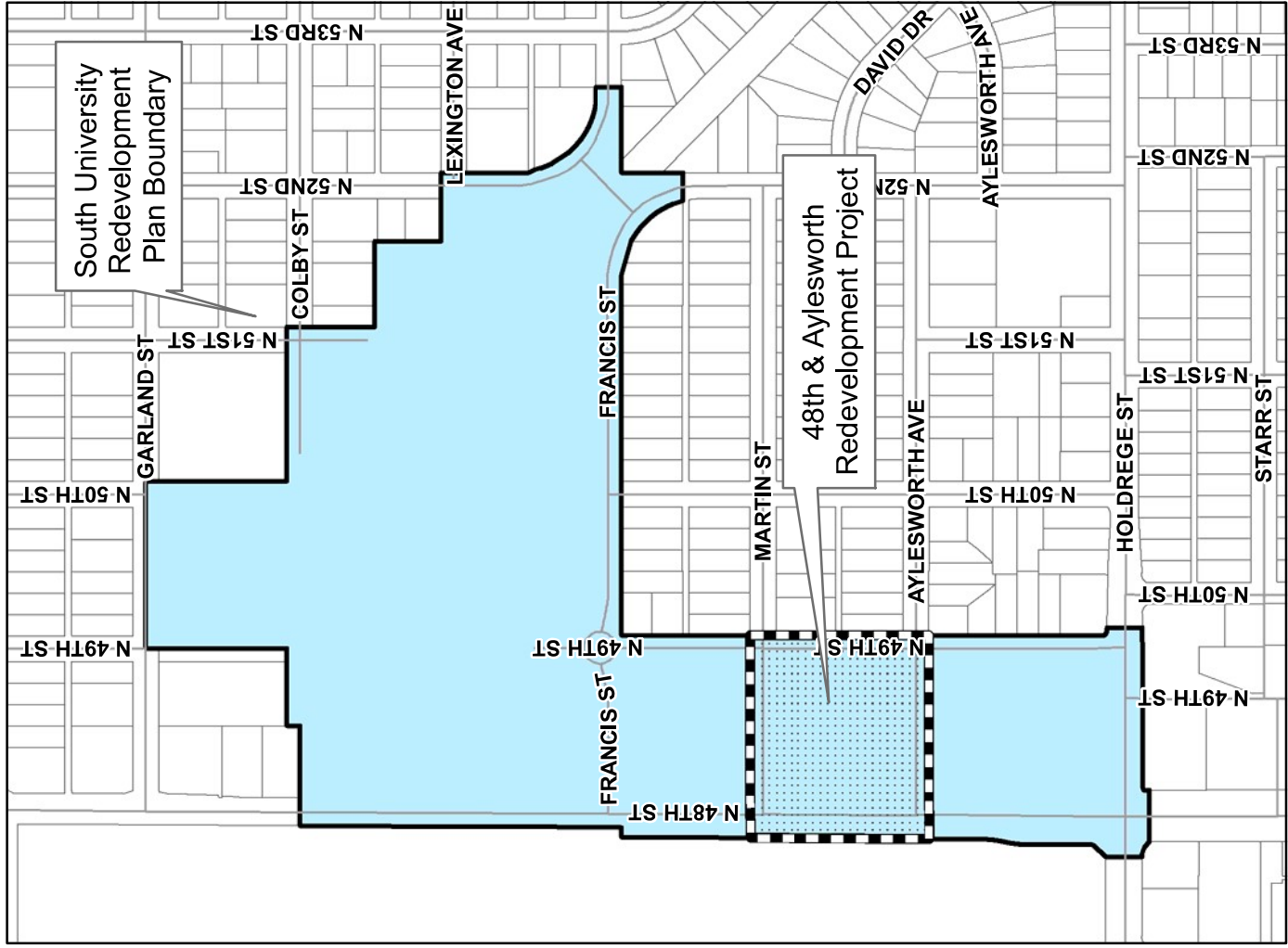
APPROXIMATE LAND AREA: Approximately 3 acres more or less.

Prepared by

Brian Will
441-6362 or bwill@lincoln.ne.gov
May 25, 2022

Applicant: Dan Marvin
Urban Development Department
555 S. 10th Street
Lincoln, NE 68508
(402) 441-7126
dmarvin@lincoln.ne.gov

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



Comprehensive Plan Conformance #22009 **South University Redevelopment Project** **48th & Aylesworth Redevelopment Plan**



URBAN DEVELOPMENT

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

May 9, 2022

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

Dear David:

Enclosed is an amendment to the University Place South Redevelopment Plan that identifies the 48th & Aylesworth Redevelopment Project. The project proposes the redevelopment of one city block. A multi-family residential development totaling approximately 115 units, ranging from studio, one-bedroom, and two-bedroom units will be built. The project is bounded by 48th and 49th Streets and Aylesworth Street to the south, Martin Street to the north.

Please forward this plan amendment to the Planning Commission for their earliest consideration for Comprehensive Plan compliance. My understanding is that this should be on the June 8, 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, appearing to read "Ernie Castillo", followed by a small flourish.

Ernie Castillo

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

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

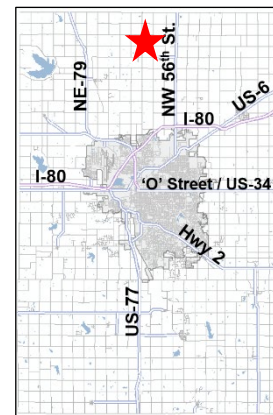
FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER Miscellaneous #22007	FINAL ACTION? No	DEVELOPER/OWNER Jason and Jessica Eden
PLANNING COMMISSION HEARING DATE June 8, 2022	RELATED APPLICATIONS None	PROPERTY ADDRESS/LOCATION 4770 Agnew Rd

RECOMMENDATION: CONDITIONAL APPROVAL

BRIEF SUMMARY OF REQUEST

This request is to vacate the final plat of Eden Acres Addition. The plat vacation will allow more flexibility in siting accessory structures.



JUSTIFICATION FOR RECOMMENDATION

Vacating the final plat will allow the owners more flexibility on siting accessory structures. The plat should be vacated, but retain the right-of-way along Agnew Road dedicated with this final plat.

APPLICATION CONTACT

Jason Eden, 402-480-9025 or
jason@edencrop.com

STAFF CONTACT

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

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The plat vacation is in conformance with the Comprehensive Plan.

KEY QUOTES FROM THE 2050 COMPREHENSIVE PLAN

Introduction Section: Growth Framework

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

ANALYSIS

1. This request is to vacate the plat of Eden Acres Addition. The applicant's letter states the reason for the plat vacation is to allow more flexibility in siting outbuildings.
2. Eden Acres Addition was approved under the conditions of AG Preservation per Lancaster County Zoning Section 4.016. One condition is that the lot(s) cannot exceed 25% of the total area of the final plat. The overall acres in this plat are 40 acres. The lot(s) are allowed to be a total of 10 acres.
3. Eden Acres Addition was approved for one lot of 3.52 acres. The owner could have done 2 lots or could have made

the one lot as large as 10 acres. An option to vacating the plat would be to enlarge Lot 1 through a new final plat.

4. The applicant's letter states that the reason they did the plat was to be able to apply for a standard home loan. The house is now built and they prefer the one lot of 40 acres.
5. An AG Preservation final plat was the only recourse to be able to have the house on a lot less than 20 acres. The AG District requires a minimum lot size of 20 acres unless a farmstead split or AG Preservation is done. The farmstead split requires that a single-family dwelling has existed on the land for more than 5 years. The dwelling had been on the land for less than 5 years which made AG Preservation their only option.
6. The final plat dedicated additional right-of-way along Agnew Road. With the vacation of the final plat, the street right-of-way will also be vacated, unless the Lancaster County Board of Commissioners chooses to retain the right-of-way. The County Engineering Department has requested to retain the right-of-way along Agnew Road.
7. Utility easements are vacated when a final plat is vacated. The only easement on this plat is the 60' public access and utility easement. Norris Public Power District does not object to this plat vacation.
8. The applicant does not gain anything by creating a final plat and then vacating it. No additional lots were created. The plat vacation simply returns the lots to their original state, minus the right-of-way.

CONDITIONS OF APPROVAL: See attached.

EXISTING LAND USE & ZONING: One dwelling and farm ground AG Agricultural

SURROUNDING LAND USE & ZONING

North: Farm ground	AG Agricultural
South: Farm ground	AG Agricultural
East: Farm ground	AG Agricultural
West: One dwelling & Farm ground	AG Agricultural

APPLICATION HISTORY

October 25, 2018 Eden Acres Addition was approved by the Planning Director.

APPROXIMATE LAND AREA: 40 acres, more or less

LEGAL DESCRIPTION: Lot 1, Outlot A, B and C, Eden Acres Addition located in the SW ¼ of Section 8, Township 12 North, Range 7 East, Lancaster County, NE.

Prepared by

Tom Cajka, Planner

Date: May 24, 2022

Applicant: Jason Eden
4770 Agnew Rd.
Ceresco, NE 68017
402-480-9025
jason@edencrop.com

Contact/Owner: Same as applicant

<https://linclanc.sharepoint.com/sites/PlanningDept-DevReview/Shared Documents/DevReview/MISC/22000/MISC22007 plat vacation.tjc.docx>

CONDITIONS OF APPROVAL - MISCELLANEOUS #22007

This approval permits Eden Acres Addition final plat to be vacated per Section 3.19 of the Lancaster County Subdivision Regulations with the condition that the right-of-way along Agnew Road be retained.



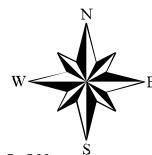
City of Lincoln/Lancaster County, NE GIS

2020 aerial

Miscellaneous #: MISC22007
Vacation of Final Plat FPPL18085
N 40th St & Agnew Rd

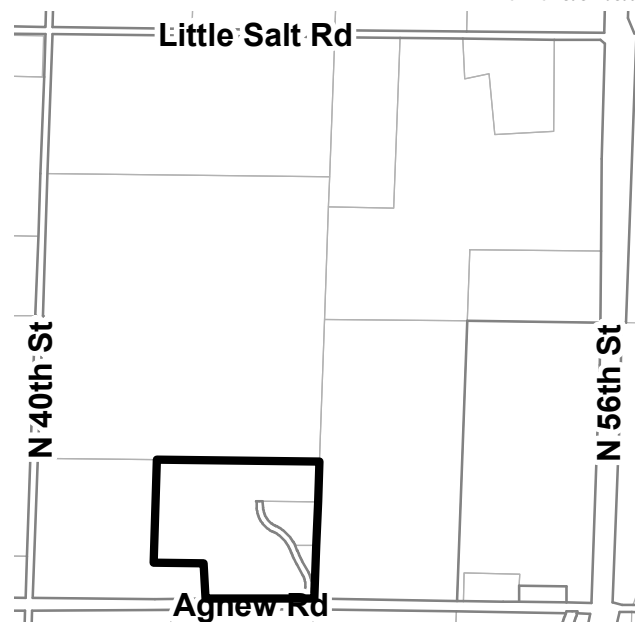
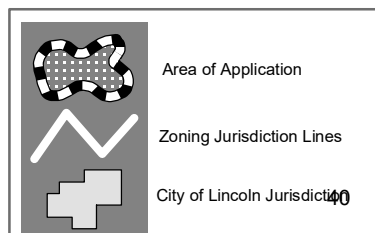
Zoning:

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



One Square Mile:

Sec.08 T12N R07E



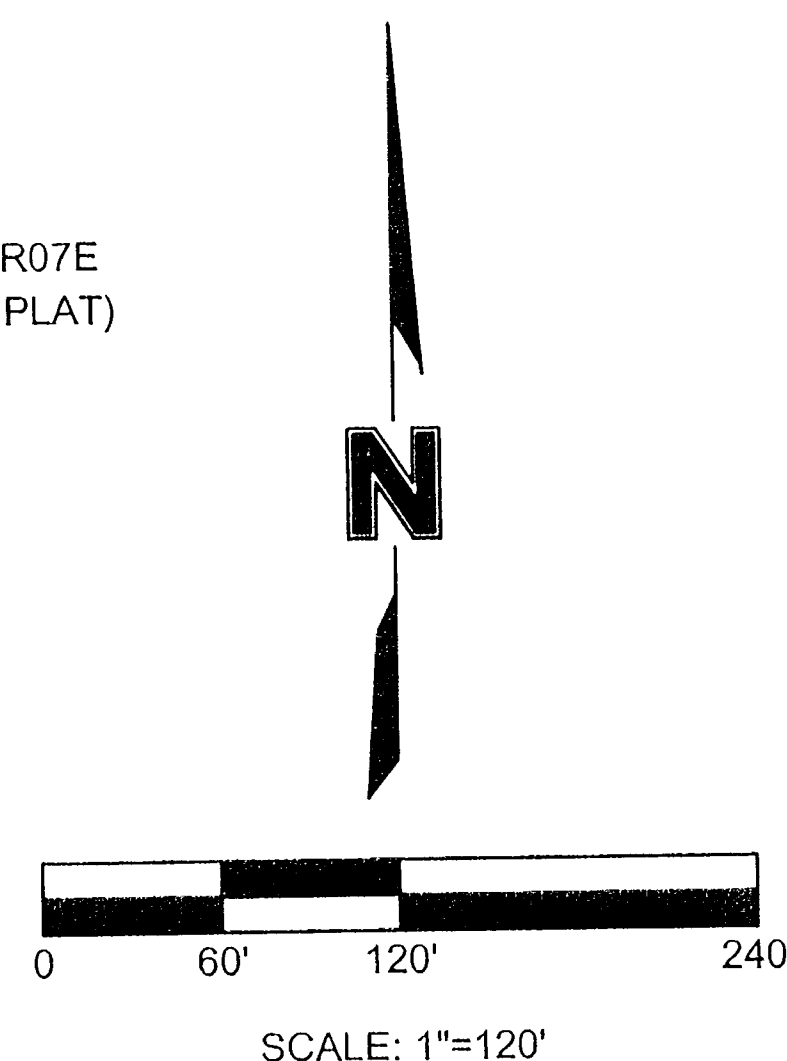
EDEN ACRES ADDITION

FINAL PLAT

N 1/2, SW 1/4
SEC. 08, T12N, R07E
(NOT PART OF PLAT)

Corner Tie
NE Corner of the S1/2 SW1/4
Found Capped Rebar
NE 14.48' To "60D" Spike in SW Face 24" Hackberry Tree
NW 5.12' To "60D" Spike in S Face 18" Hackberry Tree

LOT 18
SEC. 08, T12N, R07E
(NOT PART OF PLAT)



LOT 26
SEC. 08, T12N, R07E
(NOT PART OF PLAT)

OUTLOT 'B'
34.01 AC.
(AGRICULTURAL USE & FUTURE DEVELOPMENT)

LOT 1
3.52 AC.

OUTLOT 'C'
0.96 AC.
(AGRICULTURAL USE & FUTURE DEVELOPMENT)

OUTLOT 'A'
1.46 AC.
(PUBLIC ACCESS)

CENTERLINE CURVE DATA

CURVE #	RADIUS	ANGLE	TANGENT	LENGTH	CH DIST	CH BRG
C7	650.00'	5°23'41"	30.62'	61.20'	61.18'	N06°41'32"W
C8	230.00'	58°38'27"	129.18'	235.40'	225.26'	S33°18'55"E
C9	370.00'	43°33'55"	147.86'	281.33'	274.60'	N40°51'11"W
C10	620.00'	10°59'44"	59.68'	118.98'	118.80'	S24°34'06"E
C11	200.00'	37°49'56"	68.54'	132.06'	129.67'	N11°09'00"W

LEGEND

- ✱ = FD. CAPPED REBAR
- = FD. 2" ALUM. CAP
- = SET 5/8" x 24" REBAR W/ LS595 CAP
- M = MEASURED DISTANCE
- R = RECORDED DISTANCE FROM SURVEY AA-28321

Corner Tie
SW Corner of the S1/2 SW1/4
Found 2" Alum. Cap
NW 59.97' To 1" Pipe
NE 47.26' To Capped Rebar
SE 100.12' To 3/4" Pipe

Corner Tie
SE Corner of the S1/2 SW1/4
Found 2" Alum. Cap
N 50.01' To Capped Rebar
NE 59.99' To 1/2" Rebar
SE 95.37' To 5/8" Rebar

Vacation of Plat - Eden Acres Addition

We (Jason & Jessica Eden) are requesting to vacate the plat that created our Eden Acres Addition.

- The reason we created the plat back in 2018 was to be able to apply for a standard home loan once our new home was finished being built. The mortgages companies prefer the home to be on less than 20 acres, and this was the best option that we were aware of at that time for our farm / parcel. This worked out great and served its purpose.
- The reason we are now wanting to undo / combine / vacate the plat is that we are looking to put an outbuilding on our property close to our home, and we want to be able to have more flexibility as to where we put the building.
- If you have any questions, you can call, text or email. My contact info is below.
- Thank you for your time.

Sincerely

A handwritten signature in blue ink, appearing to read "Jason Eden", with a stylized, cursive script.

Jason Eden

402-480-9025 cell

jason@edencrop.com

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

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

APPLICATION NUMBER
Special Permit #16004B

FINAL ACTION?
Yes

DEVELOPER/OWNER
Triple S & L Developers LLC

PLANNING COMMISSION HEARING DATE
June 8, 2022

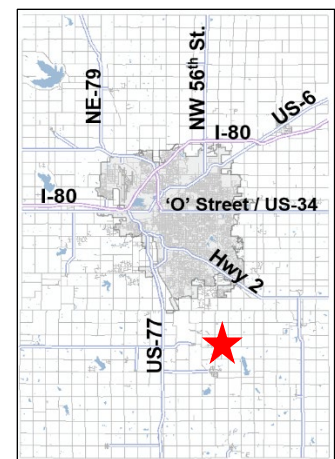
RELATED APPLICATIONS
None

PROPERTY ADDRESS/LOCATION
S. 68th St. & Saltillo Rd.

RECOMMENDATION: CONDITIONAL APPROVAL

BRIEF SUMMARY OF REQUEST

This is a request per Section 27.63.160 of Lincoln Municipal Code for Excavation. This application is to renew an existing special permit for excavation. The boundary of the special permit is approximately 132 acres, and the area of excavation is 97 acres.



JUSTIFICATION FOR RECOMMENDATION

This application subject to the conditions of approval complies with the requirements for an Excavation special permit.

APPLICATION CONTACT

Mike Eckert, Civil Design Group
402-434-8494

STAFF CONTACT

Brian Will, (402) 441-6362 or
bwill@lincoln.ne.gov

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The special permit for excavation of soil is in conformance with the 2050 Comprehensive Plan. There are a few houses in the area but there is no significant impact on adjacent properties anticipated given the proposed conditions. This is the second renewal of this permit and the Planning Department is not aware of any complaints about the operation.

KEY QUOTES FROM THE 2050 COMPREHENSIVE PLAN

P. 12.3 - this site is designated for future urban-density residential and commercial land uses on the 2050 Lincoln Area Future Land Use Plan.

P. 12.9 - this site is in Tier I Priority C of the Growth Tiers. Tier III provides an approximately 17.8 square mile area planned for development after 2036, and consists of those areas which currently lack almost all infrastructure required to support urban development. In areas with this designation, the community will maintain present uses until urban development can commence. Infrastructure improvements to serve this area will not initially be included in the City's Capital Improvement Program (CIP), but will be actively planned for in the longer term capital improvement planning of the various city and county departments.

ANALYSIS

1. This request is for soil excavation on approximately 132 acres with 97 acres being disturbed for requested soil mining activities, as per the provisions of Lincoln Municipal Code (LMC) 27.63.160 Excavation. Approximately 550,000 cubic yards of soil is planned to be excavated.
2. This site was granted a special permit in May 2016 for excavation. At that time the area of the special permit was approximately 150 acres in area, but approximately 18 acres were acquired by the State of Nebraska as right-of-way for the South Beltway. A three year extension was granted in 2018.
3. The beltway has been constructed at this location but the South 68th Street right-of-way remains and is shown on the plan. The right-of-way has not yet been vacated nor has the old roadway surface been removed. The primary access for the excavation/mining will be off the S. 68th Street right-of-way. Access is limited to this one driveway.
4. The site plan submitted with this application is similar to the site plan submitted and approved for the original special permit and the prior amendment.
5. Hours of operation shall be limited to daylight hours Monday through Saturday.
6. The land owner(s) will be responsible for controlling off-site dust emissions in accordance with Lincoln-Lancaster County Air Pollution Regulations and Standards Article 2 Section 32. Dust control measures shall include, but are not limited to, application of water or other dust suppression chemicals.
7. There have been no complaints filed with the Health Department on this operation.
8. Public Works Watershed Management notes that this is a re-application and recommends approval.
9. The County Engineer supports the renewal of the permit subject to: 1 - Applicant providing an updated Truck Route Map; 2 - Applicant providing an updated Road Maintenance Agreement, including comments about roadway watering and notification to Lancaster County when site is being used; 3 - Applicant updating the SWPPP plan if necessary; 4 - Access will be limited to the existing drive to S. 68th Street; 5 - A Road Maintenance Agreement with Lancaster County for S. 68th Street is required.
10. This request is consistent with the Zoning Ordinance and Comprehensive Plan and is an appropriate use of land at this location.

CONDITIONS OF APPROVAL: See attached.

EXISTING LAND USE & ZONING: AG-Agriculture Farm ground and soil excavation

SURROUNDING LAND USE & ZONING

North:	AG-Agriculture	Farm ground and smaller acreages.
	AGR-Agricultural Residential	Single family houses on acreages.
South:	AG-Agriculture	Farm ground
East:	AG-Agriculture	Farm ground
West:	AG-Agriculture	Farm ground
	AGR-Agricultural Residential	Single family houses on acreages

APPLICATION HISTORY

Oct 2018 Special Permit #16004A was approved granting a three-year extension of the permit.

May 2016 Special Permit #16004 for soil excavation was approved.

APPROXIMATE LAND AREA: 131.9 acres, more or less

LEGAL DESCRIPTION:

Lots 25 and 32 Irregular Tracts and the Northwest Quarter of the Northeast Quarter all located in the Northeast Quarter of Section 4, Township 8 North, Range 7 East, and Lot 4 Irregular Tract located in the Northwest Quarter of Section 3, Township 8 North, Range 7 East, Lancaster County, NE.

Prepared by

Brian Will, Planner
441-6363 or bwill@lincoln.ne.gov
May 24, 2022

Owner: Triple S & L Developers, LLC
7460 San Mateo Lane
Lincoln, NE 68516
402-430-602-
bandschultz@schultzconstruction.com

Applicant: Gana Trucking and Excavating
2200 W. Panama Rd.
Martell, NE 68404
402-794-5000
jakew@ganatrucking.com

Contact: Mike Eckert
Civil Design Group
8535 Executive Woods Drive, Suite 200
Lincoln, NE 68512
402-434-8494
meckert@civildg.com

CONDITIONS OF APPROVAL - SPECIAL PERMIT #16004B

Per Section 27.63.160 this approval permits soil excavation for a period of three (3) years from the date of approval of this special permit.

Site Specific Conditions:

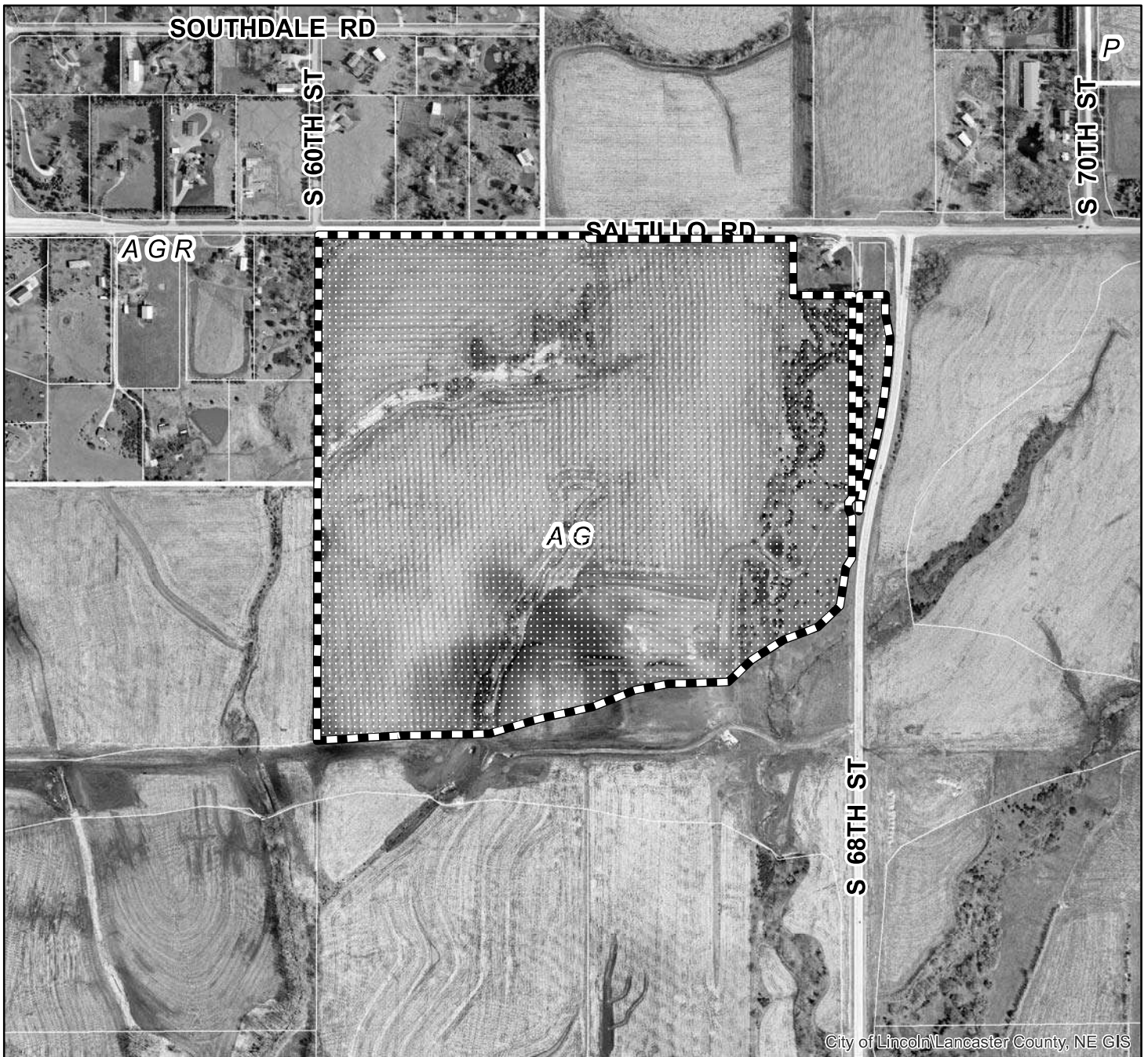
1. Before receiving building permits provide the following documents to the Planning Department:
 - 1.1 Verification from the Register of Deeds that the letter of acceptance as required by the approval of the special permit has been recorded.
2. Before beginning the excavation operations,
 - 2.1 The Permittee shall have
 - 2.1.1 Received review and permits as required for the Federal NPDES and 404 Permits.
 - 2.1.2 Post and updated performance bond in the amount of \$50,925.00 (\$525.00 per acre to be disturbed) to assure compliance with the final reclamation plan, including but not limited to regrading, topsoil conditioning, and re-vegetation. A registered professional engineer must certify at closure of operations that grading and final reclamation has been completed in accordance with the approved plans before the bond may be released.
 - 2.1.3 Upon completion of all terms, conditions and requirements of the special permit that are to be completed before beginning operations, the Permittee shall request the Director of Building and Safety to issue a certificate of operation. Permittee shall not begin operation until it has received said certificate of operation.
 - 2.1.4 Applicant to submit traffic impact information regarding anticipated use of County roads along with including an updated truck route map with proposed/anticipated hauling routes to the County Engineer.
 - 2.1.5 Applicant shall enter into a Road Maintenance Agreement with Lancaster County for S. 68th Street throughout the operation of the permit.
 - 2.1.6 A sign shall be posted and maintained at the entrance to the site. The sign shall be:
 - 2.1.1.1 Clearly visible from the adjacent road;
 - 2.1.1.2 At least 32 square feet in area;
 - 2.1.1.3 Lettering shall be at least two inches in heights, black on a white background;
 - 2.1.1.4 The shall list:
 - (a) The approved Special Permit Number;
 - (b) The name, contact phone and email address for the land owner;
 - (c) The name, contact phone and email address for the operator/contractor;
 - (d) The Building and Safety Department contact number.
 - 2.2 After beginning the excavation operations, the Permittee shall have

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

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

Standard Conditions:

4. The following conditions are applicable to all requests:
 - 4.1 Before starting the operation all development and construction shall substantially comply with the approved plans. The physical location of all setbacks and yards, buildings, parking and circulation elements, and similar matters be in substantial compliance with the location of said items as shown on the approved site plan.
 - 4.2 The terms, conditions, and requirements of this resolution shall run with the land and be binding upon the Permittee, its successors and assigns.
 - 4.3 The applicant shall sign and return the letter of acceptance to the City Clerk. This step should be completed within 60 days following the approval of the special permit. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the applicant. Building permits will not be issued unless the letter of acceptance has been filed.
 - 4.4 The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all prior resolutions approving this permit remain in full force and effect as specifically amended by this resolution.



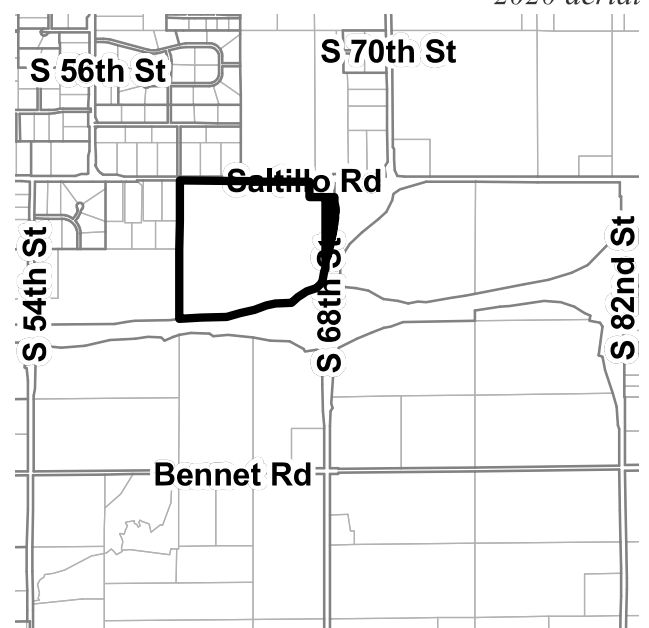
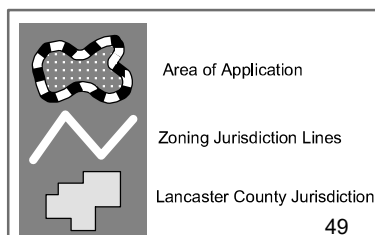
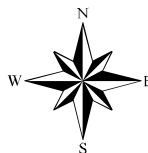
Special Permit #: SP16004B
Cottonwood Ridge
S 70th St & Saltillo Rd

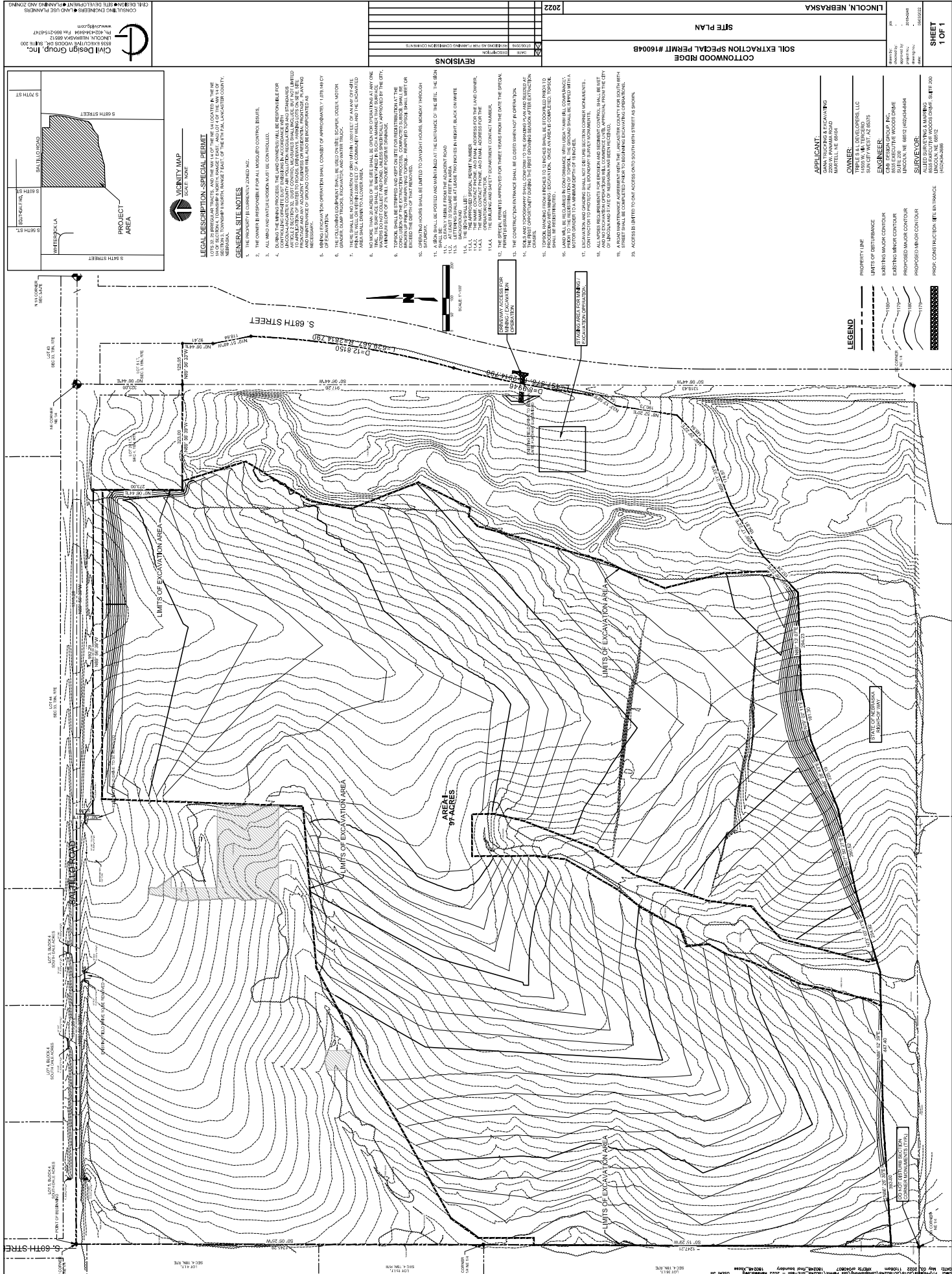
2020 aerial

Zoning:

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

Two Square Miles:
Sec.04 T08N R07E
Sec.03 T08N R07E





Civil Design Group, Inc.
CONSULTING ENGINEERS • LAND USE PLANNERS
1000 N. LINCOLN AVE., SUITE 200
LINCOLN, NEBRASKA 68502
TEL: 402-464-4444 FAX: 402-464-4447
www.civil-design.com



PROJECT AREA

LEGAL DESCRIPTION SPECIAL PERMIT

GENERAL SITE NOTES

1. THE OWNER IS RESPONSIBLE FOR ALL NECESSARY PERMITS AND RECORDING.

2. ALL WORK SHALL BE IN ACCORDANCE WITH THE CITY OF LINCOLN ZONING ORDINANCES.

3. DURING THE WORK PERIOD, THE LAND OWNER SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL UTILITIES AND STRUCTURES ON THE SITE.

4. THE EXCAVATION SHALL BE LIMITED TO THE AREA SHOWN ON THE SPECIAL PERMIT.

5. THE EXCAVATION SHALL BE LIMITED TO A MAXIMUM DEPTH OF 10 FEET.

6. THE EXCAVATION SHALL BE LIMITED TO A MAXIMUM WIDTH OF 10 FEET.

7. THE EXCAVATION SHALL BE LIMITED TO A MAXIMUM LENGTH OF 10 FEET.

8. THE EXCAVATION SHALL BE LIMITED TO A MAXIMUM AREA OF 1000 SQUARE FEET.

9. THE EXCAVATION SHALL BE LIMITED TO A MAXIMUM VOLUME OF 1000 CUBIC YARDS.

10. THE EXCAVATION SHALL BE LIMITED TO A MAXIMUM DURATION OF 10 DAYS.

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Civil Design Group, Inc.

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

April 8, 2022

CDG Project No. 2018-0248.

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

**Re: Application for Renewal of Excavation and Stone Milling (Soil Extraction) Special Permit
#16004A**

Dear Mr. Cary:

On behalf of Gana Trucking & Excavating we submit the above-mentioned application for the renewal of an Excavation and Stone Milling Special Permit for a soil mining operation. This application will update and renew the previously approved special permit on this site, generally located south of Saltillo Rd and west of S. 68th Street.

With this application we submit the following items:

Special Permit fee of \$1005.00
All plan sheets, uploaded via Project Dux

I hope that this letter in conjunction with the submitted plans assists you in reviewing this application. Please feel free to call me at (402) 434-8494 so that I can address any questions you may have.

Sincerely,

Mike Eckert, AICP

cc: Gana Trucking & Excavating

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LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

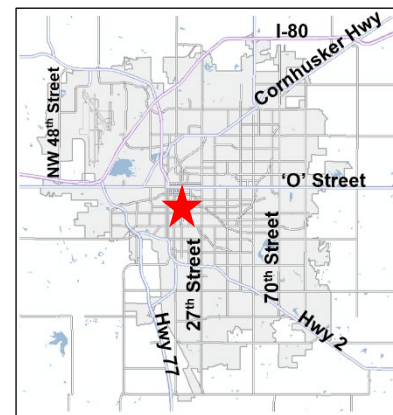
FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER Special Permit #17030B	FINAL ACTION? Yes	DEVELOPER/OWNER Centerpointe
PLANNING COMMISSION HEARING DATE June 8, 2022	RELATED APPLICATIONS None	PROPERTY ADDRESS/LOCATION 2202 South 11 th Street

RECOMMENDATION: CONDITIONAL APPROVAL

BRIEF SUMMARY OF REQUEST

CenterPointe is currently renovating Trabert Hall for offices and housing, as well as medical/clinic space. They are now proposing to add a one-story maintenance building to the east of the building at the edge of the parking lot which would be compatible with the addition to Trabert Hall currently under construction.



JUSTIFICATION FOR RECOMMENDATION

The maintenance building has been part of the overall redevelopment plan for this site and the renovation of Trabert Hall, however due to a lack of early funding was not included in the previous amendment to the special permit. The additional maintenance building will support the operations of the new facility and its continued stewardship of the historic resource.

APPLICATION CONTACT

Tom Huston
(402)474-6900
thuston@clnewilliams.com

STAFF CONTACT

Stephanie Rouse, (402) 441-6361
srouse@lincoln.ne.gov

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The Comprehensive Plan recommends designation of a wide range of the community's historic places and utilization of incentives to encourage their preservation.

WAIVERS

None.

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

Introduction Section: Growth Framework

[Figure GF.b: 2050](#) - This site is shown as future public & semi-public on the 2050 Future Land Use Plan.

[Land Use Plan](#) - 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.

Fundamentals of Growth in Lancaster County: The Urban Environment

Historic preservation. Preservation and renewal of historic buildings, districts, and landscapes is encouraged. Development and redevelopment should respect historical patterns, precedents, and boundaries in towns, cities and existing neighborhoods.

Goals Section

G12: History and Culture. The community's history and culture is discussed more in the Introduction section, and is reflected through historic buildings and sites throughout the county. These resources add to the desirable quality of life for current residents and should be protected for future generations. PlanForward encourages the continued use and maintenance of historic and cultural resources, including properties not formally designated as landmarks.

G13: Community Appearance. Lincoln and Lancaster County will have a high-quality physical environment that creates a strong sense of place and community pride. The urban and the rural landscapes of Lancaster County produce a distinctive place, offering a sense of identity to visitors and especially to residents. It is worthwhile to plan for, protect, and strengthen this character as the community grows and matures.

Elements Section

E2: Infill and Redevelopment

Mixed Use Redevelopment Nodes and Corridors

Design Strategies for Mixed Use Nodes and Corridors

9. Maintain or adaptively reuse existing structures (especially historic structures) where possible.

The adaptive reuse of historic or other existing structures into mixed uses is encouraged.

E3: Business, Economy and Workforce

Commercial Infill

7. Maintain or adaptively reuse existing structures (especially historical structures) where possible.

E6: Placemaking

This element describes principles and strategies intended to preserve and enhance the community's unique character — its sense of place — through preservation of cultural and historic resources and focused attention to the quality of public and private development.

All parts of PlanForward contribute to the attainment of this vision, but urban design and one of its components, historic preservation, relate most directly to guarding and enhancing the community's physical image.

The Historic Preservation Commission (HPC) works with neighborhood groups, preservation advocates, property owners, and the History Nebraska to discover, protect, and share the community's heritage. The zoning code provides protection for designated historic property and incentives for creative uses that maintain the vitality of historic places. The Commission has a key role in providing on-going guidance in the revitalization of areas such as Haymarket, residential historic districts, and Havelock Avenue.

Figure E6.c: Historic & Capitol Environs Districts

Policies Section

P2: Existing Neighborhoods - Continue our commitment to strong, diverse, and complete neighborhoods.

Action Steps

5. Preserve, protect and promote the character and unique features of urban neighborhoods, including their historical and architectural elements.

P37: Historic Preservation - The community's distinctive character and desirable quality of life should be supported by exercising stewardship of historic resources throughout the County.

Action Steps

2. Lincoln and Lancaster County should work in partnership with state and federal historic preservation programs, but local landmark protections are usually the most effective and appropriate.
4. City and county governmental policies should provide for the protection and enhancement of historic resources.
13. Most historic property is and should be privately owned and maintained. Public property, especially publicly owned historic property, is a community trust and should be maintained, preserved, and utilized in an exemplary fashion.
14. Encourage the continued use and maintenance of historic resources, including properties not formally designated as landmarks.

ANALYSIS

1. This is a request to amend the special permit for historic preservation which allowed use of Trabert Hall for up to 57,735 square feet of office space, or for medical/clinic space, or for up to 60 dwelling units, or for a combination thereof approved. The modification to the site plan would allow an additional 2,195 square foot maintenance building.
2. A Special Permit for Historic Preservation under LMC §27.63.400 is to be evaluated under the following six criteria:

2.1. The significance of the historic structure or site and the degree of variation sought from the permitted uses of the district:

The significance of the structure is presented in the landmark designation, which states: *The former Nurses Home of Saint Elizabeth Hospital is indicative the scale of the original Saint Elizabeth Hospital complex and is the only original, freestanding structure of the complex still extant. (St. Francis Church was built as a chapel wing.) D. X. Murphy & Brother, architects of the building, were nationally significant practitioners and the Nurses Home is well-designed, of fine materials, and is the only identified example of their work in Nebraska.*

The Special Permit currently allows office use, residential, and medial/clinic space in the building. The addition of a 2,195 square foot maintenance building to support the operations on site would not be a significant variation from what is permitted today.

2.2. The extent to which economic factors necessitate the change in use:

A change in use is not proposed with this amendment to the special permit, rather the allowance of an accessory building to support the operations of the primary uses. Therefore, there are no economic factors necessitating the change in use.

2.3. The extent of proposed exterior change to the structure or site:

The previously approved special permit allowed for an addition to the existing Trabert Hall building. The proposed maintenance building would match the colors of the new addition on the main building with fiber cement siding, a brick base with stone cap, and a gable roof. The structure would be located southeast of the

main building, at the rear of the surface parking lot. The new building would not have a significant impact on the historic character of Trabert Hall and would be in keeping with the additions previously approved under SP17030A.

Additionally, the Historic Preservation Commission reviewed the request at their May 19th meeting and unanimously recommended approval with no modifications.

2.4. The impact on the surrounding area:

The site is located within an area zoned R-4 (Residential), with Saratoga Elementary School adjacent to the southeast, St. Francis Church to the northeast, and Lancaster Rehabilitation Center to the northwest. The request would allow a 2,195 square foot maintenance building in the southeast corner of the site. The south and east elevations would be facing the school property. The southern façade would have small ribbon windows directly under the eaves while the east façade, which is nearest the school playground, would have no openings. The building would provide additional screening between the surface parking lot and the school property without removing any previously proposed parking stalls.

2.5. The compatibility of the proposed use to the structure or site and the surrounding area:

The requested special permit is intended to be accessory to and support the previously approved uses as part of the redevelopment of Trabert Hall.

2.6. The manner in which the public will be benefitted by such proposed use:

Reusing the building appropriately preserves a historic structure and makes uses of resources already expended in the construction of the building and surrounding public infrastructure. The proposed addition of a maintenance building to the site plan will assist the operations of the future building uses.

EXISTING LAND USE & ZONING: vacant; R-4 Residential with historic overlay

SURROUNDING LAND USE & ZONING

North: Parking	R-4 Residential District
South: Residences	R-4 Residential District
East: Saratoga Elem. School	P-Public Use District
West: Residences,	R-4 Residential District
Lancaster Rehab. Center,	
CenterPointe residential treatment program	

APPROXIMATE LAND AREA: 2.47 acres more or less

LEGAL DESCRIPTION: Saint Francis 1st Addition, Lot 3, in SE ¼ of Section 35 T10N R06E, Lincoln, Lancaster County, Nebraska.

Prepared by

Stephanie Rouse, Planner

Date: May 25, 2022

Applicant: CenterPointe
2633 P Street
Lincoln, NE 68503

Contact: Tom Huston
233 S. 13th Street
Lincoln, NE 68508
(402)474-6900
thuston@clnewilliams.com

Owner: CenterPointe
2633 P Street
Lincoln, NE 68503
(402)429-2278
thansen@centerpointe.org

CONDITIONS OF APPROVAL - SPECIAL PERMIT #17030A

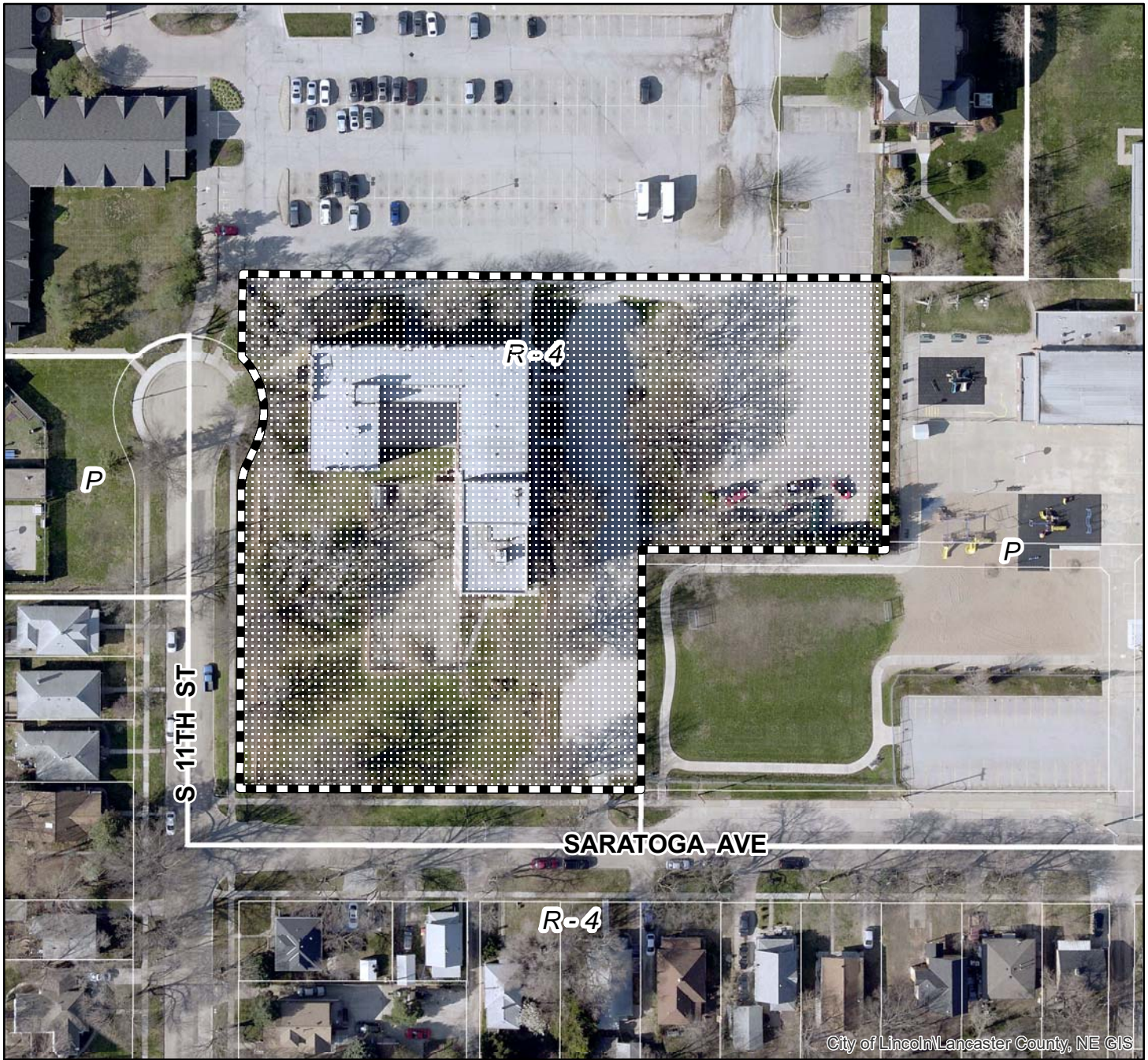
Per Section 27.63.400 this approval permits historic preservation use of Trabert Hall and its site for up to 57,735 square feet of office space, or for medical/clinic space, or for up to 60 dwelling units or for a combination thereof approved by the Planning Director, and up to 2,500 square feet of accessory buildings.

Site Specific Conditions:

1. Before receiving building permits the permittee shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including 2 copies with all required revisions and documents as listed below:
 - 1.1 Show the existing platted easements on the site plan.
2. Any signs for the property must receive a Certificate of Appropriateness from the Historic Preservation Commission prior to receiving a City of Lincoln sign permit.
3. Before receiving building permits provide the following documents to the Planning Department:
 - 3.1 Verification from the Register of Deeds that the letter of acceptance as required by the approval of the special permit has been recorded.

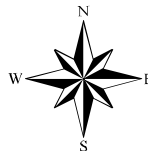
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2020 aerial

Special Permit #: SP17030B
S 13th St & South St

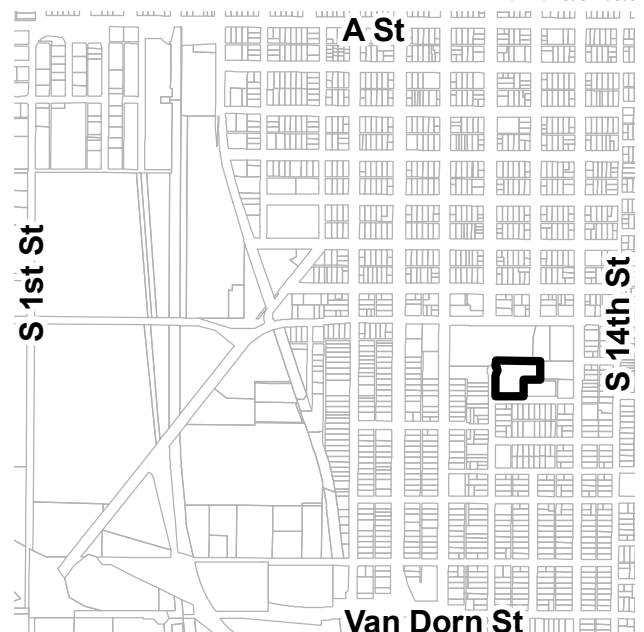
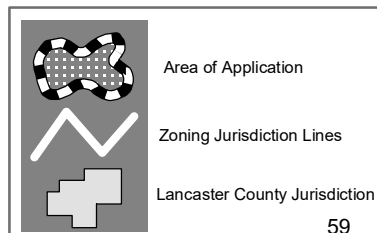


One Square Mile:
Sec.35 T10N R06E

Zoning:

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

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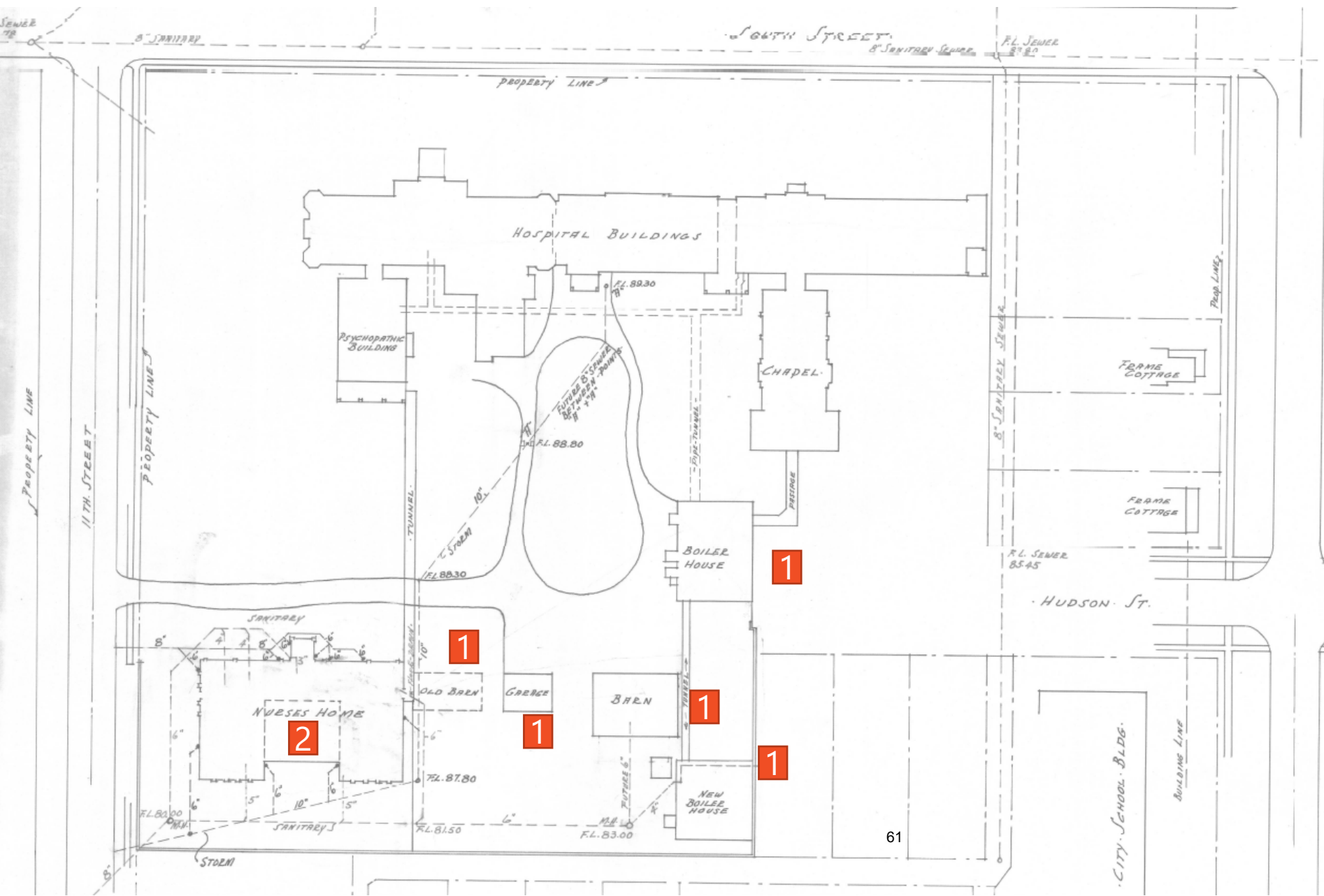
CenterPointe

CenterPointe – Accessory Building: Garage

May 9, 2022



CENTERPOINTE: PRECEDENCE - HISTORIC SITE PLAN – PREVIOUS ACCESSORY BUILDINGS PRESENT



1 PREVIOUS
ACCESSORY/SUPPORT
BUILDINGS

2 ORIGINAL BUILDING ON
SITE (CURRENT - MAIN
PROJECT SITE)

NOTE: NO ACCESSORY STRUCTURES ARE
DEMOLISHED ON SITE UNDER THE CURRENT
PROJECT. THESE STRUCTURES WERE
DEMOLISHED PRIOR TO THE CURRENT
PROJECT AND OWNER OBTAINING THE SITE.
MAP IS FOR REFERENCE ONLY WITH
RESPECT TO SITE PRECEDENCE.

CENTERPOINTE: RENDERS – ACCESSORY STRUCTURE

1 NEW ACCESSORY BUILDING - GARAGE

2 MAIN BUILDING



\ CENTERPOINTE: RENDERS – ACCESSORY STRUCTURE

1 NEW ACCESSORY BUILDING - GARAGE

2 MAIN BUILDING



CENTERPOINTE: RENDERS – ACCESSORY STRUCTURE - ELEVATIONS



EAST ELEVATION



WEST ELEVATION – REFUSE ENCLOSURE



ASPHALT SHINGLE ROOF

FIBER CEMENT SIDING

BRICK BASE WITH STONE CAP

TRASH ENCLOSURE: COMPOSITE & ALUMINUM FENCE

MATERIALS



WEST ELEVATION - BUILDING

NOTE: COLORS TO ALIGN WITH NEW ADDITION ON MAIN BUILDING

CENTERPOINTE: RENDERS – ACCESSORY STRUCTURE - ELEVATIONS

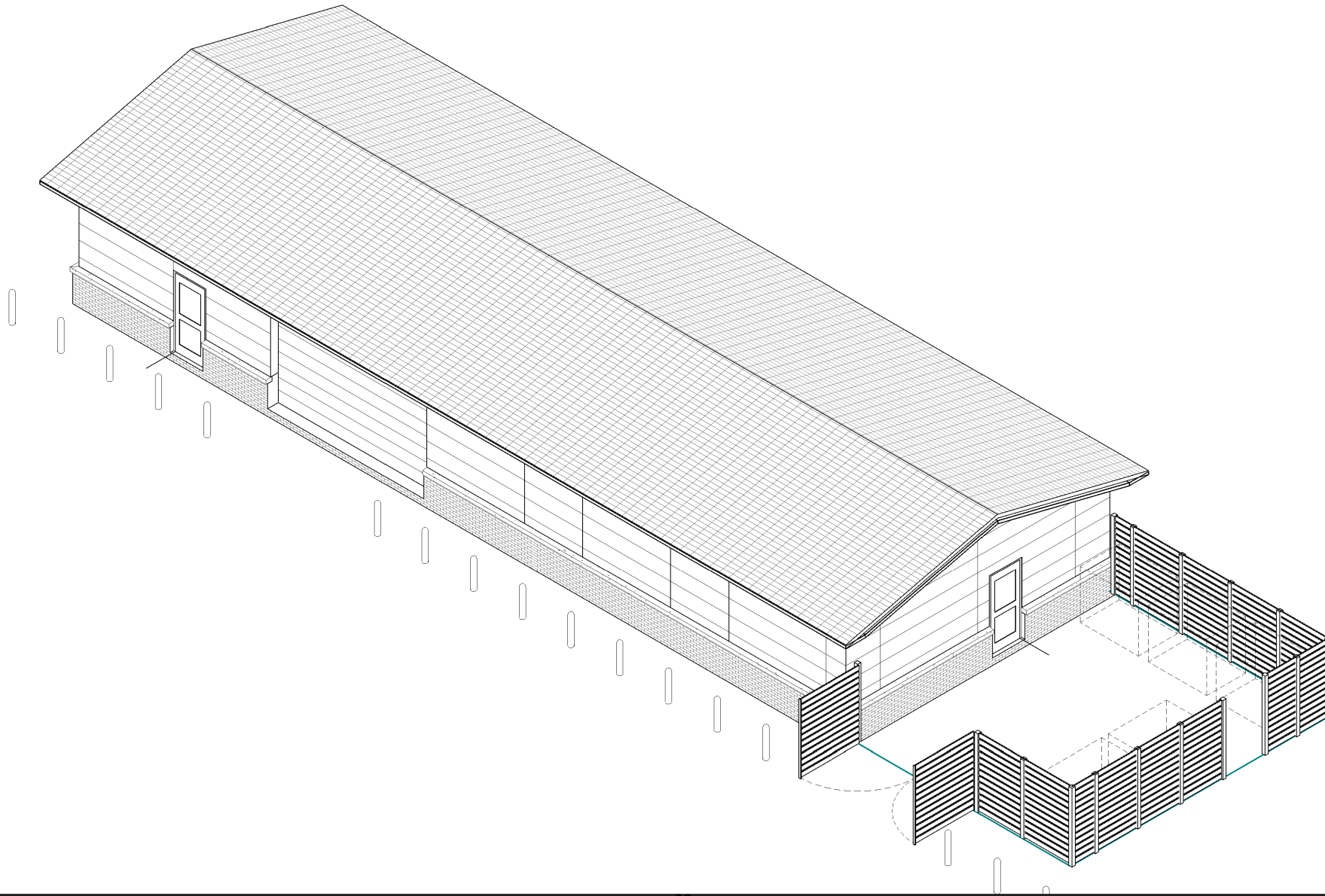


NORTH ELEVATION

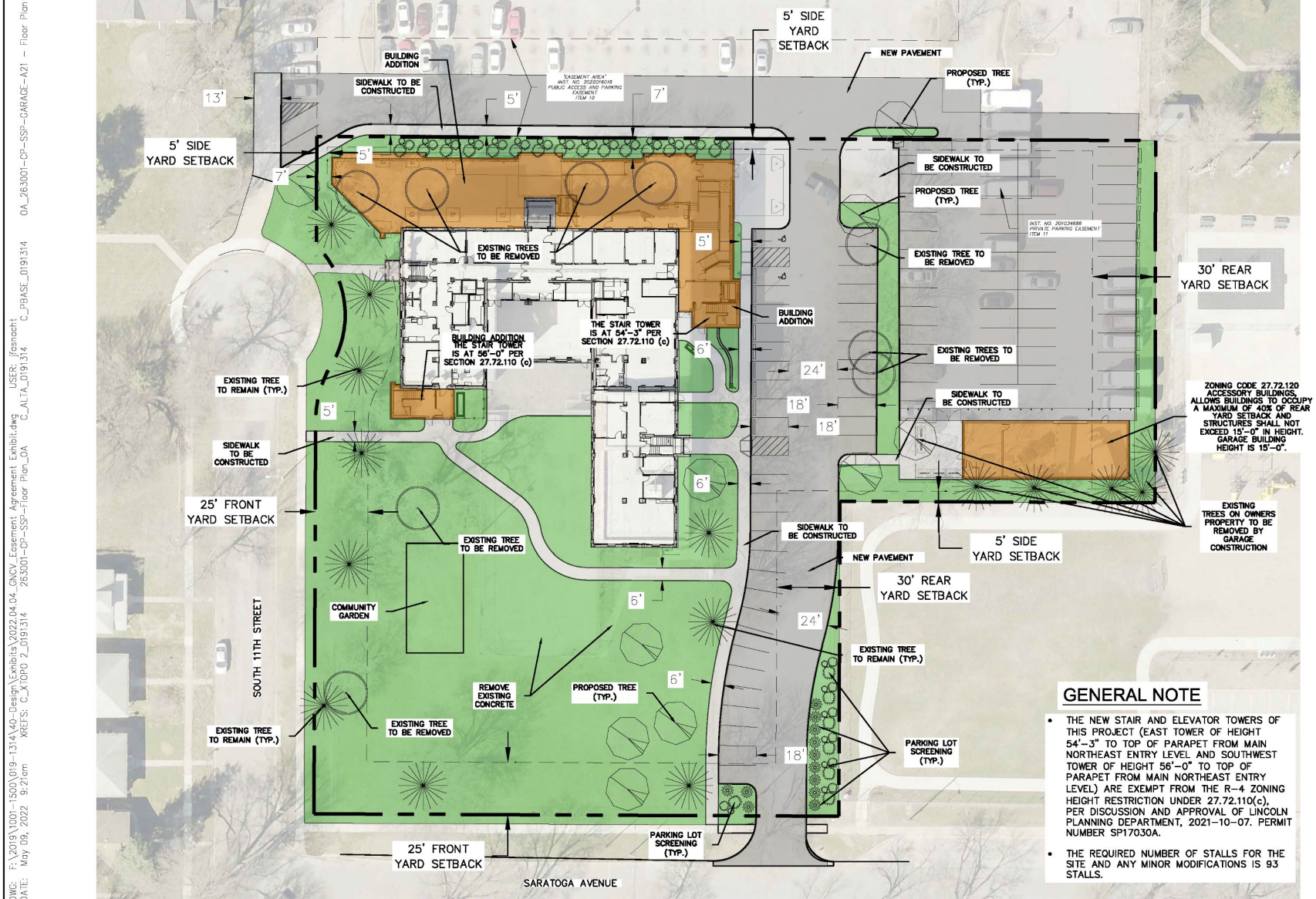


SOUTH ELEVATION

CENTERPOINTE: 3D AXONOMETRIC – BUILDING AND ENCLOSURE



CENTERPOINTE: SITE PLAN



PROJECT NO:	019-1314
DRAWN BY:	JEF
DATE:	05/09/2022

67
CENTERPOINTE SITE EXHIBIT

<p>601 P Street, Suite 200 P.O. Box 84608 Lincoln, NE 68508 TEL 402.474.6311</p>	EXHIBIT 1
--	-------------------------

SCOTT D. KELLY
MARK A. CHRISTENSEN
RICHARD P. GARDEN, JR.
SUSAN K. SAPP
KEVIN J. SCHNEIDER
ROCHELLE A. MULLEN
TRENTEN P. BAUSCH
MICHAEL C. PALLESEN
RICHARD P. JEFFRIES
TRACY A. OLDEMAYER
TRENT R. SIDDERS
ANDRE R. BARRY
DAVID J. ROUTH
JASON R. YUNGUM
MEGAN S. WRIGHT
THERESA D. KOLLER
AUSTIN L. MCKILLIP
KEITH T. PETERS
ANDREW R. WILLIS
TARA A. STINGLEY
SEAN D. WHITE
MICHELLE L. SITORIUS
MICHAEL J. WHALEY
RUSSELL J. SPRAGUE
RENEE A. EVELAND
HENRY L. WIEDRICH
DANIEL W. OLDENBURG
ADAM W. BARNEY
GREGORY S. FRAYSER
JENNIE A. KUEHNER
TRAVIS W. TETTENBORN

CLINE WILLIAMS
WRIGHT JOHNSON & OLDFATHER, L.L.P.

ATTORNEYS AT LAW
ESTABLISHED 1857
233 SOUTH 13TH STREET
1900 U.S. BANK BUILDING
LINCOLN, NEBRASKA 68508-2095

(402) 474-6900
www.clinewilliams.com

May 10, 2022

BEAU B. BUMP
SHANNON E. FALLON
CRISTIN MCGARRY BERKHAUSEN
KATIE A. JOSEPH
LILY AMARE
JOHN F. ZIMMER, V
NATHAN D. CLARK
PAUL B. DONAHUE
ALISON JANECEK BORER
SYDNEY M. HUSS
BRITTNEY M. HOLLEY
ELIZABETH A. STEVENSON
ISAIAH J. FROHLING
CHRISTOPHER B. GREENE
JESSICA K. ROBINSON

STEPHEN E. GEHRING
L. BRUCE WRIGHT
ROBERT J. ROUTH
DAVID R. BUNTAIN
JOHN C. MILES
THOMAS C. HUSTON
DON R. JANSSEN
GARY R. BATENHORST
RICHARD A. SPELLMAN
DAVID O. COLVER†
DONALD F. BURT (INACTIVE)
STEPHEN H. NELSEN (INACTIVE)
TERRY R. WITTLER (INACTIVE)

†ATTORNEYS ADMITTED IN COLORADO ONLY

VIA U.S. MAIL

David Cary
Director of Planning
Lincoln City/Lancaster County Planning Department
555 South 10th Street, Suite 213
Lincoln, NE 68508

Re: Amendment to the CenterPointe South Street Project Special Permit (SP# 17030A) for the Real Property located at 2202 South 11th Street
Our File No.: 3728.011

Dear Mr. Cary:

I represent CenterPointe and its affiliate, CenterPointe South Street Project, LLC, which is underway in the historic renovation of the former "Trabert Hall" located at 2202 South 11th Street in Lincoln. The renovation of this historic structure was permitted pursuant to Special Permit #17030 originally approved on September 13, 2017 and amended via SP #17030A approved on August 5th, 2020.

Pursuant to this authority, CenterPointe and its affiliate are converting the structure to affordable housing and medical/clinical space for the treatment of the physical and mental health of residents of the City of Lincoln.

The project has achieved its funding status required for full implementation and desires to amend Special Permit #17030 to include a garage/work area on the eastern boundary to help maintain this structure into the future.

Garage/Work Area: Attached is a Site Plan depicting the location of the garage/work area on the eastern boundary of the parcel owned by CenterPointe. The garage/work area contains 2,195 square feet. Included in the attachment are elevation drawings depicting the construction of the garage/work area designed to be compatible with the historic preservation and addition of the former Trabert Hall.

David Cary
May 10, 2022
Page 2

Enclosures: Enclosed with this letter is: (i) application from Centerpointe; (ii) application check in the amount of \$419.00 to be delivered to your office; and (iii) Site Plan/elevation drawings will be available on ProjectDox.

If you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom Huston", written in a cursive style.

Thomas C. Huston
For the Firm

Enclosure

4866-6832-1311, v. 1

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

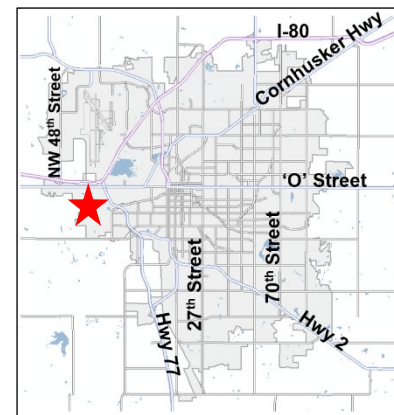
FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER Street and Alley Vacation #22002	FINAL ACTION? No	DEVELOPER/OWNER Oleg Stepanyuk
PLANNING COMMISSION HEARING DATE June 8, 2022	RELATED APPLICATIONS PP22002	PROPERTY ADDRESS/LOCATION SW 44 th St. and W. Monroe St.

RECOMMENDATION: CONFORMS TO THE COMPREHENSIVE PLAN

BRIEF SUMMARY OF REQUEST

This request is to vacate the north-south alley between the south right-of-way line of W. Monroe St. and the north right-of-way line of "M" St. The right-of-way vacation is related to Advantage Trucking Preliminary Plat.



JUSTIFICATION FOR RECOMMENDATION

Vacation of the public right-of-way will accommodate the proposed redevelopment of the area consistent with the proposed preliminary plat. Given the right-of-way is no longer needed and serves no purpose it should be vacated so the land can be put to better use.

APPLICATION CONTACT

Eric Munchel, Shive-Hattery
515-645-9724 or emunchel@shive-hattery.com

STAFF CONTACT

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

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

Vacation of this alley will not negatively impact the transportation system or adjacent land owners. Subject to the conditions of approval this request is in conformance with the Comprehensive Plan.

KEY QUOTES FROM THE 2050 COMPREHENSIVE PLAN

Elements Section

Transportation Element

The alley is not shown on the Functional Street and Road Classification plan.

Policies Section

P71: Public ROW and Access - Manage public ROW and access to balance multimodal mobility needs and protect the value of adjacent property.

ANALYSIS

1. The alley was created in 1887 by the Cushman Addition. The alley has never been improved. It is right-of-way on paper only.
2. The owners of the property wish to vacate the alley to allow for better development of the property. Advantage Trucking Preliminary Plat #22002 shows how the property is to be developed.
3. There are no utilities within the alley.
4. The applicant owns the property on both sides of the alley.
5. Lincoln Municipal Code Chapter 14.20 requires the City to establish the proper price to be paid for the right-of-way, as well as any amounts necessary to guarantee required reconstruction within the right-of-way. These values must be established and deposited with the City Clerk prior to scheduling the vacation request with the City Council.
6. The right-of-way vacation will not affect the transportation system or traffic flow in the area. This right-of-way is excess and unneeded and should be vacated and put to better use. This proposal is consistent with the Comprehensive Plan.

CONDITIONS OF APPROVAL: See attached.

EXISTING LAND USE & ZONING: Undeveloped I-1 Industrial

SURROUNDING LAND USE & ZONING

North: One dwelling	AG Agricultural
South: Undeveloped	AG Agricultural
East: Undeveloped	I-1 Industrial
West: Undeveloped	I-1 Industrial and AG Agricultural

APPROXIMATE LAND AREA: 9,504 SQUARE FEET, MORE OR LESS

LEGAL DESCRIPTION: The north-south alley between the south right-of-way of West Monroe St. and the north right-of-way of West "M" St. adjacent Lots 1-12, Block 13 Cushman, located in the NE ¼ of Section 30-10-06, Lancaster County, NE

Prepared by

Tom Cajka, Planner

Date: May 23, 2022

Applicant: Oleg Stepanyuk
3901 NW 57th St.
Lincoln, NE 68524
402-610-2618
oleg@advantagetrucking.com

Contact: Eric Munchel
Shive-Hattery
7305 Main St.
Ralston, NE 68127
515-645-9724
emunchel@shive-hattery.com

Owner: GM Holdings LLC
3901 NW 57th St.
Lincoln, NE 68542
402-610-2618

<https://linclanc.sharepoint.com/sites/PlanningDept-DevReview/Shared Documents/DevReview/SAV/22000/SAV22002alley W. Monroe.tjc.docx>

CONDITIONS OF APPROVAL - STREET AND ALLEY VACATION #22002

BEFORE THE VACATION REQUEST IS SCHEDULED ON THE CITY COUNCIL AGENDA THE FOLLOWING MUST BE COMPLETED:

- 1.1 The provisions of Chapter 14.20 of the Lincoln Municipal Code are met.

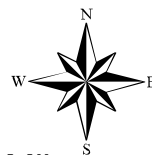


2020 aerial

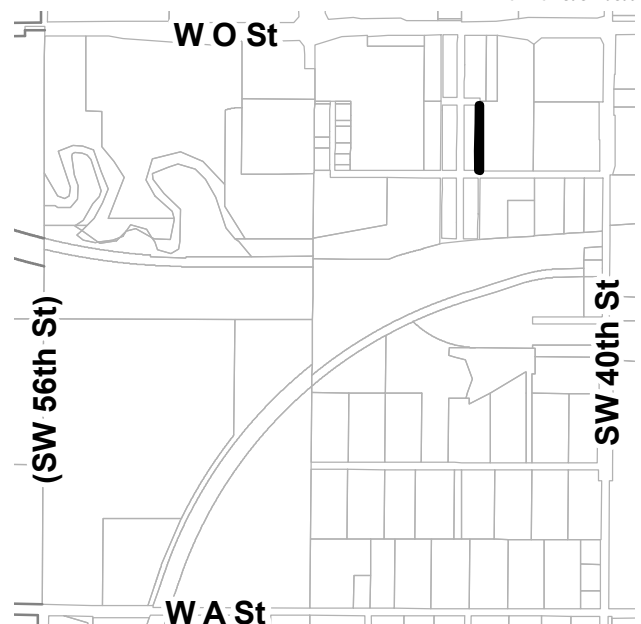
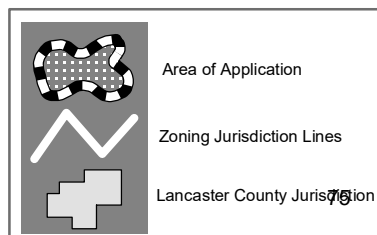
Street and Alley Vacation #: SAV22002 SW 44th St & W O St

Zoning:

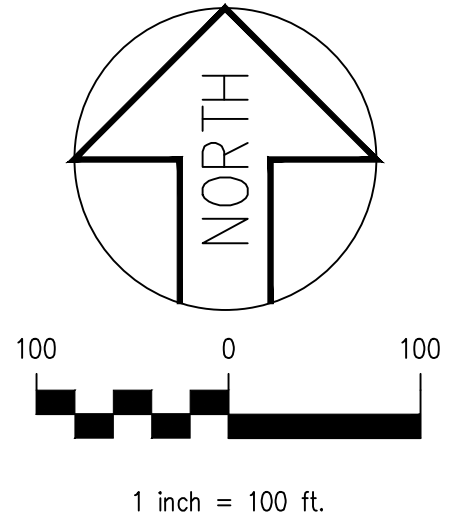
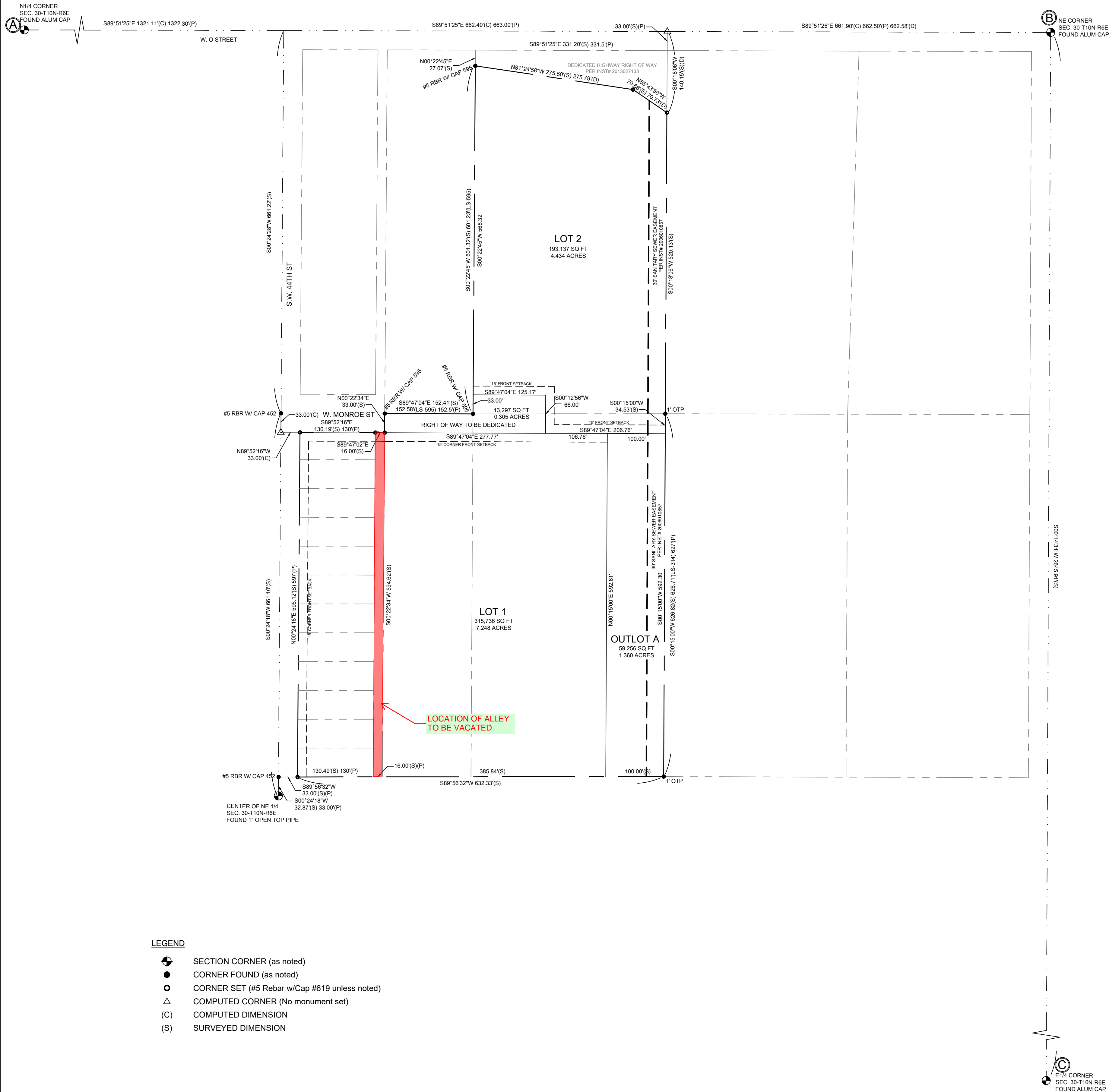
R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4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



One Square Mile:
Sec.30 T10N R06E



ADVANTAGE TRUCKING SUBDIVISION
PRELIMINARY PLAT
SW 44th & O ST, LINCOLN, NE



OWNER/DEVELOPER
GM HOLDINGS LLC
3901 NW 57TH ST
LINCOLN, NE 68524

SURVEYOR
CORY J GROSS
RW ENGINEERING AND SURVEYING
7525 N 101ST STREET
OMAHA, NE 68122

ENGINEER
SHIVE-HATTERY
4125 WESTOWN PKWY
SUITE 100
WEST DES MOINES, IA 50266

LEGAL DESCRIPTION
All of Blocks Three (3), Thirteen (13), and Fourteen (14), Cushman, Lincoln, Lancaster County, Nebraska EXCEPT that part of Block Three (3) conveyed to the Department of Roads and Irrigation of the State of Nebraska by Return of Appraisers recorded October 14, 1942 in Book 341, Page 84; AND EXCEPT that part of Block Three (3) conveyed to The State of Nebraska, Department of Roads by Warranty Deed recorded May 29, 2013 as Inst. No. 2013027133; records of Lancaster County, Nebraska

GENERAL NOTES
PRELIMINARY PLAT
1) ALL LOT LINES ARE CONCEPTUAL AND FINAL PLATS MAY SHOW DIFFERENT LOT DIMENSIONS

SECTION CORNER TIES

- Ⓐ N1/4 CORNER OF SEC.30-T10N-R6E
FOUND ALUM CAP
NW 173.26' TO REBAR WITH CAP
WNW 204.65' TO REBAR WITH CAP
NW 101.58' TO NAIL IN HEADWALL
SSE 91.32' TO PK NAIL IN SIGNAL BOX
- Ⓑ NE CORNER OF SEC.30-T10N-R6E
FOUND ALUM CAP
WNW 66.55' TO PK NAIL IN ISLAND
SSW 78.54' TO PK NAIL IN CURB
ESE 134.11' TO PK NAIL IN SW COR HEADWALL
NNE 116.08' TO PK NAIL IN CONCRETE NEAR MH
- Ⓒ E 1/4 CORNER OF SEC.30-T10N-R6E
FOUND ALUM CAP
N 82.00' TO PK NAIL IN CONC GUARDRAIL
E 34.37' TO PK NAIL
S 142.18' TO PK NAIL IN CONC GUARDRAIL
E ~18' TO CL ROAD

UTILITY WARNING:
UNDERGROUND UTILITIES AS SHOWN ARE PER DIGGERS HOTLINE LOCATORS AND AVAILABLE UTILITY COMPANY RECORDS. ADDITIONAL UNDERGROUND UTILITIES MAY BE PRESENT.
RW ENGINEERING & SURVEYING GIVES NO WARRANTY, EXPRESSED OR IMPLIED, AS TO THE ACCURACY OF THIS UNDERGROUND SITE DATA. RW ENGINEERING & SURVEYING WILL NOT BE RESPONSIBLE FOR ANY DAMAGE TO UNDERGROUND FACILITIES WHICH OCCUR FROM THE USE OF THE INFORMATION PROVIDED.



Consultant
SHIVE-HATTERY
ARCHITECTURE+ENGINEERING
Owner



ADVANTAGE TRUCKING SUBDIVISION
PRELIMINARY PLAT
SW 44th & O ST
LINCOLN, NE

STAMP

DRAWING INFO

PRELIMINARY
PLAT

PROJECT INFO

PROJECT NO: 22-2159
DATE: 05/11/22
DESIGNED BY: AJP
DRAWN BY: AJP
CHECKED BY: C/JG

REVISION DATE

SHEET

SHEET 1

INFORMATION SHEET

An Information Sheet must be filled out completely by the owners of each parcel abutting the requested vacation. The attached **Petition to Vacate Public Way** must also be filled out completely according to the instructions contained in the Instruction Sheet.

1. Name of Petitioner (Current Titleholder/s): GM Holdings, LLC
If more than one individual, indicate if you are:
_____ joint tenants with right of survivorship, OR _____ tenants in common
2. Petitioner's Address: 3901 NW 57th St
LINCOLN, NE 68524
3. Petitioner's Telephone Number: (402) 610-2618
4. Name of street, alley, or other public way sought to be vacated: _____
The North-South alley, between West Monroe Street to West M
Street, one block East of Southwest 44th Street
5. Legal description of Petitioner's property which abuts the public way sought to be vacated: _____
All of Block Thirteen (13), Cushman Subdivision, Lincoln, Lancaster County, Nebraska
6. Why are you seeking to have this street, alley, or other public way vacated?
The property is being redeveloped.
7. What use or uses do you propose to make of the public way should it be vacated?
Development of a future Trucking Facility.
8. Do you intend to purchase that portion of the vacated public way which abuts your property as described in the **Petition to Vacate Public Way** and/or other portions of the vacated public way?
X YES _____ NO
9. Name and address of person to whom tax statement should be sent:
GM Holdings, LLC
Atn: DLEG. STEPANYUK
3901 NW 57th St., Lincoln, NE 68524

The property will be appraised and the purchase price of the portion abutting your property must be paid by you to the City Clerk unless you have indicated that the portion abutting your property will be sold to any other abutting owner willing to pay the purchase price. The Vacation Ordinance will not be introduced before the City Council until the full price of the entire public way proposed to be vacated has been paid.

***** IMPORTANT: BE SURE THAT THE PETITION TO VACATE PUBLIC WAY HAS BEEN PROPERLY EXECUTED BY ALL TITLEHOLDERS TO YOUR PROPERTY AND ATTACH IT TO THIS INFORMATION SHEET.**

PETITION TO VACATE PUBLIC WAY
with
RELEASE AND WAIVER OF RIGHTS AND TITLE,
AND QUITCLAIM DEED TO CITY OF LINCOLN

TO THE HONORABLE CITY COUNCIL OF THE CITY OF LINCOLN, NEBRASKA:

The undersigned property owner(s) hereby petition you to vacate the following street, alley, or other public way, commonly known as: *(i.e.: Elm Street from 1st to 2nd St. or East-west alley, from the north line of 1st St. to the south line of 2nd St.)*

The North-South alley, between West Monroe Street to West M Street, one (1) block

East of Southwest 44th Street.

in the CITY OF LINCOLN, NEBRASKA, with the City reserving in said street, alley, or other public way such title, rights, easements, and privileges as it may deem necessary. In consideration of the vacation of the above-described street, alley, or other public way, we, and each of us, for ourselves, our heirs, personal representatives, successors, and assigns, hereby waive and release any and all claims, causes of action, rights of access, and demands of every nature, known or unknown, which may accrue to us, or which we now have, or which we may hereafter have as a result of such vacation; and hereby quitclaim unto the City of Lincoln, Nebraska, and to its successors and assigns forever, all right, title, interest, estate, and demand, both at law and in equity, in and to all of said street, alley, or other public way.

TO HAVE AND TO HOLD the above-described street, alley, or other public way together with all tenements, hereditaments, and appurtenances thereto belonging unto the City of Lincoln, Nebraska, and to its successors and assigns forever.

The undersigned hereby represent(s) that he, she, they, or it is(are) the owner(s) of the following described property in Lincoln, Lancaster County, Nebraska, abutting on said street, alley, or other public way: *(Legal description from deed or abstract NOT street address, i.e. Lot 10, Block 500 Boardwalk Addition NOT 4500 Park Place Blvd.)*

All of Block Thirteen (13), Cushman Subdivision, Lincoln, Lancaster County,

Nebraska.

DATED this 17th day of March, 20 22

GM Holdings LLC

[Name of Titleholder]

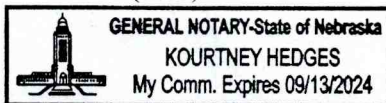
By: [Signature]
Managing Member

**(ALL TITLEHOLDERS OF THE REAL ESTATE DESCRIBED ON THE PRECEDING PAGE
MUST SIGN THIS PETITION BEFORE A NOTARY PUBLIC)**

STATE OF Nebraska)
) ss.
Lancaster COUNTY)

The foregoing instrument was acknowledged before me on this 17th day of March,
2022, by Oleg Stepanyuk, managing member of GM Holdings,
on behalf of said limited liability company.

(Seal)



Kourtney Hedges
Notary Public

SIGNATURE PAGE FOR LIMITED LIABILITY COMPANY