Lincoln City - Lancaster County

PLANNING COMMISSION AGENDA

PLANNING COMMISSION

Tracy Corr: Chair
Tracey Edgerton: Vice-Chair
Lorenzo Ball
Dick Campbell
Cristy Joy
Cindy Ryman Yost
Dennis Scheer

PLANNING STAFF

David R. Cary: Director
Geri Rorabaugh: Administrative Officer
Rhonda Haas: Office Specialist

June 23, 2021

NOTICE: **The Lincoln/Lancaster County Planning Commission will hold a public hearing on Wednesday, June 23, 2021, at 1:00 p.m. in Hearing Room 112 on the first floor of the County-City Building, 555 S. 10th St., Lincoln, Nebraska. For more information, call the Planning Department, (402) 441-7491.**

****PLEASE NOTE: The Planning Commission action is final action on any item with a notation of *FINAL ACTION*. Any aggrieved person may appeal Final Action of the Planning Commission to the City Council or County Board by filing a Notice of Appeal with the City Clerk or County Clerk within 14 days following the action of the Planning Commission.**

The Planning Commission action on all other items is a recommendation to the City Council or County Board.

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

AGENDA

WEDNESDAY, JUNE 23, 2021

Approval of minutes of the regular meeting held June 9, 2021.

1. CONSENT AGENDA:
(Public Hearing and Administrative Action);

COMPREHENSIVE PLAN CONFORMANCE:

1.1 COMPREHENSIVE PLAN CONFORMANCE 21014, to review as to conformance with the 2040 Lincoln-Lancaster County Comprehensive Plan, a proposed amendment to the Lincoln Center Redevelopment Plan, to add the "Atrium Redevelopment Project", which includes rehabilitation and redevelopment of the Atrium Building, on property generally located between 12th and 13th Streets on the north side of N Street.
Page 01
Staff recommendation: In Conformance with the Comprehensive Plan
Staff Planner: Andrew Thierolf, 402-441-6371, athierolf@lincoln.ne.gov

CHANGE OF ZONE:

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1.2 CHANGE OF ZONE 21019, from R-6 (Residential District) to P (Public Use District), on property generally located at 1203, 1211 and 1219 C Street, 1226 and 1236 South 12th Street and 1204, 1210 and 1220 B Street.
Page 11
Staff recommendation: Approval
Staff Planner: Stephanie Rouse, 402-441-6373, srouse@lincoln.ne.gov

SPECIAL PERMITS:

1.3 SPECIAL PERMIT 08021B, an amendment to the special permit to allow for the construction of a covered arena for horse riding with equipment and hay storage and associated waivers to setbacks, on property generally located at South 148th and Van Dorn Streets. *** **FINAL ACTION** ***

Page 15

Staff recommendation: Conditional Approval
Staff Planner: Stacey Hageman, 402-441-6361, slhageman@lincoln.ne.gov

1.4 SPECIAL PERMIT 21022, to allow for bulk storage of petroleum products in the I-1 Industrial District, on property generally located at 1700 Saltillo Road. *** **FINAL ACTION** ***

Page 29

Staff recommendation: Conditional Approval
Staff Planner: Stephanie Rouse, 402-441-6373, srouse@lincoln.ne.gov

TEXT AMENDMENTS:

1.5 TEXT AMENDMENT 21003, amending Lincoln Municipal Code Section 27.62.110 pertaining to square footage, location, and on-premises alcohol sales for restaurants within the O-1 (Office) District.

Page 37

Staff recommendation: Approval
Staff Planner: Stephanie Rouse, 402-441-6373, srouse@lincoln.ne.gov

1.6 TEXT AMENDMENT 21004, amending Lincoln Municipal Code Section 27.05.040 concerning the zoning classification of vacated right of way; amending Section 27.06.020 to allow a lot or tract in the AG or AGR District to have one additional main building or use and allowing access for commercial or industrial uses through a different zoning district; amending Section 27.49.020 to remove I-2 zoning retail requirement; amending Section 27.62.100 to permit for the I-2 zoning district retail uses to not exceed 20 percent of the buildable square footage of the land; amending 27.62.150 for warehouses in the B-4, H-3 and H-4 zoning districts; amending Section 27.63.025 for appeal of Planning Commission action on Special Permits; amending 27.63.170 for parking requirements for Special Permits for college, university, place of religious assembly or zoo uses; amending Section 27.64.010 for Use Permit required information and appeal of Planning Commission action; amending 27.70.050 to delete redundant Use Permit information; amending Section 27.72.100 for exceptions to rear yard requirements; and amending Section 27.81.010 for where there are two or more zoning districts for internal setbacks; and repealing Sections 27.05.040, 27.06.020, 27.49.020, 27.62.100, 27.62.150, 27.63.025, 27.63.170, 27.64.010, 27.72.100, and 27.81.010 as hitherto existing; also amending Section 7.1 of Chapter 3.50 of the City of Lincoln Design Standards for Screening and Landscaping for a provision on fences; and repealing Section 7.1 of Chapter 3.50 of the City of Lincoln Design Standards as hitherto existing.

Page 47

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

2. **REQUESTS FOR DEFERRAL:**

****PLEASE NOTE: The introduction of Comprehensive Plan Conformance 21013, to propose an amendment to the N. 27th Street Corridor and Environs Redevelopment Plan, to the Planning Commission has been delayed; and, therefore, there will be no public hearing for this item at the June 23, 2021, Planning Commission hearing.**

2.1 CHANGE OF ZONE 08066C, amending the existing Antelope Village PUD (Planned Unit Development) to add the Mixed-Use Designation on two lots and add density for a residential development with requested waivers, on property generally located north of P Street between 22nd and 23rd Streets.
Staff Planner: Stephanie Rouse, 402-441-6373, srouse@lincoln.ne.gov

3. **ITEMS REMOVED FROM CONSENT AGENDA:**

4. **PUBLIC HEARING AND ADMINISTRATIVE ACTION:**

CHANGE OF ZONE:

4.1 CHANGE OF ZONE 21020, South of Downtown Planned Unit Development, from R 6, R 7, R 8, O 1, and B 3 to R 6, R 7, R 8, O 1, and B 3 PUD with a development plan which proposes to modify standards of the underlying zoning district, on property generally located between A and H Streets and 10th and 17th Streets.
Page 97
Staff recommendation: Conditional Approval
Staff Planner: Stephanie Rouse, 402-441-6373, srouse@lincoln.ne.gov

4.2 USE PERMIT 126G, to amend the existing use permit with associated waivers to building height and parking for residential uses on Lot 3, on property generally located at Wilderness Woods Place and Executive Woods Drive.
Page 115
Staff recommendation: Conditional Approval
Staff Planner: Rachel Jones, 402-441-7603, rjones@lincoln.ne.gov

5. **ADMINISTRATIVE ACTION ONLY:**

CHANGE OF ZONE:

5.1 CHANGE OF ZONE 04075I, to amend the existing Village Gardens PUD (Planned Unit Development) for the construction of multiple-family dwelling units with waivers to adjust height and parking, on property generally located at 56th Street and Pine Lake Road.
Page 123
Staff recommendation: Conditional Approval
Staff Planner: Brian Will, 402-441-6362, bwill@lincoln.ne.gov

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

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Adjournment

PENDING LIST:

COMPREHENSIVE PLAN CONFORMANCE 21004, to review as to conformance with the Lincoln Lancaster County Comprehensive Plan, a request to declare approximately 1.59 acres of City of Lincoln-owned land as surplus, on property generally located at F Street between 6th and 8th Streets.

CHANGE OF ZONE 20029, from R-3 (Residential District) to H-3 (Highway Commercial District), on property generally located west of North 33rd Street and Schworer Drive.

PRELIMINARY PLAT 20004, for a new preliminary plat consisting of two lots, on property generally located West of North 33rd Street and Schworer Drive.

Planning Department Staff Contacts:

David Cary, *Director*	402-441-6364	dcary@lincoln.ne.gov
Stephen Henrichsen, *Development Review Manager*	402-441-6374	shenrichsen@lincoln.ne.gov
Paul Barnes, *Long Range Planning Manager*	402-441-6372	pbarnes@lincoln.ne.gov
Collin Christopher, *Planner*	402-441-6370	cchristopher@lincoln.ne.gov
Tom Cajka, *Planner*	402-441-5662	tcajka@lincoln.ne.gov
Stacey Hageman, *Planner*	402-441-6361	slhageman@lincoln.ne.gov
Rachel Jones, *Planner*	402-441-7603	rjones@lincoln.ne.gov
Stephanie Rouse, *Planner*	402-441-6373	SRouse@lincoln.ne.gov
Andrew Thierolf, *Planner*	402-441-6371	athierolf@lincoln.ne.gov
George Wesselhoft, *Planner*	402-441-6366	gwesselhoft@lincoln.ne.gov
Brian Will, *Planner*	402-441-6362	bwill@lincoln.ne.gov
Kellee Van Bruggen, *Transportation Planner*	402-441-6363	kvanbruggen@lincoln.ne.gov
Allan Zafft, *Transportation Planner*	402-441-6369	azafft@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 rebroadcast on Wednesdays at 7:00 p.m., Thursdays at 12:00 a.m. and Sundays at 12:30 p.m. on 5 City TV, Cable Channel 5.

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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

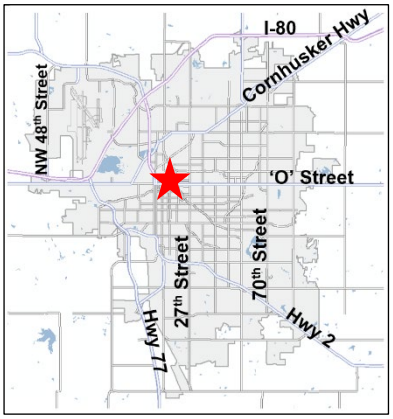
FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER	FINAL ACTION?	OWNER
Comprehensive Plan Conformance 21014 *Atrium Building Redevelopment Project*	No	Atrium Building LLC (Speedway/Nelnet)
PLANNING COMMISSION HEARING DATE	**RELATED APPLICATIONS**	**PROPERTY LOCATION**
June 23, 2021	None	12th & N Streets

RECOMMENDATION: IN CONFORMANCE WITH THE COMPREHENSIVE PLAN

BRIEF SUMMARY OF REQUEST

Review as to conformance with the 2040 Lincoln-Lancaster County Comprehensive Plan, a proposed amendment to the Lincoln Center Redevelopment Plan that identifies the Atrium Building Redevelopment Project. The Project includes the renovation and rehabilitation of the Atrium Building for commercial uses.



JUSTIFICATION FOR RECOMMENDATION

The Project is consistent with the Comprehensive Plan, Downtown Master Plan, and the Lincoln Center Redevelopment Plan. It will provide for adaptive reuse of an historic structure, utilize existing infrastructure, and support downtown as the employment center of the region.

APPLICATION/STAFF CONTACT
Dallas McGee
City of Lincoln Urban Development Dept
(402) 441-7857
dmcgee@lincoln.ne.gov

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

In addition to the specific elements listed above, this project contributes to the continued strengthening of the downtown core, which is a guiding principle reflected throughout the Comprehensive Plan, Downtown Master Plan, and Lincoln Center Redevelopment Plan.

COMPREHENSIVE PLAN SPECIFICATIONS:

p 1.2 The community continues its commitment to a strong Downtown. A strong, vital Downtown provides a common center for all of Lincoln and Lancaster County and will be a catalyst for future growth. LPlan 2040 acknowledges Downtown's unique role and will guide decisions that will maintain Downtown's vitality and enhance its contribution to the quality of life of all Lincoln and Lancaster County.

p. 1.3 Downtown Lincoln continues to serve as the heart of our community and is an asset for all Nebraska residents.

p. 1.3 Downtown Lincoln continues to serve its role as the central location for commerce, government, entertainment and the arts.

p. 1.3 Downtown Lincoln is promoted as a vibrant mixed use neighborhood, offering choices for residential lifestyles and daily needs commerce in a walkable and bicycle-friendly environment.

p. 1.9 The area is shown as Commercial on the Future Land Use map.

p. 2.7 Lincoln will continue to have managed and contiguous growth, including strengthening our Downtown core.

p. 2.8 Mixed use redevelopment, adaptive reuse, and well-designed and appropriately-placed infill development, including residential, commercial and retail uses, are encouraged.

p. 4.6 The community's distinctive character and desirable quality of life for current residents and for future generations should be supported by exercising stewardship of historic resources throughout the county, while maximizing benefits of past investments in public infrastructure and private property. The Plan encourages the continued use and maintenance of historic resources, including properties not formally designated as landmarks.

p. 5.1 Enhance Downtown's role as the heart of the City. A strong downtown is important to the economic future of the community.

p. 5.4 Business & Economy Strategies for Downtown: The City should preserve and enhance Downtown's role as the major office and service employment center.

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

p. 6.3 Support development and implementation of the Downtown Master Plan, South Haymarket Neighborhood Plan, and the Antelope Valley Redevelopment Plan.

p. 6.3 Strategies for Greater Downtown...Maintain the urban environment, including a mix of land uses with a major focus on residential uses.

p. 7.9 Preserve, protect and promote the character and unique features of urban neighborhoods, including their historical and architectural elements.

DOWNTOWN MASTER PLAN SPECIFICATIONS:

p. 4.4.1 Downtown is the economic center of Lincoln, with over 40,000 workers. Job growth is central to the long-term prosperity of Downtown, Lincoln, and the region. This plan aims to maintain Downtown as the economic engine and employment hub for the greater Lincoln region.

p. 4.4.1 Per the Downtown Market Assessment's Development Forecast, Downtown should establish a goal to grow its workforce by 10% over the next ten years to ensure that Downtown remains the economic engine of the region. In accordance with this job growth, Downtown should aim to absorb at least 533,000 square feet of office space in both existing and new buildings over this same time period.

p. 4.4.2 Work with existing Downtown businesses that are interested in relocation or expansion to ensure they are able to remain in Downtown.

p. 4.4.2 Develop a strategy to encourage renovation of existing office space.

p. 4.5.5 Respect historic properties and encourage reuse instead of demolition, wherever possible.

p. 5.1 Inventory existing buildings and opportunity sites for housing and engage local owners in redevelopment planning. Examples may include Class C office buildings and underutilized historic buildings such as the Gold's and Atrium Buildings.

LINCOLN CENTER REDEVELOPMENT PLAN SPECIFICATIONS:

p. III-8 Intensify and strengthen Lincoln's central business district as a focal point for regional development;

p. III-8 Provide for compact and interrelated development in order to increase the amount and variety of activity in the core while increasing pedestrian convenience and visual interest;

p. III-8 Encourage rehabilitation/renovation of existing structures throughout the Community Redevelopment Area;

p. III-9 Encourage the development of mixed use projects that attract and maintain commercial activity and residential developments in the Downtown and Haymarket areas;

p. III-9 Encourage development that is consistent and complementary to existing land uses, architectural systems, and building materials found Downtown and in the Haymarket;

ANALYSIS

1. This is an amendment to the Lincoln Center Redevelopment Plan that identifies the Atrium Building Redevelopment Project.

2. The Atrium Building was constructed in 1917 as a department store. In 1977 it was rehabilitated into a mall and office complex and utilized six skywalk bridges to connect with surrounding buildings. In recent years the Atrium has been primarily used as office space, as retail has shifted away from the skywalk-connected downtown buildings. The Atrium Building currently has only about 50 percent occupancy due to the deteriorating condition of the building, evolving preferences for office amenities, and the COVID-19 pandemic. Significant renovations are needed to create viable office space that will attract and serve new and existing tenants.

3. The Project includes a major top-to-bottom rehabilitation of the building including life safety systems, removal of hazardous materials, and bringing the building up to modern building code standards resulting from deterioration and age. Additional enhancements include updated entrances, common space enhancements including a new rooftop meeting space, heating, air conditioning and ventilation upgrades, new tenant finishes, and exterior façade repair. Rehabilitation activities will be coordinated with tenants to minimize disturbances.

4. The overall goals of the Project are to strengthen the Downtown Lincoln business community, remove extremely blighted and substandard conditions, and make a positive contribution to Lincoln's economic vitality.

5. The Project is consistent with goals in the Comprehensive Plan. One of the overarching goals of the Comprehensive Plan is to enhance Downtown's role as the heart of the City. The Comprehensive Plan encourages commercial and office development in underdeveloped or redeveloping commercial areas in order to remove blighted conditions and to more efficiently utilize existing infrastructure.

6. The Project is consistent with the 2018 Downtown Master Plan. The Downtown Master Plan encourages the reuse or redevelopment of existing buildings as opportunities arise. The Downtown Master Plan also includes the goal of maintaining Downtown as the economic engine and employment hub for the greater Lincoln region.

7. The Project is consistent with the Lincoln Center Redevelopment Plan. The primary goal of the Lincoln Center Redevelopment Plan is to enhance Downtown Lincoln as the dominant mixed-use/multi-use center of activity within the region. The Project meets the redevelopment standards set forth in the Lincoln Center Redevelopment Plan, including, but not limited to: intensifying and strengthening Lincoln's central business district as a commercial/employment hub of the community; utilizing outdated buildings and removing blight; enhancing the aesthetics of Downtown to improve the pedestrian environment; encouraging private development that integrates landscape improvements in the Project Area.

8. The Atrium Building is not a designated historic landmark. The Comprehensive Plan supports the preservation of historic structures, including those not formally designated, in order to preserve the character and unique features of urban neighborhoods. The Downtown Master Plan says that we should respect historic properties and encourage reuse instead of demolition wherever possible.

9. The Project will be reviewed by Urban Design Committee prior to final approval.

10. Details of specific redevelopment activities will be determined prior to approval of the redevelopment agreement. Publicly funded redevelopment activities may include land acquisition assistance; internal space demolition; asbestos and environmental mitigation; stormwater enhancements; historical façade/building restoration and enhancements; energy and environmental resiliency enhancements; possible skywalk repairs; streetscape improvements; and other public improvements, enhancement and expenses as allowed by State Statute.

11. The public investment is expected to be in the range of $3.2 to 3.6 million. The source of public funds will be the tax increment generated from the private developments on the Project Site generated over a 20-year period. The public investment will leverage a private investment of approximately $18 million. More details can be found in the Cost Benefit Analysis section of the Redevelopment Plan amendment.

12. The Redevelopment Plan amendment can be found on the Planning Application Tracking System, search: CPC21014. https://app.lincoln.ne.gov/aspx/city/pats/

EXISTING ZONING: B-4 Lincoln Center Business District

EXISTING LAND USES: Commercial, Vacant

SURROUNDING LAND USE AND ZONING:

North:	Commercial	B-4 Lincoln Center Business District
South:	N Street, Commercial	B-4
East:	13th Street, Commercial	B-4
West:	12th Street, Parking Garage	P Public

APPROXIMATE LAND AREA: 0.5 acres

Prepared by

_____

Andrew Thierolf, AICP
Planning Department
(402) 441-6371 or athierolf@lincoln.ne.gov

June 15, 2021

Applicant: Urban Development Department, City of Lincoln
555 S. 10th Street, Suite 205
Lincoln, NE 68508

Contact: Dallas McGee
City of Lincoln Urban Development Dept
(402) 441-7857
dmcgee@lincoln.ne.gov

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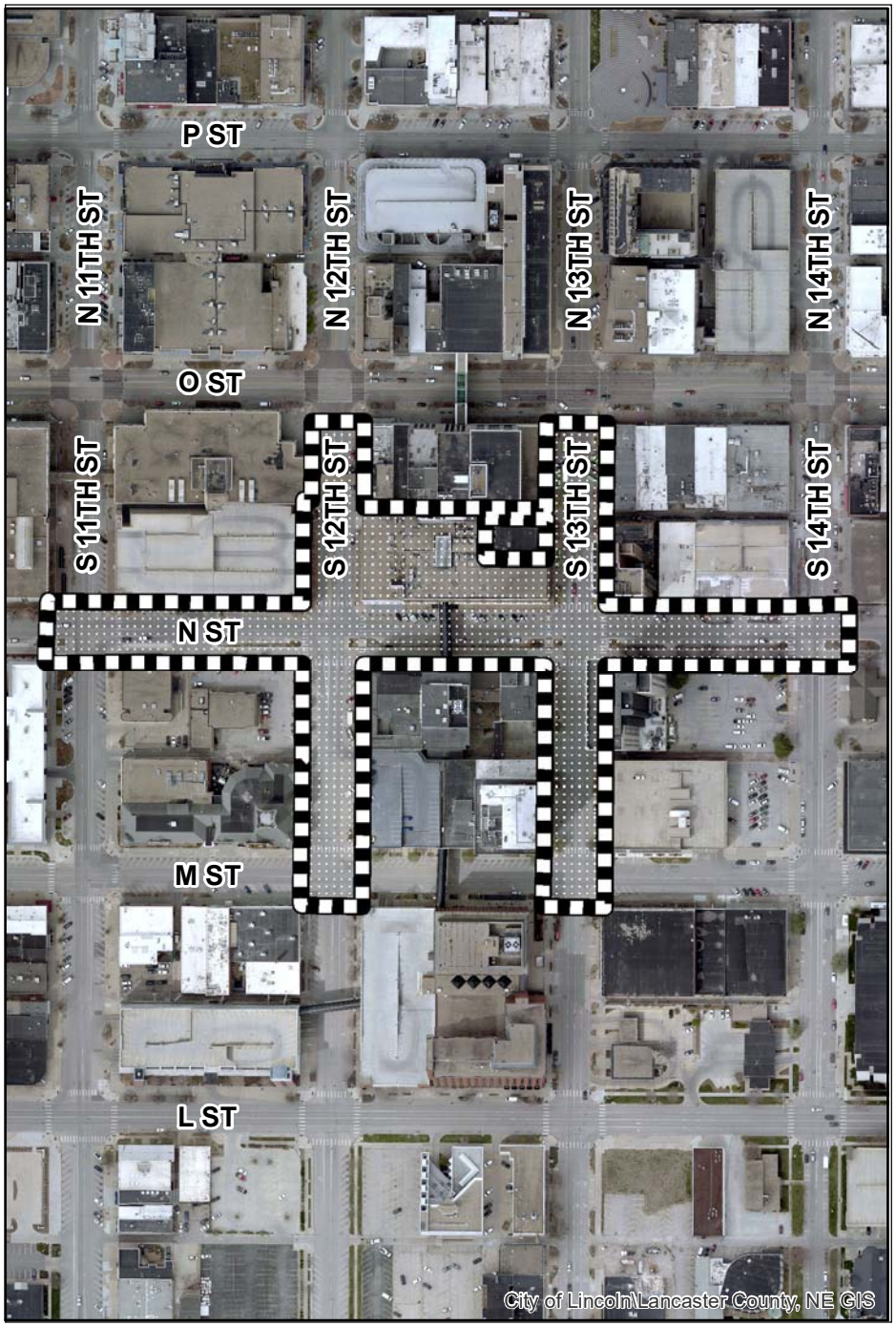
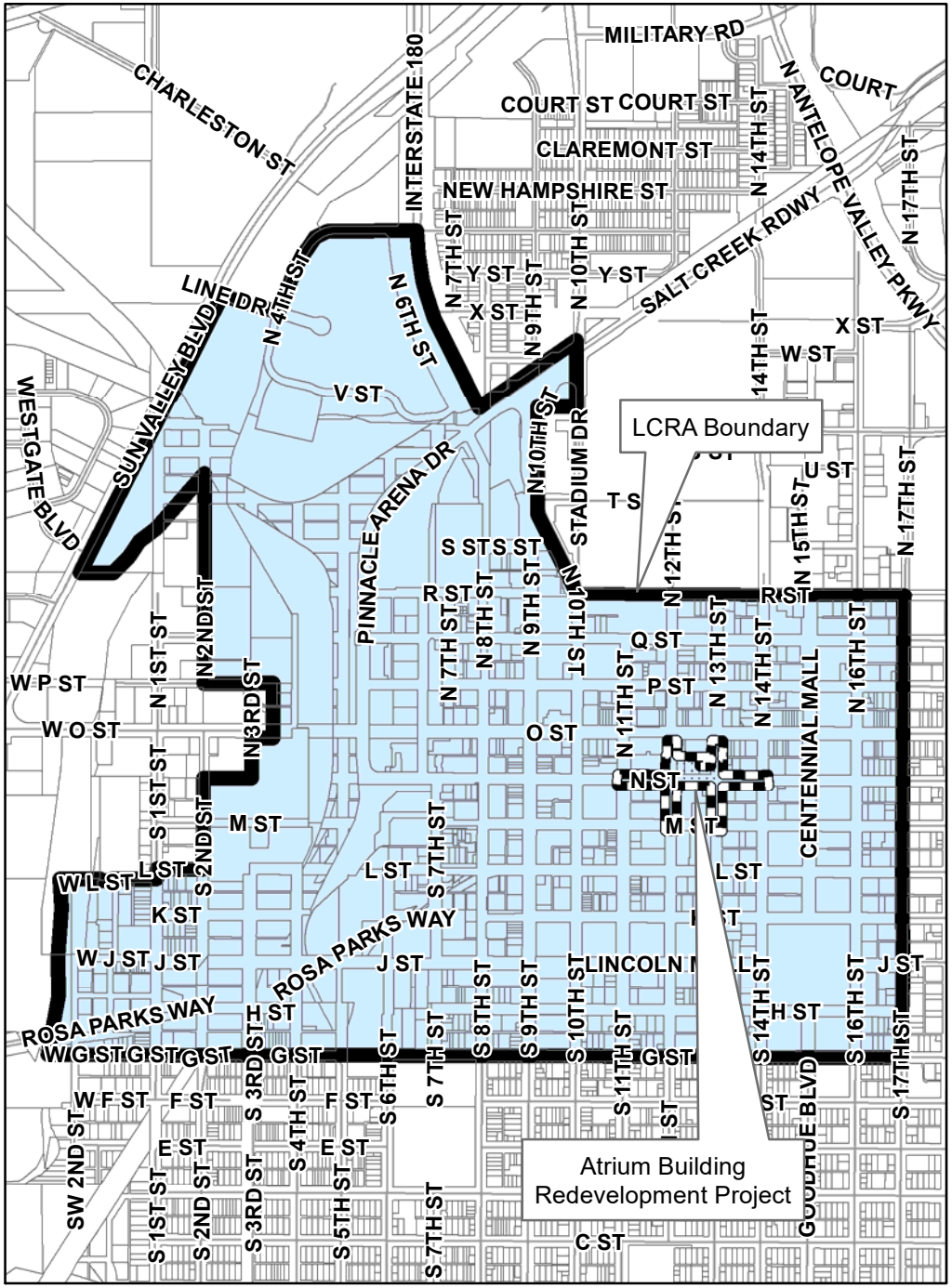




Comprehensive Plan Conformance #21014

Lincoln Center Redevelopment Plan
Atrium Redevelopment Project

2020 aerial

m:\plan\arcview\CPCRevelopmentAreaDrawings.mxd (CPC21014)

CITY OF LINCOLN NEBRASKA
URBAN DEVELOPMENT DEPARTMENT
555 South 10th Street, Suite 205 | Lincoln, NE 68508
402-441-7606 | lincolnne.gov

May 25, 2021

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

Dear David:

Enclosed is a plan amendment for the Lincoln Center Redevelopment Plan. The amendment identifies the Atrium Redevelopment Project. The project includes the redevelopment of the Atrium building.

Please forward this plan amendment to the Planning Commission for their earliest consideration for Comprehensive Plan compliance. My understanding is that this item should be on the June 23, 2021 agenda.

If you have questions or need additional information, please contact me at 402-441-7857 or at dmcgee@lincoln.ne.gov.

Sincerely,

Dallas McGee

Dallas McGee

Cc: Dan Marvin, Director, Urban Development Department
Stephanie Rouse, Planning Department

CITY OF LINCOLN

Planning Department Application Request Form

Planning Department / 555 S 10th St, Ste 213 / Lincoln, NE 68508
Phone 402-441-7491 / Fax 402-441-6377
plan@lincoln.ne.gov

Date 5/26/21

	Application Type	Subtype	Category	Office Use Only: File #	Office Use Only: PC Final Action
+ -	Comprehensive Plan Conformance	Redevelopment Project			☐

Project Name Atrium Redevelopment Project

Address/General Location 12th-13th Street, North side of N Street

Legal Description See attached
(Attach legal if necessary.)

Parcel ID Number(s) (PID) 10-26-204-014-000, 10-26-204-015-000

Number of Acres 1/2 Number of lots being platted 1 *(Not outlots)* App # Being Amended

THE FOLLOWING INFORMATION IS NECESSARY TO HAVE A COMPLETE APPLICATION:

1. **LETTER** stating purpose of application. This statement should include information concerning the reason for the request(s), any associated applications, projects or other information related to the application. This letter should include a list of waivers associated with an application and justifications for those waivers. If no waivers are requested state "no waivers are requested."
2. **FEE** (View Fee Schedule) Note: Make checks payable to the City of Lincoln.
3. **SITE PLAN** The site plan shall be submitted electronically using e-plan. (View instructions on eplan submittal)

NOTE: See **Forms & Fees** section of Planning Department website for checklists with specific requirements for each type of project.

*** This application may be returned as incomplete if all requested information is not provided. ***
The City reserves the right to ask for additional information to process this application.

Property Owner Name Atrium Building, LLC (Speedway/Nelnet) Phone 402-416-8325

Address P.O. Box 81906 Email akcriswell@speedwayproperties.com

City Lincoln State Nebraska Zip 68528

Applicant Name Dan Marvin Phone 402-441-7126

Address 555 South 10th Street, Suite 205 Email dmarvin@lincoln.ne.gov

City Lincoln State Nebraska Zip 68508

Contact Name Dallas McGee Phone 402-441-7857

Address 555 South 10th Street, Suite 205 *Email* dmcgee@lincoln.ne.gov

City Lincoln State Nebraska Zip 68508

ProjectDox Contact *ProjectDox Email*

Applicant Signature:

* Property Owner Signature:

** NOTE: If application is for a special permit or a use permit and the applicant is not the owner of the property, the property owner must sign the application or the applicant must attach written permission of the owner authorizing the applicant to sign on behalf of the owner. By signing this application request form or granting the applicant permission to sign on the owner's behalf, the owner hereby grants all authorized city/county personnel to access the property for purposes of review of this application.*

Atrium Redevelopment Project

Project Site Legal Description

Tract A:

The ground leasehold interest in Lot Thirteen (13) and the West Twenty (20) feet of Lot Fourteen (14), Block Fifty-seven (57), Original Plat of the City of Lincoln, Lancaster County, Nebraska;

Tract B:

The fee interest in the East Thirty (30) feet of Lot Fourteen (14), and all of Lots Fifteen (15) and Sixteen (16), and the North Seventeen (17) feet and Ten and Three-eights (10 3/8) inches of the South Seventy-five (75) feet of Lots Seventeen (17) and Eighteen (18), Block Fifty-seven (57), Original Plat of the City of Lincoln, Lancaster County, Nebraska; and

Tract C:

The ground leasehold interest in South Fifty-Seven (57) feet, One and Five-eights (1 5/8) inches of Lots Seventeen (17) and Eighteen (18), Block Fifty-seven (57), Original Plat of the City of Lincoln, Lancaster County, Nebraska.

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

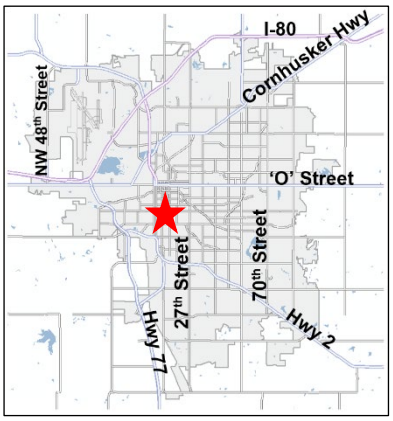
FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER	FINAL ACTION?	DEVELOPER/OWNER
Change of Zone #21019	No	Lancaster County School District 1
PLANNING COMMISSION HEARING DATE	**RELATED APPLICATIONS**	**PROPERTY ADDRESS/LOCATION**
June 23, 2021	CZ21020	12th and B Streets

RECOMMENDATION: APPROVAL

BRIEF SUMMARY OF REQUEST

This is a request for a change of zone from R-6 Residential to P Public on six platted lots owned and operated by the Lincoln Public School district. The land is currently used as a playground in conjunction with Everett Elementary immediately to the west. The change of zone is being initiated because these public use parcels under residential zoning were identified during boundary discussions for the South of Downtown Planned Unit Development (see CZ21020). The PUD doesn't include any publicly owned property, usually zoned P Public. These publicly owned parcels, however, were still zoned residential. The change of zone is reflective of the playgrounds status as a public use.



STAFF CONTACT

Stephanie Rouse, (402) 441-6373 or srouse@lincoln.ne.gov

JUSTIFICATION FOR RECOMMENDATION

The Public zoning district is intended to provide a district essentially for mapping purposes which will identify real property presently owned and used by any governmental entity and put to some form of public use. These six lots are owned and used for the public use of education and therefore should be zoned P Public.

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

This change of zone is consistent with the Future Land Use Map in the Comprehensive Plan. The future land use indicates the intended character for Everett Elementary for public use, which should be extended to the school's playground as well. The playground meets the definition for public land use containing structures that serve the public.

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

P. 12.3 - this site is shown as future urban residential on the 2040 Lincoln Area Future Land Use Plan. The adjacent school site is shown as public/semipublic on the Land Use Plan.

P. 12.4 – Public and Semi-Public. Areas of public or semi-public land use and/or structures that serve the general public. Only the largest facilities are shown on the land use plan. Highways and interstates are also included in this category.

P. 12.4 - Green Space. Public or privately-owned areas predominantly used for recreation, such as parks, golf courses, soccer or ball fields, and trails. Many green space areas also serve functions such as buffers between incompatible uses and as stormwater management areas.

P. 8.1-8.2 – Guiding Principles for Community Facilities:
- Promote a functional balance between community facilities and growth.
- Encourage adequate facilities and services which provide diverse educational, cultural, environmental, and social opportunities.
- Promote adequate facilities and services to assure the health, safety and welfare of all citizens.
- Promote cooperation and coordination among both the public and private sectors in the development and maintenance of community facilities.

ANALYSIS

1. This is a request for a change of zone from R-6 to P over six lots used as a school playground. The land is owned by the Lincoln Public School district, which owns and operates Everett Elementary School to the west.
2. The property has been zoned a multiple dwelling zoning district dating prior to 1979 despite the change in ownership and use. In the late 1980s and early 1990s the school district began acquiring these lots which had residential dwellings on them until sometime between the 1960s and 1990s.
3. The Public zoning district is intended to provide a district to identify property owned and used by any governmental entity and put to some form of public use. These six lots are owned and used for the public use of education and therefore should be zoned P Public.
4. This change of zone is consistent with the Future Land Use Map in the Comprehensive Plan. Public zoning is appropriate in this location to clarify the use of the site as a public facility.

EXISTING LAND USE & ZONING: Everett Elementary School Playground; R-6

SURROUNDING LAND USE & ZONING

North: Single Family Dwellings; R-6
South: Apartments; R-6
East: Single Family Dwellings and Apartments; R-6
West: Everett Elementary School; P

APPLICATION HISTORY

Feb. 1991 The vacation for 12th Street connecting the school site and the property in question was approved.

APPROXIMATE LAND AREA: 1.56 acres

LEGAL DESCRIPTION: Lincoln Original, Block 218, lot 4, 5, 6, 7, 8, 9 and a portion of vac 12th Street from south line C Street to north line of B Street & s23' vacated C Street from east line 11th Street to east line block 218 lot 4 & n23' vac B Street from east line 11th Street to E

Prepared by

_____
Stephanie Rouse, Planner

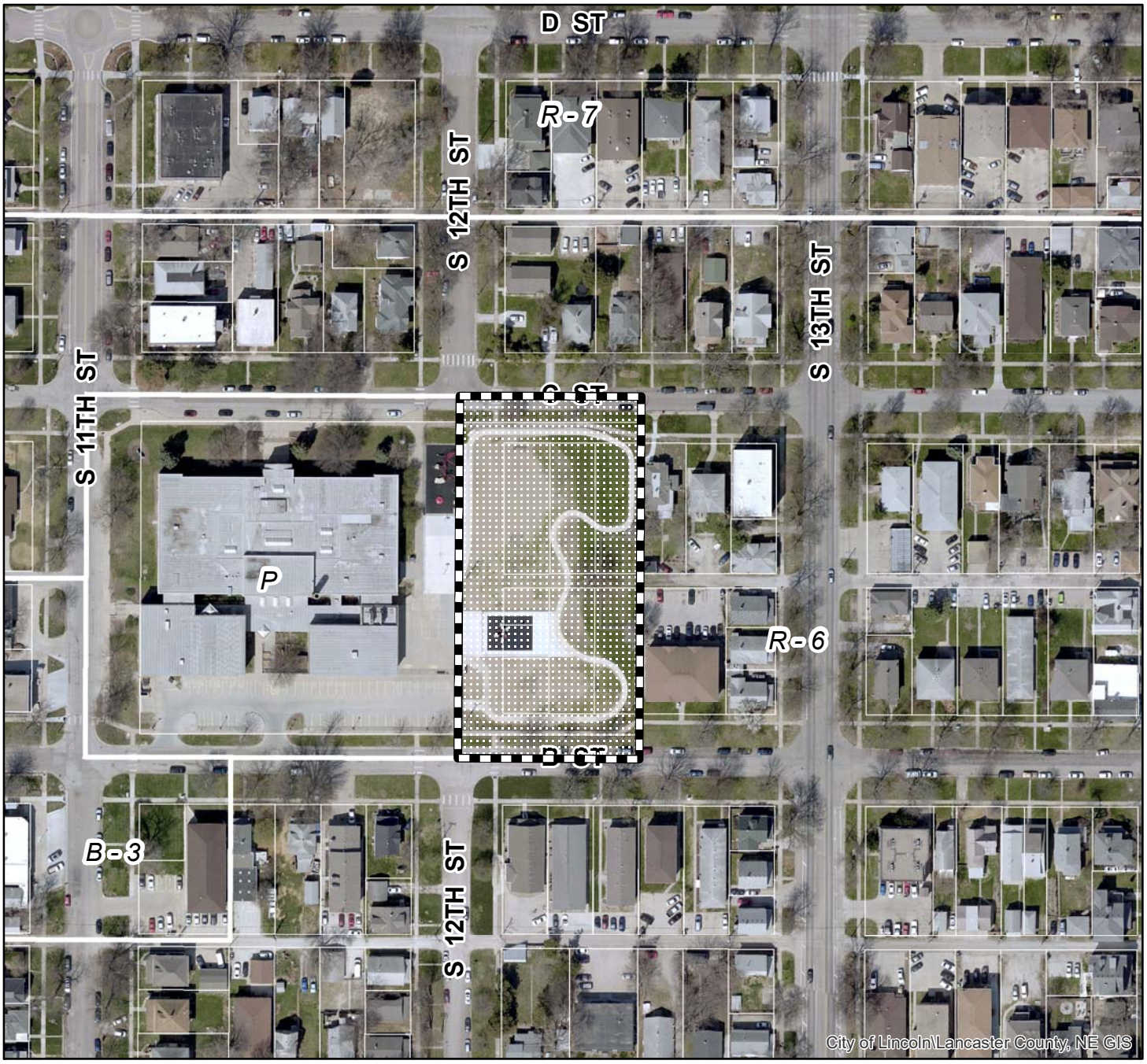
Date: June 14, 2021

Applicant: Lincoln-Lancaster County Planning Department
555 S. 10th Street, Suite 213
Lincoln, NE 68508
(402) 441-7491

Contact: Stephanie Rouse
(402) 441-6373 or srouse@lincoln.ne.gov

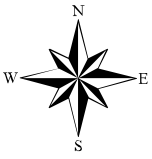
Owner: Lincoln Public School District
5905 O Street
Lincoln, NE 68510

"F:\DevReview\CZ\21000\CZ21019 Everett Playground.slr.docx"



2020 aerial

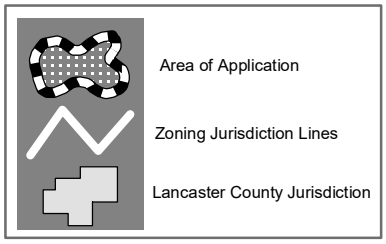
Change of Zone #: CZ21019 (R-6 to P)
S 11th St & H St

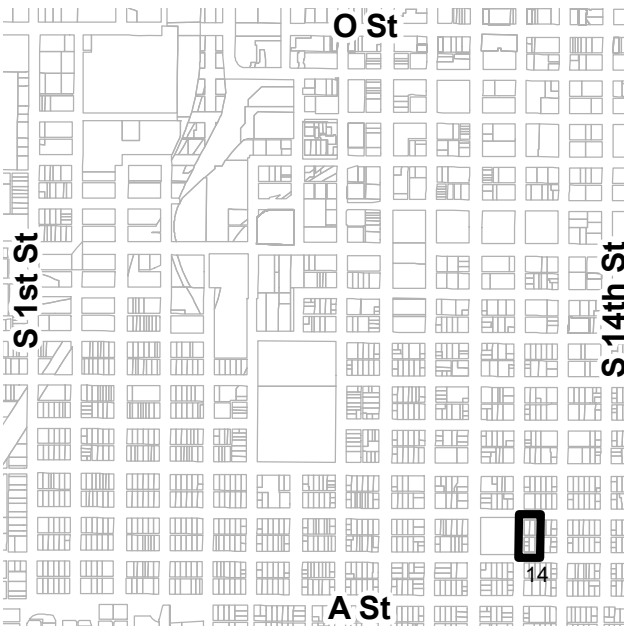


Zoning:

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.26 T10N R06E





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LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

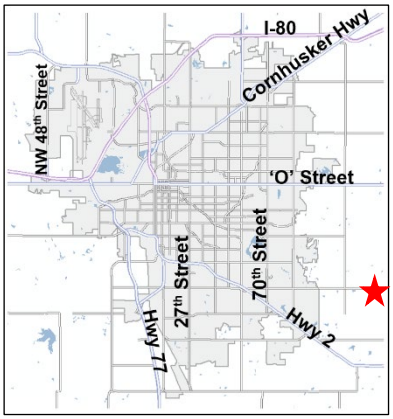
FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER	FINAL ACTION?	DEVELOPER/OWNER
Special Permit #08021B	Yes	Nebraska Prairie/Bruce & Maureen Stahr
PLANNING COMMISSION HEARING DATE	**RELATED APPLICATIONS**	**PROPERTY ADDRESS/LOCATION**
June 23, 2021	FFPL21053	S. 148th & Van Dorn St., Lincoln NE

RECOMMENDATION: CONDITIONAL APPROVAL

BRIEF SUMMARY OF REQUEST

A request for an amendment to the existing Special Permit for Historic Preservation in order to allow for the construction of a covered arena for horse riding and equine therapy with equipment and hay storage and associated waivers to setbacks.



JUSTIFICATION FOR RECOMMENDATION

A Special Permit for Historic Preservation provides for the continued productive use of and investment in the historic site, as is strongly encouraged by the Lincoln/Lancaster County 2040 Comprehensive Plan.

APPLICATION CONTACT
Marcia L. Kinning
(402)484-7342
marcia@regaeng.com

STAFF CONTACT
Stacey Hageman, (402)441-6361
slhageman@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

Waivers to County zoning requirements of Article 5, including:

- to allow use of the property as a covered arena for horse riding and equine therapy, with equipment and hay storage;
- to reduce the rear yard setback to 31 feet; and
- to reduce the side yard setback to 30 feet.

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

P. 12.3 - This site is shown as future Agricultural and Environmental Resources on the 2040 Lancaster County Future Land Use Plan. This area is shown as Tier III in the 2040 Priority Growth Areas map and is anticipated for future development beyond 60 years.

P. 4.6 - The community's distinctive character and desirable quality of life for current residents and for future generations should be supported by exercising stewardship of historic resources throughout the county, while maximizing benefits of past investments in public infrastructure and private property. The Plan encourages the continued use and maintenance of historic resources, including properties not formally designated as landmarks.

P. 4.9 – Continue to inventory, research, evaluate, and celebrate the full range of historic resources including standing structures, distinctive neighborhoods and regions, landscapes, and buried cultural materials throughout Lancaster County, collaborating with individuals, associations, and institutions.

P. 5.5 – Continue to encourage and permit accessory home businesses and locate businesses within the commercial areas of incorporated towns as they expand beyond the definition of home occupation.

P. 7.9 - Promote the continued use of single-family 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.

HISTORY

1979	Changed from AA Rural and Public Use to AG Agricultural in the 1979 zoning update.
Jun 2003	County Special Permit #199CO and Preliminary Plat #03001 for Prairie Creek Estates Community Unit Plan (CUP) an AG cluster CUP with 9 single family lots, agricultural outlot, and private roadways, were approved by County Board.
Sep 2003	Final Plat #03025 Prairie Creek Estates Addition for nine single family acreage lots, one agricultural outlot, one outlot for private roadways approved by Planning Commission.
Jul 2005	Administrative Amendment #05071 to SP #199CO to adjust the boundary of Lot 9 of Prairie Creek Estates CUP and to break the agricultural outlot into two pieces was approved.
Aug 2005	Final Plat #05063 Prairie Creek Estates 1st Addition for one single family acreage lot and two outlots as described in AA05071 was approved by Planning Commission.
Jun 2008	Special Permit #08021 for Historic Preservation of the Leavitt House as a bed and breakfast with 8 suites and up to 2 dwelling units, and additional accessory uses in the barn was approved by County Board on Lot 8 IT of SW 34-10-8.
Mar 2014	Administrative Amendment #13083 to amend Special Permit #199CO to allow walking trails in the wooded areas and around the pond, and to allow accessory uses in the prairie was approved.
Mar 2014	Amendment to expand the area of Special Permit #08021 to include Lot 1 and Outlot A and B of Prairie Creek Estates 1st Addition; include an Expanded Home Occupation of two additional bed and breakfast suites in a single family dwelling on Lot 1; increase the area allowed for assembly in the existing barn from 1500 square feet to 3600 square feet, 700 of which may be used for retail sales, and better define the use of existing tree masses and areas around the lake on Outlot A and B.

ANALYSIS

1. This is a request for a special permit for historic preservation to allow for the construction of a 7,200 square foot covered arena for horse riding and equine therapy with equipment and hay storage and associated waivers to

setbacks. The covered arena would be in addition to the uses approved in previous applications, including 10 bed and breakfast suites, 2 dwelling units, and up to 3,600 square feet of assembly space, 700 square feet of which may be used for retail.

2. An amendment to the current special permit is required since the proposal is to add a new primary use, equine therapy. The building could otherwise be constructed by right if it met setbacks and was an accessory use on the property.

3. A Special Permit for Historic Preservation under County Zoning Ordinance §13.041 may approve any use after consideration of the following:

    a. **The extent of proposed exterior change to the structure or site:** The proposed arena would be a pole shed and will include a roof and supports but no exterior walls. No other changes to the site are planned.

    b. **The impact of the surrounding area:** The addition of the arena should not have a negative impact on the surrounding area. The arena will be located to the rear of the lot and over 500 feet from S. 148th Street.

    c. **The compatibility of the proposed use to the structure or site:** The addition of the arena and use for equine therapy will be used 2-3 evenings per week with a few riders and clients attending throughout a 2-5 hour period.

    d. **The manner in which the public shall be able to relate to or utilize the structure or site in the future:** The building could be reused for an accessory use or a different primary use, if approved through a separate amendment to the special permit.

4. The Historic Preservation Commission unanimously approved a Certificate of Appropriateness for the layout of the site and design of the covered area building on March 18, 2021 (excerpt from meeting record attached).

5. The Historic Preservation Commission unanimously recommended approval of the request for amendments to the existing special permit for historic preservation to allow a covered arena for horse riding and equipment and hay storage on February 18, 2021 (excerpt from meeting record attached).

6. The waivers requested by this special permit allow for the expanded use and preservation of the landmark site.

7. A waiver to reduce the rear and side yard setbacks is required. Since the building is considered a primary use, the arena must maintain a 100 foot rear yard setback and 41 foot side yard setback. The applicant owns the adjacent Outlot A. Approving the setback waivers should not have a negative impact on the adjacent properties.

8. The associated final plat is under review and will adjust the lot line between Lot 8 IT and Outlot A. The remainder of Outlot A will remain as required open space for the Community Unit Plan.

EXISTING LAND USE & ZONING: Approved special permit (SP08021A) for up to 10 bed and breakfast suites, 2 dwelling units, and up to 3600 square feet of assembly space and 700 square feet of retail space in existing barn, along with accessory uses on Lot 8 IT. Lot 1 of Prairie Creek Estates has existing single-family dwelling. Outlot A and B are in agriculture and open space use.

SURROUNDING LAND USE & ZONING

AG Agricultural

APPROXIMATE LAND AREA: 6 acres, more or less

LEGAL DESCRIPTION: Lot 8 IT and a portion of Outlot A, Prairie Creek Estates 1st Addition, located in the Southwest ¼ of Section 34-10-8, Lincoln, Lancaster County, Nebraska.

Prepared by

_____

Stacey Hageman, Planner

Date:	June 10, 2021
Applicant:	REGA Engineering Group, Inc. (402)484-7342
Contact:	Marcia L. Kinning (402)484-7342 marcia@regaeng.com
Owner:	Nebraska Prairie, LLC/Bruce & Maureen Stahr (402)770-7707 bruce@stahr.com

CONDITIONS OF APPROVAL – SPECIAL PERMIT #08021B

Per Section 13.001.26, 13.007, and 13.041 this approval permits Historic Preservation and Expanded Home Occupation (bed and breakfast) use of the Leavitt House and its site by waiving requirements of Article 5, including:

- to allow use of the property as a covered arena for horse riding with equipment and hay storage;
- to reduce the rear yard setback to 31 feet; and
- to reduce the side yard setback to 30 feet.

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 **3** copies, showing all setbacks and yards, buildings, parking and circulation elements, and similar matters.

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.

Standard Conditions:

4. The following conditions are applicable to all requests:

4.1 Before occupying the building, all development and construction shall substantially comply with the approved plans.

4.2 The physical location of all setbacks and yards, buildings, parking and circulation elements, and similar matters be in substantial compliance with the location of said items as shown on the approved site plan.

4.3 The terms, conditions, and requirements of this resolution shall run with the land and be binding upon the Permittee, its successors and assigns.

4.4 The applicant shall sign and return the letter of acceptance to the City Clerk. This step should be completed within 60 days following the approval of the special permit. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the applicant. Building permits will not be issued unless the letter of acceptance has been filed.

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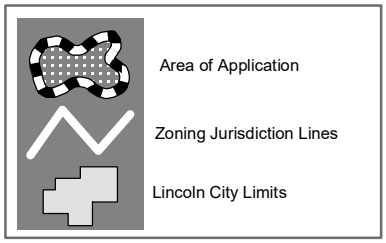
2020 aerial

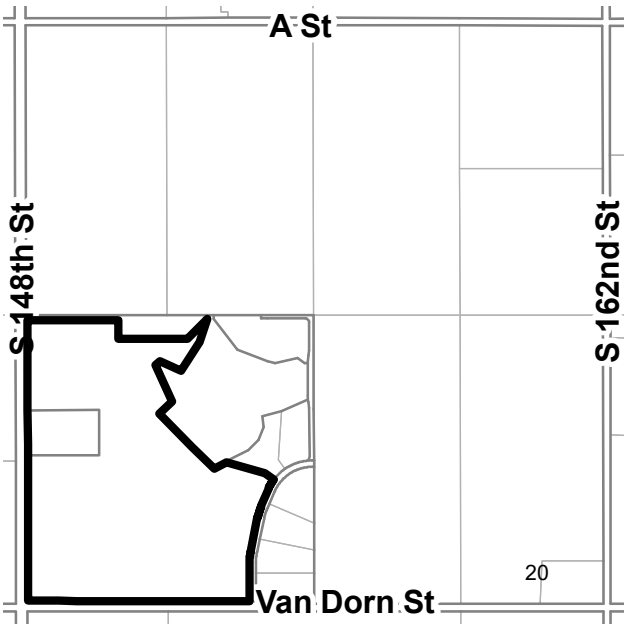
Special Permit #: SP08021B
Prairie Creek Inn Bed & Breakfast
S 148th St & Van Dorn St

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

Two Square Miles:
Sec.34 T10N R08E





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EXPANDED HOME OCCUPATIONS
LEGAL DESCRIPTION

Lot 1, Outlot 'A' and Outlot 'B', Prairie Creek Estates First Addition and Irregular Tract Lot 8, all located in the Southwest Quarter of Section 34, Township 10 North, Range 8 East of the 6th P.M., of the 6th P.M., Lincoln, Lancaster County, Nebraska and more particularly described as follows:

Referring to the Northwest corner of the Southwest Quarter of said Section 34; thence in an Easterly direction, along the North line of the Southwest Quarter of said Section 34, for a distance of 60.00 feet to a point on the Easterly 60.00' Right of Way line of South 148th Street and the POINT OF BEGINNING.
THENCE continuing on the last described course, on an assumed bearing of S89°57'13"E, for a distance of 1677.00 feet
THENCE S00°00'00"W for a distance of 33.73 feet
THENCE S37°52'44"E for a distance of 353.20 feet
THENCE S69°39'27"E for a distance of 289.57 feet
THENCE S74°40'31"E for a distance of 67.40 feet
THENCE N77°56'44"E for a distance of 208.67 feet
THENCE S53°55'30"E for a distance of 76.97 feet
THENCE N89°53'03"E for a distance of 27.67 feet
THENCE S00°06'57"E for a distance of 295.18 feet to a circular curve to the left having a radius of 215.00 feet, a central angle of 9°20'50" and whose chord (35.04 feet) bears S04°47'22"E.
THENCE on the arc of said circular curve 35.07 feet
THENCE S66°52'30"W for a distance of 258.47 feet
THENCE S74°11'10"W for a distance of 178.63 feet
THENCE S06°56'46"E for a distance of 99.97 feet
THENCE S22°34'56"W for a distance of 123.68 feet
THENCE S46°23'47"W for a distance of 131.18 feet
THENCE S62°40'04"W for a distance of 233.26 feet
THENCE S74°06'19"E for a distance of 371.83 feet
THENCE S53°51'37"E for a distance of 100.00 feet to a circular curve to the left having a radius of 430.00 feet, a central angle of 12°33'19" and whose chord (94.04 feet) bears S29°51'43"W
THENCE on the arc of said circular curve 94.23 feet
THENCE S23°35'04"W for a distance of 164.60 feet to a circular curve to the left having a radius of 530.00 feet, a central angle of 11°47'30" and whose chord (108.88 feet) bears S17°41'19"W
THENCE on the arc of said circular curve 109.08 feet
THENCE S11°47'34"W for a distance of 306.80 feet to a circular curve to the left having a radius of 530.00 feet, a central angle of 11°45'58" and whose chord (108.65 feet) bears S05°54'34"W
THENCE on the arc of said circular curve 108.84 feet
THENCE S00°01'35"W for a distance of 347.05 feet to a point on the Northerly 60.00' Right of Way line of Van Dorn Street
THENCE N89°58'25"W, along the Northerly 60.00' Right of Way line of Van Dorn Street for a distance of 1991.18 feet to a point on the Easterly 60.00' Right of Way line of South 148th Street
THENCE N00°10'45"W, along the Easterly 60.00' Right of Way line of South 148th Street, for a distance of 2576.82 feet to the POINT OF BEGINNING and containing a calculated area of 5,389,975.23 square feet or 123.74 acres.

WAIVER

1. SIDE YARD SETBACK FROM 60 FEET TO 25 FEET
2. REAR YARD SETBACK FROM 100 FEET TO 25 FEET

HISTORIC PRESERVATION
LEGAL DESCRIPTION

Irregular Tract Lot 8 and a portion of Outlot A, Prairie Creek Estates 1st Addition, located in the Southwest Quarter of Section 34, Township 10 North, Range 8 East of the 6th P.M., of the 6th P.M., Lincoln, Lancaster County, Nebraska and more particularly described as follows:

Referring to the Northwest corner of the Southwest Quarter of said Section 34; thence in an Easterly direction, along the North line of the Southwest Quarter of said Section 34, for a distance of 60.00 feet to a point on the Easterly 60.00' Right of Way line of South 148th Street; Thence S00°10'45"E a distance of 809.64 feet to the POINT OF BEGINNING.
THENCE N89°49'15"E for a distance of 720.00 feet
THENCE S00°10'45"E for a distance of 407.39 feet
THENCE S89°49'15"W for a distance of 720.00 feet to a point on the Easterly 60.00' Right of Way line of South 148th Street
THENCE N00°10'45"W, along the Easterly 60.00' Right of Way line of South 148th Street, for a distance of 407.39 feet to the POINT OF BEGINNING and containing a calculated area of 293,321.84 square feet or 6.73 acres.

GENERAL NOTES

1. THE EXPANDED HOME OCCUPATION BOUNDARY INCLUDES THE ENTIRE AREA OF THIS SPECIAL PERMIT. THE HISTORIC PRESERVATION BOUNDARY INCLUDES LOT 8 I.T. AND A PORTION OF OUTLOT A, PRAIRIE CREEK ESTATES 1ST ADDITION.
2. UP TO 10 BED AND BREAKFAST SUITES ARE ALLOWED WITH THIS SPECIAL PERMIT AS DESCRIBED BELOW.
3. UP TO TWO DWELLING UNITS SHALL BE ALLOWED WITHIN THE HISTORIC PRESERVATION SPECIAL PERMIT AREA (LOT 8 I.T. AND A PORTION OF OUTLOT A, PRAIRIE CREEK ESTATES 1ST ADDITION). IN THE EVENT THE COTTAGE, LEAVITT HOUSE OR CABIN ARE NO LONGER USED AS A BED & BREAKFAST, THE INDIVIDUAL STRUCTURES SHALL BE LIMITED TO A SINGLE FAMILY RESIDENCE.
4. NO MORE THAN TWO EMPLOYEES THAT ARE NOT MEMBERS OF THE FAMILY RESIDING ON THE PREMISES MAY BE EMPLOYED TO CARRY OUT THE BED AND BREAKFAST OPERATIONS ASSOCIATED WITH THE EXPANDED HOME OCCUPATION ON LOT 1. THERE IS NO LIMITATION TO EMPLOYEES ASSOCIATED WITH THE HISTORIC PRESERVATION ON LOT 8 I.T. AND A PORTION OF OUTLOT A, PRAIRIE CREEK ESTATES 1ST ADDITION.
5. THE EXISTING TREE MASSES SHOWN ARE TO REMAIN AND MAY BE USED FOR RECREATIONAL PURPOSES OF GUESTS OF THE BED AND BREAKFAST. A TOTAL OF 61.36 ACRES OF LAND WILL REMAIN IN AGRICULTURAL USE.

EXPANDED HOME OCCUPATIONS NOTES

1. THE EXPANDED HOME OCCUPATION ALLOWS UP TO 2 BED AND BREAKFAST SUITES WITHIN THE HOUSE LOCATED ON LOT 1, PRAIRIE CREEK ESTATES 1ST ADDITION. THE HOUSE WILL REVERT TO USE AS A SINGLE FAMILY DWELLING AT SUCH TIME AS IT IS NO LONGER USED AS A BED AND BREAKFAST.

HISTORIC PRESERVATION NOTES

1. THE HISTORIC PRESERVATION SPECIAL PERMIT ALLOWS UP TO 8 BED AND BREAKFAST SUITES AND UP TO 2 DWELLING UNITS. UP TO 3600 SQUARE FEET OF ASSEMBLY SPACE, 700 SQUARE FEET OF WHICH MAY BE USED FOR RETAIL, ARE ALLOWED IN THE BARN. OTHER APPROPRIATE ACCESSORY USES ARE ALLOWED.
2. EVENTS ARE LIMITED TO 300 OR FEWER ATTENDEES, EXCEPT THAT UP TO 4 EVENTS PER CALENDAR YEAR OF UP TO 500 ATTENDEES MAY BE ALLOWED THROUGH THE LANCASTER COUNTY AMUSEMENT LICENSE PROCESS.
3. SPECIAL EVENTS ARE TO BE HELD WITHIN THE AREA OF THE HISTORIC PRESERVATION SPECIAL PERMIT (LOT 8 I.T. AND A PORTION OF OUTLOT A, PRAIRIE CREEK ESTATES 1ST ADDITION). WEDDING CEREMONIES WHICH ARE ACCESSORY TO A SPECIAL PERMIT MAY BE ALLOWED IN THE AREAS SHOWN ON THE SITE PLAN NEAR THE POND AND SOUTH OF LOT 8 I.T. AND A PORTION OF OUTLOT A, PRAIRIE CREEK ESTATES 1ST ADDITION. ADDITIONAL ACCESSORY ACTIVITIES MAY BE PERMITTED BY ADMINISTRATIVE AMENDMENT IN THESE TWO AREAS. TRAVEL BETWEEN ACCESSORY ACTIVITY AREAS SHOWN IN LOT 8 I.T. AND A PORTION OF OUTLOT A, PRAIRIE CREEK ESTATES 1ST ADDITION IS ALLOWED.
4. EVENTS OF 200 OR MORE ATTENDEES MUST UTILIZE PORTABLE CHANGEABLE MESSAGE SIGNS MEETING THE REQUIREMENTS OF MUTCD 6F.60 WHICH WARN TRAFFIC ON SOUTH 148TH STREET OF TURNING VEHICLES. PLACEMENT AND WORDING OF SIGNS MUST BE COORDINATED WITH THE ASSISTANCE OF THE COUNTY ENGINEER.
5. THE ARENA MAY BE USED FOR EQUESTRIAN THERAPY IN ADDITION TO AGRICULTURE USES.

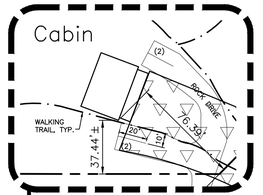
CURVE DATA:

(A) R = 215.00'
Δ = 09°20'50"
T = 17.58'
L = 35.07'
ChDist = 35.04'
ChBrg = S4°47'22"E

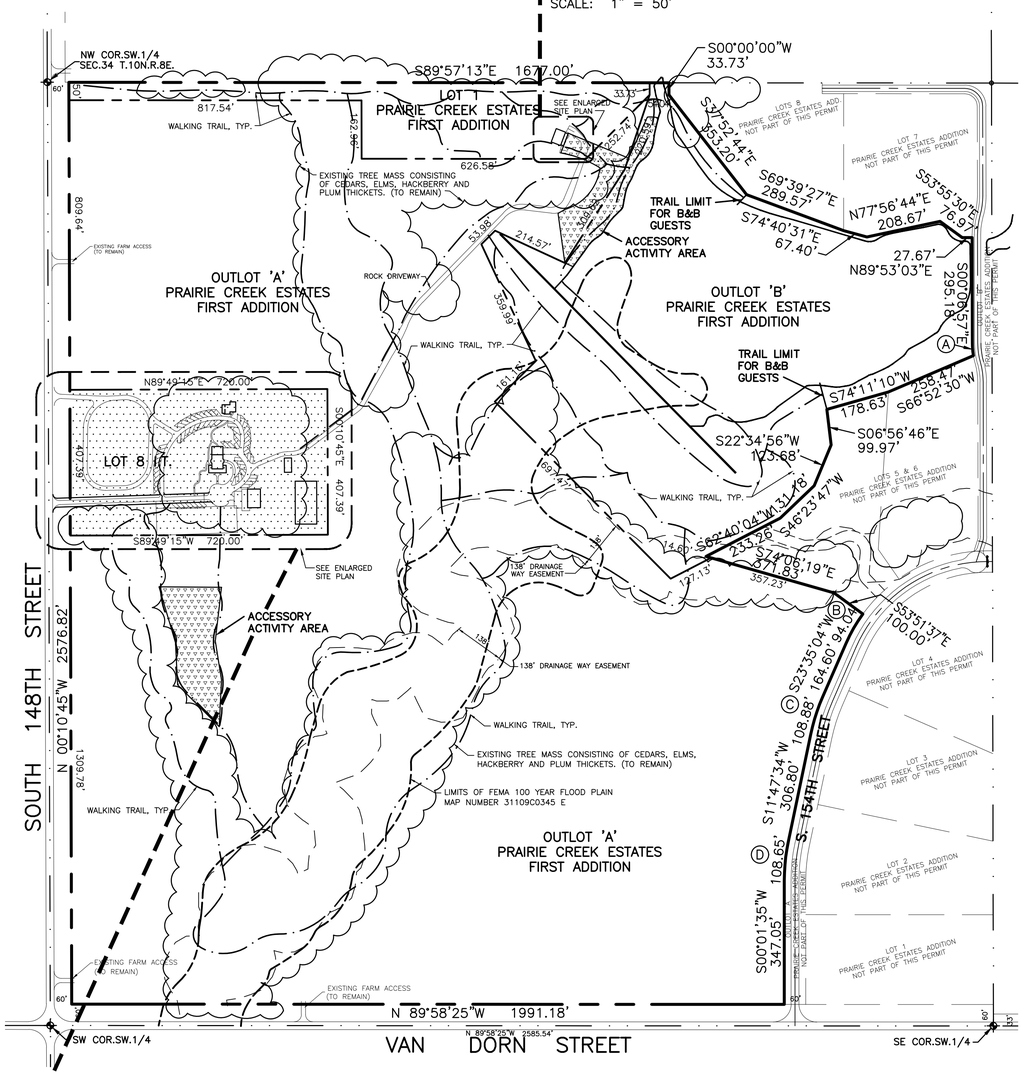
(B) R = 430.00'
Δ = 12°33'19"
T = 47.30'
L = 94.23'
ChDist = 94.04'
ChBrg = S29°51'43"W

(C) R = 530.00'
Δ = 11°47'30"
T = 54.73'
L = 109.08'
ChDist = 108.88'
ChBrg = S17°41'19"W

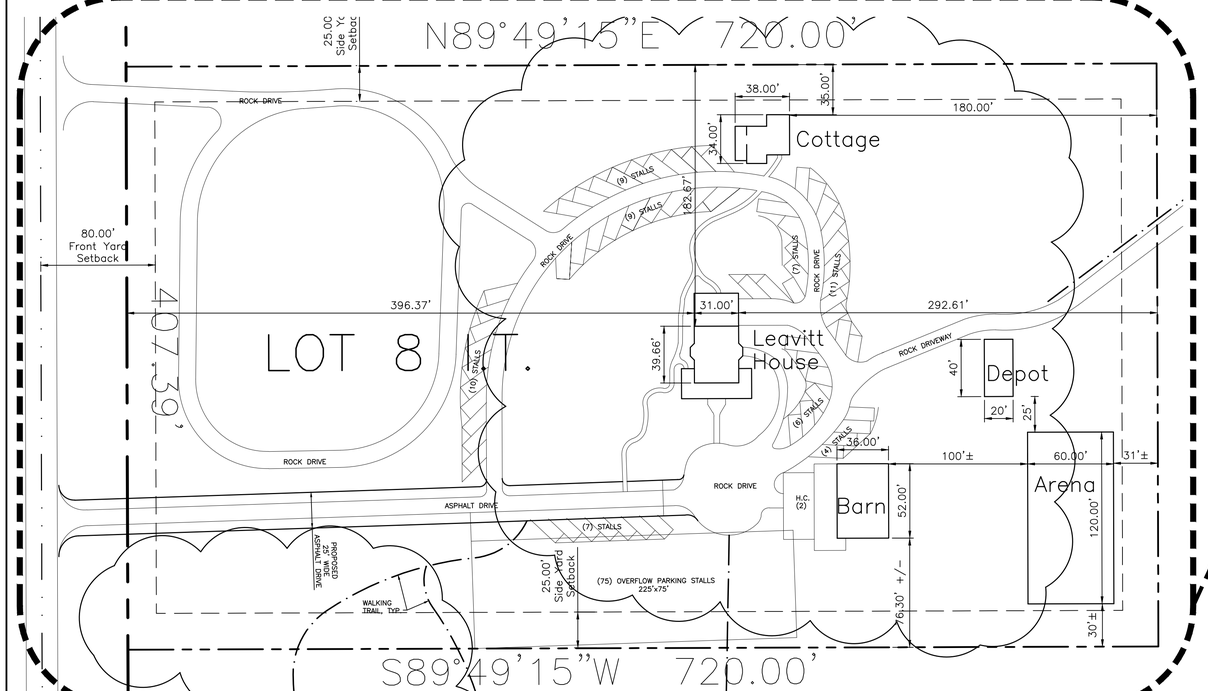
(D) R = 530.00'
Δ = 11°45'58"
T = 54.61'
L = 108.84'
ChDist = 108.65'
ChBrg = S05°54'34"W



ENLARGED SITE PLAN
SCALE: 1" = 50'



SITE PLAN
SCALE: 1" = 200'



ENLARGED SITE PLAN
SCALE: 1" = 50'

PARKING:

LOT 1
4 STALLS

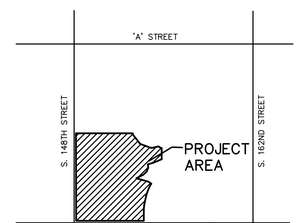
LOT 2
63 STALLS
75 OVERFLOW STALLS
2 HANDICAP STALL
140 STALLS

TOTAL STALLS SHOWN = 144 STALLS

LEGEND:

HISTORIC PRESERVATION AREA

ACCESSORY ACTIVITY AREA



VICINITY MAP
SCALE: NONE

NO.	REVISIONS		
	DESCRIPTION	DATE	BY

PROJECT
211086

REGA ENGINEERING GROUP, INC.
601 OLD CHENEY RD., SUITE A
LINCOLN, NEBRASKA 68512
(402).484.7342

- ENGINEERING
- PLANNING
- LANDSCAPE ARCHITECTURE
- LAND SURVEYING

PRAIRIE CREEK INN BED & BREAKFAST
SPECIAL PERMIT #08021B
SITE PLAN
SOUTH 148TH STREET & VAN DORN STREET

DATE: 05/11/2021
DESIGNED BY: –
DRAWN BY: MLK
CHECKED BY: NPB/LLL

SHEET NO.
1 of 1

Bruce & Maureen Stahr
Nebraska Prairie, LLC
2400 South 148th Street
Walton, NE 68461

May 11, 2021

Stacey Hageman
Urban Design Committee
City of Lincoln/ Lancaster County
555 South 10th Street, Ste 213
Lincoln, NE 68508

RE: PRAIRIE CREEK INN BED & BREAKFAST
SPECIAL PERMIT #08021B
HISTORIC PRESERVATION & EXPANDED HOME OCCUPATION
South 148th Street & Van Dorn Street

Dear Stacey,

We are submitting an amendment to the existing Historic Preservation Special Permit #08021A. We are in the process of building a 60' x 120' covered arena to allow for horse riding and some ag. equipment and hay storage. The building is being constructed to allow an existing non-profit Equestrian Therapy group to continue their lessons and sessions on our property after being displaced from another area in Lancaster County. There will likely be training/therapy/lessons going on 2-3 evenings per week. I don't see that they ever had large attendances at any given time; more like a doctor's office, with a few riders/clients here at a time throughout a 2-5 hour time period. I would assume there would be a celebration or special event periodically like a graduation for riders with a few more people attending, but nothing that would impede traffic, or especially cause disruption or pressure on our existing bed and breakfast operation or our neighbors. As you are aware, the building and purpose has already been unanimously approved by the Historical Preservation Commission, and currently there is an Administrative Amendment and Final Plat pending on the same property. Upon your approval, we will submit a building permit to construct.

Please contact me immediately with any concerns to the level that this entire effort could ultimately be denied, as this new requirement to be approved through a further process is not what I was told at the outset of my application. We already have materials on site, and the main cost of fabricating the steel building was set for late May. I have delayed that slightly, but can't for too long. We hope to construct by late July if possible, and the factory is very busy, and I do not want to be stuck with a building that could not be constructed. I understand your filing deadline is May 12 for a June 9 PC meeting. Please let me know if you have any other questions or concerns that I can address immediately, as there is no window for an error here.

Thank you,

Bruce Stahr

MEETING RECORD Excerpt

Advanced public notice of the Historic Preservation Commission meeting was posted on the County-City bulletin board and the Planning Department's website. In addition, a public notice was emailed to the Lincoln Journal Star for publication on Wednesday, February 10, 2021.

NAME OF GROUP:	HISTORIC PRESERVATION COMMISSION
DATE, TIME AND PLACE OF MEETING:	Thursday, February 18, 2021, 1:30 p.m., Council Chambers, 1st Floor, County-City Building, 555 S. 10th Street, Lincoln, Nebraska.
MEMBERS IN ATTENDANCE	Melissa Dirr Gengler, Nancy Hove Graul, Jim Johnson, Greg McCown, Jim McKee, Greg Newport, and Dan Worth.
OTHERS IN ATTENDANCE	Paul Barnes and Rhonda Haas of the Planning Department.
STATED PURPOSE OF MEETING:	Historic Preservation Commission Meeting

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

DISCUSS AND ADVISE:

- **Recommendation on amendments to the Special Permit for Historic Preservation at Leavitt House, a local landmark.**

Barnes stated that this is a landmark special permit that has already been approved, and they want to make an addition of a pole and metal building to the site. The special permit does allow for certain accessory uses to be added but given the proposal this is not considered an accessory use by the zoning code and would be a separate primary or main use. Barnes stated that this item is coming forward to this board for input on a future amendment to the special permit that the Planning Department would process.

Gengler inquired about the difference between an accessory and main use and why this is a main use. Barnes stated that there is a potential that this could be used for a Riding Academy, which would be considered a main use in the zoning code and does not fit the requirements of an accessory building. If this was an accessory use it would be for something like storage that would support the Bed & Breakfast or the house.

Bruce Stahr came forward and stated that they have been open for ten years as a Bed & Breakfast. He shared that they added a second building, the original farmhouse, and turned the barn into an event building. He stated that they have four stables and they added four horse runs in the back. Stahr stated through family experience over the past five years they have seen how horses have the ability to encourage and provide beneficial therapy in different settings. There is a local non-profit group that has been doing equestrian therapy for 20 years, with 12 of those years at the same site and they were asked to relocate their business by April 9, 2021. Stahr stated that this new building would provide some storage for equipment because they use the barn for their Bed & Breakfast activities. The storage would be located around the inside perimeter of the building and will provide additional storage for equipment in the winter. He shared that the equestrian therapy group is wanting to use the barn to do physical and mental therapy with challenged youth. He stated that they would be using the barn one day a week during the evening for three or four hours for a six week's session, in the spring and an eight-week session, in the fall.

Stahr stated that they have ample parking near the arena for all the activities on this site. It will be an open arena with a dark brown roof. They acquired a 150-year-old train depot structure from Bennet, Nebraska, last year. He shared that they spent all summer preparing the structure for the possibility of combining the train depot with the riding group. Stahr stated that they met with the equestrian therapy board on several occasions, and they are ready to move forward on this. He shared that the Bed & Breakfast guests enjoy seeing the horses, the surrounding agriculture and being in nature.

Gengler inquired if there would be any other significant site changes associated with the new site construction. Stahr said no.

Newport asked if the therapy group would be bringing in their own horses. Stahr said yes. Newport inquired if they would need additional stables for the therapy horses. Stahr said that they have more than enough stables for the therapy horses.

Hove Graul inquired if the site of the new building grades away from the main house. Stahr said yes. Hove Graul asked about the storage with no exterior walls. Stahr stated that the building would only have a roof, but it could still protect items stored along its perimeter from the rain.

McCown said this would be used more for the storage of equipment than storage for events. Stahr said yes, and that he rents a barn six miles away for storage of the hay equipment, and further stated that they may put haybales on the corners of the building in the winter to block the wind and this would allow for more seasonal use.

Worth inquired about the size of the building. Stahr said it would be 60' x 120' and that the diagram looks a lot larger than what is being proposed. The design of the building will go to the

north and straight out to the east of the existing pins and corrals and southeast from the depot. Stahr stated that they have also added a parking area to the left of the building. Worth stated that it looks like there is a grove of trees there. Stahr said yes, and they would not be taking any of the trees out and the building will be located just outside the tree mass. Stahr stated that they will be going before the Planning Commission to add .5 acres to a six-acre acreage on their 100-acre farm.

Stahr stated the new building would be located in the corner and they are trying to minimize the visual affect that this might have on the Bed & Breakfast and the Historic Leavitt House. He shared that guests would only be able to see a portion of this building, because it is behind the barn and the tree mass. Stahr stated that they have also created a public canteen area that can be used for counseling or to eat a meal.

Worth inquired about the material that would be used for the barn roof. Stahr said that the structure will be made of steel with a Pro-Snap steel panel roof that will be dark brown.

McCown asked if it would have a standing seam. Stahr stated that this is newer technology and it would have hidden seams.

Stahr stated that the question he has is that he is hoping to get direction and approval from the board to move forward with Building & Safety and the Planning Commission. He inquired if he needed to make any adjustments to the mapping?

Hove Graul stated that Mr. Stahr was very descriptive when he clarified the proposed location of the new building, which was going to be a little to the north and smaller than what was shown on the diagram. Hove Graul stated this clarified to her that this project is moving in a right direction.

McCown stated this is a recommendation on amendments to the special permit. Barnes said correct. This is for an amendment to the special permit and because it is a landmark it is before HPC for the boards advise and that will be incorporated into the amendment package moving forward.

ACTION:

Gengler moved that the proposed new building for a Riding Academy, as an accessory use is an appropriate amendment to the special permit, seconded by Hove Graul and carried 7-0: Gengler, Hove Graul, Johnson, McKee, Newport, Worth and McCown voting ‘yes’.

MEETING RECORD Excerpt

Advanced public notice of the Historic Preservation Commission meeting was posted on the County-City bulletin board and the Planning Department's website. In addition, a public notice was emailed to the Lincoln Journal Star for publication on Wednesday, March 10, 2021.

NAME OF GROUP:	HISTORIC PRESERVATION COMMISSION
DATE, TIME AND PLACE OF MEETING:	Thursday, March 18, 2021, 1:30 p.m., Room 113, 1st Floor, County-City Building, 555 S. 10th Street, Lincoln, Nebraska.
MEMBERS IN ATTENDANCE	Melissa Dirr Gengler, Nancy Hove Graul (arrived at 1:35p.m.), Jim Johnson, Greg McCown, Jim McKee, Greg Newport, and Dan Worth.
OTHERS IN ATTENDANCE	Stacey Hageman, Paul Barnes, and Rhonda Haas of the Planning Department.
STATED PURPOSE OF MEETING:	Historic Preservation Commission Meeting

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

CERTIFICATE OF APPROPRIATENESS FOR WORK AT LEAVITT HOUSE
PUBLIC HEARING: MARCH 18, 2021

Members present: Gengler, Hove Graul, Johnson, McKee, Newport, Worth and McCown.

Hageman stated that this item was before the board last month as an advisory review item, because the Planning Department was looking for advice on doing an Administrative Amendment based on the historical character of this site. The board's recommendation last month was for the Administrative Amendment and this hearing is for the certificate of appropriateness for the building at the landmark site.

Bruce Stahr came forward and stated that he has submitted a diagram of the site plan that better reflects the barns location and size (see Exhibit "1"). He shared that the area does go several feet down topographically from northwest to the southeast and because of this the arena is hidden behind the barn. Stahr shared that the location of the depot is just northwest of the arena area. He stated that the existing lot line does go through the west quarter of the arena, and further stated that he will be requesting an extension to the east of 76 feet to incorporate the building and finalize what is needed for setbacks from the Planning Commission.

Gengler asked if the building plan remains the same as it was presented at last month's meeting. Stahr said yes, that the building will be a 60' x 120' covered area with open sides and a steal frame.

Worth inquired how much of a grade change there would be from the main historic site to the arena site. Stahr stated the center of the round pen would be around 1,276 and the northeast and southwest corners of the arena are currently at 1,267. The northwest corner is at 1,072 and the southeast corner is at 1,263, so there is some grading to do. Stahr shared that an excavator would be out to determine the best plan. Stahr said that it will be a drop from grade to grade in this area of about 5 – feet and they may consider a small landscaping wall surrounding the edge of the round pen. He shared that it is a short distance mainly because he does not want to take out a lot of farmland. Stahr shared that there is a 25-foot buffer from the east end of the horse runs.

Hove Graul asked the size of arena. Stahr said it was 60' x 120'.

ACTION:

Gengler moved to approve the Certificate of Appropriateness as presented, seconded by Hove Graul and carried 7-0: Gengler, Hove Graul, Johnson, McKee, Newport, Worth and McCown voting 'yes'.

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

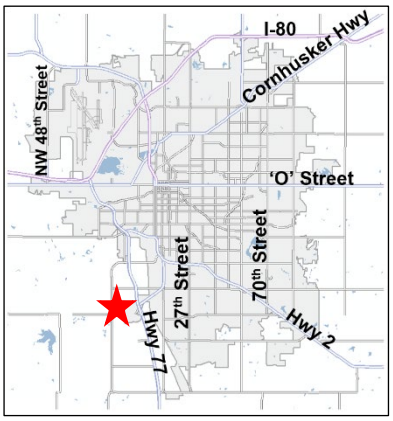
FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER	FINAL ACTION?	DEVELOPER/OWNER
Special Permit #21022	Yes	Sapp Bros/John E Lorenzen Rev. Trust
PLANNING COMMISSION HEARING DATE	**RELATED APPLICATIONS**	**PROPERTY ADDRESS/LOCATION**
June 9th, 2021	None	1700 Saltillo Road

RECOMMENDATION: CONDITIONAL APPROVAL

BRIEF SUMMARY OF REQUEST

This is a special permit request per Section 27.63.300 of the Lincoln Municipal Code to allow bulk storage of petroleum products including diesel, gas, and propane in the I-1 Industrial District. The site is approximately 1.74 acres and the existing 6,000 square foot building will be used for sales of the fuel products.



JUSTIFICATION FOR RECOMMENDATION

With the proposed conditions of approval, many based on Section 27.62.150 which regulates similar uses in the I-2 and I-3 Districts, there should be minimal impact to surrounding properties. Other similar uses are in the vicinity, in addition to heavy industrial operations to the south. The area is industrial in character, without residential uses in close proximity.

APPLICATION CONTACT

Brian Lang, (402) 458-5691 or blang@olsson.com

STAFF CONTACT

Stephanie Rouse, (402) 441-6373 or srouse@lincoln.ne.gov

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The special permit for bulk fuel storage is in conformance with the 2040 Comprehensive Plan. The land use proposed will not impact the floodplain, neighboring land uses, or natural resources. It complies with the Industrial future land use designation and fits the industrial center character of the area.

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

P. 12.3 - This site is shown as future Industrial on the 2040 Lincoln Area Future Land Use Plan.

P. 12.4 – Industrial. Areas where railroads, manufacturing, trucking, and transportation facilities are the dominant land use, with some commercial activities.

ANALYSIS

1. This application is intended to allow bulk storage of refined fuel and propane products above ground. The existing building would be used for office operations and sales of the fuel products. Approximately 240,000 gallons of refined fuel and 30,000 gallons of propone would be stored in concrete containment bunkers. The tanks would be about 40 feet in height. All tanks will meet state and federal requirements.
2. The special permit for bulk storage of petroleum products (27.63.300) does not contain any conditions, therefore Section 27.62.150 Manufacturing, Processing, Storage and Distribution Use Group conditional uses was used as a basis for identifying conditions of approval to mitigate potential negative impacts of the special permit request. This use group includes liquefied petroleum gas and similar gas used for fuel storage above ground in the I-2 and I-3 zoning districts and fuel oil storage tanks and bulk storage of oils, petroleum, and similar flammable liquids and chemicals in the I-2 and I-3 districts. Both use groups are similar to the proposed bulk storage of petroleum products in the I-1 district and therefore some of the conditions set forth in 27.62.150 applicable to this request have been included in the attached conditions of approval.
3. This site is surrounded by I-1 Industrial zoning with heavy industrial and agriculture uses. The future land use on all surrounding properties is industrial. A similar use, a wholesale petroleum supplier, is located to the west. To the south is a rock crushing operation. The closest residential use is approximately 1,500 feet away, across S 14th Street from the existing petroleum storage supplier.
4. The site is near Highway 77 and is on Saltillo Road, a minor arterial street, providing adequate access for large trucks to deliver the fuel to the site. While the South Beltway project will have a major impact on regional travel, Saltillo Road will remain an important local arterial for the businesses and homes in the area.
5. The current property has an approximately 142-foot-wide driveway and parking area immediately off Saltillo Road, causing vehicles to back into the arterial street. The Access Management Policy states “designing good internal vehicle circulation in parking areas and through the use of local streets reduces the number of driveways that businesses need for access to major roadway.” Driveway widths for commercial access that allow left turns shall be a maximum of 36 feet wide and are only allowed a 40-foot width as approved by the Director of Lincoln Transportation and Utilities (LTU) when high volumes of traffic use the driveway. Additionally, an access for commercial use shall not be approved for a parking area that requires backing maneuvers within the right-of-way. All off-street parking areas must include on-site maneuvering areas and aisles to permit user vehicles to enter and exit the site in a forward direction without hesitation. To meet these Access Management policies, which are triggered by the Special Permit request, as well as the setbacks for the drive aisle, LTU is requiring the existing pavement along Saltillo Road to be removed and the parking lot relocated.
6. The site plan shows a new access to Saltillo Road to the east of the existing building. Lincoln Transportation and Utilities (LTU) requires this access to be removed should a new road be constructed North, East, and/or West of this site and access be instead taken from the new road. Until such time as this street connection is made, the driveway can remain, if the property owner agrees to remove the access after the adjacent street is built.
7. An additional 25 feet of right-of-way will need to be dedicated, as well as turn lanes constructed per the Access Management Policy. Turn lanes help reduce the interference of through traffic and enhance the safety and efficiency of streets. Turn lanes are required on all designated arterial streets whenever new access points are created.

CONDITIONS OF APPROVAL: See attached.

EXISTING LAND USE & ZONING: Light Industrial; I-1

SURROUNDING LAND USE & ZONING

North: Agriculture; I-1
South: Agriculture/Rock Crushing; I-1
East: Agriculture/Industrial; I-1
West: Agriculture/Fuel Storage; I-1

APPROXIMATE LAND AREA: 1.74 acres

LEGAL DESCRIPTION: S36, T9, R6, 6th Principal Meridian, LOT 66 SW

Prepared by

_____
Stephanie Rouse, Planner

Date: May 25, 2021

Applicant: Andrew Richard
9915 S 148th Street
Omaha, NE 68138

Contact: Brian Lang
601 P Street
Lincoln, NE 68508
(402) 458-5691 or blang@olsson.com

Owner: John E Lorenzen Revocable Trust
3941 Eagle Ridge Road, Unit 108
Lincoln, NE 68516

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CONDITIONS OF APPROVAL – SPECIAL PERMIT #21022

Per Section 27.63.300 this approval permits bulk storage of petroleum products in the I-1 Industrial zoning district.

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 Complete revisions, including revising the driveway and parking, as noted on the site plan in ProjectDox.

    1.2 Add a note stating, “access to Saltillo Road shall be removed if a future public street or private roadway is constructed adjacent to the North, East, and/or West of this lot.”

    1.3 Show dedication of additional 25 feet of right-of-way and update the setback line.

    1.4 Show the required turn lanes.

    1.5 Add a note to the plan stating, “All combustible material shall be stored in such a way as to permit free access of fire-fighting equipment.”

    1.6 Add a note to the plan stating, “Open storage of any other material is allowed only in areas enclosed or otherwise adequately screened from public view with an enclosure or screen at least six feet in height.”

    1.7 Update the General Notes regarding signage to read "Signs need not be shown on this site plan but need to be in compliance with chapter 27.69 of the Lincoln Zoning Ordinance and must be approved by Building & Safety Department prior to installation".

Standard Conditions:

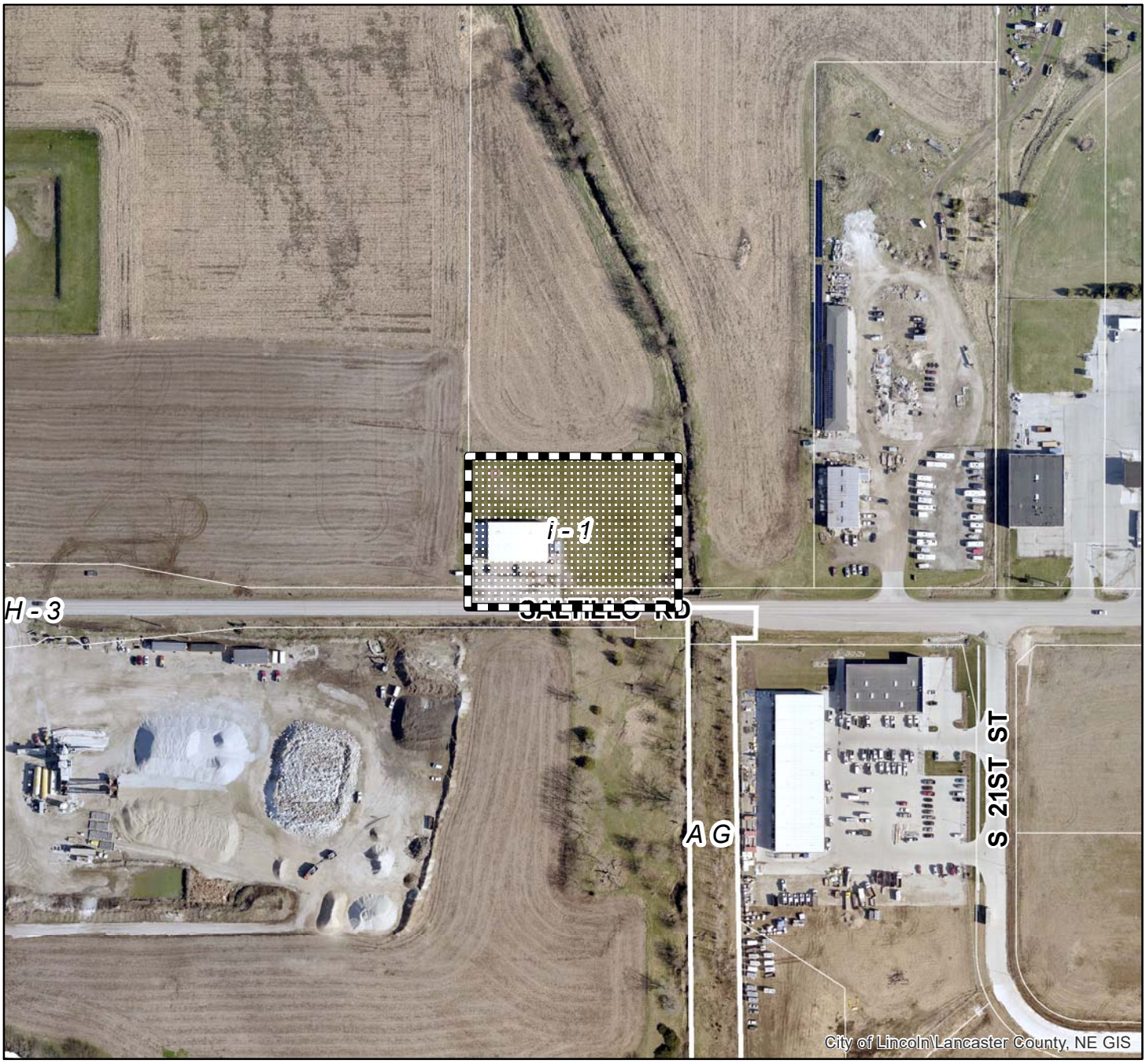
2. The following conditions are applicable to all requests:

    2.1 Before occupying starting the operation all development and construction shall substantially comply with the approved plans.

    2.2 The physical location of all setbacks and yards, buildings, parking and circulation elements, and similar matters be in substantial compliance with the location of said items as shown on the approved site plan.

    2.3 The terms, conditions, and requirements of this resolution shall run with the land and be binding upon the Permittee, its successors and assigns.

    2.4 The applicant shall sign and return the letter of acceptance to the City Clerk. This step should be completed within 60 days following the approval of the special permit. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the applicant. Building permits will not be issued unless the letter of acceptance has been filed.



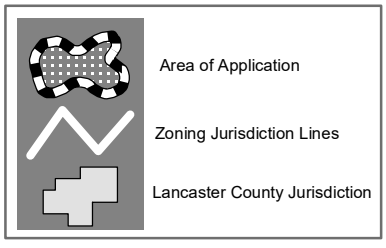
2020 aerial

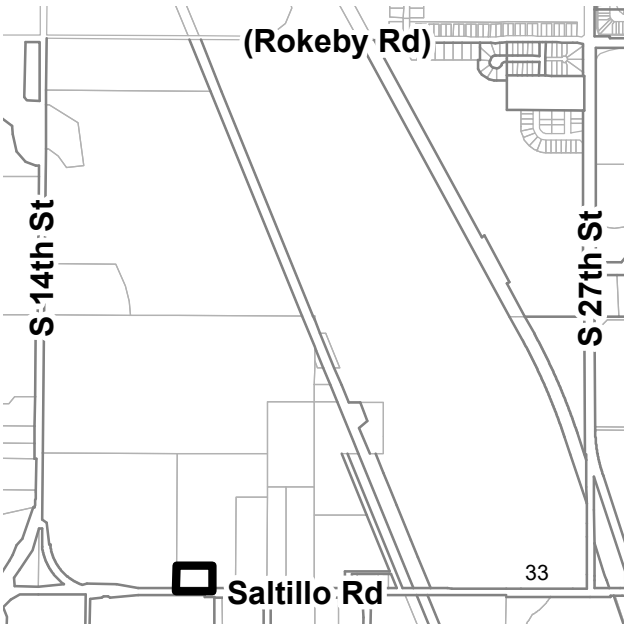
Special Permit #: SP21022
S 17th St & Saltillo Rd

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.36 T09N R06E





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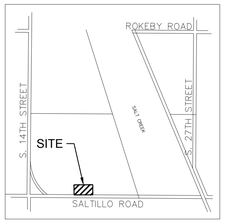
SAPP BROS SPECIAL PERMIT

SITE PLAN



VICINITY MAP

OWNERS & DEVELOPERS

SAPP BROS., INC
9915 S. 148TH STREET
OMAHA, NE 68138
PHONE: (402) 895-7068

ENGINEER & PREPARER

OLSSON, INC
601 P STREET
LINCOLN, NE. 68508
PHONE: (402) 474-6311

SITE INFORMATION

LEGAL: S36, T9, R6, 6TH PRINCIPAL MERIDIAN, LOT 66 SW

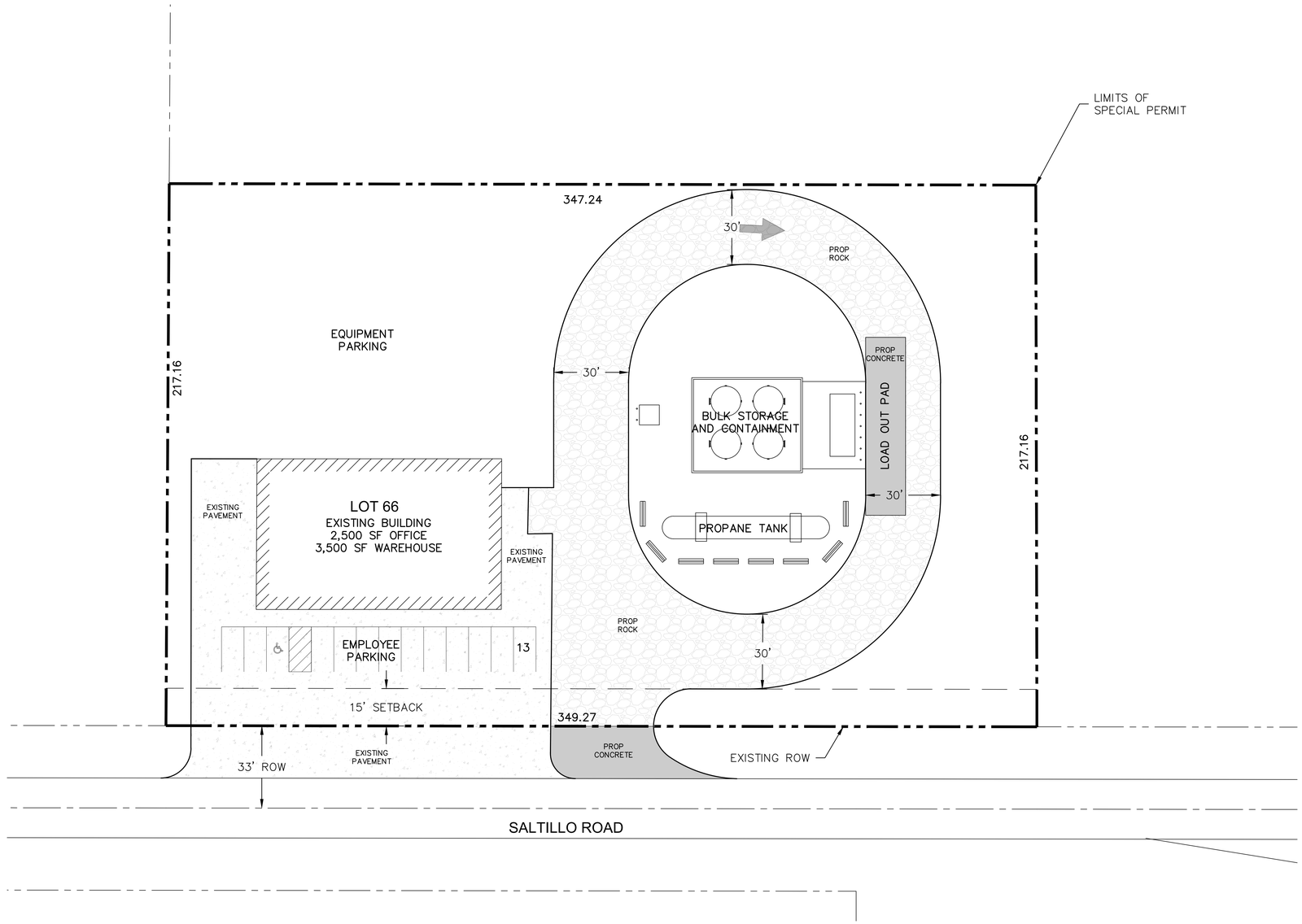
ADDRESS: 1700 SALTILLO RD, LINCOLN, NE 68430

ZONED: I-1

GENERAL NOTES

1. ADJUSTMENTS IN THE FLOOR AREA OF EACH BUILDING MAY BE MADE AT TIME OF BUILDING PERMIT, .
2. THE EXISTING ZONING IS I-1. THE PROPOSED ZONING IS I-1.
3. SIGNS, LANDSCAPING, AND SCREENING ARE NOT REQUIRED TO BE SHOWN ON THE PLANS, ALL SIGNS, LANDSCAPING, AND SCREENING SHALL COMPLY WITH THE O-3 ZONING DISTRICT AND CITY OF LINCOLN DESIGN STANDARDS, AND THEY SHALL BE SHOWN AT THE TIME OF SIGN AND BUILDING PERMITS, RESPECTIVELY.
4. LOT DIMENSIONS SHOWN ARE APPROXIMATE AND MAY VARY ON FUTURE FINAL PLATS.
5. ALL DIMENSIONS ALONG CURVES ARE CHORD DISTANCES.
6. ALL ELEVATIONS ARE BASED ON NAVD 1988 DATUM.
7. EAVES, OVERHANGS, WINDOW SWINGS, DOOR SWINGS, AIR CONDITIONER UNITS ETC. MAY ENCROACH OVER THE SETBACK LINES. ENCROACHMENTS ARE NOT ALLOWED OVER PROPERTY LINES AND MUST CONFORM TO BUILDING AND LIFE SAFETY CODES.
8. ALL LAYOUTS SHOWN WITHIN THE SPECIAL PERMIT ARE CONCEPTUAL. SPECIFIC DETAILED PLANS WILL BE SUBMITTED WITH INDIVIDUAL SITE PLANS AS THE ARE DEVELOPED AT TIME OF BUILDING PERMIT APPLICATION, IN ACCORDANCE WITH CITY OF LINCOLN DESIGN STANDARDS.
9. TO THE BEST OF THE PROPERTY OWNER'S KNOWLEDGE, NO OTHER WETLANDS ARE LOCATED ON THE PROPERTY.
10. NO RESIDENTIAL DWELLINGS, HOTELS, MOTELS, CHILDCARE FACILITIES, SCHOOLS, HEALTHCARE FACILITIES, OR RETIREMENT FACILITIES SHALL BE ALLOWED WITHIN THE PIPELINE PLANNING AREA AS DESIGNATED ON THE PLANS..
11. PARKING TO BE PROVIDED IN COMPLIANCE WITH THE ZONING ORDINANCE.
12. SETBACKS FOR PARKING AND BUILDINGS AS PER THE ZONING ORDINANCE UNLESS OTHERWISE NOTED.
13. PERIMETER BOUNDARY OF THE USE PERMIT SHALL BE USED FOR OUTDOOR LIGHTING TRESPASS AND GLARE REQUIREMENTS FOR THE ENTIRE DEVELOPMENT, ALLOWING EXTERIOR BUILDING AND PARKING LOT LIGHTING TO TRESPASS ONTO INTERNAL PROPERTY LINES WITHIN THE PERIMETER BOUNDARY.

BULK FUEL USE TABLE	
PRODUCT LINE	VOLUME (GALLONS)
REFINED FUEL	240000
PROPANE	30000



LEGEND

- CENTER LINE
- PERMIT BOUNDARY
- EDGE OF ROAD
- EDGE OF DRIVE
- SETBACK
- DRAINAGE CORRIDOR
- PROPERTY LINE
- BUILDING
- PROPOSED CONCRETE
- PROPOSED ROCK
- EXISTING PAVEMENT

olsson
601 P Street, Suite 200
P.O. Box 84608
Lincoln, NE 68508
TEL 402.474.6311
www.olsson.com

REVISIONS

REV. NO.	DATE	REVISIONS DESCRIPTION

SITE PLAN

SAPP BROS
SPECIAL PERMIT

LINCOLN, NE

2021

drawn by:	MRG
checked by:	BAL
approved by:	BJM
QA/QC by:	BJM
project no.:	021-03586
drawing no.:	1
date:	05/10/2021

SHEET
1 of 1

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DATE: May 11, 2021 10:54am XREFS: C_PBASE_02103586 C_XBASE_02103586

May 12, 2021

Mr. David Cary
Planning Director
Planning Department
555 South 10th St., Suite 213
Lincoln, NE 68508

Re: Special Permit – Bulk Fuel
Olsson Project No. 021-03586

Dear Mr. Cary,

On behalf of Sapp Bros, we are requesting an application for a Special Permit to permit bulk storage of refined fuel and propane products, above ground, for the property located at 1700 Saltillo Road or legally described Section 36, Township 9, Range 6, 6th Principle Meridian Lot 66 SW.

This property is currently zoned I-1. Sapp Bros is contracted to purchase the property and intends to keep the existing building for the operations and sales of the fuel products.

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

1. Site Plan
2. City Application Form
3. Application fees in the amount of $988

Plans and other supporting documents will be submitted to ProjectDox upon notification from the planning staff. We appreciate your consideration of the above requests and look forward to working with you on these proposed changes to the Firethorn Addition Commercial development. If you require further information or have any questions, please do not hesitate to contact me at bmarshall@olsson.com or (402) 458-5672.

Sincerely,

Brad J Marshall, P.E.
cc: File

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	FINAL ACTION?
Text Amendment #21003	No
PLANNING COMMISSION HEARING DATE	RELATED APPLICATIONS
June 23, 2021	CZ21020

RECOMMENDATION: APPROVAL

BRIEF SUMMARY OF REQUEST

This text amendment will reduce the limitations on restaurants in the O-1 Office district by eliminating the requirement to access the restaurant from within the building and increasing the percent of the overall building square footage that can be devoted to the restaurant use. This request is related to the South of Downtown Planned Unit Development that originally included these changes as part of the redevelopment plan for the O-1 zoned parcels within the boundaries. After reviewing the limited number of additional O-1 zoned parcels outside the PUD it was determined these changes would be better made to all parcels in the district and remove it from the PUD to provide all O-1 zoned parcels with the same regulations.

JUSTIFICATION FOR RECOMMENDATION

Restaurants are already a conditional use in the O-1 district. The conditions were intended to preserve the office district character surrounding the City-County Building and the State Capitol. The proposed amendments will not impact the office district and maintain office uses as the focus of this district by keeping a floor area percentage limit for restaurants. The flexibility for restaurants proposed as part of this amendment will serve the office tenants and residents in the area.

STAFF CONTACT

Stephanie Rouse, (402) 441-6373 or
srouse@lincoln.ne.gov

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The O-1 District is primarily located west of the State Capital along Lincoln Mall, in addition to some parcels in the South Haymarket District and at South 18th and K Street. The Future Land Use Map identifies these parcels as primarily Public and Semi-Public due to the high number of government buildings in the O-1 district. Along Lincoln Mall however, several parcels in the O-1 district are designated as Commercial. The proposed changes preserve the office character of the Public land use but allows some flexibility for restaurants to enhance the mixed-use nature of downtown and its role as a service employment center.

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

- P. 5.4- The City should preserve and enhance Downtown's role as:
    - The major office and service employment center
    - The center of all levels of government
    - The principal cultural, entertainment, and tourism center
    - The center for hotels and conventions
    - The financial center
    - The hub of higher education
    - A regional retail center geared toward employees, area residents, visitors, and UNL students and staff
    - A major focus for new residential reuse, infill, and redevelopment
- P. 5.4- Retain the City's government center in Downtown and wherever possible locate local, state, and federal offices Downtown when expansions and relocations are considered or new facilities are located.
- P. 5.4- Maintain the urban environment, including a mix of land uses and residential types.
- P.5.7- Discourage single use centers. Office parks should include supporting retail and residential components, while shopping centers should include supporting office and residential uses.

ANALYSIS

1. The O-1 Office district was created to provide a redeveloping area of office uses in the vicinity of the City-County Building and the State Capitol building. It provides for office buildings, dwellings, public uses, and certain religious, educational, and philanthropic institutions.

2. Restaurants are a conditional use in the O-1 district. If they are located entirely within a building containing office or residential use and do not exceed twenty percent of the total square footage in the building they are allowed. These limitations restrict the visibility and viability of restaurants and their size in the O-1 district in comparison to the restaurants located nearby in the B-4 district. The proposed text amendment would allow up to fifty percent of the building to be restaurant use and remove the "entirely within a building" provision to allow a restaurant access directly to the sidewalk.

3. The proposed changes would preserve the O-1 district as primarily office but allow restaurants some increased flexibility to better serve the residents and users of the Lincoln Mall district. Direct access to the street and up to half the building square footage occupancy will not tip the scales away from primarily office use given the high percentage of parcels owned and operated by government entities.

4. In addition to the two changes mentioned above, the sale of alcoholic beverages for consumption on the premise of a restaurant would be allowed as a conditional use. Currently, the O-1 district prohibits any sale of alcoholic beverages, while the adjacent B-4 District allows on and off-premise alcohol sales by-right. The conditions applied to the on-premise sales would be like those found in Section 27.63.680(b) Special Permit for Sale of Alcoholic Beverages for Consumption on the Premises. These regulations include limits on the hours of operation, 25-foot separation to residential zoning districts, 40% maximum of gross sales from alcoholic beverages and requirement to serve full course meals.

   One regulation from the Special Permit omitted from this text amendment involves criteria for surrendering the liquor license if the special permit were revoked because it would not apply as the accessory sale of alcohol for a restaurant would not require a special permit. Two additional criteria not included are prohibition of gaming devices such as pool tables, dart boards, and keno as these are allowed in the adjacent B-4 zoning district and a note prohibiting off-premise alcohol sales without issuance of a special permit since this amendment is not proposing to allow any form of off-sale alcoholic beverage consumption.

5. Following this text amendment, a separate package of text amendments intended to support and carry out the policies of the Affordable Housing Coordinated Action Plan adopted by City Council in January 2021, will be brought forth. A component of these zoning code changes includes reductions in required parking. In the O-1 district, minimum parking requirements would be eliminated to match the adjacent B-4 district. While this proposed change would have fit with this amendment, it was decided to make the change to eliminate parking requirements part of the amendment package for affordable housing which includes additional changes to the parking chapter.

Prepared by

_____
Stephanie Rouse, Planner

Date: June 14, 2021

Applicant: Lincoln-Lancaster County Planning Department
555 S. 10th Street, Suite 213
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21-xx Introduce: 00-00-21
TX21003

ORDINANCE NO. _____

AN ORDINANCE amending Lincoln Municipal Code Section 27.06.140 Food and Drink Establishments Use Group Table and Section 27.62.110 Food and Drink Establishments Use Group to include conditional uses for the sale of alcoholic beverages for consumption on the premises of a restaurant in the O-1 district; and repealing Sections 27.06.140 and 27.62.110 as hitherto existing.

BE IT ORDAINED by the City Council of the City of Lincoln, Nebraska:

Section 1. That Section 27.06.140 of the Lincoln Municipal Code be amended to read as follows:

27.06.140 Food and Drink Establishments Use Group.

Characteristics: The Food and Drink Establishments Use Group is characterized by activities primarily relating to dining, drinking, and/or minor or occasional entertainment. Establishments provide indoor and/or outdoor seating and sell food or drinks prepared on site. Areas for entertainment may also be provided. These uses may be open 24 hours. Such uses include but are not limited to restaurants, fast food or drive thru eating facilities, bars and other on premises sale of alcoholic beverages. The Food and Drink Establishments Use Group may also include the small scale production manufacturing and distribution of food or beverages for facilities generally located on less than one acre such as craft breweries and local bakeries when those uses also sell their products on site.

Use Group Table:

Uses	AG	AGR	R1	R2	R3	R4	R5	R6	R7	R8	O1	O2	O3	RT	B1	B2	B3	B4	B5	H1	H2	H3	H4	I1	I2	I3
On-sale alcoholic beverages											C		S		S	C	S	P	C	S	S	S	S	S	S	S
Restaurants											C		S		P	P	P	P	P	P	P	P	P	P	P	P
All other uses in this Use Group															P	P	P	P	P	P	P	P	P	P	P	P

Section 2. That Section 27.62.110 of the Lincoln Municipal Code be amended to read as follows:

27.62.110 Food and Drink Establishments Use Group

A building or premises may be used for the following use types as a permitted conditional use in the designated zoning districts and in compliance with the conditions of approval applicable for that use type.

a. Restaurants are allowed in the O-1 zoning district under the following conditions:

1. Such use shall be located ~~entirely~~ within a building containing office or residential uses.

2. Such use shall not exceed ~~twenty~~ fifty percent of the total square feet of floor area in such building.

b. Sale of alcoholic beverages for consumption on the premises is allowed in the B-2 and B-5 zoning districts under the following conditions:

1. Parking shall be in conformance with the provisions of Chapter 27.67, provided that in the B-5 zoning district no parking spaces shall be located in that portion of any required side yard or rear yard of the building containing the licensed premises that abuts a residential district.

2. Any exterior door opening must meet the following conditions:

i. Be located at least 100 feet (as measured by the shortest, most direct distance) from a day care facility, place of religious assembly, state mental health

institution, park (excluding golf courses and hiker/biker trails), or a residential district; provided that, if there is an intervening exterior wall of the building containing the licensed premises between the exterior door opening and such day care facility, place of religious assembly, state mental health institution, park (excluding golf courses and hiker/biker trails), then the 100 feet shall be measured from the exterior door opening, along the exterior base of the building wall(s) to the point where there is no intervening exterior building wall, and from that point the shortest, most direct distance to the day care facility, place of religious assembly, state mental health institution, park (excluding golf courses and hiker/biker trails), or residential district.

ii. If the exterior door opening faces a residential district, then such opening shall be at least 150 feet from a residential district as measured by the shortest, most direct perpendicular distance. The exterior door shall not be kept or propped open during the hours of operation. For purposes of this section, "exterior door opening" shall mean (A) that portion of the exterior wall face of the building containing the licensed premises that contains a break to accommodate the exterior building door, door frame, door vestibule, or door entryway area; and (B) provides public or membership access to the licenses premises. "Exterior door opening" shall not apply to openings for emergency exit doors required by building or safety codes, loading doors or unloading doors that are not available for public or membership access in the ordinary course of business.

3. Vehicle stacking for a drive-through window used as any part of the permitted business operation shall not be located in any required building setback from a residential district.

4. The use shall not have any amplified outside sound or noise source, including bells, buzzers, pagers, microphones, or speakers within 150 feet of any residential district. This shall not apply to sound sources audible only to the individual to whom they are directed, such as personal pagers, beepers, or telephones.

5. Notwithstanding any contrary provision contained in Section 27.64.010(h), the yard requirements, the parking location requirements, and the exterior door opening location requirements in this section shall not be adjusted by the City Council.

6. In addition, in the B-2 zoning district, all exterior door openings of the licensed premises shall be located more than 100 feet away from any parking spaces located in a side or rear yard adjacent to a residential district. For the purpose of this measurement, the side yard shall be 50 feet. In addition, if there is an intervening exterior wall of the building containing the licensed premises between the exterior door opening and such residential district, then the 100 feet shall be measured from the exterior door opening, along the exterior base of the building wall(s) to the point where there is no intervening exterior building wall, and from that point the shortest, most direct distance to any parking spaces located in a side or rear yard adjacent to the residential district.

7. In addition, in the B-5 zoning district when the building containing the licensed premises abuts a residential district, the required yards shall be met.

c. Alcoholic beverages may be sold for consumption on the premises of a restaurant in the O-

1 district subject to the following conditions:

1. The restaurant shall be located at least 25 feet away from a residential zoning district.
2. Gross sales from the sale of alcoholic beverages shall not exceed forty percent (40%) of the gross sales of food and beverages. Upon request of the City, the license holder/operator shall provide sales receipts for the past six (6) months for the purpose of demonstrating that no more than 40% of the restaurant's gross sales are derived from the sale of alcohol.
3. The restaurant shall serve full-course meals as defined by Neb. Rev. Stat. § 53-123.04(3)(c) during the hours of operation.
4. Hours of operation must not commence prior to 8:00 a.m. and shall end no later than 11:00 p.m.
5. Hours of outdoor operation must not commence prior to 8:00 a.m. and shall end no later than 10:00 p.m.
6. No drive-through windows shall be allowed.
7. ~~1.~~The sale of alcoholic beverages for consumption off the premises shall not be permitted.

Section 3. That Sections 27.06.140 and 27.62.110 of the Lincoln Municipal Code as hitherto existing be and the same are hereby repealed.

Section 4. This ordinance shall be published, within fifteen days after the passage hereof, in one issue of a daily or weekly newspaper of general circulation in the City, or posted on the official bulletin board of the City, located on the wall across from the City Clerk's office at 555 S. 10th Street, in lieu and in place of the foregoing newspaper publication with notice of

passage and such posting to be given by publication one time in the official newspaper by the City Clerk. This ordinance shall take effect and be in force from and after its passage and publication or after its posting and notice of such posting given by publication as herein and in the City Charter provided.

Introduced by:

_____

Approved as to Form & Legality:

_____
City Attorney

Approved this ___ day of _____, 2021:

_____
Mayor

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	FINAL ACTION?
Text Amendment 21004	No
PLANNING COMMISSION HEARING DATE	**RELATED APPLICATIONS**
June 23, 2021	None

RECOMMENDATION: APPROVAL

BRIEF SUMMARY OF REQUEST

Text amendments are proposed to update the Zoning Ordinance and Design Standards for Screening and Landscaping for corrections of past oversights, process improvements and clarifications. These changes which are minor in nature have been collected by City staff over the past several years.

JUSTIFICATION FOR RECOMMENDATION

The text amendments will add clarity and flexibility to the affected sections and will not add any substantial new restrictions while improving the development process.

STAFF CONTACT

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

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The 2040 Comprehensive Plan supports flexibility for the marketplace for commercial and industrial developments and predictability for neighborhoods. These proposed amendments are consistent with the Plan as they are to clarify, provide flexibility and improve the development process.

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

P. 5.2 – Guiding Principles:

- Provide flexibility to the marketplace in siting future commercial and industrial locations.
- Strive for predictability for neighborhoods and developers

ANALYSIS

1. This request is for text amendments to amend the Zoning Ordinance Sections 27.05.040 Vacation of Streets and Alleys, 27.06.020 Classification of Use Types, 27.49.020 General Regulations, 27.62.100 Retail Sales and Services Use Group, 27.62.150 Manufacturing, Processing, Storage and Distribution Use Group, 27.63.025 Appeal of Planning Commission Action, 27.63.170 Parking Lots, 27.64.010 Procedures and Requirements, 27.70.050 Requirements After Approval, 27.72.100 Exceptions to the Rear Yard Requirements, and Section 27.81.010 General Regulations. In addition, an amendment to Chapter 3.50 Design Standards for Screening and Landscaping is proposed to restore a provision on fences. The amendments are minor and are designed to improve past oversights, clarify regulations and improve development review process. These text amendments have been collected over the years and come from the Planning Department.

2. The summary of each of the proposed text amendment is below:

   27.050.040 Vacation of Streets and Alleys
   This amendment is to make it automatic that when there is a vacated right of way and it is transferred to one property that the zoning classification of the vacated area shall match that of the adjacent property to which the property is being conveyed. Otherwise, since the zoning district boundary extends to the center of the right of way and where the full right of way vacated is transferred to one property, it could result in half of it being zoned differently.

   27.060.020 Classification of Use Types
   The first proposed amendment to this section is to allow a lot or tract in the AG or AGR District to have one additional main building or use but still be limited to one single-family dwelling per lot or tract to provide flexibility. For example, under current requirements there could not be a kennel and a house or a riding academy and a house. These uses together on the same property would be appropriate for AG or AGR zoning.

   An additional amendment to this section is proposed to allow a commercial or industrial use to take access through a different commercial or industrial district without having to provide a public access easement, which is currently required. There have been examples in the past of one business being in two different commercial or industrial zoning districts and the question of access delayed a building permit due to this section.

   27.49.020 General Regulations, 27.62.100 Retail Sales and Services Use Group
   The amendments to these two sections are related. The current requirement for retail in I-2 zoning is that floor area of a building shall be allowed to be used for the retail sale of goods, excluding eating facilities, until at least fifty percent of the premises of the building it is located upon is being used for allowed uses and such retail sale of goods shall not exceed twelve and one-half square feet of floor area per acre of that portion of the premises zoned I-2. These changes will remove this requirement about retail use with I-2 zoning from that section and would add new text within the Conditional Use chapter that is less restrictive and would follow the same 20% rule for maximum retail as currently allowed in the I-3 Zoning District. Specifically, retail uses in the aggregate shall not exceed twenty percent of the buildable square footage of the land included within the boundaries of the district.

   27.62.150 Manufacturing, Processing, Storage and Distribution Use Group
   This change is simply to add heading text that was unintentionally omitted in the Ordinance stating that warehouses allowed in the B-4, H3 and H4 Districts.

   27.63.025 Appeal of Planning Commission Action
   This change is to allow the delay of an appeal of a Special Permit if all sides agree up to a maximum of 180 days. The current requirement is that upon receipt of the appeal to the City Council, the Council shall hold a public hearing thereon within thirty days from the date of appeal. The current requirement does not provide flexibility even if all sides agree additional time is needed. There have been circumstances in the past where all parties

agreed to a delay in the hearing to resolve differences, but this text prohibited the delay.

27.62.170 Parking Lots
This amendment is to clarify that the parking authorized through Special Permit within 360 feet from a college, university or place of religious assembly or zoo may specifically be used for required parking.

27.64.010 Procedures and Requirements, 27.70.050 Requirements after Approval
The amendments to these two sections are related. 27.70.050 is a redundant section which has Use Permit submittal requirements. It is being deleted except for a few provisions which are not already found in 27.64.010 for Use Permits. The first amendment to this section is to transfer provisions from 27.70.050 which is otherwise redundant section on Use Permits. The provisions being transferred from 27.70.050 are those which do not already exist in 27.64.010 including provisions for water courses, parks and playgrounds, centerlines of roadways and drainage study. These items are part of the required information for Use Permit submittal.

The other change to this section is to allow the delay of the scheduling of Use Permit appeal if all sides agree up to a maximum of 180 days. This is similar to the amendment proposed under 27.63.025 for appeal of Special Permit.

27.72.100 Exceptions to the Rear Yard Requirements
The amendment to this section is to permit an unenclosed deck to have a setback less than the minimum rear yard down to 5 feet from the rear property line where it is adjacent an outlot for permanent open space. This is to address a request that has come up repeatedly about decks in the rear yard where there is permanent open space behind the lot. This would allow an open deck within 5 feet of the rear lot line. The basis for the 5 feet is utility easements and access for utilities are often located in the rear yard.

27.81.010 General Regulations
The amendment to this section allows for no internal setbacks where there are two or more zoning districts on one property. This creates more flexibility and avoids confusion for projects as it pertains to internal setbacks split by zoning boundary lines.

Chapter 3.50 Design Standards for Screening and Landscaping
The amendment to this section of the Design Standards restores a provision that was included in the version voted on by Planning Commission but inadvertently left out of the City Council adopted version of the chapter. Specifically, the language to be restored states that fences may not be used to meet the screen requirement adjacent to a public street or private roadway.

3. This request is compatible with the Comprehensive Plan because it fixes past oversights and improves the development process.

Prepared by

_____
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Date: June 10, 2021

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21-xx Introduce: 00-00-21
TX21004

ORDINANCE NO. _____

AN ORDINANCE amending Lincoln Municipal Code Sections 27.05.040, 27.06.020, 27.49.020, 27.62.100, 27.62.150, 27.63.025, 27.63.170, 27.64.010, 27.72.100, and 27.81.010 to amend certain provisions of the Zoning Code; and repealing Sections 27.05.040, 27.06.020, 27.49.020, 27.62.100, 27.62.150, 27.63.025, 27.63.170, 27.64.010, 27.72.100, and 27.81.010 as hitherto existing.

BE IT ORDAINED by the City Council of the City of Lincoln, Nebraska:

Section 1. That Section 27.05.040 of the Lincoln Municipal Code be amended to read as follows:

27.05.040 Vacation of Streets and Alleys.

Whenever any street, alley, or other public way is vacated, the zoning district adjoining each side of such street, alley, or public way is extended to the center of such vacation; and all area included in the vacation shall then and henceforth be subject to the appropriate regulations of the extended districts. In the event that the vacated street, alley, or public way is conveyed to one owner, the zoning classification of the vacated area shall match the zoning classification of the property of the receiving owner.

Section 2. That Section 27.06.020 of the Lincoln Municipal Code be amended to read as follows:

27.06.020 Classification of Use Types.

(a) Considerations.

(1) Main uses of a building or premises (sometimes referred to in this Title as "use types") are assigned to the Use Group whose description most closely describes the nature of the

main use. The main use may have one or more accessory uses. The use of a building or premises for more than one main use is addressed in subsection (b) below. Accessory uses are addressed in subsection (c) below.

(2) The Building Official shall prepare and maintain an up-to-date list of common uses included within each use group ("List of Use Group Types"). When any proposed use is not listed on the List of Use Group Types, the Building Official shall make a determination as to what Use Group the proposed use will be assigned to. If a building or premises is used for two or more main uses, each use shall be classified in the Use Group whose description most closely portrays the nature of such uses. The Building Official's classification of a use is subject to the right of appeal to the Board of Zoning Appeals pursuant to Section 27.75.030. The following items shall be considered when determining what Use Group a main use is classified in, and whether the activities associated with the main use constitute an accessory use:

(i) The description of the activity in relationship to the characteristics of each use group;

(ii) The relative amount of site or floor space and equipment devoted to the activity;

(iii) Relative amounts of sales from each activity;

(iv) The customer type for each activity;

(v) The relative number of employees in each activity;

(vi) Hours of operation;

(vii) Building and site arrangement;

(viii) Vehicles and/or machinery used with the activity;

(ix) The relative number of vehicle trips generated by the activity;

(x) Whether the activity would be likely to be found independent of the other activities on the site.

(xi) Off-site impacts

(b) More Than One Main Use.

(1) When a building or premises has more than one main use, each main use shall comply with the regulations of the zoning district in which the use is located.

(2) More Than One Main Building or Use on a Lot or Tract in R-5, R-6, R-7, R-8, O-1, O-2, O-3, R-T, B-1, B-2, B-3, B-4, B-5, H-1, H-2, H-3, H-4, I-1, I-2, or I-3 District**.** A lot or tract located in the R-5, R-6, R-7, R-8, O-1, O-2, O-3, R-T, B-1, B-2, B-3, B-4, B-5, H-1, H-2, H-3, H-4, I-1, I-2, or I-3 district may have more than one main building or use, but only when such buildings or uses conform to all open space requirements for the district in which the lot or tract is located. The exception is that no more than two single-family dwellings may be on a lot or tract. A lot or tract in the AG or AGR District may have one additional main building or use but shall still be limited to one single-family dwelling per lot or tract.

(3) Two or More Buildings for Two-family Dwellings, Multiple-family, or Institutional Purposes. In the event that a lot or tract located in the R-1 through R-4 zoning district is to be occupied under a special permit or planned unit development by a group of two or more buildings to be used as a unit for any combination of two-family dwellings, multiple-family dwelling, or institutional purposes, there may be more than one main building on the lot; provided, however, that the open space between buildings shall have a minimum dimension of twenty feet, unless modified by the approval of a special permit or planned unit development. In addition, the lot or tract must meet the height and area regulations in said district for each main building or use except

yards, average lot width, and height may be modified by approval for such use under the special permit or planned unit development.

(4) Multiple Dwelling Considered as One Building. For the purpose of the side yard regulations, a two-family dwelling or a multiple dwelling shall be considered as one building occupying one lot.

(c) Accessory Uses.

(1) Accessory uses permitted in each district are accessory buildings and uses customarily incident to any of the permitted uses, permitted conditional uses, or permitted special uses in the district unless stated otherwise in the regulations.

(2) Construction and Use of Accessory Buildings. No accessory buildings shall be constructed upon a lot until the construction of the main building has been commenced, and no accessory buildings shall be used for dwelling purposes, except as otherwise provided herein.

(3) In R-1 through R-4 zoning districts, an accessory building may be used as an accessory dwelling in conformance with the requirements of Section 27.62.040, and in AG and AGR zoning districts, an accessory building may be used for dwelling purposes by not more than two domestic employees employed entirely on the premises if a special permit for such use has been obtained in conformance with the requirements of Chapter 27.63.

(4) Unless otherwise stated, accessory uses are subject to all applicable regulations of the main use.

(5) Production, manufacture, distribution, and storage of toxic, radioactive, flammable, or explosive materials, including chemicals and gases, fireworks, and explosives, except fireworks, shall be allowed in connection with a permitted commercial, business, or industrial purpose as incidental to the referenced permitted use without the requirement of obtaining a special permit.

(6) Early childhood care facilities and schools are not a permitted accessory use to a place of religious assembly in the I-1 Industrial District.

(7) Solar Energy Conversion Systems (SECS) and Wind Energy Conversion Systems (WECS) are permitted accessory uses associated with a primary use on the lot or premises in all zoning districts provided they are in conformance with the provisions of Chapter 27.72 and any other applicable regulations of this title and are generally consistent with the energy demand of the premises.

(i) SECS and WECS that are considered part of the main building shall comply with the height, front, side, and rear yard requirements of the main building except as otherwise allowed under Sections 27.63.420, 27.72.060(n), and 27.72.110(a) and (b).

(ii) SECS and WECS not part of the main building shall comply with the height and setback requirements applicable to accessory buildings as described in Section 27.72.120(c).

(8) The sale of alcohol for consumption on the premises, off the premises, or both on and off the premises shall be allowed as an accessory use as part of a residential health care facility or an elderly and retirement housing facility where said facilities are allowed as a permitted use, a conditional use, or a special permitted use.

(d) Occupancy of Basements and Cellars. No basement or cellar shall be occupied for residential purposes until the remainder of the building has been substantially completed.

(e) Access for Uses. The means of access to any use may pass through land which is in a different zoning district as long as that land has been approved for access via a public access easement to and from a public street or private roadway. If the access is for a commercial or

industrial use, it may pass through a different commercial or industrial zoning district via a driveway, with or without a public access easement, or via a public street or private roadway.

Section 3. That Section 27.49.020 of the Lincoln Municipal Code be amended to read as follows:

27.49.020 General Regulations.

(a) No raw galvanized or other raw metal sheeting shall be used for the exterior construction of any building.

(b) Storage of explosives shall be prohibited.

~~(c) No floor area of a building shall be allowed to be used for the retail sale of goods, excluding eating facilities, until at least fifty percent of the premises the building is located upon is being used for allowed uses in the I-2 Industrial Park District and such retail sale of goods shall not exceed twelve and one-half square feet of floor area per acre of that portion of the premises zoned I-2 Industrial Park District.~~

Section 4. That Section 27.62.100 of the Lincoln Municipal Code be amended to read as follows:

27.62.100 Retail Sales and Services Use Group.

A building or premises may be used for the following use types as a permitted conditional use in the designated zoning districts and in compliance with the conditions of approval applicable for that use type.

(a) Hotels and motels are allowed in the I-3 zoning district under the following conditions:

(1) The total square footage of such use shall not exceed ten percent (10%) of the buildable square footage of the tract of land included within the boundaries of the use permit assuming a floor-to-area ratio of one to four.

(2) Accessory uses operated by a concessionaire or lessee of an employer may occupy no more than five percent (5%) of the total floor area of the hotel or motel.

(b) Kennels and/or Veterinary Facilities may be allowed in those zoning districts where such use is designated as a permitted conditional use under a Use Group Table in Chapter 27.06, under the following conditions:

(1) Any associated outdoor area must be located no closer than 200 feet from any R-1 through R-8 residential district.

(2) No more than 3 animals are permitted in the outdoor area at any one time.

(NOTE: If the above conditions cannot be met, the use may be allowed upon approval of a special permit pursuant to Chapter 27.63).

(c) Motorized vehicle sales and/or repair/services facilities are permitted in the B-3, B-4, H-2, and H-3 zoning districts and motorized vehicle services is permitted in the B-1 under the following conditions:

(1) In the B-1 and B-3 zoning districts:

(i) No facility shall be permitted to locate within 100 feet of any residential use or district;

(ii) Any facility located within 100 feet of any residential use or district which was lawfully established in the B-1 or B-3 zoning district on the effective date of this ordinance, shall screen the facility from

such residential use or district by the use of an opaque fence six feet in height, constructed of wood or of a substitute material acceptable to the Director of Building and Safety;

(iii) The locational or screening requirements of (i) and (ii) above shall not apply when said residential use or district is across a public street from the motorized vehicle sales and/or repair facility, but shall apply if said residential use or district is across an alley or private drive from said facility;

(2) In the H-2 and H-3 zoning districts, the storage of vehicles for sale and resale is permitted in the front yard except for the front twelve feet under the following conditions:

(i) Parking barriers in accordance with parking lot design standards must be provided around the storage/display area to prevent the vehicles stored/displayed for sale or resale from overhanging the front twelve feet of the front yard.

(ii) No vehicle shall be stored/displayed for sale or resale in the front yard upon a raised concrete island or on a raised display structure.

(iii) The hood or trunk or both of vehicles stored/displayed for sale or resale in the front yard shall not be open except when being inspected by a customer or for servicing.

(iv) The front twelve feet of the front yard shall be devoted to shrubs and grasses.

(v) The front twelve feet of the front yard not permitted to be used for the storage of vehicles for sale and resale shall be screened at least sixty percent from zero feet to two feet above the surface of the lot. The design and construction of the landscaping shall be in conformance with the Design Standards for Screening and Landscaping except that fences may not be used to meet the above screening requirements. If plant material is used, the density percentage is calculated using the design size found in the City of Lincoln's plant material list approved by the Planning Director. The landscape screen shall be located throughout the area but far enough from the barrier so as to be protected from the bumpers of overhanging vehicles. Entrance driveways shall be excluded from the required screen.

(vi) No fence shall be erected in the front yard.

(vii) Lighting in the front yard shall be in conformance with the Design Standards for Outdoor Lighting.

(viii) Any existing motorized vehicle sales facility lawfully established on the effective date of this ordinance which does not comply with conditions (i) through (vii) above may be continued in accordance with the provisions of Chapter 27.61 for nonconforming uses.

(3) In the H-3 district, any associated outdoor area for the storage of motorized vehicles ("Outdoor Storage Area") for sale or resale is permitted in any required side yard abutting a nonresidential district, provided that no

motorized vehicle shall be displayed or stored in the first five feet (5′) of the required side yard adjacent to the abutting nonresidential district.

(4) In the area of the B-4 zoning district from 150 feet east of 17th Street to the eastern edge of the B-4 zoning district, motorized vehicle sales and/or repair/service facilities are prohibited;

(d) Motor fuel sales facilities are allowed in the B-4 zoning district under the following condition: In the area of the B-4 zoning district from 150 feet east of 17th Street to the eastern edge of the B-4 zoning district, fuel sales facilities are prohibited;

(e) Motorized vehicle wash facilities are allowed in the B-1, B-2, B-3, B-4, H-2, and H-3 zoning districts under the following conditions:

(1) In the B-1, B-2, and B-3 zoning districts, a self-service, coin-operated wash facility shall not exceed four wash bays.

(2) In the H-2 and H-3 zoning districts, a self-service, coin-operated wash facility shall not exceed six wash bays.

(3) In the B-2 and B-3 zoning districts, the stacking space shall not be located within the required front yard.

(4) In the area of the B-4 zoning district from 150 feet east of 17th Street to the eastern edge of the B-4 zoning district and in the area bounded by 10th Street, 150 feet north of “P” Street, 14th Street, and “N” Street, motorized vehicle wash facilities are prohibited;

(f) Outdoor seasonal sales, tents, and other temporary structures are allowed in the AG and AGR zoning districts under the following conditions:

(1) In the AG and AGR zoning districts, roadside stands for the temporary or seasonal sale of produce shall:

(i) Be located outside the city limits;

(ii) Be allowed in addition to any other main use, regardless of lot size;

(iii) Be allowed in a required yard, provided that such roadside stand shall be located no closer than thirty feet to the edge of a traveled roadway;

(iv) Not be operated for more than 180 days in any one calendar year.

(g) Parking as a primary use is allowed in the O-2 and B-4 zoning districts under the following conditions:

(1) In the O-2 zoning district provided that no part of the street frontage within the block face on which a parking lot is proposed to be located may be zoned residential.

(2) In the area of the B-4 zoning district bounded by 10th Street, 150 feet north of "P" Street, 14th Street, and "N" Street, parking as a primary use is prohibited;

(NOTE: If the above conditions cannot be met, the use may be allowed upon approval of a special permit pursuant to Chapter 27.63).

(h) Personal Services are allowed uses in the O-1, O-2, O-3, and R-T zoning district under the following conditions:

(1) In the O-1 and O-3 zoning districts:

(i) The services shall be located entirely within a building containing office or residential uses.

(ii) The services shall not exceed twenty percent of the total square feet of floor area in such building.

(2) In the O-2 and R-T zoning districts, the floor area of said use shall not exceed 5,000 square feet.

(i) Retail sales including mail order catalog sales are allowed in the O-1, O-3, H-3, H-4, I-1, and I-3 zoning districts under the following conditions:

(1) In the O-1 and O-3 zoning districts:

(i) The retail sales shall be located entirely within a building containing office or residential uses.

(ii) Retail sales shall not exceed twenty percent of the total square feet of floor area in such building.

(iii) Retail sales shall occupy no more than 10,000 square feet of floor area per business.

(2) In the H-3 zoning district, retail sales shall occupy no more than 20,000 square feet of floor area per business.

(3) In the H-4 zoning district, retail sales shall occupy no more than 30,000 square feet of floor area per business.

(4) In the I-1 zoning district, retail sales and service shall occupy no more than 20,000 square feet of floor area per business.

(NOTE: If conditions (2), (3), and (4) above cannot be met, the use may be allowed if a special permit is approved pursuant to Chapter 27.63).

(5) In the I-2 zoning district, retail uses in the aggregate shall not exceed twenty percent (20%) of the buildable square footage of the land included within the boundaries of the district.

(6~~5~~) In the I-3 Employment Center District:

(i) Retail uses in the aggregate shall not exceed twenty percent (20%) of the buildable square footage of the land included within the boundaries of the use assuming a floor-to-area ratio of one to four; and

(ii) The total of all retail, office, post-secondary education facilities, nonprofit religious, educational, and philanthropic institutions permitted in the I-3 District and early childhood care facilities specially permitted shall not in the aggregate exceed fifty percent (50%) of the buildable square footage of the land included within the boundaries of the use permit assuming a floor-to-area ratio of one to four. A user of 75,000 square feet or more of floor area shall not be subject to the fifty percent (50%) limitation.

(j) Sale of alcoholic beverages for consumption off the premises is allowed in the B-2 and B-5 zoning districts under the following conditions:

(1) Parking shall be in conformance with the provisions of Chapter 27.67; provided that in the B-5 zoning district no parking spaces shall be located in that portion of any required side yard or rear yard of the building containing the licensed premises that abuts a residential district.

(2) Any exterior door opening must meet the following conditions:

(i) Be located at least 100 feet (as measured by the shortest, most direct distance) from a day care facility, place of religious assembly, state mental health institution, park (excluding golf courses and hiker/biker trails), or a residential district; provided that, if there is an intervening exterior wall of the building containing the licensed premises between the exterior door opening and such day care facility, place of religious assembly, state mental health institution, park (excluding golf courses and hiker/biker trails), or residential district, then the 100 feet shall be measured from the exterior door opening, along the exterior base of the building wall(s) to the point where there is no intervening exterior building wall, and from that point the shortest, most direct distance to the day care facility, place of religious assembly, state mental health institution, park (excluding golf courses and hiker/biker trails), or residential district.

(ii) If the exterior door opening faces a residential district, then such opening shall be at least 150 feet from a residential district as measured by the shortest, most direct perpendicular distance. The exterior door shall not be kept or propped open during the hours of operation. For purposes of this section, "exterior door opening" shall mean (A) that portion of the exterior wall face of the building containing the licensed premises that contains a break to accommodate the exterior building door, door frame, door vestibule, or door entryway area; and (B) provides public or membership

access to the licenses premises. "Exterior door opening" shall not apply to openings for emergency exit doors required by building or safety codes or loading or unloading doors that are not available for public or membership access in the ordinary course of business.

(3) Vehicle stacking for a drive-through window used as any part of the permitted business operation shall not be located in any required building setback from a residential district.

(4) The use shall not have any amplified outside sound or noise source, including bells, buzzers, pagers, microphones, or speakers within 150 feet of any residential district. This shall not apply to sound sources audible only to the individual to whom they are directed, such as personal pagers, beepers, or telephones.

(5) Notwithstanding any contrary provision contained in Section 27.64.010(h), the yard requirements, the parking location requirements, and the exterior door opening location requirements in this section shall not be adjusted by the City Council.

(6) In addition, in the B-2 zoning district, all exterior door openings of the licensed premises shall be located more than 100 feet away from any parking spaces located in a side or rear yard adjacent to a residential district. For the purpose of this measurement, the side yard shall be 50 feet. In addition, if there is an intervening exterior wall of the building containing the licensed premises between the exterior door opening and such residential district, then the 100 feet shall be measured from the exterior

door opening, along the exterior base of the building wall(s) to the point where there is no intervening exterior building wall, and from that point the shortest, most direct distance to any parking spaces located in a side or rear yard adjacent to the residential district.

(7) In addition, in the B-5 zoning district when the building containing the licensed premises abuts a residential district, the required yards shall be met.

(k) Service and repair facilities are allowed in the R-T, B-1, B-3, and H-2 zoning districts under the following conditions:

(1) The floor area of said premises not devoted to sales or office space shall not exceed 5,000 square feet; and

(2) All displays and merchandise shall be within the enclosure walls of the buildings.

(3) In addition, in the B-3 zoning district, appliance service and repair shall comply with the following additional conditions:

(i) No appliance sales and repair facility shall be permitted to locate within 100 feet of any residential use or district;

(ii) Any appliance service and repair facility located within 100 feet of any residential use or district which was lawfully established in this district on the effective date of this ordinance, shall screen the facility from such residential use or district by the use of an opaque fence six feet in height, constructed of wood or of a substitute material acceptable to the Director of Building and Safety;

(iii) The locational or screening requirements of (i) and (ii) above shall not apply when said residential use or district is across a public street from the appliance sales and repair facility, but shall apply if said residential use or district is across an alley or private drive from the appliance sales and repair facility.

Section 5. That Section 27.62.150 of the Lincoln Municipal Code be amended to read as follows:

27.62.150 Manufacturing, Processing, Storage and Distribution Use Group.

A building or premises may be used for the following use types as a permitted conditional use in the designated zoning districts and in compliance with the conditions of approval applicable for that use type.

(a) Assembly facilities, including but not limited to the assembly of equipment, instruments, and appliances such as computers and musical instruments are allowed in the H-2, H-3, and H-4 zoning districts under the following condition: All storage and display of merchandise, and any parts used in the assembly process, shall be screened from public view by a fence, walls, shrubs, or all such storage and display shall be within the enclosure walls of a building.

(b) Liquefied petroleum gas and similar gas used for fuel stored above ground is allowed in the I-2 and I-3 zoning districts under the following conditions:

(1) Tanks may not exceed 30,000 gallon capacity;

(2) The storage of gas shall be for use on the premises, and not for resale;

(3) All other combustible material shall be stored in such a way as to permit free access of fire-fighting equipment.

(4) Open storage of any other material is allowed only in areas enclosed or otherwise adequately screened from public view with an enclosure or screen at least six feet in height.

(5) In the I-2 zoning district tanks shall be adequately screened from public view by a fire-resistant ventilated barrier which shall be at least six feet in height;

(c) Fuel oil storage tanks and all bulk storage of oils, petroleum, and similar flammable liquids and chemicals are allowed in the I-2 and I-3 zoning districts under the following conditions:

(1) Such use shall be adequately screened from public view;

(2) Storage of such materials shall be for use on the premises and not for resale, except that resale of such stored material at retail is allowed in conjunction with the operation of a fuel sales facility or similar retail outlet.

(d) Outdoor motorized vehicle storage is allowed in the H-3, H-4, I-1, and I-2 zoning districts under the following conditions:

(1) The outdoor storage shall be screened in conformance with the requirements for screening open storage in Chapter 3.50 of the City of Lincoln Design Standards.

(2) There shall be no dismantling, wrecking, or disassembling of any vehicles.

(3) Vehicles may not be stacked upon each other.

(4) Parking for outdoor motorized vehicle storage in the H-3 and H-4 districts shall be in conformance with the requirements set forth for other uses in Section 27.67.066(a).

(e) Warehouses are allowed in the B-4, H-3, and H-4 zoning districts under the following conditions:

(1) In the area of the B-4 zoning district from 150 feet east of 17th Street to the eastern edge of the B-4 zoning district, warehouses are prohibited except that pre-existing

warehouses in said area may remain, regardless of time unoccupied, but must cease once the building is demolished.

(2) In the H-3 and H-4 zoning districts, warehouses are permitted provided outside storage is enclosed with an opaque fence or wall, that gates in said fence or wall are opaque and no less than six feet in height, and the stored materials are less than the height of the fence, wall, and gates enclosing the outside storage area. Outside storage areas associated with pre-existing warehouses which are not enclosed may remain until such time the building is demolished.

(f) Temporary paving plants used for the paving of federal or state highways or county roads are allowed in any zoning district during the project construction period under the following conditions:

(1) The plant shall be located outside the city limits on premises abutting the specific construction project and having access to a paved road.

(2) The boundaries of the property used for the plant shall be located no closer than 300 feet from an occupied dwelling or from any school, place of religious assembly, library, early childhood care facility, hospital, motel, or park.

(3) The operator shall require its suppliers to use paved roads or other designated truck routes approved by the County Engineer for the delivery of supplies to the paving plant.

(4) Paving material prepared at the plant shall not be transported to any location other than the abutting project.

(5) The plant shall be removed upon substantial completion of the construction project.

(g) Temporary concrete paving plants. Temporary concrete paving plants are permitted in any zoning district by administrative permit issued by the Planning Director. The Planning Director shall not issue a permit or renew a permit without written approval by the Director of the Lincoln- Lancaster County Health Department and the Director of the Transportation and Utilities Department.

(1) Applications for an administrative permit shall include:

(i) A site plan showing the entire limits of the permit area including the plant location, material storage areas, and the ingress/egress;

(ii) A dust control and suppression plan including the plant operations and haul roads to and from plant to project;

(iii) A description or manufacturer's specification regarding particulate control equipment;

(iv) A copy of a signed contract or other verification that the applicant is under contract to supply concrete for a city arterial street paving project;

(v) A noise control plan that will allow the operation to comply with Chapter 8.24 of the Lincoln Municipal Code;

(vi) A copy of a signed lease or other verification that the applicant has permission of the owner of the land upon which the plant shall be located to locate the plant thereon.

(2) The administrative permit shall be issued under the following conditions:

(i) The plant site shall be approved by the City Engineer or, if outside the city limits, by the County Engineer and shall be located in the general vicinity of

the specific arterial street paving project or projects and have access to a paved road;

(ii) The boundaries of the property used for the plant shall be located no closer than 300 feet from an occupied dwelling or from any school, place of religious assembly, library, early childhood care facility, hospital, motel, or park;

(iii) The permittee shall require its suppliers to use only paved roads approved by the Director of Transportation or the County Engineer as the case may be, for the delivery of supplies to the plant. The permittee shall further require that the drivers of concrete trucks leaving the plant also use said paved roads. EXCEPTION: The use of nonpaved roads may be approved on a case-by-case basis by the Director of Transportation or the County Engineer;

(iv) The permit site shall be cleaned up and restored to its pre-permit condition within thirty days following the completion of the project. Restoration includes replanting of vegetation and maintenance of erosion and sediment control until the site is reestablished. Any paved or unpaved road damaged by the permittee's use of such road, including permittee's suppliers and concrete trucks entering and/or leaving the plant, shall be repaired at permittee's cost and expense;

(v) All concrete produced by this plant shall be used to complete the project. The concrete shall not be provided for concrete work to be performed by persons other than the permittee;

(vi) The anticipated set up and removal dates shall be identified on the application. Amendments to these dates must be requested to the Planning Director in writing;

(vii) The applicant shall submit a performance bond satisfactory to the City Attorney in the minimum amount of $5,000, or an amount determined by the City to be sufficient, to guarantee performance and clean up of the permit site and to pay for repairs to paved and unpaved roads damaged by permittee's use of such roads.

(3) Permits issued pursuant to this section shall expire on the completion date of the project as set forth in the permit application. The Planning Director may extend the expiration date by administrative amendment upon a showing that the project completion is delayed or that the permittee has contracted for another project in conformance with subparagraph (a) above.

(h) Temporary concrete batch plants. Temporary concrete batch plants are permitted in any zoning district by administrative permit issued by the Planning Director. The Planning Director shall not issue a permit or renew a permit without written approval by the Director of the Lincoln- Lancaster County Health Department.

(1) Applications for the administrative permit shall include:

(i) A site plan showing the entire limits of the permit area including the plant location, material storage areas, and the ingress/egress;

(ii) A dust control and suppression plan including the plant operations and haul roads to and from plant to project;

(iii) A statement indicating the typical hours of operation. The plant may operate no more than fourteen hours per day, except on New Year Day, Memorial Day, the 4th of July, Labor Day, Thanksgiving Day, and Christmas when the operation shall not begin before noon;

(iv) A description or manufacturer's specification regarding particulate control equipment;

(v) A copy of a signed contract or other verification that the applicant is under contract to supply concrete for a project requiring at least 3,000 yards of concrete located within the same section or one mile of the permitted plant. The contract or other verification shall include the commencement and ending dates of the project. The Planning Director may increase the one-mile distance limit to no more than two miles if necessary to avoid routing trucks through local streets or inadequate county roads, or locations near occupied dwellings, schools, libraries, places of religious assembly, or other noise or dust sensitive uses; and

(vi) A noise control plan that will allow the operation to comply with Chapter 8.24 of the Lincoln Municipal Code.

(vii) A copy of a signed lease or other verification that the applicant has permission of the owner of the land upon which the plant shall be located to locate the plant thereon.

(2) The administrative permit shall be issued under the following conditions:

(i) The plant shall be located on premises in the same section or within one mile of the project identified on the application or as authorized under subparagraph (d)(1)(v) above;

(ii) The silo, batch plant, and aggregate storage shall be located no closer than 300 feet from an occupied dwelling or from any school, place of religious assembly, library, early childhood care facility, hospital, motel, or park;

(iii) The permittee shall require its suppliers to use only paved roads approved by the Director of Transportation or the County Engineer as the case may be, for the delivery of supplies to the concrete batch plant. The permittee shall further require that the drivers of concrete trucks leaving the plant also use said paved roads. EXCEPTION: The use of nonpaved roads may be approved on a case-by-case basis by the Director of Transportation or County Engineer. Additional bonding may be required to pay for repairs of damage to such nonpaved roads;

(iv) The plant shall be removed upon completion of the project identified in the application; or upon construction and occupancy resulting in a violation of subparagraph (d)(2)(ii) above. The permit site shall be cleaned up and restored to its pre-permit condition within thirty days following the completion of the project;

(v) All concrete produced by this plant shall be used to complete the project, except that the permittee may use the concrete product for sidewalks, driveways, foundations, parking lots, and other small concrete work to be performed by the permittee. The concrete shall not be provided for concrete work to be performed by persons other than the permittee. The amount of concrete produced for small concrete work shall not exceed fifty percent of that produced for the project;

(vi) The plant shall be recalibrated to the satisfaction of the Transportation and Utilities Department prior to construction of any public improvement using concrete produced by this plant;

(vii) The anticipated set up and removal dates shall be identified on the application. Amendments to these dates must be requested to the Planning Director in writing;

(viii) The applicant shall submit a performance bond satisfactory to the City Attorney in the amount of $5,000 to guarantee performance and clean up of the permit site.

(3) Permits issued pursuant to this section shall expire on December 31 of the year of issuance or the completion date of the project as set forth in the permit application, whichever is earlier. The Planning Director may extend the expiration date by an administrative amendment upon a showing that the project completion date is delayed by weather or other causes beyond control of the permittee, or that the permittee has contracted for another project in conformance with subparagraph (a) above; provided, however, no extension of the expiration date may extend the permit beyond December 31 of the year of issuance. Renewal of a previously issued permit shall be by application in the same form as the original permit.

(4) The Planning Director may revoke the temporary permit for any one or more of the following violations:

(i) Failure to operate the facility in accordance with the provisions of this section or with the approved application;

(ii) A violation of any city, county, state, or federal law;

(iii) Denial of access to the site to determine compliance with this section;

(iv) Unreasonable noise or disturbance to the surrounding neighborhood;

(i) Appeal. The action of the Planning Director in approving, denying, refusing to renew, or revoking an administrative permit for a temporary concrete paving plant or temporary concrete batch plant pursuant to subsections (g) or (h) above may be appealed by any council member, the Mayor, or any aggrieved person to the Planning Commission by filing notice of appeal with the Planning Director within fourteen days following the decision of the Planning Director. Final action by the Planning Commission may be appealed to the City Council by any council member, the Mayor, or any aggrieved person by filing notice of appeal with the City Clerk within fourteen days following the action by the Planning Commission.

Section 6. That Section 27.63.025 of the Lincoln Municipal Code be amended to read as follows:

27.63.025 Appeal of Planning Commission Action.

(a) Any council member, the Mayor, any aggrieved person, or any person or group officially designated to participate in the administration of this title may appeal any action of the Planning Commission to the City Council by filing notice of appeal with the Planning Department within fourteen days following the action of the Planning Commission.

(b) Upon receipt of the appeal by the City Council, the council shall hold a public hearing thereon within thirty days from the date of appeal. Notice of the public hearing shall be given as provided in Chapter 27.81. If the appellant, the applicant, and the Planning Director all agree, the scheduling of an appeal to City Council for a Special Permit may be delayed but in no case shall the public hearing be held more than 180 days from the date of appeal.

(c) In exercising its appellate jurisdiction, the action appealed from shall be deemed advisory and the City Council may, after public hearing, in conformity with the provisions of this title make such decision as ought to be made.

Section 7. That Section 27.63.170 of the Lincoln Municipal Code be amended to read as follows:

27.63.170 Parking Lots.

(a) Parking lots may be allowed by special permit in the R-1, R-2, R-3, R-4, R-5, R-6, R-7, R-8, and O-2 zoning districts in conformance with the provisions of Chapter 27.67 and under one of the following conditions:

(1) A. The premises upon which the parking lot is located shall not be located more than 300 feet from the boundary of one of the following districts: O-1, B-1, B-3, B-4, H-2, H-3, or I-1 and the following conditions shall be met:

(i) The parking lot shall not use a local residential street for access, unless access cannot be gained to the proposed parking lot from a non-residential street. If access is proposed from a local residential street, such access must be gained at a location that does not negatively impact adjacent residential zoned property.

(ii) Any adjacent alley serving the parking lot shall be paved.

B. In addition to the above conditions, the Planning Commission, in passing upon applications for special permits under subparagraph (1), shall also consider the following criteria:

(i) There shall be no residential use located between the parking lot and the commercial or industrial establishment.

(ii) The parking lot shall not disrupt the continuity of the block face and the character of the existing residential neighborhood shall be preserved.

(iii) The parking lot shall be allowed only if it can function as a transitional use while protecting the adjacent residential use.

(iv) The parking lot shall abut a commercial or industrial zoning district.

An adjustment to these criteria may be granted by the Planning Commission upon a determination that there is a sufficient cause for such an adjustment and that there will be no significant impact on adjacent residential uses, or

(2) The land shall not be located more than 360 feet from property occupied by a college, university, place of religious assembly, or zoo; provided that the parking lots are used primarily in connection with the said college, university, place of religious assembly, or zoo. Where a Special Permit has been granted in these instances, said parking may be used to satisfy minimum required parking.

(b) Parking areas consisting of less than six parking spaces may be allowed by special permit in the same zoning districts in conformance with the same provisions and under the same conditions applicable to parking lots as contained in paragraph (a) of this section.

(c) If requested by the applicant, the City Council may adjust the location of any sign permitted by section 27.69.160 and the location of parking and allow parking and drive aisles in the front and side yards and may increase the minimum screening and landscaping requirements consistent with adequate protection of the environment and adjacent land uses.

Section 8. That Section 27.64.010 of the Lincoln Municipal Code be amended to read as follows:

27.64.010 Procedures and Requirements.

(a) Application: Applications for a use permit under this chapter for development in the O-3, R-T, B-2, B-5, and I-3 zoning districts shall be filed by the owner in writing with the Planning Department on a form provided by the City. Upon filing the application, the City Council shall refer the application to the Planning Commission for its consideration and final action as provided in subsection (g) below.

(b) Preliminary plan: The Planning Director may require a preliminary plan that may include the following information:

(1) Boundary survey and gross acreage;

(2) Contour lines at intervals not to exceed five feet based on NAVD 1988. Spot elevations on 100-foot grid shall be required to fully indicate the topography on flat land;

(3) Location, width, and direction of flow of all water courses in and adjacent to the use permit area, including the limits of the flood plain and floodway as defined in Section 27.52.020 or 27.53.020 for Existing Urban Areas and New Growth Areas, respectively;

(4) Proposed areas for parks and playgrounds: Any parcels other than streets which are to be dedicated or reserved for public use shall be clearly shown and said parcels shall be designated as outlots and assigned an alphabetical designation;

(5) Street right of way:~~;~~ Profiles along the centerline of the proposed streets and private roadways which show the existing ground surface elevations and the proposed

street grades including the length of vertical curves between changes in grade with the profiles for stub streets ending at the boundary of the use permit to be extended 300 feet beyond the limits of the use permit into subdivided and unsubdivided land;

(6~~4~~) Utility easements;

(7~~5~~) Adjacent land use and zoning classifications;

(8~~6~~) Location of structures on property to be removed;

(9~~7~~) Vicinity map;

(10~~8~~) Date prepared, scale, and north point;

(11~~9~~) Schematic and location of existing buildings;

(12~~0~~) Parking areas and capacity;

(13~~1~~) Open space for residential uses (except in the R-T District);

(14~~2~~) Use of buildings, such as retail, service, restaurant, office, residential, and other uses;

(15~~3~~) Height of buildings;

(16~~4~~) Location of existing trees and proposed landscape plan;

(17~~5~~) Proposed vehicular and pedestrian circulation system including egress and ingress;

(18~~6~~) Building and parking setback lines;

(19~~7~~) Grading plan;

(20) Drainage Study;

(21~~18~~) On-site and off-site water and sanitary sewer improvements;

(22~~19~~) On-site and off-site drainage and storm sewer improvements;

(23~~0~~) Location of proposed free-standing signs;

(24~~1~~) Cross-section for paving of parking lots and sidewalks;

(25~~2~~) In the B-2 and B-5 districts, proposed name of the shopping center;

(26~~3~~) Name, address, and telephone number of developer; certified record owner or owners and addresses; and legal description of the proposed use permit area, including the number of acres.

(c) A Computer-Aided-Design (CAD) file representing only the use permit boundary survey and street centerlines shall be submitted that complies with the CAD Standards for Subdivision Submittals maintained by the Transportation and Utilities Department.

(d) Environmental performance standards: Any applicant for a use permit under the provisions of this section shall comply with environmental performance standards relating to noise, emission, dust, odor, glare, and heat as shall be from time to time established by various municipal departments and approved by resolution of the City Council.

(e) Environmental impact statement and market analysis: If any application for a change of zone to the B-5 Planned Regional Business District or for a use permit in the B-5 district under the provisions of this section substantially deviates from the Comprehensive Plan in terms of location or size, as determined by the Planning Director, the applicant shall submit an environmental impact statement and a market analysis in accordance with Chapters 3.05 and 3.10 of the City of Lincoln Design Standards for Zoning Regulations which shall serve as a guide to the Planning Commission for evaluation of such application in terms of need, desirability, supportability, and its implications for the overall growth of the community.

(f) Planning Commission review: The Planning Commission shall hold a public hearing upon such application and shall consider the effect of the proposed use upon the surrounding neighborhood, the community as a whole, and other matters relating to public health, safety, and general welfare.

(g) Planning Commission action: After holding at least one public hearing, the Planning Commission shall proceed to give final consideration to the application. The Planning Commission shall impose such conditions as are appropriate and necessary to ensure compliance with the Comprehensive Plan and protect the health, safety, and general welfare in the issuance of any such use permits. Such conditions may include an increase in the minimum parking and yard requirements and decrease in the maximum height restrictions set forth in this chapter. Lots fronting on private roadways may be permitted. Unless expressly modified by the terms of the use permit, all regulations of the applicable R-T, O-3, B-2, B-5, or I-3 District shall apply. The Planning Commission may require that certain conditions be fulfilled by the applicant in conjunction with approval of the use permit applied for which may include the requirement that applicant grant additional right of way in accordance with the Comprehensive Plan. The Planning Commission may also require the execution of a written agreement with the city relating to the installation of public improvements by the applicant, together with the execution of performance bonds or provision of other appropriate surety relating thereto. The installation of all public improvements shall be accomplished in compliance with existing city standards as provided by ordinance or by departmental publications approved by resolution of the City Council. In the event the Planning Commission fails to act upon the application within ninety days from the date of the Council's referral of the application to the Planning Commission, the applicant may file a written request with the Planning Director requesting the Planning Commission to take final action on the application. If the Planning Commission fails to take such final action within thirty days following the Planning

Director's receipt of the written request, the Planning Director shall schedule the application on the City Council's agenda for public hearing and final action.

(h) Appeal of Planning Commission action:

(1) Any council member, the Mayor, any aggrieved person, or any person or group officially designated to participate in the administration of this title may appeal any action of the Planning Commission to the City Council by filing notice of appeal with the Planning Director within fourteen days following the action of the Planning Commission.

(2) Upon receipt of the appeal by the City Council, the council shall hold a public hearing thereon within thirty days from the date of appeal. Notice of the public hearing shall be given as provided in Chapter 27.81. If the appellant, the applicant, and the Planning Director all agree, the scheduling of an appeal to City Council for a Use Permit may be delayed but in no case shall the public hearing be held more than 180 days from the date of appeal.

(3) In exercising its appellate jurisdiction, the action appealed from shall be deemed advisory and the City Council may, after public hearing, in conformity with the provisions of this title make such decision as ought to be made.

(i) Adjustment: Upon request of the applicant, the City Council may, after report and recommendation of the Planning Commission, adjust the minimum subdivision requirements, minimum parking, height and lot requirements, sign regulations for location, height, and area of a sign, and specific I-3 use regulations set forth in Title 26 and Title 27 provided the public welfare and interest of the City and surrounding area are protected and the general interest and spirit of the regulations are preserved and provided further that in

the R-T district, the maximum height of a building shall not exceed the height of the tallest residence on the same and facing block fronts. The Planning Commission shall hold a public hearing upon the requested adjustment at the same time that it hears the application for the use permit and shall make a report to the City Council regarding the effect the proposed use and adjustment has upon the surrounding neighborhood, the community as a whole, and other matters relating to public health, safety, and general welfare. Upon receiving a report from the Planning Commission, the City Council shall take final action upon the use permit and the adjustment.

(j) Amendment: The Planning Director is authorized to approve amendments to the use permit provided that:

(1) A request for amendment is filed with the Planning Director and, if appropriate, accompanied by a plot plan showing all pertinent information;

(2) Minor increases in the number of dwelling units or total floor area originally authorized by the Planning Commission or City Council may be approved if such increases will not cause a significant adverse impact on the public infrastructure, existing development within the use permit, and adjoining properties. Minor increases shall not exceed more than fifteen percent (15%) cumulative additional dwelling units or total floor area;

(3) The Planning Director may approve minor modifications to parking requirements in conformance with the provisions of Section 27.67.045(b).

(4) Amendments shall preserve the intent and spirit of the approved development plan;

(5) Amendments shall not violate any regulation set forth in this title;

(6) No change is made to the applicable setback, yard, or height requirements for lots along the perimeter of the use permit;

(7) Minor internal changes to the applicable setback, yard, or height requirements may be made within the use permit if they conform to the intent of the approved use permit and do not adversely impact existing development within the use permit;

(8) Any amendment not in conformance with this paragraph shall be submitted to the Planning Commission in the same manner as a formal application for use permit.

(k) Building permits, certificates of occupancy, and certificates of compliance: Upon the approval of a use permit as provided for under this section, building permits and certificates of occupancy may be issued. Certificates of compliance shall not be issued until there has been compliance with all conditions of a use permit and subsequent amendments within each phase of development of a use permit.

(l) Preexisting uses: An existing use of a type permitted in this chapter which was lawfully established in this district on the effective date of this title shall be deemed to have received a use permit as herein required and shall be provided with such permit by the Director of Building and Safety upon request, and it shall not be a nonconforming use; provided, however, for any enlargement, extension, or relocation of such existing use, an application in conformance with this section shall be required.

(m) If an application for a use permit located within a flood plain is granted approval by the city, it shall not be necessary for the applicant to make an application for a special permit to be approved by the City Council as required by Resolution Nos. A-55150, A-56382, and A-57540. It shall be presumed that the applicant has received all such approvals as may be

required by the foregoing resolutions by virtue of the city granting approval to the use permit.

(n) Expiration of Application. All applications for a use permit which have been placed on pending by an applicant shall automatically expire and become null and void one year thereafter. At least thirty days before the date of expiration, the Planning Director shall cause notice of expiration to be sent to the applicant by regular United States mail, postage prepaid. Said notice shall advise the applicant that the application shall automatically expire unless prior to the expiration date, the Planning Director receives a request from the applicant to remove the application from pending and reschedule the matter on the Planning Commission or City Council agenda as appropriate.

Section 9. That Section 27.70.050 of the Lincoln Municipal Code be and the same is hereby repealed.

~~**27.70.050 Requirements After Approval.**~~

~~Upon approval of a use permit pursuant to Chapters 27.27, 27.28, 27.31, 27.37, or 27.51, the developer shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan with all required amendments and revisions. Thereafter, building permits, certificates of occupancy and subdivisions of the property shall be issued or approved upon substantial compliance with the plot plan as approved, or as amended. In circumstances where there are minor variations from the final plan, the Planning Director, or his designee, shall review the plan and determine if the proposal is in substantial conformance with the spirit and intent of the approved plan.~~

~~The final plot plan shall contain the following information:~~

~~(a) A certified boundary survey and legal description showing sufficient linear, angular, and curve data to determine the bearing and length of all boundary lines of the use permit, location of section lines and section corners, and gross acreage. If the use permit abuts an existing plat, the distances, angles, and bearing of any common lines shall be shown and any differences in measurement shown.~~

~~(b) A certificate for showing the final action of the Planning Commission or City Council including the date and resolution number.~~

~~(c) Locations, name, tangent lengths, centerline radius of each curve and its interior angle, and width of all proposed and existing streets, highways, private roadways, and other public ways within and adjacent to the development;~~

~~(d) Location, width, and direction of flow of all water courses in and adjacent to the use permit area, including the limits of the flood plain and floodway as defined in Section 27.52.020 or 27.53.020 for Existing Urban Areas and New Growth Areas, respectively;~~

~~(e) The location and size of all existing and proposed sanitary and storm sewers, drainage ways, culverts, watermains, fire hydrants, and existing power lines and other underground structures, cables, or other public utilities within the tract of land and adjacent streets, together with the location and width of existing and proposed easements, and, if appropriate, access easements;~~

~~(f) All lot lines, building setback lines for all lots, dimensions of all lot lines and building envelope lines. Chord distances shall be shown for lot lines abutting curvilinear streets;~~

~~(g) Lot numbers shall begin with the number (1) and shall continue consecutively through a block with no omission or duplication. Blocks shall be numbered in the same manner. Letters shall be used to designate outlots in alphabetical order;~~

~~(h) Proposed areas for parks and playgrounds. Any parcels other than streets which are to be dedicated or reserved for public use shall be clearly shown and said parcels shall be designated as outlots and assigned an alphabetical designation;~~

~~(i) The location of all proposed and existing sidewalks, walkways, and other pedestrian ways;~~

~~(j) Location, height, and use of proposed and existing buildings and structures with an indication as to whether an existing building or structure is to be removed or to remain, and free standing signs, if any, in accordance with the provisions of Chapter 27.69;~~

~~(k) The following data shall be shown on each sheet of the plot plan:~~

~~(1) The name, address, and telephone number of the person or company responsible for preparation of the plot plan;~~

~~(2) North arrow, scale, date;~~

~~(3) Sheet number and the total number of sheets comprising the plot plan;~~

~~(l) The following information shall accompany the plot plan:~~

~~(1) Name, address, and telephone number of developer;~~

~~(2) Certified record owner or owners and their address;~~

~~(3) Statement of present zoning and proposed use or uses of the property;~~

~~(4) Profiles along the centerline of the proposed streets and private roadways which show the existing ground surface elevations and the proposed street grades including the length of vertical curves between changes in grade with the profiles for stub streets ending at the boundary of the use permit to be extended 300 feet beyond the limits of the use permit into subdivided and unsubdivided land;~~

~~(5) The approved method of providing sanitary sewer service to the area;~~

~~(6) The approved method of providing an adequate potable water supply;~~

~~(7) The approved drainage study;~~

~~(8) A map or an aerial photograph showing the proposed streets, private roadways, driveways, parking areas, buildings and lots which includes the locating, and identifies, by common name, all existing trees within the area of the use permit. Single trees which are three inches in caliper or larger measured five feet above the ground must be shown. However, if five or more trees are located so that each is within approximately ten feet of the edge of another tree, they will be considered a tree mass and the outline of the tree mass may be shown with a list of the common names of the trees which are within the tree mass. If the above-stated procedure is followed, the individual location of each tree within the tree mass is not necessary. An indication shall be made on the map showing which trees or tree masses are to remain and which trees or tree masses are to be removed;~~

~~(9) A vicinity sketch showing the general location of the use permit in relation to existing streets, section lines, and city limits;~~

~~(10) The approved site grading plan showing existing and proposed contour lines with intervals at no greater distance than five feet based on NAVD 1988, and if necessary, spot elevations showing complete proposed grading of the use permit, including any cross-sections required as conditions of approval showing existing and proposed ground lines and buildings. Information as to where fill will be obtained and the amount of the fill shall be included if all or part of the property is located within the flood plain as defined in Section 27.52.020 or 27.53.020 for Existing Urban Areas and New Growth Areas, respectively. If the proposed location from which said fill is obtained is later to be changed, the developer shall inform the Transportation and~~

~~Utilities Department of the location of the proposed new borrow area and obtain approval thereof from the Director of Transportation and Utilities;~~

~~(11) The approved landscape plan.~~

Section 10. That Section 27.72.100 of the Lincoln Municipal Code be amended to read as follows:

27.72.100 Exceptions to the Rear Yard Requirements.

(a) In the AG zoning district where a lot or tract of land with an area of less than two acres on the effective date of this title has an average depth of not more than 300 feet, there shall be a required rear yard having a depth of not less than fifty feet or twenty percent of the depth of the lot, whichever is smaller.

(b) Three or more front yards: The required rear yards on lots that are required to provide three or more front yards or their equivalent may be modified in the following circumstances:

(1) A rear yard shall be required on an interior lot line when the required yard on adjacent property is a rear yard.

(2) A lot in a business, commercial, or industrial district need provide only a side yard on an interior lot line unless the lot is occupied by a dwelling other than a hotel or motel, or the adjacent property is in a dwelling district, in which case there shall be a required rear yard having a depth of not less than fifty feet or twenty percent of the depth of the lot, whichever is smaller.

(c) In the R-1 through R-4 zoning districts, in circumstances where the rear yard abuts an outlot designated for permanent open space, an unenclosed deck may have a setback less than the required minimum rear yard but in no instance may the setback be less than 5 feet.

Section 11. That Section 27.81.010 of the Lincoln Municipal Code be amended to read as follows:

27.81.010 General Regulations.

The following general regulations shall apply to all zoning districts:

(a) Except as otherwise provided in this title, no building shall be erected, converted, enlarged, reconstructed, or structurally altered, nor shall any structure or land be used:

(1) Except for a purpose permitted in the district in which the structure or land is located;

(2) Except in conformance with the height and minimum lot requirements, and the parking and sign regulations, and any other applicable requirements of the district in which the structure or land is located;

(3) Except in conformance with the City of Lincoln Design Standards (but not including Appendix A) for Zoning Regulations adopted by resolution of the City Council.

(b) The minimum yards and other open spaces, including lot area per family, required by this title for each and every building at the time of passage of this title or for any building hereafter erected shall not be encroached upon or considered as yard or open space requirements for any other buildings, nor shall any lot area be reduced beyond the district requirements of this title.

(c) No person shall engage in construction activity in the Construction Site Discharges Overlay District without a permit in conformance with Chapter 28.01 setting forth the requirements of the design standards applicable to stormwater management, erosion and sedimentation control, including the preservation of minimum flood corridors; provided, however, that the requirement to preserve a minimum flood corridor will not apply to property within a subdivision approved prior to March 8, 2000. For the purpose of this section, the Construction

Site Discharges Overlay District is defined to mean the corporate limits of the City of Lincoln and the land outside the corporate limits designated as Tier I.

(d) On or after May 1, 2006, no permit for the erection or construction of any new building and no permit for the substantial enlargement of any existing building located in the O-2, O-3, R-T, B-1, B-2, B-3, B-5, H-1, H-2, H-3, H-4, I-1, I-2, and I-3 zoning district shall be issued before the applicant has submitted a Pedestrian Circulation Plan to the City for review and approval. In addition, on or after May 1, 2006, no permit for the erection or construction of any club or health care facility pursuant to Sections 27.63.200 and 27.63.080, respectively, and no permit for the substantial enlargement of any club or health care facility shall be issued before the permittee has submitted a Pedestrian Circulation Plan to the City for review and approval. The Pedestrian Circulation Plan shall conform to the City of Lincoln's Design Standards for Pedestrian Circulation in Commercial and Industrial Areas. An on-site sidewalk system shall be constructed for any new building and for any redevelopment of any existing building in accordance with the approved Pedestrian Circulation Plan prior to the issuance of a certificate of occupancy for the building. For the purpose of this section, substantial enlargement shall mean any addition to an existing building the cost of which equals or exceeds fifty percent of the County Assessor's assessed value of the property before the start of construction of the addition.

(e) Every building hereafter erected or structurally altered shall be located on a lot as herein defined and in no case shall there be more than one main building on one lot except as otherwise provided in Chapters 27.06, 27.60, 27.63, and 27.65.

(f) All inhabited or occupied mobile homes shall conform to one of the following:

(1) Used as a dwelling and located in a mobile home court or mobile home subdivision operating under a valid special permit in conformance with Chapter 27.63;

(2) Used as a dwelling associated with a farm;

(3) Used as a temporary office or shelter incidental to construction or development on the premises on which the mobile home is located; or

(4) One mobile home may be used as an office in any mobile home court or mobile home subdivision operating under a valid special permit in conformance with Chapter 27.63; provided, the mobile home used as an office is located on an approved mobile home space or lot and such office is used only for conducting the business of the mobile home court or subdivision in which the office is located. Said mobile home may also be used as a dwelling.

(5) One mobile home may be used as an office in any campground operating under a valid special permit in conformance with Chapter 27.63; provided, the mobile home is used only for conducting the business of the campground. Said mobile home may also be used as a dwelling for the campground manager.

A mobile home not in conformance with one of the above shall not be occupied or inhabited; nor shall it be connected to utilities, except when being displayed for sale by a dealer or manufacturer.

(g) If a single building or lot is located in two or more zoning districts, each part of the building or lot shall comply with the regulations of the district in which it is located, except as provided in Chapter 27.05 or Chapter 27.75. In instances where there are two or more zoning districts, the setbacks which are internal to the premises shall not apply.

Section 12. That Sections 27.05.040, 27.06.020, 27.49.020, 27.62.100, 27.62.150, 27.63.025, 27.63.170, 27.64.010, 27.72.100, and 27.81.010 of the Lincoln Municipal Code as hitherto existing be and the same are hereby repealed.

Section 13. This ordinance shall be published, within fifteen days after the passage hereof, in one issue of a daily or weekly newspaper of general circulation in the City, or posted on the official bulletin board of the City, located on the wall across from the City Clerk's office at 555 S. 10th Street, in lieu and in place of the foregoing newspaper publication with notice of passage and such posting to be given by publication one time in the official newspaper by the City Clerk. This ordinance shall take effect and be in force from and after its passage and publication or after its posting and notice of such posting given by publication as herein and in the City Charter provided.

Introduced by:

_____

Approved as to Form & Legality:

_____
City Attorney

Approved this ___ day of _____, 2021:

_____
Mayor

Chapter 3.50

DESIGN STANDARDS FOR SCREENING AND LANDSCAPING

The Planning Department is assigned responsibility for administration of these design standards.

****

7.1 Parking Lots, Parking Areas, and Driving Aisles

It is the intention of the perimeter screening, interior landscaping, and shade tree standards for parking lots and parking areas to provide an aesthetically pleasing visual screening and softening of the facility while not seriously impairing observation of the lot from public ways for the sake of security.

A. Perimeter Screen Location, Coverage, and Layout

1. The perimeter of parking lots, parking areas, and driving aisles shall be screened from the ground to three feet (3') above the surface of the lot within a minimum six-foot (6') landscape strip.

2. The screen shall be evenly distributed horizontally but may vary in height.

3. The screen shall be located adjacent to the parking area but far enough from the edge so as to be protected from the bumpers of other vehicles.

4. The required screen coverage shall be dependent on the proximity of the parking lot to the lot line or edge of pavement on private streets. The table that follows identifies these coverage requirements.

Table 1. Required Screen Coverage

Proximity to Lot Line	Screen Coverage
0-35'	90%
35'-50'	60%
50'- 100'	30%
100' or Greater	Not Required

If plant material is used, the density percentage shall be calculated at plant maturity.

5. Fences may not be used to meet this screening requirement when adjacent to a public street or private roadway.

~~5.~~6. In the B-1, B-3, H-1, H-2, and H-3 zoning districts, the front six (6) feet of the required front yard shall be entirely devoted to landscaping in accordance with parking lot design standards.

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LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

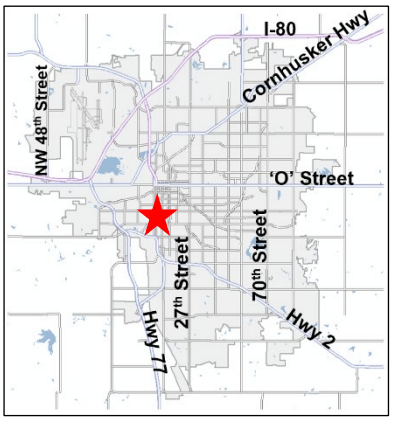
FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER	FINAL ACTION?	DEVELOPER/OWNER
Change of Zone #21020	No	South of Downtown CDO
PLANNING COMMISSION HEARING DATE	**RELATED APPLICATIONS**	**PROPERTY ADDRESS/LOCATION**
June 23, 2021	CZ21019; TX21003	10th to 17th Streets, A to K Streets

RECOMMENDATION: CONDITIONAL APPROVAL

BRIEF SUMMARY OF REQUEST

This is a request for a change of zone from O-1, B-3, R-6, R-7, and R-8 to O-1, B-3, R-6, R-7, and R-8 Planned Unit Development (PUD). The PUD is one of many implementation items from the South of Downtown Redevelopment and Strategic Plan approved by City Council on February 1, 2021. The South of Downtown Community Development Organization (SODOCDO) is the applicant for this request and was heavily involved in the redevelopment and strategic plan. The intent of the PUD is to facilitate a better balance of uses that fit the urban scale and predominantly residential character of the neighborhood, with the intent of effectively meeting the needs of its residents and business owners alike. To reach this goal, the PUD would allow some uses not currently permitted in the underlying zoning district. It is also the intent of this PUD and the new mix of uses to foster new employment, live-work opportunities, start-up businesses and entrepreneurship for residents in South of Downtown.



JUSTIFICATION FOR RECOMMENDATION

The proposed PUD for the approximate 44 block area that comprises the South of Downtown will allow a variety of uses with conditions to both support a mixed use and vibrant district while protecting the existing residential uses. The proposed modifications to the zoning ordinance will support redevelopment efforts and efficient development patterns. Discussion of the PUD began at a South of Downtown community forum in April of 2018 and continued during the Community Conversations in 2019 and 2020 as part of the Redevelopment and Strategic Plan. Targeted outreach and engagement on the PUD began in early 2020 with presentations to the Near South and Everett Neighborhood Associations, the SODOCDO Board, and the Nebraska Capitol Environs Commission. Two meetings were held with a small Neighborhood Review Committee to go into the details of the PUD and modify as necessary and a neighborhood meeting in early May to introduce the PUD and gather feedback.

APPLICATION CONTACT
Shawn Ryba, South of Downtown CDO
402-416-8686 or
shawn.ryba@lincolnsouthdowntown.org

STAFF CONTACT
Stephanie Rouse, (402) 441-6373 or
srouse@lincoln.ne.gov

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The South of Downtown PUD is consistent with the goals of the South of Downtown Redevelopment and Strategic Plan and the 2040 Comprehensive Plan. The PUD overlay is designed to promote a mixed-use neighborhood that includes walkable neighborhood support services and new start-up businesses that would create new employment opportunities, while still preserving the key historical residential building design patterns

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

P. 12.3 – most of the area within the PUD is designated Residential-Urban Density on the 2040 Lincoln Area Future Land Use Plan. The existing commercial nodes at 11th and B Streets, 11th and G Streets, 13th and F Streets are designed as Commercial.

P. 12.4 – Urban Residential is multi-family and single family uses in areas with varying densities ranging from more than fifteen dwelling units per acres to less than one dwelling per acre. Commercial is areas of retail, office, service, and residential mixed uses. Commercial uses may vary widely in their intensity of use and impact. Individual areas designated as commercial in the land use plan may not be appropriate for every commercial zoning district.

P. 1.2 - Quality of Life Assets:
- The community continues its commitment to strong, diverse neighborhoods. Neighborhoods remain one of Lincoln's great strengths and their conservation is fundamental to this plan. The health of Lincoln's varied neighborhoods and districts depends on implementing appropriate and individualized policies.
- LPlan 2040 is the basis for zoning and land development decisions. It guides decisions that will maintain the quality and character of the community's new and established neighborhoods.

P. 2.8 - Guiding Principles for Community Form: The Urban Environment
- Mixed use redevelopment, adaptive reuse, and well-designed and appropriately placed infill development, including residential, commercial, and retail uses, are encouraged.

P. 6.2-6.3 - Guiding Principles for Mixed Use Redevelopment
- Mixed Use Redevelopment Should:
  - Be located and designed in a manner compatible with existing or planned land uses.
  - Preserve existing affordable housing and promote the creation of new affordable housing throughout the community.
  - Provide a diversity of housing types and choices throughout each neighborhood for an increasingly diverse population.
  - Encourage substantial connectivity and convenient access to neighborhood services (stores, schools, parks) from nearby residential areas.
  - 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.
  - Help to create neighborhoods that include homes, stores, workplaces, schools, and places to recreate.
  - Be encouraged to make available opportunities for individuals and/or organizations to raise and market local food.

P. 5.1-5.2 - Business & Economy Guiding Principles
- Focus primarily on retention and expansion of existing businesses; attracting new businesses should also be encouraged.
- Enhance Downtown's role as the heart of the City. A strong downtown is important to the economic future of the community. Lincoln's Downtown is unique in the community as the home of State government, the State Capitol Building, and the flagship campus of the University of Nebraska. Together with Antelope Valley, Haymarket and the surrounding neighborhoods, it forms a vital core for the City.
- Seek to efficiently utilize investments in existing and future public infrastructure to advance economic development opportunities.
- Provide flexibility to the marketplace in siting future commercial and industrial locations.

P. 5.6 - Based on the projected population growth rates, the Plan identifies the potential for 58.6 million square feet of occupied retail, office, and service uses by 2040. A substantial portion of this future commercial capacity will be accommodated on sites already zoned or approved for commercial development or that have been identified in the Plan for future commercial land use.

P. 5.14-5.16 - Strategies for Commercial Infill
- Maintain and encourage businesses that conveniently serve nearby residents, while ensuring compatibility with adjacent neighborhoods.
- 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, are properly screened, fulfill a demonstrated need and are beneficial to health and safety.
- Ensure the priority in older areas is on retaining areas for residential development. Prior to approving the removal of housing in order to provide for additional parking to support existing centers, alternatives such as reduced parking requirements, shared parking, additional on-street parking, or the removal of other commercial structures should be explored.
- Maintain and encourage ethnically diverse commercial establishments that are convenient to existing neighborhoods.

KEY QUOTES FROM THE SOUTH OF DOWNTOWN REDEVELOPMENT AND STRATEGIC PLAN:

P. 30 - With proper land use and design standards and review, a PUD could allow additional and walkable neighborhood support services and new start-up businesses that would create new employment opportunities, while still preserving the key historical residential building design patterns.

P. 61 – 3.3 Redevelopment Activities and Opportunities: Develop a Planned Unit Development (PUD) overlay zone to allow the north portion of the area to become more mixed use while incentivizing the preservation of the existing buildings that contribute to the neighborhood's character. Include land use and design standards and review to allow additional and walkable neighborhood support services and new start-up business that would create new employment opportunities while preserving the key historical residential building design patterns. Address the issue of building on small, currently non-conforming lots.

P. 62 - Zoning, Building Codes & Ordinances – A PUD is proposed that will divide the area into distinct subdistricts. For each subdistrict, a set of additional uses or modifications will be identified. Some uses or modifications will be allowed by right while other more intensive uses will still require conditions to be met or administrative amendments approved. See Section 3.5, Future Land use, for additional details. All applicable building codes will be met for all rental rehab projects and new housing construction.

ANALYSIS

1. The request is for a change of zone from O-1, B-3, R-6, R-7, and R-8 to O-1, B-3, R-6, R-7, and R-8 Planned Unit Development (PUD) in order to advance one of the implementation items from the South of Downtown Redevelopment and Strategic Plan approved by City Council on February 1, 2021. The general boundaries of the PUD are from A Street to H Street and 10th to 17th Street. The applicant is the South of Downtown Community Development Organization, a non-profit that works in the Near South and Everett neighborhoods to support residents through collaboration, economic opportunities, and community development.
2. This PUD is different from most that exist in the City in the respect that there are no specific redevelopment projects being proposed. Instead, a collection of newly allowed uses and the modification of several already allowed uses are being offered to encourage a more mixed-use atmosphere that better meets the needs of the neighborhood.
3. The five guiding principles of the PUD are:
    3.1. Facilitate a better balance of uses that fit the urban scale and predominantly residential character of the neighborhood, with the intent of effectively meeting the needs of its residents and business owners alike.
    3.2. Encourage the establishment of pedestrian-oriented, community-centric spaces that serve to activate the neighborhood, increase social participation, and improve community pride.
    3.3. Support an increase in private reinvestment and innovative development solutions in the neighborhood, while still maintaining affordable housing options.
    3.4. Build on the neighborhood's unique assets as reflected in both its range of historic buildings and diverse residents.
    3.5. Encourage affordable single- and two-family residential infill and redevelopment by simplifying and easing current zoning regulations for nonstandard residential lots.

4. Discussion of the PUD began at a South of Downtown community forum in April of 2018 and continued during the Community Conversations in 2019 and 2020 as part of the Redevelopment and Strategic Plan. Following the January 2020 Community Conversations, the most popular services desired in the South of Downtown neighborhood included urban gardens, restaurants, cafes and coffee shops, food trucks, small shops and boutique retail, art galleries and studios, and neighborhood support services. Discussions over the past three year has included neighborhood leadership which has helped shape and evolve the PUD into its present form.

5. The PUD is an overlay zoning that adds additional conditional uses on top of the already allowed uses in the underlying zoning district. It does not change the underlying zoning which is primarily residential with some nodes of B-3 Commercial. For example, a property with R-8 underlying zoning is allowed residential uses currently, but under the PUD could convert to a commercial use such as office or restaurant. The attached development plan lists the additional uses and the conditions required to operate the use to mitigate negative impacts to the neighborhood. Two additional tables show the modified parking ratios and lot requirements for single and two-family lots. The last page of the plan is the boundary map with three subareas identified.

6. The PUD is divided into three areas: Downtown Transitional, Mixed-Use, and Neighborhood District. When removing right-of-way from the calculations (which accounts for 45.6% of land in the PUD), the primary land use is multi-family apartments (20%), followed by commercial (7.7%), single-family detached (6.2%), parking lots/garages (5.8%), and single-family attached units (2.8%).

   The northernmost district is the Downtown Transitional District which extends generally to midblock north of H Street, west of 11th Street, south of F Street and east of 14th Street. This area is intended as the transition from downtown into the neighborhood and allows the greatest flexibility and permitted uses. The district is primarily a mix of apartments and commercial uses (11th and G Streets, and 13th and F Streets), with several single-family attached units.

   The Mixed-Use District fills in around the Downtown Transition extending to the midblock south of D Street plus along 11th Street where the existing commercial district is located. This area transitions from the more commercial area to the north to the primarily residential area to the south. The district has few existing commercial uses, limited primarily to 13th and is primarily home to apartments, single-family attached, and some single-family detached units. Additional commercial/retail uses are permitted; however, they are limited in their intensity.

   The remainder of the PUD on the southern end is the Neighborhood District. The district is almost entirely residential with a few commercial shops at 11th and B Streets in the B-3 Commercial District. While still prevalent, the area has fewer apartments and more single-family detached units. This area is intended to foster entrepreneurship and support home-based businesses. It is also intended to support diverse housing options and small lot redevelopment, preserving the historical residential building patterns. No additional commercial, retail, or office uses are proposed in this area.

7. The PUD is designed to allow new uses that meet the conditions of their respective district to begin operation with a building permit if necessary. If the use is more intensive, typically because of the size of the operation, an administrative amendment would be required. Any proposal that does not meet the conditions of the use within the PUD would be required to apply for a full amendment.

8. Small scale restaurants, retail, personal services (barber, nail salon, shoe repair, etc.), offices, financial institutions, and theaters are proposed for the Downtown Transitional district if the conditions of the PUD are met. This is to encourage the addition of more neighborhood serving businesses that support a walkable, pedestrian-oriented district as identified in the Redevelopment and Strategic Plan. This district, given its location adjacent to downtown and high percentage of multi-family dwellings, has the most flexibility with additional uses. The Mixed-Use district removes restaurants, retail sales, theaters, and financial institutions given the increasingly residential character of the district and the distance from downtown.

   Uses greater than 4,000 square feet would be required to go through the full amendment process which includes neighborhood notification and a public hearing. Additionally, new buildings over 3,000 square feet would be required to include at least one residential unit to help maintain housing in the neighborhood.

9. Temporary uses are proposed that would not be allowed in residential neighborhoods under current regulations. Within the Downtown Transitional and Mixed-Use Districts food trucks, currently only allowed on private property zoned commercial, would be allowed on residentially zoned properties, as well as temporary retail sales and personal services businesses. These changes would allow local entrepreneurs and start-ups to test their business with relatively low risk by establishing a temporary location in a church parking lot for example.

10. Another change to support local entrepreneurs and business owners is the added flexibility for home occupations. The PUD would allow 30% more of the dwelling square footage to be used for the business and allow outside employees. These changes support more of a live-work environment, reducing the expense of leasing a separate commercial or office space.
11. The only prohibited use in the PUD is drive-thru's to encourage a more pedestrian oriented district and support the principles of walkability and community centric spaces identified above. Any property zoned B-3 or with an existing drive-thru is exempt from this prohibition. Additional changes to encourage pedestrian activity include reduced parking requirements and parking reductions for proximity to active transportation and availability of bicycle parking.
12. Nearly 200 parcels within the PUD are nonstandard lots which fall below the 4,000 square foot minimum or 40-foot average lot width for single family lots. To assist homeowners of these types of lots in either rehabilitating, expanding, or rebuilding on these lots, the PUD will reduce the minimum lot area, average lot width, front, side, and rear setbacks.
13. One additional residential use allowed by the PUD would be cooperative housing. This topic was discussed at length during the Redevelopment and Strategic Plan as a solution to providing more diverse housing options. Today, the existing R-6 through R-8 Residential Districts that make up the PUD allow multi-family dwellings. One type of cooperative housing meets the definition of an apartment and is therefore allowed by-right today. This type of cooperative housing functions like an apartment from a land use perspective where all the functions of a dwelling unit are contained in a separate space, but the ownership is shared by the residents. The PUD would allow by-right a second definition of cooperative housing where the ownership is shared by the residents as well as the cooking, dining, and common spaces. This form of cooperative housing provides separate bedrooms for the residents, but they share in the maintenance and use of all common spaces while still building equity through ownership, unlike an apartment.

CONDITIONS OF APPROVAL: See attached.

EXISTING LAND USE & ZONING: Commercial, Office, Medium-High Density Residential; R-6, R-7, R-8, B-3, O-1

SURROUNDING LAND USE & ZONING

North: Lincoln Mall Office District; O-1
South: Medium-high density residential; R-6, R-2
East: Medium-High Density Residential; R-5, R-7
West: City parking lot and medium-high density residential uses P, R-6

APPLICATION HISTORY

April 2018	Concept of the PUD discussed at a South of Downtown community forum
2019-2020	Three community conversations held as part of the redevelopment and strategic plan engagement where zoning and the PUD were topics of discussion
February 1, 2021	The South of Downtown Redevelopment and Strategic Plan was approved by City Council
March-May 2021	Community outreach conducted, and several neighborhood meetings held/attended to gather feedback

APPROXIMATE LAND AREA: 177 acres

LEGAL DESCRIPTION: See attached map

Prepared by

_____

Stephanie Rouse, Planner

Date: June 14, 2021

Applicant: Shawn Ryba, South of Downtown CDO
1247 S 11th Street
Lincoln, NE 68501

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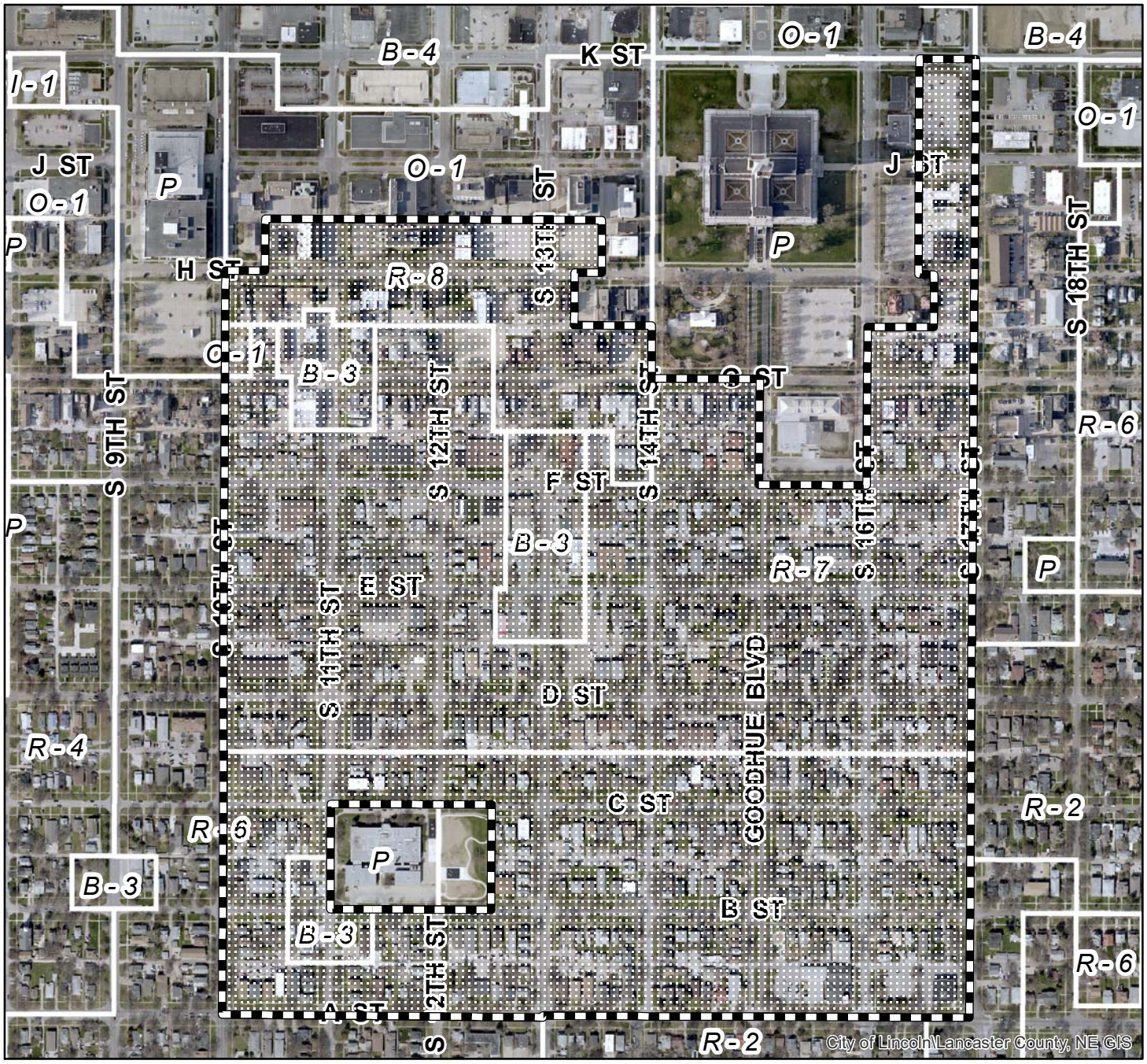
CONDITIONS OF APPROVAL – CHANGE OF ZONE #21020

This approval permits any number of dwelling units and square footage of other uses subject to the requirements of the PUD and zoning ordinance.

1.1 All new construction or changes in use within the boundaries of the PUD shall adhere to the underlying zoning except where modified by the PUD (see attached).

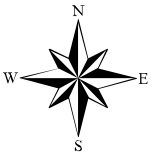


2020 aerial

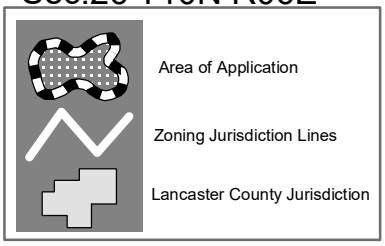
Change of Zone #: CZ21020
South of Downtown PUD
S 10th St & H St

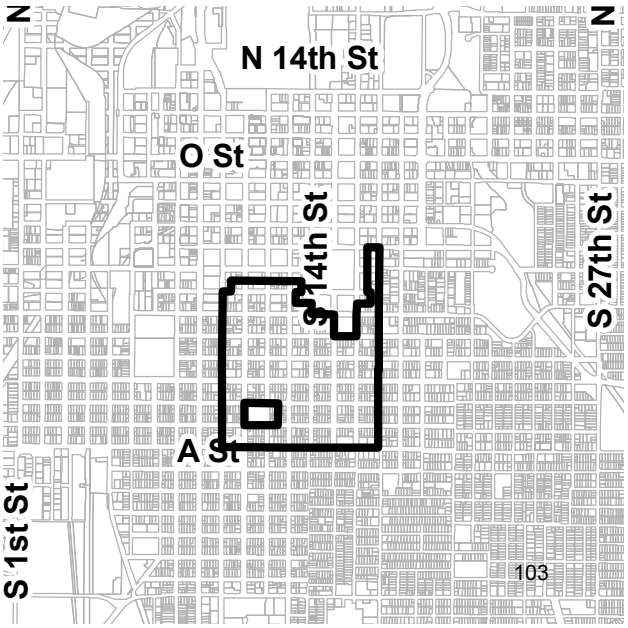
Zoning:

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



Two Square Miles:
Sec.25 T10N R06E
Sec.26 T10N R06E





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SOUTH OF DOWNTOWN INNOVATION PUD

I. Intent.

The South of Downtown Innovation PUD, as shown in *Exhibit 1*, is intended to provide the necessary zoning flexibility to catalyze reinvestment and help transform this downtown-adjacent district into the vibrant, thriving neighborhood that it aims to be. To help direct the development of this PUD, the following guiding principles have been adopted:

A. Facilitate a better balance of uses that fit the urban scale and predominantly residential character of the neighborhood, with the intent of effectively meeting the needs of its residents and business owners alike.

B. Increase new employment, work-live opportunities, start-up business and entrepreneurship.

C. Encourage the establishment of pedestrian-oriented, community-centric spaces that serve to activate the neighborhood, increase social participation, and improve community safety and pride.

D. Support an increase in private reinvestment and innovative development solutions in the neighborhood, while maintaining affordable housing options.

E. Build on the neighborhood's unique assets as reflected in both its range of historic buildings and diverse residents with incentives for preservation of existing buildings.

F. Encourage affordable single- and two-family residential infill and redevelopment by simplifying and easing current zoning regulations for nonstandard residential lots.

With these principles in mind, a series of zoning adjustments have been identified to encourage development based on the unique urban qualities of the neighborhood. This PUD enables a range of possible projects rather than proposing a specific development plan. To foster innovation while protecting residents and property owners, a set of conditions and approvals have been established. The most intensive uses in this PUD will require either an administrative or full amendment to the PUD with a site plan to ensure the operation and layout are not a detriment to the neighborhood. Less intensive uses will be allowed by-right if they meet specified conditions.

Though separate from the purview of this PUD, another avenue to seek zoning approval of creative projects within the Lincoln zoning code may be relevant for specific projects within the PUD area. The designation of an individual landmark under 27.53.120 of the code allows a Special Permit for Historic Preservation under 27.63.400, potentially permitting any legal use in any zoning district (if specifically approved). This approach has been used within the PUD area and is consistent with the overall intent and purposes of this PUD. The Foster House at 1021 D Street (offices) and the Hall House at 1039 S. 11th Street (B&B suites) are two existing examples within the PUD area.

II. Terms and Conditions.

A. All new construction or changes in use within the boundaries of the PUD shall adhere to the underlying zoning district of the lot(s) or tract in question except where modified by the PUD.

B. The Planning Director has the authority to interpret any provisions of this PUD. At their discretion, they may require a Full Amendment where the proposal appears to exceed the intent of the administrative amendment section.

Table 2.1 Land Use Matrix

The uses shown below as allowed for each district are in addition to those that are already allowed by the underlying zoning.

	NEIGHBORHOOD	MIXED USE	DOWNTOWN TRANSITIONAL
New Permitted Uses			
Restaurants			X
On Premise Alcohol Sales			X
Small Scale Food or Beverage Production		X	X
Retail Sales			X
Personal Services		X	X
Office		X	X
Banks, savings and loan associations, credit unions, and finance companies			X
Theaters			X
Cooperative Housing	X	X	X
Existing Permitted Uses with Altered Conditions			
Home Occupations	X	X	X
Urban Gardens	X	X	X

Review Process

A. **Uses marked with an X in Table 2.1 are** permitted conditional uses if they comply with the conditions listed in Conditional Uses for that designated use.

B. **Administrative Amendment.** Some uses may meet most, but not all the criteria listed in the Conditional Uses for that designated use and are required to apply for an administrative amendment. This is to ensure the proposed use fits the character of the neighborhood and does not negatively impact adjacent properties.

    1. The Planning Director may add conditions of approval that mitigate any negative impact on the surrounding property including enhanced screening, hours of operation, etc.

C. **Full Amendment.** Uses exceeding the criteria in Conditional Uses but that meet the intent of the PUD have the option to apply for a full amendment to the PUD following the PUD Amendment criteria in Section 27.60.060.

Conditional Uses

The following Conditions apply to all properties except those with an underlying B-3 zoning designation which may operate under the regulations of the B-3 zoning district in Title 27 or the provisions of this PUD. Any proposed development that does not meet the following conditions requires a full amendment to the PUD.

A. **Restaurants.**

1. Maximum square footage of an existing or new building is 3,000 square feet.
2. Through an administrative amendment, the Planning Director may approve an increase up to 4,000 square feet. New buildings over 3,000 square feet must include a residential use.
3. Outdoor seating associated with a restaurant is allowed within the required yards but must maintain at least a three-foot setback to side and rear property lines when adjacent to a residential use.

B. **On-Premise Alcohol Sales.**

1. Must be accessory to a restaurant use.
2. Gross sales from the sale of alcoholic beverages shall not exceed forty percent (40%) of the gross sales of food and beverages. Upon request of the City, the license holder/ operator shall provide sales receipts for the past six (6) months for the purpose of demonstrating that no more than 40% of the restaurant's gross sales are derived from the sale of alcohol.
3. The restaurant shall serve full-course meals as defined by *Neb. Rev. Stat.* § 53-123.04(c)(3) during the hours of operation.
4. The sale of alcohol must not commence prior to 8:00 a.m. and shall end no later than 11:00 p.m.
5. The sale of alcoholic beverages for consumption off the premises shall be prohibited.
6. The above conditions cannot be waived or modified.

C. **Small Scale Food or Beverage Production**

1. Maximum square footage of an existing or new building is 3,000 square feet.

2. Through an administrative amendment, the Planning Director may approve an increase up to 4,000 square feet. New buildings over 3,000 square feet must include a residential use.
3. Businesses are not required to sell their product on-site.
4. Alcoholic beverage production is only allowed in the Downtown Transitional sub-district.

D. Retail Sales, Personal Services, Office.

1. Maximum square footage of an existing or new building is 3,000 square feet.
2. Through an administrative amendment, the Planning Director may approve an increase up to 4,000 square feet. New buildings over 3,000 square feet must include a residential use.

E. Banks, savings and loan associations, credit unions, and finance companies.

1. Maximum square footage of an existing or new building is 3,000 square feet.

F. Theaters.

1. Maximum square footage of an existing or new building is 3,000 square feet.
2. Movie theaters are not allowed, but live broadcasts and performances are permitted.

G. Cooperative Housing.

1. Cooperative housing is defined as "a multiple-family dwelling owned and maintained by the residents where residents have private bedrooms, but share cooking, dining, and common areas."
2. Cooperative housing is allowed in either existing or new buildings but must meet the requirements of the building code.

Note: Projects with a cooperative financial structure, but where residents have private rooms with their own cooking and dining areas in the unit are considered a multifamily use and therefore allowed as per the underlying zoning districts.

H. Home Occupations.

The zoning regulations of Chapter 27.70.010 regarding Home Occupations apply except as amended here within:

1. The maximum allowable floor area that may be utilized for conducting such home occupations shall be fifty (50) percent of the floor area of the dwelling unit.

    i. Space used by employees less frequently, such as a restroom, kitchen, or living room are not counted towards the total square footage if it is not on the same level as the home occupation.

2. The home occupation may allow up to two (2) nonresident employees in the Neighborhood District and up to five (5) nonresident employees in the Mixed Use and Downtown Transitional Districts to work in the dwelling unit.

3. The home occupation may involve commodities sold upon the premise which were not prepared on the premise.

4. The use of any outdoor space must be fully screened from view with either a six foot solid masonry wall or fence, or a landscape screen that covers at least 60% of the surface area of a vertical plan extending along the entire length of the area to be screened to a height of 10 feet above the adjacent grade.

5. Permitted home occupations are limited to the following:

    i. Office and personal services are allowed in the Neighborhood, Mixed-use and Downtown transitional districts.

    ii. Retail sales and restaurants are also allowed in the Downtown transitional district.

I. Urban Gardens.

The zoning regulations of Chapter 27.62.030 regarding Urban Gardens apply except as amended here within:

1. Urban gardens can include greenhouses under the following conditions:
    a. The greenhouse must be built using quality construction materials, finishes and design principles that will not negatively impact the visual aesthetic of the neighborhood. Construction must be weather resistant and shall not include tarps, plastic, paper, or other materials which would significantly degrade after extended exposure to the elements.

    b. The greenhouse must be less than 50% of the urban garden area.

    c. If a greenhouse is proposed as part of the urban garden an administrative amendment is required which allows the Planning Director to review the proposal for conformance with the subjective provisions of Section I (1)(a) above.

2. Urban gardens can only sell on-site produce grown on the premises.

3. Urban gardens must receive approval by the Lincoln Lancaster County Health Department.

4. Plants and accessory items for cultivation including trellises, fences, and utilities, but not structures, are allowed in the front yard.

5. Container Agriculture, defined as growing plants in a portable or modular structure including, but not limited to shipping containers, shall be allowed under the following conditions:

    a. The container agriculture is not required to provide parking but cannot reduce the amount of required parking on site for the primary use.

J. First Floor Residential in the B-3.

1. The provisions of 27.62.040 (a) do not apply, therefore, dwellings are permitted on all floors within the B-3 zoning district.

Prohibited Uses

A. The following uses shall be prohibited within all underlying zoning districts except the B-3 districts:
    1. Drive Thrus, which are defined as a building opening, including windows or mechanical devices, through which occupants of a motor vehicle receives or obtains a product or service, are prohibited in all districts, including the B-3 underlying zoning district.
        i. Drive thrus existing on [insert approval date] are considered nonconforming and may remain. However, if the use is discontinued for a period of more than six (6) months, it is prohibited.

Other Modifications

A. Temporary uses
    1. Food trucks are allowed on private property anywhere within the Downtown Transitional and Mixed Use districts.
        i. The food truck does not take up any required parking stalls.
    2. Temporary retail sales and personal services businesses are allowed on existing parking lots within the Downtown Transitional and Mixed Use districts provided they meet the following regulations:
        i. The business remains for a period of no more than 6 months.
        ii. The temporary business does not take up any required parking stalls.

B. Parking.
    1. Building Reuse Reduction: New non-residential uses in an existing building are exempt from parking requirements up to 1,000 square feet. Any parking existing on site prior to the new use must remain. Beyond 1,000 square feet, new non-residential uses must provide parking at the applicable ratio.
    2. Bicycle Parking Reduction: For each four bicycle parking stalls provided on-site, one required parking space may be reduced up to two stalls.
        a. Bicycle parking spaces shall be located in a convenient and within fifty (50) feet of a principal entrance and shall permit the locking of the bicycle frame and one (1) wheel to the rack and shall support a bicycle in a stable position without damage to the wheels, frame or components.
    3. Alternative Transportation Reduction: One additional required parking stall may be reduced if the site is within 600 feet of a bike share station or bus stop. If the bike share or bus stop moves, the site will be considered non-conforming but does not need to add back the stall.
        a. The minimum required parking for single and two family residential uses on lots which were existing on [insert approval date] shall be reduced to 1 space per dwelling unit provided there is at least 22 contiguous feet of uninterrupted street curb space abutting the lot along the face of curb from the edge of the curb return to the lot line.

Table 2.2: Parking Requirements

	Ratio
Restaurants/Food Establishments	1:300
Small Scale Food or Beverage Production	1:600
Retail Sales	1:600
Personal Services	1:600
Office	1:600
Banks, savings and loan associations, credit unions, and finance companies	1:600
Theaters	1:200
Cooperative Housing	1 per bedroom
Home Occupations	1 stall per employee over 3 employees
Urban Gardens	0

C. Signs.
   1. Any signs within the B-3 zoning district shall follow Section 27.69.
   2. One freestanding sign is permitted per lot under the following conditions:
      a. Maximum of 20 square feet in area.
      b. Maximum height is 6 feet.
      c. Signs are allowed in the front yard but must maintain a 5-foot setback from the front property line.
      d. Except for home occupations and urban gardens, the signs may be illuminated.
      e. Pole signs are prohibited.
   3. One wall sign is permitted per business under the following conditions:
      a. In multi-tenant buildings, each business is allowed one wall sign which must face a public street. No more than 15% of each architectural elevation can be covered with wall signs.
      b. If no freestanding sign is present, each wall sign is limited to 20 square feet. If a freestanding sign is located on the property, each wall sign may not exceed 12 square feet.
      c. Illumination is allowed on any wall signs except those promoting a home occupation or urban garden.
   4. Where allowed, illuminated freestanding signs and wall signs may be externally illuminated with down lights or individual components may be illuminated with neon or similar sources, but may not consist of internally illuminated, translucent-faced cabinets.
   5. The spacing requirement for signs abutting a residential premise identified in 27.69.030 (a) (9) shall not apply.
   6. The Planning Director may waive or modify the sign requirements of 27.69 as part of a sign permit to meet the spirit and intent of the planned unit development.

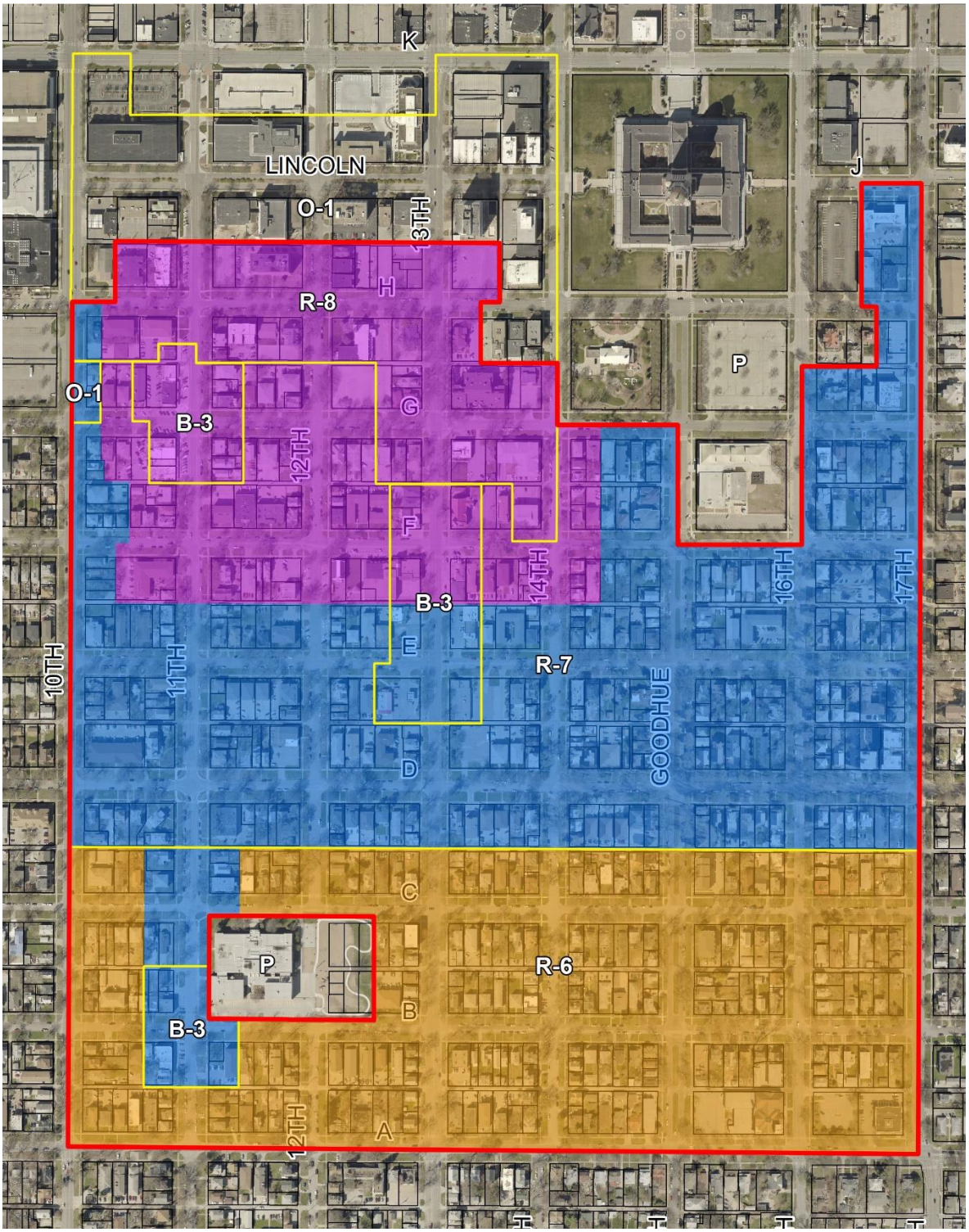
D. Height and Lot Regulations for Single and Two Family Uses.

1. On streets with right of way exceeding 100 feet the front setback shall be 3 feet.
2. An open, unenclosed porch may project into a required front yard for a distance not to exceed five feet, but no closer than 2 feet to the front property line.
3. Reductions to the minimum lot standards and setbacks are as follows:

Table 2.3 Lot Regulations

	Single Family	Two-family
Minimum Lot Area (sq. ft.)	1,500 (reduced from 4,000)	1500 (reduced from 2,500 R6/2,000 R7-8
Avg. Lot Width (Minimum)	25’ (reduced from 50’)	25’ (no change)
Minimum Front Yard Setback	10’ (reduced from 20’ R6-7, 10’ R8)	10’ (reduced from 20’ R6-7, 10’ R8)
Minimum Side Yard Setback	3’ (reduced from 5’ in R6-7, 10’ R8)	3’ (reduced from 5’ in R6-7, 10’ R8)
Minimum Rear Yard Setback	10’ (reduced from 30’or 20% of lot depth R6-7 or 20’ R8)	10’ (30’or 20% of lot depth R6-7 or 20’ R8

Exhibit 1. PUD Boundary and Subdistrict Map



May 24, 2021

David Carey, Planning Director
City County Planning Department
555 South 10th Street
Lincoln, NE 68508

RE: South of Downtown Innovation PUD

Dear David:

On behalf of the South Downtown Community Development Organization("**SDCDO**"), we are seeking the City of Lincoln's approval of the proposed South of Downtown Innovation Planned Unit Development ("PUD").

As background, the City of Lincoln recently approved the South of Downtown Redevelopment and Strategic Plan for our unique, diverse and historical neighborhood. The Redevelopment and Strategic Plan was prepared by the City Urban Development Department, in partnership with SDCDO and the Lincoln Community Foundation. This document lays out many new and innovative programs and strategies for our neighborhood. One of the key recommendations of the approved Redevelopment and Strategic is to implement a proposed a PUD zoning overlay. The proposed PUD boundary is shown on the accompanying draft PUD.

Kent Seacrest and I have been working with your fine staff members, Collin Christopher and Stephanie Rouse on the proposed PUD. We greatly appreciate your staff's input, creativity, and professionalism. Their suggestions and thoroughness have been invaluable.

We also sent a large email and social media blast to our neighborhood network and property owners, inviting them to a PUD presentation which included a Q & A session via Zoom. We had approximately 60 neighbors and stakeholders participate on the Zoom conference call. The participants asked great questions and there appeared to be overall support for the proposed PUD.

Finally, we also created a Neighborhood Review Committee comprised of 8 neighborhood participants who met together two times with your staff to carefully review in detail the draft PUD. Again, the Neighborhood Review Committee express support for the proposed PUD.

The application fee is being paid by the City of Lincoln. If you have questions, please contact Kent Seacrest or the undersigned. On behalf of SDCDO, we appreciate your consideration of this innovative PUD

Sincerely,

Shawn Ryba, Executive Director

Email: shawn.ryba@lincolnsouthdowntown.org
Cell: 402-416-8686

Enclosures

cc with enclosures:

SDCDO Board of Directors

Neighborhood Review Committee

Collin Christopher

Stephanie Rouse

Kent Seacrest

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

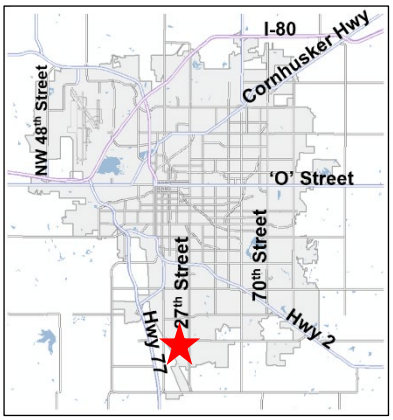
FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER	FINAL ACTION?	DEVELOPER/OWNER
Use Permit #126G	No	Wilderness Woods Holdings, LLC
PLANNING COMMISSION HEARING DATE	**RELATED APPLICATIONS**	**PROPERTY ADDRESS/LOCATION**
June 23, 2021	None	8722 Executive Woods Drive

RECOMMENDATION: CONDITIONAL APPROVAL

BRIEF SUMMARY OF REQUEST

This is a request to amend the Wilderness Woods Use Permit for one residential lot to allow an increased building height of 55 feet and reduced parking requirement of 1.75 stalls per dwelling unit. The Use Permit contains existing office and multi-family uses surrounded by the Wilderness Ridge Golf Course.



JUSTIFICATION FOR RECOMMENDATION

The waivers are consistent with the goals of the Comprehensive Plan and should not have a negative effect on neighboring properties. The surrounding properties contain multi-family, office, golf course, and open space uses. The closest single-family homes are approximately 450-500 feet to the east separated by a street and golf course.

Numerous height increases to 55 feet for residential uses have been approved. This greater height helps support underground parking and increase the utilization of the land. Likewise, many parking reductions from 2 spaces per dwelling to 1.5 spaces or less have been approved. This is supported by information gathered that shows the number of cars owned by renters per dwelling is significant less than 2.0 in Lincoln.

APPLICATION CONTACT
Mike Eckert, (402) 434-8494,
meckert@civildg.com

STAFF CONTACT
Rachel Jones, (402) 441-7603,
rjones@lincoln.ne.gov

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The waivers are consistent with the goals of the Comprehensive Plan to allow appropriate development flexibility and a range of residential use types.

WAIVERS

1. Increase the building height on Lot 3 from 45 to 55 feet. (Recommend Approval)
2. Reduce the minimum parking on Lot 3 from 2 spaces per dwelling unit to 1.75 spaces per dwelling unit. (Recommend Approval)

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

P. 12.3 - this site is shown as future Commercial on the 2040 Lincoln Area Future Land Use Plan.

P. 7.2 - Neighborhoods & Housing Guiding Principles
- Provide a wide variety of housing types and choices for an increasingly diverse and aging population.
- Provide flexibility to the marketplace in siting future residential development locations.
- Strive for predictability for neighborhoods and developers for residential development and redevelopment.

P. 7.4-7.8 - Strategies for Developing Neighborhoods
- Provide for an adequate supply of affordable land and timely infrastructure improvements.
- Structure incentives to encourage higher densities to make greater use of the community's infrastructure.
- Encourage new development to achieve densities greater than five dwelling units per gross acre.

ANALYSIS

1. This is a request for two waivers on Lot 3 to increase the building height and reduce the parking requirement. Lot 3 is designated for residential use. In addition, 17 previously approved unassigned dwelling units would be added to Lot 3, increasing the total dwelling units on Lot 3 from 102 to 119 units.

2. The O-3 zoning district is intended to accommodate office as well as other compatible and complementary commercial uses, including residential uses in the newer suburban areas of the city. Lot 3 is adjacent to the Wilderness Ridge Golf Course on the east and multi-family and office buildings to the north, south and west.

3. Two waivers to Zoning Ordinance regulations are requested.

   a. Reduce the Minimum Parking on Lot 3 to 1.75 spaces per dwelling unit per Chapter 27.67.

   This waiver is requested based on the anticipated number of studio and one-bedroom apartments, which will constitute more than half of the total units in the proposed building on Lot 3. Approval of this proposed change would adjust the required parking for Lot 3 based on the proposed 119 units from 2 spaces per dwelling unit to 1.75. With the parking adjustment, 209 stalls would be required, which constitutes a reduction of 29 stalls. Other multi-family uses elsewhere in the use permit would continue to follow the standard parking requirement. The Comprehensive Plan encourages mechanisms for reduced parking requirements where appropriate, and when doing so will not negatively affect neighboring properties. The separation from the neighborhood to the east should not result in negative parking impacts.

   Data was recently gathered by Planning staff on the typical number of vehicles owned on average by renters in Lincoln. The data showed that most of the renter households are 1 vehicle households, with the trend being more pronounced in the older neighborhoods. Approximately 59.1% of rental households in Lincoln have 1 car or fewer. This supports the argument that a reduction below 2 parking stalls per unit would not be detrimental since that is the predominant characteristic of renter households in most areas of Lincoln.

   Several similar parking reductions have recently been approved for multi-family uses:

   - Gatehouse Rows CUP at 3600 O Street to 1.4 spaces per dwelling unit.
   - Wandering Creek PUD at 88th Street and Bobtail Road to 1.5 spaces per dwelling unit (with a requirement that at least 65% of units be studio or one-bedroom).
   - Antelope Village PUD at N. 22nd and P Streets to 1 space per dwelling unit.
   - Gateway Shopping Center at N. Cotner Blvd. and P Street to 1.35 spaces per dwelling unit in area H (with a maximum 26% of units with more than one bedroom) and 1.40 spaces per dwelling unit in Area I (with a maximum of 40% of units with more than one bedroom)
   - Wyuka CUP at N. 45th and Vine Streets to 1.75 spaces per dwelling unit.
   - South Ridge Village PUD at S. 27th Street and Pine Lake Road to 1.5 spaces per dwelling unit (no 3-bedroom dwelling units permitted).

b. Increase the Building Height on Lot 3 to 55 feet per Section 27.72.030.

The applicant states this is to accommodate market demand for taller ceiling heights and other facility needs. There is no anticipated impact on single family homes in the neighborhood. The closest single-family homes are approximately 450-500 feet to the east separated by a street and lake for the golf course. This location is appropriate for taller buildings. A number of residential height waivers have been approved for residential uses in recent years. The list below includes those approved since 2018.

- Southwest Village PUD at S. 1st Street and W. Denton Road to 55 feet.
- Wilderness Heights PUD at S. 40th Street and Yankee Hill Road to 55 feet.
- Wilderness Commons PUD at S. 40th Street and Yankee Hill Road to 55 feet.
- Wilderness Creek PUD at S. 40th Street and Yankee Hill Road to 55 feet.
- Wandering Creek PUD at S. 91st Street and Van Dorn Street to 50 feet.
- Gateway Shopping Center Pre-Existing Use Permit at N. 66th Street and Q Street to 55 feet.

CONDITIONS OF APPROVAL: See attached.

EXISTING LAND USE & ZONING: Vacant; O-3

SURROUNDING LAND USE & ZONING

North: Multi-family, office and open space; O-3
South: Office; O-3
East: Golf course; R-3
West: Multi-family dwellings; O-3

APPROXIMATE LAND AREA (AREA OF AMENDMENT): 3.04 acres

LEGAL DESCRIPTION (AREA OF AMENDMENT): Lot 1, Wilderness Woods Office Park 5th Addition.

Prepared by

_____
Rachel Jones, Planner

Date: June 14, 2021

Owner/Applicant: Wilderness Woods Holdings, LLC
7211 S. 27th Street
Lincoln, NE 68512
(402) 434-7368, tomschleich7@gmail.com

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

F:\DevReview\UP\UP126G Wilderness Woods Office Park.rkj.docx

APPLICATION HISTORY – USE PERMIT #126G

Feb 1998	This area was annexed per annexation #98005.
Dec 1999	Use Permit #126 and Change of Zone #03225 were approved to allow 275,000 square feet of office space and a change of zone from R-3 Residential to O-3 Office Park and from O-3 Office Park to R-3 Residential.
Jun 2000	Use Permit #126A was approved allowing a reduced setback on Lot 4 from 40' to 30', and to increase the height allowed on Lot 4 from 35' to 45'.
Jul 2002	Administrative Amendment #02073 approved a 10,000 square foot office building with a parking lot on Lot 1.
Nov 2002	Administrative Amendment #02097 revised the parking, parking lot landscaping and screening plans, and revised the General Notes.
July 2004	Use Permit #126B and Change of Zone 04048 were approved changing the zoning on an existing parking lot from O-3 to R-3, and to remove it from the use permit and include it with the golf course as part of the Wilderness Ridge Golf Course.
Aug 2011	Use Permit #126C was approved to allow 186 dwelling units and to reduce the amount of office floor area from 275,000 square feet to 225,000 square feet, and showed a height increase for Lot 3 to 45 feet.
Apr 2014	Administrative Amendment #14013 was approved to increase the number of dwelling units to 195.
Sept 2015	Use Permit #126D was approved to reduce the amount of office square footage permitted from 225,000 to 174,000 square feet and increase the number of dwelling units from 195 to 297.
Aug 2016	Use Permit #126E revised the layout of Lot 2, with waivers to reduce the side yard setback to 5 feet and the rear yard setback to 10 feet on Lot 2.
Mar 2017	Use Permit #126F approved a parking reduction for office uses on Lot 2 from 1 stall per 300 square feet to 1 stall per 350 square feet.

CONDITIONS OF APPROVAL – USE PERMIT #126G

This approval permits up to 297 dwelling units and 174,000 square feet of office floor area, with waivers to increase the building height on Lot 3 from 45 to 55 feet and reduce the minimum parking on Lot 3 from 2 spaces per dwelling unit to 1.75 spaces per dwelling unit.

Site Specific Conditions:

1. The permittee shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including 2 copies.

Standard Conditions:

2. The following conditions are applicable to all requests:

   2.1 Before occupying the dwelling units / buildings all development and construction is to substantially comply with the approved plans.

   2.2 All privately-owned improvements, including landscaping and recreational facilities, are to be permanently maintained by the Permittee or an appropriately established homeowners association approved by the City.

   2.3 The physical location of all setbacks and yards, buildings, parking and circulation elements, and similar matters must be in substantial compliance with the location of said items as shown on the approved site plan.

   2.4 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.

   2.5 The applicant shall sign and return the letter of acceptance to the City Clerk. This step should be completed within 60 days following the approval of the special permit. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefore to be paid in advance by the applicant. Building permits will not be issued unless the letter of acceptance has been filed.

   2.6 The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all resolutions/ordinances approving previous permits remain in force unless specifically amended by this resolution.

WILDERNESS WOODS OFFICE PARK

AMENDED USE PERMIT #126G

PARKING SUMMARY

LOT	ZONE	FLOOR AREA (S.F.)	ADDRESS	USE	REQUIRED PARKING	HEIGHT
LOT 1	O-3	144 UNITS	8801 EXECUTIVE WOODS DR.	DWELLING UNITS	288	35'
LOT 2	O-3	40,000		OFFICE	115	45'
LOT 3	O-3	119 UNITS		DWELLING UNITS	209	55'
LOT 4	O-3	9,077	8700 EXECUTIVE WOODS DR.	OFFICE	31	35'
LOT 5	O-3	3,796	8466 EXECUTIVE WOODS DR.	OFFICE	13	35'
LOT 6	O-3	32 UNITS	8601 EXECUTIVE WOODS DR.	DWELLING UNITS	64	35'
LOT 7	O-3	9,720	8555 EXECUTIVE WOODS DR.	OFFICE	33	35'
LOT 8	O-3	10,000	8545 EXECUTIVE WOODS DR.	OFFICE	34	35'
LOT 9	O-3	9,720	8535 EXECUTIVE WOODS DR.	OFFICE	33	35'
LOT 10	O-3	10,000	8525 EXECUTIVE WOODS DR.	OFFICE	34	35'
LOT 11	O-3	9,720	8540 EXECUTIVE WOODS DR.	OFFICE	33	35'
LOT 12	O-3	9,720	8644 EXECUTIVE WOODS DR.	OFFICE	33	35'
UNASSIGNED OFFICE		62,247				
UNASSIGNED DWELLING UNITS		2 UNITS			4	
TOTAL:	297 DWELLING UNITS & 174,000 S.F. OF OFFICE OR SOME COMBINATION OF BOTH USES MAY BE BUILT ON THE SITE.					

WAIVERS

TITLE 27 - SECTION 27.67.020 - TO AMEND THE PARKING REQUIREMENT FOR LOT 2 TO BE 1 STALL PER 350 SQ FT OF OFFICE SPACE.

TITLE 27- SECTION 27.67.065 - TO AMEND THE PARKING REQUIREMENT FOR LOT 3 TO BE 1.75 STALLS PER DWELLING UNIT.

OWNER & DEVELOPER:

AUSTIN REALTY COMPANY
7211 S. 27TH STREET
LINCOLN, NE 68512

8525 EXECUTIVE WOODS DRIVE, LLC
7211 S. 27TH STREET
LINCOLN, NE 68512

8535 EXECUTIVE WOODS DRIVE, LLC
7211 S. 27TH STREET
LINCOLN, NE 68512

8555 EXECUTIVE WOODS DRIVE, LLC
7211 S. 27TH STREET
LINCOLN, NE 68512

WILDERNESS WOODS, LLC
8525 EXECUTIVE WOODS DRIVE
LINCOLN, NE 68512

8600 EXECUTIVE WOODS DRIVE, LLC
7211 S. 27TH STREET
LINCOLN, NE 68512

PINE RIDGE DENTAL PROPERTIES II, LLC
8545 EXECUTIVE WOODS DRIVE, UNIT #2
LINCOLN, NE 68512

ARC INVESTMENTS, LLD
8545 EXECUTIVE WOODS DRIVE, UNIT #1
LINCOLN, NE 68512

HAUSMANN HOLDINGS, LLC
8885 EXECUTIVE WOODS DRIVE
LINCOLN, NE 68512

VILLAS AT WILDERNESS RIDGE, LLC
7211 S. 27TH STREET
LINCOLN, NE 68512

VILLAS AT WILDERNESS RIDGE II, LLC
7211 S. 27TH STREET
LINCOLN, NE 68512

WILDERNESS WOODS HOLDINGS, LLC
7211 S. 27TH STREET
LINCOLN, NE 68512

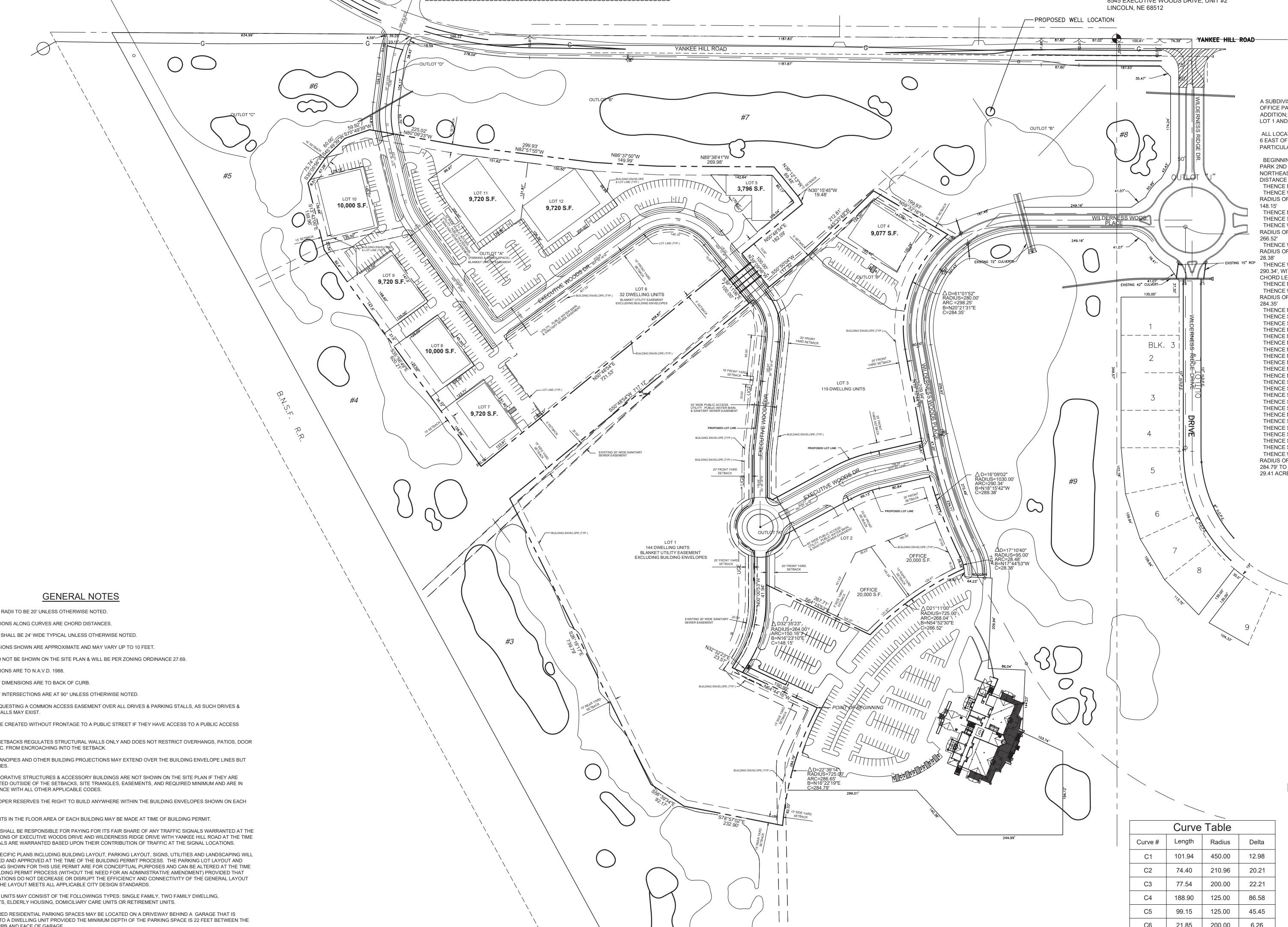
BLACKTIE PROPERTIES, LLC
8545 EXECUTIVE WOODS DRIVE, UNIT 3
LINCOLN, NE 68512

ENGINEER:

CIVIL DESIGN GROUP, INC.
8535 EXECUTIVE WOODS DRIVE,
SUITE 200
LINCOLN, NE 68512 (402)434-8494

SURVEYOR:

ALLIED SURVEYING & MAPPING
8535 EXECUTIVE WOODS DRIVE,
SUITE 200
LINCOLN, NE 68512 (402)434-2686



LEGAL DESCRIPTION - USE PERMIT

A SUBDIVISION COMPOSED OF LOTS ~~5, 6, 7, 8, 14, 15~~ AND ~~OUTLOT 'B'~~ WILDERNESS WOODS OFFICE PARK ADDITION; L~~OTS 4, 5, 6, AND 7 WILDE~~RNESS WOODS OFFICE PARK 1ST ADDITION; ~~LOT 1 AND OUTLOT 'B', WILDERNESS WOODS OFFICE P~~ARK 2ND ADDITION AND LOT 1 AND OUTLOT 'A', WILDERNESS WOODS OFFICE PARK 4TH ADDITION.

ALL LOCATED IN THE NORTHWEST QUARTER OF SECTION 25, TOWNSHIP 9 NORTH, RANGE 6 EAST OF THE 6TH P.M. , CITY OF LINCOLN, LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT I, WILDERNESS WOODS OFFICE PARK 2ND ADDITION THENCE IN A NORTHWESTERLY DIRECTION, ALONG THE NORTHEASTERLY LINE OF SAID LOT 1, ON AN ASSUMED BEARING OF N 64°44'16" W FOR A DISTANCE OF 190.99'
THENCE N 32°32'23" E FOR A DISTANCE OF 23.57'
THENCE WITH A CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 150.16', WITH A RADIUS OF 264.00', WITH A CHORD BEARING OF N 16°23'10" E, WITH A CHORD LENGTH OF 148.15'
THENCE N 00°00'53" W FOR A DISTANCE OF 41.94'
THENCE S 64°15'53" E FOR A DISTANCE OF 267.71'
THENCE WITH A CURVE TURNING TO THE RIGHT WITH AN ARC LENGTH OF 268.04', WITH A RADIUS OF 725.00', WITH A CHORD BEARING OF N 54°52'30" E, WITH A CHORD LENGTH OF 266.52'
THENCE WITH A CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 28.48', WITH A RADIUS OF 95.00', WITH A CHORD BEARING OF N 17°44'53" W, WITH A CHORD LENGTH OF 28.38'
THENCE WITH A REVERSE CURVE TURNING TO THE RIGHT WITH AN ARC LENGTH OF 290.34', WITH A RADIUS OF 1030.00', WITH A CHORD BEARING OF N 18°15'42" W, WITH A CHORD LENGTH OF 289.38'
THENCE N 10°10'44" W FOR A DISTANCE OF 209.94'
THENCE WITH A CURVE TURNING TO THE RIGHT WITH AN ARC LENGTH OF 298.25', WITH A RADIUS OF 280.00', WITH A CHORD BEARING OF N 20°21'31" E, WITH A CHORD LENGTH OF 284.35'
THENCE N 59°32'16" W FOR A DISTANCE OF 199.93'
THENCE S 45°33'49" W FOR A DISTANCE OF 212.81'
THENCE S 50°50'04" W FOR A DISTANCE OF 117.32'
THENCE N 39°09'56" W FOR A DISTANCE OF 100.00'
THENCE N 50°48'54" E FOR A DISTANCE OF 182.09'
THENCE N 30°15'45" W FOR A DISTANCE OF 19.48'
THENCE N 39°12'13" W FOR A DISTANCE OF 89.48'
THENCE N 89°38'41" W FOR A DISTANCE OF 269.98'
THENCE N 86°37'50" W FOR A DISTANCE OF 149.99'
THENCE N 82°51'55" W FOR A DISTANCE OF 299.93'
THENCE N 80°09'23" W FOR A DISTANCE OF 225.02'
THENCE S 70°49'39" W FOR A DISTANCE OF 59.92'
THENCE S 45°49'39" W FOR A DISTANCE OF 60.00'
THENCE S 35°05'56" W FOR A DISTANCE OF 75.74'
THENCE S 13°42'00" E FOR A DISTANCE OF 159.96'
THENCE S 35°56'49" E FOR A DISTANCE OF 620.21'
THENCE N 50°48'54" E FOR A DISTANCE OF 721.53'
THENCE S 39°11'06" E FOR A DISTANCE OF 100.00'
THENCE S 50°48'54" W FOR A DISTANCE OF 717.12'
THENCE S 26°19'17" E FOR A DISTANCE OF 739.79'
THENCE S 56°39'34" E FOR A DISTANCE OF 92.17'
THENCE S 78°57'02" E FOR A DISTANCE OF 232.90'
THENCE WITH A CURVE TURNING TO THE RIGHT WITH AN ARC LENGTH OF 286.65', WITH A RADIUS OF 725.00', WITH A CHORD BEARING OF N 16°22'19" E, WITH A CHORD LENGTH OF 284.79' TO THE POINT OF BEGINNING AND CONTAINING AN AREA OF 1281256 SQUARE FEET, 29.41 ACRES

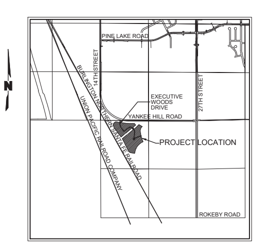
GENERAL NOTES

1. ALL PAVING RADII TO BE 20' UNLESS OTHERWISE NOTED.
2. ALL DIMENSIONS ALONG CURVES ARE CHORD DISTANCES.
3. ALL DRIVES SHALL BE 24' WIDE TYPICAL UNLESS OTHERWISE NOTED.
4. LOT DIMENSIONS SHOWN ARE APPROXIMATE AND MAY VARY UP TO 10 FEET.
5. SIGNS NEED NOT BE SHOWN ON THE SITE PLAN & WILL BE PER ZONING ORDINANCE 27.69.
6. ALL ELEVATIONS ARE TO N.A.V.D. 1988.
7. ALL STREET DIMENSIONS ARE TO BACK OF CURB.
8. ALL STREET INTERSECTIONS ARE AT 90° UNLESS OTHERWISE NOTED.
9. WE ARE REQUESTING A COMMON ACCESS EASEMENT OVER ALL DRIVES & PARKING STALLS, AS SUCH DRIVES & PARKING STALLS MAY EXIST.
10. LOTS MAY BE CREATED WITHOUT FRONTAGE TO A PUBLIC STREET IF THEY HAVE ACCESS TO A PUBLIC ACCESS EASEMENT.
11. THE YARD SETBACKS REGULATES STRUCTURAL WALLS ONLY AND DOES NOT RESTRICT OVERHANGS, PATIOS, DOOR SWINGS, ETC. FROM ENCROACHING INTO THE SETBACK.
12. ALL EVES CANOPIES AND OTHER BUILDING PROJECTIONS MAY EXTEND OVER THE BUILDING ENVELOPE LINES BUT NOT LOT LINES.
13. FENCE, DECORATIVE STRUCTURES & ACCESSORY BUILDINGS ARE NOT SHOWN ON THE SITE PLAN IF THEY ARE CONSTRUCTED OUTSIDE OF THE SETBACKS, SITE TRIANGLES, EASEMENTS, AND REQUIRED MINIMUM AND ARE IN CONFORMANCE WITH ALL OTHER APPLICABLE CODES.
14. THE DEVELOPER RESERVES THE RIGHT TO BUILD ANYWHERE WITHIN THE BUILDING ENVELOPES SHOWN ON EACH LOT.
15. ADJUSTMENTS IN THE FLOOR AREA OF EACH BUILDING MAY BE MADE AT TIME OF BUILDING PERMIT.
16. PERMITTEE SHALL BE RESPONSIBLE FOR PAYING FOR ITS FAIR SHARE OF ANY TRAFFIC SIGNALS WARRANTED AT THE INTERSECTIONS OF EXECUTIVE WOODS DRIVE AND WILDERNESS RIDGE DRIVE WITH YANKEE HILL ROAD AT THE TIME SUCH SIGNALS ARE WARRANTED BASED UPON THEIR CONTRIBUTION OF TRAFFIC AT THE SIGNAL LOCATIONS.
17. ALL SITE SPECIFIC PLANS INCLUDING BUILDING LAYOUT, PARKING LAYOUT, SIGNS, UTILITIES AND LANDSCAPING WILL BE REVIEWED AND APPROVED AT THE TIME OF THE BUILDING PERMIT PROCESS. THE PARKING LOT LAYOUT AND LANDSCAPING SHOWN FOR THIS USE PERMIT ARE FOR CONCEPTUAL PURPOSES AND CAN BE ALTERED AT THE TIME OF THE BUILDING PERMIT PROCESS (WITHOUT THE NEED FOR AN ADMINISTRATIVE AMENDMENT) PROVIDED THAT THE ALTERATIONS DO NOT DECREASE OR DISRUPT THE EFFICIENCY AND CONNECTIVITY OF THE GENERAL LAYOUT AND THAT THE LAYOUT MEETS ALL APPLICABLE CITY DESIGN STANDARDS.
18. DWELLINGS UNITS MAY CONSIST OF THE FOLLOWINGS TYPES: SINGLE FAMILY, TWO FAMILY DWELLING, APARTMENTS, ELDERLY HOUSING, DOMICILIARY CARE UNITS OR RETIREMENT UNITS.
19. THE REQUIRED RESIDENTIAL PARKING SPACES MAY BE LOCATED ON A DRIVEWAY BEHIND A GARAGE THAT IS ATTACHED TO A DWELLING UNIT PROVIDED THE MINIMUM DEPTH OF THE PARKING SPACE IS 22 FEET BETWEEN THE BACK OF CURB AND FACE OF GARAGE.
20. SETBACKS TO BUILDING ENVELOPES ARE 0'. SETBACKS FROM LOT LINES TO BUILDING ENVELOPES ARE PER THE 0-3 DISTRICT OR AS SHOWN ON THE PLAN.

DWG: F:\Projects\2021\20210119\Landplanning\AA\210119_amendment.dwg USER: Jill
DATE: May 27, 2021 12:22pm XREFS: 150116_golf 150116_office_xbase3 150141_Xbase

Curve Table

Curve #	Length	Radius	Delta
C1	101.94	450.00	12.98
C2	74.40	210.96	20.21
C3	77.54	200.00	22.21
C4	188.90	125.00	86.58
C5	99.15	125.00	45.45
C6	21.85	200.00	6.26
C7	81.24	300.02	15.51



VICINITY MAP
NOT TO SCALE

Civil Design Group, Inc.
8535 EXECUTIVE WOODS DR., SUITE 200
LINCOLN, NEBRASKA 68512
Ph. 402-434-8494 Fax 866-215-8747
www.civildg.com
CONSULTING ENGINEERS ● LAND USE PLANNERS
CIVIL DESIGN ● SITE DEVELOPMENT ● PLANNING AND ZONING

REVISIONS

△	DATE	DESCRIPTION

COVER SHEET

WILDERNESS WOODS OFFICE PARK
AMENDED USE PERMIT #126G

2021

LINCOLN, NEBRASKA

drawn by:	jds
checked by:	-
approved by:	-
project no.:	2021-0119
drawing no.:	-
date:	05/21/2021

SHEET
1 OF 1

Civil Design Group, Inc.

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

May 20, 2021

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

Re: Application for amendment to the Wilderness Wood Special Permit, #126G, for waivers to the height and parking ratio for Lot 3. CDG Project # 2021-0119.

Dear Mr. Cary:

On behalf of Wilderness Woods Holdings, LLC we submit the enclosed application for an amendment to Special Permit #126G. We are requesting waivers to allow for 55' maximum building height and a 1.75 parking stall/dwelling unit parking ratio for Lot 3.

The request for the increase in height is consistent with many multi-family projects in Lincoln over the past decade that have desired 55' to accommodate for modern market demands of constructing 9'-10' ceilings per floor along with the integration of underground parking facilities and elevators. The parking ratio reduction is requested due to the planned number of studio and 1BR units that will exceed 50% of the total units in the proposed building for this site.

We also request to adjust the allowed dwelling units for Lot 3 from 102 units to 119 units. We have adjusted the unassigned Dwelling to 2 units. We are not requesting any additional units than what was previously approved.

The requested waivers are to the following LMC sections:

1. To Zoning Code 27.72.030(a) to allow buildings in the O-3 area to be 55' high.
2. To Zoning Code 27.67.065 to reduce the O-3 parking ratio to 1.75 stalls/unit.

Included with this application are:

An application for a Use Permit Amendment and a check for the associated fees of $988.00.
All plan sheets, uploaded via Project Dox

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

Sincerely,

Mike Eckert GDS

Mike Eckert, AICP

cc: Wilderness Woods Holdings, LLC

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

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

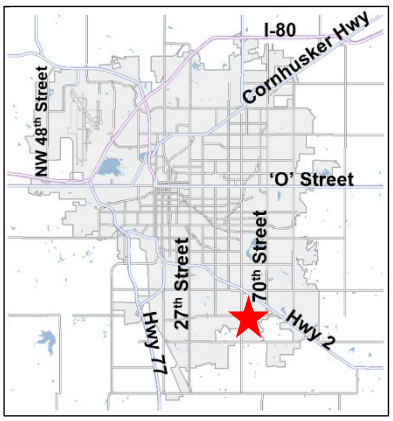
APPLICATION NUMBER	FINAL ACTION?	DEVELOPER/OWNER
Change of Zone #04075i Village Gardens Planned Unit Development	No	Village Gardens Development Company, LLC
PLANNING COMMISSION HEARING DATE	**RELATED APPLICATIONS**	**PROPERTY ADDRESS/LOCATION**
April 28, 2021	None	South 56th & Pine Lake Road

RECOMMENDATION: CONDITIONAL APPROVAL

BRIEF SUMMARY OF REQUEST

This is a request to modify the Development Plan associated with the Village Gardens Planned Unit Development. Two changes are proposed. The first seeks to modify the maximum allowed height for multiple-family dwellings from 40' to 55'. The second seeks to modify the parking requirement from 1.5 parking stall per dwelling unit to 1.0.

The lot was a planned apartment site when the PUD was originally approved in 2004. Multiple-family structures are allowed at this location and otherwise comply with the requirements of the Development Plan.



APPLICATION CONTACT
DaNay Kalkowski, 402-435-6000
danay@sk-law.com

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

JUSTIFICATION FOR RECOMMENDATION

Multiple-family dwellings were planned for this site with the original PUD. Since 2004 construction standards and consumer preferences have changed and the height of multiple-family buildings have necessarily increased in response. This site is located in the B-3 commercial center portion of the PUD and adjacent to commercial uses to the north, west, east and a portion of the south boundary. Along the south boundary is an approximate 10' change in grade which falls abruptly from south to north offsetting much of the increased height. The parking reduction from 1.5 parking spaces to 1.0 is consistent with the underlying B-3 zoning, where 1.0 space per unit is the requirement of the Zoning Ordinance. Village Gardens Development, LLC through their Development Plan had initially adopted the higher standard of 1.5 spaces per unit. Given there is shared parking throughout much of the commercial center and the overall total number of spaces available, this supports the reduction to 1.0 spaces per unit.

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

These requests will allow for increased density near a commercial center which has the infrastructure and proximity to transportation facilities that can support it. It adds to the variety of housing types available to residents and helps reduce the amount of unnecessary paving to preserve land for buildings, open space and other amenities.

WAIVERS

1. LMC 27.72.030(a) – Increase maximum height from 40' to 55' - Recommend Approval
2. LMC 27.67.020 – Reduce parking requirement to 1.0 spaces per dwelling unit - Recommend Approval

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

P. 12.3 - this site is designated for future commercial land uses on the 2040 Lincoln Area Future Land Use Plan.

P. 1.2 - Lincoln and Lancaster County: One Community Vision Statements:
- An important relationship exists between the urban, rural, and natural landscapes. Urban and rural development maximize the use of land in order to preserve agriculture and natural resources.

P. 1.2 - Quality of Life Assets:
- The community continues its commitment to strong, diverse neighborhoods. Neighborhoods remain one of Lincoln's great strengths and their conservation is fundamental to this plan. The health of Lincoln's varied neighborhoods and districts depends on implementing appropriate and individualized policies.
- LPlan 2040 is the basis for zoning and land development decisions. It guides decisions that will maintain the quality and character of the community's new and established neighborhoods.

P. 6.6-6.7 - Strategies for Mixed Use Redevelopment Nodes and Corridors
- Mixed Use Redevelopment Nodes and Corridors should strive to locate:
  - 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.
  - Strive for residential densities of at least seven dwelling units per gross acre within buildable areas inside the project boundary. This strategy encourages significant returns on public investment by developing high-quality properties with sustained value, supports new businesses in the mixed use center, makes public transportation more viable, and uses land and infrastructure more efficiently.

P. 6.1 - 1,000 dwelling units are slated for existing residentially-zoned land throughout the existing city, primarily on vacant lots. The remaining 4,000 dwelling units are anticipated to be located primarily in Mixed Use Redevelopment Nodes and Corridors including existing commercial centers and along major transportation corridors.

P. 6.2 - Increasing residential densities by adding new dwelling units to existing commercial areas in the form of mixed use centers also strengthens the buying power of adjacent neighborhoods by adding more "rooftops." Strengthened buying power may be able to improve the quality and quantity of localized private businesses and services.

P. 6.2-6.3 - Guiding Principles for Mixed Use Redevelopment
- Mixed Use Redevelopment Should:
  - Occur on sites supported by adequate road and utility capacity.
  - Be located and designed in a manner compatible with existing or planned land uses.
  - Enhance entryways when developing adjacent to these corridors.
  - Provide a diversity of housing types and choices throughout each neighborhood for an increasingly diverse population.
  - Encourage substantial connectivity and convenient access to neighborhood services (stores, schools, parks) from nearby residential areas.
  - 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.
  - Help to create neighborhoods that include homes, stores, workplaces, schools, and places to recreate.
  - Encourage residential mixed use for identified corridors and redeveloping centers identified as nodes.

- Develop with substantial connectivity between developing or existing neighborhoods and developing or redeveloping commercial centers.

ANALYSIS

1. This is a request to amend two provisions of the Village Gardens Development Plan, and both relate to a use described as Type G Multiple-family Apartment Buildings. The first is to increase the maximum allowed height for apartment buildings from 40' to 55', and to decrease the parking requirement from 1.5 to 1.0 parking spaces per dwelling unit. These changes are highlighted on Page 25 of Development Plan for the Type G – Multiple-family Apartments.
2. These changes affect the entire PUD. That is, the changes affect all Type G Multiple-family Apartment Buildings and will allow buildings to 55' with one parking stall per unit. However, the Development Plan only allows apartments in a portion of the PUD, the Village and Neighborhood Center areas of the PUD. Within those two areas combined, there are only two sites not vacant or currently under development – the subject tract and a much smaller lot to the north located in the Village Center adjacent to Pine Lake Road.
3. While the changes affect the entire PUD, the request is being brought by the developer of the lot southeast of the intersection of Boboli and Crosslake Lanes. The subject site is a 3.39 acre tract surrounded almost entirely by commercial uses. The only residential uses are attached single-family dwellings adjacent to the southeast portion of the site in the Thompson Creek development.
4. The subject property is located within the use area defined as Village Center. It intentionally allows the widest range of uses within the PUD to create a mixed-use center where a variety of residential and commercial uses are allowed. This property was identified as part of the Village Center from the beginning, and multiple-family dwellings have been an allowed use.
5. Exhibits including a site plan and building elevations are attached to this report for the purpose of illustration only. They are not intended to be included as part of this amendment if approved. Building plans will be reviewed and approved at the time of building permit in compliance with the requirements of the PUD.
6. Approved in 2004, the Village Gardens Planned Unit Development (PUD) was intended to be a mixed-use development which combines a range of residential housing types along with a variety of commercial uses. The PUD provisions of the Zoning Ordinance allow adjustments to not only the height, lot and area regulations, but also allow for uses to be combined in a single underlying zoning district which may not otherwise be allowed. The inherent flexibility of the PUD as a zoning tool is intended to allow for innovative urban design.
7. The normally applicable provisions of the Zoning Ordinance were significantly modified as part of the PUD. This modified set of zoning regulations are contained in what is described as the Development Plan. It is a 31 page companion text document to the preliminary plat/PUD plan set that details how development will occur within the PUD.
8. Page 5 of the Development Plan contains a graphic which delineates the various Use Areas within the boundary of the PUD. It goes on to list the uses that are allowed within the various areas and also includes height, lot and area regulators for the various uses, which in many cases are modified from the requirements of the Zoning Ordinance.
9. The underlying zoning designation for the Village Center is B-3 Commercial. B-3 zoning is typically found in the older commercial centers such as Havelock and University Place. It was chosen as the basis for the modified zoning regulations given the traditional mixed-use character of the development pattern in those older commercial areas.
10. The first waiver which is to height from 40' to 55' will allow a four-story apartment building. Increasingly, the trend for apartments has been to be taller. This is in response to evolving building code requirements, consumer preferences, and market forces. There have several recent height adjustments for apartment buildings granted as part of community unit plans (CUP) and PUD's throughout the city in recent years.

    Some recent examples of waivers to the maximum residential height for apartments include: Southwest Village PUD (S. Folsom & W. Denton) to 55' is pending approval; Wilderness Heights PUD (S. 40th & Yankee Hill Rd) to 55' app'd in 2021; Wilderness Hills South PUD (S. 40th and Rokeby Rd) to 55' app'd in 2020; Grandale South PUD (S. 40th & Rokeby Rd) to 55' app'd in 2020; Iron Ridge PUD (S. 27th and Rokeby Rd) to 65' app'd in 2020; and S. 59th Street Coalition PUD (S. 59th and Pine Lake Rd) to 55' app'd in 2020.

11. The Comprehensive Plan calls for increased density near commercial centers with access to major streets in areas where increased density is appropriate. The increased height at this location is consistent with that goal, and the services and infrastructure are present to support it.
12. There is an approximate 10' change in grade between Thompson Creek and the subject parcel which falls from south to north. This change in grade visually offsets much of the proposed height increase. If the proposed changes are approved, this will be the first lot in Village Gardens to take advantage of the changes in height and parking for apartments.
13. The second waiver to reduce the parking requirement from 1.5 to 1.0 parking spaces per dwelling unit is actually not a waiver to the Zoning Ordinance, but simply a modification to the Development Plan. That is, the parking requirement in the Zoning Ordinance for the B-3 zoning district is 1.0 parking spaces per dwelling unit. When adopted in 2004, the Development Plan adopted the higher standard of 1.5 spaces per unit which exceeds the requirement in the Zoning Ordinance today.
14. Parking will be provided on-site of the subject development at the rate of 1.0 space per unit with 186 spaces. The applicant notes that there are an additional 49 spaces on the adjacent streets (private roadways), and the right to access another 646 parking spaces that are available in the commercial area due to a shared parking agreement.
15. Providing the appropriate amount of parking minimizes the size of parking lots leaving more area for buildings, open space or other amenities. The proposed reduction is consistent with the current requirement of the Zoning Ordinance, and where visitor or overflow parking can be accommodated by spaces located throughout the center. The shared parking exists here due the character and range of uses allowed in this mixed-use development. A variety of commercial uses as well as a nearby church create varying parking demands which allows for noncurrent and shared parking.
16. This request provides for increased density in an area where it is appropriate and supportable. The adjustments to height and parking allow for more efficient use of the land with no significant impact on neighboring properties. This request is consistent with the requirements of the Zoning Ordinance and the goals of the Comprehensive Plan.

CONDITIONS OF APPROVAL: See attached.

EXISTING LAND USE & ZONING: Vacant B-3(PUD)

SURROUNDING LAND USE & ZONING

North:	Vacant	B-3(PUD)
South:	Residential, Commercial	R-3, O-3
East:	Commercial	B-3(PUD)
West:	Commercial	B-3(PUD)

APPLICATION HISTORY:

Feb 2005 - CZ#04075 was approved by the City Council to allow the Village Gardens Planned Unit Development (PUD).

Dec 2007 - CZ#04075A was approved by the City Council to allow an adjustment to the applicable sign regulations and change the zoning on 2.17 acres from R3 PUD to B-3 PUD within the Village Gardens PUD.

Mar 2011 - AN#11001 and CZ#04075B were approved annexing and expanding the boundary of the Village Gardens PUD to include an additional 47 acres of land to accommodate a domiciliary care facility and additional dwelling units.

Apr 2012 - AN#12003 and CZ#04075C were approved annexing and changing the zoning from AG to R-3 PUD for approximately 40.68 acres for single-family residential development.

Apr 2012 - CZ#04075D was approved changing the zoning from AG to R-3 PUD for approximately 2 acres of land so the boundary of the PUD matched the recorded final plat of Village Meadows 3rd Addition.

Jul 2014 - AN#14003 and CZ#04075E were approved annexing and changing the zoning from AG to R-3 PUD for approximately 34 acres for single-family residential development.

OCT 2015 - AN#15006 and CZ#04075F were approved annexing and changing the zoning from AG to R-3 PUD for approximately 46 acres for single-family residential development.

DEC 2016 – AN#16012 and CZ#04075G were approved annexing approximately 46 acres and 15 acres of land for a new church lot and residential development.

JAN 2019 – AN#18006 and CZ#04075H were approved annexing and rezoning approximately 26 acres of land for approximately 69 dwelling units.

APPROXIMATE LAND AREA: Approximately 3.39 acres.

PROPOSED CITY COUNCIL DISTRICT ASSIGNMENT: City Council District #2

LEGAL DESCRIPTION: Outlot i, Village Gardens 6th Addition

Prepared by

_____
Brian Will, bwill@lincoln.ne.gov
402-441-6362
April 14, 2021

Applicant: Sacamano Development, LLC
PO Box 22151
Lincoln, NE 68542
402-499-2113
docenterprises1@gmail.com

Contact: DaNay Kalkowski
Seacrest and Kalkowski
1228 Lincoln Mall, Ste 105
Lincoln, NE 68508
402-435-6000

Owner: Village Gardens Development Company, LLC
5625 Pine Lake Road
Lincoln, NE 68516
402-429-2294
rbc@campbellsnursery.com

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CONDITIONS OF APPROVAL – CHANGE OF ZONE #04075i

This approval authorizes an amendment to the Village Gardens Planned Unit Development Plan to modify the maximum height from 40' to 55' and to reduce the parking requirement from 1.5 to 1.0 parking stalls per dwelling unit for Type G – Multiple Family Apartment.

Site Specific

1. The permittee shall cause to be prepared and submitted to the Planning Department two copies of a revised and reproducible final Development Plan with all required revisions and documents.

Standard:

2. The following conditions are applicable to all requests:

   2.1 Before occupying the dwelling units all development and construction shall substantially comply with the approved plans.

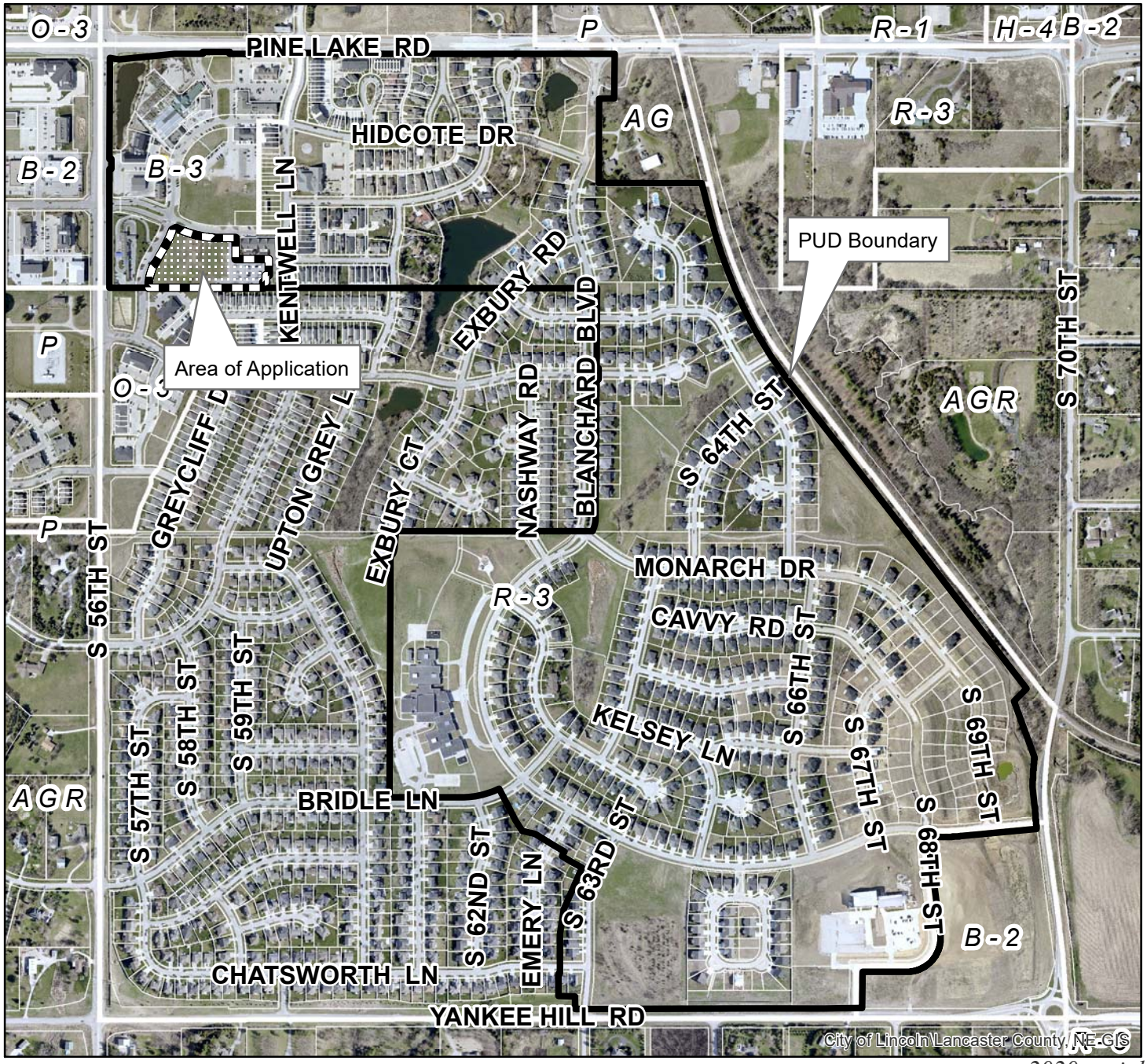
   2.2 All privately-owned improvements, including landscaping and recreational facilities, shall be permanently maintained by the Permittee or an appropriately established homeowners association approved by the City.

   2.3 The physical location of all setbacks and yards, buildings, parking and circulation elements, and similar matters be in substantial compliance with the location of said items as shown on the approved site plan.

   2.4 The terms, conditions, and requirements of this resolution shall run with the land and be binding upon the Permittee, its successors and assigns.

   2.5 The applicant shall sign and return the letter of acceptance to the City Clerk. This step should be completed within 60 days following the approval of the special permit. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the applicant. Building permits will not be issued unless the letter of acceptance has been filed.

   2.6 The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all prior resolutions approving this permit remain in full force and effect as specifically amended by this resolution.



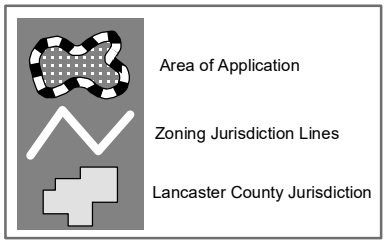
2020 aerial

Change of Zone #: CZ04075I
Village Gardens PUD
S 56th St & Pine Lake 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.21 T09N R07E



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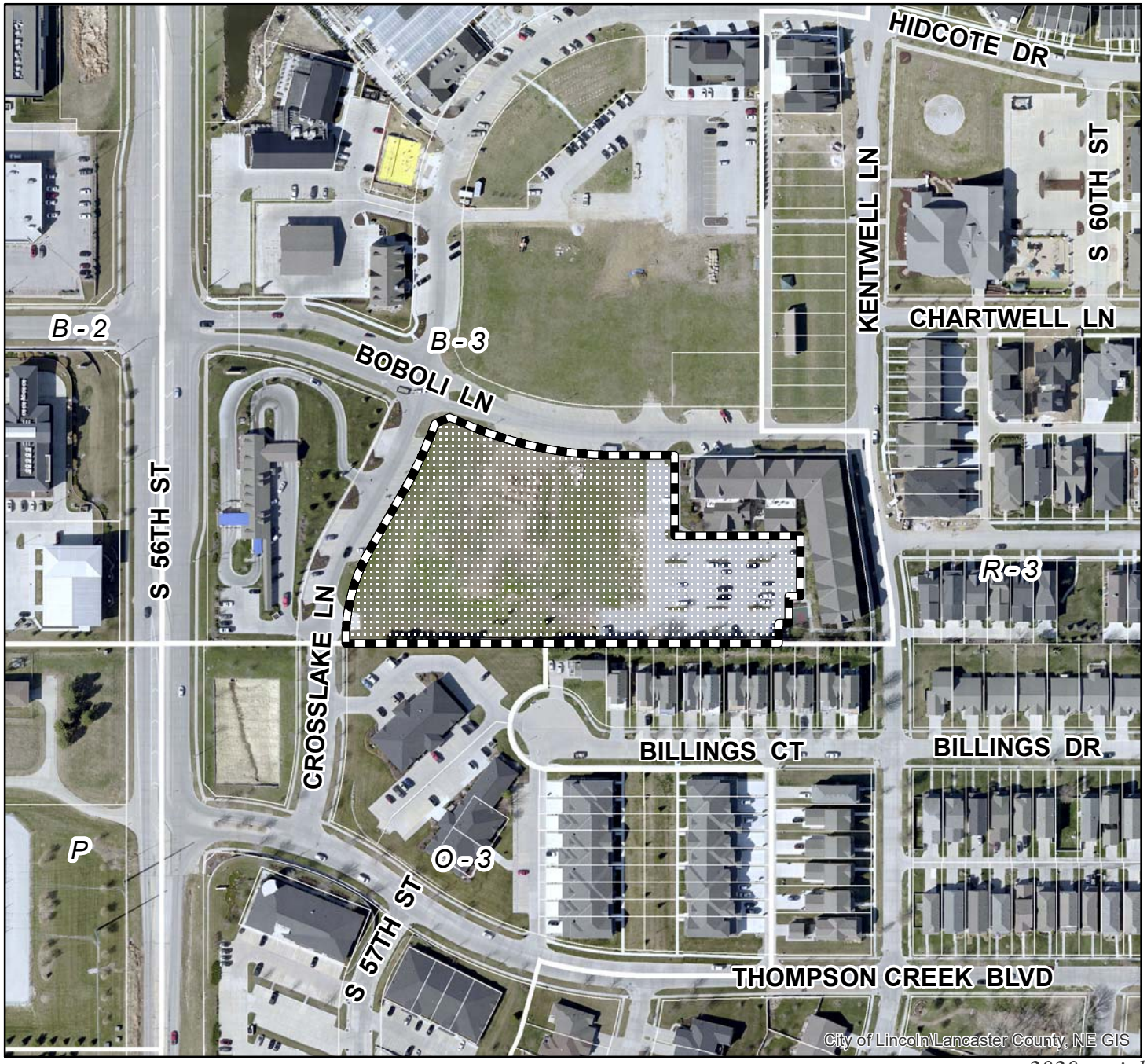

2020 aerial

Change of Zone #: CZ04075I
Village Gardens PUD
S 56th St & Pine Lake Rd

Zoning:

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
O-1	Office District
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I-2	Industrial Park District
I-3	Employment Center District
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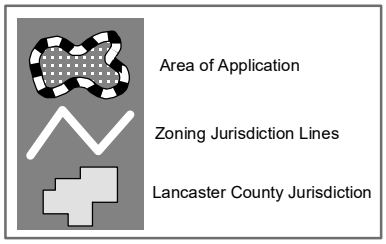
One Square Mile:
Sec.21 T09N R07E



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SEACREST & KALKOWSKI, PC, LLO
KENT@SK-LAW.COM | DANAY@SK-LAW.COM

March 30, 2021

HAND DELIVERY

David Cary, Director
Planning Department
555 South 10th Street
Lincoln, NE 68508

RE: Amendment to Village Gardens PUD

Dear David:

Our office represents Sacamano Investments, LLC ("Developer"), who has a contract interest in Outlot I, Village Gardens 6th Addition, containing approximately 3.4 acres of property (the "Property"). The Property is located within the Village Gardens Planned Unit Development ("Village Gardens PUD") in the area designated as the Village Center. Developer is planning to construct a four-story apartment building on the Property that will contain 181 dwelling units varying in size from studio apartments to three-bedroom apartment units. Developer is requesting amendments to the Village Gardens PUD Development Plan for Type G - Multi-Family Apartment buildings to: (i) increase the permitted building height from 40 feet to 55 feet, and (ii) reduce the minimum number of on-site parking spaces per dwelling unit from 1.5 to 1 space per dwelling unit.

The height adjustment will allow the Developer to construct a four-story apartment building that increases the number of apartment units within the Property while still maintaining the architectural integrity of the Village Gardens development. The Property is largely surrounded by commercial uses, with a small area of neighboring two-family dwellings to the southeast. The requested variance for height will not negatively impact the Village Gardens development. Instead, it supports it by providing the density sought by the Village Gardens Development Plan.

The parking reduction is supported by the cross parking easements within the Village Gardens development. With the proposed site plan, 186 parking stalls will be constructed within the Property boundaries, an additional 49 stalls will be available to the north and west along adjacent Boboli Lane and Crosslake Lane, and by August 2021, the apartment units will have cross parking rights to an additional 646 commercial parking stalls. Should additional parking be necessary above and beyond that available on-site, the proposed apartment units can easily

1128 LINCOLN MALL, STE. 105; LINCOLN, NEBRASKA 68508 | PHONE 402.435.6000 | FAX 402.435.6100

utilize available parking within the Village Gardens Village Center. This reduction will bring the parking requirements for the multi-family use in line with the B-3 zoning district residential parking requirement of 1 stall per dwelling unit.

Enclosed please find the following:

a. City of Lincoln Zoning Application for Annexation;
b. Revised Village Gardens PUD Development Plan with requested revisions marked;
c. Site plan and elevations for illustration purposes; and
d. Application fees in the amount of $998.

We look forward to working with you on this project and appreciate the input we have received from the City team to date. If you have any questions regarding the enclosed or need any additional information, please feel free to contact me.

Very truly yours,

DANAY KALKOWSKI
For the Firm

Enclosures

VILLAGE GARDENS

THE ART OF *Traditional Living*

Planned Unit Development District

DEVELOPMENT PLAN

~~April 10~~ _____, 20~~17~~21

INTRODUCTION

THE REGULATING PLAN

R-3 AND B-3 LAND USES

THE TRANSECT ZONE MATRICES

LOT & BUILDING STANDARDS

SIGNAGE & PARKING STANDARDS

REGULATORY MODIFICATIONS

PUD MAP SHEETS

GLOSSARY

INTRODUCTION

Village Gardens is designed to promote a balance of community and private life in an affordable, attractive and sustainable setting. Plan elements include a diversity of housing – from grand homesteads to small cottages and apartments – an active public realm in the Village Center and Neighborhood Centers, and a network of picturesque streets, trails and open space.

The Village Gardens Development Plan ("Development Plan") codify the Village Garden's principles and help assure a satisfactory level of quality in the implementation of a diverse, attractive and healthy community. The Development Plan regulates the design of streets, public spaces, landscape and buildings with sufficient flexibility to foster creativity and diversity —and will result in a place designed by many minds, hands and hearts. The Development Plan also helps build an understanding of the relationship between community space and private property.

This project is unique and different for the City of Lincoln developing area. Use limitations and other regulations of the underlying zoning district and other regulatory chapters of the Lincoln Municipal Code ("LMC") shall apply, unless specially modified by this Development Plan.

The Village Gardens Development Plan is comprised of the following components: Introduction, the Regulating Plan, the R-3 and B-3 Land Uses, the Transect Zone Matrices, the Lot & Building Standards, the Regulatory Modifications, the PUD Map Sheets and Glossary. The Glossary is a definition of terms located at the end of this document for ease of use and understanding. These Development Plan components modify the use limitations and regulations of the LMC. The Development Plan is designed to regulate buildings on private properties to shape the public realm and help create quality streets, plazas, parks and other public spaces.

PUD Requirements, Construction and Amendments

The Village Gardens PUD is authorized and approved as planned unit development district pursuant to Chapter 27.60 of the Lincoln Municipal Code, as may be amended from time to time. A separate special permit or use permit is not necessary or required to permit any special permitted use or use permit use. This Village Gardens PUD will replace any required special permit or use permit under the LMC and any applicable ordinances, regulations, codes, and design standards.

After approval of the Village Gardens PUD, building permits, certificates of occupancy and final plats of the property will be issued or approved upon general compliance with the Development Plan as approved, or as amended. In circumstances where there are minor variations from the Development Plan, the Planning Director or his designee, shall review the proposal and determine if the proposal is in general conformance with the spirit and intent of the approved Village Gardens PUD.

After the City Council has approved the Village Gardens PUD, the Planning Director is authorized to approve amendments pursuant to 27.60.060 LMC.

The Transect Zoning Classification

The Transect is a planning categorization system that organizes the elements of the built environment on a scale from rural to urban. Developed by Andres Duany and his firm Duany–Plater-Zyberk Town Planners (DPZ), the Transect (which is inspired by a conservation biology tool for studying the changes and diversity in vegetation and habitat along a line drawn across ecosystems) provides a regulatory structure that utilizes zoning categories based on the concept of immersive environments. Here, all of the elements of the human environment work as self-sustaining, interdependent subsystems, each with distinct characteristics and behavior patterns.

The Transect has several zones, from the rural open space neighborhood edge, to the village center. The transition zone between the surrounding rural landscape and Village Gardens is called the Neighborhood Edge zone. The Neighborhood Edge zone consists of single-family homes on larger lots.

The Neighborhood General zone, the largest zone in most neighborhoods, is primarily residential, but is more urban in character. In comparison with the Neighborhood Edge zone, it includes higher density with a range of housing types from medium sized single-family houses to townhouses.

The Neighborhood Center zone is typically located around a neighborhood park and functions as the social center of a neighborhood. Limited retail, office and civic uses complement higher density residential uses.

The Village Center will be the development's commercial core. A mixed-use zone, it allows for a mix of commercial and high-density residential uses.

The Master Plan

The Master Plan is a visual reference map of Village Gardens that provides the conceptual and vision plan for the entire Village Gardens development. This provides information on street connectivity, future parks, and pathways for the development. See The Master Plan (Conceptual). Yet, like any visionary plan, it is subject to change as future phases of development are brought forth for approval.

The Regulating Plan

The Regulating Plan is a graphic reference map of Village Gardens and identifies the boundaries of the Village Gardens PUD district. In addition, the Regulating Plan illustrates the private areas and public rights-of-way to the Transect Zones and the Lot & Building Standards. The Regulating Plan provides specific information on each building and/or lot, and describes the relationship of each lot to the public realm (the streets, parks, pathways, etc.) and the surrounding environment.

The R-3 and B-3 Land Uses

The R-3 and B-3 Land Uses denote the specific uses that are appropriate to the R-3 and B-3 districts. The basis of this section is the City of Lincoln Municipal Code.

The Transect Zone Matrices

Land Use Types Matrix

The Land Uses Types Matrix describes the permitted uses within each Transect Zone, complementary to the goals of developing a diverse, attractive and healthy community. Separate uses may be combined or mixed on a single lot in two ways. The first is vertical combination, where two different uses, such as retail on the first floor and housing above, are combined in one building. The second type of use integration is horizontal, where two uses that may be attached by a common wall, or detached on a single lot. For example, a professional office might be located along the side of a house, or in a garage in the rear. The combination of allowed uses is presented in an easy to understand graphic matrix, with additional clarifying notes attached.

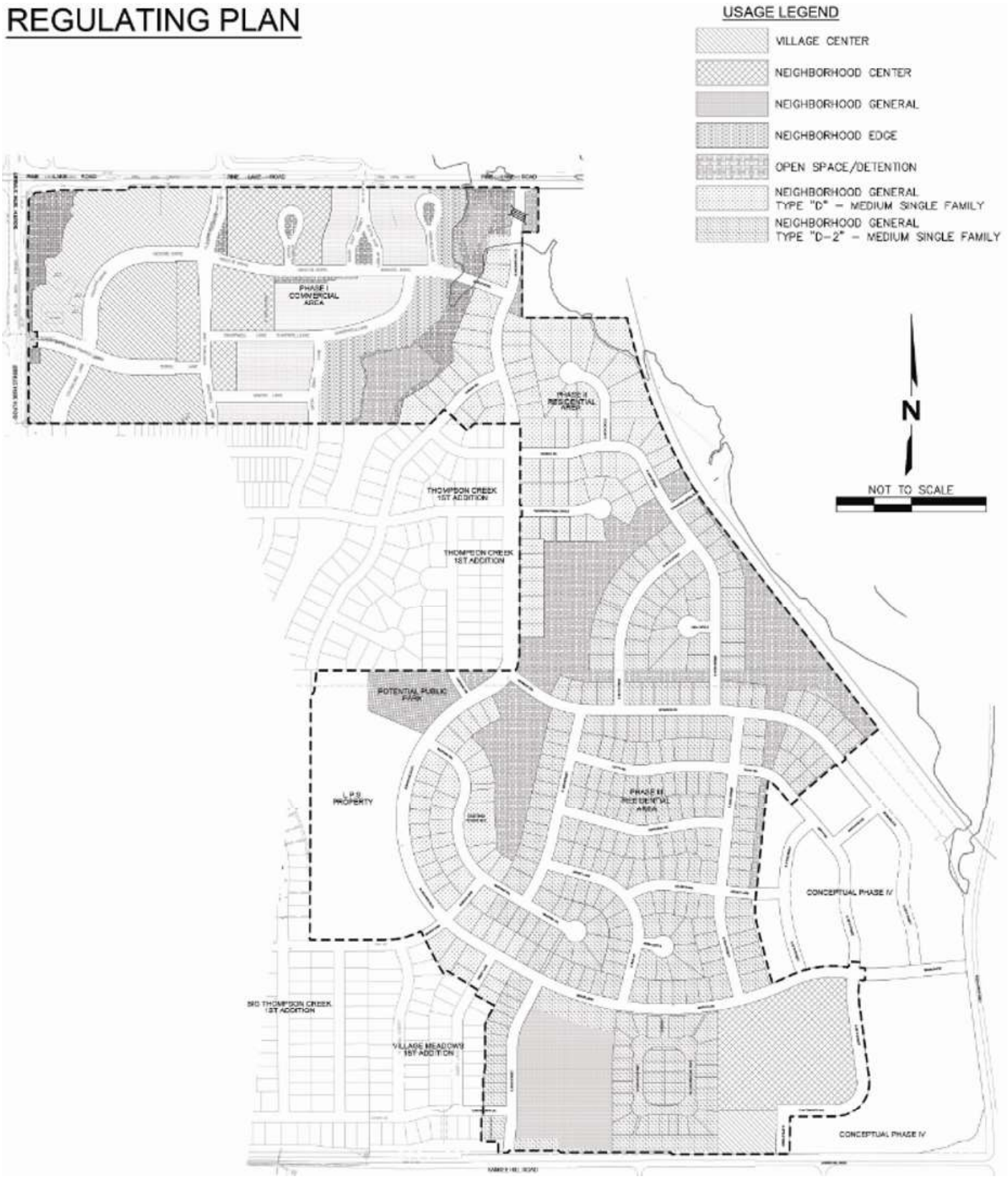
Lot & Building Types Matrix

The Lot & Building Types Matrix describes the permitted Lot & Building Types within each Transect Zone. The matrix indicates which building types, described in the Lot & Building Standards below, are permitted outright or with certain conditions. The goal is to provide for a variety of buildings in each zone while fostering compatibility and an overall coherent development pattern.

The Lot & Building Standards

The Village Gardens Lot & Building Standards ("Building Standards") establish basic site and building design features. Building types are based on the traditional models prevalent in the region. Each lot & building type describes the physical constraints on the placement and configuration of three-dimensional building forms and façade elements, such as porches and balconies, on the lot. The Building Standards include detached, Accessory Buildings such as garages, and describe spaces for vehicle parking.

REGULATING PLAN



R-3 AND B-3 LAND USES

R-3 Permitted Uses, Conditional Uses and Special Permitted Uses

Permitted Uses:

A building or premises shall be permitted to be used for the following purposes in the R-3 Residential District:

(a) Single-family dwellings (See Land Use Types Matrix; See Lot & Building Matrix);
(b) Two-family dwellings (See Land Use Types Matrix; See Lot & Building Matrix);
(c) Parks, playgrounds, and community buildings owned or operated by a public agency;
(d) Public libraries;
(e) Public elementary and high schools, or private schools having a curriculum equivalent to a public elementary or public high school and having no facilities regularly used for housing or sleeping purposes;
(f) Nursery Garden Centers and Green Houses (See Land Use Types Matrix);
(g) Civic or Community (See Land Use Types Matrix--Prohibited in Neighborhood General and Neighborhood Edge);
(h) Workshop (See Land Use Types Matrix);
(i) Retail (See Land Use Types Matrix--Prohibited in Neighborhood General and Neighborhood Edge);
(j) Office (See Land Use Types Matrix);
(k) Live-Work Unit (See Land Use Types Matrix; See Lot & Building Matrix--Prohibited in Neighborhood General and Neighborhood Edge);
(l) Lodging (See Land Use Types Matrix--Prohibited in Neighborhood General and Neighborhood Edge);
(m) Residential (See Land Use Types Matrix; See Lot & Building Matrix);
(n) Secondary Dwelling Unit (See Land Use Types Matrix; See Lot & Building Matrix).

Conditional Uses:

A building or premises may be used for the following purposes in the R-3 Residential District in conformance with the conditions prescribed herein:

(a) Churches:
(1) Parking shall be in conformance with the parking matrix as identified in the Village Gardens Development Plan;
(2) The required front and side yards shall be landscaped in conformance with the standards adopted by resolution of the City Council;
(3) Required side and rear yards shall be five feet or the same as the district, (See Village Gardens Development Plan Section LOT & BUILDING STANDARDS for specifications of Community buildings)
(4) Buildings shall not cover more than ninety percent of the lot area.

(b) Group homes:
(1) Group homes shall comply with all sign, height and area regulations of the district, and all provisions of the minimum standard housing ordinance. Parking shall be regulated in conformance with the provisions of Chapter 27.67;
(2) The distance between the proposed use and any existing group home measured from lot line to lot line is not less than one-half mile;
(3) Such use shall be permitted only so long as the facility continues to be validly licensed by the State of Nebraska.

(c) Early childhood care facilities in churches:
(1) The parking and loading/unloading area for such facilities shall comply with the parking matrix as identified in the Village Gardens Development Plan;
(2) Such facilities shall comply with all applicable state and local early childhood care requirements;
(3) Such facilities shall comply with all applicable building and life safety code requirements;
(4) Such facilities shall be fenced and have play areas that comply with the design standards for early childhood

care facilities;
(5) Such facilities must receive a conditional use permit from the Department of Building and Safety.

(d) Domestic shelter:
(1) Parking shall be in conformance with Chapter 27.67;
(2) The maximum number of residents occupying such a facility shall not exceed one person per 2,000 square feet of lot area;
(3) The distance between the proposed use of any existing domestic shelter measured from lot line to lot line shall not be less than one mile.

(e) Early childhood care facilities with a maximum of fifteen children present at any time:
(1) The parking and loading/unloading area for such facilities shall comply with the provisions of Chapter 27.67 of the Lincoln Municipal Code and the design standards for early childhood care facilities;
(2) Such facilities shall comply with all applicable state and local early childhood care requirements;
(3) Such facilities shall comply with all applicable building and life safety code requirements;
(4) Such facilities shall be fenced and have play areas that comply with the design standards for early childhood care facilities;
(5) Such facilities shall be used as the permanent residence of the licensed childcare provider;
(6) Such facilities with thirteen or more children must receive a conditional use permit from the Department of Building and Safety;
(7) Early childhood care facilities located in mobile homes shall have a severe weather emergency action plan approved by the Health Department.

(f) Elderly or retirement housing; and health care facility, residential:
(1) Up to two dwelling units in an elderly or retirement housing project may be designated as caretaker or visitor units and the occupants thereof shall not be subject to the age requirements otherwise applicable to occupants of such a project;
(2) Ten percent of the dwelling units in an elderly or retirement housing project may be designated as units for handicapped persons and the occupants thereof shall not be subject to the age requirements otherwise applicable to occupants of such a project; and
(3) Any individual under sixty years of age who resides with an elderly person sixty years of age or more in an elderly or retirement housing project dwelling unit may continue to reside in that dwelling unit after such elderly person has died or due to health reasons has been relocated to a different residence.

(g) Counseling facilities in churches:
(1) The parking for such facilities shall comply with the requirements for mixed use in parking matrix as identified in the Village Gardens Development Plan.
(2) Such facilities shall comply with all applicable state and local licensing requirements.

Special Permitted Uses:

A building or premises may be used for the following purposes in the R-3 Residential District if a special permit for such use has been obtained in conformance with the requirements of Chapter 27.63:

(a) Private schools, other than those permitted above;
(b) Omitted;
(c) Dwellings for members of religious orders;
(d) Mobile home courts;
(e) Recreational facilities;
(f) Church steeples, amateur radio antenna installations, towers, and ornamental spires which exceed the maximum district height;
(g) Broadcast towers;
(h) Extracting sand, gravel, and soil;
(i) Certain parking lots as defined in Chapter 27.63;
(j) Expansion of nonconforming uses;

(k) Historic preservation;
(l) Public utility purposes;
(m) Wind energy conversion systems;
(n) Mobile home subdivisions;
(o) Housing and related facilities for the physically handicapped;
(p) Outdoor seasonal sales;
(q) Cemeteries;
(r) Domiciliary care facility;
(s) Expansion of nonstandard single and two-family dwellings into required yards;
(t) Early childhood care facilities with sixteen or more children, or with fifteen or fewer children not meeting the specified conditions for a permitted conditional use under Section 27.15.030;
(u) Neighborhood support services;
(v) Clubs;
(w) Connection of single-family dwelling to accessory building for the physically handicapped;
(x) Adult care centers.

B-3 Land Uses Permitted Uses, Conditional Uses and Special Permitted Uses

Permitted Uses:
A building or premises shall be permitted to be used for the following purposes in the B-3 Commercial District:

(a) Parks, playgrounds, and community buildings, owned or operated by a public agency;
(b) Public libraries;
(c) Public elementary and high schools, or private schools having a curriculum equivalent to a public elementary or public high school, and having no rooms regularly used for housing or sleeping purposes;
(d) Churches;
(e) Nonprofit religious, educational, and philanthropic institutions;
(f) Banks, savings and loan associations, credit unions, and finance companies;
(g) Barber shops, beauty parlors, and shoeshine shops;
(h) Private schools, including but not limited to, business or commercial schools, dance or music academies, and nursery schools;
(i) Adult care centers;
(j) Hospitals and clinics for animals, but not open kennels;
(k) Self-service laundromats, and launderettes;
(l) Receiving stores for dry cleaning or laundry;
(m) Messenger and telegraph stations;
(n) Office buildings; (See Land Use Types Matrix)
(o) Restaurants;
(p) Stores or shops for the sale of goods at retail; (See Land Use Types Matrix)
(q) Undertaking establishments;
(r) Photography studios;
(s) Key shops;
(t) Ambulance services;
(u) Retail bakery;
(v) Sales and showrooms, including service facilities and rental of equipment, provided all displays and merchandise are within the enclosure walls of the buildings;
(w) Milk distribution stations, but not involving any bottling on the premises;
(x) Food storage lockers;
(y) Optical lens grinding and finishing;
(z) Clubs;
(aa) Parking lots and storage garages;
(bb) Enclosed commercial recreational facilities;
(cc) Motorcycle, bicycle, and home and office equipment, but not including vehicle body repair shops
(dd) Mail order catalog sales;
(ee) Tailor shops, shoe repair shops, upholstery shops, printing and photocopying shops, or other, similar business

establishments.
(ff) Health care facilities including:
(b) Convalescent or nursing home
(d) A facility for out-patient physical, occupational, or vocational therapy or rehabilitation
(gg) Recreational facilities;
(hh) Sale of alcoholic beverages for consumption on the premises;
(ii) Sale of alcoholic beverages for consumption off the premises.
(jj) Civic or Community (See Land Use Types Matrix--Prohibited in Neighborhood General and Neighborhood Edge);
(kk) Workshop (See Land Use Types Matrix);
(ll) Nursery Garden Centers and Green Houses (See Land Use Types Matrix);
(mm) Live-Work Unit (See Land Use Types Matrix; See Lot & Building Matrix--Prohibited in Neighborhood General and Neighborhood Edge;
(nn) Lodging (See Land Use Types Matrix);
(oo) Residential (See Land Use Types Matrix; See Lot & Building Matrix);

Conditional Uses:

A building or premises may be used for the following purposes in the B-3 Commercial District in conformance with the conditions prescribed herein:

(a) Automobile wash facility:
(1) Automatic, conveyor-operated: The length and location of vehicle stacking lane or lanes for the approach side or sides and the exit side or sides of the wash operation shall be in conformance with the "guidelines and regulations for driveway design and location" as adopted by the City of Lincoln.
The stacking space shall not be located within the required front yard.
(2) Self-service, coin-operated car wash: The car wash facility shall not exceed four wash bays. The length and location of vehicle stacking lane or lanes for the approach side or sides and the exit side or sides of the wash operation shall be in conformance with the "guidelines and regulations for driveway design and location" as adopted by the City of Lincoln. The stacking space shall not be located within the required front yard.

(b) Motels and hotels: A distance of at least twenty feet shall be maintained between buildings on the lot, and each hotel or motel unit shall have a minimum enclosed floor area of 200 square feet.

(c) Furnace, heating, sheet metal, electrical shops or electrical contractors, heating and air conditioning contractors, and cabinet shops or stores:
(1) The floor area of said premises not devoted to sales or office space shall not exceed
8,000 square feet;
(2) Not more than ten percent of the lot or tract occupied by the establishment shall be used for open and unenclosed storage of material and equipment;
(3) All outside storage of material and equipment shall be screened by an opaque six-foot tall fence constructed of wood, or a substitute material found acceptable by the Director of Building and Safety.

(d) Tire stores and sales, including vulcanizing:
(1) The floor area of said premises not devoted to sales or office space shall not exceed
4,000 square feet;
(2) There shall be no manufacturing on the premises.

(e) Tailor shops, shoe repairing, upholstery shops, printing, photocopying, household appliances repairs, or similar business establishments; dyeing and drycleaning works; laundry; plumbing and water softener service shops. The floor area of said premises not devoted to sales or office space shall not exceed 4,000 square feet.

(f) Recycling center:
(1) The building area of such center shall not exceed 4,000 square feet;
(2) Adequate traffic stacking shall be provided on site as determined by the city;
(3) All required parking shall be provided on site;
(4) The facility shall not be designed to receive nor shall it accept shipments by semi-trailer trucks;

(5) The construction and operation of such center shall comply with all applicable health and fire codes;

(g) Early childhood care facilities:
(1) Such facilities shall comply with all applicable state and local early childhood care requirements;
(2) Such facilities shall comply with all building and life safety code requirements;
(3) Such facilities shall be fenced and have play areas that comply with the design standards for early childhood care facilities;
(4) Such facilities must receive a conditional use permit from the Department of Building and Safety.

(h) Service stations and automobile or appliance sales and repair facilities, but not including vehicle body repair shops.
(1) No automobile or appliance sales and repair facility shall be permitted to locate within 100 feet of any residential use or district;
(2) Any service station or automobile or appliance sales and repair facility located within 100 feet of any residential use or district which was lawfully established in this district on the effective date of this ordinance, shall screen the facility from such residential use or district by the use of an opaque fence six feet in height, constructed of wood, or of a substitute material found acceptable to the Director of Building and Safety subject to the provision of condition (3) below;
(3) Any service station or automobile or appliance sales and repair facility located within 100 feet of any residential use or district which was lawfully established in this district on the effective date of this ordinance shall have until October 1, 2003 to be brought into compliance with condition (2) above;
(4) The locational or screening requirements of (1), (2), and (3) above shall not apply when said residential use or district is across a public street from the service station or automobile or appliance sales and repair facility, but shall apply if said residential use or district is across an alley or private drive from the service station or automobile or appliance sales and repair facility;
(5) Any service station lawfully established in this district, after the effective date of this ordinance, shall screen the facility from any residential use or district by the use of an opaque fence, six feet in height, constructed of wood or of a substitute material found acceptable to the Director of Building and Safety; provided that said screening requirement shall not apply when said residential use or district is across a public street from the service station, but shall apply if said residential use or district is across an alley or private drive from the service station.

Special Permitted Uses:

A building or premises may be used for the following purposes in the B-3 Commercial District if a special permit for such use has been obtained in conformance with the requirements of Chapter 27.63:

(a) Health care facilities;
(a) Hospitals
(b) A facility in which sixteen or more people reside while receiving therapy, counseling, or rehabilitation for physical, emotional, or mental disease or disability;
(c) Public health clinics and facilities;
(d) Ambulatory surgical care center which does not allow for overnight stay by patients. Ambulatory surgical center does not include an office or clinic used solely by a practitioner or group of practitioners in the practice of medicine, dentistry, or podiatry. Except as provided in (a) above, health care facilities does not include doctors' or dentists' professional offices and private clinics.

(b) Church steeples, towers, and ornamental spires which exceed the maximum district height;
(c) Broadcast towers;
(d) Expansion of nonconforming use;
(e) Historic preservation;
(f) Public utility purposes;
(g) Wind energy conversion systems;
(h) Cemeteries;
(i) Dwellings above the first story of a building which cannot meet the yard requirements of Section 27.33.080(g);

THE TRANSECT ZONE MATRICES

Land Use Types Matrix

Village Gardens features a mix of uses, all complementary to the goal of developing a healthy, affordable community. Instead of disconnected 'pods' of single-use activity, Village Gardens reflects traditional Midwestern small town form, with streets that may contain residential, retail and civic uses within a single block.

While the Village Center provides for the majority of commercial uses, the Neighborhood Center zone allows a range of land uses. The Neighborhood General and Edge zones allow only residential development and limited home occupation opportunities.

Transect Zones → **Shaded = Permitted Not Shaded = prohibited**

Land Use Types ↓	Village Center (underlying B-3 district)	Neighborhood Center (underlying R-3 district)	Neighborhood General (underlying R-3 district)	Neighborhood Edge (underlying R-3 district)
Civic or Community		See Note 1	n/a	n/a
Workshop	See Note 2	See Note 3, 10	See Note 4, 10	See Note 4, 10
Retail		See Note 5	n/a	n/a
Nursery, Garden Center & Green Houses				
Office		See Note 6, 10	See Note 7, 10	See Note 7, 10
Live-Work Unit		See Note 10		
Lodging		See Note 8	See Note 8	See Note 8
Residential	See Note 11	See Note 11	See Note 11	See Note 11
Secondary Dwelling Unit	n/a	See Note 9	See Note 9	See Note 9
Elderly or Retirement Housing & Healthcare Facility, Residential				

Notes:

1. Civic or community uses serving primarily Village Gardens residents and their guests or a church.
2. Workshop uses only permitted in conjunction with retail sales within the same building. Workshop uses shall be located on the first floor and occupy at maximum the rear 75% of the building footprint or located in the basement of the building. Outdoor storage of manufacturing components or equipment is prohibited.
3. Workshop uses shall be limited to 600 sq. ft. in floor area. Workshop uses shall be located in an Accessory Building to the rear of the primary building, or shall be located on the first floor and occupy at maximum the rear 50% of the primary building footprint or located in the basement of the primary building. Outdoor storage of manufacturing components or equipment is prohibited. Workshop uses may operate in conjunction with first floor retail.
4. Workshop uses shall be limited to 600 sq. ft. in floor area. Workshop uses shall be located in an Accessory Building to the rear of the primary building, or shall be located on the first floor and occupy at maximum the rear 50% of the primary building footprint or located in the basement of the primary building. Outdoor storage of manufacturing components or equipment is prohibited. Product sales and signage shall be prohibited.
5. Retail uses are limited to 2,000 sq. ft. located on the first floor of a live/work building. A maximum of two live/work units may be connected to create up to 4,000 sq. ft. of retail uses. Permitted uses allow retail sales, personal services (such as hair salons), childcare facilities, and coffee shops or restaurants with a maximum of 40 seats. Signage permitted.

6. Office uses are limited to 2,500 sq. ft. located primarily in a live/work building. A maximum of two live/work units may be connected to create up to 5000 sq. ft. of office uses. Point-of-service and signage permitted.
7. Office uses shall be limited to home occupations. A home occupation shall mean any office occupation or activity carried on within a dwelling unit or Accessory Building by a member of the family residing on the residential lot, which occupation or activity is incidental and secondary to the residential occupancy and does not change the residential character thereof. Home occupations shall be a maximum of 1000 sq. ft. in floor area, located either in an Accessory Building to the rear of the primary building, or in the primary building, occupying at maximum 50% of the building footprint. Point-of-service type offices shall be prohibited. Signage permitted.
8. Lodging shall be limited to bed & breakfast establishments with a maximum of four guest rooms. One additional parking space per guest room shall be required on-site. Signage is permitted.
9. Secondary dwelling units shall not exceed 1000 sq. ft. in floor area on lots with a width of 45 ft or more. On lots with a minimum width of less than 45 ft., the secondary dwelling units shall not exceed 600 sq. ft. and shall be located within an Accessory Building to the rear of the primary building. Secondary dwelling units shall have separate outside entrances.
10. Up to two non-family member employees may be employed and work on site. However, in the Live-Work type there is no limitation on employees. One on-site parking space per employee is required. In the case of the Live-Work type the required parking can be one site and/or in the shared parking to the west of the units.
11. See Lot & Building Types Matrix for allowed residential uses.

Lot & Building Types Matrix

Village Gardens provides a variety of lot and building types, from large detached houses around the perimeter to small cottages, attached row houses and apartments in the Neighborhood Center and Village Center zones. The mix of uses and building types provides the choices needed to create a neighborhood where people of different ages, incomes and families can live, work and play.

Transect Zones → **Shaded = Permitted Not Shaded = prohibited**

Lot & Building Types ↓	Village Center (underlying B-3 district)	Neighborhood Center (underlying R-3 district)	Neighborhood General (underlying R-3 district)	Neighborhood Edge (underlying R-3 district)
Type A – Rowhouse	n/a	See Note 1, 7	See Note 7	n/a
Type B – Townhouse	n/a	See Note 1,7	See Note 7	n/a
Type B/C - Bungalow Court	n/a	See Note 1, 7	See Note 7	n/a
Type C – Small SF	n/a	See Note 1,7	See Note 7	n/a
Type D – Medium SF	n/a	See Note 1,7	See Note 7	See Note 7
Type E – Large SF	n/a	n/a	See Note 7	See Note 7
Type F – MF Mansion	See Note 3	See Note 1, 3, 7	n/a	n/a
Type G – MF Apartment		See Note 4, 7	n/a	n/a
Type H – Civic or Community	See Note 2	See Note 2, 5	n/a	n/a
Type I – Mixed-Use	See Note 6	n/a	n/a	n/a
Type J –Elderly or Retirement Housing & Healthcare Facility, Residential	n/a	See Note 8	See Note 8	See Note 8

Notes:

1. Live/work units permitted. Commercial uses shall be limited according to the Land Use Types within this document.
2. Structures that are not fully enclosed having a footprint of less than 400 sq ft. and an overall height of less than 16 ft. shall be considered landscape elements.
3. Limited to 12 units per building in the Village Center; limited to 8 units per building in the Neighborhood Center.
4. Limited to lots between Yankee Hill Road and Chatsworth Lane.
5. Limited to Civic or Community uses serving primarily Village Gardens residents and their guests or a church. Civic or Community buildings shall be limited according to the Civic or Community use designation in the Land Use Types matrix.
6. Mixed-use buildings may occupy two or more of the following uses within the same building: retail, professional services, personal services, workshop, office, artisan, restaurant, lodging, childcare, professional business, governmental services, entertainment, recreational, residential and related accessory uses. Uses may be divided vertically or horizontally.
7. All residential lots along Pine Lake Road will have a setback of 20' from Pine Lake Road.
8. Permitted use on lots more than 10,000 sq. ft.

SIGNAGE & PARKING STANDARDS:

Sign Information:

The following requirements apply to the signage requirements in Village Gardens based on the Village Gardens PUD. If the requirement is not listed, the Village Gardens PUD is governed by the City of Lincoln code. Please refer to the Village Gardens Regulatory Modifications document for specific information on the alterations made to the City of Lincoln codes regarding Signage.

1. In the R-3 zoning districts, the specific regulations are as follows: In the Neighborhood Center areas, up to two on-premises wall signs or projecting signs per lot, each not to exceed eight square feet of sign area, used to identify commercial uses and home occupations. In the Neighborhood General and Neighborhood Edge areas, one on-premises wall sign per lot, not to exceed two square feet of sign area, nonilluminated and nonreflecting, used to identify home occupations. One on-premises wall sign per lot, not to exceed two square feet of sign area, nonilluminated and nonreflecting, used to identify transitional lot uses, block parents, the name of the premises or occupants thereof, or to provide similar information. Lighted vending machines are not permitted in view from off the premises. In the case of an Elderly or Retirement Housing facility, or a Healthcare Facility, Residential on a lot of more than 10,000 square feet, one ground sign of 32 square feet per side is permitted for street frontage. If facility abuts more than one street, one sign per street is approved. Lighting of the sign may be external or letters may be individually lit; no backlit signs will be permitted. Notwithstanding the foregoing, signage on Lot 1, Block 27 shall be governed by the City of Lincoln codes for the underlying R-3 zoning.
2. In the B-3 zoning districts, at the entrances abutting major arterials of the 'Village Center' usage area of Village Gardens, a ground sign identifying and advertising the Village Center businesses shall be permitted. Such sign shall not exceed 150 square feet and a height of 10 feet. In addition to the other allowed signs, one ground sign not more than 150 square feet in the height identifying and advertising the Village Center Businesses shall be permitted at each major arterial street entrance to the Village Center area of Village Gardens.
3. When part of a landscape screen approved by the Planning Director, the following ground signs, not exceeding twenty square feet in area or six feet in height and identifying a multiple-dwelling complex or subdivision area, may be located in the required front yard or building line district:
    a. Up to two signs may be located at each entrance to the multiple-dwelling complex or subdivision area.
4. Directional, educational and informational signs may be attached to any natural object due to the nature and aesthetics of the Village Gardens project with the approval of the Planning Director.
5. 27.69.340 Permitted Signs for General Planned Unit Developments Subsection (a) is deleted. See B-3 and R-3 underlying zoning standards listed for Village Gardens PUD sign requirements as contained in the Development Plan for the applicable requirements.

Parking matrix:

The following matrix defines the parking requirements per lot and building type for easy reference. This information can also be found within the Lot & Building Standards.

	# of Parking Spaces per du	Min. Number of Parking Spaces per 100 sq. ft of largest seating area and per 600 sq. ft for other uses	Secondary Dwelling Unit requirements	Live-Work requirements
Type A – Rowhouse	1	n/a	No on-site parking required for secondary dwelling units	2 parking spaces are required per du.
Type B – Townhouse	2	n/a	No on-site parking required for secondary dwelling units	n/a
Type B/C - Bungalow Court	2	n/a	No on-site parking required for secondary dwelling units	n/a
Type C – Small SF	2	n/a	No on-site parking required for secondary dwelling units	n/a
Type D – Medium SF	2	n/a	No on-site parking required for secondary dwelling units	n/a
Type E – Large SF	2	n/a	No on-site parking required for secondary dwelling units	n/a
Type F – MF Mansion	1.5	n/a	n/a	n/a
Type G – MF Apartment	1~~.5~~	n/a	n/a	n/a
Type H – Civic or Community	n/a	**1***	No on-site parking required for secondary dwelling units	n/a
Type I – Mixed-Use	1	1	n/a	n/a
Type J –Elderly or Retirement Housing & Healthcare Facility, Residential	**	n/a	n/a	n/a

*Total number of on-site parking stalls required for a combined Civic/Community use and Early Childhood Care Facility in the Neighborhood Center shall be 82 parking stalls based upon a 10,000 square foot area of largest assembly area and 270 children and 30 full time staff members.

**Parking requirements per City of Lincoln Municipal Code and Design Standards.

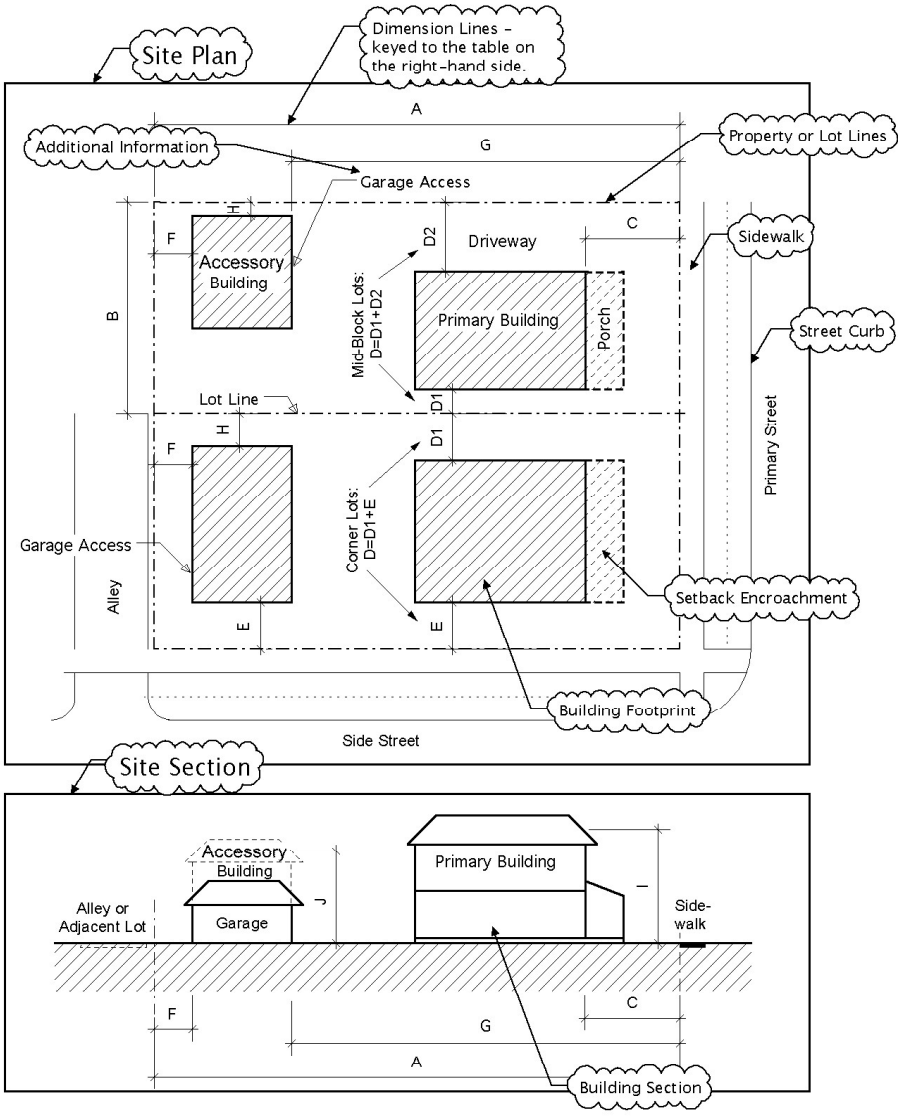
PM TRIP COUNT STANDARDS AND CALCUATIONS

TRIP CALCULATION REMOVED AS PART OF ADMINISTRATIVE AMENDMENT TO CZ04075E

LOT & BUILDING STANDARDS

How To Interpret Lot Diagrams

The Village Gardens Lot & Building Standards are designed to be user-friendly and understandable by developers, regulators, homebuilders and homeowners. Each building type is detailed in individual pages, with key diagrams such as the following to illustrate concepts that are difficult to adequately portray only in text form.

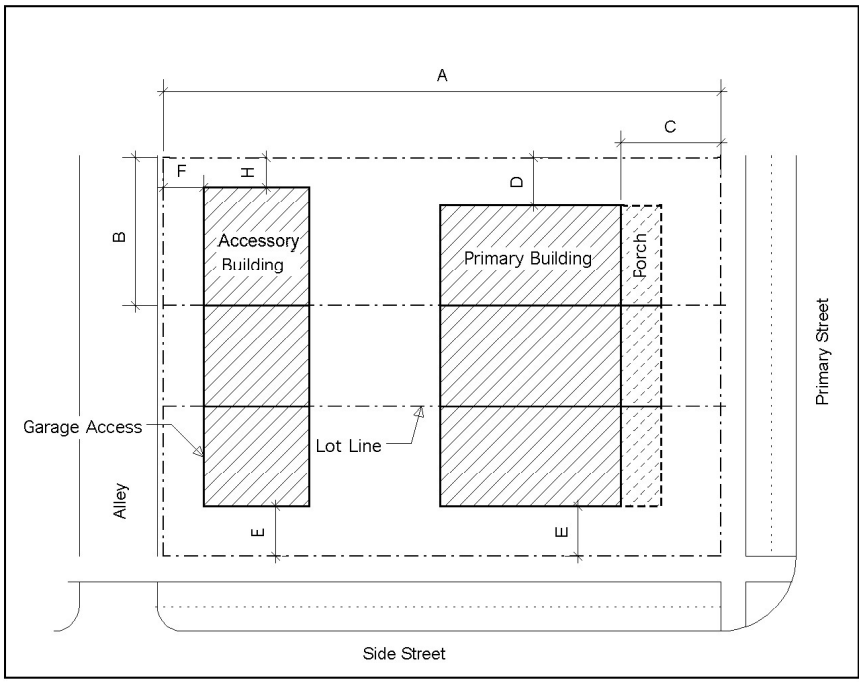


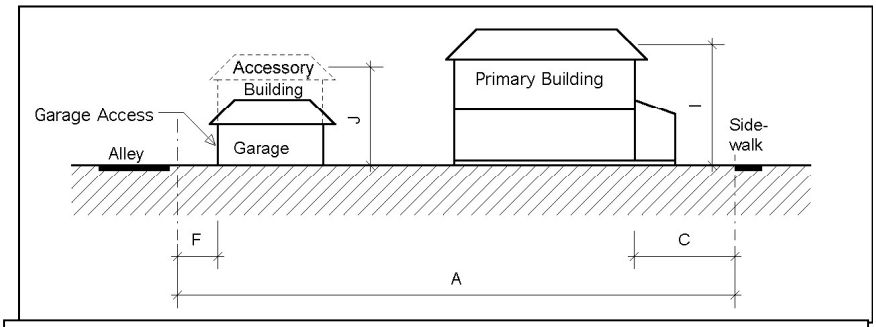
This diagram represents a site-section through the lot, and is primarily used to represent building heights. It is also useful for illustrating the lot standards 3-dimensionally.

A	Min. Lot Depth	x ft.
B	Min. Lot Width	x ft.
C	Min. Primary Street Setback	x ft.
D	Min. Combined Side Yard Adjacent Lot Setback	x ft.
E	Min. Side Street Setback	x ft.
F	Min. Primary or Accessory Bldg. Rear Setback	x ft.
G	Min. Accessory Bldg. Front Setback	x ft.
H	Min. Accessory Bldg. Side Setback	x ft.
I	Max. Primary Bldg. Height	x ft.
J	Max. Accessory Bldg. Height	x ft.
	Min. Number of On-Site Parking Spaces per Dwelling Unit	x
	Secondary Dwelling Unit	Y/N
	Y = permitted; N = prohibited	
	Primary Building Entrance	
	Note	
	Allowable Encroachments: (Proper Sight Triangle must be maintained)	
	Note	
	Note	
	Note	

Type A – Rowhouse

Rowhouses are attached single-family houses on individual platted lots. Rowhouses share common walls with one or more adjacent units. Rowhouse groups consist of a minimum of three units. Alleys in the rear of the lots provide vehicular access to Rowhouses. Front driveways and street facing garages are prohibited. Attached or detached garages and shared driveways are permitted.





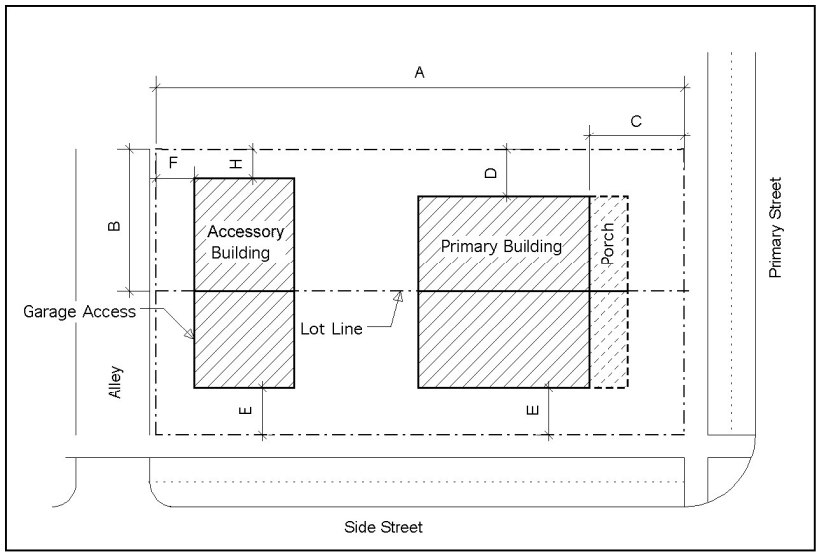
NOTES FROM THE LOT & BUILDING TYPES MATRIX:

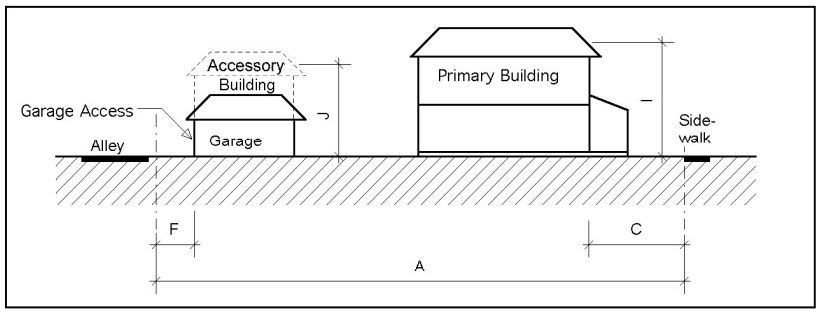
- ❑ Live/work units permitted. Commercial uses shall be limited according to the Land Use Types within this document.

A	Min. Lot Depth	80 ft.
B	Min. Lot Width (each unit)	18 ft.
C	Min. Primary Street Setback	
	• Neighborhood Center	0 ft.
	• Neighborhood General	0 ft.
D	Min. Combined Side Yard Adjacent Lot Setback	5 ft.
	One side of end lots only. Setback on attached side shall be 0 ft.	
	At corner lots, only the side street setback E shall be applied.	
E	Min. Side Street Setback	5 ft.
F	Min. Primary or Accessory Bldg. Rear Setback	8 ft.
G	Min. Accessory Bldg. Front Setback	n/a
H	Min. Accessory Bldg. Side Setback	2 ft.
	This setback may be waived if Accessory Buildings are attached.	
I	Max. Primary Bldg. Height	40 ft.
	Tower elements of a maximum of 200 sq. ft. in floor area shall be exempt of the height limit and may exceed the ridge height of the primary roof by a maximum of 10 ft.	
J	Max. Accessory Bldg. Height	30 ft.
	PARKING:	
	Min. Number of On-Site Parking Spaces per Dwelling Unit	1*
	No on-site parking required for secondary dwelling units. * If it is a live-work unit, 2 parking spaces are required per du.	
	Secondary Dwelling Unit	Y*
	Y = permitted; N = prohibited *Shall be limited to 600 sq. ft	
	Primary Building Entrance	
	The primary pedestrian building entrance shall be located along a public street, common walkway or park.	
	Allowable Encroachments: (Proper Sight Triangle must be maintained)	
	Covered or uncovered porches or stoops may encroach into the front or side street setback no deeper than 12 ft. and no closer than 0 ft. from a property line.	
	Bay windows and other similar enclosed building elements may be no wider than 6 ft. and may encroach up to 2 ft. in setbacks no closer than 0 ft. from a property line. The bay windows must not encroach within 4 ft. of the corners of the primary building. Any light well or egress window may be located in any required front, side or rear yard, provided: No such light well or egress window may be placed within two feet of any property Line.	
	Uncovered decks, balconies & trellises may encroach into setbacks, no deeper than 8 ft. and no closer than 0 ft. from a property line.	
	All building setbacks and building encroachments shall provide the proper Sight Triangle.	
	Driveways may encroach into all setbacks where curb cuts are permitted.	

Type B – Townhouse

Townhouses are attached single-family houses on individual platted lots. Townhouses share a common wall with one adjacent unit. Alleys in the rear of the lots provide vehicular access to Townhouses. Front driveways and street facing garages are prohibited. Attached or detached garages and shared driveways are permitted.





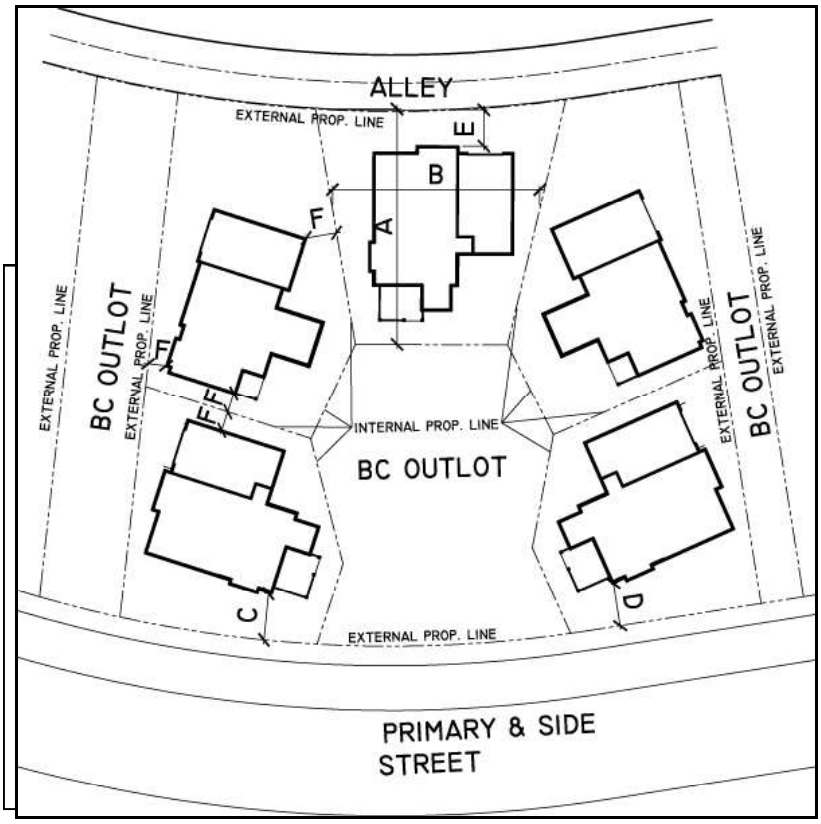
NOTES FROM THE LOT & BUILDING TYPE MATRIX:

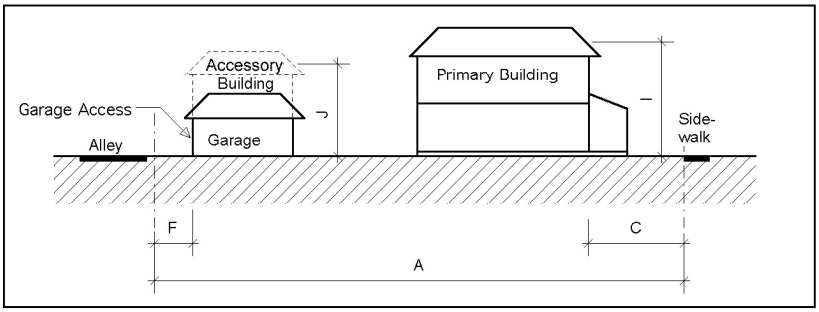
- ❑ Live/work units permitted. Commercial uses shall be limited according to the Land Use Types within this document.

A	Min. Lot Depth	80 ft.
B	Min. Lot Width (each unit)	20 ft.
C	Min. Primary Street Setback	
	• Neighborhood Center	0 ft.
	• Neighborhood General	0 ft.
D	Min. Combined Side Yard Adjacent Lot Setback	5 ft.
	One side of end lots only. Setback on attached side shall be 0 ft.	
	At corner lots, only the side street setback E shall be applied.	
E	Min. Side Street Setback	5 ft.
F	Min. Primary or Accessory Bldg. Rear Setback	8 ft.
G	Min. Accessory Bldg. Front Setback	n/a
H	Min. Accessory Bldg. Side Setback	2 ft.
	This setback may be waived if Accessory Buildings are attached.	
I	Max. Primary Bldg. Height	
	• Neighborhood Center	40 ft.
	• Neighborhood General	40 ft.
	Tower elements of a maximum of 200 sq. ft. in floor area shall be exempt of the height limit and may exceed the ridge height of the primary roof by a maximum of 10 ft.	
J	Max. Accessory Bldg. Height	30 ft.
	PARKING:	
	Min. Number of On-Site Parking Spaces per Dwelling Unit	2
	No on-site parking required for secondary dwelling units	
	Secondary Dwelling Unit	Y*
	Y = permitted; N = prohibited *Shall be limited to 600 sq. ft	
	Primary Building Entrance	
	The primary pedestrian building entrance shall be located along a public street, common walkway or park.	
	Allowable Encroachments: (Proper Sight Triangle must be maintained)	
	Covered or uncovered porches or stoops may encroach into the front or side street setback no deeper than 12 ft. and no closer than 0 ft. from a property line.	
	Bay windows and other similar enclosed building elements may be no wider than 6 ft. and may encroach up to 2 ft. in setbacks no closer than 0 ft. from a property line. The bay windows must not encroach within 4 ft. of the corners of the primary building. Any light well or egress window may be located in any required front, side or rear yard, provided: No such light well or egress window may be placed within two feet of any property Line.	
	Uncovered decks, balconies & trellises may encroach into setbacks, no deeper than 8 ft. and no closer than 0 ft. from a property line.	
	All building setbacks and building encroachments shall provide the proper Sight Triangle.	
	Driveways may encroach into all setbacks where curb cuts are permitted.	

Type B/C – Bungalow Court

Bungalow Courts are detached single-family dwelling units on individual platted lots situated around a shared outlot featuring shared landscaping and sidewalk system. Alleys in the rear of the lots provide vehicular access to Bungalow Courts. Front driveways and street facing garages are prohibited. Attached or detached garages and shared driveways are permitted.





A	Min. Lot Depth	30ft.
B	Min. Lot Width (each unit)	30 ft.
C	Min. Primary Street Setback	
	• Neighborhood Center	10 ft.
	• Neighborhood General	10 ft.
D	Min. Side Street Setback	5 ft.
E	Min. Primary or Accessory Bldg. rear setback 8 ft.	
F	Min. Primary or Accessory Bldg. rear,side, front setback from internal property line 3 ft.	
G	Min. Accessory Bldg. Side Setback	n/a
	This setback may be waived if Accessory Buildings are attached.	
H	Max. Primary Bldg. Height	
	• Neighborhood Center	40 ft.
	• Neighborhood General	40 ft.
	Tower elements of a maximum of 200 sq. ft. in floor area shall be exempt of the height limit and may exceed the ridge height of the primary roof by a maximum of 10 ft.	
I	Max. Accessory Bldg. Height	20 ft
	PARKING:	
	Min. Number of On-Site Parking Spaces per Dwelling Unit including outside parking in outlot areas	2
	No on-site parking required for secondary dwelling units	
	Secondary Dwelling Unit	N
	Y = permitted; N = prohibited *Shall be limited to 600 sq. ft	
	Primary Building Entrance	
	The primary pedestrian building entrance shall be located along a public street, common walkway or park.	
	Allowable Encroachments: (Proper Sight Triangle must be maintained)	
	Bay windows and other similar enclosed building elements may be no wider than 6 ft. and may encroach up to 2 ft. in setbacks no closer than 0 ft. from a property line. Any light well or egress window may be located in any required front, side or rear yard, provided: No such light well or egress window may be placed within two feet of a corner that is adjacent to an outlot property line.	
	Uncovered decks, balconies & trellises may encroach into setbacks no closer than 0 ft. from a property line.	
	All building setbacks and building encroachments shall provide the proper Sight Triangle.	
	Driveways may encroach into all setbacks where curb cuts are permitted. Internal lot line shall be defined as a lot line that is adjacent to a bungalow court outlot or a shared lot line between two bungalow court lots.	

NOTES FROM THE LOT & BUILDING TYPE MATRIX:

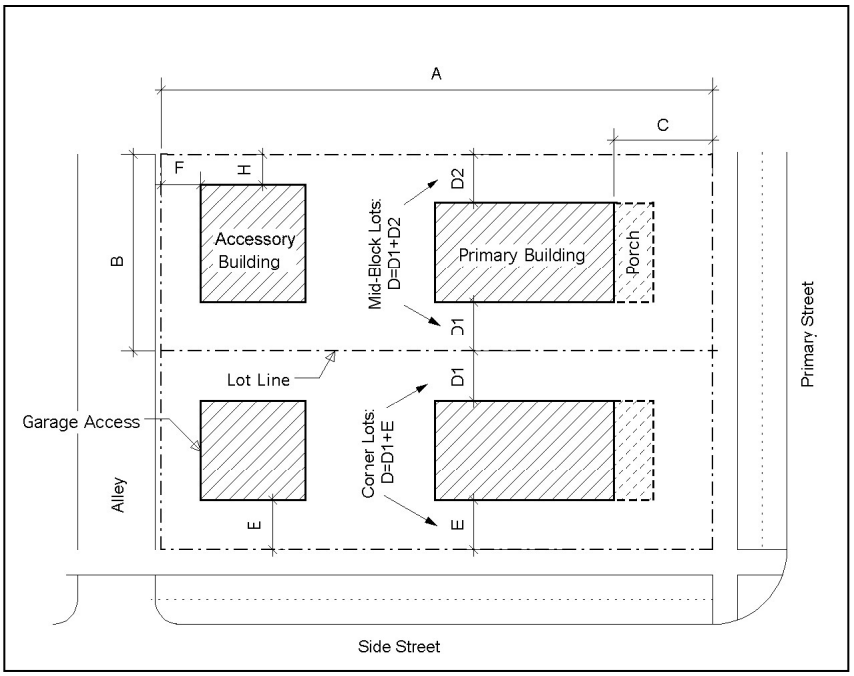
- Live/work units permitted. Commercial uses shall be limited according to the Land Use Types within this document.

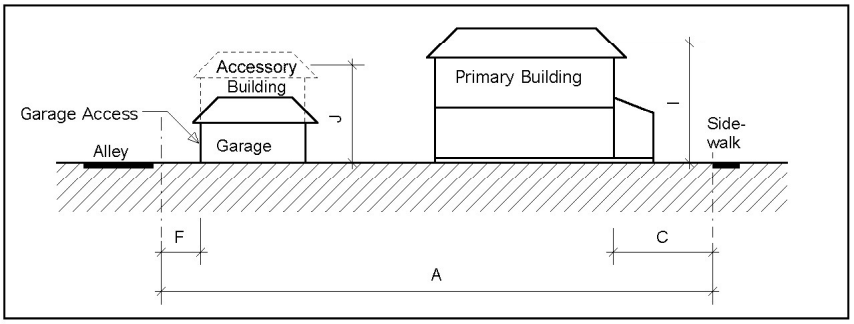
ADDITIONAL NOTES:

- Driveways providing access to the Bungalow Court dwelling units will NOT be accessible from public streets or roadways. Such driveways will only be accessible from the alleyways.

Type C – Small Single-Family

Small Single-Family Houses are the smallest type of detached residential units in Village Gardens. Small Single-Family Houses are located on intimate lots and have reduced side yards. Alleys in the rear of the lots provide vehicular access to Small Single-Family Houses. Front driveways and street facing garages are prohibited. Attached or detached garages and shared driveways are permitted.





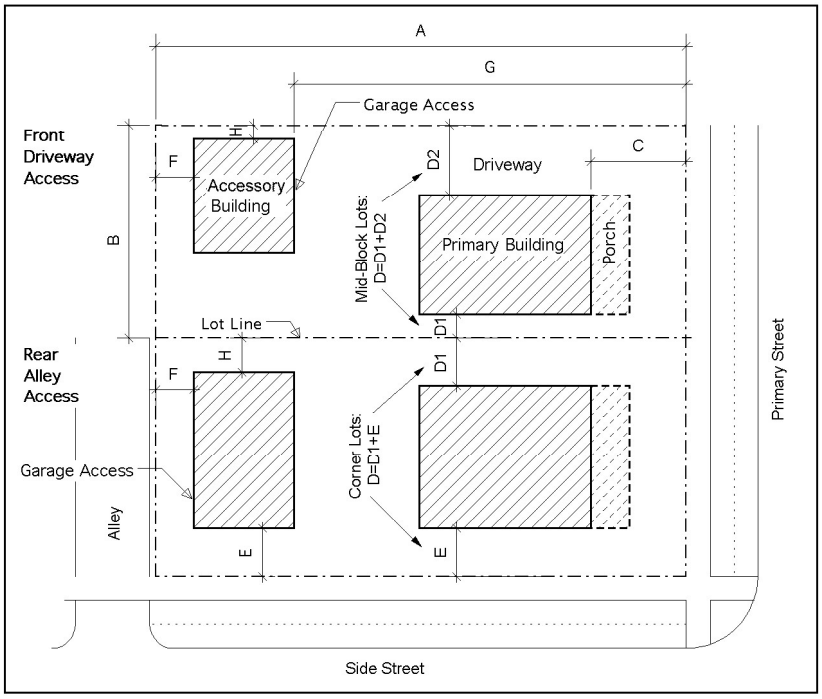
NOTES FROM THE LOT & BUILDING TYPE MATRIX:

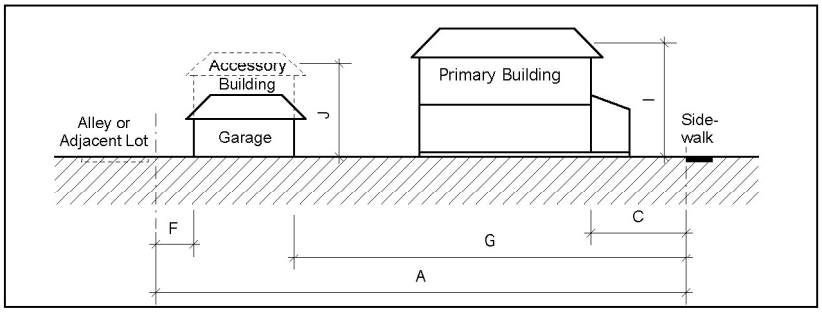
- Live/work units permitted. Commercial uses shall be limited according to the Land Use Types within this document.

A	Min. Lot Depth	80 ft.
B	Min. Lot Width	33 ft.
C	Min. Primary Street Setback	
	• Neighborhood Center	10 ft.
	• Neighborhood General	15 ft.
D	Min. Combined Side Yard Adjacent Lot Setback	7 ft.
	Setback shall be a minimum of 3 ft. on one side.	
	At corner lots, the side street setback E shall be included in the calculation of D.	
E	Min. Side Street Setback	5 ft.
F	Min. Primary or Accessory Bldg. Rear Setback	8 ft.
G	Min. Accessory Bldg. Front Setback	n/a
H	Min. Accessory Bldg. Side Setback	3 ft.
	This setback may be waived if Accessory Buildings are attached.	
I	Max. Primary Bldg. Height	
	• Neighborhood Center	40 ft.
	• Neighborhood General	40 ft.
	Tower elements of a maximum of 200 sq. ft. in floor area shall be exempt of the height limit and may exceed the ridge height of the primary roof by a maximum of 10 ft.	
J	Max. Accessory Bldg. Height	30 ft.
	PARKING:	
	Min. Number of On-Site Parking Spaces per Dwelling Unit	2
	No on-site parking required for secondary dwelling units	
	Secondary Dwelling Unit	Y*
	Y = permitted; N = prohibited	
	* Lots with less than 45 ft. wide shall be limited to 600 sq. ft in building size. Lots 45 ft wide are limited to 1000 sq. ft. in building size.	
	Primary Building Entrance	
	The primary pedestrian building entrance shall be located along a public street, common walkway or park.	
	Allowable Encroachments: (Proper Sight Triangle must be maintained)	
	Covered or uncovered porches or stoops may encroach into the front or side street setback no deeper than 12 ft. and no closer than 0 ft. from a property line.	
	Bay windows and other similar enclosed building elements may be no wider than 6 ft. and may encroach up to 2 ft. in setbacks no closer than 00 ft. from a property line. The bay windows must not encroach within 4 ft. of the corners of the primary building. Any light well or egress window may be located in any required front, side or rear yard, provided: No such light well or egress window may be placed within two feet of any property Line.	
	Uncovered decks, balconies & trellises may encroach into setbacks, no deeper than 8 ft. and no closer than 0 ft. from a property line.	
	All building setbacks and building encroachments shall provide the proper Sight Triangle.	
	Driveways may encroach into all setbacks where curb cuts are permitted.	

Type D – Medium Single-Family

Medium Single-Family Houses are midsized detached residential units. Medium Single-Family Houses are located on midsized lots and have useable side yards. Alleys in the rear of the lots or front driveways may provide vehicular access to Medium Single-Family Houses. However, if alley access is provided front driveways and street facing garages shall be prohibited. Attached or detached garages and shared driveways are permitted.





NOTES FROM THE LOT & BUILDING TYPE MATRIX:

- None

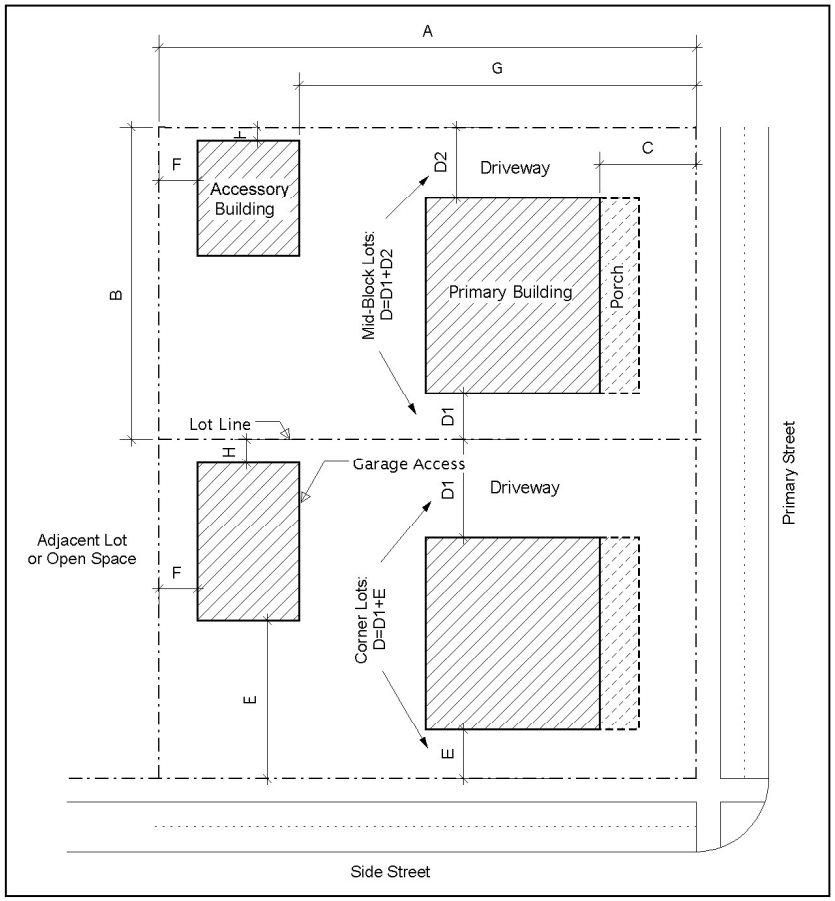
A	Min. Lot Depth	80 ft.
B	Ave. Lot Width	50 ft.
C	Min. Primary Street Setback	
	Neighborhood Center	10 ft.
	Neighborhood General	15 ft.
	Neighborhood Edge	15 ft.
D	Min. Combined Side Yard Adjacent Lot Setback	10 ft.
	Setback shall be a minimum of 3 ft. on one side.	
	At corner lots, the side street setback E shall be included in the calculation of D.	
E	Min. Side Street Setback	5 ft.
F	Min. Primary or Accessory Bldg. Rear Setback	8 ft.
	May be reduced to 3 ft. if garage is front accessed.	
G	Min. Accessory Bldg. Front Setback	45 ft.
H	Min. Accessory Bldg. Side Setback	3 ft.
	This setback may be waived if Accessory Buildings are attached.	
I	Max. Primary Bldg. Height	
	• Neighborhood General	40 ft.
	• Neighborhood Edge	40 ft.
	Tower elements of a maximum of 200 sq. ft. in floor area shall be exempt of the height limit and may exceed the ridge height of the primary roof by a maximum of 10 ft.	
J	Max. Accessory Bldg. Height	30 ft.
	PARKING:	
	Min. Number of On-Site Parking Spaces per Dwelling Unit	2
	No on-site parking required for secondary dwelling units	
	Secondary Dwelling Unit	Y*
	Y = permitted; N = prohibited * Shall be limited to 1000 sq. ft.	
	Primary Building Entrance	
	The primary pedestrian building entrance shall be located along a public street, common walkway or park.	
	Allowable Encroachments: (Proper Sight Triangle must be maintained)	
	Covered or uncovered porches or stoops may encroach into the front or side street setback no deeper than 12 ft. and no closer than 0 ft. from a property line.	
	Bay windows and other similar enclosed building elements may be no wider than 6 ft. and may encroach up to 2 ft. in setbacks no closer than 0 ft. from a property line. The bay windows must not encroach within 4 ft. of the corners of the primary building. Any light well or egress window may be located in any required front, side or rear yard, provided: No such light well or egress window may be placed within two feet of any property Line.	
	Uncovered decks, balconies & trellises may encroach into setbacks, no deeper than 8 ft. and no closer than 0 ft. from a property line.	
	All building setbacks and building encroachments shall provide the proper Sight Triangle.	
	Driveways may encroach into all setbacks where curb cuts are permitted.	

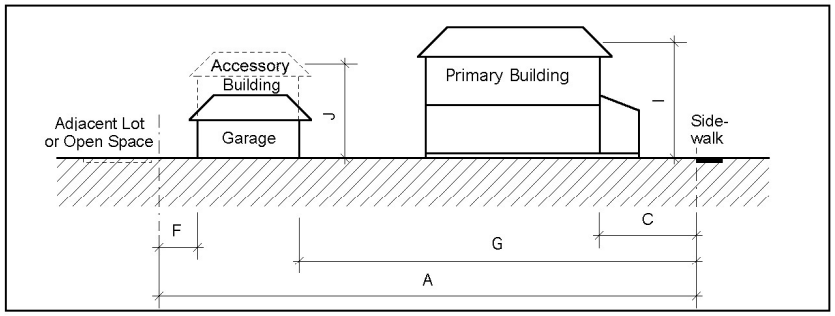
Type D-2 – Village Meadows Medium Single-Family Lot Standards

The maximum height and minimum lot requirements for Type D-2 – Village Meadows Medium Single Family lots shall be regulated in conformance with the requirements in Lincoln Municipal Code Chapter 27.72 for the R-3 Residential District.

Type E – Large Single-Family

Large Single-Family Houses are the largest detached residential units in Village Gardens. Large Single-Family Houses are located on large lots that offer flexibility in building configuration and have generous front, side and back yards. Front driveways provide vehicular access to Large Single-Family Houses. Attached or detached garages and shared driveways are permitted.





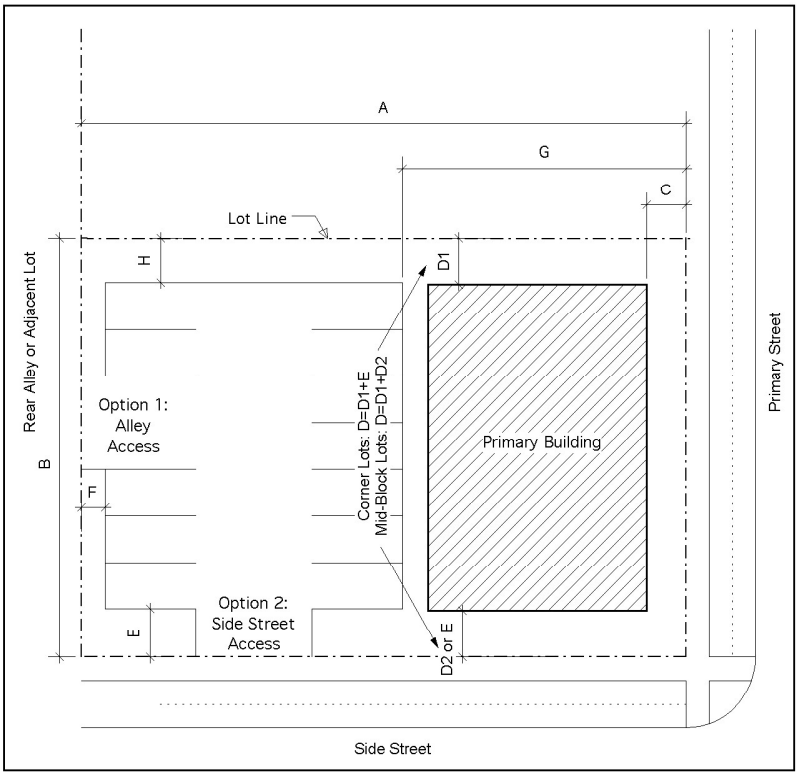
NOTES FROM THE LOT & BUILDING TYPE MATRIX:

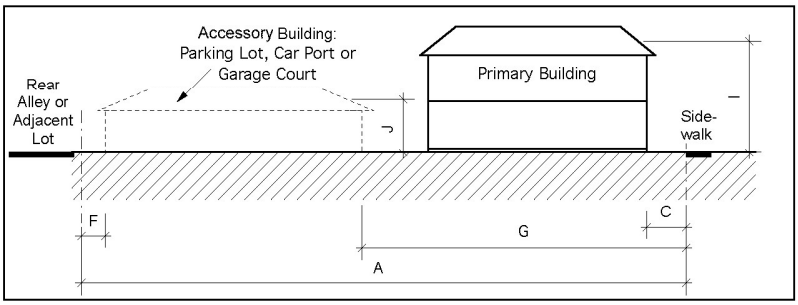
- None

A	Min. Lot Depth	80 ft.
B	Ave. Lot Width	80 ft.
C	Min. Primary Street Setback	15 ft.
	Neighborhood General	15 ft.
	Neighborhood Edge	15 ft.
D	Min. Combined Side Yard Adjacent Lot Setback	15 ft..
	Setback shall be a minimum of 5 ft. on one side.	
	At corner lots, the side street setback E shall be included in the calculation of D.	
E	Min. Side Street Setback	10 ft.
F	Min. Primary or Accessory Bldg. Rear Setback	3 ft.
G	Min. Accessory Bldg. Front Setback	45 ft.
H	Min. Accessory Bldg. Side Setback	3 ft.
	This setback may be waived if garages are attached.	
I	Max. Primary Bldg. Height	40 ft.
	Tower elements of a maximum of 200 sq. ft. in floor area shall be exempt of the height limit and may exceed the ridge height of the primary roof by a maximum of 10 ft.	
J	Max. Accessory Bldg. Height	30 ft.
	PARKING:	
	Min. Number of On-Site Parking Spaces per Dwelling Unit	2
	No on-site parking required for secondary dwelling units	
	Secondary Dwelling Unit	Y*
	Y = permitted; N = prohibited * Shall be limited to 1000 sq. ft.	
	Primary Building Entrance	
	The primary pedestrian building entrance shall be located along a public street, common walkway or park.	
	Allowable Encroachments: (Proper Sight Triangle must be maintained)	
	Covered or uncovered porches or stoops may encroach into the front or side street setback no deeper than 12 ft. and no closer than 0 ft. from a property line.	
	Bay windows and other similar enclosed building elements may be no wider than 6 ft. and may encroach up to 2 ft. in setbacks no closer than 0 ft. from a property line. The bay windows must not encroach within 4 ft. of the corners of the primary building. Any light well or egress window may be located in any required front, side or rear yard, provided: No such light well or egress window may be placed within two feet of any property Line.	
	Uncovered decks, balconies & trellises may encroach into setbacks, no deeper than 8 ft. and no closer than 0 ft. from a property line.	
	All building setbacks and building encroachments shall provide the proper Sight Triangle.	
	Driveways may encroach into all setbacks where curb cuts are permitted.	

Type F – Multi-Family Mansion

Multi-Family Mansions are the smallest multi-family buildings in Village Gardens. Multi-Family Mansions are designed to resemble large houses in order to be compatible with other residential building types. Multi-Family Mansions may have a minimum of 4 units per building in the Neighborhood Center zone, and a minimum of 6 units per building in the Village Center zone, but are limited to 12 units per building in the Village Center and limited to 8 units per building in the Neighborhood Center. Parking is located in small parking lots, carports or garage courts in the rear of the building, screened from public streets and walkways. Alleys in the rear of the lots or driveways off of side streets may provide vehicular access to Multi-Family Mansions. However, if alley access is provided direct street access shall be prohibited. Attached or detached garages and shared driveways are permitted.





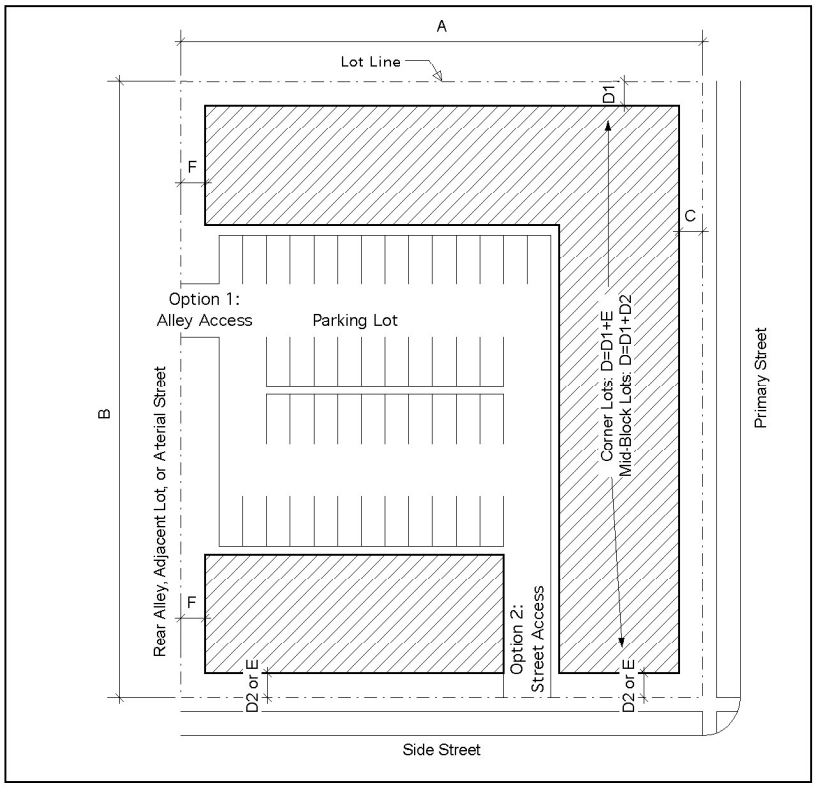
NOTES FROM THE LOT & BUILDING TYPE MATRIX:

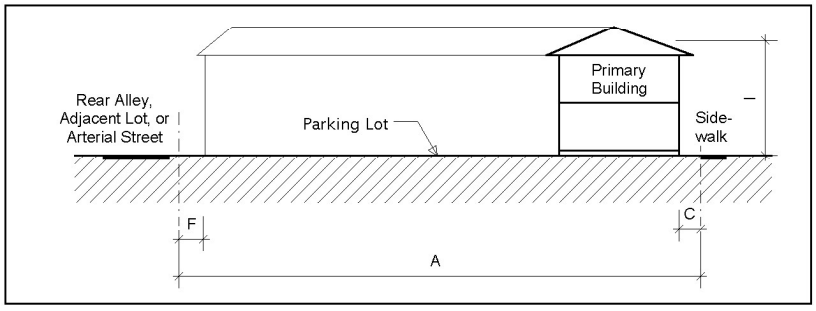
- Live/work units permitted. Commercial uses shall be limited according to the Land Use Types within this document.

A	Min. Lot Depth	80 ft.
B	Min. Lot Width	85 ft.
C	Min. Primary Street Setback	
	• Village Center	0 ft.
	• Neighborhood Center	10 ft.
D	Min. Combined Side Yard Adjacent Lot Setback	20 ft.
	Setback shall be a minimum of 5 ft. on one side.	
	At corner lots, the side street setback E shall be included in the calculation of D.	
E	Min. Side Street Setback	10 ft.
F	Min. Primary or Accessory Bldg. Rear Setback	8 ft.
	May be reduced to 3 ft. if there is no alley access.	
G	Min. Accessory Bldg. Front Setback	45 ft.
H	Min. Accessory Bldg. Side Setback	3 ft.
I	Max. Primary Bldg. Height	
	• Village Center	40 ft.
	• Neighborhood Center	40 ft.
	Tower elements of a maximum of 200 sq. ft. in floor area shall be exempt of the height limit and may exceed the ridge height of the primary roof by a maximum of 10 ft.	
J	Max. Accessory Bldg. Height	30 ft.
	PARKING:	
	Min. Number of On-Site Parking Spaces per Dwelling Unit	1.5
	Secondary Dwelling Unit	N
	Y = permitted; N = prohibited	
	Primary Building Entrance	
	The primary pedestrian building entrance shall be located along a public or private street, common walkway or park.	
	Allowable Encroachments: (Proper Sight Triangle must be maintained)	
	Covered or uncovered porches or stoops may encroach into the front or side street setback no deeper than 12 ft. and no closer than 0 ft. from a property line.	
	Bay windows and other similar enclosed building elements may be no wider than 6 ft. and may encroach up to 2 ft. in setbacks no closer than 0 ft. from a property line. The bay windows must not encroach within 4 ft. of the corners of the primary building. Any light well or egress window may be located in any required front, side or rear yard, provided: No such light well or egress window may be placed within two feet of any property Line.	
	Uncovered decks, balconies & trellises may encroach into setbacks, no deeper than 8 ft. and no closer than 0 ft. from a property line.	
	All building setbacks and building encroachments shall provide the proper Sight Triangle.	
	Driveways may encroach into all setbacks where curb cuts are permitted.	

Type G – Multi-Family Apartment

Apartment Buildings are the highest density residential buildings in Village Gardens. Apartment Buildings may be configured in a variety of layouts, including U-shaped courtyard, L-shaped courtyard, or bar-shaped. Parking is located in parking lots in the rear of or between buildings, screened from public streets and walkways. Attached or detached garages and shared driveways are permitted.





NOTES FROM THE LOT & BUILDING TYPE MATRIX:

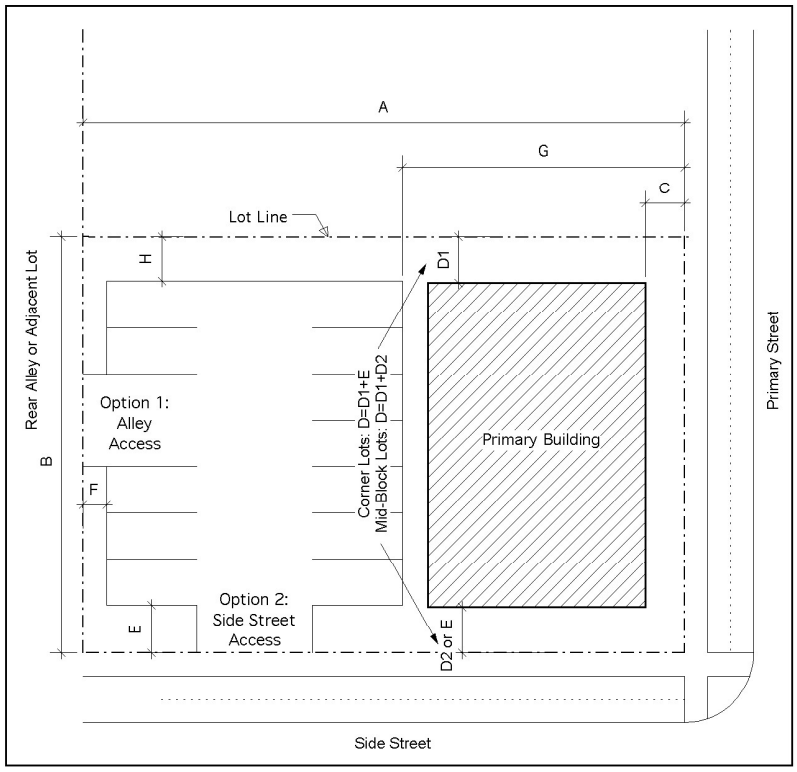
- Apartments allowed in Village Center zone. In the Neighborhood Center this use is limited to lots between Yankee Hill Road and Chatsworth Lane in a future PUD.

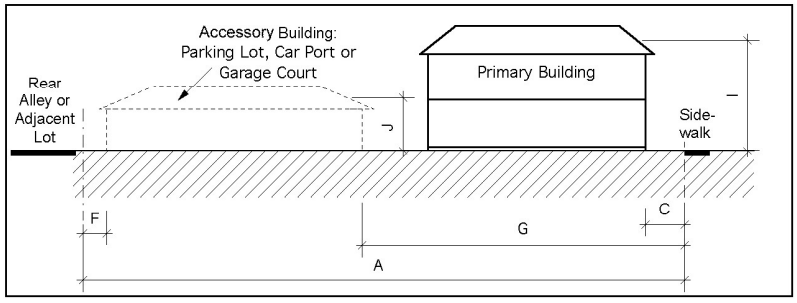
A	Min. Lot Depth	80 ft.
B	Min. Lot Width	100 ft.
C	Min. Primary Street Setback	
	• Village Center	0 ft.
	• Neighborhood Center	10 ft.
D	Min. Combined Side Yard Adjacent Lot Setback	20 ft.
	Setback shall be a minimum of 10 ft. on one side.	
	At corner lots, the side street setback E shall be included in the calculation of D.	
E	Min. Side Street Setback	
	• Village Center	0 ft.
	• Neighborhood Center	10 ft.
F	Min. Rear Setback	10 ft.
G	Min. Accessory Bldg. Front Setback	n/a
H	Min. Accessory Bldg. Side Setback	n/a
I	Max. Primary Bldg. Height	
	• Village Center	5540 ft.
	• Neighborhood Center	40 ft.
	Tower elements of a maximum of 200 sq. ft. in floor area shall be exempt of the height limit and may exceed the ridge height of the primary roof by a maximum of 10 ft.	
J	Max. Accessory Bldg. Height	n/a
	PARKING: Min. Number of On-Site Parking Spaces per Dwelling Unit	1.5
	Secondary Dwelling Unit	N
	Y = permitted; N = prohibited	
	Primary Building Entrance	
	The primary pedestrian building entrance shall be located along a public or private street, common driveway, common walkway or park.	
	Allowable Encroachments: (Proper Sight Triangle must be maintained)	
	Covered or uncovered porches or stoops may encroach into the front or side street setback no deeper than 12 ft. and no closer than 0 ft. from a property line.	
	Bay windows and other similar enclosed building elements may be no wider than 6 ft. and may encroach up to 2 ft. in setbacks no closer than 0 ft. from a property line. The bay windows must not encroach within 4 ft. of the corners of the primary building. Any light well or egress window may be located in any required front, side or rear yard, provided: No such light well or egress window may be placed within two feet of any property Line.	
	Uncovered decks, balconies & trellises may encroach into setbacks, no deeper than 8 ft. and no closer than 0 ft. from a property line.	
	All building setbacks and building encroachments shall provide the proper Sight Triangle.	

Driveways may encroach into all setbacks where curb cuts are permitted.

Type H – Community

Community Buildings play a central role in the social life of local residents. They are given prominent sites, often terminating view corridors and therefore are required to have well-designed architectural emphasis on their public facades and include a main entrance on the public street or green. Community buildings may include special massing features, such as towers. In order to foster design creativity, these buildings have the least amount of zoning control, but may be subject to a special architectural design review to insure the highest quality design on important sites.





NOTES FROM THE LOT & BUILDING TYPE MATRIX:

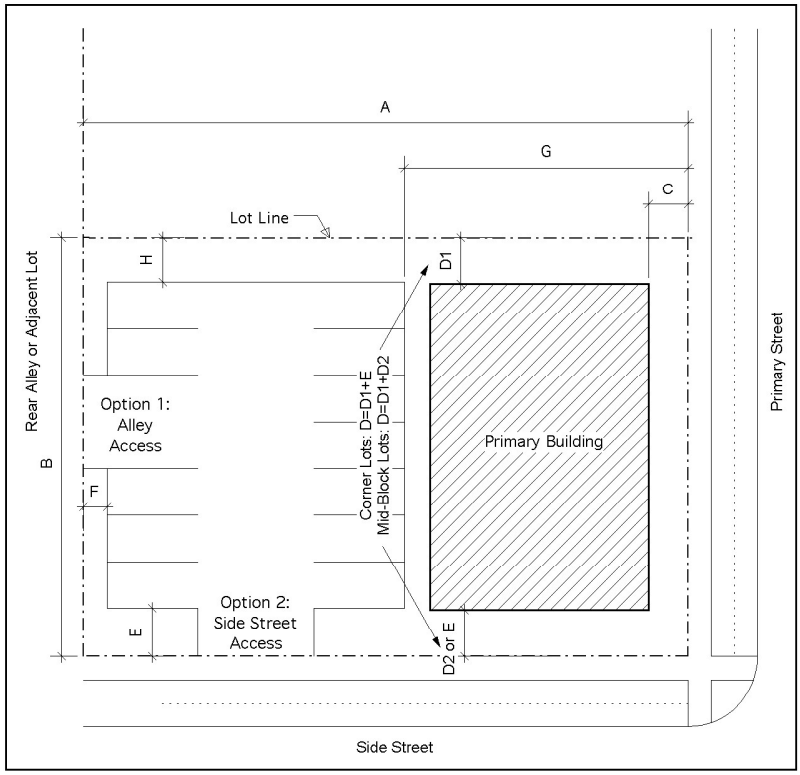
- Structures that are not fully enclosed, have a footprint of less than 400 sq ft. and an overall height of less than 16ft. shall be considered landscape elements.
- In the Neighborhood Center, Community buildings are limited to Civic or Community uses serving primarily Village Gardens residents and their guests or churches.

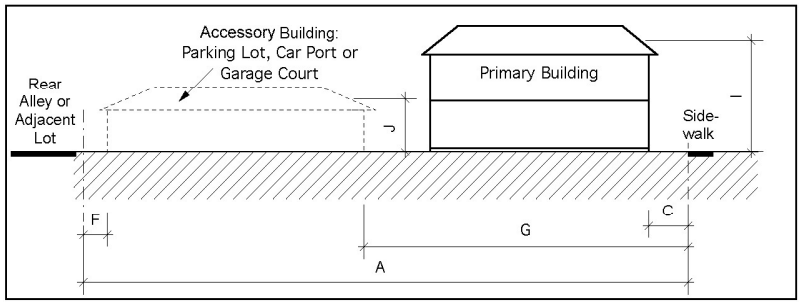
A	Min. Lot Depth	80 ft.
B	Min. Lot Width	n/a
C	Min. Primary Street Setback	
	• Village Center	0 ft.
	• Neighborhood Center*	5 ft.
D	Min. Side Yard Adjacent Lot Setback*	5 ft.
	At corner lots, the side street setback E shall be included in the calculation of D.	
E	Min. Side Street Setback*	0 ft.
F	Min. Primary or Accessory Bldg. Rear Setback*	8 ft.
	May be reduced to 3 ft. if there is no alley access.	
G	Min. Accessory Bldg. Front Setback	45 ft.
H	Min. Accessory Bldg. Side Setback	3 ft.
I	Max. Primary Bldg. Height	
	• Village Center	40 ft.
	• Neighborhood Center	40 ft.
	Tower elements of a maximum of 300 sq. ft. in floor area shall be exempt of the height limit and may exceed the ridge height of the primary roof by a maximum of 30 ft.	
J	Max. Accessory Bldg. Height	30 ft.
	PARKING: Refer to the parking matrix as identified in the Village Gardens Development Plan	
	Secondary Dwelling Unit	Y
	Y = permitted; N = prohibited	
	Primary Building Entrance	
	The primary pedestrian building entrance shall be located along a public or private street, common driveway, walkway or park.	
	Allowable Encroachments: (Proper Sight Triangle must be maintained)	
	Covered or uncovered porches or stoops may encroach into the front or side street setback no deeper than 12 ft. and no closer than 0 ft. from a property line.	
	Bay windows and other similar enclosed building elements may be no wider than 6 ft. and may encroach up to 2 ft. in setbacks no closer than 0 ft. from a property line. The bay windows must not encroach within 4 ft. of the corners of the primary building. Any light well or egress window may be located in any required front, side or rear yard, provided: No such light well or egress window may be placed within two feet of any property Line.	
	Uncovered decks, balconies & trellises may encroach into setbacks, no deeper than 8 ft. and no closer than 0 ft. from a property line.	
	All building setbacks and building encroachments shall provide the proper Sight Triangle.	
	Driveways may encroach into all setbacks where curb cuts are permitted.	

*20 ft. minimum front, side and rear yard setbacks for Lot 1, Block 27

Type I – Mixed-Use

In the Village Center zone, higher density, mixed-use development forms the core of Village Gardens. Mixed-Use buildings, a common typology in small Midwestern main streets, feature ground floor storefront retail, offices or living units with walk-up apartments or offices on upper stories. Parking is located in parking lots, carports or garage courts in the rear of the building, screened from public streets and walkways. Alleys in the rear of the lots or driveways off of side streets may provide vehicular access. Drive thru's are permitted in the Village Center.





NOTES FROM THE LOT & BUILDING TYPE MATRIX:

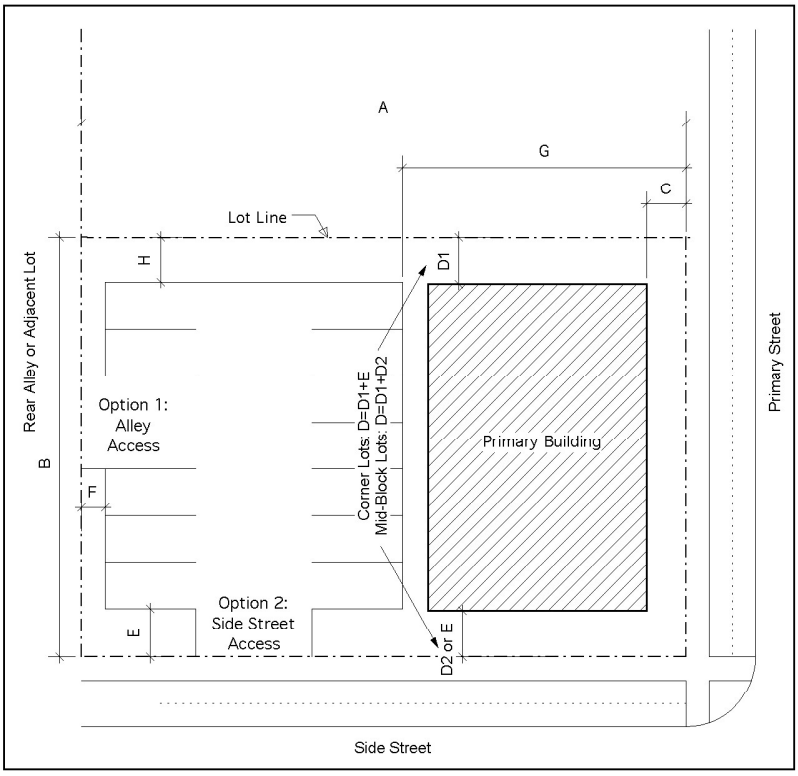
- Mixed-use buildings may occupy two or more of the following uses within the same building: retail, professional services, personal services, workshop, office, artisan, restaurant, lodging, childcare, professional business, governmental services, entertainment, recreational, residential and related accessory uses. Uses may be divided vertically or horizontally.

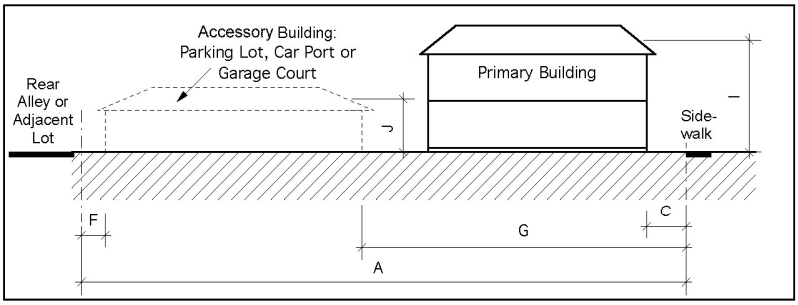
A	Min. Lot Depth	n/a ft.
B	Min. Lot Width	n/a.
C	Min. Primary Street Setback*	0 ft.
	Min. Combined Side Yard Adjacent Lot Setback*	0 ft.
	At corner lots, the side street setback E shall be included in the calculation of D.	
E	Min. Side Street Setback*	0 ft.
F	Min. Primary Accessory Bldg. Rear Setback*	8 ft.
	May be reduced to 3 ft. if there is no alley access.	
G	Min. Accessory Bldg. Front Setback	45 ft.
H	Min. Accessory Bldg. Side Setback	3 ft.
	This setback may be waived if Accessory Buildings are attached.	
I	Max. Primary Bldg. Height	50 ft.
	Tower elements of a maximum of 200 sq. ft. in floor area shall be exempt of the height limit and may exceed the ridge height of the primary roof by a maximum of 10 ft.	
J	Max. Accessory Bldg. Height	30 ft.
	Max. Lot Coverage	100%
	PARKING:	
	Min. Number Parking Spaces per Dwelling Unit for residential	1
	Min. Number Parking Spaces per 600 sf. of commercial uses	1
	Parking shall be accommodated on-site or off-site as part of a cross-parking easement. On Street parking in the B-3 area is allowed to be counted in the B-3 area cross-parking easement.	
	Secondary Dwelling Unit	N
	Y = permitted; N = prohibited	
	Primary Building Entrance	
	The primary pedestrian building entrance shall be located along a public or private street, common driveway, common walkway or park.	
	Allowable Encroachments: (Proper Sight Triangle must be maintained)	
	Covered or uncovered porches or stoops may encroach into the front or side street setback no deeper than 12 ft. and no closer than 0 ft. from a property line.	
	Bay windows and other similar enclosed building elements may be no wider than 6 ft. and may encroach up to 2 ft. in setbacks no closer than 0 ft. from a property line. The bay windows must not encroach within 4 ft. of the corners of the primary building.	
	Uncovered decks, balconies & trellises may encroach into setbacks, no deeper than 8 ft. and no closer than 0 ft. from a property line.	
	All building setbacks and building encroachments shall provide the proper Sight Triangle.	
	Driveways may encroach into all setbacks where curb cuts are permitted.	

*Minimum setbacks for Lot 2, Block 27:
20 ft. front and side yards
50 ft. rear yard

Type J –Elderly or Retirement Housing & Healthcare Facility, Residential

Elderly or Retirement Housing facilities house the elderly and incorporate features to address access problems experienced by the elderly. Healthcare Facility, Residential includes buildings or structures used in a residential nature that are licensed or approved by the state or an appropriate agency, if any. Each of these facilities will have staff and guest parking equal or greater than the present City of Lincoln standards for such facilities.





Type J – Lot Standards		
A	Min. Lot Depth	n/a
B	Min. Lot Width	n/a
C	Min. Primary Street Setback	20 ft.
D	Min. Side Yard Setback	15 ft.
E	Min. Side Street Setback	15 ft.
F	Min. Primary Bldg. Rear Setback	20 ft.
	Min. Accessory Bldg. Rear Setback	3 ft.
G	Min. Accessory Bldg. Front Setback	45 ft.
H	Min. Accessory Bldg. Side Setback	8 ft.
	This setback may be waived if Accessory Buildings are attached.	
I	Max. Primary Bldg. Height	50 ft.
	Tower elements of a maximum of 200 sq. ft. in floor area shall be exempt of the height limit and may exceed the ridge height of the primary roof by a maximum of 10 ft.	
J	Max. Accessory Bldg. Height	30 ft.
	Max. Lot Coverage	75%
	PARKING: per City of Lincoln municipal code and design standards	
	Parking shall be accommodated on-site .	
	Secondary Dwelling Unit	N
	Y = permitted; N = prohibited	
	Primary Building Entrance	
	The primary pedestrian building entrance shall be located along a public or private street, common driveway, common walkway or park.	
	Allowable Encroachments: (Proper Sight Triangle must be maintained)	
	All building setbacks and building encroachments shall provide the proper Sight Triangle.	
	Driveways may encroach into all setbacks where curb cuts are permitted.	

NOTES FROM THE LOT & BUILDING TYPE MATRIX:

- Permitted use on lots more than 10,000 sq. ft.

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THE REGULATORY MODIFICATIONS

See Village Gardens Regulatory Modifications document for specific information on regulatory documents modified for the Village Gardens PUD, dated this even date and incorporated herein by this reference.

THE PUD MAP SHEETS

See Village Gardens PUD Map Sheets (30"x42") prepared by Olsson Associates and dated this even date and incorporated herein by this reference.

GLOSSARY

Alley:
The vehicle passageway within a block, which provides access to accessory building and garbage bins along the rear edge of lots.

Accessory Building:
A smaller, detached structure located in the rear of a lot. Accessory Buildings may contain the following uses: garage, home office, workshop, secondary dwelling units and accessory uses.

Accessory Use:
An accessory use is one that is incidental to the main use.

Assisted Living Facility:
Assisted living facility shall mean a facility where shelter, food, and care are provided for remuneration for a period of more than twenty-four consecutive hours to four or more persons residing at such facility who require or request such services due to age, illness, or physical disability.

Average Lot Width:
Average lot width shall mean the width determined by dividing the total lot area by the depth of the lot from the right of way line to the furthest rear lot line. If the rear lot line and right of way are not parallel, an average depth dimension shall be used.

Bungalow Court:
Two or more single-family dwelling units built on separate lots that are situated around a shared outlot with shared landscaping and sidewalk system.

Civic Use:
Occupied building space used primarily for neighborhood use, public education, charity, cultural performance, gatherings, displays and accessory uses administered by non-profit neighborhood, cultural, educational, charitable and religious organizations.

Combined Side Yard Adjacent Lot Setback:
The sum of the distances between the side lot lines and the side elevations of a building. Roof overhangs may encroach into the setback. On street corners, the Side Street Setback shall be included in the calculation.

Commercial Use:
Occupied building space used for the conduct of retail, professional services, personal services, workshop, office, artisan, restaurant, lodging, childcare, professional business, governmental services, entertainment, recreational uses and accessory uses.

Elderly or Retirement Housing:
Elderly or retirement housing shall mean a residential development which incorporates specific features designed to alleviate access problems commonly experienced by the elderly, and in which each occupied dwelling unit is occupied by at least one person of sixty years of age or more. Dwellings may be detached, attached, or multiple-family.

Façade:
An elevation or 'face' of a building, from ground level to roofline.

Front Façade:
The elevation with the main entrance to a building, usually facing a public street.

Healthcare Facility, Residential:
Residential health care facility shall mean a building or structure that is to be used in a residential nature, licensed or approved by the state or an appropriate agency, if required. Residential health care facility could include but would not be limited to the following types of facilities: Assisted Living, Nursing Care, Convalescent Home, Hospice Home, Group home for 16 or more people and Intermediate Care.

Home Occupation:
A home occupation shall mean any office occupation or activity carried on within a dwelling unit or Accessory Building by a member of the family residing on the residential lot, which occupation or activity is incidental and secondary to the residential occupancy and does not change the residential character thereof.

Live/Work Unit:
A building in single ownership that provides commercial uses on the first floor and a residential use dwelling unit on the upper floor(s). The owner may occupy the commercial space and reside in the dwelling unit, or the owner may lease or rent the commercial space or the dwelling together or separately.

Lodging Use:
Premises used for short-term human habitation and accessory uses. Food service may be included, unless otherwise prohibited.

Lot:
Lot shall mean a parcel of land occupied or intended for occupancy by a use permitted by the Development Plan and fronting on a permitted public or private street, common driveway, common walkway or park as described in the Lots and Building Standards.

Lot Coverage:
The maximum area of a lot that may be occupied by a structure. Lot coverage is expressed as a ratio. Open porches, decks, terraces, and stoops are excluded from the calculations.

Mixed-Use Building:
A single building that occupies two or more of the following use: retail, professional services, personal services, workshop, office, artisan, restaurant, lodging, childcare, professional business, governmental services, entertainment, recreational, residential and related accessory uses. Uses may be divided vertically or horizontally.

Office Use:
Premises used for services, including professional, financial, clerical, administrative, medical and accessory uses. Retail and manufacturing are excluded.

Point-Of-Service:
Office uses or services frequented by customers or clients.

Primary Building:
The principal building on a site, containing the primary residence or business. The primary building fronts on the primary street.

Primary Street:
When there are two streets abutting a lot, the primary street will be the street identified by the building's legal address.

Primary Street Setback:
The distance between the frontage line of a primary street and the front façade of a building.

Rear Setback:
The distance between the rear lot line and the rear wall of a building. Roof overhangs may encroach into the setback.

Residential Use:
Premises or dwelling used primarily for human habitation and related accessory uses.

Retail Use:
Premises used for the exchange of services or goods and accessory uses including but is not limited to, bicycle sales and repair shops and sale of alcoholic beverages for consumption on-premise and the sale of alcoholic beverages for consumption off-premises.

Rowhouse:
Attached single-family houses on individual platted lots. Rowhouses share common walls with one or more adjacent units.

Side Street:
When there are two streets abutting a lot, the primary street will be the street identified by the building's legal address and the side street will be the other abutting street.

Secondary Dwelling Unit:
Secondary Dwelling Units are located on the same lot as the primary dwelling unit and may be rented but not sold separately. Secondary dwelling units may be located within the primary building or within a Accessory Building to the rear of the primary building. Secondary dwelling units shall have separate outside entrances.

Sight Triangle:
The applicable Figure shown on Appendix A Sight Distance, City of Lincoln Design Standards, provided that, the Sight Triangle for Figure SD-2, Uncontrolled and Yield Controlled Intersections, shall be the crossed hatched areas marked a "area free of obstructions >30" high." (a triangular area comprised of two lot lines measured 25 feet from the intersecting corner of the lots, and the third leg, the hypotenuse, that connects the two 25 foot sides.

Side Street Setback:
The distance between the frontage line of a side street and the street facing side elevation of the building. Roof overhangs may encroach into the setback.

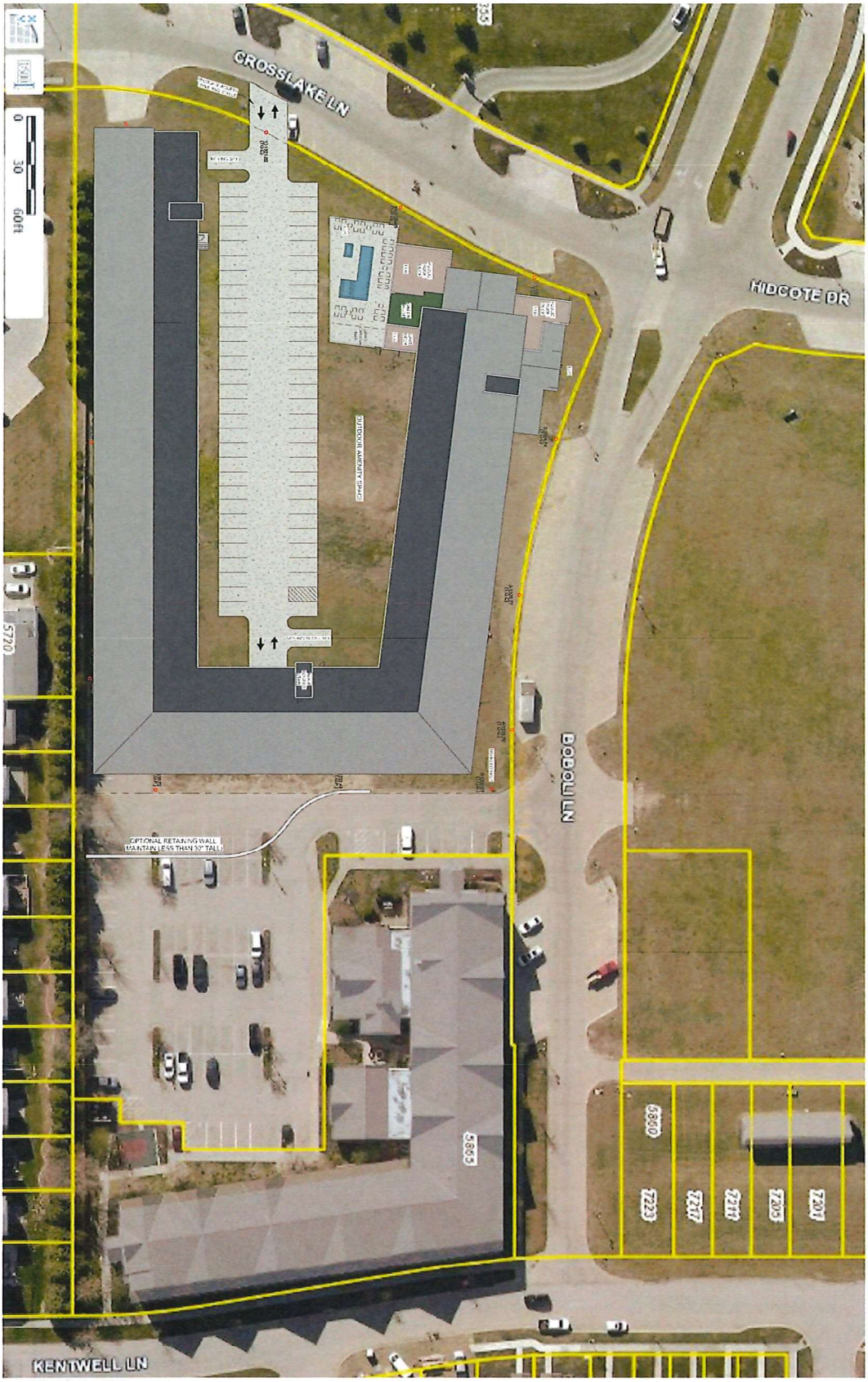
Storefront:
The portion of a building at the first story of a building that is made available for retail use. Storefronts shall be directly accessible from sidewalks.

Stoop:
An entry platform on the frontage of a building. Stoops may be roofed but they need not necessarily be enclosed.

Townhouse:
Attached single-family houses on individual platted lot. A townhouse shares a common wall with one adjacent unit.

Workshop Use:
Premises used for the creation, assemblage, repair of goods and hobbies, including their retail sale, unless otherwise prohibited.

1 SCHEMATIC SITE PLAN



Manzitto

Village Gardens Apartments

Site Plan Schematic

PR-100
12/22/20

davis design
Lincoln
1221 N Street, Suite 600
Lincoln NE 68508
Phone 402-476-9700
Fax 402-476-9722
Vermillion
15 East Main, Suite 201
Vermillion SD 57069
Phone 605-624-1081

Manzitto

Village Gardens Apartments

Exterior Elevations

PR-201
03/30/21

davis design

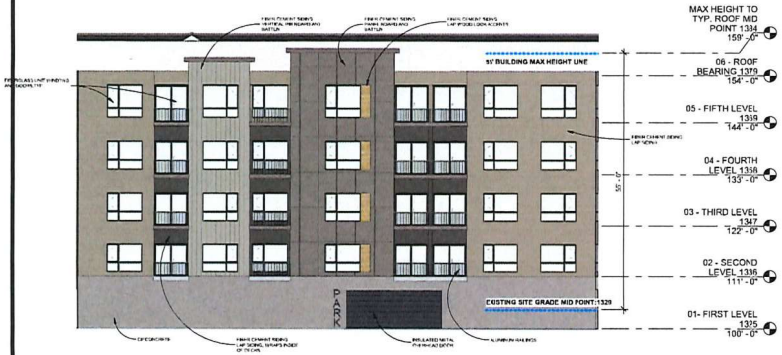
Lincoln
Lincoln, NE 68501
Phone 402-476-9700
Fax 402-476-9722

Vermillion
15 East Main Street
Vermillion SD 57069

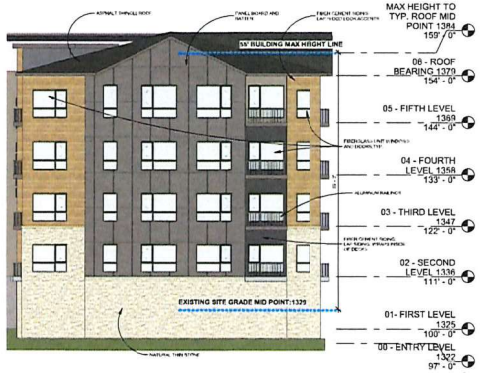
davis design
Lincoln
1221 11 Street, Suite 600
Lincoln, NE 68508
Phone 402-476-9703
Fax 402-476-9722
Vermillion
15 East Main, Suite 201
Vermillion SD 57069

1 COURT SOUTH ELEVATION
3/32" = 1'-0"

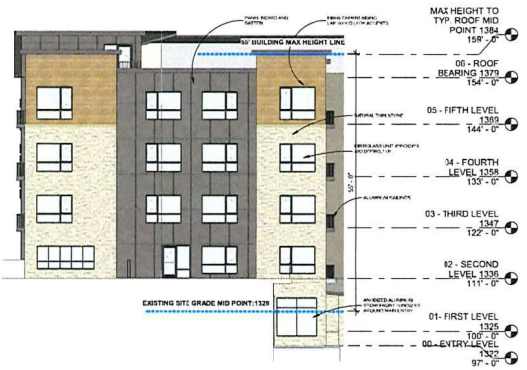
PR-202
03/30/21



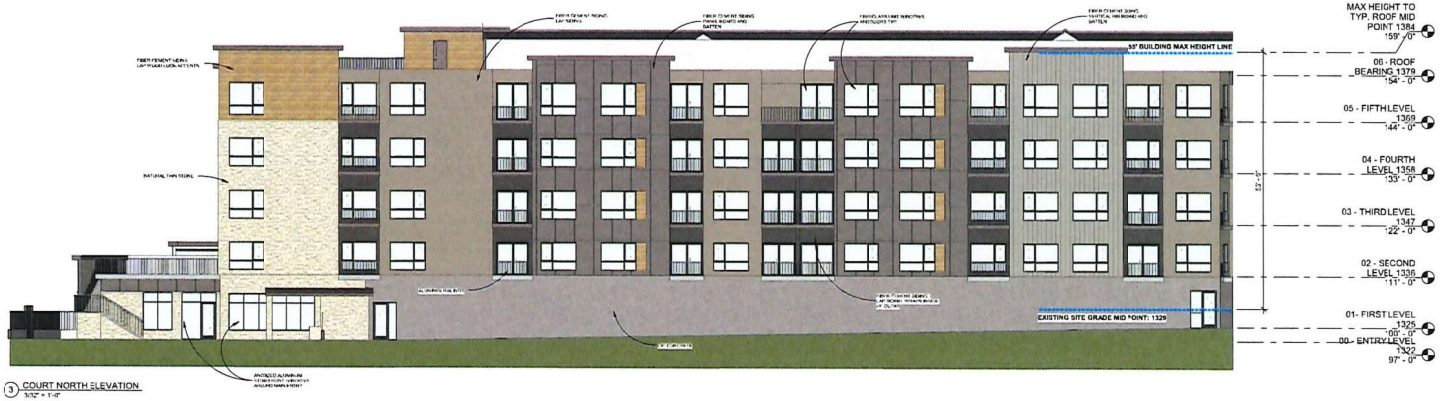
2 COURT EAST ELEVATION
3/32" = 1'-0"



4 WEST ELEVATION (SOUTH)
3/32" = 1'-0"



5 WEST ELEVATION (NORTH)
3/32" = 1'-0"



3 COURT NORTH ELEVATION
3/32" = 1'-0"

BUILDING HEIGHT 55' DESCRIPTION
THE EXISTING LOT SLOPES FROM AN ELEVATION OF 1321 (LOW POINT) TO AN ELEVATION OF 1337 (HIGH POINT) **EXISTING LOT GRADE MID POINT ELEVATION: 1329**
55' MAX BUILDING HEIGHT IS MEASURED FROM ELEVATION 1329 TO THE MID POINT OF THE BUILDING'S TYPICAL ROOF **MAXIMUM MID POINT OF BUILDING ROOF ELEVATION: 1384** (DOES NOT INCLUDE BUILDING STAIR/ELEVATOR TOWERS FOR ROOF ACCESS)
THE START AND STOP ELEVATION FOR THE 55' BUILDING HEIGHT DESIGNATION IS SHOWN ON THE ELEVATIONS WITH A BLUE DOTTED LINE: ----------

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Village Gardens Apartments
Exterior Elevations