

# **Lincoln City - Lancaster County**

## **PLANNING COMMISSION AGENDA**

### **PLANNING COMMISSION**

Tracy Edgerton: Chair  
Cindy Ryman Yost: Vice Chair  
Lorenzo Ball  
Dick Campbell  
Tracy Corr  
Maribel Cruz  
Gloria Eddins  
Cristy Joy  
Richard Rodenburg

### **PLANNING STAFF**

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

## **February 2, 2022**



**NOTICE:** The Lincoln/Lancaster County Planning Commission will hold a public hearing on Wednesday, February 2, 2022, at 1:00 p.m. in Hearing Room 112 on the first floor of the County-City Building, 555 S. 10<sup>th</sup> St., Lincoln, Nebraska. For more information, call the Planning Department, (402) 441-7491.

**MASKS ARE STRONGLY ENCOURAGED FOR OUR PUBLIC MEETINGS IN THIS BUILDING**

**\*\*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](mailto: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, FEBRUARY 2, 2022**

Approval of minutes of the regular meeting held [January 19, 2022](#).

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

#### **COMPREHENSIVE PLAN:**

- 1.1 COMPREHENSIVE PLAN CONFORMANCE 22001, to review as to conformance with the 2050 Comprehensive Plan, a request to declare the property commonly known as Fire Station #12 as surplus, generally located at 2201 S. 84<sup>th</sup> Street.

**Staff recommendation: Conformance with the Comprehensive Plan**

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

#### **MISCELLANEOUS:**

- 1.2 STREET & ALLEY VACATION 21008, to vacate approximately 559 feet of Tara Hill Lane west of S. 59<sup>th</sup> Street Circle in the South 59<sup>th</sup> Street Coalition PUD (Planned Unit Development), adjacent to property generally located at S. 59<sup>th</sup> Street Circle and Pine Lake Road.

**Staff recommendation: Conformance with the Comprehensive Plan**

**Staff Planner: Brian Will, 402-441-6362, [bwill@lincoln.ne.gov](mailto:bwill@lincoln.ne.gov)**



Page 19  
1.3 STREET & ALLEY VACATION 21009, to vacate a portion of N. 33<sup>rd</sup> Street at Schworer Drive, on property generally located at N. 33<sup>rd</sup> Street and Schworer Drive.  
**Staff recommendation: Conformance with the Comprehensive Plan**  
**Staff Planner: Rachel Christopher, 402-441-7603, [rchristopher@lincoln.ne.gov](mailto:rchristopher@lincoln.ne.gov)**

2. **REQUESTS FOR DEFERRAL**

3. **ITEMS REMOVED FROM CONSENT AGENDA**

4. **PUBLIC HEARING AND ADMINISTRATIVE ACTION**

**ANNEXATION AND RELATED ITEMS:**

Page 27  
4.1a ANNEXATION 21011, to annex approximately 61.28 acres, more or less, on property generally located at the northeast corner and southeast corner of W. Pioneers Boulevard and S. Folsom Street.  
**Staff recommendation: Conditional Approval**  
**Staff Planner: Benjamin Callahan, 402-441-6360, [bcallahan@lincoln.ne.gov](mailto:bcallahan@lincoln.ne.gov)**

Page 27  
4.1b CHANGE OF ZONE 21055, from AG (Agricultural District) to R-4 (Residential District) PUD (Planned Unit Development) for the Foxtail Meadows PUD for up to 15,000 square feet of commercial floor area and up to 650 residential units with adjustments to the Zoning and Subdivision Ordinances, on property generally located at the southeast corner of W. Pioneers Boulevard and S. Folsom Street.  
**Staff recommendation: Conditional Approval**  
**Staff Planner: Benjamin Callahan, 402-441-6360, [bcallahan@lincoln.ne.gov](mailto:bcallahan@lincoln.ne.gov)**

\* \* \* \* \*

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

\* \* \* \* \*

**Adjournment**

**PENDING LIST:** *ANNEXATION 21010, to annex approximately 41.99 acres, more or less, on property generally located NE of South 70th Street and Yankee Hill Road.*

*CHANGE OF ZONE 21053, from AG (Agricultural District) to R 3 (Residential District) PUD (Planned Unit Development) for the Market Pointe PUD for up to 120,000 square feet of commercial floor and up to 464 multiple family dwelling units with adjustments to the Zoning and Subdivision Ordinances, on property generally located NE of South 70th Street and Yankee Hill Road.*



*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.*

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

**Planning Department Staff Contacts:**

|   |              |  |
|---|--------------|--|
| David Cary, <i>Director</i>                           | 402-441-6364 | <a href="mailto:dcary@lincoln.ne.gov">dcary@lincoln.ne.gov</a>               |
| Stephen Henrichsen, <i>Development Review Manager</i> | 402-441-6374 | <a href="mailto:shenrichsen@lincoln.ne.gov">shenrichsen@lincoln.ne.gov</a>   |
| Paul Barnes, <i>Long Range Planning Manager</i>       | 402-441-6372 | <a href="mailto:pbarnes@lincoln.ne.gov">pbarnes@lincoln.ne.gov</a>           |
| Benjamin Callahan, <i>Planner</i>                     | 402-441-6360 | <a href="mailto:bcallahan@lincoln.ne.gov">bcallahan@lincoln.ne.gov</a>       |
| Collin Christopher, <i>Planner</i>                    | 402-441-6370 | <a href="mailto:cchristopher@lincoln.ne.gov">cchristopher@lincoln.ne.gov</a> |
| Rachel Christopher, <i>Planner</i>                    | 402-441-7603 | <a href="mailto:rchristopher@lincoln.ne.gov">rchristopher@lincoln.ne.gov</a> |
| Tom Cajka, <i>Planner</i>                             | 402-441-5662 | <a href="mailto:tcajka@lincoln.ne.gov">tcajka@lincoln.ne.gov</a>             |
| Stacey Hageman, <i>Planner</i>                        | 402-441-6361 | <a href="mailto:slhageman@lincoln.ne.gov">slhageman@lincoln.ne.gov</a>       |
| Stephanie Rouse, <i>Planner</i>                       | 402-441-6373 | <a href="mailto:srouse@lincoln.ne.gov">srouse@lincoln.ne.gov</a>             |
| Andrew Thierolf, <i>Planner</i>                       | 402-441-6371 | <a href="mailto:athierolf@lincoln.ne.gov">athierolf@lincoln.ne.gov</a>       |
| George Wesselhoft, <i>Planner</i>                     | 402-441-6366 | <a href="mailto:gwesselhoft@lincoln.ne.gov">gwesselhoft@lincoln.ne.gov</a>   |
| Brian Will, <i>Planner</i>                            | 402-441-6362 | <a href="mailto:bwill@lincoln.ne.gov">bwill@lincoln.ne.gov</a>               |
| Allan Zafft, <i>Transportation Planner</i>            | 402-441-6369 | <a href="mailto:azafft@lincoln.ne.gov">azafft@lincoln.ne.gov</a>             |

\* \* \* \* \*

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

\* \* \* \* \*

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

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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  
Comprehensive Plan Conformance #22001

FINAL ACTION?  
No

OWNER  
City of Lincoln

PLANNING COMMISSION HEARING DATE  
February 2, 2022

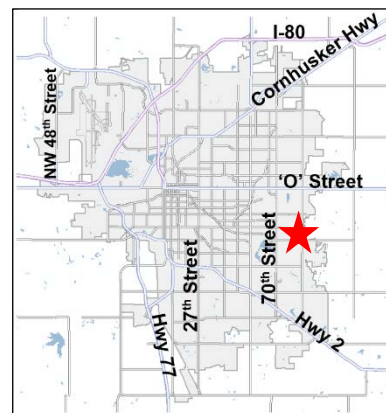
RELATED APPLICATIONS  
None

PROPERTY ADDRESS/LOCATION  
2201 S. 84<sup>th</sup> Street

### RECOMMENDATION: IN CONFORMANCE WITH THE COMPREHENSIVE PLAN

#### BRIEF SUMMARY OF REQUEST

This is a request to surplus the City-owned parcel that was formerly home to Fire Station #12. This property is generally located on the west side of S. 84<sup>th</sup> Street and south of South Street. The property is approximately 1.65 acres in size.



#### JUSTIFICATION FOR RECOMMENDATION

The Fire Station is no longer active as a new facility was constructed near S. 84<sup>th</sup> Street and Pioneers Boulevard. There has been no opposition to the sale of the property by any departments or public agencies.

#### APPLICATION/STAFF CONTACT

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

#### COMPATIBILITY WITH THE COMPREHENSIVE PLAN

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



## KEY QUOTES FROM THE 2050 COMPREHENSIVE PLAN

### Introduction Section: Growth Framework

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

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

### Fundamentals of Growth in Lancaster County

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

### Existing Neighborhoods

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

### E3: Business, Economy, and Workforce

#### Commercial and Industrial Development

Commercial and Industrial Centers in Lancaster County should be located:

- Where urban services and infrastructure are available or planned for in the near term. In sites supported by adequate road capacity – commercial development should be linked to the implementation of the transportation plan.
- In areas compatible with existing or planned residential uses.
- In areas accessible by various modes of transportation (i.e. automobile, bicycle, transit, and pedestrian).

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

#### Action Steps

1. Implement commercial infill redevelopment principles as discussed in the Business & Economy element.
2. Maintain and encourage businesses that conveniently serve nearby residents, while ensuring compatibility with adjacent neighborhoods.
3. Avoid encroachment into existing neighborhoods during expansion of existing commercial and industrial uses, and take steps to ensure expansions are in scale with the adjacent neighborhood, use appropriate screening, fulfill a demonstrated need, and do not hinder health and safety.

P61: Industrial Zoning and Pipelines - Discourage residential land uses and buildings with vulnerable populations from locating near high-pressure pipelines and industrial zoning districts. Provide adequate separation between vulnerable populations and hazardous materials to protect and promote the public's health.

#### Action Steps

1. Land uses with vulnerable populations should not be located within pipeline planning areas. For large high-pressure pipelines, pipeline planning areas are established based upon pipeline metrics or the United States Department of Transportation's Emergency Response Guidebook. Most high-pressure pipelines have a planning area of approximately 150-250 feet from either side of the pipeline.
2. Land uses with vulnerable populations should not be located within 300 feet of an industrially-zoned district or heavy industrial use such as a rail line. Even if a given industrial site does not include hazardous



- materials at present, a hazardous use could be added in the future.
3. Do not support expansion of existing residential uses currently located within a pipeline planning area or within 300 feet of an industrial zoning district unless the pipeline is decommissioned, or downzoning is planned for the industrial area.

## ANALYSIS

1. This is a request to find in conformance with the Comprehensive Plan the surplus of a 1.65-acre parcel that is the site of the former Fire Station #12. The Fire Department relocated their fire station to a new site near 84<sup>th</sup> Street and Pioneers Boulevard and no longer has any need for the property.
2. The property presently has the former fire station building and associated parking along with the access drive off S. 84<sup>th</sup> Street. There is a nearby City water tower and private communications tower to the west. Also, there is a pipeline along S. 84<sup>th</sup> Street which is owned by Northern Natural Gas. This is in a Pipeline Planning Area which extends 175 feet on each side of the pipeline along S. 84<sup>th</sup> Street.
3. The parcel's zoning will be required to be changed from the P Public zoning for private use. H-4 General Commercial District or R-1 Residential District are two potential zoning designations once a specific use is determined for the property. There is adjacent R-1 zoning to the north and nearby H-4 zoning to the south along S. 84<sup>th</sup> Street.
4. The former fire station building could be converted into one dwelling with residential zoning as there was previously living space, however, any new residential dwellings should be located outside the Pipeline Planning Area which extends to the current building location. Commercial uses would not be as limited.
5. The prospective purchaser may be required to pay for the installation of a right turn lane on 84<sup>th</sup> Street if required by Lincoln Transportation and Utilities Department depending on the proposed use.
6. The Urban Development Department distributed a memo to public agencies on December 15, 2021 asking if there was any opposition to the sale or desire for easements. There was no opposition to the sale or request for easements. The property was recently platted as part of Trendwood 24<sup>th</sup> Addition, and so all easement issues were addressed through the platting process. Agency responses are attached.

**EXISTING USE:** Vacant (former Fire Station)

**APPROXIMATE LAND AREA:** 1.65 acres

**LEGAL DESCRIPTION:** Lot 1, Trendwood 24<sup>th</sup> Addition

Prepared by

---

George Wesselhoft, Planner  
January 20, 2022

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

Owner: City of Lincoln

[https://linclanc.sharepoint.com/sites/PlanningDept-DevReview/Shared%20Documents/DevReview/CPC/22000/CPC22001%20Fire%20Station%20#12 Surplus.qjw.docx](https://linclanc.sharepoint.com/sites/PlanningDept-DevReview/Shared%20Documents/DevReview/CPC/22000/CPC22001%20Fire%20Station%20#12%20Surplus.qjw.docx)





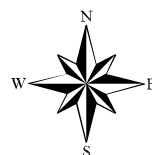
2020 aerial

# **Comp Plan Conformance #: CPC22001** **S 84th St & South St**

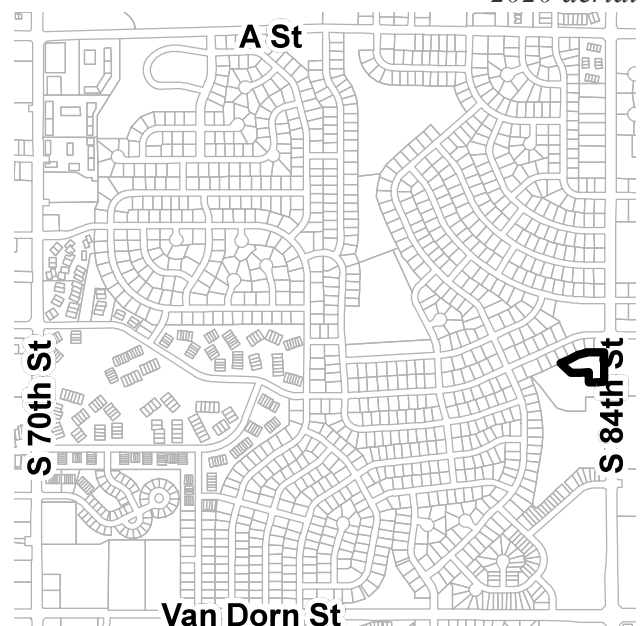
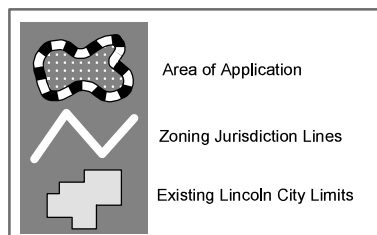
## **Zoning:**

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

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One Square Mile:  
 Sec.34 T10N R07E







URBAN DEVELOPMENT

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

January 4, 2022

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

Dear David:

Enclosed is an application to declare surplus the property located at 2201 S. 84<sup>th</sup> Street and legally described as Lot 1, Trendwood 24<sup>th</sup> Addition and more commonly known as Fire station # 12. The Fire Department has relocated to their new site near 84<sup>th</sup> and Pioneers Boulevard and no longer has needs for the property. The property was recently platted so all easement issues have been worked out thru the platting process and any easements shown on the plat will be retained with any sale. Planning had previously suggested H-4 zoning for the property and depending on it's future use, a purchaser may be required to pay for and install a right turn lane as required by LTU. There has been no interest or opposition to the surplus of the property by any other departments or public agencies.

Please forward the request to the Planning Commission for their earliest consideration for Comprehensive Plan conformance. My understanding is that the request should be on the February 2, 2022, agenda.

If you have questions or need additional information, please contact me at 441-8617 or at [mbackemeyer@lincoln.ne.gov](mailto:mbackemeyer@lincoln.ne.gov). Thank you.

Sincerely,

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

Michelle R. Backemeyer  
Real Estate and Relocation  
Assistance Agent

cc: Pat Borer, Lincoln Fire Department

attachments



## Michelle R. Backemeyer

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**From:** Lynn Johnson  
**Sent:** Thursday, December 16, 2021 5:11 PM  
**To:** Michelle R. Backemeyer  
**Subject:** RE: Surplus property - 2201 S. 84th Street

Thanks Michelle. Parks and Recreation does not have interest in this property. Lynn

---

**From:** Michelle R. Backemeyer <MBackemeyer@lincoln.ne.gov>  
**Sent:** Wednesday, December 15, 2021 10:52 AM  
**To:** Chad E. Blahak <cblahak@lincoln.ne.gov>; Lynn Johnson <ljohnson@lincoln.ne.gov>; 'swieska@lps.org' <swieska@lps.org>; 'john.jensen@unl.edu' <john.jensen@unl.edu>; David R. Cary <dcary@lincoln.ne.gov>; 'Paul Zillig' <pzillig@lpsnrd.org>; Wayne B. Mixdorf <WMixdorf@lincoln.ne.gov>; Shana Sprackling <ssprackling@les.com>; jason.jackson@nebraska.gov; Elizabeth D. Elliott <Elizabeth.Elliott@lincoln.ne.gov>; Patrick V. Borer <PBorer@lincoln.ne.gov>; Brian Jackson <LPD742@cjis.lincoln.ne.gov>; Pat Leach <PLeach@lincoln.ne.gov>; Teresa J. Ewins <LPD101@cjis.lincoln.ne.gov>  
**Cc:** 'brendon.schmidt@nebraska.gov' <brendon.schmidt@nebraska.gov>; Wicken, Todd <Todd.Wicken@nebraska.gov>; Daniel K. Marvin <DMarvin@lincoln.ne.gov>; Steve R. Owen <sowen@lincoln.ne.gov>; David A. Derbin <DDerbin@lancaster.ne.gov>  
**Subject:** RE: Surplus property - 2201 S. 84th Street

See attached memo and map on interest in City property at 2201 S. 84<sup>th</sup> Street. If anyone has an interest in acquiring the property or would like easements retained, please contact me within the next 10 to 14 days. Thank you.



## Michelle R. Backemeyer

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**From:** Paul Zillig <pzillig@lpsnrd.org>  
**Sent:** Wednesday, December 15, 2021 11:04 AM  
**To:** Michelle R. Backemeyer  
**Cc:** Patrick V. Borer  
**Subject:** RE: Surplus property - 2201 S. 84th Street



Michelle:

The NRD is in the habit of buying former fire stations, but we'll pass on this one!

Paul

---

**From:** Michelle R. Backemeyer <MBackemeyer@lincoln.ne.gov>  
**Sent:** Wednesday, December 15, 2021 10:52 AM  
**To:** Chad E. Blahak <cblahak@lincoln.ne.gov>; Lynn Johnson <ljohnson@lincoln.ne.gov>; 'swieska@lps.org' <swieska@lps.org>; 'john.jensen@unl.edu' <john.jensen@unl.edu>; David R. Cary <dcary@lincoln.ne.gov>; Paul Zillig <pzillig@lpsnrd.org>; Wayne B. Mixdorf <WMixdorf@lincoln.ne.gov>; Shana Sprackling <ssprackling@les.com>; jason.jackson@nebraska.gov; Elizabeth D. Elliott <Elizabeth.Elliott@lincoln.ne.gov>; Patrick V. Borer <PBorer@lincoln.ne.gov>; Brian Jackson <LPD742@cjis.lincoln.ne.gov>; Pat Leach <PLeach@lincoln.ne.gov>; Teresa J. Ewins <LPD101@cjis.lincoln.ne.gov>  
**Cc:** 'brendon.schmidt@nebraska.gov' <brendon.schmidt@nebraska.gov>; Wicken, Todd <Todd.Wicken@nebraska.gov>; Daniel K. Marvin <DMarvin@lincoln.ne.gov>; Steve R. Owen <sowen@lincoln.ne.gov>; David A. Derbin <DDerbin@lancaster.ne.gov>  
**Subject:** RE: Surplus property - 2201 S. 84th Street

**Caution:** This email originated from OUTSIDE the organization. Do not open suspicious links or attachments. Contact IT for assistance.

See attached memo and map on interest in City property at 2201 S. 84<sup>th</sup> Street. If anyone has an interest in acquiring the property or would like easements retained, please contact me within the next 10 to 14 days. Thank you.


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## Michelle R. Backemeyer

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**From:** Shana Sprackling <ssprackling@les.com>  
**Sent:** Monday, December 20, 2021 7:26 AM  
**To:** Michelle R. Backemeyer  
**Cc:** Jane Mohling  
**Subject:** RE: Surplus property - 2201 S. 84th Street

Michelle – LES has no needs on this property since all markups on routes were determined and provided for during the review and approval of the plat  Shana

**Shana Sprackling | Manager, Land Management**



Office: 402-473-3252  
Mobile: 402-309-3455

[LES.com](http://LES.com) | 9445 Rokeby Road | Lincoln, NE 68526



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**From:** Michelle R. Backemeyer <MBackemeyer@lincoln.ne.gov>  
**Sent:** Wednesday, December 15, 2021 10:52 AM  
**To:** Chad E. Blahak <cblahak@lincoln.ne.gov>; Lynn Johnson <ljohnson@lincoln.ne.gov>; 'swieska@lps.org' <swieska@lps.org>; 'john.jensen@unl.edu' <john.jensen@unl.edu>; David R. Cary <dcary@lincoln.ne.gov>; 'Paul Zillig' <pzillig@lpsnrd.org>; Wayne B. Mixdorf <WMixdorf@lincoln.ne.gov>; Shana Sprackling <ssprackling@les.com>; jason.jackson@nebraska.gov; Elizabeth D. Elliott <Elizabeth.Elliott@lincoln.ne.gov>; Patrick V. Borer <PBorer@lincoln.ne.gov>; Brian Jackson <LPD742@cjis.lincoln.ne.gov>; Pat Leach <PLeach@lincoln.ne.gov>; Teresa J. Ewins <LPD101@cjis.lincoln.ne.gov>  
**Cc:** 'brendon.schmidt@nebraska.gov' <brendon.schmidt@nebraska.gov>; Wicken, Todd <Todd.Wicken@nebraska.gov>; Daniel K. Marvin <dmarvin@lincoln.ne.gov>; Steve R. Owen <sowen@lincoln.ne.gov>; David\_A\_Derbin <daderbin@lancaster.ne.gov>  
**Subject:** [EXTERNAL] RE: Surplus property - 2201 S. 84th Street

**CAUTION: This is an external email. Do you know [mbackemeyer@lincoln.ne.gov](mailto:mbackemeyer@lincoln.ne.gov)?**

---

See attached memo and map on interest in City property at 2201 S. 84<sup>th</sup> Street. If anyone has an interest in acquiring the property or would like easements retained, please contact me within the next 10 to 14 days. Thank you.  
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int.erooffice  
M E M O R A N D U M

*Michelle Backemeyer*

**to:** FIELD(1)  
**from:** Michelle Backemeyer, Urban Development/Administration  
**subject:** Declaration of Surplus Property - 2201 S. 84th Street - Fire Station #12 - Trendwood  
24th Addition, Lot 1  
**date:** December 15, 2021

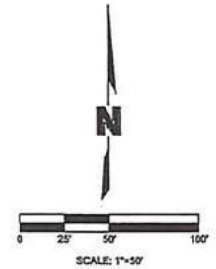
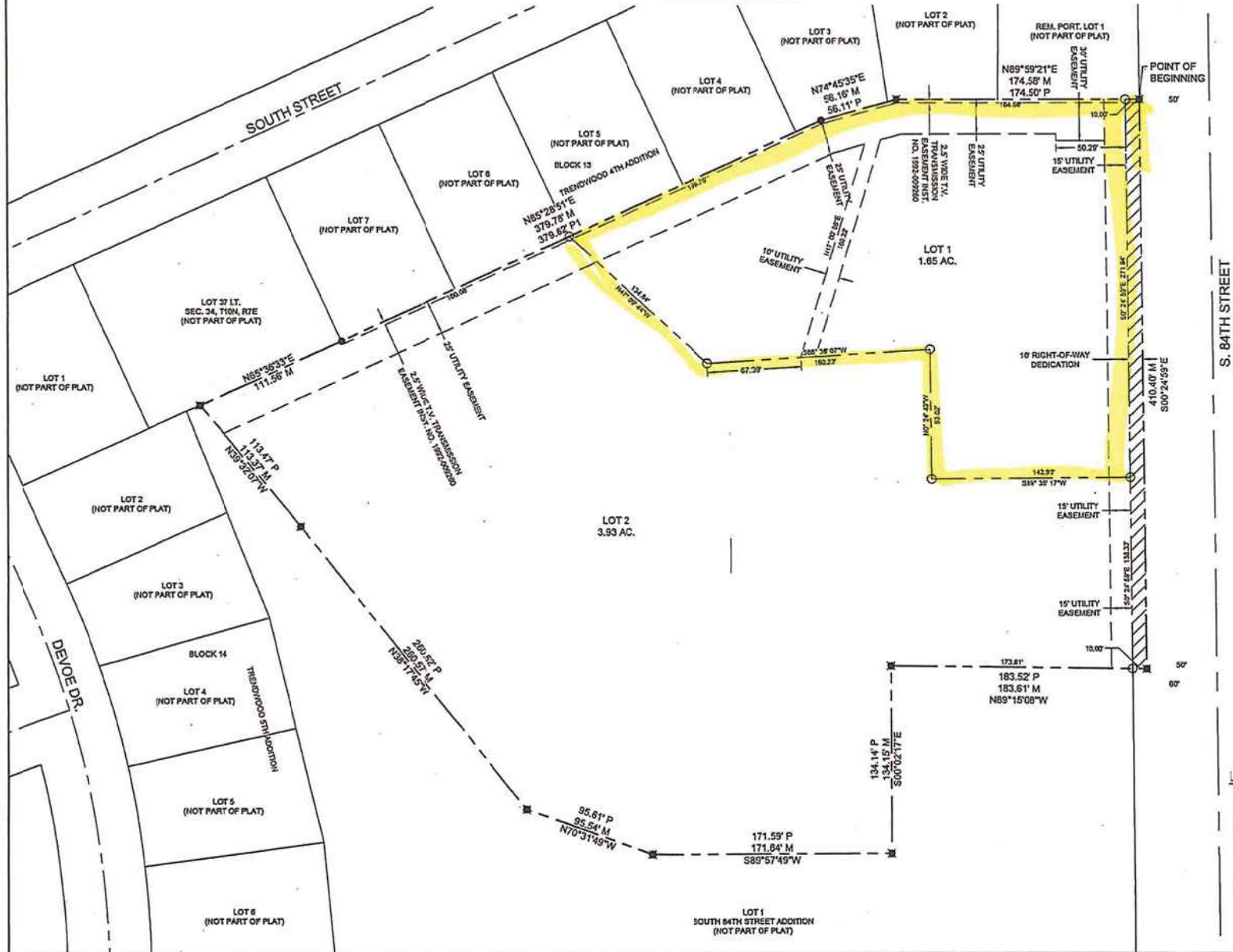
This memorandum is to notify you that the Fire Department thru the Urban Development Department intends to request the declaration of surplus property as shown on the attached map. The address of the property is 2201 S. 84th Street and is more commonly known as Fire Station #12. With the addition of the new fire station at 84th and Pioneers, this property is vacant and no longer needed for any fire purposes. The property was recently platted, and the surplus lot includes easements which will be retained with any sale. The property is legally described as Lot 1, Trendwood 24th Addition, Lincoln, Lancaster County, Nebraska.

In order to sell the property, it must first be declared surplus, and this notification is a requirement of the surplus process. Please respond to [mbackemeyer@lincoln.ne.gov](mailto:mbackemeyer@lincoln.ne.gov) or at 441-8617 in 14 days or less as to any comments, including additional easement requirements, restrictions or objections your department or agency may have in declaring this parcel surplus. If we have not received a response during this time period, we will assume you have no objections. Thank you for your prompt attention to this matter.



# TRENDWOOD 24TH ADDITION

## FINAL PLAT



### LEGEND

- = FD. 1" IRON PIPE
- ⊞ = FD. CAPPED REBAR
- = SET 5/8" x 24" REBAR WITH L.S. 595 CAP
- M = MEASURED DISTANCE
- P = PLATTED DISTANCE
- SOUTH 84TH ADDITION
- P1 = PLATTED DISTANCE
- TRENDWOOD 4TH ADDITION



## LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

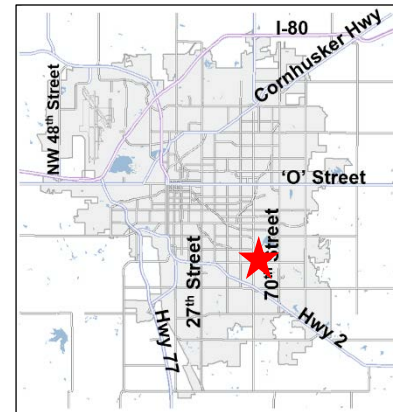
FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

|   |   |   |
|---|---|---|
| APPLICATION NUMBER<br>Street and Alley Vacation 21008 | FINAL ACTION?<br>No   | AFFECTED OWNERS<br>Nadia Edmeiri<br>Tuscany Townhomes                           |
| PLANNING COMMISSION HEARING DATE<br>February 2, 2022  | RELATED APPLICATIONS<br>CZ#20009 South 59 <sup>th</sup> Street Coalition<br>PUD | PROPERTY LOCATION<br>South 59 <sup>th</sup> Street Circle and Pine Lake<br>Road |

### RECOMMENDATION: CONFORMS TO THE COMPREHENSIVE PLAN WITH CONDITIONS

#### BRIEF SUMMARY OF REQUEST

This is a request to vacate Tara Hill Lane located northeast of the intersection of South 59<sup>th</sup> Street Circle and Pine Lake Road. Tara Hill Lane was platted with the original Tara Hill Addition final plat in 1986. In 2020 the approved South 59<sup>th</sup> Street Coalition PUD redevelopment plan for this older acreage development included a new street layout. As a result of the new plan being approved Tara Hill Lane is no longer needed.



#### JUSTIFICATION FOR RECOMMENDATION

Vacation of the public right-of-way will accommodate the proposed redevelopment of the area consistent with the recently approved South 59<sup>th</sup> Street PUD. South 59<sup>th</sup> Street is now proposed to connect to the north in the Shadow Pines Community Unit Plan as the site redevelops, so the internal street connection provided by Tara Hill Lane is no longer necessary. Given the right-of-way is no longer needed and serves no purpose it should be vacated so the land can be put to better use.

#### APPLICATION CONTACT

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

#### STAFF CONTACT

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

#### COMPATIBILITY WITH THE COMPREHENSIVE PLAN

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



## KEY QUOTES FROM THE 2050 COMPREHENSIVE PLAN

### Elements Section

#### Transportation Element

The proposed right-of-way is a local street in [Figure 4.23](#) of the Long Range Transportation Plan.

Local Streets: These streets serve as conduits between abutting properties and streets of higher functional classification. Local streets provide the lowest level of mobility and are generally designed to carry low levels of traffic at the lowest posted speeds

### Policies Section

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

## ANALYSIS

1. This is a request to vacate Tara Hill Lane located northeast of the intersection of South 59<sup>th</sup> Street Circle and Pine Lake Road. Tara Hill Lane was platted with the original Tara Hill Addition final plat in 1986. In 2020 the South 59<sup>th</sup> Street Coalition PUD was approved and includes a redevelopment plan for this older acreage development. That plan includes a new street layout and eliminates the need for Tara Hill Lane. A copy of the approved plan for the PUD is attached to this report for illustration.
2. The adjoining property owners on either side of Tara Hill Lane have signed the petition to vacate the right-of-way. Eddmeiri is the lot owner on the south side, and Tuscan Townhomes is the lot owner on the north side.
3. No utilities were identified as located in the right-of-way with the exception that there is a Lincoln Electric System underground power line near the intersection with South 59<sup>th</sup> Street Circle. A utility easement will be retained as a condition of approval of the vacation to accommodate any existing facilities located there. Beyond that there are no public water, sanitary sewer or storm sewer infrastructure present in the right of way.
4. Lincoln Municipal Code Chapter 14.20 requires the City to establish the proper price to be paid for the right-of-way, as well as any amounts necessary to guarantee required reconstruction within the right-of-way. These values must be established and deposited with the City Clerk prior to scheduling the vacation request with the City Council.
5. The vacation of the street will allow for the redevelopment of the area consistent with approved PUD and will allow for proper traffic flow with no negative impact.
6. The right-of-way vacation will not affect the transportation system or traffic flow in the area. This right-of-way is excess and unneeded and should be vacated and put to better use. This proposal is consistent with the Comprehensive Plan.

CONDITIONS OF APPROVAL: See attached.

## SURROUNDING LAND USE & ZONING

|                              |          |
|------------------------------|----------|
| North: Single Family Acreage | R-3(PUD) |
| South: Single Family Acreage | R-3(PUD) |
| East: Single Family Acreage  | R-3(PUD) |
| West: Single Family Acreage  | R-3      |

APPROXIMATE LAND AREA: Approximately 16,770 square feet, more or less

LEGAL DESCRIPTION: Approximately 559' of Tara Hill Lane extending from the west line of South 59<sup>th</sup> Street Circle west to the east lot line of Lot 171, adjacent to Lot 166 on the south and Lot 1, Block 1, Tara Hill Addition on the north, all located in the SW 1/4 of Section 16-9-7, Lincoln, Lancaster County, Nebraska.



Prepared by

---

Brian Will, [bwill@lincoln.ne.gov](mailto:bwill@lincoln.ne.gov)

402-441-6362

January 20, 2022

Applicant: Tuscany Townhomes, LLC  
8410 Executive Woods Drive  
Lincoln, NE 68512  
(402) 730-5838

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

Affected Owners: Tuscany Townhomes, LLC  
8410 Executive Woods Drive  
Lincoln, NE 68512  
(402) 730-5838

Nadia Eddmeiri  
5800 Pine Lake Road  
Lincoln, NE 68512



## CONDITIONS OF APPROVAL - STREET AND ALLEY VACATION 21008

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

- 1.1 The provisions of Chapter 14.20 of the Lincoln Municipal Code are met.
- 1.2 Include a utility easement for the full extent of the street right-of-way with the deed transfer.
- 1.3 Revise the petition submitted, by having Eddmeri execute the signature page for an individual and not a corporation.





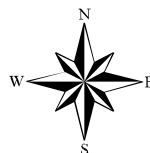
2020 aerial

## Street and Alley Vacation #: SAV21008 S 59th St & Pine Lake Rd

### Zoning:

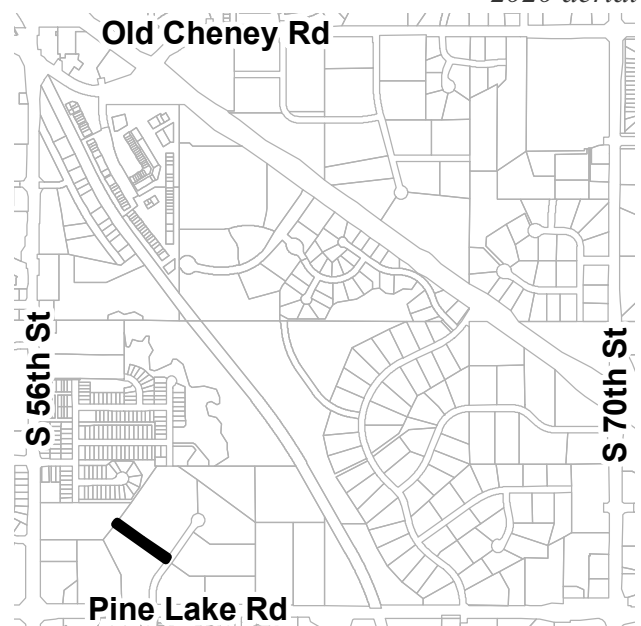
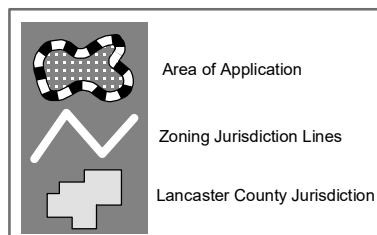
- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial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

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One Square Mile:

Sec.16 T09N R07E















# Civil Design Group, Inc.

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

December 27, 2021

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

**Re: Petition to Vacate Public Way know as Tara Hill Lane, generally located west of S. 59<sup>th</sup> St Circle south of Pine Lake rd.**

Dear Mr. Cary:

On behalf of Tuscany Townhomes, LLC and Nadia Eddmeiri we submit the enclosed application to vacate the 30' of public ROW know as Tara Hill Lane. With the creation of the "S. 59<sup>th</sup> Street PUD" in 2020-21 we worked with the Planning staff and determined that this ROW connection from S. 59<sup>th</sup> Circle to the PUD's western boundary was no long needed as neighborhood connectivity was going to be provided further to the south. As a result, the future road network for the S. 59<sup>th</sup> Street PUD shows this 30' ROW to be vacated.

With this application we submit the following items:

Application and Petitions to Vacate Public ROW  
Application fee of \$210.00

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

Sincerely,

Mike Eckert, AICP

cc: Tuscany Townhomes, LLC  
Nadia Eddmeiri

DEC 29 2021



## LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

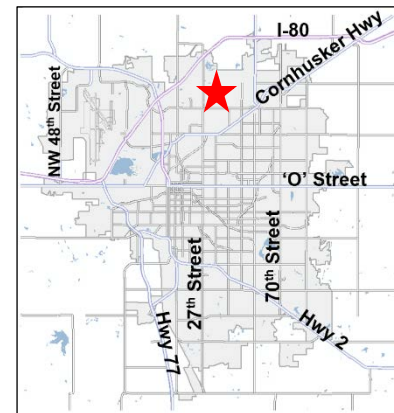
FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

|  |  |  |
|--|--|--|
| APPLICATION NUMBER<br>Street and Alley Vacation #21009 | FINAL ACTION?<br>No  | DEVELOPER<br>Dennis Schworer                                       |
| PLANNING COMMISSION HEARING DATE<br>February 2, 2022   | RELATED APPLICATIONS<br>Change of Zone #20029<br>Preliminary Plat #20004 | PROPERTY LOCATION<br>N. 33 <sup>rd</sup> Street and Schworer Drive |

### RECOMMENDATION: CONFORMS TO THE COMPREHENSIVE PLAN

#### BRIEF SUMMARY OF REQUEST

Vacate a portion of the right-of-way for N. 33<sup>rd</sup> Street at Schworer Drive adjacent to Lot 70 I.T. in Section 6-10-7. Following the related approved applications for Preliminary Plat #20004 and Change of Zone #20029, the vacated right-of-way will be included in the development area and final plat boundary. The right-of-way includes land at the intersection that was previously acquired but is no longer needed by the City and should be privately owned and maintained.



#### JUSTIFICATION FOR RECOMMENDATION

This portion of the public right-of-way is not planned as a through street for the general public. Instead, it will serve as a future entrance into the development with a right turn lane. There are no plans to extend it to the west or make this a through street. Therefore, there is no benefit to the general public to retain this as part of the transportation system.

#### APPLICATION CONTACT

Andrew Broeker  
(402) 458-4674  
[abroeker@olsson.com](mailto:abroeker@olsson.com)

#### STAFF CONTACT

Rachel Christopher  
(402) 441-7603  
[rchristopher@lincoln.ne.gov](mailto:rchristopher@lincoln.ne.gov)

#### COMPATIBILITY WITH THE COMPREHENSIVE PLAN

Vacation of this portion of public right-of-way will not negatively impact the transportation system and subject to the conditions of approval, this request is in conformance with the Comprehensive Plan.



## KEY QUOTES FROM THE 2050 COMPREHENSIVE PLAN

### Elements Section

#### Transportation Element

The street is shown as a minor arterial in [Figure 4.23](#) of the Long Range Transportation Plan.

Minor Arterials: This class interconnects with and augments principal arterials, distributes traffic to smaller areas, and provides some direct land access. Minor arterial streets are designed to carry moderate to heavy traffic volumes and provide the largest coverage of transit routes within the city.

### Policies Section

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

## ANALYSIS

1. This is a request to vacate a portion of right-of-way on the west side of N. 33<sup>rd</sup> Street at Schworer Drive, one block north of Superior Street. The area to be vacated includes approximately 0.08 acres. The vacation area includes a right-of-way stub on N. 33<sup>rd</sup> Street opposite Schworer Drive.
2. This is not a through street and is a stub of right-of-way that only serves as access to the adjoining lot. The purpose of this vacation is to increase the buildable area of the adjoining lots and eliminate unnecessary right-of-way. The vacated right-of-way will be zoned H-3 Highway Commercial District.
3. The property adjacent to the right-of-way proposed to be vacated is described as Lot 70 I.T. located in the southeast quarter of Section 6-10-7. The purpose of the request is to transfer ownership of the right-of-way stub to the adjoining landowner, as Schworer Drive will not continue west of N. 33<sup>rd</sup> Street. There is more right-of-way than necessary at and around the intersection so that a vacation is possible. The existing irregular tract lot will be subdivided into two lots according to the approved preliminary plat with the final plat in process for Schworer 2<sup>nd</sup> Addition. The two lots will have a shared common access point on N. 33<sup>rd</sup> Street.
4. The right-of-way width is 50 feet from centerline. Some right-of-way at the intersection will be retained and additional right-of-way dedicated for the right turn lane. Pedestrian traffic will be unaffected by the proposed vacation as the sidewalk will be located in the right-of-way.
5. Lincoln Municipal Code Chapter 14.20 requires the City to establish the proper price to be paid for the right-of-way, as well as any amounts necessary to guarantee required reconstruction within the right-of-way. These values must be established and deposited with the City Clerk prior to scheduling the vacation request with the City Council. The right-of-way will be deeded to the adjacent owner at no cost because it was donated at the time N. 33<sup>rd</sup> Street was improved.
6. Lincoln Water System will abandon the dead end 8" water main that is stubbed to the west at the intersection of N. 33<sup>rd</sup> Street and Schworer Drive because the road would not continue in this alignment with this street vacation. Properties on the west side of N. 33<sup>rd</sup> Street will need to tap the existing 16" water main that is located on the east side of 33<sup>rd</sup> Street.
7. Vacation of the right-of-way will not affect the transportation system and is consistent with the Comprehensive Plan.

**CONDITIONS OF APPROVAL:** See attached.

### **SURROUNDING LAND USE & ZONING:**

North: Commercial; H-3

South: LES substation; P

East: Vehicle sales and vacant; H-3

West: Commercial and industrial; H-4 and I-1



**APPROXIMATE LAND AREA:** 3,454.75 square feet (0.08 acres)

**LEGAL DESCRIPTION:** See attached legal description, adjacent to the following property:

Lot 70 I.T., located in the southeast quarter of Section 6-10-7, Lincoln, Lancaster County, Nebraska.

Prepared by

---

Rachel Christopher, Planner

Date: January 19, 2022

Owner/Applicant: Dennis R. Schworer  
417 Ridgewood Drive  
Bellevue, NE 68005  
(402) 734-3330  
[dschworer@hondacarsofbellevue.com](mailto:dschworer@hondacarsofbellevue.com)

Contact: Andrew Broeker  
Olsson  
601 P Street, Ste 200  
Lincoln, NE 68508  
(402) 458-4674  
[abroeker@olsson.com](mailto:abroeker@olsson.com)

<https://linclanc.sharepoint.com/sites/PlanningDept-DevReview/Shared Documents/DevReview/SAV/21000/SAV21009 33rd & Schworer.rkc.docx>

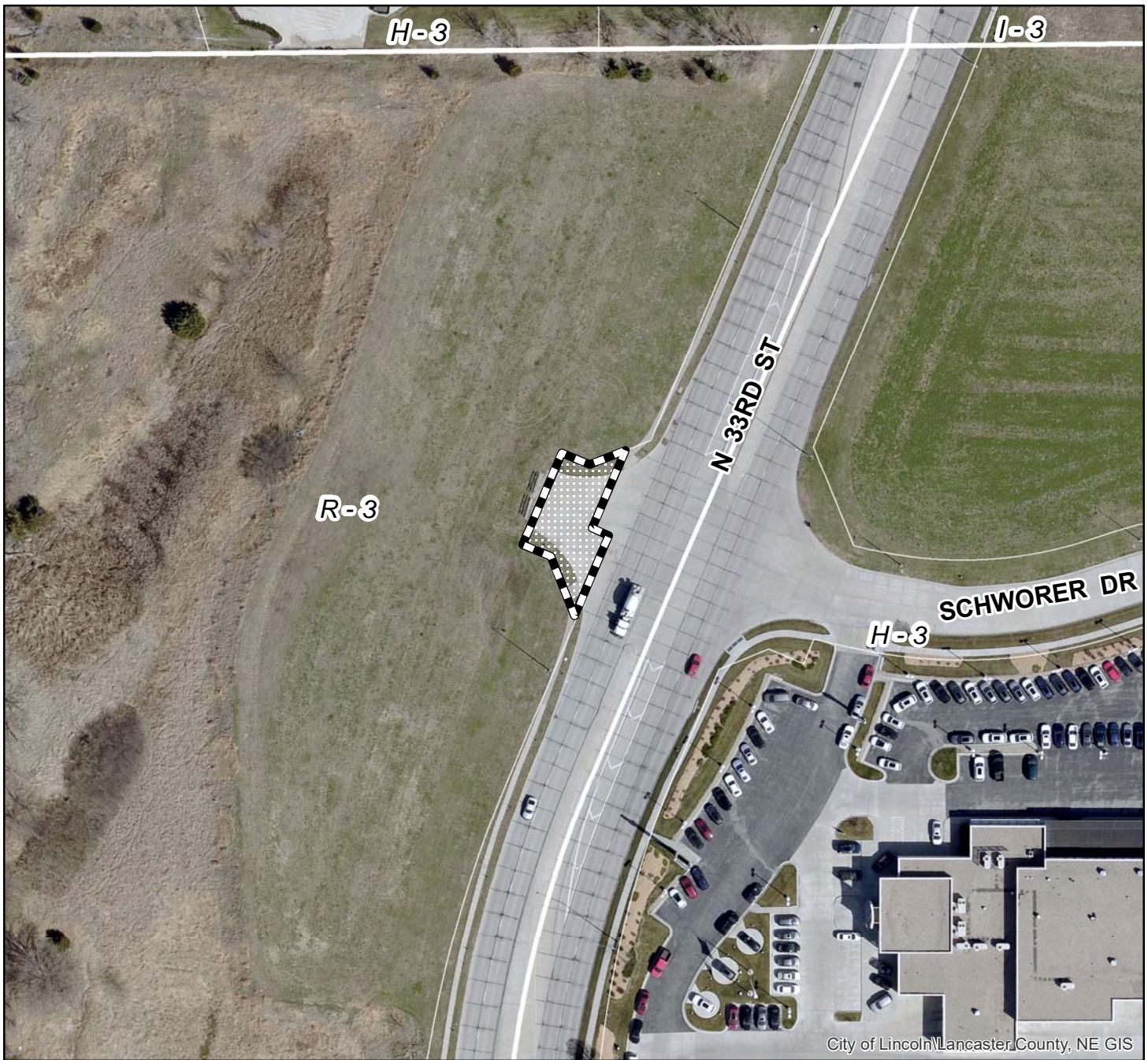


## CONDITIONS OF APPROVAL - STREET AND ALLEY VACATION #21009

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

- 1.1 The provisions of Chapter 14.20 of the Lincoln Municipal Code are met.
- 1.2 Include retention of utility easements by City with deed transfer.



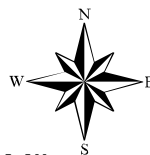


2020 aerial

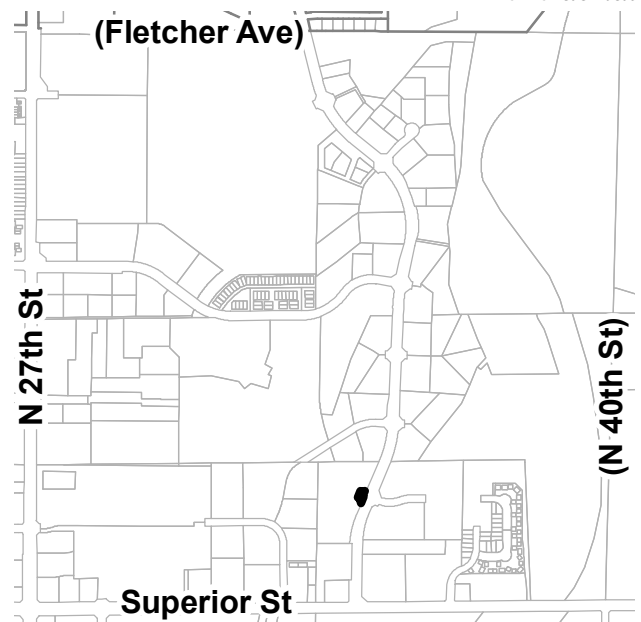
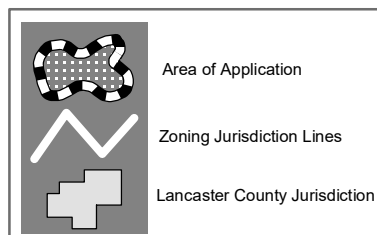
**Street and Alley Vacation #: SAV21009**  
**N 33rd St & Schworer Dr**

**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
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- P Public Use District

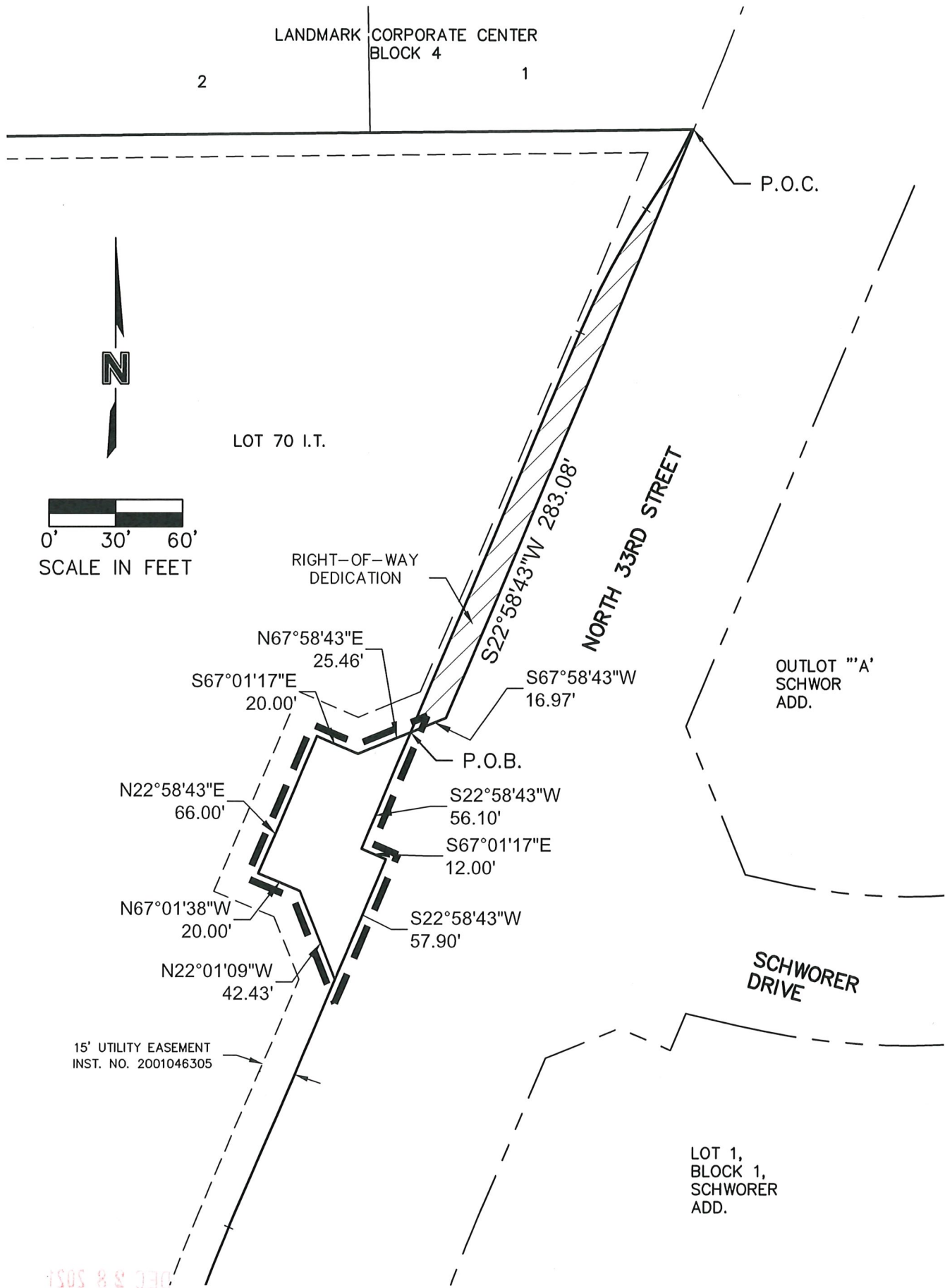


One Square Mile:  
 Sec.06 T10N R07E





DWG: F:\2021\07501-08000\021-07988\40-Design\Survey\SRVY\Final Plat\Drawings\021-07988\_S2ndA\_ROW Vac.dwg  
 DATE: Dec 07, 2021 11:47am  
 XREFS: V\_XBNDY\_02103563 YFPLMCCA yafpbip1a YFPLMBPA YRSCHWOR USER: abroeker SIT C\_PBASE



PROJECT NO: 021-07988  
 DRAWN BY: ALB  
 DATE: 12/7/21

# NORTH 33RD STREET VACATION

**olsson**

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

EXHIBIT

1



**SAV21009**

**LEGAL DESCRIPTION**

A TRACT OF LAND COMPOSED OF A PORTION OF NORTH 33RD STREET RIGHT OF WAY, LOCATED IN THE SOUTHEAST QUARTER OF SECTION 6, TOWNSHIP 10 NORTH, RANGE 7 EAST OF THE 6TH P.M., CITY OF LINCOLN, LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF LOT 70 I.T., SAID POINT BEING ON A WEST RIGHT OF WAY LINE OF NORTH 33RD STREET RIGHT OF WAY; THENCE, SOUTHWESTERLY, ON AN EAST LINE OF SAID LOT 70 I.T., SAID LINE BEING A WEST LINE OF SAID RIGHT OF WAY, ON AN ASSUMED BEARING OF S22°58'43"W, A DISTANCE OF 283.08' TO A POINT; THENCE S67°58'43"W, ON A SOUTHEAST LINE OF SAID LOT 70 I.T., SAID LINE BEING A NORTHEAST LINE OF SAID RIGHT OF WAY, A DISTANCE OF 16.97' TO THE TRUE POINT OF BEGINNING; THENCE S22°58'43"W, A DISTANCE OF 56.10' TO A POINT; THENCE S67°01'17"E, A DISTANCE OF 12.00' TO A POINT; THENCE S22°58'43"W, A DISTANCE OF 57.90' TO A POINT; THENCE N22°01'09"W, ON A NORTHEAST LINE OF SAID LOT 70 I.T., SAID LINE BEING A SOUTHWEST LINE OF SAID RIGHT OF WAY, A DISTANCE OF 42.43' TO A POINT; THENCE N67°01'38"W, ON A NORTH LINE OF SAID LOT 70 I.T., SAID LINE BEING A SOUTH LINE OF SAID RIGHT OF WAY, A DISTANCE OF 20.00' TO A POINT; THENCE N22°58'43"E, ON AN EAST LINE OF SAID LOT 70 I.T., SAID LINE BEING A WEST LINE OF SAID RIGHT OF WAY, A DISTANCE OF 66.00' TO A POINT; THENCE S67°01'17"E, ON A SOUTH LINE OF SAID LOT 70 I.T., SAID LINE BEING A NORTH LINE OF SAID RIGHT OF WAY, A DISTANCE OF 20.00' TO A POINT; THENCE N67°58'43"E, ON A SOUTHEAST LINE OF SAID LOT 70 I.T., SAID LINE BEING A NORTHWEST LINE OF SAID RIGHT OF WAY, A DISTANCE OF 25.46' TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA OF 3,454.75 SQUARE FEET OR 0.08 ACRES, MORE OR LESS.

NOVEMBER 24, 2021

F:\2021\07501-08000\021-07988\40-Design\Survey\SRVY\Final Plat\Documents\LEGAL DESCRIPTION row vac...docx





November 29, 2021

Mr. David Cary  
Planning Director  
Planning Department  
County-City Building  
555 South 10<sup>th</sup> Street  
Lincoln, Nebraska 68508

Re: Schworer 2<sup>nd</sup> Addition  
Final Plat  
Olsson project no. 021-07988

Dear David:

Enclosed are a check in the amount of \$210.00 for the application fee and the completed application form, the information sheet, the petition to vacate public right of way a legal description of the proposed street vacation and a drawing showing the proposed street vacation. The proposed street vacation generally located at N 33<sup>rd</sup> St. and Schworer Dr. and in the Southeast Quarter of Section 6, Township 10 North, Range 7 East of the 6<sup>th</sup> P.M., and more particularly described in the Surveyor's Certificate. Nebraska Title Company is preparing the Ownership and Lien Holder Certificate.

The Owner and Developer of this property is Dennis R Schworer, L.L.C., A Nebraska limited liability company, Dennis R. Schworer, Manager, 417 Ridgewood Dr., (402) 458-5674. The Owner and Developer have interest in the property surrounding this final plat.

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

Sincerely,

A handwritten signature in blue ink that reads "Andrew E. Broeker".

Andrew Broeker, R.L.S., (402) 458-5674

Encls. / Attachments

cc: Dennis R. Schworer, Matt Langston, File

December 27, 2021

1505 8 8 030



## LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

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

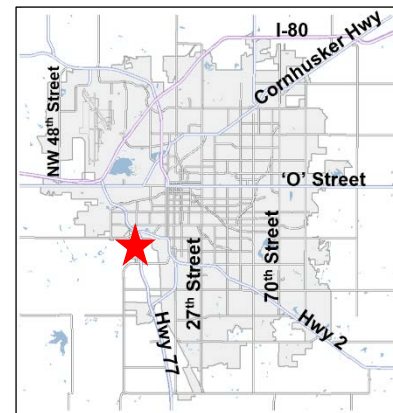
|  |   |   |
|--|---|---|
| APPLICATION NUMBER<br>Annexation #21011<br>Change of Zone #21055 | FINAL ACTION?<br>No (both applications)   | DEVELOPER/OWNER<br>SOFO Housing, LLC                                  |
| PLANNING COMMISSION HEARING DATE<br>February 2, 2022             | RELATED APPLICATIONS<br>MISC21014 - South Folsom<br>Redevelopment Area & Substandard<br>Determination Study | PROPERTY ADDRESS/LOCATION<br>S Folsom Street and W Pioneers Boulevard |

RECOMMENDATION: ANNEXATION #21012  
CHANGE OF ZONE #21055

CONDITIONAL APPROVAL  
CONDITIONAL APPROVAL

### BRIEF SUMMARY OF REQUEST

This is a combined staff report for Annexation #21011 and Change of Zone #21055 for Foxtail Meadows Planned Unit Development (PUD), located southeast of the intersection of South Folsom Street and West Pioneers Boulevard. The annexation is for a total of 61.28 acres, located on both the north and south sides of W Pioneers Boulevard and east of South Folsom Street. The change of zone from AG, Agriculture to R-4 (PUD) Planned Unit Development is approximately 47.25 acres at the southeast corner of W Pioneers Boulevard and S Folsom Street. The annexation area is larger than the change of zone, as the City is proposing to also annex four properties abutting city limits to the north across W Pioneers Blvd., including two vacant lots along Highway 77 and two single-family homes located on S Folsom Street and the other facing Tower Road. These four properties would be annexed but are not in the proposed (PUD) area.



The proposed (PUD) consists of six specified areas totaling up to 650 residential units including attached single-family housing, single-family detached, townhomes, and multi-family residences. The PUD also includes a small commercial area of up to 15,000 square feet of commercial uses subject to the B-2 zoning regulations, along with a proposed neighborhood green space and playground. Currently the Hope Reformed Church is at this location and plans to remain within this proposed (PUD) area. The applicant intends to request Tax Increment Financing assistance to develop the (PUD) in two or more phases with approximately 170 of the dwelling units intended for Low Income Housing Tax Credits (LIHTC), along with additional units within the PUD designated for affordable rental housing.

## JUSTIFICATION FOR RECOMMENDATION

The subject property will be abutting the city limit on the north edge of the property. A change of zone to R-4 (PUD) is consistent with the Future Land Use Map and compatible with the development in the area. Both requests comply with the Zoning Ordinance and are consistent with the Comprehensive Plan.

## APPLICATION CONTACT

Fred Hoppe, (402) 489-1600  
fred@hoppeddevelopment.com

## STAFF CONTACT

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



## COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The subject property is designated for future urban residential land uses on the Future Land Use Map. This designation allows for residential uses with varying densities, and it is appropriate to have more than fifteen dwellings per acre. The north portion of this property along W Pioneers Road is currently designated as commercial. This commercial designation will be a part of a proposed Comprehensive Plan amendment to urban residential in the near future. With this change, the entire property will be designated for urban residential. The location is currently shown as Tier I, Priority A and Priority C on the 2050 Growth Tier Map. These requests comply with the requirements of the Zoning Ordinance and Comprehensive Plan.

## WAIVERS

1. Setback requirement of the perimeter boundary lines down to not less than 10 feet, including the right of way of Highway 77 (Approval for area on northeast perimeter boundary abutting Highway 77 only)
2. A 5-foot side yard setback for all attached buildings containing the single-family dwellings, or 0-foot side yard if a party wall, for two family dwelling and townhomes. (Not Necessary)
3. A 10-foot front yard setback for all attached and detached single family dwellings. (Recommend Denial)
4. A reduction in the Average Single Family Dwelling Lot Width to 35' and Townhouse Average Lot Width per Family to 10 feet. (Approval for single family dwelling lot width to 35 feet. Denial of townhouse average lot width to 10 feet)
5. A reduction in the Minimum Lot Area per Unit to 2,100 sq. ft. for a Single-Family Dwelling and 1,500 sq. ft. for a Townhouse. (Recommend Approval)

## KEY QUOTES FROM THE 2050 COMPREHENSIVE PLAN

### Introduction Section: Growth Framework

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

Land Use Plan - The 2050 Comprehensive Plan designates this location as future urban residential.

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

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

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

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

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



Multi-directional contiguous growth. Lincoln's future urban growth should generally occur in multiple directions around the existing city. Lincoln will continue to have managed and contiguous growth, including strengthening our Downtown core. Lincoln's sense of community has been based on incremental, compact growth built on the foundations of established neighborhoods. Future growth will continue this traditional pattern and be linked to both the level of demand in the market and to the orderly extension of public improvements and services. Gravity flow wastewater. The City of Lincoln's wastewater collection system, in general, will continue to be a gravity flow system that is designed to use gravity as the main energy source to convey wastewater from the community to the water resource recovery facilities. This means that drainage basin boundaries are a primary guiding factor when determining availability of urban wastewater services and other infrastructure. This provides for contiguous growth, efficient long range planning, and cost-effective construction and management of the system.

Urban infrastructure availability. The City of Lincoln will provide water and wastewater service only to properties located within the corporate limits of the city.

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

One public school district. Lincoln Public Schools is the only public school district within the City of Lincoln, and the Lincoln Public School boundary will continue to expand as the city limits of Lincoln expand.

### **Concurrency**

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

### **The Community in 2050**

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

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

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

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

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

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

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

### **Goals Section**

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

G2: Complete Neighborhoods. Lincoln and Lancaster County will support complete neighborhoods within both developing and redeveloping areas of Lincoln. A complete neighborhood is one where residents are able to get



the goods and services to meet daily needs within 15 minutes of their residence including a variety of housing options, grocery stores and other commercial services, quality public schools, public open spaces and recreational facilities, affordable active transportation options, and civic amenities. Housing variety should include townhomes, senior living facilities, low/no maintenance condominiums, accessory dwelling units, multi-family development, and even small lot single-family.

G3: High-Quality Workforce. Lincoln and Lancaster County will strive to remove barriers to economic stability and mobility in the community by supporting a skilled and educated workforce that is able to adapt to economic, technological, and cultural changes. A high-quality workforce benefits the entire community because it attracts quality employers and entrepreneurs, which helps to grow our population and tax base and facilitates quality of life investments across a variety of sectors, and it ensures that Lincoln and Lancaster County are well-positioned to compete in tomorrow's economy.

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

## **Policies Section**

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

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

### **Action Steps**

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

## **Policies Section**

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

### **Action Steps**

1. Implement the housing and neighborhood strategies as embodied in the Affordable Housing Coordinated Action Plan, City of Lincoln Consolidated and Annual Action Plans and subsequent housing and neighborhood plans. These plans provide the core for affordable housing and neighborhood preservation actions for public and private agencies.
2. Distribute and preserve affordable housing throughout the community to be near job opportunities and public transit and to provide housing choices within existing and developing neighborhoods.
3. Encourage public/private partnerships with housing entities such as Lincoln Housing Authority, Affordable



Housing Initiatives, Habitat for Humanity, and NeighborWorks Lincoln.

4. Provide for more education of the public about affordable housing and code enforcement.
5. Promote the preservation, maintenance and renovation of existing housing and neighborhoods throughout the city, with special emphasis on low and moderate income neighborhoods.
6. Preserve the existing affordable housing stock, increase the supply of affordable owner and renter units, and add more variety in housing types.

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

#### Action Steps

1. Provide for an adequate supply of land and timely infrastructure improvements that meet the demands of growth.
2. Structure incentives to encourage higher densities to make greater use of the community's infrastructure.
3. Encourage new development to achieve densities greater than five dwelling units per gross acre by zoning at least 20% of residentially zoned land in developing areas to allow greater than five dwelling units per acre by right.
4. Develop new design standards or zoning tools that encourage density, optimize infrastructure costs, and help lower the overall cost of property development.
5. Implement elements of Complete Neighborhoods for Developing Areas.
6. Develop and utilize a measurement tool to evaluate neighborhoods in terms of how well they achieve PlanForward's goals for design, sustainability, and Complete Neighborhoods goals.
7. Encourage public and private investment in neighborhood infrastructure and services to support economic diversity that improves the quality of life for all residents.
8. Include housing for a variety of incomes and households throughout the community that is integrated into neighborhoods and provides appropriate transitions, scale, and context.
9. Promote mixed-income neighborhoods.
10. Preserve areas designated for multi-family, and group living housing in approved plans to support a distributed choice in affordable housing.
11. Support addition of higher density development in existing multi-family development.
14. Promote neighborhood and community design that supports healthy and active lifestyles, such as the benefits of street trees.
16. Encourage a variety of housing types including townhomes, senior living facilities, low/no maintenance condominiums, accessory dwelling units, multi-family development, and small lot single-family units.

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

#### Action Steps

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

#### UTILITIES & SERVICES:

- A. Sanitary Sewer: Public sanitary sewer can be extended from the south to serve this development in the near future.
- B. Water: Public water is also available and can be extended as well.
- C. Roads: The adjacent arterial streets, S Folsom Street and W Pioneer Boulevard, are both paved county roads at this time. Three access points are proposed to be added in phases on to S Folsom Street during development.
- E. Parks and Trails: There are no parks or future trails shown for this property. Future pedestrian/bike



path location will be on the west side of South Folsom Road.

- D. Fire/Police Protection: After annexation, fire protection will be provided by Lincoln Fire Rescue (LFR) and police protection by the Lincoln Police Department.

## ANALYSIS

1. These are two associated requests for an annexation and change of zone. The request for annexation is approximately 61.28 acres and change of zone includes approximately 47.25 acres. The area of annexation is larger as four properties on the north side of W Pioneers Boulevard will be annexed but will not be located within the (PUD). The requested change of zone is from AG, Agriculture to R-4 Residential (PUD) to allow for up to 650 dwelling units comprised of single family detached, single family attached, townhomes, and multifamily uses. The (PUD) also includes up to 15,000 square feet of commercial uses subject to the B-2 zoning regulations. The existing Hope Reformed Church currently within the proposed (PUD) area will remain.
2. Five waivers were requested with the change of zone request, they are as follows:
  - a. To allow a waiver of the setback requirement of the perimeter boundary lines down to not less than 10 feet, including the right-of-way of Highway 77. At this time approval is given for a 10-foot perimeter setback requirement along the northeast property line abutting Highway 77. The remaining perimeter of the site is not approved for a 10 setback as it is not a sufficient setback for utilities and to surrounding properties and streets.
  - b. To allow a 5-foot side yard setback for all attached buildings containing the single-family dwellings and townhomes. This waiver is not necessary as the side yard setback is 5 feet for all residential uses in the R-3 district.
  - c. To allow a 10-foot front yard setback for all attached and detached single family dwellings. This waiver is not approved as no justification was provided for the reduction of the setback and would warrant additional concerns with the setback of garages facing the public street or private roadways.
  - d. A reduction in the average single family dwelling lot width to 35 feet and townhouse average lot width per family to 10 feet. Approval is granted for a reduction of the average single family dwelling lot width to 35 feet. The request for townhouse average lot width per family reduced to 10 feet is denied as this would not be a sufficient width for a townhome to supply a garage door and entrance to the home and is not typical in Lincoln.
  - e. A reduction in the minimum lot area per unit to 2,100 square feet for a single-family dwelling and 1,500 square feet for a townhouse. This request is approved and will allow for the development which proposes to provide affordable housing options greater flexibility in lot sizes.
3. The annexation area will be contiguous to the City limits to the north, along with the addition of four properties, including two single family homes that will be annexed. The subject area is currently shown as Tier I, Priority A and Priority C on the 2050 Growth Tier Map. Growth Tier I reflects undeveloped land within the City limits, as well as areas that are not yet annexed, that serve as the next step for development and growth on the city's outer boundaries. All utilities, including public water and sewer can be extended to serve this development. The development can be served by the full range of city services.
4. The subject property is located within the Southwest Rural Fire District. Under State law, the District can petition for compensation from the annexing municipality for lost revenue based upon the amount of service area annexed. For voluntary annexations such as this one, any costs due to the district are to be borne by the developer. In this case, staff has conducted the financial analysis and there should be no funds due to the District.
5. An annexation agreement will accompany the annexation request to City Council for their consideration. The terms will place liability on the developer for any cost that may be due to the Southwest Rural Fire District #1.
6. The proposed R-4 zoning for future residential lots is compatible with adjacent land uses. To the south and west are existing athletic field complexes. To the north are existing single-family homes, and to the northwest is the currently proposed Lincoln Housing Authority residential development and a future Lincoln Public Schools elementary site. This property is abutting Highway 77 on the east property line. The development proposes to bring new affordable housing options to the southwest area of the City through a mix of residential unit options. This addition of affordable housing to the community follows the Affordable Housing Coordinated Action Plan previously adopted by the City to ensure housing options area available for all income levels and to protect and advance the health, safety, economic opportunity, and quality of life of all residents.



7. The site is within the Future Service Limit and all municipal services will be available in the near future. Higher density residential uses that help provide a range of housing types are encouraged where appropriate. This request complies with the requirements of the Zoning Ordinance and additionally follows the goals set within the Comprehensive Plan for future residential development that provides safe, affordable, and accessible housing options. The Comprehensive Plan encourages housing options such as these being proposed to be available and distributed across the community, including currently developing areas. The development is proposing to have three access points off of South Folsom Street with Phase I located in the southern portion of the site and developing first. This will require the first intersection and access point to the site. Currently, the City and developer are in discussion on the financing options for the improvements and first intersection on South Folsom Street to serve Phase I. The middle and northern intersections will then be addressed in a future amendment to the annexation agreement.

**CONDITIONS OF APPROVAL:** See attached.

**EXISTING LAND USE & ZONING:** AG, Agriculture, and Hope Reformed Church

**SURROUNDING LAND USE & ZONING**

|        |                 |                                   |
|--------|-----------------|-----------------------------------|
| North: | R-3 Residential | Single-family residential         |
| South: | AG Agriculture  | Optimist athletic fields          |
| East:  | AG Agriculture  | Hwy 77, Farm ground               |
| West:  | AG Agriculture  | YMCA athletic fields, farm ground |

**APPROXIMATE LAND AREA:**      **Annexation** - 61.28 acres, more or less  
   **Change of Zone** - 47.25 acres, more or less

**PROPOSED CITY COUNCIL DISTRICT ASSIGNMENT:** District #3

**LEGAL DESCRIPTION:**              See attached legal description.

Prepared by

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Benjamin Callahan, Planner

Date: February 2, 2022

**Applicant:**      SOFO Housing, LLC  
                         5631 S. 48<sup>th</sup> St. #220  
                         Lincoln, NE 68516  
                         402-489-1600

**Contact:**        Sam as applicant

**Owner:**         SOFO Housing, LLC &  
                         The Hope Reformed Church  
                         5631 S. 48<sup>th</sup> St. #220  
                         Lincoln, NE

<https://linclanc.sharepoint.com/sites/PlanningDept-DevReview/Shared Documents/DevReview/AN/21000/AN21011 CZ21055 Foxtail Meadows PUD.bmc.docx>



## CONDITIONS OF APPROVAL - ANNEXATION #21011

Before the City Council approves the annexation:

1. The applicant signs an annexation agreement

## CONDITIONS OF APPROVAL - CHANGE OF ZONE #21055

Per LMC Chapter 27.60 this approval permits a Planned Unit Development for up to 650 residential dwelling units and a maximum of 15,000 square feet of commercial space with waivers to the perimeter boundary setback along the northeast property line to 10 feet, a reduction in the average single family dwelling lot width to 35 feet, and a reduction in the minimum lot area per unit to 2,100 sq. ft. for a single-family dwelling and 1,500 sq. ft. for a single family attached unit.

### Site Specific Conditions:

1. The Developer signs an annexation and/or zoning agreement before the City Council approves the change of zone.
2. The City Council approves associated request:
  - 2.1 Annexation #21011
3. Before a final plat is approved the developer shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including 2 copies with all required revisions and documents as listed below upon approval of the planned unit development by the City Council.
  - 3.1 Correct the legal description for the annexation as it does not follow all of Lot 65 and description does not close to the point of beginning.
  - 3.2 Add note to site plan stating "Conceptual lot and street layout not approved but subject to approval in a future administrative amendment. All grading and drainage details must be submitted and approved prior to approval of any final plats or building permits."
  - 3.3 Extend SW 7<sup>th</sup> Street to the south property line to provide access for the Optimist complex connection in the future and comply with block length requirements.
  - 3.4 Change SW 7<sup>th</sup> Court to SW 7<sup>th</sup> Street.
  - 3.5 Delete the word "park" from Outlot A.
  - 3.6 Show the private drive on Block 3, Lot 5, as a private roadway for street naming and emergency access purposes.
  - 3.7 Show the private drive on Block 2, Lot 1, as a private roadway for street naming and emergency access purposes.
  - 3.8 Provide a street name and label the east-west streets shown on plan.
  - 3.9 Relocate the church driveway shown on Block 2, Lot 2, to provide a safe distance from the roundabout. Relocate the driveway to the east to line up with SW 8<sup>th</sup> Street and meet access standards.



- 3.10 Identify a private roadway on Block 4. If units are shown on both sides of a private drive, it must be a private roadway for street naming and emergency access purposes.
- 3.11 At the northern intersection, show the existing driveway to the west and align with driveway to the satisfaction of Lincoln Transportation and Utilities.
- 3.12 Show the right-of-way for potential roundabouts on S Folsom Street at all three intersections.
- 3.13 Add to the land use table to identify Lot 3 with the maximum square footage for commercial uses per the B-2 zoning district and identify the total number of dwelling units for the entire subdivision.
- 3.14 Correct General Site Notes #7 to state "Sidewalks to be built on both sides of public streets and private roadways."
- 3.15 Modify waiver #1 to state a 10-foot minimum setback requirement on the perimeter boundary is allowed only in the northeast corner of the site. Identify that area in the northeast along Highway 77 exit ramp on the site plan.
- 3.16 Delete waiver #2 as it is not needed.
- 3.17 Delete waiver #3 as this waiver is not justified for needing the reduction of the front yard setback to 10 feet.
- 3.18 Modify waiver #4 to remove the townhome lot width request as an average of 10 feet per lot width per family is not appropriate within this development.
- 3.19 Add to the General Notes, "Signs need not be shown on this site plan, but need to be in compliance with chapter 27.69 of the Lincoln Zoning Ordinance, and must be approved by Building & Safety Department prior to installation".
4. Before receiving building permits, the developer shall provide the following documents to the Planning Department:
  - 4.1 Verification from the Register of Deeds that the letter of acceptance as required by the approval of the planned unit development has been recorded.
5. Before issuance of building permits, final plat(s) shall be approved by the City.

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

Before the approval of a final plat, the public streets, private roadway improvements, sidewalks, public sanitary sewer system, public water system, drainage facilities, land preparation and grading, sediment and erosions control measures, storm water detention/retention facilities, drainageway improvements, street lights, landscaping screens, street trees, temporary turnaround and barricades, and street name signs, must be completed or provisions (bond, escrow or security agreement) to guarantee completion must be approved by the City Law Department. The improvements must be completed in conformance with adopted design standards and within the time period specified in the Land Subdivision Ordinance. A cash contribution to the City in lieu of a bond, escrow, or security agreement may be furnished for sidewalks and street trees along major streets that have not been improved to an urban cross section. A cash contribution to the City in lieu of a bond, escrow, or security agreement may be furnished for street trees on a final plat with 10 or fewer lots.



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

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

To complete the paving of private roadway, and temporary turnarounds and barricades located at the temporary dead-end of the private roadways shown on the final plat within two (2) years following the approval of this final plat.

To complete the installation of sidewalks along both sides of *all streets* as shown on the final plat within four (4) years following the approval of the final plat.

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

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

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

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

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

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

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

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

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

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

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

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

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

To complete the public and private improvements shown on the planned unit development.



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

To maintain the outlots on a permanent and continuous basis.

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

To maintain the plants in the medians and islands, including replacement and replanting as reasonably necessary, on a permanent and continuous basis.

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

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

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

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

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

**To pay all design, engineering, labor, material, inspection, and other improvement costs**

to relinquish the right of direct vehicular access from W Pioneers Boulevard and Highway 77.

to relinquish direct vehicular access to S Folsom Street except as shown.

**Standard Conditions:**

- 6. The following conditions are applicable to all requests:
  - 6.1 Before occupying the dwelling units/commercial buildings all development and construction shall substantially comply with the approved plans.
  - 6.2 All privately-owned improvements shall be permanently maintained by the owner or an appropriately established homeowners association approved by the City Attorney.
  - 6.3 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.



- 6.4 The terms, conditions, and requirements of the ordinance shall run with the land and be binding upon the developer, its successors and assigns.
- 6.5 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.
- 6.6 The site plan as approved with this ordinance voids and supersedes all previously approved site plans, however all ordinances approving previous permits remain in full force and effect unless specifically amended by this ordinance.





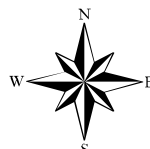
2020 aerial

## Annexation #: AN21011 W Pioneers Blvd & S Folsom St

### Zoning:

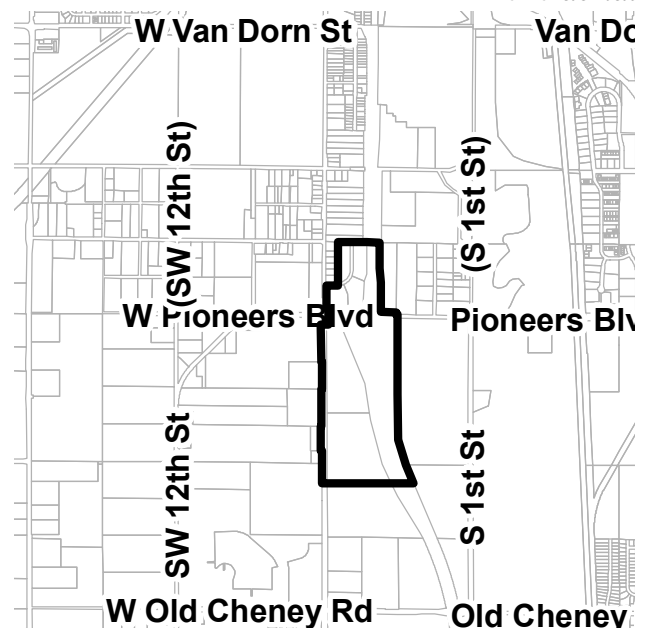
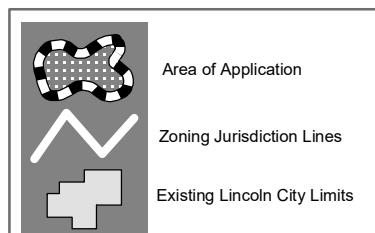
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|------------|--|
| R-1 to R-8 | Residential District                   |
| AG         | Agricultural District                  |
| AGR        | Agricultural Residential District      |
| O-1        | Office District                        |
| O-2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

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Two Square Miles:

Sec.03 T09N R06E  
Sec.10 T09N R06E





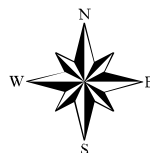


2020 aerial

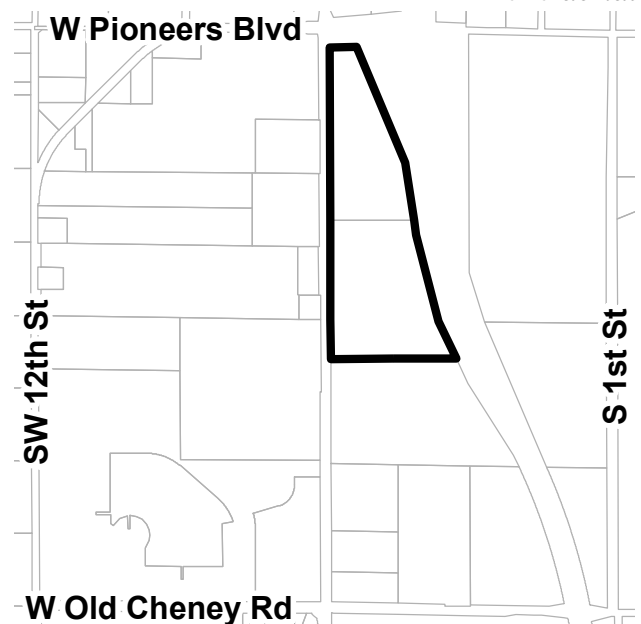
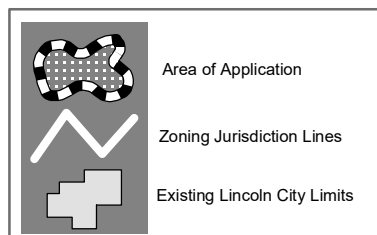
**Change of Zone #: CZ21055 (AG to R-4)**  
**Foxtail Meadows**  
**W Pioneers Blvd & S Folsom St**

**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.10 T09N R06E





# FOXTAIL MEADOWS PUD SITE PLAN

The site plan for Foxtail Meadows PUD is bounded by Highway 77 to the north, N Pioneers Boulevard to the west, and S Folsom Street to the south. The plan includes a central roundabout at the intersection of S Folsom Street and a north-south access road. To the west of the roundabout is Block 2, containing Lot 1 (4.82 acres, 80 units, single-family & townhouses) and Lot 2 (5.10 acres, existing church). To the east of the roundabout is Block 3, containing Lot 2 (9.81 acres, 180 units, multi-family dwellings), Lot 3 (1.42 acres, commercial/conference store/drive-thru coffee), Lot 4 (4.30 acres, 100 units, townhouses), and Lot 5 (5.41 acres, 80 units, townhouses). Further east is Block 4, containing Lot 1 (4.21 acres, 30 units, single-family). The plan also shows Outlot A (1.50 acres, open green space, park, drainage & detention) and Outlot B (1.84 acres, open green space, drainage & detention). Streets shown include Highway 77, N Pioneers Boulevard, S Folsom Street, SW 6th Street, SW 8th Street, SW 9th Street, and SW 11th Court. A proposed sanitary sewer extension is shown running along the eastern boundary. The plan includes various lot dimensions, block dimensions, and street widths. A north arrow is located near the center of the plan.

## SITE PLAN

OF 1



SCOTT D. KELLY  
MARK A. CHRISTENSEN  
RICHARD P. GARDEN, JR.  
JOHN C. MILES  
THOMAS C. HUSTON  
DON R. JANSSEN  
SUSAN K. SAPP  
KEVIN J. SCHNEIDER  
GARY R. BATENHORST  
JILL GOSSIN JENSEN  
ROCHELLE A. MULLEN  
TRENTEN P. BAUSCH  
MICHAEL C. PALLESEN  
RICHARD P. JEFFRIES  
TRACY A. OLDEMEYER  
TRENT R. SIDDERS  
ANDRE R. BARRY  
DAVID J. ROUTH  
JASON R. YUNG TUM  
MEGAN S. WRIGHT  
THERESA D. KOLLER  
AUSTIN L. MCKILLIP  
KEITH T. PETERS  
ANDREW R. WILLIS  
TARA A. STINGLEY  
SEAN D. WHITE  
MICHELLE L. STORIUS  
MICHAEL J. WHALEY  
RUSSELL J. SPRAGUE  
RENEE A. EVELAND  
HENRY L. WIEDRICH  
DANIEL W. OLDENBURG

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January 17, 2022

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LILY AMARE  
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SYDNEY M. HUSS  
BRITTNEY M. HOLLEY  
AMANDA C. SWISHER  
ELIZABETH A. STEVENSON  
ISAIAH J. FROHLING  
CHRISTOPHER B. GREENE  
JESSICA K. ROBINSON  
STEPHEN E. GEHRING  
L. BRUCE WRIGHT  
ROBERT J. ROUTH  
DAVID R. BUNTAIN  
TERRY R. WITTLER  
RICHARD A. SPELLMAN  
DAVID O. COLVER †  
DONALD F. BURT (INACTIVE)  
STEPHEN H. NELSEN (INACTIVE)

†ATTORNEYS ADMITTED IN COLORADO ONLY

**VIA EMAIL: [dcary@lincoln.ne.gov](mailto:dcary@lincoln.ne.gov)**

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

Re: Submittal for Foxtail Meadows Subdivision for SOFO Housing, LLC at South  
Folsom Street and Pioneers Boulevard  
Our File No.: 24902.004

Dear Mr. Cary:

This purpose letter replaces the version dated December 21, 2021. On behalf of SOFO Housing, LLC, a Nebraska limited liability company ("SOFO Housing"), I am pleased to submit the application and this purpose letter for an affordable housing subdivision located south of Pioneers Boulevard and east of South Folsom Street in southwest Lincoln. SOFO Housing acquired 27 acres and will acquire approximately an additional 14 acres in this area, for a total development site of 41 acres, to develop a multiple phase affordable housing subdivision. The subdivision includes the existing Hope Reformed Church (the "Church") which will retain its 6.25 acre parcel for its church campus. The entire subdivision is comprised of 47.25 acres.

**A. Land Use Requests.** This SOFO Housing - Foxtail Meadows subdivision will require multiple steps and approvals from the City of Lincoln, including:

1. Annexation. The two parcels which comprise the subdivision are owned by:

1. The Church owns:

Lot Forty Eight (48), Irregular Tract, Northeast Quarter of  
Section 10, Township 10 North, Range 6 East of the 6<sup>th</sup> P.M.,  
Lancaster County, Nebraska; and

2. SOFO Housing owns:



Lot Sixty Five (65), Irregular Tract, Northeast Quarter of  
Section 10, Township 9 North, Range 6 East of the 6<sup>th</sup> P.M.,  
Lancaster County, Nebraska.

The site is outside the city limits of the City of Lincoln and requires annexation. SOFO Housing, for itself and for the Church, hereby requests that the City annex these parcels to be included within the corporate limits of the City. SOFO Housing, contemplates that the annexation could be part of bringing additional property within the city limits of the City of Lincoln.

2. Change of Zone. Currently, the SOFO Housing and Church properties are located in the “AG” Agricultural zoning district. The enclosed application seeks to change the zone of the site to the “R-4” Planned Unit Development zoning classification. The majority of the development is anticipated to be urban residential containing a mixture of detached single family housing, attached single family housing, and multifamily housing development. The attached single family housing will consist of duplexes, triplexes, and rowhomes. In addition, a smaller area is designated to be for neighborhood commercial uses subject to the “B-2” district zoning regulations. Thus, the Planned Unit Development zoning overlay district would be appropriate for this subdivision. The request for the Planned Unit Development seeks city approval of the generic layout of the development as depicted on the PUD Site Plan attached as Exhibit “A”, attached and incorporated by this reference. The request for a Planned Unit development includes:
  - **650 dwelling units** comprised of detached single family units, attached single family units arranged in duplexes and rowhomes, and multifamily dwelling units; and
  - Up to **15,000 square feet of commercial uses**.

It is probable that the total development will be developed in multiple phases. The timing and sequence of the phases will be determined by the absorption rate as units are constructed and either sold or leased.

**B. Phasing Plan.** The Site Plan attached as Exhibit “B” to this letter depicts 6 separate and distinct but related housing type groupings plus a small commercial area to be able to provide some neighborhood services to this planned neighborhood. The 6 groupings as planned include:

- **Area #1:** This Area #1 is located at the southern border of the development and would include approximately 75 rowhome dwelling units;



- **Area #2:** This Area #2 is located north of the Area #1 is intended to be a medium density project and contain approximately 96 dwelling units in rowhome design in clusters of 3-6 dwelling unit per cluster, as well as a commercial lot;
- **Area #3:** This Area #3 is designed to be a higher density housing choice for a multifamily apartment project consisting of 4 structures plus a clubhouse with a total of 170 dwelling units;
- **Area #4:** This Area #4 is designed to contain 27 single family detached homes located on small but individually platted lots for affordable home ownership opportunities;
- **Area #5:** This Area #5 is intended to be a medium density housing option containing a total of 74 dwelling units of the rowhouse type and 23 of the dwelling units are intended to be detached single family homes also containing garages; and
- **Area #6:** This Area #6 is targeted to be a higher density multifamily apartment project consisting of 3 story structures containing 144 dwelling units.

SOFO Housing intends to develop the site into two or more phases with the first phase consisting of areas 1 – 4, and a second phase with areas 5 and 6. In phase one there are four or more housing projects comprised of portions (or all) of the areas one through four. Area 1 and a portion of Area 3 are intended for a Low Income Housing Tax Credit (LIHTC) project of up to 130 units. The south portion of Area 2 is intended as a LIHTC project of up to 40 units. All of Area 4 is intended up to 30 single family home ownership opportunities targeted to workforce housing as that is defined in §81-1228 N.R.S. The remainder of areas 3 and 4 are intended for workforce rental housing as that is defined in §81-1228 N.R.S. The Site Plan depicts the conceptual layout of the various components of the Folsom Street Redevelopment Plan including all of the housing types, the small area intended for a neighborhood convenience store, and coffee shop. In addition, the site plan depicts the location of the park which includes the public gather pavilion and a dog park along with a playground for the neighborhood children.

The Site Plan does not deal with the phasing plan or sequence for which the development shall occur. The Folsom Street Redevelopment Project will likely be developed over a period of time in phases as each phase is absorbed by the market and occupied by affordable housing residents and owners. The precise timing of each phase will be governed by a Redevelopment Agreement which will apply to a given phase. Further, each phase will have an independent “Effective Date” under the Redevelopment Agreement or amendment which will govern the division period for the capture of the incremental taxes for purposes of paying for eligible public improvements with tax increment financing. Each phase will consist of dwelling units from each Area so as to allow for the sale and or lease of the developed dwelling units.

**C. Waiver Requests.** SOFO Housing, LLC requests the following waivers:



David Cary  
January 17, 2022  
Page 4

- To the extent necessary, the project be granted a waiver of the setback requirement of the perimeter boundary lines down to not less than 10 feet;
- For internal lot lines we request a zero foot setback to permit proper phasing of the project;
- A 15 foot side yard setback for all attached buildings containing the single family dwellings;
- A 20 foot front and rear yard setbacks for all attached and detached single family dwellings; and
- A 10 foot setback from the right of way of Highway 77.

Thus, we enclose:

1. The application signed by Ward F. Hoppe, Manager of SOFO Housing, LLC, for the Change of Zone;
2. A check in the amount of \$4,300.00 comprised of \$1,005.00 for the Change of Zone and \$3,295.00 for the Planned Unit Development overlay district; and
3. Project Documents. Jeremy Williams, with Design Associates, will be uploading the Site Plan for the Planned Unit Development to the City of Lincoln's ProjectDox portal once the project has been assigned a processing number by the City of Lincoln.

SOFO Housing, is working on the Annexation Agreement to deal with the infrastructure required to support this subdivision. The Annexation Agreement is ready for review by the City upon request.

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

Sincerely,



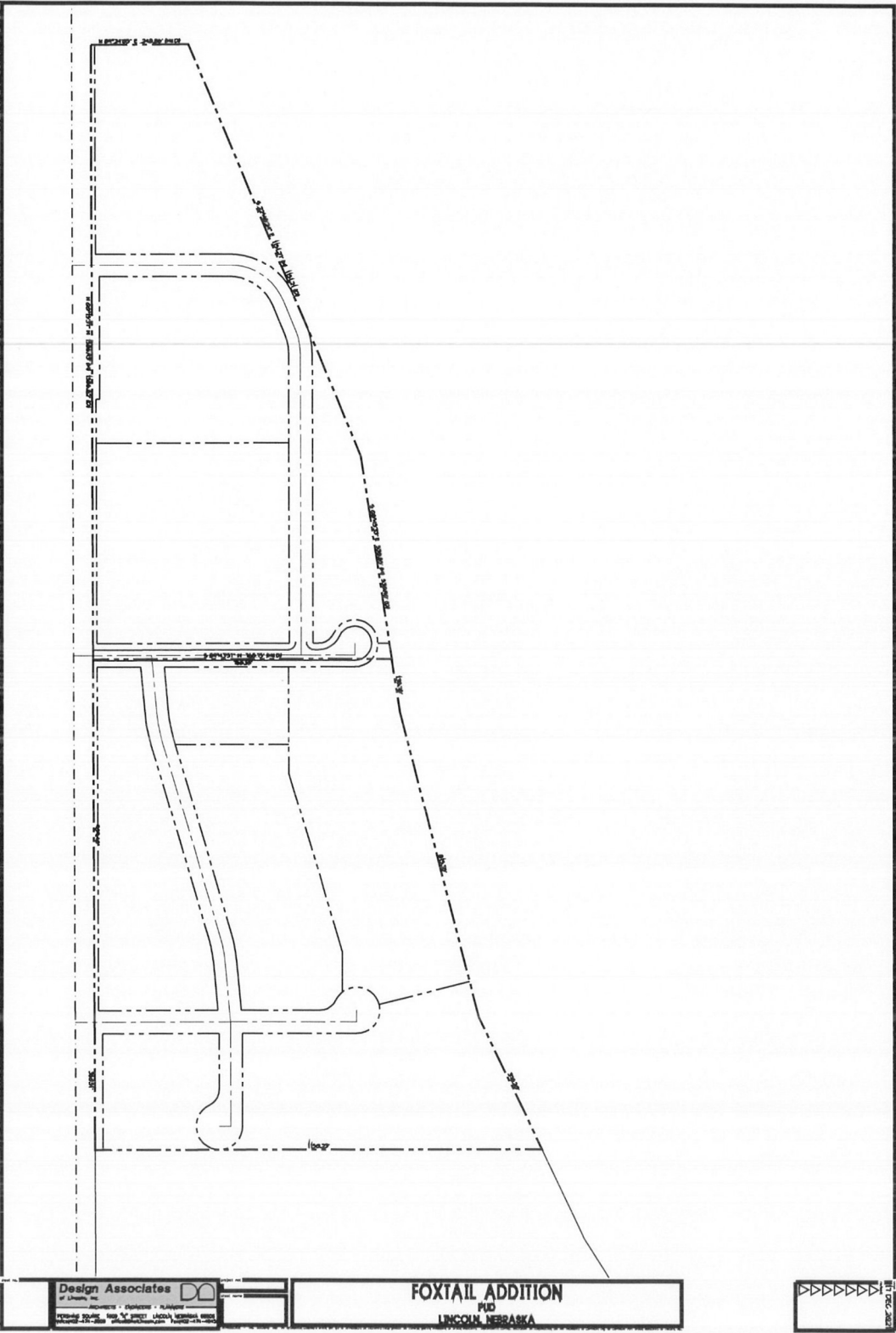
Thomas C. Huston  
For the Firm

Enclosure

cc: Fred Hoppe (via email)  
Jake Hoppe (via email)  
Jeremy Williams (via email)

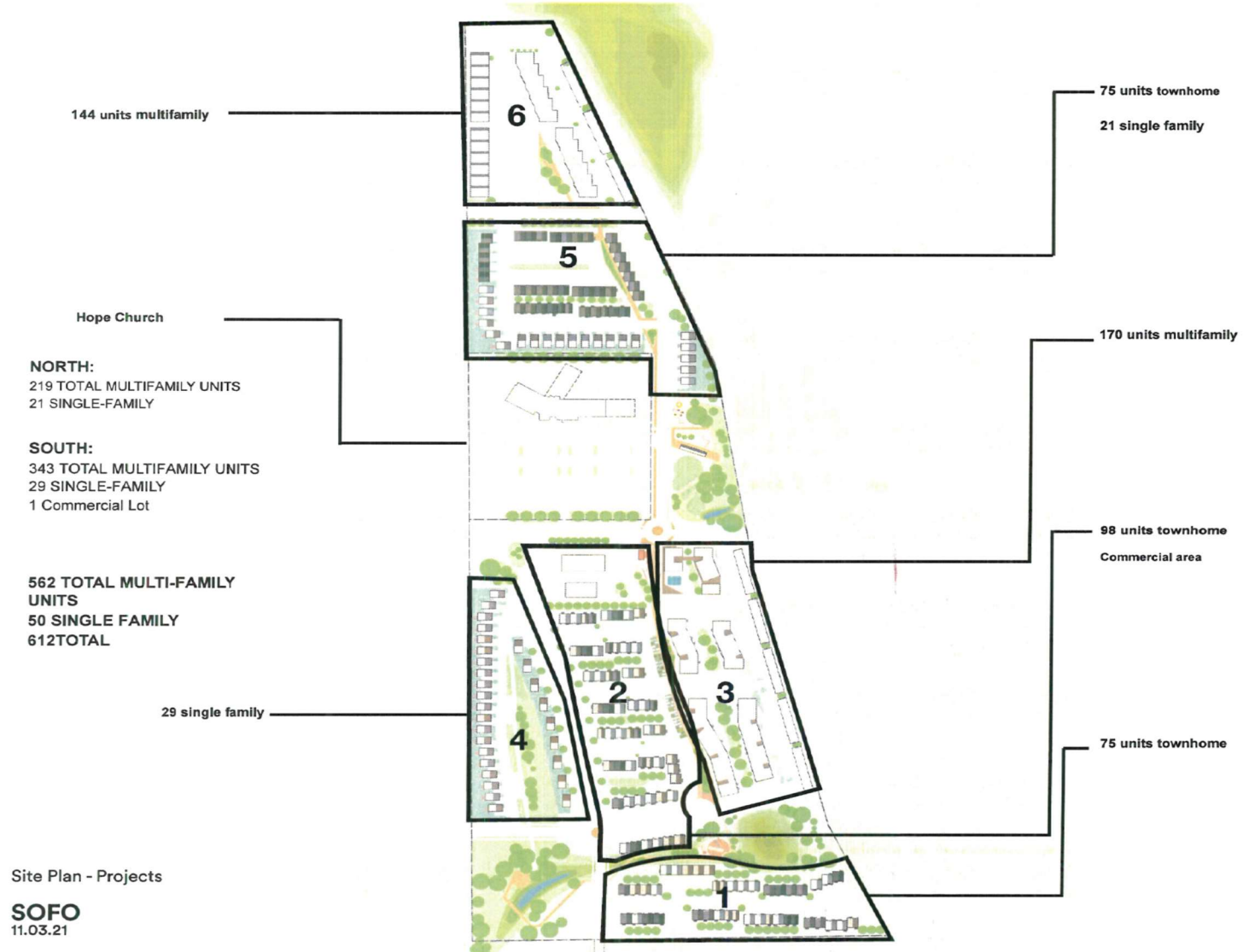


**EXHIBIT "A"**  
**PUD Site Plan**





# **EXHIBIT "B"** **Site Plan**



4854-1820-7239, v. 1



A TRACT OF LAND COMPOSED OF LOT 48 I.T. AND LOT 65 I.T. AND IS LOCATED IN THE EAST HALF OF SECTION 10, TOWNSHIP 09 NORTH, RANGE 06 EAST OF THE 6TH P.M., LINCOLN, LANCASTER COUNTY, NEBRASKA. MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SW CORNER OF THE NE 1/4 OF SAID SECTION 10, TOWNSHIP 09 NORTH, RANGE 06 EAST, THENCE ON AN ASSUMED BEARING OF S 89°12'51" E A DISTANCE OF 50.01' TO POINT ON SAID LOT 65 I.T., SAID POINT BEING ON THE EAST RIGHT-OF-WAY LINE OF SOUTH FOLSOM STREET, SAID POINT ALSO BEING THE TRUE POINT OF BEGINNING;

THENCE N 00°15'23" W A DISTANCE OF 909.40';

THENCE N 00°15'37" W A DISTANCE OF 1,586.93';

THENCE N 89°24'05" E A DISTANCE OF 248.86';

THENCE S 22°48'24" E A DISTANCE OF 1,151.27';

THENCE S 08°45'33" E A DISTANCE OF 530.85';

THENCE S 08°45'52" W A DISTANCE OF 138.78';

THENCE S 14°29'48" E A DISTANCE OF 815.35';

THENCE S 25°23'19" E A DISTANCE OF 378.20';

THENCE S 89°44'15" W A DISTANCE OF 1,150.23';

THENCE N 00°15'45" W A DISTANCE 360.51' TO THE TRUE POINT OF BEGINNING. CONTAINING 47.25 ACRES, MORE OR LESS.