

City Council Introduction: **Monday**, March 10, 2008  
Public Hearing: **Monday**, March 17, 2008, at **1:30 p.m.**

Bill No. 08-28

## **FACTSHEET**

**TITLE:** **CHANGE OF ZONE NO. 07062**, from AG Agricultural District to R-3 Residential District, requested by Lincoln Public Schools, on approximately 40 acres, more or less, generally located southwest of North 14<sup>th</sup> Street and Alvo Road.

**STAFF RECOMMENDATION:** Approval

**ASSOCIATED REQUESTS:** Annexation Agreement (08R-74) and Annexation No. 07004 (08-27)

**SPONSOR:** Planning Department

**BOARD/COMMITTEE:** Planning Commission  
Public Hearing: 12/19/07; 01/16/08; and 02/27/08  
Administrative Action: 02/27/08

**RECOMMENDATION:** Approval (7-0: Gaylor-Baird, Carroll, Cornelius, Esseks, Sunderman, Francis and Taylor voting 'yes'; Larson and Moline absent).

### **FINDINGS OF FACT:**

1. This change of zone request was heard by the Planning Commission in conjunction with Annexation No. 07004 and the Kooser Addition Preliminary Plat No. 07005 for one lot for the proposed Kooser Elementary School and nine outlots for future development.
2. The staff recommendation of approval is based upon the "Analysis" as set forth on p.4-5, concluding that the change of zone request is in conformance with the Comprehensive Plan. The area is within Tier I, Priority A, and is designated as urban residential in the land use plan. The staff presentation is found on p.8.
3. The applicant's testimony is found on p.8.
4. Testimony by Peter Katt and Mark Hunzeker expressing concerns about Alvo Road and siting a neighborhood center in this area is found on p.6-7 and p.8-9. Additional information submitted by Peter Katt is found on p.16-19.
5. On February 27, 2008, the Planning Commission agreed with the staff recommendation and voted 7-0 to recommend approval of the change of zone request (Larson and Moline absent).
6. On February 27, 2008, the Planning Commission also voted 7-0 to recommend approval of the associated Annexation No. 07004 and to adopt Resolution No. PC-01110, approving the associated Kooser Addition Preliminary Plat No. 07005 for one lot for an elementary school site and nine outlots for future development. The preliminary plat site plan is attached for information purposes (p.20).

**FACTSHEET PREPARED BY:** Jean L. Preister

**DATE:** March 4, 2008

**REVIEWED BY:** \_\_\_\_\_

**DATE:** March 4, 2008

**REFERENCE NUMBER:** FS\CC\2008\CZ.07062+

**LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT**  
**for February 27, 2008 PLANNING COMMISSION MEETING**  
**REVISED**

**PROJECT #:** Annexation No. 07004  
**Change of Zone No.07062**

Note: This is a combined staff report for related items. This report contains a single background and analysis section for all items. However, there are separate conditions provided for each individual application.

**PROPOSAL:** **Change of zone from AG, Agricultural to R-3, Residential** and annexation.

**LOCATION:** Southwest of N. 14<sup>th</sup> St. and Alvo Road.

**LAND AREA:** 40 acres, more or less

**EXISTING ZONING:** AG-Agricultural

**CONCLUSION:** The annexation and change of zone are in conformance with the comprehensive plan. The area is within Tier 1 Priority A and is designated as urban residential in the land use plan.

**RECOMMENDATION:**

Annexation	Conditional Approval
Change of Zone	Conditional Approval

**GENERAL INFORMATION:**

**LEGAL DESCRIPTION:** Lot 15 Irregular Tract and Alvo Rd. abutting that portion of Lot 15 I.T. all located in the NE 1/4 of Section 35, Township 11 North, Range 6 East, and a portion of Alvo Rd. located in the SE 1/4 of Section 26, Township 11 North, Range 6 East, Lancaster County, NE.

**EXISTING LAND USE:** Agriculture

**SURROUNDING LAND USE AND ZONING:**

North:	AG, Agricultural	Undeveloped/farm ground
South:	R-3, Residential	Undeveloped/Charleston Heights Subdivision
East:	R-3, Residential	Single-family and attached single-family dwellings
West:	AG, Agricultural	Undeveloped/farm ground

## **ASSOCIATED APPLICATIONS:**

Preliminary Plat #07005

## **HISTORY:**

- June 12, 2006      Annexation #06007 to annex 78 acres and Change of Zone #06026 for a change of zone from AG to R-3 located at N. 14<sup>th</sup> St. and Humphrey Ave. for Charleston Heights subdivision was approved by City Council.
- May 10, 2006      Special Permit #06030 for Charleston Heights CUP was approved by the Planning Commission.
- August 27, 2001    Annexation #00003, Change of Zone #3265 and Preliminary Plat #00017, Stone Bridge Creek, located to the east, was approved by the City Council.

## **COMPREHENSIVE PLAN SPECIFICATIONS:**

The Land Use map in the 2030 Comprehensive Plan identifies this area as urban residential. (pg. 19)

The Urban Growth Tiers map identifies this area as Tier 1, Priority A. (pg. 21)

In order to provide for the orderly future growth of the city, additional land is identified in Tier 1 as the next area for improvement. Priority A identifies a future service area of approximately 20 square miles to serve with utilities in the next six years.( pg. 24)

The provision of municipal services shall coincide with the jurisdictional boundaries of the City—in short, it is not the intent of the City of Lincoln to extend utility services (most notably, but not necessarily limited to, water and sanitary sewer services) beyond the corporate limits of the City. (pg.154)

The extension of water and sanitary sewer services shall be predicated upon annexation of the area by the City. City annexations shall occur before any property is provided with water, sanitary sewer, or other potential City services. (pg. 154)

Land which is remote or otherwise removed from the limits of the City of Lincoln will not be annexed; land which is contiguous to the City and generally urban in character may be annexed; and land which is engulfed by the City should be annexed. (pg.154)

Annexation generally implies the opportunity to access all City services. Voluntary annexation agreements may limit or otherwise outline the phasing, timing or installation of utility services (e.g. water, sanitary sewer) and may include specific or general plans for the private financing of improvements to the infrastructure supporting or contributing to the land uses in the annexed area. (pg.154)

## **UTILITIES:**

- A.      **Sanitary Sewer:** There is existing sanitary sewer in Julesburg Dr. within the Stone Bridge Creek subdivision to serve the school site and some of the future residential lots. Some portions of the subdivision will be required to connect to the sanitary sewer system in Charleston Heights.

- B. **Water:** Water will connect to an existing 6" main from Stone Bridge Creek until the 24" main in N. 14<sup>th</sup> St. is constructed. The preliminary plat will require water service.
- C. **Roads:** Alvo Rd. and N. 14<sup>th</sup> St. are unimproved arterial roads. All roads within the development shall be local. Alvo Rd. and N. 14<sup>th</sup> St. are shown as proposed projects for 4 lanes plus turn lanes in the 2030 Comprehensive Plan. The County and City are working on grading and improvement plans for the surfacing of Alvo Rd. with 2 lanes from N. 1<sup>st</sup> St. to N. 14<sup>th</sup> St. by the end of 2009.
- D. **Parks and Trails:** A 10' bike trail shall be located on the south side of Alvo Rd.
- E. **Fire Protection:** The nearest fire station is Station #10 located at N. 14<sup>th</sup> St. and Adams St.

**ANALYSIS:**

1. This is a request for annexation of 40 acres southwest of N. 14<sup>th</sup> St. & Alvo Rd. and a change of zone from AG, Agricultural to R-3, Residential.
2. The proposed annexation area is contiguous to the City limits and there is R-3 zoning to the south and east. Charleston Heights subdivision is located to the south and Stone Bridge Creek subdivision is to the east of this proposed annexation area.
3. The area of annexation is within the future service limits and Tier One Priority A as identified in the 2030 Comprehensive Plan.
4. Annexation policy:
  - Land which is remote from the limits of the City of Lincoln will not be annexed; land which is contiguous and generally urban in character may be annexed; and land which is engulfed by the City should be annexed.
  - Annexation generally implies the opportunity to access all City services. Voluntary annexation agreements may limit or otherwise outline the phasing, timing or installation of utility services (i.e., water, sanitary sewer) and may include specific or general plans for the private financing of improvements to the infrastructure supporting or contributing to the land uses in the annexed area.
  - Plans for the provision of services within the areas considered for annexation should be carefully coordinated with the Capital Improvements Program of the city and the county."

Prepared by:

Tom Cajka  
Planner

**DATE:** February 13, 2008

**APPLICANT:** Olsson Associates  
1111 Lincoln Mall  
Lincoln, NE 68508  
(402) 474-6311

**OWNER:** Lincoln Public Schools

**CONTACT:** Erin Bright  
Olsson Associates  
1111 Lincoln Mall  
Lincoln, NE 68508  
(402) 458-5608

**ANNEXATION NO. 07004,  
CHANGE OF ZONE NO. 07062  
and  
PRELIMINARY PLAT NO. 07005  
KOOSER ADDITION**

**REQUEST FOR DEFERRAL:**

December 19, 2007

Members present: Larson, Moline, Francis, Taylor, Gaylor-Baird, Esseks, Sunderman, Cornelius and Carroll.

Ex Parte Communications: None.

Staff recommendation: Approval of the annexation, subject to an Annexation Agreement; approval of the change of zone; and conditional approval of the preliminary plat.

The Clerk announced that the applicant/owner, Lincoln Public Schools, has requested a four-week deferral.

Cornelius moved to defer, with continued public hearing and action scheduled for January 16, 2008, seconded by Sunderman and carried 9-0: Larson, Moline, Francis, Taylor, Gaylor-Baird, Esseks, Sunderman, Cornelius and Carroll voting 'yes'.

Public Testimony

1. **Peter Katt** appeared on behalf of two clients, **Fowler Homes**, the developer of Charleston Heights, and **Hartland Homes**, the developer of **Hartland's Garden**. Since this involves a school site, Katt believes there is some homework to do before the Planning Commission takes action on this development. There are important issues that the Planning Commission needs to address.

First of all, Katt suggested that government projects are not held to the same standard as private sector projects. As evidenced by the staff report, Katt purported that LPS is not being held to a very high standard in coming forward for an annexation and change of zone. Katt purports that government should set the standard – not be beneath the standard.

Secondly, there is the policy question: "who pays and how much" to extend urban infrastructure to a school site well beyond the existing city limits. Katt suggested that this annexation and change of zone are premature until the City has the ability to extend and connect the water and sewer service. To date, those services need to run through his client's property directly to the south and his client has had zero discussion with the school district. The school district does not have ability to extend water and sewer to the proposed school site today.

Katt then submitted an area map showing Charleston Heights, which was recently platted by Fowler Homes, and the proposed school site. He also showed the platted portion of Hartland's Garden.

The roads that the Commissioners should drive are 14<sup>th</sup> Street, taking a look at the stub not yet connected to 14<sup>th</sup> (Julesburg), which is the proposed connection point to the school road. Alvo Road stops. And, Humphrey is an important road to drive. Why does it matter? Because when the Hartland's Garden and Charleston Heights developments were brought forward, the City of Lincoln imposed a super collector standard on Humphrey and Pennsylvania because they were concerned that Alvo Road would not be available to serve the school site. The point is: if we make the commitment to expend a lot of money to build Alvo Road to connect to the school site, it will be fundamentally unfair to uphold the super collector on Humphrey. He thinks it would be preferable for Humphrey to be put in to serve the school site because it will be a lower overall cost, but that is not his decision.

Esseks confirmed with Katt that he is purporting that under the current plan, there is an alternative route to the school. Katt concurred. The proposed school site was originally to have been a middle school site, which has now moved over to Fallbrook. This site is now going to be an elementary school site (instead of the Pegram school site). It is primarily designed to serve the residential areas north of the Interstate. Look at what road really connects the two neighborhoods – it's Humphrey. Humphrey is in place and graded. It just needs to be paved. There are already agreements in place for Humphrey.

Katt also pointed out that the Comprehensive Plan shows a commercial "dot" north of the Julesburg extension, where he believes the school district will be asking for commercial zoning. Katt is hopeful to have further discussions with LPS by January 16<sup>th</sup>. LPS has not shared information with Katt as to why they decided to change the school site location (Parrott versus Pegram). Katt suggested that they are beyond the "edge of the world" by a good measure and they are asking the taxpayers to pay the cost of extending the infrastructure.

Carroll wondered about traffic going through Katt's client's property to get to the school. Katt suggested that the easiest solution would be to have the City construct Humphrey as a special assessment district and assess the cost back to the adjacent properties.

The property north of Humphrey is the Charleston Heights development of 78 acres owned by Fowler Homes. It is an approved preliminary plat. There is ability to grant access to the school site.

There was no further testimony.

These applications will have continued public hearing and action on January 16, 2008.

**REQUEST FOR DEFERRAL:**

January 16, 2008

Members present: Esseks, Sunderman, Taylor, Gaylor-Baird, Larson, Moline, Francis and Carroll; Cornelius absent.

The Clerk announced that the applicant has requested a deferral until February 27, 2008.

Motion made by Taylor, seconded by Francis to defer, with continued public hearing and action scheduled for February 27, 2008, and carried 8-0: Esseks, Sunderman, Taylor, Gaylor-Baird, Larson, Moline, Francis and Carroll voting 'yes'; Cornelius absent.

There was no public testimony.

**CONT'D PUBLIC HEARING BEFORE PLANNING COMMISSION:**

February 27, 2008

Members present: Gaylor-Baird, Carroll, Cornelius, Esseks, Francis, Sunderman and Taylor; Larson and Moline absent.

Staff recommendation: Approval of the annexation, subject to an annexation agreement, approval of the change of zone and conditional approval of the preliminary plat.

Ex Parte Communications: None

Staff presentation: **Tom Cajka of Planning staff** stated that this area is currently zoned agricultural. It is in Tier I, Priority A, and contiguous to the city limits. Stone Bridge Creek is to the east and Charleston Heights is to the south of the area of application. The preliminary plat is for one lot, the new Kooser elementary school. The future lots are around the perimeter of the school. The lots are preliminary design only. Water and sewer are available to be extended from Stone Bridge Creek. The sanitary sewer would not be available to serve the entire site. The school could be served. A line would have to be extended north from Charleston Heights to the south.

Esseks wondered what the benefit is to approve a plan with possible lots. Cajka believes the applicant can sell the lots more efficiently.

Proponents:

1. **Don Day of Olsson Associates** presented a site plan. This was previously submitted and called Parrott Addition. Overall they agree with all the conditions of approval with one exception. He presented the Commissioners with a motion to amend the preliminary plat concerning a street extending from N. 11<sup>th</sup> St. to the west boundary:

1.1.7 ~~Show a second street extending from N. 14<sup>th</sup> St. to the west boundary of the subdivision~~ Shift the location of the Kooser Drive west street stub to the south near the detention cell, in order to reduce block length between Kooser Dr. and Middleton Ave.

2. **Scott Wieskamp of Lincoln Public Schools** added that Lincoln Public Schools purchased this site around 10 years ago. Three years ago, this was designated as an elementary school. He feels that they have addressed the questions and issues.

Other Public Testimony

1. **Peter Katt** wondered how LPS planning affects the City of Lincoln long term planning. He submitted pages from the Comprehensive Plan that deal with neighborhood center siting. Opportunities to develop neighborhood centers are constrained. Doing an assemblage that doesn't hurt existing acreage is very difficult. South of this has been developed. It will be extremely difficult if a neighborhood center is not accommodated somewhere. In his opinion, the development of the LPS site as shown is less costly but the point is, if we don't locate commercial on the LPS property,

there are opportunities to have it located somewhere in the general vicinity. It requires Julesberg Drive to be designed to be a commercial access, Katt proposed amended language for the preliminary plat under site specific conditions of approval:

1.1.14            The design of Julesberg Drive and its' dedication be sufficient right-of-way to accommodate a future neighborhood center to the south.

**2. Mark Hunzeker appeared on behalf of Steve Keane**, who lives to the west of this site. He is concerned about the paving of Alvo Rd. This is the subject of a joint City County agreement necessitated by the school site. Looking at the future land use map in the Comprehensive Plan, the city limits of Lincoln for the next 25 years, there will be no urban development to the north of Alvo Rd. for a very long time. He was involved in the Stone Bridge Creek development and the city deliberately downsized the sewer. To place an elementary school at the edge of town makes little sense to him. His point is the construction of the school at this location is pushing forward the need to pave Alvo Rd. A twenty foot swath of mature trees would be taken out along Alvo Rd. because the County Engineer is unwilling to deviate from the mile grid. One of the points raised by Public Works is that this involves construction of a 2,200 foot dead end water line which does not appear to be adequate for fire protection. There is an obligation on the part of the developer to the east to bring the line west at some point in the future. Maybe we should figure out if there is adequate water pressure for fire protection first.

Taylor asked what is being requested. Hunzeker replied that while it was good planning for the school to acquire the site, it seems bad planning to build a school on it. The schools should be located in neighborhoods as opposed to the edge of town.

Staff response and questions:

Cornelius would like Cajka to speak to questions about integration of this site with the surrounding area. Cajka believes there are several different issues here. Before the Planning Commission is an annexation, change of zone and preliminary plat. This is for residential development. It just so happens that one of the lots is being proposed for a school. It meets all the requirements for a preliminary plat. We don't get into uses at the preliminary plat stage.

Cajka went on to state that Alvo Rd. is a completely separate issue. It has been an ongoing issue between the City and the County. It has been shown as a future arterial in the Comprehensive Plan for quite a long time.

As far as the neighborhood centers go, Cajka advised that they are not explicit locations. It could possibly go to the south in Charleston Heights. It could possibly go to the west of this site. With regard to the water issue, Public Works raised a possible concern about fire protection and the dead end. Olssons is currently doing a flow capacity test. Stone Bridge Creek is required to put in a water main on 14<sup>th</sup> St. from Humphrey Rd. to Alvo Rd. as part of their annexation

agreement. He understands they have run into financial troubles. City staff has been talking with the new owner. The timing is still being worked on. Julesberg Dr. is designed as 66 feet right-of-way. He believes that is the minimum for a commercial street.

Esseks wondered if Public Works Engineering takes into issue a school and a commercial district. Cajka knows there are high schools located next to commercial areas.

Cajka is agreeable to Don Day's proposed amendment to condition 1.1.7.

Response by the Applicant:

Don Day is looking into the water main issue. They will be doing a fire flow study. They will have that information. If they have to, a 24 inch water main will be installed. They believe there is a way to get that done before the school opens for occupancy. They have been in discussions with Public Works.

Esseks asked since LPS is a major land user, if there is some sort of procedure to interact with other land users. Wieskamp replied that there are numerous contacts and discussions with landowners. They are projected to have in excess of 400 students the day they open this school. They feel this is a very adequate site for an elementary school. They have spent a lot of time with staff dealing with traffic of all kinds. They don't have all the problems solved yet but they feel they have solved the most of the problems the best that they could. He appreciates the effort.

Esseks wondered if it is prudent to locate at the end of the city's boundaries. Wieskamp would repeat that they plan to open with 400 students and they believe the facility will be full or near capacity. Campbell, Belmont, other schools in the area all have portables on their sites. They are at or above capacity.

Gaylor-Baird wonders how being on the edge enables students to walk to school. Wieskamp noted that today's parent is less likely to have their child walk to school. There will be good walkways and marked crosswalks. Bike paths have been looked at. They work with Parks and Recreation.

Don Day pointed out the location of the pedestrian crossing.

**ANNEXATION 07004**

**ACTION BY PLANNING COMMISSION:**

February 27, 2008

Taylor moved approval, subject to an annexation agreement, seconded by Sunderman and carried 7-0: Gaylor-Baird, Carroll, Cornelius, Esseks, Francis, Sunderman and Taylor voting 'yes'; Larson and Moline absent. This is a recommendation to the City Council.

**CHANGE OF ZONE 07062**

**ACTION BY PLANNING COMMISSION:**

February 27, 2008

Taylor moved approval, seconded by Francis and carried 7-0: Gaylor-Baird, Carroll, Cornelius, Esseks, Francis, Sunderman and Taylor voting 'yes'; Larson and Moline absent. This is a recommendation to the City Council.

**PRELIMINARY PLAT 07005**

**ACTION BY PLANNING COMMISSION:**

February 27, 2008

Taylor moved conditional approval with the amendment requested by the applicant, seconded by Sunderman.

Esseks would like to commend the school district for their interactions with other landowners and developers.

Gaylor-Baird wanted to know if the adequacy of fire protection was identified in the conditions. Rick Peo of City Attorney's office stated that the applicant has to comply with the conditions. The water problem must be resolved so that fire protection is available.

Carroll stated that LPS works with a lot of landowners in the area. He appreciates the forward planning of LPS.

Motion for conditional approval as amended carried 7-0: Gaylor-Baird, Carroll, Cornelius, Esseks, Francis, Sunderman and Taylor voting 'yes'; Larson and Moline absent. This is final action, unless appealed to the City Council within 14 days.



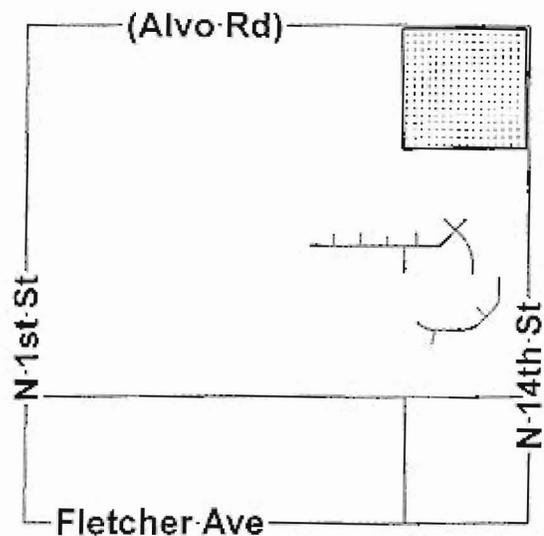
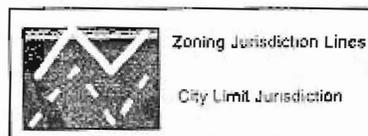
**Change of Zone #07062, Annexation #07004  
& Preliminary Plat #07005  
N 14th St & Alvo Rd**

2005 aerial

**Zoning:**

One Square Mile  
Sec. 35 T11N R06E

- 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
- D-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



**LEGAL DESCRIPTION  
PRELIM. PLAT AND  
CHANGE OF ZONE**

A LEGAL DESCRIPTION FOR A TRACT OF LAND COMPOSED OF LOT 15 I.T., LOCATED IN THE NORTHEAST QUARTER OF SECTION 35, TOWNSHIP 11 NORTH, RANGE 6 EAST OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 15 I.T., SAID POINT BEING 33.00 FEET SOUTH OF THE NORTH LINE OF SAID NORTHEAST QUARTER AND ON THE SOUTH LINE OF ALVO ROAD RIGHT-OF-WAY, SAID POINT BEING **THE TRUE POINT OF BEGINNING**; THENCE EASTERLY ALONG THE NORTH LINE OF SAID LOT 15 I.T., SAID LINE BEING 33.00 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID NORTHEAST QUARTER, SAID LINE ALSO BEING THE SOUTH LINE OF SAID RIGHT-OF-WAY, ON AN ASSUMED BEARING OF SOUTH 89 DEGREES 54 MINUTES 25 SECONDS EAST, A DISTANCE OF 1,350.16 FEET TO THE NORTHEAST CORNER OF SAID LOT 15 I.T., SAID POINT BEING ON THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 35; THENCE SOUTH 00 DEGREES 21 MINUTES 02 SECONDS WEST ALONG THE EAST LINE OF SAID LOT 15 I.T., SAID LINE BEING THE EAST LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 1,290.48 FEET TO THE SOUTHEAST CORNER OF SAID LOT 15 I.T.; THENCE NORTH 89 DEGREES 54 MINUTES 39 SECONDS WEST ALONG THE SOUTH LINE OF SAID LOT 15 I.T., A DISTANCE OF 1,350.16 FEET TO THE SOUTHWEST CORNER OF SAID LOT 15 I.T.; THENCE NORTH 00 DEGREES 21 MINUTES 02 SECONDS EAST ALONG THE WEST LINE OF SAID LOT 15 I.T., A DISTANCE OF 1,290.57 FEET TO THE POINT OF BEGINNING. SAID TRACT CONTAINS A CALCULATED AREA OF 1,742,398.63 SQUARE FEET OR 40.00 ACRES, MORE OR LESS.

JAN 30 2008

Tuesday, January 22, 2008

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January 30, 2008

Mr. Marvin Krout  
Planning Department  
555 South 10<sup>th</sup> St., Suite 213  
Lincoln, NE 68508

Re: Kooser Addition (Formally submitted as Parrott Addition)  
Annexation / Preliminary Plat / Change of Zone  
OA Project No.: 007-1744

Dear Mr. Krout:

On behalf of the owner, Lincoln Public Schools, we are requesting annexation into the City of Lincoln for the proposed Kooser Addition (see attached annexation exhibit). We are submitting a preliminary plat and are requesting a change of zone for the property from AG to R-3.

Please note that we previously submitted on November 19, 2007 for a change of zone, annexation and preliminary plat under the name of Parrott Addition. That request had included portions of property owned by Lincoln Public Schools (LPS) and Douglas Parrott. Since that date, LPS has decided to move their site entirely onto the property that they currently own.

When meeting with City of Lincoln Planning Staff, we were told to resubmit the plans, legal descriptions and drainage study. They stated that the application and filing fee previously submitted would be sufficient.

The proposed property will encompass the future location of the new public elementary school, Kooser Elementary. We have met on a number of occasions with staff from the Public Works Department and Planning Department to discuss the issues surrounding the project. We feel that we have made excellent progress during those meetings and the design of the site reflects the comments we received from both departments.

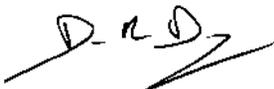
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Enclosed find the following documents for the above-mentioned project:

1. 21 copies of the Site Plan (Sheets 1-2)
2. 9 copies of the Grading and Drainage Plan (Sheet 3)
3. 5 copies of the Paving Profile Sheets (Sheets 4-7)
4. 1 copy of the Legal Description for Annexation,
5. 1 copy of the Legal Description for Preliminary Plat and Change of Zone
6. 3 copies of a Drainage Study
7. 1 - 8 ½ x 11 site plan

Please let me know if you have questions or require additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "D. R. Day", with a stylized flourish extending from the end of the signature.

Don R. Day, PE

Cc File, Scott Wieskamp, Lincoln Public Schools

### **Siting Process**

As part of development proposals that include a proposed Neighborhood Center, the exact location and land use composition of the Center should be determined. If the neighborhood center is in conformance with the Comprehensive Plan and is approved, the Planning Director may administratively update the Comprehensive Plan to reflect the specific location.

### **Floor Area Incentive**

New Neighborhood Centers will typically range from 50,000 to 150,000 square feet of floor area per square mile of urban use, and there will be two neighborhood centers within a square mile of urban use. For centers meeting the incentive criteria a bonus then a 50% floor area bonus of up to 25,000 SF of retail space and 50,000 SF of office space could be added to the 150,000 SF total, for a center total of 225,000 square feet.

## **MIXED USE OFFICE CENTERS (O)**

### **Center Size**

Centers will develop typically with 250,000 SF or more. Existing centers may be as small as 150,000 SF. New centers should have retail space to serve office tenants, which may also serve adjacent neighborhoods. In general, centers should have a tenth to a quarter of their space in retail uses.

### **Description**

Mixed Use Office Centers are to provide a high quality office environment with some supportive retail and service uses. Centers are designed to encourage office uses to locate together, rather than dispersed on single sites, in order to maximize transportation access and have enough mass to support retail and services within the center. Office uses benefit from the mix and employees are more satisfied with the work environment when retail uses are within walking distance. A good example of a Mixed Use Office Center is Fallbrook which has within 560,000 SF of office uses around a 120,000 SF "neighborhood" type retail center – which is 18% of the total space. Existing office parks may have little or no retail space, but are encouraged to add retail and services space as they continue to develop or redevelop.

### **Center Spacing**

Mixed Use Office Centers should be generally dispersed throughout the community. They may be across the street from a Neighborhood or Community Center. (Office uses across from a Regional Center, should be integrated into the Regional Center.) May include: 1) light industrial centers in I-3 Employment Center zoning which are developing with predominately office type uses; 2) up to 25% retail space and up to 150,000 square feet; and 3) single retail users less than 50,000 square feet.

### **Location Criteria**

The general location of future Mixed Use Centers are indicated in advance in the Comprehensive Plan. New locations can be designated in the Comprehensive Plan as part of the development review process.

### **Locations**

Centers are existing, underway or planned at:

- S. 84th & Pioneers Blvd., Pioneer Greens office park
- 74th & O Street, Corporate Centre
- S. 14th & Old Cheney, I. T. I.
- S. 27th & Yankee Hill Road, Wilderness Woods Office Park
- S. 70th & A Street, Lincolnshire Office Park
- S. 84th and Van Dorn, Firethorn Office Park (Lincoln Benefit Life)
- S. 84th & O Street, State Farm Regional HQ
- S. 14th & Pine Lake Road, Horizon Business Center (incl. industrial)
- N. 27th and Interstate 80, Stonebridge Creek (incl. industrial)

### ***Floor Area Incentive***

New Community Centers will typically range from 300,000 to 400,000 square feet, and should have a minimum of 10% of their total floor area in office use. However, centers that follow most, if not all, of the incentive criteria listed at the end of this section, may be appropriate to develop with up to 200,000 sq. ft. of additional space (as long as at least 20% of the total space in center is in office space) for a total of 600,000 square feet. A desirable example, for the total space in the center might be divided into a mix such as 120,000 SF in office space (minimum 20%), 360,000 SF of anchors (maximum 60%) and 120,000 SF in smaller stores.

## **NEIGHBORHOOD CENTERS (N)**

### ***Center Size***

Neighborhood Centers typically range in size from 50,000 to 150,000 square feet of commercial space, with those meeting the incentive criteria having up to 225,000 square feet. Existing centers may vary in size from 50,000 to 225,000 square feet.

### ***Description***

Neighborhood centers provide services and retail goods oriented to the neighborhood level, with significant pedestrian orientation and access. A typical center will have numerous smaller shops and offices and may include one or two anchor stores. In general, an anchor store should occupy about a third to half of the total space. In centers meeting the incentive criteria, anchor store(s) may be larger noting that the goals of a Neighborhood Centers are to be diverse and not simply one store. Examples include such as *Lenox Village at S. 70th and Pioneers Boulevard*, and *Coddington Park Center at West A and Coddington*. These smaller centers will not include manufacturing uses.

### ***Market Area***

These centers typically serve the neighborhood level. It is anticipated that there will be two neighborhood centers per one square mile of urban use. For areas of less than one square mile, the number of the centers will be reduced.

### ***Center Spacing***

Neighborhood Centers should be located approximately a ½ mile apart, depending upon their size, scale, function and the population of the surrounding area. When located at intersections, they should also not be located across an arterial street from a Community Center or another Neighborhood Center.

### ***Criteria***

Neighborhood Centers are not sited in advance on the land use plan.

Neighborhood Centers should generally not develop at corners of intersections of two arterial streets due to limited pedestrian accessibility and impact on the intersection – locations 1/4 to 1/2 mile from major intersections are encouraged, particularly if there is to be more than one commercial center within a square mile of urban residential use. There may be circumstances due to topography or other factors where centers at the intersection may be the only alternative.

When a square mile of urban use contains a Community or Regional Center, and that center includes many of the uses found in a neighborhood center, then only one neighborhood center would be approved within that square mile.

### ***Proposed Locations***

During the planning period many additional neighborhood centers will be needed. These centers are not identified on the land use plan and will instead be located as part of plans for future neighborhoods based on the commercial guidelines.



