

## FACTSHEET

**TITLE:** **CHANGE OF ZONE NO. 15014**  
R-1 to R-2 Residential - (Southwest of the intersection of Old Cheney Road and Norman Road)

**BOARD/COMMITTEE:** Planning Commission

**APPLICANT:** Patrick Day, Dial Real Estate Consultants, LLC

**RECOMMENDATION:** Approval (8-0: Beecham, Cornelius, Corr, Hove, Lust, Scheer, Sunderman and Weber voting 'yes; Harris absent').

**STAFF RECOMMENDATION:**  
Approval.

**OTHER DEPARTMENTS AFFECTED:** N/A

**SPONSOR:** Planning Department

**OPPONENTS:** Yes; See Exhibit A, p.36-93, and minutes, p.12-18 and p.25-26.

**REASON FOR LEGISLATION:** Request for change of zone from R-1 Residential to R-2 Residential on property generally located southwest of the intersection of Old Cheney Road and Norman Road.

### **DISCUSSION / FINDINGS OF FACT:**

1. This change of zone request and the associated Special Permit No. 15035 (Bill # 15R-151) were heard at the same time before the Planning Commission.
2. The purpose of this change of zone from R-1 Residential to R-2 Residential is to allow a Residential Healthcare Facility that includes assisted living, memory care and independent living units for a total of 258 persons on approximately 13 acres.
3. The staff recommendation to approve the change of zone request is based upon the "Analysis" as set forth on p.4-6, concluding that assisted living, memory care and independent living dwelling units will continue to increase in demand as the population of our community continues to age. Residential Healthcare facilities with varying levels of care can be compatible with other residential uses. Although this project has single family on two sides it has commercial zoning to the east as well as additional golf course land that is likely to redevelop in the future. The northern boundary of this Change of Zone is Old Cheney Road. This proposal is in conformance with the Comprehensive Plan.
4. The applicant had 5 meetings with the neighbors and neighborhood representatives prior to the Planning Commission hearing. Two more meetings were held with the neighbors during a two week deferral and 2 more are scheduled prior to the City Council hearing. The purpose of the meetings is to develop a compromise solution to issues regarding height, setbacks, density, landscape screen, and building elevations related to the special permit for a residential healthcare facility.
5. The staff presentation is found on p.8-9.
6. The applicant's testimony is found on p.9-12 and 24-25, and the applicant's response to the opposition is found on p.19-22.
7. Testimony in opposition is found on p.12-18 and 25-26, and the record consists of 42 letters of opposition (Exhibit A on p.36-93).
8. On June 10, 2015, the Planning Commission voted 8-0 (Beecham absent) to grant a 2-week deferral at the request of the applicant.

## FACTSHEET CONTINUED

**TITLE: CHANGE OF ZONE NO. 15014**

9. On June 24, 2015, the Planning Commission voted 5-2 (Harris and Sunderman dissenting; Cornelius and Weber absent) to defer action on this change of zone and related special permit for two weeks with continued public hearing limited to new testimony only July 8, 2015. During this 2-week period, the applicant agreed to have an additional meeting with the neighbors to work out further details.
10. On July 8, 2015, the Planning Commission voted 8-0 (Harris absent) to recommend Approval on this change of zone application. The Planning Commission also voted 8-0 to recommend Conditional Approval of the associated Special Permit No. 15035 (Bill No. 15R-151) as amended.

**FACTSHEET PREPARED BY:** Geri Rorabaugh, Administrative Officer

**DATE:** July 15, 2015

**REVIEWED BY:** David R. Cary, Acting Planning Director

**DATE:** June 15, 2015

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**LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT**

**for JUNE 10, 2015 PLANNING COMMISSION MEETING**  
**\*\*As Revised and Recommended for Conditional Approval**  
**by Planning Commission: 07/08/15\*\***

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.

**PROJECT #:** Special Permit No. 15035  
Change of Zone No. 15014

**PROPOSAL:** A request per Section 27.63.530 for a Residential Healthcare Facility that includes assisted living, memory care and independent living units for ~~285~~ 258 persons and a Change of Zone from R-1 Residential to R-2 Residential.

**LOCATION:** Old Cheney Road and Norman Road

**LAND AREA:** 13 acres more or less

**EXISTING ZONING:** R-1 Residential

**CONCLUSION:** Assisted living, memory care and independent living dwelling units will continue to increase in demand as the population of our community continues to age. Although this project has single family dwelling units on two sides it provides setbacks far above what would be required by zoning, which supports the waiver for taller buildings closer to Old Cheney Road and the rezoning to R-2. Subject to the conditions of approval, this proposal is in conformance with the Comprehensive Plan.

<b>RECOMMENDATION:</b>	Conditional Approval
Waivers/modifications:	
1. Title 26, Section 26.23.125 to waive the requirement to provide a pedestrian easement for a block length exceeding 1,000 feet.	Approval
2. Title 26, Section 26.23.130 to allow a block length to exceed 1,320 feet.	Approval

3. Title 27, Section 27.72.030 to allow height limitations of buildings to increase from 35 feet to ~~55~~ 45 feet.

Approval

**GENERAL INFORMATION:**

**LEGAL DESCRIPTION:** See attached legal description

**EXISTING LAND USE:** Golf Course

**SURROUNDING LAND USE AND ZONING:**

South/West: R-1 Single family dwellings

North: R-1 Residential - with a 4 lane arterial Old Cheney Road separating the single family lots to the north from this site .

East: R-1 Residential - with a golf course and special permit for parking in a residential zoning district.

B-1 Local Business District - club house including restaurant and swimming pools

**HISTORY:** See attached history document

**COMPREHENSIVE PLAN SPECIFICATIONS:** This property is shown as open space on the 2040 Future Land Use Map.

The 2040 Future Land Use Map shows this property as Green Space. Page 1.9

The number of people in Lancaster County aged 65 and older is projected to increase by about 44,000 to reach about 75,000 in 2040. Page 2.4

Issues relating to an aging population will increase in importance as more and more individuals reach the age of 65 and above. New assisted living and nursing facilities will likely be needed as Baby Boomers move into their later years. Page 2.4

Expansions of existing health care locations are expected and a wide variety of new facilities will likely come forward over time. Page 5.3

Provide a wide variety of housing types and choices for an increasingly diverse and aging population. Page 7.2

Develop Lincoln as a major network of quality regional health care services at reasonable costs. Page 8.2

Encourage health care service facilities to meet the demand of the community's growing and aging population base. Page 8.3

Medical services, including physical and mental health care services, should be integrated and accessible within the community. Page 8.3

Many of the existing medical facilities are located near existing residential neighborhoods and are expected to remain the vital core of health care services in the county and region. Page 8.3

Provide for accessible physical and mental health care services in appropriate areas in and around residential neighborhoods. Page 8.7

Plan for further construction on medical campuses. Page 8.7

The demand for health care services increases as a result of the community's growing and aging population. Page 8.7

**UTILITIES:** Existing

**TOPOGRAPHY:** The site generally slopes down toward Old Cheney Road.

**TRAFFIC ANALYSIS:** Old Cheney Road is a minor urban arterial street. Norman Road is a local street.

**PUBLIC SERVICE:** This development will have not have a negative impact on public services.

**REGIONAL ISSUES:** There are very few residential healthcare facilities located in southwest Lincoln east of S. 27<sup>th</sup> Street.

**ENVIRONMENTAL CONCERNS:** All grading and drainage shall be approved by the Public works and utilities Department and shall show no impact on surrounding properties. Trees to remain or be moved shall be specifically indicated on a landscape plan approved by the Planning Director.

**AESTHETIC CONSIDERATIONS:** There are no design standards for this area

**ALTERNATIVE USES:** Single family or two family residential dwellings.

**ANALYSIS:**

1. This property is zoned R-1 today and has a special permit for a community unit plan (CUP) that was originally approved in 1953. The original community unit plan included lots that surrounded a private park. Sometime after the adoption of the CUP the private park was converted to a private golf course. There is no original special permit for the golf course because golf courses were a permitted use in residential zoning districts prior to the 1979 zoning update. The applicant proposes to convert a portion of the existing golf course into a residential healthcare facility.

2. The City of Lincoln Zoning Ordinance defines residential healthcare facility as “*a building or structure that is to be used in a residential nature, licensed or approved by the state or an appropriate agency, if required. Residential health care facility could include but would not be limited to the following types of facilities: Assisted Living, Nursing Care, Convalescent Home, Hospice Home, Group home for 16 or more people and Intermediate Care.*”
3. This proposal is for a ~~285~~ 258 person residential healthcare facility that includes a mix of memory care, assisted living and independent living units. It also includes a change of zone from R-1 Residential to R-2 Residential.
4. The special permit for a residential healthcare facility allows a lot area ratio of 1 resident per 3,000 square feet in the R-1 zoning district and 1 resident per 2,000 square feet in the R-2 zoning district. This site is approximately 13.09 acres and would allow for 190 residents per the R-1 and 285 residents per the R-2.
5. The residential setbacks for the R-1 zoning district are 20 feet for the rear yard, 10 feet for the side yard and 30 feet for the front yard. The applicant is proposing a minimum 81 foot rear yard setback to the west, a 101 foot side yard setback to the south and a 25 foot front yard setback to the east and north.
6. The height limit for both the R-1 and the R-2 zoning districts is 35 feet. The applicant is asking for a waiver to the maximum height requirement to increase the height of the independent living wing from 35 feet to ~~55~~ 45 feet. The building for which the increase in height has been requested is proposed to be located near Old Cheney Road. It is also shown on the site plan to have a minimum setback of 113 feet from the residential lots to the west, mitigating the impact of the increase in height. The increase in height allows for the greater setback to the neighbors as well.
7. Waivers to the block length and pedestrian connection requirements have been requested. This site is intended to develop as a campus with no internal street system. The developer will provide a pedestrian circulation plan that provides access to public sidewalks located in the abutting rights of way. The block length has already been set by the existing development to the west.
8. The parking, loading, and garbage areas will be located in front of the building along Norman Road to buffer the adjacent neighbors from this activity.
9. The parking requirement for this development will be met with a mix of surface and underground parking.
10. If this lot were to develop as R-1 single family it could produce approximately 38 single family lots or 53 attached single family lots. Information provided to staff by the developer shows that the International Traffic Engineering (ITE) study estimated Average Daily Traffic (ADT) generated by the proposed residential healthcare facility at 260 trips with the single family at 380 trips and attached single family at 530 trips.

11. A landscape plan needs to be submitted showing the preservation of specific existing trees and additional landscaping along the south property line to the satisfaction of the Planning Director. At a minimum the same screening requirements that apply to multifamily should be applied along the south lot line.
12. The applicant requested a sign waiver in their attached application letter. That waiver is no longer being requested as part of this application.
13. Staff supports the change from R-1 Residential to R-2 Residential and the associated increase in the number of allowed residents due to the type of facility that is being permitted. The residents are elderly and generally cause less noise, traffic and have an overall lower impact on surrounding properties than other residential uses. In exchange for more allowable residents and taller buildings the developer is providing more green space and greater setbacks than what would be required by the zoning district.

Prepared by

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**DATE:**      May 28, 2014      **REVISED 7/9/2015**

**APPLICANT:**      Patrick Day  
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**OWNER:**              South Hills Inc  
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**CONTACT:**          Kent Seacrest  
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**CHANGE OF ZONE NO. 15014  
AND  
SPECIAL PERMIT NO. 15035**

**PLANNING COMMISSION MEETING:**

June 10, 2015

**REQUESTS FOR DEFERRAL:**

- 2) Request of Kent Seacrest representing Dial Real Estate Consultants, Inc., for a 2-week deferral on Agenda Items 4.7a and 4.7b:

**CHANGE OF ZONE NO. 15014, R-1 RESIDENTIAL TO R-2 RESIDENTIAL ON PROPERTY GENERALLY LOCATED AT SOUTHWEST OF THE INTERSECTION OF OLD CHENEY ROAD AND NORMAN ROAD**

**AND**

**SPECIAL PERMIT NO. 15035, TO ALLOW THE CONSTRUCTION OF A RESIDENTIAL HEALTHCARE FACILITY AND ALLOW WAIVERS TO ADJUST THE HEIGHT REQUIREMENTS, AND ELIMINATE BLOCK LENGTH AND PEDESTRIAN EASEMENT REQUIREMENTS, ON PROPERTY GENERALLY LOCATED ON THE WEST PORTION OF THE KNOLLS COUNTRY CLUB, NORMAN ROAD AND OLD CHENEY ROAD.**

Members present: Lust, Scheer, Hove, Weber, Corr, Harris, Sunderman and Cornelius; Beecham absent.

There was no one present to provide testimony; therefore, no public hearing was held on these two applications.

Scheer moved to defer the public hearing on these two applications; seconded by Hove. Motion carried 8-0: Lust, Scheer, Hove, Weber, Corr, Harris, Sunderman and Cornelius voting 'yes'; Beecham absent.

**PUBLIC HEARING BEFORE PLANNING COMMISSION:**

June 24, 2015

Members present: Lust, Scheer, Hove, Corr, Harris, Sunderman and Beecham; Weber and Cornelius absent.

Staff recommendation for both Change of Zone No. 15014 and Special Permit No. 15035: Conditional Approval.

Commissioner Lust disclosed that Trev Peterson is her law partner and he discussed the application with her. Lust encouraged him to put his opposition in writing and submit it. Mr. Peterson sent an email in opposition.

Commissioner Hove stated that he lives fairly close to this neighborhood and has some friends in the neighborhood – Michael Johnson and Barbara Keating. They both talked him and he explained the process. Both Mr. Johnson and Ms. Keating have sent letters that express their opinion. Everything discussed with him were included in the letters.

Commissioner Beecham received a couple phone calls from individuals inquiring about the best way to contact the Planning staff. She referred them to the email address and stated that everything would be forwarded to the Planning Commission.

Staff Presentation: **Christy Eichorn of Planning staff** provided an overview of The Knolls development, the community unit plan and the golf course. She noted that the applicant will more specifically explain the proposed amendments to the plan as a result of some discussions they have had with the neighbors. Eichorn stated that there were two neighborhood meetings held prior to the application, which she did attend. She has not attend any of the neighborhood meetings that have occurred since the application was formally made.

Eichorn noted that in 1955, The Knolls was developed. It came in as one of the first community unit plans in Lincoln. The site plan that was approved was very general – it showed the lots and an area for a private park. In the early 1960's, the community unit plan was amended to change the private park to a chip-and putt golf course. Prior to 1979, golf courses were allowed in residential zoning districts. After 1979, they were considered a recreational facility and, therefore, required to be approved by a special permit. The Comprehensive Plan refers to golf courses, green space and open space. When you look at the land use map, you can see that The Knolls golf course is colored green on the map. When development comes in on private property, they consider this to give them guidance. On Page 12.4 of the Comprehensive Plan, it indicates that privately-owned green space, such as golf courses, may also be appropriate to be considered for future urban residential development. This phrase is used as the core in the decision-making process when supporting or not supporting a different type of development. Because the golf course is private property, they know that it will be sold and potentially become some other use.

Eichorn explained that the property is currently zoned R-1, which is single or two-family residential uses or single-family attached residential uses. There are generally setbacks of 20 feet for the rear yard and 10 feet for the sideyard setback. The applicant submitted a request for a residential healthcare facility on this property. The staff considered the setbacks of the structure, where it would be located on the property, and the general impact on the property and the surrounding neighbors on two sides by single-family residential lots. The applicant's plan includes a structure that is moved closer to Norman Road and away from the residential units with a minimum setback on one side of 81 feet and a maximum setback for the taller buildings of 113 feet. In the R-1 zoning district, if it was single-family residential, a 20-foot setback is required. In general, when asked to approve an increase in the height of a building, staff consider the setbacks and how they mitigate the impact of the increase of height by using a common equation for all developments – if you increase height by one foot, then you should increase the setback at least one foot. This requirement was shown on the site plan with the taller building being set back 113 feet from the residential property line. The applicant also submitted a revised, more specific

landscape plan, which meets the same standards used for a multi-family building, which would not normally be required with a residential healthcare facility. Eichorn stated that residential healthcare facilities are a special permitted use and not a use by right. Staff felt it was appropriate to bring to the Planning Commission with the idea of how they could mitigate the impact of that use on this site for consideration.

Eichorn further explained that the department did receive letters in opposition, which were forwarded to the Planning Commission. One of the main points of opposition includes the change of zone. The applicant is asking for the change of zone to get the density that they feel is needed in order to make this a productive development based on the number of acres that they have. There is also opposition to the height, as generally, the surrounding buildings are single-family residential with a maximum height of 35 feet – thus, this would be a 20-foot increase over the height that is approved in the residential zoning district. There is also opposition to the building design. Eichorn noted that there are no building design standards today in this residential area. There are covenants but the covenants do not apply to the golf course only to the residential lots that surround it. The city does not enforce covenants, as they are considered a civil matter. Eichorn stated that there is also a desire to keep this as green space. Although this is private property, there are no city departments that indicated to the Planning Department that they had the ability to purchase the property for public park space or public green space anytime in the near future.

#### Question of Staff:

Beecham asked Eichorn to explain the topography of Norman Road in conjunction to the neighborhood. Does it go downhill towards the neighborhood? Eichorn stated that there is some slope but recommended that Mark Palmer with Olsson Associates explain it.

#### Proponents:

**1. Pat Day, 1427 South 184<sup>th</sup> Circle, Omaha, NE, Dial Retirement Community**, the applicant, came forward. Day explained that they own and management retirement community throughout Iowa, Omaha, and Kansas City. They have been looking at the Lincoln area for many years and found The Knolls site several years ago and purchased the property. This is an infill location with many quality neighborhoods around it. They are proposing 190 units – 110 units for independent living, 60 units for assisted living and 20 units for memory care. The assisted living structure would be two stories. The common area, which is the clubhouse, would be one story high and consist of dining, theater, swimming pool etc., and the independent living structure would be three stories.

**2. Kent Seacrest, representing Dial Real Estate Consultant, LLC**, came forward and stated that Mark Palmer of Olsson Associates, and Eric Westman, Architect with Alley Poyner in Omaha, are also present to address design-related questions. Seacrest explained that they met with the full neighborhood two times prior to submitting their application - March 26, 2015 and May 11, 2015. They had good attendance and lots of heated discussion during these meetings. After submitting the application, they continued the dialogue with a neighborhood steering committee that was formed to help guide their interests, which included Mark Hunzeker. There additional meetings were held with the smaller group, showing them a series of site plans. From the time they started with the full neighborhood group through the steering committee meetings, they have revised the site plan six times, with the latest site plan being reduced in size and creating more buffer for

the neighbors. They got very close on the site plan at the last meeting, which was held on Monday. Some of the changes are identified in the motion to amend, which was previously provided to the Planning Commission; however, Seacrest provided a modified motion to amend, which adds a new condition regarding storm water. The new note indicates that they will do the storm water detention analysis study for Public Works to their satisfaction and will show the storm water enhancements and improvements necessary to the satisfaction of the Public Works' Director. They are voluntarily doing this. The Planning Department has recommended approval of the original plan with the original waivers but Dial is willingly going the extra mile and make it right as best they can from the neighbor's point of view.

Seacrest noted that they originally applied for 285 persons. He referred to a conversion table indicating that for a residential healthcare facility this equates to 210 units. They have voluntarily reduced the number of persons to 258 or 190 units, or a 10 percent reduction. They have also reduced the height, as part of the structure was four stories and it is now three stories at the highest point. The independent care area is now three stories. Because of the elevation, there are some varying heights as the elevations reduce. There will be no maintenance buildings in the back. They are asking for a formal substitution of a site plan, which creates bigger buffers from the homes. They are also committed to doing a landscape plan. It was agreed that once the site plan was developed, they could better identify where the placement of the trees, etc. The developer has agreed to meet with the neighborhood group four more times to work on the landscaping and drainage. The Planning Department staff will be invited to attend.

Seacrest identified three golf holes along the edge of the property and they are pushing the building out from that area. The main set of trees will be up against the neighbors. The drainage will go down the fairway so as not to flood any neighbors. They have added a note in terms of posting a bond that if they don't have the landscape screen in by the time they occupy, they will be bonded to guarantee that it will go in, which is a commitment they made to the neighbors. The applicant has agreed to use 60 percent brick on the facade, as indicated in the neighborhood's covenants. During the next couple of weeks, they will be working on these components and then will be able to provide a better design.

#### Questions of the Applicant:

Beecham asked if they know what the exterior is going to look like. Seacrest indicated that there are old pictures but they are not worth showing because there is a strong desire for a certain design with more brick. They have two weeks to show the neighbors the revised materials. He stated that this will be a higher end retirement community, which will be very nice.

Hove indicated that he is concerned that there are no design standards that apply to this and asked if an architect and civil engineer will be presenting to the neighbors at the four meetings that are to take place and basically go through a design process with them – the design standards are essentially being developed with the neighbors as the building is being developed. Seacrest stated that the developer will present and the neighbors will respond.

They also plan to go out to the site and physically identify where the trees will be placed. There is a good screen for most of the neighbors, but not all. They are going to move 20 existing trees to fill in the edge.

Hove asked who will decide – the neighborhood or the developer? Seacrest indicated that there is no standard for design for this project. The goal is to have a landscape plan, elevations and skin drawings after the next four meetings to show the City Council and they hope that the neighbors are in agreement. Design is normally not a formal function of the review process but they are willing to make it that, realizing that there are no specific design guidelines. They will be working with the neighbors to create them. They have committed to using 60 percent brick on all sides.

Hove stated that there are no design standards but noted that The Knolls and the maintenance structure are both 100 percent brick. Seacrest stated that all the residents of the facility need to have the ability to walk on the first floor which will be the connection throughout the structure. It will be a big building and they need to break it up; they do not intend to have one massive long wall of solid brick.

Hove asked if site views have been available so the neighbors can see the elevations of the structure that is being proposed. Seacrest stated that Mark Hunzeker had suggested this at the last meeting. Seacrest stated that some neighbors are so high that they will look down on parts of the project. The site views have not been done yet but they are committed to show different cross sections so that the neighbors can see.

Beecham indicated that some of the concerns relate to losing the green space. She asked if there will be any sort of walking trails. If so, will they connect to the sidewalk along Old Cheney or will it be a fully private trail system. Mr. Day indicated that it will likely be a more private trail system for their customers. It is not likely that the trail would connect to Old Cheney due to the grade change. The trail will need to be fairly flat and would hookup with their common area.

Hove asked if most of the trees between the residences and the proposed building will be retained. Day stated that they have pushed the building as far east and north as possible to retain as many of the trees as possible. Mark Palmer will provide ideas on how to do this in order to keep as many of the trees as possible.

Lust asked if the developer plans to keep the existing fairway. Seacrest explained that the fairway is open and, therefore, there are not many trees. The draining plan that Olsson Associates will be providing will be along the fairway. There will likely be a topography shift in the fairway but the intent is to keep the tree mass on both sides.

Harris asked if they know what the transparency level is on the west side of the building that faces the residential neighbors in terms of windows, doors, etc. Day explained that on the assisted living area, there will be windows but no patios. For the independent living units, which they have tried to minimize the number of units that face to the west, there will be windows and patios for each unit.

Corr asked for clarification on the independent living units. Are these apartments for seniors? Day indicated that their average age customer will be 83 to 84 years of age. These units will consist of a full kitchen with the ability to go either cook for themselves or go to the dining area for meals. In addition, they will have their own laundry units.

In response to a request of Beecham on the topography, **Mark Palmer of Olsson Associates** came forward. Palmer referred to the plan included in the staff report. He stated that it is one big bowl with a storm sewer that runs down the middle of the property, which will likely be relocated. Referring to the site plan, he referenced the varying elevations ranging between 1235 feet to 1265 feet with the elevation change. Palmer noted that there is a lot of grade across the site with the east side being higher. The west side is pretty consistent at 1250 elevation. He showed the original plan as it was submitted, which includes a couple of cross sections. One of the concerns of the neighbors is flooding or getting water onto their property. Palmer noted that the neighbors' properties are higher than the building. They are consistently at or below the neighboring property owners' elevations.

Beecham asked about the elevation along the proposed 3-story section of the building. Palmer indicated that the elevation of the road is about 1233. The first phase of the independent living area will have a basement garage so there is a fourth story underground with elevation at 1235. Because this area of the property is lower, they will need to fill it to get to 1235 feet. He identified the pipe that runs through the property and stated that there is significant drainage, and they will account for the flows that are coming through this property and draining north towards Old Cheney. They are obligated by the design standards to not discharge anymore water than what is existing today. They will be dealing with this as well as the amount of water that runs into the property on the south end.

Opponents:

**1. Mark Hunzeker, Attorney representing a group of neighbors in The Knolls and Rolling Hills**, came forward. Hunzeker stated that some of the neighbors he represents about this property and some live in the neighborhood and have an interest in this project. He noted that the original site plan and overall plan for the project was too dense, the buildings were too tall, too close to the abutting properties, and too many trees along the golf course were being destroyed. The most recent site plan represents significant improvements. The setbacks from the abutting properties are larger and they have been promised that the buildings will be less than 55 feet tall. There are still neighbors who are very much opposed to the proposed density regardless of the improvements to the site plan. There is some substantial basis in the zoning ordinance and historic treatment of applications such as this, in particular the density of the application that is being sought. The application requests two different uses under the zoning ordinance – elderly and retirement housing and residential healthcare. Hunzeker explained that elderly and retirement housing is defined as a residential development that incorporates specific features designed to alleviate access problems commonly experienced by the elderly and in which at least one occupant in each unit is more than 60 years of age. The residential healthcare facility is defined as a structure used in a residential nature, licensed or approved by the state or appropriate agency and could include things such as assisted living, nursing care, convalescent home, hospice home, etc. There are two separate uses in two separate use groups in the zoning ordinance but there is only one application for one type of permit for this project, which is inconsistent with the way these types of applications have been approved in the past. Hunzeker noted that the staff report provides no condition

with respect to occupancy of the independent living units being age 60 or above. There was no analysis of the two uses and no explanation of the density computation to reach a conclusion that up to 285 people was allowable under the single permit, which is now lower. Everyone of the recent applications for this type of project have both of these sections referenced in the permit resolutions, i.e. Savannah Pines, Legacy, The Landing, etc. In terms of the height requirements, the only time that height has been waived for a similar project, is when the project is located within a PUD – The Landing and Savannah Pines. Never has the height been waived when there hasn't been a building elevation attached to the permit. Recently, there have been a number where building elevations have been attached that were not height waivers, i.e. the Memory Care Unit at 25<sup>th</sup> and Old Cheney.

Hunzeker further stated that the neighbors believe that Dial has negotiated with them in good faith but they have reached a point where they believe they have had insufficient time to reach complete agreement on these issues. In addition, the staff and Law Department are objecting to some provisions of the original amendments by the developer. They are now faced with a choice of agreeing to continue this process without any assurance of backup from the Planning Department, or opposing the project, which they really don't want to do. Hunzeker suggested that a better course is to place this item on pending for action in two weeks when there would be more than a concept to act upon. Hunzeker stated that the Planning Commission is being asked to approve a rezoning and a revised site plan that was submitted today with an unprecedented height waiver and no visual representation for your review. In addition, there are no conditions with respect to the reduced parking ratios or the occupancy of the independent living. Because of the Independence Day holiday, this 2-week delay would only result in a 1-week delay at the City Council level, as there is no meeting on July 6.

Lust stated that the next meetings that are scheduled will occur on June 30, July 7, July 13, and July 15. She questioned if a 2-week deferral would be long enough. Hunzeker indicated he believes that the 2-week deferral would be sufficient to get them close enough that they could move onto the City Council. There will be additional developer/neighborhood meetings after the next Planning Commission meeting, but they are hopeful that they will reach a better agreement on some of these items in the next couple weeks.

Harris asked Hunzeker to review the main issues that they are hoping to resolve in the next two weeks. Hunzeker stated that they want to continue to discuss the density of the project - the number of units. They may not get what they want but there has been a reduction by 10 percent. When the number of units being proposed are considered and compared with other similar projects that could be done, this is substantial and is a huge increase in the number of units. He understands that these projects do not generate the same amount of traffic that would be generated by an ordinary apartment complex. However, the independent living component does imply a certain amount of normal activity and it has a different parking requirement than the healthcare facility. They also want to work with the developer on the height, the drainage plan, the landscape plan, and the rendering of the building's appearance. The appearance of the building is very important.

Harris asked if the majority of the neighbor group being represented is opposed to the zone change. Hunzeker stated that there is middle ground. They have proposed to the developer to reduce the density by another 20 units.

Lust asked for clarification in terms of what is still on the table. The motion to amend reduces the number of persons from 285 to 258. Do the neighbors still want fewer people? Hunzeker stated that this is correct. The developer did reduce the number of the persons at the last meeting, which is a step in the right direction.

Lust stated that there is also a reduction in height from 55 feet to 45 feet and asked if they are still wanting more reduction in height. Hunzeker stated that the number they heard is 42 feet – 45 feet is maybe not a big deal - but there is no condition in the staff report that talks about height. There are a number of those kinds of things which are not reflected in your report even though they are reflected in the letter. Lust stated that these items are in the applicant's motion to amend the conditions of approval. In addition, the neighbors also want approval of the landscaping and building skin.

**2. Sue Gardner, 6229 Barbara Lane**, came forward and stated that her property does not abut this proposed development but she has been following the developments of the neighborhood and has the same concerns. She noted that she is not represented by Mr. Hunzeker but she appreciates his comments. She submitted a letter addressing her concerns to the Planning Commission. She is opposed to the zoning change and the special permit. She believes it is a poor use of this area. She noted that the 2040 Land Future Land Use Map shows that this property is green space and open space and she would love to see remain that. In terms of aesthetics, there are covenants in place for this area. This area has a cultural norm about it – you see brick, the properties are set back from the street, the landscaping is beautiful, they are large ranch homes. The Knolls is an iconic neighborhood and it is a special place. She doesn't believe that this development is in character of how it was envisioned by residents in 1955. She indicated that there is so much open area around Southwest High School with very few mature trees – there is a lot of room there for development. She stated that she can walk to The Landing from her home, so they already have a facility in our general area. She just returned from a trip to Geneva, Switzerland and noted that there are green spaces everywhere. They develop to the character of the buildings of the ages. Even though they have modern buildings, they have the character of the older buildings. Gardner indicated that she doesn't want Lincoln to develop like Omaha is developing – it does not make it a lovely city. Lincoln is a lovely city. She thinks of it as a garden city. They moved to this neighborhood five years ago because it is so nice.

**3. Dan Marvin, 5918 Rolling Hills Boulevard**, came forward and stated that his property abuts this project. He stated that he is primarily opposed to the staff report written on June 10, and noted that some of the amendments being proposed have made this a far better project than what staff approved. He takes zoning changes as very serious. It is what neighbors invest in and when you change the rules of the game, you should have a good reason for that. The explanation of staff indicated that the developer came in, they looked at the property, they couldn't make enough money with the number of units that R-1 would allow, so it was decided to change the zone. Marvin stated that he has heard that the Planning Commission, the City Council and the Mayor have pushed for more density within the community – we need a more dense community and we need to accept this. Marvin read a section of the Comprehensive Plan in terms of the addressing density –

The city's primary strategy for residential infill and redevelopment outside the greater downtown is to encourage the redevelopment and reuse of sites, buildings and commercial areas in order to create new and mixed-use centers that are compatible and complimentary to adjacent neighborhoods. One-thousand well designed and appropriately placed dwelling units are projected for neighborhoods in the existing city.

Marvin stated that this original proposal for 210 units and the other side of The Knolls which hasn't been developed yet could conceivably include 400 of the projected new residential units that would be absorbed in this one square mile in Lincoln. Marvin noted that in terms of sharing the burden of a community-wide goal of increased density, The Knolls neighborhood is doing its part to absorb the density. This is why they have pushed the developer to consider reducing the density. Marvin believes that the Planning Department sees this an opportunity for increased density. How much additional density is needed. The four items of concern are density, height, landscaping and design. The developer has worked with them to address all four of these issues. Unfortunately, neighborhoods have to go out and hire attorneys because the department doesn't want to address these issues and it forces the neighbors to deal with it. He believes that they have a much improved project over what was originally approved.

Hove asked Marvin if he feels that a 2-week deferral would be helpful. Marvin indicated that this would work for him. They are not wanting to hold the developer up but they want to have some say in terms of the design and the landscaping. The neighborhood has had to step up and work out an issue that did not get addressed by the department.

Harris asked Marvin what density would be appropriate for him. Marvin stated that this is a tough question. He believes that three groups need to be involved in a zone change – the neighbors, the community and the developer. The only person in this case, was the developer. He doesn't believe that a healthcare facility or apartments for the elderly are a compelling community interest like a new Hudl or Assurity building is to the community. He doesn't have a number in mind but he is happy about the reduction in the height of the building.

The Planning Commission adjourned at 2:34 p.m. for the a 5-minute break.

The Planning Commission reconvened at 2:39, and Chair Lust called for additional testimony in opposition to Change of Zone No. 15014 and Special Permit No. 15035.

**4. John Badami, 5909 Norman Road,** came forth and stated that his property abuts this proposed project area. Badami grew up and was raised in this neighborhood. It is sad – they are losing a great amenity. They understand that things change. Badami asked for the Planning Commission's help in determining what the next chapter is for this site and suggested that it should not be taken lightly. He hopes that any potential new owner will be held to the same quality standard that has been established by the country club and the adjacent neighborhood. This area is a distinct district within the city. The country club is an aesthetically pleasing public place and a focal point that identifies the neighborhood. A precedent has been established in the area including one-half acre or more lots, low density, single-story, ranch-style homes with low pitched roofs and large overhangs with 80 percent brick or stone clad facades and well-landscaped yards. The next development should be equal to and enhance this established precedent, which would complement the neighborhood. The next owner of this site should meet the established standard to ensure that the quality of The Knolls/Rolling Hills district is maintained. On behalf of the

neighborhood, the Planning Commission is asked to assist on a design standard with the neighbors and the developer to ensure that the quality is met by providing a landscaping plan, facade material and a visual design of the facility and maintaining the R-1 zone.

**5. Scott Gardener, 6229 Barbara Lane,** came forward and stated that several neighbors have approached him with concerns and he wanted to do something. They formed a group referred to as Lincoln Citizens for the Protection of Green Space. He has submitted a couple letters to the Planning Commission. One of the main things they are opposed to is the designation of the R-1 to R-2 zoning change as well as the associated special permit. A change such as this will degrade the neighborhood and will permanently change the look and feel of the neighborhood. If you use Google Earth, you can see how this will impact the area. There are several houses for sale in the area due to the proposed development. This will negatively impact property values.

The group believes that this area could be better served by putting in a plant conservatory of which there has been some interest expressed for Lincoln. Gardner noted that there are no green space areas between 14<sup>th</sup> and 27<sup>th</sup> and Pine Lake and Old Cheney. There is a small area located near Scott School and north of the cemetery off of 14<sup>th</sup> Street.

**6. Richard Taylor, 5919 Norman Road,** came forward and indicated that his property is located near the golf course. He stated that The Landing is 150,200 sq. ft., Savannah Pines is 100,00 sq. ft., and this proposed building is 300,000 sq. ft., which seems to be a very large for the area. They are opposed to the zoning change, which allows them to build a larger building.

#### Questions for Staff:

Corr asked Eichorn to explain the difference between the group living use and the household living use group and why they are not separated for this project. Eichorn stated that two weeks ago they discussed the Eastmont project, which was within a planned unit development but similar in size to this proposed development and included independent living, assisted living and memory care. There was also another project located at South 84<sup>th</sup> Street, which was similar in nature. The reason for including these three group living uses is so that people can transition from one stage in life to another stage. Many years ago, the elderly housing permit came about because they generally have a different lifestyle and they generally don't do a lot partying, unlike student housing. The elderly housing special permit is geared towards people who are 65+ years of age who don't drive very much and generally only have two people in a unit, which can provide for density bonuses to allow more people than under multi-family development. Before use groups were established, they still had healthcare facilities, hospitals, etc. and they all had a different type of special permit. Because they were difficult manage and regulate consistently, five years ago they began to combine the use groups – residential healthcare facilities and non-residential healthcare facility. They look at the project as a whole rather than splitting them up with different special permits for each type of living use. They share common areas such as parking, eating facilities, classes, activities, and, therefore, they should be looked at as a single use and permit it as a single use.

Corr asked about the parking differences between these two use groups. Eichorn indicated that there is a slight parking difference. When considering the parking for this special permit, they made sure it is going to meet the elderly and retirement housing uses. They are proposing underground parking for this project in addition to surface parking. Staff is

asking that they meet the parking requirements for residential healthcare facility, which is 1 stall for every 4 residents and 2 stalls for every 3 employees on the largest shift.

Beecham asked Eichorn to review the density differences between R-1 and R-2. Eichorn referenced the number of people as opposed to the number of dwelling units, as it is much easier to enforce the number of people allowed in a facility. When using dwelling units, you can potentially have up to three unrelated persons living together in a unit; therefore, they cap the number of persons. If this stays R-1 zoning, the maximum number of residents would be 190, and with R-2 zoning, they could have a maximum of 285.

Hove asked if there are access issues with the ability for firefighter to get to the rear of the property. Eichorn stated that there is not an issue. She talked with two individuals from the Fire Department and asked them to specifically confirm that a fire access road would not be needed on the west side of the facility and they confirmed that this is not necessary and that access to the building from Norman Road is sufficient.

Harris asked if this property remained R-1, what would be 190 residents translate into in terms of units. Eichorn indicated that it would difficult to determine because you have the independent, assisted living and memory care. It is not certain if they would put one or two people in a memory care unit, etc. The applicant might be better able to address the question. This is what has caused confusion in the past.

Harris asked for legal advice in terms of the applicant's suggested amendment and the legality of the neighborhood meetings and the neighbors providing input on the landscaping plan. Do they need to abide by open meetings laws, etc. Rick Peo, Assistant City Attorney, stated that he believes that each body has to make a decision. The Planning Commission is charged to make a recommendation to the City Council based on the information that is provided today with certain conditions. It is not a good idea for the Planning Commission to make a recommendation on a plan that has not been fully agreed upon. However, it is appropriate to request a delay to refine a development but the recommendation should not be conditioned upon the neighbors agreeing. The Planning Commission should have enough information to base their decision upon.

Sunderman asked for clarification of staff about the number of dwelling units and traffic counts and how the traffic will flow through the neighborhood as well as the lack of design standards for projects such as these. Eichorn explained that they asked Public Works and the developer to provide additional information. If this special permit for a residential healthcare facility is not approved and the property remained R-1, then this property could be developed as single-family or single-family attached. Based on the number of single-family attached dwelling units, when compared to what they are proposing with this development, there would not be an increase in traffic per the information that was provided. The access would be from Norman Road and the access onto Old Cheney where there is currently a traffic light today. Therefore, the traffic impact would be the same or less if this special permit was not approved.

In terms of the design standards, it is a difficult to answer. Commissioner Harris previously asked what would be an appropriate number for density for this project. Eichorn explained that the Planning Department makes a best effort to come up with a density compromise based on the information that they have. There isn't a number that is going to satisfy everyone. There are people who do not want any development there, including single or two-family residential. There are people who don't mind the assisted living facility but they

want it to be smaller, but no one knows how much smaller. It is challenging for staff to come up with an exact number. Eichorn explained that the Planning Department is not approving the change of zone or the special permit. They are making a recommendation to the Planning Commission based on the conditions of the staff report. The Planning Commission then determines if this makes sense and makes a recommendation to the City Council, possibly with a change to the conditions. The conditions that were provided by Seacrest make sense because they are a good follow-up to the community discussions that have occurred after the application was made. There are measurable items within the conditions that can be considered, i.e. using 60 percent brick. If this is not carried out, they have something they can fall back on. If the Planning Department staff would have made some of these decisions described in the earlier testimony today prior to this hearing, then it would be as if the Planning Department would be dictating in terms of what was best for this area. The public hearing is intended to allow the neighbors to voice their concerns and tell you what is important to them. The Planning Department is charged with looking at applications across the whole city and oftentimes they make recommendations to the Planning Commission that go onto City Council that are not at all like what was recommended i.e. 84<sup>th</sup> & South Street project – staff recommended apartments but after discussions with the neighborhood, they got mini storage units. The public process is all about the interaction between the community as well as the developer and the negotiation compromises that have to be made in order to move a project forward.

Corr asked if there is a method to regulate the age of the individuals who live at the facility. Eichorn stated that they are not regulating it in terms of requiring that the individuals have to be over 65 years of age – they could have a 45 year old living in the independent care. She noted that there have been some Alzheimer's facilities that have been approved as domiciliary care facilities, which only allow individuals over the age 55 but Alzheimer's does not know a age. The age requirements are not covered by the zoning or the special permit.

Corr asked if the process used to ensure that the drainage is appropriate to ensure that it will not negatively impact the neighbors. Eichorn stated that Mark Palmer indicated that there is a grading and drainage plan. The city is requiring that the original plan be changed, particularly if the motion to amend is adopted for the revised site plan, as there is a drainage area on the original plan that is not shown on the revised plan. Before this gets approved and goes to the building permit stage, it would will to go back through review by the Public Works' Engineering Services Division and Watershed Management to make sure that it meets all regulations. This would need to happen before they could get a building permit.

Corr stated that one of the concerns expressed relate to a turn lane on the Old Cheney. Eichorn stated that traffic looked at this and have deemed it not necessary based on the volume.

Corr asked if the width of Norman Road will change. Eichorn stated that it will not.

### Applicant's Rebuttal:

Kent Seacrest came forward and began by addressing the density concerns. He indicated that the Planning Department's recommendation is for 285 people and they have dropped this by 10 percent. The Planning Department has historically done a pretty admirable job watching the interest of the neighborhoods and the community at large. Seacrest stated that if they lose more density, they will lose the economic ability to be viable and provide the high quality services that they intend to do as well as provide the other skin, amenities and trees that are being requested. They do not want to cut back on that commitment and they have made the offer to reduce the density by 20 units. They don't feel that they can do anymore. This is part of the problem because the site plan can't be finalized until the density and the height are determined. They have met with the neighbors five times, concentrating on the site plan – the density and the height and the setback. Seacrest referred to a density chart showing comparisons of similar facilities in terms of density and height. The Knolls proposal is 14 dwelling unit per acre. Eastmont was recently approved by the Planning Commission with 16 units per acre, The Grand Lodge is 20 and The Legacy at 51. This proposal is at the bottom end on the density scale. In terms of stories, the Landing, The Grand Lodge and Williamsburg are 3 and 4-story structures. This proposal is not excessively high. There is an economy-to-scale to make these facilities work. They reduced the height from 55 to 45 feet but they really think it will be at 42 feet but they won't know until they can get to a final site plan. They are specifically showing where the height waiver is located. Seacrest used the revised site plan to show the increased setbacks ranging between 21 to 46 feet of depth since the original submittal. They are compacting and putting things on top of each other but are not exceeding three stories in height. Seacrest emphasized with the neighbors, stating that it is tough to lose a golf course and open space. The land use is changing and they need to consider the alternative land use. Would they rather have single-family homes or duplexes up against their existing home or have 100+ feet of buffer and green grass and know that it is going to be maintained by professionals. The group zoning for independent living gives these individuals a sense of independence, socialization, services and programming and the recreation. As these people transition to the different levels, they don't have to move again if they don't want to. The loss of value is the golf course and they can't do anything about that. In researching data on the impact that these types of developments have on the surrounding properties, they could not find any drop in the value according to the county assessor when independent living or assisted living facilities came into areas with existing homes.

Next, Seacrest addressed the existing R-1 zoning, stating that generally, when the city rezones new areas, they start at R-3 zoning. He believes that this is a proper zoning transition of R-1, R-2, across the street from B-2 zoning. There is no senior housing project in Lincoln that is located in an R-1 zone. If approved, this development would be the only one approved in an R-2 zone, as all other similar facilities are located in R-3, R-4 and R-6.

In terms of the Comprehensive Plan relative to infill, Seacrest stated that this community does not have a lot of resources for infrastructure, which is one of the reasons that we consider infill. Basically, the 2040 Comp Plan calls for a 400 percent increase in infill compared to the old Comp Plan. In order to make this happen, 16 percent of the housing has to go in infill under the new Comp Plan, when only 4 percent was required in the past. The Comp Plan also stated that vacant lots should be pursuant for infill and existing apartment complexes are encouraged to add more dwelling units if the sites allow . . . . and provide housing choices for good, existing and developing neighborhoods, and

encourage multiple styles of the housing choices, and structure incentives to encourage higher density to make greater use of the community's infrastructure. As for the traffic count, Seacrest noted that this is a low traffic count type use.

Seacrest stated that they are losing green space. The question is what is the appropriate next land use that goes in here. Would the neighbors prefer to have new homes or duplexes come up against their existing homes or have the green buffer, noting that the height is necessary to provide the green buffer. Seacrest believes that the Planning Department has taken this very seriously and believes that they were misquoted on some things, as they don't always listen to him in terms of what he has asked for. He has gone against the Planning Department's recommendations many times in the past. They are recommending this project on a density that is higher on height than what they are voluntarily requesting today. This demonstrates that staff is supporting the R-2 change of zone.

Lust asked if they were to consider the request for a 2-week deferral, resulting in a one week delay before the City Council hearing, how this would impact the developer. Seacrest stated that they have an August 1 deadline. He stated that he is consistently asked about the neighborhood process by the Planning Commission. He has never had five meetings in the and then asked to meet with them again. The group is requesting the delay to talk about density. They have shown their effort to work with the neighbors and have compromised to address their concerns. This delay would potentially allow the neighbors to ask them to do another site plan and revisit the density concerns. The developer does not believe that they can reduce the density any further. They are not excited about the 2-week day. If the City Council would delay the matter, they will miss the August 1 deadline.

Lust reiterated what the Peo from the City Law Department reported, in that they are really not doing their job without having a well-defined recommendation to the City Council if they still feel that things are up in the air. Seacrest stated that the only things not being provided is a visual of the skin and the location of the trees. They know that they need to show where the tree massing will be located to the Planning Department for approval and they are also committing to screen the property pursuant to the multi-family screening standards.

Scheer directed comments to Eric Westman and Mark Palmer, stating that the discussion at the upcoming neighborhood meeting will revolve around the design of this facility. He understands that the developer is not excited about giving up anymore density. Scheer suggested that they need to talk about density, height, site plan and drainage, and the facade treatment and materials as a whole package, as one might affect the other in what may ultimately become a great design. If the building elevations are designed really well and they fit with the neighborhood, then maybe the neighbors will agree that the density is not a big deal for them. Even if the neighborhood or the developer are not willing to give on some things, maybe the end product will be something that everyone loves. Is this possible? Seacrest stated that it is possible but he is not optimistic that it is probable. After five meetings, they did not reach agreement on the site plan. They are dealing with a mass of different interests. It will likely be difficult to get consensus but they are willing to try to achieve this.

Lust stated that the developer might get more movement from the neighborhood in terms of the density and the site plan if they could see what the building is actually going to look like.

Scheer stated that if the vote is to delay this, if it may be possible for all this to come together and make it is an easy vote for the Planning Commission if they come up with a wonderful project for Lincoln that both sides can agree with. Seacrest reiterated that he is not optimistic that this will occur. After five meetings, they did not achieve it but they got extremely close. It could be more difficult, as there could be multiple views on the aesthetics or placement of trees. They are willing to work hard, but there is a process in place and they are following rules. There is no rule that addresses the standard that they are being asked to meet. They have already gone beyond the standards that are established in terms of the process.

Lust asked about the August 1 deadline and the impact on the developer. Seacrest stated that it will cost the developer a considerable sum of non-refundable money.

Harris asked that the height reduction that might be reduced to 42 feet is directly related to the setback. Westman stated that the height at this point is directly relative to the design. The skin component could involve how much a roof pitches, an element that conceals a mechanical unit, matching roof lines of the neighborhood, etc. The difference between 42 and 45 feet could be fairly dramatic. They are currently at 45 feet but hopeful that they can get to 42 feet but it will depend on the grading. They are working with Mark Palmer and they know roughly where the grade is relative to the building and how they plan to get to this point. Once they start dealing with the drainage and landscaping, the grading could vary a little bit next to the building, which could change the height. Seacrest stated that measuring height in the zoning code is very complicated and the topography can make it even more challenging. They are in a bowl, heading downhill to the north; therefore, it is difficult to promise that 42 feet is going to be it when they may encounter some unique topography issues.

Harris asked if an amendment were proposed to limit the height to 42 feet, what might have to change in the site plan to accommodate this. Seacrest stated that they may have to bring more grading in up against the building that might not look natural. Westman stated that it will limit design flexibility and may prevent them from getting to the next level in terms of aesthetics.

Beecham asked if some site lines will be provided for the neighbors at the next meeting. She believes that the topography can really work in the developer's favor in terms of making the building seem less bulky from the neighbor's perspective. She understands that compared to some of the other retirement communities in town, the developer is asking for less and the zoning is different, but this is sort of a unique place to be placing this project. Most of the other retirement facilities are located at large intersections and not in the middle of smaller neighborhood surrounded by R-1 zoning. She would love for the developer to make that sacrifice of one extra meeting before the City Council. She believes that based on the comments, they could be very close to something that everyone can support. Seacrest stated that in one week they will showing landscaping and in two weeks, they will showing the cross sections and scanned elevations so the neighbors get a good sense of the project. They need this time to get the design because it takes awhile. Westman stated that since the neighborhood meeting, they have really been focused on the site plan, moving away from the neighborhood and figuring out what the topography will be.

Corr asked about the phase 1 and phase 2 construction time lines and asked how much time the neighbors will have to get used to phase 1 before phase 2 begins. Day stated that they hope to lease up phase 1 and get it stabilized with 90 to 95 percent occupancy, they would begin on phase 2. It will likely take a year or two to lease up phase 2. It really depends on the market.

**ACTION BY PLANNING COMMISSION:**

June 24, 2015

**CHANGE OF ZONE NO. 15014, R-1 RESIDENTIAL TO R-2 RESIDENTIAL ON PROPERTY GENERALLY LOCATED AT SOUTHWEST OF THE INTERSECTION OF OLD CHENEY ROAD AND NORMAN ROAD.**

Staff Recommendation: Approval

Beecham moved to defer action on this item for two weeks; seconded by Corr.

Lust stated that she realizes that the developer is running into some time line issues; however, this is a project that is important to get right. She feels like they are very close. She is aware that the developer has gone above and beyond what is normally is asked of anyone in terms of the number of neighborhood meeting and the work that has been done to get this project to this point. This is a major change for the neighborhood. These people were living in a golf course neighborhood with nice amenities and it is important for the Planning Commission to make sure that they have it right. She would personally like to see more of what the project is going to look like in two weeks. If she voted today, she is not sure that with this level of neighborhood opposition, she could approve this. In two weeks, they may be at a point where she may be ready to move forward with the project. She supports the motion for deferral.

Sunderman stated that he will oppose the motion to defer, stating that Mr. Peo explained that the Planning Commission has a responsibility to follow the process and the applicant has done a very good job of communicating with the neighborhood – he has never heard of a developer needing to have five meetings with the neighborhood and then ask them to do it again, possibly to the point of diminishing returns. He believes that the R-1 to R-2 is an appropriate zoning change. More importantly, the applicant is generally the one who dictates whether the Planning Commission goes forward or not as far as deferrals. They are asking the Planning Commission to make a decision and he believes they should follow the process.

Hove stated that he plans to support the motion for deferral. He believes that this is a very important process. The onus is really on the neighborhood to find ways to work things out in the next two weeks.

Scheer indicated that he supports the motion to defer. He believes that they are close. If they weren't, there would be no reason to defer. When Seacrest spoke about the meetings the first time and then when Mark spoke about the meetings, he heard the same things. There has been movement and he believes that there will continue to be movement in a way that will make this a project that the Planning Commission will be able to vote and feel good about moving it on.

Beecham agreed with Lust's statements. She believes that they are following a process and that there is a reason that they do have the right to do a deferral. If they were very far apart, there would be no use in it. She believes that they are close and one week is reasonable considering the big change that is being proposed in this area.

Peo stated that it would be appropriate to note for the record if the deferral is continued public hearing or continued public hearing on new information only.

Beecham clarified her motion for a two-week deferral on this item with public hearing on new information only; seconded by Harris. Harris stated that she agrees with Sunderman's comments in that they have a responsibility to make a decision since it has been requested. She applauds all of the efforts to come together. She believes that it looks like the parties are pretty far apart and then it will come down to the Planning Commission, which may have caused an unnecessary delay.

Lust stated that she is concerned that if they push this forward today, the answer may be no. In two weeks, the answer might be yes. This is weighing in her favor of deferring.

Corr thanked the applicant for going above and beyond and working with the neighborhood, as this is a huge change for them. She appreciates the compromises that have been made so far. She is going to support the motion to delay, primarily because it will only delay the project one more week in terms of going before the City Council. Infill projects are really tough, especially with this change of zone. She encouraged the neighbors to think of two options – they either have to be okay with the larger setbacks and the higher building, or, if they really don't want the higher building, then they will need to have to decrease the setbacks. They need to weigh which one is more important to them. With a good design, the density can likely be achieved. They need to decide if they want the building closer to them or farther away and higher. That is where it sits at this point. She encouraged the neighbors to weigh this in the next few weeks.

The motion to deferred carried 5-2; Beecham, Corr, Scheer, Hove and Lust; Harris and Sunderman dissenting; Weber and Cornelius absent.

## **PLANNING COMMISSION CONTINUED PUBLIC HEARING**

July 8, 2015

Members present: Lust, Hove, Scheer, Weber, Cornelius, Sunderman, Corr, and Beecham; Harris absent.

Note: At the June 24, 2015, meeting, the Planning Commission delayed action of these two applications for two weeks with continued public hearing limited to new testimony only.

There were no additional ex parte communications disclosed.

### Staff Presentation:

**Christy Eichorn of the Planning Department** deferred to the applicant to allow them to discuss the results of the two meetings that they have had with the neighbors over the past two weeks and then she will address questions about the proposed revision.

Applicant:

**1. Kent Seacrest, representing Dial Real Estate Consultants, LLC, and Patrick Day of Dial Real Estate Consultants, 1427 South 184<sup>th</sup> Circle, Omaha,** came forward. Day made reference to the site plan and the proposed units. This is a two-phased development and they will likely do 50 units in phase 1 with the balance in phase 2. They conducted a review of the general landscaping plan as well as a rendering of the exterior look of the building. Seacrest stated that the landscaping shows the boundaries with the requirement that at 6-feet above, they have 50 percent screen and it shows that the existing trees meet this standard. When they are done, they will be 50 percent more than what is required under the standards. Day indicated that they are working with Lanoha Nurseries, who put together a landscaping plan that includes the required screening along the streets and the entry area and around the building. Seacrest stated that the trees are for illustrative purposes only. The plan shows them protecting the tree line up against the neighborhood and the next tree line and the massing of the trees, which will be addressed in the motion to amend.

**2. Mark Palmer with Olsson Associates,** came forward and reviewed various cross sections across the property and how the view would be to the neighbors, including the view of the 3-story building, approximate heights of the trees etc. Cross section looks at the 2-story portion and they are about even in terms of elevation. There will be a local drainage area to get the water from the back area south of the building out. Cross section D is from the southern property looking north, which is slightly lower. Seacrest noted that the measurements are distorted by 50 percent in order to get it on the sheet.

Day indicated that the neighbors wanted to look at the skin of the building. The architectural firm of Alley Poyner developed some rendering of what the this project would generally look like, consisting of brick/stone, rough lumber and wood siding, which would be a similar look all the way around the building.

Seacrest indicated that they recently held the 6<sup>th</sup> and 7<sup>th</sup> neighborhood meeting. They will bringing in sample materials at the 8<sup>th</sup> meeting showing their recommendations to the group to see. He believes that the neighbors are in agreement with the style. A 9<sup>th</sup> meeting will be held to work on motions to amend at the City Council level and will likely have the colors selected and have the final landscape plan with the drainage included. He believes that they made great progress, stating that ee has never worked with a developer who was so patience in addressing the neighborhood's concerns so thoroughly.

Next, Seacrest handed out a new motion to amend with the yellow highlights identifying the new changes. He reviewed the motion to amend, noting that there is a change to address additional parking as noted on Exhibit A. In addition, in terms of the tree massing, they have agreed to replace existing fairway trees if they die for one year after it is completed so the massing can continue to refurbish itself. There is a new condition 2.8A, indicating that they don't want to brick the wall that will be temporary prior to phase 2 beginning. They will put in windows and some brick knowing that it will be ripped out for phase 2 construction. Condition 2.10 has been added to limit the occupancy to 80 percent of the units being occupied by persons who are 55 years or older, which is taken from the federal housing act so this will prohibit this facility from ever being an apartment complex.

Seacrest addressed density which showed a list of similar type facilities. In terms of units per acre, he noted that The Landing is the least dense at 12.81 units per acre. This facility would become the second lowest density in the city. In terms of zoning, they are proposing R-2, noting that there is not a single senior housing type facility that is located in R-1 zoning. They would be the second in R-2, and all others are in R-3 to R-6 and B-2 PUDs. In addition, they are asking for a height waiver. They don't need it if they spread it out, but then they are too close to the neighborhood. By going up to three stories, they are 135 to 160 feet away from the neighbors. Other similar projects have asked for waivers as well -- some as high as 75 feet. Seacrest noted that since being classified into use groups, the last three projects that have been approved have included independent living with assisted or memory care, including Gable Pines, Eastmont, and this project.

Seacrest thanked Christy and Steve from the Planning Department for attending the neighborhood meetings, as this was very helpful in terms of the process. He also thanked Mark Hunzeker and his committee and they appreciate their patience. The Planning Department is recommending approval of the change of zone to R-2 and they are supporting the special permit for the healthcare facility with conditions, as well as the waivers that they have asked for. This is in conformance with the comprehensive plan in getting infill to work by increasing density to that there isn't as much in infrastructure costs out at the edge of the city. The issue is what is the alternative land use. Would the neighbors prefer this project or would they rather see 40 to 45 town homes up against their property, 30 feet away and possibly 30 feet high. It has not been easy, but they likely realize that this is probably the lowest intensity of impact to them.

Corr stated that the layout changed a little bit but they are still staying three stories towards Old Cheney. Day indicated that the highest building is three stories.

#### Opponents:

**1. Mark Hunzeker, attorney representing a group of neighbors in the Knoll area,** came forward and stated that there has been progress and the delay was justified. He appreciates that efforts that Kent and Dial have gone to to address the concerns of the neighbors. This package of amendments defines a project that is considerably better than what they had two weeks ago. The Planning Commission has a much better idea of what it is going to look, landscaping, etc. As they move forward to the City Council, there are still some issues that need to be resolved but he believes that these can be resolved and incorporated in additional motions to amend at that level. Hunzeker indicated that in the zoning ordinance, there is a definition of elderly housing, which includes individuals who are 60 years old rather than 55 years old. The use of the ADA standard is interesting reference point but it is not in the city's zoning ordinance. It used to be but it was changed from 55 to 60. He suggested that this number be amended from 55 to 60 years of age to be in alignment with the zoning ordinance. This would then meet the standard that exempts this project from any alleged discrimination based on familial status. He appreciates Planning Commission's indulgence to allow them these two weeks to work on this project. He believes that they will likely end up with a project that everyone can live with.

Hove asked Hunzeker if the neighborhood is generally in support of this. Hunzeker indicated that they are at a point where they are in agreement that this is a much better project than it started out to be. They are generally willing to move forward on the basis that is in front of the Commission.

Questions of Staff:

Sunderman asked about the reference to age 60 in the ordinance for elderly housing. Eichorn explained that when they went to use groups several years ago and started using the terms “residential healthcare facility”, this was done for several purposes. First, so that they could bring their definitions in line with state definitions to avoid confusion, which encompassed all residential type uses. With this text change, they didn’t eliminate the elderly housing special permit, which is likely the cause of Mr. Hunzeker’s reference. One of the reasons they included the residential healthcare facility was because they also had the term domiciliary care facility, which had age limitations as well. Most domiciliary care facilities are memory care facilities and they treat people of all ages with memory issues. During this phase, they discussed having residential healthcare facility so that they weren’t limiting the living options for folks who might also need additional help. It is pertinent to focus on the idea that they are talking about independent living and not necessarily elderly living. There are individuals who have disabilities that sometimes want to be independent of their families but might need to have a little assistance. This is something that could be provided at a facility such as this. This amendment to age 55 makes some sense. It is generally intended for people who are a little older. It is part of a special permit that encompasses group activities, group eating areas, etc. For these reasons, it is residential healthcare facility and not an elderly housing special permit.

**ACTION BY PLANNING COMMISSION:**

July 8, 2015

**CHANGE OF ZONE 15014, FROM R-1 RESIDENTIAL TO R-2 RESIDENTIAL, ON PROPERTY LOCATED SOUTHWEST OF THE INTERSECTION OF OLD CHENEY ROAD AND NORMAN ROAD.**

Staff Recommendation: Conditional Approval.

Beecham moved to recommend approval of this change of zone; seconded by Sunderman.

Scheer believes that the change of zone is acceptable and plans to support it. We all need to realize this is no longer the edge of town and is now closer to the center of town. Properties get sold and the properties change. This is a good alternative approach to this property.

Hove agreed with Scheer’s comments. He believes that there is a higher and better use for this land. You have to look at the alternate use, and this fits with what is currently there. Hopefully the neighbors will see this.

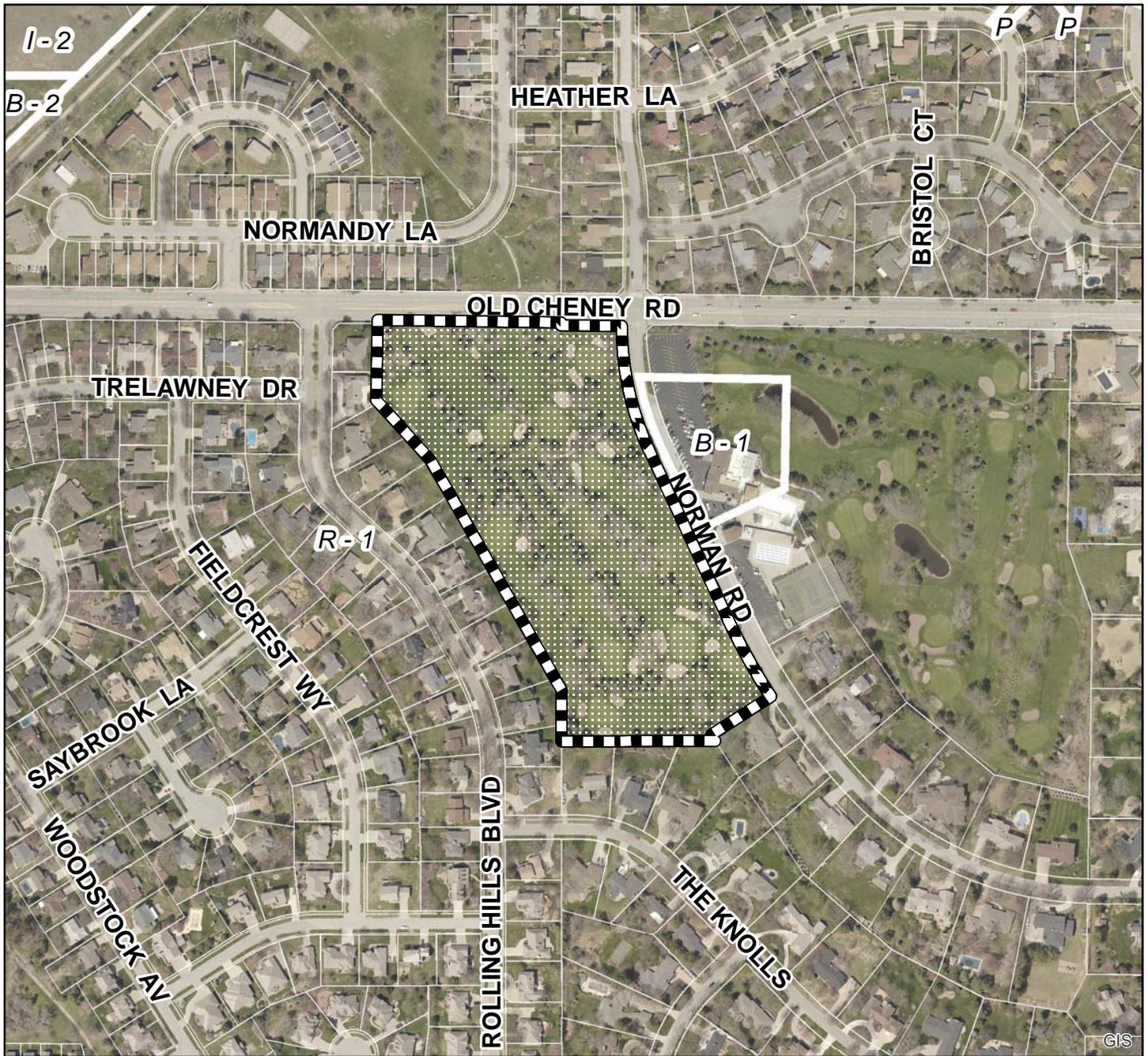
Lust thanked the developer for all the work that has been done to get this to the point that the neighbors can be comfortable with moving forward. The applicant may be annoyed with the 2-week deferral but being able to visualize these things is important with the comfort level – not just for the neighborhood but also the Planning Commission.

She does have sympathy for the neighbors, as it is difficult when you have a house along a golf course and it is gone. We need to be careful in terms of the development of the area. She believes this is a very good development for this spot, and she plans to support it.

Beecham stated that the site lines were very helpful. Sometimes 3-story buildings can go into an area and less impact because of the natural topography.

Weber gives a lot of consideration to the neighbors. It is hard when you are there first and then things change. He is glad to see that their tone is changing.

Motion to recommend conditional approval of this change of zone carried 8-0; Lust, Hove, Scheer, Weber, Cornelius, Sunderman, Corr, and Beecham; Harris absent.

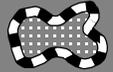


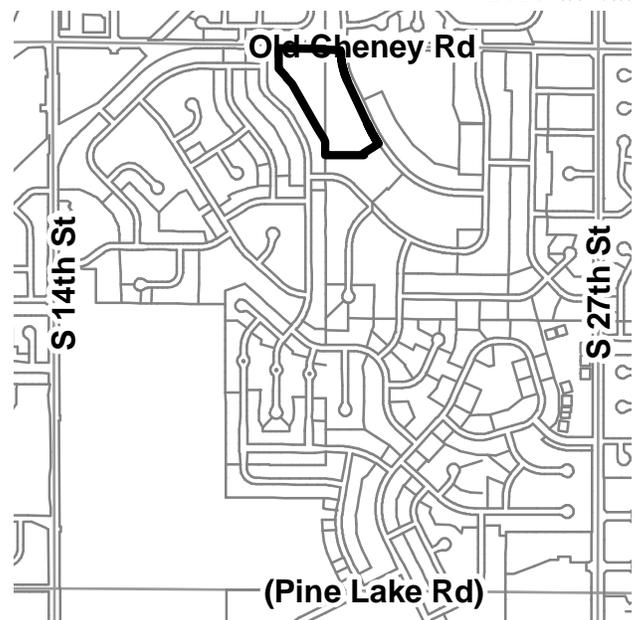
2013 aerial

**Special Permit #: SP15035 and  
Change of Zone #: CZ15014 (R-1 to R-2)  
The Knolls Senior Living Community  
Norman & Old Cheney Rd  
Zoning:**

**One Square Mile:  
Sec.13 T09N 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
- 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

-  Area of Application
-  Zoning Jurisdiction Lines
-  Lancaster County Jurisdiction



# REQUEST TO DELAY

Items: 4.7a and 4.7b: CZ15014 and SP15035  
pg.#151 (Public Hearing/Action 6/10/15)  
Knolls

**Subject:** Request to delay Planning Commission Public Hearing Agenda Items 4.7a and 4.7b for two weeks

----- Original message -----

From: Kent Seacrest <[kent@sk-law.com](mailto:kent@sk-law.com)>  
Date: 06/09/2015 4:52 PM (GMT-06:00)  
To: "Christy J. Eichorn" <[ceichorn@lincoln.ne.gov](mailto:ceichorn@lincoln.ne.gov)>  
Cc: "Mark A. Hunzeker" <[MHunzeker@baylorevnen.com](mailto:MHunzeker@baylorevnen.com)>, "Dan Marvin (dmarvin@neb.rr.com)" <[dmarvin@neb.rr.com](mailto:dmarvin@neb.rr.com)>, John Badami <[jbadami@dlrgroup.com](mailto:jbadami@dlrgroup.com)>, Patrick Day <[patrickday@me.com](mailto:patrickday@me.com)>, Eric Westman <[eWestman@alleypoyner.com](mailto:eWestman@alleypoyner.com)>, Mark Palmer <[mpalmer@olssonassociates.com](mailto:mpalmer@olssonassociates.com)>, "Rick D. Hoppe" <[RHoppe@lincoln.ne.gov](mailto:RHoppe@lincoln.ne.gov)>, [janice.boosalis@aol.com](mailto:janice.boosalis@aol.com)  
Subject: Request to delay Planning Commission Public Hearing Agenda Items 4.7a and 4.7b for two weeks

Good day Christy:

Our law firm represents Dial Real Estate Consultants, LLC ("Dial"). Today, the Dial development and design team met with Mark Hunzeker and neighborhood representatives of The Knolls/Rolling Hills Neighborhood group. We had a good first meeting and have scheduled two more meetings to dialogue on ways to possibly improve the proposed Knolls Senior Living Community. In order to provide proper time to meet and dialogue, Dial would request that the Planning Commission Agenda Items 4.7a and 4.7b be delayed for two weeks, until June 24, 2015. We appreciate the Planning Commission's consideration of our request to defer the presentation of the Dial project for two weeks.

If you have any questions, please feel free to contact me.

Best regards,

Kent

Kent Seacrest  
Seacrest & Kalkowski, PC, LLO  
1111 Lincoln Mall, Suite 350  
Lincoln, Nebraska 68508  
Telephone: (402) 435-6000  
Facsimile: (402) 435-6100  
[kent@sk-law.com](mailto:kent@sk-law.com)

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# SEACREST & KALKOWSKI, PC, LLO

1111 LINCOLN MALL, SUITE 350  
LINCOLN, NEBRASKA 68508-3910

TELEPHONE (402) 435-6000  
FACSIMILE (402) 435-6100

KENT SEACREST  
E-MAIL: kent@sk-law.com

DANAY KALKOWSKI  
E-MAIL: danay@sk-law.com

June 24, 2015

Mr. David Cary  
Interim Planning Director  
Planning Department  
555 South 10<sup>th</sup> St., Suite 213  
Lincoln, NE 68508

Re: The Knolls Senior Living Community; Motion to Amend

Dear David:

Our office represents Dial Real Estate Consultants, LLC (“Dial” or “Developer”). We have acknowledged the neighbor’s future loss of a golf course/landscape open space and concerns about any new land uses. We believe our proposed land use, while not as desirable as golf course, is a reasonable land use change based upon the City’s Comprehensive Plan goals and objectives. Initially, we sent information letters to the impacted Knolls/Rolling Hills neighbors and held our first neighborhood meeting on March 26, 2015. Based upon concerns raised, we modified the site plan and held a second neighborhood meeting on May 11, 2015. As a result of the second neighborhood meeting, there were still concerns expressed.

Based upon the second neighborhood meeting, Dial made additional site plan revisions and formally submitted the revised site plan as part of the application to the City for a Health Care Facility, Residential Special Permit. In addition, Dial and the neighborhood leadership agreed to have further meetings to try to resolve differences.

The Dial team and the Knolls/Rolling Hills Steering Committee and its attorney, Mark Hunzecker, met on three occasions (July 9<sup>th</sup>, 12<sup>th</sup> and 22<sup>nd</sup>) to study possible revisions to the site plan regarding density, setbacks, and story heights. Dial presented four additional alternative site plans to the Steering Committee, including at the last meeting a 6<sup>th</sup> draft which is attached hereto. At the last meeting on Monday, Dial also offered to reduce the four story height of the building down to three stories and reduce the number of persons from 285 persons

(approximately 210 dwelling units) to 258 persons (approximately 190 dwelling units), or about a 10% reduction in density.

At our last meeting on Monday, Dial and the Steering Committee agreed to hold four more meetings to address and refine the landscape plan and the building elevations/building skin generally based upon the attached site plan. Those meetings are scheduled for June 30, July 7, July 13 and July 15—prior to the anticipated July 20<sup>th</sup> City Council public hearing. We have also invited the Planning Department to attend the four scheduled meetings and they have indicated their willingness to do so.

Based upon our five meetings with the neighborhood and Steering Committee meetings to date, Dial is willing to offer the attached Motion to Amend for the Planning Commission meeting today to reduce the density, revise the site plan and to add additional Conditions of Approval regarding landscaping and building elevation/building skin. We also believe that there will be further progress made on the landscaping and building elevation/building skin by the time of the City Council public hearing.

We appreciate the Planning Department's and Planning Commission's consideration of the attached Motion to Amend. We also want to thank the Knolls/Rolling Hills neighborhood and its Steering Committee for sharing their concerns and meeting with the Dial team in order to make the project better. If you require further information or have any questions, please do not hesitate to contact Pat Day, at [patrickday@me.com](mailto:patrickday@me.com) (402) 493-2800, Mark Palmer at [mpalmer@olssonassociates.com](mailto:mpalmer@olssonassociates.com), (402) 458-5632, or the undersigned.

Very truly yours,



KENT SEACREST

For the Firm

Enclosures: Motion to Amend (with revised site plan)

cc: Council Member Jane Raybould  
Mark Hunzeker  
George and Janice Boosalis  
Pat Day, Dial Real Estate Consultants, LLC  
Mark Palmer, Olsson Associates  
Eric Westman, Alley Poyner Macchietto Architecture, Incorporate

MOTION TO AMEND

I hereby move to amend the Change of Zone #15014 and Special Permit #15035 (Agenda 4.7a and 4.7b), The Knolls Senior Living Community, as follows:

CONDITIONS OF APPROVAL:

Per Section 27.63.530 this approval permits the development of residential healthcare facility for ~~285~~ 258 persons, and waives the requirement to provide a pedestrian easement for a block length exceeding 1,000 feet, allow a block length to exceed 1,320 feet, and allow height limitations of buildings to increase from 35 feet to ~~55~~ 45 feet.

Site Specific Conditions:

1. The City Council approves associated request, Change of Zone #15014
2. Before receiving building permits or before a final plat is approved the permittee shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including 5 copies with all required revision and documents as listed below:
  - 2.1 ~~Delete notes 3 and 9. and provide a landscape plan that shows what trees are to remain and shows screening along the south and west lot lines that meet the design standards for multifamily development.~~
  - 2.2 Combine Notes 11 and 13 to state that accessory structures not requiring an occupancy permit are permitted outside the setback and need not be shown on the site plan. A detached maintenance shed or building shall not be permitted.
  - 2.3 Obtain approval of an administrative amendment to remove the area of this special permit from the Chez Ami Knolls Community Unit Plan.
  - 2.4 Verification from the Register of Deeds that the letter of acceptance as required by the approval of the special permit has been recorded.
  - 2.5 The revised site plan shall be as shown on attached Exhibit A.
  - 2.6 Provide a landscape plan that at a minimum shows the following:
    - (a) What trees or tree masses are to remain, and
    - (b) Screening along the south and west lot lines that meet the design standards for multifamily development.
  - 2.7 Add a note to the site plan indicating that no occupancy permit shall be issued until the screening on the south and west lot lines is installed or the owner shall

post a bond to guarantee the installation of said screening if building occupancy is at a time when weather will not permit the installation of the screening prior to occupancy.

2.8 Provide building elevation plans that at a minimum shows the following:

- (a) The exterior design of the building shall have at least 60% brick, stone or tile on all faces of the building.

\*\*\*

Introduced by:

\_\_\_\_\_

Approved as to Form & Legality:

\_\_\_\_\_  
City Attorney

Staff Review Completed:

\_\_\_\_\_  
Administrative Assistant

Requested by: SEACREST & KALKOWSKI, PC, LLO on behalf of Dial Real Estate Consultants, LLC.

Exhibit A

Revised Site Plan



**Exhibit A to Factsheet**

**Letters of Opposition**

**Change of Zone No. 15014 and Special Permit No. 15035,  
The Knolls Development**

Change of Zone No. 15014 - Bill #15-90  
(1<sup>st</sup> Reading: 7/20/15; Public Hearing: 7/27/15)

Special Permit No. 15035 - Bill 15R-151  
(1<sup>st</sup> Reading: 7/20/15; Public Hearing: 7/27/15)

# OPPOSITION

Items: 4.7a and 4.7b: CZ15014 and SP15035  
pg.#151 (Public Hearing/Action 6/10/15)  
Knolls



RANDALL L. GOYETTE\*  
STEPHEN S. GEALY  
GAIL S. PERRY  
DALLAS D. JONES  
JILL GRADWOHL SCHROEDER  
DAVID A. DUDLEY  
BRENDA S. SPILKER  
MARK A. HUNZEKER  
WILLIAM G. BLAKE  
PETER W. KATT

WILLIAM F. AUSTIN  
DARLA S. IDEUS  
JARROD S. BOITNOTT  
TIMOTHY E. CLARKE\*  
ANDREW M. LOUDON  
CHRISTINA L. BALL\*\*  
JENNY L. PANKO  
CAROLINE M. WESTERHOLD\*  
JARROD P. CROUSE  
ANDREA D. SNOWDEN

DEREK C. ZIMMERMAN  
PAUL T. BARTA\*  
COLIN A. MUES\*  
TORREY J. GERDES\*  
BRETT E. EBERT  
NOAH J. HEFLIN\*  
STEPHEN J. SCHUTZ  
THOMAS B. SHIRES\*  
EMILY R. MOTTO\*

OF COUNSEL  
W. SCOTT DAVIS  
WALTER E. ZINK II  
DONALD R. WITT  
ROBERT T. GRIMIT

ALSO ADMITTED IN:  
\*IOWA  
\*\*KANSAS  
‡IOWA ONLY

May 29, 2015

Kent Seacrest  
Seacrest & Kalkowski  
1111 Lincoln Mall  
Suite 350  
Lincoln, NE 68508-3910

RE: The Knolls Senior Living Community

Dear Kent:

The Knolls/Rolling Hills Neighborhood group met last night to discuss the proposed Knolls Senior Living Community. The group is not opposed to the proposed use of the property; however, there are several aspects of the project the group would like to see modified to make it more compatible with its surroundings.

First, the neighbors feel strongly that the R-1 zoning district which has been in place for 50 years or more should not be changed. Under a special permit for a Residential Healthcare Facility, approximately 190 residents could be permitted on the site. That number still represents a huge change to this neighborhood, but could be accommodated on the site with less intrusion and lower profile buildings (see comment re height below). There is no need to rezone the property to allow for a very significant project.

Second, the proposed building height of 55' is excessive. There are only two other projects of this type we have found which have been granted height waivers. The Landing in Williamsburg is a fairly unique case, where the waiver was granted for a glass clerestory which projects above the roof line, in keeping with the colonial architecture of the entire neighborhood. It also is on a site surrounded by office and multi-family housing, and has huge setbacks from the townhomes across the street. Savannah Pines received a very limited height waiver (from 35 to 42 feet) for a small part of the building (only 45 feet wide), again primarily for architectural reasons, not additional units, and it was conditioned upon lowering the grade of the finished floor elevation by six feet. Increasing the height of the proposed Knolls structure to 55 feet is far out of character with the neighborhood, which is comprised of mostly ranch-style homes.

Third, the building materials shown to the neighbors at the last meeting were very disappointing. The covenants governing the surrounding homes require at least 60% brick or stone, and most of the homes exceed that standard. The renderings and proposed materials show buildings which have an appearance which can only be described as "cheap". Virtually all other facilities of this type recently

OMAHA OFFICE  
ONE PACIFIC PLACE  
1125 S. 103<sup>RD</sup> STREET SUITE 400 OMAHA, NE 68124  
PHONE 402.934.5468

LINCOLN MAIN OFFICE  
WELLS FARGO CENTER  
1248 O STREET SUITE 600 LINCOLN, NE 68508  
PHONE 402.475.1075 · FAX 402.475.9515

SYRACUSE OFFICE  
920 12TH STREET SYRACUSE, NE 68446  
PHONE 402.269.3200

constructed in Lincoln have been much more attractive, and used high quality brick or stone exterior materials for a high percentage of the entire exterior of the buildings (see, e.g., The Landing, Savannah Pines, The Legacy, Legacy Estates, Legacy Terrace). In order for this project to be a good neighbor, it should respect its surroundings and reflect the high quality of construction in the neighborhood.

Fourth, the site plan depicts a gargantuan building footprint which appears to be well over 800 feet long, and is uncomfortably close to the surrounding single family homes. The need to put the memory care residents all on one level is understood; however, the need to place them in a stand-alone single story structure is not. Those units could be incorporated into a second level over the "common area", which would allow the assisted living building to be moved east. Also, the "future" phase, along Old Cheney Road could be placed parallel to Old Cheney, and closer to the corner of Old Cheney and Norman Road, creating more separation from the single family homes as well. Attached is an amateur attempt to depict these changes. Another benefit to moving the buildings in this manner is to widen the area for excess storm water flow from south to north, creating a greater margin of safety in the event of extraordinary rains.

Fifth, there is no access for fire or other emergency vehicles shown to the west side of the project. Is there no requirement for that? This is not a request for a road or driveway, but simply a desire not to be surprised by the addition of one in the event it is required at the building permit stage.

Finally, there has been no landscape plan submitted with the application. The neighbors would appreciate the opportunity to see the plan and have some input prior to the project being approved, rather than simply rely upon administrative review of a plan which may only meet minimum standards. There will be many, many mature trees removed due to the extraordinary amount of grading on this site. Use of more mature landscape materials, and a plan which exceeds the minimum requirements would seem the neighborly, and appropriate thing to do.

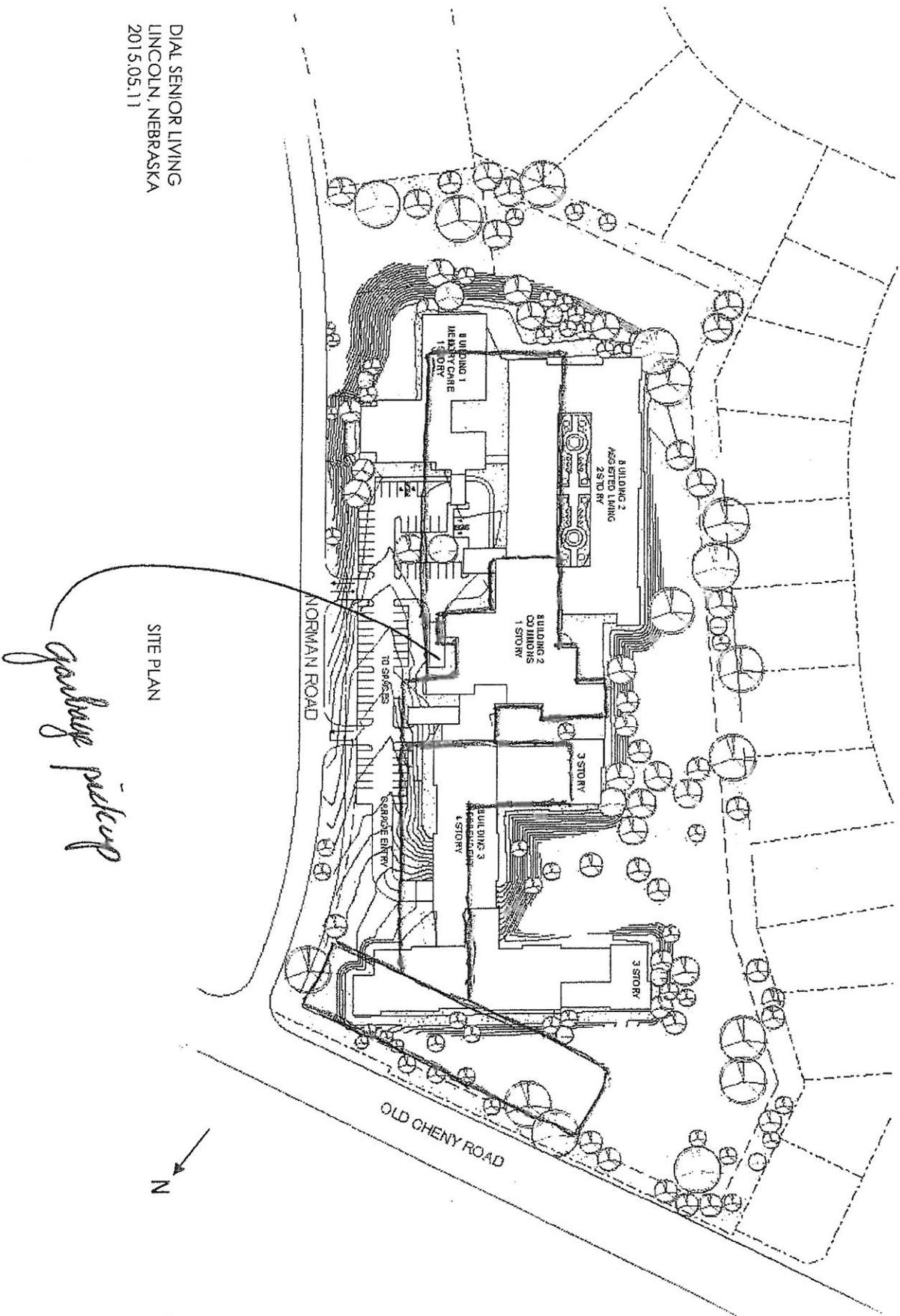
We would like very much to have an affirmative response from the developer prior to the Planning Commission hearing on June 10. We look forward to hearing from you.

Sincerely,



Mark A. Hunzeker  
For the Firm  
mhunzeker@bayloreven.com

DIAL SENIOR LIVING  
LINCOLN, NEBRASKA  
2015.05.11



SITE PLAN

*garbage pickup*



ALLEYROWNER  
MACCHIETTO  
ARCHITECTS

## Brenda J. Thomas

---

**From:** Christy J. Eichorn  
**Sent:** Thursday, June 04, 2015 9:18 AM  
**To:** Geri K. Rorabaugh  
**Cc:** Steve S. Henrichsen; David R. Cary  
**Subject:** FW: Knolls Assisted Living Project

Geri, I do not believe you were copied on this original e-mail.

**From:** Eve Hoffman [<mailto:evhoffman@gmail.com>]  
**Sent:** Friday, May 29, 2015 8:19 PM  
**To:** Christy J. Eichorn  
**Subject:** Knolls Assisted Living Project

Dear Ms. Eichorn,

We are Eve and Melvin Hoffman and have been living at 5935 Norman Rd. for thirty five years. We are aghast at the appearance of the building proposed for the corner of Norman Rd. and Old Cheney. The size and appearance of the facility are completely inappropriate for our beloved neighborhood. Permitting the building of this large high density commercial structure would destroy the natural beauty of that area and completely take away one of the few green spaces our neighborhood has.

We encourage you to not allow the proposed zoning change and to honor the R-1 zoning code that has been in existence for fifty years. Lincoln has a reputation for maintaining the integrity of neighborhoods and this change would not meet that standard. Thank you for your time.

Respectfully,

Melvin and Eve Hoffman

**Gerri K. Rorabaugh**

---

**From:** Con M Keating <Bk60406@windstream.net>  
**Sent:** Saturday, May 30, 2015 8:30 PM  
**To:** Geri K. Rorabaugh  
**Subject:** KNOLLS

To Jeanelle Lust, Chairperson and members of the Lincoln/Lancaster County Planning Commission:

We are writing this email as 40-year residents of the Knolls neighborhood. We built our home in this development because it was unique in all of Lincoln.....and still is. This area has only one and two-story single family dwellings on approximately 3/4 acre lots.

Dial Development now wishes to violate this residential density by proposing to build three and 4-story buildings which would increase the density beyond any owners' expectations.

This is not the proper project for this special area of Lincoln.

Con and Barbara Keating  
2124 The Knolls

## Brenda J. Thomas

---

**From:** Christy J. Eichorn  
**Sent:** Thursday, June 04, 2015 9:17 AM  
**To:** Geri K. Rorabaugh  
**Cc:** Steve S. Henrichsen; David R. Cary  
**Subject:** FW: Knolls Country Club Rezoning Letter/Protect from Brenda Badami  
**Attachments:** knolls development.docx

Geri, I do not believe you were copied on this original e-mail.

**From:** Brenda Badami [mailto:[bbadami@neb.rr.com](mailto:bbadami@neb.rr.com)]  
**Sent:** Saturday, May 30, 2015 4:24 PM  
**To:** Christy J. Eichorn  
**Subject:** Knolls Country Club Rezoning Letter/Protect from Brenda Badami

May 28, 2015

City Council and  
City of Lincoln Planning Department

RE: Zoning/New Development for Knolls Country Club

Dear Planning and City Council Members,

Our family purchased our home in February 2001 and it is located on the 5<sup>th</sup> hole of the Knolls Country Club. We purchased our home due to the large yards, mature trees, unique and quality built homes, the Knoll Country Club amenities where our family could enjoy quality time together and where my husband's family raised their children and lived from 1975 until June of 2000. It is the traditions and the neighborhood that brought us to this wonderful, well established older neighborhood. Our dream would be for it to stay the same, a park setting, be developed into homes with large lots, or a development such as Bishop Heights.

My letter is to address the zoning, quality, landscape and height of the current plan from Dial Properties and have these items strongly considered for review.

1. **No change in zoning from R-1 to R-2.** Higher density in our neighborhood doesn't fit in with the large lots, the distance between structures, and the footprint of our homes on the existing lots. In Dials proposal, they would like 1 person per 2000 square feet. which equals approximately 286 people on 13 acres. Our land square feet for our home is 21,368 square feet. (.5 acres) with four family members which equals 5,342 square feet per person. Our home example is similar to many homes in the neighborhood. **The Dial development is more than double the density of the Knolls neighborhood.**
2. The Dial Property stated in a neighborhood meeting that the majority of the facility would have cement board as the primary building material. This material is not considered high quality materials for construction. The primary building materials of the Knolls homes are brick and stone. **Our home is 90% brick and 10% hardboard**

per the Lancaster County Appraisal Card on the assessor's website. This is one example of many in our neighborhood.

3. The Knolls Country Club property has large beautiful, mature trees that should be preserved. The size and grading changes of this development will destroy the majority of the 50 year old established landscape. As a neighborhood, a city, we should look at developments that would preserve this "park" that has been in our city for 50 years. If the Dial Development goes forward, I would encourage a well development landscape plan to buffer the existing homes from the commercial aspects of this development and preservation of the existing 13 acres of nature to the neighbors and the city
4. There are 16 homes that back up to the Knoll's property on the west side of Norman Road. Eighty-Seven and a half percent (87.5%) of these homes are single story homes. Please reduce their request for height to a lower profile design—one or two story.
5. Our property was listed by the realtor in the description of the property in 2001 as "Exclusive Knolls Golf Club Setting" and "Gorgeous deck overlooks golf course and treed setting". I still have the brochure from the realtor who listed my home.

I feel this development/plan would fit better into a commercial area of our city due to the size and height.

Our homes in the Knolls neighborhood have been in Lincoln for 35 or more years, please require the NEW developer to adapt to our Lincoln neighborhoods and uphold the covenants of the Knolls.

**Let's work together to preserve the past in order to protect the future of our neighborhoods.**

Thank you for taking the time to read my letter.

Brenda Badami  
5909 Norman Road, Lincoln, NE  
402-423-2110

I have attached this letter in a Word Document form as well.

## Brenda J. Thomas

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**From:** Christy J. Eichorn  
**Sent:** Thursday, June 04, 2015 8:57 AM  
**To:** Geri K. Rorabaugh  
**Cc:** David R. Cary; Steve S. Henrichsen  
**Subject:** FW: Knolls Development

Geri, I do not believe you were originally copied on this e-mail in opposition to the Knolls Project.

**From:** Michael Johnson [<mailto:mtjandabby14@gmail.com>]  
**Sent:** Monday, June 01, 2015 12:25 PM  
**To:** Christy J. Eichorn  
**Subject:** Knolls Development

Christy,

We are writing in regards to the Knolls developments proposal by Dial Realty. We thought it might be helpful to summarize our thoughts for your consideration as you work through the recommendation process.

We would strongly oppose the move from R-1 to R-2. This allows a higher density that contemplated for the area and if Dial decides to pull out for some other reason, a new developer can change the plans to fit under the new R-2. We believe Dial also has the ability to change their phase 2 plans so long as it fits under R-2 and whatever variances (ex. height) that they get approved. In contrast, we like the special permit type requirements where if they want to change the plans, they have to go back through the approval process. In addition, when buying our house, we knew that it could cease to be a golf course (I actually reviewed the zoning ordinances), but assumed it would stay R-1 which would generally mean houses and townhouses, including most of the existing trees, behind us at a lower density than current fringe developments. By allowing more density and changing zoning, it is essentially a transfer of wealth from neighboring homeowners to the Knolls owners as their land is more valuable and we believe our land is less valuable. Impact on value is a hard thing to determine, but my basis for believing our land becomes less valuable is personal experience of currently trying to sell our house. The County Assessor lists our house value at just under \$460,000. We started trying to sell our house at \$429,900, well below assessed value. We have since moved the price of our house down to \$399,900 since we were getting little to no traffic in possibly the hottest real estate market in Lincoln's history. The house is still listed for sale. We have had more lookers at the lower price, but they all want to know how close the development will be from our yard and how many of the trees will be salvaged. Under the current plan the building will be fairly close and almost all of the interior trees will be scraped. The developer says they will salvage as many of the trees as possibly, but when you see the footprint of the building and the grading that much happen, very little of it will be salvaged, particularly of the large trees that have the most impact on the neighborhood.

We generally don't feel that the size and density fits the land. We feel more of a setback and a smaller overall footprint makes more sense for the size of land they are working on and to fit into the character of the neighborhood. The proposed height of the new development also seems way too high for the character of the neighborhood. I understand height waivers are rare and we believe the proposed height would change the character of the neighborhood and if it is really so rare to approve a height restriction, it seems doing so in a 50 year old neighborhood with no other buildings near the requested height doesn't make much sense.

We feel they should be held to the same construction standards as the neighborhood which includes 60% stone/masonry on the buildings. If there is any way to have a similar review and approval of their materials like there is in current downtown developments, that would be ideal. Dial has tried twice to show the homeowners something they would possibly build and it has been met with great disappointment. Most of their designs have been heavy with siding type materials and way more "modern" than the neighborhood. I believe the stone/masonry requirement would help a lot. I do worry that Dial, being a for profit enterprise, will develop this out, get it full and sell it to a third party that won't have been part of this whole process and doesn't keep it up in a way the neighborhood has been kept up.

We feel they should be required to plant buffer trees between the building and all the homeowners. I'm not sure if that is a pine tree every 30 feet or so, but some kind of requirement beyond "we'll move as many of the trees as we can" should be agreed upon by Dial or imposed through the development process.

Sorry for the length of my email, but hopefully we gave you a feel for our main concerns. Please feel free to contact us if you have any questions or need any other information from us. Thanks!

Michael and Jill Johnson  
5906 Rolling Hills Blvd  
402-202-4418

Charles and Carolyn Gregorius  
2220 The Knolls  
Lincoln, NE 68512

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June 1, 2015

TO: Planning Commission and City Council Members  
FROM: Charles and Carolyn Gregorius  
RE: Knolls Senior Living Community by Dial Development

The proposed Senior Living Community by Dial Development in the Knolls is not in keeping with the characteristics of our long established single-family home neighborhood. Considerable modifications need to be made for this to appropriately fit into the existing area. A zoning change from R-1 is especially undesirable, especially since most of the project can be completed without a zoning change.

Our biggest concern is the huge layout of buildings and its impact on drainage. During heavy rains, this area causes a back up of water with the golf course as the drainage pathway from south to north. With this massive development obstructing the flow of drainage, we can't imagine the nightmare this could cause to homes adjacent to the proposed development and beyond. It's hard to believe that major land reshaping can sufficiently deal with this problem.

We would like to see this development markedly scaled back and made more attractive with the use of more stone or brick. The project definitely needs to be more consistent in quality and size with the neighborhood homes.

Thanks for your consideration.

Charles and Carolyn Gregorius

**Geri K. Rorabaugh**

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**From:** Trev E. Peterson <TEP@knudsenlaw.com>  
**Sent:** Tuesday, June 02, 2015 8:59 PM  
**To:** Geri K. Rorabaugh  
**Subject:** RE: Planning Commission Hearing 6-10-15

Planning Commission:

I am writing with regard to the Dial application on the property commonly known as the west side of the Knolls Golf Course. I have concerns about the increase in traffic at the intersection of Old Cheney Road and Norman Road and concerns about the proposed use of the property.

My concerns about the roads are three fold:

First, when the traffic light was installed at the corner of Norman Road and Old Cheney, the street, which is a two lane street, was striped to provide a left turn lane on Norman Road. Norman Road is too narrow to accommodate two lanes of traffic and a left turn lane. As a part of any redevelopment, the width of Norman Road should be addressed.

Second, when returning from work I travel east bound on Old Cheney and make the right turn at the bottom of the hill onto Norman Road. In order to turn into the west lane of Norman Road a driver has to slow down on Old Cheney which is difficult given the speed of the traffic on Old Cheney and the desire of the drivers to speed up to beat the light at Norman Road. The City should require the addition of a right turn lane on Old Cheney to move the turning traffic out of the traffic flow on Old Cheney.

Third, the City should prohibit parking and cross streets or driveways in the first 100 feet or so of Norman Road from the south curb of Old Cheney to prevent accidents between cars turning on to Norman Road and traffic turning into the development.

With regard to the proposed development, a retirement living center is not consistent with the neighborhood. The neighborhood consists of larger homes built on larger than what are now standard lots. Most of the lots on the Knolls are half acre sized lots are larger. The lots on Rolling Hills Road are smaller. In my opinion the best use of the property to fit into the neighborhood is for single family homes or town homes. A multi- story senior development is not consistent with the character of the neighborhood.

Thank you for your consideration.

Trev Peterson  
6040 The Knolls

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**From:** Geri K. Rorabaugh [mailto:grorabaugh@lincoln.ne.gov]  
**Sent:** Monday, June 01, 2015 6:00 AM  
**To:** Trev E. Peterson  
**Subject:** RE: Planning Commission Hearing 6-10-15

Mr. Peterson

es, you can submit written to me at this email address regarding this application. All comments will be forwarded to the Planning Commission prior to the hearing. It would be best to have them submitted by the end of this week but they will be accepted up until the day of the scheduled public hearing and action on Wed., June 10.

Thank you.

Geri Rorabaugh, Administrative Officer  
Lincoln-Lancaster County Planning Department  
(402) 441-6365

**From:** Trev E. Peterson [<mailto:TEP@knudsenlaw.com>]  
**Sent:** Sunday, May 31, 2015 8:05 PM  
**To:** Geri K. Rorabaugh  
**Subject:** Planning Commission Hearing 6-10-15

I would like to submit written concerns about the Knolls Golf Course redevelopment proposal. Can those be submitted electronically? What is the deadline for submitting written concerns to have them presented to the planning commission?

Trev Peteron  
6040 The Knolls  
Lincoln, NE 68512

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**Geri K. Rorabaugh**

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**From:** Cbauer5824@aol.com  
**Sent:** Tuesday, June 02, 2015 8:10 AM  
**To:** Christy J. Eichorn; Geri K. Rorabaugh  
**Subject:** Knolls; Retirement / Apartment

Christy Echoer, Planner  
City of Lincoln Planning Department

Dear Christy,

I have lived at 5824 Rolling Hills Blvd. for the past 28 years. My residence backs directly to the Knolls golf course and we have enjoyed living in the Knolls neighborhood. I raised my two kids watching them enjoy the Knolls golf, swimming and tennis. It is a shame that will be coming to an end if they build this huge structure of a retirement / apartment complex. This structure as planned does not fit the architecture that has been established in the Knolls neighborhood. I purchased my property with the expectations that the zoning would not be change and this will be detrimental to all of our property values.

I strongly oppose the building of this retirement / apartment complex as planned and as you are aware we have enough traffic in this residential neighborhood as is.

Regards,

Craig Bauer  
5824 rolling Hills Blvd.  
Lincoln, NE 68512

**Geri K. Rorabaugh**

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**From:** Larkins, Ardath E - (delforge) <delforge@email.arizona.edu>  
**Sent:** Tuesday, June 02, 2015 11:49 AM  
**To:** ceichrorn@lincoln.ne.gov  
**Cc:** Geri K. Rorabaugh  
**Subject:** Knoll's Senior Living Community Development Plan

Dear Cindy,

As members of the Rolling Hills Neighborhood Association we are writing in support of the recent proposal outlined in our Association's attorney's letter to Kent Seacrest. Our attorney, Mark Hunzeker, sent the letter to Mr. Seacrest, Dial Development's attorney, on May 29th. The letter states that we are requesting Dial Development to modify their design for the proposed Senior Living Community on the Knoll's site. Our request includes improved building materials that meet the standards in the neighborhood, keeping R-1 zoning that would limit the number of residents housed in the various units. In addition we are asking that the height request for the proposed buildings be reduced and that the footprint for the building be reduced by eliminating a single story memory unit. That unit could then be built over the common area creating a wider barrier from the current single family homes and new proposed facility.

Additional concerns are whether or not there is a need for safe street access to the back of the units (west side) and if there is a landscape design in place?

We realize change is inevitable, but our hope is that these changes will enhance the neighborhood and detract from this well established neighborhood.

Thank you for your consideration of our concerns regarding the current Knoll's proposal.  
Sincerely,

Brian and Ardie Larkins  
5815 Rolling Hills Blvd.  
Lincoln, NE 68512

**Geri K. Rorabaugh**

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**From:** Tom Smith <TSmith@smithhayes.com>  
**Sent:** Tuesday, June 02, 2015 8:47 AM  
**To:** Christy J. Eichorn  
**Cc:** Geri K. Rorabaugh  
**Subject:** KNOLLS DEVELOPMENT

I would like to comment on the plans for the west side of the Knolls golf coarse. I am not opposed to the development ,but I am opposed to the size of the project that has been proposed. We could live with a two story project that used the R 1 zoning restrictions. It is totally out of character for 300 housing units to be built on 14 acres where many of the residential lots are ½ acre lots . further, even though the Knolls golf coarse creates some traffic for the neighborhood, this will be year round sirens and firetrucks 24 hours a day . the developer doesn't have the best track record when it comes to quality and design. The neighborhood homes have used an extensive amount of brick . this project appears to not use any brick,again out of character with the neighborhood. We could live with this if it were cut back to 180 housing units kept at 2 stories or less and had some very rigorous design standards that at least compared with the surrounding neighborhood. Please give your consideration to keeping one of lincoln's best neighborhoods standards at the very highest level. We know that some development will eventually be on this location and we are willing to accept something reasonable ,but not what has been proposed so far. Thank you for your consideration. Tom and lisa smith 5910 Norman Road.

**Tom Smith**

Phone: 402.476.3000  
Direct: 402.437.1026  
Toll Free: 800.279.7437  
Fax: 402.476.6909  
E-mail: [tsmith@smithhayes.com](mailto:tsmith@smithhayes.com)

**SMITH HAYES**

1225 L Street, Suite 200  
Lincoln, Nebraska, 68508  
[www.SMITHHAYES.com](http://www.SMITHHAYES.com)



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Christy Eichorn, Planner  
City of Lincoln Planning Department  
555 South 10th Street, Suite 213  
Lincoln, Nebraska 68508

June 2, 2015

Dear Ms. Eichorn, Fellow Planning Commissioners, and Lincoln City Council Members:

As a resident of the Knolls subdivision, I would like to submit comments about the proposed rezoning of the Knolls Country Club property that has been forwarded by Dial Development Realty. My understanding is that Dial is requesting a rezoning, or a special permit to override the current zoning requirement, to build a retirement community.

I am concerned about this project in general, but I am especially concerned about the possibility of rezoning taking place. The character of the Knolls, an iconic Lincoln neighborhood, is defined by and dependent on whatever exists at the corner of Norman Road and Old Cheney Road.

When my family moved to the Knolls in 2009, we selected this part of town to live in because of the beauty of the expansive, well-tended lawns with set-back homes, and lovely, landscaped backyards. The houses in this part of the city are older, each with a character of its own. The country club property is the gateway to this area. It defines its environs and represents in microcosm the history of the southwest part of Lincoln.

Families who have a longer history here tell of summers spent at the pool and memorable celebrations held in the club house. Community members outside of the neighborhood have enjoyed the restaurant over the years and civic groups, such as Rotary, have frequented it and used it as a meeting space, as well. Lincoln residents have benefitted from the beauty that the golf course brings to this part of the city as they make their way down Old Cheney Road.

To imagine a gargantuan, several-story tall building—one that would rival some buildings in downtown Lincoln in height—on the site of the golf course, is frankly unconscionable to me. Practically, it seems untenable, as well. The traffic it would create, alone, would result in a major shift in the quality of life in this part of town.

If I had access to the resources and time to do so, I would have liked to pursue an altogether different sort of development on both sides of the Knolls Country Club property, one that would retain the trees and the greenery and would rechannel the abundant storm runoff that occurs at times on the site. Akin to the gorgeous Myriad Garden in Oklahoma City, this would be the perfect spot for an upscale municipal garden that would draw visitors from far and wide and would be the pride of Lincoln.

Alas, this is not to be. So, in lieu of the realization of a grand plan, at the very least, I ask the Planning Commission to please deny the request to rezone both sides of the Knolls Country Club property.

Thank you for considering my disposition toward this proposal.

Sincerely,

Sue Ann Gardner  
6229 Barbara Lane  
Lincoln, Nebraska 68512

2-June-2015

To: Christy Eichorn and the City of Lincoln Planning Commission and Lincoln City Council

Subject: Knolls Re-Zoning Objection

From: Scott L. Gardner, Ph.D., 6229 Barbara Lane, Lincoln, NE 68512

Dear Planning Commission and City Council Members:

As a resident of the Knolls neighborhood (on Barbara Lane), I would like to voice my strong opposition at the present time to both a re-zoning action or allowing a change in the zoning via special permit of the Knolls neighborhood area that is currently known as the Knolls Country Club and which is now owned by George Boosalis. The reasons for this opposition are listed below:

- 1) It appears that the property on the both west-side and the east-side of Norman road are being sold separately and there is no overall land-use plan to consider the fate of the whole property.
- 2) The suggested re-zoning (on the west-side of the property – A senior-living complex, on the east side, there are no information) will severely and negatively impact the value of the properties of all the residents of the Knolls and Rolling Hills subdivisions, especially those that now share contiguous property lines with the current golf course.
- 3) The monolithic building that is proposed as a senior-living area on the west-side of Norman road is completely out of character with the look and feel of the residences in the area of the Knolls and Rolling Hills neighborhoods.
- 4) The proposed development on the west side will severely and negatively impact the more than 200 hundred mature trees that are now growing in the area. Taking these out will increase the carbon footprint of Lincoln, if even in a small way.
- 5) With only the senior-living area considered, it is clear that vehicular traffic will increase dramatically on Old Cheney road and this traffic will include residents, visitors, and workers.

Finally, when I look at an aerial photograph of Lincoln (see Google Earth), it is clear that the Knolls and Rolling Hills areas surrounding and including the current Knolls Country Club is a very special part of the city of Lincoln. Refusing to make a zoning change or special permit by the city planning commission and the city council, in the case of the Knolls and Rolling Hills neighborhoods, will show the people of Lincoln and the state of Nebraska that Lincoln is a modern and forward-looking city that has grounding in both historical as well as modern values.

# Dan and Jennifer Lesoing

6001 The Knolls, Lincoln, NE 68512 • 402.328.2607 •  
jenlesoing@gmail.com



June 2, 2015

Christy Eichorn, Planner  
City of Lincoln Planning Department  
555 South 10th Street  
Suite 213  
Lincoln, NE 68508

Dear Ms. Eichorn:

We are writing in regard to the proposed senior living community in The Knolls. It is a great disappointment to see this fabulous golf course/family area no longer be a part of this Lincoln neighborhood. However, it is with greater disappointment that the possibility exists to rezone the area allowing for a structure that would be too large and intrusive for the single-family neighborhood that surrounds it.

Please consider this proposed project and rezoning request from the perspective of a homeowner. Many of us chose this neighborhood for the mature trees, large lots, quiet surroundings, and proximity to The Knolls golf course and swimming pool. We can accept that change to the neighborhood is inevitable. However, it's the responsibility of the homeowners in the area to ensure that any proposed development continue to fit into its surrounding landscape. From the meetings we've attended and the information we've received, it appears the proposed structure is quite oversized for the neighborhood and doesn't meet the basic covenants of the neighborhood. In addition, there are still several unanswered questions that leave all of us feeling uncertain about the proposed project.

Thank you for taking the time to hear each and every person's concerns, including those of the developer, and to make a decision that all parties can feel comfortable with.

Sincerely,

Dan and Jennifer Lesoing  
Homeowners, Chez Ami Knolls

## Brenda J. Thomas

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**From:** Christy J. Eichorn  
**Sent:** Thursday, June 04, 2015 8:18 AM  
**To:** Geri K. Rorabaugh  
**Cc:** Steve S. Henrichsen; David R. Cary  
**Subject:** FW: Knolls CC/Dial Development

**From:** Richard Peters [<mailto:rp4401@gmail.com>]  
**Sent:** Wednesday, June 03, 2015 7:43 PM  
**To:** Christy J. Eichorn  
**Cc:** Geri K. Rorabaugh  
**Subject:** Knolls CC/Dial Development

To Lincoln City Council and Planning Commission Members

Our family has lived on the west side of The Knolls Country Club since 1985. I have carefully studied the proposed development in our backyard. I am in favor of the development of quality senior housing. I believe the proposed development will be a good neighbor.

I have two reservations--1) the exterior of the building needs some tweaking to improve its blend with the existing neighborhood such as more brick and stone exterior. 2) To date no landscaping plan has been presented, only that every possible tree will be recovered. I think the Planning Commission and City Council need to condition submitting of landscaping plans along with building plans. My reasoning is that the developer has proposed a generous green space area along existing properties. I feel that the landscaping and design of this open space is equally important to me as the approval of the project.

Thank you for your consideration.

Richard A Peters 5806 Rolling Hills Blvd Lot #4  
on west side of The Knolls 402-423-0287

**Gerri K. Rorabaugh**

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**From:** Chris Taylor <ct5919@yahoo.com>  
**Sent:** Wednesday, June 03, 2015 1:14 PM  
**To:** Geri K. Rorabaugh  
**Subject:** Fwd: Dial developement

Begin forwarded message:

**From:** Chris Taylor <ct5919@yahoo.com>  
**Date:** June 3, 2015 at 1:08:35 PM CDT  
**To:** "ceichorn@lincoln.ne.gov" <ceichorn@lincoln.ne.gov>  
**Subject: Dial developement**

This proposed development that Dial of Omaha is planning is over 300,000 sq.ft., 55' in height, with a possibility of more than 200 units, plus employee, delivery and visitor traffic not to mention emergency calls. All placed in an established residential neighborhood.

This lacks integrity to the area and is not representative to the neighborhood.

The density is inappropriate .

I oppose this massive complex.

Zoning must remain R-1, which it has been for more than 50 years.

Please keep the integrity of the Knolls in tact.

Thank you for your help with this matter.

Chris Taylor  
402-421-2912  
5919 Norman Road  
Lincoln, NE 68512  
[ct5919@yahoo.com](mailto:ct5919@yahoo.com)

**Gerri K. Rorabaugh**

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**From:** Benton, Sue <sue.benton@rbc.com>  
**Sent:** Wednesday, June 03, 2015 8:11 AM  
**To:** Christy J. Eichorn; Geri K. Rorabaugh; Cyndi Lamm; Jon Camp; Jane Raybould; Carl B. Eskridge; Leirion Gaylor Baird; Roy A. Christensen; Trenton J. Fellers; Mayor  
**Subject:** Proposed Knolls Senior Living Community by Dial Development  
**Attachments:** IMG\_4304 (2).JPG

I would like to make my opposition to The Knolls Senior Living Community proposed by Dial Development of Omaha to be located on the west 9-holes of the Knolls Golf Course bordered by Old Cheney Road, Norman Road, and Rolling Hills Blvd. known to all interested parties.

No change of zoning from the current R-1 to R-2 should be allowed. This property has been zoned R-1 for 50-plus years and the neighborhood consists of primarily single-family residences. The integrity of this neighborhood should be upheld so as to not incur any "hidden consequences" by this development such as decreased property values, additional water drainage issues that occur in the area during times of heavy rain due to such a massive development (312,000+ total square feet), safety concerns caused by increased traffic at the intersection of Old Cheney Road and Norman Road (a primary access to Hill Elementary School), or damage/displacement to wildlife in the area (see attached picture taken 6/2/15 on my neighbors front porch). The massive footprint of this proposed development is uncomfortably close to surrounding single-family homes. I would not be opposed to a development on this property similar to Bishops Square or the townhomes in Williamsburg near the Landing. Future development on this property needs to be in keeping with current density, height limitations, and architectural compatibility of the neighborhood as it now exists.

No special permit or height waiver should be allowed for the proposed building height of 55 feet. This is excessive and far out of character with the neighborhood. Most homes in the area are single-story with some two-story homes. Any development should be consistent with the current neighborhood and respect its surroundings.

Dial Development at prior meetings with the neighborhood led us to believe their other senior housing developments, such as those in Omaha, are all located in residential neighborhoods. In traveling to Omaha to view these developments, all Omaha locations are located in areas where multi-uses are present (hotels and other commercial developments, apartments, etc.) Even Savannah Pines and The Landing were developed in multi-use areas of Lincoln, not a 50 plus year old neighborhood of single family homes.

No landscape plan has been presented by the developer and the proposed use of cement board as building material is sub-standard, in my opinion. The covenants governing the surrounding homes require at least 60% brick or stone and most homes exceed that standard. Many mature trees and landscape material will need to be removed due to the extraordinary amount of grading that would be needed on this site. In addition, what access will the fire department and other emergency services have to the building on the

west side and where will delivery vehicles (tractor trailers) park so as to not impede traffic on Norman Road.

There is no need to rezone the property or to allow for any height waiver. I have lived and raised my family in the Knolls neighborhood for 27-plus years. Please uphold the integrity of our neighborhood and community.

With respect and concern for my neighborhood community,

Susan E Benton  
5925 Norman Road  
Lincoln, NE 68512  
sebbenton@gmail.com

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**Geri K. Rorabaugh**

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**From:** John Reid <jreid@unl.edu>  
**Sent:** Wednesday, June 03, 2015 6:49 AM  
**To:** Christy J. Eichorn; Geri K. Rorabaugh  
**Cc:** Monica  
**Subject:** The Knolls Golf Course Development

6/3/2015

Dear Christy Eichorn and Lincoln Planning,

We are writing in regard to the proposed Knolls Senior Living Community. The current plan under consideration appears to be significantly out of character with The Knolls and Rolling Hills neighborhoods. Because of that, we hope that you will either require significant changes to the plan before approving it, or to outright reject the plan. Including, but not limited to, the R-1 zoning district should not be changed.

In the past several years many high quality senior communities have been built in Lincoln – pleasing architectural design, brick or stone exteriors, professional landscaping, substantial green space between the building(s) and the surrounding houses, maximum heights essentially being 35 feet tall, etc. These attributes are very much consistent with our neighborhood and we would welcome such a proposal and potential new neighbors if they were adhered to.

Thank you,

John and Monica Reid  
5931 The Knolls  
Lincoln, NE 68512

# OPPOSITION

Items: 4.7a and 4.7b: CZ15014 and SP15035  
pg.# 151 (Public Hearing/Action 6/10/15)  
Knolls

5920 The Knolls  
Lincoln, Nebraska 68512  
June 3, 2015

Lincoln City Council  
Lincoln-Lancaster County Planning Commission  
c/o Ms. Christy Eichorn, Planner  
555 South 10<sup>th</sup> Street, Suite 213  
Lincoln, Nebraska 68508

Dear Members of the Lincoln-Lancaster County Planning Commission and the Lincoln City Council:

As long-time homeowners in The Knolls, we ask that you carefully review the impact on our neighborhood of the overly large retirement development proposed by Dial Real Estate LLC. And we ask that you do all you can to minimize the intrusion of this development on a well established and carefully maintained neighborhood where many current homeowners have lived for more than a quarter of a century.

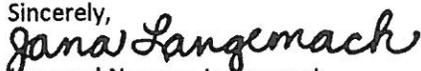
We would prefer that the land be used for houses and townhouses, which seem to better suit the neighborhood and the topography, or, better yet, remain as green space or parkland. In lieu of those ideal land uses, however, we request that the R-1 zoning be retained. We also request that measures be taken to limit the size and height of the Dial building and that the materials, architecture, and landscaping be compatible with the single-family, owner-occupied homes in the neighborhood. These homes are made of high-quality materials including brick and stone and are architecturally attractive and unique for Lincoln. The trees, bushes, plantings, and curving streets contribute to the healthy, calm, and peaceful environment of the neighborhood.

We understand an emphasis on high-density developments in areas where those developments are appropriate and in new areas without pre-existing homes and homeowners. But we also believe the city needs to encourage a variety of living environments to meet the needs of the diverse population it seeks to attract— college students, young professionals, working families, growing families, retired couples, all with unique housing and neighborhood requirements.

We specifically chose our home 26 years ago because of the spacious nearly one-acre lot; the abundant green space; the sense of country with city amenities and services; the variety of well-built, well-designed homes; and the unique architecture of our Southern colonial style house. We specifically remember driving through the neighborhood after dark and admiring the lovely, serene lighting of many of the homes and yards, an asset not always considered when choosing a neighborhood.

Just this week, at a community meeting about the SoDo development project, we were struck by the fact that the community is now struggling with taking up to 30 years and millions of dollars to revitalize a beautiful section of the city where buildings were allowed to be built without regard to the character of the neighborhood or the quality of construction. We now have an opportunity in The Knolls to make sure that future development in the neighborhood is compatible in style, size, and quality with what already exists and to make sure that the green space that has defined this neighborhood throughout its history is maintained and enjoyed. Please preserve this historic neighborhood by insisting that this major development and others that may follow be sensitive to the neighborhood in size, height, architecture, activity, landscaping, and intent. Thank you.

Sincerely,

  
Jana and Norman Langemach



June 03, 2015

Lincoln/Lancaster County Planning Commission  
555 South 10<sup>th</sup> Street, Ste 213  
Lincoln, NE 68508

**RE: Change of Zone CZ15014 and Special Permit SP15035**

Planning Commission Members;

I am a retired city planner living in the Knolls neighborhood. I'm a past member of the Nebraska Planning and Zoning Association, the American Planning Association, the American Institute of Certified Planners and The Commonwealth Planning Association. I have worked as a planner and on planning projects in the private sector, for local, state and national governments and for the World Bank. I've been a Certified Planner-in-Charge in Nebraska, South Dakota and Maryland.

With this letter I am requesting that the Planning Commission direct the City of Lincoln Planning Department to reject the application made on behalf of Dial Real Estate Consultants, LLC (Dial) due to the application not being in conformance with administrative provisions of the Zoning Ordinance and Subdivision Regulations of the City of Lincoln.

I have reviewed the zoning regulations extensively and have concluded that the Planning Department accepted the application for the Special Permit in error. The application should be returned to the applicant with instructions that application for a Special Permit may be resubmitted under the provisions and conditions of the proper land use categories as provided in Chapter 27.06, Use Groups.

As submitted, the proposal by Dial contains a request for approval of three categories of land use as defined in the zoning ordinance; 20 memory care units (10% of proposed units), 60 assisted living units (28% of proposed units) and 130 independent living apartments (62% of proposed units). Memory care while not defined in the zoning ordinance or listed in Chapter 27.06 but which presumably would include nursing, convalescent and hospice care is permitted by Special Permit in the Group Living Use Group under the Health Care Facilities, Residential category. The assisted living units are also included in the Health Care Facilities, Residential Category. Both of these types of facilities require certification by the Nebraska Department of Health and Human Services (DHHS).

The majority of requested units are independent living apartments included in Section 27.06.070, Household Living Use Group under the Elderly and Retirement Housing category. These types of facilities do not require DHHS certification. These units are no different than any other type of multi-family dwelling, other than the requirement that occupancy be limited to households containing at least one member over the age of 60 years and that such developments incorporate specific

features designed to alleviate access problems commonly experienced by the elderly. When I asked a member of the Planning Department why they accepted the application under the provisions of the Group Living Use Group rather than under the use group describing the majority of units, I was informed by a member of the Planning Department staff that an administrative decision had been made by persons who were not identified to process all such applications for elderly housing under this category. The planning Department has chosen to consolidate a complex land use proposal under the zoning requirements of a minority use rather than disaggregating the proposal into its component land uses or at the least file the project under the majority use. Irrespective of the merits or demerits of the proposal, it appears that an administrative error has been made which should be addressed prior to any public hearing.

Unless the Planning Department provides an acceptable explanation why it has adopted such an arbitrary policy for processing such proposals, the application referenced above should be rejected.

Respectfully Yours,

Jeffrey M. Poley  
5727 The Knolls  
Lincoln, NE 68512-1936  
[poleyjeff@gmail.com](mailto:poleyjeff@gmail.com)  
(402) 423-5024  
(402) 318-4173 (cell)

Letter in opposition to the Knolls Development.

**From:** Kevin Meyer [mailto:kcm1966@hotmail.com]  
**Sent:** Wednesday, June 03, 2015 3:54 PM  
**To:** Christy J. Eichorn  
**Cc:** Geri K. Rorabaugh  
**Subject:** Knolls Neighborhood, proposed Dial Development

Dear Planning Commission,

We reside at 2116 The Knolls and have great interest in the proposed development on the existing Knolls golf course by the Dial Development Corporation. Our property backs up to the property under consideration by Dial Corporation.

We purchased our home in 2008. Although disappointed, we recognize and accept that our backyard will no longer be adjacent to a golf course. We expect, however, that our neighborhood will continue to be recognized as the unique residential neighborhood that it is. As such, we request that the Planning Commission review the Dial Development proposal with the similar goal -- to maintain the unique character and integrity of the existing **residential** neighborhood.

Specifically, we ask that you maintain the existing zoning in order to limit the population density increases proposed by Dial Development Corporation. Additionally, we ask that the building layout on the property and construction plans match the character and integrity of the neighborhood, specifically denying 3 and 4 story buildings as part of the plan and maintaining more than generous space between existing Knolls neighborhood homes and the proposed Dial complexes.

As previously stated, we recognize that we will no longer live on a golf course and we admit that a retirement community CAN be a good neighbor if Dial Development takes more seriously into consideration the history, character and integrity of the neighborhood in which they hope to move.

Sincerely,

Kevin and Denise Meyer  
2116 The Knolls

**Brenda J. Thomas**

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**From:** Christy J. Eichorn  
**Sent:** Thursday, June 04, 2015 8:28 AM  
**To:** Geri K. Rorabaugh  
**Cc:** David R. Cary; Steve S. Henrichsen  
**Subject:** FW: zoning change Dial development/Southhills

Please add this letter in opposition to the Knolls project to the file.

**From:** Rick T [<mailto:rt5919@yahoo.com>]  
**Sent:** Wednesday, June 03, 2015 12:45 PM  
**To:** Christy J. Eichorn  
**Subject:** zoning change Dial developement/Southhills

Why can Dial propose 300,000 sq.ft., 4 story building in the middle of a residential area?

The Landing is a health care facility for seniors, it is in a commercial area. Savannah Pines, a similar facility, has a large green space between the building and homes. therefore you are unable to see the building from the backyards. Dial,s will be visible, and you will look right at it from all areas.

Landing has 134 units. Savannah Pines has 122 units. Dial wants over 210 units.

If the 13.09 acres of the Knolls were to have the same ratio of improvements to Landing,s square footage Dial would be 186,000 sq.ft. Very Large! Savannah Pines would be 246,000 sq.ft. in comparison. Unconcievable! And no green space. You must realize 300,000 sq.ft. is like 2(two) Super Walmarts stacked on top of each other.

We are against any zoning change that would allow this.

## Brenda J. Thomas

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**From:** Christy J. Eichorn  
**Sent:** Thursday, June 04, 2015 8:17 AM  
**To:** Geri K. Rorabaugh  
**Cc:** Steve S. Henrichsen; David R. Cary  
**Subject:** FW: Proposed Knolls Senior Living Facility

Here is another letter in opposition to the Knolls project for the file. I see that you were copied, but I thought I would forward it to David and Steve as well.

**From:** Jeff Burr [<mailto:jeff.burr@nanonation.net>]  
**Sent:** Wednesday, June 03, 2015 10:28 PM  
**To:** Christy J. Eichorn; Geri K. Rorabaugh  
**Subject:** Proposed Knolls Senior Living Facility

Attn: Christy Eichorn  
Planning Department

I am writing you to voice my opposition to the proposed development of the Dial senior living facility on the West Knolls golf course.

I am a lifelong Lincoln resident and I am not opposed to new developments in Lincoln. I believe it makes Lincoln a stronger and more viable city. I strongly believe that the important part of new development is that it takes place in the appropriate areas of Lincoln. In this case the new development being proposed by Dial Corp and George Boosalis is in the wrong area of Lincoln.

Building a senior living facility/health care facility/retirement community in an established and arguably historic neighborhood defies logic. While I am sure there is business logic behind this for Dial and George Boosalis there is simply no common sense logic for building this facility in our well established neighborhood. I realize that development on this land area is inevitable because George Boosalis has decided to close the Knolls Country Club and sell the land. Development of single family homes or something similar to Bishop Square would be a more appropriate fit for the Knolls neighborhood. As you know the land is zoned R-1 and has been for 50 or more years. Don't allow an Omaha company to come into Lincoln and build a 200+ bed care facility in our backyards.

Regards,

Jeff Burr  
5707 The Knolls

## Brenda J. Thomas

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**From:** Geri K. Rorabaugh  
**Sent:** Thursday, June 04, 2015 11:40 AM  
**To:** Brenda J. Thomas  
**Subject:** FW: KCC West Nine Dial Development Proposal Comment/Requests

For the ~~Burkitt~~<sup>Knolls</sup> development.

Thanks.

Gerri Rorabaugh, Administrative Officer  
Lincoln-Lancaster County Planning Department  
(402) 441-6365

**From:** Andrew Benton 2 [mailto:abentonii@icloud.com]  
**Sent:** Thursday, June 04, 2015 10:06 AM  
**To:** Geri K. Rorabaugh  
**Subject:** Fwd: KCC West Nine Dial Development Proposal Comment/Requests

Will my email be posted to the city website?

My name is Benton II.

Best regards,  
Andrew J Benton II  
iPad

**NOTE: NEW EMAIL ADDRESS EFFECTIVE NOW IS [abentonii@icloud.com](mailto:abentonii@icloud.com). Please change your records. [abenton2@earthlink.net](mailto:abenton2@earthlink.net) will be decommissioned July 1, 2015.**

Begin forwarded message:

**From:** Andrew Benton <[abenton2@earthlink.net](mailto:abenton2@earthlink.net)>  
**Date:** June 3, 2015 at 10:51:58 AM CDT  
**To:** [clamm@lincoln.ne.gov](mailto:clamm@lincoln.ne.gov), [jcamp@lincoln.ne.gov](mailto:jcamp@lincoln.ne.gov), [jraybould@lincoln.ne.gov](mailto:jraybould@lincoln.ne.gov),  
[rchristensen@lincoln.ne.gov](mailto:rchristensen@lincoln.ne.gov), [mayor@lincoln.ne.gov](mailto:mayor@lincoln.ne.gov), [ceichorn@lincoln.ne.gov](mailto:ceichorn@lincoln.ne.gov), [plan@lincoln.ne.gov](mailto:plan@lincoln.ne.gov),  
[ceskridge@lincoln.ne.gov](mailto:ceskridge@lincoln.ne.gov), [lgaylorbaird@lincoln.ne.gov](mailto:lgaylorbaird@lincoln.ne.gov), [tfellers@lincoln.ne.gov](mailto:tfellers@lincoln.ne.gov)  
**Cc:** Dan Marvin <[dmarvin@neb.rr.com](mailto:dmarvin@neb.rr.com)>, Mark Hunzeker <[mhunzeker@baylorevnen.com](mailto:mhunzeker@baylorevnen.com)>  
**Subject:** KCC West Nine Dial Development Proposal Comment/Requests

To the Mayor, City of Lincoln;  
City Council; Zoning Board; & Traffic Safety:

June 3, 2015

We have lived in Lincoln and in the Knolls area since 1987, just over 28 years. Then, 27<sup>th</sup> Street south of Old Cheney was a gravel road and Old Cheney itself was just two lanes. We've welcomed most change and have been proud of the growth and the collective investment in our community. We like the immediacy of a fire house added a few years ago, a newer branch library (Walt), new schools, expansion

at the FISERV Campus, development of SouthPointe Pavilions, the development area generally known as the Hay Market, Pinnacle Arena and much more. These types of structures fit into our community, many adding to our city tax base, and have been located in space expected to be developed in this way. But for downtown and other locales along "O" Street, none are four stories tall. Most (like ShopKo, SuperSaver, and Walmart) are one to a maximum of one and a half stories tall.

Packed into the proposed development of 13.09 acres to the Knolls CC west nine, we understand parts of the building are to be four stories (estimated to be 65 feet to the roof line point), high density including 210 living units (likely meaning some 300 individuals or more in-residence), and an expected building quality and landscaping plan that is not in character with other like facilities in Lincoln nor with our immediate neighborhood. Our covenants require a minimum of 60% stone and/or brick siding, but many of our single family homes (mostly ranch style with some two story structures) are covered to as much as 100%.

We strongly urge rejection of the proposed change from the current R-1 zoning since 190 residents is more than adequate use of the space while maintaining some of the character of area. Please also reject the special permit seeking to allow construction of a four story structure, which would be two to three times the height of other structures in the neighborhood and 25% taller than even the several FISERV offices at 14<sup>th</sup> and Old Cheney. We note the Knolls restaurant and related buildings are one story structures. Also, please require of the developer a building and construction quality more normal to Lincoln and specifically to the Knolls/Rolling Hills areas, including professional landscaping. We are not in favor nor do we see the need for over-sized signage.

Finally, the City Traffic Safety department should require as part of any development to this site a slow-down/turn lane on Old Cheney to facilitate safe traffic flow down the hill as travelers drive east-bound with the intent of turning south on Norman Rd.

Frankly, we are not in favor of the current development plan proposed and would prefer to see the site developed perhaps in a similar way as Bishop Square (near 27<sup>th</sup> and Kucera) or perhaps similarly to the townhome subdivision on Jamestown Road in the Williamsburg area. We would think these would be economically viable to develop.

Thank you for your careful consideration of these issues and concern for the ongoing nurturing of our neighborhoods, while helping to foster calculated growth of our community.

Best regards,

Andrew J. Benton II  
5926 Norman Road

**NOTE: NEW EMAIL ADDRESS EFFECTIVE NOW IS [abentonii@icloud.com](mailto:abentonii@icloud.com).**

## Brenda J. Thomas

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**From:** Christy J. Eichorn  
**Sent:** Thursday, June 04, 2015 8:30 AM  
**To:** Steve S. Henrichsen; David R. Cary  
**Cc:** Geri K. Rorabaugh  
**Subject:** FW: KCC West Nine Dial Development Proposal Comment/Requests

Geri, if you have not already added this one to the file, please do.

**From:** Andrew Benton [<mailto:abenton2@earthlink.net>]  
**Sent:** Wednesday, June 03, 2015 10:52 AM  
**To:** Cyndi Lamm; Jon Camp; Jane Raybould; Roy A. Christensen; Mayor; Christy J. Eichorn; Geri K. Rorabaugh; Carl B. Eskridge; Leirion Gaylor Baird; Trenton J. Fellers  
**Cc:** Dan Marvin; Mark Hunzeker  
**Subject:** KCC West Nine Dial Development Proposal Comment/Requests

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City Council; Zoning Board; & Traffic Safety:

June 3, 2015

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Thank you for your careful consideration of these issues and concern for the ongoing nurturing of our neighborhoods, while helping to foster calculated growth of our community.

Best regards,

Andrew J. Benton II  
5926 Norman Road

**NOTE: NEW EMAIL ADDRESS EFFECTIVE NOW IS [abentonii@icloud.com](mailto:abentonii@icloud.com).**

-----Original Message-----

From: Gert Stromberg [mailto:[gertstromberg611@gmail.com](mailto:gertstromberg611@gmail.com)]

Sent: Thursday, June 04, 2015 2:41 PM

To: Christy J. Eichorn

Subject: Dial development Knolls Golf Course

The Knolls Golf Course lies behind my property at 5912 Rolling Hills Blvd. I realize this is a valuable parcel of land in a beautiful established neighborhood in the heart of Lincoln. I have enjoyed this space for 26 years and am sad to lose it. However, my concerns center on the water drainage and the effect on my property value. My yard does slope down to the golf course at this time. My concern is that with grading, dirt fill and a huge building there will be an unsightly ditch behind my home. Even now after 3-4 in. of rain, there are pools of water on the course. I encourage the Planning Commission to consider the revised footprint moving this gigantic building away from homes from 80 ft to 160 ft as was presented to Dial Development.

Sent from my iPad

## OPPOSITION

Items: 4.7a and 4.7b: CZ15014 and SP15035  
pg.# 151 (Public Hearing/Action 6/10/15)  
Knolls

**From:** Jeff Poley [mailto:[poleyjeff@gmail.com](mailto:poleyjeff@gmail.com)]  
**Sent:** Thursday, June 04, 2015 7:21 PM  
**To:** Mark Hunzeker; Dan Marvin; Badami, John; Anna Wishart  
**Cc:** Christy J. Eichorn  
**Subject:** Staff Report for Knolls Zoning Action

Knolls Group:

I read with interest the staff report for the Dial proposal. Most of the report repeated the rationalizations for waivers provided by the Dial representatives at our last neighborhood meeting at the Knolls Restaurant particularly with reference to the request for a 20 foot addition to the height limitations. The reasons given by staff for support for the proposal in paragraph 13 of the Analysis Section are weak and poorly documented.

Most interesting is the review of the Comprehensive Plan Specifications. Since I'm among those over 65 years of age, I appreciate the number of references in the Comprehensive Plan to concern about the health and well being of persons of my age. The Plan notes the importance of increasing the number of assisted living and nursing facilities for us (page 2.4), expansion of existing healthcare locations expected over time (page 5.3), development of Lincoln as a major network of quality regional health care services ((page 8.2), encouragement of health care services to meet the demand of the community's growing aging population base (page 8.3), integration of medical services, including physical and mental health care into the community (page 8.3), vital importance of medical facilities near existing residential neighborhoods (page 8.3), provision of accessible physical and mental health care services in appropriate areas in and around residential neighborhoods (page 8.7), plan for further construction of medical campuses (page 8.7) and increasing demand for health care services with the growing aging population.

Only a single mention of providing a wide variety of housing types and choices for the diverse and aging population (page 7.2) is made. Nowhere does the staff review mention that the majority of the proposal is for apartment units for the elderly, not health care facilities. Nor is it mentioned that many elderly have already chosen The Knolls neighborhood as a place to live among the many housing types and choices available in Lincoln.

I would suggest that in order to bring the proposal into conformance with the staff analysis, all of the 130 independent living units should be removed from the application. so that the proposal truly comports with the support given by staff for community centered health care facilities for the elderly.

Jeff...

## OPPOSITION

June 4, 2015

Lincoln/Lancaster County Planning Commission  
555 South 10<sup>th</sup> Street, Ste 213  
Lincoln, NE 68508

### **RE: Change of Zone CZ15014 and Special Permit SP15035**

Dear Planning Commission and City Council Members:

My opposition to the rezoning of the knolls neighborhood/knolls country club area was conveyed in a separate letter to the Commission on 2 June, 2015. Because the decision on the potential re-zoning from R1 (or a special permit) to a designation that allows high density housing is being done so quickly I would like the commission to delay action to make sure that future uses for the area follow the comprehensive plan that the city has developed.

Several of the neighborhood members and I have met to discuss alternative plans for the area currently know as the Knolls Country Club. We feel that this area is ideally suited to several uses, none of which include razing the mature trees in the area to put in high density housing of a monolithic nature. These include, but are not restricted to:

- 1) **Park and Open Space.** The neighborhoods nearby have no readily accessible and close-by parks and open spaces. So a park is a natural idea for the area. Development of this kind of area would serve to increase the property values of the neighborhoods, rather than decrease it as would happen if the proposal for a senior living area by Dial Real Estate Consultants is enacted.

We feel that we could raise funds to accomplish the purchase and development of a natural grassland and park with interpretive areas by submitting a grant proposal to the Nebraska Environmental Trust (NET) and by raising funds from other foundations. I have discussed this potential proposal with the director of the NET and feel that there is a sufficiently positive attitude that a proposal to the NET would have a good chance of success in review.

- 2) **Single Family Homes with Green Space / Park / community swimming pool**

If the NET provides funding for part of the purchase of the area it is possible that some lots could potentially be sold for single family homes to help defray costs and provide funds back to the NET. Interspersed parkland, with

native vegetation (reclaimed golf-turf) and interpretative signage implementing the ideas of informal science education (as developed to a great extent in Morrill Hall of the University of Nebraska State Museum) would be an extremely positive addition to Lincoln parks.

My discussions with several neighbors in the Rolling Hills and the Knolls indicate that these proposals, while tentative, are robust enough to generate discussion for raising funds both in the neighborhood and in the city of Lincoln.

It is obvious, that in an esthetic and community-wide sense, the proposed uses listed above are greatly preferable to a massive building very near the single family dwellings in the area. Discussions with the Lincoln Parks Foundation were also very positive, and these discussions have indicated that a park in this part of the city of Lincoln would be a hugely positive thing for the livability of Lincoln into the future.

Respectfully submitted,

A handwritten signature in cursive script that reads "Scott L. Gardner". The signature is written in black ink and is positioned below the text "Respectfully submitted,".

Scott L. Gardner, Ph.D.,  
6229 Barbara Lane,  
Lincoln, NE 68512

# OPPOSITION

Items: 4.7a and 4.7b: CZ15014 and SP15035  
pg.#151 (Public Hearing/Action 6/10/15)  
Knolls

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**From:** Craig A. Smith <casmith@speedwayproperties.com>  
**Sent:** Friday, June 05, 2015 4:53 PM  
**To:** Christy J. Eichorn; Geri K. Rorabaugh  
**Subject:** Knolls Redevelopment Special Permit #15035 Change of Zone #15014

To: Christy J. Eichorn  
City of Lincoln, City Council and Planning Department.  
Subject: Knolls Redevelopment Special Permit #15035 Change of Zone #15014

June 1, 2015

Dear Christy, City Council Members and City Planning Department.

The purpose of this email is to voice our opposition to the Special Permit #15035 and Change of Zone #15014.

My extended family owns houses at 5930 Norman Road, 5901 The Knolls and 5921 The Knolls.

The requested special permit and change of zone will have a negative impact on the value of our homes and character of our neighborhood. While the redevelopment of the golf course may be inevitable, this project's density, building heights and building materials are incompatible with the existing Knolls neighborhood.

We are also concern about public safety as many of our neighborhood streets were built without sidewalk. Adding 286 people into the neighborhood without sidewalks will be an added safety concern.

We encourage you to vote against the change of zone on this proposal.

Thank you for your consideration.

Craig and Cathy Smith  
On behalf of the Smith Families  
5930 Norman Road, Lincoln NE 68512

5920 The Knolls  
Lincoln, Nebraska 68512  
June 5, 2015

Lincoln City Council  
Lincoln-Lancaster County Planning Commission  
c/o Ms. Christy Eichorn, Planner  
555 South 10<sup>th</sup> Street, Suite 213  
Lincoln, Nebraska 68508

Dear Members of the Lincoln-Lancaster County Planning Commission and the Lincoln City Council:

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Lincoln City Council  
Lincoln-Lancaster County Planning Commission  
Page 2  
June 5, 2015

Just this week, at a community meeting about the SoDo development project, we were struck by the fact that the community is now struggling with taking up to 30 years and millions of dollars to revitalize a beautiful section of the city where buildings were allowed to be built without regard to the character of the neighborhood or the quality of construction. We now have an opportunity in The Knolls to make sure that future development in the neighborhood is compatible in style, size, and quality with what exists and to make sure that the green space that has defined this neighborhood throughout its history is maintained and enjoyed.

Please preserve this historic neighborhood by insisting that this major development and others that may follow be sensitive to the neighborhood in size, height, architecture, activity, landscaping, and intent. The words of Laurence S. Rockefeller, whose family was instrumental in creating and preserving Grand Teton National Park and other national parks and historic sites, seem appropriate here: "How we treat our land," he said, "how we build upon it, how we act toward and air and water will in the long run tell what kind of people we really are." Thank you.

Sincerely,



Jana and Norman Langemach

Friday, June 05, 2015

David Cary  
Lincoln/Lancaster County Planning Department  
555 S. 10th Street, Suite 213  
Lincoln, NE 68508

Dear David,

As I lay awake last night, thinking about the staff report regarding the Knolls / Dial development, the word I kept coming up with most was "disappointed". I am disappointed that we continue to have a process that sends to the elected and appointed board members documents that resolve very few conflicts and leave neighbors struggling to resolve issues like this, on their own. This occurs even though past developments provide clear guidance on how to resolve many of these issues which create the conflict in the first place. The change of zone from R1 to R2 is the most disturbing. I do not support this change but if the Commission does then the amendments that I propose provide some protections to the neighbors.

The neighbor's letter by Mark Hunzeker addresses common themes that many of these kinds of projects face; namely 1) design 2) setbacks 3) landscaping and 4) height. Time and again these issues are left for neighbors to struggle to resolve. It is as though we learn nothing from these kinds of projects and we treat them as all unique. There is prior precedence for requiring these kinds of restrictions and the Comprehensive Plan encourages most of these solutions.

Take Design as an example. What is in the language in the Comprehensive plan regarding in-fill development in established neighborhoods?

*Infill and redevelopment in existing neighborhoods typically occur through an incremental and organic process over long periods of time. .... Good design and appropriate placement are key to successful redevelopment.*

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

How has the city enforced the language in the Comprehensive plan? Take for example the Savannah Pines project restrictions:

- 2.1 Exterior design of the building shall meet the design covenants for the Williamsburg P.U.D. Storage of bicycles, barbeque grills, etc., shall not be permitted on decks, nor shall laundry or other material be hung or draped.

What have the Knolls/Dial neighbors asked for in regards to design?

Third, the building materials shown to the neighbors at the last meeting were very disappointing. The covenants governing the surrounding homes require at least 60% brick or stone, and most of the homes exceed that standard. The renderings and proposed materials show buildings which have an appearance which can only be described as "cheap". Virtually all other facilities of this type recently

constructed in Lincoln have been much more attractive, and used high quality brick or stone exterior materials for a high percentage of the entire exterior of the buildings (see, e.g., The Landing, Savannah Pines, The Legacy, Legacy Estates, Legacy Terrace). In order for this project to be a good neighbor, it should respect its surroundings and reflect the high quality of construction in the neighborhood.

In spite of the comprehensive plan language and prior developments that have had design restrictions put in place so that they “fit” with the neighborhood; what does the planning report say regarding this project’s design?

AESTHETIC CONSIDERATIONS: There are no design standards for this area

Based on the comprehensive plan and prior projects I would ask that the Planning Commission include the following amendment to the project:

Proposed Amendment One.

**Exterior design of the building shall have at least 60% brick or stone on all faces of the buildings.**

Next is the issue of setbacks. Approval of this project will allow for a zone change. The change in zone increases the number of units the developer can build from 190 residents to 285. The developer has said that rental rates for this project will run between 3 and 4 thousand dollars a month, which translates into millions of dollars annually of additional revenue for the developer. It does not appear that the impact a project like this will have on neighbors, within the area, was as much of a concern as it was to finding a way to change the zone to make a project financially feasible to the developer. Again the Comprehensive Plan speaks to this issue by repeating the phrase over and over “appropriately placed”.

What have the Knolls/Dial neighbors proposed regarding the setbacks?

Fourth, the site plan depicts a gargantuan building footprint which appears to be well over 800 feet long, and is uncomfortably close to the surrounding single family homes. The need to put the memory care residents all on one level is understood; however, the need to place them in a stand-alone single story structure is not. Those units could be incorporated into a second level over the “common area”, which would allow the assisted living building to be moved east. Also, the “future” phase, along Old Cheney Road could be placed parallel to Old Cheney, and closer to the corner of Old Cheney and Norman Road, creating more separation from the single family homes as well. Attached is an amateur attempt to depict these changes. Another benefit to moving the buildings in this manner is to widen the area for excess storm water flow from south to north, creating a greater margin of safety in the event of extraordinary rains.

The staff report seems to ignore these issues even though it acknowledges that under the present R1 zoning only 38 single family residences could be built on the proposed property. And in regards to the setback for this project: 81 feet is much closer than other projects. In many cases these projects are separated by a street or in the case of Savannah Pines the distance between the main building and the nearest residence is over 150 feet.

Based on the comprehensive plan and prior projects I would ask that the Planning Commission include the following amendment to the project:

Proposed Amendment Two

**Developer should redesign the site plan to increase the setbacks from residences subject to review and approval of the Planning Director and Neighborhood, prior to sending this to a vote at the city council.**

On the issue of landscaping, very little has been presented to the neighbors. In private conversations the owner of the land has said that a number of trees will be moved to provide a screen for the neighbors. But nothing to date has been provided to give assurances to the neighbors that this will occur. The concern is that neighbors have been told they will have input in the landscape plan but the staff report removes neighbors from that involvement.

Prior developments have put restrictions that prior to obtaining a building permit a landscape plan needs to be in place, and they have involved the neighbors, for example with Savannah Pines it said:

- 1.1.11 (e) provide 2 to 4 foot high berms along 50% of the north property line setback area to the satisfaction of the Planning Department. Show 6-foot high berm(s) in at least 75% of the setback along the north boundary, with a double row of trees; or. The Permittee shall request an administrative amendment of the permit to install alternative landscaping based upon the plan prepared by Campbell's Nursery; provided that permission to place fill and landscaping in the common area is obtained from the Williamsburg Residential Owners Association and approved by the Director of Planning. (f) Additional landscaping shall be added along both sides of South 38th Street abutting the property to enhance the entrance to Williamsburg from Pine Lake Road similar to other entrances.
- 1.1.23 Add a note to the Plan indicating that no occupancy permit shall be issued until the landscaping is installed or the owner shall post a bond to guarantee the installation of the landscaping if building occupancy is at a time when weather will not permit landscaping prior to occupancy.

What have the Knolls/Dial neighbors said regarding a landscape plan?

Finally, there has been no landscape plan submitted with the application. The neighbors would appreciate the opportunity to see the plan and have some input prior to the project being approved, rather than simply rely upon administrative review of a plan which may only meet minimum standards. There will be many, many mature trees removed due to the extraordinary amount of grading on this site. Use of more mature landscape materials, and a plan which exceeds the minimum requirements would seem the neighborly, and appropriate thing to do.

On landscaping the staff report says:

- 11. A landscape plan needs to be submitted showing the preservation of specific existing trees and additional landscaping along the south property line to the satisfaction of the Planning Director. At a minimum the same screening requirements that apply to multifamily should be applied along the south lot line.

Proposed Amendment Three

**A landscape plan needs to be submitted showing the preservation of specific existing trees and additional landscaping along the south and west property line to the satisfaction of the Planning Director along with review and input from the Neighborhood. At a minimum the same screening requirements that apply to multifamily should be applied along the south and west lot line. A detailed landscape plan will be submitted and approved prior to going to the Lincoln City Council.**

On the issue of height, the neighbors have met several times and as the staff report indicates there are tradeoffs between lower building height and distance to the existing homeowners. But it is also true that the concession of breaking the height limits on buildings has been rare in existing neighborhoods.

Mark Hunzeker's letter says:

Second, the proposed building height of 55' is excessive. There are only two other projects of this type we have found which have been granted height waivers. The Landing in Williamsburg is a fairly unique case, where the waiver was granted for a glass clerestory which projects above the roof line, in keeping with the colonial architecture of the entire neighborhood. It also is on a site surrounded by office and multi-family housing, and has huge setbacks from the townhomes across the street. Savannah Pines received a very limited height waiver (from 35 to 42 feet) for a small part of the building (only 45 feet wide), again primarily for architectural reasons, not additional units, and it was conditioned upon lowering the grade of the finished floor elevation by six feet. Increasing the height of the proposed Knolls structure to 55 feet is far out of character with the neighborhood, which is comprised of mostly ranch-style homes.

As with the change of zone it appears that the Planning Department has had, as its primary concern, to increase the money making opportunity from a developer's perspective. Pushing the Phase Two development along Old Cheney road and allowing that section to violate the height limit seems more acceptable to the neighbors than as the current developer sight plan proposes.

Proposed Amendment Four

**Building height can be up to four residential floors adjacent to Old Cheney (no more than 400 feet from the point of Norman and Old Cheney). This height limit waiver applies to only Phase II of the project.**

I would ask that the Planning Commission discuss these potential amendments in order to bring the plan more into conformance with the comprehensive plan. Frankly I don't support the zone change for philosophical reasons. It is done solely with the idea of enhancing the money making opportunities for the property, but I am pragmatic and these amendments try to balance the projects impact on the neighbors.

Sincerely,



Dan Marvin

# OPPOSITION

Items: 4.7a and 4.7b: CZ15014 and SP15035  
pg.#151 (Public Hearing/Action 6/10/15)  
Knolls

June 6, 2014

Lincoln/Lancaster Planning Commission  
555 South 10 Street, Suite 213  
Lincoln, NE 68508

## **RE: Change of Zone CZ15014 and Special Permit SP15035**

Ladies and Gentlemen;

We purchased our house at 5900 Rolling Hills Blvd four years ago. We were impressed by the golf course and the family atmosphere of the neighborhood. This is probably one of the best locations in the city where young families can spend time together playing golf and enjoying the other amenities.

We are very disappointed with the proposed building plans that Dial Inc. has proposed for the following reasons:

1. OVERBUILDING of retirement/nursing facilities in Lincoln.
2. Height of building – four stories.
3. Proposed large footprint.
4. Down grading the quality of a beautiful neighborhood.
5. Close proximity to other nursing home facilities.
6. Dial's proposal is obviously a financial boon to Dial and not a construction to fit in with a beautiful neighborhood.

We are opposed to the project, however, if the proposal is approved we suggest that the plan suggested by Mr. Huntzinger as an alternative be considered provided the construction not be over 4 stories and that building requirements of this neighborhood (stone/brick, etc) apply to this project. **PLEASE** take into consideration proposals from Mr. Dan Marvin, Scott Gardner, Ph.D. and others.

Thank you for considering our letter.

Yours very truly,

Michael E. Carr

**Subject:** The Knolls Senior Living Community

----- Original message -----

From: Linda <[historylinda@hotmail.com](mailto:historylinda@hotmail.com)>  
Date: 06/06/2015 12:45 PM (GMT-06:00)  
To: "Christy J. Eichorn" <[ceichorn@lincoln.ne.gov](mailto:ceichorn@lincoln.ne.gov)>  
Subject: The Knolls Senior Living Community

Ms. Eichorn,

As much as I would really like the Knolls Country Club Golf Course to become a lovely Lincoln City Park, I realize that it's probably not going to happen. I have no objection to a Senior Living Community across the street.

The hundreds of trees across the street are simply beautiful. Lincoln is always asking for money to plant more trees. When they cut down the beautiful young oaks along Centennial Mall I could have cried. I've not seen a landscape plan for the Senior Living complex and wonder if there is one. Hopefully they will try to save as many of the beautiful trees that thrive on the golf course.

I've heard about the building materials not being quite up to the standards of the neighborhood. It looks terrible when a complex is built that looks inferior to the neighborhood that surrounds it...and it doesn't seem like they age well either.

The proposed height of 55' does seem excessive to me too. It would certainly dominate the skyline along Old Cheney!

Thanks so much Christy for taking the feelings and opinions of the neighborhood into consideration in your decisions. Any possibility of a beautiful park for the east portion??

Linda Hein  
2121 S Canterbury Lane  
Lincoln NE 68512  
402-421-8422

**Subject:** The Knolls Senior Living Community

-----Original Message-----

From: Kathi Hesser [mailto:kwhesser1@yahoo.com]

Sent: Monday, June 08, 2015 8:39 AM

To: Christy J. Eichorn

Cc: Mark Hesser

Subject: The Knolls Senior Living Community

>  
> Dear Ms. Eichorn,  
>  
> We reside at 2111 The Knolls, and have lived there for 20 years. The purpose of this letter is to express our objection to and concerns about the proposed Knolls Senior Living Community.  
>  
> First, we feel strongly that the R-1 zoning should not be changed. The addition of 190 residents would be a big change for the neighborhood.  
>  
> Second, we live in a ranch style home (as do many of our neighbors) and the proposed building height of 55 feet is unacceptable and completely out of character for our neighborhood.  
>  
> Third, our building covenants require at least 60% brick or stone. Allowing them to build with materials of lower quality would not only be unattractive but would further negatively impact our property values and change the look and feel of the neighborhood in undesirable ways.  
>  
> Fourth, the site plan shows a huge building that is too close the the nearby homes. An alternate plan should be considered that would allow for greater separation from surrounding homes.  
>  
> Finally, we would like to have the opportunity to have input in a landscape plan that would honor the quality of the neighborhood and its mature trees and green space.  
>  
> Please consider these concerns and objections as the planning department reviews this proposed project. We strongly object to the current proposal and would like to see our concerns addressed if the project is allowed to move forward.  
>  
> Sincerely,  
>  
> Mark and Kathleen Hesser  
> 2111 The Knolls  
> Lincoln, NE 68512  
>  
> Sent from my iPad  
>

# OPPOSITION

Items: 4.7a and 4.7b: CZ15014 and SP15035  
pg.#151 (Public Hearing/Action 6/10/15)  
Knolls

June 8, 2015

Dear Planning Commission members:

Re: The Knolls/Dial Project and correcting the imbalance between the developer and the homes.

1. How about increasing the set-backs? We ask for a minimum of 150 feet from property line to buildings. A 150 feet a minimum fits with other developments; such as Savannah Pines, and please research the covenants in place at Yankee Hill Golf Course in the event that course is sold for development.
2. Extra space for flooding and increased run-off concerns along the west-southwest area; which is also a waterway and will carry much more water. Flooding is a very big concern.
3. Maintaining a line of older growth, mature trees along west-side would be saved with a 150 foot buffer between our property lines and the 300 foot assisted living building. See the trees running south to north along the west properties - 50-foot cottonless cottonwood, maples and other mature hardwood trees.
4. Keeping the building further away will also help with the major disturbance of construction running for 1 and ½ to 2 years of our lives.

We want a new development to fit with and share the characteristics of the surrounding neighborhood. Thank you.

Donna Kennedy Marvin

5918 Rolling Hills Blvd.

**Subject:** FW: We are writing to express our concern and dismay over the Dial retirement community in The Knolls. The current proposal that we have seen does not fit the overall esthetics of the neighborhood which has primarily brick, single family, one story, lands

**From:** Darwin Blue [<mailto:dk.blue12@gmail.com>]

**Sent:** Tuesday, June 09, 2015 11:24 PM

**To:** Christy J. Eichorn

**Subject:** Re: We are writing to express our concern and dismay over the Dial retirement community in The Knolls. The current proposal that we have seen does not fit the overall esthetics of the neighborhood which has primarily brick, single family, one story, lands

We are writing to express our concern and dismay over the Dial retirement community in The Knolls. The current proposal that we have seen does not fit the overall esthetics of the neighborhood which has primarily brick, single family, one story, fully landscaped homes. We urge the Planning Commission to not change the R-1 zoning, and to rethink the best use of this visual oasis for the benefit of all Lincolniters. We urge you to keep in mind that this proposed development is replacing a fabulous green space in our city that has been in place for many, many years. It is appalling that Lincoln could allow this gem with its abundance of beautiful, mature trees to be razed for a second rate development. The development as proposed would be a detriment to ANY Lincoln residential neighborhood. Lincoln and the entire Knolls community deserve better. Darwin and Karen Blue 2101 The Knolls

On Tue, Jun 9, 2015 at 10:29 AM, Christy J. Eichorn <[ceichorn@lincoln.ne.gov](mailto:ceichorn@lincoln.ne.gov)> wrote:

Mr. Blue, before sending your e-mail off to Planning Commission, I wanted to check with you to see if there was supposed to be additional language in the e-mail body.

Christy Eichorn, Planner, AICP, LEED Green Associate

Lincoln-Lancaster County Planning Department

555 S. 10<sup>th</sup> Street, Suite 213

Lincoln, NE 68508

402-441-7603

[ceichorn@lincoln.ne.gov](mailto:ceichorn@lincoln.ne.gov)

**From:** Darwin Blue [<mailto:dk.blue12@gmail.com>]

**Sent:** Monday, June 08, 2015 11:18 PM

**To:** Christy J. Eichorn

**OPPOSITION**

Item: 4.2a and 4.2b (CZ15014 and SP15035)  
pg.# 41 (Public Hearing/Action 6/24/15)  
Knolls

Charles and Carolyn Gregorius  
2220 The Knolls  
Lincoln, NE 68512

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June 22, 2015

**TO:** Planning Commission and City Council Members  
**FROM:** Charles and Carolyn Gregorius  
**RE:** Knolls Senior Living Community by Dial Development

With regard to the Senior Living Community proposal by Dial Development in the Knolls neighborhood on this week's agenda, a previous letter sent on June 1 to the Planning Commission strongly expressed our opposition. We were adamant that the proposed development was not consistent with the quality of the surrounding neighborhood and that the size was excessive.

Upon further reflection, we wanted to add that it really is a shame that such a great "green space" is not going to be put to better use. Ideas mentioned by neighbors as a much better use of this space include: a city park, an arboretum and a city 3-par golf course. With such an emphasis on beautification of our city with this administration, why isn't there a long-term plan to conserve such a beautiful "green" space? It seems a travesty to destroy all those beautiful mature trees. If Lincoln wants to really be an attractive city with great neighborhoods, this space needs to be preserved as a "green space."

Best regards,

Charles and Carolyn Gregorius

## OPPOSITION

Christy,

I would like to express my deep concern over what is being proposed. A quality and standard has been established in this neighborhood that has stood for 50 years. The Knolls Country Club has been the face of the neighborhood. This amenity has brought great value to the property and families that choose to live here. Low density has been a neighborhood standard R-1 zone should be maintained. The next development should be of no less quality, in fact, it should meet the same or higher standard to what is currently in place because amenity is lost.

Quality of design, material finish and landscape that have been proposed for this new project do not meet the established neighborhood standard. What is being proposed is nothing more than a low rate siding clad apartment complex. Current buildings in the neighborhood are 75% or greater brick or stone according to the county assessors valuations. Larger setbacks and saving mature trees alone do **NOT** make a quality development, do **NOT** make it the right fit. A bigger concern is that there are currently no design standards for this piece of property. What assurances does the city have that a proposed 300,000 sf building will be of quality design, material finish and landscape equal to what is currently established in the neighborhood if you approve this project? John Badami, 5909 Norman Road

### **John P. Badami, AIA**

Architect | Principal  
[jbadami@dlrgroup.com](mailto:jbadami@dlrgroup.com)

### **DLR Group**

Architecture Engineering Planning Interiors  
o: 402-742-4200 | d: 402-972-4123 | m: 402-314-6964 | f: 402-742-7100  
1111 Lincoln Mall, Suite 201 Lincoln, NE 68508  
Find us at: [dlrgroup.com](http://dlrgroup.com) | [Facebook](#) | [Twitter](#)

# OPPOSITION

Items: 4.7a and 4.7b: CZ15014 and SP15035  
pg.# 151 (Public Hearing/Action 6/10/15)  
Knolls

To whom it may concern;

As a past member of both the Knolls Country Club and the city of Lincoln, I am heartsick to hear that a 4 story retirement community should replace the lovely golf course that is now there. My great uncle built one of the first homes in the Knolls development and I have always considered it one of Lincoln's most lovely subdivisions.

I understand that the course is closing and so the fairways and greens will disappear. What I don't understand is why the city would want to devalue the home that currently surround the course by adding a 4 story building. It would be much more in keeping with the neighborhood to open this area to single family homes. The beautiful trees and shrubs currently on the course would really lend themselves well to a single family development.

I hope that the Planning Commission will take some time to re-evaluate their position on this.

Sincerely,

Deb Mecom

## OPPOSITION

Items: 4.7a and 4.7b: CZ15014 and SP15035  
pg.#151 (Public Hearing/Action 6/10/15)  
Knolls

Christy Eichorn, Planner  
Lincoln-Lancaster Planning Department  
555 South 10th Suite 213  
Lincoln, NE 68508

RE: CZ15014 SP 15035

Dear Ms. Eichorn,

I will be unable to attend the public hearing on this matter set for June 10th so I am writing to you to protest this change in zoning and land use. Below are my reasons:

1. I live in and own the first house North of this project across Old Cheney Road. The proposed 55 foot building in the plan would be directly across the street from my house. This will affect my homes value. I also fear the tall building will create a canyon echo effect of the traffic noise which will raise the already loud level of the traffic noise on Old Cheney.
2. Traffic Analysis. The report dated June 4th does not adequately address traffic concerns. A 285 resident care facility is going to create high traffic numbers with residents, visitors and staff. I believe this issue should be addressed further and studied.
3. When purchasing my home 10 years ago I accepted living next to a busy street knowing that from my windows I had a view of a country club golf course to which I was a member for over 25 years. I checked and knew what the zoning was and felt the view and location would off set any value concerns from the busy street. That will all change now with this development. That is not fair to a property owner who did their home work before buying.

Although I doubt there is any way of stopping development of the property I certainly do not think a 55 foot apartment building (that is basically what it is even if called a senior residential care facility) is appropriate for this site.

Sincerely,



Marlin Hupka  
5641 Tipperary Trail  
Lincoln, NE 68512

To the Planning Commission and City Council Members:

We are writing in regard to the proposed development on the west side of The Knolls golf course. While we fully respect the landowner's rights to sell their property and the developer's right to develop said property, we have a few concerns that could easily be addressed and thereby create a satisfactory outcome for all parties concerned.

1. Building materials: As you are aware The Knolls development is a very unique and attractive neighborhood in Lincoln. Most of the homes are single story ranch style homes built with high quality brick or stone masonry. We would ask that the developer comply with the covenants and traditions of The Knolls by using high quality and aesthetically pleasing building materials.
2. Height: We believe that the proposed 55' height request is not in keeping with the look and feel of the neighborhood, and is excessive when compared to other similar developments in Lincoln, and would ask that a more reasonable height limit be imposed.
3. Landscaping: Another unique and appealing aspect of The Knolls is the abundance of mature landscaping that exists in the neighborhood. In order to facilitate the development of said property many mature trees will be removed. We would ask that the developer create an appropriate landscaping plan to replace many of those trees to enhance the visual appeal of the property.

Thank you in advance for your consideration.

Sincerely,

Tom and Cindy Burkhard  
6033 The Knolls  
Lincoln NE 68512

Lincoln/Lancaster County Planning Department  
ATTN: Christy Eichorn  
555 S. 10<sup>th</sup> Street, Suite 213  
Lincoln, NE 68508

RE: The Knolls Senior Living Community

Dear Ms. Eichorn,

Thank you for the opportunity to express my concerns regarding the requested rezoning of the west side of the Knolls Country Club.

The Knolls community has been a part of my family for many years. My parents enjoyed the well-known Knolls buffet every weekend after church. My siblings and I enjoyed many days at the pool swimming and eating ice cream sandwiches. Later in life, when I got married, I couldn't think of a better place to celebrate my nuptials than the Knolls.

When my husband and I discussed the area of Lincoln where we wanted to raise our family, there wasn't any place other than the Knolls that came to mind. The older homes on their park-like lots with picturesque views were beautiful. We bought a house in the Knolls, had two beautiful girls, and have enjoyed every day, just as I did when I was a child. Passing down these traditions, experiences and memories, from generation to generation, have been so special and something I am forever grateful for.

When I first heard of the Knolls closing I was, of course, sad. The country club I had enjoyed for so many years, would no longer be. That being said, with all things change is inevitable; I'm okay with that. The issue at hand is not that the land will be sold and a new structure built. One of the primary issues I'm concerned with is the requested rezoning from R-1 to R-2. The current R-1 zoning has been in place for 50 years and it has served our community very well. New structures can be built on the property without having to change the zoning to R-2. It's my understanding the R-2 has been requested so as to allow for a massive structure to be built, both in square footage and height. Such a structure would not fit in with the existing homes in the community which is my second concern.

Many of our homes are one story, with an exterior that is 60% or more brick or stone, on large lots with beautiful landscape. This is a stark contrast compared to the structure proposed by Dial which is 55 feet tall, well under 60% brick or stone, has small set-backs from the existing neighbors, and has no proposed budget for any landscape. The proposed rendering of the structure is not only massive, it is unattractive and appears to be a "cookie-cutter" type of commercial building. That type of building does not fit into the existing residential neighborhood in which I've lived in for almost 14 years.

As I drive around the neighborhood, I'm beginning to see more "For Sale" signs. I wonder what will become of this community. Will it become a "has-been" country club community that we will look back on with fond memories, but has now deteriorated?

The Knolls community can still exist and thrive, in light of the restaurant and golf course closing, but we need your help. I ask that you deny the request to rezone the property from R-1 to R-2, deny approval for the proposed building height of 55 feet and require the exterior of the building to be 60% or more brick or stone to be more in alignment with the homes in the neighborhood.

I appreciate the opportunity to express my concerns and thank you for your assistance.

Sincerely,

Michelle Burr  
Knolls resident - 5707 The Knolls

---

**From:** Dan Marvin <dmarvin@neb.rr.com>  
**Sent:** Tuesday, July 07, 2015 7:50 AM  
**To:** Geri K. Rorabaugh  
**Subject:** Dial / Knolls Development

Planning Commission

I am unable to attend your meeting this week. I have not been able to review the design renderings so my comments are in general related to the relocation of the building into a more compact size and height. Those changes made significant improvement to the project in terms of the impact on the neighborhood.

One issue that came up during public testimony regarded age restrictions of residents in the buildings. Planning Staff said that they would not age restrict residents, even in the independent living parts of the project.

One fear mentioned by neighbors was that Dial's project comes along at a time when other similar projects are being constructed. If a glut were to be built, then the independent living portion of the project could just be rented out as apartments. Renting these as apartments would greatly change the character of what Dial is proposing. In fact, in public testimony, Dial has said that the average age will be over 80 in all areas of their buildings.

The Lincoln code 27.63.210 -- Elderly or Retirement Housing, does provide guidance on age. Perhaps staff could explain why, at a minimum, some conditions could not be in place to restrict the independent living to conform to 27.63.210.

Dial has been good to work with, but the decisions you are making are for a project that will stand for 50 years, or more. There are no assurances that Dial will own this for 50 years. Putting in conditions helps define the stated uses for this project, both for Dial or to any future owners, and serves as a protection for the Neighborhood.

Sincerely  
Dan Marvin  
5918 Rolling Hills Blvd  
402 421-1213

Sent from my iPad

## Exhibit B to Factsheet

### Opposition

### **Change of Zone No. 15014 and Special Permit No. 15035 Change from R-1 to R-2 Residential for construction of a healthcare facility located on the west portion of the Knolls Country Club**

Bill #15-90 and #15R-151

(1<sup>st</sup> Reading: July 20, 2015; Public Hearing: July 27, 2015, 5:30 p.m.)

<b>Date</b>	<b>Name</b>	<b>Address</b>	<b>Page</b>
5/29/15	Mark Hunzeker representing neighborhood group	<a href="mailto:mhunzeker@baylorevnen.com">mhunzeker@baylorevnen.com</a>	37
5/29/15	Melvin and Eve Hoffman	5935 Norman Road (68512) <a href="mailto:evehoffman@gmail.com">evehoffman@gmail.com</a>	40
5/30/15	Con and Barbara Keating	2124 The Knolls (68512) <a href="mailto:Bk60406@windstream.net">Bk60406@windstream.net</a>	41
5/30/15	Brenda Badami	5909 Norman Road (68512) <a href="mailto:bbadami@neb.rr.com">bbadami@neb.rr.com</a>	42
6/1/15	Michael and Jill Johnson	5906 Rolling Hills Blvd. (68512) <a href="mailto:mtjandabby14@gmail.com">mtjandabby14@gmail.com</a>	44
6/1/15	Charles and Carolyn Gregorius	2220 The Knolls (68512)	46
6/1/15	Trev Peterson	6040 The Knolls (68512) <a href="mailto:TEP@knudsenlaw.com">TEP@knudsenlaw.com</a>	47
6/2/15	Craig Bauer	5824 Rolling Hills Blvd. (68512) <a href="mailto:Cbauer5824@aol.com">Cbauer5824@aol.com</a>	49
6/2/15	Brian and Ardie Larkins	5815 Rolling Hills Blvd. (68512) <a href="mailto:delforge@email.arizona.edu">delforge@email.arizona.edu</a>	50
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6/2/15	Sue Gardner	6229 Barbara Lane (68512)	52
6/2/15	Scott Gardner	6229 Barbara Lane (68512) <a href="mailto:nemataslg@gmail.com">nemataslg@gmail.com</a>	54

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6/3/15	Chris Taylor	5919 Norman Road (68512) <a href="mailto:ct5919@yahoo.com">ct5919@yahoo.com</a>	57
6/3/15	Sue Benton	5925 Norman Road (68512) <a href="mailto:sue.benton@rbc.don">sue.benton@rbc.don</a>	58
6/3/15	John and Monica Reid	5931 The Knolls (68512) <a href="mailto:jreid@unl.edu">jreid@unl.edu</a>	60
6/3/15	Norman and Lana Langemach	5920 The Knolls (68512)	61
6/3/15	Jeffrey Poley	5727 The Knolls (68512) <a href="mailto:poleyjeff@gmail.com">poleyjeff@gmail.com</a>	62
6/3/15	Kevin and Denise Meyer	2116 The Knolls (68512) <a href="mailto:kcm1966@hotmail.com">kcm1966@hotmail.com</a>	64
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6/3/15	Jeff Burr	5707 The Knolls (68512) <a href="mailto:jeff.burr@nanonation.com">jeff.burr@nanonation.com</a>	66
6/3/15	Andrew Benton II	5926 The Knolls (68512)	67
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6/4/15	Jeffrey Poley	5727 The Knolls (68512) <a href="mailto:poleyjeff@gmail.com">poleyjeff@gmail.com</a>	72
6/4/15	Scott Gardner	6229 Barbara Lane (68512) <a href="mailto:nemataslg@gmail.com">nemataslg@gmail.com</a>	73
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6/5/15	Norman and Lana Langemach	5920 The Knolls (68512)	76
6/5/15	Dan Marvin	5918 Rolling Hills Blvd. (68512) <a href="mailto:dmarvin@neb.rr.com">dmarvin@neb.rr.com</a>	78

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6/8/15	Donna Kennedy Marvin	5918 Rolling Hills Blvd. (68512)	85
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NA	Tom and Cindy Burkhard	6033 The Knolls (68512)	91
NA	Michelle Burr	5707 The Knolls (68512)	92
7/7/15	Dan Marvin	5918 Rolling Hills Blvd. (68512) <a href="mailto:dmarvin@neb.rr.com">dmarvin@neb.rr.com</a>	93

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