

FACTSHEET

TITLE: **USE PERMIT NO. 130**, requested by Pioneer Woods, L.L.C., for 142,000 square feet of commercial/retail/restaurant, with a request for waiver to reduce the standard 50' front yard to allow free-standing pad site ground signs in the front yard, on property generally located at the northeast corner of 70th and Pioneers Blvd.

STAFF RECOMMENDATION: Conditional Approval –denial of the waiver requests.

ASSOCIATED REQUESTS: Change of Zone No. 3263 (01-45) and Preliminary Plat No. 00016 (01R-68).

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 02/07/01
Administrative Action: 02/07/01

RECOMMENDATION: Conditional Approval, with amendments limiting the total amount of floor area for restaurants to 30,000 sq. ft., and reducing the front yard setback to 42' (8-0: Carlson, Steward, Taylor, Krieser, Hunter, Duvall, Newman and Bayer voting 'yes'; Schwinn absent).

FINDINGS OF FACT:

1. This use permit and the associated Change of Zone No. 3263 and Preliminary Plat No. 00016 were heard at the same time before the Planning Commission.
2. The Planning staff recommendation to approve the use permit, with the conditions as set forth on p.7-9, is based upon the "Analysis" as set forth on p.6-7, concluding that the use permit is acceptable except for the waiver to allow pad site ground signs in the front yard along Pioneers Blvd. and So. 70th Street. The Planning Department recommends denial of the waiver of the front yard setback (See Condition #1.1.11, p.8).
3. The applicant's testimony is found on p.10-11, including a request to amend Condition #1.1.3 to limit the total amount of floor area for restaurants to 30,000 sq. ft., and a request to amend Condition #1.1.11 which reduces the front yard setback from 50' to 42'.
4. There was no testimony in opposition.
5. The Planning staff agreed with the requested amendment to Condition #1.1.3, but disagreed with the reduction of the front yard setback in Condition #1.1.11.
6. The Planning Commission discussion regarding the waiver of the front yard setback is found on p.11-13. A motion to amend Condition #1.1.11 to reduce the front yard setback from 50' to 42' carried 5-3 (Carlson, Taylor, Krieser, Duvall and Bayer voting 'yes'; Steward, Hunter and Newman voting 'no'; Schwinn absent). See also Minutes, p.12-13.
7. On February 7, 2001, the Planning Commission voted 8-0 to recommend conditional approval of Use Permit No. 130, as set forth in the staff report dated January 30, 2001, with amendment to Condition #1.1.3 and Condition #1.1.11, as requested by the applicant.
8. The Site Specific conditions of approval required to be completed prior to scheduling this application on the Council agenda have been submitted by the applicant, approved by the reviewing departments and the revised site plan is attached (p.16).

FACTSHEET PREPARED BY: Jean L. Walker

REVIEWED BY: _____

REFERENCE NUMBER: FS\CC\FSUP130

DATE: March 19, 2001

DATE: March 19, 2001

EXISTING LAND USE:

Vacant

SURROUNDING LAND USE AND ZONING:

A mixture of commercial and apartments lies to the south with B-1 Local Business, B-2 Planned Neighborhood Business and R-5 Residential zoning; B-1 Local Business, and R-1 Residential zoned cemetery is to the west; the P Public Use, Holmes Park to the northwest; R-3 vacant to the north, and vacant R-3 to the east.

COMPREHENSIVE PLAN SPECIFICATIONS:

The Land Use Plan shows Commercial on the corner and Urban Residential on the remainder of the site.

The following are statements from the Comprehensive Plan:

City of Lincoln Future Commercial Needs and Plan page 54

A portion of the *Goals*

- ! *Discourage strip development and spot zoning and encourage more compact and higher quality retail and commercial development.*
- ! *Attempt to eliminate conflicts between retail and institutional land use when siting new retail locations.*
- ! *Assure that economic development is accomplished with respect for environmental quality.*

The following statements are included under **Chapter VIII Plan Maintenance and Implementation:**

A. Implementation Strategies

2. Capital Improvements (page190)

- a. **Public Improvements.** Public capital investments are a powerful influence in the growth and development of the community. An urbanizing area needs roads, water, sewer, parks, libraries, schools and other physical improvements which have traditionally been developed using public general or enterprise funds.

The development of the community and in particular the capital improvement needs of the community are fiscally constrained: there will always be more needs and desires for improvements than there are resources available to meet the needs and desires. Expectations for improving capital facilities by the community should be tempered by an understanding of this fiscal constraint.

B. Financing the Plan

- ! As projects are requested for faster implementation by a developer than are identified in the City's Capital Improvement Plan and the County 1 and 6

Program, the developer must be prepared to make financial contributions to improvements necessitated by a project if their project is moved to an earlier date. (Page 194)

CAPITAL IMPROVEMENT PROGRAM:

Improve Pioneers from 70th Street to ¼ mile east of 84th Street to four through lanes plus left turn and/or right turn lanes at signalized intersections in fiscal year 2000-2001.

Construct relief sanitary sewer at 70th Street and Holmes Lake Road in fiscal year 2001-2002.

HISTORY:

On **May 20, 1968**, City Council postponed Change of Zone 884 indefinitely, to change the zoning on the four corners of 70th and Pioneers from G Local Business to A-1 Single Family Dwelling.

In the **1979** Zoning Update, the corner of 70th and Pioneers was changed from G Local Business to B-1 Local Business, and the remainder of the property was changed from A-1 Single Family Dwelling to R-3 Residential.

On **December 4, 1992**, J. Michael Rierden applied for Use Permit #61, which would have permitted 271,097 square feet of commercial floor area on the southeast corner of 70th and Pioneers. Change of Zone #2745, from R-3 Residential to B-2 Planned Neighborhood Business, was also applied for at this time. Use Permit #62 represented a revision of Use Permit #61, replacing it.

On **February 25, 1994**, the applications for Change of Zone #2745 and Use Permit #62 were withdrawn. Use Permit #62 would have permitted 237,547 square feet of commercial floor area on the southeast corner of 70th and Pioneers.

On **May 8, 1995**, City Council approved Use Permit #75, which allowed 290,200 square feet of commercial floor area on the southeast corner of 70th and Pioneers. At the same time, Council approved Change of Zone #2864 (from R-3 Residential to B-2 Planned Neighborhood Business) and One Pioneer Place Preliminary Plat #94023.

The applicant failed to sign the letter of acceptance and submit surety to guarantee off-site improvements within the allowed time, so Use Permit #75 was rescinded.

On **March 27, 1995**, Brian Carstens applied for Use Permit #77, Preliminary Plat #95006 Pioneer Place, and Change of Zone #2897 (from B-1 Local Business to B-2 Planned Neighborhood Business). The Pioneer Place Use Permit would have allowed 71,200 square feet of commercial floor area on the southwest corner of S. 70th and Pioneers. It was withdrawn by the applicant on **June 7, 1995**.

On **February 12, 1996**, City Council approved Use Permit #84, which permitted 108,200 square feet of commercial floor area on the southwest corner of S. 70th and Pioneers Blvd.

On **June 2, 1997**, City Council approved Special Permit #1639, the Lenox Village C.U.P., which permitted 269 multi-family dwelling units, Use Permit #90, which permitted 121,210 square feet of commercial floor area in "Lenox Village Square"; Change of Zone 3012, which changed the zoning on the Lenox Village C.U.P. from B-2 Business to R-5 Residential; and Preliminary Plat #96015, the Lenox Village Addition on property southeast of S. 70th St. and Pioneers Blvd.

Portions of the property were annexed into the City in **1977, 1978 and 1987.**

On **October 18, 2000**, the Planning Commission recommended approval to Change of Zone #3263, Use Permit #130, and Pioneer Woods Preliminary Plat #00016. Following the Planning Commission's action, the Public Works & Utilities Department discovered that the proposed access to S. 70th Street was at too steep of a grade along 70th Street and requested the intersection be moved to a more flatter grade.

SPECIFIC INFORMATION:

UTILITIES:

The January 19, 2001, Public Works & Utilities Department report:

Water and Sanitary Sewer- The proposed public water and sanitary sewer systems are satisfactory.

Drainage and Grading - A 30' public storm sewer easement is needed over the 36" public storm north of Pioneers east of Stacy Lane.

The remainder of the drainage and grading plan is satisfactory.

Public Works recommends waiving storm water detention because of the proximity to Holmes Lake and Antelope Creek. The plan shows stilling basins at the outlet end of storm sewers. The storm sewers outlet into wetlands to improve the water quality of the runoff before it is discharged into Antelope Creek.

TOPOGRAPHY:

The land slopes to the north and east.

TRAFFIC ANALYSIS:

The Traffic Impact Study submitted as part of the application listed street improvements.

A specific off-site improvement agreement is required to establish street improvement costs.

PUBLIC SERVICE:

The nearest fire station is located at 48th & Claire Ave.

REGIONAL ISSUES:

Traffic on the street system and increased night light.

ENVIRONMENTAL CONCERNS:

Night time lighting and the effect on the Hyde Observatory located in Holmes Park.

On page 38 of The Comprehensive Plan are the following statements:

The future growth of Lincoln should consider the impact of lighting from new developments throughout Lancaster County. Emphasis should be placed on quality lighting which reduces or eliminates glare, light trespass and skyglow. By starting now to reduce light and noise pollution and encourage quality lighting, the citizens of Lincoln and Lancaster County will leave a legacy for our future generations.

The Lincoln-Lancaster County Health Department indicates the noise pollution should be an important consideration and encourages the use of buffer zones or other applicable noise attenuation methods, such as landscaping. The Health Department indicates concerns about the increase in paved parking lots and the accompanying increase of polluted runoff. The Health Department requires that restaurant plans be reviewed before construction.

The plan shows stilling basins at the outlet end of storm sewers. The storm sewers outlet into wetlands to improve the water quality of the runoff before it is discharged into Antelope Creek.

The Nebraska Game & Parks Commission indicates that they concur with modifications listed on the Grading & Drainage Plan which address wetland mitigation concerns and notes that Corps of Engineers Section 404 permits have been approved for the project.

The Corps of Engineers indicates that waters of the United States may be impacted and in order to make a final determination an application must be completed and submitted.

The Lower Platte South Natural Resources District indicates that there are no outlet structures shown on the wetlands and without outlet structures combined with the amount of flash runoff channels could cut through the existing and constructed wetlands.

AESTHETIC CONSIDERATIONS:

The Plan includes an architectural theme for the buildings in the proposed center.

The existing grove of cedar trees and other native trees are destroyed by this development.

The landscape plan meets and exceeds the Landscape Design Standards except for the screening of the project from the residential zoning on the north and east sides of Pioneer Woods Dr. This standard could be met with the addition of evergreen plants.

The note indicating that the shrub requirements shall be provided with the building permit is acceptable.

ANALYSIS:

1. On average the Comprehensive Plan considered new commercial development at a floor area ratio (FAR) of .25. The proposed development has a FAR of .165.
2. The applicant has requested a reduction of the front yard along 70th Street from the standard 50' to 42' due to the additional right -of-way required to reconstruct S. 70th Street. Part of the additional right-of-way is required for a right turn lane to enter this development.

The Comprehensive Plan encourages more compact and higher quality retail and commercial development. The land area of this development is much larger than the commercial area shown on the Land Use Map of the Comprehensive Plan. The reduction of the setback does not comply with the Comprehensive Plan

3. The Landscape plan meets landscape design standards except for the amount of evergreen screening along Pioneer Woods Drive.

Rather than showing the landscaping for each pad site at this time the applicant proposes to submit a landscape plan along with the building permit. This is acceptable.

4. The Developer and the Public Works & Utilities Department are developing an off site agreement to determine the timing and the distribution of the required off site improvement costs.

5. On October 18, 2000, The Planning Commission's recommendation was to **not** allow the ground signs for each pad site in the front yard along 70th Street and Pioneers Boulevard.

The identification signs at the entrances may be located in the front yard but must be on the premises. The Landscape Plan shows a sign on land north of Pioneer Woods Drive which is outside the premises of the Use Permit.

6. The application includes an architectural design theme for the buildings.
7. The building envelope on Lot 6 indicates much more floor area than the 4,000 square feet assigned to that lot. The Building & Safety Department advises that auto car wash buildings are considered as floor area.
8. Restaurants require 1 parking space per 100 square feet of floor area. Other uses require 1 parking space per 300 Square feet. If restaurants were built on all the pad sites identified as comm./retail/restaurant 729 parking spaces would be required for the entire development. 699 total parking spaces are proposed. The plan must be revised to limit the total floor area of restaurants to comply with the proposed parking 699 spaces.

STAFF CONCLUSION:

The use permit is acceptable except for the waiver to allow ground pad site signs in the front yard along Pioneers Boulevard and S. 70th Street is not acceptable.

STAFF RECOMMENDATION:

Conditional approval

Denial to the reduction of the front yard along S. 70th Street and to freestanding pad site ground signs in the front yard.

CONDITIONS:

Site Specific:

1. After the applicant completes the following instructions and submits the documents and plans to the Planning Department office and the plans are found to be acceptable, the application will be scheduled on the City Council's agenda:

- 1.1 Revise the site plan to show:
 - 1.1.1 The pad site signs relocated outside of the front yards and the identification signs are relocated onto the premises of the Use Permit.
 - 1.1.2 The legal descriptions updated to include the latest irregular tract numbers.
 - 1.1.3 ~~“Restaurant” removed from the uses on Lot 1 and the minimum required parking for restaurants added for Lot 4 and the total parking adjusted accordingly in the land use table.~~ Limit the total amount of floor area for restaurants to 30,000 square feet. (**Per Planning Commission 02/07/01**)
 - 1.1.4 The words “design standards” replaced with “zoning ordinance” at the end of general note 29.
 - 1.1.5 Delete the words “use permit” from the Planning Commission approval certificate.
 - 1.1.6 Additional evergreen plants are included in the landscape screen along Pioneer Woods Drive to meet design standards.
 - 1.1.7 The notes requested by the January 18, 2001, LES report included on the plans.
 - 1.1.8 The fire hydrants spaced to receive approval from the Lincoln Fire Department.
 - 1.1.9 The development area data revised to reflect the area of the use permit.
 - 1.1.10 A 30' public storm sewer easement indicated over the 36" public storm north of Pioneers Boulevard east of Stacy Lane.
 - 1.1.11 The buildings and parking relocated to be 50' 42' from the new right-of-way for S. 70th Street. (**Per Planning Commission 02/07/01**)
- 1.2 The off-site agreement has been finalized and signed.

2. This approval permits 142,000 square feet of floor area.

General:

3. Before receiving building permits:
 - 3.1 The permittee shall have submitted a revised and reproducible final plan and 5 copies to the Planning Department.
 - 3.2 The construction plans shall comply with the approved plans.
 - 3.3 Final Plats shall be approved by the City.

STANDARD CONDITIONS:

4. The following conditions are applicable to all requests:
 - 4.1 Before occupying the buildings all development and construction shall have been completed in compliance with the approved plans.
 - 4.2 All privately-owned improvements shall be permanently maintained by the owner or an appropriately established homeowners association approved by the City Attorney.
 - 4.3 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
 - 4.4 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
 - 4.5 The City Clerk shall file a copy of the resolution approving the permit and the letter of acceptance with the Register of Deeds. The Permittee shall pay the recording fee in advance.

Prepared by:

Ray Hill
Principal Planner

**CHANGE OF ZONE NO. 3263
USE PERMIT NO. 130,
and
PRELIMINARY PLAT NO. 00016
PIONEER WOODS**

PUBLIC HEARING BEFORE PLANNING COMMISSION:

February 7, 2001

Members present: Carlson, Steward, Taylor, Krieser, Hunter, Duvall, Newman and Bayer; Schwinn absent.

Planning staff recommendation: Approval of the change of zone; and conditional approval of the use permit and preliminary plat. The staff recommends that the waivers on the use permit not be granted.

Ray Hill of Planning staff submitted a report from the Building & Safety Department pointing out that the general notes 26 and 28 will have no effect because projections from the buildings must remain within the lot lines. The Building & Safety Department also points out that a portion of the project is within the 100 year floodplain and within the floodway, thus there must be compliance with the 404 permit regulations. Hill believes that the conditions of approval cover these requirements.

Proponents

1. Mike Rierden appeared on behalf of the applicant. There is only one reason that this application is back before the Commission. This development was approved in October; however, after the approval by the Planning Commission, it was discovered by Public Works that the intersection on 70th at Pioneers Woods and 70th Street was too steep and posed a safety concern. After several meetings with the staff, the developer was able to adjust that by means of moving the intersection further to the north so that it was in a flatter area and the safety concerns were taken care of. That is the only adjustment. However, as a result of moving the intersection, the interior road was moved further to the north which gave this development about 7,000 sq. ft. of additional retail space, to which staff agrees.

Rierden advised the Commission that the developer had meetings with Hyde Observatory back in October with regard to lighting and they will continue to work together on the appropriate lighting. The developer has also had meetings with Parks & Recreation and the Friends of the Dog Run, which is in this area, and have discussed deeding some of the property to the east in the drainageway, and they will continue to have these discussions.

The developer also met with three abutting neighborhood associations and, to Rierden's knowledge, there are no objections.

Rierden stated that the developer also submitted an architectural theme for the buildings. Rierden assured that this developer will comply with what was presented.

Rierden agreed with the conditions of approval on the preliminary plat.

With regard to the use permit, Rierden submitted an amendment to Condition #1.1.3: "Limit the total amount of floor area for restaurants to 30,000 sq. ft." He believes that staff is agreeable to this amendment.

This is probably the second project that Rierden knows of in Lincoln where the developer has agreed by Executive Order to go ahead and do the improvements for the widening of Pioneers from 70th Street east to the drainageway. They will continue to work with staff to continue to do those improvements. It is unusual for a developer to do the improvements for an arterial.

Rierden further pointed out that on 70th Street, this developer was required to give up some additional right-of-way. One of the waiver requests is to allow a reduction of the front yard setback from the required 50' to 42'. In addition, the developer is requesting a waiver to be able to put signage in that particular area because of the loss of the front yard. Rierden submitted that this is not an unusual request. It was done at South Pointe and is usually done in situations where additional right-of-way is given up by developers.

Carlson asked for the net effect of the sign location. **Gary Bredehoff of Olsson Associates** indicated that they have not made an exact determination yet. He stated that they would agree to put them in the center of the setback that is established. **Don Linscott of Mega Corporation**, one of the applicants, stated that he would not object to having the sign a certain distance from the back of the curb, i.e. 10'.

Bredehoff explained that they have only requested the waiver to allow the signs for visibility purposes. He stated that they have asked for this same waiver in other situations. There is a drop-off from 70th Street, especially down towards Lots 3 and 4, and it would be difficult to see a ground sign. The intent is to get the sign up the slope a bit.

Carlson was curious about the floodplain issue. Bredehoff advised that this application does not touch the 100 year floodplain.

There was no testimony in opposition.

Staff questions

Carlson asked staff about the position of the signs. Ray Hill advised that the signs are not allowed in the front yard, so that is why they are asking for the adjustment. In the B-2 district, if you have the ground sign inside the front yard, you have to be within 30' of the building. With the way this project is laid out, the ground signs cannot be within 30' so that is why they are asking for the waiver. The requirement is that the ground sign must be within 30' of the building. There is more than 30' and they are also asking to be in the front yard. If the waiver of the front yard and the sign waiver are granted, the sign could be 12' away from the street. The conditions of approval recommended by staff would allow the sign, but it would be outside the front yard and closer to the building, i.e. in the parking lot. The front yard setback in the B-2 district is 50'.

Bayer asked whether the sign and front yard waiver were approved in this application in October. Hill believes that the Commission denied the sign waiver.

Hill explained that the staff rationale to deny the waivers requested in the use permit is because this project is getting a lot more zoning than what was shown in the Comprehensive Plan land use plan. The staff has agreed to adjust the zoning, but does not believe the front yard should be reduced.

Hill agreed with the applicant's proposed amendment to Condition #1.1.3 of the use permit.

Carlson observed that the applicant believes dropping the ground signs down in elevation might prevent people from moving to that area and there is no point to have the ground sign. Bredehoff stated that the ground sign would only be visible from inside the parking lot. Bredehoff did not believe the developer addressed the sign issue in the last application.

Dennis Bartels of Public Works advised that on 70th Street there is approximately 12' to 14' from the pavement to the new right-of-way. Linscott advised that the buildings along 70th Street will all be one-story with a very low profile. People coming along 70th or Pioneers will see the top of the roof. As we move to the north along 70th, the buildings then come closer to grade, so as you get to the very last building (Walgreens), it will be almost level with the street.

Bayer asked whether this development has some sort of development sign. Linscott advised that there is one right on the south side of the intersection of Pioneers and then another on the left hand side of Stacy Lane along Pioneers. They would be identification signs, i.e. the "Pioneer Woods Retail Center".

Linscott suggested that the reason they are asking for the reduction of the front yard setback is that 70th will be five lanes. They had originally thought it would only be four lanes. This developer has agreed to allow the 5th lane which requires giving up some right-of-way. This development is a major project to relieve some of the traffic pressures in this area. The developer has worked very hard with the staff to make this compatible with what's happening in this area. With the five lanes, this developer is being asked to give up property, so we are trying to get back to the same point we were before.

Hill clarified that in the sign section of the zoning ordinance it makes reference to how you measure the height of a sign. In those situations where the property is lower than the adjacent roadway, the height is calculated from the street grade at a 90 degree angle. If the ground is 5-6 feet lower than the street, you don't measure from the ground but from the elevation of the street. It could be a really tall ground sign. The height of the ground sign will be measured from the grade of 70th Street. If they do not get the ground sign in the front yard, they have to be 50' from the road. If they are granted the waiver to go up the slope, it would be a shorter sign.

Bayer wondered whether roof signs are allowed. Hill did not believe so. He would have to double check.

Public hearing was closed.

CHANGE OF ZONE NO. 3263

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

February 7, 2001

Steward moved approval, seconded by Newman and carried 8-0: Carlson, Steward, Taylor, Krieser, Hunter, Duvall, Newman and Bayer voting 'yes'; Schwinn absent.

USE PERMIT NO. 130

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

February 7, 2001

Steward moved to approve the staff recommendation of conditional approval, denying the waivers to reduce the front yard and to allow ground signs in the front yard, with amendment to Condition #1.1.3 as requested by the applicant, seconded by Hunter.

Bayer moved to amend to change Condition #1.1.11 from 50' to 42', seconded by Duvall. Bayer is not excited about the tall signs, but they need to have the ability to advertise. This puts the tall ground sign closer to the road.

Hill clarified that if the Commission wants the parking lot to be 42' from the new right-of-way line, the waiver of the front yard setback would be granted. If the Commission is interested in allowing the signs where they are proposing, then the waiver of the sign requirements should be granted.

Bayer wants to give them a 42' front yard so they can put a sign 43' away from the street. This allows them to put the sign 8' closer.

Steward made a technical observation. In reading the contour lines, the worst case situation is that they are only about 6' lower than the elevation of the roadway at a 90 degree angle for these building pads. It is not like you're looking down on the roof.

Bayer is attempting to give them some advertising without destroying the view from the road.

Motion to amend Condition #1.1.11 from 50' to 42' carried 5-3: Carlson, Taylor, Krieser, Duvall and Bayer voting 'yes'; Steward, Hunter and Newman voting 'no'.

Main motion, with amendment to Condition #1.1.3 and #1.1.11, carried 8-0: Carlson, Steward, Taylor, Krieser, Hunter, Duvall, Newman and Bayer voting 'yes'; Schwinn absent.

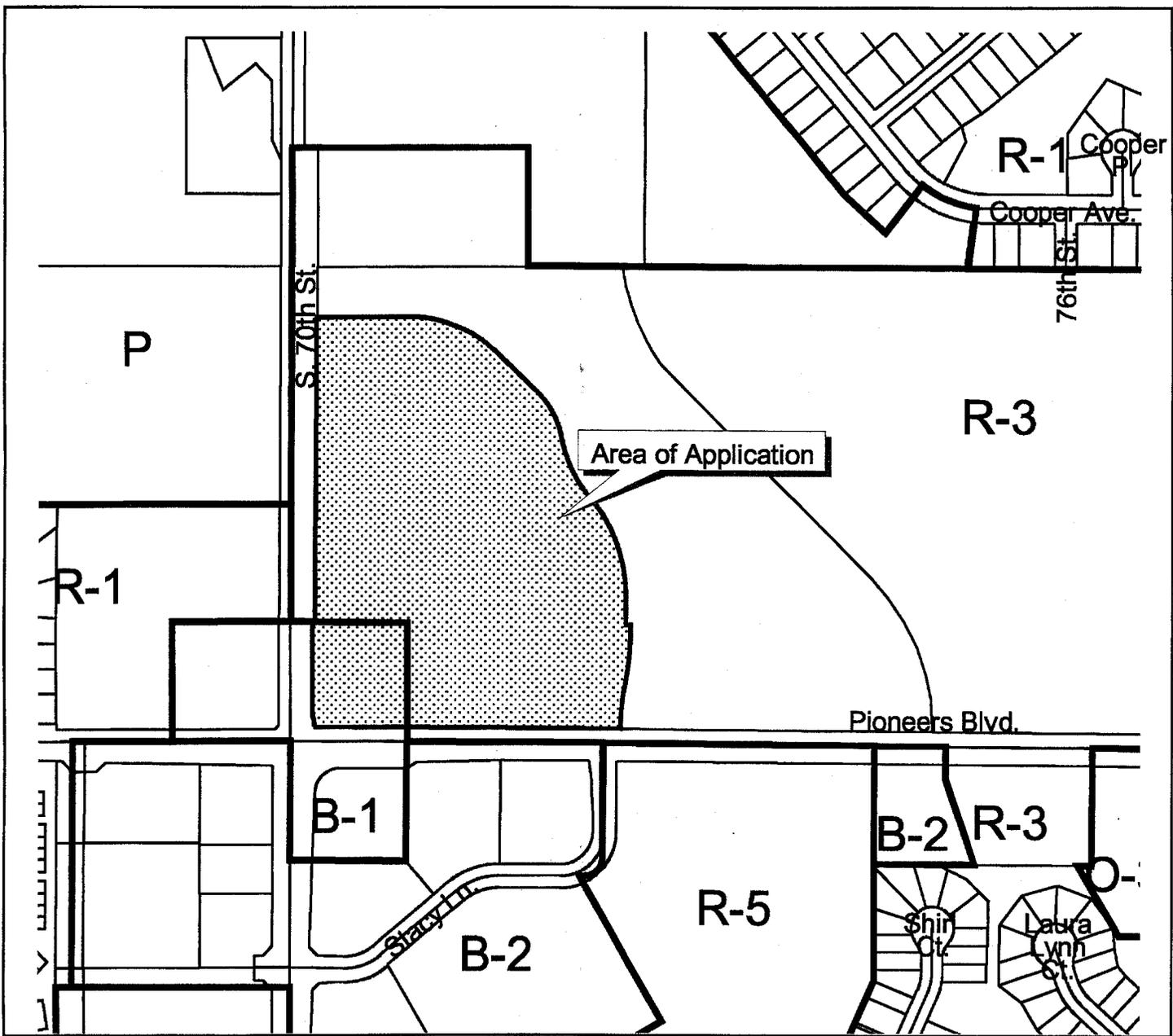
PRELIMINARY PLAT NO. 00016

PIONEER WOODS

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

February 7, 2001

Steward moved to approve the Planning staff recommendation of conditional approval, seconded by Duvall and carried 8-0: Carlson, Steward, Taylor, Krieser, Hunter, Duvall, Newman and Bayer voting 'yes'; Schwinn absent.

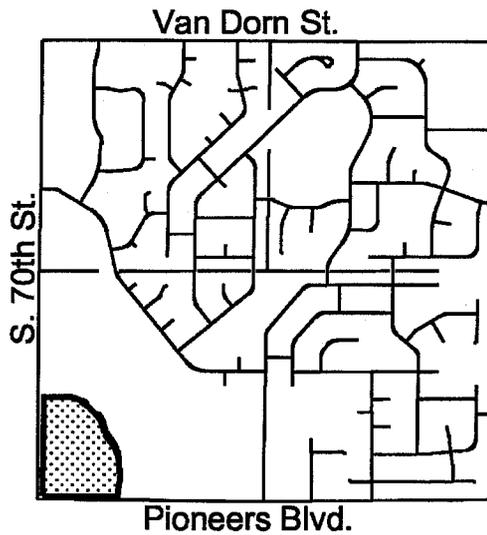
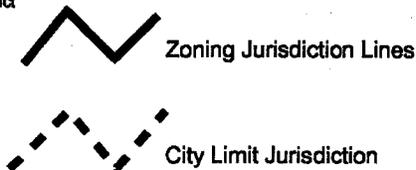


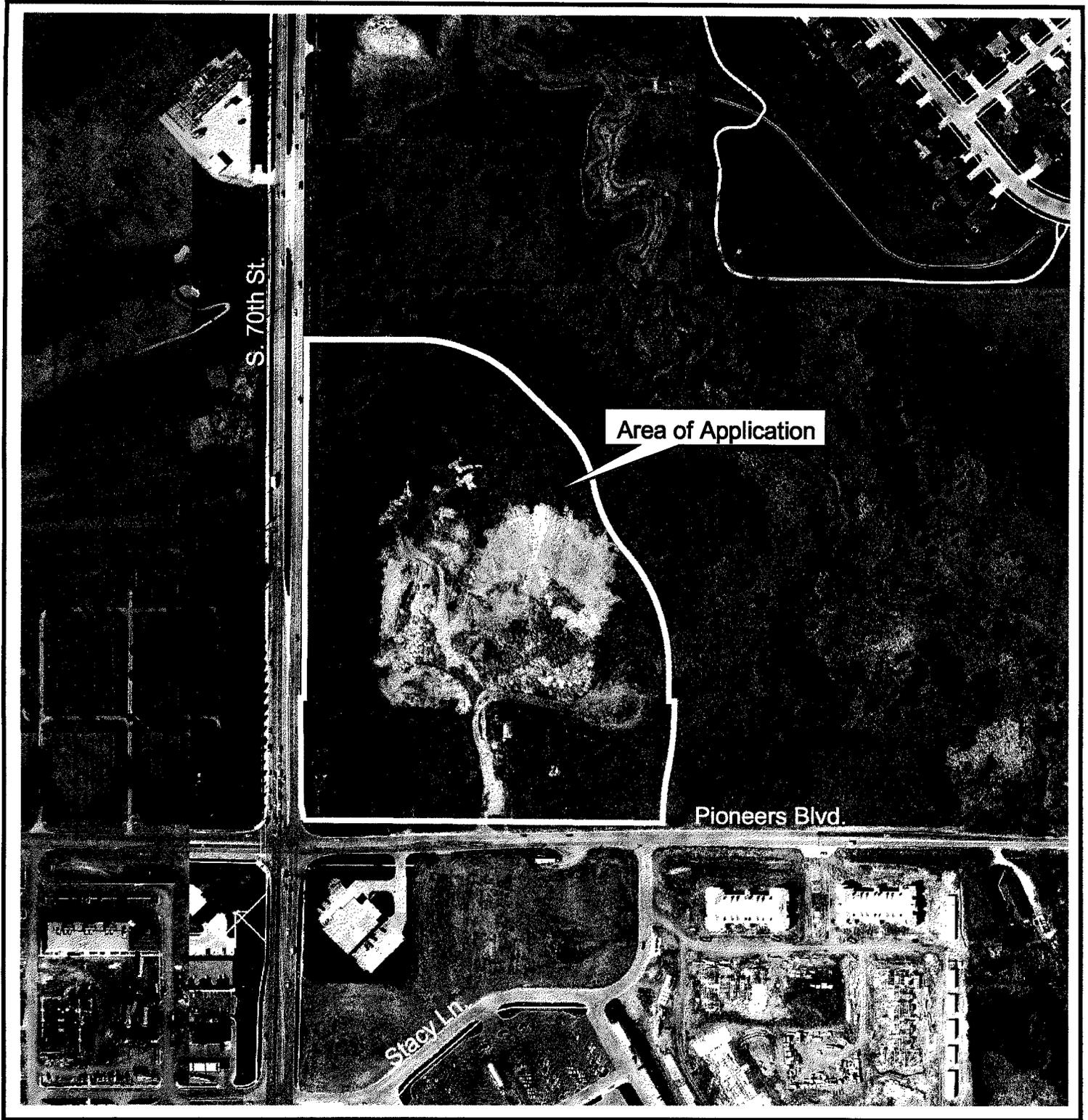
Use Permit #130
S. 70th & Pioneers Blvd.

Zoning:

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

One Square Mile
 Sec. 3 T9N R7E





**Use Permit #130
S. 70th & Pioneers Blvd.**

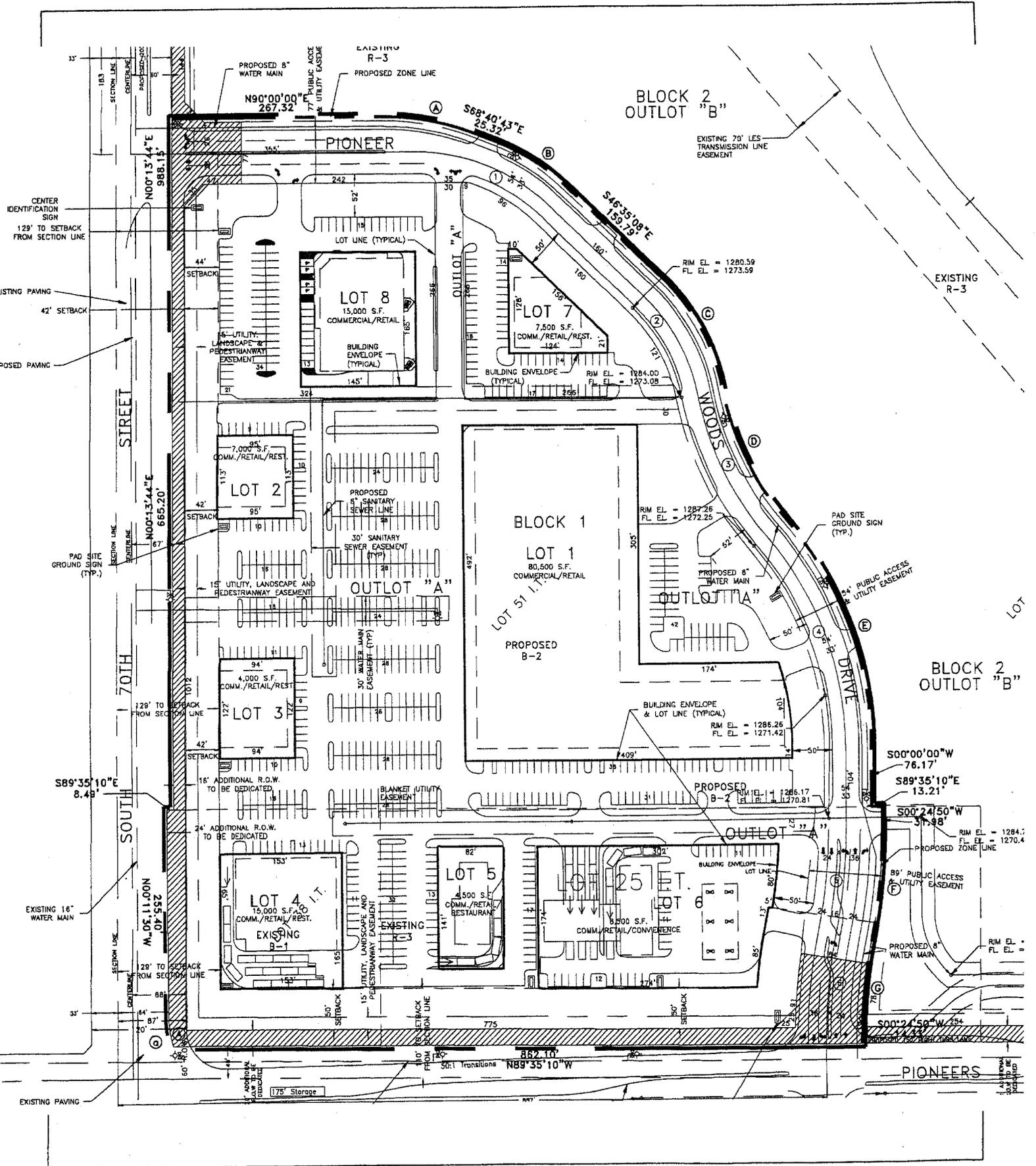


Sheet 2 of 3

Date: 1/30/01

Photograph Date: 1999 **015**

Lincoln City - Lancaster County Planning Dept.

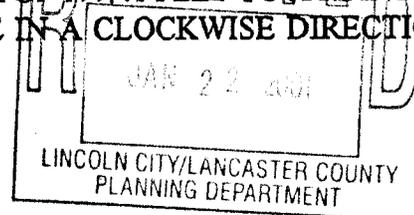


Use Permit #130
S. 70th & Pioneers Blvd.

**LEGAL DESCRIPTION
USE PERMIT
PIONEER WOODS**

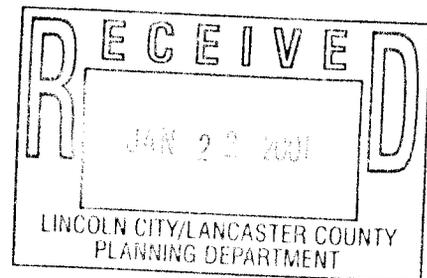
A LEGAL DESCRIPTION FOR USE PERMIT PURPOSES FOR A TRACT OF LAND COMPOSED OF LOT 38 I.T. AND A PORTION OF LOT 51 I.T., ALL LOCATED IN THE SOUTHWEST QUARTER OF SECTION 3, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 38 I.T., SAID POINT BEING **THE TRUE POINT OF BEGINNING**, THENCE ALONG A CURVE IN A COUNTERCLOCKWISE DIRECTION HAVING A RADIUS OF 113.00 FEET, ARC LENGTH OF 35.24 FEET, DELTA ANGLE OF 17 DEGREES 52 MINUTES 07 SECONDS, AN ASSUMED CHORD BEARING OF NORTH 09 DEGREES 07 MINUTES 33 SECONDS WEST, AND A CHORD LENGTH OF 35.10 FEET TO A POINT OF TANGENCY, THENCE NORTH 00 DEGREES 11 MINUTES 30 SECONDS WEST ALONG THE WEST LINE OF SAID LOT 38 I.T., A DISTANCE OF 255.40 FEET TO THE NORTHWEST CORNER OF SAID LOT 38 I.T., THENCE SOUTH 89 DEGREES 35 MINUTES 10 SECONDS EAST ALONG THE NORTH LINE OF SAID LOT 38 I.T., A DISTANCE OF 8.49 FEET TO THE SOUTHWEST CORNER OF SAID LOT 51 I.T., THENCE NORTH 00 DEGREES 13 MINUTES 44 SECONDS EAST ALONG THE WEST LINE OF SAID LOT 51 I.T., A DISTANCE OF 848.75 FEET TO A POINT, THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST, A DISTANCE OF 267.32 FEET TO A POINT OF CURVATURE, THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION HAVING A RADIUS OF 315.50 FEET, ARC LENGTH OF 117.41 FEET, DELTA ANGLE OF 21 DEGREES 19 MINUTES 17 SECONDS, A CHORD BEARING OF SOUTH 79 DEGREES 20 MINUTES 21 SECONDS EAST, AND A CHORD LENGTH OF 116.73 FEET TO A POINT OF TANGENCY, THENCE SOUTH 68 DEGREES 40 MINUTES 43 SECONDS EAST, A DISTANCE OF 25.32 FEET TO A POINT OF CURVATURE, THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION HAVING A RADIUS OF 282.00 FEET, ARC LENGTH OF 108.74 FEET, DELTA ANGLE OF 22 DEGREES 05 MINUTES 35 SECONDS, A CHORD BEARING OF SOUTH 57 DEGREES 37 MINUTES 55 SECONDS EAST, AND A CHORD LENGTH OF 108.07 FEET TO A POINT OF TANGENCY, THENCE SOUTH 46 DEGREES 35 MINUTES 08 SECONDS EAST, A DISTANCE OF 159.79 FEET TO A POINT OF CURVATURE, THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A RADIUS OF 257.00 FEET, ARC LENGTH OF 160.73 FEET, DELTA ANGLE OF 35 DEGREES 50 MINUTES 01 SECONDS, A CHORD BEARING OF SOUTH 28 DEGREES 40 MINUTES 08 SECONDS EAST, AND A CHORD LENGTH OF 158.12 FEET TO A POINT OF REVERSE CURVATURE, THENCE ALONG A CURVE IN A COUNTERCLOCKWISE DIRECTION HAVING A RADIUS OF 343.00 FEET, ARC LENGTH OF 179.45 FEET, DELTA ANGLE OF 29 DEGREES 58 MINUTES 33 SECONDS, A CHORD BEARING OF SOUTH 25 DEGREES 44 MINUTES 24 SECONDS EAST, AND A CHORD LENGTH OF 177.41 FEET TO A POINT OF REVERSE CURVATURE, THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION



HAVING A RADIUS OF 432.00 FEET, ARC LENGTH OF 307.08 FEET, DELTA ANGLE OF 40 DEGREES 43 MINUTES 40 SECONDS, A CHORD BEARING OF SOUTH 20 DEGREES 21 MINUTES 50 SECONDS EAST, AND A CHORD LENGTH OF 300.66 FEET TO A POINT OF TANGENCY, THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS WEST, A DISTANCE OF 76.17 FEET TO A POINT, THENCE SOUTH 89 DEGREES 35 MINUTES 10 SECONDS EAST A DISTANCE OF 13.21 FEET TO A POINT, THENCE SOUTH 00 DEGREES 24 MINUTES 50 SECONDS WEST, A DISTANCE OF 31.98 FEET TO A POINT OF CURVATURE, THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION HAVING A RADIUS OF 645.00 FEET, ARC LENGTH OF 131.90 FEET, DELTA ANGLE OF 11 DEGREES 43 MINUTES 00 SECONDS, A CHORD BEARING OF SOUTH 06 DEGREES 16 MINUTES 20 SECONDS WEST, AND A CHORD LENGTH OF 131.67 FEET TO A POINT OF REVERSE CURVATURE, THENCE ALONG A CURVE IN A COUNTERCLOCKWISE DIRECTION HAVING A RADIUS OF 555.00 FEET, ARC LENGTH OF 113.49 FEET, DELTA ANGLE OF 11 DEGREES 43 MINUTES 00 SECONDS, A CHORD BEARING OF SOUTH 06 DEGREES 16 MINUTES 20 SECONDS WEST, AND A CHORD LENGTH OF 113.30 FEET TO A POINT OF TANGENCY, THENCE SOUTH 00 DEGREES 24 MINUTES 50 SECONDS WEST, A DISTANCE OF 14.33 FEET TO A POINT OF INTERSECTION WITH THE SOUTH LINE OF SAID LOT 51 I.T., THENCE NORTH 89 DEGREES 35 MINUTES 10 SECONDS WEST ALONG THE SOUTH LINE OF SAID LOTS 51 I.T., AND 38 I.T., A DISTANCE OF 862.10 FEET TO THE TRUE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA OF 19.79 ACRES, OR 861,938.63 SQUARE FEET MORE OR LESS.

January 22, 2001 (11:42AM)
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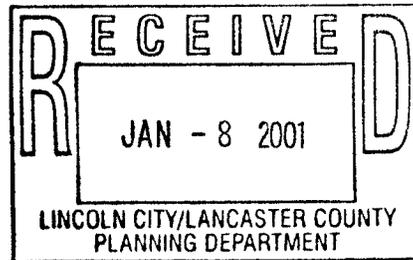




OLSSON ASSOCIATES
ENGINEERS • PLANNERS • SCIENTISTS • SURVEYORS

8 January 2001

Mr. Ray Hill
Planning Department
County-City Building
555 South 10th Street
Lincoln, NE 68508



Re: Pioneer Woods Preliminary Plat #00016
and Use Permit #130
OA Project No. 2000-0311.02

Dear Ray:

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

1. 21 Copies of the Site Plan.
2. 21 Copies of the Site Plan Notes/Street Grades.
3. 9 Copies of the Drainage and Grading Plan.
4. 6 Copies of the Landscape Plan.
5. 1 Copy of the Revised B-2 Change of Zone Exhibit and Legal Description.
6. 1 Copy of the Revised Use Permit Exhibit and Legal Description.

On behalf of the Owner/Developer, Pioneer Woods, L.L.C., Don Linscott, 5101 Central Park Drive, Lincoln NE 68504, we are resubmitting the Revised Plans as requested by Public Works, to realign Pioneer Woods Drive at 70th Street as agreed to in our previous meeting of 3 January 2001. Roadway improvements to South 70th Street and Pioneers Blvd. are currently under design by the Public Works and Utilities Department. Modification to the geometrics and Right-of-Way as shown on the enclosed plans are subject to change per the final construction plans developed by Public Works.

As discussed in our meeting, the square footage of commercial/retail has been adjusted from the original 134,500 sf. to the revised 142,000 sf. Because of the increase of land area, our floor area ratio within the Use Permit has dropped from 18% to 16.5%.

Army Corp of Engineers 404 Permits have been obtained for this project.

019

Mr. Ray Hill
Page Two
8 January 2001

We would continue to request the previous waivers listed below:

1. A waiver to storm water detention requirements due to the development being adjacent to the Holmes Lake flowage easement.
2. A waiver to 3% approach platforms rather than 2% due to site topography.
3. A waiver to reduce the front yard setback to correspond to any additional right-of-way taking if more than 60' is requested along either South 70th or Pioneers Blvd.
4. A waiver to the standard maximum depth of sanitary sewer to exceed 15' in some isolated areas in order to sewer the northwest corner of this site.
5. A waiver to the front yard setback from right-of-way stubs from 50' to 25'.
6. In addition we would request: A waiver of the zoning standards to allow freestanding pad site ground signs to be placed within the setback.

As discussed in our meeting of 3 January 2001, we would like to request the fast track process.

If you have any questions or require further information, please contact me.

Sincerely,

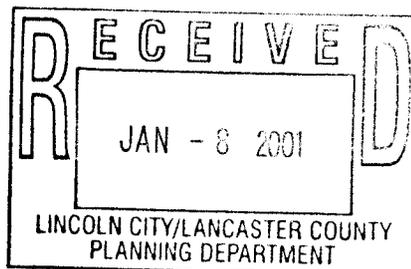


Gary L. Bredehoft

Enclosures

cc: Don Linscott
Mike Raasch
John Miller
Mike Rierden

F:\Projects\20000311\doc\rayhill.101.wpd

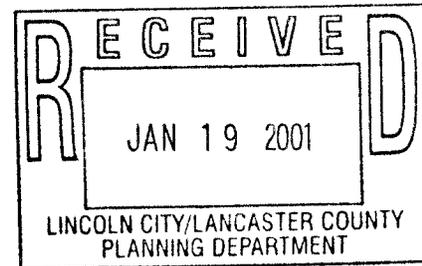


020

M e m o r a n d u m

[REDACTED]

To: Ray Hill, Planning Department
From: Dennis Bartels, Public Works & Utilities
Subject: Pioneer Woods Use Permit and Preliminary Plat
Date: January 19, 2001



cc: Roger Figard, Nicole Fleck-Tooze, Lynn Johnson, John Huff

Public Works has reviewed the revised Use Permit and Preliminary Plat for Pioneer Woods located at the northeast corner of 70th and Pioneers Boulevard and has the following comments:

1. Water - The proposed public water system to serve this plat is satisfactory.
2. Sanitary Sewer - The proposed public sanitary sewer system to serve this plat is satisfactory.
3. Drainage & Grading - A 30' public storm sewer easement is needed over the 36" public storm north of Pioneers east of Stacy Lane.

The remainder of the drainage and grading plan is satisfactory to Public Works. Public Works recommends waiving storm water detention because of the proximity to Holmes Lake and Antelope Creek. The plan shows stilling basins at the outlet end of storm sewers. The storm sewers outlet into wetlands to improve the water quality of the runoff before it is discharged into Antelope Creek.

4. Streets and Sidewalk - Sidewalk is proposed along 70th, Pioneers Boulevard, and both sides of Pioneer Woods and is satisfactory.

A corner triangle of right-of-way is required at the intersection of Pioneer Woods right-of-way stub and Pioneers Boulevard and at the intersection of Pioneer Woods stub and 70th Street. The right-of-way shown to be dedicated along South 70th north of Pioneers Boulevard and along Pioneers east of 70th does not meet the requirements of the plans for construction presently being developed. The paving cross-section for Pioneers and 70th is also different. These changes will require additional dedication not shown on this plat. Olsson Associates will be contacted by Public Works to discuss the details.

5. General - The signs proposed along 70th and along Pioneers should be moved out of the easement paralleling the right-of-way.

The waivers requested are satisfactory to Public Works provided the sign locations are revised.

Ray Hill, Planning

Page 2

January 19, 2001

A specific off-site improvement agreement is required to establish street improvement costs.

6. The information shown on the preliminary plat relating to the public water main system, public sanitary sewer system and public storm sewer system has been reviewed to determine if the sizing and general method of providing service is satisfactory. Design considerations including, but not limited to, location of water main bends around curves and cul-de-sacs, connection of fire hydrants to the public main, temporary fire hydrant locations, location and number of sanitary sewer manholes, location and number of storm sewer inlets, location of storm sewer manholes and junction boxes, and the method of connecting storm sewer inlets to the main system are not approved with this review. These and all other design considerations can only be approved at the time construction drawings are prepared and approved.



INTER-DEPARTMENT COMMUNICATION

DATE January 18, 2001
TO Ray Hill, City Planning
FROM Sharon Theobald
(Ext. 7640)
SUBJECT DEDICATED EASEMENTS
DN #42S-72E

Attached is the Revised Preliminary Plat for Pioneer Woods.

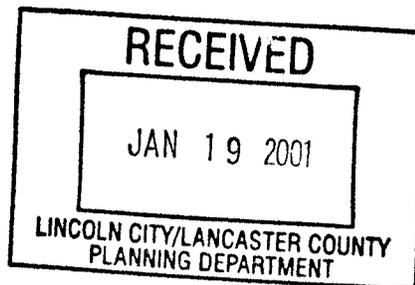
ALLTEL, Time Warner Cable, and the Lincoln Electric System will require blanket utility easements, excluding building envelopes, as indicated.

It should be noted, any relocation of existing facilities will be at the owner/developer's expense.

Please add, as a stipulation, the following:

Any construction or grade changes in LES transmission line easement corridors are subject to LES approval and must be in accordance with LES design and safety standards.

Sharon Theobald



ST/nh
Attachment
c: Terry Wiebke
Easement File

City of Lincoln, Nebraska

IMPORTANT

All revisions to plans must include Building Permit # and Job Address.

Return this report with two sets of corrected plans. The corrections noted below are required to be made to the plans prior to issuance of a permit. Please indicate under each item where the correction is made by plan sheet number or plan detail number.

A separate set of plans for review and final approval must be submitted by the licensed installing contractor/s if fire suppression systems, sprinklers, dry powder, fire alarm systems or underground tanks are installed.

Plan Review Comments

Permit # **DRF01008**

Address

Job Description: PIONEER WOODS

Location: PIONEER WOODS

Special Permit: N

Preliminary Plat Y 00016

Use Permit: Y 130

CUP/PUD: N

Requested By RAY HILL

Status of Review Denied

1/18/2001 11:09:15 AM

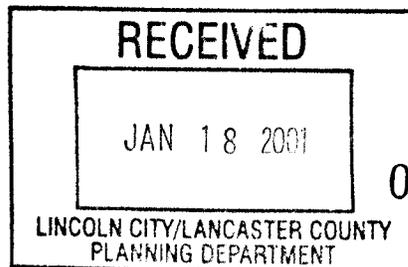
Reviewer: FIRE PREVENTION/LIFE SAFETY CODE

BOB FIEDLER

Comments: No on site fire hydrants shown

Current Codes in Use Relating to Construction Development in the City of Lincoln:

- 1997 Uniform Building Code and Local Amendments
- 1994 Nebraska Accessibility Guidelines (Patterned after and similar to ADA guidelines)
- 1989 Fair Housing Act As Amended Effective March 12, 1989
- 1979 Zoning Ordinance of the City of Lincoln as Amended including 1994 Parking Lot Lighting Standards
- 1992 Lincoln Plumbing Code (The Lincoln Plumbing Code contains basically the 1990 National Standard Plumbing Code and local community Amendments.)
- 1999 National Electrical Code and Local Amendments
- 1997 Uniform Mechanical Code and Local Amendments
- 1994 Lincoln Gas Code
- 1994 NFPA 101 Life Safety Code
- 1997 Uniform Fire Code and Local Amendments
- Applicable NFPA National Fire Code Standards



024



"Dennis L. ROTH"
<DROTH@LANCJES2
.ci.lincoln.ne.us>

To: <rhill@ci.lincoln.ne.us>
cc:
Subject: Pioneer Woods

01/10/01 10:43 PM

PROJ NAME: Pioneer Woods complete revision
PROJ NMBR: Prelim Plat #00016, Use Permit #130
PROJ DATE: 01/08/01
PLANNER: Ray Hill

Find no similar sounding names within our geobase for the street(s) proposed in this project, other than those which are obvious extensions of an existing street.

Dennis "Denny" Roth
ESD II/ CAD Administration
Emergency Communications 9-1-1 Center

MEMORANDUM

TO: Ray Hill; Lincoln/Lancaster County Planning Department

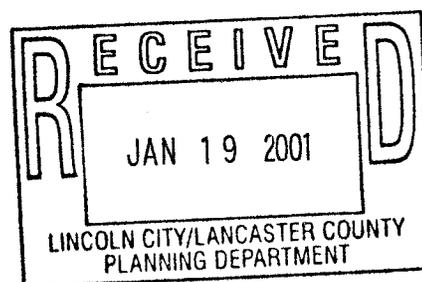
FROM: Frank Albrecht; Nebraska Game and Parks Commission *FA*

SUBJECT: Pioneer Woods, Completely Revised Plans

DATE: January 19, 2001

Game and Parks Commission staff members have reviewed the proposed action identified above. Earlier information about this project, including Preliminary Plat #00016 and Use Permit #130, was also provided to our agency. We concur with modifications listed on the Grading and Drainage Plan which address wetland mitigation concerns. We also note that Corps of Engineers Section 404 permits have been approved for the project. Please advise if further review is required.

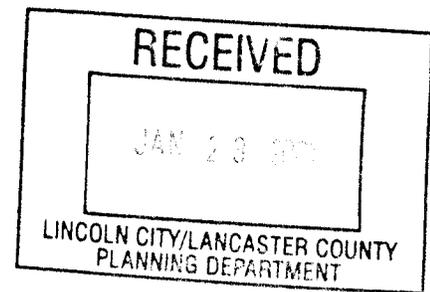
FJA/pz





REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, OMAHA DISTRICT
NEBRASKA REGULATORY OFFICE-WEHRSPANN
8901 SOUTH 154TH STREET, SUITE 1
OMAHA, NEBRASKA 68138-3621
January 19, 2001



Ray Hill
Planning Department
County-City Building
555 South 10th Street
Lincoln, Nebraska 68508

**RE: Pioneer Woods
Preliminary Plat #00016
OA Project No. 2000-0311.02**

Dear Mr. Hill:

Reference your letter dated January 8, 2001, requesting our jurisdictional requirements in regard to the above referenced project.

The Corps of Engineers is responsible for administering Federal laws that regulate certain activities in waters of the United States. The authority applicable to this responsibility is Section 404 of the Clean Water Act (33 U.S.C. 1344), which prohibits the discharge of dredged or fill material into lakes, streams or wetlands without authorization in the form of a Department of the Army permit and Section 10 of the Rivers and Harbors Act of 1899 which regulates all work or structures in or affecting the course, condition, or capacity of navigable waters of the United States.

From my review of the plans provided me, it appears that waters of the United States may be impacted. In order for this office to make a final determination in regard to this proposed project, a Department of the Army application must be completed as described in its attached instruction sheet and submitted to this office at the Regulatory address shown above.

It would make processing easier if the applicant were to schedule a pre-application meeting by sending a written request to the Regulatory address shown above.

If you have any questions concerning these comments, please contact me at or telephone (402) 896-0896 and **reference file NE 2001-10034.**

Sincerely,

John Peterson
Project Manager

LOWER PLATTE SOUTH
NATURAL RESOURCES DISTRICT



3125 Portia St., Box 83581, Lincoln NE 68501-3581
(402) 476-2729 • FAX (402) 476-6454
www.lpsnrd.org

Memorandum

Date: January 24, 2001
To: Ray Hill, City/County Planning
From: Ed Ubben, Projects Coordinator
Subject: Pioneer Woods, 70th and Pioneers

We have reviewed the plans for the above referenced project. There are no outlet structures shown on the wetlands. Without outlet structures combined with the amount of flash runoff from this project I fear a channel will be cut through these existing and constructed wetlands.

A handwritten signature in black ink, appearing to read 'Ed Ubben', with a long horizontal stroke extending to the right.

EU/eu

pc: file

Mike J Petersen

To: Ray F Hill/Notes@Notes

01/29/01 04:05 PM

cc:

Subject: Parking Count

Ray, For purposes of determining the parking count for carwash facilities, this department considers the entire footprint of the building as the floor area.

Please call if you have any questions.

Mike Petersen
Bldg & Safety Dept.

ITEM NO. 3.2a,b,c: CHANGE OF ZONE NO. 3263

USE PERMIT NO. 130

PREL. PLAT NO. 00016

M.Woolman

(p.47 - Public Hearing - 2/07/01)

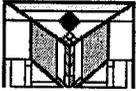
From: "M.Woolman"
To: <RHILL@CI.LINCOLN.NE.US>
Cc: <LPD737@CJIS.CI.LINCOLN.NE.US>
Sent: Wednesday, January 24, 2001 11:03 AM
Subject: PIONEER WOODS USE PERMIT #130
Ray,

The Lincoln Police Department has no objections to the revised plans for the Pioneers Woods proposal for the NE corner of 70th and Pioneers.

Michael Woolman
Planning Sergeant
Lincoln police Department
441-7215

ITEM NO. 3.2a,b,c: CHANGE OF ZONE NO. 3263
USE PERMIT NO. 130
PREL. PLAT NO. 00016

(p.47 - Public Hearing - 2/07/01)



Rodger P Harris

02/06/01 02:25 PM

To: Ray F Hill/Notes@Notes

cc: Dale L Stertz/Notes@Notes, Chuck A Zimmerman/Notes@Notes

Subject: Pioneer Woods, Pre Plat & UP 130.

We have reviewed the above proposed project and have the following comments to offer:

1. If the lots created by the proposed administrative plat are the same as the building envelopes on the use permit, general note no. 26 and 28 will have no effect. Projections from the buildings must remain within the lot lines.

2. A portion of this project is within the 100 year flood plain and within the floodway. A flood plain development permit is required prior to any development, including grading, street and utility improvements, within the flood plain and/or floodway, in accordance with Chapter 27.55 LMC. Compliance with Section 404 of the Federal Water Pollution Control Act Amendments of 1972 is required prior to flood plain development permit approval.