

City Council Introduction: **Monday**, April 9, 2001  
Public Hearing: **Monday**, April 16, 2001, at **1:30 p.m.**

Bill No. 01-63

## **FACTSHEET**

**TITLE:** **CHANGE OF ZONE NO. 3260**, from AG Agricultural to R-3 Residential, H-3 Highway Commercial and H-4 General Commercial; and from R-3 Residential to H-4 General Commercial and H-3 Highway Commercial, requested by Engineering Design Consultants on behalf of North Creek L.L.C., on property generally located in the vicinity of Fletcher Avenue and Telluride Drive.

**STAFF RECOMMENDATION:** Approval

**ASSOCIATED REQUESTS:** Annexation No. 00002 (01-62) and Preliminary Plat No. 00014, North Creek Trade Center (01R-80).

**SPONSOR:** Planning Department

**BOARD/COMMITTEE:** Planning Commission  
Public Hearing: 12/13/00  
Administrative Action: 12/13/00

**RECOMMENDATION:** Approval (8-1: Krieser, Duvall, Carlson, Steward, Taylor, Schwinn, Newman and Bayer voting 'yes'; Hunter voting 'no').

### **FINDINGS OF FACT:**

1. This change of zone and the associated annexation and preliminary plat were heard at the same time before the Planning Commission.
2. The Planning staff recommendation to approve the change of zone is based upon the "Analysis" as set forth on p.4-6.
3. The applicant's testimony is found on p.7-10.
4. There was no testimony in opposition.
5. On December 13, 2000, the Planning Commission voted 8-1 to agree with the staff recommendation of approval (Hunter dissenting). Hunter was concerned about approving these changes of zone and a development without having the entryway guidelines and standards in place (See Minutes, p.12-13).

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

**DATE:** April 2, 2001

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

**DATE:** April 2, 2001

**REFERENCE NUMBER:** FS\CC\FSCZ3260.REV

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

**P.A.S.#:**      **North Creek Trade Center**  
Annexation #00002  
Change of Zone #3260  
Preliminary Plat #00014

**Date:** November 30, 2000

**\*\*As Revised by Planning Commission, 12/13/00\*\***

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

**PROPOSAL:** Robert Dean, of Engineering Design Consultants, has applied for the following proposals in the vicinity of Fletcher Avenue and Telluride Drive:

- 1) Annexation #00002 of approximately 110 acres
- 2) Change of Zone #3260 from AG, Agricultural District to R-3, Residential District; from AG, Agricultural District to H-3 Highway Commercial District and H-4 General Commercial District; and from R-3, Residential District to H-4, General Commercial District and H-3 Highway Commercial District.
- 3) Preliminary Plat #00014, North Creek Trade Center, consisting of 10 commercial lots and 4 outlots.

Requested Waivers or Variations from:

- 1) Section 26.23.130 "Block size" to allow block lengths over 1,320 feet in Blocks 1 and 2;
- 2) Section 26.27.020, requiring sidewalks on both sides of private roadways;
- 3) Section 26.23.110 requiring street names on private roadways;
- 4) Design Standards for private roadways to permit a width of 25 feet instead of 27 feet

**GENERAL INFORMATION:**

**APPLICANT:**                      Robert Dean  
Engineering Design Consultants  
630 N. Cotner Blvd, Suite 105  
Lincoln, NE 68505  
(402) 464-4011

**CONTACT:**                         Same

**LAND OWNER:**                 North Creek L.L.C  
Robert Hampton  
6101 Village Drive, Suite 101  
Lincoln, NE 68516

**LOCATION:** Fletcher Avenue and Telluride Drive

**LEGAL DESCRIPTION:** See Attached

**EXISTING ZONING:** AG, Agricultural and R-3, Residential

**SIZE:** 110 Acres, more or less

**EXISTING LAND USE:** Undeveloped

**SURROUNDING LAND USE AND ZONING:** Zoned AG, Agricultural with agricultural uses to the north; zoned H-3 Highway Commercial District to the northeast and east with commercial uses under development; zoned R-3, Residential and R-4, Residential to the southeast and south with residential uses under development; zoned B-2 Planned Local Business District with undeveloped land to the southwest.

**COMPREHENSIVE PLAN SPECIFICATIONS:** Shown as commercial on Figure 16 “Lincoln’s Land Use Plan” and on the “Approved Future Land Use” map of the “North 27<sup>th</sup> Street Subarea”.

**HISTORY:**

- The southern portion of the property was changed from A-2, residential to R-3, residential with the 1979 zoning update.
- Change of Zone #2765 changed a portion from R-3 to AG in 1993.
- The 1994 Lincoln Lancaster County Comprehensive Plan designated the future land use of the area as residential.
- The land use designation was changed from residential to industrial/employment center when the N. 27<sup>th</sup> Street Subarea Plan (Comprehensive Plan amendment #94-03) was adopted in September, 1996.
- The industrial employment center designation was changed to commercial with the Fourth Annual Review of the Comprehensive Plan in 1999.

**SPECIFIC INFORMATION:**

**UTILITIES:** Extension of water and sewer lines is addressed in the Preliminary Plat.

**TOPOGRAPHY:** Sloping to the south/southeast with wetlands on the central/eastern edge.

**TRAFFIC ANALYSIS:** The alignment for Fletcher Avenue is designated as an arterial in the 1994 Lincoln-Lancaster County Comprehensive Plan. The annexation agreement addresses the developer’s responsibilities to construct Fletcher Avenue as a two lane urban cross section, with the appropriate turn lanes and medians, within 120 feet of right of way.

**ENVIRONMENTAL CONCERNS:** Areas for wetlands and flood plain/stormwater drainage are shown in outlots.

**AESTHETIC CONSIDERATIONS:** The area abuts I-80, an entry way to the city. An entryway corridor study has been prepared for the City. The annexation agreement addresses signage and landscaping for the development.

### **ANALYSIS:**

#### Project Overview

1. This is a request for annexation; changes of zone from AG, Agricultural and R-3, Residential to H-3 Highway Commercial and H-4, General Commercial; and for a preliminary plat consisting of 10 commercial lots and 4 outlots.
2. The area is designated for commercial land uses on Figure 16 “Lincoln’s Land Use Plan” and in the North 27th Street Sub Area Plan, of the amended 1994 Lincoln-Lancaster County Comprehensive Plan. The changes of zone are in general conformance with the Comprehensive Plan.

#### Entryway

3. The area is adjacent to Interstate 80. The City has prepared entryway design guidelines that include the section of I-80 abutting this development. However, specific recommendations for the corridor have not been adopted.
4. The developer has agreed to provide additional landscaping. Additionally, the developer has agreed to establish landscape covenants to provide a distinct character for the development with visual continuity. The landscaping and covenants incorporate native plant materials.
5. The landscape plan on the Preliminary Plat shows a 20' buffer/landscape easement. The landscape incorporates native materials and was designed to be compatible with the recommended entryway guidelines.
6. The proposed H-3 and H-4 zoning districts would allow 1 ground or pole sign per business per lot (unlimited number) or 2 signs per lot if there was only a single business. Because the area is within 660' of the Interstate, the signs could be up to 80' high. Additionally, the H-4 district would allow 1 additional sign due to the proximity of the interstate.
7. The developer has agreed, in the annexation agreement, to restrict the number of allowed signs to only 1 per lot. The sign could be either a ground sign or a pylon sign. A pylon sign is similar to a pole sign but has a base that is at least 24" wide. The maximum height allowed for a pylon sign would be 30'. Off premises signs (billboards) are not allowed. The signs would be designed of non-reflective material that is the same or similar to the building with which it is associated. The sign covenants will be an attachment to the annexation agreement.

8. The developer has provided design covenants for the buildings. The proposed covenants could be changed only with the approval of the Planning Director or City Council.
9. A note should be added to the plan to clarify that the landscape easement is to be reserved for landscape material and approved signs only.
10. The grading plan shows the removal of the natural berms that would screen a portion of the development from the interstate. The grading plan should be revised to retain the natural berms, as recommended in the entryway guidelines.

Preliminary Plat:

11. The proposed preliminary plat contains 10 commercial lots and 4 outlots. Three of the outlots are for wetland mitigation/preservation and storm water drainage. The fourth outlot is reserved for future development. That outlot will continue to be zoned R-3, Residential until a specific development proposal comes forward.
12. The developer has requested a waiver of the block length requirement for the north and south sides of Fletcher Avenue. Due to the location of the Interstate, and wetlands, staff supports this request.
13. The proposed plat shows a frontage road providing access to the lots on the north and south side of Fletcher Avenue. The frontage road provides access to Fletcher Avenue at specific points. The road will be designed as a private roadway.
14. The developer has asked for a waiver of the design standards for private roadways to allow a width of 25 feet instead of 27 feet. The applicant did not provide a justification for the waiver request.
15. The developer has asked for a waiver of the requirement to name the private roadways to avoid confusion by allowing a Fletcher Avenue address. This request is reasonable.
16. The developer has asked for a waiver of sidewalks on both sides of the frontage roads. Sidewalks will be provided along Fletcher Avenue.
17. The plans do not show the flood corridor easement required by the storm water regulation. The drainage study does not address how the design standard provisions concerning drainage areas exceeding 150 acres is being met.
18. The location of the fill to construct Fletcher Avenue at the south line of this plat constricts the natural drainage channel. The developer must provide revised information ‘ concerning the depth of flow at this location.
19. The Public Works Department requested revisions to the proposed street system and that median in Fletcher Avenue should be 28' wide.

20. The Health Department expressed concern over the potential for warehouse uses that could store hazardous chemicals less than 200 feet from property zoned R-3.
21. The Public Works Department expressed an interest in a recycling site at this location.
22. The preliminary plat contains a note on Outlot D indicating that the street trees had been bonded for and shown on the North Creek Preliminary Plat. That outlot has not been included in a final plat, so the street trees have not been bonded. The proposed preliminary plat will supercede the existing preliminary plat over that area. The plat must be revised to show the street trees.

**STAFF RECOMMENDATION:**

- Conditional Approval of the Annexation #00002
- Approval of Change of Zone #3260(contingent on approval of other items)
- Conditional Approval of Preliminary Plat #00014
  - Approval of the Waiver of Block Length
  - Approval of the waiver of sidewalks on the private roadway only.
  - Approval of the waiver of the requirement to name the private roads.
  - Denial of the waiver of design standards to reduce the width of the private road.

**ANNEXATION NO. 00002**  
**and**  
**CHANGE OF ZONE NO. 3260**  
**and**  
**PRELIMINARY PLAT NO. 00014,**  
**NORTH CREEK TRADE CENTER,**

**PUBLIC HEARING BEFORE PLANNING COMMISSION:**

December 13, 2000

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

Planning staff recommendation: Conditional approval of the annexation; approval of the change of zone and conditional approval of the preliminary plat.

Proponents

**1. Mark Hunzeker** appeared on behalf of **Hampton Development Services**, the developer of the property. This is an annexation, change of zone and preliminary plat on property which is on both sides of Fletcher Avenue west of the area currently developed as commercial along 27<sup>th</sup> Street. It abuts the interstate and the developer has spent 8-9 months working with the staff to not only clarify their responsibility with respect to construction of Fletcher, but also to come up with a set of design covenants, sign covenants and landscaping which would implement the I-80 Entryway Corridor study and present a good looking face to the public traveling along I-80 as well as accomplish the applicant's goals of developing this property.

Hunzeker requested amendments to the conditions of approval on the preliminary plat. He requested that Condition #1.1.3 be deleted, which requires the applicant to revise the grading plan to retain the existing berms adjacent to the interstate. This condition is the result of a simple misreading of the grading plan. This application does not remove any berms. In fact, they are cutting down the site on the private property side of the interstate in such a way as to effectively create a berm and reduce the visibility or building sites on the property.

Hunzeker requested to add, "at full buildout of four through lanes" to the end of Condition #1.1.7. Public Works wanted the access from Fletcher to be a left-turn in but not out. Hunzeker agrees that to be acceptable at such time as they build the four-lane facility and the medians. But he does not believe there is any need to restrict left turns out until such time as the improvements are made and Public Works is in agreement.

Hunzeker requested to amend Condition #1.1.15, "Revise the grading and drainage plan to clearly show cross-sections of the flood corridor easement, at critical locations to the satisfaction of the Public Works Department." Hunzeker believes that Public Works agrees with this amendment. This will demonstrate that they have met the design standards.

Condition #1.1.17 calls for sidewalks on the interior side of the private frontage roads. Hunzeker referred to the site plan, demonstrating that the developer is providing private frontage roads so that they do not have multiple access points along Fletcher. Fletcher will eventually be a 5-lane arterial and they recognize the concern about multiple driveways on Fletcher. They have provided frontage roads on both sides of Fletcher to provide access to the various lots. They are providing sidewalk on both sides of Fletcher. Hunzeker requested that Condition #1.1.17 be deleted because it would provide that, in addition to sidewalks along Fletcher, they will have to provide a sidewalk along the inside of the private frontage roads. Hunzeker believes that one sidewalk along Fletcher is sufficient. This is a technical requirement of the subdivision ordinance that should be waived as a practical matter so that they can use the area inside of the frontage roads for landscaping.

Condition #1.1.18 requires a landscape screen along the south side of the plat to screen the commercial uses from the residential uses to the south. Hunzeker explained that in the initial platting of North Creek a landscape screen has already been required to screen the eventual commercial use. Hunzeker requested that Condition #1.1.18 be deleted. This will be an attractive looking commercial area.

Hunzeker then submitted a proposed rendering of the buildings anticipated to be constructed.

Carlson asked the applicant to discuss what has been done to protect the entryway corridor. Hunzeker stated that the developer reviewed all of the I-80 corridor study material as it was done and also worked with Kim Todd, who is one of the consultants on that study. They asked her to design a plan for landscaping and sought her advice on signage to conform with the thrust of that entryway corridor plan. Hunzeker acknowledged that comparing word-for-word and line-by-line, you would find there are some things that are not necessarily absolutely identical to the original recommendation, but he believes the landscape plan incorporates a lot of native materials as recommended by the study—there are a lot of berms; they will be effectively screening all of the parking; they will not be completely hiding the buildings, of course, but the signage will be very limited compared to what is available under the H-3 zoning district. The zoning allows pole signs, but this development has limited both the height and the construction so that there are no signs on what are traditionally referred to as pole signs. There will be some signs coming up off the ground a ways but they will have wide bases to give them a proportion that is much different from a pole sign.

Carlson then referred to Hunzeker's request to amend Condition #1.1.15 regarding the flood corridor easement. Is it particularly difficult to delineate the entire thing or where the critical points might be? Hunzeker was not certain, but he believes the flood corridor being identified will be in the good sized drainage area. Dennis Bartels of Public Works suggested that the requirement not be modified but that they could work out a different way of showing the requirement. He does not doubt that there is sufficient open space to meet that requirement, but the subdivision ordinance requires that that corridor be identified. Bartels thought that identifying the corridor with cross-sections or any critical locations would accomplish the same thing as delineating it 100% in areas where it becomes obvious that they have met the requirement. Bartels believes the proposed amendment is a clarification and not a modification of the requirement.

With regard to the proposed amendment to Condition #1.1.7, Bartels explained that Public Works did not want left turns out of the private drive. Once the medians are there, they will be able to come in from the west and turn left into the site. The developer has guaranteed the construction of a pork-chop type median in the throat of the private roadway to prevent left turns out in the annexation agreement.

Carlson referred to sidewalks and asked whether the developer has any idea what the uses will be. In other words, he wanted to determine whether the sidewalk on Fletcher will get pedestrian movement—will there be any uses that will require movement north or south to get to the sidewalk on Fletcher? Hunzeker could not commit to the uses; however, they are anticipated to be similar uses to what you would find at the Trade Center in south Lincoln, and some that will be even less consumer oriented, somewhat more commercial oriented. They don't anticipate a lot of pedestrian traffic being generated by these uses. The developer is not opposed to putting sidewalks along Fletcher, but it is redundant to put them along the roadways as well as between the roadway and Fletcher Avenue. Hunzeker believes there will be sufficient pedestrian access.

With regard to the sidewalk question, Steward wondered why they wouldn't just replace that stretch of sidewalk along the frontage road and put it on the frontage road and not on Fletcher. Sidewalks are to serve the business front and to get from point A to point B. Hunzeker would not object to that. It would actually improve the ability to landscape the area between the street and the frontage road.

With regard to Condition #1.1.3, Steward asked whether the applicant would agree to simply removing the words, "Revise the grading plan to", and leave the rest. Condition #1.1.3 would then read, "Retain the existing berms adjacent to the interstate." Hunzeker concurred.

Steward is happy with the control of signs and design standards. He asked Hunzeker to define an "upscale development". Hunzeker's response was that this is a project where the buildings will be constructed of materials that are more expensive than what would otherwise be necessary to meet codes. They will be using brick or other permanent type materials which require little or no maintenance. They can have metal roofs as long as they are not galvanized, which are substantial upgrades from a cost perspective over a shingle type roof. They expect this to be an area that will not only start out to be an attractive area, particularly with enhanced landscaping, but also the architecture quality of the materials being used, and will stay that way for a very long time. Hunzeker believes that defining "upscale" is a question of compared to what? Steward submitted that this may be an argumentative and difficult term to define, but it is a general observation. Performance standard might be better than a quality definition. Hunzeker stated that the only thing that gives him a degree of confidence is that when he drafts the covenants he drafts them so that the owner-developer has virtually absolute control. Bob Hampton has a good idea of what an upscale development is and he can tell the buyers yes or no as to whether it meets his criteria.

Newman noted that the I-80 corridor study recommends 100' setback from the interstate. How close will the parking lots and buildings be to the interstate? Hunzeker believes the parking lots will be less than 100' from the right-of-way. He does not know that he can say what it will be precisely. Some of the lots are less than 400' deep. We get to a point where we're pretty narrow, and when you give enough room for the frontage road and separation from Fletcher to the frontage road, you

begin to make those pretty tight. Part of what they went through with the staff is the concern about access points along Fletcher, and it was decided that frontage roads would be a good way to deal with that. With a narrow strip between Fletcher and the Interstate you have to make some compromises as to where you are going to put things. One of the things that mitigates that is the way we are draining this site. There is a hill along that area that comes up from the interstate and flattens off. On our side of the property line we are cutting it back down so that our parking lots are going to be pretty well hidden. The back slopes will be landscaped with material that will grow up and provide some nice screening. This project could not meet the 100' in a lot of locations. It is not a requirement—that entryway corridor study is not an adopted study at this point. Hunzeker believes the benefits of getting the traffic off Fletcher are substantial.

Hunter noted that the developers have agreed to restrict the number of signs to one per lot, either ground or pylon sign up to 30' in height. She is extremely concerned that development along I-80 doesn't start looking like 27<sup>th</sup> Street. There could be 8 pylon signs 30' high running down this interstate. Hunzeker agreed that it is possible, but unlikely. Most uses will want to be identified by a ground sign along Fletcher. He believes there will be very few who will put a pylon sign along I-80. These uses will not be driven on pulling traffic off the interstate. Hunter does not believe there is a lot of reason to put commercial use on the interstate without getting visibility. She realizes that they are talking about a monument type sign on this application, but with all due respect, she is sure that might not happen. Hunzeker offered that these are not your typical pole type signs—they are going to be required to have a mounting base and sign face size which are proportional. If the sign is 5' wide, the mounting base is at least 24" which would allow a sign width of only 10'. The width of the sign to the width of the base is a maximum of 5-1 ratio and the base has to be a non-reflective material and either same or similar appearance as the building with which the sign is associated. Hunzeker advised that the developer spent a lot of time with staff on these conditions and he believes these conditions will make these signs very distinctive and very expensive to build. Hunter noted that there is no restriction on the flashing type sign. There needs to be some protection to guard against this look. Hunzeker does not believe the size of these signs will be such that it would be helpful to have a message board. They will not be big enough to be read from the interstate.

Steward confirmed that the pylon signs can be 100 sq. ft. Hunzeker is pretty sure that there are a lot of directional signs right up against the shoulder of the interstate that are over 100 sq. ft.

Carlson sought confirmation that the signs will be on the elevation of the buildings and not the interstate elevation. Hunzeker agreed that some of them will be. It depends on which lot it is. For the most part, they will be cutting it back down so the first 10-12 feet of those lots adjacent to the existing elevations won't even be seen. Hunzeker confirmed that the landscaping on the back side of the berm will not be lost.

There was no testimony in opposition.

Hunter wondered whether the Commission could restrict the signage to be ground signs. Jason Reynolds of Planning staff stated that there are no such restrictions in the covenants. The covenants were provided to address the sign issue and the covenants do not specify the size of pylon signs. The H-4 district allows them to be 100 sq. ft. Hunter inquired about enforcement of the covenants. Rick Peo of the City Law Department advised that covenants can be made to be

enforceable by the city but the city really does not want to be a party to them. Peo reminded the Commission that what is before them today is an annexation, change of zone and preliminary plat. There is no provision to impose any design type conditions on the use of the property in these applications. The agreements have been negotiated with staff in the annexation agreement. If the Commission is not satisfied, the choice is to deny the change of zone. The design covenants could have a provision added that the city could have the right to enforce but we don't want to mandate it.

Bayer wondered whether the building envelopes on the lots that are on the interstate side could be discussed. Peo advised that the preliminary plat does not show building envelopes. The plat is just the design of laying out lots, streets and various improvements. The Commissioners are getting into a lot more detail than the application before the Commission requires. This is not a use permit which would typically come forward with this package. Bayer asked how the Commissioners can direct what their feelings are with respect to the entryway. Peo suggested that the question is whether the change of zone is appropriate based upon what is being presented, and whether or not the property should be annexed. Obviously, they need a lot of city services to do this. There are not any adopted regulations on entryway design standards at this point in time. There is a study with recommendations, but who knows whether they will be adopted or modified? He believes the applicant has tried to work with the study recommendations to the best of their ability with the staff.

Steward inquired as to the status of the Entryway Study. Kathleen Sellman, Director of Planning, advised that at this time Ed Zimmer in the Planning Department is handling that project. There has been a file initiated and there will be an interdepartmental review and then preparation of recommended standards that will come before the Commission for discussion. The goal is to have this accomplished within 90 days.

Carlson asked staff to respond to the requested amendments to the conditions of approval. Reynolds advised that the amendment to Condition #1.1.7 is acceptable. The amendment to Condition #1.1.15 is acceptable to Public Works. With regard to Condition #1.1.17, Bartels commented that the idea of sidewalking one side of the interior frontage road (the building lot side) in lieu of Fletcher Avenue would be acceptable. In fact, that might provide better movement. There are two things to look at--circulation between the businesses and the person using it for transportation or recreation. The first half mile is all commercial or business related directly next to Fletcher and the land uses anticipated all the way to 14<sup>th</sup> are potential commercial or office zoning. Steward suggested that the other advantage would be not to force the pedestrian to cross the throat between the frontage way. Bartels added that it is anticipated that the northernmost median opening can potentially justify a signal location. Public Works had asked as the ultimate buildout occurs, that we not allow left turns out of there to avoid or make sure we never have to signalize it. We are trying to preserve capacity on 14<sup>th</sup>.

With regard to deleting of Condition #1.1.18, Reynolds confirmed that the landscaping that was done with the North Creek preliminary plat is sufficient to satisfy this application.

Reynolds also advised that if Condition #1.1.17 is amended, Condition #2.3 will also need to be amended.

Schwinn pointed out that the frontage on the lots is 250 or 300 feet and sometimes bigger, which is longer than a football field. We really don't understand how big this really is. People will not be walking from one business to the next. As far as a lane for pedestrian and bike traffic, maintaining it on Fletcher may be the better place to have it.

Hunzeker pointed out that the covenants, although not enforceable by the city, have been thoroughly reviewed by all the city staff and, pursuant to the annexation agreement, they cannot be modified without the permission of either the Planning Director or the City Council.

Peo also advised that as a condition of the annexation agreement, the city require the developer to agree to install everything according to the covenants. That agreement cannot be changed without the city's approval.

Hunzeker believes the annexation agreement runs with the land and any buyer of any lot will be bound to the same extent as the developer. It will show up in the title report to any buyer of these lots.

Hunter believes it becomes an issue between lot owners unless made a requirement of the annexation agreement.

Bayer suggested amending Condition #1.1.17 as follows: "Revise note 9 to require sidewalks on the business side of the private frontage road and not on Fletcher Avenue in the area within the frontage roads." And then Condition #2.3 should "waive sidewalks on Fletcher between the frontage road entrances."

Public hearing was closed.

**CHANGE OF ZONE NO. 3260**

**ADMINISTRATIVE ACTION BY PLANNING COMMISSION:**

December 13, 2000

Steward moved approval, seconded by Duvall.

Newman is very concerned about signage and how close the parking lots will be to I-80. If we are 90 days from having an entryway recommendation come forward, she is hard-pressed to move forward. "Mark comes off the good boy list if this isn't a gorgeous development."

Carlson agreed. The distinction is that we have a project that has already been in the works. We are interested in having discussion on the standards and projects need to take it into account. He believes this one has to taken it into account. It is difficult to make the standards retroactive.

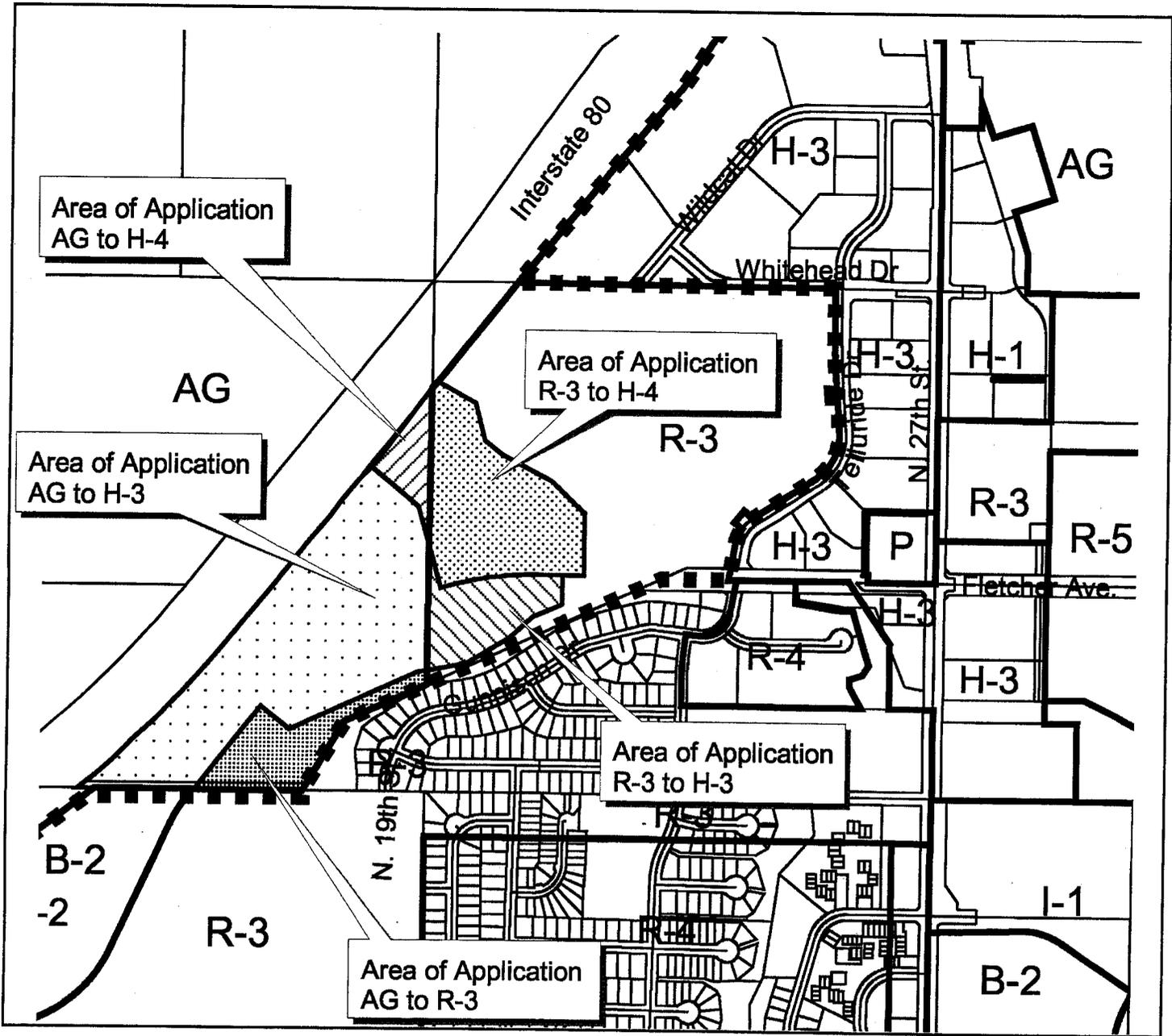
Hunter commented regarding the signage. For all good intentions that exist, all it takes is one violation and others will follow suit. That's just the way it happens. For all the good intentions of a developer, once the lots are sold and developed, it is a private business interest to do what it takes

to be successful. As important as this entrance is on a long-reaching basis, it is something that we can't take back. She has some real discomfort moving forward on these kinds of things without some regulations in place.

Schwinn stated that this strikes him as being one of the rules of one good deed never goes unpunished. He believes that this developer, for a mere dozen lots and a small portion of annexation, has gone above and beyond what we normally see and has made far more promises than we ever see. He thinks the Commissioners are beating up on this developer a little too much. He is pleased that they have taken the effort to comply with an ordinance that we may see in 90 days.

Steward does not think we are being hard enough.

Motion for approval carried 8-1: Taylor, Schwinn, Newman, Duvall, Carlson, Krieser, Steward and Bayer voting 'yes'; Hunter voting 'no'.

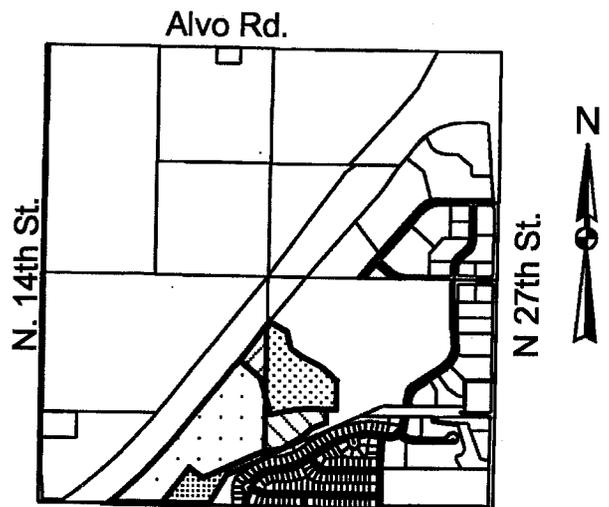
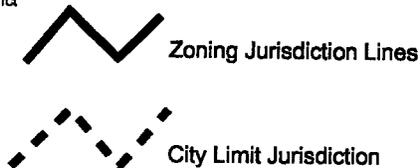


## Change of Zone #3260 North Creek Trade Center

### Zoning:

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

One Square Mile  
Sec. 36 T11N R6E

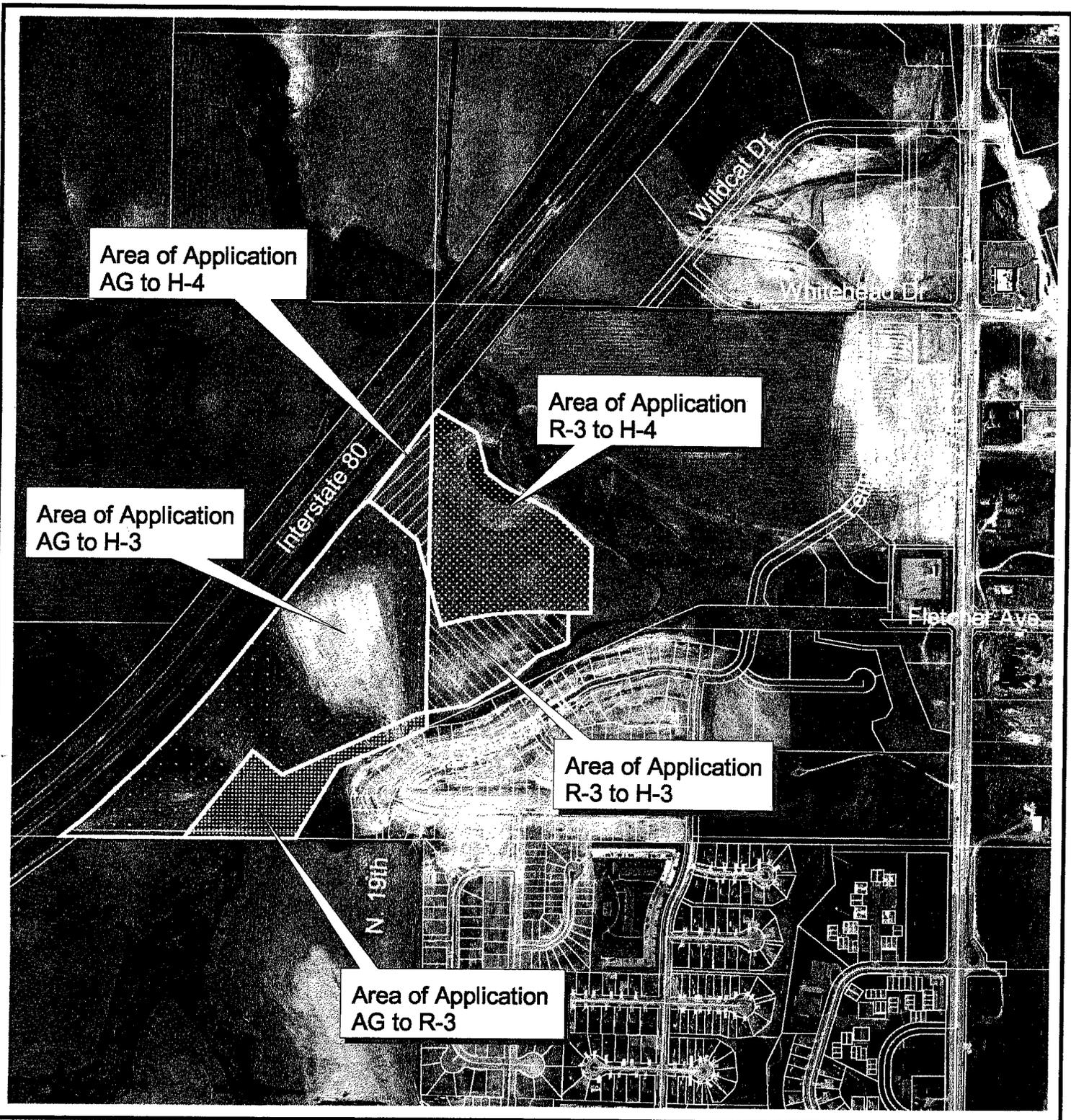


Sheet 1 of 8

Date:

Lincoln City - Lancaster County Planning Dept.

014



**Change of Zone #3260  
North Creek Trade Center**



Sheet 2 of 8

Date: \_\_\_\_\_ 015

Photograph Date: 1999

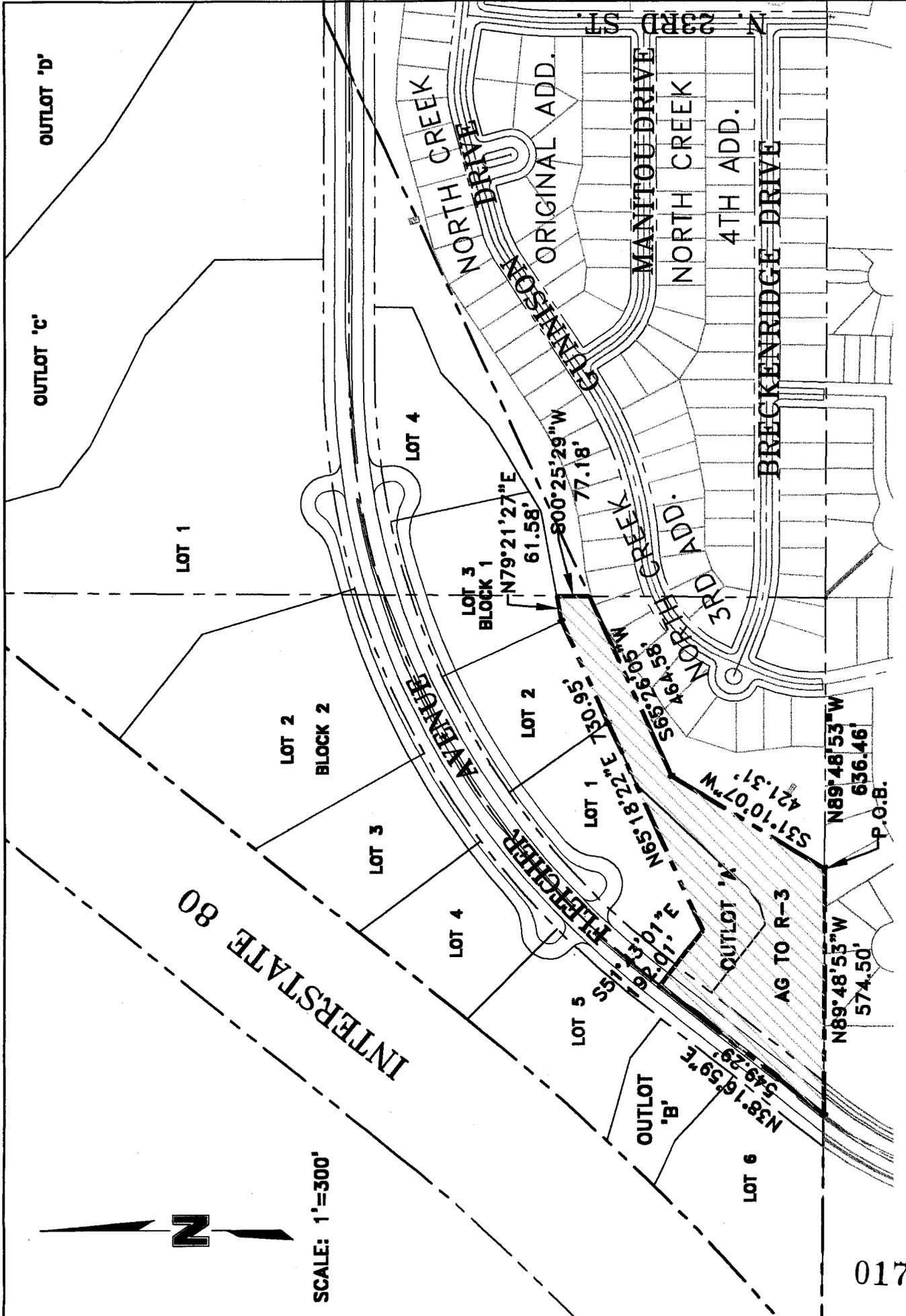
Lincoln City - Lancaster County Planning Dept.

CHANGE OF ZONE  
LEGAL DESCRIPTION  
(FROM AG TO R-3, SEE EXHIBIT A)

R-3

A LEGAL DESCRIPTION OF A TRACT OF LAND LOCATED IN LOT 34 IRREGULAR TRACT, IN THE SOUTH HALF OF SECTION 36, TOWNSHIP 11 NORTH, RANGE 6 EAST OF THE 6<sup>TH</sup> P.M., LANCASTER COUNTY, NEBRASKA AND MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

REFERRING TO THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 36; THENCE: N89°48'53"W, (AN ASSUMED BEARING), ON THE SOUTH LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 636.46 FEET, TO THE POINT OF BEGINNING; THENCE: CONTINUING N89°48'53"W, ON SAID LINE, A DISTANCE OF 574.50 FEET; THENCE: N38°16'59"E, A DISTANCE OF 549.29 FEET; THENCE: S51°43'01"E, A DISTANCE OF 192.01 FEET; THENCE: N65°18'22"E, A DISTANCE OF 730.95 FEET; THENCE: N79°21'27"E, A DISTANCE OF 61.58 FEET; THENCE: S00°25'29"W, A DISTANCE OF 77.18 FEET; THENCE: S65°26'05"W, A DISTANCE OF 464.58 FEET; THENCE: S31°10'07"W, A DISTANCE OF 421.31 FEET, TO A POINT ON THE SOUTH LINE OF SAID SOUTHWEST QUARTER AND THE POINT OF BEGINNING AND CONTAINING A CALCULATED AREA OF 5.620 ACRES MORE OR LESS.



Drawn By: CNS  
 Dwg.: annexAGtoR-3  
 Date: 12/06/00

**NORTH CREEK - TRADE CENTER**  
**CHANGE OF ZONE EXHIBIT A (AG TO R-3)**  
 Lincoln, Nebraska

630 N. Cotner Blvd.  
 Ste. 105  
 Lincoln, NE 68505  
 PH. 402-464-4011



017

CHANGE OF ZONE  
LEGAL DESCRIPTION  
(FROM AG TO H-3, SEE EXHIBIT B)

H-3

A LEGAL DESCRIPTION OF A TRACT OF LAND LOCATED IN LOT 34 IRREGULAR TRACT, IN THE SOUTH HALF OF SECTION 36, TOWNSHIP 11 NORTH, RANGE 6 EAST OF THE 6<sup>TH</sup> P.M., LANCASTER COUNTY, NEBRASKA AND MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

REFERRING TO THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 36; THENCE: S00°25'29"W, (AN ASSUMED BEARING), ON THE WEST LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 556.10 FEET, TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF INTERSTATE 80; THENCE: S38°46'27"W, ON SAID LINE, A DISTANCE OF 547.33 FEET, TO THE POINT OF BEGINNING; THENCE: S51°13'33"E, A DISTANCE OF 314.31 FEET; THENCE: S16°13'36"E, A DISTANCE OF 324.86 FEET; THENCE: S00°25'29"W, ON THE WEST LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 520.96 FEET; THENCE: S79°21'27"W, A DISTANCE OF 61.58 FEET; THENCE: S65°18'22"W, A DISTANCE OF 730.95 FEET; THENCE: N51°43'01"W, A DISTANCE OF 192.01 FEET; THENCE: S38°16'59"W, A DISTANCE OF 549.29 FEET TO A POINT ON THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 36; THENCE: N89°48'54"W, ON SAID LINE, A DISTANCE OF 595.96 FEET, TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF INTERSTATE 80 AND THE POINT OF CURVATURE OF A CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF 11°22'39", A RADIUS OF 5904.58 FEET, AN ARC LENGTH OF 1172.49 FEET, A CHORD LENGTH OF 1170.57 AND A CHORD BEARING N44°27'46"E; THENCE: ON SAID CURVE AND SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 1172.49 TO THE POINT OF TANGENCY ; THENCE: N38°46'27"E, ON SAID LINE, A DISTANCE OF 1053.45 FEET TO THE POINT OF BEGINNING AND CONTAINING A CALCULATED AREA OF 26.761 ACRES MORE OR LESS.

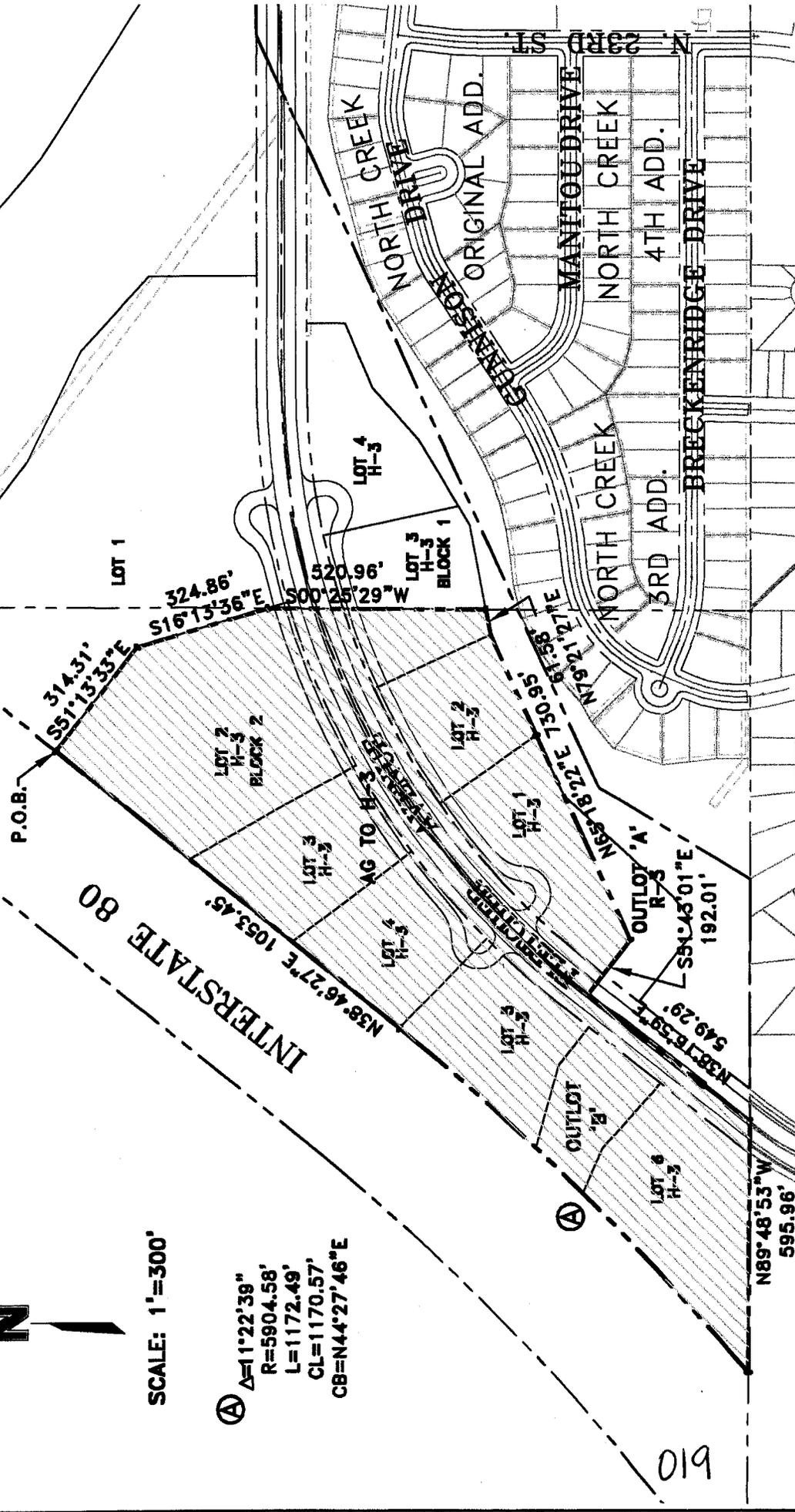
OUTLOT 'd'

OUTLOT 'c'



SCALE: 1"=300'

Ⓐ Δ=1'22'39"  
 R=5904.58'  
 L=1172.49'  
 CL=1170.57'  
 CB=N44°27'46"E



	630 N. Cotner Blvd. Ste. 105 Lincoln, NE 68505 Ph. 402-464-4011	Drawn By: CNS Dwg.: annexAGtoH-3 Date: 12/06/00	SHEET 1 OF 1
	NORTH CREEK - TRADE CENTER CHANGE OF ZONE EXHIBIT B (AG to H-3) Lincoln, Nebraska		

019

CHANGE OF ZONE  
LEGAL DESCRIPTION  
(FROM R-3 TO H-3, SEE EXHIBIT B2)

H-3

A LEGAL DESCRIPTION OF A TRACT OF LAND LOCATED IN LOT 34 IRREGULAR TRACT, IN THE SOUTH HALF OF SECTION 36, TOWNSHIP 11 NORTH, RANGE 6 EAST OF THE 6<sup>TH</sup> P.M., LANCASTER COUNTY, NEBRASKA AND MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

REFERRING TO THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 36; THENCE: S00°25'29"W, (AN ASSUMED BEARING), ON THE WEST LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 556.10 FEET, TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF INTERSTATE 80; THENCE: S38°46'27"W, ON SAID LINE, A DISTANCE OF 547.33 FEET; THENCE: S51°13'33"E, A DISTANCE OF 314.31 FEET; THENCE: S16°13'36"E, A DISTANCE OF 324.86 FEET, TO THE POINT OF BEGINNING; THENCE: CONTINUING S16°13'36"E, A DISTANCE OF 110.00 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, HAVING A CENTRAL ANGLE OF 16°26'12", A RADIUS OF 1800.00 FEET, AN ARC LENGTH OF 516.37 FEET, A CHORD LENGTH OF 514.60 FEET AND A CHORD BEARING N81°59'30"E ; THENCE: ON SAID CURVE, A DISTANCE OF 516.37 FEET, TO THE POINT OF TANGENCY; THENCE: S89°47'24"E, A DISTANCE OF 133.61 FEET; THENCE: S00°58'59"W, A DISTANCE OF 150.47 FEET; THENCE: S66°35'58"W, A DISTANCE OF 166.16 FEET; THENCE: S47°50'44"W, A DISTANCE OF 162.52 FEET; THENCE: S58°50'20"W, A DISTANCE OF 239.54 FEET; THENCE: S79°21'27"W, A DISTANCE OF 200.71 FEET; THENCE: N00°25'29"E, ON THE WEST LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 520.96 FEET, TO THE POINT OF BEGINNING AND CONTAINING A CALCULATED AREA OF 5.039 ACRES MORE OR LESS.

OUTLOT 'D'

OUTLOT 'C'

INTERSTATE 80



SCALE: 1"=300'

LOT 1  $\Delta=16'26'12"$   
 $R=1800.00$   
 $L=516.37$   
 $CL=514.60$   
 $B=N81'59'30"E$

LOT 2  $S16'13'36"E$   
H-3  
BLOCK 2

LOT 3  
H-3

LOT 4  
H-3

LOT 5  
H-3

OUTLOT 'B'

LOT 6  
H-3

OUTLOT 'A'

R-3 TO H-3

LOT 3  
H-3

LOT 4  
H-3

LOT 2  
H-3

LOT 1  
H-3

133.61'  
 $S89'47'24"E$

150.47'  
 $S00'58'59"W$

166.16'  
 $S66'35'58"W$

192.52'  
 $N19'50'14"W$

200.71'  
 $S19'21'27"W$

251.93'  
 $N1'02'42"W$

255.50'  
 $S55'50'14"W$

520.98'  
 $S00'25'28"E$

630 N. Corner Blvd.  
Ste. 105  
Lincoln, NE 68505  
Ph. 402-464-4011



# NORTH CREEK - TRADE CENTER

## CHANGE OF ZONE EXHIBIT B2 (R-3 to H-3)

Lincoln, Nebraska

Drawn By: CNS

Dwg.: annexR-3toH-3

Date: 12/06/00

SHEET  
1 OF 1

021

CHANGE OF ZONE  
LEGAL DESCRIPTION  
(FROM AG TO H-4, SEE EXHIBIT C)

H-4

A LEGAL DESCRIPTION OF A TRACT OF LAND LOCATED IN LOT 34 IRREGULAR TRACT, IN THE SOUTH HALF OF SECTION 36, TOWNSHIP 11 NORTH, RANGE 6 EAST OF THE 6<sup>TH</sup> P.M., LANCASTER COUNTY, NEBRASKA AND MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

REFERRING TO THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 36; THENCE: S00°25'29"W, (AN ASSUMED BEARING), ON THE WEST LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 556.10 FEET, TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF INTERSTATE 80 AND THE POINT OF BEGINNING; THENCE: CONTINUING S00°25'29"W, ON SAID WEST LINE, A DISTANCE OF 935.48 FEET; THENCE: N16°13'36"W, A DISTANCE OF 324.86 FEET; THENCE: N51°13'33"W, A DISTANCE OF 314.31 FEET TO A POINT ON SAID EASTERLY RIGHT-OF-WAY LINE; THENCE: N38°46'27"E, ON SAID LINE, A DISTANCE OF 547.33 FEET, TO THE POINT OF BEGINNING AND CONTAINING A CALCULATED AREA OF 2.974 ACRES MORE OR LESS.

OUTLOT 'D'

OUTLOT 'C'

P.O.B.

LOT 1  
H-4

S00°25'29"W 935.48'

N38°46'27"E 547.33'

AG TO H-4

514.31'

N16°13'36"W 324.86'

LOT 2  
BLOCK 2

INTERSTATE 80

LOT 4

LOT 3  
BLOCK 1

LOT 2

LOT 3

LOT 4

LOT 1

LOT 5

OUTLOT 'B'

NORTH CREEK DRIVE

ORIGINAL ADD.

MANITOU DRIVE

NORTH CREEK

4TH ADD

23RD ST.

NORTH CREEK ADD.

3RD ADD.

AVENUE

FEFFERHER

023



SCALE: 1"=300'

630 N. Colmer Blvd.  
Ste. 105  
Lincoln, NE 68505  
Ph. 402-464-4011



**NORTH CREEK - TRADE CENTER  
CHANGE OF ZONE EXHIBIT C (AG to H-4)**

Lincoln, Nebraska

Drawn By: CNS

Dwg.: annexAGtoH-4

Date: 12/06/00

SHEET  
1 OF 1

CHANGE OF ZONE  
LEGAL DESCRIPTION  
(FROM R-3 TO H-4, SEE EXHIBIT C2)

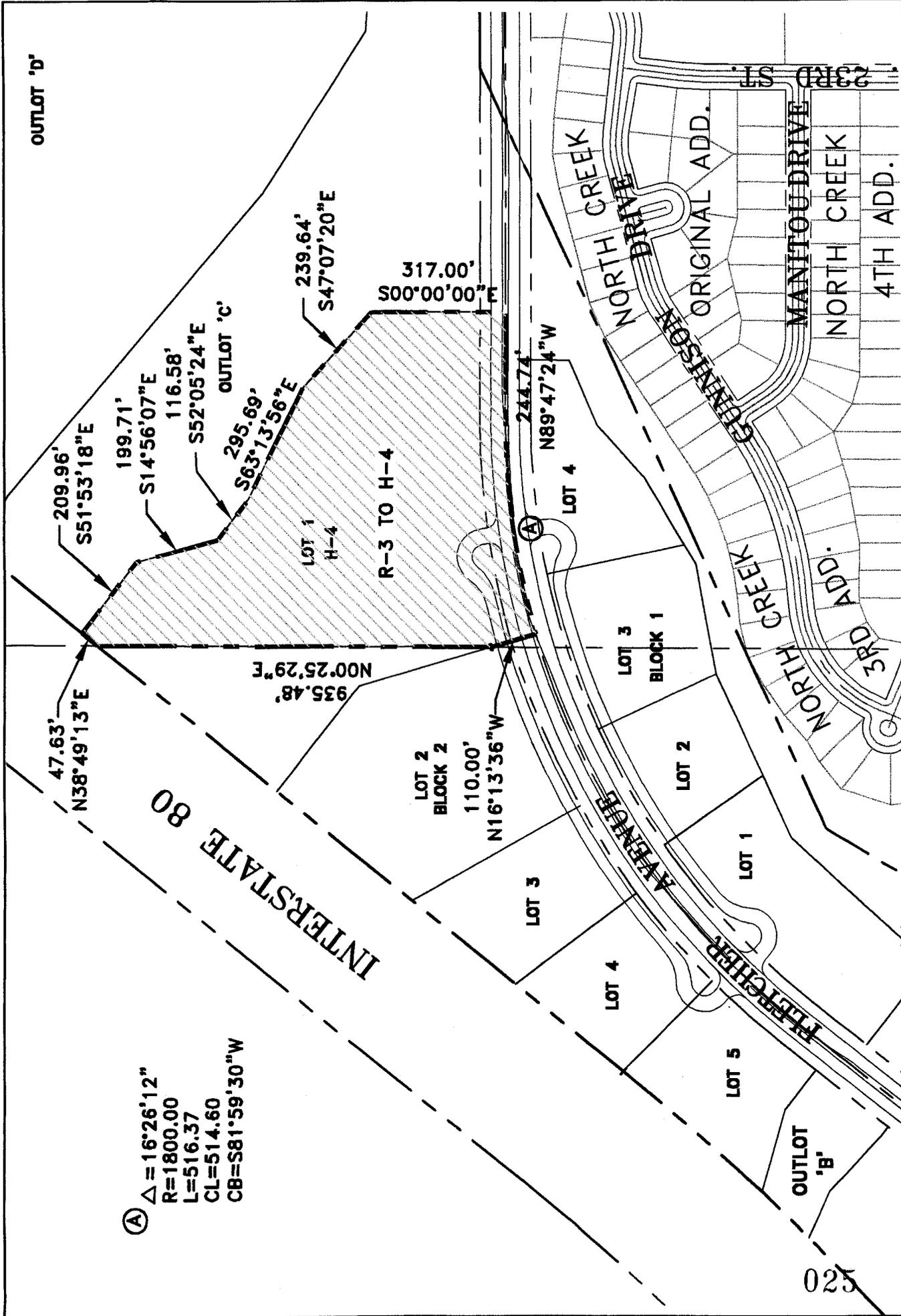
H-4

A LEGAL DESCRIPTION OF A TRACT OF LAND LOCATED IN LOT 34 IRREGULAR TRACT, IN THE SOUTH HALF OF SECTION 36, TOWNSHIP 11 NORTH, RANGE 6 EAST OF THE 6<sup>TH</sup> P.M., LANCASTER COUNTY, NEBRASKA AND MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

REFERRING TO THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 36; THENCE: S00°25'29"W, (AN ASSUMED BEARING), ON THE WEST LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 556.10 FEET, TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF INTERSTATE 80 AND THE POINT OF BEGINNING; THENCE: N38°49'13"E, ON SAID LINE, A DISTANCE OF 47.63 FEET; THENCE: S51°53'18"E, A DISTANCE OF 209.96 FEET; THENCE: S14°56'07"E, A DISTANCE OF 199.71 FEET; THENCE: S52°05'24"E, A DISTANCE OF 116.58 FEET; THENCE: S63°13'56"E, A DISTANCE OF 295.69 FEET; THENCE: S47°07'20"E, A DISTANCE OF 239.64 FEET; THENCE: S00°00'00"E, A DISTANCE OF 317.00 FEET; THENCE: N89°47'24"W, A DISTANCE OF 244.74 FEET, TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF 16°26'02", A RADIUS OF 1800.00 FEET, AN ARC LENGTH OF 516.37 FEET, A CHORD LENGTH OF 514.60 FEET AND A CHORD BEARING S81°59'30"W; THENCE: ON SAID CURVE, A DISTANCE OF 516.37 FEET TO THE POINT OF TANGENCY; THENCE: N16°13'36"W, A DISTANCE OF 434.86 FEET; THENCE: N51°13'33"W, A DISTANCE OF 314.31 FEET TO A POINT ON SAID EASTERLY RIGHT-OF-WAY LINE; THENCE: N38°46'27"E, ON SAID LINE, A DISTANCE OF 547.33 FEET, TO THE POINT OF BEGINNING AND CONTAINING A CALCULATED AREA OF 14.793 ACRES MORE OR LESS.

OUTLOT 'D'

(A)  $\Delta = 16'26'12''$   
 $R = 1800.00$   
 $L = 516.37$   
 $CL = 514.60$   
 $CB = S81'59'30''W$



Drawn By: CNS  
 Dwg.: annexR-3toH-4  
 Date: 12/06/00

**NORTH CREEK - TRADE CENTER**  
**CHANGE OF ZONE EXHIBIT C2 (R-3 to H-4)**  
 Lincoln, Nebraska

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 Lincoln, NE 68505  
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