City Council Introduction: **Monday**, June 25, 2001
Public Hearing: **Monday**, July 2, 2001, at **1:30** p.m.

Bill No. 01R-166

FACTSHEET

TITLE: **SPECIAL PERMIT NO. 1813, THE PRESERVE ON ANTELOPE CREEK COMMUNITY UNIT PLAN,** requested by Essex Corporation on behalf of Nebraska Nurseries, Inc., for 150 dwelling units and 180 dwelling units of retirement housing (both assisted and independent), on property generally located at the southwest corner of 80th Street and Pioneers Blvd.

STAFF RECOMMENDATION: Conditional approval.

ASSOCIATED REQUESTS: Change of Zone No. 3213 (01-103); Preliminary Plat No. 99027, The Preserve on Antelope Creek (01R-165); and Use Permit No. 125 (01R-164).

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 11/29/00, 12/13/00 and 01/10/01
Administrative Action: 01/10/01

RECOMMENDATION: Conditional Approval (7-0: Hunter, Krieser, Carlson, Duvall, Newman, Schwinn and Bayer voting 'yes'; Taylor and Steward absent).

FINDINGS OF FACT:

1. This community unit plan and the associated change of zone, preliminary plat, and use permit were heard at the same time before the Planning Commission. This application had three hearings before the Planning Commission. The minutes are found on p.13-23. The departmental comments are found on pp.51-66 of the Factsheet for the preliminary plat, Bill No. 01R-165, and apply to all four associated applications.

2. The Planning staff recommendation of conditional approval is based upon the "Analysis" as set forth on p.4-8, concluding that the community unit plan is strongly encouraged in R-3 zoning districts to foster improved and innovative design, a mix of housing types and socio-economic groups. The mixed-use nature of this proposal is consistent with the intent of the district and the application is generally compliant with the Comprehensive Plan.

3. The applicant's testimony is found on p.13-16; 17, and 19-21. The applicant agreed to comply with all conditions of approval (See Minutes, p.20).

4. Testimony in opposition is found on p.15, 18, and 20-21, and the record consists of a letter in opposition with concerns about the impact of the B-2 uses on the neighborhood (See p.79 of the Factsheet for the preliminary plat, Bill No. 01R-165). The access to Lucile Drive was also an issue raised by Mike Rierden on behalf of Lincoln Federal Savings Bank (See Minutes, p.18). At the continued public hearing on January 10, 2001, a letter identifying the agreement between the parties (Lincoln Federal Savings Bank/Edenton North and the applicant) was submitted for the record (See p.67-69 of the Factsheet for the preliminary plat, Bill No. 01R-165); Also see Minutes, p.20).

5. On January 10, 2001, the Planning Commission voted 7-0 to agree with the staff recommendation of conditional approval.

6. 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 and approved by the reviewing departments.

FACTSHEET PREPARED BY: Jean L. Walker **DATE**: June 18, 2001

REVIEWED BY:_____ **DATE**: June 18, 2001

REFERENCE NUMBER: FS\CC\FSSP1813

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

P.A.S.#: Preliminary Plat #99027 **Date:** December 5, 2000
Special Permit #1813
Use Permit #125
The Preserve on Antelope Creek
****As Revised by Planning Commission on January 10, 2001****

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: Kent Brisk of Essex Corporation, on behalf of Nebraska Nurseries, Inc., is requesting the following :

1. A preliminary plat of 137 residential lots, 8 outlots, 2 mixed-used commercial/residential lots, and 1 lot for office use with waivers for double-frontage, and intersection angles less than 80 degrees;

2. Special Permit for a Community Unit Plan, for 150 dwelling units and for developing retirement housing for 180 dwelling units (both assisted and independent) in an R-3 district;

3. Use Permit for the proposed 15,000 square feet of office floor area in O-3 zone and 66,900 square feet of commercial floor area and 35 dwelling units in B-2 zone.

GENERAL INFORMATION:

APPLICANT:
Nebraska Nurseries, Inc.
7801 Pioneers Boulevard
Lincoln, NE 68506

CONTACT:
Kent B. Brisk
11606 Nicholas Street, Suite 100
Omaha, NE 68154
(402) 431-0500

LOCATION: Southwest corner of 80th Street and Pioneers Boulevard

LEGAL DESCRIPTION: See attached legal descriptions.

REQUESTED ACTION: Approval of Preliminary Plat, Change of Zone, Special Permit and Use Permit.

EXISTING ZONING: R-3 Residential

SIZE: Preliminary Plat - approximately 67.309 acres
Change of Zone B-2 - approximately 5.789 acres
O-3 - approximately 2.193 acres
Special Permit - approximately 58.266 acres
Use Permit - approximately 7.982 acres

EXISTING LAND USE: Nebraska Nurseries

SURROUNDING LAND USE AND ZONING: R-1 to the north with single family residential, R-3 to the east with single family dwellings and a church, south and southwest with vacant land, and O-3 to the northwest with medical office building.

COMPREHENSIVE PLAN SPECIFICATIONS: The Comprehensive Plan shows this site as Urban Residential with wetland and Water Bodies along the southwest lines.

HISTORY:

The site has been used as a nursery for over 40 years.

The area was converted from A-1 to R-3 during the **1979** zoning update.

In **April, 1998**, the City Council approved the Preliminary Planned Unit Development.

In **September, 1998**, Change of Zone #3122 for Final P. U. D. and Preliminary Plat #98011 were approved by the Planning Commission.

ASSOCIATED REQUEST:

Change of Zone #3213

<u>SPECIFIC INFORMATION:</u>

TOPOGRAPHY:

The site slopes from east to west to where Antelope Creek is located.

TRAFFIC ANALYSIS:

Pioneers Boulevard is scheduled to be improved during 2000-2001.

PUBLIC SERVICES:

Phares Park is located immediately south of the proposed development.

Holmes Park is located within a mile of the site.

The nearest fire station is located at 84th and South Streets.

Maxey Elementary School is located to the south of the site.

ENVIRONMENTAL CONCERNS:

Protect Holmes Park and Lake and Antelope Commons wetland complex from construction debris and siltation.

AESTHETIC CONSIDERATIONS:

The owner/developer has reached an agreement with adjacent residents to provide landscape buffers to the new single family and independent living developments.

ANALYSIS:

1. This is an application for a preliminary plat, change of zone from R-3 to O-3 and B-2, special permit for Community Unit Plan and retirement housing, and use permit for an office building in proposed O-3 zone, and commercial/residential development in proposed B-2 zone.

2. This application proposes:
   90 Single Family Dwellings
   44 Townhomes
   16 Multi-Family units
   120 Independent Living units
   60 Assisted Living units
   1 Office Building
   6 Mixed-Use (Commercial/Residential) buildings with a maximum total of 35 residential units planned for the second floors.

3. The Density Calculation and the Area and Density Calculations Table are not correct. The maximum number of units allowed within this C.U.P. is 421. A total of 330 residential units is proposed.

4. The applicant is requesting a variance on the proposed intersection angles at 80th Street and Sumac Drive, and at Hawthorne Drive and Sumac Drive. The Urban Public Street Design Standards require that "streets should intersect as near as possible to right angles. In no case shall the angle of intersection vary more than 10 degrees from a right angle."

5. A 30' front yard setback is proposed instead of a required 50' front yard setback for the proposed B-2 commercial area fronting Pioneers Boulevard and just east of Lucile Drive. The office property west of Lucile Drive is zoned O-3 with a front yard setback of 20'.

6. A waiver for double frontage lot is requested for Lot 2, Block 3, which fronts on both 80th Street and Sumac Drive. To be consistent with the rest of the lots along the west side on S. 80th, vehicular access to 80th should be relinquished.

7. The applicant is requesting an adjustment to the building height. The independent living building in Lot 1 Block 1 will be a maximum of 45' instead of 35' as allowed in the R-3 zoning district.

8. Rear yard setbacks for lots in R-3 zoning districts shall be the smaller of 20% of the lot length or 30'. Adjustments are requested on lots longer than 125' in Blocks 1, 3, and 4 to 25'.

9. The Lincoln City/Lancaster County Comprehensive Plan states, "Commercial areas in the developing area of the city are anticipated to have, on average, a floor to area ratio (FAR) of 0.25. Higher or lower FAR may be appropriate if the sites are found to be suitable for a more intensive or a less intensive density..." (Page 53) The proposed office in the O-3 zone has a FAR of 23.288%, the proposed uses in the B-2 zone have a FAR of 26.527%, and the average FAR is 25.869%.

10. The application conforms with the location criteria and strategy for neighborhood centers on page 64 of the Lincoln City - Lancaster County Comprehensive Plan, which encourages neighborhood centers located half-way between two arterial streets.

11. The Public Works and Utilities Department noted that some lots along Sumac Drive may have marginal building depths because of the street location with respect to the flood plain.

12. The Public Works and Utilities Department has the following comments on the Water Main System:

    The design standards require water mains on the north and east sides of roadways. Many of the mains are shown on the south and west sides. Easements meeting design standards are not shown on the plans. The easements must include the width of the roadway being paralleled and a minimum of 15' beyond the main on the side of the main opposite the roadway. The main along Arboretum Drive must be 8" diameter since it serves commercial buildings. The mains in the cul-de-sacs must be extended farther around the cul-de-sacs to provide a tappable main abutting each property.

13. The Public Works and Utilities Department has the following comments on the street system:

    The proposed street system does not meet design standards in regards to the horizontal curves shown. Design standards require a 125' horizontal radius with a tangent between curves. Numerous locations do not meet these requirements.

    A variance is requested in Burr Oak Lane, Hawthorne Drive and Redbud Lane to slow down traffic movement. Public Works and Utilities Department has no objection to the request.

    The grade of 80th Street approaching Pioneers Blvd. does not meet standards for a 2% platform.

The median approaching Pioneers does not provide lane alignment with 80th north of Pioneers for potential traffic crossing Pioneers. The plan needs to be revised to show the existing paving across Pioneers and a safe alignment for the intersection. A minimum of a 50' depth right-of-way is required for 80th south of Pioneers. A water feature as shown on sheet 4 is not acceptable in this stub right-of-way.

14. The Public Works and Utilities Department has the following comments on the traffic issues:

Public Works has previously requested all access to Pioneers be eliminated except at Lucile Drive and at 80th Street. The plan shows a driveway for Arboretum Drive east of Lucile Drive. If this street location is approved over Public Works objections, a right turn lane should be constructed for this driveway. Pioneers Blvd. is approved to be built without medians. The traffic study shows only right turn in and out access. If this location is approved, the plan needs to be revised to assure only right turn traffic in and out of this driveway. This driveway location does not meet design standard separation requirements between it and 78th Street on the north side of Pioneers Blvd.

15. The Public Works and Utilities Department has the following comments on the Sanitary Sewer System:

Easements per design standards are not shown for the sanitary sewer. The 10' easement shown for the existing Antelope Creek trunk sewer is not sufficient.

The sewer mains are shown in the center of the street. Revise the plan to show the mains 3 ½' behind the curb of the street on the south and west sides of the street as required in the Design Standards.

The applicant is requesting a variance from this requirement to preserve existing trees on site. Public Works and Utilities Department has no objection to the above requests.

16. The Public Works and Utilities Department has the following comments on the Drainage and Grading:

No drainage study meeting design standards has been submitted. The design standards referenced in the submittal are the previous standards. The submittal does not meet current design standards. The information required to size the pipes has not been shown.

No detention has been provided and no waiver requested for the increased runoff to Pioneers Blvd.

17. The Public Works and Utilities Department has no objection to the concept of the dwelling units in Block 3 with vehicular access through Outlots G and H to Hawthorne Drive. Street addresses for these dwelling units would be assigned as Hawthorne Drive addresses.

18. The Lincoln-Lancaster County Health Department (LLCHD) has the following comments: LLCHD has not found any serious potential negative environmental health impacts, and commends the applicant's stated objective of, "An extensive effort is planned by the owner to relocate trees and minimize tree loss." In addition, LLCHD endorses the mixed-use concept to minimize vehicle miles traveled and therefore, reduce air pollution.

    Due to the proximity of R-3 zoning, LLCHD does have concerns regarding the storage and/or use of hazardous chemicals if the nursery is incorporated.

    LLCHD encourages the applicant/developer to ensure that building footprints are not within the flood plain. Given the proximity of the flood plain to the proposed development, LLCHD has some concern over future developments in the watershed possibly changing the flood plain boundary.

19. Nicole Fleck-Tooze has the following 6 comments: The "Preliminary Drainage Analysis Report" submitted for this project indicates that *"the elevation of the 100 year flood has been lowered to limits shown on the Drainage Basin Map"* and that an *"application for officially changing the 100-year flood elevation is currently pending."* A Letter of Map Revision (LOMR) to the FEMA floodplain maps was approved for this site in 1998. The 100-year floodplain limits shown on all plans should reflect the approved LOMR and corresponding 100-year flood elevations. If it is proposed that these elevations are now lower or less restrictive than that which was approved with the 1998 LOMR, a new LOMR must be approved by FEMA before receiving building permits based upon a lower flood elevation.

20. No plan has been submitted labeled the "Drainage Basin Map." It is not clear if the 100-year flood limits shown on the Site Plan, Pre- and Post-Development Drainage Plans, and the Grading and Drainage Plan is equal to the 100-year floodplain approved with the 1998 LOMR or whether a revised 100-year floodplain is being shown based upon the lower 100-year flood elevations as described in the "Preliminary Drainage Analysis Report."

21. The building envelopes identified on the Site Plan are shown to be outside the limits of the 100-year floodplain. However, these envelopes need to be dimensioned so that their exact boundaries can be measured.

22. The 100-year flood elevations identified in the table "Minimum Buildable Area Elevations" on the Grading and Drainage Plan do not appear to be consistent with the grades identified with the contours on the same plan. The proposed grades on the grading plan appear to indicate by elevation that the 100-year flood limits would cover a greater portion of some lots than indicated with the floodplain line and would in some cases extend into the building envelopes.

23. The Grading and Drainage Plan indicates that no fill material will be placed within the 100-year floodplain except for that necessary for construction of an access to the LES transmission pole located within the existing pond. Certification is provided that the construction of this access will cause no rise within the floodway.

24. A notation on the Grading and Drainage Plan indicates that all elevations are in NAVD 1988. However, the elevations shown with the proposed and existing contours are two and three digits, respectively. This makes it unclear which datum is being used. All elevation notations should be revised to reflect NAVD 1988 and to include all four digits.

25. Parks and Recreation suggests that street trees used come from the Approved Tree List. However, it is not required for the private roadways.

26. The Army Corps of Engineers asked that the applicant submit a permit application addressing the following questions:

    1. Are all of the ponds existing?

    2. Will fill materials be placed in any water of the US? If so, where and how much area will be filled?

    3. Is there now or will there be a vegetated buffer strip along the ponds/creek channel?

    4. How many and what species of trees will be removed? Will they be replaced?

27. Lower Platte South Natural Resources District noted that the erosion protection should be shown at the flared end section, and the use of grassy swales could be used instead of buried storm sewer pipe in a few locations, Outlot C and between commercial lots and the townhome lots. Both would run along the trail system.

28. The Fire Department and the United Postal Service agree with the proposal as submitted.

29. Comments for the resubmitted plans have not been received from Nebraska Games and Parks Commission.

30. The owner/developer has reached an agreement with adjacent residents to provide landscape buffers to the new single family and independent living developments.

CONCLUSION:

Community Unit Plan is strongly encouraged in R-3 zoning districts to foster improved and innovative design, a mix of housing types and socio-economic groups. The mixed-use nature of this proposal is consistent with the intent of the district, and should be given consideration for the C.U.P. application. The application is generally compliant with the Comprehensive Plan.

STAFF RECOMMENDATION:

Preliminary Plat #99027	Conditional approval and approval of waiver requests
Special Permit #1813	Conditional approval
Use Permit #125	Conditional approval and approval of a waiver request

Conditions for Special Permit #1813

Site Specific:

1. After the developer completes the following instructions and submits the documents and plans to the Planning Department office, the Special Permit will be scheduled on the City Council's agenda: (NOTE: These documents and plans are required by ordinance or design standards.)

   1.1 Submit certified information indicating the current record owner(s) for Lot 55 I.T., in the northeast quarter of Section 10, Township 9 North, Range 7 East.

   1.2 Revise the plan to show:

      1.2.1 Parking and dimensions for the multi-family, and retirement housing areas as required by Chapter 27.67 of the Zoning Ordinance.

      1.2.2 Revise the plan to indicate outlots G and H as common access easement.

      1.2.3 Revise the plan to show sufficient setbacks to describe the limits where buildings may be constructed to the satisfaction of Public Works.

      1.2.4 Rename Sumac Drive. The name duplicates the existing Sumac Drive approximately 5/8 miles south of Pioneers Blvd. in Edenton North 5 th Add.

      1.2.5 Rename Burr Oak Lane. It is in conflict with a street named W. Burr Oak Lane at SW 12th between W. Denton and W. Rokeby Roads.

      1.2.6 Rename Redbud Lane. It too closely resembles Redbird Lane, at SW 27th and W. Van Dorn.

      1.2.7 Revise note No.7 to refer to Block 3, instead of Block 20.

      1.2.8 Revise note No.10 to reflect Chapter 27.71 of the Zoning Ordinance which stipulates the projection from buildings, patios, eaves, etc., and include language at the end of the note to the effect " but not across lot lines."

      1.2.9 Revise the plan to include a community recreation plan depicting appropriate outdoor recreation facilities for the independent senior living area and townhome area.

      1.2.10 Revise the plan to include a note stating "outlot areas, cul-de-sac, and boulevard planting areas are to be maintained by the developer or future homeowners association."

1.2.11 Revise the plan to note, “any relocation of existing facilities will be at the owner/developer‘s expense.”

1.2.12 Revise the plan to add, as stipulation, “any construction or grade changes in LES transmission line easements corridors are subject to LES approval and must be in accordance with LES design and safety standards.”

1.2.13 Revise the plan to show all easements required by Alltel, Time Warner, and LES.

1.2.14 Revise the plan to include “utility” in the sewer and drainage easements.

1.2.15 Revise the plan to indicate the location of an existing 70' electrical transmission line easement through the lake area.

1.2.16 The site plan and all grading and drainage plans should be revised to address the floodplain issues to the satisfaction of the Departments of Building & Safety, Planning, and Public Works & Utilities.

1.2.17 Revise the plan to show the correct density calculation.

1.2.18 Reshape the lots to not extend into the limits of the 100 year flood plain.

1.2.19 Reword note 6. It appears to allow the general public to use the public open space.

1.2.20 Label the private roadways as outlots.

1.2.21 Add a note that indicates Lots 4, 5, 12, 13, and 17 - 20, Block 3, shall relinquish vehicular access to Hawthorne Drive.

1.2.22 Add a note that indicates direct vehicular access from individual lot is relinquished to Pioneers Blvd.

1.2.23 Provide pedestrian easements for all the sidewalks.

1.2.24 Indicate how Sumac Drive will access Lucile Drive.

1.2.25 Extend the lot lines of Lots 38-42, Block 1; Lot 17-40, Block 4, Lots 1-15, Block 5, and to abut the access easement.

2. This approval permits a special permit for Community Unit Plan for 150 dwelling units and the development of retirement housing for 180 elderly dwelling units provided the City Council also approves:

2.1 Preliminary Plat #99027

2.2 An exception to the design standards to permit intersection angles less than 80 degrees.

2.3 A modification to the requirements of the land subdivision ordinance to permit double frontage on Lot 2, Block 3.

2.4 An adjustment to the building height of the independent living building in Lot 1, Block 1, will be a maximum of 45' instead of 35' as allowed in the R-3 zoning district.

2.5 An adjustment to the rear yard setbacks on lots longer than 125' in Blocks 1, 3, and 4 to 25'.

General:

3. Before receiving building permits:

3.1 The permittee shall have submitted a revised and reproducible final plan including 5 copies.

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 dwelling units 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:

Ching-Yun Liang
Planner

CHANGE OF ZONE NO. 3213;
SPECIAL PERMIT NO. 1813,
THE PRESERVE ON ANTELOPE CREEK
COMMUNITY UNIT PLAN;
USE PERMIT NO. 125;
and
PRELIMINARY PLAT NO. 99027,
THE PRESERVE ON ANTELOPE CREEK

PUBLIC HEARING BEFORE PLANNING COMMISSION: November 29, 2000

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

Planning staff recommendation: Approval of the change of zone and conditional approval of the special permit, use permit and preliminary plat.

The Planning staff requested a two-week deferral to advertise a revised legal description. Schwinn moved to defer, with continued public hearing and administrative action scheduled for December 13, 2000, seconded by Hunter and carried 9-0: Carlson, Steward, Newman, Duvall, Hunter, Schwinn, Krieser, Taylor and Bayer voting 'yes'.

Proponents

1. Bill Kubly, 2417 Ridge Road, CEO of **Landscapes Unlimited, L.L.C.**, presented the application. Landscapes Unlimited purchased Nebraska Nurseries from Richard Speidell approximately 1.5 years ago because of its natural setting and it is considered to be the best of its type and size in the City, second only to Wilderness Woods. The very natural setting will be maintained utilizing existing plant materials to provide a setting for living unparalleled in the midwest. The natural site and character will be maintained as it is today. They will utilize the ponds and create a most desirable place to live in Lincoln. There are 1,000 trees on-site grown for landscape stock and they will be used on the site to create and maintain the natural setting.

2. Kent Brisk, Essex Corporation, 11606 Nicholas St., Omaha, submitted renderings of the unifying elements and the commercial and office lots. The area is generally located between 77th Street on the west, south of Pioneers running over to approximately 81st Street. This is currently the home of Nebraska Nurseries and as such is a heavily treed site; the land gently slopes from the northeast to the southwest down toward some ponds at the south end of the property. The existing ponds are in the Antelope Creek drainageway.

This site is approximately 67 acres. The proposal represents a modification of a plan that has previously been submitted and approved (Antelope Commons). The land currently is zoned R-3; to the east of the site is R-3 single family; to the south and west is R-3; immediately to the west across the street is O-3; and to the north of Pioneers is R-1 single family.

The proposed development includes 90 single family dwellings; 44 townhomes; a seniors/independent living facility and assisted living facility; two small two-story, multi-family 16-unit apartment complex; commercial office area on the waterfront; the northwest corner is a B-2 area that will be a commercial/mixed use area. The intent is to maintain the site in its current condition as much as possible; there are over 1100 trees on-site that can be relocated; and they intend to maintain the grade and as many trees as possible.

Generally speaking, this application attempts to create a small village concept featuring a variety of housing choices. Additionally, they are attempting to create a commercial mixed use area with light commercial shops on the first floor with residential or office on the second floor. The attempt is to create an area that would provide services to the residential neighbors and the surrounding residential neighbors. The type of services would be ice cream shop, deli, garden center, Hallmark Card Store, etc. The commercial features include an entry sculpture or water feature with a water feature at the south end of the site which will be a focal point.

Photographs of the type of commercial/business development for the B-2 area were also submitted. The two-story, pedestrian oriented buildings will be set back 20' to allow a lot of green space in front of the buildings to provide for outdoor tables, umbrellas, benches, sculpture, etc. The parking spaces are behind the buildings in an attempt to keep it a pedestrian area.

The entire site is tied together with walkways and pathways that allow people to move comfortably through the site. Walkways will go across the pond and tie in with the trail.

Brisk indicated that they have met with the residents to the east of the property; and the property immediately south and across the street south of Pioneers. They have modified the plan as a result of the meetings with the neighbors. The size of the lots for the residential area on the east side has been increased, decreasing the density and making the lots larger and more compatible with the homes east of that area. They will do some planting on the west to screen the residential areas. As they begin to put in streets and utilities, they will relocate trees. The trees will be marked and the residents will be allowed to select the trees that they want and where they will be relocated. Behind the independent living, they plan to do a berm with landscaping and trees. Pioneers Blvd. and Lucile Drive and the parking area that subdivides the townhomes from the commercial area will be screened with a berm and trees.

Kubly added that because of the 1100 existing trees, the developer wants to maintain the look that exists. They do not desire a standard street tree planting plan, but request to utilize more trees and make them appear to be there in nature. The median has been planted by Mr. Speidell and it is maintained. The plantings will be intensified with a lot of ground cover to make it look very natural and very wooded. The existing Pin Oaks do not have the iron disease. The plant material does not belong to the nursery business but to the developers of the land.

Carlson asked the applicant to discuss the ponds and their relationship to Antelope Creek. Kubly responded that the ponds were constructed with the help of the NRD some 5-7 years ago. The NRD contributed some funding to get this done for Speidell in his original plan. The ponds are flood detention for Antelope Creek. There is some silt protection and these ponds prevent the silt from getting further downstream. The ponds are currently used for fishing for the Bright Lights program.

Steward recalled that one of the original notions of the single family part of this project from Speidell was a permit to allow second structures in addition to the main structure, or the ability to take care of an elderly parent. Do you have any thoughts or plans in that direction? Brisk indicated that this developer has not taken that same approach. All of the lots are single family.

Hunter inquired whether there was any concern about the closeness of ingress and egress to the single family residences. Brisk stated that they have talked with staff, resulting in the proposal of a right-in right-out with triangular median which would prevent a left hand turn from Pioneers into that area, or would also prevent a left hand turn out of that area. When there is a right-in right-out, the distance from Lucile is 300', which they did not believe to be too close and that it was probably not a problem. There had been some discussions as to whether this developer will get a cut-through effect to avoid a traffic light, but with a business oriented area, the developer believes that to be of minimal concern.

Schwinn noted that the staff report includes a number of conditions. Brisk stated that they have read the conditions and they have no issue or concern. They will be meeting with staff to get some clarification, particularly with the flood control issues.

3. Mike Morosin, past President of the Malone Neighborhood Association, testified in support. He is glad to see the development utilizing the ponds. These are the headwaters of Antelope Creek and the Malone neighborhood is the recipient. He is hopeful other developers will take the time to take a look at all these tributaries and detain that water and slow it down. He appreciates that they will look at the flood control issues.

<u>Opposition</u>

1. Ken Kontor, 4210 So. 78th Street, corner of 78th & Pioneers, across the street from the proposed B-2 zoning, testified in opposition. He received notice of this application and hearing on November 20th, so he has only had nine days to research it. The reason he is opposed is because of the fact that "it is the best way to go right now". His number one concern is that on 78th Street he has a hedge that acts as a buffer between his home and Pioneers Blvd. Two weeks ago, the people from Planning were taking pictures at his home and they were looking at the possibility of removing the hedge. His hedge is 7' and he does not want it removed. Another concern is that two of his bedrooms are on the south side of his home. Therefore, he is concerned about the lighting in the parking lot. The developer does not know what type of lighting will be installed in the parking lot. Is there a PUD on this project? The step from R-3 to B-2 is a concern. He believes this is an awfully big leap and open-ended. He wants to know what the uses are going to be. He is concerned about the quality of the B-2 area. His neighbor, Bill Allen, 8000 Pioneers, could not attend today, but he is also in opposition. Kontor wants the opportunity to sit down with the developers to look at maintaining the quality on the other side of Pioneers Blvd.

Bayer suggested that that meeting could occur in the next two weeks.

Ray Hill of Planning staff advised that the people out looking at Kontor's hedge were not from the Planning Department. It may have been someone from Public Works investigating the widening of Pioneers Blvd. Bayer asked whether the City puts a new hedge in if they remove the existing. Dennis Bartels of Public Works advised that typically on a street widening project, if the hedge is in the existing right-of-way, there would be no obligation to replace it. The city will either purchase the right-of-way or a construction easement to get into vegetation. If that were the case, the city would be obligated to pay the cost of damages to the vegetation. We like to pay the property owner enough to replace it, but that in theory is taken care of in the price of the fee simple right-of-way or the construction easements. Typically, on private property, the city does not replace but would be obligated to pay the property owners for damages if the owner wished to replace it.

Carlson inquired about the impact on the setbacks in the event of street widening. Bartels advised that the Pioneers Blvd. project is in this year's approved budget and the plans are being prepared by the Design Section of Public Works. There is no firm commitment as to when it will be built, but the funding is approved. With this project, the developer is dedicating right-of-way 50' from the centerline and this is sufficient to build the pavement. If this development occurs before the city's project, the grading plan should meet the city's future right-of-way grades as much as possible. If this development occurs after the city's project, the setback should not be a problem. Bartels does believe, however, that the anticipated widening will fit in. Carlson sought confirmation that even with the request for waiver there will be 50' of right-of-way. Bartels concurred and believes Public Works would require the grading plan to start at the 50' line to have minimal effect on the private property.

Bartels stated that he had raised concerns about the driveway. From a Public Works traffic engineering point of view, they prefer to minimize the number of driveways and entrances off an arterial street with the goal of keeping better traffic flow on the major streets. Public Works would prefer that all access be taken from Lucile or 80th Street in this circumstance. One question Bartels has raised is the offset. He does not know the relationship of the driveway to 78th Street. Right turn in and out is a better situation than a full access driveway. The applicant had indicated a willingness to make the right turn in and out.

<u>Response by the Applicant</u>

Brisk has talked with the opposition. The developer did send letters to everyone on the north side of Pioneers this summer, and they did talk about the parking lot across the street. They have not gotten into the specificity of the light fixture but will talk about down-lighting for that area to maintain the pedestrian measure. The types of businesses will be operating from 8:00 a.m. to 10:00 p.m. The intent is to berm that area between this developer's property and Pioneers Blvd. and they will plant shrubbery in that area to help screen the cars in that parking area from Mr. Kontor's lot.

Steward assumed that it would be reasonable to note that this applicant is apparently planning upper story living in the office structures, so from the standpoint of acceptability, that corner needs to be a quiet commercial corner to make this strategy work. Brisk concurred.

There was no further public testimony. These applications will have continued public hearing and action on December 13, 2000.

CONT'D PUBLIC HEARING BEFORE PLANNING COMMISSION: December 13, 2000

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

Planning staff recommendation: Approval of the change of zone and conditional approval of the special permit, use permit and preliminary plat.

Kay Liang of Planning staff submitted a letter from Ken Kontor and Terry Allen expressing concerns about the effects of the uses allowed in the B-2 district. They would like to meet with the developer again and requested further continuance of the public hearing.

Proponents

1. Kent Brisk, Essex Corporation, appeared on behalf of Landscapes Unlimited, the developer. He provided new information only. The developer has reviewed the rather lengthy staff comments and agrees with the staff analysis, except for part of #13: "....The grade of 80th Street approaching Pioneers Blvd. does not meet standards for a 2% platform." The developer is requesting to comply with the newly adopted Design Standards which would provide for a 3% platform. That is the only change the applicant is requesting.

The applicant has met and made a presentation to Ken Kontor and Terry Allen. Their concerns are their property values. Brisk does not believe they are concerned with what this developer talks about, but rather, they feel that based on what happened in another development in the area, they were told certain things that did not happen. In the B-2 area, the developer is looking at things like a deli and card store that won't get expanded to other things. These property owners want the developer to limit the kinds of things that will go into the B-2 area. Brisk is only one of the principals and could not make that representation without talking with the other partners, so he has agreed to talk further with the property owners later on. Brisk stated that the developer would agree to disagree as to whether this development will affect the property values of those property owners.

Brisk assured that the developer intends to meet again with Kontor and Allen; however, Kontor is out of town and they won't be able to reconvene until next week.

Bayer stated that he has talked with Ken Kontor and one of his concerns is whether or not the second story or upper story of the office structures would be used for residential. Kontor got the impression at the meeting that there was no guarantee that the second story would in fact be residential. Brisk responded, stating that the application shows the upper level of these structures being reserved for either office lots or residential lots, with a maximum of 35 units in the form of apartments in the six various buildings. While the developer hasn't concluded totally that they are going to be residential, they could be executive suites, accounting offices, etc.

Bayer inquired whether Arboretum Drive will connect into Lucile Drive. Brisk responded in the affirmative. Bayer is not sure that is possible based upon the information that the Commissioners

have, because there is a strip of land shown there. Brisk is aware of that strip of land which is owned by the owners on the other side of the street. He acknowledged that the this developer and that property owner need to talk about getting that access. They have not yet had that conversation.

Opposition

1. Mike Rierden appeared on behalf of **Lincoln Federal Savings Bank,** the owner of the strip of ground on the west side of Lucile Drive and the owner of a great deal of the residential development to the south and that which is currently being developed today. Lincoln Federal believes this is an excellent layout. Lincoln Federal likes the residential layout, the townhomes, the assisted living, and the office to the south. However, the primary concern of Lincoln Federal is the B-2 on the corner of Lucile and Pioneers. Their concern is with the various types of uses that are allowed in B-2 and Lincoln Federal does not believe they may be compatible with the residential uses that exist or are planned to be built. A more compatible commercial district such as O-3 might be more appropriate.

Rierden then referred to the strip of ground and access. There was a problem with the section lines for Lucile Drive because they did not line up. Lucile Drive did not line up with the street to the north. Lincoln Federal was required to meander Lucile Drive to the west which left the strip of ground as an area which had to be taken care of as an outlot. Rierden recalled that there was some discussion when Speidell owned this property about that access, but he does not believe there were any specifics agreed upon. Public Works thought there might be a public access easement in there. In any event, Lincoln Federal's concern is the B-2. Lincoln Federal was required to have one point of access on Pioneers and it has been a policy of Public Works not to have any further access points or driveways on Pioneers. Arboretum Drive is connecting to Pioneers. We do not want this to have an adverse impact on the timing for installation of a traffic signal at Lucile Drive and Pioneers. We want to see a traffic signal placed at that intersection as soon as possible. He does not know whether this Arboretum Drive would have an adverse impact, and if it does, Lincoln Federal is opposed to this access point because they need that traffic signal.

Steward inquired whether Lincoln Federal is available for negotiations about the access. Rierden agreed that they would be available for discussion.

Steward inquired of staff as to a logical zone designation to accommodate neighborhood type commercial on the ground floor and residential above, other than B-2. Jason Reynolds of Planning staff stated that the R-T Residential Transition district does not allow business on the ground floor with dwellings above as a permitted use. Some of the office districts, however, do permit dwellings, i.e. O-3 Office Park allows office buildings as well as single, two-family and multiple dwellings, and requires a use permit. Dwellings are permitted above the first story of a building in the O-2 Suburban Office District, as well as O-1; however, O-1 is generally restricted to the area right around the Capitol. Reynolds believes that B-1 and B-3 would also allow the residential above the commercial uses.

Carlson inquired whether there is an option in the B districts to specifically designate the kinds of retail uses that the developer might want to have. Reynolds suggested that that could be accomplished within the use permit in the B-2. Individual uses are identified on the lots.

Bayer asked staff how it is possible to go forward with a recommendation without the access to Lucile Drive being resolved. Liang suggested that it is definitely something that needs to be researched. Bayer thinks it needs to be deferred. Staff would agree.

Response by the Applicant

With regard to the B-2 uses, Brisk stated that they did research the alternatives with what they are trying to do in that area. The intent is to provide neighborhood business types of uses in the Lucile Drive area. He believes that B-2 is really set up for exactly what they are doing. The Comprehensive Plan provides for the establishment of local retail shopping facilities which will provide for planned and controlled consumer services for new areas. The whole flavor of what this developer is trying to do is to provide neighborhood centers for shopping for the entire general neighborhood. To go into an office setting really takes us out of the types of things that we are trying to develop for uses for that neighborhood. When the developer talked with staff originally, they were trying to indicate the character of the things that they are interested in providing, with two-story masonry buildings. It is the developer's understanding that the renderings submitted do establish what the developer has to provide as far as quality is concerned. Brisk advised the Commissioners that this developer has retained some ownership and it is in this developer's best interest to maintain the quality of what happens in the B-2 area. At this time, however, they have done no marketing and there are no tenants that are in line to take over that space.

Steward stated that he certainly concurs with the intent, but he believes there is reasonable concern on the part of other neighbors as to what may happen if this is zoned B-2 and the permission characteristic of someone other than this developer converting that property according to that zone. If there is intent to have neighborhood business and residential or neighborhood service office use on the second floor, then this does the city a service. But the B-2 zoning district provides other opportunities and therein lies his concern. Brisk stated that the developer does have envelopes laid out so they are restricted in the size of building which starts to limit the kinds of things that would go into that area.

With regard to the types of uses in B-2, Reynolds offered that it would be possible for the applicant to add a note on the plan delineating uses which are forbidden. That could be changed in the future; however, and not necessarily administratively.

Bayer thought a deferral might be an excellent opportunity to resolve some of the use issues, such as how to protect the neighbors on all sides.

Steward moved to defer until January 10, 2001, seconded by Hunter and carried 9-0: Taylor, Schwinn, Hunter, Newman, Duvall, Carlson, Krieser, Steward and Bayer voting 'yes'.

CONT'D PUBLIC HEARING BEFORE PLANNING COMMISSION: January 10, 2001

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

Kay Liang of the Planning staff submitted a letter from the Army Corps of Engineers dated January 2,

2001, advising that the applicant must submit a permit application to address the four questions set forth in the Corps of Engineers letter dated November 17, 2000.

Proponents

1. Kent Brisk, Essex Corporation, testified on behalf of Landscapes Unlimited. This hearing was postponed on December 13, 2000, to address the issue of access to Lucile Drive. This applicant does have an access easement. The applicant has met with Lincoln Federal which had control of that land (Outlots E and F adjacent to Lucile Drive) to discuss that access as well as the maintenance of that area which would actually be along the east side of Lucile Drive. At the same time, this applicant and Lincoln Federal have developed an understanding regarding the B-2 area, which Mr. Rierden spoke of at the last hearing. Lincoln Federal and Nebraska Nurseries have entered into a letter of understanding which would restrict the permitted uses in the B-2 area.

2. Michael Rierden appeared on behalf of **Lincoln Federal.** He stated that even though Lincoln Federal lost somewhat of their leverage because there is a public access easement, this developer is still willing to work with Lincoln Federal. Rierden submitted the letter agreement in which the applicant limits the types of uses under the B-2 that they would be looking for.

Brisk added that the applicant has eliminated about 20 uses that are not advantageous to the nature and character of the development as well as the neighbors. Brisk acknowledged that there were other objections by Mr. Kontor. Mr. Kontor has been provided with a copy of the agreement with Lincoln Federal.

In regard to the Corps of Engineers, Brisk stated that he has responded to the Corps of Engineers. The applicant has also met with the Planning staff regarding all comments and, with exception to the waiver requests, they will comply with the staff conditions of approval.

Carlson wondered whether the issue with the Corps of Engineers could be dealt with between now and when this project appears on the Council agenda. Brisk assured that the applicant will deal with the Corps' letter. Liang pointed out that the questions in the Corps' letter refer to the 404 permit. The applicant needs to submit the required information.

Opposition

1. Ken Kontor, 4210 So. 78th Street, testified in opposition. He has met with Mr. Brisk once and has had two telephone conversations, but he still has concerns about the parking lot across the street from his home on 78th & Pioneers. He has asked the question repeatedly about the lighting and he has not received an answer. He is opposed from that standpoint because there will be additional lighting with the widening of Pioneers Blvd. His second issue is the use of the loft space on the B-2 zoned area. Two meetings ago the question was asked as to the use and the answer was "residential", which means the businesses would have to be an 8:00 a.m. to 5:00 p.m. scenario. But after further discussion and at the December meeting, it was indicated that these could be offices as well as residential. This is a concern to him as far as the type of businesses. The letter agreement with Lincoln Federal is a step in the right direction, but a major concern is the use and sale of alcoholic beverages. The B-2 is not appropriate for the neighborhood and quality of life.

2. Bill Allen, 8000 Pioneers Blvd., directly across the street, abutting Kontor on the east, testified in opposition to the B-2 zoning. They are fearful of a West Van Dorn situation.

Staff questions

Bayer inquired whether the letter agreement between the applicant and Lincoln Federal is binding. Rick Peo of the City Law Department stated that it is a potentially binding agreement between the parties. They might want to have covenants to insure those same provisions so they run with the land. The City Attorney would be opposed to incorporating the agreement into the use permit as to the restriction of uses. It would appear to be contract zoning and there is not a record as to why certain uses are prohibited or not prohibited. It is a private arrangement that should not be incorporated into the use permit. Design covenants as to the site plan and the types of building designs is a representation from the developer that could be incorporated.

Bayer thought that covenants have been made a condition of approval in the past. Peo advised that covenants have been attached and recorded, but it is a private arrangement between the parties.

Response by the Applicant

With regard to the B-2 area, Brisk suggested that it really goes to the heart of this development. This is a mixed use development type area. The intent of this project was more of a European design--new urbanism which had areas for retail, mixed housing, commercial type uses, with a predominance of public space. That is what we are trying to do as well as maintain that environment that is heavily treed and landscaped. The agreement attempts to provide the characteristic of what is trying to be achieved and the nature of pedestrian design and a pedestrian friendly development.

With regard to the parking lot lighting, Brisk stated that at this stage they have not designed the parking lot lighting. They will be required to meet certain foot candles and the developer will also have as big a concern about the lighting with the residential townhomes behind the parking lot, so that will be a sensitive issue.

Brisk acknowledged that they have left the liquor uses in. The B-2 zoning talks about a sit-down sale and drink or even a carry-out--consumption on premises and off-premises.

Ray Hill of Planning staff offered that there is a provision in the design standards for parking lot lighting that deals with light intensity and talks about illumination levels. There would probably be more light generated from the street lights than this parking lot once they comply with the lighting standards.

Hunter referred to the uses in the business area, and wondered whether there is any other way to zone that would restrict it down to the point where some of the uses could be done by special permit. Hill advised that a change of that nature would require readvertising and notification. Hunter again asked if there was no way to zone this differently than B-2 to allow for most of the uses and some of the others by special permit. Peo was not familiar with the uses this applicant is proposing, but the B-2 is probably the only way to get the businesses. Office zoning eliminates the business uses. O-3 allows office and residential. This property was previously approved as a PUD which was terminated.

Public hearing was closed.

CHANGE OF ZONE NO. 3213
ADMINISTRATIVE ACTION BY PLANNING COMMISSION: January 10, 2001

Carlson moved approval, seconded by Schwinn.

Hunter can see the tone of the structure of this development--it is clear looking at the site plan and it really is a beautiful development, but her concern is that the B-2 zoning is so broad in terms of where the development goes. If they sell the property it could be restructured otherwise.

Motion for approval carried 7-0: Hunter, Krieser, Carlson, Duvall, Newman, Schwinn and Bayer voting 'yes'; Taylor and Steward absent.

SPECIAL PERMIT NO. 1813
THE PRESERVE ON ANTELOPE CREEK COMMUNITY UNIT PLAN
ADMINISTRATIVE ACTION BY PLANNING COMMISSION: January 10, 2001

Schwinn moved to approve the Planning staff recommendation of conditional approval, seconded by Carlson.

Carlson commended the owners for continuing to move forward on this project which is a new idea. He is excited. He thinks people will line up to move into a neighborhood like this. I can walk to office space. I can walk to retail space. It's an old idea come back new. If anything, this, to him, illustrates why we need to take a second look at the code and find out why it is so hard to get a superior idea through the process. This is a great idea and it is going to be a good development.

Newman does not want to be insensitive to the people from the neighborhood because there are very serious misgivings to any change whatsoever; however, she thinks the developer has tried to react responsively and she is hopeful they can satisfy the neighbors.

Carlson further commented that the concerns about the B-2 zoning are completely valid and maybe we need a mechanism for more safeguards.

Motion for conditional approval carried 7-0: Hunter, Krieser, Carlson, Duvall, Newman, Schwinn and Bayer voting 'yes'; Taylor and Steward absent.

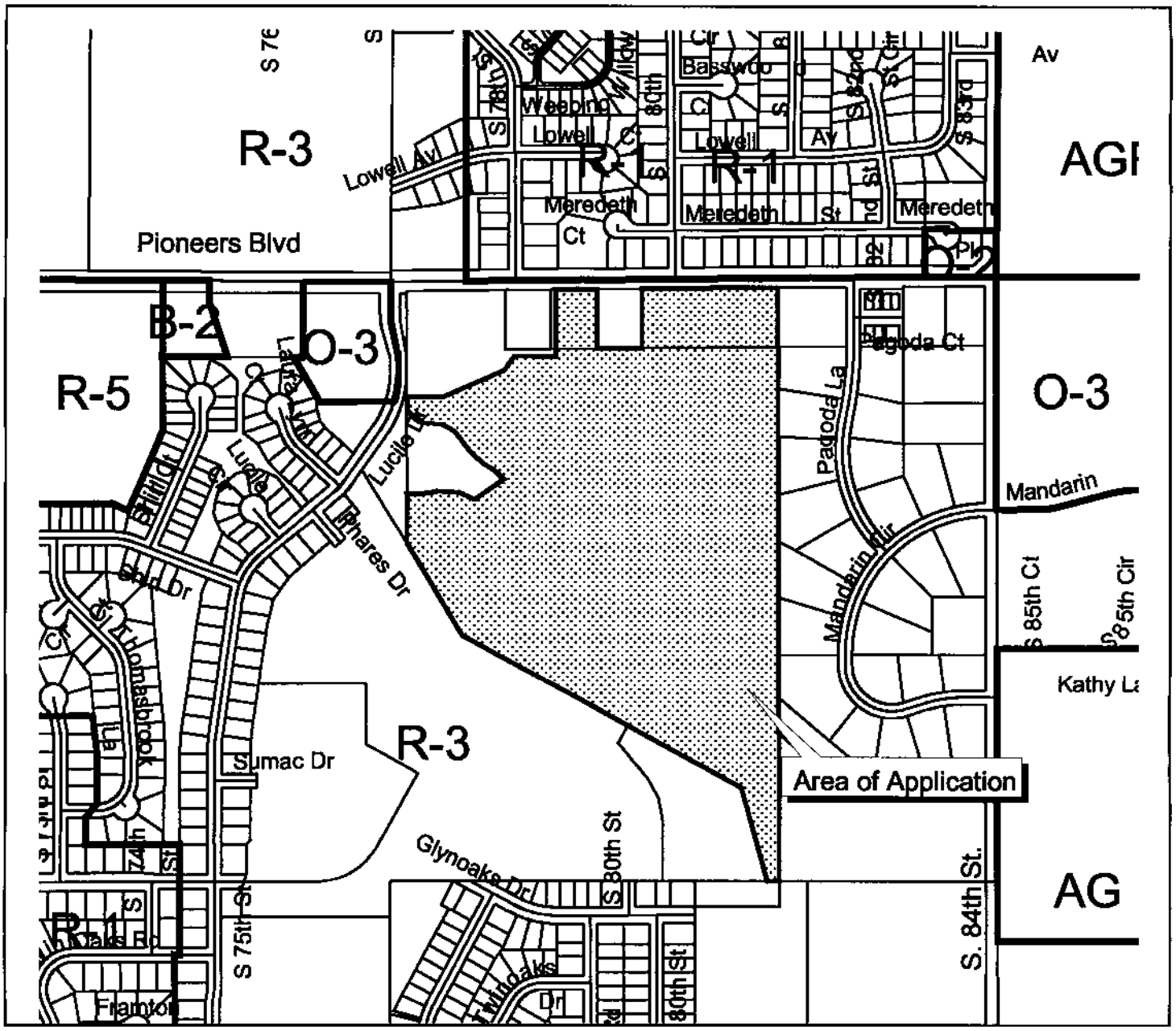
USE PERMIT NO. 125
ADMINISTRATIVE ACTION BY PLANNING COMMISSION: January 10, 2001

Hunter moved to approve the Planning staff recommendation of conditional approval, with amendment to add the Conceptual Master Plan renderings as part of the use permit, seconded by

Krieser and carried 7-0: Hunter, Krieser, Carlson, Duvall, Newman, Schwinn and Bayer voting 'yes'; Taylor and Steward absent.

PRELIMINARY PLAT NO. 99027
THE PRESERVE ON ANTELOPE CREEK
ADMINISTRATIVE ACTION BY PLANNING COMMISSION: January 10, 2001

Hunter moved to approve the Planning staff recommendation of conditional approval, as revised, seconded by Carlson and carried 7-0: Hunter, Krieser, Carlson, Duvall, Newman, Schwinn and Bayer voting 'yes'; Taylor and Steward absent.



Special Permit #1813
80th & Pioneers Blvd.

Zoning:

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

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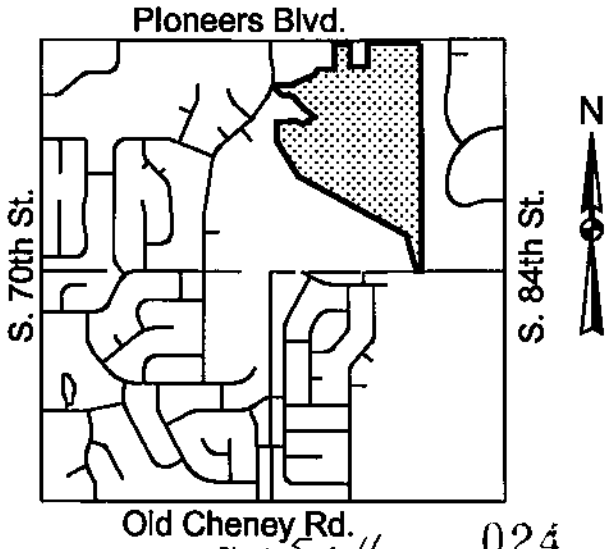
One Square Mile
Sec. 10 T9N R7E

Zoning Jurisdiction Lines

City Limit Jurisdiction



Sheet 5 of 11

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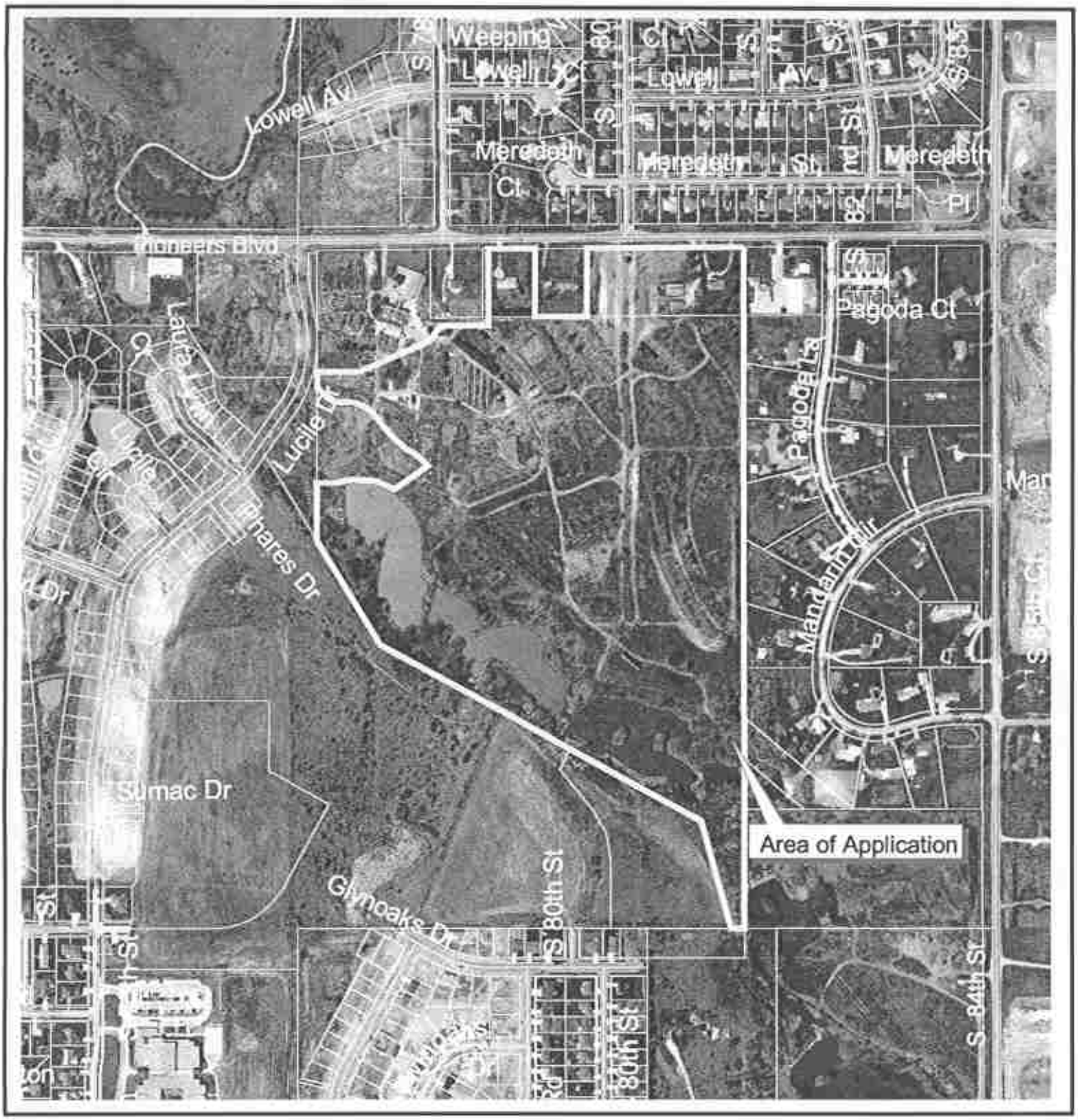
Date: Dec. 5, 2000

Lincoln City - Lancaster County Planning Dept.



Special Permit #1813
80th & Pioneers Blvd.

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Sheet 6 of 11

Date: Dec 5, 2000

Photograph Date: 1999 025

Lincoln City - Lancaster County Planning Dept.

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Figure 1

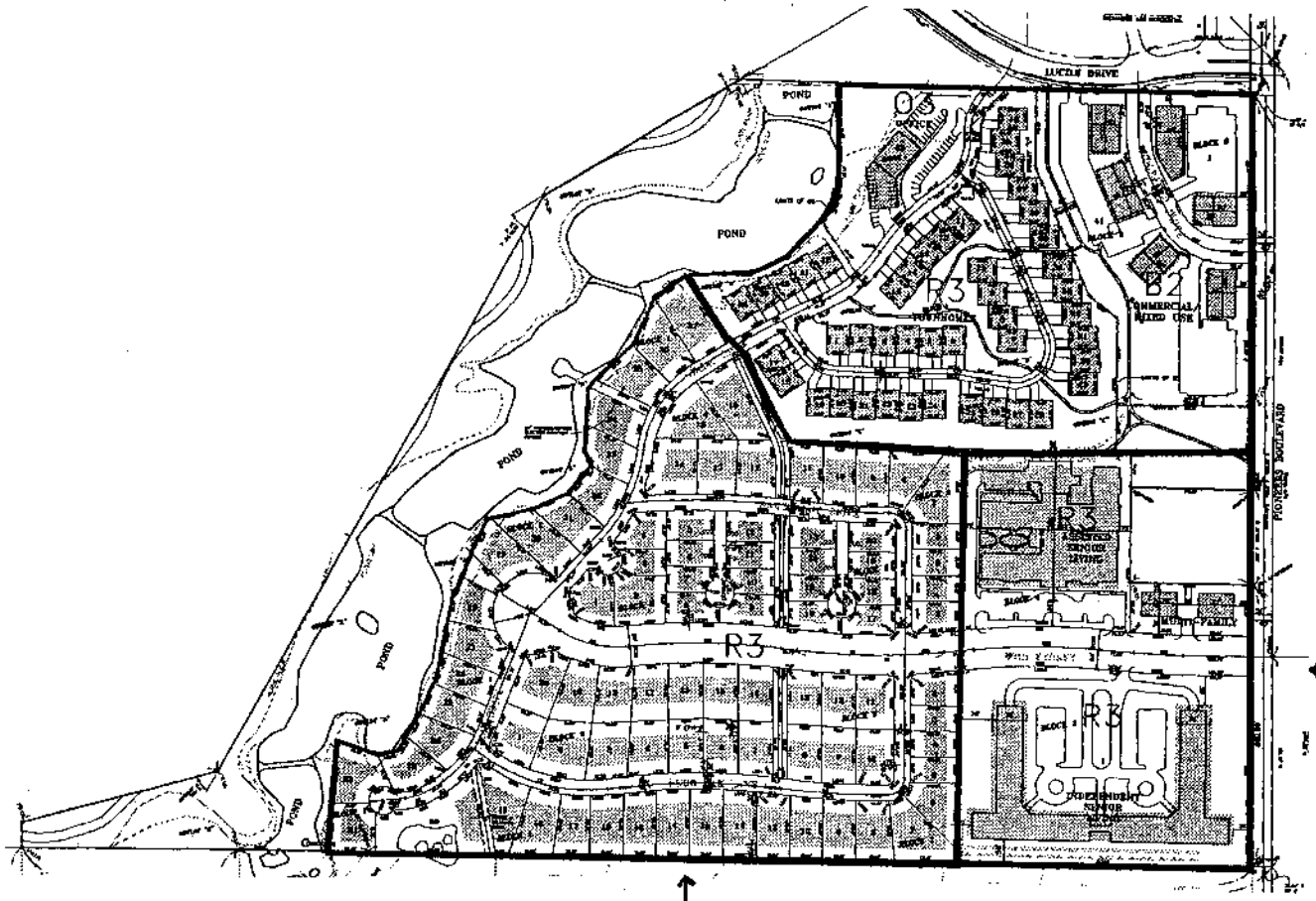

Figure 2

Figure 3 & Figure 4

The Preserve on Antelope Creek
PP#99027
Sheet 7 of 11 Dec 5, 2000

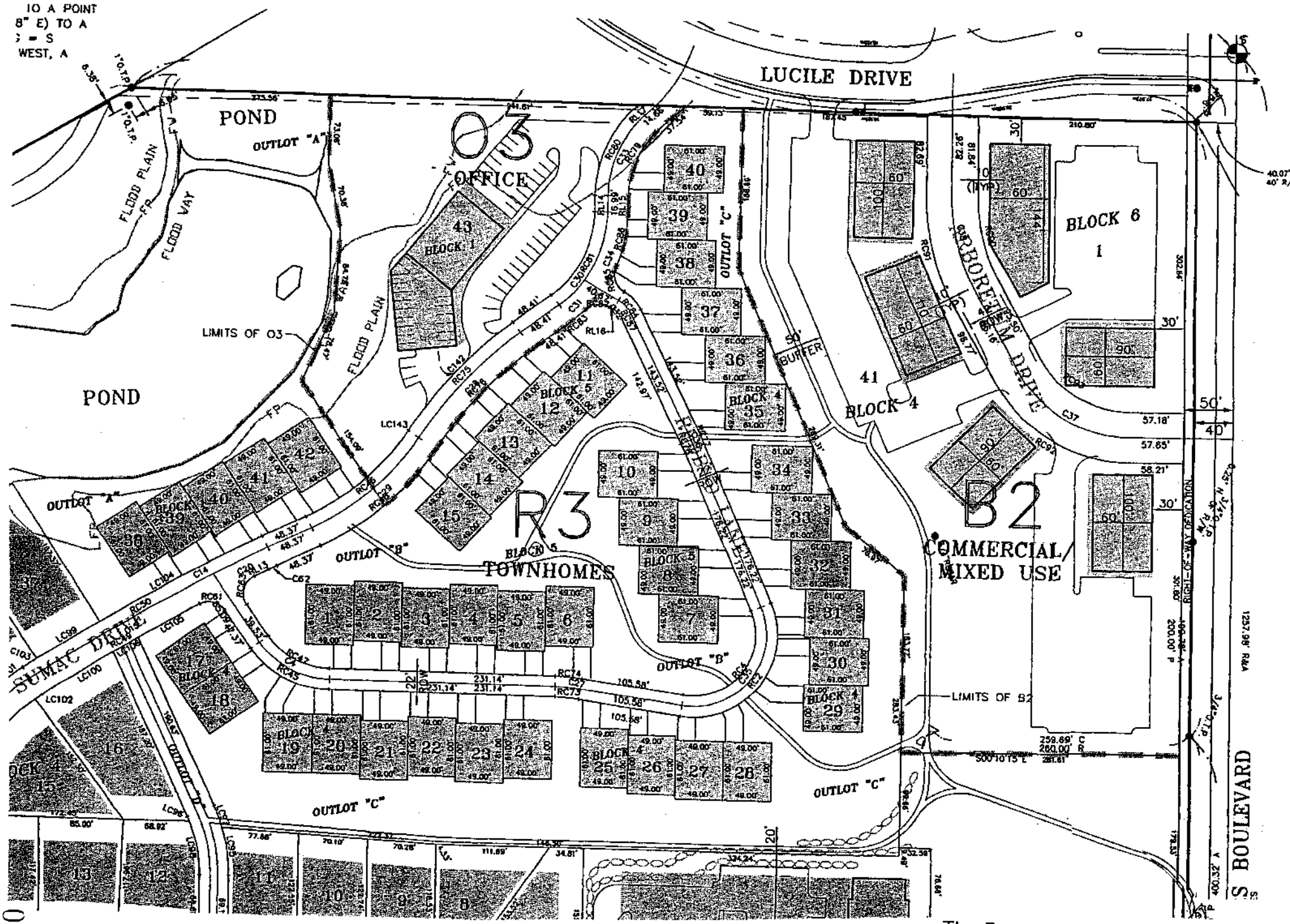

Figure 1 B-2 and O-3 Development and Townhomes

The Preserve on Antelope Creek
PP#99027
Sheet 8 of 11 Dec. 5, 2000

027

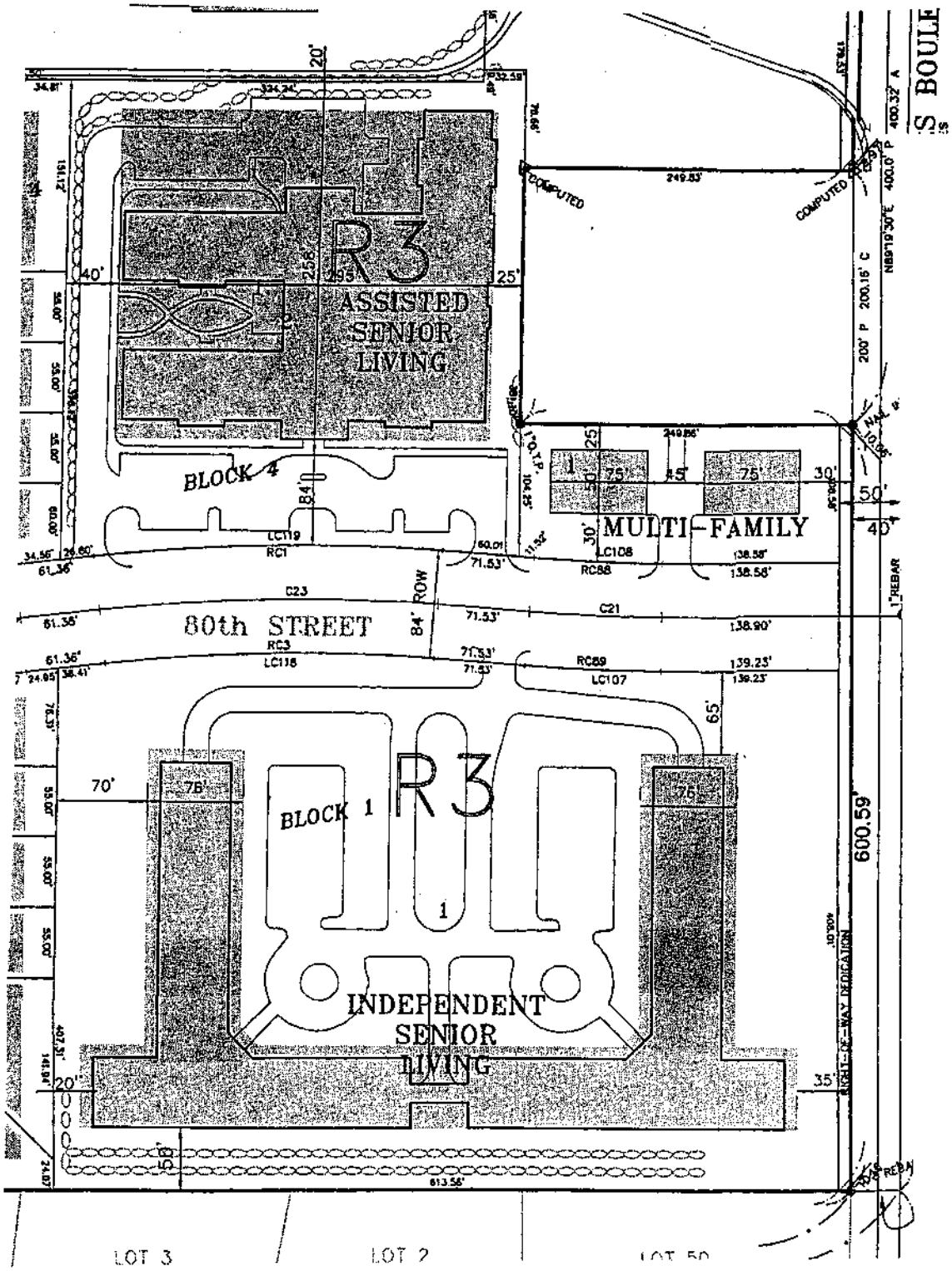

Figure 2

Retirement Housing

The Preserve on Antelope Creek
PP#99027
Sheet 9 of 11
Dec 5, 2000

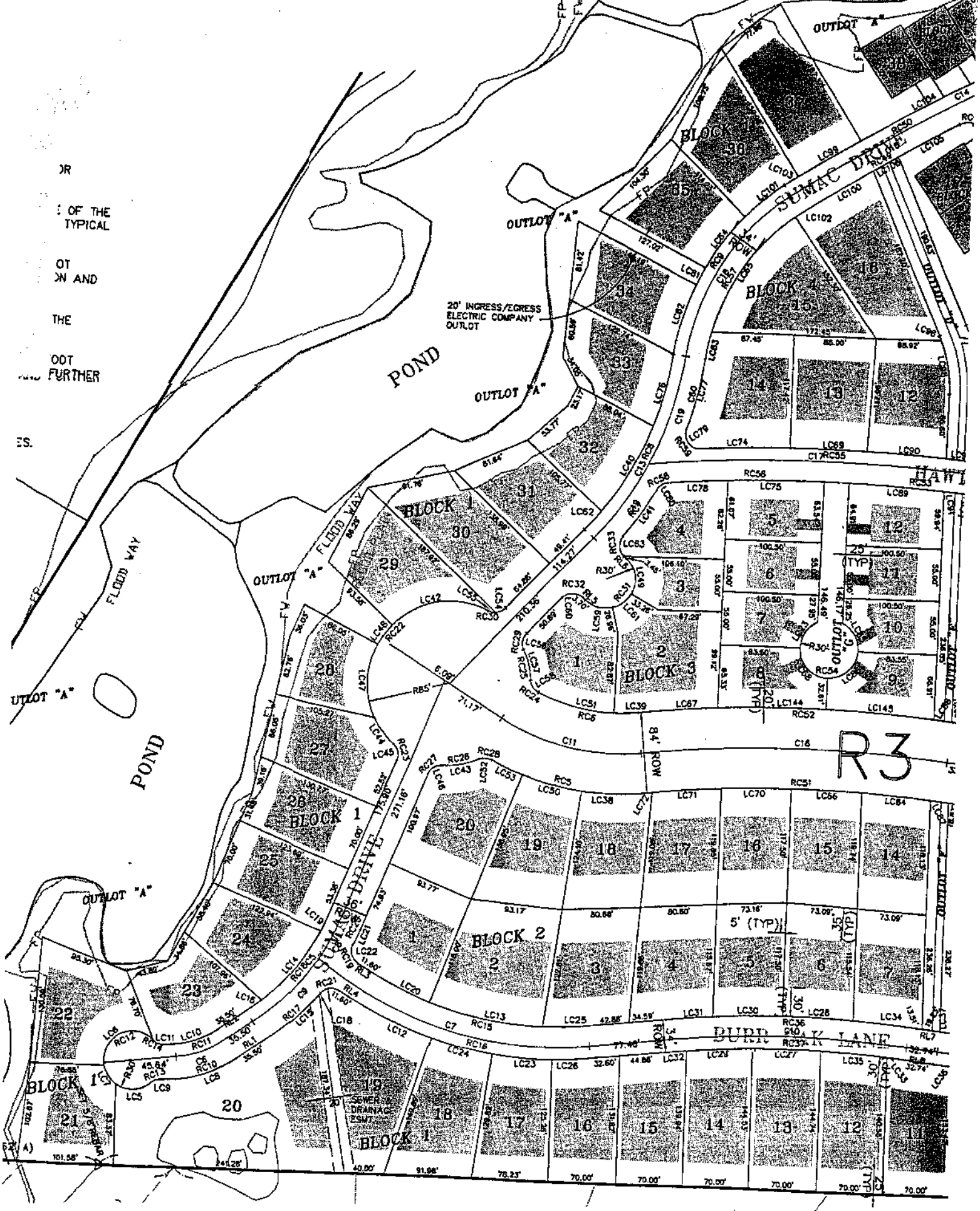

Figure 3

Single Family Dwellings (1 of 2)

The Preserve on Antelope Creek
PP#99027
029
Sheet 10 of 11 Dec. 5, 2000

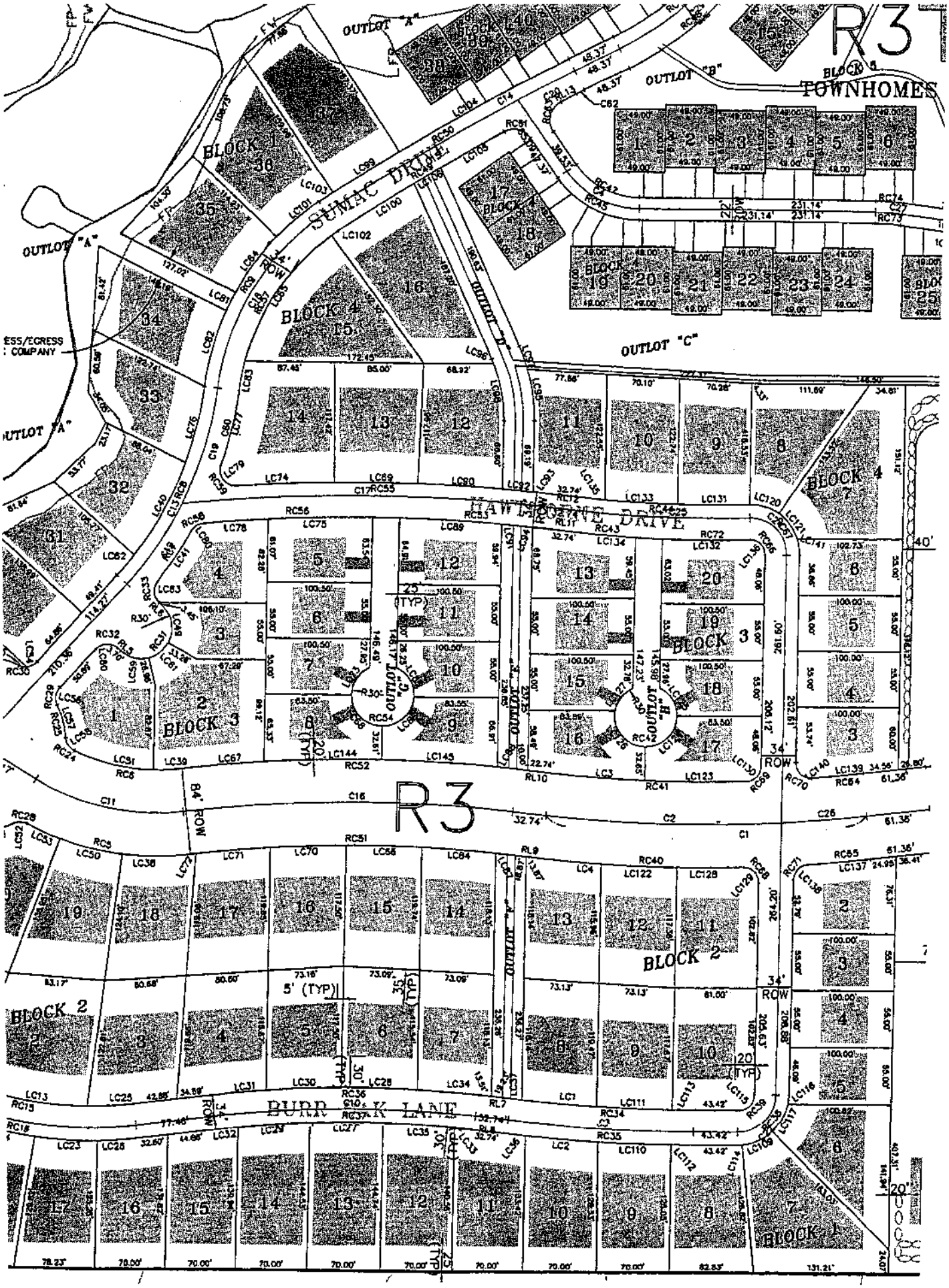

Figure 4

Single Family Dwellings (2 of 2)

The Preserve on Antelope Creek
PP#99027
Sheet 11 of 11 Dec. 5. 2000

Special Permit #1813

LEGAL DESCRIPTION; PROPOSED (R3) ZONING

A TRACT OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 10, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 54 OF SAID QUARTER SECTION, THENCE N89°21'34"E ALONG THE SOUTH LINE OF SAID LOT 54, A DISTANCE OF 200.19 FEET TO THE EAST LINE OF SAID LOT 54; THENCE N00°11'13"W ON SAID LINE, A DISTANCE OF 259.93 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF PIONEER BOULEVARD; THENCE N89°20'29"E ON SAID LINE, A DISTANCE OF 600.59 FEET TO THE EAST LINE OF LOT 57 OF THE AFORESAID NORTHEAST QUARTER OF SECTION 10; THENCE S00°11'52"E ON SAID LINE, A DISTANCE OF 2133.34 FEET; THENCE S00°13'54"E ON SAID LINE, A DISTANCE OF 456.67 FEET; THENCE ON THE SOUTHERLY AND WESTERLY LINES OF SAID LOT 57 FOR THE NEXT FOUR COURSES; N89°58'22"W, A DISTANCE OF 52.68 FEET; N15°39'36"W, A DISTANCE OF 425.55 FEET; N61°34'23"W, A DISTANCE OF 1398.97 FEET; N31°42'49"W, A DISTANCE OF 481.67 FEET TO THE WEST LINE OF SAID LOT 57, SAID LINE ALSO BEING THE EAST LINE OF OUTLOT "A", PIONEER SUBDIVISION, A SUBDIVISION AS PLATTED AND RECORDED IN LANCASTER COUNTY, NEBRASKA; THENCE N00°16'08"E ON SAID LINE, A DISTANCE OF 203.46 FEET; THENCE SOUTH 89°43'52" EAST, A DISTANCE OF 73.06 FEET; THENCE NORTH 79°07'47" EAST, A DISTANCE OF 70.38 FEET; THENCE SOUTH 86°37'54" EAST, A DISTANCE OF 84.78 FEET; THENCE SOUTH 66°20'00" EAST, A DISTANCE OF 78.47 FEET; THENCE NORTH 55°16'54" EAST, A DISTANCE OF 154.09 FEET TO A POINT ON A CURVE; THENCE NORTHWESTERLY ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 292.55 FEET AND A CENTRAL ANGLE OF 15°30'27", AN ARC DISTANCE OF 79.18 FEET (CHORD = 78.94', CHORD BEARING = N 49°52'30" W) TO A POINT OF REVERSE CURVATURE; THENCE NORTHWESTERLY ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 420.40 FEET AND A CENTRAL ANGLE OF 19°46'13", AN ARC DISTANCE OF 145.06 FEET (CHORD = 144.34', CHORD BEARING = N 47°44'38" W) TO A POINT OF TANGENCY; THENCE NORTH 37°51'31" WEST, A DISTANCE OF 48.41 FEET TO A POINT OF CURVATURE; THENCE NORTHWESTERLY ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 144.27 FEET AND A CENTRAL ANGLE OF 52°16'35", AN ARC DISTANCE OF 131.63 FEET (CHORD = 127.11', CHORD BEARING = N 63°59'49" W) TO A POINT OF TANGENCY; THENCE SOUTH 89°51'54" WEST, A DISTANCE OF 16.99 FEET TO A POINT OF CURVATURE; THENCE NORTHWESTERLY ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 95.82 FEET AND A CENTRAL ANGLE OF 46°31'36", AN ARC DISTANCE OF 77.81 FEET (CHORD = 75.69', CHORD BEARING = N 66°52'18" W) TO A POINT OF TANGENCY; THENCE NORTH 43°36'30" WEST, A DISTANCE OF 37.54 FEET TO THE AFORESAID WEST LINE OF LOT 57; THENCE N00°16'08"E ON SAID LINE, A DISTANCE OF 59.13 FEET; THENCE S89°46'35"E, A DISTANCE OF 166.69 FEET; THENCE N66°33'19"E, A DISTANCE OF 289.31 FEET; THENCE N37°33'31"E, A DISTANCE OF 76.97 FEET; THENCE N89°48'08"E, A DISTANCE OF 183.77 FEET; THENCE N00°49'59"W, A DISTANCE OF 291.51 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF PIONEER BOULEVARD; THENCE N89°19'30"E ON SAID LINE, A DISTANCE OF 179.65 FEET TO THE WEST LINE OF THE AFORESAID LOT 54; THENCE S00°10'44"E ON SAID LINE, A DISTANCE OF 259.81 FEET TO THE POINT OF BEGINNING. EXCEPT THAT PART LYING WITHIN LOT 55, IRREGULAR TRACT IN THE NORTHEAST QUARTER OF SECTION 10, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6th P.M., LANCASTER COUNTY, NEBRASKA

THE ABOVE DESCRIBED TRACT OF LAND CONTAINS 2,538,056 SQUARE FEET OR 58.266, ACRES MORE OR LESS.

RECEIVED
NOV 29
LINCOLN CITY/LANCASTER COUNTY
PLANNING DEPARTMENT

ESSEX CORPORATION
11606 NICHOLAS STREET
SUITE 100, OMAHA, NE 68154
402-431-0500
FAX-431-0345

October 30, 2000

Mr. Ray Hill
555 South 10th Street
Lincoln, Nebraska 68508

Dear Mr. Hill:

Landscapes Unlimited and Essex Corporation are pleased to submit the enclosed application for The Preserve on Antelope Creek, South and East of Lucile Drive and Pioneers Boulevard in southeast Lincoln. We believe that our project has unique and innovative features that create an excellent environment for living, working, and shopping. It is designed to provide the mixing of uses, the high level of quality public space, continuous greenway and pedestrian networks, and street linkages, while providing an environment that can be successfully marketed and developed in our setting.

The attached application includes the following components:

- A preliminary plat application. The plat application also includes requests for specific minor waivers of the city's Land Subdivision Ordinance and setbacks, primarily on street segments that function as low volume automobile courts.

- A Petition to Rezone portions of the site to the B-2 and O-3 zoning districts from the current R-3 district. Most of the site will retain its current R-3 zoning.

- A special permit application for designation of the site as a Community Unit Plan (CUP) and for development of retirement housing (including both independent and assisted living units) in an R-3 district.

- A use permit application for residential development in a B-2 zoning district, permitting development of "main street" configuration commercial buildings with upper-level apartments and lofts.

- Preliminary Plat Technical Checklist

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Also attached to this letter as supplemental or required information:

- Landscapes Unlimited and Essex Corporation have met with neighbors north of Pioneers Boulevard and east of the subject property. The purpose was to explain the plat and character that we are working to achieve. The plat has subsequently been modified and mutually agreed upon to address the questions from those residents to the east of the property. There were no modifications required from the residents north of Pioneers Boulevard. (See attached letter.)

- Ownership Certificate

- Photographs of representative elements and buildings to give the reviewers the character of the proposed development.

- Two copies of the Traffic Study.

- Two copies of the Drainage Report.

- Two copies of aerial soil maps and soil legend.

- Two copies of floodway map.

Unattached are the required number of drawings for:

- Site Plan, Zoning and Boundary Survey
- Grading and Drainage
- Public Improvements and Easements
- Landscape
- Building Sections and Street Profiles
- Pre and Post Development Drainage

We believe that the project design provides innovation without revolution, and have sought to develop a project that is both different and familiar. This approach reduces the number of waivers and unusual arrangements that have to be made to gain approval. We have appreciated your assistance throughout the planning stage and look forward to working closely with you in the future.

Sincerely yours,

ESSEX CORPORATION

Kent Braasch

Kent B. Braasch
Executive Vice President

Enclosures

SPECIAL NOTES TO THE SITE PLAN

1. The maximum height of the buildings in the R-3 District as proposed is 35' with one exception. The Independent Living building located in the Northeast corner of the property will have a maximum height of 45'. The maximum height adjustment is permitted in the Special Use section. The additional height will have no adverse effects on any adjacent building. Meetings with the residential neighbors to the east have been held to explain the height of the building. Additional trees and earth berms have been proposed and agreed upon by the neighbors to screen the building.

2. The setbacks for all lots up to 125' in length in Blocks 1, 3 and 4 shall be 25'. For lots in excess of 125' in length the setbacks shall be the smaller of 20% of the lot length or 30'. The setbacks for all lots in Block 2 shall be 35'.

3. Residential and/or office lofts are planned for the second floor of the office buildings located in the B-2 District, Blocks 4 and 6. The maximum number of residential lofts planned is 35. There would be 6 units on the second floor of each building except there would be 5 units in the shortest building in Block 4 and 7 units in the larger building in Block 6.

4. All road sections within the development are minimum width 26'. The roadway width in the townhome area has mistakenly been dimensioned as 22'.

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ATTACHMENT "A"

Request for Variance

The proposed project incorporates a private street system that is nevertheless continuously connected and avoids the use of long cul-de-sacs. This connected-ness helps satisfy the basic objectives of the city's subdivision standards for streets, although the project requires some variances of those standards to maintain the objectives of traffic calming and pedestrian primacy that are critical to the form of the development. This section summarizes the variances from the Land Subdivision Ordinance required by the proposed plat.

INTERSECTION ANGLES

The Land Subdivision Ordinance requires a minimum intersection angle of 80 degrees for private streets.

Virtually all intersections in the development comply with this standard. A minor variance is requested for the traffic turn around at the intersection of 80th Street and Sumac and at the intersection of Hawthorn and Sumac. Both locations are located at the South end of the development and affect a small number of lots. The designs approach 80-degree intersections and maintain good visibility in very low traffic situations.

REQUIRED FRONT YARD SETBACK

The required front yard setback in a B-2 zone is 50'.

We propose a 30' setback in the commercial area fronting on Pioneers Boulevard and just East of Lucile Drive. The 30' setback requested is greater than the 20' setback approved for the office property West of Lucile Drive. The commercial buildings in this area are restricted to two stories, which would be less than the 40' allowable height. The corner will not be impacted as the closest building South of the intersection is 175' while the closest building to the East of the intersection is 280'. A landscaped berm will be provided by the Owner along the northern and western property line of this commercial area.

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AMENDMENT TO ATTACHMENT "A"

Request for Variance

DOUBLE FRONTAGE LOT

There will be no lots with double frontage; i.e. a lot fronting on two non-intersecting public streets.

We are requesting a variance from the above requirement for one lot, Lot 2, Block 3. This lot fronts on 80th Street and Sumac Drive.

We are requesting variance because access to this Lot will be controlled by Covenants and only be granted to the cul-de-sac off Sumac Drive.

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SECOND AMENDMENT TO ATTACHMENT "A"

Request for Variance

SANITARY SEWER

The sewer mains are shown in the center of the street. The design standards require mains to be 3 ½' behind the curb on the south and west sides of the street.

We are requesting a variance from this requirement to save trees on site. The site is heavily treed, the intent is to conserve as many trees as possible. Since trees will have to be relocated from the streets we would like to take that opportunity to place the sewer in streets and not have to destroy trees that might be in the right of way.

STREET SYSTEM – HORIZONTIAL RADIUS

The design standards require a 125' horizontal radius with a tangent between curves.

We are requesting a variance from this requirement. The horizontal radius on Burr Oak Lane, Hawthorne Drive and Redbud Lane are less than the design criteria to help slow traffic down in these primarily residential areas. A more sweeping curve allows traffic to travel at higher speeds since they do not have to slow for curves.

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ATTACHMENT "B"

The Community Unit Plan proposes a mixed-use community for a 68-acre site South and East of Lucile Drive and Pioneers Boulevard in Southeast Lincoln. This unusual site slopes to the southwest from Pioneers Boulevard to a series of impoundment ponds developed along Antelope Creek. The project is designed to create a new kind of community, with its uses and development types linked to one another and to the features of its site. The development has been designed so that minimal grading will be done to maximize the existing beauty of this heavily treed site. An extensive effort is planned by the Owner to relocate trees and minimize tree loss. It is anticipated that the typical resident of this unique development will be in the 50+ age group. The overall site development has been designed with the pedestrian in mind. An extensive network of paths, water features, the unique "main street" setting of the commercial area and existing ponds will provide for a new living experience for residents of this subdivision. Uses included in the proposed CUP include:

- An independent living development for seniors proposed for the northeast corner of the site along Pioneers Boulevard. Access to this development is provided by a boulevard extending south from Pioneers Boulevard at 80th Street. This structure will be a three-story structure, residential in design with a brick and lap-siding exterior. Underground parking will be provided for the building's residents.

- An assisted living development for seniors also located in the northern part of the site and served by the 80th Street boulevard. This structure will be residential in nature with brick and lap-siding exterior.

- A moderate density single-family component, providing lots with a minimum lot size of 5,000 square feet. These lots are served by an innovative private street system that provides privacy and good public space, while avoiding long cul-de-sacs. In some cases, units are clustered around residential circles, which permit units to have frontage along the boulevard with rear automobile access.

- A conventional density single-family component developed along a private street that runs parallel to the pond system. This area includes many lots, which border the Antelope Creek ponds and back up to the residential area to the East and the townhouse development to the West. A unique feature of this part of the project is a traffic circle with a prominent water feature at the intersection of 80th Street and Sumac and running parallel to the ponds.

- A townhouse development served by a large local loop. The townhouses are incorporated into the site's overall green space network, with paths connecting common spaces and the ponds.

- An office site in the southwestern part of the site, with a scenic view into the ponds.

- A mixed-use development, incorporating retail, office, and residential development in two-story urban buildings. This area, at the Lucile Drive and Pioneers Boulevard intersection, establishes a "main street" setting, and may also incorporate a nursery.

ATTACHMENT "C"

Development of B-2 Area

Development for the site proposes a mixed-use development designed in a "main street," pedestrian oriented, multi-building project. Buildings are generally planned as two-story structures, with commercial and office space on the street level and office and residential uses on the upper level. The development also may include the present Nebraska Nursery in a new facility. South and East of the nursery existing tree stock will be incorporated to maintain the current nursery theme. The overall development will be linked by a pedestrian system to the rest of the subdivision. (See attached photos)

General design standards describing development in the B-2 area include the following:

- All street level space shall be used for uses permitted by right in the B-2 district. Upper level space may be used interchangeably for residential or office uses.

- Buildings shall be oriented to a central commercial street, which will have full access to Lucile Drive and at least right in-right out access to Pioneers Boulevard. This street shall be designed as an urban commercial street, providing parallel curbside parking. No other parking shall separate building frontages and entrances from the street and its sidewalks. Off-street parking lots shall be sited behind the commercial buildings and shall not have direct frontage to the commercial street. Landscaped berms shall buffer the parking areas from Pioneers Boulevard.

- The office structures are set back from the street, which will provide for pedestrian areas such as benches, tables and sculpture. The commercial street shall include parallel sidewalks on both sides, which may include street landscaping, furnishings, and lighting in the style of a traditional neighborhood business district street. The sidewalks shall be integrated into the overall pedestrian network of the proposed development.

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LETTER OF UNDERSTANDING

Through on-site meetings and discussions, we, the adjacent Residents, have reviewed the modified preliminary plat for its uses and layout for The Preserve on Antelope Creek and approve of same subject to the following:

1. The Owner/Developer has redesigned the preliminary plat to provide for larger single family lots in lieu of smaller single family lots adjacent to our property. (See Exhibit A)

2. Trees will be added on our property as a landscape buffer to the new residential development. Tree species will be of our choice from available trees on the Owner/Developers site. The trees will be relocated by Owner/Developer at no cost to us. (See Exhibit A)

All improvements stated above will be made to preserve the Resident's existing landscape to the greatest extent possible.

Parties to this letter agree to the above stated conditions on October 25, 2000.

Rick & Marcia Willer
Resident of 4535 Pagoda Lane

Kent B. Swanson
Nebraska Nurseries, Inc., Owner/Developer
Preserve on Antelope Creek

Rex & Linda Lunsey
Resident of 4545 Pagoda Lane

Rick & Wanda Stauffer
Resident of 4701 Manderin Circle

Willard & Deanne Lochman
Resident of 4721 Manderin Circle

Roger & Rosanna Schreiner
Resident of 4801 Manderin Circle

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LETTER OF UNDERSTANDING

Through on-site meetings and discussions, we, the adjacent Residents, have reviewed the modified preliminary plat for its uses and layout for The Preserve on Antelope Creek and approve of same subject to the following:

1. Trees will be added on our property as a landscape buffer to the new independent senior living area. Tree species will be of our choice from available trees on the Owner/Developers site. The trees will be relocated by Owner/Developer at no cost to us. (See Exhibit A)

2. A berm of 4' minimum height will be constructed to extend continuously along our west property line. The berm will be constructed so that one half will be on each side of the property line and landscaped at no cost to us. (See Exhibit A)

All improvements stated above will be made to preserve the Resident's existing landscape to the greatest extent possible.

Parties to this letter agree to the above stated conditions on October 25, 2000.

Larry Hans
Resident of 4421 Pagoda Lane

Dave A. Brauson
Nebraska Nurseries, Inc., Owner/Developer
Preserve on Antelope Creek

David J. Kinnebeke
Resident of 4441 Pagoda Lane

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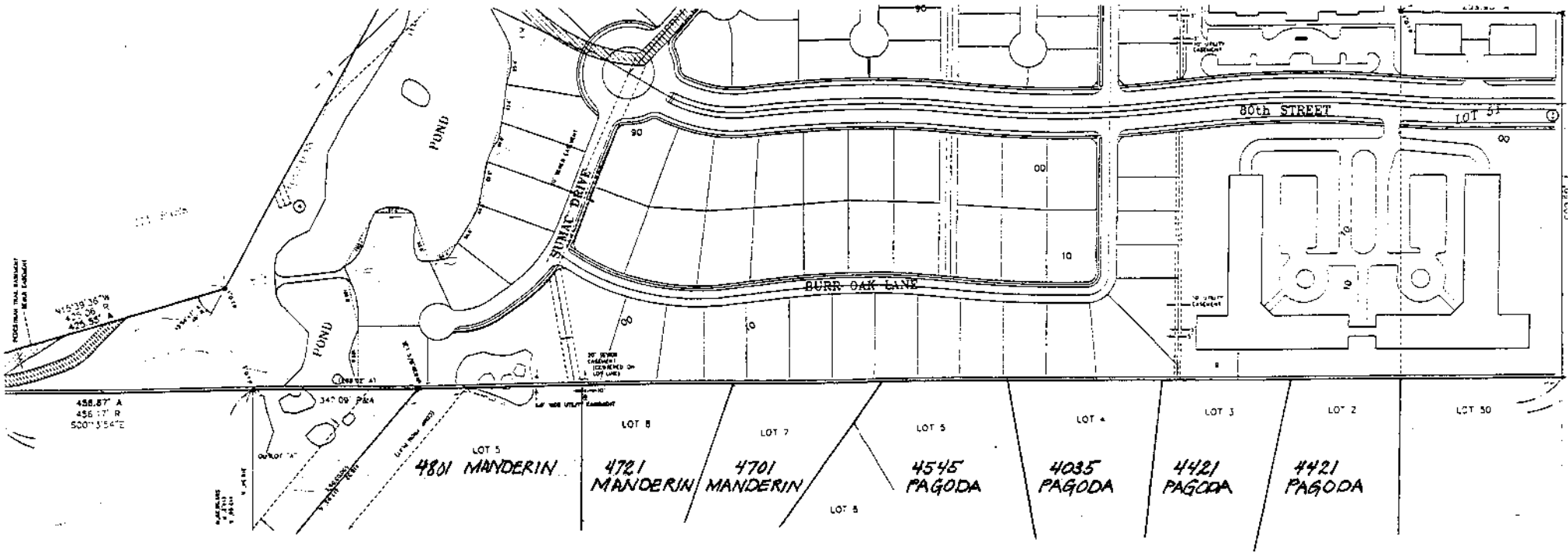

RESIDENT LEGEND

NORTH
NO SCALE