

City Council Introduction: **Monday**, August 6, 2001  
Public Hearing: **Monday**, August 13, 2001, at **1:30 p.m.**

Bill No. 01R-216

## **FACTSHEET**

**TITLE:** **WAIVER OF DESIGN STANDARDS NO. 01014**, requested by Mark Hunzeker to waive the street tree requirement along Interstate 80 for the North Creek Commercial Center Preliminary Plat, on property generally located at Fletcher Avenue and Telluride Drive.

**SPONSOR:** Planning Department

**BOARD/COMMITTEE:** Planning Commission  
Public Hearing: 07/25/01  
Administrative Action: 07/25/01

**STAFF RECOMMENDATION:** Approval.

**RECOMMENDATION:** Approval (9-0: Krieser, Hunter, Steward, Newman, Carlson, Taylor, Duvall, Schwinn and Bayer voting 'yes').

### **FINDINGS OF FACT:**

1. The Planning staff recommendation to approve this waiver request is based upon the "Analysis" as set forth on p.3.
2. The applicant appeared to answer any questions.
3. There was no testimony in opposition.
4. On July 25, 2001, the Planning Commission agreed with the staff recommendation of approval.

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

**DATE:** July 30, 2001

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

**DATE:** July 30, 2001

**REFERENCE NUMBER:** FS\CC\FSW01014

## LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

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**P.A.S.:** Waiver of Design Standards #01014

**DATE:** July 5, 2001

**PROPOSAL:** Mark Hunzeker, of Pierson, Fitchet, Hunzeker & Katt, has requested a Waiver of Design Standards for street trees along Interstate 80 for the North Creek Commercial Center Preliminary Plat as required by Section 26.27.090 of the Land Subdivision Ordinance.

### **GENERAL INFORMATION:**

**APPLICANT:** Mark Hunzeker  
1045 Lincoln Mall, Suite 200  
Lincoln, NE 68508  
(402) 476-1621

**CONTACT:** Same

**LEGAL DESCRIPTION:** A portion of Lot 41 Irregular Tract and Outlot "A" North Creek 2<sup>nd</sup> Addition located in the southeast 1/4 of Section 36, T11N, R6E, Lincoln, Lancaster County, Nebraska.

**EXISTING ZONING:** R-3, Residential

**SIZE:** 37.34 acres, more or less

**EXISTING LAND USE:** Undeveloped

**SURROUNDING LAND USE AND ZONING:** Zoned H-3 Highway Commercial District to the north and east with commercial uses under development; zoned R-3, Residential and R-4, Residential to the south and southwest with a drainage way and wetlands and residential uses under development; zoned AG to the northwest across I-80 with a request for change of zone and preliminary plat to allow industrial uses under review.

**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 property was changed from A-2, residential to R-3, residential with the 1979 zoning update.

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.

The property was included as an outlot for future commercial development in both the North Creek Preliminary Plat (approved in 1999) and the North Creek Trade Center Preliminary Plat (approved in 2001).

The area was annexed and is subject to the annexation agreement approved at the same time the North Creek Trade Center Preliminary Plat was approved on April 23, 2001.

**ANALYSIS:**

- This is a request for a waiver of design standards of street trees as required by Section 26.27.090 of the Land Subdivision Ordinance. The waiver is for street trees along Interstate 80.
- The Public Works and Utilities Department does not object to the waiver of street trees and concurs with the Parks and Recreation Department.
- The Parks and Recreation Department supports the waiver of street trees along Interstate 80 due to the native landscape design for the entryway corridor.
- North Creek Commercial Center landscaping was designed to reflect a native landscape as part of the "Entryway Corridor" landscape plan along Interstate 80. Additionally, more than the required landscaping was provided along Interstate 80.
- The City Attorney recently determined that I-80 was a street which effects subdivision of land abutting the interstate.
- Based on the fact that the surrounding subdivisions were approved prior to the determination that I-80 is a street, and that this is part of a previously approved preliminary plat that did not require street trees along I-80, the waiver is acceptable.

**STAFF RECOMMENDATION:**

Approval

Prepared by:

Becky Horner  
Planner

## WAIVER OF DESIGN STANDARDS NO. 01014

### **PUBLIC HEARING BEFORE PLANNING COMMISSION:**

July 25, 2001

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

Planning staff recommendation: Approval.

### Proponents

Mark Hunzeker appeared on behalf of the applicant to answer any questions.

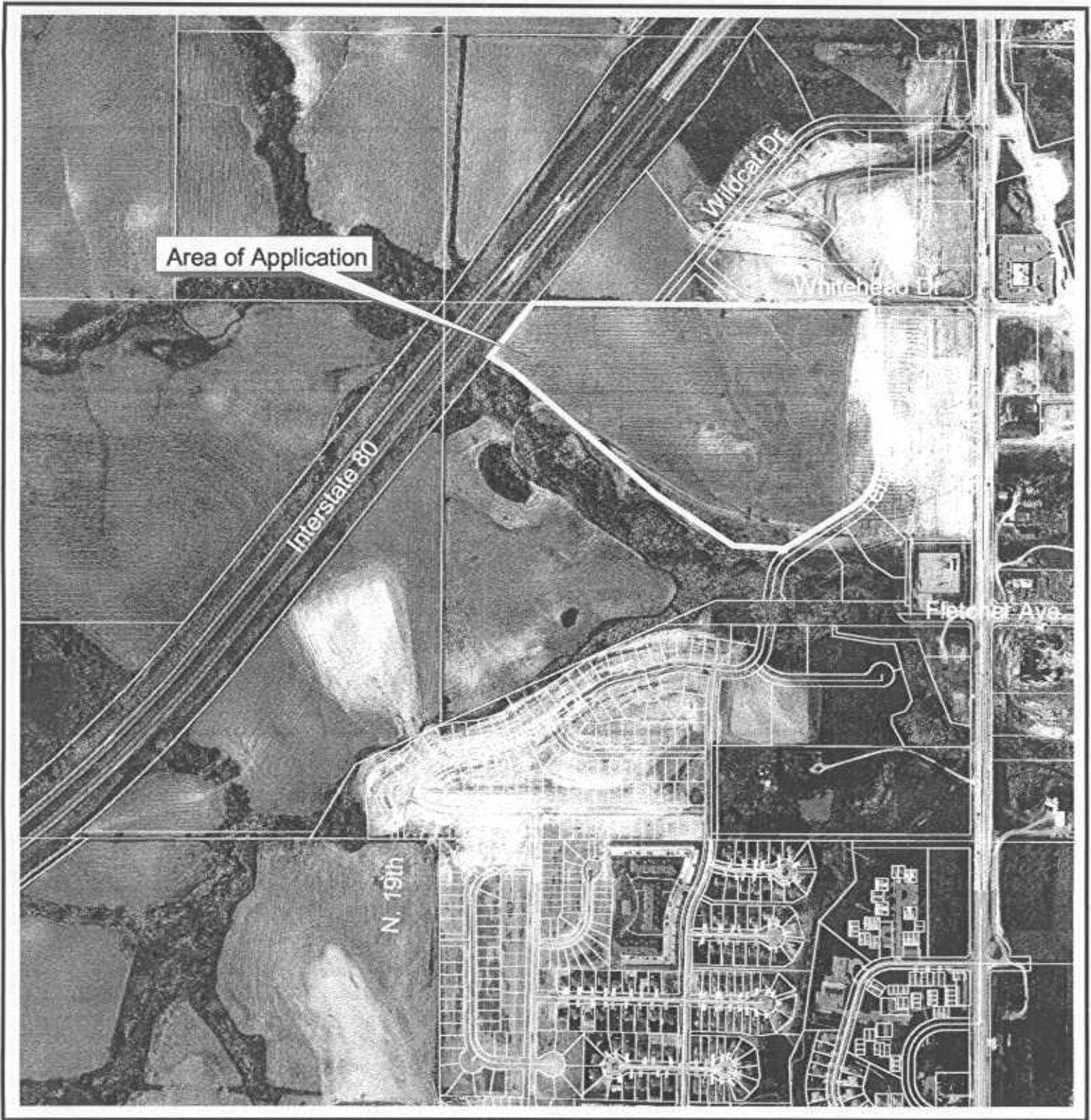
There was no testimony in opposition.

Public hearing was closed.

### **ADMINISTRATIVE ACTION BY PLANNING COMMISSION:**

July 25, 2001

Duvall moved approval, seconded by Schwinn and carried 9-0: Krieser, Hunter, Steward, Taylor, Newman, Duvall, Carlson, Schwinn and Bayer voting 'yes'.



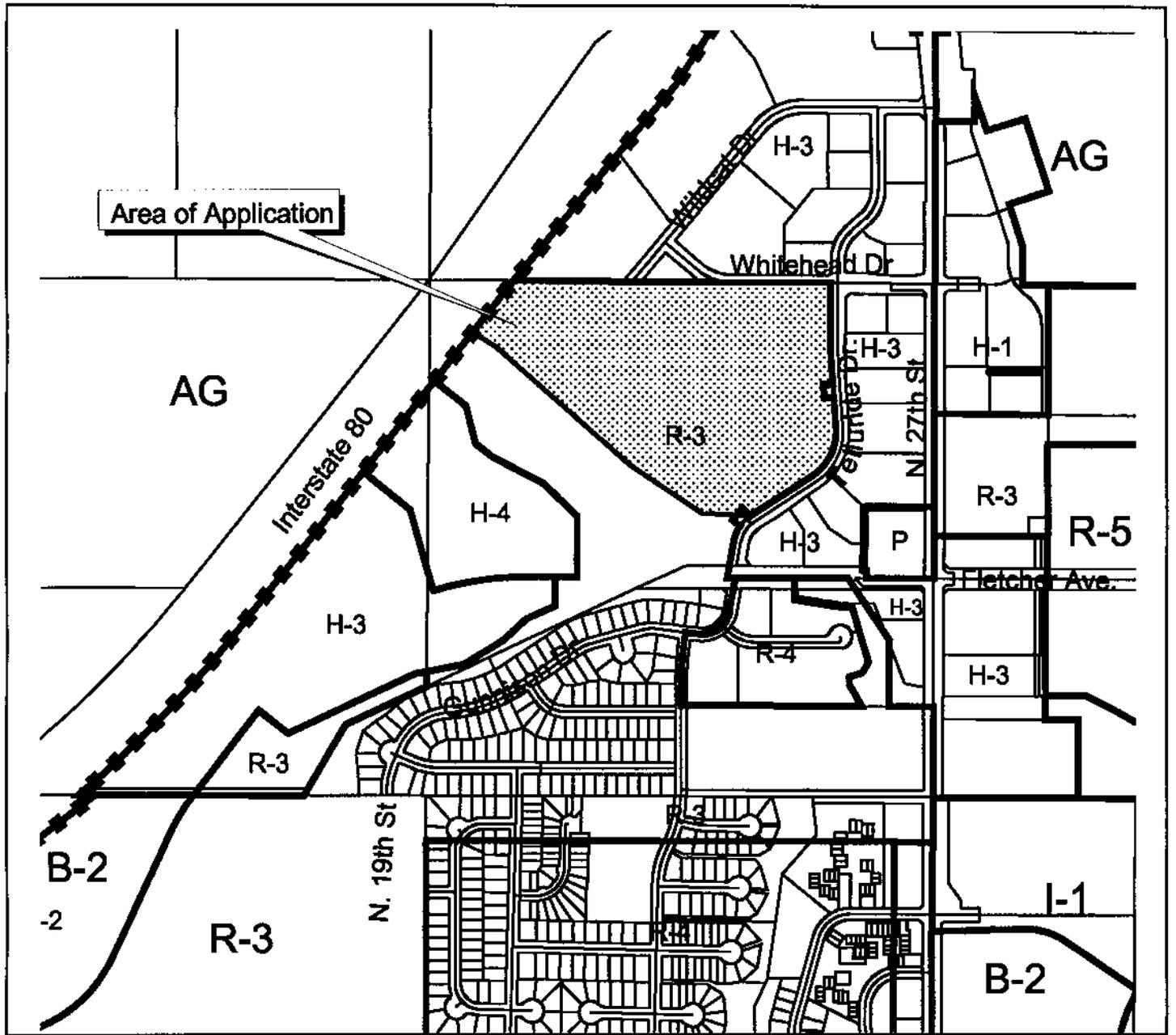
**Waiver of Design Standards #01014  
North Creek Commercial Center**



7/5/01

Photograph Date: 1999

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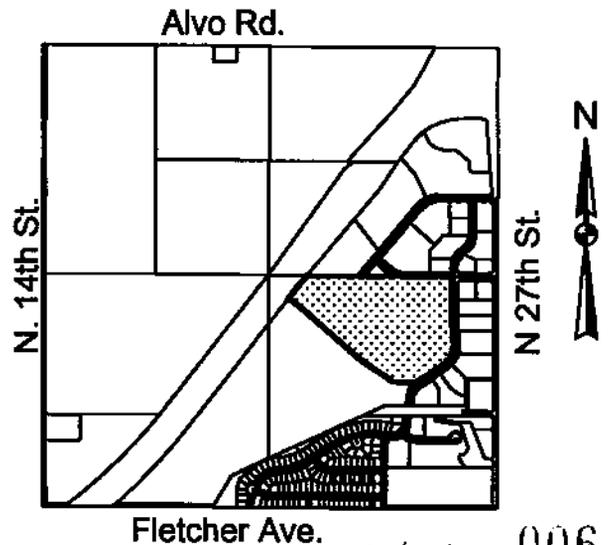
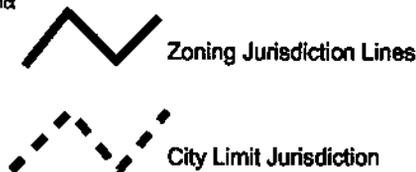


## Waiver of Design Standards #01014 North Creek Commercial Center

### 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



7/5/01 006

**PIERSON, FITCHETT, HUNZEKER, BLAKE & KATT**  
Law Firm

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June 21, 2001

Kathleen Sellman  
Planning Department  
555 S. 10<sup>th</sup> Street  
Lincoln, NE 68508

Re: Request for waiver of street tree design standard  
North Creek Commercial Center Preliminary Plat No. 01-003

Dear Kathleen:

In the processing of the above Preliminary Plat, we were somewhat surprised by the new application of the requirement of street trees adjacent to Interstate 80. As you know, the property within this particular plat was also part of the previous North Creek Trade Center Preliminary Plat, in which the street tree design standard was not applied along Interstate 80. We spent considerable time and money having a landscape architect prepare a landscape plan for the "Entryway Corridor" along Interstate 80, the emphasis of which was upon natural native grasses and other plant materials. The application of a street tree requirement along Interstate 80 seems to us to contradict the purpose of all that effort.

No street tree requirement was imposed upon the Anderson Ford property to the east of this plat. Likewise, the Centurion project on the north side of Interstate 80 has been in process long enough that we understand no street tree requirement will be imposed there either. Therefore, we request a waiver of this standard for the above-captioned Preliminary Plat in order to maintain the previously planned continuity of landscape materials in this "Entryway Corridor".

If you have any questions, please feel free to call.

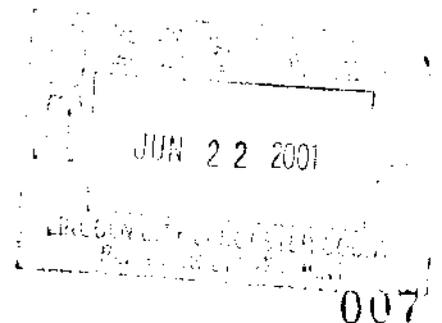
Sincerely,



Mark A. Hunzeker  
For the Firm

MAH:la

(G:\WPData\MH\Hampton NCTC 523-99\Sellman 6-21 ltr.wpd)



**Charles W Baker**

To: Rebecca D Horner/Notes

07/16/2001 03:11 PM

cc:

Subject: Waiver of Design Standards #01014

Public Works will concur with the Parks Departments decision regarding the requested waiver for Street Trees for the North Creek Center.



# Memo

**To: Ray Hill, Planning Department**  
**From: Mark Canney, Parks & Recreation**  
**Date: June 28, 2001**  
**Re: North Creek Commercial Center Preliminary Plat No. 01-003 -- Request for waiver of street tree design standard**

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Staff members of the Lincoln Parks and Recreation Department have conducted a plan review of the above-referenced application/proposal and have compiled the following comments:

1. The Department of Parks and Recreation support the waiver of street trees along I-80 as requested.

If you have any additional questions, comments or concerns, please feel free to contact me at 441-8248.



# Memo

**To: Ray Hill, Planning Department**  
**From: Mark Canney, Parks & Recreation**  
**Date: July 13, 2001 (Revision I)**  
**Re: North Creek Commercial Center Preliminary Plat No. 01-003 – Request for waiver of street tree design standard**

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Staff members of the Lincoln Parks and Recreation Department have conducted a plan review of the above-referenced application/proposal and have compiled the following comments:

1. The Department of Parks and Recreation support the waiver of street trees along I-80 as requested based on the following:
  - a. If any tree requirement were to be made, it is a question of screening and using plant materials that do that. However, based on the proposed "Entryway Corridor" landscape masterplan, street trees do not fit into the native grass concept of the plan and therefore should be omitted.
  - b. Consistency in the overall landscape aesthetic for the area should be considered. Requiring some landowners/developers to plant street trees but not others, regardless of the change in design requirements from the preliminary plat to the current plat, creates an unevenness and inconsistency in the landscape.

If you have any additional questions, comments or concerns, please feel free to contact me at 441-8248.