City Council Introduction: **Monday**, October 22, 2001
Public Hearing: **Monday**, October 29, 2001, at **5:30** p.m. Bill No. 01R-278

FACTSHEET

TITLE: **PRELIMINARY PLAT NO. 01006, APPIAN WAY,** requested by the Kent Seacrest on behalf of Andermatt, L.L.C. and Eiger Corporation, for 28 commercial lots and 8 outlots, with associated waiver requests, on property generally located at South 84TH Street and Nebraska Highway 2.

STAFF RECOMMENDATION: Conditional Approval

ASSOCIATED REQUESTS: Declaration of Surplus Property (01-155); Street Vacation No. 01015 (01-156); Annexation No. 01006 (01-154); Change of Zone No. 3285 (01-158); Change of Zone No. 3320 (01-157); and Use Permit No. 140 (01R-279).

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 09/19/01
Administrative Action: 09/19/01

RECOMMENDATION: Conditional Approval, with amendments (6-2: Hunter, Steward, Taylor, Duvall, Bills and Schwinn voting 'yes'; Carlson and Newman voting 'no'; Krieser absent).

FINDINGS OF FACT:

1. This preliminary plat and the associated Annexation No. 01006, Declaration of Surplus Property, Change of Zone No. 3285, Change of Zone No. 3320, and Use Permit No. 140 were heard at the same time before the Planning Commission on September 19, 2001. The associated Street Vacation No. 01015 was heard by the Planning Commission on October 3, 2001.

2. The staff recommendation to approve this preliminary plat, with conditions, is based upon the "Analysis" as set forth on p.11-12.

3. The minutes of the public hearing before Planning Commission are found on p.17-27.

4. The applicant's testimony is found on p.17-21 and 25-26. The applicant submitted proposed amendments to the conditions of approval (See Minutes p.18-19). Exhibit "A" referred to in the proposed amendment to Condition #1.1.1 is found on p.31.

5. Testimony in support is found on p.22-23. The representatives of Cheney expressed concern that Cheney is not being annexed at the same time as this regional shopping center. The staff response is found on p.23-25.

6. There was no testimony in opposition.

7. The Planning Commission discussion is found on p.26-27. On September 19, 2001, the Planning Commission voted 6-2 to recommend approval of the staff recommendation, with the amendments requested by the applicant. A motion to require sidewalks on both sides of the private roadways failed 3-5 (See Minutes, p.28).

8. Commissioners Carlson and Newman voted against the project as a whole. See Minutes, p. 26-27. The vote on this preliminary plat is found on p.28-29. The conditions of approval, as revised and approved by Planning Commission, are found on p.2-5.

9. On September 21, 2001, a letter reflecting the action of the Planning Commission and the revised conditions of approval was sent to the applicant and owner (p.2-6).

10. 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**: October 15, 2001

REVIEWED BY:_____ **DATE**: October 15, 2001

REFERENCE NUMBER: FS\CC\FSPP01006

September 21, 2001

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

Re: Preliminary Plat No. 01006
APPIAN WAY

Dear Mr. Seacrest:

At its regular meeting on Wednesday, **September 19, 2001**, the Lincoln-Lancaster County Planning Commission granted approval to your preliminary subdivision, **Appian Way**, located in the general vicinity of **S. 84th St. and Highway 2,** subject to the following conditions:

Site Specific:

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

   1.1 Revise the preliminary plat to show:

   1.1.1 Sidewalks along both sides of all public streets ~~and private roadways~~, except for Highway 2 and S. 91st Street, one side of private roadways in accordance with a cross-section approved by Planning and Public Works Departments, as well as additional pedestrian ways that connect the buildings to the sidewalk system, as shown on Exhibit "A" attached hereto. Sidewalk crossing points shall be located outside of the curb radius. **(**Per Planning Commission at the request of the applicant, with additional language proposed by staff, 9/19/01**)**

   1.1.2 Show the trail on the west side of S. 91st Street as a sidewalk and add a trail to the east side. Label the 10' trail on the east side of 91st as "trail to be constructed by Parks & Recreation".

   1.1.3 Landscaping along S. 91st Street which meets the design standards for screening parking lots.

   1.1.4 Revise the Preliminary Plat Boundaries and the metes and bounds descriptions. They do not currently close and they do not match the R-3 change of zone legal description.

1.1.5 Provide consistent and correct utility labels - it appears a storm sewer on S. 91st was labeled as a 15 ft sanitary sewer.

1.1.6 Revise the Public Way Corridor elevations to show 130 feet of right of way. Move the S. 91st Street trail to the east side and show a sidewalk on the west side.

1.1.7 Show Eiger Drive clearly connecting to the current S. 84th Street alignment.

1.1.8 Provide a public access easement over Outlots C and D so that Lots 11-17, Block 3 have access to a private roadway.

~~1.1.9 Provide utility easements as requested by L.E.S.~~ **(**Per Planning Commission, moved to Condition #2.1 at the request of the applicant, 9/19/01**)**

1.1.9 Revise the S. 84th Street and S. 91st Street right of way to 130 feet.

1.1.10 Provide a S. 84th Street and Highway 2 alignment approved by the Department of Public Works & Utilities.

1.1.11 Revise the lot lines so that the wetlands are in Outlot B.

1.1.12 Show the landscaping berms on the grading and drainage plan.

1.1.13 Clarify the phasing of the grading plan so that the land around the water tank is not disturbed while the tank is in service.

1.1.14 Revise the grading and drainage plan to the satisfaction of the Department of Public Works & Utilities as indicated in Dennis Bartels' 8/13/2001 memorandum.

1.1.15 Extend the proposed Eiger Drive street grades west from relocated 84th Street to 300 feet west of existing 84th Street.

1.1.16 Revise the drawings in accordance with the Conditional Annexation and Zoning Agreement.

1.1.17 Provide additional fire hydrants to be approved by the Fire Department.

1.1.18 Provide a 6 foot pedestrian easement~~s~~ along ~~on~~ the east side of the South 91st Street right-of-way sections ~~as requested by Parks & Recreation~~ at the major intersections where right turn lanes are required to accommodate a trail along the east side of South 91st Street. **(**Per Planning Commission at the request of the applicant, 9/19/01**)**

1.1.19 Provide an average spacing of 70 feet for the street trees along Highway 2.

1.1.20 Provide an average spacing of 50 feet for the street trees along the private roadways.

1.1.21 Substitute an alternate species for Winter King Hawthorne.

2. Prior to City Council approval:

2.1 Provide utility easements as requested by L.E.S. **(**Per Planning Commission, moved from Condition #1.1.9 as requested by the applicant, 9/19/01**)**

3. The City Council approves associated request:

3.1 Comprehensive Plan Conformance #01002

3.2 Change of Zone #3285

3.3 Use Permit #140

3.4 Street vacation #01015 - S. 91st Street between Pine Lake Road & Highway 2.

3.5 Annexation #01006.

3.6 A waiver to the sidewalk requirements along Highway 2 and along one side of the private roadways. **(**Per Planning Commission at the request of the applicant, 09/19/01**)**

3.7 A modification to the requirements of the land subdivision ordinance to permit sewage transfers from one basin to another and to permit lots which do not front upon or take access to a public street or private roadway.

General:

4. Final Plats will be scheduled on the Planning Commission agenda after:

4.1 The sidewalks, streets, drainage facilities, street lighting, landscape screens, street trees, water mains, sanitary sewer, temporary turnarounds and barricades, and street name

signs have been completed or the subdivider has submitted a bond or an escrow of security agreement to guarantee their completion.

4.2 The subdivider has signed an agreement that binds the subdivider, its successors and assigns:

4.2.1 To submit to the Director of Public Works an erosion control plan.

4.2.2 To protect the remaining trees on the site during construction and development.

4.2.3 To continuously and regularly maintain street trees along the private roadways and landscape screens.

4.2.4 To complete the private improvements shown on the preliminary plat and use permit.

4.2.5 To maintain the outlots and private improvements ~~and plants in the medians and islands~~ on a permanent and continuous basis. However, the subdivider may be relieved and discharged of this maintenance obligation upon creating in writing a permanent and continuous association of property owners who would be responsible for said permanent and continuous maintenance. The subdivider shall not be relieved of such maintenance obligation until the document or documents creating said property owners association have been reviewed and approved by the City Attorney and filed of record with the Register of Deeds. **(**Per Planning Commission at the request of the applicant, 9/19/01**)**

4.2.6 To relinquish the right of direct vehicular access from all lots to S. 84th Street, Highway 2, and S. 91st Street except as shown on the Preliminary Plat and Use Permit.

4.2.7 To submit to the lot buyers a copy of the soil analysis.

4.2.8 To pay all improvement costs.

4.2.9 To comply with the Land Preparation and Grading requirements of the Land Subdivision Ordinance.

The findings of the Planning Commission will be submitted to the City Council for their review and action. You will be notified by letter if the Council does not concur with the conditions listed above.

You may appeal the findings of the Planning Commission to the City Council by filing a notice of appeal with the City Clerk. The appeal is to be filed within 14 days following the action by the Planning Commission. You have authority to proceed with the plans and specifications for the installation of the required improvements after the City Council has approved the preliminary plat. If you choose to construct any or all of the required improvements prior to the City's approval and acceptance of the final plat, please contact the Director of Public Works before proceeding with the preparation of the

engineering plans and specifications. If the required minimum improvements are not installed prior to the City Council approving and accepting any final plat, a bond or an approved Agreement of Escrow of Security Fund is required.

The approved preliminary plat is effective for only ten (10) years from the date of the City Council's approval. If a final plat is submitted five (5) years or more after the effective date of the preliminary plat, the City may require that a new preliminary plat be submitted. A new preliminary plat may be required if the subdivision ordinance or the design standards have been amended.

You should submit an ownership certificate indicating the record owner of the property included within the boundaries of the final plat when submitting a final plat.

The Subdivision Ordinance requires that there be no liens of taxes against the land being final platted and that all special assessment installment payments be current. When you submit a final plat you will be given forms to be signed by the County Treasurer verifying that there are no liens of taxes and by the City Treasurer verifying that the special assessment installment payments are current.

Sincerely,

J. Greg Schwinn, Chair
City-County Planning Commission

cc: Owner
Public Works - Dennis Bartels
LES
Alltel Communications Co.
Cablevision
Fire Department
Police Department
Health Department
Parks and Recreation
Urban Development
Lincoln Public Schools
County Engineers
City Clerk
File (2)

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

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.

****As Revised by Planning Commission on 9/19/01****

P.A.S.: Appian Way
Annexation #01006
Change of Zone #3320 (AG to R-3)
Change of Zone #3285 (AG to B-5)
Preliminary Plat #01006
Use Permit #140

DATE: September 5, 2001

PROPOSAL: Annexation #01006 — Annexes 245 acres into the City of Lincoln

Change of Zone #3320	Changes the zoning on 98.8 acres east of relocated 91st Street from AG to R-3
Change of Zone #3285	Changes the zoning on 146.3 acres between 84th and relocated 91st Street north of Highway 2 from AG to B-5
Preliminary Plat #01006	28 commercial lots and 8 outlots
Use Permit #140	803,400 square feet of commercial space, with the option to expand to 940,000 square feet, provided PM peak hour trips do not exceed 2,925

WAIVER REQUESTS:

Preliminary Plat	Waivers of sidewalks, the restriction on transferring from one sewage basin to another, and the requirement that lots front upon and take access to a private roadway
Use Permit	Adjustments of parking ratios and front yard setbacks as indicated in the Conditional Annexation and Zoning Agreement.

LAND AREA: 245.09 acres, more or less.

CONCLUSION: The annexation proposal is in conformance with the Comprehensive Plan. Specifically it meets the annexation policies of the plan and is within the future service limit.

Both changes of zone conform with the Land Use Plan and the Comprehensive Plan.

The preliminary plat and use permit require a number of corrections in order to meet design standards and require some design changes in order to bring them into harmony with the Comprehensive Plan and codes.

RECOMMENDATION:	**Annexation:**	Approval
	Change of Zone #3320:	Approval
	Change of Zone #3285:	Approval
	Preliminary Plat:	Conditional Approval
	Use Permit:	Conditional Approval

GENERAL INFORMATION:

LEGAL DESCRIPTIONS:

Preliminary Plat: Lots 58, 72, 84, 85, 87 I.T. and a portion of Lots 56, 71, 82, 90, 91, and 92 I.T., and a portion of S. 91st Street R.O.W. to be vacated and a portion of State of Nebraska R.O.W., all located in Section 23, T9N, R7E, Lancaster County, Nebraska.

LOCATION: S. 84th Street and Highway 2

APPLICANT: Eiger Corporation
Andermatt, L.L.C.
Kelvin Korver
R.R. 1, Box 93A
Adams, NE 68301

OWNERS: Andermatt L.L.C.
Eiger Corporation
David S. Olson
Realty Trust Group
Westcor L.L.C.
City of Lincoln
Nebraska Department of Roads

CONTACT: Kent Seacrest & DaNay Kalkowski
Seacrest & Kalkowski
1111 Lincoln Mall - Suite 350
Lincoln, NE 68508
402-435-6000

EXISTING ZONING: AG Agricultural

EXISTING LAND USE: Open fields with a City water tower.

SURROUNDING LAND USE AND ZONING:

North:	AG and R-3	Fields, acreages, and Vintage Heights
South:	AG and AGR	Fields and acreages east of S. 91st Street
East:	AG	Fields and acreages
West:	AGR	Acreages and the Pine Lake SID to the northwest

ASSOCIATED APPLICATIONS: Comprehensive Plan Conformance #01002, which declares the 84th & Pine Lake Road water tank site surplus.

HISTORY:

Nov. 1994	The 1994 Lincoln/Lancaster County Comprehensive Plan is adopted including a potential regional commercial center at 84th and Highway 2.
Nov. 1997	A draft 84th & Highway 2 Subarea Plan was submitted without traffic, environmental and other studies. The draft subarea plan was deferred until the studies were completed.
Sept. 2000	Kent Seacrest, on behalf of Andermatt LLC, submitted a draft subarea plan, change of zone and associated studies related to the request for a regional commercial center at 84th & Highway 2.
May 2001	The 84th & Highway 2 Subarea Plan was adopted, including a regional commercial center with 1.9 million square feet of floor area.
Aug. 30, 2001	A signed Annexation Agreement was delivered to the Planning Department.

COMPREHENSIVE PLAN SPECIFICATIONS: The commercial area is designated as Commercial in the Comprehensive Plan and as a Mixed Use Regional Center in the Southeast Lincoln/Highway 2 Subarea Plan. The residential area is designated as Urban Residential. Both areas are shown as Phase II in the Phasing Plan.

City of Lincoln Future Commercial Needs and Plan

Goals:

- Encourage the coordination of the siting of regional retail centers and the transportation plan.
- Provide geographically convenient and accessible retail areas throughout the City and County so as to provide the widest possible variety of goods and services.
- Discourage strip development and spot zoning and encourage more compact and higher quality retail and commercial development.
- Attempt to eliminate conflicts between retail and institutional land use when siting new retail locations.
- Encourage the development of regional corporate office space in appropriate locations.
- Provide for the location of employment areas at sites which are convenient to existing and proposed residential areas throughout the county and accessible from the existing or proposed transportation system.
- Discourage strip development and encourage more compact and higher quality development.
- Encourage the development of competing regional retail centers while recognizing Gateway as currently being the dominant regional retail center.
- Assure that economic development is accomplished with respect for environmental quality.(p. 54)

Mixed Use Centers

The Comprehensive Plan identifies this area as a mixed use center with 1.9 million square feet of commercial uses. Page 67 of the Comprehensive Plan states:

Mixed use areas present special design opportunities. Buildings and facilities in the centers should relate to one another as an urban grouping. Parking facilities should provide convenient service, but should not dominate the project design. The centers should be completely integrated into all community transportation systems, including public transportation and trails networks. Finally, the mixed use centers should provide the contemporary equivalent of a traditional business district, with customer amenities and public spaces.

Developing mixed use centers will be subject to detailed review during the development process including specific review of site plans, impacts of the proposed project on the environment, traffic, utilities, public services, abutting neighborhoods and the community as a whole.

Strategies:

- New mixed use areas will be of the highest quality urban design.
- Desirable open spaces, buffers and landscaping will be provided in each mixed use area.
- The natural features of the site, including views, significant vegetation and natural topography will be preserved in each mixed use area.
- Human scale design shall be encouraged with linkages between neighborhoods for pedestrians and bicyclists as well as motorists.
- Master planning of contiguously owned property will be strongly encouraged.

- All new major discount or full line retailers will be located in mixed use centers.

Solid Waste Strategies:

- Encourage community-wide recycling programs, including the location of sites for material collection and handling/processing at strategic locations.

- Include recycling collection facilities at major public places, such as mixed use areas.(page 146)

Phasing Plan:

Phase II: Areas designated for near term development... contiguous to existing or planned development but lacking one or more items of infrastructure, such as an arterial road, park, or trunk sewer.

UTILITIES: The extension of existing utilities to serve this area is outlined in the Conditional Annexation and Zoning Agreement.

The Capital Improvements Program (C.I.P.) shows the construction of a 48" major transmission water main in S. 84th Street from O Street to Yankee Hill Road in 2000-2004.

The C.I.P. shows the construction of trunk sanitary sewer along S. 91st Street from Pine Lake Road to Highway 2 in 2002-2003.

TOPOGRAPHY: The proposed commercial area rises from the exiting roads to an elevation of 1440 NAVD. The total height difference between the edges of the site and the hilltop ranges from 40 to 80 feet.

TRAFFIC ANALYSIS: The Southeast Lincoln/Highway 2 Subarea Plan shows the realigned Pine Lake Road, S. 84th Street, and S. 91st Street as new arterials. Highway 2 is classified as an arterial street.

The C.I.P. currently identifies road improvements on Pine Lake Road in 2005-6 and S. 84th Street in 2003-2004.

The 1.9 million square feet of retail at build out generate a number of trips, which trigger the road improvements outlined in the annexation agreement.

REGIONAL ISSUES: The impact 940,000 square feet of commercial space will have on the transportation network and city infrastructure.

ENVIRONMENTAL CONCERNS: Preservation of wetlands in the southeast corner of the commercial site.

AESTHETIC CONSIDERATIONS: Highway 2 is a major entryway into Lincoln. The applicant has provided a 100' building and parking setback along Highway 2 which will be landscaped with trees and native grasses. The site provides 800 more parking spaces than are required for the amount of commercial use proposed. Redesigning the site with fewer parking stalls would allow more open space within the shopping center.

ALTERNATIVE USES: A mixed use center which includes more office sites and residential uses. A mixed use center with higher density. The proposed Floor Area Ratio is .14, well below the .25 expected in new developing areas.

ANALYSIS:

Preliminary Plat and Use Permit

1. Generally, the Comprehensive Plan indicates that mixed use centers be held to the "highest quality of urban design." They must provide desirable landscaping, buffers and open spaces. The plan encourages human scale design with connections for pedestrians as well as vehicles. Lincoln's mixed use centers should act as modern equivalents to the traditional business district, with customer amenities and public spaces.

2. The proposal includes a 100 foot "no parking/no buildings" buffer along Highway 2 and S. 84th Street (signs may be constructed in the 50-100 foot portion of the open space) which will be landscaped with native grasses and assorted trees.

3. The landscaping along S. 91st Street does not currently meet Design Standards. Landscape screen is also required between private roadways and parking areas, but that screen can be reviewed at the same time as the building permits for individual lots.

4. While the buffer surrounding the commercial center is largely sufficient, the plans fail to provide open spaces within the center, public spaces, and pedestrian connections within the parking lots. As noted in the Comprehensive Plan, human scale design shall be encouraged. An example of a public open space within a mixed use center is the courtyards within SouthPointe Pavilions.

5. The applicant has not provided sufficient rationale for waiving sidewalks along one side of the private roadways within the shopping center. Sidewalk connections are a critical pedestrian amenity, especially in a large shopping center. Sidewalks should also be added to major driveways leading up to the large stores on Block 3, Lots 4-6.

6. Some of the lots have no access, except across another lot's parking area. All lots must have access to a private roadway over a public access easement.

7. As noted in the Comprehensive Plan, recycling drop-off facilities should be located in major public places such as mixed use areas. This commercial area, with its access to arterial streets, is a strategic location for drop-off facilities.

8. The site plan depicts two commercial building envelopes on Lots 11 and 12, Block 3. These buildings should be relocated so that their backs are to the 162,000 square foot retail store, not the Public Way Corridor.

9. Other major shopping centers in Lincoln such as Lenox Village, Willowbrook, and SouthPointe Pavilions have provided an architectural theme for their developments. This development abuts

one of Lincoln's major entryway corridors. Mixed use centers should contain buildings which relate to one another as an urban grouping. For these reasons, an architectural theme must be provided.

PRELIMINARY PLAT CONDITIONS:

Site Specific:

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

   1.1 Revise the preliminary plat to show:

   1.1.1 Sidewalks along both sides of all public streets ~~and private roadways~~, except for Highway 2 and S. 91st Street, one side of private roadways in accordance with a cross-section approved by Planning and Public Works Departments, as well as additional pedestrian ways that connect the buildings to the sidewalk system, as shown on Exhibit "A" attached hereto. Sidewalk crossing points shall be located outside of the curb radius. **(**Per Planning Commission at the request of the applicant, with additional language proposed by staff, 9/19/01**)**

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1.1.15 Extend the proposed Eiger Drive street grades west from relocated 84th Street to 300 feet west of existing 84th Street.

1.1.16 Revise the drawings in accordance with the Conditional Annexation and Zoning Agreement.

1.1.17 Provide additional fire hydrants to be approved by the Fire Department.

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1.1.19 Provide an average spacing of 70 feet for the street trees along Highway 2.

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2.1 Provide utility easements as requested by L.E.S. **(**Per Planning Commission, moved from Condition #1.1.9 as requested by the applicant, 9/19/01**)**

3. The City Council approves associated request:

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3.5 Annexation #01006.

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3.7 A modification to the requirements of the land subdivision ordinance to permit sewage transfers from one basin to another and to permit lots which do not front upon or take access to a public street or private roadway.

General:

4. Final Plats will be scheduled on the Planning Commission agenda after:

4.1 The sidewalks, streets, drainage facilities, street lighting, landscape screens, street trees, water mains, sanitary sewer, temporary turnarounds and barricades, and street name signs have been completed or the subdivider has submitted a bond or an escrow of security agreement to guarantee their completion.

4.2 The subdivider has signed an agreement that binds the subdivider, its successors and assigns:

4.2.1 To submit to the Director of Public Works an erosion control plan.

4.2.2 To protect the remaining trees on the site during construction and development.

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4.2.7 To submit to the lot buyers a copy of the soil analysis.

4.2.8 To pay all improvement costs.

4.2.9 To comply with the Land Preparation and Grading requirements of the Land Subdivision Ordinance.

Prepared by:

Jason Reynolds
Planner

COMPREHENSIVE PLAN CONFORMANCE NO. 01002, DECLARATION OF SURPLUS PROPERTY; ANNEXATION NO. 01006; CHANGE OF ZONE NO. 3285; CHANGE OF ZONE NO. 3320; PRELIMINARY PLAT NO. 01006, APPIAN WAY; and USE PERMIT NO. 140

PUBLIC HEARING BEFORE PLANNING COMMISSION: September 19, 2001

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

Planning staff recommendation: A finding of conformance with the Comprehensive Plan for Comprehensive Plan Conformance No. 01002; approval of the annexation, subject to an annexation agreement; approval of the changes of zone; and conditional approval of the preliminary plat and use permit.

Proponents

1. Kent Seacrest appeared on behalf of **Eiger Corporation,** the developer of the 84th & Hwy 2 commercial center project. This will potentially be Lincoln's largest commercial center; the most planned commercial center; a project requiring the most amount of energy to get to this stage; Lincoln's largest private sector contribution for public improvements; and the largest neighborhood outreach program. The mailing list for neighborhood meetings included almost 600 people.

Seacrest gave a brief history of this planning effort. The developer started acquiring the property in 1994; the property was put into the Comprehensive Plan as commercial in 1994. There was difficulty in how to quiet Pine Lake Road. They did the first traffic study back in 1994. This project has ended up with four different traffic studies. Also early on, they developed the first peace treaty with the neighborhood groups and relocated a power line running up and down 84th Street. The first set of buffering schemes were worked out with the neighborhood. In 1997, the first subarea plan was shown at a large neighborhood meeting, and there have been a lot of smaller meetings. The developer entered into a second peace treaty with the Pine Lake neighbors in 1998 and worked out a road network. They then worked on moving Pine Lake Road and 84th Street away from the neighborhood which involved shifting that road about 150' to provide more protection to the Pine Lake neighborhood. They also talked about more buffering and how to do the public safety aspects. The second traffic study

was done in 1999. In September of 2000, a year ago this month, the official applications were submitted. Last winter and spring the 84th & Hwy 2 Subarea Plan was adopted. During the subarea plan process, we came to consensus and this developer shrunk the commercial area down considerably.

This developer has also heard from the Cheney residents and worked with them, resulting in another traffic study to look at new traffic assumptions. This review has also involved looking at a new sewer solution. Public Works was not comfortable with 30' deep sewers–the community standard is 15'. As a result, the city took the responsibility to say to Cheney that we cannot gravity flow and sewer Cheney. The city did communicate with the Village of Cheney representatives and they will have to wait for the Stevens Creek plan. This developer was asked to look at the Cheney connection. This developer originally abutted the land that would provide the Cheney connection but chose not to exercise an option; however, this developer paid for ½ of a road to get the people of Cheney in and out of their neighborhood.

Seacrest noted that they have had months and months of negotiations with the city staff and have an annexation agreement showing the private sector paying 6.4 million dollars worth of off-site improvements to help build public arterials, public water mains, transmission lines, etc. The city is also paying a considerable sum because this area does not have much infrastructure.

The planning process and negotiations have left Seacrest speechless. He does not want to have to go through that process again. “We all tried hard and we are here today united except for two minor conditions”.

Seacrest stated that they moved 84th Street and Pine Lake Road to help the neighborhood; this development is giving 100' of open space along Hwy 2; this development has a low FAR of .14. The Comprehensive Plan calls for .25 FAR.

Seacrest submitted proposed amendments to the conditions of approval on the preliminary plat:

--Condition #1.1.1 - staff is requiring sidewalks on both sides of the private roadways. Maybe that’s a good idea but it is over $400,000 of extra sidewalks. Seacrest believes that staff is now agreeing to sidewalks on one side of the private roadways. Seacrest showed photographs of other sidewalk patterns in other shopping centers, i.e. Gateway, Edgewood, SouthPointe. This center puts sidewalks at every ring road and to all the key commercial buildings.

–Move Condition #1.1.9 from Site Specific to “Prior to City Council”.

–Amend Condition #1.1.9 in order to get the trail network to work near the intersections.

--If Condition #1.1.1 is amended as requested, Condition #3.6 should be amended to include a waiver of sidewalks along one side of the private roadways.

–Delete “and plants in the median and islands” from Condition #4.2.5. In the public way corridors, they will be doing the Nebraska natural landscape features in the wide medians, and it is the city’s responsibility to maintain that natural landscape.

With regard to the conditions of approval on the use permit, Seacrest requested the following amendments:

--same amendment to Condition #1.1.1 as in the preliminary plat regarding sidewalks.

--1.1.3. Revise Note 9 to indicate 50 feet, not 100 feet, as long as the location of a public street or private roadways is not being moved. This gives the applicant the right to shift some lots 50' so long as they are not moving roads.

–delete Condition #1.1.4 to provide at least one area for recycling drop off facilities. Seacrest suggested that if the public wants a recycling drop-off facility, and if the city is willing to pay for it, it could be accommodated. There is no legal requirement that this developer provide it. There is money in the CIP for a recycling center in southeast Lincoln. (Staff disagrees to the deletion of this condition).

--1.1.9 has to do with exterior construction of buildings. Seacrest pointed out that there are two buildings on 91st Street and they are set back 50', but we internally put the parking lots on the back side and the reason we are doing that is eventually we are going to move an LES power line that will go between the back of the building and the back of the parking lot. As a result, we want the parking lot up against the power line. Staff is worried that these buildings would be unattractive, but there is a 50' setback and the developer is willing to commit to a standard in the I-3 ordinance, with no galvanized buildings on public streets and that 30 percent at least be glass or things of that nature. Staff is wanting an R-T standard here and the developer believes that is overkill.

–delete #1.1.10, #1.1.11, #1.1.12. Staff agrees.

–amendments to Condition #1.1.13, #1.1.20 and add Condition #1.1.23.

–add Condition #3.1 to provide an architectural theme prior to approval by Council.

Newman observed that we talk about mixed use and all sorts of transportation systems including public transit. Where would a bus stop in this area? Seacrest stated that they have advised StarTran that this is coming and StarTran has seen the plans. He believes that StarTran does not believe there to be enough rooftops for a bus network, but we would assume they would come out 84th and do the loop road and go back out 91st. We have good access on 84th, Hwy 2, and two places on 91st. We have multiple access potential to the north. Whatever way they can bring the bus to us, we can get them in and out.

Steward inquired about sidewalks on 84th Street. Seacrest confirmed that they are providing sidewalks on both sides of 84th and 91st. They are not showing a sidewalk on Hwy 2 because that is not the proper place for pedestrian experience. There are internal sidewalks.

Steward asked whether there is any provision for a trail connection. Seacrest pointed out that the trail network is coming up the valley, following and hugging the east side of 91st Street and crossing at a light

and then goes further down into Jensen Park. We originally tried to put the trail in the middle of the center but it was becoming too complex. It was a better experience to have it on the residential side of the development.

Steward asked Seacrest to characterize the landscaping attitude. Seacrest responded, stating that one of the major principals of this development team is the owner and developer of South Pointe.

Along Hwy 2 and the medians, we will go with the Nebraska natural landscape feature. If we can afford it, we might look at water systems. Within the center there will be a high amenity aspect.

Although not an element of requirement, Steward inquired about the philosophy from a design standpoint that gives the client confidence in the continuing big box pattern of an employment center versus connected, more monolithic and indoor environment kind of context. Seacrest stated that new urbanism standards and connectivity work well on a certain scale, but when you start to talk about 1.9 million sq. ft., it gets problematic. We're trying to do a mixture. You're just seeing the first big push. The only way we will survive is through the car until there are rooftops out here. It is not before the Commission today, but Seacrest believes that in the future it will be a South Pointe type facility planned with more pedestrian orientation and more of a local neighborhood feeling. This phase is further from all the rooftops and the closest to Highway 2. The market has responded well wanting those large experiences. Consumers tend to get in their cars to get the best buy.

With regard to the recycling center, Steward asked whether the developer would be willing to "identify" a site on the site plan for a city-owned location. Seacrest would prefer to verify with the city between now and City Council whether they have looked in southeast Lincoln because he is not sure a regional center facility works as good as a neighborhood size center. But, Steward believes there is also a huge generation of recyclable materials in this kind of center. Seacrest agreed, but many of these big boxes do their own recycling. Seacrest does not want this to be a condition of approval. He thinks south of the highway makes more sense and that area is not before the Commission today.

Hunter expressed concern about looking at the increased traffic generation from a recycling center. Seacrest agreed because 90% of the train in this project negotiation was traffic. He will get grouchy if the city's project adds more PM trips.

Hunter asked for clarification of the condition regarding building construction. Seacrest suggested that most of the commercial and office buildings are painted metal. His amendment to Condition #1.1.9 welcomes the use of painted metal--just don't use raw metal--and when you do use painted you can fill up 70% of the space. It can only be used on the sides.

Newman inquired about the cost of moving the water tower. Seacrest explained that the city was planning to do a new water tower down by Jensen Park. This developer is paying the cost for the city to add four million gallons to the tank. At the end of the day, this developer is paying for four million gallons of extra storage of water. This is at the developer's cost.

Carlson noted that this area is identified in the subarea plan as a mixed use center. He is having difficulty envisioning how this proposal accomplishes that goal of a mixed use center. Specifically, within the subarea plan, it talks about buildings relating to one another; parking facilities should not

dominate the design; provide contemporary equivalent of business district. He's missing these features. Seacrest acknowledged that they do probably have a larger percentage of retail in this first phase. What's in front of the Commission today includes some office buildings and there will be more office buildings to the north in the next phase.

Carlson wondered about placement and functionality. We would hope that these buildings would relate to each other and that the customer would be encouraged and facilitated to move from store to store. Carlson sees oceans of parking in between the buildings and building backs to building backs. There is a long way to travel to pad site restaurants. It just does not strike him as an urban functional grouping. Seacrest believes there are three blocks from the office user to go to the restaurant. It's a different urban experience than downtown but it's not like you have to get in the car to travel. We've connected everyone with the sidewalk network. Hwy 2 traffic is geared more towards cars in this phase. The second phase is more envisioned to be the collective cluster that Carlson has in mind. That collective cluster–that wonderful experience–usually means higher end retail because there needs to be the money to pay for it. Seacrest suggested that it is going to be awhile for the market to need more high end retail.

Carlson is concerned because the next phases are not in front of him at this time. He wanted to see the master plan and master group. It looks like the traditional No. 27th Street placement of these buildings and the subarea plan is something different. He anticipated big boxes, but he doesn't see how this is relating functionally to each other. It is a big car trip generator and a big pedestrian problem. Why is there not more information in front of us if we are master planning this? Seacrest stated that they do not have tenants for the next phases. We do have infrastructure agreements for the 1.9 million for traffic, sewer, trail, water, and the transportation network. As far as the layouts for the parking and the buildings, technology will be different by the time the next phases come forward. We tried to plan Edgewood and then the market didn't come. We had to replan it and it ended up being the most hodge-podge. Rather than specific buildings and parking, we chose to look at the road network.

Carlson explained that his question is not to the external road network. The 1.9 million is fine. But he is talking about the internal circulation and the internal pedestrian experience. He objects to not having a landscape plan, architectural theme design or the master plan in front of him. He is concerned that this design is not satisfying the entryway goal of the subarea plan. Seacrest pointed out that there has been no development set back 100' on any of the entryways before–no one has done the 100' setback before. We do have in front of you a landscape plan that shows the Nebraska aspect up and down the Hwy 2 corridor. We were not asked for the landscape plan until we saw the staff report last Wednesday after working on this for over a year.

Carlson is referring to the goals listed in the Subarea Plan. He is not talking entryway design standards but the goal for this parcel that it would be a key component as you came into the city with architectural features and elements that would announce itself in a pleasant and attractive way. Seacrest again pointed out that this development exceeds the record on setback; it follows the requirement for a Nebraska landscape on Hwy 2; and we have open space with the .14 FAR. There is not another center with this low of FAR. It was hard. Staff struggled and we struggled. We chose the open space features as being more important. He believes it has been master planned.

Carlson reiterated that he is having difficulty without the design in front of him. Seacrest apologized for not having the architectural features before the Commission.

Hunter commented that one of the things we've all gotten extremely sensitive about is creating an environment that looks like the sea of parking lot that goes in front of Walmart. She thought it was going to be more of a situation like South Pointe where there is a good amount of parking around the box buildings but in the back so that the architectural design of those buildings was more street front instead of having the sea of asphalt. Seacrest suggested that the difference is that No. 27th sits there with no berms and with 40' setbacks. This development has berms and a 100' setback. But, Hunter noted that No. 27th does have pad site tenants along both of those roads and then you have this massive parking lot with the buildings set back. She agrees with Carlson–she thought we were going to be looking at something that looked like a lot less parking and more architectural building in the front. Seacrest noted that South Pointe is .22 FAR. The parking requirements are very similar. This development has a lot more open space than South Pointe and the parking areas are very comparable. The retailer wants the parking in front of the store. We've put berms up and down so that the parking lots are well screened. Hunter observed that South Pointe may have a good amount of asphalt but they have done a much nicer job of landscaping. Looking at a flat plan and not seeing the landscaping plan makes it difficult to see.

2. Julie Southwick, Cheney Community Organization, testified in support; however, she had concerns because the Cheney community left the subarea plan process with the understanding that they would be annexed. Now they are being told that it will be "beyond the planning period". That means the year 2025 and beyond. They were told 5-7 years during the subarea planning process. The city of Lincoln is encroaching upon Cheney. Cheney is not moving its boundaries into Lincoln. Therefore, it is very important for pre-planning. She could have guaranteed that the Cheney annexation project would not fall in the City's criteria, so what is the solution? Cheney is unique, approximately 130 years old and will continue to survive. However, the economies of the current residents are very limited. Therefore, it is in the best interests of both Lincoln and Cheney to do some pre-planning. Will it be cheaper today before everything is built or cheaper beyond 2025? During the subarea plan process, the Planning Department implied the problems that would need to be addressed for Cheney to be annexed, i.e. sewer, water and schools. Cheney is not a developer or a neighborhood. It is a unique community that is encountering issues from the extension of Lincoln. Perhaps we should see if Lincoln fits into their village criteria. She expressed appreciation to Andermatt for keeping the future services to the surrounding areas in their plans.
Steward asked whether Southwick is satisfied with the subarea plan. Southwick stated that Cheney is definitely satisfied with the Subarea Plan, but we get a letter in June to one of our SID boards and the door was shut. We're not coming to you with a silver platter, but she believes they can work together. Steward thought the subarea plan opened those doors for that cooperation.

3. Lonnie Athey (Athey Painting), 9400 Yankee Hill Road, bought the property with the idea that Cheney would be annexed. We need the sewer and water. Our fire hydrants no longer work because we only have a 2" water main coming to them. He was hoping that the City of Lincoln would try to help them.

4. Herb Twiehaus, a business owner in Cheney, testified that the Cheney residents were more or less lead to believe that they would have access to their own community and that they would eventually be provided with sewer. He is now being told that the developer is willing to provide the sewer but the city is against it because of the depth of the line. There are lines in the city that deep. We can't wait for the Stevens Creek basin to develop to sewer Cheney.

5. Marlyn Schwartz testified in support. The developer has worked out a very nice plan and the developer had originally agreed to provide sewer into Cheney. It seems to him that in this time that we are living that somehow there should be a way to access the sewer of Cheney without making them wait 25-30 years. He knows that city staff had suggested that Cheney should hire an engineer to see how this should be done, but as stated before, this community is existing. It is unfair to grow around this community and leave them isolated without being able to be annexed into the City.

6. Gayle Hanshaw, President of Cheney Community Improvement Program, testified in support**.** His primary concern at the time of the previous meetings was the access road coming into Cheney. We have learned of recent that the subarea plan is now not the plan that is going to be exercised. It appears that someone is renigging on the original agreement. What he has been hearing is there will be a "temporary" road coming into Cheney. What is a temporary road? He would like to have an explanation of what has happened. It appears that the county was originally going to put the diagonal road in front of Yankee Hill Road to Hwy 2, and then after we got the approval, Andermatt did the traffic study and said there could be a staging area to handle the turning traffic, providing us with a left turn in. As he understands it, the county has withdrawn their offer to build that road. They say it's a city project. So now the argument is that the city wants the developer to pay for that road. Consequently, the forced expansion of the original subarea plan has now been shrunk back to the original subarea plan proposed by the developer. Don't we deserve an explanation of why this has changed? How do we go about getting that explanation? It appears like we're being left out and our interests are not being considered.

There was no testimony in opposition.

<u>Staff questions</u>

Steward inquired about the force and the status of the subarea plan relative to previous agreements. Jason Reynolds of Planning staff stated that the major element section of the Southeast Lincoln/Highway 2 Subarea Plan recommends "the potential inclusion of the village of Cheney and SID in the city limits, if issues regarding sewer capacity, and impact on Cheney School District can be addressed." Later in the subarea plan, it talks about specific elements, i.e.

> "The expansion of the Future Service Limit in the Cheney area will require further discussion in the future. It is possible that Cheney may be served by the city's sanitary sewer line once that line is extended into this area. There are numerous issues regarding the Cheney SID and Cheney School District to resolve before this area should be included in the Future Service Limit for potential annexation into the City of Lincoln. The proposed urban residential area north of Cheney, south of Highway 2, should not be developed until these issues are resolved."

Under the transportation section, it talks about how Cheney would access the relocated Yankee Hill Road northwest of the village between the railroad track and Highway 2, i.e.

> "The details of this access point should be resolved prior to the commercial zoning south of Highway 2. Full turning movements into Cheney at this intersection shall be permitted".

Steward then asked whether there have been detailed discussions regarding the access road. Reynolds explains that the annexation agreement for this project outlines the road alignments. The subarea plan guarantees that Cheney will have access, although that location is not yet determined. With this annexation, the county acquired additional right-of-way, and with the relocation of 91st Street, it will curve out of Cheney. It is within currently purchased right-of-way. At some point in the future, before the south side of Hwy 2 is zoned commercial, that connection needs to be tied down. Steward commented that if the developer takes 20 years to propose that, then Cheney is held hostage. Reynolds explained that Cheney will still have the T intersection. The annexation agreement provides that the area south of the highway is a suburban cross-section.

Schwinn wanted to know where the Cheney residents get the idea that annexation is a 20-25 year process. Reynolds stated that this was information sent in a letter from the staff. They had asked for the timeframe for annexation. Cheney is outside the future service limits. The Comprehensive Plan identifies the Cheney area as phase 4, which is beyond the planning period, and the letter sent from Public Works in June regarding the sewer connection to Cheney said that connecting from the north would not be an option until such time as Stevens Creek is developed and the Stevens Creek sewer comes in. Schwinn inquired whether there has been any discussion about pumping from their existing treatment plant. Reynolds explained that the city has a longstanding policy against lift stations. But, Schwinn noted that there are lift stations in the city.

Steward asked Public Works to respond to the technical circumstances of sooner rather than later. Dennis Bartels explained that the village of Cheney is kind of on a ridgeline. The treatment plant or lagoons for Cheney are located in the Stevens Creek drainage basin. If we were to serve them today, we would have to build a sewer deeper than we would like to build, approximately 30' deep. When Public Works was asked for a recommendation, operating a gravity sewer at that depth was not recommended. The other option would be to pump from the area of the existing treatment plant up to the Antelope Creek sewer, which is proposed to serve the shopping center. In this proposed plan, if the sewer got built with the depth proposed, it would not preclude the option of pumping it to there, but it has been a longstanding policy to avoid lift stations because of the mechanical nature we're relying on for power. The gravity sewer system is the preferred way to do it and we have had a longstanding policy of trying to respect ridgelines. The pipe sizing has all been done based on the drainage basin size of Antelope Creek. Bartels does not agree with the characterization that we would be surrounding Cheney. The area immediately south of Hwy 2 and east of 98th will not be developed. If the city's position is that that general area should be served by gravity sewer, we've reached the edge of development in this vicinity until such time as the Stevens Creek sewer is extended.

If we were to annex Cheney, Schwinn wondered whether it would require complete rebuilding of their infrastructure since they only have a 2" water main. Bartels indicated that this has been discussed in general. The Rural Water District has some 6" mains, but a lot of them are 2" and 3". If we were to annex and provide fire protection, we would have to rebuild part or all of the system. We have not been

supplied good records other than a schematic and a lot of the sizes are substandard. There would need to be extensive reconstruction of both their water and sewer systems.

Schwinn asked whether the city assesses the property owner for that construction. Bartels suggested that to be a legal question as to whether we can or cannot assess the costs.
Schwinn commented that when he left the subarea plan decision, he did not think that the residents of Cheney were going to be precluded in this manner. Reynolds reiterated that the sections quoted from the subarea plan talked about the annexation of Cheney as something to be investigated and that there are issues that need to be resolved before it could be included in the future service limits, including sewer design, water costs, and capacity issues. Based upon those issues, it was found that there was not a justification for including Cheney in the future service limit in reviewing this specific proposal.

With regard to the proposed amendments to the conditions of approval, Reynolds agreed with the amendment to Condition #1.1.1 regarding sidewalks; however, the staff would recommend additional language, "Sidewalk crossing points shall be located outside of the curb radius". This will provide a shorter walking distance for the pedestrian.

With regard to the recycling facility in Condition #1.1.4 of the use permit, Reynolds pointed out that the solid waste section of the Comprehensive Plan provides that mixed use regional centers are good locations for recycling facilities and Public Works has requested that a recycling facility be shown. Therefore, the staff would not be in favor of deleting this condition.

With regard to Condition #1.1.9 of the use permit, Reynolds suggested revising that condition to "Label both Lots 10 and 11, Block 3, as office uses.", rather than the amendment proposed by the applicant.

Reynolds agreed with the proposed amendment to Condition #1.1.13. This is to distinguish between this review and an administrative amendment. The intention is that Planning could track the total number of PM trips without the applicant having to go through administrative amendments. Carlson was concerned because there will be no knowledge by the Department of what those uses are. Reynolds clarified that on the perimeter pad sites, retail use could be converted to restaurant use provided they could provide the parking and the use does not increase the allowed trip traffic.

Response by the Applicant

With regard to the term "Temporary" for the Cheney connection, Seacrest pointed to the map and stated that the annexation agreement anticipates "this road" just like the subarea plan shows. What we are building is the first phase; we are then building a temporary connectiveness which is the T intersection. We once thought we were going to own all this land "over here" and it was logical for us to be involved in that road. But we don't abut it anymore and we are building the first part permanently. We thought that connection to Cheney should be back further to get it away from Hwy 2. But the Cheney people wanted to volunteer some of their land for that road to connect further to the southwest. All we could do to help was to be sure to start the solution and build the temporary to allow full turn movements.

As far as the sewer, Seacrest stated that the developer did price and design its sewer while they could pump. We've got capacity in our section of the sewer line but there is a bottleneck further downstream. We could take the pump sewage if that is the vision of this community. We thought

Cheney was being annexed. If they don't get annexed, there could be some potential blighting factors. We've been doing our best to help Cheney.

As far as the sidewalk Condition #1.1.1, Seacrest agreed with the additional language proposed by staff. He maintained that Condition #1.1.4 for the recycling center should be deleted. He would agree to discuss it with staff before the project goes to Council. He thinks it is illegal to make the developer put it in.

Seacrest does not agree with the staff suggestion on Condition #1.1.8 to show office uses.
Seacrest pointed out that there were 670 neighbors involved in the process and there is no one here against this project. There were 10 abutting neighbors and they're not here in opposition. Pine Lake SID and Pine Lake Assn. are not here in opposition.

Carlson moved to defer for two weeks, seconded by Newman. In Carlson's opinion, this plan and the information he has before him falls significantly short. If his criticism is large it is because his disappointment is large. His hopes were high based on the hard work and the diligence of the development team to this point. He fully expected to see the southeast Lincoln regional mixed use center and that is not what is in front of him. He wants to defer because his only other option is to vote to deny. The city and developer deserve to have this regional center done right.

Newman agreed totally. The other smaller issue is that there are a few details to work out between the developer and the staff. We need a better picture of the landscaping. It is absolutely no different than North 27th.

Steward believes we're trying to hold this developer to a standard that was not and is not clearly articulated. He questions the viability and the community asset of the disconnected box and the automobile oriented shopping center. He, too, was hoping for more. But the trouble he is having is that it is in conformance with the Comprehensive Plan; it is, in general, in conformance with the subarea plan previously approved; and it is what the current pattern for so-called employment centers is following. He does not agree with that pattern, but he believes they have satisfied, according to current requirements and statutory condition, the circumstances that are expected of them and have gone in some ways beyond that. He does not believe two weeks is going to satisfy the concerns that have been expressed. Will we all still have the same feelings of disappointment in two weeks and then have to act? He is ready to act on it now with the anticipation that in the detail design work there are more community values and community resolution that comes about. He is also concerned about the plight of the Cheney issue, but he believes that there is an opportunity in our current update of the Comprehensive Plan to work with that issue and to be sure that that community is in a stronger position.

Duvall will vote against deferral. When we approved the subarea plan we knew this was an area of big boxes and now we're seeing definition. Both sides have done a Herculean effort in developing this and he believes they have addressed all the issues.

Hunter commented that depending on the type of tenant, rear access may not be a reality. In order to set retail in a center location with parking all around really requires multi-uses on both sides. She does think that looking at the landscaping we are certainly not looking at another 27th Street. She also believes that they have addressed the issues. She is comfortable with the developer in terms of doing

a beautiful development. She has a problem with the recycling location. She gets the feeling that we've got a great developer doing a great plan and it's like holding someone hostage until they give in. She thinks those locations for recycling centers are better planned on their own merit instead of attaching them to someone else's project. This project has been in the planning process for eight years. And it has taken this long to get to the point where there is actually the first phase of development. It is probably going to be another 3-4 years before the next phase comes forward. By the time this becomes a fully developed center it could be another 10-12-13 years. While we have to be sensitive to the areas that are out there, we have to be careful about leapfrogging development into a situation where it is not quite there yet. The property values that exist in Cheney are going to double and triple off the charts compared to what they are now. This development is not a negative for Cheney. It's coming. This development has been coming for a long time. The time for Cheney to be annexed is coming in time. She will vote against the deferral.

Newman still sees an enormous sea of concrete parking lot here. She believes what we have talked about in mixed use centers is that there is access to transit and a comfortable pedestrian zone. She believes there should be a couple more landscaped pedestrian corridors through that parking lot. Gateway was going to move their bus stop out towards the post office. We had vision-impaired people struggling to get through that parking lot. She does not see that this is any different than that sort of situation.

It has been stipulated that they've met the criteria in the Comprehensive Plan. Carlson stated that he respects the Commission's ability to read the plan--maybe it's interpretation--but page 67 sets forth the goals of mixed use centers and this plan does not meet those goals. In his opinion, this project does not meet the goals in the Comprehensive Plan.

Taylor is concerned about the Cheney people. He is confident that this will be a good development because he has confidence in the developer. All things considered, he does not believe that this necessitates a deferral.

Schwinn agreed with Steward.

Motion to defer failed 2-6: Carlson and Newman voting 'yes'; Hunter, Steward, Taylor, Duvall, Bills and Schwinn voting 'no'; Krieser absent.

Public hearing was closed.

COMPREHENSIVE PLAN CONFORMANCE NO. 01002
ADMINISTRATIVE ACTION BY PLANNING COMMISSION: September 19, 2001

Duvall moved approval, seconded by Steward and carried 6-2: Hunter, Steward, Taylor, Duvall, Bills and Schwinn voting 'yes'; Carlson and Newman voting 'no'; Krieser absent.

ANNEXATION NO. 01006
ADMINISTRATIVE ACTION BY PLANNING COMMISSION: September 19, 2001

Duvall moved approval, subject to the annexation agreement, seconded by Bills and carried 6-2: Hunter, Steward, Taylor, Duvall, Bills and Schwinn voting 'yes'; Carlson and Newman voting 'no'; Krieser absent.

CHANGE OF ZONE NO. 3285
ADMINISTRATIVE ACTION BY PLANNING COMMISSION: September 19, 2001

Duvall moved approval, seconded by Bills and carried 6-2: Hunter, Steward, Taylor, Duvall, Bills and Schwinn voting 'yes'; Carlson and Newman voting 'no'; Krieser absent.

CHANGE OF ZONE NO. 3320
ADMINISTRATIVE ACTION BY PLANNING COMMISSION: September 19, 2001

Duvall moved approval, seconded by Hunter and carried 6-2: Hunter, Steward, Taylor, Duvall, Bills and Schwinn voting 'yes'; Carlson and Newman voting 'no'; Krieser absent.

PRELIMINARY PLAT NO. 01006, APPIAN WAY
ADMINISTRATIVE ACTION BY PLANNING COMMISSION: September 19, 2001

Steward moved to approve the staff recommendation of conditional approval, with the applicant's proposed amendments, including the additional language proposed by staff in Condition #1.1.1, seconded by Bills.

Carlson made a motion to amend to change Condition #1.1.1 to require sidewalks on both sides of the private roadways, with the crossing points outside of the curb radius, seconded by Newman.
Duvall suggested that it is overkill to require sidewalks on both sides. In this sea of parking lots, he believes that one side takes care of it.

Bills concurred because she believes that the sidewalks will get very little use in a parking lot.

Motion to amend to change Condition #1.1.1 to require sidewalks on both sides of the private roadways failed 3-5: Hunter, Carlson and Newman voting 'yes'; Steward, Taylor, Duvall, Bills and Schwinn voting 'no'; Krieser absent.

Main motion carried 8-0: Hunter, Carlson, Steward, Taylor, Duvall, Bills, Newman and Schwinn voting 'yes'; Krieser absent.

RECONSIDERATION OF PRELIMINARY PLAT NO. 01006,
APPIAN WAY
ADMINISTRATIVE ACTION BY PLANNING COMMISSION: September 19, 2001

Carlson moved to reconsider Preliminary Plat No. 01006, seconded by Newman carried 8-0: Hunter, Carlson, Steward, Taylor, Duvall, Bills, Newman and Schwinn voting 'yes'; Krieser absent.

Motion made by Steward, seconded by Bills, to approve the Planning staff recommendation of conditional approval, with the amendments as proposed by the applicant, including the additional language in Condition #1.1.1 recommended by staff. Motion carried 6-2: Hunter, Steward, Taylor, Duvall, Bills and Schwinn voting 'yes'; Newman and Carlson voting 'no'; Krieser absent.

USE PERMIT NO. 140
ADMINISTRATIVE ACTION BY PLANNING COMMISSION: September 19, 2001

Hunter moved to approve the Planning staff recommendation of conditional approval, with the amendments proposed by the applicant, with the same amendment to Condition #1.1.1 as approved on the preliminary plat, seconded by Duvall.

Steward moved to amend to retain Condition #1.1.4 and to change the word "Provide" to "'Identify' at least one area for recycling drop off facilities at a location acceptable to Public Works.", seconded by Duvall. Hunter asked whether the intent is that the developer is expected to donate land. Steward explained that his intent is that the developer identify a location on the site plan, taking the applicant on their word that they will discuss this between now and Council approval. His intent is that it not be a mandatory provision of property. Motion to amend carried 8-0: Hunter, Carlson, Steward, Taylor, Duvall, Bills, Newman and Schwinn voting 'yes'; Krieser absent.

Carlson sought clarification of Condition #1.1.13 (now #1.1.9). Reynolds explained that the staff language, "review and approval", implies that if the land use table in the use permit were changed, the applicant would apply to the Planning Department, the Planning staff would send it out for review by other departments and it could be approved administratively. The applicant's proposed amendment to this condition ("verification that it complies with the square footage and P.M. trip caps") allows the developer to change those uses without going through an administrative amendment. Hunter inquired whether there is an opportunity to impose a restriction in terms of no restaurants, no banks, no liquor stores, or 19 Burger Kings. Reynolds explained that the use permit approves the amount of square footage and trip caps. As long as they stay under the 900,000 sq. ft. and under the PM hour peak trips, they are not required to go through an administrative amendment process to change from a restaurant to office or office to restaurant, for example.

Steward observed that what we are trying to assure is that the public has adequate transportation infrastructure, but we cannot hold the developer to a strict use requirement at this stage. Reynolds concurred. They cannot go beyond the amounts allowed by the traffic study. They are currently showing 803,000 sq. ft.

Carlson commented that he has seen use permits come forward that have the pad sites specifically identified. Not having that in this situation, he wonders if it can be put in front of a public body prior to approval of a project. Reynolds advised that the developer has identified the pad sites as restaurant, financial office, etc., and he will provide that information to the City Council.

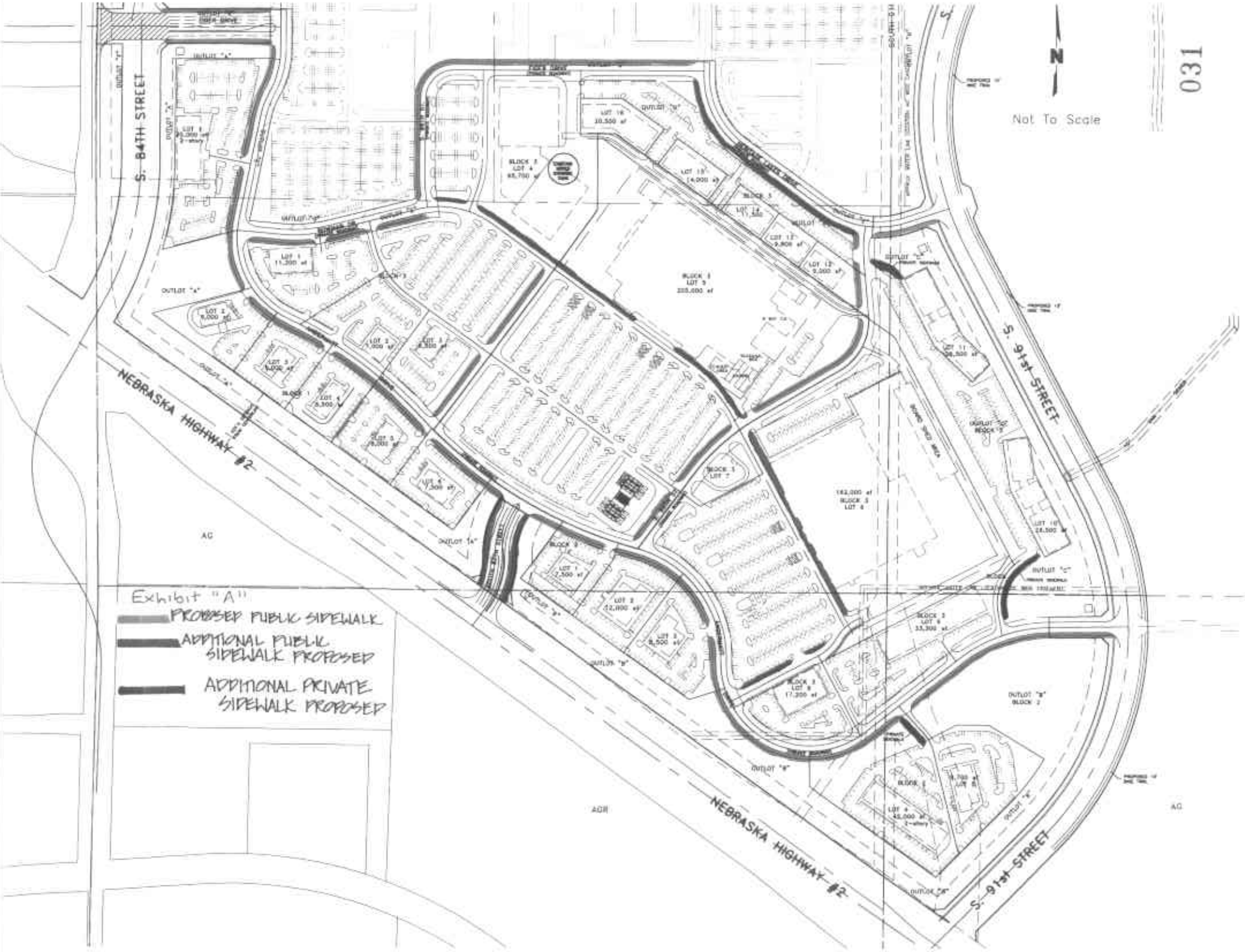
Motion for conditional approval, with amendments, carried 7-1: Hunter, Carlson, Steward, Taylor, Duvall, Bills and Schwinn voting 'yes'; Newman voting 'no'; Krieser absent.

RECONSIDERATION OF USE PERMIT NO. 140
ADMINISTRATIVE ACTION BY PLANNING COMMISSION: September 19, 2001

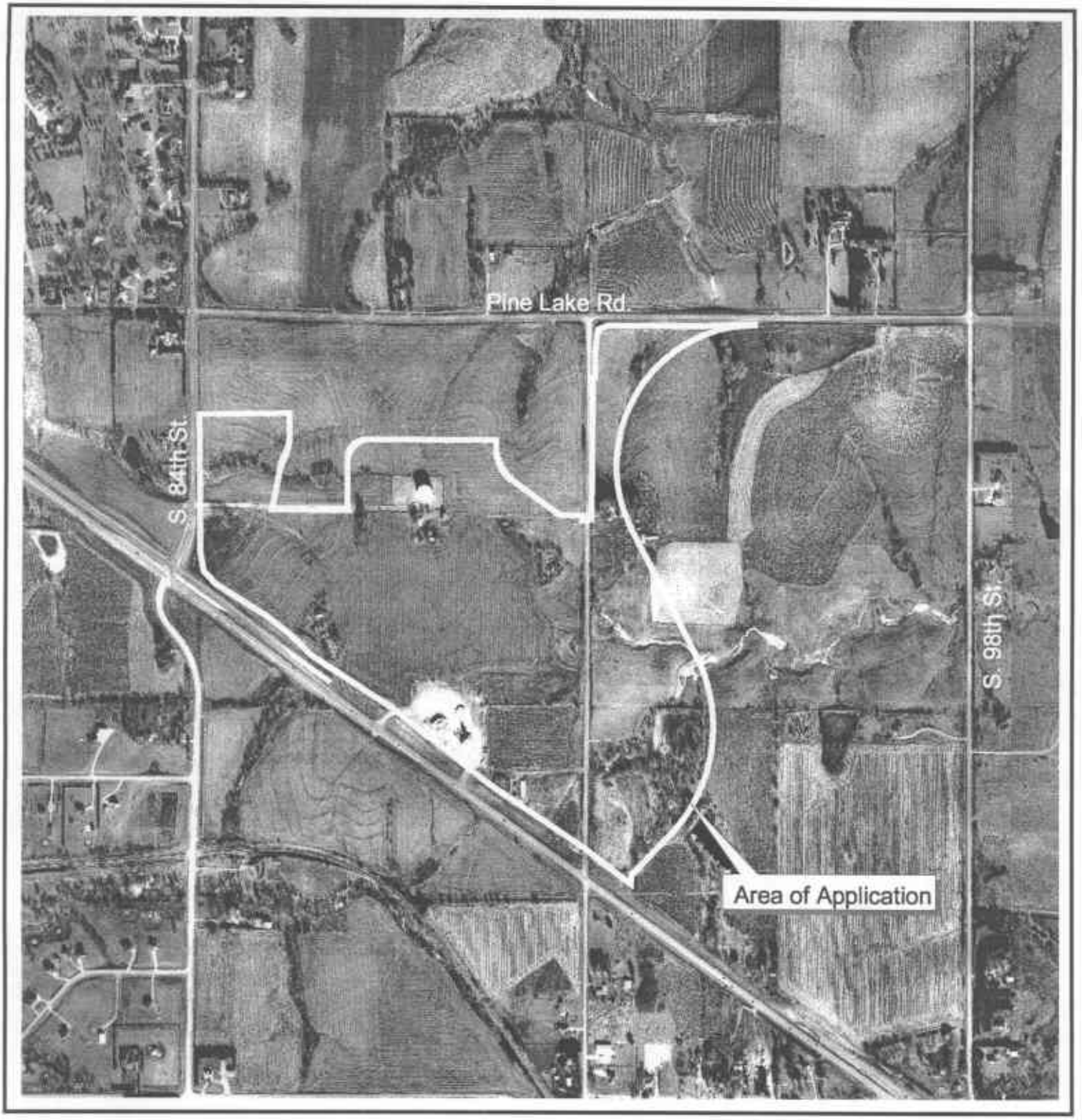
Carlson moved to reconsider Use Permit No. 140, seconded by Steward and carried 8-0: Hunter, Carlson, Steward, Taylor, Duvall, Bills, Newman and Schwinn voting 'yes'; Krieser absent.

Motion made by Hunter, seconded by Duvall, to approve the Planning staff recommendation of conditional approval, with the amendments proposed by the applicant, including the additional language in Condition #1.1.1 proposed by staff, except that Condition #1.1.4 is amended and retained concerning the recycling facility.

Motion carried 6-2: Hunter, Steward, Taylor, Duvall, Bills and Schwinn voting 'yes'; Carlson and Newman voting 'no'; Krieser absent.


Not To Scale
S. 84TH STREET
NEBRASKA HIGHWAY #2
S. 91st STREET
AG
AGR
Exhibit "A"
PROPOSED PUBLIC SIDEWALK
ADDITIONAL PUBLIC SIDEWALK PROPOSED
ADDITIONAL PRIVATE SIDEWALK PROPOSED

031



Preliminary Plat #01006
S. 84th & HWY #2

N

Photograph Date: 1997

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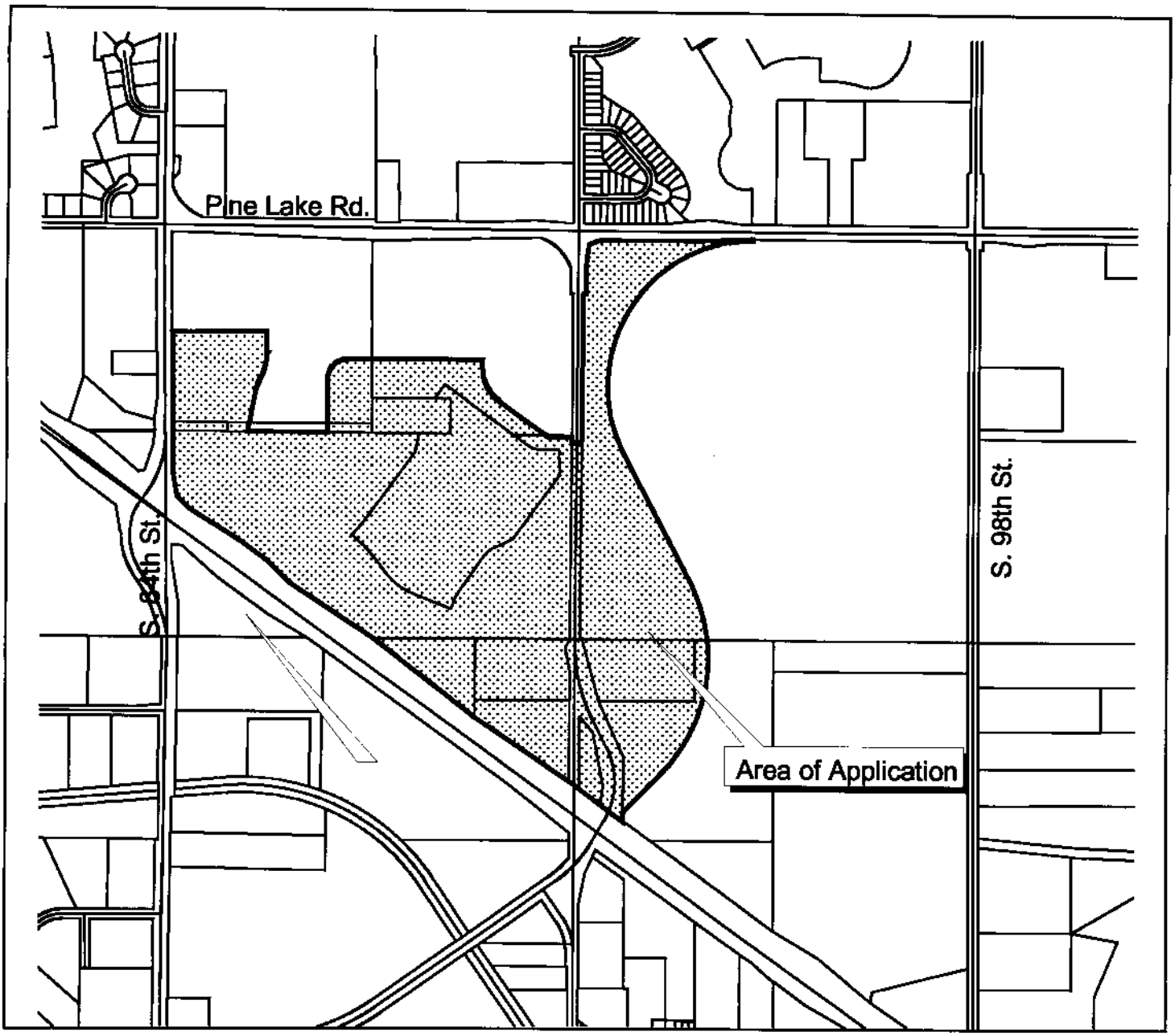
Lincoln City - Lancaster County Planning Dept.



Preliminary Plat #01006
S. 84th & HWY #2

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

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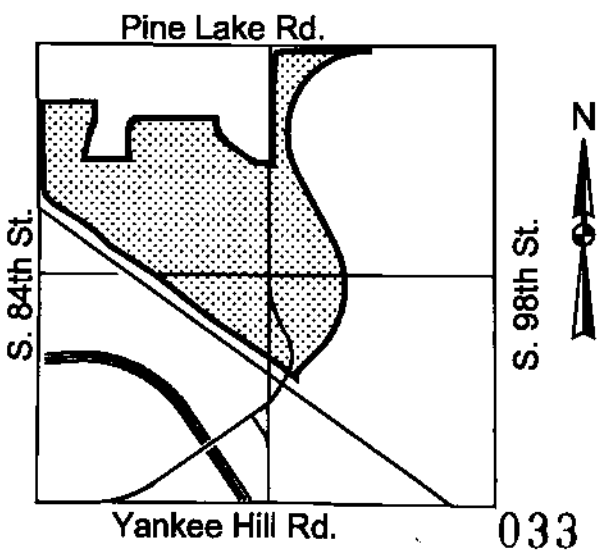
One Square Mile
Sec. 23 T9N R7E

Zoning Jurisdiction Lines

City Limit Jurisdiction



Lincoln City - Lancaster County Planning Dept.

APPIAN WAY REGIONAL CENTER

PRELIMINARY PLAT & USE PERMIT
SITE PLAN

ENGINEER & PREPARER
OLSSON ASSOCIATES
1111 LINCOLN MALL
LINCOLN, NE 68501
PHONE: 474-6311

OWNER & DEVELOPER
[illegible]
[illegible]
[illegible]
PHONE: (402)786-2872

TYPICAL PARKING DETAILS
N.T.S.

VICINITY MAP

LAND USE

LOT	ZONE	FLOOR AREA (S.F.)	USE	MIN. PARKING	HEIGHT	ACTUAL STALLS
BLOCK 1						
1	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
2	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
3	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
4	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
5	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
BLOCK 2						
1	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
2	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
3	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
4	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
5	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
BLOCK 3						
1	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
2	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
3	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
4	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
5	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
6	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
7	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
8	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
9	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
10	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
11	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
12	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
13	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
14	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
15	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
16	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
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20	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
OUTLOT A						
1	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
2	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
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7	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
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13	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
14	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
15	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
16	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
17	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
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20	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
OUTLOT B						
1	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
2	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
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7	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
8	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
9	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
10	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
11	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
12	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
13	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
14	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
15	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
16	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
17	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
18	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
19	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
20	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
TOTAL		[illegible]		[illegible]		[illegible]

REQUIRED PARKING RATIOS

DEVELOPMENT AREA

GENERAL NOTES

LEGEND

- EXISTING WATER MAIN
- PROPOSED WATER MAIN
- EXISTING SANITARY SEWER
- PROPOSED SANITARY SEWER
- SANITARY SEWER MANHOLE
- FIRE HYDRANT
- WATER VALVE
- EXISTING STORM SEWER
- PROPOSED STORM SEWER
- PROPOSED LOT LINE
- PROPOSED 6' SIDEWALK
- PROPOSED UTILITY/ACCESS EASEMENT
- LIMITS OF USE PERMIT
- LIMITS OF PRELIMINARY PLAT
- PROPOSED ROADWAY CENTERLINE
- PROPOSED BUILDING
- WETLANDS

SCALE: 1"=50'

ENGINEER'S CERTIFICATE

APPROVAL

THE FOREGOING PRELIMINARY PLAT WAS APPROVED BY THE LINCOLN CITY-LANCASTER COUNTY PLANNING COMMISSION ON THIS _____ DAY OF _____, 20__.

ATTEST: _____ DATE _____

APPROVAL

THE FOREGOING USE PERMIT WAS APPROVED BY THE CITY COUNCIL RESOLUTION # _____ ON THIS _____ DAY OF _____, 20__.

ATTEST: _____ CITY CLERK

LEGAL DESCRIPTION

NOTE:
A FINAL LEGAL DESCRIPTION WILL BE FURNISHED WHEN STAFF IS SATISFIED THAT THE PRELIMINARY PLAT BOUNDARY HAS STOPPED MOVING.

OLSSON ASSOCIATES

1111 Lincoln Mall
P.O. Box 84608
Lincoln, NE 68501
402-474-6311

APPIAN WAY REGIONAL CENTER

SITE PLAN

LINCOLN NEBRASKA 2001

Drawn by: [illegible]
Checked by: [illegible]
Approved by: [illegible]
Project No.: 98-0677
Drawing No.: [illegible]
Date: [illegible]
Scale: [illegible]

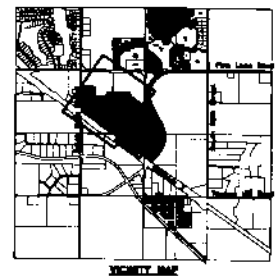
MARK E. PALMER E-9163

SHEET 1 OF 12

034

APPIAN WAY REGIONAL CENTER

PRELIMINARY PLAT & USE PERMIT
SITE PLAN



LEGEND

SCALE 1"=100'

NEBRASKA HIGHWAY #2

OUTLOT "A"

OUTLOT "B"

AG

OLSSON ASSOCIATES

APPIAN WAY REGIONAL CENTER

SITE PLAN

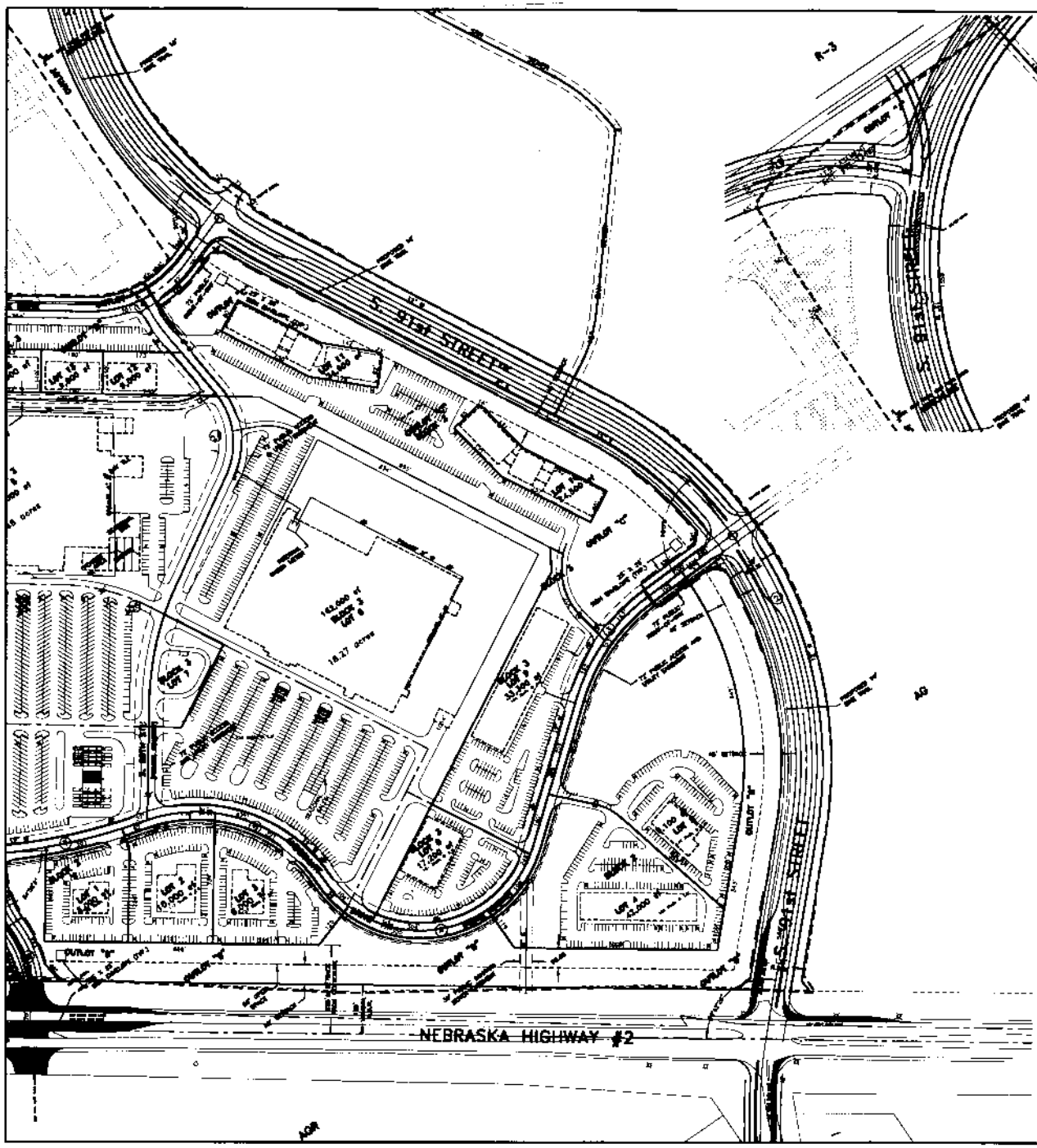
LINCOLN NEBRASKA 2001

SHEET 2 OF 12

033

APPIAN WAY REGIONAL CENTER

PRELIMINARY PLAT & USE PERMIT
SITE PLAN



OLSSON ASSOCIATES

APPIAN WAY REGIONAL CENTER

SITE PLAN

LINCOLN NEBRASKA 2001

SHEET 3 OF 12

036

GENERAL NOTES

1. SANITARY SEWER AND WATER LINES TO BE 8" PIPE UNLESS OTHERWISE SHOWN. STORM SEWER SHALL BE REINFORCED CONRETE PIPE UNLESS OTHERWISE SHOWN. PUBLIC AND PRIVATE UTILITIES TO BE BUILT TO CITY OF LINCOLN SPECIFICATIONS.

2. ALL PAVEMENT RETURN RADII TO BE 20' (MIN.) UNLESS OTHERWISE NOTED.

3. THE DEVELOPER AGREES TO COMPLY WITH THE DESIGN STANDARDS OF THE CITY OF LINCOLN FOR EROSION CONTROL AND SEDIMENTATION DURING AND AFTER LAND PREPARATION.

4. THE PROPOSED PLAT IS CURRENTLY ZONED AG. PROPOSED ZONING FOR THE PLAT IS B-5 (REGIONAL BUSINESS DISTRICT).

5. SIDEWALKS WITHIN USE PERMIT TO BE BUILT AS SHOWN. SIDEWALKS ALONG S. 84TH STREET AND S. 91ST. STREET WILL BE CONSTRUCTED DURING INITIAL CONSTRUCTION. THE WEST SIDE OF 91ST STREET SHALL HAVE A 10' BIKE TRAIL RATHER THAN A 4' SIDEWALK. NO SIDEWALK WILL BE CONSTRUCTED ALONG HIGHWAY #2.

6. ALL DIMENSIONS ALONG CURVES ARE CHORD DISTANCES.

7. DIRECT VEHICULAR ACCESS TO S. 84TH STREET, S. 91ST STREET, AND HWY #2 SHALL BE RELINQUISHED EXCEPT AS SHOWN ON THE PLAT.

8. ALL SIDEWALKS TO BE BUILT 4' MIN. WIDTH.

9. PROPOSED INTERNAL LOT DIMENSIONS SHOWN ARE APPROXIMATE AND MAY VARY UP TO 100 FEET.

10. THE FOUR SIGNS SHOWN ON THE SITE PLAN SHALL BE PERMITTED BEHIND THE 50 FOOT FRONT YARD SETBACK PROVIDED THEY ARE NOT CONSTRUCTED IN INTERSECTION SITE TRIANGLES OR REQUIRED EASEMENTS. GROUND MONUMENT SIGNS SHALL HAVE 100 S.F. MAXIMUM SIGNAGE AREA AND A MAXIMUM HEIGHT OF 8' IDENTIFYING THE SHOPPING CENTER NAME. PERIMETER PAD SITES SHALL HAVE GROUND MONUMENT SIGNS NO LARGER THAN 8' IN HEIGHT AND PROVIDE NO MORE THAN 50 S.F. OF SIGNAGE AREA. PAD SITES MAY HAVE GROUND MONUMENT SIGNS IN CONFORMANCE WITH SECTION 27.69.060 OF THE ZONING ORDINANCE. ALL SIGNS SHALL ALSO MEET THE RESTRICTIVE COVENANTS SET BY THE DEVELOPER.

11. ALL ELEVATIONS ARE TO NAVD 1988.

12. THE EXISTING SEPTIC TANK SYSTEM SHALL BE REMOVED OR ABANDONED IN ACCORDANCE WITH ALL CITY, COUNTY, AND STATE STANDARDS.

13. LOTS MAY BE CREATED WITHOUT FRONTAGE TO A PUBLIC STREET IF THEY HAVE ACCESS TO A PUBLIC ACCESS EASEMENT.

14. UNLESS OTHERWISE SHOWN, BUILDING ENVELOPES FOR INDIVIDUAL LOTS SHALL BE DESIGNATED AS THE LOT LINE. BUILDING STRUCTURES INCLUDING EAVES, OVERHANGS, CANOPIES, PATIOS, ETC. CAN BE LOCATED ANYWHERE WITHIN THE LOT PROVIDED THEY DO NOT ENCROACH ANY REQUIRED EASEMENTS OR EXTEND ACROSS LOT LINES. PARKING LOTS SHALL NOT ENCROACH INTO PUBLIC ACCESS EASEMENTS ALONG ANY DESIGNATED PRIVATE ROADWAY.

15. THE SALE OF ALCOHOLIC BEVERAGES FOR CONSUPTION ON AND OFF PREMISES IS PERMITTED, AS LONG AS THE LOCATION REQUIREMENTS OF SECTION 27.63.680 AND 27.63.685 OF THE TITLE 27 LINCOLN MUNICIPAL CODE FOR ZONING HAVE BEEN MET.

16. TENT USAGE APRIL 1ST-NOV. 1ST MAX. SIZE OF TENTS 80' X 40' BUT SMALLER CAN BE USED. NO PARKING WITHIN 20 FEET OF TENTS. MULTIPLE TENTS MAY BE UP AT ONE TIME, HOWEVER, TOTAL NUMBER OF TENTS USED AT ONE TIME MAY NOT COVER MINIMUM NUMBER OF PARKING STALLS REQUIRED BY LINCOLN DESIGN STANDARDS.

17. INDIVIDUAL LANDSCAPE PLANS FOR EACH LOT WILL BE SUBMITTED WITH BUILDING SITE PLANS AS THEY ARE DEVELOPED AND SHALL BE APPROVED THROUGH BUILDING PERMIT PROCESS.

18. LOT LAYOUTS SHOWN WITHIN THE BOUNDARY OF THIS USE PERMIT EXCEPT LOTS 5 & 6, BLK 3 ARE CONCEPTUAL. SPECIFIC DETAILED PLANS WILL BE SUBMITTED WITH INDIVIDUAL SITE LAYOUT PLANS AS THEY ARE DEVELOPED AND SHALL BE APPROVED THROUGH THE BUILDING PERMIT PROCESS PROVIDED CIRCULATION ACCESS DRIVES ARE CONSISTENT WITH THE APPROVED PLANS, INTERNAL VEHICULAR CIRCULATION IS PROVIDED BETWEEN ALL LOTS, AND ALL ZONING REGULATIONS AND DESIGN STANDARDS ARE MET.

19. FENCES, DUMPSTERS, TRASH COMPACTORS, DECORATIVE STRUCTURES, AND ACCESSORY BUILDINGS ARE NOT SHOWN ON THE PLANS IF THEY ARE 25' BY 25' OF SMALLER AND ARE OUTSIDE OF THE SITE TRIANGLES, EASEMENTS, AND SETBACKS AND ARE BUILT IN CONFORMANCE WITH ALL APPLICABLE ORDINANCES AND CODES.

20. ADJUSTMENTS IN THE FLOOR AREA OF EACH BUILDING MAY BE MADE AT TIME OF BUILDING PERMIT PROVIDED THE SQUARE FOOTAGE FOR THE SITE IS NOT EXCEEDED BY 10%. TOTAL MAXIMUM SQUARE FOOTAGE ALLOWED IS 940,000 S.F. TIED TO 2,925 PM PEAK HOUR TRIPS.

21. ALL PARKING LOT ISLANDS SHALL BE RAISED, CONCRETE CURB AND GUTTER MEDIANS.

22. PERIMETER PAD SITES MAY CHANGE USES LISTED IN LAND USE TABLE AT TIME OF BUILDING PERMIT PROVIDED THAT PARKING RATIOS MEET REQUIREMENTS FOR TYPE OF USE AND ALL OTHER APPLICABLE CODES AND ZONING REQUIREMENTS ARE MET.

23. THE ENTIRE PLAT IS LOCATED IN FEMA FLOOD ZONE C (PANEL NO. 315273 0045 C).

24. SIGNS FOR INTERNAL CIRCULATION/DIRECTION ARE NOT SHOWN. EXACT LOCATION SHALL BE APPROVED THROUGH THE BUILDING PERMIT PROCESS.

25. EXISTING WATER STORAGE TANK SHALL BE RELOCATED AT A LATER TIME AS APPROVED BY PUBLIC WORKS AND UTILITIES. NO CONSTRUCTION ACTIVITIES SHALL OCCUR ON THE WATER TANK LOT WITHOUT PERMISSION FROM THE WATER DEPARTMENT.

26. TOTAL USAGE:
TOTAL BLOCKS - 3
TOTAL LOTS - 28 (PROPOSED B-5 ZONING)

OUTLOTS A & B - GREENSPACE AND PRIVATE ROADWAY
OUTLOTS C & D - GREENSPACE AND PARKING LOT
OUTLOTS E - PRIVATE ROADWAY
OUTLOTS F, G, H, J - GREENSPACE

27. ANY RELOCATION OF EXISTING UTILITY FACILITIES WILL BE AT THE DEVELOPERS EXPENSE.

28. EXISTING WELLS WILL BE ABANDONED OR A PERMIT WILL BE OBTAINED FROM THE HEALTH DEPARTMENT.

29. DEVELOPER SHALL COORDINATE WITH PUBLIC WORKS FOR THE INSTALLATION OF THE WATER LINES, THE ABANDONMENT OF THE WATER TANK, AND THE CONSTRUCTION OF PAVEMENT FOR SOUTH 84TH STREET.

30. ANY RELOCATION OF EXISTING LES FACILITIES WILL BE AT THE DEVELOPERS EXPENSE.

31. OLSSON ASSOCIATES IS CURRENTLY COORDINATING WITH PUBLIC WORKS ON THE CONCEPTUAL DESIGN OF SOUTH 84TH STREET AND PINE LAKE ROAD.

LEGAL DESCRIPTION
CHANGE OF ZONE
FROM "AG" TO "B-5"
USE PERMIT AND
PRELIMINARY PLAT

A LEGAL DESCRIPTION FOR A TRACT OF LAND COMPOSED OF LOTS 58 I.T., 72 I.T., 84 I.T., 85 I.T., 87 I.T., A PORTION OF LOTS 56 I.T., 71 I.T., 82 I.T., 87 I.T., 90 I.T., 91 I.T., 92 I.T., AND A PORTION OF SOUTH 91ST STREET R.O.W., AND A PORTION OF STATE OF NEBRASKA R.O.W., ALL LOCATED IN THE SECTION 23, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 23, THENCE ON AN ASSUMED BEARING OF NORTH 89 DEGREES 52 MINUTES 54 SECONDS EAST ALONG THE NORTH LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 134.76 FEET TO A POINT, THENCE SOUTH 00 DEGREES 35 MINUTES 54 SECONDS WEST, A DISTANCE OF 55.66 FEET TO A NORTHWEST CORNER OF SAID LOT 82 I.T., SAID POINT BEING **THE POINT OF BEGINNING,** THENCE NORTH 89 DEGREES 53 MINUTES 37 SECONDS EAST ALONG THE NORTH LINE OF SAID LOT 82 I.T., A DISTANCE OF 678.06 FEET TO A POINT OF DEFLECTION, THENCE NORTH 88 DEGREES 01 MINUTES 14 SECONDS EAST, ALONG THE NORTH LINE OF SAID LOT 82 I.T., A DISTANCE OF 300.26 FEET TO A POINT OF DEFLECTION, THENCE NORTH 89 DEGREES 52 MINUTES 44 SECONDS EAST ALONG THE NORTH LINE OF SAID LOT 82 I.T., A DISTANCE OF 20.65 FEET TO A POINT, THENCE SOUTH 00 DEGREES 07 MINUTES 06 SECONDS EAST, A DISTANCE OF 9.96 FEET TO A POINT, THENCE AROUND A CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A RADIUS OF 940.00 FEET, AN ARC LENGTH OF 1,447.55 FEET, A DELTA ANGLE OF 88 DEGREES 13 MINUTES 56 SECONDS, A CHORD BEARING OF SOUTH 45 DEGREES 45 MINUTES 56 SECONDS WEST AND A CHORD LENGTH OF 1,308.70 FEET TO A POINT, THENCE SOUTH 05 DEGREES 52 MINUTES 22 SECONDS EAST, A DISTANCE OF 47.11 FEET TO A POINT, THENCE AROUND A CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A RADIUS OF 935.00 FEET, AN ARC LENGTH OF 431.62 FEET, A DELTA ANGLE OF 26 DEGREES 26 MINUTES 58 SECONDS, A CHORD BEARING OF SOUTH 14 DEGREES 26 MINUTES 17 SECONDS EAST AND A CHORD LENGTH OF 427.80 FEET TO A POINT, THENCE SOUTH 27 DEGREES 39 MINUTES 47 SECONDS EAST, A DISTANCE OF 152.78 FEET TO A POINT, THENCE SOUTH 21 DEGREES 57 MINUTES 08 SECONDS EAST, A DISTANCE OF 50.25 FEET TO A POINT, THENCE SOUTH 27 DEGREES 39 MINUTES 47 SECONDS EAST, A DISTANCE OF 734.98 FEET TO A POINT, THENCE AROUND A CURVE IN A CLOCKWISE DIRECTION, HAVING A RADIUS OF 1,060.00 FEET, AN ARC LENGTH OF 112.60

FEET, A DELTA ANGLE OF 06 DEGREES 05 MINUTES 11 SECONDS, A CHORD BEARING OF SOUTH 24 DEGREES 37 MINUTES 12 SECONDS EAST AND A CHORD LENGTH OF 112.55 FEET TO A POINT, THENCE SOUTH 25 DEGREES 31 MINUTES 11 SECONDS EAST, A DISTANCE OF 53.35 FEET TO A POINT, THENCE AROUND A CURVE IN A CLOCKWISE DIRECTION, HAVING A RADIUS OF 1,065.00 FEET, AN ARC LENGTH OF 657.69 FEET, A DELTA ANGLE OF 35 DEGREES 22 MINUTES 58 SECONDS, A CHORD BEARING OF SOUTH 01 DEGREES 01 MINUTES 13 SECONDS EAST AND A CHORD LENGTH OF 647.29 FEET TO A POINT, THENCE SOUTH 23 DEGREES 28 MINUTES 45 SECONDS WEST, A DISTANCE OF 53.35 FEET TO A POINT, THENCE AROUND A CURVE IN A CLOCKWISE DIRECTION, HAVING A RADIUS OF 1,060.00 FEET, AN ARC LENGTH OF 458.88 FEET, A DELTA ANGLE OF 24 DEGREES 48 MINUTES 13 SECONDS, A CHORD BEARING OF SOUTH 31 DEGREES 56 MINUTES 16 SECONDS WEST AND A CHORD LENGTH OF 455.30 FEET TO A POINT, THENCE SOUTH 44 DEGREES 20 MINUTES 22 SECONDS WEST, A DISTANCE OF 141.87 FEET TO A POINT, THENCE SOUTH 38 DEGREES 37 MINUTES 44 SECONDS WEST, A DISTANCE OF 50.25 FEET TO A POINT, THENCE SOUTH 44 DEGREES 20 MINUTES 22 SECONDS WEST, A DISTANCE OF 178.85 FEET TO A POINT OF INTERSECTION WITH THE WEST LINE OF SAID LOT 71 I.T., THENCE SOUTH 01 DEGREES 07 MINUTES 21 SECONDS WEST ALONG THE WEST LINE OF SAID LOT 71 I.T., A DISTANCE OF 46.10 FEET TO A SOUTHWEST CORNER OF SAID LOT 71 I.T., THENCE NORTH 53 DEGREES 00 MINUTES 18 SECONDS WEST ALONG THE NORTH LINE OF NEBRASKA HIGHWAY NO. 2 R.O.W., A DISTANCE OF 181.47 FEET TO A POINT OF DEFLECTION, THENCE NORTH 53 DEGREES 00 MINUTES 10 SECONDS WEST ALONG THE NORTH LINE OF SAID R.O.W., A DISTANCE OF 171.11 FEET TO A POINT OF DEFLECTION, THENCE NORTH 52 DEGREES 59 MINUTES 28 SECONDS WEST ALONG THE NORTH LINE OF SAID R.O.W., A DISTANCE OF 41.22 FEET TO A POINT OF INTERSECTION WITH THE WEST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 23, THENCE NORTH 56 DEGREES 18 MINUTES 21 SECONDS WEST ALONG THE NORTH LINE OF SAID R.O.W., A DISTANCE OF 780.69 FEET TO A SOUTHWEST CORNER OF SAID LOT 84 I.T., THENCE NORTH 52 DEGREES 26 MINUTES 19 SECONDS WEST ALONG THE NORTH LINE OF SAID R.O.W., A DISTANCE OF 844.47 FEET TO THE WESTERN CORNER OF SAID LOT 58 I.T., THENCE NORTH 57 DEGREES 09 MINUTES 03 SECONDS WEST ALONG THE NORTH LINE OF SAID R.O.W., A DISTANCE OF 637.88 FEET TO A POINT OF DEFLECTION, THENCE NORTH 45 DEGREES 55 MINUTES 28 SECONDS WEST ALONG THE NORTH LINE OF SAID R.O.W., A DISTANCE OF 202.24 FEET TO A POINT OF DEFLECTION, THENCE NORTH 53 DEGREES 01 MINUTES 23 SECONDS WEST ALONG THE NORTH LINE OF SAID R.O.W., A DISTANCE OF 200.06 FEET TO A POINT OF DEFLECTION, THENCE NORTH 58 DEGREES 01 MINUTES 53 SECONDS WEST ALONG THE NORTH LINE OF SAID R.O.W., A DISTANCE OF 400.78 FEET TO A POINT OF DEFLECTION, THENCE NORTH 43 DEGREES 05 MINUTES 12 SECONDS WEST ALONG A NORTH LINE OF SAID R.O.W., A DISTANCE OF 117.30 FEET TO A SOUTHWEST CORNER OF SAID LOT 91 I.T.,

THENCE NORTH 10 DEGREES 47 MINUTES 11 SECONDS WEST ALONG THE WEST LINE OF SAID LOT 91 I.T., A DISTANCE OF 132.59 FEET TO A POINT OF DEFLECTION, THENCE NORTH 00 DEGREES 40 MINUTES 41 SECONDS WEST ALONG THE WEST LINE OF SAID LOT 91 I.T., A DISTANCE OF 291.23 FEET TO THE NORTHWEST CORNER OF SAID LOT 91 I.T., THENCE NORTH 00 DEGREES 40 MINUTES 41 SECONDS WEST ALONG THE WEST LINE OF SAID STATE OF NEBRASKA R.O.W., A DISTANCE OF 60.01 FEET TO THE SOUTHWEST CORNER OF SAID LOT 56 I.T., THENCE NORTH 00 DEGREES 40 MINUTES 41 SECONDS WEST, A DISTANCE OF 575.80 FEET TO A POINT, THENCE NORTH 89 DEGREES 19 MINUTES 19 SECONDS EAST, A DISTANCE OF 607.26 FEET TO A POINT, THENCE SOUTH 00 DEGREES 22 MINUTES 12 SECONDS EAST, A DISTANCE OF 139.51 FEET TO A POINT, AROUND A CURVE IN A CLOCKWISE DIRECTION, HAVING A RADIUS OF 336.00 FEET, AN ARC LENGTH OF 167.78 FEET, A DELTA ANGLE OF 28 DEGREES 36 MINUTES 39 SECONDS, A CHORD BEARING OF SOUTH 13 DEGREES 56 MINUTES 08 SECONDS WEST AND A CHORD LENGTH OF 166.04 FEET TO A POINT OF REVERSE CURVE TO THE LEFT HAVING A RADIUS OF 264.00 FEET AND A CENTRAL ANGLE OF 17 DEGREES 00 MINUTES 50 SECONDS; THENCE SOUTHERLY ALONG THE ARC, A DISTANCE OF 78.39 FEET TO A POINT, THENCE SOUTH 11 DEGREES 13 MINUTES 37 SECONDS WEST, A DISTANCE OF 275.82 FEET TO A POINT OF INTERSECTION WITH THE NORTH LINE OF SAID LOT 91 I.T., THENCE SOUTH 89 DEGREES 41 MINUTES 40 SECONDS EAST ALONG THE NORTH LINE OF SAID LOT 91 I.T., A DISTANCE OF 516.67 FEET TO A POINT, THENCE NORTH 08 DEGREES 00 MINUTES 22 SECONDS WEST, A DISTANCE OF 4.18 FEET TO A POINT, THENCE AROUND A CURVE IN A CLOCKWISE DIRECTION, HAVING A RADIUS OF 536.00 FEET, AN ARC LENGTH OF 74.90 FEET, A DELTA ANGLE OF 08 DEGREES 00 MINUTES 23 SECONDS, A CHORD BEARING OF NORTH 04 DEGREES 00 MINUTES 12 SECONDS WEST AND A CHORD LENGTH OF 74.84 FEET TO A POINT, THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS WEST, A DISTANCE OF 259.02 FEET TO A POINT, THENCE AROUND A CURVE IN A CLOCKWISE DIRECTION, HAVING A RADIUS OF 136.00 FEET, AN ARC LENGTH OF 213.63 FEET, A DELTA ANGLE OF 90 DEGREES 00 MINUTES 00 SECONDS, A CHORD BEARING OF NORTH 45 DEGREES 00 MINUTES 00 SECONDS EAST AND A CHORD LENGTH OF 192.33 FEET TO A POINT, THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST, A DISTANCE OF 871.82 FEET TO A POINT, THENCE SOUTH 00 DEGREES 10 MINUTES 20 SECONDS WEST, A DISTANCE OF 51.04 FEET TO A POINT, THENCE AROUND A CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A RADIUS OF 264.00 FEET, AN ARC LENGTH OF 249.80 FEET, A DELTA ANGLE OF 54 DEGREES 12 MINUTES 52 SECONDS, A CHORD BEARING OF SOUTH 26 DEGREES 56 MINUTES 06 SECONDS EAST AND A CHORD LENGTH OF 240.59 FEET TO A POINT, THENCE SOUTH 54 DEGREES 02 MINUTES 32 SECONDS EAST, A DISTANCE OF 353.89 FEET TO A POINT, THENCE AROUND A CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A RADIUS OF 264.00 FEET, AN ARC LENGTH OF 26.66 FEET, A DELTA ANGLE OF 05 DEGREES 47 MINUTES 10 SECONDS, A CHORD BEARING OF SOUTH 56

DEGREES 56 MINUTES 07 SECONDS EAST AND A CHORD LENGTH OF 26.65 FEET TO A POINT OF INTERSECTION WITH NORTH LINE OF SAID LOT 91 I.T., THENCE SOUTH 89 DEGREES 41 MINUTES 40 SECONDS EAST ALONG THE NORTH LINE OF SAID LOT 91 I.T., A DISTANCE OF 141.81 FEET TO THE NORTHEAST CORNER OF SAID LOT 91 I.T., THENCE SOUTH 00 DEGREES 12 MINUTES 46 SECONDS WEST ALONG THE EAST LINE OF SAID LOT 1 I.T., A DISTANCE OF 34.86 FEET TO A POINT, THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A RADIUS OF 264.00 FEET, ARC LENGTH OF 67.09 FEET, DELTA ANGLE OF 14 DEGREES 33 MINUTES 36 SECONDS, A CHORD BEARING OF NORTH 80 DEGREES 46 MINUTES 03 SECONDS EAST, AND A CHORD LENGTH OF 66.91 FEET TO A POINT OF INTERSECTION WITH THE WEST LINE OF SAID LOT 82 I.T., THENCE NORTH 00 DEGREES 12 MINUTES 40 SECONDS EAST ALONG THE WEST LINE OF SAID LOT 82 I.T., A DISTANCE OF 939.20 FEET TO A NORTHWEST CORNER OF SAID LOT 82 I.T., THENCE SOUTH 89 DEGREES 44 MINUTES 06 SECONDS EAST ALONG A NORTH LINE OF SAID LOT 82 I.T., A DISTANCE OF 17.09 FEET TO A NORTH CORNER OF SAID LOT 82 I.T., THENCE NORTH 00 DEGREES 11 MINUTES 30 SECONDS EAST ALONG A WEST LINE OF SAID LOT 82 I.T., A DISTANCE OF 167.39 FEET TO A WEST CORNER OF SAID LOT 82 I.T., THENCE NORTH 06 DEGREES 00 MINUTES 54 SECONDS EAST ALONG A WEST LINE OF SAID LOT 82 I.T., A DISTANCE OF 148.61 FEET TO A NORTHWEST CORNER OF SAID LOT 82 I.T., THENCE NORTH 70 DEGREES 07 MINUTES 33 SECONDS EAST ALONG THE NORTHWEST LINE OF SAID LOT 82 I.T., A DISTANCE OF 74.62 FEET TO THE TRUE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA OF 6,372,819.21 SQUARE FEET OR 146.30 ACRES, MORE OR LESS.

APRIL 20, 2001 (10:16AM)
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M e m o r a n d u m

RECEIVED
AUG 14 2001
LINCOLN CITY/LANCASTER COUNTY
PLANNING DEPARTMENT

To: Jason Reynolds, Planning

From: Dennis Bartels, Engineering Services

Subject: 84th and Highway 2, Appian Way Regional Center

Date: August 13, 2001

cc: Roger Figard
Virendra Singh
Nicole Fleck-Tooze
Nick McElvain

Engineering Services has reviewed the Appian Way Center Preliminary Plat and Use Permit located north of Highway 2, east of 84th Street and has the following comments:

1. Water - The water system for the full build-out of the plat has been revised per previous comments and is satisfactory.

   The grading of the area around the exiting water tank must be approved by the Lincoln Water System. The grading plan as submitted shows a large amount of grading adjacent to the tank on ground the developer proposes not to acquire until after the tank is moved. The phasing of the grading and the necessary existing phasing to facilitate the pipe system servicing, the tank staying in service is still in question. I recommend that the grading in the vicinity of the water tank only occur on property owned by the developer.

   The cost subsidies for construction of the water system to serve this site will be determined with the zoning and annexation agreement.

2. Sanitary Sewer - The public sanitary sewer system has been revised per previous comments and is satisfactory. The subsidies for the cost of constructing sanitary sewer needed to serve this development will be determined with the annexation and zoning agreement.

3. Drainage and Grading - A 15" storm sewer is shown downstream from drainage area E1 out letting out the side of the embankment. This is unsatisfactory as an outlet.

   The grading plan in the southeast corner does not show the grading required for the new 84th Street location.

   The detention area in B23 shows a low flow pipe for one branch of the drainage. Both branches need low flow protection.

I cannot find that the study was revised to show how the Beals Slough drainage matches the Beals Slough Master Plan as required by design standards.

4. Street System - The proposed Eiger Drive street grades needs to be extended west from the relocated 84th west to existing 84th and west 300 feet beyond the plat per subdivision requirements.

Prior to scheduling this preliminary plat on the City Council agenda, the plat drawings must be revised to show the street system, street improvements, right-of-ways and easements in accordance with the tentative "Conditional Annexation and Zoning Agreement." This must include clearly dimensioned site plans and other plans in the plan set (i.e. grading and drainage) in agreement with the site plan.