

City Council Introduction: **Monday**, January 7, 2002
Public Hearing: **Monday**, January 14, 2002, at **1:30 p.m.**

Bill No. 02-8

FACTSHEET

TITLE: CHANGE OF ZONE NO. 3337, from AGR Agricultural Residential to R-1 Residential and R-3 Residential, requested by Olsson Associates on behalf of Patrick Mooberry, on property generally located at South 80th Street midway between Pine Lake Road and Old Cheney Road.

STAFF RECOMMENDATION: Approval

ASSOCIATED REQUESTS: Preliminary Plat No. 01014, Parker's Landing (02R-4).

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 12/12/01
Administrative Action: 12/12/01

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

FINDINGS OF FACT:

1. This change of zone and the associated preliminary plat were heard at the same time before the Planning Commission.
2. The staff recommendation to approve this change of zone is based upon the "Analysis" as set forth on p.4-5. The proposal is found to be in substantial conformance with the Subdivision Ordinance, Design Standards and the Comprehensive Plan.
3. The applicant's testimony is found on p.6, and the applicant's response to the testimony in opposition is found on p.11-12.
4. Testimony in support is found on p.7. The letter in support submitted by Bob Olson is attached to the Factsheet for the associated preliminary plat (02R-4).
5. Testimony in opposition is found on p.7-10. Most of the testimony and the 19 letters and emails submitted in opposition focus upon the extension of South 80th Street which is a requirement of the conditions of approval on the preliminary plat. Therefore, the letters in opposition are attached to the Factsheet for the associated preliminary plat (02R-4).
6. On December 12, 2001, the Planning Commission agreed with the staff recommendation and voted 9-0 to recommend approval of this change of zone request.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: December 28, 2001

REVIEWED BY: _____

DATE: December 28, 2001

REFERENCE NUMBER: FS\CC\2002\FSCZ3337

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, the conditions provided apply only to the preliminary plat.

P.A.S.: Preliminary Plat #01014 - Parker's Landing **DATE:** November 2, 2001
Change of Zone #3337 - From AGR, Agricultural Residential to R-1 and R-3, Residential

PROPOSAL: To change the zone from AGR, Agricultural Residential to R-1 and R-3, Residential and to plat 115 residential lots and two outlots.

LAND AREA: Approximately 44.58 acres.

CONCLUSION: With conditions, the plat is in substantial conformance with the Subdivision Ordinance, Design Standards and Comprehensive Plan. Deviations from the Design Standards are satisfactory as proposed.

<u>RECOMMENDATION:</u>	Preliminary Plat #01014	Conditional Approval
	Change of Zone #3337	Approval
	Waiver to Design Standards	Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION: Attached.

LOCATION: Generally located at S. 80th Street midway between Pine Lake and Old Cheney Roads.

APPLICANT: Patrick Mooberry
Home Real Estate
225 N. Cotner Blvd., Suite 101
Lincoln, NE 68505

OWNERS: Patrick Mooberry
Home Real Estate
225 N. Cotner Blvd., Suite 101
Lincoln, NE 68505

City Of Lincoln
555 South 10th Street
Lincoln, NE 68508

CONTACT: Todd Lorenz
Olsson Associates
1111 Lincoln Mall
Lincoln, NE 68508

EXISTING ZONING: AGR, Agricultural Residential

EXISTING LAND USE: Undeveloped and Phares Park

SURROUNDING LAND USE AND ZONING:

North:	Residential	R-3 Residential
South:	Residential and Undeveloped	AGR Agricultural Residential
East:	Church	AGR Agricultural Residential
West:	Residential	R-1, Residential

COMPREHENSIVE PLAN SPECIFICATIONS: The area is shown as Urban Residential in the Comprehensive Plan (page 39). All streets are public and classified as local streets in the Comprehensive Plan Street and Road Classification (Page 91).

HISTORY: MISC#96028 - Accepted the dedication of land for Phares Park in **July, 1996**. However, the dedication did not follow existing lot lines, and it was determined that the inconsistency with the lot lines and ownership did not need to be corrected at that time but when surrounding lands were platted.

SP#1607 - Approved Edenton South 1st Addition CUP in **July, 1996**. The developer agreed to dedicate parkland off-site to provide for a neighborhood park in exchange for a waiver to the required recreation plan associated with the CUP located at South 70th Street and Old Cheney Road.

FP#96027 - Approved in **July, 1996**, Stevens Ridge First Addition created three lots and dedicated Doecreek Circle as a cul-de-sac.

PP#96004 - Approved in **May, 1996**, the preliminary plat of Stevens Ridge Estates 1st Addition revised the street layout created by the Stevens Ridge Estates final plat, and now showed Doecreek Drive as a cul-de-sac and Ashbrook Circle as a thru-street to the south boundary of the plat.

The area was zoned A-A, Rural and Public Use until it was changed to AGR, Agricultural Residential during the **1979** zoning update.

Stevens Ridge Estates Final Plat - Approved in **1976**, it created Ashbrook Circle as a cul-de-sac, and Doecreek Drive as a thru-street to the south limit of the plat.

UTILITIES: The area of the preliminary plat is within Lincoln's future service limit and shall automatically be annexed at the time the area is final platted. City services shall be provided at the time of annexation and final platting.

TOPOGRAPHY: Sloping to the southwest.

TRAFFIC ANALYSIS: This development provides for connections with stub streets in the adjacent subdivisions to the north and south. In response to the proposed street layout, the City has received several letters in opposition to this development, many of which express concern over issues relating to traffic and access associated with the proposed street connections.

Currently, there are no north-south through-streets in the area bounded by Old Cheney and Pine Lake Roads, and South 70th and 84th Streets. It is the intent of the subdivision ordinance by requiring internal street connections to enhance the efficiency of the city's transportation network. These connections allow vehicle and pedestrian traffic flow through and among neighborhoods, and help reduce congestion on collector and arterial streets. No subdivision within a square mile should be isolated from their neighbors. With internal street connections, traffic flows in both directions, and the more street connections there are the better the circulation. Conversely, restricting the number of connections forces the same amount of traffic onto fewer streets, which in turn increases the amount of traffic and traffic congestion on those streets.

The developments adjacent both north and south (Edenton South and Cheney Ridge subdivisions to the north, Pine Lake Addition to the south) were platted with street stubs to provide for street connections at such time that adjacent properties were developed. This plat extends Ashbrook Drive to the south limit of the plat to accommodate future extension, and provides for connections with existing street stubs at South 80th Street both north and south of the plat, and with South 81st Street to the north.

PUBLIC SERVICE: The nearest fire station is Station #6 located at approximately South 48th Street and Highway 2 - the rural fire station located at South 77th and Pine Lake Road will not provide service to this area after annexation. Future elementary and middle schools have been identified in the area of 98th and Pine Lake Road. Maxey Elementary School is located to the north of this area.

AESTHETIC CONSIDERATIONS: This development is consistent with the overall residential character of the area and is compatible with the surrounding neighborhoods.

ANALYSIS:

1. This is a request for a change of zone from AGR Agricultural Residential to R-1 and R-3 Residential and a preliminary plat for 115 lots and two outlots.
2. The Comprehensive Plan shows this area as urban residential, and the plat is adjacent to R-3 to the north and R-1 to the west. This request represents infill development that is compatible with surrounding residential subdivisions and is consistent with the Comprehensive Plan.
3. This plat provides logical street connections, consistent with the requirement of the subdivision ordinance, that help reduce congestion on collector and arterial streets and help to increase connectivity and access among neighborhoods. This supports the "One

Community” concept described in the Comprehensive Plan that calls for a transportation network that links neighborhoods together, and connects them to activity and employment centers, rural communities, and open lands.

4. The applicant is requesting a modification to design standards to allow a sanitary sewer to flow opposite street grades. The Public Works & Utilities Department does not object to this request. Otherwise, with minor modifications this request complies with the applicable subdivision, zoning and design standard requirements.
5. Phares Park is included in the plat in order to correct inconsistencies that were created in 1996 when the park was dedicated. Currently, the park does not follow the existing lot lines, rather the park ownership follows the existing zoning lines and creates two owners for a single lot. By including the park lot into the preliminary plat, the lot lines can be made consistent with the ownership and zoning lines.
6. The area is within the future service limit and will be annexed at the time of final platting.
7. The developer has indicated he will enter into an agreement with the City releasing the City from financial responsibility for minimum improvements required by the subdivision ordinance.

Prepared by:

Brian Will, AICP
Planner

**CHANGE OF ZONE NO. 3337
and
PRELIMINARY PLAT NO. 01014,
PARKER'S LANDING**

PUBLIC HEARING BEFORE PLANNING COMMISSION:

December 12, 2001

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

Staff recommendation: Approval of the change of zone and conditional approval of the preliminary plat, including a condition to show the extension of 80th Street.

Brian Will of Planning staff submitted 10 additional letters in opposition to extending 80th Street, which have been received since the staff report was distributed.

Proponents

1. Mark Hunzeker appeared on behalf of **Pat Mooberry**, the developer. Hunzeker expressed appreciation for the staff's recommendation of approval. The only objection noted by Hunzeker is that the developer does not agree with Condition #1.1.2 or Condition #3.4.3, which indicate that the city will not be held responsible for any development costs associated with this subdivision. Hunzeker advised that the developer has been working with the Parks Department with respect to improvements abutting the park. Before these applications reach the City Council, the developer expects to have an agreement with Parks about what a fair share of infrastructure serving the park would be. Hunzeker indicated that he may appeal these two conditions to keep this process moving while they finish up that agreement.

Hunzeker also noted that the Commission will be hearing from some of the neighboring owners in Pine Lake who do not like the connection at 80th Street joining a stub street in Pine Lake, thereby providing access north and south from this subdivision to and from the Pine Lake subdivision. Hunzeker pointed out that this 80th Street connection is in accordance with the subdivision ordinance and has been shown all along. The developer has discussed this with the neighbors and the staff. The staff is requiring this connection and it was submitted in accordance with the terms of the subdivision ordinance and the staff's direction. The applicant has no opinion about whether this should be a street connection. As the Commission listens to potential solutions to this problem from the standpoint of those preferring not to have the connection, Hunzeker stated that the applicant needs some certainty as to whether it is going to be a street or not. If it is not going to be a street, they will build a house there. It affects the grading plans. If the Commission decides to defer that decision, Hunzeker urged that there be a stringent time limit on when that final decision is made. The developer anticipates being asked to defer pending the annexation of Pine Lake; however, certainty as to the street connection is necessary in order to grade the site. Hunzeker requested approval of the staff recommendation.

Support

1. **Bob Olson**, 8001 Dougan Drive in Pine Lake, testified in support of the staff recommendation. He has lived there 4 years, was President of the Pine Lake Homeowners Association for two years and was on the SID Board. He acknowledged that he is probably a voice in the wilderness because the vast majority of the neighborhood does not want any of the streets opened up. He lives across the street from 80th Street. Protecting the solitude and beauty of this development is primary in all of our decisions and opinions, and he does not want any more traffic coming through Pine Lake, but he believes it would be beneficial to open 80th Street. No one knows how much traffic opening 80th Street will attract. Most of the neighborhood on the right side would not be affected by opening 80th Street. We ourselves (Pine Lake residents) are our own heaviest traffic. No one knows what will be added from the development to the north. Cheney Ridge at the north end is connected to 84th and he believes most of the neighborhood would go to 84th to get to the mega mall. Olson looks forward to having a road around the west side of his property to Hwy 2 to connect to the Berean Road. The opening of Northshore Drive is a neutral point.

One of the primary concerns of the neighbors is safety and that the kids can't play out in the street. Olson does not believe the children should be allowed to play in the street anyway. Olson stated that he did try to educate the neighborhood. Mooberry's plat has done a good job of offsetting the street so that it is not a straight shot into the Pine Lake neighborhood. Olson recommends that the development be approved and that 80th Street be opened. Having to go south of Pine Lake Road ½ mile and then back north just to get to 84th or 70th is not acceptable and creates a lot of traffic through the neighborhood. He does not foresee that many people coming through the area with the 80th Street connection. Emergency services may also be a concern if the street connection is not made. Once Pine Lake is annexed, they will need a fire station.

Newman referred to the new road on the west. When is the city going to put that road in? Olson did not know. They just keep hearing that it is "probably what they are going to do." Brian Will of Planning staff advised that the roadway on the west side is shown in the subarea plan. It is only conceptual at this point. There are no development plans for that area, but as that area is developed that road is anticipated.

Opposition

1. **Steve Flanders**, 6420 Eastshore Drive, Trustee of SID #2, which is in charge of the Pine Lake area, testified, stating that he is in a neutral position. A regular meeting of the Pine Lake SID #2 was held last Monday and a resolution was passed which he read into the record. The resolution states, in part, that:

Sanitary and Improvement District #2 of Lancaster County, Nebraska, is opposed to the extension of any connecting streets along the District's northern or western boundaries until such time as mutually agreeable arrangements for such extensions are made with the Sanitary and Improvement District #2.

The SID's position in regard to the development itself is that it is a good logical development, but the SID needs to have conversations with the city in regard to access to Pine Lake. The Pine Lake SID

is on record as approving “one” connection to neighborhoods, and now there are three proposed. At that point in time, 80th Street was approved but that was before the proposed and current development.

If the development is approved with the 80th Street connection, the Pine Lake SID needs conversations with the city before it is opened because there are concerns about the construction traffic for the 2-4 year period of time that it will take to build the homes. It’s enormous and it is heavy equipment. The road on top of the dam is very sensitive and not constructed for that type of traffic. The SID has not been contacted by the city in regard to the cost, maintenance and the prolonging of the opening of that road. The SID needs some interaction before this decision is made.

Hunter asked Flanders whether he is a resident of Pine Lake. Flanders stated that he is a resident and is on the Board of Trustees, which is an elected position.

Steward asked whether the road network has changed since the SID was first established. Flanders noted that to be 30 years ago. It basically has not changed too much. But before the SID will approve or allow access, they need to know what connections are going to be made to 84th, Hwy 2 and interlocking the neighborhoods.

Steward then inquired whether the 80th Street stub was there before the houses were built. Flanders responded that there are several roads that were shown in the original community unit plan that were public right-of-way. Two of them were originally intended for the Pine Lake Addition and intended to be below the dam, which is no longer going to happen.

2. Bevan Alvey, President of Pine Lake Association, read into the record a letter from the Pine Lake Board of Directors in opposition:

The Pine Lake Homeowners’ Association has called over six neighborhood meetings dealing with Pine Lake’s future annexation and the new Comprehensive Plan. Attendance at those meetings has ranged from 15-35 families. With a few minor exceptions, the vast majority of our neighbors wish to maintain the rural nature of our neighborhood and adamantly oppose the opening of the 80th Street stub road.

We recognize and embrace the open neighborhoods policy and if we only had residential neighbors to our south we would not oppose the opening of 80th St. However, we can’t believe it is fair or proper to use that policy and ignore the extreme impact on the safety of our streets.

Please support us in closing the 80th St. stub road.

Alvey also handed out a map showing how the traffic flow is likely to occur with the opening of 80th Street. Pine Lake is flanked by the largest commercial areas in the entire State of Nebraska. The Pine Lake residents have been living in a relatively rural setting for the last 30 years. Therefore, their roads were designed with the idea of living in a compact small area. There are 131 families in Pine Lake with no sidewalks and no street lights. The streets are narrow and we have some blind curves. There are weight limitations on the street over the dam. The Mooberry development would be approximately 100 families. The Pine Lake residents would welcome the Mooberry development if that’s all there was. When the Pine Lake neighbors first met with Mooberry, he had no objection to not opening up 80th Street because he was comfortable that his development would have plenty of access

to everything around it. Mooberry attempted to submit a plat to the Planning Dept. that did not show 80th Street and he was told not to submit it without the opening of 80th Street. The problem is not Pat Mooberry's addition of 100 families—it's the 800 families that are adjacent to this area. Those 800 families will use 80th Street as the shortcut to the mall and the commercial areas. It is aggravated by the fact that 84th Street has not been moved and has not been widened, which is part of the plan to accommodate the traffic. The north/south connection to Hwy 2 is now a pipe dream. And the Berean Church has no interest in developing at all, so that north/south road may never be completed. Opening up 80th will cause a funneling of traffic through the Pine Lake area.

In summary, Alvey stated that the Pine Lake residents embrace the open neighborhood concept, but they do not want to create a through-way for 800 families to get to the largest commercial areas in the state. The Planning Department has done no studies on the traffic impact of opening up those streets. What is the compelling reason for jamming this street through before any of the other things have been done to alleviate the traffic?

Hunter inquired whether there are stop signs at the corners of Westshore Drive and Dougan Drive and Northshore Drive. Alvey believes there is a stop sign on Northshore Drive where it connects into Westshore Drive. There are no north/south stop signs.

3. Sharon Kresse, 8000 Dougan Drive, testified in opposition, showing several photographs and begging the Commission not to make this irrevocable decision that will endanger their children. The Pine Lake residents tried to work with the Planning Dept. and were told that all neighborhoods must be connected. "Yes, there are exceptions, but you don't qualify". In looking at the danger to the children, we are told, "don't let them play in the street". In the short street where Dougan turns up to the cul-de-sac, there are just a few homes and there are 13 children under the age of 14 in that concentrated area which is where the stub road would connect. On the weekends there are people out walking and children out playing—it's a busy neighborhood. The dam has a blind curve at either end. The road over the dam drops off steeply on both sides. Kresse agreed that it is impossible to protect our children from everything, but it is so unnecessary to open up this stub road and bring additional traffic in. The Pine Lake residents are getting along just fine with the way it is right now. There is plenty of access to the north. Please do not make this irrevocable decision to open 80th Street.

4. Kerry Petersen, 7843 Amelia Drive, which is to the north of the proposed development in Edenton South Heights, testified in opposition. He has talked with a number of people in Edenton South. There are approximately 800 families in that area, which is served by a 3-acre park developed at the end of a gravel road. Edenton South Heights would like to see the city work with the developer to expand that park to the north and protect the tree line. As of yesterday, the trees were coming down. He believes that the developers were both contacted about that tree line. The Edenton South Heights neighbors would very much like to have an 8-10 acre park to serve this community. He has also talked with some people at the Berean Church. As far as they are concerned, there will not be a road that goes south of Highway 2.

5. Kent Seacrest appeared on behalf of the **Pine Lake Homeowners Association**. The neighborhood has become engulfed by housing on one side and a lot of retail and commercial on all other three sides. The Pine Lake Homeowners do not want to foil Mooberry's efforts to build rooftops. But it must be done with "good planning". The general rule on connectivity is that you do want to have

your neighborhoods connected, but for every general rule there are some good exceptions. Seacrest proposed that this is one of those exceptions. In 1994, this neighborhood was proposed to be next to a very large regional shopping center. There is all sorts of language in the 1994 Comprehensive Plan talking about protecting this neighborhood from traffic and from changing its character. An agreement was reached during the 2000 subarea plan process to prevent traffic from coming through the Pine Lake neighborhood. We talked about moving streets, we quieted Pine Lake Road, we moved 84th Street over—we've done everything possible. The Subarea Plan said that we needed to study these stubs, but Seacrest has not seen a traffic study. Adding cars without sidewalks and street lights raises an interesting question.

Seacrest submitted proposed amendments to the conditions of approval. These amendments propose that the question not be decided today with this application, but at the time of the annexation of Pine Lake. Is the city ready to annex this neighborhood? The real fundamental question is, what is the character of the neighborhood going to be after annexation? Will it remain no sidewalks and no street lights? If you know the answer to that question, the stub question is solved. If it is going to be urbanized with sidewalks and street lights, then the stubs are correct. But if you protect the existing character of the neighborhood, maybe the stubs are appropriate. Seacrest suggests "don't built it until the annexation is done". He understands that the annexation should be completed in the year 2002. We will then know the characteristic of this neighborhood and that is the time to go back to the stub question. By deferring this question, you also address the SID concern. If we do the annexation, the SID no longer exists.

Steward wondered whether it would be just as logical to argue that half of Edenton South is going to seek the most direct, more easily traveled route down to Hwy 2, going west to get east. The other half are going to go north to get east to Old Cheney. And the Parker's Landing traffic is going to go within their neighborhood to get to 84th. Isn't that just as logical a route? Seacrest agreed that it is a very viable route. The other routes are logical, but when you talk about transportation and drivers, you can throw logic out. People will cut through wherever possible.

Steward wondered about emergency vehicle access. Do your clients have any concern? Seacrest pointed out that the subarea plan shows that the Fire Dept. is planning a new fire station but the location is not yet determined. This is not the only way in and out of this neighborhood. There will be three ways. For example, in Southfork we asked you not to connect 68th Street and the Planning Commission agreed, and Southfork only had one way in and out. This one has three. The question is whether we can discuss it in a bigger context than just trying to be traffic experts.

Hunter inquired as to when the first proposed retailer is going to open in the new center. Seacrest believes it will be constructed in 2002 and the openings will probably be more in the 2003 range. Hunter commented then that realistically, as far as traffic generated by the shopping center, it really isn't even a consideration for at least 18 months. Seacrest concurred.

Hunter noted that in order to come from the north residential area to the new subdivision into the south, you have to make 7 turns back and forth. She does not see anyone concerned about the increased traffic coming north. Is this a realistic fear? Seacrest believes that it is. He has gone on residential streets to avoid the Gateway arterials.

Staff questions

Newman asked staff to respond to the timeframe on 84th Street improvements. Dennis Bartels of Public Works did not have an exact answer. The year 2003 is the first project in a series, and 2003 is the part to relocate at Pine Lake taking it all the way north through the existing rural section.

Carlson asked for staff reaction to the proposed amendments to the conditions of approval submitted by Seacrest. Brian Will of Planning staff responded that the staff would not change its recommendation. The staff continues to recommend that the street connections be made.

Bills asked staff to respond to having no contact with the SID. They have to maintain those roads and she knows the road across the dam is narrow and not built to handle heavy equipment. Has there been any talk by the city about a response to the SID resolution? Brian Will was not prepared to respond to the resolution as this is the first the staff has seen it. Relative to this proposed development, Will explained that there has not been any cause to have dialog with the SID. Rick Peo, City Law Department, further responded, stating that he is not sure how the street systems are set up and affected by traffic regulations within the SID. In the city, we would put restrictions on weight and type of vehicles that can use certain roads that cannot handle the traffic. The SID is under private ownership and he does not know who regulates their traffic control devices, etc. He is not sure what type of public access easement might be on those roads.

Steward commented that upon annexation, like all infrastructure, the road system would be up for re-evaluation in terms of traffic control, speed limits, design standards, etc. Peo agreed that if the city annexes and assumes ownership, the city would then control the roads. There is no timeline set for this annexation; however, there is general discussion going on about that concept.

If the Seacrest amendments were approved, Bills wondered if the city would give Pine Lake time to bring the roads into conformance. Peo suggested that those are all issues to be considered during the annexation process.

Response by the Applicant

Hunzeker just became aware of Seacrest's proposed amendments at this meeting. The applicant has no objection to the request to not do 80th Street, and the applicant doesn't have too much objection to deferral of the decision on 80th Street. But the phasing of the development of this project is going to go from west to east, so we're going to be developing the area basically west of 80th Street prior to the area east of 80th Street. There will be access at 80th Street going north in the first phase; there will be access to Ashbrook and Stevens Ridge Road on the west. This applicant would be agreeable to a condition that a note be added to this plat indicating that the plat would be developed in at least two phases and 80th Street would not be included in the final plat of the first phase. That would take 80th Street off the table for at least a year. Hunzeker suggested an alternative to the Seacrest proposed amendment. Condition #1.1.14 could be amended to "add a note that final platting of this subdivision will be done in two phases and that 80th Street would be included in Phase 2."

If the Commission chooses to do the Seacrest language deferring the street, the developer would request that all language after the first sentence not be included because in addition to deferral, the Seacrest amendment requires the developer to construct and dedicate a pedestrian way in the location

where 80th Street is shown and the developer does not want to do that. If they are not required to do 80th Street, Hunzeker believes the developer should be able to build a house on that lot and not be required to provide the pedestrian way. If there is a need for access, then let's have the access. We either want to control that ground or we want to build a street. Again, we are not pushing for the street. We do not want to do a pedestrian way easement and sidewalk through there and not have the ability to build a house there if we do not build the street the staff is requesting.

In addition, if the Planning Commission approves the Seacrest amendments, Hunzeker again suggested that all language after the first sentence be deleted, and that language be added which states, "However, if annexation has not occurred within one year of approval of this preliminary plat, then the developer may proceed with the improvements as shown".

Hunzeker believes that the staff intends to initiate the Pine Lake annexation shortly after the first of the year.

Public hearing was closed.

CHANGE OF ZONE NO. 3337

ADMINISTRATIVE ACTION BY PLANNING COMMISSION: December 12, 2001

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

PRELIMINARY PLAT NO. 01014, PARKER'S LANDING

ADMINISTRATIVE ACTION BY PLANNING COMMISSION: December 12, 2001

Hunter moved to approve the staff recommendation of conditional approval, as set forth in the staff report dated November 2, 2001, seconded by Steward.

In looking at this whole proposal, Hunter commented that it seems like everything for which all parties are seeking deferral is happening anyway. Annexation will occur, and the shopping center is not going to be developing any traffic until probably 2003. So, in terms of deferring for the road requested by Seacrest or the further amendment requested by Hunzeker, it is going to happen by normal development because they are developing the western side first.

Newman understands the neighborhood's concerns. She thinks every neighborhood has the same concerns. Her concern is if there are substitute north/south corridors that will take that traffic off, and she believes the developer has been diligent by putting in some extra jags to prevent people from thinking this is an easy cut-through. As long as 84th and the 76th/77th corridor goes in, she thinks the neighborhood is going to be safe.

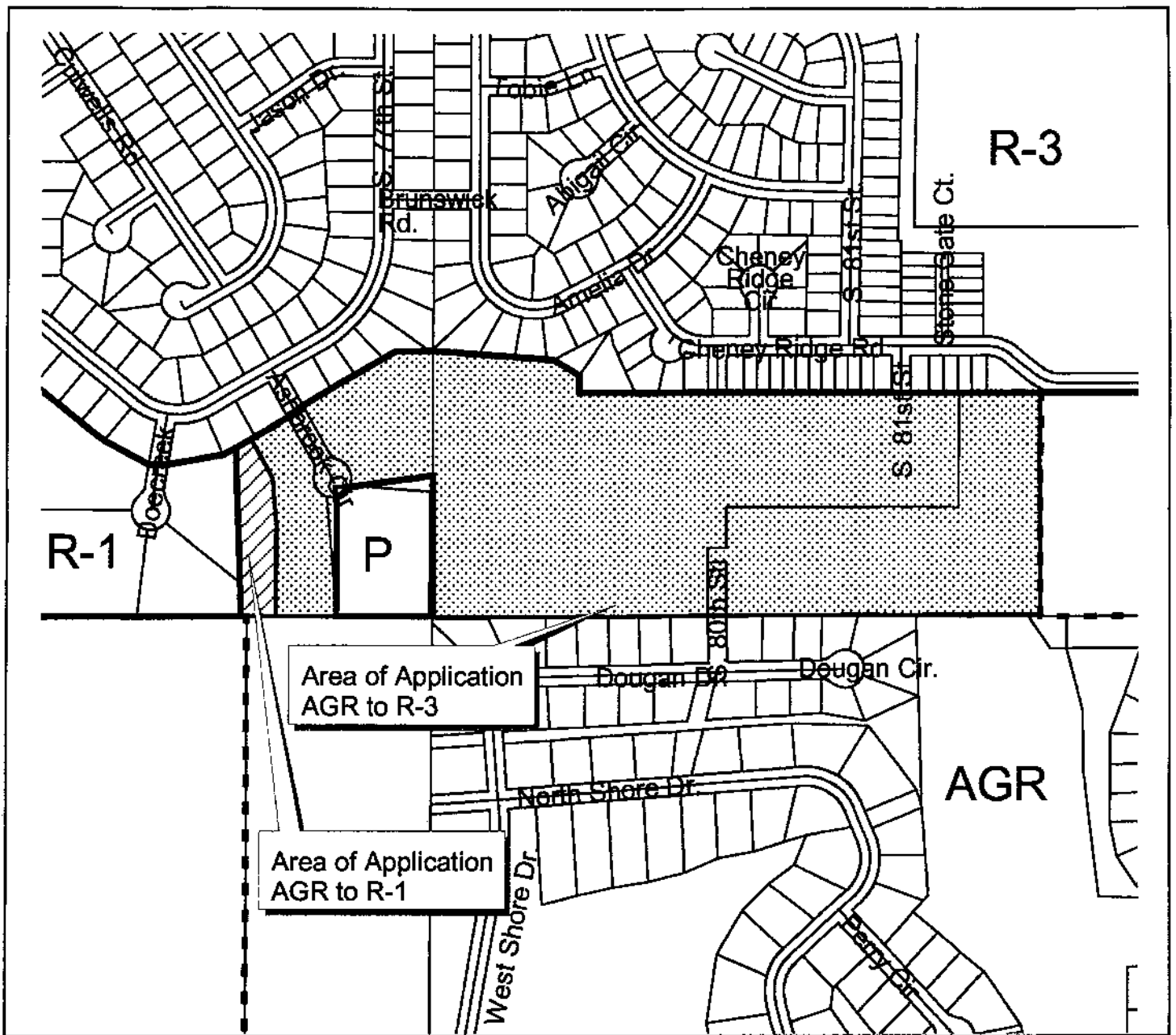
With regard to the so-called "larger issues" that were brought up by the neighborhood attorney, Steward commented that we all know that this is only one of several communities that are being urbanized around it, and there will be more. His opinion is more about the larger issues, which are connectivity, emergency vehicle access, timely access to the community, and ultimately, the standards of the street to control the traffic in a more urban neighborhood pattern. Steward also believes that the fact that the

So. 80th Street stub has been a part of the original plat of this development indicates that it has been forever known, or should have been forever known, that this is likely to be a north/south street that goes somewhere. He thinks the larger issues are connectivity, urbanizing to meet standards and safety through access to emergency vehicles.

Duvall believes that both the applicant and the neighbors are striving for definition of a time line. We are still assuming the construction schedule will be during a given time and during that time period things will evolve and be in place.

Schwinn agreed with the previous comments.

Motion for conditional approval, as set forth in the staff report, carried 9-0: Steward, Newman, Krieser, Taylor, Carlson, Hunter, Bills, Duvall and Schwinn voting 'yes'.

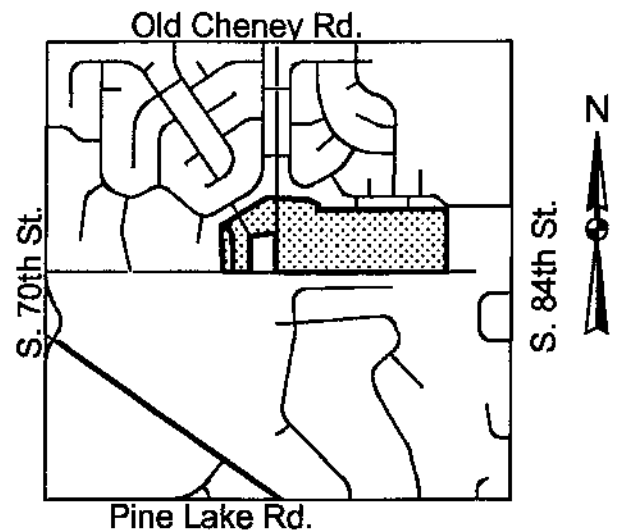
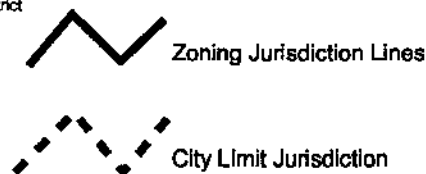


Change of Zone #3337 S. 80th & Cheney Ridge Parker's Landing

Zoning:

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

One Square Mile
Sec. 15 T9N R7E



014

LEGAL DESCRIPTION
 CHANGE OF ZONE
 "FROM AGR TO R-1"

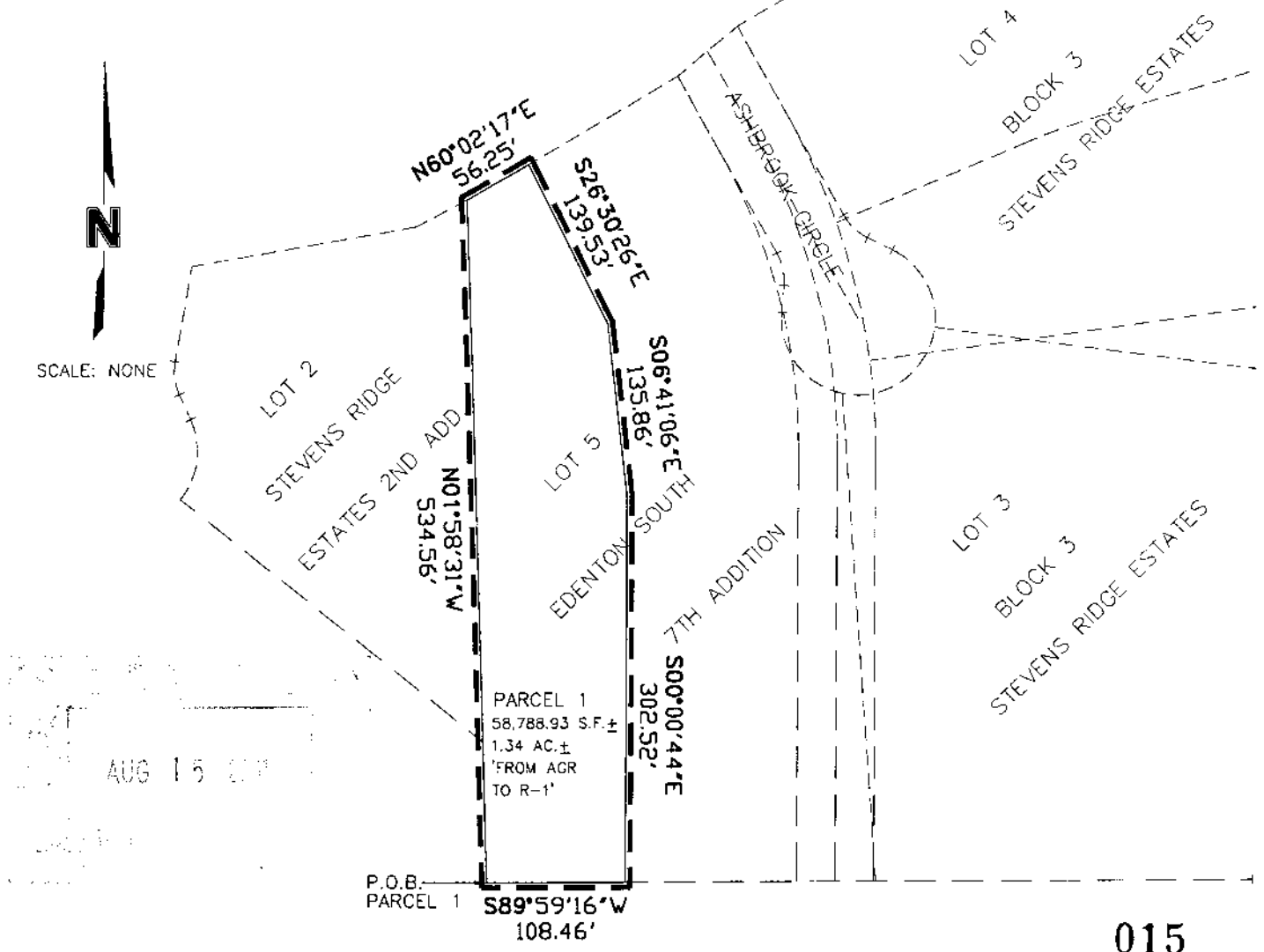
PARCEL #1

A LEGAL DESCRIPTION FOR CHANGE OF ZONE PURPOSES FOR A TRACT OF LAND COMPOSED OF A PORTION OF LOT 5, EDENTON SOUTH 7TH ADDITION, LOCATED IN THE NORTHWEST QUARTER (NW4), OF SECTION 15, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6TH P.M., CITY OF LINCOLN, LANCASTER COUNTY, NEBRASKA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 5, SAID EDENTON SOUTH 7TH ADDITION ; THENCE ON AN ASSUMED BEARING NORTH 01 DEGREES 58 MINUTES 31 SECONDS WEST ALONG THE WEST LINE OF SAID LOT 5, A DISTANCE OF 534.56 FEET TO A POINT OF DEFLECTION; THENCE NORTH 60 DEGREES 02 MINUTES 17 SECONDS EAST ALONG A NORTHWESTERLY LINE OF SAID LOT 5, A DISTANCE OF 56.25 FEET TO A POINT; THENCE SOUTH 26 DEGREES 30 MINUTES 26 SECONDS EAST, A DISTANCE OF 139.53 FEET TO A POINT; THENCE SOUTH 06 DEGREES 41 MINUTES 06 SECONDS EAST, A DISTANCE OF 135.86 FEET TO A POINT; THENCE SOUTH 00 DEGREES 00 MINUTES 44 SECONDS EAST, A DISTANCE OF 302.52 FEET TO A POINT ON THE SOUTH LINE OF SAID LOT 5; THENCE SOUTH 89 DEGREES 59 MINUTES 16 SECONDS WEST, A DISTANCE OF 108.46 FEET TO THE TRUE POINT OF BEGINNING.

SAID TRACT CONTAINS A CALCULATED AREA OF 58,788.93 SQUARE FEET OR 1.34 ACRES MORE OR LESS.

July 25, 2001 (2:01PM)
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LEGAL DESCRIPTION
ZONE CHANGE
"FROM AGR TO R-3"

A LEGAL DESCRIPTION FOR CHANGE OF ZONE PURPOSES FOR A TRACT OF LAND COMPOSED OF A PORTION SOUTH BOTH STREET RIGHT-OF-WAY, A PORTION OF ASHBROOK CIRCLE, RIGHT-OF-WAY, A PORTION OF LOT 5, EDENTON SOUTH 7TH ADDITION, A PORTION OF LOTS 3 AND 4, BLOCK 3, STEVEN'S RIDGE ESTATES, AND ALL OF LOTS 62 AND 69 I.T., ALL LOCATED IN THE NORTH HALF (N1/2) SECTION 15, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6TH P.M., CITY OF LINCOLN, LANCASTER COUNTY, NEBRASKA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 69 I.T.; THENCE ON AN ASSUMED BEARING OF SOUTH 00 DEGREES 00 MINUTES 36 SECONDS EAST, ALONG THE EAST LINE OF SAID LOT 69 I.T., A DISTANCE OF 708.66 FEET TO THE SOUTHEAST CORNER OF SAID LOT 69 I.T.; THENCE SOUTH 89 DEGREES 59 MINUTES 50 SECONDS WEST ALONG THE SOUTH LINE OF SAID LOTS 69 AND 62 I.T., A DISTANCE OF 1942.78 FEET TO THE SOUTHWEST CORNER OF SAID LOT 62 I.T., SAID POINT ALSO BEING THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER (NE4) OF SAID SECTION 15; THENCE NORTH 00 DEGREES 04 MINUTES 38 SECONDS EAST ALONG THE EAST LINE OF SAID LOTS 3 AND 4, A DISTANCE OF 448.88 FEET TO A POINT; THENCE SOUTH 82 DEGREES 20 MINUTES 58 SECONDS WEST, A DISTANCE OF 313.18 FEET TO A POINT; THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION HAVING A RADIUS OF 530.00 FEET, ARC LENGTH OF 70.66 FEET, DELTA ANGLE OF 07 DEGREES 38 MINUTES 18 SECONDS, A CHORD BEARING OF SOUTH 03 DEGREES 49 MINUTES 53 SECONDS EAST, AND A CHORD LENGTH OF 70.60 FEET TO A POINT OF TANGENCY; THENCE SOUTH 00 DEGREES 00 MINUTES 44 SECONDS EAST, A DISTANCE OF 336.80 FEET TO A POINT ON THE

SOUTH LINE OF SAID LOT 5; THENCE SOUTH 89 DEGREES 59 MINUTES 16 SECONDS WEST ALONG THE SOUTH LINE OF SAID LOT 5, A DISTANCE OF 195.00 FEET TO A POINT; THENCE NORTH 00 DEGREES 00 MINUTES 44 SECONDS WEST, A DISTANCE OF 302.52 FEET TO A POINT; THENCE NORTH 06 DEGREES 41 MINUTES 06 SECONDS WEST, A DISTANCE OF 135.86 FEET TO A POINT; THENCE NORTH 26 DEGREES 30 MINUTES 26 SECONDS WEST, A DISTANCE OF 139.53 FEET TO A POINT ON THE NORTHWESTERLY LINE OF SAID LOT 5; THENCE NORTH 60 DEGREES 02 MINUTES 17 SECONDS EAST ALONG THE NORTHWESTERLY LINE OF SAID LOT 5, A DISTANCE OF 135.20 FEET TO THE NORTHERNMOST CORNER OF SAID LOT 5; THENCE NORTH 50 DEGREES 35 MINUTES 09 SECONDS EAST, A DISTANCE OF 60.89 FEET TO THE WESTERNMOST CORNER OF SAID LOT 4; THENCE NORTH 58 DEGREES 39 MINUTES 39 SECONDS EAST ALONG THE NORTHWESTERLY LINE OF SAID LOT 4, A DISTANCE OF 342.83 FEET TO A POINT OF DEFLECTION; THENCE NORTH 89 DEGREES 50 MINUTES 51 SECONDS EAST ALONG THE NORTH LINE OF SAID LOT 4, A DISTANCE OF 119.23 FEET TO THE NORTHEAST CORNER OF SAID LOT 4, SAID POINT ALSO BEING THE NORTHWEST CORNER OF SAID LOT 62 I.T.; THENCE SOUTH 85 DEGREES 52 MINUTES 31 SECONDS EAST ALONG THE NORTH LINE OF SAID LOT 62 I.T., A DISTANCE OF 386.37 FEET TO A POINT OF DEFLECTION; THENCE SOUTH 59 DEGREES 16 MINUTES 49 SECONDS EAST ALONG A NORTHEASTERLY LINE OF SAID LOT 62 I.T., A DISTANCE OF 98.48 FEET TO A POINT OF DEFLECTION; THENCE SOUTH 00 DEGREES 00 MINUTES 10 SECONDS EAST ALONG AN EASTERLY LINE OF SAID LOT 62 I.T., A DISTANCE OF 55.10 FEET TO A POINT OF DEFLECTION; THENCE NORTH 89 DEGREES 59 MINUTES 50 SECONDS EAST, ALONG THE NORTH LINE OF SAID LOTS 62 AND 69 I.T., A DISTANCE OF 1471.47 FEET TO THE TRUC POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA OF 1,684,901.48 SQUARE FEET OR 38.68 ACRES MORE OR LESS.

REVISION 5, 2001 (S-1496)
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