

## **FACTSHEET**

**TITLE:** **CHANGE OF ZONE NO. 3396**, from R-2 Residential to R-4 Residential, requested by Boyce Construction, on property generally located off of North 70<sup>th</sup> Street north of Adams Street.

**STAFF RECOMMENDATION:** Approval.

**ASSOCIATED REQUESTS:** Special Permit No. 2003, Unecede Place Community Unit Plan (03R-107).

**SPONSOR:** Planning Department

**BOARD/COMMITTEE:** Planning Commission  
Public Hearing: 03/19/03  
Administrative Action: 03/19/03

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

### **FINDINGS OF FACT:**

1. This change of zone request and the associated community unit plan for 32 dwelling units on 2.68 acres, were heard at the same time before the Planning Commission.
2. The staff recommendation to approve the change of zone request is based upon the "Analysis" as set forth on p.4-5, concluding that the request is in accordance with the Comprehensive Plan.
3. The applicant's testimony and the testimony by the applicant's representative is found on p.6-7. Other testimony in support is found on p.7, and the record consists of three letters in support (p.18-20).
4. There was no testimony in opposition.
5. On March 19, 2003, the Planning Commission agreed with the staff recommendation and voted 9-0 to recommend approval of the change of zone request.

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

**DATE:** April 21, 2003

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

**DATE:** April 21, 2003

**REFERENCE NUMBER:** FS\CC\2003\CZ.3396 Unecede CUP

## LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

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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.

**P.A.S.:** Unecede Place, **Change of Zone #3396** **DATE:** March 4, 2003  
Community Unit Plan Special Permit #2003

**SCHEDULED PLANNING COMMISSION MEETING:** **DATE:** March 19, 2003  
**\*\*As Revised by Planning Commission: 03/19/03\*\***

**PROPOSAL:** **To change the zone from R-2, Residential to R-4, Residential** and obtain a special permit for a CUP for 32 dwelling units at N. 70<sup>th</sup> and Adams Streets.

**WAIVER REQUEST:** Reduce storm sewer easement from 30' to 20' in width.

**LAND AREA:** 2.68 acres, more or less.

**CONCLUSION:** With conditions, the request is in conformance with the Comprehensive Plan and the City of Lincoln Design Standards.

<b>RECOMMENDATION: <u>Change of Zone #3396</u></b>	<b><u>Approval</u></b>
Special Permit for Community Unit Plan #2003	Conditional Approval
Modification to reduce the storm sewer easement	Approval

### **GENERAL INFORMATION:**

**LEGAL DESCRIPTION:** Lot 31 Irregular Tract, SE quarter of Section 9-10-7.

**LOCATION:** Generally located off N. 70<sup>th</sup> Street north of Adams Street.

**APPLICANT:** Boyce Construction  
4631 South 67<sup>th</sup> Street  
Lincoln, NE 68506  
(402)310-6328

**OWNER:** JD Burt  
Design Associates  
1609 N Street  
Lincoln, NE 68508  
(402)474-3000

**CONTACT:** Same

**EXISTING ZONING:** R-2, Residential

**EXISTING LAND USE:** University of Nebraska storage building, currently vacant.

**SURROUNDING LAND USE AND ZONING:**

North:	Single family residential	R-2, Residential
South:	Gas station, Bank	B-1, Commercial O-2, Suburban Office District
East:	Townhomes, Multifamily	R-4, Residential, R-5, Residential
West:	Single family	R-2

**HISTORY:** Change of Zone #3277 from R-2, Residential to R-T, Residential Transition was requested on August 2, 2000 and later placed on hold by the applicant. A letter is being sent to the applicant asking for them to withdraw this request.

Zoned A-2, Single Family Dwelling District until it was updated to R-2, Residential during the zoning update in 1979.

**COMPREHENSIVE PLAN SPECIFICATIONS:** This area is shown as Urban Residential in the Comprehensive Plan (F-25).

“Other natural features, such as tree masses, in areas for future development, are integrated into new development to provide for green spaces within the built environment” (F 16).

“Maximize the community’s present infrastructure investment by planning for residential...in areas with available capacity” by “encouraging...more dwelling units per acre in new neighborhoods” (F 17).

“Encourage different housing types and choices, including affordable housing, throughout each neighborhood for an increasingly diverse population” (F-18).

“Construction and renovation within the existing urban area should be compatible with the character of the surrounding neighborhood” (F 18).

“Sidewalks should be provided on both sides of all streets, or in alternative locations as allowed through design standards or the Community Unit Plan process” (F 66).

“Interconnected networks of streets, trails and sidewalks should be designed to encourage walking and bicycling and provide multiple connections within and between neighborhoods” (F 66).

“Similar housing types face each other...change to different use at rear of lot” (F 67) (F 69).

“Encourage a mix of housing types, including single family, duplex, attached single family units, apartments, and elderly housing all within one area. Encourage multi-family near commercial areas” (F 69).

“Require new development to be compatible with character of neighborhood and adjacent uses” (F 69).

**UTILITIES:** The development proposes to be served by private water and sanitary sewer. The Public Works & Utilities Department indicated that the proposed connections for sanitary sewer and water mains are satisfactory.

The Public Works & Utilities Department indicates that the proposed storm sewer easement on Lot 5 with access to Shirley Court is the only logical connection to provide adequate drainage of this development. Public Works & Utilities Department will not object to the public storm sewer system that is proposed to be constructed by the Executive Order Process. This construction will also require additional storm sewer be extended in Shirley Court to complete the system to N. 68<sup>th</sup> Street.

The site plan indicates a 20' easement for public storm sewer to connect into the existing system to the west. The Design Standards require a 30' easement but due to the existing residential to the west a 30' is not an unreasonable request. The Public Works & Utilities Department supports this request.

**TOPOGRAPHY:** Level with N. 70<sup>th</sup> Street and sloping steeply toward the west and north. This lot sits up much higher than the adjacent neighborhood.

**ENVIRONMENTAL ANALYSIS:** A number of existing tree masses are proposed to be preserved, however, the site plan shows the entire tree mass along the north property line to be removed and replaced with six trees. This is unacceptable. The existing tree mass contains 20-25 mature cedar trees that provide nearly a 100% screen from the abutting single family residential. This is a redevelopment in an existing residential neighborhood, and reducing the possible impact upon the existing neighborhood is necessary. The plan should be revised to indicate a design that preserves the existing tree mass along the north property line.

**TRAFFIC ANALYSIS:** Property will take access off of N. 70<sup>th</sup> Street, which is classified as an urban minor arterial in the Comprehensive Plan (F-103).

The site plan indicates the dedication of an additional 7' of right-of-way for N. 70<sup>th</sup> Street. The Public Works & Utilities Department indicated that this is satisfactory, however, right-of-way cannot be dedicated through a special permit. The owner should provide a deed to the city.

**ANALYSIS:**

1. This is a request to change the zoning from R-2, Residential to R-4, Residential and obtain a special permit for a community unit plan at the site of the old university grain storage building. This lot has remained vacant for several years.
2. The applicant indicates that this will be a condominium format and that each unit will be sold individually but individual lots will not be created and sold with the unit. The maintenance will be a common responsibility of a homeowners association.
3. The University used the building for a variety of uses. The building lost its non-conforming status after the building was unused for more than two years. The lot is presently zoned R-2, Residential as is the surrounding neighborhood. The lot is oriented toward N. 70<sup>th</sup> Street and has no access into the surrounding residential neighborhood.
4. The Public Works & Utilities Department indicates that a sidewalk connection needs to be shown to the existing sidewalk along N. 70<sup>th</sup> Street for pedestrian circulation to serve this residential development.

5. The Public Works & Utilities Department Watershed Management section indicated that an overland flow path must be allowed for higher, less frequent flows that will overload the proposed storm water system. A swale must be constructed in the proposed storm water easement to allow for the higher flows of storm water.
6. The Comprehensive Plan encourages more dwelling units per acre and a change of use at the rear of lots. There is existing multifamily and townhouses to the east zoned R-4, Residential and R-5, Residential. This development appears to be consistent with the guiding principles of the Comprehensive Plan. This land has been vacant for several years and this request seems to be a reasonable redevelopment for the property.
7. Sidewalks should be provided inside the development leading both to the recreational area and out to the existing sidewalks along N. 70<sup>th</sup> Street.
8. An increase side yard setback to 10' is desired to provide additional separation from the existing single family residential to the north and bank to the south.
9. Street trees along major streets must be planted on private property.
10. The applicant appears to have met with the adjacent property owners regarding the proposed application. The correspondence sent to the neighbors is included.
11. The plan needs to be revised to preserve the existing tree mass along the north property line. The existing mature cedar trees provide a dense evergreen screen from the abutting single family residential, and reducing potential impact on the existing neighborhood. The attached photo shows the screen.

Prepared by:

Becky Horner  
Planner

**CHANGE OF ZONE NO. 3396  
and  
SPECIAL PERMIT NO. 2003  
UNECEDE PLACE COMMUNITY UNIT PLAN,**

**PUBLIC HEARING BEFORE PLANNING COMMISSION:**

March 19, 2003

Members present: Larson, Krieser, Bills-Strand, Carlson, Newman, Taylor, Steward, Duvall and Schwinn.

Staff recommendation: Approval of the change of zone and conditional approval of the community unit plan.

There were no ex parte communications disclosed.

Proponents

**1. Jerry Boyce of Boyce Construction**, 4631 So. 67<sup>th</sup> Street, the applicant, presented the application, expressing that he wants to be as neighborly as possible. He is on the job site daily. He has his own trash truck and will keep trash picked up on the job site. He will make his bobcat available. In this spirit of neighborliness, this project became named "Unecede Place". He has worked with the neighborhood from square one. The trees became an issue early on in the neighborhood meetings. There is a tree mass on the west and north boundary. The site plan has been developed in such a way to achieve the greatest amount of correction of the present drainage problems. For the two or three neighbors who wanted to keep the tree mass, there were more that said, "but if they (trees) have to go in order to achieve proper drainage, take them out, we're tired of having water gushing through our property and into our basements."

Boyce showed photographs of the north tree mass. From a distance it looks like a nice screen, but when you get closer you will see a whole bunch of very dense volunteer growth that is less desirable and competing for sun, light and moisture. Boyce also submitted photographs showing that there are other trees, bushes and a privacy fence right on the boundary line. The main cedar tree trunks are 17 to 18 feet away from the property line and then the limb growth is another 18-20 feet south of the trunks, so we are dealing with 35-40 feet south of the north boundary line that cannot be properly graded and properly drained to achieve the neighbors' greatest desire. The pictures also indicate that many of the main line branches are above head height and are growing straight down to the ground. There are many split trunks and broken limbs, and a lot of lateral growth because it is too thick and too close together.

Boyce agreed with the staff recommendation and conditions of approval, except the requirement to keep this tree mass. He requested that the Commission approve the project as submitted, allowing removal of the northern tree mass to achieve the proper grading in the north 40 feet which will achieve the proper drainage needed for the neighbors.

Steward inquired whether the applicant is suggesting that the drainage cannot be accomplished with the tree mass, or is it the least expensive way to do it? Boyce responded, stating that they cannot achieve as good of drainage with the tree mass. The number of units would also be in doubt and it would put the entire project in doubt. Retention of the tree mass would cause them to lose two units.

**2. J.D. Burt of Design Associates of Lincoln, Inc.**, 1609 N Street, also testified on behalf of the applicant. Part of the problem is how the site drains--a portion of the water drains to the northwest corner of the site and a portion flows to the southwest corner. With this plan to take care of drainage, we have elevated the northerly portion of the site. This developer has proposed to elevate the northerly portion of the site so all the stormwater drains back to the storm sewer in the southwest corner. The developer has negotiated an easement to construct a public storm sewer that likely should have been somebody else's obligation. The proposal is to build the storm sewer down Shirley Court and rebuild the storm sewer at 68<sup>th</sup> & Shirley to take care of the 10 year event.

Burt also alluded to the meetings held with the surrounding abutting property owners, where two issues came to mind: drainage and trees. If we keep the trees, we are going to end up with a revised grading plan that would take the northerly half of this site and drain it back to the north, which does not help the existing drainage problems. The rise in elevation at the north end is in the neighborhood of 4-5 ft. Burt requested that Condition #1.1.8 be deleted and in lieu thereof the developer will agree to plant trees in compliance with the landscape plan and install a 6' privacy fence.

Burt also expressed concern about Condition #1.2.5, which requires that street trees be shown on private property. Burt requested that Condition #1.2.5 be deleted and that the street trees be planted in compliance with design standards.

Carlson does not see the fence along 70<sup>th</sup> Street. Burt acknowledged that the fence is not shown; however, the fence would be shown if they are allowed to remove the trees to the north.

**3. Ralph Carlson**, 3134 Shirley Court, testified in support. When he received notice of this proposal, his first concern was the drainage. He believes they have addressed the drainage issues quite well. The trees in the back of his yard will remain. But in talking to the other people on the north side, they are very pleased with the fact that the trees will be removed and replaced with a fence.

There was no testimony in opposition.

Steward is interested in making the amendment to require tree replacement and the privacy fence as described by the applicant. He wondered whether the tree type and spacing needed to be specified. Becky Horner of Planning staff stated that the design standards generally only require a screen from a certain height to a certain percentage. It does not specify species or spacing. Parks would probably comment on whether or not the spacing is appropriate. She also advised that the 6' fence would exceed the requirements. If the Commission desires a landscape screen in addition to the fence, that would need to be specified in the condition.

With regard to placement of the street trees, Horner stated that the design standards and subdivision standards require that street trees be placed on private property. If they want to waive

that standard, it would require readvertising. Parks indicated that they need to be placed on private property.

Taylor inquired about the staff recommendation to retain the tree mass. Horner explained that the Comprehensive Plan calls for existing tree masses to be preserved where feasible; however, staff is comfortable with the 6' screen alternative given the condition of the trees.

Schwinn inquired whether 70<sup>th</sup> Street will be widened in this area. Dennis Bartels of Public Works believes the plan shows dedicating additional right-of-way to 40' off the centerline. He does not know that there is a specific project for widening but the 40' matches the right-of-way north and south. That is one of the reasons for not putting the trees in the right-of-way. We are accepting 40' of right-of-way because that is the most we can get up and down the street for any future widening. If the trees are put in there it complicates the widening.

Steward is still concerned about the north property edge, primarily because we have more or less solid wall construction of multi-family use with single family owners looking at the back yards. So potentially it is an edge relationship problem. Would the landscaping be on this property or the single family property side of the fence? What's the relationship of the fence to the trees? Burt indicated that the applicant would be open to suggestion. They would rather have the trees on their side of the fence for maintenance purposes. But from an aesthetic problem, Steward believes those four property owners are going to experience a huge change in their back views. He simply is trying to soften that. Boyce interjected that he did not say he would "happily" put in the privacy fence, but he agreed to do it. He understands Steward's concern but it is the choice of the lesser of the two evils. Do we want to provide screening for the neighbors? Steward suggested that they already have screening and this development is taking it down.

Burt advised that he talked to three of the five owners abutting the property. The two owners on the ends would rather have the drainage problem fixed than the trees. The people who live in the middle would rather have the drainage fixed than the trees, but they would like to have a fence.

Boyce noted that there is no known opposition and there are letters in support from Lloyd Hinkley on the south. He also received two phone calls from the two single family residence owners on the south.

Public hearing was closed.

**CHANGE OF ZONE NO. 3396**

**ADMINISTRATIVE ACTION BY PLANNING COMMISSION:**

March 19, 2003

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

**SPECIAL PERMIT NO. 2003**

**UNECEDE PLACE COMMUNITY UNIT PLAN**

**ADMINISTRATIVE ACTION BY PLANNING COMMISSION:**

March 19, 2003

Steward moved to approve the staff recommendation of conditional approval, seconded by Bills-Strand.

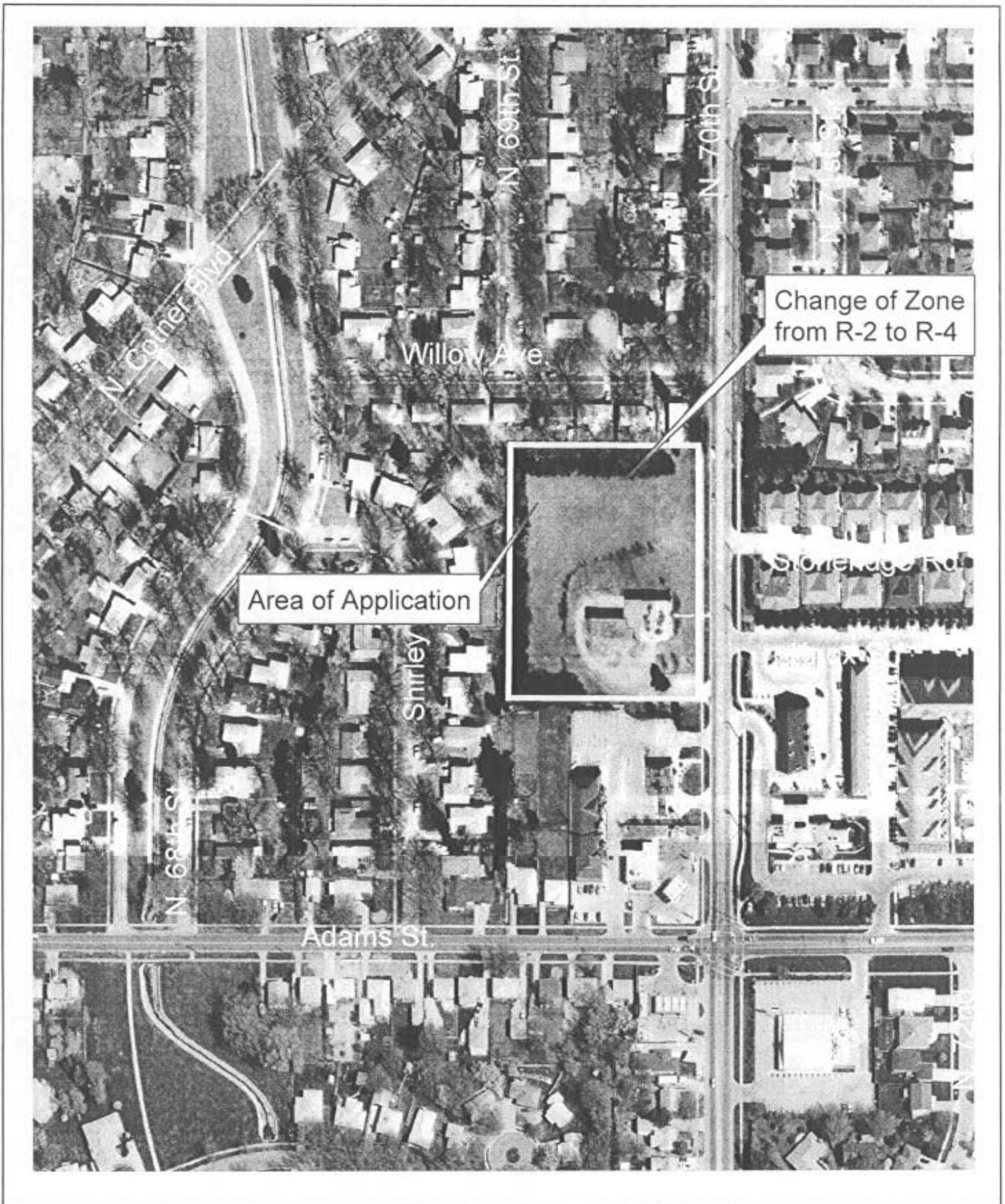
Steward made a motion to amend Condition #1.2.6 to read: “to install landscaping and a privacy fence on the north property line.”, and to delete Condition #1.1.8, seconded by Bills-Strand.

Motion to amend carried 9-0: Larson, Krieser, Bills-Strand, Carlson, Newman, Taylor, Steward, Duvall and Schwinn voting ‘yes’.

Discussion on the main motion: Steward believes it is commendable on the part of the applicant to get this kind of approval from the surrounding single family residents. It is unusual to be able to put multi-family units in such tight proximity. He also believes it has a lot to do with the screening that had been there and now the resolution of the drainage problem, so everyone is trying to work with these edge conditions where one zoning use meeting a lesser zoning use is difficult. Everything the developer can do to mitigate that difficulty is to be commended.

Schwinn believes this is a great job of going into an infill site and making something work.

Motion for approval, with conditions, as amended, carried 9-0: Larson, Krieser, Bills-Strand, Carlson, Newman, Taylor, Steward, Duvall and Schwinn voting ‘yes’.



**Change of Zone #3396  
 Special Permit #2003  
 N. 70th & Adams St.**



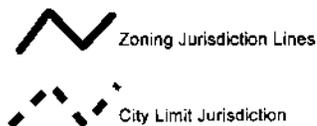
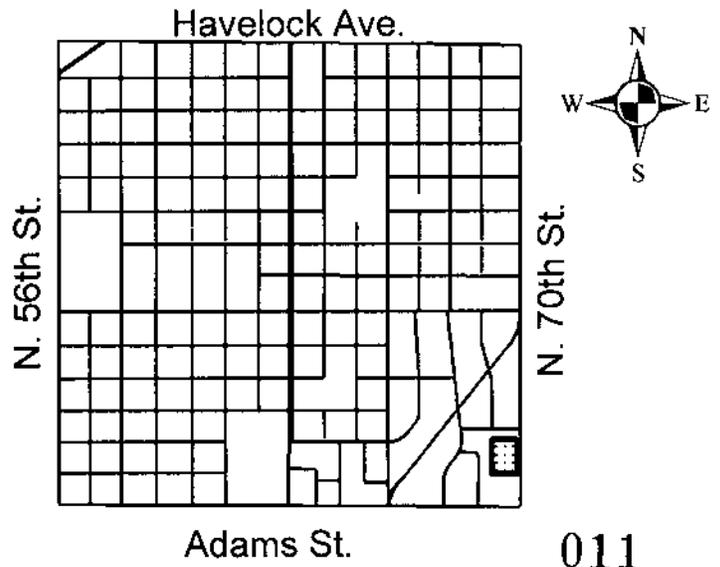
Lincoln City - Lancaster County Planning Dept.  
 1997 aerial



**Change of Zone #3396  
Special Permit #2003  
N. 70th & Adams St.  
Zoning:**

One Square Mile  
Sec. 9 T10N R7E

- 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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Unecede Place Special Permit #02003  
Change of Zone #3396

View from south looking toward the north property line. The easternmost single family house is visible on the right hand of the photo. All of the other houses are screened by the existing tree mass.



**Design  
Associates** of Lincoln, Inc.

Pershing Square  
1609 'N' Street  
Lincoln, NE 68508  
Phone: (402) 474-3000 • Fax: (402) 474-4045

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February 18, 2003

Marvin Krout  
Lincoln/Lancaster County Planning Department  
555 South 10<sup>th</sup> Street  
Lincoln, Nebraska 68508

RE: Unecede Place- Change of Zone  
Application for Special Permit

Mr. Krout:

On behalf of Boyce Construction, Inc., contract purchaser, please accept this correspondence as supplemental information to the attached City Zoning Application. This application requests a Change of Zone from R-2 to R-4 and approval of a Special Permit on property located along the west side of 70<sup>th</sup> Street north of Adams Street. The property is legally described as Lot 31 I.T., Section 9, T10N, R7E, Lincoln, Lancaster County.

The proposed redevelopment plan for the 2.68-Acre property formerly owned by the University of Nebraska includes demolition of the existing building and construction of 32 dwelling units consisting of eight two-family buildings and two multi-family buildings. The multi-family buildings are designed in a 'row house' or 'townhouse format'. The requested R-4 zoning will provide a transition between the existing O-2 and B-1 zoning to the south, B-1 and R-4 zoning to the east and the R-2 zoning to the north and west. Approval of the requested change of zone will allow a maximum of 33 dwelling units and is consistent with existing zoning located immediately east on the east side of 70<sup>th</sup> Street.

The site is designed with the two multi-family buildings along the south property line adjacent to the existing office and commercial facilities and two-family buildings adjacent to the west and north property lines adjacent to the existing residences. This layout is proposed to provide land uses that are compatible with existing land uses adjacent to the site. All 32 units will be available for individual ownership.

Site development will include construction of private sanitary and water mains and installation of a public storm sewer between the development and the 68<sup>th</sup> Street drainage way. The proposed public storm sewer construction is designed to reduce surface run-off from the site that now travels westerly across our neighbor's property into the Shirley Court right-of-way. An easement has been dedicated by one of our neighbors to allow this construction between the site and Shirley Court.

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Consideration has also been given to the existing trees. The plan has been designed to minimize the overall loss of trees on the site. Tree removal along the perimeter of the site is generally limited to trees along the north and south property lines. Replacement trees in these areas are shown on the landscape plan.

During our meetings with neighbors, two issues were of concern. Their concerns included tree loss and drainage. We have attempted to meet both of these goals with the placement of building envelopes located east of the westerly tree mass and off-site improvements to the city's storm sewer system.

Thank you in advance for your favorable consideration. Please advise if additional information is desired.

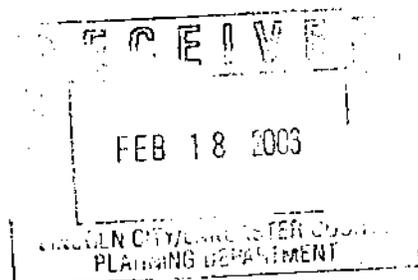
Best regards,



J.D. Burt  
For the firm

Attachments:      Unecede Place Community Unit Plan  
                         February 13<sup>th</sup> Letter to Neighbors  
                         February 13<sup>th</sup> Open House Notice

cc w/ attachments:      Jerry Boyce





**Design Associates** of Lincoln, Inc.

Pershing Square  
1609 'N' Street  
Lincoln, NE 68508  
Phone: (402) 474-3000 • Fax: (402) 474-4045

February 13, 2003

RE: 3115 North 70<sup>th</sup> Street Redevelopment Plan.

Dear Neighbor,

We wanted to take this opportunity to advise of changes and the status of the proposed redevelopment plan for the former University of Nebraska property located adjacent to you.

We met with Phyllis Tetherow (3118 Shirley Court), Ralph Carlson (3134 Shirley Court), Councilperson Coleen Seng and Dennis Bartels (city Public Works) to discuss construction of a storm sewer to reduce surface storm water run-off from the site. As a result of that meeting, Ms. Tetherow has agreed and provided us with an easement to allow construction of a storm sewer south of her home. Thank you Phyllis!

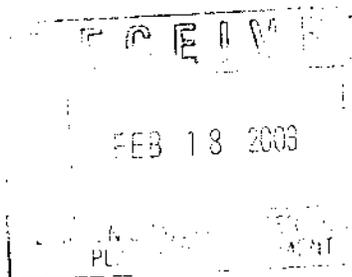
A survey of the existing trees located along the west and north property lines has been completed. The surveyed location and ground elevation adjacent to the trees varied from our original information. Implementation of the plan sent to your for our first meeting would have resulted in a significant loss of trees along both the north and west sides of the site. After careful consideration, the site has been modified to minimize tree loss while continuing to direct storm water run-off to the proposed storm sewer. Changes to the plan include:

- An easterly shift of the westerly two-family buildings and elimination of the center row of parking between the two-family buildings. This shift will allow grades west of these buildings to be adjusted to minimize tree removal along the west property line.
- A northerly shift of the two-family buildings is proposed to allow replacement parking to be provided along the north side of the driveway that accesses 70<sup>th</sup> Street. This shift of the two-family buildings will cause the loss of trees along the north property line. The tree loss is the result of the building shift and grading that is necessary to divert storm water to the south into the proposed storm sewer. Replacement trees are proposed along the north property line and are shown on the landscape plan submitted to the city.
- The multi-family buildings have been modified and shifted to the east. This shift will reduce tree loss and allow placement of a recreation area at the southwest corner of the site.

It continues to be our goal to minimize disruption of trees and improve storm water drainage conditions for our neighbors. We have attempted to meet both of these goals with the proposed plan revisions. Please feel free to contact me if you have any questions before the meeting. If not, we look forward to discussing the project with you next Wednesday.

Sincerely,

J.D. Burt  
For the firm



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**Design Associates** *of Lincoln, Inc.*

Pershing Square  
1609 'N' Street  
Lincoln, NE 68508  
Phone: (402) 474-3000 • Fax: (402) 474-4045

February 13, 2003

**YOU ARE INVITED to an OPEN HOUSE....**

**WHEN:** Wednesday, February 19, 2003 between 6:45 P.M. and 8:00 P.M.  
**WHERE:** Easterday Recreation Center, 6130 Adams Street  
**WHY:** To Discuss a Proposed RESIDENTIAL DEVELOPMENT PLAN

**ABOUT THE PROJECT...**

Boyce Construction is proposing redevelopment of the former University of Nebraska property located on the west side of 70<sup>th</sup> Street north of Adams Street. The property is shown on the attach vicinity map.

The proposed redevelopment plan includes demolition of the existing building and construction of eight two-family buildings and two multi-family buildings in row house or townhouse format. A total of 32 dwelling units are proposed. A copy of the concept plan is also attached for your review.

The site is designed with the two multi-family buildings along the south property line adjacent to the existing commercial and two-family buildings adjacent to the west and north property lines adjacent to the existing residences. All 32 units will be available for individual ownership. This layout is proposed to provide land uses that are compatible with the adjacent properties.

After meeting with adjacent owners and dedication of a storm sewer easement by one of our neighbors, the proposed plan now includes installation of storm sewer between the development and the 68<sup>th</sup> Street drainage way. This storm sewer is expected to reduce surface drainage across our neighbor's property. The proposed plan also includes revisions to the northerly portion of the development that will minimize loss to the existing trees located along our west property line.

Before the project presented to the Planning Commission and City Council, the developers would like to share their plan with you and your neighbors. They would like to address your concerns in an informal environment before the project is presented to the Planning Commission and City Council.

Please review the attached concept plan and give us your thoughts! We look forward to meeting with you on Wednesday, February 19<sup>th</sup> to discuss the project. If you are unable to join us, feel free to contact me at my office with your thoughts.

Thank you for your time.

J.D. Burt  
for the firm

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Attachments: Vicinity Plat Map, Concept Plan

IN SUPPORT

ITEM NO. 3.3a&b: CHANGE OF ZONE NO. 3396  
SPECIAL PERMIT NO. 2003  
(p.59 - Public Hearing - 3/19/03)

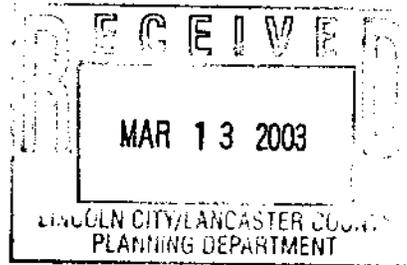
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## TRANSMITTAL

**To: Becky Horner**  
**Fax #: 441-6377**  
**Re: Unecede Place**  
**Date: March 13, 2003**  
**Pages: four (including this cover sheet)**

**Becky,**

**Attached for your files are three letters our office received from adjoining neighbors, Lloyd and Donna Hinkley and Ralph and Margaret Carlson.**



**If there is a problem with this transmittal, please contact:**

The information contained in this fax message is privileged and confidential information intended only for the use of the individual or entity named above. If the read of this message is not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are notified that any distribution or copying of this communication is strictly prohibited. If you received this communication in error, please immediately notify us by telephone and return the original message to us at the above address by mail. Thank you.

**Design Associates  
of Lincoln, Inc.**

Pershing Square  
1609 N Street  
Lincoln, NE 68508

Telephone: 402/474-3000  
Fax: 402/474-4045

To Whom It May Concern:

We want to express our support to Boyce Construction for their plan to build living units on the property at 3115 North 70th Street.

As we live adjacent to this property on the west, we feel it will be a good addition to the neighborhood.

Drainage as planned (if installed) will satisfy our concern for water from this property.

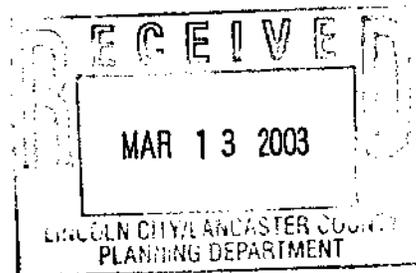
With regards,

*Ralph M. Carlson* 2/21/03

*Margaret A. Carlson*

Ralph & Margaret Carlson

*3134 Shirley Ct.*



Mr. and Mrs. Lloyd Hinkley  
5440 Fairdale Road  
Lincoln, NE 68510  
January 20, 2003

Mr. J.D. Burt  
Design Associates of Lincoln, Inc.  
Pershing Square  
1609 N St  
Lincoln, NE 68508

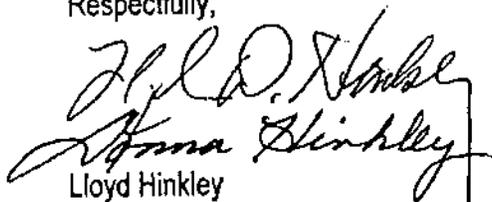
RE: Proposed development 70th & Adams vicinity

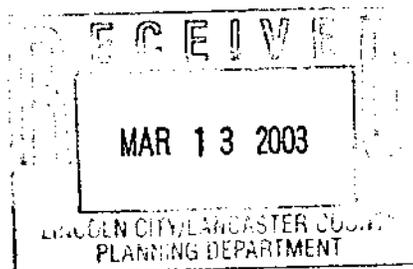
Dear Mr. Burt:

As the owners of Golf Park Center, which lies adjacent to subject development on the south side, we are supportive of your efforts to remove the present building and turn the parcel into residential use. Your proposed density appears to be very reasonable and should be very compatible with the neighborhood.

We give you permission to use this letter of support in meetings with the neighborhood, the planning commission and city council.

Respectfully,

  
Lloyd Hinkley  
Donna Hinkley



**Associates** of Lincoln, Inc.  
Pershing Square  
1609 'N' Street  
Lincoln, NE 68508  
Phone: (402) 474-3000 • Fax: (402) 474-4045



February 13, 2003

RE: 3115 North 70<sup>th</sup> Street Redevelopment Plan.

Dear Neighbor,

We wanted to take this opportunity to advise of changes and the status of the proposed redevelopment plan for the former University of Nebraska property located adjacent to you.

We met with Phyllis Tetherow (3118 Shirley Court), Ralph Carlson (3134 Shirley Court), Councilperson Coleen Seng and Dennis Bartels (city Public Works) to discuss construction of a storm sewer to reduce surface storm water run-off from the site. As a result of that meeting, Ms. Tetherow has agreed and provided us with an easement to allow construction of a storm sewer south of her home. Thank you Phyllis!

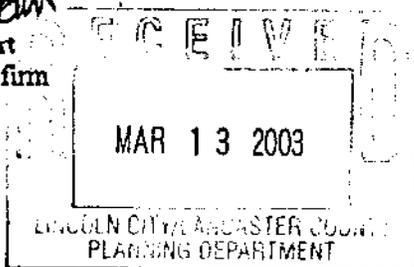
A survey of the existing trees located along the west and north property lines has been completed. The surveyed location and ground elevation adjacent to the trees varied from our original information. Implementation of the plan sent to your for our first meeting would have resulted in a significant loss of trees along both the north and west sides of the site. After careful consideration, the site has been modified to minimize tree loss while continuing to direct storm water run-off to the proposed storm sewer. Changes to the plan include:

- An easterly shift of the westerly two-family buildings and elimination of the center row of parking between the two-family buildings. This shift will allow grades west of these buildings to be adjusted to minimize tree removal along the west property line.
- A northerly shift of the two-family buildings is proposed to allow replacement parking to be provided along the north side of the driveway that accesses 70<sup>th</sup> Street. This shift of the two-family buildings will cause the loss of trees along the north property line. The tree loss is the result of the building shift and grading that is necessary to divert storm water to the south into the proposed storm sewer. Replacement trees are proposed along the north property line and are shown on the landscape plan submitted to the city.
- The multi-family buildings have been modified and shifted to the east. This shift will reduce tree loss and allow placement of a recreation area at the southwest corner of the site.

It continues to be our goal to minimize disruption of trees and improve storm water drainage conditions for our neighbors. We have attempted to meet both of these goals with the proposed plan revisions. Please feel free to contact me if you have any questions before the meeting. If not, we look forward to discussing the project with you next Wednesday.

Sincerely,

*J.D. Burt*  
J.D. Burt  
For the firm



*J.D. I continue to be a strong supporter of this development.  
GOLF PARK - Neighbor to the South  
2/12/2003*