

FACTSHEET

TITLE: CHANGE OF ZONE NO. 3406, from R-2 Residential to O-3 Office Park PUD, and the Legacy Square Office Center Final Planned Unit Development, requested by Mark Hunzeker on behalf of Jerry and Janet Joyce, on property generally located at 81st & "O" Streets.

STAFF RECOMMENDATION: Conditional approval.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 06/11/03
Administrative Action: 06/11/03

RECOMMENDATION: Conditional approval (8-0: Larson, Steward, Carlson, Bills-Strand, Duvall, Krieser, Taylor and Schwinn voting 'yes').

FINDINGS OF FACT:

1. The purpose of this Planned Unit Development is to expand the parking to serve adjacent office buildings and to preserve the existing homes.
2. The application includes the following waiver requests:
 - A. Minimum lot area in the R-2 District;
 - B. Rear yard setback in the R-2 District;
 - C. Parking in the front yard and side yard in the O-3 District; and
 - D. Parking lot screening requirements.
3. The staff recommendation of conditional approval, including approval of the waiver requests, is based upon the "Analysis" as set forth on 3-4, concluding that the Planned Unit Development chapter of the Zoning Ordinance allows this very unique way to provide additional parking for the existing office buildings and still preserve the existing residential frontage along Cherrywood Drive.
4. The applicant's testimony is found on p.7-8, indicating that this developer will purchase and rehab the two single family homes and then resell them to owner-occupants. The applicant also advised that the property owners abutting the site are not opposing this project and will be participants in the selection of the landscape materials that will be utilized on their side of the fence to screen the parking.
5. Testimony in opposition is found on p.9 and the record consists of a petition in opposition containing 34 signatures (p.23-24). The issues of the opposition include traffic, decrease in property values, loss of trees which provide shade and noise barrier, precedent for future rezoning, water run-off, and overall change in neighborhood quality of life.
6. The Planning Commission discussion with staff and the applicant in response to the opposition is found on p.9-10.
7. On June 11, 2003, the Planning Commission agreed with the staff recommendation and voted 8-0 to recommend conditional approval, as set forth in the staff report dated May 30, 2003. The conditions of approval are found on p.5-6.
8. The Site Specific conditions of approval required to be completed prior to scheduling this application on the City Council agenda have been satisfied.

FACTSHEET PREPARED BY: Jean L. Walker

REVIEWED BY: _____

REFERENCE NUMBER: FS\CC\2003\CZ.3406

DATE: July 14, 2003

DATE: July 14, 2003

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for June 11, 2003 Planning Commission Meeting

P.A.S.: Change of Zone #3406

PROPOSAL: Change of zone from R-2 to O-3 including a Final Plan for a Planned Unit Development.

REQUESTED WAIVERS:

1. Minimum Lot Area in the R-2 District
2. Rear Yard Setback in the R-2 District.
3. Parking in the Front Yard and Side Yard in the O-3 District.
4. Parking Lot Screening.

PURPOSE: To expand parking to serve adjacent office buildings and preserve the existing homes.

LAND AREA: Approximately 4.11 acres.

CONCLUSION: The Planned Unit Development chapter of the Zoning Ordinance allows this very unique way to provide additional parking for the existing office buildings and still preserve the existing residential frontage along Cherrywood Dr.

RECOMMENDATION:

CZ #3406

Approval

Waivers:

Minimum Lot Area in the R-2 District	Approval
Rear Yard Setback in the R-2 District.	Approval
Parking in the Front Yard and Side Yard in the O-3 District.	Approval
Parking Lot Screening.	Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION: See attached.

LOCATION: Approximately 81st and O Streets.

EXISTING ZONING: R-2 Residential, O-3 Office Park District

EXISTING LAND USE: Two Single-family Residences, and two Office Buildings

SURROUNDING LAND USE AND ZONING:

North:	Residential, Office	R-2, O,3
South:	Residential	R-2
East:	Commercial	B-2
West:	Residential	R-2

HISTORY:

March 22, 2001 - The City Council approved Use Permit #136 for a 51,122 square foot office building. Of the two office buildings in this PUD, this is for the building on the west.

May 18, 1998 - The City Council approved Use Permit #110 for a 41,250 sq. ft. office building, or the easternmost office building.

February 2, 1998- change of zone 3103, a text amendment to allow, under specific provisions, use permits in the O-3 district on less than 2 acres, was approved by the City Council.

September 29, 1997- change of zone #2972 from R-2 to O-3 was approved by the City Council.

May 8, 1979- the A-2 was converted to R-2 during the zoning update.

April 24, 1972- a request from A-2 to G-1 on lot 59 I.T. was denied by the Planning Commission and the application was withdrawn.

April 29, 1963- the area to the east was rezoned from A-2 to G-1.

COMPREHENSIVE PLAN SPECIFICATIONS:

Single family homes, in particular, add opportunities for owner-occupants in older neighborhoods and should be preserved. The rich stock of existing, smaller homes found throughout established areas, provide an essential opportunity for many first-time home buyers. (F-72)

UTILITIES: This site can be served by all utilities.

TRAFFIC ANALYSIS: This site has access to a full median opening onto O street at Russwood Drive.

ANALYSIS:

1. The requirement for a preliminary plan for a Planned Unit Development (PUD) was waived by the Planning Director on May 13, 2003 pursuant to LMC Section 27.60.030(b) which states:

The Planning Director is authorized to approve a waiver of the preliminary plan provided the proposal is found to meet the following criteria:

- (1) The proposal is in substantial conformance to the comprehensive plan;
- (2) The existing or planned utilities and streets are adequate to serve the proposed development;
- (3) The proposal is in substantial conformance with the adopted design standards of the City of Lincoln.

In addition to finding that the proposal meets the above criteria, the Planning Director shall consider the following in reviewing a request for a waiver of the preliminary plan:

- (4) The size and phasing of the project;
- (5) The impact of the proposal on the surrounding neighborhood;
- (6) The degree of deviation from the allowed uses in the underlying zoning districts.

Upon review of the application, Staff found the proposal in conformance with the zoning ordinance and the preliminary plan was waived.

2. The applicant owns the two office buildings and has contract to purchase the two single family homes. The existing parking meets the zoning ordinance requirements. He is seeking increased parking to serve the current office tenants who requested more parking spaces due to the higher than usual employees per floor area.
3. This request will provide 45 additional parking spaces to serve the office buildings on the site. The waivers to allow parking in the front and side yards in the O-3 district are consistent with the approval of the use permits. The new lot configuration will also require waivers to the rear yard setback and minimum lot area in the R-2 district. A waiver to screening is also requested, as the screening shown is located in the residential lots and not on the lot where the parking lot is located.
4. The minimum lot area in the R-2 District is 6,000 sq.ft. for unattached single family lots. Lot 4 and 5 will have lot areas of 5,027 and 5,033 respectively. If the houses were joined together they would be considered a two family dwelling and then the minimum lot area per family is 5,000 sq. ft.
5. The minimum rear yard is 30' or 20% of the lot depth which ever is smaller. Lot 4 will have an average lot depth of 111' requiring a standard 22.2' rear yard. The plan provides 13.99' at the shortest point. Lot 5 will have an average lot depth of 119.5' requiring a standard 23.9' rear yard. The plan provides 7.93' at the shortest point. However the lots are "pie shaped" and additional yard is provided in the longer side yard dimension of the lots. Due to the short distance from the homes to the rear lot lines the landscape screen must be substantial and exceed the standards. The fence must be 6' in height, completely opaque, durable, and decorative and the planting screen shall include shrubs and ornamental and evergreen trees on the home side and additional shade trees in the parking lot.

6. The applicant is purchasing the two single family lots. It is not clear as to his intension to rent them or sell them after subdivision. The preference would be to sell them so they would be owner occupied to be in keeping with the neighborhood.

CONDITIONS:

Site Specific:

1. After the applicant completes the following instructions and submits the documents and plans to the Planning Department office and the plans are found to be acceptable, the application will be scheduled on the City Council's agenda:

1.1 Revise the site plan to show:

- 1.1.1 Dimensions of the parking lot, distance between the homes and the new lot lines.
- 1.1.2 Label the plants and provide a plant list on the landscape plan. The plan should show at least three shade trees in the parking lot. A landscape plan that includes a 6' in height, completely opaque, durable and decorative fence (the typical stockade fence is not acceptable) and the planting screen shall include shrubs and ornamental and evergreen trees on the home side and street trees along "O" Street and Cherrywood Dr.
- 1.1.3 A grading and drainage plan approved by the Public Works & Utilities Department.

1.2 Provide a metes and bounds description of the area proposed to be rezoned from R-2 to O-3.

2. This approval permits two office buildings, two single family dwellings, and a parking lot on a portion of the R-2 zoned land and waivers to the front yard along "O" Street, Minimum Lot Area in the R-2 District, Rear Yard Setback in the R-2 District, Parking in the Side Yard in the O-3 District, Parking Lot Screening to allow the screen on the abutting residential lots and a revision to the Zoning map from R-2 to O-3 (as per the metes and bounds description).

General:

3. Before receiving building permits:

3.1 The permittee shall have submitted a revised and reproducible final plan plus 5 copies of the entire development including the site plan, grading & drainage plan and landscape plan and the plans are acceptable

3.2 The construction plans shall comply with the approved plans.

3.3 Final Plats shall be approved by the City.

STANDARD CONDITIONS:

4. The following conditions are applicable to all requests:
 - 4.1 Before occupying the parking lot all development and construction shall have been completed in compliance with the approved plans.
 - 4.2 All privately-owned improvements shall be permanently maintained by the owner.
 - 4.3 The accompanying site plan shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
 - 4.4 This ordinance's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
 - 4.5 The City Clerk shall file a copy of the ordinance approving the planned unit development and the letter of acceptance with the Register of Deeds. The Permittee shall pay the recording fee in advance.
5. The site plan as approved with this ordinance voids and supersedes all previously approved site plans, however all resolutions approving previous permits remain in force unless specifically amended by this ordinance.

Prepared by:

Ray F. Hill
Land Development Manager

May 30, 2003

Applicant/

Owner: Jerry and Janet Joyce, Limited Partnership-Lots 59, 60,& 61 I.T.
8101 O Street Suite 100
Lincoln, NE 68510
(402) 489-3387

Kellie Lynn Wozny-Lot 4

Julie Goslin and Bruce J Kreikemeier-Lot 5

Contact: Mark Hunzeker
1045 Lincoln Mall Suite 200
Lincoln, NE 68508
(402) 476-7621

CHANGE OF ZONE NO. 3406

PUBLIC HEARING BEFORE PLANNING COMMISSION:

June 11, 2003

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

Staff recommendation: Conditional approval.

Ex Parte Communications: Bills-Strand and Schwinn reported that they had received a telephone call from the applicant's attorney advising of the petition in opposition.

Proponents

1. **Mark Hunzeker** appeared on behalf of **Jerry Joyce** and circulated photographs of the area. In 1997, the applicant came forward with an application to rezone the eastern portion of this property to build the first of two existing office buildings. At that time, there was substantial opposition to the rezoning, in part because of severe drainage problems that existed along the south lot line of this property and in the rear yards of properties abutting the office building site. After the zoning and use permit were approved, the developer Joyce entered into an agreement with the owners of the property to the east and was able to drain the parking lot runoff into a storm sewer system and out to "O" Street in a way that has cured the drainage problems that existed prior to the construction of these office buildings.

Hunzeker further stated that landscaping, retaining walls and drainage facilities have been installed on this property to solve a problem that was not a problem on this property so much as it was on adjoining properties. Hunzeker discussed other projects done by this applicant.

Hunzeker explained that the reason for this application is because of a rather unique situation with a tenant. Heritage Insurance, which has grown very quickly, has occupancy needs which basically involve more employees per 1,000 sq. ft. than most businesses that occupy this type of office space. They have increased the amount of space that they need in the building and, therefore, the parking demand for that use may infringe on the ability to lease the remainder of the building to quality tenants. Mr. Joyce sought out advice from the Planning Department and had several meetings with the staff on how to do this. He needed to expand the parking lot. He knew that he was hemmed in with residential uses on all sides. And the solution that is being proposed is one which involves the acquisition of two single family homes which abut this site, and the construction of parking in the rear portion of those two lots. Those two lots are relatively large compared to the other lots in the area, and the proposal is to construct parking in the rear yards of those homes, and then resubdividing the property, leaving those two homes with sufficient lot area to meet the duplex standard for the R-2 district or the minimum lot size for the R-3 district. In other words, the density is not something that is a huge increase. We are simply reducing the lot size to what would be allowable under a R-3, or if the two buildings were joined somehow creating a duplex. The screening will be in the same fashion, with the same fence and same materials. The developer has a contract to purchase both of the single family homes

and he will rehab the homes to the extent necessary. Upon completion of this project, the homes will be remodeled to put them in first class condition with the desire to sell them to owner-occupants.

Hunzeker explained that the objective is to maintain the streetscape on Cherrywood--to not change anything as far as the appearance along the street, with the possible exception that as you walk along the sidewalk or drive by you may be able to see the fence screening the parking lot because it will be closer than it is today.

Hunzeker advised that the property owners abutting the site are not objecting to this project. They have agreed to be participants in selecting all of the landscape materials that will be utilized on their side of the fence to screen the parking.

Hunzeker understands the concerns raised by the petition in opposition. With regard to the property value issue, Hunzeker believes that the project thus far has enhanced the values of the properties abutting this office building. It was vacant, there was a single family house on the site, and the use put to this property is probably the best use that could have been expected. It would have been very simple and very convenient for someone to propose fast food or other convenience type retail on these two lots. Hunzeker also believes the values have been enhanced with respect to drainage. There was a low spot in the southwest corner of the site that ponded water in a rain. This problem has been solved. He agreed that one shade tree will be lost, but this developer does a good job of re-landscaping and screening and he believes the result will be better landscaping.

As far as the precedent for future rezoning, Hunzeker does not believe this does set a precedent. The PUD limits the likelihood that there will be any future changes.

Hunzeker believes that the runoff concerns have been addressed. He also noted that an entrance on East Cherrywood has never been anticipated and agreed that it would be harmful to this neighborhood. As far as quality of life, Hunzeker does not believe there will be any change by this development.

Larson inquired about the entrances onto the parking lot from the service road. Hunzeker observed that there are two in the middle and one at the east end. They are not expecting to put another entrance onto "O" Street.

Carlson inquired whether the lease with the insurance company is such that this is anticipated to be a long term need. Hunzeker indicated that this is not something they would do for a short term situation. This is expensive parking.

Steward referred to the grading and drainage plan, noting that the Commissioners cannot determine any of the contour information with the materials they have been given. Are we vulnerable to having to deal with similar problems at the west end of this new space? Hunzeker stated that they anticipate capturing all the surface water from these parking stalls and taking it back into the same storm sewer system. One reason for the configuration shown is that there is a grade change from east to west, and there will be a retaining wall that drops the grade of this parking basically down to the grade of the rear yards, so that in one respect it will be less of an impact than if it were sitting up four to five feet.

Opposition

1. **Mary Eckhout**, 8200 Beechwood Drive, appeared on behalf of some of the neighbors in opposition. She lives directly behind the first building and she agrees that the landscaping is lovely and has been maintained properly. However, the traffic in this neighborhood has increased substantially since the office buildings have been constructed. There are excessive speeds on Beechwood Drive. The neighbors are concerned about what door this might open for the future. She is in support of growth and she is thrilled that the insurance company is thriving, but maybe they need a larger commercial area rather than bringing the traffic into this residential area. The traffic is the biggest issue.

Schwinn inquired about the circulation of the traffic from the parking into the neighborhood. Eckhout stated that it is on a maintenance road off of "O" Street. They come through Knickers and come right down Beechwood Drive. If they want to go west onto "O" Street, the traffic tunnels down Beechwood Drive which takes them to a set of lights that is way down by 74th & "O" Streets.

Staff questions

Steward indicated that he certainly sees the logic in the advice for this PUD; however, in response to the neighbors' concerns, what assurances, if any, can be placed on this application that those two residences will not only remain structurally, but remain in ownership condition? Ray Hill of Planning staff indicated that it would be the same assurance we have with any other change of zone. What is approved today is what is approved. If they want to make a change, it would have to come back to the Planning Commission. That is the reason we discussed the PUD. The only way the staff would consider recommending approval was if they would preserve the single family homes and the neighborhood. The #1 priority was preservation of those two homes and the streetscape along Cherrywood. Any change to that would be required to come back to the Planning Commission.

In response to questions by Carlson about the layout of the zoning, Hill advised that part of the parking lot is left R-2, which has to do with some of the requirements in the code. It required a lot of maneuvering and calculating in order to keep enough R-2 zoning to meet the minimum lot area requirements of the R-2 district. Part of the parking lot is O-3 and part is R-2. The houses are in R-2 zoning but are covered in the PUD overlay district.

Bills-Strand pointed out that it is not easy to get across 84th to head north and then east. She suggested a traffic light. Randy Hoskins, City Traffic Engineer, suggested that this is probably not a good location for a traffic signal because of how close it is to 84th Street. Public Works can take a look at it to see if the warrants for a traffic signal are met at that location; however, whether he would recommend installing one there is questionable because of the required signal spacing in order to keep traffic moving efficiently.

Response by the Applicant

Hunzeker sympathized with the traffic concern. He did point out, however, that it is not only these buildings that have changed. There has been a significant intensification of the uses that were

already there, e.g. the office interiors and design renovation of the Mademoiselle Health Spa; the convenience store on the corner. He doesn't think it's just this project and he thinks it is unfair to put that issue on this particular project.

With regard to the single family homes, the developer has authorized him to say that he will rehab those houses and they will be sold. Hunzeker believes they will be priced such that it would not be economical to be purchase them for rental houses.

Hunzeker also clarified that the people involved in the landscaping decisions are the next-door property owners on either side of the expanded parking lot--not the two single family homes that will be rehabbed.

Hunzeker also suggested that the PUD is a relatively strong assurance that there will not be additional doors opened by this application. They cannot do any more parking and no more nonresidential use than is shown on this plan without rezoning another portion of the residential lots, which means another waiver of the minimum lot size. It would be a rare circumstance to make any changes to this plan.

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

June 11, 2003

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

Bills-Strand commented that this developer has proven to be a good neighbor. As long as he has support from the abutting property owners and if the city looks at the traffic issues, she thinks this will be good for the neighborhood.

Duvall would like to see Public Works address the traffic concerns.

Larson also commented that the developer's record indicates that he will do things in a quality way and he will support it.

Schwinn believes that the mass of those buildings has actually helped the property values because buyers are concerned about traffic noise and these buildings are blocking the noise from "O" Street. He promised the neighborhood that the next time he comes north on 84th Street and sees stacking at the left turn lane, he won't cut into Beechwood and sneak around.

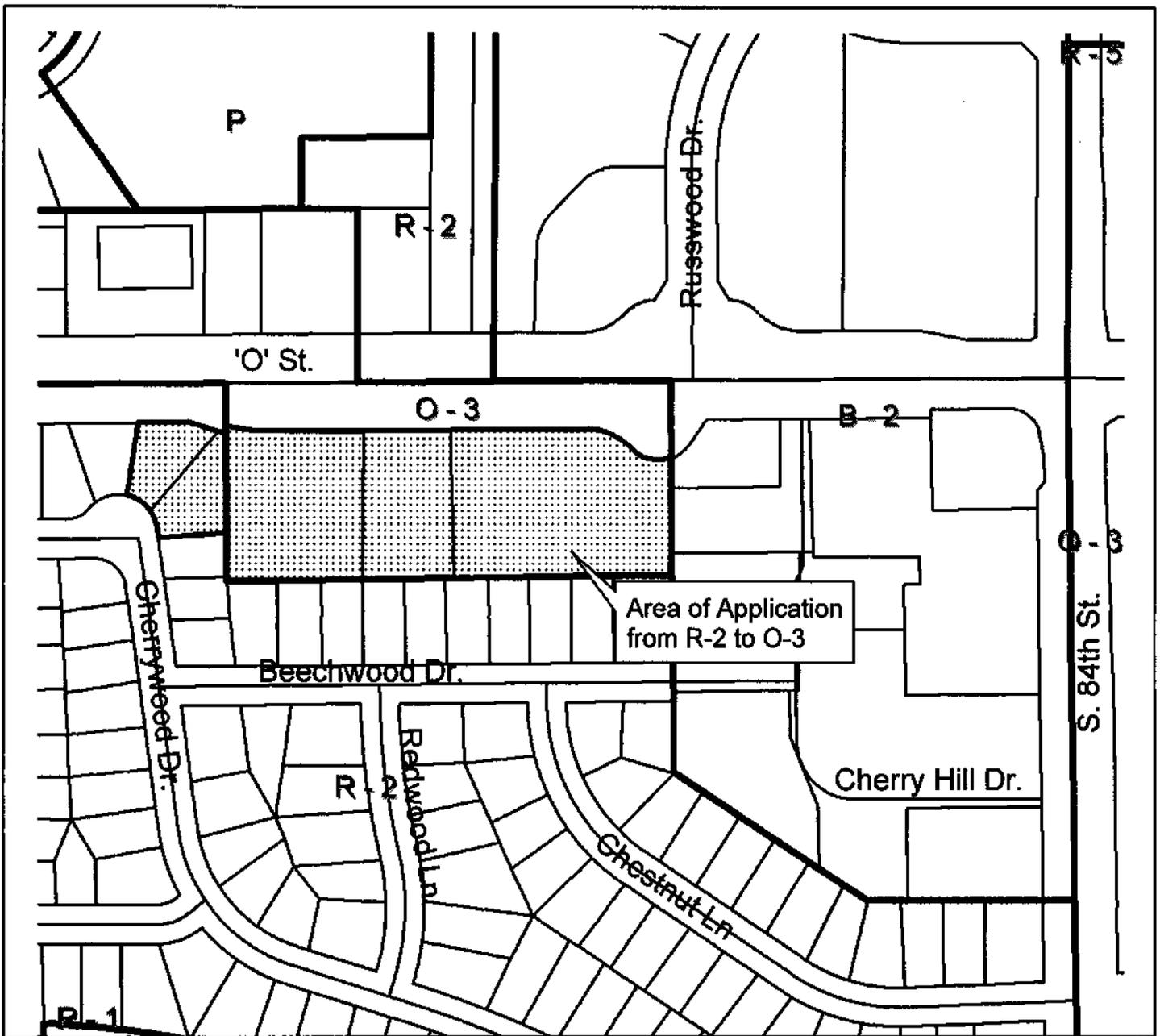
Motion for conditional approval carried 8-0: Larson, Steward, Carlson, Bills-Strand, Duvall, Krieser, Taylor and Schwinn voting 'yes'.



**Change of Zone #3406
Legacy Square Office Center PUD
80th & 'O' St.**



011

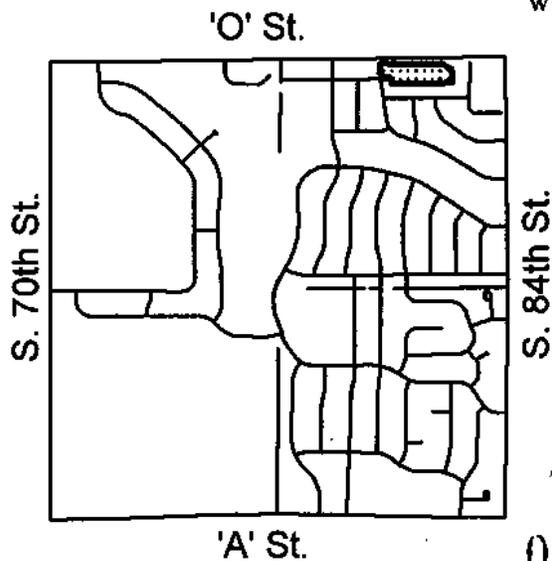
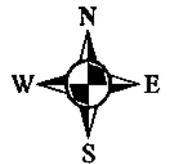


**Change of Zone #3406
Legacy Square Office Center PUD
80th & 'O' St.**

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-6 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

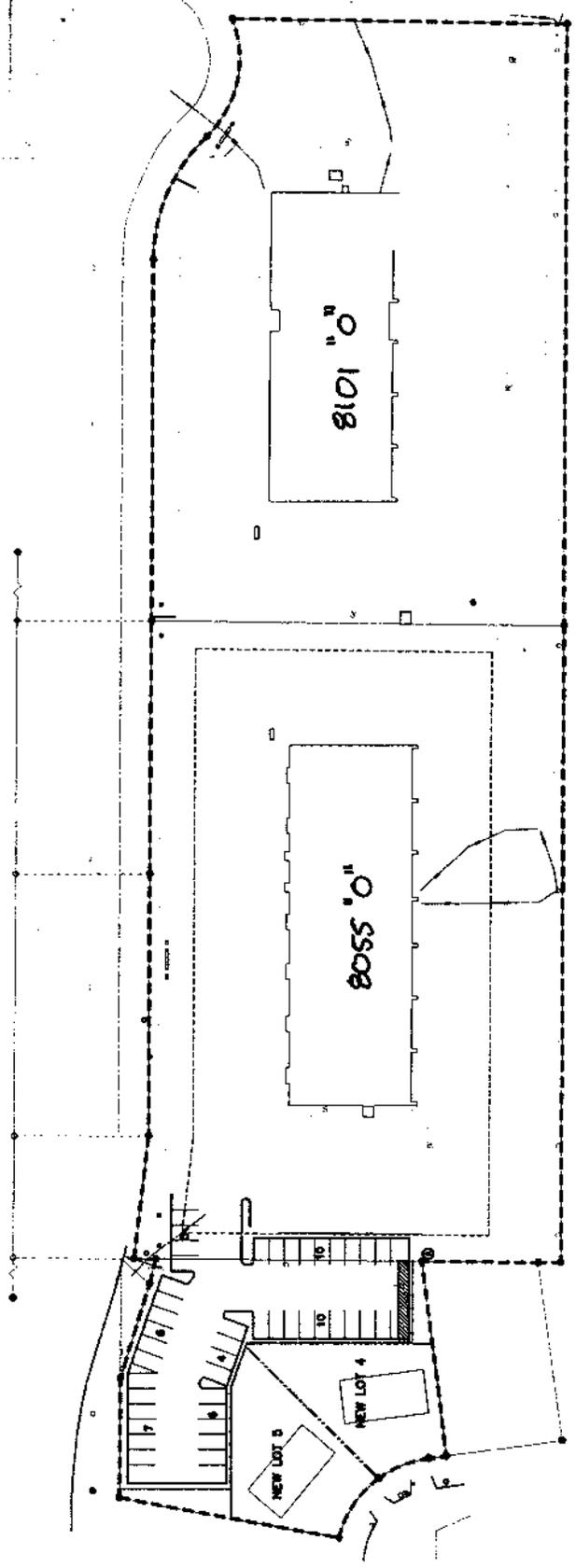
One Square Mile
Sec. 27 T10N R7E



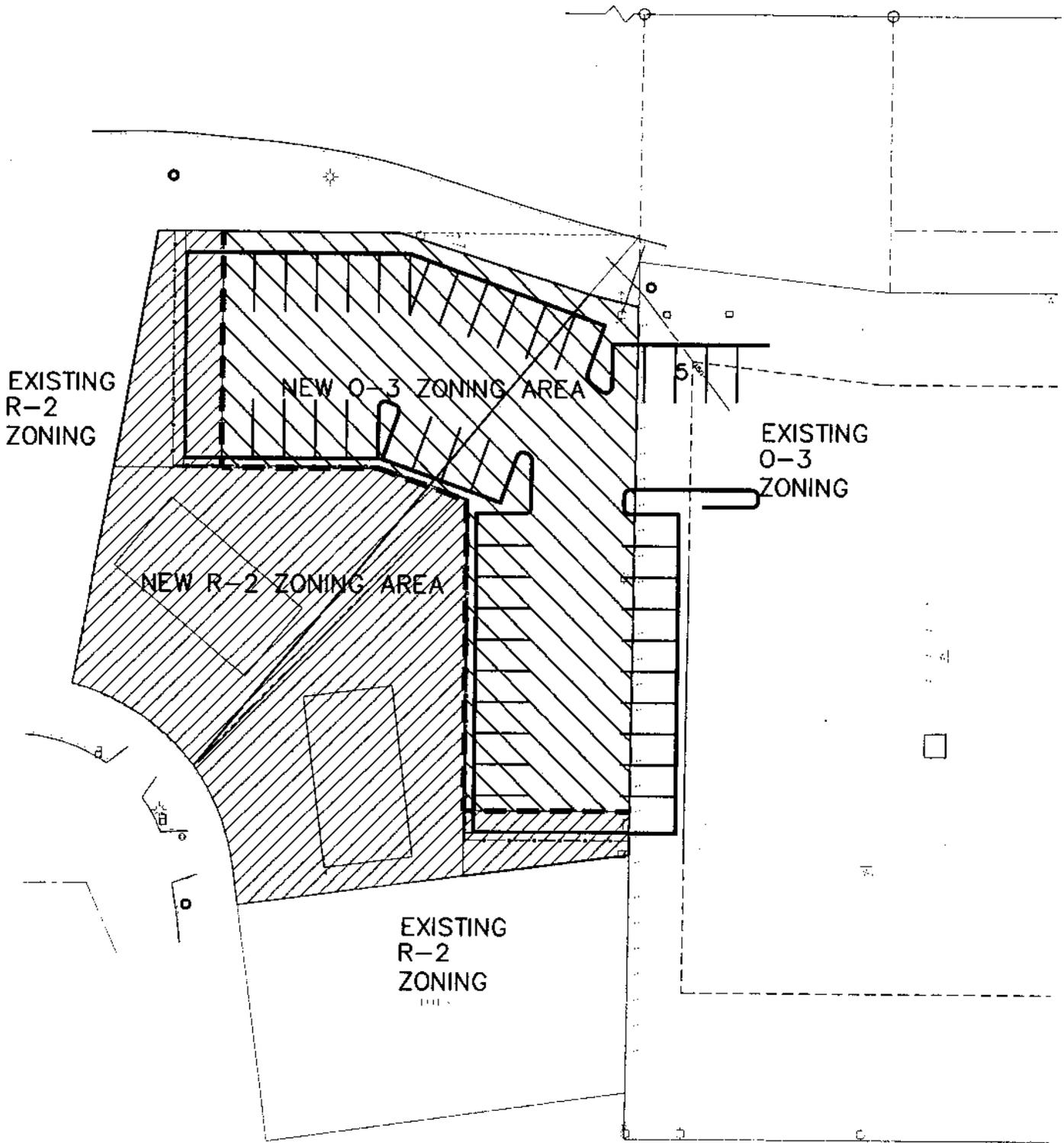
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PLAN
APR - 7 2003

NORTH
↑



PROPOSED LIMITS OF NEW P.U.D.



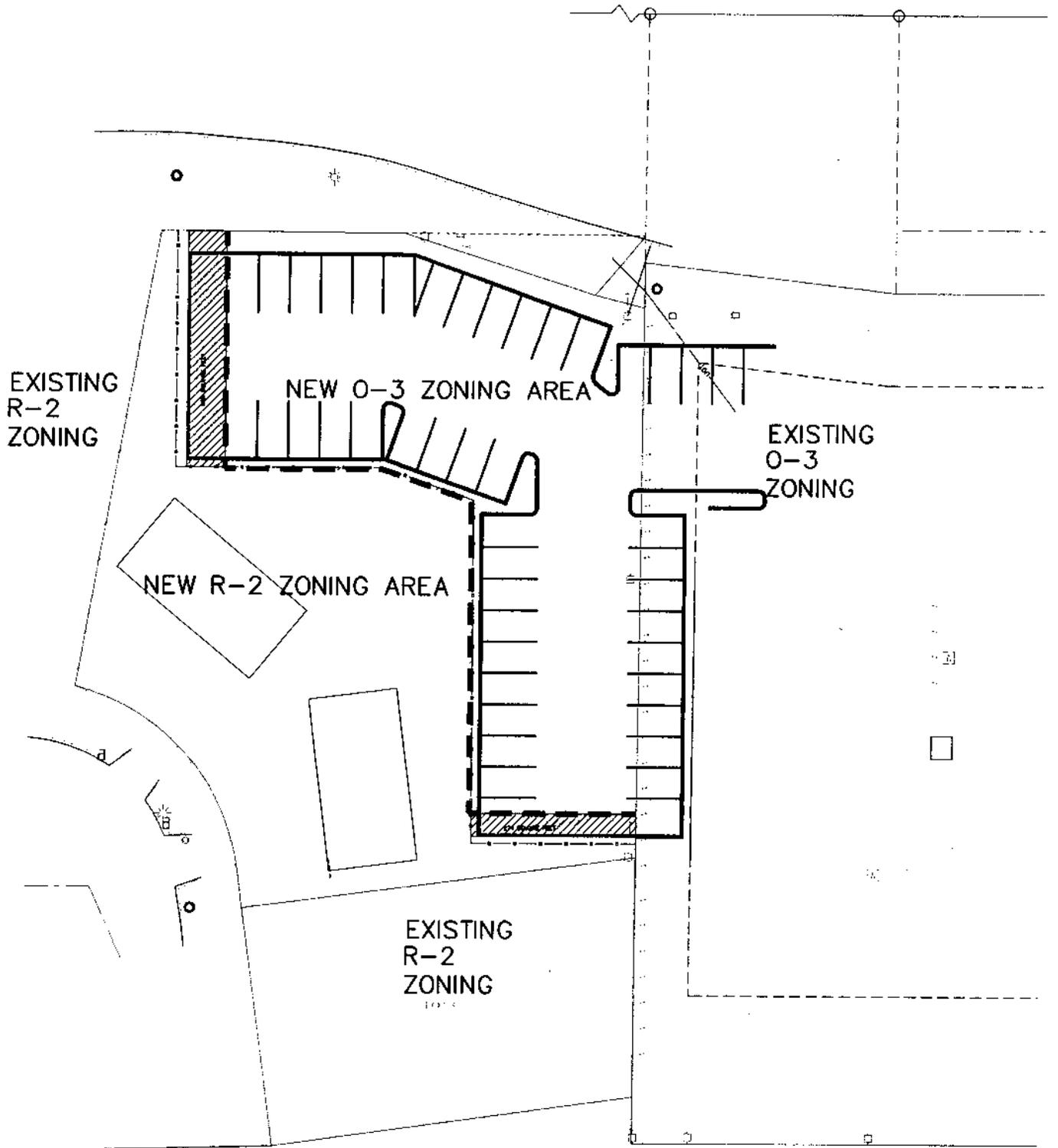
DRAWING SHOWING PROPOSED NEW ZONING DISTRICT LINE

APR -7 2003

014

PL





DRAWING SHOWING PROPOSED NEW AREA OF R-2 ZONING
 USED FOR PARKING, 274 SF + 668 SF = 942 SQUARE FEET (942 LESS THAN 1200)

APR -7 2003 015
 DIVISION OF PLANNING AND ZONING
 PLANNING DEPARTMENT



EXISTING
R-2
ZONING

NEW 0-3 ZONING AREA

EXISTING
0-3
ZONING

NEW LOT 5

NEW R-2 ZONING AREA

ADD TO EXIST
0-3 LOT

NEW LOT 4

10

10

EXISTING
R-2
ZONING

DRAWING SHOWING PROPOSED NEW RESIDENTIAL PROPERTY LINES

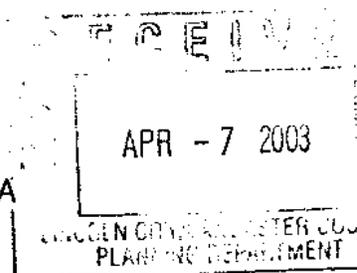
NEED A WAIVER OF MINIMUM LOT SIZE, NOT DENSITY CALCULATION

NEED A WAIVER OF REAR YARD SETBACK ON LOT 5

NEED A WAIVER OF THE FRONT YARD SETBACK
AND SCREENING REQUIREMENTS FOR 0-3 AREA

NEED TO RECALCULATE DRAINAGE REQUIREMENTS

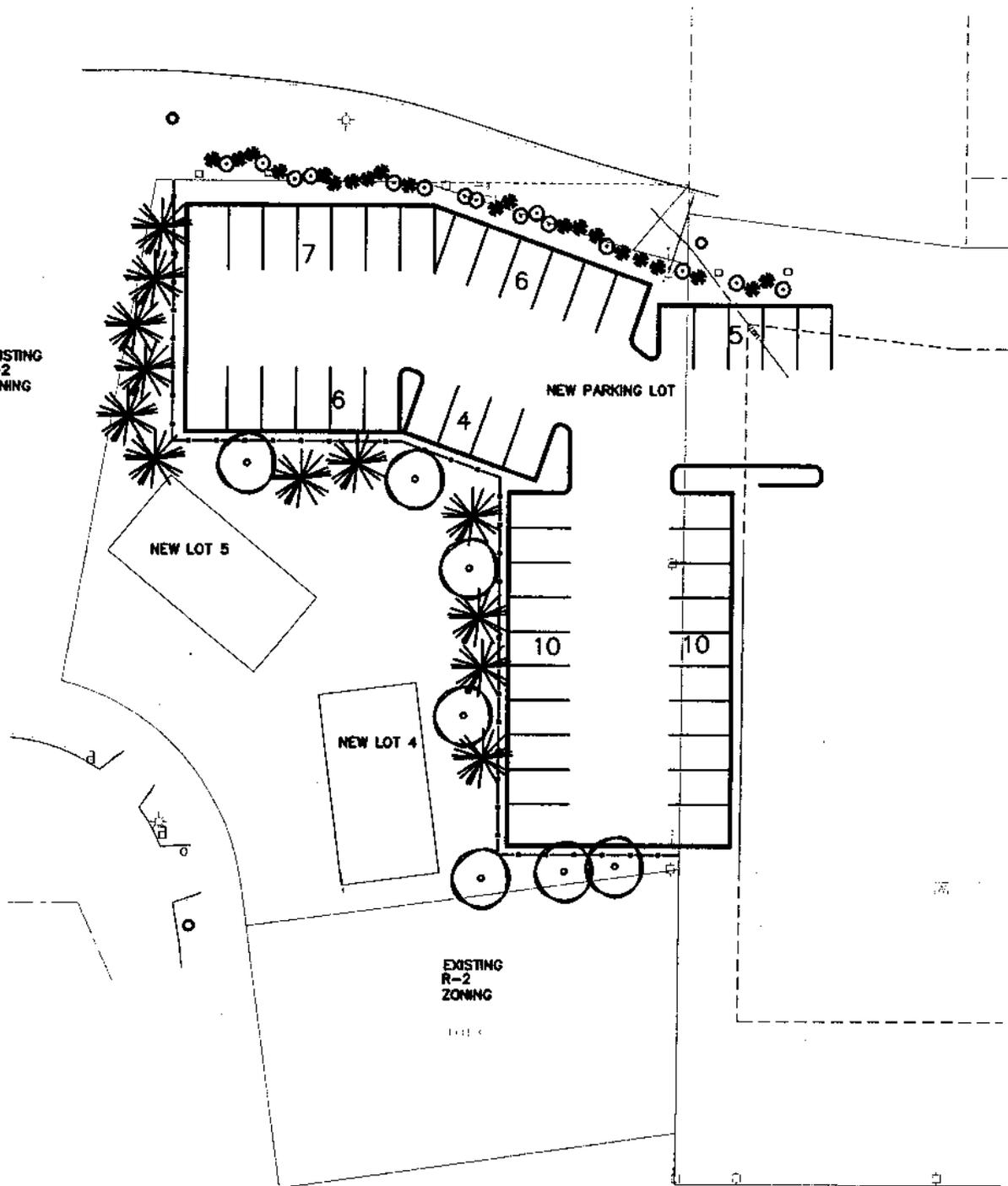
NEED A WAIVER OF SIDE YARD SETBACK ON 0-3 AREA



016



EXISTING
R-2
ZONING



DRAWING SHOWING DESIRED RESULT

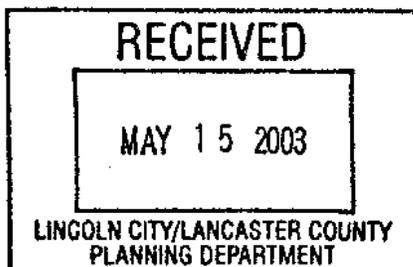
APR - 7 2003
LINCOLN CITY, WASHINGTON COUNTY
PLANNING DEPARTMENT

017



LEGAL DESCRIPTION:

ALL OF LOTS 4 AND 5, BLOCK 1, MAPLE VILLAGE, AS PLATTED IN THE CITY OF LINCOLN, NEBRASKA AND ALL OF LOTS 59, 60 AND 61, IRREGULAR TRACTS IN THE NORTHEAST QUARTER OF SECTION 27, TOWNSHIP 10 NORTH, RANGE 7 EAST OF THE SIXTH P.M., LANCASTER COUNTY, NEBRASKA AND ALSO BEING IN THE CITY OF LINCOLN, NEBRASKA, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 59; THENCE N89°53'28"W (ASSUMED BEARING) ON THE SOUTH LINE OF SAID LOT 59, A DISTANCE OF 334.81 FEET TO THE SOUTHWEST CORNER OF SAID LOT 59; THENCE N89°54'45"W ON THE SOUTH LINE OF SAID LOTS 60 AND 61, A DISTANCE OF 353.81 FEET TO THE SOUTHWEST CORNER OF SAID LOT 61; THENCE N00°27'04"E ON THE WEST LINE OF SAID LOT 61, A DISTANCE OF 77.29 FEET TO THE SOUTHEAST CORNER OF SAID LOT 4; THENCE S82°30'04"W ON THE SOUTH LINE OF SAID LOT 4, A DISTANCE OF 108.11 FEET TO THE SOUTHWEST CORNER OF SAID LOT 4; THENCE N07°34'02"W ON THE WEST LINE OF SAID LOT 4, A DISTANCE OF 10.00 FEET TO A POINT OF CURVATURE; THENCE ON A 59.00 FOOT RADIUS CURVE TO THE LEFT, AN ARC DISTANCE OF 30.31 FEET TO THE SOUTHEAST CORNER OF SAID LOT 5, THE CHORD OF SAID CURVE BEARS N21°43'20"W, A DISTANCE OF 29.98 FEET; THENCE ON THE SOUTH LINE OF SAID LOT 5 AND CONTINUING ON A 59.00 FOOT RADIUS CURVE TO THE LEFT, AN ARC DISTANCE OF 40.78 FEET TO THE SOUTHWEST CORNER OF SAID LOT 5, THE CHORD OF SAID CURVE BEARS N56°14'24"W, A DISTANCE OF 39.97 FEET; THENCE N10°17'33"E ON THE WEST LINE OF SAID LOT 5, A DISTANCE OF 125.02 FEET TO THE NORTHWEST CORNER OF SAID LOT 5; THENCE S89°48'44"E ON THE NORTH LINE OF SAID LOT 5, A DISTANCE OF 66.15 FEET; THENCE S72°32'42"E CONTINUING ON SAID NORTH LINE, A DISTANCE OF 54.39 FEET TO THE NORTHEAST CORNER OF SAID LOT 5; THENCE S76°14'24"E ON THE NORTH LINE OF SAID LOT 4, A DISTANCE OF 14.03 FEET TO THE NORTHEAST CORNER OF SAID LOT 4, SAID POINT ALSO BEING ON THE WEST LINE OF SAID LOT 61; THENCE N00°27'04"E ON SAID WEST LINE, A DISTANCE OF 12.20 FEET TO THE NORTHWEST CORNER OF SAID LOT 61; THENCE S83°26'44"E ON THE NORTH LINE OF SAID LOT 61, A DISTANCE OF 68.83 FEET; THENCE CONTINUING ON SAID NORTH LINE S89°57'57"E, A DISTANCE OF 145.44 FEET TO THE NORTHEAST CORNER OF SAID LOT 61; THENCE S89°48'46"E ON THE NORTH LINE OF SAID LOT 60, A DISTANCE OF 140.67 FEET TO THE NORTHEAST CORNER OF SAID LOT 60; THENCE S89°56'21"E ON THE NORTH LINE OF SAID LOT 59, A DISTANCE OF 200.63 FEET TO A POINT OF CURVATURE; THENCE CONTINUING ON SAID NORTH LINE AND ON A 95.00 FOOT RADIUS CURVE TO THE RIGHT, AN ARC DISTANCE OF 77.05 FEET TO A POINT OF REVERSE CURVATURE, THE CHORD OF SAID CURVE BEARS S66°39'20"E, A DISTANCE OF 74.96 FEET; THENCE CONTINUING ON SAID NORTH LINE AND ON A 59.00 FOOT RADIUS CURVE TO THE LEFT, AN ARC DISTANCE OF 71.30 FEET TO THE NORTHEAST CORNER OF SAID LOT 59, THE CHORD OF SAID CURVE BEARS S77°51'39"E, A DISTANCE OF 67.04 FEET; THENCE S00°50'22"W ON THE EAST LINE OF SAID LOT 59, A DISTANCE OF 187.28 FEET TO THE POINT OF BEGINNING, CONTAINING 4.11 ACRES (179,068.84 SQUARE FEET), MORE OR LESS.



NEW O-3 ZONE LEGAL DESCRIPTION:

A PARCEL OF LAND LOCATED IN LOTS 4 AND 5, BLOCK 1, MAPLE VILLAGE TO THE CITY OF LINCOLN, LANCASTER COUNTY, NEBRASKA, BEING DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 4; THENCE S00°27'04"W (ASSUMED BEARING) ON THE EAST LINE OF SAID LOT 4, A DISTANCE OF 137.33 FEET; THENCE N90°00'00"W, A DISTANCE OF 45.58 FEET; THENCE N00°00'00"E, A DISTANCE OF 84.56 FEET; THENCE N70°36'23"W, A DISTANCE OF 25.42 FEET; THENCE N90°00'00"W, A DISTANCE OF 43.14 FEET; THENCE N00°00'00"E, A DISTANCE OF 64.13 FEET TO A POINT ON THE NORTH LINE OF SAID LOT 5; THENCE S89°48'44"E ON SAID NORTH LINE, A DISTANCE OF 48.27 FEET; THENCE S72°32'42"E CONTINUING ON SAID NORTH LINE, A DISTANCE OF 54.39 FEET TO THE NORTHEAST CORNER OF SAID LOT 5; THENCE S76°14'24"E ON THE NORTH LINE OF SAID LOT 4, A DISTANCE OF 14.03 FEET TO THE POINT OF BEGINNING, CONTAINING 0.25 ACRES OR 10,972 SQUARE FEET, MORE OR LESS.

NEW O-3 ZONE LEGAL DESCRIPTION:

A PARCEL OF LAND LOCATED IN LOTS 4 AND 5, BLOCK 1, MAPLE VILLAGE TO THE CITY OF LINCOLN, LANCASTER COUNTY, NEBRASKA, BEING DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 4; THENCE S00°27'04"W (ASSUMED BEARING) ON THE EAST LINE OF SAID LOT 4, A DISTANCE OF 137.33 FEET; THENCE N90°00'00"W, A DISTANCE OF 45.58 FEET; THENCE N00°00'00"E, A DISTANCE OF 84.56 FEET; THENCE N70°36'23"W, A DISTANCE OF 25.42 FEET; THENCE N90°00'00"W, A DISTANCE OF 43.14 FEET; THENCE N00°00'00"E, A DISTANCE OF 64.13 FEET TO A POINT ON THE NORTH LINE OF SAID LOT 5; THENCE S89°48'44"E ON SAID NORTH LINE, A DISTANCE OF 48.27 FEET; THENCE S72°32'42"E CONTINUING ON SAID NORTH LINE, A DISTANCE OF 54.39 FEET TO THE NORTHEAST CORNER OF SAID LOT 5; THENCE S76°14'24"E ON THE NORTH LINE OF SAID LOT 4, A DISTANCE OF 14.03 FEET TO THE POINT OF BEGINNING, CONTAINING 0.25 ACRES OR 10,972 SQUARE FEET, MORE OR LESS.

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March 27, 2003

Marvin Krout
Director of Planning
555 S. 10th Street
Lincoln, NE 68508

Re: Application for Planned Unit Development
81st & O Streets

Dear Mr. Krout:

Attached is a site plan and accompanying information, together with an application for a planned unit development which incorporates the office buildings previously approved under Use Permit No. 110 and Use Permit No. 136. The purpose of this application is to incorporate two large residential lots which lie immediately west of the previously approved office buildings, and to use a portion of those residential lots to expand the parking available for the west office building. The increased parking is necessitated by the success and rapid growth of one of the tenants in the building. As you will note from the drawings, the proposal is to reduce the size of the residential lots, screen and protect the rear yards from O Street traffic and the abutting parking lot, and use the remainder of the lots to expand the office building parking by approximately 45 stalls.

Consistency with the Comprehensive Plan

This Planned Unit Development is consistent with the Comprehensive Plan. The office buildings are already shown as commercial, and approved by their own separate use permits. Inclusion of the two buildings and these additional lots within a PUD represents a minuscule deviation from the Approved Land Use Map. It is a very slight deviation from what could be otherwise done in the residential zoning district. Provision of additional parking to facilitate the growth of an existing business, while providing a better buffer between the residential use and the heavy traffic of O Street, should be an overall improvement to the area. Moreover, the owner of the office building has acquired both of the houses which will be directly affected, and intends to take all necessary measures to preserve the value of those homes as single-family residences.

Marvin Krout
March 27, 2003
Page 2

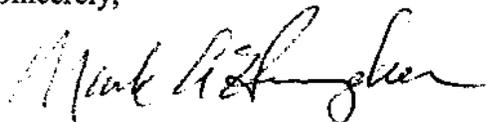
Request to waive the Preliminary Plan

Because this project is largely complete before the application is submitted, we request a waiver of the preliminary PUD. We have had several meetings with Ray Hill regarding this project and have worked carefully with him to delineate both the change of zone areas and the reconfiguration of the residential lots.

In addition to waivers previously approved for Use Permits 110 and 136, we request a waiver of the joint yard setback for the parking along O Street as shown on the site plan, as well as a reduction in the minimum lot size rear yard requirements for the two single-family residential lots, and front, side and rear yard requirements for the new parking, as shown on the site plan. The density of the residential component of this PUD will meet the requirement of the R-2 Residential District.

If you require additional information, please contact my office, or Robert Schoenleber, the architect for the project. Thank you for your consideration.

Sincerely,

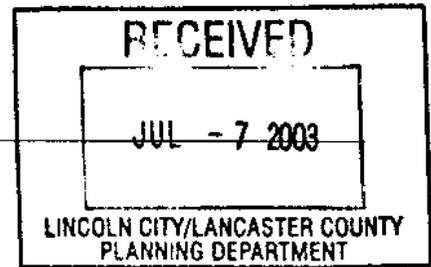


Mark A. Hunzeker
For the Firm

MAH:la
Enclosures

(G:\WPData\MH\Joyce 258-96 Krout 3-27-3.ltr.wpd)

M e m o r a n d u m



[REDACTED]

To: Ray Hill, Planning Department

From: *CB* Chad Blahak, Public Works and Utilities

Subject: Legacy Square II PUD

Date: July 7, 2003

cc: Randy Hoskins
Dennis Bartels

Engineering Services has reviewed the parking lot plan and grading plan for the Legacy Square II Planned Unit Development, located at approximately 81st and O Street, and has the following comments:

- Driving isle and parking space dimensions are satisfactory. However, as stated in Section 3.7 of Title 4 of the Design Standards, a parking lot must provide adequate circulation. The plan shows the two proposed parking areas ending with parking spaces abutting the end of the driving isles with no provisions for vehicles to turn around forcing traffic to back out of the isle if all the stalls are being used. Consideration should be given to providing a turn around similar to the temporary turnarounds used on temporary dead end streets.
- The grading and drainage plan is satisfactory.

Attn: Brian Will
Planning Commission

IN OPPOSITION

ITEM NO. 3.1: CHANGE OF ZONE NO. 3406
(p.47 - Public Hearing - 6/11/03)

cc: Planning Commission
Applicant
Public Works
City Attorney

6-9-03
RE: Change of zone # 3406

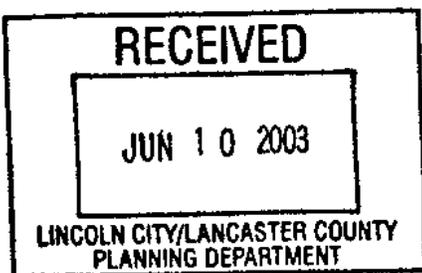
Dear Brian:

Attached is list of my contacts
in the neighborhood that are against
the proposed change in zoning.
Please do not approve this
change.

Below are some of our objections
&/or concerns:

1. Property values decline
2. Large trees removed/loss of shade & trees
3. precedent for future rezoning
4. water run-off into other yards
5. traffic, ever entrance/dirt onto E. Glenwood Dr
6. overall change in neighborhood quality of life (ie: transient feel)

Should you have any questions
please contact H-489-3515 or
W-489-8251
Thanks,
Joy Wilder



023

69-03

fax# 441-6377 Attn: Planning
Attn: Brian Wildo Committee

We, the undersigned, are against the Change of Zone #3406 for the 2 lots known as 8030 Cherrywood and 120 E. Cherrywood from R2 to O3 to allow parking lot for the 2 office building to be built there.

- | Name | Address |
|-------------------------------|---|
| 1. <u>Walter S. Nieder</u> | <u>140 E. Cherrywood Dr.</u> |
| 2. <u>Carolyn Joy Wilder</u> | <u>140 E. Cherrywood</u> |
| 3. <u>Terry Fischer</u> | <u>7010, 8001, 7800, 7920 Cherrywood Dr</u> |
| 4. <u>Suzanne L. Smith</u> | <u>8000 Cherrywood Dr.</u> |
| 5. <u>Sharon A. Warkke</u> | <u>8000 Cherrywood Dr.</u> |
| 6. <u>Cheryl Stephens</u> | <u>7930 Cherrywood Dr.</u> |
| 7. <u>Patricia A. ...</u> | <u>7400 Cherrywood Dr.</u> |
| 8. <u>Joyce M. ...</u> | <u>7901 Cherrywood Dr.</u> |
| 9. <u>Keith A. Anthony</u> | <u>7931 Cherrywood Dr.</u> |
| 10. <u>Robert D. Wright</u> | <u>211 E. Cherrywood Dr.</u> |
| 11. <u>Marilyn J. Wright</u> | <u>211 E. Cherrywood Dr.</u> |
| 12. <u>Opal P. Friend</u> | <u>8124 Beechwood St.</u> |
| 13. <u>William P. Senior</u> | <u>8130 Beechwood Dr.</u> |
| 14. <u>Donald ...</u> | <u>8142 Beechwood Dr.</u> |
| 15. <u>Amy ...</u> | <u>8139 Beechwood Dr.</u> |
| 16. <u>John ...</u> | <u>8205 CHESTNUT CA</u> |
| 17. <u>Sherry L. Lellette</u> | <u>8205 Chestnut St.</u> |
| 18. <u>Doree E. Bray</u> | <u>8200 Chestnut Lane</u> |
| 19. <u>Mark ...</u> | <u>8200 Beechwood Dr.</u> |
| 20. <u>Tim ...</u> | <u>8200 Beechwood DR</u> |

21. Eric H 8221 Beechwood dr
22. Jan R Spring 201 Redwood Ln
23. William H Tucke 210 REDWOOD GANE.
24. Kathy Lopez 220 REDWOOD LN 68510
25. Ruth Shottenbirk 231 E Cherrywood Dr.
26. Wayne W Shottenbirk 2316 Cherrywood Dr 68510
27. Jaclyn K Potts 221 E Cherrywood Dr 68510
28. Lee Potts 221 E Cherrywood Dr. 68510
29. Steve Kitch 130 E Cherrywood Dr. 68510
30. Jim Mahaffey 8112 Beechwood Dr 68510
31. Donald Bunch 8100 Beechwood Dr 68510
32. Kathleen K Brockman 8136 Beechwood Dr 68510
33. Pamela Jo Nienaber 8021 Cherrywood Dr 68510
34. Thea Perry 8220 Beechwood Dr 68510
35. _____
36. _____
37. _____
38. _____
39. _____
40. _____

