

FACTSHEET

TITLE: **SPECIAL PERMIT NO. 1713C**, an amendment to the **Aspen 3rd Addition Community Unit Plan**, requested by Brian D. Carstens and Associates on behalf of Madonna Rehabilitation Hospital, to permit 67 dwelling units, with a request to waive the preliminary plat process, on property generally located at South 56th Street and Pine Lake Road.

STAFF RECOMMENDATION: Conditional Approval

ASSOCIATED REQUEST: Change of Zone No. 04035 (04-151); Use Permit No. 04001 (04R-194); and Street Vacation No. 04005 (04-152).

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 05/26/04
Administrative Action: 05/26/04

RECOMMENDATION: Conditional Approval, with amendments (7-0: Marvin, Krieser, Carlson, Larson, Sunderman, Pearson and Carroll voting 'yes'; Bills-Strand declaring a conflict of interest; Taylor absent).

FINDINGS OF FACT:

1. This amendment to the Aspen 3rd Addition Community Unit Plan and the associated Change of Zone No. 04035, Use Permit No. 04001, Special Permit No. 04026 and Street Vacation No. 04005 were heard at the same time before the Planning Commission.
2. This proposed amendment to the community unit plan reduces the size from 31.68 acres to 24.94 acres, eliminates 326 multiple family units and adds 10 single family units.
3. The staff recommendation to approve this amendment to the community unit plan is based upon the "Analysis" as set forth on p.4, concluding that, with conditions, the proposal is in conformance with the Comprehensive Plan and the zoning and subdivision ordinances.
4. The applicant had requested a waiver of tangent length at the intersection of Norris Lane and Allen Road, to which the staff had recommended denial; however, the applicant indicates that they are no longer requesting this waiver.
5. The applicant's testimony is found on p.8-9, including proposed amendments to the conditions of approval (p.25), to which the staff agreed.
6. Testimony in support is found on p.9, and the record consists of two e-mail communications in support (p.26-27). The neighborhood is more supportive of this proposal than the previous proposal for speculative office use, which is on the City Council's pending list.
7. There was no testimony in opposition.
8. On May 26, 2004, the Planning Commission agreed with the staff recommendation and voted 7-0 to recommend conditional approval, with the amendments requested by the applicant (Bills-Strand declared a conflict of interest and Taylor was absent).
9. The Site Specific conditions of approval required to be completed prior to scheduling this application on the City Council agenda have been satisfied and the revised site plan is attached (p.13-16).

FACTSHEET PREPARED BY: Jean L. Walker

REVIEWED BY: _____

REFERENCE NUMBER: FS\CC\2004\SP.1713C

DATE: July 26, 2004

DATE: July 26, 2004

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for May 26, 2004 PLANNING COMMISSION MEETING

****As Revised and Recommended for Conditional Approval by
Planning Commission: 05/26/04****

P.A.S.: Special Permit #1713C

PROPOSAL: To amend the Community Unit Plan by reducing the size, eliminating 326 multiple family units and adding 10 single family units.

LOCATION: S. 56th St. and Pine Lake Rd.

WAIVER REQUEST:

Eliminate the preliminary plat process.

~~Tangent length at the intersection of Norris Lane and Allen Road.~~ (****Applicant is no longer requesting this waiver, 7/26/04****)

LAND AREA: 24.94 acres, more or less

CONCLUSION: With conditions the proposal is in conformance with the Comprehensive Plan, Zoning and Subdivision Ordinances.

RECOMMENDATION:

Eliminate the preliminary plat process

~~Tangent length at the intersection of Norris Lane and Allen Road.~~

Conditional Approval

Approval

Denial

GENERAL INFORMATION:

LEGAL DESCRIPTION: see attached

EXISTING ZONING: R-3 and R-4 Residential

EXISTING LAND USE: single family units and undeveloped

SURROUNDING LAND USE AND ZONING:

North: R-3 Residential

Single -family and attached two-family residential

South: R-3 Residential

Single -family and attached two-family residential

East: O-3 Office Park

U.S. Post office

R-4 Residential

Undeveloped

B-2 Planned Neighborhood Business

Undeveloped

West:

R-3 Residential

Single -family and attached two-family residential

ASSOCIATED APPLICATIONS:

Change of Zone #04035

Use Permit #04001

Special Permit #04026

Street & Alley Vacation #04005

HISTORY:

- Dec 10, 2003** Change of Zone #3429, Special Permit #1713B and Use Permit #155 were recommended for approval to City Council at Planning Commission. These projects are on pending at City Council.
- July 8, 2002** Use Permit 141, Thompson Creek, located southeast of S. 56th St. & Pine Lake Rd., to construct 76,000 s.f. of office space was approved by City Council.
- April 17, 2000** Special Permit 1713A, Aspen 3rd Addition CUP to adjust the front yard setback was approved by City Council.
- June 22, 1998** Use Permit 112 to construct a 30,000 s.f. office building at northwest corner of S. 56th St. & Pine Lake Rd. was approved by City Council.
- March 2, 1998** Special Permit 1713, Aspen 3rd Addition CUP for 382 dwelling units; Change of Zone 3098 for R-3 to R-4 and Preliminary Plat 97031, Aspen 3rd Addition was approved by City Council.
- June 16, 1997** Change of Zone 3037 for AG & R-3 to B-2 and O-3; Use Permit 97 for 100,000 s.f. of commercial use and Preliminary Plat 96027, Aspen 2nd Addition for 7 commercial lots and two outlots was approved by City Council.

COMPREHENSIVE PLAN SPECIFICATIONS:

Maximize the community's present infrastructure investment by planning for residential and commercial development in areas with available capacity. This can be accomplished in many ways including encouraging appropriate new development on unused land in older neighborhoods and encouraging a greater amount of commercial space per acre and 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)

"Interconnected networks of streets, trails, and sidewalks should be designed to encourage walking and bicycling, reduce the number and length of automobile trips, conserve energy and for the convenience of the residents." (F-18)

The Land Use Plan identifies this area as urban residential. (F-25)

Guiding principles for new neighborhoods includes:

1. Similar housing types face each other: single family faces single family, change to different use at rear of lot;
2. Parks and open space within walking distance to a ll residences;
3. Pedestrian orientation; shorter block lengths, sidewalks on both sides of all roads (F-67)

UTILITIES: Utilities are available to serve this development.

TRAFFIC ANALYSIS:

Pine Lake Rd. is classified as a minor arterial.

S. 56th St. is classified as a principal arterial.

Pine Lake Rd. from S. 40th St. to Nebraska Hwy 2 is identified in the 2025 Comprehensive Plan as a committed projects for 4 lanes + turn lanes. S. 56th St. from Pine Lake Rd. to Yankee Hill Rd. is identified in the 2025 Comprehensive Plan as a proposed project for 4 lanes + turn lanes.

PUBLIC SERVICE: The nearest fire station is located at S. 48th St. & Claire St. The nearest elementary school is Cavett Elementary located at 7701 S. 36th St.

ANALYSIS:

1. This application request is to amend the special permit by reducing the size from 31.68 acres to 24.94 acres, eliminating 326 multiple family units and adding 10 single family units.
2. This proposed development generally is in conformance with the 2025 Comprehensive Plan. However it departs from the Plan by eliminating the potential for apartments to be part of the mix of housing in this area. Amendments have been approved in the past two years or are pending that would eliminate sites for over 2000 apartment units. It is understandable that developers do not want to hold on to land for this purpose when there is little demand. However, it will have a cumulative effect on our goals for density and housing mix in the city.
3. This application is in association with Change of Zone #04035, Use Permit #04001, Special Permit #04026 and Street Vacation #04005.
4. The purpose in reducing the size of the community unit plan is to allow for medical/office buildings and a club/fitness center southwest of Pine Lake Rd. and Stephanie Lane.
5. Lots 26-29, Block 4 do not have abutting sanitary sewer. An existing sanitary sewer main is in Outlot "A" immediately west of these lots. To extend sanitary sewer service to Lots 26-29, Block 4 permission must be obtained from the homeowners association, the owner of the common open space. Non-abutting agreements must be filed at Register of Deeds with the final plat.

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 the correct legal description.
 - 1.1.2 the purpose of Outlot D
 - 1.1.3 utility easements as requested by the LES report of May 7, 2004
 - 1.1.4 add "and use Permit" at the end of note 1 & 2.
 - 1.1.5 revisions per Public Works & Utilities Department memo of 5/13/04.
 - 1.1.6 revise the plans to remove the driveway connection from the round-a-bout at Norris Lane and Allen Road to the east. (**Per Planning Commission: 05/26/04**)
 - 1.1.7 revise the plans to add additional landscaped berms on the west side of Norris Lane, between Pine Lake Road and Allen Road. (**Per Planning Commission: 05/26/04**)

2. This approval permits 67 dwelling units.

3. The waiver of the preliminary plat process shall only be effective for a period of ten (10) years from the date of the city's approval, and shall be of no force or effect thereafter. If any final plat on all or a portion of the approved community unit plan is submitted five (5) years or more after the approval of the community unit plan, the city may require that a new community unit plan be submitted, pursuant to all the provisions of section 26.31.015. A new community unit plan may be required if the subdivision ordinance, the design standards, or the required improvements have been amended by the city; and as a result, the community unit plan as originally approved does not comply with the amended rules and regulations.

General:

4. Before receiving building permits:

- 4.1 The permittee shall have submitted a revised and reproducible final plan including 5 copies and the plans are acceptable.

4.2 The construction plans shall comply with the approved plans.

4.3 Final Plats shall be approved by the City.

STANDARD CONDITIONS:

5. The following conditions are applicable to all requests:
- 5.1 Before occupying the dwelling units all development and construction shall have been completed in compliance with the approved plans.
 - 5.2 All privately-owned improvements shall be permanently maintained by the owner or an appropriately established homeowners association approved by the City Attorney.
 - 5.3 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
 - 5.4 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
 - 5.5 The applicant shall sign and return the letter of acceptance to the City Clerk within 30 days following the approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filling fees therefor to be paid in advance by the applicant.
6. The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all resolutions approving previous permits remain in force unless specifically amended by this resolution.

Prepared by:

Tom Cajka
441-5662, tcajka@ci.lincoln.ne.us

DATE: May 12, 2004

APPLICANT: Madonna Rehabilitation Hospital
5401 South St.
Lincoln, NE 68506
(402) 489-7102

OWNER: Aspen
4750 Normal Blvd. Suite 3
Lincoln, NE 68506
(402) 323-8200

CONTACT: Brian D. Carstens & Associates
601 Old Cheney Rd. Suite C
Lincoln, NE 68512
(402) 434-2424

**CHANGE OF ZONE NO. 04035;
USE PERMIT NO. 04001;
SPECIAL PERMIT NO. 04026;
SPECIAL PERMIT NO. 1713C, AN AMENDMENT
TO THE ASPEN 3RD ADDITION COMMUNITY UNIT PLAN;
and
STREET & ALLEY VACATION NO. 04005**

PUBLIC HEARING BEFORE PLANNING COMMISSION:

May 26, 2004

Members present: Marvin, Krieser, Carlson, Larson, Sunderman, Pearson and Carroll; Bills-Strand declaring a conflict of interest; Taylor absent.

Staff recommendation: Approval of the change of zone; conditional approval of the use permit, special permit and community unit plan; and a finding of conformance with the Comprehensive Plan on the street vacation.

Ex Parte Communications: None.

Tom Cajka of Planning staff submitted a letter from Jan and Bill Norris in support.

Proponents

1. Tom Huston appeared on behalf the applicant, **Madonna Rehabilitation Hospital**. Madonna has been looking for a site for its proactive health and fitness facility. It is a health plaza with a combination of uses. This health plaza would bring together multiple disciplines and services in one structure to enable Madonna to further its mission. Madonna has been a leader in rehabilitation health services.

Huston submitted proposed amendments to the conditions of approval on the use permit, community unit plan and special permit. The neighbors requested that Madonna delete one of the connections from the roundabout to the east. That connection has been eliminated and Public Works is in agreement. The applicant is proposing to add some landscape berming area west of Norris Lane on the west side of the structure.

The third amendment deals with the parking. This was the toughest issue in dealing with this project because of the combination of uses. The site plan reflects 334 parking stalls based upon Madonna's projection of the nonconcurrent parking demands for this facility. 200 parking spaces will be required for the medical office portion. There is no exact formula when it comes to the health club, and it is a tough analysis. The staff did refer back to the analysis done for the YMCA at Densmore Park, and that parking lot was overbuilt and has created an unnecessary amount of runoff. Madonna is confident in its accurate depiction of the nonconcurrent parking demand. There is sufficient room to add 76 stalls if determined to be necessary at some point and the applicant

does not object that the site plan be amended to reflect where those 76 stalls would be located. If Madonna determines, or it is determined through a complaint process, that there is parking on the streets, Madonna will build the additional parking stalls.

Pearson asked to see the location on the site plan where the additional parking stalls would be located.

Carroll inquired as to the trigger mechanism for that additional parking. Huston stated that the nonconcurrent parking provision under the parking section of the zoning ordinance does not have a good trigger mechanism--it does not have a mechanism to measure the parking demand for this kind of facility, either. It would be either through city inspection or city enforcement. Typically it is a complaint process by the public. If there is a complaint, Huston would like the opportunity for Madonna to conduct a study of the peak time parking demands to determine the appropriate number of stalls to be constructed. The staff report indicates 410, which is just a best educated guess. Carroll suggested adding a condition that a parking study be done after one full year of operation. Huston hesitated to accept such a condition because if 334 is adequate, he is not sure they should be required to do a parking study. If we find out a year from now that we haven't built enough stalls, then they could conduct a study. It would be his concern to overbuild the parking lot from the outset. Carroll's concern is that they are budgeting construction dollars and they won't have the money to build the spaces if they are needed. Huston indicated that he would be receptive to adding some language to Condition #1.1.10 that the applicant would produce a parking study upon request of the city within 18 months.

Sunderman inquired whether the applicant is still requesting the waiver of the tangent length. Huston stated that that waiver request has been eliminated.

2. Roger Ehlers, 7226 Sugar Creek Circle, testified in support, if the proposed amendments submitted by the applicant are approved. The neighborhood and the developers have worked together and they solved two of their problems in about 5 minutes. It has been a real cooperative effort. There was a different proposal for this area a few months ago, and this is a much better proposal. It takes out all the apartments and leaves in the 10 units of housing. It is an attractive building. He has a little concern about the height of the building, but it will be a good sound buffer from Pine Lake Road. He is not sure the neighborhood would like the additional parking in the open area. The amendment to break off that road is important because one of the biggest concerns was traffic coming down into that area. That change will eliminate 95% of the traffic that could have come down into the residential area.

Marvin inquired whether Norris Lane will satisfy the west-bound traffic onto Pine Lake Road. Ehlers believes that it will. It will give the 10 new units an outlet. We were worried about the road from Stephanie Lane and with the break they won't be able to come down there.

There was no testimony in opposition.

Staff questions

Pearson inquired whether they can build the additional parking in Block 5 which is shown as an outlot. Tom Cajka of Planning staff advised that they would not be able to build a parking lot there without a special permit for parking in residential zoning or a change of zone to O-3. Cajka believes that the additional parking would be on the outlot. There is no room for additional parking next to the office building.

Carroll asked whether staff would be acceptable to requiring a parking study in 18 months. Cajka agreed; however, the applicant could do something as simple as checking the parking during peak times.

Marvin inquired about Outlot B. Cajka advised that Outlot B is open space for a buffer between the existing townhomes and the new facility.

CHANGE OF ZONE NO. 04035

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

May 26, 2004

Marvin moved approval, seconded by Pearson and carried 7-0: Marvin, Krieser, Carlson, Larson, Sunderman, Pearson and Carroll voting 'yes'; Bills-Strand declaring a conflict of interest; Taylor absent. This is a recommendation to the City Council.

USE PERMIT NO. 04001

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

May 26, 2004

Carroll moved to approve the staff recommendation of conditional approval, with the amendments requested by the applicant, and to add a condition that the applicant will conduct a parking study after 18 months of operation and provide it to the city, seconded by Marvin and carried 7-0: Marvin, Krieser, Carlson, Larson, Sunderman, Pearson and Carroll voting 'yes'; Bills-Strand declaring a conflict of interest; Taylor absent. This is a recommendation to the City Council.

SPECIAL PERMIT NO. 04026

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

May 26, 2004

Carroll moved to approve the staff recommendation of conditional approval, with the amendment to Condition #3.3 requested by the applicant, seconded by Krieser and carried 7-0: Marvin, Krieser, Carlson, Larson, Sunderman, Pearson and Carroll voting 'yes'; Bills-Strand declaring a conflict of interest; Taylor absent. This is final action, unless appealed to the City Council by filing a letter of appeal with the City Clerk within 14 days of the action by the Planning Commission.

SPECIAL PERMIT NO. 1713C

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

May 26, 2004

Carroll moved to approve the staff recommendation of conditional approval, with the amendments requested by the applicant, seconded by Krieser and carried 7-0: Marvin, Krieser, Carlson, Larson, Sunderman, Pearson and Carroll voting 'yes'; Bills-Strand declaring a conflict of interest; Taylor absent. This is a recommendation to the City Council.

STREET & ALLEY VACATION NO. 04005

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

May 26, 2004

Carroll moved a finding of conformance with the Comprehensive Plan, seconded by Krieser and carried 7-0: Marvin, Krieser, Carlson, Larson, Sunderman, Pearson and Carroll voting 'yes'; Bills-Strand declaring a conflict of interest; Taylor absent. This is a recommendation to the City Council.



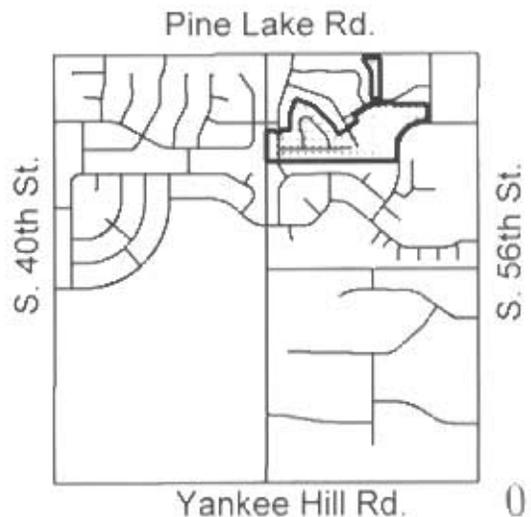
2002 aerial

Special Permit #1713C Stephanie Ln & Pine Lake Rd.

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. 20 T9N R7E

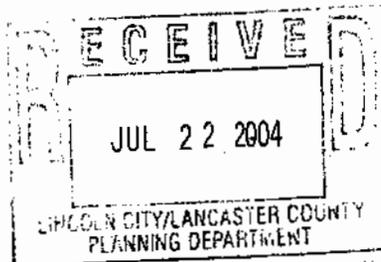




BRIAN D. CARSTENS AND ASSOCIATES
LAND USE PLANNING RESIDENTIAL & COMMERCIAL DESIGN
601 Old Cheney Road, Suite C Lincoln, NE 68512 Phone: 402.434.2424

July 22, 2004

Mr. Marvin Krout, AICP
Director of Planning
City of Lincoln/ Lancaster County
555 South 10th Street
Lincoln, NE 68508



RE: ASPEN 3RD ADDITION- COMMUNITY UNIT PLAN/ SPECIAL PERMIT #1713C
CHANGE OF ZONE # 04035 FROM 'R-4' TO 'O-3'
USE PERMIT #04001/ SPECIAL PERMIT #04026 -- MADONNA

Dear Marvin,

On behalf of Madonna Rehabilitation Hospital and William G. Krein and Aspen, we are supplying 8 ½ x 11 copies of the site plan and landscape plan showing the revisions as per the Planning Commission and the revisions as requested by William G. Krein.

Lots 27 through 30, Block 4 have been revised to allow all the proposed lots to be buildable. The landscape plan has been updated to show the existing trees located in Outlot 'A'. The sidewalk shown in Outlot 'A' has been modified to show the actual placement. A portion of the sidewalk will be relocated in Outlot 'A'.

A pipe design chart has been added to the Grading Plan as per the memorandum dated July 21, 2004 by Chad Blahak.

Please feel free to contact me if you have any further questions or comments.

Sincerely,

Brian D. Carstens

cc: Dan Steinbach- Madonna
Bill Krein
Scott Sullivan

Enclosures: 8 ½ x 11 Reductions
2 Copies of Sheets 1 through 5 of 5

RECEIVED

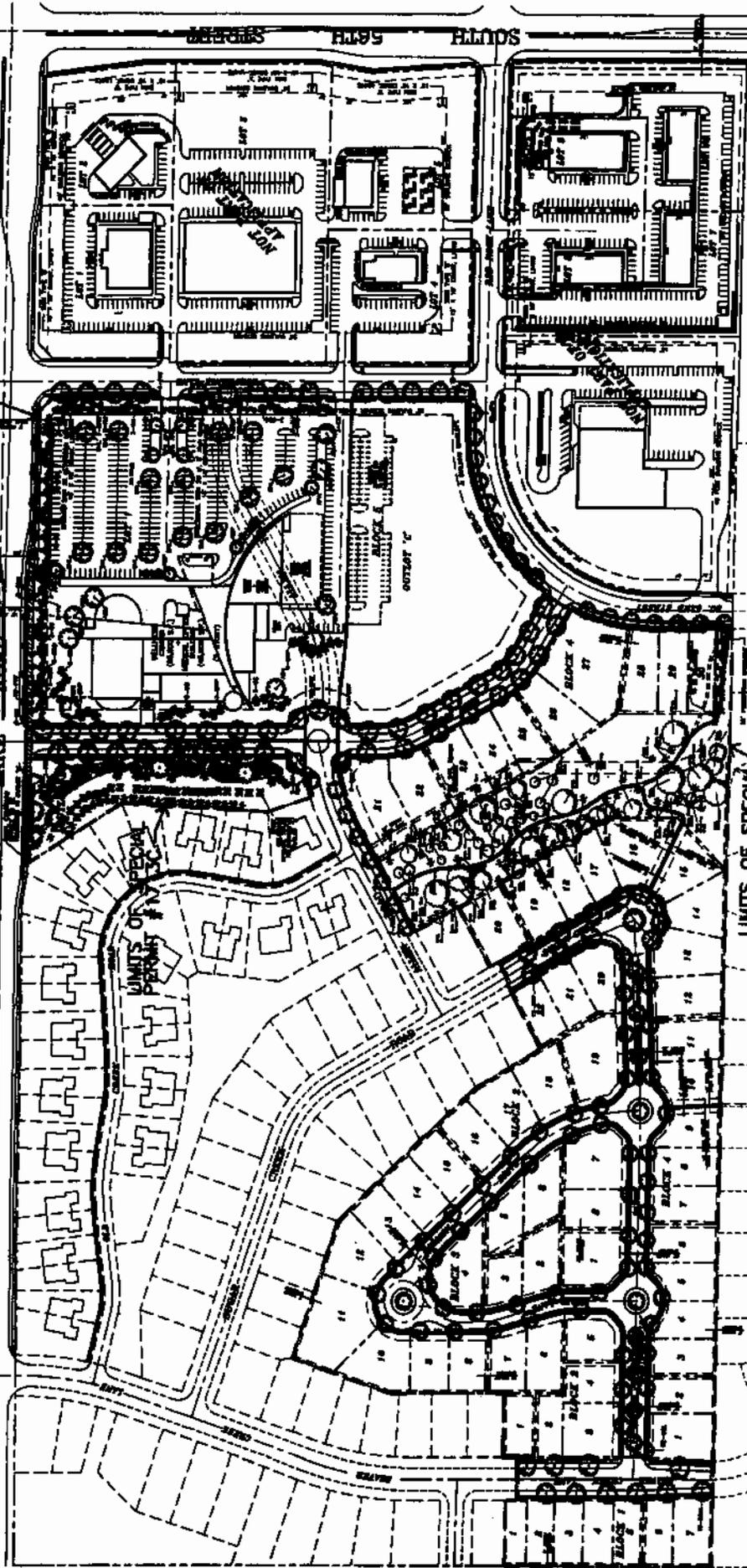
JUL 22 2004

ASPEN 3RD ADDITION
COMMUNITY UNIT PLAN/
SPECIAL PERMIT #1713C

LIMITS OF USE PERMIT #04001
& SPECIAL PERMIT #04026

USE PERMIT #04001 & SPECIAL PERMIT #04026

CITY OF LANCASTER
PLANNING DEPARTMENT



STREET TREE SCHEDULE - C.U.P. & U.P.

GENERAL NOTES:

1. THE OWNER/ DEVELOPER RESERVES THE RIGHT TO BUILD ANYWHERE WITHIN THE BUILDING ENVELOPES SHOWN ON THIS COMMUNITY UNIT PLAN AND USE PERMIT.
2. BUILDING HEIGHT SHALL NOT EXCEED 35 FEET (R-3 & R-4) AND 45 FEET (O-3).
3. DIRECT VEHICULAR ACCESS TO PINE LAKE ROAD IS HEREBY RELINQUISHED EXCEPT AT STEPHANIE LANE AND NORRIS LANE AS SHOWN ON THIS COMMUNITY UNIT PLAN AND USE PERMIT.
4. COMMON AND PUBLIC ACCESS EASEMENTS ARE HEREBY GRANTED OVER ALL PRIVATE DRIVES, DRIVING AISLES, PARKING STALLS AND SIDEWALKS SHOWN.
5. ALL EXTERIOR LIGHTING SHALL COMPLY TO THE DESIGN STANDARDS AS ADOPTED BY THE CITY OF LINCOLN.
6. PUBLIC STREETS AND PRIVATE ROADWAYS SHALL BE SURFACED WITH 6 INCHES OF PORTLAND CEMENT OR 5 INCHES OF PORTLAND CEMENT BASE AND 2-1/2 INCHES OF ASPHALTIC CONCRETE SURFACE OR 6 INCHES OF ASPHALTIC CONCRETE. ALL PUBLIC STREETS AND PRIVATE ROADWAYS SHALL HAVE A 5 INCH CROWN AND A 6 INCH RAISED CURB.
7. ALL PRIVATE ROADWAYS AND PUBLIC STREETS SHALL BE 27 FEET WIDE UNLESS OTHERWISE NOTED. ALL PUBLIC STREETS SHALL BE BUILT TO CITY OF LINCOLN STANDARDS.
8. SIDEWALKS ALONG PRIVATE ROADWAYS SHALL BE A MINIMUM OF 4 FEET IN WIDTH AND LOCATED A MINIMUM OF 4 FEET FROM THE BACK SIDE OF THE CURB. SIDEWALKS SHALL BE A MINIMUM OF 4 INCH THICK CONCRETE, 5 INCH THICK AT DRIVEWAY CROSSINGS.
9. ALL PARKING AREAS SHALL BE SURFACED WITH A MINIMUM OF 5 INCHES OF CLASS 'A' PORTLAND CEMENT OR 6 INCHES OF ASPHALTIC CONCRETE. A 6 INCH RAISED CURB BARRIER SHALL BE PROVIDED AT THE PERIMETER.
10. THIS COMMUNITY UNIT PLAN CONTAINS 67 SINGLE FAMILY LOTS (WHICH CAN BE COMBINED TO CREATE DUPLEX STRUCTURES. A MINIMUM OF 1 DUPLEX UNIT PER LOT ALLOWED ON LOTS 1 THROUGH 7, BLOCK 1, LOTS 1 THROUGH 22, BLOCK 2, LOTS 1 THROUGH 8, BLOCK 3 AND LOTS 1 THROUGH 20, BLOCK 4).
11. THIS USE PERMIT CONTAINS 1 LOT WITH 65,000 S.F. WELLNESS CENTER AND 45,000 S.F. OFFICE/MEDICAL USES IN A 2-STORY BUILDING.
12. ALL CURVILINEAR DIMENSIONS ARE CHORD LENGTHS.
13. PUBLIC SIDEWALKS SHALL BE 4 FEET IN WIDTH AND INSTALLED ON BOTH SIDES OF ALL PUBLIC STREETS SHOWN ON THIS COMMUNITY UNIT PLAN/USE PERMIT AND THE SOUTH SIDE OF PINE LAKE ROAD.
14. PRIVATE ROADWAYS, MEDIANS AND CENTER ISLANDS IN THE PUBLIC RIGHT-OF-WAY SHALL BE MAINTAINED BY THE HOMEOWNERS ASSOCIATION.
15. OUTLOT 'A' SHALL BE MAINTAINED BY THE HOMEOWNERS ASSOCIATION ALL RESIDENCE WITHIN THE LIMITS OF ASPEN 3RD ADDITION COMMUNITY UNIT PLAN/ SPECIAL PERMIT SHALL HAVE THE RIGHT TO USE OUTLOT 'A'.
16. OUTLOT 'D' SHALL BE MAINTAINED BY THE OWNER OF LOT 1, BLOCK 5 AND SHALL REMAIN AS OPEN SPACE. THE OWNERSHIP OF OUTLOT 'D' MAYBE TRANSFERRED TO THE ADJACENT TOWNHOMES/ASSOCIATION.
17. SIGNAGE SHALL BE AS PER CHAPTER 27.69.044 L.M.C., HOWEVER POLE SIGNS SHALL BE PROHIBITED.
18. NON-ABUTTING SANITARY SEWER AGREEMENTS, BETWEEN THE OWNER OF OUTLOT 'A' AND THE OWNERS OF LOTS 26, 27, 28, 29 AND 30, SHALL BE FILED WITH THE REGISTER OF DEEDS PRIOR TO THE FINAL PLAT.
19. THE SANITARY SEWER AND WATER LINE REMOVAL SHOWN IN ALLEN ROAD SHALL BE APPROVED THROUGH THE EXECUTIVE ORDER PROCESS.

WAIVERS:

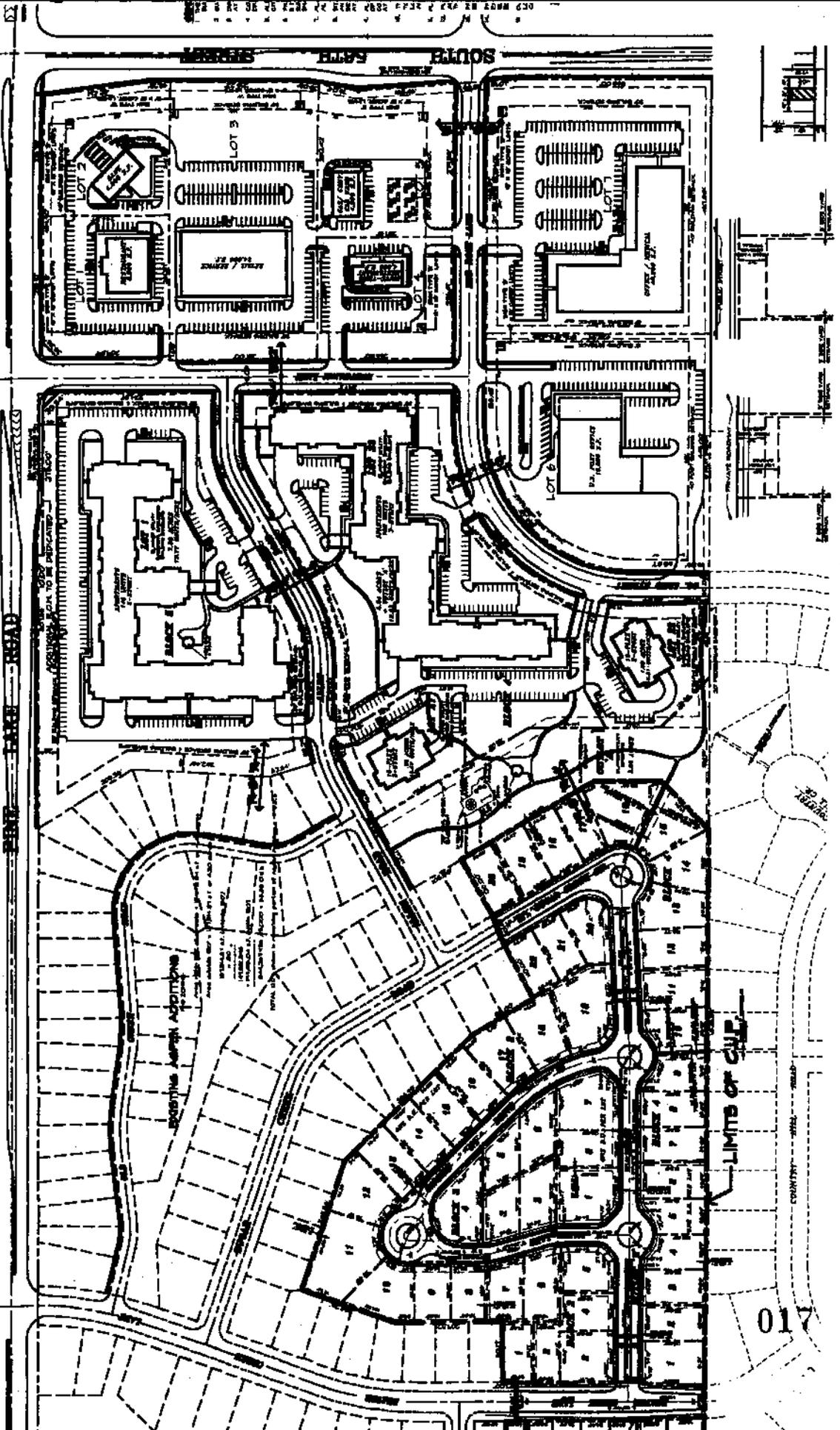
1. THE PRELIMINARY PLAT PROCEDURE.

RECEIVED
JUL 22 2004
CITY OF LINCOLN
PLANNING DEPARTMENT

EXISTING APPROVED PLAN

SPECIAL PERMIT #1713A
ASPEN 3RD ADDITION
COMMUNITY UNIT PLAN / PRELIMINARY PLAT

↑
NORTH



ASPEN 3RD ADDITION

SPECIAL PERMIT #1713C

C.U.P./ SPECIAL PERMIT LEGAL DESCRIPTION:

Lots 2-6, Block 1, Lots 1-19, Block 2, Lots 1-12 and a portion of Outlet 'E', Block 4 all in Aspen 5th Addition; Lots 1, 2, 4, 6, 7, 8, Block 1, Lots 1-3, Block 2, Lots 2-4, 8 & 9, Block 3 all in Aspen 6th Addition; Lots 1-3, Aspen 7th Addition; Lots 2 & 3, Aspen 9th Addition; Lots 1 & 2, Aspen 12th Addition and a portion of the future vacated right-of-way of Allen Road all located in the North 1/2 of the N.E. 1/4 of Section 20, T. 9 N., R. 7 E. of the 6th P.M., Lincoln, Lancaster County, Nebraska, more particularly described as follows:

Commencing at the northeast corner of said Section 20, and extending thence S. 89°43'49" W. on the north line of said Section 20, for a distance of 631.50 feet;

Thence S. 00°18'11" E. a distance of 828.19 feet to the Point of Beginning;

Thence continuing S. 00°18'11" E., for a distance of 206.13 feet along the west line of Stephanie Lane;

Thence S. 89°53'36" W., a distance of 45.86 feet;

Thence on a curve to the left having a radius of 348.00 feet and an arc length of 547.76 feet, being subtended by a chord of S. 44°47'28" W., for a distance of 492.94 feet to the point of tangency of said curve;

Thence S. 00°18'04" E., a distance of 63.87 feet;

Thence S. 02°35'31" E., a distance of 75.05 feet to the south line of the N 1/2 of said NE 1/4;

Thence S. 89°42'18" W., on said line, a distance of 1623.32 feet;

Thence N. 00°04'25" E., a distance of 377.84 feet;

Thence N. 89°43'49" E., a distance of 113.87 feet;

Thence S. 00°16'18" E., a distance of 19.81 feet;

Thence N. 89°53'06" E., a distance of 72.00 feet;

Thence N. 00°16'11" W., a distance of 27.00 feet;

Thence N. 89°43'49" E., a distance of 110.17 feet;

Thence N. 00°16'11" W., a distance of 207.22 feet;

Thence N. 18°39'17" E., a distance of 189.26 feet;

Thence S. 71°19'56" E., a distance of 248.84 feet;

Thence S. 43°40'07" E., a distance of 335.94 feet;

Thence S. 30°16'11" E., a distance of 135.00 feet;

Thence N. 59°43'49" E., a distance of 110.00 feet;

Thence N. 86°47'56" E., a distance of 60.46 feet;

Thence N. 30°16'11" W., a distance of 20.00 feet;

Thence N. 59°43'49" E., a distance of 120.00 feet;

Thence N. 30°16'11" W., a distance of 85.00 feet;

Thence N. 59°43'49" E., a distance of 240.44 feet;

To the point of curvature of a circular curve to the right having a radius of 212.58 feet and an arc length of 111.31 feet, being subtended by a chord of N. 74°43'49" E., for a distance of 110.04 feet to the point of tangency of said curve;

Thence N. 89°43'49" E., a distance of 75.38 feet;

To a point of curvature of a circular curve to the left having a radius of 66.00 feet and an arc length of 15.93 feet, being subtended by a chord of N. 19°40'05" E., for a distance of 15.89 feet;

To a point of curvature of a circular curve to the right having a radius of 30.00 feet and an arc length of 29.32 feet, being subtended by a chord of N. 87°52'39" E., for a distance of 2.00 feet;

To a point of curvature of a circular curve to the right having a radius of 265.00 feet and an arc length of 88.05 feet, being subtended by a chord of S. 81°21'27" E., for a distance of 87.70 feet;

Thence on a curve to the left having a radius of 315.00 feet and an arc length of 97.86 feet, subtended by a chord of S. 81°23'17" E., for a distance of 97.27 feet;

Thence N. 89°43'49" E., a distance of 338.75 feet;

To a point of curvature curve to the left having a radius of 20.00 feet and an arc length of 0.50 feet, being subtended by a chord of S. 89°33'12" E., for a distance of 0.50 feet to the Point of Beginning and containing a calculated area of 23.41 acres more or less.

AND

A portion of Outlet 'A', Aspen 10th Addition located in the North 1/2 of the N.E. 1/4 of Section 20, T. 9 N., R. 7 E., of the 6th P.M., Lincoln, Lancaster County, Nebraska, more particularly described as follows:

Commencing at the northeast corner of said Section 20, and extending thence S. 89°43'49" W. on the north line of said Section 20, for a distance of 1219.80 feet;

Thence S. 00°18'11" E. a distance of 50.00 feet to the Point of Beginning;

Thence continuing S. 00°18'11" E., for a distance of 502.80 feet;

Thence S. 89°43'49" W., a distance of 16.55 feet;

To the point of curvature of a circular curve to the left having a radius of 272.58 feet and an arc length of 83.57 feet, being subtended by a chord of S. 80°56'52" W., for a distance of 83.24 feet to the point of tangency of said curve;

Thence N. 17°50'04" E., a distance of 82.72 feet;

Thence N. 03°10'01" E., a distance of 282.48 feet;

Thence N. 32°07'44" W., a distance of 205.37 feet;

Thence N. 89°43'49" E., a distance of 218.44 feet to the Point of Beginning and containing a calculated area of 1.53 acres more or less.

Memorandum

To:	Tom Cajka, Planning Department
From:	Chad Blahak, Public Works and Utilities
Subject:	Aspen 3rd Addition Special Permit #04026 Use Permit #04001 CUP #1713C
Date:	5/13/04
cc:	Randy Hoskins

Engineering Services has reviewed the Aspen 3rd Addition Special Permit, located on the south west corner of 56th and Pine Lake Road, and has the following comments:

Sanitary Sewer - The following comments need to be addressed.

(1.1) There is existing sanitary sewer in the portion of Allen Road that is will need to be abandoned. This sewer needs to be shown on the utility plan. The sewer removal will need to be approved through the Executive Order process.

(1.2) Lots 26-29 Block 4 do not have adjacent sanitary sewer. If these are intended to be served by the sanitary line in Outlot A information needs to be provided showing permission to construct the services across the private property.

Water Mains - The following comments need to be addressed.

(2.1) The removal of the existing water main in the portion of Allen Road that is proposed to be vacated will need to be approved through the Executive Order process.

(2.2) A 6" water main connection to the 24" water main in Pine Lake Road needs to be shown in Norris Road north of the proposed roundabout.

Grading/Drainage - The following comments need to be addressed.

(3.1) The drainage plan showed storm sewer calculations using residential land use assumptions. The calculations need to be revised to show the use of the appropriate commercial assumptions. Addition revisions may be required to the existing storm sewer as a result of these changes.

Streets - The following comments need to be addressed.

(4.1) Information is required confirming that adequate site distance is provided for the left in no left out intersection of Norris Lane and Pine Lake road. Also, this developer is responsible for the cost of the additional design and construction costs associated with the right turn lane and left turn lane in Pine Lake Road at this intersection.

(4.2) Information needs to be provided showing that the geometry for the proposed turnaround meets the requirements for all turning movements using the standard ASSHTO Bus design vehicle as per design standards.

May 13, 2004

(4.3) The proposed grades show the need for a waiver of design standards for approach platform for the proposed roundabout. This waiver must be requested with justification to the satisfaction of Public Works or the street grades need to be revised to show the standards 3% platform grade. Public Works feels that this issue should be resolved prior to Planning Commission as significant changes to the site plan may be necessary to accommodate design standards.

(4.4) The justification provided for the requested waiver for tangent length on the approach to the roundabout are not satisfactory. The tangent requirement is necessary to provide adequate site distance for reaction time as drivers approach street intersections.

General - The comments listed above represent a preliminary review of this submittal. Additional comments may be required for subsequent submittals based on information requested in this report.

The information shown on the preliminary plat relating to the public water main system, public sanitary sewer system, and public storm sewer system has been reviewed to determine if the sizing and general method providing service is satisfactory. Design considerations including, but not limited to, location of water main bends around curves and cul-de-sacs, connection of fire hydrants to the public main, temporary fire hydrant location, location and number of sanitary sewer manholes, location and number of storm sewer inlets, location of storm sewer manholes and junction boxes, and the method of connection storm sewer inlets to the main system are not approved with this review. These and all other design considerations can only be approved at the time construction drawings are prepared and approved.

F:\FILES\sieceb\Projects\2004-05-028\Word Files\aspn3rdSPCUP.wpd

Memo



To: Tom Cajka, Planning Department

From: Mark Canney, Parks & Recreation

Date: May 11, 2004

Re: Aspen 3rd Addition

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

1. All outlot areas to be maintained by the developer and/or future homeowners association.
2. Please provide a copy of the landscape plan for the roundabout.

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



DATE: May 7, 2004
TO: Tom Cajka, City Planning
FROM: Sharon Theobald
Ext 7640
SUBJECT: DEDICATED EASEMENTS
DN# 72S-52E

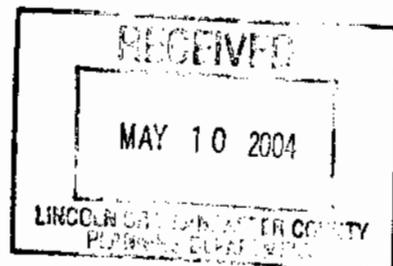
Attached is the CUP/Special Permit for Aspen 3rd Addition.

In reviewing the dedicated transmission line or other electrical easements shown on this plat, LES does not warrant, nor accept responsibility for the accuracy of any such dedicated easements.

ALLTEL, Time Warner Cable, and the Lincoln Electric System will require the additional easements marked in red on the map, along with a blanket utility easement, excluding building envelopes over Lot 1, as already noted on the plans.

Sharon Theobald

ST/ss
Attachment
c: Terry Wiebke
Easement File

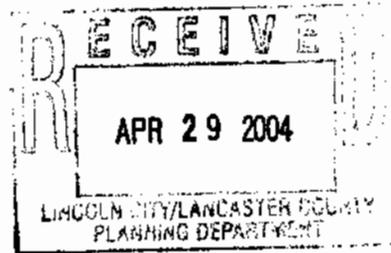




BRIAN D. CARSTENS AND ASSOCIATES
LAND USE PLANNING RESIDENTIAL & COMMERCIAL DESIGN
601 Old Cheney Road, Suite C Lincoln, NE 68512 Phone: 402.434.2424

April 29, 2004

Mr. Marvin Krout, AICP
Director of Planning
City of Lincoln/ Lancaster County
555 South 10th Street
Lincoln, NE 68508



RE: ASPEN 3RD ADDITION- COMMUNITY UNIT PLAN/ SPECIAL PERMIT
CHANGE OF ZONE FROM 'R-4' TO 'O-3'
USE PERMIT/ SPECIAL PERMIT - MADONNA

Dear Marvin,

On behalf of Madonna Rehabilitation Hospital and William G. Krein and Aspen, we submit the following applications for your review.

As you are aware, Madonna has been looking for a site for a proposed 'wellness center' and associated medical office space for quite some time. This site at Stephanie Lane and Pine Lake Road has been selected.

We are proposing a 65,000 square foot 'wellness center' and 45,000 square feet of medical office space to be located in one- two story building. We are proposing 300 on site parking stalls. The Special Permit for a recreational facility will cover the 'wellness center' and the Use Permit will cover the medical office space.

We will be vacating the existing Allen Road right of way, from the West line of Stephanie Lane to east line of the proposed Norris Lane. The proposed Norris Lane will provide vehicular access from Pine Lake Road to the new round-a-bout at Allen Road then continues south to South 52nd Street/ Red Rock Lane.

We are proposing 10 single family lots on the west side of Norris Lane that back up to the existing commons area. The remaining portion of the site, Outlot C, Block 5 will remain 'R-4' for future residential/ residential special permitted uses by Madonna.

We are requesting a waiver to the Preliminary Plat procedures, as this is a C.U.P., Use Permit, and Special Permit that show the same level of detail. We are also requesting a waiver to the tangent length in Allen Road and Norris Lane as they approach the proposed round-a-bout.

Page 2

We feel this waiver is justified, as vehicles need to slow down to maneuver around the round-a-bout. This will aid to slow down vehicles traveling through this area.

We have been working with the Public Works Department and HWS to work out details for the Norris Lane/ Pine Lake Road intersection. We feel we have come to an agreement for the geometrics.

Outlot D will be an open space/ buffer from the existing townhomes to the west. Madonna has been looking at the possibility of deeding this outlot to the adjacent townhomes for their use.

We are anxious to move this project forward as soon as possible. Please feel free to contact me if you have any further questions or comments.

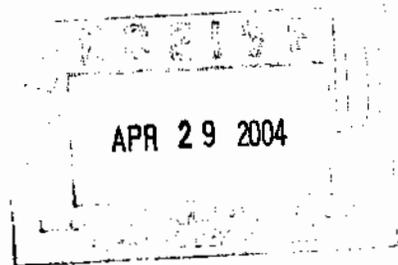
Sincerely,



Brian D. Carstens

cc: Dan Steinbach- Madonna
Bill Krein
Scott Sullivan

Enclosures: 24 copies of sheet 1 of 5
8 copies of sheets 2 thru 5 of 5
Applications for Change of Zone, Use Permit, Special Permit (2)
Application Fees
Petitions to vacate public right of way
Certificate of Ownership
8-1/2" x 11" reductions of the plans



MOTIONS TO AMEND

USE PERMIT #04001

- 1.1.10 Identify 334 parking stalls on the site plan and the potential location of an additional 76 parking stalls which can be added if the applicant cannot justify that the uses have non-current parking demands in accordance with Section 27.67.040(f)(2) of the zoning ordinance.
- 1.1.11 Revise the plans to remove the driveway connection from the round-a-bout at Norris Lane and Allen Road to the east.
- 1.1.12 Revise the plans to add additional landscaped berms on the west side of Norris Lane, between Pine Lake Road and Allen Road.

SPECIAL PERMIT #1713C

- 1.1.6 Revise the plans to remove the driveway connection from the round-a-bout at Norris Lane and Allen Road to the east.
- 1.1.7 Revise the plans to add additional landscaped berms on the west side of Norris Lane, between Pine Lake Road and Allen Road.

SPECIAL PERMIT #04026

- 3.3 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of initial and future parking and circulation elements and similar matters.

IN SUPPORT

ITEM NO. 3.5a,b,c,d,e:
(p.175 - Public Hearing: 5/26/04)

CHANGE OF ZONE 04035
USE PERMIT 04001
SPECIAL PERMIT 04026
SPECIAL PERMIT 1713C
STREET VACATION 04005

Thomas J Cajka
05/26/2004 08:00 AM

To: Jean L Walker/Notes@Notes
cc:
Subject: Change of zone & Permits #4.5a,b,c,d,e

----- Forwarded by Thomas J Cajka/Notes on 05/26/2004 08:00 AM -----



"Jan and Bill Norris"
<jnorris@inebraska.com>
05/25/2004 06:00 PM

To: <tcajka@cl.lincoln.ne.us>
cc:
Subject: Change of zone & Permits #4.5a,b,c,d,e

We support Madonna's request to change the zoning to O-3 on the area described in 3.5a; the Use permit No. 04001; the special permit No. 04026; the special permit No. 1713C and Permit No. 94995. The neighborhood will benefit by this type of facility. We also very much want the 10 single family dwellings in Special Permit No. 1713C. These homes will be next to the common area which is directly behind our house. These homes will complete the development nicely.

Thank you - Bill and Jan Norris

IN SUPPORT

ITEM NO. 3.5a,b,c: CHANGE OF ZONE NO. 04035
d,e: USE PERMIT NO. 04001
SPECIAL PERMIT NO. 04026
~~SPECIAL PERMIT NO. 1713C~~
SAV. 04005



"Max Thielbar"
<mthielbar@neb.rr.com>
m>

05/15/2004 05:15 PM

To: <plan@ci.lincoln.ne.us>
cc: (p.175 - Public Hearing -5/26/04)
Subject: Change of Zone No. 04035: Special Permit No. 1713C: Use Permit No.
04001: Street and Alley Vacation No. 04005

My wife and I are writing regarding the above items and wish to make the following comments,
We live at 7252 Sugar Creek Circle which is just adjacent to the area where the above changes will
occur.. We believe that this will be a great addition to the area and highly recommend that approval be
given by the Planning Commission.

We know that Madonna will be a great neighbor and their presence will greatly enhance the neighborhood.

Sincerely,

Max E. and Doris E. Thielbar