

## **FACTSHEET**

**TITLE:** ANNEXATION NO. 05001, requested by Lindsey Management Company, to annex approximately 100.00 acres, more or less, generally located at North 1<sup>st</sup> Street and Fletcher Avenue.

**STAFF RECOMMENDATION:** Approval, subject to an Annexation Agreement

**ASSOCIATED REQUESTS:** Change of Zone No. 05002, The Links at Lincoln Planned Unit Development (05-34).

**SPONSOR:** Planning Department

**BOARD/COMMITTEE:** Planning Commission  
Public Hearing: 02/16/05  
Administrative Action: 02/16/05

**RECOMMENDATION:** Approval, subject to an Annexation Agreement (7-0: Marvin, Pearson, Carroll, Taylor, Krieser, Sunderman and Carlson voting 'yes'; Bills-Strand and Larson absent).

### **FINDINGS OF FACT:**

1. This annexation request and the associated The Links at Lincoln Planned Unit Development (Change of Zone No. 05002) were heard at the same time before the Planning Commission.
2. The staff recommendation to approve the annexation request, subject to an annexation agreement, is based upon the "Analysis" as set forth on p.4-5, concluding that the proposed annexation and Planned Unit Development are in conformance with the Comprehensive Plan, the Zoning Ordinance and the Land Subdivision Ordinance.
3. The testimony by the applicant's representatives is found on p.7-9.
4. Testimony in opposition is found on p.9-11, and the record consists of three e-mail communications (p.19-21) expressing concerns about the traffic pattern and intersection at Highway 34, Fletcher and 1<sup>st</sup> Street; the location, visual impact, traffic impact and deviation from the Comprehensive Plan of the proposed commercial floor area; the density; the impact on water resources in the area; and traffic flow.
5. The Planning Commission discussion with staff is found on p.11-13, focusing upon the 1<sup>st</sup> & Fletcher intersection, the future plans for 7<sup>th</sup> Street, the difference in trip generation between single family and multi-family uses, and the proposed commercial use.
6. On February 16, 2005, the Planning Commission agreed with the staff recommendation and voted 7-0 to recommend approval, subject to an annexation agreement.
7. On February 16, 2005, the Planning Commission voted 5-2 to recommend conditional approval of the associated The Links at Lincoln Planned Unit Development (Marvin and Carlson dissenting).

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

**DATE:** March 21, 2005

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

**DATE:** March 21, 2005

**REFERENCE NUMBER:** FS\CC\2005\ANNEX.05001

**LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT**

**for February 16, 2005 PLANNING COMMISSION MEETING**

**\*\*As Revised and Recommended for Conditional Approval  
by Planning Commission: February 16, 2005\*\***

**P.A.S.:**        **Annexation #05001**  
Change of Zone #05002

Note: 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.

**PROPOSAL:**        To annex approximately 100 acres and change the zone from AG, Agriculture to R-3, Residential Planned Unit Development for 696 dwelling units and 60,000 square feet of office.

**LOCATION:**         Generally located at N. 1<sup>st</sup> Street and Fletcher Avenue.

**LAND AREA:**       Annexation and Change of Zone: approximately 100 acres.

**CONCLUSION:**     In conformance with the Comprehensive Plan, Zoning and Subdivision Ordinances.

<b><u>RECOMMENDATION:</u></b>	Conditional Approval
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**GENERAL INFORMATION:**

**LEGAL DESCRIPTION:**    See attached.

**EXISTING ZONING:**        AG, Agricultural.

**EXISTING LAND USE:**    Acreage, undeveloped.

**SURROUNDING LAND USE AND ZONING:**

North:	Acreages	AG
South:	Highway, residential	AG, R-1
East:	Acreages	AG
West:	Residential, industrial, office	R-3, I-2, O-2, O-3

**HISTORY:** The area was zoned AG during the 1979 zoning update.

## **COMPREHENSIVE PLAN SPECIFICATIONS:**

The Comprehensive Plan indicates this area as Urban Residential with a very small portion in the northwest corner shown as Low Density Residential. (F-25) The area is shown as Tier 1, Priority B. (F-27, 31)

Areas of retail, office and service uses. Commercial uses may vary widely in their intensity of use and impact, varying from low intensity offices, to warehouses, to more intensive uses such as gas stations, restaurants, grocery stores or automobile repair. Each area designated as commercial in the land use plan may not be appropriate for every commercial zoning district. The appropriateness of a commercial district for a particular piece of property will depend on a review of all the elements of the Comprehensive Plan. (F-22)

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)

Affordable housing should be distributed throughout the region to be near job opportunities and to provide housing choices within every neighborhood. Encourage different housing types and choices, including affordable housing, throughout each neighborhood for an increasingly diverse population. (F-18)

"Transit, pedestrian, and bicycle networks should maximize access and mobility to provide alternatives and reduce dependence upon the automobile. 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...

Many activities of daily living should occur within walking distance. Neighborhoods should include homes, stores, workplaces, schools and places to recreate...

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)

The key to both new and existing urban neighborhoods is diversity. For new neighborhoods, it is having a greater mix of housing types and land uses. New neighborhoods should have a variety of housing types and sizes, plus commercial and employment opportunities. Developing a pedestrian orientation of buildings and streets is also a priority for new areas. (F-71)

Structure incentives to encourage more efficient residential and commercial development to make greater utilization of the community's infrastructure. Incentives may include financial, process and/or regulatory conditions. (F-72)

The ANNEXATION POLICY is found on pages F-154 and 155 of the Comprehensive Plan.

**UTILITIES:** A 16" water main will be extended by the developer from NW 2<sup>nd</sup> Circle, bored under Highway 34 and extended along Fletcher Avenue to the entrance of the property. Wastewater mains (10"-12") must be extended through the Highlands and bored under Highway 34 in order to provide wastewater collection service to the property.

**TRAFFIC ANALYSIS:** Although Fletcher Avenue is the mile-line road it is not classified as an arterial in this location. Local residential roads require a total width of 60' dedicated to the City, however, the developer agreed to dedicate 60' of right-of-way on the south side of the road. Fletcher will be paved by the applicant as a local street. The owner agrees to construct asphalt paced center left turn lanes in Fletcher Avenue at N. 7<sup>th</sup> Street and at all access points into the property.

N. 7<sup>th</sup> Street is classified as a local road and the developer proposes to pave N. 7<sup>th</sup> Street to local standards from Fletcher Avenues south to their driveway entrance point. A grading plan was not submitted with this application, due to the conceptual nature of the PUD, and the Public Works and Utilities Department indicated that access points and street improvements in N. 7<sup>th</sup> Street and Fletcher Avenue are dependent on existing and future street grades and the site distance available.

The Land Subdivision Ordinance requires sidewalks along abutting streets, including major streets. Purple Heart highway and Interstate 80 are major streets. The installation of these sidewalks shall be considered when the final plat is submitted.

**REGIONAL ISSUES:** The Fire Department indicated they are concerned about adequate water supply, however information on the private water system shall be required at the time of administrative amendment and meet the standards required by the Fire Department. The Public Works and Utilities Department did not indicate this was an issue. Most of the property is at an elevation of less than 1,280'.

This area is within a turning zone of the Lincoln Airport Zoning Map and will require a height permitting process at the time of building permits. An Avigation and Noise Easement Agreement is not necessary because the development is outside the Airport Environs District.

**ENVIRONMENTAL CONCERNS:** Typically the Lincoln Lancaster County Health Department is concerned about residential in close proximity to Interstate 80. The applicant mitigated this concern by setting residential units back and placing golf course fairways between the Interstate and the residential units. The Lincoln Lancaster County Health Department said the buffer is acceptable and that other methods may also be used.

**ANALYSIS:**

1. This is a request for a Planned Unit Development for a conceptual master plan of a multifamily development with 696 dwelling units, private golf course, clubhouse and 60,000 square feet of commercial floor area. The commercial is identified as office, retail, restaurant, or convenience store, and as an alternative to commercial: residential apartment units.
2. The property is designated as Tier 1 Priority B in the Comprehensive Plan. Impact Fee Facility Improvements to serve land designated as Priority B are not included in the City's 2004 Six-Year Capital Improvement Program. The owner must agree to pay all impact fees and construct at their own cost and expense without any reimbursement from the City those Impact Fee Facility Improvements needed to serve the development.
3. Final site layout, including grading, drainage, landscaping and other site related details are proposed to be reviewed by administrative amendment. The final site layout must be in substantial compliance with the approved planned unit development, and the applicant agrees to meet all standards at the time of final site plan review. Details relating to the commercial will be approved through the administrative amendment process.

4. The proposed PUD is intended to be conceptual, however, the Public Works and Utilities Department indicated more detail on grading, drainage, street grades, and public utilities is needed in order to determine whether or not this development could realistically be built. The applicant agrees to submit administrative amendments with specific grading, drainage, and public utility information, however the Public Works and Utilities Department is concerned that design standards may not be met, and the mechanism to adjust design standards is not allowed by administrative review. The Public Works and Utilities Department wants an opportunity to review more detailed plans to determine the concept plan can be developed prior to the application's scheduling to City Council.
5. The Parks Department indicated the developer should provide a playground that meets Consumer Safety Guides, as indicated in their attached January 27, 2005 memorandum.
6. The Lincoln Lancaster County Health Department indicated the mitigation of noise impacts is acceptable and has two advisory comments in their attached January 31, 2005 memorandum.
8. The Lincoln Electric System requires added notes and easements as indicated in their comments.
9. The waiver of the preliminary plat process is not required because no new streets are proposed.
10. Annexation policy:
  - ! Land which is remote from the limits of the City of Lincoln will not be annexed; land which is contiguous and generally urban in character may be annexed; and land which is engulfed by the City should be annexed.
  - ! Annexation generally implies the opportunity to access all City services. Voluntary annexation agreements may limit or otherwise outline the phasing, timing or installation of utility services (i.e., water, sanitary sewer) and may include specific or general plans for the private financing of improvements to the infrastructure supporting or contributing to the land uses in the annexed area.
  - ! Plans for the provision of services within the areas considered for annexation should be carefully coordinated with the Capital Improvements Program of the city and the county."

**Staff Comment:** The request for annexation meets the City's annexation policy. If the development area is annexed, areas outside the city limits will be surrounded by the City. As per bullet one, the Planning Department will file a separate application to annex that land.

An annexation agreement is in process between City staff and the applicant.

**ANNEXATION CONDITIONS:**

1. Prior to scheduling the request on the City Council agenda the applicant shall sign an annexation agreement to the satisfaction of the City. However the Planning Director may forward the annexation to the City Council if the City Staff and the applicant cannot reach an agreement.

Prepared by:

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Planner

**DATE:** February 3, 2005

**APPLICANT:** Kim Fugitt  
**CONTACT:** Lindsey Management Company  
1165 Joyce Blvd.  
Fayetteville, Arkansas 72701  
(479)521-6686

**OWNER:** Carlton and Judith Paine (Lot 38 IT)  
Glenn and Lois Umberger (Lot 43 IT)

**ANNEXATION NO. 05001  
and  
CHANGE OF ZONE NO. 05002,  
THE LINKS AT LINCOLN PLANNED UNIT DEVELOPMENT**

**PUBLIC HEARING BEFORE PLANNING COMMISSION:**

February 16, 2005

Members present: Marvin, Pearson, Carroll, Taylor, Krieser, Sunderman and Carlson; Bills-Strand and Larson absent.

Staff recommendation: Approval of the annexation, subject to an annexation agreement; and conditional approval of the PUD.

Ex Parte Communications: Taylor disclosed that he called Becky Horner, the project planner, about this project.

Becky Horner of Planning staff submitted three letters in opposition with general concerns about traffic, water, density and the commercial uses.

Horner also submitted amendments to the conditions of approval. In response to a concern raised by the neighbors with private wells, the staff is adding Condition #4.4:

- 4.4 Provide adequate well log data and other information to the Lower Platte South NRD to make a determination that the proposed irrigation well would not likely impact other higher priority water wells in the area.

This would be a condition required prior to building permits being issued.

Horner also amended the following conditions of approval:

- 1.2.11      Revise the plan to indicate the total number of approved dwelling units to 696, if the commercial use is deleted.
2.            This approval permits ~~696~~ 612 dwelling units and 60,000 square foot of commercial floor area, or 696 dwelling units, if the commercial use is deleted.

Proponents

**1. Lynn Farrell, The Lindsey Company,** testified to the site selection and what attracted the company to Lincoln. They have been following Lincoln's progress for 4-5 years; have done demographic studies and like what they see. The only reason they have not come to Lincoln earlier is that the company has been limited to a 300-mile radius of Fayetteville, Arkansas, and recently

expanded to a 400-mile radius and Lincoln was the first choice in the expanded area. Farrell pointed out that the proposed location is a premier location because it is only five minutes by divided highway to downtown and UNL.

**2. Kim Fugitt** reviewed the site plan and features of the proposed PUD. He showed photographs of a similar Lindsey Company development in Springdale, Arkansas, The Lindsey Company has developed 28 golf courses in seven states. The proposed site plan for Lincoln includes 612 dwelling units composed of 51 buildings, on approximately 100 acres, so the overall density proposed with a small portion of commercial is 6.12 units per acre. Over half of the site will be golf course, which would relate to well over half the site being open space with a 9-hole, par 36, regulation course. There will be three different pods of apartment buildings with the golf course running around the perimeter of the site creating a buffer between the units and the neighbors and the units and the highway. By being grouped into three pods, there is more of a community feel. It also allows the maximum number of apartment units that can look onto the golf course. Fugitt showed an example of the apartment building “backed and stacked” design with a chase wall down the middle of the building so that there are two fronts. The buildings will be 70% brick on the exterior. Within the clubhouse will be the pro shop, meeting rooms for tenants and guests, whirlpool, saunas, fitness center, tanning facilities, billiard rooms and a business center for the tenants. There is a lot of landscaping, a swimming pool, playgrounds, and picnic tables. There will be on-site management and security officers.

Marvin inquired about any effect on the school system. Fugitt stated that they have run the demographics on like properties as to the age groups of the tenants. The studies have shown 1.4 children per apartment unit. The average number of children in all apartments is .22/unit, with 44 % being under school age. They have gathered information from Home Builders and the American Housing Survey, indicating that multi-family housing has a lower impact than single family housing as far as the number of children. They estimate .12 children per unit at school age.

Carlson inquired about the relationship between the proposed commercial and the residential as far as bringing the residents down to the commercial area. Fugitt advised that the boulevard entrance snakes throughout the entire site and it goes directly into the clubhouse facility. The first drive would be a through street that would connect to the commercial property. There would be access off of Fletcher as well. They have not proposed any pedestrian paths other than the sidewalks located on the boulevard itself.

Carlson noted that there has been a lot of conversation in Lincoln and pedestrian movement and the Comprehensive Plan emphasizes pedestrian motion. Fugitt stated that they would have pedestrian paths along the vehicular paths, but they do not have planned paths through the golf course because it creates too much liability.

**3. Jim Lindsey of The Lindsey Company**, believes that Lincoln is a great city and he would like to be a part of it and be partners with the Chamber of Commerce. The Lindsey Company has developed and owns 23,000 apartments in 94 different locations and they have never sold one. Their basic principle is to buy the land, design the buildings, build the buildings, maintain the buildings, and manage the buildings to keep for a lifetime. However, the buildings are designed to meet all fire wall requirements and all specific requirements of being an individual condominium as their exit strategy some day. Every foot of the grounds will be sodded; the landscape will be very important and will be

maintained; they will plant several thousands of trees on this site; there will be a fence or hedge on the entire boundary; they check criminal and credit histories on all tenants. There is a courtesy officer on duty and the manager and the assistant managers live in the development. The Lindsey Company is here to invest a big piece of money in a great city with full intentions of getting a very good return. In all of their demographic studies, Lincoln has been in the analysis for five years and has rated in the top five.

The people who live in the development are able to use the golf course for free.

Carroll inquired about the development time line. Lindsey stated that they can build a unit a day, so the entire project could be built in 1.5 years.

### Opposition

**1. Jim Christo**, 6945 N. 7<sup>th</sup> Street, 5/8 mile north of 7<sup>th</sup> & Fletcher intersection, testified in opposition. He is concerned about the impact on the private wells in the area. He would prefer that the word "likely" in the staff proposed Condition#4.4 be deleted. The groundwater in that area is very unique and there is very little of it. The well of one of the neighbors has to recharge between loads of laundry. His well is somewhat better, but Christo recalled that there was a University Alumni golf course project being planned just north of Fallbrook, which did not materialize. He believes one of the issues was available water.

Christo also cited traffic as a concern. The intersection of 1<sup>st</sup> & Fletcher has been redone twice in four years. As you are going west on Fletcher and approach 1<sup>st</sup> Street, you cannot turn left. You have to go right/north only. At the present time, SUV's proceed over the raised medians. Cars go up 1<sup>st</sup> Street and do a u-turn, which is just over the crest of the hill which is not a safe situation. There is going to be a Hartland Gardens residential development from 7<sup>th</sup> to 14<sup>th</sup>, Fletcher to Humphrey, in the near future. This will create additional traffic on Fletcher Avenue. The CIP shows the widening of 14<sup>th</sup> Street beginning in 2005-06, so he assumes 14<sup>th</sup> Street will be under some type of duress for 2-3 years. Access and coordination of the street improvements would be greatly appreciated.

**2. Chandy Clanton**, 320 Fletcher Avenue, testified in opposition. The proposed development does not fall within the Comprehensive Plan, which calls for urban residential and low density residential. The proposal appears to be all high density. Although she understands this area is mostly likely to be developed, she believes Lincoln would be better served with a mix instead of the cookie cutter units and a golf course. Traffic is an issue. Fletcher is a 45 mph road and it cannot withstand 1,000 or more cars. This is not conducive to a local street. 1<sup>st</sup> & Fletcher is a concern because when you try to come out to the highway, you must take a right turn on a two-lane and continue into Fallbrook or go into the left lane. Maybe one car every 30 seconds will turn, so there will be come serious backup. There is already a backup of traffic at 14<sup>th</sup> and Superior. Entrances and exits are not yet known. Water is a concern. She understands that this project is trying to be streamlined and there will be administrative amendments. The administrative process should not be used because it prevents public comment.

**3. Tim Aschoff**, 132 S. 13<sup>th</sup> Street, appeared on behalf of **Robert and Karen Duncan**, in opposition. The Duncans live south of this property on 7<sup>th</sup> Street and are concerned about the density of the project and the compliance with the Comprehensive Plan, which designates this property as urban residential

and partially low density. The guiding principles of the Comprehensive Plan for urban residential provide that in the future in new neighborhoods we want to strongly encourage a mix of development. There is low density residential developed to the north and to the east. To the immediate west there is high density in apartments. To the south it is primarily low density residential. His clients are not opposed to development, but building principles should provide for mix of development. The second concern is traffic flow. The developer is required to pave 7<sup>th</sup> Street from their entrance to the north up to Fletcher. Right now there is nothing that will prevent the traffic from heading south from their entrance. We have been told that there is a plan in the future that the 7<sup>th</sup> Street bridge would come down as the interstate is widened. If the 7<sup>th</sup> Street bridge is going to be closed after this annexation, his clients would request that the city close 7<sup>th</sup> Street and prevent people from getting accustomed to using that route, or require the developer to pave that route. The exact entrances and exits are not known and would be done administratively, which is not acceptable.

Another concern is the water. The Duncans have a private well on their property. They do irrigate a large portion of their property with their private well system and discovered three years ago the unique nature of the water in that area. By using their private well irrigating 10 acres, they discovered that they were killing off the vegetation because the water contains a high level of salt. They have had to restrict pumping of the water.

Aschoff stated that he has also been contacted by Art Knox and other neighbors who are concerned about the traffic and water issue. They are requesting that there be a study done to determine how the 7<sup>th</sup> Street project time line will affect their property. Aschoff believes that the public should have an opportunity to comment on the water study.

**4. Tim Mettenbrink**, Vice President of **Nebco Inc.**, and owner and developer of Fallbrook immediately adjacent to the north and west, testified in opposition. He clarified that he is speaking as the developer of Fallbrook and not as a representative of the residents or homeowners association. Fallbrook shares the front door of its development with this proposal. He complimented the Lindsey Company, and noted that Fallbrook has a high degree of support in terms of the residential development with the recreational component attached, which would be great for the Fallbrook residents and neighbors. The Fallbrook developer is, however, concerned about the commercial component. The staff report talks about restaurant, grocery store, auto repair, convenience store, etc., and frankly, that is not the front that has been envisioned for Fallbrook. The objections to the commercial use are: 1) visual impact – signage, lighting, etc.; 2) traffic; 3) the yet unknown use which is left to the administrative amendment process; and 4) deviation from the Comprehensive Plan. Fallbrook had conversations with the Umberger family (the owners of the property being developed) over the last year and Fallbrook considered acquiring this property. However, in reading the Comprehensive Plan and the traffic study and through discussions with staff, Fallbrook heard that this property is designated as residential and that no commercial is included. The Fallbrook developers have talked with Mr. Lindsey and they are hopeful to privately come to some kind of agreement related to the commercial component. Fallbrook objects strongly to the commercial component because the uses are not defined or designated at this point in time. Fallbrook respectfully requests that serious consideration be given to removing the commercial component.

Pearson inquired whether there is commercial in the Fallbrook development. Mettenbrink acknowledged that Fallbrook has over ½ million square feet approved for office/commercial.

Fallbrook has a plan that shows areas in general and there have been square footages applied to areas in general. Currently, there is about 120,000 sq. ft. of retail component in the village center. Marvin asked Mettenbrink about the intersection of Fletcher and Hwy 34. Mettenbrink agreed that Fallbrook would like to see a better solution than the one that is there. It is a nasty intersection. It somewhat works for the Fallbrook residents, but if we are building a community that is the heart and soul of northwest Lincoln, we need people to be able to get to us. A development like this would support the commercial component within Fallbrook and Fallbrook would be willing to participate in a solution.

### Staff questions

Dennis Bartels of Public Works explained that 1<sup>st</sup> and Fletcher was reconstructed because of Fallbrook and how the traffic study showed that traffic generation. Before Fallbrook, 1<sup>st</sup> Street intersected Fletcher at a point approx. 300 feet from Hwy 34. From a traffic perspective, both streets could not function as arterial streets. The city had to make a decision as to which street to emphasize. 1<sup>st</sup> and Fletcher was redesigned and paid for by Fallbrook in the configuration that it is today. At this point in time, there is very little that can be done with this intersection to provide full access. U-turns are being made at an intersection which is not designed for U-turns. Fallbrook Boulevard and Pennsylvania to the east are designed to accommodate U-turns but they are 1/4 mile north of the Highway 34/1<sup>st</sup> Street intersection.

With regard to the future of 7<sup>th</sup> Street, Bartels advised that the present plans by NDOR for I-80 removes that bridge in approximately 2007.

Marvin inquired whether there is an access point onto this site from 7<sup>th</sup> Street to accommodate an LES substation. Bartels stated that there is an access driveway into the apartment complex from 7<sup>th</sup> Street—two are anticipated off of 7<sup>th</sup> Street. 7<sup>th</sup> Street north to Fletcher was required to be paved with a standard urban city street. But as written, there are no plans to require 7<sup>th</sup> between Fletcher and Superior to be paved. It is a gravel road. Public Works is not requiring the pavement beyond this development's southern driveway because of the anticipation of the 7<sup>th</sup> Street bridge coming out.

Based on the number of units, Marvin asked Bartels whether it is his opinion that this development has to have access points from 7<sup>th</sup> Street. Could it be required that the only access point be on Fletcher? Bartels stated that for site circulation, the city would encourage the driveway to 7<sup>th</sup> Street because of block lengths and the number of units. Horner observed that elimination of that access would be in violation of the design standards, and Police and Fire would object because they need two accesses for emergency purposes.

Bartels further stated that at this point in time, Public Works has only reviewed a sketch plan that showed driveways. There is not enough information to relate it to the driveways at this point. Public Works will need information on driveway locations on this site in relation to future street grades for 7<sup>th</sup> Street. He will also ask for locations of driveways that exist on the north side of Fletcher before this proposal goes to the City Council to try to accommodate alignment or proper separation of driveways along Fletcher. At this point in time, he has not looked at it.

Pearson asked what the 16" water main that will be extended by this development will serve. Bartels advised it was his expectation that the water main shown on the plan was to provide the domestic water service and fire protection. He did not review the wells that have been referenced, but they would be used for irrigation purposes. The city would be willing to sell them water for irrigation purposes as well.

Carroll inquired about the administrative process for the commercial component. Horner advised that this approval would approve a floor area of commercial limited to those uses stated in the staff report. The applicant indicates that they will meet all design standards. The administrative amendment review would be the specific locations on the site, provided they meet all design standards and zoning and subdivision regulations. That would include pedestrian sidewalks. The Comprehensive Plan calls for pedestrian activity and staff determined that to be a site related design that would be required at the time of administrative amendment.

Marvin's main concern is that 7<sup>th</sup> Street is going to go away so the access to get downtown is to take Fletcher and make a turn on Hwy 34, which is presently difficult to do. He believes this is going to be difficult for the number of trips generated by 600 units. Bartels agreed that it is potentially a problem. The other route to downtown would be 14<sup>th</sup> Street. Fletcher is paved between 1<sup>st</sup> and 14<sup>th</sup>. 7<sup>th</sup> Street is an open street; Pennsylvania is through between 1<sup>st</sup> and 7<sup>th</sup>, although gravel at this point in time. Marvin does not believe we want to encourage traffic to go down a gravel road. Bartels agreed that it would cause dust and maintenance problems.

Horner pointed out that the trip generation would show that trips are lower for multi-family rather than single family. Marvin believes that 4,000 to 5,000 is still a lot of trip generation from the apartment complex. Horner suggested that the trip generation would be 40% higher with single family. Marvin stated that he was not talking about single family, but the number of trips that are going to go from Fletcher to Hwy 34.

Pearson does not understand why we wouldn't redesign that intersection and ask the developer of The Links to help pay for it. Bartels stated that there is not physically enough room to redesign that intersection. Pearson suggested taking part of the potential commercial space to redesign the intersection. Bartels explained that 1<sup>st</sup> Street is the long term arterial to continue out into the County, so the intersection is designed to make 1<sup>st</sup> Street the prominent carrier. The traffic numbers of Fallbrook showed that it potentially could generate enough for dual left turn lanes at Hwy 34 and 1<sup>st</sup> Street, and the stacking required extends past this intersection at Fletcher which makes it an unsafe design. That is the reason they put the median in front of it. He does not see a good way of redesigning the intersection unless right-of-way is acquired from the acreage owners further north.

Carlson understands that the per unit traffic count is higher for single family, but he suggested that overall, the trips would be lower because there would be fewer numbers of individual houses. Horner clarified that the density is set based on the zoning. Most single family subdivisions do not develop to their full potential, but at five dwelling units per acre, single family is still probably going to be a little higher, if not equal, in trip generation. Bartels observed that if there were three to four dwelling units per acre in single family and about six to seven dwelling units per acre in this proposal, the traffic generation would be very similar. Carlson believes commercial would generate more trips than the residential. Bartels agreed, depending on the use.

Carlson asked staff to discuss the commercial in reference to the Comprehensive Plan. Horner stated that the Land Use Plan shows the corner as low density residential; however, there is a substantial amount of text in the Comprehensive Plan which encourages areas of neighborhood commercial within walking distance. Staff believes that if this small amount of commercial is provided in this neighborhood of 600+ dwelling units, many of the people who live in this neighborhood would walk to the services which would be provided in the commercial. The Comprehensive Plan does encourage small amounts of commercial in large neighborhoods and it is anticipated that this would reduce the overall trips to obtain those same services. Carlson observed that if this were Highway 2 instead of Highway 34, a spot of commercial would generate a lot more in terms of traffic trips.

#### Response by the Applicant

From a traffic standpoint, Lindsey suggested that approximately 375-400 single family houses would equate to 600 apartments. Lindsey also reiterated that his company would definitely participate in a properly designed intersection at 1<sup>st</sup> and Fletcher because it is important to this development.

As far as the water issue is concerned, Lindsey stated that they will pump the water into the holding lake and then pump it out of the lake for irrigating. The well will empty into the lake. If there is saline solution in the water, it will be diluted substantially in that lake. There are other things that can be done about the salty water. It is anticipated that the lake will only be used in July, August and early September. Lindsey stated that The Lindsey Company wants to be a good neighbor and does not want to drain someone's water supply.

Owen Goodenkauf, hydrologist with HWS Consulting Group, stated that the water information will be packaged and forwarded to the NRD. Before development, there will need to be some site specific testing done. They will check the water levels while test pumping and will look real hard at the quality. He understands the concerns and clearly understands that Lancaster County is problematic for water supply, but he believes there is a decent chance of putting together a water system to provide this seasonal supply.

Taylor inquired as to when the testing would be done. Goodenkauf stated that they would be prepared to move along as quickly as necessary.

Pearson confirmed that the 16" water main extended to the development is for domestic use for the apartments and the clubhouse, commercial, etc. The only thing that a well would be used for is the golf course and the lake. How much water does a 9-hole golf course use? Goodenkauf estimated the total pumpage to be 100 to 200 gpm, which would not have to be from just one well. It is entirely possible to do several 30 gpm wells. It is not the same thing as an irrigation well.

Back to the traffic and 1<sup>st</sup> & Fletcher intersection issue, Lindsey stated that when The Lindsey Company sees a location at two major intersections and recognizing that traffic is always an issue, they would prefer to have a generally positive location with visibility over perfect ingress and egress. They have selected this site with full knowledge of the traffic issues at that intersection. The convenience of the location would off-set the inconvenience of the 1<sup>st</sup> and Fletcher intersection.

Marvin inquired whether the applicant would agree to delete the word “likely” from Condition #4.4 added by the staff today. Lindsey stated that he would agree, and they would act upon the water information and testing immediately before any permitting. Goodenkauf added that in assessing the issue of the salt, HWS would not be just looking at how it impacted the golf course, but how it would impact the residential areas as well.

Lindsey did not know the size of the pond. The golf course is 53 acres, with 40 acres designated to the apartments and commercial. Over half of the property will be green space, and that is something you would not get in a subdivision. Fugitt believes the lake would be 10+ surface acres. Lindsey added that there will be a lot of acre-feet in that lake. It will be their supply of water in conjunction with the well. All of the water will be pumped into the lake. If there is not a good supply of water, they will have to use city water.

In defense of the commercial area, Lindsay suggested that it would not be desirable to have apartments on top of that problem intersection. Lindsey Company is not a commercial builder, but he does not believe they could move apartments into that area. The commercial is a very small part of the overall PUD.

**ANNEXATION NO. 05001**

**ACTION BY PLANNING COMMISSION:**

February 16, 2005

Carroll moved approval, with conditions, seconded by Marvin and carried 7-0: Marvin, Pearson, Carroll, Taylor, Krieser, Sunderman and Carlson voting ‘yes’; Bills-Strand and Larson absent. This is a recommendation to the City Council.

**CHANGE OF ZONE NO. 05002**

**ACTION BY PLANNING COMMISSION:**

February 16, 2005

Taylor moved to approve the staff recommendation of conditional approval, with the additions and revisions submitted today by staff, seconded by Pearson.

Marvin moved to amend new Condition #4.4 to strike the word “likely”, seconded by Sunderman and carried 7-0: Marvin, Pearson, Carroll, Taylor, Krieser, Sunderman and Carlson voting ‘yes’; Bills-Strand and Larson absent.

Marvin commented that he is still disturbed about the lack of sufficient left turning movement at 1<sup>st</sup> & Fletcher & Hwy 34. He believes that pushes a lot of traffic over to 7<sup>th</sup> Street, which is a gravel road and it is years away from being improved.

Carroll observed that whether it is residential or multi-family, there is still going to be a problem with 1<sup>st</sup> & Fletcher. Lindsey and Nebco have agreed to be involved as far as redesign. He believes there is something that can be improved. He thinks this is a great development for this area, with a very good design of the buildings, property and everything else. The applicant is well-respected so he believes it is a good plus for Lincoln.

Pearson also heard Lindsey and Fallbrook speak to sharing or at least investing in the intersection. Given that, she would think that there would be a resolution that could happen sooner possibly rather than later, and she is trusting that will be taken care of.

Taylor stated that he is in support and thinks it will be an excellent development.

Carlson believes this is a parcel that will be in the city and he has no problems with the applicant, but he is not satisfied with some of the concerns that have been raised today. He is concerned about the water, and traffic continues to be a concern for which we do not have a resolution. He does not hear a solution by Public Works or Fallbrook or Lindsey. He would like to see more answers before proceeding. The commercial situation is troubling because we have other development out there that has made decisions based on the Comprehensive Plan, and he thinks this proposal interferes with that. At this point there are too many questions.

Motion for conditional approval, as revised, with amendment, carried 5-2: Pearson, Carroll, Taylor, Krieser and Sunderman voting 'yes'; Marvin and Carlson voting 'no'; Bills-Strand and Larson absent. This is a recommendation to the City Council.



**Change of Zone #05002**

2002 aerial

**Annexation #05001**

**PUD**

**1st & Fletcher**

**Zoning:**

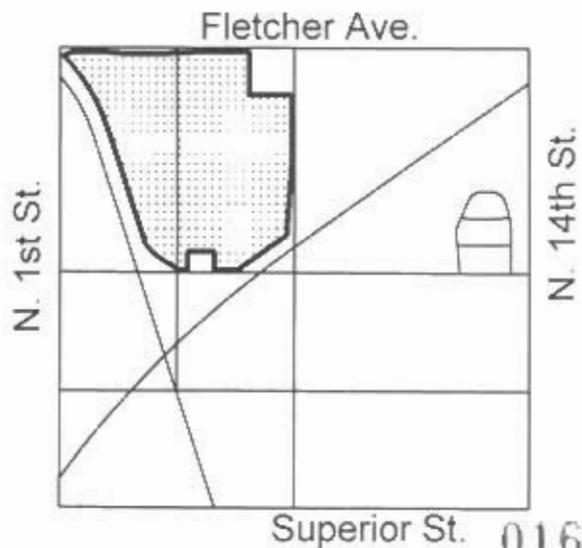
- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- R-C Residential Conservation District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned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

One Square Mile  
Sec. 02 T10N R6E



Zoning Jurisdiction Lines

City Limit Jurisdiction



Superior St. 016

Lincoln City - Lancaster County Planning Dr

Parcel	Legal Description	Owner of Record
A	<p>Parcel 100 003: Described as Lot 43 NW except 6.00 acre NW Part and except north part condemned for road, more particularly described as follows:</p> <p>Lot 43 of Irregular Tracts in the Northwest Quarter of Section 2, Township 10 North, Range 6 East of the 6<sup>th</sup> P.M., Lancaster County, Nebraska, except that part thereof described as referring to the northwest corner of said Section 2, thence East along the North line of said NW¼, a distance of 470.0 feet to the point of beginning; thence continuing along the North line of the said NW¼, a distance of 470.0 feet to the point of beginning; thence continuing along the North line of said NW¼, a distance of 762.0 feet; thence South perpendicular to the North line of said Section 2, a distance of 343.0 feet; thence West on a line parallel to the North line of the said Section 2, a distance of 763.0 feet; thence North on a line perpendicular to the North line of said Section 2, a distance of 343.0 feet to the point of beginning, and except beginning at the NW corner of said Section 2; thence Easterly with the North line of said Section 2, a distance of 470.0 feet; thence Southerly and perpendicular to said North line, a distance of 40.0 feet; thence Westerly and parallel with said North line, a distance of 284.76 feet; thence Southwesterly to a point 33.0 feet East of and 50.00 feet South of said NW corner; thence westerly to a point on the West line of said Section 2, said point being 50.0 feet South of the point of beginning; thence Northerly to the point of beginning; and except beginning at a point on the North line of said Section 2, said point located 1,323.0 feet east of the NW corner of said Section 2; thence continuing Easterly along said North line, a distance of 897.78 feet; thence Southerly and perpendicular to said North line, a distance of 40.0 feet; thence Westerly and parallel with said North line, a distance of 643.84 feet; thence Southwesterly to a point on a line 48.86 feet South of and perpendicular to the point of beginning; thence Northerly to the point of beginning.</p>	Umberger Farms Ltd.

Parcel	Legal Description	Owner of Record
B	<p>A portion of Lot 43 of Irregular Tracts in the Northwest Quarter of Section 2, Township 10 North, Range 6 East of the 6<sup>TH</sup> P.M., Lancaster County, Nebraska, described as follows: Referring to the northwest corner of Section 2, thence East along the North line of said Northwest Quarter, a distance of 470 feet to the point of beginning; thence continuing along the north line of said Northwest Quarter, a distance of 762.0 feet; thence south perpendicular to the north line of the said Section 2, a distance of 343.0 feet; thence west on a line parallel to the north line of the said Section 2, a distance of 762.0 feet; thence north on a line perpendicular to the north line of said Section 2, a distance of 343.0 feet to the point of beginning, except that part thereof described as follows: Referring to the Northwest corner of said Section 2; thence easterly along the north line of said Section 2, a distance of 470 feet to the point of beginning; thence continuing along said north line, a distance of 762.0 feet; thence southerly and perpendicular to the said north line, a distance of 48.86 feet; thence southwesterly to a point 313.81 feet east of and 64.49 feet south of the point of beginning; thence northwesterly to a point locate 84.19 feet east of and 40.0 feet south of the point of beginning; thence westerly and parallel with said north line of Section 2, a distance of 84.19 feet; thence northerly to the point of beginning.</p>	<p>Glenn L. Umberger and Lois R. Umberger, Husband and Wife</p>
C	<p>Lot Thirty-Eight (38), Irregular Tract in the Northwest Quarter of Section 2, Township 10 North, Range 6 East of the 6<sup>TH</sup> P.M., Lancaster County, Nebraska.</p>	<p>Carlton B. Paine and Judith U. Paine, Husband and Wife</p>
		<p>TOTALS</p>



"mk6000@netzero.net"  
<mk6000  
02/15/2005 09:50 AM

To: plan@lincoln.ne.gov  
cc:  
Subject: The Links at Lincoln

RE Change of Zone No. 05002  
The Links at Lincoln

I have two objections and one major concern regarding the planned development. I will list my concern first as it directly affects my major objection.

- The traffic pattern at Highway 34, Fletcher, and First Streets is seriously flawed. With the current road design, there is limited access to and egress from the development. A development of this magnitude and the additional golf patrons will create a significant strain on this intersection. I suggest that approval of this project should require the developer to pay for redesign and construction so that traffic can enter from all directions without safety hazards or bottlenecks.

- My major objection to the proposed plan is the location of 60,000 feet of commercial floor area. There are currently several commercial and office park spaces in the area (many unoccupied). Commercial zoning of the corner will not only detract from the area and development but increase traffic. If The Links at Lincoln wants a commercial area in their project, it should be located within the development--not at an already deficient intersection. The surrounding area is still zoned AGR. Clustered residential areas are encroaching on all sides. Please do not further devastate our semi-rural area by putting a commercial zone in the midst.

- My final objection is the plan to use water wells. For most of us in the area our well is our only water source. The recent drought conditions have seriously affected our water resources. This development will have city water available and this should be their only option. I urge you not to put a further strain on the rural neighborhood by corrupting this valuable natural resource.

Thank you for your consideration of these comments.

Mary K. Reed  
6400 N. 1st Street  
Lincoln, NE 68521  
476-7444

(p.77 - Public Hearing - 2/16/05)



"KSpilker"  
<kspliker@secmut.co  
m>

To: <plan@lincoln.ne.gov>  
cc:  
Subject: Public hearing 2/16/05

02/14/2005 05:35 PM

The following comments are directed at two items on the agenda for February 16th - Annexation No. 05001 and Change of Zone No. 05002.

I am opposed to these two items in their present form based on:

1. The nature of the housing provided - the northwest area has more than its share of large apartment complexes. Complexes of 420 and 406 units already exist in close proximity to this development. These are in addition to the numerous smaller complexes in the area. According to the comprehensive plan the city is to encourage different housing types (F-18) and a greater mix of housing types (F-71). This development accomplishes neither. The area is already well served with apartment units. As noted by the Journal Star about 1,900 apartments have been built in the past five years. This single development represents one-third of that total and they are all in one location. The number and type of housing proposed is not needed in the neighborhood or the city at this time.

2. Traffic concerns - the number of apartments is not good for the neighborhood. The 612 units planned, and the potential for an additional 84 units, will significantly add to the traffic on Fletcher Ave. The eventual removal of the 7th street bridge over I-80 will mean all of the traffic for this development must use Fletcher Ave. The intersection at 1st and Fletcher is certainly not conducive to this added traffic with its requirement for a U-turn on 1st street for any outbound traffic that wants to travel south or west. Allowing the apartment use adds 200 or more units over what could be developed in more convention single family dwellings. That is quite an incremental increase in traffic between the two types of development. A single family development would be better suited for the traffic patterns of the area.

3. Water concerns - the neighbors surrounding this devilment have private water wells. The use of a private well(s) for the golf course and lake could have a significant impact on the water table in the area. No provision is made for this contingency in the plans submitted. The area is characterized by poor water resources. The golf course use will certainly not help with the limited availability and quality of water in the area.

These concerns were brought up to the developers and planning staff at the neighborhood meeting on January 13. None have been addressed in the final staff report on this development. Each deserves more input and consideration from the community.

Keith Spilker  
900 Fletcher Ave  
476-9347



James Kallemeyn  
<kallemeynj@yahoo.co  
m>

To: plan@lincoln.ne.gov  
cc:  
Subject: Annexation No. 05001 and Change of Zone No. 05002

02/16/2005 10:36 AM

My name is James Kallemeyn 5300 N 7th Street, Lincoln.

I have 3 major concerns with regards to the proposed development.

#1 Traffic. We have been told there are no plans to make Fletcher Avenue an arterial at any time. It would seem to me that if that is true, neither end of Fletcher, either 14th or 1st will be capable of handling the traffic in and out of this development. 7th Street is slated to be closed when the Interstate is widened and the bridge removed. Anyone who travels on either 14th or Fletcher at rush hour would appreciate what the addition of potentially another 700 vehicles would bring. 14th and Superior appears to be at capacity now. Anyone living in the area knows of the problem at 1st and Fletcher.

#2 Water. Many of the wells in the area are salt water. Those of us that have good water are concerned about what may be the outcome of a large well in the area to fill a lake for irrigation purposes. I understand that from the first informational meeting held with Lindsey Representatives that apparently that was not considered until it was brought up at the meeting.

#3. Density. It would seem to me that nearly 700 dwellings in just under a 100 acres of space would not be living the good life. Parking areas, golf greens and fairways does not leave much area for people to live. There also appears to be a surplus of apartments in Lincoln now and the university's enrollment is declining.

Thank you for hearing my concerns, James Kallemeyn

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