

## **FACTSHEET**

**TITLE:** USE PERMIT NO. 05006, Grainger Heights, requested by Kent Seacrest on behalf of Southview, Inc. and Ridge Development Company, for authority to develop 130 townhome units, with associated waiver requests, on property generally located northwest of the intersection of South 40<sup>th</sup> Street and Yankee Hill Road.

**STAFF RECOMMENDATION:** Conditional Approval

**SPONSOR:** Planning Department

**BOARD/COMMITTEE:** Planning Commission  
Public Hearing: 06/22/05  
Administrative Action: 06/22/05

**RECOMMENDATION:** Conditional Approval, with amendments (9-0: Sunderman, Carlson, Larson, Carroll, Krieser, Taylor, Pearson, Esseks and Bills-Strand voting 'yes').

### **FINDINGS OF FACT:**

1. The purpose of this use permit is for authority to develop 130 townhome units with the following waiver requests:
  - to adjust setbacks to zero feet;
  - to reduce the roadway width from 27' to 24' for Fitzpatrick Lane, Shelford Lane and Kirwin Drive;
  - to adjust the minimum lot area from 2,500 to 1,800 square feet; and
  - to allow sanitary sewer to flow opposite street grades.
2. The staff recommendation of conditional approval, including approval of all waiver requests, is based upon the "Analysis" as set forth on p.4-6, concluding that townhomes are a permitted use in the O-3 zoning district, and are compatible with the existing surrounding residential development in this area. Provided the plans are revised to include the items noted in the recommended conditions of approval, this request is consistent with the Comprehensive Plan and is an appropriate use of land at this location.
3. The applicant's testimony and other testimony in support is found on p.9-11. The applicant requested amendments to the proposed conditions of approval (also see p.32-34). The applicant stated that, in response to their meeting with the neighbors, the site plan was revised to increase the rear yard setback adjacent to the residential to 40 feet, which meets the O-3 requirements; the screening between this development and the neighbors is shown as a landscape screen; and a road connection was shown to South 40<sup>th</sup> Street, but deleted at the request of Public Works (See Minutes, p.9-10). The photographs submitted by the applicant are found on p.35-37.
4. The record consists of two letters in support (p.38-40).
5. Testimony in opposition is found on p.11-13, including issues of traffic; conflicts with the school traffic pattern and safety; the need for a traffic light at 40<sup>th</sup> & San Mateo Lane; density; parking; and reduction of the lot sizes. The record also consists of two letters in opposition (p.41-44). The total number of letters in opposition is 16.
6. The Planning Commission discussion with staff is found on p.13-14; the applicant's response to the opposition is found on p.14-15.
7. On June 22, 2005, a motion to deny failed 2-7 (Larson and Taylor voting 'yes'; Sunderman, Carlson, Carroll, Krieser, Pearson, Esseks and Bills-Strand voting 'no').
8. On June 22, 2005, the Planning Commission then agreed with the staff recommendation and voted 9-0 to recommend conditional approval, as set forth in the staff report dated June 9, 2005, with the amendments requested by the applicant. The Planning Commission recommendation also included an amendment to Condition #1.1.3 to require that the recreation area required be doubled in size. The amendment to Condition #1.1.3 carried 5-4 (Carlson, Larson, Carroll, Pearson and Esseks voting 'yes'; Sunderman, Krieser, Taylor and Bills-Strand voting 'no'). The conditions of approval, as recommended by the Planning Commission are found on p.6-7 (See Minutes, p.15-16).
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 plans are attached (p.18-20).

**LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT**

**for June 22, 2005 PLANNING COMMISSION MEETING**

**\*\*As Revised and Recommended for Conditional Approval  
by Planning Commission\*\*  
June 22, 2005**

**PROJECT #:** Use Permit #05006

**PROPOSAL:** A request for a use permit to allow 130 townhome units.

**LOCATION:** Northwest of the intersection of South 40<sup>th</sup> Street and Yankee Hill Road.

**WAIVER REQUESTS:**

1. To adjust setbacks to 0'.
2. To reduce the roadway width from 27' to 24' for Fitzpatrick Lane, Shelford Lane, and Kirwin Drive.
3. Adjust minimum lot area from 2,500 to 1,800 square feet.
4. To allow sanitary sewer to flow opposite street grades.

**LAND AREA:** Approximately 15.05 acres.

**CONCLUSION:** Townhomes are a permitted use in the O-3 district, and are compatible with the existing surrounding residential development in this area. Provided the plans are revised to include the items noted in the recommended conditions of approval, this request is consistent with the Comprehensive Plan and is an appropriate use of land at this location.

**RECOMMENDATION:**

Use Permit #05006 Conditional Approval

Waivers:

- |  |          |
|--|----------|
| 1. To adjust setbacks to 0'.   | Approval |
| 2. To reduce the roadway width from 27' to 24' for<br>Fitzpatrick Lane, Shelford Lane, and Kirwin Drive. | Approval |
| 3. Adjust minimum lot area from 2,500 to 1,800 square feet   | Approval |
| 4. To allow sanitary sewer to flow opposite street grades.   | Approval |

**GENERAL INFORMATION:**

**LEGAL DESCRIPTION:** Outlot G, Pine Lake Heights 7<sup>th</sup> Addition.

**EXISTING ZONING:** O-3 Office Park

**EXISTING LAND USE:** Undeveloped.

**SURROUNDING LAND USE AND ZONING:**

North:	Single-family Residential	R-3
South:	Undeveloped	B-2
East:	Golf Course	AG
West:	Single-family Residential	R-3

**HISTORY:** PP#00029 and CZ#3298 - The preliminary plat of Pine Lake Heights South 4<sup>th</sup> was approved on **April 5, 2002**. This preliminary plat included commercial centers near the intersections of both South 27<sup>th</sup> Street and Yankee Hill Road, and South 40<sup>th</sup> Street and Yankee Hill Road, and R-3 and R-4 areas for residential development. The change of zone revised the zoning pattern previously approved with CZ#3105.

ANNEX #98005 - Approved **February 3, 1999**, the land within this preliminary plat was annexed along with approximately 450 acres of land southwest of the intersection of South 27<sup>th</sup> Street and Yankee Hill. An annexation agreement was also approved and subsequently amended **September 1, 2000**.

CPA #94-31 - In **February, 1999**, this comprehensive plan amendment approved the S1/S2 Sub-area Plan.

**COMPREHENSIVE PLAN SPECIFICATIONS:**

**Page F15** -Quality of Life Assets

- Preservation and enhancement of the many quality of life assets within the community continues. For a true "good quality of life," a community has more than jobs, shelter, utilities and roads - there are numerous service, education, historic and cultural resources which are fundamental to enriching lives. The community continues its commitment to neighborhoods. Neighborhoods remain one of Lincoln's great strengths and their conservation is fundamental to this plan. The health of Lincoln's varied neighborhoods and districts depends on implementing appropriate and individualized policies. The Comprehensive Plan is the basis for zoning and land development decisions. It guides decisions that will maintain the quality and character of the community's established neighborhoods.

**Page F18** - Residential Neighborhoods

- 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.

**Page F25** - This land is designated as commercial in the Land Use Plan.

**Page F66 - Overall Guiding Principles**

-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.

**Page F67 - Guiding Principles for New Neighborhoods**

- Encourage a mix of housing types, single-family, townhomes, apartments, elderly housing all within one area.
- Pedestrian orientation, shorter block lengths, and sidewalks on both sides of all roads.
- Similar housing types face each other: single family faces single family, change to different use at rear of lot;
- Parks and open space within walking distance to a ll residences;
- Pedestrian orientation; shorter block lengths, sidewalks on both sides of all roads.

**Page F71 - Strategies for New and Existing Neighborhoods**

-The diversity of architecture, housing types and sizes are central to what makes older neighborhoods great places to live. New construction should continue the architectural variety, but in a manner that is sympathetic with the existing neighborhoods.

**Page F87 - Transportation Planning Principles**

- A Balanced Transportation System - The concept of balance also applies to methods of transportation. While the system must function well for motor vehicles, it should also establish public transportation, bicycling, and walking as realistic alternatives now and into the future.

**Page F91 - Other Areas**

- All areas of the community should have safe, secure and reasonably direct pedestrian connections. Activities of daily living should be available within walking distance. Neighborhoods should include homes, stores, workplaces, schools, and places to recreate. Interconnecting streets, trails, and sidewalks should be designed to encourage walking and bicycling, reduce the number and length of automobile trips, and conserve energy.

**TRAFFIC ANALYSIS:** This property is adjacent to South 40<sup>th</sup> Street, which is shown as a minor arterial. The Comprehensive Plan calls for 120 feet of right-of-way in South 40<sup>th</sup> Street, and 130' of right-of-way within 700' of the Yankee Hill Road intersection. Access to the site is off Grainger Parkway at South 38<sup>th</sup> and South 39<sup>th</sup> Streets, and by a connection to the existing South 38<sup>th</sup> Street to the north. A connection to South 40<sup>th</sup> Street is shown at Fitzpatrick Lane, however direct access to South 40<sup>th</sup> Street was relinquished with the final plat of Pine Lake Heights South 7<sup>th</sup> Addition.

**ALTERNATIVE USES:** Office, or any other use allowed in the O-3 district however all uses are subject to an approved use permit.

**ANALYSIS:**

1. This request is for a use permit to allow 130 townhomes. The lots range in size from approximately 1,800 to 2,112 square feet, with two lots shown as 3,564 square feet.
2. Townhomes are a permitted use, but as with all other uses allowed in the O-3 district a use permit is required. Of the uses allowed in O-3, townhomes is one of the lowest intensity uses, and the traffic impact of townhomes versus office is significantly less. Based upon a general assumption of 10,000 sq. ft. of office floor area per acre for a total of 150,000 sq. ft and divided evenly between medical and general office, daily weekday trip generation for the office uses would be approximately 3,536, versus approximately 762 trips for 130 dwelling units.

3. Adjustments to yard setbacks to 0' and to minimum lot area from 2,500 to 1,800 square feet are requested to allow the layout shown. The adjustment to setbacks are internal to the site only, and allows the townhome structures to be built to lot lines. The individual lots are surrounded by a common outlot which provides perimeter setbacks of 40' along the west boundary, 25' along the south boundary, 25' along the east boundary, and with the exception of the 15' yard adjacent to Lots 30 and 31 there is a 40' setback along the north boundary. Rotating Lots 28-33 90 degrees so they front onto Fitzpatrick Lane would create a more aesthetically pleasing appearance and provide for a consistent 40' setback along the entire north boundary. The 40' perimeter setback adjacent to the residential along the west and north boundaries complies with the required setback for the O-3 district.
4. An adjustment to the roadway width from 27' to 24' for Fitzpatrick Lane, Shelford Lane, and Kirwin Drive is requested. Due to the narrowness of the lots and the proximity of driveways to one another, on-street parking is limited, and the reduced street width is acceptable. To offset the reduced on-street parking, curb cut-outs are shown providing an additional 30 parking spaces. If lots 28-33 are reconfigured, the parking spaces in Fitzpatrick Lane should be retained but relocated.
5. Direct access from this site to South 40<sup>th</sup> Street was relinquished with the final plat of Pine Lake Heights South 7<sup>th</sup> Addition. As a result, the Fitzpatrick Lane extension to South 40<sup>th</sup> Street is prohibited unless approved by this project.
6. Suitable recreation facilities must be provided to serve this development to provide adequate open space and outdoor recreation opportunities. Parks and Recreation notes that the indicated recreation facility at the northwest corner of the site should be large enough to accommodate secondary school-aged children. An area more centrally located within the development also needs to be created to accommodate a play structure and swing set for smaller children. A central location will enhance accessibility for the smaller kids.
7. The standard for the location of sidewalks along local streets is 9.5' from the back of curb to help provide a safer separation for pedestrians from automobiles. The sidewalks throughout this development are 4' from the back of curb. In those areas where the sidewalks are adjacent to streets and there are no curb cuts for driveways (such as the east side of South 38<sup>th</sup> and the west side of South 39<sup>th</sup> Streets) the sidewalks can easily be relocated to provide a 9.5' setback from back of curb. The sidewalks also currently terminate at the on-street parking areas, but should be extended around them to provide for a continuous sidewalk system. The sidewalks along South 38<sup>th</sup> Street must align with the existing sidewalks to the north.
8. The City of Lincoln Design Standards have a specific landscape standard for the O-3 district, however the plan submitted does not comply with it. The landscape plan must be revised to show all required landscaping per Design Standards Chapter 3.50(7.6). Street trees are required, but must be shown at the time of final plat.

9. Emergency Communications notes that Shelford Lane and Kirwin Drive are phonetically similar to Sheffield Place and Ervin Street, respectively. To avoid confusion on the part of emergency responders, the names should be changed.
10. Public Works and Utilities in their review notes several deficiencies regarding grading and drainage, public utilities, and streets that must be addressed. That review is attached and the items noted must be addressed prior to approval of this request.

## **CONDITIONS OF APPROVAL:**

### Site Specific:

1. After the applicant completes the following instructions and submits the documents and plans to the Planning Department 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 Rotate Shift Lots 28-33 so they to front onto Fitzpatrick Lane and relocate to provide a 40' setback from the residential lots to the north and show how the 12 parking spaces will be replaced. (\*\*Per Planning Commission, at the request of the applicant, 06/22/05\*\*)
    - 1.1.2 Delete the connection of Fitzpatrick Lane to South 40<sup>th</sup> Street unless the City Council approves it, in which case a 200' long right-turn lane must be shown in South 40<sup>th</sup> Street.
    - 1.1.3 The recreation area more centrally located or provide an additional recreation area at the southeast portion of the site. The recreation facilities to be provided to the satisfaction of the Parks and Recreation Department and shall be increased in size to be double the amount of recreation space required. (\*\*Per Planning Commission: 6/22/05\*\*)
    - 1.1.4 Relocate the sidewalks along east side of South 38<sup>th</sup> and the west side of South 39<sup>th</sup> Streets to provide an 8' setback from back of curb, and along both sides of the South 38<sup>th</sup> Street connection at the north boundary of the development. ~~Show sidewalks in South 38<sup>th</sup> Street aligning with existing sidewalks in Pine Lake Heights 15<sup>th</sup> Addition.~~ Show continuous sidewalks extending around parking areas.
    - 1.1.5 Revise the landscape to comply with the City of Lincoln Design Standards Chapter 3.50(7.6).
    - 1.1.6 Change the names of Shelford Lane and ~~Irwin~~ Kirwin Drive.
    - 1.1.7 Show easements per the LES review.

1.1.8 Show revisions as requested by the 6/13/05 Public Works & Utilities report.  
**(\*\*Per Planning Commission, at the request of the Planning staff,  
06/22/05\*\*)**

2. This approval permits 130 dwelling units with waivers to setbacks to building lots to 0', to reduce the roadway width from 27' to 24' for Fitzpatrick Lane, (Shelford Lane), and (Kirwin Drive), to adjust minimum lot area from 2,500 to 1,800 square feet, and to allow sanitary sewer to flow opposite street grades.

General:

3. Before receiving building permits:
  - 3.1 The permittee shall have submitted 5 copies of a the final plan.
  - 3.2 The construction plans shall comply with the approved plans.
  - 3.3 Final Plats shall be approved by the City.

Standard:

4. The following conditions are applicable to all requests:
  - 4.1 Before occupying the dwelling units all development and construction shall have been completed in compliance with the approved plans.
  - 4.2 All privately-owned improvements shall be permanently maintained by the owner or an appropriately established homeowners association approved by the City Attorney.
  - 4.3 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.
  - 4.4 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
  - 4.5 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.

Prepared by:  
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Planner

June 9, 2005

**APPLICANT/  
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# USE PERMIT NO. 05006

## PUBLIC HEARING BEFORE PLANNING COMMISSION:

June 22, 2005

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

Staff recommendation: Conditional approval.

Ex Parte Communications: Larson disclosed that he visited with some residents in the area.

Ray Hill of Planning staff submitted proposed amendment to add a condition of approval to require compliance with the revisions of Public Works and Utilities.

Hill also submitted two letters in support and one additional letter in opposition.

### Proponents

**1. DaNay Kalkowski** appeared on behalf of **Ridge Development Company and Southview, Inc.**, along with Mark Palmer of Olsson Associates, the engineer, and Jeff Johnson, representative from Craig Bauer Homes. This proposal involves 15 acres of O-3 zoned property located at the northwest corner of South 40<sup>th</sup> and Grainger Parkway. The application is a use permit for 130 townhome units. This property was zoned O-3 in 1999 as part of the annexation and zoning of the Pine Lake Heights South development, located north of Yankee Hill Road and included area between 27<sup>th</sup> and 40<sup>th</sup> Streets. Townhomes are a permitted use in the O-3 zoning district, but do require a use permit.

The applicant has met with Planning and Public Works and it was indicated that the staff would require a connection in the this development to South 38<sup>th</sup> Street, which is currently constructed to the north boundary line of the property. This connection has been added.

Kalkowski advised that the applicant did meet with the neighbors and revised the site plan to increase the rear yard setback adjacent to the residential to 40 feet, which meets the O-3 requirements. In addition, the screening between this development and the neighbors is shown as a landscape screen. They have also shown a road connection to South 40<sup>th</sup> Street.

Kalkowski submitted proposed amendments to the conditions of approval:

- 1.1.1 Rotate Shift Lots 28-33 so they to front onto Fitzpatrick Lane and relocate to provide a 40' setback from the residential lots to the north and show how the 12 parking spaces will be replaced.
- 1.1.3 The recreation area more centrally located or provide an additional recreation area at the southeast portion of the site. The recreation facilities to be provided to the satisfaction of the Parks and Recreation Department and shall be increased in size to be double the amount of recreation space required.

- 1.1.4 Relocate the sidewalks along east side of South 38<sup>th</sup> and the west side of South 39<sup>th</sup> Streets to provide an 8' setback from back of curb, and along both sides of the South 38<sup>th</sup> Street connection at the north boundary of the development. ~~Show sidewalks in South 38<sup>th</sup> Street~~ aligning with existing sidewalks in Pine Lake Heights 15<sup>th</sup> Addition. Show continuous sidewalks extending around parking areas.

The amendment to Condition #1.1.1 allows the developer to shift the buildings to the south to provide the 40' setback as opposed to rotating them.

Kalkowski believes that the staff agrees with the proposed amendments. The connection to 40<sup>th</sup> Street has been deleted at the request of Public Works (Condition #1.1.2).

Kalkowski pointed out that none of the waivers affect the setback adjacent to the residential. They all deal with the internal part of the development. If the applicant changed the plan and included the green area without their specific lots, the proposal would meet the minimum lot requirements and residential setbacks. The waivers are not an attempt to increase the density, but a mechanism of how they laid out the development.

Kalkowski noted that some of the letters in opposition allege that this is a really dense development and will cause traffic problems. Kalkowski submitted that this is not true. This proposal shows 130 units on 15 acres, which is 8.7 units/acre. If they were proposing a community unit plan in R-3 zoning, they would be allowed to do at least 7 units per acre; in O-3 zoning, they would be allowed over 14 units per acre.

With regard to the assertion that the townhomes create more traffic than the office park, Kalkowski believes the staff report addresses this issue. The townhome development will generate only about 20% of the daily trips that the office park would generate.

**2. Jeff Johnson**, real estate agent **representing Craig Bauer**, attested that Craig Bauer has been building in the Lincoln area for 30 years – single family homes, apartment complexes and townhome projects. The 40<sup>th</sup> and Yankee Hill Road project will be a mixture of 2, 3, 4 and 5 building units. Each of the individual units will be a minimum of 1600 sq. ft. They will all have attached two-stall garages and the price is anticipated to be somewhere in the upper \$130,000's or lower \$140,000's. Johnson submitted a rendering of a four-plex at The Villas at Lakeside, which represents the same footprint that will be used in this proposed project. He discussed the architecture and materials to be used in the construction and discussed the landscaping, covered porches at different elevations, etc. He stated that the Pine Lake South covenants require that all of the material be earth tones; that the front elevation shall have no exposed foundation; and the roofing materials are to be Horizon shingle or better. Johnson stated that the proposed townhomes will meet or exceed all of the covenant requirements. The proposed townhomes will also meet the square footage requirements provided by the covenants for the neighborhood.

Kalkowski reiterated that the developer has been responsive to the neighbors and has made changes where possible. The city is requiring the connection to S. 38<sup>th</sup> Street, which Kalkowski agrees makes good planning sense, so there will be some traffic that utilizes S. 38<sup>th</sup> Street, but the traffic will be significantly less than if this were built as an office park.

Sunderman inquired about the grade separation between this development and the development to the north. Mark Palmer of Olsson Associates responded, stating that there is a 20' drop in that area today. When this area was mass graded a couple of years ago, this area was lowered to flatten the site to make it marketable for office buildings. The city is building Yankee Hill Road and there is excess material so this development is receiving material from the city. They will meet the standards.

**3. Scott Graham**, 7935 S. 36<sup>th</sup> Street, testified in support. He would rather see this kind of residential development than office because of the traffic numbers being significantly higher with the office use. They are proposing to put grass areas along the outside perimeter. The development to the south of Grainger Parkway has no grass facing his development. It is all driveway and rock. The units to the south are not built to the neighborhood standards, to which this developer has agreed.

### Opposition

**1. Vicki Hopkins**, 3801 Diablo Drive, testified in opposition, and about 15 neighbors stood in opposition. Ms. Hopkins submitted a petition bearing 224 signatures in opposition. She agreed with the Planning staff requirement to turn the units sideways. Her back yard would go into one of those side yards. She would like to see back yards all the way across as opposed to moving the units further down.

Hopkins believes that there is potentially a fatal flaw in the staff assessment of the traffic impact. The problem is that the staff report leads one to believe that those utilizing the office park or townhouses would use the same roadways. Hopkins urged that that is not the case in this plan. The office traffic would use 40<sup>th</sup> and Grainger. Residents of the proposed units would be familiar with the neighborhood and would go through the neighborhood. At a minimum, one-half of those residents will utilize the 40<sup>th</sup> Street connection. City traffic indicated seven trips per day per townhouse unit, which equals 900 trips per day. One-half of those folks going north results in an additional 455 cars going down Diablo and the adjoining streets.

Hopkins further pointed out that Cavett Elementary is located at 36<sup>th</sup> and Diablo and is currently at capacity with over 700 students. Cavett's traffic plan has been approved by the Lincoln Police Department, City Traffic and the LPS Safety Consultant with cars going specifically down Diablo Drive, through 39<sup>th</sup>, San Mateo and out 40<sup>th</sup> Street. Diablo is not a widened street. If cars are parked on one side or the other the oncoming car must wait. 38<sup>th</sup> Street runs into a T-intersection at Diablo, causing a major traffic problem. The 455 cars would be running directly into the school traffic. There is a terrible crest on 40<sup>th</sup> Street just south of San Mateo. There is no light currently at 40<sup>th</sup> and San Mateo and there is not one planned. Traffic will be backed up trying to get out on 40<sup>th</sup> Street. It is her position that this is a very dangerous situation and the townhouses should not be located here. While it may be permitted, it is not appropriate given compromised safety on the existing residences and families.

**2. Russ Wren**, 3729 Diablo Drive, testified in opposition. 38<sup>th</sup> & Diablo is currently a dead-end but will be made a through street with this plan. He is concerned about 38<sup>th</sup> Street becoming an exit from this development. 38<sup>th</sup> Street and other neighborhood streets will become heavily

traveled streets to access businesses and services located in the 27<sup>th</sup> and Pine Lake Road area. Adding more traffic to this situation is not a good idea. Diablo turns into an exit street for Cavett Elementary. Adding traffic from 38<sup>th</sup> Street will add to the congestion as well as cause potential harm to the children.

Wren also believes that the density of the proposed development is excessive and does not conform to the surrounding neighborhood. There is little space for grass and trees. He does not believe there is adequate parking. He would hope there would be a uniform 40' setback for all the units. If this project is allowed to move forward, he is hopeful that it will adhere to the same landscaping as the surrounding neighborhoods.

**3. David Babcock**, 3901 Diablo Circle, immediately north of the proposed development area, testified in opposition and agreed with the previous speakers in opposition. The impact on traffic, school and safety issues are very important. It compromises the quality of life in Lincoln. The proposal seeks a variance to reduce the size of the lots. This is nearly a 30% reduction in the size of the lots. He is not against the concept of residential dwellings, but the problem is this specific proposal. He is opposed to packing dwellings together which later invites inner city decay and a host of social problems. The reduction of lot sizes conflicts with the lot sizes in the surrounding neighborhood. The houses are only 28' wide. Even 15' around this area with some trees to create a barrier between the surrounding neighborhoods would be a tremendous benefit. This appears to be a proposal of "row houses" – 105 of the 130 units are in five-plexes, creating a very institutional or apartment like atmosphere. It is merely the numbers of this plan that is the real problem.

Babcock also noted that the grade difference is 20' and there was talk of filling that back in reducing it to a 6' variance.

**4. Mike Elson**, 3510 Pela Verde Circle, in Pine Lake Homeowners Association, testified in opposition. His concern and opposition focuses on the use of 38<sup>th</sup> and Diablo as a major connection between the two developments.

**5. Steven Prester**, 3933 San Mateo Lane, at the corner of San Mateo and 40<sup>th</sup> Street, testified in opposition. 38<sup>th</sup> Street will make the situation nearly unbearable to get in and out of his home. Office park traffic would peak at about 8:00 to 9:00 a.m. and will be done by 4:00 or 5:00 or 6:00 in the evening, which would allow the neighborhood to enjoy the period of time during the lower traffic counts. The townhouses will have continuous traffic. It is difficult to see oncoming traffic from the south on S. 40<sup>th</sup> Street. Prester also expressed concern about speeding on South 40<sup>th</sup> Street and about the impact on property values with the townhome development. Is there precedence to build such a complex in this far south area of town? He would like to see the 38<sup>th</sup> Street connection removed if this is approved.

**6. Amy Mitchell**, 3724 Diablo Drive, mother of two small children, testified in opposition. There are a lot of small children in the neighborhood. In the 30 houses along Diablo Drive there are 30 houses and at least 30 small children. Her main concern is to preserve the safety of the children in the neighborhood and the children that will be brought into these townhomes. When traffic is coming north onto 38<sup>th</sup> Street to turn west, traffic is going to have to cross oncoming Diablo traffic to make a left hand turn onto 38<sup>th</sup> Street. The sharp turns that would be required create a potential

problem with traffic flow. The students that would be in the townhome development will not go to Cavett. They will either have to be bused somewhere else or their parents will have to take them.

**7. Trish Jarnagan**, 7921 McBride Avenue, testified in opposition. She would be in favor of a smaller townhome development, but at the meeting with the developer, the neighbors were told that the cost of the land would make it necessary to build the 130 townhomes. Jarnagan recognizes the intentions of diversification in the area, but she believes this area has already been subjected to a large number of townhomes. She does not believe that 3, 4, and 5 dwelling buildings is in line with the vision for Lincoln's future. The neighbors have been told that if they dispute the townhomes, they will be looking at a 300-400 unit apartment complex in the future. The neighbors feel like they were threatened.

### Staff questions

Bills-Strand asked staff to address the connection on 38<sup>th</sup> Street as opposed to 40<sup>th</sup> Street. Chad Blahak of Public Works advised that San Mateo is considered the half-mile point so it is a full intersection and would be considered for a traffic signal as the warrants dictate. Grainger and 40<sup>th</sup> is also another location that would be considered as the warrants dictate. The 38<sup>th</sup> Street connection was a stub to the south back when it was platted and the purpose for the connection is to provide inter-connectibility with residential neighborhoods. The connection at 40<sup>th</sup> at Fitzpatrick did not seem to provide that much benefit because anyone using it will be southbound and they are probably not going to be going north on 38<sup>th</sup> to get southbound. They will go down to Grainger. Limiting the number of access points makes it a safer roadway.

Esseks inquired whether there are any state or federal requirements that 38<sup>th</sup> Street be continued. Blahak explained that at the time it was platted, there was probably a block length issue that required it to be stubbed in.

Larson assumed that the stub was put in for connectivity assuming that this area would be the same sort of neighborhood that is along Diablo Drive. It was not stubbed in for anticipated development of 130 townhomes. Blahak did not know what was anticipated. If it was to come through as a package now, there would still be a potential block length issue between 40<sup>th</sup> and 36<sup>th</sup> or 37<sup>th</sup>, so there would still be a requirement for some kind of street to the south regardless of the density.

Bills-Strand suggested that they can go north on Grainger and there could be a traffic light at Grainger.

Esseks does not believe that townhouses typically produce that many school children. Ray Hill of Planning staff agreed that townhomes do produce less traffic than a straight single family home. Usually the smaller type units like this may include a lot of empty nesters. Marvin Krout, Director of Planning, stated that on average a single family townhome will have .3 public school students, and a smaller number of private school students. The proposed townhouses are three and four bedroom so there will be some young families in these units, but you could expect something less than .3. Thus, instead of getting 20 students in 60 homes, you might get 30-35 students coming out of townhouses.

Pearson inquired about the landscape plan. Hill acknowledged that the proposed landscape plan shows the buffer landscaping shown with the use permit. The individual landscape plans do not come in until the final plat is submitted. The design standards that would be applied would be the office park landscape requirements, which are substantially higher than if this was zoned residential.

Carlson noted that the neighbors are driving on their internal neighborhood streets to access their neighborhood services on the edge. Aren't we trying to do exactly that, so they don't have to go to the arterials to get to the neighborhood services? Hill concurred. We like to have the connections within the neighborhood to spread the traffic out within the entire neighborhoods without having to go out onto the major street. If the 38<sup>th</sup> Street connection were deleted, all they are doing is moving the traffic down to Grainger and coming up 37<sup>th</sup> Street. The connectivity really helps to spread the traffic around.

Bills-Strand pointed out that the southeast corner of 27<sup>th</sup> and Yankee Hill is scheduled to be another major shopping center. Could there be apartment buildings on this land? Hill answered in the affirmative.

#### Response by the Applicant

Kalkowski submitted that the 40' setback around the edge of this development is significant when talking about residential uses. It is also a separation from the neighborhood. With respect to turning the buildings, the amendment to Condition #1.1.1 provides that 40' setback. It is not going to be a lot different looking at the side of a townhome versus turning the unit and looking at the whole back of the unit. She believes that planning has agreed to this change, leaving the buildings turned toward 38<sup>th</sup> Street.

Kalkowski does not believe that the patrons and people who work in office park are different than residents in the townhome units and they will figure out what route is the fastest. She does not believe Randy Hoskins said that office would provide less traffic. That is not true. An office park will generate significantly more traffic.

Kalkowski is also aware that a lot of the homeowners in Pine Lake Heights South cannot send their children to Cavett. There is a school site shown on the west side of 27<sup>th</sup> Street. LPS also owns a site directly to the south of Yankee Hill Road, so there will be alleviation of the crowding in the future.

Kalkowski also pointed out that parking will also be allowed on 37<sup>th</sup> and 38<sup>th</sup> Streets as well as the off-site parking being shown. The developer is providing a landscape screen and the required street trees on both sides of the streets.

Kalkowski submitted that with the 40' setback, there is significant green space within the development. The developer is not asking for the waiver of the lot size in order to increase the density. The waiver actually saves some of the green space.

Kalkowski assured that this development will meet the same covenants – this will not bring down the neighborhood. \$130,000+ will not constitute a project similar to the inner city. Instead, it will provide a range of housing choices for members of our community who want to live in south Lincoln, close to services and close to a school.

Carroll inquired as to the anticipated demographics. Kalkowski anticipates a mix of people. Two of the units are being built for the owner's sons. There will be some first time home buyers. They also expect to have some of the older couples who do not have children.

**ACTION BY PLANNING COMMISSION:**

June 22, 2005

Taylor moved to deny, seconded by Larson.

Taylor believes there has been very little communication between the developer and the existing property owners. There needs to be a development that is sensitive to the residential area that has already been in place. It might be a good idea for the developers to review the plan design and have communication with the neighbors to come up with a plan design that is going to be more acceptable.

Larson has experienced the difficult traffic problems at Cavett. The traffic situation is really bad at those times of the day when parents are picking up and dropping off kids. Furthermore, when there is a concert or another event at the school, Diablo almost becomes a public parking space. He is not concerned about the children from this proposal going to Cavett, but he is concerned about the residents going to their employment centers which are mostly north and west of where they live, and they would be going up Diablo over to 35<sup>th</sup>, etc. to go north, and that would occur many times at the same time as the school children going to school. The 38<sup>th</sup> Street connection is causing him to vote to deny.

Bills-Strand will vote against the motion because there is a real need for some affordable housing in south Lincoln. This proposal gives us some affordable housing and mixed use. There is not an elementary school in Lincoln that is not overcrowded. These kids will go to a different school. There is a parking problem at any school in town when there is a school event. There has been a change in demographics in townhomes. It is not just empty nesters buying townhomes. She believes there is a real need for this type of housing in south Lincoln.

Esseks agreed with Bills-Strand, but he is concerned about the lack of recreational space. It would be nice to have some playground area for the children. To him, the sacrifice of a couple of five-plexes would be more than justified by the improved recreational situation for the children.

Motion to deny failed 2-7: Larson and Taylor voting 'yes'; Sunderman, Carlson, Carroll, Krieser, Pearson, Esseks and Bills-Strand voting 'no'.

Carlson moved to approve the staff recommendation of conditional approval, with the amendments proposed by the applicant, seconded by Esseks.

Esseks moved to amend to require double the size of recreation area, seconded by Pearson.

Esseks believes there needs to be more open space as a resource for the community. Ray Hill advised that the design standards merely indicate that the recreational facility should be geared to the occupants of the community unit plan or the development. The Parks Department has asked for an additional play area or a half basketball court. One of the recreational facilities is shown at the northwest corner of the project at the end of Fitzpatrick. Then going down 38<sup>th</sup> Street there is a parking bay and another circle which represents the central mail box area and they are talking about putting some additional recreational facilities down in that location.

Motion to amend to double the size of the recreation space shown on the plan carried 5-4: Carlson, Larson, Carroll, Pearson and Esseks voting 'yes'; Sunderman, Krieser, Taylor and Bills-Strand voting 'no'.

Bills-Strand moved to add a traffic signal at 40<sup>th</sup> and San Mateo. Rick Peo of City Law Department advised that the Planning Commission cannot impose a duty on the city to install a traffic signal at any point in time. The location is required to meet traffic warrants and it is a City Council decision as to when and if traffic signals will be installed at an intersection. Bills-Strand withdrew the motion but urged that a traffic signal be installed.

Main motion for conditional approval, as amended, carried 9-0: Sunderman, Carlson, Larson, Carroll, Krieser, Taylor, Pearson, Esseks and Bills-Strand voting 'yes'. This is a recommendation to the City Council.



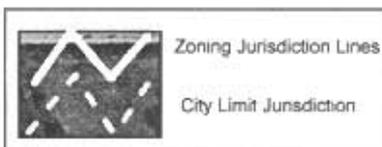
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## Use Permit #05006 S. 40th & Grainger Parkway

### 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. 19 T9N R7E





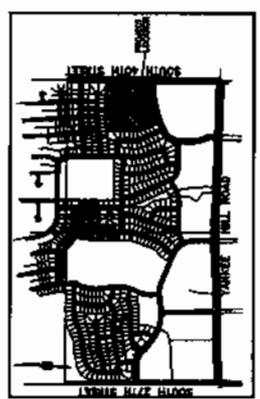
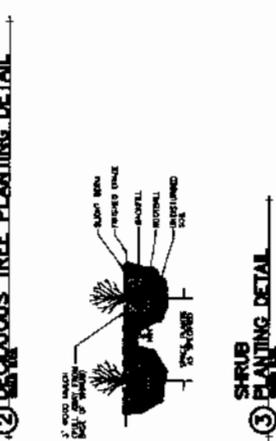
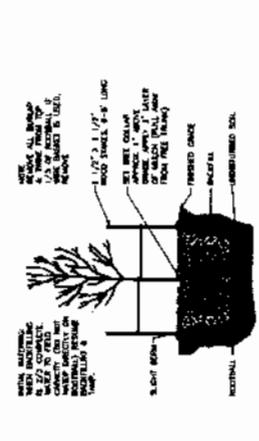
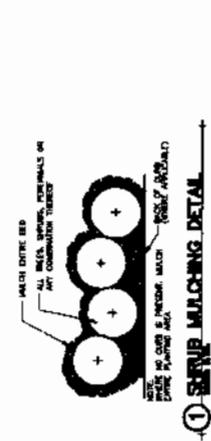
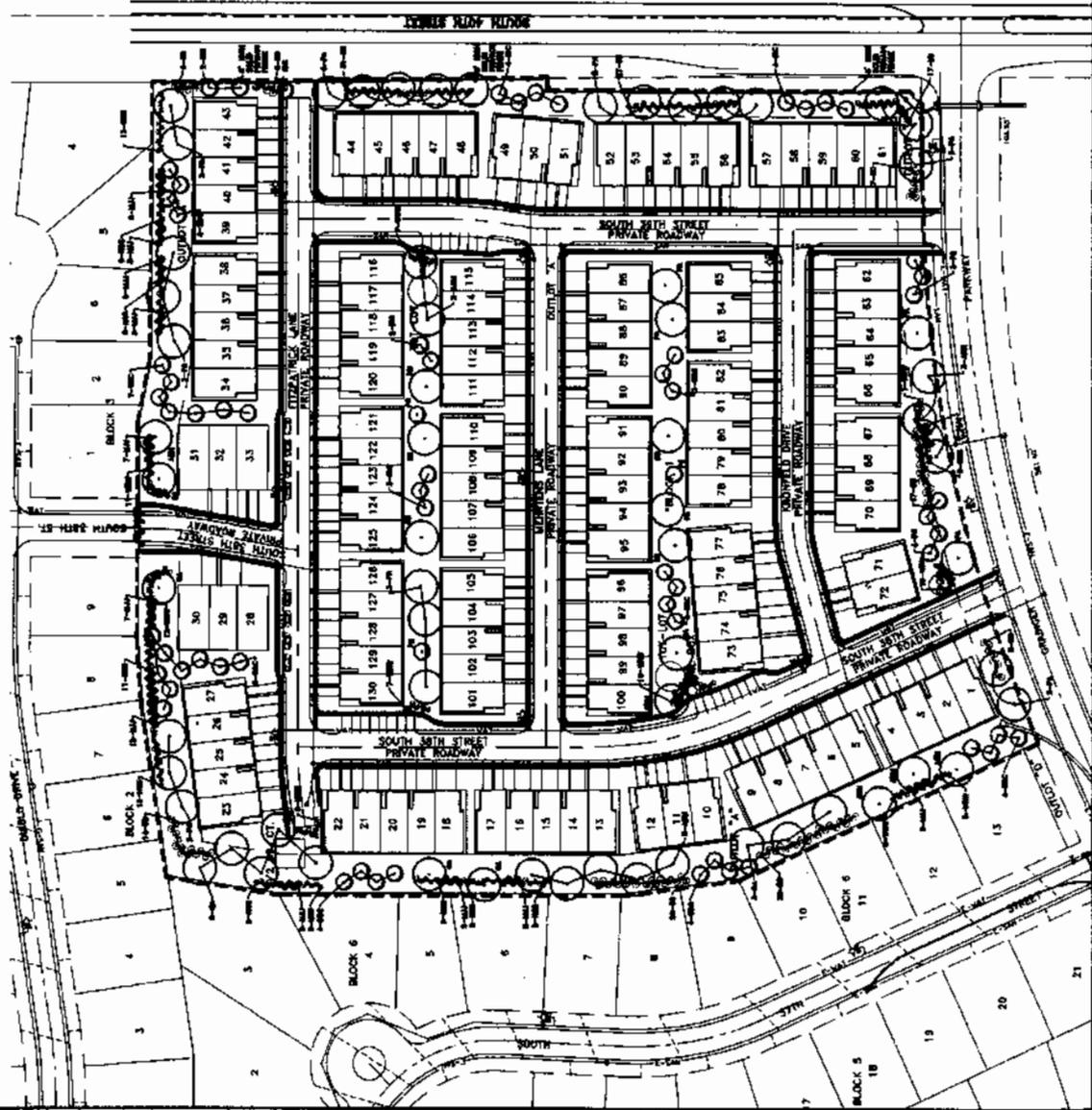


# GRAINGER HEIGHTS SITE LANDSCAPE PLAN

## LANDSCAPE GENERAL NOTES:

1. ALL PLANT MATERIAL, INSTALLER SHALL BE "MAJORITY BROWN" MEETING THE FOLLOWING CRITERIA:  
A) PLANT MATERIAL, GROWN BY EXHIBITOR, COMMERCIAL, REGISTERED AND SOLD TO LICENSED AND CERTIFIED NURSERY AND/OR LANDSCAPE ARCHITECTS.  
B) GROWN AND SOLD ACCORDING TO NURSERY STANDARDS FOR NURSERY STOCK INTERGROWTH (JUNE 2011-1998).
2. ALL TREES, SHRUBS, AND WOOD PLANTING AREAS SHALL RECEIVE WOODCHUCK SALVAGE.
3. PRIOR TO ANY PLANTING OR BEGINS OF WORK, IT IS THE CONTRACTOR'S RESPONSIBILITY TO CALL TO LOCATE ALL UTILITY LINES WITHIN THE SITE.
4. CONTRACTOR TO REFER TO PLANTING PLAN FOR PLANTING DETAILS AND PLANTING LIST.
5. ALL UNGRADED AREAS SHALL BE SEEDED WITH A TURF TYPE TALL FESCUE.

SITE LANDSCAPE PLANT SCHEDULE		QUANTITY	PLANT	PLANT
NO.	SYMBOL	PLANT	PLANT	PLANT
1	100	100	100	100
2	101	101	101	101
3	102	102	102	102
4	103	103	103	103
5	104	104	104	104
6	105	105	105	105
7	106	106	106	106
8	107	107	107	107
9	108	108	108	108
10	109	109	109	109
11	110	110	110	110
12	111	111	111	111
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15	114	114	114	114
16	115	115	115	115
17	116	116	116	116
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19	118	118	118	118
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REVISED: 8/11/05

SHEET 08 OF 08

028

# SEACREST & KALKOWSKI, P.C.

1111 LINCOLN MALL, SUITE 350  
LINCOLN, NEBRASKA 68508-3905

TELEPHONE (402) 435-6000  
FACSIMILE (402) 435-6100

KENT SEACREST  
E-MAIL: kent@sk-law.com

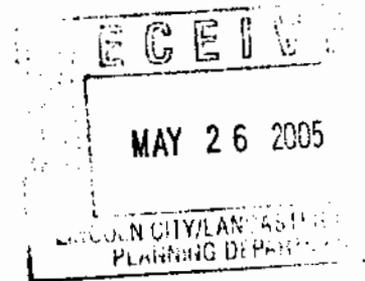
DANAY KALKOWSKI  
E-MAIL: danay@sk-law.com

May 26, 2005

## HAND DELIVERY

Mr. Marvin Krout  
Planning Department, City of Lincoln  
County-City Building  
555 So. 10<sup>th</sup> Street  
Lincoln, NE 68508

RE: Grainger Heights Use Permit



Dear Marvin:

Our office represents Ridge Development Company and Southview, Inc., the owners of Outlot G, Pine Lake Heights South 7<sup>th</sup> Addition, Lincoln, Lancaster County, Nebraska ("Outlot G"). Outlot G is located at the northwest corner of South 40<sup>th</sup> Street and Grainger Parkway and is zoned O-3. The Outlot abuts single family residential to the north and west, commercial across Grainger Parkway to the south and Yankee Hill Golf Course across 40<sup>th</sup> Street to the east. The O-3 zoning for Outlot G was approved by the City Council at the same time the R-3 zoning was approved for the abutting residential. Consequently, the zoning was in place before any single family homes were built.

The owners are requesting a use permit on Outlot G for 130 townhome units consisting of two, three, four and five unit buildings. Townhomes are a permitted use in the O-3 district. We met with Planning and Public Works staff on April 26, 2005, to obtain comments on a draft site plan. We also met with Pine Lake Heights and Pine Lake Heights South neighbors on May 23, 2005 to obtain their comments and questions. Subsequent to both meetings, revisions were made to the site plan to address many of the comments received. Specifically, the single family neighbors were concerned about the setback and screening adjacent to their homes. We have increased the setbacks adjacent to the single family homes and are proposing a plan that shows 40 feet rear yard and 15 feet side yard setbacks which meet the O-3 zoning requirements. A landscape screen is also proposed between the townhomes and single family residences.

The plan shows a road connection to South 38<sup>th</sup> Street as requested by City staff. The residential neighbors to the north are concerned about the amount of traffic that will utilize Diablo Street from the South 38<sup>th</sup> Street connection, as Diablo Street is currently part of the routing system for Cavett School and is used intensively during school drop off and pick up times. Consequently, the neighbors have requested that the plan show a right in, right out

connection to South 40<sup>th</sup> Street to help alleviate some of the traffic concerns. The proposed plan shows a South 40<sup>th</sup> Street connection.

Another item of concern to the neighbors is the quality of the townhomes that will be constructed. The owners are requiring that the townhome builder meet the same exterior finish requirements as were imposed through covenants on the single family homes.

Enclosed please find the following for the above-mentioned project:

1. Application for a Use Permit with submittal requirements.
2. Application fee.
3. Site Plan – 21 copies.
4. Drainage and Grading Plans – 9 copies.
5. Roadway Profile sheets – 9 copies.
6. Landscape Plan – 9 copies.
7. Ownership Certificate – 1 copy.
8. 8 ½ x 11 site plan.

The following waivers are requested:

1. Waiver to L.M.C. Section 27.27.07 to reduce internal yard setbacks for the townhome lots to 0' within the development.

This waiver request only applies to the internal setbacks within the development. We are providing the required setbacks for O-3 property adjacent to the residential neighbors. The proposed development reserves lots for the building only and shows the open space around the buildings in an outlot that will be owned and maintained by the homeowners association.

2. Waiver to Design Standards to reduce the private roadway street width from 27' to 24' on Fitzpatrick Lane, Shelford Lane, and Kirwin Drive.

The three roadways where this waiver is requested have driveways fronting them for the entire length. There is no room to park a vehicle on the street in between the driveways. We are therefore reducing the width of the roadway from 27' which allows for parking on either side of the roadway to 24' which allows for no parking along the road. We have provided additional parking stalls throughout the development to provide for off-street parking. The remaining private roadways will be constructed 27' wide to allow for parking.

3. Waiver to L.M.C. Section 27.27.07 to decrease the minimum lot area from 4,000 square feet to 1,800 square feet.

This waiver is necessary because the lots encompass just the building area and not the open space around the building. The lots are smaller because they do not include the front or rear yards, which are shown in the surrounding outlot.

4. Waiver to L.M.C. Section 27.27.07 to reduce the front yard setback from 30' to 25' for Lots 43, 49, 50, 51, 61, 62, and 63 abutting Grainger Parkway and South 40<sup>th</sup> Street.

The setback reduction for the lots along South 40<sup>th</sup> Street is due to the fact that additional right of way was granted to the City for the South 40<sup>th</sup> Street widening project. The reduction for the above lots along both streets is also necessary to maintain the 40' rear yard setback along the single family residential lots. The 25' front yard setback on these lots still exceeds the required front yard setback that would be required in the R-3 zoning district if this development was brought forward under a community unit plan.

5. Waiver to Design Standards to allow sanitary sewer mains to flow opposite street grades.

This waiver is necessary to provide sanitary sewer service to all lots within the development. The sewer depth does not exceed 15'.

We look forward to working with the City on this project. Please contact me or Mark Palmer from Olsson Associates if you have any questions or require any additional information.

Very truly yours,

  
DANAY KALKOWSKI  
For the Firm

Enclosures

cc: Ridge Development  
Southview, Inc.



**Lincoln**  
**Parks & Recreation**

Memo

**To: Brian Will, Planning Department**  
**From: Mark Canney, Parks & Recreation**  
**Date: June 9, 2005**  
**Re: Grainger Heights UP05006**

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

1. All outlot areas to be maintained by the developer and/or future homeowners association.
2. Contact the Forestry Department at 441-7036 for the assignment of street trees.
- ~~3. Impact fees will be collected in lieu of parkland.~~
4. Rotate lots 73 – 77 of Block 1 foot he southwest to allow more open space for a small composite play structure and swing. Please comply with the Consumer Safety Standards for playgrounds.
5. Locate a ½ court basketball court where the original recreation facility was identified to address the recreational needs of secondary aged children.

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

# M e m o r a n d u m

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**To:** Brian Will, Planning Department

**From:** Chad Blahak, Public Works and Utilities  
Dennis Bartels Public Works and Utilities

**Subject:** Grainger Heights Use Permit #05006

**Date:** 6/13/05

**cc:** Randy Hoskins

Engineering Services has reviewed the submitted plans for the Grainger Heights Use Permit, located on the northwest corner of South 40<sup>th</sup> and Grainger Parkway, and has the following comments:

**Sanitary Sewer** - The following comments need to be addressed.

(1.1) It appears that some of the sanitary sewer adjacent to the lots located in vicinity of 39<sup>th</sup> and Kirwin Drive will not achieve standard minimum depth to serve basements. A note needs to be added listing the lots that will not have sewer services with sufficient depth to serve basements and will therefore have to be built as slap on grade units.

(1.2) Public Works approves the requested waiver of design standards to construct sanitary sewer opposite street grades provided that the maximum and minimum depths are not exceeded.

**Water Main** - The water system is satisfactory.

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

(3.1) Detention for this site was provided for with the Pine Lake Heights South 4<sup>th</sup> Addition Preliminary Plat.

(3.2) The grading shown for the swale located along the west side of the plat indicates excessively flat slopes that may cause the backs of lots to have insufficient drainage. The grading plan should be revised to create a swale with sufficient slope and cross-section to convey the 100yr event and show the supporting capacity calculations.

(3.3) The proposed grading at the north west corner of the plat appears to be incorrectly tied in to the existing grades. The grading in this area should be revised to ensure that adequate drainage is provided.

(3.4) Minimum opening elevations should be shown for Lots 1-22 adjacent to the swale to ensure that they are protected from the 100yr event.

Brian Will, Planning Department

Page 2

June 13, 2005

(3.5) Although detention for this area was originally approved with the Pine Lake Heights South 4<sup>th</sup> Addition Preliminary Plat, numerous changes and assumptions have been made concerning detention in this area since that time and Public Works does not have plans or calculations documenting these changes. The current approved drainage plan for this area shows Pond 'B1' at the southwest corner of this site. If this pond is no longer needed documentation needs to be provided showing that detention for this area is provided elsewhere.

**Streets/Paving** - The following comments need to be addressed.

(4.1) The grading profiles for Shelford Lane and Fitzpatrick Lane need to be revised to eliminate the low points in the middle of the blocks. The grading plan needs to be revised to reflect the revised street grades.

(4.2) Public Works does not approve the street connection of Fitzpatrick Lane with South 40<sup>th</sup> Street. This plat is adequately served with two connections to Grainger Parkway to the south and a connection to 38<sup>th</sup> Street to the north. Adding the connection at Fitzpatrick and 40<sup>th</sup> adds conflict points on 40<sup>th</sup> Street and increases the chance of crashes occurring. If the connection is ultimately approved, a 200' right turn lane in south 40<sup>th</sup> Street will need to be constructed at this developers expense.

(4.3) Although the intersection of South 39<sup>th</sup> Street and Grainger Parkway meets minimum design standards for intersection separation from the 40<sup>th</sup> and Grainger intersection, Public Works recommends that this intersection be shifted to the west. Once the commercial area on the south side of Grainger develops, the intersection of Grainger and 40<sup>th</sup> will likely warrant a traffic signal. The intersection of 38<sup>th</sup> and Grainger as it is shown will likely interfere with the function of a signal at 40<sup>th</sup> and Grainger.

(4.4) Public Works approves the requested waiver of design standards to construct certain listed private streets 24' wide. The frequent spacing of the driveways on these streets will prevent any on-street parking and 24' is sufficient to handle the traffic flow.

**General** - 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.

C:\WINDOWS\Temp\notes3388E1\grngrhtsUP05006.wpd



**Richard J Furasek/Notes**  
06/02/2005 12:34 PM

To **Brian J Will/Notes@Notes**  
cc  
bcc  
Subject **Grainger Heights**

Upon review of Use Permit # UP05006, we find it acceptable from the perspective of our department. The main issue is our lack of fire facilities in the area which would allow us to provide the same type of emergency response here as is expected in other areas of our cities and expected by the citizens.

Richard J. Furasek  
Assistant Chief Operations  
Lincoln Fire & Rescue  
1801 Q Street  
Lincoln Ne. 68508  
Office 402-441-8354  
Fax 402-441-8292



Dennis L Roth/Notes  
06/01/2005 09:20 AM

To Brian J Will/Notes@Notes  
cc  
bcc  
Subject re: Grainger Heights

PROJ NAME: Grainger Heights  
PROJ NMBR: UP05006  
PROJ DATE: 05/27/05  
PLANNER: Brian Will

Finding TWO SIMILAR/DUPLICATE street names within our database, other than those which are obvious extenjtions of an existing street.

<u>Proposed</u>	<u>Existing</u>
Shelford Lane	Sheffield Place
Kirwin Dr	Ervin St

Dennis "denny" Roth, ESD II/CAD Admin  
Emergency Communications 9-1-1 Center

CROSS STs: S 40 St and Grainger Pky

PUBLIC STs: none

PVT STs: Fitzpatrick Ln, Kirwin Dr, Shelford Ln, S 38 St and S 39 St

COMMENTS: Strongly recommend alternate names be selected.

RECOMMEND Denial based on similar street names

INTER-DEPARTMENT COMMUNICATION



**DATE:** June 9, 2005  
**TO:** Brian Will, City Planning  
**FROM:** Sharon Theobald  
Ext 7640  
**SUBJECT:** DEDICATED EASEMENTS  
DN# 80S-38E

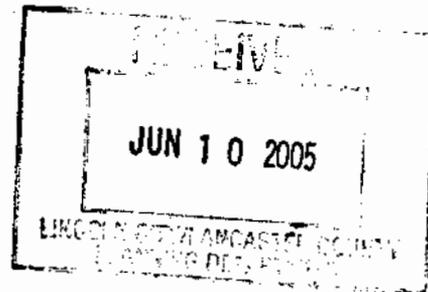
UP# 05006

Attached is the Use Permit for Grainger Heights.

**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 blanket utility easements over Outlot "A" and all of the private roadways.

*Sharon Theobald*



ST/ss  
Attachment  
c: Terry Wiebke  
Easement File

**MEMORANDUM**

**DATE:** June 21, 2005  
**TO:** Planning Commission  
**FROM:** Ray Hill, Planning Department  
**SUBJECT:** UP#05006  
**COPY:** Applicant  
file

The conditions of approval should include the following condition:

1.1.8 Show revisions as requested by the 6/13/05 Public Works & Utilities report.

Should you have questions please contact me.

MOTION TO AMEND

I hereby move to amend the Conditions recommended by the Lincoln City/Lancaster County City Council Staff Report for Use Permit No. 05006 to read as follows:

CONDITIONS:

Site Specific:

1. After the applicant completes the following instructions and submits the documents and plans to the Planning Department 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 ~~Rotate~~ Shift Lots 28 -- 33 ~~so they to front onto Fitzpatrick Lane and relocate to provide a 40' setback from the residential lots to the north and show how the 12 parking spaces will be replaced.~~
    - 1.1.2 Delete the connection of Fitzpatrick Lane to South 40<sup>th</sup> Street unless the City Council approves it, in which case a 200' long right-turn lane must be shown in South 40<sup>th</sup> Street.
    - 1.1.3 The recreation area more centrally located or provide an additional recreation area at the southeast portion of the site. The recreation facilities to be provided to the satisfaction of the Parks and Recreation Department.
    - 1.1.4 Relocate the sidewalks along east side of South 38<sup>th</sup> and the west side of South 39<sup>th</sup> Streets to provide an 8' setback from back of curb, and along both sides of the South 38<sup>th</sup> Street connection at the north boundary of the development. ~~Show sidewalks in South 38<sup>th</sup> Street~~ aligning with existing sidewalks in Pine Lake Heights 15<sup>th</sup> Addition. Show continuous sidewalks extending around parking areas.
    - 1.1.5 Revise the landscape to comply with the City of Lincoln Design Standards Chapter 3.50(7.6).
    - 1.1.6 Change the names of Shelford Lane and ~~Irwin~~ Kirwin Drive.
    - 1.1.7 Show easements per the LES review.
    - 1.1.8 Show revisions as requested by the 6/13/05 Public Works and Utilities report.

2. This approval permits 130 dwelling units with waivers to setbacks to building lots to 0', to reduce the roadway width from 27' to 24' for Fitzpatrick Lane, (Shelford Lane) and (Kirwin Drive), to adjust minimum lot area from 2,500 to 1,800 square feet, and to allow sanitary sewer to flow opposite street grades.

General:

3. Before receiving building permits:
  - 3.1 The permittee shall have submitted 5 copies of the final plan.
  - 3.2 The construction plans shall comply with the approved plans.
  - 3.3 Final Plats shall be approved by the City.

Standard:

4. The following conditions are applicable to all requests:
  - 4.1 Before occupying the dwelling units all development and construction shall have been completed in compliance with the approved plans.
  - 4.2 All privately-owned improvements shall be permanently maintained by the owner or an appropriately established homeowners association approved by the City Attorney.
  - 4.3 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.
  - 4.4 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
  - 4.5 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, filing fees therefore to be paid in advance by the applicant.

Introduced by:

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Approved as to Form & Legality:

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City Attorney

Staff Review Completed:

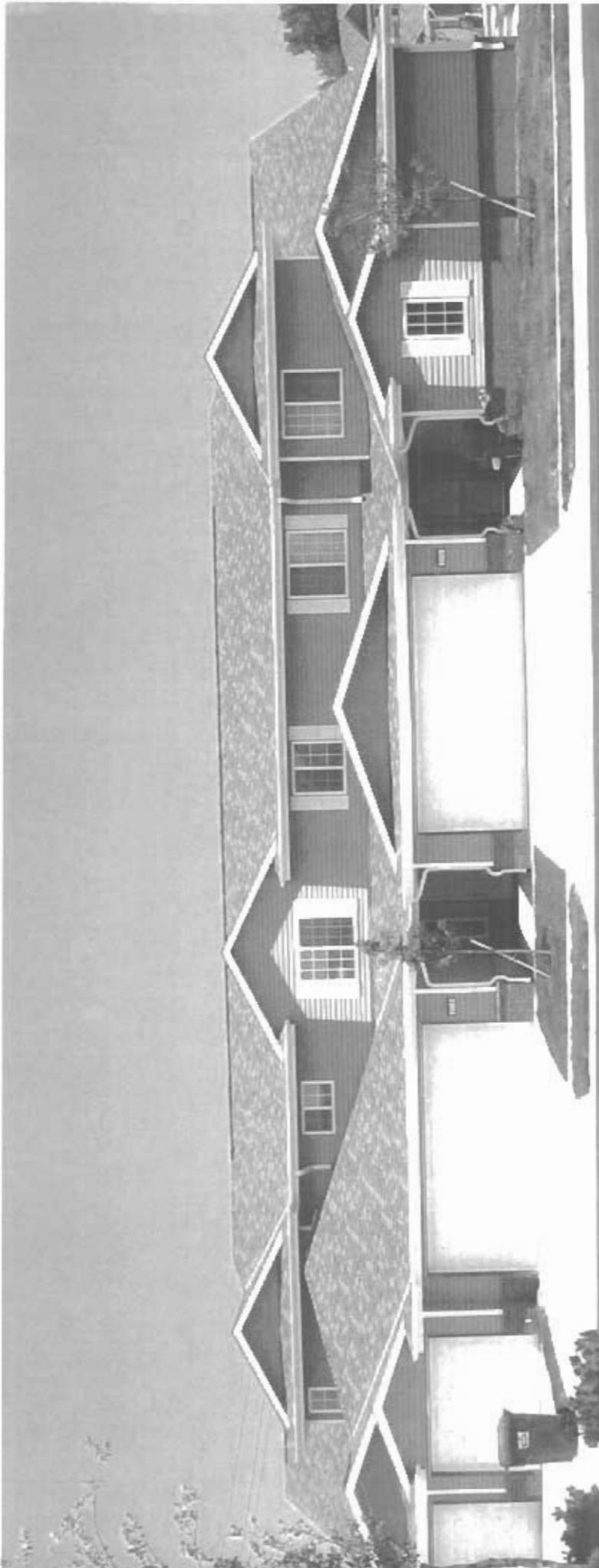
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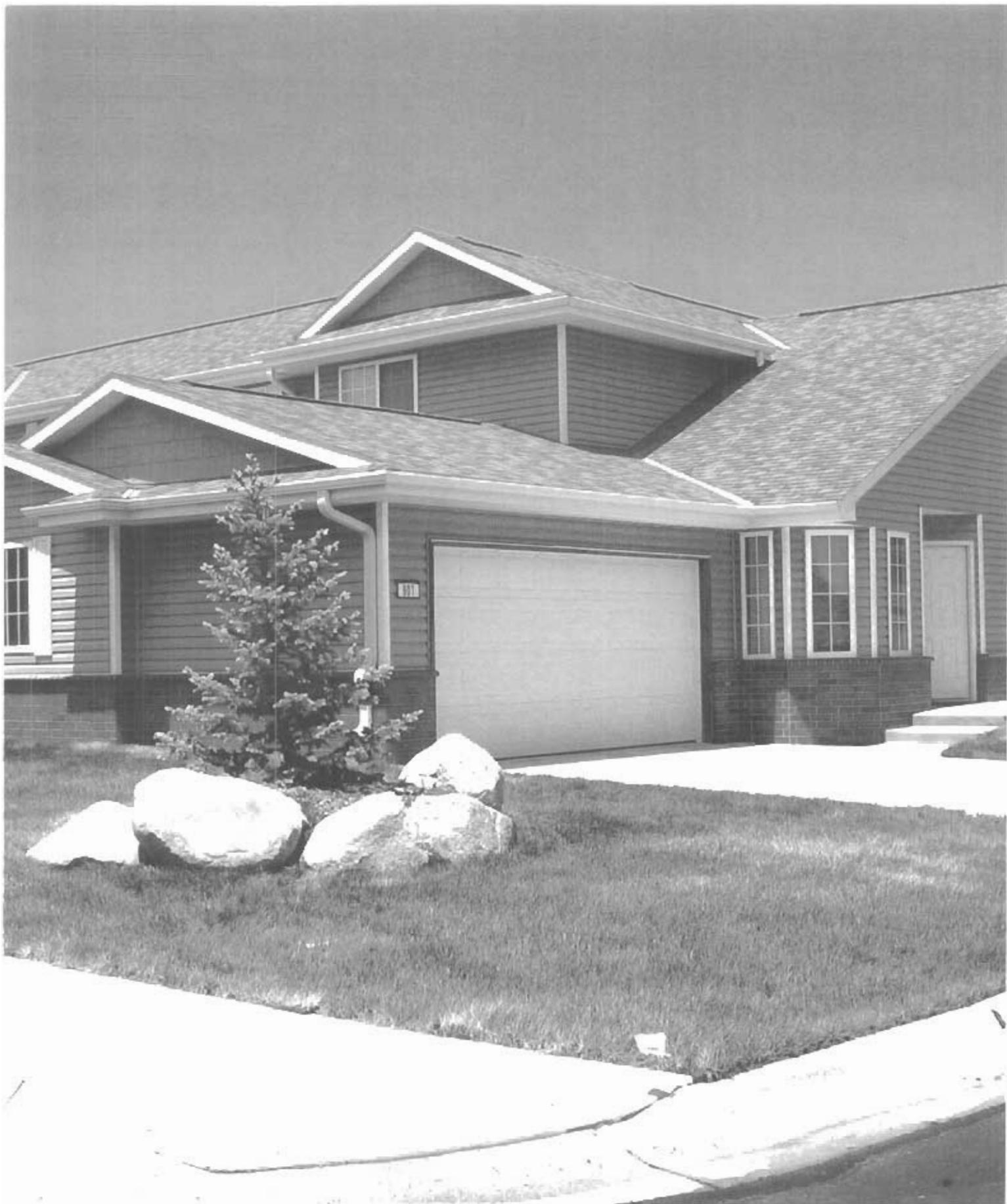
Administrative Assistant

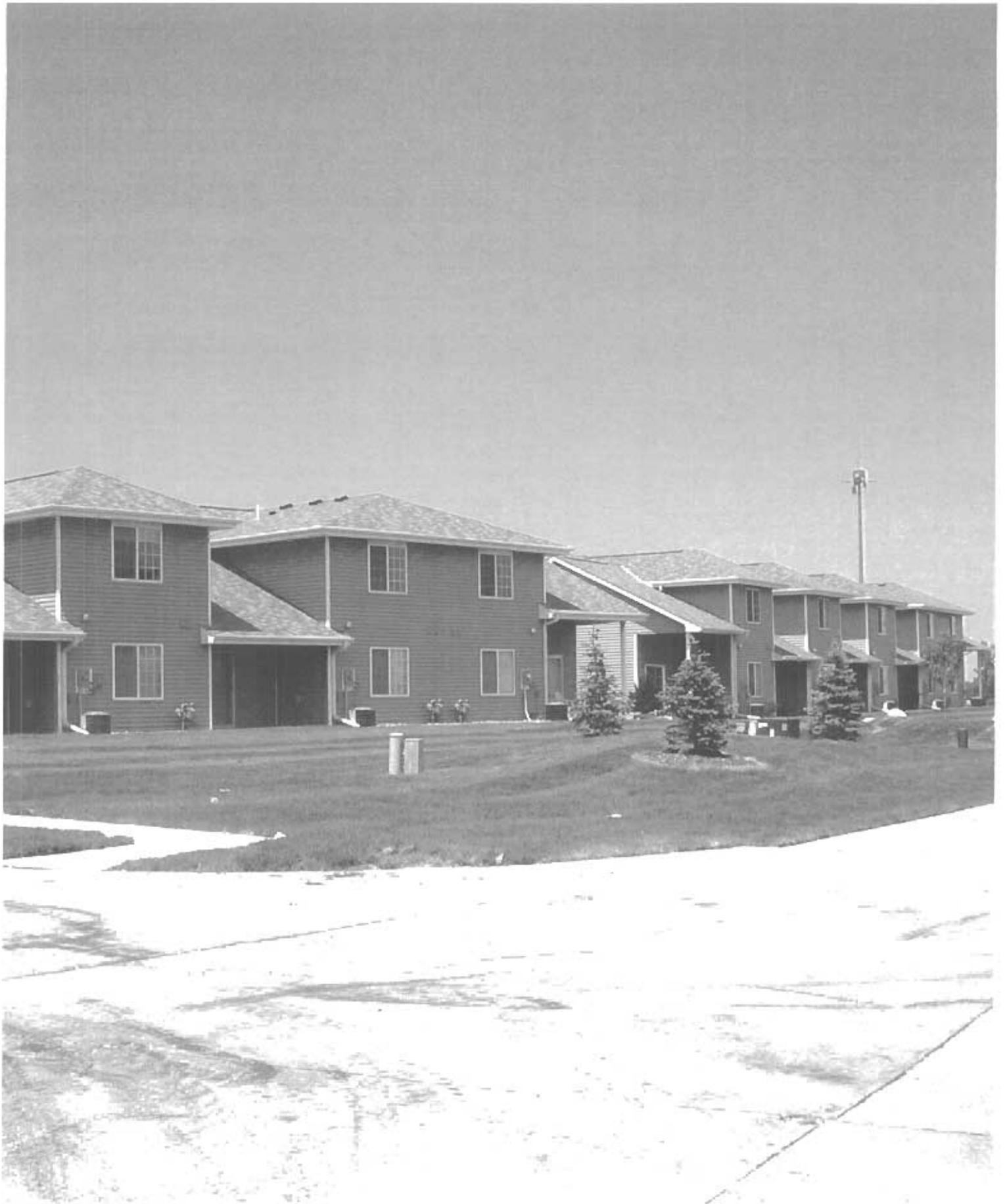
Requested by: SEACREST & KALKOWSKI, P.C.

SUBMITTED AT  
PUBLIC HEARING  
BEFORE PLANNING  
COMMISSION BY  
THE APPLICANT:  
6/22/05

USE PERMIT NO. 05006









"Beam, Todd"  
<contact692@earthlink.net>

06/22/2005 10:32 AM

Please respond to  
"Beam, Todd"  
<contact692@earthlink.net>

To <bwill@lincoln.ne.gov>

cc "GO HOA" <contact.goha@earthlink.net>

bcc

Subject Use Permit 05006

Brian please place these comments in the record for this use permit.

To the Lincoln Lancaster County Planning Commission:

To Whom it May Concern,

I live at 7925 S. 36th Street. On behalf of myself and my family I would like to express our support for the townhome project at 40th and Grainger Parkway as described in Use Permit No. 05006. Prior to purchasing my lot in 2003 I was fully aware that the area where this project is planned was zoned O-3 Office Park. During that time I reviewed all of the O-3 and related documentation on the Planning Department website. In comparison to what else could be developed on this property, in my opinion this townhome project is much more compatible with the neighborhood and in fact will have a less intense impact.

I attended the informational meeting that was hosted by the developer and his representatives. In spite of less than friendly treatment, they took the concerns that were voiced seriously, and returned with adjustments to alleviate several issues. The most significant of which was to maintain a 40ft setback along most of the perimeter and build to a level of exterior finish equal or better to what was required in my neighborhood. I have read the Staff Report available on the Planning Department website and have spoken to Brian Will. The changes that they are requiring of the developer are reasonable and further enhance this project.

Thank you for considering my viewpoint.

Todd and Debora Beam  
7925 S. 36th Street  
Lincoln, NE 68516



Jolene & Dan Troester  
<jtroester@alltel.net>  
06/21/2005 10:11 PM

To bwill@lincoln.ne.gov  
cc  
bcc

Subject Use Permit #05006

Mr Will,

My name is Daniel Troester and my wife-Jolene and I live at 8010 South 37th. Our home will have the 130 town homes if this permit is granted essentially in our backyard. Contrary to a lot of feedback you will receive from neighbors in my area I want to take the time to express my support of this project as a neighboring home owner.

Ideally this is not what I was initially told nor hoping for. I deliberately built my property here with the impression an office park would be placed behind my home where as I would not have someone backed up to my property nor would I have to worry about 'neighbors' other than a 9-5 schedule when I am predominantly at work. However, I understand now that will more than likely not be possible. I have attended the meetings that have been held by the builder/land owners and my home owners association. These were brutal and less than professional on the part of my neighbors. I do believe that Craig Bower will build attractive town homes and the landscaping will be far greater quality than Fowler Ville that was built along Granger Parkway. Mr Fowler should be ashamed of himself that he would attach his name to such atrocities and I am shocked that the city would allow such construction. That would be beside the point.

Mr Bauer has been accommodating to our wishes and I believe this will be a successful plan.

I do have a concern. This does not directly affect me but I must stress my concern over the connection point from the proposed development to 38th onto Diablo street. You will receive alot of feedback against the proposed plan (because of this connection point) and while I DO support the proposal for the town homes I do feel the issue of the northern connecting point should be addressed. Although not sure how. The northern connection point leads to an unsafe enviroment for the families and children who live in the area. If you review the Comprehensive Plan Specification Page F91 this is in direct conflict with the statement 'All areas of the community should have safe secure and reasonably direct pedestrian connections'. I feel that the density and lack of alternative northern exits from this proposed development will conflict with 'Safe and Secure' for the children and families directly north of the proposed development.

I have no solutions to offer other than the entire area be re-zoned to allow only an office park. I do believe that the 38th street access will be placed regardless of what is built but an office park will be less likely to drive traffic through the neighborhood or during non business hours.

Again, aside from the issue of the 38th street traffic flow I do support this proposal.

Thank you,

Dan Troester  
328-8580

OPPOSITION

ITEM NO. 3.2: USE PERMIT NO. 05006  
(p.99 - Public Hearing - 06/22/05)



ahillhou@lps.org  
06/20/2005 02:10 PM

To plan@lincoln.ne.gov  
cc  
bcc

Subject Use Permit No 05006 (Townhouses at 40th and Grainger Parkway)

I would like to submit the following letter about the proposal to build townhouses at 40th and Grainger Parkway. It will be coming before the Planning Commission on June 22.

Thank you,  
Alice Hillhouse

To the members of the City Planning Commission:

I would like to state my opposition to the proposal which is up for approval by the committee today. The proposal by Craig Bauer, would build townhouses in the area of land bordered by South 40th street to the back of South 37th street, and from Grainger Parkway to the back of Diablo Drive.

I am strongly against having \$134,000 townhouses on the back of my property. The property values in my neighborhood are all over \$200,000. The proposed townhouses are going to sell for less than half of my property value. It is quite a contrast in value. I feel that if these townhouses are allowed, it will lower my property value tremendously.

I am concerned with the proximity of the proposed townhouses. I will have a 4-plex with two or three back doors twenty feet from my back yard. This is not an adequate buffer. Some of the property owners in my neighborhood will have a 5-plex in their back yard, the back doors of which will be in some cases as close as 10 feet away from the edge of their property.

I am very concerned that the addition of 134 townhouses to an already busy neighborhood will cause traffic problems. The proposed development has as its only north exit 38th street, which will connect to Diablo. Diablo is already used by traffic going to Cavett elementary. It is already very congested in the morning and will become even worse adding more residences to the area.

I hope that you will take all of these items into consideration as you listen to the proposal in front of you today. I would ask you to listen to the concerns of those of us who will be directly affected by this development rather than those who live several streets away. If you choose to allow townhouses in the area, modify the plan by limiting the number of townhouses allowed. This would increase the price of each townhouse so that the value would be more in line with the neighboring property values. If fewer townhouses were allowed in this development, it would allow for a more adequate buffer between the development and the neighboring properties.

Thank you for your time,

Brad and Alice Hillhouse  
Property owners at:  
8040 South 37th Street.  
Lincoln, NE 68516  
402-420-2221



"Erik ..."  
<divedeeper@hotmail.com>  
06/21/2005 06:01 PM

To plan@lincoln.ne.gov, mkrou@lincoln.ne.gov,  
kmorgan@lincoln.ne.gov  
cc divedeeper@hotmail.com  
bcc

Subject Letter concerning the Proposal for Porter Ridge-Pine Lake Heights

City of Lincoln Planning  
6-20-2005  
555 South 10th, Room 213  
Lincoln, NE 68508

Dear City of Lincoln Planning Department.

It has come to my attention, that the Lincoln City Planning Department has received an application from Ridge Development Company and Southview Inc, to develop the area south of Diablo Drive and west of South 40th Street directly across to the west of Yankee Hill Golf Course.

This plan, as you may already know, calls for 130 townhome units consisting of two, three, four and five unit buildings, ranging in the \$120-140,000 range.

This project as it is proposed, is a very serious problem for this neighborhood for several reasons. I would like to take a moment of your time to present to you why I am against this proposal.

First of all, let me introduce myself. My name is Erik Younger, and I am a home owner at 3620 San Mateo Lane. A mere 2 blocks from this proposed development. I had planned on visiting the June 22nd meeting at 1pm that is to discuss this application, but due to work obligations, I cannot attend. Therefore, I am writing you this letter instead. I hope it finds its way to the right people.

The first reason I am so opposed to this development, is traffic. The obvious reason it is a bad idea to put 130 homes in a space that should, and normally holds around 40 is the traffic flow will dramatically increase on San Mateo, Diablo, 36thStreet, and all other surrounding streets. The traffic flow on San Mateo is already much higher then normal, as this is a main entrance and exit for much of Porter Ridge area. I would know, I live right on San Mateo, and know that we see at least 100 cars an hour drive on this road. This proposed Development, would likely double that flow, making it a major road, not a neighborhood street. Now, traffic alone may be bad enough, but lets look at the added risk to our neighborhood due to this increased traffic flow.

Right on the corner of 36th and San Mateo is Cavett Elementary School. Kids walk all around this area, and this increased traffic would pose a serious safety risk to our kids as they walk to and from school, and after school activities that many participate in near or at the school. Again, I would know, I see this first hand, every day. A very large number of kids walk in and around this school, and the traffic is already much to high in this area as it is, not to mention what it would be like with this extreme housing increase if it were to go through.

Traffic is the first reason, School Capacity is the next. I already outlined why this does not make sense for us with the traffic as it relates to Cavett Elementary and all the kids in the neighborhood, but lets also look at school capacity. Cavett is already full, with 5 portable class rooms already at the school. Many of the kids that live only a few blocks from Cavett are being bussed to schools miles away. Adding 130 townhome's to this already busting at the seams neighborhood, would put an enormous stress on our schools in this area. And with no new elementary school in at least the next 5 years or more anywhere near here, this would be a clear burden on this area.

Ok, Traffic and School capacity are the first two reasons, the next reason is economics. This proposal has an extremely low number of trees and grass planned, it will look like a huge cement and mortar compound, and will have so many cars parked on the streets and surrounding streets, again related to the traffic issue, that will undoubtedly effect the surrounding property values drastically, and unfairly.

Now, I have touched on three very very important reasons why this proposal is a bad idea for our neighborhood, and a bad idea for Lincoln. I would be doing the city and your department a dis-service if I did not at least suggest an alternative.

It is my understanding that this area is, or was intended to be a office park or community retail locations. In the interest of new urbanism, I would like to see maybe a few townhomes/duplexes put in, as a sort of buffer, like the rest of Lincoln has traditionally done, and have a small shopping community established where the people of this already packed neighborhood can walk, bike, or even drive the short distance to do some shopping, and create a better sense of community. New urbanism, like what was done in the North Lincoln area, and with this proposal that I am attaching here from the Lincoln journal star:

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In an extraordinary effort to vary Lincoln's pattern of suburban growth and offer the area a full-fledged New Urbanist neighborhood, the well-known Campbell family, owners of the top local nursery, brought in an architectural team from Lennertz Coyle & Associates of Portland, which spent a week probing local planners, builders, marketers and residents and designing a mixed-use urban village for part of the Campbells' 250 acres in the hills of southeast Lincoln. The initial design shows homes with front porches and rear garages, small shops and grocery stores within walking distance, interconnected streets and scenic boulevards, a village center, parks and green space  
-Lincoln Journal Star - 2001  
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Now, I don't know how feasible this idea is, but at the very least, some sort of small shops and stores mixed with a buffer duplex's would be a fantastic addition to this neighborhood and would be a welcomed change.

Based on the reasons above, that I have outlined, and after talking to many of my neighbors who feel exactly the way I do, I hope, you the Planning commission deny this request, and instead look for a more favorable solution to the use of the land in question.

I sincerely appreciate you taking the time out of your busy schedule to read this letter, and I hope you respond to me in any way that is convenient, but that is not as critical as your attention to this matter, deny the application from Ridge development company and Southview Inc. for this terrible, dangerous proposal.

Sincerely,

Erik Younger  
3620 San Mateo Lane  
Lincoln, NE 68516

divedeeper@hotmail.com  
Direct line: 402-580-3745

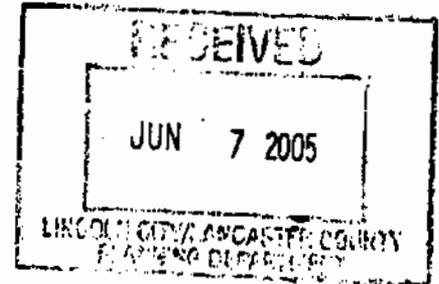
OPPOSITIONITEM NO. 3.2: USE PERMIT NO. 05006  
(p.99 - Public Hearing - 6/22/05)

RECEIVED JUN 17 2005

June 3, 2005

Marvin Krout, Director  
Lincoln/Lancaster Planning Department  
555 So. 10<sup>th</sup> St. Suite 213  
Lincoln, NE 68508

**COPY FOR YOUR  
INFORMATION**



Mr. Krout,

This letter is being sent to you to express my opposition to the proposed townhouse development in the area of "Outlot G", Pine Lake Heights South 7<sup>th</sup> Addition. (north of Grainger/south of Diablo Dr./west of 40<sup>th</sup> St.)

My opposition lies in two main areas: safety and equity.

1. This area was always intended to be an office park. As such, there is only one residential connection, 38<sup>th</sup> street, for the north, east and west boundaries of the area. Office park patrons would not have the familiarity to utilize the neighborhood streets and would therefore utilize the main roads (Grainger/ 40<sup>th</sup>). The one residential street connection could handle the small amount of traffic that would utilize it.

With the townhouse proposal of 130 units (>200 vehicles), these residents will have ONE way they will go to north - 38<sup>th</sup> St. 38<sup>th</sup> St. is a short street that ends in a T-intersection at Diablo Dr. Vehicles would have to either take four very short turns in a distance of less than 200 yards to get out to 40<sup>th</sup> street or take Diablo to 36<sup>th</sup> and around Cavett Elementary School. The traffic back up in the mornings will be horrendous and personally, I will not be able to get out of my driveway which faces 38<sup>th</sup> St.

The main problem is the intensity of the traffic in this small area. The Cavett School traffic plan for the 700+ students enrolled that has been approved by Lincoln Police Department, the City Traffic Engineer's Office, and the Public School's Safety Consultant routes all outgoing traffic down Diablo along with all incoming traffic from the east. Diablo Dr. is NOT a "Collector Street". It is narrower than San Mateo (one block to the north) and always has numerous calls parked along it. Cavett evening events that go on all year long create an abundance of on-street parking along Diablo, 36<sup>th</sup> and Scottsdale Ln. The speeds along these streets are often excessive and there is a dangerous blind spot as you round the corner from 32nd to Scottsdale Lane. Adding 200 more cars going these routes is a dangerous situation for the hundreds of children/families in this area and goes against the City's Comprehensive Plan of

locating schools and streets in such a way that children can get to and from school in a safe manner.

While townhouse development may be a "permitted use" included in the O-3 zoning, it is NOT AN APPROPRIATE ONE in this instance. If the intent was to allow for residential housing (of any kind) there should have been other ways to get out through the adjoining neighborhoods. I have nothing against townhouses. I have lived in them numerous times and think it is a nice option for people; however, there are too many being built in this area considering the limited street options.

2. My second point of opposition lies in the immense disparity between the setback of my neighbors and the setback behind my house. I live on the corner of 38<sup>th</sup> and Diablo Dr. The proposal intends to place a two story townhouse, on the same level as my back yard, 15 feet from my property line. My neighbors all the way around the development (except for one - which has the same issue as I do) have a 40 foot setback and the units will be 6-10 feet lower than their yards. This is an issue of privacy and safety for my family. I am told that the reason is because it is a "side yard" (the townhouse is to sit sideways). It may be a side yard for them, but it is still a "rear yard" for me. We will spend a majority of our time in the back yard. The unit also has second story windows. All I ask is for equality.

In addition, this is a different type of housing at a different cost to buyers. There should be a gradual transition from the single family homes to these units. Forty foot of green space, behind my yard would be equal with my neighbors and would allow for some nice landscaping and a maybe a sign for "Grainger Heights".

In conclusion, I ask that for the safety of our neighborhood families that you deny this townhouse proposal, or at the very least, significantly reduce the numbers of units that can be built here and maintain the equality of the setbacks FOR ALL OF US!

Thank you for your time.



Vicki Hopkins  
3801 Diablo Dr  
Lincoln, NE 68516

June 7, 2005

Chairperson Bills-Strand and Commissioners  
c/o Lincoln /Lancaster Planning Department  
555 So. 10<sup>th</sup> St. Suite 213  
Lincoln, NE 68508

Counsel Members Ken Svoboda, Jon Camp and Robin Eschliman  
Lincoln City Counsel  
555 So. 10<sup>th</sup> St.  
Lincoln, NE 68508

Dear Chairperson Bills-Strand and Commissioners:

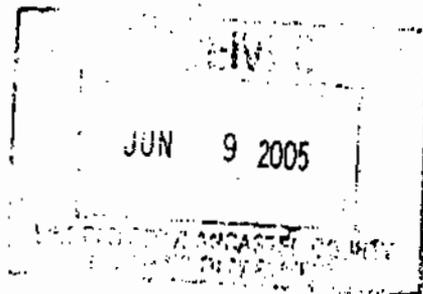
We are writing you about the townhouse development proposed for the property at the northwest corner of South 40<sup>th</sup> St. and Grainger Parkway. Our family lives on Diablo Circle about two blocks from Cavett School and just north of the area. It's a good neighborhood but we are very concerned about the proposed development. This area was supposed to have offices rather than 130 townhouses. The only way the developer can get 130 townhouses into this area is by packing them in every 28 feet, have as little yard space as possible and make the streets narrow private streets. This is going too far and will impact the value of our house, our family and the neighborhood.

Cavett School already has too many students and has to use portable classrooms. There have just been 70 some townhouses added near Granger to the southwest of us. Adding 130 more townhouses to the area will overload Cavett School where we would like to see our youngest daughter go to school. Also, with the housing market as it is and this proposal being crowded, many of these new units will become investment properties and rentals, which won't be good for our neighborhood either.

We are really concerned about the safety of our youngest two daughters. This will put a lot more cars in our neighborhood, down the same streets they walk on and ride their bikes. The people in this development will come north on 38<sup>th</sup> Street through our neighborhood to get onto 40<sup>th</sup> Street to go north. This will also put them driving right through the LPS traffic pattern for Cavett School. The streets in the area are not designed to support 130 new residential units and this plan s going to get some child hurt or killed because it will overload the residential streets.

The proposal also doesn't blend with our neighborhood. It puts 130 units into a small area that ought to have about half that many. Instead of getting a residential neighborhood to the south of us, we would see row after row of with houses packed in every 28 feet and with no barrier between our neighborhood and the development. The plan calls for 24 foot roads to get this many units into the area and if there was an emergency, fire trucks or ambulances would have a tough time getting through the narrow streets and parked cars. With 130 units, the space on the streets would be packed with parked cars wherever there isn't a driveway.

This proposal is not good for our neighborhood or the quality of life for our family. It's just a bad idea and should not be approved. I know the developer needs to make



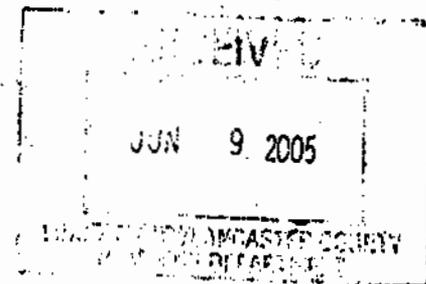
money but the families in Pine Lake Heights should not be affected like this. Please oppose the proposal. The original plan called for offices and that fits with the existing roads. I would really appreciate any help you can give us to stop this plan. I know the area will be developed and the developer will make a bunch of money but this is a bad plan.

Respectfully,

A handwritten signature in black ink that reads "Robert and Colleen Dunn". The signature is written in a cursive, flowing style.

Robert and Colleen Dunn  
3945 Diablo Cr.  
Lincoln, NE 68516

June 7, 2005



Chairperson Bills-Strand and Commissioners  
c/o Lincoln /Lancaster Planning Department  
555 So. 10<sup>th</sup> St. Suite 213  
Lincoln, NE 68508

Re: Townhouse development proposal for the O-3 zoned property at the Northwest corner of South 40<sup>th</sup> St. and Grainger Parkway.

Dear Chairperson Bills-Strand and Commissioners:

I built a home in south Lincoln in 2000 because of the quality of life here and in doing so, I relied on the city plan, which showed that the area above was to become office space. The proposal before the Planning Commission, to build 130 townhouses in this area, is an alarming change from the city plan.

Part of my concern is that the streets are not sufficient to support 130 additional residences that will add over 200 cars. This area is on the south edge of Lincoln, so most of these residents will be driving north to other locations in Lincoln. The shortest route will be north on 38<sup>th</sup> Street through Pine Lake Heights, rather than driving south to Grainger and then turning north. This will mean many residents will be driving through Pine Lake Heights which has lots of children, and they will also be driving through the Lincoln Public Schools traffic pattern for Cavett School that runs down Diablo Drive. The Cavett school traffic puts a large number of cars in the neighborhood twice a day. The additional traffic will create a danger for children who live in the neighborhood and for those who cross 40<sup>th</sup> street to walk to Cavett School. The proposal sets the stage for a tragedy. The road network and traffic flow would be fine for offices as set out in the city plan, but it is clearly inadequate to support the proposed change.

The proposed development also clashes with the surrounding neighborhoods. Of the 130 units in the proposal, 105 are in five-plexus and the remaining 25 units are in 3 and 4-plexus. The lots are one-third the size of those in the surrounding neighborhoods. The proposal is really to put in row houses, with minimal space between the buildings, narrow private roads, no green space for children and no buffer between it and the surrounding neighborhood. It is a very bad plan from the point of view of protecting and promoting the quality of life in Lincoln. Such a proposal is typical of metropolitan areas such as Los Angeles, with a low quality of life. Lincoln enjoys its high quality of life to a great degree because the Planning Commission and City Counsel have balanced the interests of its citizens and the city against the wishes of developers to maximize their own profits. This is just such a situation. I respect the fact that the developer wants to maximize his profits for his investment, but he should not be able to do so at the expense of the middle class families living in the adjacent neighborhoods. Our largest investment is our homes. A large number of modestly priced row houses packed together in one area is a recipe for

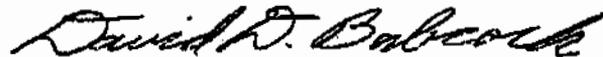
a "project" area, as commonly seen in large cities. Such areas tend to become undesirable places to live in or near.

The proposal of low-end high-density residential units would also create a higher than usual need for emergency services. However, the narrow streets would make access by large emergency vehicles, such as ambulances and fire trucks, difficult. In case of a fire, this puts more people and homes at risk, including my own, which will be immediately north of the proposed development.

There are already 71 new townhouses along Grainger Parkway, 130 additional units will saturate the area with similar townhouses, to our detriment. With the current soft market for housing and the price range of these units, many will become investments and rental properties further impacting the value of the surrounding homes and the quality of life in our neighborhood.

Two of the purposes of zoning restrictions are to preserve the quality of life and to prevent individuals from unfairly harming surrounding property owners. As I recall from the neighborhood meeting, the developer does not live near the area or even within the city of Lincoln. We are only asking to stick to the original city plan. This proposal is a poor one that will make money for the developer and leave the neighborhood and the city dealing with the problems for years to come. I urge you and each of the Commission members to vote against the plan. Thank you in advance for your consideration.

Sincerely,



David D. Babcock  
3901 Diablo Cr.  
Lincoln, NE 68516

June 7, 2005

Chairperson Bills-Strand and Commissioners  
c/o Lincoln /Lancaster Planning Department  
555 So. 10<sup>th</sup> St. Suite 213  
Lincoln, NE 68508

Chairperson Ken Svoboda  
Lincoln City Counsel  
555 So. 10<sup>th</sup> St.  
Lincoln, NE 68508

Counsel Member Jon Camp  
Lincoln City Counsel  
555 So. 10<sup>th</sup> St.  
Lincoln, NE 68508

Counsel Member Robin Eschliman  
Lincoln City Counsel  
555 So. 10<sup>th</sup> St.  
Lincoln, NE 68508

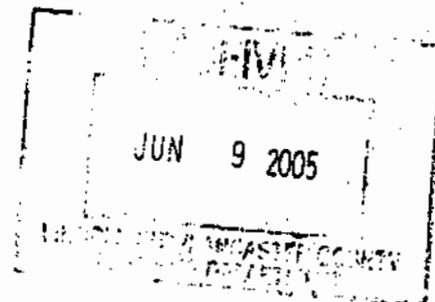
Regarding: The townhouse development proposal for the O-3 zoned property at the Northwest corner of South 40<sup>th</sup> St. and Grainger Parkway.

Dear Chairperson Bills-Strand and Commissioners:

My wife Mindy and I live on Diablo Circle in south Lincoln with our 18 month old son Ashton. We like the neighborhood but we are very concerned about the proposed development that will go in immediately south of our house. We understood that the city plan called for this area to be offices, rather than a large number of townhouses as in the proposal. This will change the neighborhood and impact Cavett School where we hope Ashton will go to school. Cavett already has too many students, which means they have to use portable classrooms and another 130 modestly priced homes will overload the school with more children. Recently there have been about 70 townhouses added just to the southwest of us just off Granger, adding another 130 townhouses is too many for the neighborhood. Many of these units will become rentals and be cared for as rentals instead of homes owned by the people who live there.

Mindy and I are also concerned about the safety of children going to Cavett School. The proposal would put a lot more cars into our neighborhood as residents of this new area try to go north. They'll be driving right through the traffic pattern for Cavett School and driving down streets that young children cross to get to Cavett. The streets in the plan do not support 130 new residential units and it is going to put children in our neighborhood at risk, including Ashton.

This proposal also does not blend into the surrounding neighborhood. It jams 130 units into an area that ought to have about half that number. There will be five units directly



south of our home because the lots are about one-third the size of the lots in Pine Lake Heights. Instead of getting a residential neighborhood to the south of us, we'll see row after row of houses pack as tight as possible with no barrier between our home and the development. The plan calls for row houses every 28 feet with no space between the buildings. It looks more like a trailer park than a residential neighborhood in south Lincoln, the roads are too narrow and there is no green space for children. The area will be congested and the problems will overflow into our neighborhood.

Please consider the impact on the quality of life for persons who would live in the development as well as our family and the surrounding neighborhood. It's a bad proposal for our family and the city. We know this area will be developed, but this is the wrong plan for this area. We should not have to suffer for the developer to make money, there can be a balance. Please vote against the proposal. The city should stick to the original plan to have offices in this area since that can be supported by the roads in the area, will not overload Cavett School and will not impact the surrounding neighborhood in a negative way. Thank you.

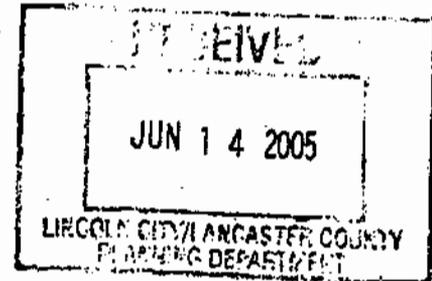
Sincerely,



Andy and Mindy Wright  
3921 Diablo Cr.  
Lincoln, NE 68516

June 13, 2005

Lincoln Planning Commission  
555 S 10<sup>th</sup> St  
Ste 213  
Lincoln Ne 68516



RE: USE PERMIT NO. 05006  
S.40<sup>TH</sup> Street & Grainger Parkway

This letter will serve as my opposition to the building of townhome units in Sec 19 T9N R7E.

This is my back yard. When building last year I questioned this area and was told, this was zoned for Office Park, example given to me was medical or banking, with hours that wouldn't have excessive traffic.

Townhomes would cause excess traffic, and dangerous to the students attending Cavett School, decrease property values.

Right now this is a quiet area with moderate traffic, but if townhomes are built Traffic and safety to the children will become a high risk. Build them somewhere else.

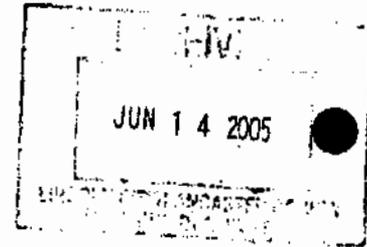
I'm saying NO TO GRAINGER HEIGHTS TOWNHOUSES.

Thank You

Home Owner  
Kathleen L. Clinton  
7916 S 37<sup>th</sup> St  
Lincoln Ne 68516

June 13, 2005

Planning Commission  
Lincoln/Lancaster Planning Department  
555 So. 10<sup>th</sup> Suite 213  
Lincoln, NE 68508



Re: Townhouse Development Proposal for the O-3 Zoned Property at the Northwest Corner of South 40<sup>th</sup> St. and Grainger Parkway

Dear Commissioners:

We live at 3715 Diablo Drive and this letter is written in opposition to a proposal scheduled to be on the June 22<sup>nd</sup> Planning Commission Agenda. This proposal would allow the building of 130 townhouses as proposed by Ridge Development Company and Southview, Inc. This townhouse development would be right behind our house. Listed below are the issues that will unfavorably impact our neighborhood:

1. **Street and Traffic.** 130 townhouses will produce approximately 200 vehicles. The plans call for three entrances and/or exits to the townhouse development. The three entrances are Grainger Parkway, a new private roadway that will only be right in/right out onto 40<sup>th</sup> that only allows traffic to go south on 40<sup>th</sup> Street, and the opening of 38<sup>th</sup> Street that is currently a dead end. The 38<sup>th</sup> Street entrance is the one that will affect our neighborhood the most. To go north from the townhouse development, most people will take the shortest route, which will be 38<sup>th</sup> Street. Our neighborhood streets were not built for 200 more vehicles to use each day. 38<sup>th</sup> Street will not go directly to San Mateo which intersects with 40<sup>th</sup> Street. Traffic will need to make a right turn on Diablo Dr. and then a quick left turn on 39<sup>th</sup> Street. I know that many corners will be cut with these two quick turns. Cavett Elementary School parents are instructed to use Diablo Dr. for incoming and outgoing drop off of children. This townhouse development would greatly impact traffic on Diablo Dr. which is already very congested during work and school times. Adding additional traffic flow will surely increase the chances of car accidents—not to think what might happen with the children walking and crossing the roads.
2. **Schools.** What school would children that might live in the new proposed area attend? Cavett, the current elementary neighborhood school, is full and overcrowded at this point. Even people who live directly south of Cavett cannot send their children there. They are bused to other schools. Adding busses to pickup children from the proposed development will only worsen the traffic problem. Lincoln Public Schools may have plans for additional schools; these plans could take several years before any construction will begin.

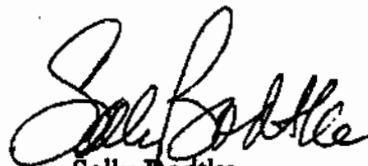
3. **Original City Plan.** Homes were purchased in reliance of the City plan that indicated that this area was to become one-story upscale office buildings with large buffer zones and green space.
4. **Value.** The building of the townhouses will affect the quality of neighborhood life and the value of the present homes in this area. This plan does not go with the scheme of this area, or any other area in Lincoln. The transition from the single family homes to the townhouses should be a gradual one with buffer zones of trees and green space. These townhouses are proposed to sell in the \$130 to \$140k range, while the values of the surrounding homes are all valued in the \$200 to 250k range. While it is the intent of the builder that these units are bought by retirees and other families to live in, it is inevitable that a large number of these units will be used as investment rental properties with people coming and going. They will not have the same respect for the area as the present homeowners. Our homes are our largest investment. It is unfair to devalue what we work so hard for everyday and pay taxes on.
5. **Easements.** The current proposal has 40 ft. easements everywhere except behind the two houses on the southwest and southeast corners of 38<sup>th</sup> St. and Diablo Dr. The minimum 40 ft. easement should apply for these two houses as well and not be treated as a "side yard". A 40 ft. uniform easement would create a much more appealing look and no one wants a two story townhouse 15 feet away from their property. This is an issue of privacy and safety.

The way the proposal is presently set out would significantly benefit the seller/builder while it would greatly impose serious harmful side effects and impact the surrounding neighborhoods. This plan has serious flaws that need to be considered. Please oppose the easements for the two corner homes, oppose the plan and urge your fellow commissioners to do the same. Thank you in advance for your consideration on behalf of our neighborhood families.

Sincerely,



Dennis Bodtke  
3715 Diablo Dr. 68516



Sally Bodtke  
3715 Diablo Dr. 68516

June 13, 2005

Lincoln Planning Commission  
555 S. 10th Street - Suite 213  
Lincoln NE 68508

This letter is in opposition to the proposed townhouse development know as S. 40th Street & Grainger Parkway or USE PERMIT NO. 05006.

Our concern is for the traffic impact to Diablo Drive by opening 38th street to the north. No traffic study has been done regarding the impact to the surrounding neighborhood. The area was designed with low traffic business application in mind not high volume residential traffic. Because of the design of this project for business to now convert it to high density residential development is impractical and unsound planning. 38th street would be the ONLY north bound access to the entire area for 130 plus townhomes. The only other way to get in or out of the area is all the way to the south end of the development going east or west. We believe a high percentage of residents in the new development would not use the south access because it would be very inconvenient. Neighborhoods need to be designed with sound traffic flow for vehicles as well as pedestrians and this plan does not allow for either.

Diablo Drive is already a very busy street because Cavett School has designated it as an exit route away from the school. With before school, after school and evening use of the building the traffic is already busy. Adding 130 more townhomes and the accompanying traffic will be a serious detriment to the neighborhood and a safety issue.

Diablo is also a residential street with parking on both sides that ends in a culdesac. The 38th street connection to Diablo turns to 39th street to get you to San Mateo which brings you to an intersection with 40th. As you will see when you look at a map of the area this would not be sound traffic movement. Narrow streets in and out of a high density neighborhood with several corners to maneuver is not sound planning. In addition, routine traffic along Diablo east and west to the retail center at 32nd and Pine Lake would be another safety issue and a detriment to the neighborhood.

Please deny residential use.

We favor the office park setting the property is designed for now.

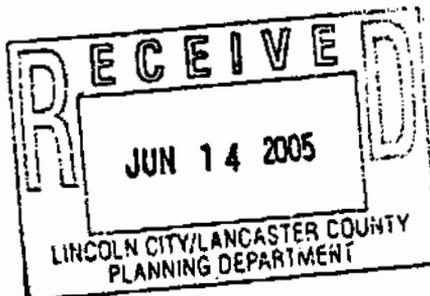
Best Regards,

*Gary Ashmore*  
*Jaci Ashmore*

Gary and Jaci Ashmore  
3701 Diablo Drive  
Lincoln NE 68516

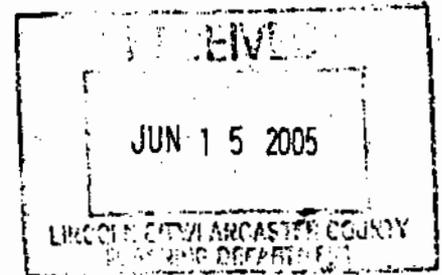
Home 421-1719

Cell 770-2299



June 14, 2005

David and Mindi Rasmussen  
7908 S 37<sup>th</sup> Street  
Lincoln, NE 68516  
(402) 483-6355



Lincoln-Lancaster County  
Planning Commission  
Attn: Mr. Brian Will  
555 South 10<sup>th</sup> Street, Suite 213  
Lincoln, NE 68508

**Re: Use Permit No. 05006 – S 40<sup>th</sup> Street & Grainger Parkway**

Dear Mr. Will:

My wife and I are owners of real property that will be directly affected by the proposed application for Use Permit No. 05006 for approximately 130 townhome units on the property legally described as Outlot G, Pine Lake Heights South 7<sup>th</sup> Addition, located in the SE ¼ of Section 19-9-7 of Lancaster County. As you can see by our address, the proposed townhome development would be directly in our backyard to the east.

We stand in opposition to the Use Permit as it currently is written. First of all, we are not against the construction of the townhome units on the property described above as it is our opinion that if the property is zoned for that use then that is something that a potential developer should be able to place freely on the property within the restrictions and parameters established by the City. Instead, our objection to the development is based on the proposed reduction in internal yard setbacks for the development.

As you know, Title 27 Chapter 27 of the Lincoln Municipal Code is the law regarding O-3 Office Park Districts in the City of Lincoln. Regulation 27.27.070 states the required height and area requirements for different types of uses within an O-3 District. Accordingly, the Table associated with Regulation 27.27.070 sets the required rear yard for Townhouses in an O-3 District to be 40 feet. At the informational meeting held on May 23, 2005 we were informed that the builder will seek a variance limiting the rear yard setback to 22 feet.

As a potential homeowner, the only information we had to review to see what type of use the area behind our house would be was that the Lincoln Municipal Code Zoning Regulations describing an O-3 Office Park District. As stated above, those regulations required a minimum rear yard of 40 feet. We find it hard to believe that now a potential builder can unilaterally propose to reduce that 40 foot distance by almost half to accommodate his townhome development. Had we known that this regulation could be so easily modified and/or disregarded by a potential builder my wife and I would have considered a different location to build our home for our family.

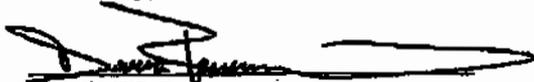
June 14, 2005  
Use Permit No. 05006  
Page 2

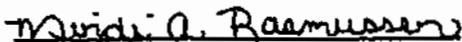
We don't have a problem with a 40 foot rear yard setback as long as there is proper screening, as that is what we thought the regulations mandated, but we have a serious objection to this proposed 22 foot setback. If that is approved by the Planning Commission, our neighbor's townhome to the east of us will literally be built right in our backyard and they will be able look directly into the windows of our home. The builder has promised screening to block a direct view into our property, but with only 22 feet to work with we find it hard to believe that there will be much of anything done here.

We understand that a person's right to build whatever he or she requires on his or her property is important, but we cannot accept this 22 foot rear yard setback proposal because it is so contrary to what we were led to believe in the Zoning Regulations. We only ask that the Planning Commission consider this factor when it reviews this Application on June 22, 2005 and hopefully you can see our concern with this issue.

We do plan to attend the public hearing on this matter, but we wanted to express our concerns in writing to you prior to that time. For your information, we are also sending our concerns by separate letter to Kent Seacrest, the applicant and attorney for Ridge Development Company and Southview, Inc. Thank you for your attention to this matter.

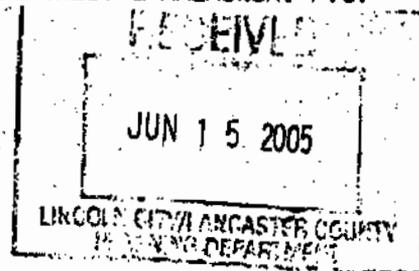
Sincerely,

  
David W. Rasmussen

  
Mindi A. Rasmussen

pc - Kent Seacrest

June 10, 2005



Mark Fleharty  
3624 Diablo Drive  
Lincoln, NE 68516

Lincoln Planning Commission  
c/o Mary Bills-Strand, Chairperson  
3737 So. 27<sup>th</sup> St.  
Lincoln, NE 68502

**Reference:** Request for use permit on Outlot G to build 130 townhouse units on the corner of South 40<sup>th</sup> Street and Grainger Parkway by Ridge Development Company and Southview, Inc. (Grainger Heights).

To Whom It May Concern:

I am writing to you to express my concern and opposition to the proposed development at the corner of South 40<sup>th</sup> Street and Grainger Parkway. The plan calls for 130 town home units. As a resident who lives on Diablo Drive, the street immediately north of this development, I am concerned about this for several reasons.

I believe the current plans do not provide a sufficient infrastructure to allow for a safe community. The first street south of Diablo Drive in this development is Fitzpatrick Lane. The current plans show that vehicles wishing to go north bound from this development will not be allowed to turn north on to 40<sup>th</sup> street from Fitzpatrick lane. It would be easy to argue that at least 1/2 of the people who reside in this development would then choose to go north through the neighborhood to San Mateo Lane and exit onto 40<sup>th</sup> street from there. In addition, one could argue that it would be preferred for many of these people to travel through the neighborhood, as I do, to get to many of the businesses located in the 27<sup>th</sup> and Pine Lake area. Recent developments south of Cavett Elementary have already caused a noticeable increase in traffic in my neighborhood. It has also been brought to my attention that Cavett Elementary parents are encouraged to use Diablo Drive when arriving and leaving the school area. Also consider the possibility of what might develop south of Grainger Parkway. Regardless of what is built here, it will only contribute to an already worsening traffic situation.

With an increase in traffic, also comes a concern over child safety. Many small children live on my block and I have watched many nights as they ride their bikes up and down the streets. As a kid, I remember the number of near accidents that I had riding my bike near busy intersections. I also remember the number of times drivers would get upset with me as my balls would stray into the path of oncoming vehicles. An increase in traffic would only increase the possibility of more accidents.

Continuing with the topic of children, consider schools. Cavett Elementary is already over-crowded. It's a relatively new school and yet I hear of people who live in the neighborhood and have to bus their kids to another part of town. I've also got family members who have looked at moving to Lincoln. They often find a house they like and then hear that they wouldn't get to send their kids to the school two blocks away, but instead have to bus or drive the kid to a school a mile or more away. I realize some of my arguments here should be taken up with the school board, but a densely populated subdivision like the Grainger Heights subdivision would only cause more over crowding and more safety concerns before and after school. Also, I know that when I become a parent, many of these concerns may dictate where I live in the coming years.

Another concern of mine is the size of the streets in the Grainger Heights subdivision. It is my understanding that the roadways will be only 24 feet wide. As with any residence, people will come to visit their family and/or friends and will need to have a place to park their vehicle. Also, many people own more than one car. Undoubtedly people will resort to parking them on the street. With such a narrow roadway, I'm concerned about traffic within the subdivision. Not only concerned about those in the subdivision, but those people who are just passing through as they go to neighboring businesses. Consider kids on bicycles and scooters, garbage trucks, fire and rescue vehicles and any other situations that may arise in daily traffic.

Finally, with the lack of a natural barrier between this proposed development and my neighborhood, I'm concerned over the property values of all the homes in the area. When I moved into the area, it was my understanding that this land was going to be used for an office park with a natural barrier of trees and green space. Although I'm unsure of the effects of an office park versus a town home development on my property value, I assure you that without some sort of barrier or gradual transition my neighborhood is going to become less inviting to the types of families I would like to see in my neighborhood.

Respectfully,

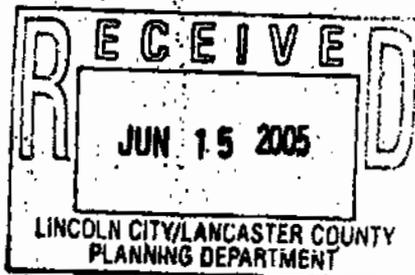
  
\_\_\_\_\_  
Mark Fleharty

cc: Marvin Krout, Director, Lincoln/Lancaster Planning Department  
Brian Will, Planner, Lincoln/Lancaster Planning Department

June 14, 2005

Jeff and Jennifer Miller  
7900 S 37<sup>th</sup> Street  
Lincoln, NE 68516  
402-421-9250

Lincoln Planning Commission  
c/o Mary Bills-Strand, Chairperson  
3737 S 27<sup>th</sup> Street  
Lincoln, NE 68502



Reference: Request for use permit on Outlet G to build 130 townhouse units on the corner of South 40<sup>th</sup> Street and Grainger Parkway by Ridge Development Company and Southview, Inc (Grainger Heights).

Dear Ms. Bills-Strand

My wife and I are writing to express our concern and opposition to the proposed development of row housing at the corner of South 40<sup>th</sup> Street and Grainger Parkway. Our lot is directly to the west of the proposed development.

Here is a short list of our concerns:

1. The proposed development will add significant strain to the surrounding neighborhood infrastructure. There is substantial traffic in this area, which would be compounded with the development, and there is only one proposed roadway north (38<sup>th</sup> Street). At least half, if not more of the development would use 38<sup>th</sup> Street as there access to the north where many businesses such as Super Saver and Southpoint are located.
2. Cavett Elementary School, located three blocks away from my home is at maximum enrollment capacity. Additionally, Cavett Elementary has five temporary classrooms on site to handle the overflow of students living in the neighborhood. Some children living on streets bordering Cavett are now bussed to other schools due to lack of classroom space. Page F-18 of the Lincoln City-Lancaster County Comprehensive Plan states "Elementary and middle schools should be sized and located to enable children to walk or bicycle to them..." This is simply not the case for several children currently residing in the neighborhood. The addition of 130 housing units will further exacerbate this situation and ultimately cost taxpayers/LPS more in additional busing/transportation costs.
3. We are very concerned about the look of the row housing being planned. There is very minimal green space and recreational areas for the development. The only recreational facility being planned is directly behind our backyard and is being put there to cram as much into this little space as possible. The plan should have more green space between the existing neighborhood and the recreation facility should be centered in the development to make it more easily accessible to the residents and get it out of our backyard.

4. We are concerned about two of the waivers requested. The first is to reduce internal yard setbacks within the development. Lincoln is a city of trees and green spaces. Additional variances that reduce setbacks within the development will limit the amount of green space and trees that could be planted to enhance the aesthetics of the development.

The second waiver of concern is for the reduction of the width of the "private" roadways within the development from 27 feet to 24 feet. We are always concerned (and especially concerned with the density of this development) for the ability of fire and emergency equipment to navigate the narrow streets.

5. This development could greatly hurt the value our home and our neighbor's homes. Please consider how your decisions will affect many people who have a large investment in their home.

We moved into this neighborhood so we could have a safe place to raise our family. We are not against townhomes that have yards, room for trees and that respect the current neighborhood. We are against the current proposed development of new housing which does not have adequate roads to support the area and is trying to cram as much into this little space as possible. We hope you will consider our concerns and the concerns of our neighbors to deny or at least significantly change the planned development.

Sincerely,

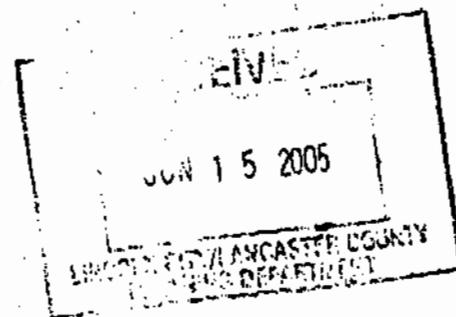
*Jeff Miller*      *Jennifer Miller*

Jeff and Jennifer Miller

cc: Patte Newman, Lincoln City Council  
Jon Camp, Lincoln City Council  
Robin Eschliman, Lincoln City Council  
Ken Svoboda, Lincoln City Council  
Dan Marvin, Lincoln City Council  
Jonathan Cook, Lincoln City Council  
Annette McRoy, Lincoln City Council

June 13, 2005

Lincoln-Lancaster Planning Department  
c/o Brian Will, Planner  
555 S. 10<sup>th</sup> Street, Suite 213  
Lincoln, Nebraska 68502



Dear Mr. Will:

This letter is regarding the proposed townhome development plan for the O-3 zoned property located at the northwest corner of South 40<sup>th</sup> Street and Grainger Parkway.

As residents of Lincoln, members of the neighborhood abutting the proposed development and parents of two small children, there are several concerns that the developer's plan raises, as currently proposed, that we would like to bring to the attention of our elected and appointed officials in hopes that our voices may be heard.

The first and foremost concern is that of the safety of the residents in the affected area, which includes a high density of small children. As we are all aware, the city has a duty to maintain safe streets for all. In the near vicinity of an elementary school, this duty may be heightened. The current layout of the proposed plan will place an undue burden on the already heavily traveled Diablo Drive, 32<sup>nd</sup> Street/Scottsdale Lane compromising the safety of the residents in the following ways:

- The Cavett Elementary School traffic flow plan calls for parents to enter and exit Cavett using Diablo Drive. With over 700 children attending Cavett, the traffic is quite great when school is in session. This corresponds closely with the times that individuals are leaving their homes to go to work or take smaller children to daycare. The addition of 130 families into the small proposed location will put an additional burden on the already highly traveled roads surrounding Cavett. Not only does this make travel more difficult, but it also compromises the safety of those traveling, either by foot, bike or car, in this area.
- 32<sup>nd</sup> Street/Scottsdale Lane is the main access that drivers use to travel to the South Pointe Mall, Super Saver and all other business that has been located in the Pine Lake Road area to the west of the proposed location. The design of the roads by the city encourages persons to travel through neighborhoods to access these businesses. Several of the intersections along this path are blind intersections. The city would be knowingly increasing the traffic flow on these residential streets by allowing such a high volume of units to be constructed as is proposed.
- Coupled with the high traffic volume is the added risk of dangerous road conditions. If the persons living in the townhouse units are to exit to the north, the only way to exit is to go north on 38<sup>th</sup> Street and turn right on Diablo Drive. Within approximately 100 feet, the driver is to make a left hand turn, in conjunction with the traffic headed southbound on 39<sup>th</sup> Street. Currently, drivers

making the left hand turn do not allow for traffic traveling to the south and cut this corner dangerously short. With this additional influx of traffic, this will only heighten the problem. This street design poses a great risk not only for those making a left hand turn against the traffic on Diablo Drive coming from the west, but also for those traveling east and west down Diablo Drive after taking their children to or from school.

Currently, the overburdened school capacity in Lincoln is of great concern. As it stands today, those families who live within several feet of Cavett Elementary School are not all allowed to attend their neighborhood school. This leads to more children being transported away from their homes to be taken to other overburdened schools.

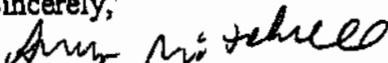
- Placing a development at this location will only add to the capacity problem at Cavett Elementary in that there will be a great deal more children not being able to attend an elementary school that they can see from their window.
- The heavy traffic on the residential streets surrounding Cavett will be increased with more children being transported to other locations for their education. This places them at risk with the increase in traffic as well as placing the children traveling to Cavett at risk as well.

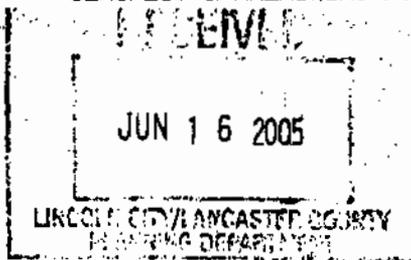
Another concern is that of the aesthetic qualities that we all can agree Lincoln has to offer to its residents. This would include the wonderful green spaces and trees that we can all enjoy. The overall plan of Lincoln should be to blend the city together in such a way to create neighborhoods that are pleasing to the eye. This will help bring more families and perchance the owners of businesses to feel compelled to call Lincoln their home.

- The developer has asked for a variance for the internal setbacks between the units. This will decrease the green space in the area and create a complex instead of a neighborhood that does not blend with the surrounding areas.
- The developer has asked for variances for the width of the streets to go through the townhouse units. This poses a problem for both safety (fire and rescue departments having to deal with too narrow of streets to respond to emergency situations) and visual qualities, ie more units compressed into a small area.

We would ask that these concerns regarding the safety and well being of Lincoln residents be addressed. There must be a way that the developer can use their land that benefits both themselves and surrounding communities so that we can all make Lincoln a better place to live.

Sincerely,

  
Steve and Amy Mitchell  
3724 Diablo Drive  
Lincoln, Nebraska 68516



**Brad Hartman**  
3718 Diablo Drive  
Lincoln, NE 68516  
402-421-2706

June 14, 2005

Mary F. Bills-Strand, Chair  
City-County Planning Commission  
555 South 10<sup>th</sup> Street  
Suite 213  
Lincoln, NE 68508

Re: Use Permit Number 05006, S 40<sup>th</sup> Street and Grainger Parkway

Dear Ms Bills-Strand and all Commission members:

As a homeowner adjacent to the property with this application pending your review, I am expressing reservations about the applicant's plan as submitted. I have three specific concerns:

- 1) **Setbacks/greenspace:** The applicant is hoping to reduce the internal yard setbacks to maximize the number of townhome units on the property. I would suggest a greenspace "buffer" would be in order to separate this development from the single-family homes in the area – just as is customary with most other townhome developments like this – rather than erecting these units immediately abutting existing homes. Plus, adhering to the zoned internal yard setbacks would be desirable.
- 2) **Density/Traffic:** The applicant is hoping to reduce the required private roadway width among other things in an effort to place an unreasonably high number of townhome units in this location. The density seems excessive for the area, and will further burden roadways leading into the development. As you examine projected traffic patterns, you will see a natural tendency for disproportionate traffic to flow northbound on S 38<sup>th</sup> Street, requiring traffic to wind through Diablo Drive and other streets which are far too narrow to support a development of this size.
- 3) **Home value:** The proposed townhomes are planned to be of disappointingly low value for the area. This concerns me as an adjacent homeowner, of course, and I would hope the commission would recommend improvements in the plan which would bring values more in line with its surroundings.

To address these concerns while still allowing the development, I would suggest the applicant plan on constructing fewer units with larger set-backs and more green space. Additionally, any design changes which would upgrade the value of these units would be welcomed and more in keeping with surrounding neighborhood.

Respectfully,

Brad Hartman

June 15, 2005

TO: Lincoln City/Lancaster County Planning Commission  
From: Bob Dunn, Property Owner, 3945 Diablo Circle  
RE: USE PERMIT NO. 05006

Dear Commission;

I want to express my opposition to the proposed use permit no. 05006. I cannot believe that Kent Seacrest could even consider such an absurd proposal. Cramming 130 townhomes in this location with requests to waive internal yard setbacks, and allow sanitary sewer mains to flow opposite of the street grades will cause many problems. Please consider my following reasons:

- 1 130 townhomes – will decrease property values
  1. Will cause extreme traffic congestion
  2. Will cause over crowding of an (ALREADY) over crowded Cavett elementary school
  3. Will be a safety hazard for fire & rescue on over-crowded streets w/parked cars
- 2 Waive internal yard setbacks & decrease minimum lot area.
  1. Easy – I do not want these “future” slums anywhere close to my property. This type of action would not be allowed anywhere else in this city!
  2. Reduce the number of townhomes

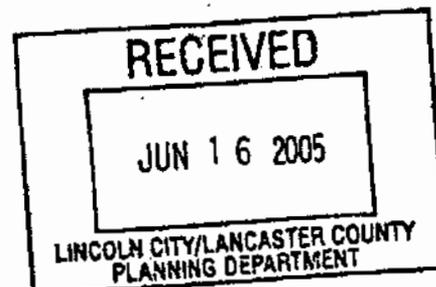
\*\*\* Allowing Sanitary Sewer mains to flow opposite street grades

1. Have you ever heard the saying “shit don’t flow uphill?” It don’t

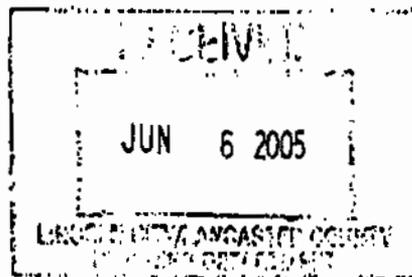
In summary, the school over crowding and extreme traffic should be enough grounds to not approve this permit request but make sure you understand us as property owners are very concerned about property values, because of Lincoln’s over tax mentality and the fact that these townhomes will be crammed into our neighborhood that will cause many problems to occur such as neighborhood quality, safety, etc. This should be labeled as the “10 year” Lincoln projects. Backed up sewers and conditions of these cheaply built projects should be dis-approved by all board members.

Respectfully,

Robert Dunn  
Home owner / Tax payer



June 3, 2005



Russell J. Wren  
3729 Diablo Drive  
Lincoln, NE 68516  
wrenrj1@aol.com

Lincoln Planning Commission  
c/o Mary Bills-Strand, Chairperson  
3737 So. 27<sup>th</sup> St.  
Lincoln, NE 68502

**COPY**

**Reference:** Request for use permit on Outlot G to build 130 townhouse units on the corner of South 40<sup>th</sup> Street and Grainger Parkway by Ridge Development Company and Southview, Inc. (Grainger Heights).

Dear Ms. Bills-Strand:

I am writing to you to express my concern and opposition to the proposed development at the corner of South 40<sup>th</sup> Street and Grainger Parkway. The plan calls for 130 town home units in groups of 3, 4, and 5 attached units. As a resident who lives on the north border with my back yard overlooking these "units" I am very concerned about this development for the following reasons.

First, the density of this development will cause strain on the surrounding neighborhood infrastructure. I live on the corner of 38<sup>th</sup> and Diablo Drive. This street, which is currently a dead end will be one of the primary modes of entry into and out of the development to reach surrounding businesses such as Super Saver and Southpoint Mall. You can estimate that this development could potentially add as many as 260 vehicles in the neighborhood. I am concerned about the additional traffic and the safety of children residing in the Pine lake Heights neighborhood.

Second, Caveat Elementary School, located three blocks away from my home is at maximum enrollment capacity. Additionally, Cavett Elementary has five temporary classrooms on site to handle the overflow of students living in the neighborhood. Some children living on streets *bordering* Cavett are now bussed to other schools due to lack of classroom space. Page F-18 of the Lincoln City-Lancaster County Comprehensive Plan states "Elementary and middle schools should be sized and located to enable children to walk or bicycle to them..." This is simply not the case for several children currently residing in the neighborhood. The addition of 130 housing units will further exacerbate this situation and ultimately cost taxpayers/LPS more in additional busing/transportation costs.

Third, the lack of green space and screening between this development and surrounding neighborhoods is minimal. The set back, while within standards is not adequate

considering the number of attached units. There is no real buffer between this development and surrounding neighborhoods. My lot (Lot 9 at the corner of 38<sup>th</sup> and Diablo) shows the side of a three-plex butting up within 15 feet from my lot line, not the forty-feet for rear yards that the rest of the development calls for. There is simply no buffer between my home (and my neighbor's to the east) and the planned three-plexes behind. There should be more than 15 feet of transition between neighborhoods.

Fourth, I am concerned about two of the waivers requested. The first is to reduce internal yard setbacks within the development. Lincoln is a city of trees and green spaces. Additional variances that reduce setbacks within the development will limit the amount of green space and trees that could be planted to enhance the aesthetics of the development.

The second waiver of concern is for the reduction of the width of the "private" roadways within the development from 27 feet to 24 feet. I am always concerned (and especially concerned with the density of this development) for the ability of fire and emergency equipment to navigate the narrow streets.

Finally, the price range of these units is far below the prices of surrounding homes. Myself and many of my neighbors are very concerned about the value of our homes decreasing with the construction of this "complex" directly behind our homes again, with no real buffer. Units of this price range also have the potential of becoming rental units that may or may not be kept up depending on the landlord.

When we first built and moved into our home we were told by the developer that the land in question would be developed into an office type complex, much like that of the Williamsburg area surrounding HY Vee. While the developer has the right to change plans within the restrictions of zoning, the proposed development is not appropriate for this area for the reasons I've mentioned above. I hope you will consider my concerns and those of my neighbors and deny this use permit.

Respectfully,



Russell J. Wren

cc: **Marvin Kross**, Director, Lincoln/Lancaster Planning Department  
**Brian Will**, Planner, Lincoln/Lancaster Planning Department