City Council Introduction: **Monday**, July 9, 2007
Public Hearing: **Monday**, July 16, 2007, at **1:30** p.m.

Bill No. 07R-130

FACTSHEET

TITLE: **COMBINED USE PERMIT/SPECIAL PERMIT NO. 19A,** requested by 70th Street Properties, to adjust the side yard setback to zero feet for parking at the Lincoln Surgical Center, located at 1710 South 70th Street.

STAFF RECOMMENDATION: Conditional approval.

ASSOCIATED REQUEST: Change of Zone No. 07033 (07-108)

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 06/20/07
Administrative Action: 06/20/07

RECOMMENDATION: Conditional Approval (8-0: Sunderman, Krieser, Taylor, Carroll, Cornelius, Esseks. Larson and Carlson voting 'yes'; Strand absent).

FINDINGS OF FACT:

1. This proposed amendment to Combined Use Permit/Special Permit No. 19 proposes to adjust the side yard setback to zero feet to allow parking up to the lot line. The O-3 district provisions include a requirement that no buildings or parking is allowed in 5 foot side yard areas. The proposed adjustment only applies to the two yards where the hospital/medical office complex and the bank abut one another (the bank's north and east lot lines). Both yards are internal to the site.

2. The staff recommendation of approval is based upon the "Analysis" as set forth on p.4-5, concluding that the requested adjustment affects yards internal to the development, and is limited to two specific yards at the southwest corner of the site between the bank and the hospital. If granted, the impact upon surrounding properties will be negligible, and the required setbacks are maintained elsewhere within the development as originally approved. This amendment allows the site to develop in a manner typical of office parks with shared parking and access.

3. The staff presentation is found on p.7.

4. The applicant's presentation is found on p.8.

5. Testimony in opposition is found on p.8, and the record consists of one letter in opposition (p.17-18). The opposition is concerned about the traffic problem being increased and interfering with the neighborhood, more difficult to control and more dangerous. There is also concern about safety of children walking to Morley Elementary School and the lack of a traffic signal at 70th & Lincolnshire. (Editorial Note: The existing parking lot and underground parking garage were previously approved, by administrative amendment. This proposal consists only of a request to adjust the side yard setback.)

6. On June 20, 2007, the Planning Commission agreed with the staff recommendation and voted 8-0 to recommend approval, as set forth in the staff report dated June 5, 2007 (Strand absent).

7. This application is contingent upon the City Council approving Change of Zone No. 07033 (07-108).

FACTSHEET PREPARED BY: Jean L. Walker **DATE**: June 29, 2007

REVIEWED BY:_____ **DATE**: June 29, 2007

REFERENCE NUMBER: FS\CC\2007\UPSP.19A+

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for June 20, 2007 PLANNING COMMISSION MEETING

PROJECT #: Use/Special Permit #19A - Lincoln Surgical Center

PROPOSAL: Adjust side yard setback for parking

LOCATION: 1710 South 70th Street

LAND AREA: Approximately 5.48 acres

EXISTING ZONING: O-3 Office Park

WAIVER REQUEST: Adjust side yard setback for parking

CONCLUSION: The requested adjustment affects yards internal to the development, and is limited to two specific yards at the southwest corner of the site between the bank and hospital. If granted, the impact upon surrounding properties will be negligible, and the required setbacks are maintained elsewhere within the development as originally approved. It will allow the site to develop in a manner typical of office parks with shared parking and access.

RECOMMENDATION:	Conditional Approval
Waivers/modifications:	
Side yard setback to 0' where Lot 94 abuts Lot 93	Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION: See attached ownership certificates for descriptions of Parcels 1 (Lot 94) and 2 (Lot 8), and Lot 93.

EXISTING LAND USE: Health care facility, medical office, and bank.

SURROUNDING LAND USE AND ZONING:

North:	Office	O-3
South:	Residential	R-1
East:	Residential	R-1
West:	Elementary school, residential	P, R-4

ASSOCIATED APPLICATIONS:

CZ#07033 - An amendment to the Zoning Ordinance to allow joint parking lots and parking garages as allowed uses in the O-3, B-2, B-5, and I-3 zoning districts.

HISTORY:

Mar 2007 Administrative Amendment #06109 was approved allowing an underground parking garage and addition to the hospital, but no increase in the number of beds or employees.

May 2004 Administrative Amendment #04038 was approved allowing the enclosure of an outdoor courtyard.

May 2002 Combined Use/Special Permit was approved allowing a 20-bed health care facility, 24,000 square feet of medical office floor area, and 5,100 square feet of floor area for a bank.

May 2002 Change of Zone #3359 from O-2 to R-3 was approved.

May 1991 Building & Safety issued a demolition permit for the supper club.

May 1979 The area was changed from F Restricted Commercial to O-2 Suburban Office in the Zoning Update.

Feb 1975 City Council approved Special Permit #716, which permitted the addition of a cooler, a party room and a kitchen expansion for the restaurant.

May 1973 City Council approved Change of Zone #1282, which changed the zoning in the area from A-1 Single Family Dwelling to F Restricted Commercial.

Jan 1968 City Council approved Change of Zone #844, which changed the zoning at S. 70th & Lincolnshire from A-1 Single Family Dwelling to F Restricted Commercial.

Oct 1965 City Council approved Special Permit #328, which allowed an addition to an existing East Hills supper club.

COMPREHENSIVE PLAN SPECIFICATIONS:

Pg 16 - The Future Land Use Map of the Comprehensive Plan designates this area for commercial land uses.

Pg 131 - Medical Health Care

-Currently, Bryan LGH West and St. Elizabeth's Hospitals are undergoing significant expansions. The Bryan LGH East campus and Madonna Rehabilitation hospitals also recently underwent major renovations and construction as well. These four campuses, located near existing residential neighborhoods are expected to remain the vital core to health care services in the county and region. It is important to Lancaster County citizens and other surrounding areas to develop Lincoln as a major network of quality regional health care services at reasonable costs.

-Hospitals represent one of the highest and most important community service land uses. Further construction on these campuses in the future is likely. Any hospital expansion will need to take into consideration the impact on the adjacent neighborhoods. Hospitals are planning on using parking garages and multi-story construction in order to maximize the use of the land.

-Another major factor in health care is the expansion of medical office space throughout Lincoln. Recently, new medical office buildings have been constructed in both the southern and northern portions of the city. This trend is likely to continue into the immediate future as the demand for health care services increases as a result of the community's growing and aging population base.

TRAFFIC ANALYSIS: South 70th Street is a minor arterial and Lincolnshire Road is a local street.

ANALYSIS:

1. The change of zone and use/special permit approved in 2002 for a health care facility permitted the existing clinic to be converted to a hospital so patients would be allowed to stay for more than 24 hours at a time. The permit covers both the hospital/medical office complex and the bank located at the southwest corner of the site.

2. The original permit approved a 20-bed hospital, 5,100 square feet of floor area for a bank, and 24,000 square feet of medical office floor area on three lots. The hospital and medical office are located on two lots owned by the same entity, and the bank is located on a separate lot owned by the bank.

3. The most recent amendment approved an expansion of the hospital, a single-level underground parking garage, and a revised surface parking layout. Even though the hospital was allowed additional floor area under the amendment, the constraints imposed by the original permit covering the scope of the facility remain intact. Those include: a maximum of 20 hospital beds with a maximum of 35 staff members per shift; a ratio of building to land area of 25%, well below the 35% cap imposed by the Zoning Ordinance; 24,000 square feet of medical office floor area; and 5,100 square feet of floor area for the bank.

4. The building permit review for the underground parking facility noted two deficiencies with the revised surface parking layout. First, it showed hospital parking spaces encroaching into side yards which is prohibited in the O-3 zoning district unless adjusted by City Council. Second, a number of the hospital's parking spaces were shown located on the bank's lot. In this case, the Law Department has determined that parking lots and parking garages are not allowed uses in the O-3, B-2, B-5 and I-3 zoning districts, which means that parking cannot be located on a lot under separate ownership.

5. A setback adjustment was granted with the original use permit adjusting the side yard setback to 5', but not to 0', so the purpose of this amendment is to adjust the side yard setback to 0' to allow parking up to the lot line. The adjustment only applies to the two yards where the two properties abut one another (the bank lot's north and east lot lines). Both yards are internal to the site and the impact upon any other properties is negligible. The setbacks for yards along all other lot lines remain 'as-is' and are not affected.

6. Typically, use permit developments define building envelopes surrounded by an outlot for common parking and access. Setbacks are adjusted to 0' to allow buildings to be built

anywhere within the envelopes, and parking is allowed anywhere within the outlot provided the setback required by the zoning district is maintained around the perimeter of the development. Developed this way, a side yard setback would not have been required between the hospital and bank lots.

7. CZ#07033 is a related proposed text amendment to the Zoning Ordinance to make parking facilities allowed uses within the use permit districts. If approved, it will allow hospital parking spaces to be located on the bank's lot as proposed. Such an allowance for shared parking was the original intent of the use permit concept where most aspects of site development such as uses, the number of parking spaces, signs, and required setbacks can be viewed in the context of the larger development, and reasonable adjustments can be made if justified. Such shared parking results in a more efficient use of land and parking facilities.

CONDITIONS OF APPROVAL:

Site Specific:

1. This approval adjusts the side yard setback to 0' where lots 93 and 94 abut one another.

2. The City Council approves associated request:

   2.1 Change of Zone #07033.

General:

3. Upon approval of the use permit by the City Council, the developer shall cause to be prepared and submitted to the Planning Department 5 copies of the site plan before receiving building permits.

   3.1 The construction plans shall comply with the approved plans.

Standard Conditions:

4. The following conditions are applicable to all requests:

   4.1 Before use of the parking spaces all development and construction is to comply with the approved plans.

   4.2 All privately-owned improvements, including landscaping and recreational facilities, are to be permanently maintained by the owner or an appropriately established homeowners association approved by the City.

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 60 days following the approval of the special permit, provided, however, said 60-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.

5. The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all resolutions approving previous permits remain in force unless specifically amended by this resolution.

Prepared by

Brian Will
441-6362, bwill@lincoln.ne.gov
Planner
June 5, 2007

APPLICANT: 70th Street Properties
1710 South 70th Street
Lincoln, NE 68506
402.484.9000

OWNER: 70th Street Properties
1710 South 70th Street
Lincoln, NE 68506
402.484.9000

Pinnacle Bank
6145 Havelock Avenue
Lincoln, NE 68507

CONTACT: Robert Findley
16600 South 82md Street
Roca, NE 68430
402.792.3456

COMBINED SPECIAL PERMIT/USE PERMIT 19A,

PUBLIC HEARING BEFORE PLANNING COMMISSION: June 20, 2007

Members present: Krieser, Carroll, Sunderman, Taylor, Cornelius, Esseks, Larson and Carlson; Strand absent.

Staff recommendation: Conditional approval.

Ex Parte Communications: None.

This application was removed from the Consent Agenda due to a letter received in opposition.

Addition information for the record: Brian Will of Planning staff submitted a letter in opposition from the property owner at 7240 S. Hampton Road.

Staff presentation: **Brian Will of Planning staff** explained that this is a request to amend the existing use permit for Lincoln Surgical Center northeast of the intersection of 70th Street and Lincolnshire. This area is unique when compared to the typical office development and use permit site in that it actually has two separate lots. Recently, an amendment to this use permit was approved administratively that reconfigured the parking layout to include both an addition to the office building as well as an underground parking garage, resulting in a reconfiguration of the surface parking lot. This is a request for one specific adjustment to the setbacks, i.e. both side yards for the hospital site, because the ordinance prohibits parking in the side yard. The original use permit adjusted the side yard to 5 feet. This adjustment requested today would allow parking to go to the side yard.

Will explained that the text amendment (Change of Zone No. 07033) just approved on today's Consent Agenda, would allow this parking on an adjacent lot. The City Council will need to approve that text amendment prior to allowing this amendment to the use permit.

Carlson confirmed that the parking lot configuration will not change. This just makes it legal as it sits. Will explained that if this amendment is not approved, the 5' side yard would have to be maintained. If this amendment is approved, parking will be allowed to go up to and cross over the setback.

Esseks inquired whether an exception is justified in this case. Will suggested that part of the rationale for approving the previous administrative amendment was that it would provide additional parking on this site (63 additional parking spaces). There has been the need for more parking at this location. The amendment before the Commission today makes this development consistent with the way other office parks have developed in the city, i.e. parking within that use permit area really doesn't respect any lot lines. This does serve a purpose in that it allows additional parking to be provided in a manner that is consistent with other office parks throughout the city.

Proponents

1. Robert Findley, Findley & Associates Architects, testified on behalf of the applicant. The basic objective of this amendment is to increase the parking without constructing a big parking structure in front of the buildings. The underground parking will not alter the looks or the flow of the development. It will get employees off the lot and off the neighboring street. The grades of the project will not change. This is a precast parking lot construction. The neighborhood will not see a parking structure. They will see a slight berm up to the parking lot corner where the entrance and exit exists. This will be well landscaped.

Opposition

1. Philip Rihanek, 7070 Lincolnshire, directly east of the site, testified in opposition. He agreed that it will get more people off of the neighborhood streets, but it will also increase the traffic through that area. Morley Elementary is across the street and there are a number of children walking in the neighborhood to get to that school and they do walk through this parking lot. If there is no division of the parking lots, there will be free traffic flow over the whole area and potential danger to the children walking to school. He believes that some of the 130 parking stalls will be decreased by the landscaping. There is one-hour rotation at the clinic and 10-15 minute rotation at the bank. The parking problem may be resolved but the traffic problem will be increased, more difficult to control and more dangerous.

Taylor inquired whether Mr. Rihanek is seeing increase of employees at this location and increased number of vehicles. Rihanek believes there will be more traffic flow coming out to Lincolnshire because of the parking garage, another addition, and the fact that the parking lot for the bank will be attached to the hospital parking lot. Every employee that leaves and enters the complex will use the same entrance and exit, which will be a residential street as opposed to a main street. Visibility could cause a problem. There is also a bus drop-off site at this location.

2. Dick Boyd, 1811 Sussex Place, testified in opposition. How will the vehicles exit and enter from 70th Street and Lincolnshire?

3. Jean Stading, 1821 Sussex Place, testified in opposition. There was a meeting with the developers with over 40 neighbors in attendance. The neighbors urged that the ingress and egress should be off of 70th Street instead of Lincolnshire. This will be putting 250 extra cars going through North and South Hampton Roads to get out to South Street to get back to 70th. This is a lot of cars coming in and out of a neighborhood on a daily basis. It will interfere with the neighborhood.

She also commented that another neighbor is concerned about the water that comes out into the streets from this building.

Stading suggested that this application be delayed for further discussion.

Staff response

Carroll asked the staff to talk about the employees entering the parking structure off of the side street, i.e. Lincolnshire. Will showed the four access points on the map. There are sidewalks along the extent of 70th Street and along Lincolnshire. One advantage of this plan is that it does eliminate an existing driveway off of Lincolnshire. There is no traffic signal "at this intersection". One of the comments we hear is that some of the people leaving the facility and not being able to make a left turn, weed their way back through the neighborhood.

Esseks believes that a property can become overburdened – too many people and too many vehicles. When is it appropriate to say "no more" or that they can have additional parking only if there is a traffic light? Relative to the amount of the site that can be occupied, Will advised that this development is well under the 35% cap. This site is not fully built-out according to the ordinance.

Esseks wondered whether the drainage facilities are adequate.

Esseks is also concerned about the possible danger to children walking to school. How do we deal with this issue? Will pointed out the crosswalk and crossing signal on 70th Street. Lincolnshire and 70th does not have a traffic signal. The sidewalks are on both sides of Lincolnshire and there will be one less driveway for the children to cross. Will understands that children do cut through the hospital parking lot, but the sidewalks do exist.

Relative to the employee entrance off of Lincolnshire, Carroll inquired whether there was any consideration for requiring the employees to go out 70th to the main entrance. Was the parking structure based on topography of the land? Will believes that where the entrance is shown works better for getting the entrance at grade.

Rick Peo of the City Law Department cautioned the Commission to focus upon this specific request to adjust the setbacks. The parking lot and the underground parking garage have previously been approved. This request is for a minor setback reduction around the O-3 office property. This is not a major change. The primary purpose of the text change on the Consent Agenda is to reflect current reality in the city. Presently, according to the code, parking is required to be on the same lot as the use. Over a period of time, in use permit districts, we have allowed pad sites and outlots for the parking, which technically does not comply with the zoning code. The text amendment on today's Consent Agenda brings us up to speed. This amendment to the combined special permit/use permit brings this same project to the same standard and rights that everyone else is operating under today.

With regard to the drainage concerns, Dennis Bartels of Public Works advised that the application reviewed by Public Works did not show drainage for the whole site. He believes the drainage concerns probably relate to the existing development along Lincolnshire as it goes east. In his estimation, building this parking garage does not change the drainage situation. It may not help the current drainage situation, but he does not believe it will change the current situation.

Esseks wondered whether a traffic light could be installed at Lincolnshire & 70th Street if the citizens in this area thought there was a strong need for it. Bartels acknowledged that this has come up in the past and the last time it was studied it did not meet the warrants for a signal. It is not a good location for a signal. 30,000 to 40,000 cars per day puts 70th at capacity and Lincolnshire is not the ideal location for a signal. It is a bad location for the traffic pattern that has been established for that school. If you put a traffic signal there, it will encourage parents to not use the established route. An unwarranted traffic signal will increase delays.

Response by the Applicant

Findley advised that the location of the employee entrance off of Lincolnshire is a curbcut that they have had for 13 years. The grade at that location also enables access to the underground garage with the least amount of the building coming up above the grade. Not all of these people leave through Lincolnshire. This lot is contiguous with the Hampton lots.

With regard to drainage, Findley advised that the developer did meet with all of the city departments before submitting this application. The water flow does not change. He believes it will improve the flow by taking some of the water back up towards 70th Street.

Taylor inquired whether the change to increase the parking was done with anticipation of increasing the number of employees, or just to accommodate the existing employees. Findley suggested that this is just a really busy place and it will do nothing but get busier in terms of patients. Any business that does well has to grow. The parking garage would be built, regardless, because it is helping the neighbors and it is helping the elderly patients. He believes it is a plus for everyone. They did attempt to do some separation of bank traffic, hospital traffic and employee traffic so that they won't all be running into each other. They have closed one of the 30' curbcuts on Lincolnshire.

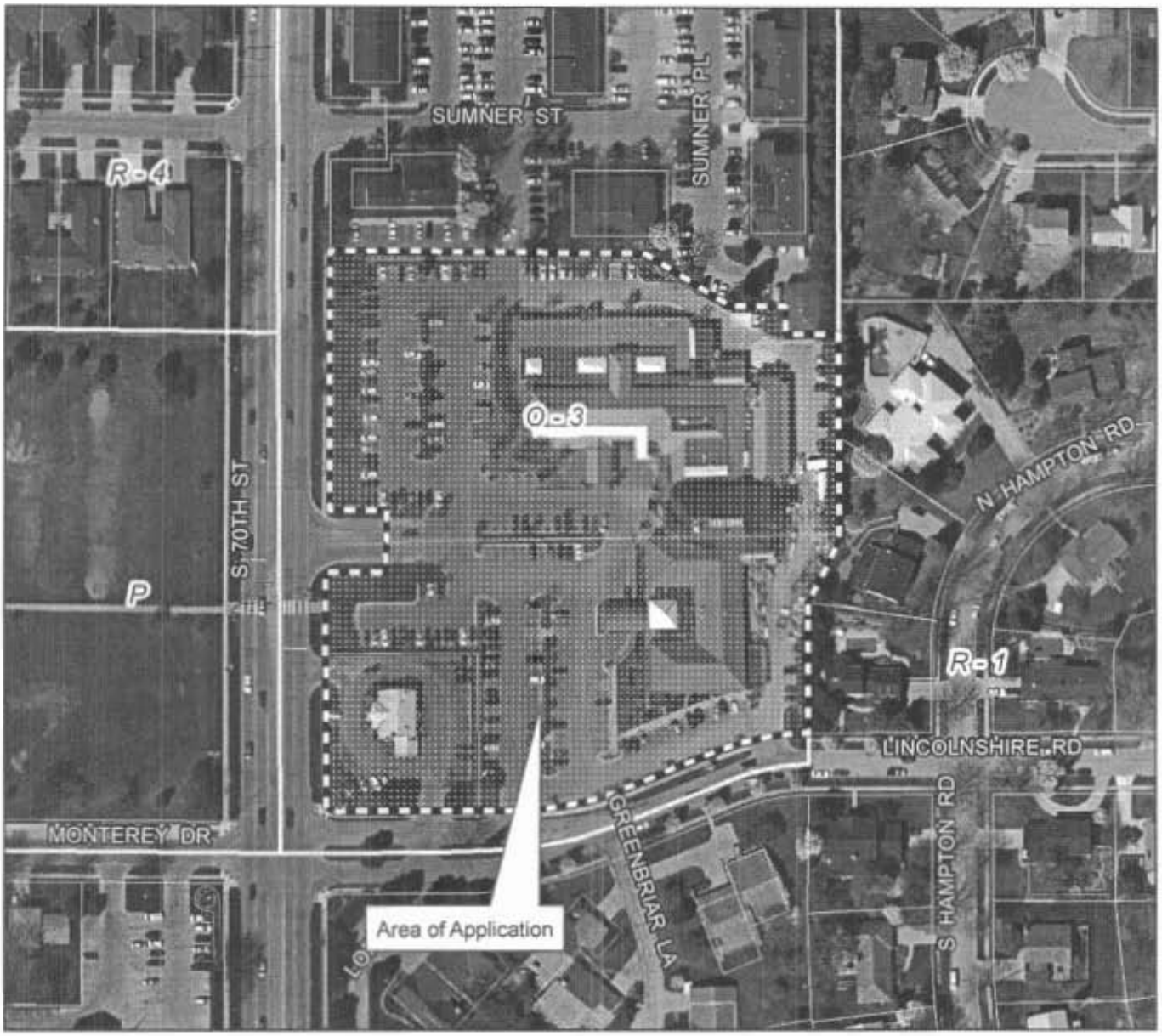
ACTION BY PLANNING COMMISSION: June 20, 2007

Carroll moved to approve the staff recommendation of conditional approval, seconded by Taylor.

Taylor is interested in encouraging growth and business. Creating traffic signals does not necessarily solve the problem, but sometimes creates a problem. It looks as if they have done a good job in terms of planning. There is not an increase in the flow of water. He hopes this proves to be good for the neighborhood.

Cornelius reiterated that although a great deal of the discussion was about the existence or approval of the underground parking facility, that was not the issue of this application at all, but simply changing the setbacks for the internal side yards. The underground facility was approved administratively in March.

Motion for conditional approval carried 8-0: Krieser, Carroll, Sunderman, Taylor, Cornelius, Esseks, Larson and Carlson voting 'yes'; Strand absent. This is a recommendation to the City Council.



Combined Special/Use Permit #19A
1710 S 70th Street

2005 aerial

Zoning:

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

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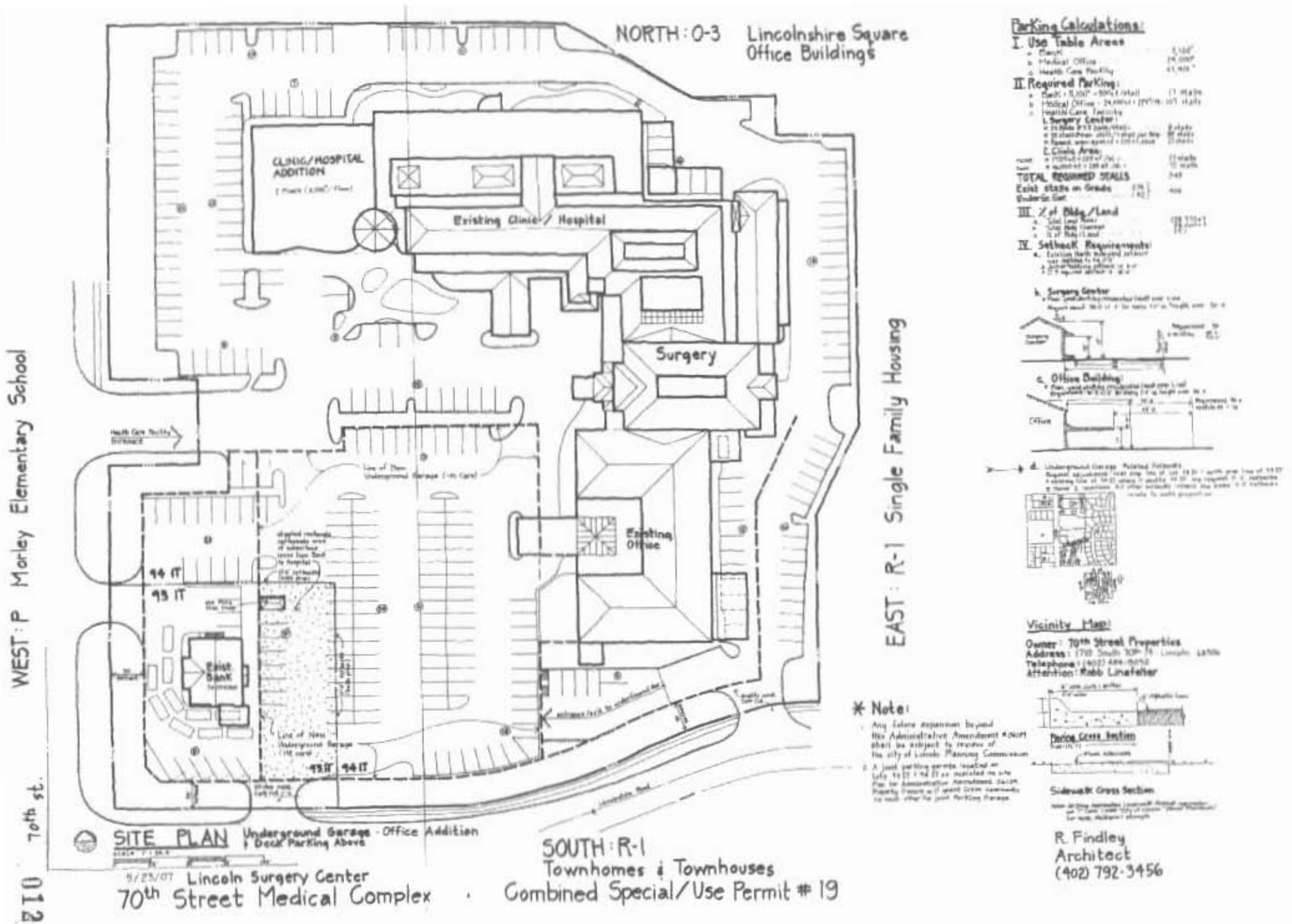
One Square Mile
Sec. 34 T10N R07E

N

Zoning Jurisdiction Lines

City Limit Jurisdiction


NORTH: O-3 Lincolnshire Square Office Buildings
CLINIC/HOSPITAL ADDITION
Existing Clinic / Hospital
Surgery
Existing Office
Exist. Bank
94 IT
93 IT
93 IT 94 IT
Line of New Underground Garage
Health Care Facility Entrance
WEST: P Morley Elementary School
EAST: R-1 Single Family Housing
70th st.
SITE PLAN Underground Garage - Office Addition & Deck Parking Above
5/23/07 Lincoln Surgery Center
70th Street Medical Complex
SOUTH: R-1
Townhomes & Townhouses
Combined Special/Use Permit # 19
* Note:
Parking Calculations:
I. Use Table Areas
II. Required Parking:
TOTAL REQUIRED STALLS
III. % of Bldg./Land
IV. Setback Requirements:
b. Surgery Center
c. Office Building:
Vicinity Map:
Owner: 70th Street Properties
Address:
Telephone:
Attention: Robb Linafelter
Paving Cross Section
Sidewalk Cross Section
R. Findley
Architect
(402) 792-3456

Parking Calculations:

I. Use Table Areas

a. Bank ..... 5,100"
b. Medical Office ..... 24,000"
c. Health Care Facility ..... 47,901"

II. Required Parking:

a. Bank = 5,100" ÷ 300 s.f./stall ..... 17 stalls
b. Medical Office = 24,000 s.f. + 225"/st. - 107 stalls
c. Health Care Facility
   1. Surgery Center:
      * 20 Beds @ 2.5 beds/stall ..... 8 stalls
      * 35 staff @ max. shift / 1 stall per Emp. - 35 stalls
      * Recent. area: 4,044 s.f. + 225 s.f./stall ..... 27 stalls
   2. Clinic Area:
      exist. * 17,215 s.f. + 225 s.f./st. ..... 77 stalls
      new * 16,000 s.f. + 225 s.f./st. ..... 72 stalls

TOTAL REQUIRED STALLS 343

Exist stalls on Grade ..... 274 } 406
Under Gr. Gar. ..... 132 }

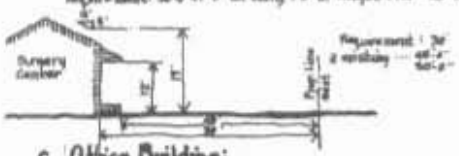
III. % of Bldg./Land

a. Total Land Areas ..... 228,970 s.f.
b. Total Bldg Coverage ..... 58,000 s.f.
c. % of Bldg./Land 25%

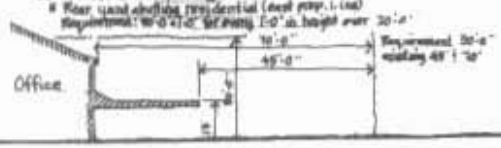
IV. Setback Requirements:

a. Existing North side yard setback was replaced to be 0'-0"
   * Actual existing setback is 5'-0"
   * D-5 required setback is 15'-0"

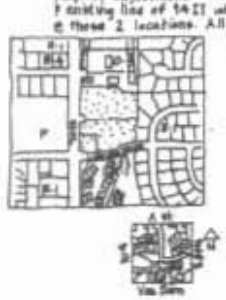
b. Surgery Center
   * Rear yard abutting residential (east) prop. line
   Requirement: 30'-0" + 1'-0" for every 1'-0" in height over 20'-0"



c. Office Building:
   * Rear yard abutting residential (east prop. line)
   Requirement: 30'-0" + 1'-0" for every 1'-0" in height over 20'-0"

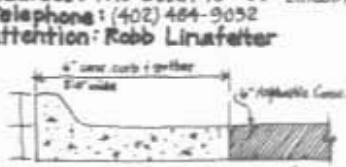


d. Underground Garage Related Setbacks
   Request adjustment - east prop. line of Lot 93 It + north prop. line of 93 IT + existing line of 94 IT where it abutts 93 IT. We request 0'-0" setbacks @ these 2 locations. All other setbacks remain the same. 0'-0 setbacks relate to both properties

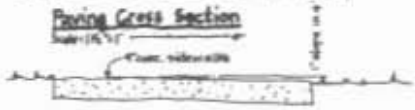


Vicinity Map:

Owner: 70th Street Properties
Address: 1710 South 70th St. · Lincoln · 68506
Telephone: (402) 484-9032
Attention: Robb Linafelter



Paving Cross Section



Sidewalk Cross Section

Note: All Drive Approaches + sidewalk through approaches are 7" Conc. + meet "City of Lincoln" Design Standards" for slope, thickness + strength.

R. Findley
Architect
(402) 792-3456

EXHIBIT "A"

REQUEST FOR AMENDMENT TO SPECIAL PERMIT/USE PERMIT NO. 19

Owners and Applicant/Permittee hereby requests that:

1. The required set back within an O-3 District, as set forth in LMC 27.27.070 be reduced to zero (0) feet for the following described portions of the Property described on Exhibit "B" and "C":

   A. The portion of the property described on Exhibit "B" (the property owned by 70th Street Properties, Inc.) that directly abuts and is contiguous to the north and east lot lines of the property described on Exhibit "C" (the Pinnacle Bank Property); and

   B. For the north side yard and the east rear yard of the property described on Exhibit "C" (the Pinnacle Bank Property").

2. A joint underground parking garage with a related stair tower be permitted as a use for the Properties described on Exhibits "B" and "C", subject to the Owners of the Properties described on Exhibits "B" and "C" granting cross access and cross parking easements to each other by a separate written agreement, all as depicted on the site plan accompanying this Application.

OWNERSHIP CERTIFICATE

FILE NO: 6039036

TO: W. Michael Morrow
Morrow, Poppe, Otte & Watermeier, P.C.

Nebraska Title Company, authorized to engage in the business of abstracting in the State of Nebraska under Certificate of Authority No. 56, hereby certifies that the records of LANCASTER County, Nebraska have been carefully examined with referenced to the following described property, and from such examination finds as follows:

Legal Description:

Parcel 1:
Lot 94 of Irregular Tracts in the Northwest Quarter of Section 34, Township 10 North, Range 7 East of the 6th P.M., Lincoln, Lancaster County, Nebraska, except a portion thereof more particularly described as follows:

Beginning at the Southeasterly corner of Lot 94 Irregular Tract (or the Southwesterly corner of Lot 1, Block 2, Lincolnshire Estates Addition to the City of Lincoln), said point is also on the Northerly right-of-way line of Lincolnshire Road; thence on a curve to the left and on the Southerly Line of Lot 94 Irregular Tract of said Section 34 or the Northerly Right-of-Way Line of said Lincolnshire Road, having a radius of 242.68 feet, an arc length of 7.77 feet and a central angle of 01°50'05", with a chord bearing of S 89°05'38" W, a chord distance of 7.77 feet; thence N 03°52'02" E, a distance of 115.21 feet to a point on the Easterly Line of Lot 94 Irregular Tracts of said Section 34 or the Westerly Line of Lot 1, Block 2 of said Lincolnshire Estates; thence S 00°00'00" E and on the Easterly Line of Lot 94 Irregular Tract of said Section 34 or the Westerly Line of Lot 1, Block 2 of said Lincolnshire Estates, a distance of 114.82 feet to the point of beginning.

Parcel 2:
Lot Eight (8), except the North 27 feet of the East 52 feet thereof, Lincolnshire Square, Lincoln, Lancaster County, Nebraska

Owner of Record:

Parcel 1: 70th Street Properties, Inc., a Nebraska corporation

Parcel 2: 70th Street Properties, Inc., a Nebraska Corporation

Effective Date: May 17, 2007 at 8:00 am

Nebraska Title Company

By: Vicki M Williamson
Registered Abstracter

Please direct inquiries to: Julie Gilburd

Exhibit E

OWNERSHIP CERTIFICATE

FILE NO: 6039044

TO: W. Michael Morrow
Morrow, Poppe, Otte & Watermeier, P.C.

Nebraska Title Company, authorized to engage in the business of abstracting in the State of Nebraska under Certificate of Authority No. 56, hereby certifies that the records of LANCASTER County, Nebraska have been carefully examined with referenced to the following described property, and from such examination finds as follows:

Legal Description:

Lot 93 of Irregular Tracts in the Northwest Quarter of Section 34, Township 10 North, Range 7 East of the 6th P.M., Lancaster County, Nebraska.

Owner of Record:

Havelock Bank (now known as Pinnacle Bank)

Effective Date: May 17, 2007 at 8:00 am

Nebraska Title Company

By: Vicki M Williamson
Registered Abstracter

Please direct inquiries to: Julie Gilburd

EXHIBIT E

OPPOSITION

ITEM NO. 1.3a&b: CHANGE OF ZONE NO. 07033
COMBINED SPECIALPERMIT/USE PERMIT 19A
(p.15 & 37 - Consent Agenda - 6/20/07)

Margaret Griesen
7240 South Hampton Road
Lincoln, Nebraska 68506

June 18, 2007

Mr. Brian Will
City of Lincoln
Planning Department
555 South 10th Street, Ste. 213
Lincoln, NE 68508

Dear Brian,

I am out of town and cannot attend the June 20th hearing on the proposed expansion of parking spaces on the property of the Lincoln Surgical Center (South 70th and Lincolnshire Rd.). I would appreciate it if you would report the thoughts I am expressing in this letter.

The Lineoln Surgical Center (LSC) is already adding an underground parking garage that will provide 132 new parking spaces on this property. The proposal to build this garage was discussed at a March 22nd meeting at the LSC. Approximately 40 neighbors were in attendance at that meeting, and I did not hear a single voice in favor of the garage. In fact, there was a lot of opposition to the garage being built on that site. Yet the garage is presently being built.

Opposition to the construction of the garage centered on the following points:

1 Additional traffic will be flowing through the neighborhood. Individuals desiring to drive south on 70th Street find it very difficult to turn south from the LSC property because of the heavy traffic on 70th Street, so they drive through our residential neighborhoods (often speeding) to east-west streets with traffie lights;
2 Adding more roof/conerete surfaces on that property will increase the water runoff to Lineolnshire Rd, when it is already obvious that the present sewer capaeity is inadequate for the current flow, resulting in damage to the street;
3 The noise level from the current building has already disturbed the quietness of this residential neighborhood, and that will only increase when the new garage is eompleted;
4 Property in the area has already experienced some devaluation by this degradation of our residential community;
5 And most importantly, the additional traffic causes safety concerns for the many parents and children who travel to and from Morley Elementary School on the West side of 70th Street (there have been a few near misses already).

The fact sheet distributed by Robb Linafelter, CEO of LCS) at the March 22nd

hearing indicates that the construction of the underground parking garage will add 132 stalls for parking, which when added to the current surface parking (273, counting 19 on Pinnacle Bank properties) will bring total parking capacity to 405 spaces (the fact sheet lists 406, but does not explain the source of the extra space). The fact sheet noted that 406 stalls are needed for the "future state." At the meeting on March 22nd Mr. Linafelter indicated that an additional patient services building is anticipated. We logically concluded that the need for 405 (or 406) parking spaces results from this planned new building.

Why then is LSC requesting set-back variances to further expand surface parking beyond the present 273 available? Such variances will only exacerbate the problems enumerated by the neighborhood residents at the March 22nd meeting (summarized above). The grass strips and landscaping on the property provide not only areas for water absorption, but also maintain a degree of "greenness" that helps soften the impact of having a commercial building in a residential area.

When I contacted Morley Elementary and Lincoln Public Schools officials about this concern they indicated that to that date there had been no discussions with Lincoln Surgical Center or city planning officials about this proposed new flow of traffic in this school zone. I believe that the addition of new traffic flows across the street from an elementary school is a formula for disaster, and ask that no additional buildings or parking spaces be added to the LSC site.

Thank you for agreeing to read this letter on my behalf at the hearing scheduled for 1:00 p.m. on June 20th and having it entered into the records of that meeting.

Sincerely,

Margaret Griesen
(Sent via e-mail)