

FACTSHEET

TITLE: CHANGE OF ZONE NO. 3134C, an amendment to the WILLOW SPRINGS PLANNED UNIT DEVELOPMENT, requested by REGA Engineering on behalf of Alpha Devco, LLC, on property generally located at Pioneers Boulevard and Lucille Drive.

STAFF RECOMMENDATION: Conditional Approval

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 11/21/07
Administrative Action: 11/21/07

RECOMMENDATION: Conditional Approval (8-0: Esseks, Moline, Francis, Taylor, Cornelius, Larson, Sunderman and Carroll voting 'yes'; Gaylor-Baird absent).

FINDINGS OF FACT:

1. This proposed amendment to the Willow Springs PUD requests to increase the amount of medical office floor area from 18,000 square feet to 22,500 square feet on approximately 23.26 acres, more or less, generally located at Pioneers Boulevard and Lucille Drive. The proposal retains the 30' setback between the office buildings and the associated parking areas, but reduces the setback from 30' to 20' adjacent to Lucille Drive, Pioneers Boulevard and the health care facility, which is consistent with the setback requirements of the O-3 Office zoning district.
2. The staff recommendation of conditional approval is based upon the "*Analysis*" as set forth on 3-4, concluding that the proposed amendment allows for more efficient use of the existing office site while maintaining the same setback and buffer from the adjacent residential area. This request is consistent with the Comprehensive Plan, complies with the Zoning ordinance and allows for an appropriate use of land at this location. The conditions of approval are found on p.4-5. The staff presentation is found on p.6.
3. The applicant's testimony is found on p.6-7. The applicant agreed with the conditions of approval.
4. Testimony in opposition by the listing agent for the property located at 7741 Lowell Avenue is found on p.6-7, with concerns about the design putting the parking lots closer to the 30' setback and the impact upon the potential sale of the Lowell Avenue property.
5. On November 21, 2007, the Planning Commission agreed with the staff recommendation, finding that the proposed expansion and site plan comply with the zoning requirements, and voted 8-0 to recommend conditional approval, as set forth in the staff report (Gaylor-Baird absent).

FACTSHEET PREPARED BY: Jean L. Walker

DATE: November 26, 2007

REVIEWED BY: _____

DATE: November 26, 2007

REFERENCE NUMBER: FS\CC\2007\CZ.3134C

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for November 21, 2007 PLANNING COMMISSION MEETING

PROJECT #: Change of Zone No. 3134C
Willow Spring Planned Unit Development

PROPOSAL: Increase the amount of medical office floor area allowed from 18,000 square feet to 22,500 square feet.

LOCATION: Pioneers Blvd and Lucille Drive

LAND AREA: Approximately 23.26 acres.

EXISTING ZONING: R-1 and R-3 Residential

CONCLUSION: This request allows for a more efficient use of the existing office site while maintaining the same setback and buffer from the adjacent residential area. This request is consistent with the Comprehensive Plan and complies with the Zoning Ordinance, and allows for an appropriate use of land at this location.

RECOMMENDATION:	Conditional Approval
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GENERAL INFORMATION:

LEGAL DESCRIPTION: See attached legal description.

EXISTING LAND USE: Undeveloped

SURROUNDING LAND USE AND ZONING OF THE AREA TO BE AMENDED:

North:	Residential	R-3
South:	Commercial	B-2
East:	Health Care Facility	R-1
West:	Undeveloped	R-3

HISTORY:

On **May 7, 2001**, the City Council approved an amended Willow Springs Final Planned Unit Development/Change of Zone #3134B to allow a six-bed health care facility.

On **November 8, 1999**, the City Council approved an amended Willow Springs Final Planned Unit Development/Change of Zone #3134A.

On **September 14, 1998**, the Willow Springs Preliminary Plat was approved by the City Council.

On **August 17, 1998**, the Willow Springs Final Planned Unit Development/Change of Zone #3134 was approved by the City Council.

On **December 15, 1997**, the developer's request for a waiver to the preliminary planned unit development procedure was granted by the Planning Director.

On **August 19, 1996**, the City Council approved the Willow Springs Preliminary Planned Unit Development. The final plan was not approved within the one year time period.

During the **1979 Zoning Update** the property was converted from A-1 Single Family to R-1 and R-3 Residential.

COMPREHENSIVE PLAN SPECIFICATIONS: The Land Use Plan shows the area as Urban Residential with Wetland & Water Bodies.

ANALYSIS:

1. This is a request to expand the amount of medical office floor area allowed within the Willow Springs PUD from 18,000 square feet to 22,500 square feet. LMC 27.60.060(b) limits increases in floor area to 15% by administrative amendment, therefore City Council approval is required for the proposed 25% increase.
2. The Willow Springs PUD was originally approved in 1996 for up to 50 dwelling units and 17,325 square feet of medical office floor area. A subsequent amendment allowed a six-bed health care facility to be substituted for four of the dwelling units. The PUD is not yet fully developed, however several dwellings have been built, as has the health care facility.
3. The original amount of medical office floor area was also expanded from 17,325 to 18,000 square feet by a subsequent amendment. However, the land area shown for medical office was not expanded, and it is not being expanded with this request.
4. The original plan showed the office floor area distributed over three smaller office buildings on the office lot. The setbacks on the office lots were adjusted to 0', but a 30' setback to building and parking was maintained around the perimeter of the office complex.
5. The revised plan retains the 30' setback between the office buildings and associated parking areas, but reduces the setback from 30' to 20' adjacent to Lucille Street, Pioneers Blvd, and Health Care Facility. This is consistent with the setback requirements of the O-3 Office zoning district.
6. The additional land as a result of the reduced setback along three sides allows for a revised site plan that accommodates more floor area and parking spaces. The floor area is now split between two buildings with joint parking in a common outlot.
7. Drive access is shown in the same location off Lucille Drive, with no other vehicle access points provided. A sidewalk connection from the office site to South 78th is also provided.

8. Public Works notes the parking lot ends in a dead end. An adequate turnaround area for vehicles needs to be provided to allow vehicles to turnaround in this area of the parking lot.
9. The layout is consistent with the requirements now in effect, and allows for more efficient use of the site without impacting the residential areas to the north and east. Medical offices are generally considered good transitional uses between more intense activities and residential areas due to their operating characteristics, and are an appropriate land use at this location. The traffic impact from the additional floor area requested should be minor - about 16 trips more trips in the p.m. peak hour.
10. Other minor corrections/additions are required to the site plan, and are noted below in the recommended conditions of approval.

CONDITIONS:

Site Specific

1. This approval permits an increase in the amount of medical office floor area from 18,000 square feet to 22,500 square feet.

General

2. Upon approval of the planned unit development by the City Council, the developer shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including **5** copies with all required revisions and documents as listed below before receiving building permits.
 - 2.1 Add a General Note that states "Sidewalks to be provided in compliance with Design Standards for Pedestrian Circulation in Commercial and Industrial Areas ."
 - 2.2 Revise Note #11 to state "Setbacks - Front, R-1=30', R-3=20'; Side, R-1=5', R-3=5'; Also, for Lots 3 and 4, Block 1 and Lots 3 and 4, Block 2, Front and Side Yard Setbacks shall match the R-3 district. For Lots 1-24, Block 4 and Lots 2-6, Block 3, Side Yard Setbacks for side lot lines shall be 0' for common wall construction. Setbacks for Lots 10-11, Block 1 shall be 0'.
 - 2.3 Correct the lot/block numbering and show Lots 1-2, Block 5 and Outlot A as Lots 10-11, Block 4, and Outlot G.
 - 2.4 Correct the heading on the site plan to state "A Final Planned Unit Development #3134C."
 - 2.5 Revise the site plan to show a turnaround area in the parking lot to the satisfaction of Public Works and Utilities.
 - 2.6 The construction plans comply with the approved plans.
 - 2.7 Final plat(s) is/are approved by the City.

Standard

3. The following conditions are applicable to all requests:
 - 3.1 Before occupying the buildings all development and construction is to comply with the approved plans.
 - 3.2 All privately-owned improvements shall be permanently maintained by the owner or an appropriately established homeowners association approved by the City Attorney.
 - 3.3 The site plan accompanying this plan unit development shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
 - 3.4 This ordinance's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
 - 3.5 The applicant shall sign and return the letter of acceptance to the City Clerk within 60 days following the approval of the change of zone, provided, however, said 60-day period may be extended up to six months by administrative amendment. The clerk shall file a copy of the ordinance approving the change of zone and the letter of acceptance with the Register of Deeds, filling fees therefor to be paid in advance by the applicant.
4. The site plan as approved with this ordinance voids and supersedes all previously approved site plans, however all ordinance approving previous permits remain in force unless specifically amended by this ordinance.

Prepared by:

Brian Will, 441-6362, bwill@lincoln.ne.gov
Planner
November 8, 2007

APPLICANT/

CONTACT: Gus Ponstingl
REGA Engineering
4827 Pioneers Blvd
Lincoln, NE 68506
402.484.7342

OWNER: Glen Friendt
Alpha Devco, LLC
3433 Cape Charles Road
Lincoln, NE 68506
402.420.6601

CHANGE OF ZONE NO. 3134C, AN AMENDMENT TO THE WILLOW SPRINGS PLANNED UNIT DEVELOPMENT

PUBLIC HEARING BEFORE PLANNING COMMISSION:

November 21, 2007

Members present: Moline, Esseks, Francis, Taylor, Cornelius, Larson, Sunderman and Carroll; Gaylor-Baird absent.

Ex Parte Communications: None.

Staff recommendation: Conditional approval.

This application was removed from the Consent Agenda and had separate public hearing.

Staff presentation: **Brian Will of Planning staff** explained this request to amend an existing PUD. The original PUD approved office floor area for this site at 17,000 sq. ft. This is a request to increase the medical office floor area to 22,500 sq. ft. Anything over 15% cannot be approved administratively and thus the reason for this proposal.

Staff viewed this amendment as an efficiency. It is a higher FAR, makes better use of the land and allows more efficient use of the property. The setback originally approved was 30'. Since then, the setback requirements have been adjusted to 20'. By utilizing that reduced setback it allows more efficient use. The 30' setback is still maintained along the rear of the office complex and the existing residential uses. There would be required screening for the parking lot and the office complex.

Proponents

1. **Gus Ponstingl, REGA Engineering**, testified on behalf of the developer. This is a minor revision to the existing PUD. The original PUD approved an office medical building of 18,000 sq. ft., and the developer is requesting to increase the building to 22,500 sq. ft. for efficiency reasons. This proposal decreases the setback to the now allowed 20' along Pioneers Boulevard, Lucille Drive and an existing Christian retirement home to the east. The 30' setback is being maintained along the north side of the property where the residential neighborhood is located. There is an opportunity to "slide the entire building" close to 6' to the south, increasing the ability to screen the residential area along the north side of the property.

Opposition

1. **John Fowler**, the listing agent of the property located at 7741 Lowell Avenue, just north of the east building in the plat layout, testified in opposition. The additional 3,000 sq. ft. on the east building is going to be 50' closer to the property lines of the property to the north. The Lowell Avenue property has been on the market since May. With the proposed revision, the parking lots will be closer to the 30' setback. There is screening, but you still have to worry about the trash bins and the activity back there. With the building 50' closer to the property line, Fowler believes it will add more challenges to selling the Lowell Avenue property. It will be a detriment to the seller of the

property and the financial loss they will incur. One option would be to make the east building an L-shaped building. It is a loss of green space with the parking lot coming closer to the 30' setback.

Fowler clarified that he is speaking on behalf of the sellers of the Lowell Avenue property and not on behalf of Home Real Estate.

Esseks inquired whether Fowler has approached the medical office building developer and asked for a plan as to how they expect to use the back portion of the property. Fowler stated that his client had another plat that showed the two-building setup totaling 18,000 sq. ft. It showed Outlot A as all green space so there was almost 90' to 100' with no parking lot on the north side. He did not know whether his client had approached the applicant.

Response by the Applicant

Ponstingl showed where the trash bin would be located on the map, and it will not be adjacent to the residential property owner. This is the second modification to the PUD. There were buildings that did go along the east property line originally. There was not any green space specifically on the site. The applicant can utilize all of the space except for the setback areas, and they wish to keep a 30' setback along the north side.

ACTION BY PLANNING COMMISSION:

November 21, 2007

Cornelius moved to approve the staff recommendation of conditional approval, seconded by Francis.

Esseks observed that the representative of the adjoining parcel has raised a concern about the design of the expansion. Is there anything the Planning Commission can do about that? Carroll suggested that the Commission has the authority to say "no" to the expansion. As far as the design on the lot, he does not believe the Commission has that discretion except for the setback requirements. Esseks acknowledged then that the expansion is within the zoning requirements. Motion for conditional approval carried 8-0: Moline, Esseks, Francis, Taylor, Cornelius, Larson, Sunderman and Carroll voting 'yes'; Gaylor-Baird absent. This is a recommendation to the City Council.



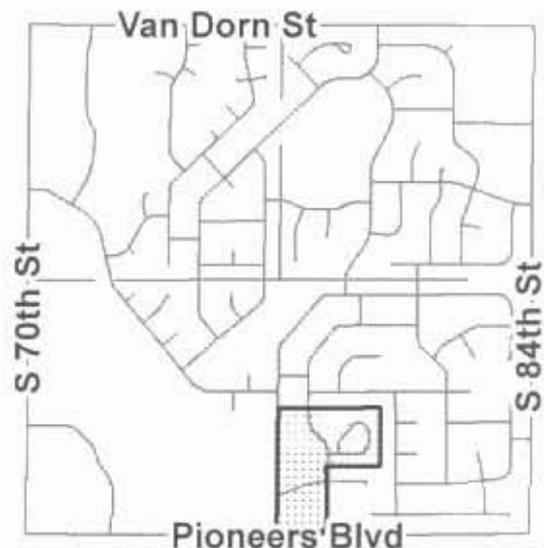
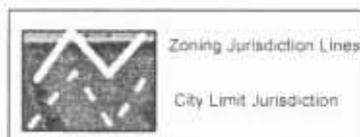
**Change of Zone #3134C
Lucille Dr & Pioneers Blvd**

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-6 Planned Regional Business District
- H-1 Interstate Commercial District
- H-2 Highway Business District
- H-3 Highway Commercial District
- H-4 General Commercial District
- I-1 Industrial District
- I-2 Industrial Park District
- I-3 Employment Center District
- P Public Use District

One Square Mile
Sec. 03 T09N R07E



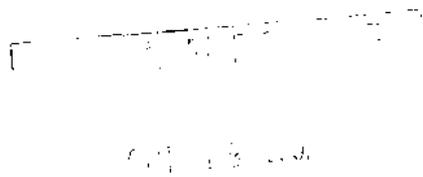


Legal Description: Willow Springs PUD

Lots 1-25; Block 1, Lots 1-9, Block 3, Lots 1-9, Block 4, Outlots A, B, C, D & F. All in Willow Springs Addition.

Lots 4,5,6,7, Block 1 & Outlots A & B. All in Willow Springs 1st Addition.

Lots 1 & 2, Willow Springs 2nd Addition.



LEGAL DESCRIPTION

Beginning at a point 40.00 feet north of the SW corner of the SE $\frac{1}{4}$ Section 3, T. 9 N. R. 7 E. of the 6th P. M., Lancaster County, Nebraska, said point being on the west line of said SE $\frac{1}{4}$ and extending N. 00° 00' 00" E. 1,291.43 feet;
thence N 89° 02' 00" E. 1,071.11 feet;
thence S. 01° 14' 00" E. 606.60 feet;
thence S. 88° 46' 00" W. 572.80 feet;
thence S. 01° 10' 00" E. 680.00 feet;
thence S. 88° 49' 00" W. 525.32 feet to the point of beginning, containing 23.16 acres.

WILLOW SPRINGS

A FINAL PLANNED UNIT DEVELOPMENT #3134B

SITE PLAN

PREPARED BY: **ESP**
 PROJECT NO.: **3134B**
 DATE: **10/15/2013**
 SHEET NO.: **1** OF **1**
 SCALE: **AS SHOWN**
 PROJECT LOCATION: **WILLOW SPRINGS, NE**
 CLIENT: **WILLOW SPRINGS CITY**
 PROJECT DESCRIPTION: **PLANNED UNIT DEVELOPMENT #3134B**
 PREPARED FOR: **WILLOW SPRINGS CITY**
 PROJECT NO.: **3134B**
 DATE: **10/15/2013**
 SHEET NO.: **1** OF **1**
 SCALE: **AS SHOWN**
 PROJECT LOCATION: **WILLOW SPRINGS, NE**
 CLIENT: **WILLOW SPRINGS CITY**
 PROJECT DESCRIPTION: **PLANNED UNIT DEVELOPMENT #3134B**
 PREPARED FOR: **WILLOW SPRINGS CITY**

ADMINISTRATIVE AMENDMENT #1
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GENERAL NOTES:
 1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF WILLOW SPRINGS ORDINANCES.
 2. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF WILLOW SPRINGS.
 3. THE DEVELOPER SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
 4. THE DEVELOPER SHALL MAINTAIN ALL EXISTING UTILITIES AND STRUCTURES.
 5. THE DEVELOPER SHALL MAINTAIN ALL EXISTING TREES AND LANDSCAPING.
 6. THE DEVELOPER SHALL MAINTAIN ALL EXISTING ROADS AND DRIVEWAYS.
 7. THE DEVELOPER SHALL MAINTAIN ALL EXISTING FENCES AND BARRIERS.
 8. THE DEVELOPER SHALL MAINTAIN ALL EXISTING SIGNAGE.
 9. THE DEVELOPER SHALL MAINTAIN ALL EXISTING LIGHTING.
 10. THE DEVELOPER SHALL MAINTAIN ALL EXISTING UTILITIES AND STRUCTURES.
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 12. THE DEVELOPER SHALL MAINTAIN ALL EXISTING ROADS AND DRIVEWAYS.
 13. THE DEVELOPER SHALL MAINTAIN ALL EXISTING FENCES AND BARRIERS.
 14. THE DEVELOPER SHALL MAINTAIN ALL EXISTING SIGNAGE.
 15. THE DEVELOPER SHALL MAINTAIN ALL EXISTING LIGHTING.

LAND SURVEYOR'S CERTIFICATE:
 I, **ESP**, a duly licensed Professional Engineer in the State of Nebraska, do hereby certify that the above described site plan was prepared by me or under my direct supervision and that I am a duly licensed Professional Engineer in the State of Nebraska.

WILLOW SPRINGS CITY:
 I, **ESP**, a duly licensed Professional Engineer in the State of Nebraska, do hereby certify that the above described site plan was prepared by me or under my direct supervision and that I am a duly licensed Professional Engineer in the State of Nebraska.

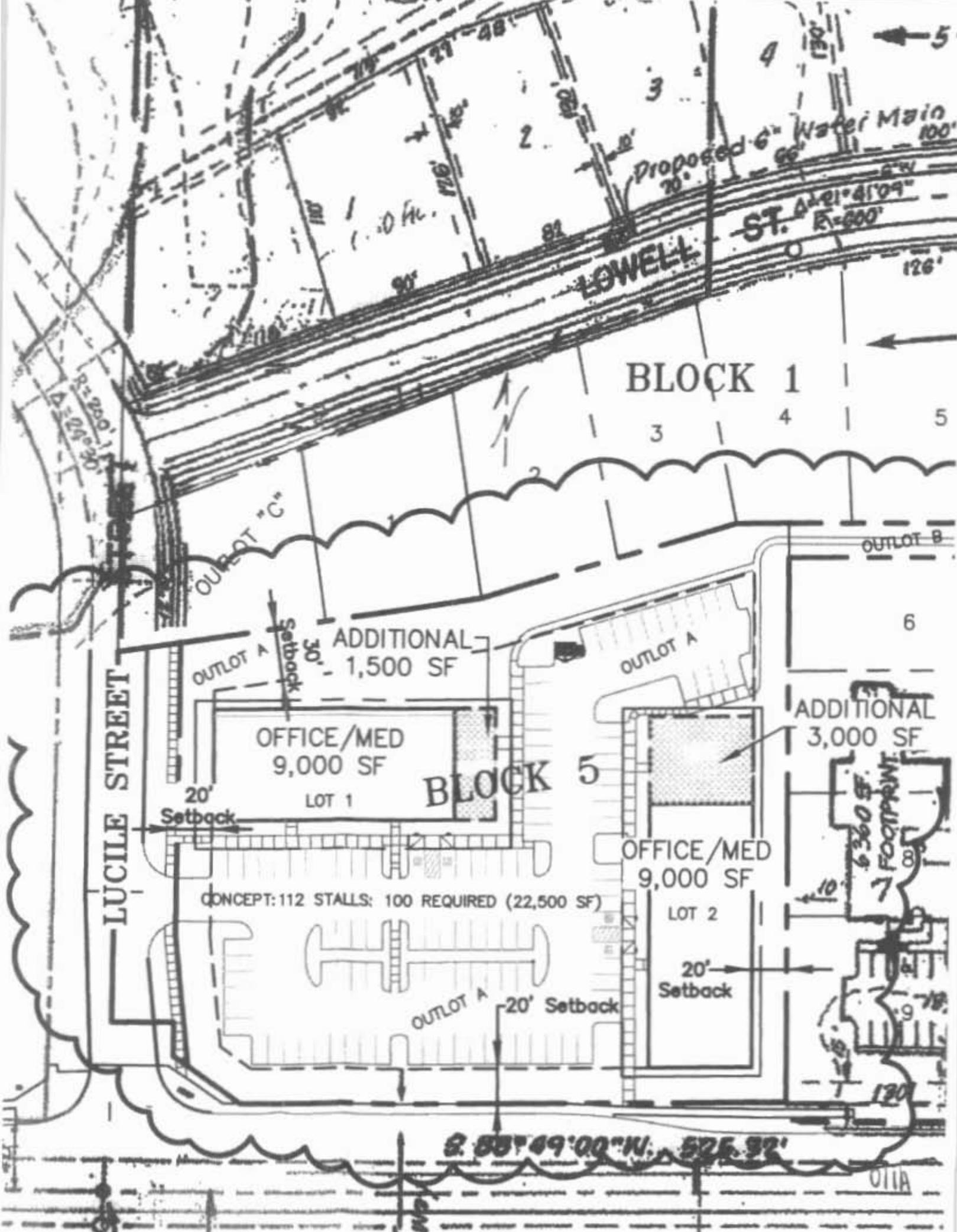
WILLOW SPRINGS CITY:
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WILLOW SPRINGS CITY:
 I, **ESP**, a duly licensed Professional Engineer in the State of Nebraska, do hereby certify that the above described site plan was prepared by me or under my direct supervision and that I am a duly licensed Professional Engineer in the State of Nebraska.



ESP • Engineering • Surveying • Planning • Lincoln, Nebraska
 J. B. B.



LUCILE STREET

LOWELL ST. $\Delta = 41'09"$
 $R = 600'$

BLOCK 1

BLOCK 5

BLOCK 6

OFFICE/MED
9,000 SF

OFFICE/MED
9,000 SF

ADDITIONAL
3,000 SF

ADDITIONAL
1,500 SF

CONCEPT: 112 STALLS: 100 REQUIRED (22,500 SF)

6,360 SF
7 FOOTPRINT

20' Setback

20' Setback

20' Setback

Setback
30'

OUTLOT B

OUTLOT "C"

OUTLOT A

OUTLOT A

$R = 55'49'00" N, 525.92'$

011A

Proposed 6" Water Main
 $20'$
 $66'$
 $100'$

5

126'

6

5

4

3

2

3

4

100' 0 ft.

90'

176'

176'

21'

48'

74'

130'

9'

8'

10'

10'

10'

10'

10'

10'

10'

10'

10'

10'

10'

10'

10'

10'



October 18, 2007

Mr. Marvin Krout
City of Lincoln
555 South 10th St.
Suite 213
Lincoln, NE 68508

RE: Amendment PUD Willow Springs
REGA Job Number: 061125

Dear Marvin,

On behalf of ALPHA DEVCO, LLC, we are here within submitting an application for an Amendment to PUD #3134B. I will briefly describe the changes that are being requested.

1. The existing approved Office Medical Space on Outlot D; Willow Springs Addition will be expanded from 18,000 square feet, to 22,500 square feet. The use for this additional square feet will be similar to the use allow for the approved 18,000 square feet. The primary reason for this change is the Outlot has ample parking space available and can support the addition of more office space. The parking was increased from 90 stalls (80 required for 18,000 square feet), to 112 stalls, for 100 required. Parking will not protrude into the setbacks, and will have ample screening with landscaping and evergreens.
2. The setbacks on the east, south and west side of Outlot D be reduced from 30 feet to 20 feet. The change to these setbacks reflects what is allowed by the current zoning ordinance. The setback along the north will remain 30 feet. Additionally, by reducing the setback along the south, the entire development will move +/- 10 to the south, giving the north side of the development additional green space for additional landscaping.
3. No changes are planned for the approved utility plan, landscaping or drainage plan.

If you have any questions, please call me at 484-7342.

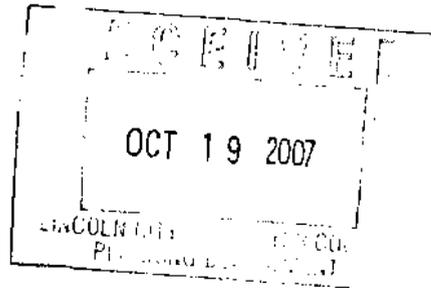
Included with this submittal:

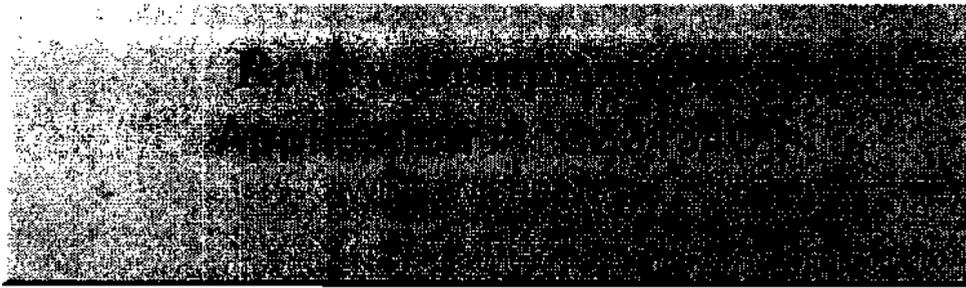
PUD Site Plan	18 copies
PUD Application	
PUD Application Fee	\$500

Sincerely,

August Ponstingl
Land Development Planner

CC: Glen Friendl, Dan Rosenthal





Status of Review: **Complete**

Reviewed By **Building & Safety**

Terry Kathe

Comments:

Status of Review: **Complete**

Reviewed By **Planning Department**

BRIAN WILL

Comments:

Status of Review: **Routed**

Reviewed By **Planning Department**

COUNTER

Comments:

Status of Review: **Complete**

Reviewed By **Planning Department**

RAY HILL

Comments:

Status of Review: **Complete**

10/30/2007 1:35:07 PM

Reviewed By **Public Works - Development Services**

SIETDQ

Comments: **Memorandum | |**

To: | Brian Will, Planning Department
From: | Charles W. Baker, Public Works and Utilities
Subject: | Willow Springs Change of Zone #3134C
Date: | October 30, 2007
cc: | Randy Hoskins
| |

The City Engineer's Office of the Department of Public Works and Utilities has reviewed the Willow Springs Change of Zone #3134C to add an additional 1,800 SF to the building footprints and add additional parking for the site located on the northeast corner of Lucile Drive and Pioneers. Public Works has the following comments:

- | Public Works has no objections to the change of zone or the setback changes.
 - | The parking lot in the northeast corner of the site plan shows a dead end parking lot addition without providing a turn around area. Provide and adequate turn around area for the design vehicle to manoeuver.
-

Status of Review: **Complete**

11/08/2007 8:43:38 AM

Reviewed By **Public Works - Watershed Management**

NCSBJW

Comments: **Brian**

**Watershed Management has no comments on the Willow Springs change of zone.
thanks**

**Ben Higgins
Watershed Management
Public Works and Utilities
City of Lincoln, NE
(402) 441-7589**
