

## **FACTSHEET**

**TITLE:** CHANGE OF ZONE NO. 04075A, an amendment to the VILLAGE GARDENS PLANNED UNIT DEVELOPMENT, requested by Village Gardens Development Company, LLC, on property generally located at South 56<sup>th</sup> Street and Pine Lake Road.

**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 Village Gardens PUD requests to modify the existing PUD sign regulations to allow two center identification signs and to change the zoning from R-3 PUD to B-3 PUD to allow an extended stay hotel. The goal of this request is to have B-3 Commercial zoning over the areas where commercial uses and associated signs will be located. While this amendment could be accomplished without changing the zoning and just amending the PUD's associated development plan, the owners wanted to maintain a distinction between the commercial and residential areas with a zoning district boundary. The change of zone to B-3 allows a maximum height of 50', which will accommodate the proposed hotel building.
2. The staff recommendation of conditional approval is based upon the "Analysis" as set forth on 3-4, concluding that the proposed center identification signs for the Village Gardens commercial center help identify and provide visibility from the adjacent arterial streets to those businesses located internal to the center. The change of zone to move the district boundary is internal to the development and affects areas generally not yet developed. This request complies with the Zoning Ordinance and is consistent with the Comprehensive Plan. The staff presentation is found on p.6.
3. The applicant's testimony and other testimony in support is found on p.7-8. It was clarified that the height of the 3-story extended stay hotel would be 42' to the mid-point of the roof. The applicant believes that the hotel will be a better transition between the commercial and residential areas rather than the commercial building and two 8-unit mansion-plex apartment buildings. The exhibits submitted by the applicant at the public hearing are found on p.30-40.
4. Testimony in opposition is found on p.8-9 and the record consists of two letters in opposition (p.28-29). The issues of the opposition relate to light and noise pollution from the parking lot of the hotel, encroachment upon the residential neighborhood, compatibility with the residential neighborhood, additional traffic in the residential neighborhood, and negative effect on residential property values.
5. The Planning Commission discussion with staff and the applicant is found on p.9-11.
6. On November 21, 2007, the Planning Commission agreed with the staff recommendation and voted 8-0 to recommend conditional approval, as set forth in the staff report (See Minutes, p.11-12); (Gaylor-Baird absent).

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

**DATE:** November 27, 2007

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

**DATE:** November 27, 2007

**REFERENCE NUMBER:** FS\CC\2007\CZ.04075A

**LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT**

**for November 21, 2007 PLANNING COMMISSION MEETING**

**PROJECT #:** Change of Zone No. 04075A - Village Gardens PUD

**PROPOSAL:** Amend the existing PUD development plan sign regulations and change the zoning from R3 (PUD) to B-3 (PUD) for approximately 2.17 acres

**LOCATION:** South 59<sup>th</sup> Street and Pine Lake Road

**LAND AREA:** 2.17 acres more or less

**EXISTING ZONING:** R-3 Residential

**PROPOSED ZONING:** B-3 Commercial

**WAIVER REQUEST:** Allow center identification signs in the B-3 Zoning District at the entrances from arterial streets.

**CONCLUSION:** The proposed center identification signs for the Village Gardens commercial center help identify and provide visibility from the adjacent arterial streets to those business located internal to the center. The change of zone to moving the district boundary is internal to the development and affects areas generally not yet developed. This request complies with the Zoning Ordinance and is consistent with the Comprehensive Plan.

<b><u>RECOMMENDATION:</u></b>	
CZ#04075A from R-3 to B-3	Conditional Approval
Waiver to allow center identification signs at the entrances from arterial streets	Approval

**GENERAL INFORMATION:**

**LEGAL DESCRIPTION:** See attached legal description.

**EXISTING LAND USE:** Commercial (Nursery)

## **SURROUNDING LAND USE AND ZONING:**

North:	Residential	R-3
South:	Residential	R-3
East:	Nursery, Undeveloped	R-3
West:	Nursery	B-3

## **HISTORY:**

On **February 14, 2005**, CZ#04075 was approved by the City Council to allow the Village Gardens Planned Unit Development (PUD).

## **COMPREHENSIVE PLAN SPECIFICATIONS:**

Pg. 17 - The Future Land Use Map designates commercial and urban residential land uses for this site.

## **ANALYSIS:**

1. The goal of this request is to have B-3 Commercial zoning over the areas where commercial uses and associated signs will be located. This is to allow center identification signs near the arterial street access points, and to allow a hotel on lots currently designated for mansion-plexes. While it could be accomplished without changing the zoning and just amending the PUD's associated development plan, the owners wanted to maintain a distinction between the commercial and residential areas with a zoning district boundary.
2. There are two components to this request. The first amends the zoning map inside the Village Gardens PUD by changing the zoning on 2.17 acres from R-3 to B-3. The second adjusts the sign requirements to allow center identification signs (limited to ground signs 150 sq. ft. in area and 10' in height) near the intersections of South 59<sup>th</sup> Street and Pine Lake Road, and at Boboli Lane and South 56<sup>th</sup> Street. Both intersections serve as the access points to the commercial center. The text of the associated development plan for the PUD is also amended where appropriate.
3. Unlike some commercial zoning districts, center identification signs are not allowed in B-3. The B-3 district regulations were designed for the older business districts throughout the city such as Havelock and University Place which are usually linear in nature and extend along a major street. In these areas, businesses typically are located on their own individual lot versus inside a shopping center as in most of the newer developments.
4. The Village Gardens commercial center is sort of a hybrid of the old and the new. It is designed to create an internal streetscape similar to that found in the older commercial centers, and that is why the B-3 zoning district regulations were adopted for the PUD. However, the center is sited at the intersection of two arterial streets like newer commercial centers which typically have center identification signs. The center does not have a major street running through it, so center identification signs at the major street access points into the commercial center allow reasonable visibility and are appropriate.

5. A hotel is being proposed to replace two mansion-plex units. Development has not occurred in this part of Village Gardens, however townhomes have been built in Thompson Creek, the neighboring development to the south. The hotel is an “L” shaped building with its primary facade facing north. The parking lot is behind the building, between it and the subdivision to the south. The mansion-plexes were allowed to a height of 40', but located in the B-3 the hotel will be allowed to 50'.
6. Minor revisions to the affected notes in the development plan were noted by staff for clarity, and are included in the recommended conditions of approval.

## **CONDITIONS:**

### **Site Specific**

1. This approval allows center identification signs in the B-3 at the entrances from arterial streets.

### **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 **5** copies of a revised final plot plan and development plan before receiving building permits.
  - 2.1 Revise Note #2 on page 15 of the development plan to state “IN ADDITION TO THE OTHER ALLOWED SIGNS, ONE GROUND SIGN NOT MORE THAN 150 SQUARE FEET IN AREA OR 10 FEET IN HEIGHT IDENTIFYING AND ADVERTISING THE VILLAGE CENTER BUSINESSES SHALL BE PERMITTED AT EACH MAJOR ARTERIAL STREET ENTRANCES TO THE VILLAGE CENTER AREA OF VILLAGE GARDENS.”
  - 2.2 Revise Note #5 on page 15 of the development plan to state “LMC 27.69.340 PERMITTED SIGNS FOR GENERAL PLANNED UNIT DEVELOPMENTS SUBSECTION (a) IS DELETED. SEE THE B-3 AND R-3 UNDERLYING ZONING STANDARDS LISTED FOR THE VILLAGE GARDENS PUD SIGN REQUIREMENTS AS CONTAINED IN THE DEVELOPMENT PLAN FOR THE APPLICABLE REQUIREMENTS.”
  - 2.3 The construction plans comply with the approved plans.
  - 2.4 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 or erecting signs 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](mailto:bwill@lincoln.ne.gov)  
Planner  
November 8, 2007

**APPLICANT/  
OWNER:**

Carrie Campbell Grimes  
Village Gardens Development Company, LLC  
7000 South 56<sup>th</sup> Street  
Lincoln, NE 68516  
402.416.5750

**CONTACT:**

Tim Gergen  
Olsson Associates  
1111 Lincoln Mall  
Lincoln, NE 68508  
402.458.5914

# CHANGE OF ZONE NO. 04075A, AN AMENDMENT TO THE VILLAGE GARDENS 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** submitted two letters in opposition. Will explained that this proposed amendment to the Village Gardens PUD includes a request for modification to allow a center identification sign. Generally speaking, this approved PUD adopted the B-3 regulations, which really never contemplated a center identification sign. Staff is recommending approval of a center identification sign at two locations. Additionally, this amendment changes the zoning on the two lots to the south previously identified for multi-family dwelling structures (mansion-plexes) in order to allow a hotel on those two lots, and staff is recommending conditional approval.

Esseks asked for the definition of a mansion-plex? Will explained that it would be considered a multi-family structure. It is a term that the developer had given to these structures in their development agreement. The previously allowed height was up to 40', and staff is agreeing to a 50' height with the change of zone to B-3.

Esseks stated that he is concerned about the townhomes immediately to the south of the hotel site. Will explained that the townhomes would have a maximum height of 35', but there is an existing change of grade, estimated at 10'.

Larson inquired why the odd configuration for the change of zone request. Will acknowledged that to have been a topic of discussion between the applicant and the staff. As a PUD, the developer would not have had to move the zoning district boundary and could have adjusted the regulations to allow both the signs and the hotel, but for both convenience and clarity, it was determined that it is probably easier to move the zoning district boundary so that we do not have to revise all the language in the development plan to make it fit. In addition, it gives notice to the public and draws a clear line between the commercial uses and residential uses. The orientation of the hotel is north/south with windows facing east/west.

Cornelius commented that despite the odd shape, this is in fact an expansion of the B-3 district to the east. Will concurred.

Esseks inquired as to the easternmost boundary of the B-3 under the previously approved plan. Will showed the boundaries on the map.

## Proponents

**1. Dick Campbell**, 6111 Charcoal Lane, advised the Commission that he does not view this as a major change. The original PUD had one commercial building and two mansion-plexes (an 8-unit apartment building that could either be rented or condo'd) platted for this area. He views the hotel as a better transition between the commercial and residential areas. It will be very compatible with the homes in the traditional neighborhood development, which are smaller and built for everyday living needs and may or may not have rooms for guests. The hotel will be a high-end extended stay property and is walkable to the homes in the development.

**2. Kent Seacrest** advised that the hotel will be a Marriott Residence Inn extended stay hotel, which generally does not want to be on the freeway/interstate but would rather be tucked into a neighborhood. They want the residence feel. This proposal substitutes two apartment buildings and one commercial building for this Residence Inn extended stay hotel. The mansion apartments were planned to be 40' in height. The B-3 zoning allows a height for the hotel of 50'. Seacrest pointed out that there is a difference in the grade – the homes are 8-12 feet higher than the hotel parcel. There is a cut and a retaining wall that will be built. There will also be a landscape screen on top of the retaining wall.

Seacrest submitted additional exhibits, showing a three-story hotel facility. The staff encouraged this slight expansion of the B-3 zoning to solve the issues. This type of extended stay is very desirable – no bar, no lounges, no restaurants. It is residential. A condition has also been agreed upon that if the hotel is not built, then it will flip back to the two apartments previously approved. This is not a bait and switch. It is drafted as either the extended stay Marriott or the two apartment buildings and a commercial building.

Esseks assumed that the landscape screen is already in place based on the approved plan for the apartment buildings. Campbell stated that the screen is evergreen, mostly pines and a few deciduous trees, which are already growing and developing. The evergreens are 8-10' tall now. There is an 8-10' slope down to the hotel site from the townhomes. Seacrest added that in addition to the landscape screen and slope, the building will be moved from 5' to 32' away – the second floor of the townhomes line up with the third floor of the hotel facility.

Cornelius asked for a description of the market at which an extended stay hotel facility like this is targeted. Campbell stated that the market studies in the Midwest have been done to determine the size and type of hotel to be constructed. He made application to Marriott for the Residence Inn, which has been approved. Traditionally, in a Residence Inn, most of the rooms are 1- and 2-bedroom suites with kitchenettes, set up for the business traveler that is here for an extended stay. Marriott marketing is geared toward the business traveler. Campbell did not know for sure how long an “extended stay” would be, but he did know that their main business is not a one night stay.

Francis inquired whether there will be any plans for any conference rooms in the hotel. Campbell stated that there would be a liquor license because they do provide wine for guests on a Friday night or something like that, but there will not be a bar. There is a lounge area where they have the breakfast, etc. Alcohol is a permitted use on the PUD development. Campbell reiterated that they could go ahead and make this change without going through the amendment to the PUD, but they felt it was better to go through the public process and show everything. As far as conference

rooms, there may be one small one. He was not quite sure of the first floor layout, but he assured that this is not a convention hotel. The gathering place where the wine would be offered is in the area that is B-2 today.

With regard to the height of the 3-story hotel, Campbell explained that the height goes to the mid-point of the roof making it 42'.

**3. Dan Spiry**, 6053 Hidcote Drive (about 1.5 blocks south and about 1 block east of the proposed hotel site), testified in support. He remembers reading an article in the paper about the Campbell's starting the process of designing this special neighborhood. A couple of years ago the infrastructure started showing up and he decided to get serious about purchasing in the neighborhood. He has lived there for about a year. The "village center" is very appealing to him. It will be pedestrian-friendly and the neighborhoods will love it and appreciate it. When he heard about the hotel being added to the mix, and particularly the Marriott product, he thought it would be perfect. He downsized his home and he may have guests that need a place to stay. It will add a nice complement to the "village center". It is also physically very comparable to the apartments that could be constructed there. Perhaps it is even physically better than the apartment option. It will be a nice quiet addition or modification to that corner of the "village center". Spiry also observed that the Campbell's are not doing this project the easy way. They live in the neighborhood. He has come to learn that they are not a developer that is here today, gone tomorrow. This is personal for them. They would not be here proposing this adjustment if they didn't think it was the right thing to do for Village Gardens.

### Opposition

**1. Jim Hansen**, 3324 Crestridge Road, owner of the townhouse at 5820 Billings Court, testified in opposition. He purchased the townhouse for his son. At the time of purchase, the realtor said they would have a nice development with retail shops. He would not have purchased had he known it was going to be a hotel. There will be light and noise pollution 24 hours a day. He has experience staying in extended stays with diesel trucks idling all night long. The motel rooms will look directly into the townhouses. He is worried about the trash and debris in the landscaping and screening. He suggested they move the hotel one block north into the "village center". Other than 27<sup>th</sup> & O, he believes this will be the closest hotel to a residential area. He does not want his grandson living next to a motel or hotel so he will put the property up for sale.

**2. Don Busch**, 5834 Billings Court, property owner and president of the Homeowners Association to the south along Billings Court, testified in opposition. There is a lot of discussion about the slope that exists. He clarified that the slope extends away from the townhouses on Billings Court to the north, but does not begin until several lots to the west. He suggested that the subject property is on the same grade level as those townhouses. He acknowledged that the developer has put in a screen of evergreens, but many have died, and the developer has put up a plastic orange snow fence. The photo shown of the change in grade is at the center of the townhouses. It is important to understand that the developer did have a public informational meeting, but between that meeting and this afternoon, we have heard three different heights for this hotel.

In addition, Busch pointed out that the PUD ordinance requires that all development meet the intent and spirit of the Comprehensive Plan. The staff report recognizes that this section of land is designated for commercial and residential land use in the Comprehensive Plan. Busch recited

several significant conflicts between this proposed development and the Comprehensive Plan, including:

–New or established commercial uses should not encroach upon, or expand into, existing neighborhoods.

This proposal will expand the B-3 zoning into a developed and occupied neighborhood.

–Maintain and encourage retail establishments and businesses that are convenient to, and serve, neighborhood residents, yet are compatible with, but not intrusive upon residential neighborhoods.

The purpose of this request is to build a hotel, not offices or child care center, which would be bound on three sides by residential properties. This is not done anywhere else in Lincoln.

–Adjacent residential neighborhoods should have two or more vehicle access points to the center. In general, the major access points to the commercial center should not bring outside traffic through the residential area.

This rezoning will extend the B-3 to the east side of Kentwell Lane. It will allow for signage at the intersection of Kentwell Lane and Pine Lake Road, which will entice commercial traffic to reach the businesses.

–Encourage convenient access to neighborhood services .... from residential areas.

This rezoning will make Kentwell Lane a busy commercial street. Kentwell Lane separates the market area from the residential areas. This creation of Kentwell Lane into a commercial street will be in conflict with the Comprehensive Plan.

Busch further pointed out that the staff was able to provide only one reason why the rezoning is valid – because it lies within a section of land designated as commercial and residential. Busch believes there are at least six principles where this proposal is in conflict with the Comprehensive Plan. The market area is completely undeveloped. He suggested that adequate space exists for the hotel development without this unnecessary expansion of the B-3 zone at the expense of residential neighborhoods. This proposal contradicts the Comprehensive Plan more often than it complies.

### Staff questions

Esseks asked staff to discuss the concept of either screening or transition between commercial and residential use. If you put the hotel on Kentwell Lane, what do we have across the street? Will stated that it is currently shown as both townhomes and single family across the street to the east. Esseks pondered that it is better to have some transitional use. Will agreed that in a perfect world, that would be true. At some point, you have B-3 up against the R-3 so you have to make the transition somewhere. Staff looked at this in the context of the use being proposed, i.e. commercial, but also residential in nature. With the screening, he does not believe it creates a conflict with what is across the street.

Esseks inquired whether there will be screening on the east side of the hotel property. Will stated that there would be screening required along the eastern boundary.

Moline asked staff to discuss the light pollution from the parking lot. Will pointed out that there were going to be parking areas on both plans. There are design standards for lighting in parking lots that would be applicable in this case.

Francis wondered about redirecting the traffic coming in on Kentwell Lane to get to the hotel, i.e. to get it off Kentwell Lane. If you were to come in from Pine Lake Road on Kentwell Lane, is it possible to have a sign at Hidcote Drive directing the traffic to the west? Will was not sure how that could be done. Kentwell Lane is a major access point. It would be difficult to somehow limit or prohibit that traffic heading to the hotel to somehow direct it to the west. At a minimum, Kentwell Lane will meet the residential street standard. It is a divided roadway. 33' would have acknowledged some commercial uses.

**Tim Gergen of Olsson Associates**, the engineer for the developer, stated that they anticipated that Kentwell Lane would be used both commercially and residentially. It was built as a 33' wide street for commercial street activity and then it reduces down to 27' when we got to Minter Lane, the furthest south street in Village Gardens. There are bump-outs narrowing the street to 27' in areas to reduce the speed of the vehicles on a 33' wide street.

Esseks wondered whether it is anticipated that most of the people will be coming south from Pine Lake Road and then turn in at Boboli Lane to the hotel. Gergen would expect most of the people to be entering from 56<sup>th</sup> Street on Boboli Lane, and not 59<sup>th</sup> from Pine Lake Road. The street is 33' wide all the way down to Boboli in combination with 59<sup>th</sup> and Kentwell Lane, except for the bump-outs to control the speed.

Carroll observed that the approved plan was for a total of 16 multi-family apartment units. With two cars for each unit, would that generate the same traffic as the hotel? Will believes it is likely that the apartments might generate more traffic than the hotel. **Chad Blahak of Public Works** advised that the trip generation manual for "all suites hotels" shows about the same amount per room and maybe a little more trips per day than a single family unit. Moline pointed out that the commercial building is also being eliminated, so that would have had some trip generation as well.

#### Response by the Applicant

Seacrest stated that the slope at the far east end is not very big, but as it goes up it climbs very rapidly up to the 12'. "It is a climbing slope".

With regard to lighting, Seacrest stated that the parking lots are virtually the same for both uses – hotel versus apartments. The lights will be fully shielded. The lighting standard is .5 footcandle at the property line. It is somewhere between twilight and deep twilight, getting close to full moon.

Seacrest clarified that the height to the top of the third floor of the hotel is 32', and then half way up to the roof, it is 42'.

With regard to traffic, Seacrest advised that the front door to the hotel is going to be on S. 56<sup>th</sup> Street – if the traffic chooses to go to Pine Lake Road, they are driving on a commercial collector size

street. Realistically, because these are not daily residents, the hotel traffic will come in and out and will not have any reason to drive back into the neighborhood to the church, the school, day care facilities, etc. If it were apartments, there would be more trips back into the neighborhood. The 14,000 sq. ft. commercial building would also have generated more traffic.

Seacrest suggested that Lincoln needs new “alternative products”. When you have less density, you then have the public picking up more costs. The Comprehensive Plan does talk about compaction and this new type of neighborhood. In addition, if there is a guardian of the Comprehensive Plan, it is the Planning Department. The staff is recommending support for this proposal.

Campbell pointed out that the “village center” is where you shop and dine and retail and office, as well as civic uses. The closer you get to the “village center”, the denser the residential becomes. The further you get away from the “village center”, the residential gets more sparse. There are literally six different single family size lots in Village Gardens as well as the townhouse lots, row house lots and mansion-plex lots, and eventually 18 units of courtyard type apartments. The row houses are platted to back up to the “village center”. Seacrest sees the extended stay hotel as residential, the transition then being single family to townhomes to row homes to residential extended stay.

Esseks believes it looks to be very well designed, but he expressed concern about the 5 homes to the south which expected a different type of development. He does realize, however, that there needs to be flexibility, so we have to come to a balance. Can one of these hotel room windows look into the windows of the adjoining homes to the south? Campbell stated that the hotel windows face east and west. There is an emergency stairway on the end. There are no rooms facing that direction until you get to the piece that is “clear over here”, and then they would have to look clear across the parking lot. The windows adjacent to the townhomes would be against the emergency stairwell or rooms that are across the parking lot.

Seacrest reiterated that the setback is also being extended from 5' to 38'.

As far as diesel trucks idling in the parking lot, Seacrest pointed out that this site is not very close to any south beltway, west beltway or I-80. He would be real surprised if truckers would stay at this hotel. The residents could complain to the hotel if there is such a problem. The parking lot is not laid out for the large semi-trucks. Campbell is inclined to believe that truckers would stay at 91<sup>st</sup> & Hwy 2.

Cornelius commented that at this point, the rest of this development is still on paper and there is room for this hotel at a different location. Campbell advised that there will be a final plat for the live-work units (small shops with living above) which have been contracted with tenants already lined up. Therefore, that area has already been taken and is being developed. Marriott specifically requested a residential approach. They did not want to be in the middle of all the commercial activity.

**ACTION BY PLANNING COMMISSION:**

November 21, 2007

Larson moved to approve the staff recommendation of conditional approval, seconded Sunderman.

Esseks believes there is a need to balance the interests of these five townhome property owners with those of the community that would benefit from this development. He feels conflicted here, but the additional 33' setback, the vegetative screen, the trees, the fact that the adjoining hotel would not have close windows looking on the residential properties to the south, and with the traffic all to the north of these five homes, he is inclined to vote for approval.

Cornelius agreed with Esseks. He further reiterated that the Comprehensive Plan encourages these newer style of developments within the city as something that is desirable for the city, and for economic development and retail employers in the city.

Carroll also agreed. This is important to the community. It is a well thought-out development. He knows the developer will do a very good job of continuing to make it grow. It is an improvement to go from a commercial apartment complex to a Residence Inn. He thinks the traffic will be less and he knows that Marriott will build a quality product. It is a very big plus for this area because the hotel is needed.

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.



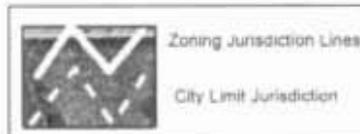
2005 aerial

## Change of Zone #04075a S 56th St & Pine Lake Rd

### 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

One Square Mile  
Sec. 21 T09N R07E





PHASE I  
COMMERCIAL  
AREA  
(B-3 UNDERLYING ZONE)  
SEE LEGAL  
DESCRIPTION  
ON THIS SHEET

PHASE I  
RESIDENTIAL  
AREA  
(R-3 UNDERLYING ZONE)  
SEE LEGAL DESCRIPTION  
ON THIS SHEET

AREA OF P.U.D.  
SEE LEGAL DESCRIPTION  
ON THIS SHEET

THOMPSON CREEK



- ①  $\Delta=9.34^{\circ}K'$   
R=294.20  
L=37.54  
T=16.26  
C=55.53  
CB=405.19162
- ②  $\Delta=21.22^{\circ}J'$   
R=166.51  
L=43.00  
T=12.41  
C=54.58  
CB=407.47103
- ③  $\Delta=9.18^{\circ}I'$   
R=283.90  
L=48.40  
T=24.20  
C=48.35  
CB=424.04495
- ④  $\Delta=27.10^{\circ}$   
R=480.50  
L=107.79  
T=54.2  
C=107.56  
CB=417.45747
- ⑤  $\Delta=70.55^{\circ}$   
R=570.00  
L=21.30  
T=15.65  
C=71.25  
CB=519.97227
- ⑥  $\Delta=4.30^{\circ}T'$   
R=567.60  
L=84.40  
T=32.23  
C=64.36  
CB=536.44471
- ⑦  $\Delta=9.20^{\circ}M'$   
R=420.00  
L=88.53  
T=34.54  
C=58.70  
CB=404.42267
- ⑧  $\Delta=12.1^{\circ}S'$   
R=531.50  
L=87.00  
T=43.64  
C=66.99  
CB=404.38198
- ⑨  $\Delta=87.26^{\circ}$   
R=289.00  
L=17.02  
T=2.51  
C=48.38  
CB=504.47117
- ⑩  $\Delta=107.02^{\circ}$   
R=402.00  
L=106.53  
T=53.42  
C=106.41  
CB=584.54457
- ⑪  $\Delta=10.57^{\circ}Q'$   
R=450.00  
L=163.93  
T=84.86  
C=163.08  
CB=512.99307
- ⑫  $\Delta=23.03^{\circ}R'$   
R=450.00  
L=181.74  
T=81.61  
C=179.82  
CB=511.33474



LEGAL DESC. EXHIBIT

**LEGAL DESCRIPTION  
CHANGE OF ZONE  
R3 TO B3**

A LEGAL DESCRIPTION FOR A TRACT OF LAND COMPOSED OF A PORTION OF LOTS 1 AND 2, BLOCK 6, VILLAGE GARDENS 1<sup>ST</sup> ADDITION, A PORTION OF OUTLOTS "F", "N", AND "O", VILLAGE GARDENS 1<sup>ST</sup> ADDITION, A PORTION OF KENTWELL LAND RIGHT-OF-WAY, A PORTION OF HIDCOTE DRIVE RIGHT-OF-WAY, A PORTION OF BOBOLI LANE RIGHT-OF-WAY, ALL LOCATED IN THE NORTHWEST QUARTER OF SECTION 21, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6TH P.M., CITY OF LINCOLN, LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT OF INTERSECTION WITH THE SOUTH LINE OF PINE LAKE ROAD RIGHT-OF-WAY, AND THE EAST LINE OF KENTWELL ROAD RIGHT-OF-WAY, SAID POINT BEING **THE TRUE POINT OF BEGINNING**; THENCE WEST ALONG THE SOUTH LINE OF PINE LAKE ROAD RIGHT-OF-WAY, SAID LINE BEING A NORTH LINE OF KENTWELL LANE RIGHT-OF-WAY ON AN ASSUMED BEARING OF NORTH 89 DEGREES 58 MINUTES 02 SECONDS WEST, A DISTANCE OF 40.50 FEET TO A POINT, THENCE SOUTH 00 DEGREES 01 MINUTES 52 SECONDS WEST, A DISTANCE OF 37.38 FEET TO A POINT OF CURVATURE OF A CURVE IN A CLOCKWISE DIRECTION HAVING A RADIUS OF 450.00 FEET, A CENTRAL ANGLE OF 23 DEGREES 03 MINUTES 49 SECONDS, AN ARC LENGTH OF 181.14 FEET, A TANGENT LENGTH OF 91.81 FEET, A CHORD BEARING OF SOUTH 11 DEGREES 33 MINUTES 46 SECONDS WEST, AND A CHORD DISTANCE OF 179.92 FEET TO A POINT OF REVERSE CURVATURE, THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A RADIUS OF 450.00 FEET, A CENTRAL ANGLE OF 20 DEGREES 52 MINUTES 22 SECONDS, AN ARC LENGTH OF 163.93 FEET, A TANGENT LENGTH OF 82.89 FEET, A CHORD BEARING OF SOUTH 12 DEGREES 39 MINUTES 30 SECONDS WEST, AND A CHORD DISTANCE OF 163.03 FEET TO A POINT OF CURVATURE OF A NON-TANGENT CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A RADIUS OF 600.00 FEET, A CENTRAL ANGLE OF 10 DEGREES 10 MINUTES 31 SECONDS, AN ARC DISTANCE OF 106.55 FEET, A TANGENT LENGTH OF 53.42 FEET, A CHORD BEARING OF NORTH 84 DEGREES 54 MINUTES 45 SECONDS WEST, AND A CHORD DISTANCE OF 106.41 FEET TO A POINT, THENCE SOUTH 90 DEGREES 00 MINUTES 00 SECONDS WEST, A DISTANCE OF 55.09 FEET TO A POINT, THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS WEST, A DISTANCE OF 602.36 FEET TO A POINT OF CURVATURE OF A CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A RADIUS OF 611.00 FEET, A CENTRAL ANGLE OF 09 DEGREES 20 MINUTES 56 SECONDS, AN ARC LENGTH OF 99.70 FEET, A TANGENT LENGTH OF 49.96 FEET, A CHORD BEARING OF SOUTH 04

DEGREES 40 MINUTES 28 SECONDS EAST, AND A CHORD DISTANCE OF 99.58 FEET TO A POINT, THENCE SOUTH 09 DEGREES 20 MINUTES 56 SECONDS EAST, A DISTANCE OF 144.32 FEET TO A POINT OF CURVATURE OF A CURVE IN A CLOCKWISE DIRECTION HAVING A RADIUS OF 289.00 FEET, A CENTRAL ANGLE OF 09 DEGREES 19 MINUTES 29 SECONDS, AN ARC LENGTH OF 47.03 FEET, A TANGENT LENGTH OF 23.57 FEET, A CHORD BEARING OF SOUTH 04 DEGREES 41 MINUTES 11 SECONDS EAST, AND A CHORD DISTANCE OF 46.98 FEET TO A POINT, THENCE SOUTH 00 DEGREES 01 MINUTES 26 SECONDS EAST, A DISTANCE OF 14.71 FEET TO A POINT OF INTERSECTION WITH THE SOUTH LINE OF LOT 2, BLOCK 6, VILLAGE GARDENS 1<sup>ST</sup> ADDITION, THENCE SOUTH 89 DEGREES 57 MINUTES 45 SECONDS EAST ALONG THE SOUTH LINE OF SAID LOT 2, AND THE SOUTH LINE OF KENTWELL LANE RIGHT-OF-WAY, A DISTANCE OF 192.66 FEET TO THE SOUTHEAST CORNER OF SAID RIGHT-OF-WAY, SAID POINT BEING A POINT OF CURVATURE OF A NON-TANGENT CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A RADIUS OF 531.52 FEET, A CENTRAL ANGLE OF 09 DEGREES 23 MINUTES 15 SECONDS, AN ARC DISTANCE OF 87.09 FEET ALONG A EAST LINE OF SAID RIGHT-OF-WAY, A TANGENT LENGTH OF 43.64 FEET, A CHORD BEARING OF NORTH 04 DEGREES 39 MINUTES 18 SECONDS WEST, AND A CHORD DISTANCE OF 86.99 FEET TO A POINT, THENCE NORTH 09 DEGREES 20 MINUTES 56 SECONDS WEST ALONG A EAST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 151.92 FEET TO A POINT OF CURVATURE OF A CURVE IN A CLOCKWISE DIRECTION HAVING A RADIUS OF 420.00 FEET, A CENTRAL ANGLE OF 09 DEGREES 20 MINUTES 56 SECONDS, AN ARC LENGTH OF 68.53 FEET ALONG A EAST LINE OF SAID RIGHT-OF-WAY, A TANGENT LENGTH OF 34.34 FEET, A CHORD BEARING OF NORTH 04 DEGREES 40 MINUTES 28 SECONDS WEST, AND A CHORD DISTANCE OF 68.45 FEET TO A POINT, THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS WEST ALONG A EAST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 33.27 FEET TO A POINT OF INTERSECTION WITH AN EASTERLY EXTENSION OF THE NORTH LINE OF BOBOLI LANE RIGHT-OF-WAY; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS WEST ALONG A NORTH LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 180.75 FEET TO THE SOUTHWEST CORNER OF OUTLOT "P", VILLAGE GARDENS 1<sup>ST</sup> ADDITION, THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST ALONG THE WEST LINE OF SAID OUTLOT "P", A DISTANCE OF 534.57 FEET TO THE NORTHWEST CORNER OF SAID OUTLOT "A", THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST ALONG THE NORTH LINE OF SAID OUTLOT "P", AND A SOUTH LINE OF OUTLOT "F", VILLAGE GARDENS 1<sup>ST</sup> ADDITION, A DISTANCE OF 45.09 FEET TO A POINT OF CURVATURE OF A CURVE IN A CLOCKWISE DIRECTION HAVING A RADIUS OF 567.00 FEET, A CENTRAL ANGLE OF 06 DEGREES 30 MINUTES 27 SECONDS, AN ARC LENGTH OF 64.40 FEET ALONG A SOUTH LINE OF SAID OUTLOT "F", A TANGENT LENGTH OF 32.23 FEET, A

CHORD BEARING OF SOUTH 86 DEGREES 44 MINUTES 47 SECONDS EAST, AND A CHORD DISTANCE OF 64.36 FEET TO A POINT OF INTERSECTION WITH THE WEST LINE OF KENTWELL LANE RIGHT-OF-WAY, THENCE NORTH 02 DEGREES 17 MINUTES 26 SECONDS WEST ALONG A WEST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 3.04 FEET TO A POINT OF CURVATURE OF A NON-TANGENT CURVE IN A CLOCKWISE DIRECTION HAVING A RADIUS OF 570.00 FEET, A CENTRAL ANGLE OF 07 DEGREES 09 MINUTES 59 SECONDS, AN ARC DISTANCE OF 71.30 FEET, A TANGENT LENGTH OF 35.69 FEET, A CHORD BEARING OF SOUTH 79 DEGREES 57 MINUTES 21 SECONDS EAST, AND A CHORD DISTANCE OF 71.25 FEET TO A POINT, THENCE SOUTH 76 DEGREES 22 MINUTES 22 SECONDS EAST, A DISTANCE OF 12.62 FEET TO A POINT OF INTERSECTION WITH THE EAST LINE OF KENTWELL LANE RIGHT-OF-WAY, THENCE NORTH 06 DEGREES 11 MINUTES 50 SECONDS EAST ALONG A EAST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 60.51 FEET TO A POINT OF CURVATURE OF A NON-TANGENT CURVE IN A CLOCKWISE DIRECTION HAVING A RADIUS OF 480.50 FEET, A CENTRAL ANGLE OF 12 DEGREES 51 MINUTES 10 SECONDS, AN ARC DISTANCE OF 107.79 FEET ALONG A EAST LINE OF SAID RIGHT-OF-WAY, A TANGENT LENGTH OF 54.12 FEET, A CHORD BEARING OF NORTH 12 DEGREES 45 MINUTES 42 SECONDS EAST, AND A CHORD DISTANCE OF 107.56 FEET TO A POINT OF COMPOUND CURVATURE OF A CURVE IN A CLOCKWISE DIRECTION HAVING A RADIUS OF 283.50 FEET, A CENTRAL ANGLE OF 09 DEGREES 46 MINUTES 57 SECONDS, AN ARC LENGTH OF 48.40 FEET ALONG A EAST LINE OF SAID RIGHT-OF-WAY, A TANGENT LENGTH OF 24.26 FEET, A CHORD BEARING OF NORTH 24 DEGREES 04 MINUTES 45 SECONDS EAST, AND A CHORD LENGTH OF 48.35 FEET TO A POINT OF REVERSE CURVATURE, THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A RADIUS OF 166.50 FEET, A CENTRAL ANGLE OF 22 DEGREES 22 MINUTES 08 SECONDS, AN ARC LENGTH OF 65.00 FEET ALONG A EAST LINE OF SAID RIGHT-OF-WAY, A TANGENT LENGTH OF 32.92 FEET, A CHORD BEARING OF NORTH 17 DEGREES 47 MINUTES 10 SECONDS EAST, AND A CHORD DISTANCE OF 64.59 FEET TO A POINT OF COMPOUND CURVATURE OF A CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A RADIUS OF 292.50 FEET, A CENTRAL ANGLE OF 06 DEGREES 34 MINUTES 14 SECONDS, AN ARC LENGTH OF 33.54 FEET ALONG A EAST LINE OF SAID RIGHT-OF-WAY, A TANGENT LENGTH OF 16.79 FEET, A CHORD BEARING OF NORTH 03 DEGREES 18 MINUTES 59 SECONDS EAST, AND A CHORD LENGTH OF 33.53 FEET TO A POINT, THENCE NORTH 00 DEGREES 01 MINUTES 52 SECONDS EAST ALONG A EAST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 108.11 FEET TO THE POINT OF BEGINNING. SAID TRACT CONTAINS A CALCULATED AREA OF 94,516.29 SQUARE FEET OR 2.17 ACRES, MORE OR LESS.



**VILLAGE GARDENS**  
THE ART OF *Traditional Living*

October 24, 2007

OCT 24 2007

Mr. Marvin Krout, Planning Director  
Lincoln-Lancaster County Planning Department  
555 South 10<sup>th</sup> Street, Room 213  
Lincoln, NE 68508

Re: Village Gardens  
Amendment to the Change of Zone #04075 PUD

Dear Mr. Krout,

Enclosed find the following revised drawings and application for the above-mentioned project:

1. Cover Sheet; Sheet 1 of 5 (10 copies)
2. Site Plan; Sheet 2 of 5 (10 copies)
3. Village Gardens Development Plan – Pages 15 & 16 (10 copies)
4. Village Gardens Regulatory Modifications Document - Pages 17 & 18(10 copies)
5. Legal Description Change of Zone R3 PUD to B3 PUD (10 copies)
6. Legal Description Change of Zone R3 PUD (10 copies)
7. Legal Description Change of Zone B3 PUD (10 copies)
8. Zoning Application
9. Application Fee (\$500.00)

On behalf of the Developer, Village Gardens Development Company, L.L.C., 7000 S. 56<sup>th</sup> Street, Lincoln, NE 68516, we are requesting an Amendment to the existing Change of Zone #04075 PUD to:

1. Revise the internal zoning division line between the B-3 PUD area and the R-3 PUD area to accommodate a possible extended stay hotel in lieu of the intended mansion-plexes usage currently platted.
2. Update the Village Gardens Development Plan and Regulatory Modifications Document to clarify that all signage in the B-3 underlying district is governed by the B-3 signage regulations instead of the PUD signage regulations.
3. Update the Village Gardens Development Plan and Regulatory Modifications Document to amend the B-3 signage code to allow a ground sign identifying and advertising the 'Village Center' usage area's businesses at the entrances of the main arterials to the B-3 zoned area.



## VILLAGE GARDENS

THE ART OF *Traditional Living*

Please call if you require further information or have any questions.

Sincerely,

Tim Gergen, PE

OCT 24 2007

Enclosures

cc: Carrie Campbell Grimes, Village Gardens Development Company, L.L.C.

**SIGNAGE & PARKING STANDARDS:**

**Sign Information:**

The following requirements apply to the signage requirements in Village Gardens based on the Village Gardens PUD. If the requirement is not listed, the Village Gardens PUD is governed by the City of Lincoln code. Please refer to the Village Gardens Regulatory Modifications document for specific information on the alterations made to the City of Lincoln codes regarding Signage.

1. In the R-3 zoning districts, the specific regulations are as follows: In the Neighborhood Center areas, up to two on-premises wall signs or projecting signs per lot, each not to exceed eight square feet of sign area, used to identify commercial uses and home occupations. In the Neighborhood General and Neighborhood Edge areas, one on-premises wall sign per lot, not to exceed two square feet of sign area, nonilluminated and nonreflecting, used to identify home occupations. One on-premises wall sign per lot, not to exceed two square feet of sign area, nonilluminated and nonreflecting, used to identify transitional lot uses, block parents, the name of the premises or occupants thereof, or to provide similar information. Lighted vending machines are not permitted in view from off the premises.
2. In the B-3 zoning districts, at the entrances abutting major arterials of the 'Village Center' usage area of Village Gardens, a ground sign identifying and advertising the Village Center businesses shall be permitted. Such sign shall not exceed 150 square feet and a height of 10 feet.
3. When part of a landscape screen approved by the Planning Director, the following ground signs, not exceeding twenty square feet in area or six feet in height and identifying a multiple-dwelling complex or subdivision area, may be located in the required front yard or building line district:
  - a. Up to two signs may be located at each entrance to the multiple-dwelling complex or subdivision area.
  - b. ~~If the multiple-dwelling complex or subdivision area abuts an intersection with an arterial street, one sign per arterial frontage may be located at the corner of the intersection with the arterial street. Such sign may be illuminated by a ground light. Any sign located in the building line district shall be moved at the sole cost of the owner when necessary for public use.~~
4. Directional, educational and informational signs may be attached to any natural object due to the nature and aesthetics of the Village Gardens project with the approval of the Planning Director.
5. ~~27.69.340 Permitted Signs for General Planned Unit Developments; DELETED FROM VG PUD; See B-3 and R-3 underlying zoning standards listed for Village Gardens PUD sign requirements.~~

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OCT 24 2007

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**Parking matrix:**

The following matrix defines the parking requirements per lot and building type for easy reference. This information can also be found within the Lot & Building Standards.

Transect Zone Lot & Building Types	# of Parking Spaces per du	Min. Number of Parking Spaces per 100 sq. ft of largest seating area and per 600 sq. ft for other uses	Secondary Dwelling Unit requirements	Live-Work requirements
Type A – Rowhouse	1	n/a	No on-site parking required for secondary dwelling units	2 parking spaces are required per du.
Type B – Townhouse	2	n/a	No on-site parking required for secondary dwelling units	n/a
Type C – Small SF	2	n/a	No on-site parking required for secondary dwelling units	n/a
Type D – Medium SF	2	n/a	No on-site parking required for secondary dwelling units	n/a
Type E – Large SF	2	n/a	No on-site parking required for secondary dwelling units	n/a
Type F – MF Mansion	1.5	n/a	n/a	n/a
Type G – MF Apartment	1.5	n/a	n/a	n/a
Type H – Civic or Community	n/a	1	No on-site parking required for secondary dwelling units	n/a
Type I – Mixed-Use	1	1	n/a	n/a

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**PM TRIP COUNT STANDARDS AND CALCUATIONS**

The Village Gardens Village Center will use the 'Shopping Center' PM Trip Count designation of 3.75 per 1000 square feet for all of the retail, restaurant and office uses (medical included) and .62 per dwelling unit for all residential and suite or business hotels with stated constraints below. The only restrictions for Village Gardens Village Center (B-3 zoned area) utilizing the Shopping Center PM Trip Count designation are:

- One bank with drive-thru
- No Restaurants WITH drive-thru. The only exception allowed are coffee shops with a drive-thru.
- No Gasoline/Service Stations with or without convenience market
- No large supermarkets over 60,000sf (like Russ's, Hy-Vee, etc.)
- No sports bars over 4500 square feet
- No Big Box Retail stores including Discount Superstores, Discount Clubs or Home Improvement Superstores

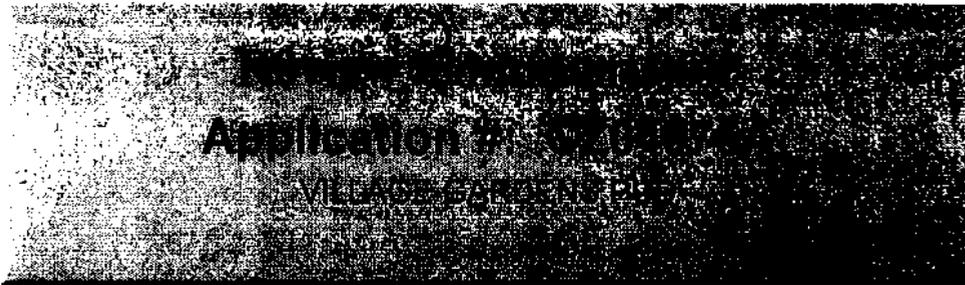
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OCT 26

023

#	Ordinance	Section	Wording in Regulation	Village Gardens Regulatory Modifications
137	Chapter 27.69 SIGNS	27.69.042 Permitted Signs; R-1, R-2, R-3, and R-4 Zoning Districts.	<p>In the R-1, R-2, R-3, and R-4 zoning districts, the specific regulations are as follows.</p> <p>One on-premises wall sign, not to exceed two square feet of sign area, nonilluminated and nonreflecting, used to identify home occupations, transitional lot uses, block parents, the name of the premises or occupants thereof, or to provide similar information. Lighted vending machines are not permitted in view from off the premises. (Ord. 16735 §4; February 13, 1995; prior Ord. 14613 §4; March 9, 1987; Ord. 12679 §8, September 4, 1979).</p>	<p>AMENDED: In the R-1, R-2, and R-4 zoning districts...As written.</p> <p>In the R-3 zoning districts, the specific regulations are as follows In the Neighborhood Center areas, up to two on-premises wall signs or projecting signs <u>per lot</u>, each not to exceed eight square feet of sign area, used to identify commercial uses and home occupations. In the Neighborhood General and Neighborhood Edge areas, one on-premises wall sign <u>per lot</u>, not to exceed two square feet of sign area, nonilluminated and nonreflecting, used to identify home occupations. One on-premises wall sign <u>per lot</u>, not to exceed two square feet of sign area, nonilluminated and nonreflecting, used to identify transitional lot uses, block parents, the name of the premises or occupants thereof, or to provide similar information. Lighted vending machines are not permitted in view from off the premises.</p> <p>ADDITIONAL: See Village Gardens Development Plan Standards TRANSECT ZONES &amp; LAND USE TYPES MATRIX for more specifics on sign requirements.</p>
145	Chapter 27.69 SIGNS	27.69.050 Permitted Signs; B-3 Zoning District.	<p>In the B-3 zoning district, the specific regulations are as follows:</p> <p>(a) On-premises wall signs are permitted. The sign area of such wall signs per building facade shall not exceed thirty percent coverage of the wall face or a total of 400 square feet, whichever is lesser. Any marquee sign shall not exceed three feet in height or the height or vertical thickness of the marquee, whichever is greater. One pedestrian marquee sign per entrance not exceeding one foot in height and six square feet in area is allowed.</p>	<p>ADDITIONAL: In the B-3 zoning district, at the entrances abutting major arterials of the "Village Center" usage area of Village Gardens, a ground sign identifying and advertising the Village Center businesses shall be permitted. Such sign shall not exceed 150 square feet and a height of 10 feet. This additional wording has been added to aid Village Gardens in marketing the "Village" commercial area as a whole rather than having multiple individual signs along the arterial frontage. Village Gardens has purposely designed our Village Center area so there is minimal land owned along the frontage area by individual businesses to eliminate having multiple signs along the arterials.</p>

#	Ordinance	Section	Wording in Regulation	Village Gardens Regulatory Modifications
177	Chapter 27.69 SIGNS	27.69.220 Other Permitted Signs, Complex or Subdivision Area Signs.	<p>(b) When part of a landscape screen approved by the Planning Director, the following ground signs, not exceeding twenty square feet in area or six feet in height and identifying a multiple-dwelling complex or subdivision area, may be located in the required front yard or building line district.</p> <p>(1) Up to two signs may be located at each entrance to the multiple-dwelling complex or subdivision area.</p> <p>(2) If the multiple-dwelling complex or subdivision area abuts an intersection with an arterial street, one sign per arterial frontage may be located at the corner of the intersection with the arterial street. Such signs may be illuminated by a ground light. Any sign located in the building line district shall be moved at the sole cost of the owner when necessary for public use. (Ord. 18959 §1, March 25, 1996; prior Ord. 16735 §28, February 13, 1995; Ord. 14613 §29, March 9, 1987).</p>	<p>AMENDED: (b) When part of a landscape screen approved by the Planning Director, the following ground signs, not exceeding twenty square feet in area or six feet in height and identifying a multiple-dwelling complex or subdivision area, may be located in the required front yard or building line district.</p> <p>(1) Up to two signs may be located at each entrance to the multiple dwelling complex or subdivision area.</p> <p>(2) <del>DELETE - #1 will be the jurisdiction. Unlike most common subdivisions, we have numerous entrances to our subdivision due to the nature of a TND, so we want to be able to better communicate these entrance points to the community. (2) If the multiple-dwelling complex or subdivision area abuts an intersection with an arterial street, one sign per arterial frontage may be located at the corner of the intersection with the arterial street. Such signs may be illuminated by a ground light. Any sign located in the building line district shall be moved at the sole cost of the owner when necessary for public use. (Ord. 16959 §1, March 25, 1996; prior Ord. 16735 §28; February 13, 1995; Ord. 14613 §29, M</del></p>
189	Chapter 27.69 SIGNS	27.69.340 Permitted Signs for General Planned Unit Developments	<p>In any zoning district where a general planned unit development has been approved, the specific regulations are as follows:</p> <p>(a) For nonresidential uses:</p> <p>(1) Where a use is not otherwise permitted in the underlying district or by reason of a zoning transfer authorized by Section 27.69.020(a)(2)(v): One illuminated wall sign per business is permitted. If the floor area is 2,000 square feet or less, the sign shall be a maximum of twenty square feet. For a business with a floor area of over 2,000 square feet, one square foot of sign area per 100 square feet of floor area (maximum of fifty square feet) is permitted. One illuminated ground sign per building not exceeding fifty square feet in area and six feet in height is permitted. Such sign shall be located from the front lot line at least one-half of the required setback distance.</p> <p>(2) In all other instances, signs for commercial uses shall be governed by Sections 27.69.044 (O-2 signs) for office uses, and 27.69.045 (B-1 signs) for business uses. The height of the permitted pole sign shall not exceed the height of the nearest building or twenty-five feet, whichever is less. When illuminated, signs must be located at least 100 feet from the side lot line if abutting a residential lot.</p> <p>(b) The sign regulations in this section may be modified by the City Council (Ord. 16735 §36, February 13, 1995; prior Ord. 16575 §1, March 14, 1994; Ord. 16487 §1, September 27, 1993; Ord. 15795 §2, December 17, 1990).</p>	<p>In any zoning district where a general planned unit development has been approved, the specific regulations are as follows:</p> <p>(a) For nonresidential uses:</p> <p>(1) Where a use is not otherwise permitted in the underlying district or by reason of a zoning transfer authorized by Section 27.69.020(a)(2)(v): One illuminated wall sign per business is permitted. If the floor area is 2,000 square feet or less, the sign shall be a maximum of twenty square feet. For a business with a floor area of over 2,000 square feet, one square foot of sign area per 100 square feet of floor area (maximum of fifty square feet) is permitted. One illuminated ground sign per building not exceeding fifty square feet in area and six feet in height is permitted. Such sign shall be located from the front lot line at least one-half of the required setback distance.</p> <p>(2) In all other instances, signs for commercial uses shall be governed by Sections 27.69.044 (O-2 signs) for office uses, and 27.69.045 (B-1 signs) for business uses. The height of the permitted pole sign shall not exceed the height of the nearest building. When illuminated, signs must be located at least 100 feet from the side lot line if abutting a residential lot.</p> <p>(b) The sign regulations in this section may be modified by the City Council (Ord. 16735 §36, February 13, 1995; prior Ord. 16575 §1, March 14, 1994; Ord. 16487 §1, September 27, 1993; Ord. 15795 §2, December 17, 1990).</p> <p>DELETE: See B-3 and R-3 zoning standards for Village Gardens PUD sign requirements.</p>



Status of Review: FYI

10/26/2007 8:32:56 AM

Reviewed By Building & Safety

Terry Kathe

Comments: Does this not allow for individual ground signs for the Village area that is B-3?  
or is this for an additional sign at the main entrances from 56th or Pine Lake?

When you read the language provided, it starts out as additional signage, but when you keep reading it references not allowing all of the signs for each business.

Whatever is wanted should be clarified and more precise.

Status of Review: Approved

11/06/2007 1:42:51 PM

Reviewed By Health Department

ANY

Comments: LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT  
INTER-OFFICE COMMUNICATION

TO: Brian Will DATE: November 6, 2007

DEPARTMENT: Planning FROM: Chris Schroeder  
ATTENTION: DEPARTMENT: Health

CARBONS TO: EH File SUBJECT: Village Gardens  
EH Administration CZ #04075A

The Lincoln-Lancaster County Health Department has reviewed the change of zone application and does not object to the approval of the proposed changes.

Status of Review: Complete

Reviewed By Planning Department

RAY HILL

Comments:

Status of Review: Active

Reviewed By Planning Department

BRIAN WILL

Comments

Status of Review: Routed

Reviewed By Planning Department

COUNTER

Comments:

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Status of Review: Complete

11/02/2007 12:11:51 PM

Reviewed By Public Works - Development Services

SIETDQ

Comments M e m o r a n d u m

[ ]

To: [ ] Brian Will, Planning Department  
From: [ ] Chad Blahak, Public Works and Utilities  
Subject: [ ] Village Gardens PUD Change of Zone #04075A  
Date: [ ] November 1, 2007  
cc: [ ]

[ ]

Engineering Services has reviewed the plans for the Village Gardens PUD Change of Zone #04075A located on the southeast corner of 56th and Pine Lake Road, and finds the plans satisfactory.

---



"Jodi Frager"  
<rjfrager@gmail.com>  
11/20/2007 09:21 PM

To plan@lincoln.ne.gov  
cc  
bcc  
Subject Change of Zone for Village Gardens

Dear Planning Commission,

I am writing this to express my concern about the proposed plans to build a Residence Inn within 200 feet of the house I just purchased. My family and I moved to 5901 Billings Drive in the Thompson Creek subdivision at the end of August. As you can imagine we were very excited to have a home in such a wonderful neighborhood.

As I am sure you can also imagine, we are very disappointed to hear that a hotel may soon be built so close to our house. We were told when we purchased our property that this area, directly North and West of our house, was zoned for residential only. We have been advised by several Realtors that this change will have a negative effect on our property value.

As a father of two small children I can assure you that we would have never purchased a home this close to hotel. If we had known about the increased traffic at all hours this will create we would have found a home in a safer, quieter area.

I know we are only one family up against a huge organization, but I also know there are other local families who feel this is not best for the neighborhood we would like to again be excited to be part of. There are more than enough open lots near this area that would be sufficient for a hotel.

Please take our concerns into consideration as you go further and please do not allow this change in zoning to take place.

Sincerely,

Rick Frager  
5901 Billings Drive  
Lincoln, NE 68516



"Bob King"  
<totally\_framed@men.com>  
11/20/2007 06:03 PM

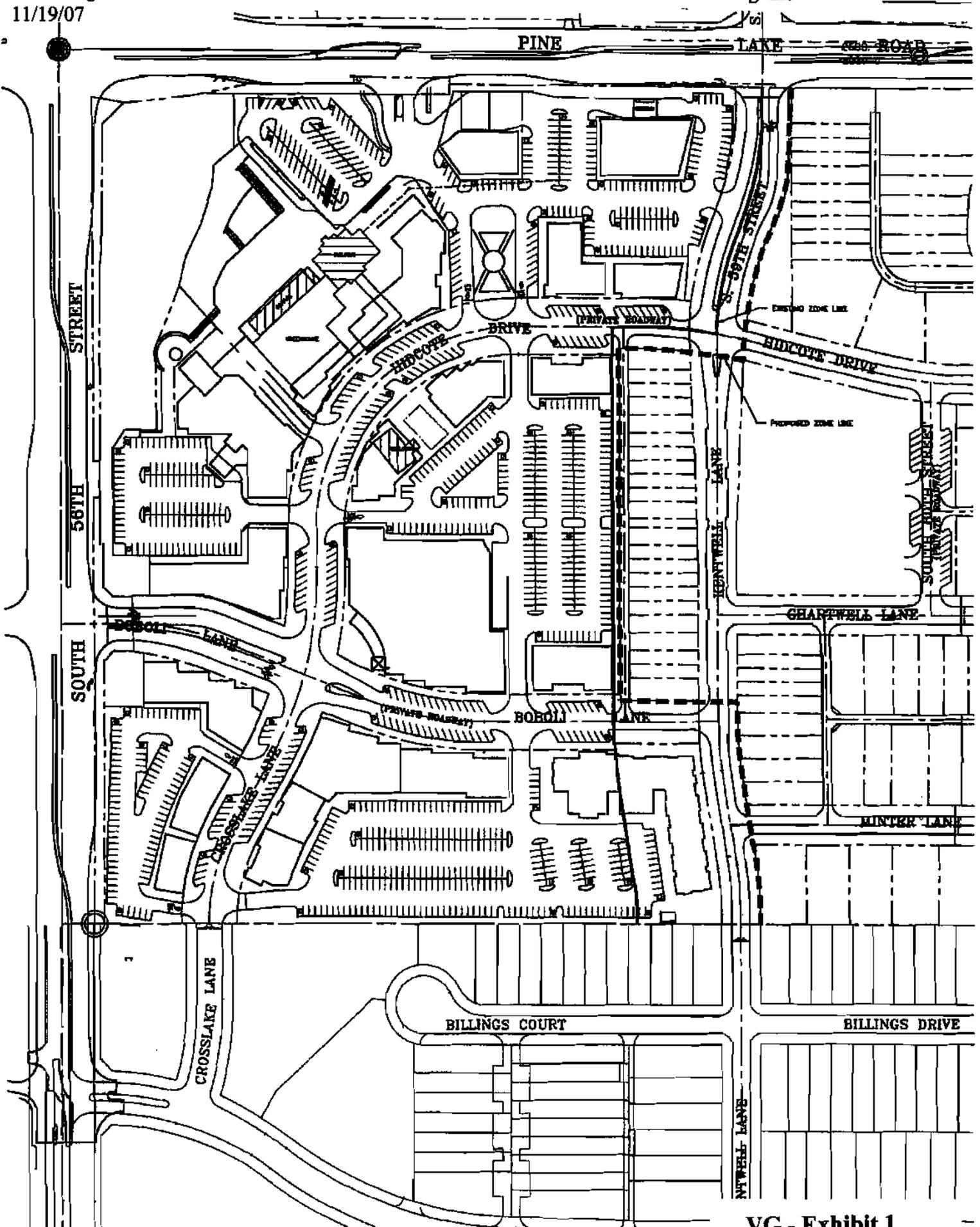
To <plan@lincoln.ne.gov>, <totally\_framed@msn.com>  
cc  
bcc

Subject Application for change of zone NO 04075A

My name is Robert King. I reside at 5904 Thompson Creek Blvd. My residence is within two (2) blocks of the requested zone change, changing the residential Mansion-Plex lots (Lots 1 & 2, Block 6, Village Gardens 1st Addition) to allow construction of a hotel/motel. I would like to go on record as opposing the requested Change of Zone No. 04075A. I think the original plan is more appropriate for those lots--keeping in line with the described/advertised "traditional neighborhood development". I think that the proposed hotel/motel would not conform to the "innovative pedestrian-orientated environment" or "foster a sense of community and connectedness" as suggested by Village Gardens literature.

thank you,

Robert King



# Village Gardens Project Timeline

- **VG PUD Approved: February 14, 2005:**
  - Approval established R-3 and B-3 zoned areas of Village Gardens to allow any B-3 uses (which includes hotels)
  - Occurred prior to any abutting lots sold to neighbors
- **June 2006: Village Gardens 1st Addition Platted**
  - Platted the two mansion-plex sites in anticipation of having 2 - 8 unit mansion-plex units in this area.
- **Proposed Today:**
  - Move Village Gardens B-3 zoning line 175' to the east to replace Mansion-plex lots with a portion of the Marriott Residence Inn Site.

Pine Lake Road

South 56th Street



VILLAGE GARDENS  
the art of Traditional Living

Marketplace



VG - Exhibit 3

032





SINGLE FACE, INTERIOR-ILLUMINATED, GROUND SIGN WITH BACK LIT FCO LETTERS AND LOGOS

CUSTOM FABRICATED ALUMINUM SIGN TO ACCOMMODATE FULL COLOR ELECTRONIC MESSAGE CENTER

5" CHARACTER HT. / CABINET SIZE 52" X 10' 0" / MATRIX 64 X 144

THREE TENANT SECTIONS TO BE WHITE LEXAN FACES WITH T-BAR DIVIDERS

DECORATED F/S WITH VINYL (TBD)

FLUORESCENT ILLUMINATION

COPY TO BE DIMENSIONAL MATERIAL PAINTED SPACED OFF WOOD STRUCTURE

AND BACK LIT WITH WHITE LED'S

STONE BASE AND WOOD STRUCTURE TO BE BY OTHERS

VERIFY ALL COLORS AND MATERIALS

NOTE: COMPUTER GENERATED DRAWING IS INTENDED TO BE AN APPROXIMATE REPRESENTATION OF ACTUAL COLORS AND IMAGES

CLIENT: DANIELLE MALLAGE GREENSALESPERSON  
 ADDRESS: MARKET PLACE  
 CITY: LINCOLN  
 STATE: NE

NO. 1000  
 QUANTITY: 1  
 SKETCH NO.  
 SCALE  
 DATE

DESIGNER: DANIELLE MALLAGE  
 DRAWN BY: DANIELLE MALLAGE  
 CHECKED BY: DANIELLE MALLAGE  
 DATE: 10/12/00

HYDROCOPY  
 REE PLAN  
 PHOTO  
 DESIGN APPROVAL  
 DATE

**Nebraska Sign Company**  
 510 South 7th Street - FAX 402-476-3247  
 P.O. Box 80968 - TEL 402-476-6562  
 P.O. Box 80968 - Lincoln, Nebraska 68501

FILE: DANIELLE MALLAGE 0001 10/12/00

S = Proposed Sign Locations





FRONT ELEVATION



SIDE ELEVATION

BUILDING ELEVATIONS

VG - Exhibit 7



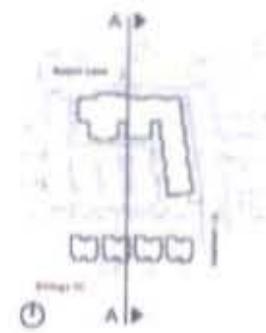
92/93 ROOM





VG - Exhibit 8

# Village Gardens Conceptual Hotel Height and Setback Exhibit



Section A-A

VG - Exhibit 9





**APPROXIMATE SCENE ILLUMINATION UNDER  
VARIOUS OUTDOOR CONDITIONS**

Lighting Conditions	Scene Illuminance (Foot-candles)
Direct Sunlight	10,000
Full Daylight*	1,000
Overcast Day	100
Very Dark Day	10
Twilight	1
Deep Twilight	0.1
Full Moon	0.01
Quarter Moon	0.001
Starlight	0.0001
Overcast Starlight	0.00001

\*Not Direct Sunlight

Lamp Wattage	Initial Lumens
50 watt HPS	4,000 Lumens
50 watt MH	3,900 Lumens
70 watt HPS	5,450 Lumens
70 watt MH	5,500 Lumens
100 watt HPS	9,500 Lumens
100 watt MH	9,000 Lumens
150 watt HPS	16,000 Lumens
150 watt MH	12,500 Lumens
175 watt MH	17,500 Lumens