

City Council Introduction: **Monday**, March 10, 2008  
Public Hearing: **Monday**, March 17, 2008, at **1:30** p.m.

Bill No. 08-26

## **FACTSHEET**

**TITLE:** **CHANGE OF ZONE NO. 3312**, from R-3 Residential District to B-2 Planned Neighborhood Business District, requested by Ridge Development Company, on property generally located at N. 14<sup>th</sup> Street and Fletcher Avenue.

**SPONSOR:** Planning Department

**BOARD/COMMITTEE:** Planning Commission  
Public Hearing: 08/18/04  
Administrative Action: 08/18/04

**STAFF RECOMMENDATION:** Approval

**RECOMMENDATION:** Approval (8-0: Marvin, Pearson, Krieser, Sunderman, Carlson, Carroll, Taylor and Bills-Strand voting 'yes'; Larson absent).

**ASSOCIATED REQUESTS:** Use Permit No. 135, North Hills Retail Center (08R-71).

### **FINDINGS OF FACT:**

1. This change of zone request from R-3 to B-2 on 1.5 acres, more or less, was heard by the Planning Commission on August 18, 2004, in conjunction with the associated Use Permit No. 135, North Hills Retail Center, for 198,825 sq. ft. of retail floor area.
2. The staff recommendation of approval is based upon the "Analysis" as set forth on p.3-4, concluding that the change of zone is in conformance with the Comprehensive Plan and the Zoning Ordinance.
3. The applicant's testimony is found on p.5.
4. There was no testimony in opposition; however, the record consists of correspondence subsequent to the Planning Commission hearing between J.R. Brown, a resident of North Hills, and the applicant's attorney, DaNay Kalkowski, concerning the proposed development (p.12-20).
5. On August 18, 2004, the Planning Commission agreed with the staff recommendation and voted 8-0 to recommend approval.
6. On August 18, 2004, the Planning Commission also voted 8-0 to recommend conditional approval of the associated Use Permit No. 135, with one amendment.
7. The applicant has continued to work with the neighborhood and is now ready to proceed with this change of zone request.

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

**DATE:** March 5, 2008

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

**DATE:** March 5, 2008

**REFERENCE NUMBER:** FS\CC\2008\CZ.3312+

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

**for August 18, 2004, 2003 PLANNING COMMISSION MEETING**

**\*\*As revised and recommended for approval by Planning Commission  
August 18, 2004\*\***

**P.A.S.:** **Change of Zone #3312**, Use Permit #135, North Hills Retail Center

**PROPOSAL:** To change the zoning on a parcel from R-3 to B-2, Planned Neighborhood Business and obtain a use permit for approximately 198,825 square feet of retail floor area.

**LOCATION:** Generally located at N. 14<sup>th</sup> Street and Fletcher Avenue.

**WAIVER REQUEST:**

Reduce front yard setback from 50'-40' along Fletcher Avenue

Reduce front yard setback from 50' to 35' along N. 14<sup>th</sup> Street

Waive front yard setback for a driveway

Waive internal yard setbacks within individual building lots

Waive Design Standards to construct a water main within the parking lot driveways

Waive the requirement for a preliminary plat

**LAND AREA:** Change of Zone: 1.5 acres, more or less.  
Use Permit: 22 acres, more or less.

**CONCLUSION:** With conditions, the request is in conformance with the Comprehensive Plan, Subdivision and Zoning Ordinances.

**RECOMMENDATION:**

<b><u>Change of Zone</u></b>	<b><i>Approval</i></b>
<u>Use Permit</u>	Conditional Approval
Reduce front yard setback from 50'-40' along Fletcher Avenue	Approval
Reduce front yard setback from 50' to 35' along N. 14 <sup>th</sup> Street	Approval
Waive front yard setback for a driveway	Approval
Waive internal yard setbacks within individual building lots	Approval
Waive Design Standards to construct a public water main on private property	Denial
Waive the requirement for a preliminary plat	Approval

**GENERAL INFORMATION:**

**LEGAL DESCRIPTION:** See attached.

**EXISTING ZONING:** B-2, Planned Neighborhood Business District, R-3, Residential

**EXISTING LAND USE:** Undeveloped.

**SURROUNDING LAND USE AND ZONING:**

North:	Interstate and undeveloped	P, Public, R-3, R-5, Residential
South:	Undeveloped, residential	R-3
East:	Undeveloped	H-3, Highway Commercial
West:	Undeveloped	R-3

**HISTORY:** North Hills Preliminary Plat #99009, Change of Zone #3174 from R-3 to B-2 and Change of Zone #3175 from B-2 to R-3 was approved on November 1, 1999 by City Council.

**COMPREHENSIVE PLAN SPECIFICATIONS:** This area is shown as Commercial (F-25).

Commercial locations should be easily accessible by all modes of transportation including pedestrian, bicycle, transit and automobiles. Centers should be especially accessible to pedestrians and bicycles with multiple safe and convenient access points. (F-42)

**TRAFFIC ANALYSIS:** Fletcher Avenue is shown as an Urban Minor Arterial in the Functional Classification of City Streets in the Comprehensive Plan (F-103).

Due to traffic created by the commercial floor area off site improvements are required. The Public Works and Utilities Department indicated that the traffic study indicates the need for additional turn lanes and right of way on Fletcher Avenue.

**ANALYSIS:**

1. This is a request for a change of zone on approximately 1.5 acres from R-3 to B-2 and use permit for 198,825 square feet of floor area for the entire B-2 area. The applicant requests to reduce front yard setbacks around the perimeter and to waive internal lot setbacks. The applicant indicated the waiver is requested due to the additional right-of-way dedication along Fletcher Avenue and N. 14<sup>th</sup> Street. Since the pad site lots will be surrounded by an outlot which will have parking for the lots, the applicant requested to waive all internal pad site setbacks. The applicant requests to waive the front yard setback along N. 14<sup>th</sup> Street to allow a driveway to encroach into the setback. The applicant is showing an approximately 0.20 floor area ratio.
2. Street trees and sidewalks along N. 14<sup>th</sup> Street must be shown on the landscape and site plans. Waivers were not requested for these facilities and there are no apparent justifications to warrant a waiver.
3. The land use table on the site plan does not reflect the same information as the site plan itself, pad site square footage varied from the site plan to the table.
4. The Lincoln Lancaster County Health Department had two advisory comments which are attached.

5. The Public Works and Utilities Department had several comments in their memo dated July 28, 2004 which are attached.
6. The Fire, Police and Parks and Recreation Departments had no objections.
7. Planning staff does not object to the setback waivers, as it is allowed through the use permit process. The waiver to internal setbacks is consistent with other use permit areas which have individual pad sites surrounded by a parking lot within an outlot. The request to waive perimeter setbacks is reasonable, given the additional right of way dedication and is still consistent with abutting zoning setbacks (H-3 front yard setback of 30'). The request to coordinate the preliminary plat and use permit is reasonable because all information required by the preliminary plat has been submitted with the use permit.
8. The acreage shown for the calculation of the floor area ratio does not match the surveyor's certificate land area. Both need to show the correct acreage.
9. The Public Works and Utilities Department indicated they do not support the request to allow public water mains in a private parking lot. Public Works and Utilities Department recommends this main be revised to indicate that it is a private water system with a water meter location approved by the Public Works and Utilities Department. The Public Works and Utilities Department indicated Water mains along private roadways are acceptable as long as the cross section resembles a standard section and is not merely a parking lot driving isle. The reason for this is maintenance and accessibility purposes.

**DATE:** August 4, 2004

**APPLICANT:** Ridge Development Company  
John Brager, Tom White  
PO Box 22769 and PO Box 22296  
Lincoln, NE 68542

**OWNER:** Same.

**CONTACT:** Cale Lucky  
Olsson Associates  
1111 Lincoln Mall  
Lincoln, NE 68508  
(402)474-6311

**CHANGE OF ZONE NO. 3312  
and  
USE PERMIT NO. 135  
NORTH HILLS RETAIL CENTER**

**PUBLIC HEARING BEFORE PLANNING COMMISSION:**

August 18, 2004

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

Staff recommendation: Approval of the change of zone and conditional approval of the use permit.

Ex Parte Communications: None.

Becky Horner of Planning staff submitted revised Condition #2, removing approval of the waiver of the water main design standards.

Proponents

1. **DaNay Kalkowski** appeared on behalf of **Northern Lights LLC and Southview, Inc.**, the owners of this commercial area located on the east side of N. 14<sup>th</sup> Street between the Interstate and the future Fletcher right-of-way. In November of 1999, the City Council approved a change of zone to B-1 on all but 1.5 acres of this property. This was done in association with the preliminary plan for the North Hills residential neighborhood. The rationale for bringing the zoning action at that time was that the Comprehensive Plan showed it as commercial and to put the residential neighbors on notice. Since that time, her clients have obtained the 1.5 acres so this change of zone is for that small portion so that it can be included with this use permit.

The use permit includes approximately 198,000 sq. ft. of commercial uses. The larger uses are shown on the west side of the site and on the northwestern side up along the Interstate. The smaller uses are shown along the future Fletcher Ave. This property is substantially separate from the residential area to the south and to the east. The applicants are dedicating 130' right-of-way and a large wetland and large pond area to the south. The nearest residential neighborhood to the south and east is 200', ranging from 200'-400'. The construction of Fletcher Avenue is shown in CIP for 2004-05 and N. 14<sup>th</sup> Street improvements are shown in 2005-06. Sidewalks will be constructed along N. 14<sup>th</sup> Street and Fletcher Avenue, and they are showing sidewalk connections throughout internally.

Kalkowski agreed with the staff conditions of approval, as amended today.

Pearson inquired as to the use of the change of zone area now. Kalkowski advised that there is an old vacant house that is going to be moved off the site.

There was no testimony in opposition.

Carlson inquired about the allowable signage in B-2, particularly in consideration of the Interstate corridor. Horner stated that one off-premises pole sign or one on-premises ground sign, not exceeding 100 sq. ft. in area, shall be permitted to each public street provided street frontage extends for at least 300'. This would apply to Fletcher Avenue and along the Interstate, but she does not believe they have enough frontage on 14<sup>th</sup> Street. There are ground signs for each pad site of 50 sq. ft. in area. Carlson wondered about roof signs. Horner stated that wall signs are allowed but there is no definition in the ordinance for roof signs.

Marvin inquired whether there would be access to 14<sup>th</sup> Street off the Interstate at some point in the future. Dennis Bartels of Public Works indicated that there would be no Interstate interchange at 14<sup>th</sup> Street. 14<sup>th</sup> Street goes over the Interstate at this location. With the widening of the interstate, the bridge will have to be lengthened. Ideal spacing on the interchanges is approximately 2-mile spacing.

Pearson inquired whether the house that will be removed from the site is historic. Kalkowski did not believe it to be historic. The historic house is the Pegram property further south.

With regard to signage, Kalkowski indicated that the plan states that the signage will be in conformance with the ordinance.

**CHANGE OF ZONE NO. 3312**

**ADMINISTRATIVE ACTION BY PLANNING COMMISSION:**

August 18, 2004

Taylor moved approval, seconded by Marvin and carried 8-0: Marvin, Pearson, Krieser, Sunderman, Carlson, Carroll, Taylor and Bills-Strand voting 'yes'; Larson absent.

**USE PERMIT NO. 135**

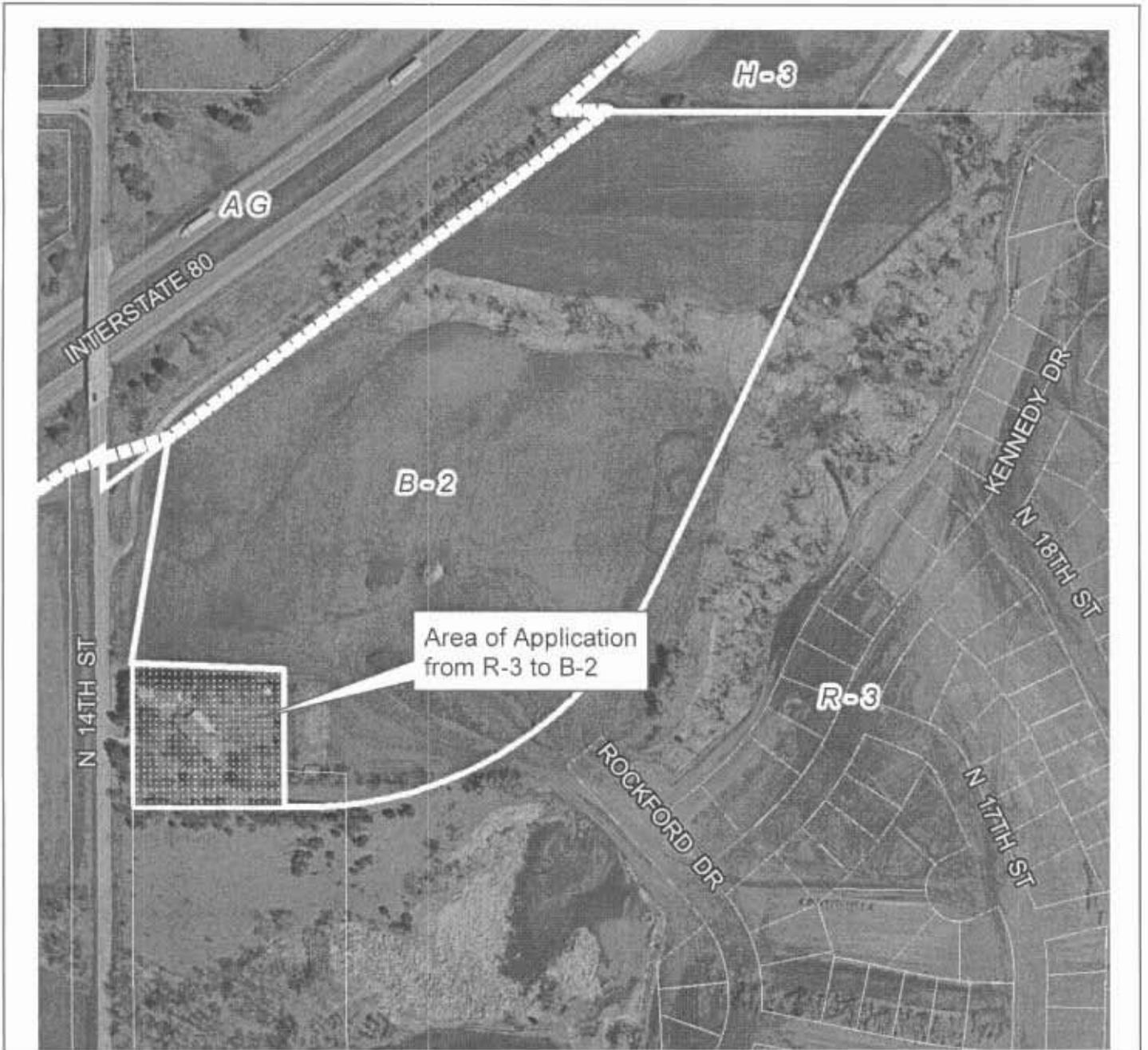
**ADMINISTRATIVE ACTION BY PLANNING COMMISSION:**

August 18, 2004

Taylor moved to approve the staff recommendation of conditional approval, as amended, seconded by Krieser.

Carlson commented that because this is on the Interstate corridor, he is hoping that the rules are sufficient and that the applicant and the builders are of the minds to present a nice face for the community.

Motion for conditional approval, as amended, carried 8-0: Marvin, Pearson, Krieser, Sunderman, Carlson, Carroll, Taylor and Bills-Strand voting 'yes'; Larson absent.



**Change of Zone #3312  
North Hills Retail Center  
Fletcher Ave. & I-80**

2002 aerial

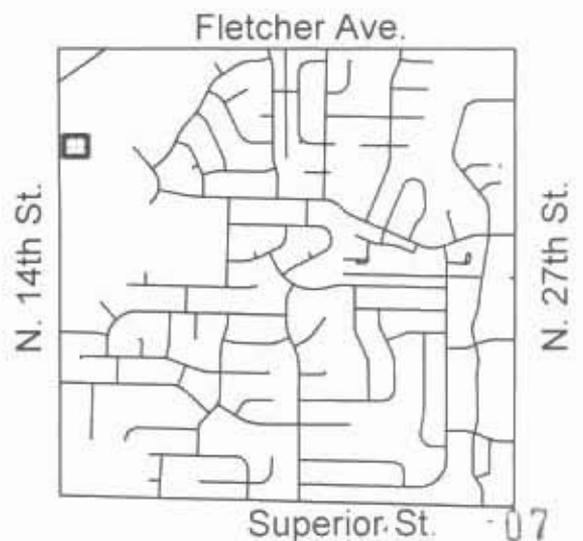
**Zoning:**

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

One Square Mile  
Sec. 1 T10N R6E



Zoning Jurisdiction Lines  
City Limit Jurisdiction



**LEGAL DESCRIPTION  
CHANGE OF ZONE**

A LEGAL DESCRIPTION FOR A TRACT OF LAND COMPOSED OF A PORTION OF THE REMAINING PORTION OF OUTLOT "C", NORTH HILLS 5<sup>TH</sup> ADDITION, LOCATED IN THE NORTHWEST QUARTER OF SECTION 1, TOWNSHIP 10 NORTH, RANGE 6 EAST OF THE 6TH P.M., CITY OF LINCOLN, LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID REMAINING PORTION OF OUTLOT "C", SAID POINT BEING ON THE EAST LINE OF NORTH 14<sup>TH</sup> STREET RIGHT-OF-WAY AND ON THE NORTH LINE OF FLETCHER AVENUE RIGHT-OF-WAY, SAID POINT BEING **THE TRUE POINT OF BEGINNING**; THENCE NORTHERLY ALONG THE WEST LINE OF SAID REMAINING PORTION OF OUTLOT "C", SAID LINE BEING THE EAST LINE OF NORTH 14<sup>TH</sup> STREET RIGHT-OF-WAY, SAID LINE BEING 65.00 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF SAID NORTHWEST QUARTER ON AN ASSUMED BEARING OF NORTH 00 DEGREES 08 MINUTES 46 SECONDS WEST, A DISTANCE OF 193.05 FEET TO A POINT, THENCE SOUTH 87 DEGREES 48 MINUTES 35 SECONDS EAST, A DISTANCE OF 258.35 FEET TO A POINT, THENCE SOUTH 00 DEGREES 08 MINUTES 46 SECONDS EAST, A DISTANCE OF 182.52 FEET TO A POINT OF INTERSECTION WITH THE SOUTH LINE OF SAID REMAINING PORTION OF OUTLOT "C", THENCE SOUTH 89 DEGREES 51 MINUTES 14 SECONDS WEST ALONG A SOUTH LINE OF SAID REMAINING PORTION OF OUTLOT "C", SAID LINE BEING A NORTH LINE OF FLETCHER AVENUE RIGHT-OF-WAY, A DISTANCE OF 258.13 FEET TO THE POINT OF BEGINNING. SAID TRACT CONTAINS A CALCULATED AREA OF 48,472.16 SQUARE FEET OR 1.11 ACRES, MORE OR LESS.



**OLSSON ASSOCIATES**  
ENGINEERS • PLANNERS • SCIENTISTS • SURVEYORS

12 July 2004

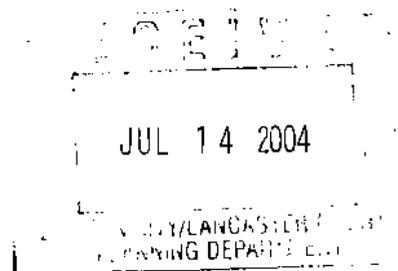
Mr Marvin Krout  
Planning Department , City of Lincoln  
County-City Building  
555 South 10<sup>th</sup> Street  
Lincoln, NE 68508

Re: North Hills Retail Center Use Permit  
OA Project No. 2004-0164

Dear Mr. Krout,

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

1. Site Plan - 21 copies.
2. Drainage and Grading Plan - 9 copies.
3. Street Profile Plan - 5 copies.
4. Landscape Plan – 5 copies
5. Traffic Study - 3 copies.



On behalf of the owners, North Hills Limited Partnership, we are resubmitting North Hills Retail Center Use Permit #135. This project was last submitted to your office in March of 2001. We have updated the plans to generally conform to the comments dated April 2, 2001 and also to address issues discussed with planning staff on March 18, 2004. We are requesting the withdrawal of Preliminary Plat #01002 as discussed at the meeting.

The following waivers are requested:

1. To reduce the front yard setback from 50' to 40' along Fletcher Avenue.

60' of Right of way has been dedicated along Fletcher Avenue. We are requesting a corresponding 10' reduction from the 50' front yard setback to account for the 10' increase in Right of Way. An alternative would be to maintain 50' of Right of Way and dedicate a Pedestrian / Landscape easement for the additional 10'.

2. To reduce the front yard setback from 50' to 35' along North 14<sup>th</sup> Street:

65' of Right of way has been shown to be dedicated along North 14<sup>th</sup> Street. We are requesting a corresponding 15' reduction from the 50' front yard setback to account

for the 15' increase in Right of Way. An alternative would be to maintain 50' of Right of Way and dedicate a Pedestrian / Landscape easement for the additional 15'.

3. To waive internal yard setbacks within individual building lots:

The center is designed to allow the buildings to be in separate lots (if required) and the parking / driveways to be in a separate outlot. We are therefore requesting a waiver to each internal lots setbacks, the setbacks are noted around the perimeter of the center.

4. To waive design standards to construct a public water main within the parking lot / driveways as shown in Outlot "A"

Public Water mains are normally located within City Right of Way, or within an easement adjacent to a Private Roadway. There are no private roadways located within the center, however, the water main can be located adjacent to driveways in an easement and would be constructed according to city design standards.

5. To waive front yard setback requirement to allow a driveway to encroach into the front yard setback

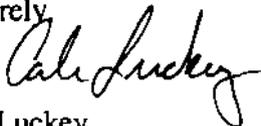
A portion of the rear building circulation drive encroaches into the front yard setback of 14<sup>th</sup> street and Interstate 80. This encroachment is being requested to maintain vehicular flow around the building. The driveway is approximately 15' below the elevation of 14<sup>th</sup> street.

6. To waive the requirement for a preliminary plat:

The information required for a Preliminary Plat is included within this Use Permit submittal and therefore we are requesting that the Use Permit act as the Preliminary Plat.

Please contact us if you have any questions or require additional information.

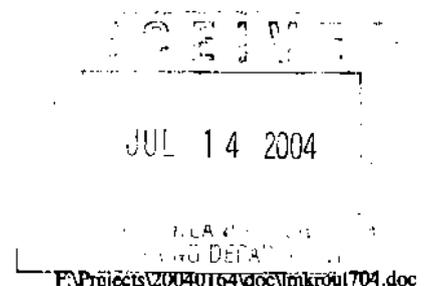
Sincerely,

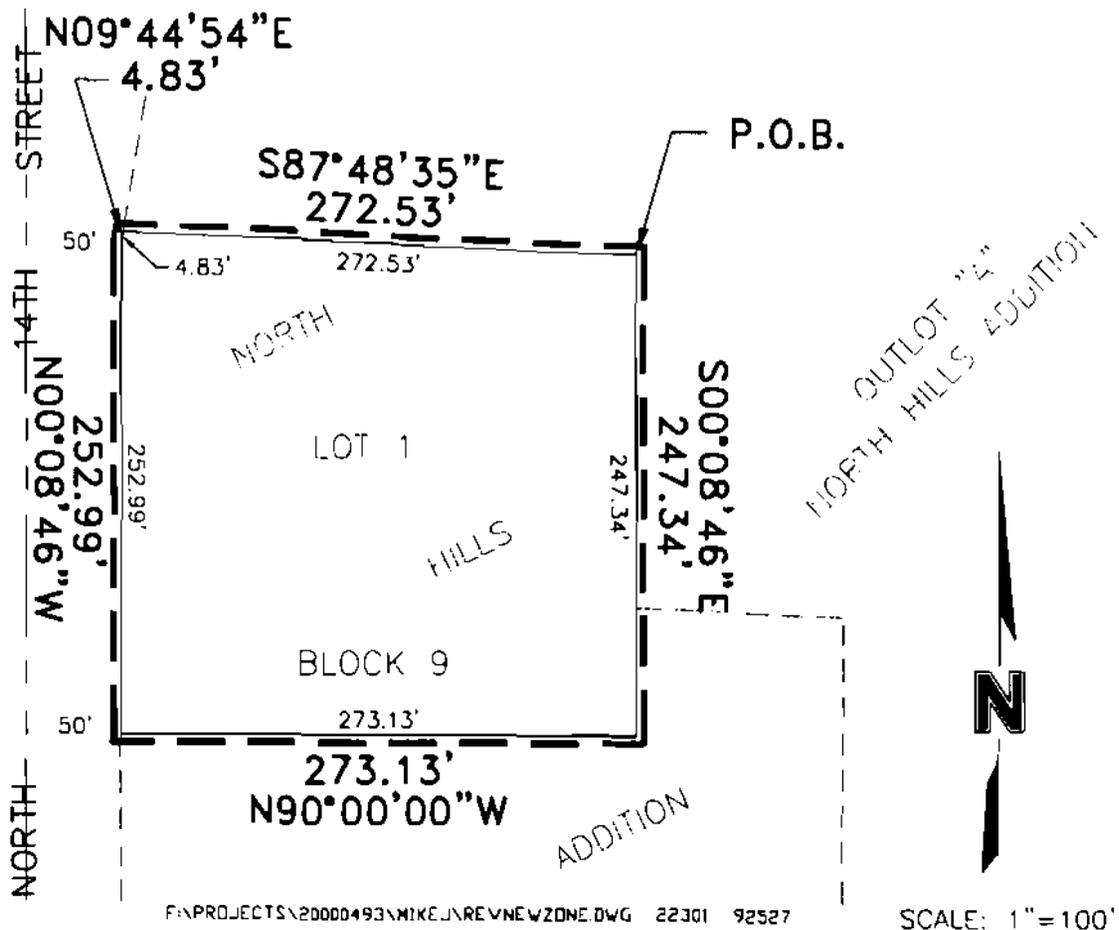


Cale Luckey

Encls

cc Tom White, John Brager,  
John Schleich, Tom Schleich  
DaNay Kalkowski





ange of zone# 3312  
 in R-3 to B-2

J.R. Brown  
North Hills Property Owner  
5501 Rockford Drive  
Lincoln, Nebraska 68521  
(402) 617-0493  
jr@jrsoft.com

8/23/2004

DaNay Kalkowski  
Seacrest & Kalkowski, P.C.  
1111 Lincoln Mall, Suite 350  
Lincoln, NE 68508  
(402) 435-6000  
danay@sk-law.com

Dear Ms. Kalkowski,

Thank you for providing me information on the proposed North Hills Business District site plan as presented in the 8/18/2004 Planning Commission meeting. I'm writing this letter to express some concerns I have with the site plan and additionally, I want to provide some insight on how I think these issues can be resolved.

Your client, Ridge Development Company, has an excellent reputation in Lincoln for developing 'friendly' neighborhoods and listening to the concerns of its customers and the public. For these reasons, I built my first house in the North Hills Neighborhood.

Like I stated above, I do have some concerns and I'm confident we can resolve them. In the next section I will address the two main concerns I have and elaborate on each of them.

#### 1. North Hills Business District - Building Structures and General Site Plan

I've spoke with many residents in the North Hills subdivision; I have found many residents don't have a clear understanding of the development in this area. Many of the residents have the impression as I did; that the development was supposed to be geared towards small business, a small business office park or small retail shops. Others thought this area would be additional residential and town homes.

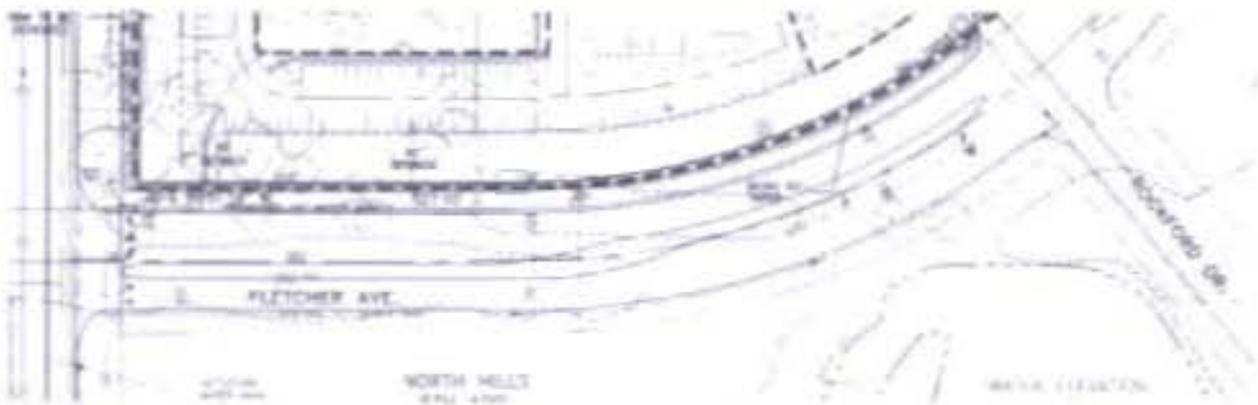
The site plan portrays four large 22,000 to 66,000 SF buildings and large parking areas. This is not consistent with small business use and looks to be geared towards large corporate retail space. As you know, the Angelou economics study suggests Lincoln develop more small business parks and promote entrepreneurship. Additional complexities come with such large retail areas that can put burden on the abutting neighborhoods which include increased trash, noise, traffic, as well as light pollution from the larger signs and parking lot lighting which would be needed.

Another Issue I have concerns about is in regards to items marked Lot 4 and Lot 5. My question is, How will these lots will be used? I'm concerned that they may turn into a fast food restaurant or even worse a convince store, which would be able to sell alcohol. As you know not far from these lots is a proposed elementary school. I'm sure Ridge Development understands that having such activity in the Intersection that enters into the North Hills Neighborhood is not ideal. Instead, it would be a vast improvement to move this type of activlty to the northeast corner of the site plan.

I would greatly appreciate the consideration on how the space is used and what type of businesses this development is promoting and the respective impact on the nearby neighborhood.

## 2. Fletcher Ave. Design

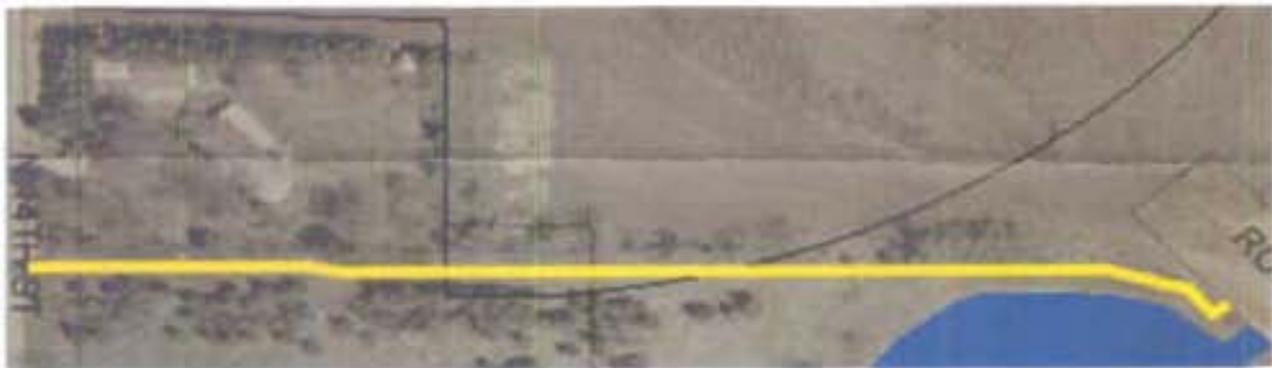
I recently attended a meeting called by Olsson Associates and the City of Lincoln to provide information on the proposed 14<sup>th</sup> Street redesign and expansion project. I paid particular attention to where the 14<sup>th</sup> and Fletcher intersection would be located. Shown in the figure below.



As you can see, this first section of Fletcher Ave will require the removal of several trees which would be beneficial as a screen between the neighborhood and Fletcher Ave. Ridge Development has a reputation for preserving existing trees as it did with the Wilderness Ridge subdivision. This is just another small element which enhances the quality of development by Ridge Development.

As shown on the proposed design above, a trail is running along Fletcher Ave. This is inconsistent with the information I have received from David Cary, City of Lincoln Transportation Planner, in which he indicated the trail would not necessarily be directly adjacent to the roadway as it is planned to use the natural creek corridor.

I would like some reconsideration on how this trail is designed and revert back to using the natural landscape along with the trees in the current design that are to be removed. I think we can have a nice 'off the street' trail for the public. Please reference the diagram below.



On the next page I will show how a trail would be a perfect fit between these two tree lines on either side of the yellow line.



As you can see from the picture, this area would be a prime spot for the trail and the trees to the right (north) would provide a buffer from the cars driving along Fletcher Ave. Also, since the closest park to North Hills is 14<sup>th</sup> and Superior, it would be a viable alternative for the many children that live in the neighborhood

I recommend Fletcher Ave. to be moved north of these trees, the trail to run between these trees and generally along the natural creek as originally discussed instead of along Fletcher Ave. as proposed.

North Hills neighborhood is still incorporated by the developer, Ridge Development Company. To my knowledge we do not have an active neighborhood association in which these topics would be shared amongst the residents. Does the North Hills Neighborhood Association, LLC. have any plans to discuss the proposed business district with its residents?

I appreciate your time on this matter and look forward to your response.

Respectfully,

Handwritten signature of J.R. Brown.

J.R. Brown  
North Hills Resident  
5501 Rockford Drive





# SEACREST & KALKOWSKI, P.C.

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

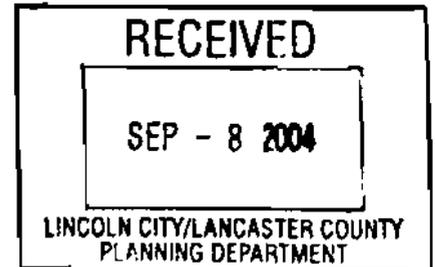
TELEPHONE (402) 435-6000  
FACSIMILE (402) 435-6100

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

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

September 7, 2004

J.R. Brown  
5501 Rockford Drive  
Lincoln, NE 68521



RE: North Hills Retail Center

Dear Mr. Brown:

I am writing in response to the issues raised in your correspondence dated August 23, 2004 regarding the proposed North Hills Retail Center located at the northeast corner of North 14<sup>th</sup> Street and Fletcher Avenue.

## 1. North Hills Business District – Building Structures and General Site Plan

In November, 1999 all of the area included in the proposed North Hills Retail Center, except for approximately 1.5 acres located at the corner of North 14<sup>th</sup> Street and Fletcher Avenue, was zoned B-2 Planned Neighborhood Business District. This change of zone was done in conjunction with the preliminary plat for the North Hills residential subdivision. The B-2 district is intended to provide planned retail uses to serve neighbors. The B-2 zone permits uses such as banks, service stations, office buildings, restaurants, and stores or shops for the sale of goods at retail. There is no limitation on the size of buildings within the B-2 district. In fact, some retail uses typically found in B-2 districts such as grocery stores are large uses. At this time, the uses shown within the Retail Center are quite general permitting commercial/retail/restaurant uses within the larger buildings located along 14<sup>th</sup> Street and abutting Interstate 80, and commercial/retail/restaurant/fast food uses within the smaller pad sites along Fletcher Avenue.

With regard to Lots 4 and 5, Lot 4 is shown on the land use table as commercial/retail/fast food and Lot 5 is shown as commercial/retail/restaurant. The sale of alcoholic beverages on and off the premises within the Retail Center are conditional uses. Lots 4 and 5 would be permitted to sell alcohol provided the necessary conditions are met. In this case, Lots 4 and 5 are separated from the closest residential lot by more than 340 feet, including Fletcher Avenue.

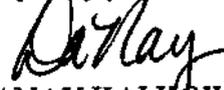
## 2. Fletcher Avenue Design

The location of Fletcher Avenue was shown as part of the North Hills preliminary platting process that occurred in 1999. There are several factors which restrict the ability to shift the location of the intersection of Fletcher Avenue and North 14<sup>th</sup> Street. This intersection will be a four way intersection providing access to development both east and west of North 14<sup>th</sup> Street. The west leg of the intersection has also been preliminary platted as part of the Pinecrest development. In addition, there are design criteria associated with the intersection's proximity to the bridge over I-80 such as site distance and left turn lane issues, that restrict movement of the intersection further to the north. Likewise, there are issues restricting the shift of Fletcher Avenue to the south, as the south side of Fletcher Avenue abuts two outlots which contain wetlands and a pond. In addition, the developers do not own or control the property on the southeast corner of the intersection which would be impacted by any shift to the south.

The North Hills preliminary plat showed the trail location on the south side of Fletcher Avenue. To the extent the south side of Fletcher is abutted by outlots that are designated for open space/wetland/pond, the developers are willing to give the City flexibility to locate the trail within this area.

We would be happy meet with the North Hills residential residents to go over the proposed plans for the Retail Center. At this time you can see they are very general as no specific users have been identified for the site. We will work on getting something scheduled within the next couple weeks before this item has public hearing before the City Council. If you have any additional questions, please feel free to give me a call.

Very truly yours,



DANAY KALKOWSKI

For the Firm

cc: Randy Hoskins, Public Works and Utilities Department  
Becky Horner, Planning Department  
Annette McCroy, City Council Member



"J.R. Brown"  
<Jr@jrsoft.com>  
11/09/2004 08:44 PM

To: <council@ci.lincoln.ne.us>, <plan@ci.lincoln.ne.us>  
cc: <RHorner@ci.lincoln.ne.us>  
Subject: Meeting to Discuss Proposed North Hills Retail Center

Dear City Council and Planning Commission,

I'm writing to inform you of a North Hills neighborhood meeting to take place Wednesday, November 17<sup>th</sup> at 7:00pm at Eiselay Branch Library. This meeting is being assembled by DaNey Kalkowski on behalf of SouthView Inc. and Northern Lights, LLC.

This meeting will be held to discuss the development plans proposed in Use Permit No. 135 and Change of Zone 3312, generally located southeast of 14<sup>th</sup> and I-80. I've previously met with DaNey to discuss the concerns that my neighbors and myself have with this development. Unfortunately, these concerns have not been addressed or mitigated.

In general, the issues are two-fold as follows:

#### North Hills Business District – Building Structures and General Site Plan

1. Neighbors were told that this development would be small business retail, office park, and others were under the assumption that it would be additional residential.
2. Two large 22-24,000 SF buildings and two 61-66,000 SF buildings are present on the site plan. This does not seem consistent with the zoning purpose of a B-2 Planned Neighborhood Business District.
3. At the entrance of our neighborhood, small lots are shown on the site plan. These are geared for fast food and convenience stores which would have the capability of selling alcohol.
4. This large neighborhood facing development will bring additional noise, trash, traffic, and especially light pollution for the proposed approximately 750 stall parking lot. These lights could be on 24x7.
5. Recommendation: Investigate alternative site designs, screening from neighborhood, design that better reflects the neighborhood character, discuss the types of businesses allowed in the development and how they can benefit the neighborhood.
6. This retail center is not consistent with other small office and small retail developments already present on Fletcher Ave.

#### Fletcher Ave. Design

1. Fletcher Ave. is categorized by the comprehensive plan as a "minor urban arterial" (45Mph), a more neighborhood approachable design would be to make this a "urban collector" (35Mph) as defined in the comprehensive plan.
2. Encroachment on the wetlands. Original plans by city transportation engineers wanted an 'off-street' trail to follow the natural wetland/creek corridor. Instead tree lines are being displaced to increase available commercial space.
3. When compared to documents from the comprehensive plan and mobility task force, the proposed Fletcher Ave. is moved considerably closer to provide more developable commercial space.
4. Fletcher Ave. is not well design. You can find Fletcher Ave. all around different sections of north Lincoln even on the opposite side of I-80. This inconsistent street will make it difficult to provide directions to visitors and locate businesses.
5. A proposed Fletcher Ave. will be closed at 14<sup>th</sup> street as part of the north 14<sup>th</sup> street widening project. This will have a negative impact on traffic through the neighborhood.

My neighbors and I would appreciate your participation in helping the neighborhood and the development community to create a neighborhood friendly business district for all to enjoy.

Sincerely,

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