

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

Bill No. 08R-71

FACTSHEET

TITLE: USE PERMIT NO. 135, North Hills Retail Center, requested by Ridge Development Company, for approximately 198,825 sq. ft. of retail floor area, on property generally located at N. 14th Street and Fletcher Avenue.

SPONSOR: Planning Department

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

STAFF RECOMMENDATION: Conditional Approval, as revised.

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

ASSOCIATED REQUESTS: Change of Zone No. 3312 (08-26)

FINDINGS OF FACT:

1. This use permit was heard by the Planning Commission on August 18, 2004, in conjunction with the associated Change of Zone No. 3312 from R-3 to B-2.
2. This use permit requests approximately 198,825 sq. ft. of retail floor area on 22 acres, more or less, generally located at North 14th Street and Fletcher Avenue. The only waiver being requested is internal yard setbacks within individual building lots.
3. The staff recommendation of conditional approval is based upon the "Analysis" as set forth on p.3-4, concluding that the proposed use permit, with conditions, is in conformance with the Comprehensive Plan, the Land Subdivision Ordinance and the Zoning Ordinance.
4. The applicant's testimony is found on p.7.
5. 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.23-31).
6. On August 18, 2004, the Planning Commission agreed with the staff recommendation and voted 8-0 to recommend conditional approval, as revised by staff.
6. On August 18, 2004, the Planning Commission also voted 8-0 to recommend approval of the associated Change of Zone No. 3312.
7. The applicant has continued to work with the neighborhood and is now ready to proceed with this use permit request. The revised site plan and notes are found on p.13-15. The site plan is substantially the same as submitted to the Planning Commission in 2004, except for corrections as listed in the staff report and a reduction in the landscaped area depth along Fletcher from 40 feet to 30 feet to accommodate a requested right turn lane. The only waiver now being requested is internal yard setbacks within individual building lots. All other waivers previously requested have either been withdrawn or are no longer necessary due to modified standards, such as the front yard setback which was reduced from 50 feet to 20 feet.

FACTSHEET PREPARED BY: Jean L. Preister

DATE: March 5, 2008

REVIEWED BY: _____

DATE: March 5, 2008

REFERENCE NUMBER: FS\CC\2008\UP.135+

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. 14th 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. 14th 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:

| | |
|--|----------------------|
| Change of Zone | Approval |
| Use Permit | Conditional Approval |
| Reduce front yard setback from 50'-40' along Fletcher Avenue | Approval |
| Reduce front yard setback from 50' to 35' along N. 14th 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. 14th 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. 14th 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. 14th 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.

CONDITIONS:

Site Specific:

1. After the applicant completes the following instructions and submits the documents and plans to the Planning Department office and the plans are found to be acceptable, the application will be scheduled on the City Council's agenda:
 - 1.1 Revise the site plan to show:
 - 1.1.1 Show street trees along N. 14th Street.
 - 1.1.2 Revise the site plan and land use table to be the same.
 - 1.1.3 Show utility easements to the satisfaction of the Lincoln Electric System's memo dated July 22, 2004.
 - 1.1.4 Revisions to the satisfaction of the Public Works and Utilities Department's memo dated July 28, 2004.
 - 1.1.5 Correct the legal description on the site plan along the west side of Rockford Drive to Lot 5 and the SW side of driveway along Lot 3.

1.1.6 Show sidewalks along N. 14th Street to show a sidewalk connected to Lot 2 and fill in the gap sidewalk north of Lot 3.

1.1.7 Indicate the correct acreage in the Development Area calculation and the Surveyor's Certificate.

2. This approval permits 198,825 sq. ft. of retail floor area, ~~reduction of the front yard setbacks, waiver of internal yard setbacks waive Design Standards to construct a water main within the parking lot driveways, and waive the requirement for a preliminary plat.~~ **(**As revised by staff on August 18, 2004**) **All waiver requests stricken have either been withdrawn by the applicant or are no longer necessary: 3/05/08****

General:

3. Before receiving building permits:

3.1 The permittee shall have submitted a revised and reproducible final plan including 7 copies showing the following revisions and the plans are acceptable:

3.2 The construction plans shall comply with the approved plans.

3.3 Final Plats shall be approved by the City.

STANDARD CONDITIONS:

4. The following conditions are applicable to all requests:

4.1 Before occupying the commercial buildings all development and construction shall have been completed in compliance with the approved plans.

4.2 All privately-owned improvements shall be permanently maintained by the owner or an appropriately established homeowners association approved by the City Attorney.

4.3 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.

4.4 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.

4.5 The applicant shall sign and return the letter of acceptance to the City Clerk within 30 days following the approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filling fees therefor to be paid in advance by the applicant.

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. 14th 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. 14th Street improvements are shown in 2005-06. Sidewalks will be constructed along N. 14th 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 14th 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 14th Street off the Interstate at some point in the future. Dennis Bartels of Public Works indicated that there would be no Interstate interchange at 14th Street. 14th 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

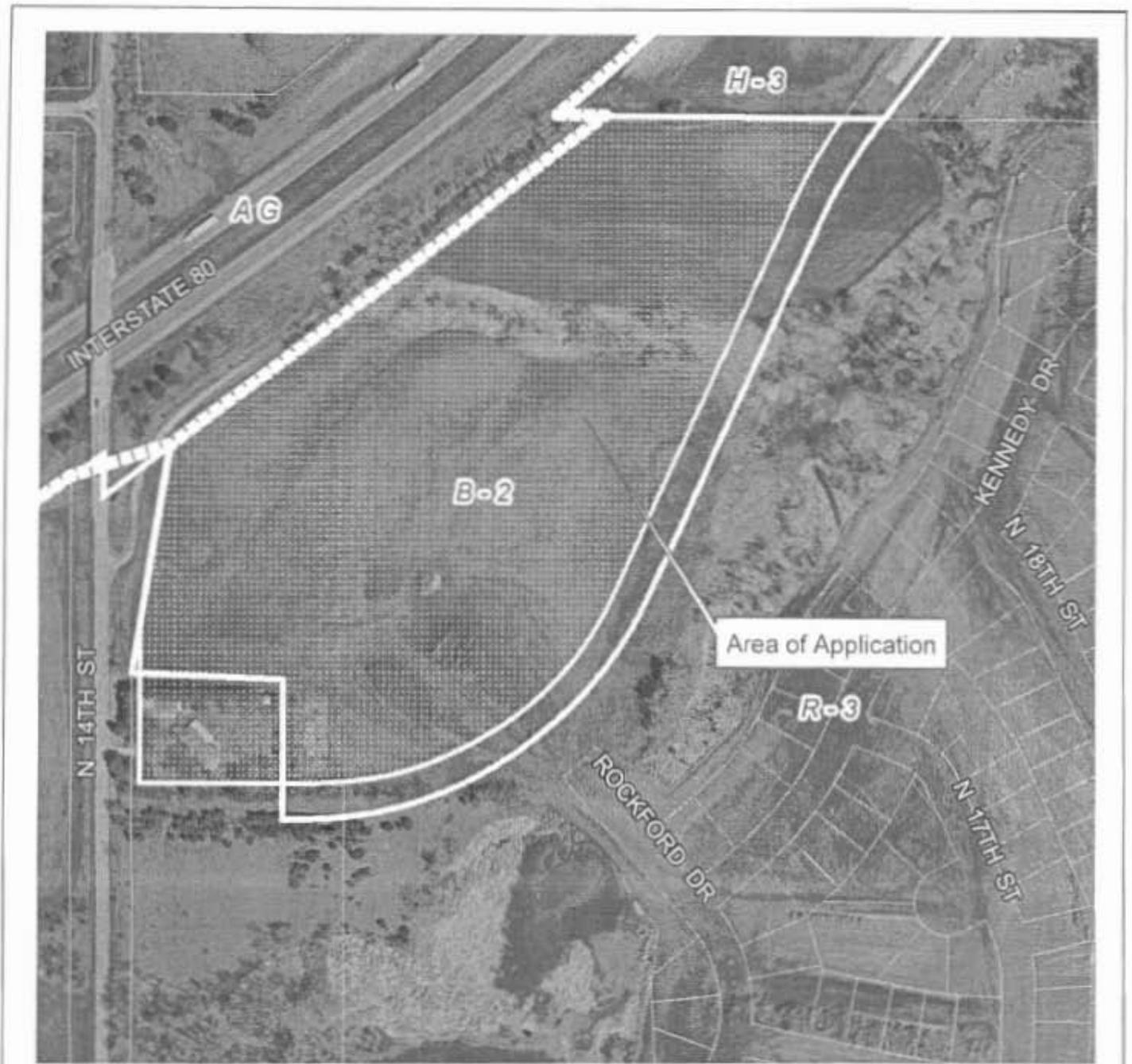
ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

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.



2002 aerial

**Use Permit #135
North Hills Retail Center
Fletcher Ave. & I-80**

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
USE PERMIT**

A LEGAL DESCRIPTION FOR A TRACT OF LAND COMPOSED OF THE REMAINING PORTION OF OUTLOT "C", NORTH HILLS 5TH 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 OUTLOT "C", SAID POINT BEING ON THE EAST LINE OF NORTH 14TH 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 14TH 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 274.86 FEET TO A POINT OF DEFLECTION, THENCE NORTH 09 DEGREES 44 MINUTES 54 SECONDS EAST ALONG A WEST LINE OF SAID REMAINING PORTION OF OUTLOT "C", SAID LINE BEING A EAST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 324.57 FEET TO A POINT OF DEFLECTION, THENCE NORTH 53 DEGREES 25 MINUTES 21 SECONDS EAST ALONG A NORTHWEST LINE OF SAID REMAINING PORTION OF OUTLOT "C", SAID LINE BEING A SOUTHEAST LINE OF INTERSTATE 80 RIGHT-OF-WAY, A DISTANCE OF 979.37 FEET TO THE NORTHWEST CORNER OF SAID REMAINING PORTION OF OUTLOT "C", SAID POINT BEING ON THE NORTH LINE OF SAID NORTHWEST QUARTER, THENCE SOUTH 89 DEGREES 49 MINUTES 08 SECONDS EAST ALONG A NORTH LINE OF SAID REMAINING PORTION OF OUTLOT "C", SAID LINE BEING A NORTH LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 424.96 FEET TO THE NORTHEAST CORNER OF SAID REMAINING PORTION OF OUTLOT "C", SAID POINT BEING ON THE WEST LINE OF FLETCHER AVENUE RIGHT-OF-WAY, SAID POINT BEING A POINT OF CURVATURE OF A NON-TANGENT CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A RADIUS OF 1,070.00 FEET, A CENTRAL ANGLE OF 10 DEGREES 02 MINUTES 20 SECONDS, AN ARC DISTANCE OF 187.48 FEET ALONG A EAST LINE OF SAID REMAINING PORTION OF OUTLOT "C", A TANGENT LENGTH OF 93.98 FEET, A CHORD BEARING OF SOUTH 30 DEGREES 22 MINUTES 27 SECONDS WEST, AND A CHORD DISTANCE OF 187.24 FEET TO A POINT OF TANGENCY, THENCE SOUTH 25 DEGREES 21 MINUTES 17 SECONDS WEST ALONG A SOUTHEAST LINE OF SAID REMAINING PORTION OF OUTLOT "C", SAID LINE BEING A NORTHWEST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 157.47 FEET TO A POINT OF DEFLECTION, THENCE SOUTH 70 DEGREES 21 MINUTES 16 SECONDS WEST ALONG A SOUTH LINE OF SAID REMAINING PORTION OF OUTLOT "C", SAID LINE BEING A NORTH LINE OF SAID RIGHT-OF-WAY, A

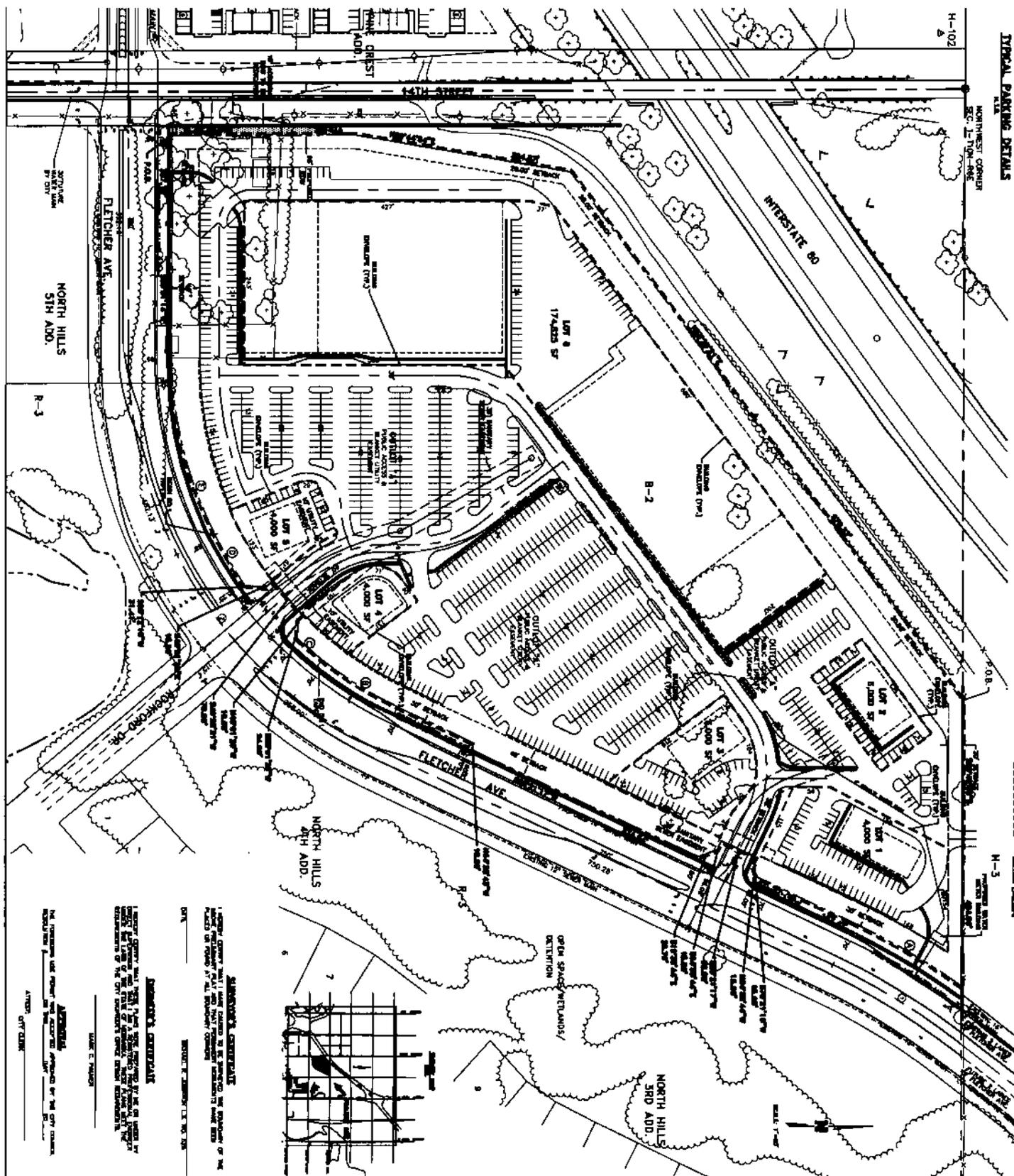
DISTANCE OF 15.63 FEET TO A POINT OF DEFLECTION, THENCE NORTH 64 DEGREES 38 MINUTES 44 SECONDS WEST ALONG A SOUTH LINE OF SAID REMAINING PORTION OF OUTLOT "C", SAID LINE BEING A NORTH LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 15.00 FEET TO A POINT OF DEFLECTION, THENCE SOUTH 25 DEGREES 21 MINUTES 17 SECONDS WEST ALONG A EAST LINE OF SAID REMAINING PORTION OF OUTLOT "C", SAID LINE BEING A WEST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 60.00 FEET TO A POINT OF DEFLECTION, THENCE SOUTH 64 DEGREES 38 MINUTES 44 SECONDS EAST ALONG A NORTH LINE OF SAID REMAINING PORTION OF OUTLOT "C", SAID LINE BEING A SOUTH LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 15.01 FEET TO A POINT OF DEFLECTION, THENCE SOUTH 19 DEGREES 38 MINUTES 44 SECONDS EAST ALONG A EAST LINE OF SAID REMAINING PORTION OF OUTLOT "C", SAID LINE BEING A WEST LINE OF SAID RIGHT-OF-WAY,, A DISTANCE OF 29.76 FEET TO A POINT OF DEFLECTION, THENCE SOUTH 25 DEGREES 21 MINUTES 17 SECONDS WEST ALONG A EAST LINE OF SAID REMAINING PORTION OF OUTLOT "C", SAID LINE BEING A WEST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 374.54 FEET TO A POINT OF DEFLECTION, THENCE NORTH 64 DEGREES 38 MINUTES 43 SECONDS WEST ALONG A SOUTH LINE OF SAID REMAINING PORTION OF OUTLOT "C", SAID LINE BEING A NORTH LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 10.00 FEET TO A POINT OF DEFLECTION, THENCE SOUTH 25 DEGREES 21 MINUTES 17 SECONDS WEST ALONG A EAST LINE OF SAID REMAINING PORTION OF OUTLOT "C", SAID LINE BEING A WEST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 126.18 FEET TO A POINT OF CURVATURE OF A CURVE IN A CLOCKWISE DIRECTION HAVING A RADIUS OF 580.00 FEET, A CENTRAL ANGLE OF 13 DEGREES 04 MINUTES 51 SECONDS, AN ARC LENGTH OF 132.42 FEET ALONG A EAST LINE OF SAID REMAINING PORTION OF OUTLOT "C", SAID LINE BEING A WEST LINE OF SAID RIGHT-OF-WAY, A TANGENT LENGTH OF 66.50 FEET, A CHORD BEARING OF SOUTH 31 DEGREES 53 MINUTES 42 SECONDS WEST, AND A CHORD DISTANCE OF 132.13 FEET TO A POINT OF COMPOUND CURVATURE OF A CURVE IN A CLOCKWISE DIRECTION HAVING A RADIUS OF 577.38 FEET, A CENTRAL ANGLE OF 04 DEGREES 55 MINUTES 05 SECONDS, AN ARC LENGTH OF 49.56 FEET ALONG A SOUTHEAST LINE OF SAID REMAINING PORTION OF OUTLOT "C", SAID LINE BEING A NORTHWEST LINE OF SAID RIGHT-OF-WAY, A TANGENT LENGTH OF 24.80 FEET, A CHORD BEARING OF SOUTH 40 DEGREES 53 MINUTES 40 SECONDS WEST, AND A CHORD LENGTH OF 49.54 FEET TO A POINT OF DEFLECTION, THENCE NORTH 85 DEGREES 01 MINUTES 29 SECONDS WEST ALONG A SOUTH LINE OF SAID REMAINING PORTION OF OUTLOT "C", SAID LINE BEING A NORTH LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 24.99 FEET TO A POINT OF DEFLECTION, THENCE NORTH 40 DEGREES 01 MINUTES 29 SECONDS WEST ALONG A SOUTHWEST LINE OF SAID REMAINING PORTION OF OUTLOT "C", SAID LINE BEING A NORTHEAST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 10.00 FEET TO A POINT OF DEFLECTION, THENCE SOUTH 49 DEGREES 58 MINUTES 31 SECONDS WEST ALONG A SOUTHEAST LINE OF SAID REMAINING

PORTION OF OUTLOT "C", SAID LINE BEING A NORTHWEST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 70.00 FEET TO A POINT OF DEFLECTION, THENCE SOUTH 40 DEGREES 01 MINUTES 29 SECONDS EAST ALONG A NORTHEAST LINE OF SAID REMAINING PORTION OF OUTLOT "C", SAID LINE BEING A SOUTHWEST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 15.00 FEET TO A POINT OF DEFLECTION, THENCE SOUTH 06 DEGREES 12 MINUTES 10 SECONDS WEST ALONG A EAST LINE OF SAID REMAINING PORTION OF OUTLOT "C", SAID LINE BEING A WEST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 31.41 FEET TO A POINT OF CURVATURE OF A NON-TANGENT CURVE IN A CLOCKWISE DIRECTION HAVING A RADIUS OF 587.38 FEET, A CENTRAL ANGLE OF 08 DEGREES 29 MINUTES 28 SECONDS, AN ARC DISTANCE OF 87.05 FEET ALONG A SOUTHEAST LINE OF SAID REMAINING PORTION OF OUTLOT "C", SAID LINE BEING A NORTHWEST LINE OF SAID RIGHT-OF-WAY, A TANGENT LENGTH OF 43.60 FEET, A CHORD BEARING OF SOUTH 59 DEGREES 36 MINUTES 22 SECONDS WEST, AND A CHORD DISTANCE OF 86.97 TO A POINT OF CURVATURE OF A NON-TANGENT CURVE IN A CLOCKWISE DIRECTION HAVING A RADIUS OF 585.00 FEET, A CENTRAL ANGLE OF 27 DEGREES 08 MINUTES 26 SECONDS, AN ARC DISTANCE OF 277.11 FEET ALONG A SOUTHEAST LINE OF SAID REMAINING PORTION OF OUTLOT "C", SAID LINE BEING A NORTHWEST LINE OF SAID RIGHT-OF-WAY, A TANGENT LENGTH OF 141.21 FEET, A CHORD BEARING OF SOUTH 76 DEGREES 17 MINUTES 01 SECONDS WEST, AND A CHORD DISTANCE OF 274.53 FEET TO A POINT, 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 SAID RIGHT-OF-WAY, A DISTANCE OF 327.10 FEET TO POINT OF BEGINNING. SAID TRACT CONTAINS A CALCULATED AREA OF 849,109.46 SQUARE FEET OR 19.49 ACRES, MORE OR LESS.

Tuesday, December 18, 2007
F:\Projects\20000493\SVYO\Documents\000-0493_UP_Legal.doc



NORTHWEST CORNER
 SEC. 12, T10N-R10E
 H-102
 INTERSTATE 80
 NORTH HILLS 3RD ADD.
 NORTH HILLS 4TH ADD.
 NORTH HILLS 5TH ADD.



GENERAL NOTES

1. SANITARY SEWER AND WATER LINES TO BE 8" PIPE UNLESS OTHERWISE SHOWN. STORM SEWER SHALL BE CONSTRUCTED USING APPROVED PIPE MATERIALS OF THE BUILDING AND SAFETY PLUMBING DEPT. PUBLIC AND PRIVATE UTILITIES TO BE BUILT TO CITY OF LINCOLN SPECIFICATIONS.
2. ALL PAVEMENT RETURN RADII TO BE 20' (MIN.) UNLESS OTHERWISE NOTED.
3. THE DEVELOPER AGREES TO COMPLY WITH THE DESIGN STANDARDS OF THE CITY OF LINCOLN FOR EROSION CONTROL AND SEDIMENTATION DURING AND AFTER LAND PREPARATION.
4. PUBLIC SIDEWALKS SHALL BE 5' WIDE. SIDEWALKS SHALL BE CONSTRUCTED ON THE NORTH SIDE OF FLETCHER AVENUE. INTERNAL PRIVATE SIDEWALKS SHALL BE 4' WIDE.
5. ALL STREET INTERSECTIONS ARE AT 90° UNLESS OTHERWISE NOTED.
6. ALL DIMENSIONS ALONG CURVES ARE CHORD DISTANCES.
7. DIRECT VEHICULAR ACCESS TO FLETCHER AVENUE AND NORTH 14TH STREET SHALL BE RELINQUISHED EXCEPT AS SHOWN.
8. ALL ELEVATIONS ARE TO NAVD 1988.
9. ALL OUTLOTS, MEDIANS, AND PRIVATE ROADWAYS WITHIN THIS USE PERMIT SHALL BE MAINTAINED BY AN ASSOCIATION OF PROPERTY OWNERS.
10. UTILITY EASEMENTS TO BE PROVIDED AS REQUESTED BY L.E.S.
11. ORNAMENTAL LIGHTING SHALL COMPLY WITH L.E.S. STANDARDS.
12. THE PROPOSED LOT LINES ARE CONCEPTUAL AND MAY VARY IN THE FINAL PLAT.
13. TOTAL USAGE:
TOTAL BLOCKS - 1
TOTAL LOTS - 6
OUTLOT "A" - PARKING FOR BLOCK 1, BLANKET UTILITY EASEMENT
14. FLETCHER AVENUE IS CURRENTLY BEING PLATTED WITH NORTH HILLS FIFTH ADDITION FINAL PLAT.
15. THE PARKING LOT LAYOUT SHOWN IS CONCEPTUAL. THE ACTUAL LAYOUT WILL BE DETERMINED AT THE TIME OF BUILDING PERMIT AND SHALL CONFORM TO THE CITY OF LINCOLN DESIGN STANDARDS. LANDSCAPING AND SIGNS NEED NOT BE SHOWN ON THIS SITE PLAN, BUT WILL BE SHOWN AT THE TIME OF BUILDING PERMIT ALSO. SIGNS TO CONFORM TO ZONING ORDINANCE 27.69
16. ALL EAVES, CANOPIES AND OTHER BUILDING PROJECTIONS MAY EXTEND OVER THE BUILDING ENVELOPE LINES BUT NOT THE LOT LINES.
17. THE DEVELOPER RESERVES THE RIGHT TO BUILD ANYWHERE WITHIN THE BUILDING ENVELOPES SHOWN ON EACH LOT.
18. LOT 6 SHALL BE DIVIDED INTO MULTIPLE LOTS AT THE TIME OF FINAL PLATTING.
19. ALL DRIVES SHALL BE 24' WIDE TYPICAL UNLESS OTHERWISE NOTED.
20. ALL DISABLED PARKING STALLS SHALL BE IN COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT, (FEDERAL REGISTER/VOL. 58, NO. 144/RULES AND REGULATIONS.
21. THE SALE OF ALCOHOL SHALL CONFORM WITH THE ZONING ORDINANCE.
22. TENT USAGE APRIL 1ST - NOV. 1ST MAX. SIZE OF TENTS 80' X 40' BUT SMALLER CAN BE USED. NO PARKING WITHIN 20 FEET OF TENTS. MULTIPLE TENTS MAY BE UP AT ONE TIME, HOWEVER, TOTAL NUMBER OF TENTS USED AT ONE TIME MAY NOT COVER MINIMUM NUMBER OF PARKING STALLS REQUIRED BY CHAPTER 27.67 OF THE ZONING ORDINANCE.
23. ATM's, FENCES, DECORATIVE STRUCTURES, & ACCESSORY BUILDINGS ARE NOT SHOWN ON THE SITE PLAN IF THEY ARE 25' X 25' OR SMALLER AND ARE CONSTRUCTED OUTSIDE OF SETBACKS, SIGHT TRIANGLES, EASEMENTS, AND REQUIRED MINIMUM PARKING AND ARE BUILT ACCORDING TO THE ZONING ORDINANCE PROVISIONS, AND ARE IN CONFORMANCE WITH ALL OTHER APPLICABLE CODES.
24. MINOR ADJUSTMENTS IN THE FLOOR AREA OF EACH BUILDING MAY BE MADE AT TIME OF BUILDING PERMIT, PROVIDED THE TOTAL FLOOR AREA OF THE CENTER DOES NOT EXCEED 198,825 SQUARE FEET.
25. WE ARE REQUESTING A COMMON ACCESS EASEMENT OVER ALL DRIVES & PARKING STALLS.
26. THE SIDEWALKS SHOWN ARE TO MAINTAIN PEDESTRIAN CIRCULATION. ADDITIONAL SIDEWALKS SHALL BE CONSTRUCTED TO SERVE INDIVIDUAL BUILDINGS. THERE IS A TRAIL ON THE SOUTH SIDE OF FLETCHER AVENUE
27. THE EXISTING STRUCTURE SOUTH OF LOT 6 WILL BE REMOVED AND THE EXISTING WELL AND SEPTIC SYSTEM WILL BE ABANDONED ACCORDING TO LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT REGULATIONS.
28. THE STORM WATER DETENTION FOR THIS AREA, LOCATED SOUTH OF FLETCHER AVE. IN THE NORTH HILLS ADDITION, MUST BE BUILT WITH OR BEFORE THE DEVELOPMENT OF THIS PLAT.
29. THE WETLANDS IMPACTED BY THIS DEVELOPMENT SHALL BE MITIGATED IN ACCORDANCE WITH THE 4D4 PERMIT THAT IS CURRENTLY UNDER DESIGN.



DLSSON ASSOCIATES
ENGINEERS • PLANNERS • SCIENTISTS • SURVEYORS

12 July 2004

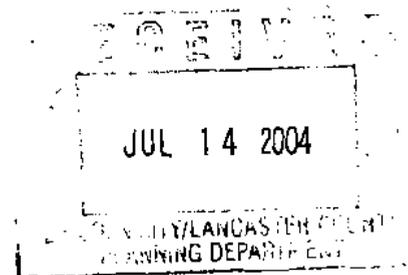
Mr Marvin Krout
Planning Department , City of Lincoln
County-City Building
555 South 10th Street
Lincoln, NE 68508

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 14th Street:

65' of Right of way has been shown to be dedicated along North 14th 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

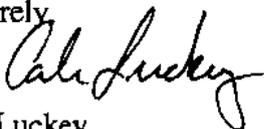
A portion of the rear building circulation drive encroaches into the front yard setback of 14th street and Interstate 80. This encroachment is being requested to maintain vehicular flow around the building. The driveway is approximately 15' below the elevation of 14th street.

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.

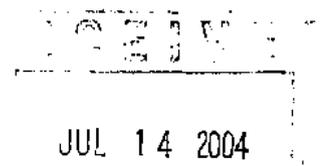
Sincerely,



Cale Luckey

Encls

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



F:\Projects\2004\0164\doc\mkrou704.doc

Memorandum

| | |
|-----------------|---|
| To: | Becky Horner, Planning Department |
| From: | Chad Blahak, Public Works and Utilities |
| Subject: | North Hills Retail Center Use Permit #135 |
| Date: | 7/28/04 |
| cc: | Randy Hoskins |
| | |

Engineering Services has reviewed the administrative amendment for the North Hills Retail Center Use Permit, located at the northeast corner of Fletcher Ave and N. 14th St., and has the following comments:

Sanitary Sewer - The sanitary system is satisfactory.

Water Mains - The following comments need to be addressed.

(2.1) Public Works does not approve the requested waiver of design standards to construct public water mains in a parking lot. If the water main is to be built as shown it needs to be shown as a private water system with a water meter location approved by Public Works.

Grading/Drainage - The grading plan is satisfactory.

(3.1) Storm water detention for this area was provided for with the North Hills preliminary plat.

Streets - The following comments need to be addressed.

(4.1) The northeast driveway connection to Fletcher Avenue from the site needs to be shown as a left in/right out only intersection. There appears to be sufficient capacity at the Rockford and Fletcher intersection, which is a potential future signal location. A full median break at this location is not needed. The site plan needs to be revised accordingly.

(4.2) A north to east bound right turn lane at 14th and Fletcher should be shown on the plans.

(4.3) The traffic study submitted shows a dedicated left turn lane and shared right turn and through lane for the shopping center drive at the Rockford and Fletcher intersection. However, the plan does not appear to reflect this lane configuration. The site plan and or traffic study needs to be revised accordingly. Also, the shopping center drive should be revised to show two entering lanes which accommodate possible future dual left turn lanes in the east bound approach to the intersection. If volumes increase higher than expected there may not be sufficient room between Rockford and 14th in Fletcher to extend the left turn lane to accommodate the higher traffic volume.

(4.4) Dual left turn lanes need to be shown in the west bound approach to the 14th and Fletcher intersection.

July 28, 2004

(4.5) Right turn lanes need to be shown in Fletcher at the intersection with Rockford in both the east and west bound approaches and at the northeast driveway entrance to the site.

(4.6) ROW stubs need to be shown for both of the shopping center driveway connections to Fletcher to the satisfaction of Public Works.

(4.7) All paving improvements associated with Fletcher at the Rockford intersection and at the northeast driveway are the responsibility of the developer as neither access point lands at a quarter mile point. Paving improvements associated with the 14th and Fletcher intersection will be the responsibility of the City.

General - The information shown on the preliminary plat relating to the public water main system, public sanitary sewer system, and public storm sewer system has been reviewed to determine if the sizing and general method providing service is satisfactory. Design considerations including, but not limited to, location of water main bends around curves and cul-de-sacs, connection of fire hydrants to the public main, temporary fire hydrant location, location and number of sanitary sewer manholes, location and number of storm sewer inlets, location of storm sewer manholes and junction boxes, and the method of connection storm sewer inlets to the main system are not approved with this review. These and all other design considerations can only be approved at the time construction drawings are prepared and approved.

I:\FILES\sieceb\Projects\2004-07-035\Word Files\nrthhsrt\cntrUP.wpd

**LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT
INTER-OFFICE COMMUNICATION**

TO: Becky Horner

DATE: July 23, 2004

DEPARTMENT: Planning

FROM: Chris Schroeder

ATTENTION:

DEPARTMENT: Health

CARBONS TO: EH File

SUBJECT: North Hills Retail Center

EH Administration

UP #135 resub

The Lincoln-Lancaster County Health Department has reviewed the proposed development with the following noted:

- All wind and water erosion must be controlled during construction. The Lower Platte South Natural Resources District should be contacted for guidance in this matter.
- During the construction process, the land owner(s) will be responsible for controlling off-site dust emissions in accordance with Lincoln-Lancaster County Air Pollution Regulations and Standards Article 2 Section 32. Dust control measures shall include, but not limited to application of water to roads, driveways, parking lots on site, site frontage and any adjacent business or residential frontage. Planting and maintenance of ground cover will also be incorporated as necessary.



DATE: July 22, 2004
TO: Becky Horner, City Planning
FROM: Sharon Theobald
Ext 7640
SUBJECT: DEDICATED EASEMENTS
DN# 55N-16E

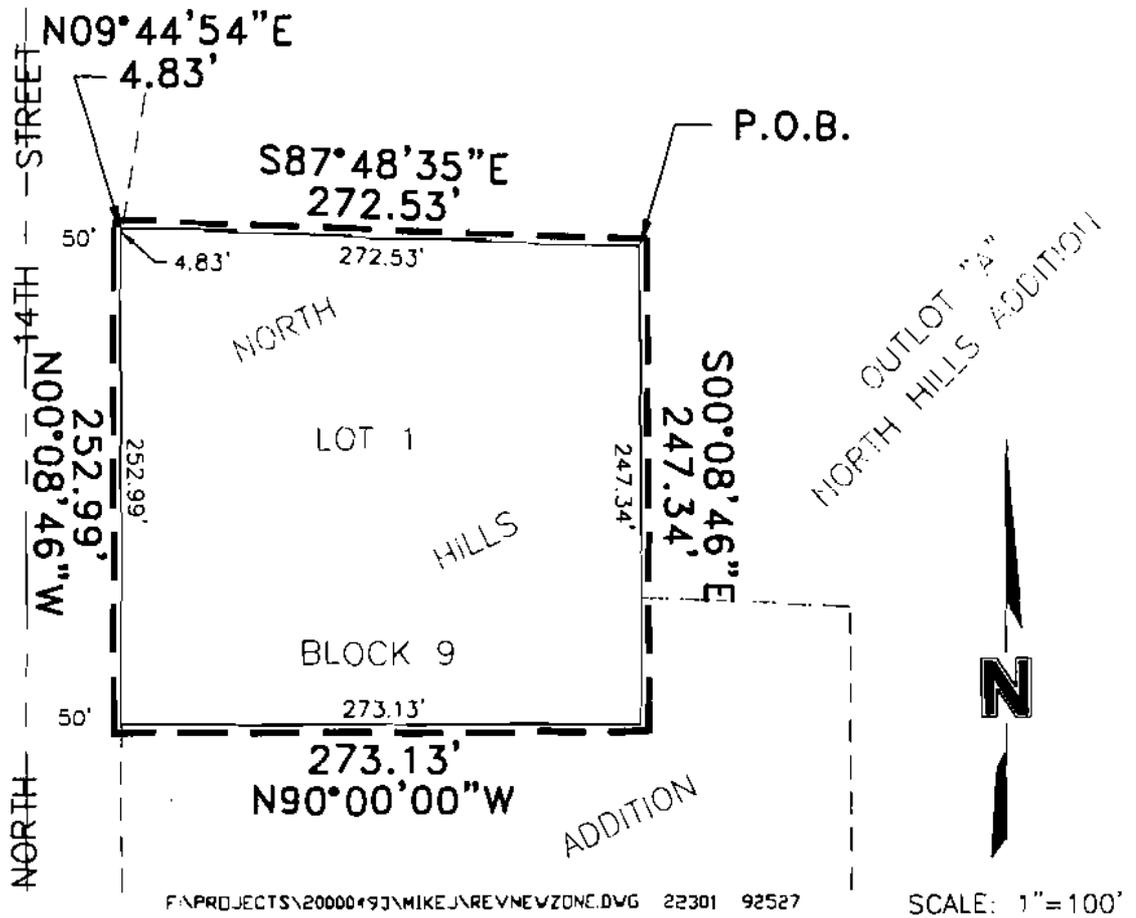
Attached is the Site Plan for North Hills Retail Center.

In reviewing the dedicated transmission line or other electrical easements shown on this plat, LES does not warrant, nor accept responsibility for the accuracy of any such dedicated easements.

ALLTEL, Time Warner Cable, and the Lincoln Electric System will require the additional easements marked in red on the map. The easement in Lot 4 must be a minimum of 10 ft. plus the width of the water main.

Sharon Theobald

ST/ss
Attachment
c: Terry Wiebke
Easement File



range 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@jrbssoft.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.

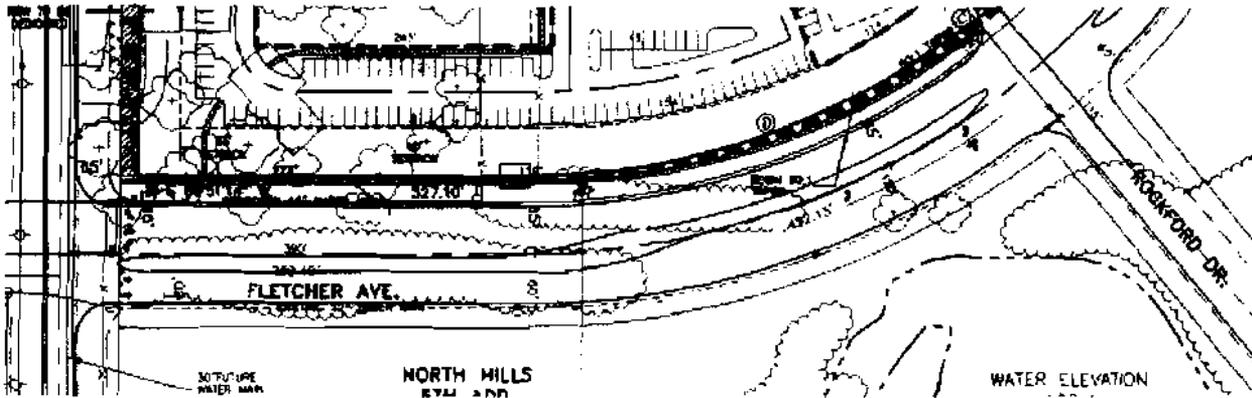
The site plan portrays four large 22,000 to 66,000 SF buildings and large parking areas. This is not consistent with small business use and looks to be geared towards large corporate retail space. As you know, the Angelou economics study suggests Lincoln develop more small business parks and promote 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 activity 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

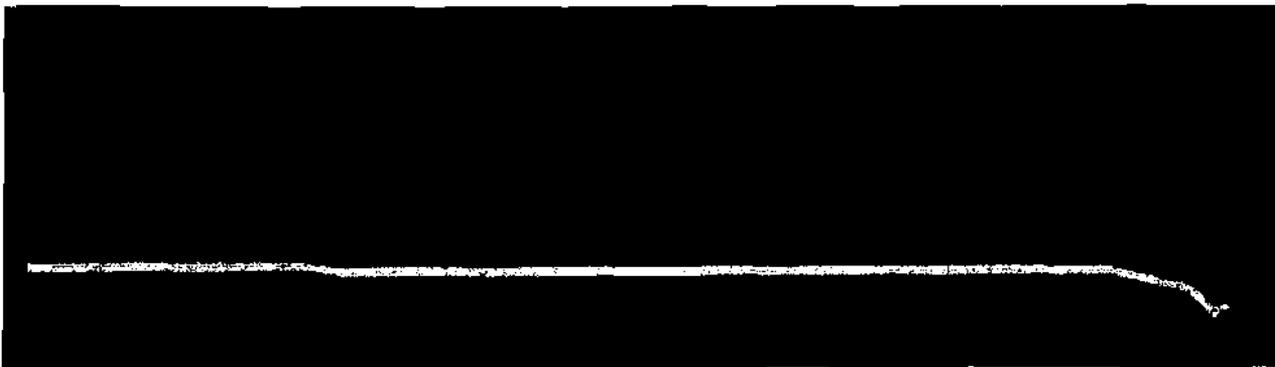
I recently attended a meeting called by Olsson Associates and the City of Lincoln to provide information on the proposed 14th Street redesign and expansion project. I paid particular attention to where the 14th and Fletcher intersection would be located. Shown in the figure below.



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 was 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 14th 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,

J.R. Brown
North Hills Resident
5501 Rockford Drive

SEACREST & KALKOWSKI, P.C.

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

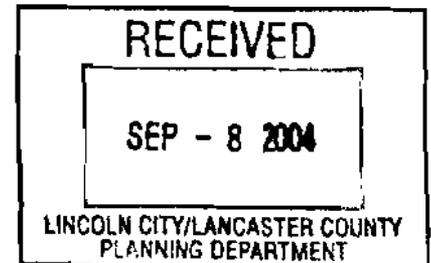
TELEPHONE (402) 435-6000
FACSIMILE (402) 435-6100

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 14th 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 14th 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 14th 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 14th Street. This intersection will be a four way intersection providing access to development both east and west of North 14th 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@jrbaoff.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 17th at 7:00pm at Eiseley Branch Library. This meeting is being assembled by DaNay 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 14th and I-80. I've previously met with DaNay 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 14th street as part of the north 14th 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,

J.R. Brown
5501 Rockford Drive
(402) 617-0493
jr@irbsoft.com