City Council Introduction: **Monday**, February 8, 2010
Public Hearing: **Monday**, February 22, 2010, at **5:30** p.m.

Bill No. 10R-50

FACTSHEET

TITLE: **SPECIAL PERMIT NO. 09029, the Heritage Lakes Drive Multi-Family Community Unit Plan,** requested by Continental Properties, on property generally located northeast of the intersection of South 91st Street and Heritage Lakes Drive.

STAFF RECOMMENDATION: Conditional Approval.

ASSOCIATED REQUESTS: Change of Zone No. 09030 (10-10).

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 01/27/10
Administrative Action: 01/27/10

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

FINDINGS OF FACT:

1. This application for community unit plan and the associated Change of Zone No. 09030 were heard before the Planning Commission at the same time.

2. This is a request to develop up to 270 multiple-family dwelling units on 11.47 acres, more or less, generally located northeast of the intersection of South 91st Street and Heritage Lakes Drive. The applicant has also requested to adjust the parking requirement from 2 to 1.75 parking spaces per dwelling unit, and to adjust the sign requirements to place allowed signs at alternate locations.

3. The staff recommendation of conditional approval, including approval of the waiver requests, is based upon the "Analysis" as set forth on p.4-5, concluding that an apartment complex at this location is consistent with the Comprehensive Plan, and is compatible with adjacent land uses and the surrounding neighborhood. The staff presentation is found on p.9. The additional information submitted to the Planning Commission in response to questions raised by Commissioner Esseks is found on p.39-40.

4. The applicant's testimony is found on p.10-11, and the record consists of three letters in support (p.41-43).

5. There was no testimony in opposition; however, the record consists of a petition in opposition signed by eight property owners in the Coffee Tree Townhouses located on South 94th Court, with concerns about property values, visual impact, light and noise pollution, parking, the proposed dog run and architectural compatibility (p.44). The applicant testified that the applicant held a neighborhood meeting and met separately with the developer of the Coffee Tree Townhouses and believes that their concerns have been addressed, including relocation of the dog park to between Building 2 and Building 3 (See Minutes, p.10-11; Also see p.30-38).

6. On January 27, 2010, the Planning Commission agreed with the staff recommendation and voted 8-0 to recommend conditional approval as set forth in the staff report, with one amendment to require relocation of the dog park to between Building 2 and Building 3 (Cornelius absent).

7. **Please note**: The adjustments to the parking and sign requirements can only be approved by the City Council, thus the Planning Commission action on this community unit plan is a recommendation to the City Council.

8. On January 27, 2010, the Planning Commission also agreed with the staff recommendation and voted 8-0 to recommend approval of the associated change of zone request.

FACTSHEET PREPARED BY: Jean L. Preister **DATE**: February 1, 2010

REVIEWED BY:_____ **DATE**: February 1, 2010

REFERENCE NUMBER: FS\CC\2010\CZ.09030+

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for January 27, 2010 PLANNING COMMISSION MEETING

<u>As Amended and Recommended for Conditional Approval by Planning Commission: 01/27/10**</u>**

This is a combined staff report for related items. This report contains a single background and analysis section for all items. However, there are separate conditions provided for each individual application.

PROJECT #: Change of Zone #09030 - From R-3 to R-5
Special Permit #09029 - Heritage Lakes Drive Multi-Family Community Unit Plan (CUP)

PROPOSAL: To change the zoning from R-3 to R-5 and allow a CUP for up to 270 multiple-family dwelling units.

LOCATION: Northeast of the intersection of South 91st Street and Heritage Lakes Drive.

LAND AREA: Approximately 11.47 acres.

EXISTING ZONING: R-3 Residential

PROPOSED ZONING: R-5 Residential

WAIVER /MODIFICATION REQUESTS:

1. Adjust the parking requirement from 2 to 1.75 parking spaces per dwelling unit.
2. Adjust the sign requirements to place allowed signs at locations other than the drive entrance.

CONCLUSION: The parking requirement for apartments in R-5 is 1.75 spaces per dwelling unit, but 2 spaces per unit in a CUP. The rationale for a higher requirement in a CUP is that it could contain a mix of housing types, including single-family residential, which increases the parking demand when compared to apartments. In this case, the CUP contains only apartments and 1.75 is appropriate. The request to adjust the sign requirement only affects the location of one sign. Given the lack of access to, but frontage on South 91st Street (an arterial street), this request is also appropriate. An apartment complex at this location is consistent with the Comprehensive Plan, and is compatible with adjacent land uses and the surrounding neighborhood.

RECOMMENDATION:		
Change of Zone #09030		Approval
Special Permit #09029		***Conditional Approval***
Waivers/modifications:		
LMC 27.67.065	***Parking from 2 to 1.75 spaces per unit***	***Approval***
LMC 27.69.220	***Allow signs at alternate locations***	***Approval***

GENERAL INFORMATION:

LEGAL DESCRIPTION: See attached legal description.

EXISTING LAND USE: Vacant.

SURROUNDING LAND USE AND ZONING:

North:	Vacant, Residential	R-3, B-5
South:	Day Care Facility, Hospital	R-3
East:	Attached Single-family Residential	R-3
West:	Vacant	B-5

HISTORY:

May 2003 - Special Permit #2011 was approved by City Council for an early childhood care facility on the adjacent lot.

Jun 2003 - The Heritage Lakes Early Childhood Development Center Addition final plat was approved.

COMPREHENSIVE PLAN SPECIFICATIONS:

Page 17 - This site is designated as 'Residential-Urban Density' in the Land Use Plan.

Page 21 - Urban Growth Tiers - This site is inside the City Limit and the City's Future Service Limit.

Page 65 - Overall Guiding Principles - New residential development is generally discouraged in areas of environmental resources such as endangered species, saline wetlands, native prairies and in floodplain corridors. It is also strongly encouraged that adequate spacing be provided from pipelines and areas where hazardous chemicals could be used and stored. Property owners and residents along the pipeline should be notified about hazards and emergency actions.

Page 66 - Guiding Principles for New Neighborhoods
- Encourage a mix of housing types, single family, townhomes, apartments, elderly housing all within one area;
- Similar housing types face each other: single family faces single family, change to different use at rear of lot;
- Parks and open space within walking distance of all residences;
- Multi-family and elderly housing nearest to commercial area;
- Encourage shopping and employment uses to be at within the neighborhoods and within walking distance to most residences (which may also serve as locations for transit stops.)

Page 85 - Transportation Planning Principles - A Connected City. In Lincoln and Lancaster County, the unifying qualities of transportation will be emphasized. The transportation network will sustain the One Community concept by linking neighborhoods together. Neighborhoods, activity and employment centers, rural communities, and open lands will be connected by a continuous network of public ways.

Page 95 - The Bicycle and Trails Plan shows the trail along South 91st Street.

TRAFFIC ANALYSIS: South 91st Street is designated as an Urban Minor Arterial street. Heritage Lakes Drive is a designated as a local street.

ANALYSIS:

1. This project consists of two requests. The first is a change of zone from R-3 Residential to R-5 Residential. The second is a special permit for a community unit plan to allow up to 270 multiple-family dwelling units (the applicant's letter states 267 total units, but Sheet 4 of the plan set shows the correct number of 270 as confirmed by the applicant).

2. The project is proposed to be built in two phases, and the site plan shows the subject property divided into Lots 1 and 2 for this purpose. Phase I, to be located on Lot 1, is to be developed by the applicant. The developer of Phase II, which is to be located on Lot 2, is not known at this time.

3. Apartments are not a permitted use in the R-3 zoning district (except as part of a community unit plan), but are a permitted use in the R-5. The change of zone is necessary to allow the 270 dwelling units being requested. Per Design Standards, the applicable maximum allowed densities for a CUP are as follows:

   R-3 6.96 units per acre x 11.47 acres = 79 total units
   R-4 13.93 units per acre x 11.47 acres = 159 total units
   R-5 *29.04 units per acre x 11.47 acres = 333 total units

   *This is equal to the minimum requirement of 1,500 square feet of lot area per dwelling unit in the R-5 zoning district without a CUP.

4. Two waivers are requested:

   A. Adjust the off-street parking requirement from 2 spaces per dwelling unit to 1.75 spaces per dwelling unit, and waive the one additional space required for the leasing office. The parking requirement for apartments in R-5 is 1.75 spaces per dwelling unit, but is 2 spaces per unit in a CUP. The rationale for a higher requirement in a CUP is that they often contain a mix of housing types, including single-family residential, which has a higher parking demand when compared to apartments. The parking standard for a CUP is therefore increased to compensate for the potential, overall increased demand. However, in this case the CUP contains only apartments and 1.75 spaces per unit is appropriate, including waiving the one space for the leasing office which typically only operates during normal business hours when parking demand is lightest. The site plan does include areas for potential expansion for up to 24 additional parking spaces if needed.

B. Adjust the sign regulations. The sign code allows two, six-foot tall freestanding signs, each not exceeding 32 square feet in area at the entrance to the complex, and one wall sign not exceeding six square feet in area. An additional 32 square foot freestanding sign is allowed if the complex fronts onto, but does not have access to an arterial street. The applicant is proposing to locate one sign at the intersection of South 91st Street and Heritage Lakes Drive, and the other near the northwest corner of Lot 1 for better visibility. Two more signs will also be allowed at the north driveway entrance at the intersection of Pine Lake Road and South 91st Street. To offset the signs at alternate locations, the applicant has agreed to forego one of the allowed signs at the Pine Lake Road/South 91st Street intersection if they are the developer of Lot 2. If they are not the developer, the new owner will be allowed two signs, which would be appropriate to identify a different complex.

5. Access between the two potential lots is necessary, so a common access easement across both lots and a vehicular connection will be required. This will provide at least two access points for the overall development. Public Works notes that a stub to accommodate this common driveway needs to built on Lot 1 and extended to the north lot line. The City would not support the change of zone from R-3 to R-5 without a CUP because of the need for the access easement.

6. The applicant's request to waive or modify the following design standard was found to be acceptable subject to submittal of approved plans and is administratively approved:

   A. The applicant requested to modify the design standard for pavement thickness. Public Works is open to alternate pavement options subject to their approval of plans prepared by a licensed civil engineer.

7. A waiver to not provide curbs around all parking spaces was initially requested by the applicant, but has since been withdrawn.

8. There are no specific requirements for recreation facilities associated with a CUP, other than the general requirement that they must be provided. Each is reviewed on a case-by-case basis, and the Parks and Recreation staff reviews such facilities for appropriateness. The applicant is proposing to provide a clubhouse, a pool, and an outdoor dog park to satisfy this requirement, noting it is appropriate given their market. Parks and Recreation has agreed to consider alternate facilities, but is asking that the applicant submit the justification and rational in writing for staff to review and evaluate.

9. There are several minor corrections/clarifications needed on the plans submitted which do not warrant individual explanation, but each is individually noted in the recommended conditions of approval.

This approval permits up to 270 dwelling units with adjustments to the parking requirement from 2 to 1.75 spaces per dwelling unit, and to allow entrance signs to be located at alternate locations.

CONDITIONS OF APPROVAL:

Special Permit #09029

Site Specific:

1. The City Council approves associated request:

   1.1 Change of Zone #09030

2. Before receiving building permits or before a final plat is approved the developer shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including 5 copies with all required revisions and documents as listed below:

   2.1 Consolidate all general notes from Sheets 1, 4 and 5 onto one sheet.

   2.2 Label all setbacks on Sheet 4 as front, side or rear as appropriate.

   2.3 Delete the labels on Sheet 4 identifying 'Proposed Heritage Lakes Drive Signage', and revise General Note #11 on Sheet 1 to state "SIGNS NEED NOT BE SHOWN ON THIS PLAN AND TO BE REVIEWED AT THE TIME OF SIGN PERMIT IN COMPLIANCE WITH LMC AND DESIGN STANDARDS EXCEPT AS ADJUSTED BY THIS SPECIAL PERMIT. IF LOT 2 IS DEVELOPED AS AN EXPANSION OF LOT 1, ONLY ONE SIGN SHALL BE ALLOWED AT THE DRIVE ENTRANCE AT THE INTERSECTION OF SOUTH 91ST STREET AND PINE LAKE ROAD."

   2.4 Delete Sheet 3 of 5.

   2.5 Revise the 'Waivers' statement on Sheet 1 to include: A-Waiver to required parking from 2 to 1.75 spaces per unit and the required space for the leasing office; B-Waiver to sign requirements to allow signs in alternate locations; C-Waiver to paving thickness as approved by Public Works.

   2.6 Eliminate references to 'Use Permit' on Sheet 1, and substitute the name of the development for the applicant's name on all sheets.

   2.7 Identify and show the approximate location of the common access easement across Lot 2 on both sheets 1 and 4, and add a label noting that a common access easement is granted across Lots 1 and 2.

   2.8 Show the paving for the common access drive to Lot 2 extended to the north lot line of Lot 1.

2.9 Delete the parking summary and site design tables on Sheet 4 and add a general note that states 'PARKING SHALL BE PROVIDED IN COMPLIANCE WITH LMC AND DESIGN STANDARDS AT THE TIME OF BUILDING PERMIT EXCEPT AS ADJUSTED BY THIS SPECIAL PERMIT."

2.10 Eliminate the building footprints and individual parking space detail, and show building envelopes instead. Add a general note that states "BUILDING ENVELOPES ARE CONCEPTUAL AND MAY BE ADJUSTED AT THE TIME OF BUILDING PERMIT."

2.11 Revise the recreation plan to the satisfaction of the Parks and Recreation Department.

2.12 Add a general note that states "ALL SCREENING, LANDSCAPING AND STREET TREES TO BE PROVIDED IN COMPLIANCE WITH LMC AND DESIGN STANDARDS AT THE TIME OF BUILDING PERMIT OR FINAL PLAT AS APPROPRIATE."

2.13 Delete General Notes 3 and 10 on Sheet 1.

2.14 Provide a revised grading and drainage plan to the satisfaction of Public Works.

2.15 Show a right-of-way stub dedication at the intersection of South 91st Street and Pine Lake Road to the satisfaction of Public Works.

2.16 Provide a paving study to justify alternate pavement thickness prepared by a licensed engineer to the satisfaction of Public Works.

2.17 Show a 10'-wide utility easement along South 91st Street.

2.18 Eliminate the curb and gutter plan from Sheet 4.

2.19 Provide a sidewalk layout to the satisfaction of the Planning Department.

2.20 Relocate the dog park to between Building 2 and Building 3. **(**Per Planning Commission: 02/17/10**)**

3. Prior to the issuance of a building permit:

3.1 The construction plans must substantially comply with the approved plans.

Standard:

4. The following conditions are applicable to all requests:

4.1 Before occupying the dwelling units all development and construction shall substantially comply with the approved plans.

4.2 All privately-owned improvements, including landscaping and recreational facilities, shall be permanently maintained by the owner.

4.3 The physical location of all setbacks and yards, buildings, parking and circulation elements, and similar matters be in substantial compliance with the location of said items as shown on the approved site plan.

4.4 The terms, conditions, and requirements of this resolution shall run with the land and be binding upon the Permittee, its successors and assigns.

4.5 The Permittee shall sign and return the letter of acceptance to the City Clerk within 60 days following the approval of the special permit, provided, however, said 60-day period may be extended up to six months by administrative amendment. The City 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 Permittee.

4.6 The site plan as approved with this resolution voids and supersedes all portions of previously approved site plans covered by this special permit.

Prepared by:

Brian Will, 441-6362, bwill@lincoln.ne.gov
Planner
January 13, 2010

APPLICANT/ CONTACT: Kimberly Grimm
Continental 206 Fund, LLC
W134 N8675 Executive Parkway
Menomonee Falls, WI 53051
(262)502-5500

OWNER: Andermatt, LLC
16934 Pella Drive
Adams, NE 68301
(402)432-8975

CHANGE OF ZONE NO. 09030
and
SPECIAL PERMIT NO. 09029,
HERITAGE LAKES DRIVE MULTI-FAMILY
COMMUNITY UNIT PLAN

PUBLIC HEARING BEFORE PLANNING COMMISSION: January 27, 2010

Members present: Esseks, Gaylor Baird, Partington, Taylor, Francis, Larson, Lust and Sunderman; Cornelius absent.

Ex Parte Communications: None.

Staff recommendation: Approval of the change of zone and conditional approval of the community unit plan special permit.

These applications were removed from the Consent Agenda and scheduled for separate public hearing due to a letter received in opposition from owners of the Coffee Tree Townhouses.

Staff presentation: **Brian Will of Planning staff** submitted additional information for the record, including his response to questions posed by Commissioner Esseks and three letters in support.

Will advised that these are two related applications – the change of zone from R-3 to R-5 and a special permit for community unit plan. The property is located northeast of S. 91st Street and Heritage Lakes Drive. This proposal includes a community unit plan for a multi-family apartment complex for up to 270 units. This is a phased development and the plan provided by the applicant shows two lots – lot 1 for approximately 120 units in phase one, and lot 2 for approximately 150 units potentially in phase two. We do no know whether the applicant will be the developer of the second lot.

There are two waivers being requested: 1) reduction of the parking requirement from 2 spaces per unit to 1.75 spaces per unit, which staff does support; and 2) a request to locate the signs in alternate locations, which staff also supports.

Esseks expressed an interest in the vegetative and other buffers between the proposed apartment development on the west and the rather substantial, almost luxury duplexes on the east. He indicated that he would be more confident about the proposal with sufficient buffer to prevent sight or sound pollution. Will provided a graphic for reference – in addition to a natural drainage area (public sewer easement), there are significant existing trees and foliage, so there is an area that cannot be developed which is already a natural built-in buffer. The design standard for screening will require that some additional screening be provided to the townhouses and to the day care, basically trees. In the larger sense, with the apartments being considered residential, there is screening required and he believes that sufficient screening is being provided.

Larson inquired about the height of the buildings and the location of the dog run. Will stated that out of concern raised by the neighbors, the dog run will be moved. The maximum height for the R-5 zoning district is 35'. There is no adjustment to the height being requested by the applicant and he believes the proposed buildings will be somewhat less than the 35'.

Larson inquired how close the apartments will be to the eastern boundary. Will stated that the distance appears to be at least 150', if not more.

Proponents

1. Kimberly Grimm, Vice President of Development for **Continental Properties,** W134 N8675 Executive Parkway, Menomonee Falls, Wisconsin, presented the proposal. This will be a phased development, with the first phase of four buildings at the corner of 91st & Heritage Lakes Drive. The developer has attempted to be very sensitive and considerate of the existing residents to the east. Building #4 is the closest building to the townhomes. From that building to the property line is about 130'. It is about 180' to the back of the existing townhome. The developer has also tried to create a lot of green space; parking pods instead of one large parking lot; and garages in the center of the site to be less visible.

Grimm acknowledged that they did not locate the dog “park” in the right location. She has talked with the neighbors and agreed that the dog park will be moved to between buildings 2 and 3. This is not a dog run. It is a fenced-in area so that residents who have pets can take their dogs or cats and let them run without a leash within the dog park area. It will have grass, screening, trash receptacles, and benches, and the animals cannot be left unattended.

Grimm pointed out that there is a significant grade change between this property and the townhomes. Based on survey information, the finished floor elevation of Building #4 will be an 8 to 11 foot difference from the finished floor of the townhomes. The townhomes will be looking into the hillside and the existing trees. The developer has committed to leave the existing trees. The residents that live in those townhomes will be looking through the canopy of trees into the hillside as opposed to looking at the side of the building in this development.

Every side of the building has architectural interest, as opposed to just the front of the building. These buildings are not the typical three-story walk-up buildings. There are no exposed staircases. Every unit has direct access into their unit. They will be compatible with the other neighborhood structures. The whole building will have articulation.

Grimm also advised the Commission that they attempted to reach out to the neighbors well beyond the 200' required notification. All of the townhome residents were notified, as well as the Vintage Heights Homeowners Association. She met with the townhome developer and she reached out to the people signing the letter in opposition. She has also had conversation with the Montessori School. Grimm has volunteered to keep in contact with the neighborhood throughout the project. The residents suggested that the townhome developer be their spokesperson and she will maintain communication with him.

Grimm also pointed out that the City’s Comprehensive Plan does show this site as residential urban density. This site is located on an arterial street. This is a good transitional use between the commercial and residential to the east. The applicant agrees with the staff report and recommendation and agrees with the conditions of approval.

Lust asked the applicant to address the concern by the opposition for anticipated loss of property values. Grimm knows that a lot of residents will feel that way. Continental Properties owns 4200 apartment units throughout the country. A lot of them are located adjacent to single family homes and they have not encountered any issues. Grimm offered to submit an article by Urban Land Institute that states that it is a myth about multi-family apartments decreasing the value of single family homes.

Francis inquired about the apartment unit sizes and the typical tenant occupancy. Grimm stated that within each building there is a mix of unit type – 10% are studio; 40% are one-bedroom; 40% are two-bedroom; and 10% are three-bedroom. The typical resident profile and that which the developer targets are teachers, health care professionals, etc. The rents are a little higher than most apartment communities, thus attracting a more professional clientele.

Larson inquired about the difference in elevation between the townhouses and the apartments. Grimm reiterated that the apartments will be higher than the townhouses because of the hill. At street level, the first floor of the townhome is at an elevation of about 1394. The finished floor of the apartment building will be at an elevation of 1402. So the townhouses will look through the trees into the hillside. The apartment building height will be 33 feet, the clubhouse will be around 25 feet and garages about 15 feet.

Leirion requested that the applicant address some of the other concerns, such as parking lot lighting. Grimm stated that the applicant will comply with the city's lighting ordinance. They do want the lighting on site to be at a safe level, but they do not want it to be like a commercial center parking lot. Again, because Building #4 is pushed so far to the east and because they did not put a parking lot on the east side of Building #4, there should not be any light spillage to the residential to the east.

There was no testimony in opposition.

Sunderman asked staff whether the movement of the dog park requires a change in the conditions of approval. Will suggested that if the Planning Commission wants to address that concern, it could be made a condition of approval. Currently, there is nothing in the conditions that would require it to be moved.

Response by the Applicant:

Grimm agreed that the relocation of the dog park to be between Building 2 and Building 3 could be made a condition of approval.

CHANGE OF ZONE NO. 09030
ACTION BY PLANNING COMMISSION: January 27, 2009

Taylor moved approval, seconded by Esseks and carried 8-0: Esseks, Gaylor Baird, Partington, Taylor, Francis, Larson, Lust and Sunderman voting 'yes'; Cornelius absent. This is a recommendation to the City Council.

SPECIAL PERMIT NO. 09029
ACTION BY PLANNING COMMISSION: January 27, 2009

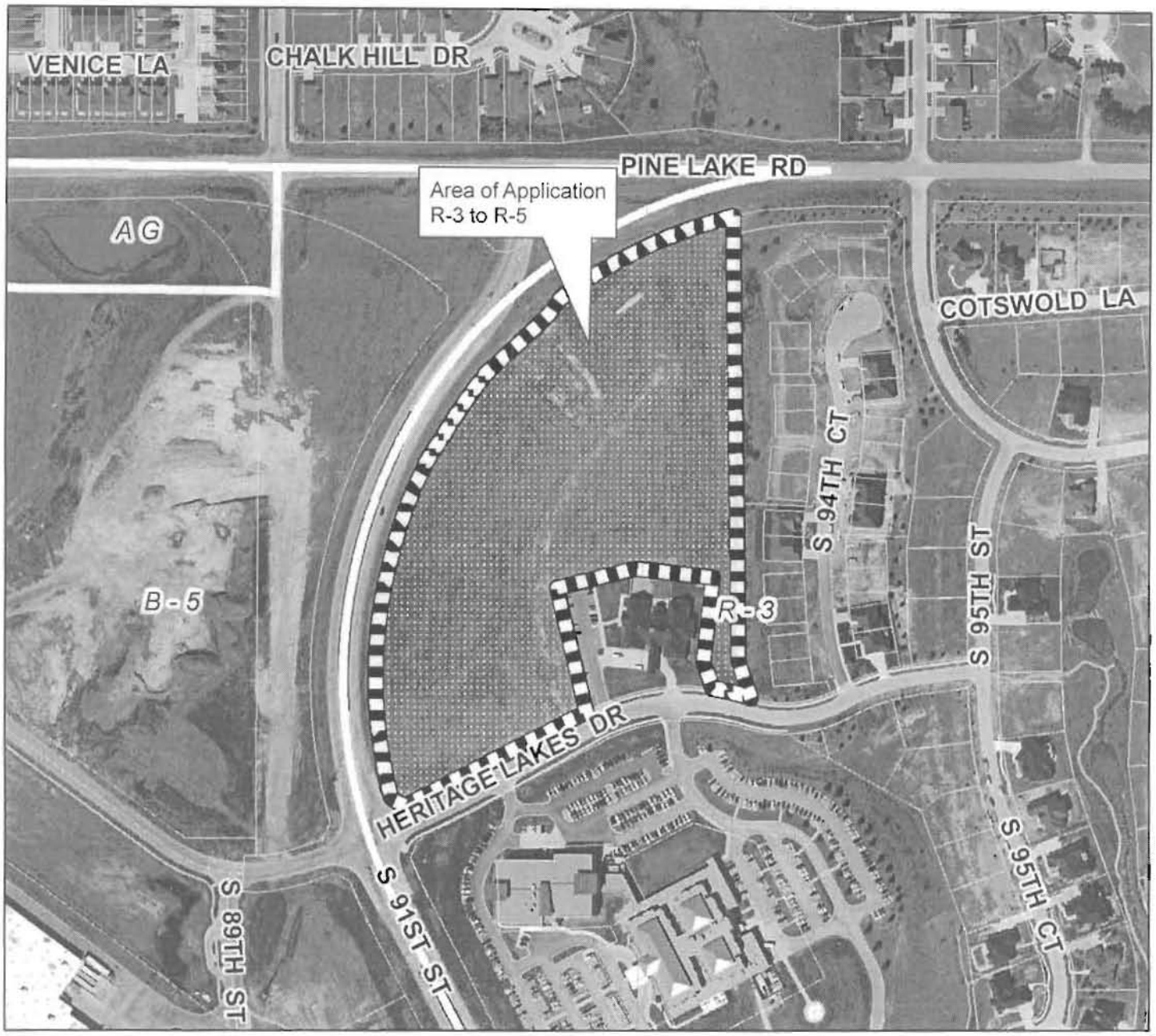
Taylor moved to approve the staff recommendation of conditional approval, with amendment to require relocation of the dog park to be located between Building 2 and Building 3, seconded by Lust.

Francis stated that she is excited about apartments being located here and excited that there is a different scale of apartments within the buildings. It will be a nice mixture. This will be a nice alternative for employees of the Heart Hospital who need to be no more than 20 minutes away because of on-call status.

Taylor likes the idea that it addresses some of the neighbors' concerns about the quality of the properties that will be in that area and he thinks it will actually raise values of other properties.

Sunderman pointed out that it is a nice transition to the east – single family homes followed by single family attached homes to these apartments and then into the commercial uses – following the standard of less intense to more intense uses. It will be a nice addition.

Motion for conditional approval, as amended, carried 8-0: Esseks, Gaylor Baird, Partington, Taylor, Francis, Larson, Lust and Sunderman voting 'yes'; Cornelius absent. This is a recommendation to the City Council.



Change of Zone #09030 and Special Permit #09029
S 91st St & Heritage Lakes Dr

2007 aerial

Zoning:

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

One Square Mile
Sec. 23 T09N R7E

N

Zoning Jurisdiction Lines

City Limit Jurisdiction

m:\plan\arcview\Agendadrawings.mxd (SP09029 & CZ09030.pdf)

LEGAL DESCRIPTION

THE REMAINING PORTION OF OUTLOT A, HERITAGE LAKES EARLY CHILDHOOD DEVELOPMENT CENTER, AN ADDITION TO THE CITY OF LINCOLN, LANCASTER COUNTY, NEBRASKA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID OUTLOT A, THENCE S 00°54'48" E (ASSUMED BEARING) A DISTANCE OF 878.11 FEET; THENCE S 19°17'46" E A DISTANCE OF 73.13 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF HERITAGE LAKE DRIVE AND THE POINT OF CURVATURE OF A 426.77 FOOT RADIUS CURVE, CONCAVE TO THE SOUTH; THENCE WESTERLY, ALONG SAID CURVE AND SAID NORTH LINE, THROUGH A CENTRAL ANGLE OF 02°04'18", AN ARC DISTANCE OF 15.43 FEET, THE CHORD OF SAID CURVE BEARS N 73°57'39" W, A DISTANCE OF 15.43 FEET TO THE POINT OF COMPOUND CURVATURE OF A 431.35 FOOT RADIUS CURVE, CONCAVE TO THE SOUTH; THENCE WESTERLY, ALONG SAID CURVE AND SAID NORTH LINE, THROUGH A CENTRAL ANGLE OF 08°33'09", AN ARC DISTANCE OF 64.39 FEET, THE CHORD OF SAID CURVE BEARS N 77°45'18" W, A DISTANCE OF 64.33 FEET TO THE SOUTHEAST CORNER OF LOT 1, HERITAGE LAKES EARLY CHILDHOOD DEVELOPMENT CENTER; THENCE N 17°50'40" W, A DISTANCE OF 53.78 FEET TO A CORNER OF SAID LOT 1; THENCE N 06°23'12" E, A DISTANCE OF 168.58 FEET TO A CORNER OF SAID LOT 1; THENCE N 83°55'34" W, A DISTANCE OF 155.82 FEET TO A CORNER OF SAID LOT 1; THENCE S 76°04'26" W, A DISTANCE OF 163.31 FEET TO A CORNER OF SAID LOT 1; THENCE S 13°55'34" E, A DISTANCE OF 249.50 FEET TO A CORNER OF SAID LOT 1; THENCE S 63°04'54" W, ALONG SAID NORTH LINE OF HERITAGE LAKE DRIVE, A DISTANCE OF 408.86 FEET; THENCE N 64°45'06" W, A DISTANCE OF 30.19 FEET A POINT ON THE EAST RIGHT OF WAY LINE OF SOUTH 91ST STREET AND THE POINT OF CURVATURE OF A 935.00 FOOT RADIUS CURVE, CONCAVE TO THE SOUTHEAST; THENCE NORTHERLY, ALONG SAID CURVE AND SAID EAST LINE, THROUGH A CENTRAL ANGLE OF 40°51'23", AN ARC DISTANCE OF 666.73 FEET, THE CHORD OF SAID CURVE BEARS N 05°36'25" E, A DISTANCE OF 652.69 FEET TO THE POINT OF COMPOUND CURVATURE OF A 282.00 FOOT RADIUS CURVE, CONCAVE TO THE SOUTHEAST; THENCE NORTHEASTERLY, ALONG SAID CURVE AND SAID EAST LINE, THROUGH A CENTRAL ANGLE OF 10°14'56", AN ARC DISTANCE OF 50.44 FEET, THE CHORD OF SAID CURVE BEARS N 31°09'37" E, A DISTANCE OF 50.38 FEET TO THE POINT OF REVERSE CURVATURE OF A 318.00 FOOT RADIUS CURVE, CONCAVE TO THE NORTHWEST; THENCE NORTHEASTERLY, ALONG SAID CURVE AND SAID EAST LINE, THROUGH A CENTRAL ANGLE OF 05°20'30", AN ARC DISTANCE OF 29.65 FEET, THE CHORD OF SAID CURVE BEARS N 33°36'50" E, A DISTANCE OF 29.64 FEET TO THE POINT OF REVERSE CURVATURE OF A 930.00 FOOT RADIUS CURVE, CONCAVE TO THE SOUTHEAST; THENCE NORTHEASTERLY, ALONG SAID CURVE AND SAID EAST LINE, THROUGH A CENTRAL ANGLE OF 09°07'43", AN ARC DISTANCE OF 148.17 FEET, THE CHORD OF SAID CURVE BEARS N 35°30'26" E, A DISTANCE OF 148.02 FEET; THENCE N 47°39'24" E, ALONG SAID EAST LINE OF SOUTH 91ST STREET, A DISTANCE OF 46.63 FEET; THENCE N 46°39'36" E , ALONG SAID EAST LINE, A DISTANCE OF 120.16 FEET; THENCE N 36°29'04" E, ALONG SAID EAST LINE, A DISTANCE OF 38.52 FEET TO THE POINT OF CURVATURE OF A 935.00 FOOT RADIUS CURVE, CONCAVE TO THE SOUTHEAST; THENCE NORTHEASTERLY, ALONG SAID CURVE AND SAID EAST LINE, THROUGH A CENTRAL ANGLE OF 23°37'51", AN ARC DISTANCE OF 385.63 FEET, THE CHORD OF SAID CURVE BEARS N 64°29'24" E, A DISTANCE OF 382.90 FEET TO THE POINT OF BEGINNING. CONTAINING AN AREA OF 499,737.59 SQUARE FEET, 11.47 ACRES, MORE OR LESS.

CONTINENTAL 206 FUND LLC
COMMUNITY UNIT PLAN

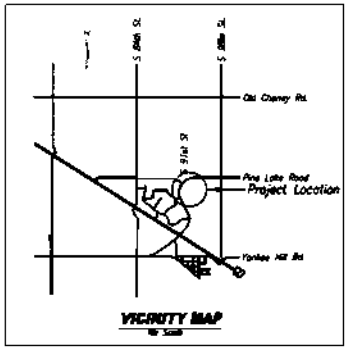
SURVEYOR'S CERTIFICATE

ENGINEER'S CERTIFICATE

USE PERMIT AND SPECIAL PERMIT APPROVAL

LEGEND

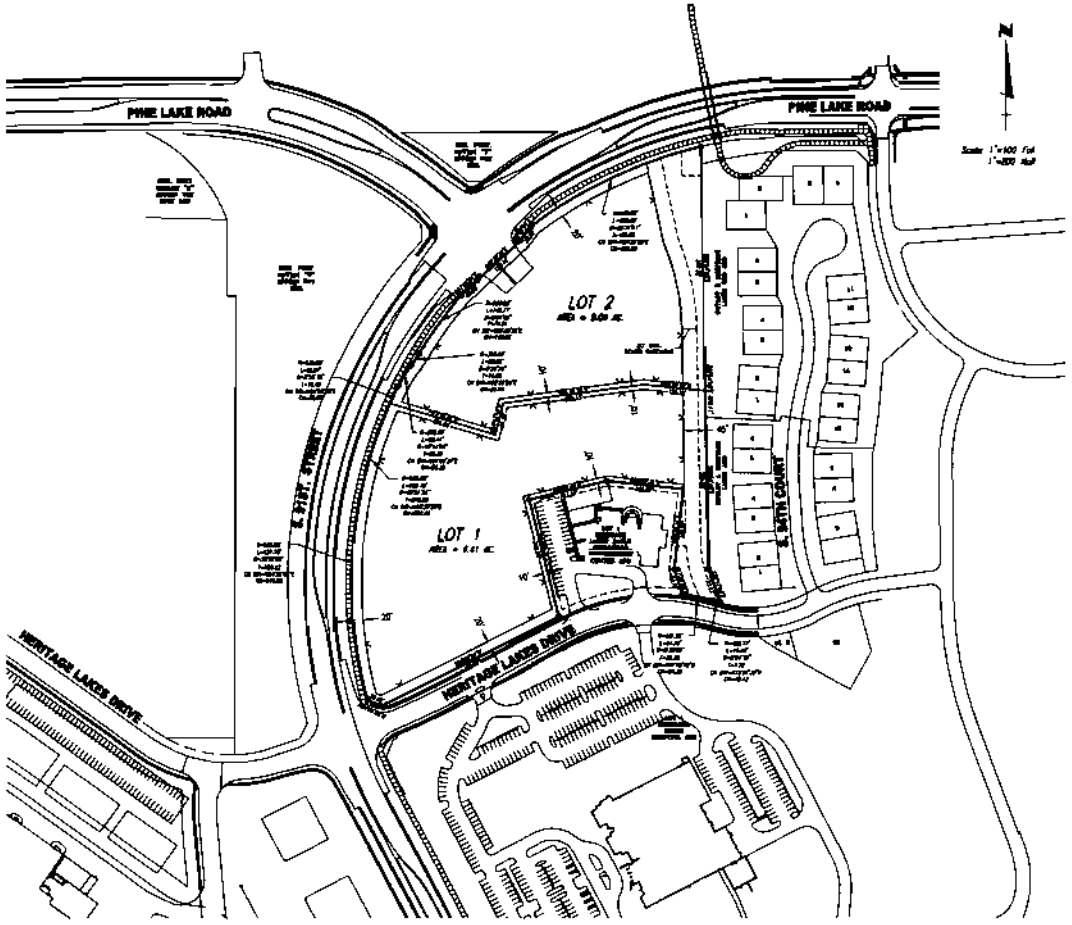
DEVELOPMENT AREA



VICINITY MAP

USE PERMIT AND SPECIAL PERMIT SITE PLAN

WAIVERS



GENERAL NOTES

USE PERMIT LEGAL DESCRIPTION
FOR R-5 ZONING

COVER SHEET

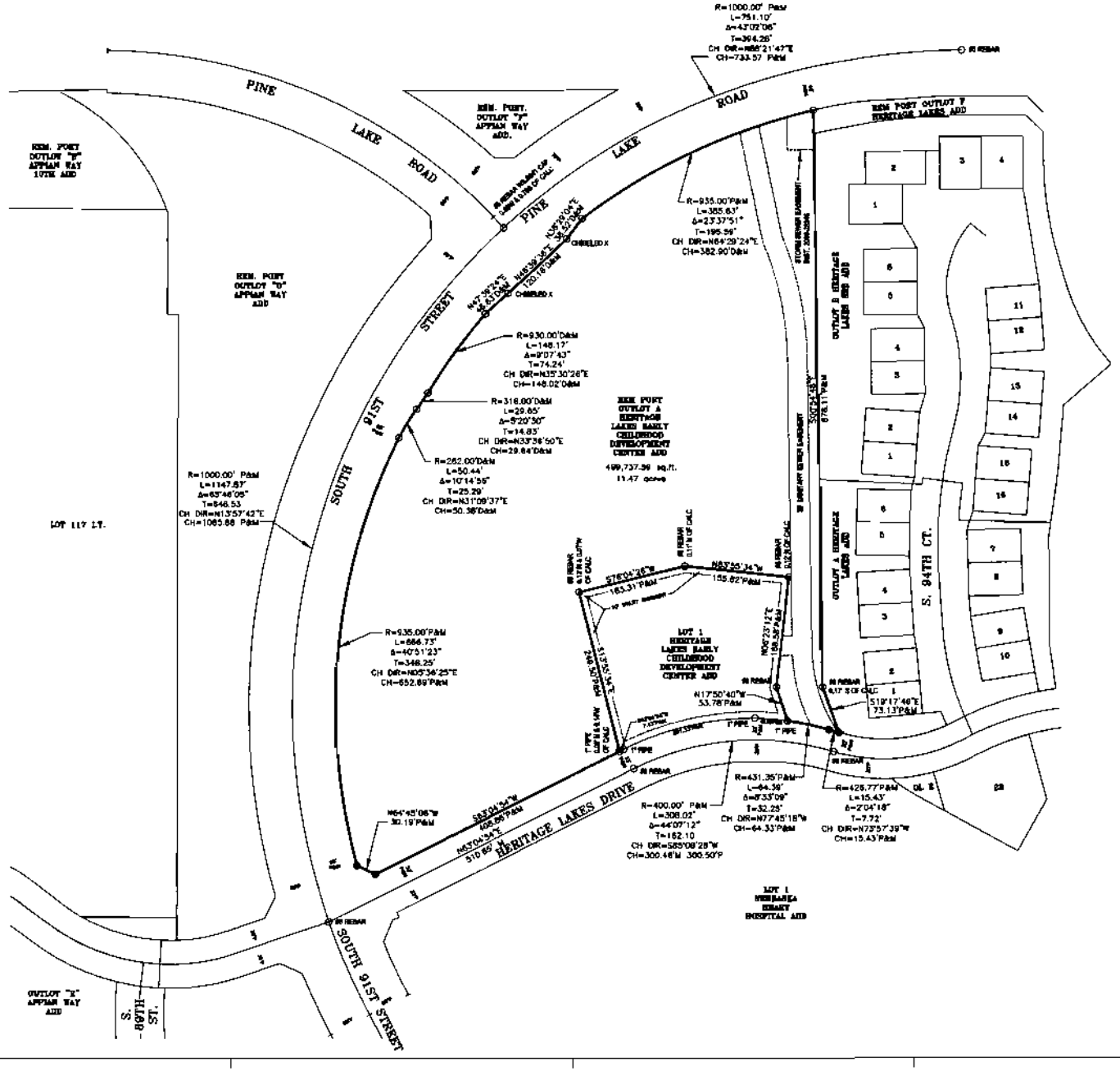
HERITAGE LAKES DRIVE MULTI FAMILY DEVELOPMENT - LINCOLN, NEBRASKA
COMMUNITY UNIT PLAN

HWS

1/5

015

CONTINENTAL 206 FUND LLC
COMMUNITY UNIT PLAN



LEGEND

- ○ PROPERTY CORNER FOUND 1" PIPE, YELLOW CAP UNLESS NOTED
- ● PROPERTY CORNER SET #5 REBAR YELLOW CAP
- P PLAT DISTANCE
- M MEASURED DISTANCE
- D DEED DISTANCE

LEGAL DESCRIPTION

THE REMAINING PORTION OF OUTLOT A, HERITAGE LAKES EARLY CHILDHOOD DEVELOPMENT CENTER, AN ADDITION TO THE CITY OF LINCOLN, LANCASTER COUNTY, NEBRASKA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID OUTLOT A, THENCE S 06°04'48" E (ASSUMED BEARING) A DISTANCE OF 678.11 FEET; THENCE S 19°17'49" E A DISTANCE OF 73.13 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF HERITAGE LAKE DRIVE AND THE POINT OF CURVATURE OF A 426.77 FOOT RADIUS CURVE, CONCAVE TO THE SOUTH; THENCE WESTERLY, ALONG SAID CURVE AND SAID NORTH LINE, THROUGH A CENTRAL ANGLE OF 02°04'18", AN ARC DISTANCE OF 15.43 FEET, THE CHORD OF SAID CURVE BEARS N 73°57'39" W, A DISTANCE OF 15.43 FEET TO THE POINT OF COMPOUND CURVATURE OF A 431.35 FOOT RADIUS CURVE, CONCAVE TO THE SOUTH; THENCE WESTERLY, ALONG SAID CURVE AND SAID NORTH LINE, THROUGH A CENTRAL ANGLE OF 08°33'09", AN ARC DISTANCE OF 64.39 FEET, THE CHORD OF SAID CURVE BEARS N 77°45'18" W, A DISTANCE OF 64.33 FEET TO THE SOUTHEAST CORNER OF LOT 1, HERITAGE LAKES EARLY CHILDHOOD DEVELOPMENT CENTER; THENCE N 17°50'40" W, A DISTANCE OF 53.78 FEET TO A CORNER OF SAID LOT 1; THENCE N 63°55'34" W, A DISTANCE OF 155.82 FEET TO A CORNER OF SAID LOT 1; THENCE N 76°04'26" W, A DISTANCE OF 163.31 FEET TO A CORNER OF SAID LOT 1; THENCE N 06°23'12" E, A DISTANCE OF 158.38 FEET TO A CORNER OF SAID LOT 1; THENCE S 63°55'34" E, A DISTANCE OF 24.00 FEET TO A CORNER OF SAID LOT 1; THENCE S 06°23'12" W, A DISTANCE OF 15.00 FEET; THENCE N 63°55'34" W, ALONG SAID NORTH LINE OF HERITAGE LAKE DRIVE, A DISTANCE OF 408.95 FEET; THENCE N 64°45'06" W, A DISTANCE OF 30.19 FEET A POINT ON THE EAST RIGHT OF WAY LINE OF SOUTH 91ST STREET AND THE POINT OF CURVATURE OF A 935.00 FOOT RADIUS CURVE, CONCAVE TO THE SOUTHEAST; THENCE NORTHERLY, ALONG SAID CURVE AND SAID EAST LINE, THROUGH A CENTRAL ANGLE OF 40°51'23", AN ARC DISTANCE OF 666.73 FEET, THE CHORD OF SAID CURVE BEARS N 05°36'25" E, A DISTANCE OF 652.89 FEET TO THE POINT OF COMPOUND CURVATURE OF A 262.00 FOOT RADIUS CURVE, CONCAVE TO THE SOUTHEAST; THENCE NORTHEASTERLY, ALONG SAID CURVE AND SAID EAST LINE, THROUGH A CENTRAL ANGLE OF 10°14'55", AN ARC DISTANCE OF 50.44 FEET, THE CHORD OF SAID CURVE BEARS N 31°09'37" E, A DISTANCE OF 50.36 FEET TO THE POINT OF REVERSE CURVATURE OF A 316.00 FOOT RADIUS CURVE, CONCAVE TO THE NORTHWEST; THENCE NORTHEASTERLY, ALONG SAID CURVE AND SAID EAST LINE, THROUGH A CENTRAL ANGLE OF 05°20'30", AN ARC DISTANCE OF 29.65 FEET, THE CHORD OF SAID CURVE BEARS N 33°36'50" E, A DISTANCE OF 29.64 FEET TO THE POINT OF REVERSE CURVATURE OF A 930.00 FOOT RADIUS CURVE, CONCAVE TO THE SOUTHEAST; THENCE NORTHEASTERLY, ALONG SAID CURVE AND SAID EAST LINE, THROUGH A CENTRAL ANGLE OF 09°07'43", AN ARC DISTANCE OF 148.17 FEET, THE CHORD OF SAID CURVE BEARS N 35°30'26" E, A DISTANCE OF 148.02 FEET TO THE POINT OF REVERSE CURVATURE OF A 935.00 FOOT RADIUS CURVE, CONCAVE TO THE SOUTHEAST; THENCE NORTHEASTERLY, ALONG SAID CURVE AND SAID EAST LINE, THROUGH A CENTRAL ANGLE OF 23°37'51", AN ARC DISTANCE OF 355.63 FEET, THE CHORD OF SAID CURVE BEARS N 64°29'24" E, A DISTANCE OF 382.90 FEET TO THE POINT OF REVERSE CURVATURE OF A 1000.00 FOOT RADIUS CURVE, CONCAVE TO THE SOUTHEAST; THENCE NORTHEASTERLY, ALONG SAID CURVE AND SAID EAST LINE, THROUGH A CENTRAL ANGLE OF 43°02'06", AN ARC DISTANCE OF 751.10 FEET, THE CHORD OF SAID CURVE BEARS N 86°21'47" E, A DISTANCE OF 733.57 FEET; THENCE N 47°39'24" E, ALONG SAID EAST LINE OF SOUTH 91ST STREET, A DISTANCE OF 46.89 FEET; THENCE N 45°36'36" E, ALONG SAID EAST LINE, A DISTANCE OF 125.14 FEET; THENCE N 39°39'47" E, ALONG SAID EAST LINE, A DISTANCE OF 36.52 FEET TO THE POINT OF CURVATURE OF A 816.00 FOOT RADIUS CURVE, CONCAVE TO THE SOUTHEAST; THENCE NORTHEASTERLY, ALONG SAID CURVE AND SAID EAST LINE, THROUGH A CENTRAL ANGLE OF 23°10'13", AN ARC DISTANCE OF 330.00 FEET, THE CHORD OF SAID CURVE BEARS N 34°20'34" E, A DISTANCE OF 327.80 FEET TO THE POINT OF BEGINNING, CONTAINING AN AREA OF 499,737.59 SQUARE FEET, 11.47 ACRES, MORE OR LESS.

SURVEYOR'S CERTIFICATION

I, JOHN R. DOGER, A PROFESSIONAL REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF NEBRASKA, CERTIFY THAT THE SURVEY REPRESENTED ON THIS PLAT WAS PERFORMED BY ME OR UNDER MY DIRECT SUPERVISION ON DECEMBER 22, 2006 AND THAT THE MONUMENTS SET AND THE DISTANCES SHOWN ARE CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. PERMANENT MONUMENTS WERE SET AT ALL POINTS AS SHOWN ON THIS PLAT AND ALL DISTANCES ARE IN FEET AND DECIMALS OF A FOOT.

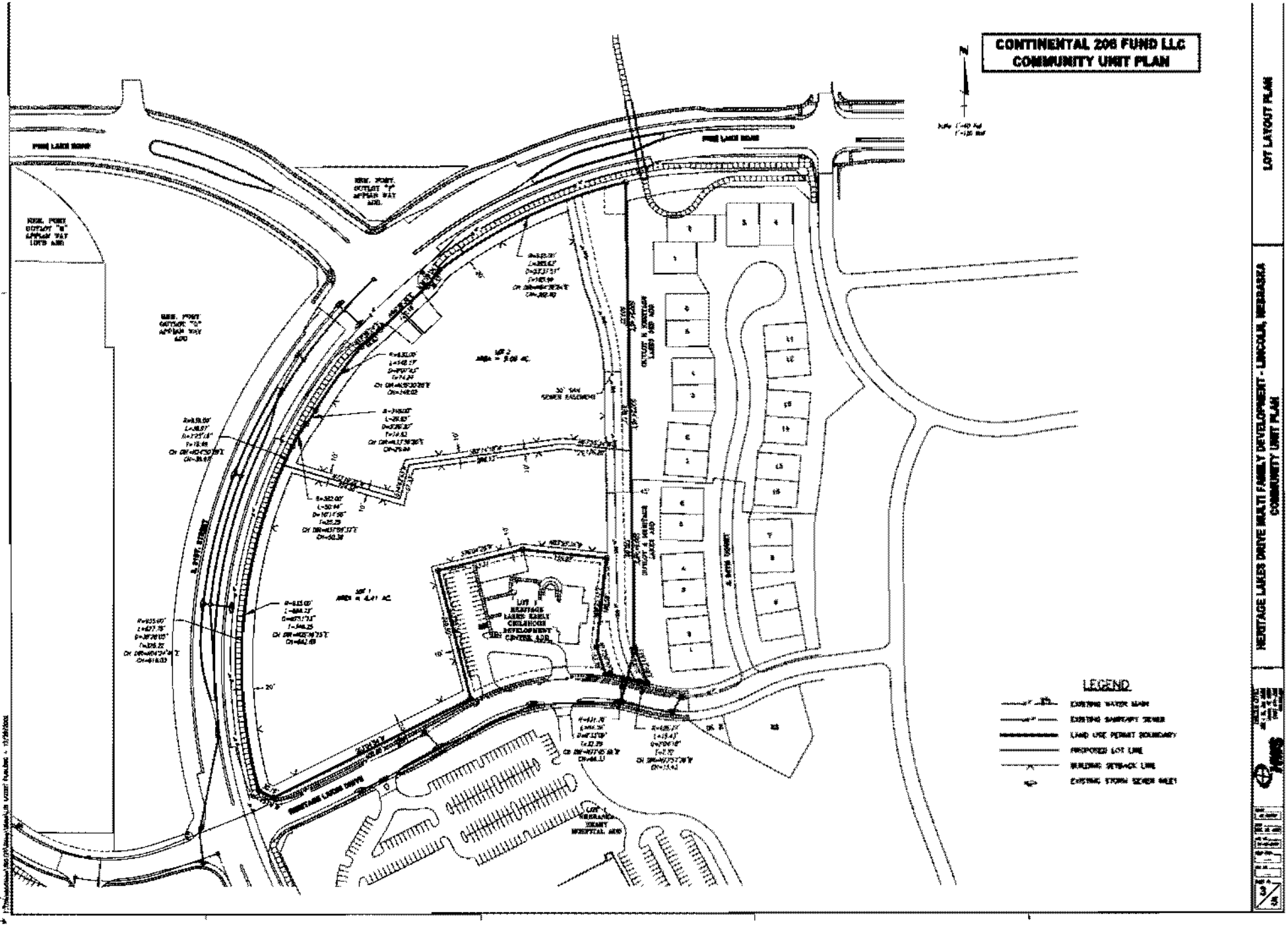
JOHN R. DOGER LS 4940 — DATE

BOUNDARY SURVEY

HERITAGE LAKES DRIVE MULTI FAMILY DEVELOPMENT • LINCOLN, NEBRASKA
COMMUNITY UNIT PLAN

2/5

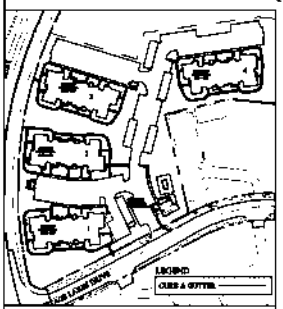
F:\Survey\2007\2K\DGN\dwg\cuplan A Hinode Boundary.dwg


CONTINENTAL 206 FUND LLC
COMMUNITY UNIT PLAN
LEGEND
EXISTING WATER MAIN
EXISTING SANITARY SEWER
LAND USE PERMIT BOUNDARY
PROPOSED LOT LINE
BUILDING SETBACK LINE
EXISTING STORM SEWER INLET
HERITAGE LAKES DRIVE
LOT LAYOUT PLAN
HERITAGE LAKES DRIVE MULTI FAMILY DEVELOPMENT - LINCOLN, NEBRASKA
COMMUNITY UNIT PLAN

HERITAGE LAKES DRIVE MULTIFAMILY

COMMUNITY UNIT PLAN

VICINITY MAP
SCALE: 1:500



PROPOSED CURB & GUTTER PLAN
SCALE: 1:100

RIGHT OF WAY WIDTH
PINE LAKE ROAD
385.63'
STORM SEWER EASEMENT
30' SANITARY SEWER EASEMENT
EXISTING TREELINE, TO REMAIN
SEE NOTE #3, REGARDING EXISTING CONTOURS
LOT 2
5.06 ACRES ±
FUTURE CROSS ACCESS POINT, SEE NOTE #2
PROPOSED 91ST STREET SIGNAGE
PROPOSED LOT LINE
PROPOSED CONNECTION TO PUBLIC SIDEWALK
6 DETACHED GARAGES
TRASH ENCLOSURE
DOG PARK
91ST STREET
SOUTH 94TH COURT
LOT 1
HERITAGE LAKES EARLY CHILDHOOD DEVELOPMENT CENTER ADDITION
PROPOSED FENCE TO ENCLOSE POOL AREA
POOL
CLUBHOUSE
162 SPACES
PROPOSED SIDEWALK CONNECTION TO PUBLIC WALK
PROPOSED FULL ACCESS POINT
PROPOSED WATER METER ENCLOSURE
PROPOSED CONNECTION TO PUBLIC SIDEWALK
PROPOSED HERITAGE LAKES DRIVE SIGNAGE
HERITAGE LAKES DRIVE
LOT 1
6.41 ACRES ±
SCALE: 1" = 40'

PROPERTY SUMMARY:	
LOT 1	6.41 ACRES
LOT 2	5.06 ACRES
TOTAL	11.47 ACRES
EXISTING ZONING:	B-2
PROPOSED ZONING:	B-2 WITH C.U.P. OVERLAY
PROPOSED USE	MULTIFAMILY
MAXIMUM UNITS:	
LOT 1	138 UNITS
LOT 2	138 UNITS
TOTAL MAXIMUM UNIT COUNT	276 UNITS
OVERALL DENSITY	23.54 DU/AC
SITE SUMMARY - LOT 2:	
PROPOSED UNIT COUNT	94 UNITS
PARKING STALLS	142 SPACES
ATTACHED GARAGE SPACES	50 SPACES
TOTAL SPACES	192 SPACES
PARKING RATIO	2.04 SPACES/UNIT
SITE DESIGN INFORMATION:	
DRIVE AISLE WIDTH	24'
PARKING STALLS	9'X18'
HANDICAP STALLS	17'X18', 14'X18' VAN
FRONT BUILDING SETBACK	30'
SIDE BUILDING SETBACK	10'
REAR BUILDING SETBACK	30'
MAX. BUILDING HEIGHT	35'

CONCEPTUAL SITE PLAN

SHEET 4 OF 5

NOTES:

1. SEPARATE AMENITIES AND CLUBHOUSE WILL BE REQUIRED IF LOT 1 IS DEVELOPED BY A DIFFERENT ENTITY THAN THE LOT 1 DEVELOPER.
2. FUTURE CROSS ACCESS EASEMENT. ACTUAL EASEMENT TO BE CREATED UPON DEVELOPMENT OF LOT 2.
3. EXISTING TOPOGRAPHY GENERATED FROM AN AERIAL TOPOGRAPHIC MAP, DUE TO THE AMOUNT OF SNOW COVER ON THE PROPERTY, A TOPOGRAPHIC SURVEY COULD NOT BE COMPLETED. THE PROPOSED, CONCEPTUAL FINISH FLOOR ELEVATIONS ARE BASED ON THE AERIAL TOPOGRAPHIC SURVEY. ONCE AN ACTUAL OF THE GROUND TOPOGRAPHIC SURVEY CAN BE OBTAINED, ADDITIONAL INFORMATION ON THE ACTUAL FINISH FLOOR ELEVATION AND UTILITY LAYOUT WILL BE PROVIDED TO THE CITY.

DEVELOPER:
CONTINENTAL 206 FUND LLC
W134 N8675 HEADQUARTERS PARKWAY
MENOMONEE FALLS, WI 53051
(262) 255-5225

OWNER:
ARBORWATT, L.L.C.
HIGH HILLS ROAD
ADAMS, MN 55909
(612) 624-8979

CITY: LINCOLN
STATE: NE
DRAWN BY: ERIK MAHM
SITE: 91ST STREET & HERITAGE LAKES DRIVE, NORTHEAST CORNER
INITIAL DATE DRAWN: 12/29/2009

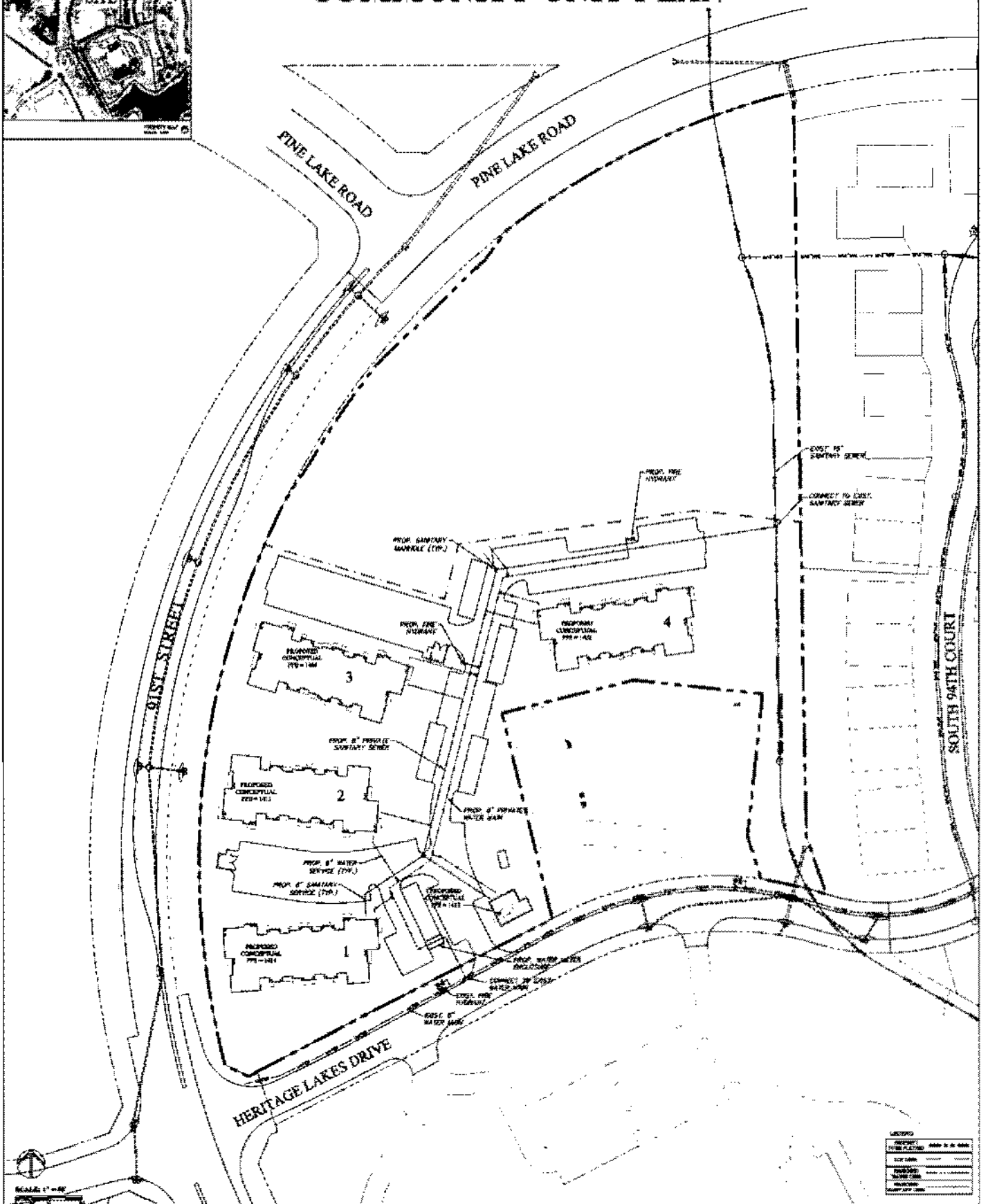
REVISIONS

REV	DESCRIPTION	DATE	REV	DESCRIPTION	DATE

CONTINENTAL 206 FUND LLC
AN AFFILIATE OF
CONTINENTAL PROPERTIES

C18

HERITAGE LAKES DRIVE MULTIFAMILY
COMMUNITY UNIT PLAN



CONCEPTUAL UTILITY PLAN

SHEET 5 OF 5

LINCOLN

91ST STREET & HERITAGE LAKES DRIVE, NORTHEAST CORNER

NZ

12/29/2009

REVISIONS

CONTINENTAL PROPERTIES

019

1 BUILDING G24 - FRONT ELEVATION

SCALE 1/8"=1'-0"

2 BUILDING G24 - RIGHT ELEVATION

SCALE 1/8"=1'-0"

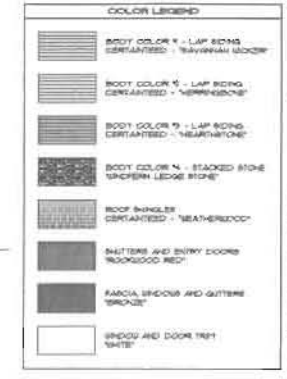
3 BUILDING G24 - LEFT ELEVATION

SCALE 1/8"=1'-0"

4 BUILDING G24 - REAR ELEVATION

SCALE 1/8"=1'-0"

BUILDING ELEVATIONS - CONCEPT ONLY



RECEIVED

DEC 30 2009

Lincoln/Lancaster Co.
Planning Department

December 29, 2009

Mr. Brian Will
CITY OF LINCOLN
Planning Department
555 South 10th Street, Suite 213
Lincoln, NE 68508

RE: Continental 206 Fund LLC
Heritage Lakes Drive Multifamily Development
Northeast Corner of 91st Street and Heritage Lakes Drive
Lincoln, NE

Dear Brian:

Attached is the submittal package for the re-zoning of the above referenced property from R-3 to R-5 with a Community Unit Plan overlay along with the Preliminary Plat. The following items are attached for your review and comment:

- Re-Zoning Application dated December 29, 2009
- Preliminary Plat Application dated December 29, 2009
- Check dated December 28, 2009 in the amount of $1,850.00
- Agent Authorization Letter from Andermatt, L.L.C. dated December 29, 2009
- Project Description/Narrative dated December 29, 2009 prepared by Continental
- Community Unit Plan Cover Sheet dated December 29, 2009 prepared by HWS
- Parcel Layout Sheet dated December 29, 2009 prepared by HWS
- Conceptual Site Plan dated December 29, 2009 prepared by Continental
- Conceptual Utility Plan dated December 29, 2009 prepared by Continental
- Concept Drainage Plan dated December 29, 2009 prepared by RA Smith National
- Letter regarding Concept Drainage Plan dated December 23, 2009 prepared by RA Smith National
- Conceptual Building Elevations dated December 21, 2009 prepared by CBA Architects

As we discussed on the phone, due to the amount of snow cover on the property, we could not complete an accurate topographical survey. It was agreed that we could provide conceptual information on the finished floor elevations and utilities for this submittal. Once we are able to complete an accurate topographic survey, we will provide additional information on the grading, finished floor elevations, and utilities for the City staff review and approval. We anticipate being able to obtain this survey information prior to the submittal of the final plat.

West [illegible] Executive Pkwy • [illegible] Falls, WI [illegible] • Telephone: [illegible] • Facsimile: [illegible]

December 29, 2009

Page 2

If you have any questions or need additional information, please contact me at 262/532-9319. Thanks for working with us on this project.

Sincerely,
CONTINENTAL PROPERTIES COMPANY, INC.

Kimberly Grimm

Kimberly Grimm
Vice President of Development

W134 N8675 Executive Pkwy • Menomonee Falls, WI 53051 • Telephone: 262.502.5500 • Facsimile: 262.502.5522

CONTINENTAL PROPERTIES
COMPANY, INC.

January 12, 2010

Mr. Brian Will
CITY OF LINCOLN
Planning Department
555 South 10th Street, Suite 213
Lincoln, NE 68508

RE: Continental 206 Fund LLC
Heritage Lakes Drive Multifamily Development
Northeast Corner of 91st Street and Heritage Lakes Drive
Lincoln, NE

Dear Brian:

Continental 206 Fund LLC ("Continental") is withdrawing the request for a waiver on the curbing within the parking lot. Continental will comply with the City code on parking lot barriers.

In addition, Continental requested a variance to allow two freestanding signs on 91st Street. Continental agrees to comply with the size requirements as outlined in section 27.69.220 which states "freestanding signs shall not exceed thirty two square feet in area or six feet in height." As discussed, Continental would still be allowed wall signage on the clubhouse not to exceed six square feet and if Continental is the developer of Lot 2, Continental agrees to install only one freestanding sign at the Lot 2 entrance located at 91st Street and Pine Lake.

If you have any questions or need additional information, please contact me at 262/532-9319. Thanks for working with us on this project.

Sincerely,
CONTINENTAL PROPERTIES COMPANY, INC.

Kimberly Grimm

Kimberly Grimm
Vice President of Development

PROJECT DESCRIPTION/NARRATIVE
HERITAGE LAKES DRIVE MULTIFAMILY PROJECT
DECEMBER 29, 2009

Overall Project Description

The project is located at the northeast corner of Heritage Lakes Drive and 91st Street on the parcel currently known as Outlot A of the Heritage Lakes Early Childhood Development Center Addition Plat. This parcel is currently owned by Andermatt LLC and was included in the Conditional Annexation and Zoning Agreement dated November 13, 2001 with the City of Lincoln.

Continental 206 Fund LLC ("Continental") is requesting approval to rezone this 11.47 acre parcel from R-3 to R-5 with a community unit plan overlay to allow a multifamily development. Continental is also requesting approval of the preliminary plat concurrently with the re-zoning of this parcel.

The preliminary plat will consist of two parcels – Lot 1 with 6.4076 acres and Lot 2 with 5.0648 acres. This preliminary plat/community unit plan will be titled as the Heritage Lakes Drive Multifamily Development. Continental is proposing a phased development. The first phase will be on Lot 1. Continental is requesting approval for up to 120 units on this parcel. The second phase may or may not be developed by Continental. Continental is requesting approval for up to 147 units on Lot 2.

Continental does not currently own any land surrounding the land area shown on the preliminary plat.

Phase I Project Description

As stated above, Continental is requesting approval for up to 120 units on Lot 1. The site plan attached is showing a total of 96 units with twenty-four units in each building. The buildings will be two story with private, ground level, direct entry to each unit which provides for a townhome feel. There will be a separate clubhouse building and detached garages. The clubhouse is approximately 1200 sq.ft. and will be no higher than 25 feet. The clubhouse will include a large gathering room, a fitness center, and office (approximately 92 sq.ft.) for the management/leasing of the units. A pool for the residents will be provided behind the clubhouse and will be fenced for safety reasons. In addition, a fenced dog park will be provided for the residents who have pets.

The proposed site plan layout takes advantage of the unusual parcel layout and provides large green space areas. The layout breaks up the parking so that parking areas are clustered for each building and limits the amount of parking visible from the street right of ways. Screening will be provided for the very limited areas of parking visible from the street right of ways.

Five banks of detached garages with 6 garages in each building will be scattered throughout the project to provide options for residents who would like to have garage parking. The garage buildings will not exceed 15 feet in height. The garage stalls are included in the overall parking count.

Continental is requesting approval to provide 1.75 stalls per unit for the parking ratio of this project. Continental developed, owns, and manages approximately 4200 apartment units in various States. Based on our operations and research, 1.75 stalls per unit is a sufficient amount of parking and we would rather provide green space areas instead of parking. In our experience, it is not so much the amount of parking, but how it is spaced and allocated to each building. It is important to properly allocate the parking equally to each building for the convenience of the resident which is provided on this project. In addition, the unit mix should also be considered when determining parking requirements. In this project, ten percent of the units will be studios, forty percent will be one bedroom, forty percent will be two bedrooms, and ten percent will be three bedrooms.

The difference in the number of parking stalls from 2 stalls per unit to 1.75 stalls per unit is 28 stalls based on 96 units. The attached site plan shows that the 2 stalls per unit can be accommodated and the site plan also shows which parking stalls could potentially be constructed later if needed. Continental is proposing to construct the 1.75 stalls per unit initially and leave the areas of the 28 stalls as green space. If there becomes a need for that additional parking in the future, these green space areas could be converted to parking stalls. No addition parking stalls are required for the leasing office since the leasing office will be opened during the hours that most residents are at work and the leasing office portion of the clubhouse is so small that parking will not be an issue.

Continental is also requesting a modification in the amount of curbing required around the parking lot and would like to work with the City Staff on the amount and location of curbing. Continental would propose to install curbing where the parking areas abut the sidewalks for the buildings as shown on the site plan. In addition, Continental is requesting approval to adhere to the recommendations provided by a geotechnical engineer on the thickness of the pavement section of the parking lot for this specific site. Continental would hire the geotechnical engineer to complete the soil borings on site and prepare the report. Continental would provide a copy of the report to City Staff for review and concurrence on the pavement thickness. The pavement section will be based on this site specific soil types and use of the property.

A cross access area has been identified for a future connection into phase II. Once phase II is developed, an easement would be granted and the connection made to 91st Street.

The water and sanitary sewer services on site are planned to be private. Easements to the electric, gas, cable, and telephone company will be granted as necessary to the appropriate utility company.

Two trash enclosures for dumpsters are shown on the site plan. The trash enclosures will be constructed of a wood material with a gate in front.

Continental is proposing two freestanding signs - one along 91st Street and one along Heritage Lakes Drive. In addition to these two freestanding signs, Continental is requesting wall signage on the clubhouse building. Signage is very important in the success of the project in order to assist potential residents in locating this community. Details on the signage will be submitted under separate cover.

Phase II Project Description

Continental has an option with the current land owner to purchase and develop phase II. Continental is requesting approval of up to 147 units on phase II. Details for phase II would be presented to the City when phase II is ready to be developed. If another entity other than a Continental entity develops phase II, separate clubhouse and amenities would need to be provided for the phase II project.

Requested Waiver of Code Items for Phase I

Continental is requesting waiver of the following code items:

- Parking ratio of 2 stalls per unit to 1.75 stalls per unit to allow for more green space
- No additional parking stalls for the leasing office to allow for more green space
- Curbing in the parking lot limited to the areas shown on the site plan
- Cross section of the parking lot to meet recommendations from a geotech engineer for this specific site
- Signage to allow for two freestanding signs and a wall mounted sign on the clubhouse

Summary of Project

- The project meets the requirements of a community unit plan by having more than ten acres and will be used for multiple dwellings.
- The project is a complimentary use within the neighborhood. The City's Comprehensive Plan shows this parcel to be residential – urban density. This use is a good transitional use between the commercial properties and the single family residences.
- The layout of the project promotes a community feel with lots of green space and amenities for the residents. The amenities include a pool, fitness center, and dog park. In addition, there is good pedestrian connectivity within the community and to the public right of way.
- The phase I project will be a two story building with private, ground level, direct access entries to each unit giving this project a townhome type feel.

- Landscaping will be provided to screen the small areas of parking lots which are visible from the street right of ways.
- The existing trees along the east property line will be maintained as much as possible.
- Utilities are available to this project - no utility or road extensions are required.
- The properties surrounding this land would not be adversely affected by this project.

City of Lincoln - Lancaster County
PLANNING DEPARTMENT

555 S. 10th Street, Suite 213
Lincoln, NE 68508
Ph: (402) 441-7491
Fax: (402) 441-6377

ePlan
ePlan Submittal

Application Information			
Application #	SP09029	Title	09-07 SEC 23 NE
Associated Requests	CZ09030		

Planning Department Use Only			
Submission Date	12/30/2009	Review Due	1/9/2010
Project Planner	Brian Will		

Review Comments

Planning	• Corrections Needed for Review ○ Insufficient Information for Review ○ Recommend Denial ○ Recommend Approval with Conditions ○ Recommend Approval ○ No Review Required
Building & Safety (Bob Fiedler)	Corrections Needed for Review Insufficient Information for Review Recommend Denial Recommend Approval with Conditions Recommend Approval No Review Required
Building & Safety (Mike Petersen)	Corrections Needed for Review Insufficient Information for Review Recommend Denial Recommend Approval with Conditions Recommend Approval No Review Required I am assuming the two signs they want will be in compliance with 27.69.220. -Mp
Building & Safety (Terry Kathe)	Corrections Needed for Review Insufficient Information for Review Recommend Denial Recommend Approval with Conditions Recommend Approval No Review Required show all setbacks clearly and verify all buildings are out of yards and parking areas are in areas that allow parking.
County Health (Chris Schroeder)	Corrections Needed for Review Insufficient Information for Review Recommend Denial Recommend Approval with Conditions Recommend Approval No Review Required Developers are responsible for all mosquito control issues during the building process and all outlots, green-spaces, and/or natural corridors subsequently controlled by the owner, tenant, occupant, lessee, or otherwise, for that subdivision would be responsible for vectors of zoonotic disease in those areas. 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. According to the LLCHD's Geographic Information System (GIS) records, a high pressure underground natural gas pipeline crosses the northeast corner of the proposed Lot 2. The LLCHD calculated a hazard area of approximately 235 feet on each side for this pipeline using the hazard area equation from report entitled, "A Model for Sizing High Consequence Areas Associated with Natural Gas Pipelines" prepared by Mark J. Stephens from C-FER Technologies. A hazard area or high consequence area is defined as the area within which the extent of property damage and the chance of serious injury would be expected to be significant in the event of a worst case scenario rupture failure. At this time, there are no current regulations that prohibit the location of occupied buildings within hazard areas. However, according to the final report submitted by the Planning Commission and Board of Health Joint Committee on Health and Land Use, recommended that, in new developments, developers should avoid the Hazard Area as much as possible. For example, homes and businesses should be located out of the area as much as possible. Redesigning a site to place yards, parking or garages in the Hazard Area is preferable to having residences or businesses located in this potentially harmful area. Active recreation areas which would regularly draw large groups of people, such as playgrounc and baseball/soccer fields should not be placed in the Hazard Area as well. However, it appears that according to the submitted site plan, the projected hazard area is not within the delineated lot line for Lot 2.
Development Review Manager (Steve Henrichsen)	Corrections Needed for Review Insufficient Information for Review Recommend Denial Recommend Approval with Conditions Recommend Approval No Review Required see markup
Emergency Communications (Kelly Davila)	Corrections Needed for Review Insufficient Information for Review Recommend Denial Recommend Approval with Conditions Recommend Approval No Review Required
Emergency Communications (Tara Garza)	Corrections Needed for Review Insufficient Information for Review Recommend Denial Recommend Approval with Conditions Recommend Approval No Review Required
Fire Department (Richard	Corrections Needed for Review Insufficient Information for Review Recommend Denial Recommend Approval with Conditions Recommend Approval No Review Required

028

Furnask)	
LES (Mike Petersen)	Corrections Needed for Review Insufficient Information for Review Recommend Denial Recommend Approval with Conditions Recommend Approval No Review Required
Lincoln Police Department (Sgt Don Scheinost)	Corrections Needed for Review Insufficient Information for Review Recommend Denial Recommend Approval with Conditions Recommend Approval No Review Required The Lincoln Police Department does not object to the proposed application.
Parks & Recreation (Mark Canney)	Corrections Needed for Review Insufficient Information for Review Recommend Denial Recommend Approval with Conditions Recommend Approval No Review Required 1. Written request for waiver of outdoor recreation plan typical of this type of development which includes a playground. 2. Please include a minimum of a 1/2 basketball court to satisfy the outdoor recreation component. 3. Include a shaded seating spot in the dog park. 4. The closest neighborhood park is a 1/2 mile to the north - Mendoza Park.
Public Works (Bruce Briney)	Corrections Needed for Review Insufficient Information for Review Recommend Denial Recommend Approval with Conditions Recommend Approval No Review Required
Public Works (Buff Baker)	Corrections Needed for Review Insufficient Information for Review Recommend Denial Recommend Approval with Conditions Recommend Approval No Review Required 01/04/10.... Public Works has no objections to the Conceptual layout plan. The Trash Contractor should be advised to the dumpster locations and layout to assure that the proposed locations and dumpster requirements for this size of complex is workable.
Public Works (Dennis Bartels)	Corrections Needed for Review Insufficient Information for Review Recommend Denial Recommend Approval with Conditions Recommend Approval No Review Required Public water mains exist to serve the 2 lots. The private service concept shown is satisfactory. Public sanitary sewer exists in an easement thru the property to serve the 2 lots. The existing sanitary sewer easement is not shown consistently on the various plans. The platted easement has a portion of 30' easement from the principle easement west to the existing daycare lot. This need to be shown on all the various plans. There is an existing sewer as shown on the plans that serves the Heritage Lakes development and outlets across a portion of this plat to the 15" trunk sewer. A 30' easement must be shown over this sewer. The 8" private sanitary sewer system serving Lot 1 is shown outletting to the 15" trunk sewer. A manhole must be built on the 15" sewer at this location. An executive order is required to buil this sewer. No drainage study or grading plan has been submitted with this application. The drainage study and grading plan must be submitted as a conditio of approval of the preliminary plat and special permit. The plans show 2 lots and a potential easement from Lot 1 to Lot 2 for access to the 91st and Pine Lake Road median opening. This easement needs to be shown on this application crossing both lots and all the way from 91st to Heritage Lakes Drive. This necessary now because of the 2 lots and the statement in the letter that both the lots may not be developed by this applicant. This median opening and access was approved with the intent that it serve all this property. I recommend that the access be built with the phase 1 development and not be put off to the future. A "stub right of way" or public access easement stub needs to be shown on these plans and dedicated with the final plat for this development. It should be a minimum of 50' deep from the 91st Street right of way. A right turn lane will likely be required to be built in 91st at this access point when Lot 2 is developed. The application requests a waiver to the 2 parking stalls per living unit requirement instead requesting 1.75 stalls per unit. Since the 1.75 is the requirement for the R5 zoning as requested if this was not a CUP Public Works does not object. We do note however that on street parking in thi vicinity is limited for any overflow is the parking is insufficient because of the potential need to limit parking on Heritage Lake Drive because of access to the beert hospital and the undesirability of apartment guests parking in the residential development to the east. The applicant requests that the design standard requirement for curbs or parking stops around the required parking be waived. Public Works recommends denial. No justification has been provided for waiving this requirement. The curb stops are required to prevent parking outside the designated paved parking areas, to prevent parking from overhanging yards and property lines and to to protect required landscaping. In additior since no grading and drainage plan has been submitted I cannot ascertain how drainage will be controlled from the parking and driveways or how drainage will be directed to the designated storm water detention facility without curb and gutter. With the waiver of some of the required parkin as requested it is also more likely that cars may park in the landscaped areas since their will be nothing to prevent or at least imply that they should not leave the paving if curbs are not constructed. Waivers are not supposed to be approved unless the applicant justification as to how the intent of the standard is being met.
Public Works (Devin Biesecker)	Corrections Needed for Review Insufficient Information for Review Recommend Denial Recommend Approval with Conditions Recommend Approval No Review Required
School District - Lincoln (Scott Wieskamp)	Corrections Needed for Review Insufficient Information for Review Recommend Denial Recommend Approval with Conditions Recommend Approval No Review Required
United States Post Office (Kerry Kowalski)	Corrections Needed for Review Insufficient Information for Review Recommend Denial Recommend Approval with Conditions Recommend Approval No Review Required
Windstream (Jon Ultrall)	Corrections Needed for Review Insufficient Information for Review Recommend Denial Recommend Approval with Conditions Recommend Approval No Review Required Windstream Communications requests a 10' wide utility easement along the east property line of Lot 1 where it abuts to S. 91st Street

CONTINENTAL PROPERTIES
COMPANY, INC.

January 18, 2010

Mr. Brian Will
CITY OF LINCOLN
Planning Department
555 South 10th Street, Suite 213
Lincoln, NE 68508

RE: Continental 206 Fund LLC
Heritage Lakes Drive Multifamily Development
Northeast Corner of 91st Street and Heritage Lakes Drive
Lincoln, NE

Dear Brian:

As you are aware, Continental hosted a Neighborhood Meeting in Lincoln on January 13, 2010 to inform neighboring property owners of our plans for the Heritage Lakes Drive Multifamily project. As an update, please find attached the following items regarding the meeting:

- Property Owner Notification List
- Property Owner Notification Exhibit
- Neighborhood Meeting Sign-In Sheet
- Neighborhood Meeting Summary

While in Lincoln we met with Mr. Gary Kort at Heritage Builders, the owner of the townhome lots to the east of the site. After his review of our proposed building plans and site plan, Mr. Kort stated that he is pleased with and supportive of our project.

In addition, we have been in contact with Mr. Shawn Lang, President of Vintage Heights Homeowners Association. Continental has provided Mr. Lang with a project description that will be distributed to the Vintage Heights residents in an upcoming newsletter.

If you have any questions or need additional information, please contact me at 262/502-5500. Thanks again for working with us on this project.

Sincerely,
CONTINENTAL PROPERTIES COMPANY, INC.

Erik Hahn

NEIGHBORHOOD MEETING NOTIFICATION LIST

CHRISTOPHER & TRACY BRESTER
6400 BLACKSTONE RD
LINCOLN, NE 68526

MARY L KATZ
REVOCABLE LIVING TRUST
15813 E CACTUS WREN CT
FOUNTAIN HILLS, AZ 85268

JOSHUA W SEVERIN
7120 S 97 ST
LINCOLN, NE 68526

LESLIE & LEWIS, SHAWN MONROE
2941 S 16 ST
LINCOLN, NE 68502

HAROLD HARPSTER
REVOCABLE TRUST
7142 S 94 CT
LINCOLN, NE 68526

GREGG A VANIER
7146 S 94 CT
LINCOLN, NE 68526

JANET L GUENZEL
1530 TRELAWNEY DR
LINCOLN, NE 68512

JOHN & KRISTIE BOEHM
7200 S 97 ST
LINCOLN, NE 68526

BRENT BEHRENS & HILARY KRUSE
7206 S 94
LINCOLN, NE 68526

DENNIS & PATRICIA BEHRENS
416 N 19 ST
BEATRICE, NE 68310

ROGER & ANN SEVERIN
9201 PIONEER CT
LINCOLN, NE 68512

BARBARA J JACOBSON
7215 S 94 CT
LINCOLN, NE 68526

RICHARD & DOROTHY ECKSTROM
REVOCABLE TRUST
7219 S 94 CT
LINCOLN, NE 68526

CHRISTOPHER & SHEILA ROBERTS
7221 S 95 ST
LINCOLN, NE 68526

EDGAR & JODI OSBORN
7230 S 95 ST
LINCOLN, NE 68512

WENDELL & SHARON TACKETT
7232 S 96 CT
LINCOLN, NE 68526

WILLIAM & MARY SCHWANER
7234 S 94 CT
LINCOLN, NE 68526

MICHAEL L SMITH
7238 S 94 CT
LINCOLN, NE 68526

MAY CUSTOM HOMES & CABINETS
9400 HOLDREGE ST
LINCOLN, NE 68505

BRUCE SCHWARTZ
SCHWARTZ CONSTRUCTION
10201 CROMWELL DR
LINCOLN, NE 68516

TOBIE & ZACHARIAH
TEMPELMEYER
7310 S 95 CT
LINCOLN, NE 68526

CARRIE L EDIGER
7320 S 95 CT
LINCOLN, NE 68526

JOHN & DIANE DUDLEY
7320 S 96 CT
LINCOLN, NE 68526-6035

BARRY J & KELLY NELSON
7321 S 96 CT
LINCOLN, NE 68526-6035

RICHARD & DEBORAH HOLT
7330 S 95 CT
LINCOLN, NE 68526

JOAN MARIE KIPLE
7333 S 96 CT
LINCOLN, NE 68526

DENISE A ZANGARI
7400 S 95 CT
LINCOLN, NE 68526

DENNIS & JAMIE ERICKSON
7401 S 95 CT
LINCOLN, NE 68526-9667

SAMUEL & PATRICIA BOON
7410 S 95 CT
LINCOLN, NE 68526

JAMES RYAN & FRANCES
THOMPSON
7415 S 95 ST
LINCOLN, NE 68526

PHILLIP & JOYCE KNAUB
7420 S 95 CT
LINCOLN, NE 68526

AMY RUNYAN
7430 S 95 CT
LINCOLN, NE 68526

PINE LAKE PROPERTIES LLC
ATTN: MARLIN AUSDEMORE
PO BOX 82585
LINCOLN, NE 68501

KATHRYN M SHREVE
REVOCABLE TRUST
7440 S 95 CT
LINCOLN, NE 68526

JOHN & AMY MCCRACKEN
9500 COTSWOLD LN
LINCOLN, NE 68526

EDWARD & COTY RING
1605 VAN DORN ST
LINCOLN, NE 68502

MICHAEL & JILL COX
9510 COTSWOLD LN
LINCOLN, NE 68526

BRIAN & CHRISTINE CATLIN
9510 KOI ROCK DR
LINCOLN, NE 68526

MICHAEL, MATT, ANGELA BEHRENS
9515 KOI ROCK DR
LINCOLN, NE 68526

NATHAN & SARA TAULBEE
9520 COTSWOLD LN
LINCOLN, NE 68516

WILLIAM & JENNIFER NELSON
9520 KOI ROCK DR
LINCOLN, NE 68516

JEFFRE & CHRISTINE CHADWICK
5635 MARGO DR
LINCOLN, NE 68510

DARREN & CRYSTAL PROUTY
9535 COTSWOLD LN
LINCOLN, NE 68526-6000

ROGER & STEPHANIE BUMGARNER
9540 COTSWOLD LN
LINCOLN, NE 68526-9775

WILLOW RIDGE HOMES LLC
7700 HUNTERS RIDGE RD
LINCOLN, NE 68516

TAMERA L COLLIER
9550 COTSWOLD LN
LINCOLN, NE 68526

DONALD, CLEMENTSON & JUDITH
HELMUTH
9555 COTWOLD LN
LINCOLN, NE 68526

IRONWOOD BUILDERS LLC
PO BOX 6515
LINCOLN, NE 68506

NICHOLAS & ELIZABETH STROPE
1731 OAKDALE AVE
LINCOLN, NE 68506

MATT DARINGER & JEN BECWAR
9605 COTSWOLD LN
LINCOLN, NE 68526

DOUGLAS & SANDRA CHAPIN
9615 COTSWOLD LN
LINCOLN, NE 68526

KENNETH & MEGAN MEIER
1510 S 195 CIR
OMAHA, NE 68130

DAWN D AUGER
9540 FIRETHORN LN
LINCOLN, NE 68520

TRAVIS & STEPHANIE MEYER
9630 COTSWOLD LN
LINCOLN, NE 68526

RYBAK HOMES LLC
12555 NW 98 ST
MALCOLM, NE 68402

JOSEPH & JODY STEINBACH
1931 SCOTCH PINE TRL
LINCOLN, NE 68512

ANDERMATT LLC
16934 PELLA RD
ADAMS, NE 68301

ASPEN INVESTMENTS LLC
1225 L ST UNIT 501
LINCOLN, NE 68508

EIGER CORP
16934 PELLA RD
ADAMS, NE 68301

HB II INC
5950 VANDERVOORT DR STE B
LINCOLN, NE 68516

HERITAGE LAKES LLC
5950 VANDERVOORT DR STE #B
LINCOLN, NE 68516

NEBRASKA HEART HOSPITAL LLC
7500 S 91 ST
LINCOLN, NE 68506

Brian Will
City of Lincoln Planning Department
555 South 10th Street
Lincoln, NE 68508

Vintage Heights Homeowners Assoc.
Attn: Shawn Lang, President
6443 Gabrielle Drive
Lincoln, NE 68526

HERITAGE LAKES DRIVE MULTIFAMILY
VICINITY AERIAL

LINCOLN | NE | ERIK HAHN

91ST STREET & HERITAGE LAKES DRIVE, NORTHEAST CORNER

REVISIONS

CONTINENTAL PROPERTIES

034

Heritage Lakes Drive Multifamily Neighborhood Meeting

91st Street & Heritage Lakes Drive, Lincoln, NE

January 13, 2010

	Name	Address	Phone	E-Mail
1	Pat & Sam Boon	7410 South 95th Ct	483 7171	pboon@windstream.net
2	Barb Jacobson	7215 So. 94th Ct	483-2116	bgrbarajacobson4@gmail.com
3	[illegible]	7228 S. 94th Ct		
4	David + Trixie Schmidt	3727 Stockwell	489-3671 (H)	
5	Aspen Child Dev. Center	9300 Heritage Lakes Dr.	483-5511	
6	Dorothy L Eckstrom	7219 S 94 Ct - 68526	KECKSTROM@NEB.RR.COM	trxschmidt@neb.rr.com
7	Ed Ring	9501 Cotswold Ln	770-0319	ed@edwardsstone.com
8				
9				
10				
11				
12				
13				
14				
15				
16				
17				
18				
19				
20				
21				
22				

NEIGHBORHOOD MEETING SUMMARY – JANUARY 13, 2010
HERITAGE LAKES DRIVE MULTIFAMILY PROJECT

Kimberly Grimm and Erik Hahn of Continental hosted a Neighborhood Meeting on Wednesday January 13, 2010 at 6:30pm, at the Americinn South in Lincoln. The purpose of the meeting was to introduce the Heritage Lakes Drive Multifamily project to interested property owners in the vicinity of the site and also as an early effort to hear their comments and begin conversations regarding their concerns, if any.

Prior to the meeting, approximately fifty meeting notifications were sent the week of December 27, 2009, to include property owners within the Heritage Lakes Subdivision (east of the site), the Nebraska Heart Hospital, Aspen Montessori School, and the Vintage Heights Neighborhood Association to the north. Of those notified, seven of the surrounding property owners attended the evening of the 13th.

Continental provided key information about the development, such as number of units and that the residences will be for-rent, market rate apartments. The project timeline and upcoming Plan Commission and City Council meeting dates were discussed at the meeting. During the description of the project, all of those who attended provided Continental with insightful questions and concerns regarding the project. Listed below are the topics that were discussed during the meeting:

- Residents asked about the difference between City of Lincoln R3 Zoning and City of Lincoln R5 zoning and the need to rezone for the resulting higher unit count. After Continental described the proposed buildings and the R5 district that best accommodates apartment uses, there were no longer any major objections to the zoning change.

- Continental reviewed the conceptual building plans and elevations with the meeting attendees to assure them that the proposed buildings will be a good fit within the neighborhood. Individual features of the buildings such as materials, building articulations, roofline interest, and direct access entries to units were discussed at length. The neighbors present at the meeting agreed that the proposed building will be of an acceptable quality and architecturally consistent with the pre-existing neighborhood.

- Continental described that it will own and operate the property, employing one property manager on and one maintenance technician on site.

- Residents expressed much concern regarding the proposed location of the dog park, near the eastern property line. Continental recognized the proximity could be potentially bothersome to the neighboring townhomes and agreed to relocate the dog park area approximately 400 feet to the west between proposed buildings 2 & 3.

- Residents questioned the preservation of the existing tree line along the east property line of the site and the potential for additional landscape screening adjacent to the townhomes. Continental stated that the intent is to preserve the existing tree line. There is a need to connect to the existing sanitary sewer line which is west of the tree line. When asked by the residents what the landscape plan for the project will look like, Continental described that a landscape plan had not yet been completed, but reassured the residents that the landscape plan will comply with City of Lincoln landscape regulations.

- Residents questioned the impact of the proposed land use on trip counts allocated to the property. Continental responded that a copy of the traffic report for the overall PUD was completed years agao contemplating development on this parcel. Continental stated that the roads were built to accommodate the subject site, and the City is not requiring an updated traffic study or requiring any road improvements for phase I.

- David & Trixie Schmidt, owners of Aspen Child Development Center, were present and expressed support of the multifamily project and proposed development. Mr. Schmidt also stated that prior to the development of their daycare, they had been told by the owner of the property (Kelvin Korver of Andermatt LLC) that the intended use of the parcel was slated to be either apartments or office. Continental's current proposed use for the site is consistent with that statement.

- Barb Jacobson, a resident of a townhome unit east of the site, voiced concern regarding site lighting being projected by the development into her home to the west of the site. Continental responded that lighting on the site will be sufficient to provide tenants safe access to their units, but not intense enough to create any significant light pollution that will be bothersome to the neighbors.

- Dorothy Eckstrom, a resident of a townhome unit east of the site inquired if there was any potential for the units to be developed as Section 8 Housing. Continental responded that this project will not be Section 8 Housing and that it has not developed any Section 8 Housing in its current portfolio. Continental also explained that there is not a governing body that can force the development to be Section 8 Housing, but the development will comply with Federal Fair Housing regulations.

- Another resident asked if Continental had any idea who will be building the project. Continental responded that McShane Construction had been selected as general contractor for the project and that the current intent is to hire a local contractor to perform the site work.

- The neighbors asked how much Continental will be charging for rent. Continental described that rent per unit will range between $575-1300 per month.

- Trixie Schmidt, the owner of the Aspen Child Development Center asked if Continental would perform pedophile checks in the screening of their residents, particularly due to the proximity of proposed building 4 overlooking the school's playground. Continental responded with absolute certainty that those types of checks would performed prior to accepting tenant applications. Continental described that during the resident application process, criminal background screening, credit checks, and rental history reference checks are all completed by Continental's property management.

- Residents asked what kind of siding will be put on the proposed buildings. Continental described that we are looking at vinyl siding for the buildings.

- The residents of Heritage Lakes asked if future tenants will have access to the private community trail surrounding the lake within their neighborhood. They also described that Nebraska Heart Hospital employees are currently prohibited from using the private trails. Continental responded that they were uncertain if access to the trails had been discussed through existing negotiations with the land owner and would confirm.

Jean Preister

To: PC Members
Cc: Brian Will
Subject: Additional Information: Item No. 4.1a&b: Change of Zone No. 09030 and Special Permit No. 09029: Heritage Lakes Multi-Family.

PC Members –

I apologize for not getting this out to you yesterday. I will also have copies for you at today's hearing.

--Jean Preister, Administrative Officer
Planning Department
441-6365

From: J. Dixon Esseks [mailto:jesseks@msn.com]
Sent: Tuesday, January 26, 2010 5:08 PM
To: Brian Will
Cc: Jean Preister; Marvin S. Krout; Steve S. Henrichsen
Subject: Re: Heritage Lakes Drive Multifamily CUP

Brian,

Thank you very much for the very clear and persuasive answers. I, for one, would like to see them in the record.

If no one else raises the questions, I will probably ask about the buffer and about the placement of the dog park. I like very much your response also to the issue of transition from detached single-family to apartment units. I drove past the property this afternoon and agree that the proposed layout (except for the dog park) would satisfy contemporary text book authors.

Gratefully,

Dick

----- Original Message -----
From: Brian Will
To: 'J. Dixon Esseks'
Cc: Jean Preister ; Marvin S. Krout ; Steve S. Henrichsen
Sent: Tuesday, January 26, 2010 3:27 PM
Subject: RE: Heritage Lakes Drive Multifamily CUP

Dick,

-In addition to natural separation and buffer provided by the existing trees and foliage in the drainage way between the two developments, the Design Standards will require a 50% screen from 6' to 15' in height on the apartment complex site adjacent to the lot lines bordering the both townhomes and the day care center. Parking lot screening to 3' in height will also be required, but it won't have much impact along the east lot line.

-In the summary of the 1/13/10 meeting between the applicant and the neighborhood that is attached to the staff report, Continental Properties represented to the neighbors that they would agree to move to the dog park to the west

side of the complex increasing the separation from the townhomes to the east. As I read that, I think they intend to make that change to their site plan, but they could be asked to confirm it during the public hearing.

-Regarding the proximity of these land uses to one another, it is my understanding that apartments have been a part of the larger, overall development scheme since since this area was annexed for the Prairie Lakes Shopping Center back in 2000. I think the Comp Plan would tell us that the layout of the residential land uses in this area is textbook, with the single-family dwellings on the east, followed by the attached single-family (townhomes) in the middle, and the apartments sited at the west edge serving as both a buffer and transition to the shopping center further to the west across South 91st Street. While we all perhaps acknowledge that multiple-family dwellings have somewhat different operating characteristics when compared to single-family dwellings, they are still residential in nature and are considered a compatible land use.

Thanks for raising these issues in advance of the public hearing, and I will attempt to more fully address them if you choose to discuss them during the public hearing. I have copied Jean Preister so she can forward my response to the other Commissioners for their information.

From: J. Dixon Esseks [mailto:jesseks@msn.com]
Sent: Tuesday, January 26, 2010 10:03 AM
To: Brian Will
Subject: Heritage Lakes Drive Multifamily CUP

Brian,

What will be the nature of required screening between the established duplexes to the East and the apartment-house development? And should the CUP require something more substantial so that the duplex residents will not experience excessive noise and sight "pollution"?

--Can we require that the dog run not be adjacent to the backyards of three duplexes?

--A transition from duplexes to apartments at the back of the duplexes seems reasonable to me. But is there anything about the juxtaposition of these particular properties that might make such a transition inappropriate here?

Thank you for considering these questions.

Diek

J. Dixon Esseks, Ph.D.
Center for Great Plains Studies
University of Nebraska at Lincoln
1155 Q St.
PO Box 880214
Lincoln NE 68588-0214
402-310-1540 (cell)
402-472-0463 (fax)
402-420-7678 (home)
jesseks@msn.com

CONFIDENTIALITY NOTICE: This e-mail message, including any attachments is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

Jean Preister

To: DErickson@horizonholding.com
Cc: Marvin S. Krout; Brian Will; Steve S. Henrichsen; chahn@cproperties.com; lmartin@cproperties.com
Subject: Support: Item No. 4.1a&b: Change of Zone No. 09030 and Special Permit No. 09029, Heritage Lakes Multi-Family

Dear Mr. Erickson:

Thank you for submitting your comments in support, which have now become part of the record on these applications. A copy is being forwarded to each Planning Commission member for their consideration prior to the public hearing, which begins today at 1:00 p.m.

If you have any questions about the public hearing or this process, please do not hesitate to contact me.

--Jean Preister, Administrative Officer
Planning Department
441-6365

From: Dennis Erickson [mailto:DErickson@horizonholding.com]
Sent: Tuesday, January 26, 2010 2:55 PM
To: Brian Will
Subject: Development Northeast corner of 91st and Heritage lakes drive

Brian,

I am a home owner in Heritage Lakes at 7401 S. 95th Street. As I am unable to attend the planning meeting tomorrow I would like to pass along my support for this project. I believe this will be a great addition to the entire neighborhood.

Sincerely,

Dennis Erickson

"We proudly serve great food with exceptional service in a clean, safe environment for our guests and team members."

Dennis Erickson
President
Horizon Holding Inc.
6101 S. 58th St. Ste B
Lincoln NE 68516
PH- 402-421-6400 ext. 118
Fax -402-421-6050
Cell -402-450-1635

Jean Preister

To: ed@edwrdsstone.com
Cc: Marvin S. Krout; Brian Will; Steve S. Henrichsen; ehahn@cproperties.com; imartin@cproperties.com
Subject: Support: Item No. 4.1a&b: Change of Zone No. 09030 and Special Permit No. 09029: Heritage Lakes Multi-Family apartments @ 91st and Pinelake

Dear Mr. Ring:

Thank you for submitting your comments in support, which have now become a part of the record on these applications. A copy is being forwarded to each Planning Commission member for their consideration at the public hearing today, which begins at 1:00 p.m.

If you have any questions about the public hearing or this process, please do not hesitate to contact me.

--Jean Preister, Administrative Officer
Planning Department
441-6365

From: Brian Will

From: Edward's Stone [mailto:ed@edwardsstone.com]
Sent: Tuesday, January 26, 2010 4:02 PM
To: Brian Will
Subject: appartments @ 91st and Pinelake

Brian,
I am just writing to let you know I am in support construction of apartments by Continental Properties Company, Inc at approximately 91st and Pinelake Rd (Heritage Lakes Dr). I am a resident of Heritage Lakes (9501 Cotswold Ln) and I feel this will be a great addition to our community.
Best regards,

Ed Ring
President
O: 402.421.7625
F: 402.438.8360

012

Jean Preister

To: roger@ironwoodlincoln.com
Cc: Marvin S. Krout; Steve S. Henrichsen; Brian Will; ehahn@cproperties.com; imartin@cproperties.com
Subject: Support: Item No. 4.1a&b: Change of Zone No. 09030 and Special Permit No. 09029: Heritage Lakes Multi-Family

Dear Mr. Bumgarner:

Thank you for submitting your comments in support, which have now become part of the record on these applications. A copy is being forwarded to each Planning Commission for their consideration prior to the public hearing, which begins at 1:00 today.

If you have any questions about the public hearing or this process, please do not hesitate to contact me.

--Jean Preister, Administrative Officer
Planning Department
441-6365

From: Roger Bumgarner [mailto:roger@ironwoodlincoln.com]
Sent: Tuesday, January 26, 2010 8:24 PM
To: Brian Will
Subject: Heritage Lakes Multi-Family

Hi Brian,

I live in Heritage Lakes, and I just wanted to show my support for the proposed development at 91st & Heritage Lakes Dr. I think any new development in this part of town is a great thing, and the proposal by this developer/builder seems like a step in the right direction. As a builder, I think this part of Lincoln suffers from a lack of proper development, and people are therefore pushed to SW Lincoln. I would be happy to see this project move forward.

Have a great day,

Roger Bumgarner
Ironwood Builders
402.580.7955 Cell
866.901.6110 Fax
www.ironwoodlincoln.com

ITEM NO. 1.1a&b: CHANGE OF ZONE NO. 09030
SPECIAL PERMIT NO. 09029

RECEIVED

JAN 25 2010

Lincoln/Lancaster Co.
Planning Department

To: City of Lincoln Planning Commission
From: Residents of Coffee Tree Townhome Association
Re: Change of Zone #09030 and Special Permit #09029
Date: January 23, 2010

Dear Members:

This letter is in regard to the Change of Zone #09030 and Special Permit #09029 for South 91st Street & Heritage Lakes Drive. These changes sought by Continental Properties, of Menomonee Falls, WI, are of particular concern to the residents of the Coffee Tree Townhouses located on South 94th Ct.

As homeowners in this area, these proposed changes may have the following impact on our properties:

- **The anticipated loss of our property values due to the encroachment of multi-unit apartments**
- **The visual impact would be negative due to height and density of placement on the property, i.e. as many as 270 units**
- **The audible impact would be negative due to the noise level that 270+ open parked vehicles (i.e. car alarms, etc.) and the potential for over 540 people to be residing on a condensed site (comprised of one, two and three bedroom units)**
- **The lack of attached garages would promote open parking, unsightly detached garages and after-dark flood lighting**
- **A proposed "dog run" could harbor many barking dogs and foul odors**
- **The units being proposed are not architecturally consistent with the existing buildings within Heritage Lakes. Additionally, the materials being proposed are not of high quality and are not aesthetically attractive (vinyl siding, etc.)**

Barbara J. Jacobson
7215 South 94th Ct.

[illegible]
7206 S. 94th ct

Richard and Dorothy Eckstrom
7219 S 94 Ct

Janet Glenzel
7156 So. 94th Ct.

Hilary Behrens
7206 S. 94th Ct

Mary Schwaner
7234 So 94th Ct

Michael L Smith
7238 S. 94th Ct.

William Schwaner
7234 So 94 Ct

014