City Council Introduction: **Monday**, February 28, 2011
Public Hearing: **Monday**, March 7, 2011, at **3:00** p.m.

Bill No. 11-22

FACTSHEET

TITLE: **CHANGE OF ZONE NO. 06063A, an amendment to the North Forty Plaza Planned Unit Development,** requested by North 47 Group, LLC, on property generally located at North 84th Street and Adams Street.

STAFF RECOMMENDATION: Conditional Approval.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 02/09/11
Administrative Action: 02/09/11

RECOMMENDATION: Conditional Approval (7-0: Taylor, Gaylor Baird, Partington, Esseks, Lust, Francis and Cornelius voting 'yes'; Larson and Sunderman absent).

FINDINGS OF FACT:

1. This is a request to amend the North Forty Plaza Planned Unit Development to allow a sign 18 feet tall and 100 square feet in area, with an 80 square feet electronic changeable message board, in the front yard setback on North 84th Street.

2. The staff recommendation of conditional approval is based upon the "Analysis" as set forth on p.3, concluding that the approval of this one center sign will eliminate additional freestanding signs along North 84th Street. The staff presentation is found on p.6-7.

3. The applicant's testimony is found on p.7-8, indicating that as a tradeoff for this taller and larger sign closer to the street, the applicant has agreed not to erect any additional signs on 84th Street, although up to four additional freestanding signs could be allowed.

4. There was no testimony in opposition; however, the record consists of two letters in opposition with concerns about light pollution in the neighboring area; adverse impact upon the aesthetics of the area; proximity to Fairview Cemetery and the residential area of this development; and discouraging future home buyers from purchasing vacant lots in the area (See pp.17-19).

5. On February 9, 2011, the Planning Commission agreed with the staff recommendation, finding that one sign is more desirable than 4 to 5 signs, and voted 7-0 to recommend conditional approval, as set forth in the staff report (Larson and Sunderman absent). See Minutes, p.8-9. The conditions of approval are found on p.4-5.

FACTSHEET PREPARED BY: Jean L. Preister **DATE**: February 22, 2011

REVIEWED BY:_____ **DATE**: February 22, 2011

REFERENCE NUMBER: FS\CC\2011\CZ06063A PUD

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for February 9, 2011 PLANNING COMMISSION MEETING

PROJECT #: Change of Zone No.06063A North Forty Plaza PUD

PROPOSAL: Amend the PUD to allow a taller and larger center sign in the front yard than allowed in the district.

LOCATION: N. 84th St. and Adams St.

LAND AREA: 22.25 acres, more or less

EXISTING ZONING: B-2 and R-3 PUD

WAIVER /MODIFICATION REQUEST:
Allow a sign 18 feet tall and 100 square feet in area with an 80 square feet electronic changeable message board in the front yard setback.

CONCLUSION: Approving this application will eliminate additional freestanding signs along N. 84th St.

RECOMMENDATION: Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION: see attached

EXISTING LAND USE: Commercial and undeveloped

SURROUNDING LAND USE AND ZONING:

North:	P, Public	Mahoney Golf Course/Cemetery
South:	R-3, Residential	Single family dwellings
East:	B-2, Neighborhood Business	Undeveloped
West:	R-2, Residential	Single family dwellings

HISTORY:

April 6, 2010	AA#10011 to 4 single family lots into 8 townhouse lots was approved by the Planning Director.
April 8, 2007	AA#07035 to provide information of a preliminary plat for the PUD was approved by the Planning Director.
December 11, 2006	CZ #06063 North Forty Plaza PUD was approved by the City Council.

COMPREHENSIVE PLAN SPECIFICATIONS:
The Land Use Plan identifies this area as commercial and urban residential. (p.19)

Commercial districts shall be located so that they enhance entryways or public way corridors, when developing adjacent to these corridors. (p.35)

TRAFFIC ANALYSIS: Adams St. is a minor arterial and N. 84th St. is a principal arterial.

AESTHETIC CONSIDERATIONS: A large center sign along the frontage of N. 84th St.

ANALYSIS:

1. The B-2 district allows one center sign per frontage. The sign may be up to 50 square feet and 12 feet tall within the front yard setback or 150 square feet and 35 feet tall if it is located outside the front yard setback.

2. The applicant is requesting to amend the size limitations of a center sign in the front yard setback by increasing the height to 18 feet and the area to 100 square feet. Within the 100 square feet will be an 80 square feet electronic changeable message board The PUD allows the City Council to modify the sign regulations. There are no other changes to the site plan.

3. Per Section 27.69.030(f)(I) the sign area displaying electronic changeable messages shall not exceed 80 square feet of sign area and such sign area shall be included as a part of the total permitted signage for the premises on which it is located. In addition, no message shall be animated.

4. Only one center sign is allowed per street frontage. In addition, one freestanding sign is allowed per main building. A freestanding sign 50 square feet and 12 feet tall may be located within the front yard setback. Freestanding signs must be spaced 50 feet apart. With the current PUD site plan and one building per lot, there could be 4 freestanding signs along N. 84th St. in addition to the center sign.

5. The applicant has agreed that the proposed sign shall be the only freestanding sign along N. 84th St. except for the N. 84th and Adams corner lot. A center sign on the corner lot would be attributed to the Adams St. frontage. Without this agreement there could be at least 4 freestanding signs along N. 84th St. The approval of this application will eliminate the potential for 4 or more signs along N. 84th St.

This approval permits a center sign up to 18 feet tall and 100 square feet including a 80 square feet electronic changeable message board.

CONDITIONS OF APPROVAL:

Site Specific Conditions:

1. Before receiving building permits 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 upon approval of the planned unit development by the City Council.

    1.1 Renumber the new waiver to #4.

    1.2 Rewrite Waiver #4 as follows:
    "To allow a center sign in the front yard setback of North 84th Street with a height of up to 18 feet and 100 square feet including a 80 square feet electronic changeable message to advertise for the tenants in the North 40 commercial area of the PUD. Only one freestanding sign is allowed along North 84th Street frontage except for the 84th & Adams street corner lot."

    1.3 Delete Note #24.

    1.4 Update the legal descriptions.

2. Before receiving building permits, the developer shall provide the following documents to the Planning Department:

    2.1 Verification from the Register of Deeds that the letter of acceptance as required by the approval of the planned unit development has been recorded.

3. Prior to the issuance of a building permit:

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

Standard Conditions:

4. The following conditions are applicable to all requests:

    4.1 Before occupying the dwelling units/buildings all development and construction shall substantially comply 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 physical location of all setbacks and yards, buildings, parking and circulation elements, and similar matters must 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 the ordinance shall run with the land and be binding upon the permittee, its successors and assigns.

4.5 The Developer shall sign and return the letter of acceptance to the City Clerk within 60 days following the approval of the change of zone, provided, however, said 60-day period may be extended up to six months by administrative amendment. The clerk shall file a copy of the ordinance approving the change of zone and the letter of acceptance with the Register of Deeds, filling fees therefor to be paid in advance by the applicant.

4.6 The site plan as approved with this ordinance voids and supersedes all previously approved site plans, however all ordinances approving previous permits remain in full force and effect unless specifically amended by this ordinance.

Prepared by:

Tom Cajka
Planner

DATE: January 24, 2011

APPLICANT: North 47 Group, LLC
6333 Apples Way, Suite 115
Lincoln, NE 68516
(402) 435-0000

OWNER: same as applicant

CONTACT: Tim Gergen
Olsson Associates
1111 Lincoln Mall
Lincoln, NE 68508
(402) 458-5914

CHANGE OF ZONE NO. 06063A
AMENDMENT TO THE NORTH FORTY PLAZA PUD

PUBLIC HEARING BEFORE PLANNING COMMISSION: February 9,2 011

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

Ex Parte Communication: None.

Staff recommendation: Conditional approval.

This application was removed from the Consent Agenda and had separate public hearing due to a letter received in opposition.

Staff presentation: **Tom Cajka of Planning staff** submitted the letter in opposition, objecting to the lighted billboard which may deter from the aesthetics of the area and the proximity to Fairview Cemetery; light pollution; and could discourage home buyers from buying vacant lots in the area.

Cajka explained that this application amends the previously approved PUD to allow a center sign within the front yard setback of 84th Street that is taller and larger in area than what is allowed. The applicant is requesting to erect a pole sign that is 18' tall and 100 sq. ft., and within that 100 sq. ft. is an 80 ft. electronic changeable copy sign. This sign would be allowed by right if it was outside the front yard setback. The regulations currently allow a sign inside the front yard setback that is 12 ft. tall and a total of 50 sq. ft., so this is a request for an additional 6 ft. in height and 50 sq. ft. in area.

Cajka pointed out that the electronic changeable copy sign is allowed in all commercial districts except O-1 and O-2, with restrictions that no message shall be animated and that the display area shall not exceed 80 sq. ft. The applicant's letter states that the purpose of this request is to reduce sign clutter along 84th Street. The applicant has agreed that if this sign is approved, they would not have any additional signs along 84th Street. Currently, the B-2 district would allow one freestanding sign per main building. With there being four outlots that could each have one freestanding sign by right, there could be four freestanding signs in addition to the one center sign. The freestanding signs inside the setback can also be 50 sq. ft. and 12 feet tall. Outside the setback a freestanding can be 100 sq. ft. and 8 feet tall. Typically, the sign envelopes are not placed on the site plan for use permits because the location changes from time to time. As long as it meets the sign code, the specific location is not required to be shown on the site plan. This applicant is allowed one center sign per frontage, giving them one along Adams Street and one along 84th Street.

Esseks recalled that when the ordinance for the electronic signs was approved, there was a concern about possible influence on traffic accidents. He inquired whether there is any evidence of accidents being associated with or caused by these moving signs since that ordinance was implemented. Cajka could not answer the question as he did not look into any traffic data.

Esseks suggested that the specific location of the sign might be relevant to the objections raised in the letter. Do we have any idea as to the distance between the front yard setback to the nearest residential lot? Cajka showed Lot 7 on the map as the nearest residential lot. The majority of the residential lots are further away from 84th Street. Cajka believes the sign would be about 600 ft. from the nearest residences.

Proponents

1. Peter Katt appeared on behalf of the developer and applicant for this sign. He referred to 2006 when this project was approved. At that time, it was approved with the standard sign conditions for the B-2 and PUD, i.e. building signage – pole signs were banned. Since that time, there has been a significant change to the sign ordinance. Katt understands from staff that for purposes of the PUD, the community standards for signage on this type of commercial center would be followed. This client is requesting to restore the possibility of replacing what would otherwise be permitted under the current sign ordinance (freestanding sign for entire center and for each building) with the idea of requiring everyone to consolidate on one sign on the 84th Street frontage. This developer believes it is a more attractive and aesthetically pleasing development with just one sign as opposed to multiple signs for every tenant on every lot. The advantage of these electronic signs is that they can put different information on them so that every tenant and business owner in the center can have their own time on these signs. This applicant is asking for a sign that would normally be permitted in the center, the tradeoff being a larger sign closer to the street and the loss of four other signs that might be located there.

Katt further stated that when this project was approved in 2006, the city approved a private drive into the commercial center, which would have been a better location for signage, but that driveway was denied by the Department of Roads. The expected sign location would be about the mid-point between Adams Street on the north and Windmill on the South. There is a significant grade differential between Windmill and Adams, so the sign will be strategically placed to be visible at both intersection locations.

Esseks inquired whether the sign would be parallel to Adams Street or 84th Street. Katt indicated that the sign would be perpendicular to 84th Street so the traffic going both ways north and south will see it.

Lust inquired how often the illumination on the sign would change. Katt stated that the sign would comply with the sign ordinance requirements. This particular developer also has a sign like this on Highway 2 at Apple's Way.

Taylor commented that there has been great concern about light pollution and this new technology. He inquired about the difference between the light pollution prior to this new technology and what we should expect now. Katt responded that all of the signs operating today operate within the standards. He personally does not find the signs distracting. These signs provide for multiple different displays in a location where people can see them without being distracting. Clearly, this will be less light pollution with one sign as opposed to five signs. Therefore, Katt believes it could be 20% less light pollution by consolidating on one sign. Katt agreed that the new technology provides less light pollution.

Gaylor Baird observed that B-2 PUD zoning is intended to serve and integrate with neighboring residential uses. She appreciates the desire to avoid sign clutter; however, because this is a kind of zoning trying to blend and integrate and serve the consumers who live nearby, was there any attempt to discuss the options with the neighbors? It does not seem a given that they might prefer one tall electronic sign versus four smaller ones. Katt again suggested that one sign is less cluttering and more visually appealing than having five signs, and there would be more control over the signs. It is this developer's opinion that less signs is more aesthetically pleasing in this development. The applicant did not poll the neighbors and he believes the impact on the neighbors, both in the development and driving by, is so minimal that the neighbors were not consulted and the staff had put this application on the consent agenda.

Lust noted that the opposition is concerned about what else could be erected if this application is granted. Katt stated that the PUD is entitled to two center signs plus one sign per main building. If you take the example on the 84th Street frontage, there would be a lot more signs if this is not approved. Each building would have its own sign. This is an improvement. Katt requested that the Planning Commission approve this as an improvement in the overall aesthetics for this area and as being consistent with what the sign ordinance is attempting to accomplish.

Esseks observed that Lot 7 appears to be the closest residential lot. He assumes the house will face onto Windmill Drive. Is there any natural buffer between Lot 7 and where the sign will be located? Katt stated that the entire outlot was constructed at a considerable expense to protect the existing residences. The entryway has been landscaped with boulders and trees. There are detention cells on either side which will have landscaping, trees, buffers, etc. Lot 7 is probably at least 10 to 20 feet at a lower grade elevation from where the sign will be located. The potential for impact on any of the existing homes would be very, very small.

There was no testimony in opposition.

Cajka clarified that if the sign being requested were outside the front yard setback, (20' from 84th Street), it would be allowed by right. They could go get a building permit and build the sign because they are not exceeding the size or the height. The real question is, do we want to allow the same size sign in the front yard setback closer to 84th Street? Staff supports the tradeoff of no more freestanding signs along 84th Street.

Gaylor Baird inquired why the sign is not allowed to be in the front yard. Cajka believes it has to do with the aesthetics for the street traffic.

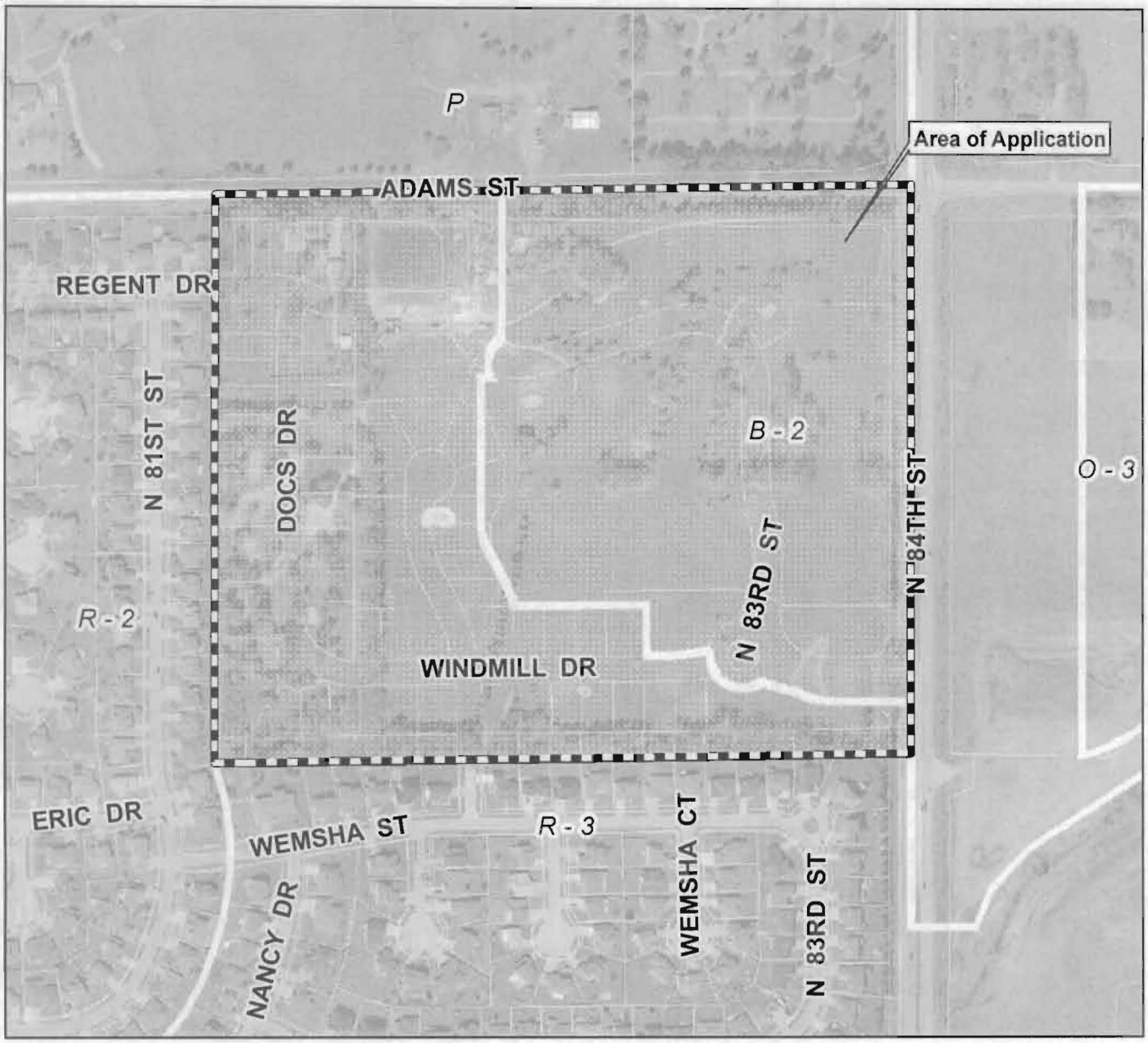
<u>ACTION BY PLANNING COMMISSION</u>: February 9, 2011

Taylor moved to approve the staff recommendation of conditional approval, seconded by Lust.

Taylor applauds the developer for being conscientious about the signage. He believes the setting is considerate and reasonable. He thinks it satisfies some of the goals that we have for our city planning as well as our Comprehensive Plan. They could have done otherwise which might have produced a problem. It appears that there is very little concern from the community.
Francis commented that she drives past this area every day and she is much more likely to appreciate one sign on this stretch of 84th Street than four or five signs.

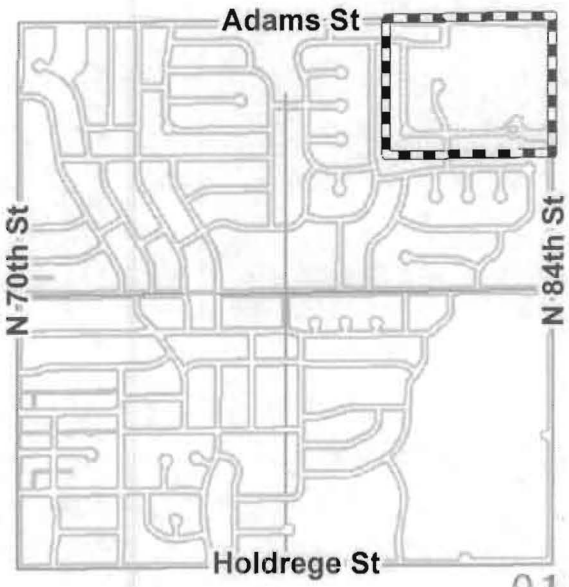
Cornelius believes this represents a theme of predictability. The opposition is worried about what the sign will display and what else might be erected, and we heard that the developer is actually foregoing the right to erect a greater number of what could be very similar signs.

Motion for conditional approval carried 7-0: Taylor, Gaylor Baird, Partington, Esseks, Lust, Francis and Cornelius voting 'yes'; Larson and Sunderman absent. This is a recommendation to the City Council.



Change of Zone #06063A
N 84th & Adams St

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. 15 T10N R07E

N

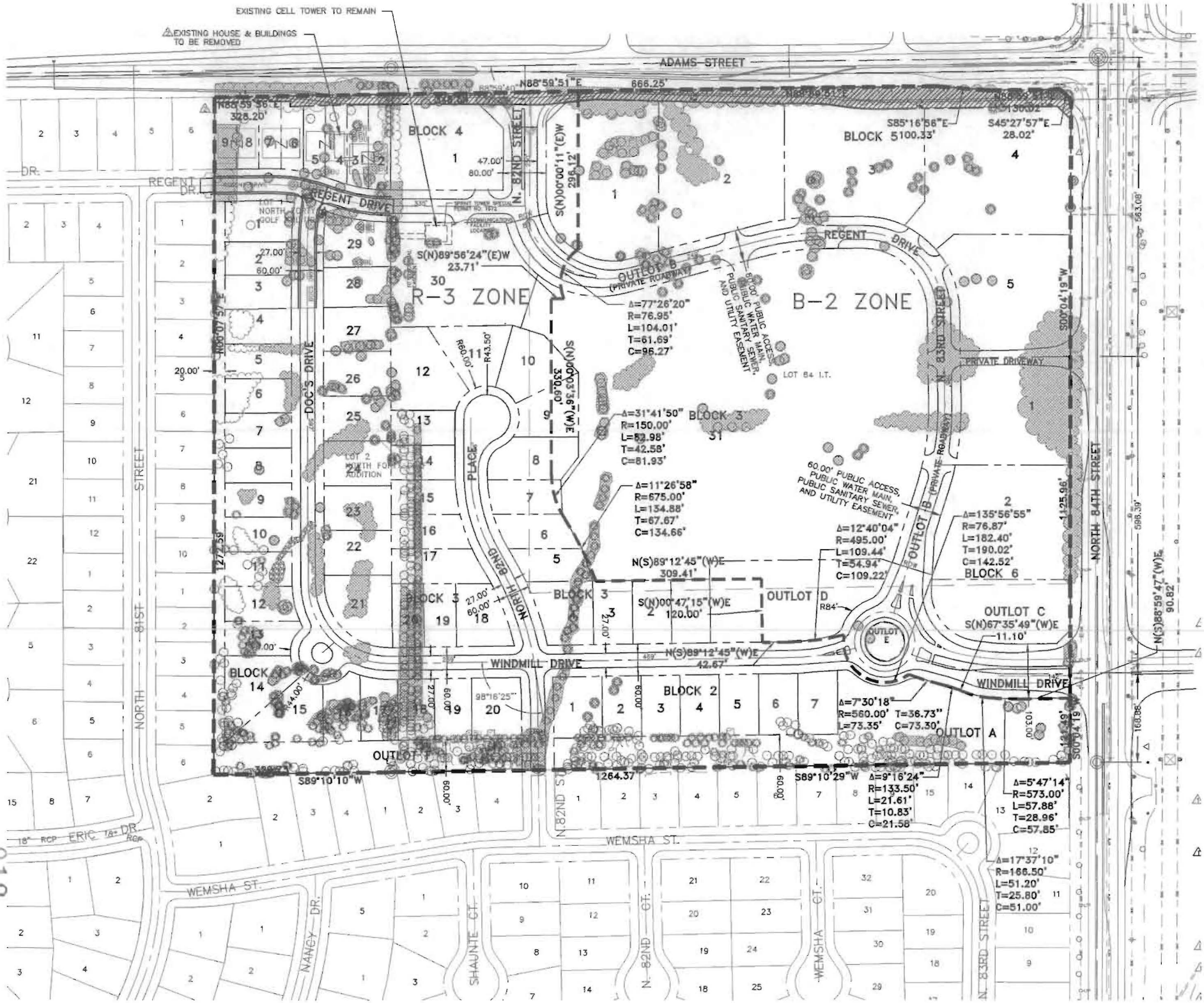
Zoning Jurisdiction Lines

City Limit Jurisdiction

m:\plan\arcview\Agendadrawings.mxd (CZ06063A)

LEGAL DESCRIPTION

A LEGAL DESCRIPTION FOR A TRACT OF LAND COMPOSED OF LOT 1, BLOCK 2, AND OUTLOTS "A", "B" AND "C", ALL IN NORTH FORTY PLAZA ADDITION; LOTS 1 AND 2, AND OUTLOT "A", ALL IN NORTH FORTY PLAZA 1ST ADDITION; LOTS 1 THROUGH 17, BLOCK 1, LOTS 1 THROUGH 7, BLOCK 2, LOTS 1 THROUGH 28, BLOCK 3, LOT 1, BLOCK 4, OUTLOTS "A", "B", "C", "D", "E", "G", "H" AND "I", ALL IN NORTH FORTY GOLF 1ST ADDITION; LOTS 1 AND 2, BLOCK 1, LOTS 1 THROUGH 8, BLOCK 2, LOTS 1 THROUGH 3, BLOCK 3 AND OUTLOT "A", ALL IN NORTH FORTY GOLF 2ND ADDITION, ALL LOCATED IN THE NORTHEAST QUARTER OF SECTION 15, TOWNSHIP 10 NORTH, RANGE 7 EAST OF THE 6TH P.M., CITY OF LINCOLN, LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:


EXISTING CELL TOWER TO REMAIN
EXISTING HOUSE & BUILDINGS TO BE REMOVED
ADAMS STREET
N88°59'51"E 666.25'
N88°59'56"E 328.20'
BLOCK 4
BLOCK 5
S85°16'56"E 100.33'
S45°27'57"E 28.02'
N. 82ND STREET
S(N)00°00'11"(E)W 296.12'
REGENT DRIVE
S(N)89°56'24"(E)W 23.71'
R-3 ZONE
B-2 ZONE
OUTLOT B (PRIVATE ROADWAY)
60.00' PUBLIC ACCESS, PUBLIC WATER MAIN, PUBLIC SANITARY SEWER, AND UTILITY EASEMENT
Δ=77°26'20" R=76.95' L=104.01' T=61.69' C=96.27'
LOT 84 I.T.
N. 83RD STREET
PRIVATE DRIVEWAY
S00°04'19"W
DOC'S DRIVE
S(N)00°03'36"(W)E 330.60'
Δ=31°41'50" R=150.00' L=82.98' T=42.58' C=81.93'
BLOCK 3
Δ=11°26'58" R=675.00' L=134.88' T=67.67' C=134.66'
60.00' PUBLIC ACCESS, PUBLIC WATER MAIN, PUBLIC SANITARY SEWER, AND UTILITY EASEMENT
Δ=12°40'04" R=495.00' L=109.44' T=54.94' C=109.22'
Δ=135°56'55" R=76.87' L=182.40' T=190.02' C=142.52'
BLOCK 6
NORTH 84TH STREET
N(S)89°12'45"(W)E 309.41'
S(N)00°47'15"(W)E 120.00'
OUTLOT D
OUTLOT C
S(N)67°35'49"(W)E 11.10'
N(S)88°59'47"(W)E 90.82'
N(S)89°12'45"(W)E 42.67'
WINDMILL DRIVE
BLOCK 2
Δ=7°30'18" R=560.00' L=73.35' T=36.73" C=73.30'
OUTLOT A
OUTLOT F
S89°10'10"W
1264.37'
S89°10'29"W
Δ=9°16'24" R=133.50' L=21.61' T=10.83' C=21.58'
Δ=5°47'14" R=573.00' L=57.88' T=28.96' C=57.85'
Δ=17°37'10" R=166.50' L=51.20' T=25.80' C=51.00'
NORTH 81ST STREET
ERIC DR.
WEMSHA ST.
NANCY DR.
SHAUNTE CT.
N. 82ND CT.
WEMSHA CT.
N. 83RD STREET

012

WAIVERS

△1 1. REDUCE REAR YARD SETBACKS TO 15' FOR LOTS 1–19, BLOCK 1 & LOTS 1–7, BLOCK 2.

△1 2. THE COMMERCIAL ZONING SETBACKS SHALL BE 0' EXCEPT WHEN ABUTTING N. 84TH STREET, ADAMS AND RESIDENTIAL.

△1 3. THE COMMERCIAL SETBACKS ALONG N. 84TH STREET, ADAMS STREET AND RESIDENTIAL SHALL BE 40' IN ALL AREAS EXCEPT FOR LOT 1, BLOCK 4 WHICH SHALL HAVE A 20' SETBACK ALONG ADAMS STREET AND RESIDENTIAL; AND LOT 30, BLOCK 3 WHICH SHALL HAVE A 20' SETBACK ALONG THE RESIDENTIAL TO THE WEST.

△3 3. TO ALLOW A POLE SIGN IN THE FRONT YARD SETBACK OF NORTH 84TH STREET WITH A HEIGHT OF UP TO 18 FEET WITH AN 80 SQUARE FEET ELECTRONIC CHANGEABLE MESSAGE TO ADVERTISE FOR THE TENANTS IN THE NORTH 40 COMMERCIAL AREA OF THE PUD. ONLY ONE FREESTANDING SIGN IS ALLOWED ALONG NORTH 84TH STREET FRONTAGE EXCEPT FOR THE 84TH AND ADAMS STREET CORNER LOT.

GENERAL SITE NOTES

1. SANITARY SEWER AND WATER LINES TO BE 8" PIPE AND 6" PIPE RESPECTIVELY AND TO BE BUILT TO CITY OF LINCOLN SPECIFICATIONS, UNLESS OTHERWISE SHOWN.
2. ALL SANITARY SEWERS & WATER MAINS TO BE PUBLIC.
3. ALL DIMENSIONS ALONG CURVES ARE CHORD DISTANCES.
4. ALL PAVING RADII TO BE 20' UNLESS OTHERWISE NOTED.
5. ALL INTERSECTION ANGLES SHALL BE 90° ±10° UNLESS OTHERWISE NOTED.
6. VEHICULAR ACCESS TO N. 84TH STREET AND ADAMS STREET IS RELINQUISHED EXCEPT FOR N. 82ND STREET, THE RIGHT IN/RIGHT OUT PRIVATE DRIVEWAY, AND WINDMILL DRIVE.
7. ALL ELEVATIONS ARE BASED ON NAVD 1988.
8. SIDEWALKS TO BE BUILT ALONG BOTH SIDES OF PUBLIC STREETS AND PRIVATE ROADWAYS.
9. ALL SIDEWALKS SHALL BE 4' WIDE MINIMUM AND ALL SIDEWALK EASEMENTS SHALL BE 10' WIDE. (UNLESS OTHERWISE NOTED)
10. ORNAMENTAL LIGHTING ALONG ALL PUBLIC STREETS AND PRIVATE ROADWAYS SHALL BE IN ACCORDANCE WITH L.E.S. REGULATIONS.
11. THE DEVELOPER AGREES TO COMPLY WITH THE DESIGN STANDARDS OF THE CITY OF LINCOLN FOR EROSION CONTROL AND SEDIMENTATION DURING AND AFTER LAND PREPARATION AND FURTHER TO SUBMIT A SEEDING AND MAINTENANCE SCHEDULE BEFORE SITE GRADING IS COMPLETE.
12. THE DEVELOPER AGREES TO COMPLY WITH PROVISIONS OF THE LAND SUBDIVISION ORDINANCE REGARDING LAND PREPARATION.
13. CENTER ISLANDS IN CUL-DE-SACS AND ROUNDABOUTS SHALL BE LANDSCAPED.
14. AN OWNER'S ASSOCIATION SHALL BE ESTABLISHED TO MAINTAIN ALL OPEN SPACE AREAS INCLUDING THE PRIVATE ROADWAYS, MEDIANS AND ROUNDABOUTS.
15. LOTS MAY BE CREATED WITHOUT FRONTAGE TO A PUBLIC STREET OR PRIVATE ROADWAY IF THEY ABUT A PUBLIC ACCESS EASEMENT.
16. THE SEPTIC SYSTEMS WILL BE ABANDONED TO THE SATISFACTION OF THE HEALTH DEPARTMENT.
17. OUTLOT AND BLOCK DIMENSIONS SHOWN ARE APPROXIMATE AND MAY VARY.
18. ALL STREET DIMENSIONS ARE TO BACK OF CURB.
19. EXISTING AND PROPOSED EASEMENTS TO BE IDENTIFIED AND SHOWN AT TIME OF FINAL PLATTING.
20. EXACT LOCATIONS OF WATER, SEWER, DRAINAGE AND PAVING WILL BE SUBMITTED WITH INDIVIDUAL SITE PLANS AT TIME OF BUILDING PERMIT IN ACCORDANCE WITH CITY OF LINCOLN DESIGN STANDARDS.
21. THE YARD SETBACKS REGULATES STRUCTURAL WALLS ONLY AND DOES NOT RESTRICT OVERHANGS, PATIOS, DOOR SWINGS, WINDOW SWINGS, ETC. FROM ENCROACHING INTO THE SETBACKS BUT NOT ACROSS LOT LINES.
22. ALL DISABLED PARKING STALLS SHALL BE IN COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT, (FEDERAL REGISTER/VOL. 58, NO. 144/RULES AND REGULATIONS).
23. A COMMON ACCESS EASEMENT WILL BE PROVIDED OVER ALL DRIVES AND PARKING STALLS, AS SUCH DRIVES AND PARKING STALLS MAY EXIST IN THE COMMERCIAL AREAS. THERE SHALL BE CROSS VEHICULAR ACCESS BETWEEN LOTS 1-5, BLOCK 5 AND BETWEEN LOTS 1-2, BLOCK 6.
24. DETAILS OF ALL SIGNS, INCLUDING TYPE, HEIGHT AND SIZE, WILL BE SUBMITTED SEPARATELY FOR REVIEW WITH THE BUILDING PERMIT AND NEED NOT BE SHOWN ON THE PLAN. THEY WILL BE DESIGNED IN ACCORDANCE WITH THE CITY OF LINCOLN STANDARDS. SIGNS ALLOWED PER THE R-3 AND B-2 ZONING DISTRICTS, HOWEVER, POLE SIGNS ARE PROHIBITED.
25. FINAL LOT LAYOUT AND INDIVIDUAL LOT LANDSCAPE PLANS FOR LOTS IN THE COMMERCIAL AREA TO BE SUBMITTED AT THE TIME OF BUILDING PERMITS.
26. THE SALE OF ALCOHOLIC BEVERAGES FOR CONSUMPTION ON OR OFF PREMISES IS PERMITTED IN THE COMMERCIAL AREA PROVIDED IT MEETS THE REQUIREMENTS OF 27.31.040.
27. FENCES, DUMPSTERS, DECORATIVE STRUCTURES AND ACCESSORY BUILDINGS ARE NOT SHOWN ON THE PLANS IF THEY ARE 1000 SQUARE FEET OR SMALLER AND ARE OUTSIDE OF THE SIGHT TRIANGLES AND SETBACKS AND ARE IN CONFORMANCE WITH ALL APPLICABLE ORDINANCES AND CODES.
28. AT TIME OF FINAL DESIGN AND FINAL PLATTING THE ROUNDABOUT WILL BE DESIGNED TO ACCOMMODATE A WB-50 VEHICLE AS PER DESIGN STANDARDS. ADDITIONAL RIGHT-OF-WAY MAY BE REQUIRED IF A LARGER RADII IS NEEDED FOR THESE VEHICLES.
29. LAND USES IN THE PLANNED UNIT DEVELOPMENT DESIGNATING COMMERCIAL FLOOR AREA SHALL NOT EXCEED A TOTAL OF 145,200 SQUARE FEET OVERALL. THE USES TO BE DESIGNATED WITHIN THE TOTAL SQUARE FOOTAGE APPROVED SHALL NOT EXCEED 25,000 SQUARE FEET OF RESTAURANTS, DRIVE-THRU BANKS AND/OR CONVENIENCE STORES. HOWEVER, THIS SQUARE FOOTAGE MAY BE INCREASED ADMINISTRATIVELY PROVIDED OVERALL PM TRIP CAP OF 1,366 TRIPS IS NOT EXCEEDED.
30. LOT 30, BLOCK 3 AND LOT 1, BLOCK 4 SHALL BE OFFICE USE AND SHALL NOT EXCEED 12,000 SQUARE FEET OF GROSS FLOOR AREA PER LOT.
31. STREET TREES TO BE REVIEWED AT TIME OF FINAL PLAT AND ASSIGNED BY PARKS AND RECREATION.
32. THE FOLLOWING PERMITTED SPECIAL USES SHALL BE A PERMITTED USE IN THE COMMERCIAL AREAS AND WILL NOT REQUIRE A SPECIAL PERMIT:
    a. HEALTH CARE FACILITIES
    b. RECREATIONAL FACILITIES

    OTHERWISE, USES IN THE RESIDENTIAL AREAS AS ALLOWED BY LMC CHAPTER 27.15, AND USES IN THE COMMERCIAL AREAS AS ALLOWED BY LMC CHAPTER 27.31.
33. DRIVEWAYS IN THE COMMERCIAL AREA ARE SHOWN AS CONCEPTUAL LOCATIONS AND SHALL COMPLY WITH DESIGN STANDARDS.
34. PARKING FOR THE COMMERCIAL AREA SHALL COMPLY WITH B-2 PARKING REQUIREMENTS AND PARKING FOR THE RESIDENTIAL AREA SHALL COMPLY WITH R-3 PARKING REQUIREMENTS. USES WITH SPECIAL PARKING REQUIREMENTS SHALL COMPLY WITH 27.67.040.
35. IMPROVEMENTS REQUIRED FOR PEDESTRIAN CIRCULATION IN COMMERCIAL AND INDUSTRIAL AREAS ARE NOT REQUIRED TO BE SHOWN ON THIS PLAN, BUT SHALL BE SHOWN AT THE TIME OF BUILDING PERMITS IN COMPLIANCE WITH THE CITY OF LINCOLN DESIGN STANDARDS.

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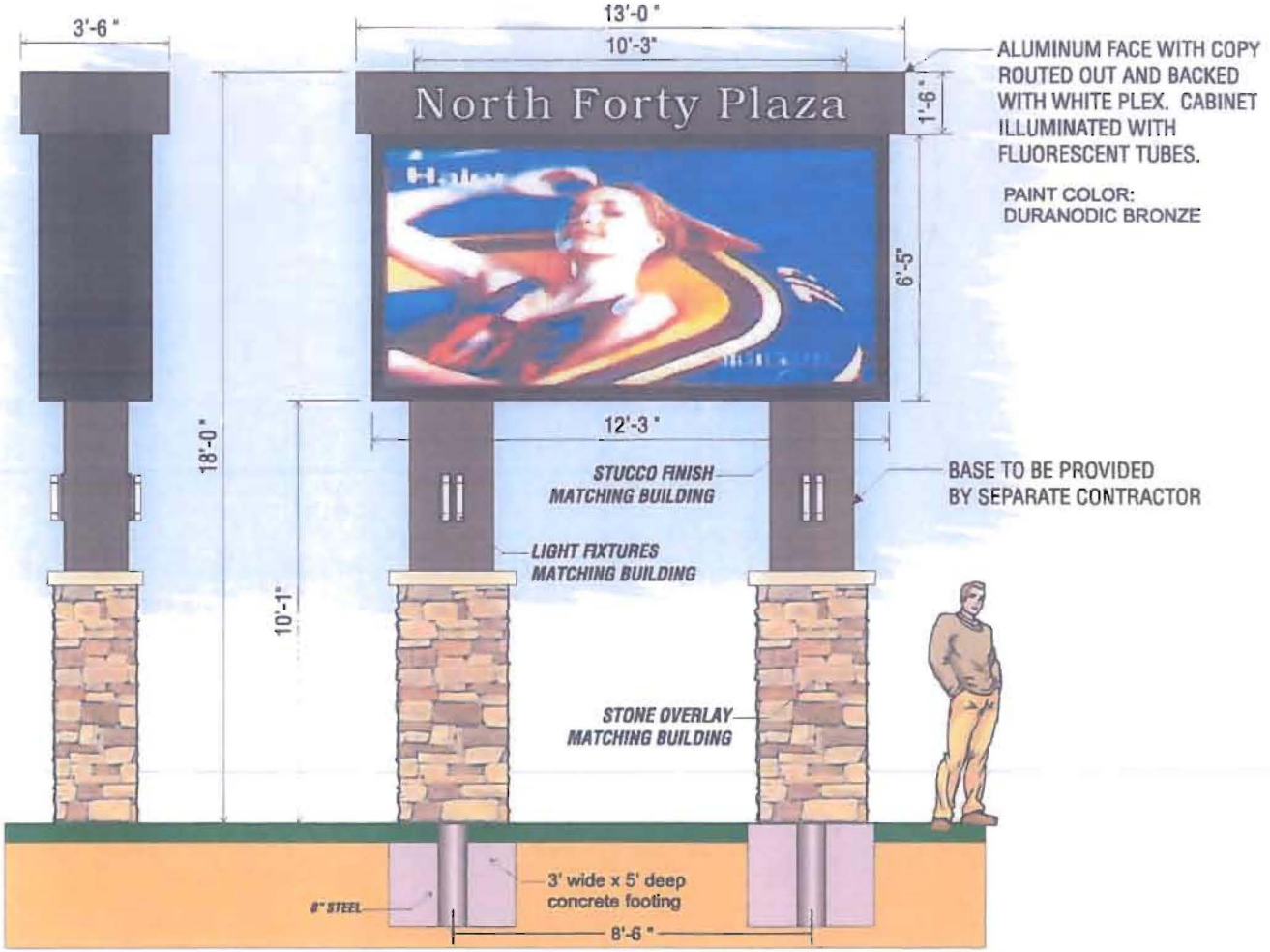

CBS SIGN CO.
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21920 PLATTEVIEW RD,
GRETNA, NE 68028

1-800-406-8873
(402) 332-0080
FAX (402) 332-5938

JOB TITLE:	NORTH FORTY PLAZA	REVISION#	
LOCATION:	84TH & ADAMS	OPTION#	1
DESIGN #	5011D	SALES:	KYLE CONRY/RANDY PRICE
DATE:	10-06-10	DESIGNER:	TONY PERSONS
SCALE:	3/8"=1'		

APPROVED BY: _____

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OLSSON ASSOCIATES

January 10, 2011

Mr. Marvin S. Krout, Director
Lincoln Lancaster Planning Department
County-City Building
555 South 10th Street, Suite 213
Lincoln, NE 68508

Re: Amendment to North Forty Plaza P.U.D
OA Project No. 006-0759

Dear Mr. Krout,

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

1) Cover Sheet
2) $720.00 submittal fee
3) Zoning Application
4) Sign Exhibit

On behalf of the developer, North 47 Group, L.L.C., we are requesting an amendment to the North Forty Plaza P.U.D. The developer wishes to install a pole sign in the front yard setback of North 84th Street with a height of up to 18' tall with an 80 square feet electronic changeable message to advertise for the tenants in the North 40 commercial area of the PUD. The sign would be allowed on the condition that this is the only freestanding sign along the North 84th Street frontage except for the 84th and Adams corner lot. By installing one medium size sign in a strategic location for this development the sign clutter will be reduced creating a more aesthetic view along North 84th Street. The signage along Adams Street remains as per the original PUD language.

An enclosed exhibit of the proposed sign is enclosed for reference. Please contact me if you have any questions or require additional information.

Sincerely,

Tim Gergen

cc: Peter Katt
North 47 Group, LLC

F:\Projects\20060759\Prelim\doc\L-MKrout.1-7-2011.doc

1111 Lincoln Mall, Suite 111
P.O. Box 84608
Lincoln, NE 68501 4608
TEL 402.474.6311
FAX 402.474.5160
www.oaconsulting.com

To: Lincoln City/Lancaster County Planning Commission

Re: Application for Change of Zone No. 06063A

Dear Planning Commission,

The purpose of this letter is to let you know of my opposition to the proposed zoning change that would install a pole sign in the front yard setback of N. 84th Street, with "a height of up to 18 feet tall and 100 square feet including an 80 square feet electronic changeable message."

According to the application information, this sign would be the only freestanding sign along the North 84th Street frontage, "except for the 84th and Adams corner lot." In addition, the "signage along Adams Street remains as per the original PUD language." My interpretation of this description is that there will still be other signage along 84th and along Adams, meaning this new pole sign would not be the only signage. And of course there is naturally already signage on the businesses themselves. My understanding is that if the 18-foot sign is not approved, there could potentially be other signs, but that they would be less intrusive to the neighboring residences because they would be much shorter and only half the size (e.g., up to 50 square feet instead of 100).

The view along 84th Street is no longer blocked by trees, and the layout of the 84th Street area suggests that a potential business client to the North Forty Plaza who is riding or walking by would not have any trouble seeing signage on a smaller scale for the businesses that are contained within that development. Because of the set up of the overall site, I do not see a need for additional signage that would be as large as up to 18 feet tall with the billboard of 100 square feet disrupting the landscape with an 80 square foot continuously-blinking sign. And while the pole sign posts might be built to match the existing business building, in my opinion the fact that it is a changeable digital sign itself would deter from the aesthetic area of the entire neighborhood, including the residences adjacent to the businesses, and Fairview Cemetery immediately across the street to the north. To put it plainly, a large 18-foot high pole sign with constantly-changing lights and images would disrupt the landscape and create a distressful annoyance to the neighborhood. This disturbance would always be present, but I believe would be exacerbated especially at night, with the large structure and changing lighted sign intruding on the residences and "green space" (not to mention an intrusion to the nocturnal animals such as owls that have nested in our backyards in the past).

My concern is that the proposed sign will be large enough to contribute to additional light pollution in the neighboring area and will detract from the family-friendly, quiet atmosphere, and natural landscape of the residential community – and it could potentially dissuade potential buyers from moving into the neighborhood with the new homes being built.

I would also caution that a changeable billboard could lead to safety issues such as driving distractions creating accidents, and that the energy use would be less efficient (and thus could be argued less environmentally-friendly) than signage where the images do not frequently change.

I would more likely favor a few shorter and smaller signs that are closer to the ground along 84th Street, which would still be very visible from the street but would not emit the amount of light that is proposed by a structure that tall. And the few smaller structures would be more individualized per business building and could be argued that passersby would have higher probability of actually seeing the specific business advertisement, instead of by chance seeing one of all of the many that are interchanged on the digital board. A few shorter representations that are lower to the ground should create less obtrusive artificial light and less intrusive views of the overall area.

With the additional wattage discharged from the proposed type of large structure, and less opportunity to see the neighborhood as it should be in its natural state, it will feel less like the quiet, friendly family neighborhood we have come to know and love.

Thank you for the opportunity to express my opinions on this issue.

Julie Kohrell

8242 WEMSHA ST

LINCOLN NE 68507

(402) 325-9325

February 7, 2011

To the Planning Commission:

I am submitting this letter in opposition to the proposed zoning changes that will be discussed on Wednesday, February 9, 2011. These proposed changes would affect the N 84th & Adams neighborhood. Change of Zone #0603A.

I am a new resident in the North Forty neighborhood, having purchased a home in November, 2010. That purchase was made after months of very careful consideration of the area I wanted to live in. I was looking for a home in a better neighborhood in north Lincoln and was thrilled by the North Forty area. The area is well maintained and attractive.

My concern is that the zoning be changed so that a large, lighted billboard may be erected. I strongly believe that a billboard will change the look of this area.

To consider:

- Why would local residents need a billboard that will be more than likely advertising services not available in the immediate area?
- I also object to the proposal for an electronic billboard that will add to the light pollution.
- This area is adjacent to the Fairview cemetery. A lighted billboard feels disrespectful of that area.
- The North Forty area is still under development. The billboard may discourage home buyers in this area. Especially considering that the single family dwellings are priced from $250,000 to $300,000.
- There are a number of other areas along 84th street that are not so close to residential areas that would be a better fit for this type of advertisement.
- If the zoning is changed for the area, what else might be erected at that point? Taking away the feel of a small, quiet neighborhood.

I appreciate your consideration of my concerns. If needed you may contact me at 466-0815.

Respectfully,

Sharon Kimmons
8164 Windmill Dr.
Lincoln, NE 68507