

FACTSHEET

TITLE: **CHANGE OF ZONE NO. 11024, North Hills Planned Unit Development**, requested by Southview, Inc., for change of zone from B-2 to B-2 Planned Unit Development (PUD), on property generally located at North 14th Street and Fletcher Avenue.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 07/13/11

Administrative Action: 07/13/11

STAFF RECOMMENDATION: Conditional Approval, as revised.

RECOMMENDATION: Conditional Approval, as revised (9-0: Taylor, Gaylor Baird, Partington, Esseks, Lust, Francis, Larson, Cornelius and Sunderman voting 'yes').

FINDINGS OF FACT:

1. This is a request to change the zone from B-2 to B-2 PUD on 19.49 acres, more or less, generally located at North 14th Street and Fletcher Avenue, for the purpose of designating the property as a planned unit development for the development of 198,825 sq. ft. of commercial floor area and 565 dwelling units, or any combination of the two.
2. The staff recommendation of conditional approval, as revised, is based upon the "Analysis" as set forth on p.3-4, concluding that changing the B-2 use permit into a PUD will allow for flexibility in uses. The B-2 zoning only allows apartments above the first floor with commercial on the first floor. The PUD will allow first floor residential. The mixed use of residential and commercial is encouraged in the Comprehensive Plan. The conditions of approval require that a minimum of five acres of the property shall be reserved for commercial uses for a period of three years following approval of this PUD. The staff presentation is found on p.9.
3. The applicant's testimony is found on p.10-11. The applicant did hold a neighborhood meeting.
4. There was no testimony in opposition.
5. On July 13, 2011, the Planning Commission agreed with the staff recommendation and voted 9-0 to recommend conditional approval, as revised. The conditions of approval are found on p.5-7.

FACTSHEET PREPARED BY: Jean L. Preister

DATE: July 18, 2011

REVIEWED BY: _____

DATE: July 18, 2011

REFERENCE NUMBER: FS\CC\2011\CZ11024 PUD

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for JULY 13, 2011 PLANNING COMMISSION MEETING

****As Revised and Recommended for Conditional Approval****

By Planning Commission: July 13, 2011

PROJECT #: Change of Zone No.11024 North Hills Planned Unit Development

PROPOSAL: From B-2 to B-2 PUD

LOCATION: N. 14th Street and Fletcher Avenue

LAND AREA: 19.49 acres, more or less

EXISTING ZONING: B-2, Planned Neighborhood Business District

WAIVER /MODIFICATION REQUEST:

To allow the details typically shown on a preliminary plat to be approved by administrative amendment.

CONCLUSION: Changing the B-2 use permit into a Planned Unit Development will allow for flexibility in uses. Apartments, above the first floor, are allowed in the B-2 district. The PUD will allow first floor residential. The mix use of residential and commercial is encouraged in the 2030 Comprehensive Plan. The waiver is typical of a PUD. Initial PUD's are typically more generic with the details submitted with an administrative amendment when there is a project.

<u>RECOMMENDATION:</u>	Conditional approval
Waivers: To allow the details typically shown on a preliminary plat to be approved by administrative amendment	Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION: Outlot "C", North Hills 5th Addition

EXISTING LAND USE: Undeveloped

SURROUNDING LAND USE AND ZONING:

North:	R-5, R-3, Residential	Single-family and town homes north of Interstate 80.
	H-3, Highway Commercial	Vacant commercial to the northeast
South:	R-3, Residential	Open space and single family dwellings
East:	R-3, Residential	Open space and single family dwellings
West:	R-3, Residential	Apartment complex

HISTORY:

April 7, 2008

Use Permit #135 for North Hills Use Permit and Change of Zone #3312 to rezone an area at the northeast corner of N. 14th St. and Fletcher Ave from R-2 to B-2 was approved by the City Council.

November 1, 1999 Change of Zone #3174 from R-3 to B-2 was approved by City Council.

COMPREHENSIVE PLAN SPECIFICATIONS:

This area is identified as "Commercial" in the Comprehensive Plan Future Land Use map. (p. 19)

Commercial: Areas of retail, office and service uses. Commercial uses may vary widely in their intensity of use and impact, varying from low intensity offices, to warehouses, to more intensive uses such as gas stations, restaurants, grocery stores or automobile repair. Each area designated as commercial in the land use plan may not be appropriate for every commercial zoning district. The appropriateness of a commercial district for a particular piece of property will depend on a review of all the elements of the Comprehensive Plan. (p. 16)

This area is identified as an "Existing Neighborhood Center". (p. 41)

Existing Neighborhood Centers may vary in size from 50,000 sq. ft. to 225,000 sq. ft. (p. 45)

Neighborhood centers provide services and retail goods oriented to the neighborhood level, with significant pedestrian orientation and access. A typical center will have numerous smaller shops and offices and may include one or two anchor stores. In general, an anchor store should occupy about a third to half of the total space. In centers meeting the incentive criteria, anchor store(s) may be larger noting that the goals of a Neighborhood Centers are to be diverse and not simply one store. Examples include such as Lenox Village at S. 70th and Pioneers Boulevard, and Coddington Park Center at West A and Coddington. These smaller centers will not include manufacturing uses. (p. 45)

Affordable housing should be distributed throughout the region to be near job opportunities and to provide housing choices within every neighborhood.(p. 65)

Encourage the development, maintenance and preservation of safe and decent affordable and special needs housing for ownership and rental by low and moderate-income households. (p. 65)

UTILITIES: All utilities are available

TRAFFIC ANALYSIS:

N. 14th Street and Fletcher Avenue are classified as minor arterial in the 2030 Comprehensive Plan

PUBLIC SERVICE:

The nearest elementary schools are Campbell at N. 21st St. and Superior St. or Kooser at N. 14th St and Alvo Rd.

The nearest fire station is located at N. 14th St. and Adams St.

ANALYSIS:

1. This request is to change the zoning from B-2 to B-2 Planned Unit Development (PUD). The PUD will allow for uses such as multiple family, domiciliary care, elderly housing and health care facilities that are not allowed by right in the B-2 district. The residential component of the PUD could include up to 565 dwelling units. The purpose of the PUD is to allow mixed uses and flexibility in the regulations of the zoning district.

2. Final site layout, including grading, drainage, landscaping and other site related details are proposed to be reviewed by administrative amendment. The final site layout must be in substantial compliance with the approved planned unit development.
3. The applicant has requested a waiver to the requirement that lots have frontage and access to a street. This waiver is not necessary. When a lot is within a PUD it may take access via a permanent access to a public street. [26.23.140(g)(2)]
4. Use Permit #135 approved 198,825 square feet of commercial floor area over the proposed PUD. This application does not change the amount of commercial floor area, but allows the flexibility of adding residential.
5. The conditions on the building' appearances and site that were previously approved by Use Permit #135 have not changed and are incorporated into the PUD. See Note 10 on the attached notes sheet.
6. This site is adjacent Interstate 80 and noise from the Interstate is a concern. The Lincoln-Lancaster County Health Department recommends that the applicant incorporate the use of noise attenuation strategies, such as earthen berms, to reduce the impact of noise pollution from Interstate 80.
7. Nebraska Department of Roads (NDOR) notes that future noise impacts for residences (66 db and higher) extend to 340 feet from the centerline of the nearest travel lane. NDOR recommends to protect residences within this area, the developer should construct a noise wall or berm approximately 12 feet high and 600 feet long.
8. The number of dwelling units shall be based on the density allowed under the R-5 district in a Community Unit Plan. This density is 29.04 dwelling units per acre. The entire site of the PUD is 19.49 acres. The maximum dwelling units over the entire site is 565.
9. It is unlikely that the full build out of the PUD would include 198,825 sq. ft. of commercial floor area and 565 dwelling units due to parking requirements. The parking for the residential is 1.75 stalls per dwelling unit and the commercial is 1 stall per 300 sq. ft. of floor area.
10. The site plan approved under Use Permit #135 showed the front yard setback along Fletcher Ave. as shown on the attached site plan. The front yard setback in B-2 has changed since the use permit was approved. The front yard setback is now 20 feet The site plan may be revised to reflect the 20 feet front yard setback.

This approval permits 198,825 sq. ft. of commercial floor area, 565 dwelling units and a waiver to allow the details typically shown on a preliminary plat to be approved by administrative amendment.

CONDITIONS OF APPROVAL:

Site Specific Conditions:

1. 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 upon approval of the planned unit development by the City Council.
 - 1.1 Revise Note #7 to read, "The PUD permits 198,825 sq. ft. of commercial floor area and 565 dwelling units. A minimum of 5 acres of the property shall be reserved for commercial uses for a period of **5 3** years following the approval of this Planned Unit Development. Prior to building permit, the specific combination of floor area and dwelling units permitted per lot must be approved by administrative amendment."
(Per Planning Commission, as recommended by staff and agreed upon by the applicant: 7/13/11**)**
 - 1.2 Delete Waiver #2. The waiver is not necessary
 - 1.3 In Note #12 under 27.31.040 write out what land uses are permitted in sections F, G and K. This will avoid confusion in the future.
 - 1.4 Add the note from Use Permit #135 that addresses design standards for buildings over 30,000 square feet to the general notes.
 - 1.5 Add to the following note to the general notes, "All final layout information, including grading, drainage and noise mitigation, will be provided and approved by administrative amendment."
 - 1.6 Add "elderly housing" to permitted uses in Note #12.
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.
4. Before issuance of building permits, final plat(s) shall be approved by the City.

If any final plat on all or a portion of the approved planned unit development is submitted five (5) years or more after the approval of the planned unit development , the city may require that a new planned unit development be submitted, pursuant to all the provisions of section 26.31.015. A new planned unit development may be required if the subdivision ordinance, the design standards, or the required improvements have been amended by the city; and as

a result, the planned unit development as originally approved does not comply with the amended rules and regulations.

Before the approval of a final plat, the public streets, private roadway improvements, sidewalks, public sanitary sewer system, public water system, drainage facilities, land preparation and grading, sediment and erosions control measures, storm water detention/retention facilities, drainageway improvements, street lights, landscaping screens, street trees, temporary turnaround and barricades, and street name signs, must be completed or provisions (bond, escrow or security agreement) to guarantee completion must be approved by the City Law Department. The improvements must be completed in conformance with adopted design standards and within the time period specified in the Land Subdivision Ordinance. A cash contribution to the City in lieu of a bond, escrow, or security agreement may be furnished for sidewalks and street trees along major streets that have not been improved to an urban cross section. A cash contribution to the City in lieu of a bond, escrow, or security agreement may be furnished for street trees on a final plat with 10 or fewer lots.

Before a final plat may be approved, Developer agrees, as subdivider, must enter into an agreement with the City whereby Developer agrees:

to complete the installation of sidewalks along Fletcher Avenue as shown on the final plat within two (2) years following the approval of the final plat.

to complete the public water distribution system to serve this plat within two (2) years following the approval of the final plat.

to complete the public wastewater collection system to serve this plat within two (2) years following the approval of the final plat.

to complete the enclosed public drainage facilities shown on the approved drainage study to serve this plat within two (2) years following the approval of the final plat.

to complete the planting of street trees along the north side of Fletcher Avenue as shown on the final plat within two (2) years following the approval of this final plat.

to complete the installation of the permanent markers prior to construction on or conveyance of any lot in the plat.

to timely complete any other public or private improvement or facility required by the Land Subdivision Ordinance which inadvertently may have been omitted from the above list of required improvements.

to submit to the Director of Public Works a plan showing proposed measures to control sedimentation and erosion and the proposed method to temporarily stabilize all graded land for approval.

to comply with the provisions of the Land Preparation and Grading requirements of the Land Subdivision Ordinance.

to complete the public and private improvements shown on the *Planned Unit Development*.

to keep taxes and special assessments on the outlots from becoming delinquent.

to maintain the outlots on a permanent and continuous basis.

to maintain the private improvements in good order and condition and state of repair, including the routine and reasonable preventative maintenance of the private improvements, on a permanent and continuous basis.

to relinquish the right of direct vehicular access from lots to N. 14th Street and Fletcher Avenue

Standard Conditions:

5. The following conditions are applicable to all requests:
 - 5.1 Before occupying the dwelling units/buildings all development and construction shall substantially comply with the approved plans.
 - 5.2 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.
 - 5.3 The terms, conditions, and requirements of the ordinance shall run with the land and be binding upon the permittee, its successors and assigns.
 - 5.4 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.
 - 5.5 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: June 27, 2011

APPLICANT: Southview Inc.
8020 "O" St.
Lincoln, NE 68510

OWNER: same as applicant

CONTACT: Mike Eckert
Civil Design Group
8535 Executive Woods Dr. Suite 200
Lincoln, NE 68512
402-434-8494

CHANGE OF ZONE NO. 11024, NORTH HILLS PLANNED UNIT DEVELOPMENT

PUBLIC HEARING BEFORE PLANNING COMMISSION:

July 13, 2011

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

Ex Parte Communications: None.

Staff recommendation: Conditional approval, with amendment to Condition #1.1.

This application was removed from the Consent Agenda due to the amendment to Condition #1.1 as recommended by staff.

Staff presentation: **Tom Cajka of Planning staff** explained that the amendment to Condition #1.1 changes the limitation on reserving a minimum of 5 acres of the property for commercial uses from five years to three years. Staff met with the developer and after discussion, the staff and developer came to agreement that the three-year limitation is adequate. If the property is not able to be developed into commercial uses in three years, it can be used for residential development purposes.

Cajka explained that this application is for a change of zone from B-2 to B-2 Planned Unit Development (PUD). Currently, the property is approved for 198,825 sq. ft. of commercial floor area under a use permit. That use permit was approved in April 2008. The developer has not been successful in promoting this for commercial uses and is coming back for a PUD to have the flexibility for a mixed-use development to include residential. The B-2 district (without the PUD designation) allows residential but only above the first floor, with the first floor being commercial. Some of the residential uses that this will allow include multi-family dwellings, townhomes, domiciliary care, elderly housing, etc.

Cajka explained that the original use permit included an agreement with the neighborhood to the south that there would be certain design criteria for the buildings and that criteria has not changed and will be incorporated into the PUD.

Cajka pointed out that one of the concerns of Planning, Health and NDOR is the location of the residential in proximity to I-80. A concept plan presented at the neighborhood meeting shows some apartment buildings further away from the interstate with no active outside area facing the interstate. Before any building permits are issued, the developer will have to do an administrative amendment to the PUD showing a more detailed site plan and grading and drainage plans.

Cajka explained that it is customary with a PUD to show a generic site plan showing the boundary of the PUD and some proposed types of uses. Currently, the developer is showing potential residential and potential commercial area. The PUD would allow 565 dwelling units and 198,825 sq. ft. of commercial floor area. The developer could, in theory, build all of that, but that likelihood is slim due to the constraints of the size of the lots and the parking requirements. To meet those parking requirements, they would probably have to build a parking garage.

Proponents

1. DaNay Kalkowski testified on behalf of the owners, acknowledging a draft concept plan. This property has a long history – it was zoned B-2 clear back in 1999 when they did a preliminary plat for the North Hills residential area to the east and south. The purpose at that time was to put those potential property buyers on notice that this area would be commercial in the future. In 2004, the developer came forward with a site plan to ask for a use permit to go along with the B-2 zoning. At that time, Fletcher Avenue was not constructed. They received Planning Commission approval of that site plan but shortly thereafter, the bond issue failed so the timing, funding and construction of that roadway came into question and the developers decided to put the use permit on hold before taking it on to the City Council. In 2007, they started meeting with the neighbors, and in 2008, the use permit was approved for 198,000+ sq. ft. of commercial. They did have a lengthy process of dealing with the neighbors. The use permit site plan dealt with design standards for the building, lighting standards and the provision for no loud speakers facing Fletcher. Those same conditions are being carried over in the site plan for the PUD.

Kalkowski pointed out that almost 12 years have passed since the zoning was changed and today the clients have not been able to physically land a commercial tenant on this property, forcing them to have a complementary use. This site is surrounded on three sides by some pretty major roadways. It looks like a site that is ready for a little bit of density and/or commercial uses.

Kalkowski explained that this request for PUD allows the developer to continue to utilize the B-2, but gives the flexibility to do some multi-family housing on this site. The owners have immediate plans to utilize the northern half of the site for multi-family housing, believing the multi-family use is appropriate for this site because it is surrounded by the three roads. This use would be less intensive than the commercial, thus a fit for the neighborhood, and a good alternative given what's happening with the market.

Kalkowski indicated that all of the conditions of approval are acceptable to the owners.

Kalkowski also pointed out that there is residential to the east and south, but it is really quite a distance away. There is a drainage outlot, so between Fletcher and the outlot there is about 350' and even more on the lots to the south. The neighbors are far enough away that they do not get any notice of hearing from the Planning Department. However, the developer sent notice to about 51 neighbors closest to the property. Seven people attended a neighborhood meeting and most were opposed to apartments, no matter what we were showing on the site plan. They preferred the commercial use. However, there is support for the apartment use from another 4-5 neighbors.

2. Mike Eckert, Civil Design Group, explained that the site plan approval will be done by administrative amendment but the developer wanted to share the details that they have so far. Eckert showed exhibits depicting the location of the buildings, etc. The developer is planning to do a two-story building with attached parking so the density would only be 143 units on 9.5 acres. They have worked with staff relating to the area abutting the interstate, and they have located some garages out there with 20' setback, and then the drive aisle, so the buildings are 93' from the property and 256' from the center line of the nearest traveled lane on the interstate. They will do additional screening behind the garages to help with the noise issue. There are distances of 362' and 394' feet from the buildings to the nearest property line of adjacent residential on the other side. It is an area that is quite dense in vegetation at this time.

Eckert then showed a rendering of the proposed apartment buildings, called “the big house”. It will fit in with the neighborhood very well. There will be 11 units in each building.

Eckert also acknowledged that the property is a little bit lower than the interstate. Upon further review, because it is below the interstate, NDOR is not sure that the berming and screening will be necessary. Their concerns are not when you are inside the building, but outside in passive recreational activities. Most of those activities will be on the south side of the building, even further from the interstate. Between Fletcher and Kennedy continues to drain from west to east. Most of the drainage on the site simply goes back to the interstate. There is a natural drainageway with a pond owned by the homeowners association and there is a covenant to share responsibility for maintaining that area.

Gaylor Baird confirmed that it is the southern half of this property that is still being considered to be held for commercial. Eckert agreed. They are continuing to actively market the commercial but it has proven difficult because 14th Street does not connect to the interstate and they are a mile way from 27th Street. They would love to get some type of neighborhood service, and that’s why they will give it three more years to market for commercial before building more residential.

Kalkowski added that they are still waiting for 14th Street to be improved because the neighbors are concerned about a traffic signal at 14th & Fletcher. The 14th Street improvements are scheduled to start next spring and finishing in this area by next fall with traffic signal potential for next fall.

There was no testimony in opposition.

ACTION BY PLANNING COMMISSION:

July 13, 2011

Francis moved approval, with conditions, as amended, seconded by Taylor.

Francis thinks this is a good opportunity to use this land that has been vacant for a long time. She is impressed that the developer was able to hold five acres open for the next three years to see if they can get commercial uses.

Motion for conditional approval, as amended, carried 9-0: Francis, Lust, Partington, Cornelius, Gaylor Baird, Larson, Taylor, Esseks and Sunderman voting ‘yes’. This is a recommendation to the City Council.



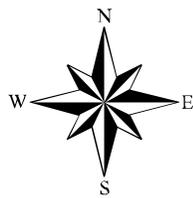
2010 aerial

**Change of Zone #11024
North Hills PUD
N 14th St & Fletcher Ave**

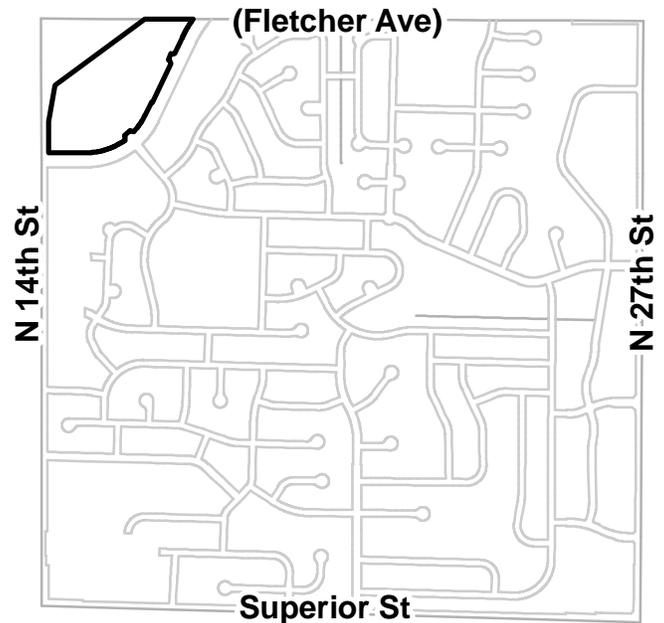
Zoning:

- 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

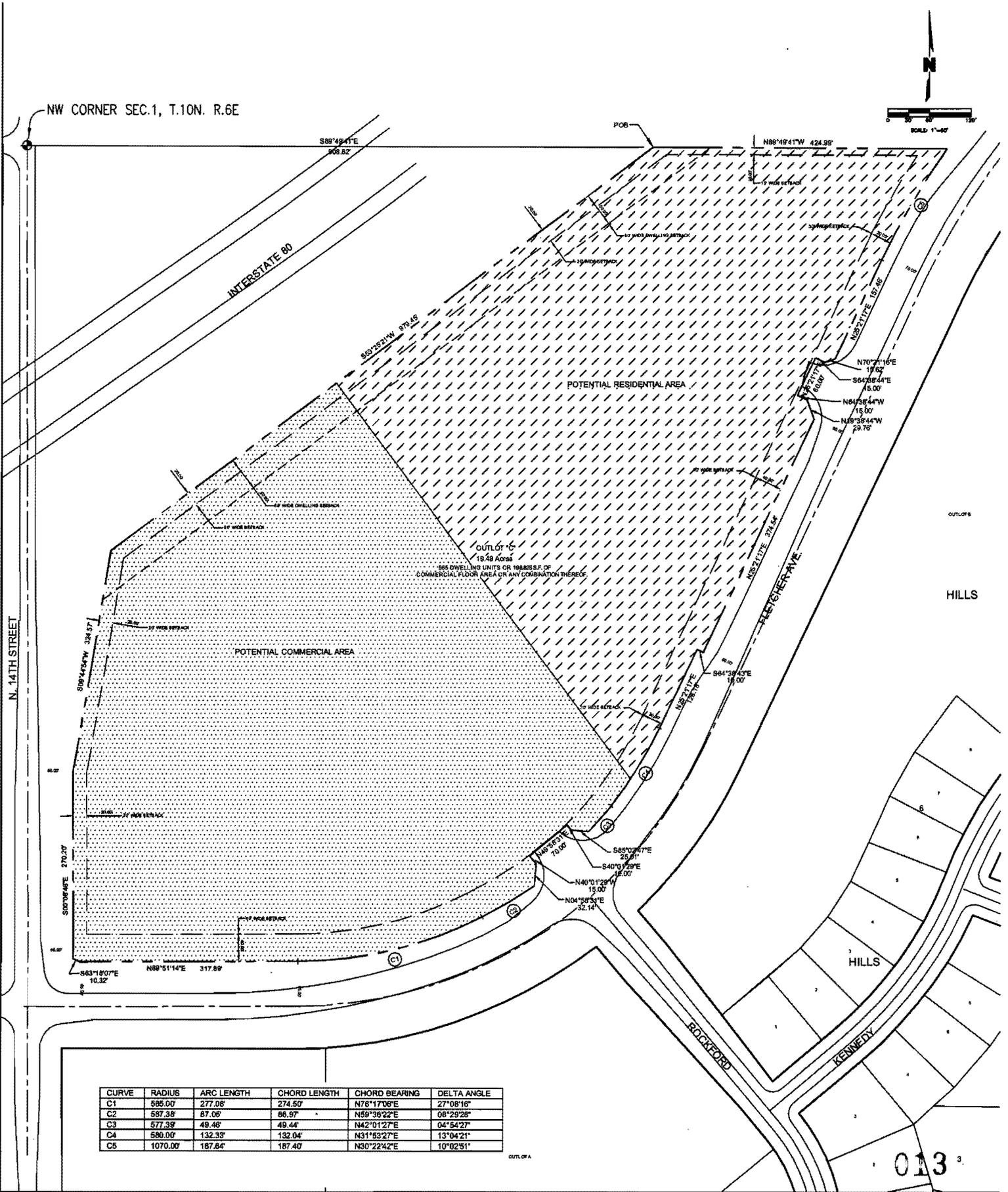
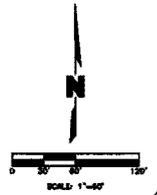
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**One Square Mile
Sec. 01 T10N R06E**



NW CORNER SEC. 1, T. 10N. R. 6E



CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	585.00'	277.08'	274.50'	N76°17'08"E	27°08'16"
C2	587.39'	87.05'	86.87'	N56°36'22"E	08°28'28"
C3	577.39'	48.46'	49.44'	N42°01'27"E	04°54'23"
C4	580.00'	132.33'	132.04'	N31°53'27"E	13°04'21"
C5	1070.00'	187.64'	187.40'	N30°22'42"E	10°02'51"

001.01 A

013

GENERAL SITE NOTES

1. DIRECT VEHICULAR ACCESS TO FLETCHER AVENUE AND NORTH 14TH STREET SHALL BE RELINQUISHED EXCEPT AS SHOWN.
2. ALL OUTLOTS, MEDIANS AND PRIVATE ROADWAYS WITHIN THIS P.U.D. SHALL BE MAINTAINED BY AN ASSOCIATION OF PROPERTY OWNERS.
3. THE PROPOSED LOT LINES ARE CONCEPTUAL AND MAY VARY IN THE FINAL PLAT.
4. ALL EAVES, CANOPIES AND OTHER BUILDING PROJECTIONS MAY EXTEND OVER THE BUILDING ENVELOPE LINES BUT NOT THE LOT LINES.
5. THE DEVELOPER RESERVES THE RIGHT TO BUILD ANYWHERE WITHIN THE BUILDING ENVELOPE LINES BUT NOT THE LOT LINES.
6. ATM'S, FENCES, DECORATIVE STRUCTURES & ACCESSORY BUILDINGS ARE NOT SHOWN ON THE SITE PLAN IF THEY ARE 25' X 25' OR SMALLER AND ARE CONSTRUCTED OUTSIDE OF SETBACKS, SIGHT TRIANGLES, EASEMENTS AND REQUIRED MINIMUM PARKING AND ARE BUILT ACCORDING TO THE ZONING ORDINANCE PROVISIONS, AND ARE IN CONFORMANCE WITH ALL OTHER APPLICABLE CODES.
7. THE P.U.D. PERMITS UP TO 198,825 SQUARE FEET OF COMMERCIAL FLOOR AREA, 565 DWELLINGS UNITS, OR ANY COMBINATION OF THE TWO.
8. A COMMON ACCESS EASEMENT SHALL BE DEDICATED OVER ALL DRIVES AND PARKING STALLS IN THE COMMERCIAL AREA.
9. THE LOCATION OF THE COMMERCIAL AREA AND RESIDENTIAL AREA IS CONCEPTUAL AND MAY BE ADJUSTED BY ADMINISTRATIVE AMENDMENT.
10. PRIOR TO RECEIVING A BUILDING PERMIT FOR A BUILDING OF LESS THAN 30,000 SQUARE FEET OF FLOOR AREA, THE ARCHITECT OF RECORD FOR THE BUILDING PLANS SHALL CERTIFY THAT THE BUILDING'S ARCHITECTURAL DESIGN AND FEATURES COMPLY WITH ONE OF THE FOLLOWING TWO CONDITIONS:
 - A. THE BUILDING'S ARCHITECTURAL DESIGN AND FEATURES MEET ALL OF THE FOLLOWING ITEMS:
 - i. THE BUILDING SHALL BE FACED WITH A MINIMUM OF 20% BRICK OR STONE (INCLUDING CULTURED STONE) IN THE BUFF/EARTH TONE COLOR RANGE OR SHADES THEREOF, AND THE REMAINDER OF THE BUILDING SHALL BE CONSTRUCTED OF ONE OR MORE OF THE FOLLOWING IN A COLOR RANGE COMPATIBLE WITH THE BRICK OR STONE MASONRY: SPLIT-FACE CONCRETE MASONRY, ARCHITECTURAL PRE-CAST, SYNTHETIC STUCCO, EAVES, HARDY PLANK SIDING, CAST-IN-PLACE CONCRETE WITH A BRICK MASONRY VENEER, OR PRE-CAST CONCRETE WITH A BRICK MASONRY VENEER.
 - ii. THE ROOF OF THE BUILDING SHALL BE FLAT, SLOPED WITH A MINIMUM SLOPE OF 4:12 OR A COMBINATION OF FLAT AND SLOPED. THE ROOF MATERIAL FOR SLOPED ROOFS SHALL BE OF HIGH UPSCALE ASPHALT SHINGLES, SYNTHETIC SLATE SHINGLES OR STANDING SEAM METAL AND SHALL BE A COLOR COMPATIBLE WITH THE BRICK OR STONE MASONRY.
 - iii. ALL MECHANICAL UNITS AND CONDENSING UNITS SHALL BE VISUALLY SCREENED FROM PUBLIC VIEW.
 - iv. ALL TRASH DUMPSTERS SHALL BE SCREENED ON THREE SIDES WITH A MASONRY SCREEN WALL.
 - B. THE BUILDING'S ARCHITECTURAL FEATURES AND DESIGN ARE APPROVED BY THE DIRECTOR OF PLANNING AS ACHIEVING AN APPEARANCE THAT IS SUBSTANTIALLY EQUIVALENT TO MEETING THE CONDITIONS IN "A" ABOVE.
10. OUTDOOR AREAS UNDER LIGHTED CANOPIES, SUCH AS GAS PUMP ISLANDS AND ATM BAYS, SHALL MEET CITY DESIGN STANDARDS.
11. NO DRIVE-THRU LOUDSPEAKER SHALL BE ORIENTED TO FACE FLETCHER AVE.

12. THE ENTIRE PUD SHALL BE GOVERNED BY THE REGULATIONS CONTAINED IN L.M.C. CHAPTER 27.31 B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT, EXCEPT AS SET FORTH BELOW:

27.31.030 PERMITTED USES. THE FOLLOWING USES SHALL BE ADDED:

- (bb) DWELLINGS;
- (cc) DOMICILIARY CARE FACILITY;
- (dd) MOTELS AND HOTELS;
- (ee) HEALTH CARE FACILITIES;
- (ff) RECREATIONAL FACILITIES.

27.31.040 PERMITTED CONDITIONAL USES. THE FOLLOWING USES SHALL BE DELETED:

- (b) HOTELS AND MOTELS;
- (c) DWELLINGS;

AND THE SPACING OR DISTANCE REQUIREMENTS CONTAINED IN THE CONDITIONS OF (F), (G) AND (K) SHALL NOT APPLY TO ANY INTERNAL USES WITHIN THE PUD.

27.31.050 PERMITTED SPECIAL USES. THE FOLLOWING USES SHALL BE DELETED:

- (b) HEALTH CARE FACILITIES;
- (c) RECREATIONAL FACILITIES.

27.31.070 PARKING REGULATIONS. ALL PARKING WITHIN THE COMMERCIAL AREA SHALL BE REGULATED IN CONFORMANCE WITH THE PROVISIONS OF CHAPTER 27.67 APPLICABLE TO THE B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT OR OTHER SPECIFIC USE PROVISIONS, AND ALL PARKING WITHIN THE RESIDENTIAL AREA SHALL BE REGULATED IN CONFORMANCE WITH THE PROVISIONS OF CHAPTER 27.67 APPLICABLE TO THE R-5 RESIDENTIAL DISTRICT OR OTHER SPECIFIC USE PROVISIONS. THE REQUIRED PARKING SPACES MAY BE LOCATED ON A DRIVEWAY BEHIND A GARAGE THAT IS ATTACHED TO A DWELLING UNIT PROVIDED THE MINIMUM DEPT OF THE PARKING SPACES IS 22 FEET BETWEEN THE BACK OF SIDEWALK AND FACE OF GARAGE.

27.31.075 PEDESTRIAN CIRCULATION REQUIREMENTS. THESE REQUIREMENTS SHALL ONLY APPLY TO THE COMMERCIAL AREA.

27.31.080 SIGN REGULATIONS. SIGNS WITHIN THE COMMERCIAL AREA SHALL BE REGULATED IN CONFORMANCE WITH THE PROVISIONS OF CHAPTER 27.69 APPLICABLE TO THE B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT OR OTHER SPECIFIC USE PROVISIONS, AND SIGNS WITHIN THE RESIDENTIAL AREA SHALL BE REGULATED IN CONFORMANCE WITH THE PROVISIONS OF CHAPTER 27.69 APPLICABLE TO THE R-5 RESIDENTIAL DISTRICT OR OTHER SPECIFIC USE PROVISIONS. SIGNS PERMITTED BY THE ABOVE PROVISIONS FOR BOTH THE COMMERCIAL AREA AND RESIDENTIAL AREA MAY BE PLACED ANYWHERE WITHIN THE PUD. SECTION 27.69.340 DOES NOT APPLY TO THIS PUD.

27.31.090 HEIGHT AND AREA REGULATIONS. TABLE 27.31.090(A) IS DELETED AND REPLACED WITH THE FOLLOWING, AND SECTION 27.31.090(F) IS DELETED.

- (a) GENERAL REQUIREMENTS:
 - a. LOT AREA: DWELLINGS 1,500 SQ. FT. OTHER PERMITTED USES 0 SQ. FT.
 - b. REQ'D FRONT, SIDE AND REAR YARDS: AS SHOWN ON THE SITE PLAN.
 - c. HEIGHT: 50'
- (f) ~~OPEN SPACE REQUIREMENTS FOR RESIDENTIAL USE:~~

27.31.100 USE PERMIT; PROCEDURES AND REQUIREMENTS. THIS SECTION IS DELETED IN ITS ENTIRETY.

WAIVERS

1. TO LMC 27.60.030 THAT THE PUD PLAN CONTAIN ALL OF THE INFORMATION REQUIRED OF A PRELIMINARY PLAT, TO ALLOW THE DETAILS TYPICALLY SHOWN ON A PRELIMINARY PLAT TO BE APPROVED BY ADMINISTRATIVE AMENDMENT.
2. LOTS HAVING FRONTAGE AND ACCESS TO A PUBLIC OR PRIVATE STREET.

SEACREST & KALKOWSKI, PC, LLO

1111 LINCOLN MALL, SUITE 350
LINCOLN, NEBRASKA 68508-3910

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

RECEIVED

JUN 30 2011

Lincoln/Lancaster Co.
Planning Department

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

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

June 29, 2011

North Hills Neighbors

RE: North Hills Retail Center
Change of Zone from B-2 to B-2 PUD

Dear Neighbor:

Our office represents Southview, Inc. and Jamie Lane Commercial, LP, the owners of the 22 acre North Hills Retail Center located at the northeast corner of North 14th Street and Fletcher Avenue. The Retail Center is currently zoned B-2 Planned Neighborhood Business Center and has a use permit approved permitting 198,825 square feet of commercial uses. Circumstances have changed in the market and the owners would like more flexibility in the use of the property. Consequently, they have submitted an application to the City of Lincoln to change the zone of the property from B-2 to B-2 PUD. The proposed B-2 PUD zoning would allow residential dwellings as a permitted use, as well as the commercial uses already permitted with the B-2 zoning. The conditions of the existing use permit site plan that were previously agreed to with the neighbors will continue to apply to the PUD site plan.

The owners' immediate plan is to use the eastern portion of the Retail Center for multifamily housing. Enclosed please find a copy of the PUD site plan that was submitted with the application for the change of zone to B-2 PUD, as well as a concept plan showing the owners' concept for multifamily housing on the eastern portion of the property. We would like to invite you to a meeting to discuss the above application and address any questions you may have. Please join us on **Thursday, July 7th at 6:30 p.m. at Crossbridge Christian Church** which is located at 2800 Crossbridge Road (south of Staybridge Suites – enter off of Enterprise Drive).

If you are unable to attend or have questions prior to the meeting, please feel free to give me a call.

Very truly yours,



DANAY KALKOWSKI
For the Firm

Enclosure

cc: Carl Eskridge, City Council Member
Tom Cajka, Planning Department

SEACREST & KALKOWSKI, PC, LLO

1111 LINCOLN MALL, SUITE 350
LINCOLN, NEBRASKA 68508-3910

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

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

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

June 15, 2011

HAND DELIVERY

Marvin Krout, Director
Planning Department
555 South 10th Street
Lincoln, NE 68508

RE: North Hills Planned Unit Development Request

Dear Marvin:

Our office represents Southview Holding Company, Inc. and Jamie Lane Commercial, LP, the owners of Outlot C, North Hills 5th Addition, Lincoln, Lancaster County, Nebraska, located northeast of the intersection of N. 14th Street and Fletcher Avenue (the "Property"). The Property is currently zoned B-2 with an approved use permit. Circumstances have changed in the market and the owners would like more flexibility in the use of the Property. Specifically, they would like the ability to incorporate residential uses into the Property. Consequently, the owners are requesting that the Property be rezoned from B-2 to B-2 PUD. The underlying zone for the PUD is B-2 with the exceptions set forth in Note 12 on the Site Plan.

Enclosed please find the following:

- a. City of Lincoln Zoning Application;
- b. B-2 PUD Legal Description; and
- c. Application fees in the amount of \$3,720.

The plan set for the North Hills PUD will be submitted electronically by Civil Design Group.

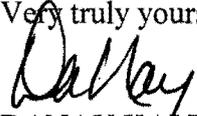
The owners are requesting the following waivers/ modifications as part of the PUD:

- a. A modification to LMC 27.60.030 which requires that the PUD plan contain all of the information required of a preliminary plat, to allow the details typically shown on a preliminary plat to be approved by administrative amendment. This modification will allow the details to be provided when the owners have more definitive plans for the use of the property.

- b. A waiver to the requirement that lots have frontage and access to a public street or private roadway. This waiver recognizes that there may be internal lots created within the site that will have public access through a public access easement and not a public street or private roadway.

If you have any questions regarding the enclosed or need any additional information, please feel free to contact me or Mike Eckert at Civil Design Group.

Very truly yours,



DANAY KALKOWSKI
For the Firm

Enclosures