City Council Introduction: **Monday**, September 26, 2011
Public Hearing: **Monday**, October 3, 2011, at **3:00** p.m.

Bill No. 11-150

FACTSHEET

TITLE: **CHANGE OF ZONE NO. 07063 (revised), I-80 West Lincoln Business Center Planned Unit Development,** requested by Ringneck Development, for a change of zone from AG Agricultural District to R-3 Residential PUD, on property generally located north of Interstate 80 and west of N.W. 48th Street.

STAFF RECOMMENDATION: Conditional Approval.

ASSOCIATED REQUESTS: Annexation Agreement (11R-235) and Annexation No. 07005 (11-149)

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 10/08/08
Administrative Action: 10/08/08

RECOMMENDATION: Conditional Approval, as amended (6-3: Taylor, Partington, Sunderman, Francis, Larson and Carroll voting 'yes'; Esseks, Gaylor Baird and Cornelius voting 'no').

FINDINGS OF FACT:

1. This planned unit development was originally approved by the Planning Commission at the same time as the associated Annexation No. 07005; however, the PUD was subsequently revised prior to being scheduled on the City Council agenda. This Factsheet is based upon the revised PUD heard by the Planning Commission on October 8, 2008. The overall PUD covers approximately 233.36 acres, more or less, and includes up to 448 dwelling units, 1,500,000 sq. ft. of commercial, office and industrial floor area, and hotels and motels up to 200 rooms, with variances to design standards and yards and height, etc., as identified in the attached Development Plan (p.31-48).

2. The staff recommendation of conditional approval is based upon the "Analysis" as set forth on p.6-8, concluding that the proposal is in conformance with the Comprehensive Plan, subject to the conditions of approval. The associated Comprehensive Plan Amendment No. 07003 heard by the Planning Commission in conjunction with this proposal is no longer necessary because the draft 2040 Comprehensive Plan to be adopted by the City Council and County Board in October, 2011, reflects this proposed PUD. The staff presentation is found on p.13-15.

3. Testimony by the applicant is found on p.15-16, including a request to delete Condition #4.1.15 in order to allow a right-in/right-out on N.W. 48th Street. The record also consists of a letter in support from the Arnold Heights Neighborhood Association (p.49).

4. There was no testimony in opposition; however, the record consists of one letter in opposition (p.50).

5. On October 8, 2008, the majority of the Planning Commission agreed with the staff recommendation and voted 6-3 to recommend conditional approval, with amendment deleting Condition #4.1.15. Commissioners Esseks, Gaylor Baird and Cornelius dissented, being opposed to allowing the right-in/right-out on N.W. 48th Street.

6. The applicant is now requesting that the City Council approve Phase I of the PUD, which permits up to 6 dwelling units and 42,000 sq. ft. of commercial and office floor area on approximately 7.72 acres, more or less (See p.19), recognizing that the overall PUD may be approved by the City Council in separate phases without additional review by the Planning Commission, provided each phase is in general conformance with the overall Development Plan. If a future phase is not in general conformance with the following Development Plan, additional review and public hearing by the Planning Commission will be required prior to City Council action (See p.32).

7. **Note**: City Council Chair, Eugene Carroll, voted on this proposal as a Planning Commission member.

FACTSHEET PREPARED BY: Jean L. Preister — **DATE**: September 19, 2011
REVIEWED BY: _____ — **DATE**: September 19, 2011
REFERENCE NUMBER: FS\CC\2011\CZ07063+ PUD

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for OCTOBER 8, 2008 PLANNING COMMISSION MEETING
****REVISED****

****As Revised and Recommended for Conditional Approval**
By Planning Commission: October 8, 2008**

PROJECT #: Change of Zone No.07063 I-80 West Lincoln Business Center Planned Unit Development (PUD)

PROPOSAL: To amend the PUD that had public hearing before the Planning Commission on February 13, 2008 by changing the Residential Transition area to Neighborhood Business and a change of zone from AG to R-3 PUD and I-3 PUD for approximately 1.5 million square feet of office, commercial and industrial floor area; hotels and motels up to 200 rooms and up to 448 dwelling units and modifications as stated in the development plan.

LOCATION: North of Interstate 80 and west of NW 48th St.

LAND AREA: 233.36 acres, more or less

EXISTING ZONING: AG, Agricultural

WAIVER /MODIFICATION REQUEST:

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. Block length for NW 50th St. and NW 56th St.

3. Lots having frontage and access to a public or private street.

CONCLUSION: This application will be in conformance with the Comprehensive Plan with approval of Comprehensive Plan Amendment #07003 and the conditions of approval. The applicant must enter into an annexation agreement with the City. The City and applicant agreed that Comprehensive Plan Amendment 07003 to the 2030 Comprehensive Plan was no longer necessary. The draft 2040 Comprehensive Plan (which should be adopted in the next month or so) reflects the I-80 West Lincoln Business Center plan as proposed, so CPA 07003 is no longer necessary. **(**As revised by staff on 9/15/11 for Factsheets for Council hearing**)**

RECOMMENDATION:		
Change of Zone PUD		Conditional Approval
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.	Approval
2.	Block length	Approval
3.	Lots having frontage and access to a public or private street.	Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION: see attached

EXISTING LAND USE: Agricultural

SURROUNDING LAND USE AND ZONING:

North:	R-3, Residential	Single-family and attached single family
South:	H-1, Interstate Commercial H-4, General Commercial	Shoemakers truck stop
East:	AG, Agricultural	Undeveloped
West:	AG, Agricultural	Undeveloped

ASSOCIATED APPLICATIONS:
Annexation No. 07005
~~Comprehensive Plan Amendment #07003.~~ The City and applicant agreed that Comprehensive Plan Amendment 07003 to the 2030 Comprehensive Plan was no longer necessary. The draft 2040 Comprehensive Plan (which should be adopted in the next month or so) reflects the I-80 West Lincoln Business Center plan as proposed, so CPA 07003 is no longer necessary. **(**As revised by staff on 9/15/11 for Council Factsheet**)**

HISTORY:

May 5, 2008	At the northeast corner of NW 48th St. and W. Holdrege St., Hub Hall Commercial Center PUD for 70,000 sf of commercial floor area was approved by the City Council.
January 31, 2005	Airport West Subarea Plan was adopted by the City Council

COMPREHENSIVE PLAN SPECIFICATIONS:
The Land Use Plan in the 2030 Comprehensive Plan identifies this area as industrial, commercial and urban residential.(p.18)

The subject area is in Tier One Priority A & B. (p.21)

Overall Guiding Principles for Business and Commerce: (p. 35)
Commercial and industrial districts in Lancaster County shall be located:
• within the City of Lincoln or incorporated villages

• outside of saline wetlands, signature habitat areas, native prairie and floodplain areas (except for areas of existing commercial and industrial zoning)
• where urban services and infrastructure are available or planned for in the near term
• in sites supported by adequate road capacity – commercial development should be linked to the implementation of the transportation plan
• in areas compatible with existing or planned residential uses
• in areas accessible by various modes of transportation (i.e. automobile, transit and pedestrian)
• so that they enhance entryways or public way corridors, when developing adjacent to these corridors
• in a manner that supports the creation and maintenance of green space as indicated in the environmental resources section of this Plan.

New or established commercial uses should not encroach upon, or expand into, existing neighborhoods. (p.36)

HIGHWAY ORIENTED COMMERCIAL AREAS (H) (p. 47)

Center Size
These commercial areas will range in size considerably depending on market potential and land availability.

Description
These centers are primarily oriented to the highway traveler and highway oriented distribution, warehouse and light manufacturing companies. They may include a variety of retail and service uses, including big box retail stores that have a regional draw or serve "community" center needs, restaurants, motel/hotels, gas stations, truck stops.

Since they are along entryways into the community, they should have landscaping and design standards. The highway oriented commercial areas identified in the Plan are not surrounded by large residential areas, so they are not typical locations for large discount and grocery stores or other types of anchors which serve local markets. However, these stores may be able to attract additional support from the population in rural areas and smaller towns in the region, along with the possibility of large specialty or destination stores such as sporting goods and furniture stores, which have the ability to attract consumers
from one hundred miles and beyond.

Locations
Centers are existing, underway or planned in the vicinity of the :
West O Street Corridor
North 56th & I-80
South Beltway and S. 27th Street

Planning for future multi-use trails should be guided by the goal of having a multi-use trail within one mile of all residences in the city. (p.95)

Annexation policy: (p.154)

- Land which is remote from the limits of the City of Lincoln will not be annexed; land which is contiguous and generally urban in character may be annexed; and land which is engulfed by the City should be annexed.

- Annexation generally implies the opportunity to access all City services. Voluntary annexation agreements may limit or otherwise outline the phasing, timing or installation of utility services (i.e., water, sanitary sewer) and may include specific or general plans for the private financing of improvements to the infrastructure supporting or contributing to the land uses in the annexed area.

- Plans for the provision of services within the areas considered for annexation should be carefully coordinated with the Capital Improvements Program of the city and the county.

The following citations are from the Airport West Subarea Plan:

The vision for the subarea plan is to: (p.6)

- Provide for Future Industrial/Employment centers: clarify and refine areas designated for commercial and industrial uses.

- Efficient Use of Transportation Network: land use decisions must consider the impacts on the transportation network. NW 48th St. is not just a road used by local residents, it is an arterial street that serves the whole community and region. The traffic flow capacity of this corridor should not be overloaded.

- Provide Effective Land Use Transition: identifies appropriate transitions from commercial to residential land uses. Within commercial areas, office and lower intensity commercial uses along with appropriate buffer areas should be developed as a transition to adjacent residential areas.

The Airport West Subarea Plan identifies this area as Commercial, Industrial and Urban Residential. (p.9)

UTILITIES: An existing 12" sanitary sewer main terminates just north of Interstate 80. The 2007-2013 Capital Improvement Program identifies the extension of the trunk sewer to W. Holdrege St. in 2009/2010.

There is an existing 16" water main in NW 48th St. The 2007-2013 Capital Improvement Program identifies the construction of water mains in 2012 for NW 56th St. from West "O" St. to W. Partridge St. and in W. Holdrege St. from NW 56th St. to NW 48th St.

PARKS & TRAILS: The Trails Facilities Plan in the 2030 Comprehensive Plan shows a trail on NW 56th St. north of W. Holdrege St., on W. Holdrege St. and along NW 48th St. south of W. Holdrege St. The trail on NW 48th St. is not finalized and the location is subject to change.

TRAFFIC ANALYSIS:

NW 48th St.

The 2030 Comprehensive Plan identifies NW 48th St. as a principal arterial and is shown as a proposed project for 4 lanes plus turn lanes. The applicant's traffic study shows improvements to NW 48th St. at 2030 full-build out as a four- lane divided facility from West "O" St. to W. Table Rock Rd. The traffic study also shows dual left turn lanes at W. Opportunity Dr. Although the applicant's traffic study shows NW 48th St. as four lanes, it only accounts for their own development and does not take into consideration additional development on the east side of NW 48th St.

The associated comprehensive plan amendment is proposing that NW 48th St. be 6 lanes plus turn lanes with right-of-way of 70 to 80 feet from centerline.

NW 56th St.
and W. Holdrege St.

The 2030 Comprehensive Plan identifies NW 56th St. and W. Holdrege St. as minor arterials and are shown as 2 lanes plus turn lanes. The applicant's traffic study shows improvements to NW 56th St., from West "O" St. to the north boundary of this development and W. Holdrege St. at 2030 full-build out as a 3-lane facility.

Interstate 80

The interchange of Interstate 80 and NW 48th St. is scheduled for reconstruction in fiscal year 2013, but may be pushed back to fiscal year 2015. The design will include an I-80 bridge span over NW 48th St. that is long enough to accommodate a 6 lane road. The traffic study

shows dual right turn lanes from west bound I-80 to northbound NW 48th St. in 2010 or when Phase 1 has been completed.

The applicant's traffic study projects over 33,000 daily trips at full build-out. This will require extensive traffic improvements to NW 48th, NW 56th and W. Holdrege streets. Staff has discussed with the applicant the staging of interim and permanent improvements to NW 48th St. based on the development generating specified traffic levels, plus incremental paving of Holdrege and NW 56th Streets. The staging of improvements will be part of the annexation agreement.

PUBLIC SERVICE: The nearest elementary school is Arnold, currently located at 5300 W. Knight Dr. A new Arnold elementary school at NW 48th St. and West Cuming St. is scheduled to open in fall of 2009 and will replace the existing Arnold school.

The nearest fire station is Station #11 located at the Lincoln airport.

AESTHETIC CONSIDERATIONS: The appearance of office, commercial and industrial buildings and signs from Interstate 80.

ANALYSIS:

1. This application is for a change of zone from AG, Agricultural to R-3 PUD and I-3 PUD for approximately 1.5 million square feet of office, commercial and industrial floor area; hotels and motels up to 200 rooms and up to 448 dwelling units and modifications as stated in the development plan.

2. The aggregate for all retail, restaurant, bank, consumer and business service (excluding office, hotels and motels) uses permitted within the Highway Commercial and Industrial Areas shall not exceed 425,000 square feet, of which a maximum of 200,000 square feet may be located within the Industrial Area. Travel services and other potential commercial uses are appropriate along the NW 48th frontage, but large tracts of land west of the highway commercial uses should be set aside for large scale "primary employment" uses that desire the accessibility of a nearby interstate interchange. The purpose of capping the retail/service floor area is to ensure that these large tracts are available, as well as to balance land use with the practical traffic capacity that can be achieved at this location.

3. The area north of W. Holdrege St. is proposed as R-3 PUD. A 13 acre parcel located northwest of NW 48th St. & W. Holdrege St., within the R-3 PUD, will allow uses similar to the B-2, Planned Neighborhood Business district. This area is designated "Neighborhood Business Area". The Neighborhood Business Area shall have no more than 70,000 sf of commercial uses on approximately 13 acres and have a total daily trip count of 4,400. The residential area (approximately 50 acres) is shown for single-family and attached single-family dwellings (see development plan). The lot layout shown for the residential area is conceptual and subject to change.

4. The proposed Neighborhood Business Area is consistent with the recently approved 70,000 sf commercial center at the northeast corner of NW 48th St. and W. Holdrege St.

5. The revised site plan shows a right-in/right-out on to NW 48th St. between Gary Gately St. and W. Holdrege St. Public Works opposes the right-in/right-out connection to NW 48th St. Public Works has concerns with traffic flow on NW 48th St. if this access is approved.

6. The area south of W. Holdrege St. is proposed as I-3 PUD. The I-3 PUD area is divided into Highway Commercial and Industrial areas. The highway commercial area (approximately 62 acres) fronts NW 48th St., W. Holdrege St. and I-80. The industrial area (approximately 82 acres) is to the west and north of the highway commercial area. The highway commercial area uses and standards will be similar to the H-3 zoning district and the industrial area similar to the I-3 zoning district. (see development plan).

7. A blight study has been conducted for this area. The blight study is scheduled for public hearing on the January 30, 2008 Planning Commission. The approval of the blight study is the first step in allowing the potential for Tax Increment Financing (TIF). TIF may encourage primary employers to locate in this area.

8. The Lincoln-Lancaster County Health Department(LLCHD) has concerns of noise from the commercial/industrial adjacent residential. The LLCHD advises against locating loading docks, trash compactors, etc. adjacent to residential. The LLCHD also has concerns with potential industrial uses located south of W. Holdrege St. due to the proximity to the residential located north of W. Holdrege St. The development plan states that any use that has EPA designated RMP (Risk Management Program) uses shall be prohibited within two hundred (200) feet of the south right-of-way line of W. Holdrege St.

9. The Public Works and Utilities Department does not support the right-in/right-out access at NW 56th St. just south of W. Holdrege St. This access point may be supported in the future when a more detailed plan, with a street pattern, is submitted for the industrial area.

10. Public Works Watershed Management notes that detention cannot be determined because no drainage calculations were submitted with this application. This is typical with a PUD where detailed plans are submitted with future administrative amendments.

11. The Lincoln Airport Authority notes that this development is within the Airport Environs Noise District and is subject to an avigation and noise easement. A portion of the development is above an elevation of 1248 feet and will be required to go through the height permitting process to ensure it does not exceed allowable structure heights.

12. The amount and type of signs at this location was a major concern. This PUD prohibits billboards and limits the number of pole signs to 13 along NW 48th St., 13 along NW 56th St and 5 along Interstate 80. This results in an average spacing of every 200 feet, but a minimum spacing of 50 feet is required. In contrast, the H-3 zoning district allows pole signs every 50 feet. Pole signs are prohibited along W. Holdrege St. However, eleven ground signs are allowed along W. Holdrege St.

13. Associated with this application is an amendment to the Comprehensive Plan. The proposed amendment is to change the designation of all property currently shown as Tier One Priority “B” to Tier One Priority “A” and change the land use plan and Airport West Subarea Plan to expand the commercial and industrial designations.

14. The applicant is proposing that the Planning Commission approve a change of zone and annexation for the entire 233+ acres, but only a portion to proceed immediately to the City Council for final approval. The purpose of this is to phase in the annexation and not have to go back through public hearing at Planning Commission for every phase. Further phases will go directly to City Council for approval of the annexation and change of zone if generally the as recommended by the Planning Commission. Substantial changes would be considered by the Planning Commission as a new application.

15. *Just prior to preparing this report Planning staff met with the owner of the 24 acre tract at the very northwest corner of NW 48th and I-80, which abuts the proposed PUD on its west and north property lines. A major concern is access to NW 48th St from his property. There is an existing shared access easement on to NW 48th St. between the two properties. The Nebraska Department of Roads (NDOR) has indicated that this easement most likely will be removed with the new interchange, but there has been no final decision. He indicated that he was not pleased with the proposed PUD showing this access to be eliminated, with the access to his property modified to an internal road in the PUD and access to NW 48th St. a quarter-mile further to the north. If the access easement is removed, this owner would like an access closer to his property. Without a clear commitment from NDOR, or an agreement between the two abutting owners on access that meets both their needs and satisfies NDOR and Public Works, it may be prudent for the Planning Commission to delay action on the PUD.*

CHANGE OF ZONE CONDITIONS OF APPROVAL:

Site Specific Conditions:

1. This approval permits up to 448 dwelling units, 1,500,000 sq. ft. of commercial, office and industrial floor area, hotels and motels up to 200 rooms, variances to design standards and yards and height etc as identified in the development plan, and provides for the construction of infrastructure improvements shown on the site plan for the project as a whole. This approval further recognizes that subareas or components of the project may be approved by the City Council and developed in separate phases which do not necessitate construction of required infrastructure improvements and may allow the use of temporary improvements without additional review by the Planning Commission provided each phase is in general conformance with the project as a whole.

   The portion of the entire PUD being introduced on 9/26/11 and requested for approval by the City Council includes the change of zone from AG Agricultural District to R-3 Residential PUD, on approximately 7.72 acres, more or less, generally located at N.W. 48th Street and West Holdrege Street; for a Planned Unit Development designation of said property; and for approval of a development plan which proposes waivers and modifications to the Zoning Ordinance and Land Subdivision Ordinance to allow approximately 42,000 square feet of office and commercial floor area and 6 dwelling units on the underlying R-3 zoned area.

2. The City Council approves associated request:

   2.1 ~~Amendment of Comprehensive Plan~~ Annexation No. 07005

2.2 A modification to the requirements of the land subdivision ordinance to permit block length in excess of 1,320 feet, lots without frontage and access to a public or private street and to allow details of a preliminary plat to be approved by administrative amendment prior to final plat approval.

3. Final plat(s) is/are 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.

Permittee agrees:

to complete the street paving of public streets**,** and temporary turnarounds and barricades located at the temporary dead-end of the streets shown on the final plat within two (2) years following the approval of the final plat.

to complete the installation of sidewalks along both sides of the streets as shown on the final plat within four (4) 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 enclosed private 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 land preparation including storm water detention/retention facilities and open

drainageway improvements to serve this plat prior to the installation of utilities and improvements but not more than two (2) years following the approval of the final plat

to complete the installation of public street lights along streets within this plat within two (2) years following the approval of the final plat.

to complete the planting of the street trees along streets within this plat within four (4) years following the approval of the final plat.

to complete the installation of the street name signs within two (2) years following the approval of the final plat.

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

to complete any other public or private improvement or facility required by Chapter 26.23 (Development Standards) of the Land Subdivision Ordinance in a timely manner 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 submit to the lot buyers and home builders a copy of the soil analysis.

to relinquish the right of direct vehicular access to NW 48th St., NW 56th St. and W. Holdrege St. from lots abutting said streets except as shown.

to inform all prospective purchasers and users that the land is located within the Airport Environs Noise District, that the land is subject to an avigation and noise easement granted to Lincoln Airport Authority, and that the land is potentially subject to aircraft noise levels which may affect users of the property and interfere with its use.

General Conditions:

4. Upon approval of the planned unit development by the City Council, 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 before a final plat is approved:

4.1 Revise the plan as follows:

4.1.1 Delete Notes 6,7 & 17. They are not necessary.

4.1.2 Delete “private roadways” in Note 8. No private roadways are shown.

4.1.3 Correct the overlapping text on Note 11.

4.1.4 Add to the list of waivers block length and lots not fronting on to a public or private street.

4.1.5 Add a land use table showing proposed uses and floor area.

4.1.6 Add the following note, “The aggregate for all retail, restaurant, bank, consumer and business service (excluding office, hotels and motels) uses permitted within the Highway Commercial and Industrial areas shall not exceed 425,000 square feet, of which a maximum of 200,000 square feet may be located within the industrial area.”

4.1.7 Make corrections per Public Works memo of January 3, 2008.

4.1.8 Correct the legal description per Lancaster County Engineering Department.

4.1.9 Add a note stating “The grant of an avigation and noise easement to the Lincoln Airport Authority is a condition of approval as all or part of the land is located within the Airport Environs Noise District and potentially subjects the land to aircraft noise levels which may affect users of the property and interfere with its use.”

4.1.10 Add blanket utility easements, excluding building envelopes, over the entire development per LES memo of January 2, 2008.

4.1.11 Add the prefix “NW” to Gatlin Dr.

4.1.12 Change the name of W. Table Rock Rd. to W. Gary Gately St. or request a waiver to Section 26. 23.110(a).

4.1.13 Show a 36" proposed water main on NW 56th St.

4.1.14 Show 70' to 80' of right-of-way along NW 48th St.

~~4.1.15 Remove the right-in/right-out on to NW 48th St. between Gary Gatley St. and W. Holdrege St.~~ **(**Per Planning Commission on vote of 6-3: 10/08/08**)**

4.2 Provide documentation from the Register of Deeds that the letter of acceptance as required by the approval of the PUD has been recorded.

4.3 The construction plans comply with the approved plans.

4.4 Final plat(s) is/are approved by the City.

Standard Conditions:

5. The following conditions are applicable to all requests:

5.1 Before occupying the dwelling units/buildings all development and construction is to comply with the approved plans.

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

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

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

5.5 The applicant 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.

Prepared by:

Tom Cajka
Planner

DATE: September 24, 2008 **(Revised on 9/15/11 for Council Factsheet)**

APPLICANT: Ringneck Development
11904 Arbor St. Suite 200
Omaha, NE 68144

OWNER: same as applicant

CONTACT: DaNay Kalkowski
Seacrest & Kalkowski
1111 Lincoln Mall, Suite 350
Lincoln, NE 68508

CHANGE OF ZONE NO. 07063 (REVISED)
I-80 WEST LINCOLN BUSINESS CENTER
PLANNED UNIT DEVELOPMENT

PUBLIC HEARING BEFORE PLANNING COMMISSION: October 8, 2008

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

Ex Parte Communications: None.

Staff recommendation: Conditional approval.

Staff presentation: **Tom Cajka of Planning staff** submitted a letter from Jeannette Fangmeyer, 5401 Wilkins Circle, in opposition.

Cajka also submitted a letter in support from the Arnold Heights Neighborhood Association. Their only concern is with additional traffic, but there is a trip cap on this proposal and the neighborhood association wants to make sure that the trip cap remains in the development plan.

Cajka advised that this application changes the previously approved PUD which came before the Planning Commission in February of 2008. The reason this is back before the Planning Commission is that the applicant has submitted what staff believes to be a substantial change from what the Planning Commission previously reviewed and approved. The only change is that the residential transition area previously approved is now being requested to be a neighborhood business area. The residential transition area was based on uses allowed in the R-T district of the zoning code, such as office, financial institution, church, etc. It was also allowed to have restaurants and multi-family residential. There was a building footprint cap of 12,000 sq. ft. with no trip caps in the R-T area.

The revised and proposed neighborhood business area would allow uses the same as in the B-2 zoning district, which allows more retail type uses, i.e. fast food restaurants, drive-thru banks, garden center, service station, laundromat, etc. The staff has agreed with the applicant to a cap of 70,000 sq. ft. of commercial space within this area and total daily trip count not to exceed 4,400. These numbers are taken from what was recently approved across the street to the east in the Hub Hall development. Staff is recommending approval of this revision due to the approval of the Hub Hall development across the street to the east.

The applicant is also requesting a right-in/right-out onto N.W. 48th, to which the staff objects.

Esseks referred to Analysis #8 in the staff report where Health Department has related some concerns about placing commercial/industrial uses adjacent to residential, specifically loading docks, trash compactors, etc. Is there anything in the site plan indicating that the applicants will act upon this concern? Cajka explained that this issue is not involved in the change being requested today, and no conditions were previously added on this issue. There is 200' from the nearest

residential and the applicant did agree to prohibit any type of risk management program uses – more dangerous type of chemicals – to be used or located any closer than 200' to the south right-of-way line of Holdrege.

Esseks asked Cajka to define what staff believes constitutes a “substantial” change. Cajka explained that a change in use (commercial versus residential) constitutes a substantial change. Another example would be addition to industrial (more intense commercial). An example of a revision not considered to be substantial would be changing single family to townhouses/duplexes.

Gaylor Baird observed that across the street we now have more intensive commercial uses and now in this site more commercial uses. Isn’t this change a bigger impact at this intersection as opposed to less of an impact? Cajka stated that it is an intersection of two arterials like we have in lots of areas of the city that handle even more traffic than what is projected at this intersection. This area was previously approved for 60,000 sq. ft. This revision only adds 10,000 sq. ft. of commercial with a trip cap. The trip cap will limit the type of uses they can have. He believes the trip cap is the answer.

Gaylor Baird also recalled that staff opposed the Hub Hall development because staff thought this neighborhood was adequately served. What has changed? Why are we now okay with increasing commercial space in this area? Cajka pointed out that some of the dynamics changed once the Hub Hall development received approval from the City Council. It is a fairness issue. He does not believe it is an intense change. The residential transition area even had some commercial uses. It is staff’s finding that this change will not impact the neighborhood significantly.

With regard to the right-in/right-out being requested, Cajka advised that the Hub Hall development received approval of this access by the City Council over the objection of staff. The main difference we see is that Hub Hall did not have access to N.W. 48th without going through the neighborhood. Their only access would have been Holdrege. This development has other access points on three sides. Therefore, staff is opposed to the right-in/right-out onto N.W. 48th Street being proposed in this PUD.

Gaylor Baird inquired whether the principles used by staff to recommend denial of the Hub Hall development are now less important than consistency and fairness because that development was approved by the City Council. Cajka believes that one must consider the land use issue as an ongoing flowing pattern and when some things get approved over staff’s objection, it has to be taken into consideration when the next development comes forward.

Marvin Krout, Director of Planning, suggested that when the Council makes a decision, that decision has some value in setting precedence and how the City Council policy stance is with regard to weighing all the factors in the Comprehensive Plan. He agreed with Cajka that there is a need to weigh consistency and fairness. He also believes that the staff did indicate that approval of the Hub Hall development would likely result in a request by this developer for additional zoning, and that staff would have a hard time saying no if that request was consistent. He also believes that it is a case of consistency and fairness. He acknowledged that there is a policy that says that primarily we should be looking at identifying one area of commercial. But once that line has been broken and the City Council approves the zoning on one side of the street, the staff finds it difficult to justify enough reasons to restrict this side of the street, especially with the limitations to which this development will be held. Both developments are similar in terms of their access, visibility, and

appropriateness for commercial. The Planning Commission and City Council do have to be accountable for understanding that making decisions has some impact on future decisions. In this case, Krout believes it is appropriate to be fair and consistent.

Esseks believes there is another principle here. We were arguing about the issue of buffering residential areas from commercial and Mark Hunzeker came forward (in the Hub Hall development) with what looked like a site plan. He was going to put low intensity commercial uses, i.e. offices, right adjacent to the homes already on the other side. Do we have a site plan here? Or is it such that there will not be a gas station or drive-in right opposite the homes? Krout acknowledged that there is no site plan at this time; however, the developer is restricted by the traffic cap – the most intense commercial uses will be the ones generally wanting the most visibility from N.W. 48th Street.

Proponents

1. DaNay Kalkowski appeared on behalf of **Ringneck Development.** Back in February, this development received approval of the Planning Commission for a Comprehensive Plan amendment, change of zone and annexation for this entire PUD and showed 13 acres as residential transition at N.W. 48th and Holdrege, and that "residential transition" area was because of the discussions with the Planning Department. The R-T area was proposed with a cap of 60,000 sq. ft. of retail/office uses. There was a lot of discussion about what would happen on the east side and Planning had indicated they would be recommending denial.

So, here we are again because in May the City Council approved the B-2 PUD on the east side of the street. We are now requesting a change of the R-T area to be called a "business neighborhood" area, changing the underlying zoning pattern in the PUD Development Plan to B-2 language. The primary reason is one of fairness. It is not a substantial increase in square footage (10,000) but there is a cap on trips under this scenario that did not exist previously. This change gives the developer the flexibility to attract the same uses as they are trying to attract on the east side and does not put this developer at a disadvantage.

Kalkowski also observed that this site does not have a lot of neighbors yet, other than to the north. This commercial area will be separated from any residential uses by a road, and they are even considering incorporating some higher density residential uses with the commercial uses in this area. This will not be dissimilar to B-2 areas that we have all around the city with yards for single-family residential right across the street. It provides knowledge that there will be some residential uses.

Kalkowski submitted a motion to amend to remove Condition #4.1.15 to allow the right-in/right-out on N.W. 48th. The traffic study has been revised to show the increased square footage and the commercial uses on the east side with the right-turn lane and the study shows that the addition of a right turn lane into this site does not impact the level of service for N.W. 48th Street. This is a request for the same thing that was granted to the development on the east side of the street.

As far as communication with the neighborhood, Kalkowski advised that the developer did have a large neighborhood meeting back in February. When they submitted this amendment, a copy was sent to the neighborhood association and they asked what would be the best way to communicate with their members. They wrote an article in the neighborhood newsletter and the developer attended their neighborhood association meeting last night. Up until today, she has not received

any comments or questions from anyone. "This puts us on a level playing field with the property to the east."

Larson noted that the letter in opposition mentions that the developer refused to tell the ownership. Kalkowski did not understand that comment. Maybe she is referring to the first meeting. The ownership is Ringneck Development Company, although we did not name the individuals who are a part of Ringneck Development, LLC. Kalkowski does not believe that Ms. Fangmeyer asked any questions at the neighborhood meeting.

Esseks requested a site plan showing where the right-in/right-out on N.W. 48th will be located. Kalkowski stated that it is shown and has been drawn on the site plan to show that it works from a geometric standpoint with the length of the turn lane and the distance from Gary Gately and from Holdrege Street.

Gaylor Baird inquired why the zoning was good enough in February but is not good enough now. Kalkowski stated that, specifically, it is that the R-T allows office and some neighborhood retail uses, but in general a large retail is not allowed in R-T. By granting the B-2 on the east side of the street, it puts this development at a disadvantage when it comes to marketing the type of uses to attract this site. We didn't ask for B-2 previously because staff would not support it. When the City Council approved something for a land use on the other side of the street, that sort of set the tone for what is allowed and what may be permitted in this area. She urged that the same types of uses on the west side are appropriate.

There was no testimony in opposition.

<u>Staff questions</u>

Francis asked for clarification of the right-in/right-out granted in the Hub Hall development. Cajka confirmed that the Hub Hall development was granted a right-in/right-out on N.W. 48th with a deceleration lane. The Planning Commission voted not to grant that access and the City Council approved it.

Esseks asked staff to talk about the importance of distance between access roads going onto a major arterial. Chad Blahak of Public Works stated that Public Works recommended denial of the right-in/right-out in the Hub Hall development based on the fact that fewer connections to major streets result in less impact. N.W. 48th Street is not classified the same as other arterials such as Pine Lake Road on 40th Street, which is a "minor" arterial. N.W. 48th is considered a "principal" or "major" arterial akin in function to Highway 2, "O" Street, or 84th Street. That was the primary reason for a stronger recommendation of denial for the right-in/right-out. What weighed heavier on the City Council is the fact that Hub Hall Heights only had the one connection to W. Holdrege (a "collector" street) or through the residential neighborhood.

Blahak went on to state that the same holds true with N.W. 48th – we have two full access connections already flanking this proposed site. To be consistent with the policy of Public Works to try to minimize the amount of connections to major roadway facilities, we felt that there was definitely sufficient access to this site without this right-in/right-out.

Esseks asked staff to summarize the public safety benefits of having the amount of space between two access points. Blahak stated that whenever you add conflict points to an intersection or stretch

of roadway, you increase the likelihood of crashes. It is hard to quantify that but there are crash studies that we can show. The more conflict points you add, the more crashes are likely to occur on that stretch of roadway.

Response by the Applicant

Kalkowski stated that one of this development's full access movements is to Holdrege Street, which is the same as Hub Hall on the east side. This development has access to West Gary Gately to the north, but that is almost at a quarter mile. This area extends a lot further to the north than the Hub Hall development. She believes the right-in/right-out is appropriate and not inconsistent with additional accesses that have been granted in other areas. It has been modeled in the traffic study and it does not show a change in the level of service to N.W. 48th Street to add the right-in/right-out.

ACTION BY PLANNING COMMISSION: October 8, 2008

Larson moved approval, with conditions, with amendment to delete Condition #4.1.15, as requested by the applicant, seconded by Taylor.

Esseks commented that there is the principle here of trying to promote public safety by having quarter mile separations for access points on major arterials. We have to abide by what promotes good planning standards. The right-in/right-out across the street was not the Planning Commission's action. For us to be consistent, we need to say no. Here is a clear case of where we should say no in terms of public safety to avoid crashes.

Gaylor Baird stated that her concerns are big picture concerns, yet what Director Krout said about precedence has given her pause. This body has the flexibility to take applications on a case by case basis and to make exceptions to the ordinances. We need to really think about the fact that the decisions we make set a precedence that can be used in other applications. Yet, she is not sure it makes sense to go forth in a domino effect for consistency purposes. We need to think about what a vote today for this actually implies. She thinks it implies a lot less flexibility to make exceptions to the rules.

Taylor is in favor of the right-in/right-out. This area needs help commercially anyway. A quarter mile is four blocks – he believes for that area it is going to help them out. We want people to stop and shop in the area. We need to make it convenient for the uses intended.

Partington clarified that he was not present when the Hub Hall decision was made and he was hoping the staff and/or applicant could enlighten on the impact of not getting this right-in/right-out or the safety impact. Is it marginal or significant? Carroll apologized but advised Partington that the time to ask the staff or applicant additional questions has passed.

Cornelius observed for Partington that the applicant has indicated that they modeled the situation and it was negligible and the staff has indicated that this is a quantifiable change – adding conflict points increases the number of accidents – and we have guidance from the Comprehensive Plan.

Gaylor Baird recalled that a lot more discussion was focused on the amount of commercial use in this area and whether or not it was appropriate to increase it when the Hub Hall development was before the Commission. Mark Hunzeker urged us to make an exception in the Hub Hall case. Now it's back to us as predicted by staff – if we do it for one side of the street, it will need to be done for the other.

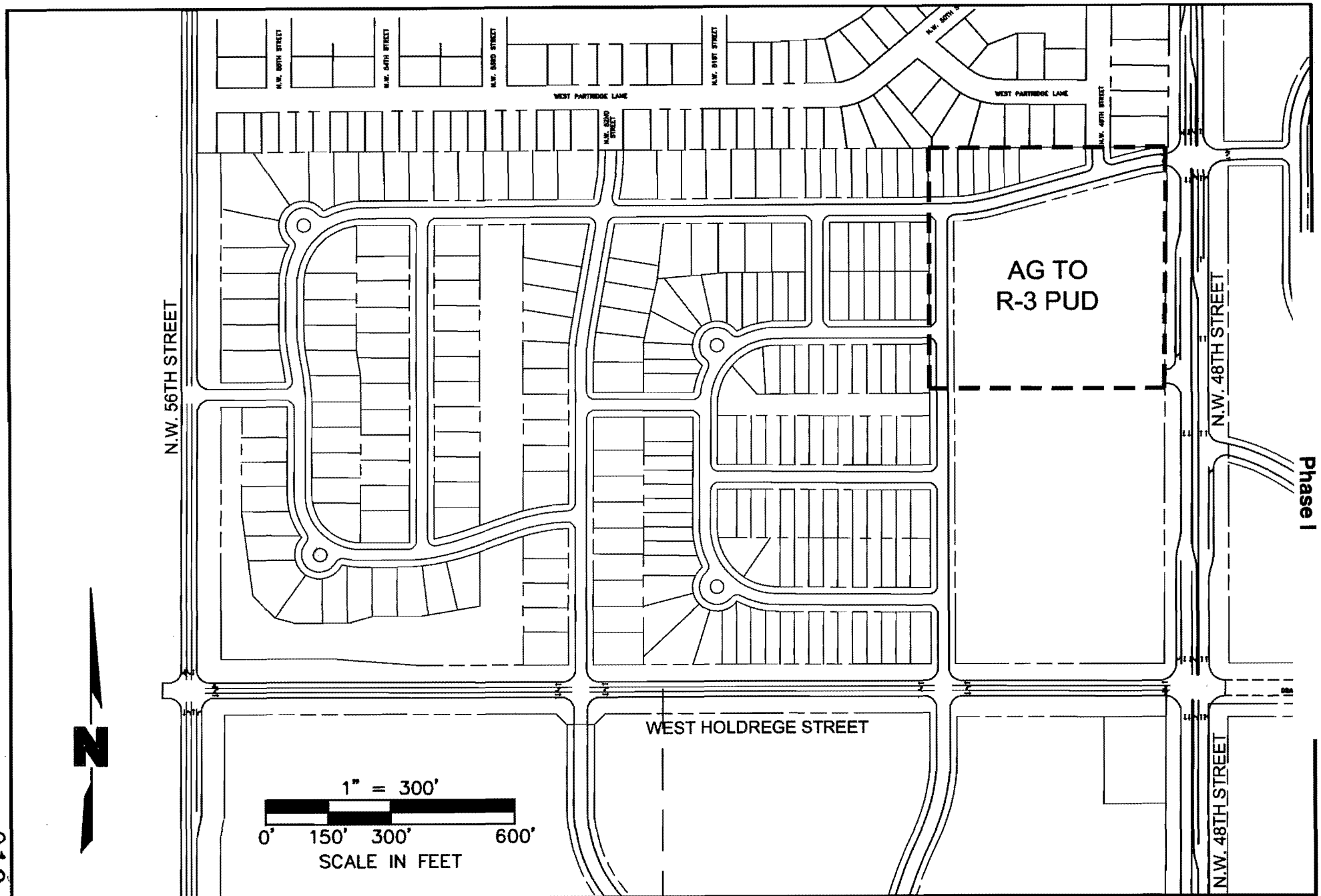
Sunderman is opposed to granting the right-in/right-out. Hub Hall had one entrance and exit onto W. Holdrege and nothing else other than through the neighborhood and that was the reason for the right-in/right-out. This development has access on three sides. He is comfortable with the B-2 zoning and he does not think it changes the impact on the neighborhood. It may allow the fast food restaurant which would have not been allowed with the R-T, but there would have to be a lowering of office space or whatever else to offset that.

Esseks asked for clarification of the Planning Commission vote on the right-in/right-out for the Hub Hall development. Carroll suggested that it doesn't matter because the City Council approved it and it's going to be there. Ray Hill of Planning staff advised that the Planning Commission did not recommend approval of the right-in/right-out for the Hub Hall development, but it was granted by the City Council.

Carroll agrees that the B-2 is appropriate with the trip cap of 4,400. Since the City Council approved the change of zone across the street, he thinks it should be balanced in terms of equality. He agrees that the right-in/right-out should be approved. With a quarter mile distance between entrances, he believes it is warranted since there is one across the street.

Gaylor Baird is concerned whether the right-in/right-out is good planning. Where does it stop? Is it our role to look down the road and make the bet that this will be passed at City Council? Or should we abide by the Comprehensive Plan? She thinks it should be denied now because the same principles are in place with the intense commercial uses and the traffic issues.

Motion for conditional approval, with amendment deleting Condition #4.1.15, which then allows the right-in/right-out on N.W. 48th Street, carried 6-3: Taylor, Partington, Sunderman, Francis, Larson and Carroll voting 'yes'; Esseks, Gaylor Baird and Cornelius voting 'no'. <u>This is a recommendation to the City Council.</u>



Planned Unit Development
Phase I

PROJECT NO: 006-2085	CHANGE OF ZONE	OLSSON ASSOCIATES	EXHIBIT
DRAWN BY: NKB		1111 Lincoln Mall, Suite 111 P.O. Box 84608 Lincoln, NE 68501-4608 TEL 402.474.6311 FAX 402.474.5160	D
DATE: 08.25.11			

019

LEGAL DESCRIPTION
ANNEXATION
AND
CHANGE OF ZONE

A LEGAL DESCRIPTION FOR A TRACT OF LAND COMPOSED OF A PORTION OF LOT 8 I.T. LOCATED IN THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 18, TOWNSHIP 10 NORTH, RANGE 6 EAST OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER; THENCE WESTERLY ALONG THE SOUTH LINE OF SAID SOUTHWEST QUARTER ON AN ASSUMED BEARING OF N89°54'57"W, A DISTANCE OF 107.11' TO A POINT; THENCE N00°05'03"E, A DISTANCE OF 33.00' TO THE SOUTHEAST CORNER OF SAID LOT 8 I.T., SAID POINT BEING ON THE NORTH RIGHT-OF-WAY LINE OF WEST HOLDREGE STREET AND A WEST RIGHT-OF-LINE OF NORTHWEST 48TH STREET, SAID POINT ALSO BEING 107.20' WEST OF THE EAST LINE OF SAID SOUTHWEST QUARTER; THENCE N00°23'02"E ALONG A EAST LINE OF SAID LOT 8 I.T., SAID LINE ALSO BEING A WEST RIGHT-OF-WAY LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 605.60' TO A POINT, SAID POINT BEING 105.70' WEST OF THE EAST LINE OF SAID SOUTHWEST QUARTER; THENCE N00°32'18"E ALONG A EAST LINE OF SAID LOT 8 I.T., SAID LINE ALSO BEING THE WEST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 95.61' TO **THE TRUE POINT OF BEGINNING**; THENCE N89°54'57"W, A DISTANCE OF 567.75' TO A POINT; THENCE N00°05'03"E, A DISTANCE OF 589.13' TO A POINT OF INTERSECTION WITH THE NORTH LINE OF SAID LOT 8 I.T., SAID LINE ALSO BEING THE NORTH LINE OF SAID SOUTHWEST QUARTER; THENCE N89°59'01"E ALONG THE NORTH LINE OF SAID LOT 8 I.T., SAID LINE ALSO BEING THE NORTH LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 572.42' TO THE NORTHEAST CORNER OF SAID LOT 8.T., SAID POINT BEING ON A WEST RIGHT-OF-WAY LINE OF NORTHWEST 48TH STREET, SAID POINT ALSO BEING 102.15' WEST OF THE EAST LINE OF SAID SOUTHWEST QUARTER; THENCE S00°32'18"W ALONG A EAST LINE OF SAID LOT 8 I.T., SAID LINE ALSO BEING A WEST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 590.15' TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA OF 336,138.52 SQUARE FEET OR 7.72 ACRES, MORE OR LESS.

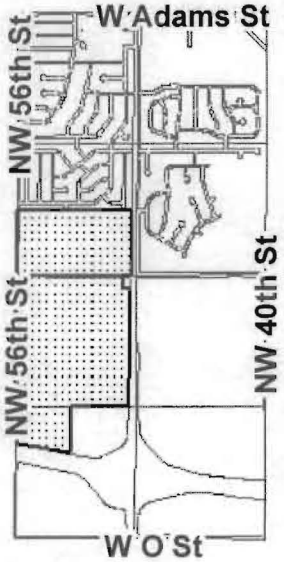
2005 aerial

Change of Zone # 07063
NW 48th St & I-80

ENTIRE PUD AREA APPROVED BY PLANNING COMMISSION ON 10/08/08

Two Square Miles
Sec. 18 T10N R6E
Sec. 19 T10N R6E

N 98thSt



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

N

Zoning Jurisdiction Lines

City Limit Jurisdiction

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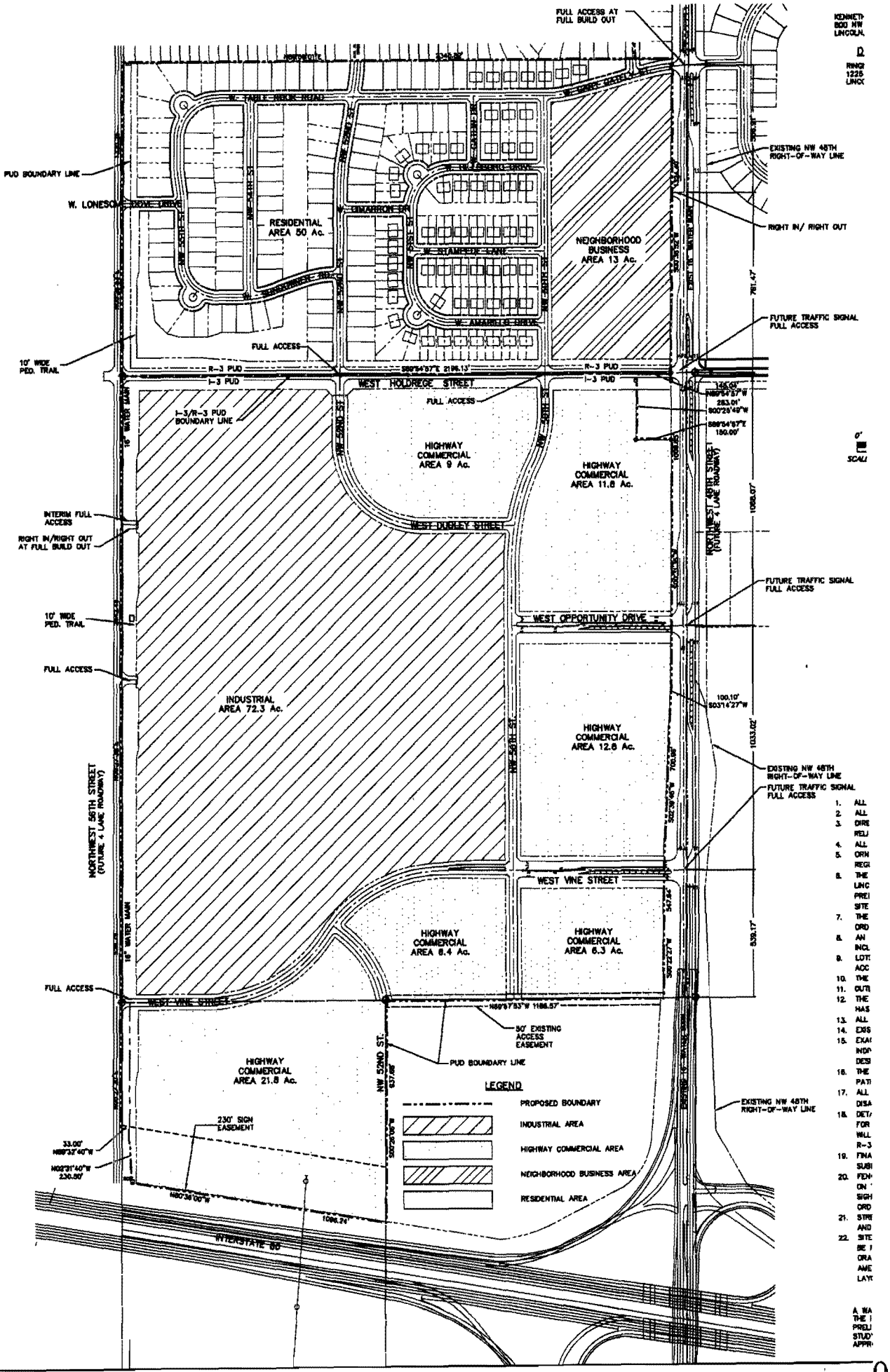

FULL ACCESS AT FULL BUILD OUT
EXISTING NW 48TH RIGHT-OF-WAY LINE
RIGHT IN/ RIGHT OUT
FUTURE TRAFFIC SIGNAL FULL ACCESS
PUD BOUNDARY LINE
W. LONESOME DOVE DRIVE
RESIDENTIAL AREA 50 Ac.
NEIGHBORHOOD BUSINESS AREA 13 Ac.
W. TRIPLE CREEK DRIVE
W. STAMPEDE LANE
W. AMARILLO DRIVE
10' WIDE PED. TRAIL
FULL ACCESS
R-3 PUD
I-3 PUD
WEST HOLDREGE STREET
I-3/R-3 PUD BOUNDARY LINE
HIGHWAY COMMERCIAL AREA 9 Ac.
HIGHWAY COMMERCIAL AREA 11.8 Ac.
INTERIM FULL ACCESS
RIGHT IN/RIGHT OUT AT FULL BUILD OUT
WEST DUDLEY STREET
NORTHWEST 48TH STREET (FUTURE 4 LANE ROADWAY)
WEST OPPORTUNITY DRIVE
INDUSTRIAL AREA 72.3 Ac.
HIGHWAY COMMERCIAL AREA 12.6 Ac.
NORTHWEST 56TH STREET (FUTURE 4 LANE ROADWAY)
WEST VINE STREET
HIGHWAY COMMERCIAL AREA 8.4 Ac.
HIGHWAY COMMERCIAL AREA 6.3 Ac.
HIGHWAY COMMERCIAL AREA 21.8 Ac.
NW 50ND ST.
50' EXISTING ACCESS EASEMENT
PUD BOUNDARY LINE
230' SIGN EASEMENT
LEGEND
PROPOSED BOUNDARY
INDUSTRIAL AREA
HIGHWAY COMMERCIAL AREA
NEIGHBORHOOD BUSINESS AREA
RESIDENTIAL AREA
INTERSTATE 80

SIGNAL

GENERAL SITE NOTES

1. ALL SANITARY SEWERS & WATER MAINS TO BE PUBLIC.
2. ALL DIMENSIONS ALONG CURVES ARE CHORD DISTANCES..
3. DIRECT VEHICULAR ACCESS TO NW 48TH STREET, NW 56TH STREET AND WEST HOLDREGE STREET IS RELINQUISHED EXCEPT AS SHOWN.
4. ALL ELEVATIONS ARE BASED ON NAVD 1988.
5. ORNAMENTAL LIGHTING ALONG ALL PUBLIC STREETS SHALL BE IN ACCORDANCE WITH L.E.S. REGULATIONS.
6. 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.
7. THE DEVELOPER AGREES TO COMPLY WITH PROVISIONS OF THE LAND SUBDIVISION ORDINANCE REGARDING LAND PREPARATION.
8. AN ASSOCIATION SHALL BE ESTABLISHED TO MAINTAIN ALL OPEN SPACE AREAS INCLUDING THE PRIVATE ROADWAYS, MEDIANS AND ROUNDABOUTS.
9. LOTS MAY BE CREATED WITHOUT FRONTAGE TO A PUBLIC STREET IF THEY ABUT A PUBLIC ACCESS EASEMENT.
10. THE SEPTIC SYSTEMS WILL BE ABANDONED TO THE SATISFACTION OF THE HEALTH DEPARTMENT.
11. OUTLOT AND BLOCK DIMENSIONS SHOWN ARE APPROXIMATE AND MAY VARY.
12. THE PROPOSED P.U.D. IS CURRENTLY ZONED AG. A CHANGE OF ZONE TO I-3 P.U.D. AND R-3 P.U.D. HAS BEEN SUBMITTED.
13. ALL STREET DIMENSIONS ARE TO BACK OF CURB.
14. EXISTING AND PROPOSED EASEMENTS TO BE IDENTIFIED AND SHOWN AT TIME OF FINAL PLATTING.
15. 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.
16. THE YARD SETBACKS REGULATES STRUCTURAL WALLS ONLY AND DOES NOT RESTRICT OVERHANGS, PATIOS, DOOR SWINGS, WINDOW SWINGS, ETC. FROM ENCROACHING INTO THE SETBACKS.
17. ALL DISABLED PARKING STALLS SHALL BE IN COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT, (FEDERAL REGISTER/VOL. 58, NO. 144/RULES AND REGULATIONS).
18. 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 I-80 WEST LINCOLN BUSINESS CENTER I-3 P.U.D. AND R-3 P.U.D. AND CITY OF LINCOLN STANDARDS.
19. FINAL SITE LAYOUT AND INDIVIDUAL LANDSCAPE PLANS FOR COMMERCIAL BUILDINGS TO BE SUBMITTED AT TIME OF BUILDING PERMIT.
20. 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.
21. STREET TREES TO BE REVIEWED AT TIME OF FINAL PLAT AND ASSIGNED BY PARKS AND RECREATION.
22. SITE LAYOUT IS CONCEPTUAL. ALL INFORMATION FOR A TYPICALLY REQUIRED PRELIMINARY PLAT MAY BE REQUIRED TO BE SUBMITTED INCLUDING STREET AND LOT LAYOUT, STREET CENTERLINE PROFILES, GRADING PLAN, DRAINAGE STUDY AND UTILITY PLAN TO BE APPROVED BY ADMINISTRATIVE AMENDMENT PRIOR TO FINAL PLAT APPROVAL, AND MAY RESULT IN MODIFICATIONS TO THE SITE LAYOUT.

WAVIER REQUEST

1. A WAIVER TO THE REQUIREMENT OF L.M.C. 27.60.030 THAT THE PUD DEVELOPMENT PLAN CONTAIN ALL OF THE INFORMATION REQUIRED OF A PRELIMINARY PLAT TO ALLOW THE DETAILS TYPICALLY SHOWN ON A PRELIMINARY PLAT (E.G. STREET AND LOT LAYOUT, STREET CENTERLINE PROFILES, GRADING PLAN, DRAINAGE STUDY AND UTILITY PLAN) TO BE APPROVED BY ADMINISTRATIVE AMENDMENT PRIOR TO FINAL PLAT APPROVAL.

I-3 PUD
LEGAL DESCRIPTION

A LEGAL DESCRIPTION FOR A TRACT OF LAND COMPOSED OF LOTS 23 I.T., 31 I.T., AND 33 I.T., AND THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 19, ALL LOCATED IN THE WEST HALF OF SECTION 19, TOWNSHIP 10 NORTH, RANGE 6 EAST OF THE 6TH P.M., CITY OF LINCOLN, LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE WEST HALF OF THE NORTHWEST QUARTER OF SAID SECTION 19, SAID POINT BEING **THE TRUE POINT OF BEGINNING,** THENCE EASTERLY ALONG THE NORTH LINE OF SAID WEST HALF THE NORTHWEST QUARTER OF SAID SECTION 19, AND THE NORTH LINE OF LOT 31 I.T., SAID LINE BEING THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 19 ON AN ASSUMED BEARING OF SOUTH 89 DEGREES 54 MINUTES 57 SECONDS EAST, A DISTANCE OF 2,196.13 FEET TO THE NORTHEAST CORNER OF SAID LOT 31 I.T., THENCE SOUTH 00 DEGREES 25 MINUTES 49 SECONDS WEST ALONG A EAST LINE OF SAID LOT 31 I.T., A DISTANCE OF 283.01 FEET TO A NORTH CORNER OF SAID LOT 31 I.T., THENCE SOUTH 89 DEGREES 54 MINUTES 57 SECONDS EAST ALONG A NORTH LINE OF SAID LOT 31 I.T., A DISTANCE OF 150.00 FEET TO A NORTHEAST CORNER OF SAID LOT 31 I.T., SAID POINT BEING ON THE WEST LINE OF NORTH WEST 48TH STREET RIGHT-OF-WAY, THENCE SOUTH 00 DEGREES 31 MINUTES 35 SECONDS WEST ALONG A EAST LINE OF SAID LOT 31 I.T., SAID LINE BEING A WEST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 1,009.65 FEET TO A POINT OF DEFLECTION, THENCE SOUTH 03 DEGREES 14 MINUTES 27 SECONDS WEST ALONG A EAST LINE OF SAID LOT 31 I.T., AND A EAST LINE OF LOT 33 I.T., SAID LINE BEING A WEST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 100.10 FEET TO A POINT OF DEFLECTION, THENCE SOUTH 02 DEGREES 39 MINUTES 46 SECONDS WEST ALONG A EAST LINE OF SAID LOT 33 I.T., SAID LINE BEING A WEST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 700.96 FEET TO A POINT OF DEFLECTION, THENCE SOUTH 00 DEGREES 22 MINUTES 27 SECONDS WEST ALONG A EAST LINE OF SAID LOT 33 I.T., SAID LINE BEING A WEST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 547.64 FEET TO THE SOUTHEAST CORNER OF SAID LOT 33 I.T., SAID POINT BEING ON THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 19, THENCE NORTH 89 DEGREES 57 MINUTES 53 SECONDS WEST ALONG THE SOUTH LINE OF SAID LOT 33 I.T., SAID LINE BEING THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 19, A DISTANCE OF 1,186.57 FEET TO SOUTHWEST CORNER OF SAID LOT 33 I.T., SAID POINT BEING THE NORTHEAST CORNER OF LOT 23 I.T., THENCE SOUTH 00 DEGREES 26 MINUTES 06 SECONDS WEST ALONG THE EAST LINE OF SAID LOT 23

I.T., A DISTANCE OF 937.68 FEET TO THE SOUTHEAST CORNER OF SAID LOT 23 I.T., SAID POINT BEING ON THE NORTH LINE OF INTERSTATE 80 RIGHT-OF-WAY, THENCE NORTH 80 DEGREES 36 MINUTES 00 SECONDS WEST ALONG THE SOUTH LINE OF SAID LOT 23 I.T., A DISTANCE OF 1,096.24 FEET TO THE SOUTHWEST CORNER OF SAID LOT 23 I.T., SAID POINT BEING ON THE EAST LINE OF NORTH WEST 56TH STREET RIGHT-OF-WAY, THENCE NORTH 02 DEGREES 31 MINUTES 40 SECONDS WEST ALONG A WEST LINE OF SAID LOT 23 I.T., SAID LINE BEING A EAST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 230.50 FEET TO SOUTH CORNER OF SAID LOT 23 I.T., THENCE NORTH 89 DEGREES 32 MINUTES 40 SECONDS WEST ALONG A SOUTH LINE OF SAID LOT 23 I.T., SAID LINE BEING A NORTH LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 33.00 FEET TO A SOUTHWEST CORNER OF SAID LOT 23 I.T., SAID POINT BEING ON THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 19, THENCE NORTH 00 DEGREES 27 MINUTES 20 SECONDS EAST ALONG A WEST LINE OF SAID LOT 23 I.T., SAID LINE BEING A WEST LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 528.78 FEET TO THE NORTHWEST CORNER OF SAID LOT 23 I.T., SAID POINT BEING THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 19, THENCE NORTH 00 DEGREES 27 MINUTES 38 SECONDS EAST ALONG THE WEST LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 2,642.48 FEET TO THE POINT OF BEGINNING. SAID TRACT CONTAINS A CALCULATED AREA OF 7,066,537.83 SQUARE FEET OR 162.22 ACRES, MORE OR LESS.

R-3 PUD
LEGAL DESCRIPTION

A LEGAL DESCRIPTION FOR A TRACT OF LAND COMPOSED OF LOT 8 I.T., AND THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER, ALL LOCATED IN THE SOUTHWEST QUARTER OF SECTION 18, TOWNSHIP 10 NORTH, RANGE 6 EAST OF THE 6TH P.M., CITY OF LINCOLN, LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 18, SAID POINT BEING **THE TRUE POINT OF BEGINNING,** THENCE NORTHERLY ALONG THE WEST LINE OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 18 ON AN ASSUMED BEARING OF NORTH 00 DEGREES 26 MINUTES 53 SECONDS EAST, A DISTANCE OF 1,320.25 FEET TO THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 18, THENCE NORTH 89 DEGREES 59 MINUTES 01 SECONDS EAST ALONG THE NORTH LINE OF SAID SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 18, AND THE NORTH LINE OF LOT 8 I.T., A DISTANCE OF 2,345.82 FEET TO THE NORTHEAST CORNER OF SAID LOT 8 I.T., SAID POINT BEING ON THE WEST LINE OF NORTH WEST 48TH STREET RIGHT-OF-WAY, THENCE SOUTH 00 DEGREES 38 MINUTES 52 SECONDS WEST ALONG THE EAST LINE OF SAID LOT 8 I.T., SAID LINE BEING A WEST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 1,324.40 FEET TO THE SOUTHEAST CORNER OF SAID LOT 8 I.T., SAID POINT BEING ON THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 18, THENCE NORTH 89 DEGREES 54 MINUTES 57 SECONDS WEST ALONG THE SOUTH LINE OF SAID LOT 8 I.T., AND THE SOUTH LINE OF SAID SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 18, A DISTANCE OF 2,341.17 FEET TO THE POINT OF BEGINNING. SAID TRACT CONTAINS A CALCULATED AREA OF 3,098,726.39 SQUARE FEET OR 71.14 ACRES, MORE OR LESS.

Memorandum

To: Tom Cajka, Planning Department

From: Chad Blahak, Public Works and Utilities
Dennis Bartels Public Works and Utilities

Subject: I-80 West Lincoln Business Center PUD cz07063 an07005

Date: September 24, 2008

cc: Randy Hoskins

Engineering Services has reviewed the submitted plans for the I-80 West Lincoln Business Center PUD, generally located west of NW 48th Street between West Holdrege Street and Interstate 80. Specific detailed plans meeting preliminary plat submittal requirements will need to be submitted and administratively approved prior to the approval of any final plats in this PUD. These plans must be in accordance with all design standards unless waived by this generic PUD. Development Services has the following comments about this generic PUD:

Sanitary Sewer
(1.1) The 12" trunk sewer shown extending from I-80 is an impact fee facility. The timing of its construction will need to be addressed in the annexation agreement.

Water Main
(2.1) All 12" water mains shown in the industrial area are not eligible for a subsidy and will be the full responsibility of the developer.

(2.2) The over sized water mains (30"+) in NW 48th, NW 56th, and Holdrege will need to be addressed in the annexation agreement.

Grading/Drainage
(3.1) No information was provided regarding proposed grading and drainage. Revisions to the site plan and street system may be required at such time that detailed grading and drainage information is submitted.

Streets/Paving
(4.1) The street system is satisfactory for a conceptual PUD. However, there is not enough information to determine design standard conformance for the street system in this PUD. If the applicant wishes to have the street system officially approved with this submittal the PUD will need to be resubmitted with the required detailed information.

(4.2) The proposed right in/right out access shown on NW 56th Street just south of Holdrege is not approved by Public Works. The site plan should be revised to not show the access.

(4.3) The traffic impact study needs to be revised to reflect the more intense uses proposed for the commercial area west of NW 48th Street between W. Gary Gately Drive and W. Holdrege Street. The recently approved commercial development on the northeast corner of NW 48th and Holdrege also needs to be accounted for in the revised traffic study.

(4.4) Internal access to the property located on the southwest corner of Holdrege and NW 48th Street will need to be approved by Public Works at such time that a more detailed site plan is submitted.

(4.5) Public Works approves the requested waiver of design standards for block length provided that additional City approval is required for specific locations shown on future detailed plans.

(4.6) The site plan needs to be revised to show at a minimum 250' left turn lanes and 250' right turn lanes for all intersections in NW 56th Street and West Holdrege Street. Actual turn lane lengths may be longer if shown in the final Traffic Impact Study.

(4.7) Public Works does not recommend approval of the proposed right in/right out connection between W. Gary Gately and W. Holdrege Street. The submittal letter references the Hub Hall Heights Commercial Center as justification for the proposed B-2 uses and for the this additional street connection. Public Works recommended denial of the right in/right out connection onto NW 48th for the Hub Hall Heights development based on future traffic characteristics for NW 48th Street. However, the access was approved based on the fact that the development had only one other access without having to pass through residential streets. The proposed B-2 area for this development already has access to two future full access intersections at NW 48th and Holdrege and at NW 48th and W. Gary Gately. This additional access is not justified and will further degrade traffic flow in NW 48th Street.

(4.8) The improvements to the I-80 and NW 48th Street interchange required to address capacity issues will need to be coordinated with the Nebraska Department of Roads.

(4.9) This conceptual plan does not represent all possible offsite improvements necessary for this development. An annexation agreement will be required to identify the offsite improvements that the developer will be responsible for. Phasing for the identified improvements will also need to be addressed in the agreement.

General – The complete preliminary plat information required for the entire PUD will be required prior to the approval of a final plat for any portion of this development.

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

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

September 10, 2008

HAND DELIVERY

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

RE: Amendment to Change of Zone No. 07063
I-80 West Lincoln Business Center Planned Unit Development

Dear Marvin:

On February 13, 2008, the Planning Commission approved Change of Zone No. 07063 I-80 West Lincoln Business Center Planned Unit Development ("PUD") and Annexation No. 07005 requested by Ringneck Development, LLC ("Ringneck"). The approved PUD contains a Residential Transition Area encompassing approximately 13 acres at the northwest corner of the intersection of NW 48th Street and Holdrege Street. The PUD imposes various restrictions on the amount of square footage, commercial uses and buildings located in the Residential Transition Area.

Subsequently, the Planning Commission and then the City Council approved Change of Zone No. 08010 B-2 Planned Neighborhood Business District for approximately 11 acres across the street at the northeast corner of the intersection of NW 48th Street and Holdrege Street ("B-2 PUD"). While the Planning Department recommended several restrictions to the B-2 PUD that would make it more in character with what was approved by the Planning Commission for the Residential Transition Area in the PUD, both the Planning Commission and City Council chose to implement less stringent restrictions.

Consequently, Ringneck is requesting an amendment to that portion of the PUD relating to the Residential Transition Area. The amendment would change the Residential Transition Area to a Neighborhood Business Area, substitute the B-2 regulations for the R-T regulations, and impose square footage and traffic restrictions similar to what was approved with the B-2 PUD across the street to the east. Ringneck believes this amendment will provide more parity between the properties.

Enclosed please find the following:

A. A copy of the revised Development Plan for I-80 West Lincoln Business Center I-3 and R-3 Planned Unit Development
B. 3 copies PUD Cover Sheet and Site Plan (Sheets 1-3);
C. 3 copies of PUD Street Profiles (Sheets 4 and 5); and
D. Re-advertisement fee of $150.

We appreciate your consideration of this amendment request. Please contact me or Todd Lorenz at Olsson Associates if you have any questions or require any additional information.

Very truly yours,

DANAY KALKOWSKI
For the Firm

Enclosures

cc: Ringneck Development, LLC
Arnold Heights Neighborhood Association

Exhibit "E"

I-80 West Lincoln Business Center

I-3 and R-3

Planned Unit Development

DEVELOPMENT

PLAN

I-80 and NW 48th Street

AUGUST 25, 2011

Change of Zone #07063
I-80 West Lincoln Business Center PUD

Phase I PUD Approval

This Phase I approval permits up to 6 dwelling units and 42,000 sq. ft. of commercial, office floor area in 7.72 acres in the Phase I area of the change of zone and annexation. Development in Phase I will be in general conformance with the following Development Plan which was developed for the overall I-80 West Lincoln Business Center Planned Unit Development.

The overall PUD will ultimately include up to 448 dwelling units, 1,500,000 sq. ft. of commercial, office and industrial floor area, and hotels and motels up to 200 rooms, with variances to design standards, yards and height, etc. as identified in the following Development Plan. This Phase I approval further recognizes that the overall PUD may be approved by the City Council in separate phases without additional review by the Planning Commission, provided each phase is in general conformance with the overall Development Plan. If a future phase is not in general conformance with the following Development Plan, additional review and public hearing by the Planning Commission will be required prior to City Council action.

Q:\PC\CZ\07000\cz07063 West Lincoln Business Center PUD Phase I.wpd

Introduction

I-80 West Lincoln Business Center I-3 and R-3 Planned Unit Development ("PUD") is located northwest of the intersection of Northwest 48th Street and Interstate 80. The PUD is intended to provide planned residential, office, retail, services, hotel and light industrial facilities as a mixed-use employment and commercial center in an attractive setting. The PUD is authorized and submitted as a planned unit development district pursuant to Chapter 27.60 of the Lincoln Municipal Code, as may be amended from time to time. The PUD includes four sub-areas:

- Residential Area
- Neighborhood Business Area
- Highway Commercial Area
- Industrial Area

The attached Site Map shows the property subject to the PUD ("Property") and the four sub-areas.

Development Plan

This Development Plan for the I-80 West Lincoln Business Center I-3 and R-3 PUD ("Development Plan") describes the regulatory land use provisions. The Development Plan is comprised of two parts: PUD Regulations and PUD Permit.

Part 1. PUD Regulations: Regulations of the R-3 Residential District, B-2 Planned Neighborhood Business District, H-3 Highway Commercial District, I-3 Employment Center District, and other regulatory chapters of the Lincoln Municipal Code ("L.M.C.") and corresponding City of Lincoln Design Standards ("Design Standards") shall apply to the Residential, Neighborhood Business, Highway Commercial and Industrial Areas shown on the Site Plan, unless specifically modified by this Development Plan (collectively "PUD Regulations"). The PUD Regulations have the following five sections:

1a. **Property PUD:** Regulations applicable for the entire Property comprising the I-80 West Lincoln Business Center I-3 and R-3 PUD;

1b. **Residential Area**: Regulations applicable to those portions of the Property marked Residential Area;

1c. **Neighborhood Business Area**: Regulations applicable to those portions of the Property marked Neighborhood Business Area;

1d. **Highway Commercial Area**: Regulations applicable to those portions of the Property marked Highway Commercial Area; and

1e. **Industrial Area**: Regulations applicable to those portions of the Property marked Industrial Area.

Part 2. PUD Permit: Architectural and engineering site maps and illustrations of the uses of the Property, including corresponding notes, shall apply to the Property ("PUD Permit").

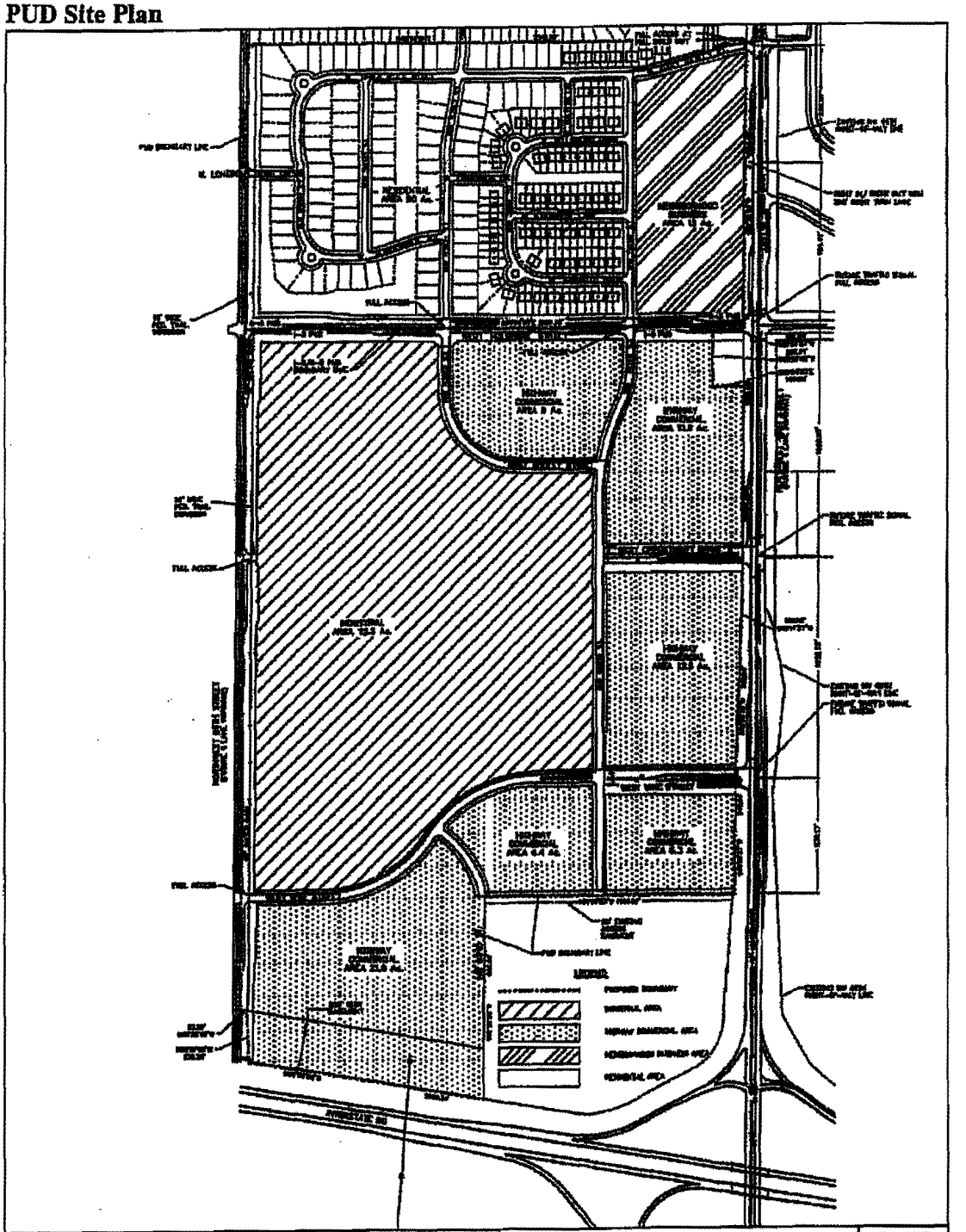
The Development Plan components modify the use limitations and regulations of the L.M.C. The Development Plan is designed to regulate buildings on private properties to shape the public realm and help create quality streets, open space and other public spaces.

I-80 West Lincoln Business Center I-3 and R-3 PUD

The I-80 West Lincoln Business Center I-3 and R-3 PUD is authorized and approved as a planned unit development district pursuant to Chapter 27.60 of the L.M.C., as may be amended from time to time. A separate use permit is not necessary or required to permit any use permit use. This I-80 West Lincoln Business Center I-3 and R-3 PUD will replace any required use permit under the L.M.C. and any applicable ordinances, regulations, codes, and design standards.

After approval of the I-80 West Lincoln Business Center I-3 and R-3 PUD, the City shall have the right to require additional information typically required for a preliminary plat including street and lot layout, street centerline profiles, grading plan, drainage study and utility plan to be approved by administrative amendment prior to final plat approval. Building permits, certificates of occupancy and final plats of the property will be issued or approved upon general compliance with the Development Plan as approved, or as amended. In circumstances where there are minor variations from the Development Plan, the Planning Director or his/her designee, shall review the proposal and determine if the proposal is in general conformance with the spirit and intent of the approved PUD. After the City Council has approved the PUD, the Planning Director is authorized to approve amendments to the Development Plan pursuant to L.M.C. §27.60.060. In circumstances where there are conflicts between the PUD Regulations and the PUD Permit, the PUD Permit shall control.

PUD Site Plan



PROJECT NO: 006-2085	I-80 WEST LINCOLN BUSINESS CENTER	OLSSON ASSOCIATES	EXHIBIT
DRAWN BY: NKB		1111 Lincoln Mall, Suite 111 P.O. Box 84608 Lincoln, NE 68501-4608 TEL 402.474.6311 FAX 402.474.5160	A
DATE: 08.25.11 - City Version			

Part 1a: Property PUD – General Regulations

These General Regulations are applicable for the entire Property comprising the I-80 West Lincoln Business Park I-3 and R-3 PUD. Should the terms of these General Regulations and the Area Regulations conflict, these General Regulations shall control.

(a) General Regulations. Any development, including building and open land uses, except farming and the sale of farm products, shall be prohibited on the Property prior to the approval of a PUD Permit in conformance with the requirements of this Development Plan.

(b) Use Regulations. The aggregate for all retail, restaurant, bank, consumer and business service (excluding office, hotels and motels) uses permitted within the Highway Commercial and Industrial Areas shall not exceed four hundred twenty-five thousand (425,000) square feet, of which a maximum of two hundred thousand (200,000) square feet may be located within the Industrial Area. The aggregate for all office, retail, restaurant, bank, consumer and business service uses permitted within the Neighborhood Business Area shall not exceed seventy thousand (70,000) square feet with a total daily trip count not to exceed 4,400.

(c) Sign Regulations. Signs within the I-80 West Lincoln Business Park I-3 and R-3 PUD shall be regulated in conformance with the provisions of Chapter 27.69, except as modified below:

(1) The definition of "On-Premises Sign" contained in **27.69.020 Definitions** is hereby deleted and replaced with the following:

> **ON-PREMISES SIGN** shall mean any sign which serves to advertise and/or identify a product, service, or activity conducted within the Highway Commercial or Industrial Areas, or identifies said Area or Areas or a use thereof.

(2) Notwithstanding the specific regulations applicable to the Highway Commercial and Industrial Areas listed below, the number of on-premises signs permitted along each street adjacent to the Highway Commercial and Industrial Areas shall not exceed the following:

> (a) Thirteen on-premises pole and/or ground signs along Northwest 48th Street, plus the one additional sign permitted in the Highway Commercial Area under Part 1a: (c)(5)(e) below;
>
> (b) Eleven on-premises ground signs along West Holdrege Street;

(c) Thirteen on-premises pole and/or ground signs along Northwest 56th Street; and

(d) Five on-premises pole and/or ground signs along Interstate 80.

(3) In the Residential Area the specific regulations found in 27.69 that are applicable to the R-3 Residential Zoning District or other specific use provisions shall apply.

(4) In the Neighborhood Business Area the specific regulations found in 27.69 that are applicable to the B-2 Planned Neighborhood Business District or other specific use provisions shall apply, except that no pole signs shall be allowed along Holdrege Street, NW 50th Street or W. Gary Gately Drive.

(5) In the Highway Commercial Area, the specific regulations are as follows:

(a) One on-premises pole sign or one on-premises ground sign per business per frontage is permitted, except that no pole signs shall be permitted along West Holdrege Street. Such signs shall be spaced a minimum of 50 feet apart along any street frontage. If such sign is located in a required front yard, it shall not exceed fifty square feet of area, and a pole sign shall have a maximum height of twenty-five feet, and a ground sign shall have a maximum height of eight feet. If such sign is located outside the required front yard, it may have a maximum area of 100 square feet and a maximum height of fifty feet.

(b) On-premises wall signs are permitted. The sign area of such wall signs per building facade shall not exceed thirty percent coverage of the wall face, or a total of 500 square feet, whichever is lesser. Any marquee sign shall not exceed three feet in height or the height or vertical thickness of the marquee, whichever is greater. One pedestrian marquee sign per entrance not exceeding one foot in height and six square feet in area is permitted.

(c) Where more than one business is located on the lot, the on-premises signs permitted in the required front yard, pursuant to (a) above may be combined. If the combined sign is located in a required front yard, it shall not exceed fifty square feet in area. If the combined sign is a pole sign, it shall have a maximum height of twenty-five feet, and if the combined sign is a ground sign, it shall have a maximum height of eight feet. If the combined sign is located outside the required front yard, it may have a maximum area of 150 square feet. If the combined sign is a pole sign, it shall be spaced a minimum of seventy-five feet from an adjoining premise. Any such combined sign shall be counted as one sign for purposes of Part 1a: (c)(2) above.

(d) In addition to the foregoing, within 660 feet of the designated interstate, the on-premises pole sign may be eighty feet in height and 360 square feet in area is permitted when such sign is within fifty feet radius of main buildings.

(e) One additional on-premises sign not exceeding 300 square feet in area may be located in the vicinity of the intersection of Northwest 48th Street and Opportunity Drive. Such sign must be set back from the front lot line at least one-half the distance of the front yard setback and may not exceed fifty feet in height.

(f) In lieu of the sign permitted in subsection (a) above, one on-premises projecting sign is permitted. Said projecting sign may project from a building a maximum of six feet six inches and may project into a required front yard, but it shall not extend above the roof line or top of a cornice wall. Such sign shall have a minimum ground clearance of eight feet above the walk or grade below and may project over the public right-of-way when the building is erected adjacent to the front property line. The maximum area of such sign shall be 100 square feet.

(6) In the Industrial Area, the specific regulations are as follows:

(a) On-premises wall signs and on-premises projecting signs are permitted. The total sign area of such signs shall not exceed an area equivalent to thirty percent of the wall face, or a total of 500 square feet, whichever is less. The projecting sign may project from a building a maximum of six feet six inches and may project into a required front yard, but it shall not project above the roof line or top of the cornice wall. Such sign shall have a maximum clearance of eight feet above the walk or grade below and may project over the public right-of-way when the building is erected adjacent to the front property line. Any marquee sign shall not exceed three feet in height or the height or vertical thickness of the marquee, whichever is greater.

(b) One pedestrian marquee sign per entrance not exceeding one foot in height and six square feet in area is allowed. Any other marquee sign shall not exceed three feet in height or the height or vertical thickness of the marquee, whichever is greater.

(c) The Industrial Area is permitted two on-premises entrance ground signs. Such sign shall not exceed 300 square feet in area and shall be permitted (i) adjacent to a public street abutting the perimeter of the Industrial Area; provided that said street frontage extends for a least 300 feet or (ii) at the entrance point of a public street at the perimeter of the Industrial Area. Said signs shall be permitted in the required front yard and have a maximum height of ten feet. If located in the required front yard, such ground sign shall not be located more than one-half of the distance into said required front yard.

(d) One on-premises pole sign or one on-premises ground sign per business per frontage is permitted, except that no pole signs shall be permitted along West Holdrege Street. Such signs shall be spaced a minimum of fifty feet apart along any street frontage. If such sign is located in a required front yard, it shall not exceed fifty square feet of area, and a pole sign shall have a maximum height of twenty-five feet, and a ground sign shall have a maximum height of eight feet. If such sign is located outside the required front yard, it may have a maximum area of 100 square feet and a maximum height of fifty feet.

(e) Where more than one business is located on the lot, the on-premises signs permitted in the required front yard, pursuant to (a) above may be

combined. If the combined sign is located in a required front yard, it shall not exceed fifty square feet in area. If the combined sign is a pole sign, it shall have a maximum height of twenty-five feet, and if the combined sign is a ground sign, it shall have a maximum height of eight feet. If the combined sign is located outside the required front yard, it may have a maximum area of 150 square feet. If the combined sign is a pole sign, it shall be spaced a minimum of seventy-five feet from an adjoining premise. Any such combined sign shall be counted as one sign for purposes of Part 1a: (c)(2) above.

(f) When a building is more than 300 feet from major street frontage, the permitted wall sign may exceed the five hundred square feet limit if the resulting larger sign does not exceed ten percent of the area of the wall in elevation view or 700 square feet, whichever is lesser.

Part 1b: Residential Area

The regulations contained in Chapter 27.15 for the R-3 Residential District shall be applicable to those portions of the Property located within the Residential Area except as set forth below:

The maximum density permitted in the Residential Area is 348 dwelling units.

27.15.080 Height and Area Regulations is modified as follows:

(a) General requirements: Table 27.15.080(a) is hereby deleted in its entirety and replaced with:

Table 27.15.080(a)

	Lot Area (Sq. ft.)	Avg. Lot Width	Req'd Front Yard	Req'd Side Yard	Req'd Rear Yard	Height
Dwelling, single-family	6,000**	50'**	20'*	5'	Smaller of 30' or 20% of depth	35'
Dwelling, two-family	3,200 per family**	30' per family**	20'	5', 0' if party wall		35'
Other permitted uses	6,000	50'	20'	5'		35'

* See subparagraphs (b) and (c)
**See subparagraph (e)

Subparagraphs (b) through (f) shall remain unchanged.

Part 1c: Neighborhood Business Area

The regulations contained in Chapter 27.15 for the R-3 Residential District shall not apply. Instead, the regulations contained in Chapter 27.31 for the B-2 Planned Neighborhood Business District shall be applicable to those portions of the Property located within the Neighborhood Business Area except as set forth below:

27.31.030 Permitted Uses is modified to add the following uses:

(aa) Single family dwellings;
(bb) Two-family dwellings;
(cc) Townhouses; and
(dd) Multiple dwellings.

27.31.040 Permitted Conditional Uses is modified to delete (c) Dwellings.

27.31.090 Height and Area Regulations is hereby deleted in its entirety and replaced with:

The maximum height and minimum lot requirements within the Neighborhood Business Area shall be as follows:

(a) General requirements:

Table 27.31.090(a)

	Lot Area (Sq. ft.)	Frontage	Req'd Front Yard	Req'd Side Yard	Req'd Rear Yard	Height
Dwelling, single-family	6,000	50'	20'	5'	Smaller	45'
Dwelling, two-family	3,200 per family	30' per family	20'	5', 0' if party wall	of 30' or	45'
Townhouses	2,500 per family	20' per family	20'	5', 0' if party wall	20%	45'
Dwelling, Multiple	1,500 per unit	50'	20'	7' or 10' if over 20' in height	of depth	45'
Other Permitted Uses and Dwellings Above the	0	0	20'	0'	0'	45'

First Floor

(b) There shall be a required front yard on each street side of a double frontage lot.

(c) Intentionally deleted

(d) The entire front yard shall be entirely landscaped, except for necessary paving of walkways and driveways to reach parking and loading areas, provided that any driveway in the front yard shall be substantially perpendicular to the street and shall not be wider than thirty feet.

(e) Accessory buildings shall not extend into any required yard.

(f) Intentionally deleted.

27.31.100 Use Permit; Procedures and Requirements is hereby deleted in its entirety.

Part 1d: Highway Commercial Area

The regulations contained in Chapter 27.51 for the I-3 Employment Center District shall not apply. Instead, the regulations contained in Chapter 27.43 for the H-3 Highway Commercial District shall be applicable to those portions of the Property located within the Highway Commercial Area except as set forth below:

27.43.020 Permitted Uses (a) through (kk) as delineated are deleted in their entirety and replaced with:

(a) Parks, playgrounds, and community buildings, owned or operated by a public agency;

(b) Public libraries;

(c) Public elementary and high schools, or private schools having a curriculum equivalent to a public elementary or public high school, and having no rooms regularly used for housing or sleeping purposes;

(d) Churches;

(e) Nonprofit religious, educational, and philanthropic institutions;

(f) Banks, savings and loan associations, credit unions and finance companies;

(g) Barber shops, beauty parlors, and shoeshine shops;

(h) Private schools;

(i) Dwelling for a caretaker employed and residing on the premises;

(j) Hospitals and clinics for animals, but not open kennels;

(k) Messenger and telegraph stations;

(l) Office buildings;

(m) Restaurants;

(n) Undertaking establishments;

(o) Photography studios;

(p) Key shops;

(q) Ambulance services;

(r) Recreational uses;

(s) Food storage lockers;

(t) Bakeries;

(u) Bottling works;

(v) Printing shops and photocopy centers;

(w) Mini-warehouses;

(x) Optical lens grinding and finishing;

(y) Laundries, dyeing, and drycleaning establishments, including launderettes, laundromats, and receiving stores for drycleaning or laundry;

(z) Creameries;

(aa) Sale barns;

(bb) Warehouses;

(cc) Outdoor theaters;

(dd) Parking lots;

(ee) Clubs;

(ff) Service facilities, including but not limited to repair and maintenance of home and office equipment and appliances;

(gg) Contractors' offices and storage yards, and lumber and coal yards;

(hh) Stores or shops for the sale of goods at retail, not otherwise permitted in this chapter;

(ii) Enclosed commercial recreational facilities;

(jj) Service stations and motorcycle, bicycle, home and office equipment, and appliance sales and repair but not including vehicle body repair shops;

(kk) Mail order catalog sales;

(ll) Wholesale and distribution centers;

(mm) Recreational facilities;

(oo) Church steeples, towers, and ornamental spires exceeding the maximum permitted height in the H-3 Area;

(pp) Outdoor lighting for recreational facilities;

(qq) Historic preservation;

(rr) Public utility purposes;

(ss) Wind energy conversion systems;

(tt) Health care facilities;

(uu) Indoor animal hospitals;

(vv) Indoor kennels;

(ww) Outdoor exercise area associated with an indoor animal hospital or indoor.

27.43.030 Permitted Conditional Uses is modified to add the following uses:

(p) Sale of alcoholic beverages for consumption on the premises in conformance with 27.31.040(f)(1-5).

(q) Sale of alcoholic beverages for consumption off the premises in conformance with 27.31.040(g)(1-5).

(r) Broadcast towers and personal wireless facilities in conformance with Chapter 27.68.

27.43.040 Permitted Special Uses is deleted in its entirety.

27.43.080 Height and Area Regulations is modified as follows:

(a) General requirements: Table 27.43.080(a) is hereby deleted in its entirety and replaced with:

Table 27.43.080(a)

	Lot Area (Sq. ft.)	Avg. Lot Width	Req'd Front Yard	Req'd Side Yard	Req'd Rear Yard	Height
All permitted uses	0	0'	20'	0'	0'	55'

Part 1e: Industrial Area

The regulations contained in Chapter 27.51 for the I-3 Employment Center District shall be applicable to those portions of the Property located with the Industrial Area except set forth below:

27.51.030 Use Regulations is hereby deleted in its entirety and replaced with:

(a) General Regulations. Any development, including building and open land uses, except farming and the sale of farm products, shall be prohibited in the Industrial Area prior to the approval of a PUD. Any EPA designated RMP (Risk Management Program) uses shall be prohibited within two hundred (200) feet of the south right-of-way line of West Holdrege Street.

(b) Specific Regulations.

(1) Intentionally omitted.

(2) Intentionally omitted.

(3) Intentionally omitted.

(4) Those conditional and special uses permitted in Sections 27.51.040 and 27.5 1.050 below shall be limited by the restrictions placed thereon.

(5) All uses shall comply with all applicable ordinances and regulations including such environmental performance standards relating to noise, emission, dust, odor, glare, and heat as may be approved by resolution of the City Council.

(6) No galvanized or other raw metal sheeting shall be used for the exterior construction of any building. No painted galvanized or other painted metal sheeting shall be used for more than seventy percent (70%) of the exterior construction of a building on any side of such building which is visible from an abutting public street.

(c) Permitted Uses. Subject to the general and specific regulations above, a building or premises may be used for the following purposes in the Industrial Area:

(1) Retail use, subject to the limitations in the Property PUD - General Regulations Part 1a(b) above;

(2) Office buildings;

(3) Production, manufacturing, assembly, processing, warehousing, storage, distribution, or transportation of goods and materials, except:

(i) The refining, distillation, or manufacture of:

A. Acids or alcohols;

B. Ammonia, bleach, or chlorine;

C. Asphalt, tar, or products made therewith, including roofing or waterproofing;

D. Cement, lime, gypsum, or plaster of paris;

E. Disinfectants;

F. Dyestuffs;

G. Fertilizer;

H. Glue, sizing, or gelatin;

I. Oilcloth, linoleum, oiled rubber goods;

J. Paint, shellac, turpentine, or oils;

K. Rubber, gutta-percha, balata, creosote, or products treated therewith;

L. Shoe polish;

(ii) The operation of:

A. Bag cleaning works;

B. Blast furnaces, coke ovens, smelting or ore reduction works;

C. Boiler works;

D. Forges;

E. Rolling mills;

F. Yeast plants;

(iii) Production, manufacture, processing, distribution, and storage, warehousing, or transportation of toxic, radioactive, flammable, or explosive materials, except that any of the above referenced materials may be stored or used in connection with a permitted use as allowed by any ordinances or regulations of the City of Lincoln as incidental to the permitted use;

(iv) Tanning, curing, or storage of raw hides or skins; stockyards or slaughter of animals or fowl; rendering fat; distillation of bones, coals or wood;

(v) Dumping or reduction of garbage, offal, or dead animals;

(vi) The manufacture of acetylene, or the transfer of the gas from one container to another, or the storage of the gas in containers having a capacity greater than the equivalent of 1,000 cubic feet at standard temperature and pressure;

(vii) Mining, quarrying, stone milling, or rock crushing;

(viii) Extraction of sand, gravel, or soil;

(ix) The milling, processing, refining, or distillation of agricultural crops.

(4) Community colleges, colleges, or other post-secondary education facilities;

(5) Private schools;

(6) Nonprofit religious, educational and philanthropic institutions;

(7) Farming and the sale of farm produce.

27.51.040 Permitted Conditional Uses is hereby deleted in its entirety and replaced with:

A building or premises may be used for the following purposes in the Industrial Area in conformance with the conditions prescribed herein:

(a) Fuel oil storage tanks and all bulk storage of oils, petroleum and similar flammable liquids and chemicals. Such use shall:

(1) Be adequately screened from public view;

(2) Be for storage of such materials for use on the premises and not for resale, except that resale of such stored material at retail only shall be permitted in conjunction with the operation of a service station or similar retail outlet pursuant to Section 27.5 1.070;

(3) Be located, constructed, maintained, and operated in compliance with all codes and regulations of the City of Lincoln;

(b) Liquified petroleum, gas and similar gas used for fuel stored in tanks above ground, provided:

(1) Such tanks may not exceed 30,0000 gallon capacity;

(2) Such gas shall be used for use on the premises, and not for resale;

(3) Such tanks shall be adequately screened from public view by a fire-resistant ventilated barrier which shall be at least six feet in height;

(4) Such use must be in full compliance with all codes and regulations of the City of Lincoln;

(c) All other combustible materials:

(1) Combustible materials shall be stored in such a way as to permit free access of fire-fighting equipment;

(2) Such use must be in full compliance with all codes and regulations of the City of Lincoln;

(d) Motels and hotels;

(e) Churches in conformance with 27.51.040(e);

(f) Joint parking lots and parking garages.

(1) Such joint parking lots and garages shall be authorized by cross access easements or by written agreement between the parties to such use.

(2) The aggregate number of parking stalls provided shall be sufficient to satisfy the required parking for each use.

(g) Sale of alcoholic beverages for consumption on the premises in conformance with 27.31.040(f)(1-5).

(h) Sale of alcoholic beverages for consumption off the premises in conformance with 27.31.040(g)(1-5).

(i) Early childhood care facilities in conformance with 27.63.070(a)(1-2), (b), (d), (e) and (f).

(j) Broadcast towers and personal wireless facilities in conformance with Chapter 27.68.

27.51.090 Height and Area Regulations is modified as follows:

(a) General Requirements: Table 27.51.090(a) is hereby deleted and replaced with the following:

Table 27.51.090(a)

	Lot Area (Sq. ft.)	Frontage	Req'd Front Yard	Req'd Side Yard	Req'd Rear Yard	Height
27.51 .030(c)(3) Uses	0	50'	20'*	0'	0'	55'
Retail	0	50'	20'	0'	0'	45'
Office	0	50'	20'	0'	0'	45'
Hotels and Motels	0	50'	20'	0'	0'	55'
Other	0	50'	20'	0'	0'	35'

*When the front yard of a 27.51.030(c)(3) use abuts Holdrege Street, the required building setback shall be 50 feet.

27.51.100 Use Permit Section is hereby deleted in its entirety.

AHNA
<arnoldheights@alltel.net>
10/08/2008 12:08 PM
Please respond to
<arnoldheights@alltel.net>

To <plan@lincoln.ne.gov>
cc <danay@sk-law.com>
bcc
Subject Change of Zone No. 07063, revised,I-80 West Lincoln Business Center PUD

The Arnold Heights Neighborhood Association is appreciative of efforts put forth by Ringneck Development to keep us informed about the pending changes to the original zoning request.
We are confident that Ringneck will keep us apprised of any future changes that may be brought forth prior to build-out of the site.

We were discouraged that our attempts to notify our general populace was obstructed due to delayed printing issues with the distribution of our newsletter. Most people would have learned of Ringneck's appearance at our monthly meeting on the very day of the meeting. We apologize to Ringneck for that delay.

We were initially apprehensive about the change to B2 since B2 zoning is quite liberal in what it allows. The added restriction of trip generation should keep the uses for this site to more residential friendly types. We would like to see this restriction remain in the development plan.

We realize that development of this site is dependent on phasing and that the trigger to begin could be well in the future.
We encourage the city to begin establishing ways to fund the utilities that will be needed for successful implementation of this development plan. This could be the impetus that gets some attention to NW 48th Street and it's needs.

In the meantime, we wish Ringneck well in their search for tenants for the properties, and hope that approvals from Planning Commission as well as City Council will be forthcoming.

Arnold Heights Neighborhood Association
Karen Sieber
Karin Kotschwar
Terry Schweimmer
Jeff Schwebke

Jeanette Fanmeyer
<jako@inebraska.com>
10/07/2008 05:39 PM

To <plan@lincoln.ne.gov>
cc
bcc
Subject Ringneck Development LLC

The zoning request to revise the I-80 West Lincoln Business Center Planned Unit Development at W Holdrege and NW 48 has no puopose. The 13 acres does not have access to utilities with no plans to provide them by Ringneck. Why if the current zoning was good enough in Feburary is it not good enough now? The zoning change request is of no purpose to the neighborhood or the city of Lincoln. Taxes would not increase. It would lock up zoning for areas currently served by utilities. Vote no for this unneeded change.
The neighborhood was not told of this until Tuesday in the Arnold Heights news letter. And the meeting was scheduled for October 7, 2008 at the regular meeting of the association with your meeting the next day, making it impossible to attend your meeting to voice an opinion. This just shows the area residents that Ringneck doe not care about the neighborhoods opinion. And there are no signs on the property saying that a zoning change is being considered. VOTE NO NO NO The attorney for Ringenck will not tell us who the owners are, even when asked point blank at an open meeting. Talk about being honest with the neighbors.
Vote no!

Jeanette Fangmeyer
5401 Wilkins CR