City Council Introduction: **Monday**, January 28, 2013
Public Hearing: **Monday**, February 4, 2013, at **3:00** p.m.

Bill No. 13-4

FACTSHEET

TITLE: **CHANGE OF ZONE NO. 10014A,** an amendment to the **Northwoods Plaza Planned Unit Development,** requested by Olsson Associates on behalf of the owner, Union Bank, to change the number of dwelling units from 80 to 150, on property generally located at North 84th Street and Holdrege Street.

STAFF RECOMMENDATION: Conditional Approval.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 01/09/13
Administrative Action: 01/09/13

RECOMMENDATION: Conditional Approval (6-2: Sunderman, Lust, Weber, Hove, Gaylor Baird and Scheer voting 'yes'; Francis and Corr dissenting; Cornelius absent).

FINDINGS OF FACT:

1. This is a request to amend the Northwoods Plaza Planned Unit Development at North 84th Street and Holdrege Street, by increasing the number of multi-family dwelling units from 80 to 150; increasing the lot size of Lot 7 by adding Lot 8, Lot 10 and a small portion of parking area in Outlot "A"; and relocating the hotel site to Lot 6 as an alternative use to commercial. Increasing the multi-family units from 80 to 150 will eliminate 79,000 sq. ft. of the potential 176,900 sq. ft. of B-2 commercial uses.

2. The staff recommendation of conditional approval is based upon the "Analysis" as set forth on p.4-5, concluding that the proposed increase in density from 80 to 150 dwelling units is in conformance with the Comprehensive Plan. The proposed apartments will create a buffer between the commercial and single-family residential to the south. The existing and proposed tree mass will substantially screen the apartments from the single-family. The staff presentation is found on p.8-9.

3. The applicant's testimony is found on p.9-10, wherein the applicant agreed with the staff recommendation and the finding that the apartment complex with reduced commercial area would result in about the same or less traffic.

4. Testimony in general support, but with a concern expressed about internal and external traffic circulation, is found on p.10.

5. Testimony in opposition is found on page 10-11, and the record consists of three letters in opposition (p.21-22). The issues of the opposition include the additional multi-family dwelling units versus commercial or office; the impact of additional traffic on the existing road system within the development; and safety of the pond with additional dwelling units.

6. The Planning Commission discussion with staff and the response to the opposition by the applicant are found on p.12-13. The applicant described the proposal as basically substituting some more apartment units for the approved hotel rooms, and proposed to work with the prospective developer of the apartment complex on the traffic issues.

7. On January 9, 2013, the majority of the Planning Commission agreed with the staff recommendation and voted 6-2 to recommend conditional approval as set forth in the staff report (Francis and Corr dissenting; Cornelius absent). The conditions of approval are found on p.5-6.

FACTSHEET PREPARED BY: Jean L. Preister **DATE**: January 22, 2013
REVIEWED BY: Marvin Krout, Director of Planning **DATE**: January 22, 2013
REFERENCE NUMBER: FS\CC\2013\CZ10014A PUD

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for JANUARY 9, 2013 PLANNING COMMISSION MEETING

PROJECT #: Change of Zone No.10014A Northwoods Plaza Planned Unit Development (PUD)

PROPOSAL: To amend the existing PUD by changing the allowed dwelling units from 80 to 150.

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

LAND AREA: 19.42 acres, more or less

EXISTING ZONING: B-2, Planned Neighborhood Business District with a PUD overlay.

CONCLUSION: The proposed PUD to increase the density from 80 dwelling unit to 150 is in conformance with the Comprehensive Plan. The proposed apartments will create a buffer between the commercial and single family residential to the south. The existing tree mass will help screen the apartments from the single family.

RECOMMENDATION:	Conditional approval

GENERAL INFORMATION:

LEGAL DESCRIPTION: Lots 5,11,16 and 17, Northwoods Plaza Addition; Lots 1-4, Northwoods Plaza 1st Addition; Lots 1-7, and Outlot "A" Northwoods Plaza 2nd Addition; located in the NE 1/4 of Section 22-10-07, Lancaster County Nebraska,

EXISTING LAND USE: Commercial and office.

SURROUNDING LAND USE AND ZONING:

North:	B-2 Planned Neighborhood Business District; commercial uses and a service station.
	R-5 Residential District; townhouses
South:	R-3 Residential District; detached single-family dwellings
	RT Residential Transition; office
East:	O-3 Office Park District; restaurant and bank
	R-3 Residential District; attached single-family dwellings
West:	R-3 Residential District; outlot reserved for open space and single family dwellings

HISTORY:

December 2, 1996 Change of Zone #2943 to change the zoning from AG to B-2 was approved by the City Council.

February 2, 1998 Use Permit #105 and Preliminary Plat #97020 for Northwoods Plaza for 166,900 square feet was approved by the City Council.

March 25, 2009 Use Permit #105A to increase the approved square feet to 211,900 was approved by the Planning Commission.

July 19, 2010 Change of Zone #10014 for Northwoods Plaza Planned Unit Development to convert the use permit to a PUD and add 80 dwelling units was approved by the City Council.

COMPREHENSIVE PLAN SPECIFICATIONS:

Mixed use redevelopment, adaptive reuse, and well-designed and appropriately-placed infill development, including residential, commercial and retail uses, are encouraged. These uses may develop along transit routes, at major nodes, and near employment centers to provide residential opportunities for persons who do not want to or cannot drive an automobile. (p. 2.8)

This area is identified as an Existing Neighborhood Center on the Existing and Proposed Commercial Centers Map. (p. 5.6)

Residential mixed use is encouraged in some commercial areas; especially for Regional, Community, Neighborhood and Mixed Use Office Centers. (p. 5.6)

Include higher density residential uses within and/or to all Commercial Centers except for Highway Oriented Commercial Areas. (p. 5.7)

Design buildings and land uses at the edge of the center to be compatible with adjacent residential land uses. Examples of compatible land uses include apartments, mixed use residential buildings, offices, assisted living facilities, or child care centers. Buildings should be compatible in terms of
height, building materials and setback. Small compatible commercial buildings at the edge could include retail or service uses. Buildings with more intrusive uses should have greater setbacks, screening requirements and be built of more compatible materials. (p.5.7)

Residential mixed use is encouraged in a Neighborhood Center. (p. 5.11)

The Plan identifies the potential for 8,000 new dwelling units to be located within the existing built-out portion of the City by 2040. (p. 6.1)

4,000 of the 8,000 new dwelling units are anticipated to be located primarily in Mixed Use Redevelopment Nodes and Corridors including existing commercial centers and along major transportation corridors. (p.6.1)

Increasing residential densities by adding new dwelling units to existing commercial areas in the form of mixed use centers also strengthens the buying power of adjacent neighborhoods by adding more “rooftops.” Strengthened buying power may be able to improve the quality and quantity of localized private businesses and services. (p.6.2)

Mixed Use Redevelopment should: (p. 6.2)

- Preserve existing affordable housing and promote the creation of new affordable housing throughout the community.
- Provide a diversity of housing types and choices throughout each neighborhood for an increasingly diverse population.

Encourage increased density of existing apartment complexes and special needs housing where there is land available for additional buildings or expansions. (p. 7.9)

UTILITIES: All utilities are available.

TRAFFIC ANALYSIS:
N. 84th St. is classified as a Principal Arterial and Holdrege St. is classified as Minor Arterial in the 2040 Comprehensive Plan.

PUBLIC SERVICE:
The nearest fire station is located at N. Cotner Blvd. and Vine St.
The nearest elementary school is Meadow Lane located at N. 73rd St. and Vine St.

ANALYSIS:

1. This request is to amend the existing PUD by increasing the number of dwelling units from 80 to150, increasing the lot size of Lot 7 by adding in Lot 8, Lot 10 and a small portion of parking area in Outlot "A" and relocating the hotel site to Lot 6 as an alternative use to commercial. Lot 8 today allows 26,000 sq. ft. of commercial or residential. Lot 10 today allows 13,000 sq. ft. of commercial or a 86 room hotel. (see attached current plan)

2. Increasing the multi-family units from 80 to 150 will eliminate 79,000 sq. ft. of B-2 commercial uses. The commercial use would actually generate more traffic than 70 additional dwelling units.

3. Expanded Lot 7 is proposed for either 150 dwelling units or 79,000 sq. ft. of commercial use. Lot 6 is proposed for a 86 room hotel or 24,000 sq. ft. of commercial use. These two lots are the only unbuilt lots in the center.

4. The 2040 Comprehensive Plan encourages higher density residential in mixed use commercial centers. This area is identified as an existing Neighborhood Center.

5. The applicant's letter identifies that the dwelling units are for multiple-family. The multiple-family will act as a buffer between the commercial and the single family residential to the south. Proposed Lot 7 may also be used for elderly housing or residential health care as previously approved.

6. City design standards requires screening for multiple-family. The requirement is a 50% screen along the property line from 6 feet to 15 feet above the ground of multiple dwellings structures, garages, and other buildings. The screen shall be located between the buildings and the adjacent property line. This screening would apply to the south and west boundary of the PUD. The west boundary has a substantial stand of mature trees that meets this requirement. The south boundary also has a substantial number of evergreen trees. These trees should not be removed with any further development.

7. The site plan shows a 50 feet setback along the southern boundary that abuts the single family dwellings. This setback is for green space. No development, including parking lots and driving aisles, shall take place in this setback. The applicant has agreed to plant additional trees within the setback.

This approval permits either of the following:

A. 176,900 sq. ft. of commercial floor area without the hotel and residential;
B. 163,900 sq. ft. of commercial floor area, a 86 room hotel and no residential uses;
C. 150 multi-family units or 120 retirement/elderly housing units or 120 unit health care residential facility instead of 79,000 sq. ft. commercial space allowed in option A or

B or a combination of a lesser amount of these residential uses and additional commercial space.

CONDITIONS OF APPROVAL:

Site Specific Conditions:

1. Before a final plat is approved the developer shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including **5** copies with all required revisions and documents as listed below upon approval of the planned unit development by the City Council.

   1.1 Revise Note #8 in Site Specific Notes. Lot 10 was eliminated.

   1.2 Delete Note #4 in Site Specific Notes. This is covered in the Land Use Table.

   1.3 Delete Notes 2 and 3 from Site Specific Notes since Note 8 repeats what is in Notes 2 and 3.

   1.4 Delete Note #11. This is covered by the zoning ordinance.

   1.5 In the Land Use table, add “or 86 room hotel” to Lot 6 and “or 150 dwelling units” to Lot 7.

   1.6 In the Land Use table add to the summary, “or 97,900 sq. ft. commercial floor area and 150 dwelling units.”

   1.7 In the legend remove the Proposed LPS boundary and proposed conservation easement line types. Remove conservation easement unless one was actually granted.

   1.8 Add lot dimensions for Lot 7.

   1.9 Since the sq. ft is listed in the Land Use table, remove it from Lots 5, 6 and 7.

   1.10 Change Lot 15 to Lot 14 on the site plan.

   1.11 Show where the ingress/egress is for Lot 7.

   1.12 Resolve the drainage issue with the pond to the satisfaction of Public Works and Utilities Department.

   1.13 Show the completion of the sidewalk along both sides of the drive south of the rotary leading to the residential use on Lot 7.

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

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

3. Prior to the issuance of a building permit:

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

Standard Conditions:

4. The following conditions are applicable to all requests:

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

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

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

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

4.5 The applicant shall sign and return the letter of acceptance to the City Clerk. This step should be completed within 60 days following the approval of the special permit. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filling fees therefore to be paid in advance by the applicant. Building permits will not be issued unless the letter of acceptance has been filed.

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

Prepared by:

Tom Cajka
Planner

DATE: December 21, 2012

APPLICANT: Brad Marshall
Olsson Associates
1111 Lincoln Mall
Lincoln, NE 68508
402-474-6311

OWNER: Union Bank
4243 Pioneer Woods Dr.
Lincoln, NE 68503
402-323-1298

CONTACT: Same as owner

CHANGE OF ZONE NO. 10014A, AN AMENDMENT TO THE NORTHWOODS PLAZA PLANNED UNIT DEVELOPMENT

PUBLIC HEARING BEFORE PLANNING COMMISSION: January 9, 2013

Members present: Sunderman, Lust, Weber, Hove, Corr, Gaylor Baird, Scheer and Francis; Cornelius absent.

There were no ex parte communications disclosed.

Staff recommendation: Conditional approval.

This application was removed from the Consent Agenda due to three letters received in opposition.

Staff presentation: **Tom Cajka of Planning staff** explained that this is an application to amend an existing PUD, the only change being to increase the residential density from 80 units to 150 units by combining three lots into one. Lots 7, 8 and 10 will be combined into one large lot for a proposed apartment complex with some changes to the parking area. Nothing in the existing 50' outlot along the southern line that was previously established will be changed. The outlot is to be used as a buffer between the apartment/commercial area and the single-family residential to the south. The aerial map shows a line of existing mature trees along both the south and the west boundaries that would be next to the proposed apartment complex.

Cajka acknowledged that three letters in opposition have been submitted from neighbors in the corner of the site.

The only other change proposed is to move the pad site for commercial or hotel but the commercial square footage and the hotel space do not change.

Concerns have been expressed about traffic. Cajka advised that the staff researched the traffic counts in the ITE manual for trip generation, which is the standard that traffic planners and engineers use to look at trip generation. Based on that manual, the 150 apartment units would generate 1,008 trips per weekday and 958 trips on Saturday. In comparison, 79,000 square feet of general office (with no medical) would generate 870 trips per weekday and 187 on Saturday. If there was medical office, the trip generation would increase. A 79,000 square feet shopping center would generate 3,392 trips per weekday and 3,947 trips on the Saturday. Chances are that the 79,000 square feet would not be all office nor all shopping center, but a combination. Therefore, it is the Planning staff's conclusion that the apartments would generate about the same amount of traffic as 79,000 square feet of commercial, or possibly less. 79,000 square feet of commercial is what the apartments would replace. If all 150 units were built, the development would lose 79,000 square feet of previously approved commercial space.

Gaylor Baird noted that the letters from the neighbors about traffic congestion also express concern about traffic safety. Have there been any problems in this area with traffic accidents?

Cajka was not aware of any and deferred to Public Works. Dennis Bartels of Public Works was in the audience and he indicated that he also did not have any information on the issue of traffic accidents.

Proponents

1. Brad Marshall of Olsson Associates, 1111 Lincoln Mall, stated that he submitted this application for the changes to the PUD on behalf of the developer. He concurs with the trip generation information provided by staff and suggested that under the current plan, the apartment complex would result in a reduction in trips or about the same.

Marshall indicated that the intent is for the pond to stay in the existing location. He has worked with Ben Higgins from Watershed Management to research and to make sure that everything is adequate. It is not a typical detention cell. This area has been master planned with the area to the north and west.

Hove inquired about access and whether it will only be to the north and west. Marshall stated that Northwoods Drive, the access out to Holdrege with the roundabout, will be one of the primary access points as well as on the east side on 84th Street. Those will be utilized for this development.

Gaylor Baird inquired about the plans for landscaping and mitigation efforts for the southern portion of the property that abuts the concerned residents to the south. Marshall stated that there is a 50' buffer adjacent to the south property line with established trees that will remain. There is a considerable amount – roughly 15' – of grade change down to the property that is being discussed for the apartments. There are and have been evergreens and landscaping established along the hotel lot into the entrance. It is the intent that those trees will be transplanted elsewhere on site with this approval.

Marshall also advised that the developer had a meeting with some representatives of the development to the west and discussed the plans and how the elevations of the buildings would affect their homes. He believes most of their questions and concerns were addressed.

Gaylor Baird inquired whether the developer has agreed to plant additional trees. Marshall stated that the previous agreement made with regard to planting additional trees will be honored.

Francis requested to see a rendering showing the elevation of the proposed apartments. **Dave Johnson of Studio 951,** 800 P Street, who has been working with the apartment builder on some layouts and concepts, showed a site plan showing a 27-plex, two 35-plexes and a 45-plex along the east side, which fronts Northwoods Drive to the east, which will be the high side. There will be between 12 and 16 attached garages on each three-story building. Johnson showed a cross-section to the neighbors to the west and south. The distance from the midpoint of the roof to grade is 35'6". The height limit allowed under the PUD is 45'. The apartment buildings will have roof pitches, overhangs and similar material to the rest of the commercial buildings that have already been established.

Johnson stated that they did have a discussion with the neighbors to the west on Monday about the visual impact. There is approximately 210' from the back of the houses to the face of the apartments, which is also interrupted by a drainageway which is full of trees. The developer is proposing some additional trees on the west side of the proposed building on Northwoods Drive.

For the neighbors to the south, Johnson pointed out that with the existing approved PUD, there were some agreements to provide additional landscape buffer along the green space, which will be honored. They will relocate the trees that will be taken over by the parking lot. Johnson did not have a rendering showing the elevations to the south where there are some single story business buildings. It was pointed out that the neighbors to the south only have a 50' setback where the ones to the west have 150'. Johnson pointed out that under the currently approved PUD, the buildings on the south can be built.

Support

1. Scott Jansen, the practice administrator for **Complete Children's Health** located at 8201 Northwoods Drive, testified at this time, stating that Complete Children's Health is generally in favor of the area being developed; however, they do have a concern about traffic access in and out of the apartments as they are being proposed. The access off of 84th Street which comes into that development is a T intersection. As the traffic increases, Northwoods Drive becomes pretty congested where there is a restaurant and shopping area with a blind turn and it is treacherous during the winter months. This large of a project without adequate access from 84th Street in and out is a concern. It is already a limited intersection. He is fearful that the apartment complex will force more traffic in and out of the access to Holdrege Street which is close to the Complete Children's Health facility. This could cause problems for their patients. The practice is open 7 days a week with patient traffic all seven days. He reiterated that the practice is generally in favor but would like to see some additional modification to how traffic comes in and out of the project.

Hove inquired whether the 84th access will remain a T intersection. Jansen understands that it will remain a T but he did not know for sure. Johnson advised that at this time, it is proposed to remain a T intersection. When the developer did some modifications in 2006-2007, they discussed adding a roundabout at that location in lieu of the T or making it a two-way intersection, but the neighbors to the south were quite vocally against that so the developer chose not to pursue it. However, Johnson believes the developer would look at that favorably.

Opposition

1. Dave Kirby of McCashland Kirby Insurance, 8231 Northwoods Drive, Suite A, testified in opposition. He showed the location of their insurance building on the map. He suggested that the pond is more than just a detention pond – it is how they irrigate all of the green space in all of that area including the area around Runza. There is a well at what was Campbells, now Legends. That well pumps water up into the storm drain, runs down the hill into that pond, and then they have a pump that pumps water out of that pond and it is the irrigation system for not only the grass but all of the plants and landscaping around the whole area at 84th & Holdrege.

Kirby stated that he was testifying on behalf of himself as a building owner. 8231 Northwoods Drive is a condominium split in half. Independent Insurance Agents of Nebraska owns the other half. No one has met with the building owners about this development, and he has major concerns.

Kirby pointed out that there is a roundabout entering into that area off of Holdrege Street. They already see near misses in that roundabout on a daily basis. Two weeks ago after the snow storm there was a semi-truck that tried to go up that hill and had to back down. They just don't need the excess traffic in that little roundabout.

With regard to the traffic counts, Kirby suggested that currently, there are about 50 cars per day going around the roundabout and to the south. A lot of their parking spaces will be taken away with this development. As far as apartments versus small business, he suggested that there would be 1,008 trips per weekday versus a 79,000 square feet shopping center at 870 trips per weekday. The owners of the businesses envisioned more office buildings and more small retail, but certainly not 150 apartment units with people that have more than one car. This could put an estimated 225 or 300 vehicles in that little area. He also guarantees that there will be pop-up campers and travel trailers sitting in that parking lot.

Kirby encouraged the Commissioners to go take a look at the roundabout. He does not believe that many cars going in and out of there is going to work.

Kirby also spoke on behalf of Kent Dodson, a dentist who owns the building immediately to the northeast. There will be a lot of traffic going back and forth through what is their existing parking lot with this development. He understands that some of the apartments have already been approved. These business owners agreed to the existing PUD but he does not believe they agreed to 150 apartment units. The three-story apartment building will be very obtrusive to the business buildings.

Weber inquired about the opposition's concerns with the pond. Kirby expressed concern about children playing near that pond with the additional apartment units. "We as an association have some liability." They just recently put up "no trespassing" signs and their neighbors were upset because the children used to fish or play around that pond. If you bring in 150 apartments with children, it is a disaster waiting to happen.

Corr inquired whether Mr. Kirby would rather have office buildings than the apartments. He responded, "absolutely, no question about it."

2. Phil Harr testified in opposition on behalf of the **Independent Insurance Agents of Nebraska,** which offices in the same building as Kirby McCashland Insurance at 8231 Northwoods Drive, #B. This business advocates for independent agent members in the state of Nebraska, representing 250-300 insurance agencies. As a part of that, training is done in their offices so there is some periodic traffic with people needing parking spaces. He believes that the loss of parking spaces would be manageable, but it is a concern. Harr stated that he is empathetic that the land owner wants to have some use of that land, but there are concerns about safety. The streets are not publicly maintained, but are maintained by the association. Northwoods Drive has no parking on either side. The roundabout is not anything like the roundabout at 14th and Superior. It is one narrow lane with a walk path on the inside and around the outside. People do miss it a lot and there is a tree in the middle of it. It is not made for any kind of large volume traffic. His primary concern is the traffic flow and the access points. It just seems like too big of a project and too many people for these streets and accesses.

Staff questions

Gaylor Baird sought confirmation that the existing approved PUD allows apartment buildings in the southern location. Cajka responded, stating that the PUD is currently approved for 80 apartment units on Lot 7. The original PUD approval allowed a mixture of residential and commercial, which was not allowed in the underlying zoning district. At the time of the PUD approval, the staff did not require the developer to submit any kind of layout of the apartments. Lot 7 does have the 50' buffer that is heavily screened with mature trees today. The existing trees would meet the design standard for screening between commercial and residential on an apartment complex. The proposal today is for apartments, but Cajka pointed out that in the approved PUD, this lot is also approved for the option of 120 elderly housing units or a 120-unit health care facility, or the other residential type of uses that are allowed. The developer is still wanting to keep those options.

Gaylor Baird clarified then, that if this application is not approved, they can have 120 elderly housing units, 120 units for health care or 80 apartment units along that southern border as high as three stories. Cajka concurred, adding that the developer received a height waiver in the original PUD to increase the height to 55', with the caveat that if they go above 50' they have to set the building back accordingly. The eave height was not to be more than 40'.

Lust confirmed that in order to increase from 80 to 150 apartment dwelling units, they are giving up 79,000 square feet of commercial space, and it is staff's position that this use actually will generate less traffic than the approved commercial. Cajka concurred.

Sunderman asked staff to address the comments about the quality of the road system and whether it can handle this type of use. The question before us today does not change the streets and road system that is already there. Based on the trip generations researched, Cajka stated that the only thing that would be less than 150 apartments would be a total of 79,000 square feet of office use, which would be 138 trips per day less.

Scheer suggested that the Commission should be considering full buildout. Are we talking to a large degree with this traffic conflict about existing internal or the proposed internal traffic system, and are there deficiencies there that need to get worked out by the developer? It is not the staff's responsibility to design but it seems to be a critical issue. Whatever gets approved, we have to assume it could get built out. Cajka stated that all of the streets are private, except for the piece off of 84th Street. If they wanted to take out the roundabout and have wider lanes, he does not believe staff would object. When the development was originally approved as a use permit, the street layout and traffic were reviewed, and based on the traffic projections, the staff does not believe that the apartments are generating any more traffic than what could have been at full buildout without the apartments.

Corr expressed concern about the three-story buildings and whether they could be four-story buildings. Cajka does not believe the 50' height would allow four-story buildings, but they are currently approved for 50' which would allow three-story. Corr wanted clarification of the difference between what can be built now and what can be built if this application is approved. Cajka stated that they can currently build 80 units on Lot 7 and Lot 8. Steve Henrichsen of Planning staff approached to clarify that the note on the plan referring to 26,000 square feet

two-story buildings applies to the commercial use. The residential use will be on Lot 8, where they currently have an option that could have been up to 50' in height. Above 50' in height increases the setback.

If there is a three-story apartment building, Francis wondered how the mature trees on the south can be considered enough buffering. Cajka pointed out that the design standards require that the screen be a 50% screen from 6 to 15 feet above the ground. They are currently in that range and would meet the design standards. But, Francis believes there is a 15' grade difference between those houses and that buildable lot. Cajka observed that Lot 7 looks to be a little lower than the houses. Francis objects to someone on their deck on Rainy River Road looking into the balcony of some of the apartments.

Response by the Applicant

Marshall clarified that today, the applicant is proposing to increase the apartments due to the lot that is designated as the hotel lot. The hotel is approved for 86 units today. In essence, since the residential apartment buildings are approved on Lot 8 which borders the west, we are really not asking for any amendment to those uses as approved today.

Don Linscott of Greenleaf Properties approached to help clarify. He is working with the apartment developer that would purchase this property. One of the things they worked on about four years ago was to try to improve the traffic situation but they were met with opposition from the homeowners and Public Works because it would be going from a private roadway to public roadway with stop lights and stop signs at that intersection. He believes it would improve the transportation for the whole area if that was to happen. He proposed to work on with the apartment developer.

Linscott then clarified that this application basically decreases the number of hotel rooms and substitutes those with apartments. It is a substitution that we are trying to accomplish. Traffic is certainly something that is a major concern that was previously not successful but perhaps they could work on that.

Hove inquired whether the apartment developer will be part of the homeowners association or the association that pays for maintenance of roads, etc. Linscott believes that the apartments will be a part of the association but he does not believe that the current owner of the property has met with the association to work out snow removal on the apartment ground, etc. Some of those discussions will have to be held with the association prior to the time of closing.

ACTION BY PLANNING COMMISSION: January 9, 2013

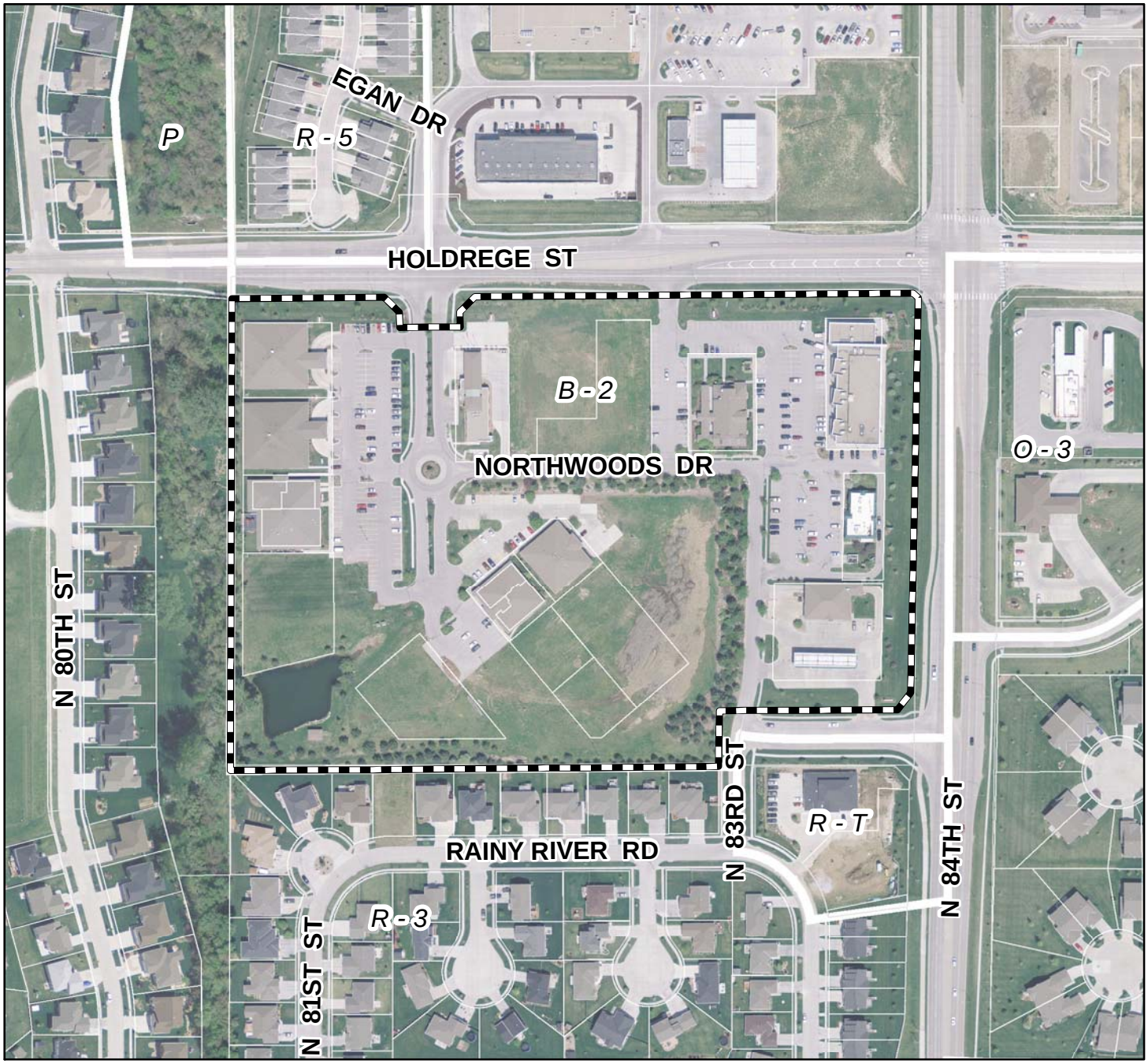
Lust moved to approve the staff recommendation of conditional approval, seconded by Sunderman.

Sunderman believes the proposed use is a good fit for this area. The concerns about three-story apartment buildings are the same concern, whether under this application or under the original approved PUD that is in place. Those apartment buildings could definitely have gone along the property line to the west and south. Traffic concerns are not going to be any worse.

Traffic counts will probably be the same. He believes that the blind corners and people turning the wrong way could both be handled by taking care of some of the vegetation that is around there and perhaps some signage.

Francis lives at 81st and East Avon Drive and she is in that area about every day. She is concerned about allowing up to 150 apartments. She believes the 80 could be doable. The three-story buildings would be detrimental to the area, and the traffic is already quite challenging with just the offices that are there. She will vote to deny.

Motion for conditional approval carried 6-2: Sunderman, Lust, Weber, Hove, Gaylor Baird and Scheer voting 'yes'; Francis and Corr voting 'no'; Cornelius absent. <u>This is a recommendation to the City Council.</u>



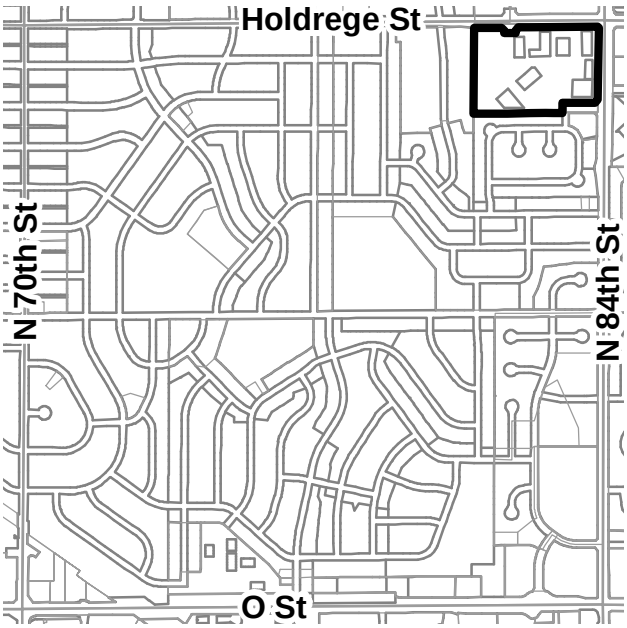
Change of Zone #: CZ10014A
Northwoods Plaza PUD
N 84th & Holdrege St

2010 aerial

Zoning:

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

One Square Mile:
Sec.22 T10N R07E



Area of Application

Zoning Jurisdiction Lines

City Limit Jurisdiction

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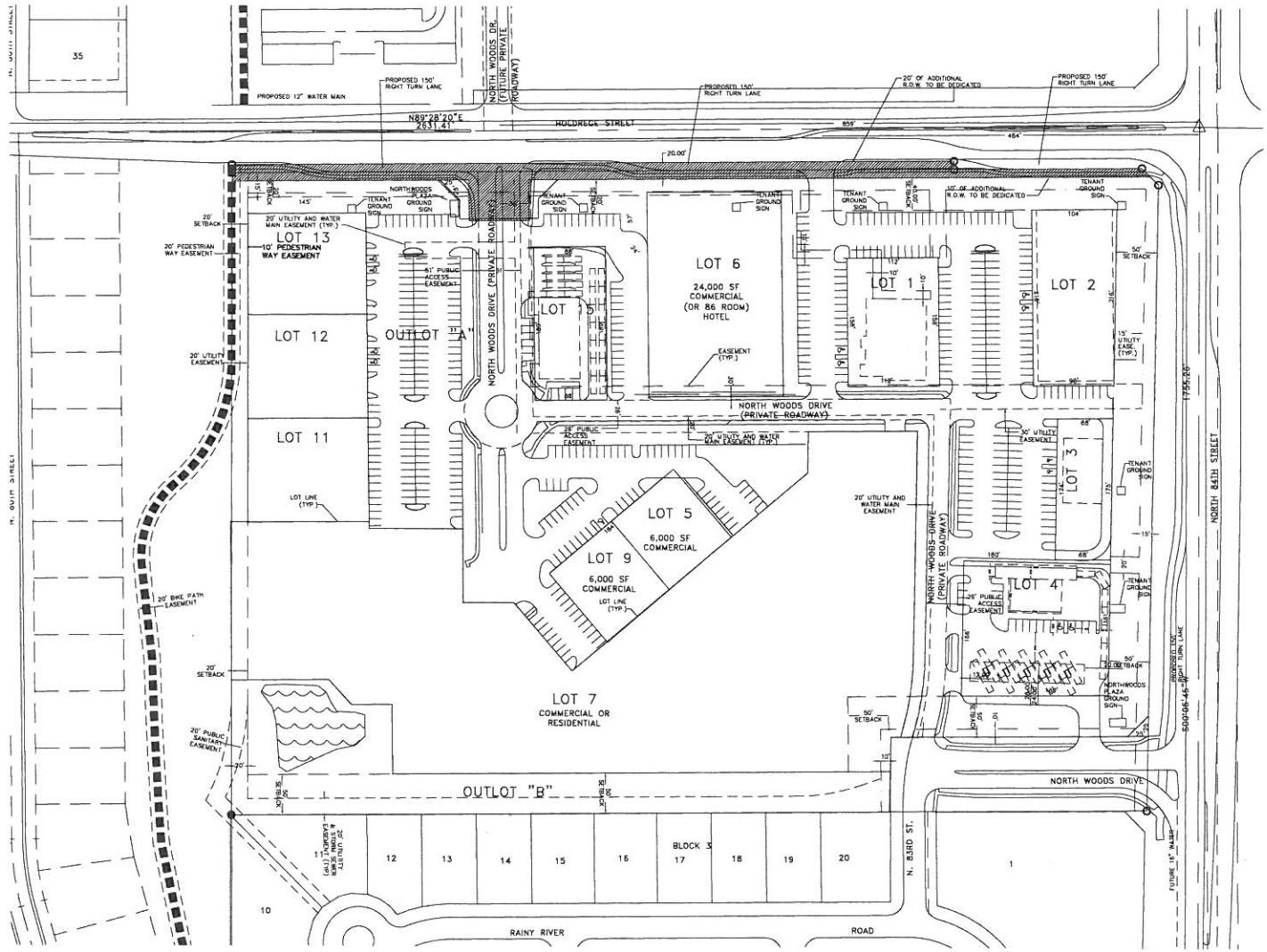

DWG: F:\Projects\012-2732_LDVP\Final_Plans\122732_SITE.dwg USER: blang
DATE: Dec 20, 2012 10:37am XREFS: 071742_pbase(12.19.08)

PROJECT NO: 012-2732	NORTHWOODS PLAZA PUD	EXHIBIT
DRAWN BY: BAL		1
DATE: 12.20.12		

OLSSON ASSOCIATES
1111 Lincoln Mall, Suite 111
P.O. Box 84608
Lincoln, NE 68501-4608
TEL 402.474.6311
FAX 402.474.5160

GENERAL NOTES

1. ALL PAVING RADII TO BE 20' UNLESS OTHERWISE NOTED.
2. PUBLIC WATER MAINS WILL BE IN THE PRIVATE ROADWAY.
3. THE PROPOSED DEVELOPMENT IS CURRENTLY ZONED B-2.
4. SIDEWALKS WILL BE CONSTRUCTED ALONG THE SOUTH SIDE OF HOLDREGE STREET, THE WEST SIDE OF 84TH STREET, AND BOTH SIDES OF NORTHWOODS DRIVE ENTRANCES OFF OF HOLDREGE TO THE ROTARY, AND OFF OF 84TH STREET TO 83RD STREET. THE REMAINDER OF NORTHWOODS DRIVE WILL HAVE SIDEWALKS ADJACENT TO THE CURB OR OTHERWISE AS SHOWN. SIDEWALKS THROUGHOUT THE DEVELOPMENT SHALL BE CONSTRUCTED TO MEET THE CITY OF LINCOLN DESIGN STANDARDS FOR PEDESTRIAN CIRCULATION IN COMMERCIAL AND INDUSTRIAL AREAS.
5. ALL DIMENSIONS ALONG CURVES ARE CHORD DISTANCES.
6. DIRECT VEHICULAR ACCESS TO HOLDREGE ST. AND N. 84TH ST. SHALL BE RELINQUISHED EXCEPT AS SHOWN ON THIS PLAN.
7. ALL DRIVES SHALL BE 24' WIDE TYPICAL UNLESS OTHERWISE NOTED.
8. LOT DIMENSIONS SHOWN ARE APPROXIMATE AND MAY VARY UP TO 10 FEET.
9. ALL ELEVATIONS ARE TO CITY OF LINCOLN DATUM.
10. ALL ROAD DIMENSIONS ARE TO BACK OF CURB.
11. A PUBLIC ACCESS EASEMENT OVER NORTHWOODS DRIVE AND A COMMON ACCESS EASEMENT OVER ALL DRIVEWAYS AND PARKING STALLS AS SUCH DRIVEWAYS AND PARKING STALLS IS HEREBY GRANTED.
12. DETAILS OF ALL ADDITIONAL SIGNS, INCLUDING TYPE, LOCATION, HEIGHT & SIZE, WILL BE SUBMITTED SEPARATELY FOR REVIEW WITH THE ADMINISTRATIVE AMENDMENT TO THE USE PERMIT & BUILDING PERMIT. THEY WILL BE DESIGNED IN ACCORDANCE WITH CITY OF LINCOLN DESIGN STANDARDS.
13. ALL LANDSCAPING, INCLUDING EARTHEN BERMS WILL BE LOCATED OUTSIDE OF PUBLIC RIGHT-OF-WAY AND APPLICABLE SITE TRIANGLE.
14. LOTS ARE NOT TO BE REQUIRED TO ABUT OR FRONT THE PUBLIC STREETS OR PRIVATE ROADWAYS.
15. THE YARD SETBACKS REGULATES STRUCTURAL WALLS ONLY AND DOES NOT RESTRICT OVERHANGS, PATIOS, DOOR SWINGS, WINDOW SWINGS, ETC. FROM ENCROACHING INTO THE SETBACKS.
16. THE SALE OF ALCOHOLIC BEVERAGES FOR CONSUMPTION OFF PREMISES AND ON THE PREMISES IS PERMITTED SO LONG AS THE LOCATIONAL CRITERIA OF 27.63.680 AND 27.63.685 ARE MET.
17. ALL EAVES, CANOPIES AND OTHER BUILDING PROJECTIONS MAY EXTEND OVER THE BUILDING ENVELOPE LINES BUT NOT LOT LINES.
18. BUILDING ENVELOPES SHALL BE LOCATED AT A MINIMUM OF 20' FROM A PRIVATE ROADWAY.
19. THE DEVELOPER RESERVES THE RIGHT TO BUILD ANYWHERE WITHIN THE BUILDING ENVELOPES SHOWN ON EACH LOT.
20. A BLANKET EASEMENT WILL BE PROVIDED OVER OUTLOT "A" EXCLUDING BUILDING ENVELOPES.
21. NO POLE SIGNS WILL BE CONSTRUCTED ON THE PROPERTY. SIGNS NEED NOT BE SHOWN ON THIS SITE PLAN, BUT NEED TO BE IN COMPLIANCE WITH CHAPTER 27.69 OF THE LINCOLN ZONING ORDINANCE, AND MUST BE APPROVED BY BUILDING AND SAFETY DEPARTMENT PRIOR TO INSTALLATION.
22. THE DISTANCE CRITERIA TO RESIDENTIAL FOR ALCOHOL SALES DOES NOT APPLY TO ANY DWELLING UNITS BUILT WITHIN THE BOUNDARIES OF THE PUD.

SITE SPECIFIC NOTES

1. LAND USES: ALL THE PERMITTED USES OF THE B-2 ZONING DISTRICT ARE ALLOWED. ALL THE CONDITIONAL USES REMAIN THE SAME EXCEPT THAT THE CONDITIONS ON DWELLINGS DONT APPLY AND THE CONDITIONS FOR ALCOHOL SALES ARE AS MODIFIED ELSEWHERE IN THE NOTES. IN ADDITION, ELDERLY OR RETIREMENT HOUSING, DOMICILIARY CARE FACILITIES, AND HEALTH CARE FACILITIES ARE ALLOWED BY RIGHT.
2. THE 50 FOOT SETBACK NEXT TO THE RESIDENTIAL LOTS ON THE SOUTH IS TO REMAIN IN OPEN SPACE. NO BUILDINGS, DRIVING AISLES OR PARKING ARE PERMITTED IN THE SETBACK.
3. THE DEVELOPER SHALL PROVIDE ADDITIONAL EVERGREEN TREES IN THE 50 FOOT SETBACK ADJACENT TO THE FIVE EASTERN MOST SINGLE FAMILY LOTS. THESE TREES SHALL INCLUDE LARGER TREES RELOCATED FROM LOT 7 ON THE SITE PLAN OR NEWLY PLANTED TREES. PRIOR TO GRANTING A BUILDING PERMIT ON LOT 7, THE TREES ARE REQUIRED TO BE PLANTED IN THE 50 FOOT SETBACK.
4. BUILDINGS ON LOT 6 AND 7 ARE PERMITTED TO BE OVER 40 FEET IN HEIGHT TO A MAXIMUM OF 55 FEET IN HEIGHT, PROVIDED THAT A) THE EAVE HEIGHT IS A MAXIMUM OF 45 FEET B) THAT IS A PITCHED OR GABLED ROOF.
5. OUTLOT B IS FOR OPEN/GREEN SPACE
6. MULTI-FAMILY RESIDENTIAL SHALL PROVIDE ONE PARKING STALLS PER DWELLING UNIT. PARKING FOR ELDERLY OR RETIREMENT HOUSING, DOMICILIARY CARE FACILITIES, HEALTH CARE FACILITIES AND HOTELS WILL CONFORM TO CHAPTER 27.67.
7. THE OPEN SPACE REQUIREMENTS OF THE B-2 ZONING DISTRICT FOR RESIDENTIAL USE DO NOT APPLY DUE TO THE GREEN SPACE WITHIN THE DEVELOPMENT.
8. EXISTING TREES ALONG THE SOUTHERN BOUNDARY SHALL REMAIN, THE 50' SETBACK SHALL REMAIN AS OPEN, GREEN SPACE, NO BUILDING, DRIVING AISLES OR PARKING ARE PERMITTED IN THE SETBACK. THE DEVELOPER SHALL PROVIDE ADDITIONAL EVERGREEN TREES IN THE 50 FOOT SETBACK ADJACENT TO THE FIVE EASTERN-MOST SINGLE FAMILY LOTS. THESE TREES SHALL INCLUDE LARGER TREES RELOCATED FROM LOT 10 ON THE SITE PLAN OR NEWLY PLANTED TREES. PRIOR TO GRANTING A BUILDING PERMIT ON LOT 7 OR LOT 10, THE TREES ARE REQUIRED TO BE PLANTED IN THE 50 FOOT SETBACK.
9. FOR BUILDING EXCEEDING 50 FEET IN HEIGHT ON LOT 7 THE SETBACK ALONG THE SOUTHERN BOUNDARY SHALL INCREASE ONE FOOT FOR EVERY FOOT IN HEIGHT THE BUILDING EXCEEDS 50 FEET IN HEIGHT.
10. ANY HOTEL BUILDING AND REQUIRED PARKING SHALL BE SETBACK 150 FEET FROM THE SOUTHERN BOUNDARY OF THE PUD.
11.

B-2 REQ.	LOT AREA SQ. FT.	FRONT YARD SETBACK	SIDE YARD SETBACK	REAR YARD SETBACK	HEIGHT
FOR PERMITTED USES	0'	0'	0', 20'* WEHN ABUTTING RESIDENTIAL DISTRICT	0'	40'-55'**

* WHEN A SIDE OR REAR YARD ABUTS A RESIDENTIAL DISTRICT, IT SHALL BE SCREENED IN CONFORMANCE WITH THE LANDSCAPE DESIGN STANDARDS ADOPTED BY THE CITY OF LINCOLN

** HEIGHT FOR LOTS 6 & 7, ALL OTHER LOTS TO HAVE A MAXIMUM HEIGHT OF 40'

DWG: F:\Projects\012-2732_LDVP\Final_Plans\122732_SITE.dwg USER: blang
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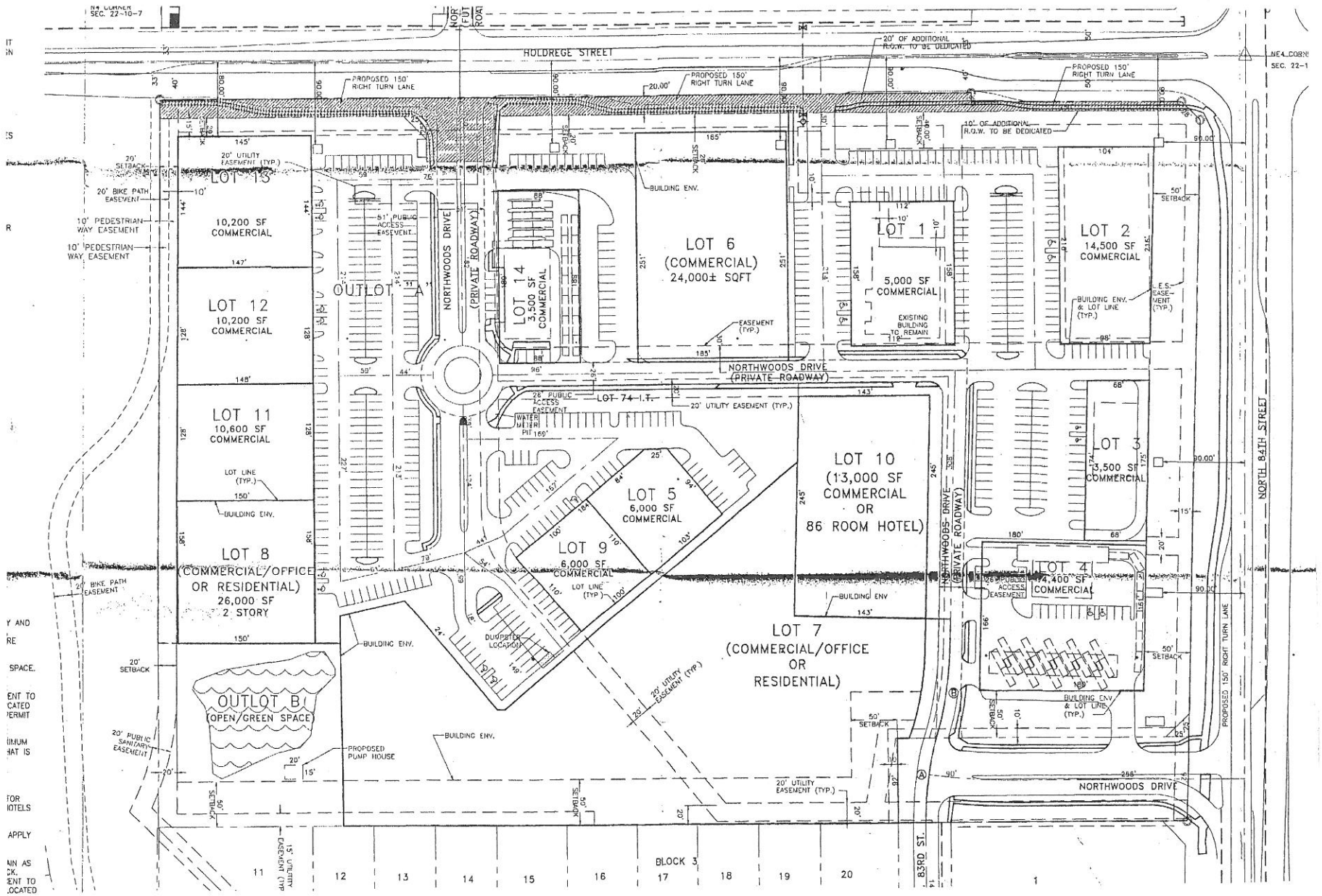
DRAWN BY: BAL		1111 Lincoln Mall, Suite 111 P.O. Box 84608 Lincoln, NE 68501-4608 TEL 402.474.6311 FAX 402.474.5160	1
DATE: 12.20.12			

017

NORTHWOODS
PLANNED UNIT DEVELOPMENT



CURRENT PLAN

018

OLSSON ASSOCIATES

December 12, 2012

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

Re: Northwoods Plaza
Amendment to the Planned Unit Development (PUD) CZ#10014

Dear Mr. Krout,

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

- Amendment Application
- Application Fee, $792

On behalf of the Owner, Union Bank, we are requesting an Amendment to the Planned Unit Development CZ#10014 to combine lots 7, 8 and 10 into one lot for the purpose of commercial/office or residential use. We also request to increase the allowable multi-family units from 80 to 150. Lots 6 and 8 were previously shown as commercial use.

The owner would also like to maintain flexibility for a hotel within the PUD and is requesting the option of an 86 room hotel on Lot 10 be relocated to Lot 6. Lot 6 would also maintain the allowed commercial use currently shown.

Please contact me if you have any questions or require additional information.

Sincerely,

Brad J. Marshall

Brad J. Marshall, PE

cc: Chris Wagner, Union Bank
File

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

Jean Preister

From: Cal Piepho [cdpifo@neb.rr.com]
Sent: Wednesday, January 09, 2013 9:09 AM
To: Jean Preister
Subject: Opposition to Change of zone #10014A

To the Planning Commission in regards to change of zone #10014A:

I live at 8110 Rainy River Rd. which backs up to the area in question and I would like to voice my opposition to the proposition of adding over 150 apartment units to this location. When we purchased this residence we did so on the grounds that there would be "light" business with minimal apartments, about 80 units, or condo style housing above the businesses, in the area behind us, but the developers have continually tried to increase the # of units in this area. I do not believe this area will support the traffic of this many additional units. There is only 1 East-West exit/entrance to the whole area via Holdrege and 1 exit for Southbound only traffic on 84th Street. There are already 89 residences that directly use these drives and many more from the Meadowlane development, besides the businesses already established which includes 1 neighborhood bar. Adding 150 units would increase traffic by over 150%.

I also believe that the higher density housing proposed would greatly increase crimes in the area, which is evident in most housing areas of this type as well as the apartments just Northeast of 84th and Holdrege.

Sincerely,

Calvin D. Piepho
Field Service Engineer
GE Healthcare

Jean Preister

From: Shelton, Roy [Roy.Shelton@fiserv.com]
Sent: Tuesday, January 08, 2013 8:16 AM
To: Jean Preister
Subject: Zone #114A

To whom it may concern:

I currently live at 8100 Rainy River Road and received information recently on the zoning change in the Northwoods edition. Currently we have a very nice living area and do not have any issues with the current businesses that are behind my home.

The way I understand this new zoning change is for them to allow an apartment complex within this area behind my house. This would create traffic issues within the area, and as we all know will create more opportunities for burglary and problems within our home area. I am extremely against any apartments going in this area. A brand new apartment complex was just put in around 86th and Leighton which is not very far from where we are at now. I don't think we need another complex at this location.

My thoughts are why don't they put in an old folks home or other businesses within this area. If you have any questions you may contact me at the number below or 402-540-6331. Thanks for your time and consideration.

Roy Shelton
Release Coordinator
Administration & Support
Bank Solutions
Fiserv
Office: 402-423-2682 ext 1507
www.fiserv.com

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Jean Preister

From: Steve Harris [sharris3@neb.rr.com]
Sent: Monday, January 07, 2013 6:47 AM
To: Jean Preister
Cc: bmarshall@olssonassociates.com; Tom J. Cajka
Subject: RE: Change of Zone No.10014A

We received notice of a change of zone no. 10014A at 84th and Holdrege. We do have concern as we believe that 150 dwelling units is not good for this location. This will increase the traffic in this area substantially. Traffic is already dangerous at best. An addition of probably at least 1.5 - 2 times the number of vehicles for the added dwelling units will be sure to have added accidents. This would be 150 - 300 vehicles coming and going many times per day. Both entrances and exits are in poor / dangerous areas. 83th and Northwoods Drive is unregulated with no stop signs. Personally, we try to avoid the area due to traffic concerns. Then with the additional residents we will see additional traffic on 81st and Rainy River Road. The curve from Rainy River Road onto 81st is most dangerous as people drive excessive speeds and you cannot see around this corner. The increased traffic will make entrance into our property from the south a major concern because of sight issues.

Then we have the addition of multi family homes. We sure would not have purchased our home had we known that this area would be changed from a business zoning to allow for multi dwelling units. We do not believe that this will be a benefit to the value of our home, in fact this will be sure to devalue the homes in the area. It really does not make sense to develop this in this fashion after the fact. These types of developments should happen prior to residential building. This is a quiet neighborhood soon to be impacted by many people. And the peace and serenity of the area will be lost.

Then on top of that there is a wonderful watershed that will surely need some kind of security. It would be dangerous to have that many individuals dwelling in the area with that deep watershed. It is our understanding that this watershed would remain no matter the development. If it does not there will be drainage issues. We would hate to see it fenced so no one can enjoy the beauty. We would also lose the wildlife in the area with the addition of so many people.

We have no issues with business development, but multiple dwelling units will degrade the area and the additional traffic will cause major concerns and dangers.

Please do not approve for multiple dwelling units and keep this area as business use only.

Sincerely

Steve and Cindy Harris
1141 N 81st