

## **FACTSHEET**

**TITLE: CHANGE OF ZONE NO. 3373**, from AGR Agricultural Residential to R-3 Residential and O-3 Office Park, requested by Engineering Design Consultants on behalf of Pine Lake Development, L.L.C., on property generally located northwest of the intersection of South 84<sup>th</sup> Street and Highway 2.

**STAFF RECOMMENDATION:** Approval.

**ASSOCIATED REQUESTS:** Annexation No. 02006 (03-21); Annexation and Zoning Agreement (03R-25); Pine Lake Plaza Preliminary Plat No. 02016 (03R-26); and Use Permit No. 145 (03R-27).

**SPONSOR:** Planning Department

**BOARD/COMMITTEE:** Planning Commission  
Public Hearing: 11/13/02  
Administrative Action: 11/13/02

**RECOMMENDATION:** Approval (7-0: Newman, Carlson, Larson, Duvall, Steward, Taylor and Schwinn voting 'yes'; Bills-Strand and Krieser absent).

### **FINDINGS OF FACT:**

1. This change of zone request and the associated annexation request, preliminary plat and use permit were heard at the same time before the Planning Commission.
2. The staff recommendation to approve the change of zone request is based upon the "Analysis" as set forth on p.5-7, concluding that, with a signed annexation agreement to guarantee participation in required improvements and with minor modifications to the plat, this change of zone and the associated annexation, use permit and preliminary plat are consistent with the Comprehensive Plan.
3. The applicant's testimony is found on p.8-11, including requests to amend the conditions of approval on the preliminary plat.
4. Other testimony in support is found on p.11-12.
5. Testimony in opposition is found on p.12-14.
6. The Commission discussion with staff is found on p.14-15.
7. The applicant's response to the opposition and staff discussion is found on p.15-16.
8. On November 13, 2002, the Planning Commission agreed with the staff recommendation and voted 7-0 to recommend approval of the change of zone request.

**FACTSHEET PREPARED BY:** Jean L. Walker

**DATE:** January 21, 2003

**REVIEWED BY:** \_\_\_\_\_

**DATE:** January 21, 2003

**REFERENCE NUMBER:** FS\CC\2003\CZ.3373 Pine Lake Plaza

## LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

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

**P.A.S.:** Annexation #02006 **DATE:** October 30, 2002  
**Change of Zone #3373**  
Preliminary Plat #02016 - Pine Lake Plaza  
Use Permit #145

**\*\*As Revised by Planning Commission: 11/13/02\*\***

**SCHEDULED PLANNING COMMISSION MEETING:** November 13, 2002

**PROPOSAL:** ANN#02006 - To annex all of Lots 34, 49, 50, 51, 52 and 53 I.T's., and adjacent public rights-of-way.

**CZ#3373 - A change of zone from AGR to R-3 and O-3.**

PP#02016 - Creates 9 lots for residential development, 12 for office/commercial, and three outlots.

UP#145 - To allow 192, 900 square feet of office and commercial floor area.

**WAIVER REQUESTS:**

1. To side yard setback for Lots 1, 2, 6 and 7, Block 1; Lots 3 and 4, Block 3.
2. Intersection platform at Eiger Drive and Highway 2.
3. Non-radial or perpendicular side lot lines.
4. Construction of Pine Lake Road to an urban cross-section.
5. Turning Lane length on South 84<sup>th</sup> Street at Eiger Drive.
6. Sanitary Sewer lines running opposite street grades and exceeding maximum allowed depth.
7. Sidewalks along the west side of South 84<sup>th</sup> Street, along the south side of Pine Lake Road, and along the north side of Highway 2.
8. To exceed the maximum block length of 1,320 feet.
9. Pedestrian way easement on Block 3.

**LAND AREA:** Approximately 39.9 acres.

**CONCLUSION:** With a signed annexation agreement to guarantee participation in required improvements and with minor modifications to the plat, this annexation, change of zone, use permit and preliminary plat are consistent with the Comprehensive Plan.

<b>RECOMMENDATION:</b>	Annexation #02006	Conditional Approval
	<b><u>Change of Zone #3373</u></b>	<b><u>Approval</u></b>
	Preliminary Plat #02016	Conditional Approval
	Use Permit #145	Conditional Approval

**WAIVER REQUESTS**

Side Yard Setback	Approval
Intersection Platform	Denial
Non-radial or Perpendicular Lot Lines	Approval
Reconstruct Pine Lake Road	Denial

**\*\*Waiver granted by Planning Commission: 11/13/02\*\***

Turning Lane Length on South 84 <sup>th</sup> at Eiger Drive	Denial
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**\*\*Waiver granted by Planning Commission: 11/13/02\*\***

Sanitary Sewer Depth and Grade	Approval
Sidewalks along South 84 <sup>th</sup> and Pine Lake Road	Denial

**\*\*See Planning Commission amendment of 11/13/02 to  
Condition #1.1.6 and #1.1.8 of Preliminary Plat\*\***

Sidewalk along Highway 2	Approval
Excess Block Length	Approval
Pedestrian Easement	Approval

**GENERAL INFORMATION:**

**LEGAL DESCRIPTION:**

**Annexation #02006** - All of Lots 34, 49, 50, 51, 52 and 53 I.T's., and adjacent public rights-of-way.

**Change of Zone #3373** - See attached.

**Preliminary Plat #02016** - See attached.

**Use Permit #145** - See attached.

**LOCATION:** Northwest of the intersection of South 84<sup>th</sup> Street and Highway 2.

**APPLICANT:** Pine Lake Development, LLC  
3600 Village Drive, Suite 140  
Lincoln, NE 68516  
(402) 434-5650

<b>OWNERS:</b> Pine Lake Development, LLC 3600 Village Drive, Suite 140 Lincoln, NE 68516 (402) 434-5650	Mid-America Union Conference Association of Seventh Day Adventists PO Box 6128 Lincoln, NE 68506 (402) 484-3000
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Stan and Grace Portsche  
5020 M Street  
Lincoln, NE 68510  
(402) 488-1120

**CONTACT:** Robert Dean  
EDC  
630 North Cotner Blvd Suite 105  
Lincoln, NE 68505

**EXISTING ZONING:** AGR Agricultural Residential

**EXISTING LAND USE:** Church, single-family residential, and vacant.

**SURROUNDING LAND USE AND ZONING:**

North:	Residential	AGR
South:	Vacant, Residential	AG, AGR
East:	Regional Center under development	B-5
West:	Residential	AGR

**COMPREHENSIVE PLAN SPECIFICATIONS:**

Page F25 - This area is designated for commercial land use on the Future Land Use Map.

Page F27 - This area is shown within the City's Future Service Limit.

Page 8 - The area of this plat is included in Figure 2 of the Southeast Lincoln/Highway 2 Subarea Plan.

**HISTORY:** Preliminary Plat was submitted **July 28, 2002**.  
Planning Director's letter was sent **August 28, 2002**.  
Revised preliminary plat was submitted **October 11, 2002**.

**UTILITIES:** This site is located within the City's Future Service Limit, and City water and sewer service can be provided. Electricity, telephone and cable service can also be provided.

**TRAFFIC ANALYSIS:** South 84<sup>th</sup> Street and Highway 2 are both considered principal arterials in the Comprehensive Plan. In the Southeast Lincoln/Highway 2 Subarea Plan, South 84<sup>th</sup> Street is scheduled for reconstruction adjacent to this site. As part of that project, South 84<sup>th</sup> Street will be relocated east approximately 150'. The existing Pine Lake Road and South 84<sup>th</sup> Street intersection is scheduled to be moved north approximately 250'.

This plat takes access to Highway 2 via the existing Pine Lake Road intersection, to South 84<sup>th</sup> Street at Eiger Drive, and to Pine Lake Road at South 82<sup>nd</sup> Street. Roadway improvements in this area are based upon the traffic demand anticipated by the land uses shown on the Future Land Use Map of the Comprehensive Plan.

## **ANALYSIS:**

1. This site must be annexed to receive municipal services, and as a result an annexation agreement is required in conjunction with this development. The agreement will stipulate the timing and the amount of contribution the owners are responsible for concerning oversized water mains in Eiger Drive and South 84<sup>th</sup> Street, and for street improvements in adjacent streets.

The application to annex Pine Lake S.I.D, adjacent to the north of this development, is pending consideration before City Council. The Planning Commission recommended approval on June 10, 2002, with consideration by the City Council delayed until sanitary sewer service could be provided to the area. Sewer service has been extended to Parker's Landing subdivision north of Pine Lake S.I.D., and provisions to extend the line to the S.I.D are included in the preliminary plat of Edenton Woods - a proposed residential development immediately west of Pine Lake S.I.D. It is anticipated that connection will be made in the Spring of 2003.

2. It is noted in the attached review from Public Works dated October 22, 2002, that the additional information was required to make a determination concerning the waiver to sewer depth. Since that review, Public Works has reviewed additional information that has been submitted and is recommending approval of the waiver.
3. The grading and drainage plan must be revised, and reviewed and approved by Public Works. This includes showing Pine Lake Road graded to an urban cross-section, providing an easement to accommodate drainage for detention cell #1, and providing the required information for storm water detention. Pine Lake Road is currently only improved to a rural cross-section, and will not be adequate to handle the anticipated traffic that will be generated as a result of this development.
4. The plat shows the proposed street layout that includes vacating a portion of Pine Lake Road, with the primary connection as South 82<sup>nd</sup> Street. A Westshore Drive connection to Eiger Drive is also shown. The grade at the Highway 2 intersection does not meet design standards and is unsatisfactory. Considering the anticipated volume of traffic as a result of this development, improvements to the intersection are warranted, and the waiver to the design standard to allow the existing grade to remain is not appropriate. It should also be noted that the applicant needs to submit a separate petition to vacate Pine Lake Road.
5. During developer negotiations and in the Director's Letter review of this plat, City staff has repeatedly stated an objection to allowing Lot 6, Block 3 driveway access onto South 84<sup>th</sup> Street. The intent of the sub-area plan and planned improvements to South 84<sup>th</sup> Street have never included an access point at this location - access from this development to South 84<sup>th</sup> Street is provided by Eiger Drive. It is noted in the staff review that even if this drive were approved, the grading plan submitted does not work.
6. A waiver to design standard has been requested to reduce the length of the southbound, right-turn lane in South 84<sup>th</sup> Street at Eiger Drive from 250' to 150'. Because this is the primary entrance to the development, and a significant amount of the anticipated traffic to this site will be from the north on South 84<sup>th</sup> Street, Public Works does not support this waiver request and

recommends that the required 250' long turn lane be provided for adequate vehicle queuing capacity.

7. A waiver to sidewalks along South 84<sup>th</sup> Street, along Pine Lake Road, and along Highway 2 has been requested. The applicant was asked to provide justification to waive the sidewalks along South 84<sup>th</sup> Street and along Pine Lake Road, however the rationale provided does not demonstrate any hardship or unique circumstance to support the waiver, and the sidewalks should be constructed. In the case of Highway 2, City staff agrees a sidewalk is unnecessary and supports this waiver request.
8. The owner of Lot 34 I.T. is not participating in this development and this lot is not included in the change of zone, use permit or preliminary plat. As a result, the tract is not integrated, and there is no provision to provide access to it to accommodate future development. An access easement must be provided with this plat to prevent isolated development from occurring. Additionally, the grading plan effectively prohibits any future integration of this tract into the plat due to the proposed change in grade along Eiger Drive. The grading plan must be revised to accommodate the future inclusion of this parcel into the center.
9. A waiver to the sideyard setback for Lots 1, 2, 6 and 7, Block 1, and Lots 3 and 4, Block 3 have been requested. Consistent with the subarea plan, the wetlands and drainage areas through this site are being left largely undisturbed, and the street pattern and lot layout are designed around these areas. This waiver request is specifically for those lots that are adjacent to the outlots that are being created to preserve open space and detention areas. It was previously noted in the Director's Letter to the applicant that the waiver is appropriate. Additionally, for the same reasons the waiver to radial or non-perpendicular lot lines is also appropriate.
10. A waiver to excess block length and the required pedestrian easement for a sidewalk has been requested. The block in question is Block 3, which extends along the south edge of the plat adjacent to Highway 2. While it exceeds 1,320' in length, the fact that it is adjacent to Highway 2 diminishes the concern over block length as no access to Highway 2 will be allowed along this frontage. Additionally, there will be no sidewalks along Highway 2, so a pedestrian easement through the block will serve no purpose.
11. The use permit proposes 192,900 square feet of office/commercial floor area on 12 lots. A private roadway is shown providing access to three of these lots, Lots 4, 5 and 6, Block 3, but the setback to the building envelopes on these lots must be shown. Additionally, the Southeast Lincoln/Highway 2 Subarea Plan shows open green space along the Highway 2 corridor in this area. Appian Way, the regional shopping center east of South 84<sup>th</sup> Street, was required to maintain a minimum 200' setback from the centerline of Highway 2 along this frontage to provide for open space. This development generally maintains that setback, with the exception of the building envelopes on Lots 4 and 5, Block 3. If those envelopes are shifted approximately 10' to 50' to the north (the right-of-way is irregular and varies at this location), a consistent setback along Highway 2 can be maintained, while still allowing for adequate setbacks from internal lot lines and private roadways with little impact upon the development. Also, a specific site plan is shown for Lot 1, Block 1 and must be revised to show all required parking lot screening and landscaping required by the Design Standards.

Provided the building envelopes on Lots 4 and 5, Block 3 are modified as noted above, and all required landscaping is shown for Lot 1, Block 1, the configuration of lots and open space is consistent with the Comprehensive Plan, and complies with the requirements of the Zoning Ordinance.

Prepared by:

Planner  
Brian Will, AICP

**ANNEXATION NO. 02006;  
CHANGE OF ZONE NO. 3373;  
USE PERMIT NO. 145; and  
PRELIMINARY PLAT NO. 02016,  
PINE LAKE PLAZA**

**PUBLIC HEARING BEFORE PLANNING COMMISSION:**

November 13, 2002

Members present: Newman, Carlson, Larson, Duvall, Steward, Taylor and Schwinn; Bills-Strand and Krieser absent.

Staff recommendation: Approval of the annexation, subject to an annexation agreement; approval of the change of zone and conditional approval of the use permit and preliminary plat.

Proponents

**1. Mark Hunzeker** appeared on behalf of the owners and developers of this project. This proposal has been through a fairly long and laborious process to get to this point. It has gone from this property being shown in the Comprehensive Plan as Agricultural Residential, through the process of the Southeast Lincoln Subarea Plan that designated this area as potential for office type development. The developers have reached agreement with the Pine Lake neighborhood and have worked with the staff and the other neighbors. They have boiled this down to a relatively small handful of issues, which involve about seven or eight of the conditions of approval in the staff report.

Request to delete Condition #1.1.1 of the preliminary plat. The first issue has to do with Pine Lake Road. Pine Lake Road, along the south side of the Pine Lake subdivision, is an existing county blacktop road. One of the concerns that the Pine Lake neighborhood had during the Comprehensive Plan discussion was that their neighborhood, to the extent possible, remain consistent with their rural acreage lifestyle. Thus, the developer and neighbors have agreed that there is no desire to see Pine Lake Road become a through-trafficway, and for that reason it has been agreed that a portion of Pine Lake Road be proposed to be vacated in order to funnel the traffic from 84<sup>th</sup> Street to Hwy 2 through the Pine Lake Plaza site from east to west, providing a connection at the two roads that lead into the Pine Lake subdivision, but severing the connection between those two in such a way as to prevent through traffic on Pine Lake Road. Condition #1.1.1 of the preliminary plat requires that this developer regrade and rebuild Pine Lake Road to an urban cross-section, including curb and gutter. Hunzeker requested that Condition #1.1.1 be deleted.

Request to delete Condition #1.1.2 of the preliminary plat. This condition requires dedication of an easement to accommodate drainage for detention cell #1. Hunzeker believes this requirement is based upon an assumption in the Public Works report that that property is not part of this application or on property owned by others. Hunzeker submits that not to be the case. It is on property that is part of this application and this condition is not necessary.



Request to delete Condition #1.1.4 of the preliminary plat. Stan and Grace Portsche own the property at the corner of 84<sup>th</sup> and Hwy 2, which is zoned O-3. The Portsche's have owned this property for a very long time and have lost pieces several different times over the years due to expanding the rights-of-way of Hwy 2 and 84<sup>th</sup> Street. As it stands today, the Portsche's have right to an access to 84<sup>th</sup> Street. They do not have a right to an access to Hwy 2. The access proposed under this proposal is significantly set back to the north from Hwy 2, far enough that it will be well outside the beginning of the right turn lane to take you westbound on Hwy 2 at 84<sup>th</sup>. Hunzeker purported that there is more than ample room to provide a right turn access and it is the desire of the developer and the Portsche's that the 84<sup>th</sup> Street access be retained. It would detract materially from the value of the Portsche property to delete that access. Hunzeker understands that the grades of 84<sup>th</sup> Street as they may be adjusted will present some challenges to having a good access there, but the Portsche's are prepared to deal with that issue at the time it is necessary and as that improvement is made to 84<sup>th</sup> Street.

Request to delete Condition #1.1.5 of the preliminary plat. Hunzeker stated that this condition is also an issue having to do with access to 84<sup>th</sup>; however, it is at the intersection of Eiger Drive and 84<sup>th</sup> Street, and involves the distance required for right turns into the site. The traffic study indicates a minimum number of right turns into this site during the peak pm traffic; in fact, barely enough right turns to justify having a right turn lane at all. Th staff report asks for a 250' long right turn lane, which the developer regards as being way more than is necessary. Hunzeker suggested that even the 150' right turn lane which is being shown is way more than is necessary for adequate functioning of this intersection, and 250' is merely a waste of money.

Request to amend Condition #1.1.6 of the preliminary plat. This condition deals with sidewalks relating to two streets.

- a) The west side of So. 84<sup>th</sup> Street (as it will be relocated) does not abut the property being developed in this proposal. It will be moved to the east. Hunzeker requested to delete the requirement to construct sidewalks in So. 84<sup>th</sup> Street abutting this property inasmuch as it will be moved to the east. To build that sidewalk today would be wasteful and it ought to be rebuilt and installed at the time 84<sup>th</sup> Street is moved.
- b) Hunzeker requested that this development not be required to place sidewalks on the south side of Pine Lake Road, which relates back to the cross-section issue (Condition #1.1.1). If Pine Lake Road is left as a rural cross-section, it will have a ditch and it will be impossible to establish grades for sidewalks and will be out of character for the area.

Request to amend Condition #1.1.8 of the preliminary plat. Hunzeker suggested that language be added at the end of Condition #1.1.8 to reflect the proposed amendments to Condition #1.1.6 as follows:

- 1.1.8 Revise Note #21 to indicate sidewalks will be provided along both sides of the streets except Highway 2, and except as noted in Condition #1.1.6.

Request to delete Condition #1.1.10 of the preliminary plat. This condition also relates to the issue of 84<sup>th</sup> Street access to the Portsche property, and Hunzeker requested that it be deleted.

Request to amend Condition #3.2.10 of the preliminary plat. Hunzeker requested that Lot 6, Block 3,

be removed from Condition #3.2.10. This also relates to the Portsche property 84<sup>th</sup> Street access.

Hunzeker agreed with all other conditions of approval, including moving the building environment away from Hwy 2 to a consistent depth. It is his understanding that parking would be allowed outside the 50' setback area and they will keep the buildings back 200' from the centerline.

Hunzeker reiterated that this project has the support of the neighbors.

Larson inquired whether there is any access to Pine Lake Road off 84<sup>th</sup> Street now. Hunzeker responded, stating that the portion of Pine Lake Road that will be closed will be west of Eastshore Drive and east of Westshore Drive. Pine Lake Road will be vacated between those two streets. The intersection of 84<sup>th</sup> and Pine Lake Road is going to be moved to the north, and access into Pine Lake will be via a frontage road that will get you back to the old Pine Lake Road. This is in conjunction with changes that are being made on the east side to facilitate development of the shopping center.

Schwinn asked whether there is a house on the Portsche property. Hunzeker indicated that there is not a house on the Portsche property. The house is on property owned by Mr. Brinkman, who is not a part of this project. He has written a letter asking not to be annexed.

Steward observed that the new property lines, or the existing property line, would cut a part of that u-shaped roadway off and that would be a one-way in and out access. Hunzeker acknowledged that he actually just noticed that yesterday and it is unclear. That particular pin has not been surveyed specifically. These property lines have been taken from aerial photos that were not necessarily ever designed to be accurate to that degree. It may be that that property line would place that drive on the outside of Brinkman's property. It has been there a long time and he may have the right to it whether it is on his property or not. There was no conscious intent to change it one way or the other.

Newman inquired as to the intended use for Lot 6. Hunzeker indicated it to be an office building lot for general office space. There is no specific user at this time.

Schwinn noted that Lot 6 is going to have access on Alcrom Court, so why does it still need access on 84<sup>th</sup>? Hunzeker explained that this property has been subject to multiple condemnations. The Portsche's believe strongly that the value of this property would be diminished considerably if denied this access. It will facilitate the ability to place two office buildings on this property, each of which would have its own front door type of access without essentially putting one behind the other. Hunzeker believes it will help to have an additional way out from this site rather than having to go back through to Eiger Drive.

Schwinn noted that the proposed South 84<sup>th</sup> Street will be moving 250' to the east. Currently, this proposed plat shows the proposed street; however, today we already have a right-of-way with 84<sup>th</sup> Street there. What happens to that parcel? Hunzeker has not read the agreement but he is told that there are some provisions in the annexation agreement relating to the property east of 84<sup>th</sup> Street. The intent is to vacate that right-of-way. He believes there are some agreements in place between the owner of the property east of 84<sup>th</sup> and at least one of the owners on the west side to trade some land once the vacation is completed. With respect to the Portsche's, he does not believe there is such an

agreement. If that roadway is vacated, the property would revert half on each side. The half on the east side, depending on the order of things, might revert to the owner of the property on the east side of the new road or it may revert to the city.

Schwinn observed that if the access is maintained on 84<sup>th</sup> Street and that property changes hands, the Portsche's would not have access to 84<sup>th</sup> anyway. Hunzeker believes the access will be established prior to the vacation.

Carlson addressed the sidewalks on 84<sup>th</sup> Street and the request to remove this obligation. What about continuing to hold that obligation until such time as 84<sup>th</sup> is moved? Hunzeker agreed that to be an option, but he does not know when that is going to happen. He would prefer that that sidewalk be built with the street.

Carlson noted that 82<sup>nd</sup> Street connects to Pine Lake Road, so he has concerns about not having Pine Lake Road up to urban standards. Hunzeker anticipates that 82<sup>nd</sup> Street will be a street of convenience for people who live in Pine Lake. It is not anticipated that very much, if any, of this developer and/or employee traffic will use 82<sup>nd</sup> simply because of the convoluted route to get back to 84<sup>th</sup> Street. It is much easier and quicker to go straight to 84<sup>th</sup> on Eiger Drive.

Carlson inquired whether there is any way for pedestrian motion to move along the property or get into the property. Hunzeker noted that there will be sidewalks on 82<sup>nd</sup> Street. There is currently no sidewalk anywhere within Pine Lake, nor on either side of Pine Lake Road. There would be sidewalks on both sides of 82<sup>nd</sup> Street.

**2. Charlie Humble** appeared on behalf of the **Mid-American Conference of 7<sup>th</sup> Day Adventists**, in support of the request to delete Condition #1.1.1 and the amendments to Condition #1.1.6, particularly as it relates to Pine Lake Road. The church property is located at 84<sup>th</sup> and Pine Lake Road and even after the development, it will remain as church property. The access point for the church property is from Pine Lake Road and that will continue even after any future development of office uses. While Hunzeker mentioned the fact that the neighbors' emphasis was on leaving the road as is, this is also the emphasis of the 7<sup>th</sup> Day Adventists. The idea behind the triangle and Eiger Drive is to funnel traffic through there, which would be away from the front door of the church. To do something that re-emphasizes Pine Lake Road is contrary to what the church wants to have in the future. Right now, there is temporary construction traffic coming along Pine Lake Road, and there are problems getting out onto Pine Lake Road. We want to go back to the way it was. That is why Eiger Drive was put in and the steps were taken in relation to vacating a portion of Pine Lake Road. Not only is it a neighborhood concern, it certainly is a 7<sup>th</sup> Day Adventists concern. The church sees no need for sidewalks if Pine Lake Road is maintained as a county road.

**3. Douglas Curry**, 8130 Pine Lake Road, immediately to the north of the proposed development, testified in support. It seems like we've been going to meetings for a long, long time over development of this area. We have been interested throughout all of those meetings in making sure that we do with Pine Lake Road that which is necessary to preserve the character and nature of the homes that we have. We understand that the developer wants this neighborhood to remain as it is and has been extremely cooperative with the neighbors. The community supports what this development proposes for the area, particularly with regard to the traffic flow. He understands the concern about sidewalks with regard to urban density along Pine Lake Road, but he would suggest that with the way 82<sup>nd</sup> Street

comes in, to make Pine Lake Road an urban cross-section would encourage the kind of traffic that this traffic flow pattern is designed to interrupt. We need to keep the shopping center and arterial traffic away from this neighborhood. Curry supports the waivers being requested and changes to the conditions of approval.

**4. Naedo Henry**, 8230 Pine Lake Road, testified in support of the proposed changes to conditions of approval to leave Pine Lake Road as a rural road. The speed limit in front of her house is 50 mph which is higher than Hwy 2. Therefore, she supports the interruption of Pine Lake Road at that point.

**5. Kathy Conradt**, 8200 Pine Lake Road, testified in support of the proposed changes to the conditions of approval with regard to the sidewalks and the maintenance of Pine Lake Road as a rural road.

**6. Bevan Alvey**, 8000 Dougan, appeared on behalf of the **Pine Lake Association** in support of the proposed amendments requested by Mr. Hunzeker. The Pine Lake Association worked with Mr. Hampton and the 7<sup>th</sup> Day Adventists for close to a year and hammered out an agreement that met our needs in terms of protecting our neighborhood and allowing the responsible development of that triangle. It never occurred to us to talk about the sidewalks on Pine Lake Road because we never dreamed it would become an issue. The Pine Lake Association enthusiastically supports all of the work that is being done and which is unfolding just as agreed upon. The Pine Lake Association does not support the urbanization of Pine Lake Road. It is unnecessary. With the reconfiguration of Pine Lake Road and the fact that it will have to make a turn to get to 84<sup>th</sup> Street; with the vacation of Pine Lake Road between Eastshore Drive and Westshore Drive and drawing traffic onto Eiger Road that otherwise would have gone down Pine Lake Road, it appears that there will be less traffic on Pine Lake Road than there may even be now. There will certainly not be a substantial increase. The Pine Lake Association is hopeful that Pine Lake Road will become a much quieter road like the internal roads in the Pine Lake subdivision.

**7. John Bussey**, 6940 Pine Lake Court, testified in support of the proposed amendments and commended the cooperation the developer has shown. Part of the development agreement was that the contractor would attempt to leave Pine Lake Road as it is and not urbanize it. None of the six houses in his court are interested in having curbs and sidewalks.

### Opposition

**1. Mike Morrow** appeared on behalf of **Eiger Corp.**, the owner and developer of the property to the east of 84<sup>th</sup> Street. His client is not necessarily in opposition of the plan. It is a well thought-out plan; however, Eiger Corp. would be opposed to two of the waiver requests. It is important the Commission realize that the city has let the design contract for realigned So. 84<sup>th</sup> Street from Hwy 2 to north of existing Pine Lake Road. It will be shifted fairly dramatically to the east and onto his client's property, which has been agreed upon. As part of that agreement, the city agreed to utilize its reasonable best efforts to vacate and abandon current 84<sup>th</sup> Street. His client would end up with the east half of vacated 84<sup>th</sup> Street, and the people that are the owners of the property on the west side will end up with the vacated western portion of 84<sup>th</sup> Street. In connection with his client's annexation, it was always contemplated that when 84<sup>th</sup> was realigned, there would be no access points on 84<sup>th</sup> from Hwy 2 except in Eiger Drive and Pine Lake Road itself as realigned. Eiger Corp. is generally and overall in favor of the development, as proposed; however, Morrow requested that the conditions of approval set

forth in the staff report be adopted, including no access from 84<sup>th</sup> Street from realigned Hwy 2 to north of Pine Lake Road, except at Eiger Drive and at Pine Lake Road. That was the entire reason for looking at expanding 84<sup>th</sup> to a four lane facility and we should not start to make exceptions to that long range plan.

Morrow also noted that there has been a request to waive the installation of sidewalks along 84<sup>th</sup> Street. The Eiger Corp. would support that waiver to the extent it relates to existing 84<sup>th</sup> Street; however, Morrow requested that that condition be retained and require the developer to construct sidewalks along the western side of realigned 84<sup>th</sup> Street. His client is doing it on the east side and he believes it should be done on the west side.

If he understands the earlier premise on the vacation and the split, Steward believes those sidewalks will be on the Eiger property. Dennis Bartels of Public Works explained that the reason for the recommendation to show sidewalks along relocated 84<sup>th</sup> Street is because the way this plat is drawn, the lots in the subdivision are shown as if they own the property all the way to 84<sup>th</sup> Street. Therefore, in reviewing the proposal, staff assumed that Pine Lake Plaza would purchase that property because that's the way the plat was drawn.

Schwinn inquired whether there are agreements to transfer that property? Bartels stated that the full scale plat showed the lots going up to the new relocated 84<sup>th</sup> Street. At this point, he assumes they do not own it.

Schwinn recalled that during the subarea plan and the shopping center proposal, 84<sup>th</sup> Street in this particular area was de-emphasized. Aren't we taking more traffic to 91<sup>st</sup>? Bartels stated that there is another major entrance to the shopping center at 87<sup>th</sup> & Hwy 2, so Hwy 2 traffic will use the Hwy 2 entrance instead of 84<sup>th</sup>. There is still a large amount of traffic on 84<sup>th</sup> Street. The projected traffic will use all the capacity that the four lanes would provide. 84<sup>th</sup> Street will be redesigned to major arterial standards, i.e. four lane divided with dual turn lanes. There is still a large amount of traffic that will use 84<sup>th</sup> Street.

Newman asked Morrow whether he has a problem with the standards of Pine Lake Road west of 84<sup>th</sup> Street? What are we going to do with Pine Lake Road to the east of 84<sup>th</sup>? Morrow indicated that he does not have a problem with the standards west of 84<sup>th</sup> Street for Pine Lake Road. As far as going east of 84<sup>th</sup> Street, which would be along the northern side of the Eiger development, their annexation agreement provides for construction of an expanded Pine Lake Road facility and sidewalks. Eiger intends to honor these commitments made to the city. In connection with 84<sup>th</sup> Street from Hwy 2 to Pine Lake Road, Morrow pointed out that that is a city project but with development of the shopping center, his client will have a substantial investment. He acknowledged that the city is building it; however, Eiger has contributed ½ million dollars for the construction of that road, and Morrow requested that the design that was incorporated in the annexation agreement and the approval of their use permit (which does not show access to 84<sup>th</sup> Street except at Eiger Drive) be retained. He believes that 84<sup>th</sup> Street will be a major arterial. Eiger Drive east of 84<sup>th</sup> Street into the shopping center is anticipated to bring a lot of traffic into the shopping center. Hwy 2 will catch the traffic coming in from the south side. But going south on 84<sup>th</sup> Street, people will use Eiger Drive as the entrance to the shopping center.

Larson confirmed that Morrow is interested in there being no access off 84<sup>th</sup> from Hwy 2 to Pine Lake Road, except at Eiger Drive. Morrow believes the staff recommendation is that the Hampton

development provide for access points internally within their development to both the Portsche property and the Brinkman property, and that those easements be granted to those owners so they can access their property through the development. Morrow believes that is appropriate. In connection with the design of realigned 84<sup>th</sup> Street, the elevation of 84<sup>th</sup> Street is going to be increased dramatically to provide a more level at-grade crossing with Hwy 2 – almost 6'. The drives that would go down into the Portsche or Brinkman property do not meet city standards. It has been proposed that existing 84<sup>th</sup> Street be retained as some type of frontage road to provide access. This is not appropriate. The access for those properties should be internalized within the Hampton development and old 84<sup>th</sup> Street vacated.

### Staff questions

Carlson asked whether the staff has talked with the applicant about the easement required by Condition #1.1.2, which the applicant is requesting be deleted. Bartels indicated that the detention pond showed ponding water which backed up into the Brinkman property, with minor grading on the Brinkman property. If there is something inaccurate about the drawing, Bartels offered to clarify with the applicant before the application gets to the City Council. The issue was that it appeared that the pool backed up onto someone else's property.

Carlson asked staff to confirm the issue regarding setbacks. Brian Will agreed with the applicant's testimony and confirmed that they will be allowed to have parking within that area if the building environment is moved back as requested.

Carlson inquired about the trail that moves up Hwy 2. Where does it go now and where is it intended to go? Bartels recalled that there is a trail through the other shopping center that parallels 91<sup>st</sup> Street. The trail that dead-ends at 56<sup>th</sup> is not adjacent or near this property.

Steward asked staff to respond to the request to delete Condition #1.1.5, which requires the 250' right-turn, southbound lane in South 84<sup>th</sup> Street, which the applicant is requesting be deleted. Bartels agreed that 150' will handle the number of cars predicted by the traffic engineer. The 250' was recommended more as an operational aspect to provide a little longer lane for stacking considerations.

Steward discussed the Brinkman request to remove Lot 34 from the annexation. Everything else around this property is in track to be annexed. Is there any logic to connect this particular piece of the annexation to the roadway completion? Bartels advised that the intent is to begin construction on that road early next year. As soon as the water main goes out to the new water storage facility south of Hwy 2, the construction of the road will follow. The staff believes that Lot 34 should be annexed now.

Newman asked for further clarification of the requirement to urbanize Pine Lake Road. Bartels clarified that urban standards refer to 27' wide local street similar to the lots that front on Pine Lake Road. He does not see this as a big change for Pine Lake in general. This plat will create 8 townhouse lots and an office lot to take access to it. A rural cross-section is higher maintenance cost to the city; the urban cross-section is more of a self-maintaining section and would not be as labor intensive. If we don't put this requirement with this plat, we would have to use street construction funds to pay for everything but the curb and gutter. Bartels believes that the nature of this plat necessitates, for maintenance purposes, the construction of a local curb and gutter street similar to what you see in the rest of Pine Lake. Putting curb and gutter in there will not add traffic to the street. The width will be similar. 26' curb

and gutter should not attract more traffic. The requirement is for ease of maintenance of the street. With construction of those townhouses that take access to Pine Lake Road, Bartels believes they need a standard city street.

Schwinn noted that there is a rural street profile in Wilderness Ridge with the softened ditches on the side. Most of the neighbors maintain up to the curb on Pine Lake Road on the north side so the maintenance of the ditches is not really a concern on the north side. On the south side with the townhomes, he would assume they would put the sidewalks in anyway. If we leave that requirement for the sidewalks on the south side of Pine Lake Road, that would be treated just like any other sidewalk bond in any other residential subdivision. Bartels noted that by regrading they could probably build the sidewalk. Possibly the ditch could be regraded. Bartels also pointed out that Wilderness Ridge is all private roadways so any added maintenance costs there go to the homeowners.

Newman is worried about “watch out what you wish for”. If they improve that street and put the sidewalks on the development side, the development has to pay for it, but if the sidewalks are not required now, it is possible the owners will be assessed for the sidewalks in the future. Bartels acknowledged that the property owners would be assessed with at least a portion of it.

#### Response by the Applicant

Hunzeker responded to the exceptions to the waivers raised by Mr. Morrow. His objection to the access to the Portsche property strikes Hunzeker as maybe being a little “over the top”. We’re not causing any real problem with a right-in right-out on 84<sup>th</sup> Street at that location for that particular property. The grading problem described is one that is easily addressed. If the grade of 84<sup>th</sup> is raised 6', the distance between the new 84<sup>th</sup> and our current property is 100', so a 6% grade will easily make that transition. Moreover, the plan for the Portsche property is to have split-level office buildings with two stories on the back and one story on the front, which would make that kind of transition easily done and desirable.

The question about the sidewalks is one that is very legitimate. Who is going to control the strip of land abutting the west half of 84<sup>th</sup> Street? If, as Mr. Morrow indicated, the city has agreed to give to Eiger Corp as much of the right-of-way as it can, then that east half of the exiting right-of-way which will be abutting the west side of new 84<sup>th</sup> Street will be owned by Eiger Corp. and not subject to the control of any of the owners along the west side, other than those agreements that exist for sale of the property.

With respect to the urbanization of Pine Lake Road, the Commission has heard testimony from most of the people who live along the north side of Pine Lake Road who do not want that process to take place. If that road has to be changed, the changing of the existing roadway elevation and grades will have to be changed as it relates to the front yards of those properties. He is not sure what would happen in terms of the change of roadway grades or in terms of getting into the front yards of those properties.

With respect to the south side and the townhouse lots, Hunzeker explained that the lots are aligned and it would be a simple matter to provide access to the back side of the townhouses and in many ways more convenient for the builder who would not have to put in culverts along Pine Lake Road. This has not been made a condition but it is something that is very likely to occur. It might provide a more aesthetically pleasing front as well.

Schwinn agrees with the concern on the sidewalk issue from the existing Pine Lake neighborhood to get into the Eiger property. He suggested that the condition require them to provide pedestrian access from Eastshore Drive to So. 82<sup>nd</sup> Street, and then in that case that would give them the option to run the sidewalk through Outlot A and across the back of the townhouses, or sidewalks across the front. It just seems it would make sense to allow pedestrian access into the area. Newman is also concerned because there will be sidewalks on the east side of 84<sup>th</sup> so it is only natural that there should be some connection there. Schwinn is concerned that there is no pedestrian access from the existing Pine Lake neighborhood into this neighborhood. Hunzeker believes it is problematic in that there is a ditch and the established grades along those county road sections make it difficult. However, he agreed that it has been done and it can be done.

Public hearing was closed.

**ANNEXATION NO. 02006**

**ADMINISTRATIVE ACTION BY PLANNING COMMISSION:**

November 13, 2002

Duvall moved to approve the staff recommendation of approval, subject to an annexation agreement, seconded by Carlson.

Schwinn noted that this motion does not delete Lot 34 as requested by Mr. Brinkman. It is our long time policy that when a piece of property gets surrounded by the city, you join hands and become part of the city.

Motion carried 7-0: Newman, Carlson, Larson, Duvall, Steward, Taylor and Schwinn voting 'yes'; Bills-Strand and Krieser absent.

**CHANGE OF ZONE NO. 3373**

**ADMINISTRATIVE ACTION BY PLANNING COMMISSION:**

November 13, 2002

Duvall moved approval, seconded by Carlson and carried 7-0: Newman, Carlson, Larson, Duvall, Steward, Taylor and Schwinn voting 'yes'; Bills-Strand and Krieser absent.

**USE PERMIT NO. 145**

**ADMINISTRATIVE ACTION BY PLANNING COMMISSION:**

November 13, 2002

Duvall moved to approve the staff recommendation of conditional approval, seconded by Carlson and carried 7-0: Newman, Carlson, Larson, Duvall, Steward, Taylor and Schwinn voting 'yes'; Bills-Strand and Krieser absent.

**PRELIMINARY PLAT NO. 02016**

**PINE LAKE PLAZA**

**ADMINISTRATIVE ACTION BY PLANNING COMMISSION:**

November 13, 2002

Duvall moved to approve the staff recommendation of conditional approval, seconded by Carlson.

Steward made a motion to amend to delete Condition #1.1.1 (the issue regarding urbanization of Pine Lake Road), seconded by Schwinn. Discussion: Schwinn commented that there have been a lot of



people in support of leaving Pine Lake Road in its particular profile so he wants to go with the neighborhood's desire. Motion to amend deleting Condition #1.1.1 carried 7-0: Newman, Carlson, Larson, Duvall, Steward, Taylor and Schwinn voting 'yes'; Bills-Strand and Krieser absent.

Duvall made a motion to amend to delete Condition #1.1.2 (the easement to accommodate drainage from detention cell #1). Motion failed for lack of a second.

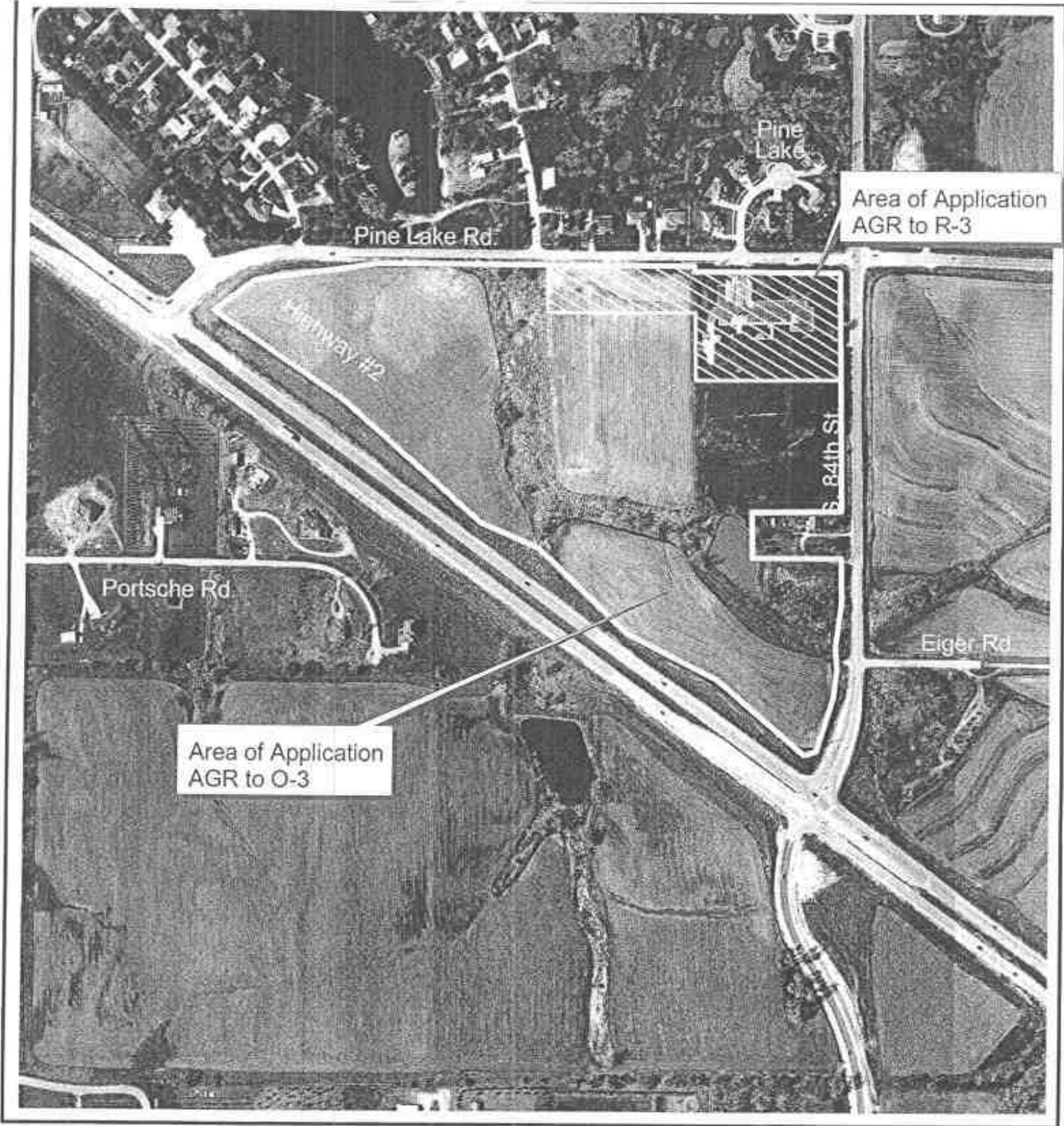
Steward made a motion to amend to delete Condition #1.1.5, the impact of which accepts the 150' right-turn, southbound lane in South 84<sup>th</sup> Street as proposed, seconded by Duvall and carried 7-0: Newman, Carlson, Larson, Duvall, Steward, Taylor and Schwinn voting 'yes'; Bills-Strand and Krieser absent.

Schwinn made a motion to amend to amend Condition #1.1.6 as follows: "Sidewalks along both sides of Eiger Drive, South 82<sup>nd</sup> Street, and Alcom Court; along the west side of realigned South 84<sup>th</sup> Street; and ~~along the south side of Pine Lake Road~~ to provide pedestrian access from Eastshore Drive to Pine Lake Court onto South 82<sup>nd</sup> Street.", seconded by Duvall and carried 7-0: Newman, Carlson, Larson, Duvall, Steward, Taylor and Schwinn voting 'yes'; Bills-Strand and Krieser absent.

Steward made a motion to amend to amend Condition #1.1.8 as follows: "Revise Note #21 to indicate sidewalks will be provided along both sides of the streets except Highway 2, and except as noted in Condition #1.1.6.", seconded by Duvall and carried 7-0: Newman, Carlson, Larson, Duvall, Steward, Taylor and Schwinn voting 'yes'; Bills-Strand and Krieser absent.

Main motion for conditional approval, as amended, carried 7-0: Newman, Carlson, Larson, Duvall, Steward, Taylor and Schwinn voting 'yes'; Bills-Strand and Krieser absent.

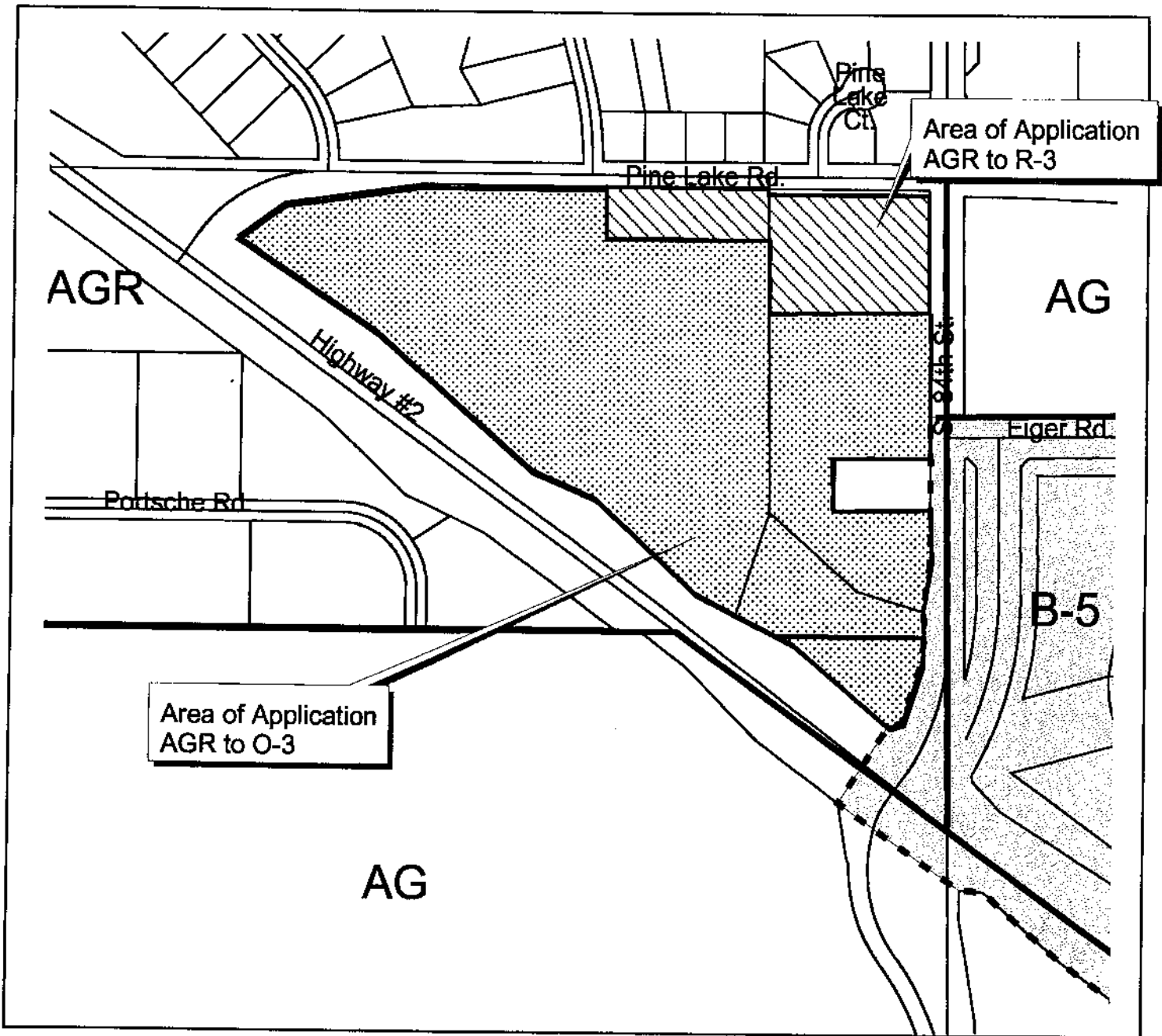
**(Editorial Note:** Conditions #1.1.2, #1.1.4, #1.1.10 and #3.2.10 were not deleted or amended by the Planning Commission).



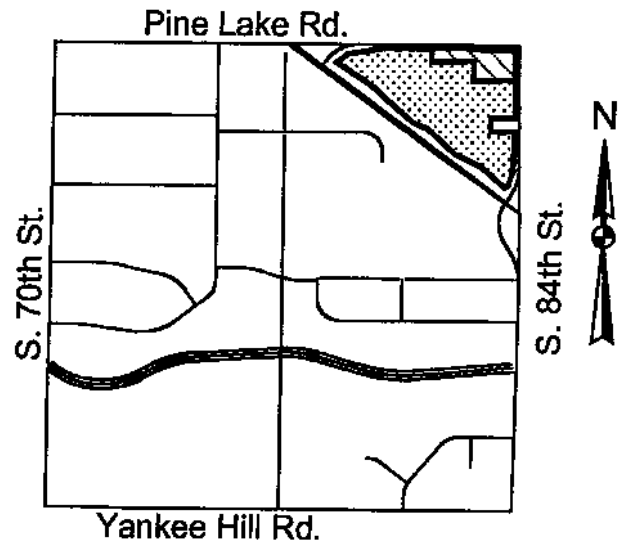
**Change of Zone #3373  
Pine Lake Plaza  
S. 84th & Pine Lake Rd.**



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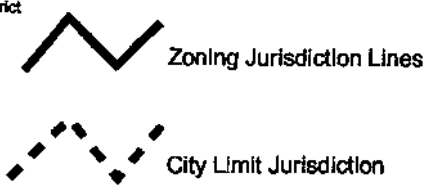


**Change of Zone #3373  
Pine Lake Plaza  
S. 84th & Pine Lake Rd.**



- Zoning:**
- R-1 to R-8 Residential District
  - AG Agricultural District
  - AGR Agricultural Residential District
  - R-C Residential Conservation 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

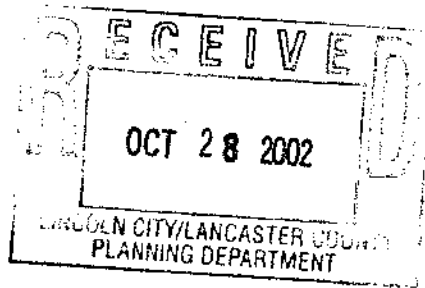
One Square Mile  
Sec. 22 T9N R7E



Legal Description  
Change of Zone  
AGR to R-3

A LEGAL DESCRIPTION OF A TRACT OF LAND, LOCATED IN THE NORTHEAST QUARTER OF SECTION 22, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6<sup>TH</sup> P.M., LANCASTER COUNTY, NEBRASKA AND MORE FULLY DESCRIBED AS FOLLOWS:

REFERRING TO THE NORTHEAST CORNER OF SAID NORTHEAST QUARTER; THENCE: N90°00'00"W, ON THE NORTH LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 50.00 FEET; THENCE: S00°49'15"E, A DISTANCE OF 33.00 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF SOUTH 84<sup>TH</sup> STREET AND THE POINT OF BEGINNING; THENCE: CONTINUING S00°49'15"E, ON SAID LINE, A DISTANCE OF 357.24 FEET; THENCE: N89°37'25"W, A DISTANCE OF 475.07 FEET; THENCE: N00°49'15"W, A DISTANCE OF 214.10 FEET; THENCE: N90°00'00"W, A DISTANCE OF 480.48 FEET; THENCE: N00°14'46"W, A DISTANCE OF 140.00 FEET; THENCE: S90°00'00"E, ON THE SOUTHERLY RIGHT-OF-WAY LINE OF PINE LAKE ROAD, A DISTANCE OF 954.09 FEET TO THE POINT OF BEGINNING AND CONTAINING A CALCULATED AREA OF 5.42 ACRES MORE OR LESS.



Legal Description  
Change of Zone  
AGR to O-3

A LEGAL DESCRIPTION OF A TRACT OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 22, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6<sup>TH</sup> P.M., LANCASTER COUNTY, NEBRASKA AND MORE FULLY DESCRIBED AS FOLLOWS:

REFERRING TO THE NORTHEAST CORNER OF SAID NORTHEAST QUARTER; THENCE: N90°00'00"W, ON THE NORTH LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 50.00 FEET; THENCE: S00°49'15"E, A DISTANCE OF 33.00 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF SOUTH 84<sup>TH</sup> STREET; THENCE: CONTINUING S00°49'15"E, ON SAID LINE, A DISTANCE OF 357.24 FEET TO THE POINT OF BEGINNING; THENCE: CONTINUING S00°49'15"E, ON SAID LINE, A DISTANCE OF 419.58 FEET; THENCE: S89°10'45"W, A DISTANCE OF 290.40 FEET; THENCE: S00°49'15"E, A DISTANCE OF 150.00 FEET; THENCE: N89°10'45"E, A DISTANCE OF 290.40 FEET TO A POINT ON SAID WEST RIGHT-OF-WAY LINE; THENCE: S00°49'15"E, ON SAID LINE, A DISTANCE OF 143.94 FEET; THENCE: S07°41'34"W, ON SAID LINE, A DISTANCE OF 141.50'; THENCE: S04°54'04"E, ON SAID LINE, A DISTANCE OF 71.70 FEET; THENCE: S06°39'36"W, ON SAID LINE, A DISTANCE OF 92.43 FEET; THENCE: S18°00'22"W, ON SAID LINE, A DISTANCE OF 177.89 FEET; THENCE: S71°59'18"W, A DISTANCE OF 41.95 FEET; THENCE: N49°58'12"W, ON THE NORTHERLY RIGHT-OF-WAY LINE OF HIGHWAY 2, A DISTANCE OF 371.21 FEET; THENCE: N63°29'11"W, ON SAID LINE, A DISTANCE OF 323.87 FEET; THENCE: N47°28'49"W, ON SAID LINE, A DISTANCE OF 403.11 FEET; THENCE: N67°17'09"W, ON SAID LINE, A DISTANCE OF 205.00 FEET; THENCE: N49°22'04"W, ON SAID LINE, A DISTANCE OF 602.52 FEET; THENCE: N56°53'20"W, ON SAID LINE, A DISTANCE OF 500.38 FEET; THENCE: N53°50'27"E, ON THE SOUTHERLY RIGHT-OF-WAY LINE OF PINE LAKE ROAD, A DISTANCE OF 168.93 FEET; THENCE: N82°00'32"E, ON SAID LINE, A DISTANCE OF 402.47 FEET; THENCE: N90°00'00"E, ON SAID LINE, A DISTANCE OF 550.68 FEET; THENCE: S00°14'46"E, A DISTANCE OF 142.56 FEET; THENCE: N89°19'18"E, A DISTANCE OF 216.03 FEET; THENCE: S87°53'55"E, A DISTANCE OF 66.08 FEET; THENCE: N89°19'18"E, A DISTANCE OF 198.44 FEET; THENCE: S00°49'15"E, A DISTANCE OF 214.03 FEET; THENCE: S89°37'25"E, A DISTANCE OF 475.07 FEET TO THE POINT OF BEGINNING AND CONTAINING A CALCULATED AREA OF 34.542 ACRES MORE OR LESS.

