

## FACTSHEET

**TITLE: USE PERMIT NO. 155**, requested by Brian D. Carstens and Associates, on behalf of William Krein, for nine 5,000 sq. ft. office buildings in a R-T Residential Transition zoning district, with a waiver request to allow Lots 1-9, Block 5, without frontage and access to a public street or a private roadway, on property generally located at the southwest corner of S. 56<sup>th</sup> Street and Pine Lake Road.

**SPONSOR:** Planning Department

**BOARD/COMMITTEE:** Planning Commission  
Public Hearing: 11/26/03 and 12/10/03  
Administrative Action: 12/10/03

**RECOMMENDATION:** Conditional Approval (7-0: Larson, Carlson, Marvin, Krieser, Taylor, Duvall and Bills-Strand voting 'yes').

**STAFF RECOMMENDATION:** Denial

**ASSOCIATED REQUEST:** Change of Zone No. 3429 (04-13) and Special Permit No. 1713B (04R-12)

### FINDINGS OF FACT:

1. This use permit and the associated amendment to the Aspen 3<sup>rd</sup> Community Unit Plan and Change of Zone No. 3429 from R-4 to R-T were heard at the same time before the Planning Commission. The purpose of this proposal is to replace 186 multi-family dwelling units with nine 5,000 sq. ft. office buildings and ten residential lots.
2. The staff recommendation to deny this use permit is based upon the "Analysis" as set forth on p.4-5, concluding that the request does not conform to the Comprehensive Plan. The expanded commercial area is an intrusion into the residential area. The expanded commercial area, if approved, would set up the remaining multi-family area to the north for more commercial uses and eliminate the mix of housing as advocated by the Plan.
3. The applicant's testimony and other testimony in support is found on p.8-9, and the record consists of 21 items of correspondence in support (p.24-44). The applicant indicated that this change to the previously approved plan is market driven.
4. Testimony in opposition on behalf of the property owners on Old Creek Road and Sugar Creek Road is found on p.9-10. The opposition is concerned about diminished property values and abnormal flow of traffic on Old Creek Road and Sugar Creek Road, causing an increase in maintenance costs to the homeowners. The record also consists of one letter in opposition, including 20 signatures in opposition (p.45-48).
5. The applicant's response to the opposition is found on p.10.
6. On December 10, 2003, the Planning Commission disagreed with the staff recommendation and voted 7-0 to recommend approval, with the conditions as set forth on p.6-7.
7. The Site Specific conditions of approval required to be completed prior to scheduling this application on the City Council agenda have been satisfied.

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

**DATE:** January 20, 2004

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

**DATE:** January 20, 2004

**REFERENCE NUMBER:** FS\CC\2004\UP.155

**LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT**

**for November 26, 2003 PLANNING COMMISSION MEETING**

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.:** Change of Zone 3429  
Special Permit #1713B  
Use Permit #155

**PROPOSAL:** A change of zone from R-4 to RT  
A special permit to amend the boundaries of the approved Community Unit Plan and add ten residential lots.  
A use permit for nine 5,000 s.f. office buildings in an RT zoning district.

**LOCATION:** S. 56<sup>th</sup> St. & Pine Lake Rd.

**WAIVER REQUEST:**

To allow Lots 1-9, Block 5 without frontage and access to a public street or private roadway.

**LAND AREA:** 12.18 acres more or less

**CONCLUSION:** These requests are **not in conformance** with the 2025 Comprehensive Plan. The expanded commercial area is an intrusion into the residential area. The expanded commercial area, if approved, would provide opportunity in the future for more commercial uses in the area.

**RECOMMENDATION:**

Change of Zone 3429	Denial
Special permit 1713B	Denial
Use Permit 155	Denial

**WAIVERS**

To allow Lots 1-9, Block 5 without frontage and access to a public street or a private roadway.	Denial
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**GENERAL INFORMATION:**

**LEGAL DESCRIPTION:** see attached

**EXISTING ZONING:** R-3 and R-4

**EXISTING LAND USE:** Single family, attached two-family and undeveloped.

**SURROUNDING LAND USE AND ZONING:**

North:	R-3 Residential O-3 Office Park	Single family and attached two-family. Offices on the northwest corner of Pine Lake Rd. & S. 56 <sup>th</sup> St.
South:	R-3 Residential	Single family and attached two-family
East:	B-2 Planned Neighborhood Business and O-3 Office Park	U.S. Post office and undeveloped.
West:	R-3 Residential	Single family and attached two-family.

**HISTORY:**

**July 8, 2002** Use Permit 141, Thompson Creek, located southeast of S. 56<sup>th</sup> St. & Pine Lake Rd., to construct 76,000 s.f. of office space was approved by City Council.

**April 17, 2000** Special Permit 1713A, Aspen 3<sup>rd</sup> Addition CUP to adjust the front yard setback was approved by City Council.

**June 22, 1998** Use Permit 112 to construct a 30,000 s.f. office building at northwest corner of S. 56<sup>th</sup> St. & Pine Lake Rd. was approved by City Council.

**March 2, 1998** Special Permit 1713, Aspen 3<sup>rd</sup> Addition CUP for 382 dwelling units; Change of Zone 3098 for R-3 to R-4 and Preliminary Plat 97031, Aspen 3<sup>rd</sup> Addition was approved by City Council.

**June 16, 1997** Change of Zone 3037 for AG & R-3 to B-2 and O-3; Use Permit 97 for 100,000 s.f. of commercial use and Preliminary Plat 96027, Aspen 2<sup>nd</sup> Addition for 7 commercial lots and two outlots was approved by City Council.

**COMPREHENSIVE PLAN SPECIFICATIONS:**

**Page F-17** Maximize the community's present infrastructure investment by planning for residential and commercial development in areas with available capacity. This can be accomplished in many ways including encouraging appropriate new development on unused land in older neighborhoods, and encouraging a greater amount of commercial space per acre and more dwelling units per acre in new neighborhoods.

**Page F-25** The 2025 Comprehensive Plan identifies this area as urban residential.

**Page F-41** Commerce enters should generally contain a mix of land uses, including residential uses. Higher density residential uses should be included in and/or adjacent to all commercial centers.

- Page F-41** New or established commercial uses should not encroach upon, or expand into, existing neighborhoods.
- Page F-42** Centers should contain a mix of residential, office, service and retail uses. In addition, other “residential” uses such as multi-family, single family attached, child care centers, and recreational facilities should be integrated within the development.
- Page F-66** Provide different housing types and choices, including affordable housing, throughout each neighborhood for an increasingly diverse population.
- Page F-67** Guiding principles for new neighborhoods includes:
- Encourage a mix of housing types, single family, townhomes, apartments, elderly housing all within one area;
  - Similar housing types face each other; single family faces single family, change to different use at rear of lot.
  - Multi-family and elderly housing nearest to commercial areas.
- Page F-71** The key to both new and existing urban neighborhoods is diversity. For new neighborhoods, it is having a greater mix of housing types and land uses. New neighborhoods should have a variety of housing types and sizes, plus commercial and employment opportunities. Developing a pedestrian orientation of buildings and streets is also a priority for new areas.

**UTILITIES:** All utilities are available to service this development.

**TRAFFIC ANALYSIS:** S. 56<sup>th</sup> St. is classified as a principal arterial and Pine Lake Rd. is classified as a minor arterial.

**PUBLIC SERVICE:** The nearest fire station is located at S. 48<sup>th</sup> St. & Claire St. The nearest elementary school is Cavett Elementary located at 7701 S. 36<sup>th</sup> St.

**ALTERNATIVE USES:** This area has approval to construct 186 multiple-family dwelling units or other alternative uses could be single family dwellings or townhomes.

**ANALYSIS:**

1. This application request is to amend the special permit by replacing 186 mutiple-family dwelling units with 9, 5,000 sq. ft. office buildings and 10 residential lots; change the zoning from R-4 to RT and for a use permit over the RT zoning district.
2. This application is not in conformance with the 2025 Comprehensive Plan. The Comprehensive Plan identifies the area in this application as urban residential. The

Comprehensive Plan also encourages increased density and a mixture of housing types in neighborhoods.

3. Use Permit 97 approved 100,000 s.f. of commercial floor area in the B-2 and O-3 districts to the east of Stephanie Lane. To date only 16,000 s.f. has been constructed. If there is an immediate need for office space, it may be located in the vacant B-2 and O-3 zoning areas.
4. Use Permit 141, Thompson Creek, approved 76,000 s.f. of office space. To date none of the office use has been built. Thompson Creek is located southeast of S.56th St. & Pine Lake Rd., directly south of Cambell's Nursery.
5. The approved multiple-family complex is a buffer between the commercial uses to the east and the residential to the west. The approved plan for the multiple-family area shows two smaller buildings, 18 units each, along the west end, again providing transition from the larger building farthest away from the single family/townhouse units. (see attached plan Special Permit 1713A)
6. The approved plan has green space of 2.06 acres that provides a buffer between the single family/townhomes and the multiple-family.
7. The intent of the RT zoning district is to provide a transition from residential to commercial. The area requested to be changed to RT is approximately 600' deep and 400' wide. This extensive depth is not a transition, but an intrusion into the residential area. An acceptable depth for RT would be 150' along Stephanie Lane. This would provide a buffer from the commercial east of Stephanie Lane without being an intrusion into the residential area.
8. If the proposed change of zone is successful, it would provide an opportunity to request a change from multiple-family to the north adjacent Pine Lake Rd. to commercial. There would be commercial zoning on two sides of the multiple-family complex and a major street on the north. This would create more intrusion into the neighborhood by commercial uses.
9. When Use Permit 97 was approved there were promises made that the developer would not seek a non-residential zoning classification for any of the property lying west of Stephanie Lane and on the west side of the curve of Red Rock Rd. This guarantee was made at the Planning Commission public hearing on May 21, 1997.

## **CONDITIONS OF APPROVAL**

### **Use Permit 155**

#### Site Specific:

1. Planning Staff recommends denial, however if this application is approved the applicant must complete the following instructions and submit the documents and plans to the Planning department office and the plans are found to be acceptable, before the application will be scheduled on the City Council agenda:

1.1 Revise the site plan to show:

1.1.1 Provide a blanket utility easement over Block 5, excluding building envelopes. Provide a 5' utility easement on the west lot line of Lots 21-30, Block 4.

1.1.2 Change the name of the private roadway. The existing Old Creek Rd is primarily an east-west street and numbered accordingly. The new street is north-south. Continued east-west numbering in a north-south street is very often confusing.

1.1.3 The intersection of Allen Rd. and Old Creek Rd does not meet design standards. Revise the intersection to meet design standards.

1.1.4 The parking stall table shows that there are 22 extra parking stalls. Change the 90 degree parking stalls along Old Creek Rd. to parallel parking stalls.

2. This approval permits nine 5,000 s.f. office buildings with a waiver to allow the lots without frontage to a public street or private roadway.

#### General:

3. Before receiving building permits:

3.1 The permittee shall have submitted a revised and reproducible final plan including 5 copies and the plans are acceptable.

3.2 The construction plans shall comply with the approved plans.

3.3 Final Plans shall be approved by the City.

#### **STANDARD CONDITIONS:**

4. The following conditions are applicable to all requests:

4.1 Before occupying the office buildings all development and construction shall have been completed in compliance 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 site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
  - 4.4 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
  - 4.5 The applicant shall sign and return the letter of acceptance to the City Clerk within 30 days following the approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filling fees therefor to be paid in advance by the applicant.
5. The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all resolutions approving previous permits remain in force unless specifically amended by this resolution.

Prepared by:

Tom Cajka  
Planner

**DATE:** November 14, 2003

**APPLICANT:** William Krein  
Krein Real Estate  
4750 Normal Blvd. Suite 3  
Lincoln, NE 68506

**OWNER:** same as applicant

**CONTACT:** Brian D. Carstens  
Brian D. Carstens & Associates  
601 Old Cheney Rd. Suite C  
Lincoln, NE 68512

**CHANGE OF ZONE NO. 3429,  
SPECIAL PERMIT NO. 1713B, an amendment  
to the ASPEN 3<sup>RD</sup> ADDITION COMMUNITY UNIT PLAN  
and  
USE PERMIT NO. 155**

**PUBLIC HEARING BEFORE PLANNING COMMISSION:**

November 26, 2003

Members present: Krieser, Duvall, Bills-Strand, Marvin, Carlson, Taylor, Larson and Steward.

Planning staff recommendation: Deferral until December 10, 2003, due to an error in advertising.

Ex Parte Communications: None.

Tom Cajka of Planning staff submitted a letter from the applicant requesting to defer their formal presentation until the next meeting.

Cajka also submitted a letter in support from Bill and Jan Norris on behalf of the Aspen development neighbors.

Bills-Strand moved deferral, with continued public hearing and administrative action scheduled for December 10, 2003, seconded by Taylor and carried 8-0: Krieser, Duvall, Bills-Strand, Marvin, Carlson, Taylor, Larson and Steward voting 'yes'.

**CONT'D PUBLIC HEARING BEFORE PLANNING COMMISSION:**

December 10, 2003

Members present: Larson, Carlson, Marvin, Krieser, Taylor, Duvall and Bills-Strand.

Staff recommendation: Denial.

Ex Parte Communications: None.

Tom Cajka of the Planning staff submitted 16 additional letters in support of the proposal.

Proponents

**1. Brian Carstens** appeared on behalf of **Aspen Partnership, Krein Real Estate and Bill Krein**. The subject property is located at the southwest corner of 56<sup>th</sup> & Pine Lake Road, consisting of approved B-2 zoning that is currently not developed and O-3 Office with a postal distribution center. There is currently an administrative amendment and a final plat pending on the O-3, with a bank user locating up in the corner, and some potential leased office space. Krein has been marketing the two multi-family areas for the past five years with not a whole lot of interest in the large three-story buildings. Krein has been working with some adjacent neighbors and they have come up with the proposed plan to remove the 150-plex building, and replacing it with nine 5,000 sq. ft. residential-transition buildings and 10 single family lots, which match what is going on in the rest of the Aspen subdivision. Bill Krein was the original developer of the Country Plaza use



permit at 56<sup>th</sup> & Waltz Road and he has experienced good success there and would like to repeat that. The nine office buildings are more in scale with the existing neighborhood. They are adding ½ acre to the green space. The neighbors on the west side of the creek, along with the applicant, have expended a lot of time and energy improving the creek area in the past five years. The neighbors do not want to look across this creek to see a three to four story 150-plex in their back yards.

Carstens pointed out that there are five neighbors in support in attendance today. The developer wants to make this change at this time since the market has changed in the last five years. This application increases the open space/common area. Three of the office buildings closest to the single family will have fronts with parking.

It was confirmed that the entry point into the commercial area would be Stephanie Lane and Red Rock Lane. Marvin noted that when they widen Pine Lake to 4-5 lanes, typically at 56<sup>th</sup> Street they will put a concrete median back a ways. Is that going to plug Stephanie Lane? Carstens acknowledged that the preliminary plans show a median going across Stephanie Lane and the neighborhood associations on both sides are in opposition to that.

Carlson noted that the apartment building to the north remains. He asked Carstens to help him understand how the residents of the apartments and the residents of the new single family will move by foot into the office center and the service/commercial on 56<sup>th</sup> Street. Carstens pointed out that there are sidewalks on both sides of the public streets and the private roadway. Most of the parking for the R-T buildings is internal. There would be pedestrian circulation along all of the perimeter and internally through the common outlot all the way from Beaver Creek Lane.

**2. Roger Ehlers**, 7226 Sugar Creek Circle, which is just to the west of the proposed area, testified in support. He is Vice-President of the Sugar Creek Homeowners Association. A majority of the property owners on Sugar Creek Road and Sugar Creek Circle are in favor of this proposal. A couple of concerns include the presence of the current zoning with the apartments. The neighbors are opposed to the three-story 18-plexes, which would not be considered “smaller buildings”. The other issue is traffic. The analysis says that Cavett Elementary is the closest, but he believes it is Humann. If you have 226 apartments you will have traffic coming down Old Creek and Sugar Creek to go to that school. Much of the traffic will go through the residential area. Krein Real Estate has been very good to work with. These neighbors actually initiated this idea and went to Mr. Krein, who also wanted to see something different. The green space was a cooperative effort between the people who live on that green space and the applicant. As far as the promise that there would be no change in zone in the future, Ehlers purported that when that promise was made, Sugar Creek Circle did not exist. These neighbors have worked with Mr. Krein and this is a vast improvement of the development for this area. Ehlers stated that he is not speaking for the association, but he believes the majority would agree with his testimony.

### Opposition

**1. L.F. Roschewski**, 4820 Sugar Creek Road, testified on behalf of 22 homeowners in opposition because when they purchased their homes on Old Creek Road and Sugar Creek Road, they were informed that the zoning would remain R-4 Residential. They believe this designation should remain so that the value of their property will not be diminished. The change to R-T will cause an abnormal flow of traffic on these two streets because the left hand turns from Stephanie Lane onto

Pine Lake Road seem to be eliminated under the proposed 4-lane reconstruction of Pine Lake Road. This increased flow would go into Old Creek Road to the stop light at Beaver Creek and Pine Lake. Old Creek is a private road maintained by the homeowners which would be costly to maintain if the traffic is increased. Many of the homeowners are senior citizens and this change would be detrimental to the value of their property.

Roschewski agrees that the Comprehensive Plan identifies this property as urban residential. There is currently 84,000 sq. ft. of commercial floor area in the B-2 and O-3 to the east of Stephanie Lane which has not been used. Use Permit 141, Thompson Creek, approves 76,000 sq. ft. of office space, none of which to date has been built. (Thompson Creek is directly south of Campbell Nursery). If the proposed change of zone is successful, it will provide additional opportunity to require or to request a change to the north adjacent to Pine Lake Road to commercial. This would create more intrusion into his neighborhood. Promises were made that the developer would not seek a change of zone for any non-residential zoning. This guarantee was made at the Planning Commission hearing on May 21, 1997. Who would build 10 expensive homes directly across from a commercial office building? The developer has not met or communicated with the property owners on Old Creek Road as to this change. Roschewski submitted a petition of 22 signatures of the homeowners residing on Old Creek Road in opposition, plus 10 additional homeowners who did not sign because of the bad weather yesterday. Some are out of town. 85% of Old Creek Road residents, property owners who would be subject to the intrusion (more than the Aspen homeowners), support denial of the zone change.

Marvin suggested that the apartments will generate trip traffic. Roschewski agreed, but the chance of those apartments being built are pretty rare. He does not think they will ever build the apartments. His opinion is that the idea is to slowly intrude and put this into commercial use. Pretty soon the other area zoned R-4 will be requesting a change, also. He wants to stop it here.

#### Response by the Applicant

Carstens advised that the proposed R-T is a transition district between the B-2 and the O-3, as well as 56<sup>th</sup> Street traffic. He did an informal call this morning with regard to apartment complexes between 40<sup>th</sup> and 14<sup>th</sup> Streets south of Pine Lake Road which are existing or under construction. There is one project consisting of 104 completed units, with 49 occupied; another for 120 units, with 86 occupied; another project that has been there for 5-6 years, with 96% occupancy; brand new complex with 120 units that has about three buildings ready to be occupied, with 4 units out of 120 leased. This demonstrates that there is not a pent-up demand for apartments in this area at this time.

Marvin inquired as to why the developer wouldn't use the existing business district at 56<sup>th</sup> & Pine Lake Road. Carstens responded that the B-2 is suited for more retail type uses. The office area on the south side of Red Rock is starting to bubble now. Krein would like to keep the other three office buildings as rentals and these R-T buildings would be sold units. "It doesn't matter

if we have apartments or the office, we think it will be about a wash on traffic.” If it was apartments, the kids going to Humann School would be generating a lot of traffic, as well as Pound Middle School.

Carlson asked the applicant to respond to the comments about the proposed apartments to the north of the R-T, and whether they will remain as apartments. Carstens stated that at this time, the apartment site to the north is still an apartment site in the developer’s mind. He might run a road between there. As far as the transition between the single family and the R-T office, there was thought about making those look like fronts. Carstens believes that the developer would be glad to take the parking stalls off, but they thought it would look more aesthetic than the back of the buildings with air conditioners, etc.

**CHANGE OF ZONE NO. 3429**

**ADMINISTRATIVE ACTION BY PLANNING COMMISSION:**

December 10, 2003

Larson moved approval, seconded by Duvall.

Marvin would like to keep Stephanie Lane open to both sides of the street. If they close that off, whether it’s apartments or offices, they are going to get people driving in areas where they are not designed to drive. He recommends keeping the streets open.

Motion for approval carried 7-0: Larson, Carlson, Marvin, Krieser, Taylor, Duvall and Bills-Strand voting ‘yes’. This is a recommendation to the City Council.

**SPECIAL PERMIT NO. 1713B**

**ADMINISTRATIVE ACTION BY PLANNING COMMISSION:**

December 10, 2003

Larson moved approval, with conditions, seconded by Duvall.

Bills-Strand commented that with the shortage of single family lots, she is glad to see some more added. She does question the parking across the street, but she likes the fronts of the office buildings.

Motion for conditional approval carried 7-0: Larson, Carlson, Marvin, Krieser, Taylor, Duvall and Bills-Strand voting ‘yes’. This is a recommendation to the City Council.

**USE PERMIT NO. 155**

**ADMINISTRATIVE ACTION BY PLANNING COMMISSION:**

December 10, 2003

Duvall moved approval, with conditions, seconded by Larson and carried 7-0: Larson, Carlson, Marvin, Krieser, Taylor, Duvall and Bills-Strand voting ‘yes’. This is a recommendation to the City Council.



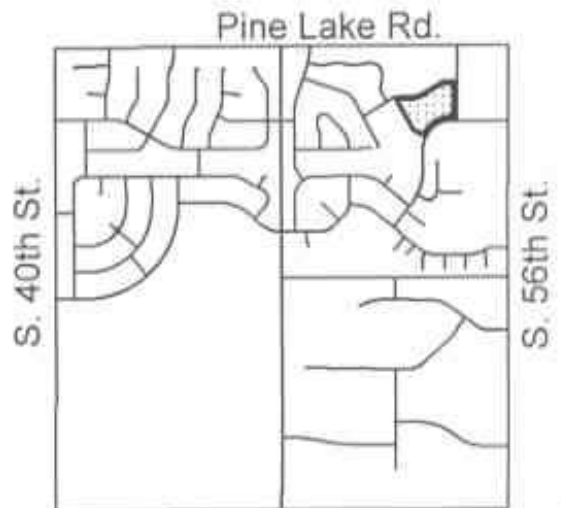
2002 aerial

## Use Permit #155 S. 56th & 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. 20 T9N R7E

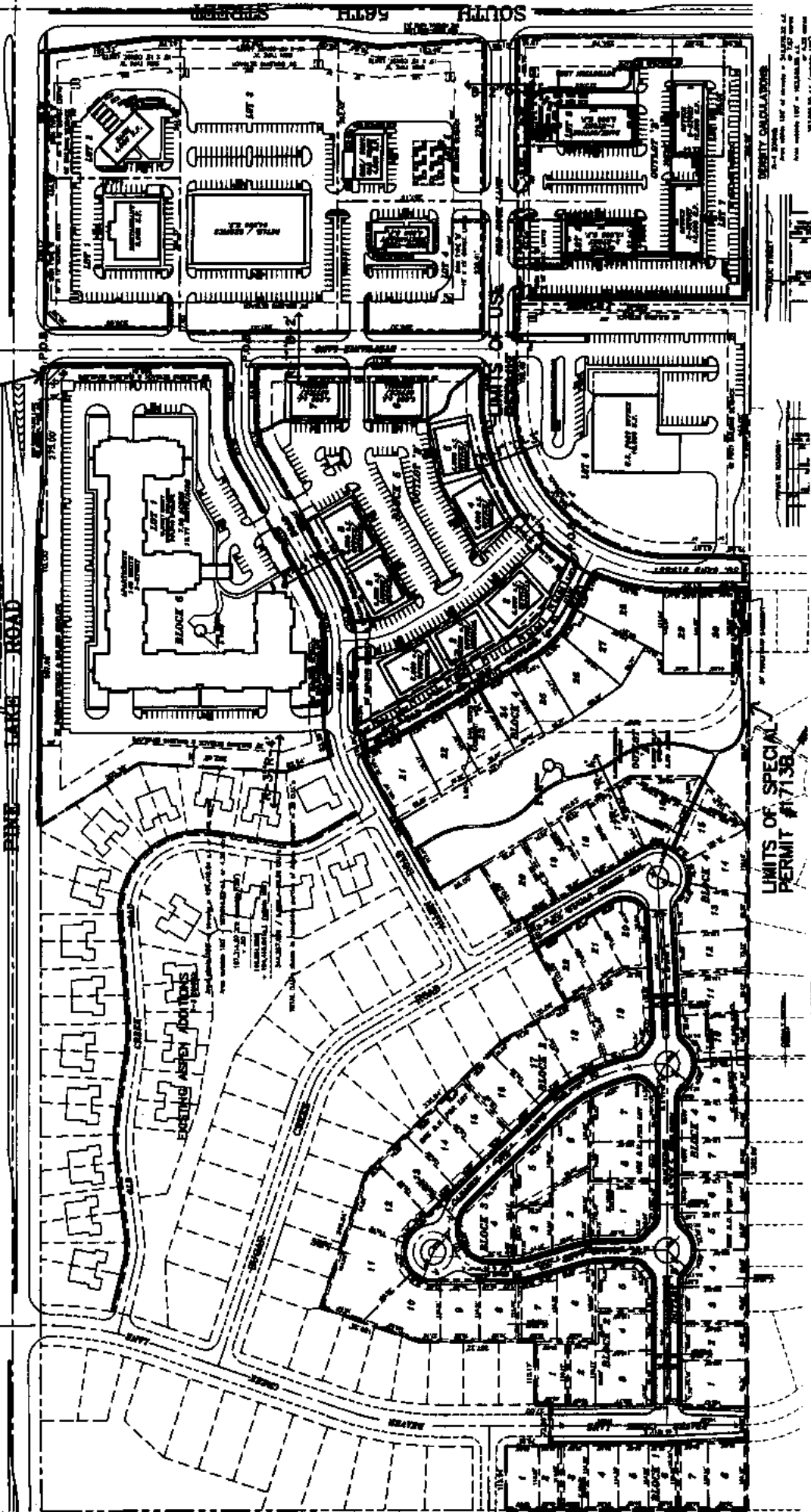


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Yankee Hill Rd.

ASPEN 3TH ADDITION  
COMMUNITY UNIT PLAN/SPECIAL PERMIT #1713B  
& USE PERMIT

LIMITS OF SPECIAL PERMIT #1713B



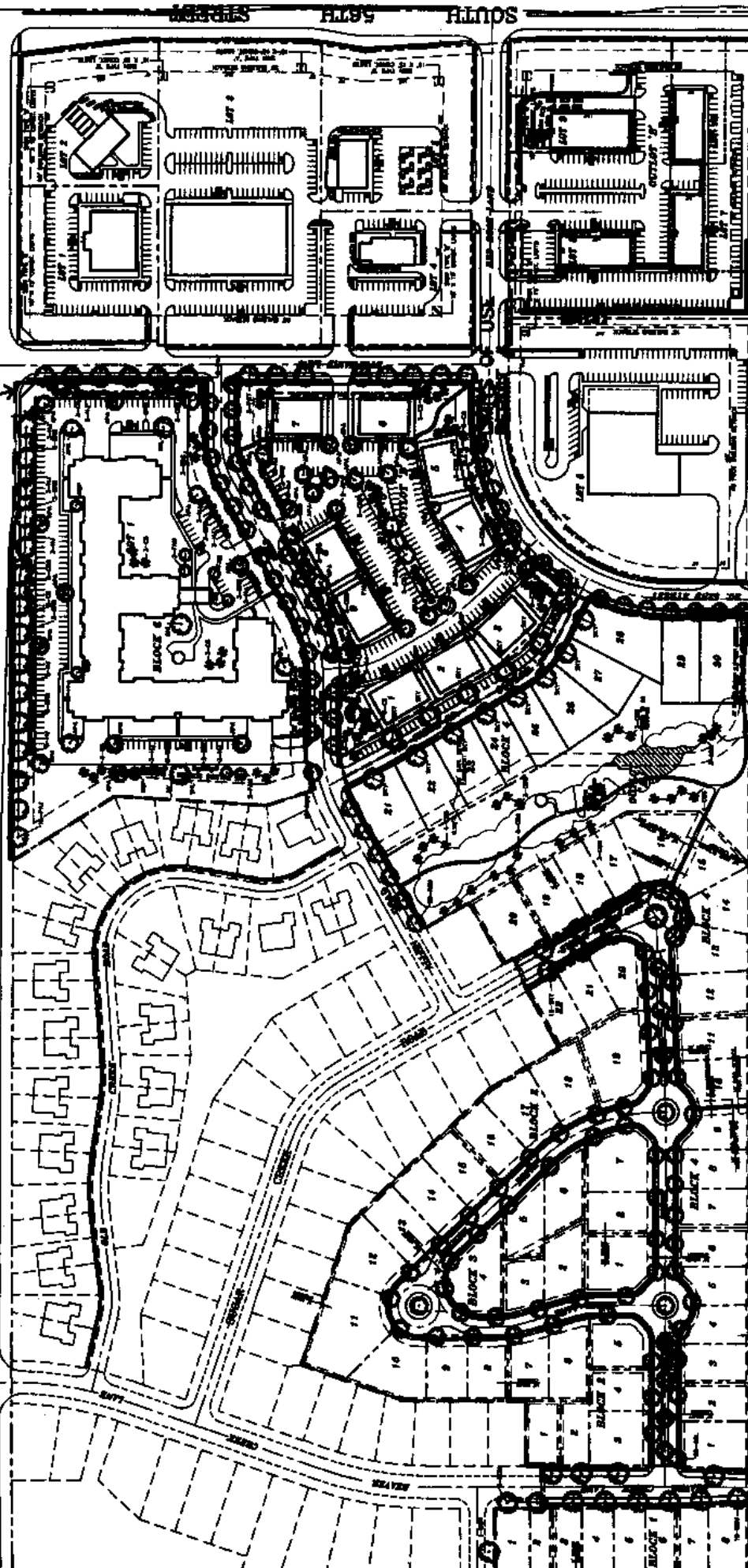
LIMITS OF SPECIAL PERMIT #1713B

DENSITY CALCULATIONS

PERMIT #1713B  
DATE: 10/30/03  
BY: [Signature]  
CHECKED BY: [Signature]  
APPROVED BY: [Signature]

OCT 30 2003

ASPEN 3TH ADDITION  
COMMUNITY UNIT PLAN/ SPECIAL PERMIT #1713B  
& USE PERMIT #



LIMITS OF SPECIAL PERMIT #1713B

OCT 30 2003

## ASPEN 3RD ADDITION CHANGE OF ZONE & USE PERMIT LEGAL DESCRIPTION:

A portion of Outlot 'E', Block 4, Aspen 5th Addition, located in the North 1/2 of the N.E. 1/4 of Section 20, T. 9 N., R. 7 E. of the 6th P.M., Lincoln, Lancaster County, Nebraska, more particularly described as follows:

Commencing at the northeast corner of said Section 20, and extending thence S. 89°43'49" W. on the north line of said Section 20, for a distance of 631.50 feet;

Thence S. 00°16'11" E. a distance of 434.81 feet to the Point of Beginning;

Thence continuing S. 00°16'11" E., for a distance of 397.34 feet along the west line of Stephanie Lane;

Thence S. 89°53'36" W., a distance of 45.86 feet;

Thence on a curve to the left having a radius of 348.00 feet and an arc length of 382.89 feet, being subtended by a chord of S. 58°21'47" W., for a distance of 363.87 feet to the point of tangency of said curve;

Thence N. 63°09'26" W., a distance of 84.23 feet;

To the point of curvature of a circular curve to the right having a radius of 150.00 feet and an arc length of 86.10 feet, being subtended by a chord of N. 46°42'49" W., for a distance of 84.92 feet;

Thence N. 30°16'11" W., a distance of 245.26 feet;

To a point of curvature of a circular curve to the right having a radius of 400.00 feet and an arc length of 17.29 feet, being subtended by a chord of N. 29°01'53" W., for a distance of 17.29 feet;

Thence N. 27°47'36" W., a distance of 85.95 feet;

Thence on a curve to the right having a radius of 212.58 feet and an arc length of 59.72 feet, being subtended by a chord of N. 81°40'58" E., for a distance of 59.52 feet to the point of tangency of said curve;

Thence N. 89°43'49" E., 105.00 feet;

Thence on curve to the left having a radius of 272.58 feet and an arc length of 142.72 feet, being subtended by a chord of N. 74°43'49" E., for a distance of 141.10 feet to the point of tangency of said curve;

Thence N. 59°43'49" E., a distance of 250.00 feet;

Thence on a curve to the right having a radius of 120.00 feet and an arc length of 62.83 feet, being subtended by a chord of N. 74°43'49" E. for a distance of 62.12 feet to the point of tangency of said curve;

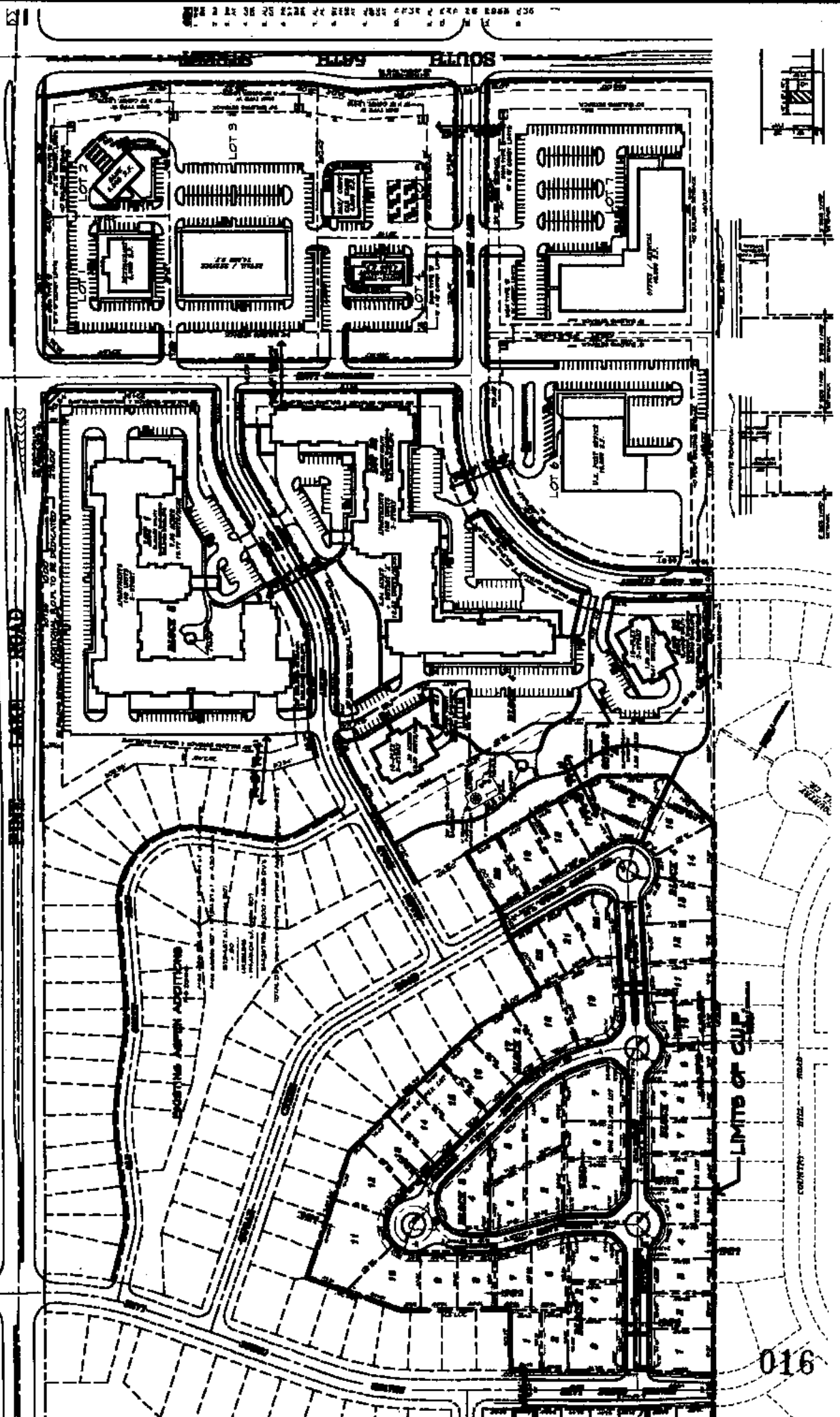
Thence N. 89°43'49" E., a distance of 87.00 feet to the Point of Beginning and containing a calculated area of 5.10 acres more or less.

OCT 30 2003

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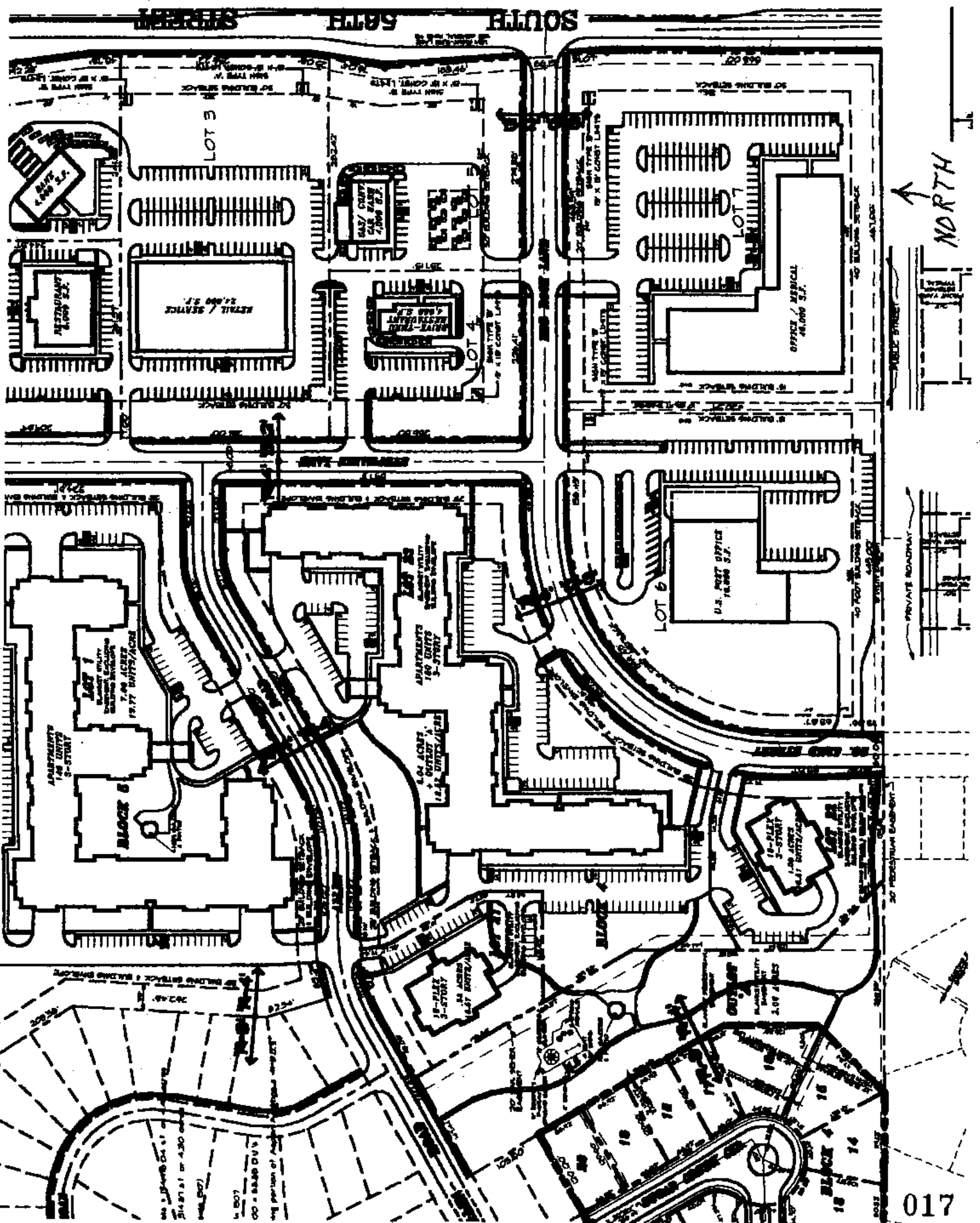
EXISTING APPROVED PLAN

SPECIAL PERMIT #1713A  
ASPEN 3RD ADDITION  
COMMUNITY UNIT PLAN / PRELIMINARY PLAT





SOUTH 68TH STREET



NORTH

# Memorandum

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<b>To:</b>	Tom Cajka, Planning Dept
<b>From:</b>	Bruce Briney, Public Works and Utilities
<b>Subject:</b>	Community Unit Plan #1713B, Use Permit #155, Change of Zone #3429 Aspen 3rd Addition - Revised Report
<b>Date:</b>	November 18, 2003
<b>cc:</b>	Randy Hoskins

The City Engineer's Office of the Department of Public Works and Utilities has reviewed the application for Community Unit Plan #1713B, Use Permit #155, and Change of Zone #3429 for Aspen 3rd Addition, for property located at South 56<sup>th</sup> Street and Pine Lake Road. The proposed 150 unit apartment building and two 18 unit apartment buildings will be replaced with 10 single family units and 5.10 acres of 'R-T' zoning with 9 5,000 square foot medical/office buildings and associated parking. Public Works has the following comments:

- The 90 degree parking stalls proposed for the east side of Old Creek Road will not permit parked vehicles to back from these stalls without backing across the centerline of Old Creek Road.
- The 90 degree parking stalls proposed for the east side of Old Creek Road will not be compatible with parallel parking on the west side of Old Creek Road.
- The curve radius of Allen Road does not meet the minimum requirements for an intersection with the proposed Old Creek Road.
- Additional right-of-way will be required for the planned roadway improvements in Pine Lake Road and South 56<sup>th</sup> Street.
- The City's Pine Lake Road project may require construction of a median in Pine Lake Road which might preclude left turns from and to Pine Lake Road at Stephanie Lane.



Dennis L Roth

To: Thomas J Cajka/Notes@Notes

11/02/2003 03:42 PM

cc:

Subject: re: Aspen 3rd

PROJ NAME: Aspen 3rd  
PROJ NMBR: CUP# 1713B, CZ# 3429, UP# 155  
PROJ DATE: 10/30/03  
PLANNER: Tom Cajka

Finding NO DUPLICATE/SIMILAR sounding names in our geobase for the street name proposed in this project, other than those which are an extension of an existing street.

Dennis "denny" Roth, ESD II/CAD Admin  
Emergency Communications 9-1-1 Center

STREETS: Beaver Creek Ln, Old Creek Rd, Sugar Creek Cir

PRIVATE: Carmen Dr, Eagle Ridge Rd, Marie Ln

COMMENTS: Am concerned about logical street addresses on Old Creek Rd between Allen Rd and Red Rock Ln. The existing Old Creek was primarily an east-west street and numbered accordingly, while the proposed Old Creek is a north-south street. Continued east-west numbering on a north-south street is very often confusing, especially under emergency conditions.

Not sure whether it would be wiser to rename the street, or simply receive assurance that the logical address scheme will change to north-south.

**Richard J Furasek**

To: Thomas J Cajka/Notes@Notes

10/31/2003 04:00 PM

cc:

Subject: Aspen 3rd

Upon review of use permit # 155, CUP/PUD # 1713- B, and CZ# 3429, we find it acceptable from the perspective of our department. The closest engine company fire stations to this area are 27th and Old Cheney and 48th and Claire streets and the closest truck company to this area will be stationed at 48th and A street. This area is stretching our response times and response districts and we cannot provide the same timely service that the people of the city of Lincoln expect.

Richard J. Furasek  
Assistant Chief Operations  
Lincoln Fire & Rescue  
1801 Q Street  
Lincoln Ne. 68508  
Office 402-441-8354  
Fax 402-441-8292

**LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT  
INTER-OFFICE COMMUNICATION**

**TO:** Tom Cajka

**DATE:** November 18, 2003

**DEPARTMENT:** Planning

**FROM:** Chris Schroeder

**ATTENTION:**

**DEPARTMENT:** Health

**CARBONS TO:** EH File

**SUBJECT:** Aspen 3<sup>rd</sup> Addition

EH Administration

UP #155 SP #1713B  
CZ #3429

The Lincoln-Lancaster County Health Department (LLCHD) has reviewed the proposed development with the following items noted:

- All wind and water erosion must be controlled during construction. The Lower Platte South Natural Resources District should be contacted for guidance in this matter.
- During the construction process, the land owner(s) will be responsible for controlling off-site dust emissions in accordance with Lincoln-Lancaster County Air Pollution Regulations and Standards Article 2 Section 32. Dust control measures shall include, but not limited to application of water to roads, driveways, parking lots on site, site frontage and any adjacent business or residential frontage. Planting and maintenance of ground cover will also be incorporated as necessary.



**DATE:** November 5, 2003  
**TO:** Tom Cajka, City Planning  
**FROM:** Sharon Theobald  
Ext. 7640  
**SUBJECT:** DEDICATED EASEMENT - U.P. #155, CUP #1713B, CZ#3429  
DN # 73S-51E

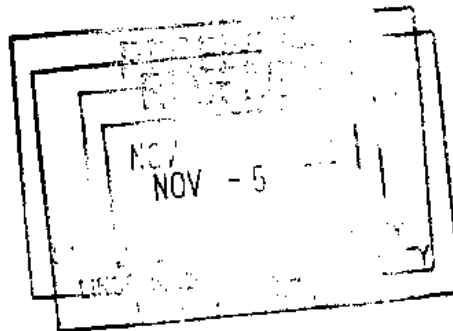
Attached is the Site Plan for Aspen 3<sup>rd</sup> Addition.

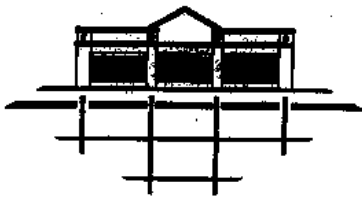
**In reviewing the dedicated transmission line or other electrical easements shown on this plat, LES does not warrant, nor accept responsibility for the accuracy of any such dedicated easements.**

ALLTEL, Time Warner Cable, and the Lincoln Electric System will require the additional easements marked in red on the map, along with blanket utility easement, excluding building foot prints in Blocks 5 & 6.

*Sharon Theobald*

ST/ss  
Attachment  
c: Terry Wiebke  
Easement File





**BRIAN D. CARSTENS AND ASSOCIATES**  
LAND USE PLANNING RESIDENTIAL & COMMERCIAL DESIGN  
601 Old Cheney Road, Suite C Lincoln, NE 68512 Phone: 402.434.2424

October 30, 2003

Marvin Krout  
Director of Planning  
City of Lincoln/ Lancaster County  
555 South 10th Street  
Lincoln, NE 68508

RE: ASPEN 3RD ADDITION- SOUTH 56<sup>TH</sup> AND PINE LAKE ROAD  
C.U.P./ SPECIAL PERMIT #1713B, CHANGE OF ZONE (R-4 TO R-T) & USE PERMIT

Dear Mr. Krout,

On behalf of Krein Real Estate and Aspen Partnership, we are submitting a revised C.U.P. / Special Permit, Change of Zone and Use Permit as shown on the attached plans. The revised Special Permit removes the proposed 150 unit apartment building and two 18 unit apartment buildings. We are replacing these units with 10 single family units, that abut the enlarged outlot/ open space. We are also proposing 5.10 acres of 'R-T' zoning with nine 5,000 square foot medical/ office buildings and associated parking.

The existing homeowners along Sugar Creek Circle, south of Allen Road, requested that we look at alternatives to the previously approved apartments. We looked at several options and everyone seemed to prefer the plans that are being submitted with this application.

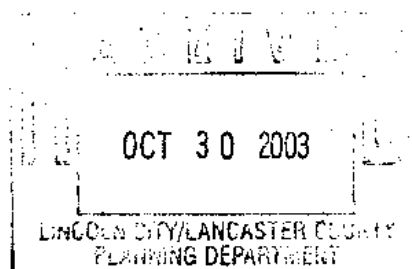
Two weeks ago, representatives from the Aspen Home Owners Association, Bill Krein and myself met with Ray Hill and Brian Will to present these ideas. During the meeting, Ray suggested making the 'R-T' buildings have fronts that would back onto the private roadway that separates the new single family and the proposed 'R-T' - office/ medical buildings. We took this one step further and added parking along the private roadway. This will also aid as a traffic calming measure between Allen Road and Red Rock Lane.

We have also increased the lot area of Outlot A from 2.06 acres to 2.53 acres. This allows for more passive recreation that the many of the owners of Aspen use on a regular basis.

We feel the proposed 'R-T' is a good transition between the existing 'B-2' and 'O-3' zoned areas. We are not requesting any waivers of the zoning ordinance at this time. We look forward to working with staff on these proposed changes. Please feel free to contact me if you have any further questions.

Sincerely,

Brian D. Carstens



(p.89 - Public Hearing - 11/26/03)



Jean L Walker  
11/26/2003 08:03 AM

To: Jean L Walker/Notes,  
cc:  
Subject: Change of Zone #3429, Special Permit #1713B, and Use Permit # 155



"Bill & Jan Norris"  
<jnorris@inebraska.com>  
11/25/2003 04:05 PM  
Please respond to "Bill & Jan Norris"

To: <plan@ci.lincoln.ne.us (Members of the Planning Commission)>  
cc:  
bcc:  
Subject: Change of Zone #3429, Special Permit #1713B, and Use Permit # 155

To: The City of Lincoln Planning Commission:

Re: Change of Zone No. 3429, Special Permit No. 1713B; and Use permit No. 155

This change of use of Outlot E, Aspen 5<sup>th</sup> Addition has been requested by Brian Carstens and Associated on behalf of the Neighborhood of Aspen. This area joins 100+ town homes and patio homes built primarily by Truax Homes and Krein Real Estate.

The area in question is currently zoned for apartments. The neighborhood would like to see that modified. Krein Real Estate has agreed to put in 10 single family units, and 9 – 5,000 square foot office buildings. We, the neighbors of Aspen, are very pleased with this change and support it.

The present comprehensive plan for the area calls for 186 apartment units which would support a population of over 400 residents and a like amount of parking stalls. The Aspen neighborhood feels the proposed request for a change of zone is more compatible with the neighborhood.

We see the change as a win-win for Krein Real Estate, for the City of Lincoln, and for the Aspen Neighborhood

Bill and Jan Norris  
7216 Sugar Creek Cr.  
Lincoln, NE 68516  
402-420-6662

on behalf of the neighbors in the Aspen Development

(56<sup>th</sup> & Pine Lake Road)



IN SUPPORT

ITEM NO. 4.1a,b,c: CHANGE OF ZONE #3429  
SPECIAL PERMIT #1713B  
USE PERMIT #155  
(p.149 - Cont'd Public Hearing - 12/10/03)



Mthielbar7@cs.com  
12/08/2003 04:14 PM

To: plan@ci.lincoln.ne.us  
cc:  
Subject: Change of Zone No. 3429, Special Permit No. 1713B and Use Permit  
155

My wife and I are strongly in favor for the approval of the above zoning change. We feel that this change will be more compatible to the adjacent town homes and patio homes than the suggested apartment units would be.

Again, we strongly believe that this change of zone would be in the best interests to all concerned.

Max and Doris Thielbar  
7252 Sugar Creek Circle  
Lincoln, NE 68516  
402-420-1041

IN SUPPORT

ITEM NO. 4.1a,b,c: CHANGE OF ZONE #3429  
SPECIAL PERMIT NO. 1713B  
USE PERMIT NO. 155

(p.149 - Cont'd Public Hearing - 12/10/03)



"Rebecca Wubbels"  
<PANAMAROSE@peop  
lepc.com>

To: <plan@cl.lincoln.ne.us>  
cc:  
Subject: vote

12/08/2003 06:48 PM  
Please respond to  
"Rebecca Wubbels"

we as in two votes are in favor of zone request 3429 ---1713B----155  
this is the best possible plan for this area.



"Angie Hardt"  
<anhardt@UCollege.ed  
u>

To: <plan@ci.lincoln.ne.us>  
cc:  
Subject: Zoning Change near Aspen

12/08/2003 08:59 PM

Dear Planning Commission,

We just wish to register our approval of the proposed zoning request for office buildings and townhomes near the Aspen development in which we live.

We feel very strongly that it would be far preferable to have office buildings and townhomes in that location, rather than large apartment buildings.

We appreciate your consideration of this matter. As residents of Aspen for 10 years, we love the area in which we live -- and we hope that the area will maintain its attractive atmosphere.

Sincerely,

Stan & Angie Hardt  
4840 Sugar Creek Rd.  
Lincoln, NE 68516  
402-423-2896

(p.149 - Cont'd Public Hearing - 12/10/03)



<TBOATMAN@neb.rr.com>

12/08/2003 10:12 PM

To: <plan@ci.lincoln.ne.us>

cc:

Subject: Aspen Zoning Request

This email is concerning the Planning Commission's denial of the alternate plan the developer and the residents of Aspen had proposed. We are residents of the Aspen development and one of the reasons we purchased our lot here was because it consisted of residences and duplexes. It also reflected our own lifestyle (nearly ready to retire) because nearly all residents are retired.

It is our understanding that the planning staff prefers to have multi-story buildings for 222 apartments and 300 parking stalls. This is extremely disturbing to us as we believe it would completely change the character of the Aspen development. That character was the overriding reason we decided to build our retirement home in the Aspen development.

Another disturbing concern is what this size of development would do to our quiet little neighborhood's traffic flow. The potential of an additional 300 vehicles leaving for work and arriving home at nearly the same time for causing heavy traffic congestion seems to be very likely. The street systems were simply not built for this kind of heavy concentration of residents in mind.

Please reconsider the denial and implement the plan the developer and the Aspen residents submitted.

Thank you.

Tom & Sara Boatman

7244 Sugar Creek Circle

Lincoln, NE 68516

(p.149 - Cont'd Public Hearing - 12/10/03)



"Lloyd Johnson"  
<ljbjohnson@hotmail.com>

To: <plan@ci.lincoln.ne.us>  
cc:  
Subject: Aspen Zoning Request

12/09/2003 12:25 PM

TO: City Planning Commission

We are residents of Aspen and are extremely supportive of the Zoning request for townhomes and offices rather than the apartment complex as suggested. The integrity of 'neighborhood living' would be compromised with the addition of 'non-ownership' tenants in an apartment complex. The zoning change that is before you would be a compromise between the city, the developer and the residents of Aspen. The developer has no problem with this alternate plan.

Your favorable consideration of this zoning change would be appreciated.

Brig Gen (Ret) Lloyd and Barbara Johnson, 5011 Sugar Creek Road, Lincoln, NE 68516

IN SUPPORT

ITEM NO. 4.1a,b,c: CHANGE OF ZONE NO. 3429

SPECIAL PERMIT NO. 1713B

USE PERMIT NO. 155

(p.149 - Cont'd Public Hearing -12/10/03)



Roger D Ryan  
<rdryan@juno.com>

12/09/2003 12:31 PM

To: plan@ci.lincoln.ne.us  
cc:  
Subject: Aspen Area Zoning

As residents of the Aspen area, we do not favor the construction of a large apartment project as presently favored by the Planning Commission. Instead we ask you to consider the alternate plan for office building and townhomes as the developer has as an alternate plan. Roger & Ellen Ryan, 7201 Sugar Creek Circle.

(p.149 - Cont'd Public Hearing - 12/10/03)



MEEK37@aol.com  
12/09/2003 01:42 PM

To: plan@ci.lincoln.ne.us  
cc:  
Subject: Zoning of Aspen Addition

To City Planning Commission,

My husband and I would like to inform you of our feeling for the proposal of office buildings and Townhouse for this area. We are very much in favor of this plan and therefore are against any plan that would cause several apartment buildings to be built in this area. As the developer and the area resident have come to an agreement for the office-townhouse plan it would seem to us that the commission should give this serious thought. Also, we don't see the need for additional apartment buildings in this area.

Jack and Mary Keef  
5020 Sugar Creek Rd  
68516

(p.149 - Cont'd Public Hearing - 12/10/03)



"Edward Cecil"  
<ECECIL@neb.rr.com>

12/09/2003 02:48 PM

To: "City-County Planning Commission" <plan@ci.lincoln.ne.us>  
cc:  
Subject: Change of Zone No. 3429, Special Permit No. 1713B, and Use Permit No. 155

Members of the Planning Commission,

We are Edward A. Cecil and Beth K. Cecil. Our address is 7200 Carmen Dr. in the Aspen subdivision.

The purpose of this email message is to write in favor of the applications pertaining to the property which is SW of the intersection of 56th Street and Pine Lake Road. We understand that the public hearing on the applications will be held on December 10, 2003.

We wish to make the following points:

1. As residents of the Aspen subdivision (which adjoins the Area of Application for Special Permit #1713B), we prefer the type of development proposed by the Applicant over the type of development previously approved.
2. Replacing 186 apartment units (Two 3-story 18-plexes and a 3-story 150 unit apartment building) with ten single family homes and nine one-story Office/Medical buildings of 5,000 sq. ft. each seems to be a big improvement over the previously approved plan and will improve the character of the area.
3. A 3-story 140 unit apartment building is still planned for the area directly North of Allen Rd. To have those 140 apartment units plus the 186 units, for a total of 326 apartment units between Pine Lake Rd. and the Post Office, seems to be too much. Allowing the ten single family homes and the nine one-story Office/Medical buildings will greatly reduce the density of development in our area.
4. The proposed Office/Medical buildings are adjacent to other commercial-type development in the immediate area, namely the existing Post Office to the South and the planned commercial development just East of Stephanie Lane.
5. Whatever development is finally approved for the area, it is important that the City provide for easy street access from 56th St. and from Pine Lake Rd. If it is difficult or impossible for westbound traffic on Pine Lake Rd. to turn left (South) into Stephanie Lane and/or if it is difficult or impossible for northbound traffic on 56th St. to turn left (West) into Red Rock Lane, the result will be that some traffic will get to the apartment/commercial area by using Beaver Creek Lane and the narrow residential streets (Old Creek Rd., Sugar Creek Rd., Sugar Creek Circle, and Eagle Ridge Rd.) in our subdivision.

As we have said, we prefer the plan as proposed in the application over the previously approved plan. A possible alternative (not nearly as good as the proposed plan, but a lot better than the previously approved plan) would be as follows:

- **A Possible Alternative**
  - Allow the ten single family homes proposed in the application.
  - Allow some apartment units in the area where the nine Office/Medical buildings are proposed, but on a smaller scale than the 3-story 150 unit building of the previously approved plan.

Thank you for considering our comments.

Ed and Beth Cecil  
7200 Carmen Dr.



IN SUPPORT

ITEM NO. 4.1a,b,c: CHANGE OF ZONE NO. 3429  
SPECIAL PERMIT NO. 1713B  
USE PERMIT NO. 155

(p.149 - Cont'd Public Hearing - 12/10/03)



darwin hanneman  
<hanneman@alltel.net  
>

To: plan@ci.lincoln.ne.us  
cc:  
Subject: ZONING CHANGE

12/09/2003 03:15 PM

Planning Commission:

As a resident of the Aspen area, We strongly urge you to approve the zoning change from apartments to the proposed townhomes and offices for this area. This would be a much better use of this property and enhance the whole area.

Thank you

Darwin and Donna Hanneman  
5000 Sugar Creek Road  
420-2279

IN SUPPORT

ITEM NO. 4.1a,b,c: CHANGE OF ZONE NO. 3429  
SPECIAL PERMIT NO. 1713B  
USE PERMIT NO. 155

(p.149 - Cont'd Public Hearing - 12/10/03)



rehlers45@netscape.n  
et  
12/06/2003 11:12 AM

To: plan@ci.lincoln.ne.us  
cc:  
Subject: Change of Zone #3429, Special Permit #1713B, and Use Permit #155

To: The City of Lincoln Plannig Commission

Re: Change of Zone No. 3429, Special Permint No. 1713B; and Use Permit No. 155

We are writing to encourage the Planning Commission to approve this change.

We believe the current plan for 186 apartment units is not appropriate for the Aspen neighborhood and that the requested change would be a much better solution.

Krein Real Estate has worked with the neighborhood to develop a plan that is much more suitable, is supported by the neighborhood and fits in with the existing townhomes and patio homes.

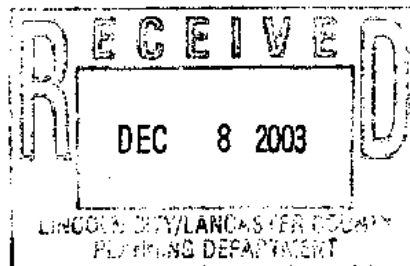
We see this as a cooperative effort between Krein Real Estate, the Aspen neighborhood and the city. Once again we support this request and encourage you to approve it for the Aspen neighborhood.

Roger and Janet Ehlers

---

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IN SUPPORT

ITEM NO. 4.1a,b,c: CHANGE OF ZONE NO. 3429  
SPECIAL PERMIT NO. 1713B  
USE PERMIT NO. 155

(p.149 - Cont'd Public Hearing - 12/10/03)



Bill Roehrs  
<wroehrs@lps.org>  
12/05/2003 08:20 AM

To: <plan@ci.lincoln.ne.us>  
cc:  
Subject: Change of Zone No.3429, Special Permit No.1713B and Use Permit No.155

Members of the Planning Commission,

We are writing to offer our approval and support for the proposed changes for the property in Aspen Addition located at approximately 56th and Pine Lake Road.

Currently, this property is zoned for R-4 Residential, and our quiet neighborhood faces the possibility of 186 apartments being built on this site.

We feel the change in zone to RT Residential Transition District, the special permit to add 10 single family units and the use permit to allow nine 5,000 square foot office buildings with parking would be a much better addition to the existing neighborhood.

Our neighborhood has a lovely commons area and the residents enjoy the tranquility and occasional wildlife in the area. The addition of 186 apartments, accompanying vehicles and population would certainly change this for us, and change the character of the neighborhood.

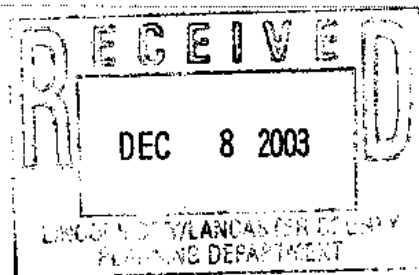
The developer, Mr. Krein, has agreed to work with us in providing a compatible transition from the existing neighborhood to the proposed single family units and the medical/office buildings, but this cannot be accomplished without your approval on the proposed change of zone.

Please approve the Change of Zone No. 3429, Special Permit No. 1713B and Use Permit No. 155 for the land at S. 56th and Pine Lake Road.

Thank you.

Bill and JoAnn Roehrs  
7232 Carmen Drive  
Lincoln, NE 68516

William A. Roehrs  
402-423-6784  
NMEA President



IN SUPPORT

ITEM NO. 4.1a,b,c: CHANGE OF ZONE NO. 3429  
SPECIAL PERMIT NO. 1713B  
USE PERMIT NO. 155  
(p.149 - Cont'd Public Hearing - 12/10/03)



"J. Edson"  
<jedson@navix.net>  
12/09/2003 07:42 PM

To: <plan@ci.lincoln.ne.us>  
cc:  
Subject: Aspen Zoning Change

Dear Planners:

I wish to add my support to the zoning change for office buildings and townhomes in lieu of the three large apartment buildings. We already have a very large rental apartment complex to the south. Another mega-complex right adjacent to Aspen will overwhelm this area of mostly elderly citizens. I urge you to approve the zoning change.

John Edson  
5031 Sugar Creek Rd  
Lincoln, NE 68516  
402-423-4102

IN SUPPORT

ITEM NO. 4.1a,b,c: CHANGE OF ZONE NO. 3429  
SPECIAL PERMIT NO. 1713B  
USE PERMIT NO. 155

(p.149 - Cont'd Public Hearing - 12/10/03)



"Glenn Engel"  
<bisonlion@inebraska.  
com>

To: <plan@ci.lincoln.ne.us>  
cc:  
Subject: zoning change

12/09/2003 07:58 PM

We request that the Lincoln City/Lancaster County Planning Commission approve the zoning change requests: Zone No. 3429 R-4 Residential to RT Residential Transition, special permit No. 1713B, and Permit No. 155. We feel that the zone change as requested, one-story office buildings and townhomes, will be less disruptive to the neighborhood, including traffic, than 3-story apartments would be.

Glenn and Joann Engel  
7215 Sugar Creek Circle  
Lincoln, NE

IN SUPPORT

ITEM NO. 4.1a,b,c: CHANGE OF ZONE NO. 3429  
SPECIAL PERMIT NO. 1713B  
USE PERMIT NO. 155  
(p.149 - Cont'd Public Hearing - 12/10/03)



"Albert Mathews"  
<am31603@alltel.net>  
12/09/2003 08:04 PM

To: <plan@ci.lincoln.ne.us>  
cc:  
Subject: Change of Zone #3429 S. 56th & Pine Lake Road

We as property owners on Sugar Creek Road agree with the zoning request of townhomes and offices rather than apartments. We hope you are in agreement to the zoning request.

Cheryl Frizzell  
5021 Sugar Creek Road

Loena Mathews  
4841 Sugar Creek Road

IN SUPPORT

ITEM NO. 4.1a,b,c -CHANGE OF ZONE NO. 3429  
SPECIAL PERMIT NO. 1713B  
USE PERMIT NO. 155  
(p.149 - Cont'd Public Hearing - 12/10/03)



Jonesbwav@aol.com  
12/10/2003 09:28 AM

To: plan@ci.lincoln.ne.us  
cc:  
Subject: zone request

Wednesday, December 10, 2003

My wife and I very much agree with the zoning request of townhomes and offices rather than apartments at the 56th and Pine Lake Road location.

Bill Krein has asked for a change of zone for this property on Allen Road and Stephanie Lane.

We certainly do not want apartment units at this location.

Thank you.

Buford and Arlene Jones  
7200 Sugar Creek Circle  
Lincoln, NE 68516

IN SUPPORT

ITEM NO. 4.1a,b,c: CHANGE OF ZONE #3429  
SPECIAL PERMIT NO. 1713B  
USE PERMIT NO. 155

(p.149 - Cont'd Public Hearing - 12/10/03)



DOUG ALLEN  
<dougallen@alltel.net>  
12/10/2003 10:50 AM

To: plan@ci.lincoln.ne.us  
cc:  
Subject: Zoning Special Permit #1713A

December 10, 2003

Planning Commission:

We reside at 4901 Old Creek Road, a part of the Aspen Development and close to the proposed rezoning area specified in Zoning Special Permit #1713A. We want to go on record as being IN FAVOR OF THE PROPOSED CHANGE. We hope the change will be approved.

Douglas W. Allen  
Winifred Jeannette Allen





"Mary Ann Erickson"  
<maerickson3@neb.rr.  
com>

To: <plan@ci.lincoln.ne.us>  
cc:  
Subject: RE: Zoning for the Aspen Development

12/10/2003 12:34 PM

To Whom It May Concern,  
As a concerned resident of the Aspen Area, I am hoping that you will consider the new zone change. We have a wonderful area to live in and would like to keep it that way. We know that there are others that would enjoy the addition of town homes and offices in the area to be developed. We are very in favor of the new Zoning Request.  
Sincerely,  
Charles and Mary Ann Erickson  
7208 Sugar Creek Circle

IN SUPPORT

ITEM NO. 4.1a,b,c: CHANGE OF ZONE NO. 3429  
SPECIAL PERMIT NO. 1713B  
USE PERMIT NO. 155  
(p.149 - Cont'd Public hearing - 12/10/03)



"Truman Berry"  
<tberry2@attel.net>  
12/10/2003 12:00 PM

To: <plan@ci.lincoln.ne.us>  
cc:  
Subject: Wm. Krein's zoning change in the Aspen development

City Planning Commission:

My name is Truman Berry. I live at 4845 Old Creek Road. I've been an Aspen resident for more over three years and have served as Vice President of the Old Creek Road home owners association for the same time. These views are mine although representative of a majority of our membership.

As a home owner, things that impact our neighborhood stir much discussion. The community plan calling for high density apartments on the land directly east of the current Aspen development has never been well received by the residents. The adverse impact of two hundred (or more) apartment units on traffic, green space, property values, and the general tranquility of the neighborhood is very much opposed.

Mr. Kreins request for a zoning change to allow the building of additional residences and professional office space, (along with the changes recommended by the Planning Commission if it is approved), is a much more palatable plan.

Therefore, I and most of our membership urge the approval of Wm. Krein's request.

Respectfully,  
Truman Berry

IN SUPPORT



rehlers45@netscape.n  
et  
12/19/2003 01:37 PM

To: plan@ci.lincoln.ne.us  
cc:  
Subject: Thank you to the Planning Commission

I recently had the pleasure of speaking before the Planning Commission in favor of the change of Zone No. 3429; Special Permit No. 1713B; and use permit No. 155. I was pleased that the commission voted in favor of these changes but I was more pleased to see the process in action. If you remember part of my presentation addressed the intersection of Stepanie Road and Pine Lake Road. Any influence the planning commission might have on keeping that intersection open would be appreciated.

I feel fortunate to live in a City where a system exists for the citizens to be heard and a decision is made based on all the factors that are presented. I would like to thank all the members of the Commission for taking the time (and I now realize just how much time it takes) and energy it takes to do this important job. I was impressed with the obvious amount of time the members had taken beforehand to study each issue.

Once again thank you for your time and committment.

Roger Ehlers

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IN OPPOSITION

**SUPPORT**

ITEM NO. 4.1a,b,c: CHANGE OF ZONE NO. 3429  
SPECIAL PERMIT NO. 1713B  
USE PERMIT NO. 155

(p.149 - Cont'd Public Hearing - 12/10/03)



LincolnGrandma@aol.  
com

To: plan@ci.lincoln.ne.us  
cc:

12/08/2003 01:45 PM

Subject: Opposition to zoning of 204 apartments in Aspen Development

Please consider this e-mail as a resident, homeowner and taxpayer, my vehement opposition to the zoning request for the approximately 204 apartments to be built in our area. It will definitely diminish the value of our beautiful neighborhood as well as the traffic and other problems such an apartment complex would create.

signed.....Norma E. Wittmaack 4830 Sugar Creek Rd. Lincoln, NE 68516  
Phone: (402) 420-0988

MEMO

TO: The Lincoln/Lancaster Planning Commission

FROM: CONCERNED ASPEN HOMEOWNERS

DATE: December 10, 2003

Good afternoon, Planning Commission Members. My name is L. F. Roschewski and I live at 4820 Sugar Creek Road. Today, I'm here representing the attached 22 homeowners to explain to the commission our reason for recommending denial of the Change of Zone 3429, Special Permit 1713B and Use Permit 155 which are items 4.1A, 4.1B, 4.1C on today's agenda.

Our reasons for recommending denial are as follows:

1. When we purchased our homes on Old Creek Road and Sugar Creek Road, we were informed that the above items would remain zone R-4 residential. We believe this designation should remain as is so that the values of our properties would not be diminished.
2. We believe the requested change would cause an abnormal flow of traffic on our two streets because the left hand turns from Stephanie Lane onto Pine Lake Road would be eliminated under the proposed four lane reconstruction project of Pine Lake Road. This increased would flow into Old Creek Road, primarily, to the stop light at Beaver Creek and Pine Lake. As you might know, Old Creek Road is a private road maintained by the homeowners, which could become very costly to maintain. Many of our homeowners are senior citizens and this change of zoning would be detrimental to the value of our property.
3. We agree with the 2025 Comprehensive Plan which identifies this property as "urban residential". There are currently 84,000 s.f. commercial floor area in B-2 and O-3 districts to the east of Stephanie Lane which has not been used. In addition, Use Permit 141, Thompson Creek, approved 76,000 s.f. of office space which to date none has been built. Thompson

Creek is directly south of Campbell's Nursery on the east side of South 56th Street.

We believe, if the proposed change of zone is successful, it would provide additional opportunity to request a change to the north adjacent Pine Lake Road to commercial. This would create more intrusion into the neighborhood.

We note that when Use Permit 97 was approved, there were promises made that the developer would not seek a non-residential zoning classification for any of the property lying west of Stephanie Lane and on the west side of the curve of Red Rock Road. This guarantee was made at the Planning Commission public hearing on May 21, 1997. We believe the developer should honor his word.

Who would build ten expensive homes in the \$300,000 to \$400,000 directly across from commercial office buildings on whose side has 90 degree parking on the east side of Old Creek Road and parallel parking on the west side of Old Creek Road. Is this just an idle quote by the developer?

Lastly, it should be noted that the developer has not met or communicated with the property owners on Old Creek Road as to his proposed Change of Zoning.

The attached petition to Deny the Change of Zoning includes twenty signatures of the homeowners residing on Old Creek Road. In addition, we have ten homeowners who are willing to sign the petition, however, the snow storm yesterday prevented us from obtaining their signatures. There are several homeowners who are out-of-town for the winter and only four that definitely said, "No". As you can see, eighty-five percent of Old Creek Road residents (property owners who will be subjected to the intrusion more than any other of the Aspen Homeowners) supporting your denial of the Zoning Change.

Thank you for allowing us the opportunity to express our feelings about this Change of Zoning Request. We welcome your questions or comments.

## PETITION FOR DENIAL OF ZONING CHANGE

The undersigned, legal owners of residential lots located at the following addresses indicated below, request the City-County Planning Commission and the Lincoln City Council to deny the approval of the attached zoning change proposed by the applicant, Krein Real Estate and Aspen Partnership, dated October 30, 2003.

<u>Resident Owner</u>	<u>Address</u>
<i>Dorlyn M. Maaske</i>	<i>4991 Old Creek Rd</i>
<i>Lyn Ann Roachewski</i>	<i>4820 Sugar Creek Road</i>
<i>Judith Ann Hansen</i>	<i>5121 Old Creek Road</i>
<i>Dick Lynn</i>	<i>5115 Old Creek Rd</i>
<i>Kathy Bislow</i>	<i>4826 Old Creek Rd</i>

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<u>Resident Owner</u>	<u>Address</u>
Arthur A. Nelson	5046 OLD CREEK Road
Ray Edelman	5056 OLD Creek Road
Ave Edelman	5056 OLD Creek Road
Shirley Lappene	5120 Old Creek Road
Kay Lynn Kucowski	5126 Old Creek Road
Doris Howe	4936 Old Creek Rd
Gene Howe	4936 Old Creek Rd
Margie Mertens	4900 Old Creek Rd.
Jeanne Young	4840 " " "
Mary E. Graham	4800 " " "
Lawrence Augustine	4920 Old Creek Rd.
Betty Augustine	4920 Old Creek Rd.
Norma Atwell	5000 Old Creek Rd.
Lucille M. Florsaty	4940 Old Creek Rd.
Jaquelyn I. Kirtley	5006 Old Creek Rd.