

FACTSHEET

TITLE: USE PERMIT NO. 128B, requested by Holdrege Investors LLC and Morning Glory Estates Association, to change from office use to hotel, restaurant and retail uses, and to increase the maximum height in the B-2 district from 40 feet to 45 feet, on property generally located at North 84th Street and Holdrege Street.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 12/05/07 and 12/19/07
Administrative Action: 12/19/07

STAFF RECOMMENDATION: Conditional Approval, as revised.

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

ASSOCIATES REQUESTS: Development and Conditional Zoning Agreement (08R-24) and Change of Zone No. 07059 (08-7).

FINDINGS OF FACT:

1. This application was heard before the Planning Commission in conjunction with the associated Change of Zone No. 07059.
2. The purpose of this amendment to the Morning Glory Estates use permit is to change from office use to hotel, restaurant and retail uses, with an adjustment to the maximum height in the B-2 district from 40' to 45' for an 85-room extended stay hotel. The proposed site plan reduces the amount of office space by 68,600 sq. ft., but adds 18,000 sq. ft. of retail, 2,000 sq. ft. of restaurant and 14,000 sq. ft. for an 85-room hotel, for a total of 118,600 sq. ft. for the overall development. The 34,400 sq. ft. reduction in total square footage is due in part to parking requirements in order to keep traffic generation in the p.m. peak hour below the level that was approved previously.
3. The staff recommendation of conditional approval is based upon the "Analysis" as set forth on p.5-7, concluding that, subject to the conditions of approval, the proposal complies with the requirements of the Zoning Ordinance and is consistent with the Comprehensive Plan. The staff presentation is found on p.10.
4. The applicant's testimony is found on p.10-11.
5. The record consists of a letter from Rob Otte, on behalf of a significant group of neighbors residing in the areas to the east and to the south, indicating that these neighbors will not object to this proposal if certain terms and conditions of a Conditional Zoning Agreement can be agreed upon between the applicant and his clients prior to scheduling the associated Change of Zone No. 07059 on the City Council agenda. The draft agreement would be approved by the City Council and signed by the City and the applicant. It would limit the hotel to "extended stay" and include special buffering, signage and lighting restrictions (See p.28 – the draft Agreement is attached to the Factsheet for Change of Zone No. 07059).
6. There was no testimony in opposition; however, the record consists of three letters in opposition (p.29-33).
7. The discussion with staff and the response by the applicant are found on p.12-14. Public Works expressed concern with traffic at the intersection of North 86th Street and Holdrege, and there was some confusion about the intent of the turning restriction in item 2.h of the draft agreement.
8. On December 19, 2007, the Planning Commission agreed with the staff recommendation, as revised, and voted 9-0 to recommend conditional approval, as set forth in the staff report on p.7-9.
9. On December 19, 2007, the Planning Commission also voted 9-0 to recommend approval of the associated Change of Zone No. 07059, subject to a Development and Conditional Zoning Agreement that substantially complies with the draft submitted at the Planning Commission hearing on December 19, 2007.
10. Since the Planning Commission hearing, the applicant and City staff met to review the use permit conditions and zoning agreement. They agreed that Condition #3.7 be modified and #3.8 deleted, relieving the applicant of responsibility for future modifications to the intersection of N. 86th and Holdrege.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: January 22, 2008

REVIEWED BY: _____

DATE: January 22, 2008

REFERENCE NUMBER: FS\CC\2007\UP.128B+

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT
for DECEMBER 19, 2007 PLANNING COMMISSION MEETING

****As revised and recommended for Conditional Approval
by Planning Commission: December 19, 2007****

PROJECT #: Use Permit No. UP128B

PROPOSAL: Amend use permit site plan from 68,600 square feet of office use to an 85 room hotel, 2,000 square feet of restaurants with no drive throughs, and 18,000 square feet of retail.

LOCATION: N. 84th Street and Holdrege Street

LAND AREA: 22.83 acres, more or less.

EXISTING ZONING: B-2 and O-3

WAIVER /MODIFICATION REQUEST:

To increase the B-2 height requirement of 40' to 45'.
(Note: This waiver will not be required if CZ#07057, a text amendment to increase height, is approved by City Council.)

CONCLUSION: Subject to the recommended conditions of approval, this request complies with the requirements of the Zoning Ordinance and is consistent with the Comprehensive Plan.

RECOMMENDATION:

Waiver:	To increase the B-2 height requirement of 40' to 45'.	Approval
Amendment to Use Permit:		Conditional Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION:

See attached.

EXISTING LAND USE: Office, retail, a church, vacant land, and medical office.

SURROUNDING LAND USE AND ZONING:

North:	H-4	Vacant land and restaurants
	R-4	Multiple family dwellings
South:	O-3	Restaurant and rural fire district station
East:	R-3	Single family and attach single family residential
West:	B-2	Vacant and commercial

ASSOCIATED APPLICATIONS: CZ#07059

HISTORY:

- May 15, 2007: Administrative Amendment #07027 to adjust lot layouts and setbacks for a portion of the use permit was approved by the Planning Director.
- February 7, 2007: Administrative Amendment #07008 to adjust lot lines and setbacks for the use permit was approved by the Planning Director.
- May 9, 2006: Administrative Amendment #06035 to adjust lot lines and setbacks for the use permit was approved by the Planning Director.
- March 27, 2006: Change of Zone #06010 from O-3 to B-2 for a portion of the use permit was approved by City Council.
- May 20, 2004: Administrative Amendment #04027 to modify Note #27 for the use permit was approved by the Planning Director.
- Dec. 17, 2003: Administrative Amendment #03077 to transfer floor area between lots for the use permit was approved by the Planning Director.
- April 23, 2003: Administrative Amendment #03002 to adjust lot lines and to transfer floor area between lots for the use permit was approved by the Planning Director.
- January 8, 2002: Administrative Amendment #02001 to extend the time line of the letter of acceptance was approved by the Planning Director.
- October 31, 2001: Use Permit 128A was approved by Planning Commission.
- July 30, 2001: Use Permit 128 was approved by City Council.

COMPREHENSIVE PLAN SPECIFICATIONS:

- P. 41 This area is designated as a Neighborhood Center.
- P. 45 Neighborhood centers provide services and retail goods oriented to the neighborhood level, with significant pedestrian orientation and access. A typical center will have numerous smaller shops and offices and may include one or two anchor stores. In general, an anchor store should occupy about a third to half of the total space. In centers meeting the incentive criteria, anchor store(s) may be larger noting that the goals of a Neighborhood Centers are to be diverse and not simply one store. Examples include such as Lenox Village at S. 70th and Pioneers Boulevard, and Coddington Park Center at West A and Coddington. These smaller centers will not include manufacturing uses.
- P. 19 This area is designated as Commercial on the Future Land Use map.
- P. 16 Commercial: Areas of retail, office and service uses. Commercial uses may vary widely in their intensity of use and impact, varying from low intensity offices, to warehouses, to more intensive uses such as gas stations, restaurants, grocery stores or automobile repair. Each area designated as commercial in the land use plan may not be appropriate for every commercial zoning district. The appropriateness of a commercial district for a particular piece of property will depend on a review of all the elements of the Comprehensive Plan.
- P. 9 Maximize the community's present infrastructure investment by planning for residential and commercial development in areas with available capacity.
- P. 11 Strip commercial development along transportation corridors is discouraged.
- P. 14 Mix of office, retail, and service uses.
- P. 15 Pedestrian orientation with parking at rear, multiple pedestrian routes, and buildings close to each other.
- P. 15 Transition of uses; less intense office uses near residential areas.
- P. 29 The City should work with developers interested in providing new industrial and office development sites. These sites are important for new companies to come to town and to help existing businesses relocate within Lincoln.

- P. 29 The creation of office sites is an important aspect of job growth for the community.
- P. 35 Commercial and industrial districts in Lancaster County shall be located: ...in areas compatible with existing or planned residential uses...
- P. 36 Strip commercial development is discouraged.
- P. 36 4. No four corner commercial corners at intersections of major arterial streets.
- P. 36 5. Transition of uses; less intense office uses near residential areas.
- P. 48 Buildings and land uses at the edge of the center should be compatible with adjacent residential uses. Examples of compatible land uses include offices or child care centers. Buildings should be compatible in terms of height, building materials and setback. Small compatible commercial buildings at the edge could include retail or service uses. Buildings with more intrusive uses should have greater setbacks, screening requirements and be built of more compatible materials.
- P.48 The most intensive commercial uses, such as restaurants, car washes, grocery stores, gasoline/ convenience stores and drive thru facilities should be located nearer to the major street or roadway and furthest from the residential area. Citizens of the community have become increasingly concerned about "light pollution" and its affects upon neighborhoods and the environment. Lighting, dumpsters, loading docks and other service areas should be shielded from the residential area.

TOPOGRAPHY: The development site has been graded to be relatively flat. Holdrege Street is a few feet higher than the site and N. 84th Street is lower than the site. The residential neighborhood to the east is a few feet higher than the development site.

TRAFFIC ANALYSIS: The traffic study indicates that the proposed changes in use versus the current approved uses will produce 1,675 more daily trips, three fewer AM trips, and one fewer PM trip.

The following is a breakdown of the portion of the site plan that is proposed to be amended (currently 68,600 sq. ft. office):

<u>Current Approved Site Plan</u>	<u>Proposed Site Plan</u>
AM Peak: 118 trips	AM Peak: 115 trips
PM Peak: 132 trips	PM Peak: 131 trips
Daily Trips: 848 trips	Daily Trips: 2,523 trips

The intersection of N. 84th Street and Lexington Avenue will eventually have a traffic signal when warrants are met.

If traffic volumes and/or crash rates increase to a level that would warrant a signal, Public Works would require the developer to construct a median to limit access to left in, right in, and right out only.

PUBLIC SERVICE: The Fire Department has indicated a need for an additional hydrant to serve the commercial development.

UTILITIES: Information needs to be provided describing how the additional lots in the southwest corner of the development are to be provided water and sanitary sewer service.

REGIONAL ISSUES: A change of zone and change in use at this intersection subtracts from the total office space and adds to the total commercial space for the N. 84th Street corridor.

AESTHETIC CONSIDERATIONS: The proposed hotel would be the tallest building in the existing development and the surrounding area.

ALTERNATIVE USES: The site could remain zoned O-3 and could be developed in compliance with the existing use permit with a single large office building.

The site could remain zoned O-3 and could be subdivided and/or developed into smaller lots for several smaller office buildings by an administrative amendment.

The site could remain zoned O-3 and a special permit could be obtained for a hotel.

The site could remain zoned O-3 and a special permit could be obtained for a restaurant.

The site could remain zoned O-3 and could be subdivided and/or developed with other uses as allowed in the O-3 district.

ANALYSIS:

1. The proposed hotel requires an adjustment to the B-2 height requirement from 40' to 45' for a four-story hotel. While there are currently no buildings taller than two stories in the immediate area, neither the current use permit nor the current zoning would restrict construction of multiple-story buildings. The O-3 District allows buildings up to 45' tall, so a building could be constructed in the O-3 portion of the development today at that height without a change of zone.

~~A text amendment (CZ#07057) to the zoning ordinance submitted by another applicant proposes to increase the height of several districts (including B-2) to 55'. This modification request is not necessary if City Council approves CZ#07057 beforehand and the Planning Commission can take final action on Use Permit 128B.~~

2. Hotels are allowed in the O-3 District by special permit only. The developer could keep the land zoned O-3 and apply for the special permit for a hotel. The requirements of the special permit (LMC 27.63.390) include:

- a) The number of hotel or motel units shall not exceed the number obtained by dividing the total square foot area of the site by 1,500;
- b) Each hotel or motel unit shall have a minimum enclosed floor area of 500 square feet;

and

- c) Each hotel or motel unit shall be a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking, and eating.

The proposed hotel lot (Lot 7, Morning Glory Estates 2nd Addition) is 73,845 square feet, more or less. Therefore, the special permit for a hotel in the O-3 would only allow 49 rooms. The amendment to the use permit proposes an 85 room hotel.

In previous meetings with staff and the neighborhood, the developer has indicated that the hotel would be an “extended stay” hotel, which may have some attributes of b) and c) above, but no commitment has been made on the amendment to the use permit which would indicate room size or status in terms of a “single habitable unit” or not. Other than the requirements for the O-3 special permit mentioned above, the City of Lincoln zoning code does not make any determination between a motel, hotel, or an extended stay hotel. Therefore, outside of the conditions of a special permit or use permit, the City cannot guarantee or regulate these distinctions.

- 3. Restaurants are allowed in the O-3 District by special permit only. The developer could keep the land zoned O-3 and apply for the special permit for a restaurant. There are no specific requirements of the special permit (LMC 27.63.390).
- 4. The 1.21 acre change of zone from B-2 to O-3 covers a portion of the parking lot for an existing office building and a pad site to the north which could potentially have an office use in the future.

The 3.63 acre change of zone from O-3 to B-2 covers Lot 7, Morning Glory Estates 2nd Addition, which was a 68,600 square foot office building on the existing use permit.

The O-3 District requires a minimum of two acres for a use permit. The changes of zone leaves the development with 2.25 acres of O-3.

The changes of zone break up the existing zoning pattern where the O-3 of this development was contiguous with the O-3 across the street to the south.

- 5. The existing site plan allows 153,000 total square feet of office and commercial uses. The proposed amendment to the site plan reduces the amount of office space by 68,600 square feet, but adds 18,000 square feet of retail, 2,000 square feet of restaurant, and 14,000 square foot 85 room hotel to total 118,600 square feet for the overall development. The 34,400 square foot reduction in total square footage is due in part to parking requirements and traffic generation. For example, restaurant uses generate more traffic and require more parking than office uses.
- 6. This proposed changes in use do not appear to be a substantial negative impact since:
 - a) The hotel is somewhat residential in nature and a more moderate intensity use (compared to other B-2 uses) nearer the residential to the east;
 - b) The height of the proposed hotel would not exceed the approved office building height of 45' (however, if City Council approves CZ #07057, the height could be up to 55');
 - c) The hotel is oriented parallel to Holdrege Street so that windows would not face the neighborhood; and

- d) The peak hour traffic is less than the current approved site plan.
7. The parking study projects that there will be an increase in daily trip totals in the area proposed to be amended. The number of AM and PM peak hour trips is projected to be roughly equivalent to the current adopted site plan.
 8. General Note #40 states that non-concurrent parking for the proposed hotel is granted on Outlots B & D. Joint parking is a permitted conditional use in the B-2 and O-3 districts.
 9. The parking lot for the proposed hotel is across the street from residential lots. No other parking lots in the commercial development face residential. There is potential for the lighting of this parking lot to impact the neighborhood. The amendment has added General Notes #43 which states: "Parking lot lighting for the hotel will be designed utilizing shorter poles where possible." This note does not guarantee anything measurable for building permit review purposes. Full cut-off fixtures would address lighting issues.
 10. When the sun is lower in the winter months, portions of the parking lot for the proposed hotel will be significantly shaded by the building, which could prolong the existence of snow and ice and may encourage more freeze/thaw events. However, only the private infrastructure will be impacted and will be maintained at the owner's expense.
 11. The internal sidewalk system for the commercial area will be subject to the City of Lincoln's Design Standards for Pedestrian Circulation in Commercial and Industrial Areas and will be reviewed at the time of building permits.
 12. The proposed site plan has added a "speed table" to calm traffic internal to the development. A speed table is a raised platform at the intersection of the internal drive aisles. Vehicles should approach the intersection cautiously, which would then slow the through traffic within the development. This was not a requirement by design standards or a suggestion by staff.
 13. General Note #44 states that N. 86th Street (the portion north of the development, not east of the development) will be extended from Lexington Avenue to Leighton Avenue in conjunction with the proposed hotel.

CONDITIONS OF APPROVAL:

Site Specific Conditions:

1. This approval permits 114,350 square feet of commercial floor area with an adjustment to the B-2 height requirements to allow 45' tall buildings (~~height adjustment is not necessary if CZ #07057 is approved by City Council~~).
2. The City Council approves associated request:
 - 2.1 Change of Zone #07059
 - 2.2 Use Permit #128B for a modification of B-2 height requirement from 40' to 45'. ~~The modification of the height requirement could be final action at Planning Commission~~

~~if Change of Zone #07057 is approved by City Council beforehand. Change of Zone #07057 proposes to change the text of the zoning ordinance and includes an increase in height to 55' for several districts, including the B-2 zoning district.~~

General Conditions:

3. Upon approval of the use permit by the Planning Commission or City Council, the developer shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including **5** copies with all required revisions and documents as listed below before receiving building permits:
 - 3.1 Remove internal sidewalks from the use permit plans. The placement of internal sidewalks will be evaluated at the time of building permits.
 - 3.2 Revise General Notes #16 to correct spelling of “MUNICIPAL” and “PREMISES”.
 - 3.3 Revise General Notes #43 to state “PARKING LOT LIGHTING WILL BE DESIGNED UTILIZING FULL CUT OFF FIXTURES.”
 - 3.4 Revise General Notes #15 to allow “JOINT PARKING” for Outlots A, B, and D.
 - 3.5 The traffic study references a future 250' west bound right turn lane in Holdrege Street. The turn lane and required right-of-way need to be shown on the plans.
 - 3.6 Revise General Notes #44 to state “N. 86TH STREET NORTH OF LEXINGTON AVENUE WILL BE CONSTRUCTED PRIOR TO THE ISSUANCE OF AN OCCUPANCY PERMIT FOR THE PROPOSED HOTEL.”
 - 3.7 Add General Note #45 to state “IF TRAFFIC VOLUMES AND/OR CRASH RATES INCREASE TO A LEVEL THAT WOULD WARRANT A SIGNAL, PUBLIC WORKS WOULD REQUIRE THE DEVELOPER TO CONSTRUCT A MEDIAN TO LIMIT ACCESS TO LEFT IN, RIGHT IN, AND RIGHT OUT ONLY.”
 - 3.8 Submit an escrow or some other method of securing the funding for the construction of the median on Holdrege Street for the N. 86th Street north of Lexington Avenue intersection. (**Per Planning Commission, as recommended by staff, 12/19/07**)
 - 3.9 Provide Public Works with information describing how the additional lots in the southwest corner of the development are to be provided water and sanitary sewer service.
 - 3.10 The construction plans comply with the approved plans.

Standard Conditions:

4. The following conditions are applicable to all requests:
 - 4.1 Before occupying the buildings, all development and construction is to comply with the approved plans.

- 4.2 All privately-owned improvements shall be permanently maintained by the owner or an appropriately established association approved by the City Attorney.
 - 4.3 This ordinance's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
 - 4.4 The applicant shall sign and return the letter of acceptance to the City Clerk within 60 days following the approval of the change of zone, provided, however, said 60-day period may be extended up to six months by administrative amendment. The clerk shall file a copy of the ordinance approving the change of zone and the letter of acceptance with the Register of Deeds, filling fees therefor to be paid in advance by the applicant.
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 ordinance.

Prepared by:

Brandon M. Garrett, AICP
Planner

DATE: December 10, 2007

APPLICANT: Don Day
Olsson Associates
1111 Lincoln Mall
Lincoln, NE 68508

OWNER: Holdrege Investors LLC & Morning Glory Estates Assoc. Inc.
300 N. 44th St., Ste. 100
Lincoln, NE 68503

**CHANGE OF ZONE NO. 07059
and
USE PERMIT NO. 128B**

REQUEST FOR DEFERRAL:

December 5, 2007

Members present: Sunderman, Larson, Taylor, Francis, Moline, Gaylor-Baird, Esseks and Carroll; Cornelius absent.

Ex Parte Communications: None.

The Clerk announced that the applicant has requested a two-week deferral.

Sunderman moved deferral, with continued public hearing and action scheduled for December 19, 2007, seconded by Esseks and carried 8-0: Sunderman, Larson, Taylor, Francis, Moline, Gaylor-Baird, Esseks and Carroll voting 'yes'; Cornelius absent.

CONT'D PUBLIC HEARING BEFORE PLANNING COMMISSION:

December 19, 2007

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

Ex Parte Communications: The Commissioners all received a letter from Danielle Miller, 8611 Lavender Circle, in opposition.

Staff recommendation: Approval of the change of zone and conditional approval of the amendment to the use permit.

Staff presentation: **Brandon Garrett of Planning staff** explained that today's action is a recommendation to the City Council. The height waiver requested was initially eligible to be final action if a change of zone to the text of the ordinance was passed by the City Council. That text amendment was passed, except the B-2 and B-5 were not included in that ordinance. Therefore, the waiver to the B-2 height from 40 to 45 feet is required and must be acted upon by the City Council.

Garrett advised that at noon today, he received a copy of a letter from Rob Otte, who is the attorney representing the neighborhood to the east. That letter was addressed to Mike Rierden, who represents the applicant. The letter states that the neighborhood and Mr. Otte would not show up in opposition today based upon finalizing a Development and Conditional Zoning Agreement before action by the City Council.

Proponents

1. Mike Rierden appeared on behalf of the applicant. The request for change of zone from O-3 to B-2 is approximately 3.6 acres, the change from B-2 to O-3 is approximately 2.25 acres. The reason for the change to the O-3 is to maintain the minimum area requirement in the O-3 of 2 acres.

The reason for the change to B-2 is to place a proposed extended stay hotel on the property. Today there is an approved office building of 68,000 sq. ft. on that parcel and 45' in height. The applicant wishes to change that to an extended stay hotel, but under the B-2 the height limitation is 40', so that is the reason for the request to waive the height limitation to allow 45'.

Rierden advised that the applicant met with the neighbors three times and he has spoken with legal counsel a number of times. Rierden requested that Rob Otte's letter be made a part of the record. Rierden also submitted a copy of the proposed Development and Conditional Zoning Agreement. He believes they are close to finalizing this agreement and he requested a favorable recommendation from Planning Commission to move this forward to the City Council. The applicant has committed to the neighbors that he will not schedule these applications on the City Council agenda until the agreement has been signed.

Rierden advised that the key elements of the agreements with the neighbors is that they want the change of zone tied to an extended stay hotel for a certain period of time. He also wanted the Commission to know that the conditions in the agreement are based on requests by the neighbors. This is one issue where they have not reached total agreement because of the hotel's marketing plan, but he believes they will be able come to agreement. The agreement refers to the buffering, signing and lighting. The homeowners to the east will eventually have a 100% buffer.

2. Dave Johnson with Studio 951, 720 O Street, the architect for the project, gave a sense of flavor of the development with visuals. There will be three single story retail buildings along with the hotel. Further north in the development there is a dental office, vet clinic, Union Bank facility and another 8100 sq. ft. retail building and an office building. He displayed the architecture proposed for the development. There will be more trees than usually seen in a retail development. The fronts of the retail buildings will face the east and north. The back of the retail buildings will be mostly glass as opposed to a blank wall with service doors. There will be evergreen trees planted by the applicant in the back yards of the abutting residential properties. The applicant has also agreed to do a berm which will get the trees up higher, the trees being in the 10-12 ft. height to begin with. There is 160 feet between the end of the hotel and the back of the residences. The finished floor of the hotel can be at elevation 1272, which is down from N. 86th Street. From the grading plan, he believes that the two houses directly to the east have finished floors at about 1277.

Johnson then showed some room layouts for the suites of the proposed hotel, the smallest being 570 square feet.

3. John Klimpel, of HMA Hotels, testified in support. HMA Hotels will be partnering on this project on the extended stay hotel. They have done several extended stay hotels in the area, the most recent being Candlewood at 70th & Pioneer. There is a great need for this type of hotel in Lincoln.

There was no testimony in opposition.

Staff questions

Esseks stated that he personally feels comfortable supporting this proposal, provided a zoning agreement of this nature with protections for the adjacent residential properties is enacted. How do we make this possible? Garrett stated that the zoning agreement could be added as a condition of approval to the change of zone request. Esseks indicated that his vote hinges upon whether certain provisions of the zoning agreement are included. The Planning Commission would be approving something that has not been finalized. How do we deal with that? Rick Peo of City Law Department understands that the draft agreement is probably 90% accurate as to what would be finalized. He has not had a chance to evaluate the issues. Since the draft agreement has been made part of the record, the Planning Commission could indicate that any development agreement has to be substantially in compliance with the draft submitted today.

Carroll inquired about the signage. Garrett advised that the B-2 district would allow a 500 sq. ft. wall sign (or 30% of the facade) and a 100 sq. ft. ground sign per street frontage in the front yard. Out of the front yard they get 100 sq. ft. plus 50 sq. ft. ground sign per pad within 30 feet of the building. Carroll assumed then that the ground sign would be located along Holdrege Street at that intersection and a wall sign for the hotel. Garrett concurred. The agreement provides that any signage on the east side of the building facing the building would be minimal, if any at all.

Response by the Applicant

Don Linscott, one of the developers, stated that they would only allow the ground sign along Holdrege Street, and then one sign on the west side of the building for identification. The applicant has worked very hard with the neighborhood. They have had three meetings and have agreed to many of those suggestions. Many of the provisions in the zoning agreement are those things that he has agreed to do with the neighbors from the beginning. The only difference of opinion is that the neighbors would like to make sure this is an extended stay hotel for 15 years. The applicant would prefer 10 years based on the market place. Linscott is working in a co-venture with HMA, a hotel developer out of St. Louis. 70th & Pioneers is very similar to what will be done here. A lot of these issues were dealt with at 70th & Pioneers. We do not know if this is going to be a Marriott or Spring Hill, etc. The developer is working with a national company and the 15-year requirement is difficult. All franchisers only give you a 10-year license, and then you can renew it. Rierden stated that they will work something out with the neighborhood. The timetable is the only thing they have not reached agreement upon with the neighborhood.

Marvin Krout, Director of Planning, asked the Commission to suspend their rules to allow staff to make further comments about traffic issues. Today is the first time the staff has had an opportunity to look at the draft agreement. (*Editorial Comment:* The discussion then diverted to discussions about turn lanes and it was discovered that the reference to “84th” Street in the zoning agreement was a typographical error. The correct reference is “86th” Street.)

Linscott then gave a history of the proposal. When it was originally submitted, the applicant showed two drive-through facilities, and they were told in a meeting with Public Works that they felt the two drive-through facilities would result in the development exceeding the number of trip generations. The applicant went back to the drawing board in order to stay in the same trip generation, resulting in 38,000 sq. ft. of retail and the extended stay hotel. To stay within that trip generation previously approved, the applicant agreed to do an 85 room hotel and 20,000 sq. ft. of retail (2 buildings).

Carroll then asked the applicant if he agreed with the staff's revised Condition #3.8:

- 3.8 Submit an escrow or some other method of securing the funding for the construction of the median on Holdrege Street for the N. 86th Street north of Lexington Avenue intersection.

Linscott stated that they had told the neighbors that they did not think they were going to have to have a left only turn from 86th & Holdrege. Linscott believes that this proposal complies with the trip generation that was previously approved. Linscott pointed out that the developer's pocket loss was tremendous in complying with the staff's recommendation to remove the two fast food locations. (In fact, he had both of them pre-sold.) But, he decided he was better off trying to work with staff in eliminating those two and complying with the 38,000 sq. ft., which is under the same trip generation currently approved with a 68,000 sq. ft. office building. Linscott would certainly like to work with the city, but he does not want to be the one between the city and the neighbors.

Garrett clarified that Condition #3.7 appears to be the condition to which Mr. Linscott is referring. That condition was in the original staff report:

- 3.7 Add General Note #45 to state "IF TRAFFIC VOLUMES AND/OR CRASH RATES INCREASE TO A LEVEL THAT WOULD WARRANT A SIGNAL, PUBLIC WORKS WOULD REQUIRE THE DEVELOPER TO CONSTRUCT A MEDIAN TO LIMIT ACCESS TO LEFT IN, RIGHT IN, AND RIGHT OUT ONLY."

The revision to Condition #3.8 made by the staff refers back to Condition #3.7. Condition #3.8 was revised only to correct a typo that he made previously. Condition #3.7 deals with how that median should be constructed and paid for. This is the same intersection (86th & Holdrege) that is referred to in the conditional zoning agreement. We're talking about the same thing.

Chad Blahak of Public Works explained that the issue with the 86th & Holdrege intersection was not that Public Works wanted to require any change or construction to that intersection at this point in time; however, the condition that was written was that it should be monitored and if crash rates and trip volumes increase to the point where a signal is warranted, that the intersection be closed to left in and right out only. When this project was originally approved, the substandard intersection spacing for full access median openings was approved, the original project being a lot less commercially intense. This project has gone through a previous change of zone to increase the traffic volume. Even though this proposal does not necessarily increase the peak hour volumes, it does increase the daily trips from 800 to 2500 daily trips. The intent of the condition was to apply some kind of financial guarantee that should the crash rates dictate a change to the intersection, there would be some escrow or financial guarantee to make those improvements in the future.

Esseks observed that this is a condition on negative evidence that may arise. It is only if it is needed.

Moline inquired whether the neighborhood's concerns would still be considered. Blahak stated that even if this application was not coming forward, Public Works would technically still have the authority to propose changes to intersections due to safety and traffic volume. The only thing that

condition was meant to do was to apply some responsibility due to the increase of traffic volumes over the history of this project. Condition #3.7 is not new today. It has been in the staff report all along.

Sunderman clarified that the staff is not asking the developer to put monies down to fund this, but merely asking for some sort of contract that they will pay for it if needed. Blahak acknowledged that the mechanism needs to be worked out – whether it is a bond or some type of agreement. Moline thinks it unfair to ask them to put up a bond if it may never happen.

Rierden suggested they could work further with staff prior to City Council.

CHANGE OF ZONE NO. 07059

ACTION BY PLANNING COMMISSION:

December 19, 2007

Larson moved approval, seconded by Leirion.

Esseks moved to amend to require that the change of zone be conditioned upon the finalization of the development and conditional zoning agreement between the developer and the city that is substantially in conformance with the draft submitted to the Planning Commission on December 19, 2007, seconded by Cornelius.

Esseks believes that the agreement deals with the concerns of the residents to the east. He thinks it is an impressive agreement and suggested that the city may want to use this in the future.

Motion to amend carried 9-0: Larson, Moline, Francis, Taylor, Gaylor-Baird, Esseks, Sunderman, Cornelius and Carroll voting 'yes'.

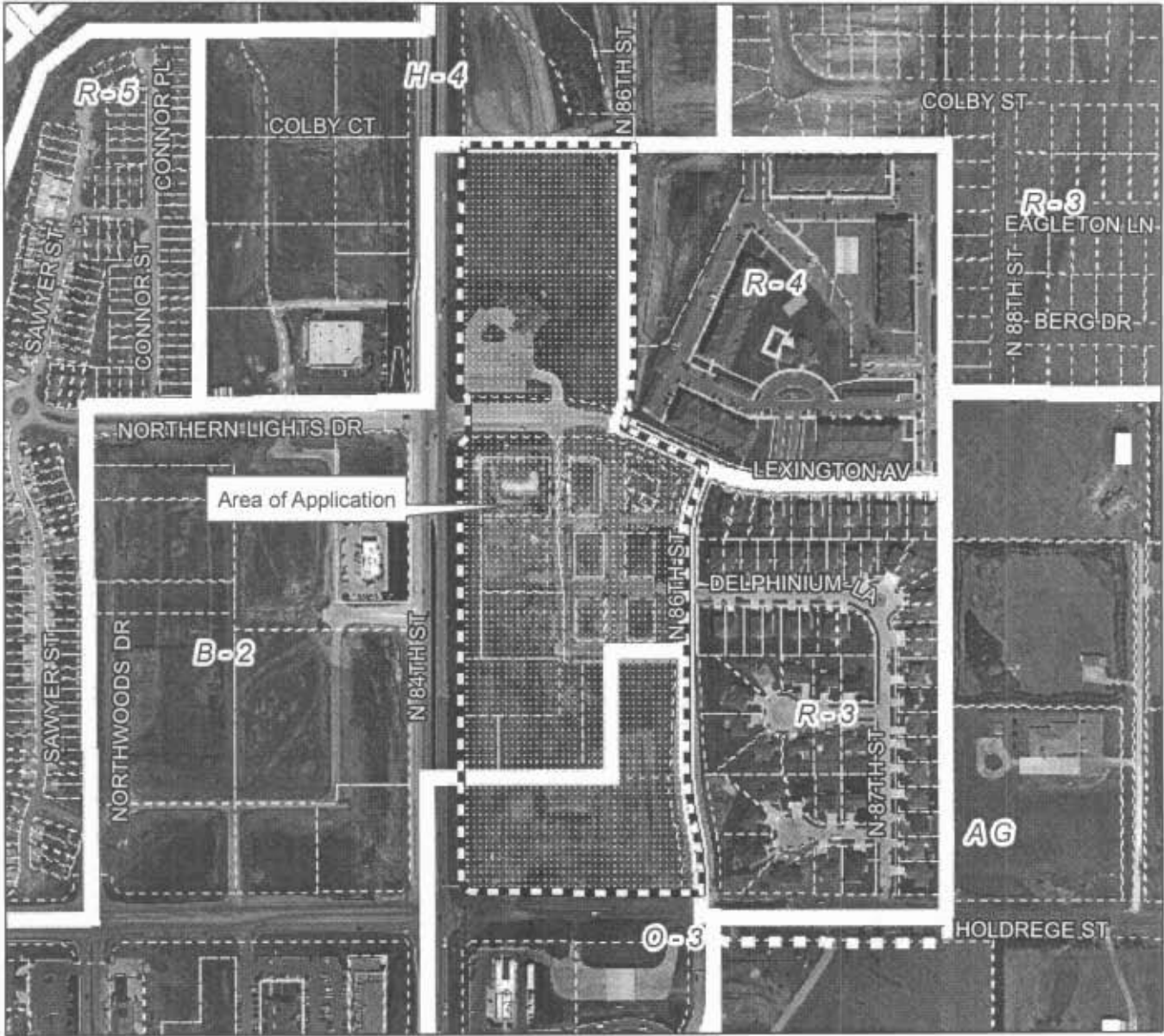
Main motion, as amended, carried 9-0: Larson, Moline, Francis, Taylor, Gaylor-Baird, Esseks, Sunderman, Cornelius and Carroll voting 'yes'. This is a recommendation to the City Council.

USE PERMIT NO. 128B

ACTION BY PLANNING COMMISSION:

December 19, 2007

Cornelius moved to approve the staff recommendation of conditional approval, including the staff amendment to Condition #3.8, seconded by Taylor and carried 9-0: Larson, Moline, Francis, Taylor, Gaylor-Baird, Esseks, Sunderman, Cornelius and Carroll voting 'yes'. This is a recommendation to the City Council.



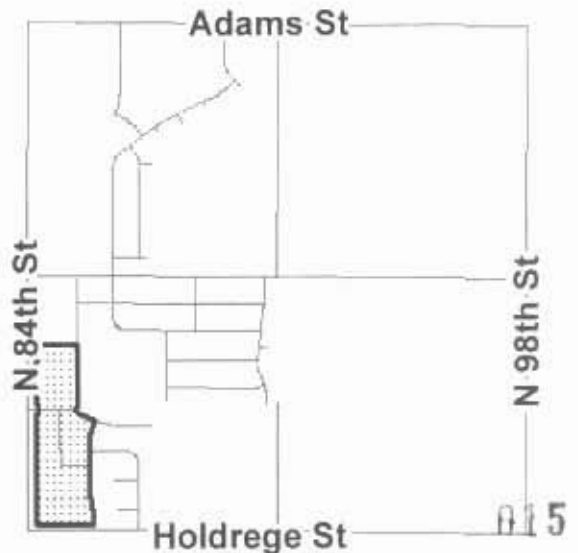
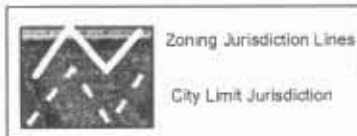
2005 aerial

Use Permits #128B N 84th & Holdrege St

Zoning:

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

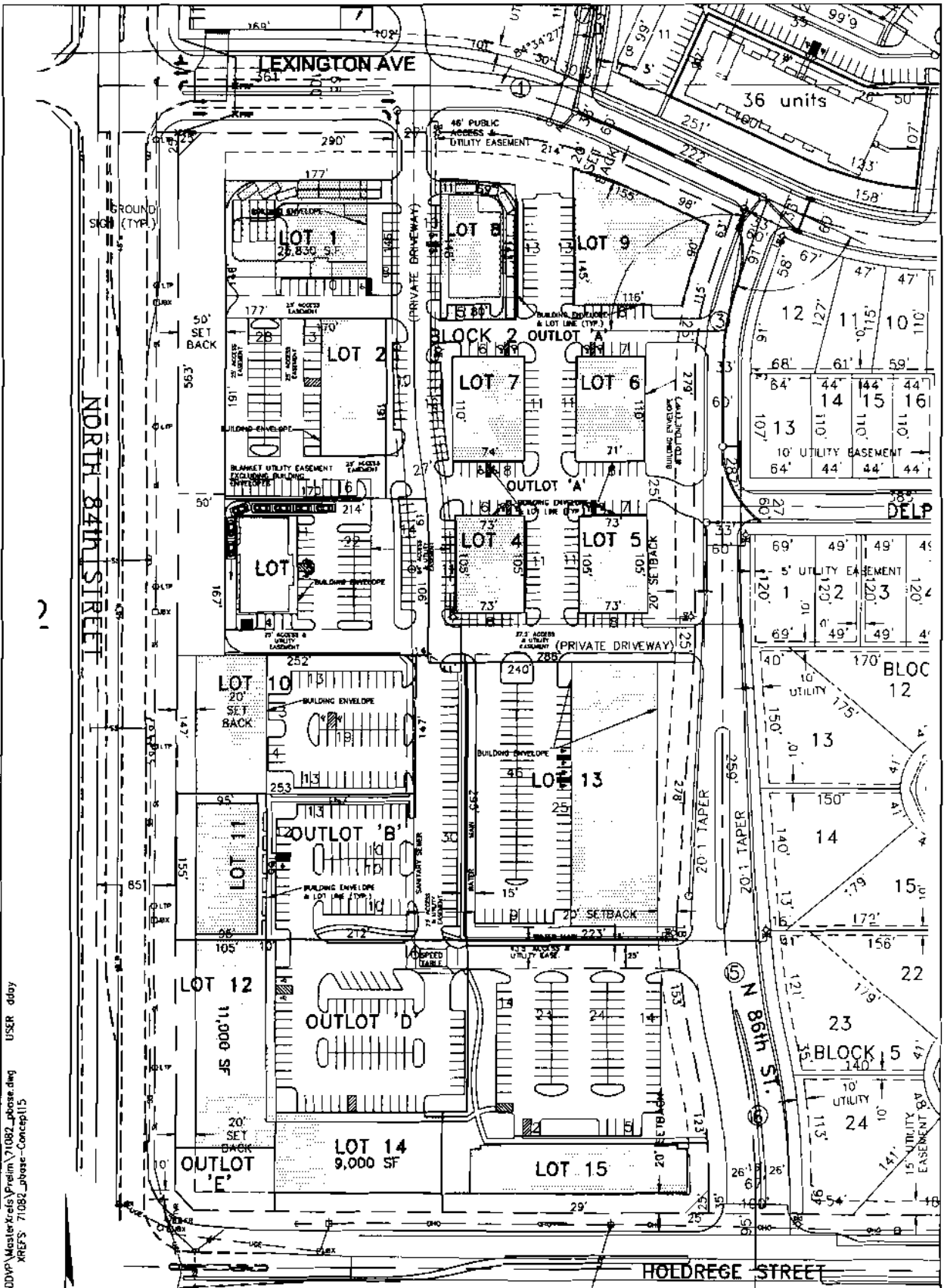
One Square Mile
Sec. 14 T10N R07E



VP #1288

**LEGAL DESCRIPTION
USE PERMIT**

A LEGAL DESCRIPTION FOR A TRACT OF LAND COMPOSED OF LOT LOTS 5, 6, 7, 8, AND 9, ALL OF BLOCK 2, MORNING GLORY ESTATES ADDITION, LOT 1, BLOCK 3, AND OUTLOT "C", ALL OF MORNING GLORY ESTATES ADDITION, LOTS 1, AND 7, MORNING GLORY ESTATES 2ND ADDITION, LOT 3, MORNING GLORY ESTATES 4TH ADDITION, LOTS 1, 2, 3, 4, 5, AND OUTLOTS "A", "B", AND "C", ALL OF MORNING GLORY ESTATES 5TH ADDITION, A PORTION OF LEXINGTON AVENUE RIGHT-OF-WAY, AND A PORTION OF NORTH 86TH STREET RIGHT-OF-WAY, ALL LOCATED IN THE SOUTHWEST QUARTER OF SECTION 14, TOWNSHIP 10 NORTH, RANGE 7 EAST OF THE 6TH P.M., CITY OF LINCOLN, LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:



D:\Projects\007-1082\LDWP\Master\krels\prim\71082_base.dwg
 DATE: Dec 05, 2007 1:02pm XREFS: 71082_base-Concept15
 USER: ddbj

100 SCALE

PROJECT NO: 007-1082
 DRAWN BY: DRD
 DATE: 12/5/07

MORNING GLORY ESTATES SITE LAYOUT

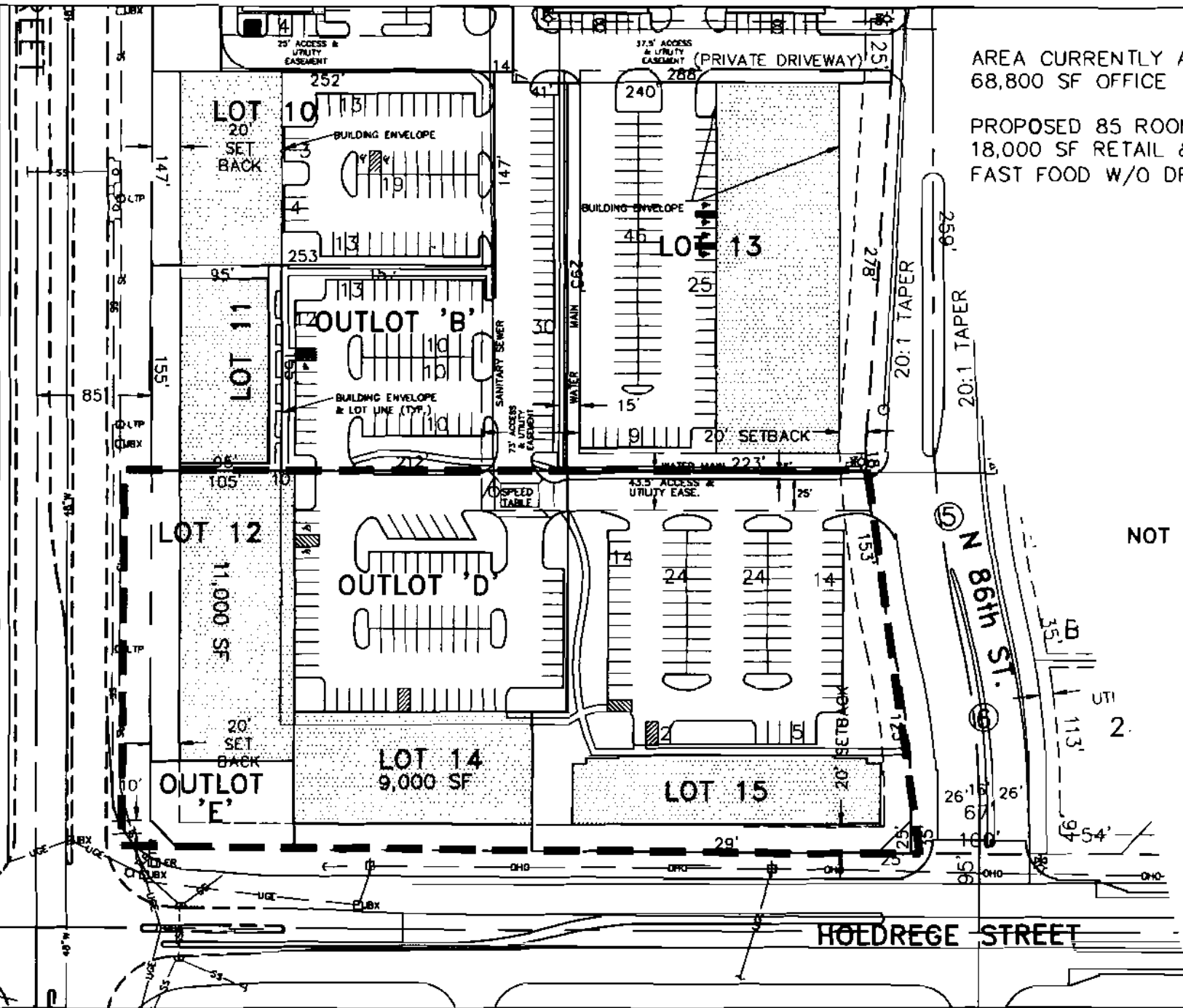


1111 Lincoln Blvd, Suite 111
 P.O. Box 40000
 Lincoln, NE 68521-0000
 TEL: 402.474.5311
 FAX: 402.474.3700

EXHIBIT
 1

DWG: F:\Projects\007-1082\LD0VP\MasterXrefs\Prelim\71082_pbase.dwg
 DATE: Dec 05, 2007 1:01pm
 USER: dday
 XREFS: 71082_pbase-Concept15

018



AREA CURRENTLY APPROVED AS
 68,800 SF OFFICE

PROPOSED 85 ROOM HOTEL,
 18,000 SF RETAIL & 2,000 SF
 FAST FOOD W/O DRIVE THRU



NOT TO SCALE

PROJECT NO: 2007-1082
 DRAWN BY: BPS
 DATE: 6/29/07

AREA OF TRIP COMPARISON



1111 Lincoln Mall, Suite 111
 P.O. Box 04608
 Lincoln, NE 68501-4608
 TEL 402.474.6311
 FAX 402.474.6160

EXHIBIT
 2

**Review Comments for
Application #: UP128B
MORNING GLORY ESTATES**

Comments as of: Tuesday, November 20, 2007

Status of Review: Complete

Reviewed By Building & Safety

Terry Kathe

Comments:

Status of Review: Approved

11/08/2007 2:49:35 PM

Reviewed By Building & Safety

BOB FIEDLER

Comments: approved

Status of Review: Complete

11/16/2007 4:26:21 PM

Reviewed By Fire Department

ANY

Comments: Upon review of the plan, the only request would be to have a fire hydrant put someplace in the area between Outlot "B" and Outlot "D". This would greatly enhance the availability of a water supply if needed.

Status of Review: Approved

11/16/2007 11:33:10 AM

Reviewed By Health Department

ANY

Comments: LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT
INTER-OFFICE COMMUNICATION

TO: Brandon Garrett DATE: November 16, 2007

DEPARTMENT: Planning FROM: Chris Schroeder

TEL: 781-326-1000

ATTENTION: DEPARTMENT: Health

CARBONS TO: EH File SUBJECT: Morning Glory Estates

EH Administration CZ #07059 UP #128B

TEL:

The Lincoln-Lancaster County Health Department has reviewed the change of zone and use permit applications and does not object to the proposed changes.

Status of Review: Active

Reviewed By Lincoln Police Department

ANY

Comments:

Status of Review: Active

Reviewed By Planning Department

BRANDON GARRETT

Comments:

Status of Review: Routed

Reviewed By Planning Department

COUNTER

Comments:

Status of Review: Complete

Reviewed By Planning Department

RAY HILL

Comments:

Status of Review: Active

Reviewed By Public Works - Development Services

ANY

Comments:

Status of Review: Active

Reviewed By Public Works - Long Range Planning

ANY

Comments



"Sgt. Don Scheinost"
<lpd798@CJIS.LINCOLN.NE.
GOV>

11/12/2007 09:00 AM

To Brandon Garrett <BGarrett@ci.lincoln.ne.us>

cc

bcc

Subject Morning Glory Estates

Mr. Garrett,

The Lincoln Police Department does not object to the Morning Glory Estates, CZ07059.

Sergeant Don Scheinost, #798
Lincoln Police Department
Management Services
402.441.7215
mail to: lpd798@cjis.lincoln.ne.gov

Memorandum

To:	Brandon Garrett, Planning Department
From:	Chad Blahak, Public Works and Utilities Randy Hoskins, Public Works and Utilities
Subject:	Morning Glory cz07059
Date:	December 10, 2007
cc:	

Engineering Services has reviewed the change of zone and amended use permit for the Morning Glory Estates, located on the northeast corner of 84th and Holdrege, and has the following comments:

- 1 The traffic study references a future 250' west bound right turn lane in Holdrege Street. The turn lane and required ROW need to be shown on the plans.
- 2 Information needs to be provided describing how the additional lots in the southwest corner of the development are to be provided water and sanitary sewer service.
- 3 It should be noted that numerous amendments have increased the intensity of the commercial component of the Morning Glory Estates development since its original approval. With this most recent proposed change of zone and land use the daily site trips will have increased approximately 26% from the original approved project according to the submitted traffic study and subsequent land use revisions. The location of 86th Street in relation to 84th Street was approved based on the idea that the land uses did not generate enough traffic to warrant a traffic signal. A traffic signal at this location would not be supported by Public Works due to the proximity of 86th to 84th Street (less than 700' spacing). The site trips shown for the proposed amendment (assuming the study reflects full build out) plus existing traffic indicate volumes that appear to be close to meeting the peak hour warrant. If traffic volumes and/or crash rates increase to a level that would warrant a signal, Public Works would require the developer to construct a median to limit access to left in right out only. A note needs to be added to the site plan acknowledging this requirement and an escrow or some other method of securing the funding for the construction needs to be obtained from the developer.

Table 1

Morning Glory Estates
ITE Trip Generation Manual (7th Ed.)
ITE Trip Generation

Daily Trips for Lot 12 of Current Approved Site Plan

ITE Code/Page	Land Use	Size	Trip Gen. Avg. Rate/Eq.	PM Peak Trips	Mixed-Use Reduction	Total Trips	Trip Distribution		Total PM Peak Trips		
							Enter	Exit	Enter	Exit	
710/1169	General Office Building	68,600	SF	$T = e^{(0.77 \cdot \ln(x) + 3.66)}$	898	15%	848	50%	50%	424	424
Total					898		848		424	424	

Daily Trips for Proposed Alternative Uses

ITE Code/Page	Land Use	Size	Trip Gen. Avg. Rate/Eq.	PM Peak Trips	Mixed-Use Reduction	Total Trips	Trip Distribution		Total PM Peak Trips		
							Enter	Exit	Enter	Exit	
310/551	Hotel	85	Rooms	8.17	894	15%	590	50%	60%	295	299
814/1338	Specialty Retail Center	19,000	SF	44.32	842	15%	716	50%	60%	358	368
933/1744	Fast-Food Restaurant w/out Drive-Through	2,000	SF	716.00	1,432	15%	1,217	50%	60%	609	609
Total					2,969		2,523		1,262	1,282	

AM Peak Hour Trips for Lot 12 of Current Approved Site Plan

ITE Code/Page	Land Use	Size	Trip Gen. Avg. Rate/Eq.	PM Peak Trips	Mixed-Use Reduction	Total Trips	Trip Distribution		Total PM Peak Trips		
							Enter	Exit	Enter	Exit	
710/1169	General Office Building	68,600	SF	$T = e^{(0.80 \cdot \ln(x) + 1.65)}$	139	15%	119	66%	72%	104	14
Total					139		119		104	14	

AM Peak Hour Trips for Proposed Alternative Uses

ITE Code/Page	Land Use	Size	Trip Gen. Avg. Rate/Eq.	PM Peak Trips	Mixed-Use Reduction	Total Trips	Trip Distribution		Total PM Peak Trips		
							Enter	Exit	Enter	Exit	
310/552	Hotel	85	Rooms	0.56	48	15%	40	61%	39%	25	16
814/NA	Specialty Retail Center	19,000	SF	-	-	-	-	-	-	-	-
933/1746	Fast-Food Restaurant w/out Drive-Through	2,000	SF	43.87	88	15%	75	60%	40%	45	30
Total					136		115		69	46	

PM Peak Hour Trips for Lot 12 of Current Approved Site Plan

ITE Code/Page	Land Use	Size	Trip Gen. Avg. Rate/Eq.	PM Peak Trips	Mixed-Use Reduction	Total Trips	Trip Distribution		Total PM Peak Trips		
							Enter	Exit	Enter	Exit	
710/1169	General Office Building	68,600	SF	$T = 1.12(x) + 78.81$	156	15%	132	17%	83%	23	110
Total					156		132		23	110	

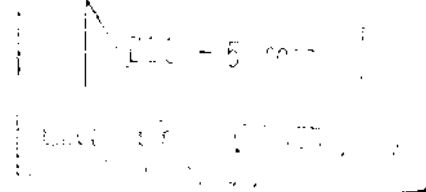
PM Peak Hour Trips for Proposed Alternative Uses

ITE Code/Page	Land Use	Size	Trip Gen. Avg. Rate/Eq.	PM Peak Trips	Mixed-Use Reduction	Total Trips	Trip Distribution		Total PM Peak Trips		
							Enter	Exit	Enter	Exit	
310/553	Hotel	85	Rooms	0.56	50	16%	43	53%	47%	23	20
814/1338	Specialty Retail Center	19,000	SF	2.71	51	15%	44	44%	66%	19	29
933/1746	Fast-Food Restaurant w/out Drive-Through	2,000	SF	26.15	52	15%	44	51%	49%	23	22
Total					154		131		65	71	

Trip rate is not applicable per ITE Trip Generation Manual (7th Ed.) for given time period.

050 - 5 2/1

Lincoln, Nebraska



December 5, 2007

Mr. Brandon Garrett
Lincoln Lancaster Planning Department
County-City Building
555 South 10th Street, Suite 213
Lincoln, NE 68508

Re: Moming Glory Estates
Amendment to Use Permit # 128 and Change Of Zone
OA Project No. 007-1082

Dear Mr. Garrett,

On behalf of Holdrege Investors LLC, Olsson Associates is submitting an updated site layout and traffic comparison for the proposed Moming Glory Estates Use Permit and Change of zone.

We previously submitted to you on November 7, 2007. That submittal showed a site layout that included two drive-thru restaurants, a hotel and retail along with a traffic analysis to show how the proposed site would affect the traffic system. Based on feedback from the City of Lincoln and concerns raised about the increased traffic, we are proposing a different site layout. The new site layout eliminates the drive-thru restaurants. Please see Exhibit 1 that is attached to this letter.

Due to the concerns of traffic generated with the proposed change from O-3 to B-2 zoning, the proposed sited trips were compared against the currently approved office use. When comparing PM Peak Trips, the approved 68,800 SF office space generates the same amount of trips as the proposed 18,000 SF Retail, 2,000 SF Restaurant and 85 room hotel. Please see Exhibit 2 and the Trip Generation Comparison Chart attached to this letter.

023

Mr. Brandon Garrett
December 5, 2007
Page 2

We feel that these site plan changes address the concerns that arose during the review process. We ask that the Change of Zone and Use Permit move forward with the understanding that we will update the Site Plan to reflect the changes outlined on the attached exhibits

Please give me a call if you have any questions or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "D.R. Day", with a stylized flourish underneath.

Don R. Day, PE

cc Don Linscott
Michael J. Rierden
Dave Johnson

F:\Projects\007-108Z\Communications\Corsp\L-MKroul.12.05.07.doc



November 7, 2007

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

Re: Morning Glory Estates
Amendment to Use Permit # 128 and Change Of Zone
OA Project No. 007-1082

Dear Mr. Krout,

On behalf of Holdrege Investors LLC, Olsson Associates is requesting an "Amendment to the Use Permit" and a "Change of Zone" to change 3.63 acres from O-3 to B-2 and to change 1.21 Acres from B-2 to O-3.

We are requesting this Amendment and Change of Zone to locate a 4 story hotel on this site along with retail shops and restaurants. The hotel, retail and restaurant space will replace a 68,600 SF, 3 story (45' high) office space that was previously approved. In total, this new plan reduces square footage by 38,650 SF. The trip generation of these new uses was reviewed and a technical memorandum is being submitted to outline the traffic impacts.

The Site Plan shows shared parking between the Hotel Lot 17 and adjacent Retail / Restaurant parking in Outlots "B" & "D". We are requesting that these two areas be allowed to utilize non-concurrent parking, since the Hotel's main stall use is at night and the Retail / Restaurant main stall use is during the day.

We are formally requesting a waiver. The waiver is to Title 27, 27.31.09 (a) in order to increase the B-2 height restriction from 40' to 45' on Lot 17.

In addition to the above mentioned changes, you will notice that the Land Use table has been updated along with the revision or addition of various General Notes.

025

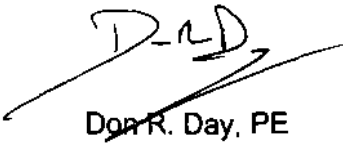
Mr. Marvin S. Krout
November 7, 2007
Page 2

Enclosed please find the following:

1. Site Plan, Sheet 1; 21 copies
2. City of Lincoln Zoning Application; "Use Permit; Amendment"
3. City of Lincoln Zoning Application; "Change of Zone"
4. Change of Zone Exhibit
5. Filing fee for "Use Permit & Change of Zone"; \$1,480.00
6. Certificate of Ownership
7. Technical Memorandum – Traffic Impacts– Morning Glory Estates Site Plan Revisions; 3 copies

Please give me a call if you have any questions or concerns.

Sincerely,



Don R. Day, PE

cc Don Linscott
Michael J. Rierden

F:\Projects\007-1082\Communications\Corsp\L-MKkrout.11.07.07.doc

MEMORANDUM

TO: Planning Commission
FROM: Brandon Garrett
RE: UP#128B
DATE: 12-18-07
CC: file

Please revise Condition 3.8 as follows:

"Submit an escrow or some other method of securing the funding for the construction of the median on Holdrege Street for the N. 86th Street north of Lexington Avenue intersection."

Thank you,


Brandon Garrett, AICP
441-6373
bgarrett@lincoln.ne.gov

**ITEM NO. 5.1a&b:
CHANGE OF ZONE NO. 07059
USE PERMIT NO. 128b
(p.101 - Cont'd Public Hearing - 12/19/07)**

W. Michael Morrow
Terrance A. Poppe
Robert R. Otte
David W. Watermeier
Joel G. Lonowski
Kelly N. Tollefsen
Scott E. Tollefsen
Nicholas M. Froeschl *
Heidi M. Sprague **

**Morrow Poppe,
Otte & Watermeier, P.C.**
Attorneys At Law - A Limited Liability Organization

Telephone: (402) 474-1731
Facsimile: (402) 474-5020

LOCATION:
201 North 8th Street, Suite 300
Lincoln, Nebraska 68508

MAILING ADDRESS:
P.O. Box 83439
Lincoln, Nebraska 68501-3439

WEBSITE:
www.morrowpoppelaw.com

SENDER'S EMAIL:
robot@morrowpoppelaw.com

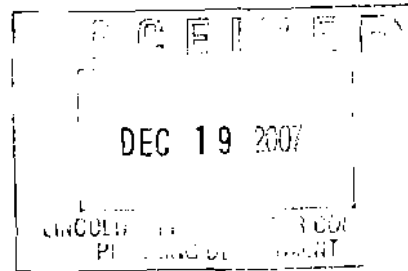
* Licensed to practice in
Nebraska and Kansas

** Fluent in Spanish

December 19, 2007

Mr. Michael Rierden
645 "M" Street
Suite 200
Lincoln, NE 68508

RE: Change of Zone No. 07059
Use Permit No. 128B
Planning Commission - December 19, 2007



Dear Mike:

As you know, I represent a significant group of neighbors residing in the areas to the east and to the south of the property subject to the above-referenced changes requested by the Developer. First, these neighbors appreciate the Developer's willingness to meet and discuss the issues important to the neighborhood. I have reviewed the letter of commitment you submitted to me today on behalf of Hoog Gebouwe East, LLC to enter into a Conditional Zoning Agreement containing certain terms and conditions regarding the use of the property for an extended stay hotel and the conditions pursuant to which that property would be developed.

At this point, trusting in our ability to refine a couple of the issues that remain, the neighbors have asked me to confirm to you their confidence that we can work out any final issues prior to any matter appearing in front of the City Council. Thus, neither I nor my clients will appear at the Planning Commission hearing today, and I believe you can represent to the Planning Commission that their vote in favor of the proposed changes will not draw the objection of the neighbors I represent.

I look forward to working with you as this matter is resolved and understand that the matter will not be scheduled for hearing before the City Council until we have finalized the terms of the Conditional Zoning Agreement. Thank you for your consideration.

Sincerely,

MORROW, POPPE,
OTTE & WATERMEIER, P.C.

Robert R. Otte

By:

Robert R. Otte

RRO/bc
c Morning Glory Estates via email
c Brandon Garrett-Planning Staff via email



"Don & Diane Crouch"
<dcrouch1@neb.rr.com>
11/19/2007 07:50 PM

To <plan@lincoln.ne.gov>
cc
bcc
Subject proposed zoning change

It is my understanding that the developer for property located between 84th and 86th streets north of Holdrege has requested a zoning change from Office – 3 to Business -2 so that he might construct a large 4 story motel.

I know that the atmosphere is currently business above all with city planners and with the the city council. I do understand the wish to promote business development.

I support business development when considered in the context of current zoning which in a sense is a promise concerning land use.

In this case I believe it is a matter of fairness and common sense. The developer was aware of the zoning and uses before purchasing the property. Those of us who built homes in this neighborhood in the past 3 or 4 years did so knowing the land use rules around us.

To simply change the zoning now that we have built is wrong. The developer has many options under current zoning.

A 4 story hotel would be totally out of place in this area.

Please honor the land use that has been set and which we relied upon. Do not allow any zoning changes.

Dear *M. Moline*

November 30, 2007

In 2002 my husband and I purchased a site located at 8611 Lavender Circle on which to build our home. Being one of the first to purchase a lot in Morning Glory Estates, we felt safe buying a lot off of 86th Street because we had checked to ensure the adjacent property was zoned for uses we would be comfortable with having in our backyard.

In September of this year we were shocked to learn that a hotel, retail, and drive-thru space were being considered as our new neighbors. This proposal did not come anywhere close to meeting the original zoning criteria and was not what we had envisioned for our children's backyard. With the proposed plan in place, we would not have purchased our original lot.

Below are a few of my many concerns regarding the change in zoning and proposed site plan:

1. Traffic

- a. Holdrege and 86th Street already create a dangerous intersection due to several cars making U-turns to leave Sonic Drive-In. Additional retail and drive-thru services will only compound this existing problem.
- b. Both Sonic and Wendy's have reported approximate car counts between 500 – 600 vehicles per day. It is safe to assume that with the opening of Hy-Vee and Wal-mart, these car counts will increase. An additional increase in businesses of this type will surely increase the dangerousness of this intersection. Possible changes to this intersection may leave people no other choice but to use our neighborhood as a turn around or drive through.

2. Hours of Operation

- a. Many of the proposed businesses for this site allowed by the re-zoning will have increased hours of operation than *that of the originally proposed office site*. People, traffic, trash, and noise will all increase; degrading the integrity of our quiet community especially on evenings and weekends.
- b. Because *retail and drive-thru businesses* are open 14-18 hours per day, nighttime and weekend traffic will dramatically increase causing a barrage of unwanted headlights and increased noise.

3. Trash

- a. My neighbors and I often have to pick up trash in our community from local fast food businesses. Once again, *additional retail and drive-thru sites* would compound this existing problem.

4. Loss of "Buffer Zone"

- a. Both by *changing the zoning of this property and approving the proposed plan*, the primary function of this property will be destroyed. Our neighborhood will no longer have a separation between commercial and residential property.
- b. With a hotel, retail, and drive-thru business located on this site, we will have a parade of strangers with direct visual access to my home. This raises multiple security concerns for me in regard to my two young children.

5. An Issue of Trust

- a. Our neighborhood already has felt victim to city bureaucracy. We are currently dealing with city street and sidewalk issues, misrepresentation of the rental property built in our neighborhood, and follow-up of promised improvements by the original developer. Because of this I am leery of any developer making "neighborhood promises".
- b. Greenleaf Properties has seemed to behave in an untrustworthy way concerning their proposed development, and I am cautious about their promises. Once the zoning has been changed, I could be faced with the prospect of a low-end motel in my backyard and very little separation between my family and the clientele. Sex Offenders may need to register to live in my neighborhood, but not to stay in the hotel right in my children's backyard.

As you can tell I am adamantly opposed to the change in zoning and site plan proposed by Greenleaf Properties. City Planning Commissions, in all their wisdom, created "buffer zones" between residential and commercial properties with zoning restrictions for many reasons. I am asking you not to ignore these reasons, as well as my own limited perspective on why this proposed zoning change would devastate our quiet, residential neighborhood.

Thank you for your time and consideration,

Danielle Miller



"Kay Rising"
<kr94740@alltel.net>
01/12/2008 11:24 AM

To "city council" <Council@ci.lincoln.ne.us>
cc "Mayor" <Mayor@ci.lincoln.ne.us>
bcc
Subject Morning Glory Estates Rezoning

My concerns is not the rezoning of Morning Glory Estates, but the safety concerns related to the development in the area. With the additional increase of traffic related to the rezoning along with existing development along No. 84th and along Holdrege, I'm concerned with safety. The traffic continues to increase with each development and the attention to the speed limit (50 mph) is not obeyed, especially by the heavy truck traffic.

The City informed me they do not plan to install traffic signals at 84th & Lexington until there is an additional study, which is not schedule. It seems that common sense dictates the signal be in place before the opening of the new HyVee store and construction begins on the proposed motel. Also the safety concern at 84th & Leighton continues to increase. It would also improve safety if the speed limit along 84th would be decreased to 40 mph from Adams St. south.

Of other concern is that no traffic signal is proposed for the 86th & Holdrege intersection, and any such proposal is objected to by the City because of the nearness to 84th St. However the only way the residence of Eagle Crest and Eagle View Subdivisions have access to travel south along 84th St. is to exit onto Holdrege from Eagle Crest Road. This also includes the church, bank, fire station and Sonic Drive-In. Sonic does exit onto Holdrege but is requires a U-turn at 86th St. As Morning Glory Estates grows with it development the people south of Holdrege will have problems accessing Holdrege and this will only compound as development continues to the east. Your help on having signals placed at 84th & Lexington and 86th & Holdrege ASAP will be appreciated.

Kay Rising
8412 Peregrine Ct.
327-2668