

FACTSHEET

TITLE: **SPECIAL PERMIT NO. 13043**, requested by Broadmoor Development Company, for authority to develop the **Broadmoor Ashbrook Apartments Community Unit Plan** on property generally located at Highway 2 and Ashbrook Drive.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 10/02/13
Administrative Action: 10/02/13

STAFF RECOMMENDATION: Conditional Approval.

RECOMMENDATION: **DENIAL** (5-3: Corr, Beecham, Weber, Scheer and Cornelius voting 'yes'; Hove, Sunderman and Lust voting 'no').

ASSOCIATED REQUESTS: Annexation No. 13004 (14-13) and Change of Zone No. 13020 (14-14).

1. This proposed special permit request and the associated Annexation No. 13004 and Change of Zone No. 13020 were heard at the same time before the Planning Commission.
2. This is a request for authority to develop the **Broadmoor Ashbrook Apartments Community Unit Plan** for up to 220 dwelling units, together with a request to waive/modify the Land Subdivision and Zoning Ordinance requirements to waive the block length requirement and to adjust the building height from 35' to 40', on property generally located at Highway 2 and Ashbrook Drive. This community unit plan is subject to a change of zone from AGR to R-4 (Change of Zone No. 13020, Bill #14-14).
3. The staff recommendation of conditional approval is based upon the "Analysis" as set forth on p.14-16, concluding that approval of the associated annexation and change of zone to R-4 is consistent with the Future Land Use Map and compatible with the surrounding area. The waiver to not connect to Pine Ridge Lane is appropriate given the topography and proposed site layout. The height adjustment to 40' is also appropriate given both the vertical and horizontal separation provided between the apartments and adjacent developments. This request complies with the Zoning Ordinance and is consistent with the Comprehensive Plan. The staff presentation is found on p.20-22.
4. The applicant's testimony is found on p.22-24, pointing out that the Comprehensive Plan supports multi-family development at this location because it is adjacent to Highway 2 and not conducive to single family development. The proposed community unit plan under R-4 zoning is infill development, which is also supported by the Comprehensive Plan. The applicant submitted a proposed amendment to Condition #1.1.4 dealing with the potential for a connection road through the outlot owned by Pine Lake Association (See Minutes, p.23-24 and p.57).
5. Testimony in opposition is found on p.25-32, and the record consists of 29 letters in opposition (p.59-99). Photographs submitted at the public hearing in opposition are found on p.100-118.
6. On October 2, 2013, the majority of the Planning Commission disagreed with the staff recommendation and voted 5-3 to deny the Planning Commission resolution approving Special Permit No. 13043 (p.7-11), finding in their discussion on Change of Zone No. 13020 that R-4 is too much density (See Minutes, p.35-37).
7. On October 2, 2013, the Planning Commission voted 8-0 to recommend approval of the associated Annexation No. 13004 (Bill #14-13) and voted 5-3 to recommend denial of Change of Zone No. 13020 (Bill #14-14).
8. On October 15, 2013, a letter appealing the Planning Commission denial of this special permit was filed by Thomas C. Huston on behalf of Broadmoor Development Company (p.5-6). The applicant requested that this proposal not be scheduled on the Council agenda until this time in order to have an opportunity to make contact with the adjacent neighborhood groups to try to achieve some resolution over the dispute of density and multi-family apartments on this special permit request and the associated change of zone request.
9. On January 9, 2014, the Planning Department received the attached letter and revised site plan from the applicant requesting that the annexation, change of zone and the appeal of the special permit be scheduled on the Council agenda. It is anticipated that the applicant will be submitting a motion to amend at the public hearing before the City Council (See p.2-4).

FACTSHEET PREPARED BY: Jean L. Preister
REVIEWED BY: Marvin Krout, Director of Planning
REFERENCE NUMBER: FS\CC\2013\CZ13020+

DATE: January 21, 2014
DATE: January 21, 2014

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January 8, 2014

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VIA U.S MAIL AND EMAIL: jpreister@lincoln.ne.gov

Jean Preister
Administrative Officer
Lincoln City-Lancaster County Planning Department
555 South 10th Street, Suite 213
Lincoln, NE 68508

RECEIVED
JAN 9 2014
Lincoln/Lancaster Co.
Planning Department

Re: Annexation No. 13004; Change of Zone No. 13020; and Special Permit No. 13043 for the Broadmoor Ashbrook Apartments Community Unit Plan (Ashbrook Drive and Highway 2)
Our File No.: 18546.002

Dear Ms. Preister:

This firm represents Broadmoor Development Company ("Broadmoor") in connection with its applications for the multifamily project proposed for the intersection of Ashbrook Drive and Highway 2. The Lincoln-Lancaster County Planning Commission held its public hearing on October 2, 2013. The Planning Commission recommended denial of the Change of Zone and denied the Special Permit. On behalf of Broadmoor, I appealed the denial of the Special Permit and requested that all items be put on hold pending additional efforts by Broadmoor to work with the adjourning neighborhoods to see if any of the concerns expressed at the Planning Commission could be resolved.

A. Schedule.

At this point, my client wishes to proceed based upon the additional discussions it has had with the surrounding neighbors. I ask you to schedule the first reading and introduction of the matters before the Lincoln City Council for January 27, 2014. The second reading and public hearing would then be scheduled for February 3, 2014, with the third reading and action occurring on February 10, 2014.

B. Revised Site Plan/Modifications.

I enclose a revised conceptual site plan, which reflects modifications to the design of the project. My client envisions three (3) principal changes to the development proposal as follows:

Jean Preister
January 8, 2014
Page 2

1. Density. The largest issue of concern for the neighbors was the density of the project. Consequently, my client has agreed to reduce the density by approximately one-third (1/3) which reduces the dwelling units from 219 to 147;

2. Height. The 147 units are to be contained in eight structures. The five (5) buildings on the northern portion of the site plan, containing twelve (12) or eighteen (18) units respectively, will be reduced to two-story structures. The three (3) buildings on the southern edge of the site plan will remain at three (3) levels;

3. Ashbrook Drive. The entryway onto Ashbrook Drive is proposed to be relocated to the north and reconstructed rather than use the existing curb cut. This relocation of the driveway will permit additional stacking area.

C. Traffic Signal.

My client will continue to support the installation of a traffic signal at Highway 2 and Ashbrook Drive/Pine Lake Road. That traffic signal is key to help manage the traffic in this developing area.

I envision that I will be filing a motion to amend the conditions of approval to accomplish the changes reflected above dealing with density, the height, and the location of the entryway. In addition, my client will be entered into a Declaration of Restrictions restricting the unit count to 147, notwithstanding the fact that the R-4 zoning classification would permit 220 units. There are some other issues we will be addressing in the declaration to help preserve some commitments made to the neighbors regarding the long term development of this site.

If there are any questions, please do not hesitate to contact me.

Sincerely,



Thomas C. Huston
For the Firm

Enclosure

cc: Howard Kooper (via email)
Bob Stratton (via email)
Benny McCombs (via email)
Bill Austin (via email)
Bob Moodie (via email)

4839-2319-1063, v. 1

003

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October 15, 2013

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ADMITTED IN IOWA ONLY

VIA U.S. MAIL and EMAIL: tmeier@lincoln.ne.gov

Teresa J. Meier
City Clerk
City of Lincoln
555 South 10th Street, Suite 103
Lincoln, NE 68508

RECEIVED

OCT 15 2013

Lincoln/Lancaster Co.
Planning Department

Re: Planning Commission Denial of Special Permit No. 13043
Our File No.: 18546.002

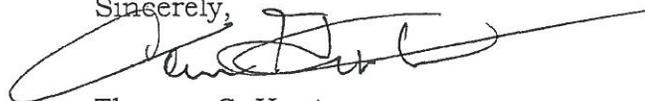
Dear Teresa:

I represent Broadmoor Development Company which was the applicant for Special Permit No. 13043 for a Community Unit Plan on the property generally located at Ashbrook Drive and Highway 2. Pursuant to Lincoln Municipal Code § 27.63.025, I submit this letter of appeal of the Denial by the Lincoln-Lancaster County Planning Commission of Special Permit No. 13043 at its public meeting on Wednesday, October 2, 2013.

Special Permit No. 13043 is part of the package which includes an Annexation request (AN13004) and a Change of Zone application (CZ13020). Section 27.63.025 requires a hearing in front of the City Council within thirty (30) days. My client intends to make contact with the adjacent neighborhood groups to try to achieve some resolution over the current dispute of density and multi-family apartments located on the approximate 18 acre subject parcel. Thus, I request the hearing in front of the City Council not be scheduled yet to give us appropriate time to work with the neighbors.

Please let me know if there are any questions.

Sincerely,



Thomas C. Huston
For the Firm

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NORTHERN HEIGHTS PROFESSIONAL PLAZA
416 VALLEY VIEW DRIVE, SUITE 304
SCOTTSBUFF, NE 69361
(308) 635-1020

330 SOUTH COLLEGE AVENUE
SUITE 300
FORT COLLINS, CO 80524-7162
(970) 221-2637

005

Teresa J. Meier
October 15, 2013
Page 2

cc: Jean Preister (via U.S. mail and email)
Bob Stratton (via email)
Mark Palmer (via email)

4839-6752-9750, v. 1

RESOLUTION NO. PC- ~~_____~~ **DENIED**

SPECIAL PERMIT NO. 13043

1 WHEREAS, Broadmoor Development Company on behalf of the owner, Livingston
2 Investments, has submitted an application designated as Special Permit No. 13043 for authority
3 to develop the Broadmoor Ashbrook Apartments Community Unit Plan for up to 220 dwelling
4 units, together with a request to waive/modify Land Subdivision and Zoning Code requirements
5 to (1) waive the block length requirement to not make a required street connection; and (2)
6 adjust the building height from 35' to 40', on property generally located at Ashbrook Drive and
7 Highway 2 and legally described as:

8 A part of Lot 89, I.T., located in the SW 1/4 of
9 Section 15, Township 9 North, Range 7 East of the
10 6th P.M., Lancaster County, Nebraska, as more
11 particularly described on Attachment A attached
12 hereto;

13 WHEREAS, the Lincoln City-Lancaster County Planning Commission has held a
14 public hearing on said application; and

15 WHEREAS, the community as a whole, the surrounding neighborhood, and the real
16 property adjacent to the area included within the site plan for this community unit plan will not
17 be adversely affected by granting such a permit; and

18 WHEREAS, said site plan together with the terms and conditions hereinafter set
19 forth are consistent with the Comprehensive Plan of the City of Lincoln and with the intent and

1 purpose of Title 27 of the Lincoln Municipal Code to promote the public health, safety, and
2 general welfare; and

3 NOW, THEREFORE, BE IT RESOLVED by the Lincoln City-Lancaster County
4 Planning Commission of Lincoln, Nebraska:

5 That the application of Broadmoor Development Company on behalf of the owner,
6 Livingston Investments, hereinafter referred to as "Permittee", to develop the Broadmoor
7 Ashbrook Apartments Community Unit Plan for up to 220 dwelling units, be and the same is
8 hereby granted under the provisions of Section 27.63.320 and Chapter 27.65 of the Lincoln
9 Municipal Code upon condition the City Council approves associated requests AN #13004 and
10 CZ #13020, and that construction of said development be in substantial compliance with said
11 application, the site plan, and the following additional express terms, conditions, and
12 requirements:

13 1. This permit approves the Broadmoor Ashbrook Apartments Community Unit
14 Plan for up to 220 dwelling units with the requested adjustments to block length street
15 connection and to height from 35' to 40'.

16 2. Before receiving building permits:

17 a. The Permittee shall cause to be prepared and submitted to the Planning
18 Department a revised and reproducible final plot plan including five copies with all required
19 revisions as listed below:

20 i. Show the driveway extended to the lot line at the southeast corner of the
21 site.

22 ii. Add a note regarding waivers which states the Pine Ridge Lane
23 connection need not be made, and that the height is adjusted to 40'.
24

25 iii. Delete General Notes 3, 7, 10-12, 15, 19, and 23-26 which restate
26 existing requirements or are redundant.

27 iv. Add a general note which states "Sidewalk and road extension of Pine
28 Ridge Lane is waived provided that the developer is responsible for the
29 construction of the driveway (with a sidewalk) to Eiger Drive once an

- 1 access easement is obtained. However, the obligation to construct this
2 improvement is contingent on the property being in open space use. If
3 the property is approved for additional development, then the developer
4 is not responsible for the improvement."
- 5 v. Revise the density calculation on the site plan to show the correct
6 density for the R-4 zoning district.
- 7 vi. Delete the setbacks and no-build line and show a building envelope
8 instead, where it is outside the 50' no-build area along the east, the 25'
9 setback on the south, the 5' setback on the west, and the north line will
10 be an approximate straight east-west line drawn in the location of the
11 dam breach line, the location of which is subject to approval by the
12 Planning Department.
- 13 vii. Remove the parking from the front yard setback along Ashbrook Drive.
- 14 viii. Add a note which states "Landscaping and screening shall comply with
15 the requirements of the Design Standards, except that the screening of
16 the east property line will provide a 100% landscape screen from 6'-25'
17 in height planted within 25' of the east property line. An 8'-tall wrought
18 iron fence for decorative purposes will also be erected along the east
19 property line."
- 20 ix. Add a note which states " The developer reserves the right to build
21 anywhere within the building envelope."
- 22 x. Provide a public sidewalk from the east lot line to the west lot line, with a
23 revised fence that does not block public access. The sidewalk must
24 meet ADA standards.
- 25 xi. Show correctly where the access easement to the horse stable is
26 located.
- 27 xii. Show easements per the L.E.S. review.
- 28
29 b. Submit revised site, grading and drainage, and utility plans, including
30 grading and drainage easements as necessary to the satisfaction of Public
31 Works and Utilities Engineering Services and Watershed Management.
- 32 c. The construction plans must substantially comply with the approved plans.
- 33 d. Final plats must be approved by the City.
- 34
35 3. Before occupying the dwelling units all development and construction shall
36 substantially comply with the approved plans.

1 4. All privately-owned improvements shall be permanently maintained by the
2 Permittee or an appropriately established homeowners association approved by the City
3 Attorney.

4 5. The site plan accompanying this permit shall be the basis for all interpretations
5 of setbacks, yards, locations of buildings, location of parking and circulation elements, and
6 similar matters.

7 6. The terms, conditions, and requirements of this resolution shall run with the land
8 and be binding upon the permittee, its successors and assigns.

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

ATTEST:

Chair

**DENIED 5-3: Corr, Beecham, Weber, Scheer and
Cornelius voting 'yes'; Hove, Sunderman and Lust
voting 'no' (10/02/13)**

Approved as to Form & Legality:



Chief Assistant City Attorney

**LEGAL DESCRIPTION
COMMUNITY UNIT PLAN
ANNEXATION
CHANGE OF ZONE**

A TRACT OF LAND COMPOSED OF A PORTION OF LOT 89 I.T., LOCATED IN THE SOUTHWEST QUARTER OF SECTION 15, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF LOT 89 I.T., SAID POINT BEING A WEST CORNER OF THE REMAINING PORTION OF LOT 42, PINE LAKE ADDITION, SAID POINT BEING ON A NORTHEAST RIGHT-OF-WAY LINE OF NEBRASKA HIGHWAY NUMBER 2, SAID POINT BEING **THE TRUE POINT OF BEGINNING**; THENCE NORTHWESTERLY ON A SOUTHWEST LINE OF SAID LOT 89 I.T., SAID LINE BEING A NORTHEAST LINE OF SAID RIGHT-OF-WAY ON AN ASSUMED BEARING OF N43°27'64"W, A DISTANCE OF 258.95' TO A SOUTH CORNER OF SAID LOT 89 I.T.; THENCE N58°14'52"W, ON A SOUTHWEST LINE OF SAID LOT 89 I.T., SAID LINE BEING A NORTHEAST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 350.51' TO A SOUTH CORNER OF SAID LOT 89 I.T., SAID POINT BEING ON A EAST RIGHT-OF-WAY LINE OF ASHBROOK DRIVE; THENCE N36°00'11"E, ON AN WEST LINE OF SAID LOT 89 I.T., SAID LINE BEING A EAST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 52.29' TO A POINT OF CURVATURE OF A NON TANGENT CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 83°25'35", A RADIUS OF 170.00', AN ARC LENGTH OF 247.53' ON A WEST LINE OF SAID LOT 89 I.T., SAID LINE BEING A EAST LINE OF SAID RIGHT-OF-WAY, A CHORD LENGTH OF 226.24', A TANGENT LENGTH OF 151.53', AND A CHORD BEARING OF N06°11'58"W TO A POINT; THENCE N47°52'19"W, ON A SOUTHWEST LINE OF SAID LOT 89 I.T., SAID LINE BEING A NORTHEAST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 162.78' TO A WEST CORNER OF SAID LOT 89 I.T.; THENCE N00°04'14"E, ON THE WEST LINE OF SAID LOT 89 I.T., A DISTANCE OF 627.76' TO A WEST CORNER OF SAID LOT 89 I.T.; THENCE N36°00'25"E, ON A WEST LINE OF SAID LOT 89 I.T., A DISTANCE OF 166.29' TO THE NORTHWEST CORNER OF SAID LOT 89 I.T.; THENCE S89°54'29"E, ON A NORTH LINE OF SAID LOT 89 I.T., A DISTANCE OF 150.85' TO A NORTH CORNER OF SAID LOT 89 I.T.; THENCE S79°46'47"E, ON A NORTH LINE OF SAID LOT 89 I.T., A DISTANCE OF 219.66' TO A NORTH CORNER OF SAID LOT 89 I.T.; THENCE S52°08'03"E, ON A NORTHEAST LINE OF SAID LOT 89 I.T., A DISTANCE OF 181.83' TO THE NORTHEAST CORNER OF SAID LOT 89 I.T.; THENCE S00°04'30"W, ON THE EAST LINE OF SAID LOT 89 I.T., A DISTANCE OF 1,372.65' TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA 679,908.53 SQUARE FEET OR 15.61 ACRES, MORE OR LESS.

TOGETHER WITH:

A TRACT OF LAND COMPOSED OF A PORTION OF LOT 89 I.T., LOCATED IN THE SOUTHWEST QUARTER OF SECTION 15, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF LOT 89 I.T., SAID POINT BEING THE SOUTHEAST CORNER OF LOT 88 I.T., SAID POINT BEING ON A NORTHEAST RIGHT-OF-WAY LINE OF NEBRASKA HIGHWAY NUMBER 2, SAID POINT BEING **THE TRUE POINT OF BEGINNING**; THENCE NORTHERLY ON THE WEST LINE OF SAID LOT 89 I.T. ON AN ASSUMED BEARING OF N00°04'14"E, A DISTANCE OF 170.66' TO A WEST CORNER OF SAID LOT 89 I.T., SAID POINT BEING ON A SOUTHWEST RIGHT-OF-WAY LINE OF ASHBROOK DRIVE; THENCE S47°52'19"E, ON A NORTHEAST LINE OF SAID LOT 89 I.T., SAID LINE BEING A SOUTHWEST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 49.41' TO A POINT OF CURVATURE OF A NON TANGENT CURVE IN A CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 83°26'13", A RADIUS OF 90.00', AN ARC LENGTH OF 131.08' ON A EAST LINE OF SAID LOT 89 I.T., SAID LINE BEING A WEST LINE OF SAID RIGHT-OF-WAY, A CHORD LENGTH OF 119.78', A TANGENT LENGTH OF 80.24', AND A CHORD BEARING OF S06°18'08"E TO A POINT; THENCE S35°34'40"W, ON A EAST LINE OF SAID LOT 89 I.T., SAID LINE BEING A WEST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 42.10' TO A SOUTH CORNER OF SAID LOT 89 I.T., SAID POINT BEING ON A NORTHEAST RIGHT-OF-WAY LINE OF NEBRASKA HIGHWAY NUMBER 2; THENCE N58°14'52"W, ON A SOUTHWEST LINE OF SAID LOT 89 I.T., SAID LINE BEING A NORTHEAST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 30.00' TO THE POINT OF BEGINNING. SAID TRACT CONTAINS A CALCULATED AREA 8,732.90 SQUARE FEET OR 0.20 ACRES, MORE OR LESS.

011

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for September 18, 2013 PLANNING COMMISSION MEETING

- PROJECT #:** Special Permit #13043 - Broadmoor Ashbrook Apartments Community Unit Plan (CUP)
- PROPOSAL:** A community unit plan for approximately 220 dwelling units per LMC 27.63.320
- LOCATION:** Ashbrook Drive and Highway 2
- LAND AREA:** Approximately 15.81 acres.
- WAIVERS:**
1. Block length Requirement to not connect to an existing street stub.
 2. Building height from 35' to 40'.
- CONCLUSION:** Annexation and a change of zone to R-4 to allow up to 220 apartment dwelling units is consistent with the Future Land Use Map and compatible with the surrounding area. The waiver to not connect to Pine Ridge Lane is appropriate given the topography and proposed site layout. The height adjustment to 40' is also appropriate given both the vertical and horizontal separation provided between the apartments and adjacent developments. This request complies with the Zoning Ordinance and is consistent with the Comprehensive Plan.

RECOMMENDATION:	Conditional Approval
WAIVERS:	
1. Block length requirement to not make a required street connection	Approval
2. Adjust building height to 40'	Approval

PROPOSED CITY COUNCIL DISTRICT ASSIGNMENT: District #2.

GENERAL INFORMATION:

LEGAL DESCRIPTION: A part of Lot 89 I.T., located in the SW 1/4 of Section 15-9-7 of the 6th P.M., more particularly described on the attached legal description.

EXISTING ZONING: AGR Agricultural Residential

EXISTING LAND USE: Vacant

ASSOCIATED APPLICATIONS:

AN#13004 and CZ#13020 - Requests to annex the entire 15.81 acre tract, and to re-zone it from AGR to R-4.

SURROUNDING LAND USE AND ZONING:

North:	Residential	R-3
South:	Highway 2, Vacant	AGR
East:	Residential	AGR
West:	Vacant	AGR, O-3

COMPREHENSIVE PLAN SPECIFICATIONS:

Pg 1.9 - The Future Land Use Map designates this site for urban density residential land uses.

Pg. 1.10 - This site is shown in Tier I, Priority Area A on the Growth Tier Map.

Pg 7.2 - Guiding Principles

- Distribute and preserve affordable housing throughout the community to be near job opportunities and to provide housing choices within existing and developing neighborhoods.
- Make available a safe residential dwelling for all citizens. Provide a wide variety of housing types and choices for an increasingly diverse and aging population.
- Provide flexibility to the marketplace in siting future residential development locations.
- Strive for predictability for neighborhoods and developers for residential development and redevelopment.

Pg 7.4 - Strategies for Neighborhoods and Housing

- Discourage residential development in areas of environmental resources such as endangered species, saline wetlands, native prairies, and in floodplain corridors.
- Encourage preservation or restoration of natural resources within or adjacent to development.
- Incorporate interconnected networks of streets, transit, trails, and sidewalks with multiple connections within and between neighborhoods and commercial centers to maximize access and mobility to provide alternatives and reduce dependence upon the automobile.

Pg 7.8 - Vacant Land - Currently, there are roughly 350 acres of vacant residentially-zoned land in the existing built-out portion of the City. Some of the land is in the floodplain and lots scattered throughout the City. The Plan envisions a portion of this land will be utilized by 2040 since it has access to urban services today.

UTILITIES - All municipal and private utilities exist in the area and can be extended to serve the proposed development.

ANALYSIS:

1. This request is associated to requests for both annexation and a change of zone. See the report for AN#13004/CZ#13020 for the review of those applications. This request is dependent upon the approval by City Council of both those applications. Conversely, at least partial justification for the change of zone to R-4 relates to the site plan submitted as part of this community unit plan.
2. The area of this development includes a single, approximately 15.81-acre lot outside the city limit and currently zoned AGR. The city limit surrounds the tract on three sides (north, east, and west), where to the north and east there is existing residential development. To the west there are also residential dwellings, but immediately adjacent is undeveloped land owned by the Berean Church which is located further to the west.
3. The site plan shows a layout that includes five apartment buildings, two detached garage structures, and a clubhouse with a swimming pool. Parking is provided by a combination of surface lots, detached garages, and stalls located underneath the apartment buildings. The parking layout is conceptual and will be finalized at the time of building permits, but parking in excess of what the Zoning Ordinance requires is shown.
4. The Design Standards allow a maximum density of 13.93 dwelling units per acre within a CUP in the R-4 zoning district. Based upon the area of this request, 220 dwelling units are allowed. A minor error on the site plan calculates the maximum density to be 219 units.
5. There are significant grade changes in the area, particularly near the proposed apartment site. The ground elevation generally falls from northeast to southwest across the area. Immediately to the east is the Pine Lake dam, whose spillway is to the north of the apartment site. From the top of the dam to the nearest building elevation there is a change in elevation of approximately 15', so the finished grade of the apartments is significantly lower. As a result, at a proposed height of 40', the tops of the apartment buildings are not significantly higher than the adjacent two-story homes in the Pine Lake development.
6. Access is provided by a 'U-shaped' driveway with two access points off Ashbrook Drive. Pine Ridge Lane, a stub street in the Pine Lake development adjacent to the east, is not shown being extended. The applicant deleted the street connection from the plans at the request of the Pine Lake residents. However, a driveway connection to Eiger Drive with a sidewalk on one side was offered as an alternative access point, but the Pine Lake Association which owns the land (the horse stable outlot) to be crossed denied that request. This driveway could have provided a vehicle/pedestrian shortcut and served to help reduce potential use of Westshore Drive inside the Pine Lake development.

7. With the number of units proposed, however, a second access is still desirable, and the most feasible route would be through the horse stable outlot. To provide for the possibility that the connection may occur in the future, the site plan should be amended to show the driveway extended to the southeast corner of the apartment complex in anticipation of the driveway being built.
8. The horse stable is accessed via a driveway located in the Pine Ridge Lane right-of-way. It appears to extend south across both an adjacent residential lot and the subject property. The proposed fence shown as part of this development will exclude the use of that portion of the driveway lying on the subject property. The note delineating the location of the access easement will need to be moved to reflect that fact.
9. In the absence of Pine Ridge Lane, it does not appear there will be significant amounts of traffic infiltrating into the Pine Lake development. There will be some heading north on Ashbrook Drive to either South 77th Street or Cheney Ridge Road, but not in amounts that should be excessive for a local street. Given the development on either side of Highway 2 and existing traffic on Pine Lake Road, the Highway 2 intersection at Ashbrook Drive/Pine Lake Road is certain to be signalized at some time in the future, which will encourage most apartment traffic to use Highway 2.
10. Staff has been asked by neighbors in the area of this request whether R-4 zoning is appropriate for this site or not. The biggest difference between R-3 and R-4 zoning relates to the density that is allowed as part of a community unit plan under the Design Standards. Comparing the R-3 and R-4 zoning districts, the Design Standards allow 6.96 units per acre in R-3 versus 13.93 units per acre in R-4, where overall density is calculated using the total acreage of the land involved.

R-4 zoning and the higher density allowed when compared to R-3 may not be appropriate in all cases, and the specific circumstances in each case are important. In this request, the total area involved is 15.81 acres, but approximately one third of the site is undevelopable due to wetlands, floodplain, and the dam breach area, and these areas remain open. Also, the tract is adjacent to Highway 2 (a major arterial street), and has direct access to it via Ashbrook Drive which functions similar to a collector street in this area.

Additionally, this request provides another housing option in an area bounded by a church to the west, attached single-family dwellings in a CUP on the north, an older AGR-zoned CUP on the east with lots that more closely resemble an R-1-zoned neighborhood, and an office complex development to the southeast. So while R-4 zoning may not be appropriate located in the middle of an R-3-zoned neighborhood surrounded by single-family dwellings, it is compatible with the surrounding zoning and land uses at this location given the existing development pattern.

11. A waiver in height from 35' to 40' is requested to allow three-story buildings. The Design Standards require a setback equivalent to the height of the buildings from lot lines, which is being provided in this case in the form a 50' buffer along the east property line. For clarity, the delineation of the building envelope needs to be simplified by eliminating the

term 'setback' and only defining the envelope. The north envelope line should generally follow the dam breach line.

The Design Standards require screening for apartments to help buffer the increased bulk and height of buildings. There is some screening provided by existing plants in place today, but in addition the applicant is proposing to provide a 100% screen with an 8'-tall wrought iron fence along the east lot line as mitigation. This should be more specific and include the applicable requirements from the Design Standards which require a 50% screen, 6'-25' in height based upon the proposed height of the apartments. Combining what is proposed with the required screening, it should state that a 100% landscape screen from 6'-25' in height, located in the east one-half of the 50' setback shall be provided along the east property line, and that an 8'-tall decorative wrought iron fence will also be provided near the property line. Staff is recommending the screening be located in the east one-half of the buffer in order to maximize the screening effect given the slope in that area.

12. The flood plain and wetlands at the north end of the site are shown to be protected on the site plan. Also, the development needs to avoid the dam breach area. Portions of the two north buildings are shown encroaching into the dam breach area. The dam is regulated by the State of Nebraska Department of Natural Resources, and they must approve any encroachment into the dam breach area.
13. Public Works and Utilities have several items associated with the grading, drainage, and utility plans. Those changes need to be made to their satisfaction and the requirement to do so is included as a condition of approval.
14. There are other minor changes needed as noted by staff during the review, and are also included as recommend conditions of approval.
15. The site is designated for future urban density residential land uses on the Future Land Use Map. Subject to the recommended conditions of approval, this request complies with the requirements of the Zoning Ordinance and is consistent with the Comprehensive Plan.

CONDITIONS OF APPROVAL:

This approval allows the Broadmoor Ashbrook Apartments CUP for up to 220 dwelling units with waivers to a block length street connection and to height from 35' to 40'.

Site Specific:

1. The developer shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including 5 copies with all required revisions and documents as listed below upon approval of the community unit plan before receiving building permits:
 - 1.1 Revise the plans as follows:

- 1.1.1 Show the driveway extended to the lot line at the southeast corner of the site.
- 1.1.2 Add a note regarding waivers which states the Pine Ridge Lane connection need not be made, and that the height is adjusted to 40'.
- 1.1.3 Delete General Notes 3, 7, 10-12, 15, 19, and 23-26 which restate existing requirements or are redundant.
- 1.1.4 Add a general note which states "Sidewalk and road extension of Pine Ridge Lane is waived provided that the developer is responsible for the construction of the driveway (with a sidewalk) to Eiger Drive once an access easement is obtained. However, the obligation to construct this improvement is contingent on the property being in open space use. If the property is approved for additional development, then the developer is not responsible for the improvement."
- 1.1.5 Revise the density calculation on the site plan to show the correct density for the R-4 zoning district.
- 1.1.6 Delete the setbacks and no-build line and show a building envelope instead, where it is outside the 50' no-build area along the east, 25' south, 5' east, and the north line will be an approximate straight east-west line drawn in the location of the dam breach line, the location of which is subject to approval by the Planning Department.
- 1.1.7 Remove the parking from the front yard setback along Ashbrook Drive.
- 1.1.8 Add a note which states "Landscaping and screening shall comply with the requirements of the Design Standards, except that the screening of the east property line will provide a 100% landscape screen from 6'-25' in height planted within 25' of the east property line. An 8'-tall wrought iron fence for decorative purposes will also be erected along the east property line."
- 1.1.9 Add a note which state " The developer reserves the right to build anywhere within the building envelope."
- 1.1.10 Provide a public sidewalk from the east lot line to the west lot line, with a revised fence that does not block public access. The sidewalk must meet ADA standards.
- 1.1.11 Show correctly where the access easement to the horse stable is located.

- 1.1.12 Show easements per the L.E.S. review.
- 1.2 Submit revised site, grading, drainage, and utility plans to the satisfaction of Public Works and Utilities Engineering Service and Watershed Management.
- 1.3 City Council approves associated requests AN#13004 and CZ#13020.

General:

2. Before receiving building permits:
 - 2.1 The construction plans shall comply with the approved plans.
 - 2.2 Final plats shall be approved by the City.

Standard:

3. The following conditions are applicable to all requests:
 - 3.1 Before occupying the dwelling units all development and construction shall have been completed in compliance with the approved plans.
 - 3.2 All privately-owned improvements shall be permanently maintained by the owner or an appropriately established owners association approved by the City Attorney.
 - 3.3 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.
 - 3.4 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
 - 3.5 The applicant shall sign and return the letter of acceptance to the City Clerk. This step should be completed within 60 days following the approval of the special permit. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filling fees therefore to be paid in advance by the applicant. Building permits will not be issued unless the letter of acceptance has been filed.

Prepared by:

Brian Will, 441-6362, bwill@lincoln.ne.gov
September 5, 2013

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**ANNEXATION NO. 13004,
CHANGE OF ZONE NO. 13020
AND
SPECIAL PERMIT NO. 13043**

PUBLIC HEARING BEFORE PLANNING COMMISSION:

October 2, 2013

Members present: Corr, Beecham, Weber, Scheer, Hove, Sunderman, Cornelius and Lust.

Staff recommendation: Approval of the annexation and change of zone requests; and conditional approval of the community unit plan special permit.

Ex Parte Communications: Corr disclosed that she did have a conversation with a co-worker who lives in the Pine Lake development, Sandy Peters.

Staff presentation: **Brian Will of Planning staff** presented the proposal on the three related applications: annexation, change of zone and special permit. The property is located a Highway 2 and Ashbrook Drive. With regard to the annexation, the property in question is currently surrounded but still outside the corporate limits. This property needs to be annexed to facilitate the proposed development. To achieve the requested density of 220 apartment units, the change of zone is required from AGR to R-4. Will focused on the key issues with this proposal.

Will showed the site plan submitted by the applicant showing five apartment buildings, parking areas, and garages. One of the first issues discussed by staff with the applicant relates to access. The site plan shows a circular driveway with two access points off Ashbrook Drive. Ashbrook Drive does go north and there is a potential route up Old Cheney Road as well as street connections through Edenton Woods to Northshore Drive, then continuing north and east to 84th Street. The issue related to access is whether the access shown is adequate, and in general terms, the more access points the better. To that end, there is a petition from the Pine Lake Association on today's agenda requesting to vacate the stub street, Pine Ridge Lane. When Pine Lake was originally approved, it had multiple stub connections to the edge of the development. In the broader context of reviewing these applications, staff is supportive of that vacation. This proposal does not accommodate making that connection, and it is not practical. Based on what is before us today, the staff is recommending approval. As an alternate connection in light of the street being vacated, staff had suggested that another connection could potentially be made through Eiger Drive. Staff was not suggesting a public street or private road, but a driveway would be adequate. That property is not controlled by this developer, but by Pine Lake Association. The staff report requires a condition of approval that this developer modify their site plan to show a driveway from their parking lot to the edge of the property so that some day a connection can be made. That connection comes down Eiger Drive and makes an important connection back out to 84th Street. It can be difficult making a left hand turn onto Highway 2 at Ashbrook Drive today. That connection is not in place; the easement has not been granted; but it is a condition of approval.

Will then addressed the issues pertaining to the Pine Lake dam, floodplain and dam breach area. There is floodplain to the north and the dam breach area, which are sensitive and need to be protected. The plan as shown shows minor encroachment into that and we have raised that issue and it will be need to be approved by the State.

In addition, there is some grading shown in the floodplain which will require a floodplain permit. There are multiple review comments from Public Works and those comments are included as conditions of approval in the staff report.

With regard to open space, Will explained that the northern 1/3 of the parcel is not being developed, so the floodplain and the dam breach area is not going to be developed and will remain as open space. The western strip along the dam on the western edge of Pine Lake is also open space. There is another outlot set aside as open space as well.

With regard to the issue of density, the question is whether R-3 or R-4 zoning is appropriate. Will pointed out that the community unit plan is by special permit, which is how apartments are allowed in the residential zoning; however, design standards specify the maximum amount of density that is allowed. Under R-3, the maximum of 110 dwelling units would be allowed. R-4 would allow 220 dwelling units, which is what is being requested today, maxing out the R-4 density. As staff looked at this location in the broader context, it is a property adjacent to Highway 2, a major arterial. To the southeast is the Southeast Rural Fire station and then the Pine Lake Plaza office development; to the west we have the Berean Church; and then the townhomes and attached single family residential development to the north. While it may not be appropriate to locate the R-4 density in the middle of a consistently R-3 neighborhood, there are locations where staff believes it does make sense and this would be one of those cases. Based upon the land use pattern and based upon the proposed site plan with 1/3 of the site being unable to be developed and essentially open space, the staff is recommending approval of the annexation and change of zone to R-4, and conditional approval of the community unit plan special permit.

Lust asked staff to address the concerns about increased traffic. Will stated that staff does not view what is being proposed as rising to the level of significant. He thinks the applicant does have a specialist in traffic that has done some analysis and may be giving some testimony in that regard.

Hove inquired how the dam breach area is determined and whether it can change. Will stated that it is determined by the State of Nebraska Department of Natural Resources. **Jared Nelson of Public Works** stated that the dam breach area is delineated when the dam is built; it assumes a worst case scenario such as a rain storm event in excess of the 100-year storm; it could change if the conditions downstream were to change; it could also change if the conditions upstream of the dam changed such as raising the dam and it impounded more water. The State of Nebraska evaluates the dam breach areas on a case-by-case basis. Because this development was proposed just downstream of the dam, Public Works asked that the state agency review it and approve it.

Beecham inquired whether the density calculations of R-3 and R-4 are based on the entire site or just the developable portion. Will stated that it is calculated on the entire area of the site.

Even though some of the property is not developable, all of the land is counted towards the density.

Corr wondered whether that is a standard. Will responded, “yes”. This case is a little unique in the sense that it is a CUP only for apartments. Sometimes there is a mix of uses. There are two design standards that apply. One is the overall number of units you can have. If the developer is going to cluster the units and set aside some areas, they cannot cluster all 220 units into one acre. Overall there is a maximum density per acre. This proposal is at the maximum overall and what would be allowed in cluster density.

Proponents

1. Tom Huston, 233 S. 13th Street, Suite 1900, appeared on behalf of the applicant, **Broadmoor Development**. Broadmoor Development is based out of Omaha and develops multi-family properties primarily in Nebraska and Iowa, with three in Lincoln – Highpointe Apartments at 48th and Old Cheney; Old Cheney Apartments at 27th and Old Cheney, and Holmes Lake Apartments at 70th and Holmes Lake Drive.

The property that is the subject of this application is currently an irregular tract comprised of 15.88 acres. Huston’s client has the property under contract. The developer has been in discussion with the Berean Church, which owns the 2.8 acre remnant directly west of this site, and Broadmoor owns the .2-acre site on the west side of Ashbrook Drive. These remnants were separated when the street was dedicated. This developer has an agreement with the Berean Church to exchange those remnants, with net increase to this developer of 2.6 acres. Huston suggested that this is not an issue of maximizing the density because if the developer controlled 18.4 acres, there would be over 250 apartments that could be built. The application is for 219 because that is the way the building is laid out.

Huston also submitted that Broadmoor has experience in this kind of product – it is non-subsidized rental opportunity that their experience in Lincoln indicates that more than 60% of the residents will be age 60 and over, consisting of retirees, empty nesters and young professionals. The developer had its first communication with the Pine Lake Association Board back in February before any design decisions were made. They then met with the general membership in April, and subsequently submitted this application to the City in July. As a result of those conversations with the neighbors, the developer came up with a variety of changes to try to address their concerns. For example, Pine Ridge Lane had originally been shown as a connecting street, and it was eliminated because of the potential traffic that would be generated going through the neighborhood. The city requires connectivity to neighborhoods, the connection to Pine Ridge Lane was eliminated and the developer is seeking a waiver of the city design standards for that purpose.

In addition, the side yard setback is required to be five feet. This developer has increased that to a 50 ft. no build zone and moved the properties to the west, resulting in moving the buildings down the hill, decreasing the visibility from Pine Lake and created a buffer/landscaping area with 100% landscape screen. A wrought iron fence was designed around the site in response to the neighborhood to impede any pedestrian trespassing. The developer has also agreed to implement a “no dog” policy because of the concerns of the neighbors. The developer has also

agreed to look at the possibility of some additional screening to the north in response to the neighborhood.

Huston stated that it is understood why the property should be annexed because it is an island. It is no longer rural; it is in the urban area and not appropriate for AGR zoning. The issue is the CUP and the density.

Huston suggested that the decisions on density are not made in a vacuum, but based upon sound land use principles in the Comprehensive Plan. The Comprehensive Plan also supports the land use in that it is adjacent to Highway 2 and is not conducive to single family development. Typically, multi-family is used to buffer single family between high intensity uses including roadways like Highway 2. The Comprehensive Plan identifies Highway 2 as a transportation enhancement corridor, which is an opportunity to increase density according to the Comprehensive Plan. This site is an infill development which has been identified as an opportunity at no cost to the city. The Comprehensive Plan focuses on the factors of higher efficient use of roadways and land.

Huston also pointed out that the parking on-site exceeds the city requirements; the street connection was moved at the request of the neighborhood; and the staff concluded that the R-4 zoning is appropriate based upon existing land use patterns.

Huston agreed that traffic is an important issue. He believes the site will work better once the intersection is signalized. The staff report indicates that this intersection will eventually be signalized. The CIP identifies this intersection for improvements in 2016. If this development is approved, the earliest construction would start in the spring of 2014, which is probably about an 18-month construction process through 2016 and 2017. Huston believes the timing will work. According to the impact fee schedule, this developer will be paying approximately \$440,000. A traffic signal at this intersection will probably cost \$150,000 to \$170,000. Thus, there will be plenty of impact fee revenue to pay for the signal.

Huston then submitted a motion to amend Condition #1.1.4 of the special permit which deals with the potential for a connection road through the outlot owned by Pine Lake Association. This is a way to make sure there is access for eastbound traffic to get to 84th Street without having to go onto Highway 2. It would not happen without cooperation and consent of the Pine Lake Association. The existing language in the staff report for Condition #1.1.4 required construction of this driveway under any circumstances. The motion to amend puts a time frame on it. Huston believes that the staff is in agreement with this amendment:

~~1.1.4 Add a general note which states "Sidewalk and road extension of Pine Ridge Lane is waived provided that the developer is responsible for the construction of the driveway (with a sidewalk) to Eiger Drive once an access easement is obtained. However, the obligation to construct this improvement is contingent on the property being in open space use. If the property is approved for additional development, then the developer is not responsible for the improvement."~~

1.1.4 Add a general note which states, "Sidewalk and road extension of Pine Ridge Lane is waived provided that the Permittee is responsible for the construction of the driveway (with a sidewalk) to Eiger Drive if an access easement across Lot 42, Pine Lake Addition ("Lot 42") is obtained. If the owner of Lot 42 refuses to grant the access easement, the obligation to construct the driveway expires upon the 10th anniversary of this special permit. The obligation of the Permittee to construct this driveway is contingent upon Lot 42 being used as open space. If Lot 42 is approved for additional development, then the Permittee is only responsible for the construction of the driveway on the project site for which this CUP is approved.

Huston then submitted that by moving the buildings west, they are taking advantage of the height differential. Huston believes the existing trees are 20 feet tall. From an environmental perspective, the developer will not be building in the floodplain or floodway; two corners are in the dam breach impact zone but that is being worked out with the State. Huston also observed that the exchange with Berean Church will provide an additional 2.6 acres that will be subject to a conservation easement with the City. The reason for this negotiation with the Berean Church is to square the boundary lines, and it make sense to include that remnant within the conservation area for this development.

Hove asked about the fence. Huston stated that it would run the entire perimeter. They are trying to redirect pedestrians away from the lake out of concern for the neighbors. The 50' buffer is the entire span of the east border. There will be no construction activity in the wetlands or the tree stand. There will be no impact to the wetlands.

2. Shane King, Traffic Engineer with **Olsson Associates**, 1111 Lincoln Mall, shared trip generation numbers as follows:

220 units: 110 during am peak hour (20 enter and 90 leave)
 140 during pm peak hour (90 leave and 50 enter)

The general principles of circulating traffic show that people select the path they feel is safest and with the least delay. Under the current condition, it is more difficult to make a left turn from the minor leg during peak hours. At this location along Highway 2, those delays are reduced with a traffic signal. The peak hours vary intersection-to-intersection, typically 7:45 to 8:45 a.m. and 5:15 to 6:30 p.m.

Beecham asked how a traffic engineer comes up with that calculation. King advised that the Institute of Transportation Engineers has a trip generation manual which is used nationwide. The rates are set forth, identifying the land use, and then it uses a variable (in this case the number of units). Based on past data collection, it provides an average rate per dwelling unit. It also has a ratio for entering and exiting.

Sunderman wondered if King could guess how many trips will go north through the neighborhood. King suggested that to truly identify something like that would require more of an origin/destination study accomplished by polling some people. Given the constraint of certain movements on a minor leg, it is difficult to project.

Opposition

1. Bill Austin, 301 South 13th Street, Suite 400, appeared on behalf of the **Pine Lake Association**, along with Bill Janike, President of Pine Lake Association. Pine Lake Association is not opposed to the annexation of the 15.1 acres. Pine Lake Association is not opposed and understands that this tract will and should be developed in some form of urban density, but Pine Lake Association is opposed to the R-4 zoning coupled with the CUP that would allow this property to be shoe-horned in with some 220 dwelling units on 10 usable acres of the tract. While R-4 may be in conformance with the Comprehensive Plan, Austin posed the question: The Comprehensive Plan says that this property is supposed to be zoned to urban residential density. That can be anything from R-1 to R-8. What makes sense for this piece of property? It is incumbent upon the applicant to convince the Planning Commission that R-4 is appropriate for this property. Merely because the developer wishes to maximize profits is not a reason to maximize density. Austin stated that he has not heard anything today that would convince him that R-4 is appropriate for this tract.

Austin went on to state that until about 10 years ago, the Pine Lake area directly to the east was a separate governmental entity, SID #2, developed in the 1960's. At that time, Pine Lake was developed as AA zoning, now AGR zoning, 1-acre tracts, with density combined to allow a number of amenities including the golf course and the lake. It is all single family large lot dwellings. The land immediately to the west was sold to Livingston Development in 1998, for about \$300,000, zoned AGR. Since that time, the property appears to have benefitted from a greenbelt designation, giving it a tax basis of \$50,000 in special agricultural valuation.

Austin submitted that zoning is intended to apprise the neighbors of what the future adjacent development might entail. It was originally thought that this property would be developed as large lot single family dwellings. The city grew and Pine Lake is now inside the corporate limits and it is designated as urban density residential. Reasonable people might assume that this pattern of development would continue; however, neighbors would not anticipate or contemplate a proposal asking not only for R-4, but coupling it with a CUP, the provisions of which would support high density 3-story apartments. R-4 is intended to provide a stable area of 3-5 dwelling units per acre. Under the provisions of this CUP, there will be 13.93 dwelling units per acre. If the property were zoned R-3, it would be allowed 6.96 dwelling units per acre, or 110 units. These design standards were not contemplated with the idea of maximum development. They were intended to take a look at abutting land uses, open space, and the size of the buildings. The design standards do not say that the city will grant the calculated maximum density. There is nothing that justifies the R-4 zoning in this circumstance. This is not a PUD. This proposal virtually maximizes the density that could be available. It is not compatible with the development around it. The R-4 and CUP are inconsistent with the R-3 and AGR zoning surrounding it. The open space is a dam breach area, flood corridor area, floodplain, and wetlands. This has none of the amenities contemplated with a true CUP with a mix of uses and residential.

The staff report even states that the R-4 higher density may not be appropriate in all cases and Austin challenged the Planning Commission to find in paragraph 7 a rationale that convinces them that R-4 is appropriate versus R-3. The fact that you have to cluster the units is not a basis for asking for higher density. The extra acres gives the advantage of clustering. The fact

that this is adjacent to Highway 2 is not a good reason. There are all sorts of properties that are adjacent to Highway 2 that are not zoned R-4. This is too many units. R-3 zoning is appropriate and a development of 110 units would be appropriate here, avoiding the traffic concerns.

Austin also pointed out that the staff report even mentions that a second access would still be desirable. Despite the traffic engineer's statements, Austin suggested that the fact of the matter is that there will be 300-400 cars on this site, and taking this traffic into the neighborhood is inappropriate.

Lust asked if 110 dwelling units is acceptable to the Pine Lake Association. Bill Janike, President of Pine Lake Association indicated that they would not object to the R-3 zoning.

Lust wondered whether there is a number between 110 and 219 that is acceptable. Austin stated that he would be concerned about how to get to any other number in between. Even a CUP with R-4 showing 125-130 units could be amended in the future. The protection is the actual zoning designation.

Corr confirmed that Pine Lake Association is okay with 110 apartments. Janike stated that every discussion by the board is that we know this property will be developed. We object to the R-4 but do not object to R-3. Corr made sure it was understood that R-3 would still allow apartments. Austin believes the Association understands that. By raising the development to 40', it will be just a little higher than the two-family dwellings on the other side of the dam. Maybe they could do two stories with 110 units.

Janike stated that there are 130 homes in Pine Lake. The discussion amongst the Board has been that we know this is going to be rezoned and we will not object to R-3 zoning. We object to the density of R-4.

Beecham asked whether Pine Lake has discussed the stop light. Janike acknowledged that the Board has discussed the possibility. With 400 parking spaces, having seen how streets open up and how people travel, we know that when people want to go to a certain place, such as WalMart or to Omaha, they don't get on Highway 2 and go southeast to go north. They go through Pine Lake. The Pine Lake residents go through Edenton South to get to 84th Street or 70th Street. He is convinced that a stop light will not solve that problem. People will go the quickest and shortest way they want to go and they will not go to Highway 2, whether there is a stop light or not.

The first homes were built in the Pine Lake area in the early 1960's.

2. Bill Janike, President of the Pine Lake Association, submitted a resolution passed by the Board of Directors of Pine Lake Association expressing opposition to the proposed development, and, specifically, that,

The request for R-4 Residential zoning with the attendant ability to construct 219 dwelling units would allow development at a greater density level than is reasonable and appropriate for the subject property. A development of 219 dwelling units it out of

character with the development of adjacent properties that are zoned AGR and R-3 Residential. The development at the proposed density would cause an undue burden upon the roadway system within and adjacent to the proposed development.

Janike further pointed out that Pine Lake does not belong to the Pine Lake residents. Pine Lake is a part of the City of Lincoln, but also unique in some ways. The roads are narrower than in many neighborhoods. There are no street lights or sidewalks. There is a lake with a road that goes over the dam at the west end of the property – that is a narrow road that currently is at capacity. Pine Lake wants to continue to be welcoming to people who want to walk the area. There are trails and common areas. The Pine Lake residents want to continue to be welcoming and not restrictive; however, when you have a lake and narrow roads without street lights or sidewalks, there is some risk and some danger that needs to be considered.

Janike then referred to the “Taking Charge” survey reported upon by the Lincoln Journal Star on September 20th. The top concerns of the 1200 participants are safety and security and livable neighborhoods. Janike believes that the Association’s concerns are legitimate with the R-4 zoning. R-3 is acceptable.

3. Jeff Petersen, Executive Pastor of **Lincoln Berean Church**, testified in opposition. The Berean Church has enjoyed a wonderful 51-year history with the City. 32 years ago, the Berean Church (Church) moved from downtown Lincoln to a dirt road on 70th street in a milo field. The Church is now the neighbor immediately to the west of this proposal and feels like “the partner left out of the conversation”. No one from City Planning has spoken to anyone with the Church. Pastor Petersen stated that the Church is not rising to oppose the development because they desire to be a good neighbor; they understand there are very complex issues; they are supportive of the neighbors to the east, Pine Lake Association; new neighbors to the east (Ashbrook Drive) also have legitimate concerns; and the Church cares that Livingston has had this property and wants to see it developed. The Church does, however, have some concerns.

Petersen highlighted the Church’s concerns. On any given weekend, there are between 4,000 and 5,000 people who will be on the Church campus, bringing traffic dynamics to bear. The Church is growing every year, and our city is growing. Eventually, the Church’s master plan allows for potential growth to a weekend of 14,000 people on the campus.

The issues of the Church include safety related to the intersection at Highway 2, which is used by the Church on a daily and weekly basis. Turning left off Ashbrook Drive onto Highway 2 is simply unsafe. They have been seeking a stop light for some time.

About 8 years ago, the city came to the Church explaining that neighborhoods have to have two connections to arterial roads. At that point, Hunters Ridge was being developed and there was concern for egress access for Hunters Ridge. What was decided by the city was to take the Church’s property and create Ashbrook Drive. In 1999-2000, the Church built and paid for a four-lane access/driveway. Then the city came and said that they need to build Ashbrook Drive for Hunters Ridge to have a southern egress. The Church did not desire to lose the land because it would bisect their land, but the Church wanted to be a good neighbor and worked it out with the City. A big concern was cut-through traffic. People will go the easiest and safest

way. When Ashbrook Drive went through, the egress was through the Church's property. Adding 220 units, with really only one access on the west at Highway 2, will bring the traffic through the Church's property, that being the easiest and safest way. This is already taking place. The city did try to work with us to mitigate this concern. Safety, security and maintenance are issues to the Church. The Church could put up gates and close the property, but they have a rich and long history of being in this area and want to be open to the community. They do not want to send the message that says the Church is closed. No solutions have been brought forward to mitigate this concern. Nothing has even been discussed in terms of mitigating the Church's concerns.

Pastor Petersen acknowledged that the developer has been very good in meeting with the Church. The Church inquired about a maintenance escrow but the developer was not interested.

Beecham inquired as to the days and time of the activities going on at the Church throughout the week. Pastor Petersen stated that on any given weekend, there are about 4,000-5,000 people on the campus. There are Saturday night services at 7 p.m. The senior high youth ministry meets on Sunday night, adding about 300-400 drivers. He believes the highest volume is Sunday and Wednesday night. The Women's Ministry meets on Tuesday evenings; College Ministry on Thursday evenings; and an addiction recovery program on Friday evenings. There is traffic flowing in and out of the property seven days a week. On Wednesday's people start arriving about 5:00 p.m. and leave around 9:00 or 10:00 p.m.

With regard to the property to the west of the Church, Beecham asked whether the Church has any plans for that property in the next 10-20 years. Pastor Petersen advised that they currently have a nature trail that is undeveloped. A lot of the expectation for the future will be parking in the outer lots. The Church lost a lot of the road and property on the west side when the city made improvements to the intersection of 70th and Highway 2.

Scheer inquired as to the anticipated growth of the church from 5,000 or 6,000 to 14,000. Does that mean that the Church will have either more, or more and continuous kinds of activities and services, or is it more and possibly bigger? Will the facilities grow? It does have an impact on the future traffic patterns. Pastor Petersen indicated that the Church outgrew the facility immediately, so in 2007, they opened the newest auditorium and did it in a big footprint so that they could grow into it. The youth complex also has considerable unused space. The greater the size, the greater the complexity of issues. It is a 7-day ministry center and will continue to grow.

Weber noted that Ashbrook Drive crosses the Livingston property. Pastor Petersen said that they did work with Livingston and had an easement. The city built the connector and it all became Ashbrook Drive, and the city now has the easement that crosses the Livingston property. There are some wetland dynamics that the road needed to follow instead of going straight.

4. Jonathan Hoesch, 8101 Dougan Circle, testified in opposition. He moved from Texas a year ago. He chose Pine Lake because it is such a beautiful single family area. Increasing this traffic will be very dangerous and cause a lot more problems. He is concerned about safety

with children getting into the lake area. A fence is not going to provide any kind of deterrent. There will be more sound and traffic. In his opinion, a traffic light is not going to help. If you put the maximum of anything into a situation, you are going to have issues. Hoesch had assumed that the subject property would be developed as townhomes or single family homes in R-3 zoning, but going beyond that will be a big question mark for him. Access to the lake and the liability issue is a big concern.

5. Nick Cusick, 6400 Westshore Drive, testified in opposition. He has been a resident of Pine Lake since 1967. He is not opposed to development of this property. He is pro-growth. He recognizes what Lincoln can and needs to become. The Chair of the Pine Lake Association was in charge of the asphalt placed on the dam road in approximately 1980. The road was asphalted without a permit against the wishes of the engineer on staff and it has lived there ever since. It is very dangerous. It seems as though the requirement by the staff for the developer to build out the connection to a potential future street or road or pathway or trail presumes that that will ultimately be built. He is opposed to that. He also believes that the Southeast Rural Fire District is opposed. It would be a nightmare for a traffic pattern onto Highway 2 and Eiger Drive. That recommended connection is inappropriate.

Cusick was curious about the concessions of the developer to allow for the 50' setback and various screenings. How did we get from 35' to 40' in height? Was it necessary to allow for that exception? We have all seen promised landscape screenings that became dead or not maintained or unmanageable or unsightly. Nothing here guarantees that the trees will live and be maintained, resulting in nothing more than an eyesore for Pine Lake.

Beecham asked Cusick to address the horse stables. Cusick does not anticipate any change. They are fully occupied. The neighborhood was established as a horse community and there are riding trails all the way around the community through all kinds of areas.

Hove asked how the apartment dwellers would access the dam road if there is a fence and the 50' buffer. Cusick stated that there was discussion previously about the path of least resistance. If going north on Ashbrook Drive, connecting up through the development to the north, one possible likely quicker route is to take the connection on the north side of the waterway below the dam and connect directly across the dam onto Westshore Drive and onto Eiger Drive. He believes that would be the path of least resistance for the apartment dwellings. They would go north from the Broadmoor Development on Ashbrook Drive as opposed to going south to the highway; and then instead of continuing north and weaving through the neighborhood or going through the Berean property, they would cut across and head back to the south and go on Westshore Drive. The dam road is the extension of Westshore Drive between Westshore Drive and Northshore Drive. Given the traffic issues and the potential solutions, if Cusick was a developer, he would question whether it is a good investment to develop this as a multi-family unit location.

6. Joel Geyer, 7805 Northshore Drive, testified in opposition. He discussed the sense of humanity and the lifestyle of the Pine Lake area. There are no sidewalks in this community so people walk in the street, and they can do so because there is not that much traffic. He is a capitalist and if he had the money to invest, he suggested that the developer has put together a very compelling package; however, he is not in favor.

Will the apartments be part of the “sense of community” or are we going to build berms and fences so that they do not mingle? He does not think so. Geyer talked about the picnics and how the neighbors gather and help each other out. The kids are riding their bikes to the lake area on the dam road. It is a community where people know each other and help each other. He suggested that the people who move in and out of apartments are not invested like the Pine Lake residents. He invested in Pine Lake because of the quality of life and the community. What we have here is a tension between capitalism and community.

7. Bob Moodie, 6510 Ashbrook Drive, appeared on behalf of the homeowners in **Edenton Woods**. in opposition. Edenton Woods consists of the homeowners along Ashbrook Drive up through the intersection on Bo Creek Bay and Bo Creek Court and extending up Ashbrook Drive to Edenton Park. 41 units are already constructed, with another 29 units planned, platted and under construction on Camellia Court. Approximately 15 people stood in the audience in support of Moodie’s testimony.

Moodie shared photographs of traffic at the intersection on Sunday when the Church is letting out, showing how much traffic backs up in the left turn lane and in the right turn lane. When traffic backs up in this manner, it does divert itself and he saw two cars pull out of the traffic and do u-turns and proceed back up north through the neighborhood.

Moodie also shared a map showing the traffic patterns he perceives with the proposed development. People traveling through the Berean Church parking lot will then head north on Ashbrook Drive connecting with Stevens Ridge Road working out to 70th Street, or they will work their way out on 77th Street up to Old Cheney Road, or finally they will turn on Northshore Drive, taking them into the Pine Lake area, where they will either proceed on Northshore Drive or will go across the dam road to Eastshore Drive and exit there. Traffic is a problem. The staff seems to dismiss these traffic concerns in their report with the mere suggestion that it is not going to be excessive. There will be 350-400 cars all wanting to leave and enter at the same time. The u-shaped drive is a legal fiction to get around the notion that you have to have more than one exit and entrance. The S-shaped curve restricts vision and there is also a hill which crests.

Moodie submitted that traffic should be enough of an issue to deny the change of zone and the special permit, but at the very least before approving it, there needs to be a much better traffic analysis.

Moodie also suggested that this is a very bad example of land use planning. He showed other areas with many other multi-family developments either in the planning stage or construction stage or already constructed. This proposed development is not needed in this area for multi-family dwellings. The other areas were planned, platted and developed with the idea that streets could be installed or approved to accommodate them; they were planned with multi-family in the core, then mixed use dwellings around it, then single family dwellings after that, so that anyone buying into these neighborhoods knows what they are investing in. That is not what happened in this case. This property owner did not do a master plan.

Moodie then suggested that the better argument is, why should it be done? That is the question that the Commission should consider in deciding whether this should or should not be allowed.

This proposed development asks the Moodie and his neighbors to sacrifice the investments that they have already made. Moodie requested that the Planning Commission deny the zoning change and the special permit. In the meetings that were held, Edenton Woods residents acknowledged that development has to take place; Edenton Woods is zoned R-3. They would have a hard time arguing against R-3, but they would need to see the plan.

Moodie submitted a letter from the officers of the Edenton South Neighborhood Association in opposition.

Beecham inquired how far the traffic backs up. Moodie took the pictures about in the middle of the S-curve, and the traffic was backing up 10 and 12 cars deep on the left hand side and the traffic backs up on the right hand side as well, and at times even further.

Beecham noted that there is a park bordering Ashbrook Drive. Moodie stated that the park was designed to be a neighborhood park. He believes the traffic may overwhelm the park if this development is approved.

7. Jim White, 6339 Bo Creek Court, testified in opposition. He lives on the property which backs up to the creek that flows through the area proposed. When it rains, all the rain from Edenton South comes rolling down well into his back yard. He is worried about the runoff and the environment. If you take that hill away, it will never come back. The wildlife that we witness will never come back.

8. Mike Poskochil, 6725 Eastshore Drive, east side of Pine Lake, testified in opposition. He pointed out that there are two sites currently within ½ mile of this site zoned R-3 under construction for apartments at 84th and Highway 2, the corner of 84th and Cheney Ridge next to Lincoln Christian; and Faith Bible Church on the south (also zoned R-3 and currently owned by the Schleich family and zoned for apartments). There are other apartment sites in this area which have been built recently. R-3 zoning is being used for apartments within ½ mile of this site.

Poskochil does not believe that the “no dog” policy is enforceable by the city on private property. Who will enforce the fencing? As far as living next to Highway 2, Poskochil pointed out that Artisan Meadows is next to Lowes and they abut Highway 2. He believes that this property has a great use under R-3 zoning, like the property abutting to the north. All of the parking lots for Berean Church are on the east side and the traffic will flow on Ashbrook Drive.

In the late 1990's, Poskochil walked the site with the present owner to assess the value of the land being purchased. At that time, it was priced based on single family lots and/or townhome lots. He was not involved in any matter beyond the value. The applicant had owned the property for 15 years. At any time the owner could have applied and annexed under R-3. In this case, it is a situation where someone must have made more money than the neighborhood thinks that they should. Traffic and safety are big issues. He lives on the lake. He is concerned about the liability because there is no way to enforce trespassing.

9. Bob Olson, 8001 Dougan Circle, since 1997, testified in opposition. The traffic concerns and the crush of humanity on that side of the neighborhood is plain obnoxious because it does

not fit with anything going on in the area. He showed photographs of the dam road and reiterated that Pine Lake does have a lake and a beach. The road is single surface asphalt. It is not meant for heavy traffic. The whole neighborhood consists of beautiful homes at least 30 feet apart. They do not need any more people on the beach. Pine Ridge Lane goes to the stables. If that is opened up with 400 people just over the hill, it will be their escape route. Pine Lake is on a quarter section of land. This proposal is on 16 acres, or one-tenth of the area of Pine Lake. Pine Lake consists of 131 homes. The proposed development will have 90 more units than Pine Lake. There are 300 residents in the entire Pine Lake neighborhood.

10. Pam Gannon, 6501 Eastshore Drive, testified in opposition She has been on the Board of the Pine Lake Association over the years and was there when they entered into the annexation agreement with the City. Pine Lake has worked to make sure they have their two access points (as required by the City). The access point at Northshore Drive is the main concern. This area is not the normal area because it is a highway. Traffic is constantly busy. It is hard to get onto Highway 2. She cannot even be in the front of her house on Sunday morning when the traffic from the church is so steady and you cannot cross the street. Opening up Northshore Drive has really changed the dynamics. The Association is responsible for the liability of the lake, but what recourse do they have if there are people using the lake and beach other than Pine Lake residents? They prefer not to call the police. They do not want to be exclusive but be responsible homeowners, be good neighbors, and maintain the quality of life.

Gannon reiterated that the Pine Lake residents know that the subject property needs to be developed, but she requested that the Commission be respectful and look at the R-3 as being much more viable for all the neighbors.

Staff questions

Lust confirmed that there will be an additional 2 acres on this parcel pursuant to the land swap with Berean Church. Will stated that the staff has not seen those plans. With the addition of 2 acres, Lust wanted to know whether the R-3 allows additional dwelling units. Will stated that it could. Corr suggested that 2 additional acres would allow about 18 more units (118 in R-3). Will stated that the applicant will need to amend the boundary of the special permit if that additional two acres is included. Corr then suggested that if the property is zoned R-4, the additional 2 acres would allow an additional 36 units (256 in R-4).

Beecham asked for an explanation of the greenbelt designation. Will stated that this refers to the rate at which the county assessor applies property taxes, something lower than without the greenbelt status.

Beecham inquired whether anyone at the NRD or City has addressed potential environmental concerns about this development. Will observed that Public Works reviews the application relative to the grading and drainage plan and runoff. The city does not review in terms of wildlife.

Hove asked for the number of apartments that are zoned R-4 in the area. Will talked about apartment developments in R-3 zoning:

84th and Old Cheney Road - 200 units on 8.9 acres, R-3 zoning (22.5 du/acre)

Savannah Pines (40th & Pine Lake Road) - 232 apartment units on 6 acres, R-3 zoning (38 du/acre)

Highpointe (45th and Old Cheney Road) - 182 units on 12.7 acres, R-3 zoning (14 du/acre)

Rockledge (part of a larger PUD at 84th & Old Cheney Road) - 210 units over 9.6 acres, R-3 zoning (22 du/acre)

Van Dorn Meadows (70th & Van Dorn) - 324 units over about 22 acres, R-3 and R-4 zoning (15 du/acre)

The Springs at Heritage Lakes - 270 units over 11 acres, R-5 zoning (22 units per acre)

Grand Terrace (84th & Highway 2) - 200 units on 11.3 acres, R-3 zoning (18 du/acre)

For comparison, what is being proposed today is 220 units over 15.8 acres (14 du/acre). Looking at the relative density, a lot of the other complexes are part of a larger CUP with single family and attached single family, where the excess density supports those apartments. Most of them would not be allowed as stand alone apartment complexes in R-3 zoning.

Beecham wondered why the parcel being proposed for annexation was not included previously. Will advised that annexation is usually requested by the owners of the property or by the city. This applicant neither asked for nor was there a reason on the part of the city to annex.

Putting aside the change of zone and CUP, Lust asked whether the city staff supports the annexation. If it were a stand alone annexation, Will did not know. The staff would need to discuss that. Usually there is some intended purpose. Taking the change of zone and special permit away, it may not meet that purpose.

Beecham asked whether there have been any comments from the Southeast Rural Fire Department. Will state that there are none.

Response by the Applicant

Huston stated that his client does not envision this development as a huge detriment to any neighborhood. His client has three projects in Lincoln with similar density, on major arterial streets, and they function very well. They have a community. They have residents that have been there a long time. This applicant does not want to have a detrimental impact on anyone. If there was a master plan, we would not be dealing with this parcel. The only guide that we have is the Comprehensive Plan, which does focus on increasing density. That is the only issue. The Comprehensive Plan also focuses on infill development. There are no additional

infrastructure costs. This proposal maximizes and uses the infrastructure that exists with the most efficient land use available.

Huston went on to state that this applicant is also trying to be cognizant and respectful of the neighborhood. In broad terms, Broadmoor has been a long time investor in the city and wants to continue that investment to enhance some opportunity for other people. The Comprehensive Plan goal is housing diversity - provide all types of housing in any given neighborhood.

Huston agrees that there are traffic considerations, but he does not believe it will be to the extent that some fear. This developer has a lot of faith that a new traffic signal will be the magnet to attract traffic out onto Highway 2. This intersection is the ½ mile line between 84th and 70th and is appropriate for signalization. Huston submitted that the traffic light will answer a lot of the questions.

With regard to the proposed connecting road, Huston pointed out that this developer does not have to build it, just show on the site plan how it can be located at some point in the future. It does not happen without the consent of a lot of different people.

As far as infiltration of traffic north and east, again, Huston believes that the traffic light will draw traffic out. Those are publicly dedicated streets. We cannot prevent people from driving on them. The applicant supports the vacation of Pine Ridge Lane.

Huston also suggested that we all knew this would happen when the Comprehensive Plan was adopted. The Planning Commission and City Council have acknowledged that. But that does not mean that we have to ignore the guidelines and objectives stated in the Comprehensive Plan.

Lust stated that one of the things that has some sway with her is, why does this need to be R-4 when everything around it is R-3? Huston suggested that it is more important to focus on the number of units per acre. It is a fair comparison. You can do a CUP with all the surrounding ground, and because of drainage ways and private streets you can capture a lot of density. The staff's analysis focuses on the number of units per acre. R-3 is half of R-4. His client builds multi-family properties. He does not build townhomes. This site is appropriate because of the Comprehensive Plan.

Corr expressed concern about the increased height adjustment, with the staff report stating that the tops of the apartment buildings are not significantly higher than the homes in Pine Lake. What does "significantly higher" mean? Huston offered that the garages will be located at a level 27 feet below the dam road level. That is a significant grade differential. If you do the math, if there is a rooftop that is 40', obviously there is potential that it could be 13' above the base level of the dam road.

Corr asked why the dog ban is for only three years? Huston did not have an answer, other than it is difficult for the city to support and enforce. The applicant would be willing to consider a longer policy. However, Broadmoor does have a retired couple with a small house dog and we don't see how that presents an issue.

Beecham inquired about the visual of the fence. Huston stated that a wrought iron decorative fence has been suggested. It is not designed to keep people in or out but to provide some barrier. He assured that it will not be a wooden stockade fence or something that requires a lot of maintenance or looks ugly.

Hove inquired whether the applicant has any documentation on the average stay of residents in the apartments. Huston does not believe a specific count is available but Broadmoor has had many long term residents that stay in their units 10 plus years. The demographic shows 60% being 60 years of age and over, which indicates long term stable tenants.

ANNEXATION NO. 13004

ACTION BY PLANNING COMMISSION:

October 2, 2013

Sunderman moved approval, seconded by Hove.

Sunderman pointed out that this 16 acres is pretty much surrounded by the City and Highway 2, so it is appropriate to be in the city.

Lust agrees that the annexation is really noncontroversial.

Motion for approval carried 8-0: Corr, Beecham, Weber, Scheer, Hove, Sunderman, Cornelius and Lust voting 'yes'. This is a recommendation to the City Council.

CHANGE OF ZONE NO. 13020

ACTION BY PLANNING COMMISSION:

October 2, 2013

Sunderman moved approval, seconded by Cornelius.

Sunderman believes R-4 zoning is appropriate for this area because it is separated from the Pine Lake area. There are no direct connections. R-3 to the north is wetlands and floodway that will separate and buffer; to the west is the church which is a heavy user of the facilities. His concern basically is traffic but he does not believe the traffic will affect the neighborhood that much. He believes most of the traffic concerns come from the church when they exit and leave or arrive, and Sunderman believes the traffic issues will take care of themselves when Highway 2 is signalized. If he were headed east, Sunderman would go Highway 2 west down to 70th Street to Pine Lake and then around. He drove this area and had no problems. If he were going west, Sunderman would definitely take Highway 2. He would not go through the neighborhood. He just does not think there is enough traffic to make a difference.

Scheer heard comments about there being tension between capitalism and community, and tension between timing and the Comprehensive Plan. He thinks there is tension on this site because of the Comprehensive Plan and the goals that are built within the Comprehensive Plan. He would support this motion if the only goals in the Comprehensive Plan were things like land use, future growth, density, etc. He would oppose this motion if the only goals were things like one community, quality of life, healthy communities, and environmental stewardship. Scheer stated that he can't get past how those items within the Comprehensive Plan affect this site and how we are trying to determine what the appropriate capacity for development is on this

site. When he looks at this site, it is 10 usable lots, not 15. He would love to be able to review this as 10 acres in terms of a R-3 analysis. 219 units on this property seems overkill, but something in the range of 125 units seems appropriate. That's how he can resolve the tension within the Comprehensive Plan and what the Planning Commission is supposed to be trying to determine. He will not support the change to R-4, but could support something more than R-3.

Corr commented that she followed a similar approach to Scheer. She has a hard time including the approximately 5 acres that is not developable in the density calculations. It just seems like we are packing so much into this little piece of land. She sees Pine Lake as zoned R-1, which is the least dense, and this applicant is requesting R-4. That's a huge jump, especially when other areas around it are zoned R-3. She cannot support the R-4.

Beecham stated that she still has real concerns about this area regarding the traffic. This area needs to be reviewed for a potential traffic light. And hearing from the Berean Church only increases her concerns. In regard to the Comprehensive Plan, Beecham believes it is important, but it is not the law. The Comprehensive Plan is a guideline. It does not mean that one size fits all. When the Comprehensive Plan talks about infill, it also talks about preserving character of existing neighborhoods. Pine Lake is an existing neighborhood; it is about 50 years old; she would have problems putting R-4 next to R-1 in this area because she thinks it will impact the characteristics of Pine Lake. She cannot support the R-4, but she would be open to R-3. She likes the idea of putting the development closer to the edge and not in the middle of a neighborhood.

Weber agreed that the density is a little bit much for the area and he could support R-3.

Cornelius stated that he is very in the middle of what Scheer said and what Sunderman said. He found the analysis of the traffic to be pretty good. He does not think that the impact of the traffic of a higher density development would be so very great, especially in terms of the traffic on a Sunday evening. He considers the sheer of uses – he would like to see a slope rather than a steep drop-off. While he was surprised to hear the neighbors say they would be happy with R-3, he finds that that is less of a sheer for himself. He will not support the motion.

Hove observed that this has been a very emotional issue for a lot of people. He has a hard time with “not in my back yard.” We all need to welcome each other. He is sensitive to the traffic issues, but he thinks that we, as developers and planners, have to look at what's best for the city and he intends to support the motion.

Lust acknowledged that this has been a very hard decision for her. The Comprehensive Plan encourages denser development, and we knew when we went through that process over 18 months ago, that denser developments will have opposition. Every time there has been a major apartment complex proposed, we have had neighborhood opposition. But once the apartments have gone in, she believes people have found them to be good neighbors and the traffic has not increased. She was somewhat swayed by the argument that R-3 is more appropriate in this area, but she also believes that when we consider the credits developers typically get in the R-3 CUP, they typically end up with more dwelling unit density in the apartment area than what is being proposed here. The fact that this property is along Highway 2 actually makes apartment

dwelling units a good buffer to the commercial and traffic that is along Highway 2. While this was a difficult decision, and while she understands all of the concerns, she will support the motion.

Motion for approval failed 3-5: Hove, Sunderman and Lust voting 'yes'; Corr, Beecham, Weber, Scheer and Cornelius voting 'no'.

Cornelius moved to deny, seconded by Corr.

Corr wondered about amending the change of zone to R-3, but then that leaves the question of what the CUP looks like. We have no testimony from the applicant about how they would design the plan under R-3 zoning. We have mixed opinions from the neighborhood. Marvin Krout approached and suggested that amending the application to R-3 is premature at this time. The applicant could amend the application after this hearing if they so choose.

Motion to deny carried 5-3: Corr, Beecham, Weber, Scheer and Cornelius voting 'yes'; Hove, Sunderman and Lust voting 'no'. This is a recommendation to the City Council.

SPECIAL PERMIT NO. 13043

ACTION BY PLANNING COMMISSION:

October 2, 2013

Cornelius moved to deny, seconded by Corr and carried 5-3: Corr, Beecham, Weber, Scheer and Cornelius voting 'yes'; Hove, Sunderman and Lust voting 'no'. This is final action, unless appealed to the City Council within 14 days.

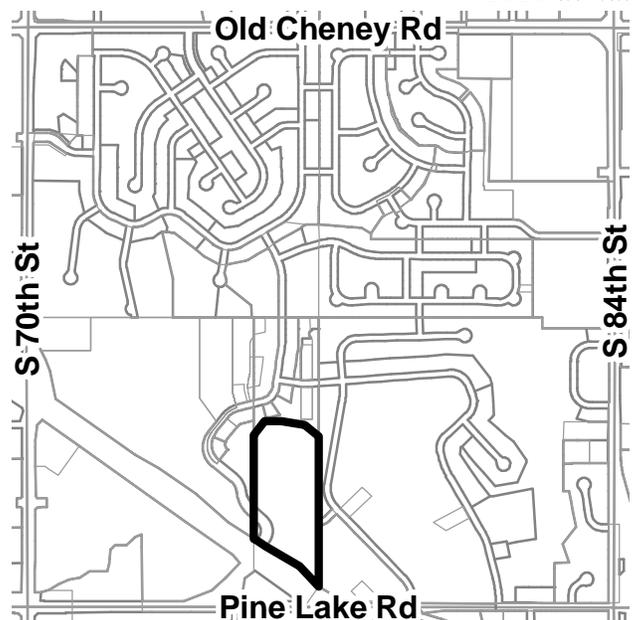
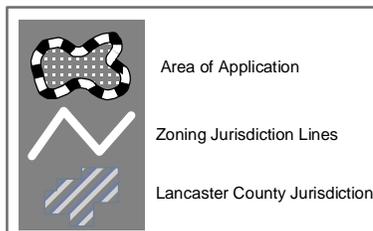


2010 aerial

Broadmoor Ashbrook Apartments
Annexation #: AN13004
Change of Zone #: CZ13020 (AGR to R-4)
Special Permit #: SP13043 (CUP)
Zoning:

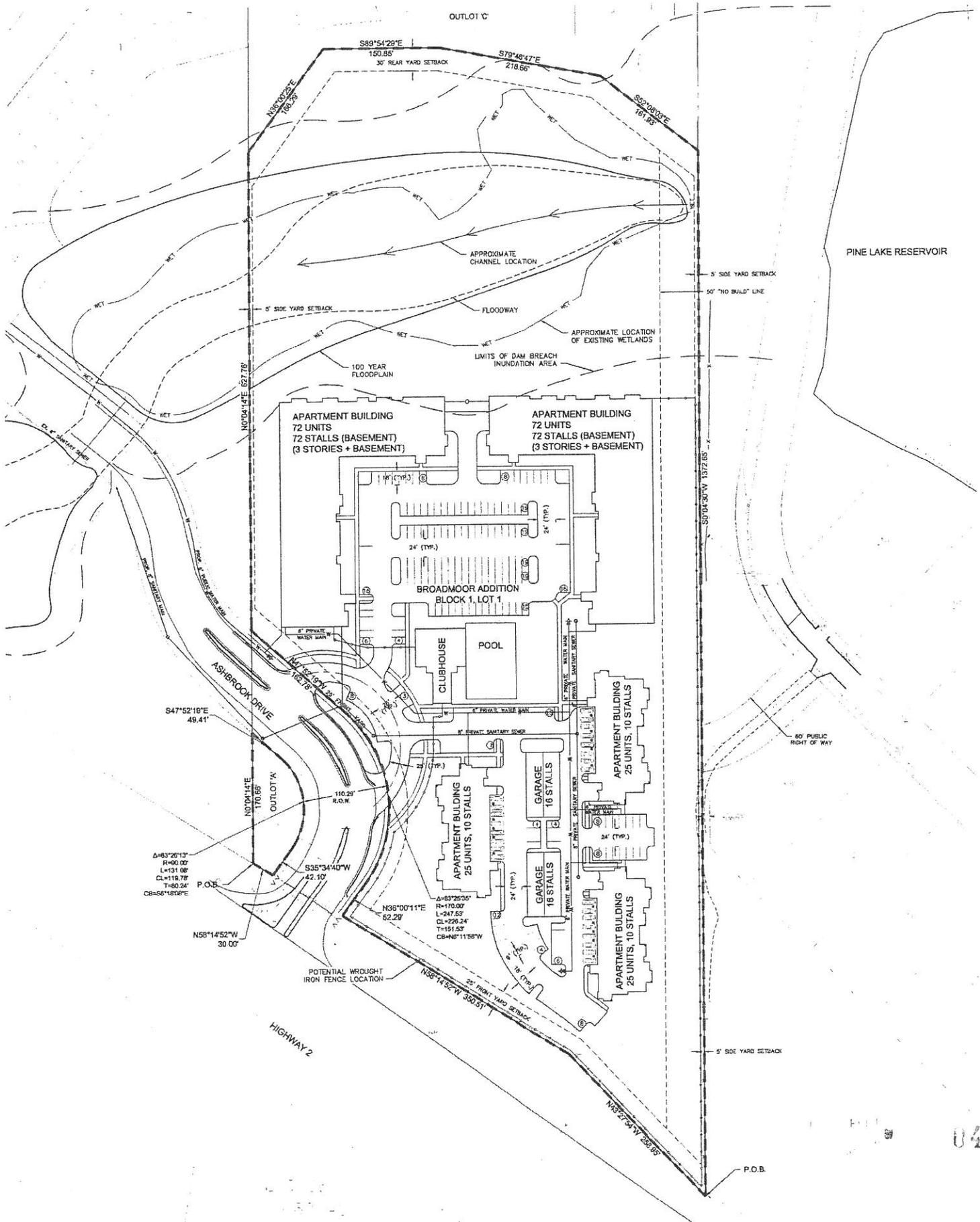
- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial 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.15 T09N R07E

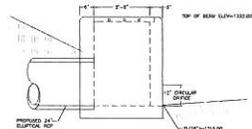


BROADMOOR ASHBROOK APARTMENTS

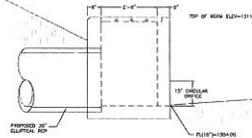
COMMUNITY UNIT PLAN SITE PLAN



BROADMOOR ASHBROOK APARTMENTS COMMUNITY UNIT PLAN GRADING PLAN



DETENTION CELL A OUTLET STRUCTURE



SIDE VIEW
TOP TO SOLE

DETENTION CELL B OUTLET STRUCTURE

ENGINEER & PREPARER
OLSSON ASSOCIATES
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LINCOLN, NE 68501
PHONE: (402) 474-6311

OWNER & DEVELOPER
BROADMOOR APARTMENTS
629 NORTH 98TH STREET
OMAHA, NE 68114
PHONE: (402) 381-5482

LEGEND

- DRAINAGE AREA BOUNDARY
- CUP BOUNDARY
- CHANNEL LOCATION
- WETLAND BOUNDARY
- FOUNDATION LIMITS
- EXISTING FLOODPLAIN
- EXISTING FLOORWAY
- EXISTING MAJOR CONTOUR
- EXISTING MINOR CONTOUR
- PROPOSED MAJOR CONTOUR
- PROPOSED MINOR CONTOUR

BASIN A - EXISTING CONDITIONS		BASIN A - PROPOSED CONDITIONS	
AREA = 3.2 ACRES		AREA = 3.2 ACRES	
CH = 79		CH = 94	
TC = 33.3 MIN		TC = 12 MIN	

DETENTION SUMMARY - BASIN A				
STORM FREQUENCY (YRS)	EXISTING STORM RUNOFF (CFS)	DEVELOPED STORM RUNOFF		REQUIRED STORAGE VOLUME (CF)
		TO CELL (CFS)	DISCHARGE (CFS)	
2	6	10	6	3,397
10	12	17	8	7,823
100	20	25	20	10,933

BASIN B - EXISTING CONDITIONS		BASIN B - PROPOSED CONDITIONS	
AREA = 7.3 ACRES		AREA = 7.3 ACRES	
CH = 79		CH = 94	
TC = 24.3 MIN		TC = 15 MIN	

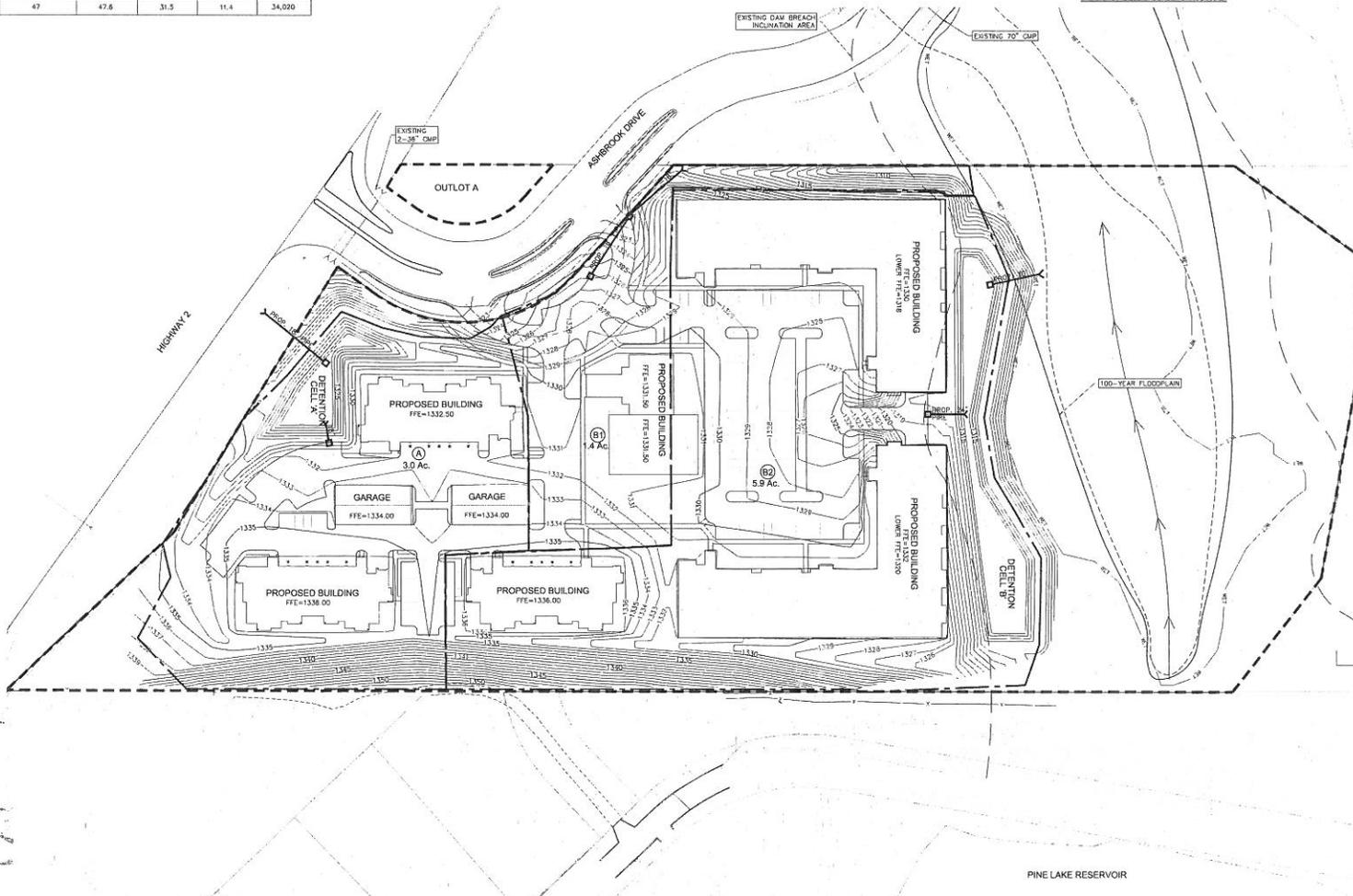
RUNOFF SUMMARY - BASIN B					
STORM FREQUENCY (YRS)	EXISTING STORM RUNOFF (CFS)	DEVELOPED STORM RUNOFF			REQUIRED STORAGE VOLUME (CF)
		TO CELL (CFS)	CELL DISCHARGE (CFS)	BYPASS (CFS)	
2	14	19.4	8.1	4.6	13,852
10	28	38.3	10.3	7.7	26,092
100	47	47.8	31.3	11.4	34,020

10-YR STORM

Location	Area A (acres)	Coefficient C	A'C	Sum A'C	Time of Concentration Tc (minutes)	Intensity I (in/hour)	Runoff Qf (cfs)	Pipe Slope Sp (ft/ft)	Pipe Length L (ft)	Pipe Diameter D (in)	Pipe Capacity Qp (cfs)	Pipe Velocity Vp (ft/sec)	Time in Section Tp (minutes)
A	3.00	0.40	1.20	1.20	3.00	9.78	6.91	0.0000	23	18	48.88	27.73	0.01
B1	1.43	0.40	0.56	0.56	8.00	0.76	3.22	0.01323	110	18	12.13	6.86	0.31
B2	5.90	0.40	2.35	2.92	8.00	0.76	16.81	0.02500	40	24	35.77	11.39	0.06

100-YR STORM

Location	Area A (acres)	Coefficient C	A'C	Sum A'C	Time of Concentration Tc (minutes)	Intensity I (in/hour)	Runoff Qf (cfs)	Pipe Slope Sp (ft/ft)	Pipe Length L (ft)	Pipe Diameter D (in)	Pipe Capacity Qp (cfs)	Pipe Velocity Vp (ft/sec)	Time in Section Tp (minutes)
A	3.00	0.40	1.20	1.20	3.00	9.00	16.80	0.00000	20	18	46.88	25.55	0.01
B1	1.40	0.40	0.55	0.76	8.00	9.00	5.04	0.01323	150	18	12.13	6.86	0.36
B2	5.90	0.40	2.35	2.92	8.00	9.00	28.29	0.02500	40	24	35.77	11.39	0.06



DATE: 01/20/17
 DRAWN BY: J. L. WILSON
 CHECKED BY: J. L. WILSON
 PROJECT NO.: 17-001
 SHEET NO.: 2 OF 2
 PROJECT: BROADMOOR ASHBROOK APARTMENTS COMMUNITY UNIT PLAN GRADING PLAN

1111 LINCOLN MALL
 LINCOLN, NE 68501
 PHONE: (402) 474-6311
 FAX: (402) 474-6311

REV	DATE	REVISION DESCRIPTION

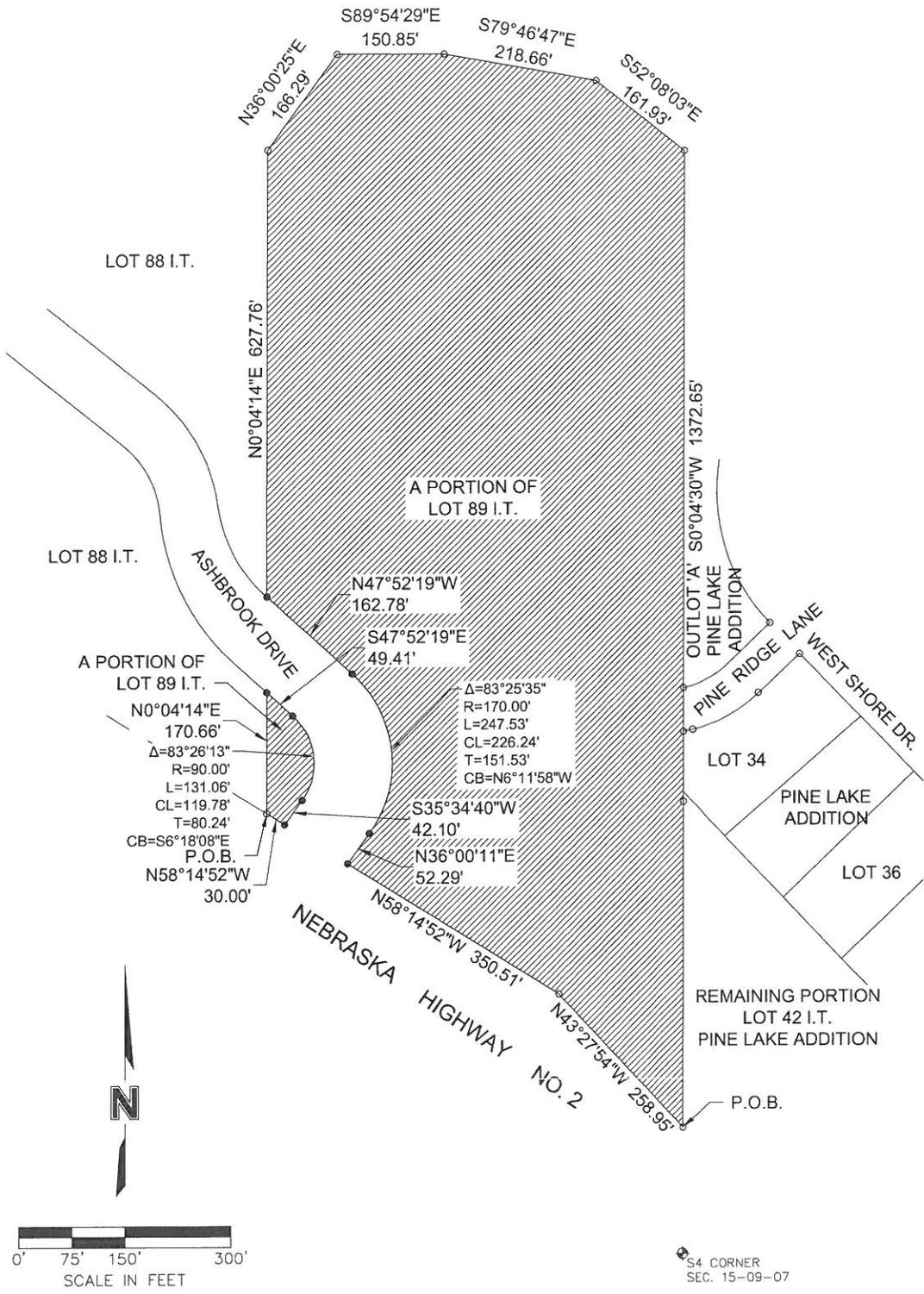
GRADING PLAN
 BROADMOOR ASHBROOK APARTMENTS
 COMMUNITY UNIT PLAN

REVISIONS

SHEET
 2 of 2

LINCOLN, NE

DWG: F:\Projects\012-1233\SRVY\MasterXrefs\Plots\Drawings\012-1233_CUP-ANNEX-COZ.dwg
 DATE: Aug 15, 2013 9:41am
 USER: mjohnson
 XREFS:



042

PROJECT NO: 012-1233	COMMUNITY UNIT PLAN, ANNEXATION AND CHANGE OF ZONE EXHIBIT	MOLSSON ASSOCIATES	1111 Lincoln Mall, Suite 111 P.O. Box 84608 Lincoln, NE 68501-4608 TEL 402.474.6311 FAX 402.474.5160	EXHIBIT
DRAWN BY: MRJ			B	
DATE: AUGUST 15TH, 2013				

**LEGAL DESCRIPTION
COMMUNITY UNIT PLAN
ANNEXATION
CHANGE OF ZONE**

A TRACT OF LAND COMPOSED OF A PORTION OF LOT 89 I.T., LOCATED IN THE SOUTHWEST QUARTER OF SECTION 15, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF LOT 89 I.T., SAID POINT BEING A WEST CORNER OF THE REMAINING PORTION OF LOT 42, PINE LAKE ADDITION, SAID POINT BEING ON A NORTHEAST RIGHT-OF-WAY LINE OF NEBRASKA HIGHWAY NUMBER 2, SAID POINT BEING **THE TRUE POINT OF BEGINNING**; THENCE NORTHWESTERLY ON A SOUTHWEST LINE OF SAID LOT 89 I.T., SAID LINE BEING A NORTHEAST LINE OF SAID RIGHT-OF-WAY ON AN ASSUMED BEARING OF N43°27'54"W, A DISTANCE OF 258.95' TO A SOUTH CORNER OF SAID LOT 89 I.T.; THENCE N58°14'52"W, ON A SOUTHWEST LINE OF SAID LOT 89 I.T., SAID LINE BEING A NORTHEAST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 350.51' TO A SOUTH CORNER OF SAID LOT 89 I.T., SAID POINT BEING ON A EAST RIGHT-OF-WAY LINE OF ASHBROOK DRIVE; THENCE N36°00'11"E, ON A WEST LINE OF SAID LOT 89 I.T., SAID LINE BEING A EAST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 52.29' TO A POINT OF CURVATURE OF A NON TANGENT CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 83°25'35", A RADIUS OF 170.00', AN ARC LENGTH OF 247.53' ON A WEST LINE OF SAID LOT 89 I.T., SAID LINE BEING A EAST LINE OF SAID RIGHT-OF-WAY, A CHORD LENGTH OF 226.24'; A TANGENT LENGTH OF 151.53', AND A CHORD BEARING OF N06°11'58"W TO A POINT; THENCE N47°52'19"W, ON A SOUTHWEST LINE OF SAID LOT 89 I.T., SAID LINE BEING A NORTHEAST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 162.78' TO A WEST CORNER OF SAID LOT 89 I.T.; THENCE N00°04'14"E, ON THE WEST LINE OF SAID LOT 89 I.T., A DISTANCE OF 627.76' TO A WEST CORNER OF SAID LOT 89 I.T.; THENCE N36°00'25"E, ON A WEST LINE OF SAID LOT 89 I.T., A DISTANCE OF 166.29' TO THE NORTHWEST CORNER OF SAID LOT 89 I.T.; THENCE S89°54'29"E, ON A NORTH LINE OF SAID LOT 89 I.T., A DISTANCE OF 150.85' TO A NORTH CORNER OF SAID LOT 89 I.T.; THENCE S79°46'47"E, ON A NORTH LINE OF SAID LOT 89 I.T., A DISTANCE OF 218.66' TO A NORTH CORNER OF SAID LOT 89 I.T.; THENCE S52°08'03"E, ON A NORTHEAST LINE OF SAID LOT 89 I.T., A DISTANCE OF 161.93' TO THE NORTHEAST CORNER OF SAID LOT 89 I.T.; THENCE S00°04'30"W, ON THE EAST LINE OF SAID LOT 89 I.T., A DISTANCE OF 1,372.65' TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA 679,908.53 SQUARE FEET OR 15.61 ACRES, MORE OR LESS.

TOGETHER WITH:

A TRACT OF LAND COMPOSED OF A PORTION OF LOT 89 I.T., LOCATED IN THE SOUTHWEST QUARTER OF SECTION 15, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF LOT 89 I.T., SAID POINT BEING THE SOUTHEAST CORNER OF LOT 88 I.T., SAID POINT BEING ON A NORTHEAST RIGHT-OF-WAY LINE OF NEBRASKA HIGHWAY NUMBER 2, SAID POINT BEING **THE TRUE POINT OF BEGINNING**; THENCE NORTHERLY ON THE WEST LINE OF SAID LOT 89 I.T. ON AN ASSUMED BEARING OF N00°04'14"E, A DISTANCE OF 170.66' TO A WEST CORNER OF SAID LOT 89 I.T., SAID POINT BEING ON A SOUTHWEST RIGHT-OF-WAY LINE OF ASHBROOK DRIVE; THENCE S47°52'19"E, ON A NORTHEAST LINE OF SAID LOT 89 I.T., SAID LINE BEING A SOUTHWEST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 49.41' TO A POINT OF CURVATURE OF A NON TANGENT CURVE IN A CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 83°26'13", A RADIUS OF 90.00', AN ARC LENGTH OF 131.06' ON A EAST LINE OF SAID LOT 89 I.T., SAID LINE BEING A WEST LINE OF SAID RIGHT-OF-WAY, A CHORD LENGTH OF 119.78', A TANGENT LENGTH OF 80.24', AND A CHORD BEARING OF S06°18'08"E TO A POINT; THENCE S35°34'40"W, ON A EAST LINE OF SAID LOT 89 I.T., SAID LINE BEING A WEST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 42.10' TO A SOUTH CORNER OF SAID LOT 89 I.T., SAID POINT BEING ON A NORTHEAST RIGHT-OF-WAY LINE OF NEBRASKA HIGHWAY NUMBER 2; THENCE N58°14'52"W, ON A SOUTHWEST LINE OF SAID LOT 89 I.T., SAID LINE BEING A NORTHEAST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 30.00' TO THE POINT OF BEGINNING. SAID TRACT CONTAINS A CALCULATED AREA 8,732.90 SQUARE FEET OR 0.20 ACRES, MORE OR LESS.

Wednesday, August 14, 2013
F:\Projects\012-1233_SRVY\MasterXrefs\Plats\Documents\012-1233_CUP-ANNEX-COZ.doc

DWG: F:\Projects\012-1233_SRVY\MasterXrefs\Plats\Drawings\012-1233_CUP-ANNEX-COZ.dwg
 DATE: Aug 15, 2013 9:51am
 USER: mjohnson
 XREFS:

PROJECT NO: 012-1233	COMMUNITY UNIT PLAN, ANNEXATION AND CHANGE OF ZONE LEGAL DESCRIPTION	 OLSSON ASSOCIATES	1111 Lincoln Mall, Suite 111 P.O. Box 84628 Lincoln, NE 68501-4608 TEL 402.474.6311 FAX 402.474.5160	EXHIBIT
DRAWN BY: MRJ			A	
DATE: AUGUST 15TH, 2013				

043

August 21, 2013

Mr. Marvin Krout
Planning Department
555 South 10th St., Suite 213
Lincoln, NE 68508

Re: Broadmoor Ashbrook Apartments
Highway 2 & Ashbrook Drive
Annexation, Change of Zone, & Community Unit Plan (C.U.P)
Olsson Project No. 012-1233

Dear Marvin:

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

1. Special Permit Application
2. Change of Zone Application
3. Legal Description and Exhibit
4. Drainage study memorandum
5. Special Permit and Change of Zone Submittal Fee (\$2,878.92 & \$792.00)
6. 1 - potential secondary access exhibit, and correspondence with Pine Lake Association.
7. 1 – 8 ½ x 11 copy of the cover sheet, site plan, general notes, and density calculations

A. Requests.

We are submitting this request for Annexation, Change of Zone, and Special Permit (Community Unit Plan) on behalf of the developer, Broadmoor Development. Broadmoor Development has a purchase agreement with Livingston Investments Inc. for the property. The development site is legally described as: Lot 89 SW, located in Section 15, Township 9 North, Range 7 East of the 6th P.M., City of Lincoln, Lancaster County, Nebraska which is located at Ashbrook Drive and Highway 2.

B. Property.

044

The property is currently zoned AG and is surrounded on three sides by developed properties, and Highway 2. A good portion of the north property is floodway, floodplain and wetlands, and will remain undeveloped. This open space creates an ideal divide for the apartments from the townhomes and single family neighbors to the north and east.

We are requesting a change of zone to R-4 over the entire property containing 15.81 acres to obtain the requested density for the apartments. The allowable density for R-4 zoning is 13.93 units per acre. This calculates to 220 allowable units. This project, as designed, contains 219 units and a clubhouse facility. The Property is designated as "Urban-Residential" in the Future Land Use Map of the 2040 Comprehensive Plan. Increased density along major traffic corridors is a stated objective of that plan.

C. Meetings.

We have met with City Planning staff on several occasions to gain feedback on our proposed use and site plan. We have met with the Pine Lake Home Owners Association Board of Directors in early 2013. We met again with the Board and Neighborhood at an informational meeting at Berean Church on April 22nd, 2013. Concerns that were expressed by the neighbors at the meeting were related to the density of the development and the connection of Pine Ridge Lane to Ashbrook Drive.

The neighbors are concerned that the roadway connection will promote "cut through" traffic through their neighborhood, especially on Sundays when Berean Church traffic is exiting the Church property. They feel that the addition of 220 apartment units will exacerbate the potential problem. There is currently no traffic signal installed at the intersection of Ashbrook and Highway 2, and any eastbound vehicles have difficulty turning left onto Highway 2. The roadway connection would allow vehicles to connect to Westshore Drive, Eiger Drive, and then 84th Street, bypassing Highway 2. The neighbors also expressed concern regarding the density and the tenants from these apartments utilizing the Pine Lake neighborhood roads, and potentially trespassing on the lake association property.

D. Site Plan Modifications.

As can be seen from our site plan, we are proposing to not connect to the neighborhood through Pine Ridge Lane. There is a substantial grade difference across this property. By not connecting the roads, we can lower the apartment buildings and create a vertical separation between the apartments and adjacent residential neighbors. By not connecting the road, it also allows us to eliminate pedestrian and vehicle access to the neighboring Pine Lake association property. Broadmoor Development plans to build a perimeter wrought iron fence around the apartment area of the development. Broadmoor Development also proposes to increase the required landscape screening on the east side yard and proposes to increase the width of the

side yard setback from 5' to 50'. Both considerations were included in the design in response to the neighborhood concerns.

In an effort to comply with the City's policy for connectivity, we have requested that the neighboring Pine Lake association grant a public access easement across the horse stable property as shown on the accompanying exhibit. Broadmoor has offered to construct, at its expense, a frontage road to provide traffic access to Eiger Drive located to the east. A 40' public access easement would allow a driveway and sidewalk to be constructed through to Eiger Drive. This drive would provide access to 84th street for east-bound traffic, and would also provide connectivity and a secondary access that is desired for life safety purposes. A copy of the letter to the Pine Lake Association President explaining our concessions and proposal is attached in our submittal documents.

E. Waivers.

A waiver to the Lincoln Municipal Code is requested for Block Length and subdivision connectivity. We are proposing to not extend Pine Ridge Lane across the property and connect to Ashbrook Drive. The justification for this waiver is detailed in paragraph "D" above.

We are also requesting that the maximum height of the apartment buildings be increased to 40' as we are providing increased setbacks from the neighboring properties per section 1.2 of the Community Unit Plan design standards.

If you require further information or have any questions, please call either myself at (402) 458-5632, or Tom Huston at Cline Williams Wright Johnson and Oldfather, L.L.P. at (402) 479-7134

Sincerely,



Mark C. Palmer P.E.

CC Tom Huston, Cline Williams Wright Johnson and Oldfather, L.L.P.
Bob Stratton, Broadmoor Development
Bennie McCombs, McCombs Commercial Realty

CLINE WILLIAMS
WRIGHT JOHNSON & OLDFATHER, L.L.P.

ATTORNEYS AT LAW
ESTABLISHED 1857

233 SOUTH 13TH STREET
1900 U.S. BANK BUILDING
LINCOLN, NEBRASKA 68508-2095

(402) 474-6900 · FAX (402) 474-5393

www.clinewilliams.com

L. BRUCE WRIGHT
JAMES M. BAUSCH
ROBERT J. ROUTH
DAVID R. BUNTAIN
STEPHEN H. NELSEN
MICHAEL C. MUELLER
DANIEL R. STOGSDILL
SCOTT D. KELLY
TERRY R. WITTLER
MARK A. CHRISTENSEN
RICHARD P. GARDEN, JR.
SHAWN D. RENNEN
JOHN C. MILES
THOMAS C. HUSTON
DON R. JANSSEN
SUSAN K. SAPP
KEVIN J. SCHNEIDER
ANDREW D. STROTMAN
GARY R. BATENHORST
JILL COSSIN JENSEN
JOHN C. HEWITT
ROCHELLE A. MULLEN
TRENTEN P. BAUSCH
MICHAEL C. PALLESEN
RICHARD P. JEFFRIES
TRACY A. OLDEMEYER
PAMELA EPP OLSEN
TRENT R. SIDDEES

ANDRE R. BARRY
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THERESA D. KOLLER
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MARY ANN NOVAK
KEITH T. PETERS
ANDREW R. WILLIS
TARA A. STINGLEY
SEAN D. WHITE
MICHELLE L. SITORIOUS
JONATHAN J. PAPIK
ADAM W. BARNEY
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COADY H. PRUETT
CRISTIN MCCARRY BERKHAUSEN
GRANT T. MAYNARD
COLIN J. BERNARD
KARA J. RONNAU
TRAVIS W. TETTENBORN

FREDRIC H. KAUFFMAN
DONALD F. BURT, RETIRED
STEPHEN E. GEHRING

CHARLES M. PALLESEN, JR., 1937-2011

June 21, 2013

DRAFT

VIA U.S. MAIL

Bill Janike
President
Pine Lake Association
6601 Perry Circle
Lincoln, NE 68516

Re: Lot 89, Irregular Tract – Proposed Development by Broadmoor
Development
Our File No.: 18546.002

Dear Bill:

As you are aware, I am representing Broadmoor Development in connection with their proposed plans for the development of the property owned by Livingston Investments, Inc. located generally at the intersection of Highway 2 and Ashbrook Drive. This property contains approximately fifteen and one-half (15.5) acres. Broadmoor Development builds market rate, high-end multifamily housing and would propose to do so at this location.

Following our meeting with members of your Association earlier this spring, I have had the opportunity to work with my client and Olsson Associates, the project engineer. Broadmoor Development is offering to incorporate many of the comments and suggestions from members of the Association into the design of the project. I attach a conceptual site plan, prepared by Olsson Associates, which reflects many of the following proposed considerations:

1. **Side Yard Set-back.** The east side yard of the proposed development shares a boundary with the Pine Lake neighborhood. Pursuant to Table 27.72.020(a) of the Lincoln Municipal Zoning Code, the required side yard set-back for multifamily and other uses is only five feet (5'). However, at the suggestion of one of the Pine Lake members, my client will increase the side yard set-back to fifty feet (50'). Due to the grade differential, this increased side yard set-back will substantially move any development to the west and further down the slope.

2. **Landscape Plan.** The increased side yard set-back also gives my client the opportunity to increase buffering efforts. My client will incorporate a landscape plan consisting of one hundred percent (100%) landscape screen, including eight to ten foot (8-10') conifer trees and other high canopy deciduous trees. This one hundred percent (100%) landscape screen is reflected on the attached conceptual site plan.

In addition to the landscaping, my client will construct a perimeter wrought iron fence around the multifamily project. This fence is designed to inhibit pedestrian traffic to the Pine Lake neighborhood. The fence will also serve as a design amenity for the housing project. As a part of this process, we propose that a specific landscape plan would be prepared and provided to the Board of Directors of the Pine Lake Association for its review and input.

3. **Pet Policy.** At the request of the neighborhood, my client is willing to impose, for an initial three (3) year period, a policy that would prohibit tenants from owning dogs.

4. **Access Road.** We heard the biggest concern of the neighborhood was the traffic and potential access that would be required between the development and the neighborhood. Broadmoor Development would propose a multi-step solution:

a. Right-of-Way. The existing platted right-of-way reflects a connection between the Pine Lake neighborhood and this site. That road is identified as a public street called "Pine Ridge Lane". My client would support the Association's efforts to vacate the right-of-way of this connecting road.

b. Driveway Frontage Construction. In lieu of that connecting street, my client would propose to construct an access or frontage driveway to connect the multifamily site to the former Pine Lake Road right-of-way within an approximately forty foot (40') public access easement across the southern edge of the parcel owned by the Association, where the horse stables are located. This frontage driveway would be built and maintained by Broadmoor Development for as long as this property remains use as a horse stable. This frontage road would enable any resident of the apartment development that desired to travel east bound, to divert around the neighborhood and access Eiger Drive in a more direct fashion to gain access to South 84th Street. This frontage road would also assist in diverting any traffic from the Berean Church around the Pine Lake Neighborhood. This

Bill Janike
June 21, 2013
Page 3

frontage driveway would help alleviate traffic congestion by providing a route for east bound traffic and would avoid trips through the neighborhood.

As explained, the City has a policy of requiring all neighborhoods to be "connected". If the Pine Lake Association desires that we seek an alternative to the connection as currently platted for Pine Ridge Lane, we need to work together to find some solution. We believe that this frontage driveway can show compliance with the City requirements and avoid the principal concern expressed by the neighbors.

At our neighborhood meeting, we talked about a process moving forward. Broadmoor Development is in a position where it needs to proceed with the design and land use submittal to the City of Lincoln. My client commits to working with the Board of Directors or whatever subcommittee the Board selects to work through these and other issues, if the Board is so inclined.

Please let me know any response from the Board of Directors on the considerations described herein. Specifically, the frontage driveway possibility can only occur with the consent and approval of the Association. However, we believe that this design provides a viable opportunity to avoid a potential adverse traffic impact that the neighbors expressed during our meeting.

If there are any questions, please do not hesitate to contact me.

Sincerely,

Thomas C. Huston
For the Firm

Enclosure

cc: Howard Kooper (via email)
Bob Stratton (via email)
Bennie McCombs (via email)
Mark Palmer (via email)

RECEIVED

August 6, 2013

AUG 15 2013

Lincoln/Lancaster Co.
Planning Department

Thomas C. Huston
Attorney at Law
233 South 13th Street
1900 U.S. Bank Building
Lincoln, NE 68508-2095

Re: Lot 89, I.T. – Proposed Development

Dear Tom:

At its meeting of August 5, 2013, the Board of Directors of Pine Lake Association discussed your letter of June 28, 2013, regarding the proposed development of Lot 89, I.T., by Broadmoor Development. The meeting was open to members and neighbors, and the subject was discussed between the Board members and those attending the meeting.

We understand that the property must inevitably be developed at some level of urban density in accordance with its Comprehensive Plan designation. It is not the intention or desire of PLA to try to somehow retain the pristine nature of the ground. We truly appreciate the good faith efforts of your client to address some key concerns of PLA, including the rerouting of traffic around Pine Lake neighborhood by an effort to close Pine Ridge Lane, increasing setbacks and landscaping, and fencing. However, the alternative of a frontage road to Eiger Drive has its own challenges and we question whether or not such a traffic pattern would be acceptable to Southeast Rural Fire Protection District given the location of its access drive.

More importantly, however, our concern is for the overall development of the area surrounding Pine Lake. At one point in the not so distant past it was assumed that your client's property, along with other properties in the vicinity, would be developed to the same low density as Pine Lake itself. While that is no longer probable, we simply cannot support an R-4 density allowing some 215 to 225 units immediately adjacent to Pine Lake. We believe that it is out of character with the area and would place an undue burden on the roadway system. For that reason, while your proposal has appeal, we must remain in opposition to the R-4 zoning designation sought by your client for the subject property.

We would be happy to talk with you about development of the property at some lesser density level. We are certainly open to having representatives of the Board meet with you and your client if you would like to explore that possibility.

Sincerely,

William Janike


PRESIDENT
PLA

WJ:rjj

c: Brian Will, Planning Dept.

050



Application Information	
Application #	SP13043
Title	BROADMOOR ASHBROOK APARTMENTS
Associated Requests	

Planning Department Use Only	
Submission Date	8/22/2013
Review Due	9/1/2013
Project Planner	Brian Will

Review Agencies (Planning Department Use Only)

Review Agencies	<Choose Entry>	<Choose Entry>
-----------------	----------------	----------------

Development Review Manager: Steve Henrichsen (shenrichsen@lincoln.ne.gov) Remove Agency Reviewer

Lincoln Police Department: Sgt Jeri Roeder (lpd667@cjis.lincoln.ne.gov) Remove Agency Reviewer

Planning: Diana Gottschall (dgottschall@lincoln.ne.gov) Remove Agency Reviewer

LES: Merci Suarez (msuarez@les.com) Remove Agency Reviewer

School District - Lincoln: Scott Wieskamp (swieska@lps.org) Remove Agency Reviewer

Public Works: Dennis Bartels (dbartels@lincoln.ne.gov) Remove Agency Reviewer

051

Public Works: Ben Higgins (bhiggins@lincoln.ne.gov) Remove Agency Reviewer

Department of Roads - Noise: Will Packard (will.packard@nebraska.gov) Remove Agency Reviewer

United States Post Office: Kerry Kowalski (kerry.j.kowalski@usps.gov) Remove Agency Reviewer

Public Works: Buff Baker (cbaker@lincoln.ne.gov) Remove Agency Reviewer

County Health: Chris Schroeder (cschroeder@lincoln.ne.gov) Remove Agency Reviewer

Fire Department: Patrick Borer (pborer@lincoln.ne.gov) Remove Agency Reviewer

Windstream: Carl Stuart (carl.a.stuart@windstream.com) Remove Agency Reviewer

Public Works: Jared Nelson (jnelson@lincoln.ne.gov) Remove Agency Reviewer

Review Comments	
Planning	<input checked="" type="radio"/> Corrections Needed for Review <input type="radio"/> Insufficient Information for Review <input type="radio"/> Recommend Denial <input type="radio"/> Recommend Approval with Conditions <input type="radio"/> Recommend Approval <input type="radio"/> No Review Required Review 1:
Development Review Manager (Steve Henrichsen)	<input type="radio"/> Corrections Needed for Review <input type="radio"/> Insufficient Information for Review <input type="radio"/> Recommend Denial <input checked="" type="radio"/> Recommend Approval with Conditions <input type="radio"/> Recommend Approval <input type="radio"/> No Review Required Review 1:

052

<p>Lincoln Police Department (Sgt Jeri Roeder)</p>	<p> <input type="radio"/> Corrections Needed for Review <input type="radio"/> Insufficient Information for Review <input type="radio"/> Recommend Denial <input type="radio"/> Recommend Approval with Conditions <input type="radio"/> Recommend Approval <input type="radio"/> No Review Required </p> <p>Review 1:</p>	
<p>Planning (Diana Gottschall)</p>	<p> <input type="radio"/> Corrections Needed for Review <input type="radio"/> Insufficient Information for Review <input type="radio"/> Recommend Denial <input type="radio"/> Recommend Approval with Conditions <input type="radio"/> Recommend Approval <input type="radio"/> No Review Required </p> <p>Review 1:</p>	
<p>LES (Merci Suarez)</p>	<p> <input type="radio"/> Corrections Needed for Review <input type="radio"/> Insufficient Information for Review <input type="radio"/> Recommend Denial <input checked="" type="radio"/> Recommend Approval with Conditions <input type="radio"/> Recommend Approval <input type="radio"/> No Review Required </p> <p>Review 1: Please reference the uploaded Sheet 1 of 2 with redlined information. Blanket utility excluding building envelopes shown in the Broadmoor Ashbrook Apartment CUP site plan. 8/29/13</p>	
<p>School District - Lincoln (Scott Wieskamp)</p>	<p> <input type="radio"/> Corrections Needed for Review <input type="radio"/> Insufficient Information for Review <input type="radio"/> Recommend Denial <input type="radio"/> Recommend Approval with Conditions <input type="radio"/> Recommend Approval <input type="radio"/> No Review Required </p> <p>Review 1:</p>	
<p>Public Works (Dennis Bartels)</p>	<p> <input type="radio"/> Corrections Needed for Review <input type="radio"/> Insufficient Information for Review <input type="radio"/> Recommend Denial <input checked="" type="radio"/> Recommend Approval with Conditions <input type="radio"/> Recommend Approval <input type="radio"/> No Review Required </p> <p>Review 1: Revise the public water main shown. The existing water main in Ashbrook is 12" diameter and the extension needs to be 12". The water main needs to be extended to connect to the existing 24" main in Pine Lake Road or in Highway 2. Consultation with Lincoln Water will be needed to determine the route. The plans show grading and filling in the limits of the dam breach inundation area. Approval from the state is likely needed for this infringement and may require calculations to prove that the fill does not effect the boundary of the area. The angles of the driveways as they approach Ashbrook drive are not satisfactory. They must be designed to provide 15 feet minimum site penetration behind the sidewalk that is at approximately a right angle to the centerline of the street. The application discusses a potential driveway from this site to Eiger Drive. An aerial photo with the driveway shown is attached. This photo appear to show a portion of the driveway in the Highway 2 ROW for a portion of its route. The drive needs to be entirely within private property. Public Works recommends this driveway be built with this project if the proposed street vacation of Pine Ridge Lane is to be approved.</p>	
<p>Public Works (Ben Higgins)</p>	<p> <input type="radio"/> Corrections Needed for Review <input type="radio"/> Insufficient Information for Review <input type="radio"/> Recommend Denial <input type="radio"/> Recommend Approval with Conditions <input type="radio"/> Recommend Approval <input type="radio"/> No Review Required </p> <p>Review 1:</p>	
	<p> <input type="radio"/> Corrections Needed for Review <input type="radio"/> Insufficient Information for Review <input type="radio"/> Recommend Denial <input checked="" type="radio"/> Recommend Approval with Conditions <input type="radio"/> Recommend Approval <input type="radio"/> No Review Required </p>	

<p>Department of Roads - Noise (Will Packard)</p>	<p>Approval No Review Required</p> <p>Review 1: The setbacks from the roadway to a place of frequent human use seem to be beyond the range for noise impacts in the future. If building plans or zoning plans change, NDOR would like to be informed of these changes to properly assess for possible noise impacts.</p>	
<p>United States Post Office (Kerry Kowalski)</p>	<p><input type="radio"/> Corrections Needed for Review <input type="radio"/> Insufficient Information for Review <input type="radio"/> Recommend Denial <input checked="" type="radio"/> Recommend Approval with Conditions <input type="radio"/> Recommend Approval <input type="radio"/> No Review Required</p> <p>Review 1: Recommend approval with the condition that all new deliveries are established in Centralized Box Units(CBUs), which will purchased and installed at the developers expense a placed in a location mutually agreed upon by the US Postal Service and the developer.</p>	
<p>Public Works (Buff Baker)</p>	<p><input type="radio"/> Corrections Needed for Review <input type="radio"/> Insufficient Information for Review <input type="radio"/> Recommend Denial <input checked="" type="radio"/> Recommend Approval with Conditions <input type="radio"/> Recommend Approval <input type="radio"/> No Review Required</p> <p>Review 1: Public Works has concerns on the circular drive access. Driveways are normally required to be 90 degrees to the street to provide vehicle and pedestrian safety. Provide information for sight distances and vehicle drive paths along with landscaping to determine acceptance of this sight plan.</p>	
<p>County Health (Chris Schroeder)</p>	<p><input type="radio"/> Corrections Needed for Review <input type="radio"/> Insufficient Information for Review <input type="radio"/> Recommend Denial <input type="radio"/> Recommend Approval with Conditions <input checked="" type="radio"/> Recommend Approval <input type="radio"/> No Review Required</p> <p>Review 1: The Lincoln-Lancaster County Health Department encourages the applicant to consider noise pollution from traffic on Highway 2. While Lincoln Municipal Code (LMC) 8.24 Noise Control Ordinance does not specifically regulate noise from public roadways, it does provide guidance for what are acceptable noise levels for residential zoning. Table 1. Sound Levels by Receiving Land Use in LMC 8.24 can be used for this purpose in consultation with an acoustical engineer. In addition, site design may be used to create additional front yard setback from Highway 2 that should provide a reduction in noise levels.</p> <p>Developers are responsible for all mosquito control issues during the building process and all outlots, green-spaces, and/or natural corridors subsequently controlled by the owner, tenant, occupant, lessee, or otherwise, for that subdivision would be responsible for vectors of zoonotic disease in those areas.</p> <p>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.</p> <p>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.</p>	
<p>Fire Department (Patrick Borer)</p>	<p><input type="radio"/> Corrections Needed for Review <input type="radio"/> Insufficient Information for Review <input type="radio"/> Recommend Denial <input type="radio"/> Recommend Approval with Conditions <input checked="" type="radio"/> Recommend Approval <input type="radio"/> No Review Required</p>	

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	<p>Review 1: Lincoln Fire and Rescue recommends approval of this application</p>	
<p>Windstream (Carl Stuart)</p>	<p> <input type="radio"/> Corrections Needed for Review <input type="radio"/> Insufficient Information for Review <input type="radio"/> Recommend Denial <input type="radio"/> Recommend Approval with Conditions <input type="radio"/> Recommend Approval <input type="radio"/> No Review Required </p> <p>Review 1:</p>	
<p>Public Works (Jared Nelson)</p>	<p> <input type="radio"/> Corrections Needed for Review <input type="radio"/> Insufficient Information for Review <input type="radio"/> Recommend Denial <input type="radio"/> Recommend Approval with Conditions <input type="radio"/> Recommend Approval <input type="radio"/> No Review Required </p> <p>Review 1:</p> <ol style="list-style-type: none"> 1. Apartment Buildings and detention cell are shown as fill in the dam inundation area, which is a concern. Please revise plans or provide a letter from the Department of Natural Resources stating that they have reviewed the plans; there is no adverse impact (from fill); and they are okay with the grading, fill, and excavation. Also, the DNR will need to review the actual configuration and grading of the proposed buildings and detention cell B, and not something conceptual. 2. The details of the detention pond (i.e. grading, elevations, layout) need to be finalized and not shown as conceptual. Also remove note 30. 3. Add 100-yr water surface elev for the detention pond tables. 4. Detention Cells need a minimum of 2% slope at the bottom. 5. The minimum or lowest floor elevation needs to be 1 FT above the BFE or the dam inundation elevation, whichever is greater. Revise note 26 and note 27. Also add table for lowest floor elevations and also minimum opening elevations (based on detention). 6. Runoff coefficients for 10 & 100 yr storms appear too low based on the proposed impervious area. 7. The drainage report states this is not in a New Growth Area, but our records show that it is. Therefore information is needed to show there is no adverse impact to the floodplain and dam inundation area. Also, revise Note 19 and the drainage report as such. 8. The entire site (including the dam inundation area) appears to be one lot, so Note 13 needs to be revised to restrict construction in dam inundation area and floodplain. Additionally, a building restriction agreement is required. 9. Provide an easement for the Minimum Flood Corridor. 10. Show cross sections and elevations for the 100yr FEMA floodplain on grading & drainage sheet. 11. Show elevations of the dam breach analysis in the drainage report. 	

Brian Will

From: Jared L. Nelson
Sent: Wednesday, September 04, 2013 12:15 PM
To: Brian Will
Subject: Broadmoor apts

Brian,

Two additional comments from Watershed that didn't get put in project Dox:

1. Detention Side slopes appear to be 3:1. They need to be 4:1.
2. While it's not a requirement, it is recommended that an easement be placed over the dam inundation area.

Thanks,
Jared

056

MOTION TO AMEND

I hereby move to amend the Conditions of Approval for Special Permit #13043 - Broadmoor Ashbrook Apartments Community Unit Plan (CUP) as follows:

A. Section 1.1.4 shall be deleted in its entirety and replaced with the following:

Add a general note which states "Sidewalk and road extension of Pine Ridge Lane is waived provided that the Permittee is responsible for the construction of the driveway (with a sidewalk) to Eiger Drive if an access easement across Lot 42, Pine Lake Addition ("Lot 42") is obtained. If the owner of Lot 42 refuses to grant the access easement, the obligation to construct the driveway expires upon the 10th anniversary of this special permit. The obligation of the Permittee to construct this driveway is contingent upon Lot 42 being used as open space. If Lot 42 is approved for additional development, then the Permittee is only responsible for the construction of the driveway on the project site for which this CUP is approved."

From: Jean Preister
Sent: Thursday, September 19, 2013 11:28 AM
Cc: Marvin S. Krout; Steve S. Henrichsen; Brian Will; Dennis D. Bartels; Randy W. Hoskins; Miki Esposito; 'Mark Palmer'; 'Thomas C. Huston'; 'silkzazz@windstream.net'; 'bstratton@broadmoor.com'; Rick R. Peo
Subject: AN13004, CZ13020, SP13043, Broadmoor Ashbrook Apartments CUP, Ashbrook Drive & Hwy 2

TO: Planning Commission Members

The information below is from Randy Hoskins, Assistant City Engineer, in response to an inquiry from Commissioner Beecham about the possible signalization of the intersection of Ashbrook Drive and Pine Lake Road with Highway 2. Several of the letters from neighbors in opposition to the proposed apartment development at this intersection suggested that a traffic signal would be important to controlling traffic flow (CZ13020 and SP13043, scheduled for public hearing on October 2).

Subject: RE: Signalizing the intersection of Highway 2/Pine Lake Road/Ashbrook Drive

The Federal Manual on Uniform Traffic Control Devices lists 9 warrants for when a traffic signal can be installed. Any one of those warrants being met is justification for installing a traffic signal, though meeting a warrant does not require a traffic signal to be installed. The warrants look at traffic volumes, pedestrian volumes, school crossings, crashes and other factors.

<http://mutcd.fhwa.dot.gov/htm/2009/part4/part4c.htm>

Highway 2 carries a sufficient volume of traffic that the necessary volume warrants are met for it. That means that the side street (Pine Lake Road in this case) must then meet the minimum volumes to justify the installation of a traffic signal. While I'm not sure when the last time we counted traffic at this intersection was, my sense is that there is not sufficient crossing traffic to meet the warrants. This intersection is a good candidate for a future signal, as we have tried to maintain roughly half mile spacing of signals along the Highway 2 corridor, and this is approximately the half mile point between 70th and 84th Street.

In looking at national averages, we would expect this apartment complex to generate about 90 peak hour trips, or about 1.5 trips every minute. Even if half of the trips went north and half went south, that increase in traffic will be difficult to discern over existing volumes.

Olsson and Associates has been hired by the developer to provide a Traffic Impact Study for this development. We will be meeting with one of their traffic engineers next week to discuss this traffic situation. I would anticipate that Olssons will count traffic at the Hwy2 and Pine Lake Road intersection as part of the study. When that information is available, we will be able to determine the likelihood of the additional traffic causing the intersection to meet traffic signal warrants.

Randy Hoskins, P.E.
Assistant City Engineer

058

From: Sue Marcelino [smarcel0954@hotmail.com]
Sent: Tuesday, September 17, 2013 10:54 AM
To: Jean Preister
Subject: PROJECT # CZ13020 (ZONING CHANGE) & SPECIAL PERMIT13043

RE: Project number CZ13020 (zoning change) and Special Permit 13043

This letter is being written for review regarding the zoning change and special permit requested for the Broadmoor Ashbrook Apartment Community.

We recently built and moved into a custom townhome in December, 2012, developed & built by Pat Mooberry/Caseyco. We live at 6430 Ashbrook Drive and are one of the Edenton Woods residents whose property backs up to the Protected Wetlands area. The trees from this woodland actually grow over our property and cover a generous part of our backyard.

Obviously, this was one of the main reasons we selected our lot due to the privacy and beauty of the natural landscape behind us. We were told that the area behind could not and would not ever be built due to the status of the protected wetlands where we have seen a large variety of wildlife who make this area their habitat.

We are very concerned as are the majority of our neighbors who back up directly to the wetland area that our view and privacy will be seriously compromised. In as much as we would prefer to see similar residential units to ours on the other side of the woodlands, having seen the recommendations for approval of an apartment complex, that seems unlikely at this point. Please consider the following as I believe the following suggestions are extremely relevant and should be reviewed and taken into consideration.

1. The apartment complex needs to be a PET FREE community for the health of the residents, the neighborhood and our city. We lived in one of Lincoln's most expensive and newer pet friendly apartment complex for 5 months during our building process. The complex backed up to a large common ground that bordered a draw of trees with townhomes on the other side. Apartment residents in this community paid an extremely high rent and were offered pet waste stations at several locations and dog runs for their pets to use. However, they simply did not clean up after their pets and on a multi-daily basis we found pet waste left on sidewalks, walkways, in the grass, fields and commons areas. This waste was being washed away and ending up in our city's wastewater system. It was extremely unsightly and unhealthy to both human and canine residents. It was necessary for us to contact the City Health Department regarding the issue on more than one occasion to investigate the situation.

Due to the location of the proposed apartment complex bordering an environmental habitat with wetlands it is imperative that the apartments do not allow pets and end up with a situation that we experienced. The management even threatened to fine offenders, but the signs were either removed or defaced. Residents paying in excess of \$1,000 per month for rent appeared to feel that they had the right to let their pets exercise anywhere they wanted and leave their waste for someone else to deal with. Unfortunately, we believe the more open land and nature around an apartment complex, the more residents will take advantage of the space and disregard the health issues involved in neglecting the removal of their pet's waste.

2. Plant a natural landscape border to blend into the existing wetland area using trees that offer year round foliage. Please plan to plant additional trees, especially considering evergreen and pine trees to help block the view when the trees have lost all their leaves. In the winter months, the wooded wetland area drops nearly all its foliage and the area where the apartments will be built will be in plain view. Most of the trees in the wetlands are

ash, oak or cottonwood with no leaves over the winter months. (November to March - nearly half the year). If large pine trees could be planted on the edge of the apartment land close to the existing wetland area, this would be a very welcome gesture on the part of the developer and offer an appropriate buffer to the view of a 40' multi-building apartment complex. We appreciate and thank you for considering this request very seriously.

3. **If at all possible, please continue to research another option for exit traffic** as Ashbrook Drive is currently a quiet street with a curve that can hinder heavy traffic if traveling at a higher speed. There has been several incidents in the winter months on the slick curve where mailboxes have been struck by cars sliding out of control on the icy roads.

Placement of a traffic light at Ashbrook Drive and Highway 2 will be absolutely necessary to handle the additional traffic. Currently it is nearly impossible to turn left at the intersection with semi trailers traveling in both directions at excess speeds in addition to a very heavy traffic pattern. The traffic light would encourage apartment residents to use the highway going in both directions and create a much needed safety issue both on Ashbrook Drive and on Highway 2.

Thank you very much for your consideration of our input and suggestions. Feel free to contact us if you have any questions.

Sue & Steve Marcelino
6430 Ashbrook Drive
Lincoln, NE 68516
402-890-1650
smarcel0954@hotmail.com