

FACTSHEET

TITLE: STREET & ALLEY VACATION NO. 06007

BOARD/COMMITTEE: Planning Commission

APPLICANT: Pine Lake Association and Jay and Patrice Niebur

RECOMMENDATION: A finding of conformance with the Comprehensive Plan (9-0: Cornelius, Scheer, Beecham, Harris, Weber, Hove, Corr, Sunderman and Lust voting 'yes').

STAFF RECOMMENDATION: A finding of conformance with the Comprehensive Plan.

OTHER DEPARTMENTS AFFECTED: None.

SPONSOR: Planning Department

OPPONENTS: None.

REASON FOR LEGISLATION:

To vacate Pine Ridge Lane in the Pine Lake Community Unit Plan, generally located on the west side of Westshore Drive, halfway between Northshore Drive and Eiger Drive.

DISCUSSION / FINDINGS OF FACT:

1. This petition to vacate was originally submitted in 2006, but was placed on hold until September, 2013, when the application for the Broadmoor Ashbrook Apartments CUP for development of the property to the west was submitted.
2. The staff recommended that the street vacation be approved if Special Permit No. 13043 for the Broadmoor Ashbrook Apartments CUP is approved because that proposed development provides additional street connections; however, if that special permit is denied, the staff recommended that this street vacation also be denied as the street may be desirable as part of an alternate development plan (See staff "Analysis" and "Conclusion" on page 2-4). The staff presentations are found on p.5 and 8.
3. The applicant's testimony is found on p.5 and 8. Testimony in support is found on p.6, and the record consists of one letter in support (p.18-19).
4. There was no testimony in opposition.
5. On October 2, 2013, the majority of the Planning Commission voted to deny the Broadmoor Ashbrook CUP; that CUP was revised and appealed to the City Council; and on March 10, 2014, the City Council adopted Resolution No. A-88133 approving Broadmoor Ashbrook CUP, as revised, which provides sufficient street connections without any connection to Pine Ridge Lane.
6. On March 19, 2014, the Planning Commission voted 9-0 to find the vacation of Pine Ridge Lane to be in conformance with the Comprehensive Plan.
7. The appraisal by Clint Thomas of the Housing Rehab & Real Estate Division of the Urban Development Department is found on p.20, recommending that the vacated property be sold to the abutting property owners.
8. The petitioners have paid the funds for the vacated right-of-way to the City Clerk, thus the requirements of Chapter 14.20 of the Lincoln Municipal Code have been satisfied.

FACTSHEET PREPARED BY: Jean Preister, Administrative Officer

DATE: May 21, 2014

REVIEWED BY: Marvin Krout, Director of Planning

DATE: May 21, 2014

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for September 18 2013 PLANNING COMMISSION MEETING

GENERAL INFORMATION:

- PROJECT #:** Street and Alley Vacation No. 06007
- PROPOSAL:** Vacate Pine Ridge Lane in the Pine Lake Community Unit Plan (CUP)
- LOCATION:** On the west side of Westshore Drive, halfway between Northshore Drive and Eiger Drive
- CONCLUSION:** The subject right-of-way stub was dedicated in 1961 as part of the original Pine Lake Addition final plat, consistent with the approved preliminary plat. At the time it was approved, the development was surrounded by acreages and undeveloped farm land. The plat was required to show several street connections extended to the boundary of the development, much the same as would be required today to help create a system of interconnected streets. As the surrounding areas have developed two such street connections have been made, one at Northshore Drive to the west, and one at South 80th Street to the north. This request was reviewed in the context of the apartment development proposed by Special Permit #13043 and if the apartment complex is approved, then the street extension could be removed considering the site plan proposed with that request. However, the special permit is denied, then this vacation request should also be denied as the street may be desirable as part of an alternate development plan.

GENERAL INFORMATION:

LEGAL DESCRIPTION: All of Pine Ridge Lane west of Westshore Drive, Pine Lake Addition, located in the SE 1/4, Section 15-9-7, Lancaster County, Nebraska.

SURROUNDING LAND USE AND ZONING:

North:	Open space	AGR
South:	Residential	AGR
East:	Residential	AGR
West:	Vacant	AGR

ANALYSIS:

1. This is a request from the two abutting property owners to vacate all of Pine Ridge Lane from the west line of Westshore Drive to the boundary of the development.
2. This petition was originally submitted in 2006, but was put on hold until now. At the time of submittal, the Planning Department suggested that it was premature to consider vacating the right-of-way without knowing what was planned for the 16-acre, undeveloped tract adjacent to the west. With the submittal of the applications proposing the Broadmoor Ashbrook Apartments community unit plan on the lot to the west, the Planning Department recommended the application be brought forward now so it could be considered at the same time as the Broadmoor development requests.
3. The stub street was originally dedicated with the final plat of Pine Lake Addition approved in 1961, and is approximately 180' in length. At the time the plat was approved, the development was surrounded by acreages and farm land. But similar to today, the Pine Lake CUP was required to show several street connections to the boundary of the development. The rationale being that as surrounding properties developed, those street connections would help create an interconnected local street network.
4. The street was never constructed, but there is a driveway located in the right-of-way. It is used to access the horse stable located at the southwest corner of the Pine Lake CUP, directly behind the Southeast Rural Fire District #1 fire station. It should be noted that if the right-of-way is vacated, the public no longer has the right of access over the area. Additionally, it appears the horse stable driveway encroaches onto both the neighboring property to the west, and the neighboring lot in the Pine Lake development located on the south side of Pine Ridge Lane. In such cases, an access easement is the conventional way to grant the right of access to persons other than owners of the land involved. The horse stable outlot fronts onto the Eiger Drive right-of-way, and technically has a point of legal access which does not require an easement from another property owner. A driveway permit approved by the Public Works and Utilities Department would be required to take access at that point.
5. The Planning Department recommended this application be placed on the Planning Commission agenda at this time due to the submittal of the requests to develop apartments on the adjacent 16-acre parcel of land. The proposal for the apartment complex show a site plan which does not provide for the extension of Pine Ridge Lane due to topographical constraints. That is, there is a change in grade of over 15' from the end of the right-of-way stub to the proposed floor elevation of the nearest apartment building over a distance of only approximately 70', making the extension of Pine Ridge Lane impractical with the proposed plan. However, there are potential alternate development scenarios where the street connection could make sense, and for that reason a condition is being added making this request contingent upon the approval of the associated apartment complex applications.

6. As part of the vacation process, utility easements are automatically retained to allow continued maintenance, construction and operation of facilities. In this case however, the utility providers, including electric, gas and telephone, note there are none located in the area to be vacated.
7. Vacating this right-of-way stub will facilitate better use of the adjacent lots, and will free-up otherwise unusable land for use by the adjacent owners. However, if the apartment plan proposed for the adjacent property is not approved, good use of the right-of-way stub may be possible under some alternate development plan which incorporates vehicular and/or pedestrian access in the area to be vacated. There are positive aspects to facilitating such access, and the option should be kept open should the apartment plan not be approved.
8. Lincoln Municipal Code Chapter 14.20 requires the City to establish the proper price to be paid for the right-of-way, as well as any amounts necessary to guarantee required reconstruction within the right-of-way. These values must be established and deposited with the City Clerk prior to scheduling the vacation request with the City Council.

CONDITIONS

1. Before this request is scheduled on the City Council agenda, the provisions of Chapter 14.20 of the Lincoln Municipal Code are met.
2. Before this request is approved by the City Council, AN#13004, CZ#13020, and SP#13043 are approved.

Prepared by:
Brian Will, 441-6362, bwill@lincoln.ne.gov

September 4, 2013

PETITIONERS:	Bill Janike, President Pine Lake Association PO Box 6563 Lincoln, NE 68506 402-489-6779	Jay and Patrice Niebur 6421 Westshore Drive Lincoln, NE 68516
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STREET & ALLEY VACATION NO. 06007

PUBLIC HEARING BEFORE PLANNING COMMISSION:

October 2, 2013

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

Staff recommendation: Revised from a finding of conformance with the Comprehensive Plan to denial as a result of the Planning Commission denying the previous Change of Zone 13020 and Special Permit No. 13043.

There were no ex parte communications disclosed.

Staff presentation: **Brian Will of Planning staff** explained that Pine Ridge Lane is the street stub coming into the east edge of the proposed Broadmoor Ashbrook apartments Community Unit Plan (Special Permit No. 13043). It is platted as public right-of-way so the only way to get rid of it is to vacate it. Based upon the Broadmoor applications, the staff was in support of the street vacation; however, it was based on the approval of Broadmoor. Given that has been denied, the staff now modifies that recommendation to denial.

Proponents

1. **Bill Austin** and **Bill Janike**, appeared on behalf of **Pine Lake Association**, the applicant for the request to vacate the stub street, Pine Ridge Lane. Austin advised that the Pine Lake Association made this application in 2006 and it has been dormant since then. It was reactivated at the request of the Planning staff when the Broadmoor proposal came forward. This street should not be developed by anyone. There is sufficient connectivity between the potential uses. Pine Lake does not believe there is appropriate reason to have any more connectivity. Pine Ridge Lane would come right onto the rural cross section road that crosses the dam, and that road needs no more traffic. Pine Ridge Lane would not help anyone get into the Pine Lake area. There is some uniqueness about Pine Lake and there is no need for the connectivity.

Lust asked if Pine Lake would consider a deferral of this vacation until we see what might occur on the adjoining property. **Bill Janike**, 6601 Perry Circle, President of **Pine Lake Association**, stated that he could not speak on behalf of the Association, but he personally would not oppose a delay of making that decision. Austin agreed that it is not a burning issue at this time. Janike wanted to keep these issues separate. He does not believe the Broadmoor developer wanted to come through that area anyway.

Marvin Krout, Director of Planning, suggested that in this case, the Commission could defer for a longer period of time with the applicant's consent, which is the basis for how long we can wait. Eight weeks might give the Broadmoor applicant some time to reconsider their position on the change of zone and CUP.

Austin agreed to an eight-week delay.

Support

1. Pam Gannon, 6501 Eastshore Drive, testified in support. She signed the petition to vacate in 2006. At that time of annexation, Pine Lake was told that they had to have two points of connectivity so that they are connected to the neighborhoods. With the lay of the land, the steep change of grade to go down into the Livingston property and the fact that Pine Ridge Lane would not provide any more connectivity than they already have, she does not believe Pine Ridge Lane is needed. It is just redundant – just access to the Stables.

2. Nick Cusick, 6400 Westshore Drive, would be the resident where the headlights would be shining into his house. He is in favor of an 8-week delay because we want to show good faith and willingness to work with the developer to give enough time to come back with Plan B because clearly we would like to see that property developed sometime.

3. Bob Olson, 8001 Dougan Circle, testified in support. He pointed out that Pine Ridge Lane is a gravel road at this time, hooking around the trees to the left to the stables. Vacating it only make sense because it will be a dead-end road. Or, if you open it up and make it a legitimate road, it needs to be a street that goes clear over the hill and down to Ashbrook Drive right through the middle of the apartment complex. He would rather do away with the question and have it vacated. Otherwise, it becomes the driveway for the apartment dwellers into the Pine Lake neighborhood.

There was no testimony in opposition.

ACTION BY PLANNING COMMISSION:

October 2, 2013

Cornelius moved to defer 8 weeks, with continued public hearing and action scheduled for Wednesday, November 27, 2013, seconded by Sunderman.

Lust stated that she will support the motion to defer. There is probably still going to be development of some kind on the adjoining property and she would rather wait 8 weeks to see the results of what will be developed on the Broadmoor property before making a decision on the vacation.

Motion to defer until November 27, 2013, carried 7-0: Corr, Beecham, Scheer, Hove, Sunderman, Cornelius and Lust voting 'yes'; Weber absent.

CONT'D PUBLIC HEARING BEFORE PLANNING COMMISSION:

November 27, 2013

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

The Clerk announced that the applicant has requested an additional eight-week deferral.

Sunderman moved to defer, with continued public hearing and action scheduled for Wednesday, January 22, 2014, seconded by Beecham and carried 6-0: Beecham, Corr, Harris, Hove, Sunderman and Weber voting yes; Lust, Cornelius and Weber absent.

There was no public testimony.

CONT'D PUBLIC HEARING BEFORE PLANNING COMMISSION:

January 22, 2014

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

The Clerk announced that the applicant has submitted a request for an additional deferral of the continued public hearing until February 19, 2014.

Cornelius moved to defer, with continued public hearing and action scheduled for Wednesday, February 19, 2014, seconded by Corr and carried 8-0: Scheer, Harris, Beecham, Corr, Weber, Sunderman, Cornelius and Lust voting 'yes'; Hove absent.

There was no public testimony.

CONT'D PUBLIC HEARING BEFORE PLANNING COMMISSION:

February 19, 2014

Members present: Cornelius, Harris, Sunderman, Beecham, Weber, Hove, Corr and Lust (Scheer absent).

The Clerk announced that the applicant has submitted a request for an additional four-week deferral.

Cornelius moved to defer, with continued public hearing and action scheduled for March 19, 2014, seconded by Weber and carried 8-0: Cornelius, Harris, Sunderman, Beecham, Weber, Hove, Corr and Lust voting 'yes'; Scheer absent.

There was no public testimony.

CONT'D PUBLIC HEARING BEFORE PLANNING COMMISSION:

March 19, 2014

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

Staff recommendation: A finding of conformance with the Comprehensive Plan.

There were no ex parte communications disclosed.

Staff presentation: **Brian Will of Planning staff** pointed out that this application came up several months ago at the same time as the Broadmoor Ashbrook Apartments Community Unit Plan. The Planning Commission did not support that special permit and, as a result, the Planning Department recommended that this request to vacate be delayed until the City Council took action on the special permit. That special permit was ultimately approved by the City Council, and with that approval, the staff is recommending approval of the proposed street vacation.

Support

1. **Colin Mues** of the Baylor Evnen Law Firm, appeared on behalf of Pine Lake Association to answer any questions. There were none.

There was no testimony in opposition.

ACTION BY PLANNING COMMISSION:

March 19, 2014

Scheer moved to approve a finding of conformance with the Comprehensive Plan, seconded by Cornelius.

Lust observed that the deferral process worked out nicely in this case and it is time for this to move forward.

Motion for a finding of conformance with the Comprehensive Plan carried 9-0: Cornelius, Scheer, Beecham, Harris, Weber, Hove, Corr, Sunderman and Lust voting 'yes'. This is a recommendation to the City Council.



2010 aerial

Street and Alley Vacation #: SAV06007
Pine Ridge Ln

Zoning:

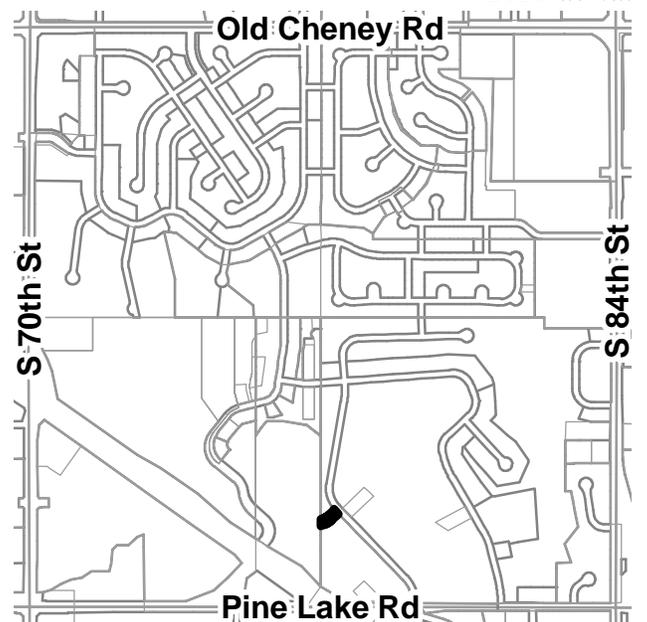
- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial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

Area of Application

Zoning Jurisdiction Lines

Lancaster County Jurisdiction



PINE LAKE ADDITION

A Subdivision of the SE 1/4

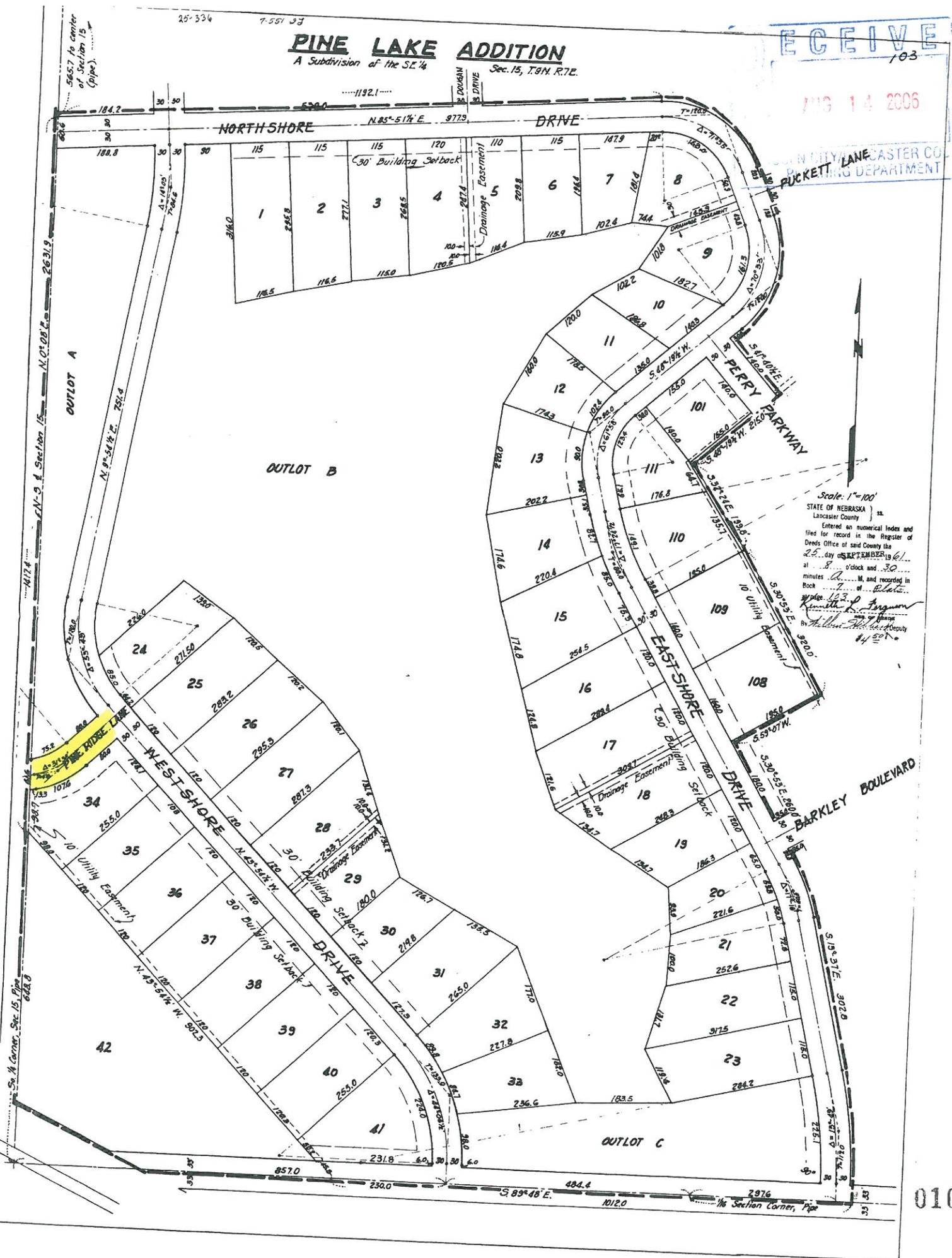
Sec. 15, T.9N. R.7E.

RECEIVED

103

MAY 14 2006

CITY OF LANCASTER CO. ENGINEERING DEPARTMENT



Scale: 1"=100'
STATE OF NEBRASKA) ss.
Lancaster County)
Entered an numerical index and
filed for record in the Register of
Deeds Office of said County the
25. day of SEPTEMBER 19 61.
at 8. o'clock and 30.
minutes A. M. and recorded in
Book 7. of Plat.
page 123. P. Ferguson
County Engineer
By William H. H. Deputy
4/507

RECEIVED

SEP 9 - 2013

Lincoln/Lancaster Co.
Planning Department

ERICKSON | SEDERSTROM

ATTORNEYS AT LAW

301 So. 13th STREET, SUITE 400
LINCOLN, NEBRASKA 68508
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WILLIAM F. AUSTIN

austin@eslaw.com

September 6, 2013

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

Re: Vacation of Pine Ridge Lane

Dear Marvin:

I am transmitting herewith the following documents in support of the request to vacate Pine Ridge Lane as it lies west of Westshore Drive in Pine Lake Addition:

- Planning Department Application Request Form to vacate Pine Ridge Lane.
- Petition to Vacate Public Way signed by Pine Lake Association.
- Associated Information Sheet for Pine Lake Association.
- Petition to Vacate Public Way signed by Jay D. and Patrice A. Niebur.
- Associated Information Sheet for the Nieburs.

I believe these two petitions represent 100% of the abutting ownership.

This is a revival of a requested vacation that was filed in 2006 and was tabled. For that reason, I am unsure whether we need to submit a new fee of \$165, or whether that fee has been previously paid. If so, I would request that the Petitioners be given credit for the earlier payment. Otherwise, please let me know and I will pay the fee.

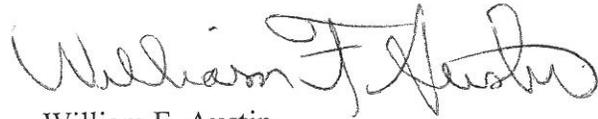
As you may know, the idea of vacating Pine Ridge Lane comes up again because of the requested development of Lot 89 in the Southwest Quarter of Section 15, Township 9, Range 7 East currently owned by Livingstone Investments, Inc. A proposal has been submitted by Broadmoor Development for a Community Unit Plan consisting of some 219 dwelling units and requesting a change of zone to R-4 Residential to support that development. The proposal, as submitted, suggests that Pine Ridge Lane should be vacated and an alternate access point be provided through other Pine Lake Association property to Eiger Drive. Pine Lake Association, while favoring the vacation of Pine Ridge Lane, is not in favor of developing Lot 89 to R-4 density.

Mr. Marvin Krout, Planning Director
Page 2
September 6, 2013

Pine Lake Association does not believe that these two issues should be linked and does not want the continuing desire to vacate Pine Ridge Lane to be in any way considered an endorsement of the proposed Broadmoor development.

I thank you in advance for your consideration. If anything further is needed, please feel free to contact me at (402) 476-1000 (e-mail at waustin@eslaw.com) or Bill Janike at (402) 489-6779 (e-mail at njanike@hotmail.com).

Sincerely,

A handwritten signature in cursive script that reads "William F. Austin".

William F. Austin

WFA:rlh
Enclosures
By Hand Delivery
c: Brian Will
Bill Janike
Jay D. and Patrice A. Niebur

Minutes of the Monthly Meeting of the Pine Lake Association Board of Directors

July 13, 2006



The Pine Lake Association Board of Directors' monthly meeting began at 7:38 p.m. Board members in attendance: Jennifer Rawlinson, Pam Gannon, Ron Theis, and Stan Peters. Residents in attendance: Jay Niebur, Steve Flanders, Brenda & Larry Zitek, Tom Calvert, Jolene Gee, and Joan & Neal Westphal. Non-residents in attendance: Don Wesely and Bob Downey.

Special Presentation

Attorney Don Wesely and Bob Downey, Executive Director of the Capitol Humane Society (CHS), attended the meeting to discuss the Livingston-owned property west of Pine Lake, which is 15.5 acres, four of which is wetlands. The Livingstons and Downey have developed a concept of a series of pet-centered services and additional commercial development for the property. Bob mentioned his initial goal of moving the Capitol Humane Society to a campus where CHS would have a 30,000 sq. ft. one-story building for the adoption program and expanded services and the City of Lincoln would build a 10,000 sq. ft. building for impounded animals. At the same location, other types of business, some animal-related such as a vet clinic, pet groomer, and pet supply store, and some non-animal related such as a Starbucks coffee shop and Valentino's restaurant would create traffic for the animal shelter. Bob said that the CHS facility would be enclosed to limit barking noise and a hiking trail would be built for volunteers to exercise dogs on leashes. An architect from Boulder, Colorado, who specializes in animal shelters and vet clinics has been contacted for design ideas. A new, modern crematorium would be onsite. The crematorium generates revenue but does not produce emissions or odors and is inspected annually. Dumpsters for animal waste would be designed in a corner room similar to a garage. According to Downey, the Capitol Humane Society takes in about 10,000 animals per year and 60% are euthanized, usually because of space issues. Their current building is 24,000 sq. ft., but over 70% is used for impoundment instead of adoption. Additional goals for the new facility include increased adoptions, spay/neuter clinics, educational programs, vocational rehab programs, internships, and expanded vet services. The Livingston's property is zoned AGR (agricultural/residential), which is not likely to be suitable for this type of development. Don said they had talked to the City Planning Department about a Planned Unit Development (PUD) that would allow flexibility for two types of uses. According to Wesely, the current AGR zoning may perhaps accommodate the CHS use, but a different type of zoning would be needed for the additional commercial use. Wesely offered that restrictions could be placed on the development to insure Pine Lake's support, but those in attendance commented on previous agreements regarding developments in the Pine Lake vicinity that were not followed through on.

Several additional questions were asked of Don Wesely and Bob Downey. They responded to a question about the entrance to the property that the City Planning Department would decide that. Jo Gee asked if Livingstons were donating the land to the Capitol Humane Society and, no, Bob said they have been offered a standard 40-50 year land lease. The existing Pine Lake Stables facility was mentioned as a possible partnership opportunity that would allow CHS to use a couple of stalls for horses that enter their program. Intensive screening along the area and fencing along the dam were suggested. Pine Ridge Lane was mentioned; Wesely stated the Planning Department said the need for that street would be less likely if the area was commercial versus residential. Low intensity lighting, off-building instead of on poles, was requested. Ron Theis and Jolene Gee inquired about the relationship between the commercial development and the Capitol Humane Society relocation. Wesely responded that, due to the high value of the property, Livingston would not allow the CHS development without the commercial development. Regarding the value of the land, Don said the assessed value will go to \$600,000 from \$12,000 but that's not close to what it could sell for. He also explained that the size of the CHS building would require 3-4 acres, the proposed City building 1-2 acres, 5 acres are wetlands, so only 5-6 acres would be available for retail stores. One resident surmised the retail would be a small strip mall. There was specific opposition to any type of

restaurant stated. Stan Peters distributed a list of current CHS neighbors and requested it be included with the minutes so that Pine Lake residents could contact them. Wesely said, "Not a bad idea," when he was asked if Police Chief Casady needed another police substation. How would Pine Lake residents go about giving input on commercial, Don was asked. He suggested a committee to work with them and include the Livingstons. There was discussion of how to create a legally binding agreement, and an agreement similar to the side agreement Pine Lake has with Hampton was mentioned. Those in attendance were reminded of many broken promises by those developing around the Pine Lake neighborhood. If the land remains zoned as AGR, Don was asked, does it preclude CHS from locating there? Don stated that, without the commercial development, Livingston would never sell [lease] the land to CHS. The timeline was summarized as continue discussions with neighbors within the next few weeks, it will take a month or two to put together a plan, two months at City Council, and then CHS would begin fundraising, which was predicted to be a 18-24 month process, and then construction could begin. Pam Gannon offered to call and touch base with Don and Bob after the Pine Lake meeting and residents were allowed to provide input.

President Pam Gannon then called the monthly board meeting to order at 8:07 p.m.

Approval of Minutes

Stan moved to approve the May minutes, Pam seconded, and the approval passed unanimously.

Treasurer's Report

Treasurer Stan Peters presented the attached June financial report and stated that more revenue is coming in than going out. Pine Lake Association has \$46,000 in checking and a \$50,000 certificate of deposit. There is a claim on \$5,000 of that by RD Todd, the new lake consultant. PLA has begun getting revenue from Cingular, and Stan expects Verizon revenue by September or October. Jo Gee asked what we need legal fees for and was told funds were primarily used for the cellular negotiations. There were no new bills presented for payment.

Annexation Committee

Pam Gannon said that mowing has been a major issue. Parents, who own the house next to the Southeast Rural Fire Department station received a letter from the City advising them they must mow the lot adjacent to their property. The letter was sent in error, as the property referred to is right of way the City is supposed to be maintaining. Pam was advised by the City Planning Department that the land where Pine Lake Road has been removed between Eastshore and Westshore has not been vacated. Hampton petitioned the City to vacate that right of way, but it has not been approved by the City Council, so it's still public right of way and City should have be maintaining it also. In order to vacate the right of way, the property will need to be appraised, the land will need to be paid for, and the City Council will need to vote. Stan asked about the lots between the bank and Hampton office buildings; people have called the City to complain but it has not been taken care of. There was a question of whether PLA should just mow the areas? Pam responded that she has been told there is a lot of debris in those areas and it would be dangerous. She likened the situation to the contractor not maintaining the property near the old 84th Street.

Lake Committee

Larry Zitek reported that many lake experts have visited Pine Lake for tests. The SolarBee is working but it needs to be cleaned (brushed off) regularly. Stan, John, Jack, and Kevin received maintenance training. Lake temperatures were taken and the bottom and top layers are very similar which is good. Larry reminded those in attendance that it will take years for the SolarBee to have any impact. It is not working around the island or in the cove because it can't access those spots. Larry said the cove is percolating, smells, is only 3-4' deep, and the next 3-4' feet is silt thanks to development in the surrounding area. SolarBee has offered to provide PLA written recommendations, which Larry expects will involve the cove but possibly something on the island, either aeration or a second SolarBee. North of the island is only 4' deep. None of the experts were aware that Pine Lake has the ability to pump fresh water into our lake for the cost of electricity, thanks to the pump near the South holding pond. Mooberry is definitely the cause of the silt, and Larry suggested it may take a

lawsuit to settle responsibility for the problem but money spent on a lawsuit could pay for a mini dredging of the bad areas. Another option to explore, Stan said, is a lake drawdown. It would include removing a couple of boards in the weir, letting shallow areas dry, and excavating those areas. Larry said he has been told the cove is a disaster and is so bad that it is contaminating the rest of the lake. Jeff Jenkins was going to find who has the equipment he recently used for spot dredging. Stan said SolarBee representatives had been confident their equipment would reach the cove at the current location.

Ron Theis said he would like to go on record as expressing his opinion that the board needs a complete picture of what the options are before making a decision of this financial magnitude. Excavating the lake and restructuring it may be a natural consequence of the age of the lake and the amount of sediment in it. Improvements come at a cost and the board should be able to weigh all of the options. Although dredging, for example, might be expensive and perhaps distasteful for a short period, it may be less expensive in the long run. Stan commented that they were told it would cost \$1-\$1.2 million to dredge, less to excavate, and that the lake committee has been very active in researching possible solutions. Stan said the experts have said that it won't do any good to dredge now unless we can control the runoff and that is what the lake committee is focusing on. Some of these short-term measures are going to extend the need to do a major excavation for hopefully 10-15 years, he continued. Steve Flanders reminded the board lake depth figures have been taken scientifically in previous studies and they can be used as a comparison. It was noted that the measurements were taken in order to capture the condition of lake prior to development. He said it was understood that Korver and Hampton would take care of the lake's condition worsening in the time since the studies in 1991. However, the only written agreement the board is aware of was that Hampton would redesign and dredge the holding pond after development.

RD Todd needs to have a terms and conditions agreement signed, and Pam asked the board for approval. RD Todd should have submitted a \$600 bill to John Mosow because he has been out to the lake for testing, but Stan had not received it yet. Pam Gannon asked for a motion for board approval to sign the terms and conditions agreement, Stan Peters did so, and Jennifer Rawlinson seconded the motion. It passed unanimously. RD Todd, with much input from the lake committee offered a revised proposal to design for south end of lake for the \$5,000 already allocated by the board for a lake consultant. There was a discussion about revising the proposal to include some work on the cove as well. Pam moved to adopt the proposal as presented, Stan seconded and discussion continued. Larry Zitek pointed out that Hampton did agree to redesign the holding pond and we should talk to Hampton about reimbursing PLA for the \$5,000 in south holding pond redesign expenses. The motion passed unanimously. Ron Theis offered a motion to the effect of submitting this bill to Hampton, Jennifer seconded, and it also passed unanimously. Larry offered to contact them if Dave Shoemaker, who has been in contact with them most recently, preferred not to.

Jennifer Rawlinson asked if there was any additional information since tests by UNL confirmed that Pine Lake contained the type of blue-green algae that has the potential to become toxic. Larry said that MD Aquatics continues minor treatments and he tests oxygen levels regularly, which remain good. Tadd Barrows took additional samples and said UNL was going to send us a report. The SolarBee rep also confirmed that there is blue-green algae present. Residents are asked to continue to avoid physical contact with suspicious-looking algae.

Pam Gannon reported that the riprap along the dam was starting to sink into the lake and that she has been advised that Pine Lake was to add riprap for 2 years and every other year after that. She suggested adding more riprap along the dam and over to the boat ramp as well as closer to the beach. Steve Flanders said the area should be dug out, four to five truckloads of sand should be added as deep as they can get it, and the weeds should be treated. Ron Theis has been investigating beach clean-up and added that there had been discussion of cleanup, more sand, a permanent picnic table, and perhaps minor playground equipment. Steve added there used to be a buoy and rope around the beach, which stopped the algae from blowing onto the beach. There was

a motion by Jennifer Rawlinson to spend \$4,000 for beach improvements and a second by Ron; the motion passed unanimously.

The next item on the agenda was the playground, specifically overgrown weeds and two missing boards. Jo Gee volunteered her husband to replace the boards and the board was agreeable to paying for replacement of boards and an hourly rate for weeds. Jennifer will investigate a 20-year chemical to prevent weeds from returning. Stan moved to authorize \$1,000 to do work, Jennifer seconded his motion, and it was another unanimous decision by the Pine Lake Board.

Pam reported the only cellular company agreement remaining is with Verizon. Ron Theis was in contact with attorney Bill Austin about his proposed changes on the agreement. Bill Austin will submit a revised agreement and Pam e-mail it to the board.

Cingular is causing major concerns, said Pam Gannon. Robin, the current manager at Pine Lake Golf & Tennis, is resigning to return to teaching. Verna Curry, President of PLG&T, has invited interested parties from PLA to meet with her. Issues include noisy air conditioner units, a damaged retaining wall, a sinkhole, late nights, rude workers, and overall sloppy workmanship. Bill Austin says Cingular is responsible for all repairs. Stan suggested we tell the contractors to fix it all or they will hear from our attorneys. Jennifer asked if PLG&T could estimate an amount that it would cost to make the repairs and offered that perhaps PLA could offer to reimburse them a reasonable amount directly in order to speed up the process or if Cingular was not helpful.

Residents are advised to call the non-emergency number of the Lincoln Police Department if trespassers are on personal or Pine Lake Association property. Stan will buy "Trespassers will be Prosecuted" signs and attach them to same poles. Jay Niebur thanked the board for posting a sign on gravel path to the Pine Lake Stables but said non-stables traffic continues. Stan suggested contacting Bill Austin regarding residents in violation of the covenants and neighborhood rules. A wire fence parallel to the bridle path was suggested. Stan moved to approve the fence, Jennifer seconded, and the motion passed 3-1. Pam thought PLA stickers on cars would be a good idea to assist in identifying Pine Lake residents versus non-residents. Hangtags were also suggested. Please contact a board member with feedback on this concept.

Lorenz on Barkley Drive contacted Pam about the 84th Street clean up. After consulting a map from the City Planning Department, the trees removed are on the bridle path. He wanted to know if PLA would be willing to plant bushes to shade his house, but, since it is his property with an easement for the bridle path, he already has the authority to do so if it doesn't block access to the bridle path. Also, there is a dead tree to be removed that he is planning to take out and replace. Pam was asked to request the firewood be removed from the area as well.

Jennifer Rawlinson updated everyone on the Assessor's new valuation of Lot 42, the location of the Pine Lake Stables, which is leased from the Pine Lake Association. The value was increased from \$1,100 to \$62,400 for the 2006 tax year. Jennifer filed a protest on behalf of PLA and PLS and met with the referee. In 2003, Bill Austin convinced the County to value the property as a non-buildable outlot because of density restrictions. The City of Lincoln Planning Department recommended PLA file an administrative amendment to the Pine Lake Community Unit Plan formally designating the area as an outlot to avoid a future revaluations. Jennifer made a motion to this effect, Stan seconded, and the motion passed 3-0 with Ron abstaining.

The petition to request the City vacate Pine Ridge Lane was discussed. Overall, feedback has been in support of eliminating it as an access point. Stan said it's in the neighborhood's best interest to close it. Jay Niebur, the adjacent property owner said they are agreeable. The motion by Jennifer Rawlinson to file the petition was seconded by Stan and passed unanimously.



Regarding the presentation by Don Wesely and the Capitol Humane Society, Stan suggested we give Pine Lake residents a chance to provide feedback. Please contact a board member with your thoughts on the development of Livingston's property to the west of Pine Lake.

Jo Gee offered to investigate designs and cost of replacement entrance signs for Eastshore, Westshore, plus signs for all remaining entrances to Pine Lake.

Steve Flanders brought the weeds in Outlot G behind Haas' house to the attention of the board. It was suggested he contact the golf course to ask if they will spray for weeds in the area. Another resident had a similar concern on adjacent land and Pine Lake Golf & Tennis has handled it well.

Residents have observed that there are a few dogs that run around neighborhood in the morning. Everyone is reminded to use leashes and not allow dogs to run loose.

There was interest in a locked, fenced-in area to park trailers, campers, extra boats, possibly near the old pump house location on the north side of dam. Trailers are not to be parked on the streets. Also, a few cars in the neighborhood have been observed with expired licenses and residents are asked to be mindful of their neighbors' interest in a well-kept neighborhood.

Rich Penn reminds all residents to use phosphorus-free fertilizer on their lawns, as phosphorus runoff into Pine Lake is largely responsible for increased algae growth. He says clay soils are naturally high in phosphorus and adding additional "P" is a waste of money. If your lawn care company is unable to provide a nutrient program that meets the needs of your lawn without negatively impacting the lake, Rich recommends you find one willing to do so.

There was a successful motion to adjourn at 10:12 p.m.



Meeting Schedule

The Pine Lake Association Board of Directors meets at 7:30 p.m. on the second Thursday of each month at the Pine Lake Golf & Tennis Clubhouse. Please mark your calendars for the remaining 2006 meetings scheduled for: August 10, September 14, October 12, and November 9. The annual meeting will be held on Monday, December 4. Please join us when possible.

Contact Information

Refer to the website at www.pinelakeassociation.org for board officer e-mail addresses, a roster request form, the current minutes, and several important documents.

Board of Directors

Pam Gannon, *President*, 489-2125
Stan Peters, *Treasurer*, 489-1366
Rich Penn, 486-1908

Dave Shoemaker, *Vice President*, 489-0859
Jennifer Cusick-Rawlinson, *Secretary*, 488-7879
Ron Theis, 483-2784

Applications: **Street & Ally Vacation No. 06007**
Annexation No. 13004
Change of Zone No. 13020
Special Permit No. 13043

October 2, 2013

We purchased a home last year at 6420 Westshore Drive. Our home is located across the street from the proposed Broadmoor development site and immediately across the street from the intersection of Pine Ridge Lane and Westshore Drive. Over the last year we have undertaken a major remodel of the existing home with the intent of building our dream home. We hope to make Pine Lake our “forever” home in which we will raise our young family and hopefully one day enjoy our retirement.

When we made this significant financial investment into the neighborhood, it was with the full understanding that the Livingston property would and *should* one day be developed. As young citizens of Lincoln we tend to be pro-growth, but as *mindful* young citizens of Lincoln, we also understand that successful growth of our community should also be smart and completed only after careful consideration. The development of a 220-unit apartment complex immediately adjacent to low density single family homes is not what we would classify as smart growth.

Nine years ago, this very Commission, as well as the Lincoln City Council, quite clearly shared our opinion on the appropriate placement of large apartment complexes within our community. We direct your attention to the Southeast Lincoln/Highway 2 Subarea Plan, last revised in June 2004. In particular, Article II(B), a subsection captioned with the objective “Provide Effective Land Use Transitions”, provides as follows: “In some areas, ‘special residential’ uses should be provided to adjacent lower density residential uses. Special residential uses could include churches, domiciliary care facilities, retirement apartments, child care facilities or townhomes. **In more urban settings, which are further from existing single family residences, apartments may also be appropriate as special residential uses.**” (emphasis added) We do not feel that placing a large apartment complex immediately adjacent to AGR zoned residential housing is an “effective land use transition.” In no way could our neighborhood be depicted as a “more urban setting” when compared to our surrounding environment. While we understand that this particular subarea plan is no longer considered to be current, we find it hard to believe that this body would drastically change one of its core goals in less than ten years’ time.

Prior to purchasing our home and before undertaking expensive renovations, we reviewed the zoning of the Livingston property as well as the subarea plan to which I previously cited. We relied upon this information as a factor in making one of the most significant decisions of our marriage. We are mindful that numerous people appear before you similarly asking for you to halt various developments near their properties. In many of those instances you have wisely approved the proposed development. The correct zoning was already in place and the proposed development quite clearly fit within the existing Comprehensive Plan. We ask you to contrast those situations, however, with the matter that you are presented with today. We did our homework. We reviewed the current zoning of the adjacent property. We consulted with the

Comprehensive Plan and the subarea plan. We spoke with neighbors who have been involved with the current owner's previous attempts at development. We even *assumed* that there would likely eventually be a change to the zoning, but never did we believe that a large apartment complex might be built across the street from our property. We did all of the homework that we possibility could have done. Our citizens must be able to purchase real estate in our fine City with some level of certainty that a behemoth development would not be built next door. Today, you have the opportunity to provide some of that certainty to us.

Finally, we implore you to think of the safety of our two-year-old son and the other children of our neighborhood. Again, we live immediately across the street from the intersection of Pine Ridge Lane and Westshore Drive. The potential increase in traffic from such a large development causes these young parents to lose sleep. Our neighborhood simply was not designed to sustain the kind of traffic which would almost certainly result from this proposed development. In particular, we do not have sidewalks, nor do we have streetlights. When you weigh the merits of the vacation of Pine Ridge Lane, please think of our young child as he learns to ride his bike down Westshore Drive. For the sake of the sanity of these young parents and the other parents of Pine Lake, *please* vote in favor of the vacation of Pine Ridge Lane.

Thank you for your careful consideration of this matter.

Ben and Ramzi Hynek
6420 Westshore Drive
Lincoln, NE 68516
(402) 730-6905 or (402) 617-7200

INTEROFFICE MEMORANDUM

TO: Mayor Beutler
& City Council Members

FROM: Clinton W. Thomas

DEPARTMENT: City Council Office

DEPARTMENT: Housing Rehab & Real Estate Division

ATTENTION:

DATE: May 1, 2014

COPIES TO: Teresa J. Meier
Marvin Krout
Rod Confer
Byron Blum, Bldg & Safety
Jean Preister, Planning
Sandy Dubas, City Clerk's Office
Jamie Phillips, Mayor's Office

SUBJECT: Street & Alley Vacation No. 06007
Pine Ridge Lane

A request has been made to vacate Pine Ridge Lane southwesterly of Westshore Drive. The area was viewed and appears as an ungraded roadway improved with a crushed-rock drive which leads to a property at the rear of an abutting land owner. Staff has indicated there are no utilities located within the existing right-of-way and easements will not be required.

Long, narrow strips such as this rarely have any value to anyone except the abutting land owner and then only if the abutter has a use for it. In this case, one of the properties is already improved and a change of use is highly unlikely. The other property is an outlot which is not legally buildable. Therefore, the strip is considered to have only a nominal value of \$0.25 per square foot to the abutting property owners. Since the area to be vacated lies on a curve, the abutting property owner to the south and east will acquire title to more land than the owner on the northwesterly side of the area to be vacated. The calculations of each half, which this writer has arrived at, are 4,998.75 square feet on the northwesterly half and 5,684.25 square feet on the southeasterly half for a total area of 10,683 square feet. The calculations are as follows:

Northeasterly Portion

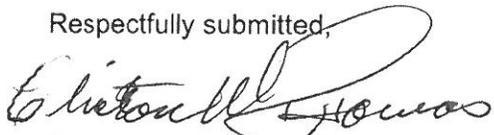
4,998.75 sq. ft. X \$0.25/sq. ft. = \$1,249.69 Called \$1,250.00

Southeasterly Portion

5,684.25 sq. ft. X \$0.25/sq. ft. = \$1,421.06 Called \$1,425.00

Therefore if the area is to be vacated, it is recommended that it be sold to the abutting property owners for \$2,675.00 divided as noted above.

Respectfully submitted,



Clinton W. Thomas
Certified General Appraiser #990023