City Council Introduction: January 5, 2015
Public Hearing: January 12, 2015

Bill No. 15-6

FACTSHEET

TITLE: CHANGE OF ZONE NO. 14032
(Anthony Lane and "O" Street)

BOARD/COMMITTEE: Planning Commission

APPLICANT: Nelson Construction

RECOMMENDATION: Approval (9-0: Sunderman, Harris, Beecham, Cornelius, Hove, Weber, Scheer, Corr and Lust voting 'yes').

STAFF RECOMMENDATION: Approval

OTHER DEPARTMENTS AFFECTED: N/A

SPONSOR: Planning Department

OPPONENTS: Three

REASON FOR LEGISLATION: To change the zoning from AG Agriculture District to R-3 Residential District, on property generally located at Anthony Lane and "O" Street.

DISCUSSION/FINDINGS OF FACT:

1. This change of zone request and the associated Annexation No. 14007 (Bill #15-5) and Special Permit No. 14052, Gable Pines Community Unit Plan, were heard at the same time before the Planning Commission.

2. The purpose of this proposal is to allow the development of the Gable Pines Community Unit Plan and residential healthcare facility for up to 229 persons.

3. The staff recommendation to approve the change of zone request is based upon the "Analysis" as set forth on p.4-5, concluding that a change of zone to R-3 is consistent with the Future Land Use Plan and is compatible with the adjacent development. This change of zone request is consistent with the Comprehensive Plan. The staff presentation is found on p.7-8.

4. The testimony on behalf of the applicant is found on p.8-9.

5. Testimony in opposition by three neighboring property owners is found on p.9-11. The main issues of the opposition were access; traffic speed and congestion; safety at the school bus stop; the request by the applicant to increase the building height on the special permit; and the potential for future annexation being forced upon the remaining properties in the area.

6. The Planning Commission discussion with staff and the response to the opposition by the applicant are found on p.11-12. The applicant pointed out that there will be less traffic generated by the proposed use than a single-family residential development. The access off of O Street and the speed limit are within the jurisdiction of the Nebraska Department of Roads (See Minutes, p.11-12).

7. On December 10, 2014, the Planning Commission agreed with the staff recommendation and voted 9-0 to recommend approval of this change of zone request.

8. On December 10, 2014, the Planning Commission also voted 9-0 to recommend approval of the associated Annexation No. 14007 (Bill #15-5), and voted 9-0 to adopt Resolution No. PC-01425 approving Special Permit No. 14052 to allow development of the community unit plan and residential healthcare facility. The special permit has not been appealed to the City Council.

FACTSHEET PREPARED BY: Jean Preister, Administrative Officer

DATE: December 29, 2014

REVIEWED BY: Stephen S. Henrichsen, Development Review Manager

DATE: December 29, 2014

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LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for December 10, 2014 PLANNING COMMISSION MEETING

PROJECT #: Annexation #14007
Change of Zone #14032

PROPOSAL: To annex property and ***change the zoning from AG Agriculture to R-3 Residential***

LOCATION: Anthony Lane and O Street

LAND AREA: ***Change of Zone - 10.53 acres, more or less***
Annexation - 12 acres, more or less, including adjacent rights-of-way

CONCLUSION: The subject property is adjacent to the city limit, and the full range of municipal services are planned to be constructed adjacent to this property. A change of zone to R-3 is consistent with the Future Land Use Map and is compatible with the adjacent development. Both requests comply with the Zoning Ordinance and are consistent with the Comprehensive Plan.

RECOMMENDATION:

Annexation No. 14007	Approval
Change of Zone No. 14032	***Approval***

PROPOSED CITY COUNCIL DISTRICT ASSIGNMENT: District #2

GENERAL INFORMATION:

LEGAL DESCRIPTION: See attached.

EXISTING ZONING: AG, Agriculture District

SURROUNDING LAND USE AND ZONING:

North: Open Space; AG
South: Golf Course; AG
East: Golf Course; AG
West: Single-Family Dwellings; AG

EXISTING LAND USE: Vacant Land

COMPREHENSIVE PLAN SPECIFICATIONS:

P. 1.9 - The Future Lane Use Map designates this site for open space land uses.

P. 1.10 - This site is shown in Tier 1, Priority B (2025) on the Growth Tier Map.

P. 12.14 - Annexation Policy of the Comprehensive Plan:

Annexation policy is a potentially powerful means for achieving many of the goals embodied in the Plan's Vision. Annexation is a necessary and vitally important part of the future growth and health of Lincoln. The annexation policies of the City of Lincoln include but are not limited to the following:

The provision of municipal services must coincide with the jurisdictional boundaries of the City – in short, it is not the intent of the City of Lincoln to extend utility services (most notably, but not necessarily limited to, water and sanitary sewer services) beyond the corporate limits of the City.

The extension of water and sanitary sewer services should be predicated upon annexation of the area by the City. City annexation must occur before any property is provided with water, sanitary sewer, or other potential City services.

The areas within Tier I Priority A that are not annexed serve as the future urban area for purposes of annexation per state statute and are appropriate for immediate annexation upon final plat. These areas have approved preliminary plans.

To demonstrate the City's commitment to the urbanization of land in Tier I Priority B, the City should annex land that is contiguous to the City and generally urban in character, as well as land that is engulfed by the City. Land which is remote or otherwise removed from the limits of the City of Lincoln will not be annexed. Annually the City should review for potential annexation all property in Priority B for which basic infrastructure is generally available or planned for in the near term.

Annexation generally implies the opportunity to access all City services within a reasonable period of time.

Voluntary annexation agreements may limit or otherwise outline the phasing, timing or installation of utility services (e.g., water, sanitary sewer), and may include specific or general plans for the private financing of improvements to the infrastructure supporting or contributing to the land uses in the annexed area. The annexation of large projects may be done in phases as development proceeds.

The character of existing residential areas should be respected as much as possible during the annexation process. When low density "acreage" areas are proposed for annexation due to the City's annexation policy, additional steps should be taken to ease the transition as much as possible, such as public meetings, advance notice and written explanation of changes as a result of annexation. In general, many aspects of acreage life may remain unchanged, such as zoning or covenants. However, any annexation of existing residential areas will include some costs which must be the responsibility of property owners.

Annexation to facilitate the installation of improvements and/or possible assessment districts is appropriate if it is consistent with the annexation policies of the Plan listed above.

Plans for the provision of services within the areas considered for annexation shall be carefully coordinated with the Capital Improvements Program of the City and the County.

ASSOCIATED REQUEST: Special Permit #14052 for Gable Pines Community Unit Plan and Residential Healthcare Facility to allow for up to 229 persons.

SPECIFIC INFORMATION:

DESCRIPTION OF PROPERTY:

The property is generally grassland and trees. A small tributary of Stevens Creek cuts through the property on the north and west, and includes floodplain along same area. The property has a low point along the floodplain and increases in elevation to the south and east.

UTILITIES & SERVICES:

The City has plans to construct sanitary sewer and water utilities in 2015 and early 2016 that would serve this property. Full building permits will not be approved for this development until utilities are available. If the City's time frame does not coincide with the developer's time frame, the developer will work with the City to see if the schedule can be accelerated.

A. **Sanitary Sewer:** Plans for constructing the sanitary sewer from N. 98th Street and Boathouse Road extended to this property are underway. The City anticipates the sanitary sewer will be constructed by the end of 2015.

B. **Water:** Design work for a 24 inch water main in O Street is underway. The water main project will be bid and constructed in the fall of 2015 through the spring of 2016. Right-of-way purchase is still needed for the water main.

C. **Roads:** A private roadway is proposed to cross this property and connect Anthony Lane to the Hillcrest Golf Course driveway. A sidewalk is planned for the south side of the private roadway.

   The Nebraska Department of Roads (NDOR) plans to consolidate Anthony Lane and the Hillcrest Golf Course driveway into one O Street access. The conceptual plans show the consolidated access located on the property to be annexed. The east/west private roadway will be built as a driveway today, planning for future consolidation of Anthony Lane and the Hillcrest Golf Course driveway accesses on O Street. This will allow NDOR to consolidate the two accesses and reconfigure the east/west private roadway. An eastbound right-turn lane from O Street to Anthony Lane was recently constructed by NDOR.

D. **Parks and Trails:** A future trail is proposed on the north side of O Street. There are no other trails or park land associated with this development.

E. **Fire Protection:** After annexation, fire protection will be provided by Lincoln Fire Rescue (LFR).

ANALYSIS:

1. These are related requests for both annexation and a change of zone, and are associated with a special permit for the Gable Pines community unit plan and

residential healthcare facility which includes the specific development plan for the project. See the report for SP#14052 for the detailed review and recommendations on that request.

2. The area to be annexed is within Tier I, Priority B of the Comprehensive Plan. Tier I reflects the "Future Service Limit" where urban services and inclusion in the city limits is anticipated. In certain cases, areas in Priority B have special agreements that include some level of commitment to build future infrastructure. In this case, no annexation agreement is needed to build future infrastructure. City services and road improvements will be noted on the community unit plan for this development.

3. This area is located within the Southeast Rural Fire District #1. Under State law, the District can petition for compensation from the annexing municipality for lost revenue based upon the amount of service area annexed. For voluntary annexations such as this one, any costs due to the district are to be borne by the developer. In this case, staff has conducted the financial analysis and there is no money due the District.

4. It is also the developer's responsibility to reach an agreement regarding any compensation due the Rural Water District as a result of the proposed annexation. This property is not located within the Rural Water District, so no compensation agreement is required.

5. This area is shown as Green Space on the Future Land Use Map. The Comprehensive Plan recognizes that privately-owned Green Space, such as golf courses, may also be appropriate for future Urban Residential development.

   The applicant is requesting to change the zoning from AG Agriculture to R-3 Residential with this application. The R-3 district is commonly found throughout urban residential areas of Lincoln and is found in Waterford Estates to the northeast of this property. R-3 zoning is considered an appropriate zoning district for this property and is supported by the Comprehensive Plan.

6. The City plans to extend sanitary sewer and water utilities that would serve this property. According to the Public Works and Utilities Department, both utilities will be constructed in late 2015 or early 2016. If the developer plans to construct the utilities ahead of the City's schedule, they will need to develop an agreement with the City.

7. The existing City limit abuts this property to the north on O Street. This application will annex additional O Street right-of-way that abuts this property. State law requires that adjacent county roads be annexed as well. Since Anthony Lane is a county road abutting this property, the adjacent Anthony Lane right-of-way will also be annexed.

Prepared by:

Paul Barnes, Planner
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pbarnes@lincoln.ne.gov

DATE: November 21, 2014

APPLICANT: Nelson Construction
218 6th Avenue, Suite 200
Des Moines, IA 50309

OWNER: Heritage Lakes, LLC
5950 Vandervoort Drive, Suite B
Lincoln, NE 68516

CONTACT: Tom Huston
233 S. 13th Street, Suite 1900
Lincoln, NE 68508

ANNEXATION NO. 14007,
CHANGE OF ZONE NO. 14032
and
SPECIAL PERMIT NO. 14052,
GABLE PINES COMMUNITY UNIT PLAN

PUBLIC HEARING BEFORE PLANNING COMMISSION: December 10, 2014

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

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

There were no ex parte communications disclosed.

Staff presentation: **Paul Barnes of Planning staff** presented the proposal which includes three associated requests, i.e., annexation, change of zone and special permit for community unit plan and a residential healthcare facility.

Barnes explained that the property is not within the Lincoln City Limits today, but it is abutting and adjacent to the City Limits at this location. The property is within Tier I, Priority B, of the 2040 Comprehensive Plan, thus it is anticipated to become part of the city limits and be developed up to the year 2025. Therefore, the area is appropriate for annexation. Both the sanitary sewer and city water services are planned to be sited and constructed and will be able to serve this property in late 2015 or early 2016. Staff understands that the developer's timeline may be somewhat more aggressive than the City's. If that is the case, the developer will need to work with the city to install the utilities to provide water and sewer to this site.

Barnes also suggested that the change of zone to R-3 is appropriate considering that urban residential is an appropriate land use at this site. There is R-3 to the north of O Street so R-3 is within proximity and appropriate for this development.

With regard to the special permit for community unit plan and healthcare facility, Barnes pointed out that there are two waiver requests: 1) waiver of the private roadway standards on the east-west connection connecting Anthony Lane to the private golf course driveway; and 2) to increase the height of the building from 35' to 42' for the three-story portion of the building. The waivers are both supported by staff given that the east-west driveway is planned to be reconstructed as part of a NDOR project at some point in the future. That improvement will consolidate the two access points on O Street into one.

Barnes acknowledged that the staff is supportive of the height increase up to 42' given that the 3-story portion of the development is further to the east from the existing single family area on the west side, and staff is recommending that the site plan show building envelopes to make sure the taller portion is constructed to the east.

With regard to the healthcare facility, Barnes explained that the applicant is proposing up to 229 persons, with a mix of housing units including independent living, assisted living and memory care.

The staff submitted proposed amendments to the conditions of approval as follows:

2.2 Add a note to the plan that states, "The building footprints and parking spaces shown ~~on the site plan~~ are conceptual and are subject to ~~minor~~ adjustment~~s~~ provided that such footprints stay within the building envelope and parking envelope, respectively, and that the number of residents shall not increase. Specifically, the Developer shall be entitled to revise the site plan for the eastern half of the improvements to reconfigure the building envelope and parking layout, subject to the approval of the Planning Director."

2.4 Add a note to the plan that states, "If the 24" water main from N. 98th Street will be built and initially funded by the Developer or the landowner, the City will reimburse the Developer or the land owner, as applicable, in Fiscal Year 2015."

2.10 Add the notes to the plan from the Gable Pines Improvements Exhibit dated December 10, 2014.

Beecham inquired whether the sidewalk connects this area to the neighborhood. Barnes confirmed that staff is recommending that sidewalks be shown connecting to the adjacent properties on both sides.

Proponents

1. Tom Huston, 233 South 13th Street, Suite 1900, appeared on behalf of the applicant and developer, **Nelson Construction Development,** and **Good Neighbor Care,** the operator of the proposed healthcare facility. This will be a senior living center. They had envisioned more density of 165 units and a four-story building, but since that time in June, they have decreased the density back to 105 units and a three-story building. The proposal does envision another 12 units at some point in the future.

Huston advised that the developer first contacted the adjacent neighbors in early June, with a meeting on June 16, 2014. There were 25 households represented. Certain commitments were made to the neighbors at that meeting. The proposed development is a senior living facility with low traffic. The developer made commitments 1) not to install any private wells on the property; 2) to support the desire of the neighbors not to be annexed at this time, and if and when the neighbors wish to be annexed, they would

still have some control over that process; 3) the heavily wooded floodplain on the western portion will be preserved; and 4) the parking lot will be located north of the structure to help shield any lights from the parking lot. These commitments were confirmed by letter to the neighbors. The developer has reduced the density and the neighbors have been informed of the change in design and access.

Huston also advised that during the summer, NDOR constructed a right turn lane on Anthony Lane, resolving a lot of the access issues.

Huston acknowledged that the amendments to the conditions of approval submitted by the staff adequately address all issues.

With regard to access, Huston stated that when they first met with the neighbors, the developer had contemplated access based on the Hillcrest Drive access point. The subsequent construction by NDOR of the right-turn lane in the O Street right-of-way for Anthony Lane has helped resolve that question. Huston also indicated that the developer does have a traffic study which indicates that a residential healthcare facility is a very low generator of traffic, generating 16 trips during the am peak hour and 26 trips during the pm peak hour. The results of the traffic study determine a service level at this intersection of A or B, which is the same as it is today.

In terms of the site plan, Huston pointed out that there are wings planned for the memory care portion, and the independent and assisting living are in the tower structure. The memory care units are the one-story structures tying into the taller structure.

Huston concluded, stating that this project makes a good use of a property that otherwise would have been a challenge. He anticipates being in front of the City Council in mid-January, 2015, with construction starting in May, 2015. The developer is discussing acceleration of the water and wastewater schedule with the city staff.

Opposition:

1. Rodney Schwartz, 1010 Anthony Lane, testified in opposition. He acknowledged meeting with the applicant on one occasion where he expressed a number of concerns, some of which have been addressed; however, he remains opposed to increasing the height limit. The residents of the neighborhood have a significant concern about the impact of the height with regard to the view and especially the lighting impacting on the residential area. The neighbors are also opposed to the traffic coming through a residential neighborhood for a substantial period of time until NDOR works out some other sort of access. There are school children waiting for the bus; we do not need any traffic congestion at that point. Schwartz also does not see the consistency of this proposal with the Comprehensive Plan. It is basically a rural environment to the east with the golf course and residential, and it will change the ambiance of the whole neighborhood. He also expressed concern about accelerating the utilities to this development, which he believes will also accelerate the desire of the city to annex the adjacent neighbors. The neighbors do not believe the developer needs the three

stories to make the project viable in light of the fact that the developer has many facilities across the country that are single story.

Beecham asked about the location and screening of Schwartz' property. Schwartz stated that his property is the outlot that used to be a nursery. There are still scattered trees throughout the outlot, so aesthetically it is a very nice area. Hillcrest is a golf course with trees. The people on the lower end enjoy the wildlife.

With respect to the bus stop area, Schwartz suggested that the developer had talked about coming in a different way and assured they would not be coming through the residential neighborhood. That appears to have been changed, thus increasing congestion with the traffic and the school children.

2. Michael Sherbak, 205 Anthony Lane, the third house over from O Street, testified in opposition. He does not agree with this type of facility at this location. He pointed out that O Street from east to west at this location is a 60 mph highway. If the people want to turn into Anthony Lane, they will have to slow down on O Street in order to turn left/south. He believes this will likely cause a traffic accident. The parents park their cars on Anthony Lane to drop off theirs kids when the school bus comes. If you have traffic going east turning into the nursing facility, it will create a problem and there could be a traffic accident.

In addition, Sherbak testified that it is a very beautiful area, with deer, pheasants, foxes and a lot of other wildlife looking east from his home. A lot of the residents that live on East Hillcrest Drive and Anthony Lane are opposed, especially with the highway traffic at 60 mph on O Street.

Sunderman inquired as to the location of the school bus drop-off. Sherbak stated that the cars drive into Anthony Lane, dropping off at about the second house off of O Street. They will turn around either on his driveway or the second house. Sunderman understands the concern about traffic, but couldn't they drive a little bit further? Sherbak responded that he is the third house over and that is where the road starts to curve. They generally park between the first and second house and turn around at the second house. When picking up the kids, they have to turn into a private drive.

3. Jennifer Streeter, 649 East Hillcrest Drive, testified in opposition. 60 mph is how fast people are going until they get to Southeast Community College. There have been accidents turning off Anthony Lane and one or two people have been killed at that intersection, part of it having to do with the time of day. With the new turn lane, the stop sign has been knocked down twice.

Streeter also noted that the healthcare facility will have three shifts of employees who will be using that area along with the 105 residents that are going to be there. There will also be family members visiting.

If a stop light is not warranted, Streeter would like something done to make it a safer location. The people waiting for the school bus do not live in that area. There are no

sidewalks. She is concerned about having to pay for sidewalks when and if her property is annexed. None of the residential owners are interested in being annexed. She is not so much against the facility itself, but she is concerned about the traffic and is fearful of being required to be annexed in the future.

Beecham was interested in knowing about how many cars are parked at one time waiting for the school bus. Streeter thought it would be about five.

Staff questions

Corr wondered at what point the city evaluates lowering the speed limit. **Bob Simmering of Public Works,** advised that the speed limit on O Street/Highway 34 would be in the jurisdiction of NDOR. There are ongoing observations of traffic. The triggers for lowering the speed limit are the access points and traffic volume. Simmering suggested that as there is further development in this area, it is very likely that there will be some reduction of the speed limit. Corr assumed that it would be some time before the speed limit is reduced. Simmering agreed, adding that the long range plan is for O Street to become a four-lane road in that area and that is possibly when that speed limit would be reduced.

Sunderman confirmed that NDOR controls the access, but he wondered whether all access points would remain when O Street becomes four lanes. Simmering stated that there would be one access point between the Hillcrest Golf Course and Anthony Lane. The other two would be removed. At that time, that access would have both right and left turn pockets built. The access would be on the north side.

Harris inquired about the reasons for denying the special permits at this location in 1998. Barnes explained that there was a special permit for a garden center and one for a limited landfill. Some of it had to do with opposition from surrounding properties, but beyond that he did not have any further details.

Harris noted the condition to update the parking calculations to reflect the number of persons in the development. How does that work? Barnes explained that the density that was calculated for this special permit is based on the number of persons. Because there is a mix of unit-type (independent, assisted living and memory care), there is more flexibility as people move in and out, so we just put a cap on the number of people instead of the number of units. The table currently shows parking per dwelling unit. The applicant is being asked to update that table to account for the density and the number of persons rather than dwelling units. Harris inquired about staff parking at the facility. Barnes acknowledged that the staff parking would be figured in as well.

In regard to annexation in general, Beecham wondered whether there is a policy regarding construction of sidewalks at the time of annexation. Barnes stated that when an area is annexed, the existing improvements on the whole are considered, including the roadways and utilities. It is the platting and building permits that typically trigger sidewalks.

Response by the Applicant

In response to the opposition to the height waiver, Huston showed a conceptual rendering from the western perspective, where the structure was reduced from four stories to three stories. From the eastern perspective, the structure is being fit into the grade so that it is really a two-story structure because of the slope of the property. Thus, he submitted that the developer has tried to address the height. It is some of the architectural features that impact the height.

With regard to access, Huston stated that the developer did meet with NDOR and they are required to consolidate both the driveway and the public street at a common point to match up with 95th Street on the north. NDOR has done a preliminary design, but it is not within their immediate budget. This will be done only when additional funding is available. But, at some point, those access points will be consolidated, eliminating the Anthony Lane and the Hillcrest access points.

In response to the concerns about the speed limit, Huston advised that there have been discussions about decreasing the speed limit with Southeast Community College and LPS (the new career center with LPS is under construction near Southeast Community College).

With regard to trip generation, Huston stated that the traffic study indicates there will be a total of 16 vehicles at the am peak period, and 26 vehicles at the pm peak period, which is less traffic than generated by a single family dwelling neighborhood.

Huston also pointed out that there are a lot of natural volunteer trees that will be retained and the developer will enhance the screening along the western border. The floodplain area will be separately platted and the trees will be maintained.

Huston estimated that it would be about 1/4 mile from the facility's parking area on the sidewalk over to the street.

Huston also pointed out that the new right turn lane constructed by NDOR is one of those offset deceleration lanes so that any exiting traffic can see. It provides ample deceleration room for exiting traffic.

ANNEXATION NO. 14007
ACTION BY PLANNING COMMISSION: December 10, 2014

Cornelius moved approval, seconded by Scheer.

Cornelius stated that his comments address all three applications. He appreciated hearing from the neighbors and it seems the primary concern is traffic. A key factor in the question of traffic is the presence of the deceleration lane that mitigates a lot of the 60 mph speed limit on O Street. The level of traffic generated by this facility is likely to be less than would be generated if the area were developed into single family units, not

unlike what is there already. Thus, the traffic impact will be minimal. He sees no reason not to support this package.

Lust indicated that she will also support the package, adding that she is sensitive to neighbors who really enjoy outlots and the natural beauty, but as the Commission has seen repeatedly, it is always problematic when people take ownership of outlots they don't actually own. We must keep in mind when there is a vacant property adjacent, that it can be appropriately developed in the future, like in this case. She believes this development is appropriate for this particular lot.

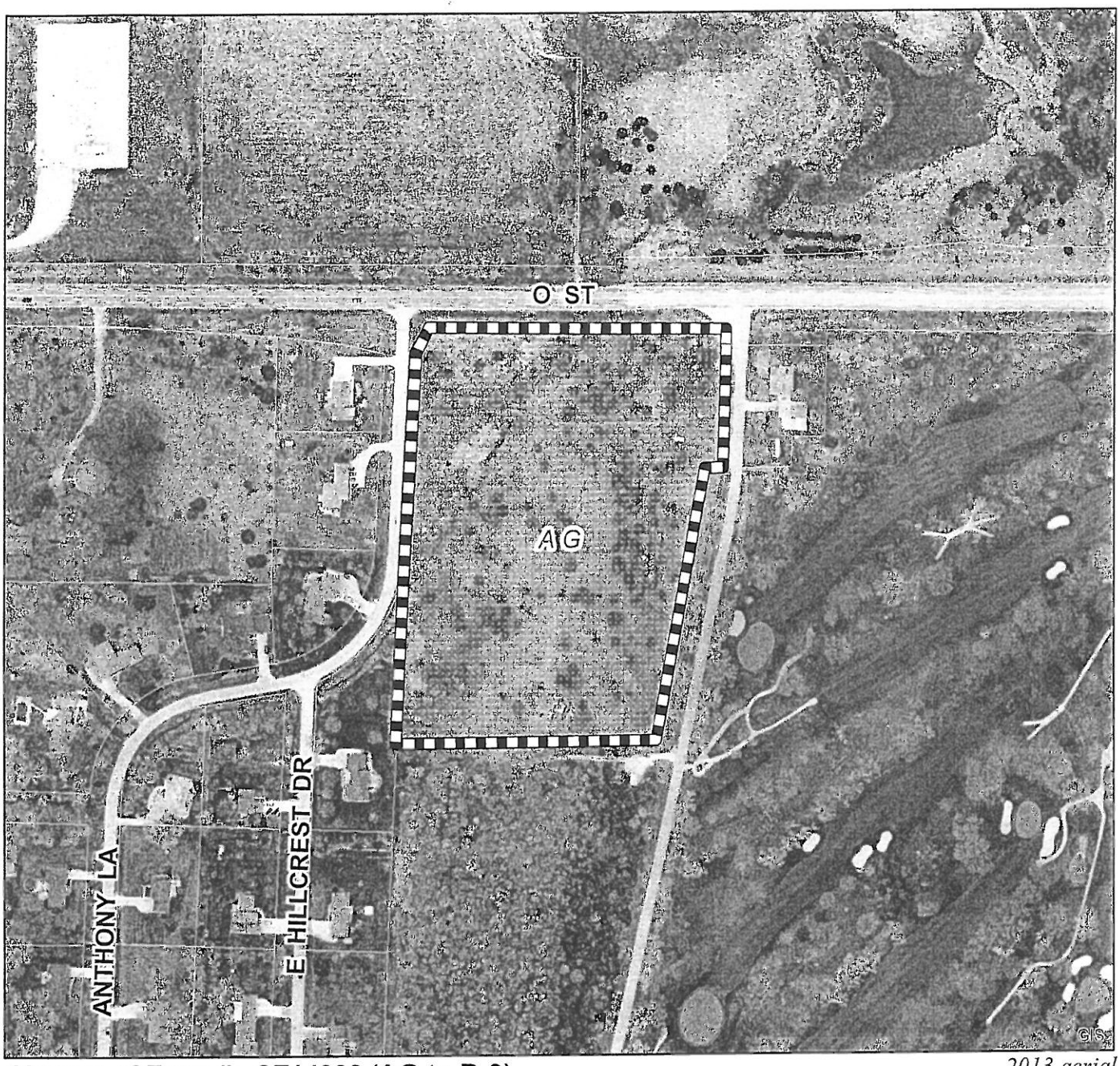
Beecham stated that she appreciates that the applicant will keep as much of the natural area in place as possible; she also appreciates the neighbors coming down to discuss the bus stop situation because safety is a paramount concern. She suggested that with a couple of calls to the Lincoln Public School District, perhaps that bus stop could be moved to alleviate some congestion.

Corr appreciates the concerns for the speed limit. She is concerned every day because when driving to work she sees students pulling out from SECC in front of cars going 60 mph. She appreciates the right turn lane, but the access road will alleviate some of that as well by consolidating the two entry points in the future. She will support the project because there will not be as much traffic as a single family development.

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

CHANGE OF ZONE NO. 14032
ACTION BY PLANNING COMMISSION: December 10, 2014

Weber moved approval, seconded by Cornelius and carried 9-0: Scheer, Harris, Cornelius, Beecham, Corr, Sunderman, Weber, Hove and Lust voting 'yes'. This is a recommendation to the City Council.



2013 aerial

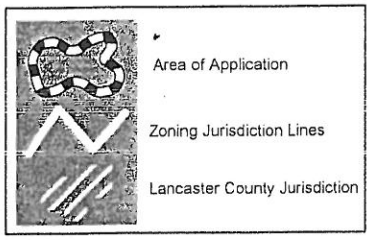
Change of Zone #: CZ14032 (AG to R-3)
& Special Permit #: SP14052
Gable Pines CUP
Anthony La & O St

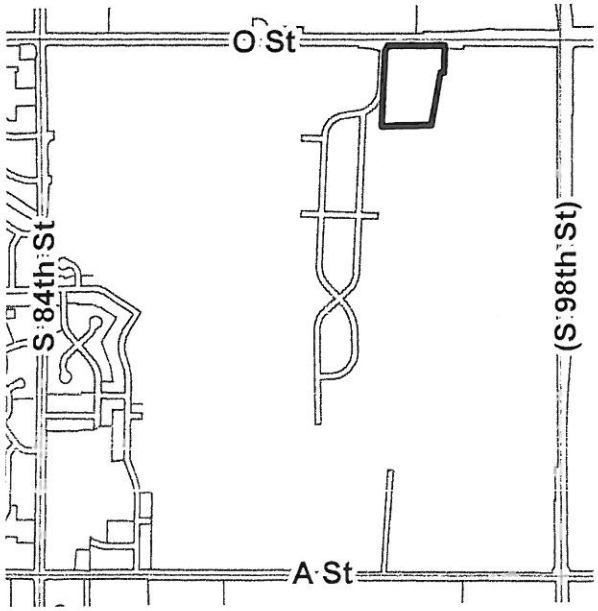
Zoning:

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

N W E S

One Square Mile:
Sec.26 T10N R07E





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(CZ14032)

Exhibit A

All that portion of Lot B of a subdivision of the East One-Half (E½) of Section Twenty-Six (26), Township Ten (10) North, Range Seven (7) East, Lancaster County, Nebraska, lying West of a line drawn from a point on the North line of said Lot B, which point is located 193.6 feet West of the Northeast corner of said Lot B, in a Southwesterly direction which makes an angle of 88 degrees with the North line of said Lot B, a distance of 338 feet to the South line of a part of said Lot B;

EXCEPT those portions thereof conveyed to the State of Nebraska more particularly described as follows:

A tract of land located in part of Lot B in the East Half (E½) of Section Twenty-Six (26), Township Ten (10) North, Range Seven (7) East of the 6th P.M., Lancaster County, Nebraska, described as follows: Referring to the Northeast corner of said Section Twenty-Six (26); thence Westerly on the North line of the East Half (E½) of said Section Twenty-Six (26) a distance of 1,146.2 feet to the point of beginning; thence continuing Westerly on said North line a distance of 634.4 feet; thence Southerly 90 degrees 00 minutes left and on the Westerly property line a distance of 60.0 feet; thence Easterly a distance of 632.3 feet to a point on the Easterly property line, said point being 60.0 feet Southerly from said North line; thence Northerly on said Easterly property line a distance of 60.0 feet to the point of beginning,

AND

A tract of land located in part of Lot B of a subdivision of the East Half (E½) of Section Twenty-Six (26), Township Ten (10) North, Range Seven (7) East of the Sixth Principal Meridian, Lancaster County, Nebraska, described as follows: Referring to the Northeast Corner of Section Twenty-Six (26); thence Westerly a distance of 1,780.60 feet along the North line of said Quarter Section; thence Southerly deflecting 090 degrees, 00 minutes, 00 seconds left, a distance of 60.00 feet to a point on the Southerly existing Highway 34 right of way line said point also being on the East line of Anthony Lane to the point of beginning; thence Southerly deflecting 001 degrees, 12 minutes, 35 seconds right, a distance of 49.31 feet along the East line of said Anthony Lane; thence Northeasterly deflecting 156 degrees, 29 minutes, 08 seconds left, a distance of 54.28 feet to a point on the Southerly existing Highway 34 right of way line; thence Westerly deflecting 114 degrees, 43 minutes, 28 seconds left, a distance of 21.66 feet along said right of way line to the point of beginning.

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STEPHEN E. GEHRING

November 25, 2014

VIA EMAIL: pbarnes@lincoln.ne.gov
Paul Barnes
Lincoln City/Lancaster County
Planning Department
555 South 10th Street, Room 213
Lincoln, NE 68508

Re: Supplemental Submittal: Annexation, Change of Zone, Residential Healthcare Facility, and Community Unit Plan Application for Property Near 95th and "O" Street
Our File No.: 20028.001

Dear Paul:

This letter will supplement and replace my prior submittal letter at your request. This firm represents Nelson Construction and Development, which intends to develop real property located near 95th and "O" Street for independent living, assisted living, and memory care use. The property is legally described as set forth in Exhibit A attached and incorporated hereto.

A. SUPPLEMENTAL APPLICATION

At the Planning Department's request, the previously submitted application is supplemented to include an application for a Residential Healthcare Facility special permit. This supplemental letter reflects said modification.

B. PROJECT

This senior living facility is anticipated to contain 117 total dwelling units or rooms. However, only 105 dwelling units or rooms would be constructed as part of the current plans. The request for 117 dwelling units or rooms includes a twelve (12) room expansion wing. In any event, the density shall not exceed the 229 resident maximum as calculated by the density requirements for residential healthcare facilities in R-3 zoning districts under LMC § 27.63.530(c)(iii). The senior living facility is planned to be contained in three stories with all parking located north of the facility.

C. WAIVERS

(1) Height Waiver

Our client requests a height waiver to permit the building to be 42 feet in height. We suggest the following factors support such waiver: (a) the project will setback further than the required setback limits, (b) the single story areas will be located closer to the residential homes, and (c) the three-story portion of the facility will be recessed into a bank on the eastern facade.

(2) Private Road Waiver

Our client intends to construct the connecting drive between Anthony Lane and Hillcrest Drive as a private drive and not a private roadway. My client is willing to grant a public access easement on such drive. However, to the extent the city interprets the situation as requiring a waiver of the private road design standards, we request such a waiver.

D. SUBMITTAL

This senior living project will require city approval of: (a) Annexation, (b) Change of Zone, (c) Special Permit for a Residential Healthcare Facility, and (d) Special Permit for a Community Unit Plan. We request the city to annex the subject property into the city limits and to extend public services, to change the zone of the subject property from the current "AG Agricultural" zoning classification to the "R-3 Residential District", to approve a "Healthcare Facilities, Residential" special permit allowed under LMC § 27.63.530, and to approve a "Community Unit Plan" special permit allowed under LMC § 27.63.320.

Enclosed with this delivery is the:

1. Supplemental Application. The City of Lincoln application for the Annexation, Change of Zone, the Special Permit for a Residential Healthcare Facility, and the Special Permit for a Community Unit Plan;

2. Site Plan as required for the Special Permits. The plans, prepared by Mark Palmer of the Olsson Associates, are unchanged by the modification to the application and were previously uploaded to the EPlan registry; and

3. Application Fee as computed by Resolution A-86941 requiring the sum of $2,838.00, comprised of the: (a) Change of Zone fee of $792.00; and (b) Community Unit Plan fee of $2,046.00. This application fee is unchanged by the supplemental application and was previously delivered to the Planning Department.

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

Sincerely,

Thomas C. Huston
For the Firm

cc: Mike Nelson (via email)
Andy Chafoulias (via email)
Mark Palmer (via email)