

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for November 9, 2005 PLANNING COMMISSION MEETING

- P.A.S.:** Change of Zone #05026A Apple's Way PUD
- PROPOSAL:** To amend the Apple's Way PUD to include waivers not previously approved.
- LOCATION:** South 66thth Street and Highway 2
- LAND AREA:** Approximately 61.7 acres.
- WAIVERS:**
1. Adjust the front yard setback in the B-2 to 0' except along Highway 2 where a 175' setback to parking and a 200' setback to buildings will be retained.
 2. Adjust the rear setback in the B-2 from 50' to 30' where adjacent to residential zoning.
 3. Adjust the maximum height in the B-2 from 40' to 52' for buildings in excess of 100,000 square feet.
- CONCLUSION:** The adjustment to the front yard is typical where the lot and building envelope are surrounded by shared parking lots and impacts only those businesses located internal to the center. The waiver to the setback in the B-2 from the R-1 is offset by increased landscaping to mitigate the impact. The height waiver is only required for architectural features that exceed 40', and the impact should not be significant.

RECOMMENDATION:	CONDITIONAL APPROVAL
Waivers	
1. Adjust front yard setback in the B-2 to 0'	Approval
2. Adjust rear setback in the B-2 to 30' where adjacent to R-1	Approval
3. Adjust maximum height in the B-2 to 52' for buildings in excess of 100,000	Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION: See attached legal description.

EXISTING LAND USE AND ZONING: Vacant R-3, B-2

SURROUNDING LAND USE AND ZONING:

North:	Bank, Residential	AGR, O-3
South:	Vacant, Residential	AGR, R-1
East:	Residential	AGR, R-1
West:	Commercial	H-4

ASSOCIATED APPLICATIONS: PP#05016 - A request for a preliminary plat for 42 lots consistent with the previously approved CZ#05026 Apple's Way PUD.

HISTORY: June 13, 2005 - CZ#05026 Apple's Way PUD was approved for 32 single-family lots in R-3 and 10 lots in B-2. The preliminary plat was specifically not waived with the approval of the PUD.

June 13, 2005 - CPA#04010 was approved to change the land use designation from residential to commercial for the west 39 acres of this site.

July 14, 2003 - CPA#03012 to change the land use designation on this site from urban residential to open space and commercial was withdrawn. It had received a 6-0 vote for denial from the Planning Commission.

March 26, 2001 - A request to include a change in the land use designation from urban residential to commercial for this site was considered but not adopted as part of the Southeast Lincoln/Highway 2 Subarea Plan.

May 2, 1994 - CZ#2085 was denied by City Council to change the zoning of this property from AGR to R-3 and B-5.

May 8, 1979 - The zoning was changed from AA Rural and Public Use to AGR Agriculture Residential with the 1979 Zoning Update.

COMPREHENSIVE PLAN SPECIFICATIONS:

Page F105 - Lincoln Area Street and Roadway Improvements 2025 - Designates that portion of Highway 2 from South 56th Street to South 120th Street for 'Corridor Protection'.

Page F111 - Nebraska Highway 2 Corridor Protection - The roadway within the corridor could be further improved or the corridor could serve as a multi-modal or multi-use area in the future. Corridor preservation should include retention of all property within the State's present right of way area, denial of any additional access points to the roadway, elimination of existing access points should such opportunities arise, and the acquisition of additional right of way should it become available.

Page F156 - Subarea Planning - By reference the Southeast Lincoln/Highway 2 Subarea Plan is included in the Comprehensive Plan.

Southeast Lincoln/Highway 2 Subarea Plan:

Executive Summary - There has been significant effort spent over the past several years to study the transportation impact of commercial development in this area. This subarea plan provides for approximately 2.3 million square feet of additional space. That is more than double the amount of space in Gateway Mall and is in addition to the existing 1.4 million SF in the vicinity of Edgewood. Proposals to substantially increase this amount of commercial space may argue that more commercial sites can be developed without any traffic impact on the transportation network. While the transportation impact will continue to be reviewed, it is well established that as commercial space increases there will be an impact on the road network. One of the most important actions a community can take to address concerns about traffic congestion is to make wise land use decisions in advance of development.

Page 6 - Provide Effective Land Use Transitions - Provide appropriate transitions from commercial to residential land uses. Within commercial areas, office and lower intensity commercial uses along with appropriate buffer areas should be developed as a transition to adjacent residential areas. 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 a special residential uses.

Page 9 - Efficient use of transportation network - Land use decisions must consider the impacts upon the transportation network. The proposed uses are scaled to the capacity of Highway 2 and 84th Street and to retain the community's desired Level of Service C. Highway 2 is not only used by local residents, it also serves the community and region.

- Promote a Desirable Entryway - Standards for landscaping and architecture should be developed to promote a desirable entryway into Lincoln along Highway 2 — however, standards alone will have little impact if land use decisions strip the area with commercial uses, signs and cause the widening of Highway 2 to six lanes. It will be difficult to have enough landscaping to reduce the visual impact of potentially 9 or 10 traffic lanes (6 through, dual left and right turn lanes.) An open space corridor (approximately 200 feet from centerline) is shown along Highway 2, adjacent to the new commercial uses, as one part of having a desirable entryway with commercial development.

Page 10 - Commercial transition - Within commercial areas, office and lower intensity uses along with appropriate buffer areas should be developed as a transition to adjacent residential uses.

Page 13 - Entryway Corridor - To preserve the entryway corridor, the land use and transportation decisions are equally important as landscaping or architectural standards.

UTILITIES: The site can be served by municipal water and sanitary sewer.

TOPOGRAPHY: There is a hill along the west edge of the site, with small drainage ways on either side of it flowing from northeast to southwest.

ANALYSIS:

1. This request proposes to modify the approved PUD by seeking three additional waivers. All other terms and conditions of the PUD as originally approved remain in effect.
2. The B-2 setbacks are as follows: 50' front yard; 0' side yard, or 20' when abutting residential; and, 0' rear yard, or 50' when abutting residential. The first waiver request is to adjust the setbacks to 0' inside the commercial center to allow buildings to be built to lotlines, but retains a 175' setback to parking and a 200' setback to buildings along Highway 2. This request is typical for commercial centers, provided a perimeter setback is maintained to protect adjacent residential uses. It is appropriate to waive the setbacks in the B-2 except along Highway 2 where the greater setback is being retained.
3. The second waiver request is to adjust the required setback in the B-2 from 50' to 30' where it is adjacent to R-1. The justification provided notes that the reduced setback will allow for adequately-sized building envelopes in the B-2, and will be offset by increased screening. The required screen is to be increased from 60% to 100% to mitigate the reduced setback.
4. The third waiver request seeks an adjustment to the maximum height from 40' to 52' for buildings in excess of 100,000 square feet in floor area. This adjustment is specifically for the approximately 135,000 square foot "big box" store shown on Lot 5, Block 3 in the northwest corner of the B-2. The building itself is shown at approximately 32' and does not exceed the maximum height of the district. As shown on the attached exhibit, the peak for the wall over the main entrance is the only portion that exceeds the maximum height, and is the reason for the request. When measured according to LMC 27.03.130, the proposed height is closer to 45'. However, variables such as final site grading can affect the measurement, and the applicant is requesting the waiver to the highest point to ensure it can be accommodated at the time of building permit. Located at the northwest portion of the site, the building is adjacent to H-4 to the west, and the impact of the waiver which only affects a portion of the building is not significant.
5. Minor revisions to the General Notes are needed and are included in the conditions of approval.

CONDITIONS:

Site Specific:

1. After the applicant completes the following instructions and submits the documents and plans to the Planning Department and the plans are found to be acceptable, the application will be scheduled on the City Council's agenda:
 - 1.1 Revise the plans as follows:
 - 1.1.1 Show a 175' setback to parking and a 200' setback to buildings along Highway 2 as measured from the centerline of Highway 2.
 - 1.1.2 Show a 50' setback in the B-2 adjacent to the AGR and R-1.
 - 1.1.3 The height of the building does not exceed 40'
 - 1.1.4 Revise the General Notes to be consistent with the approved plan for CZ#05026 Apple's Way PUD.
2. This approval adjusts setbacks in the B-2 to 0' except abutting a residential district which remains at 30', and along Highway 2 which is 175' to parking and 200' to buildings as measured from the Highway 2 centerline, and adjusts the maximum allowed height from 40' to 52' to accommodate architectural features.
3. If any final plat on all or a portion of the approved planned unit development is submitted five (5) years or more after the approval of the planned unit development, the city may require that a new planned unit development be submitted, pursuant to all the provisions of section 26.31.015. A new planned unit development may be required if the subdivision ordinance, the design standards, or the required improvements have been amended by the city, and as a result, the planned unit development as originally approved does not comply with the amended rules and regulations.
4. Before the approval of a final plat, the private roadway improvements, sidewalks, sanitary sewer system, water system, drainage facilities, land preparation and grading, sediment and erosion control measures, storm water detention/retention facilities, drainageway improvements, streetlights, landscaping screens, street trees, and street name signs, must be completed or provisions (bond, escrow or security agreement) to guarantee completion must be approved by the City Law Department. The improvements must be completed in conformance with adopted design standards and within the time period specified in the Land Subdivision Ordinance.
5. Permittee agrees:

to complete the paving of all public streets and private roadways shown on the final plat within two (2) years following the approval of this final plat.

to complete the installation of sidewalks along both sides of all interior streets and private roadways as shown on the final plat within four (4) years following the approval of the final plat.

to complete the public water distribution system to serve this plat within two (2) years following the approval of the final plat.

to complete the public wastewater collection system to serve this plat within two (2) years following the approval of the final plat.

to complete the enclosed public drainage facilities shown on the approved drainage study to serve this plat within two (2) years following the approval of the final plat.

to complete land preparation including storm water detention/retention facilities and open drainageway improvements to serve this plat prior to the installation of utilities and improvements but not more than two (2) years following the approval of the final plat

to complete the installation of private and private street lights within this plat within two (2) years following the approval of the final plat.

to complete the planting of the street trees along all streets and along Highway 2 within four (4) years following the approval of the final plat.

to complete the planting of the landscape screen along Highway 2 within this plat within two (2) years following the approval of the final plat.

to complete the installation of the street name signs within two (2) years following the approval of the final plat.

to complete any other public or private improvement or facility required by Chapter 26.23 (Development Standards) of the Land Subdivision Ordinance in a timely manner which inadvertently may have been omitted from the above list of required improvements.

to submit to the Director of Public Works a plan showing proposed measures to control sedimentation and erosion and the proposed method to temporarily stabilize all graded land for approval.

to complete the public and private improvements shown on the Planned unit Development.

to retain ownership of or the right of entry to the outlots in order to maintain the outlots and private improvements on a permanent and continuous basis and to maintain the plants in the medians and islands on a permanent and continuous basis. However, the subdivider may be relieved and discharged of this maintenance obligation upon creating, in writing, a permanent and continuous association of property owners who would be responsible for said permanent and continuous maintenance. The subdivider shall not be relieved of such maintenance obligation until the private improvements have been satisfactorily installed and the documents creating the association have been reviewed and approved by the City Attorney and filed of record with the Register of Deeds.

to continuously and regularly maintain the street trees along the private roadways and landscape screens.

to submit to the lot buyers and home builders a copy of the soil analysis.

to pay all design, engineering, labor, material, inspection, and other improvement costs including any costs for any improvements in Highway 2 required to allow turning movements into this site.

to comply with the provisions of the Land Preparation and Grading requirements of the Land Subdivision Ordinance.

to protect the trees that are indicated to remain during construction and development.

to properly and continuously maintain and supervise the private facilities which have common use or benefit, and to recognize that there may be additional maintenance issues or costs associated with providing for the proper functioning of storm water detention/retention facilities as they were designed and constructed within the development, and that these are the responsibility of the land owner.

to relinquish the right of direct vehicular access to Highway 2 except as shown.

General:

6. Before receiving building permits:
 - 6.1 The permittee shall have submitted a revised and reproducible final plan and the plans are acceptable:
 - 6.2 The construction plans shall comply with the approved plans.
 - 6.3 Final plans shall be approved by the City.

Standard:

7. The following conditions are applicable to all requests:
 - 7.1 Before occupying the dwelling units and commercial buildings all development and construction shall have been completed in compliance with the approved plans.
 - 7.2 All privately-owned improvements shall be permanently maintained by the owner or an appropriately established owners association approved by the City Attorney.
 - 7.3 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.
 - 7.4 This ordinance's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
 - 7.5 The City Clerk shall file a copy of the ordinance approving the permit and the letter of acceptance with the Register of Deeds. The Permittee shall pay the recording fee in advance.
8. The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all resolutions approving previous permits remain in force unless specifically amended by this resolution.

Prepared by:

Brian Will, 441-6362, bwill@lincoln.ne.gov
Planner
October 26, 2005

Applicant/

Owner: Apple's Way, L.L.C./Uno Properties
1201 N Street Suite 102
Lincoln, NE 68506
435.0011

Change of Zone #05026A
Apple's Way PUD

Page 9

Contact: Tim Gergen
Olsson Associates
1111 Lincoln Mall
Lincoln, NE 68508
474.6311

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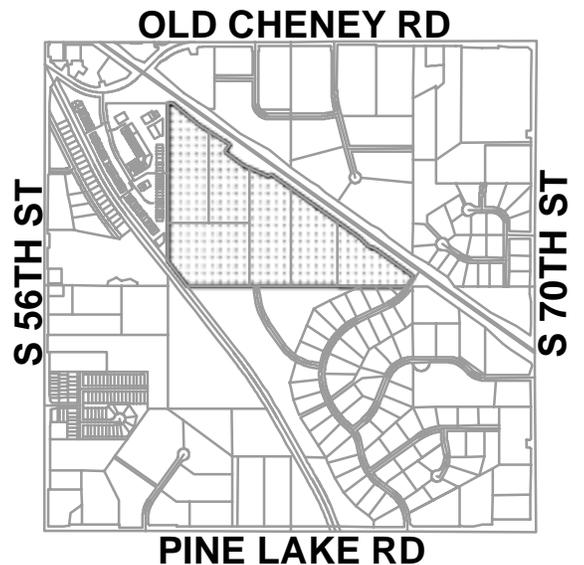
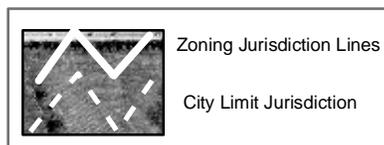


2005 aerial

**Preliminary Plat #05016 &
Change of Zone #05026A
Apple's Way
S 63rd St & Highway 2
Zoning:**

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

One Square Mile
Sec. 16 T09N R07E



DATE: 10/15/08
BY: [Signature]
CHECKED BY: [Signature]

COVER SHEET
APPLE'S WAY
AMENDMENT TO P.L.B.
LINCOLN, MISSISSIPPI

2008



CLIXION ARCHITECTS
8

GENERAL NOTES:

1. THIS PLAN IS A REVISION OF THE ORIGINAL PLAN SUBMITTED TO THE CITY OF LINCOLN, MISSISSIPPI, ON [DATE].
2. ALL DIMENSIONS ARE IN FEET AND INCHES. DIMENSIONS ARE GIVEN TO THE CENTERLINE OF THE ROAD UNLESS OTHERWISE NOTED.
3. THE PROPOSED DRIVEWAY SHALL BE 12 FEET WIDE AT THE WIDEST POINT AND SHALL BE CONCRETE FINISH.
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RESIDENTIAL LEGAL DESCRIPTION:

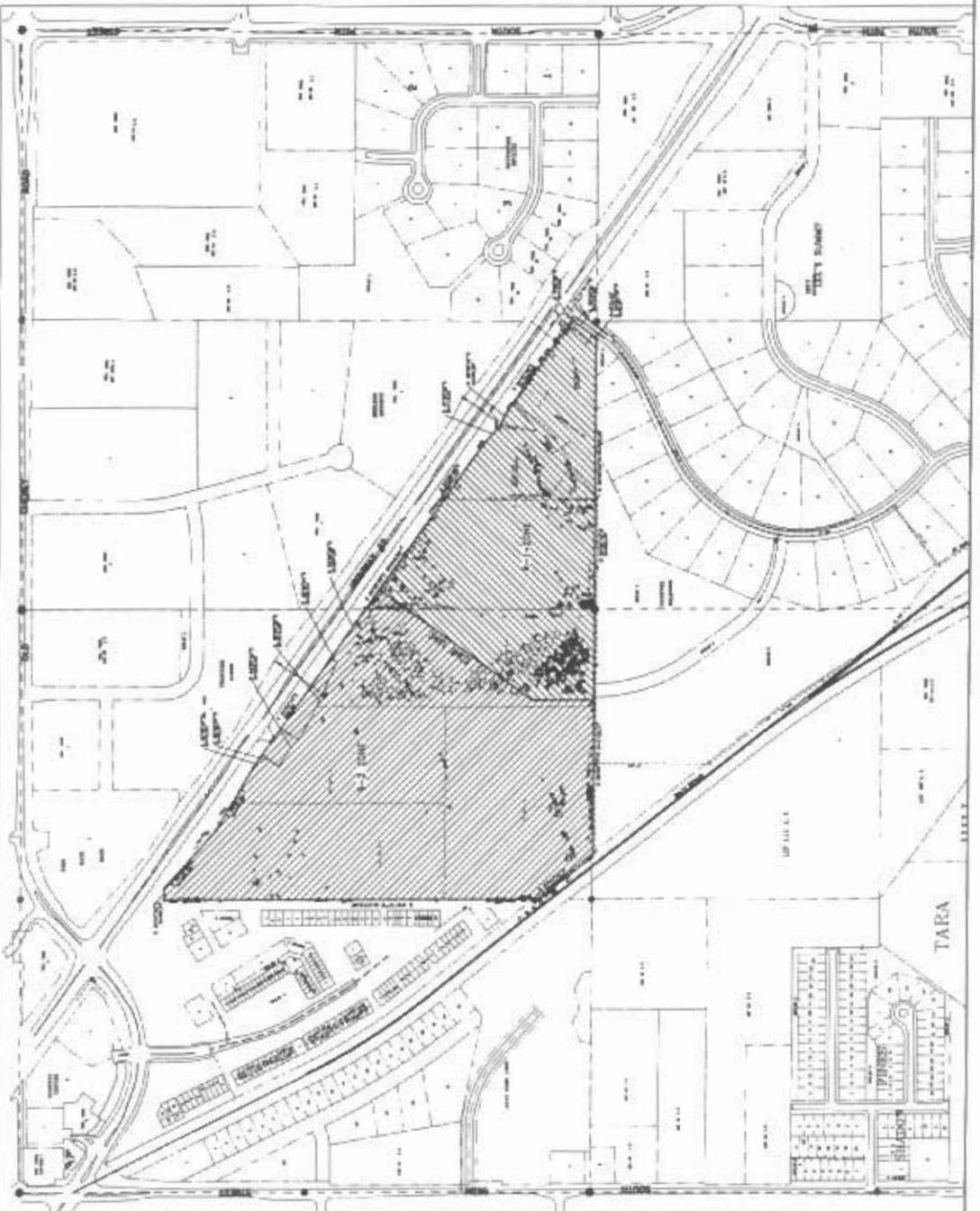
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RESIDENTIAL LEGAL DESCRIPTION:

COMMERCIAL LEGAL DESCRIPTION: [Text]

RESIDENTIAL LEGAL DESCRIPTION:

COMMERCIAL LEGAL DESCRIPTION: [Text]



APPROVED BY: [Signature]

DATE: [DATE]

APPROVED BY: [Signature]

DATE: [DATE]

APPLE'S WAY
AMENDMENT TO PLANNED CITY DEVELOPMENT

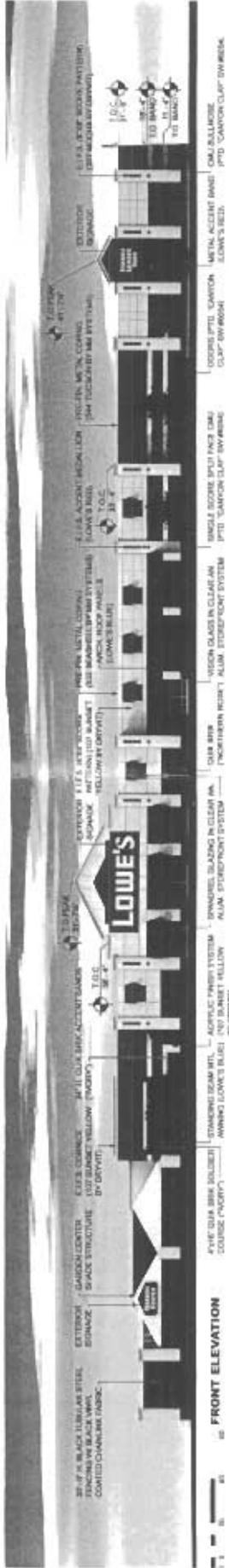


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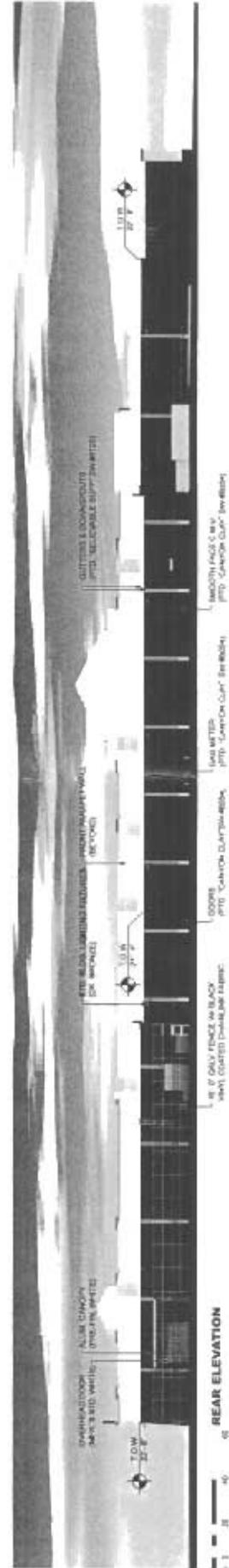
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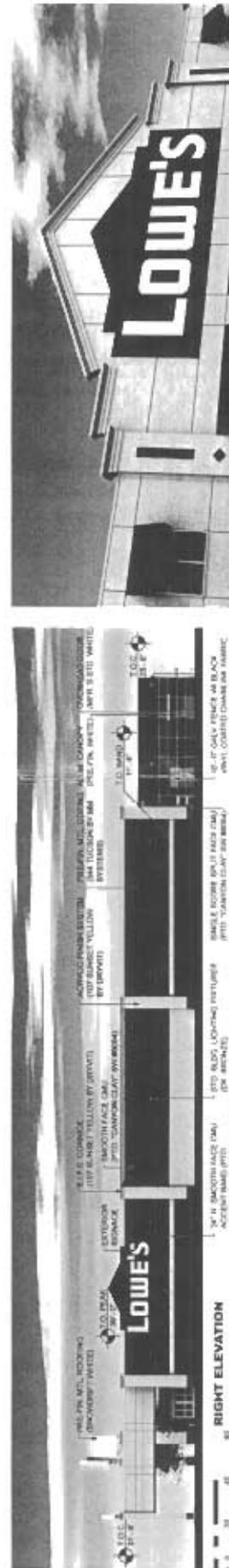
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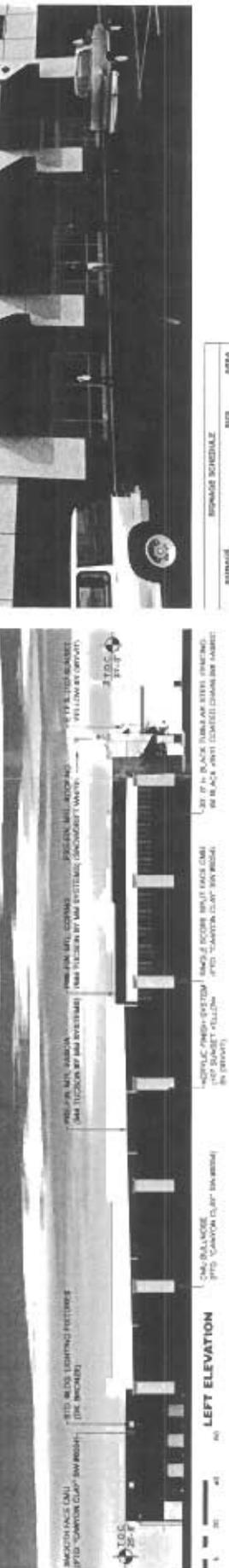
FRONT ELEVATION



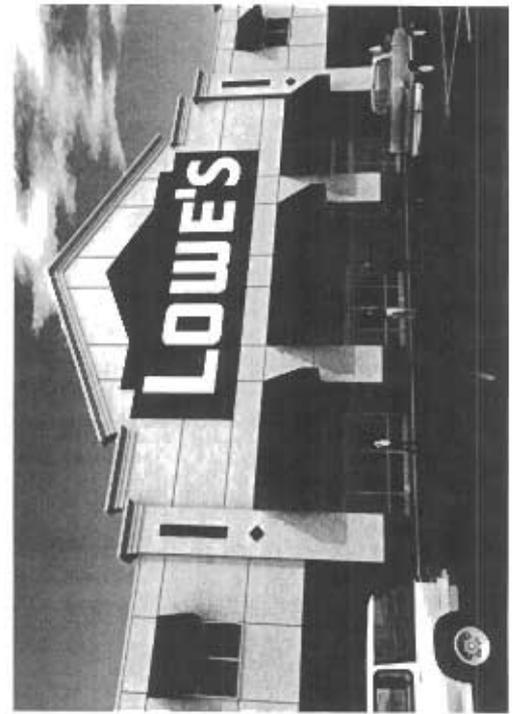
REAR ELEVATION



RIGHT ELEVATION



LEFT ELEVATION



FINISH	AREA
1. 1.3M ² (138 SQ FT) "CANYON CLAY" SW BRICK	138.00
2. "CANYON CLAY" SW BRICK	118.50
3. "CANYON CLAY" SW BRICK	118.50
TOTAL FINISH AREA	375.00

South Lincoln, NE
117D 113 GCL
10/11/2005



REPRESENTATION ONLY
NOT FOR CONSTRUCTION

BOICE RAIID RHEA ARCHITECTS, P.C.
1000 S. 10TH STREET, SUITE 100
LINCOLN, NE 68502
TEL: 402.476.1111 FAX: 402.476.1112
WWW.BRICE-RAIID-RHEA.COM



PUD LEGAL DESCRIPTION

REMAINING PORTION OF OUTLOT "E", COUNTRY MEADOWS, AND LOTS 36, 88, 123, 155 AND 156 IRREGULAR TRACTS, ALL LOCATED IN THE NORTH HALF OF SECTION 16, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6th P.M., LINCOLN, LANCASTER COUNTY, NEBRASKA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 123; THENCE ON THE NORTH LINE OF SAID LOT 123, ON AN ASSIGNED BEARING OF N 89°57'28"E, A DISTANCE OF 50.79'; THENCE ON THE SOUTHERLY RIGHT OF WAY LINE OF NEBRASKA HIGHWAY #2, FOR THE NEXT THIRTEEN (13) COURSES; S 48°25'20"E 359.86'; THENCE S 59°21'17"E 330.85'; THENCE S 54°33'46"E 70.04'; THENCE S 35°30'08"W 90.51'; THENCE S 54°32'44"E 230.00'; THENCE S 65°06'38"E 315.35'; THENCE N 35°20'01"E 32.94'; THENCE S 54°36'32"E 267.53'; THENCE S 54°29'46"E 618.68'; THENCE S 54°29'48"E 307.34'; THENCE S 47°32'08"E 110.81'; THENCE S 62°59'47"E 90.95'; THENCE S 54°31'20"E 482.57', TO A POINT OF INTERSECTION WITH THE NORTHERLY RIGHT OF WAY LINE OF SOUTH 66th STREET, SAID POINT BEING THE EASTERLY MOST POINT OF SAID REMAINING PORTION OF OUTLOT "E"; THENCE ON THE EASTERLY LINE OF SAID OUTLOT "E" AND THE NORTHERLY RIGHT OF WAY LINE OF SOUTH 66th STREET FOR THE NEXT THREE (3) COURSES; THENCE S 0°05'02"W 10.53'; THENCE S 35°06'21"W 127.02', TO A POINT ON CIRCULAR CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 513.12' AND A CENTRAL ANGLE OF 0°13'28"; THENCE ON THE CHORD OF SAID CURVE, S 34°54'22"W 2.01', TO THE SOUTHEAST CORNER OF SAID OUTLOT "E"; THENCE ON THE SOUTH LINE OF SAID OUTLOT "E", N 89°58'34"W 733.95'; THENCE ON THE SOUTH LINE OF SAID LOT 36, N 89°56'43"W 500.47'; THENCE ON THE SOUTH LINE OF SAID LOTS 88 AND 155, N 89°55'11"W 1125.77', TO A POINT ON THE SOUTHWESTERLY LINE OF SAID LOT 88; THENCE ON SAID SOUTHWESTERLY LINE, N 37°44'12"W 316.98', TO A POINT ON THE WEST LINE OF SAID LOT 88; THENCE ON THE WEST LINE OF SAID LOTS, 88 AND 123, N 0°01'47"W 1712.95', TO THE POINT OF BEGINNING, SAID TRACT CONTAINING AN AREA OF 61.70 ACRES, MORE OR LESS.

October 27, 2005

Mr. Brian Will
Planning Department, City of Lincoln
County-City Building
555 So. 10th Street
Lincoln, NE 68508

RE: Apple's Way PUD / Preliminary Plat
OA Project No. 2002-1220

Dear Mr. Will:

Below are the descriptions for the need of the requested waivers for the above referenced project.

Waivers to the PUD:

- 1. Waive front yard setback to 0' in the B-2 PUD Zone with the exception of along Hwy 2, then the setbacks shall be 175' for drives and 200' for buildings.**

This waiver is being requested to allow the most flexibility with building and parking placement in regards to the internal roadway system. Apple's Way development would like the flexibility to create a downtown urban setting abutting the roadway system to encourage pedestrian movement. Therefore an internal front yard setback reduction is being asked.
- 2. Waive rear yard setback to 30' abutting a residential district in the B-2 PUD Zone.**

Due to the placement of the entrance road to the site the reduction of the rear yard setback is necessitated to accommodate a realistic building envelope for the lots on the east side of the entrance. A 50' setback will be maintained in this area through the use of a 20' landscape easement placed on the abutting residential zoning. These are large residential lots to begin with and will allow the residential lots to utilize and enjoy the setback green space area rather than having it be located on the wrong side of the fence. A 100% landscape screen will be provided on the lot line together with maintaining the large hill to fully screen and more than adequately separate the commercial and residential uses.
- 3. Waive height restriction to 52' for buildings that exceed 100,000 square feet in floor area.**

This waiver is being requested to accommodate a large front parapet peak at the entrance of the proposed Lowe's building. The peak is a standard prototypical

entrance of the store.

Mr. Brian Will
October 27, 2005
Page 2

Waivers to the Preliminary Plat:

1. **Waive requirement for lots to front public or private street and lot lines to be perpendicular to the street.**

Due to the triangular shape of the site it is not efficient to have the lot in the northwest corner of the site with a roadway network system for its access. Also due to the irregular shape of the site and curved roadways the lot lines are most efficient if they are not perpendicular to the street.

2. **Waive sidewalk requirement along Highway #2 for both the residential and commercial areas and the north side of McIntosh Road and McIntosh Circle.**

Since there are currently no sidewalks built or planned for along Highway #2 we are asking to continue this City policy and waive the sidewalks in Apples Way as well. The adjoining Country Meadows neighborhood does not have any sidewalks. The waiver of sidewalks on the north side of McIntosh Road and Circle is in keeping with the character of the existing neighborhood. Further, no residential lot will be more than 30' from a sidewalk connection by crossing to the south side of the road. Finally, the elimination of this sidewalk will be replaced with a walking path along and on the south side of the ponds that are to maintained as a commons. A walking path in this area would have more value to the residents than a sidewalk on the north side of the connection road.

3. **Waive requirement for location of public sanitary sewer and public water main.**

Due to the likeliness of Highway #2 being widened in the future we are requesting the water main to parallel our commercial pavement and residential street network to avoid the possibility of the water main to be under pavement if Highway #2 is to be widened. The sanitary sewer does not follow a street network system due to the existing stub-out and irregularity of the lot layout as described in the waivers described above. The water main and sanitary sewer will be in easements dedicated to the city and are agreeable to Public Works.

Sincerely,

Tim Gergen, PE

cc: Bennie McCombs
Tom Huston
Peter Katt



OLSSON ASSOCIATES
ENGINEERS • PLANNERS • SCIENTISTS • SURVEYORS

October 19, 2005

Mr. Brian Will
Planning Department, City of Lincoln
County-City Building
555 So. 10th Street
Lincoln, NE 68508

RE: Apple's Way PUD / Preliminary Plat
OA Project No. 2002-1220

Dear Mr. Will:

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

1. Application for a Waiver to the PUD
2. Application fee (\$500)
3. Cover Sheet – 1 copy

On behalf of the Owner/Developer, Apple's Way, L.L.C. and Uno Properties, Inc., 1201 N Street, Suite 102, Lincoln, NE 68508, we are requesting an amendment to the Planned Unit Development (PUD) on the property shown on the enclosed site plan, all located in the north half of Section 16, Township 9 North, Range 7 East, City of Lincoln, Lancaster County, Nebraska (approximately 61.7 acres). We expect to be scheduled on the Planning Commission Agenda for the 9th of November simultaneously with the Apple's Way Preliminary Plat hearing.

We are requesting the following waivers to the PUD:

1. Waive front yard setback to 0' in the B-2 PUD Zone with the exception of along Hwy 2, then the setbacks shall be 175' for drives and 200' for buildings.
2. Waive rear yard setback to 30' abutting a residential district in the B-2 PUD Zone.
3. Waive height restriction to 52' for buildings that exceed 100,000 square feet in floor area.

Mr. Brian Will
October 19, 2005
Page 2

In addition, we would like to clarify and re-state the waivers to the submitted Preliminary Plat to the following:

1. Waive requirement for lots to front public or private street and lot lines to be perpendicular to the street.
2. Waive sidewalk requirement along Highway #2 for both the residential and commercial areas and the north side of McIntosh Road and McIntosh Circle.
3. Waive requirement for location of public sanitary sewer and public water main.

It is our intention to have the Amendment to the PUD and the Preliminary Plat proceed concurrently to avoid two separate public hearings. Please let us know the public hearing schedule for these two submittals.

Sincerely,



Tim Gergen, PE

Enclosures

cc: Bennie McCombs
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