

City Council Introduction: **Monday**, January 31, 2005
Public Hearing: **Monday**, February 7, 2005, at **1:30** p.m.

Bill No. 05-14

FACTSHEET

TITLE: ANNEXATION NO. 04011, requested by Village Gardens, L.L.C., to annex approximately 75.00 acres, more or less, generally located east of South 56th Street and south of Pine Lake Road.

STAFF RECOMMENDATION: Approval, subject to an Annexation Agreement

ASSOCIATED REQUESTS: Change of Zone No. 04075, Village Gardens Planned Unit Development (05-15).

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 01/05/05
Administrative Action: 01/05/05

RECOMMENDATION: Approval, subject to an Annexation Agreement (6-0: Marvin, Krieser, Sunderman, Taylor, Carlson and Bills-Strand voting 'yes'; Carroll, Larson and Pearson absent).

FINDINGS OF FACT:

1. This annexation request and the associated Village Gardens Planned Unit Development (Change of Zone No. 04075) were heard at the same time before the Planning Commission.
2. The staff recommendation to approve the annexation request, subject to an annexation agreement, is based upon the "Analysis" as set forth on p.5-11, concluding that the proposed annexation and Planned Unit Development are in conformance with the Comprehensive Plan, the Zoning Ordinance and the Land Subdivision Ordinance.
3. The applicant's testimony and other testimony in support is found on p.12-13.
4. There was no testimony in opposition.
5. On January 5, 2005, the Planning Commission agreed with the staff recommendation and voted 6-0 to recommend approval, subject to an annexation agreement.
6. On January 5, 2005, the Planning Commission also voted 6-0 to recommend conditional approval of the associated Village Gardens Planned Unit Development.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: January 24, 2005

REVIEWED BY: _____

DATE: January 24, 2005

REFERENCE NUMBER: FS\CC\2005\ANNEX.04011

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for January 5, 2005 PLANNING COMMISSION MEETING

****As Revised by Staff and Recommended for Conditional Approval by
Planning Commission: January 5, 2005****

P.A.S.: **Annexation #04011**
Change of Zone #04075, Village Gardens Planned Unit Development

Note: This is a combined staff report for related items. This report contains a single background and analysis section for all items. However, there are separate conditions provided for each individual application.

PROPOSAL: To change the zone from AG, Agricultural to R-3, Residential Planned Unit Development and B-3 Commercial Planned Unit Development for 348 dwelling units and 1,062 peak hour trips in the commercial area (approximately 185,000 square feet of floor area).

LOCATION: East of S. 56th Street and south of Pine Lake Road.

LAND AREA: Annex: 75 acres, more or less.
 PUD: 75 acres, more or less.

WAIVERS:
Request to waive preliminary plat process
Modifications to the Zoning and Subdivision Ordinances and Design Standards as allowed through the PUD ordinance and as specified in their development plan.

CONCLUSION: With conditions, the requests are in conformance with the Comprehensive Plan, Zoning and Subdivision Ordinance.

<u>RECOMMENDATION:</u> <u>Annexation</u> Request to waive preliminary plat process Modifications to the Zoning and Subdivision Ordinances and Design Standards as allowed through the PUD ordinance and as specified in their development plan.	<u>Conditional Approval</u> Approval Conditional Approval
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GENERAL INFORMATION:

LEGAL DESCRIPTION: See attached.

EXISTING ZONING: AG, Agricultural.

EXISTING LAND USE: Nursery, acreages.

SURROUNDING LAND USE AND ZONING:

North:	Acreages	R-3, Residential
South:	Residential, office	R-3, O-3, Office Park
East:	Acreages	AG
West:	Commercial, office	O-3

COMPREHENSIVE PLAN SPECIFICATIONS: This area is shown as commercial and residential in the Comprehensive Plan (F-25)

Areas of retail, office and service uses. Commercial uses may vary widely in their intensity of use and impact, varying from low intensity offices, to warehouses, to more intensive uses such as gas stations, restaurants, grocery stores or automobile repair. Each area designated as commercial in the land use plan may not be appropriate for every commercial zoning district. The appropriateness of a commercial district for a particular piece of property will depend on a review of all the elements of the Comprehensive Plan. (F-22)

Maximize the community’s present infrastructure investment by planning for residential and commercial development in areas with available capacity. This can be accomplished in many ways including encouraging appropriate new development on unused land in older neighborhoods, and encouraging a greater amount of commercial space per acre and more dwelling units per acre in new neighborhoods. (F-17)

Affordable housing should be distributed throughout the region to be near job opportunities and to provide housing choices within every neighborhood. Encourage different housing types and choices, including affordable housing, throughout each neighborhood for an increasingly diverse population. (F-18)

“Transit, pedestrian, and bicycle networks should maximize access and mobility to provide alternatives and reduce dependence upon the automobile. Sidewalks should be provided on both sides of all streets, or in alternative locations as allowed through design standards or the Community Unit Plan process.

Many activities of daily living should occur within walking distance. Neighborhoods should include homes, stores, workplaces, schools and places to recreate.

Interconnected networks of streets, trails and sidewalks should be designed to encourage walking and bicycling and provide multiple connections within and between neighborhoods”. (F-66)

The key to both new and existing urban neighborhoods is diversity. For new neighborhoods, it is having a greater mix of housing types and land uses. New neighborhoods should have a variety of housing types and sizes, plus commercial and employment opportunities. Developing a pedestrian orientation of buildings and streets is also a priority for new areas. (F-71)

“Structure incentives to encourage more efficient residential and commercial development to make greater utilization of the community’s infrastructure. Incentives may include financial, process and/or regulatory conditions.

Revise pertinent codes and regulations in order to remove impediments to achieving mixed-use residential and commercial development.

Develop new design standards that encourage density, optimize infrastructure costs, and help lower the overall cost of property development.”. (F-72)

The ANNEXATION POLICY is found on pages F-154 and 155 of the Comprehensive Plan.

HISTORY: The Zone was changed from AA, Rural and Public Use to AG, Agricultural during the 1979 zoning update.

UTILITIES: A sanitary sewer service line is to be extended from the north. A 24" water main is existing in Pine Lake Road and S. 56th Street. Other utilities are available and will be extended into the site by the developer.

The Neighborhood Center area is primarily a residential area, however, it allows live/work units, offices, and point of service uses. While this provides a wonderful opportunity to mix a variety of uses certain, challenges arose. Without knowing the likely mix of retail, office and residential uses it was hard for staff to determine the appropriate size for the water main. It was eventually determined that the final required size of the water main would be determined at the time of building permit. A note on the site plan should reflect this requirement.

TOPOGRAPHY: Rolling. The developer desires to maintain as much of the natural grade as possible. Due to this, a variety of street and sanitary sewer design standards are modified.

TRAFFIC ANALYSIS: Pine Lake Road and 56th Street are classified as Major Arterial streets and shown for 120' of right of way with 130' at the intersections. The applicant proposes a combination of right of way and easement for a total of 120' of right of way along Pine Lake Road. Staff agrees to this request only if the easement includes landscape, sidewalk, trail and public use purposes. Good planning requires the flexibility to be able to respond in the future to needs that may not be foreseen today. Pine Lake Road and S. 56th Street are presently paved as two-lane rural roads. Both roads are identified for widening in the current CIP, however, funding remains tentative.

The Public Works and Utilities Department requires right turn lanes at all intersections with Village Gardens on Pine Lake Road and S. 56th Street. Right turn lanes are required for commercial entrances, and others are necessary for safety purposes due to the number of access points exceeding the standard of 1/4 and 1/2 mile points.

Outside the area of the present request, the conceptual master plan indicates a street connection to the east property, which would cross the existing railroad. This street connection is conceptual at this time, however, staff believes a connection is necessary to maintain the connectivity of neighborhoods. Since a school is to be located in the Village Gardens/Thompson Creek area, this connectivity is crucial. Staff does not know when the railroad will be decommissioned, but believes that providing the potential for a connection in this approximate location is essential to plan for the long range development of this square mile area.

The Neighborhood Center area presented paving width challenges due to the potential mix of retail, office and residential, as previously mentioned. The Public Works and Utilities Department indicated that Kentwell Lane needed to be 33' wide paving versus the standard 27' wide paving of a local street. Staff and the developer eventually agreed to a modified paving section, which include a wider intersection opening, but narrows in locations for street trees and creates off street parking bays. This proposed paving section allows the developer to maintain a residential scale

on the street and accommodate additional parking and traffic needs that may be necessary due to the mixed use.

The Comprehensive Plan shows a trail along the Beal Slough drainage way, east of this phase. Most of the trail will be determined with future phases of Village Gardens, however, a small portion is proposed to run along Blanchard Boulevard and connect to Pine Lake Road, where the trail will continue to the north. The Parks and Recreation Department does not know at this time whether or not the trail will cross over or under Blanchard Boulevard. Most likely it will go under because the street is so close to the Pine Lake Road underpass and the trail will follow along Beals Slough. A note on the site plan indicates that the final trail location will be determined with the final plat.

PUBLIC SERVICE: An elementary school location is proposed south of this request in the conceptually master planned area. This site is contingent on LPS funding.

The Parks and Recreation Department indicated they will accept impact fees for this development. Future phases may require parkland dedication. Village Gardens will have several pocket parks throughout the development.

The Lincoln Fire and Rescue Department indicated they did not have any objections to the request. The nearest station is Station #6 located at 5051 S. 48th Street.

ENVIRONMENTAL CONCERNS: The Beal Slough flood control project will include one flood mitigation structure within the site. This is shown in an outlot as a pond on the site plan.

Flood plain regulations are not modified with this application. All regulations apply.

ANALYSIS:

1. This is a request for the annexation of 75 acres, and PUD to change the zoning district from AG, Agricultural to R-3, Residential (50 acres) for 199 primary dwelling units and 149 secondary dwelling units (for a total of 348 dwelling units) and B-3, Business (25 acres) for a maximum of 1,062 peak hour trips (approximately 185,000 square feet of floor area).
2. The applicant shows the area of request and includes a conceptual master plan for the rest of their property. The future anticipated phases are conceptual at this time.
3. The use zones, grading, street and block layout are provided with this application. A final lot layout will be determined at the time of final plat. Planning staff will use the proposed development plan standards to review the lot layout at the time of final plat. The street layout provides for alley access on most of the lots. It is the intent of the applicant to create pedestrian-scale streets, which means most of the buildings will be oriented toward the street with parking and transportation access in the rear of the buildings and lots. There are a number of large lots in the eastern portion of the tract which will have front access; however, the development standards are written to prevent accessory buildings (garages) to be closer than 45' to the front property line.

4. The applicant has provided a Development Plan Regulatory Modification Table of Contents. This document indicates how Sections 27.15 (R-3, Residential), 27.33 (B-3, Commercial), 27.67 (parking), 27.69 (signs), 27.70 (Additional Use Regulations), 27.71 (Additional Height and Area Regulations) have been modified for this PUD. Its purpose is to show changes relative to the wording in the City's documents and will not be part of the official PUD documents.

- a. Changes to the R-3 district (27.15) include adding the Village Garden Zone Matrices to indicate additional permitted uses in the R-3 district (including live/work units, office, retail, workshops, nurseries, bed and breakfast lodging, and secondary dwelling units). The document included allowing churches to cover up to 90% of the lot area with parking allowed in an easement or as part of a joint parking agreement. The lot coverage is no longer necessary with the change to the zoning ordinance that eliminated the coverage restriction. Elderly and retirement housing will be considered as permitted uses, subject to the total cap on residential units, and not require a special permit. Accessory uses and parking standards, signs, height and area regulations are modified as per the Development Plan.

Staff comment: The site plan shows a transition of uses from the commercial to low density residential. Staff believes this transition is consistent with the goals and objectives of the Comprehensive Plan.

- b. Modifications to the B-3 district (27.33) include provisions to provide for mixed use traditional neighborhood development. Permitted uses are modified to indicate additional uses as per the Village Garden Zone Matrices. Conditional uses are modified to indicate additional uses as per the Village Garden Zone Matrices. Health care facilities, convalescent or nursing homes and outpatient physical, occupational or vocational/rehabilitation therapy facilities are permitted uses, no longer special permitted uses. Accessory uses and parking standards, signs, height and area regulations are modified as per the Development Plan. The request transfers open space requirements for residential from the residential premise to off-premise community parks and open space in the PUD. The plan adds the environmental performance standards which are required in the B-2, B-5, I-2, I-3 and O-3 districts.

- c. Parking standards (27.67) are modified to refer to the development plan for specific parking requirements. The development plan adds that all B-3 parking shall be provided either on the same lot as the use, off-premise in the cross parking easement area (including on and off street parking) or shared parking. On and off street parking spaces may be included in the calculations to fulfill the parking requirements.

Staff Comment: The majority of the lots are prohibited from driveways from the streets which will provide additional on street parking spaces. Additionally, shared parking is routinely encouraged where there are non-concurrent parking demands. In the Village Center the parking arrangement is such that the vehicles are backed into

the angular parking spaces along the private roadways. This type of parking is used in other parts of the country. It provides easier and safer access to the trunk of the car or rear opening in trucks and vans and allows greater view of on coming traffic when leaving the parking space.

- d. Signs (27.69) are modified to add language to allow directional, educational and informational signs to be attached to any natural object. Signs are modified only to allow neighborhood centers to have up to two on-premises wall signs or projecting signs each, not to exceed eight square feet of sign area (used to identify home occupations), in the neighborhood general area these signs are limited to one sign and are limited to two square feet of area (to identify home occupations, transitional lot uses, the name of the premises or occupants thereof or similar information). Neighborhood identification signs are no longer limited to two, but rather are allowed at all neighborhood entrances. The regulations allow signs up to 20 square feet in area to identify multi-family buildings or subdivision area to be located in the front yard setback or building line district. Additional sign regulations are modified as per the Development Plan.

Staff comment: Planning staff does not agree to allowing signs to be attached to natural objects without the review of the Planning Director. Staff discussed this with the applicant and they were not opposed to adding language that allows the Planning Director to review the subdivision entrance signs that will be attached to a natural object.

The applicant expressly eliminated the requirement that signs be moved at the owners expense, when necessary for public use when in a Building Line District. The Building Line District is reserved for future road projects and is required so that there is no material loss of structures, signs, etc. when the City purchases right-of-way for road projects. The elimination of this requirement will have no effect so long as at least 50' of public street is dedicated along S 56th Street and Pine Lake Road.

- e. The applicant requests Section 27.69.340 Permitted Signs for General Planned Unit Developments be replaced with the standards for the R-3 and B-3 districts (as modified by the applicant).

Staff comment: Sign regulations are provided for in previous sections.

- f. Section 27.70.010 Additional Use Regulations for Home Occupations. The applicant's request is to allow non-family members to be employed in the home occupation under specific guidelines as indicated in their Transect Zone Matrices. Presently the Zoning Ordinance limits home occupations to 20% of the floor area of the dwelling unit. The applicant's request is to increase that amount to a maximum of 2,500 square feet in live/work buildings in the Neighborhood Center and 1,000 square feet or a maximum of 50% of the building footprint in the Neighborhood General and Neighborhood Edge. Home occupations are limited to office uses. Point-of-service uses are prohibited.

Staff Comment: The Transect Zone Matrix requires home occupations with non-family member employees to provide additional off street parking stalls. Staff believes this request is acceptable because it is limited to office uses and includes a provision for additional off street parking stalls for employees.

- g. A proposed amendment to Section 27.70.030 Additional Use Regulations for Subdivision Promotion Activity allows the language to read as follows: “There shall be no sign on the premises other than those permitted in Chapter 27.69 and by the Village Gardens Development Plan.” The development plan allows additional subdivision entrance signs.

Staff Comment: This was discussed previously with the sign regulations.

- h. Section 27.71.040 Additional Height and Area Regulations for Construction and Use of Accessory Buildings restricts accessory buildings to be used for no more than two domestic employees employed on the premises under a special permit. The applicant proposes to remove these restrictions and allow accessory buildings to be occupied as secondary dwelling units (in certain use zones as indicated in the development plan).

Staff Comment: Staff believes this makes full use of available and future infrastructure and is consistent with the goals of the Comprehensive Plan. The overall residential density is maintained with the R-3, Residential district. Density is being transferred from proposed outlots.

- i. The applicant’s request is to allow open unenclosed porches to project into a front yard up to 12 feet (the Zoning Ordinance permits a 10’ projection). The development plan further restricts the front porch specifications.

Staff Comment: This is appropriate and helps create a pedestrian scale for the streetscape.

- j. Presently canopies in the front yard are allowed in the B-3 district but are limited to a 5 foot setback from the property line. The applicant’s request is to eliminate that restriction. Canopies cannot encroach into the right-of-way.

- k. Section 27.71.210 Additional Height and Area Regulations for Enlargement and Alteration of Lots limits (in cases where additional right of way has been acquired by a governmental agency, making a lot less than the required minimum area) the new construction, enlargement, extension or conversion of any structures or open land uses in the “R” districts to lots not less than 4,000 square feet with an average lot width of not less than 40 feet. The applicant proposes to amend this section to allow lots as small as 1,440 square feet with an average lot width of 18 feet to fall under this provision.

Staff Comment: Staff is not sure if this section will ever be used. The only roads which may require additional acquisition are 56th Street and Pine Lake Road, both of which have a 50' from centerline Building Line District. This is less than the acquired right-of-way and easement area. The PUD process allows the modification of minimum lot size, and this application in particular has requested to amend that by showing smaller than typical lots and additional uses only allowed by the PUD. Staff feels this change is unnecessary.

- I. The applicant's request is to reduce the minimum separation between a building and a pedestrian way easement from 10 feet to three feet. The pedestrian easement is proposed to be 11' and the minimum separation between a pedestrian way easement and a building will be 3'. The Zoning Ordinance presently requires a 5' easement with 10' separation on each side. The applicant indicated the justification for the reduction is so that the pedestrian walks fit the scale of the neighborhood.

5. The Development Plan Regulatory Modifications indicate that within the Land Subdivision Ordinance Sections 26.19.035 (Final Plat Additional Information), 26.23.040 (Development Plan Standards Streets and Other Public Way Widths), have been modified.

- a. The applicant plans to provide a final as built landscape plan to the Parks and Recreation Department upon completing the planting of the street trees. The developer will bond for the screening based on a per linear foot estimate.

Staff Comment: The Parks and Recreation Department indicated this was acceptable.

- b. Section 26.23.040 indicates alleys shall be 20 feet in width. The applicant proposes 14.5 feet wide alleys (in designated outlots) and a minimum of 10 feet at the street entry point.
- c. Chapter 26.23.125 requires pedestrian sidewalks when block lengths exceed 1,000 square feet in length. The applicant's request is to waive this requirement in Block 5 due to the existing flood way and the desire to not install facilities in the flood way. Staff determined that a pedestrian sidewalk is not needed in this location because it is designated as floodway and a waiver is not required.
- d. Minimum lot depth along major streets is required to be at least 120'. The applicant's request is to reduce this depth because the lots are oriented so that the side of the lot is adjacent the major street, rather than the rear of the lot. A minimum front yard setback will still be maintained.
- e. Street trees on major streets will be in the public right of way. Section 26.27.090 states that trees along major streets should be on private property. The Parks and Recreation Department indicated this is acceptable and amendments to the Land Subdivision Ordinance are presently underway requiring street trees in major streets that are 120' in width or wider.

6. The applicant's request is to modify the Design Standards for Land Subdivision Regulations as follows:
 - a. Transfer sanitary sewer from one basin to another.
 - b. Sanitary sewer location because of existing sewer main .
 - c. Horizontal alignment because of existing sewer main.
 - d. Sanitary sewer depth to maintain natural grades.
 - e. Add local public street intersections with major streets.
 - f. Public street intersection tangents to maintain natural grades.
 - g. Cul-de-sac geometry to maximize open space.
 - h. Center island size to maximize open space.
 - i. Public and private street approach grades to reduce land disturbance.
 - j. Public and private vertical street curves to reduce land disturbance.
 - k. Public and private roadway widths
 - l. Public street transverse slopes
 - m. Private alley pavement.
 - n. Sidewalk alignment to allow some meandering within open space areas.
 - o. Sidewalk width shall be a minimum of 5'. (increased from 4')
 - p. Sidewalk approach grades to reduce land disturbance.
 - q. Screening to be shown with building permit.
 - r. Fence screens may slope with the ground when combined with landscape plantings for desirable effect.
 - s. Only parking lot screening is required.
 - t. No screening required for lots backing onto the railway.
 - u. No screening required for B-3 abutting residential.
 - v. Staking only trees that need additional support.
 - w. Street tree species are modified.
7. A commercial layout is not provided with this application. Commercial development will be regulated by a trip cap rather than floor area. The trip cap is directly related to the length of the turn lanes in S. 56th Street and Pine Lake Road. As each lot is developed trip generated by the use will be tabulated by the Building and Safety Department at time of building permit to make sure the development does not exceed the 1,062 peak hour trips.
8. The Public Works and Utilities Department has several comments which are indicated in their attached December 22, 2004 memo. The Watershed Management Department did not have time to respond and their comments are forthcoming.
9. The Lincoln Electric System indicated they require a 15' easement along Pine Lake Road for their distribution line.
10. The Development Plan modifies front and side yard setbacks for residential lots. Lots that back or side onto Pine Lake Road are proposed for modification. Planning staff believes that a minimum 20' setback should be maintained along Pine Lake Road.
11. The Development Plan and Modifications Table submitted by the applicant are extensive and not part of this report, however they are available on the internet associated with the staff report at the following website:
<http://www.ci.lincoln.ne.us/city/plan/pcagenda/index.htm>

12. Annexation policy:

- ! Land which is remote from the limits of the City of Lincoln will not be annexed; land which is contiguous and generally urban in character may be annexed; and land which is engulfed by the City should be annexed.
- ! Annexation generally implies the opportunity to access all City services. Voluntary annexation agreements may limit or otherwise outline the phasing, timing or installation of utility services (i.e., 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.
- ! Plans for the provision of services within the areas considered for annexation should be carefully coordinated with the Capital Improvements Program of the city and the county."

Staff Comment: The request for annexation meets the City's annexation policy.

ANNEXATION CONDITIONS:

1. Prior to scheduling the request to the City Council the applicant shall sign an annexation agreement to the satisfaction of the City. However the Planning Director may forward the annexation to the City Council if the City Staff and the applicant cannot reach an agreement.

Prepared by:

Becky Horner
441-6373, rhorer@lincoln.ne.gov
Planner

DATE: December 28, 2004

APPLICANT: Village Gardens LLC
7000 S. 56th Street
Lincoln, NE 68516
(402)423-4556

OWNER: Same

CONTACT: Tim Gergen
Olsson Associates
1111 Lincoln Mall
Lincoln, NE 68508
(402)474-6311

**ANNEXATION NO. 04011
and
CHANGE OF ZONE NO. 04075,
VILLAGE GARDENS PLANNED UNIT DEVELOPMENT**

PUBLIC HEARING BEFORE PLANNING COMMISSION:

January 5, 2005

Members present: Marvin, Krieser, Sunderman, Taylor, Carlson and Bills-Strand; Carroll, Larson and Pearson absent.

Staff recommendation: Approval of the annexation, subject to an annexation agreement; and conditional approval of the PUD.

Ex Parte Communications: None.

Becky Horner of Planning staff submitted revised conditions of approval.

Proponents

1. Dick Campbell, 6201 Pine Lake Road, presented the proposal. The Campbell family and business has been in this community for over 90 years and has been located in many different areas of the community. The Campbell nursery production facility at 56th & Pine Lake Road is surrounded by the city on two of three sides and closely on the fourth side. The developer entered into a charrette in January of 2001, to bring as many parties as possible together that could be affected to discuss this intense design project, including the surrounding neighbors and governmental departments. An open house was held every evening of the charrette to allow input. City staff was very helpful and a plan was crafted that the developer believes made a great deal of sense and they laid out a street network. They also took into consideration the timing of this development with the anticipated city improvements. This last June, they held a second charrette and included more city departments and revisited the original plan done in 2001, to check and make sure that it was still the correct plan and then brought forward refinements to the plan and tested it to make sure that they were addressing the issues that needed to be addressed. Another open house was held in September, 2004. There was great participation in the open houses.

Campbell then proceeded to describe the concept of the plan being the “traditional neighborhood development” (TND). The main thing about it is that it has quality architecture with emphasis on beauty and aesthetics and most importantly on human comfort and sense of space. There is great deal of attention to interconnections, the walkability, alleys with garages, and presents the home rather than presenting the garage. It brings the home closer to the sidewalk and creates natural human interaction, and moves some of the activities we have moved to our back yard to a total yard environment.

There will be a great diversity of housing types. It includes all kinds of architectural styles, all kinds of price ranges, and all kinds of different availability for different age needs. If done correctly, someone could move into this neighborhood and move through all of the changes in their life in different housing opportunities without ever leaving the neighborhood.

The developer recognizes that this property has many important things that should be maintained, including a tremendous amount of amenities, including mature trees which will be maintained; it has been the nursery site and the garden center will remain as a part of the urban village. The grading on this site will only be done where absolutely necessary. The intent is to replicate many of the great neighborhoods that have been accomplished in this community over time which work with the natural terrain.

Campbell showed slides for orientation to the site. The master plan encompasses 240 acres. LPS had purchased a future elementary site along Yankee Hill Road. The developer has worked with LPS and they have agreed to move their site to be more internal to the site so that it becomes more walkable. From Pine Lake Road they are proposing a boulevard which will come clear down through the mile section, called Blanchard Boulevard, being the epitome of a Sheridan Boulevard, with the only difference being a 24' wide median. The important thing is the interconnection of the streets. The sidewalks will be 5 feet wide to create some interaction and connectivity.

Campbell explained that the total development will be done in three phases – today is the original 80 acres purchased by his parents in 1960. He showed the layout of the first phase and the street network. As things would evolve, the area around the garden center would develop into the urban village and the residential moves to the east and south from there.

The developer is in the process of working with Public Works on some green infrastructure practices. There are going to be many very creative partnerships with many of the city departments, including Parks.

Campbell stated that this development complies with the tenets of new urbanism, including a development that is walkable from end to end; there is a civic core and a mix of uses and amenities; there is an interconnected street network; there are recognizable boundaries; the plan provides for chance meetings and privacy with a variety of housing types.

Two architectural firms have been selected, Studio NRG and BBH. They have also selected 15 qualified builders as part of the development team. This is a joint venture with many local companies.

Campbell then recited the Village Gardens Mission Statement.

2. DaNay Kalkowski complimented and thanked the city staff for their help, cooperation and willingness to work through the many details. This is the first PUD to come forward under the new PUD ordinance. It has been a great vehicle for this project and necessary to bring a project with some flexibility. The developer/applicant agreed with the staff conditions of approval, as amended by staff today.

There was no testimony in opposition.

ANNEXATION NO. 04011

ACTION BY PLANNING COMMISSION:

January 5, 2005

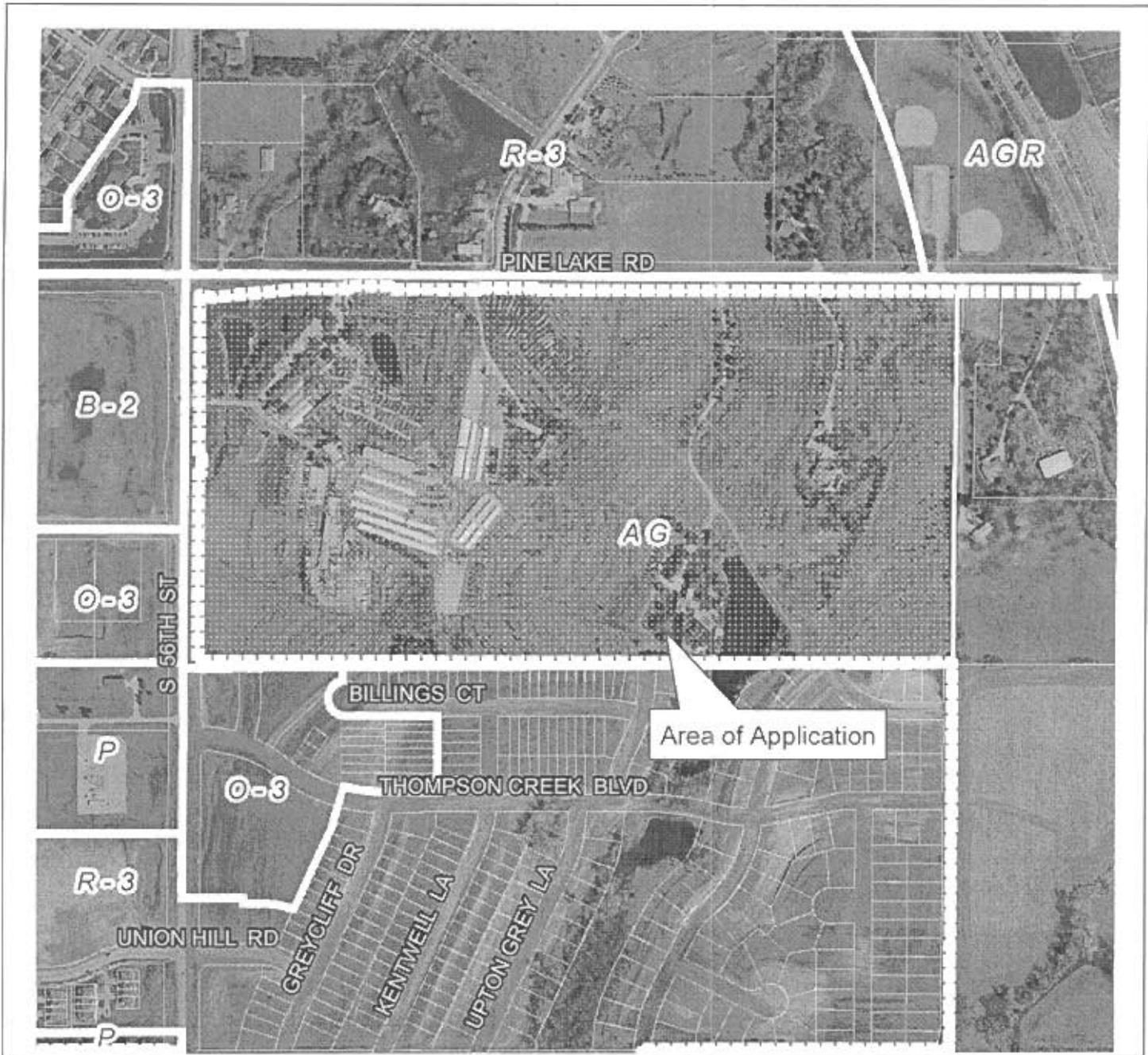
Marvin moved to approve the staff recommendation of approval, subject to an annexation agreement, seconded by Sunderman and carried 6-0: Marvin, Krieser, Sunderman, Taylor, Carlson and Bills-Strand voting 'yes'; Carroll, Larson and Pearson absent. This is a recommendation to the City Council.

CHANGE OF ZONE NO. 04075

ACTION BY PLANNING COMMISSION:

January 5, 2005

Carlson moved to approve the staff recommendation of conditional approval, as revised, seconded by Sunderman and carried 6-0: Marvin, Krieser, Sunderman, Taylor, Carlson and Bills-Strand voting 'yes'; Carroll, Larson and Pearson absent. This is a recommendation to the City Council.



2002 aerial

**Change of Zone #04075
Annexation #04011
Village Gardens PUD
S. 56th & Pine Lake Rd.
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. 21 T9N R7E



Zoning Jurisdiction Lines
City Limit Jurisdiction



015



VILLAGE GARDENS
THE ART OF *Traditional Living*

October 27, 2004

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

Mr. Ray Hill
Planning Department, City of Lincoln
County-City Building
555 South 10th Street
Lincoln, NE 68508

Re: Village Gardens Phase I PUD Submittal

Dear Marvin and Ray,

On behalf of Village Gardens LLC, enclosed, please find the following for the above-mentioned project:

1. Change of Zone Application, Legal Descriptions
2. PUD Application Fee - \$500.00
3. Cover Sheet – 21 copies
4. Site Plan - 21 copies.
5. Grading and Drainage Plans - 9 copies.
6. Preliminary Street Profiles - 5 copies.
7. Soils Report - 1 copy.
8. Drainage Study - 3 copies.
9. Village Gardens Development Plan – 21 copies
10. Village Gardens Regulatory Modifications – 21 copies
11. Traffic Study – 3 copies.

We are requesting a phased *PUD* on the property shown on the enclosed site plan, all located in the Section 21, T9N, R7E of the 6th PM, City of Lincoln, Lancaster County, Nebraska (approximately 220 acres). We are requesting the PUD and annexation in phases: the first phase of the PUD and annexation will include approximately eighty acres of this property and the remaining balance would be developed in two additional PUD and annexation phases.

We want to thank you and the rest of the City Staff for all their great input, suggestions and support. As you know, we have met with City Staff on numerous occasions including our design.

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VILLAGE GARDENS

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Charette in June of this year and most recently on Thursday September 30th to review the proposed site plan and gain preliminary comments. We have also had various meetings with the Public Works Department, Parks and Rec Department, Law Department and Building and Safety Department to discuss the specifics of our plan, annexation agreement and infrastructure requirements. These meetings have proven to be very helpful. We have been able to address most of the concerns voiced at the meetings in our submission. Some of the concerns we have addressed include reviewing the sight triangle criteria, adding additional numbered streets for ease of identification, finalizing ROW requirements on Pine Lake Road and specifying the PM Trip count for the Village Center area.

One item that was not altered was the inclusion of an alley south of Minter Lane. This alley area is the common boundary between Village Gardens LLC and Hampton's Thompson Creek. Currently, an alley is shown on Hampton's Thompson Creek's plans but it is their intention to have that alley removed. Hampton's team has asked us to reflect this intent on our plans since the grade of the land and a goal of preserving trees makes it difficult to construct an alley in that area. With our good neighbor policy we have reflected this request not to show the alley on our plans.

We are submitting specific standards for the Village Gardens project unlike most other conventional projects in an attempt to create the first full-scale Traditional Neighborhood Development (TND) in Lincoln. As you are aware, to ensure the tenants of Traditional Neighborhood Development are adhered to we have modified some of the current City standards and codes. This submission therefore includes the Village Gardens Development Plan, including the Village Gardens Regulatory Modifications document that will help your staff understand and review our submission.

The Village Gardens Regulatory Modifications documentation lists the specific modifications and waivers on the project rather than stating those matters on the site plan or in this letter. At the beginning of Village Gardens Regulatory Modifications documentation is a key to which ordinances and design standards we are altering as part of the PUD process and the specific sections within each ordinance or standard that we have made proposed changes. We know this submittal will be new and different, but we look forward to the opportunity to continue working with your staff to move the Village Gardens project forward.

Village Gardens LLC will comprise both a mixed-center retail on the corner of 56th and Pine Lake Road (proposed B-3 underlying zoning) in addition to a residential neighborhood (proposed R-3 underlying zoning) comprising a variety of housing types from Rowhouses to Courtyard apartments to Single family Cottage homes up to Manor homes. Our dwelling unit and PM Trip Count numbers are listed on the Cover Sheet of the PUD Map Sheets.

Specific engineering or legal questions can be addressed to Tim Gergen, Olsson & Associates (474-6311) and Kent Seacrest (435-6000) respectively. Otherwise, please contact myself if you

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have any questions or require additional information. We look forward to working with all of you on the Village Gardens PUD.

Sincerely,

Carrie Campbell
Village Gardens Director of Development

Encls

cc with Site Plan:

Mayor Coleen Seng
Jon Camp
Scott Wieskamp, Lincoln Public Schools
Tom White and John Brager, Ridge Development Company
John and Tom Schleich, Southview Inc.
Bob Lewis, Hampton Development Services

cc with encls:

Kent Seacrest, Seacrest & Kalkowski, P.C.
Tim Gergen, Olsson Associates

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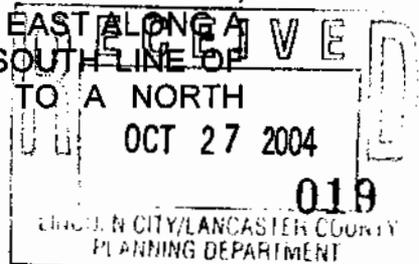
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PLANNING DEPARTMENT

PUD LEGAL DESCRIPTION

A LEGAL DESCRIPTION FOR A TRACT OF LAND COMPOSED OF LOT 34 I.T., LOCATED IN THE NORTHWEST QUARTER OF SECTION 21, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 34 I.T., SAID POINT BEING 50.00 FEET EAST OF THE WEST LINE OF SAID NORTHWEST QUARTER, AND 72.53 FEET SOUTH OF THE NORTH LINE OF SAID NORTHWEST QUARTER, SAID POINT BEING THE **TRUE POINT OF BEGINNING**, THENCE ON AN ASSUMED BEARING OF SOUTH 81 DEGREES 28 MINUTES 42 SECONDS EAST ALONG A NORTH LINE OF SAID LOT 34 I.T., SAID LINE BEING THE SOUTH LINE OF PINE LAKE ROAD RIGHT-OF-WAY, A DISTANCE OF 50.60 FEET TO A NORTH CORNER OF SAID LOT 34 I.T., THENCE NORTH 84 DEGREES 19 MINUTES 14 SECONDS EAST ALONG A NORTH LINE OF SAID LOT 34 I.T., SAID LINE BEING THE SOUTH LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 100.47 FEET TO A NORTH CORNER OF SAID LOT 34 I.T., THENCE NORTH 78 DEGREES 43 MINUTES 14 SECONDS EAST ALONG A NORTH LINE OF SAID LOT 34 I.T., SAID LINE BEING A SOUTH LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 101.96 FEET TO A NORTH CORNER OF SAID LOT 34 I.T., THENCE SOUTH 89 DEGREES 58 MINUTES 02 SECONDS EAST ALONG A NORTH LINE OF SAID LOT 34 I.T., SAID LINE BEING A SOUTH LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 154.93 FEET TO A NORTH CORNER OF SAID LOT 34 I.T., THENCE NORTH 00 DEGREES 01 MINUTES 58 SECONDS EAST ALONG A WEST LINE OF SAID LOT 34 I.T., SAID LINE BEING A EAST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 10.00 FEET TO A NORTH CORNER OF SAID LOT 34 I.T., THENCE SOUTH 89 DEGREES 58 MINUTES 02 SECONDS EAST ALONG A NORTH LINE OF SAID LOT 34 I.T., SAID LINE BEING A SOUTH LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 145.09 FEET TO A NORTH CORNER OF SAID LOT 34 I.T., THENCE SOUTH 00 DEGREES 01 MINUTES 58 SECONDS WEST ALONG A EAST LINE OF SAID LOT 34 I.T., SAID LINE BEING A WEST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 10.00 FEET TO A NORTH CORNER OF SAID LOT 34 I.T., THENCE SOUTH 89 DEGREES 58 MINUTES 02 SECONDS EAST ALONG A NORTH LINE OF SAID LOT 34 I.T., SAID LINE BEING A SOUTH LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 299.98 FEET TO A NORTH CORNER OF SAID LOT 34 I.T., THENCE NORTH 00 DEGREES 01 MINUTES 58 SECONDS EAST ALONG A WEST LINE OF SAID LOT 34 I.T., SAID LINE BEING A EAST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 5.00 FEET TO A NORTH CORNER OF SAID LOT 34 I.T., THENCE SOUTH 89 DEGREES 58 MINUTES 02 SECONDS EAST ALONG A NORTH LINE OF SAID LOT 34 I.T., SAID LINE BEING A SOUTH LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 199.99 FEET TO A NORTH



CORNER OF SAID LOT 34 I.T., THENCE SOUTH 00 DEGREES 01 MINUTES 58 SECONDS WEST ALONG A EAST LINE OF SAID LOT 34 I.T., SAID LINE BEING A WEST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 5.00 FEET TO A NORTH CORNER OF SAID LOT 34 I.T., THENCE SOUTH 89 DEGREES 58 MINUTES 02 SECONDS EAST ALONG A NORTH LINE OF SAID LOT 34 I.T., SAID LINE BEING A SOUTH LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 1,538.62 FEET TO THE NORTHEAST CORNER OF SAID LOT 34 I.T., SAID POINT BEING ON THE EAST LINE OF SAID NORTHWEST QUARTER, THENCE SOUTH 00 DEGREES 16 MINUTES 19 SECONDS WEST ALONG THE EAST LINE OF SAID LOT 34 I.T., SAID LINE BEING THE EAST LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 1,269.14 FEET TO THE SOUTHEAST CORNER OF SAID LOT 34 I.T., THENCE NORTH 89 DEGREES 57 MINUTES 40 SECONDS WEST ALONG A SOUTH LINE OF SAID LOT 34 I.T., A DISTANCE OF 2,584.05 FEET TO THE SOUTHWEST CORNER OF SAID LOT 34 I.T., THENCE NORTH 00 DEGREES 04 MINUTES 00 SECONDS EAST ALONG A WEST LINE OF SAID LOT 34 I.T., SAID LINE BEING THE EAST LINE OF SOUTH 56TH STREET RIGHT-OF-WAY, A DISTANCE OF 643.00 FEET TO A WEST CORNER OF SAID LOT 34 I.T., THENCE SOUTH 89 DEGREES 56 MINUTES 00 SECONDS EAST ALONG A NORTH LINE OF SAID LOT 34 I.T., SAID LINE BEING A SOUTH LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 10.00 FEET TO A WEST CORNER OF SAID LOT 34 I.T., THENCE NORTH 00 DEGREES 04 MINUTES 00 SECONDS EAST ALONG A WEST LINE OF SAID LOT 34 I.T., SAID LINE BEING A EAST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 55.00 FEET TO A WEST CORNER OF SAID LOT 34 I.T., THENCE NORTH 89 DEGREES 56 MINUTES 00 SECONDS WEST ALONG A SOUTH LINE OF SAID LOT 34 I.T., SAID LINE BEING A NORTH LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 10.00 FEET TO A WEST CORNER OF SAID LOT 34 I.T., THENCE NORTH 00 DEGREES 04 MINUTES 00 SECONDS EAST ALONG A WEST LINE OF SAID LOT 34 I.T., SAID LINE BEING A EAST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 548.31 FEET TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA OF 3,279,091.77 SQUARE FEET OR 75.27 ACRES, MORE OR LESS.

October 12, 2004
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