City Council Introduction: **Monday**, July 23, 2001
Public Hearing: **Monday**, July 30, 2001, at **5:30** p.m.

Bill No. 01-117

FACTSHEET

TITLE: **ANNEXATION NO. 00006,** requested by Olsson Associates on behalf of Holdrege Investors, L.L.C. and the University Park Congregation of Jehovah's Witnesses, to annex approximately 53.67 acres generally located at the northeast corner of No. 84th and Holdrege Streets.

STAFF RECOMMENDATION: Conditional Approval, subject to an Annexation Agreement.

ASSOCIATED REQUESTS: Change of Zone No. 3255 (01-118); Special Permit No. 1839, Morning Glory Estates Community Unit Plan (01R-194); Preliminary Plat No. 00011, Morning Glory Estates (01R-195); and Use Permit No. 128 (91R-196).

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 2/21/01; 03/07/01; 03/21/01; 04/18/01
Administrative Action: 04/18/01

RECOMMENDATION: Conditional Approval, subject to an Annexation Agreement (8-0: Krieser, Taylor, Newman, Duvall, Carlson, Steward, Schwinn and Bayer voting 'yes'; Hunter absent).

FINDINGS OF FACT:

1. This annexation and the associated change of zone, community unit plan, preliminary plat and use permit were heard at the same time before the Planning Commission. This project had three continued public hearings. The minutes of the Planning Commission reflect testimony on the project as a whole.

2. The Planning staff recommendation to approve the annexation, with conditions, including an Annexation Agreement, is based upon the "Analysis" as set forth on p.4-5, concluding that the purpose of providing preliminary plats is to "provide for the harmonious development of Lincoln and its environs; to prescribe the standards for the laying out of subdivisions in harmony with the comprehensive plan; for the coordination of streets and utilities within subdivisions with other existing or planned streets and utilities; for coordination of subdivisions with other features of the comprehensive plan...in such a manner so as to create conditions favorable to health, safety, convenience or prosperity..." (Section 26.03.0230). The developer has included the northwest lot in the request for a change of zone and within the Preliminary Plat, but has not incorporated it within the annexation and use permit requests. The developer is requesting waivers of the subdivision requirements to provide a use permit over that area, and to project a street through that area to the north. Such requests are not consistent with the purpose of orderly development. Churches are permitted uses in the B-2 district. The parcel could readily be incorporated into the proposed Use Permit. A street projection is necessary through the eastern side of that parcel to provide access and development opportunities to the property to the north. The sanitary sewer will be required to be extended from the north, along the eastern side of this parcel to serve the proposed development. The parcel must be annexed and included within the Use Permit.

3. The applicant's testimony is found on p.6-12. At the continued public hearing on April 18, 2001, the applicant advised that the church property has been included in the annexation and that the developer has reached an agreement with the church relative to construction of the private roadway. (See Minutes, p.9).

4. There was no testimony in opposition; however, the record consists of one letter from Scott Anderson with concerns about the private roadway and sanitary sewer (p.18).

5. On 4/18/01, the Planning Commission voted 8-0 to agree with the staff recommendation

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FACTSHEET PREPARED BY: Jean L. Walker **DATE**: July 16, 2001

REVIEWED BY:_____ **DATE**: July 16, 2001

REFERENCE NUMBER: FS\CC\FSA00006

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

P.A.S.: Morning Glory Estates
Annexation #00006
Change of Zone #3255
Special Permit #1839
Preliminary Plat #00011
Use Permit #128

DATE: February 6, 2001

****As Revised by Planning Commission, 4/18/01****

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: Gary Bredehoft, of Olsson Associates, on behalf of Holdrege Investors LLC and University Park Congregation of Jehovah's Witnesses, has applied for the following development proposals in the area generally located at the northeast corner of N. 84th and Holdrege Streets.

1. Annexation #00006 of approximately 53.67 acres
2. Change of Zone #3255 from AG Agricultural to R-3 and R-4 Residential, B-2 Planned Neighborhood Business District, and O-3 Office Park District
3. Special Permit #1839 Morning Glory Estates Community Unit Plan for 269 dwelling units
4. Preliminary Plat #00011 Morning Glory Estates, for 54 residential lots, 12 commercial lots and 2 outlots
5. Use Permit #128 for 153,000 square feet of office and commercial space

Requested waivers or variations from:

1. Section 26.15.030(b) requiring a Use Permit on a portion of the property with the submittal of the Preliminary Plat
2. Section 26.23.030 requiring a street projection to the north
3. Section 26.23.095 requiring sidewalks on the east side of N. 86th Street
4. Section 26.23.140(e) to allow double frontage lots
5. Section 26.23.140(a) to allow lots with a depth of less than 120' abutting an arterial street
6. Section 26.23.125 requiring a pedestrian connection to the east
7. Design Standards Chapter 2 items 3.3 and 3.6 design standards relating to the depth and slope of sanitary sewers
8. Design Standards Chapter 2.15 section 3.4.3 relating to intersection approaches
9. Modifications under 27.27.080(h) and 27.31.100(h) to allow signs within the front yard setback.

GENERAL INFORMATION:

APPLICANT: Gary Bredehoft
Olsson Associates
1111 Lincoln Mall
Lincoln, NE 68508
(402) 474-6311

OWNER
& DEVELOPER: Holdrege Investors, LLC
(Don Linscott contact)
5101 Central Park Drive, Ste 100
Lincoln, NE 68504
(402) 467-1234

University Park Congregation of
Jehovah's Witnesses, Inc
1900 N. 84th St.
Lincoln, NE 68505

LOCATION: Northeast corner of N. 84th & Holdrege Streets

LEGAL DESCRIPTION: General: The remaining portions of Lots 93 and 94, I.T. located in the Southwest Quarter of Section 14, T10N, R7E, Lancaster County, Nebraska. (See attached legal descriptions for each application.)

SIZE: Annexation: Proposed 47.16 acres, Recommended 53.67 acres

Changes of Zone:	
Ag to R-3	15.7 acres
Ag to R-4	15.11 acres
Ag to B-2	14.5 acres
Ag to O-3	8.34 acres
Special Permit (CUP)	30.83 acres
Preliminary Plat	53.67 acres
Use Permit	Proposed 15.94 acres, Recommended 22.84 acres

EXISTING ZONING: AG Agricultural

EXISTING LAND USE: Agricultural

SURROUNDING LAND USE AND ZONING: Zoned AG agricultural to the north, east and southeast with agricultural, single family acreage and church uses; zoned O-3 Office Park District to the south with rural fire station and ground under development; zoned B-2 Planned Neighborhood District and H-4 General Commercial District to the west with commercial uses under development.

COMPREHENSIVE PLAN SPECIFICATIONS: Shown for commercial and urban residential uses in the 1994 Lincoln-Lancaster County Comprehensive Plan.

HISTORY: The N. 84th Street Subarea Plan was approved in 1998 showing this area for commercial and residential developments.

UTILITIES & SERVICES:

Sanitary Sewer: Sanitary sewer to serve this plat is required from the north side of the proposed plat to north of Leighton. The developer is responsible for the cost of this sewer. The developer must pay the connection fee to the City for outletting to the "Regent Heights" trunk sewer.

The Public Works Department stated that the waiver requested for the sanitary sewer outlet depth is satisfactory

Water

The Public Works Department noted that the developer must pay the 8" equivalent cost of the 16" water main in Holdrege adjacent to this plat.

The Public Works Department stated that a water main needs to be shown along the un-named street in Lot 1, Block 3.

Roads

The Public Works Department stated that the 40' easement for a future private street extended to the north in Lot 1, Block 3 must be revised to show this as a street, the same as other streets in the Preliminary Plat.

The Public Works Department noted that the grading and drainage plan must be revised to show a public or private street extended to the north. The street grades must be provided in accordance with design standards, and the plan must be revised to show the street grades. It appears that significant grading is needed to build this street. This affects the storm water detention and other required grading in Lot 2, Block 3.

The Public Works Department noted that the plan needs to be revised to show the improvements that are tentatively agreed to for transportation improvements and right-of-way dedication or acquisition outside this plat. The dimensional relationship of the proposed curbline to existing or proposed right-of-way must be shown.

Additional right-of-way dedication along Holdrege Street and along 84th Street is needed to construct the paving cross-section shown on the plans.

ANALYSIS:

1. This is a request for annexation, changes of zone, a community unit plan, a preliminary plat and a use permit.

Annexation:

2. The area of the church lot at the northwest corner of the site was included in the preliminary plat and change of zone request. However, that parcel was left out of the annexation and use permit request.

3. The church lot would be surrounded on three sides by the City limits, if it is not incorporated.

4. City policy is to include areas that would be surrounded by three sides in the annexation.

5. A road extension to the north is required through the church parcel.

6. The sanitary sewer to serve this plat must come from the north, and through the east end of the church parcel.

7. The preliminary discussions regarding the annexation always included the church property.

8. The applicant has requested a change of zone on the church property to B-2 and the church property is included within the Preliminary Plat.

9. The annexation should not be approved unless the church parcel is included.

STAFF CONCLUSION: The purpose of providing preliminary plats is to "provide for the harmonious development of Lincoln and its environs; to prescribe the standards for the laying out of subdivisions in harmony with the comprehensive plan; for the coordination of streets and utilities within subdivisions with other existing or planned streets and utilities; for coordination of subdivisions with other features of the comprehensive plan...in such a manner so as to create conditions favorable to health, safety, convenience or prosperity..." (Section 26.03.0230)

The developer has included the northwest lot in the request for a change of zone and within the Preliminary Plat, but has not incorporated it within the annexation and use permit requests. The developer is requesting waivers of the subdivision requirements to provide a use permit over that area, and to project a street through that area to the north. Such requests are not consistent with the purpose of orderly development.

Churches are permitted uses in the B-2 district. The parcel could readily be incorporated into the proposed Use Permit. A street projection is necessary through the eastern side of that parcel to provide access and development opportunities to the property to the north. The sanitary sewer will be required to be extended from the north, along the eastern side of this parcel to serve the proposed development. The parcel must be annexed and included within the Use Permit.

STAFF RECOMMENDATION:

Annexation #00006 Conditional Approval

CONDITIONS ANNEXATION:

After the applicant completes the following instructions and submits the documents to the Planning Department office and the documents are found to be acceptable, the application will be scheduled on the City Council's agenda:

1. Revise the legal description to include the church lot.

2. Revise the annexation agreement to the satisfaction of the Public Works and Law Departments.

3. Provide signed copies of the acceptable annexation agreement.

Prepared by:

Jennifer L. Dam, AICP
Planner

ANNEXATION NO. 00006;
CHANGE OF ZONE NO. 3255;
SPECIAL PERMIT NO. 1839, MORNING GLORY ESTATES COMMUNITY UNIT PLAN;
USE PERMIT NO. 128;
and
PRELIMINARY PLAT NO. 00011, MORNING GLORY ESTATES

PUBLIC HEARING BEFORE PLANNING COMMISSION: February 21, 2001

Members present: Krieser, Duvall, Carlson, Steward, Taylor, Schwinn and Bayer; Hunter and Newman absent.

Planning staff recommendation: Approval of the annexation and change of zone, and conditional approval of the community unit plan, use permit and preliminary plat.

Proponents

1. Mark Hunzeker appeared on behalf of the applicant. He has discussed the report with the staff and believes there needs to be further discussion with staff. Hunzeker requested a two-week deferral to resolve several issues. He believes there may have been some miscommunications and there is at least one issue that did not come up in the previous meetings.

Schwinn moved to defer two weeks, with continued public hearing and administrative action scheduled for March 7, 2001, seconded by Carlson and carried 7-0: Krieser, Duvall, Carlson, Steward, Taylor, Schwinn and Bayer voting 'yes'; Hunter and Newman absent.

2. Mike Rierden appeared on behalf of the **Jehovah's Witnesses.** There are a couple of issues they are concerned about and will be talking with the applicant in the next two weeks. The Jehovah's Witnesses sold the property to this applicant and supports the project, but there are some issues that need further discussion and negotiation. Rierden is not sure two weeks is sufficient so they may request an additional deferral in two weeks if the issues are not resolved.

There was no testimony in opposition.

CONT'D PUBLIC HEARING BEFORE PLANNING COMMISSION: March 7, 2001

Members present: Carlson, Steward, Hunter, Krieser, Taylor, Duvall, Newman and Schwinn; Bayer absent.

A written request by Michael Rierden on behalf of the University Park Congregation of Jehovah's Witnesses was submitted requesting a two-week deferral.

Proponents

1. Mark Hunzeker appeared on behalf of Holdrege Investors, L.L.C. and agreed with the request for a two-week deferral.

Duvall moved to defer, with continued public hearing and administrative action scheduled for March 21, 2001, seconded by Steward and carried 8-0: Carlson, Steward, Hunter, Krieser, Taylor, Duvall, Newman, and Schwinn voting 'yes'; Bayer absent.

CONT'D PUBLIC HEARING BEFORE PLANNING COMMISSION: March 21, 2001

Members present: Krieser, Duvall, Hunter, Taylor, Steward, Carlson, Newman and Bayer; Schwinn absent.

Proponents

1. Mike Rierden appeared on behalf of the Jehovah Witnesses congregation. He indicated that he has spoken with the applicant, Don Linscott and Mark Hunzeker, and he requested a four-week deferral.

Mark Hunzeker, attorney for the applicant, Holdrege Investors, L.L.C., was in the audience and indicated his concurrence with the requested deferral.

Duvall move to defer four weeks, with continued public hearing and administrative action scheduled for April 18, 2001, seconded by Hunter and carried 8-0: Krieser, Duvall, Hunter, Taylor, Steward, Carlson, Newman and Bayer voting 'yes'; Schwinn absent.

There was no further public testimony.

CONT'D PUBLIC HEARING BEFORE PLANNING COMMISSION: April 18, 2001

Members present: Krieser, Carlson, Schwinn, Steward, Newman, Taylor, Duvall and Bayer; Hunter absent.

Jennifer Dam of Planning staff submitted a letter from Scott Anderson, an adjacent property owner to the north, with concerns about street connection to the north and the alignment of the sanitary sewer as it comes through his property.

Proponents

1. Mark Hunzeker appeared on behalf of **Holdrege Investors, L.L.C.,** the developer, and submitted proposed amendments to the conditions of approval. They have been working on this development proposal a long time and they were very near complete agreement at one point, but there remain a few big issues and a few minor issues to deal with.

This project is a proposal to rezone the area at the intersection of 84th & Holdrege from AG to O-3 along 84th Street to the north end of the property; to rezone a portion to R-4 for a multi-family complex in the northeastern portion; and the balance to R-3 for single family and duplex townhomes in the southeastern portion of the site.

With respect to the special permit, Hunzeker requested that Condition #1.2.3 be amended to read as follows: ~~Remove~~ Revise the "play area" designation ~~from~~ on Lot 10, Block 2, to "potential play area". They wish to simply reflect that it could be used as a potential play area for a day care center as opposed to removing it.

Hunzeker requested that Condition #1.2.4, Change the name of "Lexington Ave." to "Northern Lights Drive" to match the street to the west, be deleted. The name "Lexington Avenue" is the appropriate street name for the street that enters this site from 84th. On the west side of 84th the entrance to the shopping center has been renamed Northern Lights Drive, but everywhere else on this alignment it is known as Lexington Avenue and we think it is an appropriate designation and it is a very well known street in northeast Lincoln.

Hunzeker requested amendment to Condition #1.2.6 as follows: "Revise the site plan to provide a ~~front and side yard~~ setback of 40' on the north, and a landscape screen on the east side of the multi-family area as required by design standards (Chapter 3.35, section 1.2.)". This has to do with the multi-family area in the northeast corner. They had a rather lively discussion with staff about what the design standards mean as they relate to setbacks for multi-family buildings in these districts. Hunzeker believes that staff is in agreement with the proposed revised language.

Hunzeker requested that Condition #1.2.7, "Revise the layout of the multi-family area to provide a better transition to the area to the north and east, considering the character of the area to the north and east.", be deleted. This is an area of disagreement with the staff. The staff is asking us to revise the layout of the multi-family area to provide better transition to the north and east. Hunzeker believes this site plan does provide that good transition. It is a difficult site to lay out. We have worked to revise the layout of the multi-family area in response to suggestions by the staff and concerns by various other city staff. There is a power line that cuts diagonally across this site as well as a detention cell which is required by the city stormwater requirements that really constrain this area in a way that makes it difficult to reconfigure. The developer has re-engineered the detention cell more than once and changed the configuration more than once. Hunzeker believes the proposal does a good job of utilizing the site working around the detention requirements and around the power line. There is no residential use of any kind to the north and the residential uses to the east are quite some distance away. They are acreages that are probably at least 5 acres each and the nearest house is a good 400-500 feet from this development's east property line. This is an area that will be urbanizing in the next few years and there will be a continual growth of urban uses into this area.

Hunzeker request to delete Condition #1.2.8, "Remove the signs from the front yard setback." The proposal requests six locations for ground signs along 84th Street within the front yard setback. The proposal provides a larger than required front yard setback along the west property line, and the applicant is requesting the ability to put ground signs along 84th Street in the same manner as has been permitted on the west side of the street. No objections were raised to the ground signs that are in the front yard on the west side of the street. The size of the signs in the O-3 is so limited that they cannot cause much of an obstruction and certainly these businesses are entitled to some identification.

Hunzeker request to amend Condition #1.2.9 as follows: "Revise Note 7 to ~~remove the sentence "with the exception of the east side of N. 86th St. along the back side of Lots 11, 12, 21 and 22,~~ add "which will be included with the street project." He believes this is in conformance with the discussions with Public Works.

Hunzeker requested to amend Condition #1.2.13 as follows: "Add a note indicating that any relocation of LES facilities will be at the owner/developer's expense, except line along north side of Holdrege Street." This has been worked out with Public Works.

Hunzeker requested to amend Condition #1.2.15 as follows: "Show the location of the church's well and septic tank. Add a note indicating that the septic tank will be properly abandoned according to the Health Department regulations at the time of connection to City sewer." This has also been agreed upon with the staff.

As a result of discussions with the neighbor to the north and the church neighbor, Hunzeker requested to amend Condition #1.2.19 as follows: "Revise the site plan, grading and drainage plan and street profiles to show a road connecting to the north, with the appropriate details, and sidewalks on the west side only." A private roadway will be provided extending to the north that will be centered on the east property line of the church property. A waiver of sidewalks has been requested, except on the west side of that street. It runs along the detention cell and they do not want to have sidewalks right up against that detention cell.

Hunzeker requested that Condition #1.2.21 be amended as follows: "Revise the site plan to provide additional ~~entrances/~~exit~~s to~~ from the multi-family area." This waives a pedestrian access to the east. The neighbors to the east are acreages and it is not likely to be redeveloped into an urban setting in the near future and he believes staff agrees.

Hunzeker requested the same amendments to the conditions of the preliminary plat and to add the following conditions:

2.7 Waiver of the pedestrian connection to the east in Block 4.

2.8 Modification of street design standards, Chapter 2.15, Section 3.4.3, relative to intersection approaches per plans.

and to amend Condition #3.2.3.1: "Half the cost of ~~a 16"~~ an 8" water main in Holdrege Street, adjacent to the plat."

Hunzeker suggested the same amendments to the use permit, adding Condition #2.5: Modifications under 27.27.080(h) and 27.31.100(h) to allow signs within the front yard setback.

Hunzeker advised that they have an agreement for the private roadway; they have worked out the agreement with the church relative to construction of that roadway; and they have agreed to include the church property in the annexation.

Steward asked the applicant to elaborate on comments in the Anderson letter. Hunzeker observed that Anderson is concerned about the scheduling of the construction of the roadway from Lexington Avenue north to his property line. He has restricted access on 84th Street and he will need to have the ability to get to his property from Lexington. Hunzeker agreed that Anderson needs that access and the developer is not opposed to providing it. This developer had previously proposed that the access be provided in a public access easement to be located at the time the use permit was approved on the church property. After discussions with the church, they have arrived at a permanent location for this road along the east property line of their property and this applicant will either construct or guarantee by bonding for that improvement at the time the first final plat is done to final plat the multi-family lot. So it will have to be done within no more than four years from the time the first final plat is approved, and Hunzeker believes their agreement with the church was that it will be done sooner than that.

Don Linscott, 5101 Central Park Drive, testified that the applicant has entered into a tentative agreement with the church, agreeing to have the roadway done by September of 2003.

With regard to the sanitary sewer issue that Anderson brought up, Linscott advised that the developer had originally proposed to put it down the easement where the power lines go. We have now agreed to take a look at putting the sanitary sewer along 86th Street over to Leighton and then back down to 84th. Linscott has asked the engineers to at least evaluate that to see if it is possible. The developer has had some long discussions with Public Works to allow further depth on the sanitary sewers where intersected with 84th, so they will take a look to see if it is possible.

Hunzeker believes it is just a matter of grades. If the grades work, this can be done without too much trouble.

Carlson referred to Condition #1.2.13 regarding the LES improvements. Hunzeker suggested that this is kind of a boiler plate condition that says the developer is responsible for relocating LES facilities, and that's generally the case everywhere. In this case, the developer is providing additional right-of-way and there are improvements being made in Holdrege Street at the request of the City which are not caused by this developer. If we have to move LES lines because of those improvements that are not necessarily this developer's responsibility, they will be done as part of the street project and share costs in the same proportions as the street project.

Linscott further commented that this is a difficult site to work on, especially with the power lines going through the property and with Holdrege Street eventually becoming an arterial street going out to the eventual East Bypass. In working with both Public Works and the Planning Department, Linscott believes there was some really good dialogue in working through this project and what is going to happen in the future. Even though it has taken a lot longer than he thought it would, he believes there was good cooperation between both departments and the developer in coming up with some solutions that were not easy.

Newman referred to the waiver of the pedestrian connection to the east in Block 4, and asked why the developer does not want to provide that connection. Hunzeker does not believe the pedestrian easement will ever be used, at least not in any meaningful timeframe. It's going into the back yard of an existing acreage lot. Hunzeker would be surprised if the acreage lots were redeveloped into urban sized lots in a timeframe that is meaningful here. Newman noted that this issue came up a couple weeks ago where there was no pedestrian connection and people were cutting through back yards. Hunzeker recalled that that one came up in part because in the previous subdivision they didn't think the area to the east was sewerable. This is a different situation because it is already developed.

There was no testimony in opposition.

<u>Staff questions</u>

Jennifer Dam stated that staff disagrees with four of the applicant's proposed amendments.

The staff disagrees with the proposed amendment to Condition #1.2.6 and the deletion of Condition #1.2.7, both of which have to do with design of the multi-family area. The area to the north and to the east is agricultural development now and there are grade differences to the north. Staff believes that there are ways to accommodate the same density with a design that could potentially integrate better in the future as the area is urbanized. The large multi-family buildings on the edge could provide difficulty for transitions in the future.

Staff also disagrees with the deletion of Condition #1.2.8 regarding signs in the front yard setback. The regulations for O-3 and B-2 do not allow signs in the front yard setback. There have been no unusual circumstances provided to the staff for this waiver. If there is an overwhelming feeling in the community that the signs should be located in front yard setbacks, then Dam suggested changing the ordinance rather than consistently granting waivers.

Staff disagrees with the amendment to Condition #1.2.9 relating to the sidewalks. The applicant has requested to waive the sidewalks along the residential lots and staff believes that a continuous sidewalk should be provided for the residential area.

With regard to adding Condition #2.7 to the preliminary plat, Dam stated that the staff anticipates that the area to the east will urbanize and we should have the foresight to provide that pedestrian connection to the east.

Response by the Applicant

Linscott addressed the multi-family area. When they first started looking at this area with the power lines, he was under the assumption that they would be able to change the power lines as was done up in the Landmark area next to the new high school site. Those power lines were moved along the property line. Unfortunately, this is a different type of line to move and it is more expensive. The developer then went to Kansas City and looked at a complex with a power line directly to the north and how they laid it out. With the grade changes and the detention pond, it made it very difficult to lay out the apartment complex. If we could have moved the power lines it would have given us a little more effective room, but we have to work within the constraints of the power line and how the land lays made that difficult.

With regard to the signs in the front yard setback, Linscott noted that across the street on Northwoods they have worked hard to make sure the ground signs match the building design, etc. In this development, there is a major bank that has signed a letter of intent and a fast food. They are going to see those signs in the front yard setback across the street. It makes it difficult trying to sell these parcels when you do not allow the signs. We do have more setback in the O-3 (from 20 to 50 feet) to keep the line along 84th consistent. It is on three locations in the B-2 that we have asked for the exception.

With respect to the sidewalk, Hunzeker agreed that the connection to the east is important. The sidewalk along the east side of No. 86th is something that can be put in place, but it is something that serves very little in the way of real pedestrian traffic. All of the lots that abut No. 86th Street do not front No. 86th Street. The frontage is all along 87th Street, Lavender Circle, etc. That is where people are likely to be walking. The need for pedestrian access is greater to get to the commercial area on the west side of the street.

Linscott further observed that it is very difficult to design around the detention cell and the power line. We thought we had been through the process of working out a design on it and apparently we were wrong in thinking that. It would be difficult to rearrange the multi-family in any way that doesn't involve re-engineering the site. We want to retain single family and townhomes in the southeast portion as transition from office and commercial space. If we can't do that because we have to re-engineer the entire site, we will probably end up with more multi-family and a less smooth transition than we tried to accomplish.

Carlson noted that the O-3 portion shows 50' front yard setback. It seems logical that it would be reasonable to allow someone to put a sign within the 21-50' area. Is there a sense of where the signs would be in relation to the street? Hunzeker believes it is shown at 10', but he agreed that they would like 21' a lot better than 50'.

Steward understands the difficulty with the location of the power line. Ostensibly it rightly negates this property for single family use, and he wondered whether the units will be required to be two-story. Linscott stated that they will be three-story.

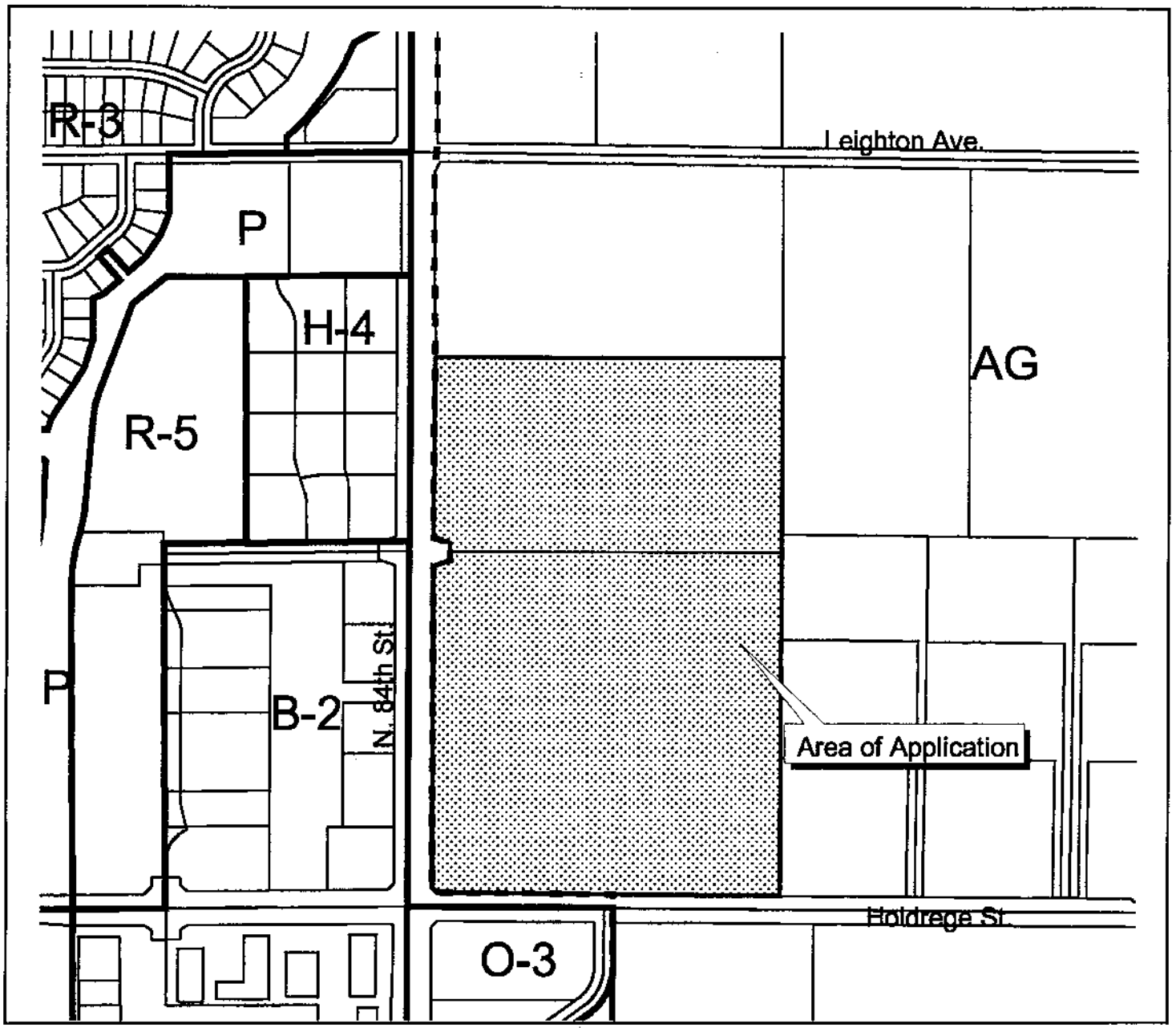
Steward referred to the corner north of the power line. As long as that detention cell stays, then it is that corner that stays there for transition. Is there any possibility for duplex or smaller envelope multi-family units in that corner that give a lower profile as you move toward the other potential single family area? Hunzeker does not believe they are at the same level. They are cutting into the side of that hill with the multi-family site. Steward does not want to get into a design discussion, but the staff's notion is correct that there is a transition concern as long those are three-story units, and there is a significant slope from east to west. Hunzeker suggested that at that location it is higher on the north. This site will be lower than the property to the north as well as the property to the east. He does not believe they will impose a very large overwhelming type structure to anything that could happen on the north side.

Linscott also offered that in working with LES, you have to stay at a certain height under the poles (even the parking lots), so that was another constraint of what could be done grade-wise. In working with Anderson to the north, they have agreed to put additional landscaping in that area to make a better transition to the north.

Public hearing was closed.

ANNEXATION NO. 00006
ADMINISTRATIVE ACTION BY PLANNING COMMISSION: April 18, 2001

Carlson moved to approve the Planning staff recommendation of conditional approval, seconded by Schwinn and carried 8-0: Krieser, Carlson, Schwinn, Steward, Newman, Taylor and Duvall voting 'yes;' Hunter absent.



Preliminary Plat #00011
Annexation #00006
N. 84th & Holdrege St.

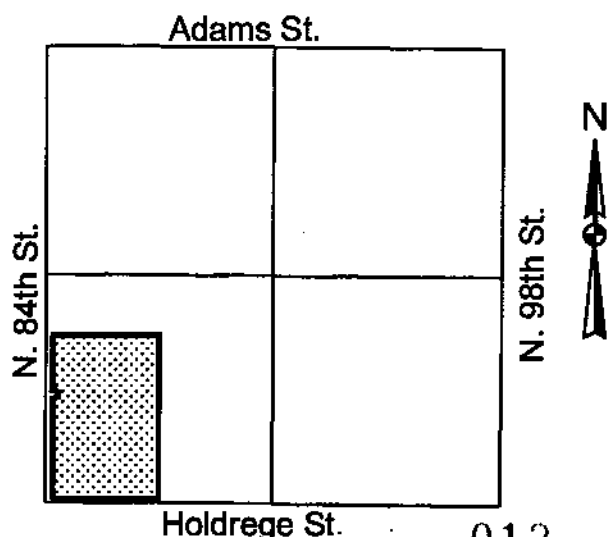
Zoning:

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Convervation 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

Zoning Jurisdiction Lines

City Limit Jurisdiction

One Square Mile
Sec. 14 T10N R7E



m:\plan\arcview\jen\pp00011 (layout 1)

Date:
Lincoln City - Lancaster County Planning Dept.

Preliminary Plat #00011
Annexation #00006
N. 84th & Holdrege St.

N

Sheet ___ _____ of _____

Date: _____

Photograph Date: 1997

014

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Lincoln City - Lancaster County Planning Dept.

LEGAL DESCRIPTION
ANNEXATION
MORNING GLORY ESTATES

A LEGAL DESCRIPTION FOR ANNEXATION PURPOSES FOR A TRACT OF LAND COMPOSED OF LOT 94 I.T., AND A PORTION OF LOT 93 I.T., ALL LOCATED IN THE SOUTHWEST QUARTER OF SECTION 14, TOWNSHIP 10 NORTH, RANGE 7 EAST OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SOUTHWEST QUARTER, THENCE ON AN ASSUMED BEARING OF NORTH 00 DEGREES 02 MINUTES 14 SECONDS WEST ALONG THE WEST LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 69.97 FEET TO A POINT, THENCE NORTH 89 DEGREES 57 MINUTES 46 SECONDS EAST ALONG A LINE PERPENDICULAR TO THE WEST LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 85.00 FEET TO A SOUTHWEST CORNER OF SAID LOT 94 I.T., SAID POINT BEING **THE TRUE POINT OF BEGINNING**, THENCE NORTH 00 DEGREES 02 MINUTES 14 SECONDS WEST ALONG THE WEST LINE OF SAID LOT 94 I.T., A DISTANCE OF 1133.05 FEET TO A NORTHWEST CORNER OF SAID LOT 94 I.T., THENCE NORTH 71 DEGREES 32 MINUTES 06 SECONDS EAST ALONG A NORTHWEST LINE OF SAID LOT 94 I.T., A DISTANCE OF 63.24 FEET TO A NORTHWEST CORNER OF SAID LOT 94 I.T., THENCE NORTH 00 DEGREES 02 MINUTES 14 SECONDS WEST ALONG A WEST LINE OF SAID LOTS 94 I.T., AND 93 I.T., A DISTANCE OF 60.00 FEET TO A SOUTHWEST CORNER OF SAID LOT 93 I.T., THENCE NORTH 71 DEGREES 35 MINUTES 42 SECONDS WEST ALONG A SOUTHWEST LINE OF SAID LOT 93 I.T., A DISTANCE OF 63.25 FEET TO A SOUTHWEST CORNER OF SAID LOT 93 I.T., THENCE NORTH 00 DEGREES 02 MINUTES 14 SECONDS WEST ALONG THE WEST LINE OF SAID LOT 93 I.T., A DISTANCE OF 20.00 FEET TO A POINT, THENCE SOUTH 53 DEGREES 34 MINUTES 32 SECONDS EAST, A DISTANCE OF 26.93 FEET TO A POINT, THENCE SOUTH 88 DEGREES 28 MINUTES 23 SECONDS EAST, A DISTANCE OF 147.31 FEET TO A POINT, THENCE SOUTH 86 DEGREES 12 MINUTES 55 SECONDS EAST, A DISTANCE OF 101.97 FEET TO A POINT OF CURVATURE, THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION HAVING A RADIUS OF 450.00 FEET, ARC LENGTH OF 164.18 FEET, DELTA ANGLE OF 20 DEGREES 54 MINUTES 13 SECONDS, A CHORD BEARING OF SOUTH 75 DEGREES 45 MINUTES 48 SECONDS EAST, AND A CHORD LENGTH OF 163.27 FEET TO A POINT OF TANGENCY, THENCE SOUTH 65 DEGREES 18 MINUTES 41 SECONDS EAST, A DISTANCE OF 1.80 FEET TO A POINT, THENCE NORTH 21 DEGREES 02 MINUTES 41 SECONDS EAST, A DISTANCE OF 36.07 FEET TO A POINT, THENCE NORTH 00 DEGREES 02 MINUTES 14 SECONDS WEST, A DISTANCE OF 647.61 FEET TO A POINT OF INTERSECTION WITH THE NORTH LINE OF SAID LOT 93 I.T., THENCE NORTH 89 DEGREES 58 MINUTES 15 SECONDS EAST ALONG THE NORTH LINE OF SAID LOT 93 I.T., A DISTANCE OF 796.88 FEET TO THE NORTHEAST CORNER OF SAID LOT 93 I.T., THENCE SOUTH 00 DEGREES 02 MINUTES 52 SECONDS WEST ALONG THE

EXHIBIT

A

EAST LINE OF SAID LOTS 93 I.T., AND 94 I.T., A DISTANCE OF 1896.50 FEET TO THE SOUTHEAST CORNER OF SAID LOT 94 I.T., THENCE NORTH 89 DEGREES 35 MINUTES 51 SECONDS WEST ALONG A SOUTH LINE OF SAID LOT 94 I.T., A DISTANCE OF 1217.61 FEET TO A SOUTHWEST CORNER OF SAID LOT 94 I.T., THENCE NORTH 43 DEGREES 56 MINUTES 50 SECONDS WEST ALONG A SOUTHWEST LINE OF SAID LOT 94 I.T., A DISTANCE OF 28.84 FEET TO THE TRUE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA OF 47.16 ACRES, OR 2,054,261.06 SQUARE FEET MORE OR LESS.

JANUARY 3, 2001 (1:51PM)
F:\Projects\20000487\MIKEJ\ANNEX.L01

ITEM NO. 4.1a,b,c,d,e: ANNEX.00006
CHANGE OF ZONE 3255
SPECIAL PERMIT 1839
PREL. PLAT NO. 00011
USE PERMIT NO. 128

(p.77-Cont'd Public Hearing 3/07/01)

J. Michael Rierden
ATTORNEY AT LAW

THE COTSWOLD
645 "M" STREET
SUITE 200
LINCOLN, NE 68508

TELEPHONE (402) 476-2413
TELECOPIER (402) 476-2948

March 6, 2001

Jennifer Dam
Planning Department
555 South 10th Street
Lincoln, Nebraska 68508

RE: Annexation No. 0006, Change of Zone 3255, Special Permit No. 1839, Preliminary Plat No. 00011 and Use Permit No. 128

Dear Jennifer:

As you know I represent the University Park Congregation of Jehovah's Witnesses. I have spoken with Don Linscott and both he and my clients would like to have the aforementioned matters continued for public hearing for two weeks so that the issues which we discussed on March 2, 2001 can be addressed.
If you should have any questions please feel free to contact me.

Yours very truly,

J. Michael Rierden

JMR/jdr
pc: Gary Crowl
Don Linscott
Mark Hunzeker

RECEIVED
MAR - 6 2001
LINCOLN CITY/LANCASTER COUNTY PLANNING DEPARTMENT

SUBMITTED AT CONT'D PUBLIC HEARING
BEFORE PLANNING COMMISSION: 4/18/01

ANNEX.00006
CHANGE OF ZONE NO. 3255
SPECIAL PERMIT NO. 1839
PRELIMINARY PLAT NO. 00011
USE PERMIT NO. 128

HAND DELIVERY

April 18, 2001

Jennifer Dam
Lincoln/Lancaster County Planning Department
555 South 10th Street
Lincoln, Nebraska

RE:

Ms. Dam,

The following is offered regarding the proposed development located along the east side of North 84th Street, north of Holdrege Street. I own property located adjacent to the north property of the proposed development. The developer and I have met to discuss several issues. The remaining issue is the construction schedule of the north/south private street along the west limit of the development. It is my opinion this private street is should be included with construction of the apartment complex rather than at a later date.

As you are aware, access to 84th Street from my property will be limited to Leighton Avenue and the private street shown in the Morning Glory development. If postponed, the street construction may not occur within the foreseeable future and will limit development opportunities on my property. Normally, this would not be a concern. However, development of the Morning Glory site is dependent upon construction of a sanitary sewer through my property. It is my fear that value of my property will be accelerated and necessitate development to offset increases in real estate taxes.

Secondly, the developer and I have not reached a conclusion on the final alignment of the sanitary sewer. Initially, we had agreed to place the sewer within the existing LES easement. This alignment was acceptable until the north/south private street was added to the Morning Glory plan. It is my opinion that a mutual sanitary sewer alignment should be required with approval of this application.

Based upon the above, it is respectfully requested that conditions of approval include the following:

Construction of the north/south private street be required as part of the apartment development
Final alignment of the sanitary sewer extension between 84th Street and the Morning Glory development be of mutual agreement between the Morning Glory developer and myself.

Sincerely,

Scott Anderson