

Exhibit B to Factsheet

Opposition Special Permit No. 1665C, Amendment to the Van Dorn Meadows Community Unit Plan

Bill #14R-193

(1st Reading: 7/21/14; Public Hearing: 7/28/14)

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q:\fs\cc\2014\SP1665C Exhibit B - Opposition

From: Jean Preister
Sent: Thursday, May 22, 2014 8:33 AM
To: Jean Preister
Subject: FW: May 20th, 2014

-----Original Message-----

From: Chonz [<mailto:chonz@neb.rr.com>]
Sent: Wednesday, May 21, 2014 7:31 AM
To: Marvin S. Krout
Subject: May 20th, 2014

May 20th, 2014

Dear Mr. Will,

I am contacting you in regards to the proposed amendment to the Van Dorn Meadows Community Unit Plan SP1665C. As a homeowner in Fox Hollow with my husband Dave and our two young children we are terribly concerned over the zoning action that is proposed for Outlot B by Stephan Gaspar and Chateau Development.

Our understanding is that the current zoning is for solely single family homes and townhomes. To learn that the property owners are asking for a variance to the present zoning is of great concern. We have lived at our current address since December of 2000 and it was to our understanding that future development of this green space would be a continuation of the luxury town homes that exist on the opposite side of Sherman Street.

Obviously Mr. Gaspar and Chateau Development purchased Outlot B knowing what the zoning allowed. To now ask for a variance on the established zoning does not honor well established best practices in city planning for appropriate transitions and compatibility of use. It fails to honor commitments made by Chateau development to build additional luxury town homes of the land.

To disregard the approved community use plan which has been in place for over 20 years, upon which we, in large part, based our decision to purchase our homes is alarming. The proposed plan raises additional concerns regarding increased traffic volume, diminished safety for our youth and adequate protection of the Holmes Lake Watershed.

This proposed plan will adversely affect our neighborhood in so many ways. Increased density, increased air, light and noise pollution, disruption of natural habitats, invasion of privacy, gross impediment of the current view, not to mention how out of place these units will look against the current town homes and single family homes. This proposed plan negates present transitions by allowing these multi family units to abut the established homes.

As concerned citizens we urge you to act now to reject plans to build apartments and duplexes on Van Dorn Meadows First Addition, Block 2 Outlot B in Lincoln, Nebraska.

Thank you for your time and efforts on our behalf.

Sincerely,

Carri L. Honz
3410 Fox Hollow Cir
Lincoln, NE. 68506-4633
(402)483-4303

Don Chandler
7322 Sherman St.
Lincoln NE 68506

RECEIVED

MAY 27 2014

Lincoln/Lancaster Co.
Planning Department

May 21, 2014

Lincoln/Lancaster Planning Commission c/o Brian Will

555 S 10th St, Suite 213

Lincoln, NE 68506

RE: proposed amendment of VanDorn Meadows Community Unit Plan, SP 1665C

Sirs:

This letter is to express our opposition to the Variance on Outlot B Sought by Chateau Development. We live at 7322 Sherman St, and were one of the original owners, building our unit in 1994. At that time the units were marketed as "Luxury Townhomes" and the plat map we received stated that Outlot B would be "Future Townhome Development." We relied on the promise of Chateau to build luxury townhomes across Sherman Street, and now face the prospect of 30 rental units, which are not compatible with the neighborhood.

The proposal by Chateau contains approximately 68 parking stalls and drives, which will increase runoff and pollution in Holmes Lake. Some of our neighbors already experience flooding in their back yards from excess draining water in the area. Light and noise pollution are also serious concerns.

The proposed amendment to the community unit plan violates the stated purposes of the Zoning Code of the City of Lincoln. It would substantially increase traffic congestion in the area streets, which are already congested in the morning and evening. Lux Middle school is over capacity now, and is not accepting new students. This proposal would negatively impact the safety, welfare and environment of the neighborhood.

Please reject this proposal by Chateau.

Sincerely



Jane Grabenstein-Chandler

Jane Grabenstein-Chandler

Don Chandler

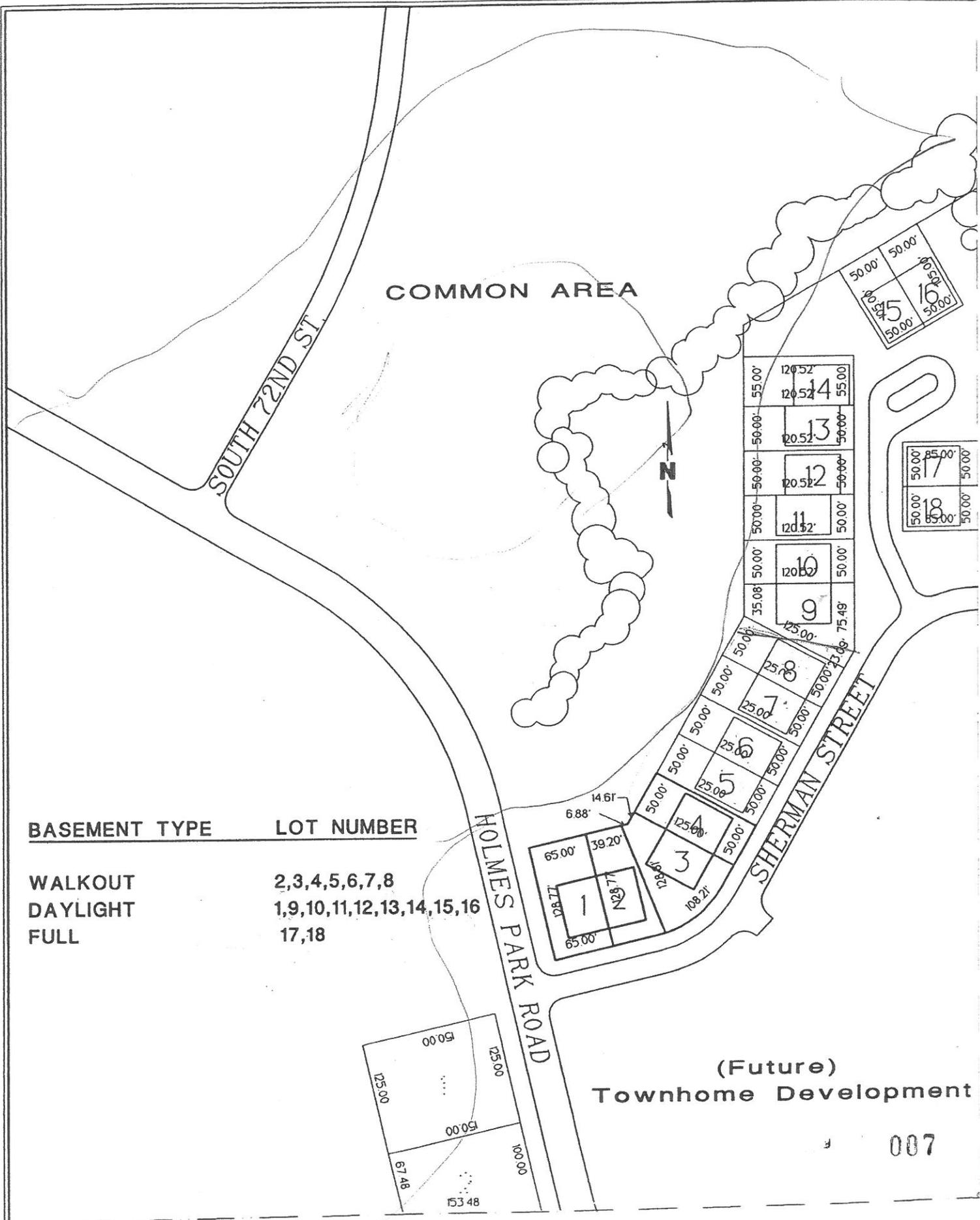
Sherman Estates



Luxury Townhomes

by
*Chateau
Development*

006



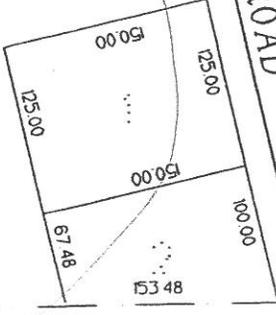
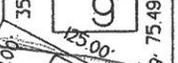
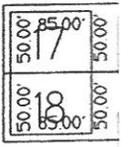
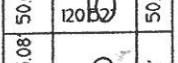
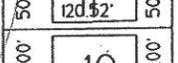
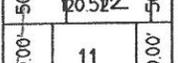
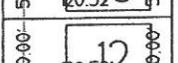
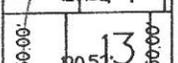
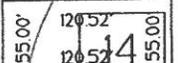
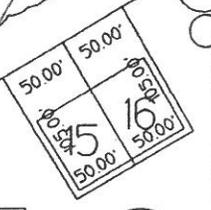
COMMON AREA

SOUTH 72ND ST.



HOLMES PARK ROAD

SHERMAN STREET



| BASEMENT TYPE | LOT NUMBER |
|---------------|--------------------------|
| WALKOUT | 2,3,4,5,6,7,8 |
| DAYLIGHT | 1,9,10,11,12,13,14,15,16 |
| FULL | 17,18 |

(Future)
Townhome Development

007

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

May 21, 2014

Re: The proposed amendment to the Van Dorn Meadows Community Unit Plan
SP1665C.

Dear Members of the Planning Commission,

I respectfully request that the County Planning Commission maintain the R-3 zone rating on Outlot B, Block 2 Van Dorn Meadows 1st Add. as it is now and reject the plan change submitted by Mr. Gaspar.

My reasons for rejecting his plan are:

- 1). His plan does not follow the planning department's appropriate transition and flow of business to apartments to green space to townhomes to single families.
- 2). Density in the area is already extremely high and this would only add to the problem. Traffic is at a high level at the present time. I believe there will be run off water problems with his plan for all the buildings, streets, and concrete for parking and so little ground to absorb rain water.
- 3). When I purchased my home in 2007, I was told the empty lot (Outlot B) would be town homes similar to mine. Single family homes on that lot would be acceptable and compatible with the neighborhood. Apartments or rental duplex units in that area would divide our neighborhood.

I invite any or all to come see our neighborhood ---envision townhomes comparable to the existing ones on Outlot B compared to and apartment building and duplexes as Mr. Gaspar plans.

Thank you for your attention to my concerns.

Sincerely,



Barbara J. Johnson
7306 Sherman Street
Lincoln, NE 68506
402-327-2347

RECEIVED

MAY 27 2014

**Lincoln/Lancaster Co.
Planning Department**

To: Jean Preister
Subject: FW: opposition to the amendement for Van Dorn Meadows Community Unit Plan, SP 1665C

From: Ron Brooks [<mailto:rbrooks@neb.rr.com>]
Sent: Wednesday, May 21, 2014 11:42 PM
To: Brian Will
Subject: opposition to the amendement for Van Dorn Meadows Community Unit Plan, SP 1665C

Lilncoln/Lancaster Country Planning Commission
Lincoln/Lancaster Country Planning Department
555 S 10th Street Suite 213
Lincoln, Nebraska 68508

Mr. Brian Will,

Hello... My name is Susan Brooks. I live at 3253 Sherman Place across from the vacant property located on Holmes Park Road and Sherman Street. Many of us are original owners and have lived here as part of the Sherman Townhome Association for approximately 20 years. We purchased our properties from the builder with the possibility of future development across Sherman Street being townhomes similar to ours. In fact a sign sat on that vacant property stating "site of future townhomes".

We feel we have been blind sided with Mr. Gaspar's announcement that now he intends to build a large apartment building and many duplexes on that property. This is NOT what we were told when we purchased our properties. I am not opposed to the property being developed. I just feel that he should honor his word and do what he promised. When we stated that sentiment to Mr Gaspar at the first meeting we had with him, his reply was "I have a right to change my mind!" We as prospective buyers might have also been able to "change our mind" about buying our lots 20 years ago. Unfortunately, we don't have that option at this point in time.

The intended plan now will be a detriment to the area. It will increase traffic on Holmes Park Road tremendously. This is already a VERY busy street. And the addition of an entrance to the property right next to a blind curve will only increase the possibillites of untold accidents. EXcess speeding on Holmes Park Road is a definite problem... Many people travel on or attempt to cross this street daily. It is being used by many children who attend Lux Middle School and also by people who are going to the Holmes Park Dog Run. These people traveling on foot or by bicycle will be in danger trying to cross this street.

We have overpopulation in our area already. Lux Middle School is closed to new students. I feel that this lot is too small to accomodate the proposed apartments and duplexes. and it is not appropriate to have these buildings right between the present residential single family homes and our townhomes. It does not make sense. Plus Mr Gaspar said that the people who rent these units will be able to go a block away to use the swimming pool area of the current Chateau Apartments at 72nd Street. If those residents take the direct route, they will be going right between our homes.

The backyards of 12 properties will be butting up against the proposed buildings. There are questions about the landscaping that will be done. Will the noise be filtered out? The increased cement and runoff problems will be making the flooding worse. We already have a major problem with runoff into the small lake behind our townhomes. There is quite a problem with erosion of the bank and excess dirt going into the lake. ...and eventually will cause a problem for the water that drains into Holmes lake watershed.

There are multiple problems associated with Mr. Gaspars proposals. We hope that you will not allow these to occur. As I stated, we are not opposed to him developing his property. We just would like him to reconsider and build the townhomes that were promised to us.

He stated that he had no interest from any builder to actually build townhomes. I can not believe that to be true. Personally I have many friends who keep asking me if anyone in my area is selling their townhome...as they would love to

be here in this east-central location. I believe there would be a builder who would LOVE to build nice townhomes in this location. This plan would be a very nice addition to the neighborhood...and potentially our townhome association. We would enjoy having new neighbors who would be a permanent addition to our area.

I do have a question that maybe you could answer at your meeting next week. I would just be curious to know how many apartments are currently under new construction?? or maybe being added to? It just seems to me that there are projects everywhere in the city. What is the average vacancy for apartment complexes in Lincoln? Do we need more... I do know people who are looking for a nice townhome... and say that they can't find one.

Thank you for your consideration of this potentially serious problem in our neighborhood.

Susan Brooks
3253 Sherman Street
Lincoln, Ne. 68506

Bradley & Nancy Brestel
3441 Fox Hollow Circle
Lincoln, NE 68506
402-217-8477
402-610-2162

May 23, 2014

Lincoln/Lancaster Planning Commission – c/o Brian Will
555 S. 10th St., Suite 213
Lincoln, NE 68508

Dear Brian,

Re: The Proposed Amendment to the Van Dorn Meadows Community Unit Plan, SP 1665C

We have lived in the Fox Hollow neighborhood since 2001. We've appreciated our neighbors in Fox Hollow Circle and always admired the attractive townhomes along Sherman. We bought our home with the knowledge and understanding that according to the Zoning Code of the City, Outlot B permitted single-family dwellings and two-family dwellings. We looked forward to more attractive townhomes.

We strongly oppose the rezoning proposal by Chateau Development. We are not able to leave work to attend the May 28th meeting but wish for our 'vote of no' to be duly noted.

The reasons include:

Very poor homes transition: from the established multi-family/apts. From 70th – 72nd, thru green space, to current townhomes and on to single family homes. There is no orderly transition between the R-1 and R-3 zoning districts.

Undo Concentration of Population: the proposed amendment doubles the maximum density on Outlot B from the currently allowed 9 – 15 units, to 30 dwelling units. Large numbers of apartments are currently available within the community unit plan along the arterial streets, (S. 70th & Van Dorn).

Apartments are not compatible with the current developed neighborhoods that surround Outlot B. Additional attractive townhomes are a housing need and would be welcomed.

Congestion of streets: would be inevitable with so many apartments and duplex rental units. Increased traffic and congestion raises great safety concerns for the Fox Hollow neighbors.

School overcrowding: Lux Middle School is already over-capacity and no longer accepting new students. Additionally, access to the school is through the single-family neighborhood which currently experiences serious traffic congestion and student safety issues.

Incompatibility with Neighborhood Property: no effort is being made to assimilate the project into the existing neighborhoods. There are no provisions for any type of landscaping buffer or appropriate distancing from R-1 neighbors. The proposed duplexes form a straight wall of buildings only 30 feet from the adjacent backyards of the homes, including our home, in the R-1 district.

Detrimental Reliance: Chateau Development initially marketed the townhouses it developed, located to the west of the proposed apartments, with a promise of "future luxury townhomes" on Outlot B. However, there's been little if any attempt to market the property. To place an apartment building on the land is simply not compatible with the developed townhomes.

Reduced quality of life: the revised plat contains 68 parking stalls and drives, which will increase runoff and pollution into Holmes Lake. The townhomes are already experiencing flooding in their backyards from excess drainage in the area. Light and noise pollution are also serious concerns.

Changing the zone will certainly have a negative impact on the safety, welfare and environment of the neighborhood.

Sincerely,

Brad & Nancy Brestel

011

Jean Preister

To: Jean Preister
Subject: FW: In opposition to the proposed amendment to the Van Dorn Meadows Community Unit Plan, SP 1665C

From: natashee205@gmail.com [<mailto:natashee205@gmail.com>] **On Behalf Of** Natasha D
Sent: Friday, May 23, 2014 3:03 PM
To: Brian Will
Subject: In opposition to the proposed amendment to the Van Dorn Meadows Community Unit Plan, SP 1665C

May 23, 2014

Natasha Doty

3420 Fox Hollow Circle

Lincoln, NE 68506-4633

natasha.doty@gmail.com

The Lincoln/Lancaster Planning Commission c/o Brian Will

Lincoln/Lancaster County Planning Department

555 S. 10th Street, Suite 213

Lincoln, NE 68508

Dear Mr. Brian Will and the Lincoln/Lancaster Planning Commission:

I am writing to you in opposition to the proposed amendment to the Van Dorn Meadows Community Unit Plan, SP 1665C. My parents own the property at 3420 Fox Hollow Circle, where we have lived since 1992. I am writing to you not only out of concern for my parents' and neighbors' interests, but also because (God forbid) should something happen to my parents, I will become one of the owners of this property.

Having lived at this property nearly my entire life, our neighborhood has a developed sense of community, where the neighbors know and look out for each other. We, as a neighborhood, have worked hard to create an established neighborhood, where homes are rarely up for sale. Placing an apartment building in the middle of this neighborhood is not only a disruption to this sense of community, but also the orderly transition into the neighborhood, and will create many other problems as well.

The addition of apartments doubles the maximum density on Outlot B, creating further concerns for traffic congestion in an area that is already congested, especially during rush and school hours, and has few options for exit from the neighborhood. More traffic also means an increased risk of danger for the children, walkers, and runners who cross in the nearby intersections to access Holmes Park and the dog run.

As homeowners, who have made the single largest investment of our lives in our homes, we are additionally concerned by the effect on our property value of 30 rental units abutting our properties. The majority of us have lived in these homes for many years, and have no intention of moving anytime soon. Building the property as designed (single family homes or beautiful town homes) would maintain the quality of life that we purchased our homes based upon, and limit noise and light pollution, as well as work to preserve the beauty of the nearby lake.

Our society was built on a handshake being a man's word, and on commitments being kept. I am asking Mr. Gaspar, as the property owner, to keep his commitment to building luxury town homes or single family homes on Outlot B of the Van Dorn Meadows Community Unit Plan. I am asking you, the Planning Commission, to use your governing authority to hold Mr. Gaspar to the commitment he made many years ago. What does it say about our society if a commitment no longer means anything? I am not opposed to Mr. Gaspar developing his land, as he certainly has the right to do so, but it should be done in a way that honors the commitments made to my parents and our neighbors over the years.

Sincerely,

Natasha Doty

May 23, 2014 (HAND DELIVERED)

RECEIVED

Lincoln/Lancaster County Planning Department
Lincoln/Lancaster County Planning Commission
County-City Building
555 South 10th Street
Lincoln, NE 68508

MAY 27 2014

Lincoln/Lancaster Co.
Planning Department

Re: Application of Chateau Development for Change of Use of Outlot B, Van Dorn Meadows Second Addition

Ladies and Gentlemen:

We write to you in opposition to the proposed change in zoning for the above referenced property. We own a home that would be directly across from the multi-level apartments that are being proposed.

We were very disappointed to learn that the Planning Department had recommended approval of the change. We ask that you reconsider your decision and ask that the proposal be disapproved. Currently, Outlot B is zoned R-3, residential. Regarding the R-3 residential, the Zoning Code provides the following:

“This district is intended to provide for developing areas of residential use with gross density of the five dwellings per acre...” Permitted uses include single-family dwellings and two-family dwellings...”

The proposed zoning action by Chateau Development is the third amendment to the community unit plan, which includes Outlet B.

When we relocated to Lincoln in 2002 and were considering the purchase of our current townhome, we were assured that the developer would only build similar townhomes or single-family dwellings across from our property. This was not a general statement, but an answer to a very specific question. The fact that apartment buildings would not be built on the property was paramount in our decision to purchase our home. You can imagine the extreme disappointment we felt when we were told that apartments would be built. The developer feels it acceptable to renege on his promise to build according to what he had represented to current townhome owners that he had already profited from.

Preliminary Statement

Members of the Committee have **attended three public meetings, and held one private meeting** with Stephan Gaspar of Chateau Development regarding his proposals to build apartments on Outlot B, a property that has **historically and consistently been represented as designed for “future townhome development”**. We have consistently stated that we opposed “leapfrogging” apartment units into the middle of a neighborhood of luxury townhomes and single family residences.

All of the present owners of the Sherman Townhomes and the homes on Fox Hollow Circle will state that when they bought or built their homes they were told Outlot B would be developed for more luxury townhomes. Mr. Gaspar has not denied the he originally marketed townhomes on Sherman Street and Sherman Place by representing that Outlot B was for “future townhome development”. (See Exhibit 2 and Exhibit 3) He stated at the last public meeting that **he has a right to change his mind** and that as a businessman he is guided by what produces the **greatest profit to him**.

In response, **we proposed a compromise** for building 9 or 10 duplexes on Outlot B. This would effectively **double the density we had expected**, and would **change the transitional pattern** by inserting two-story rental units between one-story luxury townhomes and single family homes. We believe this would be a sufficient “change of mind” to balance Mr. Gaspar’s financial pursuits against the quality of life in a long-established neighborhood.

Statement of Objections to the Application

1. Density

The Chateau proposal **will increase population density** beyond anything previously imagined. If the Application did not represent a departure from existing standards it would not be necessary. It is ironic, indeed, that Chateau is relying on areas of “green space” in its calculation of density limits. Promotional literature for the Sherman Townhomes utilized in the mid and late 1990’s describes the neighborhood as “surrounded by open spaces and a beautiful view” allowing “you to enjoy beauty and serenity . . . because of the open surroundings.” Now Chateau proposes that 30 rental units, including an apartment building, be “leapfrogged” into these same “open surroundings”.

2. Transitions

Chateau Development’s plan **does not honor well established best practices** in city planning for appropriate transitions from Commercial to Apartment to Duplex to Single Family homes, allowing for ample green space and compatibility of use. Instead, the proposed plan **negates present transitions** and “leapfrogs” apartments into a lot abutting single family homes.

3. Infrastructure

We can understand the city’s desire to use existing infrastructure when possible. However, **the Application does not represent an “either/or” scenario that could result in the need for more infrastructure elsewhere if not approved.** Building only duplexes on Outlot B would seem to utilize some existing infrastructure efficiently. However, apartment units, with the related parking lot, create issues of traffic and drainage (discussion below) that outweigh the use of other aspects of infrastructure. Also, if “infrastructure” is properly defined to include schools, we note that **overcrowding already exists in area schools** such as Morley and Maxey elementary schools and, especially, Lux Middle School.

4. Reliance

Chateau Development’s plan **fails to honor the commitment** made by Chateau Development to Fox Hollow neighbors and to Sherman Estates townhome owners to build townhouses on the land on which they now propose building apartment units and a parking lot. Further, approval of Chateau’s plan at this juncture would fail to follow an approved community unit plan in place for over 20 years, upon which many of us based our decisions to purchase our homes neighboring this site.

5. Drainage

Chateau Development's plan raises concern regarding **adequate protection of the Holmes Lake watershed**. In an area in which homeowners have been actively encouraged to utilize rain barrels and rain gardens to minimize runoff, building the proposed apartments and parking lot instead of the previously planned single family or townhomes places higher stress on the watershed and drainage, and is counterproductive to recent civic efforts to clean and protect Holmes Lake.

6. Traffic and Safety

Chateau Development's plan **raises concerns for increased traffic and diminished safety**. Holmes Park Road, Sherman Street, Fox Hollow, Hillside, and 75th Street carry automobile and pedestrian traffic to and from Lux Middle School, Rickman's Run dog park, and Holmes Park. The increased volume of traffic in and out of the proposed development will adversely affect traffic in and out of the Fox Hollow neighborhood. There is considerable anecdotal evidence that during prime commuting hours, traffic from the intersection of 70th Street and Holmes Park Road is already backed up to Sherman Street, a distance of over three blocks.

7. Quality of Life

Chateau Development's new plan will adversely affect the quality of life for Sherman Townhome owners and Fox Hollow home owners, **creating excess light, noise, and population density**, and invading our privacy in ways that the current approved plan for single family or townhomes would not.

Conclusion

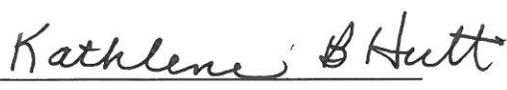
In 1997, Chateau Development proposed to build the Park One office building on 70th Street, south of the Russ's IGA and a strip mall, north of the Holmes Lake Apartments and west of Chateau's own Alena Court apartments. The transitional pattern for the neighborhood was described in the Planning Commission's minutes as follows:

"Mr. Gaspar also contends that this project gives a textbook transition from commercial to office to high density multi-family to four-plex to single family; from multi-family to duplex to single family. One cannot plan any better to make sure the impact is buffered."

While we might not agree that the existing transition pattern is "textbook", we do agree that it is adequate to protect the existing interests of those in the neighborhood. The current Chateau proposal represents a dramatic deviation from the existing transition pattern and should be denied.

Respectfully submitted,


Rodney H. Hutt
7312 Sherman Street
Lincoln, NE 68506


Kathlene B. Hutt
7312 Sherman Street
Lincoln, NE 68506

Jean Preister

From: Jean Preister
Sent: Monday, May 26, 2014 6:40 PM
To: Jean Preister
Subject: FW: proposed amendment to the Van Dorn Meadows Community Unit Plan, SP 1665C

-----Original Message-----

From: dhonz@neb.rr.com [mailto:dhonz@neb.rr.com]

Sent: Friday, May 23, 2014 2:11 PM

To: Brian Will

Cc: Marvin S. Krout

Subject: proposed amendment to the Van Dorn Meadows Community Unit Plan, SP 1665C

Dear Mr. Will,

I am writing to express my strong opposition to the proposed amendment to the Van Dorn Meadows Community Unit Plan, SP 1665C. I am a homeowner in the adjacent Fox Hollow Circle. The proposed apartments and duplexes are incompatible with neighborhood property; will lead to congestion of streets in the area; will increase runoff and pollution in Holmes Lake; have an adverse impact on neighbors' property value; and will result in an undue concentration of population. The proposed amendment doubles the the maximum density on Outlot B from from 9 to 15 units currently allowed in the R-3 zoning district to 30 dwelling units. The proposed zoning action by Chateau Development is the third amendment to the CUP, which includes Outlot B. The proposed amendment abandons the orderly transition of the R-1 and R-3 zoning districts by allowing apartments on the property.

I urge you to reconsider the Approval recommendation being made to the Planning Commission. This amendment does not fit with the stated purposes of the Zoning Code of the City of Lincoln. Listen to the citizens who are impacted by this proposed amendment. There will be strong opposition stated before and presented at the public hearing on May 28.

Thank you for your consideration.

Dave Honz

3410 Fox Hollow Circle

Lincoln, NE 68506

Jean Preister

Subject: FW: Special Permit 1665B

-----Original Message-----

From: mlux@neb.rr.com [mailto:mlux@neb.rr.com]

Sent: Saturday, May 24, 2014 9:34 PM

To: Brian Will

Subject: Special Permit 1665B

Mr Will,

I have lived at my home on 7528 Sherman St. since 1980. I have worked at the CITY BUILDING AND SAFETY DEPARTMENT from 1980 to 1997. This special permit is absurd. Why permit the developer to stick an apartment building on a tiny outlot in the backyard of single family dwellings and across from luxury townhomes? The traffic congestion will be intolerable. The traffic from Lux School is already a problem. There is an over-abundance of apartments already in this square mile. The developer DOES NOT need another apartment there!

Please make sure the Planning Commission sees my e-mail. Thank you very much.

Janet Wilson-Lux
7528 Sherman Street

Jean Preister

To: Jean Preister
Subject: FW: Special Permit 1665B Van Dorn Meadows Outlot B

From: Jean Baum [<mailto:jean.baum27@gmail.com>]
Sent: Saturday, May 24, 2014 4:02 PM
To: Brian Will
Subject: Special Permit 1665B Van Dorn Meadows Outlot B

My husband and I live several blocks from Van Dorn Meadows Outlot B. This is an area planned for townhomes, and allowing a developer to alter these plans by building a 20 unit apt bldg. and a row of 10 duplexes would contribute to a significant increase in traffic in an area of limited access to main thoroughfares. This many units in an area planned for a few townhomes will also alter the esthetics of the area. In addition, the potential numbers of children who may reside in these housing units cannot be accommodated by the already overcrowded local elementary and middle schools. Please rethink this inappropriate zoning. Thank you.

Sincerely,
Jean and Doug Baum
7511 Cardinal Circle,
Lincoln, NE 68506

Jean Preister

To: Jean Preister
Subject: FW: Objection to Request for Special Permit #1665B

From: Rick Williams [<mailto:rickwilliamslincoln@gmail.com>]
Sent: Saturday, May 24, 2014 1:30 PM
To: Brian Will
Subject: Fwd: Objection to Request for Special Permit #1665B

Lincoln/Lancaster County Planning Commission
c/o Brian Will

This is an objection to the request for a special permit by Chateau Development. We are neighbors and members of the Sherman Townhomes Association.

We have heard the argument that Chateau Development is entitled to develop Outlot B. We agree. However, the request is to permit a design that is a 'game changer' after the final buzzer in the game for all the neighbors to Outlot B. Many of these homeowners and taxpayers made the largest financial investment of their lives in reliance upon representations made by Chateau and others over the past 20 years. To allow this to go forward will irreparably adversely affect that investment. If permitted, how could any homeowner in the future rely upon the City of Lincoln to protect neighborhoods?

This area has been a textbook example of a beautiful development plan being executed with transitions from commercial, to office, to multiple family dwellings, to townhomes, to single family homes with beautiful green spaces buffering those transitions. This proposal destroys the aesthetics created by the plan over the past decades.

Chateau supported and promoted this plan when it suited it's financial interests. Now it doesn't. Chateau profited based on representations it made to current homeowners in the neighborhood. Now it is seeking to breach those representations to squeeze all the profit it can out of the remaining undeveloped property. Allow them to develop but require them to comply with the rules and plan it designed and that everyone else in the neighborhood accepted when they invested in the area.

Finally, if you have not already done so, we invite you to personally visit our neighborhood to get a sense of the great environment that has been created here and how this sort of out-of-place development will permanently and adversely impact it.

Unfortunately, it appears work schedules will preclude us from personally attending the Planning Commission hearing Wednesday afternoon. Please accept this as our formal protest and objection to this request for Special Permit #1665B.

Respectfully submitted,

Rick Williams
Rebecca Williams
3227 Sherman Place
Lincoln, NE 68506
rickwilliamslincoln@gmail.com

Jean Preister

Subject: FW: Special Permit 1665B

From: Michele Langer [mailto:mlanger@lps.org]

Sent: Saturday, May 24, 2014 4:17 PM

To: Brian Will

Subject: Special Permit 1665B

In regards to the change in zoning on Special Permit 1665B Van Dorn Meadows Outlot B, to allow Chateau Meadows to build 20 apartment units and 10 townhouses on the corner of Fox Hollow Road and Sherman Street, we are adamantly opposed to this change. We live on the west side of South 74th Street and have seen first-hand the poor neighbors that Chateau Meadows has been. Our property is now backed with 4-plex units which are so close to our house that we could easily talk to the new renters from within our own home. Our backyard has been flooded due to the change in grade and the removal of a berm which used to buffer our backyard from the Chateau property. We have fought construction mess in our yard for over a year now. Tyvek materials, insulation, plastic wrap, lunch bags and wrappers from the various fast food restaurants where the workers have gotten lunch, cups, pieces of shingles are some of the items we have cleaned out of our yard in the last year. We had an underground fence system for our dog, and it has been cut three times since the development began. Each time we have paid the cost of repair. Out of frustration with the entire situation we are now awaiting the installation of a 6 foot privacy fence, which will cost us several thousand dollars. All of this because of our proximity to the Chateau Meadows and their invasive development. In addition to the cost to us, we are aware that our property value has decreased due to the development adjacent to our lot. Our quality of life and the financial value of our home has already been compromised. Please do not allow the change and bring the same to our neighbors.

None of this even begins to address the traffic in our neighborhood due to the population density Chateau has added. In the morning when we leave for school and work, there are cars waiting to turn from Fox Hollow Road on to 70th Street which are lined up past 72nd Street to near Sherman Street. Adding 30 more residences, with likely at least 2 cars per residence, would only exacerbate a frustrating and dangerous traffic situation.

We welcome the addition of some minimally invasive development on the lot under consideration. A row of duplex-style townhouses similar to what now exists on the west side of Sherman Street would be a much more reasonable use of the small space available, and would maintain the tone and tenor of our neighborhood. It would also mean that the city of Lincoln keeps its promises to its citizens. Please do not allow this additional development to proceed.

Sincerely,
Michele and Kirk Langer
3011 South 74th Street

--
Michele Langer
ELL teacher and team leader
McPhee Elementary School
Lincoln, NE

Jean Preister

Subject: FW: Van Dorn Meadows Outlot B Special Permit

From: Shirley Tachenko Achord [<mailto:stachord@hotmail.com>]

Sent: Saturday, May 24, 2014 8:45 PM

To: Brian Will

Subject: Van Dorn Meadows Outlot B Special Permit

I am emailing to state my concerns and opposition to re-zoning for Van Dorn Meadows Outlot B. At present the zoning is consistent with the neighborhood housing of single family and two-family homes.

I understand that an apartment building, duplexes and garages are desired by the developer for this outlot. This conglomeration of building will 1) not be consistent with the neighborhood plan, 2) will increase traffic considerably, 3) create potential drainage and watershed problems, 4) pose an overcrowding issue for LPS, and 5) provide a large number of apartments in a community already well served with this type of housing (density issues)

In evaluating the developers request, please consider the best course of action for the community at large. In my opinion, this is to keep the zoning as originally planned. This, I believe, is the best course of action for the health & welfare of the Fox Hollow community.

Thank you

Shirley Tachenko Achord
3711 Cooper Place
Lincoln, NE 68506

022

Jean Preister

To: Jean Preister
Subject: FW: Special Permit 1665B Van Dorn Meadows Outlot B

-----Original Message-----

From: jhertzler1@neb.rr.com [mailto:jhertzler1@neb.rr.com]
Sent: Saturday, May 24, 2014 8:10 PM
To: Brian Will
Subject: Special Permit 1665B Van Dorn Meadows Outlot B

Mr. Will

I would like to express my disapproval of the apartments planned for Van Dorn Meadows Outlot B. I think the only development of the area should be what was originally promised.

Thank you for the opportunity to voice my opinion.

Jeff Hertzler

Jean Preister

Subject: FW: Special Permit 1665B Van Dorn Meadows Outlot B

From: Monica Hansen [<mailto:hansenmonica@ymail.com>]

Sent: Sunday, May 25, 2014 5:49 AM

To: Brian Will

Subject: Special Permit 1665B Van Dorn Meadows Outlot B

We are totally against this zoning! We do not want to have our property values decrease. We don't need additional traffic in your neighborhood. Why not build town homes similar to the ones on Sherman St. like originally planned. I see plenty of land on 84th Street available for apartments. We are saying NO to this proposal!

Monica and Dave Hansen
3300 Willow Wood Circle
Lincoln NE 68506

402-483-5987

Jean Preister

Subject: FW: Referencing Special Permit 1665B Van Dorn Meadows Outlot B

From: Rhonda Bostrom [mailto:revmother2003@gmail.com]
Sent: Sunday, May 25, 2014 11:49 AM
To: Brian Will
Subject: Referencing Special Permit 1665B Van Dorn Meadows Outlot B

Dear Planning Commision c/o Brian Will,

My name is Rhonda Bostrom, my husband Eric Bostrom and I, along with our two children, live at 3605 S. 75th Street, Lincoln, NE. Our home is located in the Fox Hollow neighborhood.

We have lived here for 7 years this summer. It is a wonderful neighborhood with great neighbors. Some have lived here for years and years, others are young families who purchased their homes from the families that originally built the homes in the 1980s. Our neighborhood has low crime, excellent schools, and homeowners go above and beyond to keep their property and landscapes looking amazing every year. We have a lot of pedestrian traffic - walker, runners, cyclists, baby joggers, as people enjoy walking our neighborhood because of it's serene beauty. We also have a great ecosystem of insects, wildlife and bird traffic from Holmes Park. The original developers did a great job planning and spacing out the homes so that nature and humanity could co-exist in a life-giving way. When a house goes up for sale around here, it is not long before it is sold. People want to live here because of the kind of lifestyle they can have here.

As someone who has lived in many apartments throughout college and graduate school, and now as a home owner, there is a difference for how people live and care for their property. Apartment dwellers are in and out of their homes to travel to work and school, etc. Homeowners enjoy tending their grounds, taking care of their physical structures on their property, and there is a genuine care for taking care of what they've purchased. I see that in Fox Hollow all the time.

When I heard about the rezoning request for Special Permit 1665B Van Dorn Meadows Outlot B I had not thought much about it. Then I received the information that the plans have changed from a luxury town home development - as is found on the north side of Sherman Street - to a 20 unit apartment building with 10 garages and 10 duplexes with 46 parking spaces. As someone who has taken out a long term mortgage on our house in this neighborhood, we did so with the understanding that the neighborhood would sustain it's current state - save people selling their homes to future home owners.

I do not agree that the proposed zoning change fits the Fox Hollow neighborhood. The city of Lincoln needs neighborhoods like Fox Hollow to be sustained and maintained as original designed. Fox Hollows' design would be greatly compromised if the city allows this change. It increases the population density on a small piece of land. It would stress the land resources for proper water drainage and natural habitat that overflows to and from Holmes Park. This dense population is incompatible with the adjacent single family homes. Their home value and their resale value would eventually go down. Their initial investment made years ago would radically change. The placement of apartments and smaller town homes does not fit our neighborhood. This would be a 'leap frogging' move that places high density population in a neighborhood that was not intended for these kinds of dwellings. It would increase traffic on an already bustling Holmes Park Road. There are already plenty of apartments along 70th and Van Dorn. The population for these apartments is well served by the main arterial routes of 70th and Van Dorn. This would also place more of a population strain on our already crowded Morley, Maxey and Lux Schools. As someone who drives children to East High and Morley each day during

the school year, the traffic from Holmes Park to 70th Street is already congested around the high traffic times. Adding more people on this small space of land will change this neighborhood and the gift that it is to the families who dwell here as well as the Linconites who walk through the sidewalks every single day.

As a registered voter, ***I ask you to please not allow this zoning change*** - for the health of our neighborhood, our city, our ecosystem around Holmes Park, the children in school and the friends who recreate here.

Respectfully submitted,
Rhonda R. Bostrom
3605 S. 75th Street
Lincoln, NE 68506

Jean Preister

Subject: FW: Special Permit 1665B

From: Matt Fritz [<mailto:matt.fritz@outlook.com>]

Sent: Sunday, May 25, 2014 4:17 PM

To: Brian Will

Subject: Special Permit 1665B

Dear Mr. Will and the Lincoln/Lancaster County Planning Commission,

My name is Matt Fritz and my wife and I live at 7401 Cooper Ave. I recently found out that a vacant lot in my neighborhood is under consideration to be rezoned in order to allow an apartment building to be built on a space that is currently zoned for a few town homes. As a resident of the neighborhood, I am 100% against rezoning this lot to allow an apartment building. The major issue for my wife and myself is traffic. Our home is right where Poplar Street intersects with Cooper Avenue. If either of us try to leave for work at 730am on a weekday, it currently takes between 5 and 15 minutes for the traffic to abate enough just for us to be able to back out of our own driveway! This is for several reasons, including the lack of a stop sign on Poplar, but primarily because Poplar to Cooper is one of two primary exits from Fox Hollow for people who live in the neighborhood and parents who are dropping their children off at Lux Middle School or one of the elementary schools. The other main congestion point is where Sherman Street intersects with Holmes Park Road, the site of the proposed apartment building. The thought of having an additional 20 - 60 or even more cars driving through the neighborhood is alarming to us as there is already a large amount of traffic congestion in our neighborhood.

There are also already a large number of apartment complexes in the area, particularly the Holmes Lake Apartment and the several apartment buildings already operated by Chateau Development, who recently were constructing even more units on 72nd St (there are also the apartments on Van Dorn and 84th St, and the senior living homes on the north side of Van Dorn). While I do not have an exact count, I believe that just these two apartment complexes together must account for several hundred apartments in this neighborhood. This is more than enough for Fox Hollow, especially considering that there is apparently not enough parking for the current units as 72nd St between Holmes Park Rd and Van Dorn is almost impossible to drive due to cars being parked on both sides of the street by residents of the current apartment buildings. If the same things happens to Sherman and Holmes Park Rd, the result would be disastrous. It would seem that there are many other locations around the city of Lincoln and in Lancaster County that would not have a large an impact on the community because they are already currently zoned for apartment buildings where Chateau could build this new set of apartments. The argument that the new apartments need to be near existing Chateau apartments is without merit as Chateau already owns several apartment complexes spread out through the city.

There are also many issues involving the impact of the apartment complex on the water, sewer, and electric systems in the neighborhood, the environment, and the increased impact on the school systems being forced to support an influx of new children.

Finally, the lot has already been zoned for the appropriate population density for the neighborhood, which does not include an apartment building. Many residents bought houses in this neighborhood based on the belief that an apartment building could not be put on that lot due to the way it was zoned. If the lot were

zoned for an apartment building and local citizens were trying to get the lot rezoned to prevent the apartment building, I would feel differently about this. However, the zoning committee has already made a decision on this matter. All we are asking the zoning commission to do is keep the zoning plan you have already decided on in place and maintain the community's faith in the zoning board and the promises made by the board.

Sincerely,

Matt and Lorey Fritz

Jean Preister

To: Jean Preister
Subject: FW: Special Permit 1665B

-----Original Message-----

From: blwiemer@gmail.com [mailto:blwiemer@gmail.com]
Sent: Sunday, May 25, 2014 5:11 PM
To: Brian Will
Subject: Special Permit 1665B

Bill:

I want to take opportunity to let you know I think it would be a horrible idea to put Apartments in at Holmes Park Road and Sherman Road, the permit that is being filed would cause a lot of additional traffic to a neighborhood that already has a great amount. This neighborhood is suppose to be for families and children and adding apartments would make the neighborhood unsafe. Please consider my request.

Thank you,

Brenda Wiemer
7421 Hillside Street
Lincoln, NE. 68506

Sent from my iPad

029

Jean Preister

To: Jean Preister
Subject: FW: Outlot B, Van Dorn Meadows 1st Addition

From: Jill Berry [mailto:floydandflorence@yahoo.com]
Sent: Sunday, May 25, 2014 1:38 PM
To: Brian Will
Subject: Outlot B, Van Dorn Meadows 1st Addition

Brian,

We are writing this email in response to the proposal for Special Permit No. 1665C.

We purchased our townhome at 7328 Sherman Street, in 2004. Before purchasing, we asked our real estate agent, Nelda Hunt of Home Realty, what the future building plans were for the plot of land directly in front of the Sherman Estates townhomes. She told us that per the Van Dorn Meadows Community Unit Plan, the land was to be used for future townhome building that would coincide with the "flow" or appearance of the already-established area. That remark cinched the deal for us and since that time, we have greatly enjoyed living in our home with its beautiful surroundings. Subsequently, we found paperwork that the previous owner had left in regard to appliances, sprinkler system, etc. Included in that paperwork was a detailed informational flyer originated by Chateau Development directly describing that the vacant land was to be used for "Future Townhome Development" on the vacant land across the street from us.

At this time, ten years later, we are greatly disappointed, dismayed and angered at the current "revised" proposal by Chateau Development to build multi-unit apartment/duplex buildings on this townhome "promised" land.

In regard to your involvement in this Special Permit, we hope you will very seriously consider what ramifications will likely arise from the proposed buildings by Chateau Development; i.e. aesthetics, increased traffic congestion, decreased property value for those of us who currently live here, neighborhood "flowing" from businesses, apartments, green space, townhomes, and then family homes, etc. Apartments plopped in the middle of this area just isn't right in so many regards.

We daresay that if the tables were turned and this issue was personally facing the decision makers in this case, they would be equally as outraged as we are.

John and Jill Berry

Jean Preister

To: Jean Preister
Subject: FW: Van Dorn Meadows Outlot B Special Permit 1665B

From: Lyle Vannier [mailto:lyle.vannier@yahoo.com]
Sent: Sunday, May 25, 2014 11:58 AM
To: Brian Will
Subject: Van Dorn Meadows Outlot B Special Permit 1665B

Dear Mr. Will,

We are Fox Hollow residents 7421 Osage Court and have lived here since 1987.

The Fox Hollow development got off to a rocky start but has become a very livable and attractive neighborhood.

We believe that it is very important to keep it as it is, including existing zoning and covenant provisions.

We believe that development of Outlot B should proceed under zoning code R-3. This would maintain the integrity of the neighborhood in accordance with original planning and meet the desires and expectations of current residents.

Doubling the density of living units for Outlot B is inappropriate and costly in terms of the desirability and value of the surrounding area. There is really no justifiable reason for the change in zoning other than to ostensibly provide a short term profit for the developer.

The change of zoning requested by Chateau development should be denied.

Thank you

Joyce & Lyle Vannier
7421 Osage Ct.
Lincoln, NE 68506

402-489-4611

031

Jean Preister

Subject: FW: NO to Special Permit 1665B

From: Rebecca Meyer [<mailto:rjm.73@live.com>]

Sent: Sunday, May 25, 2014 10:21 AM

To: Brian Will

Subject: NO to Special Permit 1665B

NO - Van Dorn Meadows Outlot B (1665B)

Keep the original plan for Townhomes!

Jean Preister

Subject: FW: Special Permit 1665B Van Dorn Meadows Outlot B

From: Julie Munford [<mailto:juliemunford7@gmail.com>]
Sent: Sunday, May 25, 2014 6:25 AM
To: Brian Will
Subject: Special Permit 1665B Van Dorn Meadows Outlot B

ATTENTION: City Planning Commission

I would like to urge you to veto the proposed amendment to the community unit plan proposed by Special Permit 1665B.

This plan abandons the original R-1 and R-3 zoning. Apartments in this small area would not be appropriate and are not compatible with the current developed neighborhoods that surround Outlot B. The proposed amendment to the community unit plan will double the maximum density (on Outlot B) from the 9 - 15 units (currently allowed) to 30 dwelling units.

The neighborhood bounded by 72nd Street, 84th Street and by Van Dorn Street has more than adequate apartment housing for this area. An apartment complex at this particular location (Van Dorn Meadows Outlot B), in the neighborhood, would be an eye sore not to mention the over-crowding of the neighborhood, substantial traffic congestion, and generally changing the environment of the neighborhood.

Please do not approve Special Permit 1665B.

Thank you,

Julie Munford
Fox Hollow Neighborhood Resident

033

Jean Preister

From: Neil Baker [nbaker@neb.rr.com]
Sent: Sunday, May 25, 2014 4:03 PM
To: Jean Preister
Subject: Special Permit 1665B Van Dorn Meadows Outlet B

To Whom it May Concern,

This is to voice opposition to the development listed above. This looks to be a maximum of units crammed into an area originally planned for a limited number of townhomes. The abutting single family properties will see a drop in the desirability and value to their properties.

We frequently use Sherman Street and Holmes Park Road for access to 70th Street and are concerned about the increase in traffic at the intersection of Sherman and Holmes Park. We have lived at our current address since 1988.

We encourage reconsideration of the over-development plan and a return to single family/townhome development.

Sincerely,

Neil Baker
7610 Otoe Circle
Lincoln NE 68506

402-432-9036

Jean Preister

To: Jean Preister
Subject: FW: Special Permit 1665B Van Dorn Meadows Outlot B -
Attachments: Steiner backyard 001.jpg; Steiner backyard 002.jpg

From: Steiner, Mary [<mailto:mary.steiner@truvenhealth.com>]
Sent: Monday, May 26, 2014 12:13 PM
To: Brian Will
Cc: beckyzmcneil@gmail.com
Subject: Special Permit 1665B Van Dorn Meadows Outlot B -

Mr. Will,

I live just south of the Fox Hollow Outlot B being considered for a change in zoning. I am opposed to the zoning change that would allow apartments to be built on the property. I do not believe that it will help the city housing situation and it will hurt our neighborhood. There are plenty of larger places for apartments to be located. This lot is interior to a very nice quiet one and two family home neighborhood. It should not have apartments in this location. Already the area bound by 70th to 80th and Pioneer Blvd to Van Dorn has more than our share of apartment units.

Attached is a picture from the back of my house. That view would be replaced with roofs of garages and the second story of an apartment. I understood that the lot would eventually be developed at some time. But never did I ever assume that it would be apartments. The plan I saw a long time ago included condos with one single family lot right behind my house on Holmes Park Road. I would much rather have a single family home or one story condo, if my view is going to change. In addition, noise and traffic are of some concern. As are the parking lot lights. But my biggest concern is that the neighborhood would be permanently changed and for no reason that benefits Lincoln in general. Destroying the sense of community and neighborhood is not good for Lincoln.

One more comment relates to the fact that Mr. Gaspar says that the property has not sold. I haven't seen any evidence that they have tried to sell it. In my opinion, the only reason to change the zoning is so that the current owner can make more money. That is not a good reason and there are many reasons to keep the zoning the same.

Thank you for your consideration.

Mary Steiner
7300 Raven Circle
402-483-5384





Jean Preister

To: Jean Preister
Subject: FW: opposition for Special Permit 1665B

From: davidfranzen@yahoo.com [mailto:davidfranzen@yahoo.com]
Sent: Monday, May 26, 2014 9:19 AM
To: Brian Will
Subject: opposition for Special Permit 1665B

Dear Mr. Will,

I am writing to express my opposition to the Special Permit being considered for Van Dorn Meadows Outlot B. The thought of cramming that many duplexes and apartments in that space will be detrimental to the neighborhood. Planning a thin line of duplexes crammed into the area to add a "buffer" of sorts to the 2 story apartment building planned does not work to create "separation" to the R1 zoning directly east.

Additionally, the home owners to the west side of Sherman street were promised long ago the site plan for their property included more similar townhomes across the street. Having apartments and very small townhomes, and lots of parking stuffed in across the street will dramatically affect the resale value of the homes to the west, as well as affect the quality of life of those residents.

I live several blocks away, and I am also concerned about the extra traffic that will be created on S 74th street. There will be many people who cut through the neighborhood using S 74th, Fox Hollow, and then onto Sherman St. This route is a convenient path south from Van Dorn. I do not look forward to the extra traffic on narrow residential streets.

The thing that gives me most concern is the idea of an apartment building sitting right next to R1 zoning. R1 zoning is created to give "elbow" room and space around homes. Because of this, the homes are usually nicer and better designed. The neighbors directly east of this planned development (zoned R1) are going to lose significant value to their homes and suffer decreased quality of life.

In a new development area, I don't think this idea would ever be allowed! In every case I see, there is busy road, then apartments, then duplexes, and then single-family homes. This special permit is trying to fool us into thinking this is the same thing. But it is not.

Please do not allow this proposed development. There should be plenty of "market" for Chateau development to place luxury townhomes on the property as originally promised.

Sincerely,

David Franzen
2910 S. 74th St.
402-477-0272

Jean Preister

To: Jean Preister
Subject: FW: Special Permit 1665B Van Dorn Meadows Outlot B

From: Kevin Herbel [mailto:herb11_11@yahoo.com]
Sent: Monday, May 26, 2014 6:04 PM
To: Brian Will
Subject: Special Permit 1665B Van Dorn Meadows Outlot B

Dear Mr. Will;

Please reconsider the apartment complex request by Chateau Development for "Special Permit 1665B Van Dorn Meadows Outlot B" in Fox Hollow development along Holmes Park Road. This is currently zoned R-1 residential and **should remain as zoned.**

There are numerous reasons this special permit should **NOT** be allowed that I will note below but one reason will be that changing this zoning will give notice to future residents and new home owners of Lincoln that when buying a home in Lincoln you have no guarantees on what might be built next door no matter what the zoning is today. Do we really want to be known as the city where the slogan would be "**Home Buyers Beware**" you are in Lincoln, Nebraska" and we don't care about your home values or your neighborhood we just want growth and we will use any available space as we choose regardless of current zoning. I do not believe this is how we want Lincoln to be known to others or how we want to grow Lincoln.

Another reason is that this complex is not on the fringe of the neighborhood, as other apartments already surrounding our neighborhood are but is located in the interior and is surrounded by individually owned homes and duplexes. This location will bring traffic through the neighborhood from many directions, not just Holmes Park Road since it's not on the fringe of the neighborhood. This will set a horrible precedent.

I also have one question, what benefit does this zoning change have for the homeowners in the Fox Hollow neighborhood who have invested in this city by purchasing a home in Fox Hollow? No need to provide an answer, I know the answer, **ABSOLUTELY NONE!** Changing this zoning will only lower home values and let us know we have made a bad investment in Lincoln and that zoning is for developer needs and not for protecting the average resident's home investment in Lincoln.

Many other reasons this permit should not be allowed:

- Excessive traffic
- Decreased Property Values
- Unsightly rows of garages

- Loss of a family community
- Impact on safety
- Etc.

Thanks for your consideration and I hope our city leaders will make the right decision for the majority and not for one developer. SAY NO TO APPROVING "Special Permit 1665B Van Dorn Meadows Outlot B".

Kevin Herbel
3210 Fox Hollow Road
Lincoln, NE 68506

Jean Preister

To: Jean Preister
Subject: FW: SP1665-C-Van Dorn Meadows CUP

-----Original Message-----

From: lberg@neb.rr.com [mailto:lberg@neb.rr.com]
Sent: Monday, May 26, 2014 10:23 AM
To: Brian Will
Subject: RE: SP1665-C-Van Dorn Meadows CUP

Brian, thanks for the information.

I am the current president of the 35 household Fox Hollow Neighborhood Association which opposes this application. There are many good reasons why this is a bad idea, and they have been articulated to you by the neighbors geographically most impacted by this proposed development.

We would like to focus on two of the good reasons:

1. The abrupt intrusion of a high density use into a low density neighborhood is hurtful not only because of the sheer number of people, but also because a large scale apartment building destroys the smaller scale neighborhood environment of a single family/town home community.
2. This kind of negative pressure on a neighborhood is not only a quality of life issue, but also a financial issue. The approval of this bad idea would facilitate an involuntary transfer of wealth from the current abutting single family and town home families to the apartment developer, by virtue of an almost certain drop in the marketability of the family's homes; essentially sacrificing those family's property values to benefit the developer's bottom line.

Brian, we appreciate the service that the Planning Department and Planning Commission provides for our city, and hope that after thoughtful consideration, this application is rejected. There are certainly better ways to develop this property that would not be done on the backs of the existing neighbors.

Sincerely,

Lowell Berg
3121 South 74th Street
President
Fox Hollow Neighborhood Association

Jean Preister

To: Jean Preister
Subject: FW: Special permit #1665C

From: Nancy Cyr [mailto:nnddcyr@gmail.com]
Sent: Monday, May 26, 2014 2:01 PM
To: Brian Will
Subject: Special permit #1665C

Members of the Lincoln/Lancaster County Planning Commission:

My husband and I are 30-year residents of Fox Hollow. Our home backs up to Outlot B. The zoning in our neighborhood is R-1 and consists exclusively of single family homes. The proposed special permit and amendment to the community unit plan will allow 40 rental units to be built on Outlot B, which is zoned R-3.

We strongly oppose approval of the special permit and amendment to the community unit plan.

The proposed project significantly and negatively changes the character of the established neighborhood. It greatly increases the existing density on Outlot B from 9 to 40 dwelling units. This will result in increased traffic congestion, excess drainage water from large parking lots, and increased light and noise pollution.

The duplex units form a straight wall of two-story units 360 feet long, with only 10 feet between each unit. No provision is made for screening or appealing lot design. This wall of duplexes is located only 10 yards from the rear lot lines of the R-1 homes. This adversely impacts the property values and the enjoyment of our back yards.

The placement of an apartment building on Outlot B leapfrogs existing townhomes, thereby destroying the orderly transition that currently exists. The existing apartments in the CUP are located in the area of 70th and Van Dorn. No arterial street is available for access to the proposed apartments. Outlot B is located three blocks from the arterials in an established low-density neighborhood.

The purpose of zoning is to ensure that use of adjacent properties is compatible and does not detrimentally impact neighboring property. The proposal is not compatible with the existing use of the neighboring single-family properties. Rental units are already overly abundant in the area. Putting rental units in the middle of an established low-density neighborhood creates conflict and incompatibility of uses. It is important to preserve our established neighborhoods in order for them to continue to be desirable areas to raise families.

If you have an opportunity to drive through the area, you will see that Outlot B is not an appropriate location for 40 rental units.

Sincerely,

Nancy and Doug Cyr
3401 Fox Hollow Circle
Lincoln, NE 68506

042

From: Eric Zach [eszach12@hotmail.com]
Sent: Monday, May 26, 2014 8:41 AM
To: Brian Will; Jean Preister; beckyzmcneil@gmail.com
Subject: Special Permit 1665B Van Dorn Meadows Outlot B

To Whom It May Concern:

We will be unable to attend the public hearing Wednesday May 28th on Special Permit 1665B Van Dorn Meadows Outlot B. I ask that the Planning Commission please read this email aloud in the hearing.

Chateau Developments has a history of trying to change plans which were approved by the neighborhoods in which they have property. This latest attempt to overcrowd our neighborhood is not surprising. Increasing the previously approved number of dwelling units by 100% is not acceptable. Building these apartments will disjoint the neighborhood, increase population density above acceptable levels, be an eyesore, overcrowd schools, and lead to more traffic congestion.

We walk our dog and ride our bikes in this area because it leads to the bike trail and Holmes Lake. Holmes Park RD is already a dangerous crossing and we've had close calls with speeding cars. Adding more cars to the road with these apartments will only make it worse.

Another concern is the lack of accountability by Chateau Development during the construction of their properties. We have now lived through three separate construction jobs on their property. Each time I have to spend time daily picking up trash and debris. Our neighbors have had silt run into their yard because of the lack of appropriate erosion control. Workers regularly starting work 7 am or earlier even on weekends (Sunday included) and holidays. They have also worked well past 10 pm disturbing the peace.

We ask that you not allow this special permit for all the above reasons, and because it will erode even further the trust between neighbors, Chateau Development, and the City Planning Commission. Citizens should not have to constantly re-fight these battles. In this case a battle that was decided over 20 years ago. Please no more surprises.

Very Concerned Citizens,

Eric and Allison Zach
3001 South 74th Street

Jean Preister

To: Jean Preister
Subject: FW: Special Permit 1665B Van Dorn Meadows Outlot B

-----Original Message-----

From: Jan Anderson [<mailto:janande@windstream.net>]
Sent: Monday, May 26, 2014 11:07 PM
To: Brian Will
Subject: Special Permit 1665B Van Dorn Meadows Outlot B

I do not directly abut this property, but especially in the winter when the tree leaves are gone, my property will be affected by lights from the proposed buildings. This isn't a huge factor in my opposition to this project. What is going to be almost unbearable is the traffic from these units entering Holmes Park Road just after the curve and the congestion it will cause at the light at 70th Street. Provisions are in these plans for parking for 56 cars which seems almost impossible to imagine coming onto Holmes Park Road.

I understand that Lux Middle School is above capacity now with no publicized plans for expansion. I am not sure they can even accept more students who will be coming from this development.

I strongly feel there are enough negatives to this zoning change request that it should be denied.

Janice Anderson
7332 Skyhawk Circle
Lincoln, NE 68506
402-483-2429
janande@windstream.net

Jean Preister

To: Jean Preister
Subject: FW: Outlot B (Special Permit 1665B)

From: Stephen Witt [mailto:stvtoti@windstream.net]
Sent: Monday, May 26, 2014 3:47 PM
To: Brian Will
Subject: Outlot B (Special Permit 1665B)

Mr. Will,

City of Lincoln Planning Commission

I am a 21 year resident of the Fox Hollow neighborhood. I strongly oppose any more multiple dwellings being built in this area. There is no logical reason that this should be allowed other than the fact that Stephan Gaspar is a super big tax payer much to the degradation of this once fine location. You and others of this city are responsible for:

- a) The extraordinary heavy traffic on Holmes Park Road where too people drive and way over the speed limit with little enforcement of the rules of the road by our reportedly undermanned police force.
- b) The pollution of Holmes Lake.
- c) Business's that pollute the air with smelling grilling of hamburgers and curry in Indian cooking and etc. There are laws on the books making this illegal but most unenforceable.
- d) An out of control dog run due mostly to itinerate apartment dwellers. We have yet to see any animal control officers in the area even though the overcrowding of the bike trail is loaded with dogs not on a leash. Three times I have run over dog excrement while mowing my yard so far this spring.

I could go on but you should now have the picture. I respectfully request your board deny this permit request.

Regards,
Stephen Witt
3621 Holmes Park Rd
Lincoln NE 68506
402.483.6818

045

Jean Preister

To: Jean Preister
Subject: FW: Special Permit 1665B - Van Dorn Meadows Outlot B

From: Tony Woods [mailto:opethium@gmail.com]

Sent: Monday, May 26, 2014 10:16 PM

To: Brian Will

Cc: benwoods79@gmail.com; Paul D. Barnes; Tom J. Cajka; Christy J. Eichorn; Steve S. Henrichsen; Marvin S. Krout; beckyzmcneil@gmail.com; Chris J. Beutler

Subject: Re: Special Permit 1665B - Van Dorn Meadows Outlot B

Mr. Will,

I am writing you on behalf of my family, my extended family, my neighbors and friends of the Fox Hollow and surrounding neighborhoods in opposition of Special Permit 1665B which as I understand it would allow for another apartment complex to be built in this neighborhood.

This has been a quiet and safe neighborhood for years, not unlike that of other relatively apartment free neighborhoods such as Country Club neighborhood. On an unrelated note, expanding S27th to four lanes through that area would be celebrated by -almost- every Lincoln citizen.

There are already numerous options for apartment living in the area with openings (I checked). I understand that additional housing units would mean more tax revenue to the city however developments such as this could certainly be the catalyst towards a failing neighborhood not unlike so many others in Lincoln that have succumbed to similar development.

As a fan of the Mayor's Stronger Safer Neighborhoods program I fail to see how this aligns with his initiatives. The foot traffic around Holmes Lake and the park would be at danger with all of the additional traffic created. Additionally, the increased population density would place undue burden on already saturated local schools and other public resources.

In closing, I hope that the city does not allow potential tax revenue and dishonesty by Chateau Development company to speak louder than the voice of their established citizens. Please put a stop to this development and encourage the development of this housing elsewhere.

Regards,

Tony Woods

Jean Preister

To: Jean Preister
Subject: FW: Van Dorn Meadows outlot B

-----Original Message-----

From: Robert Shriner [mailto:Rshriner@neb.rr.com]
Sent: Monday, May 26, 2014 9:34 PM
To: Brian Will
Subject: Van Dorn Meadows outlot B

My Name is Diane Shriner, I live at 7511 Cooper Ave, 68506. I'm upset that the planning commission is considering a change to zoning area (1665B Van Dorn Meadows Out-lot B), from Luxury town-homes to apartments. I'm not pleased with this plan of adding more apartments to the area. Our neighborhood is surrounded by apartments, (70th street, Vandorn, 84th street, Pioneers Road and the additions of town-homes [cheap] at 76th street). The traffic on my street has increased greatly with the opening of 76th street to Pioneers. This would add even more traffic, noise and strangers in the neighborhood. The area has overcrowding now. This is a neighborhood that is experience population growth in its school and other services causing strain on resources. This is the second time since moving to this area that land was rezoned, without full understanding by government the will of the people. The zoning meeting is not convenient to the working population in the neighborhood, I cannot attend because I work. This was the case last time land was rezoned in Fox Hollow. I'm sick of government and powerful developers changing the rules, the people need to be heard. Diane Shriner

Jean Preister

Subject: FW: Fox Hollow Outlot B

From: Christie Higgins Wilcox [<mailto:christie0182@yahoo.com>]
Sent: Monday, May 26, 2014 12:08 PM
To: Brian Will
Subject: Fox Hollow Outlot B

Dear Mr. Will:

I reside at 3717 Holmes Park Rd., Lincoln, NE. It has come to my attention that Chateau Development desires to receive a zone change of Outlot B in Fox Hollow subdivision ("Outlot B") to allow the construction of a 20-unit apartment building. I vehemently disagree with this proposed zone change.

As currently zoned, Outlot B allows the construction of town homes. This current plan allows for a transition in keeping with the neighborhood. Allowing apartments on Outlot B would cause many problems:

- 1. Traffic.** Holmes Park Road already carries a lot of traffic. Parents dropping their kids off at Lux speed down this road every morning. Also, after the completion of Lucile to spit out onto Pioneers Blvd., many people use Holmes Park Road as a "shortcut" to Pioneers or 70th Street. The main problem, outside of increased traffic, is people do not adhere to the 25 mph posted speed limit. Apartments on Outlot B would even further increase this traffic and speeding problem. This would go against two of the Zoning Codes purposes: (a) Lessening congestion on streets and (b) promoting the health and general welfare of the community [increased accidents; increased potential harm to children, pets, etc.].
- 2. Reduction of Quality of Life.** The rezoning of Outlot B would increase pollution in the area. Further, it would increase noise and light within the neighborhood, which is not in keeping with this residential area. Again, this goes against the stated purpose of promoting the general welfare of the community. It also goes against the purpose of avoidance of undue concentration of population.
- 3. Incompatibility with Neighborhood Property.** THIS IS A SINGLE-FAMILY RESIDENTIAL NEIGHBORHOOD! It is not conducive to apartments. Outlot B is surround by R-1 homes. This goes against the Zoning Code's purpose of appropriate use of land throughout the City.
- 4. Adversely Impact Property Value.** The zone change would reduce the property value of the homes in the neighborhood due to the issues outlined in 1-3 above. Again, it goes against the appropriate use of land.

I wish I could attend Wednesday's meeting, but cannot get out of work obligations. I hope that the City Planning Commission makes the right decision and denies the proposed rezoning.

Please contact me with any questions or concerns.

Regards,

Christine Higgins Wilcox
3717 Holmes Park Rd.
Lincoln, NE 68506
(402) 440-2869

049

Jean Preister

To: Jean Preister
Subject: FW: Reconsider Fox Hollow Chateau apartment development

Sent: Monday, May 26, 2014 8:36 AM
To: Brian Will
Subject: Reconsider Fox Hollow Chateau apartment development

Attention Mr. Will;

Please reconsider the apartment complex request by Chateau Development for Outlot B in Fox Hollow development along Holmes Park Road. This is currently zoned R-1 residential and should **stay that way**, our area already has numerous apartments along 70th street from Van Dorn to Holmes Park Road and along Van Dorn from 70th to 74th street. Lux Middle School is already overcrowded and is no longer accepting new students not to mention the increase in traffic on Holmes Park Road which is already very busy with residential and Lux school traffic.

Also, no effort has been made to assimilate the property with the existing neighborhoods; ie no landscaping or buffers, the proposed rental duplexes form a straight wall of buildings only 30 ft from the backyards of existing homes in R-1 residences.
Thank you for your consideration.

Barb Herbel , 3210 Fox Hollow Road

050

Jean Preister

To: Jean Preister
Subject: FW: Special Permit 1665B

From: Karen Lindsay [mailto:klindsay1@neb.rr.com]
Sent: Monday, May 26, 2014 9:08 PM
To: Brian Will
Subject: RE: Special Permit 1665B

Dear Brian,

I am in love with the beautiful neighborhood we have on Sherman Street and the adjoining commons areas. I enjoy our up-scale townhouses and the unique beautiful landscaping of each. Living on the cul-de-sac makes for a quiet & safe street with only local traffic. I love the peace of mind when, at least monthly, someone comes to my door to see if I am interested in selling my townhome.

I fear that all the things I love will change in a hurry with the building of apartments on Outlot B. My satisfaction and the desirability of my property will surely nose dive. I am retired and the equity in my townhome is a large portion of my fixed income financial plan. I cannot sell at a loss.

The building of comparable townhomes on Outlot B is the best and only solution to maintaining all that I like about Sherman Street living and IT IS WHAT WE WERE PROMISED!!
Stephan Gaspar's father, a businessman with trust and integrity, planned it perfectly and transitioned it beautifully. Why mess it up?

Respectfully submitted,
Karen Lindsay
3201 Sherman Place

051

From: Jean Preister
Sent: Tuesday, May 27, 2014 10:06 AM
To: Jean Preister
Subject: FW: Special Permit 1665B

From: Kristin Petersen [<mailto:kjdp4@yahoo.com>]
Sent: Tuesday, May 27, 2014 8:28 AM
To: Brian Will
Subject: Special Permit 1665B

Mr. Will-

Our family opposes the permit request that would allow for an apartment building to be built in our Fox Hollow neighborhood. We are concerned about the impact on our beautiful residential area-diminished neighborhood quality, more traffic, school crowding and a likely negative impact to our property value. We just bought our home on Holmes Park Road three years ago. This special permit plan does not fit the neighborhood that we so recently moved to and invested in.

Please do everything within your power to stop this project on Outlot B.

Nelsen and Kris Petersen

Jean Preister

To: Jean Preister
Subject: FW: CITY PLANNING DEPARTMENT

From: Connie [<mailto:lovemypool@hotmail.com>]
Sent: Tuesday, May 27, 2014 8:03 AM
To: Brian Will
Subject: CITY PLANNING DEPARTMENT

re: Proposed amendment to the Van Dorn Meadows Community Unit Plan SP1665C

to: Mr. Brian Will, City of Lincoln

I moved to Lincoln from Falls City in 2005. This townhome was the first I looked at and it was the one I bought. The location and surrounding area played a large part in my choice.

I feel there is plenty of apartment space on 72nd; I appreciate having homes to the east. I understood when I purchased my townhome that it would stay that way.

I have watched the runoff impact our townhomes to the north when it rains. The flooding is discouraging to watch. I can only imagine the same or worse for another Gaspar property to my east.

I love the dog park; apparently lots of people do as they have started parking on Holmes Park Road when the parking lot for the dog park fills. According to the map, the extra parking is at the spot the Mr. Gaspar wants to enter and exit his proposed apartment lots.

Every year there is at least one person asking if I would be interested in selling my townhome. My neighbors experience the same. At least two builders have been interested in buying the lots in Outlet B but have been unsuccessful. Gaspar would probably sell to them for a greatly inflated price. I understand that apartments would generate more money for him, but should that be the only criteria? Lincoln is frustrating for me as I have lived in cities with interstates; BUT that is part of the charm of Lincoln, the neighborhoods.

Please consider the previous ideas as well as other ideas from our neighborhood. Thank you.

Connie L. Brandt
7318 Sherman Street
68506

053

Jean Preister

To: Jean Preister
Subject: FW: Special permit 1665B Van Dorn Meadows Outlot B

From: Suzy Landreth [mailto:suzylandreth@gmail.com]
Sent: Tuesday, May 27, 2014 7:42 AM
To: Brian Will
Subject: Special permit 1665B Van Dorn Meadows Outlot B

Dear Mr. Will:

I am writing in opposition to Chateau Development's changed plan for building a 20 unit apartment building, a row of 10 garages, a row of 10 duplexes, and 46 parking stalls on a lot where townhouses have been planned for over 20 years.

The population density of apartments and duplexes in this location raises many concerns including:

Inappropriateness of transitions--"leap-frogging" apartments into an area planned by the city to make a smooth transition from commercial to apartments to town homes to single family homes.

Inadequate drainage and protection for the Holmes Lake Watershed.

Increased traffic and reduced pedestrian safety on Holmes Lake Road.

Overcrowding at already overcrowded Morley and Maxey elementary schools and Lux middle school.

Sincerely,

Tim and Suzy Landreth
7430 Otoe Court

054

Jean Preister

Subject: FW: Special Permit 1665B VanDorn Meadows Outlot B Re-Zoning Opposition

From: Elaine Skov [<mailto:eskov@LandscapesUnlimited.com>]
Sent: Tuesday, May 27, 2014 3:02 PM
To: Brian Will
Subject: Special Permit 1665B VanDorn Meadows Outlot B Re-Zoning Opposition

Mr. Will,

I am writing with concern and opposition pertaining to the proposed plan for Chateau Development to build a 20 unit apartment complex as well as a row of 10 garages, 46 parking stalls and duplexes behind my home on the VanDorn Meadows Outlot B (special permit 1665B). I speak not just for my husband and myself, but for the other 11 homeowners whose backyards face the proposed apartment building and the owners of the townhomes located directly across the street.

Before my husband and I purchased our home located at 7310 Raven Circle 15 years ago, we were concerned about what might be developed in the empty lot directly behind our backyard. In contacting the city planning department we were assured that the lot was and would be zoned for single family or townhomes. With this information we made the decision to purchase our home. This home was to be the home in which we planned to live in for the remainder of our lives. Had we been told that there would be the slightest chance an apartment complex and a row of garages would be adjoined to our back yard we certainly would not have made the purchase. What really drew us to this home was not only the home itself, but the very nice layout and serenity of the neighborhood. All of this will be lost with the building of an apartment complex, multiple garages, parking stalls and additional traffic. To think that our only way of voiding this is to sell and move is a travesty. We worked very hard our entire lives to have the home we have. At our age and with my husband being retired, moving will be devastating to our financial future.

Other concerns:

1. The increased traffic is also a great concern. The traffic on Holmes Park Road is already high for a residential area. With an apartment complex the increased traffic will reduce pedestrian safety on Holmes Park Road. We must think about the safety of the neighborhood children. This development would most likely add an additional 50+ vehicles in a two block span.
2. On Sherman street there are the beautiful and expensive townhomes. Across the street is the Chateau lot and behind that lot are single family homes. To have an apartment built smack in the middle of this structure of homes makes no sense at all. It will totally take away the neighborhood "home" atmosphere. The apartment building, garages and parking stalls is totally incompatible with the surrounding neighborhood. This is not a logical or desirable land use pattern. Most objective parties would view the situation as Spot-Zoning.
3. The proposed amendment to the community unit plan abandons the orderly transition of the R-1 and R-3 zoning districts by leap-frogging back to apartments. Large number of apartments are already available along the arterial streets (70th & VanDorn)
4. The value of the single-family homes and luxury townhomes will be adversely impacted by 30 rental units in the area. Again so unfair to the homeowners who have worked hard for the homes they have.
5. Light and noise pollution.
6. The neighborhood schools are already over capacity.
7. No efforts are being made to make the project blend in with the existing neighborhoods.

We urge you to not yield to the request of a single investor who seeks this zoning change, but rather to agree with the pleas of the homeowners living in the neighborhood to not allow for this change.

Thank you for your consideration.

Best regards,

Elaine & William Skov
7310 Raven Circle
Lincoln, NE 68506
402.423.6653

Jean Preister

Subject: FW: Opposition to Special Permit #1665

From: Henry Rodriguez [mailto:hrodrig46@gmail.com]

Sent: Tuesday, May 27, 2014 4:58 PM

To: Brian Will

Cc: Rebecca McNeil

Subject: Opposition to Special Permit #1665

Mr. Will:

Thank you for being present at the meetings held by Chateau Development, LLC, regarding the plans for development in Van Dorn Meadows, Outlot B, 1st Addition. You will recall the willingness of neighbors to consider alternatives other than the increase by 40 and now 30 units of rental housing.

We are disappointed in the city/county planning staff recommendation for approval of the plan described under Special Permit #1665C. Our reasons for this are:

- 1) The increase in traffic and safety of residents who access Holmes Park Road is a concern. Residents use the intersection of Sherman Road and Holmes Park Road as a cross walk to enter the dog run and access the park. Having 60 more cars pouring onto Holmes Park Road creates issues of safety and congestion onto a well-traveled road. There are already over 600 units of housing between 70th Street and Sherman Road and from Holmes Park Road and Van Dorn Street, which may exit onto Holmes Park Road. This includes the Chateau Development, LLC, and the Holmes Lake Apartments.
- 2) Chateau Development and the city/county planning staff have broken trust with the homeowners in Fox Hollow. The existing site plan shows nine lots for detached single family houses. Mr. Gaspar has presented subsequent plans to the city and to the neighbors scaling back from 60 rental units to 40 rental units, and now 30 rental units. **This is THREE TIMES the number of units proposed in the site plan and still is NOT acceptable to the neighbors.** This increase in density to an area that is less than 4 acres is not acceptable in a neighborhood that consists of single family residences. The proposed plan for the multi-story units leapfrogs over existing single family residences and is inconsistent with existing housing. There is no orderly transition.
- 3) One of the most meaningful guiding principles of the Comprehensive Plan (we understand the Comprehensive Plan to be a document serving as a recommendation for future development) has been ignored: "Strive for predictability for neighborhoods and developers for residential development and redevelopment." Adjacent property owners have made investments based on the existing site plan. **Planned investments have not been made since December 18, 2013, due to the uncertainty of future developments that would change the site from single family residences to multi-family units.**
- 4) The city/county planning staff has offered an alternative, Item #4 in the Planning Staff Report for Special Permit #1665C, which would be acceptable to the neighbors: "Potentially, the nine lots could be revised to a lot layout to accommodate up to 9 duplexes (two-family dwellings on a single lot) for a total of 18 units, provided the lot area requirements of the R-3 district could be achieved." **This is a reasonable accommodation and a compromise on the part of Chateau Development and the adjacent neighbors.**

Please forward our concerns to the Planning Commission requesting they reconsider the staff recommendation and adopt the proposed alternative, as mention item #4 above.

Henry and Jenne Rodriguez, residents at 3431 Fox Hollow Circle for 28 years.

057

Jean Preister

Subject: FW: Special Permit 1665B, Van Dorn Meadows Outlot B

From: Jspitsen@aol.com [mailto:Jspitsen@aol.com]
Sent: Tuesday, May 27, 2014 4:28 PM
To: Brian Will
Subject: Special Permit 1665B, Van Dorn Meadows Outlot B

My name is James E. Spitsen and I live at 7609 Cooper Avenue in Lincoln, Nebraska. I am up the street a few blocks from the area shown above and the subject of the proposed zoning change.

I am against any change in zoning of this land as it will add apartments up in to an area where we have transitioned already from apartments....a whole lot of them, to townhomes and then to single family homes, as the comprehensive plan always seems to try to do. If you add apartments to this lot you will sandwich some very nice townhomes between apartment complexes. It isn't right and it goes against Lincoln's own planning designs.

Moreover, there are so many apartments in that area now with the Chateau development that seems to keep growing and growing plus the apartments and 70th and Holmes Park Road, that traffic is a real issue at the two main travel times of the day. Chateau traffic either heads to Van Dorn to get out or to Holmes Park Road. Some vehicles cut through the commercial building lot on 70th south of Russ's Market to get out.

There is no light at 72nd and Van Dorn so cars back up.

Many of us fought the number of units that Chateau was originally allowed to build and we lost. Not only did we lose but they were allowed to add more density later. Our section of the city has enough apartments that we certainly don't need more that close to all the single family homes that have been there for years and should not have to suffer through a zoning change that will reduce their property values and add more traffic.

This land is perfect for single family homes or town homes. There are high power lines right by this land so building apartments it seems would be too close to those lines. It would also make a very nice neighborhood park. Chateau could donate the land to make up for all the green space they said they would put in their apartment complex originally that seems to have dwindled down to nothing. All that is there now are buildings and parking lots.

I hope this makes it to the planning commission.

James E Spitsen
7609 Cooper Ave
Lincoln, NE 68506
402-488-9557

058

Jean Preister

Subject: FW: Van Dorn Meadows

From: Donald F. Burt [<mailto:dburt@clinewilliams.com>]

Sent: Tuesday, May 27, 2014 4:43 PM

To: Brian Will

Cc: Marvin S. Krout

Subject: Van Dorn Meadows

Hi Brian. I was disappointed the Department recommended in favor of the Gaspar project. I will not restate everything in Dr. McNeil's letter, to which I contributed. I do believe it is significant that the proposed apartment building and parking lot will have residential properties around it on three sides, namely, Sherman Street, Fox Hollow Circle and Raven Circle, and will have a non-arterial street on the fourth side. I have made a variety of inquiries and this seems to be unprecedented for this area of Lincoln.

I also fear that if this Application is granted, Mr. Gaspar will be back shortly wanting to put an apartment building on the two lots he owns on the other side of Holmes Park Road. (FYI, there also has been a rumor circulating for some weeks that Gaspar would agree to donate those two lots to the City if the current proposal is approved, which I assume is not true).

Only a longstanding and unavoidable conflict will keep me from the Planning Commission meeting tomorrow, but I support all the comments of those who are opposed to this rather odd proposal. Regards, Don Burt

Donald F. Burt
Cline, Williams, Wright, Johnson & Oldfather, L.L.P.
1900 U.S. Bank Building
233 South 13th Street
Lincoln, Nebraska 68508
(402) 474-6900
dburt@clinewilliams.com

059

Jean Preister

Subject: FW: Special Permit 1665B

-----Original Message-----

From: Jeff Bennett [mailto:bennett4301@gmail.com]

Sent: Tuesday, May 27, 2014 4:25 PM

To: Brian Will

Subject: Special Permit 1665B

Mr. Will,

Please listen to the people who live in this neighborhood and deny the request of Chateau Development to build apartments on Outlet B.

It is my understanding that Chateau has changed their plans from townhome development to building more apartments. I wonder why as they already have several apartment buildings, garages, & parking stalls near this area.

This is against city code set forth by the Planning Commission, when it was zoned R-3.

An apartment there lowers all of our property values, increases traffic, which increases safety issues for motorists and pedestrians. Also, the public schools serving this neighborhood are already overcrowded.

Please don't approve their request to change the zoning.

Thank you,

Jeff Bennett
7436 Ringneck Dr.

060

Jean Preister

To: Jean Preister
Subject: FW: Special Permit 1665B

-----Original Message-----

From: Sara Bennett [mailto:jsbennett1@gmail.com]
Sent: Tuesday, May 27, 2014 12:01 PM
To: Brian Will
Subject: Special Permit 1665B

Mr. Brian Will,

Please DENY Chateau Development's request to change their plans from building town homes to building apartments in our Fox Hollow neighborhood. There are beautiful town homes now and when something is built it should be additional town homes, NOT more apartments.

Holmes Park Road has a high traffic volume now, please don't add to that.

The public schools that serve this area are already overcrowded.

Why would Chateau be granted the right to change what has been in the city plans for over 20 years?

Please say NO!

Thank you for your time,

Sara Bennett
7436 Ringneck Dr.

061

Jean Preister

Subject: FW: Special Permit 1665B

From: Nancy [mailto:nlkunz@windstream.net]

Sent: Tuesday, May 27, 2014 5:15 PM

To: Brian Will

Subject: Special Permit 1665B

Dear Brian,

I am contacting you because I am opposed to the zoning change at Sherman St and Holmes Park Rd. I have no problem with the duplexes, but the apartment building with all of its parking stalls would adversely affect our neighborhood. I live two to three blocks away and walk that way to access the bike trail, dog run, and Holmes Lake all of the time. Many of our neighbors walk there also and we are all opposed to this plan. Please stop this action!

People have purchased their properties based on a promise that the area would stay as single-family or two-family dwellings. Please stand up for us because we have confidence in these promises.

Thank you for your help!
Nancy Kunz

062

Jean Preister

Subject: FW: Special Permit 1665B - Van Dorn Meadows Outlot B

From: Rene Mayo [<mailto:rmayo157@yahoo.com>]
Sent: Tuesday, May 27, 2014 2:32 PM
To: Brian Will
Subject: Special Permit 1665B - Van Dorn Meadows Outlot B

I own a home at 75th and Sherman (7515 Sherman) and have heard about the recent request to rezone the vacant lot at Sherman and Holmes Park Road. I'm not sure the Planning Commission realizes the full impact of this request.

Currently, Sherman street via Holmes Park Road is the ONLY access our neighborhood has to 70th street. All other access is either via Van Dorn or Pioneers which neither option viable due to the distance and lack of any close to direct route.

During the school year, I sometimes wait through 2 or 3 changes of the light just to get onto 70th street which is more than 5 minutes. This is due to the high volume of traffic on 70 which blocks the intersection as well as traffic backed up on Holmes Park Road past the pond. While I am sitting there, I watch car after car turn east on Holmes Park Road and then north on Sherman to get to the Middle School. How safe will this be with another bottleneck at the intersection of Sherman and Holmes Park Road? I also watch countless cars from the apartments wait at 71st trying to get onto Holmes Park Road. The additional traffic of that this proposal would only snarl traffic worse. I realize it is too late to do true traffic counts since LPS is out for the summer but this does need to be a traffic flow consideration. There is also the safety issue. I do watch kids walking to school and the additional traffic would pose a huge safety concern with limited visibility and volume of traffic.

Do you know how much pedestrian traffic there is along Holmes Park Road? The light at 70th street serves the pedestrian traffic as much as the vehicle traffic. This is the only place anyone and everyone from the neighborhood can cross to Holmes Park. Families with children on bikes, families pushing strollers, school kids riding their bikes, adults running, elderly going from strolls, people walking their dogs, people just out for a walk. Do you really want to put their lives at greater risk by the higher volume of traffic that wasn't in the ORIGINAL plans? The ORIGINAL plans were made that way for a reason, SAFETY.

Also, Sherman will continue to be our only access point into the neighborhood. That street is not wide enough to handle cars parking on the street and the extensive traffic it receives everyday. As it is, if a car is parked on one side of Sherman, there is BARELY enough room for two cars to pass each other. Most of the time, one car waits for the other to pass before proceeding. Cars will park on the street to reach the rental duplexes and apartments, they do on 71st, this will be no different. Also, visibility is a major concern, both Sherman and Holmes Park Road have curves at this point. As it is now, you cannot see cars coming west bound on Holmes Park Road until they are close. On Sherman, with the two curves, it is even trickier, especially in winter with icy roads.

Noise will also impact our neighborhood. As it is, since the evaluation rises as you go east, the sound carries up into the neighborhood. I hear the cars on 70th street, revving of engines, squeal of tires, music (yes, music!), emergency vehicles, etc. Rental units will only compound this issue and they will be within 2 blocks of my house. This was zoned low density residential, if I wanted to live in high density, I would not have purchased a home here.

One other item that seems to be left out of the mix, I may have incorrectly understood this request was made as part of a swap for the lots across Holmes Park Road with the intentions of turning those lots PARKING for the dog park. MORE TRAFFIC and CONGESTION on Holmes Park Road! This traffic belongs on 70th street, not buried within our neighborhood and at the ONLY access point we have to 70th street.

Please, listen to our concerns. There are already enough apartments in our area, we do not need any more.

Thank you,
Rene Mayo-Rejai
7515 Sherman Street
Lincoln, NE

063

Jean Preister

Subject: FW: Special Permit 1665B Van Dorn Meadows Outlot B

-----Original Message-----

From: Patti Schmitt [<mailto:pschmitt@windstream.net>]

Sent: Tuesday, May 27, 2014 10:56 AM

To: Brian Will

Subject: Special Permit 1665B Van Dorn Meadows Outlot B

I am emailing to voice my opposition to the building of the 20 unit apartment building, row of 10 garages and 46 parking stalls on the lot where town homes have been planned for over 20 years. It is incompatible with the adjacent single family homes. I believe the area will become overcrowded and apartments would be poor planning. Single-family dwellings and two-family dwellings would be a much more appropriate use for the land.

Patti and Terry Schmitt
7340 Skyhawk Circle

064

Jean Preister

Subject: FW: Special Permit 1665B Van Dorn Meadows

From: Mary Klein [<mailto:mandjklein@gmail.com>]

Sent: Tuesday, May 27, 2014 11:36 AM

To: Brian Will

Subject: Special Permit 1665B Van Dorn Meadows

Brian...I have reviewed the site docs you sent me and strongly oppose what is being proposed here. Basically, the 3.5 acre lot that is bordered on three sides by owner-occupied houses is too small and too close to existing private residences for a rental housing type project like these proposed apartments. There is no buffer to protect the private investment the private owners have made to their neighboring properties. The apartments already in the area which are NOT bordered by privately owned residences on multiple sides have lots of buffering. Holmes Lake apartments has berms and is set back probably 100 feet from the collector street of Holmes Park Rd. The other apartment that is north of the luxury townhouses is set so far back from the Holmes Park Rd. you don't even notice it. Even then, there still is a small park that abuts the collector pond that buffers those apartments from Holmes Lake Park Rd.

With this apartment proposal, there is no room on the 3.5 acres for berms on Holmes Park Rd. and Sherman St., and no room for set back. Amazingly, the developer even wants to reduce the setback on Sherman street. See Application Letter. .

This proposal is too aggressive in its effort to squeeze in as many rental square feet into those 3.5 acres that are in the middle of owner occupied houses. Consider that if these rental units had been built first, do you believe the luxury townhomes would have sold if built later? No way, and it makes the point that this use for this amount of land is too much relative to the existing uses that border it so closely, and is a proposed use that is not even up to the standard of compatibility for the apartments already in the area.

This is a case of the developer thinking only of how much revenue he can squeeze out of these remaining few acres. And zoning laws exist to check that kind of one-sided thinking.

A much better plan would be to build +55 owner-occupied townhouses like those at Knights Court that is on South Street between 56th and 70th. There are 25 individual units there that are owner-occupied. This could be landscaped as a stand-alone community and would have the pride of private ownership working in its favor for the long term.

The neighbors to this 3.5 acre lot have invested their own money into their private homes over many years. They deserve a use that is compatible with their pride of private ownership. This proposal doesn't do that, and Lincoln's zoning process is there to assure that a compatible use is found. Thank you for the opportunity to participate in this process.

Sincerely,
James C. Klein
3511 S. 75th St.
Lincoln, NE

065

Jean Preister

Subject: FW: Fox Hollow Zoning Change (Van Dorn Meadows Outlot B)

From: tylerkohtz@aol.com [<mailto:tylerkohtz@aol.com>]
Sent: Tuesday, May 27, 2014 11:37 AM
To: Brian Will
Cc: wendykohtz@aol.com; beckyzmcneil@gmail.com
Subject: Fox Hollow Zoning Change (Van Dorn Meadows Outlot B)

Mr. Will,

My Name is Tyler Kohtz, and my family and I reside at 7601 Ringneck Dr. I am writing to oppose any change in the zoning for Van Dorn Meadows Outlot B, with the exception of R-1 residential. Fox Hollow is a residential family neighborhood, and the proposed 30 dwelling unit would compromise the integrity of the neighborhood by increasing traffic congestion of streets, and increasing population density in an area generally zoned for R-1 residential; apartments in this area are not compatible with the current neighborhood.

In addition, the existing apartment buildings in the Fox Hollow neighborhood are located along the main arterials, which allows for easy traffic into and out of the apartment buildings. The Van Dorn Meadows Outlot B is not located on a main arterial, and does not provide for acceptable access to the area from the main arterials; this means an increase to the traffic through the neighborhood.

Finally, dense apartment development would impact the property values of the residents located close to the proposed development, reduce the quality of life for all Fox Hollow residents, and violate the purpose of the city's zoning code. We all choose to build our lives here because of the vast open wooded areas and low housing density. Any change to the zoning for Van Dorn Meadows Outlot B, with the exception of R-1 would compromise our neighborhood. Chateau Development has not considered the interests of Fox Hollow in their proposal, and their only purpose of this proposal is to generate as much revenue as possible on Van Dorn Meadows Outlot B.

Sincerely,

Tyler Kohtz

066

Jean Preister

Subject: FW: Van Dorn Meadows - Outlot B

From: Ali Hamata [<mailto:AHamata@assurity.com>]

Sent: Tuesday, May 27, 2014 11:40 AM

To: Brian Will

Subject: Van Dorn Meadows - Outlot B

Hi Brian,

I am writing to express my concern regarding the proposed re-zoning of Van Dorn Meadows – Outlot B (special permit 1665B). My primary concern is the proposed apartments will only add to the existing large amount of traffic and high traffic speeds on Holmes Park Road I see on a daily basis. Here are a few examples:

- (1) There is already an issue of fast driving speeds on Holmes Park Road. There are frequently traffic speed monitoring devices on this road, and I have even seen police monitoring this road as well.
- (2) Near the intersection of 70th and Holmes Park Road, there are two apartment outlets on to Holmes Park Road. On a daily basis, I see young drivers coming from these apartments at high rates of speed, often while texting. Many of these drivers barely stop or even look while turning right or left on to Holmes Park Road. This creates a dangerous situation for the many pedestrians that use this road to access Holmes Park.
- (3) Holmes Park Road has a dangerous curve a short distance from 70th street, immediately before the new apartment complexes. This curve is very frightening. I ride my bicycle to work on a daily basis, and I refuse to ride my bicycle on Holmes Park Road. I see far too many cars driving 35-40+ mph along this portion of Holmes Park Road. These drivers would have no way of seeing a bicyclist along this curve at fast rates of speed.
- (4) The traffic light at Holmes Park Road and 70th street gets backed up with traffic during rush hour. Many of these drivers get frustrated by the long line of cars, and speed to reach the light before it changes. On many occasions, I have seen drivers turn left on to 70th street during a yellow or solid red light. On a regular basis, it is difficult to cross this intersection in the crosswalk because of the large number of drivers turning right on to 70th street. Often times, these drivers are driving so fast they do not see a pedestrian in the crosswalk.

I hope you can understand my concerns that these apartments will only further add to the existing problems I see on Holmes Park Road.

I am also concerned about potential parking by apartment residents and/or their guests along Sherman Street. This street also contains a dangerous curve, similar to Holmes Park Road. I often seen drivers driving in the middle of this road to miss the sharp curve. In several instances, I have seen near- crashes as a result of this curve when another driver is coming from the opposite direction. If these apartments are constructed, parking should not be allowed along this street for the safety of drivers and pedestrians.

As a final point, I question the need for any new apartments in the area of Van Dorn to Pioneers, and 70th to 84th. There are SO many apartment complexes in this area – Lenox Village, Holmes Park Apartments, Rockledge Apartments, Van Dorn Meadows, etc. These are all jumbo- sized apartment complexes – it is hard to believe 20 more apartments is even needed. There is a shortage of townhomes in this area, and I believe this location would be a perfect opportunity to build townhomes to satisfy this demand.

Thank you for your time.
Allison (Ali) Hamata

067

Jean Preister

Subject: FW: Special Permit 1665B Van Dorn Meadows Outlot B

From: James LeSueur [<mailto:jlesueur2@unl.edu>]
Sent: Tuesday, May 27, 2014 10:19 AM
To: Brian Will
Subject: Special Permit 1665B Van Dorn Meadows Outlot B

Brian Will
City Planner
Lincoln

Dear Mr. Will,

I'm writing to you to express my opposition to Special Permit 1665B Van Dorn Meadows Outlot B. I am a member of the Fox Hollow Home Owners Association. I opposed this request for special permission by Chateau Development to build a 20-unit apartment building, a row of 10 duplexes, and a row of parking garages on Outlot B. This is too much for our neighborhood, comprised of single family units, to absorb. Because most of us who live in the Fox Hollow Association have children, I very specifically do not want more traffic in our area. Pedestrian /child safety must be respected. Adding new apartments into an area of single family homes, is, therefore, most objectionable. We already have small streets, dangerous streets, and overcrowded schools (Morley, Maxey, and Lux). Moreover, there is inadequate drainage due to the existing townhouses across the street from the proposed site. The ecological impact will be too much. Finally, adding this number of units violates all previous understandings of what was to be done with Outlot B, so I would like to see Lincoln's City Planners deny Chateau's request. Chateau already has enough apartments and has built many new "villas" and apartments in the area around 72nd and Van Dorn during the past 2-4 years. In fact, they have built a lot of these, too many, perhaps. They do not need to build these units on Outlot B and in an neighborhood that is solely single-family homes. I respectfully request that you deny Chateau's request for special permit 1665B.

With kind wishes,

James Le Sueur
2831 Fox Hollow Road
Lincoln, Nebraska 68501
jlesueur@unl.edu

068

Jean Preister

To: Jean Preister
Subject: FW: special permit 1665B - Van Dorn Meadows Outlot B

From: Synhorst, Jacki [<mailto:jacki.synhorst@nebraska.gov>]
Sent: Tuesday, May 27, 2014 7:33 AM
To: Brian Will
Subject: special permit 1665B - Van Dorn Meadows Outlot B

Dear Mr. Will:

With you being our city planner, I want to express my concern with the plans to build an apartment complex at Holmes Park Road and Sherman Street. I live on Holmes Park road and I can tell you that the traffic is already very high on that street because it is one of the main outlets from the neighborhood and I am not in favor of adding to the congestion of traffic with an apartment complex. The morning traffic is heavy with parents getting kids up to Lux Middle School, as well as, after school/early evening traffic with school pick-ups, etc. Overcrowding already exists at Morley, Maxey and Lux Middle School and I feel an apartment complex is only going to add to the congestion.

I know your time is valuable so I am only mentioning a few of my concerns. I appreciate your consideration of my concerns regarding this vote in front of the Planning Commission on Wednesday.

Thank you
Jacki Synhorst

069

Jean Preister

Subject: FW: The proposed amendment to the Van Dorn Meadows Community Unit Plan, SP 1665c

From: Theresa Rippe [mailto:trippe@lps.org]

Sent: Tuesday, May 27, 2014 9:15 PM

To: Brian Will

Subject: The proposed amendment to the Van Dorn Meadows Community Unit Plan, SP 1665c

The Lancaster/Lincoln Planning Commission c/o Brian Will

This letter is to express my opposition to the proposed amendment to the Van Dorn Meadows Community Unit Plan, SP 1665C. I believe the proposed development on the property is detrimental to the neighborhood for a variety of reasons. The addition of an apartment complex and duplexes would put undue strain on the schools, cause an unsafe flow of traffic, and cause a drop in value to the properties in the vicinity.

The public schools that serve the neighborhood are already beyond capacity. Lux Middle School, which was built for a student population of approximately 700 now is attended by more than a thousand students. Morley and Maxey elementary schools are also beyond their capacities. Adding 30 dwelling units to the neighborhood would put further population strain on those schools.

The proposed development would feed traffic directly on to Holmes Park Road, which is already a heavily traveled street. The driveway that is proposed would introduce traffic on a blind curve. There is an existing privacy fence right next to the proposed drive. Even without the privacy fence, the traffic flow on the curve next to the proposed development has resulted in near accidents. The foot traffic of residents in the proposed development would be crossing to get to the dog park and bike path on this blind curve. With the road used as a popular route for dropping off students at Lux, I would like to see a traffic study done as to how the projected buildings would impact the use. Keeping in mind that the usage during the summer months is less than the school year.

The proposed development would also be damaging to the aesthetic and financial value of the properties in the neighborhood. Placing a 20-unit apartment building at that site does not make sense. The properties right next to the proposal are single-family homes or townhomes. The apartment building proposed would stand out like a sore thumb. I doubt that anyone looking to buy a home abutting the proposed development would find an apartment building next door to be appealing. The developer stated that he would not change the continuity of the neighborhood with his addition of higher density, but going from town homes to apartments, to single family home is a very visual and economic disruption to the neighborhood and home values.

My home is almost right across Holmes Park Road from the proposed development. We were led to believe when we bought our home 15 years ago that the only thing that would be built on Outlot B would be townhomes similar to those across the street. I would not have bought my home if I'd known what Chateau Development planned to build there now.

Sincerely,

Theresa Rippe
3521 Holmes Park Road

070

Jean Preister

Subject: FW: Strongly opposed to zoning plan for Van Dorn Meadows Outlet B

From: Josh Jennifer [mailto:joshjenniferco@gmail.com]

Sent: Tuesday, May 27, 2014 7:27 PM

To: Brian Will

Subject: Strongly opposed to zoning plan for Van Dorn Meadows Outlet B

Dear Mr. Will,

We are writing in reference to Special Permit 1665B Van Dorn Meadows Outlet B. As homeowners and residents of a single family home in the Fox Hollow neighborhood, my husband and I are **VERY OPPOSED** to the plans that Chateau Development has for building an apartment building, garages, parking spaces, and duplexes on the lot very near our home. We purchased our home last year and would not have done so had we had any knowledge of these plans. The building of these rental units will very much adversely impact the property value of our home. These rentals are completely incompatible with neighborhood property--there is already a transition from apartments to townhomes to single family homes---these buildings completely interrupt this natural flow and are very intrusive to the neighborhood. These rentals are not compatible with the current developed neighborhoods. We bought our home as we were drawn to the quaintness of this neighborhood and the safety that it provides for children. Allowing these rentals to be build very much detracts from the family-friendliness of this neighborhood. It negatively impacts the overall safety, welfare, and environment of our neighborhood.

As our home is located on Holmes Park Rd, we are also very concerned about the traffic congestion. There is already a great deal of traffic on our street as it is the main entry point into the neighborhood. With these rentals, the congestion will greatly increase and negatively impact the neighborhood. The large concentration of people on this lot is also of concern--the proposed rezoning doubles the population density that is currently allowed. The environmental concerns are also very much existent, as these rentals will contribute to noise, light, and water pollution.

We are asking that the proposed amendment to Van Dorn Meadows Outlet B not be approved and ask that you let the planning commission know of our strong opposition to this special permit being sought by Chateau Development.

Thank you,
Jennifer Jones
3615 Holmes Park Rd
Lincoln NE 68506

071

Jean Preister

Subject: FW: Special Permit 1665B Van Dorn Meadows Outlot B

From: Laura Waldman [<mailto:lwaldman60@live.com>]
Sent: Tuesday, May 27, 2014 3:30 PM
To: Brian Will
Subject: Re: Special Permit 1665B Van Dorn Meadows Outlot B

Dear Mr. Will,

I am writing in regards to Special Permit 1665B for Van Dorn Meadows Outlot B, which I understand is the subject of a hearing to be held before the Lincoln/Lancaster County Planning Commission on May 28, 2014. My husband and I will not be able to attend the meeting, but would like to make our opinions known.

For the last 10 years, we have lived in the Fox Hollow neighborhood, on S. 75th St. We have seen a copy of the permit and we are concerned about the proposed re-zoning of Outlot B so the developers can build an apartment complex and set of duplexes. We would be fine with having the originally planned 2-family town homes built in this lot. It would be in keeping with the current R-3 zoning of the outlot, and would fit into the neighborhood without changing its nature drastically. But we feel that the increased traffic and population density caused by the apartment complex would cause a strain on the neighborhood.

We, and many others in our neighborhood, generally access our home via the intersection of Holmes Park Road and Sherman St. This is already a fairly busy intersection. Based on the way the traffic on Holmes Park Road between 70th and 72nd streets increased when the apartment buildings on 72nd St. were built, I would expect traffic issues to develop with the proposed new buildings.

We would greatly appreciate it if the zoning could remain R-3 to make it more compatible with the R-1 lots around it.

Thank you for your time and attention,
Laura & Theron Waldman

072

Jean Preister

Subject: FW: Special Permit 1665B

From: Josh Jones [mailto:jonesbuckeye@gmail.com]

Sent: Tuesday, May 27, 2014 7:41 PM

To: Brian Will

Subject: Special Permit 1665B

Brian,

I am writing to you as a concerned citizen regarding the proposed apartment complex to be built in the currently vacant Fox Hollow subdivision. My wife and I relocated to Lincoln last year from Denver. When we looked at houses, we loved the beauty of the Fox Hollow subdivision, the diversity of housing, and the incredible open spaces backing to the Holmes Lake Watershed. I am very concerned at the proposal that is been submitted to build new apartments as well as parking spaces and garages. I know you have a very difficult job as a city planner in regards to permitting building as well as denying building, so I hope that my small voice can have a say.

1. I moved here to take a job in the Lincoln Public System. I currently work as an assistant principal. I know the strains that overcrowding can cause a building. The addition of these apartments creates a massive issue not only for the schools directly impacted: Maxey, Morley, and Lux but it will ultimately have an impact on LPS as they will have to consider rezoning or additons. With the growing community in Lincoln, it makes more sense to grant builders the opportunity to create housing structures in the developing areas of the North, Southwest, and Southeast. It does not make sense to create more housing in an already densely populated area.
2. The Homes Lake Watershed will experience issues with potential flooding. Our house backs to to the bikepath, and we have already dealt with an issue of flooding. By increasing structures on land that is designed to prevent flooding, you would be creating significant housing threats to many people with the risk of flooding.
3. The current traffic on 70th is already very congested. This traffic spills onto Holmes Lake Road causing significant safety concerns for children. I know that speeding is a current issue because we have had multiple radar machines on our street in just the last few months. I am terribly concerned for the safety of my 2 year old daughter as well as the other children who live on our street. Adding 30 more housing units will only increase that threat to the safety of the children of Fox Hollow.
4. Lastly, Brian, I am speaking to you as a homeowner. I am not sure if you own your home or not, but imagine you buy a home and 1 year later you are told that 30 apartment homes as well as parking lots and garages are going to be built within a very close proximity to your house. I am sure you, much like me, would be very concerned. There are the obvious reasons as I stated, but the last reason is our property value. I am sure you know that by granting this permit you will be greatly affecting the property value of many people.

Please do not allow this permit to go through. It will impact so many more people negatively than positively. There is so much space in Lincoln that has not been developed that would be perfect for the Chateau Apartments. Please keep Fox Hollow as is.

Thank you

Joshua Jones

073

Jean Preister

Subject: FW: Hearing on Outlot B

From: Georgenne Parker [mailto:georgenneparker@gmail.com]

Sent: Wednesday, May 28, 2014 1:35 AM

To: Brian Will

Subject: Hearing on Outlot B

Tuesday May 27, 2014

City Planner

Dear Mr. Will:

I am writing to let you know my strong opposition to any change in the way that Outlet B in Van Dorn Meadows is zoned. My understanding is that it is currently zoned R-3, which would provide single-family dwellings and two-family dwellings. It would not allow for apartment houses or detached garages.

I think I am in a good position to know about congestion around schools. For nearly 20 years (Lux opened 2 years after our move), I have lived at 7649 Ringneck Dr., so when you turn off Van Dorn on 79th, and after a few houses, you veer to the right and go down the hill, with Lux Middle School schoolyard on the left and condominiums on the right, my house is the first one on the Lux side. So both the side of my yard and the back of my yard are school fencing. The side walk that leads down the hill on the west side from Lux to Ringneck starts about 20 feet from the fence.

Parents who chose to pick up their children there, park in front of my house, across from my house, and on up the hill on both sides as far as they need go. I have never let it bother me because I rarely have problems, although I once came home to try to turn into my driveway, and there were 2 cars parked in my drive, with their windows open and

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everyone yelling. I had to leave my car parked in the middle of the street to walk over and ask them to move their cars so I could get in to my drive and garage. With cars parked on both sides of the street at the curb, there is barely room for traveling one way so there is a lot of waiting if you are trying to to drive through this congested area. So I had to leave my car parked in the middle, totally blocking the street, about 20 feet from my drive, so they could get out. And sometime the area of cars parked on both sides is so long, that you can't see the end, so you start forward, and meet a car coming head on from the other way and one of you has to back up quite a bit. Also, the fire hydrant is on the curb on the far side of my driveway and people always drive all the way up to my driveway, blocking the fire hydrant. I figure this is not my responsibility; it is the city's and they chose not to have the police patrol this area to make sure people are not blocking the hydrant. In the almost 20 years that I have lived here, I have never seen the police patrol the congested area by my house in either the opening or closing of school. I tolerate it because my children went to Lux and the principal there runs a tight ship, and we have worked together when problems have risen. But the main way I cope is by not going out in the morning and trying not to go out or come in at afternoon closing. But that is not always possible, and then I take the back way out, taking Sherman St. to Holmes Lake Rd. on out to 70th. Even doing that at the 2 congested times, there is a long wait. Sometimes I have to sit through 2 or 3 green lights before I get to 70th and can turn.

Adding to the traffic congestion around Lux, and the 3 ways to get to it, **is simply not an option.** I know the value of my home is already lowered due to its location. If Chateau Development adds to the traffic in the way they want, the congestion will be intolerable, and the value of my home will go down even further. Also, my children went to Morley Elementary, and the congestion trying to deliver and pick up from Morley 18 and 17 years ago was a nightmare. I can tell by driving on 70th street that it is much worse now. You double the population density in Outlet B and it simply won't work.

Also, since Lux is closed, why add population in this area, when they will only have to be bused somewhere else.

After 20 years with their land zoned R-3, they suddenly change their minds. Why? Money is the only answer. They are making plenty of money as it is. Why should the city planners give in to their greed, while hurting all the residents in this area in so many ways. Did they give any justification for their change? People have bought houses and condominiums based on the zoning that has been in effect for 20 years. **It is an outrage to change this after 20 years so some corporation can make more money. Their proposal shows no consideration to the numerous problems it will cause and the many people it will hurt.**

Putting an apartment building in this neighborhood is outrageous. There is a high-rise apartment building on the corner of 70th and Holmes Lake Rd. When that was built, I noticed a significantly longer wait at the traffic light there. After that there is some nice green space and a pond on the north side until you come to the condos on the west side of Sherman St. Also, it is my understanding that on the south side of Holmes Lake Rd., from 70th, to the first house on the south (which is past the proposed Outlet B), is part of Holmes Lake Park. But how can children and all pedestrians cross over to use this open space, when the traffic congestion will be awful. I certainly would not have let my children walk or bike across Holmes Lake Rd. future, even if they were in high school. It's a death trap, and renders this open space on the south side worthless. If it is a part of Holmes Lake Park, shouldn't the parks department be consulted before any change is made to Outlet B? There are more than adequate apartments in the area. We don't need any more. I can't imagine any justification for an apartment building in an area that is surrounded by single and double family units that the Chateau Dev. could possibly have given to the City Planning Commission that would lead to even considering a change.

Are we to have no green space in Lincoln? The parks have not even come close to keeping up with the additional housing. When I moved here, from Holmes Lake Rd. south was solid green space. Having green space is essential to urban living. Now, except for the dog run, it is all businesses. It was so lovely when the bird sanctuary was there. I really hope the City Planning Commission will give more thought to parks and green spaces in the areas now being developed, and those to be built in the future.

For all the time that we have lived in Lincoln, we have used Holmes Lake a lot. It's a shame that the lake is not clean enough to have a nice beach and small swimming area. I have always been appalled by the small number of swimming pools in Lincoln, and that the new areas to the south seem to have no new pools at a convenient distance.

With all this highly-concentrated living space as proposed by Chateau Dev., containing approximately 68 parking spaces and drives, it will increase runoff and pollution in to Holmes Lake. I believe that one reason alone just justify you rejecting their new proposal. The lake will get dirtier, and there will be flooding which will affect the amount of open space all along the lake. The amount north of the lake is already not very big. On nice days the playground area, and the open space for picnicking or just relaxing is crowded enough. You add the additional runoff that will be caused by their new proposal will cause a rise in the water level, and a decrease in the already small recreation area on the north side of the lake. This would be a terrible shame. A dirtier and larger lake is not what we need.

The proposed use of Outlet B will double the maximum density. It also allows a two-story apartment building in a neighborhood of single family dwellings, with a separate parking garage and a large parking area. Again, just doubling the density is a good enough reason, as far as I am concerned, for not allowing their

proposal. And it will be ugly. Left as it is currently zoned, it will be a pretty area, instead of an eyesore. The Chateau Dev. proposal is an unacceptable concentration of population in an area that they have promised for 20 years will be used for "future luxury townhomes." They have no justification for changing that now and ruining the lives of so many people. I feel so sorry for the people that live across from and beyond Outlet B. The Chateau company should not be able to dupe so many people, by going back on a 20 year promise, lessen their quality of life by the noise, congestion, and lights that they will have to live with night and day, and the change in what will be across the street from them, of in their backyards.

But those people are not the only people who will be hurt. The residential area west to 84th, north to Van Dorn, and south to Holmes Lake Rd. will all be hurt in some ways.

I believe the City Planning Commission owes a duty to the many people that will be harmed if the new proposal is passed. For 20 years Outlet B has been zoned R-3 Residential, and people have relied on that. If the Commission now changes that, it will have broken its faith with its citizens, for no good reason. There is no good or acceptable reason for putting an apartment building, with its ugly garages, and vast parking lot, in Outlet B. Apartments are definitely not needed in that area, and the vast amount of harm the new proposal would cause to so many of Lincoln citizens, make the rejection of their proposal the overwhelmingly right choice for the Planning Commission to make. Please do not cater to the whims of a development company, but instead stand on your 20 year promise, and keep the original zoning. Greedy development companies and harming so many citizens who have relied on the original, intact zoning, does not make for a happy city or happy citizens. I think we should be the main concern of the City Planning Commission.

Thank you for your time. I will appreciate it if you will pass on my concerns to the rest of the Planning Commission.

If, above, I have referred to the duplexes now existing on Sherman Street as condos, and they are actually termed townhomes, please excuse my error.

Sincerely,

Georgenne Parker
7649 Ringneck Dr.

Jean Preister

Subject: FW: proposed amendment to the Van Dorn Meadows Community Unit Plan, SP 1665C

From: Kevin Rippe [mailto:krippe@lps.org]

Sent: Tuesday, May 27, 2014 8:30 PM

To: Brian Will

Subject: RE: proposed amendment to the Van Dorn Meadows Community Unit Plan, SP 1665C

To Whom It May Concern:

This letter is to express my opposition to the proposed amendment to the Van Dorn Meadows Community Unit Plan, SP 1665C. I believe the proposed development on the property is detrimental to the neighborhood for a variety of reasons. The addition of an apartment complex and duplexes would put undue strain on the schools, cause an unsafe flow of traffic, and cause a drop in value to the properties in the vicinity.

The public schools that serve the neighborhood are already beyond capacity. Lux Middle School, which was built for a student population of approximately 700 now is attended by more than a thousand students. Morley and Maxey elementary schools are also beyond their capacities. Adding 30 dwelling units to the neighborhood would put further population strain on those schools.

The proposed development would feed traffic directly on to Holmes Park Road, which is already a heavily traveled street. The driveway that is proposed would introduce traffic on a blind curve. There is an existing privacy fence right next to the proposed drive. Even without the privacy fence, the traffic flow on the curve next to the proposed development has resulted in near accidents. The foot traffic of residents in the proposed development would be crossing to get to the dog park and bike path on this blind curve.

The proposed development would also be damaging to the aesthetic and financial value of the properties in the neighborhood. Placing a 20-unit apartment building at that site does not make sense. The properties right next to the proposal are single-family homes or townhomes. The apartment building proposed would stand out like a sore thumb. I doubt that anyone looking to buy a home abutting the proposed development would find an apartment building next door to be appealing.

My home is almost right across Holmes Park Road from the proposed development. We were led to believe when we bought our home 15 years ago that the only thing that would be built on Outlot B would be townhomes similar to those across the street. I would not have bought my home if I'd known what Chateau Development planned to build there now.

Sincerely,

Kevin Rippe
3521 Holmes Park Road

Jean Preister

Subject: FW: Sherman Street/Van Dorn Meadows

From: Nelda Hunt [<mailto:nelhunt@aol.com>]
Sent: Wednesday, May 28, 2014 10:49 AM
To: Brian Will
Cc: jberry7@neb.rr.com
Subject: Sherman Street/Van Dorn Meadows

Brian I would like to address the request by Stefan Gaspar/Chateau Development to amend the Van Dorn Meadows Community Unit Plan and to revise the lot layout to allow one 2-story, 20-unit multiple-family buildings and 10 two-family buildings, and the waiver to the front yard setback to allow parking in the front yard off South 70th Street and Holmes Park Road.

I previously lived in a townhouses on Sherman Street across from the subject property, and as a real estate agent sold many of the townhouses there. Originally the townhouses were built by Chateau Development, and the area in question was represented by Chateau as "future townhouses," and in todays market and with the shortage of lots would be a prime location to build new townhouses.

Holmes Park Road is a main entrance into the Fox Hollow subdivision and traffic congestion there is already a concern to the neighbors. I believe having additional apartments in this location would cause a lot of frustration to the residents in that area. The exit from the proposed apartments would be turning north on Holmes Park Road to get out of the subdivision, and it is already extremely busy especially getting children to school. The existing apartments in that area already contribute to heavy traffic back up at both Holmes Park Road and Van Dorn trying to get onto So 70th Street.

Single family or a townhouse development would be the most desirable use, and in the best interest of the entire neighborhood.

Thank you for your consideration.

Nelda Hunt
Home Real Estate
402-730-6897

081

Jean Preister

Subject: FW: Special Permit 1665C zoning variance opposition

From: Mike McNeil [<mailto:mmcneil72@gmail.com>]
Sent: Wednesday, May 28, 2014 10:24 AM
To: Brian Will
Subject: Special Permit 1665C zoning variance opposition

Dear Brian Will, Lincoln City Planning Dept:

This letter is to oppose granting Chateau Development LLC/Stefan Gaspar a variance as applied for in Application Number SP1665C.

Changing the zoning in Outlot B of Van Dorn Meadows is a bad idea, pure and simple.

1) BAD DESIGN - This project is basically an upscale 'slip-in' of multi-family dwellings (apartments and rental duplexes) in an existing neighborhood of townhouses (duplexes) and single family residences.

One of the great strengths of the city of Lincoln is a cohesive development strategy that maintains good transitions from commercial properties, to multi-family properties to single family residences.

This strategy evolved in no small part as the result of neighborhoods joining together to oppose 'slip-in' apartment developments in single family residential areas. The slip-ins increased density, which increased traffic safety issues, put additional pressure on existing schools, and generally lowered the quality of life for both apartment dwellers and for their neighbors.

Granting the variance in Application Number SP1665C to Chateau Development throws that strategy out the window, and for what? So a company with over 1,400 existing apartments can squeeze another 30 units into an area zoned for single family housing? This is bad design, and contrary to long established zoning practices in the city of Lincoln.

2) BAD DENSITY - Adding this many housing units - 30 in a parcel of land platted for 9 single family homes and that would at best accommodate perhaps 18 townhouses - will instantly overwhelm existing street capacity.

The south end of Outlot B is where Mr. Gaspar's development team wants to route all traffic in and out of this apartment complex... right next to a blind corner on Holmes Park Road, directly north of the Rickman's Run Dog Park.

Holmes Park Road is a feeder street that neighborhood residents use to access 70th Street, Normal Boulevard and Van Dorn Street. It is particularly crowded during the morning and afternoon rush hours.

Adding a 30 unit apartment complex will add approximately 30 to 60 more vehicles to an already crowded street, increasing traffic density with a corresponding rise in accidents and violations.

Apartment complexes also are more likely to have younger families with children. These children will not be able to attend Lux Middle School since it is currently closed to enrollment due to existing overcrowding... a problem it shares with Morley and Maxey Elementary Schools. The City of Lincoln Planning Department is charged with making sure any approved developments do not increase the population burden on local schools - which this development will in fact do.

3) BAD DRAINAGE - Outlot B already drains across both Sherman Street and Holmes Park Road, producing a high street water level above freezing and a high ice level below freezing. With a 30 unit apartment complex and attendant parking lot, this drainage will increase pollution in the Holmes Lake watershed, and is likely to increase the existing problems with flooding and freezing on Sherman Street and Holmes Park Road.

Mr. Gaspar and Chateau Development have not indicated any interest in alternative paving methods that might reduce potential drainage problems with their proposed development, so it's highly likely that this development will increase existing drainage problems.

Finally, it's also bad faith - Mr. Gaspar and Chateau Development for several years maintained a convenient fiction that any development of the Outlot B property would consist of luxury townhouses similar to the existing properties on the west side of Sherman Street - properties originally developed and promoted by Mr. Gaspar and Chateau Development.

Now Mr. Gaspar claims first that no developers are interested in building on Outlot B... not surprising, since he has priced lots there at twice the market value. Mr. Gaspar next claims this is the 'only' viable option he has for this property; interesting in that he has not pursued ANY development of Outlot B for decades.

Finally, Mr. Gaspar claims he's just a businessman who is trying to make the most of his property. However, the 'highest and best' use of this property - for Chateau and Mr. Gaspar - is coming at the cost of adjacent homeowners.

Approving this development will no doubt put more money in Mr. Gaspar's pocket, but will burden his neighbors with increased density, increased traffic problems, increased drainage in an overburdened sewer system, and it will make it plain that the interests of commercial development outweigh the interests of area homeowners - the citizens and taxpayers of Lincoln.

Sincerely,
Michael W. McNeil

Jean Preister

Post-Planning Commission

Subject: RE: Reference special Permit 1665B Van Dorn Meadows Outlot B

From: Brian Will

Sent: Friday, May 30, 2014 7:59 AM

To: Jean Preister

Subject: FW: Reference special Permit 1665B Van Dorn Meadows Outlot B

fyi

BRIAN WILL, MCRP, AICP
PLANNER
LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT
555 S. 10TH STREET, STE 213
LINCOLN, NE 68508
(T)402.441.6362
(F)402.441.6377

From: Carol Beran [<mailto:beran1975@gmail.com>]

Sent: Thursday, May 29, 2014 4:48 PM

To: Brian Will

Subject: Reference special Permit 1665B Van Dorn Meadows Outlot B

Dear Mr. Will,

We attended the Planning Commission meeting yesterday. Thank you for the time you spent working on the issue of Van Dorn Meadows.

We are opposed to the development of an apartment building and rental duplexes that are being placed in the middle of owner occupied homes. We have been residents for 31 years, and are concerned about the density of rental units in the midst of an established neighborhood. The rental units are plotted to be only 30 feet from existing established homes. We left a neighborhood (Briarhood West) in the 1980's that had rental duplexes right next to established homes, because we were getting new neighbors every year. Please do not allow this apartment building and rentals to be built on Outlot B, which is surrounded by single family owner occupied homes. The schools in the area are already overcrowded, and this development does not benefit the welfare of the established neighborhood.

Thank you,
Tom and Carol Beran

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And let the peace of Christ rule in your hearts, to which indeed you were called in one body. And be thankful. Colossians 3:15

084

Jean Preister

From: Elaine Skov [eskov@LandscapesUnlimited.com]
Sent: Monday, June 02, 2014 11:40 AM
To: Jean Preister
Subject: FW: Special Permit No. 1665C, Van Dorn Meadows
Attachments: PC Action.pdf

Ms. Preister,

I would like to propose that all members of the Planning Commission make a site visit before the Wednesday, June 11th meeting. I ask that they view the area for the proposed amendment as well as where the entrance and exit street (s) are planned to be placed.

I feel that an actual on-site visit is critical to the decision-making process. I would also like to invite them into the backyard of my home so that they can get a realistic visual of the proposed amendment as the owners of the homes surrounding the property would see and live it.

Best regards,

Elaine Skov
7310 Raven Circle
Lincoln, NE 68506
402.416.5841``

From: Jean Preister [<mailto:jpreister@lincoln.ne.gov>]

Sent: Friday, May 30, 2014 2:07 PM

To: 'Allison Hamata'; 'Barb Herbel'; 'Brad and Nancy Brestel'; 'Branda Wiemer'; 'Carri L. Honz'; 'Christine Higgins Wilcox'; 'Connie Brandt'; 'Dave Honz'; 'David Franzen'; 'Diane Shriner'; 'Don Burt'; 'Elaine Skov'; 'Eric and Allison Zach'; 'Georgeene Parker'; 'Henry and Jenne Rodriguez'; 'Jacki Synhorst'; 'James Klein'; 'James Le Sueur'; 'James Spitsen'; 'Janet Wilson-Lux'; 'Janice Anderson'; 'Jean and Doug Baum'; 'Jeff Bennett'; 'Jeff Hertzler'; 'Jennifer Jones'; 'John and Jill Berry'; 'Joshua Jones'; 'Joyce and Lyle Vannier'; 'Julie Munford'; 'Karen Lindsay'; 'Kevin Herbel'; 'Kevin Rippe'; 'Kristin Petersen'; 'Laura and Theron Waldman'; 'Lowell Berg'; 'Mark Hunzeker'; 'Mary Steiner'; 'Matt and Lorey Fritz'; 'Michael W. McNeil'; 'Michele and Kirk Langer'; 'Mike Eckert'; 'Monica and Dave Hansen'; 'Nancy and Doug Cyr'; 'Nancy Kunz'; 'Natasha Doty'; 'Neil Baker'; 'Nelda Hunt'; 'Patti and Terry Schmitt'; 'Rebecca Meyer'; 'Rene Mayo-Rejai'; 'Rhonda R. Bostrom'; 'Rick and Rebecca Williams'; 'Sara Bennett'; 'Shirley Tachenko Achord'; 'Stefan Gaspar, Chateau Development'; 'Stephen Witt'; 'Susan Brooks'; 'Theresa Rippe'; 'Tim and Suzy Landreth'; 'Tony Woods'; 'Tyler Kohtz'

Subject: Special Permit No. 1665C, Van Dorn Meadows

Attached please find notification of the action taken by the Planning Commission on May 28, 2014, on the amendment to the Van Dorn Meadows Community Unit Plan.

--Jean Preister, Administrative Officer
Planning Department
402-441-6365

085

Jean Preister

Post-Planning Commission

From: Brian Will
Sent: Friday, June 13, 2014 2:48 PM
To: Jean Preister
Subject: FW: Special Permit SP1665C - Van Dorn Meadows Community Unit Plan

FYI - In case of appeal.

Brian Will, MCRP, AICP
Planner
Lincoln/Lancaster County Planning Department
555 S. 10th Street, Ste 213
Lincoln, NE 68508
(t)402.441.6362
(f)402.441.6377

-----Original Message-----

From: Gail O'Hanlon [<mailto:gailohanlon@icloud.com>]
Sent: Friday, June 13, 2014 2:25 PM
To: Brian Will
Subject: Special Permit SP1665C - Van Dorn Meadows Community Unit Plan

To: Planning Commission

We would like to speak in opposition to Special Permit 1665C and to allowing apartments to be built on Outlot B. During the school year traffic is very heavy on Holmes Park Road heading west as a result of parents letting their children off at Lux School. Entering Holmes Park Road from Sherman Street is very difficult because the line of sight is obscured by the curve in Holmes Park Road. Traffic entering Holmes Park Road from the planned apartments will be even closer to the curve and thus will constitute a traffic hazard. When we built our town home, the entire area was plotted for town homes only, so we are disappointed that apartments are being considered.

Thank you for your consideration.

Jim and Gail O'Hanlon
3233 Sherman Place
402-488-7640

Sent from my iPad

086

Jean Preister

To: Thomas Shores
Cc: Jamie Phillips; Mayor; Miki Esposito; Randy W. Hoskins; Mark A. Hunzeker; Mike Eckert; Steve S. Henrichsen; Brian Will
Subject: RE: Van Dorn Meadows CUP (Special Permit 1665C, PC-01400)
Attachments: CC Hearing Notice.pdf

FROM: Marvin Krout, Director of Planning, mkrout@lincoln.ne.gov, 402-441-7491
cc: Lincoln City Council
Lincoln-Lancaster County Planning Commission

Dear Professor Shores:

Since you raised some general questions in your letter and my response will be sent to the Planning Commission and City Council, I am responding to your email directly. I have tried to respond to your questions where I can, please review below. If you have additional questions about traffic, let me suggest that you contact Randy Hoskins, the chief traffic engineer in the Public Works and Utilities department, who I am copying in this response.

I have asked the Planning Commission secretary to send you the same written courtesy notice of the upcoming City Council hearing that we will be sending to all those who submitted letters to the Planning Commission in advance of their meeting or testified at their hearing (attached hereto). Please feel free to email or call me if you have any additional questions about the upcoming hearing.

Marvin S. Krout, Director
Lincoln-Lancaster County Planning Department
555 South 10th Street, Suite 213
Lincoln, Nebraska 68508
402-441-6366

From: Thomas Shores [<mailto:tsshores@gmail.com>]
Sent: Sunday, July 06, 2014 11:34 PM
To: Marvin S. Krout
Subject: Van Dorn Meadows CUP

Mr Will:

I am a 36 year resident of Fox Hollow who lives behind the Chateau Apartment complex (3211 Fox Hollow Road). I did not speak at the hearing because I wanted to formulate my thoughts clearly before doing so (and other reasons.) However, I have some questions for which I would appreciate answers.

1. Three of the planning commission members left the meeting when our hearing came on board. Moreover, these three voted in favor of the zoning change without a peep (if the minutes are to be believed) at the June 11 meeting. Business folks scratching each others' backs while pretending to serve all citizens of Lincoln? We residents waited patiently for 4 hours to have our voices heard. My question: Did these three offer excuses for their declining to even hear us out? *Typically the Planning Commission meetings are completed in 3 hours or less. The Commissioners left due to previous commitments which I'm sure were made before it became apparent that this meeting would include several controversial hearings and last much longer than normal. We thought it was clear at the end of the May 28 meeting that the Planning Commission had closed the public hearing and there would not be additional testimony on June 11. We provided all the Commissioners, including those who were not present to hear the testimony, with the written minutes of that meeting that are nearly verbatim, plus a link to the recorded video of the meeting and the time that the Chateau hearing began on that video.*

2. I do not have access to the original 1989 CUP, but how was the density limit calculated? Perhaps Hunzeker is right that 25 years is time enough for a change. However, he is an outright liar if he claims the 25 year span is the relevant figure for Outlot B, where Chateau promised verbally and with signs up until about 2004 (conveniently after all condos were sold) that Outlot B would be more of the same. Was the area of the pond and Sherman commons counted as part of the area? Perhaps it's time to LOWER the limit, and not allow Gaspar to develop on Outlot B simply because he didn't plant an apartment building over the pond. So my question is: How appropriate is that density calculation given the current disposition of the land? ***The maximum density for the CUP was calculated based on the the number of acres in each of two zoning districts that overlay that land and the maximum density allowed in each of those districts: 35.13 acres which is zoned R-3 at 6.96 units per acre = 244 units, plus 17.07 acres which is zoned R-4 at 13.96 units per acre = 238 units, for a total of 482 units maximum potential density. The number of units specifically approved by the City Council to date is less than that maximum, 465 units, with some flexibility on exactly where those units can be located. The latest approved site plan, however, only shows 448 units, and changing the site plan to allow anything more than 448 total units requires at least an administrative review and approval. The developer is requesting to increase the total number of units allowed on his ownership from 465 to 469, and build 30 units on the parcel platted today as Outlot B -- a 20-unit apartment building plus 10 units in 5 duplex buildings. Outlot B is shown in the current approved site plan for 9 single family home lots. His proposal also would eliminate 4 previously approved single family lots in the general vicinity of this parcel.***

3. It is stated that Chateau "withdrew" the remaining lots from this plan. Does this mean that once they have a foothold in our neighborhood, he could be permitted (by your group and the Planning Commission) to plant one more apartment building on it? My question: What are the implications of "withdraw" in this context? ***The applicant indicated in their submission and testimony that as part of the overall amendment, they were proposing not to build on 6 single family lots nearby to Outlot B. Under the overall legal framework for zoning, it is possible for the developer, or a subsequent developer, to come back in the future on any tract of land and ask to change the zoning designation or the site plan conditions to do something different than was requested and approved previously. Zoning cannot be "set in stone" because it would be unlawful for any City Council to prevent some future City Council from exercising its legislative authority. We regularly advise property owners who are looking for something more "unchangeable" to negotiate with the applicant and enter into their own private agreement which gives them an independent say on the future of that land.***

4. One of your traffic engineers asserted that there was no need for a traffic study. Yet one resident (Rene Mayo Rejai) testified that her own actual experience suggests that at times traffic will be backed up for three traffic light changes on the exit from Holmes Lake Road to 70th. Did she lie? And do you know how hilarious it is for that engineer to suggest that increased traffic will make that road safer? Let's see, brilliant idea, why don't we try it on Highway 2: Increase the traffic, make the road safer and no need for a South beltway! Or any number of similar jokes. If safety is an issue with your engineers, why didn't they consider the flawed omission of a right-turn exit lane for northbound traffic from 70th to Holmes Lake Road similar the exit lane for Park One. In heavy traffic on 70th proceeding North, sometimes I just cross my fingers and hope that the speeding driver behind me notices that I'm turning onto Holmes Lake Road. There will be even more right turners if Chateau gets their way with Outlot B. My question: Do you stand by the claim that traffic issues are not a problem and will in fact be ameliorated by increased traffic? ***There was not any testimony at the public hearing about these issues you are raising. Talking to the staff planner on this case, who is not a traffic engineer, he thought you were referring to questions put to him at the neighborhood meeting that was held before the Planning Commission hearing. He was correct in noting that the proposed increase of 21 dwelling units does not reach the threshold that triggers the need to prepare a detailed traffic study. Those additional units would generate on average one car in and out of that lot every 4 or so minutes in the peak travel hours, not all of them necessarily driving through the intersection of 70th and Holmes Lake Road, and that would not significantly change the traffic picture in this area. The planner was also responding to a concern expressed about vehicles speeding on Holmes Lake Road when he noted that more access points along a road has the effect of making drivers more cautious and driving slower. Regarding a northbound turn lane in 70th Street to Holmes Lake Road, I know Public Works would agree with your contention that right turn lanes from arterial streets to local streets improve traffic safety; they attempt to build those improvements as part of new roads, and require developers of major projects to install them with those kinds of projects (e.g. right turn on eastbound O Street into the LPS/Whole Foods development). But there are hundreds of***

streets and driveways on arterial streets around the city that do not have right-turn lanes today, and the available funding for that kind of "retro-fitting" is limited.

5. Did anyone in planning notice that about 90% of the perimeter of Outlot B directly faces private single dwelling units in Fox Hollow and Sherman Condominiums? Planting rental apartments on Outlot B is NOT a "transition" in any sense of the word: It is an incompatible intrusion into a residential neighborhood by an apartment complex. (Aside: Surely everyone in the room rolled their eyes when in his (last word) rebuttal Hunzeker proffered that it was a "mistake" when years ago the planting of apartment complexes in residential neighborhoods became taboo. Does this man have any understanding of a privately owned residential neighborhood, in which for mere mortals -- not well-paid real estate lawyers -- their home is the single largest piece of property that they will own? Guess he might get a clue if one were planted next door to him. I know, he's a mouthpiece for Chateau, but c'mon -- he can do better than that!) My question: Given the perimeter calculation, how can you say that this is not an intrusion of an apartment complex into a single-family residential neighborhood? **While it is not the norm in the newer areas of the City, there are a number of apartment projects in the city that face across a local street from single family or townhouse lots. In this case, given the limited scale and increased setback of the proposed building, and the City's requirements for landscape screening around the perimeter of the building, it appeared to be a reasonable transition to the Planning staff.**

6. I note that the ground on Outlot B is severely sloped. Does this mean that neighbors across from the "two story" apartment building will have the treat of staring at THREE stories when Chateau exposes a large view of the basement of these "two stories". Don't bother to tell me that wouldn't happen unless you know it for a fact. Every Fall I get to stare at Chateau's ugly four stories behind my house after the leave from MY trees fall, in spite of the fact that these are nominally "three story" units. As for the "mitigation" that you were concerned about, I don't think that Chateau has planted a single tree to shield this view from me and my neighbors. I think they did cut some down though -- and possibly removed a fence separating their property from Outlot B of Fox Hollow. As for shielding via the rental condos they built, well, they're just a bit late -- seems they are just finishing the last ones this year! They are bad neighbors, period! My question: Will there be a basement view and how do you assure us that Chateau will plant and maintain trees to mitigate the effect of their eyesores? (Their past track record is pretty dismal!) **The limitation in the proposed CUP amendment would limit the apartment building to 2 stories, and that means no more than 2 stories on any façade of the building. Regarding the plantings that will be required, the required street trees along the perimeter streets will be guaranteed by the requirement for the developer, when he subdivides this outlot to prepare it for development, to post a surety that the City will hold or to pay a fee to the Park Department to install the trees. Landscape materials buffering the perimeter of the apartment building are required in the City's design standards, the landscape plans must be submitted and approved as part of the building permit. The existing trees, if they are maintained, can meet the intent of this provision. If the plantings are not installed within the required time frame after the building permit is approved, or not maintained over time, that is a violation of the zoning ordinance, and we hope and expect that surrounding property owners will help enforce this requirement by informing the City of any violations.**

FYI and a suggestion: I did a little calculation. Outlot B is directly adjacent to 9 luxury condominiums and 12 single family residential units, the average lot size of which is about 8620 sq. ft. A little arithmetic shows that $153,000/8620$ is approximately 17.74. Let's be generous and round up to 18. That is the sort of number that Chateau should have proposed for single family condominiums, and is precisely the upper limit the staff presentation suggested. So it's a matter of 9 luxury units (the fairness number) or more than 9 and fewer than 19 not-so-luxurious condominiums (not so fair, but at least somewhat compatible with the surrounding neighborhood.) In our opinion this is the sort of plan Chateau should have submitted. Of course, apartment buildings and window dressing rental condos in this location are, as we have noted above, an inexcusable example of poor planning practice and should not have been allowed.

Finally, I note that Planning Commission members are really hard to find for purposes of email. Coming from an academic tradition where the norm is to be publicly available to students, colleagues and fellow professionals, I find this a bit odd. I could have tracked most of them down via LinkedIn, but why should I have to pay to contact them via that route? Perhaps you have their emails. If so, please forward this message to them. **We will be sending a copy of your letter and my response to the Commissioners. In the future, if you want to communicate to the Commissioners, please**

send your email to the general address for the Planning Department – plan@lincoln.ne.gov – and we will forward on your email to them. Because the Planning Commission acts in what is called a “quasi-judicial” capacity, similar to a jury, maintaining a sense of fairness and due process and “transparency” is important to their proceedings. The bylaws of the Planning Commission strongly discourage “ex parte” communications – private communications of any kind, whether they come from the developer or his representative or neighboring property owners, and try to ensure that all communications are “on the record” and made available to share with all the Commissioners and other interested parties.

Thank you and I look forward to your response.

Best regards,
Thomas Shores
Professor Emeritus of Mathematics, UNL