

FACTSHEET

TITLE: CHANGE OF ZONE NO. 08075, from AG Agricultural District to B-2 Planned Neighborhood Business District, requested by Waterford Estates, LLC, on property generally located at North 98th Street and O Street.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 01/28/09
Administrative Action: 01/28/09

STAFF RECOMMENDATION: Approval.

RECOMMENDATION: Approval (7-0: Gaylor Baird, Carroll, Cornelius, Esseks, Francis, Sunderman and Taylor voting 'yes'; Larson and Partington absent).

ASSOCIATED REQUESTS: Use Permit No. 08003 (10R-26).

FINDINGS OF FACT:

1. This change of zone request from AG Agricultural District to B-2 Planned Neighborhood Business District and the associated Use Permit No. 08003 were heard before the Planning Commission at the same time.
2. The purpose of this change of zone request is to expand the existing B-2 zoning by 10.45 acres, more or less, to the north and east of the Waterford Estates development and to develop 250,000 sq. ft. of commercial floor area on 18.93 acres, more or less, under the associated Use Permit No. 08003.
3. The staff recommendation to approve the change of zone request is based upon the "Analysis" as set forth on p.4, concluding that the proposed B-2 zoning is consistent with the Future Land Use Plan of the Comprehensive Plan. The staff presentation is found on p.6.
4. The applicant's testimony is found on p.6-7
5. There was no testimony in opposition.
6. On January 28, 2009, the Planning Commission agreed with the staff recommendation and voted 7-0 to recommend approval of the change of zone request (Larson and Partington absent).
7. On January 28, 2009, the majority of the Planning Commission agreed with the staff recommendation and voted 6-1 to adopt Resolution No. PC-01155, approving the associated Use Permit No. 08003, with conditions, as amended.
8. On February 10, 2009, the Director of the Public Works and Utilities Department filed an appeal to Use Permit No. 08003 (See Factsheet Bill #10R-26).
9. This change of zone request and the appeal of the associated use permit were not previously scheduled on the City Council agenda at the request of the applicant.
10. On December 21, 2009, the Director of Planning sent a 30-day expiration notice to the applicant (p.23).
11. On December 23, 2009, DaNay Kalkowski, on behalf of the applicant, requested that this change of zone request and the associated use permit be scheduled on the City Council agenda and placed on the Council's pending list on first reading until the applicant has acquired a user for the property (p.24).
12. **Please Note:** Eugene Carroll voted on this application as a Planning Commission member and should abstain from voting as a City Council member.

FACTSHEET PREPARED BY: Jean L. Preister
REVIEWED BY: _____
REFERENCE NUMBER: FS\CC\2010\CZ.08075+

DATE: January 4, 2010
DATE: January 4, 2010

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT
for JANUARY 28, 2009 PLANNING COMMISSION MEETING

PROJECT #: Change of Zone No. 08075

PROPOSAL: From AG to B-2.

LOCATION: N. 98th Street and O Street

LAND AREA: 10.45 acres, more or less.

EXISTING ZONING: AG Agriculture District

CONCLUSION: The proposed B-2 zoning is consistent with the 2030 Comprehensive Plan Future Land Use Plan.

<u>RECOMMENDATION:</u>	Approval
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GENERAL INFORMATION:

LEGAL DESCRIPTION: See attached.

EXISTING LAND USE: agriculture/undeveloped

SURROUNDING LAND USE AND ZONING:

North:	B-2 Planned Neighborhood Business District	agriculture/undeveloped
South:	AG Agriculture District	agriculture/undeveloped
East:	B-2 Planned Neighborhood Business District	agriculture/undeveloped
	AG Agriculture District	agriculture/undeveloped
West:	AG Agriculture District	wetlands/agriculture/undeveloped

ASSOCIATED APPLICATIONS:

Use Permit #08003

HISTORY:

October 15, 2007 The Planning Director approved Waterford Estates Addition Final Plat #07021 and the area of the application was annexed by platting.

April 17, 2005 Change of Zone #04019 from AG to B-2 was approved by City Council.

March 16, 2005 Waterford Estates Addition Preliminary Plat #04011 was approved by Planning Commission.

COMPREHENSIVE PLAN SPECIFICATIONS:

This area is identified as Industrial, Commercial, Green Space, Lakes & Streams, and Environmental Resources in the 2030 Comprehensive Plan Future Land Use Plan. (P. 19)

Commercial: Areas of retail, office and service uses. Commercial uses may vary widely in their intensity of use and impact, varying from low intensity offices, to warehouses, to more intensive uses such as gas stations, restaurants, grocery stores or automobile repair. Each area designated as commercial in the land use plan may not be appropriate for every commercial zoning district. The appropriateness of a commercial district for a particular piece of property will depend on a review of all the elements of the Comprehensive Plan. (P. 16)

Green Space: Areas predominately used for active recreational uses, such as parks, golf courses, soccer or ball fields, and trails. Green space areas may be either public or privately owned. While some isolated environmentally sensitive features may be within these areas, they are predominately for active recreation, with some passive recreation uses also possible. (P. 16)

Industrial: Areas where railroads, manufacturing, trucking and transportation facilities are the dominant land use. Some commercial activities may also take place in predominately industrial districts, such as office, retail or warehouses. (P. 16)

Lakes and Streams: This category includes the larger stream corridors, lakes, and ponds. (P. 16)

Environmental Resources: Land and water masses which are of particular importance for maintenance and preservation, such as saline wetlands, native prairie, and some floodway and riparian corridors. Such areas may be either publicly or privately owned. (P. 16)

Commercial and industrial districts in Lancaster County shall be located:

- within the City of Lincoln or incorporated villages
 - outside of saline wetlands, signature habitat areas, native prairie and floodplain areas
 - where urban services and infrastructure are available or planned for in the near term
 - in areas compatible with existing or planned residential uses
 - in areas accessible by various modes of transportation (i.e. automobile, transit and pedestrian)
 - so that they enhance entryways or public way corridors, when developing adjacent to these corridors
- (P. 35)

This area is identified as “Light Industrial” on the Existing and Proposed Industrial Centers map in the comprehensive plan. (P. 39)

Light Industrial centers are primarily for lighter manufacturing uses with some additional office and retail uses located within the center, such as the Chamber Industrial Tract at S. 14th & Old Cheney Road.

This area is identified as “Mixed Use Office” and as a “Community Center” on the Existing and Proposed Commerce Centers map in the comprehensive plan. (P. 41)

Community Centers are intended to be smaller in scale and intensity of uses than Regional Centers and serve a more targeted market and geographic area. Community Centers tend to be dominated by retail and service activities, although they can also serve as campuses for corporate office facilities and other mixed-use activities. When properly located, some light manufacturing or assembly when accessory to an office function may be allowed.

One or two department stores or “big box” retail operations may serve as anchors (a single store over 50,000 sq. ft.) to the Community Center with numerous smaller general merchandise stores located between any anchors or on surrounding site pads. (P. 43)

Mixed Use Office Centers are to provide a high quality office environment with some supportive retail and service uses. Centers are designed to encourage office uses to locate together, rather than dispersed on single sites, in order to maximize transportation access and have enough mass to support retail and services within the center. Office uses benefit from the mix and employees are more satisfied with the work environment when retail uses are within walking distance. A good example of a Mixed Use Office Center is Fallbrook which has within 560,000 SF of office uses around a 120,000 SF “neighborhood” type retail center – which is 18% of the total space. Existing office parks may have little or no retail space, but are encouraged to add retail and services space as they continue to develop or redevelop. (P. 46)

O Street is classified as an Urban Principal Arterial and N. 98th Street is classified as an Urban Minor Arterial in the 2030 Comprehensive Plan Functional Classification. (P. 102)

UTILITIES: The site has access to City utilities. A high pressure underground natural gas pipeline is located along the southern edge of this development.

PUBLIC SERVICE: The nearest City fire station is located at 2201 S. 84th Street. There is a rural fire station near the intersection of N. 84th Street and Holdrege Street.

ENVIRONMENTAL CONCERNS: There is a wetlands to the west of the proposal.

AESTHETIC CONSIDERATIONS: Most of the area of the application is located at the intersection of two arterial streets. The site will have high visibility for passing traffic. For a period of time, this will be the major east entrance to the City of Lincoln.

ALTERNATIVE USES: Zoning the land for industrial or office uses would also be consistent with the Future Land Use Plan.

ANALYSIS:

1. The application is for 10.45 acres of B-2 zoning. This expands upon the existing B-2 zoning to the north and east of this development.
2. Use Permit #08003 is associated with this application.
3. There is a wetland area west of this application.
4. The proposed change of zone is within the current city limits.
5. Future commercial or industrial changes of zone are anticipated west of this application and east of N. 98th Street.
6. This general area is designated as a site for "Light Industrial", "Mixed Use Office", and "Community Center". All three of these designations allow for a mix of office and commercial uses consistent with the B-2 Planned Neighborhood District.

Prepared by:

Brandon M. Garrett, AICP
Planner

DATE: January 22, 2009

APPLICANT: Mark Palmer
Olsson Associates
1111 Lincoln Mall, Ste. 111
Lincoln, NE 68508

OWNER: Waterford Estates, LLC
8644 Executive Woods Drive
Lincoln, NE 68512

**CHANGE OF ZONE NO. 08075,
and
USE PERMIT NO. 08003**

PUBLIC HEARING BEFORE PLANNING COMMISSION:

January 28, 2009

Members present: Gaylor Baird, Carroll, Cornelius, Esseks, Francis, Sunderman and Taylor; Larson and Partington absent.

Ex Parte Communications: None.

Staff recommendation: Approval of the change of zone and conditional approval of the use permit, as revised.

Staff presentation: **Brandon Garrett of Planning staff** noted that there is a lot of B-2 zoning in this area. This application will add approximately 10 acres of B-2. The applicant's proposal was for a mix of uses. Staff has proposed 250,000 sq. ft. of commercial floor area with a limitation on fast food, banks and drive-through uses. A restriction is being proposed on Lot 1, Block 1, due to its adjacency to future residential. Specific uses that would not be allowed are listed in the staff report. Due to a revised traffic study that was submitted by the applicant, the condition that Boathouse Drive be continuous to 56th St. has been removed. It can be a T intersection as shown. He has been in communication with the applicant and it appears they are in general agreement with the conditions of approval except for Condition #2.1 of the revised staff report (2.3 of original). Staff is still recommending this condition to remove the right-in, right-out driveway onto N. 98th Street.

Esseks would like Condition #2.1 clarified. Garrett stated that spacing is important. It is 100 feet from Boathouse Dr. to the centerline of "O" Street. Adding an additional right in, right out, would aggravate the situation.

Dennis Bartels of Public Works stated the developers have done a long range trip generation report. The report addresses traffic volume on 98th St. and a lot of turn movements. Staff is projecting future traffic, but there is a desire to have flexibility in the future.

Proponents

1. Mark Palmer of Olsson Associates appeared on behalf of **Waterford Estates, LLC**. This application was submitted around Christmas, 2008. He has been working on a few issues with city staff. The right in, right out on 98th St. is an issue of contention. His clients have been working extensively on this project. There are numerous residential lots built. There has been some interest in the commercial portion of the development. 98th St. has been constructed to approximately ½ mile north of "O" Street. Two major intersections have been built. The NRD dam, lake and flood pool area as well as multiple channels that feed into the lake all need to be taken into consideration. The Planning Dept. has recommended more square footage be added to this use permit. There is the potential for intensive uses. If the right turn lane is gone, it impedes their development. A traffic study has been provided to the State. He thinks 600 feet is adequate. Palmer submitted proposed amendments as follows:

- 2.1 2.3 ~~Revise the site plan to remove the right-in, right-out driveway onto N. 98th Street.~~
- 2.3 2.5 Realign N. 97th Street (private roadway) to match the alignment proposed with N. 95th Street north of Waterford Estates Drive in the preliminary plat, and revise the legal descriptions of the change of zone and use permit based on the realignment of N. 97th Street. Depending on the alignment of the private roadway and/or future alignment of the proposed future N. 95th Street shown on the use permit, some streets may need to be renamed.
- 2.20 2.22 ~~Include easement and grading plan reflecting trail platform along O Street.~~ Add General Note #27 to state: If necessary, the trail shall be permitted and an easement will be granted in the front yard setback of Lots 3 and 4, Block 2, along O Street.

There was no testimony in opposition.

Staff questions

Francis believes based on the traffic study, this could turn into a six lane major street. She inquired what would prompt a traffic light. Bartels stated studies show a light at this location.

Francis asked how many business need to be up and running to generate the traffic lights. Bartels responded that this development alone will generate a need for a light. He sees 98th St. as a major arterial. It is good engineering practice to limit access points on major arterials. Public Works has historically objected to driveways on arterials. There could be 100 plus cars exiting this street in the p.m. peak hour.

Francis projected that 98th St. would mirror 84th St. for volume size and traffic. Bartels agreed. Those are the numbers that the developer's traffic study showed.

Esseks questioned if 98th St. goes through to Highway 6. Bartels replied yes. This road could be open before the East Beltway.

Garrett stated that staff is agreeable to the applicant's proposed change to Condition #2.3. Terry Genrich at Parks is also agreeable to Condition #2.20. Staff does not agree to deletion of Condition #2.1 (right-in, right-out onto N. 98th Street).

Response by the Applicant

Palmer understands that 98th St. is one mile east of 84th St. The infrastructure has been created to extend this street. There are alignments that need to be done for this street to go all the way through to Highway 6. This development will probably exacerbate the problem at 84th and "O" Street. This is all based on models. Two right-in, right-out access points to the residential development on the north end have already been approved. He believes the south end should be treated the same as the north end. For example, 40th St. and Yankee Hill by Super Target has a right-in, right-out 580 feet from the centerline. He would like to see consistency. He doesn't see this as being any different from many other locations in town.

CHANGE OF ZONE NO. 08075

ACTION BY PLANNING COMMISSION:

January 28, 2009

Sunderman moved approval, seconded by Carroll and carried 7-0: Gaylor Baird, Carroll, Cornelius, Esseks, Francis, Sunderman and Taylor voting 'yes'; Larson and Partington absent. This is a recommendation to the City Council.

USE PERMIT NO. 08003

ACTION BY PLANNING COMMISSION:

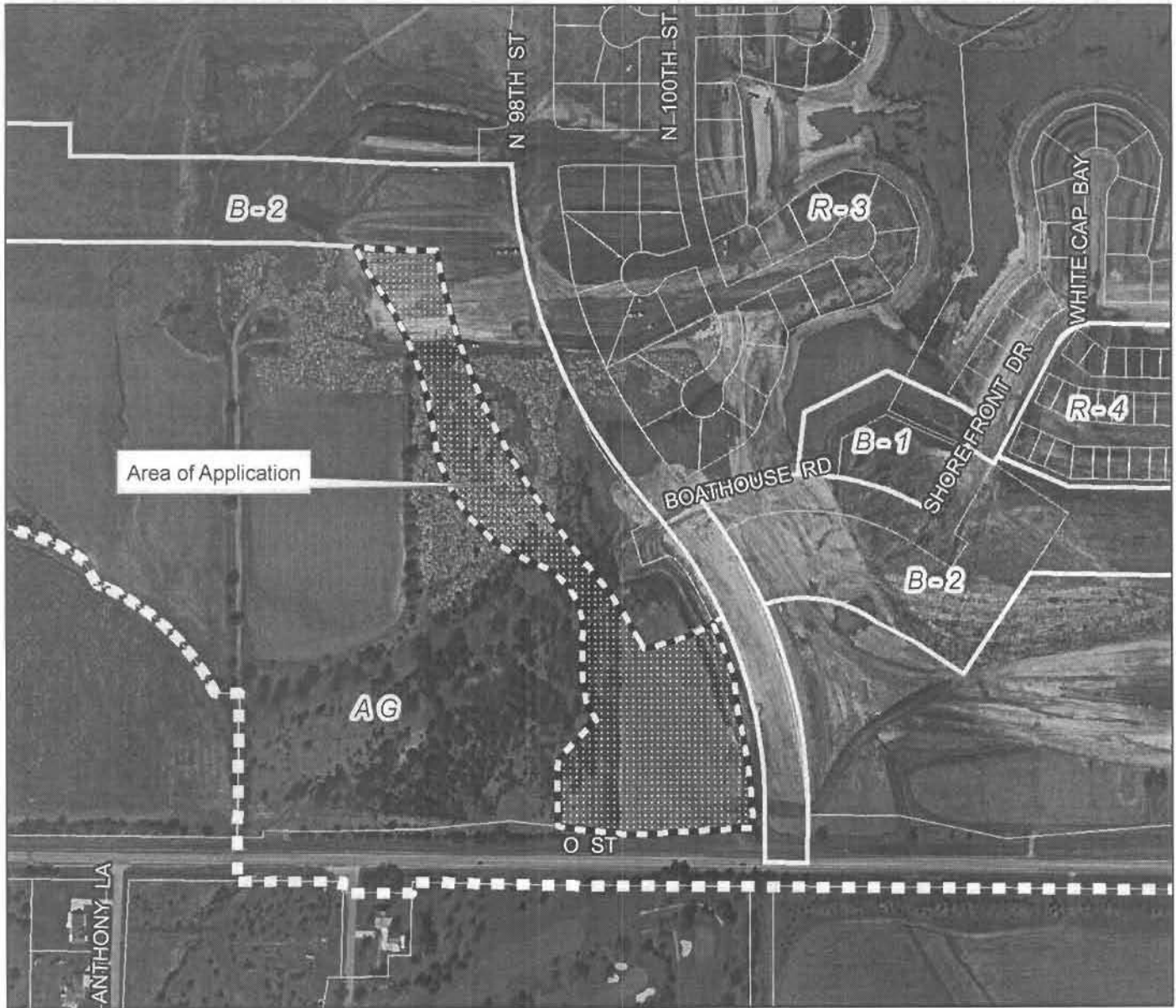
January 28, 2009

Sunderman moved approval with conditions as amended by staff and requested to be amended by the applicant, seconded by Taylor.

Sunderman stated that the right-in, right-out driveway has been very selectively used by the city. He does not see a specific reason to deny it.

Gaylor Baird asked Marvin Krout to address the right-in, right-out question. Marvin Krout stated that this issue is currently being worked on by city staff. Gaylor Baird noted that this argument comes up again and again. She hopes to have information on a policy soon.

Motion for conditional approval as revised, with amendments as requested by the applicant, carried 6-1: Carroll, Cornelius, Esseks, Francis, Sunderman and Taylor voting 'yes'; Gaylor Baird voting 'no'; Larson and Partington absent. This is final action, unless appealed to the City Council within 14 days.



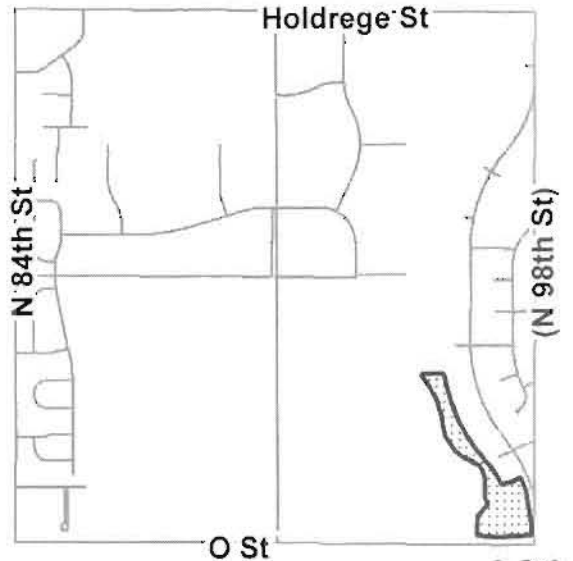
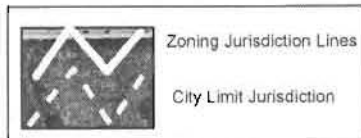
**Change of Zone #08075
N 98th & "O" St.**

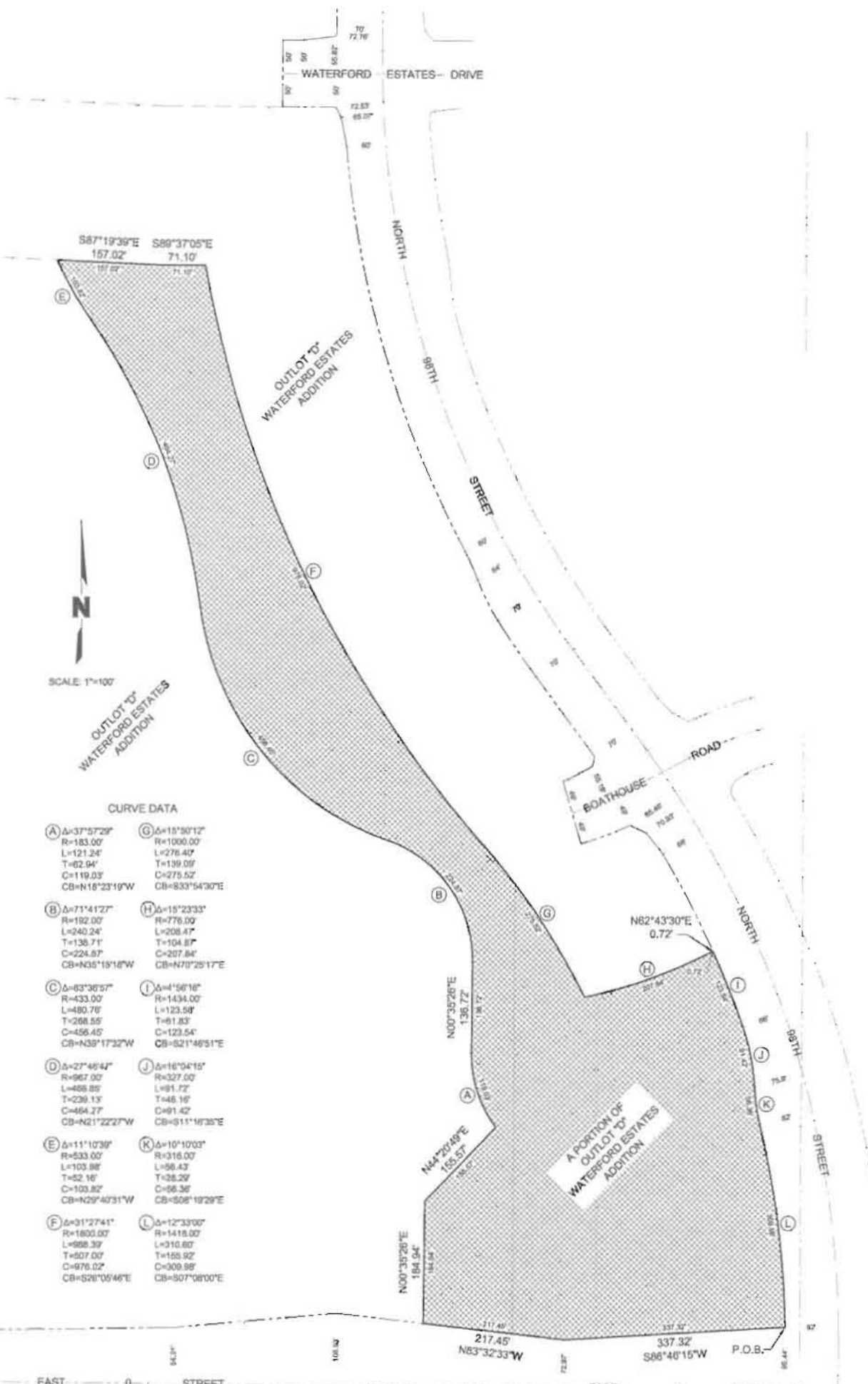
2007 aerial

Zoning:

One Square Mile
Sec. 23 T10N R07E

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





SCALE: 1"=100'

OUTLOT 'D'
WATERFORD ESTATES
ADDITION

CURVE DATA

(A) $\Delta=37^{\circ}57'29"$ R=183.00' L=121.24' T=62.94' C=119.03' CB=N18^{\circ}23'16"W	(G) $\Delta=15^{\circ}50'12"$ R=1000.00' L=278.40' T=139.09' C=275.52' CB=S33^{\circ}54'30"E
(B) $\Delta=71^{\circ}41'27"$ R=192.00' L=240.24' T=138.71' C=224.87' CB=N35^{\circ}15'16"W	(H) $\Delta=15^{\circ}23'33"$ R=778.00' L=208.47' T=104.87' C=207.84' CB=N70^{\circ}25'17"E
(C) $\Delta=63^{\circ}36'07"$ R=433.00' L=480.76' T=268.55' C=456.45' CB=N39^{\circ}17'32"W	(I) $\Delta=1^{\circ}56'16"$ R=1434.00' L=123.58' T=61.83' C=123.54' CB=S21^{\circ}46'51"E
(D) $\Delta=27^{\circ}46'44"$ R=967.00' L=468.85' T=230.13' C=464.27' CB=N21^{\circ}22'27"W	(J) $\Delta=16^{\circ}04'15"$ R=327.00' L=91.72' T=46.16' C=91.42' CB=S11^{\circ}18'35"E
(E) $\Delta=11^{\circ}10'39"$ R=533.00' L=103.86' T=52.16' C=103.82' CB=N29^{\circ}40'31"W	(K) $\Delta=10^{\circ}10'03"$ R=316.00' L=56.43' T=28.29' C=56.36' CB=S08^{\circ}19'29"E
(F) $\Delta=31^{\circ}27'41"$ R=1800.00' L=988.39' T=507.00' C=976.02' CB=S26^{\circ}05'46"E	(L) $\Delta=12^{\circ}33'00"$ R=1418.00' L=310.60' T=155.92' C=309.98' CB=S07^{\circ}08'00"E

EAST 0 STREET

EAST 0 STREET

**LEGAL DESCRIPTION
CHANGE OF ZONE**

A LEGAL DESCRIPTION FOR A TRACT OF LAND COMPOSED OF A PORTION OF OUTLOT "D", WATERFORD ESTATES ADDITION, LOCATED IN THE SOUTHEAST QUARTER OF SECTION 23, TOWNSHIP 10 NORTH, RANGE 7 EAST OF THE 6TH P.M., CITY OF LINCOLN, LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID OUTLOT "D", SAID POINT BEING ON THE WEST RIGHT-OF-WAY LINE OF NORTH 98TH STREET, AND ON THE NORTH RIGHT-OF-WAY LINE OF EAST "O" STREET, SAID POINT BEING **THE TRUE POINT OF BEGINNING**; THENCE WESTERLY ALONG A SOUTH LINE OF SAID OUTLOT "D", SAID LINE BEING A NORTH LINE OF SAID RIGHT-OF-WAY ON AN ASSUMED BEARING OF SOUTH 86 DEGREES 46 MINUTES 15 SECONDS WEST, A DISTANCE OF 337.32 FEET TO A POINT; THENCE NORTH 83 DEGREES 32 MINUTES 33 SECONDS WEST ALONG A SOUTH LINE OF SAID OUTLOT "D", SAID LINE BEING A NORTH LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 217.45 FEET TO A POINT; THENCE NORTH 00 DEGREES 35 MINUTES 26 SECONDS EAST, A DISTANCE OF 184.94 FEET TO A POINT; THENCE NORTH 44 DEGREES 20 MINUTES 49 SECONDS EAST, A DISTANCE OF 155.57 FEET TO A POINT OF CURVATURE OF A NON-TANGENT CURVE IN A CLOCKWISE DIRECTION HAVING A RADIUS OF 183.00 FEET, A CENTRAL ANGLE OF 37 DEGREES 57 MINUTES 29 SECONDS, AN ARC DISTANCE OF 121.24 FEET, A TANGENT LENGTH OF 62.94 FEET, A CHORD BEARING OF NORTH 18 DEGREES 23 MINUTES 19 SECONDS WEST, AND A CHORD DISTANCE OF 119.03 FEET TO A POINT; THENCE NORTH 00 DEGREES 35 MINUTES 26 SECONDS EAST, A DISTANCE OF 136.72 FEET TO A POINT OF CURVATURE OF A CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A RADIUS OF 192.00 FEET, A CENTRAL ANGLE OF 71 DEGREES 41 MINUTES 27 SECONDS, AN ARC LENGTH OF 240.24 FEET, A TANGENT LENGTH OF 138.71 FEET, A CHORD BEARING OF NORTH 35 DEGREES 15 MINUTES 18 SECONDS WEST, AND A CHORD DISTANCE OF 224.87 FEET TO A POINT OF REVERSE CURVATURE, THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION HAVING A RADIUS OF 433.00 FEET, A CENTRAL ANGLE OF 63 DEGREES 36 MINUTES 57 SECONDS, AN ARC LENGTH OF 480.76 FEET, A TANGENT LENGTH OF 268.55 FEET, A CHORD BEARING OF NORTH 39 DEGREES 17 MINUTES 32 SECONDS WEST, AND A CHORD DISTANCE OF 456.45 FEET TO A POINT OF REVERSE CURVATURE, THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A RADIUS OF 967.00 FEET, A CENTRAL ANGLE OF 27 DEGREES 46 MINUTES 47 SECONDS, AN ARC LENGTH OF 468.85 FEET, A TANGENT LENGTH OF 239.13 FEET, A CHORD BEARING OF NORTH 21 DEGREES 22

MINUTES 27 SECONDS WEST, AND A CHORD DISTANCE OF 464.27 FEET TO A POINT OF REVERSE CURVATURE, THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION HAVING A RADIUS OF 533.00 FEET, A CENTRAL ANGLE OF 11 DEGREES 10 MINUTES 39 SECONDS, AN ARC LENGTH OF 103.98 FEET, A TANGENT LENGTH OF 52.16 FEET, A CHORD BEARING OF NORTH 29 DEGREES 40 MINUTES 31 SECONDS WEST, AND A CHORD DISTANCE OF 103.82 FEET TO A POINT; THENCE SOUTH 87 DEGREES 19 MINUTES 39 SECONDS EAST, A DISTANCE OF 157.02 FEET TO A POINT; THENCE SOUTH 89 DEGREES 37 MINUTES 05 SECONDS EAST, A DISTANCE OF 71.10 FEET TO A POINT OF CURVATURE OF A NON-TANGENT CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A RADIUS OF 1,800.00 FEET, A CENTRAL ANGLE OF 31 DEGREES 27 MINUTES 41 SECONDS, AN ARC DISTANCE OF 988.39 FEET, A TANGENT LENGTH OF 507.00 FEET, A CHORD BEARING OF SOUTH 26 DEGREES 05 MINUTES 46 SECONDS EAST, AND A CHORD DISTANCE OF 976.02 FEET TO A POINT OF REVERSE CURVATURE, THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION HAVING A RADIUS OF 1,000.00 FEET, A CENTRAL ANGLE OF 15 DEGREES 50 MINUTES 12 SECONDS, AN ARC LENGTH OF 276.40 FEET, A TANGENT LENGTH OF 139.09 FEET, A CHORD BEARING OF SOUTH 33 DEGREES 54 MINUTES 30 SECONDS EAST, AND A CHORD DISTANCE OF 275.52 FEET TO A POINT OF CURVATURE OF A NON-TANGENT CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A RADIUS OF 776.00 FEET, A CENTRAL ANGLE OF 15 DEGREES 23 MINUTES 33 SECONDS, AN ARC DISTANCE OF 208.47 FEET, A TANGENT LENGTH OF 104.87 FEET, A CHORD BEARING OF NORTH 70 DEGREES 25 MINUTES 17 SECONDS EAST, AND A CHORD DISTANCE OF 207.84 FEET TO A POINT; THENCE NORTH 62 DEGREES 43 MINUTES 30 SECONDS EAST, A DISTANCE OF 0.72 FEET TO A POINT OF INTERSECTION WITH A EAST LINE OF SAID OUTLOT "D", SAID POINT BEING ON THE WEST RIGHT-OF-WAY LINE OF NORTH 98TH STREET, SAID POINT ALSO BEING A POINT OF CURVATURE OF A NON-TANGENT CURVE IN A CLOCKWISE DIRECTION HAVING A RADIUS OF 1,434.00 FEET, A CENTRAL ANGLE OF 04 DEGREES 56 MINUTES 16 SECONDS, AN ARC DISTANCE OF 123.58 FEET ALONG A EAST LINE OF SAID OUTLOT "D", SAID LINE BEING WEST LINE OF SAID RIGHT-OF-WAY, A TANGENT LENGTH OF 61.83 FEET, A CHORD BEARING OF SOUTH 21 DEGREES 46 MINUTES 51 SECONDS EAST, AND A CHORD DISTANCE OF 123.54 FEET TO A POINT OF COMPOUND CURVATURE OF A CURVE IN A CLOCKWISE DIRECTION HAVING A RADIUS OF 327.00 FEET, A CENTRAL ANGLE OF 16 DEGREES 04 MINUTES 15 SECONDS, AN ARC LENGTH OF 91.72 FEET ALONG A EAST LINE OF SAID OUTLOT "D", SAID LINE BEING A WEST LINE OF SAID RIGHT-OF-WAY, A TANGENT LENGTH OF 46.16 FEET, A CHORD BEARING OF SOUTH 11 DEGREES 16 MINUTES 35 SECONDS EAST, AND A CHORD LENGTH OF 91.42 FEET TO A POINT OF REVERSE CURVATURE, THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A RADIUS OF 318.00 FEET, A CENTRAL

ANGLE OF 10 DEGREES 10 MINUTES 03 SECONDS, AN ARC LENGTH OF 56.43 FEET ALONG A EAST LINE OF SAID OUTLOT "D", SAID LINE BEING A WEST LINE OF SAID RIGHT-OF-WAY, A TANGENT LENGTH OF 28.29 FEET, A CHORD BEARING OF SOUTH 08 DEGREES 19 MINUTES 29 SECONDS EAST, AND A CHORD DISTANCE OF 56.36 FEET TO A POINT OF REVERSE CURVATURE, THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION HAVING A RADIUS OF 1,418.00 FEET, A CENTRAL ANGLE OF 12 DEGREES 33 MINUTES 00 SECONDS, AN ARC LENGTH OF 310.60 FEET ALONG A EAST LINE OF SAID OUTLOT "D", SAID LINE BEING A WEST LINE OF SAID RIGHT-OF-WAY, A TANGENT LENGTH OF 155.92 FEET, A CHORD BEARING OF SOUTH 07 DEGREES 08 MINUTES 00 SECONDS EAST, AND A CHORD DISTANCE OF 309.98 FEET TO THE POINT OF BEGINNING. SAID TRACT CONTAINS A CALCULATED AREA OF 440,344.84 SQUARE FEET OR 10.11 ACRES, MORE OR LESS.

**Review Comments for
Application #: CZ08075
WATERFORD ESTATES**

Comments as of: Wednesday, January 14, 2009

Status of Review: Active

Reviewed By: ANY

Comments:

Status of Review: Active

Reviewed By: 911 ANY

Comments:

Status of Review: Active

Reviewed By: Alltel ANY

Comments:

Status of Review: Approved

01/02/2009 12:31:35 PM

Reviewed By: Building & Safety ANY

Comments: approved

Status of Review: Denied

01/05/2009 8:30:09 AM

Reviewed By: Building & Safety Terry Kathe

Comments: Site plan should show buildable limits. Show yard setback lines.

Status of Review: Active

Reviewed By: Fire Department ANY

Comments:

014

Reviewed By: Health Department

ANY

Comments: LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT
INTER-OFFICE COMMUNICATION

TO: Brandon Garrett DATE: January 12, 2009

DEPARTMENT: Planning FROM: Chris Schroeder

ATTENTION:

DEPARTMENT: Health

CARBONS TO: EH File SUBJECT: Waterford Estates
EH Administration Commercial Park
CZ #08075 UP #08003

The Lincoln-Lancaster County Health Department (LLCHD) has reviewed the proposed development with the following noted:

Developers are responsible for all mosquito control issues during the building process and all outlots, green-spaces, and/or natural corridors subsequently controlled by the owner, tenant, occupant, lessee, or otherwise, for that subdivision would be responsible for vectors of zoonotic disease in those areas.

All wind and water erosion must be controlled during construction. The Lower Platte South Natural Resources District should be contacted for guidance in this matter.

During the construction process, the land owner(s) will be responsible for controlling off-site dust emissions in accordance with Lincoln-Lancaster County Air Pollution Regulations and Standards Article 2 Section 32. Dust control measures shall include, but not limited to application of water to roads, driveways, parking lots on site, site frontage and any adjacent business or residential frontage. Planting and maintenance of ground cover will also be incorporated as necessary.

According to the LLCHD's Geographic Information System (GIS) records, a high pressure underground natural gas pipeline is located along the southern edge of this proposed development. See the attached GIS map for the location of this underground pipeline. The LLCHD calculated a hazard area of approximately 154 feet on each side for this pipeline using the hazard area equation from report entitled, "A Model for Sizing High Consequence Areas Associated with Natural Gas Pipelines" prepared by Mark J. Stephens from C-FER Technologies. A hazard area or high consequence area is defined as the area within which the extent of property damage and the chance of injury would be expected to be significant in the event of a worst case scenario rupture failure.

At this time, there are no current regulations that prohibit the location of occupied buildings within hazard areas. However, according to the final report submitted by the Planning Commission and Board of Health Joint Committee on Health and Land Use, recommended that, in new developments, developers should avoid the Hazard Area as much as possible. For example, homes and businesses should be located out of the area as much as possible. Redesigning a site to place yards, parking or garages in the Hazard Area is preferable to having residences or businesses located in this potentially harmful area. At the very least, LLCHD recommends that future owners and/or lessees of dwellings or buildings located within the projected hazard area, be advised of the natural gas pipeline's location.

Status of Review: Active

Reviewed By: Law Department

ANY

Comments:

Status of Review: Active

Reviewed By: Lincoln Electric System

ANY

Comments:

Status of Review: Active

Reviewed By: Lincoln Police Department

ANY

Comments:

Status of Review: Active

Reviewed By: Nebraska Department of Roads

ANY

Comments:

Status of Review: Denied

01/09/2009 11:13:24 AM

Reviewed By: Parks & Recreation

ANY

Comments: 1. Correct trail alignment must be shown south of boathouse crossing 98th Street parallel to N. 98th Street along the west side down to "O" Street. Also include easement and grading plan reflecting trail platform along "O" Street. Contact Terry Genrich at 441-7939 with questions.

2. Contact the Forestry Department at 441-7036 for the assignment of Street Trees .

Status of Review: Routed

Reviewed By: Planning Department

COUNTER

Comments:

Status of Review: Active

Reviewed By: Planning Department

PLANNER

Comments:

Status of Review: Complete

01/13/2009 8:25:21 AM

Reviewed By: Public Works - Development Services

SIETDQ

Comments: Memorandum□□
□

To:□Brandon Garrett, Planning Department
From:□Dennis Bartels, Engineering Services
Subject:□Waterford Estates Commercial Park Change of Zone and Use Permit
Date:□January 13, 2009
cc:□Randy Hoskins
Chad Blahak
Brian Kramer
Nick McElvain
□

Engineering Services has reviewed the Waterford Estates Commercial Park Change of Zone and Use Permit located on the west side of 98th Street north of "O" Street and has the following comments:

1.□Street System - The application included a 2006 traffic study. The land uses and local street system alignment in this study are different than what is shown in the application. The alignment of Boathouse Road west of "O" Street is shown in the application to end in a 'T' intersection at 97th Street. The stacking requirement in the study shows more stacking than can be provided with the street design shown.

□The plans show a driveway in 98th Street between "O" Street and Boathouse Road. The driveway does not meet design standards and considering the projected 98th Street traffic volumes, the substandard distance between Boathouse and "O" Street, and the numerous potential street traffic design points in 98th at this location, Engineering objects to allow this driveway.

□A revised traffic study should be required. Engineering Services recommends that the street system be redesigned to make Boathouse Road a "thru" street rather than teeing into 97th Street. This provides the most options to design an efficient street system west of 98th when the land uses to the west are assumptions that may change in the future. The alignment of Boathouse Road across 98th needs to be checked to assure alignment of left turn lanes across 98th.

2.□Sanitary Sewer - The trunk sewer alignment shown on the application is unsatisfactory. The City and Developer's engineer have met, and a revised tentative alignment has been agreed upon.

3.□Water - The proposed water system does not meet design standards. Some variations to standard may be necessary. The Developer's engineer and the City need to meet to discuss options.

4.□The grading plan is unsatisfactory and must be revised. The grading at the inlet to the triple box culvert shown on the plans will not function. Calculations also need to be submitted to review the head water and flood plain assumptions used to determine the flood plain and minimum opening elevations.

□Per the plans, sidewalks will be built on both sides of the public and private streets. Sidewalks must be shown and grading shown in the vicinity of the box culvert that allows a safe sidewalk to be built.

Status of Review: Active

Reviewed By: Public Works - Long Range Planning

ANY

Comments:

017

Status of Review: Active

Reviewed By: Public Works - Watershed Management

ANY

Comments:

Status of Review: Active

Reviewed By: School District

ANY

Comments:

Status of Review: FYI

Reviewed By: Urban Development

ANY

Comments:

Status of Review: FYI

Reviewed By: Urban Development

ANY

Comments:

Status of Review: Active

Reviewed By: US Post Office

ANY

Comments:

INTER-DEPARTMENT COMMUNICATION



DATE January 8, 2009
TO: Brandon Garrett, City Planning
FROM: Mike Petersen (Ext. 7635)
SUBJECT: DEDICATED EASEMENTS **CZ #08075**
DN #03N-97E

Attached is the Change of Zone for Waterford Estates Comm Park.

In reviewing the dedicated transmission line or other electrical easements shown on this plat, LES does not warrant, nor accept responsibility for the accuracy of any such dedicated easements.

Windstream, Time Warner Cable, and the Lincoln Electric System will require the additional easements marked in red on the map.

MP/nh
Attachment
c: Bill Lange
Easement File



"Sgt. Don Scheinost"
<lpd798@CJIS.LINCOLN.NE.
GOV>

01/05/2009 10:08 AM

To: Brandon Garrett <BGarrett@ci.lincoln.ne.us>

cc

bcc

Subject: Waterford Estates Commercial Park Change of Zone 08075,
Use Permit 08003

Mr. Garrett,

The Lincoln Police Department does not object to the Waterford Estates Commercial Park, Change of Zone 08075, Use Permit 08003.

Sergeant Don Scheinost
Management Services
Lincoln Police Department
575 South 10th Street
Lincoln, NE 68508
402.441.7215
mail to: lpd798@ciis.lincoln.ne.gov



December 31, 2008

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

Re: Waterford Estates Commercial Park
OLSSON Project No. 008-1900

Dear Mr. Krout:

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

1. Use Permit Application
2. Change of Zone Applications and Exhibits
3. Use Permit & Change of Zone Application Fee
4. Ownership Certificate
5. Cover Sheet – 21 copies
6. Site Plan – 21 copies
7. Drainage and Grading Plan – 9 copies
8. Street Profile Plan – 5 copies
9. Traffic Study – 3 copies
10. 8 ½ x 11 Copy of the Cover Sheet and Site Plan

This Use Permit consists of approximately 19 acres of the Waterford Estates property located west of 98th Street, and north of 'O' Street. The property was annexed and final platted as an outlot reserved for future development in the Waterford Estates Original Addition Final Plat. The property is part of a larger area that is designated as "LI" (Light Industrial) and "O" (Mixed Use Office) in the 2030 Comprehensive Plan.

Waterford Estates, LLC is requesting a Change of Zone to B-2 Commercial for the initial phase of the commercial park. A narrow band of B-2 zoning adjacent to 98th street was approved in conjunction with approval of the initial Waterford Estates Preliminary Plat, annexation and zoning. This request adds to the existing B-2 zoning for the initial commercial development. Fifty plus acres remain west of 98th Street for future development. This proposed initial phase includes Office and Retail uses as specified in the Use Permit site plan. Steve Henrichsen met with DaNay Kalkowski and me on December 21st, 2008 where we discussed this scenario and reviewed the proposed site plan.

The required off-site improvements for roadways, sanitary sewer, and water mains were addressed in the Waterford Estates annexation agreement (AX 04003). 98th Street is constructed to the full Arterial roadway cross section, including box culverts, from 'O' Street to Waterford Estates Drive. The intersection of 98th Street and 'O' Street has been improved to include right and left turn lanes per NDOR standards. 16" water mains have been extended in Holdrege Street and 98th Street. A temporary sewer lift station and force main have been

Mr. Marvin Krout
December 31, 2008
Page 2

constructed. 24" and 30" trunk sewers have been constructed within the development to address future sewer service needs. These improvements have been funded by the developers and are subject to reimbursement by the City according to the annexation agreement.

The Storm Water Detention and Flood Corridor requirements were master planned with the Waterford Estates Original Addition Preliminary Plat. This commercial area was included in the master planning. A forebay water quality enhancing wetland area has been constructed in Outlot "D", Waterford Estates Addition to improve water quality entering the Lake from the main tributaries through the commercial area.

A traffic Study was submitted to Public Works and the NDOR in 2006 when the 'O' Street access locations were being coordinated with the NDOR. A meeting has been set for January 5th, 2009 with Public Works Traffic Engineers to review the assumptions and discuss any modifications required to the traffic study. The NDOR has approved a future full median opening at 95th and 'O' Street. This access is to serve the Waterford Estates commercial property and Sesostris property. This initial development will utilize the Waterford Estates Drive and Boathouse Road intersections off 98th Street.

Please contact me if you have any questions regarding this Use Permit and Change of Zone, or require additional information.

Sincerely,



Mark C. Palmer, PE

Encls

cc: Tom White Waterford Estates, LLC
John Brager Waterford Estates, LLC
DaNay Kalkowski Seacrest & Kalkowski, PC, LLO



Lincoln-Lancaster County
Planning Department
Marvin S. Krout, Director

555 South 10th Street / Suite 213
Lincoln, Nebraska 68508
402-441-7491 / fax: 402-441-6377

Lynn Sunderman, Chair
City-County
Planning Commission



MAYOR CHRIS BEUTLER

lincoln.ne.gov

December 21, 2009

Mark Palmer
Olsson Associates
1111 Lincoln Mall
Lincoln, NE 68508

RE: Change of Zone No. 08075 - AG to B-2
and Use Permit No. 08003 - Waterford Estates Commercial Park
(98th & O Streets)

Dear Mark:

On January 28, 2009, the Planning Commission recommended approval of the above-referenced change of zone request and adopted Resolution No. PC-01155 approving the associated Use Permit No. 08003, with conditions, as revised and amended, to develop 250,000 sq. ft. of commercial floor area generally located at N. 98th & O Streets.

On February 10, 2009, the Director of Public Works & Utilities filed a letter appealing the right-in, right-out driveway to 98th Street between East O Street and Boathouse Road, as shown on the site plan and approved by the Planning Commission.

A condition of approval of the use permit is Council approval of Change of Zone No. 08075. At the applicant's request, this change of zone and the appeal of the associated use permit have not been scheduled on the City Council agenda.

Please be advised that pursuant to ordinances previously adopted by the Lincoln City Council, this change of zone request will expire and become null and void on January 28, 2010, unless a request is received by the Planning Director from the applicant to remove these applications from pending status and schedule on the City Council agenda.

If you have any questions, please do not hesitate to contact the project planner, Tom Cajka, at 441-5662.

Sincerely,

Marvin S. Krout
Director of Planning

q:\shared\wp\ju\expiration letters\CZ08075

cc: Reserve Development, LLC, 3700 S. 14th Street, 68502
DaNay Kalkowski, 1111 Lincoln Mall, Suite 350, 68508

SEACREST & KALKOWSKI, PC, LLO

1111 LINCOLN MALL, SUITE 350
LINCOLN, NEBRASKA 68508-3910

TELEPHONE (402) 435-6000
FACSIMILE (402) 435-6100

KENT SEACREST
E-MAIL: kent@sk-law.com

DANAY KALKOWSKI
E-MAIL: danay@sk-law.com

December 23, 2009

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


RE: Change of Zone No. 08075 – AG to B-2
Use Permit No. 08003 – Waterford Estates Commercial Park

Dear Marvin:

In response to your December 21, 2009 correspondence, Waterford Estates, LLC, is hereby requesting that you remove the above applications from pending status and schedule them on the City Council agenda. However, Waterford Estates, LLC is not prepared to have the City Council complete the approval process for the applications until it has a user for the property that is ready to move forward. Consequently, we are requesting that at the time of first reading, the City Council place the items on pending until further notice.

If you have any questions regarding the above or need any additional information, please feel free to contact me.

Very truly yours,


DANAY KALKOWSKI
For the Firm

RECEIVED

DEC 28 2009

Lincoln Lancaster Co
Planning Department