

FACTSHEET

TITLE: SPECIAL PERMIT NO. 1753B, VAVRINA MEADOWS 1ST ADDITION COMMUNITY UNIT PLAN, requested by Brian D. Carstens and Associates on behalf of R.C. Krueger Development Company, for a total of 992 dwelling units including 517 single family units, 34 single family attached units, 355 multi-family dwelling units and 86 units for single family, single family attached or duplex use, including requests to waive cluster density; front, rear and side yard setbacks; and building height, on property generally located northeast of South 14th Street and Yankee Hill Road.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 03/07/01
Administrative Action: 03/07/01

RECOMMENDATION: Conditional Approval, with amendments (8-0: Carlson, Steward, Hunter, Krieser, Taylor, Duvall, Newman and Schwinn voting 'yes'; Bayer absent).

STAFF RECOMMENDATION: Conditional Approval

ASSOCIATED REQUESTS: Annexation No. 01001 (01-70); Change of Zone No. 3301 (01-71); Preliminary Plat No. 00022, Vavrina Meadows 1st Addition (01R-93); Use Permit No. 129A (01R-94); and Special Permit No. 1895 (01R-95).

FINDINGS OF FACT:

1. This community unit plan and the associated annexation and the Vavrina Meadows 1st Addition associated applications were heard at the same time before the Planning Commission.
2. The Planning staff recommendation of conditional approval is based upon the "Analysis" and "Conclusion" as set forth on p.5-7. The conditions of approval are found on p.8-9.
3. The minutes of the Planning Commission are found on p.10-18.
4. The applicant's testimony is found on p.10-11 and 15-16, including requests to amend the conditions of approval.
5. Testimony in opposition is found on p.11-13. The issues of the opposition dealt specifically with the height waiver being requested, the lack of recreational opportunity for the southern portion of the development, and the future possibility of extending the stub road which abuts their property.
6. The Commission discussion with staff is found on p.13-15.
7. The applicant's response to the opposition is found on p.15-16.
8. On March 7, 2001, the Planning Commission agreed with the staff recommendation and voted 8-0 to recommend conditional approval, with amendments deleting Condition #1.1.4 and changing the building height in Conditions #1.1.5 and #2.2 to 38 feet (the applicant had originally requested a building height of 43 feet). The applicant had also requested the deletion of Condition #1.1.2; however, the majority of the Commission voted to retain Condition #1.1.2 (See p.8 and Minutes, p.17-18).
9. The Site Specific conditions of approval required to be completed prior to scheduling this application on the Council agenda have been submitted by the applicant and approved by the reviewing departments.

FACTSHEET PREPARED BY: Jean L. Walker

REVIEWED BY:

REFERENCE NUMBER: FS\CC\FSSP1753B

DATE: April 16, 2001

DATE: April 16, 2001

LINCOLN CITY/LANCASTER COUNTY PLANNING DEPARTMENT
COMBINED STAFF REPORT

P.A.S.#: Vavrina Meadows 1st
Annexation #01001
Change of Zone #3301
Special Permit #1753B, Community Unit Plan
Preliminary Plat #00022
Use Permit #129 A
Special Permit #1895

Date: February 26, 2001

****As Revised by Planning Commission 03/07/01****

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

PROPOSAL: Brian Carstens, for Krueger Development Company has applied for the following on property northeast of S. 14th Street and Yankee Hill Road:

1. Annexation #01001 to annex land into the city limits (requested by the Planning Director);
2. Change of Zone #3301 from AG Agricultural to R-3 Residential, B-2 Planned Neighborhood Business, and H-4 General Commercial and from R-3 Residential to B-2 Planned Neighborhood Business;
3. Special Permit #1753 'B' for a Community Unit Plan for a total of 992 dwelling units including 517 single family units, 34 single family attached units, and 355 multi-family dwelling units, and 86 units for single family, single family attached or duplex use with waivers of cluster density, front, rear and side yard setbacks, and building height;
4. Preliminary Plat #00022 for 517 single family lots, 34 single family attached lots, 15 outlots for open space and roads, 5 lots for multi-family uses, and 54 commercial lots with requests for waivers of block length, lot frontage, lot width, lot depth-width ratio, and sidewalk for various streets;
5. Use Permit #129 'A' for 134,865 square feet of commercial uses, with waivers of sidewalks, specific site plan requirements, front and rear yard setbacks; and
6. Special Permit No. 1895 for a Planned Service Commercial center of 361,200 square feet of commercial uses, with waivers of front and rear yard setbacks.

GENERAL INFORMATION:

CONTACT: Brian Carstens, Carstens & Associates
2935 Pine Lake Road, Suite H
Lincoln, NE 68516
(402) 434 - 2424

DEVELOPER: R. C. Krueger Development Company
2929 Pine Lake Road
Lincoln, NE 68516
(402) 423 - 7377

LOCATION: Northeast of S. 14th Street and Yankee Hill Road.

LEGAL DESCRIPTION: See attached legal descriptions for lots in the west half of Section 24, Township 9 North, Range 6 East of the 6th P. M., Lancaster County, Nebraska.

EXISTING ZONING: AG Agricultural

SIZE: Annexation	150.7 acres (all sizes are approximate)
Preliminary Plat	216.7 acres
Special Permit	150.7 acres (for CUP)
Special Permit	36.4 acres (for Planned Service Commercial)
Use Permit	12.7 acres
Change of Zone	
AG to R-3	104.8 acres
AG to B-2	13.3 acres
AG to H-4	36.4 acres
B-2 to R-3	

EXISTING LAND USE: Agricultural.

SURROUNDING LAND USE AND ZONING: AG, agricultural zoning and agricultural uses to the east; O-3 Office Park for unbuilt office uses and R-3 Residential for the Wilderness Ridge golf course to the south; vacant land zoned I-3 Employment Center to the west; vacant land zoned B-2 Neighborhood Business and O-3 Office (approved for an apartment complex) plus O-3 zoning with an office building under construction to the north. One block to the north is Pine Lake Road, Lincoln Memorial Park Cemetery and Scott Middle School.

COMPREHENSIVE PLAN SPECIFICATIONS: Designated as **Urban Residential and Industrial** in the Lincoln Land Use Plan of the 1994 Lincoln/ Lancaster County Comprehensive Plan.

ANALYSIS:

This analysis is divided into separate analysis of the annexation, change of zone, preliminary plat, special permits and use permits.

Annexation

1. The annexation policies on page 191 of the Plan, state:

- ! Land which is remote from the limits of the City of Lincoln will not be annexed; land which is contiguous and generally urban in character may be annexed; and land which is engulfed by the City should be annexed.

- ! Annexation generally implies the opportunity to access all City services (i.e., police, fire). Voluntary annexation agreements may limit or outline the phasing, timing or development of utility services (i.e., water, sewer) and may include specific or general plans for the financing of improvements to the infrastructure and the land uses of the area.

! Plans for the provision of services within the areas considered for annexation should be carefully coordinated with the Capital Improvements Program of the city and the county."

2. This property meets the Comprehensive Plan's policy for annexation since it is:
 - a) urban in character in that this is agricultural land which relates to the urban area and is awaiting future development with urban uses,
 - b) contiguous to the city limits, and
 - c) through an Annexation Agreement and the preliminary plat the applicant will address the utility and improvement issues associated with service to this area.

An Annexation Agreement is in process to address the infrastructure items. The applicant and City have agreed to the following

- C Developer will pay for 6 inch equivalent for the residential area and 8 foot equivalent for the commercial of the water main in South 14th Street.
 - C Developer will contribute to the construction of the 48 inch sanitary sewer line to the west which serves this property.
 - C The developer previously agreed to: 1) dedicate land for two mini-parks; 2) contribute to the cost of purchasing playground equipment for those parks; and 3) establish an association to assist in park maintenance. In the new agreement the developer also agrees to dedicate land for a trail, pay for 4/10ths of the trail cost and plant an additional row of trees along the trail.
 - C The developer will contribute to the construction of transportation improvements in S. 14th and Yankee Hill Road.
3. The proposed annexation will create a temporary area that is completely surrounded by the city limits, but is not inside the city limits. Initially, the Planning Department had proposed to annex this potential "hole" in the city limits, which will contain approximately 270 acres and five residences. However, at this time the city has yet to establish a per acre fee for contributing to the cost of the sanitary sewer line that was built to serve this area. (This fee should not be confused with the connection fee discussed as part of the Infrastructure Financing Study.) The City Attorney's Office has advised against annexing the property in the "hole" until the fee has been established. This fee should be established in the near term. Allowing areas to be surrounded by the city limits creates problems for the provisions of services and responses in emergencies. Permitting this situation is contrary to the annexation policy of the Comprehensive Plan and should be only done due to the unique circumstances present and for a short period of time.

Change of Zone

4. The area of the H-4 General Commercial and B-2 Planned Neighborhood Business is generally designated as industrial in the Comprehensive Plan. The B-2 property along 14th Street borders I-3 Employment Center industrial zoning to the west. The industrial designation in the Comprehensive Plan includes some property that is proposed in this plan for residential use. The industrial designation was included in the original approval of the 1994 Comprehensive Plan.
5. The proposed zoning is generally consistent with the goals and policies of the Comprehensive Plan. The proposed H-4 and B-2 zoning provides a better transition and land uses adjacent to the existing and proposed residential uses than could have occurred with industrial zoning, such as I-1, I-2 or I-3. The I-1 zoning district could have allowed substantial retail, office and industrial zoning on the property with minimal setbacks and without a use permit review. The I-2 district also does not have a use

permit, has greater setbacks and could have allowed substantial office, warehouse or industrial uses. The I-3 Employment Center district requires a use permit and could have developed with at least 50% office and retail uses.

Preliminary Plat

6. The applicant has requested two waivers of block length. The first waiver is along 19th Street, one block north of Yankee Hill Road. This waiver is to avoid providing a road to the adjacent property to the west, who has a large five acre lot. The current owner of this five acre lot requested the road not be extended. However, this road is necessary to provide for the appropriate future subdivision of this five acre lot. Without the road, the five acre lot will have to have direct access to Yankee Hill Road, which would impact negatively the functioning of the arterial street. The application fails to demonstrate rationale for this waiver.
7. The block length waive will create a block over 1/4 mile in length. This will increase daily travel times and inconvenience for future residents. In addition, if 19th Street were to lose its median opening in the future, residents would have no direct route to the planned median opening to the west at Wilderness Ridge Road. The application fails to demonstrate benefit of this waiver.
8. The second block length waiver is at 22nd Street. In this circumstance the waiver can be simply avoided by dedication of a 40 by 110 piece of right-of-way in addition to the proposed 20 feet and constructing the street next to Lot 17, Block 14. There are no unusual circumstances to merit this waiver.
9. The applicant has proposed to waive the sidewalks along one side of S. 15th Street. This is a private roadway which is proposed to be built without curb and gutter. This proposal is for over 495,000 square feet of commercial space and nearly 1,000 dwelling units. A complete sidewalk system is necessary given the density of development. Even if there were only a limited number of pedestrians, they should have a safe sidewalk system through the commercial area and not be forced to cross a busy commercial street to reach a sidewalk on the opposite side. A reason for the sidewalk waiver was not stated. The application does not justify the waiver of the sidewalk.

Special Permit Review

10. This is a request for a Preliminary Plat and Community Unit Plan for 339 single family residential lots, 40 townhome lots, 20 potential single family/or townhome units, and 219 multi-family dwelling units. Overall, the residential area has 150.7 acres and 876 dwelling units shown on the site plan for a density of 5.8 dwelling units per acre, which is below the maximum of 6.96 dwelling units per acre allowed in the district. The applicant is requesting approval of 992 units (which at a density of 6.6 dwelling units per acre -- which is less than the maximum allowable) to allow flexibility in potentially combining lots or adding single family attached units in the future.
11. In comparison to other single family neighborhoods the developer has provided for more density than is typical. The 5.8 dwelling units per acre is more than a typical 3.5 to 4 dwelling units per acre. The average single family lot size is 6,000 SF (60 by 100 feet) which is less than lots in other areas. The developer has more efficiently utilized the site. The Comprehensive Plan encourages the efficient use of the community's infrastructure.
12. Previously the following waivers were approved for this property
 - C Design standard for cluster density from 15 to 23.6 dwelling units per acre,
 - C Design standard for low flow liners,

- C Height waiver to 43 feet for the apartment complex,
 - C Design standard for intersection of local streets with major street at approximate 1/4 mile points on the major street.
13. The ordinance states the purpose of the Community Unit Plan is "to encourage the creative design of new living areas... and in order to permit such creative design in buildings, open space, and their interrelationship while protecting the health, safety, and general welfare of existing and future residents of surrounding neighborhoods."
 14. In order to address the recreational needs of residents, the developer and City worked toward an innovative solution which benefits the developer, City and future residents. The proposal has the following elements:
 - C the developer has previously agreed to dedicate two lots to the City for the mini-parks,
 - C dedicate a bike trail along S. 16th which will connect with future trails in S. 14th and Yankee Hill Road. The developer will contribute to 40% of the construction cost and will plant trees on either side of the trail.
 15. A recreation plan for the new apartment complex, distant from the city parks, is required.
 16. The H-4 district allows "one pole or ground sign per business" as per Section 27.69.047. This could permit as many as 35 or more pole signs in the H-4 area. In other H-4 zoning with special permits for Planned Service Commercial, such as the Trade Center or South Ridge Village at 27th and Pine Lake Road, there have been limitations on the number of pole signs. Other commercial zoning districts in the area, I-3, B-2, B-5 and O-3 also have limitations on pole signs in the zoning ordinance. A limitation to two pole signs along each arterial street is appropriate given the circumstances and previous approvals.

CONCLUSION:

There are many positive and innovative aspects of this proposal, such as:

- C use of "roundabouts" to reduce the potential for speeding on residential streets, while still maintaining access,
- C provisions for two mini-parks and plan to reduce City maintenance costs while still allowing for parks and playgrounds within walking distance,
- C provision for a bike trail through the neighborhood,
- C inclusion of private lanes for construction of homes with garages at the rear of the house,
- C a mix of single family, townhomes and multi-family at an increased density compared to typical subdivisions – which more efficiently utilizes the city's infrastructure, and

The setback waivers between the commercial and residential areas are appropriate. The purpose of the waivers is to add open space along a trail. Instead of a 50 foot rear yard setback to an private lane (which will function like an alley), the developer will add the 50 feet to the residential uses, while providing a 5 to 10 foot setback to the private lane. Twenty of the fifty feet will be used at the front of the residences to add space

along the bike trail. The bike trail is along S. 16th Street in front of the residences because these lots will not have driveways to 16th Street. This trail location was unanimously supported by the Pedestrian/ Bicycle Advisory Committee.

The front yard setback waiver along S. 14th and Yankee Hill Road from 50 to 40 feet is appropriate. The following factors are applicable to the appropriateness of this front yard reduction:

- C The original Vavrina Meadows preliminary plat was approved with 50 feet of right-of-way (ROW) from centerline with 50 foot setbacks. This established a setback at 100 feet from centerline.
- C This 1st Addition preliminary plat application was submitted in July 2000. At that time the Comprehensive Plan designated these two roads for 100 feet of right-of-way.
- C In October 2000, these two streets were designated in the Plan for 120 feet of total ROW (60 feet from centerline). Then with the adoption of the "Public Way Corridor Study" a corridor of 120 feet with 130 feet at intersections was established.
- C The developer is proposing to dedicate 60 feet of right-of-way from centerline and 10 feet of access easement in the setback. This is equivalent to 70 feet of ROW -- which is 10 feet greater than the standard that the City could require.

Due to all the combination of all these factors the 10 foot reduction in front yard setback along 14th and Yankee Hill Road is appropriate.

Given the industrial designation in the Comprehensive Plan for a portion of this property, the B-2 and H-4 commercial zoning is appropriate. This square mile area of Lincoln, with this proposal, Horizon Business Center at 14th and Pine Lake Road, South Ridge center at 27th and Pine Lake, and substantial vacant office and commercial zoning at 14th and 27th will be served by nearly 3 million square feet of commercial space. Any additional commercial use in this area is not in conformance with the Comprehensive Plan.

STAFF RECOMMENDATION:

- | | |
|---------------------------------|---|
| Annexation #01001 | Approval, subject to the Annexation Agreement |
| Change of Zone #3301 | Approval |
| Special Permit #1753 'B' | Approval with conditions. |
| Preliminary Plat #00022 | Approval with conditions. |
| Use Permit #129 'A' | Approval with conditions. |
| Special Permit #1895 | Approval with conditions. |

SPECIAL PERMIT #1753 'B'

Approval with the following conditions.

Site Specific:

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

- 1.1 A revised site plan to show all the required revisions of Preliminary Plat #00022 and showing the following additional revisions:
 - 1.1.1 As per the Design Standards for Zoning Regulations, Chapter 3.35, Section 1.2, provide a setback to the existing residential use to the east, equal to the height of the building for the apartments at 19th and Yankee Hill Road.
 - 1.1.2 Relocate S. 19th Street approximately 160 feet to the west, (1,320 feet centerline to centerline from Wilderness Ridge Road) to the satisfaction of the Public Works and Utilities Department.
 - 1.1.3 As per the Design Standards for Zoning Regulations, provide an outdoor recreation plan for the apartment area at 19th and Yankee Hill Road to the satisfaction of the Parks and Recreation Department.
 - ~~1.1.4 Provide a roundabout at the intersection of S. 20th Street and Scotch Pines Pass or other measure to slow traffic speeds to the satisfaction of the Public Works and Utilities Department. (**Per Planning Commission 03/07/01**)~~
 - 1.1.5 Correct Note #1 to add "except for the apartment areas which height shall not exceed ~~43~~ 38 feet." Eliminate Note #3 which is not necessary. Add a note that "the front, rear, and side yard setbacks for the dwellings west of S. 16th Street, with access from the rear of the lots, shall have their setbacks established by administrative amendment prior to building permits for dwellings on these lots. Lots with access from the rear yard shall relinquish access to public streets."
 - 1.1.6 Change the notes for the CUP land use table to change "reflects" to "include" and revise the second note to state "The unassigned units may be used to add single family, duplex lots and/or single family attached lots." Return and update the note from Special Permit #1753 which clarified upon which lots could be split from one into two dwelling units without an administrative amendment. Separate this number of units from the "unassigned" total.

General:

2. This approval permits a total of 992 dwelling units. The City Council approves the following:
 - 2.1 Adjustment to Section 27.15.080 (a) to reduce the front yard setback along S. 14th Street for the apartment area from 20 feet to 8 feet to reflect the acquisition of additional right-of-way.

- 2.2 Adjustment to Section 27.15.080 (a) to adjust the building height from 35 feet to ~~43~~ 38 feet in height for the apartment area at 19th and Yankee Hill Road. (A previous height adjustment to 43 feet remains in effect at 14th and Garret Lane.) (****Per Planning Commission 03/07/01****)
- 2.3 An adjustment to Chapter 3.35 Section 1.1 (B) 4 to the zoning ordinance design standards for the cluster density from 15 to 23.6 dwelling units per acre for the apartments at S. 19th and Yankee Hill Road. (A adjustment of the cluster density to a maximum of 23.6 units remains in effect at 14th and Garret Lane.)
- 2.4 Adjustment to Section 27.15.080 (a) to reduce the front yard, side and rear yard setbacks for the dwelling units west of S. 16th Street for the main buildings and accessory units for the lots with access from the rear lot line.

3. Before receiving building permits:

- 3.1 The permittee shall submit a permanent reproducible final site plan as approved.

STANDARD CONDITIONS:

4. The following conditions are applicable to all requests:

- 4.1 Before occupying this development all development and construction is to comply with the approved plans.
- 4.2 All privately-owned improvements, including landscaping, are to be permanently maintained by the permittee, its successors and assigns
- 4.3 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
- 4.4 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
- 4.5 The City Clerk is to file a copy of the resolution approving the permit and the letter of acceptance with the Register of Deeds. The Permittee is to pay the recording fee.

**ANNEXATION NO. 01001;
CHANGE OF ZONE NO. 3301
SPECIAL PERMIT NO. 1753B,
VAVRINA MEADOWS 1ST ADDITION COMMUNITY UNIT PLAN;
PRELIMINARY PLAT NO. 00022, VAVRINA MEADOWS 1ST ADDITION;
USE PERMIT NO. 129A; and
SPECIAL PERMIT NO. 1895**

PUBLIC HEARING BEFORE PLANNING COMMISSION:

March 7, 2001

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

Planning staff recommendation: Approval of the annexation subject to an annexation agreement; approval of the change of zone; and conditional approval of the community unit plan, preliminary plat, use permit and special permit.

Proponents

1. Rick Krueger presented the application, explaining that this project is implementing the Comprehensive Plan by proposing mixed use development under a community unit plan and components of the planned service commercial subdivision ordinance. This gives the residents various housing choices, types and opportunity to live close to an employment center with neighborhood services. This meets all strategies bound in the Comprehensive Plan for developing urban residential areas, including parks, proximity to schools, access to commercial center and safe walkway system for pedestrians and cyclists.

Krueger displayed a map showing the pedestrian easements, bike path, and green areas that were part of the original Vavrina Meadows Addition. This project attempts to create connectivity throughout this development. The public r.o.w. on 16th has been enlarged from 60 to 80' to accommodate a 10' bike path running down the front of those homes. The homes have rear access garages off a private alleyway. This developer worked with staff to take the 50' setback between commercial and residential, leaving 30' with a driveway to serve residences and 20' to accommodate the bike path. The bike path has been moved internal to the subdivision.

Krueger also pointed out the traffic connectivity with accesses to arterial streets from the neighborhood. Two go out to Pine Lake Road, the four to the south go to 14th Street and one to the east goes to Yankee Hill Road. They are trying to accommodate the transportation element of this plan so that the residents come through the commercial areas so that they can combine trips.

As to 15th Street looking south, for the B-2 area they are considering the idea of combining some residences and some commercial but they have not totally made that choice. The intent is to

implement some of the ideas floating around in regards to “new urbanism” and yet make it acceptable in the Lincoln market place.

Moving further south, Krueger pointed to the property for H-4 zoning. The idea here is to develop an employment center. Krueger did not have drawings showing the form and texture at this time but they do see individual owners in that area. They will be working on covenants for this area.

Steward asked Krueger to discuss Outlot C as to what he expects there and the drainage in general from this area. Krueger indicated that Outlot C is part of the original Vavrina Meadows subdivision. That area is the drainage and detention facility which exists today and that was installed in the past year. They did obtain a 404 permit. It is open.

Steward asked whether the lots that back up to the employment center are rear access lots. Krueger responded in the affirmative. Those are the rear access lots with the bike path out in front. The alleyway is strictly for use by the residences.

Carlson inquired about the reason for H-4 zoning for the employment center. Krueger stated that he has developed under H-4 in two other locations--Lincoln Trade Center and 29th & Pine Lake Road. H-4 allows a wide variety of uses from office, to warehouse to retail, etc. It is very broad based. Carlson is trying to get a sense as to whether the H-4 uses will be compatible with the residential. Krueger believes that they will. A square footage has been assigned to each of those lots, but in order to achieve the FAR the individual owners will have to provide enough on-site parking. He is using the city’s design standards for the parking ratios. The H-4 does not require use permit approval.

Hunter observed that the lots appear to be pretty symmetrical except for the ones along the industrial area. Krueger advised that the lots with the rear access are 40x100 and they are designed for a 30' wide home.

Opposition

1. Shirley Alder, 1800 Yankee Hill Road, testified in opposition to the height waiver, the lack of recreational opportunity and the road in Special Permit No. 1753B. She and her husband started building their home in 1961--a project of love for their 10 children. It took 36 years to complete their home. They built what they could afford, paying as they went. During this time, they have been responsible stewards of the land and reap the rewards of the sunsets and sunrise. This is why they are opposed to the height waiver for the building adjacent to their property. Krueger stated that the roofline would not exceed the height of the trees. Alder submitted that the height increase from 35' to 43' will result in a line that extends far above the trees. She realizes that she cannot stop the growth of the city but she would appreciate recognition of her concerns for the aesthetics of its growth. She requested that the Commission enforce the ordinance to limit the building height to 35'

Alder sees no location for children to play. Therefore, she is fearful that children will be drawn to the open areas of her property, and this is a liability she cannot afford to allow.

Allder is also concerned about stubbing the road up to the area of their property. They have no assurance that this road will not be extended through their property against their wishes in the future.

Allder requested: 1) denial of the waiver of the building height; 2) require the developer to provide for recreational needs for the southern portion of the development; and 3) that the Planning Commission see these property owners as people concerned with the healthy growth, not only of the land, but also and even more importantly, the people of Lincoln. Please be honest and up-front with us and keep us informed.

2. Nancy Allder, 2000 Yankee Hill Road, testified in opposition. She shares the same issues and concerns of the other existing homeowners. The Planning Department staff report dated 2/26/01 does not mention that there are a number of existing homeowners adjacent to the proposed development. We are referenced as being part of an annexation hole in the city limits. The report contains only one reference to an opinion and concern of one existing homeowner, and that was obtained through the developer.

The height waiver in Special Permit No. 1753B is being recommended for approval based on the developer desiring 9' ceilings and the fact that a similar waiver was approved at 14th & Garret Lane. Allder has talked with the staff and they have agreed that the current report offers no assessment of the impact on the adjacent homeowners. Garret Lane had no existing homeowners to consider in granting the height waiver. This should not be approved based on precedent. Henrichsen of Planning staff recommended that Allder contact Krueger to negotiate better safeguards. She did contact him and they have made some progress on this issue. But why is the Planning Department leaving this up to the existing homeowners to address? She was concerned that if she did not take the initiative to contact the developer, her concerns would not be addressed.

Allder also believes that the process appears to be falling short of the purpose of the community unit plan to encourage the creative design of new living areas and in order to permit open space. What open space?

Allder advised that the existing homeowners are engaged in the process and intend to stay engaged, but please allow us and help us to stay engaged in this process.

3. James Drake, 7900 So. 14th Street, testified in opposition. The 60x100' lots, the height waiver, the cluster density ratios, the lack of places for green space and children to play; and misleading development plans are his concerns. He purchased the property in 12/1999. Prior to this purchase, based on advice of the current owner and realtor, he was encouraged to meet with Mr. Krueger to discuss his development plans for this specific area. He did have those conversations with Mr. Krueger before making a sizable investment in his property. It was described as a plan to be developed like Country Meadows, where Krueger lives. Not once during these conversations did he hear anything about apartments at 19th and Yankee Hill, until about 3 months ago. During his conversations with Krueger, this plan looked very good and he moved forward with his purchase. He cooperated with the developer in swapping land based on the direction that Krueger had laid out. The development plans do not resemble Country Meadows. Based on the information in the staff report, he needs some questions answered. It is apparent after reading the report and talking with the Planning staff, that the basic theme is to ignore the zoning requirements for lot sizes and height

requirements for apartment buildings, and increase the number of dwelling units by 70% per acre and increase cluster density by 57%. There appears to be no concern about the impact on current property owners other than making sure they pay for sewer and streets. The staff analysis that the development more efficiently utilized the site is troubling to him. Is this really what we want the end product to look like? Are we building parking lots for houses, or are we trying to develop appropriate parts of our community that promote building homes with green spaces and providing safe places for our child to play and grow?

A recent article appeared in the Lincoln Journal Star on March 6th, stating that 1,147 homes are currently on the market in Lincoln. The housing market continues to favor the buyer. With this many houses in one area, do you feel comfortable approving a plan with two 60x100 lots for children to play? The distance to these parks should be addressed. Having houses on 60x100 lots does not attract people to Lincoln. It is difficult to understand the rationale behind this plan.

Drake wanted to know upon what basis the Commission grants adjustment of the height waiver? Just because the developer got a waiver at another location should not justify the stamp of approval on this building. What justification is there to waive the cluster density from 15 dwelling units to 23.6 dwelling units per acre? What justification is there for waiving the width and depth of the commercial lots? Most of the residential lots are 60x100', or 1.66 times the width. Even though this meets the minimum requirements of R-3, why would we have new development on the edge of the city with these small lots?

Drake suggested that the overall theme is disturbing. If you have not visited this area, you should. All of us have made serious investments in our land and homes. We realize the development needs to happen, but some common sense needs to overlook the process.

Carlson asked Drake whether he lives on the property. Drake stated that he lives on the property. He purchased it to live on it, not to develop it. Carlson asked Drake to explain the 60' stub to which he referred. Drake explained that the adjacent property owners own 30' stems of land that connect them all the way to 14th Street.

Hunter asked whether Drake has sold some of his property to others. Drake explained that he has negotiated an agreement with Krueger to swap some land.

Staff Questions

Steward noted that there has been a lot of testimony about the recreational and green space. Are there alternatives? Steve Henrichsen of Planning staff clarified that this a community unit plan and preliminary plat. The original Vavrina Meadows Addition is generally the northern half and is already approved. In that part, there are two miniparks that were dedicated as part of the original plan; the developer dedicated the land, donated funds for construction of playground equipment and set it up so that the homeowners would be maintaining the grounds. Privately, the open space also includes about 7 acres along the drainageway through the middle. With the additional park of 1st Addition, the main recreational amenity has been the bike trail coming up through the site up to 14th Street, and then from 14th connecting to the bike trail along Pine Lake Road. The developer is providing 40% of the cost of the bike trail and more trees, etc.

In terms of a recreation plan, Henrichsen advised that the ordinance requires the developer to provide an outdoor recreation plan in the community unit plan. Henrichsen noted that this is covered in Condition #1.1.3 of Special Permit No. 1753B. The developer does not have any problems with providing an outdoor recreation plan specifically for the apartment area.

Henrichsen then explained the existing conditions. There is a rather large lot that has an existing house on it. There are six houses, two of which Krueger has purchased and which will remain with this development. There are four houses that will remain outside of the area of the community unit plan. For six lots, there are panhandles that lead out to 14th Street, and four of those have been purchased by Krueger and included as part of this plat. It is Henrichsen's understanding that the other properties have agreements to sell their panhandles so that they can be included as part of preliminary plat in exchange for additional land.

Steward noted that in the southern part of this development extension, other than the bike trail, there is no dedicated park space separate from the footprint of the apartments. Henrichsen concurred, stating that within the area between 14th and 27th from Yankee Hill Road to Pine Lake Road the city is still interested in acquiring additional park land of 8 acres or more for a neighborhood park.

Henrichsen also advised the Commission that there will be another preliminary plat for a residential subdivision coming forward in the near term for the property to the east of the four lots.

Carlson noted that the previous approval included an adjustment to the cluster density, with the rationale of underground parking and increased green space on the site. What is the rationale on this site? Henrichsen believes that the applicant is interested in reducing the height waiver request. As part of the conditions, the staff has recommended a road to provide access to the adjacent property and move the road to the west, which would allow the apartment buildings to be oriented east/west. Only the ends of the two apartment buildings would be to the adjacent property. Staff recommends approval of the height waiver because this property falls off substantially as it goes to the west. The setback had been increased if the height was going to be increased. He believes the height request will now be 38' instead of 43'. The cluster density is similar to the same cluster density of the apartments to the north of the property and it is staff's opinion that they are similar style with the underground parking and because of the trail and other open space, the additional cluster density is warranted.

With regard to stubbing of the road, Henrichsen agreed with Alder that the staff neglected to properly address the adjacent residences. He lauds their efforts because they have been talking to the staff for the past two years and the staff has been trying to address their concerns. Henrichsen clarified that the staff does not leave it up to the property owners to address the impact on their property. The staff had felt that the conditions offered have addressed their issues.

Henrichsen pointed out that the staff has asked for a stub road in two locations. When these property owners wish to sell, the property may be subdivided and those two stub roads are recommended for future subdivision and access. These roads are not to condemn a road through their property, but that road could be extended at some point in the future when their property is subdivided. We are trying to address the overall capacity of Yankee Hill Road at some point in the future.

Newman sought further clarification about the land falling off to the west. Does that mean Shirley Allder's property is higher? Henrichsen's response was that generally most of the property along 14th is very flat, but it does start to rise as you head uphill.

Henrichsen recommended an amendment to Condition #1.1.1 of the Preliminary Plat as follows: "...2) from S. 22nd Street to the east line of the plat in the vicinity of Lots 14 through 17, south of Lot 17, Block 14;...".

Response by the Applicant

Chair Bayer left and Vice-Chair Schwinn conducted the remainder of the meeting.

Krueger responded to the comments by the opposition. He is not opposed to providing recreation space. He also indicated that he would reduce the height waiver from 43' to 38'. Krueger described the tree masses. From very early on, the neighbors did not want a roadway coming through and he agreed and designed the project accordingly. The residential uses were sited because staff wanted to have some residential use at that location. Krueger submitted a letter from Allders in support of not running that street through which he received in September. Krueger requested that the conditions requiring that stub street be deleted--Conditions #1.1.2 and #1.1.4 of Special Permit No. 1953B. Krueger also requested that Condition #2.2 of Special Permit No. 1753B be amended to adjust the building height from 35 feet to 38' (instead of 43 feet).

With regard to the conditions of approval on the preliminary plat, Krueger requested to delete Conditions #1.1.1 and #3.3.

In relation to paving south of 15th Street, Krueger pointed out that the plan shows a 40' cross-section, which should be changed to 36'. This is not in the conditions of approval.

Carlson suggested that Condition #1.1.5 on Special Permit No. 1753B also refers to the height of the apartment building and Krueger's requested amendment to Condition #2.2 of Special Permit No. 1753B should also be reflected in Condition #1.1.5. Krueger concurred.

Addressing Condition #1.1.2 on Special Permit No. 1753B, which requires the relocation of So. 19th Street approximately 160 feet to the west, Krueger submitted that the project lays out best as shown. Staff had indicated that they had requested 1320' west from Wilderness Ridge Road with the idea to have access to major arterials roughly every 1/4 mile. Krueger believes that placing it as shown is not out of line and meets the general intent of the subdivision ordinance.

Henrichsen further explained at the map. There is a median opening scheduled with Wilderness Ridge Road just to the east of this project. The main point of Condition #1.1.2 was to orient the apartment buildings east/west.

Steward referred to Condition #1.1.3 of Special Permit No. 1753B regarding the outdoor recreation plan for the apartment area. The proponent says that he is okay with that; however, shouldn't we be asking for a recreational area for more than just the apartments? Steward is concerned for open space compared to the density proposed. Henrichsen's response was that originally the Parks

Department shared this same concern and the city has identified the need for an 8-acre park in this area, but with the adjacent 240 acres to the east, the bike trail, the two tot lots and the private open space, Parks is satisfied with the proposal through the component of the community unit plan. Steward agrees that to be reasonable for the long term, but it seems very indeterminate and very “iffy” whether there will be 150 families out here without access for some period of time. Henrichsen also observed that the Infrastructure Financing Study committee did take a look at this for a more systematic approach to dedicate park land. This is a situation that we have had in many other places. Parks believes that the amount of recreational facilities is acceptable under the CUP.

Steward asked the applicant whether there is any leverage for purchase or other thoughts he might have within this H-4 designated area to provide recreational uses. Krueger thought that to be a good question. When he submitted the original subdivision there were two parks, and the Parks Department said they only wanted one. In the past number of months, especially with the bike trail, it seemed like that was going to make the difference. Krueger indicated that he would be glad to talk with Parks further, but he does not know how it is perceived, especially since they only wanted one park in the original Vavrina Meadows Addition. Once you get on the bike path, you’re there. Krueger was able to provide the land for Porter Ridge Park so he has done a good share of park land dedication over the years. The small parks are 100x100 dimensions, and he provided the funding for the improvements. Steward agrees that the bike trail is a reasonable middle ground.

Carlson asked Krueger to respond to reorienting the apartments. Krueger agreed that if they moved the stub street to the east 160’, the apartments could be reoriented, but his neighbors don’t want that and he does not want that.

Public hearing was closed.

ANNEXATION NO. 01001

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

March 7, 2001

Duvall moved approval, subject to the Annexation Agreement, seconded by Steward.

Hunter commented in regard to the comments by the abutting property owners. She believes that situations like this make their property more valuable in the future. As a whole, with the accesses to the perimeter roads, this is a relief to see instead of the kinds of things that have come up around 56th & Hwy 2 where the homeowners are totally distressed about their ability to get out to main roads. She believes the development is well-planned.

Steward does not believe that Lincoln has enough choices in size of lot configuration and residential condition. He agrees with Hunter that these are inevitable. The acreage issues close into the city are going to continue to front us. We have an obligation to recognize ownership, but he believes the quality of life and ultimate character of these close-in acreages are going to be more problematic. Increased density to conserve other land and to bring the character of Lincoln into greater choices for housing and affordability are imperative. He believes that this is a reasonable approach.

Duvall believes this is an outstanding plan. He looks forward to seeing the increased density. This will start lowering our costs as a whole for our infrastructure.

Taylor is pleased with the trail.

Motion for approval carried 8-0: Carlson, Steward, Hunter, Krieser, Taylor, Duvall, Newman and Schwinn voting 'yes; Bayer absent.

CHANGE OF ZONE NO. 3301

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

March 7, 2001

Duvall moved approval, seconded by Carlson and carried 8-0: Carlson, Steward, Hunter, Krieser, Taylor, Duvall, Newman and Schwinn voting 'yes; Bayer absent.

SPECIAL PERMIT NO. 1753B,

VAVRINA MEADOWS 1ST ADDITION COMMUNITY UNIT PLAN

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

March 7, 2001

Duvall moved to approve the Planning staff recommendation of conditional approval, with amendment deleting Condition #1.1.2 and Condition #1.1.4, and changing the height waiver to 38' in Conditions #1.1.5 and #2.2, seconded by Krieser.

Carlson wanted some discussion about the road accesses and the potential for what may or may not happen to those parcels on 22nd and 19th. 19th Street might be taken care of in the next phase. Moving So. 19th would have the stub road and reorient the apartments which the neighbors are not in favor of. However, he does not want to end up with a larger three parcels combined in 10-20 years not having access at all.

Hunter noted that So. 22nd is stubbed out to the south side. Scotch Pines Pass is stubbed and she assumes that at some point in time those properties will become developed. That straight shot down through there is nothing like we have seen in the past.

Steward stated that he was inclined to want to leave Condition #1.1.2 intact and be in agreement with the stub or the roundabout requirements for future circumstances. It seems that the roundabout locations are minor traffic carriers and that just a straight stub is sufficient.

Steward made a motion to amend to retain Condition #1.1.2 as recommended by staff, seconded by Newman.

Newman believes this gives the apartment houses more space and therefore they can be manipulated a little more away from the property line, and the stub will be there for 20 years in the future if the Allders decide to sell their property and subdivide.

Schwinn agreed that it gives more room for the apartments, but does that mean more apartments? Henrichsen clarified that the cluster density requirement stays the same at 23.6 dwelling units. The developer is already going to have to drop some units. By increasing the area, those units might go back in. The net result might be the same number of units but over a greater area.

Motion to amend to retain Condition #1.1.2 carried 5-3: Carlson, Steward, Krieser, Taylor and Newman voting 'yes'; Hunter, Duvall and Schwinn voting 'no'; Bayer absent.

Main motion for conditional approval, with amendment deleting Condition #1.1.4 and amendment to Condition #1.1.5 and #2.2 to show the 38 feet height instead of 43', carried 8-0: Carlson, Steward, Hunter, Krieser, Taylor, Duvall, Newman, and Schwinn voting 'yes'; Bayer absent.