

City Council Introduction: **Monday**, December 20, 2004
Public Hearing: **Monday**, January 10, 2005, at **1:30 p.m.**

Bill No. 04-222

FACTSHEET

TITLE: CHANGE OF ZONE NO. 04055, from H-3 Highway Commercial District to R-4 Residential District, requested by Engineering Design Consultants on behalf of Hampton Development Services, Inc., on property generally located south of Fletcher Avenue, east of North 14th Street.

STAFF RECOMMENDATION: Approval

ASSOCIATED REQUESTS: Special Permit No. 04044, North Creek Villas Community Unit Plan (04R-328).

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 09/29/04
Administrative Action: 09/29/04

RECOMMENDATION: Approval (8-0: Marvin, Carroll, Sunderman, Carlson, Taylor, Pearson, Larson and Bills-Strand voting 'yes'; Krieser absent).

FINDINGS OF FACT:

1. This change of zone request and the associated North Creek Villas Community Unit Plan were heard at the same time before the Planning Commission.
2. The purpose of this change of zone from H-3 Highway Commercial to R-4 Residential is to allow a community unit plan for 52 dwelling units.
3. The staff recommendation of approval is based upon the "Analysis" as set forth on p.3-4, concluding that the proposal is in conformance with the zoning ordinance and the Comprehensive Plan.
4. The applicant's testimony is found on p.6.
5. Testimony in opposition by Carol Brown on behalf of her son, J.R. Brown, is found on p.6-7. Mr. Brown is concerned because it appears that Fletcher Avenue has been moved closer to the North Hills and North Creek residential areas. (Also See p.17, e-mail message from J.R. Brown).
6. There was also testimony in opposition by Scott Holz (p.7). He is opposed to residential being built behind his home as opposed to a few small office type buildings. He believes there will be traffic problems with the 52 dwelling units and he does not believe it is a good transition.
7. The Public Works staff responded that Fletcher Avenue has been shown in this location since 1999 as an urban minor arterial. Public Works also does not believe that the traffic difference between commercial and residential will be that significant. It was also pointed out that the development of the North Creek Villas Community Unit Plan does not have anything to do with the layout of Fletcher Avenue.
8. The applicant's response to the opposition is found on p.8-9.
9. On September 29, 2004, the Planning Commission agreed with the staff recommendation and voted 8-0 to recommend approval (See Minutes, p.9).

FACTSHEET PREPARED BY: Jean L. Walker

DATE: December 13, 2004

REVIEWED BY: _____

DATE: December 13, 2004

REFERENCE NUMBER: FS\CC\2004\CZ.04055+

**LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT
for September 29, 2004 PLANNING COMMISSION MEETING**

P.A.S.: **Change of Zone #04055**
Special Permit #04044, North Creek Villas Community Unit Plan

PROPOSAL: To change the zone from H-3, Highway Commercial to R-4, Residential and obtain a special permit for Community Unit Plan for 52 dwelling units.

LOCATION: Generally located south of Fletcher Avenue east of N. 14th Street.

WAIVER REQUEST:

Waive the requirement that lot lines are radial to street
Design Standards for private roadways (slope, concrete curbs)
Allow double frontage lots
Reduce minimum lot depth along a major road
Reduce rear yard setback

LAND AREA: 7 acres, more or less.

CONCLUSION: In conformance with the Comprehensive Plan and Zoning Ordinance and the waivers are justified.

RECOMMENDATION:

<u>Change of Zone</u>	<u>Approval</u>
<u>Special Permit</u>	<u>Conditional Approval</u>
Waive the requirement that lot lines are radial to street	Approval
Modify Design Standards for private roadways (slope, concrete curbs)	Approval
Allow Double frontage lots	Approval
Reduce minimum lot depth along a major road	Approval
Reduce rear yard setback	Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION: See attached.

EXISTING ZONING: H-3, Highway Commercial.

EXISTING LAND USE: Undeveloped.

SURROUNDING LAND USE AND ZONING:

North: Office, vacant H-4, Commercial, H-3, Highway Commercial

South:	Residential	R-3, Residential
East:	Residential, vacant	H-4, R-3, H-3
West:	Vacant	H-3, R-3, B-2, Planned Neighborhood Business

HISTORY: Preliminary Plat # 99009 was approved on November 1, 1999 by City Council.

COMPREHENSIVE PLAN SPECIFICATIONS: This area is shown as Commercial (F-25).

“Provide different housing types and choices, including affordable housing, throughout each neighborhood for an increasingly diverse population.

Encourage convenient access to neighborhood services (stores, schools, parks) from residential areas“ (F-66)

“Encourage a mix of housing types, single family, townhomes, apartments, elderly housing all within one area.

“Parks and open space within walking distance of all residences.

Multi-family and elderly housing nearest to commercial area.” (F-67)

Strategies: Maximize Transit Productivity

“Develop incentives and land development policies promoting mixed-use, high-density development along transit corridors or areas with proximity to existing or future transit service.” (F-98)

TOPOGRAPHY: There are no existing tree masses on this parcel.

TRAFFIC ANALYSIS: Fletcher Avenue is shown as an Urban Minor Arterial in the Functional Classification of City Streets in the Comprehensive Plan (F-103).

A future trail is to be located along the south side of Fletcher Avenue, in this location.

AESTHETIC CONSIDERATIONS: The residential units will face each other inside the development and will not face Fletcher Avenue.

ALTERNATIVE USES: Remain H-3, Highway Commercial.

ANALYSIS:

1. This is a request to change the zone from H-3, Highway Commercial to R-4, Residential and to obtain a special permit for Community Unit Plan for 52 dwelling units. The applicant requests to modify design standards for private roadways (inverse slope and paving standards), waive minimum lot depth, allow double frontage lots and non-radial lot lines, and reduce the rear yard to 10 feet for Blocks 3-5). The applicant indicated in their letter their justification for the waivers.
2. The dwelling units are single family attached and townhouse. The townhouse structures are proposed to be 5-dwelling attached units taking access to internal private roadways.

3. Lots with frontage on Fletcher do not meet the minimum lot depth of 120' and are shown with a depth of approximately 50' which is from the side of the building. Planning staff believes the waiver is justified in order to better utilize the land in the concept shown. The layout causes double frontage lots in Blocks 1 and 6. Planning staff prefers that the development fronts upon itself in order to create a neighborhood feel and thus agrees the waiver is justified. Planning staff also agrees with the request to reduce the rear yard setback to 10 feet for blocks 3-5, as this is a design intended to make full use of the land and the plan includes common open space and a park area.
4. The development meets the Comprehensive Plan goals for pedestrian access by showing all required sidewalks and added sidewalk extensions from the private roadways to the future trail location on Fletcher Avenue. Staff encouraged the developer to show these extensions and complements the site plan for including the added pedestrian access points.
5. With the exception of this lot, the land south of Fletcher is largely zoned residential, while the land north of Fletcher is commercial. Allowing residential in this location would continue the residential designation south of Fletcher Avenue.
6. Public Works and Utilities Department had several comments which are included in their attached memo. Public Works and Utilities Department did not indicate opposition to the waivers of slope, non-radial lot lines and curb on Silver Brook, Haswell, Mad Creek and Sharps Dale Drives.
7. The Lincoln Lancaster County Health Department had three advisory comments which are attached.
8. The Fire Department did not note any hydrants on the site plan and will need a revised copy of the site plan showing fire hydrant locations.
9. The 911 Communications Center indicated that there are several existing street names which are similar to the proposed street names, which may cause confusion during emergency situations. Alternate street names are requested.
10. The site plan leaves portions of lots which must be subdivided off when final plats are submitted to the Planning Department. (Advisory for the applicant)

Prepared by:

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

DATE: September 16, 2004

APPLICANT: EDC
2200 Fletcher Avenue
Lincoln, NE 68521

OWNER: Hampton Development Services, Inc.
3801 Union Drive, Suite 102
Lincoln, NE 68516

CONTACT: Jason Thiellen
(402)438-4014

**CHANGE OF ZONE NO. 04055
and
SPECIAL PERMIT NO. 04044,
NORTH CREEK VILLAS COMMUNITY UNIT PLAN,**

PUBLIC HEARING BEFORE PLANNING COMMISSION:

September 29, 2004

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

Staff recommendation: Approval of the change of zone and conditional approval of the community unit plan

Ex Parte Communications: None.

This application was removed from the Consent Agenda for the submittal of additional information.

Becky Horner of Planning staff submitted an e-mail from a neighbor concerned about the design of Fletcher Avenue.

Proponents

1. Jason Thiellen of Engineering Design Consultants appeared on behalf of the applicant, **North Creek LLC**. The proposed community unit plan is for 52 total dwelling units—16 townhouse units or attached single family units and 36 townhouse or row house units to the north. The developer met with the homeowners association last week and Thiellen believes their concerns were addressed. In response to the additional information submitted today, Thiellen suggested that the concerns are more related to the cross-section of Fletcher Avenue and are not directly related to this project.

Opposition

1. Carol Brown, 2201 Elba Circle, appeared in a neutral position on behalf of her son, **J.R. Brown**, who built a home in North Hills. “Fletcher Avenue is going to be the next Superior Street if we don’t get a handle on it.” Fletcher will go from 27th Street over to 14th Street. Superior Street is now a regular race track. Her son lives on 5501 Rockford Drive, and he will also be having a commercial development as a neighbor on the north side of Fletcher. Brown’s concern is that Fletcher Avenue has been moved. It appears that this high traffic road has been pushed closer to North Hills and North Creek. It was supposed to go along the Interstate route, and now it has come down and pushed into the neighborhood. This is not conducive to a good neighborhood. It will be four lanes with center turn lanes, high traffic and very fast traffic. We need to take another look at this whole area. There is going to be an elementary school right at Rockford and Folkways. You should not divide a neighborhood by a 5-lane road from a commercial district. Why do we take a 5-lane road right through a neighborhood? The Comprehensive Plan shows Fletcher going along

the side of the Interstate instead of coming down into the neighborhood. We don't need big boxes in north Lincoln anymore. We need some small retail space to encourage entrepreneurship. She thinks the City could save some money on Fletcher.

Brown also urged that there be enough parking for this development.

2. Scott Holz, 2220 Gunnison Avenue, is concerned about the change in zoning. He is against any residential area being built behind his home as opposed to a few small office type buildings. Because of the failure of the bond issue, he does not believe that Fletcher will be finished for some time. They want to put 52 units on a dead-end street. There will be a lot of vehicles associated with 52 dwellings. Every one of those units with a vehicle will be driving right by his house because there will only be one outlet. It will not be compatible with the surrounding neighborhood. It squashes an R-4 in between H-3 zoning. This is not a good transition.

Holz acknowledged the meeting with the developer on September 21st; however, the association has not had the opportunity to vote and take a formal position. He believes the association would be in opposition. There were many questions and concerns raised at the meeting.

Holz is more concerned with the traffic. Right now, Campbell Elementary is already overcrowded with multiple portable classrooms. Adding more people to this neighborhood in such a small confined area is going to overcrowd the school system that much more. He has already had several incidents of vandalism at his home and he believes that the police resources are already being stretched to the limit. He is also concerned about there being only one access into the development.

Marvin noted that the map shows a buffer strip between the single family homes and the proposed townhomes. Holz understands that the new development will go between the two paved intersections. Thiellen stated that there is over 100' between the two lots due to the wetland area.

Staff questions

Marvin asked staff to speak to the issue of Fletcher Avenue. Horner stated that the location of Fletcher was shown in the North Hills preliminary plat in 1999. It is classified as an urban minor arterial. The location has not changed since 1999.

Larson did not believe that Fletcher was intended to go to 27th.

Chad Blahak of Public Works also stated that Fletcher has been shown this way since 1999. There is no approved plat to the south of the existing first two lanes of Fletcher; however, there have been two lanes of the future four already built with the North Creek development and they run basically to the boundary between North Creek and North Hills. It is going to be difficult to do any drastic change to the alignment of Fletcher as far as pulling it closer to the interstate. Public Works is currently in the process of selecting consultants for the design of Fletcher Avenue, and once that process is completed, there will be a number of neighborhood meetings to discuss the design. Blahak does not believe that Fletcher Avenue has a lot to do with this application. Fletcher currently goes all the way to 27th.

Pearson inquired as to when Fletcher will be connected to 14th Street. Blahak advised that due to the failure of the bond issue, it won't be until after 2007.

Carroll inquired whether there is enough right-of-way owned by the city on Fletcher. Blahak believes that there is, and he believes all of the right-of-way has been dedicated to go to a five-lane road.

Carlson inquired as to the anticipated trip count from the uses in H-3 versus R-4. Blahak suggested that in the grand scheme of what is planned for Fletcher Avenue, 52 dwelling units is not going to be a significant difference. Carlson noted that H-3 is obviously highway commercial, which he believes would be multiple point destinations as opposed to single point destinations. Theoretically, the residential use would reduce the number of trips that would be traveling to go to a commercial use. Horner advised that H-3 does allow restaurants (which will generate more trips), office buildings, wholesale bakeries, bottling works, mini-warehouses, parking lots, etc.

Marvin inquired whether it is common to build an "urban minor arterial" to five-lane standard. Blahak does not know why Fletcher was classified as "minor urban" as opposed to "major" arterial. The Comprehensive Plan does reference the four lanes plus a turn lane to address the cross-section.

Carroll inquired whether there is a requirement for extra parking. Horner stated that there is no extra parking required, but for about the past two years, the staff has been asking for some additional off-street parking stalls and the development community has obliged, but there is no requirement. There is no additional parking shown on this site plan.

Bills-Strand wondered whether the Commission could ask for additional parking on Outlot D and Outlot C. Horner believes that might be possible.

Bills-Strand inquired whether the layout of Fletcher Avenue has anything to do with this application. Marvin Krout, the Director of Planning, stated that it does not. The city would be building this road to this standard based on the Comprehensive Plan, whether or not this property is developed as currently zoned or as per this application.

Response by the Applicant

With regard to Fletcher Avenue, Thiellen does not believe it concerns this development. With regard to parking, Thiellen pointed out that there is off-street parking shown on the north side of what is now being called Silver Road, and there is parking in front of both Outlot C and Outlot D. The application meets the 22' requirement for driveways with two cars in each drive. It also meets this requirement on each one of the row house units. Thiellen believes they have provided adequate parking for the residents and potentially two guests with some off-street parking.

Thiellen submitted that the proposed use is a lot better use than what was previously allowed. He believes that Fletcher is an edge; however, it is an edge that benefits this development and the North Creek neighborhood in that it keeps the uses separate. It does not run through the middle of the development. It is a transitional use going from single family to attached single family to

townhomes and then to the commercial. He believes this is more appropriate and safer than uses allowed in the H-3.

Thiellen acknowledged that he had attempted to get a hold of the wrong person for several weeks because the neighborhood contact information on the city Web site was incorrect.

CHANGE OF ZONE NO. 04055

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

September 29, 2004

Larson moved approval, seconded by Sunderman.

Carlson perceives that H-3 to R-4 would reduce the negative impact on the neighborhood and reduce the traffic both on Fletcher and through the neighborhood.

Marvin commented that on previous requests for higher density residential, the complaint is that the traffic is going to go through the neighborhood. The access points shown on this application are not going to take them through the neighborhood and there is a buffer strip of 100 feet.

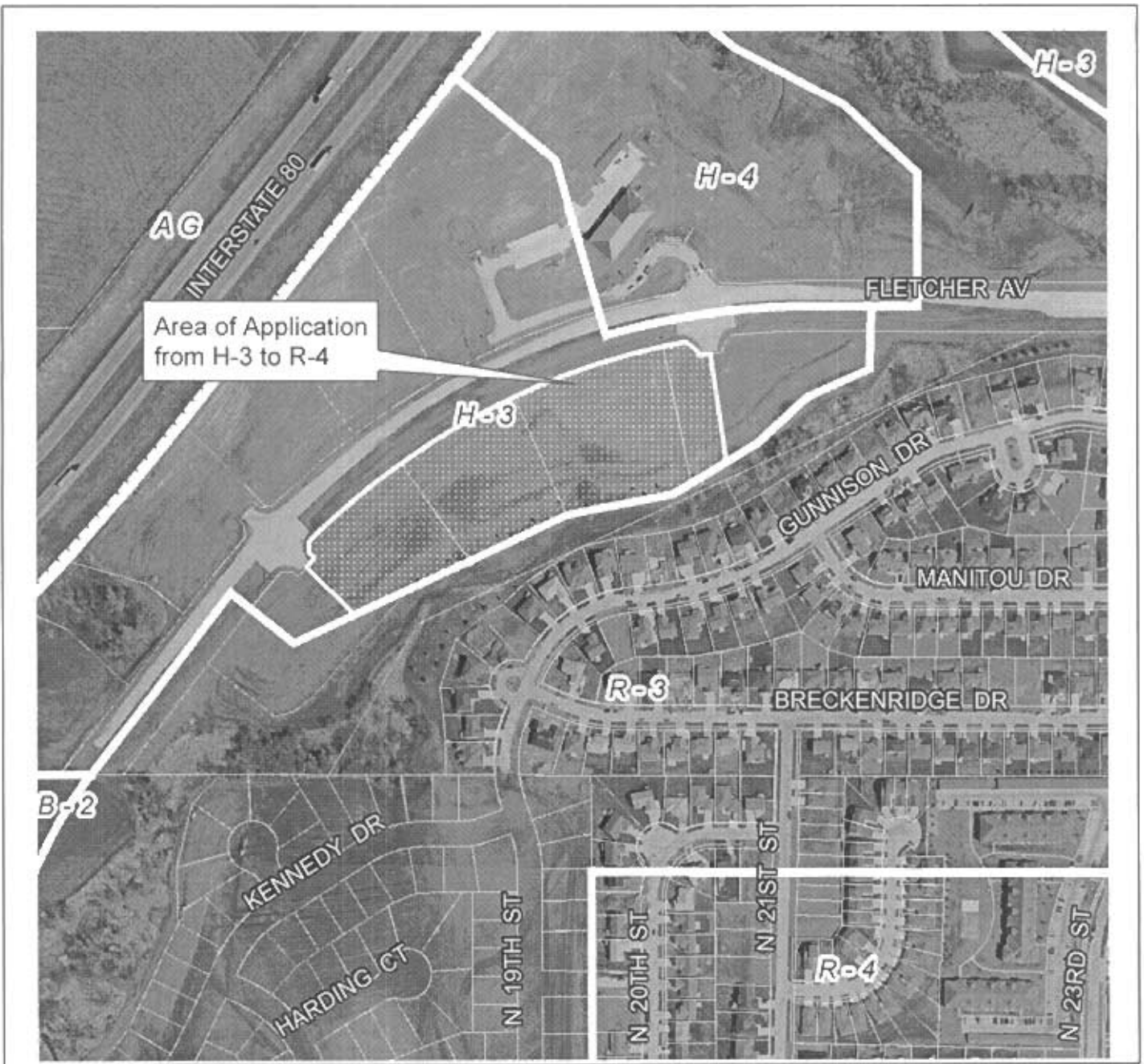
Motion for approval carried 8-0: Marvin, Carroll, Sunderman, Carlson, Taylor, Pearson, Larson and Bills-Strand voting 'yes'; Krieser absent. This is a recommendation to the City Council.

SPECIAL PERMIT NO. 04044

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

September 29, 2004

Larson moved to approve the staff recommendation of conditional approval, seconded by Sunderman and carried 8-0: Marvin, Carroll, Sunderman, Carlson, Taylor, Pearson, Larson and Bills-Strand voting 'yes'; Krieser absent. This is a recommendation to the City Council.



2002 aerial

Change of Zone #04055 N. 18th St. & Fletcher Ave.

Zoning:

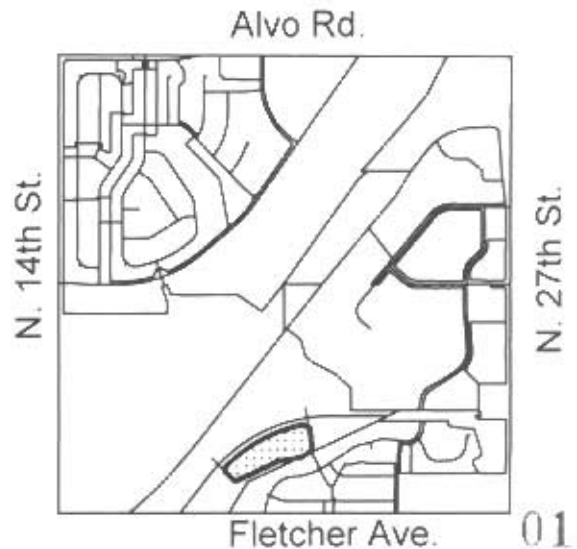
- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- R-C Residential Conservation District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned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

One Square Mile
Sec. 36 T11N R6E



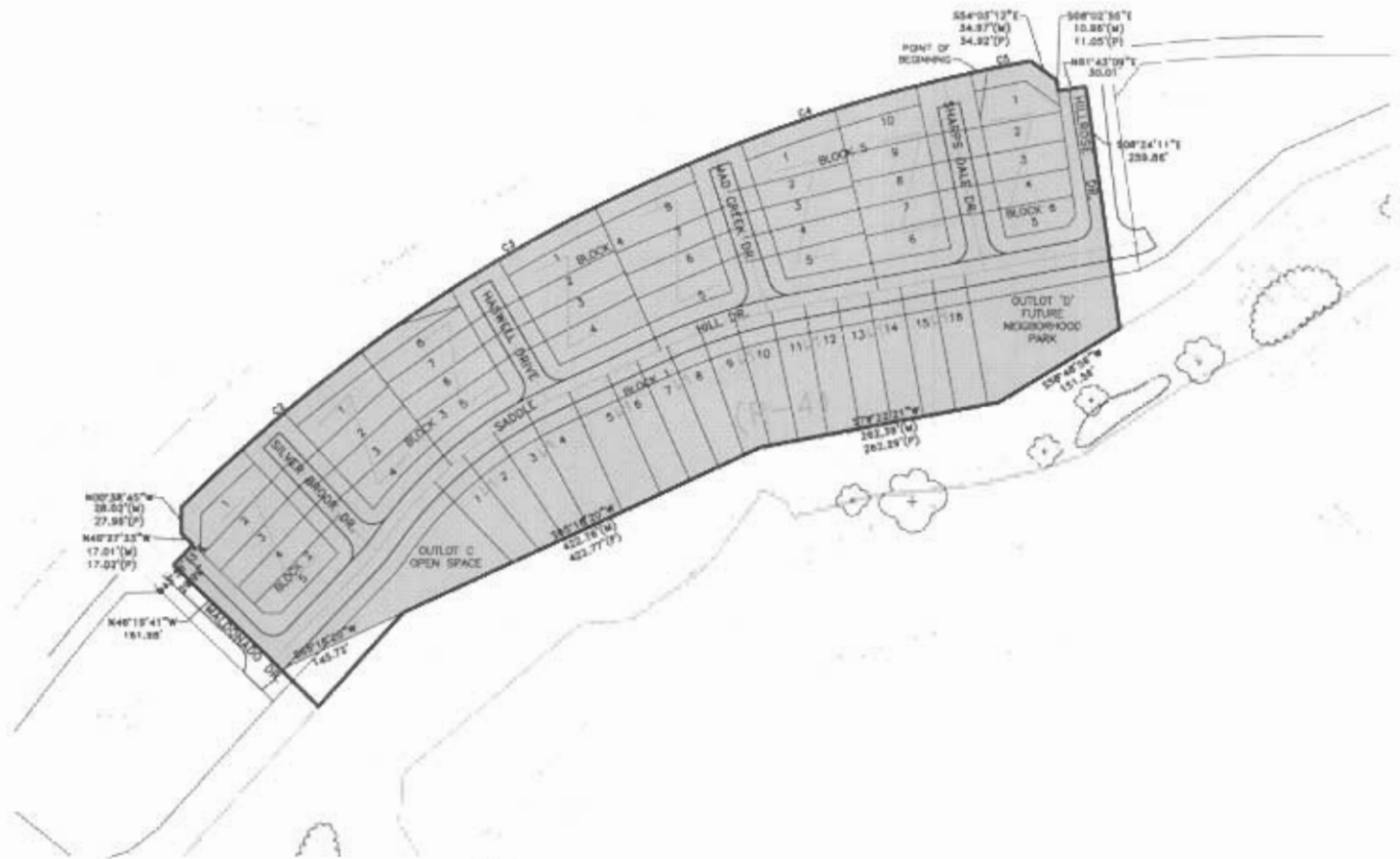
Zoning Jurisdiction Lines

City Limit Jurisdiction



010

CURVE TABLE					
CURVE	DELTA	ARC LENGTH	RADIUS	CHORD BEARING	CHORD LENGTH
C2	93°27'32"	292.32	1,740.00	S07°08'30"W	291.97
C3	102°22'11"	314.91	1,740.00	S67°08'46"W	314.49
C4	123°37'44"	383.52	1,740.00	S71°37'38"W	382.75
C5	173°1'46"	56.57	1,740.00	S78°53'31"E	56.56



CZ
LEGAL DESCRIPTION

A TRACT OF LAND COMPOSED OF LOTS 2 & 3, AND A PORTION OF LOTS 1 & 4, BLOCK 1, NORTH CREEK BUSINESS PARK LOCATED IN THE SOUTHEAST AND SOUTHWEST QUARTERS OF SECTION 36, TOWNSHIP 11 NORTH, RANGE 6 EAST OF THE 6TH P.M., CITY OF LINCOLN, LANCASTER COUNTY, NEBRASKA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 3 ALSO BEING ON THE SOUTH RIGHT-OF-WAY LINE OF FLETCHER AVENUE; THENCE ON SAID SOUTH RIGHT-OF-WAY LINE FOR THE NEXT 4 CALLS, EASTERLY ON A 1,740.00 FOOT RADIUS CURVE TO THE RIGHT, AN ARC LENGTH OF 56.57 FEET (LONG CHORD BEARS N78°53'31"E, 56.56 FEET); THENCE S54°03'12"E, 34.97 FEET; THENCE S08°02'55"E, 10.96 FEET; THENCE N81°43'09"E, 30.01 FEET; THENCE S08°24'11"E, 259.86 FEET TO THE SOUTH LINE OF SAID BLOCK 1; THENCE ON THE SOUTH LINE OF SAID BLOCK 1 FOR THE NEXT 4 CALLS, S58°48'56"W, 151.56 FEET; THENCE S79°22'21"W, 262.39 FEET; THENCE S65°18'20"W, 568.48 FEET; THENCE N46°19'41"W, 161.98 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF FLETCHER AVENUE; THENCE ON SAID SOUTH RIGHT-OF-WAY LINE FOR THE NEXT 6 CALLS; THENCE N43°38'13"E, 29.99 FEET; THENCE N46°27'33"W, 17.01 FEET; THENCE N00°38'45"W, 28.02 FEET; THENCE NORTHEASTERLY ON A 1,740.00 FOOT RADIUS CURVE TO THE RIGHT, AN ARC DISTANCE OF 292.32 FEET (LONG CHORD BEARS N50°08'30"E, 291.97 FEET); THENCE NORTHEASTERLY ON A 1,740.00 FOOT RADIUS CURVE TO THE RIGHT, AN ARC DISTANCE OF 314.91 FEET (LONG CHORD BEARS N60°08'46"E, 314.49 FEET); THENCE EASTERLY ON A 1,740.00 FOOT RADIUS CURVE TO THE RIGHT, AN ARC DISTANCE OF 383.52 FEET (LONG CHORD BEARS N71°37'38"E, 382.75 FEET) TO THE POINT OF BEGINNING, CONTAINING 309,619.84 SQUARE FEET (7.11 ACRES), MORE OR LESS.

RECEIVED
 SEP 17 2004
 LINCOLN CITY/LANCASTER COUNTY
 PLANNING DEPARTMENT

SCALE: 1" = 200'

LEGEND

H-3 TO R-4

011



North Creek Villas
Change of Zone (H-3 TO R-4)
 Lincoln, Nebraska

Drawn By: CNS
 Dwg.: Pp-change-zone
 Date: 09/02/04
 Job#: 04-009

SHEET
 1 OF 1



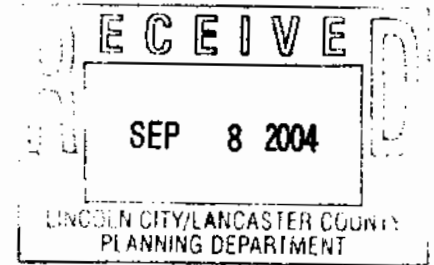
Engineering Design Consultants

2200 Fletcher Ave.
Suite 102
Lincoln, NE 68521
Ph 402-438-4014
Fx 402-438-4026

September 7, 2004

Rebecca Horner
Planning Department
City-County Building
555 South 10th Street
Lincoln, NE 68508

RE: North Creek Villas
Community Unit Plan
EDC Job #04-048-25



Dear Becky,

On behalf of Engineering Design Consultants (EDC), client, Lincoln North Creek L.L.C, we hereby submit the following applications for review per the subdivision application process.

1. Application for a Community Unit Plan.
2. Application for a Change of Zone from H-3 to R-4 (See zoning exhibit).

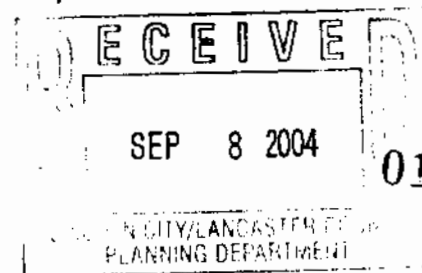
The Community Unit Plan includes the following:

1. Lots, Blocks, and Use for the CUP are as follows:
 - a. Lots 1 – 16, Block 1 – Single Family/Attached Single Family.
 - b. Lots 1 – 5, Block 2 – Townhouse.
 - c. Lots 1 – 8, Block 3 – Townhouse.
 - d. Lots 1 – 8, Block 4 – Townhouse.
 - e. Lots 1 – 10, Block 5 – Townhouse.
 - f. Lots 1 – 8, Block 6 – Townhouse.
 - g. Outlot 'C' – Open Space.
 - h. Outlot 'D' – Future Neighborhood Park
2. On street parking will be permitted along the north side of Saddle Hill Drive and in front of Outlots 'C' and 'D' only.
3. Direct vehicular access is relinquished to Fletcher Avenue except where shown.
4. Direct vehicular access is relinquished to Saddle Hill Drive for Lot 5, Block 2, Lots 4 and 5, Block 3, Lots 4 – 5, Block 4, Lots 5 – 6, Block 5, and Lot 5, Block 6.
5. Direct vehicular access is relinquished to Maldonado Drive for Lots 1 – 5, Block 2.
6. Direct vehicular access is relinquished to Hillrose Drive for Lots 1 – 5, Block 6.

7. Saddle Hill Drive, Sharps Dale Drive, Mad Creek Drive, Haswell Drive, Silver Brook Drive, Maldonado Drive, and Hillrose Drive are proposed private roadways.
8. The bike path is proposed along the south side of Fletcher Avenue as a continuation of the bike path already in place along the south side Fletcher Avenue.

Waivers for the North Creek Villas Community Unit Plan are as follows:

9. A waiver to Section 26.23.140 of Title 26, of the City of Lincoln Subdivision Regulations requiring lot lines to be radial to a street is requested to allow non-radial lot lines for Lots 1 – 5, Block 2, Lots 1 – 8, Block 3, Lots 1 – 8, Block 4, Lots 1 – 10, Block 5, and Lots 1 – 5, Block 6, for Attached Single Family units.
10. A waiver to Title 2, Section 3.6.1, of the City of Lincoln Design Standards requiring private roadways with no medians to have a transverse slope (crown) of 3 % from the gutter line to the roadway centerline is requested for Silver Brook Drive, Haswell Drive, Mad Creek Drive, and Sharps Dale Drive, to allow private roadway service to Lots 1 – 5, Block 2, Lots 1 – 8, Block 3, Lots 1 – 8, Block 4, Lots 1 – 10, Block 5, and Lots 1 – 5, Block 6, with an inverse slope (crown) of 3 % from the gutter line to the roadway centerline to drain water away from the units.
11. A waiver to Title 2, Section 3.6.2, of the Lincoln Design Standards requiring concrete curbs on both sides of all roadways is requested for Silver Brook Drive, Haswell Drive, Mad Creek Drive, and Sharps Dale Drive due to the amount of driveways located on the roadways making a curb unpractical.
12. A waiver for Section 27.17.080 of Title 27, of the City of Lincoln Zoning Regulations that requires a rear-yard setback smaller of 30 feet or 20% of the depth on lots located in the R-4 zone is requested to reduce the rear-yard setback requirement to 10 feet for Lots 1 – 8, Block 3, Lots 1 – 8, Block 4, and Lots 1 – 10, Block 5, to allow for the necessary build able area for the condos. The development is proposing to create a dense yet individual condo layout giving the owner not only a chance interaction with their neighbors but also the privacy that individual lots owners desire.
13. A waiver for Section 26.23.140 of Title 26 to allow for double frontage lots for Lots 1 – 5, Block 2 and Lots 1 – 5, Block 6 is requested. Access has been relinquished to Maldonado Drive and Hillrose Drive and the lots will take access to Silver Brook Drive and Sharps Dale Drive to be consistent with the design concept for the Townhouse area in the development to take access to private roadways between each set of units.
14. A waiver for Section 26.23.140 of Title 26 to waive the minimum lot depth of 120 feet for lots abutting major roadways for Lot 1, Block 2, Lots 1 and 8, Block 3, Lots 1 and 8, Block 4, Lots 1 and 10, Block 5, and Lot 1, Block 6. Access has been relinquished to Fletcher Avenue, Maldonado Drive, Hillrose Drive, and Saddle Hill Drive to be consistent with the design concept for the Townhouse area in the development to take access to private roadways between each set of units.



North Creek Villas
Community Unit Plan
EDC Job #04-048-25
September 7, 2004
Page 3

If you have any additional questions or concerns please contact me at 438-4014 or at jthiellen@edc-civil.com.

Sincerely,

ENGINEERING DESIGN CONSULTANTS, L.L.C.

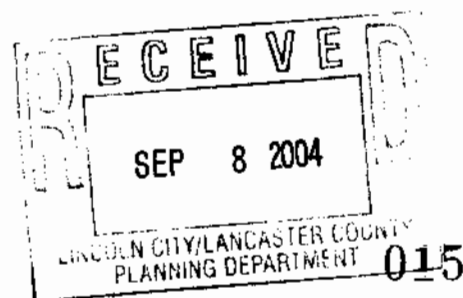


Jason M. Thiellen
Land Planner

Enclosed:

8 Sets of Sheets 1 – 5
13 copies of Sheet 2
Change of Zone Exhibit
Check for \$2020.00

c: Bob Lewis



**LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT
INTER-OFFICE COMMUNICATION**

TO: Becky Horner

DATE: August 23, 2004

DEPARTMENT: Planning

FROM: Chris Schroeder

ATTENTION:

DEPARTMENT: Health

CARBONS TO: EH File

SUBJECT: North Creek Villas

EH Administration

SP #04044 CZ #04055

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

- The LLCHD advises that noise pollution can be an issue when locating residential zoning adjacent to commercial zoning.
- Lincoln Municipal Code (LMC) 8.24 Noise Control Ordinance does address noise pollution by regulating source sound levels based upon the receiving land-use category or zoning. However, the LLCHD does have case history involving residential uses and abutting commercial uses in which the commercial source does comply with LMC 8.24, but the residential receptors still perceive the noise pollution as a nuisance. The LLCHD strongly advises the applicant to become familiar with LMC 8.24. The LLCHD advises against locating loading docks, trash compactors, etc. adjacent to residential zoning. Therefore, creative site design should be utilized to locate potential sources of noise pollution as far as possible from residential zoning.
- 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.



"J.R. Brown"
<jr@jrsoft.com>
09/28/2004 08:33 PM

To: <plan@ci.lincoln.ne.us>
cc: <JWalker@ci.lincoln.ne.us>
Subject: Special Permit #04044/Fletcher Ave.

Dear Commissioners,

I'm taking this opportunity to write to you in regards to "Special Permit #04044, North Creek Villas Community Unit Plan".

Part of this special permit deals with Fletcher Ave. as it relates to the comprehensive plan. I've found inconsistencies with the Fletcher Ave. design as proposed in "Special Permit #135, North Hills Retail Center". I will be further evaluating this design and will keep you informed.

Fletcher Ave. is designated in the comprehensive plan as four lanes plus one turn lane. I think the City can and should scale back the construction of this to a two lane street. The four lane arterial would be equivalent to a Superior street. The neighbors to the south of Fletcher do not want what will turn into a mega speedway in their backyard. Traffic from Superior from 27th street to 14th street will be diverted through our neighborhood, just south of I-80. Also, scaling back Fletcher Ave to two lanes will free up much needed funding for higher priority street projects.

I won't be able to testify at the Planning Commission meeting but I do appreciate the time you are taking to address my concerns and I hope you take my comments into consideration when you vote on this special permit.

Thank you.

J.R. Brown
5501 Rockford Drive