

FACTSHEET

TITLE: **ANNEXATION NO. 05013**, requested by Engineering Design Consultants on behalf of Prairie Home Builders, Inc., to annex approximately 149.09 acres, more or less, generally located east of North 84th Street and north of Adams Street.

STAFF RECOMMENDATION: Approval, subject to an Annexation Agreement

ASSOCIATED REQUESTS: Change of Zone No. 05054, Prairie Village North Planned Unit Development (05-165) and Annexation Agreement (05R-262).

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 08/31/05
Administrative Action: 08/31/05

RECOMMENDATION: Approval, subject to an Annexation Agreement (7-2: Esseks, Carroll, Taylor, Sunderman, Krieser, Carlson and Bills-Strand voting 'yes'; Pearson and Larson voting 'no').

FINDINGS OF FACT:

1. This proposed annexation request was heard before the Planning Commission in conjunction with the associated Change of Zone No. 05054, Prairie Village North Planned Unit Development, generally located at North 84th and Adams Streets. The original annexation request, and that which was recommended for approval by the Planning Commission, consisted of 277.4 acres, more or less.
2. The staff recommendation of approval, subject to an Annexation Agreement, is based upon the "Analysis" as set forth on 7-14.
3. The applicant's testimony is found on p.17-20. Other testimony in support is found on p.20. All additional information submitted in support is set forth in the Factsheet for Change of Zone No. 05054 (05-165).
4. Testimony in opposition is found on p.20-22. All additional information submitted in opposition is set forth in the Factsheet for Change of Zone No. 05054 (05-165).
5. The staff submitted proposed revisions to the conditions of approval on both the annexation and the planned unit development at the public hearing before the Planning Commission, to which the applicant agreed.
6. On August 31, 2005, the majority of the Planning Commission agreed with the staff recommendation and voted 7-2 to recommend approval of the annexation, subject to an Annexation Agreement (Pearson and Larson dissenting). See Minutes, p.26.
7. On August 31, 2005, the majority of the Planning Commission also agreed with the "revised" staff recommendation on the associated planned unit development and voted 6-3 to recommend conditional approval, as revised on August 31, 2005 (Larson, Pearson and Carlson dissenting). See Minutes, p.26-28.
8. Following action by the Planning Commission and during the negotiation of the annexation agreement, the applicant submitted a revised legal description for this proposed annexation and is requesting that the City Council approve the annexation of 149.09 acres, more or less, the revised map and legal description of which is found on p.30-31. The reason for the revised request is due to uncertainty at this time as to whether improvements might allow some development in the Stevens Creek floodplain. This revision also reduces the R-3 area of the associated planned unit development.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: October 24, 2005

REVIEWED BY: _____

DATE: October 24, 2005

REFERENCE NUMBER: FS\CC\2005\ANNEX.05013+

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for August 31, 2005 PLANNING COMMISSION MEETING

****As Revised and Recommended for Conditional Approval
by Planning Commission
August 31, 2005****

PROJECT #: **Annexation #05013**
Change of Zone #05054 (PUD)

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: Change zoning designation from AG Agricultural to R-3 and R-5 Residential, B-2 Planned Neighborhood Business, O-3 Office Park, for a Planned Unit Development; annexation.

LOCATION: North 84th and Adams Streets.

LAND AREA: PUD over 300.4 acres; annexation of 277.4 acres, more or less.

CONCLUSION: Staff previously recommended approval of a plan with up to 600,000 square feet of floor area for a "Community" size center at this location. Staff would also recommend approval of the entire 426,000 square feet northeast of 84th and Adams, except that the City Council specifically did not approve the designation of the "Community" size center here. Thus, it appears the City Council desires a development that follows the Comprehensive Plan guidelines for a "Neighborhood" size center.

RECOMMENDATION:

Annexation:

Conditional Approval

Change of Zone/Planned Unit Development:

Conditional Approval

Waivers:

- | | |
|--|----------------------|
| 1. Allow the submittal and approval of detailed grading, paving profile, paving, cross-section, storm water detention, storm sewer calculation, lot layout, street curve data, and any other required information with future administrative amendments. | Approval |
| 2. Allow block lengths to exceed 1,320 feet for blocks abutting Murdock Trail, Stevens Creek, and the west side of North 87 th Street. | Approval |
| 3. Allow sanitary sewer to flow opposite street grade provided depth does not exceed 15 feet and length does not exceed 500 feet. | Conditional Approval |
| 4. Allow nonstandard cul-de-sac geometry for the cul-de-sac located on the west side of North 87 th Street in the office park area. | Conditional Approval |
| 5. Allow nonstandard private roadway cross sections west of North 87 th Street. | Approval |
| 6. Allow parking in the required side yard within B-2 and O-3 zoning. | Approval |
| 7. Allow joint parking access across lot lines and between pad sites zoned B-2 and O-3 to meet minimum parking requirements. | Conditional Approval |
| 8. Revise lot area requirements within R-3 zoning as shown. | Approval |
| 9. Revise lot area requirements within B-2 zoning as shown. | Approval |

10. Revise lot area requirements and uses within O-3 zoning as shown.

Approval

11. Increase the height for multiple-family dwellings to 45 feet.

Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION: Lots 5, 7, 23, 28, 29, 34, 35, and 36, all Irregular Tracts, located in Section 11 T10N R7E, and Lots 103 and 106 of Irregular Tracts, located in Section 14 T10N R7E, Lancaster County, Nebraska. See attached metes and bounds descriptions.

EXISTING LAND USE AND ZONING: Agriculture AG Agricultural

SURROUNDING LAND USE AND ZONING:

North:	Assembly facility	P Public
South:	Agriculture	AG Agricultural
	Residences	R-3 Residential
East:	Agriculture	AG Agricultural
West:	Cemetery	P Public

HISTORY:

- Jun 2005 Comprehensive Plan Amendment #05012 lost. This was an amendment proposed by the Planning Director to return the “Community” size commercial center at 84th and Adams, but did not include the previous industrial uses.

- Mar 2005 Change of Zone #05020, Annexation #05005, and Comprehensive Plan Amendment submitted. The Planning Commission recommended denial to all three.

- June 2004 Comprehensive Plan Amendment #04012 was approved by the County Board and City Council to eliminate the industrial and “Community” size commercial center on the northeast of 94th and Adams and instead designated the area for future urban residential with a smaller “Neighborhood” size commercial center.

- May 2002 The newly adopted 2025 Comprehensive Plan continued to designate over 250 acres of land northeast of 84th and Adams as Industrial for a future “Employment Center” and added the “Community” size commercial center.

COMPREHENSIVE PLAN SPECIFICATIONS: The Land Use Plan identifies the area north of Adams Street as Urban Residential, Green Space, and Environmental Resources. The area south of Adams Street is identified as Commercial and Green Space. (F 25)

Urban Residential: Multifamily and single family residential uses in areas with varying densities ranging from more than fifteen dwelling units per acre to less than one dwelling per acre. (F 22)

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. (F 27)

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. (F 27)

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. (F 27)

The land use plan displays the generalized location of each land use. It is not intended to be used to determine the exact boundaries of each designation. The area of transition from one land use is often gradual. The Comprehensive Plan also encourages the integration of compatible land uses, rather than a strict segregation of different land uses. (F 27)

Commercial and Industrial Development Strategy

The commercial and industrial development strategy presented below seeks to fulfill two notable objectives: (1) the approach is designed to provide **flexibility** to the marketplace in siting future commercial and industrial locations; while at the same time (2) offering neighborhoods, present and future home owners, other businesses, and infrastructure providers a level of **predictability** as to where such employment concentrations might be located. Balancing these two objectives in a meaningful way will require diligence, mutual understanding, and an ongoing planning dialogue. (F 37)

Guiding Principles applying to all forms of Commerce Centers include:

- Commerce Centers should develop as compact clusters or hubs with appropriate site design features to accommodate shared parking, ease of pedestrian movement, minimize impacts on adjacent areas, and possess a unique character.
- Commerce Centers should generally contain a mix of land uses, including residential uses. Higher density residential uses should be included in and/or adjacent to all commercial centers. Single use centers are discouraged – for example, office parks should include a supporting retail component, while shopping centers should include an applicable amount of office uses.
- Commerce Centers should be developed as integrated centers – “four corner commercial development” should be discouraged. Centers should be appropriately dispersed throughout the community to support convenience of access and to lessen impacts on infrastructure.
- Strip commercial development is discouraged. Commerce Centers should not develop in a linear strip along a roadway nor be completely auto oriented.
- New or established commercial uses should not encroach upon, or expand into, existing neighborhoods.
- Streets and public spaces should be designed within each center to enhance pedestrian activity and support multiple modes of transportation. Commerce Centers should have convenient access to the major roadway system and be supported by roads with adequate capacity.
- Commercial locations should be easily accessible by all modes of transportation including pedestrian, bicycle, transit and automobiles. Centers should be especially accessible to pedestrians and bicycles with multiple safe and convenient access points. (F 41-42)

Neighborhood Centers

- **Size:** Neighborhood Centers typically range in size from 150,000 to 250,000 square feet of commercial space. Existing centers may vary in size from 50,000 to 300,000 square feet.
- **Description:** Neighborhood centers provide services and retail goods oriented to the neighborhood level, such as Lenox Village at S. 70th and Pioneers Boulevard, and Coddington Park Center at West A and Coddington. These smaller centers will not include manufacturing uses.
- **Center Spacing:** Neighborhood Centers should be located approximately 3/4 to one mile apart, depending

upon their size, scale, function and the population of the surrounding area.

- **Criteria:** Neighborhood Centers are not sited in advance on the land use plan. Neighborhood Centers should generally not develop at corners of intersections of two arterial streets due to limited pedestrian accessibility and impact on the intersection – locations 1/4 to 1/2 mile from major intersections are encouraged, particularly if there is to be more than one commercial center within a square mile of urban residential use.
- **Floor Area Incentive:** New Neighborhood Centers will typically range from 50,000 to 250,000 square feet of floor area per square mile of urban use. However, when neighborhood centers follow most, if not all, of the criteria listed below it would be appropriate to develop two neighborhood centers within a square mile of urban use, each center having a floor area up to approximately 200,000 square feet. (F 46-47)

Incentive Criteria for Commerce Centers:

- The center shall be located in a neighborhood with greater residential density, than is typical for a suburban area, and the center itself contains higher density residential uses (density above fifteen dwelling units per acre) integrated within the development. This criteria is mandatory for any center proposing to utilize the incentive.
- Provide a significant mix of uses, including office, service, retail, residential and open space — far more than typical single use centers. Multi-story buildings are encouraged.
- Provide public amenities such as recreational facilities, significant open space, plazas, public squares and other types of public facilities or meeting areas.
- Are supported by a street network with significant traffic capacity in the future, rather than on streets that already have significant commercial development.
- Provide for even greater pedestrian orientation in their layout, physical arrangement of buildings and parking — buildings shall be oriented to pedestrians.
- Provide for transit opportunities in the center design. (F 48)

Overall Guiding Principles for Residential:

- Affordable housing should be distributed throughout the region to be near job opportunities and to provide housing choices within every neighborhood. Preserve existing affordable housing and promote the creation of new affordable housing throughout the community.
- A safe residential dwelling should be available for each citizen: the efficiency apartment and the country estate, the small single family “starter” home and the large downtown apartment suite, the most affordable and the most expensive dwelling unit, completely independent living and living within the care of others. Provision of the broadest range of housing options throughout the community improves the quality of life in the whole community.
- New residential development is generally discouraged in areas of environmental resources such as saline wetlands, native prairies and in floodplain corridors.
- 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.
- Transit, pedestrian, and bicycle networks should maximize access and mobility to provide alternatives and reduce dependence upon the automobile. Sidewalks should be provided on both sides of all streets, or in alternative locations as allowed through design standards or the Community Unit Plan process.
- Many activities of daily living should occur within walking distance. Neighborhoods should include homes, stores, workplaces, schools and places to recreate.
- Interconnected networks of streets, trails and sidewalks should be designed to encourage walking and bicycling and provide multiple connections within and between neighborhoods. (65-66)

Guiding Principles for New Neighborhoods:

A neighborhood is more than housing – great neighborhoods combine all the elements of parks, education, commercial areas, the environment and housing together in one place.

- Encourage a mix of housing types, single family, townhomes, apartments, elderly housing all within one area;
- Similar housing types face each other: single family faces single family, change to different use at rear of lot;
- Parks and open space within walking distance of all residences;
- Multi-family and elderly housing nearest to commercial area;
- Pedestrian orientation; shorter block lengths, sidewalks on both sides of all roads;
- Public uses (elementary schools, churches) as centers of neighborhood – shared facilities (city parks & school sites). (F 66-67)

Strategies for New & Existing Urban Neighborhoods:

- The key to both new and existing urban neighborhoods is diversity. For new neighborhoods, it is having a greater mix of housing types and land uses. New neighborhoods should have a variety of housing types and sizes, plus commercial and employment opportunities. Developing a pedestrian orientation of buildings and streets is also a priority for new areas.
- Plan for sufficient and varied choices for the location of elderly housing. Encourage elderly housing to locate in areas designated for mixed-uses where the elderly housing would serve as a transitional use to less intensive residential development.
- Evaluate the provisions for accessory dwelling units in residential areas.
- Revise standards to ensure that residential and commercial development more efficiently provide night time lighting without intruding on adjacent uses or casting significant lighting skyward. (F 71-72)

Annexation Policy:

Annexation policy is a potentially powerful means for achieving many of the goals embodied in the Plan's Vision. The annexation policies of the City of Lincoln include but are not limited to the following:

- The provision of municipal services shall coincide with the jurisdictional boundaries of the City – in short, it is not the intent of the City of Lincoln to extend utility services (most notably, but not necessarily limited to, water and sanitary water services) beyond the corporate limits of the City.
- The extension of water and sanitary sewer services shall be predicated upon annexation of the area by the City. City annexation shall occur before any property is provided with water, sanitary sewer, or other potential City services.
- Land which is remote or otherwise removed from the limits of the City of Lincoln will not be annexed; land which is contiguous to the City 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. Voluntary annexation agreements may limit or otherwise outline the phasing, timing or installation of utility services (e.g., water, sanitary sewer), and may include specific or general plans for the private financing of improvements to the infrastructure supporting or contributing to the land uses in the annexed area.
- Annexation to facilitate the installation of improvements and/or possible assessment districts is appropriate if it is consistent with the annexation policies of the Plan listed above.

- Plans for the provision of services within the areas considered for annexation shall be carefully coordinated with the Capital Improvements Program of the City and the County. (F 154, 155)

UTILITIES: The timing of infrastructure improvements and availability of utilities will be determined within the annexation agreement.

TRAFFIC ANALYSIS: The Comprehensive Plan identifies North 84th Street as a Principle Arterial and Adams Street as a Minor Arterial, both now and in the future. (F 49, 103). The future east bypass is expected to have an interchange at the Adams Street intersection. (F 105)

The Comprehensive Plan identifies North 84th Street as a six-lane arterial within 140' of right of way, with 150' of right of way at the Adams Street intersection. (F105, 112) The Plan shows Adams west of North 84 remaining as a 2 lane plus center turn lane roadway, while the portion east of North 84th is improved to a 4 lane plus center turn lane cross-section. (F 105)

Traffic projections submitted by the Applicant show substantial future traffic in this area, however, the established pattern of homes along Adams Street west of North 84th Street suggests a wider street may be impractical. A summary of traffic counts, submitted by the applicant, is attached. The timing of improvements and responsibility of the applicant will be determined within the annexation agreement.

The Comprehensive Plan identifies a proposed trail along Adams Street east of North 84th Street. The Parks Department has indicated a preference for the trail to be located along Leighton Avenue instead since Lincoln Public Schools may propose a school site and there is a future linear park, both north of Leighton Avenue.

PUBLIC SERVICE: The Lincoln Fire Department indicated a need for more fire stations in the area to provide adequate response time. This area will be served by Fire Station #5, located at 3640 Touzalin Avenue.

ENVIRONMENTAL CONCERNS: There is existing flood plain in the northeast corner of the plat, covering approximately 40 acres. Development is shown within this area in two places, one of which is subject to an existing fill permit. The other area is proposed for development only if the floodplain area is reduced due to the potential lowering of the Murdock Trail embankment. There are also two wetlands that appear on the National Wetland Inventory, which are visible on the 2005 aerial photograph.

AESTHETIC CONSIDERATIONS: The site plan proposes to line the east side of North 84th Street, from Windmill Drive south of Adams to Boulevard A south of Murdock Trail, with commercial uses, a distance of approximately 4,200 feet, or 0.80 mile. It would be more appropriate to break this commercial strip, and separate the commercial areas north and south of Adams, with a multiple-family use at the corner.

ANALYSIS:

1. This is a request for a conceptual planned unit development for a mix of commercial, office, and residential uses spanning two sides of a major intersection. The underlying zoning districts are proposed to be R-3 and R-5 Residential, B-2 Planned Neighborhood Business, and O-3 Office

Park. Unless modified, the regulations of each underlying district shall apply. Although the O-3 district is one that requires a use permit, use permits are not required within an approved PUD.

2. This proposal still includes land on both sides of Adams Street, east of 84th Street. However, this request differs from the previous one in several key ways:
 - 2.1 The PUD boundary area now includes that portion of the property located within the floodplain and flood prone area. Previously, it was agreed the PUD would not include the floodplain area while waiting for information on a possible amendment to the floodplain.

The proposed plan does limit development in one area of the floodplain until such time as a study is completed to determine whether the floodplain may be reduced and the land removed from the floodplain. Another area within the floodplain is subject to Fill Permit #04001, and is proposed to be filled and developed.
 - 2.2 Only one big box site is shown, where previously there were two.
 - 2.3 The number of dwelling units has increased from 850 to 1,185.
 - 2.4 The amount of floor area has decreased from 800,000 square feet to 711,000 square feet overall, and from 600,000 to 426,000 north of Adams.
 - 2.5 The total number of daily trips generated has increased from 31,519 to 39,908, an increase of 26.6%. The AM and PM peak hour trips have also increased from 1,647 to 2,065 and from 2,763 to 3,185, respectively. These changes resulted from several key changes to potential uses, such as more apartments and fewer single-family homes, more retail and less office floor area, and the addition of quality restaurant, convenience shop, and fast-food restaurant that were not included in the previous traffic study. See attached Tables 1, 2, and 3 marked "Previous" versus Tables 1, 2, and 3 marked "Proposed." (Note: the traffic study includes dwelling units previously approved within the original "Prairie Village" development, which are located outside this PUD).
3. This proposal generally conforms to the Comprehensive Plan in many ways:
 - 3.1 Provide a mix of residential housing types in one neighborhood.
 - 3.2 Proposes a greater efficiency in the use of the land by developing at nearly 5.5 dwelling units per residential acre – over a third greater than typical subdivisions.
 - 3.3 Provides both office, retail and residential uses all within one neighborhood.
 - 3.4 Provides neighborhood park space, open space within the commercial center, connections to the adjacent Murdock Trail and an easement for a future Stevens Creek Trail. (Though the neighborhood park site does need more frontage and visibility.)
 - 3.5 Block lengths are generally less than in typical areas and there is good pedestrian access to the commercial center and within the neighborhood.

4. In addition, many of the “Guiding Principles” that apply to all forms of commercial centers are followed:
 - 4.1 **Commerce Centers should generally contain a mix of land uses, including residential uses.** There is a mix of retail and office uses plus inclusion of apartments within the center which is quite unique in suburban plans in Lincoln. The Plan discourage new single use centers.
 - 4.2 **Commercial locations should be easily accessible by all modes of transportation including pedestrian, bicycle, transit and automobiles.** The plan provides for both auto and pedestrian access and the proposed North 87th Street could provide a good future bus route to serve the commercial uses, apartments, and other residences. However, the 14 pad sites on the proposed plan for retail and office uses are generally more difficult for pedestrians to reach.
 - 4.3 **Four corner commercial and strip commercial development is discouraged.** Certainly the approximately 200,000 square foot “big box” store on the proposed plan is oriented to traffic along North 84th Street and the overall plan is very linear and over a ½ mile long. However, the plan provides good internal circulation with many buildings having an internal orientation rather than facing North 84th. Developing the northwest corner of 84th and Adams Streets as residential rather than office will help break up the linear appearance of the development.
 - 4.4 **New or established commercial uses should not encroach upon, or expand into, existing neighborhoods.** The purpose of this revised plan is to move the most intensive use, the “big box” store, to more than a 1/4 mile away from the existing school and church south of Adams. This type of separation is vastly greater than a typical setback of 50 to 100 feet. Even though new large stores do not need this great a separation, Applicant has moved the largest store in order to address perceptions and issues raised by the school and church.
 - 4.5 **Encourage commercial development at the ½ mile between major intersections.** Most of the commercial space is located 1/4 to ½ mile from the intersection rather than on the northeast corner of the intersection of 84th and Adams. However, O-3 pad sites do ring the frontage of both streets at that intersection.
 - 4.6 **Provide public amenities such as recreational facilities, plazas, squares and other types of facilities or meeting areas open to public.** The plan includes an open space/plaza area shared by the retail and office uses and accessible to the neighborhood.
5. The plan would be improved significantly by expanding the proposed multi-family south of the neighborhood center and eliminating the strip of offices on the north side of Adams Street. Developing all residential uses, presumably apartments or townhome units, north of Adams also provides separation from the commercial space south of Adams and prevents this from being a more linear commercial development, which is discouraged by the Comprehensive Plan.

6. The plan could also be revised to improve pedestrian access and overall connectivity; the commercial pad sites along 84th Street will be difficult for pedestrian to reach and utilize, pedestrian routes within much of the commercial area appear to be frequently interrupted, and proposed park space along the floodplain is nearly invisible because of its location and lack of street frontage.
7. One area in which this proposal does not conform to the Comprehensive Plan is size. The Plan designation for the portion of this development north of Adams Street is no longer Community Center, but has been changed to Neighborhood Center. Recently, a proposal to change this site back to Community Center failed to win City Council approval. Development of this site should respect the current Comprehensive Plan designation, as recently re-asserted by the City Council, and remain within the relevant floor area range.
 - 7.1 The proposed floor area calculation allows 326,000 square feet in the neighborhood center and an additional 100,000 square feet in the corporate employment park, 50,000 of which is based upon several criteria. Applicant states this amounts to a “Neighborhood” size commercial center adjacent to an “Employment Center.” However, the proposed plan is really a completely integrated single center; neighborhood centers are intended to have office uses as a part of the floor area, and the Comprehensive Plan does not designate an employment center at this location.
 - 7.2 The Comprehensive Plan is clear that a “Neighborhood” size center should be within 150,000 to 250,000 square feet. The Plan provides incentive criteria for increasing the size of “Community” size centers, but does not specifically reference the use of the incentive criteria to permit “Neighborhood” size centers to be larger than 250,000 square feet. Planning staff has encouraged the use of the incentive criteria to permit “Neighborhood” size centers up to 300,000 square feet, the threshold for “Community” size centers.
 - 7.3 The total number of dwelling units shown has increased to 1,185. However, based upon land area, as many as 2,057 could be approved. The developer has asked to retain the ability to use the extra 872 units. It is reasonable to assume some single-family lots may be converted to duplexes or townhomes as the area develops, and whoever develops the apartment sites may want to increase their number of units as well. However, Staff suggests retaining no more than 100 additional units is appropriate.
8. The development proposed for the south side of Adams Street is already shown in the Comprehensive Plan as part of a narrow commercial band along the east side of North 84th Street. The proposed use of this property under B-2 and O-3 zoning is satisfactory to staff, although it is considerably more intense than the previous submittal.
 - 8.1 The commercial/retail uses are depicted to be buffered with office uses from neighboring uses to the east, by a band of O-3 zoning along Windmill Drive and North 87th Street. However, site specific note 19 states “Cross parking shall be allowed between adjacent O-3 and B-2 lots and uses.” In order to prevent the band of O-3 from being used solely as parking for users within the B-2 zoning, this note should be revised to not apply to the south side of Adams Street.

8.2 Site specific note 18 allows restaurants and the sale of alcoholic beverages for consumption on the premises of a restaurant as an allowed use in the O-3 zoned area. Regarding the buffer mentioned above, this note should be revised to not apply to the south side of Adams Street. Regarding the north side of Adams, the note should be modified to state these uses are subject to the conditions in LMC § 27.31.040 (sale of alcohol conditions for B-2 district).

9. Public Works - Watershed Management (WSM) Division review comments:

9.1 This PUD shows residential development within the Stevens Creek floodplain, which is not designated for urban development. The limits of the previous PUD in this area stayed outside of the floodplain and floodway, which are designated as Green Space and Environmental Resources in the Comp Plan. In addition, no information is provided to show that the flood standards for new growth areas are being met nor that the lowering of the Murdock trail to create “developable” acres is a feasible project that will not create adverse impacts. WSM recommends that it would be premature for this PUD to vest the right to develop in the floodplain without substantially more information in support of this approach.

9.2 The two existing ponds on the site that are identified in the National Wetland Inventory need to be mitigated or information needs to be supplied showing that US Army Corp of Engineers does not require mitigation.

9.3 The following more detailed comments pertain to the development shown within the floodplain and should be addressed if the plans are not revised to eliminate development within the floodplain area:

A. There are two areas where residential development is proposed within the floodplain. The first is an approximately seven acre area that is based on a fill permit issued in late 2003/early 2004. Information showing that the lowest finished floor of all homes is at least one foot above the 100-year flood elevation must be submitted and reviewed with future amendments to the plan.

B. The second area where residential development is proposed within the floodplain is an approximately five acre area that is proposed to be removed from the floodplain based upon lowering Murdock Trail. Comments regarding the proposal to lower the trail were included in an email from Nicole Fleck-Tooze to Peter Katt nearly one year ago on August 31, 2004. The developer was informed of our concerns regarding the potential for adverse impact in lowering the trail and advised to provide technical information in support of the proposal for our consideration. WSM identified that the evaluation should include information regarding stream stability, flow conditions and flood heights, especially downstream of this property, and show how the flood standards for New Growth Areas would be met. To date, we have not received this technical information, which is still needed to demonstrate that the project would not have an adverse impact.

If it is found to be acceptable, the lowering of Murdock trail would be entirely a private cost. All notes (including those cited below) referencing a study to be performed by

the City should be modified to indicate that the study will be performed by the developer for review and approval by the City. It should also be clearly noted that development in this location is dependent upon the developer completing the study and demonstrating no adverse impact to the satisfaction of PW/U Dept., as well as meeting the conditions for the trail to the satisfaction of the Parks and Recreation Dept.

C. Note 15 should be revised to delete the last portion that reads: "and in conjunction with the lowering of the former railroad development at Stevens Creek."

D. Note 21 needs to be revised to read: "Potential future street at this location dependent upon future letter of map revision by Prairie Village North which is conditional upon approval by the City of Lincoln."

10. Public Works - Engineering Services Division review comments:

10.1 Specific detailed plans meeting preliminary plat submittal requirements will need to be submitted and administratively approved prior to the approval of any final plats in this PUD. These plans must be in accordance with all design standards unless waived by this generic PUD.

10.2 Public Works approves the concept of a waiver of design standards for construction of sanitary sewer opposite street grades contingent on a more detailed review of specific locations identified in subsequent submittals. Public Works reserves the right to object to specific waiver locations once detailed plans are submitted.

10.3 Although the general sanitary sewer concept shown is satisfactory for this submittal, specific aspects of the sanitary system will require revision and additional information in subsequent administrative amendment submittals. Some issues include but are not limited to the following comments.

A. The existing 15" sanitary sewer that crosses this property serves a substantial area upstream of this plat. This plat proposes to relocate the existing sewer. A plan will need to be submitted, to the satisfaction of Public Works, detailing how the reconstruction will take place while maintaining service to all properties upstream.

B. The proposed sanitary configuration in North 93rd Street will need to be revised to the satisfaction of Public Works. The parallel sewers shown and the proposed paving centered on the existing sewer will not be approved.

C. The future Stevens Creek Trunk Sewer alignment and associated easements will need to be shown.

10.4 The 16" proposed water main in Adams Street from west of 84th Street will need to be in place or under construction prior to the approval of any final plat in this PUD.

10.5 Proposed detention areas need to be shown for all discharge points along all boundaries prior to the approval of this PUD. If the proposed detention areas shown on

this submittal are later found to be inadequate, the street layout may need to be revised.

- 10.6 Detailed detention and drainage calculations, in accordance with the Drainage Criteria Manual, will be required with administrative amendments prior to the approval of any final plat of this PUD.
- 10.7 The floodprone area, FEMA floodplain, and floodway for Steven's Creek and the associated tributary need to be more clearly identified and labeled on this PUD.
- 10.8 The conceptual street layout is satisfactory for this submittal. Street grade profiles, cross-section details, dimensions, and other information required with preliminary plats will need to be submitted, to the satisfaction of Public Works, with subsequent administrative amendments prior to the approval of any final plats for this PUD.
- 10.9 The requested waiver of design standards for cul-de-sac geometry for the circular drive within the O-3 commercial area is satisfactory contingent on Public Works approval of more detailed geometric plans submitted in the future. The water main alignment and water service plan will still be subject to the approval of the Water Department with or without the waiver of cul-de-sac geometry.
- 10.10 Developer negotiations are currently under way to determine specific details and responsibilities of required improvements for the arterial street system adjacent to this PUD. An annexation agreement will need to be created prior to this PUD going to City Council.
- 10.11 All access to 84th Street and Adams Street shall be relinquished except at the public street locations generally shown on the plans.
- 10.12 The Comprehensive Plan shows 84th Street as a future 6 lane divided roadway with 140' of right-of-way and 150' of right-of-way near the Adams Street intersection. This right-of-way dedication, including consideration for offsetting Adams and 84th paving because of the proximity to the existing cemetery on the northwest corner, will be required with this project.
- 10.13 A revised traffic study has been provided and is satisfactory. However, the traffic study shows increased traffic volumes from the first study. The study also indicates the need for four lanes plus turn lanes in Adams Street at 84th Street and a greatly reduced and unacceptable level of service at 70th and Adams. Adams is not shown as a four lane arterial street in the current comprehensive plan. The study indicates that the traffic volume predicted for the 84th Street corridor in this area is near the threshold of requiring the six lane section in 84th Street. This is based on projected increases in base traffic, assuming full build-out of currently approved commercial land in the area, and the addition of this development. Construction of six lanes in the future requires the previously mentioned paving offsets and additional right-of-way in 84th north and south of Adams as a result of the existing cemetery at the northwest corner of 84th and Adams. The additional right-of-way and easements will reduce the area for commercial development along the 84th Street frontage. Right-of-way dedication is shown but not dimensioned.

11. Additional review comments:

- 11.1 Police, Fire, and Emergency Services all request that street names be utilized on these plans, rather than the Drive A, Drive B, etc. naming convention. They also object to a block length waiver.
- 11.2 City Recycling would like an agreement to establish a recycling drop-off center within this development to serve this area of Lincoln.
- 11.3 LES will require additional notes on the plans.
- 11.4 Health Department has concerns over noise pollution when commercial and residential uses are adjacent to one another. They suggest creative site design to minimize conflicts, such as locating dock areas, trash compactors, and other noise generating sources as far as possible from the residential area.

12. The annexation policy in the Comprehensive Plan is met with this application. This land is contiguous to the current City limits, and is urban in character since it is surrounded on three sides by urban development. Provisions for City services will be addressed in the annexation agreement.

CONDITIONS OF APPROVAL:

Annexation #05013

- 1. Sign an annexation agreement as approved by the City Council.

Prepared by:

Greg Czaplewski
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Planner

Date: August 22, 2005

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**ANNEXATION NO. 05013
and
CHANGE OF ZONE NO. 05054,
PRAIRIE VILLAGE NORTH PLANNED UNIT DEVELOPMENT**

PUBLIC HEARING BEFORE PLANNING COMMISSION:

August 31, 2005

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

Staff recommendation: Approval of the annexation, subject to an annexation agreement; and conditional approval of the planned unit development.

Ex Parte Communications:

Larson disclosed that he has visited with the Wal-Mart representatives and some people who are in opposition, particularly B&R Stores.

Pearson disclosed that she has visited with and listened to a lot of people, but the only new information was from Peter Katt, who will be discussing a change in the surrounding Office zoning on the southeast corner of the intersection.

Esseks disclosed that he had a very brief conversation with Steve Champoux, who said they have been trying to get another grocery store besides Wal-Mart to locate on this property without success.

Greg Czaplewski of Planning staff submitted 27 e-mail messages in support of Wal-Mart, and 6 letters in opposition to Wal-Mart.

Czaplewski also submitted and explained proposed revisions to the conditions of approval, which have been agreed upon by the staff and the developer (***Editorial Note: The proposed amendment is listed first, followed by an explanation and any discussion:***

- 1.2 Revise the land use table: “* 50,000 square feet of office space north of Adams is dependent upon the following: “. Revise note 4 in the land use table: “50,000 square feet of the 100,000 square feet of total office space within the PUD must be located d on the second floor or above of a building.”

The amendment to Condition #1.2 clarifies some language on the site plan and specifies that there is 50,000 square feet of office space approved for the north side of Adams Street and 100,000 square feet approved for the south side of Adams Street. The 50,000 square feet north of Adams is contingent upon criteria which generally follows some of the criteria taken from the Comprehensive Plan. There is also a provision added that 50,000 square feet of the total office space within the PUD has to be located on the 2nd floor or above to get some vertical use of the space rather than spreading it all out in a single story building.

- 1.3 Revise the southwest corner of the development north of Adams Street to show R-5 uses at the corner and to show B-2 uses along Windmill Drive south of Adams.

The proposed amendment to Condition #1.3 refers to the south side of Adams Street on the south side of the PUD on Windmill Ridge. Rather than the O-3 buffer all the way around B-2, they would be doing B-2 and O-3 along 87th Street, breaking it where Wagon Drive comes through.

- 1.5 Revise the PUD calculations in site specific note 6 using the acreage area stated in the legal description for the R-5 zoned areas. Show the total number of allowable units is 2,057, the total number of approved units is 1,285,685, the total number of allocated units is 1,185, and the total number of available unassigned units is 100. plus an additional 400 available unassigned units shall be available provided commercial square footage is reduced to accomplish an equivalent pm peak trip reduction.

The proposed amendment to Condition #1.5 relates to the number of dwelling units they have available. The acreage that they have would allow 2,057 dwelling units. The applicant has requested to allocate 1,185 of those units and initially, the applicant wanted to retain the additional 972 units for future. In the report, staff suggested that that many units would significantly impact the development, with traffic generation concerns, so the staff has suggested that 100 unassigned units would be appropriate. With this change to that condition, the staff has also agreed to an additional 400 dwelling units, provided that they reduce the commercial area by an amount necessary to account for trips generated by those additional 400 units. This is the attempt to stay within the trip numbers in the traffic study.

- 1.10 Revise the location for the Future Dedicated Neighborhood Park to ~~provide street frontage to~~ the satisfaction of the Parks and Recreation Department.

The proposed amendment to Condition #1.10 removes the language to provide street frontage for future dedicated neighborhood park and leave that issue to be resolved between the developer and Parks Department.

- 1.11 Add a note to the plans stating any relocation of existing facilities will be at owner/developer's expense except that costs for relocating LES facilities in the expanded 84th Street right-of-way shall be addressed in the annexation agreement.
- 1.12 Add a note to the plans stating any construction or grade changes in LES transmission line easement corridors are subject to LES approval and must be in accordance with LES design and safety standards and delete site specific note 25.

The amendments to Condition #1.11 and #1.12 recognize that the 84th Street proposal to expand to six lanes includes moving an LES transmission line. That would be better addressed in an annexation agreement.

2. This approval permits 1,285,685 dwelling units and 585,000 square feet of commercial, retail, and office space (which is generally allocated as 285,000 south of Adams Street; 300,000 north of Adams Street, 50,000 of which is contingent upon meeting incentive criteria); and waivers to allow the submittal and approval of detailed grading, paving profile, paving cross section, storm water detention, storm sewer calculation, lot layout, street curve data, nonstandard cul-de-sac geometry for the cul-de-sac located on the west side of North 87th Street in the office park area, and any other required information not submitted with this proposal with future administrative amendments; allow block lengths to exceed 1,320 feet for blocks abutting Murdock Trail, Stevens

Creek, and the west side of North 87th Street; allow sanitary sewer to flow opposite street grade provided depth does not exceed 15 feet and length does not exceed 500 feet; allow nonstandard private roadway cross sections west of North 87th Street; allow parking in the required side yard within B-2 and O-3 zoning; allow joint parking access across lot lines and between pad sites zoned B-2 and O-3 to meet minimum parking requirements, except south of Adams Street; allow revised lot area requirements within R-3, B-2, and O-3 zoning as shown; allow additional uses within O-3 zoning as shown, provided the sale of alcohol meets the conditions of LMC §27.31.040, and further provided restaurants and the sale of alcohol are not permitted south of Adams Street; increasing the height for multiple-family uses to 45 feet.

Condition #2 outlines everything approved. With the addition of the 400 units, the proposal now approves 1,685 dwelling units. Language has been added that the approval generally allocates 285,000 square feet to the south and 300,000 square feet to the north with the additional 50,000 on the north. The Planning Director does have authority to make administrative amendments to reallocate the square footage, if necessary, in the future.

4.4 ~~Fill Permit #04001 shall be rescinded.~~(Deleted)

Condition #4.4 is deleted because the goal is accomplished by Condition #1.8, as follows:

- 1.8 Revise the site plan, in the area of Outlot A, to indicate site specific note 21 (future development if floodplain changes) applies to all development shown east of the 100-year flood prone area.

Pearson asked for clarification of the number of dwelling units being approved in Condition #1.5. Czaplewski explained that the 1,685 is 500 more than they are allocated (1,185). We have given them an additional 100 to allocate at some point in the future through an administrative amendment, and then 400 to allocate again by administrative amendment, but those are only available if the trips they generate are taken out of the trips generated by the commercial through a reduction in the commercial square footage.

Proponents

1. Peter Katt appeared on behalf of **Prairie Homes**. He referred to the previous project, where the residential component and the majority of the commercial was liked by everyone but some of it did not comply with the Comprehensive Plan and the project was turned down. While this project is similar, there are some very significant key differences, the primary difference being that this project is fully consistent with the Comprehensive Plan. Some of the other general concerns were that the community did not want a community center here but a neighborhood center; that if there was an employment center, it needed to have high quality employment; and as to the land use planning implications, the adjacency of the large big box Wal-Mart adjacent to the cemetery and golf course and close to the church and school was not appropriate. Those specific concerns will be addressed as a part of this presentation.

Katt pointed out that the primary component of this proposal is residential. The residential component provides a high mix of available residential uses and types. The first phase will be done by Prairie Homes, which is ready to go under contract as soon as this proposal is approved. The component of the residential that is changed from the last project is that it now includes an area that was formerly commercial/multi-family. The O-3 area will be converted to residential in accordance with the staff recommendation and the applicant agrees.

The staff conditions do not allow any development in the floodplain and the applicant will go forward with a study area. If they can come up with a good solution to maximize the community's value received from that area, the applicant will bring forward an amendment to the plan to integrate the neighborhood park, the existing Murdock Trail and the city's plans for a future trail along Stevens Creek.

With regard to the commercial area, Katt advised that the commercial on the south side across from the church will now be zoned B-2 and O-3. They would contemplate the entire parcel being B-2; however, the applicant's commitment to the church is to provide them with a reasonable separation between any retail uses or detrimental uses to the church and school and the applicant proposes to do that with the O-3 strip. The applicant agrees with the recommended amendments by staff.

With regard to the commercial on the north side, this area has been substantially revised and the big box retail (proposed Wal-Mart) has been moved clear to the north side of the development, away from the intersection of 84th and Adams. Katt showed an elevation of the location of the retail store, depicting that it will not be able to be seen from the intersection of 87th and Adams due to terrain. The big box retail is now 1/4 mile north of the cemetery and the golf course.

Katt advised that there is one point of disagreement with staff which has to do with a component the applicant thought was good. The staff questions whether or not the additional square footage is appropriate in the context of a neighborhood center size question. The corporate employment park would provide an opportunity in the community for a business to locate. That was the concept. We thought it provided a nice transition from the higher density residential through and into the neighborhood center, and provided a nice transition into the neighborhood to the east. The staff does not believe that the Comprehensive Plan allows that square footage. The applicant would like some additional square footage allocated exclusively for the purpose of the corporate employment park.

Katt posed the question to the Commission: Why should you approve this? There is really no dispute about the residential. The question is about a supercenter. Wal-Mart was ready to build yesterday. No other company is ready, willing and able to make this investment today in northeast Lincoln. Grocery store retailers indicated that it will be at least five years before they are willing to make the investment—there are not enough rooftops. Remember that Wal-Mart is a catalyst to other investment and development in an area. Here we have private money willing to invest and revitalize that area and provide other opportunities to the community. Hotels, restaurants, doctors, and veterinarians have all called and want to move next door to Wal-Mart. Wal-Mart brings them the needed visibility and exposure for those businesses.

Esseks inquired as to the size of the proposed Wal-Mart. Katt indicated that under his client's arrangement with Wal-Mart, they have the ability to build up to 230,000 square feet. The additional 50,000 square feet is for adjoining businesses.

Taylor asked for clarification of the exact location of the Wal-Mart building and the distance from the school and church. Katt showed the location on the map, stating that Wal-Mart site is about ½ mile from the church and school. The Wal-Mart building itself is probably 3/8 mile from the church.

2. Tom Huston, 233 S. 13th Street, Suite 1900, appeared on behalf **Wal-Mart Stores, Inc.**, in support of the PUD as a neighborhood center. He introduced representatives of Wal-Mart Stores and submitted written information about Wal-Mart. This is the third potential location for a new Wal-Mart store on N. 84th Street. Wal-Mart recognized that it needed an additional location to serve its existing customers in Lincoln. Originally, Wal-Mart had selected the site by looking at the Comprehensive Plan, which reflects that the southeast corner of 84th and Adams is designated as commercial. They filed an application in January, 2005, met with staff, and in March, 2005, met with the Faith Lutheran Church and School committee, who were concerned about the potential impact upon their school and church. At that time, Wal-Mart agreed not to fight with the school, and agreed to look on the north side of Adams. The northeast corner was the second site and a change from neighborhood center to community center was not approved. Thus, Wal-Mart has agreed to a location ½ north of 84th & Adams adjacent to the embankment for the Murdock Trail.

Huston noted that there is a petition on file in support from 2,592 Wal-Mart customers.

Beyond the land use issues, Huston pointed out that the proposed PUD complies with the Comprehensive Plan. If that was the simple question, it would be a very simple answer; however, a lot of times these questions go beyond the land use issues and look to the users. Wal-Mart has been a corporate citizen in this community for over 15 years, with three locations including the Wal-Mart and Sam's Club on N. 27th and the Wal-Mart on Hwy 2. Wal-Mart has made a huge investment in the City, currently employing over 1200 people. He submitted a map showing the grocery store site locations within Lincoln, indicating that there are huge gaps. Wal-Mart recognized the huge gaps in the northeast area and wants to fill that gap in northeast Lincoln. This new location would generate \$300,000 in real estate and personal property taxes; an additional one million dollars in sales tax; and 450 new jobs.

Huston reiterated that this is a 15-year member of our community that wants to expand and invest more dollars in our community; the staff is telling us this is a plan that makes sense and that it is consistent with the Comprehensive Plan.

Approximately 30 associates and managers employed by Wal-Mart stood in the audience in support.

Carlson inquired as to the typical market area radius for a 225,000 square foot store of this type. **Cassandra Bozeman, a Wal-Mart representative**, stated that it absolutely depends on the demographics. Wal-Mart has a store at 27th and Superior that is overburdened and their customers want another store. We need to relieve that store and add new market share. She stated that the average customer distance is no more than 5 miles.

Esseks noted that in the national debate on Wal-Mart, a frequent criticism is the lack of benefits for the staff. What kind of benefits are there for a part-time employee? Huston pointed out that of the 450 jobs that this store could generate, 75% would be full-time positions.

Ryan Horner, a Wal-Mart representative, stated that full-time and part-time associates are eligible for full benefit packages. The health care packages provide a number of different options, starting at \$40/individual to \$150/family, with no limit on the number of dependents and no limit as to the dollar amount of benefits. There is a six-month waiting period for full-time associates and a two-year waiting period for part-time associates. Full-time is considered 34 hours a week.

Nationwide, a majority of the Wal-Mart associates are full-time. After the two-year waiting period, the part-time associate qualifies for family as well as individual benefits.

Pearson inquired whether Wal-Mart has a contract with this developer. Huston indicated that yes, the site is under contract.

Bozeman stated that their original contract was on the south side of Adams Street, and they voluntarily withdrew from that location. They then moved to the north side of the street, and have now moved further north and have signed another contract with the developer.

3. Bill Austin, 301 S. 13th Street, testified in support on behalf of the **Lancaster County Agricultural Society**, which owns the property immediately to the north. The Ag Society believes that the proposed big box development located to the south of the Events Center at 84th & Havelock would be a good neighbor and is consistent with the concept that this area should generally be recognized as commercial in nature. The Ag Society understands that this proposal contemplates the lowering of the Murdock Trail and the Ag Society agrees with this concept. It is their hope that there may be opportunity to cooperate and create synergies in the road network and traffic patterns that would serve both the Events Center and the proposed development.

4. Eldon Peterson testified in support. He suggested that Lincoln has two pastimes. One of them is football. The other is bashing Wal-Mart. Why is it that people need to bash Wal-Mart? He does not believe it is all true. Wal-Mart gave one million dollars to the Hurricane effort. He needs Wal-Mart. He lives at 1030 Daybreak Circle, which is the equivalent of 85th Street. He has been told for years that there is going to be a grocery store at 84th & Holdrege. Nothing seems to happen. He also understands that there is going to be a new grocery store on the southeast corner of 48th and O Streets. How badly do they need a grocery store there when Super Saver is less than one block away? There is another grocery store just beyond Super Saver, but we can't seem to get one serving N. 84th Street. He hopes people stop bashing Wal-Mart. He agrees that there is a need for a third store.

5. Richard Esquivel, 733 W. Cuming, testified in support due to the traffic congestion at Wal-Mart's 27th & Superior Street location. He was postmaster of Beatrice for 12 years when Wal-Mart put a store in Beatrice. That Wal-Mart store drew customers from southeast Nebraska, northwest Kansas, southwest Nebraska and south Lincoln. As far as a corporate partner, the Wal-Mart in Beatrice has helped financially with the Veterans Memorial Garden plus other special projects.

Opposition

1. Doug Cunningham, 1114 Rockhurst Drive, testified in opposition. Personally, he does not believe that this proposal fits in with the intention of the Comprehensive Plan for the retail development in that area. He highlighted some research that he has done on Wal-Mart which shows that the rural, outstate Nebraska supercenters grew at a slower pace than they would have grown had they not been supercenters.

As far as creating 450 new jobs, Cunningham suggested that is not the way it works. You are just selling in a different store. Every one of these communities had the same development around their Wal-Mart but their sales tax revenues did not show for it. If you believe in the efficiencies of scale, when you get that large of a store, you will sell the same products with fewer number of

employees. In Atlanta, one out of every four Wal-Mart employees had a child on Medicaid.

2. Susan Schulte, 8120 Whitney Court, at 84th & Adams, between Adams and Leighton, member of Faith Lutheran Church, testified in opposition. She has nothing against Wal-Mart. It is still too close to the church and the school. She submitted nine signatures in opposition. The proposed Wal-Mart is too close and too big. She can access another Wal-Mart 15 minutes either way from her home. Her 18-year-old daughter is employed at Russ's Market at 70th & Van Dorn. Russ's Market helps her daughter with school expenses as a benefit. With the Wal-Mart located next to the trail, she will not use the walking trail anymore because she will be afraid. The traffic is a concern. She cannot make a left hand turn on 84th & Leighton.

3. Joy Wilder, 140 E. Cherrywood Drive, President of Maple Village/Wedgewood Neighborhood Association, located at the southwest corner of 84th and O Streets, testified in opposition. She is concerned about the traffic hazards with the proposed Wal-Mart. She is also concerned because she believes the Wal-Mart store is too large for that location. She has also heard a rumor of a fourth Wal-Mart in southwest Lincoln. She wants competition of other grocery stores so that she has a choice. There are safety considerations for the church and school. She is also surprised that the Events Center is in favor of this proposal. There is no way she can get past Wal-Mart to get to the Events Center because of the traffic. She recently visited the optical department at the south Wal-Mart Store and she was unable to get her lenses and frames there. She does not believe an optician will locate close to Wal-Mart as long as Wal-Mart has an optical department. A lot of the smaller businesses will not go there if there is a Wal-Mart.

4. Gary Floyd, 8900 Avon Lane, testified in opposition to the Wal-Mart supercenter. It would be nice to see a home improvement center and grocery store. He is under the impression that this proposal was turned down the first two times because of the traffic. He suggested that with this proposal, the traffic pattern has not changed. This new proposal has not done anything to address that situation. He will not shop at Wal-Mart.

5. Tammy Spence, who owns a specialty store in Havelock called the Vickeridge, testified in opposition. She believes that two Wal-Mart is sufficient. How many of the little businesses will have to close down? She has been in Lincoln all her life. That area is growing and it is so busy you cannot get on and off Havelock Avenue on 84th. She does not believe there is room for a big box retail.

6. Jay Voigt, 7223 Shamrock Court, part of the management team at Russ's Market at 6300 Havelock Avenue, testified in opposition to this development in this area. He is specifically concerned for his own travel safety on 84th Street daily. Increased traffic congestion would lengthen his commute. He noted the B-2 designation on the south part of the development. What is to stop another big box retailer from going into that B-2 area? They have expanded the B-2 further to the south. He is concerned about the floodplain issues and the environmental impact of a large supercenter in this area. He is also concerned for the wetland designations that are in the area. He does not know what kind of impact this development will have on the Murdock Trail. Why not consider some moratorium to take a look at the environmental impact and the floodplain issues?

As an employee of Russ's Market, Voigt receives excellent benefits with health insurance for his family of five for \$96/month; he has tuition reimbursement for two of his children; and he receives 401K benefits. B&R has been a corporate citizen of Lincoln for many years and they do an

excellent job of providing for their employees. His store is 30,000 square feet, employing 89 people. He believes Wal-Mart needs 800 employees to equal the number of jobs Russ's creates in a 30,000 sq. ft. store.

7. Pat Raybould, President of **B&R Stores** operating the Super Savers and Russ's Markets in Lincoln, testified in opposition. Russ's is an employee owned company which has been around for 42 years. The decisions made today will impact their associates, their jobs and ultimately the well-being of this community. B&R Stores is a local retailer that is trying to protect its market share. They want to continue to provide the best pricing and the best value. B&R Stores care about the community's livelihood and the ability to provide decent paying jobs and benefits. It is very difficult to get across 84th Street. We lost the Fleming Warehouse in Lincoln, an excellent employer. They had issues that caused their downfall but part of it had to do with the intense competition from Wal-Mart. In order to compete with Wal-Mart, the three largest grocery chains in Los Angeles had to get together and decided that they were going to lower their associates benefits, resulting in a serious strike with the associates losing out on benefits. There will be a loss of jobs and benefits in the long run.

Raybould stated that B&R was very serious about building a small neighborhood store in this area. They did survey work and found that the numbers were getting better and they were negotiating with the developer. B&R asked the survey company to re-calculate the numbers with the Wal-Mart being located in this area and the numbers fell out. B&R was forced to pull out of the negotiations. If there was not a Wal-Mart coming anywhere near this area, the community would have seen a Russ's market in this neighborhood.

8. Jane Raybould, Vice-President of **B&R Stores**, testified in opposition and expressed appreciation for the previous action taken by the Commission denying the Wal-Mart application. Studies have shown that Wal-Mart is a bad employer and bad corporate citizen. She submitted a report produced by the National Education Association. B&R Stores did a petition drive on Saturday and she is proud of the 243 signatures collected in opposition. The Russ's market in Havelock collected more than 200 signatures in a few hours. The supercenters do twenty times the business that our Havelock store does and they get 100 times more customer traffic, and they only got 2000 signatures. She asked the community to join B&R Stores this Saturday in their own petition drive at Russ's and Super Savers and encouraged other merchants in the city to do the same.

B&R Stores cares deeply about their 1143 Lincoln associates because they are an employee-owned company. B&R Stores cares about the well-being of the entire community. Their revenue goes through the local businesses and banks and is not wired out of the local business area. If Wal-Mart is allowed another store, there will be more blighted areas. Raybould suggested that the Commission consider a moratorium of 18 months on the building of any new retail stores of 85,000 sq. ft. to do an environmental impact study.

Staff questions

Pearson inquired as to how much of the infrastructure costs for the development around the Wal-Mart facility is being paid with public funds and how much with private funds. Czaplowski could not answer the question. Part of that will be subject to the annexation agreement and he has not seen a draft of that yet.

Pearson wanted to know what the public cost would be on a typical development of this size. Are any of the roadways being funded with city funds? Dennis Bartels of Public Works informed the Commission that the city and developer are still negotiating the annexation agreement, but in principle, sewer and water would fall under the impact fee system. The infrastructure that the city is putting in is going to be the same cost whether it is all residential or all commercial. This developer would pay impact fees based on the established formulas in the impact fee ordinance. There is no significant impact on 84th and Adams Street and the improvements have been identified; however, those negotiations have not been completed. The developer might have to fund the arterial street improvements in the short term and the city would have to pay them back at some future time. The city would anticipate using the impact fees that this project might generate and direct them back toward repayment of improvements that might need to be constructed. The Comprehensive Plan has identified 84th Street as a potential six lane facility, with or without this development. The developer would pay for whatever would not be needed without this development.

Pearson does not believe the right-of-way is large enough for a six-lane south of Adams. Bartels agreed that it is tighter as you get closer to "O" Street, but there is quite a bit of right-of-way that exists. However, if it was centered with the cemetery, the improvements would have to be shifted to the east to get those lanes in.

Bills-Strand inquired as to the amount or rate of the impact fees that will be charged for each one of the stores and the residential area. Czaplewski did not know the formula, but they would all pay impact fees to help with the infrastructure.

Bills-Strand returned to the issue of the scope of the role of the Planning Commission. In the four years that she has been on the Commission, she has never been asked to approve a tenant, but to approve zoning and a plat. She does not believe the Planning Commission is being asked to do that today, nor is she assuming they are being asked to approve the Wal-Mart wage and benefit package. Rick Peo of the City Law Department agreed. This is a land use decision to be made with certain types of development and square footage to approve or disapprove. The Commission is not here to evaluate the merits of any particular tenant. The Planning Commission's role is to look at the zoning and the land use principles and whether this is an appropriate use of the land, regardless of who the tenant might be.

Esseks inquired as to the principal entrance for customers to the store. We have heard that Adams is going to be crowded with people turning into the retail area. Marvin Krout, Director of Planning, believes that is a question better asked of the traffic consultant who made estimations of where the traffic is going to be coming from. The assumption was that most of the traffic was going to be coming from the south onto 84th Street and then make a right turn onto 84th, and that lesser amounts would be coming southbound on 84th and going eastbound on Adams.

Esseks inquired whether Adams will be widened east of 84th Street. Krout indicated that it is not in the CIP but it is identified in the Comprehensive Plan for widening to 4+1 east of 84th Street, 2+1 to the west. As far as impact fees, Krout stated that the city is charging around \$2,000 per single family unit. He estimated about four to five million dollars for the commercial and three to four million dollars for the residential portion in impact fees for the roads, water and sewer.

Pearson inquired about the stormwater and environmental concerns, with the floodplain in the northeast corner and two wetlands that appear on the aerial photo. Bartels concurred that potential

wetlands have been identified. This is a PUD, so the developer did not provide all the details we might expect on a preliminary plat. The detailed grading plans on this particular site have not been provided. The developers have submitted information to the Watershed Management Division as to what could be done if the Murdock Trail bridge were lowered. Watershed Management has not done a complete analysis, but the information submitted does show lowering the bridge, which raises the floodplain because you get more water through there faster, which is contrary to the ordinance. If they can prove that it is beneficial or can make the numbers work to reconstruct that trail bridge economically and get out of the floodplain, then we have conversely potentially approved some of the area that is in the floodplain now. The developer/private landowners pay for the initial study. The NRD and Public Works would invest the time to review the study that is being submitted. Public Works is not conducting the study. He assumes that the developer would pay for the reconstruction that would be necessary if there was a benefit to their property.

Response by the Applicant

With regard to the watershed issues, Katt pointed out that the staff has proposed a condition which requires the developer to satisfy all of the standards that currently exist. The Stevens Creek Watershed Master Plan was recently adopted with goals and objectives about what we are going to do in that area, the goals being to preserve the channel stability, provide water quality enhancement opportunities and some changes in how the creek flows to make these places that we want to preserve function for their water purpose and be put to some productive uses. The developer is working on this. The estimated cost of the study is about \$25,000 to \$50,000. The Events Center is also interested in the possibility. They have discussed how to take their expansive floodplain on the Events Center and turn it into ballfields that could be connected to the trail to go back over to Mahoney to provide an economic opportunity in terms of meeting little league ballfield complex needs. Katt has scheduled a meeting with the landowners on the east bank of Stevens Creek to find out their interest of participating in this study. The city has already completed the 98th Street project study which identified a corridor for 98th Street and other improvements associated with crossing 98th Street over Stevens Creek with two massive bridges, showing 6 feet of fill on the Murdock Trail to the east of the creek.

Katt then responded to the issues raised by the opposition which pertain to Wal-Mart, its benefits and specific tenants. Katt suggested that in a lot of respects, that information is irrelevant. If we make a policy decision that all of our grocery stores or retail providers need to provide this level of benefits, then let's do that through a different policy mechanism rather than land use controls. Land use controls are inappropriate to be used as a barrier to competition.

With regard to the cemetery plots, Katt advised that the developer has been in contact with the cemetery and they are supportive of this project because it brings a lot more traffic, visibility and market.

With regard to the B-2 on the south side, Katt advised that the developer has committed to not build a big box on the south side; however, it is difficult to identify a big box. For example, B&R has a store in Omaha that is 83,000 square feet. That standard continues to change. The commitment that this developer made to the church with the O-3 buffer is to be respectful of the church and to provide an adequate buffer so that their church and school uses are not adversely affected by the B-2 uses.

As far as the horrors of traffic, Katt suggested that the people that spoke in opposition gave the Commission the exact reasons to vote for this project. There are still way too many people on North 27th Street. Locating another facility for shopping closer to their home is an improvement. This new Wal-Mart store is intended to meet the needs of their existing customers, but it will have benefits to the rest of the community on traffic.

With regard to infrastructure costs, Katt concurred that they have not completed those negotiations. The water and sewer expense is not significant for this project. The only major expense is the extension of the 16" water main in Adams Street, and the developer will need to front that money and be repaid through the impact fees generated. The 16" water main will serve property well beyond this project.

As far as the streets, Katt believes there will be road improvements needed if this project goes forward. The city does not have the money, so the developer will have to pay if he wants to move forward with the project. There is no other way for that to happen because the city does not have the money to pay for the roads.

Pearson noted that the total number of daily trips generated has increased from 31,500 to 39,900. She asked the applicant to demonstrate how this is going to be handled. The traffic engineer for the applicant explained that about 35% of the total trips will be coming from the west on Adams; 40% will be coming from the south; and 23-25% will be coming from the north. Of those trips, over 90% of the trips from the north will be accessing the site from the one-quarter or one-half mile point north of Adams. 50% of those coming along Adams will be using the two north drives. 40% will be traveling east on Adams, with another 10% coming down Windmill Drive or the 87th Street access. About 67% of the traffic coming from the south will be using the same two quarter mile and half mile points. A bigger percentage will use Windmill Drive to access the office uses. A lot of the increase came from the realignment and the new breakdown of the commercial trips. The engineer further explained that the design of the improvements is based off the "peak hour trips", and this development only increases the pm peak hour trips by 100. There are no huge major impacts. The signalization recommendations are the same and the same number of turn lanes are recommended along with the need for widening of Adams Street. Some of those average daily trips (ADT) will come from existing traffic on 84th Street. He urged that the Commission not be overwhelmed with the ADT. The engineers focus more on the peak hour trips. 84th Street will still function and operate at acceptable levels as a four-lane road.

Pearson was not satisfied with the increase in the total number of trips. The engineer reiterated that the improvements being recommended are more related to the pm peak hour trips rather than the average daily total trips. Katt observed that the number of projects that come before the Commission with this level of detail in the traffic studies at this point in the project is slim to none. The review of the traffic information is ultimately one of the functions of the city's professionals and from all of the reports that have been provided to the city, the staff has taken the position that the road network will handle this project as presented, assuming the recommended improvements are made. It is the city's responsibility to determine whether the roads will work. So far, the city has said yes.

Pearson again reiterated that 40,000 trips per day is very large number. Does that sound like a neighborhood center? Katt responded, stating that this deals with a neighborhood center, a commercial center on the south side and a very big residential development. This is a complete

composite of the entire development and staff did not ask us to break down the different components. It's all a question of what you put into the model. The applicant tried to accurately project what they believe is likely to develop and happen. This is a very "undense" commercial development. Staff is comfortable with what has been shown.

ANNEXATION NO. 05013

ACTION BY PLANNING COMMISSION:

August 31, 2005

Taylor moved approval, subject to the annexation agreement, as revised, seconded by Bills-Strand.

Taylor noted that he opposed this project previously. The fact that this is no longer close to the church and school has changed his vote.

Pearson commented that it is good they have moved the big box further north, but all of the traffic is still coming to the same intersection. The traffic is still there. Now they have moved it dangerously close to Stevens Creek. She is trying to envision Stevens Creek meandering beautifully through there with a Wal-Mart standing in front of it. She does not think moving it further north has resolved her concerns. She is also concerned about the southeast corner of the intersection.

Motion for approval, subject to an annexation agreement, as revised, carried 7-2: Esseks, Carroll, Taylor, Sunderman, Krieser, Carlson and Bills-Strand voting 'yes'; Pearson and Larson voting 'no'. This is a recommendation to the City Council.

CHANGE OF ZONE NO. 05054

ACTION BY PLANNING COMMISSION:

August 31, 2005

Taylor moved approval of the staff recommendation of conditional approval, as revised today, seconded by Esseks.

Carlson moved to amend that there be no single user footprint over 100,000 square feet, seconded by Pearson.

Carlson stated that this is the tipping point for this particular development in his opinion. That makes the difference. This area is growing and he is pleased with that. The Comprehensive Plan says that it should. The market is ready to do it. The question is that the Comprehensive Plan calls for neighborhood commercial services and the applicant said that is what they are creating. The difficulty Carlson has is that when he envisions a new neighborhood center, it has the residential, which is there, but the commercial is intended to serve that neighborhood within one to two miles. When you have the separate users it is about traffic draw. Drawing 5-6 miles with a supercenter is a much different impact. Even though the purchase is the same, the traffic motion is quite different and the impact on the transportation network is different.

Bills-Strand does not believe that the Planning Commission should dictate the size of the store. The market should dictate that. Let the people shop where they want to shop. The Comprehensive Plan does not tell us the size of store. For example, Bed, Bath and Beyond is a big box. People have a right to choose where they shop based on their budgets. She does not believe in changing the Comprehensive Plan right now to say we can't have big box stores in certain areas. Based on what is before the Commission, she believes it is a good land use.

Esseks stated that he is opposed to the amendment. Wal-Mart serves a need. It provides for various people to shop late at night, and for people with limited household incomes to stretch their limited resources. He is not sure where else in the northeast area we could locate a Wal-Mart. This is their third attempt. It is a four lane highway. It will be increased to six lanes. He thinks it is an appropriate place to locate a store of this nature. If we snub them this time they will legitimately look elsewhere. Waverly would be foolish not to capture the Lincoln sales tax that would be forfeited. As Lincoln grows to the northeast, there will be even more households who will look for a Wal-Mart. He wishes they would change their benefit policies, but a lot of modest income people want to shop there. The Planning Commission should not pass this motion to legislate against Wal-Mart and other big box stores.

Pearson does not believe the motion precludes Wal-Mart. She knows that they have a floor plan for 100,000 square feet and a floor plan for 80,000 square feet, with the grocery store in one building, home improvement in another and retail in another. That type of development is not unknown to them. It is being done more and more in deference to the fact that a lot of communities do not want to see these mega stores. The parking lots are very large. The 100,000 square foot limitation does not preclude them and she will support the amendment because this puts everybody on an even playing field -- there is no more argument whether it is Wal-Mart or Russ's.

Carroll stated that he is opposed to the amendment. We cannot keep the big boxes out. If we are going to allow that much commercial development, the developer should be allowed to make the decision on the size of the store. He does not want to exclude Wal-Mart just by an amendment like this. He does not want to eliminate their potential on that site.

Taylor stated that he is also opposed to the amendment. To make a business succeed, they should have the opportunity to see the fruits of their investment and design the way they intend. They are already limited by the zoning and our zoning regulations.

Carlson pointed out that his amendment does not call out a specific retailer. His comments are directed to the size of the store, the market area it reaches and the traffic motion.

Motion to amend to limit individual users to 100,000 square feet failed 3-6: Larson, Pearson and Carlson voting 'yes'; Esseks, Carroll, Taylor, Sunderman, Krieser and Bills-Strand voting 'no'.

Discussion on the main motion, as revised by staff:

Carroll pointed out the office and residential uses. The developer is doing a lot of development which the northeast part of Lincoln needs. We're losing site of the other aspects because of the focus on Wal-Mart. We need the housing and the office space. He believes it is a good design.

Pearson stated that she will vote against it because they increased the trip counts by almost 10,000. They moved it north adjacent to Stevens Creek where we know there is a conflict with the wetlands and the floodplain and we've seen no resolution to that; and they've only moved it far enough so that the building is moved but not the traffic.

Taylor found it interesting that Pearson doesn't mind the building but doesn't want the trips out there. If they are doing a good job of generating business, that is going to generate trips. We need to insure means of helping them along because our community does definitely benefit by it. We

need to make it as much of a win-win situation as possible.

Carlson stated that he will vote against the proposal. The Comprehensive Plan calls for a neighborhood center to support the neighborhood and that is not what he sees. They are different kinds of trips. A neighborhood center would not generate 39,000 trips. 84th Street will take up the capacity to serve areas outside of the neighborhood.

Motion for conditional approval, as revised by staff, carried 6-3: Esseks, Carroll, Taylor, Sunderman, Krieser and Bills-Strand voting 'yes'; Larson, Pearson and Carlson voting 'no'. This is a recommendation to the City Council.



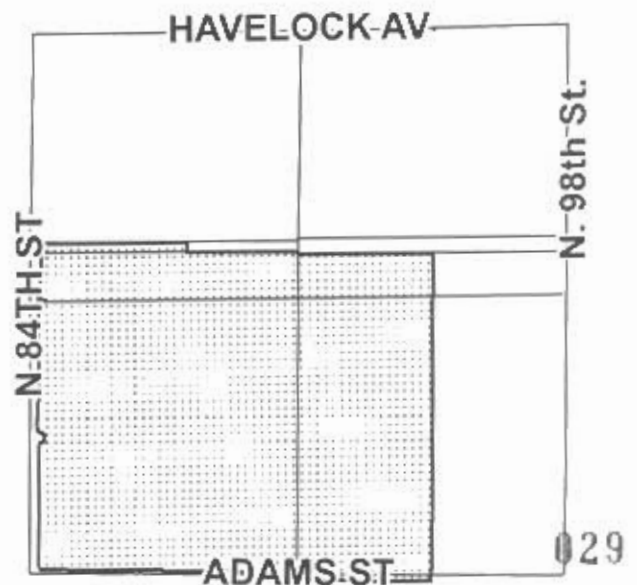
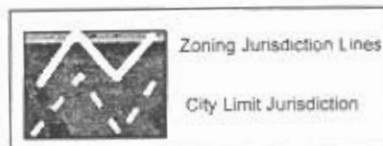
2005 aerial

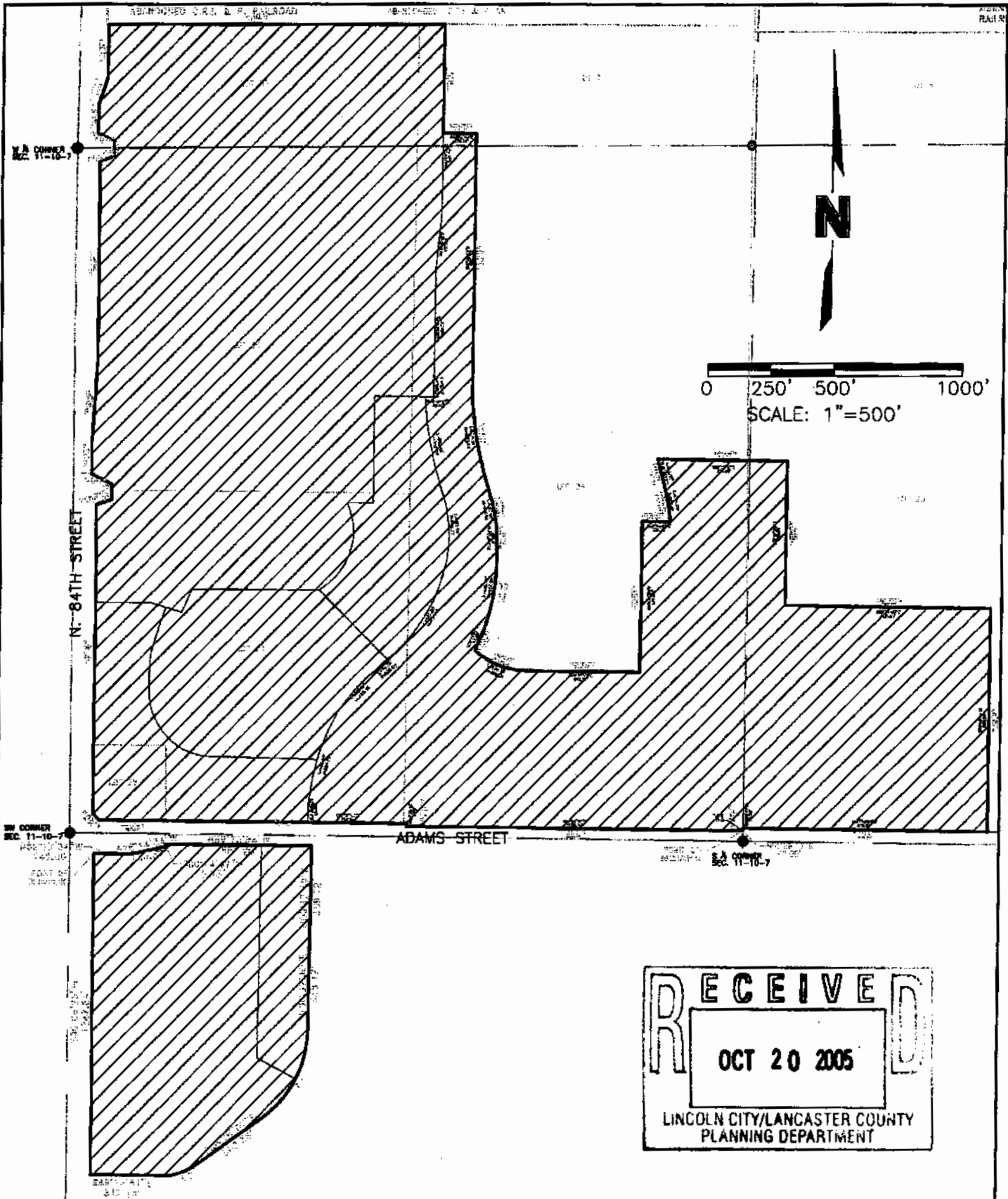
Annexation #05013 Prairie Village North N 84th & Adams St.

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-7 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-6 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. 11 T10N R7E





R E C E I V E D
 OCT 20 2005
 LINCOLN CITY/LANCASTER COUNTY
 PLANNING DEPARTMENT



PRAIRIE VILLAGE NORTH PUD
Annexation Exhibit
 Lincoln, Nebraska

Drawn By: BMG
 Dwg.: ANNEX.dwg
 Date: (10/18/2005)
 Job#: 03-100-25A

SHEET
 1 OF 2

PUD LEGAL DESCRIPTION

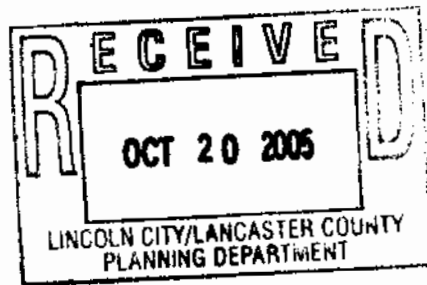
LOTS 28, 29, 35 & 36 AND A PORTION OF LOTS 7 & 34 LOCATED IN SECTION 11, TOWNSHIP 10 NORTH, RANGE 7 EAST OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

REFERRING TO THE SOUTH QUARTER CORNER OF SAID SECTION 11; THENCE ON THE EAST LINE OF SAID SOUTHWEST QUARTER, N00°29'17"E, 40.00 FEET TO THE POINT OF BEGINNING, ALSO BEING ON THE NORTH RIGHT-OF-WAY LINE OF ADAMS STREET; THENCE ON SAID NORTH RIGHT-OF-WAY LINE FOR THE NEXT 5 COURSES, N89°21'11"W, 1,329.55 FEET; THENCE N00°20'15"E, 9.99 FEET; THENCE N89°20'41"W, 951.95 FEET; THENCE N89°22'23"W, 282.30 FEET; THENCE N45°25'41"W, 35.50 FEET TO THE EAST RIGHT-OF-WAY LINE OF NORTH 84TH STREET; THENCE ON SAID EAST RIGHT-OF-WAY LINE FOR THE NEXT 13 COURSES, N00°10'17"E, 1,202.40 FEET; THENCE N71°44'12"E, 63.25 FEET; THENCE N00°10'17"E, 60.00 FEET; THENCE N63°50'44"W, 89.00 FEET; THENCE N00°10'17"E, 129.22 FEET; THENCE N03°59'08"E, 300.68 FEET; THENCE N00°10'17"E, 777.37 FEET; THENCE N70°11'18"E, 58.52 FEET; THENCE N00°36'04"E, 60.00 FEET; THENCE N65°46'58"W, 70.72 FEET; THENCE N01°01'18"E, 112.63 FEET; THENCE N17°43'04"E, 104.42 FEET; THENCE N01°01'18"E, 209.68 FEET TO THE SOUTH LINE OF THE C.R.I. & P. RAILROAD TRACT; THENCE ON SAID SOUTH LINE, S89°55'56"E, 1,325.17 FEET; THENCE S00°24'25"W, 420.86 FEET; THENCE N89°42'58"E, 132.26 FEET; THENCE S00°20'15"W, 955.38 FEET; THENCE SOUTHERLY ON A 1,263.50 FOOT RADIUS CURVE TO THE LEFT, AN ARC LENGTH OF 425.81 FEET (LONG CHORD BEARS S09°19'02"E, 423.80 FEET); THENCE SOUTHERLY ON A 636.50 FOOT RADIUS CURVE TO THE RIGHT, AN ARC LENGTH OF 167.68 FEET (LONG CHORD BEARS S11°25'29"E, 167.20 FEET); THENCE S01°51'56"W, 50.28 FEET; THENCE SOUTHERLY ON A 811.00 FOOT RADIUS CURVE TO THE RIGHT, AN ARC LENGTH OF 346.44 FEET (LONG CHORD BEARS S08°20'23"W, 343.81 FEET); THENCE S23°19'53"W, 77.93 FEET; THENCE EASTERLY ON A 300.00 FOOT RADIUS CURVE TO THE LEFT, AN ARC LENGTH OF 219.78 FEET (LONG CHORD BEARS S68°15'33"E, 214.90 FEET); THENCE S89°14'47"E, 450.17 FEET; THENCE N00°22'50"E, 590.01 FEET; THENCE S89°14'47"E, 109.79 FEET; THENCE NORTHERLY ON A 620.00 FOOT RADIUS CURVE TO THE LEFT, AN ARC LENGTH OF 151.96 FEET (LONG CHORD BEARS N10°03'02"W, 151.58 FEET); THENCE NORTHERLY ON A 1,280.00 FOOT RADIUS CURVE TO THE RIGHT, AN ARC LENGTH OF 94.66 FEET (LONG CHORD BEARS N14°57'13"W, 94.64 FEET); THENCE S89°14'47"E, 514.10 FEET; THENCE S00°29'20"W, 560.01 FEET; THENCE S89°14'47"E, 803.82 FEET; THENCE S00°08'41"W, 870.05 FEET TO THE NORTH RIGHT-OF-WAY LINE OF ADAMS STREET; THENCE ON SAID NORTH RIGHT-OF-WAY LINE FOR THE NEXT 2 COURSES, N89°14'47"W, 958.98 FEET; THENCE S00°29'17"W, 10.00 FEET TO THE POINT OF BEGINNING, CONTAINING 6,494,483.66 SQUARE FEET (149.09 ACRES) MORE OR LESS.

AND

LOTS 103 & 106 LOCATED IN THE NORTHWEST QUARTER OF SECTION 14, TOWNSHIP 10 NORTH, RANGE 7 EAST OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 103 IRREGULAR TRACT, ALSO BEING ON THE SOUTH RIGHT-OF-WAY LINE OF ADAMS STREET; THENCE ON SAID SOUTH LINE FOR THE NEXT 4 COURSES, S89°17'34"E, 145.00 FEET; THENCE N78°14'34"E, 140.37 FEET; THENCE N00°14'42"E, 9.93 FEET; THENCE S89°20'54"E, 581.20 FEET TO THE NORTHEAST CORNER OF SAID LOT 106 IRREGULAR TRACT; THENCE ON THE EAST LINE OF SAID LOT 106 IRREGULAR TRACT, S00°37'40"W, 359.78 FEET TO THE SOUTHEAST CORNER OF SAID LOT 106 IRREGULAR TRACT, ALSO BEING THE NORTHEAST CORNER OF SAID LOT 103 IRREGULAR TRACT; THENCE S00°37'40"W, 358.17 FEET; THENCE SOUTHWESTERLY ON A 417.00 FEET FOOT RADIUS CURVE TO THE RIGHT, AN ARC LENGTH OF 395.25 FEET (LONG CHORD BEARS S27°46'53"W, 380.62 FEET); THENCE S54°56'07"W, 309.36 FEET; THENCE SOUTHWESTERLY ON A 317.00 FEET FOOT RADIUS CURVE TO THE RIGHT, AN ARC LENGTH OF 122.37 FEET (LONG CHORD BEARS S65°59'38"W, 121.61 FEET); THENCE N89°17'51"W, 317.13 FEET TO THE EAST RIGHT-OF-WAY LINE OF NORTH 84TH STREET; THENCE ON SAID EAST RIGHT-OF-WAY LINE, N00°08'26"E, 1,247.84 FEET TO THE POINT OF BEGINNING, CONTAINING 1,000,404.96 SQUARE FEET (22.97 ACRES) MORE OR LESS.



PRAIRIE VILLAGE NORTH PUD
Annexation Legal Description Exhibit
Lincoln, Nebraska

Drawn By: BMG
Dwg.: ANNEX.dwg
Date: (10/18/2005)
Job#: 03-100-25A

SHEET
2 OF 2



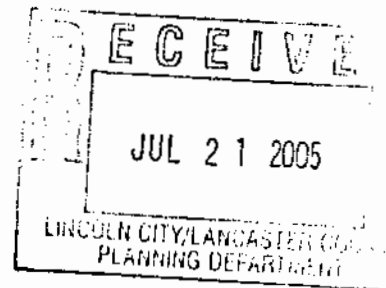
Engineering Design Consultants

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

July 21, 2005

Greg Czaplewski
Planning Department
City-County Building
555 South 10th Street
Lincoln, NE 68508

RE: Prairie Village North
Planned Unit Development
Annexation Request
EDC Job #03-100-25A



Dear Mr. Czaplewski,

On behalf of Engineering Design Consultants client, Prairie Homes, the follow applications are hereby submitted per the subdivision review process:

1. Application for a Planned Unit Development
2. Request for Annexation

Prairie Village North is a proposed Planned Unit Development (PUD) that encompasses about 300 +/- acres generally located on the northeast and southeast corner of North 84th Street and Adams Street. Prairie Village North will ultimately become a complete mixed use development with a variety of housing types ranging from multi-family apartments and condo units to townhouse and single family lots allowing residents the ability to live, work, and play in their neighborhood.

The Neighborhood Commercial Center will provide the opportunity for retailers to fill the void for North Lincoln residents by providing the ability to buy goods and services at discount prices as well as enjoy an afternoon of shopping followed by a night out at a new restaurant or bar and grill located in the pedestrian oriented retail center.

The office element, along with the pocket of multi-family use south of the Neighborhood Center, has the ability to become a "Corporate Employment Park" providing good paying jobs for the area. This area will be reserved as flex space and be filled with a use that is the most conducive to fitting in with the Neighborhood Center and meets the overall goals of the project. Specific categories of users will be targeted to locate in this area such as insurance companies, financial institutions, and research and development firms.

The Prairie Village North PUD is a conceptual plan only, as required by the Planned Unit Development Ordinance. Future Administrative Amendments will determine a more precise lot and street layout as well as defining the Neighborhood Commercial Center. The Prairie Village North PUD includes the following information:

1. The existing zone is AG, the proposed zone is R-3, R-5, B-2, and O-3.
2. The proposed residential uses include the following:

a. Single Family Units	218
b. Attached Single Family Units	291
c. Multi-Family Units	400
d. <u>Townhouse Units</u>	<u>276</u>
e. Total Units	1185

3. Lot Usage Table

a. Single Family Lots	218
b. Attached Single Family Lots	291
c. Multi-Family Lots	2
d. Townhouse Lots	276
e. B – 2 Lots	7
f. <u>O – 3 Lots</u>	<u>7</u>
g. Total Lots	801

4. PUD Calculations

	<u>Zone</u>	<u>Total Acres</u>	<u>Multiplier</u>	<u># of Units</u>
a.	R-3	189.97	6.96	1,322
b.	R-5	25.02	29.04	727
c.	Total Allowable Units			2,049
d.	Total Units Used			1,185

5. The developer reserves the right to use all total remaining PUD units approved.
6. Direct vehicular access to North 84th Street is relinquished except where shown.
7. Direct vehicular access to Adams Street is relinquished except where shown.
8. Direct vehicular access to the public streets in front of the Townhouse Units will be relinquished except where shown. Townhouse units will take access via an alley.
9. Approximately 4 acres of land within the flood plain shall be reserved for a public Neighborhood Park. A boulevard connection is currently being shown leading to the proposed park location, however, the final design and layout for the connection to the park shall be established with future administrative amendments. Additional trail connections will be provided within the neighborhood to connect to the neighborhood park and additional pedestrian easements may be needed to meet block length requirements.

10. A pedestrian way network shall be shown at a later date to provide connectivity within the entire development. Trails will connect the residents with the Neighborhood Commercial Center and with the Murdock Bike Trail and Neighborhood Park. The exact trail locations shall be coordinated with the Lincoln Parks and Recreation Department.
11. A 20' wide trail easement will be dedicated within the Steve Creek flood plain adjacent to this development. Alignment and location of the trail shall be mutually agreed to by the developer and the City of Lincoln Parks and Recreation Department and will be determined at a future date.
12. Blanket utility easements are granted over the B – 2 Lots, O – 3 Lots, and Outlots.
13. The commercial component for this project shall include the following:
 - a. North of Adams Street
 - i. Neighborhood Commercial Center including 326,000 square feet of B – 2 retail space.
 - ii. A location for a big box retail user.
 - iii. A pedestrian oriented retail corridor, located south of the first entrance north bound on North 84th Street, will eliminate the potential for the main street of the retail corridor becoming a through street. The retail corridor will connect to the residential component of the project via a corridor lining up Boulevard B through the open space focusing on an architectural interest, then through the retail main street focusing on the pad site with another architectural interest to the west of the retail center.
 - iv. 100,000 square feet of O – 3 office spaces mixed with 10 acres of R – 5 multi-family use. We consider this area as the live/work area of the project, with the potential for 200 units of either condos or apartments and 100,000 square feet of potential job space. This area also has the potential to become North Lincoln's Corporate Employment Park (CEP). The CEP adjacent to the Neighborhood Center would have the potential to provide the cross economic value that the University of Nebraska has with O Street.
 - v. 100,000 square feet of the total 326,000 square feet of retail is contingent on the following conditions:
 1. A site plan including pedestrian oriented commercial uses with the center oriented to the neighborhood.
 2. Completion of at least 200 multi-family units (PUD is to include a mix of residential uses and higher than typical overall density of 4 dwelling units per residential acres).

3. Acceptable traffic impact based on traffic study.
4. 50,000 square feet of the additional 100,000 square feet may only be used if located on the second floor or above a building.
- vi. Inclusion of open space, such as a mini-park or plaza located within the commercial center or within one block of the multiple family units (open space must be open to the public, but may be publicly or privately owned).

b. South of Adams Street

- i. 185,000 square feet of B – 2 retail space.
- ii. 100,000 square feet of office space. The O – 3 area will provide a buffer between the retail and the Faith Lutheran Church located adjacent to the property. The addition of the O – 3 office area will also insure that a big box retail use will not be able to locate on the south side of Adams Street as there is not enough space for a single large users in the B – 2 retail area.

14. One or more connections will be made from the development to the Murdock Trail. In exchange for trail enhancements, Lincoln Parks and Recreation will consider lowering the former railroad embankment at Stevens Creek provided it produces no material harm to downstream properties.

15. Then future open space boundary shall be finalized when the final flood plain elevation has been determined per the remapping of the flood plain based on the study performed by the City of Lincoln and in conjunction with the lowering of the former railroad embankment at Steven's Creek.

16. The following waivers are hereby requested for the Prairie Village North PUD:

- a. Title 26 – Section 26.11.020 of the Subdivision Regulations – A waiver is requested to the requirement of a preliminary plat as a PUD does not require a preliminary plat with submittal to the City.
- b. Title 26 – Section 26.15.020 of the Subdivision Regulations – A waiver is requested to provide information on or accompanying a preliminary plat including but not limited to: Grading, Paving Profiles and Paving Cross Sections, Storm Water Detention, and Storm Sewer Calculations, Lot Layout, and Street Curve Data as this information will be clearly defined with future Administrative Amendments.
- c. Title 26 – Section 26.23.130 of the Subdivision Regulations – A waiver is requested to allow block lengths to exceed 1,320 feet between cross-streets for street adjacent to the Murdock Trail and Stevens Creek. The waiver is also requested for the commercial side of N. 87th Street as the final design and layout

of the Neighborhood Center will be clearly defined with future Administrative Amendments.

- d. Title 2 of the City of Lincoln Design Standards – Chapter 2.00, Section 3, Paragraph 3.6 – A waiver is requested to allow sanitary sewer to flow opposite street grades as long as sewer depth does not exceed 15' and length of pipe run opposing street grade does not exceed 500'. The waiver is being requested to allow flexibility in utility design and to eliminate the potential for multiple outfall connections to the future Stevens Creek Trunk Sewer. Granting of this requested waiver will allow minor design standard deviations, which are generally approved without question, to be reviewed and approved by Public Works staff without having to bring such issues before the City Council with future amendments.
- e. Title 2 of the City of Lincoln Design Standards – Chapter 2.15, Section 3.3.3 – A waiver is requested to the geometry and details of standard symmetrical and offset type cul-de-sacs. The waiver references the non-traditional cul-de-sac located within the O – 3 area adjacent to the Neighborhood Center. The cul-de-sac will be a labeled private roadway to allow for public water to serve the pad sites located around the cul-de-sac. The cul-de-sac configuration allows for the commercial component of this project to meet the open space requirement set as one of five conditions to be met to allow for additional office square footage. Final design and parking layout shall be determined with future administrative amendments.
- f. Title 2 of the City of Lincoln Design Standards – Chapter 2.25, Section 3.6 – A waiver is requested to meet the minimum roadway cross sections for a private roadway. The waiver will allow for the private roadway design to be flexible for the Neighborhood Commercial Center as the uniqueness of this design will more than likely need flexibility to design the roadway system. The final design and layout of the roadway system shall be determined with future administrative amendments.
- g. Title 27 – Section 27.67.030 of Lincoln Zoning Ordinance – A waiver is requested to allow parking in the required side yard for the B – 2 and O – 3 zone. The waiver will allow for more flexibility of design when the final parking and building pad layout is approved through future administrative amendment.
- h. Title 27 – Section 27.67.030 of the Lincoln Zoning Ordinance – A waiver is requested to allow for joint parking across lot lines and between pad sites for the O – 3 and B – 2 zone to meet minimum parking requirements. The joint parking will allow for a more efficient commercial and office layout. Final parking configuration will be determined with future administrative amendments.
- i. The minimum zoning requirements for the R-3, B-2, and O-3 include the following:

R-3

- a. Single Family
 - 1. 5,000 SF Lot Area
 - 2. 35' Lot Width
 - 3. 15' Front Yard Setback
 - 4. 5' Side Yard Setback
 - 5. 20' Rear Yard Setback
 - 6. 35' Height
- b. Two-Family
 - 1. 5,000 SF Per Family/Lot Area
 - 2. 40' Per Family/Lot Width
 - 3. 15' Front Yard Setback
 - 4. 5' 0' if party wall/Side Yard Setback
 - 5. 20' Rear Yard Setback
 - 6. 35' Height
- c. Townhouse
 - 1. 2,500 SF Lot Area
 - 2. 25' Lot Width
 - 3. 10' Front Yard Setback*
 - 4. 5' 0' if party wall/Side Yard Setback
 - 5. 20' Rear Yard Setback
 - 6. 35' Height
 - 7. *Townhouse maximum front yard setback will be 10'

B-2

- a. Dwelling
 - 1. 2,000 SF Dwelling/Per Unit
 - 2. 25' Front Yard Setback
 - 3. 10' Side Yard Setback*
 - 4. 25' Rear Yard Setback*
 - 5. 40' Height
 - 6. *Side and rear yards abutting a residential district shall be screened in conformance with the landscape design standards adopted by the City of Lincoln.
- b. Other Uses
 - 1. 0 SF Lot Area
 - 2. 25' Front Yard Setback
 - 3. 0', 20' Side Yard Setback*
 - 4. 0', 25' Rear Yard Setback*
 - 5. 40' Height
 - 6. *Side and rear yards abutting a residential district shall be screened in conformance with the landscape design standards adopted by the City of Lincoln.

O-3

Single Family, Two-Family

- | | |
|-------------|--------------------|
| 1. 4,000 SF | Lot Area |
| 2. 50' | Frontage |
| 3. 10' | Front Yard Setback |
| 4. 15' | Side Yard Setback |
| 5. 20' | Rear Yard Setback |
| 6. 35' | Height |

Multiple Family

- | | |
|-------------|--------------------|
| 1. 1,500 SF | Per Unit |
| 2. 50' | Frontage |
| 3. 10' | Front Yard Setback |
| 4. 15' | Side Yard Setback |
| 5. 20' | Rear Yard Setback |
| 6. 35' | Height |

Townhouse

- | | |
|------------|--------------------|
| 1. 2,500SF | Per Unit |
| 2. 50' | Frontage |
| 3. 10' | Front Yard Setback |
| 4. 15' | Side Yard Setback |
| 5. 20' | Rear Yard Setback |
| 6. 35' | Height |

Other Permitted Uses

- | | |
|-------------|--------------------|
| 1. 4,000 SF | Lot Area |
| 2. 50' | Frontage |
| 3. 10' | Front Yard Setback |
| 4. 15' | Side Yard Setback |
| 5. 20' | Rear Yard Setback |
| 6. 35' | Height |
7. The following additional uses will be permitted under the O – 3 zone:
- i. Restaurants
 - 1. Sale of alcoholic beverages for consumption on the premises of a restaurant.
 - ii. Health Care Facilities
 - 1. Hospitals; A hospital may include offices of medical societies, offices of charitable public health associations and private office space for the practice of medicine and dentistry under a license from the Dept. of Health of the State of Nebraska; provide that any such private offices for the practice of medicine and dentistry shall be located of the hospital lot and the doctors and dentist involved therein must be on the staff on the hospital

2. A facility for outpatient physical, occupational or vocational therapy or rehabilitation.
- iii. Recreational Facilities
- iv. Private Schools
- v. All other permitted conditional or permitted special uses allowed under the O - 3 zone shall be approved through the administrative amendment process.

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

Enclosures:

Change of zone exhibits for R-3, B-2, & O-3, R-5
Annexation Exhibit
8 Sets of Sheets 1 - 6
21 Copies of Sheet 2
8 ½ X 11 Site Plan
Check for \$2,500.00