

## **FACTSHEET**

**TITLE: COMPREHENSIVE PLAN AMENDMENT NO. 08004**, by the Director of Planning, at the request of Sydney Investments, pursuant to the 2008 Comprehensive Plan Annual Review, to designate land as Commercial in the Land Use Plan and to designate a new "Mixed Use Office Center" generally in the area of S. 62<sup>nd</sup> Street between Old Cheney Road and Highway 2.

**STAFF RECOMMENDATION:** Approval.

**SPONSOR:** Planning Department

**BOARD/COMMITTEE:** Planning Commission  
Special Public Hearing: 05/14/08  
Administrative Action: 05/14/08

**RECOMMENDATION:** Approval (7-1: Sunderman, Taylor, Gaylor Baird, Francis, Larson, Cornelius and Carroll voting 'yes'; Esseks dissenting).

### **FINDINGS:**

1. This is a request by Carl Sjulín of Sydney Investments to designate a Mixed Use Office Center between Old Cheney Road and Highway 2, east of the existing West Gate Bank. This site would expand the existing office use (West Gate Bank) between Old Cheney Road and Highway 2. The site is currently mostly vacant with only a few houses.
2. The staff recommendation of approval is based upon the "Analysis" and "Summary" as set forth on p.4-7, concluding that the proposed amendments to the Land Use Plan and Commercial section are in conformance with the 2030 Comprehensive Plan. While the site would be designated as "Commercial", this would only be for a Mixed Use Office Center as envisioned in the Comprehensive Plan. A future traffic study will be necessary to address the traffic impacts.
3. The specific proposed amendments are found on p.7.
4. The minutes of the public hearing before the Planning Commission are found on p.8-11.
5. Testimony in opposition is found on p.9-10, and the record consists of two letters in opposition (p.17-19). The issues of the opposition include encroachment upon residential acreages, traffic flow and safety, lack of specificity, permissible/prohibited uses and potential for noise, and lighting. The opposition requested a deferral because they did not believe the applicant had worked with the neighborhood sufficiently and timely prior to submitting this application.
6. The applicant's response to the opposition is found on p.11.
7. On May 14, 2008, the majority of the Planning Commission agreed with the staff recommendation and voted 7-1 to recommend approval, finding that this is the first step in the process and that there will be opportunity for the applicant to work with the neighbors on design issues during future change of zone and permit applications. Commissioner Esseks dissented because he believed a deferral would have been appropriate.

**FACTSHEET PREPARED BY:** Jean L. Walker

**DATE:** May 21, 2008

**REVIEWED BY:** \_\_\_\_\_

**DATE:** May 21, 2008

**REFERENCE NUMBER:** FS\CC\2008\CPA.08004

**LINCOLN /LANCASTER COUNTY PLANNING STAFF REPORT**  
**for May 14, 2008 Planning Commission Meeting**

**PROJECT #:** Comprehensive Plan Amendment #08004

**PROPOSAL:** Amend the 2030 Lincoln/ Lancaster County Comprehensive Plan to designate land as Commercial in the Land Use Plan and designate a new “Mixed Use Office Center” generally in the area of S. 62<sup>nd</sup> Street between Old Cheney Road and Highway 2.

**CONCLUSION:** The amendments to the Land Use Plan and Commercial section are in conformance with the 2030 Lincoln-Lancaster County Comprehensive Plan

<b><u>RECOMMENDATION:</u></b>	Approval of the proposed amendment
-------------------------------	------------------------------------

**GENERAL INFORMATION:**

**LOCATION:** Generally in the area of S. 62<sup>nd</sup> Street between Old Cheney Road and Highway 2.

**EXISTING LAND USE:** Vacant land with a few homes on acreage size lots.

**HISTORY:** The “Southeast Lincoln/Highway 2 Subarea Plan” was adopted in March 2001. Comprehensive Plan Amendment 04010 adding commercial space on the south side of Highway 2 at approximately 62<sup>nd</sup> Street was adopted in June 2005. This amendment led to the construction of the Apple’s Way center and new Lowe’s store on the south side of Highway 2.

**COMPREHENSIVE PLAN SPECIFICATIONS:** Some of the main goals of the “Southeast Lincoln/Highway 2 Subarea Plan” were to

- Provide effective land use transitions – from commercial to residential
- Efficient use of transportation network – land use decisions must consider the impacts on the transportation network,
- Promote a desirable entryway into Lincoln along Highway 2
- Respect the character of the existing low density residential areas

The vicinity of 56<sup>th</sup> and Highway 2 is designated as a Regional Center in the Comprehensive Plan (page 41). Regional Centers have more than 1 million square feet.

The 2030 Comprehensive Plan for the area between Old Cheney Road and Highway 2, east of approximately 59<sup>th</sup> Street is generally Urban Residential. Some of the relevant language of the Plan is:

## **The Economy – Guiding Principles**

*“The City should emphasize the following in order to encourage economic development in the community:*

- ◆ *The creation of office sites is an important aspect of job growth for the community.” (Page 29 of the Plan)*

*“Lincoln has had more success in attracting office users to Lincoln than any other employer type. Office sites are very important to job growth for the community and more offices sites need to be developed over time. Office sites should be located in all areas of Lincoln. Sites identified in the Downtown Master Plan should be considered as locations for attracting new and expanding office employers. Office uses want to be near retail and residential areas and need services such as restaurants and services in close proximity.” (pages 31 -32)*

*“Overall Guiding Principles for Business and Commerce:*

*Commercial and industrial districts in Lancaster County shall be located:*

- *within the City of Lincoln or incorporated villages*
- *outside of saline wetlands, signature habitat areas, native prairie and floodplain areas (except for areas of existing commercial and industrial zoning)*
- *where urban services and infrastructure are available or planned for in the near term*
- *in sites supported by adequate road capacity – commercial development should be linked to the implementation of the transportation plan*
- *in areas compatible with existing or planned residential uses*
- *in areas accessible by various modes of transportation (i.e. automobile, transit and pedestrian)*
- *so that they enhance entryways or public way corridors, when developing adjacent to these corridors*
- *in a manner that supports the creation and maintenance of green space as indicated in the environmental resources section of this Plan.” (Page 35)*

*“New or established commercial uses should not encroach upon, or expand into, existing neighborhoods.” (Page 36)*

## **MIXED USE OFFICE CENTERS (O)**

### ***Center Size***

*Centers will develop typically with 250,000 SF or more. Existing centers may be as small as 150,000 SF. New centers should have retail space to serve office tenants, which may also serve adjacent neighborhoods. In general, centers should have a tenth to a quarter of their space in retail uses.*

### ***Description***

*Mixed Use Office Centers are to provide a high quality office environment with some supportive retail and service uses. Centers are designed to encourage office uses to locate together, rather than dispersed on single sites, in order to maximize transportation access and have enough mass to support retail and services within the center. Office uses benefit from the mix and employees are more satisfied with the work environment when retail uses are within walking*

distance. A good example of a Mixed Use Office Center is Fallbrook which has within 560,000 SF of office uses around a 120,000 SF “neighborhood” type retail center – which is 18% of the total space. Existing office parks may have little or no retail space, but are encouraged to add retail and services space as they continue to develop or redevelop.

### **Center Spacing**

Mixed Use Office Centers should be generally dispersed throughout the community. They may be across the street from a Neighborhood or Community Center. (Office uses across from a Regional Center, should be integrated into the Regional Center.) May include: 1) light industrial centers in I-3 Employment Center zoning which are developing with predominately office type uses; 2) up to 25% retail space and up to 150,000 square feet; and 3) single retail users less than 50,000 square feet.

### **Location Criteria**

The general location of future Mixed Use Centers are indicated in advance in the Comprehensive Plan. New locations can be designated in the Comprehensive Plan as part of the development review process.

### **Locations**

Centers are existing, underway or planned at:

- ◆ S. 84th & Pioneers Blvd., Pioneer Greens office park
- ◆ 74th & O Street, Corporate Centre
- ◆ S. 14th & Old Cheney, I. T. I.
- ◆ S. 27th & Yankee Hill Road, Wilderness Woods Office Park
- ◆ S. 70th & A Street, Lincolnshire Office Park
- ◆ S. 84th and Van Dorn, Firethorn Office Park (Lincoln Benefit Life)
- ◆ S. 84th & O Street, State Farm Regional HQ
- ◆ S. 14th & Pine Lake Road, Horizon Business Center (incl. industrial)
- ◆ N. 27th and Interstate 80, Stonebridge Creek (incl. industrial)
- ◆ S. 40th ½ mile south of Rokeby Rd on east side,
- ◆ N. 98th & “O” Street, Waterford Estates (incl. industrial)
- ◆ Highway 34 and N. 1st Street, Fallbrook
- ◆ S. 40th & Old Cheney Road, Williamsburg Village
- ◆ N. W. 1st & Highlands Blvd., University of Nebraska Technology Park
- ◆ 84th and Adams, southeast corner
- ◆ S. 70th and Yankee Hill Road, Village Gardens South” (pages 46-47)

### **ANALYSIS:**

1. This proposal is to designate a Mixed Use Office Center between Old Cheney Road and Highway 2, east of the existing West Gate Bank. The applicant has already met with adjacent neighbors and is working on potential site plan for the site. The first step in the development of this site is the Comprehensive Plan designation. A preliminary traffic study was done in March 2007 and has been reviewed by staff.
2. The Southeast Lincoln/ Highway 2 Subarea Plan was adopted in 2001, Highway 2 was designated as a future 4 lane arterial street. This section of Highway 2 is now designated for a future 6 lanes plus turn lanes, from generally this area west to Van Dorn, west of 14<sup>th</sup> Street.
3. Also at the time the Subarea Plan was adopted in 2001, Edgewood was designated as a Community size commercial center with less than 1 million sq. ft. of commercial space. In June 2005, over 200,000 sq. ft. of space was added with the new Apple’s Way Center

bringing the overall Edgewood and vicinity to over 1 million sq. ft. Consequently, when the 2030 Comprehensive Plan when adopted in November 2006 Edgewood is now designated as a Regional Center.

4. The Commercial designation in the Comprehensive Plan would be only for the development of a Mixed Use Office Center. This site is not appropriate for a “big box” retail user – nor is that part of the applicant’s vision for this site.

5. In regards to traffic, the Public Works and Utilities (PWU) Department notes that

“The developer needs to provide a traffic impact study and identify the impacts to the existing and future (2030) roadway network within a one mile radius of the development. The proposed internal roadway should be redesigned to provide a direct connection to the existing signalized intersection of Vandervoort Drive and Old Cheney Road. We would not support the installation of an additional traffic signal at the proposed Old Cheney Road intersection. We would not support any exceptions to the design standards that compromise the safety, security and operations of the existing and future roadway network, as a result of this development. All roadway improvements should be the responsibility of the developer, including improvements along the Hwy#2 corridor, as determined by the traffic impact study.”

6. Numerous specific issues will be addressed in the future once a site plan is submitted for approval. Items to be addressed include:

a. **On-Site Traffic Improvements:** This will include items such as intersection adjustments at Apples Way & Highway 2 and additional turn lanes adjacent to the site.

b. **Off Site Traffic Improvements:** The preliminary traffic study shows that the current Level of Service can be maintained in the future, after the buildout of the proposed development, but only if major improvements are made to the Highway 2 and 56<sup>th</sup> Street and Highway 2 and Old Cheney Road intersections. Based on the traffic study it appears that this project will generate about 40% of the P.M. Peak Hour trips compared to the Apple’s Way project to the south. Financing and timing of improvements will be key issues to resolve.

c. **A private road connection between the existing West Gate Bank and the project** will benefit both the bank and project as a whole, as well as limit traffic impact at 62<sup>nd</sup> and Old Cheney Road.

d. **Explore the potential for a traffic signal at 62<sup>nd</sup> and Old Cheney Road** in the future, **replacing the signal at Vandervoort Drive.** While this would be a long term option, it would benefit the project significantly, by addressing left out turning movements on Old Cheney Road, while moving the signal a safer distance from the Old Cheney Road and Highway 2 intersection. This is only possible if a new connection to the Edgewood Center to the north is identified.

e. Provide for the possibility of a **future road connection to the residential neighborhood** to the east to access the mixed use center if and when this area is further subdivided.

- f. **Additional right-of-way dedication** on Old Cheney Road and Highway 2 may be required. A 200 foot building setback and 175 foot parking setback along Highway 2 from the right-of-way, as was provided by Apple's Way and other developments along this corridor. This would also provide for the future 6 lanes on Highway 2.
- g. **Enhance Highway 2 entryway** – particularly several of the tree masses are a significant asset to the project and future commercial uses, as well as aesthetically adding to the Highway 2 entry and providing a buffer to neighbors. There is also an expressed interest for this site to continue the architectural theme that was established with the West Gate bank building, which would further add to the entryway.
- h. Development **mixed-use center to be pedestrian oriented** center. The Comprehensive Plan states that Mixed Use Office Centers can have 10% to 25% of their space in retail or service uses.

### **SUMMARY:**

The new Mixed Use Center designation in the Plan is appropriate. This site would expand the existing office use (West Gate Bank) between Old Cheney Road and Highway. The Plan encourages the creation of new Mixed Use Office Centers to provide additional land for future employment centers. This site is currently mostly vacant with only a few houses. The applicant's intention is for a mixed use office center. While the site would be designated as "Commercial" this would only be for a Mixed Use Office Center as envisioned in the Comprehensive Plan. This amendment does not designate this site for a "big box" retail user which would not be appropriate on this site.

The main issue in regards to the commercial designation is the traffic impact on Highway 2 and the intersection of 56<sup>th</sup> & Old Cheney Road/ Highway 2. The Comprehensive Plan already envisions that Highway 2 will be widened to 6 lanes, plus turn lanes, in the future.

Several issues in regards to road improvements can be adequately addressed at time of a future change of zone or use permit. The approval of the Mixed Use Office designation does not guarantee a certain site plan or road alignment. Road connections, access points, buffering of existing residences will also be addressed at the time specific plans are submitted for approval.

Finally, this designation does not imply a certain amount of commercial square footage or boundaries of the commercial area are set or approved. A future traffic study will be necessary to address the traffic impacts. Once the acceptable road improvements are determined and financing agreed to, then the size and shape of the Mixed Use Center can be determined. Based on the traffic impact, the size of the Mixed Use Center may need to be adjusted in the future.

**PROPOSED AMENDMENTS:**

Amend the 2030 Lincoln-Lancaster County Comprehensive Plan as follows:

1. Amend on the Lancaster County Future Land Use plan on page 17 and the Lincoln Area Future Land Use plan on page 19 to reflect the change from Urban Residential to Commercial use as shown in the exhibit on the next page.
2. Amend the “Existing and Proposed Commerce Centers” plan on page 41 to show a new “Unbuilt Approved Center (Site Specific)” in the “Mixed Use Office” center category between Old Cheney Road and Highway 2 generally at 62nd Street.
3. Amend the text on page 46 of Mixed Use Office Centers to add to the list of “Locations” of centers that are existing, underway or planned as follows:

***“Locations***

Centers are existing, underway or planned at:

- ◆ S. 62<sup>nd</sup> between Old Cheney Road and Highway 2
- ◆ S. 84th & Pioneers Blvd., Pioneer Greens office park...”

Prepared by:

Stephen Henrichsen, 441-6374  
Principal Planner  
[shenrichsen@lincoln.ne.gov](mailto:shenrichsen@lincoln.ne.gov)

April 21, 2008

**APPLICANT:**

Marvin Krout, Director  
Planning Department  
555 S. 10<sup>th</sup> Street  
Lincoln, NE 68508  
(402) 441-7491

at request of

Carl Sjulín  
Sydney Investments  
6003 Old Cheney Road  
Lincoln, NE 68516  
(402) 434 - 3450

**CONTACT :**

Tim Gergen  
Olsson Associates  
1111 Lincoln Mall  
Lincoln, NE 68508  
(402) 458- 5914

# COMPREHENSIVE PLAN AMENDMENT NO. 08004

## PUBLIC HEARING BEFORE PLANNING COMMISSION:

May 14, 2008

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

Ex Parte Communications: None.

Staff presentation: **Steve Henrichsen of Planning staff** submitted two letters in opposition from property owners adjacent to the application.

Henrichsen explained that this amendment is for a specific commercial designation, “mixed use office center”, a designation which was added to the Comprehensive Plan in November of 2006, in an attempt to encourage office parks not to be 100% office. The applicant has envisioned an office designation that might have some accessory retail or restaurants, potentially even a hotel, to help serve the overall office center. The commercial designation has a fairly significant shape, but the details in terms of buffering and transition to the east would be an important part of a future change of zone. With this being designated “mixed use office”, it would be anticipated that most of the office uses would be to the east.

In terms of the property’s current use, the two properties on the southwest portion are now vacant. There is a vacant house not currently owned by the applicant, and another existing house not owned by the applicant. The back portion of the two acreage lots could potentially be developed as part of the overall center.

Henrichsen acknowledged that the traffic impact is a major concern. This designation does not approve any certain amount of square footage. A traffic study would be an important part of any future change of zone. Potentially, there is a traffic improvement that could result from this development – a new road connection from Old Cheney Road down to Hwy 2 might divert some of the traffic going to Lowe’s. A future issue would be the location of traffic signals.

## Proponents

**1. Carl Sjulín, President of West Gate Bank and managing partner of Sydney Investments**, the applicant, made further comments about the proposal. The proposed area represents approximately 20 acres, immediately east of the West Gate Bank center on Hwy 2 and Old Cheney. The 20 acres has only one house that is currently occupied. This undeveloped area is bordered by Hwy 2 and Old Cheney Road, which are two of the best arterials in Lincoln that exist. Sydney Investments is proposing an infill redevelopment – a high-end office park - a group of smaller buildings with the same feel, style and building materials as the West Gate Bank center. The buildings would have almost a residential feel, being a group of buildings in the 5,000 or 6,000 sq. ft. range. This will be developed as building pad sites that will be available for sale.

Sjulín indicated that they have developed a rough site plan showing a low density, which they have shared with the City and the Sheldon Heights neighborhood to the east. The transition from the existing Sheldon Heights acreages would be buffered through the use of smaller buildings, very similar to the Heritage Park office buildings immediately across the street by Lazlo’s. There would

be substantial landscaping. The topography in this area begins to rise such that the east border of the property is much higher than the west. They would drop that approximately 10 feet through a retaining wall or gradual slope with landscaping.

Sjulin stated that Apple's Way opened up their vision for this proposal. There would be no impact to the Sheldon Heights neighborhood because they are proposing the vacation of Sunset Ridge Drive. He has met with the neighbors over the last several years about this proposal.

Sjulin suggested that the proposed area is in a blighting type condition and he would like to see it developed to a higher and better use. He believes it will have an assessed value of 40 million dollars or better.

Francis inquired as to any contact the applicant has had with the adjoining property owners. Sjulin responded that they have had numerous meetings over a period of several years. One of the first steps that allows the applicant to come to agreement with the neighborhood is to know what the city's plan is with respect to this being developed into an office park as opposed to AGR. The plans have been shared with the neighbors over the past five years.

Esseks observed that retail uses can be more intrusive onto and more disruptive of residential lifestyles. Where do you expect to put the retail uses? Sjulin did not know yet for sure because this development could be 5 to 10 to 15 years in the future or perhaps even beyond. They do not have any potential users at this time nor do they have any vision as to how the retail might fit in yet. They do, however, view the retail uses as being incidental to the primary use of office. It would have the look and feel of an office park. They will not be significant type retail uses.

Esseks inquired whether the adjoining residents can be confident that there would not be retail uses right adjacent to their property. Sjulin responded in the affirmative. Along the eastern side (Hynes property), they are proposing a 1.5 story, 6,000 sq. ft. prototype like Heritage Park. The east portion should develop like the old R-T (Residential Transition) district.

**2. Mark Hunzeker** appeared on behalf of **Mr. and Mrs. Robert Winters**, 6111 Old Cheney Road, immediately to the east of the bank property. They are neutral at this point in time; however, they have met with the applicant and the discussions centered upon potential acquisition of their property by the applicant. A conceptual site plan was shared with very little substantive discussion about how their property might fit into the project. His clients agree that a mixed use office center is a reasonable long term use of this property; his clients also agree that there are a number of issues that need to be resolved. They are not opposed to the idea of amending the Comprehensive Plan in this fashion and are ready and willing to continue discussions with the applicant and the city.

### Opposition

**1. Gerald Bryant**, 6101 Frontier Road, which borders the southeast edge of the proposed change, testified in opposition because a commercial encroachment is not conducive to what he wanted when he purchased his home. There is more and more trash blowing over from Apple's Way now. The intersection stop light that goes in at Apple's Way stops enough semi's that he has semi's backed up all the way along his 600' along Highway 2.

**2. Gene Schwenke**, 6061 Frontier Road, testified, stating that he is somewhat neutral at this point. The back portion of his acreage abuts the property being discussed. He did meet with the applicant on several occasions. He has lived in this area for 37 years and has seen many things develop south of Hwy 2 and south of Old Cheney Road. He knew that development would surround his property in a matter of time. He has previously expressed his concern about further development but maybe this proposal is the lesser of two evils, as long as he does not have a restaurant in his back yard. He could probably accept an office building. He does not want a lot of traffic flow at night.

**3. Jerry Hynes**, testified in opposition. There will be buildings on two sides of his property, to the west and to the south. It is commercial and it is very close. Historically, this area has been left in an urban residential designation, even as late as the update of the Comprehensive Plan two years ago. One of the guiding principles is that new commercial development should not invade existing neighborhoods. The access to this property can very easily be achieved by bringing the road in as planned and not putting buildings on the south edge where his property is located. He would like to preserve as much of the view from his home as possible. With regard to the traffic issues, eliminating Sunset Ridge Drive would almost be a must. He has had conversations with people on the north side of Old Cheney in Black Forest. They are in the information gathering stage, but their initial reaction sounds very negative.

**4. Art Zygielbaum**, 6601 Pinecrest, slightly east of the area, testified in opposition. He previously served on the Comprehensive Plan Committee and the Beal Slough task force. He is current chair of the Cable TV Advisory Board. Sheldon Heights is an in-town acreage and the residents are working hard to maintain the rural setting and rural environment. The neighbors do not want to subdivide. The proposed amendment at this time came as a bit of a surprise. There are very strong protective covenants in Sheldon Heights, zoned AGR, with business uses being prohibited. They had discussions with Mr. Sjulín two years ago. They did not know this action was going to take place at this time. The concerns are the extra traffic at Old Cheney & Hwy 2; they would not want Sunset Ridge to connect; there must be visual breaks to separate the businesses from the residential area; and the cost of the sewer connection must be mitigated.

Zygielbaum requested that action on this application be delayed to give the applicant an opportunity to seek the support of the Sheldon Heights neighborhood. These residents need assurance that the plans they saw two years ago are still valid, with no further business expansion into the Sheldon Heights community.

#### Staff questions

Esseks inquired of staff whether the two-week postponement would be a problem. Henrichsen did not believe it would create any problem. We typically like to have all the proposed Comprehensive Plan amendments reviewed at one time, particularly if there are amendments that are nearby each other. In this particular circumstance, the applications on today's review are much more scattered about and there is much less in terms of implication of one upon the other. A delay would not be a problem.

It was confirmed that the subject property is currently zoned AGR and designated in the Comprehensive Plan as urban residential.

## Response by the Applicant

Sjulin would prefer to proceed as opposed to a delay. He believes that the applicant has shared a lot of detail with the neighborhood and more than you typically see at this stage. He suggested that many of their questions relate to issues which will be engaged fully with respect to future zoning changes and permits. They have previously met with the adjoining neighbors individually as well as collectively on a number of occasions.

### **ACTION BY PLANNING COMMISSION:**

May 14, 2008

Cornelius moved approval, seconded by Larson.

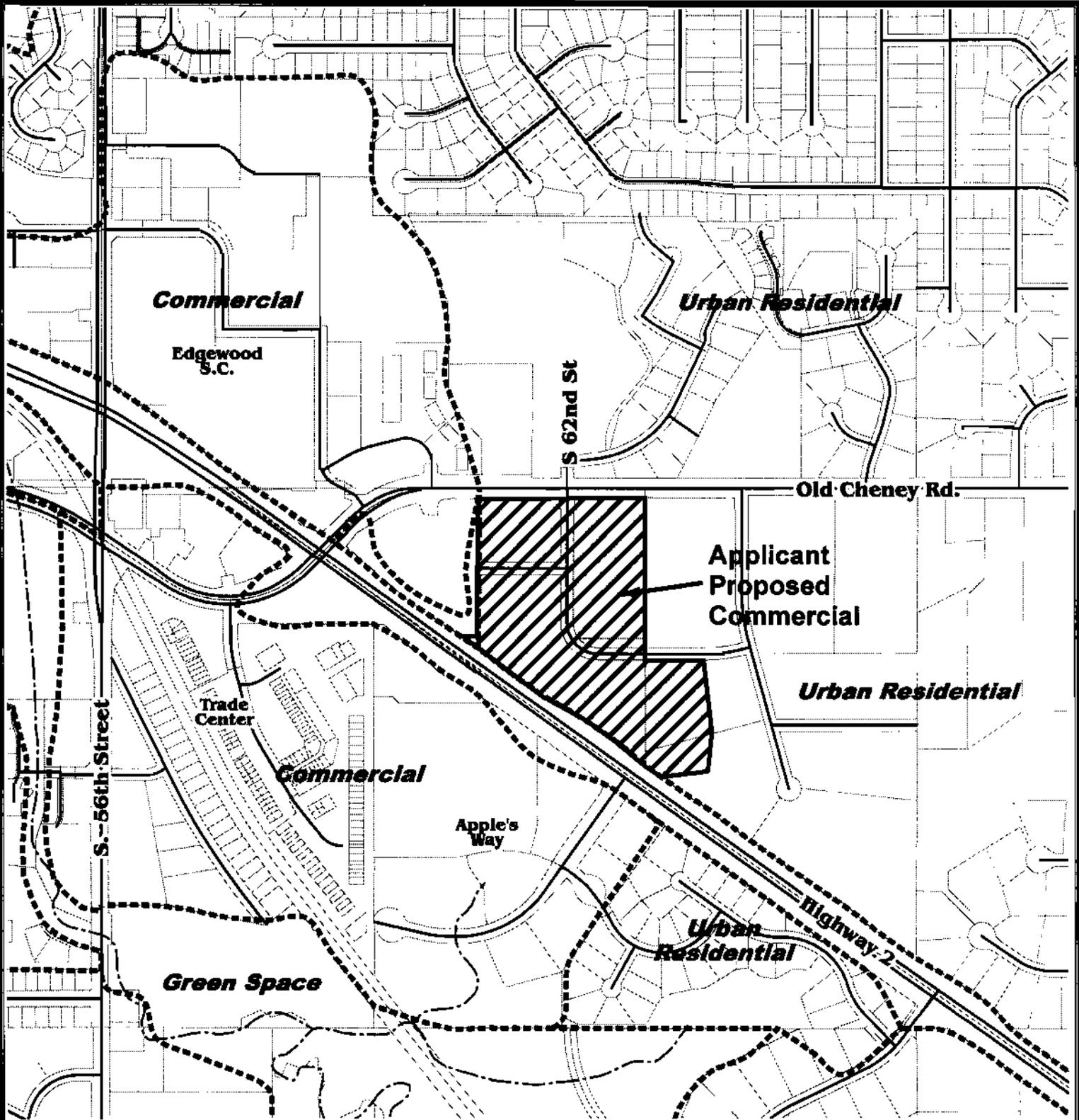
Cornelius believes this appears to be an opportunity to develop the property in a way that is sensitive to the people living nearby. A delay at this point is probably not going to help much because there is plenty of protection built into the change of zone process. He gets the impression that there will be continued contact between the developers and the neighbors.

Esseks stated that he will vote against the motion because he thinks a delay is appropriate since there is nothing to be lost in terms of waiting two weeks and there is potential for gaining some new insights and perhaps some general buy-in by the neighbors. Since there is no deadline facing them he thinks a two-week delay would be an appropriate courtesy to the residents.

Cornelius then stated that he is somewhat persuaded by Esseks' comments and tempted to vote no on his own motion because there really is not a down-side to a delay. He is concerned that we are putting the cart before the horse asking for design decisions to be made before there is room in the Comprehensive Plan for that design.

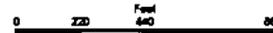
Carroll agrees that this is preliminary – this is an amendment to the Comprehensive Plan. There are many more meetings to come for design decisions and meetings with the neighborhoods. This is a good first step for the city and he knows West Gate Bank will do a very good job of working with the neighbors.

Motion for approval carried 7-1: Francis, Sunderman, Taylor, Larson, Cornelius, Gaylor Baird and Carroll voting 'yes'; Esseks voting 'no'. This is a recommendation to the City Council.



## CPA # 08004 : S. 62nd & Highway 2 Proposed Future Landuse

- ■ | Future Service Limit
- ..... Land Use Boundary
- Res** Land Use Category
- Change from Urban Residential to Commercial



LINCOLN - LANCASTER COUNTY  
PLANNING DEPARTMENT  
**PTS**  
2nd Floor, 1000 North Lincoln St., Lancaster, PA 17303  
717-399-1234  
www.lancastercountyplanning.com

012



February 1, 2008

Mr. Marvin Krout  
Planning Department, City of Lincoln  
County-City Building  
555 So. 10<sup>th</sup> Street  
Lincoln, NE 68508

RE: Comprehensive Plan Amendment Application  
OA Project No. 04-0282

Dear Mr. Krout:

On behalf of the Owner/Developer, Sydney Investments, 6003 Old Cheney Road, Lincoln, NE 68516, we are requesting an amendment to the 2030 Comprehensive Plan and the Southeast Lincoln/Highway 2 Subarea Plan (the "Plans"). The Applicant owns the property located at 6100 Highway 2 and 6101 Wagon Lane.

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

1. Application for Comprehensive Plan Amendment
2. Application fee: \$250
3. Site Plan – 14 copies

In connection with Part 2 of the Application I am providing the following description:

1. **Provide a detailed description and explanation of the proposed amendment. Include the Element (Land Use, Transportation, etc.) to be amended. (Please attach map and legal description if proposal is for specific tract of land.)**  
The Plans identify the subject property to be designated for residential-urban density. The Applicant requests that the Plans be amended to provide for the designation as Mixed Use Office Center. I have enclosed fourteen (14) copies of the proposed site plan illustrating the request made by the Applicant. It is the intent of the Applicant to submit a specific change of zone application in the form of a PUD to allow the flexibility of developing an authentic mixed use office center.
2. **Describe how the proposal is currently addressed in the Comprehensive Plan. If the issue is not adequately addressed, describe the need for it.**

As indicated above, the area is designated for residential-urban density. The only change sought is to designate this area for a Mixed Use Office Center.

3. **What do you anticipate will be the impacts (fiscal/CIP, environmental, phasing, etc.) caused by the proposal, including the geographic area affected and the issues presented? Why will the proposed change result in a net benefit to the community?**

The Applicant does not foresee any financial impact to the City of Lincoln. The Applicant would utilize the existing traffic signal on Highway 2 and construct a new road connection from its access point in Highway 2 across the property to connect to Old Cheney Road. The Applicant would construct the necessary improvements to these intersections to allow access to the site. The Applicant is preparing a traffic study showing the effects to the traffic at the nearby intersections and will be made part of this application when this study is completed. Currently, the site has two vacant acreage homes that are in an inferior condition. The amendment the Applicant is proposing would transform this area into a development that would increase the value of the surrounding properties and generate the much needed sales tax revenue. The proposed buildings would match the same character and architecture of the bordering West Gate Bank Center. The Applicant is prepared to make a significant investment in this area.

4. **How would the proposed change comply with the community vision statements, goals, principles, and policies of the Comprehensive Plan? Include any specific page numbers from the Plan, research, or reasoning that supports the proposed amendment.**

One of the goals for the Comprehensive Plan is to provide effective land-use transition. The Applicant's proposal of a Mixed Use Office Center is providing a transition from the Apple's Way commercial development to the neighboring low density residential development. Additionally, the vision of the Subarea Plan promotes a desirable entryway into the City of Lincoln. The development of the property will remove a sub-standard residential house along the Highway and relocate the driveway to the more desirable location that coincides with the Apple's Way development. The proposed office buildings will be set back from the Highway providing sufficient opportunity to preserve the corridor and will be located in a manner to maintain the existing topography as much as possible. A detention cell will be sited in the existing low lying area along the Highway to detain the development's stormwater. The public utilities necessary to serve this site are directly adjacent and are accessible. Furthermore, the sanitary sewer that would serve this property would be extended underneath the Highway and would be made available to the neighboring residential development. The Applicant is aware of the need to make effective land use and transportation decisions in connection with the development of this property. As stated above, the Applicant will co-locate the access on Highway 2 with the Apple's Way development and construct a road through the property to connect with Old Cheney Road providing appropriate circulation for vehicles.

5. **Is there public support for this proposed text amendment (i.e. have you conducted community meetings, etc.)?**

The Applicant has had multiple meetings with the neighbors directly abutting the development and has also met with the neighborhood association. Those meetings have been positive. The Applicant will continue to meet with and address the concerns of the surrounding neighbors.

Please contact me if you have any questions or require additional information.

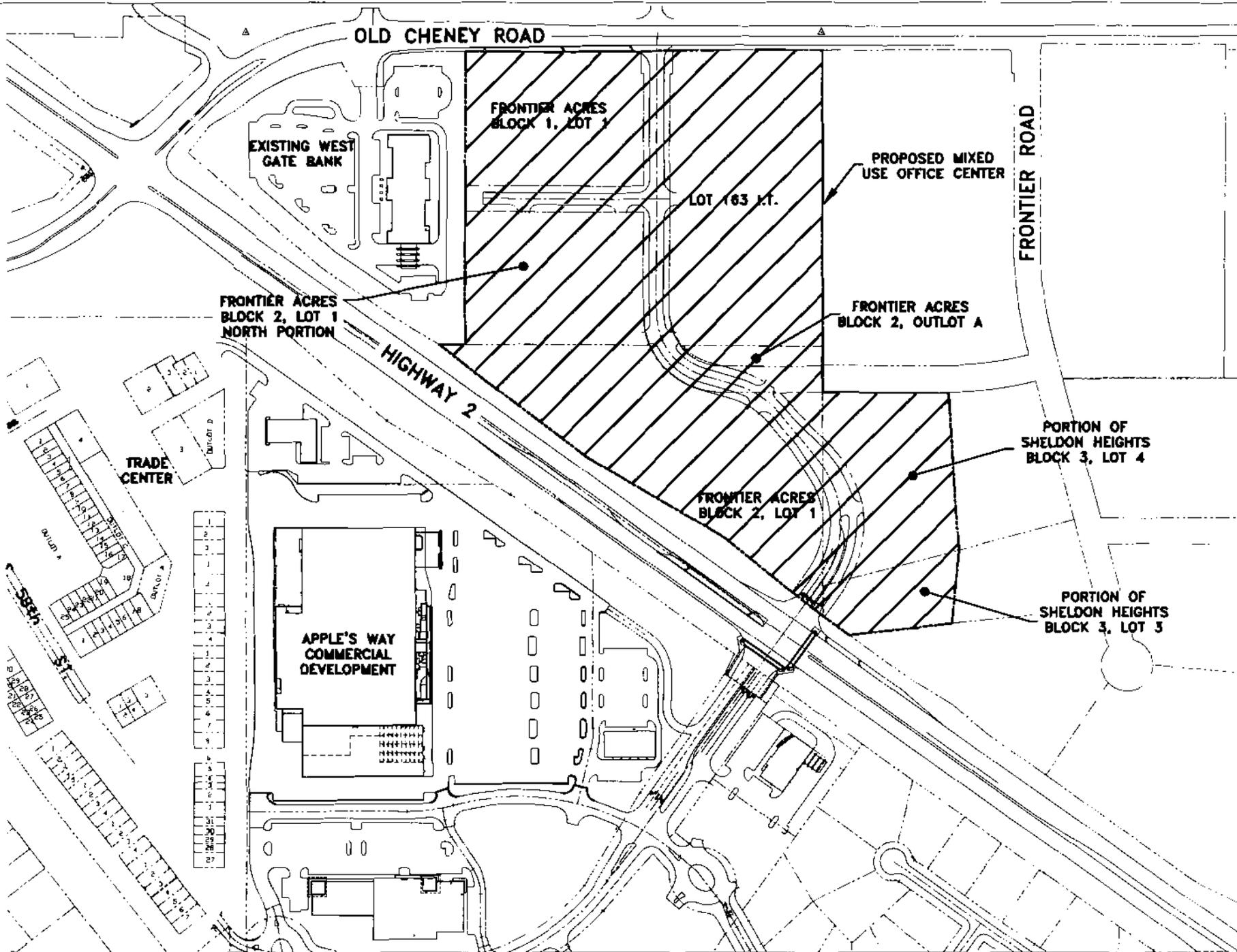
Sincerely,

A handwritten signature in black ink, appearing to read 'Tim Gergen', with a long horizontal flourish extending to the right.

Tim Gergen

Enclosures

cc: Carl Sjulín, Sydney Investments LLC



016

PROJECT NO: 004-0282  
 DRAWN BY: NKB  
 DATE: 02.01.08

**COMPREHENSIVE PLAN AMENDMENT  
 SITE PLAN**



1111 Lincoln Mall, Suite 111  
 P.O. Box 84608  
 Lincoln, NE 68501-4808  
 TEL 402.474.6311  
 FAX 402.474.5160

EXHIBIT  
 1



"Jerry Hynes"  
<jhynes@aa-pc.com>  
05/13/2008 10:05 PM

To <plan@lincoln.ne.gov>  
cc  
bcc

Subject Proposed Comp. Plan Amendmant No. 08004

To: Lincoln/Lancaster County Planning Commission  
From: Jerry Hynes, 5801 Frontier Rd  
Re: Comprehensive Plan Amendment #08004

Gentlemen,

I live on Frontier Road. I live on to east side of the land being considered here. My property adjoins the proposed property along my entire west property line and even half of my south border. I have concerns in the following areas:

1. Lack of specificity. I think we have the cart before the horse on this one.
2. The proposed Plan Amendment is contrary to one of the specified Guiding Principles stated in the Comprehensive Plan.
3. Permissible/Prohibited uses and Potential for noise
4. Traffic flow and Safety
5. Lighting

1. Having lived in this area for over 20 years now, I have seen the many changes that have occurred in this area and have spoke against more than one of them. I even remember when the City Council specifically promised the residents of this area that there would be no more commercial development along Old Cheney Rd. east of Vandervoort Dr. However in comparing this proposal to previous proposals, there is a major difference. In each of the previous proposed changes, there was a specific plan to discuss. In this instance, Sydney Investments owns only about 1/3 of the property they seek to re-classify. It is impossible to make a reasoned judgment on promises without specific facts and by inference of what is "usually" allowed by the Comprehensive Plan. Also, by designating this tract of land as a Mixed Use Office, I believe it will dissuade potential residential developers from the larger open areas and limit the re-development by those neighbors interested in doing so.

2. Comprehensive Plan Guiding Principles - On page 36 of the current Comprehensive Plan, one of the Guiding Principles is that "new or established commercial uses should not encroach upon, or expand into, existing neighborhoods." Part of this proposal invades an already existing residential area. I don't relish the idea of having commercial property on two sides of me. Lots 3 and 4 of Block 3, Sheldon Heights are long existing residential properties. Having the proposed commercial/office buildings would be intrusive and unsightly and should not be allowed. Access to this property from Hwy 2 can be achieved without putting office buildings in this residential area. I would suggest that if someone saw fit to put this kind of language in the final approved Comp. Plan, that it was for a good reason and protects existing neighborhoods. So if you are going to put this language in the Comprehensive Plan, then please follow it!

3. In what conversations I have had, I hear talk of one or more restaurants, a hotel, and retail stores. That is a pretty wide variety of stores and potential uses. What are the

limits of what can or should go here without unreasonably interfering with a quiet neighborhood? Some uses would have more daytime use, others would have more night use and along with that is the potential for noise, lighting, and safety issues. Again, we have very few specifics and need more before an accurate appraisal of this plan can be made.

4. Traffic flow. This could be one of the biggest safety issues long term if this project would be approved as currently written. My property is on Frontier Rd. I would not want people to be able to come across Hwy 2 from Apples Way, cross through this development and come up Frontier Rd. as a short cut to Old Cheney Rd. I believe this would be a tremendous safety risk with a dramatic increase in traffic through a residential neighborhood. This would be a very likely scenario for anyone needing to go north on 70<sup>th</sup> St. or East on Old Cheney. The platted but currently undeveloped Road named Sunset Ridge Dr. should never be developed or just simply abandoned as even a potential street.

5. Lighting. I hope that at the appropriate time, significant consideration is given to the intensity of lighting that would be used. Any residential neighborhood sitting next to a Mixed Use Office/Commercial project will not want high intensity lighting that destroys the peace and solitude of a neighborhood.

In summary, the current Comprehensive plan would appear to prohibit expanding commercial property into existing residential areas. That is one reason to adhere to the current plan. Also, the overall plan for growth in Lincoln has been looked at, studied, planned, and approved a mere two years ago. At that time, this area was designated as urban residential. Stick to that designation and follow past promises made by the City Council!

Thank you,

Jerry J. Hynes

No virus found in this outgoing message.

Checked by AVG.

Version: 7.5.524 / Virus Database: 269.23.16/1430 - Release Date: 5/13/2008 7:31 AM



vishwajeth bhoopalam  
<vishb1@yahoo.com>  
05/14/2008 11:55 AM

To plan@lincoln.ne.gov  
cc vish <vishb1@yahoo.com>, annie crimmings  
<accrimmins@mac.com>  
bcc  
Subject Comprehensive Plan Amendment NO. 08004

Dear Sir/Madam,

The proposed area of change has long been a residential area. Every home owners right of enjoying the peace, privacy and security that such residential areas offer will be significantly impaired with the proposed change to designate the area as commercial. Moreover there is adequate commercial space in the general area to build mixed use office center, without having to change the residential area. I strongly object to such proposed change and urge the Planning commission and support the right of every home to have a peaceful, private and safe environment.

Thanking you,  
Sincerely,

Vishwajeth Bhoopalam., M.D.  
Property Owner  
6401 Old Cheney