

City Council Introduction: **Monday**, December 12, 2011  
Public Hearing: **Monday**, December 19, 2011, at **5:30** p.m.

Bill No. 11-187

## **FACTSHEET**

**TITLE:** **ANNEXATION NO. 11003**, requested by Nebco, Inc., to annex approximately ten (10) acres, more or less, generally located at Fallbrook Boulevard and Tallgrass Parkway.

**SPONSOR:** Planning Department

**BOARD/COMMITTEE:** Planning Commission  
Public Hearing: 11/30/11  
Administrative Action: 11/30/11

**STAFF RECOMMENDATION:** Approval

**RECOMMENDATION:** Approval (9-0: Esseks, Cornelius, Lust, Francis, Sunderman, Gaylor Baird, Hove, Butcher and Weber voting 'yes').

**ASSOCIATED REQUESTS:** Comprehensive Plan Amendment No. 11007 (11R-306) and Change of Zone No. 05085A (11-188)

### **FINDINGS OF FACT:**

1. This proposed annexation and the associated Comprehensive Plan Amendment No. 11007 and Change of Zone No. 05085A were heard at the same time before the Planning Commission.
2. This is a request to annex approximately 10 acres, more or less, to allow the expansion of the Fallbrook Planned Unit Development located at Highway 34 and Fallbrook Boulevard.
3. The staff recommendation of approval is based upon the "Analysis" as set forth on p.5-6, concluding that the proposal to add land area and 220,000 square feet of commercial floor area is in conformance with the 2040 Comprehensive Plan, as amended by the associated Comprehensive Plan Amendment No. 11007. The staff presentation is found on p.7-11.
4. The testimony on behalf of the applicant is found on p.11.
5. There was no testimony in opposition.
6. On November 30, 2011, the Planning Commission agreed with the staff recommendation and voted 9-0 to recommend approval.
7. On November 30, 2011, the Planning Commission also voted 9-0 to recommend approval of the associated Comprehensive Plan Amendment No. 11007, Change of Zone No. 05085A, an amendment to the Fallbrook Planned Unit Development, and Street & Alley Vacation No. 11011. (The associated street and alley vacation requires the completion of a final plat and thus is not being scheduled for Council hearing at this time).

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

**DATE:** December 6, 2011

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

**DATE:** December 6, 2011

**REFERENCE NUMBER:** FS\CC\2011\ANNEX11003+

## LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

### for NOVEMBER 30, 2011 PLANNING COMMISSION MEETING

**PROJECT #:** Change of Zone No.05085A  
Amendment to Fallbrook Planned Unit Development (PUD)  
**Annexation #11003**

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:** Amend the Fallbrook PUD, to add 220,000 square feet of commercial floor area, change the zoning from AG-Agricultural to B-2 PUD and **annex approximately 10 acres.**

**LOCATION:** Highway 34 and Fallbrook Blvd.

**LAND AREA:** The entire Fallbrook PUD contains 385 acres, more or less.  
The area of amendment contains 38.6 acres, more or less.  
**The annexation area contains 10 acres, more or less.**

**EXISTING ZONING:** AG-Agricultural

**CONCLUSION:** This proposal adds approximately 38 acres to the existing Fallbrook PUD. The proposed commercial area of 220,000 sq. ft. is in conformance with the 2040 Comprehensive Plan as amended by Comprehensive Plan Amendment #11007.

#### **GENERAL INFORMATION:**

**LEGAL DESCRIPTION:** See attached

**EXISTING LAND USE:** Undeveloped in the amendment area.

#### **SURROUNDING LAND USE AND ZONING:**

North:	AG-Agricultural	Undeveloped
South:	R-3, Residential	Single family
East:	O-3 PUD, Office	Office
	R-3 PUD, Residential	Vacant lots and single family
West:	R-3, Residential	Vacant lots
	AG, Agricultural	Undeveloped

**ASSOCIATED APPLICATIONS:**

Street & Alley Vacation #11011  
Comprehensive Plan Amendment #11007

**HISTORY:**

- January 24, 2000                    Use Permit #124, Special Permit #1808 Community Unit Plan and Preliminary Plat #99023 for Fallbrook was approved by the City Council.
- June 25, 2001                    Special Permit #1808A to amend the CUP was approved by City Council.
- August 19, 2002                Special Permit #1808B to expand the boundary of the Community Unit Plan was approved by City Council.
- November 14, 2004            Use Permit #124A to waive internal side yard setbacks in the O-3 District was approved by City Council.
- March 27, 2006                CZ#05085 for the Fallbrook PUD was approved by the City Council.

**COMPREHENSIVE PLAN SPECIFICATIONS:**

LPlan 2040 is the basis for zoning and land development decisions. It guides decisions that will maintain the quality and character of the community’s new and established neighborhoods. (p.1.2)

The community’s present infrastructure investment should be maximized by planning for well-designed and appropriately-placed residential and commercial development in areas with available capacity. This can be accomplished in many ways including encouraging appropriate new development on unused land in existing neighborhoods, redevelopment of underperforming commercial areas into mixed use redevelopment areas that include residential, retail, office and entertainment uses, and encouraging a greater amount of commercial space per acre and more dwelling units per acre in new neighborhoods. (p.2.7)

Major entryways to Lincoln including Interstate 80 and its exits (especially I-180), Highway 77 and 34 from the north, Cornhusker Highway from the east and from the Airport on the west, O Street from the east and west, Homestead Expressway/Highway 77/Rosa Parks way from the southwest and west, and Highway 2 from the southeast, should be studied, protected, and enhanced to create express community pride. (p.4.6)

Preserve and enhance the character of key entry points and corridors into the City of Lincoln through enhanced landscaping and public art in rights-of-way, and respectful development of adjacent properties. (p.4.7)

Strengthen design standards for commercial and mixed-use development along major travel corridors, to reflect a positive visual image that engenders community pride and identity. (p.4.8)

The following are Guiding Principles from the Business & Economy chapter: (p. 5.1, 5.2)

Focus primarily on retention and expansion of existing businesses; attracting new businesses should also be encouraged

Seek to efficiently utilize investments in existing and future public infrastructure to advance economic development opportunities.

Provide flexibility to the marketplace in siting future commercial and industrial locations.

Encourage and provide incentives for mixed uses in future developments.

Encourage commercial centers to encompass a broad range of land uses with the integration of compatible land use types.

Commercial and Industrial Development Strategies (p.5.5)

1. Be located where urban services and infrastructure are available or planned near term.
2. Locate in sites supported by adequate road capacity.
3. Be compatible with existing or planned residential use.

Strategies for Commercial Centers include: (p 5.7)

1. Locate Commercial Centers where they will have access to arterial streets with adequate capacity and be supported by transit, trails, sidewalks, and local streets.
2. Encourage multiple street connections to adjacent residential neighborhoods to allow convenient access for neighboring residences and pedestrians without the use of arterial streets.
3. Develop smaller stores next to larger anchor stores in centers to encourage small businesses and to provide a variety of goods and services for customers utilizing the centers.
4. Discourage auto-oriented strip commercial development; Commercial Centers should not be developed in a linear strip along a roadway or be completely auto-oriented.
5. Design new Commercial Centers in a manner that facilitates future development and intensification of land uses on the site.

Detailed strategies for future Commercial Centers include: (p 5.8)

1. Mix of office, retail, service and residential uses.
2. More intense commercial uses (gas stations, grocery store, car wash, fast food, etc) nearer to arterial streets.
3. Transition of uses; less intense office uses and residential mixed use buildings near residential areas.
4. Multiple vehicular connections between residential neighborhood and Commercial Centers.

Continue the City's growth policy of contiguous urban growth; urban development will occur in areas immediately abutting the City that reflect a logical and timely extension of urban infrastructure. (p.11.2)

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 to another is often gradual. The Comprehensive Plan also encourages the integration of compatible land uses, rather than a strict segregation of different land uses.

(p12.1)

The 2040 Lincoln Area Future Land Use Plan shows the amended area as urban residential. (p.12.3)

The 2040 Priority Growth Areas map designates the amended area as Tier 1, Priority A. (p.12.6)

Priority A is comprised of undeveloped land within the City limits, as well as areas that are not yet annexed but which have approved preliminary plans such as preliminary plats, use permits, community unit plans or planned unit developments. (p.12.7)

City annexation must occur before any property is provided with water, sanitary sewer, or other potential City services. (p.12.14)

The areas within Tier 1 Priority A that are not annexed serve as the future urban area for purposes of annexation per state statute and are appropriate for immediate annexation upon final plat. These areas have approved preliminary plans. (p.12.14)

**UTILITIES:** All utilities are available

**TRAFFIC ANALYSIS:**

N. W. 12<sup>th</sup> is classified as a urban collector.

N. W. 12<sup>th</sup> St. has not been constructed south of Alvo Rd. The 2040 Comprehensive Plan, under Projects Projected to 2040, identifies N. W. 12<sup>th</sup> St. as 2 lanes plus turn lanes from W. Alvo Rd. to Fletcher Ave. and a overpass over U.S. Highway 34.

U.S. Highway 34 is classified as a principal arterial.

Fallbrook Blvd. is not shown on the 2040 Existing Functional Classification map.

**PUBLIC SERVICE:**

The nearest fire station is Station 14 located at 5435 NW 1<sup>st</sup> St. in the Highlands.

The nearest elementary school is Fredstrom located at N. W. 10<sup>th</sup> St. and W. Harvest Dr.

The nearest middle school is Schoo located within the Fallbrook subdivision.

**ANALYSIS:**

1. This application is to annex approximately 10 acres and amend the Fallbrook PUD. The amendment would add 220,00 sq. ft. of commercial floor area for Market Place. With the additional 220,000 sq. ft. the total square feet of commercial floor are for the entire PUD would be 900,000.
2. Market Place is a new commercial area located northwest of Hwy 34 & Fallbrook Blvd. Market Place is proposed to have a mix of retail, including a grocery store, office and restaurants. The grocery store will account for 60,000 sq. ft. of the 220,000 sq. ft. in Market Place.
3. The area of the proposed commercial is shown as Urban Residential in the Comprehensive Plan. An associated application, CPA #11007, is amending the Comprehensive Plan to change the Urban Residential to Commercial.
4. The amended PUD will extend Aster Rd. from Tallgrass Parkway to N.W. 12<sup>th</sup> St. The revised PUD also realigns Fallbrook Blvd. north of Highway 34. Fallbrook Blvd. will reduce the median and left in turn lanes to Market Place will be added.
5. The Public Works & Utilities Department has concerns that the length of the left turn lanes into Market Place off of Fallbrook Blvd. are too short. In discussing this with the developer, Public Works and Planning have agreed to add a stipulation that the left turn lanes can be removed if vehicle stacking is routinely observed to block access into the drives or vehicle stacking for a left turn is observed routinely stacking into a through lane on Fallbrook Blvd.
6. The proposed waivers are similar to waivers that were granted in Village Center and throughout the Fallbrook PUD with the original approval.

7. The area of annexation is within the future service limit and is contiguous to the city limits. The uses designated within the annexation area are commercial and the extension of Aster Rd. to NW 12<sup>th</sup> St.
8. The area of annexation is designated as Tier 1, Priority "A" in the 2040 Comprehensive Plan. The Comprehensive Plan identifies Priority "A" of Tier 1 as undeveloped land within the City limits, as well as areas that are not yet annexed but which have approved preliminary plans such as Planned Unit Developments.
9. The proposed annexation is consistent with the City's annexation policy of not extending city services without first annexing the area and annexing land contiguous to the City limits.
10. The proposed uses for the annexation area are compatible with the adjacent land uses and in conformance with the 2040 Comprehensive Plan.
11. The traffic study submitted by the applicant recommends several street improvements that are not shown on the site plan. As of the writing of this staff report the City and developer were still discussing the timing of the improvements and who is responsible for installing the improvements. The City hopes to reach an agreement prior to Planning Commission public hearing.

Prepared by:

Tom Cajka  
Planner

**DATE:** November 16, 2011

**APPLICANT:** Tim Gergen  
Olsson Associates  
1111 Lincoln Mall  
Lincoln, NE 68508  
402-458-5914

**OWNER:** NEBCO  
1815 "Y" St.  
Lincoln, NE 68508  
402-441-4169

**CONTACT:** Same as applicant

**COMPREHENSIVE PLAN AMENDMENT NO. 11007,  
ANNEXATION NO. 11003,  
CHANGE OF ZONE NO. 05085A,  
AMENDMENT TO FALLBROOK PLANNED UNIT DEVELOPMENT,  
and  
STREET & ALLEY VACATION NO. 11030**

**PUBLIC HEARING BEFORE PLANNING COMMISSION:**

November 30, 2011

Members present: Esseks, Sunderman, Lust, Gaylor Baird, Butcher, Francis, Weber, Hove and Cornelius.

There were no ex parte communications disclosed.

Staff recommendation: Approval of the comprehensive plan amendment and annexation; conditional approval of the amendment to the PUD, and a finding of conformance with the Comprehensive Plan on the street and alley vacation.

Staff presentation: **Brandon Garrett of the Planning staff** addressed the Comprehensive Plan Amendment which deals with the urban land use designation on the Future Land Use map in the 2040 Comprehensive Plan. The proposal is a change from urban density residential to commercial at the northwest corner of Fallbrook Blvd. and Hwy 34/Purple Heart Highway. The associated applications for the expansion of the PUD will cover the site plan and zoning issues.

As for the land use designation change, Garrett explained that the area of Fallbrook generally, and these northern neighborhoods are generally under-served in terms of commercial opportunities more related to one's daily needs, such as groceries. This center is designated as a mixed use office center which provides largely for an office environment but also accommodates some retail. This series of proposals would increase the square footage to about 900,000 square feet of commercial/retail. This proposal brings the percentage of retail to about 26%, which is roughly what is recommended for mixed use office centers.

Garrett also pointed out that the nearest community sized center is at 84<sup>th</sup> & Adams Streets, which is in development at this time. Beyond that, the nearest two larger types of shopping centers would be the two regional centers, i.e. Downtown and the 27<sup>th</sup> & Superior area (WalMart, HyVee, Sam's, etc.). In order to serve this entire northern neighborhood area better, additional retail in this mixed use type of center would be appropriate given the nature of the neighborhood centers that are established there. There is a neighborhood center somewhat nearby in the Highlands but it is small and does not include a grocery store.

The staff is supportive of this amendment because by having more daily needs met, there would be fewer and shorter vehicular trips and an increased likelihood for pedestrian and bicycle trips within that general area. In the future, there are plans for an extension of N.W. 12<sup>th</sup> Street across Purple Heart Highway that would create an even better connection between the

Highlands neighborhood to the south and to Fallbrook. The staff is recommending approval of the comprehensive plan amendment.

Garrett further explained that community centers are larger than neighborhood centers. There should be more community centers spread throughout the community. In this northern area of the city there seems to be a shortage of that type of opportunity.

Gaylor Baird commented that the Commission has spent the past year working diligently on a community wide process for updating the Comprehensive Plan for the year 2040. A lot of emphasis was placed on pedestrian orientation and reviewing what part of the city should be commercial versus residential, and we looked at mixed use. Gaylor Baird asked the Planning Director to talk about this proposal in terms of its conflicts with the newly adopted Comprehensive Plan.

**Marvin Krout, Director of Planning**, acknowledged that this comprehensive plan amendment was discussed in a workshop preceding this hearing. He repeated for the record that overall, this is a very exemplary project that meets many of the principles and policies in the new Comprehensive Plan, including the new emphasis on mobility and mixed use development. If you look at the commercial development to the east, it is very much “new urbanism” type of design with very walkable streets. The whole development is laid out in a way that makes bicycle and walking attractive, desirable and convenient. However, the original commercial development in this PUD was laid out without a lot of regard to large commercial uses (big boxes). So when the opportunity came to consider the possibility of expansion for that area, including a new grocery store, the developers looked to the west. These discussions began over two years ago, well before we launched the process on the new Comprehensive Plan and before we began to talk about these new principles and more priority on the design of buildings, etc. We did not know what the outcome of those discussions was going to be when we began discussions on this proposal.

Krout further advised that the staff was supportive of this project to encourage a grocery store for this area as an anchor and neighborhood service for the community. There is a mix of uses that is insured by the PUD so there will be that kind of potential for reduction of traffic and walkability. But, because the development plans were underway well before the LPlan 2040 discussions, and because of the nature of the site, the size of the buildings, and the grading in this area (which is somewhat difficult), the staff took the position that the most important thing was to encourage the grocery store to happen. It would be a very complementary use. We have to find a way to integrate large commercial uses – just like cars are going to be part of our future, larger uses are going to be a part as well and we have to find a way to integrate them as much as possible. Krout acknowledged that part of our charge is the design standards – we know the arrangement of parking to buildings and buildings to other buildings is important. But this project was just too far along in the process. We basically considered it a grandfathered use. If we were starting from scratch, we might have planned it somewhat differently.

Gaylor Baird confirmed that if this project were starting today, maybe some of these same concessions would not be up for consideration. Krout agreed.



**Tom Cajka of Planning staff** then addressed the annexation, PUD amendment and street vacation. This application is to amend an existing PUD by adding approximately 38.6 acres and 220,000 square feet of commercial floor area. The area of expansion is west of Fallbrook Boulevard coming in the entrance off Hwy 34. Lot 1 is for the proposed 60,000 sq. ft. grocery store. A condition of approval is that 100,000 sq. ft. of the 220,000 sq. ft. of additional commercial floor area must be set aside for office use, so the maximum retail would be 120,000 square feet. The developer's long range plan is to have the office space in Lot 4, with some smaller retail and office in the other areas.

Cajka pointed out that there will be a bike trail on the north side of Aster Road that will connect up with the existing trails found throughout the development. Nothing else in the existing Fallbrook area changes.

Cajka advised that one area of discussion at length with Public Works involved turn lanes on Fallbrook Boulevard because the turn lanes shown are not as long as what is recommended by the traffic study and by Public Works. At this point, the turn lanes cannot be any longer because of the location of the highway. Planning, Public Works and the developer reached a compromise to add general note #10:

The left-in turn in Fallbrook Boulevard, leading into Lots 1 & 2, Block 34 may be removed by the City if:

- a. Southbound vehicle stacking onto Highway 34 is routinely observed to be blocking the left-in turn to the driveway for Lots 1 & 2, Block 34 or;
- b. Northbound vehicle stacking for a left turn to Waterleaf Drive or to the left-in turn for Lots 1 & 2, Block 34 is observed routinely stacking into a through lane in Fallbrook Boulevard; or
- c. If traffic warrants or vehicle crashes caused by the left-in turn deem the left-in turn movement removal is advisable.

The lot owner of Lot 2, Block 34 will be responsible for posting a \$20,600 bond equal to the cost of removing the left-in turn lane at time of final platting.

Cajka then explained that the area of annexation is 10 acres north of the City Limits which includes Aster Road to N.W. 12<sup>th</sup> Street.

Cajka pointed out that the changes to the General Notes are bold and underlined in the staff report. The developer has requested several waivers, mostly having to do with the signage. The other waiver requests dealing with setbacks and parking are the same waivers that were granted in the previous approval of this PUD.

Gaylor Baird expressed concern about the number of modifications to the signage since the Commission has recently done a lot of work on the sign ordinance. Is all that work for naught in this situation? Is there some reason why the standards are not working? Or is this an incredibly unique situation? If we are granting this many waivers, are we setting some sort of precedent? Cajka explained that a lot of the modifications to the sign ordinance are carried over from the previously approved PUD. The biggest sign is on the corner of 1<sup>st</sup> & Hwy 34 – it is their major subdivision sign – 350 sq. ft., 16 feet tall, which was previously allowed to be 700 sq. ft. (The sign area is calculated differently under the new sign ordinance). This sign is next to the highway with a lot of fast-moving

traffic. Planning staff takes the position that this sign was no larger than what had been previously approved. Gaylor Baird confirmed that the staff considers the waiver to be acceptable because the sign is no larger than previously approved and is next to a highway so visibility is especially important. Cajka agreed.

Cajka went on to point out that the signs located on the major entrances are 150 sq. ft. Most of the signs in the area set aside for offices meet the existing sign ordinance. There are center signs a little larger than what is allowed by the sign ordinance along Hwy 34 at three locations. Gaylor Baird confirmed that the waivers are acceptable because these signs are on the highway. Cajka concurred, along with visibility being an issue.

With regard to the street vacation request, Cajka explained that Fallbrook Boulevard is being redesigned. Right now it has a wide median in the middle and they are going to take some of that median out because they do not need the right-of-way to be out that far. They are requesting that a strip of land on the west side be vacated to be used as part of their future lots. They have to reduce the medians in order to construct the left turn lanes.

Esseks was interested in the requirement to set aside 100,000 square feet for office. Is this a guestimate? Cajka indicated that it is based on what was shown in the developer's traffic study. Cajka believes that the only committed tenant at this time is the grocery store. But, based on the traffic study submitted, the developer has agreed to add the stipulation for the 100,000 sq. ft. of office. Esseks wondered about the impact should anything change in the future and the market does not support the office use. Cajka indicated that the developer could always come back and request an amendment.

Lust inquired how the traffic study determines what is going into the development? Cajka explained that the traffic study has to do with the impact on the existing road network with different uses having different traffic generators. The developer submits the traffic study based on their projected uses, which, in this case, included the office, retail, grocery, bank, and restaurant, etc. **Dennis Bartels of Public Works** also explained that the initial Fallbrook development had a traffic study so the improvements were built on 1<sup>st</sup> Street. When they added this new development with more square footage on the west side of Fallbrook, it changed the numbers from what was in the original traffic study. His assumption was that the developer did not want to pay for additional improvements or start redoing existing improvements for what was already built with the initial approval.

Gaylor Baird returned to the signage issue. She does not believe the staff report sufficiently explains which signs are subject to waivers and how they vary from the sign ordinance. She cannot clearly distinguish what is being waived and whether or not there is something being changed by category. After further discussion, Cajka stated that basically, the center signs and the PUD complex subdivision signs are those that deviate from the sign ordinance and involve waivers. The new signs include three subdivision signs (pointed out on the map) which are the 150 sq. ft. and 16 ft. high signs. That is a new waiver from 32 sq. ft. and 6 ft. tall. Cajka also displayed a rendering of the proposed signage for the MarketPlace.

Lust clarified that the signs involved in the waiver requests are at the corner of 1<sup>st</sup> & Alvo, N.W. 12<sup>th</sup> & Alvo, and N.W. 12<sup>th</sup> & Aster Road. Referring to the sign map, Lust suggested that the

Commission is voting on a request for one 1.A.1 sign (already approved). The new signs are the three 1.A.1 signs and two 1.B signs as shown on page 57 of the agenda. Cajka confirmed that there are six new signs included in the waiver requests. Gaylor Baird confirmed that the justification for the waiver is greater visibility at the entrance points. Cajka agreed.

Krout offered that this is a huge scale project – this is a mile of frontage on Hwy 34. For example, picture South Point which has ½ mile of frontage with more signs than what is being shown here. This is a much reduced number of signs from the potential there could be with a different type of development stripping down the highway with potential for free-standing signs and center signs. These signs are all going to be architecturally controlled by the covenants. It ties back to the overall design and architecture of this development, which to date has been very exemplary. Krout believes there are issues of scale and design that mitigate any increases in area of the signs.

Gaylor Baird explained that she just wanted to understand what the increases in area were and what is being waived.

### Proponents

**1. Tim Gergen, Olsson Associates**, appeared on behalf of Nebco, the developer of Fallbrook. This is a planned neighborhood subdivision which they began working on in 1999, and has slowly matured into a beautiful residential neighborhood in need of amenities. They now have a town center more geared toward a small footprint of boutique shopping, but this part of the community is greatly in need of large scale services of daily needs, such as grocery store and medical services.

Gergen further explained that this phase of Fallbrook is called the MarketPlace, where it gets into more of a large scale footprint shopping where there are pad sites to be sold to landowners for retail, shopping and office use. The office is a conceptual idea for the traffic study, but as they developed the traffic study they realized that northwest Lincoln is in dire need of medical office as well.

With regard to signage, Gergen explained when they first developed Fallbrook, they were cognizant of the desire to retain the natural part of the development. A lot of the buildings were pushed back from the highway, and a lot of those retailers really depend on signage on their buildings to get the users into the development. With setbacks so far from the highway and with 60 mph speed limit on the highway, there is the need to have something to catch the eye of the travelers to bring them into this new shopping center. That is the purpose of the larger signs. This is a planned residential subdivision where we want to dictate the location and users on the signs and not have more signs on the highway. The developer has worked diligently with the city staff for two years on this project and they have come to general consensus on the conditions of approval.

There was no testimony in opposition.

**COMPREHENSIVE PLAN AMENDMENT NO. 11007**

**ACTION BY PLANNING COMMISSION:**

November 30, 2011

Lust moved approval, seconded by Francis.

Francis believes this is an excellent location for an office and retail site as opposed to residential.

Cornelius stated that he is sympathetic to the concerns about the new Comprehensive Plan. This is not something that we might expect to come up under the precepts of the new Plan; however, the Plan is very new and we just discussed before this meeting revisions to the plan that we have yet to make that are simply not new information but refinements of the Plan as it stands. Our community is a big ship and it turns slowly, and we don't have all the design standards in place yet to apply to an application like this. Further, this project was underway as we were discussing the new Plan and proposing design standards in the future. For that reason, he will vote in support of this amendment.

Motion for approval carried 9-0: Esseks, Sunderman, Lust, Gaylor Baird, Butcher, Francis, Weber, Hove and Cornelius voting 'yes'. This is a recommendation to the City Council.

**ANNEXATION NO. 11003**

**ACTION BY PLANNING COMMISSION:**

November 30, 2011

Lust moved approval, seconded by Francis and carried 9-0: Esseks, Sunderman, Lust, Gaylor Baird, Butcher, Francis, Weber, Hove and Cornelius voting 'yes'. This is a recommendation to the City Council.

**CHANGE OF ZONE NO. 05085A,  
AMENDMENT TO THE FALLBROOK P.U.D.**

**ACTION BY PLANNING COMMISSION:**

November 30, 2011

Lust moved to approve the staff recommendation of conditional approval, seconded by Francis. Sunderman complimented Fallbrook for the first large scale development which applies the standards of "new urbanism". It is a fabulous concept.

Gaylor Baird commented that with the care taken in the planning with the fewer number of signs, some size accommodation and the architectural nature of the signs, she accepts that these kinds of waivers make sense.

Cornelius agreed, suggesting that the signage was discussed a lot because in the recent past, the Commission has had a lot of discussion about signs and extensive changes to the sign ordinance. It raises a flag for us whenever we see variances from that ordinance because so much work went into it. But, it is clear here that the reasoning for their differentiation from the ordinance is sound – they are attractive additions to the community and they fit in with the overall design of the community – and for that reason he will support it.

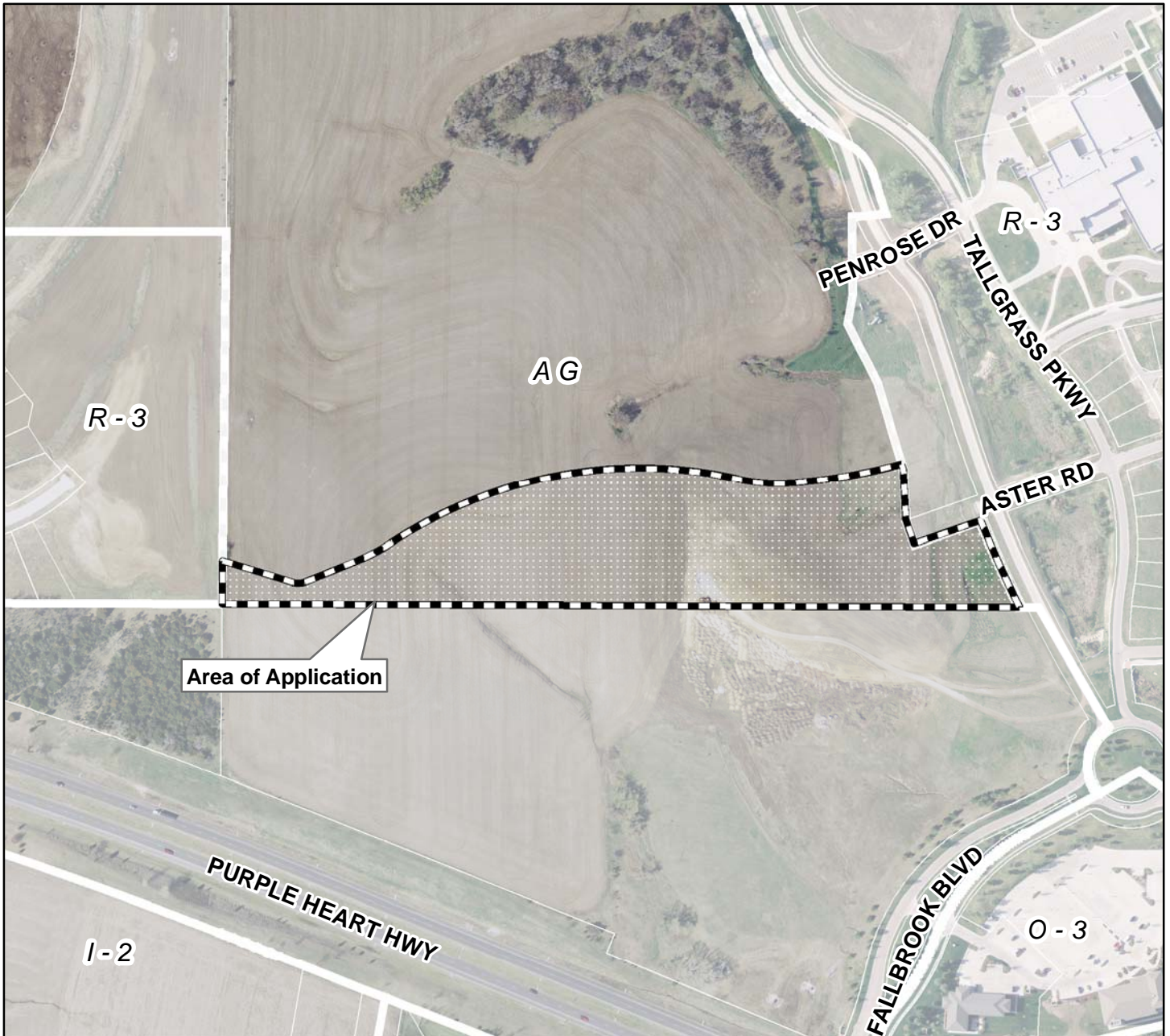
Motion for conditional approval carried 9-0: Esseks, Sunderman, Lust, Gaylor Baird, Butcher, Francis, Weber, Hove and Cornelius voting 'yes'. This is a recommendation to the City Council.

**STREET & ALLEY VACATION NO. 11011**

**ACTION BY PLANNING COMMISSION:**

November 30, 2011

Lust moved a finding of conformance with the Comprehensive Plan, seconded by Francis and carried 9-0: Esseks, Sunderman, Lust, Gaylor Baird, Butcher, Francis, Weber, Hove and Cornelius voting 'yes'. This is a recommendation to the City Council.

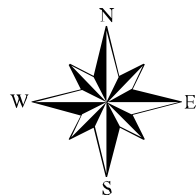


2010 aerial

**Annexation #11003  
Fallbrook Blvd & Tallgrass Prkwy  
Fallbrook**

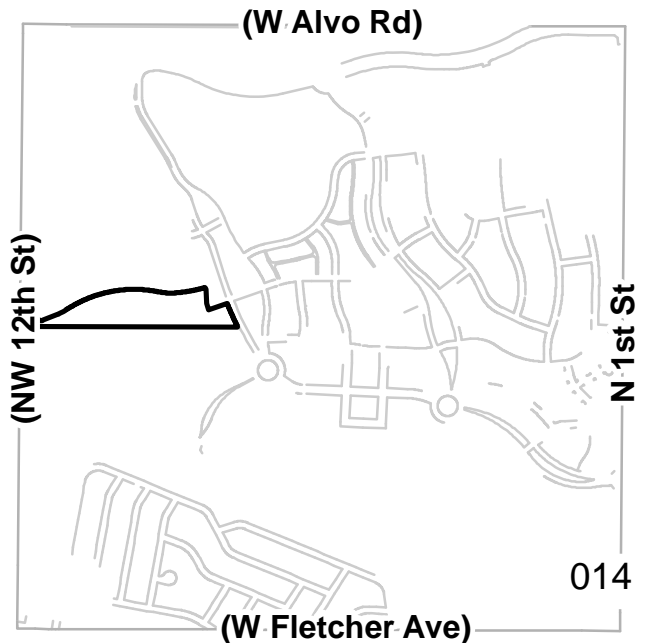
**Zoning:**

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

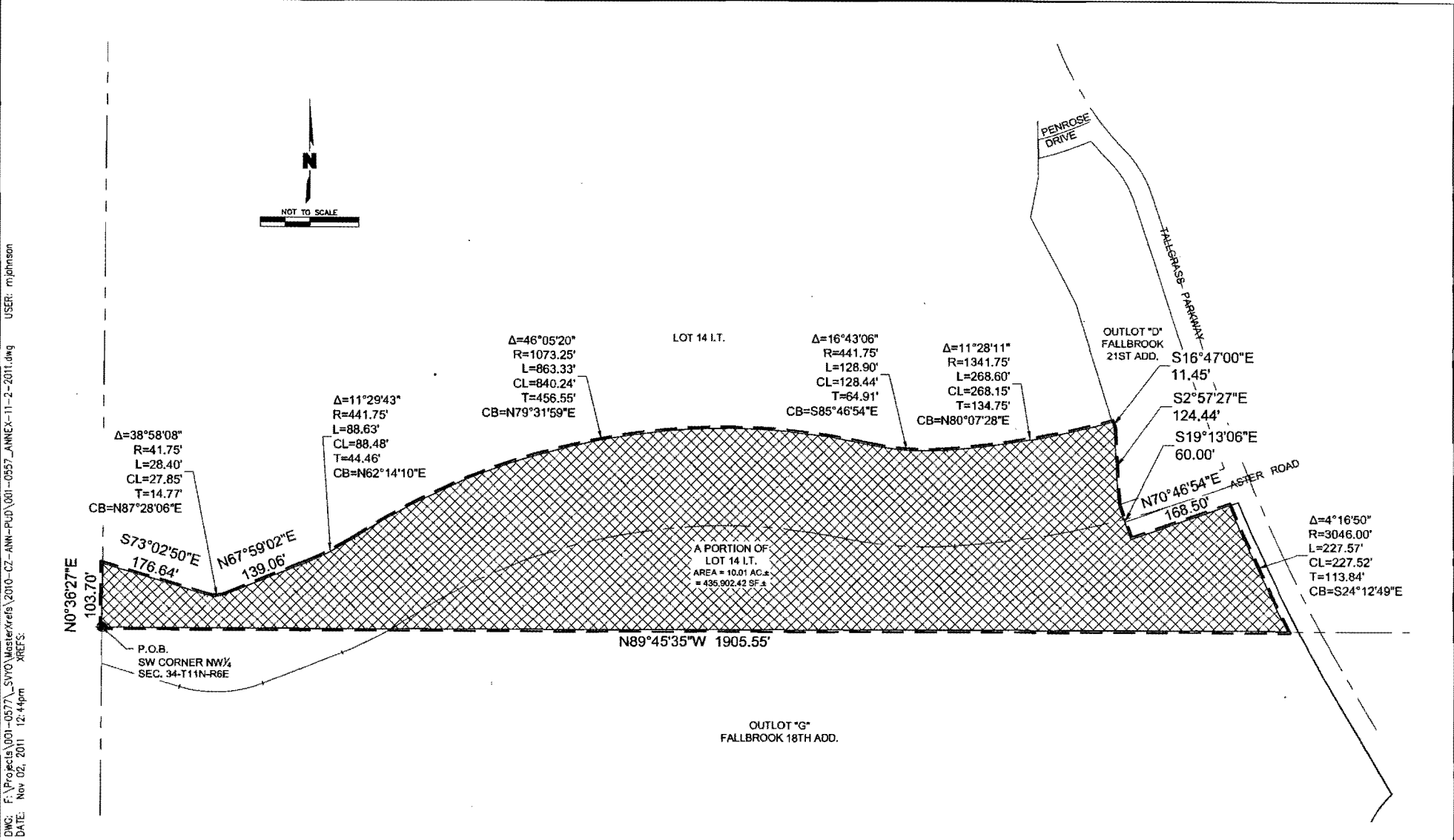


One Square Mile  
Sec. 34 T11N R06E

	Area of Application
	Zoning Jurisdiction Lines
	City Limit Jurisdiction



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 DATE: Nov 02, 2011 12:44pm  
 USER: mjphmsn  
 XREFS:



PROJECT NO:	001-0557
DRAWN BY:	MRJ
DATE:	11/02/2011

FALLBROOK  
ANNEXATION

**MOLSSON ASSOCIATES**

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 FAX 402.474.5160

EXHIBIT	1
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**LEGAL DESCRIPTION  
ANNEXATION**

A LEGAL DESCRIPTION FOR A TRACT OF LAND COMPOSED OF A PORTION OF LOT 14 I.T. LOCATED IN THE NORTHWEST QUARTER OF SECTION 34, TOWNSHIP 11 NORTH, RANGE 6 EAST OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 14 I.T., SAID POINT BEING THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 34; THENCE NORTHERLY ON THE WEST LINE OF SAID LOT 14 I.T., SAID LINE BEING THE WEST LINE OF SAID NORTHWEST QUARTER ON AN ASSUMED BEARING OF N00°36'27"E, A DISTANCE OF 103.70' TO A POINT; THENCE S73°02'50"E, A DISTANCE OF 176.64' TO A POINT OF CURVATURE FOR A CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 38°58'08", A RADIUS OF 41.75', AN ARC LENGTH OF 28.40', A TANGENT LENGTH OF 14.77', A CHORD DISTANCE OF 27.85', AND A CHORD BEARING OF N87°28'06"E TO A POINT; THENCE N67°59'02"E, A DISTANCE OF 139.06' TO A POINT OF CURVATURE FOR A CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 11°29'43", A RADIUS OF 441.75', AN ARC LENGTH OF 88.63', A TANGENT LENGTH OF 44.46', A CHORD DISTANCE OF 88.48', AND A CHORD BEARING OF N62°14'10"E TO A POINT OF REVERSE CURVATURE FOR A CURVE IN A CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 46°05'20", A RADIUS OF 1,073.25', AN ARC LENGTH OF 863.33', A TANGENT LENGTH OF 456.55', A CHORD DISTANCE OF 840.24', AND A CHORD BEARING OF N79°31'59"E TO A POINT OF REVERSE CURVATURE FOR A CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 16°43'06", A RADIUS OF 441.75', AN ARC LENGTH OF 128.90', A TANGENT LENGTH OF 64.91', A CHORD DISTANCE OF 128.44', AND A CHORD BEARING OF S85°46'54"E TO A POINT OF COMPOUND CURVATURE FOR A CURVE IN A COUNTER CLOCKWISE HAVING A CENTRAL ANGLE OF 11°28'11", A RADIUS OF 1,341.75', AN ARC LENGTH OF 268.60', A TANGENT LENGTH OF 134.75', A CHORD LENGTH OF 268.15' AND A CHORD BEARING OF N80°07'28"E TO A POINT OF INTERSECTION WITH A WEST LINE OF OUTLOT "D", FALLBROOK 21<sup>ST</sup> ADDITION; THENCE S16°47'00"E ON A EAST LINE OF SAID LOT 14 I.T., SAID LINE BEING A WEST LINE OF SAID OUTLOT "D", A DISTANCE OF 11.45' TO A POINT; THENCE S02°57'27"E ON A EAST LINE OF SAID LOT 14 I.T., SAID LINE BEING A WEST LINE OF SAID OUTLOT "D", A DISTANCE OF 124.44' TO THE SOUTHWEST CORNER OF SAID OUTLOT "D", SAID POINT BEING THE NORTHWEST RIGHT-OF-WAY CORNER OF ASTER ROAD; THENCE S19°13'06"E ON A EAST LINE OF SAID LOT 14 I.T., SAID LINE BEING THE WEST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 60.00' TO THE SOUTHWEST CORNER OF SAID RIGHT-OF-WAY; THENCE N70°46'54"E ON A NORTH LINE OF SAID LOT 14 I.T., SAID LINE BEING THE SOUTH LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 168.50' TO A NORTH CORNER OF SAID LOT 14 I.T., SAID POINT BEING A NORTHWEST CORNER OF OUTLOT "G", FALLBROOK 18<sup>TH</sup> ADDITION, SAID POINT ALSO BEING A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 04°16'50", A RADIUS OF 3,046.00', AN ARC LENGTH OF 227.57' ON A EAST LINE OF SAID LOT 14, SAID LINE BEING A WEST LINE OF SAID OUTLOT "G", A TANGENT LENGTH OF 113.84', A CHORD LENGTH OF 227.52', AND A CHORD BEARING OF



S24°12'49"E TO THE SOUTHEAST CORNER OF SAID LOT 14 I.T., SAID POINT BEING ON THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 34; THENCE N89°45'35"W ON THE SOUTH LINE OF SAID LOT 14 I.T., SAID LINE BEING THE SOUTH LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 1,905.55' TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA OF 435,902.42 SQUARE FEET OR 10.01 ACRES, MORE OR LESS.

Wednesday, November 02, 2011

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