

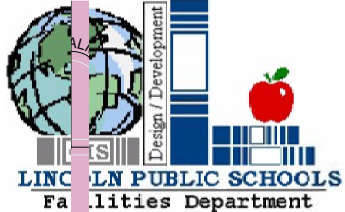
Lincoln City Limits Annexation & Affected LPS Boundaries

Vintage Heights 96th & Glass Ridge Dr

**Annexation 06004
Lincoln City Limits
Passed - 7/24/2006
Calvert, Pound & Southeast
Attendance Areas**

**Annexation 06004
Lincoln City Limits
Passed - 7/24/2006
Calvert, Pound & Southeast
Attendance Areas**

Date: 8/29/2006



InterLine

l i n c o l n . n e . g o v



City of Lincoln
City Clerk

Document Management Search

Type	ORDINANCE	Document Number	18771
Sub Type	ANNEXATIONS	First Reading	7/10/2006
Status	PASSED	Second Reading	7/17/2006
Department Code	CITY ATTORNEY	Final Date	7/24/2006
Contractor		Bill Number	06-116
Bid		File Number	
Specification			
Subject Matter			
ANNEXATION 06004 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 51.1 ACRES OF PROPERTY GENERALLY LOCATED AT SOUTH 91 STREET AND ANDERMATT DRIVE. (RELATED ITEMS: 06-116, 06-117, 06R-134) 7/24/06 - PASSED, 7-0. (#18771)			
Book Number	203	Miscellaneous Index	A
Book Page Numbers	597, 606, 625	Instrument Number	
Public Hearing Pages	604	Record Control Number	

[Document Management Search](#)

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06-116
Annexation No. 06004 - Southlake

Introduce: 7-10-06

ORDINANCE NO. 18771

1 AN ORDINANCE annexing and including the below described land as part of the
2 City of Lincoln, Nebraska and amending the Corporate Limits Map attached to and made a part
3 of Ordinance No. 18208, to reflect the extension of the corporate limits boundary of the City of
4 Lincoln, Nebraska established and shown thereon.

5 BE IT ORDAINED by the City Council of the City of Lincoln, Nebraska:

6 Section 1. That the land legally described as follows:

7 Lot 36 I.T., Lot 101 I.T., a portion of Lot 66 I.T., a portion of Lot 71
8 I.T., and a portion of Lot 100 I.T., all located in the East Half of
9 Section 23, Township 9 North, Range 7 East of the 6th p.m., City of
10 Lincoln, Lancaster County, State of Nebraska, and more particularly
11 described as follows:

12 Commencing at the northwest corner of said Lot 100 I.T.; thence
13 southeasterly along a westerly line of said Lot 100 I.T., said line
14 being an east line of South 91st Street right-of-way on an
15 assumed bearing of south 27 degrees 39 minutes 47 seconds
16 east, a distance of 54.44 feet to a point of curvature; thence along
17 a curve in a clockwise direction, having a delta angle of 00
18 degrees 47 minutes 06 seconds, a radius of 1,065.00 feet, an arc
19 length of 14.59 feet, a chord bearing of south 27 degrees 16
20 minutes 14 seconds east along a west line of said Lot 100 I.T.,
21 said line being an east line of said right-of-way, and a chord
22 distance of 14.59 feet to a point, said point being the point of
23 beginning; thence north 75 degrees 00 minutes 41 seconds east,
24 a distance of 1,854.76 feet to a point of intersection with the east
25 line of Lot 100 I.T., said point being on the west line of South 98th
26 Street right-of-way; thence south 00 degrees 07 minutes 15
27 seconds east along the east line of said Lot 100 I.T., and the east
28 line of Lot 101 I.T., said line being the west line of said right-of-
29 way, said line being 33.00 feet west of and parallel with the east
30 line of the Northeast Quarter of said Section 23, a distance of
31 839.84 feet to the southeast corner of said Lot 101 I.T., said point
32 being on the north line of Lot 36 I.T.; thence south 89 degrees 52
33 minutes 55 seconds east along the north line of said Lot 36 I.T.,
34 said line being the north line of the Southeast Quarter of said
35 Section 23, a distance of 33.00 feet to the northeast corner of said

1 Lot 36 I.T., said point being the northeast corner of said Southeast
2 Quarter; thence south 00 degrees 07 minutes 24 seconds east
3 along the east line of said Lot 36 I.T., and the east line of Lot 66
4 I.T., said line being the east line of said Southeast Quarter, a
5 distance of 892.05 feet to a point; thence south 90 degrees 00
6 minutes 00 seconds west, a distance of 405.86 feet to a point of
7 curvature; thence along a curve in a clockwise direction, having a
8 delta angle of 18 degrees 12 minutes 50 seconds, a radius of
9 1,033.00 feet, an arc length of 328.38 feet, a chord bearing of
10 north 80 degrees 53 minutes 35 seconds west, and a chord
11 distance of 327.00 feet to a point of tangency; thence north 71
12 degrees 47 minutes 10 seconds west, a distance of 66.44 feet to a
13 point of curvature; thence along a curve in a clockwise direction,
14 having a delta angle of 09 degrees 27 minutes 28 seconds, a
15 radius of 1,033.00 feet, an arc length of 170.52 feet, a chord
16 bearing of north 67 degrees 03 minutes 26 seconds west, and a
17 chord distance of 170.33 feet to a point of tangency; thence north
18 62 degrees 19 minutes 42 seconds west, a distance of 211.09 feet
19 to a point of curvature; thence along a curve in a clockwise
20 direction, having a delta angle of 07 degrees 22 minutes 03
21 seconds, a radius of 558.00 feet, an arc length of 71.75 feet, a
22 chord bearing of north 58 degrees 38 minutes 40 seconds west,
23 and a chord distance of 71.70 feet to a point of curvature of a non
24 tangent curve; thence along a curve in a clockwise direction,
25 having a delta angle of 139 degrees 51 minutes 42 seconds, a
26 radius of 97.00 feet, an arc length of 236.78 feet, a chord bearing
27 of north 50 degrees 22 minutes 50 seconds west, and a chord
28 distance of 182.22 feet to a point of curvature of a non tangent
29 curve; thence along a curve in a clockwise direction, having a
30 delta angle of 30 degrees 11 minutes 37 seconds, a radius of
31 573.00 feet, an arc length of 301.96 feet, a chord bearing of north
32 21 degrees 22 minutes 57 seconds west, and a chord distance of
33 298.48 feet to a point; thence north 46 degrees 20 minutes 45
34 seconds west, a distance of 30.16 feet to a point of curvature of a
35 non tangent curve; thence along a curve in a clockwise direction,
36 having a delta angle of 02 degrees 18 minutes 57 seconds, a
37 radius of 581.00 feet, an arc length of 23.48 feet, a chord bearing
38 of north 85 degrees 15 minutes 43 seconds west, and a chord
39 distance of 23.48 feet to a point of tangency; thence north 84
40 degrees 06 minutes 15 seconds west, a distance of 204.69 feet to
41 a point; thence south 49 degrees 44 minutes 20 seconds west, a
42 distance of 27.71 feet to a point of intersection with a west line of
43 lot 71 I.T., said point being on the east line of South 91st Street
44 right-of-way, said point being the point of curvature of a non
45 tangent curve; thence along a curve in a counter clockwise
46 direction, having a delta angle of 30 degrees 59 minutes 52

1 seconds, a radius of 1,065.00 feet, an arc length of 576.18 feet, a
2 chord bearing of north 11 degrees 22 minutes 44 seconds west
3 along the west line of said Lot 71 I.T., and the west line of Lot 101
4 I.T., said line being the east line of said right-of-way, and a chord
5 distance of 569.18 feet to the point of beginning, said tract
6 contains a calculated area of 2,225,002.2127 square feet or
7 51.0790 acres, more or less;

8 be and it hereby is annexed and included within the corporate limits of the City of Lincoln,
9 Nebraska and is hereby made a part of the City of Lincoln, Nebraska for all purposes.

10 Section 2. That the "Corporate Limits Map" attached to and made a part of
11 Ordinance No. 18208, be and it is hereby amended to extend the corporate limits boundary of
12 the City of Lincoln, Nebraska, to reflect the above extension of the corporate limits boundary of
13 the City of Lincoln. Said map amendment is shown on Attachment "A" which is attached hereto
14 and made a part hereof by reference.

15 Section 3. Pursuant to Article VII, Section 7 of the City Charter, this ordinance
16 shall be posted on the official bulletin board of the City in lieu of and in place of newspaper
17 publication with notice of passage and such posting to be given by publication one time in the
18 official newspaper by the City Clerk. This ordinance shall take effect and be in force from and
19 after its passage and publication as herein and in the City Charter provided.

Introduced by:



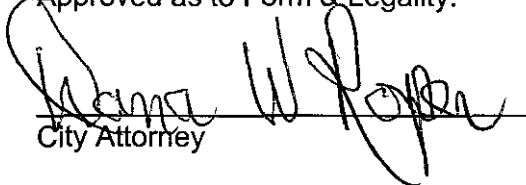
AYES: Camp, Cook, Eschliman,
Marvin, McRoy, Newman, Svoboda;
NAYS: None.

PASSED

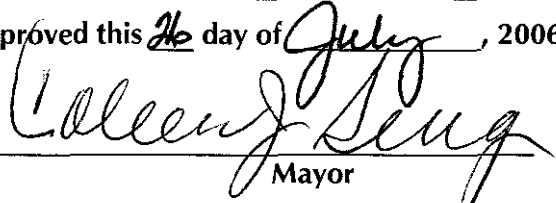
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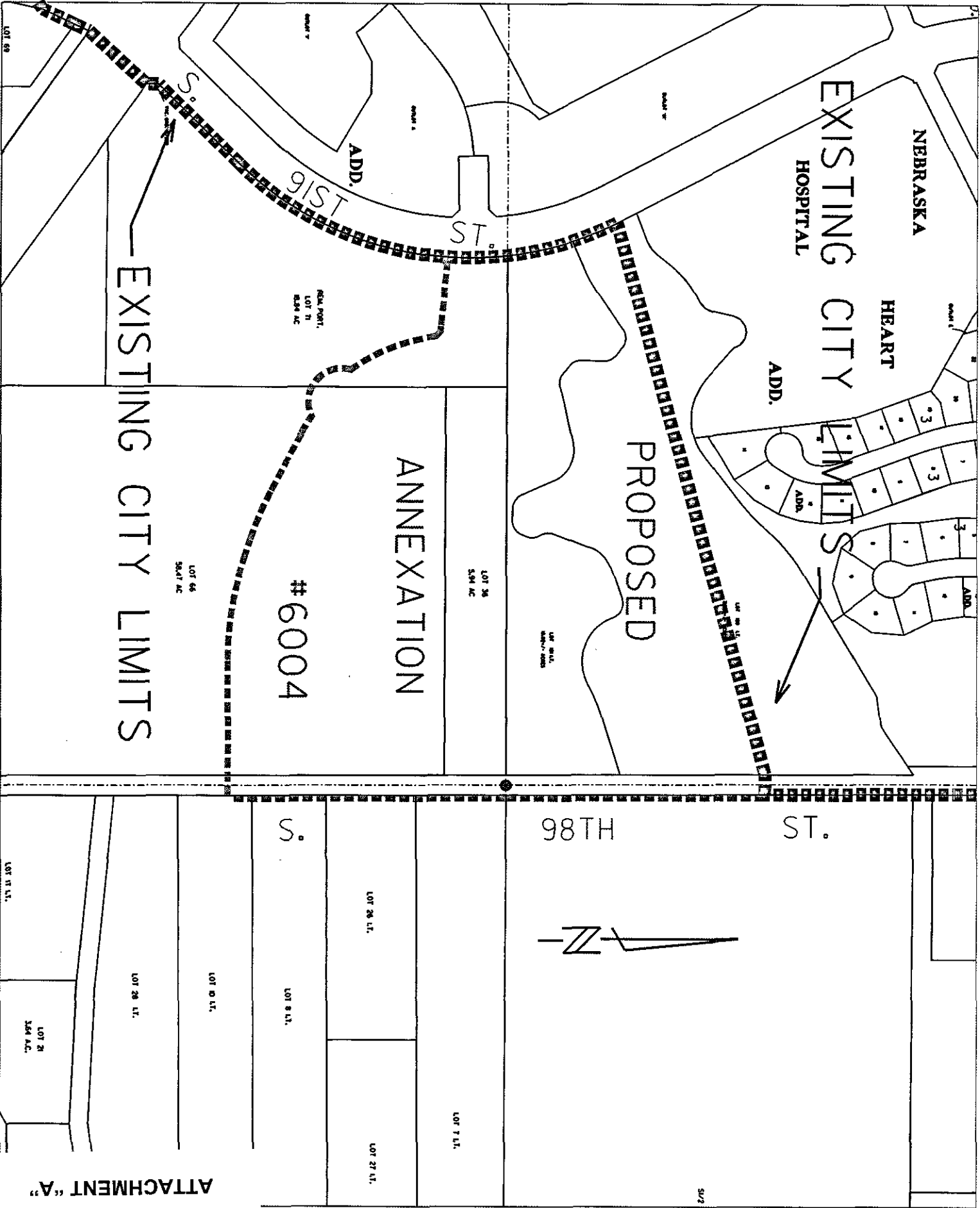
BY CITY COUNCIL

Approved as to Form & Legality:



City Attorney

Approved this 26 day of July, 2006:

Mayor



CITY OF LINCOLN

Request for: Ordinance
 Resolution

(Do Not Write in this Space)

Bill Control No. 06-116 Date: 6/28

Docketing Date 7/10; PH: 7-17-06

(To Be Entered by City Clerk)

DATE June 27, 2006	REQUEST MADE BY Marvin S. Krout, Director	DEPARTMENT Planning
DESIRED DOCKET DATE: July 10, 2006	IF EMERGENCY, GIVE REASON (See Art. 6, Sec. 2 of Charter)	
Emergency Measure Required: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		

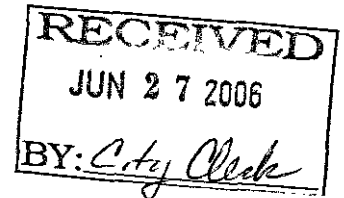
REASONS OR JUSTIFICATION FOR PROPOSED LEGISLATION

Request for Ordinance for Council action on **ANNEXATION NO. 06004**, requested by Eiger Corporation, to annex approximately 51.1 acres, more or less, generally located at South 91st Street and Andermatt Drive.

On March 29, 2006, the Planning Commission recommended approval.

ASSOCIATED REQUESTS: The following applications are associated requests and should be scheduled for hearing at the same time with action in the following sequence:

Annexation No. 06004 06-116
Change of Zone No. 06016 06-117
Use Permit No. 06003, Southlake Office Park 06R-134



REQUESTOR <input checked="" type="checkbox"/> DOES <input type="checkbox"/> DOES NOT	WISH TO REVIEW AND APPROVE THIS/ ORDINANCE PRIOR TO ITS INTRODUCTION	 DIRECTOR'S SIGNATURE	<u>6/27/06</u> DATE
---	---	--	------------------------

TO BE USED BY THE FINANCE DEPARTMENT

BUDGET REVIEW	DATE:	ACCOUNT NUMBER AND APPROPRIATE BALANCES	DATE:	FUND AVAILABILITY APPROVED	DATE:
			DIRECTOR OF FINANCE SIGNATURE		

DISTRIBUTION

Return two (2) copies to City Clerk for Docket Number

FACTSHEET

TITLE: ANNEXATION NO. 06004, requested by Eiger Corporation, to annex approximately 51.1 acres, more or less, generally located at South 91st Street and Andermatt Drive.

STAFF RECOMMENDATION: Approval, subject to an Annexation Agreement, if needed.

ASSOCIATED REQUESTS: Change of Zone No. 06016 (06-117) and Use Permit No. 06003 (06R-134).

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 03/15/06 and 03/29/06
Administrative Action: 03/29/06

RECOMMENDATION: Approval, subject to an Annexation Agreement, if needed (9-0: Larson, Carroll, Esseks, Strand, Cornelius, Taylor, Sunderman, Krieser and Carlson voting 'yes';).

FINDINGS OF FACT:

1. This request to annex approximately 51.1 acres was heard before the Planning Commission in conjunction with the associated change of zone to R-3 and O-3, the Southlake Office Park use permit and Southlake Community Unit Plan, to allow up to 50,000 sq. ft. of office space on 4.8 acres and up to 90 dwelling units on 46.3 acres.
2. The staff recommendation to approve the annexation request is based upon the "Analysis" as set forth on p.4-6, concluding that the proposal is consistent with the Comprehensive Plan.
3. This proposal was delayed two weeks to allow advertising of a waiver to the sign code for the use permit.
4. The minutes of the public hearing before the Planning Commission are found on p.8-10.
5. There was no testimony in opposition.
6. On March 29, 2006, the Planning Commission agreed with the staff recommendation and voted 9-0 to recommend approval, subject to an Annexation Agreement, if needed.
7. Except for a small parcel (Lot 36 I.T.), the area of annexation is already covered by the existing annexation agreement associated with Appian Way (Annexation No. 01006). Lot 36 will be subject to impact fees after annexation. Thus, it has been determined that another annexation agreement is not needed.
8. On March 29, 2006, the Planning Commission also voted 9-0 to approve the associated change of zone and use permit. The Planning Commission also adopted Resolution No. PC-00987 approving the Southlake Community Unit Plan.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: July 3, 2006

REVIEWED BY: 

DATE: July 3, 2006

REFERENCE NUMBER: FS\CC\2006\ANNEX.06004+

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for March 29, 2006 PLANNING COMMISSION MEETING

REVISED REPORT

****As Revised and Recommended for Conditional Approval
by Planning Commission: March 29, 2006**

This is a combined staff report for related items with a single background and analysis for all items, but with separate conditions for individual applications where appropriate.

PROJECT #: **Annexation #06004**
Change of Zone #06016
Use Permit #06003 - Southlake Office Park

PROPOSAL: To annex approximately 51.1 acres of land with a change of zone from AG to R-3 and O-3 to allow for up to 50,000 square feet of office space. It also allows for a community unit plan (CUP) for up to 90 dwelling units in an associated application not covered by this report.

LOCATION: South 91st Street and Andermatt Drive

LAND AREA: **Annexation - Approximately 51.1 acres.**
Change of Zone - Approximately 51.1 acres.
Use Permit#06003 - Approximately 4.8 acres.

CONCLUSION: The waivers requested are appropriate and are typical for this type of development. A comprehensive plan amendment approved in 2003 designated commercial land uses on a portion of this site and is reflected in the zoning pattern proposed in the change of zone request. These requests are consistent with the Comprehensive Plan, and subject to the conditions of approval comply with the requirements of the Zoning Ordinance.

<u>RECOMMENDATION:</u> <u>Annexation #06004</u> Change of Zone #06016 UP#06003	<u>Conditional Approval</u> Approval Conditional Approval
---	--

GENERAL INFORMATION:

LEGAL DESCRIPTION: See attached separate legal descriptions for the annexation, change of zone, and use permit.

EXISTING ZONING: Ag Agriculture

PROPOSED ZONING: R-3 Residential, O-3 Office

EXISTING LAND USE: Vacant undeveloped land and a single residence.

SURROUNDING LAND USE AND ZONING:

North:	Open Space, Residential	R-3
South:	Undeveloped	AG
East:	Acreage Residential	AG
West:	Commercial	B-5

ASSOCIATED APPLICATIONS:

SP#06014 - A special permit for Southlake CUP to allow for up to 90 dwelling units on approximately 46.3 acres of land.

HISTORY:

July 16, 2003 - CPA#03018 was approved changing the land use designation from urban residential to commercial on approximately 44 acres located northeast of South 91st Street and Highway 2.

November 5, 2001 - AN#01006 was approved and included an annexation agreement that generally included the area bounded by Pine Lake Road and Highway 2, and South 84th and South 98th Streets, but did not include all the area of the current requests.

COMPREHENSIVE PLAN SPECIFICATIONS:

Page F17 - Overall Form - Maximize the community's present infrastructure investment by planning for 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 older neighborhoods, and encouraging a greater amount of commercial space per acre and more dwelling units per acre in new neighborhoods.

Page F25- This site is designated for urban residential and commercial land uses in the Land Use Plan.

Page F27 - Urban Growth Tiers - This site is in Tier 1, Priority Area A of the City's Future Service Limit.

Page F43 - Regional Centers - South 84th Street and Highway 2 - CPA# 03018 redesignated the future land use on a 44 acre tract of land located on the northeast corner of 91st Street and Highway 2. The Amendment changes the intended uses on this tract from "urban residential" to "commercial," and extends the "parks and open space" buffer along Highway 2. This Plan amendment is meant to provide greater market and design flexibility in the development of the previously approved planned mixed use regional center on this site. This redesignation of land uses on the 44 acre tract is made under the following conditions: (1) the "P.M. peak hour trip cap" contained in the approved Annexation and Zoning Agreement for the Regional Center site remains unchanged (which recognizes the severe capacity limitation along the Highway 2 travel corridor and the community's desire to promote this corridor as a "desirable entryway" into the city); (2) the commitment to the pedestrian/biker trail along this site remains in place; (3) development of this area will respect the site's natural and environmental features; (4) elimination of the "Special Residential Use" condition on this site and the elimination of the "Transitional Use" designation on the northwest corner of the intersection of 91st and Highway 2; (5) the development remains committed to a mix of commercial and residential uses as part of a cohesive activity center; and, (6) retention of all other goals and conditions of the "Southeast Lincoln/Highway 2 Subarea Plan."

Page F156 - Subarea Planning - Southeast Lincoln/Highway 2 Subarea Plan.

Southeast Lincoln/Highway 2 Subarea Plan:

Figure 2 - Designates urban residential and commercial land uses for this site.

Page 9 -Clarify the appropriate size and type of uses in the Center at 84th & Highway 2: This subarea plan designates the area from approximately 91st to 98th for predominately residential uses, while including a 44 acre tract for a mix of commercial uses at the northeast corner of 91st and Highway 2. The overall site includes a regional center with approximately 1.9 million SF of commercial space — larger than the present Westfield shopping center. The plan encourages the planned center at 84th and Highway 2 to develop with a mix of uses, including residential and appropriate transitions to existing residential areas.

UTILITIES: Sanitary sewer and water are available to serve this site.

TRAFFIC ANALYSIS: South 91st Street is planned to be a four-lane arterial street. The two center lanes and medians have been installed by the developer per the annexation agreement, with the remaining lanes to be installed by the City. South 98th Street is a gravel road from Pine Lake Road to Highway 2, and the Comprehensive Plan does not designate this portion as an arterial street, but notes it is under study. The developer is required to use best efforts to make improvements in South 98th Street by 2007.

Andermatt Drive is a local street and is shown connecting South 91st and South 98th Streets. It will serve both the proposed development on the north side of the street, and potentially another 40 acres of commercial uses and several hundred dwelling units on the south side. Andermatt Drive and the private roadways serving the residential units are the developers responsibility to install. All office and commercial development covered by the annexation agreement are subject to the trip generation limits that are part of the agreement.

PUBLIC SERVICE: The site will be served by City of Lincoln Fire and Police Departments. The nearest fire station is at South 84th and South Streets.

BACKGROUND:

The Planning Commission voted to delay these applications at their March 15, 2006 hearing at the applicant's request. The delay allowed the application to be modified to include an adjustment to O-3 sign requirements, and for re-advertisement of the legal notice to include the requested adjustment.

ANALYSIS:

1. This request includes annexation, change of zone, and use permit applications. An associated request, SP#06014, is for a 90-dwelling unit CUP and is covered in a separate report. The annexation, change of zone and use permit must be approved by City Council, and the special permit by Planning Commission.
2. This area is covered by the annexation agreement approved as part of AN#01006. It included a cap on the number of vehicle trips that could be generated by development within the area covered by the agreement based upon the uses and amounts of floor area shown. While the residential dwelling units in the proposed CUP do not count against the trip cap, the office floor area in the O-3 area does. The impact of the proposed office floor area on the overall trip cap must be provided as part of this application to document the number of allocated and unused trips. Public Works notes that the traffic memo submitted with these applications does not provide enough

information to review, approve, or deny any of the additional connections to South 91st and 98th Streets south of this development. Additionally, the 'Specialty Retail' land use type used in the traffic memo does not list specific land uses and it is not clear what it includes. Prior to use of that designation in land use tables or trip generation calculations it must be defined to the satisfaction of City staff.

3. Former Lot 36 I.T. appears to have been under separate ownership at the time of AN#01006 when the Prairie Lakes shopping center was annexed, and does not appear to have been included in the original annexation agreement for the larger area. If it was not included, the owner may be required to enter into an annexation agreement for any areas not previously covered as a condition of this annexation.
4. These applications were originally submitted as part of a PUD. It was revised to include a special permit for a community unit plan (CUP) and a use permit consistent with the intent of the Zoning Ordinance. The boundary of the overall development must be revised to exclude that portion north of the city limit, and all references to a PUD must be deleted.
5. The annexation request includes 51.1 acres encompassing the 4.8 acres for the use permit and 46.3 acres for the associated CUP. The use permit shows building envelopes for four buildings, each approximately 8,000 square feet in area. The requested allowed uses include health care facilities, clubs, mail order catalog sales, and medical testing laboratories are allowed in the O-3. The Comprehensive Plan designates commercial land uses for the area proposed for O-3, and the proposed use permit is consistent with that designation.
6. Andermatt Drive is shown as a local commercial street 33' in width. It will also serve the area to the south which can potentially include up to 40 acres of office and commercial floor area, and several hundred dwelling units. Lincoln Municipal Code (LMC) requires that street grades be projected 300' beyond the limit of the development to allow for review of proposed the street layout alignment. This includes South 94th, South 96th, and South 97th Streets on the site plan.
7. Several waivers are requested:
 1. Waive front, side and rear setbacks - This request is appropriate given the uses proposed and the separation shown between the O-3 and R-3 proposed. The dimensions for the minimum setback to buildings from the boundary of the use permit must be included to maintain the separation between the office buildings and dwelling units. The landscaping should also be enhanced along O-3/R-3 boundary to offset the reduced setback. The notes allow for lot dimensions to vary at the time of final plat.
 2. Transfer of sewage between drainage basins - Public Works recommends approval of this request.
 3. Allow sanitary sewer lines to exceed maximum depth - Public Works recommends approval of this request.

4. Exceed minimum tangent length between non-compound horizontal curves - Public Works recommends approval of this request.
5. Allow sanitary sewer to be constructed non-parallel to the centerline of the street - Public Works recommends approval of this request.
6. Allow lot lines non-perpendicular to the right-of-way - Several lots adjacent to curves in the private roadways are not perpendicular to the street. The deviations are not severe and the waiver should be approved.
7. Allow lots that do not front upon a public street or private roadway - This allows for the lots to be surrounded by a common outlot and open space. This request is common in CUP's and use permits when lots are provided internal access via private roadways and should be approved.
8. The sign regulations for the O-3 allow one ground sign per vehicular access. The sign is limited to 8' in height and 32 square feet in area, and can be used to identify both the office park and tenants. The sign must be located near the driveway entrance off Andermatt Drive. The requested adjustment seeks to allow the sign to be moved to the west near the intersection of Andermatt Drive and South 91st Street. The proposed location will provide better visibility from the arterial street and better serve to identify the office complex with little impact upon surrounding properties.
8. The private roadways are shown as being 24' wide, however a waiver was not requested. The standard 27'-wide roadway width must be shown.
9. Sidewalks are required on both sides of all streets, but are not shown on the plan. Sidewalks also need to be shown providing pedestrian access throughout the office complex, including a connection from the complex to the sidewalk along South 91st Street and to the sidewalks in the CUP.
10. Several minor revisions to the notes are required and are listed in the conditions of approval.

CONDITIONS OF APPROVAL:

AN#06004

1. Enter into an annexation agreement with the City of Lincoln if required.

Prepared by

Brian Will
441-6362, bwill@lincoln.ne.gov
Planner
March 15, 2006

**APPLICANT/
OWNER:**

Eiger Corp.
RR1, Box 93 A
Adams, NE 84608
402.788.2572

CONTACT:

Scott Osterhaus
Olsson Associates
1111 Lincoln Mall
Lincoln, NE 68508
402.474.6311

**ANNEXATION NO. 06004;
CHANGE OF ZONE NO. 06016;
SPECIAL PERMIT NO. 06014,
SOUTHLAKE COMMUNITY UNIT PLAN;
and
USE PERMIT NO. 06003**

PUBLIC HEARING BEFORE PLANNING COMMISSION:

March 15, 2006

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

Staff recommendation: Approval of the annexation, subject to an Annexation Agreement; approval of the change of zone; and conditional approval of the community unit plan and use permit.

Ex Parte Communications: None.

The Clerk announced that the applicant has submitted a request for a two-week deferral to advertise an additional waiver on the use permit.

Taylor made a motion to defer two weeks, with continued public hearing and action scheduled for March 29, 2006, seconded by Strand and carried 8-0: Sunderman, Strand, Esseks, Krieser, Taylor, Larson, Carroll and Carlson voting 'yes'.

There was no public testimony.

CONT'D PUBLIC HEARING BEFORE PLANNING COMMISSION:

March 29, 2006

Members present: Esseks, Taylor, Carroll, Larson, Krieser, Strand, Cornelius, Sunderman and Carlson.

Staff recommendation: Conditional approval of the annexation, special permit and use permit, and approval of the change of zone.

Ex Parte Communications: None

Proponents

1. **DaNay Kalkowski** appeared on behalf of **Eiger Corp.**, the applicant and owner of property located east of 91st, west of 98th, north of Hwy 2 and south of Prairie Lake, just east of the regional shopping center.

This is a request for annexation, change of zone to O-3 and use permit for 42,000 sq. ft. of office uses for the area located directly to the east of 91st Street (4 acres). This is also a request for annexation, change of zone to R-3 and a CUP for 90 dwelling units further to the east all the way over to 98th Street. In 2003, the city approved a Comprehensive Plan

Amendment that showed a portion of the area east of 91st Street as commercial, and the remainder as residential. As part of that amendment process, Eiger worked with the Heritage Lakes neighbors to the north, which resulted in the filing of some private covenants on the Eiger property south of the lake. The covenants govern the size, height and look of the office buildings in the use permit. The covenants also impose many of the Heritage Lakes covenant standards on the residential area that are being proposed today.

Kalkowski agreed with the conditions of approval, as revised; however, she requested one additional condition on the use permit:

#2.1.1.16 Reduce the size of the buildings to no more than 8,000 sq. ft. of floor area and add a note that states, "No building shall be greater than 8,000 sq. ft. or 28 feet in height".

The private covenants Eiger entered into with the neighbors require that no building be greater than 8,000 sq. ft. or 28 feet in height. The site plan shows three buildings with an 8,000 sq. ft. footprint. Some have additional square footage on the lower level because of walkouts. This will amend the plan to show the buildings with the total size of no more than 8,000 sq. ft. and add a condition to the site plan stating this restriction on size and height. This simply provides additional notice in case any of the office lots are sold and it will show up on the plan.

Kalkowski advised that the developer met with the neighbors on March 16th, with five neighbors attending. Condition #2.1.1.16 is to address one of the concerns raised by the neighbors and to make sure there is compliance with the private covenants.

Kalkowski pointed out that the staff is recommending approval of the waivers. With the amenity of the lake and the shopping center to the west, this development will be a nice addition to the city. There is a walking path along a portion of the south side of the lake that the residents of the office park and townhome area will be able to utilize. The plan shows sidewalks on both sides of private roadways and connections to get to the walking path along the lake.

Carlson noted that the analysis in the staff report raises concern about vehicle trips. Kalkowski confirmed that there has been further discussion on the traffic memo, and the revisions have been accepted by Public Works. The traffic concerns have been addressed.

There was no testimony in opposition.

Brian Will of Planning staff offered that the majority of this area is subject to an existing annexation agreement, so one of the conditions of approval is that the trip cap be updated to include this office development. We want to make sure in developing this area that we keep track of that traffic cap.

Will also agreed with the added Condition #2.1.1.16 on the use permit.

ANNEXATION NO. 06004

ACTION BY PLANNING COMMISSION:

March 29, 2006

Strand moved to approve the staff recommendation of conditional approval, seconded by Sunderman and carried 9-0: Esseks, Taylor, Carroll, Larson, Krieser, Strand, Cornelius, Sunderman and Carlson voting 'yes'. This is a recommendation to the City Council.

CHANGE OF ZONE NO. 06016

ACTION BY PLANNING COMMISSION:

March 29, 2006

Strand moved approval, seconded by Carroll and carried 9-0: Esseks, Taylor, Carroll, Larson, Krieser, Strand, Cornelius, Sunderman and Carlson voting 'yes'. This is a recommendation to the City Council.

SPECIAL PERMIT NO. 06014

ACTION BY PLANNING COMMISSION:

March 29, 2006

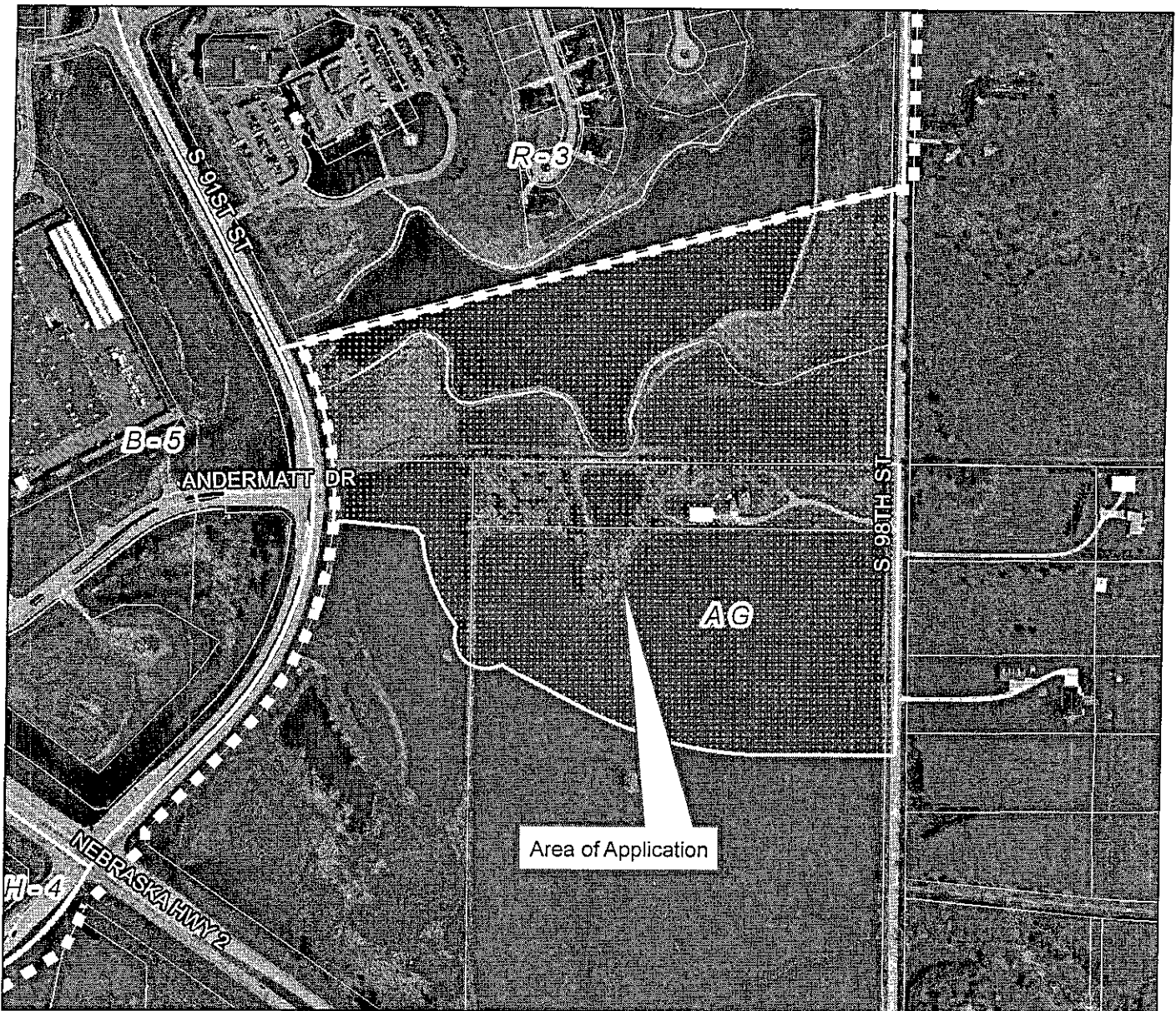
Strand moved to approve the staff recommendation of conditional approval, seconded by Carroll and carried 9-0: Esseks, Taylor, Carroll, Larson, Krieser, Strand, Cornelius, Sunderman and Carlson voting 'yes'. This is final action, unless appealed to the City Council within 14 days.

USE PERMIT NO. 06003

ACTION BY PLANNING COMMISSION:

March 29, 2006

Strand moved to approve the staff recommendation of conditional approval, as revised, adding Condition #2.1.1.16 as requested by the applicant, seconded by Carroll and carried 9-0: Esseks, Taylor, Carroll, Larson, Krieser, Strand, Cornelius, Sunderman and Carlson voting 'yes'. This is a recommendation to the City Council.



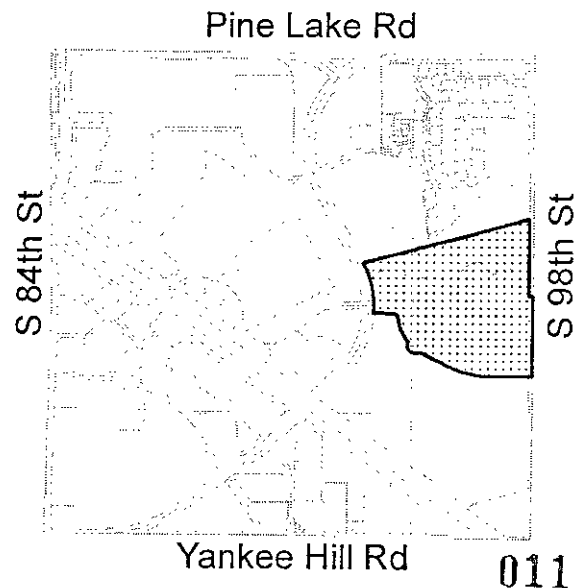
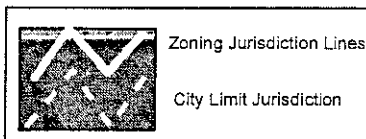
**Annexation #06004
S. 98th St. & Andermatt Dr.**

2005 aerial

Zoning:

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

One Square Mile
Sec. 23 T9N R7E



LEGAL DESCRIPTION

ANNEXATION

A LEGAL DESCRIPTION FOR A TRACT OF LAND COMPOSED OF LOT 36 I.T., LOT 101 I.T., A PORTION OF LOT 66 I.T., A PORTION OF LOT 71 I.T., AND A PORTION OF LOT 100 I.T., ALL LOCATED IN THE EAST HALF OF SECTION 23, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6TH P.M., CITY OF LINCOLN, LANCASTER COUNTY, STATE OF NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 100 I.T., THENCE SOUTHEASTERLY ALONG A WESTERLY LINE OF SAID LOT 100 I.T., SAID LINE BEING A EAST LINE OF SOUTH 91ST STREET RIGHT-OF-WAY ON AN ASSUMED BEARING OF SOUTH 27 DEGREES 39 MINUTES 47 SECONDS EAST, A DISTANCE OF 54.44 FEET TO A POINT OF CURVATURE, THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A DELTA ANGLE OF 00 DEGREES 47 MINUTES 06 SECONDS, A RADIUS OF 1,065.00 FEET, A ARC LENGTH OF 14.59 FEET, A CHORD BEARING OF SOUTH 27 DEGREES 16 MINUTES 14 SECONDS EAST ALONG A WEST LINE OF SAID LOT 100 I.T., SAID LINE BEING A EAST LINE OF SAID RIGHT-OF-WAY, AND A CHORD DISTANCE OF 14.59 FEET TO A POINT, SAID POINT BEING **THE POINT OF BEGINNING**; THENCE NORTH 75 DEGREES 00 MINUTES 41 SECONDS EAST, A DISTANCE OF 1,854.76 FEET TO A POINT OF INTERSECTION WITH THE EAST LINE OF LOT 100 I.T., SAID POINT BEING ON THE WEST LINE OF SOUTH 98TH STREET RIGHT-OF-WAY, THENCE SOUTH 00 DEGREES 07 MINUTES 15 SECONDS EAST ALONG THE EAST LINE OF SAID LOT 100 I.T., AND THE EAST LINE OF LOT 101 I.T., SAID LINE BEING THE WEST LINE OF SAID RIGHT-OF-WAY, SAID LINE BEING 33.00 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 23, A DISTANCE OF 839.84 FEET TO THE SOUTHEAST CORNER OF SAID LOT 101 I.T., SAID POINT BEING ON THE NORTH LINE OF LOT 36 I.T., THENCE SOUTH 89 DEGREES 52 MINUTES 55 SECONDS EAST ALONG THE NORTH LINE OF SAID LOT 36 I.T., SAID LINE BEING THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 23, A DISTANCE OF 33.00 FEET TO THE NORTHEAST CORNER OF SAID LOT 36 I.T., SAID POINT BEING THE NORTHEAST CORNER OF SAID SOUTHEAST QUARTER, THENCE SOUTH 00 DEGREES 07 MINUTES 24 SECONDS EAST ALONG THE EAST LINE OF SAID LOT 36 I.T.; AND THE EAST LINE OF LOT 66 I.T., SAID LINE BEING THE EAST LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 892.05 FEET TO A POINT, THENCE SOUTH 90 DEGREES 00 MINUTES 00 SECONDS WEST, A DISTANCE OF 405.86 FEET TO A POINT OF CURVATURE, THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A DELTA ANGLE OF 18 DEGREES 12 MINUTES 50 SECONDS, A RADIUS OF 1,033.00 FEET, A ARC LENGTH OF 328.38 FEET, A CHORD BEARING OF NORTH 80 DEGREES 53 MINUTES 35 SECONDS WEST, AND A CHORD DISTANCE OF 327.00 FEET TO A POINT OF TANGENCY, THENCE NORTH 71 DEGREES 47 MINUTES 10 SECONDS WEST, A DISTANCE OF 66.44 FEET TO A POINT OF CURVATURE, THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A DELTA ANGLE OF 09 DEGREES 27 MINUTES 28 SECONDS, A RADIUS OF 1,033.00 FEET, A ARC LENGTH OF 170.52 FEET, A CHORD BEARING OF NORTH 67 DEGREES 03 MINUTES 26 SECONDS WEST, AND A CHORD DISTANCE OF 170.33 FEET TO A POINT OF TANGENCY, THENCE NORTH 62 DEGREES 19 MINUTES 42 SECONDS WEST, A DISTANCE OF 211.09 FEET TO A POINT OF CURVATURE, THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A DELTA ANGLE OF 07 DEGREES 22 MINUTES 03 SECONDS, A RADIUS OF 558.00 FEET, A ARC LENGTH OF 71.75 FEET, A CHORD BEARING OF NORTH 58 DEGREES 38 MINUTES 40 SECONDS WEST, AND A CHORD DISTANCE OF 71.70 FEET TO A POINT OF CURVATURE OF A NON TANGENT CURVE, THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A DELTA ANGLE OF 139 DEGREES 51 MINUTES 42 SECONDS, A RADIUS OF 97.00 FEET, A ARC LENGTH OF 236.78 FEET, A CHORD BEARING OF NORTH 50 DEGREES 22 MINUTES 50

SECONDS WEST, AND A CHORD DISTANCE OF 182.22 FEET TO A POINT OF CURVATURE OF A NON TANGENT CURVE, THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A DELTA ANGLE OF 30 DEGREES 11 MINUTES 37 SECONDS, A RADIUS OF 573.00 FEET, A ARC LENGTH OF 301.96 FEET, A CHORD BEARING OF NORTH 21 DEGREES 22 MINUTES 57 SECONDS WEST, AND A CHORD DISTANCE OF 298.48 FEET TO A POINT, THENCE NORTH 46 DEGREES 20 MINUTES 45 SECONDS WEST, A DISTANCE OF 30.16 FEET TO A POINT OF CURVATURE OF A NON-TANGENT CURVE, THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A DELTA ANGLE OF 02 DEGREES 18 MINUTES 57 SECONDS, A RADIUS OF 581.00 FEET, A ARC LENGTH OF 23.48 FEET, A CHORD BEARING OF NORTH 85 DEGREES 15 MINUTES 43 SECONDS WEST, AND A CHORD DISTANCE OF 23.48 FEET TO A POINT OF TANGENCY, THENCE NORTH 84 DEGREES 06 MINUTES 15 SECONDS WEST, A DISTANCE OF 204.69 FEET TO A POINT, THENCE SOUTH 49 DEGREES 44 MINUTES 20 SECONDS WEST, A DISTANCE OF 27.71 FEET TO A POINT OF INTERSECTION WITH A WEST LINE OF LOT 71 I.T., SAID POINT BEING ON THE EAST LINE OF SOUTH 91ST STREET RIGHT-OF-WAY, SAID POINT BEING THE POINT OF CURVATURE OF A NON TANGENT CURVE, THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A DELTA ANGLE OF 30 DEGREES 59 MINUTES 52 SECONDS, A RADIUS OF 1,065.00 FEET, A ARC LENGTH OF 576.18 FEET, A CHORD BEARING OF NORTH 11 DEGREES 22 MINUTES 44 SECONDS WEST ALONG THE WEST LINE OF SAID LOT 71 I.T., AND THE WEST LINE OF LOT 101 I.T., SAID LINE BEING THE EAST LINE OF SAID RIGHT-OF-WAY, AND A CHORD DISTANCE OF 569.18 FEET TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA OF 2,225,002.2127 SQUARE FEET OR 51.0790 ACRES, MORE OR LESS.

March 1, 2006
C:\WINDOWS\TEMP\notes3388E1\050505-ANNEX-LEGAL.doc

SEACREST & KALKOWSKI, P.C.

A LIMITED LIABILITY ORGANIZATION

1111 LINCOLN MALL, SUITE 350
LINCOLN, NEBRASKA 68508-3910

TELEPHONE (402) 435-6000
FACSIMILE (402) 435-6100

KENT SEACREST
E-MAIL: kent@sk-law.com

DANAY KALKOWSKI
E-MAIL: danay@sk-law.com

March 8, 2006

HAND DELIVERY

Brian Will
Planning Department
555 South 10th Street
Lincoln, NE 68508

RE: Sign Adjustment Request

Dear Brian:

On behalf of Eiger Corp., we would hereby like to request an adjustment to the signage that is permitted under the Southlake Use Permit for the O-3 zoned area. Specifically, we are requesting an adjustment to Lincoln Municipal Code § 27.69.044(b)(2). This provision allows one ground sign per vehicular entrance into the office park, not to exceed thirty-two square feet and eight feet in height, identifying the name of the office park and tenants. While the Southlake Office Area has frontage along South 91st Street and Andermatt Drive, the only access into the office park is off of Andermatt Drive. Eiger Corp. would like to adjust the above section to allow the ground sign to be moved from the vehicular entrance along Andermatt Drive to the corner of South 91st Street and Andermatt Drive. This would allow the sign to be visible from both South 91st Street and Andermatt Drive. If the sign was just placed at the entrance off of Andermatt Drive, traffic traveling on South 91st Street would not see the office park identification.

On Wednesday, March 15th we will request that the Planning Commission action on Southlake be delayed until March 29th to allow time for notification of this adjustment to be advertised. A note would be added to the Site Plan to reflect this adjustment.

If you have any questions or need any additional information, please let me know.

Very truly yours,



DANAY KALKOWSKI
For the Firm



OLSSON ASSOCIATES
ENGINEERS • PLANNERS • SCIENTISTS • SURVEYORS

February 27, 2006

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

RE: Southlake
OA Project No. 2005-0505

Dear Mr. Krout:

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

1. Zoning Application
2. Application fee (\$3,230.00)
3. Site Plan – 22 copies
4. Zoning Map– 7 copies
5. Drainage & Grading Plans – 7 copies
6. Street Profiles (2 sheets) – 7 copies
7. Drainage Report – 3 copies
8. Annexation Legal Description and Exhibits – 3 copies
9. Change of Zone Legal Descriptions and Exhibits – 3 copies
10. Traffic Study – 3 copies

On behalf of the Owner/Developer, Eiger Corp., R.R.1 Box 93A, Adams NE, 68301, we are requesting annexation, a change of zone from AG to R-3 and O-3, a special permit for a C.U.P. and a Use Permit for the O-3 for the above mentioned project.

Also as part of this submittal we are requesting several waivers to the City of Lincoln Design Standards and the L.M.C. as follows:

1. L.M.C. to reduce rear yard setbacks from 40' to 20' in the O-3 office area.
2. L.M.C. to allow block lengths in excess of 1,320' for block 1.
3. L.M.C. to allow the landscape plan for the O-3 office area to be presented and approved at the time of building permit.

016

Mr. Marvin Krout
February 27, 2006
Page 2

4. In addition to the uses allowed under section 27.27.020 of the L.M.C. we are requesting the following to be permitted uses in the O-3 zoning area.
 - a. Health care facility
 - b. Clubs
 - c. Mail order catalog sales
 - d. Medical testing laboratories
5. L.M.C. to allow 0' setbacks on all townhouse lot lines in the R-3 area under the following conditions.
 - a. Min. distance between lots is 20'
 - b. Min. distance between the lots and the centerline of the private roadway is 42'
 - c. Min. distance between the lots and public right-of-way is 20'
6. Lincoln Design Standards to allow the transfer of wastewater from one watershed to another.
7. Lincoln Design Standards to allow sanitary sewer to exceed maximum depth, specifically, the manhole approx. 350' east of the intersection of South 91st Street and Andermatt Drive. The depth in that area is anticipated to be approx. 18'.
8. Lincoln Design Standards for minimum tangent lengths between non-compound horizontal curves where the sum of the radii of the curves is less than 600' (South 96th and South 97th).
9. Lincoln Design Standards to allow sanitary sewer to be constructed non-parallel to the centerline of the street.
10. L.M.C. to allow lot lines non-perpendicular to right-of-way.
11. Waive the requirements for lots to front public of private streets.

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

Sincerely,



Scott Osterhaus

Enclosures

cc: Kelvin Korver (Eiger Corp.)
File

Memorandum

To: Brian Will, Planning Department

From: Chad Blahak, Public Works and Utilities
Dennis Bartels Public Works and Utilities

Subject: Southlake PUD Change of Zone #06015, AN #06004

Date: March 1, 2006

cc: Randy Hoskins

Engineering Services has reviewed the submitted plans for the Southlake PUD, located between South 91st Street and South 98th Street at Andermatt Drive, and has the following comments:

- **Sanitary Sewer** - The following comments need to be addressed.
 - (1.1) The location of the proposed sanitary sewer between South 96th Street and South 94th Bay is unacceptable. The plans show the sewer to be located along the center of the dam for the proposed permanent pond in Outlot B. The plans need to be revised to show the sewer and easement located in a clear and flat area outside of the influence of any structural elements of the pond dam. This pond is not a required feature for the development as detention is accounted for in the existing Korver Lake at the north end of the project. If the sewer is to remain in its proposed location, the grading plan needs to be revised to show the pond dam shifted further south so as to not affect the sewer main or associated easement.
 - (1.2) The sanitary sewer shown in Outlot A should be removed or relocated. It is not desirable to locate public sewer across a private parking lot. Routine and emergency maintenance would require City vehicles and equipment to take up parking stalls and disrupt operations of the businesses. A sewer can be shown on the west side of Outlot A along South 91st Street to serve future Lots 1 and 2 while future Lots 3 and 4 could be served from the public sewer in Andermatt Drive or the sewer located between Lots 4 and 9.
 - (1.3) The requested waiver of design standards for sanitary sewer depth is approved by Public Works. The waiver is necessary to provide minimum depth along the down stream side of the embankment for the pond in Outlot B.

- **Water Main** - The water system is satisfactory.
- **Grading/Drainage** - The following comments need to be addressed.
 - (3.1) The detention for the area in this plat was accounted for in the design of the NRD lake project to the north of this site.
- **Streets/Paving** - The following comments need to be addressed.
 - (4.1) Waivers need to be requested and justified for private street paving width for South 96th and 97th Streets and for South 94th Bay. Design standards state that the standard width for private streets is 27' but can be reduced to 21' for streets serving less than 30 residential parking spaces.
 - (4.2) This PUD and brief traffic memo do not represent any current or future approvals of any possible connections to 98th or 91st Street south of Andermatt Drive including the two connections to 91st south of Andermatt shown in the traffic memo and the implied connection and median break in the PUD plans. There is not enough information to review, approve, or deny any of the possible connections shown.
 - (4.3) Public Works approves the requested waiver of design standards for block length for Block 1. The NRD lake to the north of the site borders this plat on the north from 98th to 91st Street and prevents a road connection connecting to the north.
 - (4.4) Public Works approves the requested waiver of design standards for tangent length between two horizontal curves.
 - (4.5) Public Works does not approve the proposed geometry for Andermatt Drive from 91st Street to 98th Street. The traffic study submitted does not provide sufficiently detailed information for the commercial and residential areas to the south to properly determine the adequacy of the proposed street system. Also, the status of the intersection of 98th Street with Highway 2 is not known and will most likely affect desired intersection geometry and locations along 98th Street including the Andermatt Drive intersection shown on this plat.

General – The information shown on the preliminary plat relating to the public water main system, public sanitary sewer system, and public storm sewer system has been reviewed to determine if the sizing and general method providing service is satisfactory. Design considerations including, but not limited to, location of water main bends around curves and cul-de-sacs, connection of fire hydrants to the public main, temporary fire hydrant location, location and number of sanitary sewer manholes, location and number of storm sewer inlets,

Brian Will, Planning Department

Page 2

March 1, 2006

location of storm sewer manholes and junction boxes, and the method of connection storm sewer inlets to the main system are not approved with this review. These and all other design considerations can only be approved at the time construction drawings are prepared and approved.

CZ06015 AN06004

ORDINANCE NO. 18771

AN ORDINANCE Annexation 06004 - Amending the Lincoln Corporate Limits Map by annexing approximately 51.1 acres of property generally located at South 91st Street and Andermatt Drive. (Related Items: 06-116, 06-117, 06R-134)

Read First Time July 10, 2006
Read Second Time JUL 17 2006
Read Third Time JUL 24 2006
Passed JUL 24 2006
Published in Lincoln Journal Star
on Aug 4, 2006

CERTIFICATE

State of Nebraska)
 SS
County of Lancaster)

I, the undersigned, City Clerk of the City of Lincoln, Nebraska, do hereby certify that the within ordinance is the original Ordinance No. 18771 as passed by the City Council of said City, as indicated above, and as approved by the Mayor of said City and as the same appears of record in my office and is now in my charge remaining as City Clerk aforesaid.

IN WITNESS WHEREOF, I have hereunto set my hand officially and affixed the seal of the City of Lincoln, Nebraska this 26th day of July, 2006.

Jean E Ross
City Clerk of Lincoln, Nebraska

