

## FACTSHEET

**TITLE:** LETTER OF APPEAL to Condition #1.1.14 (as revised and recommended by Planning Commission) of PRELIMINARY PLAT NO. 04008, BOULDER RIDGE, requested by Peter W. Katt on behalf of Glen Herbert, on property generally located at South 84<sup>th</sup> Street and Pine Lake Road.

**STAFF RECOMMENDATION:** Deny the appeal and support the decision of the Planning Commission.

**ASSOCIATED REQUEST:** Change of Zone No. 04017 (04-157) and Special Permit No. 04011, Boulder Ridge Community Unit Plan (04R-212).

**SPONSOR:** Planning Department

**BOARD/COMMITTEE:** Planning Commission  
Public Hearing: 05/26/04 and 06/09/04  
Administrative Action: 06/09/04

**RECOMMENDATION:** The amendment to Condition #1.1.14 passed 8-0: Sunderman, Carlson, Larson, Krieser, Taylor, Marvin, Carroll and Bills-Strand voting 'yes'; Pearson absent.

### FINDINGS OF FACT:

1. The Boulder Ridge Preliminary Plat No. 04008 and the associated Change of Zone No. 04017 and Special Permit No. 04001, Boulder Ridge Community Unit were heard at the same time before the Planning Commission.
2. This proposal is for 237 lots and 8 outlots. Two of the lots are for future development of 224 multi-family dwelling units. The proposal includes waiver requests to allow sanitary sewer to run opposite street grades, and waivers to the design standards for maximum grade on the approach to a major street at Barkley Drive and South 84<sup>th</sup> Street and for maximum grade on the approach to an intersection at Barkley Drive and South 85<sup>th</sup> Street.
3. On June 9, 2004, the Planning Commission adopted Resolution No. PC-00877 approving the Boulder Ridge Preliminary Plat No. 04008, with conditions of approval, as amended, including approval of the waiver requests (See p.3-11).
4. On June 10, 2004, a letter reflecting the action of the Planning Commission and the conditions of approval was mailed to the applicant (See p.12-16).
5. On June 14, 2004, Peter W. Katt filed a letter of appeal on behalf of the applicant, Glen Herbert (See p.2). The letter of appeal is to the portion of Condition #1.1.14 denying the applicant's proposal to permit a left turn pocket from Pine Lake Road onto South 86<sup>th</sup> Street. The Public Works & Utilities Department memo of May 6, 2004, states that the turn pocket at 86<sup>th</sup> Street is not necessary and may cause insufficient storage for westbound vehicles on Pine Lake Road turning left (south) onto 84<sup>th</sup> Street.
6. The staff recommendation is to deny the appeal and support the decision of the Planning Commission.

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

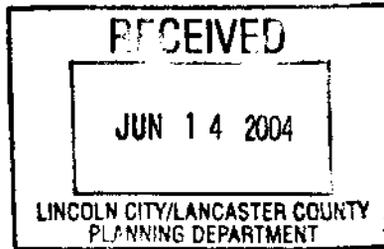
**DATE:** August 9, 2004

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

**DATE:** August 9, 2004

**REFERENCE NUMBER:** FS\CC\2004\Letter of Appeal to PP.04008

**Pierson|Fitchett**  
LAW FIRM



1045 Lincoln Mall  
Suite 200  
P.O. Box 95109  
Lincoln, NE 68509  
(402) 476-7621  
fax (402) 476-7465  
[www.pierson-law.com](http://www.pierson-law.com)

Thomas J. Fitchett  
Mark A. Hunzeker  
William G. Blake  
Peter W. Katt  
William C. Nelson  
David P. Thompson  
Patrick D. Timmer  
Randy R. Ewing  
Shanna L. Cole  
Jason L. Scott

Gary L. Aksamit  
of Counsel

June 10, 2004

COPY

Joan Ross, City Clerk  
City of Lincoln  
555 So. 10<sup>th</sup> Street  
Lincoln, NE 68508

Re: *Notice of Appeal Boulder Ridge Preliminary Plat #04008*

Dear Joan:

On behalf of the Applicant, Glen Herbert, please consider this letter notice of appeal of the Planning Commission's recommendation of conditional approval in connection with the above-referenced Preliminary Plat. In particular, the Applicant is appealing condition 1.1.14 requiring corrections to the Preliminary Plat in accordance with the Public Works and Utilities Department Memo of May 6, 2004.

Should you have any questions or require anything further in order to proceed this appeal, please feel free to contact either myself or my partner, Mark Hunzeker.

Sincerely,

A handwritten signature in black ink that reads "Peter W. Katt". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Peter W. Katt  
For the Firm  
[lawkatt@pierson-law.com](mailto:lawkatt@pierson-law.com)

PWK:sb

cc: Lyle Loth  
Glen and John Herbert  
Tom Cajka

(G:\WPData\FK\Herbert 722-003 City Clerk 6-10-4.ltr.wpd)

**PLANNING COMMISSION FINAL ACTION  
NOTIFICATION**

**TO :** Mayor Coleen Seng  
Lincoln City Council

**FROM :** Jean Walker, Planning 

**DATE :** June 9, 2004

**RE :** **Preliminary Plat No. 04008 - Boulder Ridge**  
(S. 84<sup>th</sup> Street and Pine Lake Road)  
**Resolution No. PC-00877**

The Lincoln City-Lancaster County Planning Commission took the following action at their regular meeting on Wednesday, June 9, 2004:

Motion made by Carlson, seconded by Marvin, to approve **Preliminary Plat No. 04008, Boulder Ridge**, with conditions, as amended, requested by Lyle Loth of ESP on behalf of Glen Herbert, for 189 single family lots, 48 single family attached lots, two lots for 224 future multi-family units and 8 outlots, including approval of the waiver requests to allow sanitary sewer to run opposite street grades; to waive the maximum grade on the approach to a major street; and to waive the maximum grade on the approach to an intersection, on property generally located at S. 84<sup>th</sup> Street and Pine Lake Road. Motion for approval, with conditions, as amended, carried 8-0: Larson, Marvin, Carroll, Sunderman, Carlson, Krieser, Pearson and Bills-Strand voting 'yes'; Taylor absent.

The Planning Commission action is final, unless appealed to the City Council by filing a Letter of Appeal with the City Clerk within 14 days of the date of the action by the Planning Commission.

**Attachment**

cc: Building & Safety  
Rick Peo, City Attorney  
Public Works  
Peter Katt, P.O. Box 95109, 68509  
Lyle Loth, ESP, 601 Old Cheney Road, Suite A, 68512  
Glen Herbert, 8540 Chaparral Circle, 68520  
Bevan Alvey, Pine Lake Assn., 8000 Dougan Dr., 68516  
Warren Gran, Vintage Heights H.O. Assn., 5930 S. 90<sup>th</sup> Street, 68526  
Stephen Nickel, Family Acres Assn., 7941 Portsche Lane, 68516  
Dorothy Iwan, Family Acres Assn., 7605 S. 75<sup>th</sup> Street, 68516

RESOLUTION NO. PC- 00877

1           WHEREAS, Glen Herbert has submitted for approval the preliminary plat of Boulder  
2 Ridge, generally located at S. 84th Street and Pine Lake Road; and has requested a  
3 modification to waive City of Lincoln Design Standards requirements regarding sanitary sewers  
4 opposite street grades, maximum grade on the approach to a major street at the intersection of  
5 Barkley Drive and S. 84th Street and at Barkley Drive and S. 85th Street pursuant to Section  
6 26.31.010 of the Lincoln Municipal Code; and

7           WHEREAS, the Planning Director has recommended conditional approval of said  
8 preliminary plat as contained in pages 4 through 8 of the staff report prepared by Tom Cajka,  
9 Planner, dated May 27, 2004, which is attached hereto as Exhibit A; and

10           WHEREAS, the Planning Director has recommended conditional approval of the  
11 requested waivers of the City of Lincoln Land Subdivision Ordinance requirements.

12           NOW, THEREFORE, BE IT RESOLVED by the Lincoln City-Lancaster County  
13 Planning Commission that the preliminary plat of Boulder Ridge is hereby approved subject to  
14 the terms and conditions of Exhibit A which is attached hereto and made a part of this  
15 resolution as though fully set forth verbatim.

16           BE IT FURTHER RESOLVED that the Lincoln City-Lancaster County Planning  
17 Commission finds that the tract to be subdivided is surrounded by such development or unusual  
18 conditions that strict application of the subdivision requirements would result in actual difficulties  
19 or substantial hardship and the following modifications to the City of Lincoln Land Subdivision  
20 Ordinance requirements are hereby approved:

21           1.       The requirement of Section 3.6 of the Sanitary Sewer Design Standards  
22 that the slope of the sanitary sewer should parallel the slope of the street is waived to allow the

1 construction of sanitary sewer running opposite street grades as shown provided that the  
2 maximum depths for sanitary sewer mains are not exceeded as a result of this wavier.

3 2. The requirement of Section 3.4.3.a. of the Urban Public Street Design  
4 Standards that the grade of any street approaching a major street shall not exceed 3% within  
5 130 feet is waived for Barkley Drive at its intersection with South 84th Street.

6 3. The requirement of Section 3.4.3.c. of the Urban Public Street Design  
7 Standards that the grade of any street approaching a local street shall not exceed 3% within 70  
8 feet is waived for Barkley Drive at its intersection with South 85th Street.

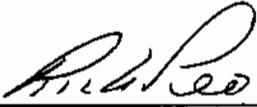
9 The foregoing Resolution was approved by the Lincoln City-Lancaster County  
10 Planning Commission on this 9th day of June, 2004.

ATTEST:

/S/ ORIGINAL SIGNED BY  
MARY BILLS-STRAND

\_\_\_\_\_  
Chair

Approved as to Form & Legality:

  
\_\_\_\_\_  
Chief Assistant City Attorney

**CONDITIONS:**

**Site Specific:**

1. After the subdivider completes the following instructions and submits the documents and plans and 6 copies to the Planning Department office, the preliminary plat will be signed by the Chair of the Planning Commission certifying approval: (NOTE: These documents and plans are required by ordinance or design standards.)
  - 1.1 Revise the preliminary plat to show:
    - 1.1.1 a fire hydrant on Granite Ridge Rd. between Look Out Lane and Pebble Creek Cir.

- 1.1.2 ~~Show a street from S. 85<sup>th</sup> St. or Boulder Ridge Rd. to provide access to Lot 6 I.T. and Lot 66 I.T. Include a Note that reasonable access to Lot 6 I.T. and Lot 66 I.T. shall be provided at the time of multi-family site plan approval, to the satisfaction of the Public Works & Utilities Department. (\*\*Per Planning Commission, at the request of the applicant, 06/09/04\*\*)~~
- 1.1.3 Show a conceptual street layout for Lots 23-25 I. T.
- 1.1.4 ~~Outlot I combined with Lots 1-4, Block 1. (\*\*Per Planning Commission, as recommended by staff, 06/09/04\*\*)~~
- 1.1.5 ~~Outlot II combined with Lots 1-3, Block 2. (\*\*Per Planning Commission, as recommended by staff, 06/09/04\*\*)~~
- 1.1.6 ~~Granite Ridge Ct. extended to Rutherford Dr. (\*\*Per Planning Commission, at the request of the applicant, 06/09/04\*\*)~~
- 1.1.7 the existing house on Lot 16 I.T.
- 1.1.8 revise note 13. Change 227 to 224 multi-family units and change 9 outlots to 10 outlots.
- 1.1.9 change total unassigned units to 240 in the density calculations table
- 1.1.10 revise note 16 to state Outlots C & D will be maintained by the developer.
- 1.1.11 revise the legal description and boundary of the plat. The boundary should not include S. 84<sup>th</sup> St.
- 1.1.12 show a pedestrian easement over the sanitary sewer easement from Grey Hawk Ct. to Franciscan Dr.
- 1.1.13 change the note in the northwest corner of the plat to read; 10' of additional ROW to be dedicated to the City.

- 1.1.14 corrections per Public Works & Utilities Department memo of May 6, 2004, except that a median in Barkley Drive shall be permitted east of 84<sup>th</sup> Street with a median opening for So. 85<sup>th</sup> Terrace and Court. (\*\*Per Planning Commission, at the request of the applicant, 06/09/04\*\*)
- 1.1.15 the outlot designation for the multiple family to lot.
- 1.1.16 a new block for the lots south of Grey Hawk Ln. Outlot "C" must be changed to a lot and included in this block.

2. The City Council approves associated request:

- 2.1 Change of Zone #04017
- 2.2 Special Permit #04011

General:

3. Final Plats will be approved by the Planning Director after:

- 3.1 You have completed or posted a surety to guarantee the completion of the public streets, private roadway improvements, sidewalks, sanitary sewer system, water system, drainage facilities, land preparation and grading, sediment and erosions control measures, storm water detention/retention facilities, drainageway improvements, street lights, landscaping screens, street trees, temporary turnaround and barricades, and street name signs.
- 3.2 The subdivider has signed an agreement that binds the subdivider, its successors and assigns:

to complete the street paving of streets, and temporary turnarounds and barricades located at the temporary dead-end of the streets shown on the final plat within two (2) years following the approval of the final plat.

to complete the installation of sidewalks along both sides of streets and along the east side of S. 84<sup>th</sup> St. as shown on the final plat within four (4) years following the approval of the final plat.

to complete the public water distribution system to serve this plat within two (2) years following the approval of the final plat.

to complete the public wastewater collection system to serve this plat within two (2) years following the approval of the final plat.

to complete the enclosed drainage facilities shown on the approved drainage study to serve this plat within two (2) years following the approval of the final plat.

to complete land preparation including storm water detention/retention facilities and open drainageway improvements to serve this plat prior to the installation of utilities and improvements but not more than two (2) years following the approval of the final plat.

to complete the installation of public street lights along the streets within this plat within two (2) years following the approval of the final plat.

to complete the planting of the street trees along streets within this plat within four (4) years following the approval of the final plat.

to complete the installation of the street name signs within two (2) years following the approval of the final plat.

to complete any other public or private improvement or facility required by Chapter 26.23 (Development Standards) of the Land Subdivision Ordinance in a timely manner which inadvertently may have been omitted from the above list of required improvements.

to submit to the Director of Public Works a plan showing proposed measures to control sedimentation and erosion and the proposed method to temporarily stabilize all graded land for approval.

to complete the public and private improvements shown on the preliminary plat and Community Unit Plan.

to retain ownership of or the right of entry to the outlots in order to maintain the outlots and private improvements on a permanent and continuous basis and to maintain the plants in the medians and islands on a permanent and continuous basis. However, the subdivider may be relieved and discharged of this maintenance obligation upon creating, in writing, a permanent and continuous association of property owners who would be responsible for said permanent and continuous maintenance. The subdivider shall not be relieved of such maintenance obligation until the private improvements have been satisfactorily installed and the documents creating the association have been reviewed and approved by the City Attorney and filed of record with the Register of Deeds.

to submit to the lot buyers and home builders a copy of the soil analysis.

to pay all design, engineering, labor, material, inspection, and other improvement costs.

to comply with the provisions of the Land Preparation and Grading requirements of the Land Subdivision Ordinance.

to protect the trees that are indicated to remain during construction and development

to properly and continuously maintain and supervise the private facilities which have common use or benefit, and to recognize that there may be additional maintenance issues or costs associated with providing for the proper functioning of storm water detention/retention facilities as they were designed and constructed within the development, and that these are the responsibility of the land owner.

to relinquish the right of direct vehicular access from Outlots D and E to Pine Lake Rd.

to relinquish the right of direct vehicular access to S. 84<sup>th</sup> St. except as shown.

to timely complete the public and private improvements and facilities required by Chapter 26.23 of the Land Subdivision Ordinance which have not been waived including but not limited to the list of improvements described above.

to post the required security to guarantee completion of the required improvements if the improvements are not completed prior to approval of the final plat.

Prepared by:

Tom Cajka, 441-5662, [tcajka@ci.lincoln.ne.us](mailto:tcajka@ci.lincoln.ne.us)  
Planner

**DATE:** May 27, 2004

PP 04008

PAGE NO. 9

**APPLICANT:** Glen Herbert  
8540 Chaparral Cir.  
Lincoln, NE 68520  
(402) 489-2336

**OWNER:** same as applicant

**CONTACT:** Lyle Loth  
ESP  
601 Old Cheney Rd. Suite A  
Lincoln, NE 68512  
(402) 421-2500

June 10, 2004

ESP  
Lyle Loth  
601 Old Cheney Rd., Ste. A  
Lincoln, NE 68512

Re: Preliminary Plat No. 04008  
BOULDER RIDGE

Dear Mr. Loth:

At its regular meeting on Wednesday, **June 9, 2004**, the Lincoln-Lancaster County Planning Commission, by **Resolution # PC-00877**, granted approval to your preliminary plat, **Boulder Ridge**, located in the general vicinity of **S. 84<sup>th</sup> St. and Pine Lake Rd.**, subject to the following conditions:

Site Specific:

1. After the subdivider completes the following instructions and submits the documents and plans and 6 copies to the Planning Department office, the preliminary plat will be signed by the Chair of the Planning Commission certifying approval: (NOTE: These documents and plans are required by ordinance or design standards.)
  - 1.1 Revise the preliminary plat to show:
    - 1.1.1 a fire hydrant on Granite Ridge Rd. between Look Out Lane and Pebble Creek Cir.
    - 1.1.2 ~~——— Show a street from S. 85<sup>th</sup> St. or Boulder Ridge Rd. to provide access to Lot 6 I.T. and Lot 66 I.T. Include a Note that reasonable access to Lot 6 I.T. and Lot 66 I.T. shall be provided at the time of multi-family site plan approval, to the satisfaction of the Public Works & Utilities Department. (\*\*Per Planning Commission, at the request of the applicant, 06/09/04\*\*)~~
    - 1.1.3 Show a conceptual street layout for Lots 23-25 I. T.
    - 1.1.4 ~~——— Outlot I combined with Lots 1-4, Block 1. (\*\*Per Planning Commission, as recommended by staff, 06/09/04\*\*)~~
    - 1.1.5 ~~——— Outlot H combined with Lots 1-3, Block 2. (\*\*Per Planning Commission, as recommended by staff, 06/09/04\*\*)~~

- 1.1.6 ~~Granite Ridge Ct. extended to Rutherford Dr. (\*\*Per Planning Commission, at the request of the applicant, 06/09/04\*\*)~~
- 1.1.7 the existing house on Lot 16 I.T.
- 1.1.8 revise note 13. Change 227 to 224 multi-family units and change 9 outlots to 10 outlots.
- 1.1.9 change total unassigned units to 240 in the density calculations table
- 1.1.10 revise note 16 to state Outlots C & D will be maintained by the developer.
- 1.1.11 revise the legal description and boundary of the plat. The boundary should not include S. 84<sup>th</sup> St.
- 1.1.12 show a pedestrian easement over the sanitary sewer easement from Grey Hawk Ct. to Franciscan Dr.
- 1.1.13 change the note in the northwest corner of the plat to read; 10' of additional ROW to be dedicated to the City.
- 1.1.14 corrections per Public Works & Utilities Department memo of May 6, 2004, except that a median in Barkley Drive shall be permitted east of 84<sup>th</sup> Street with a median opening for So. 85<sup>th</sup> Terrace and Court. (\*\*Per Planning Commission, at the request of the applicant, 06/09/04\*\*)
- 1.1.15 the outlot designation for the multiple family to lot.
- 1.1.16 a new block for the lots south of Grey Hawk Ln. Outlot "C" must be changed to a lot and included in this block.

2. The City Council approves associated request:

- 2.1 Change of Zone #04017
- 2.2 Special Permit #04011

General:

3. Final Plats will be approved by the Planning Director after:

- 3.1 You have completed or posted a surety to guarantee the completion of the public streets, private roadway improvements, sidewalks, sanitary sewer system, water system, drainage facilities, land preparation and grading, sediment and erosions control measures, storm water detention/retention facilities, drainageway improvements, street lights, landscaping screens, street trees, temporary turnaround and barricades, and street name signs.

3.2 The subdivider has signed an agreement that binds the subdivider, its successors and assigns:

to complete the street paving of streets, and temporary turnarounds and barricades located at the temporary dead-end of the streets shown on the final plat within two (2) years following the approval of the final plat.

to complete the installation of sidewalks along both sides of streets and along the east side of S. 84<sup>th</sup> St. as shown on the final plat within four (4) years following the approval of the final plat.

to complete the public water distribution system to serve this plat within two (2) years following the approval of the final plat.

to complete the public wastewater collection system to serve this plat within two (2) years following the approval of the final plat.

to complete the enclosed drainage facilities shown on the approved drainage study to serve this plat within two (2) years following the approval of the final plat.

to complete land preparation including storm water detention/retention facilities and open drainageway improvements to serve this plat prior to the installation of utilities and improvements but not more than two (2) years following the approval of the final plat.

to complete the installation of public street lights along the streets within this plat within two (2) years following the approval of the final plat.

to complete the planting of the street trees along streets within this plat within four (4) years following the approval of the final plat.

to complete the installation of the street name signs within two (2) years following the approval of the final plat.

to complete any other public or private improvement or facility required by Chapter 26.23 (Development Standards) of the Land Subdivision Ordinance in a timely manner which inadvertently may have been omitted from the above list of required improvements.

to submit to the Director of Public Works a plan showing proposed measures to control sedimentation and erosion and the proposed method to temporarily stabilize all graded land for approval.

to complete the public and private improvements shown on the preliminary plat and Community Unit Plan.

to retain ownership of or the right of entry to the outlots in order to maintain the outlots and private improvements on a permanent and continuous basis and to maintain the plants in the medians and islands on a permanent and continuous basis. However, the subdivider may be relieved and discharged of this maintenance obligation upon creating, in writing, a permanent and continuous association of property owners who would be responsible for said permanent and continuous maintenance. The subdivider shall not be relieved of such maintenance obligation until the private improvements have been satisfactorily installed and the documents creating the association have been reviewed and approved by the City Attorney and filed of record with the Register of Deeds.

to submit to the lot buyers and home builders a copy of the soil analysis.

to pay all design, engineering, labor, material, inspection, and other improvement costs.

to comply with the provisions of the Land Preparation and Grading requirements of the Land Subdivision Ordinance.

to protect the trees that are indicated to remain during construction and development

to properly and continuously maintain and supervise the private facilities which have common use or benefit, and to recognize that there may be additional maintenance issues or costs associated with providing for the proper functioning of storm water detention/retention facilities as they were designed and constructed within the development, and that these are the responsibility of the land owner.

to relinquish the right of direct vehicular access from Outlots D and E to Pine Lake Rd.

to relinquish the right of direct vehicular access to S. 84<sup>th</sup> St. except as shown.

to timely complete the public and private improvements and facilities required by Chapter 26.23 of the Land Subdivision Ordinance which have not been waived including but not limited to the list of improvements described above.

to post the required security to guarantee completion of the required improvements if the improvements are not completed prior to approval of the final plat.

You have authority to proceed with the plans and specifications for the installation of the required improvements, 15 days after the Planning Commission has approved the preliminary plat, unless the decision is appealed to the City Council. If you choose to construct any or all of the required improvements prior to the approval and acceptance of the final plat, please contact the Director of Public Works before proceeding with the preparation of the engineering plans and specifications. If the required minimum improvements are not installed prior to the approval and acceptance of the final plat, a bond or

an approved Agreement of Escrow of Security Fund is required.

The approved preliminary plat is effective for only ten (10) years from the date of its approval. If a final plat is submitted five (5) years or more after the effective date of the preliminary plat, the City may require that a new preliminary plat be submitted. A new preliminary plat may be required if the subdivision ordinance or the design standards have been amended.

You may appeal the action of the Planning Commission to the City Council by filing a notice of appeal with the City Clerk. The appeal is to be filed within 14 days following the action by the Planning Commission.

Submit an ownership certificate indicating the record owner or owners of the property included within the boundaries of the final plat when submitting a final plat.

The Subdivision Ordinance requires that there be no liens of taxes against the land being final platted and that all special assessment installment payments be current. A form is available at the Planning Dept. and on the Planning Dept. website that must be signed by the County Treasurer verifying that there are no liens of taxes and verifying that the special assessment installment payments are current.

Sincerely,

Mary Bills-Strand, Chair  
City-County Planning Commission

cc: Owner  
Public Works - Dennis Bartels  
LES  
Alltel Communications Co.  
Cablevision  
Fire Department  
Police Department  
Health Department  
Parks and Recreation  
Urban Development  
Lincoln Public Schools  
County Engineers  
File

**LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT**

**for JUNE 9, 2004 PLANNING COMMISSION MEETING**

**\*\*As Revised and Adopted by Planning Commission on June 9, 2004,  
Resolution No. PC-00877\*\***

**P.A.S.:** Preliminary Plat #04008-Boulder Ridge

**PROPOSAL:** To preliminary plat 189 single family lots, 48 single family attached lots, two lots for 224 future multi-family units and 8 outlots.

**LOCATION:** S. 84<sup>th</sup> St. & Pine Lake Rd.

**WAIVER REQUEST:**

Sanitary sewer to run opposite street grades.  
Maximum grade on the approach to a major street at the intersection at Barkley Dr. & S. 84<sup>th</sup> St.  
Maximum grade in the approach to the intersection at S. 85<sup>th</sup> St. & Barkley Dr.

**LAND AREA:** 104.62 acres, more or less

**CONCLUSION:** With conditions the proposal is in conformance with the Comprehensive Plan, Zoning and Subdivision Ordinance.

<b><u>RECOMMENDATION:</u></b>	Conditional Approval
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**WAIVERS**

Sanitary sewer to run opposite street grades.	Conditional Approval
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Maximum grade on the approach to a major street at the intersection at Barkley Dr. & S. 84 <sup>th</sup> St.	Conditional Approval
--	----------------------

Maximum grade in the approach to the intersection at S. 85 <sup>th</sup> St. & Barkley Dr.	Conditional Approval
--	----------------------

**GENERAL INFORMATION:**

**LEGAL DESCRIPTION:** Lot 39 I. T., located in the S. W. 1/4 of Section 14, Township 9 North, Range 7 East; Lancaster County, Nebraska

**EXISTING ZONING:** AGR-Agriculture Residential

**EXISTING LAND USE:** Undeveloped

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

North:	AGR Agriculture Residential R-3 Residential	Acreage Undeveloped
South:	AG Agriculture	Undeveloped
East:	R-3 Residential	Single family and townhomes
West:	AGR Agriculture Residential	Residential Acreages

## **ASSOCIATED APPLICATIONS:**

Change of Zone #04017  
Special Permit #04011

## **COMPREHENSIVE PLAN SPECIFICATIONS:**

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." (F-17)

Encourage different housing types and choices, including affordable housing, throughout each neighborhood for an increasingly diverse population. (F-18)

Interconnected networks of streets, trails, and sidewalks should be designed to encourage walking and bicycling, reduce the number and length of automobile trips, conserve energy and for the convenience of the residents. (F-18)

The Land Use Plan identifies this area as urban residential. (F-25)

Guiding principles for new neighborhoods includes:

1. Similar housing types face each other: single family faces single family, change to different use at rear of lot;
2. Parks and open space within walking distance to a ll residences;
3. Pedestrian orientation; shorter block lengths, sidewalks on both sides of all roads ( F-67)

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. (F 75)

## **HISTORY:**

Date when preliminary plat was submitted:	February 24, 2004
Date when Planning Director's letter was sent:	March 24, 2004
Date when revised preliminary plat was submitted:	April 26, 2004

**January 20, 2004** Annexation #03005, covering the area of this development, was approved by City Council.

The zoning was changed from A-A Rural and Public Use District to AGR Agricultural Residential District in the 1979 zoning update.

## **UTILITIES:**

Utilities are available to serve this development. There is an existing 24" water main on S. 84<sup>th</sup> St. and a 16" main on Pine Lake Rd. There is an existing 8" sanitary sewer main on Rutherford Dr. and S. 88<sup>th</sup> St. within the Vintage Heights subdivision.

## **TRAFFIC ANALYSIS:**

South 84<sup>th</sup> Street is designated as a principal arterial and Pine Lake Road is designated as a minor arterial in the 2025 Comprehensive Plan.

The Comprehensive Plan shows South 84<sup>th</sup> Street and Pine Lake Road to be 4-lane roadways with appropriate turn-lanes in the future.

The South 84<sup>th</sup> Street widening project is currently entering the construction phase.

The current Capital Improvements Program indicates the following improvements on the arterial roadways serving this development:

1. Project 46: Pine Lake Road - 84<sup>th</sup> Street to east of 98<sup>th</sup> Street. Improve existing Pine Lake Road from 84<sup>th</sup> Street to 87<sup>th</sup> Street to four through lanes plus left and/or right turn lanes at intersections; and improve Pine Lake Road from 87<sup>th</sup> Street to 98<sup>th</sup> Street to two through lanes plus left and/or right turn lanes at intersections. This project will improve safety and capacity, and will serve traffic generated by future development in south Lincoln. Local funds. Project length 1.75 miles. (2005-2006) This project does not yet have guaranteed funding and construction schedules are contingent upon availability of funding.

This plan shows the new alignment for Pine Lake Rd. and S. 84<sup>th</sup> St.

**PUBLIC SERVICE:** The nearest fire station is located at S. 84<sup>th</sup> St. & South St.

There is a proposed public elementary and middle school within the Vintage Heights subdivision. The nearest elementary school is Maxey located at 5200 S. 75<sup>th</sup> St.

**ENVIRONMENTAL CONCERNS:** Protection of Antelope Creek flood corridor.

## **ANALYSIS:**

1. This is a request to preliminary plat 237 lots and 8 outlots. Two of the lots are for future development of 224 multiple-family units. This property is currently zoned AGR, Agricultural Residential. Change of Zone #04017 has been requested.
2. This area was annexed in January 20, 2004.
3. Although Granite Ridge Ct. meets the requirement for length of a cul-de-sac, Planning recommends that the street be extended to Rutherford Dr. This would enable a more direct route to the future commercial area south of Pine Lake Rd. The shorter distance would encourage more pedestrian traffic and less reliance on the automobile.

4. Outlot H & I should be combined with the adjacent lots to eliminate the need for a homeowners association to maintain the outlots.
5. The waiver to sanitary sewer to run opposite street grades is acceptable to Planning and Public Works provided that maximum depths are not exceeded as a result of the waiver.
6. The waiver of design standards for maximum grade on the approach to a major street at Barkley Dr. and S. 84<sup>th</sup> St. must be justified and approved by Public Works.
7. The waiver of design standards for maximum grade on the approach to an intersection at Barkley Dr. and S. 85<sup>th</sup> St. must be justified and approved by Public Works.

**CONDITIONS:**

Site Specific:

1. After the subdivider completes the following instructions and submits the documents and plans and 6 copies to the Planning Department office, the preliminary plat will be signed by the Chair of the Planning Commission certifying approval: (NOTE: These documents and plans are required by ordinance or design standards.)
  - 1.1 Revise the preliminary plat to show:
    - 1.1.1 a fire hydrant on Granite Ridge Rd. between Look Out Lane and Pebble Creek Cir.
    - 1.1.2 ~~—— Show a street from S. 85<sup>th</sup> St. or Boulder Ridge Rd. to provide access to Lot 6 I. T. and Lot 66 I. T. Include a Note that reasonable access to Lot 6 I.T. and Lot 66 I.T. shall be provided at the time of multi-family site plan approval, to the satisfaction of the Public Works & Utilities Department. (\*\*Per Planning Commission, at the request of the applicant, 06/09/04\*\*)~~
    - 1.1.3 Show a conceptual street layout for Lots 23-25 I. T.
    - 1.1.4 ~~—— Outlot I combined with Lots 1-4, Block 1. (\*\*Per Planning Commission, as recommended by staff, 06/09/04\*\*)~~
    - 1.1.5 ~~—— Outlot H combined with Lots 1-3, Block 2. (\*\*Per Planning Commission, as recommended by staff, 06/09/04\*\*)~~
    - 1.1.6 ~~—— Granite Ridge Ct. extended to Rutherford Dr. (\*\*Per Planning Commission, at the request of the applicant, 06/09/04\*\*)~~
    - 1.1.7 the existing house on Lot 16 I.T.

- 1.1.8 revise note 13. Change 227 to 224 multi-family units and change 9 outlots to 10 outlots.
- 1.1.9 change total unassigned units to 240 in the density calculations table
- 1.1.10 revise note 16 to state Outlots C & D will be maintained by the developer.
- 1.1.11 revise the legal description and boundary of the plat. The boundary should not include S. 84<sup>th</sup> St.
- 1.1.12 show a pedestrian easement over the sanitary sewer easement from Grey Hawk Ct. to Franciscan Dr.
- 1.1.13 change the note in the northwest corner of the plat to read; 10' of additional ROW to be dedicated to the City.
- 1.1.14 corrections per Public Works & Utilities Department memo of May 6, 2004, except that a median in Barkley Drive shall be permitted east of 84<sup>th</sup> Street with a median opening for So. 85<sup>th</sup> Terrace and Court. (\*\*Per Planning Commission, at the request of the applicant, 06/09/04\*\*)
- 1.1.15 the outlot designation for the multiple family to lot.
- 1.1.16 a new block for the lots south of Grey Hawk Ln. Outlot "C" must be changed to a lot and included in this block.

2. The City Council approves associated request:

- 2.1 Change of Zone #04017
- 2.2 Special Permit #04011

General:

3. Final Plats will be approved by the Planning Director after:

- 3.1 You have completed or posted a surety to guarantee the completion of the public streets, private roadway improvements, sidewalks, sanitary sewer system, water system, drainage facilities, land preparation and grading, sediment and erosions control measures, storm water detention/retention facilities, drainageway improvements, street lights, landscaping screens, street trees, temporary turnaround and barricades, and street name signs.
- 3.2 The subdivider has signed an agreement that binds the subdivider, its successors and assigns:

to complete the street paving of streets, and temporary turnarounds and

barricades located at the temporary dead-end of the streets shown on the final plat within two (2) years following the approval of the final plat.

to complete the installation of sidewalks along both sides of streets and along the east side of S. 84<sup>th</sup> St. as shown on the final plat within four (4) years following the approval of the final plat.

to complete the public water distribution system to serve this plat within two (2) years following the approval of the final plat.

to complete the public wastewater collection system to serve this plat within two (2) years following the approval of the final plat.

to complete the enclosed drainage facilities shown on the approved drainage study to serve this plat within two (2) years following the approval of the final plat.

to complete land preparation including storm water detention/retention facilities and open drainageway improvements to serve this plat prior to the installation of utilities and improvements but not more than two (2) years following the approval of the final plat.

to complete the installation of public street lights along the streets within this plat within two (2) years following the approval of the final plat.

to complete the planting of the street trees along streets within this plat within four (4) years following the approval of the final plat.

to complete the installation of the street name signs within two (2) years following the approval of the final plat.

to complete any other public or private improvement or facility required by Chapter 26.23 (Development Standards) of the Land Subdivision Ordinance in a timely manner which inadvertently may have been omitted from the above list of required improvements.

to submit to the Director of Public Works a plan showing proposed measures to control sedimentation and erosion and the proposed method to temporarily stabilize all graded land for approval.

to complete the public and private improvements shown on the preliminary plat and Community Unit Plan.

to retain ownership of or the right of entry to the outlots in order to maintain the outlots and private improvements on a permanent and continuous basis and to maintain the plants in the medians and islands on a permanent and continuous basis. However, the subdivider may be relieved and discharged of this maintenance obligation upon creating, in writing, a permanent and continuous

association of property owners who would be responsible for said permanent and continuous maintenance. The subdivider shall not be relieved of such maintenance obligation until the private improvements have been satisfactorily installed and the documents creating the association have been reviewed and approved by the City Attorney and filed of record with the Register of Deeds.

to submit to the lot buyers and home builders a copy of the soil analysis.

to pay all design, engineering, labor, material, inspection, and other improvement costs.

to comply with the provisions of the Land Preparation and Grading requirements of the Land Subdivision Ordinance.

to protect the trees that are indicated to remain during construction and development

to properly and continuously maintain and supervise the private facilities which have common use or benefit, and to recognize that there may be additional maintenance issues or costs associated with providing for the proper functioning of storm water detention/retention facilities as they were designed and constructed within the development, and that these are the responsibility of the land owner.

to relinquish the right of direct vehicular access from Outlots D and E to Pine Lake Rd.

to relinquish the right of direct vehicular access to S. 84<sup>th</sup> St. except as shown.

to timely complete the public and private improvements and facilities required by Chapter 26.23 of the Land Subdivision Ordinance which have not been waived including but not limited to the list of improvements described above.

to post the required security to guarantee completion of the required improvements if the improvements are not completed prior to approval of the final plat.

Prepared by:

Tom Cajka, 441-5662, [tcajka@ci.lincoln.ne.us](mailto:tcajka@ci.lincoln.ne.us)  
Planner

**DATE:** May 27, 2004

**APPLICANT:** Glen Herbert  
8540 Chaparral Cir.  
Lincoln, NE 68520  
(402) 489-2336

**OWNER:** same as applicant

**CONTACT:** Lyle Loth  
ESP  
601 Old Cheney Rd. Suite A  
Lincoln, NE 68512  
(402) 421-2500

**CHANGE OF ZONE NO. 04017,  
SPECIAL PERMIT NO. 04011,  
BOULDER RIDGE COMMUNITY UNIT PLAN  
and  
PRELIMINARY PLAT NO. 04008, BOULDER RIDGE,**

**PUBLIC HEARING BEFORE PLANNING COMMISSION:**

May 26, 2004

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

Staff recommendation: Deferral until June 9, 2004.

Ex Parte Communications: None.

Proponents

1. **Peter Katt** confirmed that the applicant is requesting a two-week continuance.

Marvin moved to defer, with continued public hearing and administrative action scheduled for June 9, 2004, seconded by Carroll and carried 9-0: Marvin, Krieser, Carlson, Larson, Sunderman, Taylor, Pearson, Carroll and Bills-Strand voting 'yes'.

**CONT'D PUBLIC HEARING BEFORE PLANNING COMMISSION:**

June 9, 2004

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

Staff recommendation: Approval of the change of zone, and conditional approval of the community unit plan and preliminary plat.

Ex Parte Communications: None.

Proponents

1. **Peter Katt** appeared on behalf of the applicant, and stated that the applicant is in general agreement with the staff recommendation of conditional approval, as revised; however, he did submit proposed amendments:

- Substitute the following language for Condition #1.1.2:

Include a Note that reasonable access to Lot 6 I.T. and Lot 66 I.T. shall be provided at the time of multi-family site plan approval.

The adjoining outlot is a proposed multi-family area and the staff condition of approval requests a public street to provide access. The applicant has no objection to providing access to that property at the time that a specific proposal comes forward in terms of the layout of the multi-family.

- Delete Condition #1.1.6

This is a request by staff to modify the radius and convert the cul-de-sac to a through road. The cul-de-sac shown is in full compliance with all of the standards that the city has with regard to cul-de-sac lengths and every other requirement. The developer would like to develop this as a cul-de-sac as families like to locate on cul-de-sacs so they don't have that through traffic. It is a housing choice that should be available. Katt believes that the developer should have the opportunity to put in this cul-de-sac until the rules are changed.

- Delete Condition #1.1.12

Staff is requiring a pedestrian easement to be located on top of the sanitary sewer easement. Katt suggested that pedestrian easements are problematic in subdivisions. In addition to the fact that the neighbors don't like them once they are in, there is an added \$25,000 cost. This applicant does not believe it is a significant issue and, given the problems and cost factor, the pedestrian easement should not be required.

- Add the following language to Condition #1.1.14:

...except that a left turn pocket shall be permitted from Pine Lake Road onto South 86<sup>th</sup> Street and a median in Barkley Drive shall be permitted...

(Option 1) ...east of 84<sup>th</sup> Street with a median opening for So. 85<sup>th</sup> Terrace and Court.

or

(Option 2) ...east of 85<sup>th</sup> Terrace and Court.

The Public Works condition is that the median be fully extended and that no left turns be permitted off Pine Lake Road onto 86<sup>th</sup> Street. The concern of Public Works is that by allowing the left turn, they would not have enough left turn capacity on Pine Lake Road onto 84<sup>th</sup> Street. The Pine Lake Road design standard has dual lefts. This applicant believes that there is more than enough adequate capacity in those dual left turn lanes on 84<sup>th</sup> to permit a left turn pocket on 86<sup>th</sup> Street.

With regard to Barkley Drive, Katt advised that the layout of the lots has changed. The private drive has gone to the front of the lots. The applicant has proposed to construct a median in Barkley Drive, and build a very nice landscaped signature entry boulevard into the subdivision. Public Works objects to the median. Option 2 removes the front island and starts the island on the other side of the intersection. Both Option 1 and 2 contemplate 55' wide paving, which allows two movement lanes and exceeds the

requirements. There would always be through traffic movement on the street. If the applicant is unable to build the median as proposed, and complies with the staff recommendation, it will be a collector street width of 39' without any median. Katt believes that the medians are a better solution to having through traffic in addition to providing the signature entry.

Marvin inquired about Outlots H and I and that the width on 84<sup>th</sup> Street seems to be 50' back from centerline instead of 60'. Katt stated that at this point in time, the applicant has no specific plans for these outlots. Ray Hill of Planning staff believes the developer is dedicating 10' up on the north, thus making it 60'. Lyle Loth of ESP concurred that they will dedicate an additional 10'. Loth also explained that the plan of the applicants for Outlots H and I is to landscape and build some berms to provide buffer from 84<sup>th</sup> Street to the units running out to 84<sup>th</sup> Street. He does not believe it would be a wood fence.

In regard to Condition #1.1.2, Katt clarified that the developer does not own the property they are accessing. They currently take access off 84<sup>th</sup> Street. The point is that we don't want to have to build another street to serve someone else's lot.

There was no testimony in opposition.

#### Staff questions

Taylor asked staff to respond to the proposed amendments. Ray Hill of Planning staff stated that staff is agreeable to the idea of working out the access later in Condition #1.1.2, but the staff is insisting that there would be a roadway leading to that property that they do not own because of the access situation with the new alignment of Pine Lake Road and 84<sup>th</sup> Street. When they develop the multi-family area, they are required to provide some type of public access.

Ray Hill also suggested that if the applicant does not want to put in a pedestrian way easement (Condition #1.1.12), the staff would ask that they put in a street because there is need for access and the Comprehensive Plan talks about more connectivity between our neighborhoods. Hill thought the staff and applicant had agreed that the staff would not require a street if they provided the pedestrian easement.

Carroll inquired about coming off of 84<sup>th</sup> as far as the median. Chad Blahak of Public Works stated that the design standards allow intersection separations to be 120' from centerline to centerline; however, the standards do not differentiate between local, collector or arterial streets, so subsequently they can design a local street intersection 120' from the centerline of an arterial roadway, so they are relatively close together. As you come off of 84<sup>th</sup> Street from the south to get to the north section of 85<sup>th</sup> Street, there is the possibility that cars will be waiting to turn left and possibly block traffic onto the 84<sup>th</sup> Street sections. That was the reason for the Public Works request that the median be carried through to not interfere with 84<sup>th</sup> Street traffic.

Carroll then inquired about 84<sup>th</sup> to Barkley Drive where they talk about a median break to allow access to 85<sup>th</sup> Street. Blahak responded that the median break showed stacking for about one

vehicle. With multiple units, the possibility exists that there will be multiple vehicles waiting to turn.

Carroll suggested that the third option as far as the standard design for the street would be 39' wide with no islands. Blahak believes that would most closely emulate the geometry across the street to the north.

Bills-Strand recalled that Public Works does not usually like islands in neighborhoods. Blahak agreed.

With regard to the amendment for the 86<sup>th</sup> Street connection to Pine Lake Road, the comment that Public Works made was to not show that as a left in, right out. The reason is that that section of Pine Lake Road is not even designed yet so it has not been determined what kind of access point would be allowed. Therefore, Public Works believes it to be in the best interests not to show a full access so that the residents don't get used to the fact of a full access before final design.

#### Response by the Applicant

Katt suggested that while this portion of Pine Lake Road might not have been designed yet, the 84<sup>th</sup> Street intersection has been designed and there are dual lefts. It seems to us to make sense that if it isn't designed, what a great opportunity to design it. They can only come out of their neighborhood and go into their neighborhood.

South 85<sup>th</sup> Court will only serve those four lots. This is not a through street. There are only 4 houses that will have turning movements on that road so the amount of traffic is quite small. There is a drainageway that has to be accommodated. In its current configuration the road satisfies all of the requirements the best. The applicant wants to establish an attractive, landscaped boulevard. The developer believes the proposed solution is not only the best traffic solution but also provides a nice entryway into the neighborhood.

Taylor inquired about the pedestrian easement. Katt believes that it would be very difficult to find a good location for a pedestrian easement. We have standards on cul-de-sac design length and we should be able to design a development that satisfies the design standards. If the Comprehensive Plan has changed and now we want to have free-flowing streets with no more cul-de-sacs, then we should change the design standards and not pick and choose which projects to which the standards apply or not apply. We think people should have the choice. They want the seclusion and the privacy and we should provide that opportunity. Generally, the people that live in these places don't like pedestrian easements. They are a problem and it adds \$25,000 to the cost.

#### **CHANGE OF ZONE NO. 04017**

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

June 9, 2004

Carlson moved approval, seconded by Marvin and carried 8-0: Sunderman, Carlson, Larson, Krieser, Taylor, Marvin, Carroll and Bills-Strand voting 'yes'; Pearson absent.

This is a recommendation to the City Council.

**SPECIAL PERMIT NO. 04011**

**ADMINISTRATIVE ACTION BY PLANNING COMMISSION:**

June 9, 2004

Main Motion: Carlson moved to approve the staff recommendation of conditional approval, with amendments by staff, seconded by Marvin.

With regard to Condition #1.1.14, Marvin believes that what the applicant has proposed with a 55' wide road is preferable to the 39' wide road.

Motion to Amend #1.

Marvin made a motion to amend to add the language to Condition #1.1.14 requested by the applicant, without Option 1 or 2. The applicant wants to allow left turns off of Pine Lake Road. He does not believe the stacking issue is a big deal. Motion failed for lack of a second.

Motion to Amend #2.

Carlson moved to amend Condition #1.1.14 , as proposed by the applicant, including Option 1, seconded by Marvin.

Carlson stated that there is no break in the median without Option 1.

Carroll stated that if he was going to give a median on Barkley, he would consider a median east of 85<sup>th</sup> Street versus a cut in the island and then another island. It would make more sense to start the island after 85<sup>th</sup> Street. He believes that is Option 2. Option 1 has the island all the way along. He prefers Option 2 with no median until after 85<sup>th</sup> Street. Since Pine Lake Road is not designed yet, you are allowing something that might cause problems in the future by allowing an island cut now. If traffic warrants a left turn pocket, then they would design it through, but you are allowing something before the street is designed for the traffic it is going to carry.

Larson does not see why we shouldn't have the island between 84<sup>th</sup> and 85<sup>th</sup> on Barkley. It would be better to have the island there.

Bills-Strand suggested that it is just like Rolling Hills--you go in Rolling Hills Boulevard and she thinks it is a very attractive entryway into that neighborhood.

Motion to Amend #2 failed 4-4: Carlson, Taylor, Marvin and Bills-Strand voting 'yes'; Sunderman, Larson, Krieser and Carroll voting 'no'; Pearson absent.

Motion to Amend #3.

Carroll moved to amend Condition #1.1.14 to add language, "...except that a median in Barkley Drive shall be permitted east of 84<sup>th</sup> Street with a median opening for So. 85<sup>th</sup> Terrace and Court.", seconded by Sunderman.

Marvin believes that this is an attempt to reward a developer who is not going to put up a big fence on a main thoroughfare. It is important that we work with them to make it attractive and not be overly concerned about the cross traffic and about medians.

Motion to Amend #3 carried 8-0: Sunderman, Carlson, Larson, Krieser, Taylor, Marvin, Carroll and Bills-Strand voting 'yes'; Pearson absent.

Motion to Amend #4.

Carroll moved to amend Condition #1.1.2 as requested by the applicant, adding, "to the satisfaction of the Public Works & Utilities Department"., seconded by Marvin.

Motion to Amend #4 carried 8-0: Sunderman, Carlson, Larson, Krieser, Taylor, Marvin, Carroll and Bills-Strand voting 'yes'; Pearson absent.

Motion to Amend #5.

Larson moved to amend to delete Condition #1.1.6, seconded by Sunderman.

Carlson stated that he will vote against the motion from the standpoint of creating better connectivity.

Larson wants it deleted because a lot of people like cul-de-sacs just for that reason, and this would ruin it if we force them to put a street in there. In addition, it will cut out at least one lot, probably two.

Bills-Strand stated that in the real estate world, people do like cul-de-sacs and they like the peace and quiet that they provide. If what is shown meets design standards, she has trouble not allowing it.

Motion to Amend #5 carried 6-2: Sunderman, Larson, Krieser, Taylor, Carroll and Bills-Strand voting 'yes'; Carlson and Marvin voting 'no'; Pearson absent.

Motion to Amend #6.

Larson moved to amend to delete Condition #1.1.12, as requested by the applicant, seconded by Sunderman.

Carlson is opposed. He has been a strong champion for accommodating pedestrian motions. We have a park just off of this development. You are going to walk on it whether it is paved or not. You should give people access as they move that direction to go over to the park. It is the same argument as the cul-de-sac. If you buy a house next to a pedestrian way easement, you will know that people will be walking past your house.

Carroll believes that having a public easement and walkway is beneficial to the whole area.

Motion to Amend #6 failed 4-4: Sunderman, Larson, Krieser and Bills-Strand voting 'yes'; Carlson, Taylor, Marvin and Carroll voting 'no'; Pearson absent.

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

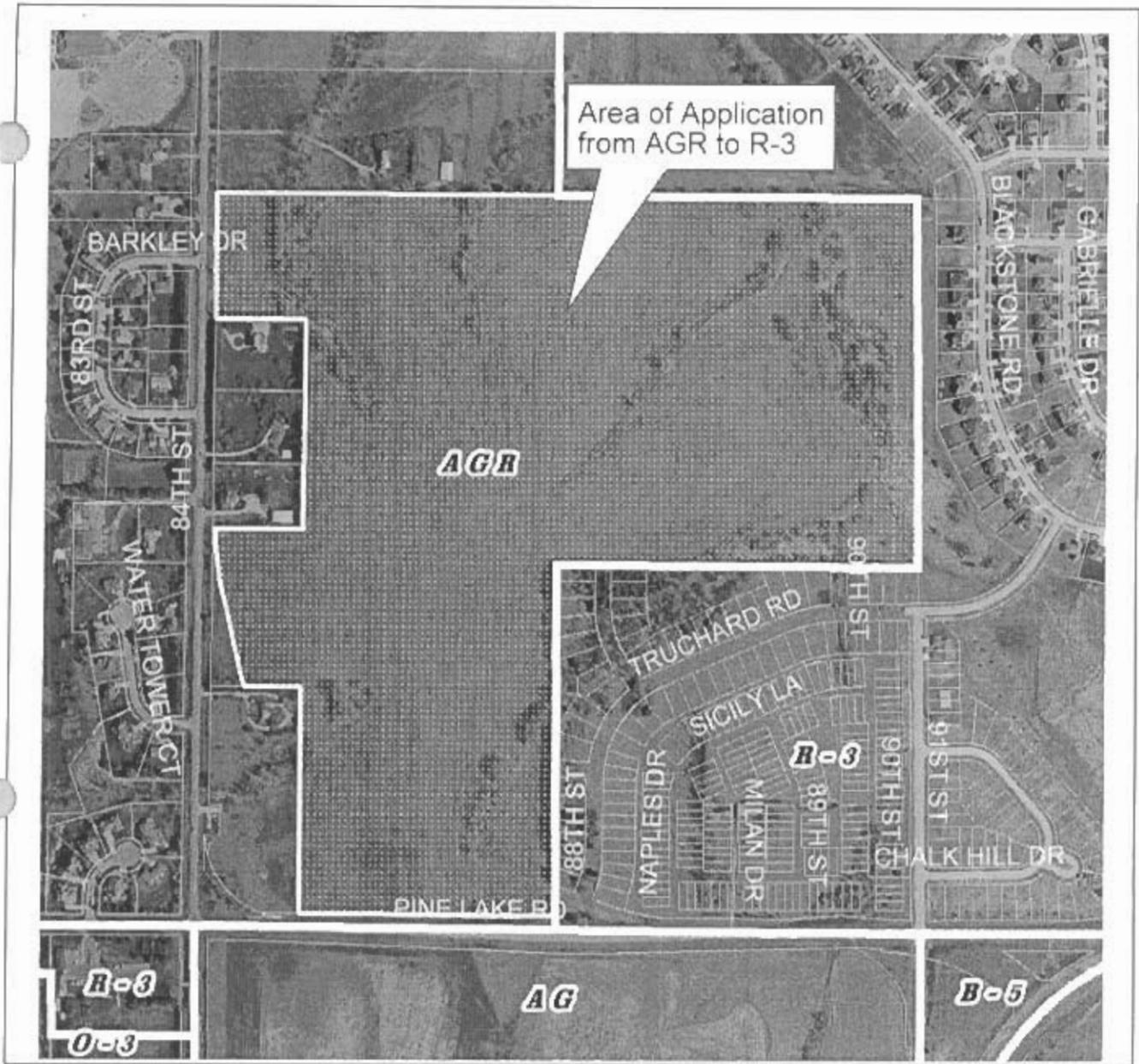
**PRELIMINARY PLAT NO. 04008**

**ADMINISTRATIVE ACTION BY PLANNING COMMISSION:**

**June 9, 2004**

Carlson moved to approve the staff recommendation of conditional approval, including the staff amendments, and the amendments previously approved on Special Permit No. 04011, seconded by Larson and carried 8-0: Sunderman, Carlson, Larson, Krieser, Taylor, Marvin, Carroll and Bills-Strand voting 'yes'; Pearson absent.

This is final action, unless appealed to the City Council by filing a letter of appeal with the City Clerk within 14 days of the action by the Planning Commission.



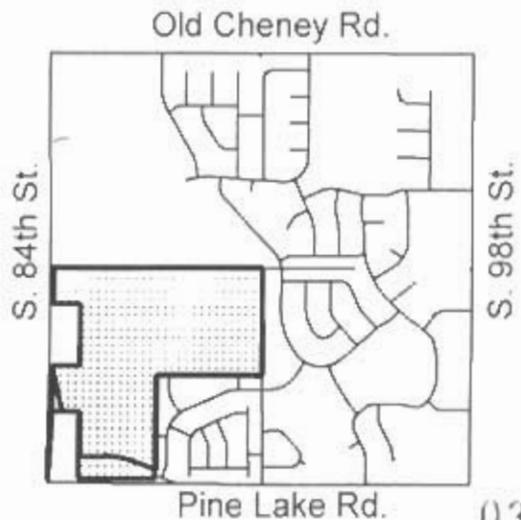
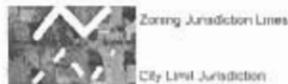
**Preliminary Plat #04008**  
**S. 84th & Pine Lake Rd.**

2002 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-1 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. 14 T9N R7E



032



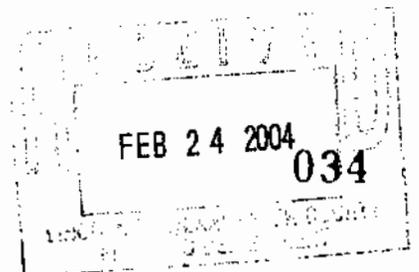
**Preliminary Plat, Zoning & Special Permit – Purpose Statement**  
Boulder Ridge Development – Pine Lake Road & S 84<sup>th</sup> Street 2/24/04

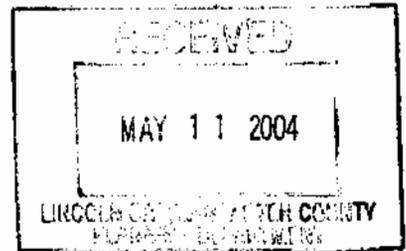
**Purpose Statement:**

The purpose for the requested Change in Zone and for the Special Permit is to allow for a residential development involving Single Family, Attached Single Family and Future Multi Family dwellings. Currently, the land is zoned "AGR" and the owner desires "R-3" zoning to facilitate this development. The owner is also requesting a Community Unit Plan (CUP) to facilitate the construction of the Future Multi Family dwellings.

The area involved in this request includes approximately 140 acres, bounded on the south by Pine Lake Road, on the west by S. 84<sup>th</sup> Street and generally bounded on the east by Antelope Creek and existing residential developments. Specifically, the project site is located to the northeast of the S. 84<sup>th</sup> & Pine Lake Road intersection, and is legally described as Lot 39 IT, in the SW ¼ of Section 14, T9N, R7E.

Waivers to the City of Lincoln Design Standards (under Title 26.23.100) are being requested for six (6) locations of the Sanitary Sewer where the Sewer will run opposite of the proposed grade for less than 250 feet. This is required to adequately service all of the proposed lots, and does not seem to present a design or maintenance problem.





File No 02-0310  
May 10, 2004

Tom Cajka  
Planning Department  
555 So. 10<sup>th</sup> Street  
Lincoln, NE 68508

**LYLE L. LOTH, P.E./L.S.**

Suite A - 601 Old Cheney Road  
Lincoln, NE 68512

Phone (402) 421-2500  
Fax (402) 421-7096

Email: lyle@espeng.com

Re: Boulder Ridge

Dear Tom:

On behalf of Glen Herbert, we hereby request the following 3 waivers for the Boulder Ridge Project:

1. Sanitary Sewer to run opposite street grades.
2. Intersection of Barkley Drive and 84<sup>th</sup> Street for maximum grade on the approach to a major street.
3. The intersection at 85<sup>th</sup> Street and Barkley Drive for maximum grade of 3% on the approach to an intersection.

Thank you for your assistance, and please contact me if you have any questions.

**E-S-P**  
**Engineering-Surveying-Planning**

Lyle

# Memorandum

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<b>To:</b>	Tom Cajka, Planning Department
<b>From:</b>	Chad Blahak, Public Works and Utilities Dennis Bartels, Public Works and Utilities
<b>Subject:</b>	Boulder Ridge Preliminary Plat #04008 and Special Permit #04011
<b>Date:</b>	5/06/04
<b>cc:</b>	Randy Hoskins

Engineering Services has reviewed the preliminary plat and special permit for Boulder Ridge, located east of South 84th Street and north of Pine Lake Road, and has the following comments:

**Sanitary Sewer** - The following comments need to be addressed.

(1.1) There are a number of locations where the sewer is to run opposite street grades, requiring a waiver of design standards. Public Works would approve this waiver provided that maximum depths are not exceeded as a result of the waiver. Information needs to be provided showing the locations where the waiver applies and showing that the maximum 15' depth is not exceeded.

**Water Mains** - The water system is satisfactory.

**Grading/Drainage** - The following comments need to be addressed.

(3.1) Show the grading for the new 84th Street and how the proposed site grading along 84th will match these grades.

(3.2) There are numerous locations on the grading plan that show excessively flat lots or show drainage flowing down shared rear lot lines. As lots in these areas are built upon, the assumed drainage paths are frequently blocked during the home construction process causing drainage problems for the future home owner. Public Works recommends that the grading plan be revised to show a minimum of 3% slope from rear to front on all lots. Blocks 5, 7, 9, and 10 show lots with these potential drainage problems.

(3.3) Drainage swales are required for conveyance of the 100yr flow between Lots 20-21 Block 9 and between Lots 24-25 Block 10. Typical cross sections and capacity calculations need to be shown. The grading plan needs to be revised to match the cross sections provided.

(3.4) The location of the proposed 42" storm sewer between Lots 4&5 Block 11 with respect to the proposed sanitary sewer is unsatisfactory. Design standards state that a minimum of 10' separation needs to be provided between sanitary sewer and storm sewer. The site plan and utility plan need to be revised to meet design standards.

(3.5) The grading plan shows grading outside of this plat at the north end of 85th Street and 87th Street. Written proof must be provided stating the this developer has permission to grade on the adjacent property to the north or the grading plan needs to be revised to show no grading outside

May 6, 2004

of this plat.

(3.6) The 100yr flood elevations are shown on the grading plan, however, no supporting information has been provided as previously requested. Given the proximity of proposed lots to the Antelope Creek Floodway, supporting calculations and documentation needs to be provided for the flood elevations shown.

(3.7) The minimum elevations shown for lots in Block 3 should be revised to 1381.75. This elevation represents the approximate emergency overflow elevation for the proposed detention pond. All other minimum opening elevations need to be revised to 1' above the 100yr elevations shown for the proposed detention ponds and along Antelope Creek as per design standards.

(3.8) There appears to be an error on the grading plan concerning the proposed storm sewer that is shown between Lots 4&5 Block 11. The plan shows a 42" pipe draining to a 36" pipe. One or both of the pipe size labels needs to be revised to match the correct size indicated in the drainage study.

**Streets** - The following comments need to be addressed.

(4.1) The site plan shows portions of Barkley Drive between South 85th Street and Boulder Ridge Court to have approximately 6' of separation between the back of curb and the ROW line. This is unsatisfactory. If a wider street section is to be constructed the ROW needs to be widened appropriately providing the standard 16.5' from back of curb to ROW line to allow for the construction of water mains, sanitary sewer, and other utilities that are typically located in this area. Also, the median in Barkley Drive creates poor alignment with the existing Barkley Drive on the west side of 84th.

(4.2) The intersection of South 86th Street and Pine Lake Road is shown to have left in and no left out. This intersection configuration is not approved by Public Works as they do not appear necessary and may cause an insufficient left turn pocket length in Pine Lake Road and should be revised to show a full median across the intersection.

(4.3) The intersection of Barkley Drive and 84th Street as shown would require a waiver of design standards for maximum grade on the approach to a major street. This waiver has not been requested and justification has not been provided. The profile for Barkley Drive needs to be revised to show the proper platform length unless sufficient justification is provided and approved by Public Works.

(4.4) The intersection at 85th and Barkley Drive as shown would require a waiver of design standards for maximum grade of 3.0% on the approach to an intersection. This waiver has not been requested and justification has not been provided. The profiles need to be revised to show the proper platform length unless sufficient justification is provided and approved by Public Works.

(4.5) Right turn lanes need to be shown in Pine Lake Road at 86th Street and in 84th Street at Barkley Drive. The right turn lanes are not impact fee facilities and should the responsibility of this developer.

May 6, 2004

(4.6) The dimension note in the north west corner of the plat concerning the 10' of future ROW needs to be revised to say "10' of additional ROW to be dedicated to the city".

**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, 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.

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# Memo

**To:** Tom Cajka, Planning Department

**From:** Mark Canney, Parks & Recreation

**Date:** ~~March 9, 2004~~ May 3-04

**Re:** Boulder Ridge 04008

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Staff members of the Lincoln Parks and Recreation Department have conducted a plan review of the above-referenced application/proposal and have the following comments:

1. Outlot areas to be maintained by the developer and/or future homeowners association.
  2. ADA park access to the west side of the channel – extend park access to the east side of Antelope Creek Channel for access to the park amenities.
  3. Outdoor recreation plan must be submitted with future multi-family housing complexes.
  4. Park land to be accepted in lieu of impact fees.
  5. Landscape plan for all medians and islands must be submitted for review.
  7. (1) additional street tree needs to be added at Block 3, Lot 6.
  8. (1) additional street tree needs to be added at Outlot "A" .
  9. (1) additional street tree needs to be added at Outlot "B".
  10. Street trees need to be added along S. 85<sup>th</sup> Street Drive.
  11. Consolidate the (2) park access points into a single access point aligning with Rocky Top road, 6' wide and ADA compliant. A single access point will only require (1) future connector bridge. If this cannot be accomplished due to issues of drainage, grading, utilities, please remove the south access point and convert it to part of the private lots with a storm drainage easement.
6. Need to resubmit for review when items listed are addressed.

If you have any additional questions, comments or concerns, please feel free to contact me at 441-8248. Thank you.



**IMPORTANT**



Return this report with two sets of corrected plans. The corrections noted below are required to be made to the plans prior to issuance of a permit. Please indicate under each item where the correction is made by plan sheet number or plan detail number.  
A separate set of plans for review and final approval must be submitted by the licensed installing contractor/s if fire suppression systems, sprinklers, dry powder, fire alarm systems or underground tanks are installed.



Permit # DRF04059

Address

Job Description: Development Review - Fire

Location: BOULDER RIDGE

Special Permit:

Preliminary Plat: Y 04008

Use Permit:

CUP/PUD:

Requested By: TOM CAJKA

Status of Review: Denied

04/29/2004 12:02:12 PM

Reviewer: FIRE PREVENTION/LIFE SAFETY CODE

BOB FIEDLER

Comments: need hydrant on Granite Ridge RD between Look out LA & Pebble Creek cir , exceeds 420ft spacing

**Current Codes in Use Relating to Construction Development in the City of Lincoln:**

- 2000 International Building Code and Local Amendments
- 2000 International Residential Code and Local Amendments
- 1994 Nebraska Accessibility Guidelines (Patterned after and similar to ADA guidelines)
- 1989 Fair Housing Act As Amended Effective March 12, 1989
- 1979 Zoning Ordinance of the City of Lincoln as Amended including 1994 Parking Lot Lighting Standards
- 1992 Lincoln Plumbing Code (The Lincoln Plumbing Code contains basically the 1990 National Standard Plumbing Code and local community Amendments.)
- 1999 National Electrical Code and Local Amendments
- 1997 Uniform Mechanical Code and Local Amendments
- 1994 Lincoln Gas Code
- 1994 NFPA 101 Life Safety Code
- 2000 Uniform Fire Code and Local Amendments
- Applicable NFPA National Fire Code Standards

RECEIVED  
 APR 29 2004  
 040  
 CITY OF LINCOLN

SUBMITTED BY STAFF

ITEM 4.1b&c: SPECIAL PERMIT NO. 04011  
PRELIMINARY PLAT NO. 04008  
(P.89 & 107 - Public Hearing - 6/09/04)  
BOULDER RIDGE

Motion to Amend Conditions

SPECIAL PERMIT #04011

- 1.1.1 spelling correction for Look Out Lane.
- 1.1.2 S. 85<sup>th</sup> St. change to S. 86<sup>th</sup> St. Capitalize "Ridge" in Boulder Ridge Rd.  
Change 61 I. T. To 6 I. T.
- 1.1.4 delete
- 1.1.5 delete

PRELIMINARY PLAT #04008

- 1.1.2 Change S. 85<sup>th</sup> to S. 86<sup>th</sup>.
- 1.1.4 delete
- 1.1.5 delete

**BOULDER RIDGE**

**Applicant's Motion to Amend Conditions**

**SPECIAL PERMIT #04011 & PRELIMINARY PLAT #04008**

1.1.2 Substitute the following language:

Include a Note that reasonable access to Lot 6 I.T. and Lot 66 I.T. shall be provided at the time of multi-family site plan approval.

1.1.6 Delete this condition.

1.1.12 Delete this condition.

1.1.14 Add the following language:

Except that a left turn pocket shall be permitted from Pine Lake Road onto South 86<sup>th</sup> Street and a median in Barkley Drive shall be permitted

Option 1: [east of 84<sup>th</sup> Street with a median opening for So. 85<sup>th</sup> Terrace and Court] or  
Option 2: [east of 85<sup>th</sup> Terrace and Court].