

City Council Introduction: **Monday**, July 23, 2001  
Public Hearing: **Monday**, July 30, 2001, at **5:30 p.m.**

Bill No. 01R-193

## **FACTSHEET**

**TITLE: WAIVER OF DESIGN STANDARDS NO. 01010**, requested by Center Associates, to extend the time for installation of sidewalks, street trees and landscape screen between Russwood Parkway and Trail Ridge Road; and along Trail Ridge Court and the south side of Trail Ridge Road, located in the Russwood Park 4<sup>th</sup> Addition, generally located at No. 84<sup>th</sup> & Vine Streets.

**STAFF RECOMMENDATION:** Conditional Approval.

**SPONSOR:** Planning Department

**BOARD/COMMITTEE:** Planning Commission  
Public Hearing: 07/11/01  
Administrative Action: 07/11/01

**RECOMMENDATION:** Conditional Approval, with amendment to Condition #2 (7-0: Krieser, Newman, Duvall, Carlson, Steward, Schwinn and Bayer voting 'yes'; Taylor and Hunter absent).

### **FINDINGS OF FACT:**

1. The Planning staff recommendation of conditional approval is based upon the "Analysis" as set forth on p.3-4.
2. The applicant's testimony is found on p.5, including a request to amend Condition No. 1 to extend the time for five years, and to amend Condition No. 2 to extend the time for 90 days.
3. There was no testimony in opposition; however, the record consists of one letter in opposition (p.14).
4. On July 11, 2001, the Planning Commission voted 7-0 to agree with the staff recommendation of conditional approval, with amendment to Condition #2 to extend the time to 90 days from approval of this waiver. The Planning Commission did not amend Condition #1. (See Minutes, p.6).

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

**DATE:** July 16, 2001

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

**DATE:** July 16, 2001

**REFERENCE NUMBER:** FS\CC\FSW01010



square feet for a recreational center and day care center and 20,000 square feet of service/retail. The preliminary PUD was approved by Council.

A Final PUD consisting of 20,000 square feet of service/retail use and 34 dwelling units was approved by the City Council in 1991.

Preliminary Plat #95009, Russwood Park consisting of 72 lots and 3 outlots was approved by the Planning Commission on August 30, 1995. Changes were required to be made to the plan and a second review before the Planning Commission was required. No waivers were requested not approved.

Final Plat #95043 was approved by the Planning Commission on January 31, 1996. Landscaping and street trees required a \$46,279.00 escrow of security fund which was accepted January 18, 1996. Executive Order #59203, signed on January 28, 2000, released 75% of the \$104,000.00 sidewalks surety, leaving \$26,000.00 to guarantee the construction of sidewalks in the plat.

Sidewalks and street trees were to be completed by January 31, 2000. The landscape screen was to be completed by January 31, 1998.

	<b>Street Trees</b>	<b>Landscape Screen</b>	<b>Sidewalks</b>
<b>Surety/Escrow signed</b>	1/18/96	1/18/96	1/28/00
<b>Completion Required</b>	1/31/00	1/31/98	1/31/00

**ANALYSIS:**

1. This is a request for a waiver of design standards to extend the time that minimum improvements be installed as required by Sections 26.27.020, 26.27.080 and 26.27.090 of the Land Subdivision Ordinance. The extension request changes the date of completion from 1998 (landscape screen) to 2006 and from 2000 (sidewalks and street trees) to 2006.
2. This request is in response to the Law Department's investigation into projects which have failed to execute the requirements of minimum improvements where bonds have been posted by the applicant.
3. The construction of sidewalks, street trees and landscape screening is required to be completed four years from the time of final platting, this requests a time extension greater than would be required if the lots were platted at this time.
4. The Public Works and Utilities Department stated that a five year extension is excessive and should be reviewed yearly.
5. The developer has not demonstrated a substantial hardship that would necessitate a time extension for sidewalks, street trees or landscape screening.
6. The developer has posted bonds for the construction of sidewalks, street trees and landscape screening and signed legal agreements declaring that the sidewalks and street tree improvements would be constructed by April 11, 1999.

7. Delay of the construction of the sidewalks, street trees and landscape screening is a reasonable request for Trail Ridge Court given that the future development of the lots would most likely cause damage to the improvements if installed now. However, improvements should be constructed along Russwood Parkway and Trail Ridge Road at the time of the approval of this application.
8. The Parks and Recreation Department stated that a time extension may be granted to only those street trees impacted by current and/or future street improvement work. An extension should not be granted for those streets/lots already improved. Trail Ridge Road and Russwood Parkway have already been improved. Outlot D is reserved for future development and may have future development conflicts which warrant an extension. Trail Ridge Court has not yet been developed and the Parks and Recreation Department does not object to a waiver for the street trees along Trail Ridge Court.

**STAFF RECOMMENDATION:**

Waiver of Design Standards for time extension

Conditional Approval

1. The sidewalks, street trees and landscape screening along Trail Ridge Court shall be installed as the property is developed or within one year from the time of approval of this waiver of design standards, whichever first occurs.
2. Sidewalks, street trees and landscape screening along Trail Ridge Road and Russwood Parkway shall be required to be installed ~~the time~~ within 90 days of the approval of this application.

Prepared by:

Becky Horner  
Planner

# WAIVER OF DESIGN STANDARDS NO. 01010

## PUBLIC HEARING BEFORE PLANNING COMMISSION:

July 11, 2001

Members present: Krieser, Newman, Duvall, Carlson, Steward, Schwinn and Bayer; Taylor and Hunter absent.

Planning staff recommendation: Conditional approval.

### Proponents

**1. Terry Zimmerman, Construction Manager for Hampton Enterprises**, presented the application on behalf of Center Associates. This request for extension of time to install certain improvements applies to the development at the northwest corner of 84<sup>th</sup> and O. This is a request for extension of time on the remaining unimproved property at Russwood Park along Russwood Parkway, Trail Ridge Court and Trail Ridge Road. If the improvements were installed now, they would be damaged during development of the property and would need to be replaced. The improvements will be installed on Trail Ridge as soon as the property is developed.

Zimmerman agreed with the Planning staff recommendation, except in Condition #1, the applicant would like an extension of five years on Trail Ridge Court and Outlot B directly south of Trail Ridge Court; and in Condition #2, the applicant would request 90 days on Russwood Parkway and Trail Ridge Road.

Bayer pointed out the amendment to Condition #1 to allow five years would allow the developer to develop the property tomorrow without putting the improvements in for five years. Bayer suggested that the improvements be installed as the property is developed or within 5 years if the property remains undeveloped.

Duvall noted that #4 of the staff analysis suggests that the time extension should be reviewed annually and the applicant agrees with the annual review.

From a marketing standpoint, Steward wondered whether it wouldn't be to the developer's advantage to have this infrastructure in place for purposes of development. Zimmerman stated that the roadways have been constructed. The land we're talking about is residential. Replacement of trees may cause the sidewalk and the plantings to be removed at a later date and that is what we are trying to avoid. He does not know the marketing plans. He is strictly in charge of site improvements.

Carlson sought clarification of the timing problem. Zimmerman did not know the answer to this question. The developer was not present.

There was no testimony in opposition; however, the record consists of one letter in opposition.

### Staff questions

Carlson asked staff whether 90 days would be acceptable for Condition #2. Becky Horner of Planning staff concurred.

Steward wondered whether there are implications to adjacent uses if these sidewalks are not put in for five years. Horner's response was that anyone walking would have to walk in the street. Steward then commented that we would normally expect sidewalks to go in when the streets are constructed. Horner concurred.

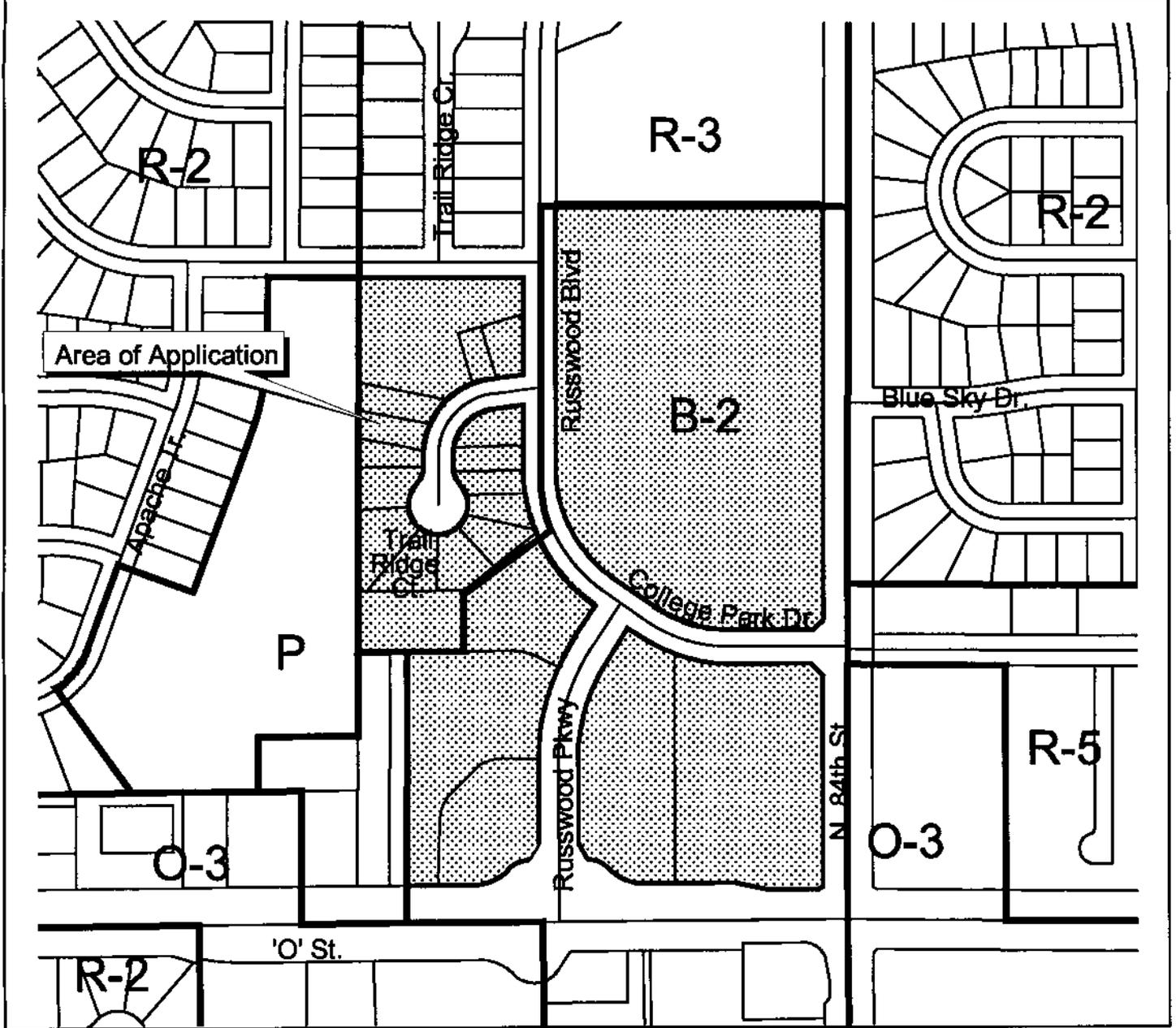
Public hearing was closed.

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

July 11, 2001

Steward moved to approve the staff recommendation of conditional approval, with amendment to Condition #2 to extend the time to 90 days from approval of the waiver, seconded by Newman. There was no change made to Condition #1.

Motion for conditional approval, with amendment to Condition #2, carried 7-0: Krieser, Newman, Duvall, Carlson, Steward, Schwinn and Bayer voting 'yes'; Taylor and Hunter absent.

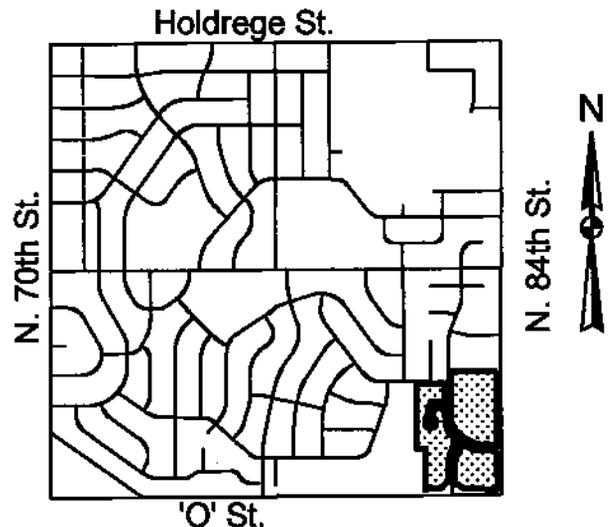
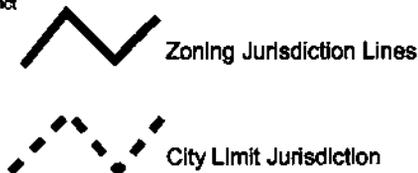


## Waiver of Design Standards #01010 N. 84th & Vine St.

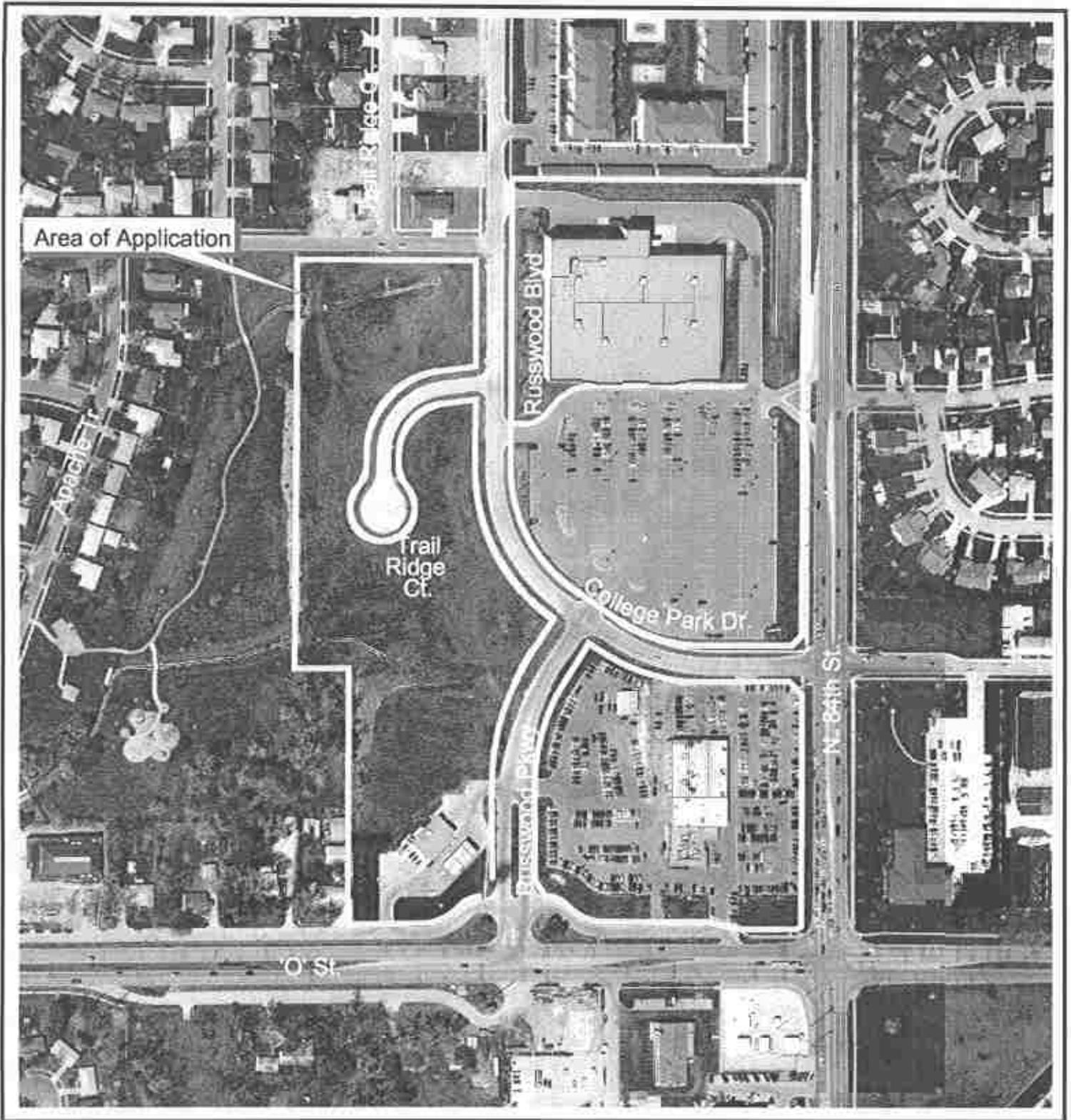
### Zoning:

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-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
P	Employment Center District
P	Public Use District

One Square Mile  
Sec. 22 T10N R7E



6/21/01  
Lincoln City - Lancaster County Planning Dept. 007



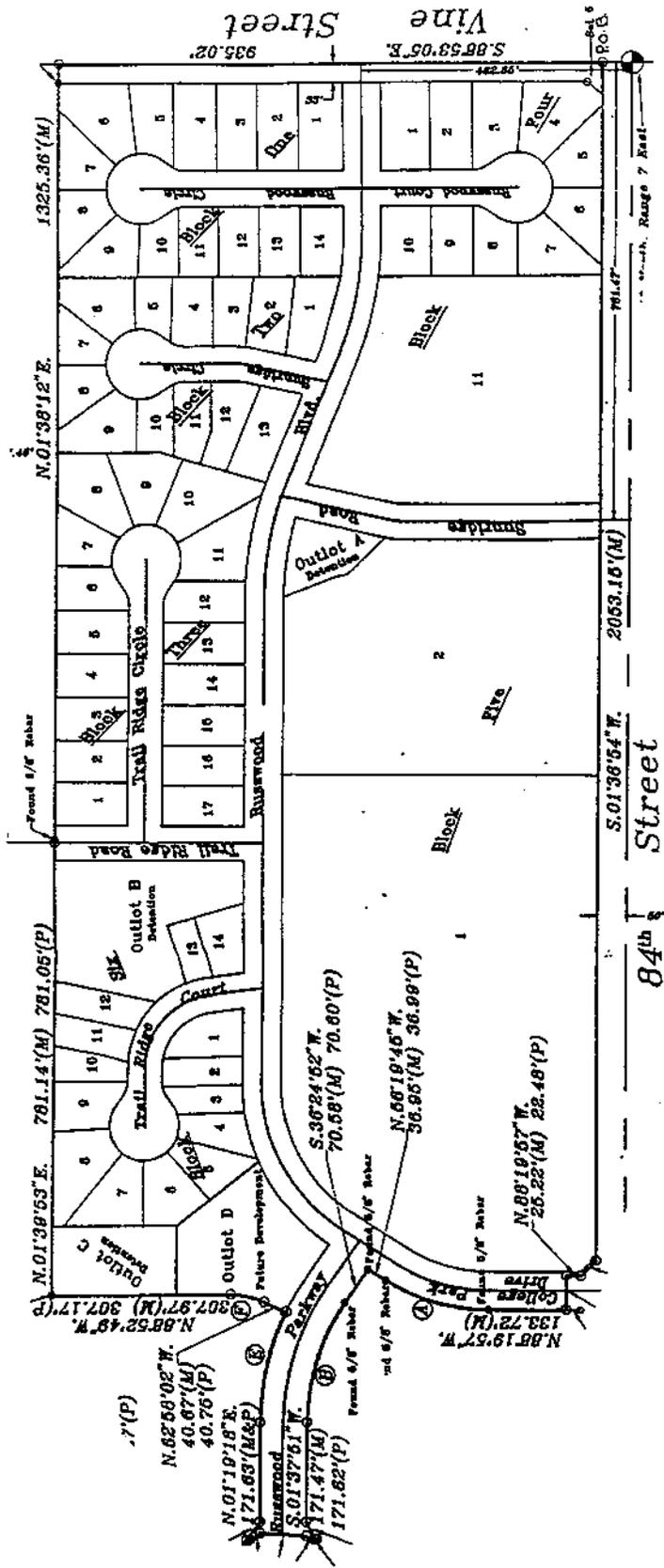
**Waiver of Design Standards #01010  
N. 84th & Vine St.**



6/21/01  
Photograph Date: 1999

008

**FINAL PLAT NO. 95043  
 RUSSWOOD PARK 1ST ADDITION  
 84TH & VINE**



Scale: ~~1" = 100'~~  
 Sheet: ~~1 of 2~~  
 Date: ~~10/28/01~~



6/28/01 009



1300 P STREET - LINCOLN, NEBRASKA 68501  
TELEPHONE (402) 474-4909

June 5, 2001

RECEIVED

JUN 06 2001

LAW DEPT.

NY  
DC9490

Nina Vejnovich  
City of Lincoln  
Law Department  
575 South 10<sup>th</sup> Street Suite 4201  
Lincoln, Nebraska 68508

RE: Russwood Park

Dear Nina:

We are writing in response to your letter of February 16, 2001 in regards to Resolution No. PC-00268 accepting and approving the plat designated as Russwood Park. We are addressing each item as listed in your letter as follows:

1. Construction of sidewalks along both sides of all interior streets and along 84<sup>th</sup> Street and Vine Street adjacent to this plat:

The sidewalks have been constructed in all areas except:

84<sup>th</sup> Street between "O" Street and College Park Drive

We have been instructed by the City to delay this sidewalk until the planned revisions to the intersection of 84<sup>th</sup> Street and "O" Street are finalized. It is our understanding that the City will construct and pay for the sidewalk at the time the street improvements are completed.

West side of Russwood Blvd between Russwood Parkway and Trail Ridge Road and along Trail Ridge Court and the south side of Trail Ridge Road

The property adjacent to the roads has not been developed. We have met with Harry Kraus, City Sidewalk Inspector, and we agreed that the sidewalks should not be constructed until the property is developed. We, therefore, are requesting a time extension of five years to complete these improvements or at such time immediately following development of the adjacent property.

2. Installation of street trees as shown on the street tree plan:

The street trees have been installed in all areas except:

West side of Russwood Blvd between Sunridge Circle and Trail Ridge Road

These trees will be installed within the next 60 days of the date of this letter.

West side of Russwood Blvd between Russwood Parkway and Trail Ridge Road and along Trail Ridge Court and the south side of Trail Ridge Road

The property adjacent to the roads has not been developed. As with the sidewalks we agree that the street trees should not be installed until the property is developed. We, therefore, are requesting a time extension of five years to complete these improvements or at such time immediately following development of the adjacent property.

3. Installation of landscape screen as shown on the approved landscape plan:

The landscape screening has been installed in all areas except:

West side of Russwood Blvd between Russwood Parkway and Trail Ridge Road and along Trail Ridge Court and the south side of Trail Ridge Road

The property adjacent to these roads has not been developed. As with the sidewalks we agree that the landscape screens should not be installed until the property is developed. We, therefore, are requesting a time extension of five years to complete these improvements or at such time immediately following development of the adjacent property.

4. Installation of street signs as approved by the Public Works Department:

The street signs have been installed as required and the City has been reimbursed for the street signs according to our records.

We have attached the landscape plans for Russwood Park First Addition showing the area's referred to in this letter. We apologize for the delay in responding to your letter. Please contact our office if you will need any additional information or documentation.

Sincerely,



Russell Brehm  
Chairman



"J.J. Yost"  
<jyost@ci.lincoln.ne.us>  
s>

To: rhorner@ci.lincoln.ne.us  
cc:  
Subject: Russwood - Wavier for Time Extension

06/28/2001 11:06  
AM

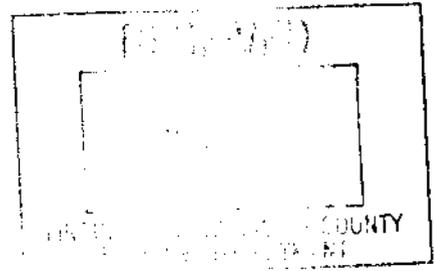
Becky:

Parks and Recreation Department Staff comments for the Russwood Park -  
Wavier for Time Extension consists of the following:

Time extension should be granted to only those Street Trees impacted by  
current and/or future street improvement work. An extension should not  
be granted for those streets/lots already improved.

Thanks, J.J. Yost

# Memorandum



**To:** Becky Horner, Planning Department  
**From:** Charles W. Baker, Public Works and Utilities *CWB*  
**Subject:** Waiver of Design Standards for Sidewalk Improvements in Russwood Park  
**Date:** June 21, 2001  
**cc:** Roger Figard, Nicole Fleck-Tooze

The City Engineer's Office of the Department of Public Works and Utilities has reviewed the request for a five year time extension for the sidewalks in Russwood Park. Public Works recommends that the sidewalks be installed as the property is developed or as required by the Sidewalk Department. A five year extension is excessive and should be reviewed yearly.

3 July 01

Lincoln Planning Commission:

I am writing in regards to  
the waiver of Design Standard No.  
01010 requested by Center associates.

I am very much against  
granting more time on this matter.  
They are already past time on  
completion of this project. Enough is  
enough -

Bill Janga  
410 Apache Trail  
Lincoln Nebr 68505

