

November 30, 2001

Olsson Associates  
Mark Palmer  
1111 Lincoln Mall  
Lincoln NE 68508

Re: Preliminary Plat No. 01010  
STONE RIDGE ESTATES

Dear Mr. Palmer:

At its regular meeting on Wednesday, **November 28, 2001**, the Lincoln-Lancaster County Planning Commission granted approval to your preliminary subdivision, **Stone Ridge Estates**, located in the general vicinity of **S. 27<sup>th</sup> St. and Yankee Hill Rd.**, subject to the following conditions:

Site Specific:

1. After the subdivider completes the following instructions and submits the documents and plans to the Planning Department office, the preliminary plat will be scheduled on the City Council's agenda: (NOTE: These documents and plans are required by ordinance or design standards.)
  - 1.1 Revise the preliminary plat to show:
    - 1.1.1 A corrected legal description for the CUP.
    - 1.1.2 Match the boundaries for the limits of the plat and CUP to the legend for Sheets 1 and 2.
    - 1.1.3 A corrected typical cross-section for public way corridors on Sheet 1.
    - 1.1.4 Match the limits for the CUP on Sheets 1 and 2.
    - 1.1.5 Expansion of Outlot D north of Grainger Parkway adjacent to Lots 2-6, Block 17.
    - 1.1.6 Brennan Court, Jake Drive, Tropp Drive and Alena Court renamed.
    - 1.1.7 Provide utility easements as requested by L.E.S.
    - 1.1.8 Provide the required number of hydrants and the required spacing as noted by the Fire Department.
    - 1.1.9 Relocate the 10' trail along Yankee Hill Road into the adjacent 16' wide pedestrian/trail.

- 1.1.10 Provide an average spacing of 70 feet for the street trees along Yankee Hill Road.
- 1.1.11 A storm sewer and drainage plan approved by Public Works.
- 1.1.12 Delete Note #29 from the plat. It is stated more clearly and completely in Note #31.
- 1.1.13 Revise Note #30 as follows: "Lots in the CUP may be created without frontage on a public street if they have access to a private roadway.
- 1.1.14 Provide correct density calculations for the CUP.
- 1.1.15 Creation of Outlot F that includes the open space within the limits of the CUP.
- 1.1.16 Remove that portion of the lot line that separates the strip of Outlot E between Lot 1, Block 15 and Grainger Parkway from the remainder of Outlot E.

~~1.2 Sewer connection fees to be determined by the City Attorney. (\*\*Per Planning Commission at the request of the applicant, 11/28/01\*\*)~~

- 2. The City Council approves associated requests:
  - 2.1 Change of Zone #3330.
  - 2.2 Special Permit #1946.
  - 2.3 A waiver to curb and gutter ~~provided the owner agrees to contribute 25% of the cost of improvements to those that~~ portions of South 27<sup>th</sup> Street and Yankee Hill Road adjacent to this development. (**\*\*Per Planning Commission at the request of the applicant, 11/28/01\*\***)

General:

- 3. Final Plats will be scheduled on the Planning Commission agenda after:
  - 3.1 The sidewalks, streets, drainage facilities, street lighting, landscape screens, street trees, water mains, sanitary sewer, temporary turnarounds and barricades, and street name signs have been completed or the subdivider has submitted a bond or an escrow of security agreement to guarantee their completion.
  - 3.2 The subdivider has signed an agreement that binds the subdivider, its successors and assigns:

- 3.2.1 To submit to the Director of Public Works an erosion control plan.
- 3.2.2 To protect the remaining trees on the site during construction and development.
- 3.2.3 To continuously and regularly maintain street trees along the private roadways and landscape screens.
- 3.2.4 To complete the private improvements shown on the preliminary plat and use permit.
- 3.2.5 To maintain the outlots and private improvements and 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 document or documents creating said property owners association have been reviewed and approved by the City Attorney and filed of record with the Register of Deeds.
- 3.2.6 To submit to the lot buyers a copy of the soil analysis.
- 3.2.7 To pay all improvement costs; provided that the City shall be responsible for constructing the trail improvements along Yankee Hill Road abutting this Preliminary Plat. The Developer agrees to contribute Twelve Thousand Eight Hundred Dollars (\$12,800.00—approximate value of 4' sidewalk width times approximately 1,300 feet long at \$2.45 per square foot) to the City to defray the cost of the Yankee Hill Trail infrastructure improvements within thirty (30) days of receipt of notice from the City that the Yankee Hill Road trail has been completed. The Developer and its successors and assigns agree to provide the necessary security for said amount pursuant to the City sidewalk security requirements. This trail improvement will serve as a sidewalk and the Developer shall have no further obligation for the construction of a sidewalk along the north side of Yankee Hill Road. (\*\*Per Planning Commission at the request of the applicant, 11/28/01\*\*).
- 3.2.8 To comply with the Land Preparation and Grading requirements of the Land Subdivision Ordinance.

The findings of the Planning Commission will be submitted to the City Council for their review and action. You will be notified by letter if the Council does not concur with the conditions listed above.

You may appeal the findings 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. You have authority to proceed with the plans and specifications for the installation of the required improvements after the City Council has approved the preliminary plat. If you choose to construct any or all of the required improvements prior to the City's 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 City Council approving and accepting any 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 the City Council's 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 should submit an ownership certificate indicating the record owner 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. When you submit a final plat you will be given forms to be signed by the County Treasurer verifying that there are no liens of taxes and by the City Treasurer verifying that the special assessment installment payments are current.

Sincerely,

J. Greg Schwinn, 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  
City Clerk  
File (2)

## LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

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This is a combined staff report for related items. This report contains a single background and analysis section for all items. However, there are separate conditions provided for each individual application.

**P.A.S.:** Stone Ridge Estates **DATE:** November 14, 2001  
Change of Zone #3330 (AG to R-3)  
Preliminary Plat #01010  
Special Permit #1946

**\*\*As Revised by Planning Commission 11/28/01\*\***

<b><u>PROPOSAL:</u></b> Change of Zone #3330	Changes the zoning on 117.03 acres northwest of the intersection of South 27 <sup>th</sup> Street and Yankee Hill Road from AG to R-3.
Preliminary Plat #01010	Creates 352 lots in 17 blocks with five outlots.
Special Permit #1946	A Community Unit Plan for ten single-family attached units on ten lots.

### **WAIVER REQUESTS:**

Preliminary Plat	Waiver of curb and gutter along South 27 <sup>th</sup> Street and Yankee Hill Road.
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**LAND AREA:** Preliminary Plat: Approximately 117.03 acres.  
Special Permit: Approximately 2.64 acres.

**CONCLUSION:** The change of zone and special permit conform to the Land Use Plan and the Comprehensive Plan and the Zoning Ordinance.

The preliminary plat requires minor revisions to comply with design standards and be consistent with Title 26 (Land Subdivision).

<b>RECOMMENDATION:</b>	<b>Change of Zone #3330:</b>	Approval
	<b>Preliminary Plat #01010:</b>	Conditional Approval
	<b>Special Permit #1946:</b>	Conditional Approval

**GENERAL INFORMATION:**

**LEGAL DESCRIPTION:**

**Change of Zone #3330 (AG to R-3):** (See attached legal description for Preliminary Plat)

**Preliminary Plat:** (See attached legal description)

**Special Permit #1946:** (See attached legal description)

**LOCATION:** Northwest of the intersection of South 27<sup>th</sup> Street and Yankee Hill Road.

**APPLICANT:** Ridge Development Company  
2001 Pine Lake Road Suite 100  
Lincoln, NE 68542

**OWNERS:** Ridge Development Company & Southview, Inc.  
2001 Pine Lake Road Suite 100  
Lincoln, NE 68542

**CONTACT:** Mark Palmer, PE  
Olsson Associates  
1111 Lincoln Mall  
Lincoln, NE 68508

**EXISTING ZONING:** AG Agricultural

**EXISTING LAND USE:** Undeveloped land used for agricultural crop production with a farmstead located in the northeast corner of the site.

**SURROUNDING LAND USE AND ZONING:**

North:	AG	Crop Production
South:	R-3	Single-family Residential
East:	R-3, B-2	Single-family Residential, Undeveloped Land
West:	R-3, AG	Single-family Residential

**HISTORY:**

July, 2001 - The land within this preliminary plat was included in Annexation #01004 which annexed approximately 259 acres northwest of South 27<sup>th</sup> Street and Pine Lake Road.

**COMPREHENSIVE PLAN SPECIFICATIONS:** The Comprehensive Plan designates Urban Residential uses for this area.

The land shown within the preliminary plat is located within the Phase I area of the Anticipated Lincoln Service Limit and Phasing Plan. It states "Areas in Phase I designated for immediate development will be contiguous to existing development with some or most of the required infrastructure in place."

**UTILITIES:**

Water - Water is available to the site, and the proposed public water system shown on the plat is satisfactory. Fire hydrants along Katrina Lane are incorrectly spaced, and one additional hydrant is required southwest of South 24<sup>th</sup> Street.

Storm Sewer and Drainage - The pipe serving the K1 drainage area appears inadequate and should be designed for a 10-year storm event. A swale over the pipe is also required per design standards.

Sanitary Sewer - Properties within this drainage basin are to be charged a connection fee to connect to the sewer system per the Wilderness Ridge annexation agreement. The developer of this site was a member of the coalition that build the original sewer, however all the members of the coalition are not involved with this development. The City Attorney must determine whether this project is responsible for a connection fee, or if it is exempt from paying all or a portion of this fee prior to acceptance of this plat by City Council.

**STREETS:** Internal streets are consistent with design standards, and provide connections to adjacent properties to accommodate future development.

**TOPOGRAPHY:** The site consists of gently rolling hills where the elevation is generally falling across the site from north to south, and from the east and west edges towards the middle of the site down to a small drainage that extends through the site flowing from northeast to southwest.

**TRAFFIC ANALYSIS:** South 27<sup>th</sup> Street adjacent to this plat is not paved to urban standards per subdivision requirements. As development continues in this area, improvements to South 27<sup>th</sup> Street and Yankee Hill Road will be required.

Because the southeast corner of this property has been removed from this plat, the impact of development at that location cannot be assessed. However, commercial versus residential development at this corner would represent significantly greater impact on surrounding infrastructure, and additional right-of-way and paving widths may be required.

**ANALYSIS:**

**Preliminary Plat**

1. A narrow outlot (Outlot D) extends along the rear of the Lots 6-18 adjacent to South 27<sup>th</sup> Street to prevent double-frontage lots. This outlot extends into the development extending along the north side of Grainger Parkway to also prevent Lots 1-6 from becoming double-frontage lots. The width of this outlot adjacent to Lots 1-6 should be increased to provide additional separation from potential commercial development south of Grainger Parkway

and allow for additional landscaping/green space at the primary entrance to the development. This expansion of Outlot D takes advantage of the curve in Granger Parkway and the excess depth of Lots 3-6 to provide an additional amenity without sacrificing any buildable lots.

2. The proposed layout of lots, blocks and streets complies with the Subdivision Ordinance. However, Brennan Court, Jake Drive, Tropp Drive and Alena Court are phonetically similar to existing streets and must be changed to eliminate the potential for confusion by emergency responders.
3. The 10' trail along Yankee Hill Road must be moved into the adjacent 16' wide pedestrian/trail easement. This will allow enough ROW to provide for an adequate landscaped area between the curb and trail.
4. Sign envelopes are shown on the plat. All signs must be installed in compliance with the Zoning Ordinance.
5. South 27<sup>th</sup> Street and Yankee Hill Road will be improved in the future, and adjacent development is required to participate in the costs. This plat should be responsible for 25% of the cost of improving those portions of South 27<sup>th</sup> Street and Yankee Hill Road that are adjacent to the plat to the suburban cross-section standard. A waiver to curb and gutter has been requested in conjunction with this preliminary plat. Provided the owner is willing to contribute 25% of the cost of improvements to South 27<sup>th</sup> Street and Yankee Hill Road, the waiver to curb and gutter is acceptable considering the planned street improvements in this area.
6. Yankee Hill Road is a Public Way Corridor, and as a result a 120' wide right-of-way is required, except within 1,000' of intersections like South 27<sup>th</sup> Street and Yankee Hill Road where it widens out to 130'. This plat is dedicating the additional right-of-way to provide the required north 60', but because Wilderness Ridge south of Yankee Hill Road was platted prior to this requirement, only 50' of right-of-way was dedicated on the south side. Because the typical 120'-130' section will never be built in this area, the cross-section detail on the plat must be revised to reflect the correct right-of-way width.
7. Additional easements are required on the plat per LES comments.
8. As shown, Outlot B includes both the open space for the flood corridor easement and the open space surrounding the CUP and will be the responsibility of the owners of lots in the CUP. The responsibility for maintenance of the flood corridor should be shared by the developer or homeowners association, and the open space within the limits of the CUP immediately surrounding Lots 13-22, Block 2 should be the responsibility of those property owners in the CUP. As a result, an additional outlot, Outlot F, must be created for the open space within the CUP.

## **PRELIMINARY PLAT CONDITIONS:**

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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 document or documents creating said property owners association have been reviewed and approved by the City Attorney and filed of record with the Register of Deeds.

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- 3.2.8 To comply with the Land Preparation and Grading requirements of the Land Subdivision Ordinance.

Prepared by:

Brian Will, AICP  
Planner

**CHANGE OF ZONE NO. 3330  
and  
SPECIAL PERMIT NO. 1946,  
STONE RIDGE ESTATES COMMUNITY UNIT PLAN;  
and  
PRELIMINARY PLAT NO. 01010,  
STONE RIDGE ESTATES**

**PUBLIC HEARING BEFORE PLANNING COMMISSION:**

November 28, 2001

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

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

These applications were removed from the Consent Agenda and has separate public hearing at the request of the applicant.

Proponents

**1. Kent Seacrest** appeared on behalf of **Ridge Development Company and Southview, Inc.**, and submitted proposed amendments to the conditions of approval on the preliminary plat.

Seacrest proposed that additional language be added to Condition #1.1.9 of the preliminary plat having to do with the proposed bike trail on Yankee Hill Road. The Comprehensive Plan shows the bike trail along the north side of Yankee Hill Road, which the applicant supports. However, the applicant does not believe it should be required to pay for the entire 10' width of concrete. The proposed amendment would require a sidewalk of 4' and the developer will contribute the equivalent of a 4' sidewalk in cash and the city will build the bike trail.

Seacrest requested to delete Condition #1.2: "Sewer connection fees to be determined by the City Attorney". This is one of those infrastructure cost issues that historically the Planning Commission has not wanted to deal with. Seacrest explained that this developer had to bring up a big sewer line to sewer this whole area a long time ago. The same set of developers did the golf course and overpaid for the sewer and the city knew it. The annexation agreement provided that if the clients bought other land that could come in, this developer would not have to pay the fee. Seacrest submitted that under that agreement, this developer should not have to pay that fee.

Seacrest also proposed an amendment to Condition #2.4:

~~“A waiver to curb and gutter provided the owner agrees to contribute 25% of the cost of improvements to that those portions of South 27<sup>th</sup> Street and Yankee Hill Road adjacent to this development.”~~

Seacrest believes that the condition proposed by the staff which requires this developer to contribute 25% for the urban curb and gutter is illegal under the subdivision ordinance, which specifically provides that the city cannot ask for a payment when there are residential lots up against a rural section (asphalt with no curb or gutter). The subdivision ordinance makes it clear that “when our lots do not get enough direct access, we cannot ask our lots to pay for a street they do not have access to”.

Seacrest also pointed to the following subdivisions that have been allowed to be built next to rural sections and which have received a waiver of this requirement: Williamsburg Village, Vintage Heights, Porter Ridge, Edenton, Country View, Pine Lake Heights, Cheney Hills, Eagle Crest, among others. He does not believe the staff can give an example where this condition has been required before. This would be a brand new policy issue.

The proposed amendment to Condition #3.2.8 is the same additional language as proposed in Condition #1.1.9 regarding the 4' wide sidewalk.

Carlson referred to Condition #2.4 and inquired about Yankee Hill Road. Seacrest explained that his clients just paid 100% to repave Yankee Hill Road. They put in an urban section so why would they pay another 25% for an urban section?

There was no testimony in opposition.

#### Staff questions

Hunter asked the staff to address the issue of the prior agreement for the sewer fees that were paid and whether the staff agrees with the proposed amendments. Rick Peo, City Law Department agreed with the applicant's proposed request to delete Condition #1.2 regarding the sewer connection fees. The prior agreement indicated that if the property owners bought additional property in that basin, they did not have to pay.

With respect to the proposed amendments regarding the bike trail, Peo believes that the subdivision ordinance is a little vague as to what, when, where and under what circumstances a bike trail can be required. The city can acquire easements, which this developer is providing. Peo does not see anything in the ordinance that requires that the bike trail be constructed by the developer as a minimum improvement. All public ways will be graded to full width and bike paths are listed in the table. It might be that there is something in between construction of the 10' trail and 4' sidewalk. They could be required to at least grade the trail to the full width, but the installation might be restricted to the width of the sidewalk. Peo has not had a chance to discuss this issue with the staff or the applicant.

With respect to the amendment to Condition #2.4 regarding curb and gutter, the preliminary plat ordinance provides that if access is relinquished to the arterial, the city cannot charge for it. Peo would need to review what has been past practice as to quality. Typically, we have asked for some type of compensation or some type of waiver. If we were looking for compensation it would be more typical to determine what is being saved by not putting in curb and gutter. These are issues that the staff has not had an opportunity to discuss. These proposed amendments were just brought to the staff's attention this morning.

Hunter asked whether the staff would need some time to work this out with the applicant. Peo thought that would be helpful because it does involve other staff opinions as well.

Schwinn asked if the developer would be amenable to a two-week deferral to get the issues resolved with the staff. Seacrest is fearful a two-week delay will be a problem because of the holiday season. Normally, he would support a deferral, but he believes that the staff basically agrees with the amendments.

Rick Peo suggested that Condition #1.1.9 be left in place and that the applicant's proposed amendment to Condition #3.2.8 takes care of it. Seacrest agreed.

Public hearing was closed.

**PRELIMINARY PLAT NO. 01010, STONE RIDGE ESTATES**  
**ADMINISTRATIVE ACTION BY PLANNING COMMISSION:**

November 28, 2001

Carlson moved to approve the staff recommendation of conditional approval, as set forth in the staff report dated November 14, 2001, with the amendments as proposed by the applicant, **except** the amendment to Condition #1.1.9. This deletes Condition #1.2, amends Condition #2.4 (*now #2.3 due to numbering sequence correction*), and amends Condition #3.2.8 (*now #3.2.7 due to numbering sequence correction*). The motion was seconded by Krieser and carried 7-0: Hunter, Carlson, Taylor, Krieser, Newman, Steward and Schwinn voting 'yes'; Bills and Duvall absent.