

City Council Introduction: **Monday**, August 18, 2003
Public Hearing: **Monday, August 25, 2003, at 1:30 p.m.**

Bill No. 03R-230

FACTSHEET

TITLE: FINAL PLAT NO. 03014, HANNAN ADDITION, requested by Vic and Kathleen Hannan, for two lots for residential development on approximately 3.56 acres generally located northeast of the intersection of South 66th Street and Pine Lake Road.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 07/23/03 and 08/06/03
Administrative Action: 07/23/03 and 08/06/03

STAFF RECOMMENDATION: Denial

RECOMMENDATION: Approval, with amendment to add a Condition of Approval (9-0: Bills-Strand, Larson, Duvall, Carlson, Krieser, Taylor, Marvin, Steward and Schwinn voting 'yes').

ASSOCIATED REQUESTS: Change of Zone No. 3385 (03-132) and Waiver No. 03000 (03R-229).

FINDINGS OF FACT:

1. This final plat is associated with Change of Zone No. 3385 (03-132) and Waiver No. 03000 (03R-229) and should be heard at the same time.
2. The staff recommendation to deny this final plat is based upon the "Analysis" as set forth on p.3, and the comments at the Planning Commission hearings (p.6 and p.9). Limiting access to arterials preserves the safety and capacity of these main roadways by limiting the number of potential traffic conflicts. It is the applicant's responsibility to find a solution by reaching agreement with the church on the adjacent land to share a driveway, or bring a drive from 66th Street across this lot. Leaving the problem for the City to solve by forcing the church to cooperate when Pine Lake Road is widened will be an added cost to that project.
3. This final plat had public hearing before the Planning Commission on July 23, 2003, and a motion for approval failed 3-2 (Larson, Bills-Strand and Marvin voting 'yes'; Taylor and Carlson voting 'no'; Duvall, Krieser, Schwinn and Steward absent). Commissioners voting for approval cited the numerous driveways already existing along this segment of Pine Lake Road. The final plat was held over for continued public hearing on August 6, 2003.
4. The applicant's testimony is found on p.5-6 and p.7-10. The letter from the applicant's attorney submitted at the public hearing on July 23, 2003, is found on p.18-19. The applicant's proposed condition of approval regarding access to Pine Lake Road submitted at the continued public hearing on August 6, 2003, is found on p.20.
5. There was no testimony in opposition.
6. On August 6, 2003, the Planning Commission disagreed with the staff recommendation and voted 9-0 to recommend approval, subject to the following condition: The subdivision agreement shall include restriction of access to and from Pine Lake Road for Lot 2 to one single-family dwelling, and require a common access easement with the church to the east at the time of widening of Pine Lake Road. Commissioner Steward suggested that an exception is warranted in this case in order to encourage re-subdivision of large lots into a more urban pattern.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: August 12, 2003

REVIEWED BY: _____

DATE: August 12, 2003

REFERENCE NUMBER: FS\CC\2003\FP.03014

CITY OF LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for July 23, 2003 PLANNING COMMISSION MEETING

****As Revised and Recommended for Approval by Planning Commission: 8/06/03****

P.A.S.: Final Plat #03014 - Hannan Addition

PROPOSAL: A final plat consisting of two lots for residential development.

LOCATION: Northeast of the intersection of South 66th Street and Pine Lake Road

LAND AREA: Approximately 3.56 acres.

CONCLUSION: Access to Pine Lake Road was relinquished with the original preliminary plat and subsequent final plats. There has been no change in the status of Pine Lake Road to warrant the approval of the driveway access being proposed with this plat.

RECOMMENDATION:	Denial
Planning Commission recommended Conditional Approval on 8/06/03	

GENERAL INFORMATION:

LEGAL DESCRIPTION: A part of Lot 1, Block 1, Country Place 7th Addition, more particularly described on the attached sheet.

EXISTING ZONING: AGR Agricultural Residential

EXISTING LAND USE: Residential

SURROUNDING LAND USE AND ZONING:

North:	Single-family Residential	AGR
South:	Single-family Residential	AGR
East:	Single-family Residential	AGR
West:	Single-family Residential	AGR

HISTORY: AFP#02071 - Hannan Addition. Submitted October 3, 2002, an administrative final plat essentially the same as this request, however the Planning Director could not approve it with Lot 2 having direct access to Pine Lake Road since the previous plat relinquished access to Pine Lake Road.

FP#88210 - Country Place 7th Addition was approved April 7, 1988.

FP#86502 - Country Place Addition was approved October 21, 1986.

PP#86502 - Country Place preliminary plat was approved July 20, 1982.

ASSOCIATED APPLICATIONS: CZ#3385 - A change of zone from AGR to R-1 for Hannan Addition. The Planning Commission recommended approval at the February 19, 2003 public hearing. The application has been pending before being forwarded to City Council to allow it to accompany this final plat request.

W#03000 - A waiver to street trees and a sidewalk along Pine Lake Road. The Planning Commission recommended approval at the February 19, 2003 public hearing. The application has been pending before being forwarded to City Council to allow it to accompany this request.

ANALYSIS:

1. During the review of AFP#02071 staff noted that access to Pine Lake Road had been relinquished with the preliminary plat and subsequent final plats.
2. Direct access to Pine Lake Road was relinquished as a condition of approval of the preliminary plat at the request of City staff. As with all arterial streets, staff's goal, then and now, was to limit the number of access points onto Pine Lake Road to preserve its primary role of moving vehicle traffic.
3. Because AFP#02071 showed driveway access to Pine Lake Road for Lot 2, it could not be approved administratively. The Law Department determined that because access to Pine Lake Road was relinquished with the preliminary plat, and because preliminary plats are accepted by City Council, that access to Lot 2 can only be granted by City Council.
4. Staff has met the applicant's representatives in attempts to devise alternate solutions. Suggestions from staff have included reconfiguring the lot layout to provide Lot 2 with frontage to South 66th Street, or seek to gain joint access with the church adjacent to the east for use of the existing driveway. These alternatives have proven to be either not feasible or not acceptable to the applicant. The difficulty in finding an acceptable solution to re-subdividing this lot demonstrates the need for effective "build-through" requirements when acreage lots are platted in the City's future growth area.
5. In their April 28, 2003 review, Public Works comments that access to Pine Lake Road from Lot 2 is not recommended, especially considering that further subdivision could occur given the size of the lots involved. The concern is that further subdivision may mean additional requests for drives onto Pine Lake Road.
6. If W#03000 is approved, all required improvements are accounted for. The required improvements are either in place, or in the case of the extension of a water main, the funds to make the improvement have been deposited with the City.
7. There are no delinquent taxes against the land and there are no liens for taxes which have been levied but not yet delinquent.
8. If approved, a subdivision agreement is required and will be submitted to the owners for their signature.

CONDITION OF APPROVAL (Recommended by Planning Commission: 08/06/03)

1. The subdivision agreement shall include restriction of access to and from Pine Lake Road for Lot 2 to one single-family dwelling, and require a common access easement with the church to the east at the time of widening of Pine Lake Road. (**Per Planning Commission: 8/06/03**)

Prepared by:

Brian Will
Planner
July 8, 2003

**APPLICANT/
OWNER:**

Vic and Kathleen Hannan
6900 South 66th Street
Lincoln, NE 68516

CONTACT:

Brian Carstens
Brian Carstens and Associates
601 Old Cheney Road Suite C
Lincoln, NE 68512

FINAL PLAT NO. 03014, HANNAN ADDITION

PUBLIC HEARING BEFORE PLANNING COMMISSION:

July 23, 2003

Members present: Larson, Bills-Strand, Taylor, Marvin, and Carlson; Duvall, Krieser, Schwinn and Steward absent.

Staff recommendation: Denial.

Ex Parte Communications: None

Proponents

1. **Brian Carstens** appeared on behalf of the **Hannan's**. In February, they brought forward a request to waive the sidewalks and street trees on Pine Lake Road. They are attempting to carve a three-acre lot into 2 acres for the existing house and 1.5 acres for a future residential lot. This had originally been submitted as an administrative final plat to create these two lots. When it was originally created in the 1980's, access was relinquished to Pine Lake Road. They are now showing that access easement on the final plat. Public Works continues to recommend that there be no access on Pine Lake Road, so this is the appeal of the administrative final plat to the Planning Commission and City Council to grant that access that was previously relinquished.

Carstens suggested that when Pine Lake Road is widened, it would be the desire that the Jehovah's Witnesses church would work with the Hannan's to collocate a joint driveway to provide access to their parking lot and to the new single family lot. Carstens believes the city could force the issue with the church in the future. The sureties for the sidewalks and street trees along 66th Street have been posted as well as for the water main improvements. Hannan is willing to pay his portion for the 1.5 lanes of Pine Lake Road that will be improved in front of that new lot.

Carstens advised that they did look at putting another private roadway over to 66th Street to provide access and frontage for Lot 2, but it would run in front of the house, which would make it difficult to sell the house. Mr. Hannan is trying to sell the home now and they have been working on this for a year.

Carstens submitted a letter from Mark Hunzeker suggesting that the applicant "...is willing to have this subdivision conditional upon his agreement that the proposed access to Pine Lake Road be restricted to one single-family dwelling, and that the access be consolidated at the common property line with the Jehovah's Witness Church at such time as Pine Lake Road is widened to 4 lanes." Carlson inquired whether this contingency situation is reflected on the final plat documents, i.e. "...when Pine Lake Road is widened to four lanes." Carstens stated that he would have no objection to adding that into the subdivision agreement.

There was no testimony in opposition.

Staff questions

Carlson inquired about the potential for such a contingency condition. Is there opportunity to consolidate the access? Buff Baker of Public Works believes that to be what they discussed with the applicant -- that the joint access at the church location would be acceptable. The original plat did relinquish access to that lot and that was Public Work's point. As long as we are not increasing driveways onto the future Pine Lake Road, Public Works would be happy with that.

Marvin Krout, Director of Planning, stated that he visited with Mark Hunzeker yesterday. At that time, he thought there were conditions of approval attached to this final plat. He understands the concept and it is a concept that the city has used when there are two different properties owners along a street to consolidate driveways over time, making each one agree to cooperate. The problem is that when you have the city in the position of trying to force the owners to cooperate as part of a street widening process, when the city is acquiring land and paying damages, it is possible for the city to make this happen in the future, but because we don't have the church signed on the dotted line, it probably means that down the road there will be extra cost for the city to try to make this happen. It is a compromise solution. It is better than not having this property owner's agreement, but it still leaves the city with some potential for uncertainty and future costs.

Carlson posed the scenario: If this access is denied, and at such time as the church rebuilds and they come up with a private agreement, would this applicant have to do any further city process to create a common access? Krout believes they would have to refile. If the property owner was able to obtain access, the city would be in a position to process an administrative final plat. Ray Hill of Planning staff added that if this access is denied, and sometime in the future they are able to work out an agreement to share a driveway, they could then reapply for another administrative final plat. At that time, the staff could see that it meets the criteria of sharing the driveway and it could be approved administratively.

Bills-Strand wondered whether the plat could be approved contingent upon them finding an alternative. Hill does not know what that would accomplish. They would not be able to do anything with the lot because it does not have any access. Each piece of property needs to have access to a public street. The original subdivision creating the one lot relinquished all access to Pine Lake Road based upon the fact that Pine Lake Road was a major street. The city likes to keep the number of intersections to a minimum on a major street. If they can come up with a shared driveway, that would be acceptable, but they have not been able to do that. Possibly this should be placed on pending until they have it worked out with the church.

Response by the Applicant

Carstens stated that the church is a moot issue. "We're stuck and that is why we are here." The house will not sell with a private roadway in front of it unless it is at a much lesser value.

Vic Hannan, 6900 So. 66th, advised the Commission that he spoke to the Elders of the church, which is governed by their headquarters, and they will not allow the church to grant an easement or share driveways. He did make an offer to buy an easement and it is not possible to do. Hannan has been trying to do this for a year. The plat meets all of the requirements except for the access.

Carlson was confused then by Mr. Hunzeker's letter because Hannan suggests that there is not a possibility to consolidate with the church. Hannan reiterated that in his discussions with the Elders of the church, there is no possibility that they can be allowed by their parent church to enter into any agreements for accesses onto their property.

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

July 23, 2003

Bills-Strand moved approval, with access onto Pine Lake Road, seconded by Larson.

Bills-Strand drives this area all of the time and there are plenty of driveways going onto Pine Lake Road, with the Christian Youth group across the street having access and numerous residences across the road with access. She realizes that we asked them to give that access up, but it's a huge lot. If the church is not going to cooperate, she hates to deny someone the ability to put in another residence.

Larson pointed out that there is no other opportunity for access to any street. You can't get to 70th or 66th. Carlson noted that getting to 66th would require a road in front of the existing home. Bills-Strand thinks it makes sense to make an exception, even though they previously gave up that access. She does not want to add the condition proposed in Mr. Hunzeker's letter because she does not want to cost the city money down the road for damages.

Marvin pointed out that there are about 5 driveways across the road just in the photograph.

Motion for approval failed 3-2: Larson, Bills-Strand and Marvin voting 'yes'; Taylor and Carlson voting 'no'; Duvall, Krieser, Schwinn and Steward absent. This application is held over, with continued public hearing and administrative action scheduled for August 6, 2003.

CONT'D PUBLIC HEARING BEFORE PLANNING COMMISSION:

August 6, 2003

Members present: Bills-Strand, Larson, Duvall, Carlson, Krieser, Taylor, Marvin, Steward and Schwinn.

Staff recommendation: Approval.

Ex Parte Communications: Steward indicated that he had a brief telephone conversation with the attorney for the applicant, Mark Hunzeker, to discuss information which he missed from the last hearing.

Proponents

1. Mark Hunzeker appeared on behalf of **Vic Hannan**, the owner and subdivider. In February of this year, the Planning Commission approved a change of zone from AGR to R-3 on this property and the staff report on that change of zone acknowledged several Comprehensive Plan quotations which support this type of development and stated explicitly that:

If approved, the plat would allow for a more efficient use of land, and is supported by the Comprehensive Plan. It is the type of re-subdivision anticipated to occur within older, acreage developments as they become engulfed by the city and it becomes economical to do so. The more efficient use of land also results in better utilization of municipal infrastructure.

The only reason for denial of this final plat, and the only issue associated with this final plat, is the access to Pine Lake Road for Lot 2. Access was relinquished when the Country Meadows plat was approved because this was one large single family lot. The plat seeks to provide one access for one single family home onto Pine Lake Road.

Hunzeker further pointed out that in the next 2-4 years, Pine Lake Road will be widened in accordance with the CIP and the Comprehensive Plan, and it will be a four-lane road and there will be a need to acquire right-of-way for that widening project. Hunzeker suggested that at that time, it will be a very simple matter for Public Works to consolidate the access that this applicant seeks today with the access that now serves the church immediately to the east. The church has an access that is just a few feet east of Mr. Hannan's east property line, and Mr. Hannan is willing to consolidate that access.

Hunzeker submitted a proposed condition to be added to the final plat to accomplish the access issue:

The subdivision agreement shall include restriction of access to and from Pine Lake Road for Lot 2 to one single-family dwelling, and waiver of objection to consolidating that access at the property line with the church to the east at the time of widening of Pine Lake Road.

Hunzeker believes this to be a very good solution to this problem. The addition of a single family home to the traffic on Pine Lake Road is less than a small drop in a big bucket.

Carlson pondered that the proposed amendment does not "require" the consolidation. Hunzeker suggested that if Public Works elects not to require it, it would not have to be required, but the condition also waives any objection to the consolidation of those access points and it will be incumbent on Public Works, as a part of their right-of-way acquisition, to consolidate that access point. Hunzeker then gave an example of a similar situation that exists, i.e. several single family lots will eventually take access to the stub street that exists south of 70th & Old Cheney that serves the new Sheridan Lutheran Church site. That access stub will serve the church as well as maybe at least six lots within the Hawkswood Estates plat. This type of sharing seems adequate and workable. The only alternative on this plat was to bring a long driveway through the front yard of the existing home, and, aesthetically and practically, that really wasn't a good solution.

Hunzeker further advised the Commission that Mr. Hannan has accepted an offer to purchase that home contingent on this subdivision and that sale will not close if they have to have a driveway running through it to serve the lot behind it.

Steward inquired whether the interests of the church are affected by this condition of approval and whether this has been discussed with the church. Hunzeker stated that there has been some discussion with the church; however, it is very difficult to get this type of transaction approved with that church. There is a national organization that is very, very difficult to work through for something like this. Public Works is in a position where the existing access to the church will have to be rebuilt

when the street is widened. If there is a house built on the new lot, that access would also have to be changed at the time the street is widened. This is the perfect time to do it and Public Works will have the position and power to require it.

Krieser asked whether it will be a separate drive. Hunzeker indicated that they would prefer and hope that the access point gets placed at the property line so that both parties can use it. In the meantime, assuming a house is built, there would be two access points. This property was platted as one large lot and the lot the church is on was platted as one lot with access. The relinquishment of access affected this lot and the lot across 66th Street to the west. There has never been an access to Pine Lake Road directly from this lot. It was platted that way with the thought that it was going to be a three-acre lot with a single family house. At the time this was platted, at least 15 years ago, it was not anticipated that it was going to be brought into the city and served with city utilities.

There was no testimony in opposition.

Schwinn asked staff to respond to the proposed amendment. Dennis Bartels of Public Works suggested that if the Commission votes to approve the plat, that is probably better than getting rid of the relinquishment of right-of-way. The city does have the authority to do it, but he has not been involved enough to know the increment of cost it might add to the city project. He would recommend that they provide different frontage with this lot. In the future, Bartels does not want the city put in the position of having to provide a private or public roadway to additional lots beyond the one being created now. Eliminating driveways on arterial streets is a good policy for safety and capacity reasons. That is the reason for the staff's recommendation of denial. The driveway to the church will be rebuilt at some location when the rural paving is converted to urban paving. Moving it east or west is immaterial. The church lot is not the corner lot. Its location east or west for a right-in and right-out driveway is not critical. If this amendment is approved, the way to enforce it would be to require a common access easement along the east property line so that the city doesn't have to acquire the property.

In response to further inquiry from Taylor, Bartels stated that this lot is of sufficient size such that as land becomes available, it is not unusual to see re-subdivision of a lot of this size. There is potential for two or three single family lots in the future. Taylor asked whether staff is suggesting that instead of access being on Pine Lake Road, there should be an access further north. Bartels stated that if the access was to be handled with this subdivision, it would have to be 66th Street to the west, but he realizes that is an awkward situation.

Krieser wondered what would happen if the applicant revised the lot. Bartels indicated that they would have to apply for a driveway. If they wanted to construct a driveway under the rural cross section, they would have to pay for the culvert or pay to grind the curb if they made application after the city's street project was there.

Taylor believes this could be resolved if the applicant got an easement with the church and used their driveway. Bartels agreed--that is what Public Works had suggested. They should explore getting that common driveway now. Minimizing the number of driveways on an arterial street is a typical goal to maximize the capacity and the safety of the street. The way the lot is created for the church, there is not an effective way of eliminating that driveway. If this lot was to be created, it

should be consolidated with the church driveway. The need for more driveways would only occur if this particular property were subdivided into additional lots.

Response by the Applicant

Hunzeker reminded the Commission that the language he proposed does restrict the access point to a single family house, which was done deliberately to address the issue of resubdivision, and the consolidation implies granting an easement.

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

August 6, 2003

Bills-Strand moved approval, adding the following condition: The subdivision agreement shall include restriction of access to and from Pine Lake Road for Lot 2 to one single-family dwelling, and require a common access easement with the church to the east at the time of widening of Pine Lake Road, seconded by Steward.

Steward commented that this is a classic acreage issue of the build-through conversion, urbanization question and he thinks it behooves the city to be flexible and to work with the property owners and the new subdivision intent in every way possible. He believes this seems like a good alternative.

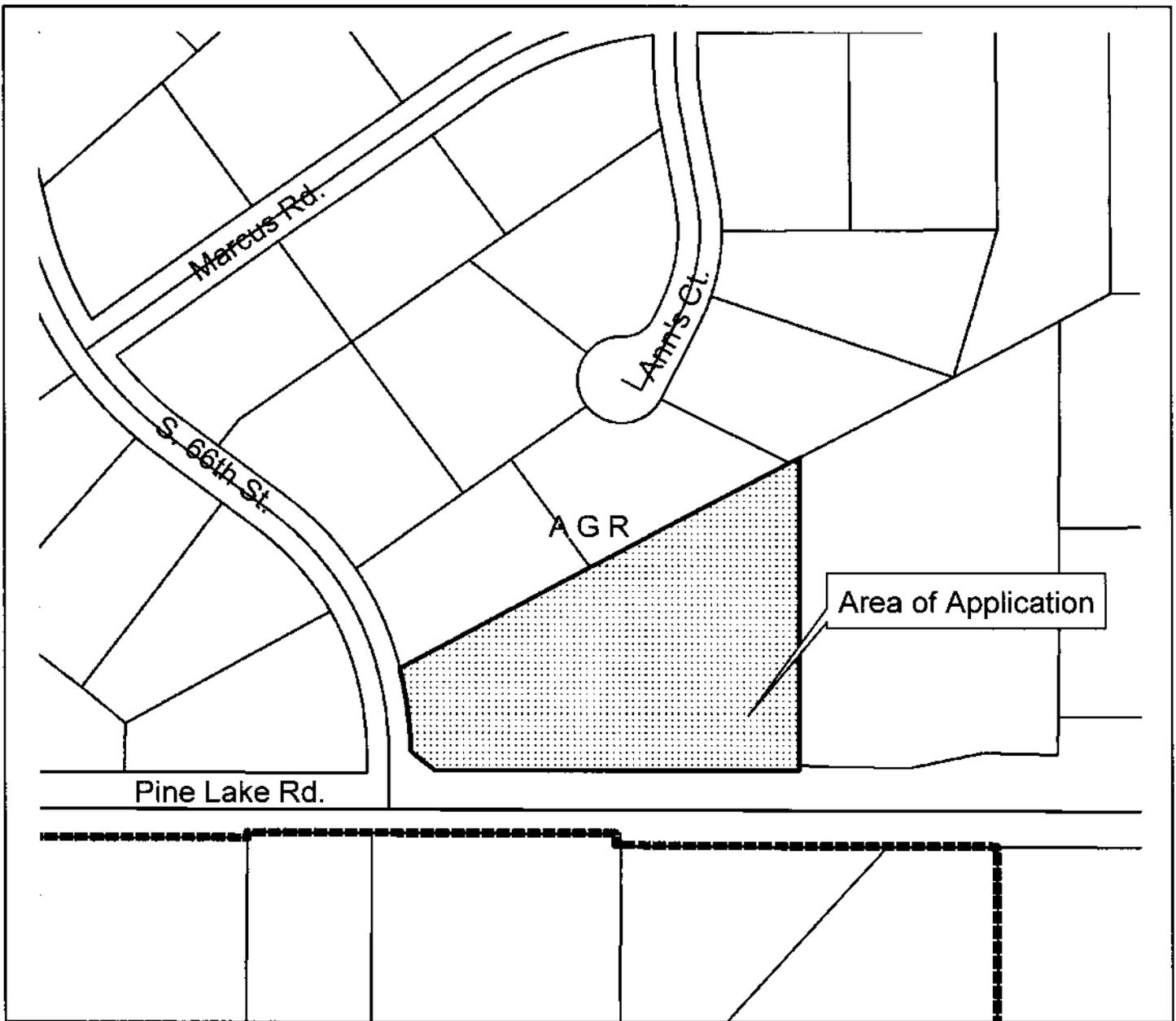
Carlson stated that he will support the motion.

Motion for approval, with the added condition of approval, carried 9-0: Bills-Strand, Larson, Duvall, Carlson, Krieser, Taylor, Marvin, Steward and Schwinn voting 'yes'.



**Final Plat #03014
Hannan Addition
S. 66th & Pine Lake Rd.**



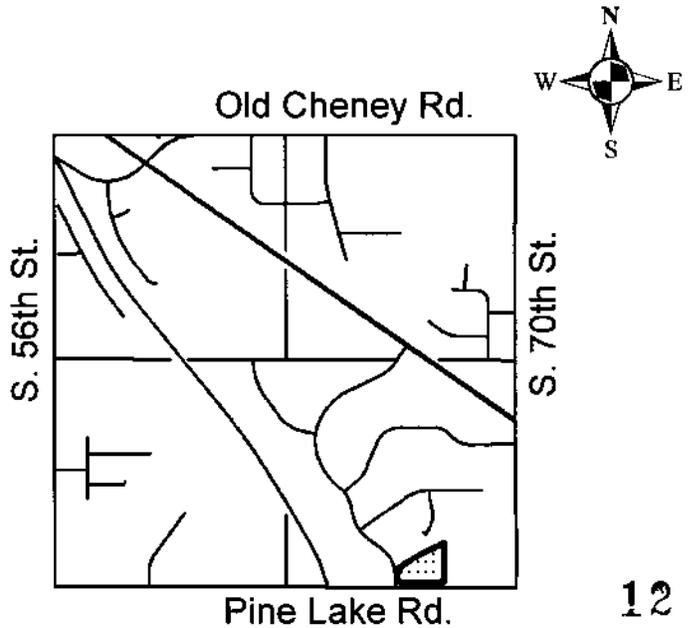
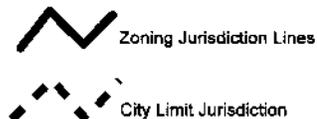


**Final Plat #03014
Hannan Addition
S. 66th & Pine Lake Rd.**

Zoning:

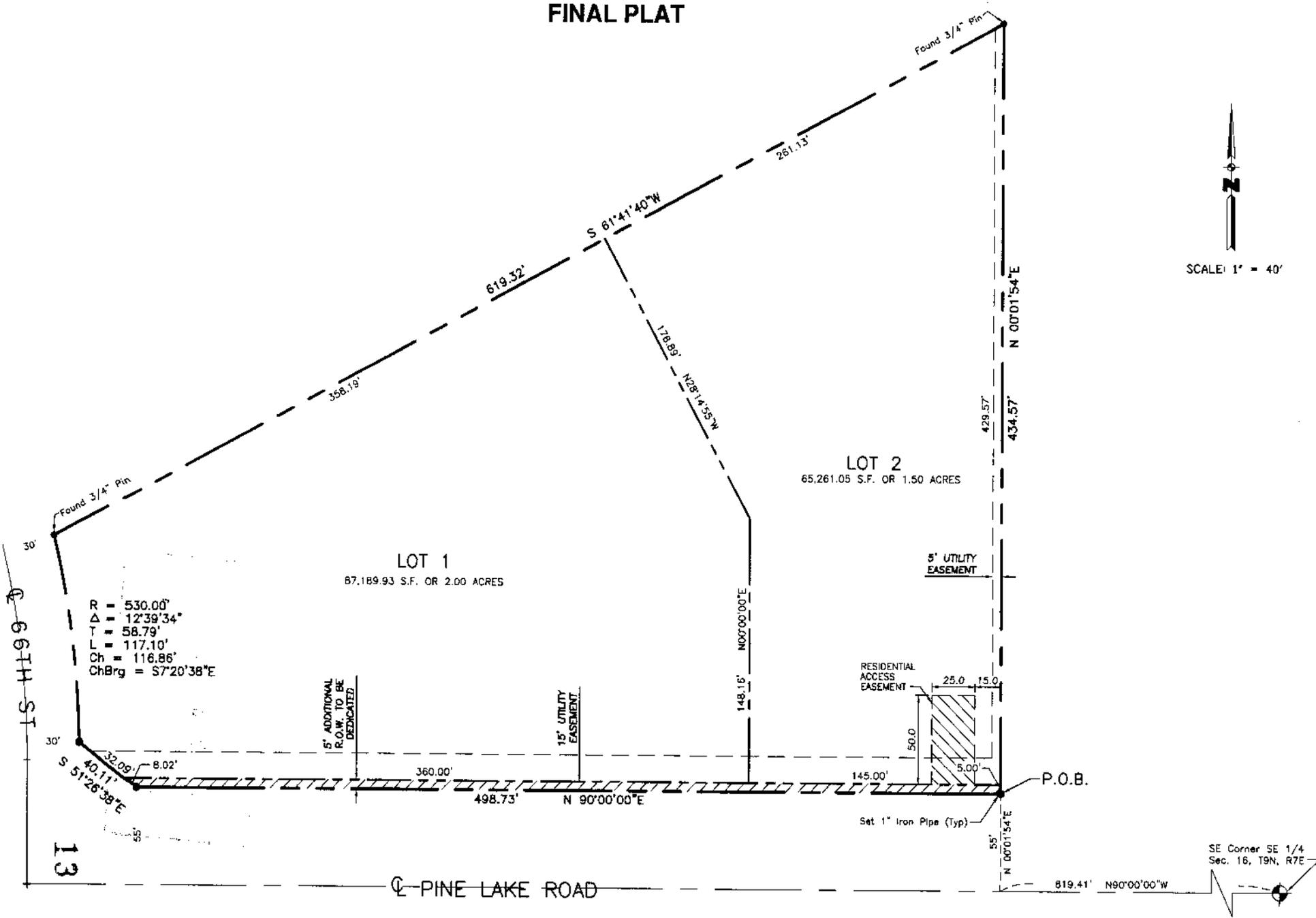
**One Square Mile
Sec. 16 T9N R7E**

- 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-6 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



HANNAN ADDITION

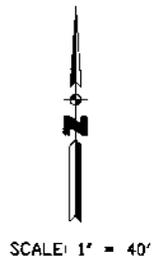
FINAL PLAT



$R = 530.00'$
 $\Delta = 12'39''34"$
 $T = 58.79'$
 $L = 117.10'$
 $Ch = 116.86'$
 $ChBrg = S7'20'38"E$

LOT 1
87,189.93 S.F. OR 2.00 ACRES

LOT 2
65,261.05 S.F. OR 1.50 ACRES



SE Corner SE 1/4
Sec. 16, T9N, R7E

SURVEYOR'S CERTIFICATE

I hereby certify that I have accurately surveyed and staked out the foregoing plat of "HANNAN ADDITION", a subdivision of a part of Lot 1, Block 1, Country Place 7th Addition located in the Southeast Quarter of Section 16, Township 9 North, Range 7 East of the 6th P.M., Lincoln, Lancaster County, Nebraska and more particularly described as follows:

Referring to the Southeast corner of the Southeast Quarter of said Section 16; THENCE in a Westerly direction, along the South line of the Southeast Quarter of said Section 16, on an assumed bearing of North 90 degrees 00 minutes 00 seconds West for a distance of 819.41 feet

THENCE North 00 degrees 01 minutes 54 seconds East for a distance of 55.00 feet to the Point of Beginning

THENCE continuing on said bearing of North 00 degrees 01 minutes 54 seconds East for a distance of 434.57 feet to the Northeast corner of said Lot 1, Block 1, Country Place 7th Addition

THENCE South 61 degrees 41 minutes 40 seconds West for a distance of 619.32 feet to the Northwest corner of said Lot 1, Block 1, Country Place 7th Addition

THENCE along a curve to the right having a radius of 530.00 feet and an arc length of 117.10 feet, being subtended by a chord of South 07 degrees 20 minutes 38 seconds East for a distance of 116.86 feet

THENCE South 51 degrees 26 minutes 38 seconds East for a distance of 40.11 feet to a point 55.0 feet North of the South line of the Southeast Quarter of said Section 16

THENCE North 90 degrees 00 minutes 00 seconds East for a distance of 498.73 feet to the Point of Beginning

Together with and subject to covenants, easements, and restrictions of record. Said property contains 3.56 acres more or less.

Temporary markers have been placed at block corners within the subdivision and at points of tangency along the periphery of each block, and the subdivider will post a surety to ensure the placing of permanent markers at each lot and block corner and the subdivider agrees that the placing of permanent will be completed prior to the

DEDICATION

The foregoing plat known as "HANNAN ADDITION" is made with this Certificate is made with the undersigned, sole owners of said land in fee simple in perpetuity to the City of Lincoln, Nebraska for the use and enjoyment of the City of Lincoln, Nebraska for the purpose of assigning, to allow entry for the repair, operation and maintenance of water pipes and equipment for television; wastewater collection system thereto, over, upon or under the same.

The construction or location of any structure under an easement shown thereon shall be prohibited over, upon or under the same.

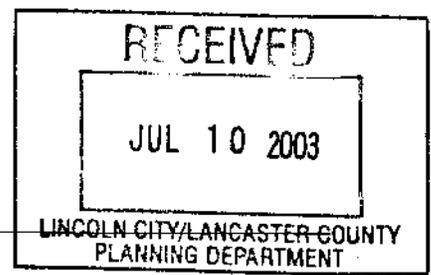
The construction or location of any structure shall be prohibited over, upon or under the same, shown thereon.

The City of Lincoln, Nebraska shall bear the cost of replacement of any structure shown thereon under any easement shown thereon.

Direct vehicular access to the ~~residential access point~~

WITNESS OUR HANDS THIS

M e m o r a n d u m



To: Brian Will, Planning Department

From: Charles W. Baker, Public Works and Utilities *BWB*

Subject: Hannan Addition Final Plat #03014

Date: July 9, 2003

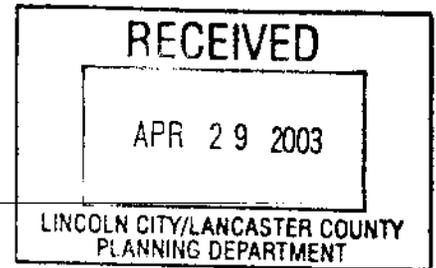
cc: Randy Hoskins
Nicole Fleck-Tooze

The City Engineer's Office of the Department of Public Works and Utilities has reviewed the final plat for Hannan Addition located at 66th and Pine Lake Road.

Public Works still objects to access onto Pine Lake Road as stated in previous reviews of subject property as relinquished in the original final plat of Country Place 7th Addition.

The 24" water main in Pine Lake Road can not be tapped to serve this proposed addition.

M e m o r a n d u m



To: Brian Will, Planning Department

From:  Dennis Bartels, Public Works and Utilities

Subject: Hannan Addition

Date: April 28, 2003

cc: Randy Hoskins

Engineering Services has reviewed the final plat for Hannan Addition located east of 66th Street north of Pine Lake Road and has the following comments:

1. Access was relinquished to Pine Lake Road in the original platting of Lot 1, Block 1, Country Place 7th Addition. Public Works recommends that this control of access not be relinquished. The driveway to Lot 2 of this plat as referenced in the dedication statement is therefore unsatisfactory.

Access to Lot 2 should be created by a reconfiguration of the plat to provide frontage on South 66th Street. This would facilitate full access to Lot 2 for this plat and potential future subdivision after Pine lake is constructed as a median divided roadway.

2. This plat has existing sanitary sewer abutting the property.
3. Water needs to be constructed in Pine Lake to provide an abutting water main if the plat is not reconfigured per comment 1. This improvement plan provided is \$5,500.
4. 66th Street is not paved with curb and gutter or lighted per subdivision ordinance requirements.
5. The estimated cost of sidewalks in Pine Lake Road and 66th Street abutting this plat is \$8,300.
6. This plat should be subject to paying impact fees. If impact fees are not paid, a connection fee will be required to tap the 15" main in Pine Lake Road.

0-2-5
6-9-7

Hannagan Addition
PROJECT NAME
03014
NUMBER

4-9-03
DATE

FINAL PLAT
(12 COPIES minimum)

PLAT
LETTER

DISTRIBUTION

City Engineer's Office	X	X
Public Works - Survey Check - Bamie Blum	X	X
L.E.S. - Theobald (3)	X	3
L.E.S. - Hennessy	X	X
Alltel Communications - Al Schroeder-401 S. 21 st St.	X	X
Building & Safety / Fire Prevention - Bob Fiedler	X	X
Parks & Recreation- Nosal	X	X
Building & Safety (where existing buildings)	X	X
County Engineer (County plats only)		
Post Office - Larry Loseke	X	X
Duncan Ross - Antelope Valley Project		
Ray Hill	X	X
Jon Large - Airport Authority		

Please review the attached plans and return your comments to me by 4-19-03
(10 days from submittal)

Please review this application relative to the minimum improvements which your department has responsibility, and please provide the surety amount for those improvements.

Brian Will
PROJECT PLANNER

If you have any questions, need additional information or cannot meet the deadline, please let me know.
Phone # 441-7491 FAX # 441-6377

APRIL 14, 2003 BCB - Lot 2 DOES NOT HAVE ACCESS TO A TAPABLE WATER MAIN
- ACCESS TO PINE LAKE WDS RELINQUISHED IN COUNTRY PLACE 7TH ADDITION.

SUBMITTED AT PUBLIC HEARING BEFORE
PLANNING

COMMISSION: 07/23/03

PIERSON, FITCHETT, HUNZEKER, BLAKE & KATT
Law Firm

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

1045 Lincoln Mall, Suite 200
P.O. Box 95109
Lincoln, Nebraska 68509

Fax (402) 476-7465
Telephone (402) 476-7621

July 23, 2003

Greg Schwinn, Chair
Lincoln City/Lancaster County Planning Commission
555 So. 10th Street
Lincoln, NE 68508

Re: *Final Plat No. 03014/Hannon Addition*

Dear Greg and Members of the Commission:

You will recall that on February 19, 2003, you voted to recommend approval of a change of zone and a waiver of the street trees and sidewalks to facilitate this subdivision. At that time, the planning staff report acknowledged:

"Further subdivisions such this is desirable, and results in a more efficient use of land and infrastructure."

The staff had recommended deferral due to the prior subdivision of Country Meadows having relinquished access to Pine Lake Road. The staff conclusion said:

"The applicant must demonstrate the that the proposed subdivision can be completed in a way that is consistent with the Subdivision Ordinance."

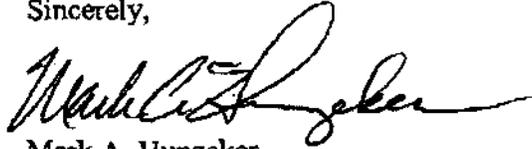
Mr. Hannon is willing to have this subdivision conditional upon his agreement that the proposed access to Pine Lake Road be restricted to one single-family dwelling, and that the access be consolidated at the common property line with the Jehovah's Witness Church at such time as Pine Lake Road is widened to 4-lanes.

It is inconceivable that the additional traffic from a single-family dwelling will have any impact upon either traffic safety or congestion in Pine Lake Road. Purported concerns about future resubdivision of the new lot are moot if the access is restricted to the single-family dwelling. While we understand that controlled access is important along major arterials, it seems to us that denial of this subdivision pushes the logic of that standard to an extreme.

Greg Schwinn
July 23, 2003
Page 2

We would appreciate your support and approval of this subdivision.

Sincerely,



Mark A. Hunzeker
For the Firm

MAH:sb

(G:\WPData\MH\Hanna Schwinn 7-23-03.ltr.wpd)

SUBMITTED AT PUBLIC HEARING BEFORE
PLANNING COMMISSION BY MARK HUNZEKER
ON BEHALF OF THE APPLICANT: 8/06/03

FINAL PLAT NO. 03014
HANNAN ADDITION

Add a condition to the approval as follows: The subdivision agreement shall include restriction of access to and from Pine Lake Road for Lot 2 to one single-family dwelling, and waiver of objection to consolidating that access with the church to the east at the time of widening of Pine Lake Road.

at the property line