

## **FACTSHEET**

**TITLE:** SPECIAL PERMIT NO. 2010, Pine Lake Heights South 8<sup>th</sup> Addition Community Unit Plan, for up to 66 dwelling units, with associated waiver requests, on property generally located northeast of the intersection of South 30<sup>th</sup> Street and Yankee Hill Road.

**SPONSOR:** Planning Department

**BOARD/COMMITTEE:** Planning Commission  
Public Hearing: 05/14/03, 06/11/03, 06/25/03 and 07/09/03  
Administrative Action: 07/09/03

**STAFF RECOMMENDATION:** Conditional Approval, including approval of the waiver requests, except the request to waive the requirement to show a community outdoor recreation plan.

**RECOMMENDATION:** Conditional Approval, with amendments (6-0: Carlson, Duvall, Larson, Krieser, Bills-Strand and Steward voting 'yes'; Schwinn and Taylor absent).

### **FINDINGS OF FACT:**

1. This proposed community unit plan for up to 66 dwelling units on approximately 7.68 acres, includes the following waiver requests:
  - A. The requirement to submit a preliminary plat.
  - B. The requirement that final plats be based upon preliminary plats.
  - C. The requirement that final plats accepting the dedication of public streets and private roadways go to the Planning Commission.
  - D. Yard setbacks.
  - E. The requirement to provide a Community Outdoor Recreation Plan.
  - F. Minimum lot area.
  - G. Cul-de-sac geometry.
2. The staff recommendation of conditional approval, including approval of the waiver requests, except for the waiver of the outdoor recreation plan, is based upon the "Analysis" as set forth on p.5-6, concluding that the proposal does not have appropriate open space and separation between buildings. As a result, several waivers are needed to accomplish the project. If the number of units were decreased and the amounts of open space and amenities being provided were increased, some of the requested waivers would not be needed. While the Comprehensive Plan promotes higher density, all applicable design standards should not be waived to achieve the higher density. The purpose of a CUP is to permit and encourage the creative design of new living areas, as distinguished from subdivisions of standard lot sizes and standard street systems, and in order to permit such creative design in buildings, open space, and their interrelationship while protecting the health, safety, and general welfare of existing and future residents of surrounding neighborhoods.
3. This application originally appeared on the Planning Commission agenda on May 14, 2003, but was deferred at the request of the applicant until July 9, 2003, for the purpose of negotiating the issues contained in the staff report (See p.22-25).
4. The applicant's testimony on July 9, 2003, is found on p.12-13, and the proposed amendments to the conditions of approval submitted by the applicant are found on p.26-30. The applicant proposed an additional waiver reducing the street pavement width from 27 feet to 24 feet, which will allow for vehicles to be parked in front of garage doors without hanging over the proposed sidewalks, and create more green area. The staff agreed with the proposed amendments.
5. There was no testimony in opposition.
6. On July 9, 2003, the Planning Commission voted 6-0 to recommend conditional approval, with the amendments as proposed by the applicant and agreed upon by staff. The amended conditions of approval are found on p.6-10.
7. The Site Specific conditions of approval required to be completed prior to scheduling this application on the City Council agenda have been satisfied.

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

**DATE:** August 18, 2003

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

**DATE:** August 18, 2003

**REFERENCE NUMBER:** FS\CC\2003\SP.2010 CUP

# LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for June 11, 2003 PLANNING COMMISSION MEETING

## REVISED REPORT

**\*\*As Revised by Planning Commission: 7/09/03\*\***

**P.A.S.:** Special Permit #2010

**PROPOSAL:** A community unit plan for 66 residential units. This application was originally considered by the Planning Commission at the May 14, 2003 hearing but was deferred to allow additional waivers to be included in the legal notice. The site plan has been revised as have the waivers being requested. Waivers to allow sidewalks on one side of the road, for tangent length on a curve, and slope at intersection approaches are no longer requested. However, waivers to yard setbacks and to the requirement for a community outdoor recreation plan are now included.

**LOCATION:** Northeast of the intersection of South 30<sup>th</sup> Street and Yankee Hill Road.

### **WAIVER REQUESTS:**

1. Requirement to submit a preliminary plat.
2. Requirement that final plats be based upon preliminary plats.
3. Requirement that final plats accepting the dedication of public streets and private roadways go to the Planning Commission.
4. Yard setbacks.
5. Community Outdoor Recreation Plan.
6. Minimum lot area.
7. Cul-de-sac geometry.

**LAND AREA:** Approximately 7.68 acres.

**CONCLUSION:** The proposal does not have appropriate open space and separation between buildings. As a result, several waivers are needed to accomplish the project. If the number of units were decreased and the amounts of open space and amenities being provided were increased, some of the requested waivers would not be needed. While the Comprehensive Plan promotes higher density, all applicable design standards should not be waived to achieve the higher density. The purpose of a CUP is to permit and encourage the creative design of new living areas, as distinguished from subdivisions of standard lot sizes and standard street systems, and in order to permit such creative design in buildings, open space, and their interrelationship while protecting the health, safety, and general welfare of existing and future residents of surrounding neighborhoods. As proposed, this request does not conform to either the Zoning Ordinance or the Comprehensive Plan and should be revised according to staff's recommendation.

**RECOMMENDATION:**

Special Permit #2010

Conditional Approval

Waivers

- |    |   |          |
|----|---|----------|
| 1. | Requirement to submit a preliminary plat:   | Approval |
| 2. | Requirement that final plats be based upon preliminary plats:   | Approval |
| 3. | Requirement that final plats accepting the dedication of public streets and private roadways go to the Planning Commission: | Approval |
| 4. | Yard Setbacks:  | Approval |
| 5. | Community Outdoor Recreation Plan:  | Denial   |
| 6. | Minimum lot area:   | Approval |
| 8. | Cul-de-sac geometry:  | Approval |

**GENERAL INFORMATION**

**LEGAL DESCRIPTION:** See attached.

**EXISTING ZONING:** R-4 Residential

**EXISTING LAND USE:** Undeveloped.

**SURROUNDING LAND USE AND ZONING:**

North:	Undeveloped	R-3
South:	Undeveloped	AG
East:	Undeveloped	R-3
West:	Undeveloped	B-2

**HISTORY:** PP#00029 - The preliminary plat for Pine Lake Heights South 4<sup>th</sup> was approved **April 5, 2002**.

CZ#3297 - Approved **April 5, 2002**, changed the zoning from R-4, B-2, and O-3 to R-3 for all land within the limits of the preliminary plat of Pine Lake Heights South 4<sup>th</sup>.

CZ#3298 - Approved **April 5, 2002**, changed the zoning from R-3 to R-4, B-2 and O-3 for those lands within the limits of the preliminary plat of Pine Lake Heights South 4<sup>th</sup>.

**COMPREHENSIVE PLAN SPECIFICATIONS:**

**Page F15** -Quality of Life Assets

- Preservation and enhancement of the many quality of life assets within the community continues. For a true "good quality of life," a community has more than jobs, shelter, utilities and roads - there are numerous service, education, historic and cultural resources which are fundamental to enriching lives. The community continues its commitment to neighborhoods. Neighborhoods remain one of Lincoln's great strengths and their conservation is fundamental to this

plan. The health of Lincoln's varied neighborhoods and districts depends on implementing appropriate and individualized policies. The Comprehensive Plan is the basis for zoning and land development decisions. It guides decisions that will maintain the quality and character of the community's established neighborhoods.

**Page F18 - Residential Neighborhoods**

- Affordable housing should be distributed throughout the region to be near job opportunities and to provide housing choices within every neighborhood.
- Encourage different housing types and choices, including affordable housing throughout each neighborhood for an increasingly diverse population.

**Page F25 -** This land is designated as urban residential in the Land Use Plan.

**Page F66 - Overall Guiding Principles**

- Transit, pedestrian, and bicycle networks should maximize access and mobility to provide alternatives and reduce dependence upon the automobile. Sidewalks should be provided on both sides of all streets, or in alternative locations as allowed through design standards or the Community Unit Plan process.

**Page F67 - Guiding Principles for New Neighborhoods**

- Encourage a mix of housing types, single-family, townhomes, apartments, elderly housing all within one area.
- Pedestrian orientation, shorter block lengths, and sidewalks on both sides of all roads.

**Page F71 - Strategies for New and Existing Neighborhoods**

- The diversity of architecture, housing types and sizes are central to what makes older neighborhoods great places to live. New construction should continue the architectural variety, but in a manner that is sympathetic with the existing neighborhoods.

**Page F87 - Transportation Planning Principles**

- A Balanced Transportation System - The concept of balance also applies to methods of transportation. While the system must function well for motor vehicles, it should also establish public transportation, bicycling, and walking as realistic alternatives now and into the future.

**Page F91 - Other Areas**

- All areas of the community should have safe, secure and reasonably direct pedestrian connections. Activities of daily living should be available within walking distance. Neighborhoods should include homes, stores, workplaces, schools, and places to recreate. Interconnecting streets, trails, and sidewalks should be designed to encourage walking and bicycling, reduce the number and length of automobile trips, and conserve energy.

**UTILITIES:** All utilities are available to the site.

**TRAFFIC ANALYSIS:** Access to the site is provided off of South 30<sup>th</sup> Street, which will have full-median opening access onto Yankee Hill Road.

**AESTHETIC CONSIDERATIONS:** The density of the development does not allow for adequate open space, and the lack of creativity in the site design produces a monotonous streetscape.

**ALTERNATIVE USES:** All uses allowed in the R-4 district including detached residences and apartments.

## **ANALYSIS:**

1. Apart from those to the platting process, the waivers requested are a result of the density caused by the number of structures shown on the site plan for the CUP. It appears that a reduction in the number of units alone would enhance the project and eliminate the need for at least two of the requested waivers.
2. A waiver to allow sidewalks adjacent to the roadway is requested in the letter from Olsson Associates. However, there is no design standard that specifies a minimum separation between the back of curb and the sidewalk in a CUP. However, a 4' separation is required in the mobile home court design standards. This provides for a separation between pedestrian and vehicular traffic and enhances pedestrian safety, and helps ensure that sidewalks remain clear when snow is plowed from the streets.

The sidewalks are adjacent to the roadway in an attempt to provide adequate room to park a car in the driveway. Public Works recommends 22' of clear space between sidewalk and garage for vehicle parking so cars don't overhang onto the sidewalk. As shown, several lots do not provide 22' of clear space for vehicle parking and creates an unacceptable situation where vehicles will be parking over the sidewalk and impeding pedestrian circulation. Additionally, parking on the private roadways is substantially limited due to the narrow lots and the number of driveways. With standard lot widths of 30', there is limited space for on-street parking for guests. Safety should not be reduced to increase density.

Grainger Parkway is intended to be a main pedestrian and vehicular transportation corridor through this area. A sidewalk connection from San Augustin Drive to Grainger Parkway between either Lots 9 and 10 or between Lots 12 and 13 should be provided.

3. A waiver to the minimum lot area of 2,500 square feet is requested. This waiver may be acceptable based upon a revised layout that decreases the overall density but that continues to use adjacent outlots to maintain separation from the street and the boundary of the CUP. However, while correctly identified as a side yard, the proposed setback for Lots 15-35 along the east boundary is inadequate as shown. In reality, this is the rear yard for those lots, and the minimum rear setback for the R-4 district should be provided. This setback may be measured between the building and the east boundary of the CUP.

Additionally, the separation between Lot 49 and the adjacent lots to the east, between Lots 55 and 56, and between Lots 58 and 61 is quite small. This is significant because a waiver to setbacks has been requested to allow the structures to be built to the lot line. Again, a decrease in the overall density would provide an adequate separation in those cases where buildings back up to others. The minimum rear yard setback for the R-4 district should be provided between Lots 45 - 58, and the adjacent lots.

4. A waiver to cul-de-sac geometry is requested because providing the required 43' standard radius will result in the loss of units. In the previous staff report, Public Works noted that the 21' radius shown on the plans was not acceptable, and that a 30' radius was the minimum acceptable radius. The plan has been revised and now shows a 30' radius.

5. Pursuant to §26.31.015 “Coordinating Subdivision and Community Unit Plan, Planned Unit Development, Special Permit and Use Permit” of the Land Subdivision Ordinance the applicant requested a waiver to the requirement for a preliminary plat, and to allow the Planning Director to approve administrative final plats and the approval of administrative final plats accepting the dedication of streets and/or private roadways. In an effort to streamline the development review process and coordinate the review of the special permit and preliminary plat, the Planning Department supports this waiver request.
6. The grading and drainage plan must accommodate the 100-year storm event. This plan must be revised and approved by Public Works.
7. A waiver to the requirement that a community outdoor recreation plan be included as part of the CUP is requested. In the previous report, it was noted that a recreation plan must be developed and submitted for the Parks and Recreation Department to review, and at a minimum it must include a half-court basketball court, a seating area, and a tot lot for children between the ages of 2-5. These recreation plans provide open space and recreation facilities that serve as an amenity for all residents and help offset the increased density, and one should be required as part of this project. Additionally, there are other comments included in the review from Parks and Recreation that must be corrected to comply with the Zoning Ordinance and Design Standards.
8. Given the location, Tularosa Lane must include the prefix ‘South’.
9. The use of outlots must be designated, and in this case they are for private roadways and open space. The identification of Outlots B - E should be modified to indicate their use as open space, with blanket utility easements.

### **CONDITIONS:**

#### Site Specific:

1. After the applicant completes the following instructions and submits the documents and plans to the Planning Department office and the plans are found to be acceptable, the application will be scheduled on the City Council's agenda:

1.1 Revise the site plan to:

8. Include in the waiver notes the waiver of the preliminary plat and allow the Planning Director to approve administrative final plats and the approval of administrative final plats accepting the dedication of streets in the Requested Waivers table on the site plan.
9. Show a sidewalk connection from San Augustin Drive to Grainger Parkway ~~between either Lots 9 and 10 or between Lots 12 and 13 east of Lot 14.~~ **(\*\*Per Planning Commission, at the request of the applicant and agreed upon by staff, 7/09/03\*\*)**

10. A rear yard setback between Lots 15 - 35 and the east boundary line of the CUP consistent with the R-4 district.
  11. Provide the rear setback required for the R-4 district between Lots 46 - 58 and the adjacent lots to their rear.
  12. A signed surveyor's certificate.
  13. Show Tularosa Lane as South Tularosa Lane and provide a suffix for the permanent dead-end roadway south from Gallinas Drive.
  14. Increase the setback along Yankee Hill Road to 35' to respect the LES easement.
  15. Indicate the purpose of Outlots B - E as open space, with a note providing a blanket utility easement.
  16. A ~~4' separation~~ 3' separation between the sidewalk and the back of curb. **(\*\*As revised by Planning Commission, at the request of the applicant and agreed upon by staff, 7/09/03\*\*)**
  17. A parking space 22' deep on the driveway between the sidewalk and the garage.
- 1.2 Revise the landscape plan to:
    - 1.2.1 Correct Notes 3-5 to include proper street names and delete references to landscaping in cul-de-sac and eyebrows.
    - 1.2.2 Provide screening per Design Standards.
  - 1.3 Submit a recreation plan approved by the Parks and Recreation Department.
  - 1.4 Add the notes requested by LES in their April 25, 2003 review.
2. This approval permits up to 66 dwelling units and the following modifications and waivers:
    - 2.1 Minimum lot area.
    - 2.2 Cul-de-sac geometry to allow a 30' radius.
    - 2.3 Yard setbacks.
    - 2.4 Requirement to submit Preliminary Plat.
    - 2.5 Grant authority to the Planning Director to approve an administrative final plat based upon the approved CUP.

- 2.6 Grant authority to the Planning Director to approve an administrative final plat accepting the dedication of private roadways.
- 2.7 The waiver of the preliminary plat shall only be effective for a period of ten years from the date of the city's approval, and shall be of no force or effect thereafter. If any final plat on all or a portion of the approved community unit plan is submitted five years or more after the effective date of the community unit plan, the city may require that a new community unit plan be submitted, pursuant to all the provisions of Section 26.31.015. A new community unit plan may be required if the subdivision ordinance, the design standards, or the required improvements have been amended by the city; and as a result, the community unit plan as originally approved does not comply with the amended rules and regulations.
- 2.8 Reduction of pavement width to 24'. (\*\*Per Planning Commission, at the request of the applicant and agreed upon by staff, 7/09/03\*\*)

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

- 3.1 The subdivider has 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:
  - 3.2.1 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.
  - 3.2.2 To complete the private improvements shown on the Community Unit Plan.
  - 3.2.3 To maintain the outlots and private improvements 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.
  - 3.2.4 To continuously and regularly maintain the street trees along South 30<sup>th</sup> Street, Grainger Parkway, the private roadways and the landscape screens.

- 3.2.5 To submit to the lot buyers and home builders a copy of the soil analysis.
- 3.2.6 To pay all improvement costs.
- 3.2.7 To comply with the provisions of the Land Preparation and Grading requirements of the Land Subdivision Ordinance.
- 3.2.8 To protect the trees that are indicated to remain during construction and development.
- 3.2.9 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.

General:

- 4. Before receiving building permits:
  - 4.1 The permittee shall have submitted a revised and reproducible final plan including 6 copies.
  - 4.2 The construction plans shall comply with the approved plans.
  - 4.3 Administrative Final Plats shall be approved by the Planning Director.

Standard:

- 5. The following conditions are applicable to all requests:
  - 5.1 Before occupying the dwelling units all development and construction shall have been completed in compliance with the approved plans.
  - 5.2 All privately-owned improvements shall be permanently maintained by the owner or an appropriately established homeowners association approved by the City Attorney.
  - 5.3 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
  - 5.4 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
  - 5.5 The applicant shall sign and return the letter of acceptance to the City Clerk within 30 days following the approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The clerk shall file a

copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filling fees therefor to be paid in advance by the applicant.

Prepared by:

Brian Will  
Planner  
May 28, 2003

**APPLICANT/**

**OWNER:** Ridge Development and Southview, Inc.  
2001 Pine Lake Road Suite 100  
Lincoln, NE 68542  
421-1627

**CONTACT:** Justin Crow  
Olsson Associates  
1111 Lincoln Mall  
Lincoln, NE 68508  
474-6311

**SPECIAL PERMIT NO. 2010,  
PINE LAKE HEIGHTS SOUTH 8<sup>TH</sup> ADDITION  
COMMUNITY UNIT PLAN**

**PUBLIC HEARING BEFORE PLANNING COMMISSION:**

May 14, 2003

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

Staff recommendation: Conditional approval.

Ex parte communications: None.

Brian Will of Planning staff submitted a revised staff recommendation adding Condition #2.5 to make the conditions of community unit plan special permits where the requirement for a preliminary plat has been waived consistent with the conditions normally attached to the preliminary plat.

Will also submitted a letter from the applicant requesting a two-week deferral. During course of review, a waiver was shown on the site plan but was not requested with the original application and thus was not advertised. Will requested that the deferral be four weeks rather than two weeks to give adequate opportunity for readvertising and a new staff report.

Bills-Strand moved to defer four weeks, with continued public hearing and administrative action scheduled for June 11, 2003, seconded by Taylor and carried 7-0: Bills-Strand, Steward, Carlson, Duvall, Larson, Taylor and Schwinn voting 'yes'; Krieser absent; Newman resigned.

There was no other public testimony.

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

June 11, 2003

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

Staff recommendation: Conditional Approval.

Ex Parte Communications: None

Brian Will of Planning staff submitted a letter from the applicant's attorney requesting a two-week deferral to allow time to discuss some issues that have been raised by the staff.

Bills-Strand moved for two-week deferral, with continued public hearing and administrative action scheduled for June 25, 2003, seconded by Steward and carried 8-0: Larson, Steward, Carlson, Bills-Strand, Duvall, Krieser, Taylor and Schwinn voting 'yes'.

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

June 25, 2003

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

Staff recommendation: Conditional approval.

There were no ex parte communications disclosed.

The Clerk announced that the applicant has requested an additional two-week deferral to advertise an additional waiver request.

Bills-Strand moved to defer two weeks, with continued public hearing and administrative action on July 9, 2003, seconded by Krieser and carried 8-0: Steward, Bills-Strand, Larson, Krieser, Duvall, Carlson, Taylor and Schwinn voting 'yes'.

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

July 9, 2003

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

Staff recommendation: Conditional approval.

Ex Parte Communications: None.

Proponents

**1. DaNay Kalkowski** appeared on behalf of **Ridge Development Company and Southview, Inc.**, the owners of the property. This is a special permit for a community unit plan for 65 townhome units. The property is being developed by Don Johnson Homes. The Johnson goal is to develop the property into affordable townhome units, with anticipated price range of \$119,000 to \$139,000. They are planning to target some first time home buyers. They have been working with staff, resulting in some proposed amendments to the conditions of approval, which Kalkowski believes are acceptable to staff. The proposed layout addresses most of the Planning and Public Works concerns and still allows the developer to keep some of the density to keep the units affordable.

Kalkowski submitted a motion to amend which has been reviewed by the staff. She proposed amendments to Condition #1.1.2 and #1.1.9, and to add Condition #2.8.

Carlson referred to the cul-de-sac, Outlot A, on Tularosa Lane, and inquired whether there is a pedestrian connection on Yankee Hill Road. Kalkowski's response was that they are working on a plan to show a sidewalk connection on Yankee Hill Road down to where the trail will be to the cul-de-sac. There will be a sidewalk connection on Tularosa Lane. The reason they came up with the 24' pavement width was because they felt it most important to get the space in the driveway so that people can park two vehicles in their driveway plus the two stalls in their garage without being on the sidewalk. Planning wanted the sidewalk back away from the curb so they are using some of the extra width of the roadway for additional space in the sidewalk. There was some question as to space available to park on the

street between the driveways, but they felt it more important to have that space in the driveway. They do not have any special parking proposed for guests to get them off the streets. They might be able to do that at the end of the cul-de-sac. The rationale for the long stretch was that it was more important to put the distance in the driveway. Kalkowski agreed that there will not be a lot of room for extra parking on the street.

Bills-Strand stated that she struggles with the narrow street and no space for off-street parking.

There was no testimony in opposition.

#### Staff questions

Steward asked whether the staff agrees with the proposed amendments. Brian Will of Planning staff answered in the affirmative. The staff has met with the applicant and reached agreement. Planning's concern was providing room between the sidewalk and the street. He does not believe it makes a lot of difference whether the street is 24' or 27' wide. With the number of driveways coming out on the street, there is not much opportunity to park. The staff wanted to get the vehicles in the driveways and have them available for the parking. If the 27' is required, there is not have enough room in the driveway to keep the cars out of the sidewalks.

Commissioner Taylor left at this point in the meeting.

#### Response by the Applicant

Kalkowski demonstrated where additional parking might be available. Bills-Strand was still looking for opportunities for more parking area. Can we build a little outlot for some parking? Kalkowski suggested that it would be a tradeoff of green space for cement area. Steward pointed out that it is not a requirement by city standard, but there needs to be some consideration for the people living out there.

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

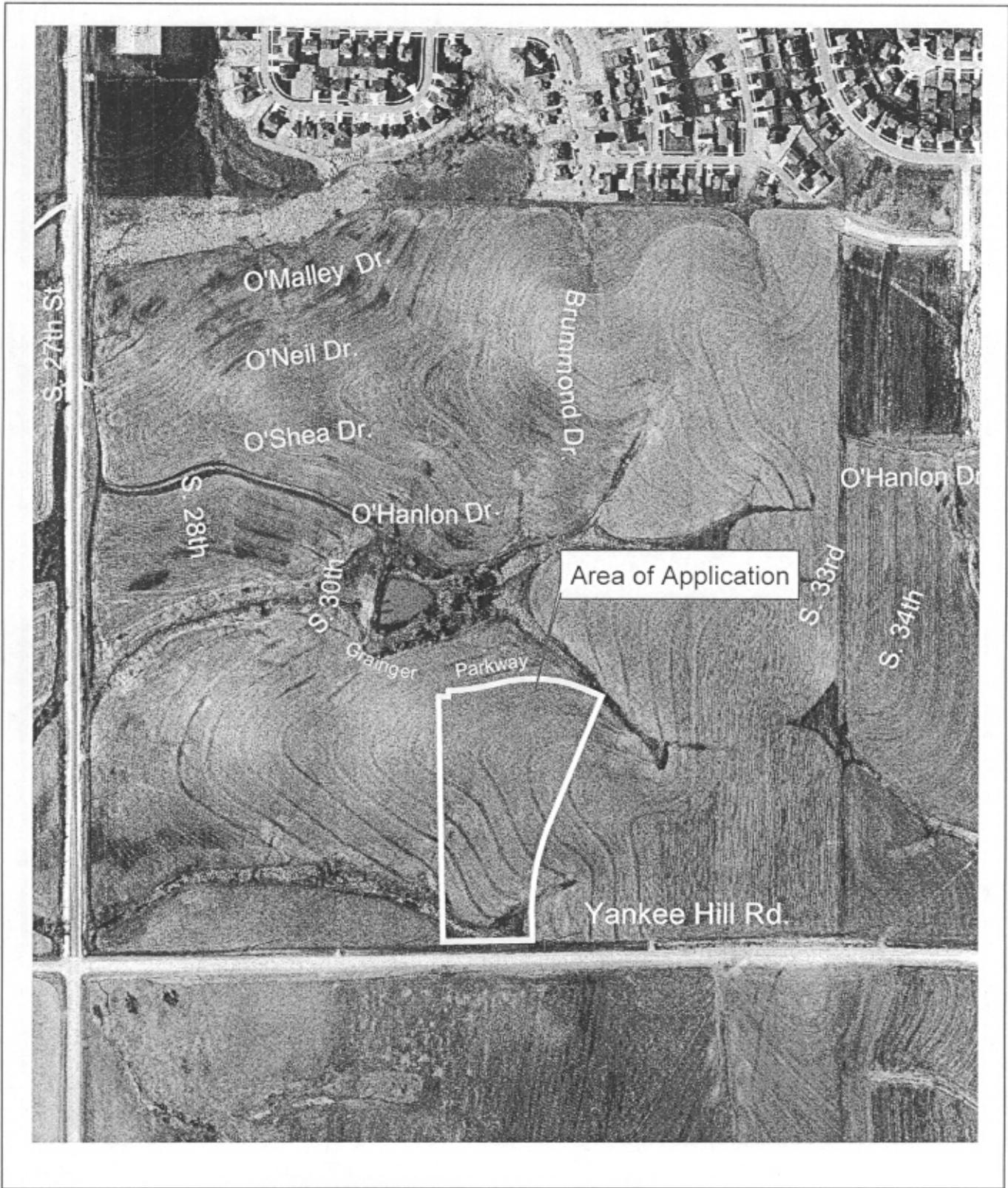
July 9, 2003

Carlson moved to approve the staff recommendation of conditional approval, with the amendments proposed by the applicant, seconded by Larson.

Steward commented that the Commission has reviewed two circumstances today of higher density with ostensibly more affordable residences, which create traffic issues. He believes there is a need to look at the standards in light of this desire for higher density. There are design solutions to these matters, and if those need to be part of our requirements, maybe we should consider some alternatives. Rear access is another potential solution rather than street access.

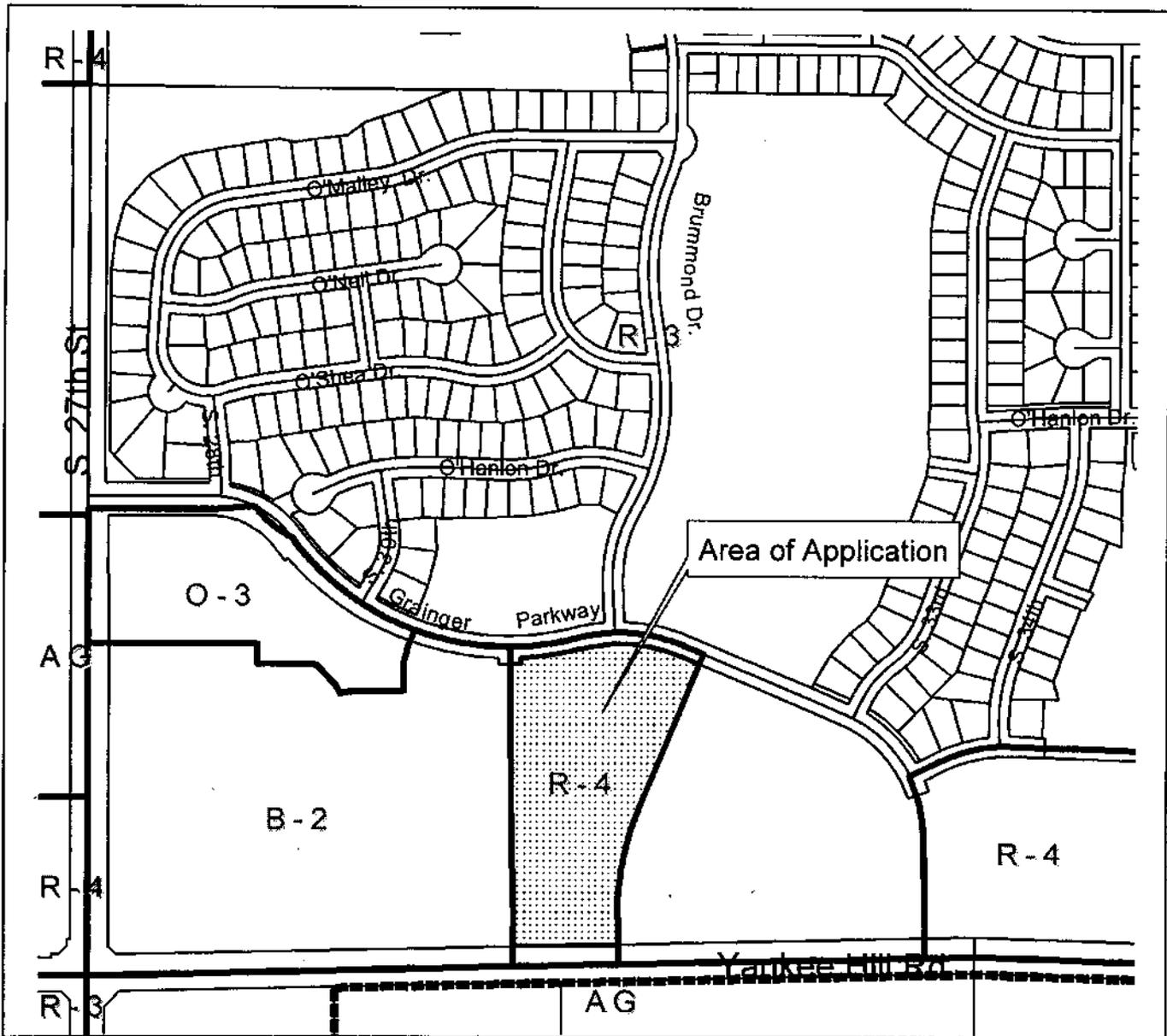
Bills-Strand agreed. She would like this investigated further because we are hearing from townhouse subdivisions that congestion is a real problem. For purposes of safety and to relieve congestion, it would be nice to make allowances when we allow higher density.

Motion for conditional approval, with amendments, carried 6-0: Carlson, Duvall, Larson, Krieser, Bills-Strand and Steward voting 'yes'; Schwinn and Taylor absent.



**Special Permit #2010  
S. 30th & Yankee Hill Rd.  
Pine Lake Heights So. 8th Add CUP**

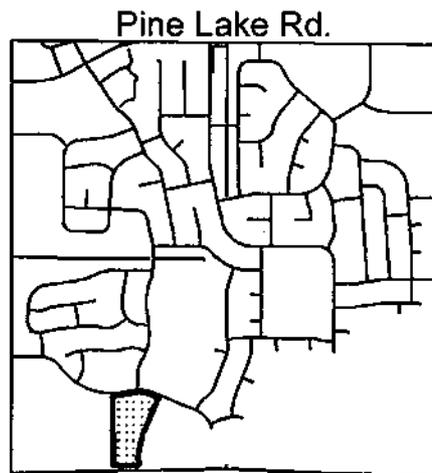
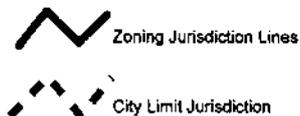




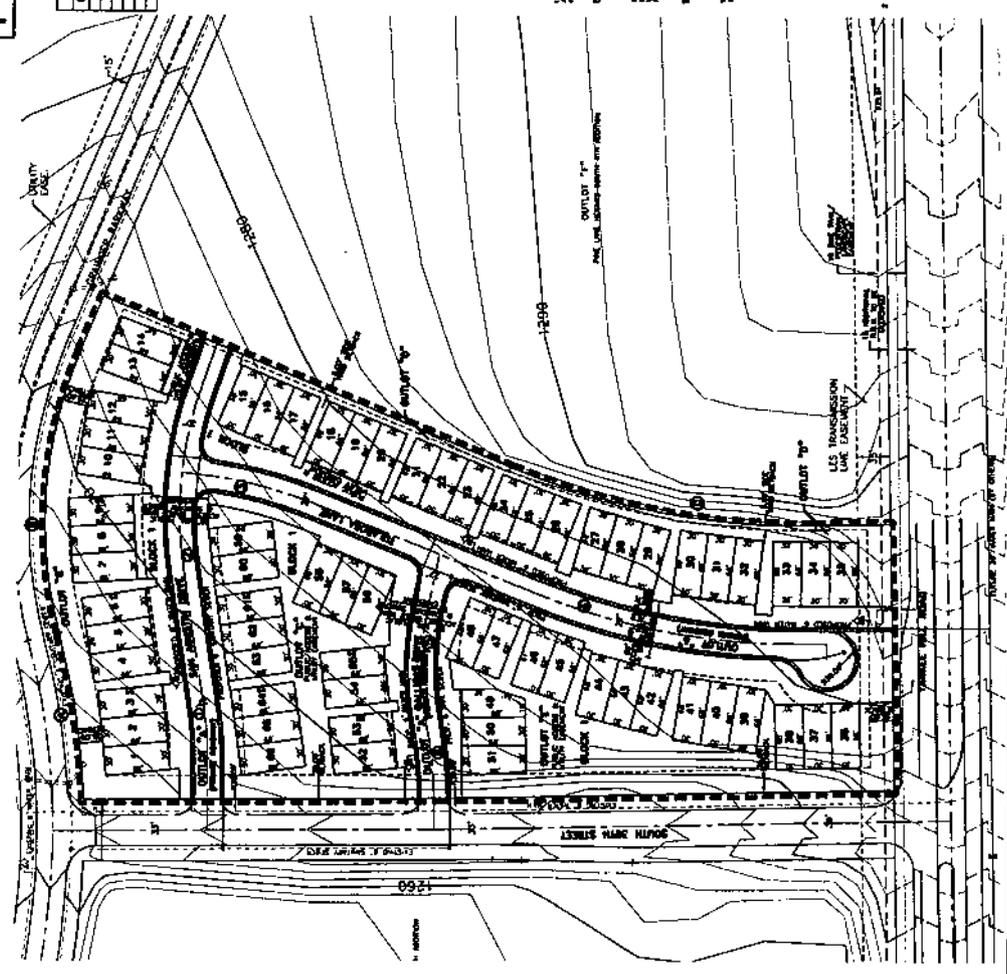
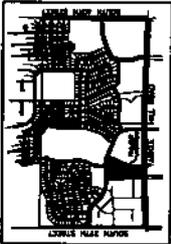
**Special Permit #2010**  
**S. 30th & Yankee Hill Rd.**  
**Pine Lake Heights So. 8th Add CU**  
**Zoning:**

One Square Mile  
 Sec. 19 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-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



# PINE LAKE HEIGHTS SOUTH 8TH ADDITION



**CENTRIE CURVE TABLE**

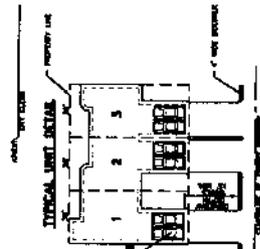
CURVE	BALANCE	DELTA	LENGTH	TANGENT	CHORD
1	3000	1.5708	14.14	14.14	14.14
2	6000	3.1416	28.28	28.28	28.28
3	9000	4.7124	42.42	42.42	42.42
4	12000	6.2832	56.56	56.56	56.56
5	15000	7.8540	70.70	70.70	70.70
6	18000	9.4248	84.84	84.84	84.84
7	21000	10.9956	98.98	98.98	98.98
8	24000	12.5664	113.12	113.12	113.12
9	27000	14.1372	127.26	127.26	127.26
10	30000	15.7080	141.40	141.40	141.40
11	33000	17.2788	155.54	155.54	155.54
12	36000	18.8496	169.68	169.68	169.68
13	39000	20.4204	183.82	183.82	183.82
14	42000	21.9912	197.96	197.96	197.96
15	45000	23.5620	212.10	212.10	212.10
16	48000	25.1328	226.24	226.24	226.24
17	51000	26.7036	240.38	240.38	240.38
18	54000	28.2744	254.52	254.52	254.52
19	57000	29.8452	268.66	268.66	268.66
20	60000	31.4160	282.80	282.80	282.80

**ROBBERY CALCULATIONS**  
 TOTAL AREA: 1.14 ACRES  
 TOTAL AREA: 1.14 ACRES  
 TOTAL AREA: 1.14 ACRES

- LEGEND**
- PROPOSED WATER MAIN
  - PROPOSED SEWER MAIN
  - PROPOSED GAS MAIN
  - PROPOSED ELECTRIC MAIN
  - PROPOSED SANITARY SEWER
  - PROPOSED WATER MAIN
  - PROPOSED SEWER MAIN
  - PROPOSED GAS MAIN
  - PROPOSED ELECTRIC MAIN
  - PROPOSED SANITARY SEWER

**GENERAL NOTES**

1. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF LINCOLN, NEBRASKA.
2. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF LINCOLN, NEBRASKA.
3. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF LINCOLN, NEBRASKA.
4. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF LINCOLN, NEBRASKA.
5. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF LINCOLN, NEBRASKA.



**ENGINEER'S STATEMENT**  
 I, the undersigned, a duly licensed Professional Engineer in the State of Nebraska, do hereby certify that the above described plan and specifications were prepared by me or under my direct supervision and that I am a duly licensed Professional Engineer in the State of Nebraska.

**LEGAL DESCRIPTION**  
 A CERTAIN PORTION OF A SECTION OF A TOWNSHIP OF NEBRASKA, TO-WIT: SECTION 16, TOWNSHIP 12N, RANGE 10W, COUNTY OF LINCOLN, NEBRASKA, AS SHOWN ON THE PLAT OF THE PINE LAKE HEIGHTS SOUTH 8TH ADDITION, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: ...

**GENERAL NOTES**

1. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF LINCOLN, NEBRASKA.
2. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF LINCOLN, NEBRASKA.
3. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF LINCOLN, NEBRASKA.
4. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF LINCOLN, NEBRASKA.
5. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF LINCOLN, NEBRASKA.

**REVISIONS**

NO.	DATE	DESCRIPTION
1	10/15/2003	ISSUED FOR PERMITTING

**REVISIONS**

NO. 10/15/2003

**REVISIONS**

NO. 10/15/2003

**REVISIONS**

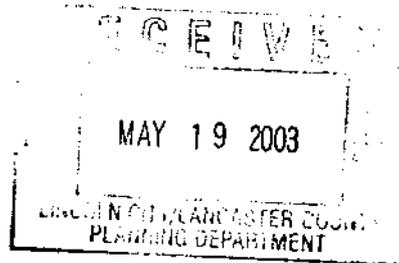
NO. 10/15/2003



OLSSON ASSOCIATES  
ENGINEERS • PLANNERS • SCIENTISTS • SURVEYORS

19 May 2003

Mr. Marvin Krout, Planning Director  
Planning Department  
County-City Building  
555 South 10<sup>th</sup> Street  
Lincoln, NE 68508



Re: Pine Lake Heights South 8<sup>th</sup> Addition C.U.P.  
OA Project: 2002-0689

Dear Mr. Krout,

Enclosed, please find the following revised plans for the above-mentioned project:

1. Site Plan - 10 copies.
2. Grading and Drainage Plan - 6 copies.
3. Preliminary Street Profile Plans - 6 copies.
4. Landscape Plan - 6 copies.

I would like to clarify the waivers that we are requesting:

1. *To eliminate internal lot setbacks for lots 1 through 66.*  
This waiver is in conjunction with the waiver of lot size. The lots are surrounded by an outlot which accounts for the front, rear, and sideyard setbacks.
2. *A waiver to the design standards of Lincoln to allow sidewalks to be constructed directly adjacent to the private roadway.*  
The waiver for sidewalks on one side of the road has been withdrawn, however, we are requesting that the sidewalks be located right next to the private roadway. This will allow more clearance for pedestrians if a vehicle is parked in the driveway.
3. *A waiver to the design standards of Lincoln to eliminate the requirement for a community outdoor recreation center.*  
This waiver has been requested due to the low density use that we are proposing. The number of units shown is consistent with the number of units that could be constructed without a C.U.P. The purpose of the C.U.P. is to create a townhome community that accesses internal roadways. A pedestrian easement for a bike trail has been dedicated adjacent to Yankee Hill Road. Internal sidewalks have also been shown that connect to this bike trail.

Mr. Marvin Krout  
Page 2  
19 May 2003

4. *To allow lot sizes less than 2500 SF.*

The R-4 zoning allows for a minimum lot size of 2500 SF for Townhouse lots. As part of this Community Unit Plan, we are delineating the lot to be the buildable area for the house and are excluding the front and rear yards from the lot. The front and rear yards are in Outlots to be maintained by the homeowners association.

5. *A waiver to the Design Standards for Cul-de-sac Geometry.*

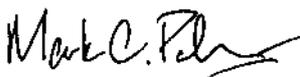
A 43' standard radius cul-de-sac will not fit without a loss of units. We are proposing a 30' radius. Public Works are receptive to a deviation from the standards.

In addition to these plan waivers, I am also requesting the following "Process" waivers:

1. A waiver to the Subdivision Standards to not require a preliminary plat with this Community Unit Plan.
2. A waiver to the Subdivision Standards to allow the Planning Director to approve Final Plats administratively from the approved Community Unit Plan..
3. A waiver to the Subdivision Standards to allow the Planning Director to approve the dedication of public and private roadways from the approved Community Unit Plan.

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

Sincerely,



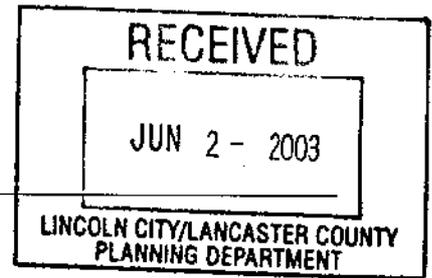
Mark C. Palmer, P.E..

Encls

cc Tom White  
John Brager  
Gerald Schleich  
Don Johnson

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# M e m o r a n d u m



[REDACTED]

**To:** Brian Will, Planning Department  
**From:** <sup>CB</sup> Chad Blahak, Public Works and Utilities  
**Subject:** Pine Lake Heights South 8th Addition  
**Date:** May 29, 2003  
**cc:** Randy Hoskins  
Devin Biesecker

Engineering Services has reviewed the resubmitted Special Permit #2010 for Pine Lake Heights South 8th, located east of future South 30th Street between Yankee Hill Road and Grainger Parkway, and has the following comments:

- Although there are no adopted design standards that address driveway length in relation to the sidewalk and curb line, 22' has traditionally been the minimum distance required from the edge of the sidewalk to the garage. This distance provides 2' of clearance in front of and to the rear of the standard 18' vehicle and helps prevent vehicles from blocking the sidewalk or overhanging across the curb line. The proposed plan shows many lots with less than 22' and some with as little as 14' from the garage line to the edge of the sidewalk.
- Also, there are no adopted design standards for sidewalk location in relation to the curb line. However, Public Works agrees that building sidewalk that abuts the curb line, as proposed in this project, would cause safety issues with pedestrian traffic right next to the roadway. Also, snow removal would undoubtedly continually cover and block the sidewalk.

**-LES** INTER-DEPARTMENT COMMUNICATION

DATE April 25, 2003

TO Brian Will, City Planning

FROM Sharon Theobald  
(Ext. 7640)

SUBJECT DEDICATED EASEMENTS  
DN #83S-31E

Attached is the Resubmitted C.U.P./Site Plan for Pine Lake Heights South 8th Addition.

**In reviewing the dedicated transmission line or other electrical easements shown on this plat, LES does not warrant, nor accept responsibility for the accuracy of any such dedicated easements.**

ALLTEL, Time Warner Cable, and the Lincoln Electric System will not require any additional easements. However, please also include "utility" in the public access easements.

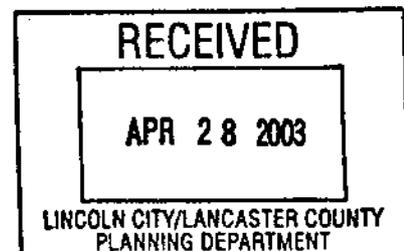
Please add, as a stipulation, the following:

Any construction or grade changes in LES transmission line easement corridors are subject to LES approval and must be in accordance with LES design and safety standards.

Landscaping material selections within easement corridors shall follow established guidelines to maintain minimum clearance from utility facilities.

*Sharon Theobald*

ST/ss  
Attachment  
c: Terry Wiebke  
Easement File



# Memo



**To: Brian Will, Planning Department**

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

**Date: May 28, 2003**

**Re: Pine Lake Heights S. 8<sup>th</sup> Addition SP for CUP 2010**

---

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. Per Chapter 3.35, item 1.4, of Design Standards for Community Unit Plans:

*Adequate and appropriate recreational facilities shall be provided in the common open areas to serve the needs of the development and the anticipated occupants to fulfill the needs of occupants whether they are young, elderly, handicapped, etc. Such facilities shall be readily accessible from the dwelling units in the community unit plan. These shall comply with the design standards for Recreation facilities as established by resolution of City Council.*

A community outdoor recreation plan needs to be developed. Include ½ court basketball court, seating area, and tot lot for children ages 2-5. Submit plan to the parks department for review.

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



**OLSSON ASSOCIATES**  
ENGINEERS • PLANNERS • SCIENTISTS • SURVEYORS

14 May 2003

Ms Jean Walker, Administrative Officer  
Planning Department  
County-City Building  
555 South 10<sup>th</sup> Street  
Lincoln, NE 68508

Re: Pine Lake Heights South 8<sup>th</sup> Addition C.U.P.  
OA Project: 2002-0689

Dear Ms. Walker,

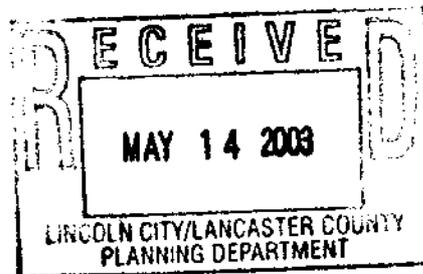
I would like to request a two week deferral of item 3.2 Pine Lake Heights South 8<sup>th</sup> Addition, scheduled on today's Planning Commission agenda. There are a number of waivers associated with this item that were not advertised for today's Planning Commission.

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

Sincerely,

Mark C. Palmer, P.E..

cc Brian Will  
Danay Kalkowski  
Tom White  
John Brager  
Gerald Schleich  
Don Johnson



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022

**MEMORANDUM**

**DATE:** May 14, 2003  
**TO:** Planning Commission  
**FROM:** Ray Hill, Planning Department   
**SUBJECT:** Amendment to the conditions of Special Permit #2010, Pine Lake Heights  
8<sup>th</sup> C.U.P.  
**COPY:** Applicants  
file

The Land Subdivision Ordinance has a time limit on the approval of preliminary plats, Section 26.11.037. In granting the waiver to the preliminary plat process this time limit would be eliminated. In order to include the time limit which keeps the development up to date the conditions of approval are amended to include the following:

- 2.5 The waiver of the preliminary plat process shall only be effective for a period of ten (10) years from the date of the city's approval, and shall be of no force or effect thereafter. If any final plat on all or a portion of the approved community unit plan is submitted five (5) years or more after the approval of the community unit plan, the city may require that a new community unit plan be submitted, pursuant to all the provisions of section 26.31.015. A new community unit plan may be required if the subdivision ordinance, the design standards, or the required improvements have been amended by the city; and as a result, the community unit plan as originally approved does not comply with the amended rules and regulations.

**SEACREST & KALKOWSKI, P.C.**

1111 LINCOLN MALL SUITE 350  
LINCOLN, NEBRASKA 68508-3905

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

ITEM NO. 4.1: SPECIAL PERMIT NO. 2010  
(p.97 - Cont'd Public Hearing - 6/11/03)

cc: Planning Commission

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

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

June 11, 2003

VIA FACSIMILE

Planning Commission  
County-City Planning Department  
555 South 10<sup>th</sup> Street  
Lincoln, NE 68508

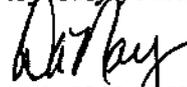
RE: Special Permit #2010, Pine Lake Heights South 8<sup>th</sup> CUP

Dear Planning Commissioners:

On behalf of Ridge Development Company and Southview, Inc. we would like to request a continuation of the public hearing on the above referenced matter. A two week delay would allow us to continue to work with Planning and Public Works Staff on the conditions for approval.

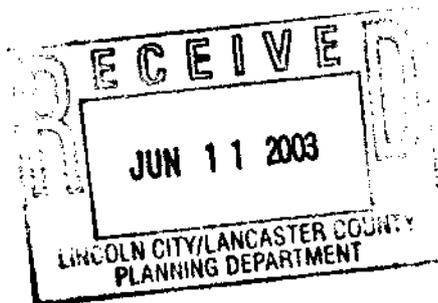
Thank you for your consideration.

Very truly yours,



DANAY KALKOWSKI  
For the Firm

cc: Brian Will  
Dennis Bartels



**SEACREST & KALKOWSKI, P.C.**

1111 LINCOLN MALL, SUITE 350  
LINCOLN, NEBRASKA 68508-3905

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

ITEM NO. 4.1: SPECIAL PERMIT NO. 2010  
(p.97 - Cont'd Public Hearing - 6/25/03)

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

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

cc: Planning Commission  
Public Works  
Law

June 20, 2003

Jean Walker  
Planning Department  
County-City Building  
555 South 10<sup>th</sup> Street  
Lincoln, NE 68508

RE: Special Permit No. 2010 - Pine Lake Heights South 8<sup>th</sup> CUP

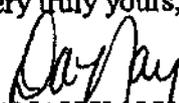
Dear Jean:

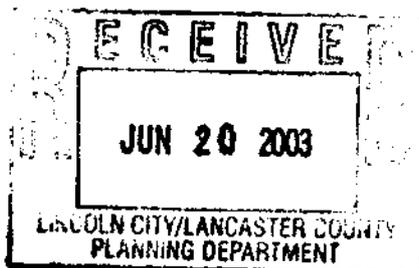
On June 11, 2003 the Planning Commission continued public hearing on the above application until Wednesday, June 25, 2003. We have been able to meet with Planning and Public Works staff to work out the conditions for approval of the above item. The agreement we have reached with staff involves the reduction of the private roadway widths from 27 to 24 feet. It is necessary to advertise for this additional waiver prior to the Planning Commission hearing. Consequently, we are requesting that the public hearing for the above item be extended until July 9, 2003. We appreciate Planning Commission's willingness to continue the public hearing in this matter. It has permitted us the opportunity to work with Public Works and Planning staff to come up with a better plan.

We would appreciate it if you would forward our request on to the Planning Commission, and move forward with publication of the road width waiver for the July 9<sup>th</sup> Planning Commission hearing.

If you have any questions regarding the above, please give me a call.

Very truly yours,

  
DANAY KALKOWSKI  
For the Firm



025

I hereby move to amend the Conditions recommended by the Lincoln City/Lancaster County Planning Staff Report for Special Permit #2010 Pine Lake Heights South 8<sup>th</sup> CUP to read as follows:

CONDITIONS:

Site Specific:

1. After the applicant completes the following instructions and submits the documents and plans to the Planning Department office and the plans are found to be acceptable, the application will be scheduled on the City Council's agenda:
  - 1.1 Revise the site plan to:
    - 1.1.1 Include in the waiver notes the waiver of the preliminary plat and allow the Planning Director to approve administrative final plats and the approval of administrative final plats accepting the dedication of streets in the Requested Waivers table on the site plan.
    - 1.1.2 Show a sidewalk connection from San Augustin Drive to Grainger Parkway ~~between either Lots 9 and 10 or between Lots 12 and 13 east of~~ Lot 14.
    - 1.1.3 A rear yard setback between Lots 15 - 35 and the east boundary line of the CUP consistent with the R-4 district.
    - 1.1.4 Provide the rear setback required for the R-4 district between Lots 46 - 58 and the adjacent lots to their rear.
    - 1.1.5 A signed surveyor's certificate.
    - 1.1.6 Show Tularosa Lane as South Tularosa Lane and provide a suffix for the permanent dead-end roadway south from Gallinas Drive.
    - 1.1.7 Increase the setback along Yankee Hill Road to 35' to respect the LES easement.
    - 1.1.8 Indicate the purpose of Oulots B - E as open space, with a note providing a blanket utility easement.
    - 1.1.9 A ~~4' separation~~ 3' separation between the sidewalk and the back of curb.
    - 1.1.10 A parking space 22' deep on the driveway between the sidewalk and the garage.

- 1.2 Revise the landscape plan to:
    - 1.2.1 Correct Notes 3-5 to include proper street names and delete references to landscaping in cul-de-sac and eyebrows.
    - 1.2.2 Provide screening per Design Standards.
  - 1.3 Submit a recreation plan approved by the Parks and Recreation Department.
  - 1.4 Add the notes requested by LES in their April 25, 2003 review.
2. This approval permits up to 66 dwelling units and the following modifications and waivers:
- 2.1 Minimum lot area.
  - 2.2 Cul-de-sac geometry to allow a 30' radius.
  - 2.3 Yard setbacks.
  - 2.4 Requirement to submit Preliminary Plat.
  - 2.5 Grant authority to the Planning Director to approve an administrative final plat based upon the approved CUP.
  - 2.6 Grant authority to the Planning Director to approve an administrative final plat accepting the dedication of private roadways.
  - 2.7 The waiver of the preliminary plat shall only be effective for a period of ten years from the date of the city's approval, and shall be of no force or effect thereafter. If any final plat on all or a portion of the approved community unit plan is submitted five years or more after the effective date of the community unit plan, the city may require that a new community unit plan be submitted, pursuant to all the provisions of Section 26.31.015. A new community unit plan may be required if the subdivision ordinance, the design standards, or the required improvements have been amended by the city; and as a result, the community unit plan as originally approved does not comply with the amended rules and regulations.
  - 2.8 Reduction of pavement width to 24'.
3. Administrative Final Plats will be approved by the Planning Director after:
- 3.1 The subdivider has 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:
  - 3.2.1 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.
  - 3.2.2 To complete the private improvements shown on the Community Unit Plan.
  - 3.2.3 To maintain the outlots and private improvements on a 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.
  - 3.2.4 To continuously and regularly maintain street trees along South 30<sup>th</sup> Street, Grainger Parkway, the private roadways and the landscape screens.
  - 3.2.5 To submit to the lot buyers and home builders a copy of the soil analysis.
  - 3.2.6 To pay all improvement costs.
  - 3.2.7 To comply with the provisions of the Land Preparation and Grading requirements of the Land Subdivision Ordinance.
  - 3.2.8 To protect the trees that are indicated to remain during construction and development.
  - 3.2.9 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.

General:

4. Before receiving building permits:

- 4.1 The permittee shall have submitted a revised and reproducible final plan including 6 copies.
- 4.2 The construction plans shall comply with the approved plans.
- 4.3 Administrative Final Plats shall be approved by the Planning Director.

Standard

5. The following conditions are applicable to all requests:
  - 5.1 Before occupying the dwelling units all development and construction shall have been completed in compliance with the approved plans.
  - 5.2 All privately-owned improvements shall be permanently maintained by the owner or an appropriately established homeowners association approved by the City Attorney.
  - 5.3 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
  - 5.4 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
  - 5.5 The applicant shall sign and return the letter of acceptance to the City Clerk within 30 days following the approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefore to be paid in advance by the applicant.

Introduced by:

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Approved as to Form & Legality:

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City Attorney

Staff Review Completed:

---

Administrative Assistant

Requested by: SEACREST & KALKOWSKI, P.C.

030