

FACTSHEET

TITLE: CHANGE OF ZONE NO. 04021, from AG Agricultural District and AGR Agricultural Residential District to R-3 Residential District, requested by Engineering Design Consultants on behalf of Pine Lake Development, L.L.C., on property generally located at South 98th Street and Old Cheney Road.

STAFF RECOMMENDATION: Approval

ASSOCIATED REQUESTS: Annexation No. 04004 (04-190) and Special Permit No. 1762B, an amendment to the Vintage Heights Community Unit Plan (04R-271).

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 05/12/04
Administrative Action: 05/12/04

RECOMMENDATION: Approval (9-0: Larson, Marvin, Carroll, Taylor, Sunderman, Carlson, Krieser, Pearson and Bills-Strand voting 'yes').

FINDINGS OF FACT:

1. This change of zone request and the associated annexation and amendment to the Vintage Heights Community Unit Plan were heard at the same time before the Planning Commission.
2. This change of zone and the associated amendment to the community unit plan increase the boundaries of the community unit plan and eliminate one previously approved apartment complex and a day care facility, which area is now proposed to be single family lots, increasing the number of dwelling units in the overall community unit plan from 961 as previously approved, to 964 dwelling units.
3. The staff recommendation of approval is based upon the "Analysis" as set forth on p.5-7, concluding that, with conditions and the removal of the pump station and force main, the proposal is in conformance with the zoning and subdivision ordinances and the Comprehensive Plan.
4. The applicant's testimony is found on p.9-10.
5. Testimony in opposition is found on p.10-11, and the record consists of a letter from the Vintage Heights Homeowners Association in opposition; a petition in opposition bearing 10 signatures; and two e-mail communications in opposition (p.25-29). The main issues of the opposition are the increase in density and the need for an additional access road from the area.
6. The Planning Commission discussion with staff is found on p.11-12.
7. The applicant's response to the opposition is found on p.12-13, indicating that the developer has agreed to build no more than 40 units prior to completing access to 84th Street or to a future subdivision to the south.
8. On May 12, 2004, the Planning Commission agreed with the staff recommendation and voted 9-0 to recommend approval of the change of zone request.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: September 27, 2004

REVIEWED BY: _____

DATE: September 27, 2004

REFERENCE NUMBER: FS\CC\2004\CZ.04021

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for May 12, 2004 PLANNING COMMISSION MEETING

****As Revised and Recommended for Conditional Approval by Planning Commission:
5/12/04****

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

P.A.S.: Special Permit #1762B
Annexation #04004
Change of Zone #04021

PROPOSAL: To annex 10.23 acres, expand the boundary of the special permit and change the zoning on a portion from AG and AGR to R-3.

LOCATION: S. 98th St & Old Cheney Rd.

WAIVER REQUEST:

Eliminate the preliminary plat process
Wastewater collection system meeting City design standards (pump station)
Sanitary sewer running opposite street grades for Vine Cliff Dr.
Transfer of sanitary sewer from one basin to another
Dead end street to have 60' minimum radius turnaround
Lots exceeding a maximum depth of three times its width for Lots 11 & 12, Block 33
Minimum lot depth of less than 120' for lots abutting a major street for Lots 8 & 9, Block 33.

LAND AREA: 303 acres, more or less

CONCLUSION:

With conditions and the removal of the pump station and force main, this request is in conformance with the 2025 Comprehensive Plan, Zoning and Subdivision ordinances. A pump station should only be utilized in exceptional circumstances where a substantial public benefit would result. Those circumstances do not exist in this case. This is not a case of a major employer like Lincoln Benefit Life bringing hundreds of new jobs to the city. It is also not a case of adding substantially to the inventory of available lots due to some crisis of supply; this proposal would add only 60 to 65 more lots to the supply – less than 5% of what might be need in just a single year. The insignificant gain for one year would require a 20 or more year commitment and expense to operate and maintain the force main and pump station. While the staff shares a concern that infrastructure improvements proceed quickly to maintain an adequate supply of lots over the years ahead, we do not see that there is a crisis of supply at this time.

RECOMMENDATION:

Special Permit	Conditional Approval
Annexation	Approval
<u>Change of Zone</u>	<u>Approval</u>
WAIVERS	
Eliminate the preliminary plat process	Approval
Wastewater collection system meeting City design standards (pump station)	Denial
Sanitary sewer running opposite street grades in Vine Cliff Dr.	Conditional Approval
Transfer of sanitary sewer from one basin to another	Conditional Approval
Dead end street to have 60' minimum radius turnaround	Denial
Lots exceeding a maximum depth of three times its width for Lots 11 & 12, Block 33	Approval
Minimum lot depth of less than 120' for lots abutting a major street for Lots 8 & 9, Block 33.	Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION: see attached

EXISTING ZONING: AG-Agricultural
AGR- Agricultural Residential
R-3 -Residential

EXISTING LAND USE: Residential and undeveloped

SURROUNDING LAND USE AND ZONING:

North:	R-3 Residential	Single family houses
	AG Agriculture	Undeveloped
South:	B-5 Planned Regional Business District	Undeveloped
	R-3 Residential	
East:	AG Agriculture	Agriculture and acreages
West:	AGR Agricultural Residential	Single family houses and church
	R-3 Residential	

ASSOCIATED APPLICATIONS:

Annexation #04004
Change of Zone #04021; AG and AGR to R-3.

HISTORY:

February 24, 2003 Preliminary Plat #02017, Vintage Heights 3rd Addition; Special permit #1762A, Annexation #02009; and Change of Zone #3374 were approved by City Council.

- September 27, 1999** Preliminary Plat #99002, Vintage Heights 2nd Addition; Special Permit #1762, Annexation #99005; and Change of Zone #3168 were approved by City Council.
- August 3, 1998** Preliminary Plat #98003, Vintage Heights 1st Addition; Special Permit #1716 and Change of Zone #3109 were approved by City Council.
- July 14, 1997** Preliminary Plat #97002, Vintage Heights and Change of Zone #3045 were approved by City Council.

The area was converted from AA, Single Family Dwelling to AGR, Agricultural Residential during the 1979 zoning update.

COMPREHENSIVE PLAN SPECIFICATIONS:

Maximize the community’s present infrastructure investment by planning for residential and commercial development in areas with available capacity. This can be accomplished in many ways including encouraging appropriate new development on unused land in older neighborhoods and encouraging a greater amount of commercial space per acre and more dwelling units per acre in new neighborhoods.” (F-17)

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

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

“The street network should facilitate calm traffic conditions, provide multiple connections within and between neighborhoods, using neighborhood development aspects such as four way intersections of residential streets, multiple connections to arterial streets and reduced block lengths.” (F-19)

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

Guiding principles for new neighborhoods includes:

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

“The City’s collection system, in general, will continue to be a gravity fed system that is designed to accommodate urbanization of drainage basins and sub-basins. This system encourages orderly growth within the natural drainage basin boundaries. This policy encourages urban growth from the lower portion of the drainage basin and prohibits pumping of wastewater across basin boundaries. Explore alternative methods, such as lift stations, where practical.” (F-77)

UTILITIES: Utilities are available to serve this development

TRAFFIC ANALYSIS:

Multi-use trails are proposed to traverse this plat at various locations as identified in the Comprehensive Plan. There also are two grade separated roadway crossings proposed in relation to these trails when they cross Pine Lake Road and South 98th Street at locations that will impact this development. The final alignments and locations of these trails and grade separations should be coordinated with the Parks and Recreation Department, and the future development of these trails should be developed according to Note #23 on the plans.

South 98th Street, Old Cheney Road, and Pine Lake Road are all designated as minor arterials in the Comprehensive Plan.

The Comprehensive Plan shows South 98th Street, Old Cheney Road, and Pine Lake Road all to be 4-lane roadways with appropriate turn-lanes in the future.

It should be noted that a sub-area plan is proposed to take place that will involve Pine Lake Road and South 98th Street as they relate to access and circulation within the Highway 2 corridor.

Right-of-way at the major intersections of 98th Street and Pine Lake Road and 98th Street and Old Cheney Road should show an additional right-of-way dedication for the first 300 feet from the intersections per the Public Works Department's requirements.

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

1. Project 46: Pine Lake Road - 84th Street to east of 98th Street; 98th Street - North of Pine Lake Road to 400' north of Highway 2. Improve existing Pine Lake Road from 84th Street to 87th Street to four through lanes plus left and/or right turn lanes at intersections; and improve Pine Lake Road from 87th Street to 98th Street to two through lanes plus left and/or right turn lanes at intersections. Improve 98th Street to two through lanes plus left and/or right turn lanes. This project will improve safety and capacity, and will serve traffic generated by future development in south Lincoln. Local funds. Project length 1.75 miles. (2005-2006) This project does not yet have guaranteed funding and construction schedules are contingent upon availability of funding.

2. Project 80: S. 98th Street - 1/4 mile north of Old Cheney Road to 1/4 mile south of Old Cheney Road. Improve existing S. 98th Street to four through lanes plus left and/or right turn lanes at intersections. This project will improve safety and capacity, and will serve traffic generated by future development in south Lincoln. Local funds. Project length 0.5 miles. (2007-2009) This project does not yet have guaranteed funding and construction schedules are contingent upon availability of funding.

3. Project 81: S. 98th Street - 1/4 mile south of Old Cheney Road to 1/4 mile north of Pine Lake Road. Improve existing S. 98th Street to four through lanes plus left and/or right turn lanes at intersections. This project will improve safety and capacity, and will serve traffic generated by future development in south Lincoln. Local funds. Project length 0.5 miles. (2007-2009) This project does not yet have guaranteed funding and construction schedules are contingent upon availability of funding.

4. Project 82: Old Cheney Road - 1/4 mile east of 84th Street to 1/4 mile east of S. 98th Street. Improve existing Old Cheney Road to two through lanes plus left and/or right turn lanes at intersections. This project will improve safety and capacity, and will serve traffic generated by future development in south Lincoln. Local funds. Project length 1.0 miles. (2007-2009) This project does not yet have guaranteed funding and construction schedules are contingent upon availability of funding.

PUBLIC SERVICE: The nearest fire station is located at S. 84th St. & South St. There is a proposed public elementary and middle school within the Vintage Heights subdivision. The nearest elementary school is Maxey located at 5200 S. 75th St.

ENVIRONMENTAL CONCERNS: Protection of Antelope Creek flood corridor and wetlands.

ANALYSIS:

1. This is a request to annex, change the zone from AG & AGR to R-3; and amend the Community Unit Plan for Vintage Heights.
2. The area to be annexed is located at the southwest corner of Old Cheney Rd. & S. 98th St. The area to be annexed contains 10.23 acres, more or less.

3. The proposed site plan eliminates the last apartment complex and a proposed day care facility from the original approved site plan. The previously approved apartments and day care are now shown as single family lots.
4. 961 dwelling units were approved with the previous community unit plan. This amendment proposes to increase the number of approved dwelling units to a total of 964 units.
5. This proposed development generally is in conformance with the 2025 Comprehensive Plan and the Southeast Subarea Plan. However it departs from the plan in two ways: a) Eliminating the potential for apartments to be part of the mix of housing in this area. Amendments have been approved in the past two years or are pending that would eliminate sites for over 2000 apartment units. It is understandable that developers do not want to hold on to land for this purpose when there is little demand. However, it will have a cumulative effect on our goals for density and housing mix in the new areas of the city. and b) breaking with the policy of a gravity based sewer system.
6. The proposed plan eliminates 15 acreage lots along S. 98th St. and replaces them with urban sized lots. The majority of these lots cannot be served with gravity sanitary sewer. A pump station and force main is proposed to serve these lots. The Planning Department and Public Works Department does not support this waiver to allow a pump station. The adopted City of Lincoln sanitary sewer design standards state: *"The transfer of wastewater from one watershed to another by any means, such as a lift station or construction of a sanitary sewer which cuts through the ridge separating the watersheds, shall not be permitted."* When Vintage Heights 2nd Addition CUP was approved, it was agreed that the acreage lots which drain east into the Stevens Creek watershed, would not be subdivided into smaller lots and pump stations would not be allowed.
7. Exceptions to the Comprehensive Plan policy and design standard have been approved, but only in few unique occasions. They have not been approved for portions of subdivisions as proposed in this case. Planning and Public Works staff have been working on a set of proposed criteria to help the Planning Commission and City Council decide if and when requests like this should be approved. A draft of those criteria is attached. This request fails to achieve many of those criteria, and therefore staff does not recommend approval of the pump station in this case.

One of the criteria establishes a minimum size threshold in order to avoid the City being responsible for numerous small, inefficient facilities. This proposed facility is much smaller than the minimum size facility that is recommended for consideration.

The developer has not indicated how the cost of these facilities will be borne. The criteria state that, although the City would operate the facility, the developer must guarantee all future operating costs as well as the initial construction costs of these facilities, and not turn that responsibility over to a property owners= association.

This facility is not "interim" in nature. It may be 25 years or more until the Stevens Creek trunk line is extended far enough south to serve this area. That will create more unknowns in terms of maintenance, repair and replacement of the system.

Another criterion suggests that these facilities not be limited to a single property owner, when there may be other owners in the vicinity who could participate in the costs and benefits. In this case, because of sewer capacity, there is no capacity to share with other property owners in the area.

Last, these facilities should only be utilized in exceptional circumstances where a substantial public benefit would result. Those circumstances do not exist in this case. This is not a case of a major employer like Lincoln Benefit Life bringing hundreds of new jobs to the city. It is also not a case of adding substantially to the inventory of available lots due to some crisis of supply; this proposal would add only 60 to 65 more lots to the supply – less than 5% of what might be need in just a single year. The insignificant gain for one year would require a 20 or more year commitment and expense to operate and maintain the force main and pump station. While the staff shares a concern that infrastructure improvements proceed quickly to maintain an adequate supply of lots over the years ahead, we do not see that there is a crisis of supply at this time – see attached memo.

8. The area west of Blackstone Rd. is shown for townhouse development. The previously approved site plan identified 57 dwelling units in this location. The proposed plan identifies 117 units. There are concerns with the density and having only one entrance/exit point at Foxtail Drive. This area should be limited to 40 dwelling units to reduce the risk of not providing emergency service if the only access is blocked until there is a second access to this area. The Vintage Heights Homeowners Association objects to the increased density in this area.
9. Pine Lake Rd. and Old Cheney Rd. are shown as proposed projects in the City's CIP. However, if this development is constructed prior to the improvement of Pine Lake Rd. or Old Cheney Rd. adjacent to this plat, this developer is responsible for constructing left turn lanes in Pine Lake Rd. and Old Cheney Rd. at the Lomathe Dr. and S. 96th St. intersections.
10. The applicant's letter request a waiver for lot depth to width ratio to allow duplex lots. A waiver is not required when the lot is occupied or intended to be occupied by a portion of a duplex or townhouse structure.
11. The applicant has requested a waiver to allow sanitary sewer to run opposite street grades in Vine Cliff Drive. Public Works and Planning does not oppose this waiver provided that the maximum and minimum allowable sewer depths are not exceeded.
12. The applicant has requested a waiver to allow the transfer of sanitary sewer from one basin to another. The majority of the plat is not able to be served by gravity sewer at design standard depths. Public Works and Planning would approve the waiver for the areas that are able to be served by a gravity sewer provided that the developer submit information showing, to the satisfaction of the Waste Water Department, that the Antelope Creek sewer has sufficient capacity for the added drainage area.

Prepared by:

Tom Cajka
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Planner

DATE: April 29, 2004

APPLICANT: Pine Lake Development L.L.C.
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Lincoln, NE 68508
(402) 434-5650

OWNER: same as applicant

CONTACT: Jason Thiellen
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**ANNEXATION NO. 04004,
CHANGE OF ZONE NO. 04021
and
SPECIAL PERMIT NO. 1762B,
AMENDMENT TO THE
VINTAGE HEIGHTS COMMUNITY UNIT PLAN**

PUBLIC HEARING BEFORE PLANNING COMMISSION:

May 12, 2004

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

Staff Recommendation: Approval of the annexation and change of zone, and conditional approval of the community unit plan amendment.

Ex Parte Communications: None.

Tom Cajka of Planning staff submitted a letter from a property owner west of Blackstone Drive who is opposed if this development is going to be similar to the Allegrini Terrace townhomes which are south along Pine Lake Road. He also submitted a letter from Mike James, with concerns about the density and type of development proposed west of Blackstone and traffic.

Proponents

1. Brian Corzine, 2200 Fletcher Avenue, presented the application on behalf of the developer. This is a request to amend the community unit plan for Vintage Heights. In addition the applicant is requesting annexation and a change of zone on property being added to the community unit plan in the northwest corner and on the west edge.

Corzine stated that the developer is in general agreement with the Planning staff recommendation. In regard to the pump station, Corzine requested amendment to Condition #1.2.12 which does not allow final plats on the lots that cannot be serviced by gravity sanitary sewer until such time that gravity sanitary sewer is available, "or until a policy on pump stations is either developed or the pump station is allowed". Staff is currently working on a policy for small pump stations. The developer is willing to show these lots as nonbuildable until they can be served by sanitary sewer or a pump station is allowed.

Corzine further noted that when the previous annexation for Vintage Heights was approved, it called for the improvement of 98th Street to a 2-lane rural asphalt section, to which the applicant agreed. Public Works has now asked for turn lanes along Pine Lake Road and Old Cheney Road. The developer is opposed because the turn lanes were not in the original agreement. This development has exits to both Old Cheney Road and Pine Lake Road.

With regard to the temporary turnaround on private road waiver, Corzine stated that the developer is in agreement with the Public Works recommendation for a 30' radius cul-de-sac.

The developer has also agreed to amend the street names.

Pearson inquired about a connection to the bike path along Antelope Creek. Corzine stated that the exact location has never been pinned down so it was omitted. However, the staff report requests that the access be shown and the developer will comply. They had always intended to include that path. He believes that it is an at-grade crossing so there will not be a bridge.

Cajka further responded, stating that the bike trail has only been a general location and it is up to Parks to come up with the final design and the exact location. He agreed that it would probably be an at-grade crossing.

Bills-Strand inquired whether the townhouse area is going to have a common area that an association will be assessed to maintain. Corzine advised that there are outlots shown in the center of the development which will be a common area of grass and trees. There is a mini-park site that will be accessed through a trail system. It will be part of Vintage Heights.

Pearson requested to see the location of the boundary of the wetlands. Corzine does not believe it is shown on any of the maps. He did show the channel and the location of the townhouses on the agenda drawing. None of the lots encroach upon the wetlands so there will be no impact on the wetlands. The developer has not requested nor has any plans to get a 404 permit to do any fill in the wetlands.

Carlson confirmed with the applicant that for the townhome area, there is a connection to the east on Foxtail, but what about a connection to the west? Corzine stated that the developer does not currently own the property to the west. It is their intention to connect the road out to 84th Street; however, it was not shown on the plan because that owner is not part of the CUP. There will also be a connection to the south.

Opposition

1. Bob McLean, 6031 So. 88th Street, testified in opposition. He and his wife moved here 4 ½ years ago looking for a nice home and nice development. He did the due diligence and thought there would be 57 townhomes. He also bought the lot next door to his home. While making that purchase, he also did his due diligence and inquired as to what is planned behind his property. Thus, he was very surprised about 2 months ago to find out that instead of 57 townhomes, there are now 117 planned, which is double the density. McLean submitted a petition bearing 10 signatures, two of which were not aware that the density was doubling. He suggested that the letter sent to the homeowners was not clear that the density was being doubled. He does not understand how you can double the density without telling people about it. There should only be 57 townhomes. He does not see any plan for a road out to 84th. He believes there should at least be a plan showing the connection to 84th Street. If they cannot get the double density stopped, at a bear minimum, the developer should put the connection to 84th before any construction begins. There is a safety

concern. He finds it hard to believe that some of those lots are not in the floodplain. He only spent an hour and got 10 signatures on the petition in opposition to the density. In addition, if the bike path is on the east side, it is going to go right over his property.

2. Terry Roberts, 6010 S. 91st, President of **Vintage Heights Homeowners Assn.**, testified in opposition. Bob Lewis was asked to attend their April 6th annual meeting to explain some of these issues, but no one attended. The 57 units are already approved and we don't have a problem with that. The entrance on Pine Lake to Vintage Heights is currently closed for road construction. Everyone comes in from Old Cheney at 93rd or on 88th Street. If construction were to begin, that is where the construction vehicles would be coming in.

Roberts noted that the staff report suggests limiting the development to 40 dwelling units to reduce the risk of not providing emergency service (Staff Analysis #8). Roberts stated that there are roads that are being constructed right now. She requested that the original 57 units remain with no increase in density; that no development would occur at this time until there is another road in place. The Homeowners Association would prefer that the staff Analysis #8 be required and that a road be put in as part of this application or to deny the additional density. The houses running along 88th are \$300,000+ houses, as well as those along Blackstone Road.

Carlson pointed out that there is a condition of approval that says no more than 40 dwelling units shall be built in Blocks 36-40 until Foxtail Drive is built to South 84th Street or road connection to another street system to the south. Roberts believes that this still approves the 117 units, to which the Homeowners Association objects. However, if the 117 are approved, then the road must be required prior to beginning construction of the 40 units. There is a concern that there is no plan in writing for the road at this time.

Staff questions

Carlson asked for staff response regarding the 40 units. Cajka explained that the staff is requiring that until there is a second access either at 84th Street or another access to the south, they can only construct 40 dwelling units. There is another development south of this coming forward in two weeks.

Carlson believes the developer is transferring units to keep the total CUP development about the same. Cajka agreed. The units are being transferred from the northwest corner of 98th and Pine Lake Road, which was approved as an apartment complex. The overall density for the whole community unit plan is only increasing by three units.

Carlson commented that philosophically, we normally like to see the higher density closer to the arterial.

Dennis Bartels of Public Works addressed the requirement for turn lanes. At the time the original Vintage Heights was approved, Public Works was not routinely asking for the turn lanes. 84th Street is now being paved to urban cross-section; Old Cheney is rural cross-section; Pine Lake is rural cross-section; and 98th is gravel. In analogous situations in other plats in the last couple of years, Public Works has agreed to waive the requirement to have a curb and gutter street abutting

the subdivision, so we have asked for temporary widening of the existing asphalt section where they are intersecting the county section arterial street. It is Public Works' recommendation, but he could not point to anything in the standards for the requirement. It has been done in other developments. Carlson believes it also requires participation in the cost of the arterial street construction. Bartels stated, "not directly". These lots would be subject to impact fees but they are not making any cash contributions to the permanent pavement.

Carroll inquired about ownership of the property for the change of zone. Cajka stated that the staff would want the change in ownership to be finalized prior to scheduling this on the City Council agenda. There is a letter from the church on page 189 that indicates they are working with the developer and moving forward with sale of that property.

Carroll inquired whether outlots is acceptable for those lots that do not have sewer now. Cajka explained that the site plan will not change; however, those lots will have a note on the plan saying they cannot be final platted until it can be sewered. The applicant is requesting to change the language of that note.

With regard to the proposed amendment to Condition #1.2.12, Dennis Bartels stated that Public Works we can live with the language that is proposed. In Public Works' initial review, they were objecting to the use of the pump station. The policy has not been finalized. If we end up with a policy that this development can meet, the lots can be platted. If not, they will have to wait for the gravity sewer. Bartels is agreeable to wait until the policy is established and then review this request in light of that policy. It is debatable at this point in time whether Public Works would recommend they be sewered based on the draft policy. Cajka concurred that even after the policy is established, it is possible that it may not apply here. There will be criteria that will have to be met. If they cannot meet that criteria, the staff would still recommend that they not be allowed to use a lift station.

Bills-Strand inquired as to when this property would be ready to built and occupied. Bartels stated that as soon as this community unit plan is approved, they would have the authority to begin grading and start installing sewer and water. Realistically, it would most likely be next year at this time before occupancy would begin. There will be another construction season before 84th Street is done.

Pearson noted the conditions requiring the applicant to identify the wetland boundaries. What happens when some of the property is in the middle of the wetlands and floodplain? She believes the lots straddle the creek and she is curious about it. Bartels acknowledged that Public Works was questioning the same thing. Public Works did not have enough information to evaluate it and that is a question that needs to be answered in the drainage study. Public Works assumed the flood elevation did not account for the culvert across Foxtail and the conditions of approval were written to require the information. There is not a FEMA designated floodplain along Antelope Creek east of 84th Street. Public Works will be reviewing the additional information before it goes on to the City Council. Cajka confirmed that the applicant must provide the information prior to being scheduled on City Council.

Response by the Applicant

With regard to the wetlands, Corzine advised that at the time the 57 units were shown in the townhome area with Foxtail Drive, there was a drainage study done which established the 100-year flood limits. That drainage study took into account the proposed development conditions.

The developer has agreed to re-evaluate that study to make sure that none of the assumptions are no longer valid. If they are, they will update the study.

With regard to access to 84th Street, Corzine indicated that originally, with the previous community unit plan, there were 57 units that they were going to build and they did not show access to 84th. The developer has agreed to build no more than 40 units prior to completing that access to 84th or to the future subdivision to the south. Notes will be added to the plan accordingly.

Bills-Strand noted that one of the letters discusses trees that have been torn down. Corzine was not sure what trees to which the letter refers. The grading plan did not show tearing those trees down. The trees adjacent to the bank are still there.

With regard to the issue of property ownership of the amended area to the west, Corzine advised that in previous discussions with Planning, it was agreed that they would go through the deeding process to achieve the property for the area not included in the current CUP. The reason they did not do that for Foxtail Drive right away is that the connection on 84th was not totally established so they were unable to tell the owner exactly what property they wanted to buy. With the improvements of 84th and leaving a stub street on Foxtail, those plans are more finalized so the developer is in negotiations with the church to buy the property in order to connect the road.

Since the developer did not attend the Vintage Heights Homeowner Association meeting, Pearson asked Corzine to explain how the development went from 57 to 117 units. Corzine suggested that the demand for different types of housing changes and when Vintage Heights was originally planned, the demands and the requests for types of housing may have been different; however, he is an engineer and is speculating. Corzine stated that the entire community unit plan complies with the Comprehensive Plan in that the developer is providing mixed use type living within the community unit plan. Hampton Development is not able to be here today.

Jason Thiellen of EDC offered that at the time that the original Vintage Heights Addition concept plan was going through, they only thought they needed 57 units. With the situation of lots in the city, they believe they need more lots in this area in order to recoup some expenses. This area is separate from the single family property owners. There is a buffer between the townhomes and the single family homes of no less than 170' up to 300' or more. Higher density does not necessarily mean less value. It is a smaller, more affordable home. It will not have any effect on the single family units adjacent to this property. The simple fact is that they needed more units. This is in conformance with the Comprehensive Plan to encourage different housing types and choices, including affordable housing, through each neighborhood and increasing diverse ownership.

Pearson urged that it would behoove the developer to understand that communication is essential.

ANNEXATION NO.04004

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

May 12, 2004

Carlson moved approval, seconded by Sunderman and carried 9-0: Krieser, Pearson, Carlson, Sunderman, Carroll, Taylor, Larson, Marvin and Bills-Strand voting 'yes'. This is a recommendation to the City Council.

CHANGE OF ZONE NO. 04021

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

May 12, 2004

Carlson moved approval, seconded by Larson and carried 9-0: Krieser, Pearson, Carlson, Sunderman, Carroll, Taylor, Larson, Marvin and Bills-Strand voting 'yes'. This is a recommendation to the City Council.

SPECIAL PERMIT NO. 1762B

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

May 12, 2004

Carlson moved to approve the staff recommendation of conditional approval, seconded by Marvin.

Larson moved to amend Condition #1.2.12: Add a note to the General Site Notes on Sheet 1 & 2 that states: All lots that cannot be serviced by gravity sanitary sewer shall not be final platted until such time that gravity sanitary sewer is available, or the city adopts a policy that allows this pump station. ~~Pump stations shall not be used to service these lots.~~, seconded by Carroll.

Carlson stated that he is pretty leery of pump stations so he wanted to vote on the amendment separately.

Motion to amend carried 6-3: Krieser, Sunderman, Carroll, Taylor, Larson, and Bills-Strand voting 'yes'; Carlson, Pearson and Marvin voting 'no'.

Main motion, as amended, carried 8-1: Krieser, Carlson, Sunderman, Carroll, Taylor, Larson, Marvin and Bills-Strand voting 'yes'; Pearson voting 'no'. This is a recommendation to the City Council.



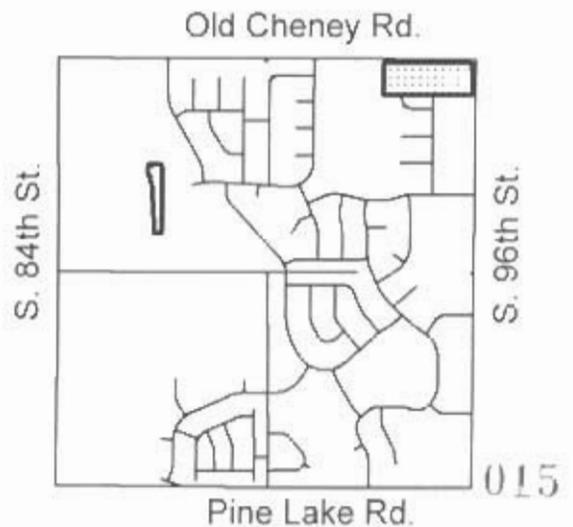
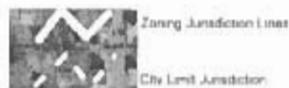
Change of Zone #04021 S. 98th & Old Cheney Rd.

2002 aerial

Zoning:

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-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

One Square Mile
Sec. 14 T9N R7E



S89°52'26"E
174.81'



AGR TO
R-3



0 50' 100' 200'

SCALE: 1"=100'

S86°32'50"W
93.42'

S00°24'48"E
844.29'

CAMBRIA ROAD

MAR 19 2004

016



Vintage Heights 4th Preliminary Plat
Change of Zone - AGR to R-3
 Lincoln, Nebraska

Drawn By: NLH
 Dwg: PP change of Z
 Date: 03/18/2004
 Job#: 03-3501-10

SHEET
 1 OF 2

**VINTAGE HEIGHTS 4TH ADDITION PRELIMINARY PLAT
CHANGE OF ZONE LEGAL DESCRIPTION**

A TRACT OF LAND COMPOSED OF A PORTION OF LOT 17, LOCATED IN THE NORTHWEST QUARTER OF SECTION 14, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6TH P.M., CITY OF LINCOLN, LANCASTER COUNTY, NEBRASKA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS.

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 17; THENCE S00°24'48"E ON THE EAST LINE OF SAID LOT 17, 844.29 FEET; THENCE S86°32'50"W, 93.42 FEET; THENCE N03°27'10"W, 597.65 FEET; THENCE N19°44'29"W, 153.65 FEET; THENCE N00°07'46"E, 109.00 FEET; THENCE S89°52'26"E, 174.81 FEET TO THE POINT OF BEGINNING, CONTAINING 105,703.73 SQUARE FEET (2.43 ACRES) MORE OR LESS.

MAR 19 2004

017

AG TO R-3

POINT OF REFERENCE
NE CORNER
SEC 14-9-7

500'11'08"W
49.92'

POINT OF
BEGINNING

S89°45'02"E OLD CHENEY RD.
1097.17'

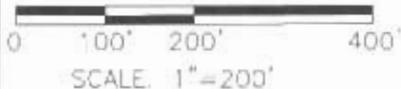
N89°48'52"W
50.00'
S00°11'08"W
100.00'
S89°48'52"E
16.50'



SAINT MATTHEW DR.

VINTAGE HEIGHTS 16TH

SAINT GREGORY CIR.



018



Vintage Heights 4th Preliminary Plat
 Change of Zone - AG to R-3
 Lincoln, Nebraska

Drawn By: NLH
 Dwg: PP change of Z
 Date: 03/18/2004
 Job#: 03-3501-10

SHEET
 1 OF 2

**VINTAGE HEIGHTS 4TH ADDITION PRELIMINARY PLAT
CHANGE OF ZONE LEGAL DESCRIPTION**

A TRACT OF LAND COMPOSED OF A PORTION OF LOT 67, LOCATED IN THE NORTHEAST QUARTER OF SECTION 14, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6TH P.M., CITY OF LINCOLN, LANCASTER COUNTY, NEBRASKA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

REFERRING TO THE NORTHEAST CORNER OF SAID SECTION 14; THENCE ON THE EAST LINE OF SAID SECTION 14, S00°11'08"W (AN ASSUMED BEARING), 49.92 FEET; THENCE N89°48'52"W, 50.00 FEET TO THE POINT OF BEGINNING ALSO BEING ON THE WEST RIGHT-OF-WAY LINE OF SOUTH 98TH STREET; THENCE ON THE WEST RIGHT-OF-WAY LINE OF SAID SOUTH 98TH STREET FOR THE NEXT 3 CALLS, S00°11'08"W, 100.00 FEET; THENCE S89°48'52"E, 16.50 FEET; THENCE S00°11'08"W, 300.60 FEET; THENCE N89°48'52"W, 1,113.67 FEET; THENCE N00°11'08"E, 402.46 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF SAID OLD CHENEY ROAD; THENCE ON SOUTH RIGHT-OF-WAY LINE OF SAID OLD CHENEY ROAD, S89°43'02"E, 1,097.17 FEET TO THE POINT OF BEGINNING, CONTAINING 445,505.62 SQUARE FEET (10.23 ACRES) MORE OR LESS.



Engineering Design Consultants

2200 Fletcher Avenue, Suite 102
Lincoln, Nebraska 68521

Phone (402) 438-4014

Fax (402) 438-4026

March 19, 2004

Mr. Tom Cajka
Planning Department
City-County Building
555 South 10th Street
Lincoln, NE 68508

RE: Vintage Heights 4th Addition
Amendment to C.U.P. Special Permit #1762A
Change of Zone
EDC Job #03-3501-10

Dear Tom,

On behalf of Engineering Design Consultants (EDC) client, Pine Lake Plaza, L.L.C, the following applications are submitted for review per the subdivision application process.

1. Amendment to the C.U.P, Special Permit #1762A for Vintage Heights.
2. Change of zone from AG to R-3 (see zoning exhibit).
3. Change of zone from AGR to R-3 (see zoning exhibit).

The following changes are on this C.U.P boundary:

1. The C.U.P boundary of Vintage Heights has been adjusted to exclude Lot 27, Block 13. The C.U.P boundary adjustment will not effect the density calculations because Lot 27, Block 13, was excluded from the density calculations, due to the use of this site being reserved for a public school.
2. Blocks, lots, and use added to the C.U.P boundary:
 - a. Block 27 – 12 Townhome Lots.
 - b. Block 28 – 16 Townhome Lots, 4 Single Family Lots.
 - c. Block 29 – 22 Single Family Lots.
 - d. Block 30 – 42 Single Family Lots.
 - e. Block 31 – 5 Single Family Lots.

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- f. Block 32 – 30 Single Family Lots.
- g. Block 33 – 17 Single Family Lots.
- h. Block 34 – 12 Single Family Lots.
- i. Block 35 – 13 Single Family Lots.
- j. Block 36 – 24 Row House Lots.
- k. Block 37 – 4 Row House Lots.
- l. Block 38 – 1 Single Family Lot, 33 Row House Lots.
- m. Block 39 – 24 Row House Lots.
- n. Block 40 – 31 Row House Lots.

3. Waivers to the Land Subdivision Title 26.

- a. A waiver for the lot width to depth ratio per Title 26, Section 26.23.140 for Block 27, Lots 1 – 12, Block 28, Lots 1 – 16, Block 36, Lots 1 – 24, Block 37, Lots 1 – 4, Block 38, Lots 1 – 34, Block 39, Lots 1 – 24, Block 40, Lots 1 – 31 to allow for Duplex lots.
- b. A waiver is requested for the minimum lot depth of 120 feet for lots abutting a major street per Title 26, Section 26.23.140 for Block 27, Lots 1 and 12, Block 28, Lot 16, Block 30, Lots 1 and 42, Block 31, Lot 5, Block 32, Lots 1, 11, 12, 18, 19, 26, and 27, and Block 33, Lots 8 and 9. Block 32, Lots 11, 12, 18, 19, 26, and 27, are fronting cul-de-sacs and are considerably larger lots, therefore the rear of the home would not be directly facing South 98th Street allowing for more space between the structure and South 98th Street. Block 30, Lot 42, Block 31, Lot 5, and Block 32, Lot 1, are corner lots, to avoid redesigning the lot configurations, a side yard setback of 30 feet will be required to insure the homes will not be set too close to South 98th Street, per the meeting on March 4, 2004 with Tom Cajka and Ray Hill. Increased rear and side yard setbacks of 30 feet will be added to the general notes on the C.U.P Amendment to avoid potential noise pollution on the above mentioned lots.
- c. A waiver is requested for the filing of a preliminary plat as per Title 26, Section 26.11.020. A preliminary plat is not required with an Amendment to a Community Unity Plan.
- d. A waiver is requested for dead end streets to have a 60 foot minimum radius turnaround per Title 26, Section 26.23.080. The requirement will cause the loss of at least one lot and a hammer-head turnaround has been provided to allow for vehicular turnaround.

4. Property from I.T. Lot 17 will become part of I.T. Lot 56. The boundary between the I.T. Lot 17 and I.T. Lot 56 will be redefined to include the property

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- from I.T. Lot 17 and will be platted with the final plat. The new boundary line between I.T. Lot 17 and I.T. Lot 56 will be defined before the Final Plat is submitted (see boundary exhibit).
5. Block 32, Lot 30 and Block 35, Lot 1 are triple frontage lots and will have front yard setbacks of 20 feet on each side fronting each street, however access will be allowed from all three streets provided the buildable area will not require an adjustment to the minimum standards of the R3 zone.
 6. Mortensen Court will be a private roadway.
 7. The developer requests a meeting with public works to discuss the improvements required in 98th Street abutting the C.U.P.
 8. The Right-of-Way on the South side of Old Cheney Road will be 70 feet, 700 feet back to the West from the centerline of the intersection of Old Cheney Road and South 98th Street. The Right-of-Way on the West side of South 98th Street will be 70 feet, 700 feet back to the North from the centerline of the intersection of South 98th Street and Pine Lake Road. The Right-of-Way on the West side of South 98th Street between the intersection of Old Cheney Road and South 98th Street to the beginning of the 700 foot Right-of-Way at the intersection of South 98th Street and Pine Lake Road excluding the length of Lot 6, Block 31 (Outlot 'B' of Vintage Heights 11th Addition Final Plat) will be 60 feet. The proposed dedication of this Right-of-Way is per the meeting on March 4, 2004 with Dennis Bartels at the Planning Department.
 9. The developer has sent a letter to the Vintage Heights Homeowners Association notifying them of the Amendment to the C.U.P and will meet with the Association to discuss those changes.
 10. Direct vehicular access to Old Cheney Road, South 98th Street, and Pine Lake Road will be relinquished, except where as shown on the site plan.

If there are any additional questions or concern please contact me at 438-4014 or at jthiellen@edc-civil.com

Engineering Design Consultants

Sincerely,


Jason Thiellen
Land Planner

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Mr. Tom Cajka
March 19, 2004
Page 4

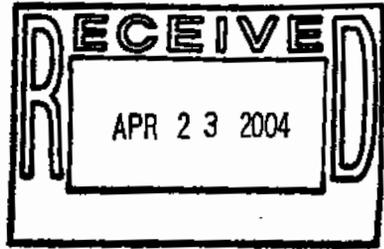
Enclosed:

8 Copies of Sheets 1 – 13
13 Copies of Sheets 2 and 3
3 Copies of Storm Water Detention Calculations
Soils Report
Change of zone from AG to R3 exhibit
Change of zone from AGR to R3 exhibit
Annexation request exhibit
Check in the amount of \$3,120.00
Boundary Exhibit

c: Bob Lewis

MAR 19 2004

023



April 22, 2004

Bob Hampton
Hampton Development Services
3801 Village Drive, # 102
Lincoln, NE 68516

Re: New Covenant land

Dear Bob:

Based upon our understanding, I believe we can move forward with review of a purchase agreement for the ground on the east side of our property, inclusion of re-zoning the east side of New Covenant's property into residential, and New Covenant's retention of the 4 lots on the north end of the east side. If you can get the purchase agreement to me by the end of this week, I will submit it to our legal counsel for review and eventual submission for congregational vote.

Sincerely,

A handwritten signature in cursive script, appearing to read "Monte Froehlich".

Monte Froehlich, Chairman
New Covenant Community Church Leadership Team

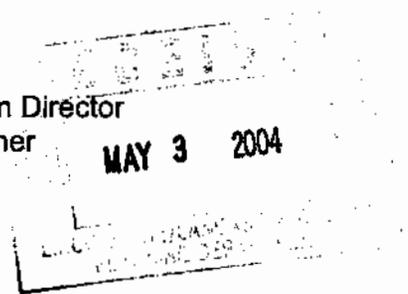
Cc: Bob Stephens
Tim Johnson

A handwritten mark consisting of a circle with a checkmark inside, and some scribbles below it.

Vintage Heights Homeowners Association
April 27, 2004

To: Mr. Marvin Krout - Lincoln City Planning Commission Director
Mr. Tom Cajka - Planning Department Project Planner

Cc: Mayor Coleen Seng - City of Lincoln Mayor
Mr. Jon Camp - Lincoln City Council Representative



Subject: Increased townhome density planned for Vintage Heights west of Antelope Creek (Special Permit No. 1762B, and Change of Zone No. 04021)

It has come to our attention that Hampton Development, the developer of our housing development (Vintage Heights), is planning to present a zoning change that will increase the density of the town homes planned for the area west of Antelope Creek. The original plan called for approximately 57 total individual units in groups of two or three for this area. The newly proposed plan calls for approximately 118 total individual units in a slightly larger area in groups of four or five. We object to this increased density zoning change, which is an almost doubling of the density of the homes originally planned for this area. The covenants for the Vintage Heights development are more stringent for the North area of the development with a requirement for larger lots, larger homes, and larger setbacks. The increased density of town homes is planned for this North area of the development. We feel the increased density of these town homes will have a large negative impact on the Vintage Heights development, by decreasing the value of existing homes, particularly those closest to the area of increased density.

Another very significant issue with this planned development area is that there does not seem to be another exit road out of this area planned other than the existing roads in the development. This will cause a large safety problem by significantly increasing the traffic flow in and out of the development on already extremely busy streets. We feel it is imperative that another exit road be built out to 84th Street or Pine Lake Road before any housing development begins in this area west of Antelope Creek.

Respectively yours,

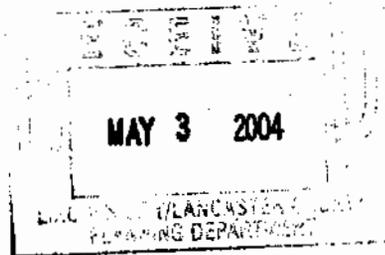
Vintage Heights Homeowners Association Board of Directors and President

Terri Roberts - VHHOA President

Warren Gran - VHHOA

Board Member
489-2729

Kendra Trumbley – VHHOA Board Member Steve Meyers – VHHOA
Board Member



SUBMITTED AT PUBLIC HEARING

BEFORE PLANNING COMMISSION: 5/12/04

Petition for the City of Lincoln Planning Commission and City Council

We the undersigned object to the planned rezoning of Vintage Heights in the area west of Antelope Creek to increased density of town homes. We feel the almost doubling of density of town homes in this area is a detriment to Vintage Heights and the City of Lincoln and will lower our property values. We also feel very strongly for safety reasons that an additional exit road needs to be provided out of this town home area to 84th Street before construction begins on any town homes in this area.

Name

Address

Date

1. Bob + Julie McLean 6031 S 88th St 5/10/04
2. Sen + Tracy Kony 6015 S 88th St 5/10/04
3. Mike + Donna Alessi 6007 S 88th St 5/10/04
4. Mike + Emily Osborne 5935 S 88th St 5/10/04
5. Cheryl + Larry Graham 6012 S 88th St. 5-10-04
6. Craig ^{AND} ELIZABETH JESSA 8800 FOXTAIL DR. 5/10/04
7. Colleen + Mike Danahay 8801 Foxtail 5-10-04
8. Bill + Brenda Hutzman 6101 Blackstone^{DR} Rd. 5-10-04
9. Jeff + Gail Keown 5949 Arrowwood Rd 5-10-04
10. Patrick + Patricia Gilles 5935 Arrowwood 5/10/04

(p.139 - Public Hearing - 5/12/04)



mike.james@telex.com
05/11/2004 11:51 AM

To: plan@ci.lincoln.ne.us, tcajka@ci.lincoln.ne.us
cc: "Jerry & Terri Roberts" <jandt7@navix.net>, "Dennis Summers" <dennisummers@earthlink.net>, "Kendra Trumbley" <kmitrumbley@wmconnect.com>, "Warren Gran" <wikrbb5@earthlink.net>, "Bill Zinnecker" <blyz@aol.com>, "Steve Meyers" <nehuskers1970@aol.com>, hds@hamptonlots.com
Subject: Special Permit #1762B comments and concerns

After reviewing the permit and staff analysis I would like make the following comments and concerns. Specifically the area west of antelope creek.

- 1) The Bike path along Antelope Creek. How is the future Bike path going to cross Foxtail Dr at Antelope Creek? I would like to see the path plotted on the application to build the bridge over the creek. Our neighborhood will build a path along Antelope Creek as soon as we can connect it to existing paths in the city. The developer of Vintage Heights marketed the neighborhood with a future path along the creek.
- 2) Traffic along South 88th street. South 88th street is the tip of a funnel for most traffic in and out the neighborhood. Just last week (May 3rd) there was a traffic accident on the 5800 block. I would request Foxtail Dr be constructed as temporary gravel road to 84th during housing development west of the creek. Allowing more development before Foxtail Dr is finished to 84th street is a bad idea.
- 3) It looks to me like the first 4 lots on Francascan Drive are too low and subject to flooding
- 4) Our neighborhood association pays for maintenance of common areas which benefit this new area of development. Including park and flood control areas. Can we and how do we assess this new area neighborhood association dues?
- 5) The developer marketed the \$60-70K lots along the east side of Antelope Creek by saying the west side of the creek will be developed into 57 R-3 duplex style homes. Including leaving some trees along the west bank. Now all the trees on the west bank have been removed and the developer wants to put in 117 R-5 townhouses. I noticed this application calls this plot R-3. However these lots do not meet any of the R-3 standards. They do meet R-5 standards except "subject to Neighborhood Design Standards" The neighborhood design standard I am referring to is the Old Cheney side of the vintage heights covenants. They are stricter than R-3 including housing sq ft, landscaping, and greater setbacks. Should this new area be zoned R-5 or R-3?

I am opposed to the permit for higher density zoning west of Antelope Creek at Foxtail Dr. Please include my comments and concerns in your evaluation.

Thank you for helping build our great city. Your work is appreciated!

Mike James
6124 Blackstone Rd

(p.139 - Public Hearing - 5/12/04)



rbuckner@lps.org
05/11/2004 08:06 PM

To: plan@ci.lincoln.ne.us
cc:
Subject: Allegrini Terrace Addition

Members of the Planning Department.

In response to the proposed Allegrini Terrace Addition: In my opinion the present Allegrini Terrace Addition, located at 91st and Pine Lake Road does not bring a positive image to a neighborhood.

The Addition presents the appearance of rows and rows of a U.S. Army barracks.

It invited young families with children, and does not appear to provide a safe outdoor living and playing space. Although commons areas were advertised, there appear to be none.

The area is advertised as an opportunity to buy vs. rent. I wonder if a number of individuals or groups have purchased units, and are leasing them for profit. I would think the Planning Department should know if that is the purpose of the Additions.

If the proposed Additions are to present the same conditions as I have raised, I would not be in favor of approval.

Thank you,

Robert Buckner, Interested Homeowner.