

## FACTSHEET

**TITLE: USE PERMIT NO. 04004, Highlands**

**Townhomes**, requested by Cameron Corporation, for authority to develop 94 dwelling units, one lot for future development and one outlot for open space and private roadways, with associated waiver requests, on property generally located at W. Fletcher Avenue and N.W. 13<sup>th</sup> Street.

**STAFF RECOMMENDATION:** Conditional Approval

**SPONSOR:** Planning Department

**BOARD/COMMITTEE:** Planning Commission  
Public Hearing: 11/10/04  
Administrative Action: 11/10/04

**RECOMMENDATION:** Conditional approval (7-0: Carlson, Pearson, Carroll, Marvin, Larson, Krieser and Bills-Strand voting 'yes'; Taylor and Sunderman absent).

**FINDINGS OF FACT:**

1. This is a request to develop 94 dwelling units, one lot for future development and one outlot for open space and private roadways in the O-3 Office Park District, on 19 acres, more or less, with the following waiver requests:
  - To allow sanitary sewer to flow opposite the street grades; and
  - To waive the preliminary plat process.
2. The staff recommendation of conditional approval, including approval of all waiver requests, is based upon the "Analysis" as set forth on p.3-4, concluding that, with conditions, the proposal is in conformance with the Comprehensive Plan, the Zoning Ordinance and the Subdivision Ordinance.
3. The applicant's testimony is found on p.9, indicating that the applicant has met with the neighborhood and has reached agreement with the Neighborhood Association board after reducing the number of dwelling units from 112 to 94.
4. Testimony in support is found on p.9, including testimony in support on behalf of the Northwest Highlands Neighborhood Association.
5. Testimony in opposition is found on p.9 with concerns about a pedestrian crosswalk over N.W. 12<sup>th</sup> or 13<sup>th</sup> Street for safety of the people utilizing the pool and the golf course; and the potential for increase in traffic congestion, accidents and crime.
6. The record also consists of a letter from Highlands residents asking that the Commission not take action until the neighbors have had an opportunity to review the final plan (p.29).
7. On November 10, 2004, the Planning Commission agreed with the staff recommendation and voted 7-0 to recommend conditional approval, as set forth in the staff report dated October 25, 2004. The conditions of approval are found on p.4-7.
8. 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:** January 3, 2005

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

**DATE:** January 3, 2005

**REFERENCE NUMBER:** FS\CC\2005\UP.04004

# LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

## for November 10, 2004 PLANNING COMMISSION MEETING

**P.A.S.:** Use Permit #04004, Highlands Townhomes

**PROPOSAL:** To develop 94 dwelling units, one lot for future development and one outlot, for open space and private roadways.

**LOCATION:** W. Fletcher Avenue and NW 13<sup>th</sup> Street.

**WAIVER REQUEST:**

Sanitary sewer flowing opposite street grades  
Waive the preliminary plat process

**LAND AREA:** 19 acres, more or less.

**CONCLUSION:** With conditions the request, including waivers, is in conformance with the Comprehensive Plan, Zoning Ordinance and Subdivision Ordinance.

**RECOMMENDATION:**

Conditional Approval

Sanitary sewer flowing opposed street grades

Approval

Waive the preliminary plat process

Approval

**GENERAL INFORMATION:**

**LEGAL DESCRIPTION:** See attached.

**EXISTING ZONING:** O-3, Office Park

**EXISTING LAND USE:** Undeveloped

**SURROUNDING LAND USE AND ZONING:**

|        |                          |                      |
|--------|--------------------------|----------------------|
| North: | Undeveloped              | I-2, Industrial Park |
| South: | Public pool, golf course | P, Public            |
| East:  | Residential              | R-3, Residential     |
| West:  | Golf course              | P, Public            |

**COMPREHENSIVE PLAN SPECIFICATIONS:** This area is shown as commercial in the Comprehensive Plan (F-25)

Areas of retail, office and service uses. Commercial uses may vary widely in their intensity of use and impact, varying from low intensity offices, to warehouses, to more intensive uses such as gas stations, restaurants, grocery stores or automobile repair. Each area designated as commercial in the land use plan may not be appropriate for every commercial zoning district. The appropriateness of a commercial district for a particular piece of property will depend on a review of all the elements of the Comprehensive Plan. (F-22)

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)

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. (F-18)

Require new development to be compatible with character of neighborhood and adjacent uses (F-69).

**HISTORY:** City Council denied Use Permit #04002 for 112 units on August 16, 2004.

City Council changed the zone from R-4, Residential to O-3, Office Park on July 1, 1996. (Staff recommended denial of office zoning)

City Council changed the zone from R-3, Residential to R-4, Residential on May 23, 1994. (Applicant requested O-3 and was denied, City Council approved R-4 zoning)

**TOPOGRAPHY:** Sloping to the south and west.

**TRAFFIC ANALYSIS:** Fletcher Avenue and NW 12<sup>th</sup>/13<sup>th</sup> are classified as urban minor arterial and presently paved as a two-lane facility. NW 12<sup>th</sup>/13<sup>th</sup> Street is shown in the current CIP for design in 2010, however the proposed CIP does not show NW 12<sup>th</sup>/13<sup>th</sup> as part of the program. W Fletcher is shown for construction in the current 2004 CIP for a two lane plus turn lanes. The construction is underway presently and includes the re-alignment of NW 13<sup>th</sup> Street. The plan shows sidewalk connections to 12<sup>th</sup>/13<sup>th</sup> Street. Internal roads are to be private roadways.

There is a trail location identified on the west side of NW 12<sup>th</sup>/13<sup>th</sup> Street extending north to Fletcher and south from this site on the trails map. A sidewalk connection is lacking from the interior sidewalk system Lots 1-4, Block 1 could be moved to provide space for a sidewalk between Lots 4 and 5.

**REGIONAL ISSUES:** The change from office use to residential use reduces the amount of available office space in the area. However, it appears that sufficient office space is available in the Technology Park and in Fallbrook, nearby.

**ENVIRONMENTAL CONCERNS:** The south portion of the site is close to an existing golf-hole. There is a possibility that errant golf balls may hit the residential buildings and pose some risk for people who may be in the path of any golf balls. The Parks and Recreation Department or golf course plans to install an 8' chain link fence along the perimeter of the golf course.

**ALTERNATIVE USES:** Office and other permitted uses in the O-3 district.

**ANALYSIS:**

1. This is a request to develop 94 dwelling units within the O-3, Office Park district. Each building will be on its own lot. The buildings adjacent to 12<sup>th</sup>/13<sup>th</sup> Street contain two families.

The other buildings contain 4 families. The O-3, Office Park district indicates that townhouses and single-family attached units are a permitted use in the district, and a use permit for the purpose of site review is required.

2. The history of this parcel indicates that it was previously zoned residential. In both requests for office zoning, planning staff recommended denial and indicated this parcel is appropriate for residential. Staff still believes this parcel is appropriate for residential.
3. Planning staff interprets the Comprehensive Plan requirement that new development be compatible with existing development to mean use compatibility, thus residential should always be compatible with residential. The plan shows the two-family buildings closer to the single family homes across a major street.
4. The density shown is less than allowed in the O-3 district. The density shown is 4.7 dwelling units per acre, just slightly higher than the R-1 district. The density shown is approximately 35% less dense than the allowed density in the R-3 district.
5. The Public Works and Utilities Department indicated the requested waivers to construct sanitary sewer opposite of street grades is acceptable provided that the minimum and maximum depths are not exceeded.
6. The Lincoln Lancaster County Health Department had two advisory comments indicated in their attached memo.
7. The Public Works and Utilities Department had several comments as indicated in their attached memo. Revisions are required to meet their satisfaction.
8. The Parks and Recreation Department had several comments in their attached memos.

### **CONDITIONS:**

#### Site Specific:

1. After the subdivider completes the following instructions and submits the documents and plans and 6 copies to the Planning Department office, the item will be scheduled on the City Council agenda:
  - 1.1 Revise the plans to show:
    - 1.1.1 Provide utility easements as requested by Lincoln Electric System.
    - 1.1.2 Add the waiver to the preliminary plat process to the waivers table.
    - 1.1.3 Provide changes as requested by Public Works and Utilities Department memo dated November 1, 2004.

1.1.4 Provide changed as requested by the Parks and Recreation Department memos dated July 6, 2004 and November 2, 2004.

2. The City Council approves associated request:
  - 2.1 An exception to the design standards to allow sanitary sewer to flow opposite street grades.
  - 2.2 A modification to the requirements of the land subdivision ordinance to waive the preliminary plat process.

General:

3. Final Plats will be approved by the Planning Director after:
  - 3.1 The permittee shall have submitted a revised and reproducible final plan including 7 copies.
  - 3.2 The sidewalks, streets, drainage facilities, street lighting, landscape screens, street trees, temporary turnarounds and barricades, and street name signs have been completed or the subdivider has submitted a bond or an escrow of security agreement to guarantee their completion.
  - 3.3 The subdivider has signed an agreement that binds the subdivider, its successors and assigns:
    - 3.3.1 to complete the street paving of all streets shown on the final plat within two (2) years following the approval of the final plat.
    - 3.3.2 to complete the installation of sidewalks along both sides of all internal streets and along the west side of NW 13<sup>th</sup> Street and the south side of W. Fletcher Avenue as shown on the final plat within four (4) years following the approval of the final plat.
    - 3.3.3 to complete the public water distribution system to serve this plat within two (2) years following the approval of the final plat.
    - 3.3.4 to complete the public wastewater collection system to serve this plat within two (2) years following the approval of the final plat.
    - 3.3.5 to complete the enclosed drainage facilities shown on the approved drainage study to serve this plat within two (2) years following the approval of the final plat.
    - 3.3.6 to complete land preparation including storm water detention/retention facilities and open drainageway improvements to serve this plat prior

- to the installation of utilities and improvements but not more than two (2) years following the approval of the final plat
- 3.3.7 to complete the installation of private street lights along streets within this plat within two (2) years following the approval of the final plat.
- 3.3.8 to complete the planting of the street trees along streets within this plat within four (4) years following the approval of the final plat.
- 3.3.9 to complete the planting of the landscape screen within this plat within two (2) years following the approval of the final plat.
- 3.3.10 to complete the installation of the street name signs within two (2) years following the approval of the final plat.
- 3.3.11 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.
- 3.3.12 to complete the public and private improvements shown on the preliminary plat and Use Permit.
- 3.3.13 to retain ownership of or the right of entry to the outlots in order to maintain the outlots and private improvements on a permanent and continuous basis and to maintain the plants in the medians and islands on a permanent and continuous basis. However, the subdivider may be relieved and discharged of this maintenance obligation upon creating, in writing, a permanent and continuous association of property owners who would be responsible for said permanent and continuous maintenance. The subdivider shall not be relieved of such maintenance obligation until the private improvements have been satisfactorily installed and the documents creating the association have been reviewed and approved by the City Attorney and filed of record with the Register of Deeds.
- 3.3.14 to continuously and regularly maintain the street trees along the private roadways and landscape screens.
- 3.3.15 to submit to the lot buyers and home builders a copy of the soil analysis.
- 3.3.16 to pay all design, engineering, labor, material, inspection, and other improvement costs.
- 3.3.17 to comply with the provisions of the Land Preparation and Grading requirements of the Land Subdivision Ordinance.

- 3.3.18 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.
- 3.3.19 to timely complete the public and private improvements and facilities required by Chapter 26.23 of the Land Subdivision Ordinance which have not been waived including but not limited to the list of improvements described above.
- 3.3.20 to post the required security to guarantee completion of the required improvements if the improvements are not completed prior to approval of the final plat.
- 3.3.21 to acknowledge that the land is within the airport environs noise district.
- 3.3.22 to acknowledge this parcel is adjacent a golf course and errant golf balls may enter their property.
- 3.3.23 to grant the city access to the city installed 8' high chain link fence for maintenance purposes.

STANDARD CONDITIONS:

- 4. The following conditions are applicable to all requests:
  - 4.1 Before occupying the dwelling units all development and construction shall have been completed in compliance with the approved plans.
  - 4.2 All privately-owned improvements shall be permanently maintained by the owner or an appropriately established homeowners association approved by the City Attorney.
  - 4.3 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.
  - 4.4 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
  - 4.5 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 therefor to be paid in advance by the applicant.

Prepared by:

Becky Horner  
441-6373, [rhorer@ci.lincoln.ne.us](mailto:rhorer@ci.lincoln.ne.us)  
Planner

**DATE:** October 25, 2004

**APPLICANT:** Cameron Corporation  
3900 Pine Lake Rd, Ste 1  
(402)730-8548

**OWNER:** Highlands Development  
3555 Orwell Street

# USE PERMIT NO. 04004

## PUBLIC HEARING BEFORE PLANNING COMMISSION:

November 10, 2004

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

Staff recommendation: Conditional approval.

Ex Parte Communications: None.

Becky Horner of Planning staff submitted one letter asking the Commission to allow the homeowners the opportunity to review the plan prior to taking action.

### Proponents

1. **Blake Collingsworth**, one of the two principals of the applicant company, presented the request. Collingsworth explained how this proposal has gone from 112 dwelling units to 94 dwelling units, after working with the neighbors to reach a compromise. All units adjacent to the single family across the street are now duplex units, which reduces the density and keeps the curvature in the street that the city recommended. They now have agreement with the Neighborhood Association Board.

2. **Gordon Bjorman**, President of **NW Highlands Neighborhood Association**, testified in support. The plan does address most of the neighborhood concerns because it lowers the density. Not all of the neighbors are happy, but they did do some mediation. The community concerns were in some aspects mitigated, but there are some concerns that the developer cannot mitigate such as speed limit on the street on N.W. 13<sup>th</sup> Street next to the swimming pool and golf course, the crosswalk, etc. The Board voted not to oppose the plan based of the lower density and the spacing between the houses.

3. **Donna Danielson**, 6715 S. 89<sup>th</sup>, testified in support. She was a resident of the Highlands for 19 years and recently sold her home in hopes of moving to these townhomes. Her family is ready to change their lifestyle to remain living in this area of the city. All of the building materials chosen appear to be quality and aesthetically pleasing. The Highlands townhomes are a wonderful addition to the neighborhood and another choice for those who take pride in home ownership and yet enjoy the conveniences that come with townhome living.

### Opposition

1. **Stan Kuta**, 5733 N.W. 12<sup>th</sup>, expressed concern about the price of the townhomes, i.e. \$140,000 – is this because of the smaller number of units or is there an increase in quality? Kuta suggested that there needs to be a crosswalk over N.W. 12<sup>th</sup> or 13<sup>th</sup> for the safety of the people utilizing the pool and the golf course. It would be nice to know when the water tower will be installed so that the neighbors know when the water pressure might increase. What about a recreation

plan? What about safety with no basements? There are going to be more townhouses on West Highlands Blvd. & Fletcher, so he is afraid there will be a major increase in traffic congestion, accidents and crime rate.

#### Staff questions

Carroll inquired whether the Parks Department is satisfied with the location of the townhomes all along the golf course and the occurrence of golf balls going into the yards. Horner advised that the Parks Department has been on board throughout this application process and they have met with the developer on the placement of fencing, etc. Horner believes that the fencing is adequate for safety purposes.

#### Response by the Applicant

Carstens advised that there is an internal playground area tucked between two buildings. The crosswalk would be something the applicant would be interested in seeing as well. The applicant is opposed to any high fence to keep the golf balls out of the residential yards. They have had discussions about a landscape berm and chain link fence.

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

November 10, 2004

Larson moved to approve the staff recommendation of conditional approval, seconded by Krieser and carried 7-0: Carlson, Pearson, Carroll, Marvin, Larson, Krieser and Bills-Strand voting 'yes'; Taylor and Sunderman absent. This is a recommendation to the City Council.



2002 aerial

## Use Permit #04004 NW 13th & Fletcher Ave.

### 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-6 Planned Regional Business District
- H-1 Interstate Commercial District
- H-2 Highway Business District
- H-3 Highway Commercial District
- H-4 General Commercial District
- I-1 Industrial District
- I-2 Industrial Park District
- I-3 Employment Center District
- P Public Use District

One Square Mile  
Sec. 3 T10N R6E



Zoning Jurisdiction Lines  
City Limit Jurisdiction



Superior St.

011

**LEGAL DESCRIPTION**

METES AND BOUNDS DESCRIPTION OF OUTLOT F, HIGHLANDS COALITION LOCATED IN SECTIONS 3 AND 4, TOWNSHIP 10 NORTH, RANGE 6 EAST AND SECTIONS 33 AND 34, TOWNSHIP 11 NORTH, RANGE 6 EAST OF THE 6TH P.M. AND MORE FULLY DESCRIBED AS FOLLOWS:

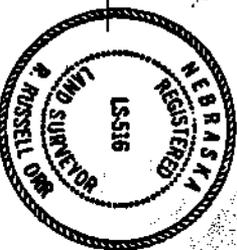
REFERRING TO THE INTERSECTION OF NW 13TH STREET AND FLETCHER AVENUE; THENCE: S09°45'32"W, (AN ASSUMED BEARING), ON THE CENTERLINE OF SAID NW 13TH STREET, A DISTANCE OF 36.02 FEET; THENCE: N82°00'13"W, A DISTANCE OF 50.02 FEET TO THE NORTHEASTERLY CORNER OF SAID OUTLOT F AND THE POINT OF BEGINNING; THENCE: S09°45'32"W, ON THE EASTERLY LINE OF OUTLOT F AND THE WESTERLY RIGHT-OF-WAY LINE OF NW 13TH STREET, A DISTANCE OF 299.24 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 32°17'18", A RADIUS OF 770.00 FEET, AN ARC LENGTH OF 433.93 FEET, A CHORD LENGTH OF 428.21 FEET AND A CHORD BEARING S06°20'46"E; THENCE: ON SAID CURVE AND SAID LINE, A DISTANCE OF 433.93 FEET TO THE POINT OF TANGENCY; THENCE: S22°30'37"E, ON SAID LINE, DISTANCE OF 966.49 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 01°48'44", A RADIUS OF 990.00 FEET, AN ARC LENGTH OF 31.31 FEET, A CHORD LENGTH OF 31.31 FEET AND A CHORD BEARING S21°38'43"E; THENCE: ON SAID CURVE AND SAID LINE, A DISTANCE OF 31.31 FEET TO THE SOUTHEASTERLY CORNER OF OUTLOT F; THENCE: S69°15'15"W, ON THE SOUTHERLY LINE OF OUTLOT F, A DISTANCE OF 420.05 FEET; THENCE: N22°29'51"W, ON SAID LINE, A DISTANCE OF 905.25 FEET; THENCE: N01°30'21"E, A DISTANCE OF 739.87 FEET; THENCE: N81°58'45"W, A DISTANCE OF 534.96 FEET; THENCE: N18°58'45"W, A DISTANCE OF 163.96 FEET; THENCE: S81°47'37"W, A DISTANCE OF 192.72 FEET; THENCE: S85°53'36"W, A DISTANCE OF 264.04 FEET; THENCE: N00°00'19"E, A DISTANCE OF 14.00 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF FLETCHER AVENUE AND THE POINT OF CURVATURE OF A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 24°17'59", A RADIUS OF 526.00 FEET, AN ARC LENGTH OF 223.08 FEET, A CHORD LENGTH OF 221.41 FEET AND A CHORD BEARING N77°42'08"E; THENCE: ON SAID CURVE AND SAID LINE, A DISTANCE OF 223.08 FEET TO THE POINT OF TANGENCY; THENCE: N65°39'38"E, ON SAID LINE, A DISTANCE OF 116.33 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 32°22'07", A RADIUS OF 454.00 FEET, AN ARC LENGTH OF 256.48 FEET, A CHORD LENGTH OF 253.09 FEET AND A CHORD BEARING N81°48'00"E; THENCE: ON SAID CURVE AND SAID LINE, A DISTANCE OF 256.48 FEET TO THE POINT OF TANGENCY; THENCE: S82°00'13"E, ON SAID LINE, A DISTANCE OF 813.82 FEET TO THE POINT OF BEGINNING AND CONTAINING A CALCULATED AREA OF 19.372 ACRES MORE OR LESS.

**SURVEYOR'S CERTIFICATE:**

I hereby certify, that I R. Russell Orr, a duly Registered Land Surveyor under the laws of the State of Nebraska, did hereby perform or under my direct supervision the above survey, and that iron pipes 1" x 24" were set at all points marked "O". All distances are in feet and hundredths of a foot.

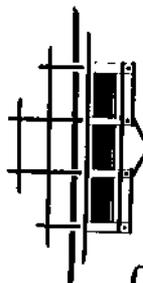
Signed this 14 day of December 2004.

*R. Russell Orr*  
R. RUSSELL ORR, L.S. 516



**GENERAL NOTES**

1. THIS USE PERMIT CONTAINS 94 BUILDABLE LOTS, 14 FOUR-PLEX (OR TOWNHOMES) UNITS, - 19 TWO-FAMILY ATTACHED UNITS, ONE OUTLOT AND ONE LOT FOR FUTURE DEVELOPMENT.
2. THE CURRENT ZONING IS 'O-3'.
3. THE MAXIMUM BUILDING HEIGHT SHALL NOT EXCEED 35 FEET.
4. THE DEVELOPER / OR OWNER RESERVES THE RIGHT TO BUILD ANYWHERE WITHIN THE BUILDING ENVELOPES SHOWN.
5. PUBLIC WATER AND PUBLIC SEWER LINES SHALL BE INSTALLED THROUGH EXECUTIVE ORDERS AND DESIGNED AS REQUIRED BY THE CITY OF LINCOLN.



210

**BRIAN D. CARSTENS & ASSOCIATES**

**LAND USE PLANNING  
RESIDENTIAL  
& COMMERCIAL  
DESIGN**

601 OLD CHENEY ROAD  
SUITE C  
LINCOLN, NE 68512  
PHONE: (402) 434-2424  
FAX: (402) 434-0467  
©2004 CARSTENS, INC.

**HIGHLANDS  
TOWNHOMES**



**BRIAN D. CARSTENS & ASSOCIATES**  
 LAND USE PLANNING  
 RESIDENTIAL  
 A COMMERCIAL  
 DESIGN

80 OLD COUNTRY ROAD  
 SUITE 200  
 LINCOLN, NE 68512

PHONE: (402) 434-3044  
 FAX: (402) 434-3045  
 © 2004 CARSTENS, INC.

**HIGHLANDS TOWNHOMES**

USE PERMIT

N.W. 15TH ST. & PULCHER AVE.  
 LINCOLN, NE

**COVER SHEET**



SCALE: 1"=60'

PROJECT NUMBER: DATE: LAYOUT: REVISION:

**GENERAL NOTES:**

1. ALL DISTANCES ARE TO CENTERLINE UNLESS OTHERWISE NOTED.
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**PROPERTY'S CONTINGENCIES:**

1. ALL DISTANCES ARE TO CENTERLINE UNLESS OTHERWISE NOTED.

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17. ALL DISTANCES ARE TO CENTERLINE UNLESS OTHERWISE NOTED.

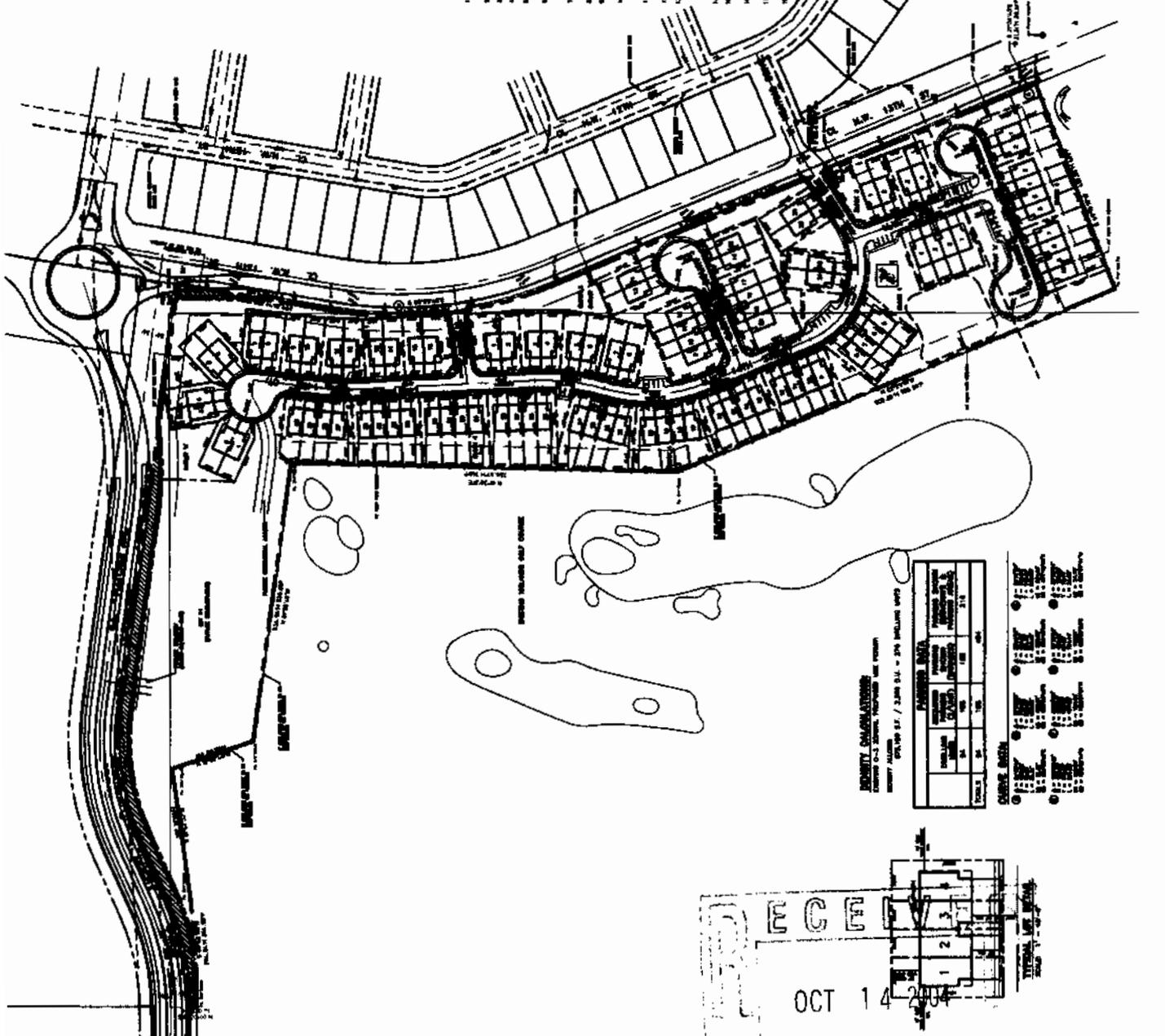
18. ALL DISTANCES ARE TO CENTERLINE UNLESS OTHERWISE NOTED.

19. ALL DISTANCES ARE TO CENTERLINE UNLESS OTHERWISE NOTED.

20. ALL DISTANCES ARE TO CENTERLINE UNLESS OTHERWISE NOTED.

**REVISIONS:**

| NO. | DATE     | DESCRIPTION       |
|-----|----------|-------------------|
| 1   | 10/14/04 | ISSUED FOR PERMIT |
| 2   | 10/14/04 | ISSUED FOR PERMIT |
| 3   | 10/14/04 | ISSUED FOR PERMIT |
| 4   | 10/14/04 | ISSUED FOR PERMIT |
| 5   | 10/14/04 | ISSUED FOR PERMIT |
| 6   | 10/14/04 | ISSUED FOR PERMIT |
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| 9   | 10/14/04 | ISSUED FOR PERMIT |
| 10  | 10/14/04 | ISSUED FOR PERMIT |
| 11  | 10/14/04 | ISSUED FOR PERMIT |
| 12  | 10/14/04 | ISSUED FOR PERMIT |
| 13  | 10/14/04 | ISSUED FOR PERMIT |
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| 15  | 10/14/04 | ISSUED FOR PERMIT |
| 16  | 10/14/04 | ISSUED FOR PERMIT |
| 17  | 10/14/04 | ISSUED FOR PERMIT |
| 18  | 10/14/04 | ISSUED FOR PERMIT |
| 19  | 10/14/04 | ISSUED FOR PERMIT |
| 20  | 10/14/04 | ISSUED FOR PERMIT |



**PROPERTY CHARACTERISTICS**

OWNER: [Name]

PROJECT: [Name]

DATE: [Date]

| NO. | DATE     | DESCRIPTION       |
|-----|----------|-------------------|
| 1   | 10/14/04 | ISSUED FOR PERMIT |
| 2   | 10/14/04 | ISSUED FOR PERMIT |
| 3   | 10/14/04 | ISSUED FOR PERMIT |
| 4   | 10/14/04 | ISSUED FOR PERMIT |
| 5   | 10/14/04 | ISSUED FOR PERMIT |
| 6   | 10/14/04 | ISSUED FOR PERMIT |
| 7   | 10/14/04 | ISSUED FOR PERMIT |
| 8   | 10/14/04 | ISSUED FOR PERMIT |
| 9   | 10/14/04 | ISSUED FOR PERMIT |
| 10  | 10/14/04 | ISSUED FOR PERMIT |
| 11  | 10/14/04 | ISSUED FOR PERMIT |
| 12  | 10/14/04 | ISSUED FOR PERMIT |
| 13  | 10/14/04 | ISSUED FOR PERMIT |
| 14  | 10/14/04 | ISSUED FOR PERMIT |
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| 17  | 10/14/04 | ISSUED FOR PERMIT |
| 18  | 10/14/04 | ISSUED FOR PERMIT |
| 19  | 10/14/04 | ISSUED FOR PERMIT |
| 20  | 10/14/04 | ISSUED FOR PERMIT |

**RECEIVED**

OCT 14 2004



LINCOLN CITY, NEBRASKA

PLANNING DEPARTMENT



**BRIAN D. CARSTENS & ASSOCIATES**

LAND USE PLANNING  
RESIDENTIAL & COMMERCIAL DESIGN

300 OLD COUNTRY ROAD  
LINCOLN, NE 68513  
PHONE: (402) 643-2000  
FAX: (402) 643-2001  
© 2004 CARSTENS, INC.

**HIGHLANDS TOWNHOMES**

USE PERMIT

N.W. 15TH ST. & FLETCHER AVE.  
LINCOLN, NE

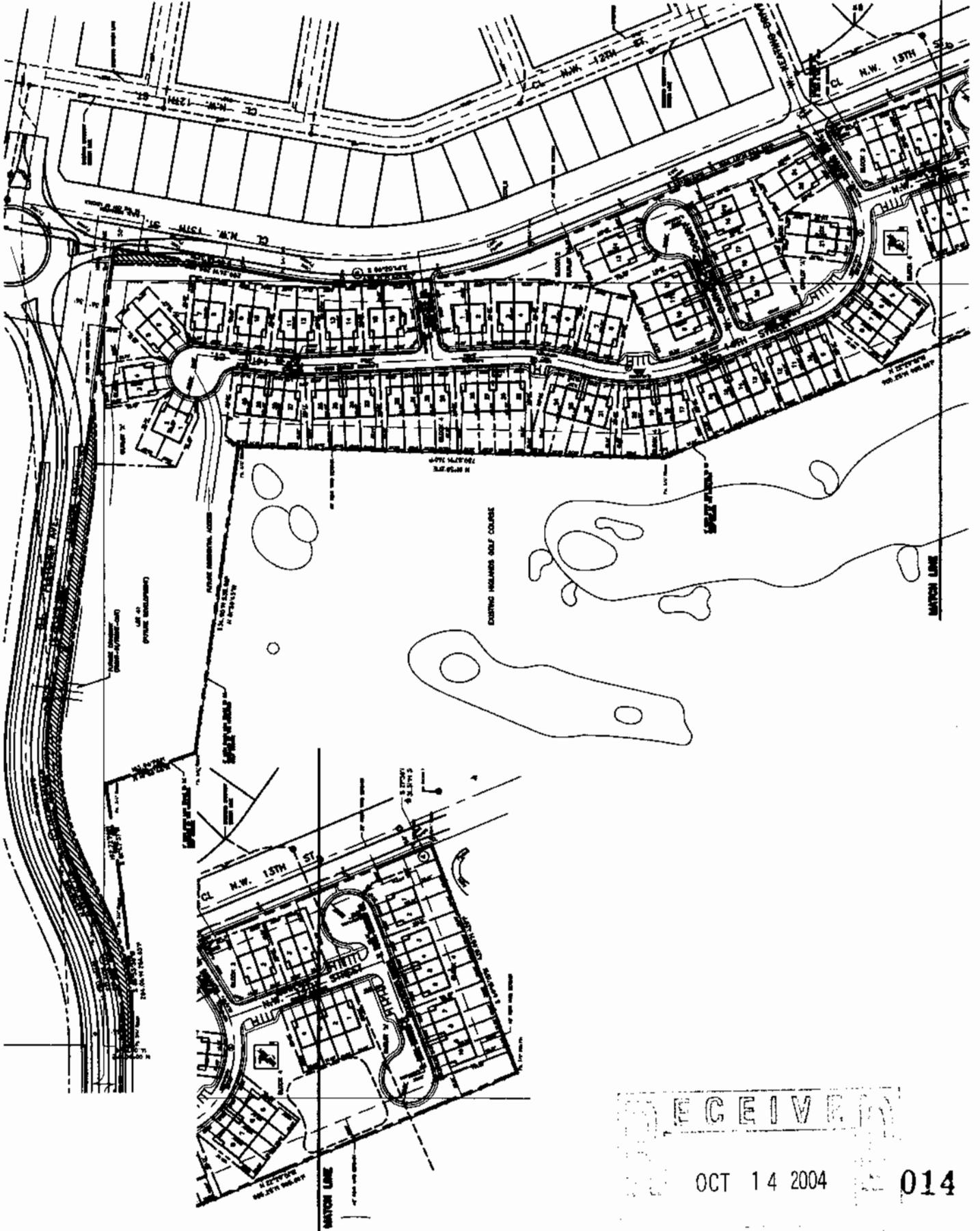
**SITE PLAN**



SCALE: 1"=40'

PLANNING DEPARTMENT

2 OF 6



RECEIVED

OCT 14 2004

014

PLANNING DEPARTMENT



**BRIAN D. CARSTENS & ASSOCIATES**  
 LAND USE PLANNING  
 RESIDENTIAL & COMMERCIAL DESIGN

801 OLD CHESTNUT ROAD  
 SUITE 107  
 LINCOLN, NE 68513  
 PHONE: (402) 441-3333  
 FAX: (402) 441-3334  
 WWW: WWW.BDCARSTENS.COM

**HIGHLANDS TOWNHOMES**

USE PERMIT

N.W. 15TH ST. & FLETCHER AVE.  
 LINCOLN, NE

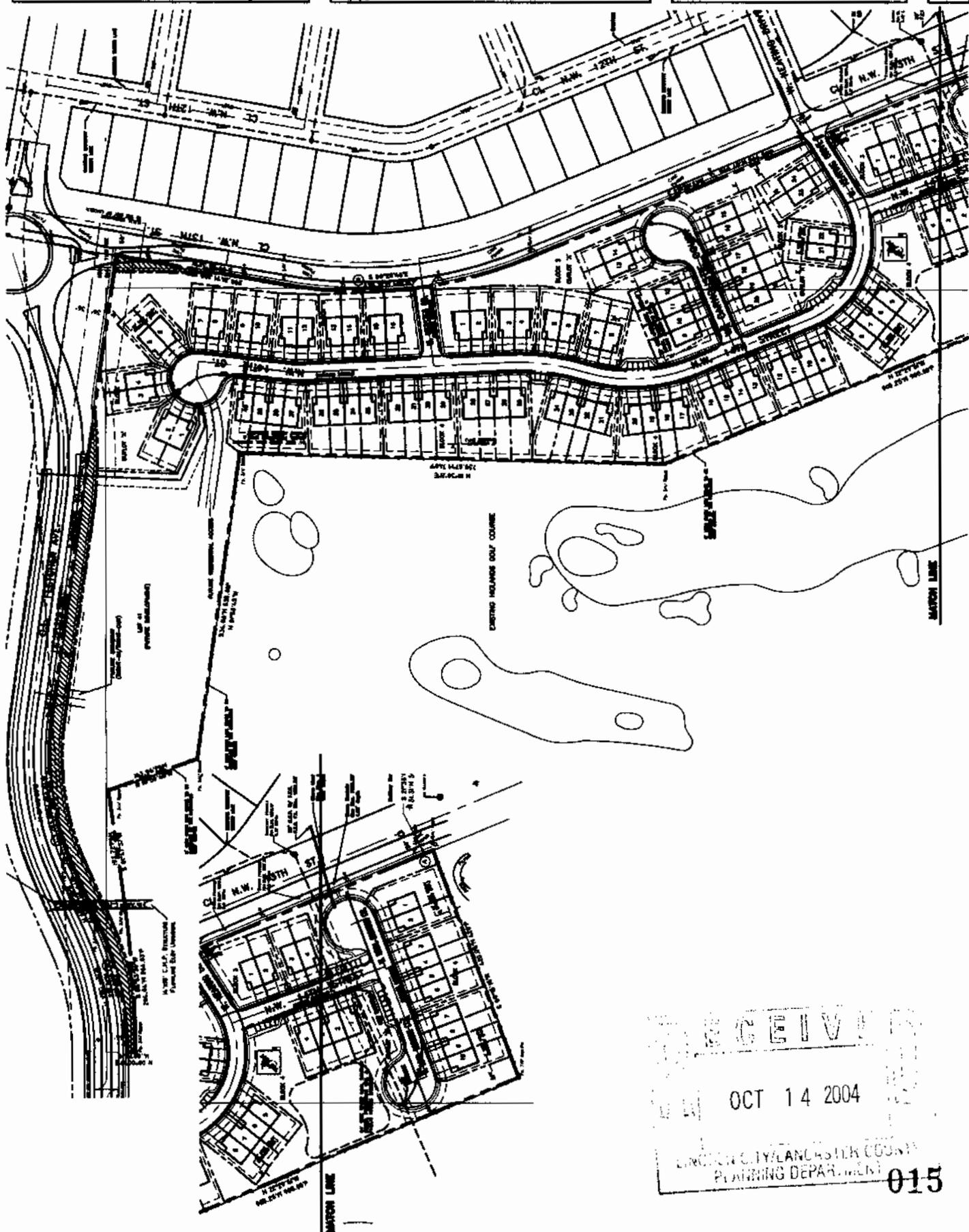
**UTILITY PLAN**



SCALE: 1"=60'

PLANS SHOWN DATE: 10/14/04  
 REVIEWER:

4 OF 6



RECEIVED  
 OCT 14 2004  
 LINCOLN CITY/LANCASTER COUNTY  
 PLANNING DEPARTMENT 015

LAW OFFICES OF  
**CLINE, WILLIAMS, WRIGHT, JOHNSON & OLDFATHER, L.L.P.**

1900 U.S. BANK BUILDING  
233 SOUTH 13<sup>TH</sup> STREET

LINCOLN, NEBRASKA 68508-2095

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FAX (402) 474-5393

www.cline-law.com

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DAVID R. BUNTAIN  
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MICHAEL C. MUELLER  
DANIEL R. STOGSDILL  
SCOTT D. KELLY  
TERRY R. WITTLER  
MARK A. CHRISTENSEN  
RICHARD P. GARDEN, JR.  
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ONE PACIFIC PLACE  
1125 SOUTH 103<sup>RD</sup>, SUITE 320  
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AURORA  
1207 M STREET  
P.O. BOX 510  
AURORA, NEBRASKA 68818  
(402) 694-6314

SCOTTSDUFF  
RAILWAY OFFICE PLAZA  
115 RAILWAY STREET, SUITE B-104  
SCOTTSDUFF, NEBRASKA 69361  
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SUSAN KUBERT SAPP  
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STEVEN M. DELANEY  
JOHN C. HEWITT  
JOHN L. HORAN  
MICHAEL C. PALLESEN  
TRACY A. OLDEMEYER  
JANIS J. WINTERHOF  
PAMELA EPP OLSEN  
TRENT R. SIDERS  
JENNIE A. KUEHNER  
ANDRE R. BARRY  
JEFFREY E. MARK  
JOERC W. FREYE  
BETH E. KIRSCHBAUM  
TRAVIS P. O'CORMAN  
DOUGLAS R. ABERLE  
BRIAN J. ADAMS

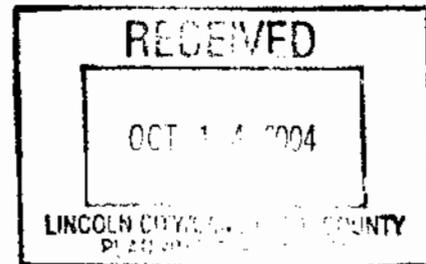
CHARLES E. WRIGHT, COUNSEL  
RICHARD P. JEFFRIES, COUNSEL

October 14, 2004

Hand Delivery

Mr. Marvin Krout, Director of Planning  
City of Lincoln/Lancaster County Planning Dept.  
555 South 10th Street, Suite 213  
Lincoln NE 68508

Re: Highlands Townhome Use Permit  
Our File: COB07-RE001



Dear Marvin:

I enclose an original of the submittal letter for the Highlands Townhome Project which is being resubmitted for a use permit. The necessary copies of the site plan, the application, and the application fee will be provided to your office by Brian Carstens. The enclosed submittal letter should be considered part of the submittal package.

Should you have any questions, please do not hesitate to contact me.

Sincerely,

Thomas C. Huston  
For the Firm

Enc.

L0618250.1

LAW OFFICES OF  
**CLINE, WILLIAMS, WRIGHT, JOHNSON & OLDFATHER, L.L.P.**

1900 U.S. BANK BUILDING  
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(308) 635-1020

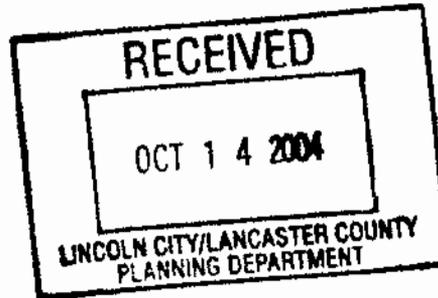
SUSAN KUBERT SAPP  
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DOUGLAS R. ABERLE  
BRIAN J. ADAMS

CHARLES E. WRIGHT, COUNSEL  
RICHARD P. JEFFRIES, COUNSEL

October 14, 2004

Hand Delivery

Mr. Marvin Krout, Director of Planning  
City of Lincoln/Lancaster County Planning Dept.  
555 South 10th Street, Suite 213  
Lincoln NE 68508



Re: Highlands Townhomes - Use Permit at N.W. 13<sup>th</sup> Street & Fletcher Ave.  
Our File: COB07-RE001

Dear Mr. Krout:

On behalf of Highlands Townhomes, L.L.C., we hereby submit a new application for a use permit to be issued to the applicant under LMC § 27.27.020. The subject property is located west of N.W. 13<sup>th</sup> Street, adjacent to the Highlands public golf course and south of Fletcher Avenue. N.W. 13<sup>th</sup> Street is a designated arterial street as is Fletcher Avenue. The subject property was originally acquired by the City of Lincoln when the Highlands Sanitary Improvement District #9 was annexed by the City of Lincoln in the early 1990s. The property at that time was then sold to a member of the Highlands Coalition and has remained unimproved for more than ten years.

As you are aware, my client previously submitted an application for a use permit which was ultimately denied by the City Council on August 23, 2004. Subsequent to that denial, my client, the project engineer, and I met with over 30 neighbors at a meeting with the two associations of homeowners who reside near the property. We have been in communication with the Highlands Neighborhood Association and the Northwest Highlands Association. At that time, the neighbors expressed their concern about the density of the project.

Thereafter, my client met individually with the officers of the Northwest Highlands Association. There were multiple meetings and good communication occurred between that association and my client. Thus, we believe we are now in a position to proceed with the application with the support of the Northwest Highlands Association.

October 14, 2004

Page 2

The changes to the site plan from that originally submitted last summer are substantial and real to my client. The enclosed site plan reflects, among other things, the following changes:

1. **Density.** The original site plan contemplated the construction of 112 dwelling units. As evidenced by the density standards in the O-3 Office Park District, 112 dwelling units was less than 50% of the permitted density on this site. However, in an effort to address some of the concerns of the neighbors, the number of dwelling units has been reduced by over 16%. The enclosed site plan now reflects 94 dwelling units.

2. **Spacing and Design.** One of the other concerns addressed by the neighbors was the distance between the buildings. The enclosed site plan reflects that all of the dwelling units that abut and are adjacent to N.W. 13<sup>th</sup> Street are now duplex units without any side-yard waivers. The original site plan reflected that these units would be four-plexes. Thus, the buildings have been spaced further apart. There will be 20 feet between each of the structures, which is more side yard than most of the residential properties in the area.

3. **Waivers.** Due to the reduction of the number of units, the project now does not require any of the "site planning" waivers that had previously been requested. The original submittal had requested waivers for, in some parts of the site plan, front yard, rear yard, and side yard. All of those waiver requests have been removed as it relates to the site plan. As noted on the site plan, there are requested waivers that do not relate to the site planning process. The waiver of the sanitary sewer running against street grade in N.W. 13<sup>th</sup> Street Court is an engineering issue that results from the topography of the site. Further, there is a waiver request of block length along the west side of the site due to the fact that it abuts a golf course. The design standards and ordinance specifically recognize that block-length waivers are appropriate under such circumstances.

4. **Site Plan.** My clients have prepared several different site plans and shared them with the members of the Board of Directors of the Northwest Highlands Association. The board members preferred enclosed site plan which retains the curve in the internal street. The Planning Staff had preferred this design feature to assist in the appearance of the units. The curvature in the street is retained without any waivers.

5. **Golf Course.** Due to the fact that no rear-yard waivers are being requested, the townhome structures will be further removed from the west property line. This fact will further lessen any potential conflict between the public's use of the golf course and the townhomes. The site plan has been provided to the Parks and Recreation Department with a renewed commitment to work with the Parks and Recreation Department on mutual issues involving drainage and landscaping. Parks and Recreation, I believe, still has the strong desire to construct a chainlink fence along the

October 14, 2004

Page 3

property line. My client agreed to grant an easement, if necessary, to accommodate the fence location. My client is working with the Parks and Recreation Department to potentially upgrade the appearance of such a fence. My client has renewed its commitment to work with the Parks and Recreation Department on the drainage issues that relate to the detention cell on the project site and the location of additional landscaping and screening.

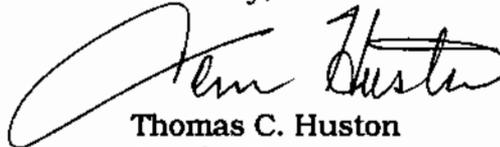
6. **Design.** We enclose copies of the elevation drawings reflecting the exterior changes that were incorporated into the design of the units to further address some of the aesthetic concerns raised by Planning Staff. The new design incorporates a cantilevered hip roof over the rear door of the units and additional shutters added to the rear windows.

7. **Privacy Fence.** The individual townhome units will be constructed with a privacy fence located perpendicular to the rear wall. The Planning Department has previously requested that an additional fence be constructed parallel to the rear wall on those units backing up to N.W. 13<sup>th</sup> Street. In working with the neighbors, they expressed the preference to eliminate this secondary privacy fence.

Accompanying this letter are the necessary sets of copies of the site plan for distribution to the various City departments. Also enclosed is the application for the use permit and the application fee.

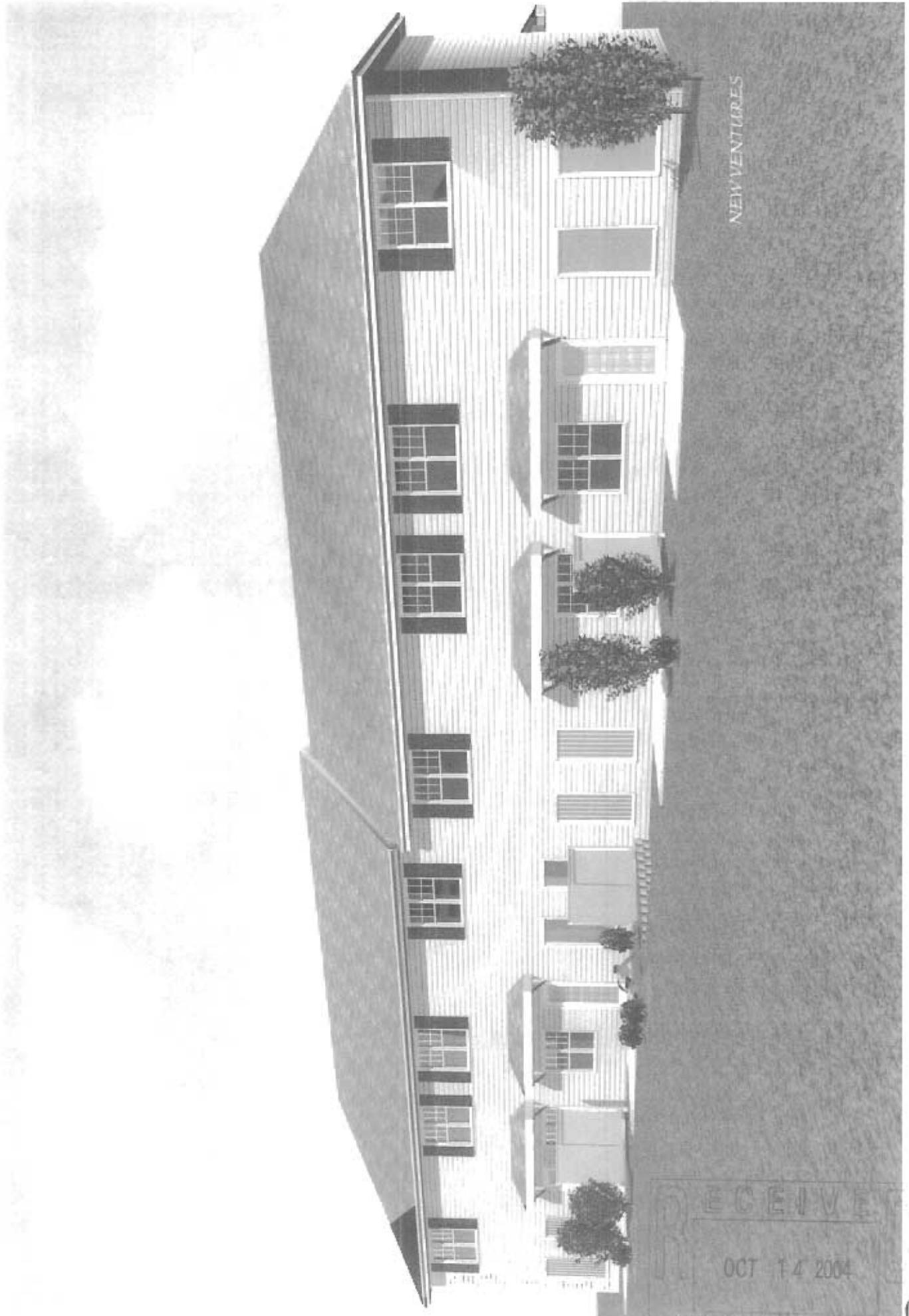
Should you have any questions concerning this submittal, please do not hesitate to contact me.

Sincerely,



Thomas C. Huston  
For the Firm

c: Breck Collingsworth  
Blake Collingsworth  
Tommy Taylor, President, Highlands Neighborhood Assn.  
Gordon Bjorman, President, Northwest Highlands Assn.  
Steven Hiller, Lincoln Parks and Recreation



NEWVENTURES

PROPOSED REAR ELEVATION

RECEIVED  
OCT 14 2004

# Memo



**To: Becky Horner, Planning Department**

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

**Date: July 6, 2004**

**Re: Highlands Townhomes 04002**

---

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. Please provide a grading plan for review.
2. Please provide information regarding discharge of storm water, etc.
3. Outlot areas to be maintained be maintained by developer and/or homeowners association.
4. Tot lot playground must meet the Consumer Safety Standards in regard to type of equipment, fall zones, etc.
5. Consider using berming as a design grading approach to better screen residents from the golf course.
6. Due to the proximity of the golf course, do not recommend the waiver for the rear setback.
7. Please provide a plan for sedimentation and erosion control.
8. Temporary sediment basins must be provided during construction.
9. Please clarify the location of the proposed vegetative screen (where is the property line – are trees planted on private property or the golf course).
10. A meeting has been scheduled to address and discuss the items listed above.

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

# Memo



**To: Becky Horner, Planning Department**

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

**Date: November 2, 2004**

**Re: Highlands Townhomes**

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. See previous comments from memo dated July 9, 2004
2. All outlot areas to be maintained by the developer and/or future homeowners association.
3. The tot lot must comply with ADD regulations and Consumer Safety Guidelines. A walkway and covered seating area should also be included in this project.
4. Pretreatment of stormwater off of the north end of the site that runs into the wetland.
5. Erosion control during construction must be required.
6. Provide a complete set of the approved erosion control plans.

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

# Memorandum

---

|                 |   |
|-----------------|---|
| <b>To:</b>      | Becky Horner, Planning Department       |
| <b>From:</b>    | Chad Blahak, Public Works and Utilities |
| <b>Subject:</b> | Highlands Townhomes                     |
| <b>Date:</b>    | November 1, 2004                        |
| <b>cc:</b>      | Randy Hoskins                           |
|                 |   |

Engineering Services has reviewed the use permit for Highlands Townhomes, located west of North 12th Street and south of Fletcher Avenue, and has the following comments:

- **Sanitary Sewer** - The following comments need to be addressed.
  - (1.1) See comment (2.1).
  - (1.2) Public Works approves the requested waiver of design standards to construct sanitary sewer opposite of street grades provided that the minimum and maximum depths are not exceeded. It appears that no basements would be possible for some lots in Northwest 14<sup>th</sup> Court. Information needs to be provided showing that the maximum and minimum depths are not exceeded.
- **Water Mains** - The following comments need to be addressed.
  - (2.1) The location of the water mains in Royal Dornoch Court and Circle does not meet design standards. The water mains are required to be 3.5' outside of the back of curb and not under the pavement as shown. Public Works recommends that a waiver be requested to put the water main on the south side of the street as was the case in the previous submittal of this plat. A waiver would also be needed for the sanitary sewer to be located on the north side of the street. Public Works would approve both of these waivers. If the water main is to stay on the north side, it needs to be shown wrapping around the cul-de-sac.
- **Grading/Drainage** - The following comments need to be addressed.
  - (3.1) There are two separate drainage basins exiting this site, one to the northwest and the other to the southwest. The calculations provided appear to try to model for both basins at the southern exit point. The following information needs to be provided for both basins. Pre development and post development flows need to be calculated for both drainage basins. Details of the outlet structures and culverts for the required detention cells need to be shown. Cross-section and capacity information needs to be provided for the swale that is shown to drain Area 'F' to the detention cell.

- **Streets** - The following comments need to be addressed.
  - (4.1) The intersection of Webster Road and Northwest 13<sup>th</sup> Street will be a right in and right out only intersection when the second two lanes in Northwest 13<sup>th</sup> are constructed.
  - (4.2) The current approved City of Lincoln Comprehensive Plan shows Northwest 12<sup>th</sup> /13<sup>th</sup> Street having 120' of right-of-way. This plat should be revised to show 60' of right-of-way dedication to accommodate future right turn lanes and/or other roadway improvements.
  - (4.2) Given the proximity to the Northwest 12<sup>th</sup> and Fletcher intersection, any driveway that would be proposed to take access to Fletcher from Lot 61 will be a right in/right out only connection. This driveway should be shown at the west end of the lot.

**General** - The information shown on the preliminary plat relating to the public water main system, public sanitary sewer system, and public storm sewer system has been reviewed to determine if the sizing and general method providing service is satisfactory. Design considerations including, but not limited to, location of water main bends around curves and cul-de-sacs, connection of fire hydrants to the public main, temporary fire hydrant location, location and number of sanitary sewer manholes, location and number of storm sewer inlets, location of storm sewer manholes and junction boxes, and the method of connection storm sewer inlets to the main system are not approved with this review. These and all other design considerations can only be approved at the time construction drawings are prepared and approved.



**Dennis L Roth**  
10/20/2004 08:40 AM

To: Rebecca D Horner/Notes@Notes  
cc:  
Subject: re: Highlands Townhomes

PROJ NAME: Highlands Townhomes  
PROJ NMBR: Use Permit #04004  
PROJ DATE: 10/17/2004  
PLANNER: Becky Horner

Finding ONE DUPLICATE/SIMILAR NAME in our geobase for the street name proposed in this project, other than those which are an extension of an existing street.

Dennis "denny" Roth, ESD II/CAD Admin  
Emergency Communications 9-1-1 Center

STREETS: NW 14th St,

PRIVATE: W Carnoustie Ct, W Royal Dornoch Cir, W Royal Dornoch Ct, W Webster Rd  
NW 14th St and NW 14th Ct

CROSS ST: NW 13th St and W Fletcher Ave



**MICHAEL WOOLMAN**  
<lpd737@CJIS.CI.LINC  
OLN.NE.US>  
11/01/2004 01:02 PM

To: R Horner <RHorner@ci.lincoln.ne.us>  
cc:  
Subject: Highlands Townhomes

Ms. Horner,

The Lincoln Police Department does not object to the Highlands Townhomes UP# 04004.

Sergeant Michael Woolman  
Lincoln Police Department



**"Loseke, Larry L -  
Lincoln, NE"**  
<larry.l.loseke@usps.g  
ov>  
10/25/2004 03:17 PM

To: <rhorner@ci.lincoln.ne.us>  
cc:  
Subject: Highlands Townhouses

Becky

I do not see any problems at this time with the street names requested for Highland Townhouse development.

Larry L. Loseke  
Growth Mgt / Collection Supv  
700 R St Rm 216  
Lincoln NE 68501-9404  
402-473-1647 [larry.l.loseke@usps.gov](mailto:larry.l.loseke@usps.gov)



INTER-DEPARTMENT COMMUNICATION



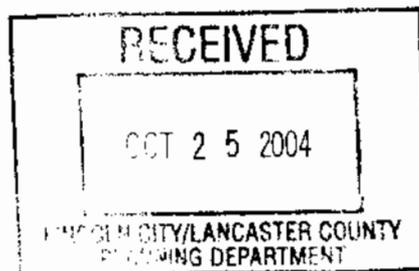
**DATE:** October 22, 2004  
**TO:** Becky Horner, City Planning  
**FROM:** Sharon Theobald  
Ext 7640  
**SUBJECT:** DEDICATED EASEMENTS - Use Permit #04004  
DN# 58N-13W

Attached is the Use Permit for Highlands Townhomes.

**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 require the additional easements marked in red on the map, along with blanket utility easements, as noted.

*Sharon Theobald*



ST/ss  
Attachment  
c: Terry Wiebke  
Easement File



**IMPORTANT**



**Return this report with two sets of corrected plans. The corrections noted below are required to be made to the plans prior to issuance of a permit. Please indicate under each item where the correction is made by plan sheet number or plan detail number.**

**A separate set of plans for review and final approval must be submitted by the licensed installing contractor/s if fire suppression systems, sprinklers, dry powder, fire alarm systems or underground tanks are installed.**



Permit # **DRF04165**

Address

Job Description: **Development Review - Fire**

Location: **HIGHLANDS TOWNHOMES**

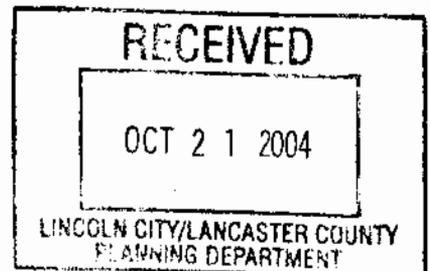
Special Permit:

Preliminary Plat:

Use Permit: **Y**

CUP/PUD:

Requested By **BECKY HORNER**



Status of Review: **Approved**

**10/21/2004 12:53:39 PM**

Reviewer: **FIRE PREVENTION/LIFE SAFETY CODE**

**BOB FIEDLER**

Comments: **approved**

**Current Codes In Use Relating to Construction Development in the City of Lincoln:**

- 2000 International Building Code and Local Amendments
- 2000 International Residential Code and Local Amendments
- 1994 Nebraska Accessibility Guidelines (Patterned after and similar to ADA guidelines)
- 1989 Fair Housing Act As Amended Effective March 12, 1989
- 1979 Zoning Ordinance of the City of Lincoln as Amended including 1994 Parking Lot Lighting Standards
- 1992 Lincoln Plumbing Code (The Lincoln Plumbing Code contains basically the 1990 National Standard Plumbing Code and local community Amendments.)
- 1999 National Electrical Code and Local Amendments
- 1997 Uniform Mechanical Code and Local Amendments
- 1994 Lincoln Gas Code
- 2000 NFPA 101 Life Safety Code
- 2000 Local Amendments international Firecode
- Applicable NFPA National Fire Code Standards



"Jan Long"  
<jlong@acton.com>  
11/09/2004 09:42 AM

To: <plan@lincoln.ne.gov>  
cc:  
Subject: USE PERMIT NO. 04004

Good Morning,

My husband and I will not be able to attend the Planning Commission meeting tomorrow and would like to submit our comments/concerns regarding Use Permit No. 04004.

We live in the Highlands neighborhood and we are part of the homeowners who voiced our opinions opposed to the new Highlands townhome project in our neighborhood. I am certain that you are aware of the homeowners concerns and will not reiterate at this time. The last homeowners meeting we attended, along with about thirty-five of our neighbors, to discuss this issue, was held at the Highlands Golf Course on Tuesday, September 14th. At this meeting Thomas Huston, the attorney for the developer, started off the meeting with his comments, we all listened and then responded with our comments/concerns. After discussion, at the end of the meeting, the final decision was made that the developer would revise the current plan and issue a new plan more in line with what the neighborhood was asking for. And this meeting Thomas Huston stated that there would be another meeting so we could all review the new plan before it would be approved. We did not have another neighborhood meeting for the group to review the plan. Do we have a chance to review the new plan? The neighborhood homeowners would like to be given this opportunity.

Prior to our meeting on September, 14th, our Highlands Association President, Gordon Bjorman, sent out a note to everyone stating the following:

QUOTE:

My Recommendation: Do not back down. We have nothing to lose. If development is inevitable, stand our ground and influence the situation to maximize our chances of seeing single story duplexes or family homes more like our neighborhood with a price range much more like our area.

This is what we would like to see.

We are asking you the Planning Commission Board, please, before you approve Use Permit No. 04004, let the many concerned homeowners see the new plan and have the opportunity to discuss it with the developer. This is only fair, this is our neighborhood.

Please take our comments/concerns into consideration.

Thank you.

Jan Long  
Acton Marketing LLC  
3401 N.W. 39th Street  
Lincoln, NE 68505  
(402) 470-5719