

## FACTSHEET

**TITLE:** Letter of Appeal filed by Shanna L. Cole, on behalf of Hartland Homes, Inc., appealing Condition #5.a.i.(3) of Resolution No. PC-01019, approving an amendment to the **HARTLAND'S GARDEN VALLEY COMMUNITY UNIT PLAN**, on property generally located northwest of N. 14<sup>th</sup> Street and Fletcher Avenue.

**STAFF RECOMMENDATION:** Denial of the request to delete Condition #5.a.i.(3) of Resolution No. PC-01019.

**ASSOCIATED REQUESTS:** Annexation No. 06014 (06-187) and Change of Zone No. 06053 (06-188).

**SPONSOR:** Planning Department

**BOARD/COMMITTEE:** Planning Commission  
Public Hearing: 08/30/06 and 09/27/06  
Administrative Action: 09/27/06

**RECOMMENDATION:** Conditional Approval of amendment to the community unit plan, as set forth in the staff report dated August 17, 2006, with amendment to Condition #3.1.1.13 (park location) as requested by the applicant (9-0: Carlson, Carroll, Cornelius, Esseks, Krieser, Larson, Sunderman, Strand and Taylor voting 'yes').

### FINDINGS OF FACT:

1. The amendment to the Hartland's Garden Valley Community Unit Plan was heard in conjunction with the associated Annexation No. 06014 and Change of Zone No. 06053, and proposes to increase the boundary of the community unit plan by approximately 4.67 acres and to increase the number of lots from 323 to 346.
2. The staff recommendation of conditional approval is based upon the "Analysis" as set forth on p.14-15, concluding that, subject to the conditions of approval set forth in the staff report on p.15-20, the proposal is in conformance with the Comprehensive Plan, Zoning Ordinance and Land Subdivision Ordinance.
3. The staff presentation is found on p.21-22. The staff is opposed to the waiver of block length for Block 18 (Condition #3.1.1.3 of Special Permit No. 05015A, and Condition #5.a.i.(3) of Resolution No. PC-01019).
4. The applicant's testimony is found on p.22-24. The applicant requested that Condition #3.1.1.3 (Block length waiver for Block 18) be deleted, and that Condition #3.1.1.13 be amended regarding location of the park (See Motion to Amend, p.38). The additional information submitted by the applicant in support of the block length waiver for Block 18 is found on p.39-42, and a letter in support from Keith Spilker, the property owner to the west, is found on p.43.
5. There was no testimony in opposition; however, the record consists of one letter in opposition (p.44).
6. On September 27, 2006, the Planning Commission agreed with the staff recommendation and voted 9-0 to adopt Resolution No. PC-01019 (p.4-11), with the conditions as set forth in the staff report dated August 17, 2006, with amendment to Condition #3.1.1.13 as requested by the applicant. The Planning Commission did not delete Condition #3.1.1.3 (block length waiver for Block 18).
7. On October 4, 2006, a letter of appeal was filed by Shanna L. Cole, on behalf of Hartland Homes, Inc., appealing Condition #5.a.i.(3) of Resolution No. PC-01019. Therefore, this is the only issue to be considered by the Council on the amendment to the community unit plan.
8. The applicant contends that the block length for Block 18 should be waived because the adjoining property owner is opposed to an additional entrance, adequate vehicle circulation exists without the addition of another street, and the addition of another entrance would destroy the natural drainage draw that currently exists on the property.
9. The staff is opposed to the waiver of block length for Block 18 because the connection is needed to adequately develop the property to the west and complies with the goals of the Comprehensive Plan for more accessibility. The staff planner demonstrated to the Planning Commission that the Spilker property to the west could be subdivided with no loss of lots, no increase in street length, and no impact on the drainage area on that property (See p.45-46).

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

**DATE:** October 9, 2006

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

**DATE:** October 9, 2006

**REFERENCE NUMBER:** FS\CC\2006\SP.05015A Appeal

**Pierson|Fitchett**  
LAW FIRM

CITY CLERK'S OFFICE

2006 OCT 4 PM 4 07

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NEBRASKA

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Gary L. Aksamit  
of Counsel

October 4, 2006

Lincoln City Clerk  
555 S. 10<sup>th</sup> St., Rm. 103  
Lincoln, NE 68508

Re: *Notice of Appeal; Special Permit #05015A*

Dear Clerk:

Please be advised that the Planning Commission denied the above-referenced special permit application on September 27, 2006 for Hartland Homes' Garden Valley Community Unit Plan. We are requesting that the City Council hear an appeal to this decision and allow a block length waiver as the adjoining property owner is opposed to an additional entrance, adequate vehicle circulation exists without the addition of another street and the addition of another entrance would destroy the natural drainage draw that currently exists on the property.

If you have any questions or need any further information, please contact Peter Katt of this office.

Sincerely,



Shanna L. Cole  
For the Firm

(G:\AF\5000-5099\5040.004 Hartland Homes, Inc.-Hartland Garden\City Clerk 10-4.ltr.wpd)

**PLANNING COMMISSION FINAL ACTION  
NOTIFICATION**

**TO :** Mayor Coleen Seng  
Lincoln City Council

**FROM :** Jean Walker, Planning 

**DATE :** October 2, 2006

**RE :** **Special Permit No. 05015A**, Amendment to the  
**Hartland's Garden Valley Community Unit Plan**  
(N. 14<sup>th</sup> Street and Fletcher Avenue)  
**Resolution No. PC-01019**

The Lincoln City-Lancaster County Planning Commission took the following action at their regular meeting on Wednesday, September 27, 2006:

Motion made by Carroll, seconded by Taylor, to approve **Special Permit No. 05015A**, with conditions, as amended, requested by Hartland Homes, Inc., for authority to amend the Hartland's Garden Valley Community Unit Plan by adding 4.67 acres and 23 lots, with requested waivers to allow blocks to exceed maximum block lengths, to reduce average lot width, to reduce lot area, to allow double frontage lots, to eliminate pedestrian easements, and to allow sanitary sewer to flow opposite street grades, on property generally located northwest of N. 14<sup>th</sup> Street and Fletcher Avenue.

Motion for conditional approval, as amended, carried 9-0 (Strand, Cornelius, Sunderman, Taylor, Larson, Krieser, Carroll, Esseks and Carlson voting 'yes').

The Planning Commission's action is final, unless appealed to the City Council by filing a Letter of Appeal with the City Clerk within 14 days of the date of the action by the Planning Commission.

**Attachment**

**cc:** Building & Safety  
Rick Peo, City Attorney  
Public Works  
Marcia Kinning, ESP, 601 Old Cheney Road, Suite A, 68512  
Hartland Homes, Inc., P.O. Box 22787, 68542  
Peter Katt, P.O. Box 95109, 68509  
Keith Spilker, 900 Fletcher Avenue, 68521

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RESOLUTION NO. PC- 01019

SPECIAL PERMIT NO. 05015A

1           WHEREAS, Hartland Homes, Inc. has submitted an application designated as  
2 Special Permit No. 05015A for authority to amend Hartland's Garden Valley Community Unit  
3 Plan by adding 4.67 acres and 23 lots, with requested waivers to the Zoning Code, Land  
4 Subdivision Ordinance, and City of Lincoln Design Standards to allow blocks to exceed  
5 maximum block lengths, to reduce average lot width, to reduce lot area, to allow double  
6 frontage lots, to eliminate pedestrian easements, and to allow sanitary sewer to flow opposite  
7 street grades on property generally located northwest of N. 14th Street and Fletcher Avenue,  
8 and legally described as:

9           Lots 1 through 7, Block 1, Lots 1 through 11, Block 2, Lots 1  
10 through 4, Block 3, Lots 1 through 18, Block 4, Outlots 'A', 'B', 'C',  
11 'D', 'E', 'F', and internal street right-of-way, Hartland's Garden  
12 Valley Addition, Located in the Southeast Quarter of Section 35,  
13 Township 11 North, Range 6 East of the 6th. P.M., Lincoln,  
14 Lancaster County Nebraska, and more particularly described as  
15 follows:

16           Beginning at the Northeast corner of said Outlot 'E'; thence along  
17 the East line of said Outlot 'E', said line also being the West  
18 Right-of-Way line of North 14th Street S 00°12'41" W a distance  
19 of 1228.72' to the Southeast corner of said Outlot 'E'; thence  
20 along the North Right-of-Way line of Pennsylvania Avenue, N  
21 89°51'18" W a distance of 1919.41' to the Southwest corner of  
22 said Outlot 'C'; thence along the West line of said Outlot 'C' & 'B',  
23 N 00°21'42" E a distance of 937.20' to the Northwest Corner of  
24 said Outlot 'B'; thence along the South line of said Outlot 'A', N  
25 89°54'10" W a distance of 626.06' to the Southwest corner of said  
26 Outlot 'A'; thence along the West line of said Outlot 'A', said line  
27 also being the East Right-of-Way line of North 7th Street N

1 00°25'29" E a distance of 304.23' to the Northwest corner of said  
2 Outlot 'A'; thence along the South Right-of-Way line of Humphrey  
3 Avenue S 89°55'07" E a distance of 2261.97'; thence along the  
4 West Right-of-Way line of North 13th Street, S 00°04'53" W a  
5 distance of 10.00'; thence along the South Right-of-Way line of  
6 Humphrey Avenue, S 89°55'07" E a distance of 170.00'; thence S  
7 00°04'53" W a distance of 5.00'; thence along the South  
8 Right-of-Way line of Humphrey Avenue, S 89°55'07" E a distance  
9 of 109.87' to the point of beginning, having an area of  
10 2,570,247.35 square feet or 59.0 acres, more or less.

11 and

12 Lot 2 and Lot 3 except the South 7.00 feet and part of Lot 1, Block  
13 4, and the East Half of Lots 1 and 4 except the South 7.00 feet,  
14 Block 3, and that part of North 11th Street which lies between  
15 Blocks 3 and 4, Garden Valley, located in the Southeast Quarter  
16 of Section 35, Township 11 North, Range 6 East of the 6th. P.M.,  
17 Lincoln, Lancaster County Nebraska, and more particularly  
18 described as follows:

19 Beginning at the intersection of the East line of said Lot 3, Block 4  
20 and the North Right-of-Way line of Fletcher Avenue; thence along  
21 the North Right-of-Way line of Fletcher Avenue N 89°46'39" W a  
22 distance of 1004.56' to a point on the North Right-of-Way line of  
23 Fletcher Avenue; thence N 00°18'05" E a distance of 1255.54' to a  
24 point on the North line of said Lot 1, Block 3; thence along the  
25 North line of said Blocks 3 and 4, said line also being the South  
26 Right-of-Way line of Southwick Avenue S 89°51'18" E a distance  
27 of 1342.15' to the Northeast corner of said part of Lot 1, Block 4;  
28 thence S 00°12'48" W a distance of 151.19'; thence S 00°11'45"  
29 W a distance of 449.85; thence north 89°34'03" W a distance of  
30 339.30'; thence along the East line of said Lot 3, Block 4 S  
31 00°21'07" W a distance of 374.41'; thence S 00°06'04" W a  
32 distance of 283.15' to the point of beginning, having an area of  
33 1,464,414.04 square feet or 33.62 acres, more or less.

34 WHEREAS, the Lincoln City-Lancaster County Planning Commission has held a  
35 public hearing on said application; and

36 WHEREAS, the community as a whole, the surrounding neighborhood, and the  
37 real property adjacent to the area included within the site plan for this amended community unit  
38 plan will not be adversely affected by granting such a permit; and

39 WHEREAS, said site plan together with the terms and conditions hereinafter set  
40 forth are consistent with the comprehensive plan of the City of Lincoln and with the intent and

1 purpose of Title 27 of the Lincoln Municipal Code to promote the public health, safety, and  
2 general welfare; and

3 NOW, THEREFORE, BE IT RESOLVED by the Lincoln City-Lancaster County  
4 Planning Commission of Lincoln, Nebraska:

5 That the application of Hartland Homes, Inc. hereinafter referred to as  
6 "Permittee", to develop Hartland's Garden Valley Community Unit Plan for 346 dwelling units be  
7 and the same is hereby granted under the provisions of Section 27.63.320 and Chapter 27.65  
8 of the Lincoln Municipal Code upon condition that construction of said dwelling units be in strict  
9 compliance with said application, the site plan, and the following additional express terms,  
10 conditions, and requirements:

- 11 1. This approval permits:
  - 12 a. 346 single-family dwelling units.
  - 13 b. A waiver of Section 26.23.130 prohibiting block lengths to exceed 1,320  
14 feet in order to allow Block 9 to exceed the maximum block length.
  - 15 c. A reduction of the required average lot width in the R-3 Residential  
16 District from 50 feet to 41 feet.
  - 17 d. A reduction of the required lot area in the R-3 Residential District from  
18 6,000 sq. ft. to 4,500 sq. ft.
  - 19 e. A waiver of Section 26.23.140(e) of the Lincoln Municipal Code  
20 prohibiting double frontage lots in order to allow Blocks 1 and 9 to have  
21 double frontage lots.
  - 22 f. A waiver of Section 26.23.125 of the Lincoln Municipal Code requiring a  
23 pedestrian way when a block exceeds 1000 feet in length in order to  
24 eliminate the pedestrian way easement in Block 9.
  - 25 g. A waiver of the Sanitary Sewer Design Standards § 3.6 to allow running  
26 sanitary sewer opposite street grades in Garden Valley Road and N. 10th  
27 Street.
- 28 2. The City Council must approve the following associated request:
  - 29 a. Change of Zone #06053.
  - 30 b. Annexation #06014.

1           3.       Final plats must be approved by the City. If any final plat on all or a portion of  
2 the approved community unit plan is submitted five (5) years or more after the approval of the  
3 community unit plan, the city may require that a new community unit plan be submitted,  
4 pursuant to all the provisions of section 26.31.015. A new community unit plan may be required  
5 if the subdivision ordinance, the design standards, or the required improvements have been  
6 amended by the city; and as a result, the community unit plan as originally approved does not  
7 comply with the amended rules and regulations.

8                   Before the approval of a final plat, the public streets, private roadway  
9 improvements, sidewalks, public sanitary sewer system, public water system, drainage facilities,  
10 land preparation and grading, sediment and erosions control measures, storm water  
11 detention/retention facilities, drainageway improvements, street lights, landscaping screens,  
12 street trees, temporary turnaround and barricades, and street name signs, must be completed  
13 or provisions (bond, escrow or security agreement) to guarantee completion must be approved  
14 by the City Law Department. The improvements must be completed in conformance with  
15 adopted design standards and within the time period specified in the Land Subdivision  
16 Ordinance.

17           4.       The Planning Director may approve final plats after the Permittee has signed an  
18 agreement that binds the Permittee and Permittee's successors and assigns:

- 19           a.       To complete the street paving of public streets, and temporary  
20                    turnarounds and barricades located at the temporary dead-end of the  
21                    streets shown on the final plat within two (2) years following the approval  
22                    of the final plat.
- 23           b.       To complete the installation of sidewalks along both sides of the streets  
24                    and along the south side of Humphrey Ave., and the north side of  
25                    Fletcher Ave. as shown on the final plat within four (4) years following the  
26                    approval of the final plat.
- 27           c.       To construct the sidewalk in the pedestrian way easements in Outlot 'B',  
28                    Block 1 at the same time as Garden Valley Road is paved and to agree  
29                    that no building permit shall be issued for construction on Lots 11 & 12,  
30                    Block 1 until such time as the sidewalk in the pedestrian way easement  
31                    is constructed.

- 1 d. To complete the public water distribution system to serve this plat within  
2 two (2) years following the approval of the final plat.
- 3 e. To complete the public wastewater collection system to serve this plat  
4 within two (2) years following the approval of the final plat.  
5
- 6 f. To complete the enclosed public drainage facilities shown on the  
7 approved drainage study to serve this plat within two (2) years following  
8 the approval of the final plat.
- 9 g. To complete land preparation including storm water detention/retention  
10 facilities and open drainageway improvements to serve this plat prior to  
11 the installation of utilities and improvements but not more than two (2)  
12 years following the approval of the final plat
- 13 h. To complete the installation of public street lights along streets within this  
14 plat within two (2) years following the approval of the final plat.
- 15 i. To complete the planting of the street trees along streets within this plat  
16 within four (4) years following the approval of the final plat.
- 17 j. To complete the planting of the landscape screen within this plat within  
18 two (2) years following the approval of the final plat.
- 19 k. To complete the installation of the street name signs within two (2) years  
20 following the approval of the final plat.  
21
- 22 l. To complete the installation of the permanent markers prior to  
23 construction on or conveyance of any lot in the plat.
- 24 m. To complete any other public or private improvement or facility required  
25 by Chapter 26.23 (Development Standards) of the Land Subdivision  
26 Ordinance in a timely manner which inadvertently may have been omitted  
27 from the above list of required improvements.
- 28 n. To complete the public and private improvements shown on the  
29 Community Unit Plan.
- 30 o. To submit to the Director of Public Works a plan showing proposed  
31 measures to control sedimentation and erosion and the proposed method  
32 to temporarily stabilize all graded land for approval.
- 33 p. To retain ownership of and the right of entry to the outlots in order to  
34 perform the above-described maintenance of the outlots and private  
35 improvements on a permanent and continuous basis. However,  
36 Subdivider may be relieved and discharged of such maintenance  
37 obligations upon creating in writing a permanent and continuous  
38 association of property owners who would be responsible for said  
39 permanent and continuous maintenance subject to the following  
40 conditions:

- 1 (1) Subdivider shall not be relieved of Subdivider's maintenance  
2 obligation for each specific private improvement until a register  
3 professional engineer or nurseryman who supervised the  
4 installation of said private improvement has certified to the City  
5 that the improvement has been installed in accordance with  
6 approved plans.
- 7 (2) The maintenance agreements are incorporated into covenants  
8 and restrictions in deeds to the subdivided property and the  
9 documents creating the association and the restrictive covenants  
10 have been reviewed and approved by the City Attorney and filed  
11 of record with the Register of Deeds.
- 12 q. To maintain the outlots and private improvements on a permanent and  
13 continuous basis.
- 14 r. To keep taxes and special assessments on the outlots from becoming  
15 delinquent.
- 16 s. To maintain the plants in the medians and islands on a permanent and  
17 continuous basis.
- 18 t. To maintain the sidewalks in the pedestrian way easements on Outlot 'B',  
19 Block 1 on a permanent and continuous basis.
- 20 u. To properly and continuously maintain and supervise the private facilities  
21 which have common use or benefit, and to recognize that there may be  
22 additional maintenance issues or costs associated with providing for the  
23 proper functioning of storm water detention/retention facilities as they  
24 were designed and constructed within the development, and that these  
25 are the responsibility of the Subdivider.
- 26 v. To submit to the lot buyers and home builders a copy of the soil analysis.
- 27 w. To comply with the provisions of the Land Preparation and Grading  
28 requirements of the Land Subdivision Ordinance.
- 29 x. To protect the trees that are indicated to remain during construction and  
30 development
- 31 y. To relinquish the right of direct vehicular access from Lots 47-51, Block 9  
32 and Outlot 'D' to N. 14<sup>th</sup> St.
- 33 5. Before a final plat is approved:
- 34 a. The permittee shall complete the following instructions and submit the  
35 documents and plans to the Planning Department office for review and  
36 approval.
- 37 i. A revised site plan including 5 copies showing the following  
38 revisions:
- 39 (1) Show the existing right-of-way on N. 14<sup>th</sup> St., Humphrey  
40 Ave. and Pennsylvania Ave.

- 1 (2) Remove Lot 9, Block 19 from the CUP. Revise the  
2 boundary of the CUP. This lot is not shown within the  
3 boundary of the annexation.
- 4 (3) Show Mum Dr. extending west from Jayden Ave. as shown  
5 on the approved site plan of Special Permit #05015.
- 6 (4) Revise the future street pattern so it allows the existing  
7 houses to remain.
- 8 (5) Remove or define the symbols from Lots 23-17, Block 13  
9 and Lots 1, 3, & 4, Block 14 on the Landscape Plan.
- 10 (6) Add street trees on Crocus Dr. to the Landscape  
11 Schedule.
- 12 (7) Change the quantity of street trees for Bobby Lane.
- 13 (8) Add a note to the Landscape Plan stating that the  
14 installation of the plant material shall be by a certified  
15 landscape contractor as approved by the Parks and  
16 recreation Department.
- 17 (9) Revise the legal description on Sheet 1.
- 18 (10) Revise Note 1 on Sheet 1 to 19 blocks and 346 lots.
- 19 (11) On Sheet 1, delete "except an existing residential access  
20 for Lot 9, Block 19" from Note 10.
- 21 (12) Delete waiver #1, it is not necessary to request a waiver to  
22 a preliminary plat when doing a CUP.
- 23 (13) A future public park location shall be provided within the  
24 CUP to the satisfaction of the Parks & Recreation  
25 Department and as agreed to with the Owner. The  
26 Planning Director may deny any final plat which, prior to  
27 approval of a park location, may impair the ability of the  
28 public park to be located within the CUP.
- 29 (14) Show utility easements as requested by LES report of  
30 August 14, 2006.
- 31 (15) Make corrections to the satisfaction of Public Works and  
32 Utilities Department per their memo of August 17, 2006.
- 33 ii. Provide documentation from the Register of Deeds that the letter  
34 of acceptance as required by the approval of the special permit  
35 has been recorded.

1           b.       The construction plans comply with the approved plans.

2           6.       Before occupying the dwelling units all development and construction is to  
3 comply with the approved plans.

4           7.       All privately-owned improvements, including landscaping and recreational  
5 facilities, are to be permanently maintained by the owner or an appropriately established  
6 homeowners association approved by the City.

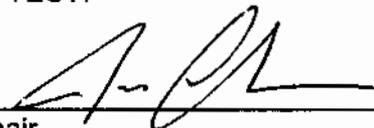
7           8.       The site plan approved by this permit shall be the basis for all interpretations of  
8 setbacks, yards, locations of buildings, location of parking and circulation elements, and similar  
9 matters.

10          9.       This resolution's terms, conditions, and requirements bind and obligate the  
11 Permittee, its successors and assigns.

12          10.      The Permittee shall sign and return the letter of acceptance to the City Clerk  
13 Clerk within 60 days following the approval of the special permit, provided, however, said 60-  
14 day period may be extended up to six months by administrative amendment. The City Clerk  
15 shall file a copy of the resolution approving the special permit and the letter of acceptance with  
16 the Register of Deeds, filling fees therefor to be paid in advance by the Permittee.

17                 The foregoing Resolution was approved by the Lincoln City-Lancaster County  
18 Planning Commission on this 27 day of September, 2006.

ATTEST:

  
Chair

Approved as to Form & Legality:

  
Chief Assistant City Attorney

**LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT**

**for AUGUST 30, 2006 PLANNING COMMISSION MEETING**

**\*\*As Revised and Adopted by Planning Commission: 9/27/08\*\***

**\*\*Resolution No. PC-01019\*\***

**PROJECT #:** Special Permit No.05015A, Hartland's Garden Valley CUP

**PROPOSAL:** To amend the boundary of the CUP by adding 4.67 acres and 23 lots.

**LOCATION:** Northwest of N. 14<sup>th</sup> St. and Fletcher Ave.

**LAND AREA:** 94.72 acres, more or less

**EXISTING ZONING:** AG, Agricultural and R-3, residential

**WAIVER /MODIFICATION REQUEST:**

1. Block length for Blocks 9 &18.
2. Average lot width from 50 feet to 41 feet
3. Lot area from 6,000 s.f. to 4,500 s.f.
4. Double frontage lots on Blocks 1 & 9.
5. Pedestrian easements in Block 9 & 18.
6. Sanitary sewer running opposite the street grade in Garden Valley Rd and North 10<sup>th</sup> St.
7. ~~Minimum flood corridor easement in Outlot 'A' and 'C'.~~ (**\*\*No waiver needed\*\***)

**CONCLUSION:** With conditions this Community Unit Plan is in conformance with the 2025 Comprehensive Plan, zoning ordinance and subdivision ordinance. There is existing urban residential to the north and east. All utilities are available to serve this project.

**RECOMMENDATION:**

Special Permit Conditional Approval

Waivers/modifications:

- |  |                                  |
|--|----------------------------------|
| 1. Block length for Blocks 9 &18.  | Approval for Block 9 only.       |
| 2. Average lot width from 50 feet to 41 feet   | Approval                         |
| 3. Lot area from 6,000 s.f. to 4,500 s.f.  | Approval                         |
| 4. Double frontage lots on Blocks 1 & 9.   | Approval                         |
| 5. Pedestrian easements in Block 9 & 18.   | Approval for Block 9 only        |
| 6. Sanitary sewer running opposite the street grade in Garden Valley Rd and North 10 <sup>th</sup> St. | Approval                         |
| 7. <del>Minimum flood corridor easement in Outlot 'A' and 'C'.</del>                                   | Denial ( <b>**Not needed**</b> ) |

**GENERAL INFORMATION:**

**LEGAL DESCRIPTION:** see attached

**EXISTING LAND USE:** Undeveloped and single family houses

**SURROUNDING LAND USE AND ZONING:**

North:	R-3, Residential	Undeveloped, Charleston Heights CUP approved for 350 units.
South:	AG, Agricultural	Single family on acreages
East:	R-3 & R-5 Residential	Single family and townhomes
West:	AG, Agricultural	Single family on acreages

**ASSOCIATED APPLICATIONS:**

Annexation #06014 and Change of Zone #06053

**HISTORY:**

January 27, 2006      Final Plat #05081, Hartland’s Garden Valley Addition to final plat 40 lots was approved by the Planning Director.

August 29, 2005      Change of Zone #05051 from AG to R-3 & R-5 southeast of N. 14<sup>th</sup> & Pennsylvania Ave. was approved by City Council.

August 1, 2005      Change of Zone #04007 from AG to R-3 & R-5 and Annexation #04001 southeast of N. 14<sup>th</sup> St & Humphrey was approved by City Council.

June 20, 2005      Annexation#05006, Change of Zone #05024 from AG to R-3 and Special Permit #05015, Hartland’s Garden Valley Community Unit Plan for 326 dwelling units was approved by City Council.

June 24, 2004      Stone Bridge Creek 1<sup>st</sup> Addition Preliminary Plat #04002 was approved by the Planning Commission.

**COMPREHENSIVE PLAN SPECIFICATIONS:**

The Lincoln/Lancaster County Land Use Plan identifies this area as residential urban and within the future service limit. (F-23)

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

Arrange of parks and open space, from tot-lots to ballfields, should be distributed within neighborhoods and be within walking distance of the residents. (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)

"Affordable housing should be distributed throughout the region to be near job opportunities and to provide housing choices within every neighborhood. Preserve existing affordable housing and promote the creation of new affordable housing throughout the community." (F-65)

**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 all residences;
3. Pedestrian orientation; shorter block lengths, sidewalks on both sides of all roads ( F-67)

Continue the City's growth policy of contiguous urban growth. Urban development will occur in areas immediately abutting the city that reflect a logical and timely extension of urban infrastructure. (F 75)

**UTILITIES:** All utilities are available

**TRAFFIC ANALYSIS:** The 2025 Comprehensive Plan identifies N. 14<sup>th</sup> St. as a minor arterial. Fletcher Ave. and Humphrey Ave. are identified as urban collectors.

**PUBLIC SERVICE:** The nearest fire station is Station 10 located at N. 14<sup>th</sup> St. and Adams St.

There are two elementary schools located about equal distance from the proposed development; Campbell Elementary located approximately at N. 22<sup>nd</sup> St. and Superior St. and Belmont Elementary located approximately at N. 14<sup>th</sup> St. and Adams St. Lincoln Public Schools has proposed constructing a new elementary school at approximately N. 14<sup>th</sup> St. and Alvo Rd.

**ANALYSIS:**

1. This application is to increase the boundary of Hartland's Garden Valley CUP by approximately 4.67 acres and increase the number of lots from 323 to 346. A change of zone and annexation are associated with this application.
2. The applicant is requesting a waiver to block length for Blocks 9 & 18. The waiver to Block 9 was previously approved with the original CUP. Planning does not support the waiver for Block 18. The approved site plan for SP #05015 showed Mum Dr. extending from Jayden Ave. to the western boundary of the development in Block 18. Mum Dr should not be deleted.
3. The applicant is requesting a waiver to pedestrian easements in Blocks 9 & 18. The waiver for Block 9 was previously approved with the original CUP. If the block waiver for Block 18 is not granted, then this waiver would not be required.
4. The applicant is requesting waivers to lot width, lot area, double frontage lots and sanitary sewer running opposite street grade were approved with the original CUP.
5. The applicant is requesting a waiver to the minimum flood corridor in Outlot 'A' & 'C'. Public Works & Utilities Department does not support this waiver. The approved site plan for SP #05015 showed a minimum flood corridor in Outlot 'A' & 'C'.

6. The proposed site plan shows parkland within Outlots 'D', 'F', 'L' and 'J'. This would result in a linear park from the southwest to the northeast portion of this development. The previous approved site plan showed the parkland within Block 6. The Parks & Recreation Department does not support the change in location for the future park.

**CONDITIONS OF APPROVAL:**

**Site Specific Conditions:**

1. This approval permits 346 dwelling units with the following waivers:
  - A. Block length for Blocks 9 & 18. (\*\*Waiver to Block 18 denied: 9/27/06\*\*)
  - B. Average lot width from 50 feet to 41 feet
  - C. Lot area from 6,000 s.f. to 4,500 s.f.
  - D. Double frontage lots on Blocks 1 & 9.
  - E. Pedestrian easements in Block 9 & 18.
  - F. Sanitary sewer running opposite the street grade in Garden Valley Rd and North 10<sup>th</sup> St.
2. The City Council approves associated request:
  - 2.1 Change of Zone #06053
  - 2.2 Annexation #06014

Final plat(s) is/are approved by the City.

If any final plat on all or a portion of the approved community unit plan is submitted five (5) years or more after the approval of the community unit plan, the city may require that a new community unit plan be submitted, pursuant to all the provisions of section 26.31.015. A new community unit plan may be required if the subdivision ordinance, the design standards, or the required improvements have been amended by the city; and as a result, the community unit plan as originally approved does not comply with the amended rules and regulations.

Before the approval of a final plat, the public streets, private roadway improvements, sidewalks, public sanitary sewer system, public water system, drainage facilities, land preparation and grading, sediment and erosions control measures, storm water detention/retention facilities, drainageway improvements, street lights, landscaping screens, street trees, temporary turnaround and barricades, and street name signs, must be completed or provisions (bond, escrow or security agreement) to guarantee completion must be approved by the City Law Department. The improvements must be completed in conformance with adopted design standards and within the time period specified in the Land Subdivision Ordinance.

Permittee agrees:

to complete the street paving of public streets, and temporary turnarounds and barricades located at the temporary dead-end of the streets shown on the final plat within two (2) years following the approval of the final plat.

to complete the installation of sidewalks along both sides of the streets and along the south side of Humphrey Ave., and the north side of Fletcher Ave. as shown on the final plat within four (4) years following the approval of the final plat.

to construct the sidewalk in the pedestrian way easements in Outlot 'B', Block 1 at the same time as Garden Valley Road is paved and to agree that no building permit shall be issued for construction on Lots 11 & 12, Block 1 until such time as the sidewalk in the pedestrian way easement is constructed.

to complete the public water distribution system to serve this plat within two (2) years following the approval of the final plat.

to complete the public wastewater collection system to serve this plat within two (2) years following the approval of the final plat.

to complete the enclosed public drainage facilities shown on the approved drainage study to serve this plat within two (2) years following the approval of the final plat.

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

to complete the installation of public street lights along streets within this plat within two (2) years following the approval of the final plat.

to complete the planting of the street trees along streets within this plat within four (4) years following the approval of the final plat.

to complete the planting of the landscape screen within this plat within two (2) years following the approval of the final plat.

to complete the installation of the street name signs within two (2) years following the approval of the final plat.

to complete the installation of the permanent markers prior to construction on or conveyance of any lot in the plat.

to complete any other public or private improvement or facility required by Chapter 26.23 (Development Standards) of the Land Subdivision Ordinance in a timely manner which inadvertently may have been omitted from the above list of required improvements.

to complete the public and private improvements shown on the Community Unit Plan.

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.

to retain ownership of and the right of entry to the outlots in order to perform the above-described maintenance of the outlots and private improvements on a permanent and continuous basis. However, Owner(s) may be relieved and discharged of such maintenance obligations upon creating in writing a permanent and continuous association of property owners who would be responsible for said permanent and continuous maintenance subject to the following conditions:

- (1) Owner shall not be relieved of Owner's maintenance obligation for each specific private improvement until a registered professional engineer or nurseryman who supervised the installation of said private improvement has certified to the City that the improvement has been installed in accordance with approved plans.
- (2) The maintenance agreements are incorporated into covenants and restrictions in deeds to the subdivided property and the documents creating the association and the restrictive covenants have been

reviewed and approved by the City Attorney and filed of record with the Register of Deeds.

to maintain the outlots and private improvements on a permanent and continuous basis.

to keep taxes and special assessments on the outlots from becoming delinquent.

to maintain the plants in the medians and islands on a permanent and continuous basis.

to maintain the sidewalks in the pedestrian way easements on Outlot 'B', Block 1 on a permanent and continuous basis.

to maintain and supervise the private facilities which have common use or benefit on a permanent and continuous basis, 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.

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

to submit to the lot buyers and home builders a copy of the soil analysis.

to comply with the provisions of the Land Preparation and Grading requirements of the Land Subdivision Ordinance.

to protect the trees that are indicated to remain during construction and development

to relinquish the right of direct vehicular access from Lots 47-51, Block 9 and Oultot 'D' to N. 14<sup>th</sup> St.

**General Conditions:**

3. Before a final plat is approved:

3.1 The permittee shall complete the following instructions and submit the documents and plans to the Planning Department office for review and approval.

3.1.1 A revised site plan including **5** copies showing the following revisions:

- 3.1.1.1 Show the existing right-of-way on N. 14<sup>th</sup> St., Humphrey Ave. and Pennsylvania Ave.
- 3.1.1.2 Remove Lot 9, Block 19 from the CUP. Revise the boundary of the CUP. This lot is not shown within the boundary of the annexation.
- 3.1.1.3 Show Mum Dr. extending west from Jayden Ave. as shown on the approved site plan of Special Permit #05015.
- 3.1.1.4 Revise the future street pattern so it allows the existing houses to remain.
- 3.1.1.5 Remove or define the symbols from Lots 23-17, Block 13 and Lots 1, 3, & 4, Block 14 on the Landscape Plan.
- 3.1.1.6 Add street trees on Crocus Dr. to the Landscape Schedule.
- 3.1.1.7 Change the quantity of street trees for Bobby Lane.
- 3.1.1.8 Add a note to the Landscape Plan stating that the installation of the plant material shall be by a certified landscape contractor as approved by the Parks and recreation Department.
- 3.1.1.9 Revise the legal description on Sheet 1.
- 3.1.1.10 Revise Note 1 on Sheet 1 to 19 blocks and 346 lots.
- 3.1.1.11 On Sheet 1, delete "except an existing residential access for Lot 9, Block 19" from Note 10.
- 3.1.1.12 Delete waiver #1, it is not necessary to request a waiver to a preliminary plat when doing a CUP.
- 3.1.1.13 ~~Revise Block 6 as shown on the approved site plan of Special Permit #05015. Show the public park in Block 6. A future public~~

park location shall be provided within the CUP to the satisfaction of the Parks & Recreation Department and as agreed to with the Owner. The Planning Director may deny any final plat which, prior to approval of a park location, may impair the ability of the public park to be located within the CUP. (\*\*Per Planning Commission: 9/27/06, at the request of the applicant and agreed upon by staff\*\*)

3.1.1.14 Show utility easements as requested by LES report of August 14, 2006.

3.1.1.15 Make corrections to the satisfaction of Public Works and Utilities Department per their memo of August 17, 2006.

3.1.2 Provide documentation from the Register of Deeds that the letter of acceptance as required by the approval of the special permit has been recorded.

3.2 The construction plans comply with the approved plans.

**Standard Conditions:**

4. The following conditions are applicable to all requests:
  - 4.1 Before occupying the dwelling units all development and construction is to comply with the approved plans.
  - 4.2 All privately-owned improvements, including landscaping and recreational facilities, are to be permanently maintained by the owner or an appropriately established homeowners association approved by the City.
  - 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 60 days following the approval of the special permit, provided, however, said 60-day period may be extended up to six months by administrative amendment. The City 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.

5. The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all resolutions approving previous permits remain in force unless specifically amended by this resolution.

Prepared by

Tom Cajka  
Planner

**DATE:** August 17, 2006

**APPLICANT:** ESP on behalf of Hartland Homes  
601 Old Cheney Rd Suite 'A'  
Lincoln, NE 68512

**OWNER** Hartland Homes, Inc.  
PO Box 22787  
Lincoln, NE 68542  
(402) 477-6668

**CONTACT:** Marcia Kinning  
ESP  
601 Old Cheney Rd. Suite 'A'  
Lincoln, NE 68512  
(402) 421-2500

**ANNEXATION NO. 06014,  
CHANGE OF ZONE NO. 06053,  
and  
SPECIAL PERMIT NO. 05015A,  
AMENDMENT TO THE HARTLAND'S GARDEN VALLEY  
COMMUNITY UNIT PLAN**

**PUBLIC HEARING BEFORE PLANNING COMMISSION:**

August 30, 2006

Members present: Cornelius, Sunderman, Taylor, Larson, Krieser, Carroll, Esseks and Carlson; Strand absent.

Staff recommendation: Deferral

Ex Parte communications: None.

The Clerk announced that the applicant has requested that this proposal be deferred for four weeks.

Carroll made a motion to defer, with continued public hearing and action scheduled for September 27, 2006, seconded by Taylor and carried 8-0: Cornelius, Sunderman, Taylor, Larson, Krieser, Carroll, Esseks and Carlson voting 'yes'; Strand absent.

There was no public testimony.

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

September 27, 2006

Members present: Strand, Cornelius, Sunderman, Taylor, Larson, Krieser, Carroll, Esseks and Carlson.

Ex Parte Communications: None.

Staff presentation: Tom Cajka of Planning staff presented this proposal for an expansion of an already existing community unit plan to add 23 lots.

The waiver of minimum flood corridor in Outlots A and C is no longer necessary. Watershed Management has determined that there is no defined bed and bank in that area and therefore the minimum flood corridor waiver is not needed.

With regard to location of the park, there have been ongoing discussions between the developer and the Parks Department and, at this time, an exact location has not been determined. Peter Katt will be submitting a motion to amend to address this issue.

The staff is recommending that the waiver of block length for Block 18 not be granted. The previously approved plan shows Mum Drive coming off of Jayden Avenue. The proposed plan does not show this street. Planning staff does not support this block length waiver because the connection is needed to adequately develop the property to the west. Mr. Spilker, the owner of the property to the west, believes this connection will increase costs. Cajka then showed sketches of the area showing the street extension and showing it without the street extension. Mum Drive would allow the development of 33 lots. Without Mum Drive extended, there would still be a total of 33 lots, extending the cul-de-sac. If the cul-de-sac is extended up to Bobby Drive, there is still an extra length of pavement, as opposed to a shorter cul-de-sac. Extending Mum Drive results in about 40 feet of additional pavement. Staff does not believe the requirement for this street will result in the loss of any lots and it will help development of the property to the west. This street connection complies with the Comprehensive Plan recommendation for shorter block lengths and more accessibility.

### Proponents

1. **Peter Katt** appeared on behalf **Hartland Homes**, the applicant for this project, indicating that the only issue that is not resolved is the waiver of block length for Block 18 and he requested that Condition #3.1.1.3 be deleted.

Katt agreed that the issue on the minimum flood corridor has been resolved.

With regard to the park, Katt submitted a motion to amend Condition #3.1.1.13 as follows:

~~Revise Block 6 as shown on the approved site plan of Special Permit #05015. Show the public park in Block 6.~~ A future public park location shall be provided within the CUP to the satisfaction of the Parks & Recreation Department and as agreed to with the Owner. The Planning Director may deny any final plat which, prior to approval of a park location, may impair the ability of the public park to be located within the CUP.

The park was originally located in a detention area, but then Parks decided it was not a location they wanted. The developer and the Parks Department have had ongoing discussions about where to relocate the park. Katt believes that the Parks Director plans to do some engineering work in Outlot B to try to take advantage of the commons area. That will enable Parks to spend the impact fee dollars on improving the park as opposed to buying the land.

With regard to the street connection (Condition #3.1.1.3), Katt reminded the Commission that Mr. Spilker had asked that this street connection be deleted in the past. Katt then showed an aerial of the property, depicting the current natural drainageways. While staff has correctly shown how a cul-de-sac could be extended further, the practical realities would indicate, because of the drainage swale and the property to the south (which is the Spilker current residence), that the Mum Drive connection is not needed. The current block length is measured along Bobby Drive. The total block length is 1,768 feet. The standard is 1,320 feet. Katt informed the Commission that the developer has agreed to put in a pedestrian easement at one of two locations to solve the block length problem. That would reduce the block length to 1,228. However, staff did not indicate that a pedestrian easement area would satisfy their concerns.

Esseks inquired about what to do with the problem of connectivity westward. It looks as though Bobby Drive couldn't do it. It looks as though the properties west of there are 5-10 acres. Katt believes that, in general, the properties to the west are approximately 5-acre parcels and there are a number of development scenarios that could occur on those properties. Pennsylvania Avenue goes through; Bobby Lanes cuts across; and presumably there will be a connection required "over into this area" at some point. All of the areas on the northern portion of the Spilker property each have access to 7<sup>th</sup> Street. He suspects that there will be another connection from Fletcher into this area that will need to be coordinated. Katt believes there are sufficient opportunities to provide more than adequate access to adequately protect connectivity in the neighborhood as it continues to develop.

Esseks confirmed that Katt's client is opposed to Mum Drive. Katt agreed, stating that it is an expensive road to build because you need to cross a green space. The primary objection to building Mum Drive is the cost, with no real additional lot yield and very little benefit to the overall future development.

Carroll inquired whether the alternative for the pedestrian access easement would be up by Lot 12 and going west, which he believes runs right into the drainage way. Katt suggested that the specific location would need to stay out of the drainage way coming out of the Spilker property. Carroll thinks this would be difficult. Katt noted that Mr. Spilker had an engineer draw the potential scheme a year ago. It is difficult to identify a specific location until Mr. Spilker does something. Obviously the key on this one, given the fact that it is a common area, would be to identify the connection on this plat to be able to get to Jayden Avenue. They will need to meet ADA standards and there is the grade of the ditch. That's why he thinks the preferable location is the one that connects Jayden to Fletcher. That is in an existing LES easement area.

Carroll inquired as to how severe the drainage is going north and south through Outlot K. Katt believes the acres that drain are under 160, but more than 80. It is not an inexpensive one to cross but it is not Salt Creek.

There was no testimony in opposition.

#### Staff response

With regard to the block length, Cajka does not believe the pedestrian easement is really the issue. Pedestrian easements are required if a block length is over 1,000 feet. This is over 1,320 feet. The issue here is more of how do you set up for development for the property to the west and have more connectivity and accessibility into the development? Staff believes that the extension of Mum Drive is important for that purpose. Cajka then demonstrated how this could occur. If you only have Bobby Drive extended to the west, there is probably at least a chance for one more street to come off of Fletcher west of the Spilker property. There will be a long ways coming to Bobby Drive before you can make any kind of other movements into the development. Mum Drive would give another access point off of another north/south street. It is 1,255 feet from Fletcher to Pennsylvania Avenue.

Cajka agreed with the proposed amendment to Condition #3.1.1.13 regarding the location of the park.

Rebuttal by the Applicant

Katt stated that the purpose of waivers and standards is to have rules apply to specific locations. This is unique. We are in an area that has existing acreage development that has been there for a long time, and we have drainageways that criss-cross all the way through here.

He believes the public interests are protected by granting a waiver under these unique circumstances.

**ANNEXATION NO. 06014**

**ACTION BY PLANNING COMMISSION:**

September 27, 2006

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

**CHANGE OF ZONE NO. 06053**

**ACTION BY PLANNING COMMISSION:**

September 27, 2006

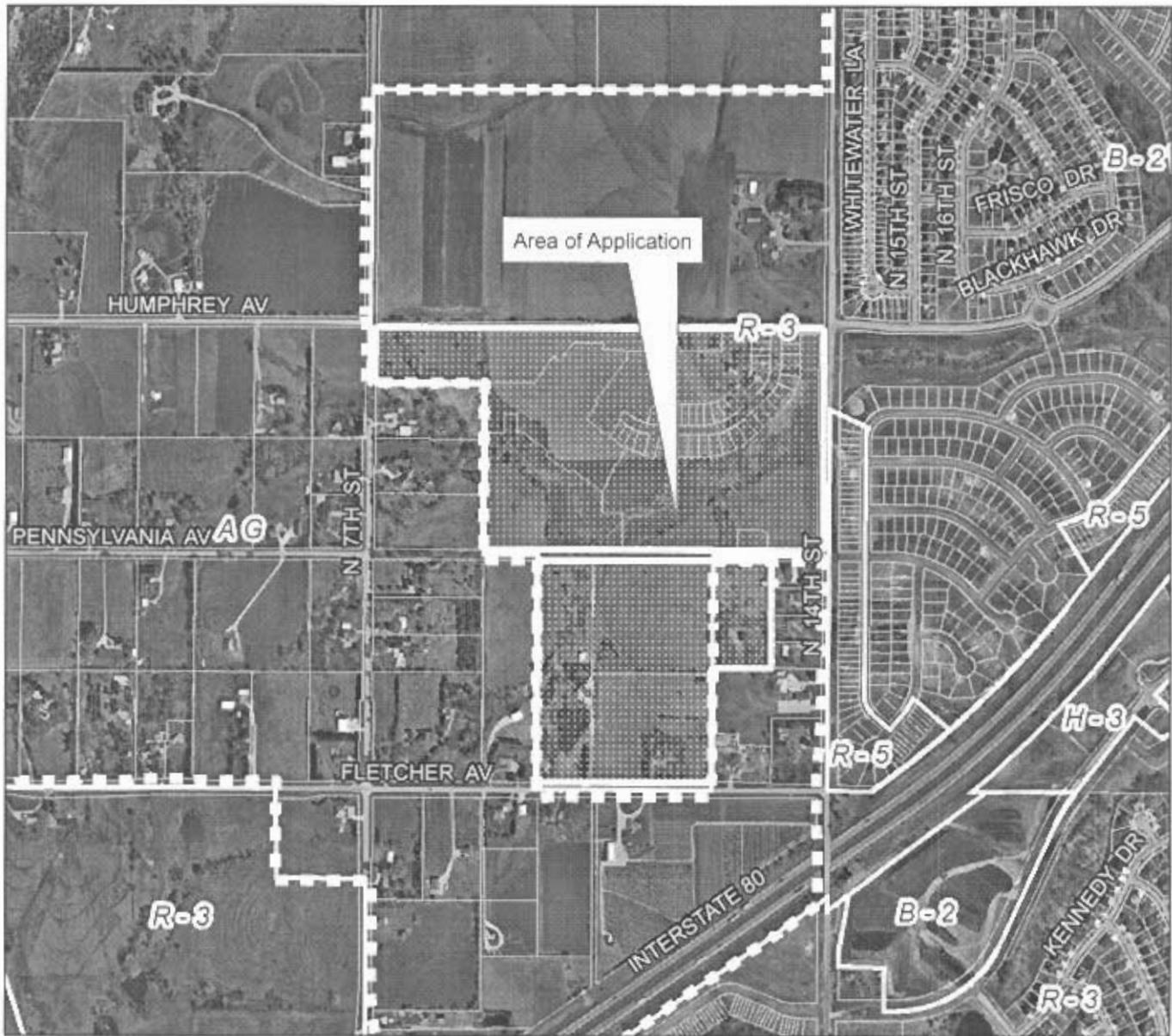
Carroll moved approval, seconded by Larson and carried 9-0: Strand, Cornelius, Sunderman, Taylor, Larson, Krieser, Carroll, Esseks and Carlson voting 'yes'. This is a recommendation to the City Council.

**SPECIAL PERMIT NO. 05015A**

**ACTION BY PLANNING COMMISSION:**

September 27, 2006

Carroll moved to approve the staff recommendation of conditional approval, with amendment to Condition #3.1.1.13 (location of the park), as requested by the applicant, seconded by Taylor and carried 9-0: Strand, Cornelius, Sunderman, Taylor, Larson, Krieser, Carroll, Esseks and Carlson voting 'yes'. (The Planning Commission did not grant the block length waiver for Block 18.) This is final action, unless appealed to the City Council within 14 days.



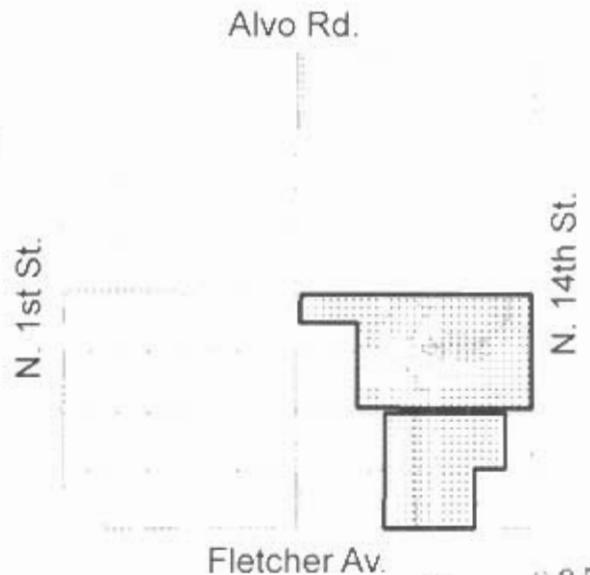
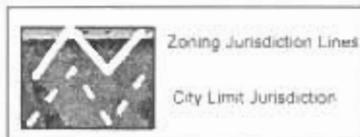
**Special Permit #05015A**  
**N. 14th St. and Humphrey Ave.**

2005 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. 35 T11N R06E



Fletcher Av.

# HARTLAND'S GARDEN VALLEY

SPECIAL PERMIT #05015A

## LEGAL DESCRIPTION:

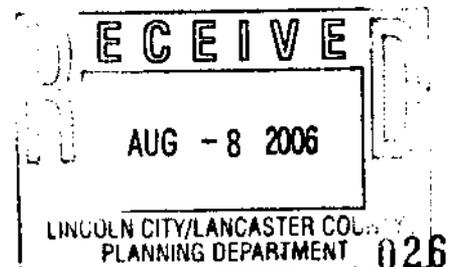
Lots 1 through 4, Block 1, Lots 1 and 4, Block 2 and the North Half of Lot 2, Block 2, and That part of North 11th Street which lies between Blocks 1 and 2, Garden Valley, Located in the Southeast Quarter of Section 35, Township 11 North, Range 6 East of the 6th. P.M., Lincoln, Lancaster County Nebraska, and more particularly described as follows:

Beginning at the Northeast corner of said Block 1; thence along the East line of said Block, said line also being the West Right-of-Way line of North 14th Street S 00°12'41" W a distance of 1267.75' to the Southeast corner of said Block 1; thence along the North Right-of-Way line of Southwick Avenue, now known as Pennsylvania Avenue, N 89°51'18" W a distance of 1946.44' to the Southwest corner of said Lot 4, Block 2; thence along the West line of said Lots 4 and 1, N 00°21'42" E a distance of 949.20' to a point on the West line of said Lot 1; thence N 89°54'10" W a distance of 626.06' to a point on the East line of said Lot 2; thence along said line, said line also being the East Right-of-Way line of North 7th Street N 00°25'29" E a distance of 316.23' to the Northwest corner of said Lot 2, Block 2; thence along the North line of said Blocks 2 and 1, said line also being the South Right-of-Way line of Humphrey Avenue S 89°55'07" E a distance of 2568.83'; to the point of beginning, having an area of 2661359.87 square feet or 61.096 acres, more or less.

and

Lot 2 and Lot 3 except the South 7.00 feet and part of Lot 1, Block 4, and the East Half of Lots 1 and 4 except the South 7.00 feet, Block 3, and That part of North 11th Street which lies between Blocks 3 and 4, Garden Valley, Located in the Southeast Quarter of Section 35, Township 11 North, Range 6 East of the 6th. P.M., Lincoln, Lancaster County Nebraska, and more particularly described as follows:

Beginning at the intersection of the East line of said Lot 3, Block 4 and the North Right-of-Way line of Fletcher Avenue; thence along the North Right-of-Way line of Fletcher Avenue N 89°46'39" W a distance of 1004.56' to a point on the North Right-of-Way line of Fletcher Avenue; thence N 00°18'05" E a distance of 1255.54' to a point on the North line of said Lot 1, Block 3; thence along the North line of said Blocks 3 and 4, said line also being the South Right-of-Way line of Southwick Avenue S 89°51'18" E a distance of 1342.15' to the Northeast corner of said part of Lot 1, Block 4; thence S 00°12'48" W a distance of 151.19'; thence S 00°11'45" W a distance of 449.85'; thence N 89°34'03" W a distance of 339.30'; thence along the East line of said Lot 3, Block 4 S 00°21'07" W a distance of 374.41'; thence S 00°06'04" W a distance of 283.15' to the point of beginning, having an area of 1,464,414.04 square feet or 33.62 acres, more or less.



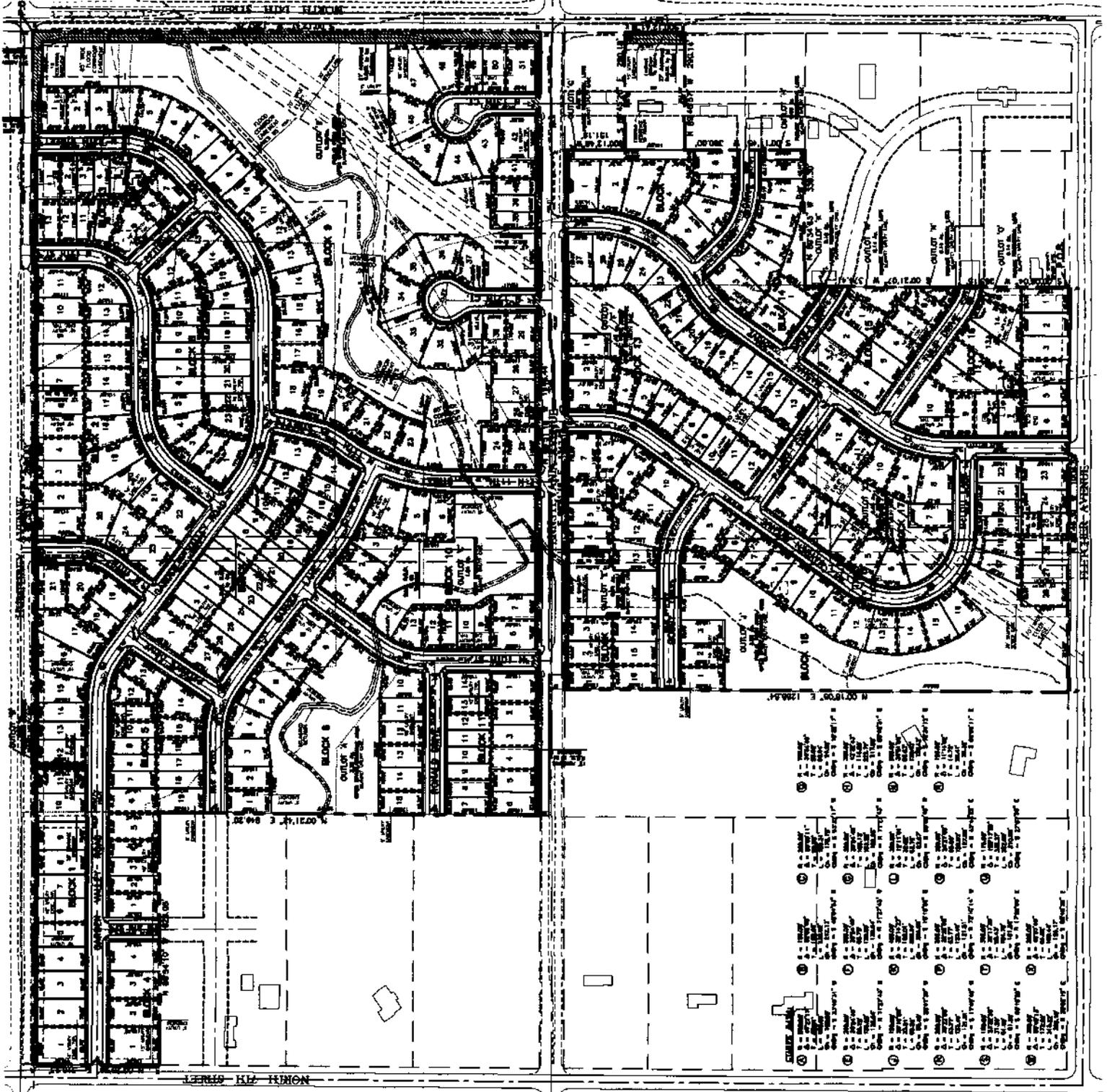
# HARTLAND'S GARDEN VALLEY

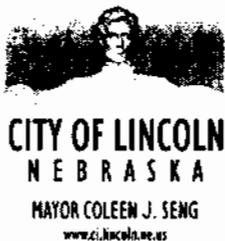
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AUG - 3 2006

LINCOLN CITY/LANCASTER CO.  
PLANNING DEPARTMENT

NT





**PUBLIC WORKS AND  
UTILITIES DEPARTMENT**

**Memorandum**

**Date:** 7/17/2006

**To:** Tom Cajka

**From:** Devin Biesecker

**Subject:** Hartland's Garden Valley

**cc:** Ben Higgins, Chad Blahak

---

Below are Watershed Management's comments for the Hartland Garden Valley Special Permit.

1. Watershed Management does not agree with the request for a waiver of the Minimum Flood Corridor standard for outlots A and C if the stream in this area has a defined bed and bank. If a bed and bank are not present supporting documentation must be submitted to Public Works and Utilities showing that the stream does not meet the bed and bank requirement. If a bed and bank are present a waiver will be considered if it can be shown that stormwater improvements made in this development equal or exceed the benefits from a Minimum Flood Corridor easement along the stream in outlots A and C. A Minimum Flood Corridor easement along these areas aides in stormwater flood protection, serves as a benefit to water quality, will help to protect homeowner's lots if the stream were to shift, and will serve as a maintenance access if any work would need to be done on the stream in the future.

# Memorandum

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**To:** Tom Cajka, Planning Department

**From:** Chad Blahak, Public Works and Utilities  
Dennis Bartels Public Works and Utilities

**Subject:** Hartland Garden Valley sp05015A cz06053 an06014

**Date:** August 17, 2006

**cc:**

Engineering Services has reviewed the submitted plans for the Hartlands Garden Valley Special Permit, located west of North 14<sup>th</sup> street between Fletcher and Humphrey Avenue and has the following comments:

**Sanitary Sewer** – The following comments need to be addressed.

(1.1) The existing lot, shown as Lot 9 Block 19 on this plat and annexation, does not meet subdivision requirements as it does not have abutting sewer and water.

**Water Main** - The following comments need to be addressed.

(2.1) The existing lot, shown as Lot 9 Block 19 on this plat and annexation, does not meet subdivision requirements as it does not have abutting sewer and water.

**Grading/Drainage** - The following comments need to be addressed.

(3.1) Public Works does not approve the requested waiver of design standards for flood corridor in Outlots A and C as there is no justification provided and there does not appear to be a why the flood corridor in question should not be maintained.

**Streets/Paving** - The following comments need to be addressed.

(4.1) Public Works does not approve the requested waiver of design standards for block length to remove Mum Drive. There is does not appear to be sufficient justification for the waiver.

(4.2) A note needs to be added to the site plan generally stating that the access to N 14<sup>th</sup> Street from the existing lot, shown as Lot 9 Block 19 on this plat, will be removed at such time as the lot is further subdivided.

**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.

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"Sgt. Don Scheinost"  
<lpd798@CJIS.CI.LINCOLN.  
NE.US>

08/22/2006 09:12 AM

To Tom Cajka <TCajka@ci.lincoln.ne.us>

cc

bcc

Subject Hartland's Garden Valley CUP - Special Permit #SP05015A /  
Change of Zone #CZ06053 / Annexation #AN06014

Mr. Cajka,

With Planning requiring Mum Drive be shown as previously approved, and the waiver to the block length denied, the Lincoln Police Department does not object to Hartland's Garden Valley CUP.

Sergeant Don Scheinost, #798  
Lincoln Police Department  
Management Services  
(402) 441-7215  
[lpd798@ciis.ci.lincoln.ne.us](mailto:lpd798@ciis.ci.lincoln.ne.us)



**DATE** August 14, 2006  
**TO:** Tom Cajka, City Planning  
**FROM:** Sharon Theobald (Ext. 7640) *ST*  
**SUBJECT:** DEDICATED EASEMENTS  
DN #64N-11E

AN#06014  
CZ#06053  
SP#05015A

Attached is the Site Plan for Hartland's Garden Valley.

**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 over all of the Outlots.

As already indicated in General Notes #15 and #20:

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

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

ST/ss  
Attachment  
c: Terry Wiebke  
Easement File

Status of Review: Approved

08/12/2006 2:06:07 PM

Reviewed By Health Department

ANY

Comments: LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT  
INTER-OFFICE COMMUNICATION

TO: Tom Cajka DATE: August 12, 2006

DEPARTMENT: Planning FROM: Chris Schroeder  
ATTENTION: DEPARTMENT: Health

CARBONS TO: EH File SUBJECT: Hartland's Garden  
EH Administration Valley CUP CZ #06053  
SP #05015A  
AN #06014

The Lincoln-Lancaster County Health Department (LLCHD) has reviewed this proposed development with the following noted:

The LLCHD notes that noise pollution from Interstate 80 may impact this proposed residential development. The LLCHD advises that the Nebraska Department of Roads I-80 Upgrade Draft Environmental Assessment be consulted relative to the predicted noise contours for this area. This noise contour data should be used along with referencing LMC 8.24 Noise Control Ordinance for what are acceptable residential zoning noise standards to establish an appropriate buffer that will protect future residential populations from Interstate 80 noise pollution. The applicant does not provide a buffer from I-80 noise pollution. However, measures may be used, such as earthen berms, to reduce the impact of noise pollution from Interstate 80.

All wind and water erosion must be controlled during construction. The Lower Platte South Natural Resources District should be contacted for guidance in this matter.

During the construction process, the land owner(s) will be responsible for controlling off-site dust emissions in accordance with Lincoln-Lancaster County Air Pollution Regulations and Standards Article 2 Section 32. Dust control measures shall include, but not limited to application of water to roads, driveways, parking lots on site, site frontage and any adjacent business or residential frontage. Planting and maintenance of ground cover will also be incorporated as necessary.

Status of Review: Active

Reviewed By Law Department

ANY

Comments:

Status of Review: Active

Reviewed By Lincoln Electric System

ANY

Comments:

Status of Review: Active

Reviewed By Lincoln Police Department

ANY

Comments:

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Status of Review: Denied

08/08/2006 10:00:19 AM

Reviewed By Parks & Recreation

ANY

Comments: 1. All outlot areas to be maintained by the developer and/or future homeowners association.

The large 2.8 acre outlot in Block, B, northwest of 10th & Ronald Drive is the location of the proposed neighborhood park. The park would also have frontage on Barker Lane to the north. The Parks Department regards the proposal of outlot D, F, L & J and the increase from 2.85 to 15.54 acres for park land.

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Status of Review: Routed

Reviewed By Planning Department

COUNTER

Comments:

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Status of Review: Complete

Reviewed By Planning Department

RAY HILL

Comments:

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Status of Review: Active

Reviewed By Planning Department

TOM CAJKA

Comments:

---

034



**LYLE L. LOTH, P.E./L.S.**

August 21, 2006

Suite A - 601 Old Cheney Road  
Lincoln, NE 68512

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

Phone (402) 421-2500  
Fax (402) 421-7096

Email: lyle@espeng.com

**RE: HARTLAND'S GARDEN VALLEY - SPECIAL PERMIT #05015A  
ANNEXATION & CHANGE OF ZONE**

Dear Marvin,

On behalf of Hartland Homes, Inc, we have submitted the above mentioned applications for your review. The applications are scheduled on the Planning Commission Agenda for August 30, 2006. In my previous application letter I neglected to include the number of single family residential lots being added to the subdivision. The previously approved site plan of the subdivision stated 323 lots and the current submittal includes 346 lots. The total number of lots being added is 23, according to the approved site plan.

Through discussions with the Planning Department, we have modified the future layout of lots on the adjacent property in the southeast corner of the project. We are not including the existing residence along North 14<sup>th</sup> Street, since the existing residence is already located on its own lot. The total area added to the original subdivision is 4.67 acres. The legal descriptions have been revised and already sent to the Planning Department a few weeks ago. The new layout will allow the existing residences to remain when that area is further developed.

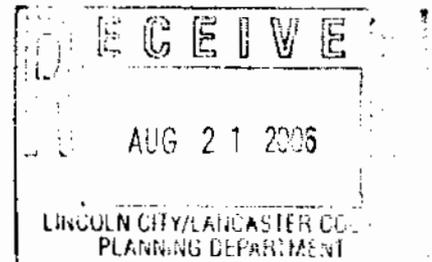
Please feel free to contact me if you have any further questions.

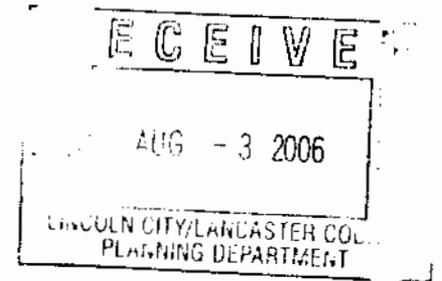
Sincerely,

Marcia L. Kinning

Cc. Duane Hartman- Hartland Homes  
Peter Katt

Enclosures: 8-1/2" x 11" reductions of the plans





August 2, 2006

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

**LYLE L. LOTH, P.E./L.S.**

Suite A - 601 Old Cheney Road  
Lincoln, NE 68512

Phone (402) 421-2500  
Fax (402) 421-7096

Email: lyle@espeng.com

**RE: HARTLAND'S GARDEN VALLEY – SPECIAL PERMIT #05015A  
ANNEXATION & CHANGE OF ZONE**

Dear Marvin,

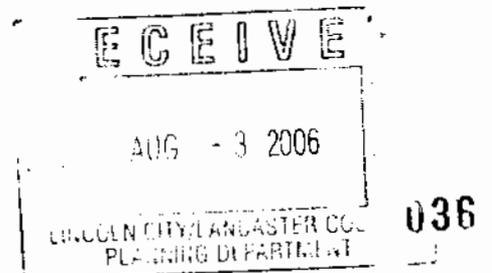
On behalf of Hartland Homes, Inc, we are submitting the above mentioned applications for your review. With this amendment, we are adding area in the southeast corner to the special permit boundary. The property being added has an existing residence and driveway to North 14<sup>th</sup> Street which we are requesting to remain. The total number of acres added is 5.67 acres making the total area within the special permit 95.72 acres. We are proposing a change of zone from 'AG' to 'R-3' on the added parcel and are asking for annexation at this time.

Through the final plat application of Hartland's Garden Valley 1<sup>st</sup> Addition, it has come to our attention that the grading in the northwest corner of Pennsylvania and North 14<sup>th</sup> Street is not satisfactory. We have shown revisions to the grading in this area and believe this will meet the requirements to allow the lots along North 14<sup>th</sup> Street to be platted at this time.

We have been working with the developer to the north of Humphrey Avenue and have shown the revised grading to match the proposed development. The storm sewer has also been modified to reflect the grading modifications.

We are also asking for a couple of modifications to the approved waivers.

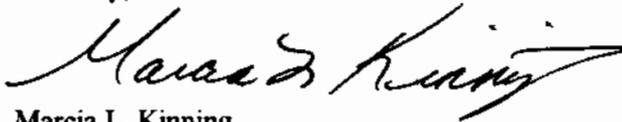
1. Through discussions with the neighbor to the southwest of the property and the desire to maintain the natural environment, we are requesting to remove Mum Drive from the plans and ask for a waiver of block length in Block 18. The removal of this access to the southwest will allow the adjacent owner to develop his property in a sufficient manor.
2. We are under the understanding that the minimum flood corridor easement can be waived if the drainage area is less than 640 acres. Due to this, we are requesting a waiver of the minimum flood corridor easement in Outlot 'A' and Outlot 'C'. An easement remains in Outlot 'D' for the flood corridor as approved.



The public park area which was approved in Outlot 'A' has been relocated to Outlots 'D', 'F', 'L' & 'J'. The total proposed public park area has increase to 15.54 acres from 2.85 acres as previously approved. The proposed park area is located centrally and runs diagonally through the subdivision allowing access to many homeowners through their back yards. The mowing of the public park area by the homeowners association could be provided should the Parks and Recreation Department find that to be desirable.

Please feel free to contact me if you have any further questions.

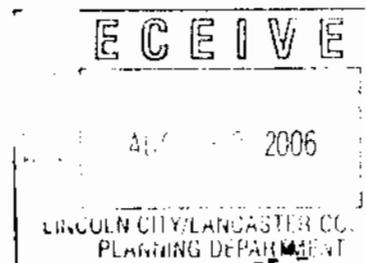
Sincerely,



Marcia L. Kinning

cc. Duane Hartman- Hartland Homes  
Peter Katt

Enclosures: 24 copies of Sheet 1 of 12  
8 copies of Sheets 2 thru 12 of 12  
Application for a Special Permit, Change of Zone  
Change of Zone Fee of \$370.00  
Special Permit Fee of \$775.00  
Change of Zone Exhibit  
Legal Descriptions  
2 Copies of Wetland Determination Report  
Certificate of Ownership  
8-1/2" x 11" reductions of the plans



037

**MOTION TO AMEND**

**Special Permit #05015A  
Hartland's Garden Valley CUP**

Approve the Block length waiver for Block 18 by deleting 3.1.1.3.

**General Conditions:**

Delete 3.1.1.3:

Show Mum Dr. extending west from Jayden Ave. as shown on the approved site plan of Special Permit #05015.

Amend 3.1.1.13 to read as follows:

A future public park location shall be provided within the CUP to the satisfaction of the Parks & Recreation Department and as agreed to with the Owner.

*The Planning Director may deny any final plat, which, prior to approval of a park location, may impair the ability of the public park to be located within the CUP.*

A  
Nee map  
7001 NT

1235400004000

N 7TH

Spilker

711 6 600 1/2

FLEICHER

OGDEN

KING

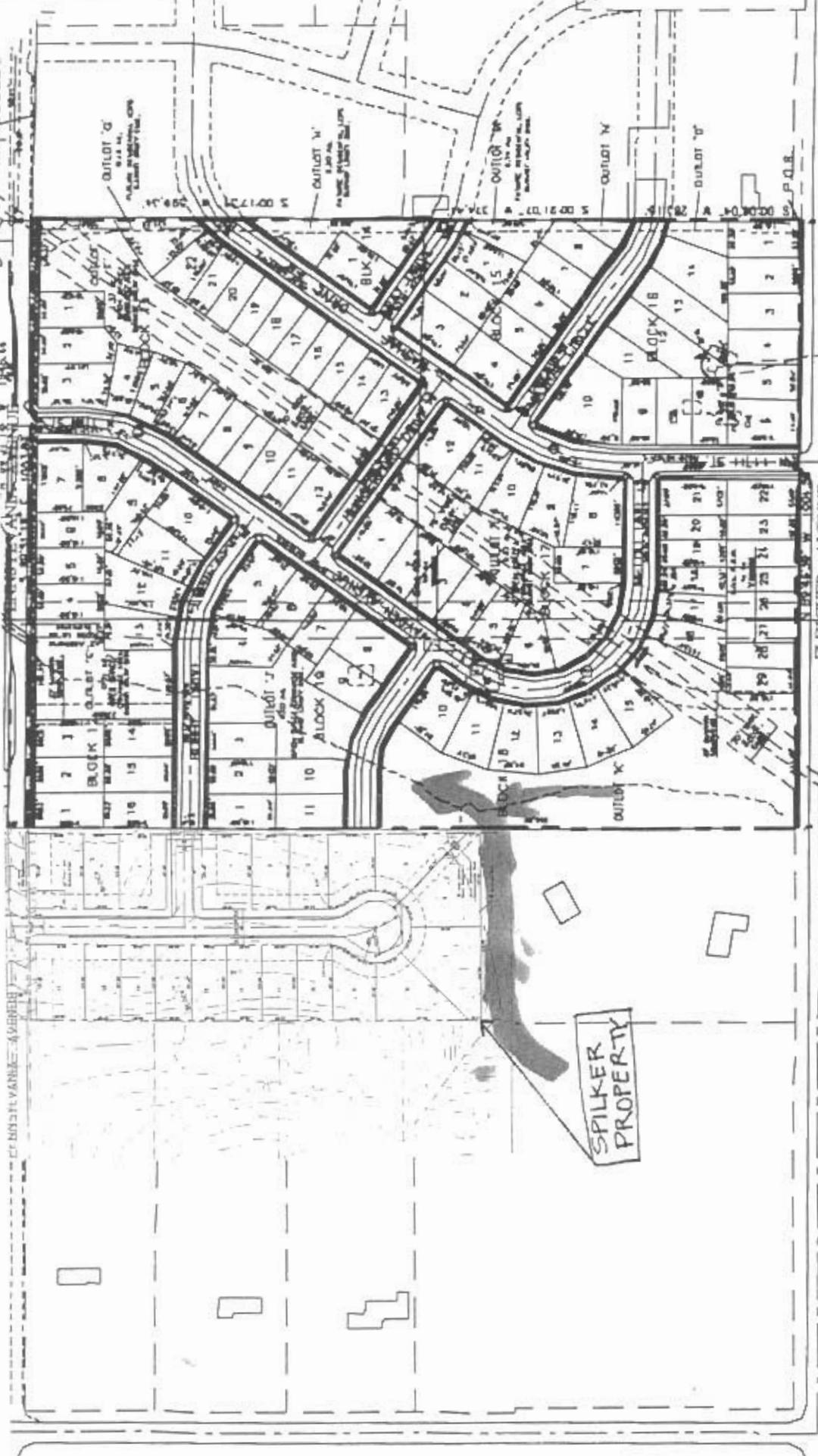
Spilker  
200 1/2

Veget

D Spilker

700 1/2 +  
lots

(1)

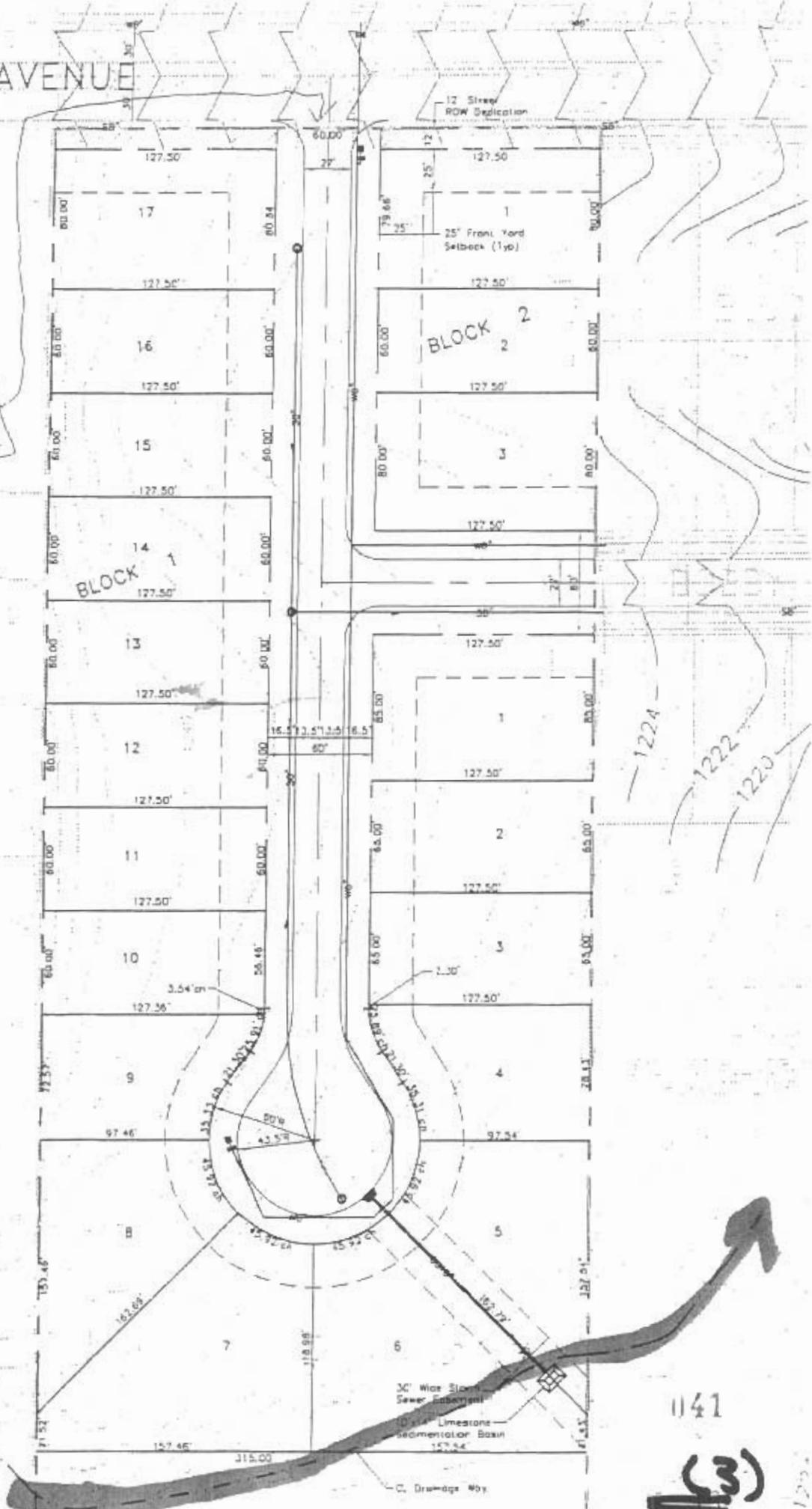


040-

112

# PENNSYLVANIA AVENUE

Exhibit 2 - one option  
 for development of  
 property to west  
 of applicant.  
 Need left turn  
 from Pennsylvania  
 Ave.



1224  
 1222  
 1220

041

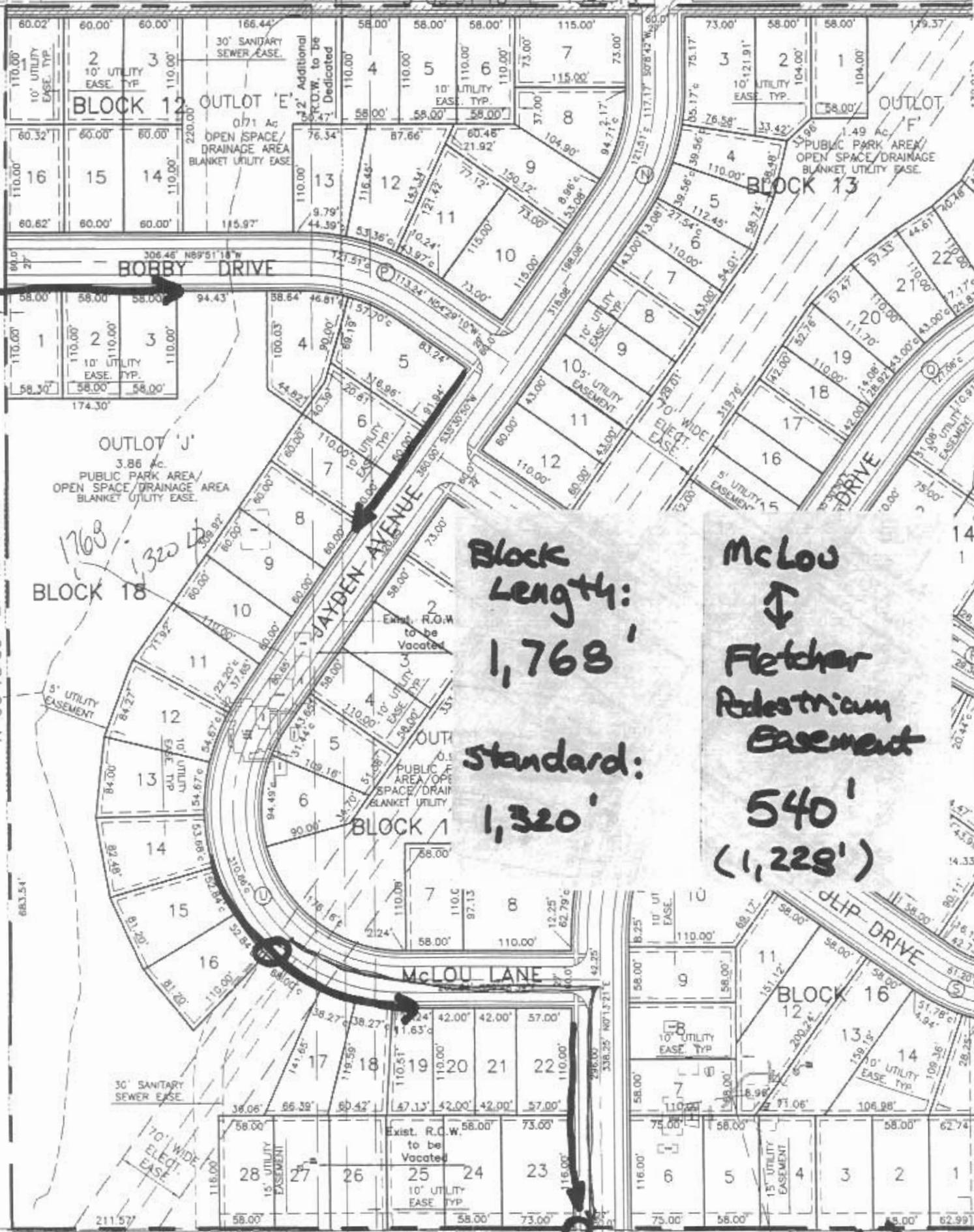
(3)

1292

PENNSYLVANIA AVENUE

N 89°51'18" W 1946.44'

S 89°51'18" E 1342.15'



Block Length:  
1,768'  
Standard:  
1,320'

McLou  
↕  
Fletcher  
Pedestrian  
Easement  
540'  
(1,228')

FLETCHER AVENUE

N 89°46'39" W 1004.00'

(4)

SUPPORT OF BLOCK LENGTH  
WAIVER FOR BLOCK 18

ITEM NO. 5.1c: SPECIAL PERMIT NO. 05015A  
(p.131 - Cont'd Public Hearing - 09/27/06)



"Keith Spilker"  
<knjspilker@hotmail.com>  
09/22/2006 02:38 PM

To plan@lincoln.ne.gov  
cc  
bcc

Subject September 27 Planning Commission Agenda item - special  
permit 05015A,Hartland's

I would like to submit the following comments into the record of this matter. The request for block length waiver for Block 18 should be approved. My home is located adjacent to the southwest boundary of this development.

The addition of Mum Drive creates two stubs into my property that are 220 feet apart. Mum Drive constrains development of my property by increasing costs and reducing the number of potential lots. It is estimated that additional costs of \$50,000-\$75,000 would be incurred.

Mum Drive also has negative consequences for the CUP. The street would be constructed across an existing natural drainage area. Green space and trees would be lost in the process. Both of these items are highly desirable in any neighborhood. Their loss would be a loss to the current and future residents of the area.

In summation, the request for block length waiver on Block 18 should be approved. Far more is lost if the waiver is denied than would be gained. The natural environment of the area changes with the loss of trees and green space. In addition, costs for this CUP and development of future adjacent properties are increased. All that is gained is for motorists and pedestrians to save 220 feet before moving in a westwardly direction. In the end a block length waiver seems like a reasonable compromise for all involved.

Thank you for considering this viewpoint.

Keith Spilker  
900 Fletcher Ave.  
Lincoln, NE 68521

OPPOSITION

ITEM NO. 4.2a,b,c: ANNEXATION NO. 06014  
CHANGE OF ZONE NO. 06053



"Beth Eckles"  
<beckles@dnr.ne.gov>

08/24/2006 10:35 AM

Please respond to  
<beckles@dnr.ne.gov>

To <plan@lincoln.ne.gov> (p.87-public hearing-8/30/06)

cc

bcc

Subject: Objections

City of Lincoln, Planning Commission:

I object to the following applications:

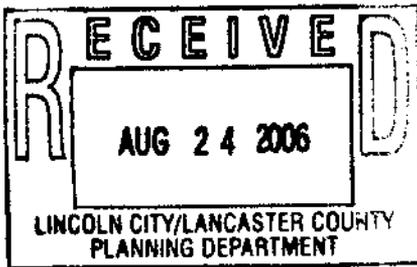
Annexation No 06014

Change of Zone No 06033

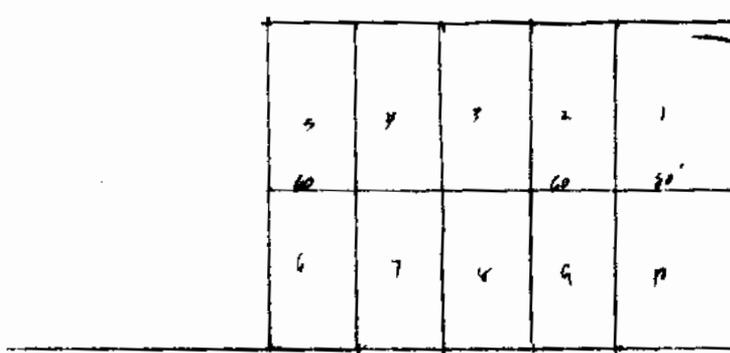
Special Permit No 05015A

This objection is based on the fact that I am a homeowner in the area, and believe that any proposed lots should conform to the city standards. The builder has no justification other than to increase profits, while other builders in the area are conforming. Why have standards if they are so easily waived? Thank you for your consideration

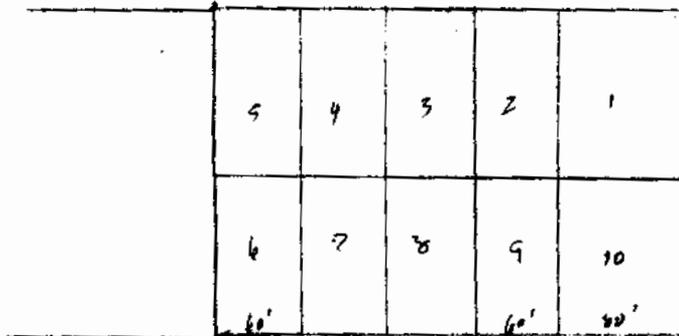
Beth Eckles  
1600 Frisco Drive  
Lincoln NE 68521  
402-477-1015



Pennsylvania Ave



Bobby Dr.

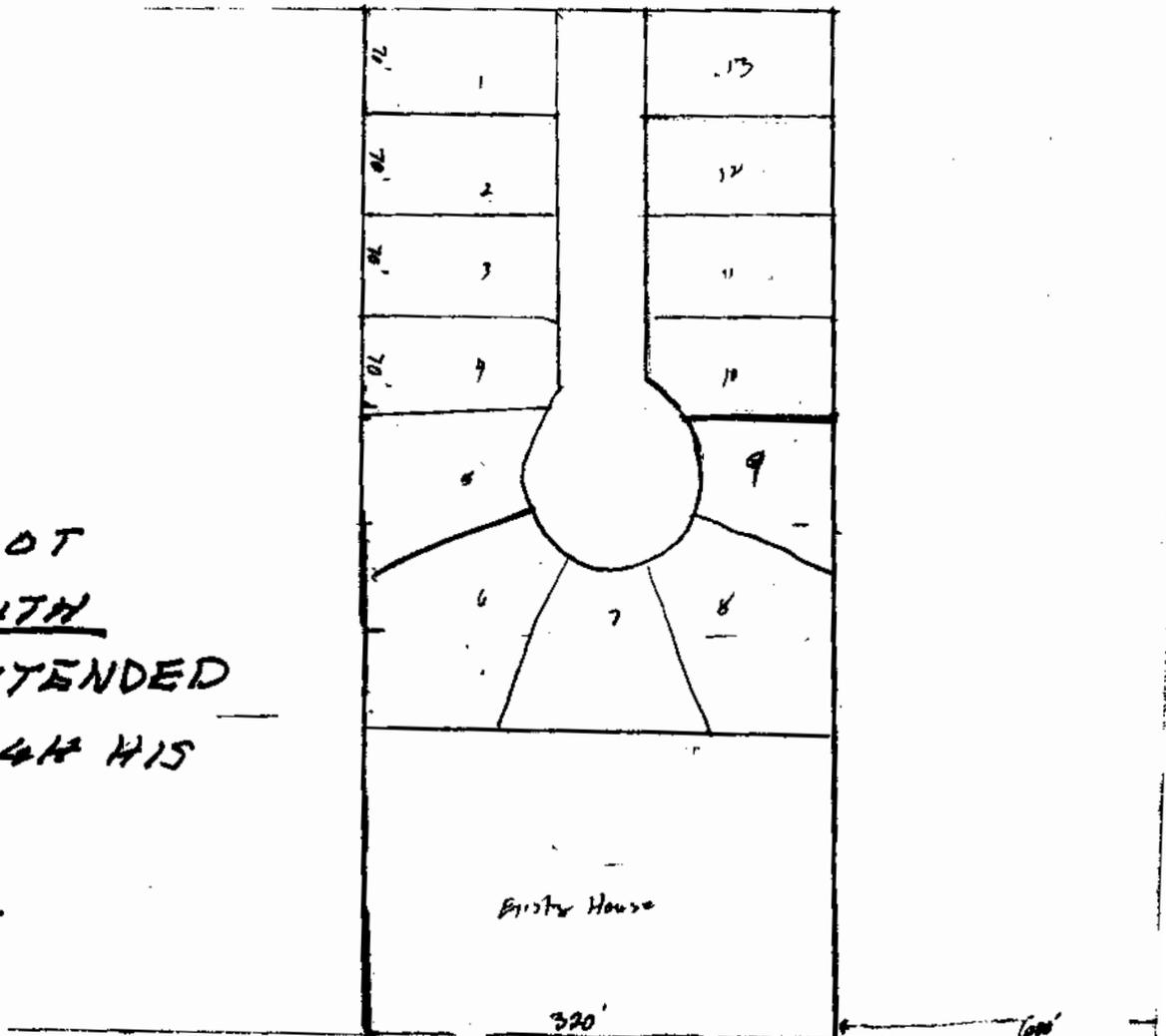


Extend width  
200' if Mum  
is not 300'

Mum Dr = 32'

lots 33 with bus.

Mum Dr.



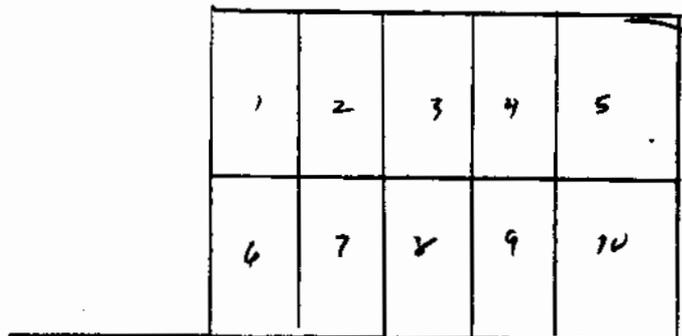
SILKER LOT  
LAYOUT WITH  
MUM DR EXTENDED  
TO & THROUGH HIS  
PROPERTY.

33 LOTS

Fletcher Ave.

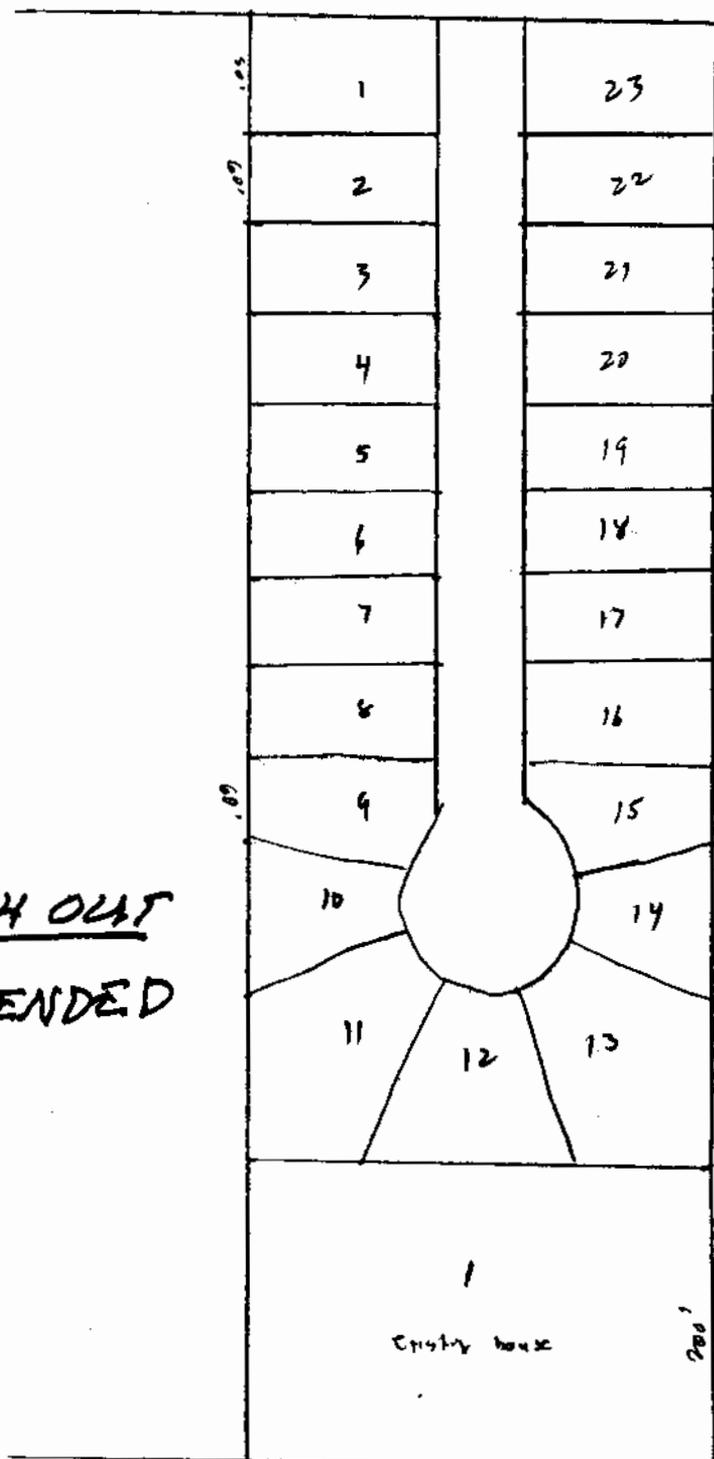
045

Pennsylvania Ave.



Bobby Dr.

lots 53



SPIKER LOT  
 2 BY OUT WITH OUT  
 MUM DR, EXTENDED

33 LOTS

Fletcher Ave

046