

## **FACTSHEET**

**TITLE:** **SPECIAL PERMIT NO. 1992A**, an amendment to the **EDENTON WOODS COMMUNITY UNIT PLAN**, requested by John and Andrea Schleich, to expand the existing community unit plan to allow an additional 33 dwelling units, including a request to waive block length, on property generally located at Ashbrook Drive and Highway 2.

**STAFF RECOMMENDATION:** Conditional approval, with denial of the waiver of block length.

**ASSOCIATED REQUEST:** Change of Zone No. 07056 (07-170)

**SPONSOR:** Planning Department

**BOARD/COMMITTEE:** Planning Commission  
Public Hearing: 10/24/07  
Administrative Action: 10/24/07

**RECOMMENDATION:** Conditional Approval, with one amendment, but denial of the waiver of block length (7-0: Cornelius, Taylor, Carroll, Larson, Gaylor-Baird, Francis and Esseks voting 'yes'; Moline and Sunderman absent).

### **FINDINGS OF FACT:**

1. This application was heard before the Planning Commission in conjunction with the associated Change of Zone No. 07056, from AGR to R-3 Residential. This is a request to increase the number of allowed dwelling units in the Edenton Woods Community Unit Plan from 46 to 79, and to expand the area of the community unit plan from approximately 14 acres to 24 acres, more or less. The applicant has also requested a waiver of the block length requirement along the west side of Ashbrook Drive extending from Stevens Ridge Road to the north to Highway 2 on the south. The block length being shown is over 2,800 feet and is unbroken by an intersecting cross street.
2. The staff recommendation of conditional approval, but denying the waiver of block length, is based upon the "Analysis" as set forth on p.12-14, concluding that the proposed expansion of the community unit plan to allow dwelling units in the area is appropriate and consistent with the Future Land Use Plan. However, staff does not find adequate justification to warrant granting the waiver of block length. Shorter blocks provide more efficient emergency service, more traffic distribution and encourage more walking and bicycling. Side yard pedestrian easements are a poor substitute. Approving this waiver may lead to development of the land to the west in a similar manner. Alternate street/lot layouts which do not require the waiver are feasible. Subject to the recommended conditions of approval, this request complies with the Comprehensive Plan and the Land Subdivision and Zoning Ordinance. The staff presentation is found on p.17.
3. The applicant's testimony and other testimony in support is found on p.17-19. The applicant submitted proposed amendments to the conditions of approval (p.36) to accomplish the waiver of block length, and to show 4' between the back of curb and the sidewalk along Camellia Court (instead of 7'). The applicant contends that the waiver of block length is appropriate due to the cost of building the street and the loss of two lots.
4. There was no testimony in opposition.
5. On 10/24/07, a motion to approve the staff recommendation, with amendment to grant the waiver of block length, failed 2-5: Larson and Francis voting 'yes'; Taylor, Esseks, Gaylor-Baird, Cornelius and Carroll voting 'no' (Moline and Sunderman absent).
6. On 10/24/07, the Planning Commission agreed with the staff recommendation and voted 7-0 to adopt Resolution No. PC-01085, approving the amendment to the Edenton Woods Community Unit Plan, with amendment to allow 4' between the back of curb and the sidewalk along Camellia Court (See p.3-6 and Minutes, p.20-21). The Planning Commission did not grant the waiver of block length.
7. On 10/24/07, Mike Eckert of Civil Design Group, on behalf of John and Andrea Schleich, appealed the Planning Commission action denying the waiver of block length to the City Council (p.2).

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

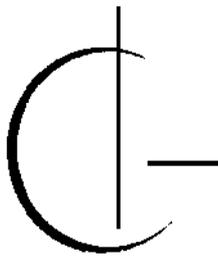
**REVIEWED BY:**

**REFERENCE NUMBER:** FS\CC\2007\SP.1992A Appeal+

**[INSERT p.002-009 here (Letter of Appeal and Resolution No. PC-01085)]**

**DATE:** October 29, 2007

**DATE:** October 29, 2007



# Civil Design Group, Inc.

Consulting Engineers & Land Use Planners  
Civil Design • Site Development • Planning & Zoning

October 24, 2007

Ms. Joan Ross  
City Clerk  
City of Lincoln /Lancaster County  
555 South 10<sup>th</sup> Street, Room 213  
Lincoln, NE 68508

**Re: Edenton Woods 1<sup>st</sup> Addition – CUP Special Permit – #1992A  
Appeal to Lincoln City Council  
CDG Project No. 2007-0035**

Dear

On behalf of John and Andrea Schleich we are requesting that Special Permit #1992A, Edenton Woods First Addition, be scheduled for the Lincoln City Council to appeal the waiver denial.

In an effort to facilitate this request, please feel free to call me at (402) 434-8494 so that I can address any questions you may have about this waiver.

Sincerely,

  
Mike Eckert, AICP 

Encl

cc: John Schleich

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**PLANNING COMMISSION FINAL ACTION  
NOTIFICATION**

**TO :** Mayor Chris Beutler  
Lincoln City Council

**FROM :** Jean Walker, Planning 

**DATE :** October 26, 2007

**RE :** **Special Permit No. 1992A - Edenton Woods Community Unit Plan**  
(Ashbrook Drive & Hwy 2)  
**Resolution No. PC-01085**

The Lincoln City-Lancaster County Planning Commission took the following action at their regular meeting on Wednesday, October 24, 2007:

Motion made by Esseks, seconded by Cornelius, to approve **Special Permit No. 1992A**, with conditions, as amended, requested by John and Andrea Schleich, for authority to amend the Edenton Woods Community Unit Plan to expand the area to add 33 dwelling units, with a request to waive the Land Subdivision Ordinance requirement that block lengths not exceed 1,320 feet in length, on property generally located at Ashbrook Drive and Hwy 2.

Motion for conditional approval, as amended, carried 7-0: Esseks, Cornelius, Taylor, Larson, Gaylor-Baird, Francis and Carroll voting 'yes' (Moline and Sunderman absent). The waiver of block length was not granted.

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.

On October 24, 2007, Mike Eckert of Civil Design Group, Inc., on behalf of the applicants, filed a letter of appeal due to the denial of the request to waive block length. The public hearing before the City Council is tentatively scheduled for Monday, November 19, 2007, at 5:30 p.m., along with the associated Change of Zone No. 07056 from AGR to R-3, which the Planning Commission recommended be approved.

**Attachment**

**cc:** Building & Safety  
Rick Peo, City Attorney  
Public Works  
Mike Eckert, Civil Design Group, Inc., 3901 Normal Blvd., Suite 203, 68506  
John and Andrea Schleich, 8644 Executive Woods Drive, 68512  
Berean Fund Church of Lincoln, 6400 S. 70<sup>th</sup> Street, 68516  
Dorothy Iwan, Family Acres Assn., 7605 S. 75<sup>th</sup> Street, 68516  
Stephen Nickel, Family Acres Assn., 7941 Portsche Lane, 68516  
Bevin Alvey, Pine Lake Association, 8000 Dougan Drive, 68516  
Jeff Johnson, Home Real Estate, 7211 S. 27<sup>th</sup> Street, 68512

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RESOLUTION NO. PC-01085

SPECIAL PERMIT NO. 1992A

1           WHEREAS, John and Andrea Schleich have submitted an application  
2 designated as Special Permit No. 1992A for authority to amend the Edenton Woods  
3 Community Unit Plan to expand the area of the Community Unit Plan, to add 33  
4 dwelling units, and to waive the Land Subdivision requirement that block lengths not  
5 exceed 1,320 feet in length, on property generally located at Ashbrook Drive and  
6 Highway 2 and legally described as:

7           A portion of Lot 80 Irregular Tract, along with all of Edenton  
8 Woods Addition, Edenton Woods First Addition, and  
9 Edenton Woods Second Addition, all located in the  
10 Southwest Quarter of Section 15, Township 9 North, Range  
11 7 East of the 6th P.M., Lancaster County, Nebraska, and  
12 more particularly described by metes and bounds as follows:

13           Commencing at the northwest corner of the Southwest  
14 Quarter of Section 15, Township 9 North, Range 7 East of  
15 the 6th P.M.; thence north 89 degrees 59 minutes 42  
16 seconds east (an assumed bearing) on the north line of the  
17 Southwest Quarter of Section 15, a distance of 2064.27 feet  
18 to the point of beginning; thence north 89 degrees 59  
19 minutes 42 seconds east for a distance of 591.67 feet on the  
20 north line of the Southwest Quarter, to the center of said  
21 Section 15; thence south 00 degrees 04 minutes 40 seconds  
22 west for a distance of 1080.00 feet on the east line of the  
23 Southwest Quarter; thence north 52 degrees 06 minutes 36  
24 seconds west for a distance of 161.94 feet on the southerly  
25 line of Outlot C, Edenton Woods; thence north 79 degrees

1 45 minutes 02 seconds west for a distance of 218.51 feet on  
2 said southerly line; thence south 89 degrees 57 minutes 05  
3 seconds west for a distance of 150.84 feet on said southerly  
4 line; thence south 35 degrees 59 minutes 55 seconds west  
5 for a distance of 166.58 feet on said southerly line, to a point  
6 on the east line of Lot 80 Irregular Tract; thence north 00  
7 degrees 02 minutes 21 seconds east for a distance of  
8 138.14 feet on the east line of Lot 80 Irregular Tract; thence  
9 south 76 degrees 22 minutes 09 seconds west for a  
10 distance of 116.17 feet; thence along a curve to the left  
11 having a radius of 50.00 feet and an arc length of 32.96 feet,  
12 being subtended by a chord of south 57 degrees 28 minutes  
13 57 seconds west for a distance of 32.37 feet; thence south  
14 38 degrees 35 minutes 44 seconds west for a distance of  
15 172.20 feet; thence along a curve to the left having a radius  
16 of 60.00 feet and an arc length of 94.23 feet, being  
17 subtended by a chord of south 06 degrees 23 minutes 37  
18 seconds east for a distance of 84.84 feet; thence south 51  
19 degrees 22 minutes 57 seconds east for a distance of 2.72  
20 feet; thence south 38 degrees 37 minutes 02 seconds west  
21 for a distance of 120.00 feet; thence north 51 degrees 23  
22 minutes 02 seconds west for a distance of 2.72 feet on the  
23 westerly right of way of Ashbrook Drive; thence along a  
24 curve to the right having a radius of 180.00 feet and an arc  
25 length of 282.68 feet, being subtended by a chord of north  
26 06 degrees 23 minutes 37 seconds west for a distance of  
27 254.51 feet on said right of way; thence north 38 degrees 35  
28 minutes 44 seconds east for a distance of 172.20 feet on  
29 said southeasterly right of way of Ashbrook Drive; thence  
30 along a curve to the right having a radius of 170.00 feet and  
31 an arc length of 112.08 feet, being subtended by a chord of  
32 north 57 degrees 28 minutes 57 seconds east for a distance  
33 of 110.06 feet on said right of way; thence north 76 degrees  
34 22 minutes 09 seconds east for a distance of 145.44 feet on  
35 the southerly right of way of Ashbrook Drive; thence north 00  
36 degrees 07 minutes 08 seconds east for a distance of 61.47  
37 feet; thence south 76 degrees 28 minutes 30 seconds west  
38 for a distance of 160.05 feet on the northerly right of way of  
39 Ashbrook Drive; thence along a curve to the left having a  
40 radius of 230.00 feet and an arc length of 151.63 feet being  
41 subtended by a chord of south 57 degrees 29 minutes 26  
42 seconds west for a distance of 148.90 feet on said northerly  
43 right of way; thence south 38 degrees 36 minutes 21  
44 seconds west for a distance of 93.67 feet; thence north 36  
45 degrees 24 minutes 13 seconds west for a distance of  
46 256.49 feet; thence north 00 degrees 01 minutes 13

1           seconds west for a distance of 737.31 feet; thence north 89  
2           degrees 59 minutes 53 seconds east for a distance of  
3           300.72 feet; thence north 89 degrees 59 minutes 42  
4           seconds east for a distance of 192.37 feet to the point of  
5           beginning; said property contains 24.14 acres more or less;

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

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

11          WHEREAS, said site plan together with the terms and conditions hereinafter  
12          set forth are consistent with the comprehensive plan of the City of Lincoln and with the  
13          intent and purpose of Title 27 of the Lincoln Municipal Code to promote the public  
14          health, safety, and general welfare.

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

17          That the application of John and Andrea Schleich, hereinafter referred to as  
18          "Permittee", to amend Edenton Woods Community Unit Plan to expand the area of the  
19          Community Unit Plan and to add 33 dwelling units, be and the same is hereby granted  
20          under the provisions of Section 27.63.320 and Chapter 27.65 of the Lincoln Municipal  
21          Code upon condition that construction of said community unit plan be in strict  
22          compliance with said application, the site plan, and the following additional express  
23          terms, conditions, and requirements:

- 24                 1. This approval permits 79 single-family attached and detached dwelling  
25          units consistent with the approved site plan.

1           2.    The City Council must approve the associated request, Change of Zone  
2 #07056.

3           3.    The Permittee shall cause to be prepared and submitted to the Planning  
4 Department a revised and reproducible final site plan including 5 copies with all  
5 required revisions and documents as listed below before a final plat is approved.

6           a.    Revise the site plan as follows:

7           i.    Show the breach limits of the Pine Lake dam structure and  
8 wetlands as delineated on the Edenton Woods preliminary plat  
9 and community unit plan.

10          ii.   Show a street breaking the block length on the west side of  
11 Ashbrook Drive.

12          iii.   Show a street layout for Outlot H.

13          iv.   Show 4' between the back of curb and the sidewalk along  
14 Camellia Court.

15          v.    Add correct legal description.

16          vi.   Combine General Site Notes #5 and #8 to state "EASEMENTS  
17 AS SHOWN SHALL BE GRANTED FOR PUBLIC USE AND  
18 FOR SIDEWALKS. ALL SIDEWALKS ADJACENT TO  
19 STREETS TO BE IN PUBLIC RIGHT-OF-WAY EXCEPT  
20 ALONG BO CREEK BAY AND BO CREEK COURT. ALL  
21 SIDEWALKS ARE TO 4' WIDE. SIDEWALKS TO BE BUILT  
22 ALONG BOTH SIDES OF ALL PUBLIC STREETS AND  
23 PRIVATE ROADWAYS, EXCEPT BO CREEK COURT AND BO  
24 CREEK BAY WHERE SIDEWALKS ARE ALLOWED ALONG  
25 ONE SIDE."

26          vii.   Revise General Site Note #8 to state ".....EXCEPT ON BO  
27 CREEK BAY, BO CREEK COURT, AND CAMELLIA COURT.  
28 ALL SIDEWALKS ARE TO BE 4' WIDE."

29          viii.   Add a General Site Note that states "STREET  
30 TREES/SCREENING TO COMPLY WITH DESIGN  
31 STANDARDS AND TITLE 26 AT THE TIME OF BUILDING  
32 PERMITS AND FINAL PLAT."

- ix. Add a General Site Note that states "GARAGES MUST BE SET BACK NO LESS THAN 22' FROM THE BACK OF SIDEWALK.
- x. Add a General Site Note that states "SETBACKS PER THE R-3 DISTRICT UNLESS OTHERWISE NOTED."
- xi. Revise the Waivers table to include "MINIMUM LOT AREA" per SP#1992.
- xii. Show revisions to the satisfaction of Public Works Engineering Services/Watershed Management.

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

4. Before occupying the dwelling units all development and construction must comply with the approved plans.

5. All privately-owned improvements, including landscaping and recreational facilities, must be permanently maintained by the Permittee or an appropriately established homeowners association approved by the City.

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

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

8. The Permittee 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 Permittee.

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

4           The foregoing Resolution was approved by the Lincoln City-Lancaster County  
5 Planning Commission on this 24 day of October, 2007.

ATTEST:  
  
Chair **COPY**

Approved as to Form & Legality:

  
\_\_\_\_\_  
Chief Assistant City Attorney

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

**for October 24, 2007 PLANNING COMMISSION MEETING**

**As revised and approved by Planning Commission, with conditions**

**October 24, 2007**

**\*\*Resolution No. PC-01085\*\***

**PROJECT #:** Special Permit #1992A - Edenton Woods

**PROPOSAL:** Expand the existing Community Unit Plan to allow an additional 33 dwelling units.

**LOCATION:** Ashbrook Drive and Highway 2

**LAND AREA:** Approximately 24.14 acres.

**EXISTING ZONING:** AGR Agricultural Residential

**WAIVERS:**

1. Exceed maximum block length (requires Planning Commission approval).
2. Allow roll over curbs (waiver not required).

**CONCLUSION:** The proposed expansion of the CUP to allow dwelling units in the area is appropriate and consistent with the Future Land Use Plan. However, staff does not find adequate justification to warrant granting the waiver to block length. Alternate street/lot layouts which do not require the waiver are feasible. Subject to the recommended conditions of approval, this request complies with the Comprehensive Plan and the Land Subdivision and Zoning Ordinances.

<b>RECOMMENDATION:</b>	
Special Permit #1992A	Conditional Approval
Waivers:	
Block over 1,320 feet in length	Denial

**GENERAL INFORMATION:**

**LEGAL DESCRIPTION:** See attached legal description.

**EXISTING LAND USE:** Vacant

## **SURROUNDING LAND USE AND ZONING:**

North:	Single-family Residential, Park	P, R-1, R-3
South:	Vacant	AGR
East:	Vacant, Single-family Residential	AGR
West:	Vacant, Church	AGR

## **ASSOCIATED APPLICATIONS:**

**Change of Zone #07056** - A request to change the zoning from AGR to R-3 for approximately 4.95 acres.

## **COMPREHENSIVE PLAN SPECIFICATIONS:**

**Pg 9** - Lincoln's future urban growth should generally occur in multiple directions around the existing city. Lincoln will continue to have managed and contiguous growth, including strengthening our Downtown core. Lincoln's sense of community has been based on incremental, compact growth built on the foundations of established neighborhoods. Future growth will continue this traditional pattern and be linked to both the level of demand in the market and to the orderly extension of public improvements and services. Lincoln will continue to contain approximately 90 percent of the County's population. 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.

### **Pg 11** - Urban Environment - Transportation

Streets and public spaces should be safe, comfortable, and interesting to the pedestrian. Properly configured, they encourage walking and enable neighbors to know each other and protect their communities. 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.

**Pg 17** - The Future Land Use Map designates this land for Urban Density Residential land uses.

**Pg 66** - Guiding Principles for New Neighborhoods - The guiding principles for new neighborhoods are a combination of principles found in this section in addition to the principles for all other sections within the plan, such as Business and Commerce and Mobility and Transportation. A neighborhood is more than housing – great neighborhoods combine all the elements of parks, education, commercial areas, the environment and housing together in one place. The image is an example of how the principles might work together in a neighborhood, including the following principles:

1. Encourage a mix of housing, single family, townhomes, apartments, elderly housing all within one area.
2. Similar housing types face each other: single family faces single family, change to different use at rear of lot.
3. Parks and open space within walking distance of all residences.
4. Multi-family and elderly housing nearest to commercial area.
5. Pedestrian orientation; shorter block lengths, sidewalks on both sides of all roads.
6. Public uses (elementary schools, churches) as centers of neighborhood – shared facilities (city parks & school sites).
7. Encourage shopping and employment uses to be at within the neighborhoods and within walking distance to most residences (which may also serve as locations for transit stops).

**Pg 89** - Pedestrians - Walking is an essential part of our daily activities, whether it be trips to work, shop, or play. Often pedestrian facilities are overlooked or merely added onto street improvement projects. However, to preserve and enhance the quality of life for Lincoln, consistent maintenance of the existing pedestrian system and additional facilities are needed.

**Pg 136 - Neighborhood Parks**

1. Locate neighborhood parks close to the center of residential areas and within walking distance of a majority of residents. Park sites should be readily accessible by pedestrians and bicyclists.
2. Locate neighborhood parks adjacent to elementary schools where possible.
3. Locate neighborhood parks adjacent to greenway linkages where possible.
4. Locate park sites where residents living in surrounding homes can view activities in the park to provide for informal supervision.
5. Where possible, select sites for neighborhood parks that allow for multiple functions, such as storm water management or habitat conservation.

**Subarea Planning** - Southeast Lincoln/Highway 2 Subarea Plan.

**Figure 2** - Designates urban residential uses for this site.

**Page 9** - Retention of low density residential character; Changes from low density to urban residential.

**HISTORY:**

April 5, 2004 - The following applications relating to Edenton Woods were approved by City Council:

- Annexation #03004 - To annex approximately 13.3. acres.
- Change of Zone #3387 - From AGR to R-3
- Special Permit #1992 - For a Community Unit Plan (CUP) for attached and detached single-family residences.
- Preliminary Plat #02023 Edenton Woods - Created 46 lots for residential development, and five outlots.

**ANALYSIS:**

1. The Edenton Woods annexation, change of zone, special permit for CUP and preliminary plat were all approved in 2004. This request seeks to increase the number of allowed dwelling units from 46 to 79, and expand the area of the CUP from approximately 14 acres to 24.
2. The associated change of zone request seeks to change the zoning from AGR to R-3 for the land being added. Based upon the ratio of 6.96 dwelling units per acre allowed by the Design Standards, the 74 units proposed is far less than the 167 allowed by the Design Standards.
3. Title 26 (Land Subdivision Ordinance) requires that blocks not exceed 1,320 feet in length. A waiver to that requirement is requested with this CUP amendment. The block along the west side of Ashbrook Drive that extends from Stevens Ridge Road to the north, to Highway 2 on the south is over 2,800 feet in length and is unbroken by an intersecting cross street. A summary of the justification provided by the applicant is threefold: 1) There are no plans for a neighborhood of significant size to the west of Outlot H; 2) Lots abutting Ashbrook Drive have been replatted and staff has not requested a street connection; and 3) It would increase cost and reduce density.

The staff report of the original CUP written in 2004 noted that "The property adjacent to the west is owned by the Berean Church, and staff has been informed by the Church that there are future plans to expand the church. This expansion will be accompanied by an expanded parking lot that will eventually extend up to the west boundary of this plat. The likelihood of any future street extending across the Church property is remote, so the need to provide a

street connection to the west through this development is eliminated. Likewise for a pedestrian connection through Block 1 to the Berean Church property, as there is no need to provide a pedestrian connection to a private parking lot. As a result, waivers to both block length and pedestrian connection are appropriate.” Based upon the assurance that there would be no future development west of Ashbrook Drive, staff supported the block length waiver.

Additional residential development in this area creates the need for more street connections, which the Comprehensive Plan encourages. Cul-de-sacs do not provide connectivity and do not serve to facilitate access in and out of neighborhoods. Staff understands the desirability of lots on cul-de-sacs and is not opposed to them when standards are met.

The applicant notes that a reduced block length will require significant grading and diminish the overall density of the development. Additional grading will be required to allow an east-west street, but is neither extraordinary or on a scale that warrants a waiver. The reduced block length may also reduce the number of lots in the development, but is not justification for a waiver.

Outlot H most likely will be developed and access between the proposed lots and Outlot H should be provided. Likewise, the additional land west of Outlot H currently owned by the church could be sold for development just like they sold this area.

The Health Department review notes that the 2006 Report of the Joint Committee of the Planning Commission and the Board of Health in part recommends blocks less than 1,000 feet in length to ease pedestrian and vehicle movement. Lacking justification and being contrary to established policies, guidelines, and requirements, the block length waiver request should not be granted.

4. The Land Subdivision Ordinance also requires that a street layout be shown for all land owned by the developer of the preliminary plat. Outlot H is owned by the developer, however a street layout is not shown. The conceptual layout should be provided. A street connection to the land west of Outlot H should be shown unless it can be demonstrated how it will not be used for any purpose other than a church and related parking areas.
5. Camellia Court is shown as a private roadway with sidewalks adjacent to the curb. The sidewalks must be setback 7' from the back of curb to provide adequate separation for pedestrian safety and area for street trees to grow consistent with the vast majority of sidewalks around the city.
6. A waiver to allow roll-over curbs for Camellia Court is requested. There is no specific design standard for curbs along private roadways, so the rollover curbs are allowed and no waiver is required.
7. The sidewalk connection between Camellia Court and Ashbrook Drive is only needed if the block length waiver is approved. It is provided to enhance pedestrian access and make it more efficient for pedestrians to go north. Significant pedestrian use can be anticipated due to the proximity of Edenton South Park which is located adjacent to the north of this development. Because the further north this sidewalk is located the more useful it becomes, the ideal location for this sidewalk is between Lots 26 and 27, Block 1. Shown located

between Lots 21 and 22 almost at mid- block, its usefulness is limited. In the past, pedestrian easements have been problematic, especially if they are as narrow as this proposed easement (10'). The sidewalk if constructed, the abutting lot owners install 6' tall stockade fences along the easement to protect their privacy creating a tunnel effect. Also, the sidewalks often are not built at the time the streets are paved, and when the abutting lot owners find out that a sidewalk is required in their side yard they request a waiver, and the majority of the time the City Council grants the waiver.

8. Other minor revisions/corrections to the plans are required and are noted in the recommended conditions of approval.

### **CONDITIONS OF APPROVAL:**

#### Site Specific

1. This approval permits 79 single-family attached and detached dwelling units consistent with the approved site plan.
2. The City Council approves associated request:
  - 2.1 Change of Zone #07056.

#### General

3. Upon approval of the special permit by the Planning Commission, the developer shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including 5 copies with all required revisions and documents as listed below before a final plat is approved.
  - 3.1 Revise the site plan as follows:
    - 3.1.1 Show the breach limits of the Pine Lake dam structure and wetlands as delineated on the Edenton Woods preliminary plat and community unit plan.
    - 3.1.2 Show a street breaking the block length on the west side of Ashbrook Drive.
    - 3.1.3 If the block length waiver is granted, locate the pedestrian way easement between Lots 26 and 27, Block 1.
    - 3.1.4 Show a street layout for Outlot H.
    - 3.1.5 Show ~~7'~~ **4'** between the back of curb and the sidewalk along Camellia Court. (**\*\*Per Planning Commission, at the request of the applicant and agreed upon by staff, 10/24/07\*\***)
    - 3.1.6 Add correct legal description.

- 3.1.7 Combine General Site Notes #5 and #8 to state "EASEMENTS AS SHOWN SHALL BE GRANTED FOR PUBLIC USE AND FOR SIDEWALKS. ALL SIDEWALKS ADJACENT TO STREETS TO BE IN PUBLIC RIGHT-OF-WAY EXCEPT ALONG BO CREEK BAY AND BO CREEK COURT. ALL SIDEWALKS ARE TO 4' WIDE. SIDEWALKS TO BE BUILT ALONG BOTH SIDES OF ALL PUBLIC STREETS AND PRIVATE ROADWAYS, EXCEPT BO CREEK COURT AND BO CREEK BAY WHERE SIDEWALKS ARE ALLOWED ALONG ONE SIDE."
- 3.1.8 Revise General Site Note #8 to state ".....EXCEPT ON BO CREEK BAY, BO CREEK COURT, AND CAMELLIA COURT. ALL SIDEWALKS ARE TO BE 4' WIDE."
- 3.1.9 Add a General Site Note that states "STREET TREES/SCREENING TO COMPLY WITH DESIGN STANDARDS AND TITLE 26 AT THE TIME OF BUILDING PERMITS AND FINAL PLAT."
- 3.1.10 Add a General Site Note that states "GARAGES MUST BE SET BACK NO LESS THAN 22' FROM THE BACK OF SIDEWALK."
- 3.1.11 Add a General Site Note that states "SETBACKS PER THE R-3 DISTRICT UNLESS OTHERWISE NOTED."
- 3.1.12 Revise the Waivers table to include "MINIMUM LOT AREA" per SP#1992.
- 3.1.13 Show revisions to the satisfaction of Public Works Engineering Services/Watershed Management.

3.2 The construction plans comply with the approved plans.

#### Standard

- 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, filling 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

Brian Will, 441-6362, [bwill@lincoln.ne.gov](mailto:bwill@lincoln.ne.gov)  
Planner  
October 11, 2007

**APPLICANT:** John and Andrea Schleich  
8644 Executive Woods Drive  
Lincoln, NE 68512

**OWNERS:** John and Andrea Schleich  
8644 Executive Woods Drive  
Lincoln, NE 68512

Berean Church of Lincoln  
6400 South 70<sup>th</sup> Street  
Lincoln, NE 68516

**CONTACT:** Mike Eckert  
Civil Design Group  
8644 Executive Woods Drive  
Lincoln, NE 68512

**CHANGE OF ZONE NO. 07056  
and  
SPECIAL PERMIT NO. 1992A,  
AN AMENDMENT TO THE  
EDENTON WOODS COMMUNITY UNIT PLAN,**

**PUBLIC HEARING BEFORE PLANNING COMMISSION:**

October 24, 2007

Members present: Taylor, Esseks, Larson, Gaylor-Baird, Cornelius, Francis and Carroll; Moline and Sunderman absent.

Ex Parte Communications: None.

Staff recommendation: Approval of the change of zone and conditional approval of the amendment to the special permit, except for denial of the request to waive block length.

This application was removed from the Consent Agenda by the staff due to the recommendation to deny the request to waive block length.

Staff presentation: **Brian Will of Planning staff** explained that the change of zone from AGR to R-3 is required for this community unit plan to be amended as requested. The subject property is designated urban density residential in the Comprehensive Plan. The proposed use is consistent with that designation and staff is recommending approval. The community unit plan was approved two years ago. This amendment adds approximately 10 acres and 33 dwelling units.

The only issue is relative to block length. The applicant is requesting that the block length requirement be waived. They want to exceed 1,320 feet, which is the maximum allowed by the ordinance, measured from Hwy 2 to Stevens Ridge Road. Staff is recommending denial of that waiver request because staff did not find adequate justification to approve the waiver request.

Staff is recommending approval of the change of zone and conditional approval of the amendment to the community plan.

Esseks asked Will to explain the importance of dividing the block up with a road. Will stated that the maximum block length exists in the ordinance for several reasons. One of them is to provide connectivity between neighborhoods; it also lessens the dependence upon the surrounding arterial streets and allows more free movement within a section without going onto the arterial streets. In addition, in this case, with a park nearby, it makes it easier for the neighbors to get back and forth between neighborhoods and to the neighborhood park.

Proponents

**1. Mike Eckert of Civil Design Group** submitted proposed amendments to the conditions of approval, as follows:

Remove General Condition #3.1.2: “Show a street breaking the block length on the west side of Ashbrook Drive.”

Remove General Condition #3.1.3: “If the block length waiver is granted, locate the pedestrian way easement between Lots 26 and 27, Block 1.”

Amend General Condition #3.1.5 to read: “Show 4' between the back of curb and the sidewalk along Camellia Court.”

Add General Condition #3.1.14: “Show a pedestrian way easement between lots 33 and 34, Block 1.”

Eckert explained that this proposal is an extension of the existing townhouse development in Edenton Woods 1<sup>st</sup> Addition. The original Edenton Woods subdivision is now developing with townhouses being constructed— there are six lots that have been previously platted. This amendment would reconfigure some of the lots that were previously platted, adding a cul-de-sac and adding more lots to the south. This land was owned by Berean Church. His client needed more than 10 acres and the acquisition of the outlot was necessary to make this 10 acres.

Eckert agreed with staff that the issue is block length. That block length runs all the way from Hwy 2 up to Stevens Ridge Road. Eckert submitted that this is a unique set of circumstances. It is anticipated that the outlot will go back to the Berean Church. The church has expanded and added more parking facilities and a maintenance shed. He agreed that the street connection for typical block length is necessary to make the linkages into neighborhoods, but there will not be a neighborhood here. There will be two cul-de-sacs. They are all very large urban style acreage lots. Ashbrook is very curved. Staff is requiring that the road be connected and the applicant believes it is unnecessary because of the cost of over \$100,000 and the loss of two lots. For pedestrian movement, the proposal provides an easement between lots to allow access to the park.

The proposed amendments to the conditions of approval remove the requirement to put the road in. The applicant would prefer that the pedestrian easement be located in the middle of the cul-de-sac, and the applicant is willing to extend the pedestrian easement to the west in the event there is another cul-de-sac or another road there.

This is an example of an area where the connectivity issue does not serve a lot of purpose because of the church to the west and existing cul-de-sacs to the north. Eckert believes that most of the traffic will come up from Hwy 2 to Camellia Court. The private road will be 630'.

Carroll inquired as to the reason for not having the sidewalk up in the top of the circle. Eckert stated that there are topography constraints, but the primary reasons are the reconfiguration and two existing irrigation wells.

## Support

**1. Jeff Johnson, Home Real Estate**, testified in support. He will be working with the developer on marketing the lots. If you look at the desirability from a marketing standpoint, there is tremendous more marketability and desirability for cul-de-sac lots. It will cost \$100,000 to build the street and the developer would lose two lots, which is equal to another \$100,000, all of which will add to the cost of the remaining lots. The owners of the lots in the development directly to the east

will become “headlight” lots and those owners had no knowledge that the street would be coming through. There are three lots that would be at the end of the street that would be affected by the car lights if the street connection is required.

There was no testimony in opposition.

Esseks noted that there are at least three cul-de-sacs in this immediate neighborhood already – what is the city’s policy on cul-de-sacs? Do we encourage or discourage them and why? Will explained that there is no opposition on the part of the City to cul-de-sacs, but the problem here is that it is one-way in and one-way out and does not serve the greater purpose of providing connectivity and contributing to the efficiency of the transportation network.

Esseks wondered about the compromise of a pedestrian connection. Will stated that in this case, the staff would have asked for a pedestrian connection anyway. The further north you move the pedestrian easement the more efficient it becomes. The staff sees no technical reason why it could not be located further to the north.

As far as the street connection, Will explained that when the original Edenton Woods was approved, the staff did not require the street connection because at that time the Berean Church indicated that they would not be selling the property. Therefore, staff did not force the issue at that time. What we see now is a development pattern that should have this street connection. The staff is not out to increase the cost of development, but that is not necessarily the number one rationale for granting variances. We expect a development to meet the requirements unless they can show some justification.

Gaylor-Baird inquired whether platting is typically done with the assumption that the design standards can be met. Will explained that the original development did not require the street connection because the church owned the property and did not indicate any intention to sell any of their property. However, there is now nothing that prevents an additional connection. The lots could easily be replatted and a street connection shown.

Carroll asked staff to respond to the applicant’s request to show the sidewalk 4' from the back of curb instead of 7'. Will indicated that staff would not object to that amendment.

Carroll clarified that staff is requesting that the street be on the north end and that it will continue west and then hook into the private drive of the church. Will stated that staff is recommending that the applicant show the connection going to the west so that it could be carried further west if that property develops.

#### Response by the Applicant

Eckert clarified that his client could build on the previously platted lots today but he has chosen to preserve a green space. Because we are taking what was also an outlot (green space) behind those lots and incorporating it into these lots, it required amending the CUP, so it opened up the door for staff to require the connection. Eckert reiterated that the connection is not appropriate because of the cost and because those lots are final platted today.

Eckert believes that two to four of the lots would be affected by the headlights, depending on the turn movements at the end of the street. As far as mitigating the headlights, Eckert suggested that

there really is nothing except for the street trees in the front yard. It is a road that is at a 7% slope and comes down to a 3% platform.

**CHANGE OF ZONE NO. 07056**

**ACTION BY PLANNING COMMISSION:**

October 24, 2007

Larson moved approval, seconded by Cornelius and carried 7-0: Taylor, Esseks, Larson, Gaylor-Baird, Cornelius, Francis and Carroll voting 'yes'; Moline and Sunderman absent. This is a recommendation to the City Council.

**SPECIAL PERMIT NO. 1992A**

**ACTION BY PLANNING COMMISSION:**

October 24, 2007

Larson moved to approve the staff recommendation of conditional approval, with the amendments as requested by the applicant, seconded by Francis.

Esseks stated that he is not in favor of the block length waiver. He lives in a community which is relatively new with a nice grid, so having to look for a lost child or a lost dog you don't have to go so far and you can find nice connections. Roads promote community. They are very practical. He does not like to see a whole series of cul-de-sacs and is afraid we are establishing a precedent. He does not want to inhibit the marketing of the property; however, roads provide a better community with the movement in and out.

Francis believes that a cul-de-sac is a desirable location and it attracts people because they don't have a lot of drive-through traffic.

Larson suggested that if the road is required and continues to the west into the future parking lot for the church, it will be a highly traveled road.

Taylor is concerned about the headlights beaming onto the property, but there are other things that can be done, especially with the future growth of the trees. He agrees that accessibility through the neighborhood is important.

Gaylor-Baird concurred with Esseks. There has been testimony by Health on this issue, i.e. that roads not only provide connectivity, but help promote physical activity, which is an important piece of the underlying rationale for that design standard. She believes that the street connection is also important for emergency vehicles to access the different housing areas.

Cornelius agreed with Esseks and Gaylor-Baird, and further suggested that we have heard that these lots were platted in the absence of this connection; however, that plat was approved on the assumption that there would be no development to the west. Now we are seeing development to the west and we've also heard that there may not be further development to the west, but we don't know that.

Carroll suggested that the topography and other items of the land need to be considered and how it connects. He believes the connection is necessary, especially to the west, and he will support the staff recommendation.

Rick Peo cautioned that the resolution was drafted based on the staff recommendation to eliminate the driveway access and does not require a pedestrian easement. We do not want to have the street connection plus the pedestrian way easement.

Carroll clarified that the motion on the floor moves pedestrian easement to another location and removes the street.

Motion for conditional approval, with amendments requested by the applicant, failed 2-5: Larson and Francis voting 'yes'; Taylor, Esseks, Gaylor-Baird, Cornelius and Carroll voting 'no'; Moline and Sunderman absent.

Esseks moved to approve the staff recommendation of conditional approval, with the amendment to Condition #3.1.5 to show 4' between the back of curb and the sidewalk along Camellia Court, seconded by Cornelius and carried 7-0: Taylor, Esseks, Larson, Gaylor-Baird, Cornelius, Francis and Carroll voting 'yes'; Moline and Sunderman absent. This is final action unless appealed to the City Council within 14 days.



**Special Permit #1992A  
Ashbrook Dr & Highway 2**

2005 aerial

**Zoning:**

- R-1 to R-3 Residential District
- AG Agricultural District
- AGR Agricultural Residential 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. 15 T09N R07E





## LEGAL DESCRIPTION - COMMUNITY UNIT PLAN

A survey of a portion of Lot 80 Irregular Tract, along with all of Edenton Woods Addition, Edenton Woods First Addition, and Edenton Woods Second Addition, all located in the Southwest Quarter of Section 15 Township 9 North Range 7 East of the Sixth Principal Meridian, Lancaster County, Nebraska. Said tract of land shall be more particularly described by metes and bounds as follows:

Commencing at the Northwest corner of the Southwest Quarter of Section 15 Township 9 North Range 7 East of the Sixth Principal Meridian, THENCE North 89 degrees 59 minutes 42 seconds East (an assumed bearing) on the North line of the Southwest Quarter of Section 15, a distance of 2064.27 feet to the POINT OF BEGINNING.

THENCE North 89 degrees 59 minutes 42 seconds East for a distance of 591.67 feet on the North line of the Southwest Quarter, to the Center of said Section 15;

THENCE South 00 degrees 04 minutes 40 seconds West for a distance of 1080.00 feet on the East line of the Southwest Quarter;

THENCE North 52 degrees 06 minutes 36 seconds West for a distance of 161.94 feet on the Southerly line of Outlot C, Edenton Woods;

THENCE North 79 degrees 45 minutes 02 seconds West for a distance of 218.51 feet on said Southerly line;

THENCE South 89 degrees 57 minutes 05 seconds West for a distance of 150.84 feet on said Southerly line;

THENCE South 35 degrees 59 minutes 55 seconds West for a distance of 166.58 feet on said Southerly line, to a point on the East line of Lot 80 Irregular Tract;

THENCE North 00 degrees 02 minutes 21 seconds East for a distance of 138.14 feet on the East line of Lot 80 Irregular Tract;

THENCE South 76 degrees 22 minutes 09 seconds West for a distance of 116.17 feet;

THENCE along a curve to the left having a radius of 50.00 feet and an arc length of 32.96 feet, being subtended by a chord of South 57 degrees 28 minutes 57 seconds West for a distance of 32.37 feet;

THENCE South 38 degrees 35 minutes 44 seconds West for a distance of 172.20 feet;

THENCE along a curve to the left having a radius of 60.00 feet and an arc length of 94.23 feet, being subtended by a chord of South 06 degrees 23 minutes 37 seconds East for a distance of 84.84 feet;

THENCE South 51 degrees 22 minutes 57 seconds East for a distance of 2.72 feet;

THENCE South 38 degrees 37 minutes 02 seconds West for a distance of 120.00 feet;

THENCE North 51 degrees 23 minutes 02 seconds West for a distance of 2.72 feet on the Westerly right of way of Ashbrook Drive;

THENCE along a curve to the right having a radius of 180.00 feet and an arc length of 282.68 feet, being subtended by a chord of North 06 degrees 23 minutes 37 seconds West for a distance of 254.51 feet on said right of way;

THENCE North 38 degrees 35 minutes 44 seconds East for a distance of 172.20 feet on said Southeasterly right of way of Ashbrook Drive;

THENCE along a curve to the right having a radius of 170.00 feet and an arc length of 112.08 feet, being subtended by a chord of North 57 degrees 28 minutes 57 seconds East for a distance of 110.06 feet on said right of way;

THENCE North 76 degrees 22 minutes 09 seconds East for a distance of 145.44 feet on the Southerly right of way of Ashbrook Drive;

THENCE North 00 degrees 07 minutes 08 seconds East for a distance of 61.47 feet;

THENCE South 76 degrees 28 minutes 30 seconds West for a distance of 180.05 feet on the Northerly right of way of Ashbrook Drive;

THENCE along a curve to the left having a radius of 230.00 feet and an arc length of 151.53 feet, being subtended by a chord of South 57 degrees 29 minutes 26 seconds West for a distance of 148.90 feet on said Northerly right of way;

THENCE South 38 degrees 36 minutes 21 seconds West for a distance of 93.67 feet;

THENCE North 36 degrees 24 minutes 13 seconds West for a distance of 256.49 feet;

THENCE North 00 degrees 01 minutes 13 seconds West for a distance of 737.31 feet;

THENCE North 89 degrees 59 minutes 53 seconds East for a distance of 300.72 feet;

THENCE North 89 degrees 59 minutes 42 seconds East for a distance of 192.37 feet, to the POINT OF BEGINNING;

Said property contains 24.14 acres more or less



# EDENTON WOODS FIRST ADDITION

## C.U.P. #1992A

LINCOLN, NEBRASKA  
 EDENTON WOODS FIRST ADDITION  
 SPECIAL PERMIT AREA  
 UTILITY PLAN  
 DIVISIONS  
 SHEET 1 OF 4



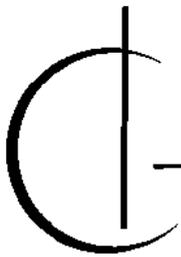
**GENERAL NOTES**  
 1. ALL UTILITIES SHOWN ARE TO BE 12" DIA. UNLESS OTHERWISE NOTED.  
 2. ALL UTILITIES SHALL BE INSTALLED IN ACCORDANCE WITH THE CITY OF LINCOLN UTILITY CODE.  
 3. ALL UTILITIES SHALL BE INSTALLED IN ACCORDANCE WITH THE CITY OF LINCOLN UTILITY CODE.

**LEGEND**  
 1. 12" WATER MAIN  
 2. 12" SEWER MAIN  
 3. 12" GAS MAIN  
 4. 12" WATER SERVICE LINE  
 5. 12" SEWER SERVICE LINE  
 6. 12" GAS SERVICE LINE  
 7. 12" WATER METER  
 8. 12" SEWER METER  
 9. 12" GAS METER  
 10. 12" WATER VALVE  
 11. 12" SEWER VALVE  
 12. 12" GAS VALVE  
 13. 12" WATER CLEANOUT  
 14. 12" SEWER CLEANOUT  
 15. 12" GAS CLEANOUT  
 16. 12" WATER TIE-IN  
 17. 12" SEWER TIE-IN  
 18. 12" GAS TIE-IN  
 19. 12" WATER TIE-IN  
 20. 12" SEWER TIE-IN  
 21. 12" GAS TIE-IN



GENERAL SITE NOTES

1. SANITARY SEWER MAINS AND WATER MAINS TO BE 6", 8", AND 12" PIPE AS DESIGNATED. SEWER AND WATER MAINS SHALL BE BUILT TO CITY OF LINCOLN SPECIFICATIONS.
2. DRNAMENTAL LIGHTING ALONG ALL PUBLIC STREETS SHALL BE IN ACCDRDANCE WITH L.E.S. REGULATIONS.
3. THE DEVELOPER AGREES TO COMPLY WITH THE DESIGN STANDARDS OF THE CITY DF LINCOLN FOR EROSION CONTROL AND SEDIMENTATION DURING ANO AFTER LAND PREPARATION AND FURTHER TO SUBMIT A SEEDING AND MAINTENANCE SCHEDULE BEFORE SITE GRADING IS COMPLETE.
4. LOT DIMENSIONS SHDWN ARE APPROXIMATE AND MAY VARY UP TO 1D FEET.
5. EASEMENTS AS SHDWN SHALL BE GRANTED FOR PUBLIC USE AND FOR SIDEWALKS. ALL SIDEWALKS ADJACENT TO STREETS ARE TO BE IN PUBLIC R.O.W. EXCEPT ON BO CREEK BAY AND BO CREEK COURT. ALL SIDEWALKS ARE TO BE 4' WIDE.
6. ALL DIMENSIONS ALONG CURVES ARE CHORO DISTANCES.
7. ALL PAVING RADII TO BE 2D' UNLESS OTHERWISE NOTED.
8. SIDEWALKS TO BE BUILT ALONG BOTH SIDES OF ALL PUBLIC STREETS AND ALONG ONE SIDE OF PRIVATE ROADWAYS AS SHOWN.
9. ALL SANITARY SEWERS & WATER MAINS TO BE PUBLIC.
10. ALL INTERSECTION ANGLES SHALL BE 90' UNLESS OTHERWISE NOTED.
11. ALL ELEVATIONS ARE BASED DN NAVD 1988 DATUM.
12. THE DEVELOPER AGREES TO COMPLY WITH PROVISIONS OF THE LAND SUBDIVISION OROINANCE AND DESIGN STANDARDS FOR SUBDIVISIONS REGARDING LAND PREPARATION.
13. EXISTING ZONING IS AGR, PROPOSED ZONING IS R-3.
14. RIGHT-OF-WAY WIDTHS AS SHOWN ASHBROOK DRIVE, NORTH SHORE DRIVE ARE 6D'
15. TOTAL USAGE:
  - 74 ATTACHED/DETACHED SINGLE FAMILY LOTS
  - 5 SINGLE FAMILY LOTS
  - 8 OUTLOTS
  - TOTAL LOTS = 79
  - TOTAL BLOCKS 3
- OUTLOTS & USE
  - OUTLOT "A" - OPEN SPACE/DRAINAGE
  - OUTLOT "B" - PRIVATE ROADWAY
  - DUTLOT "C" - OPEN SPACE/WETLANDS/DRAINAGE
  - OUTLOT "D" - PRIVATE ROADWAY
  - OUTLOT "E" - PRIVATE ROADWAY
  - OUTLOT "F" - OPEN SPACE/DRAINAGE
  - OUTLOT "G" - OPEN SPACE/DRAINAGE
  - OUTLOT "H" - FUTURE DEVELOPABLE AREA
16. A BLANKET UTILITY EASEMENT IS GRANTED OVER OUTLOTS A, B, C, D, E, F, & G.
17. LANDSCAPING SHALL BE THE RESPONSIBILITY OF THE DEVELOPER.
18. THE WETLANDS, NATURAL DRAINAGEWAYS AND FLOOD CORRIDOR SHOWN ON THE GRADING AND DRAINAGE PLAN SHALL BE PROTECTED ANO PRESERVED SUBJECT TO GENERAL NOTE 21 AND FUTURE MAINTENANCE AND STORM WATER/DRAINAGE IMPROVEMENTS CARRIED OUT WITH MINIMUM IMPACT.
19. ANY RELOCATION OF EXISTING L.E.S. FACILITIES WILL BE AT ODEVELOPER'S EXPENSE.
20. WITH THE EXCEPTION OF THE ODEVELOPER'S RIGHT TO THIN AND TRIM TREES; REMOVE DEAD, DOWNEO, AND DISEASEO TREES; AND FOR INSTALLATION, REPAIR, AND DEVELOPMENT OF ROAD IMPROVEMENTS, STORM WATER ANO ORAINAGE IMPROVEMENTS, UTILITIES, SIDEWALKS AND TRAILS APPROVED WITH A PLAT OR COMMUNITY UNIT PLAN, ALL TREES NOT SHDWN TO BE REMOVED SHALL BE CLEARLY MARKED.
21. FINAL DESIGN FOR GRADING OF THE OPEN DITCHES AND OETENTION FACILITIES SHALL CONFORM TO THE CITY OF LINCOLN DESIGN STANOARDS REQUIRING PROVISIONS TO LIMIT DEGRADATION OF THE CHANNEL ANO TO MAINTAIN A STABLE SLOPE BASED DN URBANIZED RUNDFF FROM THE WATERSHED.
22. ANY CONSTRUCTION CHANGES OR GRADE CHANGES IN L.E.S. TRANSMISSION LINE EASEMENT CORRIOORS ARE SUBJECT OF L.E.S. APPROVAL AND MUST BE IN ACCORDANCE WITH L.E.S. DESIGN AND SAFETY STANDAROS.
23. CITY TO SUBSIOIZE COST OF CONSTRUCTING 6" WATER MAIN EAST OF THE PLAT LIMIT ON NORTH SHORE DRIVE. AND THE COST TO OVERSIZE THE WATER MAIN IN ASHBROOK DRIVE FROM 6" TO 12"
24. OUTLOTS A, B, C, D, E, F, G & H TO BE MAINTAINED BY THE OEVELDPER AND/ OR THE FUTURE HOMEOWNERS ASSOCIATION.



# Civil Design Group, Inc.

Consulting Engineers & Land Use Planners  
Civil Design • Site Development • Planning & Zoning

October 8, 2007

Mr. Marvin Krout  
Director of Planning  
City of Lincoln /Lancaster County  
555 South 10<sup>th</sup> Street, Room 213  
Lincoln, NE 68508

**Re: Edenton Woods 1<sup>st</sup> Addition – CUP Special Permit – #1992A  
Additional Waiver – Block Length  
CDG Project No. 2007-0035**

Dear Marvin:

On behalf of John and Andrea Schleich we are requesting a waiver the of the block-length requirement for CUP #1992A. The waiver is specifically for the block length being shown on the west side of Ashbrook Drive. The justification for this waiver is due to the fact that there are no plans for a neighborhood of significant size to west of Outlot H on this CUP as the land is currently owned and utilized by the Berean Church. As a result of this, the typical connectivity desires for a neighborhood road network are not needed in this portion of the CUP. Additionally, the lots abutting Ashbrook Drive on the west side of the street have been platted and re-platted twice and in both of those circumstances staff has not requested a stub street to the west to break the block length up on this side of Ashbrook Drive. Lastly, a connection to the west would increase the cost of this development, require significant grading of the existing land and diminish the overall density of the development.

As a supplement to this waiver request, we have shown a pedestrian easement that would provide for pedestrian movement from Camellia Court to Ashbrook Drive that provide a more directly route to Edenton South Park to the northeast of this development. We are willing to extend this pedestrian easement to the western property line of the lots on Camellia Court to provide a similar pedestrian route from Outlot H to Edenton South Park should residential development ever take place on Outlot H.

In an effort to facilitate the review process, please feel free to call me at (402) 434-8494 so that I can address any questions you may have about this waiver.

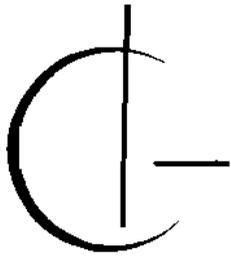
Sincerely,

Mike Eckert, AICP

Encl

cc: John Schleich

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# Civil Design Group, Inc.

Consulting Engineers & Land Use Planners  
Civil Design • Site Development • Planning & Zoning

September 26, 2007

Mr. Marvin Krout  
Director of Planning  
City of Lincoln /Lancaster County  
555 South 10<sup>th</sup> Street, Room 213  
Lincoln, NE 68508

**Re: Edenton Woods First Addition – Community Unit Plan & Change of Zone  
Ashbrook Drive & Northshore Drive  
CDG Project No. 2007-0035**

Dear Mr. Krout:

On behalf of John & Andrea Schleich, we submit the above mentioned project for your review and approval. With this Community Unit Plat we are adding 30 new single family attached lots and 3 single family detached lots to the previously approved Edenton Woods CUP #1992. This addition of lots will require a change of zone on a portion of this CUP area from AGR to R-3 which is consistent with the existing zoning of Edenton Woods CUP.

In conjunction with this submittal we submit the following information:

- Site Plan – 16 copies
- Utility Plan, Grading & Drainage Plan & Street Profiles – 5 copies each
- Application for Change of Zone & Community Unit Plan
- Community Unit Plan & Change of Zone Application Fee - \$1,475.00
- Certificate of Ownership
- Change of Zone Exhibit & Legal Description

I hope that this letter and the plans provide you with enough information to review this CUP. In an effort to facilitate the review process, please call me at (402) 434-8494 if you questions.

Sincerely,

Mike Eckert, AICP

Encl

cc: John & Andrea Schleich  
Berean Church

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Status of Review: No Rev Req

Reviewed By

BRIAN WILL

Comments:

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Status of Review: Approved

10/01/2007 12:54:35 PM

Reviewed By 911

ANY

Comments: 1 new private street, Camella Ct.

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Status of Review: Complete

Reviewed By Alltel

NCSBJW

Comments:

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Status of Review: FYI

09/28/2007 2:18:32 PM

Reviewed By Building & Safety

Terry Kathe

Comments: General notes should add that "setbacks per R-3 unless otherwise noted."

Because the rear yard setback is not shown.

---

Status of Review: Approved

10/01/2007 12:14:33 PM

Reviewed By Building & Safety

BOB FIEDLER

Comments: approved

---

Status of Review: Submitted

10/05/2007 10:38:57 AM

Reviewed By Fire Department

ANY

Comments: We have no objections from the perspective of our department to the water supply and accessibility issues. Our main concern is the lack of Fire facilities in the area that allows us to provide the timely response that our citizens have grown accustomed to expect.

---

Status of Review: Complete

10/11/2007 9:56:50 AM

Reviewed By Health Department

NCSBJW

Comments: Health Department comment:

In June 2006 a Joint Committee of the Planning Commission and Board of Health issued their final report. One of the objectives of the final report, on page 7 states:  
L:

□"In the design of new neighborhoods, ensure that the built environment supports physical activity."

This objective is also embodied in the overall guiding principles of the Lincoln/Lancaster County Comprehensive Plan which states on page 66 "Interconnected networks of streets, trails and sidewalks should be designed to encourage walking and bicycling and provide multiple connections within and between neighborhoods."

The final report on page 4 notes that the decreasing physical activity is one factor contributing to overweight and obese conditions in people. The report noted that increased physical activity and decrease body weight and decrease the instance of Type II diabetes and other health problems. The design of neighborhoods can impact the amount of physical activity.

The recommendation in final report regarding sidewalks on page 8 states:

l "continue to require blocks to be less than 1,000 feet in length to ease pedestrian movement, which also has the benefit of easing automobila movement."

The "easing automobile movement" also means that having more intersections is a natural traffic slowing mechanism. Recent urban sprawl studias by Reid, Hollingsworth, et al indicate that block lengths of 500 to 1,000 feet optimally support physical activity.

The Health Department recommends against the waiver to block length: Transportation studies indicate that residents of neighborhoods where block lengths are between 500 and 1,000 feet engage in more walking and cycling activity therefore contributing to overall health.

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Status of Review: Complete

Reviewed By Lincoln Electric System

NCSBJW

Comments:

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Status of Review: Complete

10/10/2007 4:02:44 PM

Reviewed By Lincoln Police Department

NCSBJW

Comments: Mr. Will,

The Lincoln Police Department does not object to the proposed Edenton Woods First Addition, SP1992A, CZ07056.

Sergeant Don Scheinost, #798  
Lincoln Police Department  
Management Services  
402.441.7215  
mail to: lpd798@cjis.lincoln.ne.gov

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Status of Review: No Rev Req

Reviewed By Nebraska Department of Roads

BRIAN WILL

Comments:

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Status of Review: Approved

10/02/2007 1:05:34 PM

Reviewed By Parks & Recreation

ANY

Comments: 1. Contact the forestry department at 441-7036 for the assignment of street trees.  
2. All outlot areas to be developed and maintained by the developer and/or future homeowners association.

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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

BRIAN WILL

Comments:

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Status of Review: Complete

10/16/2007 11:31:19 AM

Reviewed By Public Works - Development Services

NCSBJW

Comments: Engineering Services has reviewed administrative amendment AA06052 to the Edenton Woods Preliminary Plat and Special Permit, located north of Hwy #2 and west of the Pine Lake development, and has the following comments:

The grading plan shows grading outside the boundaries of this plat north of Lot 1 Block 1. Information needs to be provided showing that the developer has permission to conduct the proposed grading shown on the adjacent property.

It appears that the a street connection to Ashbrook Drive to the west at the north end of the development could be designed with a street grade that would meet standards and tie into the proposed grade shown at the cul-de-sac in Camella Court. The 3% max approach grade only needs to extend for 70 feet past the curb line.

A proposed street pattern should be shown for Outlot H to the west of the proposed development.

The proposed 12" water main needs to be shown extended to the southern extent of Outlot G.

F:\FILES\SIECEB\WP\PRE-PLAT-MEMOS\EDENTONWDS-SP1992A.DOC

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Status of Review: Complete

10/16/2007 11:32:02 AM

Reviewed By Public Works - Development Services

NCSBJW

Comments: Brian,

Public Works approves the requested waiver to construct drive over curbs for Camella Court. As far as the requested waiver for block length, as my memo stated, it appears that a street connection could be made to Ashbrook following standards and not affect the proposed street grade at the cul-de-sac in Camella Court.

Chad  
Chad Blahak, P.E.  
City of Lincoln  
Public Works/Utilities Department  
Engineering Services  
(402) 441-5660

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Status of Review: No Rev Req

Reviewed By Public Works - Long Range Planning

NCSBJW

Comments:

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Status of Review: Complete

10/10/2007 4:05:30 PM

Reviewed By Public Works - Watershed Management

NCSBJW

Comments: Brian,

I have the following comments on the Edenton Woods First Addition PUD #CZ07056:

- The proposed detention pond appears to have side slopes steeper than the 4:1 slope which is allowed
- The proposed detention embankment top width is less than the required 14 ft.
- Block 3, lots 14, 15, 16 all have minimum opening lower than the Maximum 100 yr Flood elevation shown in the table on sheet 2 of 4.

If you have questions please call.  
Thanks

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Ed Kouma  
Watershed Division  
Public Works & Utilities Dept  
901 N. 6th Street  
Lincoln NE 68508

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Status of Review: No Rev Req

Reviewed By School District

BRIAN WILL

Comments:

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Status of Review: No Rev Req

Reviewed By US Post Office

BRIAN WILL

Comments:

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034

INTER-DEPARTMENT COMMUNICATION



**DATE:** October 5, 2007

**TO:** Brian Will, City Planning

**FROM:** Sharon Theobald (Ext. 7640) *St*

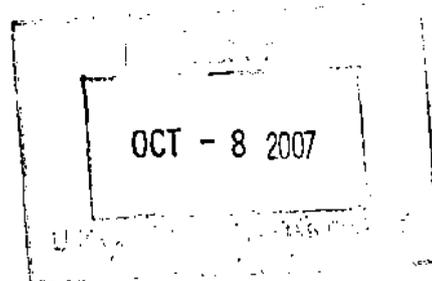
**SUBJECT:** DEDICATED EASEMENTS  
DN #62S-75E

**CZ #07056**  
**SP #1992A**

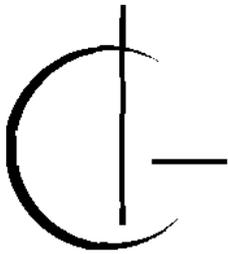
Attached is the CUP for Edenton Woods 1<sup>st</sup> Addition.

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

Windstream Nebraska, Inc., 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. Please note also, we have noted the dimensions on some of the existing easements.



ST/nh  
Attachment  
c: Terry Wiebke  
Easement File



# Civil Design Group, Inc.

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Consulting Engineers & Land Use Planners  
Civil Design • Site Development • Planning & Zoning

## MOTION TO AMEND

### SPECIAL PERMIT NO#1992a EDENTON WOODS

I move to amend the Conditions of Approval for the above special permit as follows:

1. Remove General Condition 3.1.2
2. Remove General Condition 3.1.3
3. Amend General Condition 3.1.5 to read "Show 4' between the back of curb and the sidewalk along Camellia Court."
4. Add General Condition 3.1.14 "Show a pedestrian way easement between lots 33 and 34, Block 1."

Introduced by:

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Mike Eckert, for the applicant