

## LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

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**P.A.S.:** Special Permit #1786A  
Black Forest Estates C.U.P.

**DATE:** July 9, 2001

**PROPOSAL:** Gary Bredehoft, on behalf of Quin-C, Inc., is proposing the following changes to the Black Forest Estates Community Unit Plan:

- Removal of Crosscut Lane between Burlwood Drive and Black Forest Drive with the addition of a cul-de-sac at the intersection of Crosscut Lane and Black Forest Drive
- Delete sidewalks along both sides of Black Forest Court
- Revise Note 17 to waive sidewalks along the west side of Black Forest Drive instead of the east side
- Provide a picnic shelter on Outlot "D"

The following waivers are requested:

- Waiver of block length for Burlwood Drive
- Waiver of cul-de-sac length for Black Forest Drive/Court
- Waiver of cul-de-sac radius size
- Waiver of sidewalks along both sides of Black Forest Court

### **GENERAL INFORMATION:**

**APPLICANT:** Gary Bredehoft  
Olsson Associates  
1111 Lincoln Mall  
Lincoln, NE 68508

**OWNER:** Quin-C, Inc.  
3003 S. 31<sup>st</sup> Street  
Lincoln, NE 68502

**LOCATION:** 62<sup>nd</sup> & Old Cheney Road

**LEGAL DESCRIPTION:** Lot 9, Vandervoort Addition, Black Forest Estates Addition, and Black Forest Estates 1<sup>st</sup> Addition all located in the south ½ of Section 9, Township 9 North, Range 7 East of the 6<sup>th</sup> P. M. Lincoln, Lancaster County, Nebraska.

**SIZE:** 39.65 acres more or less

**EXISTING ZONING:** R-1 Residential under a C.U.P.

**EXISTING LAND USE:** Single family dwellings

**SURROUNDING LAND USE AND ZONING:** To the north are single family homes, zoned R-1; to the east are attached single family homes and a single family home on an acreage, zoned R-1; to the south across Old Cheney Road are single family homes on acreages zoned R-1 and AGR; to the west are retail stores and office buildings, zoned B-5 and O-3.

**COMPREHENSIVE PLAN SPECIFICATIONS:** The Land Use Plan shows the site as Urban Residential

**HISTORY:** The site was converted from A-1 Single Family to R-1 Residential with the **1979 zoning update**.

- Nov. 19, 1984** City Council approved Special Permit #1114 - the Pheasant Run Community Unit Plan to the east. The City Council Resolution amended the site plan by removing the road connection from Tanglewood Lane to Pheasant Lane (now called Pheasant Run Place). The plans retained a connection from S. 68<sup>th</sup> Street to Grouse Place via Brushwood Lane and to the east via Tallowwood Ave.
- May 4, 1987** City Council approved Special Permit #1114B, which amended the lot layout of the Pheasant Run Community Unit Plan and removed the street connection to Brushwood Lane. Staff had requested that the street connection to Colonial Hills remain.
- 1988** City Council requested that staff study potential vehicular outlets from Colonial Hills to Old Cheney Road.
- June 3, 1996** City Council approved Special Permit #1615, the Tallow Wood CUP, which, over a staff recommendation of denial, created a cul-de-sac east of Pheasant Run and closed off the final potential connection from Pheasant Run to Hickory Crest and Colonial Hills.
- Dec. 20, 1999** City Council approved the Black Forest Estates Preliminary Plat and Community Unit Plan, which approved a road connection to Tanglewood Lane to be completed after 10 years or the construction of the 60<sup>th</sup> of 88 units within Black Forest Estates.
- Dec. 29, 1999** The Mayor vetoed City Council's action, noting that the street connection to Colonial Hills must be completed earlier than stipulated in the original resolutions.
- Jan. 18, 2000** City Council approved the Black Forest Estates Preliminary Plat and Community Unit Plan using a substitute resolution which mandated an earlier street connection to Tanglewood Lane in Colonial Hills. The entire connection to Tanglewood Lane shall be completed or the completion thereof guaranteed by a bond or an approved escrow of security agreement prior to the earlier of (a) scheduling the Phase II final plat on the Planning Commission agenda or (b) the final platting of the 40<sup>th</sup> dwelling unit.

**SPECIFIC INFORMATION:**

**UTILITIES:** The area can be served with public utilities.

**TOPOGRAPHY:** The property generally slopes from northeast to southwest.

**TRAFFIC ANALYSIS:** The City Staff in 1988 was requested by the City Council to study vehicular outlets from the Colonial Hills area to Old Cheney Road. Five outlets were studied. On September 19, 1988, the City Council authorized the purchase of land in Parham Place. On March 9, 1992, the City and Quin-C entered into a sales agreement. One of the stipulations states that the City shall not construct a street stub or curb return until the development of the land owned by Quin-C.

**PUBLIC SERVICE:** The closest fire station is #6, located at Highway 2 and S. 48<sup>th</sup> Street. The Comprehensive Plan proposes that this station be relocated to S. 70<sup>th</sup> Street and Pioneers Blvd.

**REGIONAL ISSUES:** Vehicular circulation from Colonial Hills to Old Cheney Road.

**ENVIRONMENTAL CONCERNS:** Wetlands

**AESTHETIC CONSIDERATIONS:** Protection of existing trees

**ANALYSIS:**

1. The applicant states that the changes to the C.U.P. are an attempt to save existing trees on site, minimize grading and changes to existing drainage courses.
2. The elimination of Crosscut Lane would save some tree mass, but the Public Works and Utilities Department notes, "The trees in the area of Crosscut Lane are... shown on the landscape plan to be eliminated anyway. This approved street system was proposed by the developer and street right-of-way and lots platted. If the goal was to save trees and minimize grading, the lot and street layout should have been proposed differently when there was maximum flexibility in the design."
3. The Public Works & Utilities Department objects to the elimination of Crosscut Lane between 62<sup>nd</sup> Street and Black Forest Drive. In addition to exceeding the subdivision ordinance cul-de-sac length requirements, it requires a water main to be built through an open area with drainage that fails to meet design standards. The removal of Crosscut Lane would also cause Burlwood Drive to exceed block length standards. A vehicle trip from Burlwood Drive as it enters the subdivision to the end of Black Forest Court would become 1/4 mile longer if Crosscut Lane were removed. The Public Works & Utilities Department further notes that there may be some flexibility in the grades of Crosscut and accompanying grading plan to minimize the grading necessary to construct the approved street system.
4. The sidewalks on the west side of Black Forest Drive were waived because a pedestrian easement was provided through the center of Block 6 as a replacement. No other sidewalks were waived in the development. The request to waive sidewalks on Black Forest Court should be denied.
5. The City acquired land in Colonial Hills with the intent to provide a vehicular connection from Tanglewood Lane to Old Cheney Road. Black Forest Drive and Crosscut Lane are the only final platted roadways which connect to the neighborhoods to the north. This connection should not be removed.

6. The street connections and timing in the approved C.U.P. were the result of lengthy negotiations between the City and the applicant. Both parties agreed to the conditions of the Black Forest Estates C.U.P. and nothing has changed to warrant altering that agreement.
7. The picnic shelter can be added to the site plan through the administrative amendment process.

**STAFF CONCLUSION:** The removal of Crosscut Lane would result in a number of deviations from subdivision development standards. The tract of land is neither of such an unusual size or shape, nor is it surrounded by unusual conditions such that strict application of standards would result in actual difficulties or substantial hardship or injustice. Furthermore the removal of Crosscut Lane would eliminate the only final platted connection in Black Forest Estates from Old Cheney Road to the Colonial Hills neighborhood. If this application were approved and the remainder of Black Forest Estates failed to develop, then the opportunity to connect Colonial Hills to Old Cheney Road would be lost.

**STAFF RECOMMENDATION:** Denial

If, after holding a public hearing, the Planning Commission determines that this application should be approved, the following conditions should apply:

**CONDITIONS:**

Site Specific:

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

- 1.1 Revise the site plan to show:
  - 1.1.1 Show sidewalk in former Crosscut Lane.
  - 1.1.2 Remove the cul-de-sac on Black Forest Drive.
  - 1.1.3 Revise Note 17 to delete "and both sides of Black Forest Ct." Also add note stating that sidewalks shall be constructed within pedestrian easements.
  - 1.1.4 Revise the grading plan to the satisfaction of Public Works & Utilities.
  - 1.1.5 Revise the Phasing Exhibit to match the previously approved Phasing.
  - 1.1.6 In Note 11, add "and recreation facilities" to the description for Outlot "D".
  - 1.1.7 Revise the legal description - the C.U.P. no longer includes Lots 64 and 59 I.T.
  - 1.1.8 To Note 5 add language indicating sidewalks shall be constructed within pedestrian easements.

2. This approval permits:
  - 2.1 88 dwelling units.
  - 2.2 Adjustment to a 5' front yard setback except along Old Cheney Road with a minimum 22' setback for garages.
  - 2.3 Adjustment to a 5' rear yard on Lot7, Block 7.
  - 2.4 Accessory dwelling units described as a single living unit having less than 1,000 square feet of floor space and that would generally consist of an apartment on top of a garage, connected to a garage or main home, or existing in the basement that would be typically used by an older family member, college student or renter as affordable housing often referred to as a "granny flat". One accessory dwelling unit may be permitted on each of the lots in Blocks 4-6.
  - 2.5 A waiver of sidewalks on the west side of Black Forest Drive.

General:

3. Before receiving building permits:
  - 3.1 The permittee shall have submitted a revised and reproducible final plan and 5 copies to the Planning Department.
  - 3.2 The construction plans shall comply with the approved plans.
  - 3.3 Final Plats shall be approved by the City.

STANDARD CONDITIONS:

4. The following conditions are applicable to all requests:
  - 4.1 Before occupying the dwelling units all development and construction shall have been completed in compliance with the approved plans.
  - 4.2 All privately-owned improvements shall be permanently maintained by the owner or an appropriately established homeowners association approved by the City Attorney.
  - 4.3 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
  - 4.4 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.

- 4.5 The City Clerk shall file a copy of the resolution approving the permit and the letter of acceptance with the Register of Deeds. The Permittee shall pay the recording fee in advance.

Prepared by:

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Jason Reynolds  
Planner

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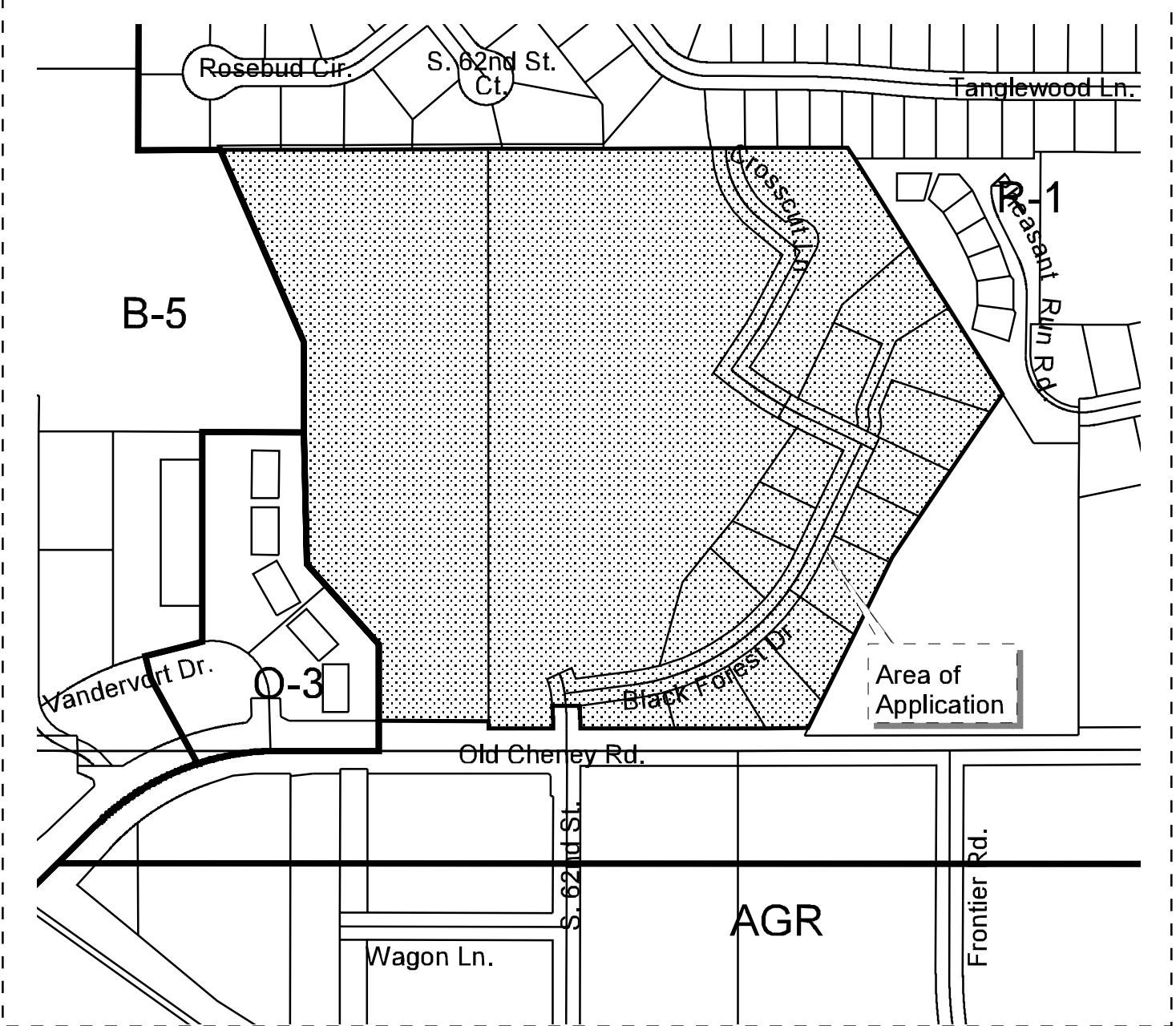


**Special Permit #1786A**  
**62nd and Old Cheney Rd.**



Photograph Date: 1997

Lincoln City - Lancaster County Planning Dept.

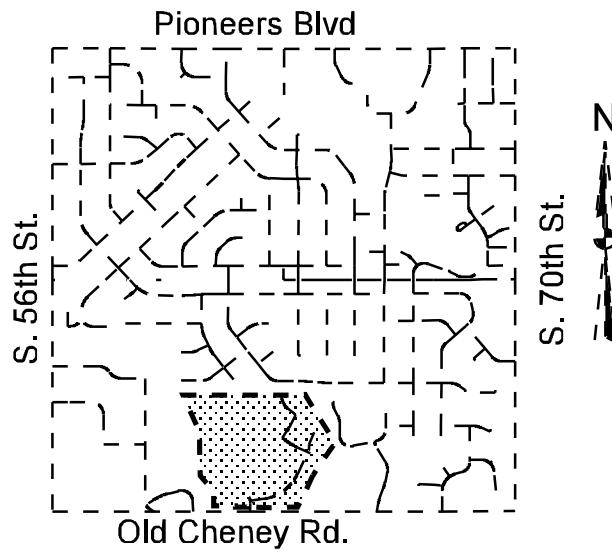


**Special Permit #1786A**  
**62nd and Old Cheney Rd.**

**Zoning:**

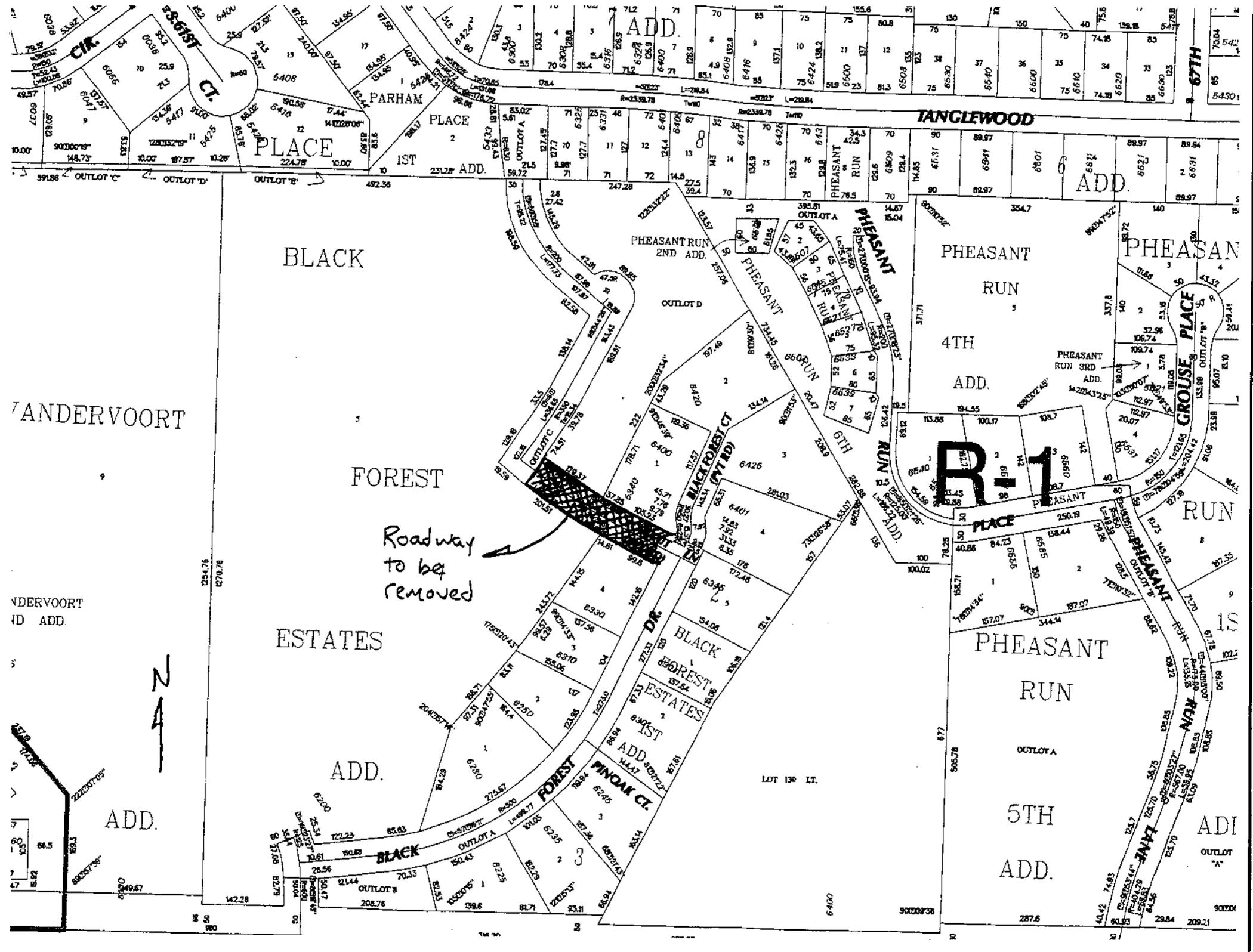
- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- R-C Residential Conservation District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned 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. 9 T9N R7e









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VANDERVOORT

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TANGLEWOOD

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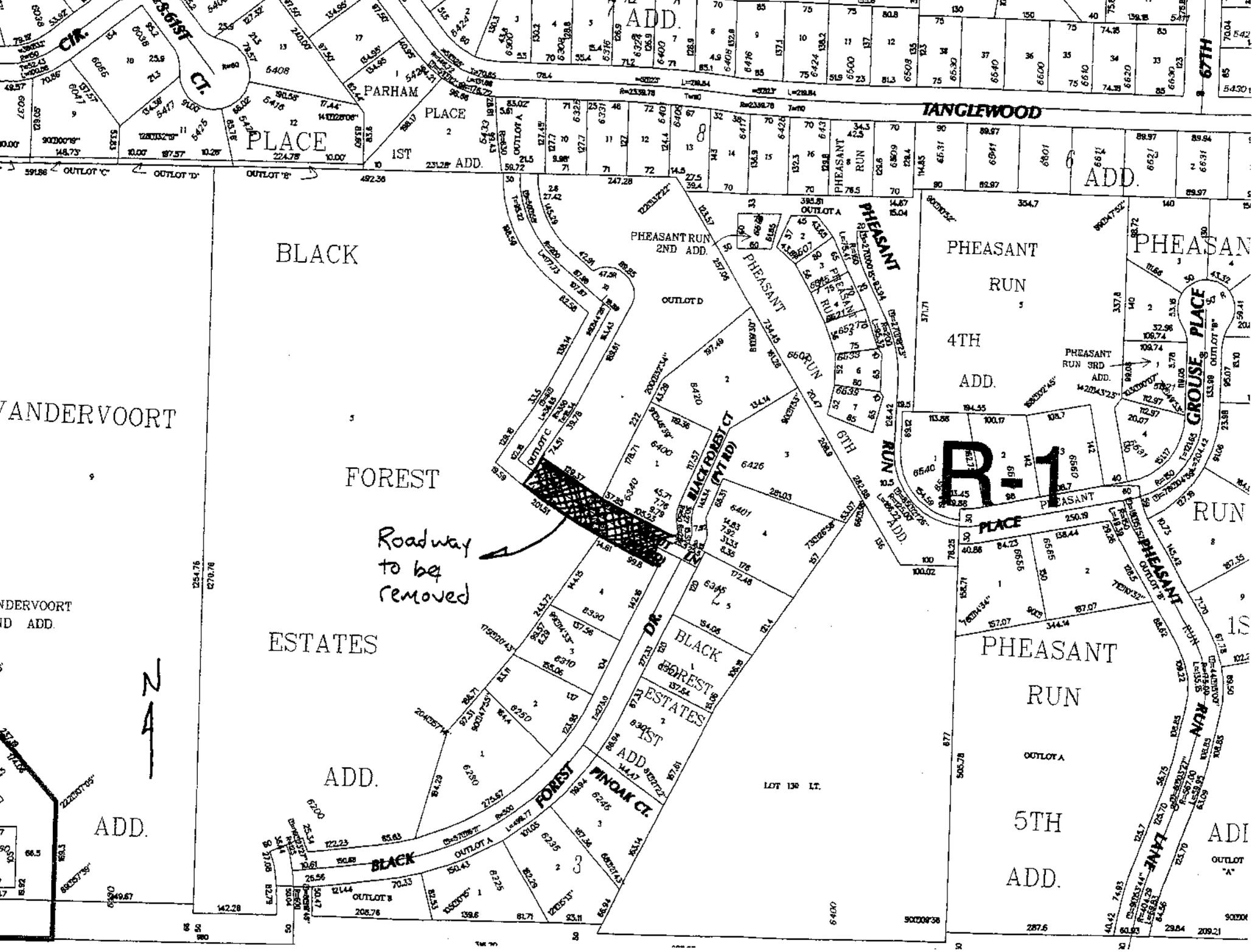
67TH

GROUSE PLACE

1ST

ADD.

OUTLOT



6/6/01  
DATE

*John S. Olsson*  
JOHN S. OLSSON

THENCE SOUTH 27 DEGREES 02 MINUTES 17 SECONDS WEST ALONG A SOUTHEAST LINE OF SAID LOT 59 I.T. A DISTANCE OF 437.65 FEET TO AN EAST CORNER OF SAID LOT 59 I.T.; THENCE SOUTH 26 DEGREES 05 MINUTES 10 SECONDS WEST ALONG A SOUTHEAST LINE OF SAID LOT 59 I.T. A DISTANCE OF 478.33 FEET TO THE SOUTHWEST CORNER OF SAID LOT 59 I.T.; SAID POINT BEING ON THE SOUTH LINE OF SAID 54; THENCE SOUTH 89 DEGREES 45 MINUTES 04 SECONDS WEST ALONG THE SOUTH LINE OF SAID LOT 59 I.T. AND THE SOUTH LINE OF SAID 54 A DISTANCE OF 130.20 FEET TO A SOUTH CORNER OF SAID LOT 59 I.T., SAID POINT ALSO BEING THE SOUTH QUARTER CORNER OF SAID SECTION 9; THENCE SOUTH 89 DEGREES 59 MINUTES 10 SECONDS WEST ALONG THE SOUTH LINE OF LOT 59 I.T. & LOT 64 I.T. SAID LINE BEING THE SOUTH LINE OF SAID SW 1/4 A DISTANCE OF 550.78 FEET TO THE SOUTHWEST CORNER OF SAID LOT 64 I.T.; THENCE NORTH 00 DEGREES 03 MINUTES 36 SECONDS WEST ALONG THE WEST LINE OF SAID LOT 64 I.T. A DISTANCE OF 66.00 FEET TO THE SOUTHEAST CORNER OF SAID LOT 9; THENCE SOUTH 89 DEGREES 59 MINUTES 10 SECONDS WEST ALONG THE SOUTH LINE OF SAID LOT 9 A DISTANCE OF 249.67 FEET TO THE TRUE POINT OF BEGINNING.

SAID TRACT CONTAINS A CALCULATED AREA OF 39.65 ACRES, OR 1,727,296.11 SQUARE FEET MORE OR LESS.

22 June 1999  
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**APPROVAL**

THE FOREGOING PRELIMINARY PLAT & CUP WAS APPROVED BY THE LINCOLN CITY-LANCASTER COUNTY PLANNING COMMISSION ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_.

ATTEST: \_\_\_\_\_  
CHAIR

**APPROVAL**

THE FOREGOING COMMUNITY UNIT PLAN WAS APPROVED BY THE CITY COUNCIL RESOLUTION # \_\_\_\_\_ ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_.

ATTEST: \_\_\_\_\_  
CITY CLERK

**SURVEYOR'S CERTIFICATE**

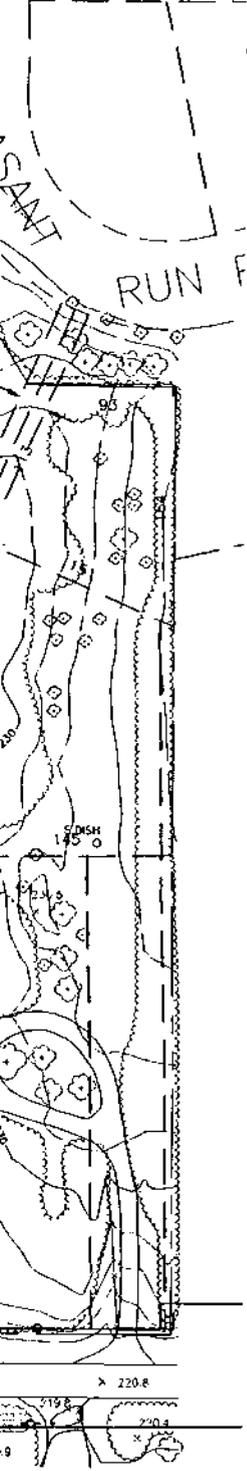
I HEREBY CERTIFY THAT I HAVE CAUSED TO BE SURVEYED THE BOUNDARY OF THE ABOVE PRELIMINARY PLAT AND THAT PERMANENT MONUMENTS HAVE BEEN PLACED OR FOUND AT ALL BOUNDARY CORNERS.

*Michael R. Johnson*  
June 6th 2001  
DATE  
MICHAEL R. JOHNSON L.S. NO. 826

**GENERAL SITE NOTES**

- SANITARY SEWER AND WATER LINES TO BE 8" PIPE AND 6" D.I. PIPE RESPECTIVELY UNLESS OTHERWISE SHOWN AND TO BE BUILT TO CITY OF LINCOLN SPECIFICATIONS.
- ORNAMENTAL LIGHTING ALONG ALL PRIVATE ROADWAYS SHALL BE IN ACCORDANCE WITH L.E.S. REGULATIONS.
- THE DEVELOPER AGREES TO COMPLY WITH THE DESIGN STANDARDS OF THE CITY OF LINCOLN FOR EROSION CONTROL AND SEDIMENTATION DURING AND AFTER LAND PREPARATION.
- LOT DIMENSIONS SHOWN ARE APPROXIMATE AND MAY VARY UP TO 10 FEET.
- EASEMENTS AS SHOWN SHALL BE GRANTED FOR PUBLIC USE AND FOR SIDEWALKS. ALL SIDEWALKS SHALL BE 4' WIDE WITHIN THE 60' PUBLIC ACCESS EASEMENT. SIDEWALKS TO BE PROVIDED ALONG BOTH SIDES OF ALL PRIVATE ROADWAYS WITH THE EXCEPTION OF BLACK FOREST DRIVE WHICH WILL HAVE A 4' SIDEWALK ON THE EAST SIDE ONLY. ALL PROPOSED BIKE TRAILS SHOWN WILL BE 8' WIDE WITH 10' WIDE EASEMENTS. (UNLESS OTHERWISE NOTED)
- DIRECT VEHICULAR ACCESS TO OLD CHENEY ROAD IS RELINQUISHED EXCEPT AS SHOWN.
- ALL DIMENSIONS ALONG CURVES ARE CHORD DISTANCES.
- ALL PAVING RADII TO BE 20' UNLESS OTHERWISE NOTED.
- ALL SANITARY SEWERS & WATER MAINS TO BE PUBLIC.
- THE YARD SETBACKS REGULATES STRUCTURAL WALLS ONLY AND DOES NOT RESTRICT OVERHANGS, PATIOS, DOOR SWINGS, WINDOW SWINGS, ETC. FROM ENCROACHING INTO THE SETBACKS.
- TOTAL USAGE:
 

54 SINGLE FAMILY	OUTLOT "A" - FUTURE BUILDING LOTS (45 UNITS MAX.)
33 ACCESSORY DWELLING UNITS	OUTLOT "B" - DETENTION AND OPEN SPACE
TOTAL UNITS 87	OUTLOT "C" - GREEN SPACE BUFFER
	OUTLOT "D" - OPEN SPACE
TOTAL BLOCKS - 6	OUTLOT "E" - DETENTION AND OPEN SPACE
TOTAL LOTS - 54	OUTLOT "F" - PRIVATE ROADWAY
- ALL INTERSECTION ANGLES SHALL BE 90° (UNLESS OTHERWISE NOTED)
- ALL ELEVATIONS ARE BASED ON CITY OF LINCOLN DATUM.
- THE DEVELOPER AGREES TO COMPLY WITH PROVISIONS OF THE LAND SUBDIVISION ORDINANCE REGARDING LAND PREPARATION UNLESS OTHERWISE NOTED.
- THE DEVELOPER AGREES TO PROVIDE AN AREA LIGHTING PLAN AND CALCULATIONS
- THE PROPOSED PLAT IS CURRENTLY ZONED R-1.
- SIDEWALKS TO BE BUILT ALONG BOTH SIDES OF ALL PRIVATE ROADWAYS AND THE NORTH SIDE OF OLD CHENEY ROAD, EXCEPT FOR ALONG THE WEST SIDE OF BLACK FOREST DRIVE, AND BOTH SIDES OF BLACK FOREST CT.
- ALL INTERIOR STREETS TO BE PRIVATE ROADWAYS WITH PUBLIC WATER AND SANITARY SEWER. ALL ROADWAYS TO BE 24' WIDE ASPHALT WITH ROLL-OVER CURB.
- OUTLOT "F" (ROADWAY) SHALL HAVE A 60' BLANKET PUBLIC UTILITY AND ACCESS EASEMENT.
- OUTLOT "A" SHALL BE FUTURE BUILDING LOTS WITH 45 MAXIMUM PROPOSED UNITS.
- LOTS IN BLOCKS 1, 4, AND 5 ARE ALLOWED TO HAVE ONE ACCESSORY DWELLING UNIT PER LOT. ACCESSORY DWELLING UNITS DESCRIBED AS A SINGLE LIVING UNIT HAVING LESS THAN 1,000 SQUARE FEET OF FLOOR SPACE AND THAT WOULD GENERALLY CONSIST OF AN APARTMENT ON TOP OF A GARAGE, CONNECTED TO A GARAGE OR MAIN HOME, OR EXISTING IN THE BASEMENT THAT WOULD BE TYPICALLY USED BY AN OLDER FAMILY MEMBER, COLLEGE STUDENT OR RENTER AS AFFORDABLE HOUSING OFTEN REFERRED TO AS A "GRANNY FLAT".
- RELOCATION OF EXISTING L.E.S. FACILITIES WILL BE AT OWNER/DEVELOPER'S EXPENSE. ALL OUTLOTS AND PRIVATE ALLEYS SHALL HAVE BLANKET UTILITY EASEMENTS.
- THE WALKWAY, EASEMENT AREA, TRAFFIC CIRCLES, AND OUTLOTS SHALL BE MAINTAINED BY THE DEVELOPER OR FUTURE HOME OWNERS ASSOCIATION.
- WE REQUEST A WAIVER OF THE FRONT YARD SETBACK FROM 30' TO 5' FOR THE DWELLING UNITS TO ALLOW FOR A NEW URBANISM STYLE CONCEPT ALONG WITH SAVING THE EXISTING TREES WITHIN THE BACK HALF OF MANY OF THE LOTS. THE GARAGE WOULD REQUIRE A MINIMUM OF A 22' SETBACK FROM THE EDGE OF THE ROADWAY. THE SETBACK FROM OLD CHENEY ROAD SHALL REMAIN AT THE STANDARD FRONT YARD SETBACK.
- WE REQUEST A WAIVER OF THE REAR YARD SETBACK TO 5' FOR LOT 7, BLOCK 3 TO ALLOW THE DWELLING UNIT TO BE PLACED TO THE BACK CORNER OF THE LOT TO SAVE THE EXISTING TREES ON SITE.
- FOR AN UNIFORM APPEARANCE ALONG THE ROADWAYS, DRIVEWAYS TO THE ROADWAYS SHALL NOT BE PERMITTED ON A LOT THAT HAS ACCESS TO AN ALLEY. DRIVEWAY ACCESS SHALL ONLY BE FROM THE ALLEY WITH THE EXCEPTION OF LOTS 1, 3, 8, & 4, BLOCK 4, WHICH HAVE AN OPTION FOR A SIDE ENTRY.
- SUBDIVISION SIGN LOCATED AT 62ND STREET AND OLD CHENEY ROAD SHALL COMPLY WITH ZONING CODE 27.69.220.
- THE DEVELOPER ACKNOWLEDGES THAT THE OLD CHENEY ROAD WIDENING PROJECT WILL EFFECT THE GRADING ALONG THE OLD CHENEY RD. FRONTAGE OF BLACK FOREST ESTATES SUBDIVISION BUT THAT THE PROJECT HAS NOT BEEN FINALIZED, AND THE DEVELOPER AGREES THAT NO BUILDING PERMIT WILL BE ISSUED TO LOTS 1 AND 2, BLOCK 2, BLACK FOREST ESTATES UNTIL SUCH TIME AS PUBLIC WORKS AND THE DEVELOPER COME TO AN AGREEMENT AS TO THE FINAL GRADING PLAN FOR THE BLACK FOREST ESTATES/OLD CHENEY RIGHT OF WAY LINE WITH AN EMPHASIS TO MAXIMIZE PROTECTION OF THE EXISTING TREE MASS ALONG OLD CHENEY ROAD.
- THE STREET STUB AT OLD CHENEY ROAD AND SOUTH 62ND STREET SHALL BE DEDICATED TO THE CITY OF LINCOLN AS PART OF THE PHASE I FINAL PLAT.
- THE PUBLIC ACCESS EASEMENT OVER THE PRIVATE ROADWAY CONNECTION TO TANGLEWOOD LANE SHALL BE DEDICATED TO THE CITY OF LINCOLN AND SHOWN AS AN OUTLOT ON PHASE I FINAL PLAT.
- THE PORTION OF THE PRIVATE ROADWAY WHICH ABUTS ANY BUILDING LOT WITHIN PHASE I FINAL PLAT SHALL BE COMPLETED OR THE COMPLETION GUARANTEED BY BOND OR AN APPROVED ESCROW OF SECURITY AGREEMENT PRIOR TO SCHEDULING THE PHASE I FINAL PLAT ON THE PLANNING COMMISSION AGENDA.
- THE ENTIRE PRIVATE ROADWAY CONNECTION TO TANGLEWOOD LANE SHALL BE COMPLETED OR THE COMPLETION THEREOF GUARANTEED BY BOND OR AN APPROVED ESCROW OF SECURITY AGREEMENT PRIOR TO THE EARLIER OF (A) SCHEDULING THE PHASE II FINAL PLAT ON THE PLANNING COMMISSION AGENDA OR (B) THE FINAL PLATTING OF THE 40TH DWELLING UNIT.



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# M e m o r a n d u m

[REDACTED]

**To:** Jason Reynolds, Planning Department  
**From:** Dennis Bartels, Public Works & Utilities  
**Subject:** Black Forest Estates Special Permit 1786A  
**Date:** June 29, 2001  
**cc:** Roger Figard, Nicole Fleck-Tooze

Engineering Services has reviewed the proposed amendments to the Black Forest Estates C.U.P. at 62<sup>nd</sup> and Old Cheney and has the following comments:

1. Engineering Services objects to the elimination of Crosscut Lane between 62<sup>nd</sup> Street and Black Forest Drive. The elimination of this street causes the length of the Black Forest Drive cul-de-sac and block lengths to exceed subdivision ordinance requirements. This requires a water main to be built through an open area through a drainage which is also contrary to design standards. The trees in the area of Crosscut Lane proposed to be eliminated are shown on the landscape plan to be eliminated anyway. This approved street system was proposed by the developer and street right-of-way and lots platted. If the goal was to save trees and minimize grading, the lot and street layout should have been proposed differently while there was maximum flexibility in the design. There may be some flexibility in the grades of Crosscut and accompanying grading plan to minimize the grading necessary to construct the approved street system.
2. Engineering Services recommends against waiving all sidewalks along Black Forest Drive. It is my understanding that the sidewalk requirement along the west side has already been waived.



**LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT  
INTER-OFFICE COMMUNICATION**

**TO:** Jason Reynolds

**DATE:** 7/2/2001

**DEPARTMENT:** Planning

**FROM:** Chris Schroeder  
Jerry Hood

**ATTENTION:**

**DEPARTMENT:** Health

**CARBONS TO:** Carole Douglas, Acting Director  
EH File  
EH Administration

**SUBJECT:** Special Permit 1786A  
Black Forest Estates

The Lincoln-Lancaster County Health Department (LLCHD) has reviewed the requested Special Permit 1786A for possible negative environmental health impacts. The following are noted:

The existing residences that are within the plat must be connected to the municipal sewer within six months after it becomes available. Within 30 days after that, the individual sewage system must be properly abandoned.

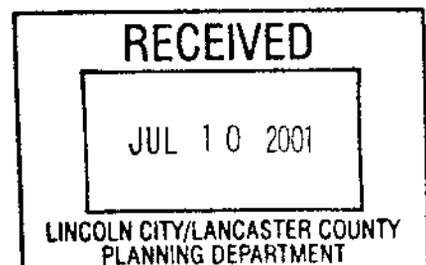
The existing wells that are within the plat must be either properly abandoned or if they are kept a biennial well permit must be obtained from the LLCHD.

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 vegetable ground cover will also be incorporated as necessary.

Provisions should be made for retaining as much tree mass as possible. Alternately, the applicant will need to plan for disposal of tree waste by burying on site, grinding, offering for firewood or hauling to the landfill. Permits for open burning of tree waste within the city limits will not be approved and applications for burning within the 3-mile zone are unlikely to be approved.

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.

If you have any questions, please contact me at 441-6272.

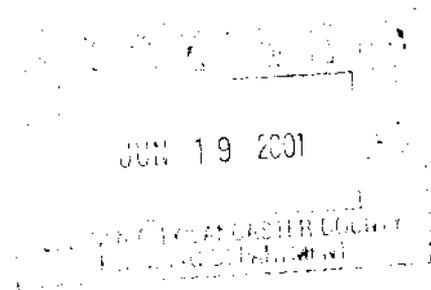




**OLSSON ASSOCIATES**  
ENGINEERS • PLANNERS • SCIENTISTS • SURVEYORS

18 June 2001

Mr. Ray Hill  
Land Use Manager  
Planning Department  
555 South 10<sup>th</sup> Street, Suite 213  
Lincoln NE 68508



Re: Black Forest Estates Amendment to the CUP  
OA Project No. 2001-0396.02

Dear Ray:

Enclosed find the following documents for the above-mentioned project:

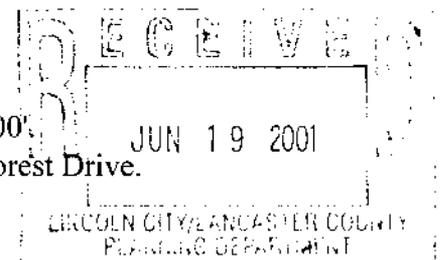
1. 21 copies of the Site Plan.
2. 8 copies of the Drainage and Grading Plan.
3. 5 copies of the Preliminary Street Profiles.
4. 7 copies of the Landscape Plan.
5. \$195 Submittal Fee.
6. Copy of the Ownership Certificate.
7. Special Permit Application.

On behalf of the Owner/Developer, Quin-C, Inc., James O. Carveth, President, 3003 South 31<sup>st</sup> Street, Lincoln, Nebraska 68502, we are requesting an amendment to the Community Unit Plan to revise the following:

1. Removal of Crosscut Lane between Burlwood Drive and Black Forest Drive with the addition of a 30' R cul-de-sac at the intersection of Crosscut Lane and Black Forest Drive.
2. Delete the sidewalks along both sides of Black Forest Court.
3. Correct Note 17 regarding the exception of sidewalks along the "west" side of Black Forest Drive, not the east side.
4. Provide a picnic shelter on Outlot "D" for use of all Black Forest Estates residents.

In addition, we would request the following waivers:

1. Waiver of block length for Black Forest Drive in excess of 1000'
2. Waiver to allow a reduced size cul-de-sac of 30' R on Black Forest Drive.
3. A waiver of sidewalks along both sides of Black Forest Court.

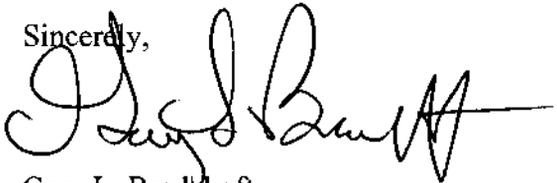


Mr. Ray Hill  
18 June 2001  
Page Two

The changes requested are an attempt to save existing trees on site, minimize grading and changes to existing drainage courses. We would like to create a rural type setting in the area.

If you require additional information or have any questions, please call.

Sincerely,

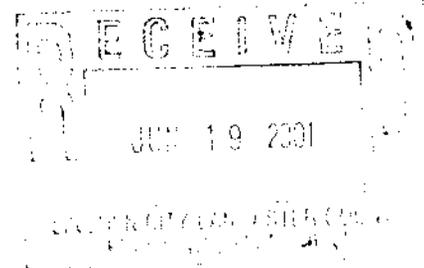


Gary L. Bredthoft

Enclosures

cc: Rob Otte  
Steve Carveth  
Jim Carveth  
John Fritsch

F:\Projects\20010396\doc\lhill.601.wpd



Lincoln



Nebraska's Capital City

May 25, 2001

Robert Otte  
201 North 8<sup>th</sup> Street  
Suite 300  
Lincoln, NE 68508

Dear Rob:

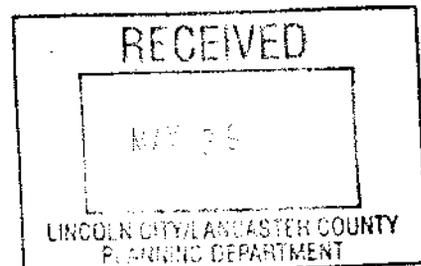
I discussed with Ray Hill the proposed changes in Black Forest Estates to eliminate the street paving in Cross Cut Lane between Burlwood Drive and Black Forest Drive that we discussed in our meeting May 24, 2001. Ray and I concluded that we cannot support this revision. We are concerned with violating block length and cul-de-sac length requirements of the subdivision ordinance, and constructing a 'cross country' water main not parallel to a public or private street. I, therefore, am informing you that if you formally request your proposed changes to the Black Forest Estate C.U.P. the staff recommendation will likely be denial.

Sincerely,

Dennis Bartels,  
Short Term Planning Manager

jaj BlackForestStPav ddb

cc: R. Figard  
R. Hill



W. MICHAEL MORROW  
TERRANCE A. POPPE  
ROBERT R. OTTE  
DAVID W. WATERMEIER  
TIMOTHY C. PHILLIPS  
JOEL G. LONOWSKI  
JOSEPH E. DALTON  
KELLY N. TOLLEFSEN

**MORROW, POPPE, OTTE,  
WATERMEIER & PHILLIPS, P.C.**

Attorneys at Law

A Limited Liability Organization  
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WEBSITE: www.morrowpoppelaw.com

Location:  
201 N. 8th Street, Suite 300  
Lincoln, Nebraska 68508

Mailing Address:  
P.O. Box 89439  
Lincoln, Nebraska 68501-9439

June 4, 2001

*[Handwritten initials]*

Mr. Dennis Bartels  
Engineering Services Division  
Public Works and Utilities Department  
531 Westgate Boulevard, Suite 100  
Lincoln, NE 68528

RE: Black Forest Estates

Dear Dennis:

Thank you for your May 25, 2001, letter regarding the proposed changes in Black Forest Estates for elimination of the paving in Cross Cut Lane between Burlwood Drive and Black Forest Drive. I am not sure I understand your reluctance after the somewhat positive comments that you made in our meeting. At our meeting, we discussed the block length and cul-de-sac length requirements, and you did not voice any specific objection. You also did not express much objection a "cross country" water main for that short distance. Based on our conversation, I authorized Olssons to proceed with the application.

I am aware that your office has supported block length and cul-de-sac length waivers in the past. Your letter was not specific as to the specific nature of your concern over the issues. Thus, I would like to address this matter with you further and ask that you contact me after you have had a chance to review my letter to discuss the same.

Thank you for your consideration in this matter.

Sincerely,

MORROW, POPPE, OTTE,  
WATERMEIER & PHILLIPS, P.C.

*[Handwritten signature of Robert R. Otte]*

By:

Robert R. Otte

RRO/bc  
c Jim Carveth  
c Gary Bredehoff  
c John Rallis  
c Ray Hill

