

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for October 26, 2005 PLANNING COMMISSION MEETING

PROJECT #: Preliminary Plat #05015

PROPOSAL: Preliminary plat and annex approximately 90 acres to be developed with approximately 318 single-family units. A change of zone is also requested from AG Agricultural to R-3 Residential.

LOCATION: 91st Street & Leighton Avenue.

WAIVER REQUEST:

1. Waive requirement for pedestrian access easements in blocks that exceed 1,000'.
2. Allow sanitary sewer to flow opposite street grades.

LAND AREA: 90.6 acres, more or less.

CONCLUSION: The preliminary plat conforms to the Comprehensive Plan and subdivision ordinance, as does the waiver for sanitary sewer flow. The waiver of pedestrian access easements should be denied.

RECOMMENDATION:

Preliminary Plat #05015	Conditional Approval
Waivers:	
1. Waive requirement for pedestrian access easements in blocks that exceed 1,000'.	Denial
2. Allow sanitary sewer to flow opposite street grades.	Conditional Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION: Lots 9 and 10 I.T., located in the SW1/4, and Lots 5, 7, 101, and 102 I.T., located in the SE1/4, all in section 14 T10N R7E, Lancaster County, Nebraska.

EXISTING LAND USE AND ZONING: Acreages, undeveloped AG Agricultural

SURROUNDING LAND USE AND ZONING:

North: Acreages, AG Agricultural
South: Acreages, AG Agricultural
East: Acreages, AG Agricultural
West: Residential R-3 and R-4 Residential

ASSOCIATED APPLICATIONS: Change of Zone # 05074, Annexation # 05017
COMPREHENSIVE PLAN SPECIFICATIONS: The 2025 Future Land Use Plan shows this area as Urban Residential. (F 25)

HISTORY:

May 2005 Preliminary Plat#05008, Annexation #05011, and Change of Zone #05034 for Eagleton Heights had public hearing before the Planning Commission. This project did not receive final approval, and has been entirely incorporated into Harrison Heights.

May 1979 This area was changed from AA Rural and Public Use to AG Agricultural during the zoning update.

UTILITIES:

- A. **Sanitary Sewer:** Sanitary Sewer is provided with the Regent Heights Trunk Sewer. However, a sewer must be constructed across land not owned by Applicant. In addition, downstream sections of existing sewer must be upsized to accommodate this development, some of which will occur in front of developed residential lots.
- B. **Water:** A 12" water main is proposed to be extended in Leighton Avenue.
- C. **Roads:** This property is served by Leighton Avenue, which is currently a 2-lane county cross-section with asphalt paving. This portion of Leighton Avenue is shown as a collector street in the Comprehensive Plan. Leighton is proposed to have 72' right of way with approximately 34' paving. The Harrison Heights preliminary plat identifies new public streets to serve future development.

TRAFFIC ANALYSIS: Leighton Avenue is shown as a local street, both now and in the future. The proposed plans shows Leighton Avenue with 66' of right-of-way and 32' of paving, and may need to be revised based upon on-street parking needs and Public Works comments below. The extension of North 91st Street to the north, North 92nd Street to the south, and North 94th Street to the south will create difficulties for adjacent owners to subdivide the property. The proposed street locations will create less than one lot depth between the road and the east, west, and east lot lines, respectively. These streets should be relocated to support future adjacent subdivisions. In addition, block lengths overall should be reduced to less than 1,000'.

PUBLIC SERVICE: The Lincoln Fire Department indicated that they find the application acceptable, but noted that limited facilities in the area may cause greater response times as development continues.

ANALYSIS:

1. This is a request for a preliminary plat for 318 residential lots, a change of zone from AG Agricultural to R-3 Residential, and annexation of the area. The applicant requests a waiver to allow sanitary sewer mains to flow opposite street grades, and a waiver eliminating pedestrian access easements in blocks that exceed 1,000'.
2. The Comprehensive Plan indicates an Urban Residential designation for the area, and the R-3 district is consistent with that designation.
3. Planning Staff does not support the waiver for pedestrian easements; rather, the street layout should be revised to reduce block lengths to less than 1,000'. During meetings with the Applicant prior to submittal, Staff agreed to removing pedestrian easements based on a revised street pattern that would reduce block lengths. Recent efforts by various City Departments has focused on provided increased mobility for pedestrian traffic, and counsels against allowing this waiver.
4. LES will require additional easements.
5. Development Services comments:
 - 5.1 Information needs to be provided showing the areas up stream of this plat that will eventually be served through this development. The sanitary sewer will need to be adequately sized to accommodate these areas.
 - 5.2 This plat will require the reconstruction of a portion of the existing sanitary sewer in Tallgrass Lane in the Prairie Village development to the north. Although all the construction would take place within existing right-of-way, the affected home owners should be notified prior to any public meeting of what this reconstruction would involve.
 - 5.3 Public Works approves the requested waiver of design standards to construct sewer opposite street grades provided the sewer depth does not exceed design standards.
 - 5.4 A proposed lot layout needs to be shown in the area of the offsite sanitary sewer north of Leighton.
 - 5.5 The water system is satisfactory.
 - 5.6 The pipe size label for drainage area G2 does not match the information in the pipe sizing table. It also appears that the comment for area G3 should be for area G2.

- 5.7 The outlets for areas A7, C3, B3, and G2 are correctly designed for the 100 year storm. However, the entire storm sewer system for these sub areas need to be designed for the 100 year storm in order to match detention design assumptions.
 - 5.8 It appears that portions of Lots 18, 19, and 20 in Block 9 may be located within the flood prone area as shown in the 'Existing Conditions Flood Prone Areas' exhibit in the drainage report. A letter of map revision will need to be submitted for these lots when the revised Steven's Creek study is adopted by FEMA. Public Works recommends that the affected lots not be final platted prior to the letter of map revision. If the lots are allowed to be final platted, a note needs to be placed on the final plat stating these future requirements for the lots.
 - 5.9 Leighton Avenue functions as a collector street in the vicinity of this plat. Current design standards indicate a road width of 39' with parking on both sides of the street and 33' road width with parking on one side. The proposed 33' wide section for Leighton is satisfactory. However, it should be noted that parking will be restricted to one side of the street for the 33' road section. A 37' back to back section would be accepted to allow parking on both sides of the street.
 - 5.10 Public Works does not approve the requested waiver of design standards for exceed block length of 1000' without a pedestrian access easement and sidewalk. There does not appear to be any physical reason the street layout cannot be adjusted to accommodate design standards. If the street pattern is to remain, pedestrian easements need to be in the appropriate locations to the satisfaction of the City.
6. Watershed Management comments:
 - 6.1 It will be very difficult to capture the 100 year flow at the north end of N 89th and N 91st Streets. Additional inlets and larger pipe sizes will be required upstream of Detention Cell "A".
 - 6.2 The draft Stevens Creek floodplain and floodway must be shown on a grading and drainage plan.
 - 6.3 Grading in the floodprone area on this site will not be allowed prior to the Building and Safety Department's review of all necessary floodplain and floodway information.
 7. Health Department comments:

- 7.1 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.
 - 7.2 During the construction process, the land owner(s) will be responsible for controlling off-site dust emissions in accordance with Lincoln-Lancaster County Air Pollution Regulations and Standards Article 2 Section 32. Dust control measures shall include, but not limited to application of water to roads, driveways, parking lots on site, site frontage and any adjacent business or residential frontage. Planting and maintenance of ground cover will also be incorporated as necessary.
 - 7.3 According to the site plan, existing buildings are slated to be removed. Prior to demolition, an asbestos survey must be conducted for both structures and ten or more working days prior to demolition a notification of demolition must be provided to the LLCHD. These are federal Environmental Protection Agency (EPA) requirements related to asbestos removal/demolition activities. Documentation related to this matter should be submitted to Harry LeDuc with the LLCHD at 3140 N Street, Lincoln, NE 68510. Mr. LeDuc can be contacted at 441-8034.
8. Parks and Recreation comments:
- 8.1 Include note on plans that all outlot areas to be maintained by the developer and/or future homeowners association.
 - 8.2 The neighborhood park is to be located with the future school site to the north.
 - 8.3 Contact the forestry department at 441-7036 for the assignment of street trees.

CONDITIONS OF APPROVAL:

Site Specific:

1. After the subdivider completes the following instructions and submits the documents and plans and 6 copies to the Planning Department office, the preliminary plat will be signed by the Chair of the Planning Commission certifying approval: (NOTE: These documents and plans are required by ordinance or design standards.)
 - 1.1 Revise the site plan by reducing block lengths to less than 1,000', or provide pedestrian access easements as required, unless the subdivider's waiver request is approved by the City Council.

- 1.2 Revise the street layout to the satisfaction of the Planning Department to better support future subdivision on adjacent property and property across Leighton Avenue.
 - 1.3 Provide additional easements as requested by LES.
 - 1.4 Make revisions as outlined in this report to the satisfaction of the Public Works and Utilities and Parks and Recreation Departments.
2. The City Council approves associated requests:
- 2.1 Change of Zone #05074
 - 2.2 Annexation #05011
 - 2.3 An exception to the subdivision ordinance to waive pedestrian access easements for blocks that exceed 1,000'.

General:

3. Final Plats will be approved by the Planning Director after:
- 3.1 The sidewalks, streets, drainage facilities, street lighting, landscape screens, street trees, temporary turnarounds and barricades, and street name signs have been completed or the subdivider has submitted a bond or an escrow of security agreement to guarantee their completion.
 - 3.2 The subdivider has signed an agreement that binds the subdivider, its successors and assigns:
 - to complete the street paving of public streets, and temporary turnarounds and barricades located at the temporary dead-end of the streets shown on the final plat within two (2) years following the approval of the final plat.
 - to complete the installation of sidewalks along both sides of streets as shown on the final plat within four (4) years following the approval of the final plat.
 - to construct the sidewalk in the pedestrian way easements in (unless waived by City Council) at the same time as the adjacent streets are paved and to agree that no building permit shall be issued for construction on lots adjacent to pedestrian way easements until such time as the sidewalk in the pedestrian way easement is constructed.

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

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

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

to complete land preparation including storm water detention/retention facilities and open drainageway improvements to serve this plat prior to the installation of utilities and improvements but not more than two (2) years following the approval of the final plat

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

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

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

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

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

to complete the public and private improvements shown on the preliminary plat.

to retain ownership of or the right of entry to the outlots in order to maintain the outlots and private improvements on a permanent and continuous basis. However, the subdivider may be relieved and discharged of this maintenance obligation upon creating, in writing, a permanent and continuous association of property owners who would be responsible for said permanent and continuous maintenance. The subdivider shall not be relieved of such maintenance obligation until the private improvements have been satisfactorily installed and

the documents creating the association have been reviewed and approved by the City Attorney and filed of record with the Register of Deeds.

to properly and continuously maintain and supervise the private facilities which have common use or benefit, and to recognize that there may be additional maintenance issues or costs associated with providing for the proper functioning of storm water detention/retention facilities as they were designed and constructed within the development, and that these are the responsibility of the land owner.

to perpetually maintain the sidewalks in the pedestrian way easements at their own cost and expense.

to continuously and regularly maintain the landscape screens.

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

to submit to the Director of Public Works a plan showing proposed measures to control sedimentation and erosion and the proposed method to temporarily stabilize all graded land for approval.

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

4. The waiver to the design standards to permit the sanitary sewer to flow opposite the street grades is hereby approved.

Prepared by:

Greg Czaplewski, 441-7620, gczaplewski@lincoln.ne.gov
Planner

Date: October 13, 2005

Applicant: Ridge Development
8020 "O" Street
Lincoln, NE 68510
421.1627

Owners: Developments Unlimited, LLP
8644 Executive Woods Drive
Lincoln, NE 68512

Michael Berg, et al
770 168 Rd
Pleasant Dale, NE 68423

Mary Jo Swarts
9209 Leighton Avenue
Lincoln, NE 68507

Contact: DaNay Kalkowski
Seacrest & Kalkowski
1111 Lincoln Mall, Suite 350
Lincoln, NE 68508
435.6000



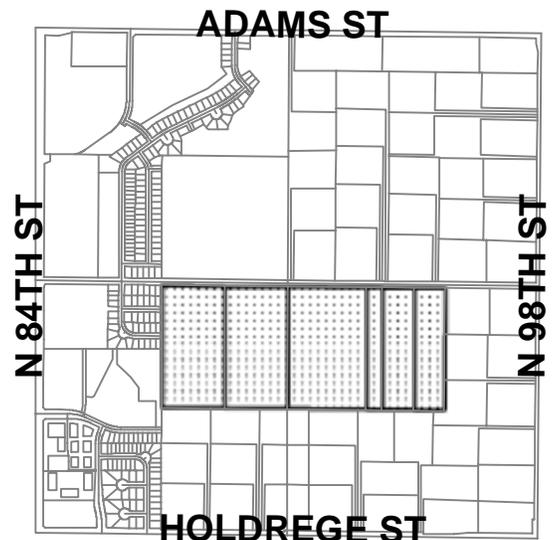
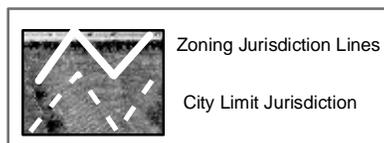
**Annexation #05017, Preliminary Plat #05015
& Change of Zone #05074
Harrison Heights
N 91th St & Leighton Ave**

2005 aerial

Zoning:

- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- R-C Residential Conservation District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial District
- B-4 Lincoln Center Business District
- B-5 Planned Regional Business District
- H-1 Interstate Commercial District
- H-2 Highway Business District
- H-3 Highway Commercial District
- H-4 General Commercial District
- I-1 Industrial District
- I-2 Industrial Park District
- I-3 Employment Center District
- P Public Use District

One Square Mile
Sec. 14 T10N R07E



LEGAL DESCRIPTION

A LEGAL DESCRIPTION FOR A TRACT OF LAND COMPOSED OF LOTS 5 I.T., 7 I.T., 9 I.T., 10 I.T., 101 I.T., AND 102 I.T., ALL LOCATED IN THE NORTH HALF OF THE SOUTH HALF OF SECTION 14, TOWNSHIP 10 NORTH, RANGE 7 EAST OF THE 6TH P.M., LANCASTER COUNTY, STATE OF NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 14, SAID POINT ALSO BEING THE NORTHWEST CORNER OF SAID LOT 101 I.T., SAID POINT BEING **THE TRUE POINT OF BEGINNING**; THENCE EAST ALONG THE NORTH LINE OF SAID SOUTHEAST QUARTER, SAID LINE BEING THE NORTH LINE OF SAID LOT 101 I.T., AND THE NORTH LINE OF SAID LOTS 102 I.T., 5 I.T., AND 7 I.T., ON AN ASSUMED BEARING OF SOUTH 89 DEGREES 21 MINUTES 08 SECONDS EAST, A DISTANCE OF 1,651.60 FEET TO THE NORTHEAST CORNER OF SAID LOT 7 I.T., THENCE SOUTH 00 DEGREES 22 MINUTES 11 SECONDS WEST ALONG THE EAST LINE OF SAID LOT 7 I.T., A DISTANCE OF 1,326.93 FEET TO THE SOUTHEAST CORNER OF SAID LOT 7 I.T., THENCE NORTH 89 DEGREES 18 MINUTES 32 SECONDS WEST ALONG THE SOUTH LINE OF SAID LOTS 7 I.T., 5 I.T., 102 I.T., AND 101 I.T., A DISTANCE OF 1,647.60 FEET TO THE SOUTHWEST CORNER OF SAID LOT 101 I.T., SAID POINT BEING THE SOUTHEAST CORNER OF SAID LOT 9 I.T., THENCE NORTH 89 DEGREES 25 MINUTES 19 SECONDS WEST ALONG THE SOUTH LINE OF SAID LOT 9 I.T., A DISTANCE OF 662.43 FEET TO THE SOUTHWEST CORNER OF SAID LOT 9 I.T., SAID POINT BEING THE SOUTHEAST CORNER OF SAID LOT 10 I.T., THENCE NORTH 89 DEGREES 27 MINUTES 52 SECONDS WEST ALONG THE SOUTH LINE OF SAID LOT 10 I.T., A DISTANCE OF 661.72 FEET TO THE SOUTHWEST CORNER OF SAID LOT 10 I.T., THENCE NORTH 00 DEGREES 07 MINUTES 09 SECONDS EAST ALONG THE WEST LINE OF SAID LOT 10 I.T., A DISTANCE OF 1,328.14 FEET TO THE NORTHWEST CORNER OF SAID LOT 10 I.T., THENCE SOUTH 89 DEGREES 20 MINUTES 20 SECONDS EAST ALONG THE NORTH LINE OF SAID LOTS 10 I.T., AND 9 I.T., SAID LINE BEING THE NORTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 14, A DISTANCE OF 1,325.96 FEET TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA OF 3,945,872.98 SQUARE FEET OR 90.5848 ACRES, MORE OR LESS.

Thursday, September 29, 2005
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SEACREST & KALKOWSKI, P.C.

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DANAY KALKOWSKI
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September 29, 2005

HAND DELIVERY

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

RE: Harrison Heights – East of 88th Street and South of Leighton Avenue

Dear Marvin:

Our office represents Developments Unlimited, LLP (“Developments”), who own or have agreements to purchase approximately 88 acres of property legally described as Lots 9 and 10, Irregular Tracts located in the Southwest Quarter, and Lots 5, 7, 101 and 102, Irregular Tracts located in the Southeast Quarter, all within Section 14, Township 10 North, Range 7 East of the 6th P.M., Lancaster County, Nebraska (the “Property”). Developments is requesting annexation, a change of zone from AG to R-3, and a residential preliminary plat for the Property.

The west 20 acres of the Property is included within the Eagleton Heights Preliminary Plat that has been approved by Planning Commission. Developments is proposing to revise that layout to integrate it with the remainder of the Property. The enclosed applications include all of the Property and are intended to supersede the Eagleton Heights Preliminary Plat. Consequently, by means of this letter we are requesting the withdrawal of the Eagleton Heights Preliminary Plat, as well as the associated change of zone and annexation requests.

Enclosed herein please find the following:

1. Application for a Preliminary Plat.
2. Application fee.
3. Change of Zone application with submittal requirements.
4. Change of Zone fee.
5. Change of Zone legal description and exhibit.
6. Site Plan – 21 copies.
7. Drainage and Grading Plans – 9 copies.
8. Street Profile Plans – 5 copies.
9. Ownership Certificate – 1 copy.
10. Soils Report – 1 copy.
11. Off-site Sanitary sewer exhibits – 3 copies

Mark Palmer from Olsson Associates and I met with staff on September 14, 2005, to review the proposed site plan and gain preliminary comments. Staff requested that we remove the proposed pedestrian corridors through blocks that exceed the 1,000 ft. maximum length. They also requested that we show a conceptual roadway network for the existing acreages to the south and east of this development.

Public Works expressed concerns regarding the roadway width for Leighton Avenue. The recent Andersons Place Special Permit and Preliminary Plat (directly to the west of this plat) shows a 66' wide right-of-way and a 32' wide roadway section for Leighton Avenue. We are proposing the same roadway cross section and that parking be permitted on the roadway.

The following waivers are being requested for the above-mentioned project. The justification for each waiver is listed below.

1. A waiver to design standards to allow sanitary sewer mains to flow opposite street grades.

There are numerous locations that we are proposing to flow the sewer opposite street grades to avoid building a sewer main in the rear yards.

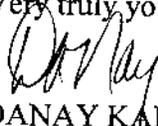
2. A waiver to the Lincoln Municipal Code to not construct pedestrian sidewalks for blocks that exceed 1,000 ft.

Our block lengths are approximately 1,100'. We have not shown pedestrian sidewalk connections due to the feedback received from the Planning Department.

We would like to request that a developer negotiation meeting be scheduled to discuss the infrastructure necessary to serve the Property and to determine whether an annexation agreement is needed. It doesn't appear that development of the Property will require the construction of any "Impact Fee Facilities".

Please contact us if you have any questions or require additional information. We thank you for your consideration of our request.

Very truly yours,


DANAY KALKOWSKI
For the Firm

Enclosures

Cc: Ridge Development Company
Southview, Inc.