

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

**for NOVEMBER 23, 2005 PLANNING COMMISSION MEETING**

**PROJECT #:** Longview 1<sup>st</sup> Addition Community Unit Plan  
Special Permit No.1790A

**PROPOSAL:** To amend the Community Unit Plan by increasing the size by 10 acres in order to add a wastewater treatment lagoon.

**LOCATION:** S.W. 40<sup>th</sup> St. and West Van Dorn St.

**WAIVER REQUEST:**

1. Storm water detention
2. Block length

**LAND AREA:** 163.77 acres, more or less

**CONCLUSION:** The approval of this application to allow an increase in the Community Unit Plan for the purpose of adding a third lagoon would correct the problem with the wastewater system. Nebraska Department of Environmental Quality has approved the construction of the third lagoon and associated wetlands. The construction of the third lagoon and associated wetlands will allow for the full build out of this development.

<b><u>RECOMMENDATION:</u></b>	Conditional Approval
Waivers:	
1. Storm water detention	Approval
2. Block length	Approval

**GENERAL INFORMATION:**

**LEGAL DESCRIPTION:** Part of Lot 14 I.T., Lots 15 & 16 I.T. located in the SE 1/4 of Section 31, Township 10 North, Range 6 East, Lancaster County, Nebraska

**EXISTING ZONING:** AGR Agricultural Residential

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

**SURROUNDING LAND USE AND ZONING:**

North:	AGR	Agricultural Residential	Acreage development
South:	AG	Agriculture	Undeveloped
	P	Public	Pioneers Park
East:	AGR	Agricultural Residential	Acreage development
West:	Ag	Agricultural	Undeveloped

**HISTORY:**

- June 27, 2001                      Final Plat #00028, Longview Estates was approved by the Planning Commission
  
- December 20, 1999              Longview Estates Preliminary Plat #99022, Special Permit #1790 and Comprehensive Plan Conformance #99010 (Conservation Easement) were approved by the City Council.

**COMPREHENSIVE PLAN SPECIFICATIONS:**

Provide for about six percent of the total population in the County on acreages. (F-17)

The Lincoln/Lancaster County Land Use Plan identifies this area as Residential, Low Density and within Tier II (F-23)(F-27)

Tier II: An area of approximately 47 square miles intended to serve the following purposes: (1) to define the geographic area the city is assumed to grow into immediately beyond the twenty-five year time frame of Tier I; (2) to serve as the basis for long term, advanced utility planning; and (3) to act as a secondary reserve area for urban growth should the Tier I area development occur more quickly than assumed for the twenty-five year period. Owing to the intended purposes of this Tier and the uncertainty of when the city may begin providing services to these areas, Tier II should also remain in its present use in order to provide for future urban development. (F-28)

Rural Lancaster County is in transition from an area of predominantly agricultural uses to an area which includes more residential uses. Balancing the strong consumer demand for country style living and the practical challenges of integrating acreages with traditional agricultural land use will continue. (F-69)

Grouping acreages together in a specific area enables services to be provided more efficiently, such as reducing the amount of paved roads, fewer and shorter school bus routes and more cost effective rural water district service. Grouping also reduces the amount of potential conflict points between farm operations and acreages. (F-70)

**UTILITIES:**

- Water                      Each lot shall have individual wells.
- Wastewater              The development shall have a community sewer system consisting of a collection system and constructed wetland treatment system.

**TRAFFIC ANALYSIS:**

West Van Dorn St. and SW 40<sup>th</sup> St. are classified as minor arterial.

**ANALYSIS:**

1. This is a request to add ten acres to the Longview Estates Community Unit Plan (CUP) for the purpose of adding a wastewater treatment lagoon. The existing wastewater treatment system is not sufficient to handle the full build out of the development. The original design did not meet Nebraska Department of Environmental Quality (NDEQ) requirements and were revised to build two lagoons and one wetland.
2. NDEQ has issued a construction permit for a treatment unit similar to a constructed wetland and for a third lagoon cell. This third lagoon shall only receive overflow wastewater from the existing lagoons.
3. This third lagoon is needed for the developer to final plat the remainder of the lots. The original CUP approved 50 lots; 26 lots have been final platted. Building and Safety has stopped issuing building permits until the wastewater issue has been resolved.
4. The applicant has requested waivers to storm water detention and block length. These waivers were granted with the original CUP.
5. The original CUP was approved for 50 units. The density has not changed with this amendment.

**CONDITIONS OF APPROVAL:**

Site Specific:

1. This approval permits 50 dwelling units.

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

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

Permittee agrees:

to complete the street paving of public streets shown on the final plat within two (2) years following the approval of the final plat.

to complete the private wastewater collection system to serve 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 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 complete the public and private improvements shown on the Community Unit Plan

to retain ownership of or the right of entry to the outlots in order to maintain the outlots and private improvements on a permanent and continuous basis and to maintain the plants in the medians and islands on a permanent and continuous basis. However, the subdivider may be relieved and discharged of this maintenance obligation upon creating, in writing, a permanent and continuous association of property owners who would be responsible for said permanent and continuous maintenance. The subdivider shall not be relieved of such maintenance obligation until the private improvements have been satisfactorily installed and the documents creating the association have been reviewed and approved by the City Attorney and filed of record with the Register of Deeds.

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

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

to 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 inform all prospective purchasers and users that the land is located within the Airport Environs Noise District, that the land is subject to an aviation and noise easement granted to Lincoln Airport Authority, and that the land is potentially subject to aircraft noise levels which may affect users of the property and interfere with its use.

to maintain county roads until the County Board specifically accepts the maintenance.

to submit to all potential purchasers of lots a copy of the ground water report.

General:

2. Before receiving building permits:

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

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

2.1.1.1 Update the legal description.

2.1.1.2 Delete A, B, C, & D from Note 12. Add block length to Note 12.

2.1.1.3 Revise the density calculations to reflect what was previously approved. The additional ten acres are not to be included in the total area for density calculations.

2.1.1.4 Add a note by the west lagoon that states this area not included in the total density.

2.1.1.5 Remove the line from the south wetland to the west lagoon.

- 2.1.1.6 Show the centerline and dimension the right of way of West Van Dorn St. and S.W. 40<sup>th</sup> St.
  - 2.1.1.7 Show a metes and bound description for a part of Lot 14 I.T.
  - 2.1.1.8 Add a note stating "The grant of an avigation and noise easement to the Lincoln Airport Authority is a condition of approval as all or part of the land is located within the Airport Environs Noise District and potentially subjects the land to aircraft noise levels which may affect users of the property and interfere with its use.
- 2.2 The construction plans comply with the approved plans.
  - 2.3 Final plat(s) is/are approved by the City.
  - 2.4 Grant an avigation and noise easement to the Lincoln Airport Authority on all or that part of the land located within the Airport Environs Noise District.
  - 2.5 The required easements as shown on the site plan are recorded with the Register of Deeds.

STANDARD CONDITIONS:

- 3. The following conditions are applicable to all requests:
  - 3.1 Before occupying this Community Unit Plan all development and construction is to comply with the approved plans.
  - 3.2 Before occupying this Community Unit Plan the City/County Health Department is to approve the water and waste water systems.
  - 3.3 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.
  - 3.4 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.
  - 3.5 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.

- 3.6 The applicant shall sign and return the letter of acceptance to the City Clerk within 30 days following the approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filling fees therefor to be paid in advance by the applicant.
4. The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all resolutions approving previous permits remain in force unless specifically amended by this resolution.

Prepared by

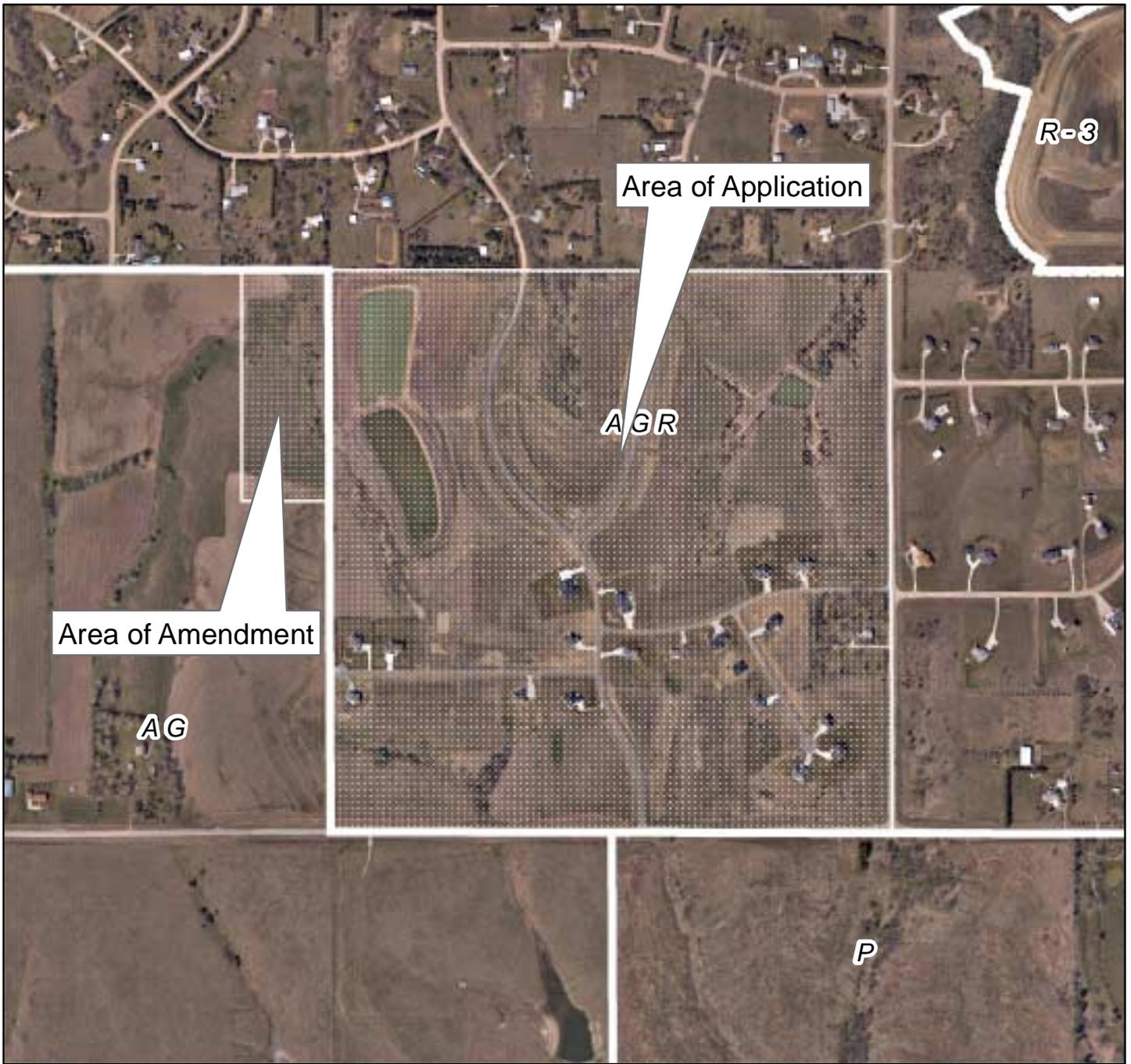
Tom Cajka  
Planner

**DATE:** November 9, 2005

**APPLICANT:** Hub Hall  
Longview Estates, Inc.  
2300 S. 48<sup>th</sup> St. Suite 2  
Lincoln, NE 68506  
(402) 483-2551

**OWNER:** same as applicant

**CONTACT:** Lyle Loth  
ESP  
601 Old Cheney Rd. Suite "A"  
Lincoln, NE 68512  
(402) 421-2500



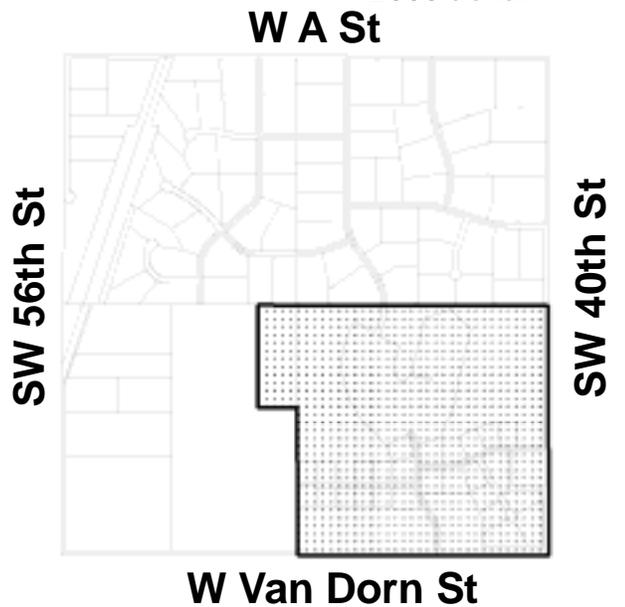
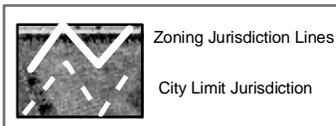
**Special Permit #1790A**  
**SW. 47th St. & W. Van Dorn St.**

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. 31 T10N R06E



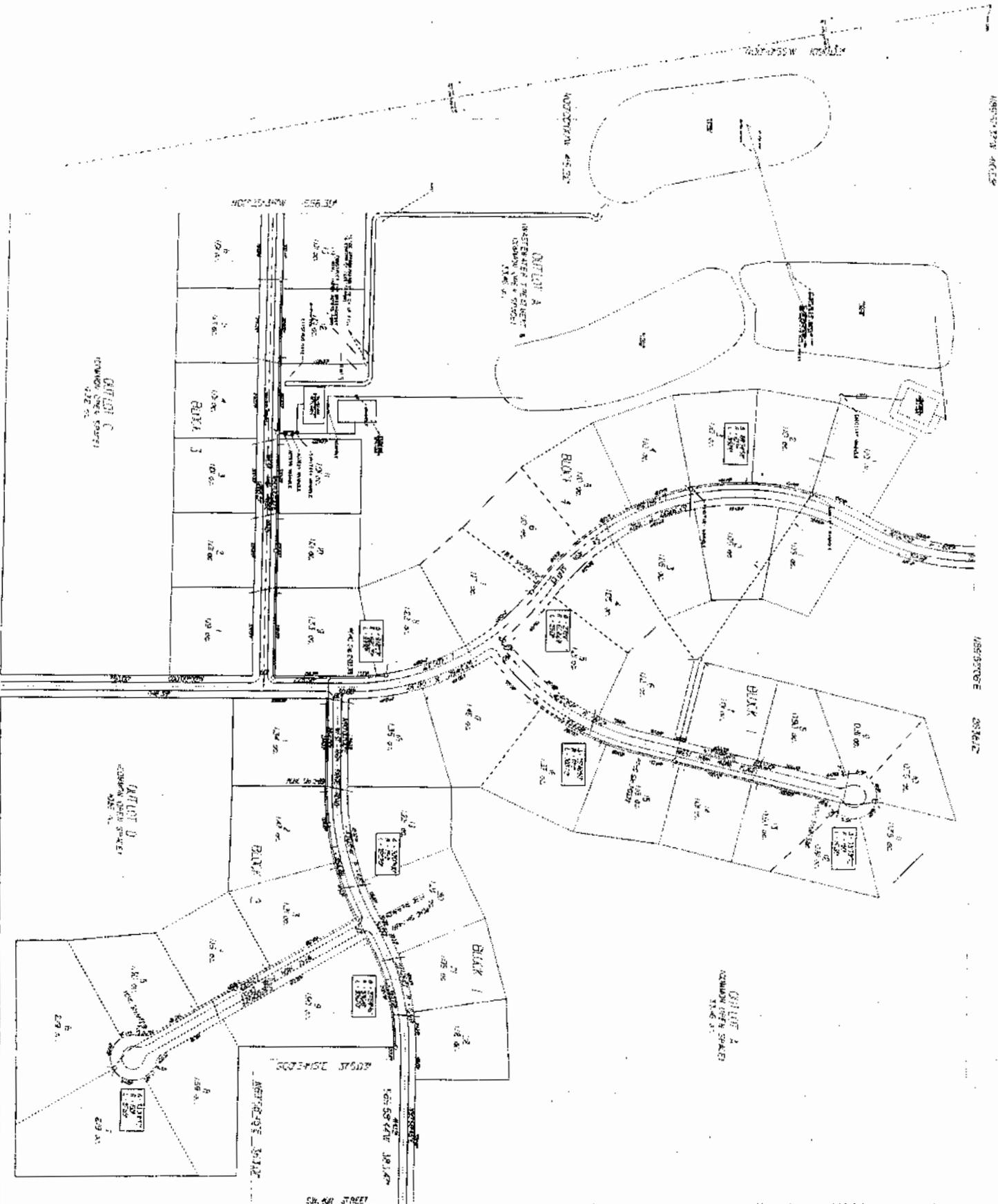
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1885' 77.8' 461.5'

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1885' 77.8' 461.5'



GENERAL NOTES

1. All lots will be served by a private community sewer system consisting of a collection system and constructed wetland treatment system as approved by the Nebraska Department of Environmental Quality and the Lancaster County Health Department.
2. Water will be provided by individual wells on each lot.
3. The developer agrees to comply with the Design Standards of the City of Lincoln for erosion and sedimentation control during and after land preparation.
4. All dimensions are along curves are chord distances.
5. Interior streets are public and will have a right-of-way width of 60 feet. Cui-de-sac right-of-way radii are 60 feet.
6. All paving within the subdivision shall be full depth asphaltic concrete (6" thick) and shall be of the following widths:  
Interior Streets - 22 feet  
Cui-de-sac radii - 41 feet
7. The developer agrees to upgrade SW 40<sup>th</sup> Street from the north line of West Van Dorn to the intersection of West High Ridge Road (approx. 1125 feet). Upgrade shall include grading and asphaltic concrete pavement 24 feet wide.
8. All interior intersection radii shall be 30 feet. 22' Type III barricades shall be installed at temporary dead ends along with 30' radius temporary turnarounds. Grading shall extend around the temporary turnarounds.
9. Utility easements will be provided as required by Lincoln Electric System, Alltel, Time Warner Entertainment, and Aquila.
10. Direct vehicular access to SW 40<sup>th</sup> Street is hereby relinquished, except at West High Ridge Road. Direct vehicular access to West Van Dorn Street is hereby relinquished except at SW 47<sup>th</sup> Street.
11. Setbacks shall conform to the AGR zoning district as follows:  
A. Front Yard 50 feet  
B. Side Yard 15 feet  
C. Rear Yard Lesser of 50' or 20% Depth
12. The following waivers to the Land Subdivision Ordinance are hereby requested:  
A. Ornamental Lighting  
B. Sidewalks  
C. Street Trees  
D. Landscape Screens  
E. Storm Water Detention
13. A 20% dwelling unit bonus has been granted to this C.U.P. provided that a permanent conservation easement is established over Outlots A, B, C, and D to protect the natural resources and open space, including the existing pond, drainage ways, wetlands, tree masses, native prairie, and proposed constructed wetlands.
14. Outlots A, B, C, and D will be preserved and protected in their present condition during the period prior to the conservation easement being filed with the Register of Deeds and permanently thereafter.
15. Outlots A, B, C, and D will be staked for the purposes of documenting the existing conditions of the conservation easement and will remain staked, with all contractors notified of the easement prior to any grading, installation of improvements, or other construction within the limits of the preliminary plat and special permit.
16. A system of mowed and/or wood chipped hiking trails through each of the 4 Outlots will be developed.
17. All of the 50 building sites will be outside of the 100-year storm limits.
18. The windmill well will be properly abandoned or limited to non-potable uses.
19. The developer shall install street identification signs, 2 STOP signs, and 2 25 MPH SPEED LIMIT signs.
20. All existing drives along West Van Dorn Street and SW 40<sup>th</sup> Street shall be removed.
21. Notice to potential buyers - Rural standards for roads are to be maintained and only one access per lot will be permitted.

LEGAL DESCRIPTION Part of Lot 14 (10.33 ac.), Lots 15 & 16, I.T., and the NE 1/4 SE 1/4 all in Section 31, Township 10 North, Range 6 East of the 6<sup>th</sup> P.M., Lancaster County, NE

DEVELOPER/OWNER Longview Estates, Inc.  
C/o Hub Hall  
2300 South 48<sup>th</sup> Street, Suite 2  
Lincoln, NE 68505  
402-483-2551

ENGINEER/SURVEYOR E-S-P, Inc.  
601 Old Cheney Road, Suite 'A'  
Lincoln, NE 68512  
402-421-2500

ZONING AGR, 163.77 ac.

LAND USE 50 Single Family Lots  
Outlots A, C, and D preserved for Common Open Space  
Outlot B preserved for Community Wastewater System

DATE PREPARED October, 2005

DENSITY CALCULATIONS

Gross Area	163.77 ac.
Area in Public Streets	-9.95 ac.
Net Area	153.82 ac.
Area within 150' of Public Street	58.96 ac.
Remaining Area: 94.86(0.8) =	75.89 ac.
Total: 134.85 ac. = 5,873,979 sq. ft.	
Divided by 130,680 sq. ft./Dwelling Unit = 44.95 D.U.'s	
20% Density Bonus = 8.99 D.U.'s	
TOTAL DWELLING UNITS ALLOWED: 53.94	
TOTAL DWELLING UNITS REQUESTED: 50	

SURVEYOR'S CERTIFICATE I hereby certify that this survey was made by me or under my direct supervision and that I am a licensed surveyor under the laws of the State of Nebraska.



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

Suite A - 601 Old Cheney Road  
Lincoln, NE 68512

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

Email: [lyle@espeng.com](mailto:lyle@espeng.com)

October 26, 2005

Mr. Marvin Krout, Director  
555 S. 10<sup>th</sup> St., Room 213  
Lincoln, NE 68508

Re: Longview 1<sup>st</sup> Addition CUP Special Permit

Dear Mr. Krout,

The purpose of this Special Permit CUP is to expand the existing CUP boundaries to allow for the construction of an additional wastewater treatment lagoon. The lot configuration, street layout, and Outlots A, C, and D remain unchanged from the previously approved CUP. We are submitting herewith 8 copies of the site plan and grading plan, application and \$250.00 application fee.

Please schedule this application to appear on the next Planning Commission Agenda. Let me know if you need any additional information.

**E-S-P**  
**Engineering-Surveying-Planning**

A handwritten signature in black ink, appearing to read 'Lyle Loth', is written over the printed name.

**Lyle Loth**

cc: Brian Chaffin, Olsson Associates  
Hub Hall