

FACTSHEET

TITLE: SPECIAL PERMIT NO. 1991, PINECREST COMMUNITY UNIT PLAN, requested by Patrick Mooberry, for 288 dwelling units and associated variances to design standards, on property generally located at North 14th Street and Morton Road.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 03/05/03 and 04/02/03
Administrative Action: 04/02/03

STAFF RECOMMENDATION: Conditional approval, as revised on March 25, 2003.

RECOMMENDATION: Conditional Approval, as revised on March 25, 2003 (7-0: Steward, Carlson, Bills-Strand, Larson, Duvall, Taylor and Schwinn voting 'yes'; Krieser and Newman absent).

ASSOCIATED REQUESTS: Annexation No. 03003 (03-77) and Preliminary Plat No. 02020, Pinecrest (03R-117).

FINDINGS OF FACT:

1. This community unit plan for 288 dwelling units and the associated annexation and preliminary plat were heard at the same time before the Planning Commission.
2. The original staff recommendation of conditional approval is based upon the "Analysis" as set forth on p.4-6, concluding that with conditions, the proposal is in conformance with the Comprehensive Plan. The staff also recommended approval of the following waivers: height for multi-family; lot area; lot width; front yard setback for a residential identification sign; and cluster density.
3. The applicant's testimony is found on p.9, requesting clarification of Condition #3.2.6 on the associated preliminary plat regarding improvement costs, and requesting amendment to the condition of approval on the associated annexation.
4. There was testimony in opposition by the Chief of the Environmental Health Division of the City-County Health Department and the Noise Engineer with the Nebraska Department of Roads, expressing concerns that the conditions of approval do not adequately address the noise attenuation measures needed for the residential properties located close to Interstate 80. (See Minutes, p.10-11).
5. The applicant's response to the testimony in opposition is found on p.11-13.
6. The record also consists of a letter from the property owner of 4900 North 14th Street requesting that the artisan well on their property be protected (p.30).
7. On March 5, 2003, the Planning Commission voted to defer the community unit plan and preliminary plat and requested that the applicant and staff attempt to resolve the noise attenuation issue.
8. On March 25, 2003, the staff submitted a Memorandum and revised conditions of approval as a result of agreement reached between the applicant and the staff regarding the noise issues (See p.31-40). The revised site plans are found on p.36-38, and the responses by the State Department of Roads and the Health Department are found on p.39-40.
9. On April 2, 2003, the applicant agreed with the revised conditions of approval and the Planning Commission voted 7-0 to recommend approval, with the conditions as revised by staff dated March 25, 2003.
10. The Site Specific conditions of approval required to be completed prior to scheduling this application on the City Council agenda have been satisfied.

FACTSHEET PREPARED BY: Jean L. Walker

REVIEWED BY: _____

REFERENCE NUMBER: FS\CC\2003\SP.1991.Pinecrest

DATE: May 6, 2003

DATE: May 6, 2003

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

This is a combined staff report for related items. This report contains a single background and analysis section for all items. However, there are separate conditions provided for each individual application.

P.A.S.: Pinecrest **DATE:** February 25, 2003
 Annexation #03000--**As Revised by Planning Commission: 3/05/03**
Special Permit #1991 ****As Revised by staff and approved by**
Planning Commission: 4/02/03**
 Preliminary Plat #02020 ****As Revised by staff and approved by**
Planning Commission: 4/02/03**

SCHEDULED PLANNING COMMISSION MEETING: **DATE:** March 5, 2003

PROPOSAL: To annex approximately 50 acres, obtain a special permit for a community unit plan for 284 **288** dwelling units, and preliminary plat 201 lots.

WAIVER REQUEST:

LAND AREA: 50 acres, more or less.

CONCLUSION: With conditions the plan is consistent with the Comprehensive Plan.

RECOMMENDATION: Annexation:	Conditional Approval, subject to an Annexation Agreement.
<u>Special Permit</u>	<u>Conditional Approval</u>
<u>Waivers:</u> <u>Height for multi-family:</u>	<u>Approval</u>
<u>Lot area:</u>	<u>Approval</u>
<u>Lot width:</u>	<u>Approval</u>
<u>Front yard setback for a residential identification sign:</u>	<u>Approval</u>
<u>Cluster density:</u>	<u>Approval</u>
Preliminary Plat:	Conditional Approval
Waivers:	Approval
Non-Perpendicular lot lines	Approval
Lot width to depth ratio	Approval
Street connection to west	Approval
Block lengths	Approval
Pedestrian ways	Approval
Sanitary sewer depth	Approval
Sanitary sewer flows opposite street grades	Approval
No flow liner in detention pond	Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION: See attached.

LOCATION: Generally located at 14th and Morton Road

APPLICANT: Patrick Mooberry
225 N. Cotner Boulevard
Lincoln, NE 68505
(402)436-3333

OWNER: Same

CONTACT: Jered Morris
Olsson Associates
1111 Lincoln Mall
Lincoln, NE 68508
(402)474-6311

EXISTING ZONING: R-3, Residential

EXISTING LAND USE: Undeveloped, acreages

SURROUNDING LAND USE AND ZONING:

North:	Interstate, undeveloped	AG, Agricultural
South:	Acreages	R-1, Residential
East:	Undeveloped, acreages	B-2, Planned Business District
West:	Undeveloped, acreages	R-3, Residential

COMPREHENSIVE PLAN SPECIFICATIONS:

The Comprehensive Plan shows this area as Urban Residential (F 23).

The vision of the Comprehensive Plan is to “maintain and enhance the health, safety and welfare of our community” (V-1) .

Guiding Principles for the Urban Environment indicates that developments should “maximize the present infrastructure by ... [encouraging] more dwelling units per acre in new neighborhoods” (F 17).

“Natural and environmentally sensitive areas should be preserved within neighborhoods” (F 17). “The natural topography and features of the land should be preserved by new development to maintain the natural drainage ways and minimize land disturbance” (F 18).

“Encourage different housing types and choices, including affordable housing, throughout each neighborhood for an increasingly diverse population” (F 18). “A range of parks and open space, from tot-lots to ballfields, should be distributed within neighborhoods and be within walking distance of the residents” (F 18).

“Linear open space should be developed along major transportation corridors” (F 19).

A trail is shown along N. 14th Street (F 95).

HISTORY:

Date when preliminary plat was submitted:	September 13, 2002
Date when Planning Director’s letter was sent:	October 11, 2002
Date when revised preliminary plat was submitted:	January 28, 2003
Staff met with applicant:	February 21, 2003

UTILITIES: Utilities are available in N. 14th Street.

TOPOGRAPHY: Rolling. Nearly level with interstate at northeast and northwest portions of site. 14-20' below interstate right of way in north central portion of site.

TRAFFIC ANALYSIS: N 14th Street is classified as an Urban Minor Arterial and Morton Street is classified as a local road (F-103). The developer is showing 33' of paving in Morton Street west of the N. 14th and Morton Streets intersection tapering to 27' of paving.

PUBLIC SERVICE: A future public school site is identified east of N. 14th Street (F-143).

ENVIRONMENTAL CONCERNS: Once the interstate is widened the noise level in this development will be near 74 decibels, according to the Nebraska Department of Roads. The US Department of Transportation Federal Highway Administration published a booklet in May 2002 called “Entering the Quiet Zone” which encouraged noise compatible land use planning. The booklet cites mitigation measures of local developers such as rear brick exterior of houses and high fencing abutting the right-of-way. However, the Comprehensive Plan does not have specific noise guidelines for vehicular noise to be applied to this development. The Comprehensive Plan calls for linear open space developed along major transportation corridors.

AESTHETIC CONSIDERATIONS: The Interstate can be seen from the proposed residential. The developer indicated they would agree to planting a 100% evergreen screen abutting the interstate.

ALTERNATIVE USES: Ideally, all residential would be set back from the interstate as requested by the Nebraska Department of Roads. Turtle Creek Road could be moved closer to the Interstate, removing the ten residential lots abutting the Interstate. Homes on the south side of Turtle Creek Road could be moved out of the wetland areas being impacted by the development. However, there are no standards in place to require any buffer from the Interstate. The Comprehensive Plan does not specifically deal with vehicular noise impacts at this time, however the Comprehensive Plan refers to having some linear open space developed along major transportation corridors.

ANALYSIS:

1. This is a request to annex, preliminary plat 201 lots for 281 dwelling units with a special permit for a community unit plan at N. 14th and Morton Street. Zoning is already in place for this development as R-3, Residential.
2. The development is consistent with the existing zoning, however, the Nebraska Department of Roads indicates significant noise impacts from the Interstate.
3. The Draft Environmental Assessment published in December 2002 by the US Department of Transportation Federal Highway Administration and the Nebraska Department of Roads indicates:

If the interstate is widened, the projected noise level is 74 DBA in 2020 (page 12, Appendix B. The Draft EA recommends noise abatement at 66 DBA. NDOR identified buffer zones to increase the distance between the interstate and development, earth berms and noise barriers as methods to reduce noise impacts (Page 15, Appendix B).
4. The developer met with staff on February 21, 2003 to discuss the proximity of residential to the interstate. Staff offered some type of land use buffer between the interstate and residential, such as an office district.
5. The developer agreed to provide a 6' high berm with 6' high fence along the interstate for the length of the property at the February 21, 2003 meeting to provide noise abatement. In the absence of specific standards or criteria, the Planning Department concurs with this mitigation. Lot 38, Block 1 is located at the end of N. 10th Court abutting the interstate. The developer agreed to remove this lot from the plat on February 21, 2003 due to its proximity to the interstate right of way and to provide a 30' minimum setback from the interstate.
6. The developer indicates that there are 2.11 existing acres of wetland areas. 0.5 acres of wetlands will be impacted by the development and the developer proposed to provide 0.89 acres of mitigated wetland areas. This is consistent with the Comprehensive Plan's goal to preserve sensitive areas. Less wetland area would be disturbed if the homes of the north side of Turtle Creek Road were removed and the road shifted to the north.
7. Required landscaping is not shown on the landscape plan. This must be revised to show landscaping for lots backing on to N. 14th Street and the Interstate. Provide details for privacy fence.
8. Public Works & Utilities Department indicated that the waiver to the low flow liner is satisfactory if the applicant agrees to provide an alternative method of channel stabilization where velocities are erosive. A condition is added to the plat.
9. Block length standards are exceeded in Block 1 and 3. Block 1 abuts the Interstate and Block 3 abuts a drainage way to be preserved. Request to exceed block lengths is a reasonable request.

10. A pedestrian walk is required in blocks that exceed 1000'. Block 1 exceeds this standards, but abuts the Interstate and a pedestrian walk should not lead to the Interstate. This request to waive the pedestrian walk is reasonable.
11. The request to exceed the height of the multi-family buildings from 35'-40' would not appear to have any negative impact on adjacent uses. To the east is proposed commercial and the north is the Interstate. The added height would provide a greater buffer from the Interstate for the residential to the south.
12. The Design Standards indicate that there is a maximum number of dwelling units that can be concentrated on a property. In the R-3 district not more than 15 dwelling units per acre should be clustered together. The Comprehensive Plan encourages maximization of infrastructure by encouraging more dense development. This request is consistent with the Comprehensive Plan.
13. The site plan shows two subdivision identification signs at the Turtle Creek Road and N. 14th Street intersection. The developer requests to place these signs in the front yard, outside of the critical site triangle. The Public Works & Utilities Department did not object to this request.
14. The developer is showing a tot-lot in the multifamily area and open space along the wetlands and drainage ways for recreation. Keech Park is within walking distance to this development at N. 14th and Superior Streets. The future trail map shows a trail along N. 14th Street and must be shown abutting this property.
15. The Nebraska Department of Roads discouraged all residential development within 66 decibels as indicated in their attached memo. They indicated severe noise impacts to the proposed residential units.
16. The Lincoln-Lancaster County Health Department indicated that they are concerned with the proximity of residential to the Interstate because of the transportation of hazardous materials on the Interstate and noise levels. The Lincoln-Lancaster County Health Department cited the LMC 8.24 Noise Control Ordinance for residential zones indicating that noise levels must not exceed 65 dB(A) during the daytime and 55 dB(A) at night but stated that this ordinance is not specific to Interstate noise.

SPECIAL PERMIT 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 all changes required by the preliminary plat.~~

~~2. This approval permits 281 dwelling units and variances to design standards for a recreation facility in a CUP, lot width, lot area, reduction of the front yard setback for the residential identification sign at Turtle Creek Road and N. 14th Street, cluster density for the multi-family area and allow a maximum height of 40' on Lot 1, Block 1 (multi-family area).~~

General:

~~3. Before receiving building permits:~~

~~3.1 The permittee shall have submitted a revised final plan including 6 copies and the plans are acceptable.~~

~~3.2 The construction plans shall comply with the approved plans.~~

STANDARD CONDITIONS:

~~4. The following conditions are applicable to all requests:~~

~~4.1 Before occupying the dwelling units all development and construction 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 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, filing fees therefor to be paid in advance by the applicant.~~

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(As revised by staff on March 25, 2003, and approved by Planning Commission on April 3, 2003**)**

Prepared by:

Becky Horner
Planner

**ANNEXATION NO. 03000;
SPECIAL PERMIT NO. 1991,
PINECREST COMMUNITY UNIT PLAN;
and
PRELIMINARY PLAT NO. 02020,
PINECREST**

PUBLIC HEARING BEFORE PLANNING COMMISSION:

March 5, 2003

Members present: Bills-Strand, Carlson, Newman, Taylor, Larson, Krieser and Schwinn; Duvall and Steward absent.

Staff recommendation: Approval of the Annexation, subject to an Annexation Agreement; and conditional approval of the Community Unit Plan and Preliminary Plat.

There were no ex parte communications disclosed.

Becky Horner of the Planning staff submitted an email from the property owner at 4900 No. 14th with concerns about any changes that might affect an existing artisan well on the property.

Proponents

1. Mark Hunzeker appeared on behalf of the developer. This project has been going on for approximately a year. They have worked out virtually all of the details with staff; however, he has a question concerning Condition #3.2.6 of the preliminary plat, which imposes the requirement that the developer pay all improvement costs except those which the City Council specifically subsidizes, which then includes the cost of the two outside lanes of a suburban cross section in North 14th Street. Hunzeker suggested that the developer has had extended conversations with Public Works about No. 14th Street and what it means to this project. In fact, this developer was told directly by Allan Abbott that this project did not create an immediate need for the improvement of No. 14th Street to city standards, and that the improvement would be done in the course of the CIP using impact fees from this project and from other projects in that vicinity. Hunzeker does not know what Condition #3.2.6 means.

With regard to the annexation, the condition of approval requires that there be a signed annexation agreement before the application is scheduled on the City Council agenda. Hunzeker would strongly prefer that this condition be amended to "approval, subject to reaching an annexation agreement with the City", because he does not want this proposal to be hung up between here and the City Council agenda without the ability to have the public hearing on the issues of the annexation agreement because they have not yet even seen a draft. Hunzeker does not anticipate any difficulties in reaching an annexation agreement.

Opposition

1. **Scott Holmes**, Chief of the Environmental Health Division of **City-County Health Dept.**, testified that the Health Department is not in opposition but would request consideration of the issues raised in the Health Department memo to the Planning Department that he does not believe have been adequately addressed in the conditions of approval, specifically, the level of noise that will be experienced by the residential properties that will be located very close to the Interstate. There is a condition that there be a 6' berm and a 6' fence to attenuate noise, and given some discussions that they have had with the Nebraska Department of Roads, that will not be adequate to attenuate the noise to a level that would allow the residents to experience any similar level of noise described in the noise control ordinance of the Lincoln Municipal Code as a community standard, i.e. 65 decibels during the day and 55 at night. Within the noise code, it imposes upon the Health Officer to interact with other departments when issues relative to noise arise, and this is what the Health Department had attempted to do in their comments. Holmes is not certain that the proposed condition will protect the citizens who will be living there from noise generated by the Interstate.

Schwinn pondered that if this moves forward, the noise abatement is put in place and the lots are above that noise level, what does the City or Health Department have as recourse? Could the development be stopped? Holmes does not believe the code is written such that any action can be taken. The way the code is written is that no person can create noise which exceeds the threshold described in the code. This is a planning issue. Knowing what we know, and with the Department of Roads recommending 700 feet back from the center line and the current proposal placing those properties within 200 feet—it is pretty obvious that we are looking at high noise levels. We are talking levels that are close to industry-type level noise limits.

Carlson asked Holmes to discuss the proximity and degree to which distance provides mitigation. Is 700 feet the minimum there? What about moving the road closer to the Interstate which would move the lots further away? Holmes observed that the general rule of thumb is doubling of distance reduces the noise by 3-6 decibels, depending on the reflective surface. If you started at the property border currently proposed (125' from the edge of the right-of-way), and added another 250', then you would have a drop in the noise level of around 3-6 decibels. The Department of Roads report indicates that those houses as proposed will expect noise at around 72 decibels. If you double the distance away, it will reduce it 3 to 4 to 5 decibels, so you would be below 70. As far as berming and mitigation, a fence is not acceptable. A true noise attenuation wall needs to be considered.

2. **Mark Ottemann**, Noise Engineer with the Nebraska Department of Roads, stated that the houses as proposed would be experiencing noise at more than 75 decibels. He has experienced this level in Omaha and it would be like having to scream to be heard when standing next to someone. In addition, Ottemann believes that the traffic will increase on this Interstate as it is proposed to be expanded. It would reach a point where if nothing has been done for these residences for noise attenuation, at some point in time something would have to be done according to the Code of Federal Regulations. He believes the taxpayers will ultimately have to pay for this attenuation. At some point in time it will require noise attenuation.

Ottemann further advised that the Department of Roads sends recommendations on areas that are being developed, and it is up to the decision makers as to whether those recommendations are

followed or not. The Department of Roads is faced with problems when the Interstate is expanded. There are eight or nine locations in Omaha where noise attenuation has been accomplished. It is becoming more and more a factor.

Carlson asked Ottemann to describe physically what is necessary to attenuate the noise. Ottemann responded that in this location, the Interstate is about 14 to 20 ft. higher and in order to block the noise from that, it would require a berm that would be high enough to get it to the point where you could place a noise wall on top of the berm. He would probably put in at least a 15-20' berm, and then put a noise wall on top of that. You have to block line of sight from the traffic and the wall has to be 3' over the line of sight. Your alternatives are to find other uses that are more noise compatible such as commercial.

Schwinn inquired whether the Department of Roads has ever actively sought to stop a development because of this. Ottemann responded that the Department of Roads has not actively sought to stop a development, but he believes a lot of the government entities are becoming a lot more proactive because we know that down the road we are going to be faced with the decision of how to protect the residences that are allowed to be developed too close to any major traffic facility.

Larson commented that if the houses are built as shown, there would not be enough of a print to put up that berm. Ottemann agreed. When that happens, if we don't have enough space on the State right-of-way, then we have to go to the residents and tell them that there is no solution.

Ottemann added that this stretch of I-80 will be 6 lanes.

Staff questions

Carlson asked staff to discuss the wetlands on the site, especially in proximity to the interstate in the northern and eastern portions of this proposed development. Horner stated that the developer has identified a number of wetland areas which they have attempted to preserve. She understands that they are impacting less than ½ acre of wetlands, which they are mitigating on-site. They had originally shown some of the lots encroaching more into the wetland areas, but they revised the site plan and moved more of them out. Carlson asked for clarification of the staff analysis indicating that "Less wetland area would be disturbed if the homes on the north side of Turtle Creek Road were removed and the road shifted to the north." Horner indicated that this is under the assumption that the homes south of Turtle Creek Road would then probably be moved to the north a little bit and the lot lines would actually be out of the wetland area. There would be more room to plat their lots. Carlson asked about the distance of the lots on the south side of Turtle Creek Road to the Interstate. Horner believes the lots are about 190' from the Interstate. Schwinn believes the back of the lots are less than 200' from the centerline of the Interstate. Horner stated that the lots abutting the Interstate are 109' deep. The lots south of Turtle Creek are 105' deep.

Response by the Applicant

Hunzeker referred to the letter regarding the artisan well. He indicated that whatever legal rights the owner has will be protected. This developer knows the well is there and has no problem with their continued use of it in accordance with the terms that have been in effect since before this property was acquired.

With regard to the noise issue, Hunzeker observed that this is a rather interesting and somewhat difficult issue to address because there is no standard, which is what the staff report indicates. There are no city regulations that apply in this circumstance. The city's noise ordinance is more in the nature of a nuisance type ordinance that makes it a misdemeanor to create a noise disturbance which interferes with the use of residential property. Therefore, Hunzeker does not believe it applies in this situation.

With regard to the Department of Roads study, Hunzeker pointed out that the numbers being discussed are projected to be the noise levels in 2020. The only other study we have any experience with that is similar is the Anclux Study done for the airport about 20 years ago, and it is at least the consensus of people looking at those noise contours and flight patterns and technology changes, that those noise contours overstate the noise problem at the airport. Hunzeker stated that he is having trouble articulating a reason we should be talking about this today other than that it exists and the Department of Roads doesn't want to have to pay people for noise in the future. He understands the concern; however, this is an issue that can only be addressed in a comprehensive way, and the city needs to decide whether it wants to designate, almost exclusively, commercial uses along all of its major transportation corridors (which seems not to be the direction things were headed just a while back), or whether the city simply wants to say we are going to have open space, in which case the city can buy open space. Hunzeker does not believe it is not permissible to say to people, "we're worried about the noise impact in the future so you can't use your land."

Hunzeker went on to state that this particular project has raised some flags that haven't been raised before, but this is not the first time this particular issue (noise) has been at least discussed on the periphery of a project right in this vicinity. For example, Stone Bridge Creek had proposed to have industrial uses along the entire frontage of I-80, and the developer was opposed in that effort and told, "no, it's just fine, put residential there." Now we're being told something different on this project. The study being discussed has been available for four or five months and nothing was said until the last couple of weeks.

Schwinn commented that from a straight land use, there is probably no reason why this should ever be turned down. If we as a city and the state feel that a buffer should be here and we demand it of the developer, he believes it is a constitutional issue and the city should pay for it. But, having heard what has been said here today, as these lots go forward and the houses are sold and I-80 expanded, isn't there a certain liability placed back on the developer? Hunzeker's response was that the Interstate is already there and people who are going to buy these homes will know it is there. It is a very well publicized issue as to the widening of that stretch of the Interstate. He does not think it is an issue that is going to be creating a liability on the developer or builders because these are fairly common facts that anyone can discover. There are construction techniques that can be used and that are generally used, most of which are construction techniques that are built into a good house anyway. He does not believe this is going to create a liability for this developer or for the builders. It is in a location which probably may result in some differential pricing because of the relative noise associated with the areas adjacent to the Interstate. We have people living next to Interstates all over the country and he does not believe it should be prohibited.

Hunzeker again referred to Condition #3.2.6 of the preliminary plat. He does not object, but he would like to know what is intended. Rick Peo, City Law Department, believes the condition regarding the

construction of No. 14th Street is an item that would be more appropriately included in the annexation agreement, depending on how we look at that facility. Peo also agreed that the condition on the annexation be changed as per the applicant's request, i.e. that an annexation agreement be reached before the annexation is approved by the City Council.

Public hearing was closed.

ANNEXATION NO. 03000

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

March 5, 2003

Carlson moved to deny, seconded by Newman.

It is Carlson's opinion that this type of analysis and investigation is completely appropriate for this body. The charge of the Planning Commission is to look at the Comprehensive Plan and look long term. The idea of placing residential in an area that we know is going to be difficult and a poor quality of life condition is unacceptable. The mitigation possibilities are physically and aesthetically unacceptable. He does not believe this is consistent with what we are seeking for the quality of development and planning here in Lincoln. He believes the proposed site plan needs to be rearranged because he does not believe the issues of public health, safety and welfare and the Comprehensive Plan issues are sufficiently addressed.

Newman observed that the Commission hears people commenting many times about common sense, and she thinks common sense tells us this is not the right place to put this development. Having the right to do something doesn't necessarily make it right.

Schwinn posed a question to Carlson and Newman -- if we say "no" as a governmental body, then in essence we are telling them they have no right to use this property as they wish. Newman disagreed. We are saying that if the solutions are not there, we need to find the correct solution before we approve it.

Carlson stated that he is rendering his opinion as a Commissioner to be passed on to the elected body, and his opinion on this development is that it is not a proper plan.

In response to a question raised by Larson regarding annexation, Peo indicated that if the property is not annexed, the property would not have city water and sewer.

Motion to deny failed 2-5: Carlson and Newman voting 'yes'; Bills-Strand, Taylor, Larson, Krieser and Schwinn voting 'no'; Duvall and Steward absent.

Larson made a motion for approval, subject to reaching an annexation agreement prior to approval by the City Council, seconded by Bills-Strand and carried 5-2: Bills-Strand, Taylor, Larson, Krieser and Schwinn voting 'yes'; Carlson and Newman voting 'no'; Duvall and Steward absent.

SPECIAL PERMIT NO. 1991
PINECREST COMMUNITY UNIT PLAN
ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

March 5, 2003

Bills-Strand moved to defer for two weeks because she would like to see the applicant come back with some ideas on ways to work with the mitigation of the sound, seconded by Larson.

Bills-Strand further commented that she believes we owe it to future taxpayers that may have to put in a sound barrier, and we also owe it to the people that would live in these lots to put up that sound barrier. The Comprehensive Plan already calls for the zoning, so we need to work with it as best we can.

The Clerk suggested that if this results in new information, the public hearing should be reopened which requires readvertising and notices to property owners. Rick Peo of the City Law Department concurred.

Motion was amended to defer four weeks with reopened public hearing and administrative action scheduled for April 2, 2003, seconded by Larson and carried 7-0: Bills-Strand, Carlson, Newman, Taylor, Larson, Krieser and Schwinn voting 'yes'; Duvall and Steward absent.

PRELIMINARY PLAT NO. 02020
PINECREST
ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

March 5, 2003

Bills-Strand moved to defer for four weeks, and reopened public hearing and administrative action on April 2, 2003, seconded by Larson and carried 7-0: Bills-Strand, Carlson, Newman, Taylor, Larson, Krieser and Schwinn voting 'yes'; Duvall and Steward absent.

SPECIAL PERMIT NO. 1991
and
PRELIMINARY PLAT NO. 02020,
PINECREST,
CONT'D PUBLIC HEARING BEFORE PLANNING COMMISSION:

April 2, 2003

Members present: Steward, Carlson, Bills-Strand, Larson, Taylor, Duvall and Schwinn; Krieser and Newman absent.

Staff recommendation: Conditional approval, as revised on March 25, 2003.

There were no ex parte communications disclosed.

Proponents

1. **Peter Katt** appeared on behalf of the property owner, Patrick Mooberry. After the Planning Commission public hearing, the developer met with the Department of Roads and city staff. As a result of that meeting, consensus was reached as to what is necessary to provide reasonable

accommodations on the site for noise. Those accommodations are set forth in the revised staff recommendation dated March 25, 2003, and the applicant agrees with the revised conditions of approval.

There was no testimony in opposition.

Steward queried whether the proximity to the interstate is now being buffered by landscaping and screening. Ray Hill of Planning staff stated that it is being buffered by landscaping and setback. We are looking at this as though the garages (the front of the buildings) would somewhat act as a buffer to reduce the noise. The revised plan was reviewed and approved by Planning, Public Works, Health and Dept. of Roads. Steward then suggested that the proposed plat takes the back yards that originally abutted the right-of-way away from there. Hill explained that the road is shifted a little bit closer to the interstate but there are no homes on the north side of the interstate. Steward believes this is a commendable decision. He believes the economics as well as the envelopes are improved.

Larson inquired as to what is between the road and the interstate. Hill explained that to be where the landscaping and berms would be located to create the buffer. Larson would like to see the trees be as big as they can be when planted. Hill added that by moving the road to the north, it moved the lots out of the wetlands, preserving more wetlands. The plat actually gained eight dwelling units by changing from single family to townhouse units.

Public hearing was closed.

SPECIAL PERMIT NO. 1991

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

April 2, 2003

Carlson moved to approve the revised staff recommendation of conditional approval dated March 25, 2003, seconded by Steward.

Schwinn commended the compromise.

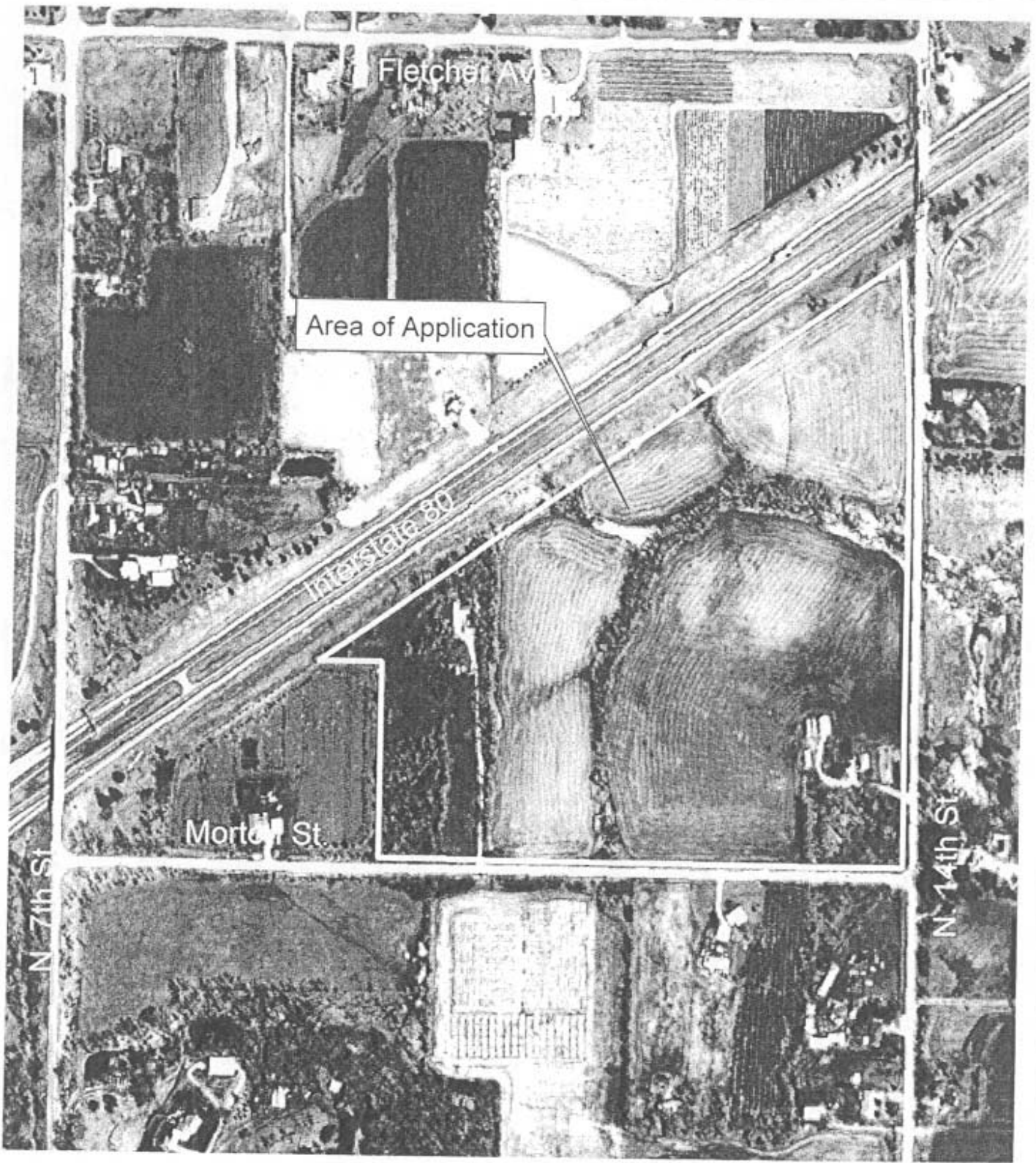
Motion for conditional approval, as revised, carried 7-0: Steward, Carlson, Bills-Strand, Larson, Duvall, Taylor and Schwinn voting 'yes'; Krieser and Newman absent.

PRELIMINARY PLAT NO. 02020

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

April 2, 2003

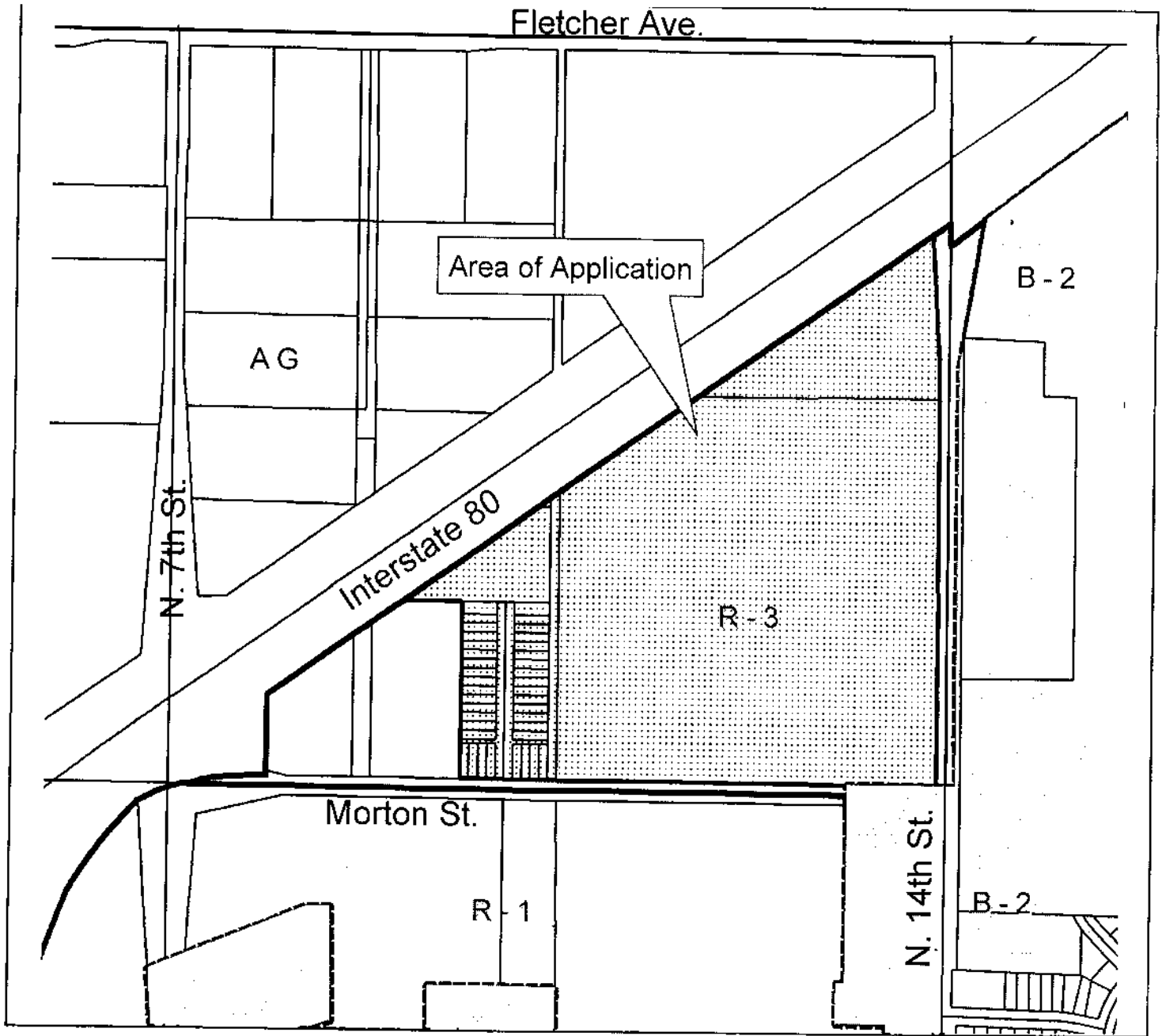
Carlson moved to approve the revised staff recommendation of conditional approval dated March 25, 2003, seconded by Steward and carried 7-0: Steward, Carlson, Bills-Strand, Larson, Duvall, Taylor and Schwinn voting 'yes'; Krieser and Newman absent.



Preliminary Plat #02020
Special Permit #1991
Pinecrest
N. 14th and Morton



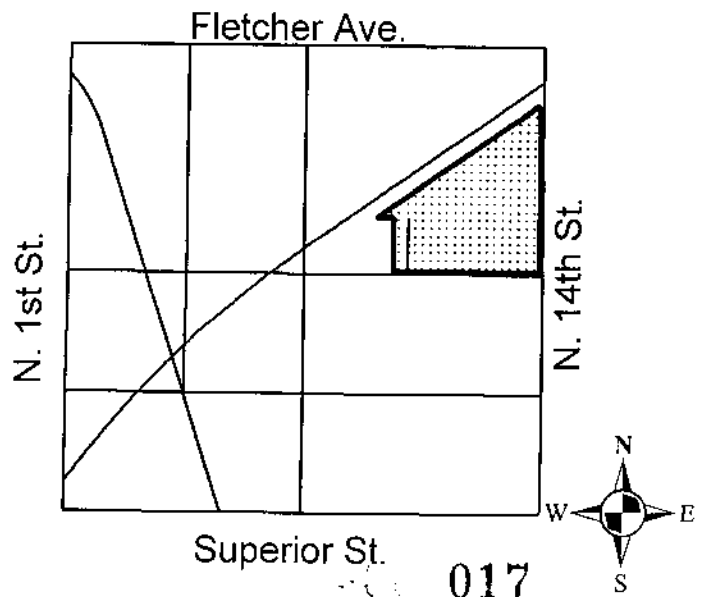
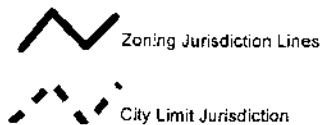
016
Lincoln City - Lancaster County Planning Dept.
1999 aerial



Preliminary Plat #02020
Special Permit #1991
Pinecrest
N. 14th and Morton
Zoning:

One Square Mile
 Sec.2 T10N R6E

- 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



017

ENGINEER & PREPARER

OLSSON ASSOCIATES
1111 LINCOLN MALL
LINCOLN, NE. 68501
PHONE: 474-6311

OWNER & DEVELOPER

PINECREST PARTNERS
PATRICK MOOBERRY
225 N. COTNER BLVD., SUITE 101
LINCOLN, NE 68505
PHONE: (402)436-3332



LEGAL DESCRIPTION

A PORTION OF LOT 5, A PORTION OF LOT 6, GROVE PARK SUBDIVISION, LOTS 1-38 INCLUSIVE, CLASON AND FLETCHERS SUBDIVISION, LOT 24 I.T., LOT 25 I.T., VACATED ORCHARD ROAD, VACATED EAST-WEST ALLEY, AND THE VACATED UNNAMED RIGHT-OF-WAY ADJACENT TO LOTS 1-16 CLASON AND FLETCHERS SUBDIVISION; ALL LOCATED IN THE NORTHEAST QUARTER OF SECTION 2, TOWNSHIP 10 NORTH, RANGE 6 EAST OF THE 6TH P.M., CITY OF LINCOLN, LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE SAID NORTHEAST QUARTER, THENCE WEST ALONG THE SOUTH LINE OF SAID NORTHEAST QUARTER, ON AN ASSUMED BEARING OF NORTH 89 DEGREES 37 MINUTES 50 SECONDS WEST, A DISTANCE OF 33.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 89 DEGREES 37 MINUTES 50 SECONDS WEST, ALONG THE SOUTH LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 1,320.85 FEET TO A POINT; THENCE NORTH 00 DEGREES 07 MINUTES 06 SECONDS WEST, A DISTANCE OF 33.00 FEET TO THE SOUTHEAST CORNER OF SAID LOT 16, CLASON & FLETCHERS SUBDIVISION; THENCE NORTH 89 DEGREES 37 MINUTES 50 SECONDS WEST, ALONG THE SOUTH LINE OF SAID LOTS 16-23 CLASON & FLETCHERS SUBDIVISION, A DISTANCE OF 299.97 FEET TO THE SOUTHWEST CORNER OF SAID LOT 23 CLASON AND FLETCHERS SUBDIVISION; THENCE NORTH 00 DEGREES 01 MINUTES 42 SECONDS EAST, ALONG THE WEST LINE OF SAID LOTS 23-38 CLASON AND FLETCHERS SUBDIVISION, A DISTANCE OF 598.12 TO THE NORTHWEST CORNER OF LOT 38, CLASON & FLETCHERS SUBDIVISION; THENCE NORTH 89 DEGREES 40 MINUTES 04 SECONDS WEST, ALONG THE SOUTH LINE OF SAID LOT 5, GROVE PARK SUBDIVISION, A DISTANCE OF 197.55 FEET TO A POINT ON THE SOUTHERLY LINE OF INTERSTATE HIGHWAY 80 RIGHT-OF-WAY; THENCE NORTH 55 DEGREES 14 MINUTES 13 SECONDS EAST, ALONG THE SOUTHERLY LINE OF INTERSTATE HIGHWAY 80 RIGHT-OF-WAY, SAID LINE BEING A NORTH LINE OF SAID LOT 5, A NORTH LINE OF SAID LOT 6, A NORTHWEST LINE OF LOT 24 I.T., AND THE NORTH LINE OF SAID LOT 25 I.T., A DISTANCE OF 2,174.36 FEET TO THE NORTH CORNER OF SAID LOT 25 I.T.; THENCE SOUTH 03 DEGREES 36 MINUTES 47 SECONDS EAST, ALONG AN EAST LINE OF SAID LOT 25 I.T., A DISTANCE OF 446.70 FEET TO A POINT THAT IS 33.00 FEET WEST OF THE EAST LINE OF SAID NORTHEAST QUARTER; THENCE SOUTH 00 DEGREES 08 MINUTES 47 SECONDS EAST, ALONG AN EAST LINE OF SAID LOT 25 I.T., AND THE EAST LINE OF SAID LOT 24 I.T., SAID LINE ALSO BEING 33.00 FEET WEST OF AND PARALLEL TO THE EAST LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 1,436.70 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS A CALCULATED AREA OF 2,159,615 SQUARE FEET OR 49.58 ACRES, MORE OR LESS.

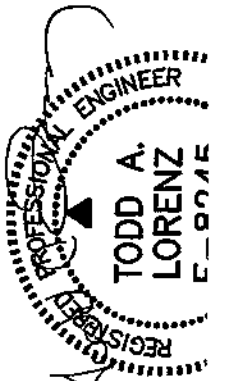
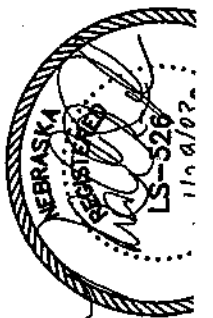
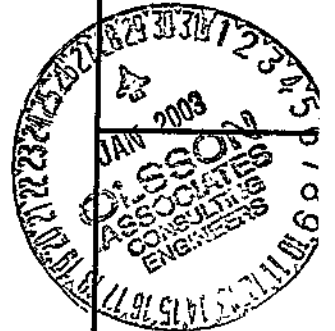
May 22, 2002 (4:11PM)
F:\Projects\20020208\Ysrmoo\Doc\legal2.txt

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.

Jan. 28th 2003
DATE

Michael R. Johnson
MICHAEL R. JOHNSON L.S. NO. 526



018

50



OLSSON ASSOCIATES
ENGINEERS • PLANNERS • SCIENTISTS • SURVEYORS

28 January 2003

Mr. Marvin Krout
City of Lincoln, Planning Department
555 South 10th Street, Suite 213
Lincoln NE 68508

Re: Pincrest Preliminary Plat and CUP #02020
OA No. 2-2002-0208

Dear Mr. Krout:

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

1. 21 copies of the Site Plan.
2. 8 copies of the Grading and Drainage Plans A, B, & C.
3. 5 copies of the Preliminary Street Profiles A and B.
4. 7 copies of the Landscape Plan.
5. 7 copies of the Site Demolition Plan
6. 1 copy of letter from Roger Krull concerning sanitary sewer depths
7. 1 copy of the Drainage Report.
8. 1 copy of the sight distance calculations

In addition, **we are requesting Annexation with this Preliminary Plat / CUP** on behalf of our client.

The following is our response to your letter dated 11 October 2002:

1. The Waivers Table is revised to reflect location and justification of each waiver requested.
2. A 24-foot rear yard setback has been added to the site plan along the entire frontage with Interstate 80. This item was addressed in the Developer Negotiation Meeting held on November 21, 2002.
3. We have proposed to mitigate the wetlands that are located within lots or areas of fill to other portions of the site. The proposed mitigation sites are now denoted on the site plan and are contained within the existing drainageway.
4. The site plan has been changed to reflect this request.
5. We have revised the Legal Description on the site plan to match the title certificate.
6. Revised as requested

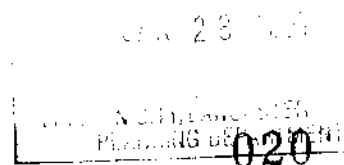
JAN 28 2003

PLANNING 019

Mr. Marvin Krout
Pinecrest
28 January 2003

7. Privacy/Screening Fence has been included on the Landscape Plan for areas abutting North 14th Street along the entire frontage. In addition, the fence is shown in areas fronting Interstate 80 where grade changes are not significant. Elsewhere along I-80, the grade is such that we have not found it necessary or practical to show screening.
8. Revised as requested.
9. Street name to remain as Turtle Creek Road as agreed upon in the Developer Negotiation Meeting on November 21, 2002.
10. Revised as requested.
11. Pedestrian connections now contain an easement between the street Right-of-Way and the rear of the adjacent lots. Within this easement, a concrete walk will be provided. Within the Outlot areas, "Pedestrian Connections" are noted on the site plan that will be constructed of a more appropriate substance in a wetland/natural area.
12. Revised as requested.
13. Revised as requested.
14. Revised as requested.
15. The pipe downstream of the detention pond was analyzed in the drainage study. We have inserted the pipe size and type into the drainage plan.

The pond bottom is sloped at 2% to the pond outlet. Any other work in this area will impact the wetlands.
16. Revised as requested.
17. We have calculated the Minimum Opening Elevations for lots 6-61 of block 3 as requested and inserted in the drainage notes.
18. We will design the Rip Rap that is required at all pipe outlets during Executive Order Storm Sewer design.
19. Item considered and will be addressed in the Annexation Agreement.
20. Issues regarding the requirements of the 2 lane suburban section with turn lanes adjacent to the subdivision will be addressed in the Annexation Agreement. Temporary turn lanes into the development are dealt with on note #21 of the General Site Notes.



Mr. Marvin Krout
Pinecrest
28 January 2003

21. Permanent paving is shown on the site plan and is noted as starting at the western boundary of the subdivision and extending east to the intersection of North 14th Street.

Additional information related to this item will be addressed in the Annexation Agreement.

22. We have calculated and inserted the existing and proposed grades of North 14th Street into the profile sheet. In addition, we have performed a sight distance analysis for our development's two intersections with North 14th Street. The sight distance is adequate at both intersections in the interim condition (no improvements to North 14th Street).
23. Due to the wetlands and natural landscape within the Outlots, we are proposing a trail constructed of a suitable material to provide for minimal impacts within this area. Hence, we are not proposing any significant grading.
24. We have updated the plans to reflect the correct dimensioning.
25. Street names have been revised.
26. The Tot Lot is now shown on the site plan.
27. The requested note has been added.
28. Utility Easements are now shown on the plans.
29. Comments noted and will be addressed.
30. Please refer to the "Site Demolition Plan"
31. Revised as requested
32. Comments to be addressed when comment received.

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

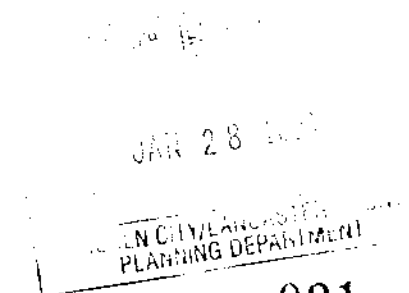
Sincerely,

Jered B. Morris

Enclosures

cc: Pat Mooberry
Mark Hunzeker

F:\Projects\20020208\doc\Krout-M.Letter01-28-03.doc





INTER-DEPARTMENT COMMUNICATION

DATE September 26, 2002

TO Becky Horner, City Planning

FROM Sharon Theobald
(Ext. 7640)

SUBJECT DEDICATED EASEMENTS
DN #55N-12E

Attached is the Preliminary Plat for Pinecrest.

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

ALLTEL, Time Warner Cable, and the Lincoln Electric System will require the additional easements marked in red on the map, along with blanket utility easements, as noted.

Sharon Theobald

RECEIVED
SEP 27 2002

PLANNING DEPARTMENT
CITY OF LINCOLN

ST/ss
Attachment
c: Terry Wiebke
Easement File



Dennis L Roth

To: Rebecca D Horner/Notes@Notes

02/03/2003 12:07 AM

cc:
Subject: re: Pinecrest

PROJ NAME: Pinecrest Add
PROJ NMBR: SP# 1991, PP# 02020, Annex# 03000
PROJ DATE: 01/28/03
PLANNER: Becky Horner

Finding NO DUPLICATE/SIMILAR sounding names in our geobase for the street name proposed in this project, other than those which are an extension of an existing street.

Dennis "denny" Roth, ESD II/CAD Admin
Emergency Communications 9-1-1 Center

STREETS: N 10 Ct, N 10 St, N 11 St, N 12 St, N 13 St, N 14 St
Dublin Rd, Hawkfly Rd, Irish Pointe Pl, Joe Hank Rd, Turtle Creek Rd, Morton St

PRIVATE: none

COMMENTS:

On the map, **Turtle Creek Rd** appears to line up with Fletcher Av at 14th St. Might suggest that at least the first 6 lots be named Fletcher Av, then at the curve Turtle Creek would be more appropriate. **Irish Pointe Pl** does not end in a cul-de-sac so the street type "place" doesn't appear to be appropriate. Possibly road or street would be better fitting.

②



Memo

To: Becky Horner, Planning Department

From: Mark Canney, Parks & Recreation

Date: February 11, 2003

Re: Pinecrest SP 1991 PP 02020

Staff members of the Lincoln Parks and Recreation Department have conducted a plan review of the above-referenced application/proposal and have the following comments:

1. Recreational needs of the neighborhood may be met by Keech Park located at 14th & Superior.
2. It is recommended that shade be provided for the Tot Lot either with trees or a shelter.
3. The designated street tree for Morton Street needs to be Autumn Purple Ash.
4. Street trees along N. 14th need to be planted on private property due to it's arterial status.
5. The following corrections should be made to the Street Tree & Plant Schedule;

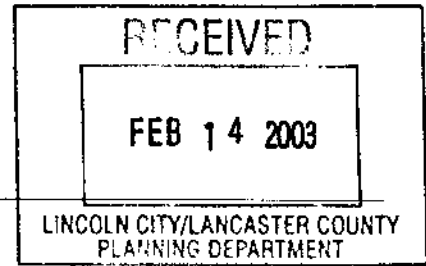
Woodchuck Road/Woodchuck Court should read as N. 10th Street/N. 10th Street Court.

Fox Hill Road should dread as Dublin Road.
6. It is recommended that landscape screening be used in conjunction with the fence located along I-80 to meet the screening requirements.
7. Street trees are to be included along frontages of all Outlot areas.

If you have any additional questions, comments or concerns, please feel free to contact me at 441-8248. Thank you.

025

M e m o r a n d u m



To: Becky Horner, Planning Department

From: *CB* Chad Blahak, Public Works and Utilities

Subject: Pine Crest Addition

Date: February 14, 2003

cc: Randy Hoskins
Nicole Fleck-Tooze
Devin Biesecker

Engineering Services has reviewed the re-submitted preliminary plat for Pine Crest Additon, located west of North 14th Street and south of I-80 and has the following comments:

- The revisions made in response to previous comments are satisfactory.
- **Waivers**
 5. No street connection to the west - satisfactory.
 7. Pedestrian easements - satisfactory with private walkway provisions as shown.
 - 8/9. Sanitary sewer depth - satisfactory due to proximity to I-80 and North14th overpass.
 10. Low flow liner - satisfactory if applicant agrees to alternate method of channel stabilization where velocities are erosive.
- If final platted before improvements to North 14th Street, the developer is required to build, at their expense, temporary improvements in North 14th Street to provide left turn lanes at the Morton Street and Turtle Creek Road intersections.
- It is noted that the pedestrian side walks that connect to Outlot A in Block 1 are to be built with the street paving.

STATE OF NEBRASKA

DEPARTMENT OF ROADS

John L. Craig, Director

1500 Highway 2

PO Box 94759

Lincoln NE 68509-4759

Phone (402)471-4567

FAX (402)479-4325

www.dor.state.ne.us



February 24, 2003

Mike Johanns
Governor

Becky Horner
Project Planner
City of Lincoln, Planning Department
555 S 10th St Ste 213
Lincoln NE 68508

Re: Pinecrest Preliminary Plat

Dear Ms. Horner:

We have completed a noise study for the area you submitted to us at the Southwest Quadrant of NW 14th Street and Interstate 80 named Pinecrest.

The study shows that residential development should be set back 700 feet from the centerline of Interstate 80 to stay under the noise impact level of 66 decibels. Commercial development should be set back 400 feet from the centerline of Interstate 80 to stay under the noise impact level of 71 decibels.

The plans submitted to us indicate platted lots that are to be less than 200 feet from the centerline of the Interstate. These lots would be severely noise impacted (over 72 decibels) which would greatly reduce the quality of life for future residents in this area. For development to take place closer than 700 feet from the centerline of the Interstate requires noise berms or walls which would be difficult to construct because of the Interstate being 15 feet or more higher than the planned development. There is corridor protection in this area of 300 feet from the centerline of the Interstate.

I have submitted the plans to Roadway Design and they are in the process of designing their needs in this area. We hope that approval of the Pinecrest Preliminary Plat will not occur until after Roadway Design has completed their plans for this area.

Please contact me for any noise concerns at 479-4684 or Eric Dixon for any design concerns at 479-3715.

Sincerely,

A handwritten signature in black ink that reads "Mark Ottemann".

Mark Ottemann
Noise and Air/Utilities Engineer
Planning and Project Development Division

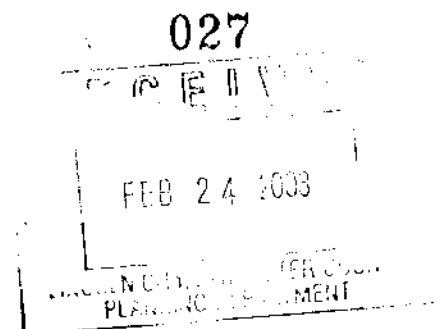
MO/D1-AA1

Enclosure: Pinecrest Plat with Noise Contours

xc: Arthur Yonkey
Eric Dixon
Allan L. Abbott, Public Works Director, City of Lincoln

An Equal Opportunity/Affirmative Action Employer

printed on recycled paper



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

TO: Becky Horner

DATE: February 25, 2003

DEPARTMENT: Planning

FROM: Chris Schroeder

ATTENTION:

DEPARTMENT: Health

CARBONS TO: Bruce Dart, Director
EH File
EH Administration

SUBJECT: Pinecrest
PP #02020

The Lincoln-Lancaster County Health Department (LLCHD) has reviewed the preliminary plat application for the proposed Pinecrest development. The following concerns are noted:

- According to the site plan for the proposed Pinecrest development, the lots abutting the northern boundary of the development are located 125 feet from the interstate. The LLCHD has concerns regarding the transportation of hazardous wastes and/or materials via of the interstate and the close proximity of the proposed residential development. Historically, the LLCHD has recommended at least a 300 foot buffer zone between residential developments and potential releases of hazardous wastes and/or materials.
- The submitted documentation with the application for preliminary plat does not include language regarding possible noise abatement strategies to address interstate noise. The LLCHD has concerns that noise levels in the proposed residential development may exceed our community's standard (LMC 8.24 Noise Control Ordinance) for acceptable noise levels. While LMC 8.24 Noise Control Ordinance does not have a specific provision to address noise from interstate traffic, the ordinance does provide guidance for acceptable noise levels in residential zones with respect to protecting the public health and welfare, safety, and the quality of life for Lincoln residents. LMC 8.24 provides that for residential zones, noise based upon a ten minute LEQ must not exceed 65 dB(A) from 7:00 am to 10:00 pm and 55 dB(A) from 10:00 pm to 7:00 am.
- All wind and water erosion must be controlled during construction. The Lower Platte South Natural Resources District should be contacted for guidance in this matter.

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

ITEM NO. 3.2a,b,c: ANNEX.03000
SPECIAL PERMIT NO. 1991
PRELIMINARY PLAT NO. 02020, PINECREST
(p.101 - Public Hearing - 3/05/03)



"Danja Pegram-Siders"
<DSIDERS@neb.rr.co
m>

To: <plan@ci.lincoln.ne.us>
cc:
Subject: March 5, 2003 Planning meeting Re:Annex #0300

03/04/2003 03:34 PM

To whom it may concern,
I may not be able to attend the meeting tomorrow and wanted to put something on the public record for the meeting. I live at 4900 N 14th directly across the location of the proposed development (Plat #02020). We have a artisan well that sits on the property that belongs to us and has been there since 1920. It has many historical facts that belong to it and is our only water source for our property. The previous owners had water rights to the well but do not own it. I want it put into record that well belongs to us and if changes are to be made to property proposed that this should be taken into consideration. We greatly value the well and all the benefits it gives us and do not want to lose it in anyway. I can be reached at 304.1309 or via email if members of the commission have questions or need to contact me.

Sincerely,
Danja Pegram-Siders

MEMORANDUM

To: Planning Commission

From: Becky Horner, Planning Dept. *BH*

Date: March 25, 2003

RE: Additional Information for Pinecrest Preliminary Plat #02020

XC: Mark Hunzeker, Patrick Mooberry, Scott Holmes, Lincoln-Lancaster County Health Department, Mark Ottemann, Nebraska Department of Roads

On March 11, 2003 the applicant met with the Planning Department, Public Works & Utilities Department, Lincoln-Lancaster County Health Department, and Nebraska Department of Roads regarding noise issues with this plat.

The developer agreed to disclose to purchasers that there will not be a noise wall installed at this location by the Department of Roads, to install a berm and landscaping in the open space that was single family lots. Turtle Creek Road was moved farther to the north, allowing the lots backing on to the wetlands to be further out of the wetland areas. The developer agreed to install a double sided hollow core solid privacy fence along the townhomes in N. 10th Court. The Lincoln-Lancaster County Health Department and Department of Roads were satisfied with this in principle. They reviewed the revised plans and their comments are attached.

The resubmitted plans did not show the berm or landscaping discussed on March 11, 2003, however, per telephone conversation with Pat Mooberry on March 25, 2003, he agreed to the added conditions for a 4' high berm and 60% evergreen screen from 0-10' along Outlot B abutting the Interstate.

The number of dwelling units has increased from the previous submittal from 280 to 288, which is still within the allowable density based on the density calculation.

The following conditions should be substituted for the previous conditions:

PRELIMINARY PLAT CONDITIONS:

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 scheduled on the City Council's agenda: (NOTE: These documents and plans are required by ordinance or design standards.)

- 1.1 Revise the preliminary plat to show:

- 1) the height of the berm and fence indicated in Note #6 on the Landscape plan (Sheet 6 of 8).
- 2) the height of the privacy fence along the north property line of Lot 1, Block 1 on the Landscape plan (Sheet 6 of 8).
- 3) a minimum 4' high berm and 60% evergreen screen from 0'-10' along Outlot B abutting the Interstate.
- 4) center of the concrete sidewalk between Lots 12 and 13, Block 3 at least 10' from the adjacent lot lines.
- 5) removal of the dashed line between Lots 12 and 13, Block 3.
- 6) a revised grading plan to the satisfaction of the Public Works & Utilities Department.
- 7) a revised landscape plan to the satisfaction of the Parks and Recreation Department.
- 8) Highlighted pedestrian sidewalks.
- 9) A trail along N. 14th Street.

2. The City Council approves associated request:

- 2.1 Annexation #03000
- 2.2 Special Permit #1991
- 2.3 An exception to the design standards to exceed sanitary sewer depth and flows.
- 2.4 A modification to the requirements of the land subdivision ordinance to permit non-perpendicular lot lines, lots that exceed the lot width to depth

ratio, to eliminate the street connection to the west, block lengths longer than 1,320', required pedestrian ways and no detention.

General:

3. Final Plats will be scheduled on the Planning Commission agenda after:
 - 3.1 The sidewalks, streets, water and sanitary sewer 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:
 - 3.2.1 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.
 - 3.2.2 To complete the private improvements shown on the preliminary plat and Community Unit Plan.
 - 3.2.3 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 document or documents creating said property owners association have been reviewed and approved by the City Attorney and filed of record with the Register of Deeds.
 - 3.2.4 To continuously and regularly maintain the landscape screens.
 - 3.2.5 To submit to the lot buyers and home builders a copy of the soil analysis.
 - 3.2.6 To pay all improvement costs.
 - 3.2.7 To comply with the provisions of the Land Preparation and Grading requirements of the Land Subdivision Ordinance.
 - 3.2.8 To construct the sidewalks in the pedestrian way easements in Outlot A between Lots 46-47, Block 3 at the same time as Turtle Creek Road

is paved and the sidewalks in the pedestrian way easements in Outlot A between Lots 12-13, 23-24, Block 3 at the same time as Irish Pointe Place/ N 12th Street/ N 13th Street are paved and to agree that no building permit shall be issued for construction on Lots 46-47, Block 3, Lots 12-13, 23-24, Block 3 until such time as the sidewalks in the pedestrian way easements are constructed.

- 3.2.9 To perpetually maintain the sidewalks in the pedestrian way easements in Outlot A at their own cost and expense.
- 3.2.10 To protect the trees that are indicated to remain during construction and development.
- 3.2.11 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.
- 3.2.12 To relinquish the right of direct vehicular access from the multi-family lot, Lots 1-8 and 61 Block 3, and Outlot A to N. 14th Street.
- 3.2.13 To disclose to the lot buyers that no noise abatement devices will be installed by the Nebraska Department of Roads along the Interstate.

SPECIAL PERMIT 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 all changes required by the preliminary plat.

2. This approval permits 288 dwelling units and variances to design standards for a recreation facility in a CUP, lot width, lot area, reduction of the front yard setback for the residential identification sign at Turtle Creek Road and N. 14th Street,

cluster density for the multi-family area and allow a maximum height of 40' on Lot 1, Block 1 (multi-family area).

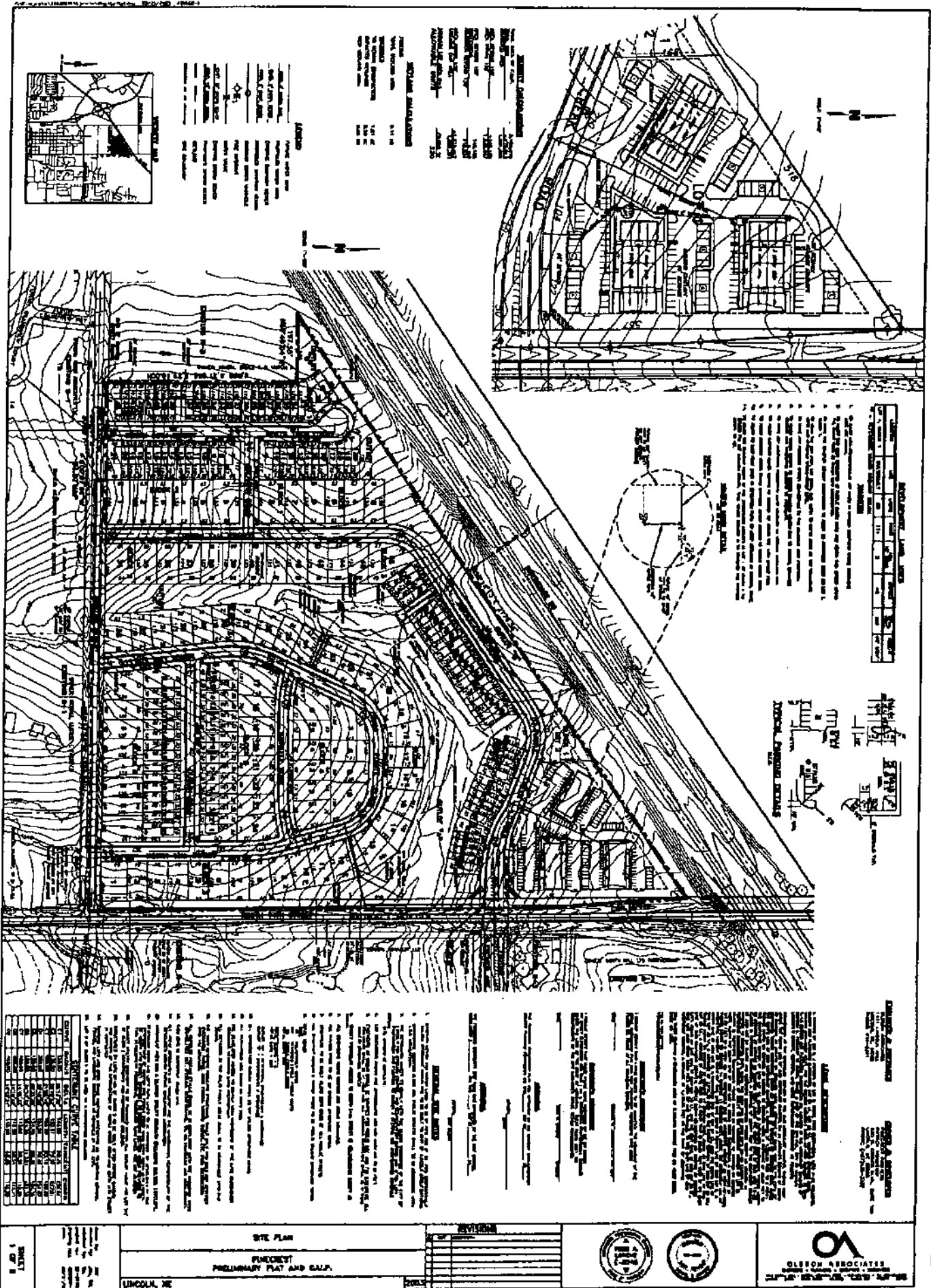
General:

3. Before receiving building permits:
 - 3.1 The permittee shall have submitted a revised final plan including 6 copies and the plans are acceptable.
 - 3.2 The construction plans shall comply with the approved plans.

STANDARD CONDITIONS:

4. The following conditions are applicable to all requests:
 - 4.1 Before occupying the dwelling units all development and construction 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 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, filing fees therefor to be paid in advance by the applicant.

I:\SHARED\WP\MEMOto PC2.wpd



DATE

03/26/03

PROJECT

PROPOSED BUILDING AND DRIVEWAY

CLIENT

ABC COMPANY

DESIGNER

DEF ASSOCIATES

LOCATION

123 MAIN STREET, LINCOLN, NE

SITE PLAN

PURPOSE

PRELIMINARY PLAN AND CALC.

LINCOLN, NE

NO.	DESCRIPTION	DATE
1	PRELIMINARY PLAN AND CALC.	03/26/03
2	REVISION	
3	REVISION	
4	REVISION	

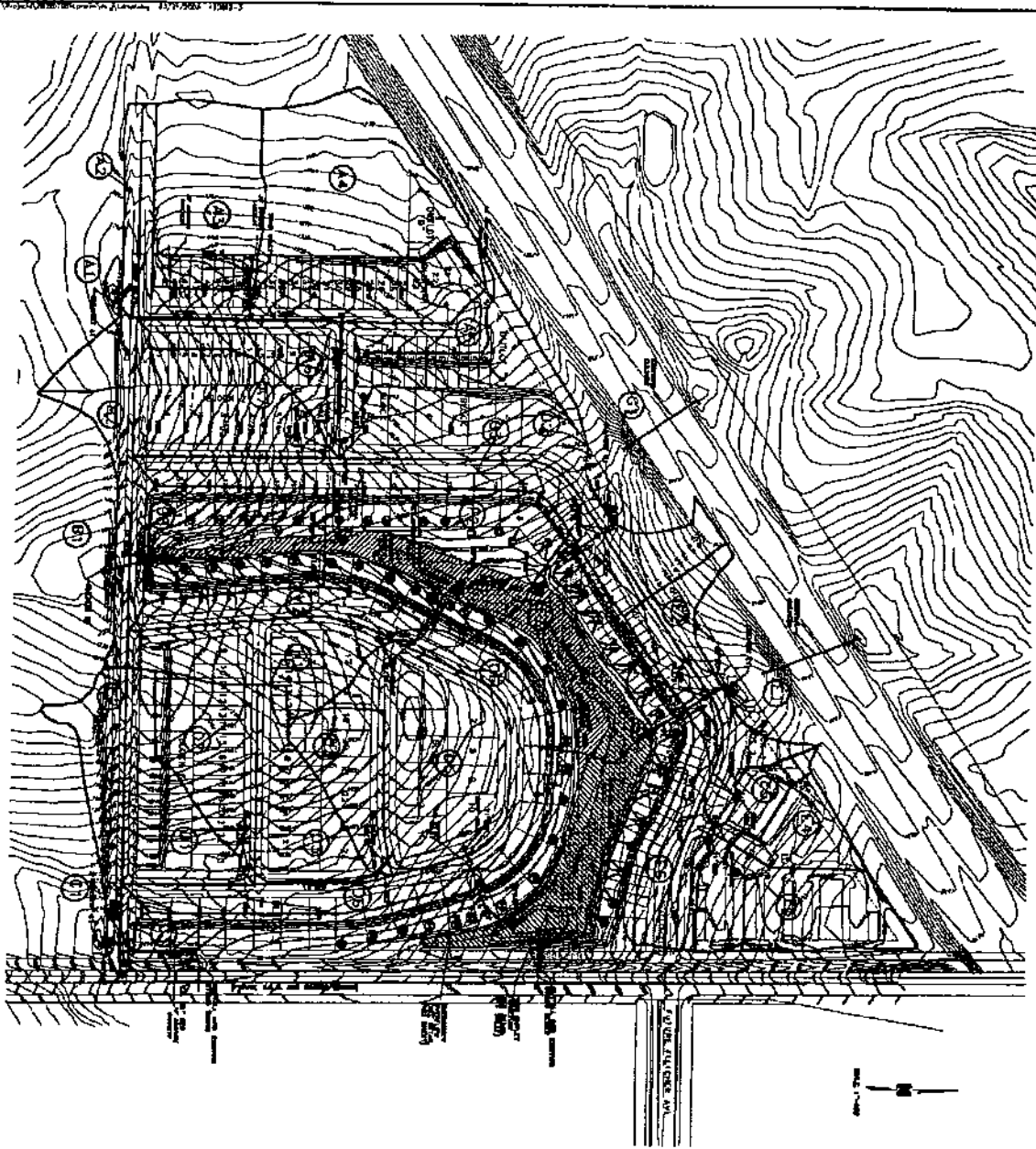


DEF ASSOCIATES

1234 5TH AVENUE, SUITE 100, LINCOLN, NE 68502

TEL: 402.475.1234 FAX: 402.475.5678

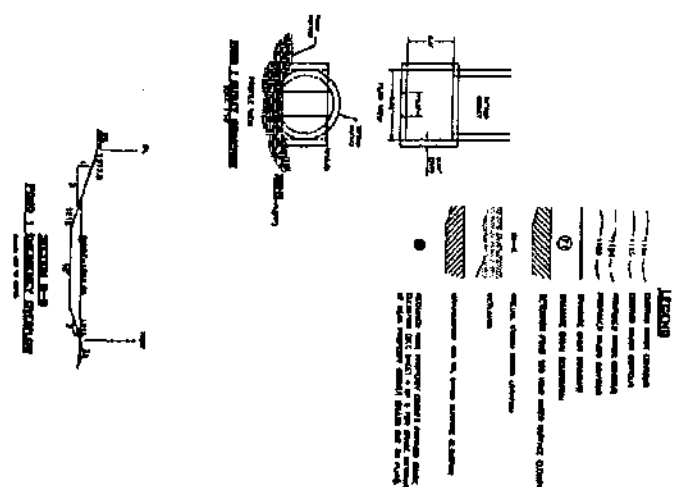
WWW.DEF-ASSOCIATES.COM



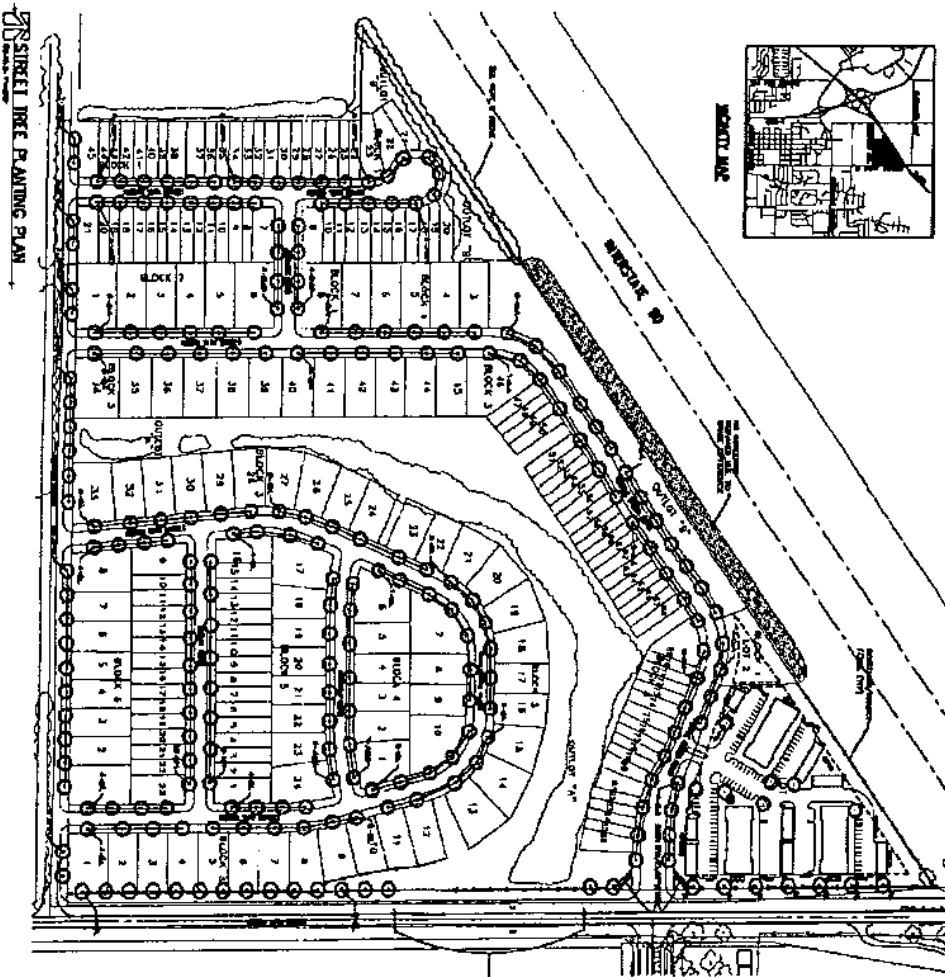
PINECREST

LANDSCAPE ARCHITECTURE

1. METEORITE DETECTORS ARE SHOWN ON THIS SHEET.
2. ALL RETURN GULL OUTLET STRENGTHS AND PAVING SHALL BE DESIGNED TO WITHSTAND THE DIFFERENCE BETWEEN THE DEVELOPED AND UNDEVELOPED STRENGTH.
3. DEVELOPED BASINS SHOWN ARE FOR RAINFALL METHOD CALCULATIONS USED FOR MULTI LOCATION DESIGN. THIS METHOD USED FOR RETURN FROM AND DRYWELL METEORITE CALCULATIONS.
4. OUTLET INSPECTION TO BE SCHEDULED ON FINAL CONSTRUCTION PLAN.
5. SEE SHEET 4 OF 8 FOR DRAINAGE CALCULATIONS.



<p style="font-size: small;">SHEET 3 OF 8</p>	<p>GRADINGS AND DRAINAGE PLAN (N)</p> <p>PINECREST PRELIMINARY PLAN AND C.U.P.</p> <p>LINCOLN, NEBRASKA</p>	<p>REVISED</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td style="width: 10%;">NO.</td><td style="width: 10%;">DATE</td><td style="width: 80%;">DESCRIPTION</td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> </table>	NO.	DATE	DESCRIPTION							<p style="font-size: small;">OLSON ASSOCIATES 317 N. 17th Street, Lincoln, NE 68503</p>
NO.	DATE	DESCRIPTION										

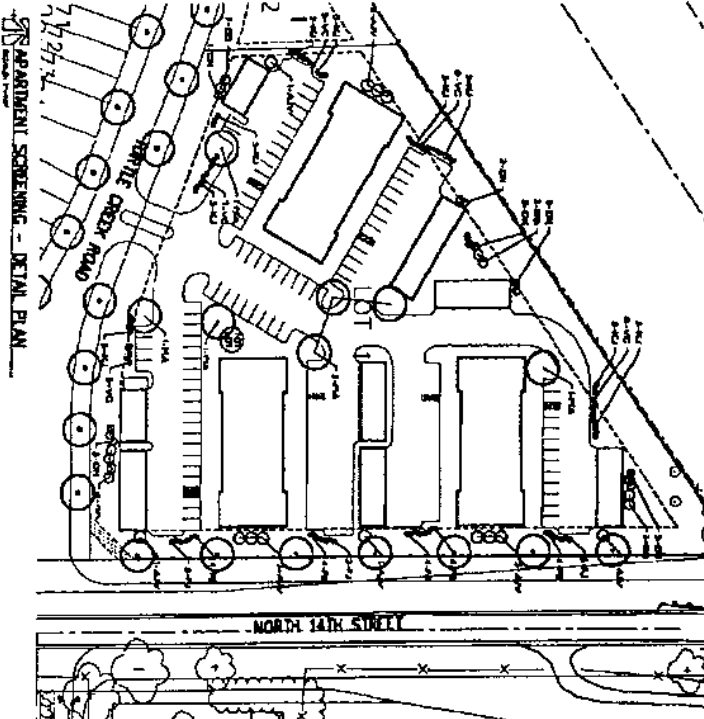


STREET TREE PLANTING PLAN

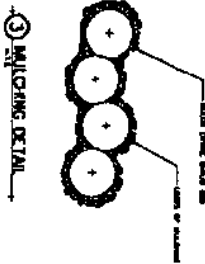
NO.	DESCRIPTION	QUANTITY	PLANT SPECIES	PLANT SIZE	PLANTING DATE	PLANTING LOCATION
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NOTES

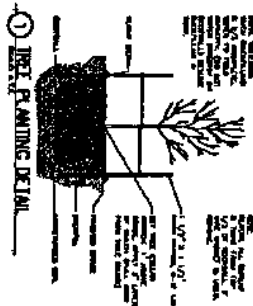
1. ALL PLANTING SHALL BE DONE IN ACCORDANCE WITH THE CITY OF LINCOLN, NE PLANTING SPECIFICATIONS.
2. ALL PLANTING SHALL BE DONE IN ACCORDANCE WITH THE CITY OF LINCOLN, NE PLANTING SPECIFICATIONS.
3. ALL PLANTING SHALL BE DONE IN ACCORDANCE WITH THE CITY OF LINCOLN, NE PLANTING SPECIFICATIONS.
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10. ALL PLANTING SHALL BE DONE IN ACCORDANCE WITH THE CITY OF LINCOLN, NE PLANTING SPECIFICATIONS.



APARTMENT SCREENING - DETAIL PLAN



PLANTING DETAIL



TREE PLANTING DETAIL



SPECIAL IRRIGATION DETAIL



SPECIAL PLANTING DETAIL

SHEET 8 OF 8	LANDSCAPE PLAN PINECREST	REVISIONS NO. DESCRIPTION DATE	GLEASON ASSOCIATES ARCHITECTS - ENGINEERS - PLANNERS - LANDSCAPE ARCHITECTS 1100 SOUTH 17TH AVENUE LINCOLN, NE 68502
	LINCOLN, NE	2003	

STATE OF NEBRASKA

DEPARTMENT OF ROADS

John L. Craig, Director
1500 Highway 2
PO Box 94759
Lincoln NE 68509-4759
Phone (402)471-4567
FAX (402)479-4325
www.dor.state.ne.us

March 26, 2003



Mike Johanns
Governor

City of Lincoln, Planning Department
555 South 10th Street Suite 213
Lincoln NE 68508

Re: Pinecrest Preliminary Plat

Dear Ms. Horner:

I have reviewed the latest Site Plans for the Pinecrest Development submitted to me by Olsson Associates on March 21, 2003. The new plan uses a design to help reduce noise for the future residents of this area. Lots along Turtle Creek Road have been moved to the south side and now are platted to have most of the residences' front yards facing the interstate. This will greatly improve the quality of life for the residents of this area due to the noise reduction they will experience in the backyard activity area as compared to the original plan. The lots along North 10th Street will receive a berm and a solid fence with no gaps to help reduce noise for those future residents. The developer has made a good effort to reduce noise for this development.

Residences bordering the interstate will still be noise impacted but this plan represents a great improvement over the original plan. To provide noise abatement that would reduce the noise levels below federally defined noise impact level of 66 dBA would take considerable expense and setback of the lots to achieve. The developer has promised to include a statement in the covenants that the Nebraska Department of Roads will not furnish any noise abatement devices for this development.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Ottemann", with a long horizontal line extending to the right.

Mark Ottemann
Noise and Air/Utilities Engineer
Planning and Project Development Division

MO/Z3-DD

cc: Arthur Yonkey
Audra Pacheco

039

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

TO: Becky Horner

DATE: March 26, 2003

DEPARTMENT: Planning

FROM: Chris Schroeder

ATTENTION:

DEPARTMENT: Health

CARBONS TO: Bruce Dart, Director
EH File
EH Administration

SUBJECT: Pinecrest
PP #02020
Resubmittal

The Lincoln-Lancaster County Health Department (LLCHD) has reviewed the revised site plan for proposed Pinecrest development approximately located at North 14th Street and Interstate 80. The following items are noted:

- The applicant has modified the site plan to provide a greater distance between residences and I-80 to reduce the impact of noise pollution on the future residents of this proposed development. The LLCHD believes that noise attenuation is now adequate for this development.
- During discussions with the developer, the LLCHD was advised that additional noise protection could be offered through site design. For example, facing the garages of the residences toward I-80 to provide an additional barrier for sound attenuation.
- While it is not mentioned on the revised site plan general notes, the developer has agreed to build a berm on Outlot B, which is between the residences and I-80, to provide additional noise attenuation. The LLCHD feels that the most critical site for building a berm and/or fence lies on Outlot B by the cul-de-sac on North 10th Court.
- The LLCHD was also advised that the developer would disclose to future residents of this proposed development that a noise wall will not be constructed by the Nebraska Department of Roads due to topography and land area constraints.