

FACTSHEET

TITLE: SPECIAL PERMIT NO. 04033, requested by Associated Engineering and Surveying on behalf of Sterling Hills, L.L.C., for 119 dwelling units and associated waiver requests, on property generally located northwest of the intersection of South 37th Street and Yankee Hill Road.

STAFF RECOMMENDATION: Conditional Approval, except denial of the sidewalk waiver.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 06/23/04 and 07/07/04
Administrative Action: 07/07/04

RECOMMENDATION: Conditional approval, with amendments (8-0: Sunderman, Larson, Krieser, Taylor, Marvin, Pearson, Carroll and Carlson voting 'yes'; Bills-Strand absent).

FINDINGS OF FACT:

1. This is a request to develop 119 dwelling units on 13.09 acres, which is an overall density of 9.09 units per acre, well below the allowed density for a CUP in the R-4 Residential District of 13.93 units per acre.
2. The applicant is also requesting the following waivers:
 - Requirement to submit a preliminary plat;
 - To allow sanitary sewer to flow opposite street grades;
 - To exceed the maximum lot width-to-depth ratio;
 - To allow lot lines not at right angles to the street;
 - Front, side and rear yard setbacks;
 - Minimum lot area;
 - Roadway width from 27' to 23'; and
 - To allow sidewalks to be located behind the homes instead of along the street.
3. The staff recommendation of conditional approval, including approval of all waiver requests, except the location of sidewalks, is based upon the "Analysis" as set forth on p.5-7, concluding that the site plan must be re-designed to show sidewalks along the private roadways, and how the bike trail will cross Yankee Hill Road. Except for sidewalks, the requested waivers are appropriate. Subject to compliance with the conditions of approval, this request complies with the intent of the Comprehensive Plan and the zoning ordinance.
4. At the continued public hearing on July 7, 2004, the Planning staff revised the conditions of approval, deleting Condition #1.1.4 to show a sidewalk connection to the bike trail, and adding a new Condition #1.4, as set forth on p.12 and 29.
5. Peter Katt testified on behalf of the applicant and agreed with the revised conditions of approval (p.13).
6. There was no testimony in opposition.
7. On July 7, 2004, the Planning Commission agreed with the revised staff recommendation and voted 8-0 to recommend conditional approval, as revised.
8. The Site Specific conditions of approval required to be completed prior to scheduling this application on the City Council agenda have been satisfied and the revised site plans are attached (p.15-18).

FACTSHEET PREPARED BY: Jean L. Walker

REVIEWED BY: _____

REFERENCE NUMBER: FS\CC\2004\SP.04033

DATE: August 2, 2004

DATE: August 2, 2004

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for July 7, 2004 PLANNING COMMISSION MEETING

-REVISED REPORT-

****As recommended by staff and approved
by Planning Commission on July 7, 2004****

NOTE: Staff originally recommended deferral to allow time for the legal notice to be re-advertised to include all necessary waivers. The applicant has since amended the application to request the necessary waivers, and the legal notice has been revised accordingly. This report considers the revised application.

P.A.S.: Special Permit #04033 - Sterling Hills Community Unit Plan

PROPOSAL: A community unit plan for 119 attached single-family and townhouse units.

LOCATION: Northwest of the intersection of South 37th Street and Yankee Hill Road.

WAIVER REQUESTS:

1. Requirement to submit a preliminary plat.
2. To allow sanitary sewer to flow opposite street grades.
3. To exceed the maximum lot width to depth ratio.
4. To allow lot lines not at right angles to the street.
5. To front, side and rear yard setbacks.
6. Minimum lot area.
7. Roadway width from 27' to 23'.
8. Sidewalks - to allow them behind the homes instead of along the street.

LAND AREA: Approximately 13.09 acres.

CONCLUSION: The site plan must be re-designed to show sidewalks along the private roadways, and how the bike trail will cross Yankee Hill Road. Except for sidewalks, the requested waivers are appropriate. Subject to compliance with the conditions in the recommendation, this request complies with the intent of Zoning Ordinance and the Comprehensive Plan.

RECOMMENDATION:

Special Permit #04033

Conditional Approval

Waivers

- | | | |
|----|---|----------|
| 1. | Requirement to submit a preliminary plat: | Approval |
| 2. | To allow sanitary sewer to flow opposite street grades. | Approval |
| 3. | To exceed the maximum lot width to depth ratio. | Approval |
| 4. | To allow lot lines not at right angles to the street. | Approval |
| 5. | To front, side and rear yard setbacks. | Approval |
| 6. | Minimum lot area. | Approval |
| 7. | Roadway width from 27' to 23'. | Approval |
| 8. | Sidewalks | Denial |

GENERAL INFORMATION

LEGAL DESCRIPTION: Outlot E, Pine Lake Heights South 7th Addition, Lancaster County, Nebraska.

EXISTING ZONING: R-4 Residential

EXISTING LAND USE: Undeveloped.

SURROUNDING LAND USE AND ZONING:

North:	Residential under development	R-3
South:	Undeveloped	AG
East:	Undeveloped	B-2
West:	Undeveloped	R-4

HISTORY: **April 2, 2003** - FP#02033 Pine Lake Heights South 7th Addition was approved.

April 5, 2002 - The preliminary plat PP#00029 Pine Lake Heights South 4th was approved.

April 5, 2002 - CZ#3298 was approved changing the zoning from R-3 to R-4, B-2 and O-3 for those lands within the limits of the preliminary plat of Pine Lake Heights South 4th.

April 5, 2002 - CZ#3297 was approved changing the zoning from R-4, B-2, and O-3 to R-3 for all land within the limits of the preliminary plat of Pine Lake Heights South 4th.

COMPREHENSIVE PLAN SPECIFICATIONS:

Page F15 -Quality of Life Assets

- Preservation and enhancement of the many quality of life assets within the community continues. For a true "good quality of life," a community has more than jobs, shelter, utilities and roads - there are numerous service, education, historic and cultural resources which are fundamental to enriching lives. The community continues its commitment to neighborhoods. Neighborhoods remain one of Lincoln's great strengths and their conservation is fundamental to this plan. The health of Lincoln's varied neighborhoods and districts depends on implementing appropriate and individualized policies. The Comprehensive Plan is the basis for zoning and land development decisions. It guides decisions that will maintain the quality and character of the community's established neighborhoods.

Page F18 - Residential Neighborhoods

- Affordable housing should be distributed throughout the region to be near job opportunities and to provide housing choices within every neighborhood.
- Encourage different housing types and choices, including affordable housing throughout each neighborhood for an increasingly diverse population.

Page F25 - This land is designated as urban residential in the Land Use Plan.

Page F66 - Overall Guiding Principles

-Transit, pedestrian, and bicycle networks should maximize access and mobility to provide alternatives and reduce dependence upon the automobile. Sidewalks should be provided on both sides of all streets, or in alternative locations as allowed through design standards or the Community Unit Plan process.

Page F67 - Guiding Principles for New Neighborhoods

- Encourage a mix of housing types, single-family, townhomes, apartments, elderly housing all within one area.
- Pedestrian orientation, shorter block lengths, and sidewalks on both sides of all roads.

Page F71 - Strategies for New and Existing Neighborhoods

-The diversity of architecture, housing types and sizes are central to what makes older neighborhoods great places to live. New construction should continue the architectural variety, but in a manner that is sympathetic with the existing neighborhoods.

Page F87 - Transportation Planning Principles

- A Balanced Transportation System - The concept of balance also applies to methods of transportation. While the system must function well for motor vehicles, it should also establish public transportation, bicycling, and walking as realistic alternatives now and into the future.

Page F91 - Other Areas

- All areas of the community should have safe, secure and reasonably direct pedestrian connections. Activities of daily living should be available within walking distance. Neighborhoods should include homes, stores, workplaces, schools, and places to recreate. Interconnecting streets, trails, and sidewalks should be designed to encourage walking and bicycling, reduce the number and length of automobile trips, and conserve energy.

UTILITIES: All utilities are available to the site.

TRAFFIC ANALYSIS: Access is provided to both South 37th Street and Grainger Parkway. A median opening in Yankee Hill Road is planned at the intersection with South 37th Street with full-turning movement access. Yankee Hill Road is planned to be an arterial street, and South 37th Street and Grainger Parkway are local streets. Grainger Parkway is intended to be a main

pedestrian and vehicular transportation corridor through this area, and those lots adjacent to it are shown to take direct access to it. The section of Grainger adjacent to this plat is shown to carry more traffic volume than a typical local street. Grainger is also the primary internal connection between the approved commercial developments located at the corners of 40th and Yankee Hill and 27th and Yankee Hill and will thus function more like a collector street. As the commercial areas develop and the traffic volumes increase, on-street parking along Grainger may become prohibited.

AESTHETIC CONSIDERATIONS: The density of the site is below the maximum allowed, with the majority of the open space in a drainage and wetland area at the west edge of the site. Because of the steep slope in this area, the usefulness of the open space is limited.

ALTERNATIVE USES: All uses allowed in the R-4 district including detached residences and as permitted by a CUP.

ANALYSIS:

1. The site is 13.09 acres in area, with 119 dwelling units shown. This results in an overall density is 9.09 units per acre, well below the allowed density for a CUP in the R-4 district of 13.93 units per acre (when no public streets are shown).
2. The following waivers have been requested:
 - a. Preliminary plat - The waiver to the preliminary plat process is allowed under Lincoln Municipal Code (LMC). The same information necessary for a preliminary plat can be required to submitted as part of the special permit application to allow for a thorough review. This application was complete and the waiver is appropriate.
 - b. Slope of the sanitary sewer - A portion of the sanitary sewer in South 35th Street will flow opposite the street grade. This allows the proposed lines in McLaughlin Drive and O'Brien Road to parallel the slope of the streets and connect to the existing sewer in Grainger Parkway. Public Works does not object to this request.
 - c. Lot width to depth ratio - The lots are designed more narrowly to accommodate both the type of townhouse unit (garage in front) and the slope across the site.
 - d. Lot lines at right angles to streets - The waiver is requested to accommodate lot lines designed for townhouse structures. It is not practical to orient the lot lines radial to the street when three or four structures are connected together, versus lots designed for single-family homes where structures are sited independently.
 - e. Setbacks - The project shows townhouses in groups of three to four with shared driveways. This allows a small green space every two structures, and open side yards every four. This waiver allows up to 0' front and rear setbacks on the individual lots within the development, however there is common open space beyond the lots. It also allows a 0' side setback for common walls, but maintains a 5' side setback (a total of 10') between townhouse buildings. A 20' perimeter setback along Grainger Parkway and South 37th

Street, and a 25' setback along Yankee Hill Road are also provided.

f. Minimum lot area - The lots on average are approximately 2,000 square feet in area - less than the 2,500 square foot minimum allowed per family in the R-4 district. However, at 9.09 units per acre, the overall density is well below the allowed maximum of 13.93.

g. Roadway width from 27' to 23' - This provides enough area for two driving lanes, but not enough for driving lanes and on-street parking. Due to the site configuration, there is not adequate area to park a car on the street between driveways. Because on-street parking is not feasible, the street width can be reduced. Additionally, there are parking areas beyond the driveways shown on the plan, and the inclusion of these parking spaces is encouraged. Several are shown in the front yard and are not allowed there, and should be moved to provide adequate sight distance. However, instead of deleting them from the plan they should be relocated to other areas within the development.

h. Sidewalks - This waiver was requested to allow the sidewalks to be located at the rear of the homes and not along the streets. This waiver is more fully discussed in paragraph #3 below, and is not supported by staff. During subsequent meetings between staff and the developer, it was agreed that the sidewalks would be moved out to the street while maintaining a 22' separation from the back of the sidewalk to the garage (to accommodate a parked car on the driveway), 4' between the curb and sidewalk (to allow adequate green space for street trees), and a standard 4' wide sidewalk. The developer has agreed to revise the plans and move the sidewalks as a condition of approval.

3. While not originally opposed, after further review staff does not support locating the sidewalks to the rear of the buildings. If built as shown, the grading plan shows the sidewalks built along 3:1 slopes. This would necessitate stairs and retaining walls in several locations, and it is unlikely they could be constructed in compliance with ADA requirements. Additionally, locating a sidewalk to the rear of the buildings places public ways both in front of and behind the homes and substantially diminishes the privacy of the individual homeowners. Additionally, the common open spaces are very narrow, and sidewalks would not only reduce privacy but also limit landscaping. The sidewalks should be moved to the front of the homes with a 4' separation between the sidewalk and the back of the curb, and a 22' long driveway between the rear of the sidewalk and the garage so cars do not overhang the sidewalk. As noted in #2(h) above, the developer has agreed to move the sidewalks as a condition of approval.
4. The Pine Lake Heights South 4th Addition preliminary plat shows the City's bike trail extending through this site and crossing Yankee Hill Road. While the alignment shown was approximate, the intent was to have it follow the drainage and use the same crossing under Yankee Hill Road. The City has the responsibility to build the trail, however the developer is responsible to grade the site to accommodate it. Because of the final grading that has been done to support the larger development in the area, the options for the location of the trail have been reduced. The specific location of the trail and site grading must be determined now and shown on this plan to the satisfaction of Public Works and the Parks and Recreation Departments. A connection from sidewalk to the bike trail should also be shown in the vicinity of the intersection of South 35th Street and O'Brien Road.

5. The Design Standards require a recreation plan for the use of the residents of the development, but one is not shown. The majority of the open space within this development exists in Outlot D, a space with limited usefulness due to the slope, and it is important that the recreation plan be shown.
6. This development is subject to the requirement for park land dedication, impact fees for park facilities at the time of building permits, or a combination of both. A city-owned park is not planned within this development, and the Parks and Recreation Department is requesting impact fees in lieu of the park land dedication.
7. The water system as shown is adequate; General Note #15 relating to the sanitary sewer must be revised; and, several changes to the grading and drainage plan per the Public Works and Utilities Department's review must be made.
8. The Parks and Recreation Department review notes for reference the required street trees within this development, and also states that the trail easement must be 20' wide.
9. The hydrant plan for fire protection is not approved, and must be revised to show additional hydrants in locations to the satisfaction of the Fire Department.
10. 911 Emergency Communications notes that O'Brien Road conflicts with the already-existing Bryan Circle and should be re-named.
11. The plans need to be revised to show several miscellaneous corrections which are noted in the recommendation.

CONDITIONS:

Site Specific:

1. After the applicant completes the following instructions and submits the documents and plans to the Planning Department 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 as follows:
 - 1.1.1 Show sidewalks relocated to the front of homes with a minimum 4' separation between the sidewalk and the back of curb while maintaining a space 22' deep on the driveway between the back of sidewalk and the garage.
 - 1.1.2 Show the specific location of the bike trail and Yankee Hill Road crossing along with an acceptable grading plan approved by the Public Works and Parks and Recreation Departments.
 - 1.1.3 Show the bike trail easement as 20' wide.

- ~~1.1.4~~ ~~Show a sidewalk connection to the bike trail. (**As recommended by staff and approved by Planning Commission, 07/07/04**)~~
- 1.1.5 On Sheet 2 of 5, show which lots are to have common lot lines for the three and four-unit townhouses.
- 1.1.6 A signed surveyor's certificate.
- 1.1.7 Show O'Brien Road re-named to not conflict with existing street names.
- 1.1.8 Revise General Note #15 to read ".....Lots 13-40 in Block 3...."
- 1.1.9 Show a revised hydrant plan for fire protection approved by the Fire Department.
- 1.1.10 Revise General Note #9 to read "Interior roadways are private and shall comply with City of Lincoln Design Standards for private roadways, except the width may be reduced to 23'."
- 1.1.11 Revise General Note #11 to read "Outlot A shall be used for private roadways, public utilities, and pedestrian walkways. Outlots B, C and D shall be used for pedestrian walkways, drainage and open green space. Maintenance of outlots will be the responsibility of the developer until such time as a the responsibility is legally passed to a home owners association."
- 1.1.12 The setback for the corner lots along South 35th Street must be shown as a front setback and not a side setback.
- 1.1.13 Show the additional easements noted in the L.E.S. review.
- 1.1.14 Parking spaces moved out of the front yard and relocated within the development.
- 1.1.15 Label the outlots on Sheet 1 of 5.
- 1.2 Submit a recreation plan approved by the Parks and Recreation Department.
- 1.3 Revise the grading and drainage plan to the satisfaction of the Public Works and Utilities Department.
- 1.4 Enter into an agreement with the City for grading the site and constructing retaining walls and railings to accommodate the City's construction of the bike trail which acknowledges that the applicant's cost of construction is a contribution toward the

construction of a neighborhood park and trail impact fee facility improvement and that 100% of such cost shall be reimbursed to applicant if impact fees are finally determined to be valid and enforceable, but that if the impact fees are found to be invalid and unenforceable, reimbursement shall be limited to those costs in excess of impact fees which would otherwise have been due and payable based upon 100% development of the proposed development of the property under the Sterling Hills Community Unit Plan in 2005 based upon the 2005 impact fee schedule for said neighborhood park and trail impact fee facility improvements. (**As recommended by staff and approved by Planning Commission, 07/07/04**)

2. This approval permits up to 119 dwelling units and the following modifications and waivers:
 - 2.1 Waive the preliminary plat process. The waiver of the preliminary plat shall only be effective for a period of ten years from the date of the city's approval, and shall be of no force or effect thereafter. If any final plat on all or a portion of the approved community unit plan is submitted five years or more after the effective date 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.
 - 2.2 To allow sanitary sewer to flow opposite street grades.
 - 2.3 To exceed the maximum lot width to depth ratio.
 - 2.4 To allow lot lines not at right angles to the street.
 - 2.5 Yard setbacks.
 - 2.6 Minimum lot area.
 - 2.7 Private roadway width from 27' to 23'.
3. Final Plats will be approved by the Planning Director after:
 - 3.1 The subdivider has completed or posted a surety to guarantee the completion of the public streets, private roadway improvements, sidewalks, sanitary sewer system, water system, drainage facilities, land preparation and grading, sediment and erosions control measures, storm water detention/retention facilities, drainage way improvements, street lights, landscaping screens, street trees, temporary turnaround and barricades, and street name signs.
 - 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 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 street trees along the private roadways and the landscape screen.
- 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 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.

General:

4. Before receiving building permits:

- 4.1 The permittee shall have submitted a revised and reproducible final plan including 6 copies.
- 4.2 The construction plans shall comply with the approved plans.
- 4.3 Final Plats shall be approved by the Planning Director.

Standard

5. The following conditions are applicable to all requests:
 - 5.1 Before occupying the dwelling units all development and construction shall have been completed in compliance with the approved plans.
 - 5.2 All privately-owned improvements shall be permanently maintained by the owner or an appropriately established homeowners association approved by the City Attorney.
 - 5.3 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.
 - 5.4 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
 - 5.5 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, filling fees therefor to be paid in advance by the applicant.

Prepared by:

Brian Will
441-6362, bwill@ci.lincoln.ne.us
Planner
June 24, 2004

APPLICANT/

OWNER: Sterling Hills, LLC
1233 Infinity Court
Lincoln, NE 68512
402-420-2950

CONTACT: Paula Dicero
Associated Engineering and Surveying
1232 High Street
Lincoln, NE 68502
402-441-5790

SPECIAL PERMIT NO. 04033
STERLING HILLS COMMUNITY UNIT PLAN

PUBLIC HEARING BEFORE PLANNING COMMISSION:

June 23, 2004

Members present: Pearson, Carroll, Marvin, Taylor, Krieser, Larson, Sunderman, Carlson and Bills-Strand.

Staff recommendation: Deferral.

Ex Parte Communications. None.

Proponents

1. Paula Dicero, Associated Engineering, 1232 High Street, appeared on behalf of **Sterling Hills, L.L.C.**, and agreed with the two-week deferral recommended by staff.

There was no testimony in opposition.

Taylor moved to defer two weeks, with continued public hearing and administrative action scheduled for July 7, 2004, seconded by Carlson and carried 9-0: Pearson, Carroll, Marvin, Taylor, Krieser, Larson, Sunderman, Carlson and Bills-Strand voting 'yes'.

CONT'D PUBLIC HEARING BEFORE PLANNING COMMISSION:

July 7, 2004

Members present: Sunderman, Larson, Krieser, Taylor, Marvin, Pearson, Carroll and Carlson; Bills-Strand absent.

Staff recommendation: Conditional Approval, as revised.

Ex Parte Communications: None.

Ray Hill of Planning staff requested that the Planning Commission delete Condition #1.1.4 to show a sidewalk connection to the bike trail, and add a new Condition #1.4:

Enter into an agreement with the City for grading the site and constructing retaining walls and railings to accommodate the City's construction of the bike trail which acknowledges that the applicant's cost of construction is a contribution toward the construction of a neighborhood park and trail impact fee facility improvement and that 100% of such cost shall be reimbursed to applicant if impact fees are finally determined to be valid and enforceable, but that if the impact fees are found to be invalid and unenforceable, reimbursement shall be limited to those costs in excess of impact fees which would otherwise have been due and payable based upon 100% development of the proposed development of the property under the Sterling Hills Community Unit Plan in 2005 based upon the 2005 impact fee schedule for said neighborhood park and trail impact fee facility improvements.

Hill explained that this is the same language that is being used in annexation agreements that deal with impact fee facilities if the impact fee is found to be invalid or valid.

Because of the grade situation, Hill stated that the sidewalk connection would be almost impossible. There is trail access at Grainger and Yankee Hill Road.

Proponents

1. **Peter Katt** appeared on behalf of the applicant, indicating that he was brought into this project late. The applicant is in agreement with the conditions of approval, including the changes submitted by the staff today.

This project is on the north side of Yankee Hill Road between 27th Street and 40th Street. The bike trail extends out of the existing commons and is proposed to go under Yankee Hill Road. The bike trail will connect to the bike trail on Yankee Hill Road and will connect into the sidewalk system in two locations. The deletion of Condition #1.1.4 deletes of the third connection.

There was no testimony in opposition.

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

July 7, 2004

Taylor moved approval, with conditions as revised by staff today, seconded by Carroll and carried 8-0: Sunderman, Larson, Krieser, Taylor, Marvin, Pearson, Carroll and Carlson voting 'yes'; Bills-Strand absent. This is a recommendation to the City Council.



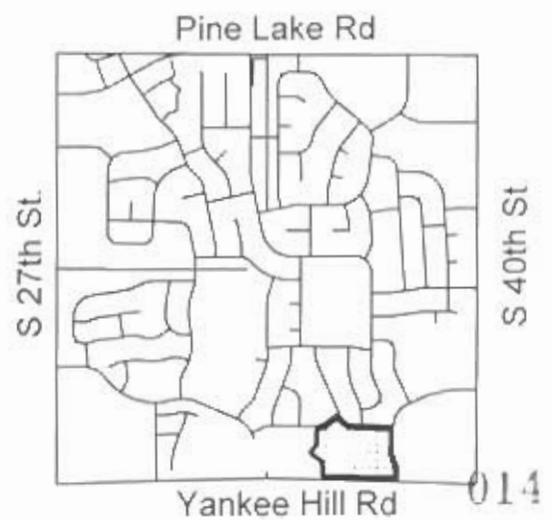
Special Permit #04033
Sterling Hills CUP
S. 37th & Yankee Hill Rd.

2002 aerial

Zoning:

- R-1 to R-4 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. 19 T9N R7E



**CUP AND SPECIAL PERMIT
STERLING HILLS ADDITION**



1523 10th Street, Suite 2
Lincoln, NE 68502
Tel: 402.476.4444
Fax: 402.476.4445

GRADING PLAN
CUP AND SPECIAL PERMIT #04033
STERLING HILLS ADDITION
LINCOLN, NEBRASKA

PROJ. NO. 15232
DATE: 06-27-2004
DESIGN BY: RAB
CHECKED BY: LAM
COURTESY: "N"

NO.	DATE	REVISIONS
1		ISSUED FOR PERMIT
2		REVISED PER PERMIT

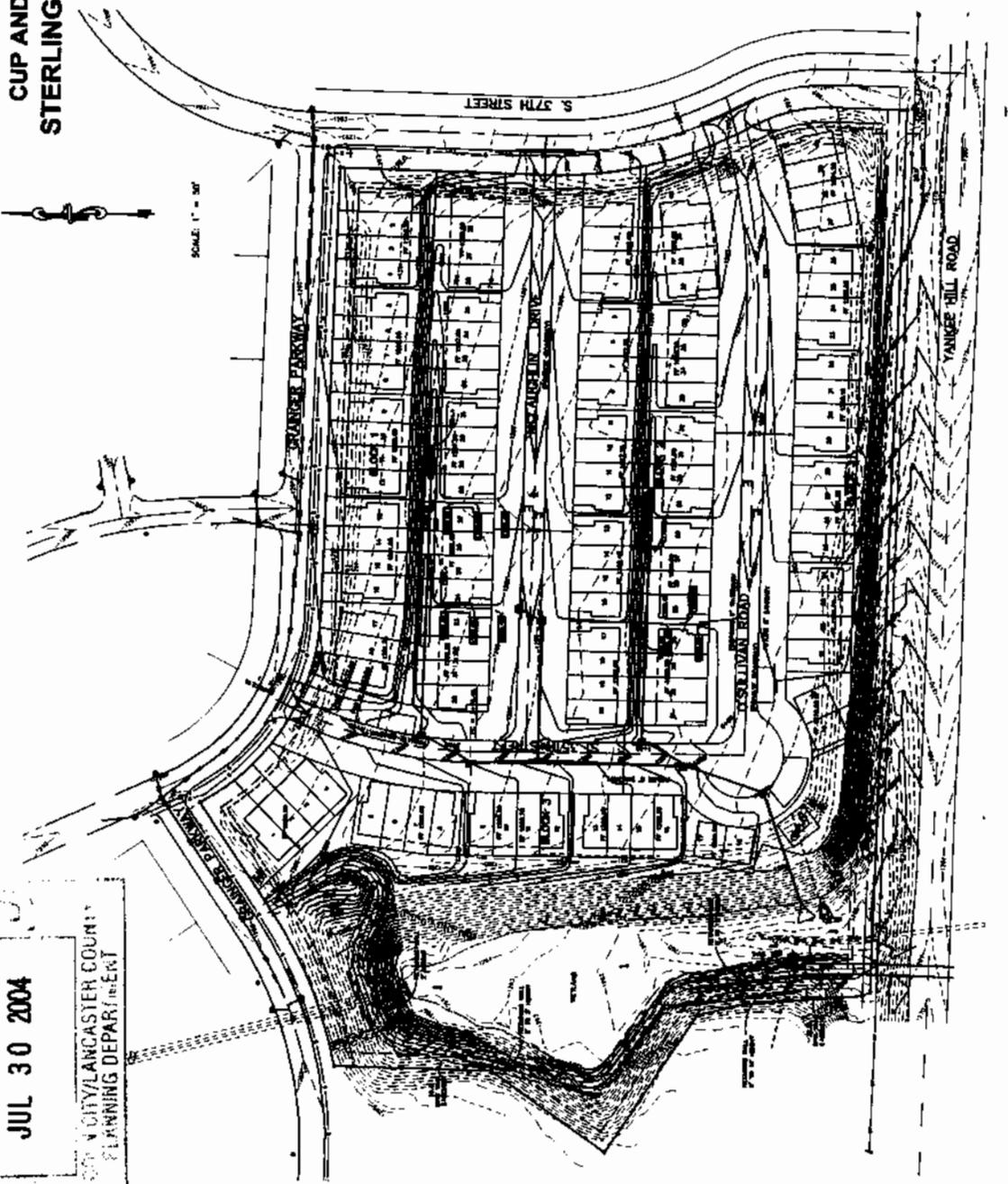
HEET NUMBER
3 of 6

MINIMUM OPENING ELEVATIONS

NO.	DATE	REVISIONS
1		ISSUED FOR PERMIT
2		REVISED PER PERMIT

NOTE: ENGINEER CERTIFIES THESE ELEVATIONS ARE THE MINIMUM REQUIRED FOR THE CITY OF LINCOLN AND NEBRASKA PERMITS. THE USER SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE PERMIT AREA AND THE USER SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE PERMIT AREA.

LEGEND
 --- PROPOSED
 --- EXISTING
 --- EXISTING CONCRETE
 --- EXISTING CONCRETE WITH REINFORCING
 --- EXISTING CONCRETE WITH REINFORCING AND CURB



SCALE: 1" = 50'

RECEIVED
JUL 30 2004
 LINCOLN CITY/LANCASTER COUNTY
 PLANNING DEPARTMENT

Company Name Here



Associated Engineering And Surveying

1235 High Street – Suite 3
Lincoln, Nebraska, 68502

June 23, 2004

Brian Will
Lincoln-Lancaster County Planning Department
555 South 10th Street – Suite 213
Lincoln, Nebraska, 68508

RE: **Sterling Hills Addition Preliminary Plat**
AE&S Job # 15737

Dear Mr. Will:

Pursuant to Section 26.15.030(d) of the LMC, the following deviations and waivers from the Land Subdivision Ordinance and the adopted Design Standards are requested for this plat.

1. A waiver to the preliminary plat process with the special permit for a community unit plan to take its place.
2. Title 2.3.6 "The slope of the sanitary sewer should parallel the slope of the street or finished grade as much as possible so that excessive depths are minimized." - Preliminary design of the sanitary sewer on South 35th Street between McLaughlin Drive and Grainger Parkway is designed opposite the street slope. This design enables the existing sanitary sewer in Grainger Parkway and the preliminary design of sanitary sewer in McLaughlin Drive and O'Brien Road (which is designed to parallel the slope of the streets) to be connected.
3. Title 26.23.140(a) "Lot shall have a maximum depth of three times its width." - A greater depth is required for the units because of slope and drainage requirement at the rear of the units.
4. Title 26.23.240 (c) "The side lines of any lot shall be at right angles to the street or radial, if the street is curved" -- Non-radial lot lines are necessary because of the

attached single family townhouse units.

5. Title 27.17.080(a) "Heights and Area Regulations, set back requirements" - Required front yard set backs along Grainger Parkway and South 37th Streets are reduced from 25 feet to 20 feet. Required front yard set backs along the east side of South 35th Street between McLaughlin Drive and O'Brien Road are reduced from 25 feet to 18.5 feet. The reduced set backs are required to maintain a reasonable slope at the rear of the town house units and allow for a four foot green space and four foot sidewalk in front of the units.
6. Title 27.17.080(a) "Heights and Area Regulations, minimum lot area" - A smaller lot area is needed to accommodate the attached single family units, which are designed for this site.
7. Title 3.3.5 "Roadway Width of 27 feet for General Access" - Because of the grading necessary for the sanitary sewer, a roadway width of 23 feet is needed to maintain a reasonable slope to the rear of the town house units and allow for a four foot green space and four foot sidewalk in front of the units and parallel to the back of curb along South 35th Street, McLaughlin Drive and O'Brien Road.

M e m o r a n d u m

To: Brian Will, Planning Department
From: Chad Blahak, Public Works and Utilities
Subject: Sterling Hills Preliminary Plat #04013
Date: June 7, 2004
cc: Randy Hoskins

Engineering Services has reviewed the revised plans for the Sterling Hills Preliminary Plat, located west of South 37th Street between Yankee Hill Road and Grainger Parkway, and has the following comments:

Sanitary Sewer - The following comments need to be addressed.

- (1.1) Based on the proposed sanitary sewer shown on the revised utility plan, general note #15 needs to be revised to read "...Lots 13-40 in Block 3..."

Water Main - The water system is satisfactory.

Grading/Drainage - The following comments need to be addressed.

- (3.1) Lots 20-23 in Block 1 do not appear to provide sufficient drainage for the minimum opening elevations shown. The table on sheet 3 shows an elevation of 1285.90 for these lots while the grading plan shows an elevation of 1286.00 at the end of the block for drainage. The grading plan or minimum opening elevations will need to be revised accordingly.
- (3.2) Lots 21-28 in Block 2 do not appear to provide sufficient drainage for the minimum opening elevations shown. The table on sheet 3 shows an elevations between 1280.30 and 1180.59 for these lots while the grading plan shows an elevation of 1281.00 at the end of the block for drainage. The grading plan or minimum opening elevations will need to be revised accordingly.
- (3.3) Although there are no specific design standards for driveway slope, it should be noted that the proposed site grading and street grades shown appear to indicate driveway slopes of greater than 10%. As a comparison, maximum grade recommended by ADA is about 8.3%.

Streets/Paving - The following comments need to be addressed.

- (4.1) The section of Grainger adjacent to this plat is shown to carry more traffic volume than a typical local street. Grainger is the primary internal connection between the approved commercial developments located at the corners of 40th and Yankee Hill and 27th and Yankee Hill and will thus function more like a collector street. As the commercial areas develop and the traffic volumes increase, on-street parking along Grainger may become prohibited.
- (4.2) The proposed locations for the sidewalks shown in the interior of Blocks 1 and 2 do not appear to be realistic. The proposed grading plan shows the sidewalks being constructed along 3:1 slopes. This creates numerous practical issues. First, all lots on the up hill side of the sidewalk would require individual stairs for each lot, which are not shown on the plans. As a result of the need for stairs to connect to the sidewalk, there would be no satisfactory connection to the sidewalks that would meet ADA requirements. Second, the steep slopes would likely require retaining walls, which are also not shown, to be built in order to construct the sidewalks. Providing sidewalks adjacent to the streets rather than in the rear of the lots would eliminate these issues.

General - The information shown on the preliminary plat relating to the public water main system, public sanitary sewer system, and public storm sewer system has been reviewed to determine if the sizing and general method providing service is satisfactory. Design considerations including, but not limited to, location of water main bends around curves and cul-de-sacs, connection of fire hydrants to the public main, temporary fire hydrant location, location and number of sanitary sewer manholes, location and number of storm sewer inlets, location of storm sewer manholes and junction boxes, and the method of connection storm sewer inlets to the main system are not approved with this review. These and all other design considerations can only be approved at the time construction drawings are prepared and approved.

Memo



To: Brian Will, Planning Department

From: Mark Canney, Parks & Recreation

Date: June 8, 2004

Re: Sterling Hills Addition 04033

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. Provide easement for commuter trail; needs to be graded to provide access under Yankee Hill Road.
2. Section 26.23.160 of the Land Subdivision Ordinance requires, at the City's discretion, the dedication of suitable park land for neighborhood parks as part of the platting process, paying impact fees with the submission of building permits, or a combination of both. At this time, the Parks Department is requesting impact fees in lieu of park land.
3. Designated Street Tree species are as follows:

Grainger Parkway – Autumn Blaze Maple

McLaughlin Drive – Aristocrat Pear

S. 35th Street – Skyline Locust

Sterling Hills Road – Autumn Applause Ash

S. 37th Street – Greenspire Linden

Developer should be aware that street trees should not be planted any closer than 5 feet from driveways or sidewalks; 15 feet from street lights; 10 feet from fire hydrants; 25 feet from where sidewalks intersect at the corner of street intersections. Species designated will require approximately 40' spacing apart from each street tree planted.
4. Need grading plan to see how the trail works. Please note approval is dependent on the grading plan.
5. Easement currently depicted as 15' in width; should be 20' width as per current

design standards.

6. Correspondence references various sheet pages. The only sheet our office received is the cover sheet.

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



Dennis L. Roth

06/07/2004 09:02 PM

To: Brian J Will/Notes@Notes

cc:

Subject: re: Sterling Hills Add

PROJ NAME: Sterling Hills Addition
PROJ NMBR: SP #04033
PROJ DATE: 05/28/04
PLANNER: Brian Will

Finding ONE DUPLICATE/SIMILAR sounding name in our geobase for the street name proposed in this project, other than those which are an extension of an existing street.

PROPOSED
O'Brien Rd

EXISTING
Bryan Cir

Although not an exact match, it would be extremely easy to miss the O in O'Brien when spoken, and that's just enough to cause serious problems for emergency responders.

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

STREETS: Grainger Pky and S 37th St

PRIVATE: O'Brien Dr, Grainger Pky, McLaughlin Dr and S 35th St

COMMENTS: MOST STRONGLY suggest an ALTERNATE name be found for O'Brien Rd

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

TO: Brian Will
DEPARTMENT: Planning
ATTENTION:
CARBONS TO: EH File
EH Administration

DATE: June 7, 2004
FROM: Chris Schroeder
DEPARTMENT: Health
SUBJECT: Sterling Hills
SP #04033

The Lincoln-Lancaster County Health Department has reviewed the proposed development with the following noted:

- 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.



IMPORTANT



Return this report with two sets of corrected plans. The corrections noted below are required to be made to the plans prior to issuance of a permit. Please indicate under each item where the correction is made by plan sheet number or plan detail number.

A separate set of plans for review and and final approval must be submitted by the licensed installing contractor/s if fire suppression systems, sprinklers, dry powder, fire alarm systems or underground tanks are installed.



Permit # **DRF04079**

Address

Job Description: **Development Review - Fire**

Location: **STERLING HILLS**

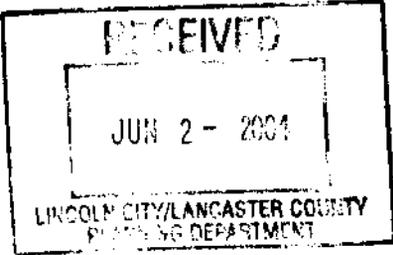
Special Permit: **Y 04053**

Preliminary Plat:

Use Permit:

CUP/PUD:

Requested By: **BRIAN WILL**



Status of Review: **Denied**

06/02/2004 9:05:54 AM

Reviewer: **FIRE PREVENTION/LIFE SAFETY CODE**

BOB FIEDLER

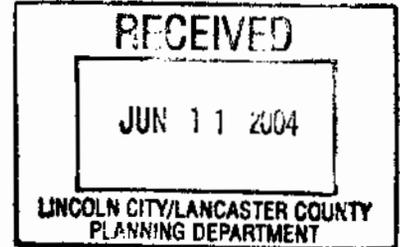
Comments: **need site utility plan showing fire hydrant locations.**

Current Codes in Use Relating to Construction Development in the City of Lincoln:

- 2000 International Building Code and Local Amendments
- 2000 International Residential Code and Local Amendments
- 1994 Nebraska Accessibility Guidelines (Patterned after and similar to ADA guidelines)
- 1989 Fair Housing Act As Amended Effective March 12, 1989
- 1979 Zoning Ordinance of the City of Lincoln as Amended including 1994 Parking Lot Lighting Standards
- 1992 Lincoln Plumbing Code (The Lincoln Plumbing Code contains basically the 1990 National Standard Plumbing Code and local community Amendments.)
- 1989 National Electrical Code and Local Amendments
- 1997 Uniform Mechanical Code and Local Amendments
- 1994 Lincoln Gas Code
- 1994 NFPA 101 Life Safety Code
- 2000 Uniform Fire Code and Local Amendments
- Applicable NFPA National Fire Code Standards



DATE: June 10, 2004
TO: Brian Will, City Planning
FROM: Sharon Theobald
Ext 7640
SUBJECT: DEDICATED EASEMENTS
DN# 83S-36E



Attached is the C.U.P. and Special Permit for Sterling Hills Addition.

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

ALLTEL, Time Warner Cable, and the Lincoln Electric System will require the additional easements marked in red on the map.

Sharon Theobald

ST/ss
Attachment
c: Terry Wiebke
Easement File

MOTION TO AMEND CONDITIONS OF APPROVAL
FOR SPECIAL PERMIT NO. 04033
STERLING HILLS COMMUNITY UNIT PLAN

1. ⁴ Add a new condition 1.1 to read as follows:

1.1. ⁴ Enter into an agreement with the City for grading the site and constructing retaining walls and railings to accommodate the City's construction of the bike trail which acknowledges that the applicant's cost of construction are ^a the contribution toward the construction of a neighborhood park and trail impact fee facility improvement and that 100% of such cost shall be reimbursed to applicant if impact fees are finally determined to valid and enforceable, but that if the impact fees are found to be invalid and unenforceable, reimbursement shall be limited to those costs in excess of impact fees which would otherwise have been due and payable based upon 100% development of the proposed development of the property under the Sterling Hills Community Unit Plan in 2005 based upon the 2005 impact fee schedule for said neighborhood parks and trail impact fee facility improvements.