

FACTSHEET

TITLE: Letter of Appeal filed by Shanna L. Cole, on behalf of Hartland Homes, Inc., appealing Condition #5.a.xi of Resolution No. PC-01013, approving an amendment to the **HARTLAND'S CARDINAL HEIGHTS 2ND ADDITION COMMUNITY UNIT PLAN**, on property generally located at N.W. 56TH Street and Partridge Lane.

STAFF RECOMMENDATION: Denial of the request to delete Condition #5.a.xi of Resolution No. PC-01013.

ASSOCIATED REQUESTS: Annexation No. 06011 (06-158) and Change of Zone No. 06046 (06-159).

FINDINGS OF FACT:

1. The amendment to the Hartland's Cardinal Heights 2nd Addition Community Unit Plan was heard in conjunction with the associated Annexation No. 06011 and Change of Zone No. 06046, and proposes to increase the boundary of the community unit plan by approximately 12 acres and to increase the number of lots from 56 to 113.
2. The staff recommendation of conditional approval is based upon the "Analysis" as set forth on p.14-15, concluding that, subject to the conditions of approval set forth in the staff report on p.15-19, the proposal is in conformance with the Comprehensive Plan. Substantial grading is required to provide acceptable water pressure and to serve the area with sanitary sewer. The requirement of a maximum 1280 foot street elevation, established on adjacent land two years ago, will not result in the homes on these lots achieving the Water Department's current water pressure standard of 45 psi. Therefore, staff suggested a maximum main floor elevation of 1280 feet in proposed Condition #3.1.1.11. This will require that the grading plan be revised.
3. The staff presentation is found on p.21-22.
4. The applicant's testimony is found on p.22-24. The applicant requested that Condition #3.1.1.11 be deleted. He stated that revising the grading plan to achieve the suggested maximum floor elevation would be costly, and that water pressures of less than 45 psi are not uncommon and do not rise to the level of true health or safety concerns.
5. There was no testimony in opposition.
6. On August 16, 2006, the Planning Commission agreed with the staff recommendation and voted 8-0 to adopt Resolution No. PC-01013 (p.3-11), with the conditions as set forth in the staff report dated August 2, 2006 (Strand absent). The Planning Commission did not delete Condition #3.1.1.11.
7. On August 18, 2006, a letter of appeal was filed by Shanna L. Cole, on behalf of Hartland Homes, Inc., appealing Condition #5.a.xi of Resolution No. PC-01013. Therefore, this is the only issue to be considered by the Council on the amendment to the community unit plan.

FACTSHEET PREPARED BY: Jean L. Walker

REVIEWED BY: _____

REFERENCE NUMBER: FS\CC\2006\SP.2045A Appeal

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 08/16/06
Administrative Action: 08/16/06

RECOMMENDATION: Conditional Approval of amendment to the community unit plan, as set forth in the staff report dated August 2, 2006 (8-0: Carlson, Carroll, Cornelius, Esseks, Krieser, Larson, Sunderman and Taylor voting 'yes'; Strand absent).

DATE: September 5, 2006

DATE: September 5, 2006

Pierson|Fitchett
LAW FIRM

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August 18, 2006

Lincoln City Clerk
555 S. 10th St., Rm. 103
Lincoln, NE 68508

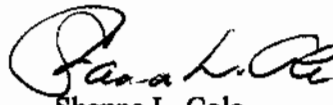
Re: *Notice of Appeal; Special Permit #2045A*

Dear Clerk:

Please be advised that the Planning Commission denied the above-referenced special permit application on August 16, 2006 for Hartland Home's Cardinal Heights 2nd Addition. We are requesting that the City Council hear an appeal to this decision as a "main floor" of a building restriction will be impractical and difficult for both our client and the City to administer.

If you have any questions or need any further information, please contact Peter Katt of this office.

Sincerely,




Shanna L. Cole
For the Firm

(G:\AF\600-699\693.001 Hartland Homes, Inc.—Cardinal Heights\City Clerk 8-18.ltr.wpd)

CITY CLERK'S OFFICE
2006 AUG 18 PM 1 16
CITY OF LINCOLN
NEBRASKA

**PLANNING COMMISSION FINAL ACTION
NOTIFICATION**

TO : Mayor Coleen Seng
Lincoln City Council

FROM : Jean Walker, Planning 

DATE : August 25, 2006

RE : **Special Permit No. 2045A, amendment to the Hartland's Cardinal Heights 2nd Addition Community Unit Plan**
(N.W. 56th Street and W. Partridge Lane)
Resolution No. PC-01013

The Lincoln City-Lancaster County Planning Commission took the following action at their regular meeting on Wednesday, August 16, 2006:

Motion made by Carroll, seconded by Esseks, to approve **Special Permit No. 2045A, an amendment to the Hartland's Cardinal Heights 2nd Addition Community Unit Plan**, with conditions, as revised by staff, requested by Hartland Homes, Inc., for authority to expand the boundary by approximately 12 acres and to increase the density from 56 dwelling units to 113 dwelling units, together with requested waivers of requirements of the Zoning Ordinance, Land Subdivision Ordinance and Design Standards to allow the transfer of sanitary sewer from one drainage basin to another, to allow running sanitary sewer opposite street grades, to allow lot depth-to-width ratio to exceed 3:1 for Lots 2-27, Block 1, to allow lots with less than the minimum required lot width, and to allow lots with less than the minimum required area, on property generally located at N.W. 56th Street and Partridge Lane.

Motion for conditional approval, as revised by staff, carried 8-0 (Esseks, Carroll, Sunderman, Taylor, Krieser, Larson, Cornelius and Carlson voting 'yes'; Strand absent).

The Planning Commission's action is final, unless appealed to the City Council by filing a Letter of Appeal with the City Clerk within 14 days of the date of the action by the Planning Commission.

Attachment

cc: Building & Safety
Rick Peo, City Attorney
Public Works
Peter Katt, 1045 Lincoln Mall, 68508
Lyle Loth, ESP, 601 Old Cheney Road, Suite A, 68512
Hartland Homes, P.O. Box 22787, 68542

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RESOLUTION NO. PC- 01013

SPECIAL PERMIT NO. 2045A

1 WHEREAS, Hartland Homes, Inc. has submitted an application designated as Special
2 Permit No. 2045A for authority to amend Hartland's Cardinal Heights 2nd Addition Community
3 Unit Plan to expand the boundary of the CUP by approximately 12 acres and to increase the
4 density from 56 dwelling units to 113, together with requested waivers of requirements in the
5 Zoning Code, Land Subdivision Ordinance and Design Standards to allow the transfer of
6 sanitary sewer from one drainage basin to another, to allow running sanitary sewer opposite
7 street grades, to allow lot depth to width ratio to exceed 3:1 for Lots 2-27, Block 1, to allow lots
8 with less than the minimum required lot width, and to allow lots with less than the minimum
9 required area, on property generally located at N.W. 56th Street and Partridge Lane and legally
10 described as:

11 Lots 1 through 18, Block 1; Lot 1, Block 2; Lots 1 through 17,
12 Block 3; Lots 1 through 13, Block 4; Lots 1 through 6, Block 5; Lot
13 1, Block 6; Outlots A, B and C, Hartland's Cardinal Heights 7th
14 Addition; a portion of Lot 23 I.T., located in the Southeast Quarter
15 of Section 13, Township 10 North, Range 5 East; Lancaster
16 County, Nebraska; more particularly described as:

17 A part of the North Half of the Southeast Quarter of Section 13,
18 Township 10 North, Range 5 East of the 6th P.M., Lancaster
19 County, Nebraska, more particularly described as follows:

20 Beginning at the southeast corner of said North Half and
21 extending thence north 00 degrees 00 minutes 00 seconds east,
22 1320.16 feet to the East Quarter corner of said Section 13; thence
23 south 89 degrees 56 minutes 40 seconds west, 1090.71 feet;
24 thence 00 degrees 00 minutes 00 seconds west, 555.12 feet;

1 thence north 00 degrees 00 minutes 00 seconds east, 16.40 feet;
2 thence south 00 degrees 00 minutes 00 seconds west, 190.00
3 feet; thence north 00 degrees 00 minutes 00 seconds east, 6.34
4 feet; thence south 00 degrees 00 minutes 17 seconds east,
5 574.07 feet; thence north 89 degrees 59 minutes 43 seconds
6 east, 1080.59 feet to the point of beginning, containing 32.84
7 acres, more or less;

8 WHEREAS, the Lincoln City-Lancaster County Planning Commission has held a
9 public hearing on said application; and

10 WHEREAS, the community as a whole, the surrounding neighborhood, and the real
11 property adjacent to the area included within the site plan for this amendment to the community
12 unit plan will not be adversely affected by granting such a permit; and

13 WHEREAS, said site plan together with the terms and conditions hereinafter set forth
14 are consistent with the comprehensive plan of the City of Lincoln and with the intent and
15 purpose of Title 27 of the Lincoln Municipal Code to promote the public health, safety, and
16 general welfare.

17 NOW, THEREFORE, BE IT RESOLVED by the Lincoln City-Lancaster County
18 Planning Commission of Lincoln, Nebraska:

19 That the application of Hartland Homes, Inc., hereinafter referred to as "Permittee", to
20 amend Cardinal Heights 2nd Addition Community Unit Plan to expand the boundary of the CUP
21 by approximately 12 acres and to increase the density from 56 dwelling units to 113, together
22 with waivers of requirements in the Zoning Code, Land Subdivision Ordinance and Design
23 Standards to allow the transfer of sanitary sewer from one drainage basin to another, to allow
24 running sanitary sewer opposite street grades, to allow lot depth to width ratio to exceed 3:1 for
25 Lots 2-27, Block 1, to allow lots with less than the minimum required lot width, and to allow lots
26 with less than the minimum required area, be and the same is hereby granted under the
27 provisions of Section 27.63.320 and Chapter 27.65 of the Lincoln Municipal Code upon
28 condition that construction of said community unit plan be in strict compliance with said

1 application, the site plan, and the following additional express terms, conditions, and require-
2 ments:

- 3 1. This approval permits 113 dwelling units and grants the following:
 - 4 a. A waiver of the Sanitary Sewer Design Standards § 2.1 to allow the transfer
5 of sanitary sewer from one drainage basin to another.
 - 6 b. A waiver of the Sanitary Sewer Design Standards § 3.6 to allow running
7 sanitary sewer opposite street grades.
 - 8 c. A waiver of Lincoln Municipal Code § 26.23.140 to allow lot depth to width
9 ratio to exceed 3:1 for Lots 2-27, Block 1.
 - 10 d. A waiver of Lincoln Municipal Code § 27.15.080 to allow lots with less than
11 the minimum required lot width.
 - 12 e. A waiver of Lincoln Municipal Code § 27.15.080 to allow lots with less than
13 the minimum required area.
- 14 2. The City Council must approved the associated requests as follows:
 - 15 a. Change of Zone 06046.
 - 16 b. Annexation 06011.
- 17 3. Final plats within the area of this CUP must be approved by the City.

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

24 Before the approval of a final plat, the public streets, sidewalks, public sanitary sewer
25 system, public water system, drainage facilities, land preparation and grading, sediment and

1 erosions control measures, storm water detention/retention facilities, drainageway
2 improvements, street lights, landscaping screens, street trees, temporary turnaround and
3 barricades, and street name signs, must be completed or provisions (bond, escrow or security
4 agreement) to guarantee completion must be approved by the City Law Department. The
5 improvements must be completed in conformance with adopted design standards and within
6 the time period specified in the Land Subdivision Ordinance.

7 4. Before the approval of a final plat, the Permittee must enter into an Agreement
8 with the City wherein Permittee as Subdivider agrees:

- 9 a. To complete the street paving of public streets, and temporary turnarounds
10 and barricades located at the temporary dead-end of the streets shown on
11 the final plat within two (2) years following the approval of the final plat.
- 12 b. To complete the installation of sidewalks along both sides of the streets as
13 shown on the final plat within four (4) years following the approval of the
14 final plat.
- 15 c. To complete the public water distribution system to serve this plat within
16 two (2) years following the approval of the final plat.
- 17 d. To complete the public wastewater collection system to serve this plat
18 within two (2) years following the approval of the final plat.
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- 20 e. To complete the enclosed public drainage facilities shown on the approved
21 drainage study to serve this plat within two (2) years following the approval
22 of the final plat.
- 23 f. To complete land preparation including storm water detention/retention
24 facilities and open drainageway improvements to serve this plat prior to the
25 installation of utilities and improvements but not more than two (2) years
26 following the approval of the final plat
- 27 g. To complete the installation of public street lights along streets within this
28 plat within two (2) years following the approval of the final plat.
- 29 h. To complete the planting of the street trees along streets within this plat
30 within four (4) years following the approval of the final plat.
- 31 i. To complete the planting of the landscape screen within this plat within two
32 (2) years following the approval of the final plat.
- 33 j. To complete the installation of the street name signs within two (2) years
34 following the approval of the final plat.

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- k. To complete the installation of the permanent markers prior to construction on or conveyance of any lot in the plat.
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- l. To complete any other public or private improvement or facility required by Chapter 26.23 (Development Standards) of the Land Subdivision Ordinance in a timely manner which inadvertently may have been omitted from the above list of required improvements.
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- m. To complete the public and private improvements shown on the Community Unit Plan.
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- n. 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.
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- o. To retain ownership of and the right of entry to the outlots in order to perform the above-described maintenance of the outlots and private improvements on a permanent and continuous basis. However, Subdivider may be relieved and discharged of such maintenance obligations upon creating in writing a permanent and continuous association of property owners who would be responsible for said permanent and continuous maintenance subject to the following conditions:
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- (1) Subdivider shall not be relieved of Subdivider's maintenance obligation for each specific private improvement until a register professional engineer or nurseryman who supervised the installation of said private improvement has certified to the City that the improvement has been installed in accordance with approved plans.
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- (2) The maintenance agreements are incorporated into covenants and restrictions in deeds to the subdivided property and the documents creating the association and the restrictive covenants have been reviewed and approved by the City Attorney and filed of record with the Register of Deeds.
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- p. To maintain the outlots and private improvements on a permanent and continuous basis.
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- q. 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
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- r. To submit to the lot buyers and home builders a copy of the soil analysis.
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- s. To comply with the provisions of the Land Preparation and Grading requirements of the Land Subdivision Ordinance.

- 1 t. To protect the trees that are indicated to remain during construction and
2 development
- 3 u. To relinquish the right of direct vehicular access from Lots 1-27, Block 1
4 and Lot 1, Block 2 to NW 56th St.
- 5 v. To inform all prospective purchasers and users that the land is located
6 within the Airport Environs Noise District, that the land is subject to an
7 avigation and noise easement granted to Lincoln Airport Authority, and that
8 the land is potentially subject to aircraft noise levels which may affect users
9 of the property and interfere with its use.
- 10 5. Before a final plat is approved:
- 11 a. The permittee shall submit a revised site plan including 5 copies showing
12 the following revisions to the Planning Department office for review and
13 approval.
- 14 i. Change Cardinal Heights Lane to W. Redberry Lane on Sheets 3-5.
- 15 ii. Change Cardinal Heights Cir. to NW 58th Cir. on sheets 3-5.
- 16 iii. Add "West" to Thatcher Lane on sheets 1-2.
- 17 iv. Add utility easements as required by LES memo of July 20, 2006.
- 18 v. Delete the City Council approval block.
- 19 vi. Delete waiver #1. A waiver to the preliminary plat is not required.
- 20 vii. Delete the R-3 zoning line and the note referencing the R-3 line on
21 sheet 1.
- 22 viii. Add the following note: This area is located within the Airport Environs
23 Noise District and is subject to an avigation and noise easement
24 granted to Lincoln Airport Authority, and that the land is potentially
25 subject to aircraft noise levels which may affect users of the property
26 and interfere with its use.
- 27 ix. Add a note relinquishing direct vehicular access to NW 56th St.
- 28 x. The future street layout to the west will result in a block length that
29 exceeds the maximum length. To lessen the block length show a
30 future street to the west off of the future street.
- 31 xi. Revise the grading plan so the maximum elevation of the main floor
32 of a building is at or below elevation 1280.

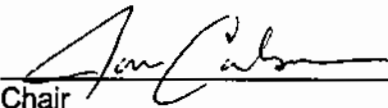
- 1 xii. Revise the utility plan to show the sanitary sewer for lots along W.
2 Partridge flowing east to NW 58th St., or add a note stating that Lots
3 7-9, Blk 5 and Lots 2 & 3, Blk 6 shall not be final platted until they can
4 be served with sanitary sewer from the south.
- 5 xiii. Remove the sanitary sewer mains from the future development area.
- 6 xiv. Make corrections to the satisfaction of Public Works and Utilities
7 Department memo of August 1, 2006.
- 8 xv. Provide documentation from the Register of Deeds that the letter of
9 acceptance as required by the approval of the special permit has
10 been recorded.
- 11 b. Ornamental street lights for private roadways and pedestrian way
12 easements are approved by L.E.S.
- 13 c. The construction plans comply with the approved plans.
- 14 d. Grant an avigation and noise easement to the Lincoln Airport Authority on
15 all or that part of the land located within the Airport Environs Noise District.
- 16
- 17 6. Before occupying the dwelling units all development and construction is to
18 comply with the approved plans.
- 19 7. All privately-owned improvements, including landscaping and recreational
20 facilities, are to be permanently maintained by the Subdivider or an appropriately established
21 homeowners association approved by the City.
- 22 8. The site plan approved by this permit shall be the basis for all interpretations of
23 setbacks, yards, locations of buildings, location of parking and circulation elements, and similar
24 matters.
- 25 9. The terms, conditions, and requirements of this Resolution shall be binding and
26 obligatory on Permittee and its successors and assigns.
- 27 10. The Permittee shall sign and return the letter of acceptance to the City Clerk
28 within 60 days following the approval of the special permit, provided, however, said 60-day
29 period may be extended up to six months by administrative amendment. The City Clerk shall file

1 a copy of the resolution approving the special permit and the letter of acceptance with the
2 Register of Deeds, filling fees therefor to be paid in advance by the Permittee.

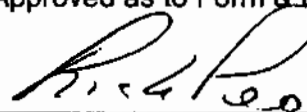
3 11. The site plan as approved with this resolution voids and supersedes all
4 previously approved site plans, however all resolutions approving previous permits remain in
5 force unless specifically amended by this resolution.

6 The foregoing Resolution was approved by the Lincoln City-Lancaster County
7 Planning Commission on this 16 day of August, 2006.

ATTEST:


Chair

Approved as to Form & Legality:


Chief Assistant City Attorney

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for AUGUST 16, 2006 PLANNING COMMISSION MEETING

PROJECT #: Special Permit No.2045A Hartland's Cardinal Heights 2nd Addition Community Unit Plan (CUP)

PROPOSAL: Expand the boundary of the CUP by approximately 12 acres and increase the density from 56 dwelling units to 113.

LOCATION: NW 56th St. and W. Partridge Lane

LAND AREA: 32.84 acres, more or less

EXISTING ZONING: AG, Agricultural and R-3, Residential

WAIVER /MODIFICATION REQUEST:

1. To allow transferring sanitary sewer from one drainage basin to another.
2. To allow running sanitary sewer opposite street grades.
3. To allow lot depth to width ratio to exceed 3:1 for Lots 2-27, Block 1.
4. To allow lots with less than the minimum required lot width.
5. To allow lots with less than the minimum required area.

CONCLUSION:

RECOMMENDATION:	Conditional Approval
Waivers/modifications:	
1. To allow transferring sanitary sewer from one drainage basin to another.	Approval
2. To allow running sanitary sewer opposite street grades.	Approval
3. To allow lot depth to width ratio to exceed 3:1 for Lots 2-27, Block 1.	Approval
4. To allow lots with less than the minimum required lot width.	Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION:

Lots 1-18, Blk1; Lot 1, Blk 2; Lots 1-17, Blk 3; Lots 1-13, Blk 4; Lots 1-6, Blk 5; Lot1, Blk 6; Outlots A, B, & C; Hartland's Cardinal Heights 7th Addition.

A portion of Lot 23 I.T. located in the SE 1/4 of Section 13, Township 10 North, Range 5 East, Lancaster County, NE

EXISTING LAND USE: Residential and undeveloped

SURROUNDING LAND USE AND ZONING:

North:	R-3, Residential	Undeveloped
	AG, Agricultural	Undeveloped
South:	AG, Agricultural	Undeveloped
East:	R-3, Residential	Single family and attached single-family
West:	AG, Agricultural	Undeveloped

ASSOCIATED APPLICATIONS:

Change of Zone #06046
Annexation #06011

HISTORY:

- November 8, 2004 Final Plat #04086, Hartland's Cardinal Heights 7th Addition for 56 residential lots was approved by the Planning Director.
- July 12, 2004 Annexation #03008, Change of Zone #04013 and Special Permit #2045, Hartland's Cardinal Heights 2nd Addition CUP for 72 residential lots was approved by City Council.
- March 18, 2002 Preliminary Plat #01017 and Special Permit #1940, Hartland's Cardinal Heights 1st Addition for 209 residential lots on the east side of NW 56th St. was approved by the City Council.
- Dec. 21, 1998 Preliminary Plat #97027, Hartland's Cardinal Heights Addition was approved by City Council.

COMPREHENSIVE PLAN SPECIFICATIONS:

Maximize the community's present infrastructure investment by planning for residential and commercial development in areas with available capacity. (F-17)

Encourage different housing types and choices, including affordable housing, throughout each neighborhood for an increasingly diverse population. (F-18)

This area is shown as Agricultural in the Comprehensive Land Use Plan. (F-25)

The area is shown outside of the future service limit. (F-26)

The land use plan displays the generalized location of each land use. It is not intended to be used to determine the exact boundaries of each designation. The area of transition from one land use is often gradual. (F-27)

Future Service Limit: The land use plan also displays the future service limit for the City of Lincoln. Land inside this line represents the anticipated area to be provided with urban services within the planning period. (F-28)

"Affordable housing should be distributed throughout the region to be near job opportunities and to provide housing choices within every neighborhood. Preserve existing affordable housing and promote the creation of new affordable housing throughout the community." (F-65)

Guiding Principles for New Neighborhoods indicates:

"Encourage a mix of housing types, single family, townhomes, apartments, elderly housing all within one area; Similar housing types face each other: single family faces single family, change to different use at rear of lot; Parks and open space within walking distance of all residences; Multi-family and elderly housing nearest to commercial area; Pedestrian orientation; shorter block lengths, sidewalks on both sides of all roads; Public uses (elementary schools, churches) as centers of neighborhood – shared facilities (city parks & school sites)". (F-67)

Continue the City's growth policy of contiguous urban growth. Urban development will occur in areas immediately abutting the city that reflect a logical and timely extension of urban infrastructure. (F 75)

UTILITIES: All utilities are available. The Lincoln-Lancaster County Health Department (LLCHD) notes a 8" high pressure underground petroleum line is located to the west of this application. The pipeline is approximately 1,500 feet west of the west boundary of this application.

Public Works and Utilities notes that due to the elevation there may be a potential water pressure problem for two story and split level homes.

TRAFFIC ANALYSIS: NW 56th St. is a rural gravel road. The 2025 Comprehensive Plan identifies NW 56th St. as a minor arterial and is proposed for 2 lanes + turn lanes. The 2005-2011 Capital Improvement Program does not list any improvements for NW 56th St. All other streets within the CUP are local streets.

The development is within the Airport Environs Noise District and within a turning zone.

PUBLIC SERVICE: The nearest fire station is #11, Lincoln Air Park West at 3401 NW Luke St. The nearest elementary school is Arnold Elementary at 5300 W. Knight Dr.

ENVIRONMENTAL CONCERNS: Additional traffic from the increase in dwelling units could result in increase dust along NW 56th St.

ANALYSIS:

1. This application is to increase the boundary of Hartland's Cardinal Heights 2nd Addition CUP by approximately 12 acres and increase the number of lots from 56 to 113. A change of zone and annexation are associated with this special permit.
2. Although this area is shown outside of the future service limits, all public utilities can serve this area. The future service limit line is a representation, not an exact line, of where city services can be distributed.
3. The existing elevation in part of this subdivision is 30 feet higher than the maximum 1280 ground elevation required to provide acceptable water pressure. The proposed grading plan shows cuts up to 30 feet to bring street grades to a 1280 elevation. This would most likely provide adequate water pressure for single story homes. Two story or split level homes would have fixtures above the 1280 elevation most likely resulting in low water pressure. The subdivision ordinance (26.23.140b) states that the lot arrangement and design of the subdivision shall be such that all lots shall provide satisfactory and desirable building sites. In order to provide all lots with adequate water pressure, the grading plan should be revised so the maximum elevation of the main floor of the house is at or below elevation 1280.
4. There are concerns about sanitary sewer capacity to the east. The utility plan shows Lots 7-9, Blk 5 and Lots 2 & 3, Blk 6 draining to the west into the future development area and then north before draining back to the east. The area labeled future development to the west shows potentially 40 additional lots to be drained to the east. These lots would raise capacity concerns for the sanitary sewer system to the east. The future lots should be served with sanitary sewer that drain to the south. Lots 7-9, Blk 5 and Lots 2 & 3, Blk along W. Partridge Lane should be served with sanitary sewer that drains to the east or not be final platted until sanitary sewer is available from the south.
5. The Lincoln Lancaster County Health Department (LLCHD) notes a 8" high pressure underground petroleum line west of this development. The line is located approximately one-half mile west of NW 56th St. from West Holdrege St. to West Adams St. The line is approximately 1,500 feet from the west boundary of this subdivision.

6. This development is within the Airport Environs Noise District and a turning zone. An Avigation and Noise easement will be required prior to the approval of any final plat.
7. The requested waivers were previously approved with Special Permit #2045.
8. There are existing residential developments to the north and east of this proposed development. View Pointe West is to the north and Hartland's Cardinal Heights is to the east.
9. The proposed development is in conformance with the 2025 Comprehensive Plan.

CONDITIONS OF APPROVAL:

Site Specific Conditions:

1. This approval permits 113 dwelling units with waivers
2. The City Council approves associated request:
 - 2.1 Change of Zone #06046
 - 2.2 Annexation #06011
3. Final plat(s) is/are approved by the City.

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

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

Permittee agrees:

to complete the street paving of public streets, and temporary turnarounds and barricades located at the temporary dead-end of the streets shown on the final plat within two (2) years following the approval of the final plat.

to complete the installation of sidewalks along both sides of the streets as shown on the final plat within four (4) years following the approval of the final plat.

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

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

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

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

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

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

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

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

to complete the installation of the permanent markers prior to construction on or conveyance of any lot in the plat.

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

to complete the public and private improvements shown on the Community Unit Plan.

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

to retain ownership of and the right of entry to the outlots in order to perform the above-described maintenance of the outlots and private improvements on a permanent and continuous basis. However, Owner(s) may be relieved and discharged of such maintenance obligations upon creating in writing a permanent and continuous association of property owners who would be responsible for said permanent and continuous maintenance subject to the following conditions:

- (1) Owner shall not be relieved of Owner's maintenance obligation for each specific private improvement until a registered professional engineer or nurseryman who supervised the installation of said private improvement has certified to the City that the improvement has been installed in accordance with approved plans.
- (2) The maintenance agreements are incorporated into covenants and restrictions in deeds to the subdivided property and the documents creating the association and the restrictive covenants have been reviewed and approved by the City Attorney and filed of record with the Register of Deeds.

to maintain the outlots and private improvements on a permanent and continuous basis.

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

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

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

to protect the trees that are indicated to remain during construction and development

to relinquish the right of direct vehicular access from Lots 1-27, Block 1 and Lot 1, Block 2 to NW 56th St.

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

General Conditions:

3. Before a final plat is approved:

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

3.1. A revised site plan including **5** copies showing the following revisions:

3.1.1.1 Change Cardinal Heights Lane to W. Redberry Lane on Sheets 3-5.

3.1.1.2 Change Cardinal Heights Cir. to NW 58th Cir. on sheets 3-5.

- 3.1.1.3 Add "West" to Thatcher Lane on sheets 1-2.
- 3.1.1.4 Add utility easements as required by LES memo of July 20, 2006.
- 3.1.1.5 Delete the City Council approval block.
- 3.1.1.6 Delete waiver #1. A waiver to the preliminary plat is not required.
- 3.1.1.7 Delete the R-3 zoning line and the note referencing the R-3 line on sheet 1.
- 3.1.1.8 Add the following note: This area is located within the Airport Environs Noise District and is subject to an aviation and noise easement granted to Lincoln Airport Authority, and that the land is potentially subject to aircraft noise levels which may affect users of the property and interfere with its use.
- 3.1.1.9 Add a note relinquishing direct vehicular access to NW 56th St.
- 3.1.1.10 The future street layout to the west will result in a block length that exceeds the maximum length. To lessen the block length show a future street to the west off of the future street.
- 3.1.1.11 Revise the grading plan so the ~~minimum~~ maximum elevation of the main floor of a building is at or below elevation 1280. (****Revised by staff on 8/16/06****)
- 3.1.1.12 Revise the utility plan to show the sanitary sewer for lots along W. Partridge flowing east to NW 58th St. Or add a note stating that Lots 7-9, Blk 5 and Lots 2 & 3, Blk 6 shall not be final platted until they can be served with sanitary sewer from the south.
- 3.1.1.13 Remove the sanitary sewer mains from the future development area.
- 3.1.1.14 Make corrections to the satisfaction of Public Works and Utilities Department memo of August 1, 2006.
- 3.1.1.15 Provide documentation from the Register of Deeds that the letter of acceptance as required by the approval of the special permit has been recorded.

- 3.2 Ornamental street lights for private roadways and pedestrian way easements are approved by L.E.S.
- 3.3 The construction plans comply with the approved plans.
- 3.4 Grant an avigation and noise easement to the Lincoln Airport Authority on all or that part of the land located within the Airport Environs Noise District.

Standard Conditions:

4. The following conditions are applicable to all requests:
 - 4.1 Before occupying the dwelling units all development and construction is to comply with the approved plans.
 - 4.2 All privately-owned improvements, including landscaping and recreational facilities, are to be permanently maintained by the owner or an appropriately established homeowners association approved by the City.
 - 4.6 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.
 - 4.7 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
 - 4.8 The applicant shall sign and return the letter of acceptance to the City Clerk within 60 days following the approval of the special permit, provided, however, said 60-day period may be extended up to six months by administrative amendment. The City 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
5. The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all resolutions approving previous permits remain in force unless specifically amended by this resolution.

Prepared by

Tom Cajka
Planner

DATE: August 2, 2006

APPLICANT: Lyle Loth
ESP on behalf of Hartland Homes
601 Old Cheney Rd. Suite A
Lincoln, NE 68512

OWNER: Hartland Homes
P.O. Box 22787
Lincoln, NE 68512
(402) 477-6668

CONTACT: same as applicant

**ANNEXATION NO. 06011,
CHANGE OF ZONE NO. 06046
and
SPECIAL PERMIT NO. 2045A**

PUBLIC HEARING BEFORE PLANNING COMMISSION

August 16, 2006

Members present: Carlson, Carroll, Cornelius, Esseks, Krieser, Larson, Sunderman and Taylor; Strand absent.

Staff recommendation: Approval of Annexation No. 06011 and Change of Zone No. 06046. Conditional Approval of Special Permit No. 2045A

Ex-Parte Communications: None

Staff presentation: Tom Cajka of Planning staff presented the three applications to extend the boundary of the previously approved community unit plan to the west by approximately 12 acres and to add 57 dwelling units to the CUP. That area to the west was not included with the CUP originally due to constraints of getting water and sanitary sewer to serve the area because of elevations. In order to serve this area now, the developer is proposing a grading plan that shows cuts up to 30 feet in some areas in order to bring the street elevation to 1280. This is recommended by Pubic Works for adequate water pressure.

The one major concern in this area is water pressure. The area to the east where lots have already been platted with houses built upon them, there have been complaints about low water pressure in this area.

One of the conditions of approval requires that the maximum floor elevation on the main floor be 1280. Page 46 of the staff report under condition #3.1.1.11 states "revise grading plan so that the "maximum" elevation of the main floor is at or below 1280". 1280 elevation is what the Water Dept has determined to be able to have adequate water pressure for residential.

The subdivision ordinance also requires the subdivision to provide a desirable building site. Having the elevation for the homes no higher than 1280 would result in a desirable building site and solve some of the water pressure problems in this area.

Carroll questioned the elevation of those existing homes having water pressure problems. Cajka replied the elevation is 1280 to 1284. Nick McElvain of Lincoln Water System stated that the area that is being talked about is served by the Belmont pressure district which talks about hydraulic radiant being at 1380. It takes 100 feet of head to be equivalent for 45 psi. We have had complaints throughout the Belmont system in the Highlands area, and the Aspen development, just west of N.W. 48th with 45 psi. They are not satisfied, partly because they came from another area of town that had greater water pressure. It is a customer service issue and we do get complaints all over town. Our standard used to be 35 psi and people are not happy with that and we have gone to some pretty big expense to rectify that in some locations. There are no other pressure districts to which to connect in this area of town.

Carroll wondered about the elevations for the existing homes next to this project. McElvain replied it is the higher elevation that causes the problem. It calculates 43.5 psi. That is why we have set the maximum elevation at 1280. Cajka noted that even if you have a ground elevation of 1282, if your building is a split-level, two-story home, this decreases the pressure quite a bit by the time you get water to the upper levels.

Chad Blahak of Public Works stated that the street elevation is actually below 1280, so pressure should be better. Some of the existing houses are at 1278 and 1276 elevation in some of the areas of complaints.

45 psi is based on customer preference and expectations. We have areas of town that are as low as 35 psi.

Esseks believes it looks as though this is a potentially serious problem. He questioned if the development review process had failed. Cajka replied in the original review of the first CUP, it was decided as long as the street elevation was at 1280 or less, that would be adequate. Now that houses have been built, staff has found that the water pressure is not adequate and we are trying to rectify that problem in this addition.

Esseks questioned if there should be a formal change in the design standards so that it does not happen again. McElvain believes it could be clearer in the design standards. McElvain would be happy to recommend language to bring about the change. Cajka believes that in the past instead of a 3/4 inch water service to the house, the answer has been to increase it to a 1 inch service; however, the problem for new houses is that the impact fee for the water main would go up \$1,000. Esseks believes they might be happy to pay the additional fee. Cajka believes the issue can be resolved by revising the grading plan.

Proponents

1. Peter Katt appeared on behalf of Hartland Homes, the applicant and developer of virtually this entire area of northwest Lincoln along N.W. 56th Street and Adams on both sides. This particular project and this amendment is not controversial. The one issue that we have is Condition #1.1.11, which is a decision by staff to change midstream the requirements for this development. When this area was started to be planned four years ago, there were extensive discussions with the owner, the engineer and city staff. We discussed the elevation that could be adequately served in this area. A range was agreed upon and the established elevation being adequate was established. If the roads were established at a 1280 grade, that should be close enough, and that is the standard that has been applied to this entire development. This change is now applied to this amendment based on anecdotal evidence of a few customers in this area complaining about water pressure. That is not a standard to develop a significant change. Katt submitted a proposed amendment to delete Condition #3.1.1.11 with regard to a change in the main floor elevation of 1280. Even if there is some inclination to change the elevation at which things need to be constructed in this area, he would not suggest imposing a main floor elevation requirement because that will require a survey on each main floor elevation. One of the beauties of the 1280 street standard was that there was nothing more to be done.

It is not just customers of the water system but customers of Hartland Homes that will purchase that his client needs to keep happy. These lots will be more inclined to put a ranch style at the lower elevations so they do not create problems.

He is one of the persons in the Highlands who has suffered from low water pressure, but it has not been that bad. It is not a health and safety issue. This is a “we don’t want to be bothered at the water department about water pressure questions”.

Carroll questioned if the development will be all ranch houses. Katt replied not all will be ranches, but in terms of those lots and the types of home styles that will be built on the upper elevation lots, the developer will encourage ranch as opposed to two-story dwellings. We are not imposing a restriction. The street elevation at 1280 was the agreement. He agreed that the floor elevations will be above that level and will lower the water pressure. We don’t even know what the psi is on the homes of the people complaining. It is anecdotal evidence and that is all we have in the staff asking for this change. There are no hard facts.

Carlson wondered in this particular portion of the development if it was left out in the first place because of these elevation challenges. Katt replied yes. Carlson proposed dropping the street elevation to make up the difference. Katt replied you have to understand that the developer has incurred significant engineering expense to design the streets at 1280. It would require significant expense to change it. This is a change in the standard mid-stream as opposed to prospectively. This does not appear to be an issue that is at a level of health and safety concern as far as fighting fires, etc. It is a perception issue that the “water coming out of my shower is not strong enough”. He does not believe that this issue rises to the level that the city needs to weigh in upon.

Esseks believes this is an addition to the development and this is the time for us to represent health and safety issues. Katt agrees that the Planning Commission has the authority, but he does not believe it is fair in this circumstance based upon anecdotal evidence of concerns about water pressure and a change in past policy to impose a significant cost on a developer in this situation. There was no testimony in opposition.

Staff response and questions

Esseks stated that the challenge presented by the attorney is that the city does not have sufficient evidence to make this recommendation. Cajka stated he has not gone out and checked the water pressures at the three existing homes. The recommendation is based on the policy of the 1280 elevation. You need a ground elev of 1280 to get minimum of 45 psi. Anything above 1280 ground elevation will be less than 45 psi. He reiterated that he does not believe this is a change to the standard in mid-stream. This area was not included in the original CUP because it could not get the water pressure. He does not believe the staff is attempting to rectify this problem so that the water dept does not have to hear complaints. Part of the Planning Department job is to look out for the best interests of the public.

McElvain believes 4-5 years ago, the Facilities Master Plan acknowledged that the 45 psi was a much better elevation to design to. E.g. Timber Ridge on West A Street was designed to 35 psi and no one was happy. He disagrees that it is anecdotal information. We get complaints system-wide in every area where it is below 45 psi. It is a customer service issue. The contour was laid out in the planning maps. They are accomplishing the 1280 by 30 foot cuts.

Larson wondered if the 45 psi generally cut down the complaints. McElvain replied yes. Taylor questioned the water pressure in the Highlands before the improvements. McElvain replied it was 35 on the highest areas at N.W. 12th St., north of Fletcher. Our intention is to increase it from 35 to 60 psi. 35 was the worst pressure before the change. They were able to make improvements because of the Fallbrook development.

Esseks wanted to know the practical consequences of falling below 45 psi. Is it trivial or serious? McElvain replied it would not put them in the category of serious lifestyle costs, but the matter of appliances and plumbing fixtures are designed to function at 40 psi or greater. It is probably not a health and safety issue – it is a customer expectation.

Esseks questioned if staff has received 10-20 complaints or more from this area. McElvain did not have a good estimate. We generally discuss with the customer whether or not something can be done. There are not that many homes in this area that are now occupied. There are no CIP solutions for this area.

Response by the Applicant

Katt stated that his Highlands address was N.W 12th St. and Fletcher and he had 35 psi. he problem it created is that if my sprinklers were running, and I was taking a shower on the 2nd floor, and the washer kicks in, it wasn't a good shower. But on the average the 35 psi served me just fine. This is not a health and safety issue. He requested that under these circumstances this be recognized and allow the standard established in this subdivision be continued and that this development not be required to put significant cost to reach a customer preference.

ANNEXATION NO. 06011

ACTION:

August 30, 2006

Carroll moved approval, seconded by Esseks and carried 8-0: Carlson, Carroll, Cornelius, Esseks, Krieser, Larson, Sunderman and Taylor voting 'yes'; Strand absent.

This is a recommendation to the City Council.

CHANGE OF ZONE NO. 06046

ACTION:

August 30, 2006

Carroll moved approval, seconded by Taylor and carried 8-0: Carlson, Carroll, Cornelius, Esseks, Krieser, Larson, Sunderman and Taylor voting 'yes'; Strand absent.

Carroll moved approval, with staff conditions, as amended by staff, seconded by Esseks.
This is a recommendation to the City Council.

SPECIAL PERMIT NO. 2045A

ACTION:

August 30, 2006

Carroll moved approval, seconded by Taylor and carried 8-0: Carlson, Carroll, Cornelius, Esseks, Krieser, Larson, Sunderman and Taylor voting 'yes'; Strand absent.

This is final action unless appealed to the City Council within 14 days.



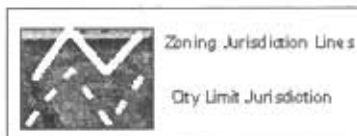
**Special Permit #2045A
NW 56th St & W Partridge Ln**

2005 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 Transitional District
- BL Local Business District
- BL Planned Neighborhood Business District
- BL Commercial District
- BL Lincoln Center Business District
- BL Planned Regional Business District
- H-1 Main Street 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
- EB Employment Center District
- P Public Use District

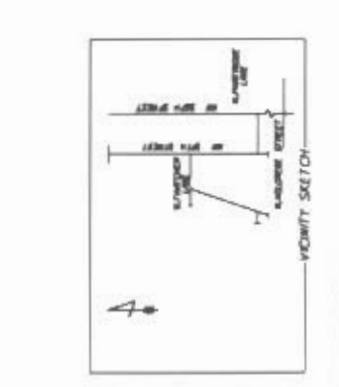
One Square Mile
Sec. 13 T10N R05E



LEGAL DESCRIPTION
 A part of the North Half of the Hartland Quarter of Section 15, Township 49 North, Range 16E, County of Lancaster, Nebraska, more particularly described as follows:
 According to the Hartland Quarter of said North East and extending from the NW corner of the said Quarter to the East Corner of said Section 15.
 Thomas S. SPYNDLER, Jr., 1831.00 AC.
 Thomas P. SPYNDLER, Jr., 16.80 AC.
 Thomas A. SPYNDLER, Jr., 16.80 AC.
 Thomas R. SPYNDLER, Jr., 17.00 AC.
 Thomas N. SPYNDLER, Jr., 1862.50 AC. in the plan of Engineering examining 22.24 acres, more or less.
SURVEYOR'S CERTIFICATE
 I hereby certify that this survey was made under my direct supervision and that I am a Licensed Surveyor under the laws of the State of Nebraska.
 J. L. LUK, L.S. 374
 Lincoln, Nebraska
 1867-43-2582

- NOTES**
- The property included within the limits of the C.U.P. contains 23.24 acres.
 - The proposed development within the limits of the C.U.P. contains 6.5 acres of 1.1 acre family lot.
 - All proposed streets shall be Public and constructed to conform with the requirements of the Public Works Department.
 - All proposed sanitary sewers, water sewers, and water mains shall be public.
 - All improvements required along the Public Streets shall be public.
 - Any installation of existing electric facilities will be at the expense of the developer.
 - Clear will be taken to the maximum of existing trees, to remove only those trees required due to site grading and construction of the proposed development.
 - Storm water shall be provided as required by the City of Lincoln Design Handbook.
 - Existing easements have been determined from actual field survey data and are based on NAD83 B Coordinates.
 - This site is within the airport zoning code and all construction shall be in accordance with the airport zoning regulations.
 - It is advised that there is an existing gas street abutting along the 4th & 5th to be used to the southwest of this proposed development.

- REQUIRED UTILITIES**
- Water for public utility per plan.
 - Water to allow functioning sanitary sewer lines and drainage back to street.
 - Water to allow existing sanitary sewer separate storm drains.
 - Water to allow lot depth to comply with section 11.1 for Lot 2-27, Block 1.
 - Water to allow lot width to meet the minimum required to width.
 - Water to allow lot width to meet the minimum required area.



LIFT AREA TABLE		LIFT AREA TABLE	
BLOCK	AREA	BLOCK	AREA
1	1.00	11	1.00
2	1.00	12	1.00
3	1.00	13	1.00
4	1.00	14	1.00
5	1.00	15	1.00
6	1.00	16	1.00
7	1.00	17	1.00
8	1.00	18	1.00
9	1.00	19	1.00
10	1.00	20	1.00
11	1.00	21	1.00
12	1.00	22	1.00
13	1.00	23	1.00
14	1.00	24	1.00
15	1.00	25	1.00
16	1.00	26	1.00
17	1.00	27	1.00
18	1.00	28	1.00
19	1.00	29	1.00
20	1.00	30	1.00
21	1.00	31	1.00
22	1.00	32	1.00
23	1.00	33	1.00
24	1.00	34	1.00
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94	1.00	104	1.00
95	1.00	105	1.00
96	1.00	106	1.00
97	1.00	107	1.00
98	1.00	108	1.00
99	1.00	109	1.00
100	1.00	110	1.00

UTILITIES TABLE

TYPE	LENGTH	AREA	PERCENT	PERCENT	PERCENT
WATER	1000	1000	100	100	100
SEWER	1000	1000	100	100	100
STORM	1000	1000	100	100	100
TOTAL	3000	3000	300	300	300

PERCENTAGE TABLE

TYPE	PERCENT	PERCENT	PERCENT
WATER	100	100	100
SEWER	100	100	100
STORM	100	100	100
TOTAL	300	300	300

GENERAL NOTES

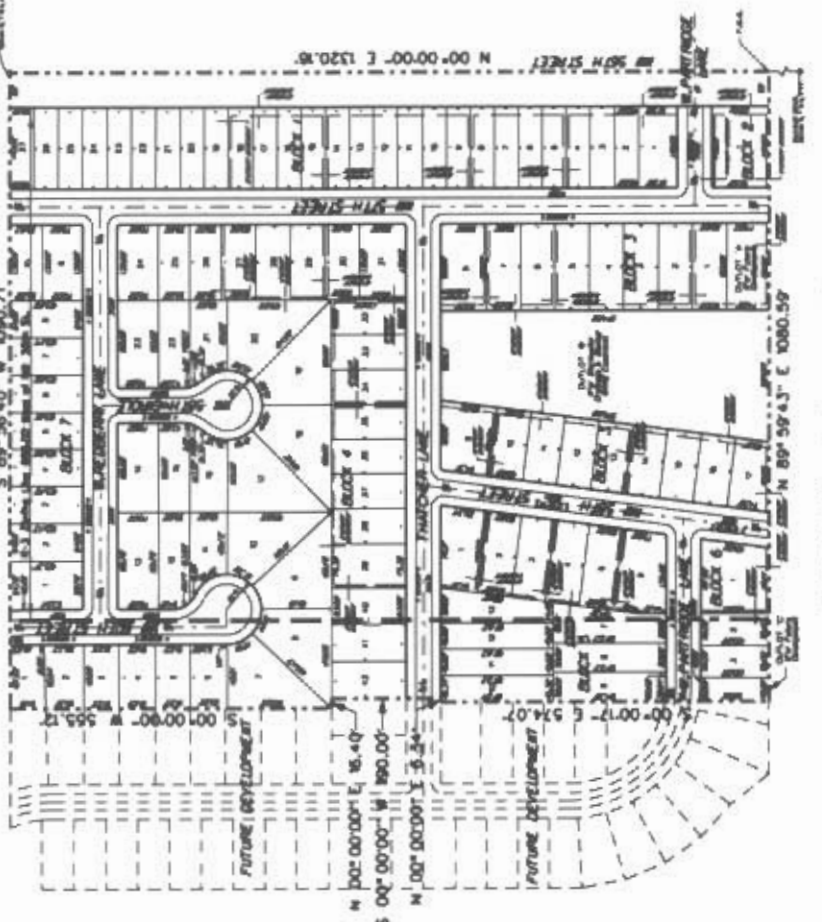
1. All proposed streets shall be Public and constructed to conform with the requirements of the Public Works Department.
2. The proposed sanitary sewers, water sewers, and water mains shall be public.
3. Any installation of existing electric facilities will be at the expense of the developer.
4. Clear will be taken to the maximum of existing trees, to remove only those trees required due to site grading and construction of the proposed development.
5. Storm water shall be provided as required by the City of Lincoln Design Handbook.
6. Existing easements have been determined from actual field survey data and are based on NAD83 B Coordinates.
7. This site is within the airport zoning code and all construction shall be in accordance with the airport zoning regulations.
8. It is advised that there is an existing gas street abutting along the 4th & 5th to be used to the southwest of this proposed development.

REQUIRED UTILITIES

1. Water for public utility per plan.
2. Water to allow functioning sanitary sewer lines and drainage back to street.
3. Water to allow existing sanitary sewer separate storm drains.
4. Water to allow lot depth to comply with section 11.1 for Lot 2-27, Block 1.
5. Water to allow lot width to meet the minimum required to width.
6. Water to allow lot width to meet the minimum required area.

CONTRACTOR'S CHECK DATA

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PLANNING COMMISSIONER APPROVAL

The Planning Commission has approved and accepted by the City Council the City of Lincoln, Nebraska by Resolution No. _____, 2006.

ATTYNEY _____

CITY COUNCIL APPROVAL

The Planning Commission has approved and accepted by the City Council the City of Lincoln, Nebraska by Resolution No. _____, 2006.

ATTYNEY _____

RECEIVE

026

13 27

LINCOLN CITY/LANCASTER CO. PLANNING DEPARTMENT

LEGAL DESCRIPTION

A part of the North Half of the Southeast Quarter of Section 13, Township 10 North, Range 5 East of the 6th P.M., Lancaster County, Nebraska, more particularly described as follows:

Beginning at the Southeast Corner of said North Half and extending thence N. 00°00'00" E., 1320.16 feet to the East Quarter Corner of said Section 13;

Thence S. 89°56'40" W., 1090.71 feet;

Thence S. 00°00'00" W., 555.12 feet;

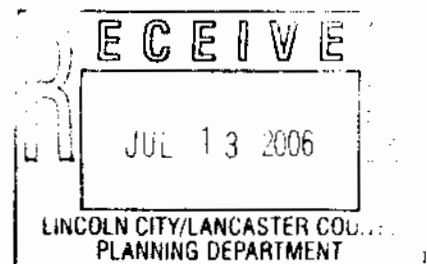
Thence N. 00°00'00" E., 16.40 feet;

Thence S. 00°00'00" W., 190.00 feet;

Thence N. 00°00'00" E., 6.34 feet;

Thence S. 00°00'17" E., 574.07 feet;

Thence N. 89°59'43" E., 1080.59 feet to the point of beginning containing 32.84 acres, more or less.





July 12, 2006

Mr. Marvin Krout, AICP
Director of Planning
City of Lincoln/ Lancaster County
555 South 10th Street
Lincoln, NE 68508

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

Suite A - 601 Old Cheney Road
Lincoln, NE 68512

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

Email: lyle@espeng.com

RE: HARTLAND'S CARDINAL HEIGHTS 2nd ADDITION
COMMUNITY UNIT PLAN/ SPECIAL PERMIT #2045A

Dear Marvin,

On behalf of Hartland Homes, Inc., we submit the above mentioned application for your review. The boundary of the special permit has been expanded to include 11.92 additional acres. The total area within the special permit consists of 32.84 acres. The total number of lots has been increased from 72 dwelling units to 113 single family lots.

The removal of dirt in the additional area will allow the area to be supplied with sewer and water. The grading plan reflects the proposed grading to acquire the utilities.

A separate administrative amendment is also being requested on View Pointe West Special Permit #1740 which corresponds with the grading and lot layout of this application. A change of zone to 'R-3' is being requested over those areas of both applications which are currently zoned 'AG'.

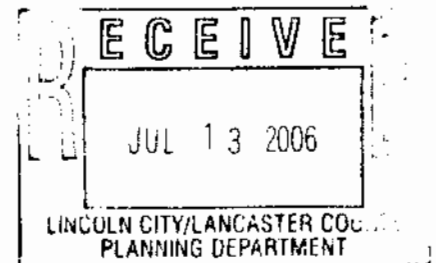
The waivers previously requested and approved remain a part of the application. The waivers requested are as follows:

1. Waive the preliminary plat process.
2. Waiver to allow transferring sanitary sewer from one drainage basin to another.
3. Waiver to allow running sanitary sewer opposite street grades.
4. Waiver to allow lot depth to width ratio exceeds 3:1 for Lots 2-27, Block 1.
5. Waiver to allow lots with less than the minimum required lot width.
6. Waiver to allow lots with less than the minimum required area.

Please do not hesitate to contact me if you have additional questions.

Sincerely,

Marcia L. Kinning



Cc: Hartland Homes, Inc.

Enclosures: 24 Copies of Sheet 1 of 5
8 Copies of Sheets 2 through 5 of 5
Application for a Special Permit
Certificate of Ownership

Application Fee of \$250.00
8 1/2" x 11" Reductions

Memorandum

To: Tom Cajka, Planning Department
From: Chad Blahak, Public Works and Utilities
Subject: Hartland Cardinal Heights 2nd Add. SP2045A, CZ06046, and AN06011
Date: August 1, 2006
cc:

Engineering Services has reviewed the submitted plans for the Hartland Cardinal Heights 2nd Add. special permit, located west of SW 56th Street near Partridge Lane and has the following comments:

1 **Sanitary Sewer** – The following comments need to be addressed.

(1.1) It should be noted that this plat proposes to add 12 lots that will drain outside of the natural drainage basin. These 12 lots are acceptable to Public Works. However, the area labeled future development to the west shows potentially 40 additional lots to be drained to the east into a different basin. The Wastewater Department has stated that these futures lots would raise capacity concerns for the sanitary system to the east and may be required to wait until a sanitary sewer is extended from the south to be developed.

2 **Water Mains** – The water system is satisfactory.

(2.1) The existing ground in parts of this plat is at an elevation up to 30 feet higher than the maximum 1280 ground elevation required to provide acceptable water pressure. The proposed grading plan shows cuts up to 30 feet to bring some of the street grades to a 1280 elevation. Although this technically meets the ground elevation requirement, floor elevations are usually at least 1-2 feet above the street elevation, usually more, requiring fixtures to be installed at five or more feet above the 1280 elevation. For two story and split level homes this elevation is even higher producing even low water pressure. Public Works has received water pressure complaints from home owners in the exist portion of Hartlands Cardinal Heights 2nd Addition which has a maximum street grade at about the 1276 elevation.

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

(3.1) As stated previously in this report, the elevation requirements for water pressure require approximately 30 feet of cut in some areas. Although there are no design standards to govern lot grading, consideration for the quality of lots should taken in the analysis of this CUP. Lots on the west end of project are shown to have approximately 14' of fall from the top of the lot to the rear property line.

(3.2) The drainage report indicates that the storm runoff for area B is nearly twice as much for post development conditions compared to existing conditions. This not

acceptable. The grading and drainage needs to be revised to meet detention requirements or justification needs to be provided for waiving this requirement.

(3.3) The drainage report makes reference to certain areas that are not to be developed and other areas that are and makes assumptions based on these areas. It is unclear on the plans what areas the report is referring to. The plans and/or drainage report needs to be revised to clarify what areas are being proposed for development and what areas are not.

4 **Streets** - The following comments need to be addressed.

(4.1) The conceptual lot layout for the area labeled future development on the west end of the plat should show a future street connection to the west.

5 **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. Any waivers not specifically requested with this application do not have implied approval. If a waiver of design standards arises at the time of construction plans, Public Works reserves the right to deny such a waiver and require that the plans be revised accordingly.

(5.1) The area proposed to be added to the Hartland Cardinal Heights 2nd Add. special permit is located in Tier II as shown in the current approved Comprehensive Plan. Given that this area is not in Tier I A or B and that there is issues providing adequate water and sanitary service, it should be considered whether or not this area should be annexed or rezoned at this time.

Status of Review: Approved

07/22/2006 1:54:31 PM

Reviewed By Health Department

ANY

Comments: LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT
INTER-OFFICE COMMUNICATION

TO: Tom Cajka DATE: July 22, 2006

DEPARTMENT: Planning FROM: Chris Schroeder
ATTENTION: DEPARTMENT: Health

CARBONS TO: EH File SUBJECT: Hartland's Cardinal
EH Administration Heights 2nd Addition
SP #2045A

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

According to the LLCHD's Geographic Information System (GIS) records, an eight inch high pressure underground petroleum is located to the west of this application. In the event of a spill or leak of a flammable liquid, the United States Department of Transportation's 2000 Emergency Response Guidebook recommends immediately establishing an isolation area of at least 80 to 160 feet in all directions to protect public health. For a large spill of a flammable liquid, this guidebook recommends an initial downwind evacuation for at least 1000 feet.

Given this information, the LLCHD recommends establishing a buffer of 160 feet on each side of this pipeline. The LLCHD recommends contacting Magellan Pipeline Company to determine the exact location of this pipeline. While there are no current regulations that prohibit the location of occupied structures within certain distances of underground petroleum pipelines, the LLCHD recommends that occupied structures not be located within the 160 feet of this pipeline. At the very least, prospective buyers of the lots should be informed regarding the presence of the underground petroleum pipeline and the LLCHD's recommended 160 foot buffer.

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.

Status of Review: Active

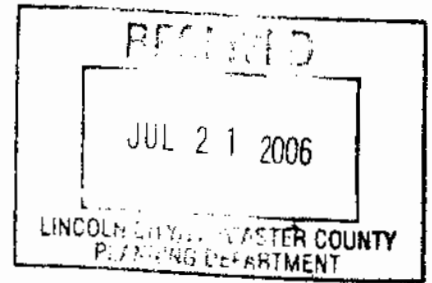
Reviewed By Lincoln Electric System

ANY

Comments:

July 20, 2006

Mr. Tom Cajka, Project Planner
City-County Planning
555 So. 10th
Lincoln, NE 68508



Subject: Hartland's Cardinal Heights 2nd Addition
Special Permit (CUP) # SP2045A

Mr. Cajka:

Regarding the proposed Special Permit:

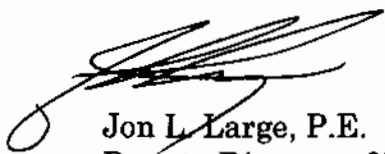
This area is within the Airport Environs Noise District and subject to the provisions contained in Chapter 27.58 of the Lincoln Municipal Code. This will require an appropriate Avigation and Noise Easement , if there is not already one for this property.

This area is within a Turning Zone, as defined in Chapter 27.59, and so is subject to the provisions of that chapter. Specifically, since all of this area is above 1,248' in elevation and so is in the "shaded" area indicated on the airport zoning map, shall be subject to the provisions of Chapter 27.59.060.b.

If you have any comments or questions, please give me a call.

Sincerely,

AIRPORT AUTHORITY



Jon L. Large, P.E.
Deputy Director of Engineering

JLL/lb

cc: Bill Austin, w/enclosures

032

INTER-DEPARTMENT COMMUNICATION



DATE July 20, 2006

TO: Tom Cajka, City Planning

FROM: Sharon Theobald (Ext. 7640) *ST*

SUBJECT: DEDICATED EASEMENTS
DN #21N-58W

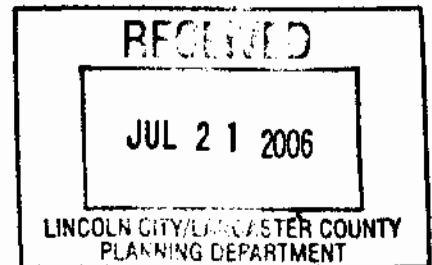
SP #2045A

Attached is the C.U.P./Special Permit Application for Hartland's Cardinal Heights 2nd 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, along with blanket utility easements over all of the Outlots.

ST/nh
Attachment
c: Terry Wiebke
Easement File



MOTION TO AMEND

**Special Permit #2045A
Hartland's Cardinal Heights 2nd Addition**

General Conditions:

Delete 3.1.1.11:

Revise the grading plan so the minimum elevation of the main floor of a building is at or below elevation 1280.