

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for May 14, 2003 PLANNING COMMISSION MEETING

P.A.S.: Waiver of Design Standards # 03007

PROPOSAL: Grant an extension of time to install paving, sidewalks, drainage facilities, public water, street trees, and landscape screening associated with Crown Pointe Estates 5th Addition.

LOCATION: South 84th Street and East Pointe Road

CONCLUSION: The time extensions requested are reasonable in light of the specific circumstances of this site. However, the bonds provided in 1997 to guarantee the installation of these improvements should be increased based upon the increase in installation costs since 1997.

RECOMMENDATION:

Two-year extension to pave Rockledge Road	Conditional Approval
Two-year extension to sidewalks along Rockledge Road	Conditional Approval
Two-year extension to drainage facilities along Rockledge Road	Conditional Approval
Two-year extension to street trees along Rockledge Road	Conditional Approval
Two-year extension to public water along Rockledge Road	Conditional Approval
Extension until Fall, 2003 for landscape screen along 84 th Street	Conditional Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION: Lot 2, Crown Pointe Estates 5th Addition, located in the NE 1/4 of Section 3-9-7, Lancaster County, Nebraska

EXISTING ZONING: R-3 Residential

EXISTING LAND USE: Church

SURROUNDING LAND USE AND ZONING:

North:	Vacant	R-3 Residential
South:	Single-family residential	R-3 Residential
East:	Office	O-3 Office Park
	Church	AGR Agricultural Residential
West:	Single-family residential	R-3 Residential

HISTORY:

- Oct 2001 The time period for the installation of sidewalks and street trees expired on October 6, 2001.
- Oct 1999 The time period for installing paving, drainage facilities, public water, and landscape screen expired on October 6, 1999.
- Jun 1997 Administrative Final Plat #97006 Crown Pointe Estates 5th Addition approved. The church property was changed from Lot 1 Crown Pointe Estates 3rd Addition to Lot 2, Crown Pointe Estates 5th Addition.
- Jul 1995 Final Plat #95025 Crown Pointe Estates 3rd Addition approved. The church property was changed from Outlot C, Crown Pointe Estates to Lot 1, Crown Pointe Estates 3rd Addition.
- Jun 1993 Final Plat #93013 Crown Pointe Estates Addition approved. The church property was identified as Outlot C.
- Mar 1993 Preliminary Plat #91402 Van Dorn Acres Planned Unit Development approved. The church property was identified as Lot 14, Block 9, and identified for future church use.

ANALYSIS:

1. This is a request to grant an extension of time to install improvements associated with Crown Pointe Estates 5th Addition.
2. On January 9, 2003 the Law Department sent a letter to Applicant requesting satisfactory arrangements for the installation of specific improvements. This letter, a copy of which is attached, identified the improvements that still need to be completed.
3. The required improvements yet to be completed include paving Rockledge Road, installing sidewalks, street trees, drainage facilities, and public water along Rockledge Road, and installing landscape screen along South 84th Street.
4. On March 21, 2003 Applicant responded to the Law Department letter by requesting a time extension for the installation of these improvements. A copy of Applicant's response is attached.
5. Applicant is requesting a two-year time extension for paving Rockledge Road, and for installing sidewalks, street trees, drainage facilities, and public water along Rockledge Road. Applicant's premise for requesting the time extension for these improvements

is based on their assertion that there is no demand for the use of Rockledge Road at this time.

6. Applicant states in their letter that both the church and the neighbor to the north have no need for Rockledge Road at this time, so paving it is unnecessary. However, Rockledge Road is a public street, and as such, it serves the residents of the neighborhood and the general public, not only the abutting landowners.
7. The property to the north has been the subject of recent developer interest. With the potential for new development on this property, the Public Works Department recommends that an extension for 2 years would allow any potential development to be approved and changes to the presently approved street layout, if any, could be considered.
8. The Public Works Department also suggests that if at any time prior to 2 years, a building permit is issued or revised plans are approved for development of the property to the north, Rockledge Road should be installed according to the presently approved final plat at that time.
9. The Parks and Recreation Department recommends street trees be installed at the time Rockledge Road is paved.
10. Applicant is also asking for a time extension until Fall, 2003 for the installation of a landscape screen along South 84th Street. Applicant's premise is based upon the expectation that drought conditions will last until the end of summer.
11. The Parks and Recreation Department recognizes this application will not have final action until late Spring, and therefore Applicant could potentially be planting screening in the heat of summer. Whether there is a drought or not, it is not in the City's best interest to have required landscaping planted during the summer heat.
12. The Planning Department recommends that an extension for the installation of the landscape screen should expire on a date certain. Therefore, the Planning Department recommends an extension until November 15, 2003, as this is the last day of the fall planting season.
13. At the time of this final plat, the City accepted bonds to guarantee the installation of these improvements. These bond amounts were calculated in 1997. Applicant should maintain this guarantee by posting additional bonds equal to the increase in improvement costs since 1997. The Planning Department has requested calculations for these additional bonds from the Public Works & Utilities and Parks and Recreation Departments.

CONDITIONS:

Site Specific:

1. After the Applicant completes the following instructions and submits the documents to the Planning Department office, and the documents are found to be acceptable, the application will be scheduled on the City Council's agenda:
 - 1.1 Provide bonds in amounts to be determined by the Public Works & Utilities Department to guarantee the installation of paving, sidewalks, street trees, drainage, and public water along Rockledge Road.
 - 1.2 Provide a bond in an amount to be determined by the Parks and Recreation Department to guarantee the installation of a landscape screen along South 84th Street.

General:

2. The request for a time extension for paving, sidewalks, street trees, drainage, and public water along Rockledge Road abutting Crown Pointe Estates 5th Addition is granted. This time extension shall expire two years after the approval of this request, or at such time as either building permits are obtained or revised plans are approved for development of the property on the north side of Rockledge Road.
3. A time extension until November 15, 2003 for the installation of a landscape screen along South 84th Street is granted.

Prepared by:

Greg Czaplewski
Planner

Date: April 30, 2003

Applicant:

Good Shepherd Presbyterian Church
8300 East Pointe Road
Lincoln, NE 68506
484.8844

OWNER:

Same as Applicant

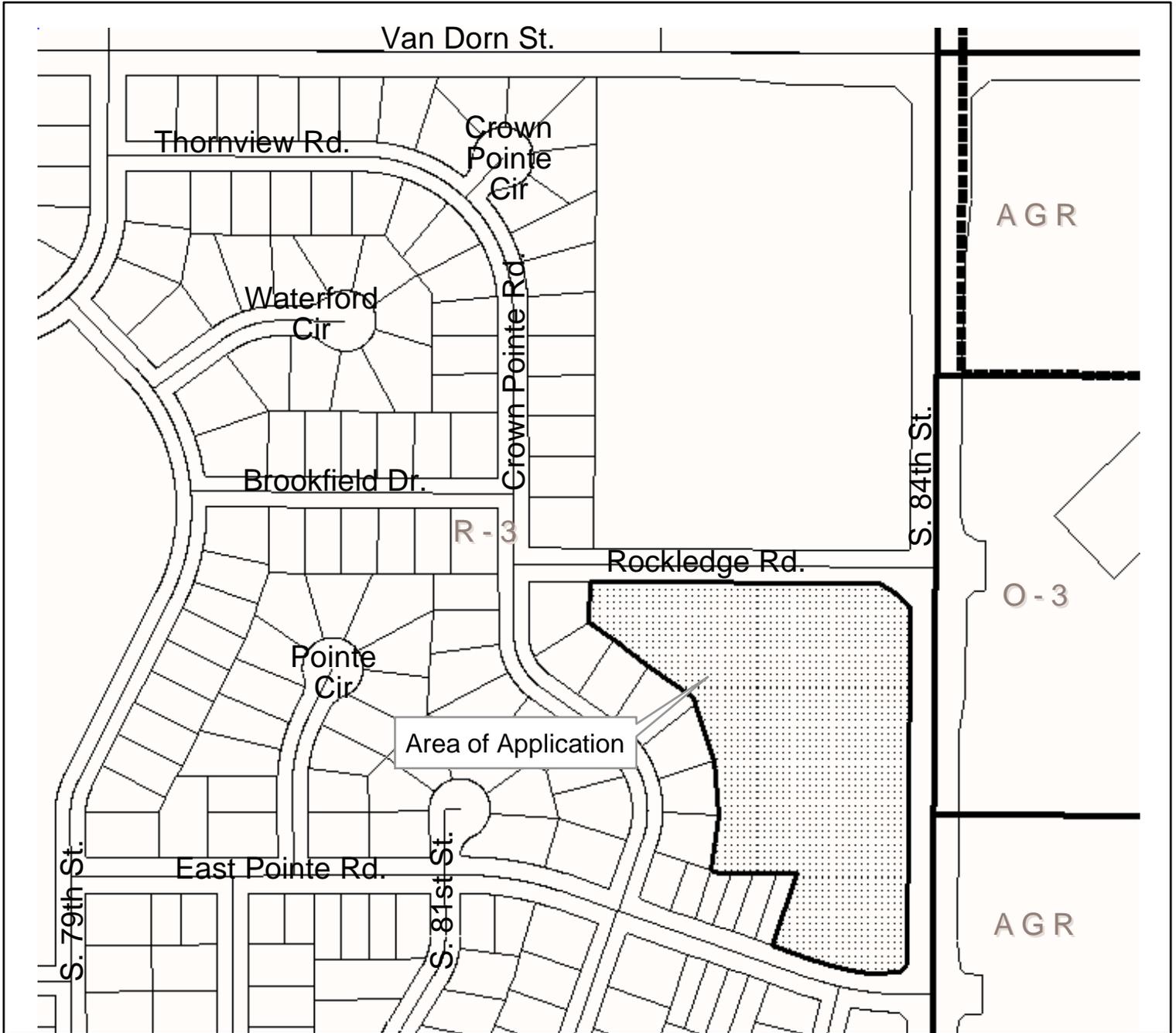
CONTACT:

Good Shepherd Presbyterian Church
Jack Lamphere
8300 East Pointe Road
Lincoln, NE 68506
328.0186



Waiver #03007
S. 84th & East Pointe Rd.
Crown Pointe Estates 5th Add.



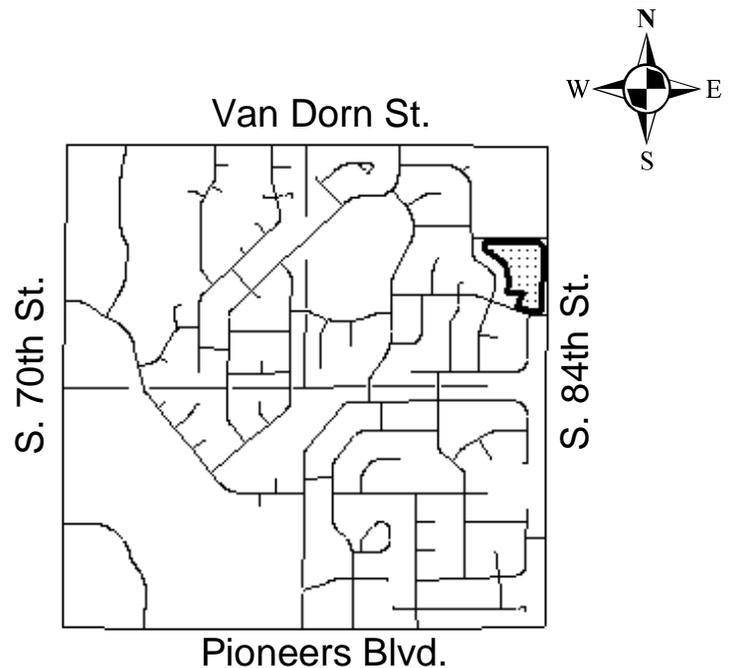
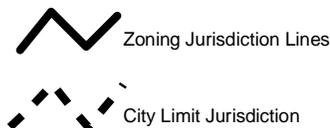


Waiver #03007
S. 84th & East Pointe Rd.
Crown Pointe Estates 5th Add.

Zoning:

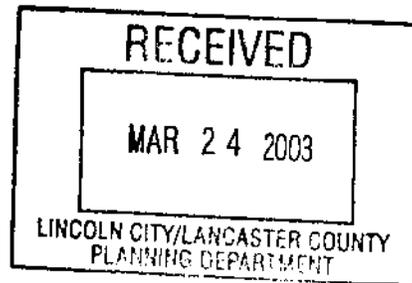
One Square Mile
 Sec. 3 T9N R7E

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



March 21, 2003

Mr. Ray Hill
City of Lincoln
Planning Department
555 So 10th St.
Lincoln, NE 68508



Crown Pointe Estates 5th

Dear Mr. Hill,

This letter is in response to a January 9, 2003 letter, from Mrs. Nina Vejnovich of the City of Lincoln Law Department. The letter, a copy of which is attached, regards the responsibility of the Good Shepherd Presbyterian Church as to the completion of certain site improvements previously agreed to. Mr. Mike Johnson and I met with Mrs. Vejnovich on January 21st, and were granted a 2-month period of time to review the status of the listed projects and devise a plan of action

In the interim, I have met with Mr. Dennis Bartles, Mr. Harry Kroos, and Mr. Steve Nosal, regarding the individual projects to which the letter pertains. Each of these persons have generously shared their time in helping me to understand and plan to approach the procedures necessary for completion of each facet of the proposal. Additionally, I have conferred with the Building and Grounds Committee and the Session of the church, in planning our proposal.

The following is forwarded to you as a request for approval of our proposal to address each of the items contained in Mrs. Vejnovich's letter.

1. It is the intent of the Good Shepherd Presbyterian Church to complete the planting of a landscape screen along South 84th Street. We would propose, however, that the planting not be done until – at least – the Fall, 2003. The city-developed planting plan, calls for in excess of twenty-five trees and shrubs to be planted as part of that screen. All of the newspaper articles that I have seen over the last several weeks, including an article in today's Omaha World Herald, predict a continuation of the current drought for the Summer. It seems prudent to acknowledge that possibility, and to delay the planting/watering process until after the drought may have broken. Approval of this plan is requested!

2. Good Shepherd Presbyterian Church requests a two year extension in the completion of the street paving of Rockledge Road, on the northern boundary of the property. The church has no use for the street in the foreseeable future, nor does the owner of the property to the North side of the proposed street, Mr Jack Herbert. Also attached, is a copy of a letter which I have received from Mr. Herbert, to that affect.. It is our understanding that the Herbert property is listed for sale. In the event that the property is sold within the two-year time, the church will abide by the needs of the new owner, if it appears that the street will be needed at an earlier date. Additionally, any connection to that street from church property is several years in the future, and will be dictated by future expansion of the church facility, parking lots, etc. Approval of this plan is requested!

3, Good Shepherd Presbyterian Church intends to install the agreed upon sidewalks along East Pointe Road and 84th Street during the Spring, 2003. It is requested that the sidewalk planned to run adjacent to Rockledge Road be delayed until the street paving is completed. Approval of this plan is requested!

4, Completion of the drainage facilities accompanying the paving of Rockledge Road, should be delayed until the street paving project is underway. There is no need for such facilities prior to that time. Approval of this plan is requested!

5. All street trees called for along Crown Pointe Road, East Pointe Road, and 84th Street have been planted, with the exception of the landscape screen discussed above.

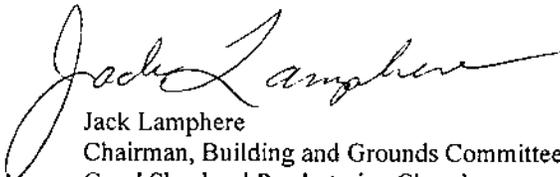
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Crown Pointe Estates 5th

6. Completion of the public water distribution system on Rockledge Road should be delayed until the street paving project is underway. There is no need for such a system prior to that time. Approval of this plan is requested!

As you are aware, the funding for these projects is in escrow, and will remain there for eventual completion of the above obligations.

We appreciate your background of knowledge regarding these projects, and would sincerely appreciate your assistance in gaining approval of each of the requests. Please do not hesitate to contact me in the event that I might provide any additional information in this matter.

Sincerely,



Jack Lamphere
Chairman, Building and Grounds Committee
Good Shepherd Presbyterian Church
8300 East Pointe Road
484-8844

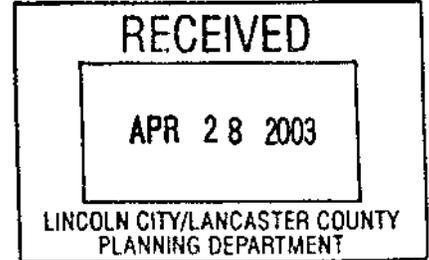
Cc: Nina Vejnovich
Dennis Bartles
Harry Kroos
Steve Nosal
Mike Johnson

1-13-03



Nebraska's Capital City

9 January 2003



Mr. C.T Young
Good Shepherd Presbyterian Church
8300 East Pointe Road
Lincoln, NE 68506

RE: Crown Pointe Estates 5th

Dear Mr. Young,

Upon review of our files we note that the Good Shepherd Presbyterian Church has failed to comply with the conditions of approval of the Planning Directors letter of March 24, 1997 accepting and approving the plat designated as Crown Pointe Estates 5th Addition. Specifically our records show the following requirements have not been met:

1. Complete the planting of the landscape screen along South ⁸⁴48th Street within this plat within two (2) years following the approval of this final plat (i.e. October 6, 1999). *Steve Nosal Parks 441-8267*
2. Complete the street paving of Rockledge Road within this plat within two (2) years following the approval of this final plat (i.e. October 6, 1999). *Byron Blum, Public Works 441-7585*
3. Complete the installation of sidewalks along East Pointe Road, South 84th Street and Rockledge Road within this plat within four (4) years following the approval of this final plat (i.e. October, 6, 2001). *Harry Kroos, Public Works 441-8405*
4. Complete the drainage facilities shown on the approved drainage study in Rockledge Road within this plat within two (2) years following the approval of this final plat (i.e. October 6, 1999). *BB.*
5. Complete the planting of street trees along Crown Pointe Road, East Pointe Road, Rockledge Road, and South ⁸⁴48th Street within this plat within four (4) years following the approval of this final plat (i.e. October 6, 2001). *SN.*
6. Complete the public water distribution system in Rockledge Road within this plat within two (2) years following the approval of this final plat (i.e. October 6, 1999). *BB.*

Law Department / Dana W. Roper, City Attorney / 575 South 10th Street / Suite 4201 / Lincoln, Nebraska 68508
Phone: 402-441-7281, Civil Fax: 402-441-8812, Pros. Fax: 402-441-8813 / Website: www.ci.lincoln.ne.us

Ernest R. (Rick) Peo III, Chief Assistant / John C. McQuinn II, Chief Prosecutor / Richard C. Anderson, Police Legal Advisor
Civil: James D. Faimon / Don W. Taute / Steven J. Huggenberger / Joel D. Pedersen / Connor L. Reuter / Margaret M. Blatchford / Tonya L. Skinner
Prosecution: Patrick C. Campbell / Christine A. Loseke / Rob E. Caples / Marcee A. Shell

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If you have planted the landscape screen/street trees and it is/they are healthy please complete the enclosed Request for Release of Landscape Surety. Otherwise, please let me know when the improvements will be installed.

Your failure to respond to this letter or to make satisfactory arrangements for the installation of those improvements within fourteen (14) days from the date of this letter will leave the City with no recourse but to institute proceedings to enforce Good Shepherd Presbyterian Church's obligations.

Yours truly,

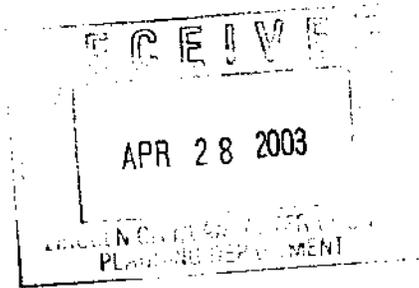
N.M. Vejnovich

Nina Vejnovich
Paralegal

cc Rick Peo
Assistant City Attorney

2-12-03

8410 Navajo Trail
Lincoln, NE 68520
February 8, 2003



Good Shepherd Church
Mr. Jack Lamphere
8300 East Pointe Road
Lincoln, NE 68506

In re: Rock Ledge Street

Dear Mr. Lamphere:

We are writing concerning possible work on Rock Ledge Street. We do not feel that it is necessary at this time, and would like to let you know of our opposition.

We would like the work on the street delayed until our property is being developed.

Sincerely,

Jack Herbert
Herbert Brothers