

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

**for June 23, 2004 PLANNING COMMISSION MEETING**

**P.A.S.:** Preliminary Plat #04007

**PROPOSAL:** To preliminary plat 46 lots and one outlot.

**LOCATION:** Generally located south of Leighton Avenue and east of N. 84<sup>th</sup> Street.

**WAIVER REQUEST:**

Sanitary sewer to flow opposite street grades

**LAND AREA:** Preliminary Plat: 20 acres, more or less.

**CONCLUSION:** This request is in conformance with the Comprehensive Plan and Subdivision Ordinance.

<b><u>RECOMMENDATION:</u></b>	Recommend Conditional Approval
Sanitary sewer to flow opposite street grades	Recommend Approval

**GENERAL INFORMATION:**

**LEGAL DESCRIPTION:** See attached.

**EXISTING ZONING:** AG, Agricultural.

**EXISTING LAND USE:** Undeveloped.

**SURROUNDING LAND USE AND ZONING:**

North:	Undeveloped, residential	R-3 Residential
South:	Residential, church, undeveloped	B-2 Planned Neighborhood business, O-3 Office Park, R-4
East:	Acreage, farm	AG, Agricultural
West:	LES substation, undeveloped	P Public, H-4 Commercial

**COMPREHENSIVE PLAN SPECIFICATIONS:** This area is indicated as commercial and urban residential in the Comprehensive Plan (F-25).

This area is shown within the Tier 1 - Priority A growth boundary. (F 27, F 31)

Guiding Principles for the Urban Environment include maximizing "present infrastructure investment by planning for residential and commercial development in areas with available capacity." And by "encouraging a greater amount of commercial space per acre and more dwelling units per acre in new neighborhoods." (F-17)

"Transition of uses; less intense office uses near residential areas" (F 42)

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

"Construction and renovation within the existing urban area should be compatible with the character of the surrounding neighborhood" (F 18).

"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)

"Encourage a mix of housing types, including single family, duplex, attached single family units, apartments, and elderly housing all within one area. Encourage multi-family near commercial areas" (F 69).

"Require new development to be compatible with character of neighborhood and adjacent uses" (F 69).

**HISTORY:**

Date when preliminary plat was submitted:	February 17, 2004
Date when Planning Director's letter was sent:	March 15, 2004
Date when revised preliminary plat was submitted:	May 24, 2004

This area was zoned AG, Agricultural during the **1979** zoning update from A-A, Rural and Public Use district.

**UTILITIES:** Utilities will be extended by the developer. This development is required to pay a sewer connection fee for connection as required by the Regent Heights Sewer agreement.

A water connection fee is required to connect to the existing 16" water main in Leighton Avenue. The amount of the fee is based on one half the cost of an 8" water main for the portion of the main that abuts commercial uses and one half the cost of a 6" water main for the portion of the main that abuts residential uses.

**TRAFFIC ANALYSIS:** N. 84<sup>th</sup> Street is classified as an arterial and Leighton Avenue is a collector street. Leighton Avenue is an existing two lane gravel road. The Subdivision Ordinance requires all roads abutting a subdivision to be paved. The pavement of Leighton Avenue is required.

Garland and Colby Streets must be extended to the east when the east property develops and temporary barricades shall be placed until such time as the streets are extended.

A trail is indicated along N. 84<sup>th</sup> Street and a trail easement was shown to be constructed in the future through the Prairie Village Community Unit Plan north of this area.

**PUBLIC SERVICE:** Fire service will be provided by the Fire Station #5 located at 3640 Touzalin Avenue, approximately 3 miles from this site. The Fire Department indicated their concern regarding limited resources and fire stations in the area and their limited ability to provide timely fire and rescue service.

**AESTHETIC CONSIDERATIONS:** The grade of the area shown for storage units is lower than the right of way for N. 84<sup>th</sup> Street. Planning staff believes an added evergreen screen will enhance the appearance of the storage units, since they are proposed to be closer to the street than typically allowed. Planning staff does not object to the front yard setback waiver as long as additional screening is provided along the west property line

**ANALYSIS:**

1. This is a request to preliminary plat 40 residential lots and 6 commercial lots for a total of 46 lots.
2. This area is shown as urban residential and commercial in the Comprehensive Plan.
3. The applicant requests a modification of the preliminary plat to allow sanitary sewer to flow opposite street grades. Public Works and Utilities Department does not object to the sanitary sewer waiver, provided that the sewer does not exceed minimum or maximum depth.
4. The Public Works and Utilities Department indicates that the grading and drainage is unsatisfactory as indicated in their attached memo. Revisions are required prior to the plat being signed by the Planning Commission Chair.
5. The Public Works and Utilities Department indicated several streets/paving related comments as indicated in their attached memo.
6. This property is subject to impact fees. The Parks and Recreation Department indicated they will collect impact fees rather than request the dedication of parkland.
7. The Comprehensive Plan calls for a mix of housing types and a transition of uses from commercial to residential. The applicant shows this transition along one portion of the commercial where they show two family attached units, but does not extend the transition along the entire commercial edge abutting the residential. Since there is a transition of uses within the commercial area, planning staff believes the transition is adequate.

8. The Lincoln Lancaster County Health Department indicated several comments related to noise pollution which are indicated in their attached comments.
9. Originally the applicant requested to waive the required sidewalk along N. 84<sup>th</sup> Street. The applicant withdrew their request when the project was resubmitted for Planning Commission. The waivers table still refers to this waiver and should be removed.

**CONDITIONS:**

Site Specific:

1. After the subdivider completes the following instructions and submits the documents and plans and 6 copies to the Planning Department office, the preliminary plat will be signed by the Chair of the Planning Commission certifying approval: (NOTE: These documents and plans are required by ordinance or design standards.)
  - 1.1 Revise the preliminary plat to show:
    - 1.1.1 Remove the requested waiver of sidewalks along N. 84<sup>th</sup> Street.
    - 1.1.2 Revisions to the satisfaction of the Public Works and Utilities Department in the report dated June 8, 2004.
2. Associated requests are approved:
  - 2.1 Annexation #04002
  - 2.2 Change of Zone #04011
  - 2.3 Special Permit #04009
  - 2.4 An exception to the design standards to allow sanitary sewer to flow opposite street grades.

General:

3. Final Plats will be approved by the Planning Director after:
  - 3.1 The sidewalks, streets, drainage facilities, street lighting, landscape screens, street trees, temporary turnarounds and barricades, and street name signs

have been completed or the subdivider has submitted a bond or an escrow of security agreement to guarantee their completion.

3.2 The subdivider has signed an agreement that binds the subdivider, its successors and assigns:

to complete the street paving of Leighton Avenue, N. 86<sup>th</sup>, Garland, Colby and N. 87<sup>th</sup> 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 , N. 86<sup>th</sup>, Garland, Colby and N. 87<sup>th</sup> Streets and along the south side of Leighton Avenue and the east side of N. 84<sup>th</sup> Street 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 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 drainage way 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 street lights along Leighton Avenue, N. 84<sup>th</sup>, Garland, Colby and N. 87<sup>th</sup> Streets within this plat within two (2) years following the approval of the final plat.

to complete the installation of private street lights along N. 86<sup>th</sup> and Garland Streets within this plat within two (2) years following the approval of the final plat.

to complete the planting of the street trees along Leighton Avenue, N. 84<sup>th</sup>, Garland, Colby, N. 86<sup>th</sup> and N. 87<sup>th</sup> 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 any other public or private improvement or facility required by Chapter 26.23 (Development Standards) of the Land Subdivision Ordinance in a timely manner which inadvertently may have been omitted from the above list of required improvements.

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

to complete the public and private improvements shown on the preliminary plan and special permit.

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

to continuously and regularly maintain the street trees along the private roadways and landscape screens.

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

to pay all design, engineering, labor, material, inspection, and other improvement costs.

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 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 relinquish the right of direct vehicular access from Lots 4 and outlot A to N. 84<sup>th</sup> Street.

to post the required security to guarantee completion of the required improvements if the improvements are not completed prior to approval of the final plat.

Prepared by:

Becky Horner, 441-6373, [rhorer@ci.lincoln.ne.us](mailto:rhorer@ci.lincoln.ne.us)  
Planner

**DATE:** June 8, 2004

**APPLICANT:** Brian D. Carstens and Associates  
601 Old Cheney Road, Suite C  
Lincoln, NE 68512  
(402)434-2424

**OWNER:** Scott Anderson  
PO Box 30842  
Lincoln, NE 68503

**CONTACT:** Brian D. Carstens and Associates

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Area of Application

**Preliminary Plat #04007  
Anderson's Place  
N. 84th & Leighton**

2002 aerial

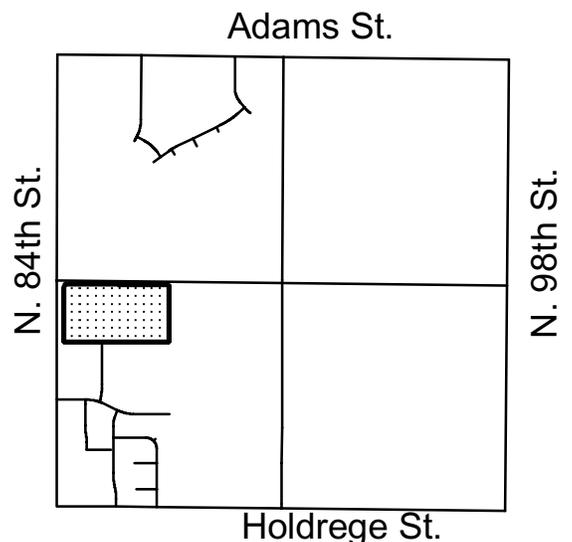
**Zoning:**

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

One Square Mile  
Sec. 14 T10N R7E



Zoning Jurisdiction Lines  
City Limit Jurisdiction



# ANDERSON'S PLACE

## PRELIMINARY PLAT LEGAL DESCRIPTION:

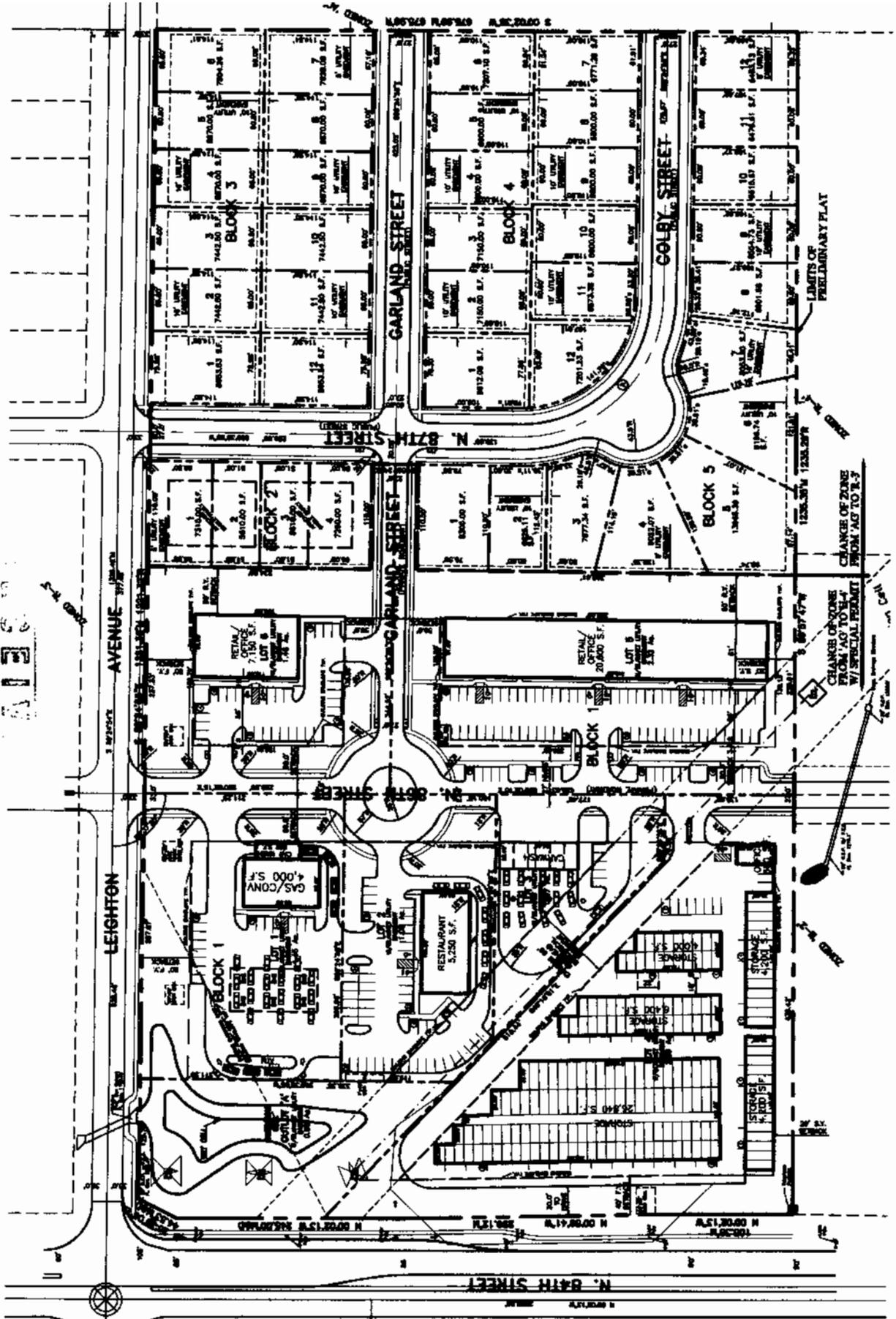
A survey of Lot 100 Irregular Tracts, located in the Southwest Quarter of Section 14 Township 10 North Range 7 East of the Sixth Principal Meridian, Lancaster County, Nebraska. More particularly described by metes and bounds as follows:

Commencing at the West 1/4 Corner of Section 14 Township 10 North Range 7 East of the Sixth P.M.; Thence South 89°24'54" East, (an assumed bearing) on the North line of the Southwest Quarter, a distance of 1326.42 feet to a found 5/8" Rebar for the North 1/16 Corner of the Southwest Quarter; Thence South 00°02'38" west, on the West line of Lot 10 I.T. extended, a distance of 33.00 feet, to the Northwest corner of Lot 10 I.T. and the POINT OF BEGINNING; Thence continuing on the Previous bearing of South 00°02'38" West, on the East line of Said Lot 100 I.T., a distance of 675.99 Feet, to the Northeast Corner of Morning Glory Estates Addition; Thence South 89°57'47" West, on the North line of said addition, a distance of 1235.35 feet, to the Northwest Corner of Morning Glory Estates Addition, said point being on the East Right of Way of North 84th Street; Thence North 00°02'13" West on the East Right of Way of North 84th Street, a distance of 105.38 feet; Thence North 00°59'41" West, on said right of Way, a distance of 299.12 feet; Thence North 00°02'13" West, on the East Right of Way of North 84th Street, a distance of 245.00 feet; Thence North 26°39'06" East, on the Southeasterly right of way of North 84th Street, a distance of 44.53 feet, to a point on the South right of way of Leighton Avenue; Thence South 89°24'55" East, on said South right of way, a distance of 1221.36 feet to the POINT OF BEGINNING, and containing a calculated area of 845,456.48 square feet or 19.409 acres more or less.

FEB 17 2004

LANCASTER COUNTY  
NOV 17 2004

NORTH



# Memorandum

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<b>To:</b>	Becky Horner, Planning Department
<b>From:</b>	Chad Blahak, Public Works and Utilities
<b>Subject:</b>	Anderson Place Preliminary Plat #04007 and Special Permit #04009
<b>Date:</b>	6/08/04
<b>cc:</b>	Randy Hoskins

Engineering Services has reviewed the submitted plans for the Anderson's Place Preliminary Plat and Special Permit, located on the southeast corner of Leighton Avenue and North 84th Street, and has the following comments:

**Sanitary Sewer** - The sanitary sewer system is satisfactory.

- (1.1) As part of the annexation, this developer must agree to pay a sewer connection fee as stated in the Regent Heights Sewer agreement.
- (1.2) The requested waiver of design standards for running sanitary sewer opposite street grade is acceptable to Public Works provided that the sewer does not exceed minimum or maximum depth.

**Water Main** - The water system is satisfactory.

- (2.1) As part of the annexation, this developer must agree to pay a water connection fee for connecting to the existing 16" water main in Leighton Avenue. The amount of the fee should be based on one half the cost of an 8" water main for the portion of the main that abuts commercial uses and one half the cost of a 6" water main for the portion of the main that abuts residential uses.

**Grading/Drainage** - The Grading/Drainage is unsatisfactory.

- (3.1) A written form of approval from the property owner to the south to construct the proposed storm sewer outside of this plat will need to be provided to Public Works prior to the approval of this plat.
- (3.2) The proposed detention cell is shown to be a permanent pond and will need to be designed to minimize mosquito harborage and breeding. A plan that addresses mosquito surveillance and control measures needs to be submitted to and approved by the Lincoln- Lancaster County Health Department.
- (3.3) As stated later in this memo, no final plat for this plat will be approved prior to paving improvements in Leighton Avenue. In conjunction with those paving improvements the box culvert will be required to be extended to the north and the south. The outlet structure design for

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the proposed detention pond should be incorporated into that design.

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

(4.1) The Prairie Village annexation agreement calls out 40' of ROW dedication on the north side of Leighton. This plat will also need to show the 40' ROW dedication for its frontage to Leighton.

(4.2) The proposed roundabout at the intersection of North 86th and Garland Street needs to show that the proposed geometrics can accommodate a WB-50 design vehicle for all pertinent movements.

(4.3) The annexation agreement for Prairie Village north of Leighton states that no final plats will be approved prior to a district being ordered constructed for paving in Leighton. Or Leighton may not be constructed prior to final plat approval provided that no access be taken off of Leighton and no buildable lots will be created abutting Leighton. Since the 87th and 86th connections to Leighton are the only satisfactory access points for this plat, Leighton must be improved to urban standards prior to the approval of any final plat for this development. This may be accomplished through the creation and adoption of a district, as stated in the Prairie Village agreement, or through the Executive order process.

(4.4) The design of Leighton east of 84th will be a 33' wide collector cross-section except at the approach to 84th where a 250' left turn lane is required as per the traffic study prepared by the Schemmer Associates. Also, the east and west bound through lanes across 84th will need to be properly aligned with the geometrics on the west side of 84th.

(4.5) The traffic signal and north to east bound right turn lane at 84th and Leighton are impact fee facilities and will not be the responsibility of this developer. However, as per the traffic study, the south to east bound left turn lane needs to be lengthened to 250' of storage at the developers expense.

(4.6) Public Works will reserve the right to renegotiate required offsite improvements should any proposed land use shown on this plat change after approval of this plat.

(4.7) The north to west bound left turn movement from 86th Street to Leighton Avenue does not appear to attain the required safe sight distance. The required decision site distance for a design speed of 30 mph is 490'. As shown there is 440' provided by the proposed profile for Leighton. Revisions to the grading plan and street profiles need to be made accordingly.

**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

Becky Horner, Planning Department

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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.

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

**TO:** Becky Horner

**DATE:** June 8, 2004

**DEPARTMENT:** Planning

**FROM:** Chris Schroeder

**ATTENTION:**

**DEPARTMENT:** Health

**CARBONS TO:** EH File  
EH Administration

**SUBJECT:** Anderson's Place  
PP #04007 CZ #04011  
SP #04009

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

- The LLCHD has concerns regarding the proposed zoning change with the R-3 zoning district adjacent to H-4 zoning district relative to noise pollution and permitted uses within the H-4 zoning district.
- Lincoln Municipal Code (LMC) 8.24 Noise Control Ordinance does address noise pollution by regulating source sound levels based upon the receiving land-use category or zoning. However, the LLCHD does have significant case history involving residential uses and abutting commercial uses in which the commercial source does comply with LMC 8.24, but the residential receptors still perceive the noise pollution as a nuisance. While the proposed uses, retail/office, in the H-4 zoning district adjacent to the residential zoning should be a compatible land-use, future uses in the H-4 zoning district could create an incompatible land-use relative to noise pollution. The LLCHD strongly advises the applicant to become familiar with LMC 8.24. Furthermore, the LLCHD advises against locating loading docks, trash compactors, etc. adjacent to residential zoning.
- 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. This is addressed in the site plan's general notes.
- 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. This is addressed in the site plan's general notes.

**Richard J Furasek**  
06/04/2004 03:09 PM

To: Rebecca D Homer/Notes@Notes  
CC:  
Subject: Anderson Place resubmitted

Upon review of the Anderson Place resubmitted, we find it acceptable from the perspective of our department. The only concern is our limited resources and fire stations in this area that does not allow us to provide the timely fire and rescue service that the people of the city have grown to expect.

Richard J. Furasek  
Assistant Chief Operations  
Lincoln Fire & Rescue  
1801 Q Street  
Lincoln Ne. 68508  
Office 402-441-8354  
Fax 402-441-8292