

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

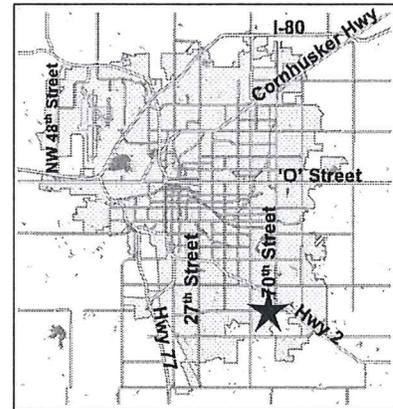
APPLICATION NUMBER Special Permit #19025 - Hannan Place Community Unit Plan	FINAL ACTION? Yes	DEVELOPER/OWNER Vic and Kathleen Hannan
PLANNING COMMISSION HEARING DATE June 26, 2019	RELATED APPLICATIONS Deviation Request to Lincoln Transportation and Utilities (LTU)	PROPERTY ADDRESS/LOCATION 6900 South 66 th Street, at approximately South 66 th Street and Pine Lake Road

RECOMMENDATION: DENIAL

BRIEF SUMMARY OF REQUEST

This is a request for a one lot Community Unit Plan (CUP) located at approximately South 66th Street and Pine Lake Road. The purpose of the request for the CUP is to be granted permission to build a private roadway with access onto Pine Lake Road for the one lot/dwelling in the CUP. The private roadway will then provide access for both the proposed lot in the CUP, and the property owned by the church adjacent to the east at such time as it redevelops.

Waivers are also requested with the CUP to not be required to submit a grading plan, a drainage plan, sidewalks along the private roadway, and a storm water management plan.



JUSTIFICATION FOR RECOMMENDATION

Access to Pine Lake Road for the subject property is contrary to the Access Management Policy. Construction to improve Pine Lake Road in this area is just being completed, and those improvements do not include another driveway for the subject property. The associated deviation request was denied by the Directors of Lincoln Transportation and Utilities (LTU) and Building and Safety, and included both the denial of the location of the access point and the request to not be required to install a necessary right turn lane.

The history of the subject property dates back to 1982 with the approval of the Country Place preliminary plat. The denial of access to Pine Lake Road has been carried forward by subsequent subdivisions involving the subject property. Staff has consistently supported re-subdivision/re-development of this property, but only if the lot being created didn't require its own access to Pine Lake Road. That is still the case today.

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

This site was rezoned to R-1 in 2003, and redevelopment which allows for more urban density residential development in this area is consistent with the Plan. However, arterial streets are primary traffic movers in the city, and the Comprehensive Plan supports limited access (as described in the Access Management Policy) to these facilities, as well as eliminating unnecessary driveways where possible. Allowing a new access point as is being proposed is in conflict with the Plan.

APPLICATION CONTACT

Ann Post (402) 475-1075 or
apost@baylorevnen.com

STAFF CONTACT

Brian Will, (402) 441-6362 or
bwill@lincoln.ne.gov

WAIVERS

- | | |
|--|------------------|
| 1. Drainage study - LMC 27.65.070(o)(8) - | Recommend Denial |
| 2. Grading plan - LMC 27.65.070(o)(11) - | Recommend Denial |
| 3. Sidewalks along a private roadway - LMC 26.27.020 | Recommend Denial |
| 4. Post construction storm water management plan - LMC 28.03 | Recommend Denial |

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

P. 1.8 - This site is designated for future urban density residential land uses in the 2040 Lincoln Area Future Land Use Plan .

P. 7.1 - Housing - In existing neighborhoods, preservation, maintenance, and rehabilitation of existing housing should continue to be the focus. Infill and redevelopment needs to respect the street pattern, block sizes, and development standards of the area, such as parking at the rear and porches, windows, and doors on the front street side. Diversity of land uses, including commercial and special needs housing, is important provided the use fits within the character of the block and neighborhood.

P. 7.2 - Neighborhoods and Housing Guiding Principles:

- Provide flexibility to the marketplace in siting future residential development locations.
- Strive for predictability for neighborhoods and developers for residential development and redevelopment.
- Encourage alley access and shared driveways to parking areas in order to reduce interruptions to pedestrian traffic, to preserve on street parking capacity, and to reduce automobile conflict points.

P. 10.35 - Congestion Management - Driveway consolidation/elimination and the addition of turn lanes where needed are components of the larger process of congestion management.

P. 12.4 - Urban Residential. Multi-family and single family residential uses in areas with varying densities ranging from more than fifteen dwelling units per acre to less than one dwelling per acre.

ANALYSIS

1. This is another attempt by the applicant to gain individual access to Pine Lake Road after being denied previously by the City. The last attempt was in 2003, where the attempt to subdivide the property with a final plat was approved by the City Council, but with the condition that access to the new lot either be off South 66th Street, or via use of a shared driveway located on the church property immediately adjacent to the east. The applicant was not willing to create a new driveway back to South 66th Street, and claimed that the church was unwilling to grant shared access. There is prior zoning/subdivision history associated with this property dating back to 1982.

2. This application is a request for a special permit for a one-lot CUP served by a private roadway. It is over an area 1.56 acres in size, and is approximately the eastern two-fifths of Lot 1, Country Place 7th Addition. This 1.56 acres of land is the subject property of this request.

The CUP only proposes one dwelling unit, along with the creation of a private roadway stub to serve both the one lot and the neighboring church property at such time as it may redevelop.

3. While this is a request for a CUP, one is not necessary to subdivide the lot as proposed. However, a CUP is necessary for the creation of a private roadway (which can only be created as part of a zoning overlay) and is shown as part of the CUP. The private roadway is proposed to provide shared access for the both the new dwelling and the adjacent church property in the future. The adjacent church property currently has a driveway onto Pine Lake Road, while the subject property does not.

4. The subject property has been involved in several plats over the years, they are as follows:

1982 - The original preliminary plat was Country Place, a development plan for the larger area (including the subject tract) was approved. Access to Pine Lake Road was relinquished for the subject tract with the preliminary plat (see Exhibit A).

1986 - The final plat of Country Place Addition was approved. It included the subject tract involved in this request, as well as several other lots in the area (see Exhibit B).

1988 - The final plat of Country Place 7th Addition created Lot 1, of which the subject property is a part of. The relinquishment of access to Pine Lake Road for Lot 1 was restated with the final plat of Country Place 7th Addition (see Exhibit C).

2003 - The final plat of Hannan Addition was approved by City Council, but upon the condition that access be consolidated on the church property to the east, and that the new lot only be used for a single-family dwelling. The plat expired in 2008 because the applicant never demonstrated the conditions of approval were met. The history of this final plat is attached as Exhibit D.

5. The larger lot, Lot 1, Country Place 7th Addition, is developed with a single-family which was built in 1987. After the failed attempt to subdivide the lot in 2003 to split off the subject property as its own lot, a condominium regime was created by the applicant and ownership interest in the approximate western two-thirds of the lot was sold off. The applicant retained ownership interest in the remainder of the lot with the intent of someday constructing a dwelling on it.
6. Access for the proposed lot has been denied because Pine Lake Road is an arterial street, and it is contrary to the City's Access Management Policy to allow new access points at locations other than those specified. In general, those locations for access points are limited to the 1/8 (660'), 1/4 (1,320'), and 1/2 (2,640') mile locations. In this case, the church property has a driveway at approximately 750' from the center line of South 70th Street, where this request seeks to locate another access point at approximately 850'. The CUP then anticipates the church property taking access to this new roadway, which effectively moves the 1/8 mile access from 750' to 850' and further from the 660' standard. Until the church property redevelops, there will be two access points onto Pine Lake Road less than 100' away from one another.
7. As proposed, the church property's driveway would go away upon redevelopment and the 1/8 mile access point would be located upon the Hannan property instead of the church property. The church will be notified of this zoning request as part of the City's notification process, but the level of their understanding of the implication of this request is not known. Up to this point the Planning Department has not been contacted by the church property owner, so that owner's reaction to this proposal is not known.
8. The subject property has a zoning/subdivision history that dates back to 1982. The full history is detailed in the Application History section later in this report. Also, the documents associated with last request from 2003 are attached to provide a sense of the background and history of this request as Exhibit D.
9. The applicant has requested four waivers, one to Title 26 and one to Title 27. They are as follows:
 - a. Drainage study - LMC 27.65.070(o)(8).

The CUP itself only contains one lot and allows only one dwelling. Due to the limited nature of the development, and separate drainage study would not be warranted.
 - b. Grading plan - LMC 27.65.070(o)(11).

As with the drainage study, the limited scope of the CUP would not warrant a grading plan.
 - c. Sidewalks along a private roadway - LMC 26.27.020

Given the proposal is for the private roadway to provide shared access for the new lot and for the church property, it needs to accommodate the redevelopment of the church property. That is, shared access will only occur when the church property redevelops and access to Pine Lake Road is relinquished. There are sidewalks along Pine Lake Road, so at least the church property should have pedestrian access via a sidewalk on the east side of the private roadway.
 - d. A post construction storm water management plan - LMC 28.03

As with the drainage study and grading plan, due to the limited nature of the development this plan would not be warranted.
10. There is an associated deviation request that was submitted requesting both the roadway access onto Pine Lake Road, and to not be required to build a right turn lane. The request was denied by the Director's of LTU and Building and Safety. Denial of that request serves as the primary basis for the recommendation of denial on this application. A copy of that request is attached to this report.

APPLICATION HISTORY - SPECIAL PERMIT 19025

- Jul 1982 The Country Place Preliminary Plat PP#82604, which included the subject property, was approved and relinquished access to Pine Lake Road.
- Oct 1986 The final plat of Country Place Addition FP#86502, which included the subject property, was approved but made no mention of access to Pine Lake Road.
- Apr 1988 The final plat of Country Place 7th Addition FP#88210 was approved. This plat expanded the subject lot by approximately 30', and relinquished access to Pine Lake Road.
- Oct 2002 The Planning Department issued the director's letter for AFP#02071 Hannan Addition final plat. The letter noted that access to Pine Lake Road had previously been relinquished and so the owner would need to show how access was provided to both lots being created. This requirement was never satisfied and the plat expired on July 6, 2008.
- Aug 2003 The owner submitted the final plat of FPPL#03014 Hannan Addition for consideration by the Planning Commission and City Council - essentially a resubmittal of AFP02071. Because the original preliminary plat had been approved by the City Council and included the relinquishment of access, the Law Department determined that the condition could only be reversed by the City Council. The City Council approved this final plat subject to the condition that "The owners provide the necessary easement and consolidate the existing access to Lot 1, Country Place 22nd Addition to the east of Lot 2, Hannan Addition; and (2) agree the access provided to Lot 2, Hannan Addition be restricted to an access for one single-family dwelling." This final plat also expired on July 6, 2008 due to the inability of the owner to satisfy the conditions of approval.
- Aug 2003 A change of zone request CZ#3385 from AGR to R-1 was associated with FPPL#03014. Because of the 3-acre lot area minimum of the AGR zoning district, a change of zone to R-1 was required to allow the two sub 3-acre lots being proposed by the final plat. This request was approved, but it was noted in the report that access to the lots would not be onto Pine Lake, and that the owner had to show how access would otherwise be accommodated.

CONDITIONS OF APPROVAL - SPECIAL PERMIT #19025

1. Per Section 27.63.320 this approval permits a Community Unit Plan for one lot and one dwelling unit with waivers to a drainage study, a grading plan, a post construction storm water management plan, and to only require a sidewalk along the east side of the private roadway.

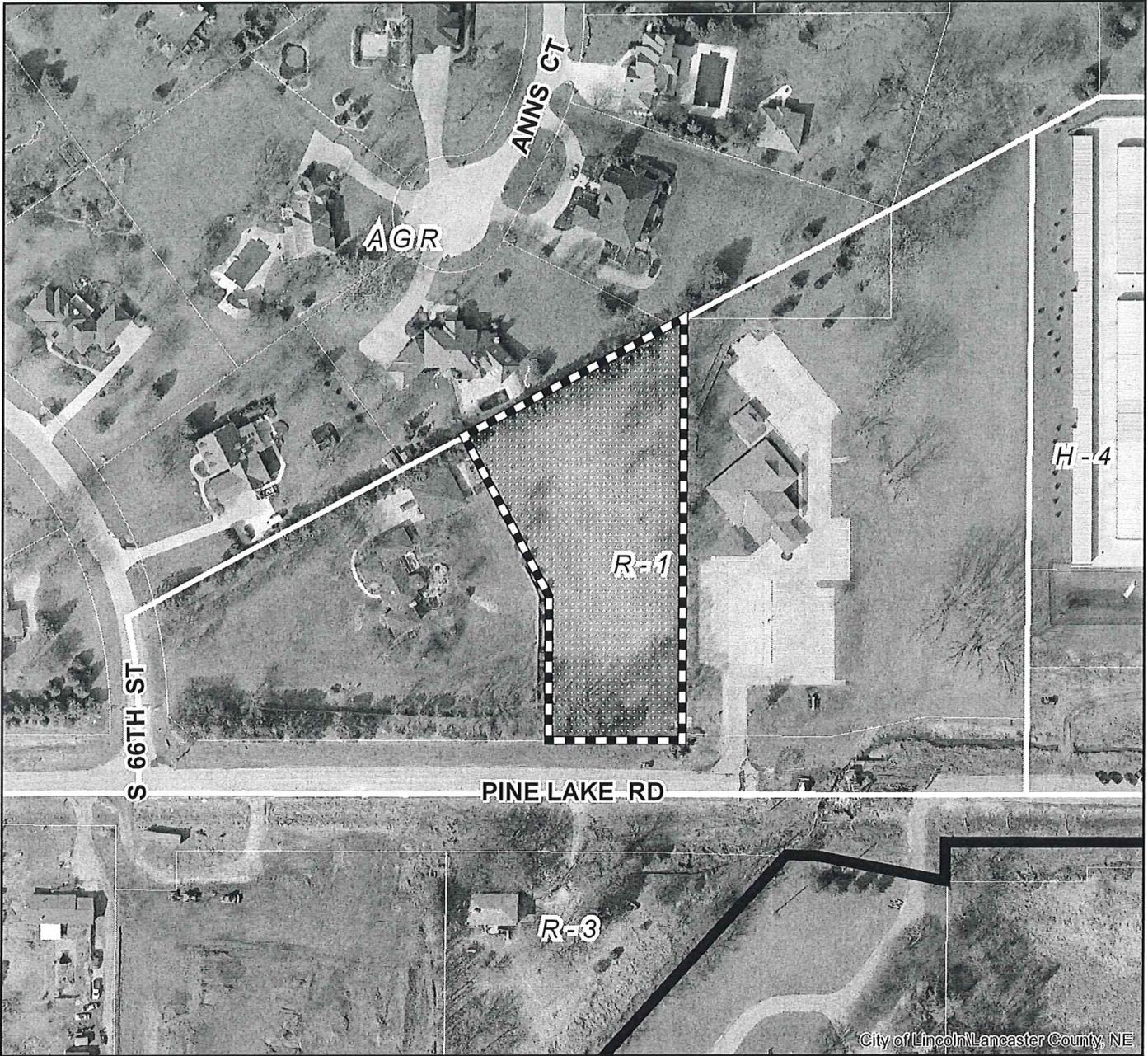
Site Specific Conditions:

1. The permittee shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including 3 copies with all required revisions and documents as listed below:
 - 1.1 Make the following revisions to the CUP site plan:
 - 1.1.1 Correct the lot numbering to show the subject property as Lot 2.
 - 1.1.2 The width of the private roadway needs to be shown as 24' to allow for two-way traffic.
 - 1.1.3 Show the tree removal to match the wider roadway.
 - 1.1.4 Update the waiver table to indicate a sidewalk is waived only on the west side of the private roadway.
 - 1.1.5 Show the private roadway in an outlet.
 - 1.1.6 Delete the portion of General Note #7 which requires the owner of Lot 1, Country Place 22nd Addition to assume all maintenance responsibilities of the private roadway.
2. Prior to building permits:
 - 2.1 A final plat including all of Lot 1, County Place 7th Addition is approved.
 - 2.1 Verification from the Register of Deeds that the letter of acceptance as required by the approval of the special permit has been recorded.

Standard Conditions:

3. The following conditions are applicable to all requests:
 - 3.1 Before occupying the dwelling unit all development and construction shall substantially comply with the approved plans.
 - 3.2 All privately-owned improvements, including landscaping and recreational facilities, shall be permanently maintained by the Permittee or an appropriately established homeowners association approved by the City.
 - 3.3 The physical location of all setbacks and yards, buildings, parking and circulation elements, and similar matters be in substantial compliance with the location of said items as shown on the approved site plan.

- 3.4 The terms, conditions, and requirements of this resolution shall run with the land and be binding upon the Permittee, its successors and assigns.
- 3.5 The applicant shall sign and return the letter of acceptance to the City Clerk. This step should be completed within 60 days following the approval of the special permit. 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. Building permits will not be issued unless the letter of acceptance has been filed.



City of Lincoln \ Lancaster County, NE

2018 aerial

Special Permit #: SP19025
Hannan CUP
S 66th St & Pine Lake Rd

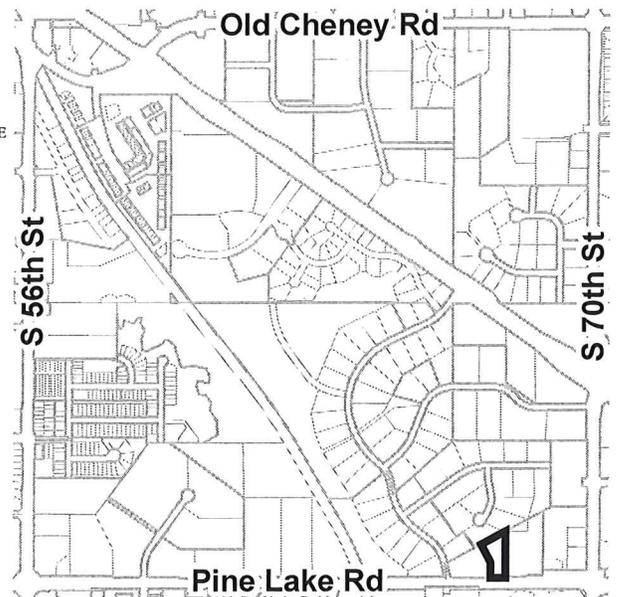
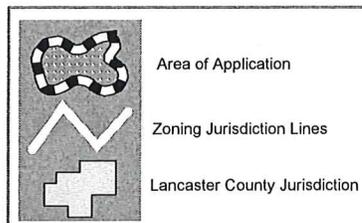
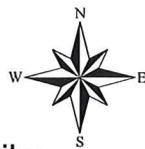
Zoning:

- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential 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

PDF: F:\Boards\PC\Internet\out\

File: F:\Dev\Review\Planner\Packet\MXD\Agenda\drawings.mxd (SP19025)

One Square Mile:
Sec. 16 T09N R07E





Randall L. Goyette [IA]*
Stephen S. Gealy
Dallas D. Jones
David A. Dudley
Brenda S. Spilker
Timothy E. Clarke [IA]*
Robert S. Lannin [KS, MO]*

Andrew M. Loudon
Christina L. Ball [KS]*
Jenny L. Panko
Caroline M. Westerhold [IA]*
Jarrod P. Crouse
Jennifer S. Caswell [CO]*
Paul T. Barta [IA]*

Torrey J. Gerdes [IA]*
Brett E. Ebert [IA]*
Emily R. Motto [IA]*
Michael D. Reisbig [IA]*
Susan M. Foster
Thomas B. Shires [IA]*
Ann K. Post

Kara E. Brostrom
Christopher M. Schmidt
Eric J. Sutton [IA]*
Phoebe L. Gydesen
Katherine Q. Martz [IA]*
Jenna M. Christensen

Of Counsel:
Robert T. Gruit
Donald R. Witt
Walter E. Zink II
W. Scott Davis
Peter W. Katt
Mark A. Hunzeker
*Admitted In Other States

June 5, 2019

Delivered via Hand Delivery and via email to cblahak@lincoln.ne.gov and mesposito@lincoln.ne.gov

~~Chad Blahak
Director, Building and Safety
555 S 10th Street
Lincoln, NE 68508~~

~~Miki Esposito
Director, Transportation and Utilities
555 S 10th Street
Lincoln, NE 68508~~

RE: Request for Deviation

Dear Mr. Blahak and Ms. Esposito:

Our office represents Vic and Kathleen Hannan, owners of Hannan Place Condominium, Unit #2 (“Property”) located at approximately 66th and Pine Lake Road. The Hannan’s currently live in Kansas but their intent is to build their retirement home on the Property and relocate to Lincoln. To do this, first they need to obtain access to the Property via Pine Lake Road. Enclosed is our City of Lincoln Request for Deviation, requesting a deviation of the City of Lincoln Access Management Policy (“Policy”). This request is intended for simultaneous consideration with the Community Unit Plan, Application Number SP19025 (“CUP”).

The Hannan’s are requesting a deviation from the Policy to allow private roadway access to Pine Lake Road that is less than 660 feet from adjacent connections. However, this connection is intended to replace an existing nonconforming connection and aligns with goals of the Policy by replacing an individual access point to create an access shared by multiple owners all without materially increasing delay or congestion or otherwise affecting the safety of the motoring public.

The proposed CUP creates a private roadway on the Property that provides access to Pine Lake Road from the Property and would eventually replace the private driveway of the adjoining property to the east. The CUP does this by dedicating a private roadway, creating a public access easement over the private roadway, and creating a driveway easement for the adjoining property to the east to take access from the private roadway. Additionally, the Hannan’s have agreed to pave 48’ of the private roadway to city specifications and restrict the Property to use for one single family dwelling.

This resolution enables infill development increasing density and utilizing a valueless parcel. It creates the means for future consolidation of access and elimination of an access driveway on Pine Lake Road all with minimal impact. This driveway will be right-in right out only, with uses limited to one single family home and church uses, neither of which generate traffic during peak times.

Omaha Office
619 North 90th Street
Omaha, NE 68114
Phone 402.934.5468

Lincoln Main Office
Wells Fargo Center
1248 O Street, Suite 600, Lincoln, NE 68508
Phone 402.475.1075 | Fax 402.475.9515

Syracuse Office
920 12th Street
Syracuse, NE 68446
Phone 402.269.3200

This plan as presented is the culmination of sixteen years of efforts to gain access to the Property, including generous offers to the owners of adjoining parcels for access easements and extensive discussions with the City of Lincoln Department of Transportation and Utilities, Planning Department, and Law Department. In the end, this solution furthers the infill and density goals of the comprehensive plan without a material negative impact on congestion, delay, or the safety of the motoring public.

We appreciate your consideration Request for Deviation. If you have any questions or need additional information please do not hesitate to contact me.

Sincerely,



Ann K. Post
For the Firm
APost@bayloreven.com

✓ CC: Brian Will, City of Lincoln Planning

Enclosure

APO/apo

2505008

Requests for Waiver
Hannan Community Unit Plan

We are requesting the following waivers:

1. Waiver of the requirement for a drainage study (LMC 27.65.070(o)(8))

This project is limited in scope and will have no material impact on drainage in the watershed basin.

2. Waiver of the requirement for a site grading plan (LMC 27.65.070(o)(11))

No material grading is proposed or anticipated in this project.

3. Waiver of requirement for sidewalks along a private roadway (LMC 26.27.020)

The proposed private roadway serves one single family residence until such time as the eastern adjoining lot converts to commercial use. This project is not anticipated to generate material pedestrian traffic.

4. Waiver of Post Construction Storm Water Management Plan (LMC 28.03)

Though the proposed project is greater than one acre, the anticipated construction of a single family dwelling will generate less than one acre of construction activity.

UNIT #2

A legal description of a part of Lot 1, Block 1, Country Place 7th Addition located in the Southeast Quarter of Section 16, Township 9 North, Range 7 East of the 6th P.M., Lincoln, Lancaster County, Nebraska and more particularly described as follows:

Referring to the Southeast corner of Southeast Quarter of said Section 16, THENCE in a Westerly direction along the South line of the Southeast Quarter of said Section 16, on an assumed bearing of North 90 degrees 00 minutes 00 seconds West for a distance of 819.41 feet.

THENCE North 00 degrees 01 minutes 54 seconds East for a distance of 55.00 feet to the Point of Beginning.

THENCE continuing said bearing of North 00 degrees 01 minutes 54 seconds East for a distance of 434.57 feet to the Northeast corner of said Lot 1, Block 1, Country Place 7th Addition

THENCE South 61 degrees 41 minutes 40 seconds West for a distance of 261.13 feet

THENCE South 28 degrees 14 minutes 55 seconds East for a distance of 178.89 feet

THENCE South 00 degrees 00 minutes 00 seconds East for a distance of 148.16 feet

THENCE South 90 degrees 00 minutes 00 seconds West for a distance of 360.00 feet

THENCE South 51 degrees 26 minutes 38 seconds East for a distance of 8.02 feet to a point 55.0 feet North of the South line of the Southeast Quarter of said Section 16

THENCE North 90 degrees 00 minutes 00 seconds East for a distance of 498.73 feet to the Point of Beginning

Together with and subject to covenants, easements, and restrictions of record.

Said property contains 1.56 acres more or less



PUBLIC WORKS & UTILITIES DEPARTMENT
555 South 10th Street Suite 208 Lincoln, NE 68508
lincoln.ne.gov

June 13, 2019

Ann K. Post, Esq.
Baylor Evnen, LLP
Wells Fargo Center
1248 O Street, Suite 600
Lincoln, NE 68508

RE: Request for Deviation

Dear Ms. Post:

We received the attached Request for Deviation dated June 6, 2019 regarding the proposed Hannan Place Condominium, Unit #2 located at approximately 66th and Pine Lake Road. The specific request is to allow private roadway access to Pine Lake Road that is less than 660 feet from adjacent connections and the absence of turn lanes.

We are denying the request for the following reasons:

- 1) According to the 1988 Administrative Final Plat under the section entitled DEDICATION, the right of direct vehicular access to Pine Lake Road from Lot 1 was relinquished.
- 2) While the intent of the request is to replace an existing connection to Pine Lake Road of the adjoining property to the east, the City has no information or assurances that the adjacent property owner to the east agrees to relinquish their property right to that access in exchange for a newly constructed private roadway.
- 3) Finally, we have concerns about the lack of a right turn lane to serve the proposed connection.

We understand that there were questions regarding which Director had administrative authority for approval/denial of this particular request. While we believe the request for a private roadway access is under the purview of the Director of Transportation and Utilities, we have coordinated closely with the Building and Safety Director as well.

Should you have any questions about the denial, please contact Bob Simmering in LTU at (402) 525-5617 or Brian Will in the Planning Department at (402) 441-6362.

Sincerely,

A handwritten signature in black ink, appearing to read "Miki Esposito".

Miki Esposito, Director
Transportation and Utilities

A handwritten signature in black ink, appearing to read "Chad Blahak".

Chad Blahak, Director
Building and Safety

Request for Deviation

A request for deviation must be complete and submitted in writing to the Director of Lincoln Transportation and Utilities or designee and may be approved if it meets the requirements set forth in the City of Lincoln Access Management Policy. The Director of Lincoln Transportation and Utilities has five (5) working days from receipt of a completed form to approve or deny such request. The Lincoln Transportation and Utilities Director reserves the right to request additional information from the Applicant in order to make a determination.

Property Owner: Vic Hannan and Kathleen Hannan f/k/a/ Kathleen Hoyt

Applicant Name: Ann K. Post

Contact Phone: 402-475-1075 Email: apost@baylorevnen.com

Property Address/Location: East of 66th and Pine Lake Road; Hannan Place Condominium, Unit #2, Lincoln, Lancaster County, NE

Deviation(s) Requested:

Request private roadway access to Pine Lake Road as depicted in the enclosed site plan. Deviations include access to Pine Lake Road less than 660 ft. from adjacent connections and without turn lanes.

Justification for deviation(s):

Please see the enclosed letter

Signature Ann K Post Date 6/6/2019

Attach maps, drawings, and other information to aid in understanding the request for deviation.

Transportation and Utilities Use Only

Comments: _____

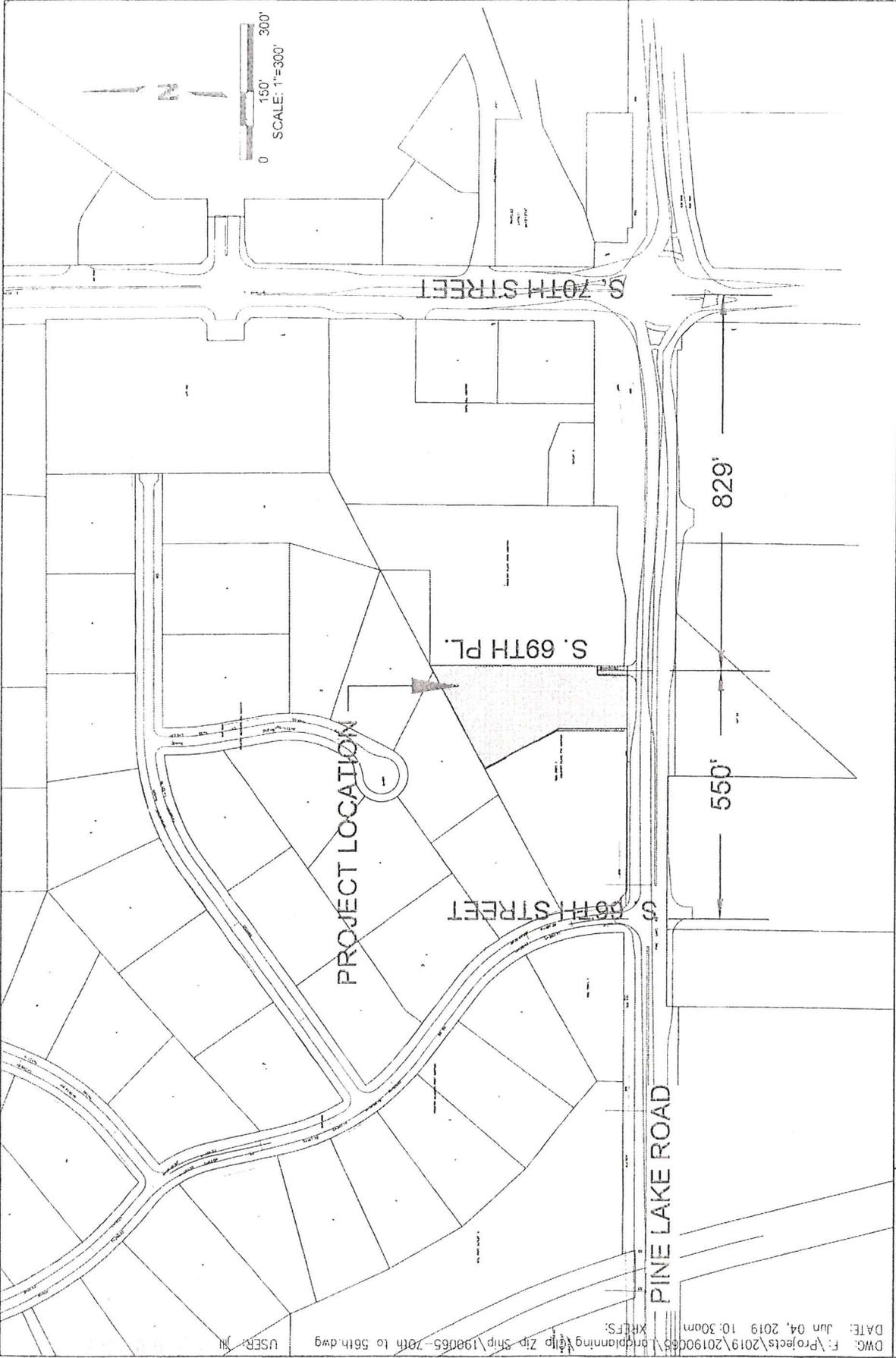
Date Received: _____

Deviation: Approved Denied

Date _____

Director, Transportation and Utilities

cc: Building and Safety (if request involves a single or two-family residential unit)
Nebraska Department of Roads (if involving a State Highway)
Planning Department



DWG: F:\Projects\2019\20190606\Planning\Kelp Zip Ship\190065-70th to 56th.dwg
 DATE: Jun 04, 2019 10:30am
 XREFS:

drawn by: JDS
 checked by: -
 project no.: 2019-0065
 date: 06/04/2019

**DEVIATION EXHIBIT
 HANNAN CONDOMINIUM UNIT 2
 LINCOLN, NEBRASKA**



Civil Design Group, Inc.
 6535 EXECUTIVE WOODS DR., SUITE 200
 Lincoln, Nebraska 68512
 Ph. 402-434-8484 Fax 866-215-8747
 www.civildg.com

CONSULTING ENGINEER LAND USE PLANNERS
 CIVIL DESIGN SITE DEVELOPMENT PLANNING AND ZONING

EXHIBIT
 1

Brian Will

Subject: FW: Request for Deviation: Hannan Community Unit Plan

From: Randy W. Hoskins

Sent: Friday, June 07, 2019 9:21 AM

To: Chad E. Blahak <cblahak@lincoln.ne.gov>; Miki M. Esposito <MEsposito@lincoln.ne.gov>

Cc: Brian Will <bwill@lincoln.ne.gov>; Tim S. Sieh <TSieh@lincoln.ne.gov>; Steve S. Henrichsen <shenrichsen@lincoln.ne.gov>; Robert K. Simmering <RSimmering@lincoln.ne.gov>; Mark E. Lutjeharms <MLutjeharms@lincoln.ne.gov>; Lonnie J. Burklund <LBurklund@lincoln.ne.gov>

Subject: RE: Request for Deviation: Hannan Community Unit Plan

The applicant proposes to add a new access point approximately 60' from an existing access, both of which could be kept in perpetuity. The Access Management Policy requires a minimum separation distance of 660' between access points. The new access point would also be approximately 550' from existing 66th Street. With the current Pine Lake Road construction project, LTU has eliminated and combined access points, in keeping with the Access Management Policy. To add a non-conforming access point prior to the project even being finished is a step backwards in access management.

The lack of a right turn lane being installed on this arterial street creates the biggest concern. While the request points out that for right now it would be just a single family home and a church using the access, both of which would be non-peak hour users, that can change at any time. The church could add a daycare or school facility, which could bring in several hundred children being dropped off and picked up during peak hours. There is also the fact that half of the church property is currently vacant and could be used for any number of purposes.

LTU also has concerns that the applicant is proposing to only build the new private street 48' north of Pine Lake Road. With the Pine Lake Road project, LTU reconstructed 43' of the church driveway just to connect it back to their existing driveway. From the proposed drawing, it is unclear how far the "right-of-way" for the private street extends, but as a minimum, it would need to be available to connect directly to the existing parking lot via a straight east/west driveway. There is also a question as to what rights the church would have to construct additional street within the public access easement if only 48' are constructed at this time.

Randy Hoskins, P.E.

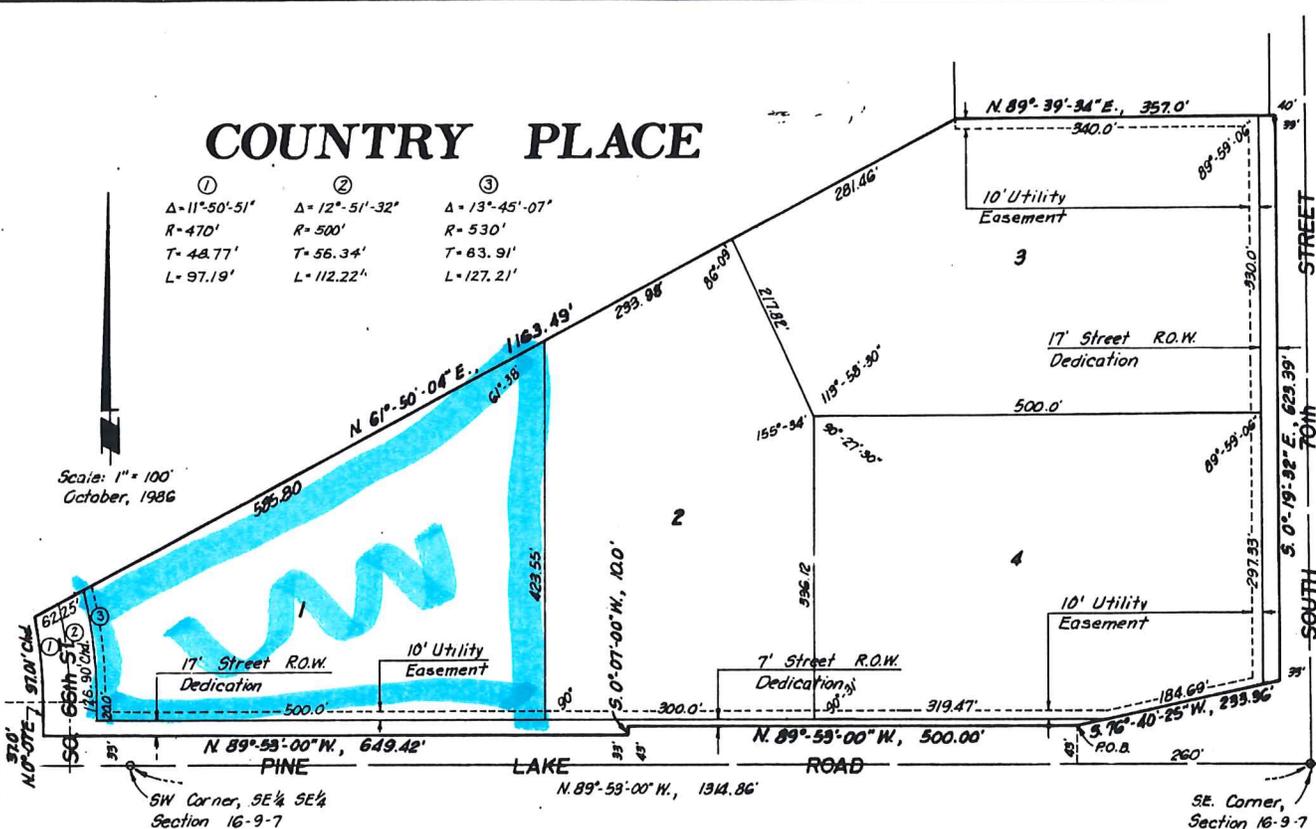
Assistant City Engineer | Transportation
City of Lincoln Transportation and Utilities
M: 402-450-1216

EXHIBIT B

COUNTRY PLACE

①	②	③
$\Delta = 11^{\circ}50'51''$	$\Delta = 12^{\circ}51'32''$	$\Delta = 13^{\circ}45'07''$
$R = 470'$	$R = 500'$	$R = 530'$
$T = 44.77'$	$T = 56.34'$	$T = 63.91'$
$L = 97.19'$	$L = 112.22'$	$L = 127.21'$

Scale: 1" = 100'
October, 1986



DEDICATION

The foregoing plat, known as "COUNTRY PLACE," and as described in the Surveyor's Certificate is made with the free consent and in accordance with the desire of the undersigned, sole owner, and the easements shown thereon are hereby granted in perpetuity to the City of Lincoln, Nebraska, a municipal corporation, The Lincoln Telephone and Telegraph Company, TV Transmission, Inc., Minnegaseo, their successors and assigns, to allow entry for the purpose of construction, reconstruction, replacement, repair, operation and maintenance of wires, cables, conduits, fixtures, poles, towers, pipes, and equipment for the distribution of electricity and gas; telephone and cable television; wastewater collectors; storm drains; water mains; and all appurtenances thereto, over, upon, or under the easements as shown on the foregoing plat. The construction or location of any building or structure, excluding fences, over, upon, or under any easement shown thereon shall be prohibited.

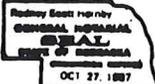
The City of Lincoln, its successors or assigns are hereby held harmless for the cost of replacement or damage to any improvement or vegetation over, upon, or under any easement shown thereon.

The streets shown thereon are hereby dedicated to the public.

Witness my hand this 21 day of Oct, 1986

By William G. Krein
William G. Krein, President
Townhouse, Inc.

ACKNOWLEDGEMENT



STATE OF NEBRASKA } SS
LANCASTER COUNTY }

On this 21 day of Oct, 1986, before me the undersigned, a Notary Public, duly commissioned, qualified for and residing in said county, personally came William G. Krein, President of Townhouse, Inc., to me personally known to be the identical person whose name is affixed to the dedication of this plat and he acknowledged the same to be his voluntary act and deed and the voluntary act and deed of said Townhouse, Inc., and that the corporate seal of said corporation was affixed thereto by its authority.

Rodney Scott Hornley
Notary Public

My Commission expires the 27 day of Oct, 1987

APPROVAL

The foregoing plat was approved by the Lincoln City-Lancaster County Planning Commission on this 17 day of November, 1986.

ATTEST: Thomas Peter Jones Chairman

ACCEPTANCE

The foregoing plat and dedication was approved and accepted by the City Council of the City of Lincoln, Nebraska, by Ordinance No. 1487, passed the 23 day of MARCH, 1987.

ATTEST: Paul A. McLaughlin City Clerk

SURVEYOR'S CERTIFICATE

I hereby certify that I have accurately surveyed and staked out the foregoing plat of "COUNTRY PLACE", a Subdivision of part of Lot 24 I.T., and part of Lot 113 I.T., in the S.E. 1/4 of Section 16, T. 9 N., R. 7 E., of the 6th P.M., Lancaster County, Nebraska, and more particularly described as follows:

- Commencing at the southeast corner of said Section 16, and extending thence N. 89°-53'-00" W., along the south line of said Section 16, for a distance of 260.0 feet;
- thence N. 0°-07'-00" E., for a distance of 43.0 feet to a point on the north right-of-way line of Pine Lake Road, the point of beginning;
- thence N. 89°-53'-00" W., along said right-of-way line for a distance of 500.0 feet;
- thence S. 0°-07'-00" W., for a distance of 10.0 feet;
- thence N. 89°-53'-00" W., for a distance of 649.42 feet;
- thence N. 0°-07'-00" E., for a distance of 37.0 feet to the point of curvature of a circular curve to the left having a central angle of 11°-50'-51", a radius of 470.0 feet; and a tangent length of 48.77 feet;
- thence along the arc of said circular curve, 97.19 feet to the point of tangency;
- thence N. 61°-50'-04" E., for a distance of 1163.49 feet to the southwest corner of Lot 112, I.T.;
- thence N. 89°-39'-34" E., along the south line of said Lot 112 for a distance of 357.0 feet to the west right-of-way line of South 70th Street;
- thence S. 0°-19'-32" E., along said right-of-way, for a distance of 623.39 feet;
- thence S. 76°-40'-25" W., for a distance of 233.36 feet to the point of beginning, containing 14.96 acres, more or less.

Permanent monuments (Iron Pipe) have been placed at all lot corners, street intersections, points of curvature, centerline points of tangency, and at all other points required by the City of Lincoln, Land Subdivision Ordinance, Title 26 of the Lincoln Municipal Code.

All dimensions are chord measurements unless shown otherwise, and are in feet or decimals of a foot.

Signed this 12th day of November, 1986.



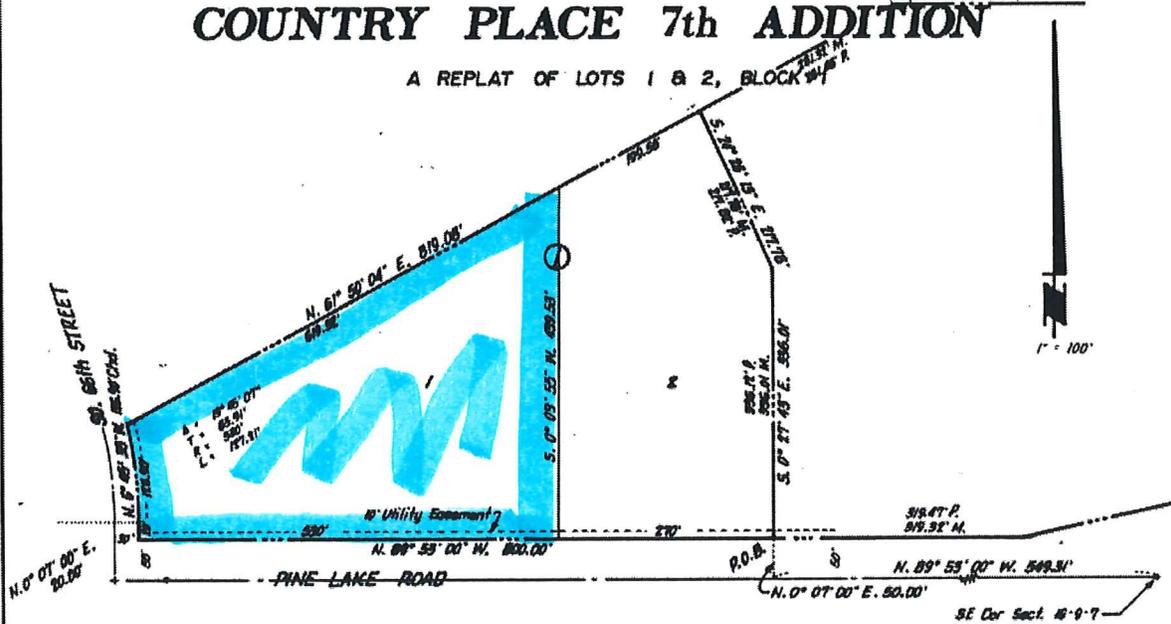
Lyle L. Loth
Lyle L. Loth
L.S. 314

178A
2092
INDEXED
MICRO-FILED
GENERAL
7-738
41-525
INST. NO. 87
11531
9840

EXHIBIT C

ADMINISTRATIVE FINAL PLAT OF
COUNTRY PLACE 7th ADDITION

A REPLAT OF LOTS 1 & 2, BLOCK 141



SURVEYOR'S CERTIFICATE

I hereby certify that I have accurately surveyed and staked out the foregoing plat of "COUNTRY PLACE 7th ADDITION", a Subdivision of Lot 1 and 2, Block 1, Country Place Addition in the S.E. 1/4 of Section 16, T. 9 N., R. 7 E., of the 6th P.M., Lancaster County, Nebraska, and more particularly described as follows:

Commencing at the southeast corner of said Section 16, and extending thence N. 89°-53'-00" W., along the south line of said Section 16, for a distance of 509.31 feet;

thence N. 0°-07'-00" E. 80.00 feet to the point of beginning;
 thence N. 89°-53'-00" W. 800.00 feet;
 thence N. 0°-07'-00" E. 20.00 feet to the point of curvature of a circular curve to the left having a central angle of 13°-45'-07", and a radius of 530.00 feet;
 thence along the arc of said circular curve, 127.21 feet;
 thence N. 61°-50'-04" E. 819.08 feet;
 thence S. 24°-28'-13" E. 217.75 feet;
 thence S. 0°-27'-43" E. 336.01 feet to the point of beginning, containing an area of 6.82 acres, more or less.

Permanent monuments (Iron Pipe or 3/4" Iron Bars) have been placed at all lot corners, street intersections, points of curvature, centerline points of tangency, and at all other points required by the City of Lincoln, Land Subdivision Ordinance, Title 26 of the Lincoln Municipal Code.

All dimensions are chord measurements unless shown otherwise, and are in feet or decimals of a foot.

Signed this 7th day of April, 1988.

Julia L. Losh
 Julia L. Losh
 L.S. 314

DEDICATION

The foregoing plat, known as "COUNTRY PLACE 7th ADDITION", and as described in the Surveyor's Certificate is made with the free consent and in accordance with the desire of the undersigned, sole owner, and the easements shown thereon are hereby granted in perpetuity to the City of Lincoln, Nebraska, a municipal corporation, the Lincoln Telephone and Telegraph Company, TV Transmission, Inc., Minnequazo, their successors and assigns, to allow entry for the purpose of construction, reconstruction, conduits, fixtures, poles, towers, pipes, and equipment for the distribution of electricity and gas; telephone and cable television; watermeter collectors; storm drains; water mains and all appurtenances thereto, over, upon, or under the easements as shown on the foregoing plat. The construction or location of any building or structure, including fences, over, upon, or under any easement shown hereon shall be prohibited.

The City of Lincoln, its successors or assigns are hereby held harmless for the cost of replacement or damage to any improvement or vegetation over, upon, or under any easement shown thereon. The right of direct vehicular access to Pine Lake Road from Lot 1 is hereby relinquished.
 Witness our hands this 14th day of April, 1988

Diana Ojikutu
 Diana Ojikutu, Husband
Terry E. Fairfield
 Terry E. Fairfield, Husband
Rosa Diann Ojikutu
 Rosa Diann Ojikutu, Wife
Peggy D. Fairfield
 Peggy D. Fairfield, Wife

ACKNOWLEDGEMENT

STATE OF NEBRASKA }
 LANCASTER COUNTY } ss

On this 14th day of April, 1988, before me the undersigned, a Notary Public, duly commissioned, qualified for and residing in said county, personally came Diana Ojikutu and Rosa Diann Ojikutu, husband and wife, and Terry L. and Peggy D. Fairfield, husband and wife, to me personally known to be the identical persons whose names are affixed to the dedication of this plat and they acknowledged the same to be their voluntary act and deed.

Mary Hugelmann
 Notary Public

My commission expires the 14th day of October, 1988.



PLANNING DIRECTOR'S APPROVAL

The Planning Director, pursuant to Chapter 26.11.015 of the LMC, hereby approves this Administrative Final Plat.

James [Signature]
 Planning Director
 Date 6/6/88

INDEXED
 MICRO FILE
 GENERAL
 A-1014
 2/12/88
 EQUALIZED
 Dan [Signature]
 REGISTER OF DEEDS
 1988 JUN -8 PM 1:48
 FILED
 INST. NO. 88-13771

**EXHIBIT D – DOCUMENTS RELATING TO THE FINAL PLAT OF HANNAN ADDITION
2003 - 2008**



Lincoln-Lancaster County 555 South 10th Street / Suite 213 Eugene W. Carroll, Chair
Planning Department Lincoln, Nebraska 68508 City-County
Marvin S. Krout, Director 402-441-7491 / fax: 402-441-6377 Planning Commission



MAYOR CHRIS BEUTLER

lincoln.ne.gov

May 30, 2008

Mark Hunzeker
Attorney at Law
1248 O Street, Suite 600
Lincoln, NE 68508

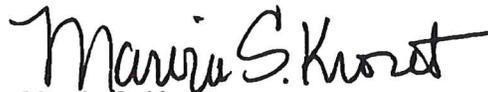
RE: **Administrative Final Plat No. 02071 - Hannan Addition**
and Final Plat No. 03014 - Hannan Addition
(S. 56th & Pine Lake Road)

Dear Mark:

The Lincoln City Council has adopted ordinances that allow the Planning Department to close the files on applications which have become inactive. The above-referenced application for an administrative final plat will automatically expire and become null and void on **July 6, 2008**, unless the conditions of approval set forth in the Planning Director letter dated October 28, 2002, and the agreement of joint access with the church to the east pursuant to letter dated June 3, 2005 (attached) are satisfied.

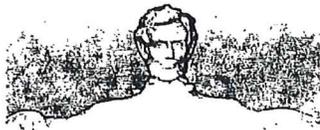
If you have any questions, please do not hesitate to contact the project planner, Brian Will, at 441-6362.

Sincerely,


Marvin S. Krout
Director of Planning

q:\shared\wp\jlu\expiration letters\AFP.02071 and FP.03014.second notice





**CITY OF LINCOLN
NEBRASKA**

MAYOR COLEEN J. SENG

lincoln.ne.gov

Lincoln-Lancaster County
Planning Department
Marvin S. Krout, Director

Mary F. Bills-Strand, Chair
City-County Planning Commission

555 South 10th Street
Suite 213

Lincoln, Nebraska 68508
402-441-7491

fax: 402-441-6377

June 3, 2005

Vic and Kathleen Hannon
6900 South 66th Street
Lincoln, NE 68516

RE: Hannon Addition - Final Plat #03014

Dear Mr and Mrs. Hannon:

The City Council approved access to Pine Lake Road for Lot 2, Hannon Addition on September 8, 2003, with the condition that access to Lot 2 be consolidated with the existing access to Lot 1, Country Place 22nd Addition.

To date, verification of the consolidation of access has not been provided, and as a result the final plat of Hannon Addition was neither signed by the Planning Commission Chair nor recorded with the Register of Deeds. Also please note that since the final plat was originally submitted, the Planning Director has been granted the authority to approve final plats, and the final plat must be revised to include the director's signature block.

Please advise the Planning Department of your intention regarding the final plat. If you do not intend to proceed with approval of the final plat, please request that the plat be withdrawn so that the file may closed-out.

If you have any questions, please do not hesitate to contact Brian Will at 441-6362, or at bwill@lincoln.ne.gov.

Sincerely,

Marvin S. Krout
Director of Planning

xc: Brian Carstens, 601 Old Cheney Road, Lincoln, NE 68512
Mark Hunzeker, PO Box 95019, Lincoln, NE 68508
Dennis Bartels, Public Works
Rick Peo, Law Department

F:\FILES\PLANNING\PC\FP\03000\FP03014 Hannon Addition.ltr.bjw.wpd



October 28, 2002

Brian Carsténs
Brian Carstens and Associates
601 Old Cheney Road, Suite C
Lincoln, NE 68512

RE: Administrative Final Plat #02071- Hannan Addition

Dear Brian:

Sections 26.11.015 and 26.11.017 of the Lincoln Municipal Code (the Land Subdivision Ordinance), provides that the plat shall be accurately, and legibly drawn to a scale that clearly shows all pertinent information. Those provisions are not met by your submittal dated October 3, 2002. When your plat includes all the required information and substantially complies with the requirements of the Land Subdivision Ordinance and the Adopted Design Standards, your project can be approved.

1. The Public Works Department survey check review has not yet been received. It will be forwarded to you when received by the Planning Department and you will be required to make any corrections noted.
2. Complete the installation of sidewalks along the north side of Pine Lake Road and the east side of South 66th Street or post a surety in the amount of \$8,280 to guarantee the completion of the sidewalks, then the sidewalks shall be completed within four (4) years following the approval of this final plat.
3. If you proceed with the plat showing Lot 2 taking access to Pine Lake Road, you must post a surety in the amount required to pay for one-half the cost of local street paving to improve Pine Lake Road including curb and gutter, and grading Pine Lake Road to its full width adjacent to the plat. When the cost of this improvement has been provided to the Planning Department from the Public Works and Utilities Department, it will be forwarded to you.
4. The Public Works and Utilities review noted that access to Pine Lake Road was relinquished with Country Place 7th Addition final plat. Recommend that the plat be revised to show an alternate lot layout that allows both lots to front upon and take access to South 66th Street. If this alternate layout is used, you will be responsible for the cost of installing curb and gutter, and grading Pine Lake



Road to its full width adjacent to this plat. You must post a surety in the amount required to pay for curb and gutter, and grading Pine Lake Road to its full width adjacent to the plat. When the cost of this improvement has been provided to the Planning Department from the Public Works and Utilities Department, it will be forwarded to you. If access to Pine Lake Road is relinquished with this plat, you will not be required to pay for one-half the cost of local street paving to improve Pine Lake Road adjacent to the plat as noted in #3 above.

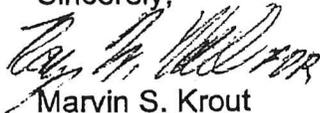
5. If access to Pine Lake Road is relinquished, revise the 19th line in the dedication to state "Direct vehicular access to Pine Lake Road is hereby relinquished."
6. Post a surety in the amount required to pay the connection fee to the sanitary sewer in Pine Lake Road. When the cost of this improvement has been provided to the Planning Department from the Public Works and Utilities Department, it will be forwarded to you.
7. The 24" water main in Pine Lake Road cannot be tapped to provide service to proposed Lot 2. Show how water service will be provided to this lot.
8. The street tree plan is being reviewed by the Parks and Recreation Department, and you will be required to complete the planting of the street trees along Pine Lake Road or post a surety in an amount to be determined by the Parks and Recreation Department to guarantee the planting of the trees, then the trees shall be planted within four (4) years following the approval of this final plat.
9. Add the standard street dedication statement to the "Dedication".
10. Show utility easements requested by the October 10, 2002 L.E.S. review. You may review the easements at the Planning Department.
11. Change of Zone #3385 must be approved by the City Council before this administrative final plat can be approved.
12. Submit a statement from the County Treasurer's office that there are no delinquent taxes against the land within the proposed subdivision and there are no liens for taxes which have been levied but which are not yet delinquent, and a statement that all special assessment installment payments are current as applied to said proposed subdivision.
13. Provide a ½ inch blank margin around the edge of the plat.

14. All affidavits, certificates, acknowledgments, dedication, notary seals, and lien holder consent and subordination shall be signed with **opaque black ink**.
15. Submit the fee to record the plat in the Lancaster County Register of Deeds. The fee is determined at \$.50 per existing lot and per new lot, plus \$20.00 per plat sheet. Other documents will add to the fee. Should there be other documents to file, please contact the Register of Deeds. The check should be payable to the Lancaster County Register of Deeds.
16. Submit the administrative final plat and three (3) copies to the Planning Department.

All information required to be submitted with a final plat is described in Sections 26.11.015 and 26.11.017 of the Land Subdivision Ordinance. An application will be processed as soon as all required information is submitted. Please find attached reports from other departments who reviewed your plans.

We are committed to working with you as you proceed through your development review. Please contact Brian Will at 441-6362 if you have any questions.

Sincerely,



Marvin S. Krout
Director of Planning

xc: Vic and Kathleen Hannan, 6900 South 66th Street, Lincoln, NE 68516
Dennis Bartels, Public Works
Steve Nosal, Parks & Recreation
Ray Hill, Planning
File



03R-230

Introduce: 8-18-03

RESOLUTION NO. A- 82315

AMENDED 9/8/03

1 WHEREAS, Vic and Kathleen Hannan (Owners) have submitted the
2 administrative final plat of Hannan Addition consisting of two residential lots for
3 acceptance and approval; and

4 WHEREAS, said administrative final plat presently cannot be approved as
5 access to Pine Lake Road was relinquished with the approval of Country Place Addition
6 and Owners now request that said relinquishment be released to allow access to Pine
7 Lake Road from Lot 2 of the final plat of Hannan Addition; and

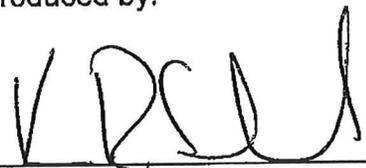
8 WHEREAS, the Lincoln City - Lancaster County Planning Commission
9 has reviewed said request and recommends that access to Pine Lake Road be allowed
10 for Lot 2 provided that such access is restricted to a single access for one single-family
11 dwelling and that a common access easement be established with the church to the
12 east at the time of widening of Pine Lake Road.

13 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of
14 Lincoln, Nebraska:

15 That the relinquishment of access to Pine Lake Road is hereby released
16 to allow access to Lot 2, Hannan Addition, provided that Owners provide the necessary
17 agreement to enter into a
subdivision agreement with the City of Lincoln whereby Owners agree (1) that such -
18 the existing access to Lot 1, Country Place 22nd Addition to the east
access shall be restricted to a single access for one single-family dwelling; (2) that such
of Lot 2, Hannan Addition; and (2) agree that access provided to Lot 2,
Hannan Addition be restricted to an access for one single-family
dwelling.

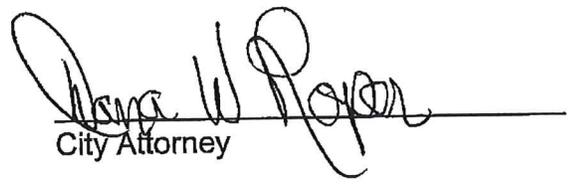
1 ~~access may be consolidated with the access for the church east of Lot 2, Hannan-~~
2 ~~Addition at the time of widening of Pine Lake Road, and (3) that Owners agree to grant~~
3 ~~the church any necessary common access easement to consolidate the two access~~
4 ~~drives into a single access.~~

Introduced by:

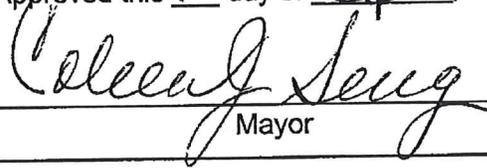


AYES: Camp, Cook, Friendt,
McRoy, Newman, Svoboda,
Werner; NAYS: None.

Approved as to Form & Legality:


City Attorney

AMENDED 9/8/03

Approved this 11 day of (Sept), 2003:

Mayor

03R-230

8/25/03 Council Proceedings:

COOK Moved to delay action of Bill No. 03R-230 to 9/8/03.

 Seconded by McRoy & carried by the following vote: AYES: Camp, Cook,
 Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

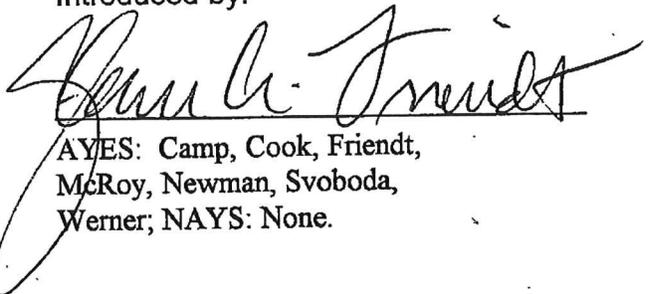
MOTION TO AMEND NO. 1

I hereby move to amend Bill No. 03R-230 in the following manner:

1. Beginning on page 1, line 16, after the word "Owners" delete the remainder of that paragraph through page 2, line 3, and insert in lieu thereof the following language:

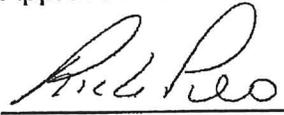
(1) provide the necessary easement and consolidate the access to Lot 2, Hannan Addition with the existing access to Lot 1, Country Place 22nd Addition to the east of Lot 2, Hannan Addition; and (2) agree that access provided to Lot 2, Hannan Addition be restricted to an access for one single-family dwelling.

Introduced by:



AYES: Camp, Cook, Friendt,
McRoy, Newman, Svoboda,
Werner; NAYS: None.

Approved as to Form & Legality:



City Attorney

Requested by: Roger Figard

Reason for Request: To modify the provisions for conditional access to Lot 2, Hannan Addition.

ADOPTED
SEP 08 2003
BY CITY COUNCIL

CITY OF LINCOLN

Request for: Ordinance
 Resolution

(Do Not Write in this Space)

Bill Control No. 03R-230 Date: 8/8/03

Docketing Date 8/18/03 PH: 8/25

(To Be Entered by City Clerk)

DATE August 8, 2003	REQUEST MADE BY Marvin S. Krout, Director	DEPARTMENT Planning
DESIRED DOCKET DATE: August 18, 2003	IF EMERGENCY, GIVE REASON (See Art. 6, Sec. 2 of Charter)	
Emergency Measure Required: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		

REASONS OR JUSTIFICATION FOR PROPOSED LEGISLATION

Request for Resolution for Council action on **FINAL PLAT NO. 03014, Hannan Addition**, requested by Brian D. Carstens and Associates on behalf of Vic and Kathleen Hannan, consisting of two lots for residential development, on property generally located northeast of the intersection of South 66th Street and Pine Lake Road.

On August 6, 2003, the Planning Commission recommended conditional approval.

ASSOCIATED REQUESTS: The following applications are associated requests and should be scheduled for hearing at the same time with action in the following sequence:

Change of Zone No. 3385
 Waiver No. 03000 03R-229
 Final Plat No. 03014, Hannan Addition 03R-230

FILED
 CITY CLERK'S OFFICE
 03 AUG 8 PM 1 08
 CITY OF LINCOLN
 NEBRASKA

REQUESTOR <input checked="" type="checkbox"/> DOES <input type="checkbox"/> DOES NOT	WISH TO REVIEW AND APPROVE THIS ORDINANCE PRIOR TO ITS INTRODUCTION	[Signature] 8/08/03 DIRECTOR'S SIGNATURE DATE
---	--	--

TO BE USED BY THE FINANCE DEPARTMENT

BUDGET REVIEW	DATE:	ACCOUNT NUMBER AND APPROPRIATE BALANCES	DATE:	FUND AVAILABILITY APPROVED	DATE:
DIRECTOR OF FINANCE SIGNATURE					

DISTRIBUTION

Return two (2) copies to City Clerk for Docket Number

City Council Introduction: **Monday**, August 18, 2003
Public Hearing: **Monday**, August 25, 2003, at **1:30 p.m.**

Bill No. 03R-230

FACTSHEET

TITLE: FINAL PLAT NO. 03014, HANNAN ADDITION, requested by Vic and Kathleen Hannan, for two lots for residential development on approximately 3.56 acres generally located northeast of the intersection of South 66th Street and Pine Lake Road.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 07/23/03 and 08/06/03
Administrative Action: 07/23/03 and 08/06/03

STAFF RECOMMENDATION: Denial

RECOMMENDATION: Approval, with amendment to add a Condition of Approval (9-0: Bills-Strand, Larson, Duvall, Carlson, Krieser, Taylor, Marvin, Steward and Schwinn voting 'yes').

ASSOCIATED REQUESTS: Change of Zone No. 3385 (03-132) and Waiver No. 03000 (03R-229).

FINDINGS OF FACT:

1. This final plat is associated with Change of Zone No. 3385 (03-132) and Waiver No. 03000 (03R-229) and should be heard at the same time.
2. The staff recommendation to deny this final plat is based upon the "Analysis" as set forth on p.3, and the comments at the Planning Commission hearings (p.6 and p.9). Limiting access to arterials preserves the safety and capacity of these main roadways by limiting the number of potential traffic conflicts. It is the applicant's responsibility to find a solution by reaching agreement with the church on the adjacent land to share a driveway, or bring a drive from 66th Street across this lot. Leaving the problem for the City to solve by forcing the church to cooperate when Pine Lake Road is widened will be an added cost to that project.
3. This final plat had public hearing before the Planning Commission on July 23, 2003, and a motion for approval failed 3-2 (Larson, Bills-Strand and Marvin voting 'yes'; Taylor and Carlson voting 'no'; Duvall, Krieser, Schwinn and Steward absent). Commissioners voting for approval cited the numerous driveways already existing along this segment of Pine Lake Road. The final plat was held over for continued public hearing on August 6, 2003.
4. The applicant's testimony is found on p.5-6 and p.7-10. The letter from the applicant's attorney submitted at the public hearing on July 23, 2003, is found on p.18-19. The applicant's proposed condition of approval regarding access to Pine Lake Road submitted at the continued public hearing on August 6, 2003, is found on p.20.
5. There was no testimony in opposition.
6. On August 6, 2003, the Planning Commission disagreed with the staff recommendation and voted 9-0 to recommend approval, subject to the following condition: The subdivision agreement shall include restriction of access to and from Pine Lake Road for Lot 2 to one single-family dwelling, and require a common access easement with the church to the east at the time of widening of Pine Lake Road. Commissioner Steward suggested that an exception is warranted in this case in order to encourage re-subdivision of large lots into a more urban pattern.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: August 12, 2003

REVIEWED BY: M. Knout

DATE: August 12, 2003

REFERENCE NUMBER: FS\CC\2003\FP.03014 plw

CITY OF LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for July 23, 2003 PLANNING COMMISSION MEETING

****As Revised and Recommended for Approval by Planning Commission: 8/06/03****

P.A.S.: Final Plat #03014 - Hannan Addition

PROPOSAL: A final plat consisting of two lots for residential development.

LOCATION: Northeast of the intersection of South 66th Street and Pine Lake Road

LAND AREA: Approximately 3.56 acres.

CONCLUSION: Access to Pine Lake Road was relinquished with the original preliminary plat and subsequent final plats. There has been no change in the status of Pine Lake Road to warrant the approval of the driveway access being proposed with this plat.

RECOMMENDATION:	Denial
Planning Commission recommended Conditional Approval on 8/06/03	

GENERAL INFORMATION:

LEGAL DESCRIPTION: A part of Lot 1, Block 1, Country Place 7th Addition, more particularly described on the attached sheet.

EXISTING ZONING: AGR Agricultural Residential

EXISTING LAND USE: Residential

SURROUNDING LAND USE AND ZONING:

North:	Single-family Residential	AGR
South:	Single-family Residential	AGR
East:	Single-family Residential	AGR
West:	Single-family Residential	AGR

HISTORY: AFP#02071 - Hannan Addition. Submitted October 3, 2002, an administrative final plat essentially the same as this request, however the Planning Director could not approve it with Lot 2 having direct access to Pine Lake Road since the previous plat relinquished access to Pine Lake Road.

FP#88210 - Country Place 7th Addition was approved April 7, 1988.

FP#86502 - Country Place Addition was approved October 21, 1986.

PP#86502 - Country Place preliminary plat was approved July 20, 1982.

ASSOCIATED APPLICATIONS: CZ#3385 - A change of zone from AGR to R-1 for Hannan Addition. The Planning Commission recommended approval at the February 19, 2003 public hearing. The application has been pending before being forwarded to City Council to allow it to accompany this final plat request.

W#03000 - A waiver to street trees and a sidewalk along Pine Lake Road. The Planning Commission recommended approval at the February 19, 2003 public hearing. The application has been pending before being forwarded to City Council to allow it to accompany this request.

ANALYSIS:

1. During the review of AFP#02071 staff noted that access to Pine Lake Road had been relinquished with the preliminary plat and subsequent final plats.
2. Direct access to Pine Lake Road was relinquished as a condition of approval of the preliminary plat at the request of City staff. As with all arterial streets, staff's goal, then and now, was to limit the number of access points onto Pine Lake Road to preserve its primary role of moving vehicle traffic.
3. Because AFP#02071 showed driveway access to Pine Lake Road for Lot 2, it could not be approved administratively. The Law Department determined that because access to Pine Lake Road was relinquished with the preliminary plat, and because preliminary plats are accepted by City Council, that access to Lot 2 can only be granted by City Council.
4. Staff has met the applicant's representatives in attempts to devise alternate solutions. Suggestions from staff have included reconfiguring the lot layout to provide Lot 2 with frontage to South 66th Street, or seek to gain joint access with the church adjacent to the east for use of the existing driveway. These alternatives have proven to be either not feasible or not acceptable to the applicant. The difficulty in finding an acceptable solution to re-subdividing this lot demonstrates the need for effective "build-through" requirements when acreage lots are platted in the City's future growth area.
5. In their April 28, 2003 review, Public Works comments that access to Pine Lake Road from Lot 2 is not recommended, especially considering that further subdivision could occur given the size of the lots involved. The concern is that further subdivision may mean additional requests for drives onto Pine Lake Road.
6. If W#03000 is approved, all required improvements are accounted for. The required improvements are either in place, or in the case of the extension of a water main, the funds to make the improvement have been deposited with the City.
7. There are no delinquent taxes against the land and there are no liens for taxes which have been levied but not yet delinquent.
8. If approved, a subdivision agreement is required and will be submitted to the owners for their signature.

CONDITION OF APPROVAL (Recommended by Planning Commission: 08/06/03)

1. The subdivision agreement shall include restriction of access to and from Pine Lake Road for Lot 2 to one single-family dwelling, and require a common access easement with the church to the east at the time of widening of Pine Lake Road. (**Per Planning Commission: 8/06/03**)

Prepared by:

Brian Will
Planner
July 8, 2003

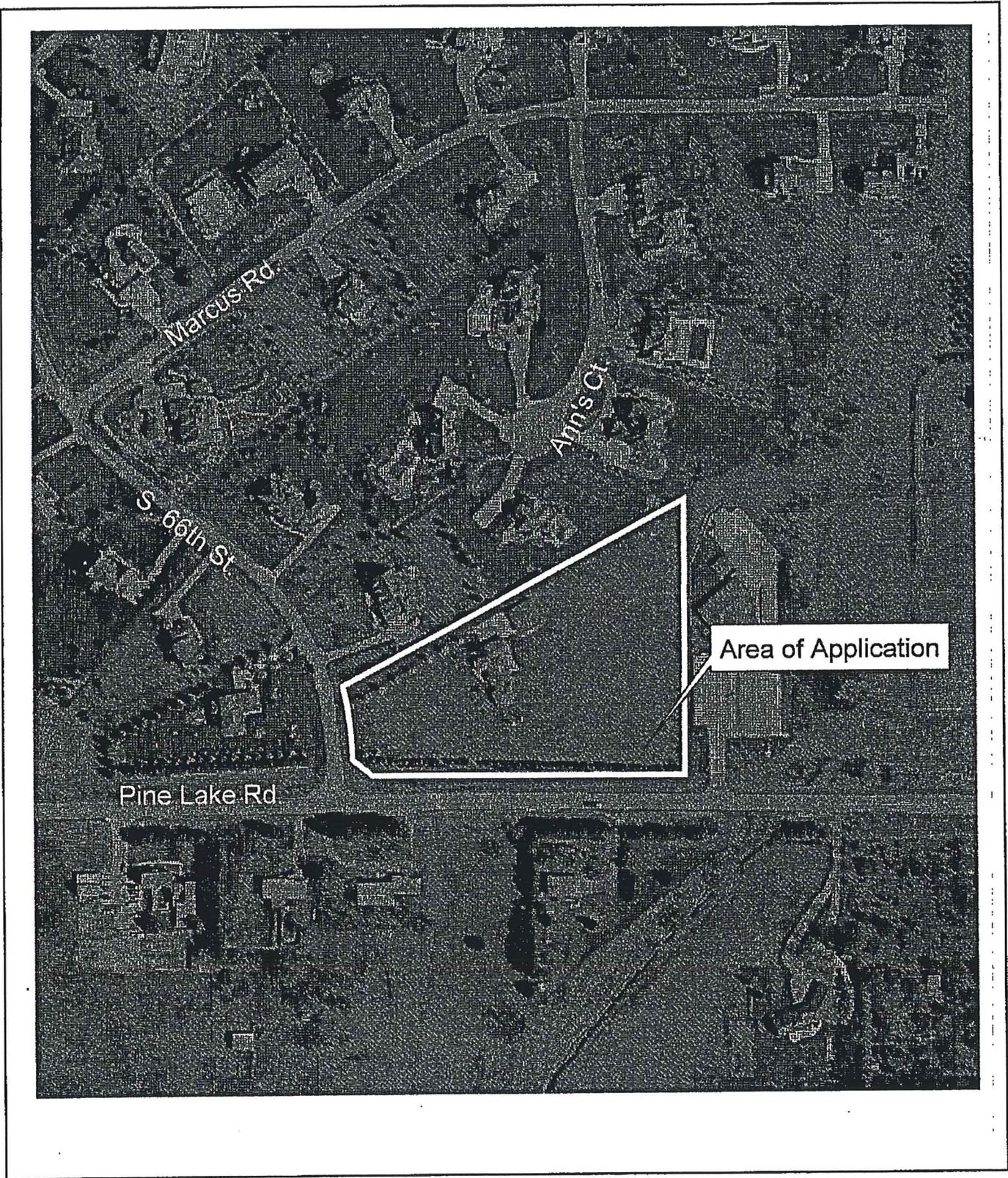
**APPLICANT/
OWNER:**

Vic and Kathleen Hannan
6900 South 66th Street
Lincoln, NE 68516

CONTACT:

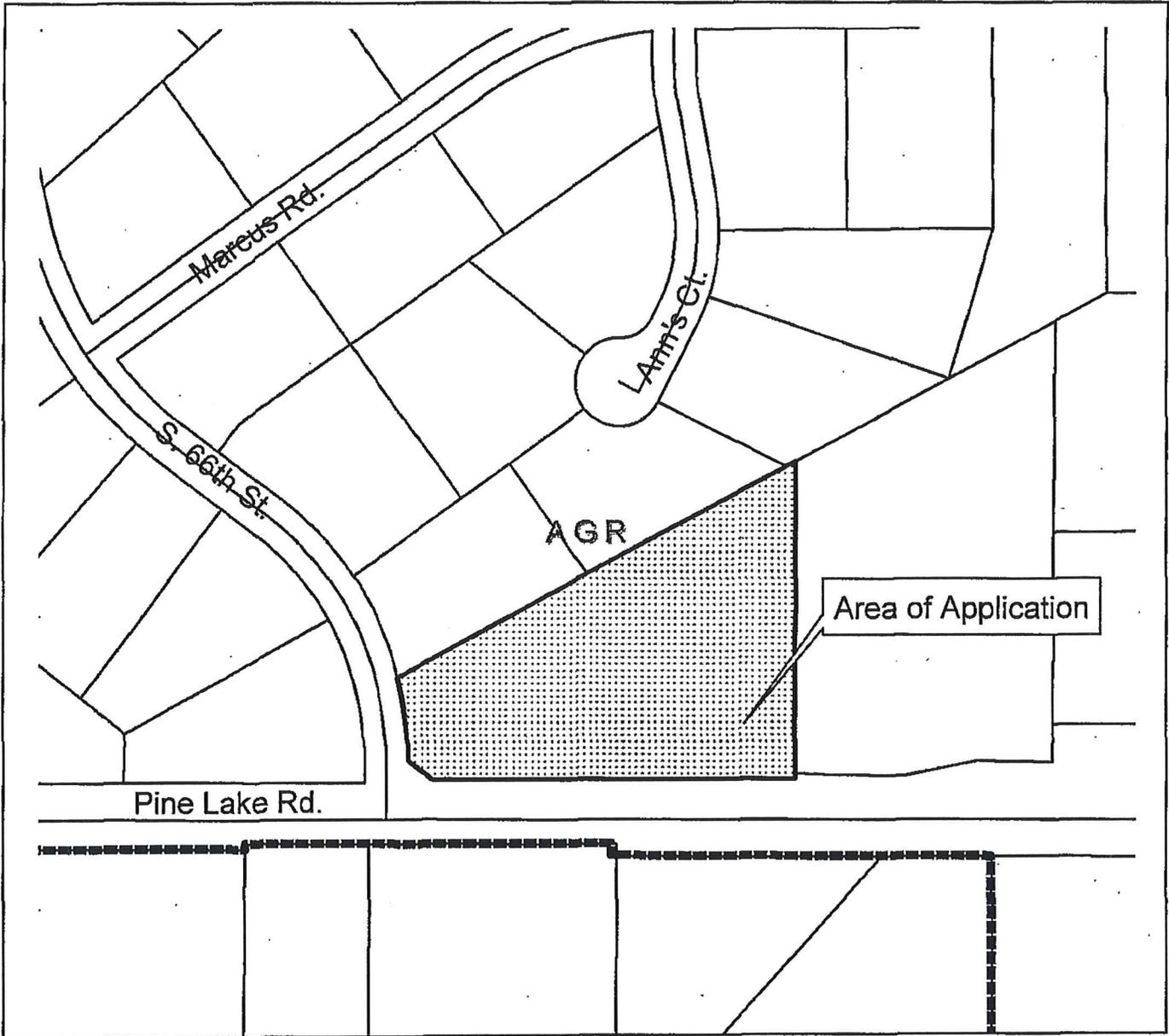
Brian Carstens
Brian Carstens and Associates
601 Old Cheney Road
Lincoln, NE 68512

Suite C



**Final Plat #03014
Hannan Addition
S. 66th & Pine Lake Rd.**



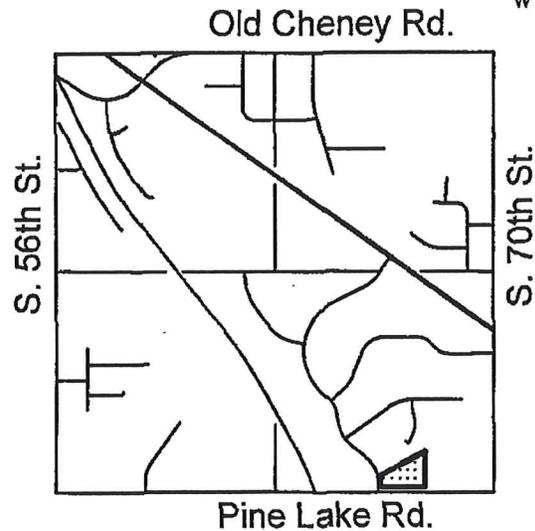


**Final Plat #03014
Hannan Addition
S. 66th & Pine Lake Rd.**

Zoning:

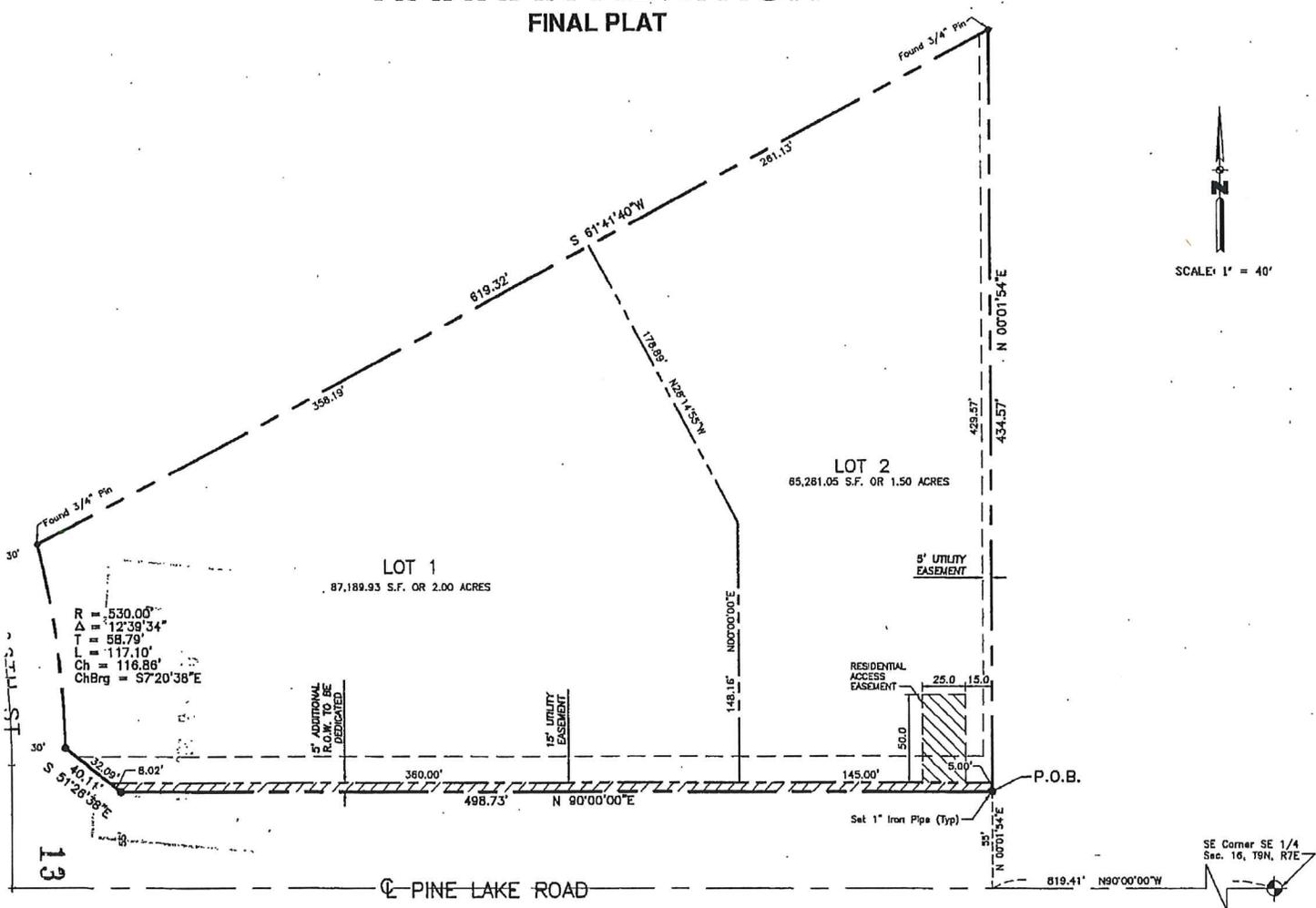
One Square Mile
Sec. 16 T9N R7E

- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- R-C Residential Conversion 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



HANNAN ADDITION

FINAL PLAT



FINAL PLAT NO. 03014, HANNAN ADDITION

PUBLIC HEARING BEFORE PLANNING COMMISSION:

July 23, 2003

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

Staff recommendation: Denial.

Ex Parte Communications: None

Proponents

1. **Brian Carstens** appeared on behalf of the **Hannan's**. In February, they brought forward a request to waive the sidewalks and street trees on Pine Lake Road. They are attempting to carve a three-acre lot into 2 acres for the existing house and 1.5 acres for a future residential lot. This had originally been submitted as an administrative final plat to create these two lots. When it was originally created in the 1980's, access was relinquished to Pine Lake Road. They are now showing that access easement on the final plat. Public Works continues to recommend that there be no access on Pine Lake Road, so this is the appeal of the administrative final plat to the Planning Commission and City Council to grant that access that was previously relinquished.

Carstens suggested that when Pine Lake Road is widened, it would be the desire that the Jehovah's Witnesses church would work with the Hannan's to collocate a joint driveway to provide access to their parking lot and to the new single family lot. Carstens believes the city could force the issue with the church in the future. The sureties for the sidewalks and street trees along 66th Street have been posted as well as for the water main improvements. Hannan is willing to pay his portion for the 1.5 lanes of Pine Lake Road that will be improved in front of that new lot.

Carstens advised that they did look at putting another private roadway over to 66th Street to provide access and frontage for Lot 2, but it would run in front of the house, which would make it difficult to sell the house. Mr. Hannan is trying to sell the home now and they have been working on this for a year.

Carstens submitted a letter from Mark Hunzeker suggesting that the applicant "...is willing to have this subdivision conditional upon his agreement that the proposed access to Pine Lake Road be restricted to one single-family dwelling, and that the access be consolidated at the common property line with the Jehovah's Witness Church at such time as Pine Lake Road is widened to 4 lanes." Carlson inquired whether this contingency situation is reflected on the final plat documents, i.e. "...when Pine Lake Road is widened to four lanes." Carstens stated that he would have no objection to adding that into the subdivision agreement.

There was no testimony in opposition.

Staff questions

Carlson inquired about the potential for such a contingency condition. Is there opportunity to consolidate the access? Buff Baker of Public Works believes that to be what they discussed with the applicant -- that the joint access at the church location would be acceptable. The original plat did relinquish access to that lot and that was Public Work's point. As long as we are not increasing driveways onto the future Pine Lake Road, Public Works would be happy with that.

Marvin Krout, Director of Planning, stated that he visited with Mark Hunzeker yesterday. At that time, he thought there were conditions of approval attached to this final plat. He understands the concept and it is a concept that the city has used when there are two different properties owners along a street to consolidate driveways over time, making each one agree to cooperate. The problem is that when you have the city in the position of trying to force the owners to cooperate as part of a street widening process, when the city is acquiring land and paying damages, it is possible for the city to make this happen in the future, but because we don't have the church signed on the dotted line, it probably means that down the road there will be extra cost for the city to try to make this happen. It is a compromise solution. It is better than not having this property owner's agreement, but it still leaves the city with some potential for uncertainty and future costs.

Carlson posed the scenario: If this access is denied, and at such time as the church rebuilds and they come up with a private agreement, would this applicant have to do any further city process to create a common access? Krout believes they would have to refile. If the property owner was able to obtain access, the city would be in a position to process an administrative final plat. Ray Hill of Planning staff added that if this access is denied, and sometime in the future they are able to work out an agreement to share a driveway, they could then reapply for another administrative final plat. At that time, the staff could see that it meets the criteria of sharing the driveway and it could be approved administratively.

Bills-Strand wondered whether the plat could be approved contingent upon them finding an alternative. Hill does not know what that would accomplish. They would not be able to do anything with the lot because it does not have any access. Each piece of property needs to have access to a public street. The original subdivision creating the one lot relinquished all access to Pine Lake Road based upon the fact that Pine Lake Road was a major street. The city likes to keep the number of intersections to a minimum on a major street. If they can come up with a shared driveway, that would be acceptable, but they have not been able to do that. Possibly this should be placed on pending until they have it worked out with the church.

Response by the Applicant

Carstens stated that the church is a moot issue. "We're stuck and that is why we are here." The house will not sell with a private roadway in front of it unless it is at a much lesser value.

Vic Hannan, 6900 So. 66th, advised the Commission that he spoke to the Elders of the church, which is governed by their headquarters, and they will not allow the church to grant an easement or share driveways. He did make an offer to buy an easement and it is not possible to do. Hannan has been trying to do this for a year. The plat meets all of the requirements except for the access.

Carlson was confused then by Mr. Hunzeker's letter because Hannan suggests that there is not a possibility to consolidate with the church. Hannan reiterated that in his discussions with the Elders of the church, there is no possibility that they can be allowed by their parent church to enter into any agreements for accesses onto their property.

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

July 23, 2003

Bills-Strand moved approval, with access onto Pine Lake Road, seconded by Larson.

Bills-Strand drives this area all of the time and there are plenty of driveways going onto Pine Lake Road, with the Christian Youth group across the street having access and numerous residences across the road with access. She realizes that we asked them to give that access up, but it's a huge lot. If the church is not going to cooperate, she hates to deny someone the ability to put in another residence.

Larson pointed out that there is no other opportunity for access to any street. You can't get to 70th or 66th. Carlson noted that getting to 66th would require a road in front of the existing home. Bills-Strand thinks it makes sense to make an exception, even though they previously gave up that access. She does not want to add the condition proposed in Mr. Hunzeker's letter because she does not want to cost the city money down the road for damages.

Marvin pointed out that there are about 5 driveways across the road just in the photograph.

Motion for approval failed 3-2: Larson, Bills-Strand and Marvin voting 'yes'; Taylor and Carlson voting 'no'; Duvall, Krieser, Schwinn and Steward absent. This application is held over, with continued public hearing and administrative action scheduled for August 6, 2003.

CONT'D PUBLIC HEARING BEFORE PLANNING COMMISSION:

August 6, 2003

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

Staff recommendation: Approval.

Ex Parte Communications: Steward indicated that he had a brief telephone conversation with the attorney for the applicant, Mark Hunzeker, to discuss information which he missed from the last hearing.

Proponents

1. **Mark Hunzeker** appeared on behalf of **Vic Hannan**, the owner and subdivider. In February of this year, the Planning Commission approved a change of zone from AGR to R-3 on this property and the staff report on that change of zone acknowledged several Comprehensive Plan quotations which support this type of development and stated explicitly that:

If approved, the plat would allow for a more efficient use of land, and is supported by the Comprehensive Plan. It is the type of re-subdivision anticipated to occur within older, acreage developments as they become engulfed by the city and it becomes economical to do so. The more efficient use of land also results in better utilization of municipal infrastructure.

The only reason for denial of this final plat, and the only issue associated with this final plat, is the access to Pine Lake Road for Lot 2. Access was relinquished when the Country Meadows plat was approved because this was one large single family lot. The plat seeks to provide one access for one single family home onto Pine Lake Road.

Hunzeker further pointed out that in the next 2-4 years, Pine Lake Road will be widened in accordance with the CIP and the Comprehensive Plan, and it will be a four-lane road and there will be a need to acquire right-of-way for that widening project. Hunzeker suggested that at that time, it will be a very simple matter for Public Works to consolidate the access that this applicant seeks today with the access that now serves the church immediately to the east. The church has an access that is just a few feet east of Mr. Hannan's east property line, and Mr. Hannan is willing to consolidate that access.

Hunzeker submitted a proposed condition to be added to the final plat to accomplish the access issue:

The subdivision agreement shall include restriction of access to and from Pine Lake Road for Lot 2 to one single-family dwelling, and waiver of objection to consolidating that access at the property line with the church to the east at the time of widening of Pine Lake Road.

Hunzeker believes this to be a very good solution to this problem. The addition of a single family home to the traffic on Pine Lake Road is less than a small drop in a big bucket.

Carlson pondered that the proposed amendment does not "require" the consolidation. Hunzeker suggested that if Public Works elects not to require it, it would not have to be required, but the condition also waives any objection to the consolidation of those access points and it will be incumbent on Public Works, as a part of their right-of-way acquisition, to consolidate that access point. Hunzeker then gave an example of a similar situation that exists, i.e. several single family lots will eventually take access to the stub street that exists south of 70th & Old Cheney that serves the new Sheridan Lutheran Church site. That access stub will serve the church as well as maybe at least six lots within the Hawkswood Estates plat. This type of sharing seems adequate and workable. The only alternative on this plat was to bring a long driveway through the front yard of the existing home, and, aesthetically and practically, that really wasn't a good solution.

Hunzeker further advised the Commission that Mr. Hannan has accepted an offer to purchase that home contingent on this subdivision and that sale will not close if they have to have a driveway running through it to serve the lot behind it.

Steward inquired whether the interests of the church are affected by this condition of approval and whether this has been discussed with the church. Hunzeker stated that there has been some discussion with the church; however, it is very difficult to get this type of transaction approved with that church. There is a national organization that is very, very difficult to work through for something like this. Public Works is in a position where the existing access to the church will have to be rebuilt

when the street is widened. If there is a house built on the new lot, that access would also have to be changed at the time the street is widened. This is the perfect time to do it and Public Works will have the position and power to require it.

Krieser asked whether it will be a separate drive. Hunzeker indicated that they would prefer and hope that the access point gets placed at the property line so that both parties can use it. In the meantime, assuming a house is built, there would be two access points. This property was platted as one large lot and the lot the church is on was platted as one lot with access. The relinquishment of access affected this lot and the lot across 66th Street to the west. There has never been an access to Pine Lake Road directly from this lot. It was platted that way with the thought that it was going to be a three-acre lot with a single family house. At the time this was platted, at least 15 years ago, it was not anticipated that it was going to be brought into the city and served with city utilities.

There was no testimony in opposition.

Schwinn asked staff to respond to the proposed amendment. Dennis Bartels of Public Works suggested that if the Commission votes to approve the plat, that is probably better than getting rid of the relinquishment of right-of-way. The city does have the authority to do it, but he has not been involved enough to know the increment of cost it might add to the city project. He would recommend that they provide different frontage with this lot. In the future, Bartels does not want the city put in the position of having to provide a private or public roadway to additional lots beyond the one being created now. Eliminating driveways on arterial streets is a good policy for safety and capacity reasons. That is the reason for the staff's recommendation of denial. The driveway to the church will be rebuilt at some location when the rural paving is converted to urban paving. Moving it east or west is immaterial. The church lot is not the corner lot. Its location east or west for a right-in and right-out driveway is not critical. If this amendment is approved, the way to enforce it would be to require a common access easement along the east property line so that the city doesn't have to acquire the property.

In response to further inquiry from Taylor, Bartels stated that this lot is of sufficient size such that as land becomes available, it is not unusual to see re-subdivision of a lot of this size. There is potential for two or three single family lots in the future. Taylor asked whether staff is suggesting that instead of access being on Pine Lake Road, there should be an access further north. Bartels stated that if the access was to be handled with this subdivision, it would have to be 66th Street to the west, but he realizes that is an awkward situation.

Krieser wondered what would happen if the applicant revised the lot. Bartels indicated that they would have to apply for a driveway. If they wanted to construct a driveway under the rural cross section, they would have to pay for the culvert or pay to grind the curb if they made application after the city's street project was there.

Taylor believes this could be resolved if the applicant got an easement with the church and used their driveway. Bartels agreed--that is what Public Works had suggested. They should explore getting that common driveway now. Minimizing the number of driveways on an arterial street is a typical goal to maximize the capacity and the safety of the street. The way the lot is created for the church, there is not an effective way of eliminating that driveway. If this lot was to be created, it

should be consolidated with the church driveway. The need for more driveways would only occur if this particular property were subdivided into additional lots.

Response by the Applicant

Hunzeker reminded the Commission that the language he proposed does restrict the access point to a single family house, which was done deliberately to address the issue of resubdivision, and the consolidation implies granting an easement:

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

August 6, 2003

Bills-Strand moved approval, adding the following condition: The subdivision agreement shall include restriction of access to and from Pine Lake Road for Lot 2 to one single-family dwelling, and require a common access easement with the church to the east at the time of widening of Pine Lake Road, seconded by Steward.

Steward commented that this is a classic acreage issue of the build-through conversion, urbanization question and he thinks it behooves the city to be flexible and to work with the property owners and the new subdivision intent in every way possible. He believes this seems like a good alternative.

Carlson stated that he will support the motion.

Motion for approval, with the added condition of approval, carried 9-0: Bills-Strand, Larson, Duvall, Carlson, Krieser, Taylor, Marvin, Steward and Schwinn voting 'yes'.