

FACTSHEET

TITLE: SPECIAL PERMIT NO. 13022, requested by John Hollingsworth, for authority to develop **Joshua's Glen Community Unit Plan**, on property generally located at South 56th Street and Shadow Pines Drive.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 06/26/13
Administrative Action: 06/26/13

STAFF RECOMMENDATION: Conditional approval

RECOMMENDATION: Conditional Approval (7-0: Sunderman, Corr, Scheer, Hove, Lust, Beecham and Cornelius voting 'yes'; Weber absent).

Resolution No. PC-01343

FINDINGS OF FACT:

1. This is a request for authority to develop Joshua's Glen Community Unit Plan showing 90 lots with a maximum allowed density of 156 dwelling units, including waivers and modifications to the Land Subdivision and Zoning Ordinance requirements to: 1) adjust the minimum average lot width; 2) adjust minimum lot area; and 3) adjust the front and rear setbacks, on property generally located at South 56th Street and Shadow Pines Drive.
2. The staff recommendation of conditional approval is based upon the "Analysis" as set forth on p.12-14, concluding that there are design constraints associated with this site which affect the proposed layout, including no direct access to South 56th Street, the need to provide for existing street connections with adjacent developments, and the nearby floodway/floodplain and conservation easement associated with Beal's Slough. The proposed waivers are typical for such a community unit plan and provide for adequate on-street parking and variation in the appearance of the dwellings to meet the spirit and intent of the Small Lot standards. The request complies with the Zoning Ordinance and is consistent with the Comprehensive Plan. The staff presentation is found on p.18-20.
3. The applicant's testimony is found on p.20-21, advising that the developer has reached agreement with the Lower Platte South NRD to offer extra land to go into the conservation easement to provide for a road crossing. The applicant also pointed out that the site plan does not show access to South 56th Street due to the 1/4 mile access provision of the Access Management Policy. The applicant also noted that this type of infill project is supported by the Comprehensive Plan; the developer is giving right-of-way for the future widening of South 56th Street; and the developer will be paying over \$300,000 in impact fees.
4. Other testimony, not in opposition but with concerns, is found on p.21. The main concern is traffic and there being no access to South 56th Street. There was a request for a traffic light at South 56th Street and Shadow Pines Drive. The applicant's response is found on p.22.
5. The record consists of one letter in opposition, objecting to the density of the housing (p.32), as well as a letter of concern with there being no access to South 56th Street (p.4).
6. The Planning Commission discussion with staff is found on p.21-22. Public Works indicated that a stop light would not be installed at South 56th Street and Shadow Pines Drive until the warrants are met. Even at full development, the traffic engineers do not anticipate that this subdivision would warrant the traffic signal on day one (See Minutes, p.22).
7. On June 26, 2013, the Planning Commission voted 7-0 to agree with the staff recommendation of conditional approval and adopted Resolution No. PC-01343 (p.5-9) approving Special Permit No. 13022, with conditions as set forth on p.14-16; however, Commissioners Corr and Beecham expressed concern about foregoing the windows on the first floor (See Minutes, p.23).
8. On July 5, 2013, a letter of appeal was filed by Scott A. Tool, 5615 Shadow Pines Drive (p.2), and the letters written by the appellant to the City Council and Planning Commission are found on p.3-4. The appellant is requesting that the city allow this development to have access to northbound 56th Street until such time that development would occur to allow full access at Cumberland Drive.

APPEAL
of Planning Commission action
to City Council

Today's Date Jun 30, 2013 (this form must be received by the City Clerk within 14 days of the action by the Planning Commission)

To: City Clerk
Joan Ross
555 S. 10th St., Ste. 103
Lincoln NE 68508
402-441-7436
jross@lincoln.ne.gov

Dear Clerk:

I am submitting this letter of appeal to Resolution No. PC-01343, adopted by the Lincoln-Lancaster County
Planning Commission on (Date) Jun 26, 2013, approving Special Permit No. 13022 on property
generally located at East side of South 56th Street between Cumberland Drive and Shadow Pines Drive.

Please advise me of the hearing date before the City Council.

Signature of person requesting appeal: _____

Printed Name Scott A. Tool

Address 5615 Shadow Pines Drive Lincoln, NE 68516
Street City State ZIP

Phone Number (402) 421-1969

Email travelnfol@aol.com

cc: Planning Department
Jean Preister
555 S. 10th St., Ste. 213
Lincoln NE 68508
402-441-6365
jpreister@lincoln.ne.gov

FILED
CITY CLERK'S OFFICE
2013 JUL 5 PM 2 55
CITY OF LINCOLN
NEBRASKA

5615 Shadow Pines Drive

Lincoln, Ne 68516

July 3, 2013

I am extremely disappointed with the recent decision by the Planning and Traffic Engineering departments to approve the Joshua Glen development while denying them direct access to 56th Street. The city has a guideline to control access to arterial streets only every quarter mile. The blind following of this guideline was used within this decision, without regard to the unique circumstances of the area. This area of Lincoln is constrained by 56th Street, Pine Lake Road, city parkland, Beal Slough and railroad tracks.

Currently the resolution and permit require that access to Joshua Glen be via Shadow Pines Drive, with the thought that additional access could be achieved at a later date when additional property develops. There is currently no time line or estimate when this development could occur, as multiple properties are involved.

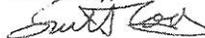
If Joshua Glen is developed as currently permitted and the traffic becomes an issue there will be no available fix until such time further development occurs. I support giving Joshua Glen temporary access to northbound 56th Street until such time that the development occurs to provide a full intersection at Cumberland Drive. This allows improved access to area for routine traffic along with emergency access.

If I compare our area to the property across 56th Street to the west, they have access to 56th Street at Madalyn Road, Shadow Pines Drive, and Cumberland Drive. They also have access to Pine Lake Road, South 40th and Old Cheney Road. We in the Shadow Pines neighborhood ONLY have Shadow Pines Drive, and additional access to any street is not in the foreseeable future.

It appears that the city applies this guideline of every quarter mile access inconsistently as Madalyn Drive has full access to 56th Street and the recent relocation of the entrance to Edgewood Shopping Center for the convenience of CVS. This full access to 56th street is approximately one block from Shady Creek Court which is signal controlled.

I ask that the city allow the Joshua Glen development to have access to northbound 56th Street until such time that development would occur to allow full access at Cumberland Drive.

Sincerely,


Scott A. Tool

FILED
CITY CLERK'S OFFICE
2013 JUL 5 PM 2 55
CITY OF LINCOLN
NEBRASKA

003

Jean Preister

From: TravelInfol [travelinfol@aol.com]
Sent: Friday, June 21, 2013 11:27 AM
To: Jean Preister; Brian Will; Roger A. Figard; Dennis D. Bartels
Subject: Joshua Glen Development

5615 Shadow Pines Drive

Lincoln, NE 68516

To: All interested parties

Re: Joshua Glen Development.

I am writing in regards to my concerns regarding the Joshua Glen development and the access to 56th Street.

I understand the policy to limit access to major arterial streets including 56th, but this development and surrounding areas require special consideration due to being landlocked. This area is bounded on the north and east sides by city park property, railroad tracks and Beal Slough, and we are also confined by the nearby conservation easement.

At the present time the only access for Joshua Glen is by connecting to South 57th and Shadow Lane within the Shadow Pines development. Shadow Pines only has one entrance/exit option, and that is Shadow Pines Drive. The plat for Joshua Glen shows potential access to 56th street upon further development of additional property which is not scheduled for development at this time and there is no timeline available.

Joshua Glen will create a dramatic increase in the traffic flow of Shadow Pines Drive, and as currently platted there is no other option for traffic access until neighboring properties are developed.

I believe Joshua Glen should be allowed temporary access to northbound 56th street until such time that the neighboring properties develop and full access can be created at Cumberland Drive. If the development proceeds as currently planned the area will be totally dependent on Shadow Pines Drive for access, and there would be no available option until such time, if ever that the neighboring properties develop.

Be allowing limited access at this time the plat can be altered to provide a street of sufficient width and design to allow in and out access to northbound 56th street.

My personal interest in this matters lies in the fact that I own 2 properties effected by this development, I own the lot at 5601 Shadow Pines Drive which is part of the Shadow Pines Townhome Association, and I reside at 5615 Shadow Pines Drive which is not part of the association. The additional traffic flow on Shadow Pines Drive has the potential to adversely change the value of my property and the access including emergency services.

Due to work commitments I am not able to the planning meeting on Wednesday June 26, 2013 but wanted to express my concerns and option to the committee for consideration.

I appreciate your time and effort in this matter, please feel free to contact me if you need any additional information.
Home 402-421-1969, Cell 402-499-9691, Work Cell 402-416-6604

Sincerely Yours,

RESOLUTION NO. PC- 01343

SPECIAL PERMIT NO. 13022

1 WHEREAS, John Hollingsworth has submitted an application designated as
2 Special Permit No. 13022 for authority to develop Joshua's Glen Community Unit Plan showing
3 90 lots with a maximum allowed density of 156 dwelling units, together with a request to
4 waive/modify Land Subdivision and Zoning Code requirements to (1) adjust the minimum
5 average lot width; (2) adjust minimum lot area; and (3) adjust the front and rear setbacks, on
6 property generally located at South 56th Street and Shadow Pines Drive and legally described
7 as:

8 Lot 93 I.T., Lot 172 I.T., a portion of Lot 15 I.T. and a portion of
9 Lot 111 I.T. located on the Southwest Quarter of Section 16,
10 Township 9 North, Range 7 East of the 6th P.M., Lincoln,
11 Lancaster County, Nebraska; and more particularly described by
12 metes and bounds on Attachment "A" attached hereto;

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

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

18 WHEREAS, said site plan together with the terms and conditions hereinafter set
19 forth are consistent with the Comprehensive Plan of the City of Lincoln and with the intent and
20 purpose of Title 27 of the Lincoln Municipal Code to promote the public health, safety, and
21 general welfare; and

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

3 That the application of John Hollingsworth, hereinafter referred to as "Permittee",
4 to develop Joshua's Glen Addition Community Unit Plan showing 90 lots with a maximum
5 allowed density of 156 dwelling units, be and the same is hereby granted under the provisions
6 of Section 27.63.320 and Chapter 27.65 of the Lincoln Municipal Code upon condition that
7 construction of said development be in substantial compliance with said application, the site
8 plan, and the following additional express terms, conditions, and requirements:

9 1. This permit grants the requested adjustments to minimum average lot width,
10 minimum lot area, and front and rear setbacks.

11 2. Before receiving building permits:

12 a. The Permittee shall cause to be prepared and submitted to the Planning
13 Department a revised and reproducible final plot plan including five copies with all required
14 revisions as listed below:

15 i. Revise the total number of units shown in Note #1 and the density
16 table to provide for up to four dwelling units on Lot 1, Block 3.

17 ii. Add a general note that states, "Outlot E will initially be owned by
18 Hollingsworth but may be deeded to the lot to the north. However,
19 if at such time as the lot owner to the north releases the option to
20 purchase the outlot, it will be deeded at no cost to the Joshua's
21 Glen homeowners association. South 57th Street and the
22 adjacent sidewalks will be extended across Outlot E when the
23 land to the north redevelops."

24 iii. Revise the first sentence of Note #20 to state "Corner lots shall
25 only have one 20' front yard setback and which shall be applicable
26 to the driveway entrance to the lot, where the other front yard
27 setback will only be 10'.

28 iv. Show a pedestrian sidewalk connection from the end of South 59th
29 Place to the boundary of the development.

30 v. Add a general note that states "The future sidewalk connection to
31 the future City bike trail to be determined by the Parks and
32 Recreation Department. Construction of the sidewalk in Outlot D

1 is not required until such time as the City trail is built. After a
2 review of alternatives and due to the existing floodway and steep
3 topography, an ADA compliant location was deemed not practical.

- 4 vi. Delete the words "PARK AREA" in Outlot D.
- 5 vii. Dimension the amount of right-of-way being dedicated in South
6 56th Street.
- 7 viii. Show the public access easement and private roadway in Kayla
8 Court stopping 1' short of the south lot line.
- 9 ix. Revise the block numbering to show the lots north of Shailee
10 Court in a separate block.
- 11 x. Revise the waiver table to note the front yard is reduced to 10' for
12 corner lots per Note #20.
- 13 xi. Delete all building envelopes, as setbacks shall be per the
14 approved adjustments and general notes.
- 15 xii. Add a general note that states, "All driveways shall be paired."
- 16 b. Submit revised site, grading and drainage, and utility plans to the
17 satisfaction of Public Works and Utilities.
- 18 c. The construction plans must substantially comply with the approved
19 plans.
- 20 d. Final plat(s) must be approved by the City.

21 3. Before occupying the dwelling units all development and construction shall
22 substantially comply with the approved plans.

23 4. All privately-owned improvements shall be permanently maintained by the
24 Permittee or an appropriately established homeowners association approved by the City.

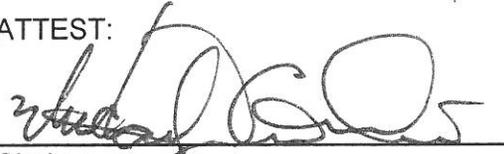
25 5. The physical location of all setbacks and yards, buildings, parking and circulation
26 elements, and similar matters be in substantial compliance with the location of said items as
27 shown on the approved site plan.

28 6. The terms, conditions, and requirements of this resolution shall run with the land
29 and be binding upon the Permittee, its successors and assigns.
30

1 7. The Permittee shall sign and return the letter of acceptance to the City Clerk.
2 This step should be completed within 60 days following the approval of the special permit. The
3 City Clerk shall file a copy of the resolution approving the special permit and the letter of
4 acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the
5 Permittee. Building permits will not be issued unless the letter of acceptance has been filed.

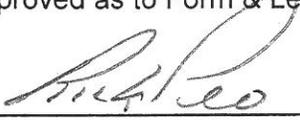
DATED: June 26, 2013

ATTEST:



Chair

Approved as to Form & Legality:



Chief Assistant City Attorney

LEGAL DESCRIPTION

A LEGAL DESCRIPTION OF A TRACT OF LAND COMPRISED OF LOT 93 IT, LOT 172 IT, A PORTION OF LOT 15 IT AND A PORTION OF LOT 111 IT LOCATED ON THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6TH PRINCIPAL MERIDIAN, LINCOLN, LANCASTER COUNTY, NEBRASKA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 93, SAID POINT BEING ON THE EAST 33.00'
 RIGHT-OF-WAY LINE OF SOUTH 56TH STREET; THENCE S 00°00'02" E ON THE EAST 33.00'
 RIGHT-OF-WAY LINE FOR A DISTANCE OF 184.67'; THENCE S 89°54'36" E FOR A DISTANCE OF
 17.00' TO THE NORTHWEST CORNER OF LOT 172, SAID POINT BEING ON THE EAST 50.00'
 RIGHT-OF-WAY LINE OF SOUTH 56TH STREET; THENCE S 00°00'02" E ON THE EAST 50.00'
 RIGHT-OF-WAY LINE OF SOUTH 56TH STREET FOR A DISTANCE OF 209.87' TO THE SOUTHWEST
 CORNER OF LOT 172 SAID POINT ALSO BEING THE NORTHWEST CORNER OF SHADOW PINES
 3RD ADDITION; THENCE S 89°54'23" E ON THE SOUTH LINE OF LOT 172, THE SOUTH LINE OF LOT
 93, THE NORTH LINE OF SHADOW PINES 3RD ADDITION, AND THE NORTH LINE OF SHADOW
 PINES 1ST ADDITION FOR A DISTANCE OF 1049.98' TO THE NORTHEAST CORNER OF SHADOW
 PINES 1ST ADDITION; THENCE S 00°00'15" E ON THE LINE COMMON TO LOT 93 AND SHADOW
 PINES 1ST ADDITION FOR A DISTANCE OF 396.07' TO THE SOUTHWEST CORNER OF LOT 93;
 THENCE S 89°54'36" E ON THE SOUTH LINE OF LOTS 93 AND 111 FOR A DISTANCE OF 539.60';
 THENCE N 58°10'48" E FOR A DISTANCE OF 150.47';
 THENCE N 08°15'02" W FOR A DISTANCE OF 70.95';
 THENCE N 01°28'00" W FOR A DISTANCE OF 59.04';
 THENCE N 33°23'40" W FOR A DISTANCE OF 109.99';
 THENCE N 05°30'14" E FOR A DISTANCE OF 79.73';
 THENCE N 36°33'42" W FOR A DISTANCE OF 76.01';
 THENCE N 77°04'52" W FOR A DISTANCE OF 71.03';
 THENCE N 16°01'27" W FOR A DISTANCE OF 90.15';
 THENCE N 21°10'36" E FOR A DISTANCE OF 33.83';
 THENCE N 78°02'40" E FOR A DISTANCE OF 34.31';
 THENCE S 66°02'53" E FOR A DISTANCE OF 60.13';
 THENCE N 69°55'29" E FOR A DISTANCE OF 22.21';
 THENCE N 00°27'51" E FOR A DISTANCE OF 62.33';
 THENCE N 23°14'34" W FOR A DISTANCE OF 74.74';
 THENCE N 75°57'40" W FOR A DISTANCE OF 113.27';
 THENCE S 82°46'51" W FOR A DISTANCE OF 109.23';
 THENCE N 53°17'50" W FOR A DISTANCE OF 32.37';
 THENCE N 16°00'01" W FOR A DISTANCE OF 199.26';
 THENCE N 51°25'29" W FOR A DISTANCE OF 75.48';
 THENCE S 89°06'38" W FOR A DISTANCE OF 32.05';
 THENCE S 27°28'55" W FOR A DISTANCE OF 43.01';
 THENCE S 65°00'04" W FOR A DISTANCE OF 142.03';
 THENCE S 77°19'12" W FOR A DISTANCE OF 25.55';
 THENCE N 72°17'53" W FOR A DISTANCE OF 36.85';
 THENCE N 04°32'57" W FOR A DISTANCE OF 115.33';
 THENCE N 28°10'40" E FOR A DISTANCE OF 68.97';
 THENCE N 26°33'56" W FOR A DISTANCE OF 81.92';
 THENCE N 09°59'12" E FOR A DISTANCE OF 38.22';
 THENCE N 19°04'39" W FOR A DISTANCE OF 14.00';
 THENCE N 87°47'49" W FOR A DISTANCE OF 26.47';
 THENCE S 37°04'07" W FOR A DISTANCE OF 59.94';
 THENCE N 86°58'23" W FOR A DISTANCE OF 29.04';
 THENCE N 70°20'55" W FOR A DISTANCE OF 60.51';
 THENCE S 21°13'54" W FOR A DISTANCE OF 66.03';
 THENCE S 46°36'44" W FOR A DISTANCE OF 12.60';
 THENCE N 79°35'34" W FOR A DISTANCE OF 25.35';
 THENCE N 06°45'16" W FOR A DISTANCE OF 128.60' TO A POINT ON THE LINE COMMON TO LOTS
 15, 67, AND 66; THENCE S 00°00'35" E ON THE LINE COMMON TO LOTS 15, 67, AND 66 FOR A
 DISTANCE OF 420.58' TO THE SOUTHEAST CORNER OF LOT 67 SAID POINT ALSO BEING THE
 SOUTHWEST CORNER OF LOT 15, SAID POINT ALSO BEING ON THE NORTH LINE OF LOT 93;
 THENCE N 89°51'50" W ON THE LINE COMMON TO LOTS 67 FOR A DISTANCE OF 791.52' TO THE
 POINT OF BEGINNING AND CONTAINING A CALCULATED AREA OF 22.443 ACRES MORE OR
 LESS.

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for June 26, 2013 PLANNING COMMISSION MEETING

PROJECT #: Special Permit #13022 - Joshua's Glen Community Unit Plan (CUP)

PROPOSAL: A community unit plan showing 90 lots with a maximum allowed density of 156 dwelling units.

LOCATION: South 56th Street and Shadow Pines Drive

LAND AREA: Approximately 22.44 acres.

WAIVERS:

1. Adjust minimum average lot width
2. Adjust minimum lot area
3. Adjust front and rear setbacks

CONCLUSION: No direct access to South 56th Street, the need to provide for existing street connections with adjacent developments, and the nearby floodway/floodplain and conservation easement associated with Beal's Slough are design constraints associated with this site which affect the proposed layout. The proposed waivers are typical for such a community unit plan, but still provide for adequate on-street parking and variation in the appearance of the dwellings and meet the spirit and intent of the Small Lot Standards. This request complies with the Zoning Ordinance and is consistent with the Comprehensive Plan.

RECOMMENDATION:	
SP#13022	Conditional Approval
Waivers	
1. Adjust minimum average lot width	Approval
2. Adjust minimum lot area	Approval
3. Adjust front and rear setbacks	Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION: See attached legal description.

EXISTING ZONING: AGR Agricultural Residential (change to R-3 in process),
R-3 Residential

SURROUNDING LAND USE AND ZONING:

North:	Open Space, Residential	AGR, R-3
South:	Open space, Residential	R-3
East:	Open Space	AGR, R-3
West:	Residential	R-3

EXISTING LAND USE: Residential

COMPREHENSIVE PLAN SPECIFICATIONS:

Pg 1.9 - The Future Land Use Map designates this site for urban density residential land uses.

Pg 3.9 - Strategies for Floodplains

- Designate areas for future urban development outside of the floodplain and floodway.
- Preserve and enhance vegetative buffers along stream corridors and other natural functions of the floodplain.

Pg 3.10 Strategies for Parks, Trail Corridors and Other Recreational Areas

- Pursue the active coordination of all future trail network extensions and enhancements. The urban network of trails should connect employment centers, shopping areas, schools, and residential neighborhoods. Trails should be an integral part of the community's green spaces and corridors.

Pg 7.2 - Guiding Principles

- Distribute and preserve affordable housing throughout the community to be near job opportunities and to provide housing choices within existing and developing neighborhoods.
- Make available a safe residential dwelling for all citizens. Provide a wide variety of housing types and choices for an increasingly diverse and aging population.
- Provide flexibility to the marketplace in siting future residential development locations.
- Strive for predictability for neighborhoods and developers for residential development and redevelopment.

Pg 7.4 - Strategies for Neighborhoods and Housing

- Discourage residential development in areas of environmental resources such as endangered species, saline wetlands, native prairies, and in floodplain corridors.
- Encourage preservation or restoration of natural resources within or adjacent to development.
- Incorporate interconnected networks of streets, transit, trails, and sidewalks with multiple

connections within and between neighborhoods and commercial centers to maximize access and mobility to provide alternatives and reduce dependence upon the automobile.

Pg 7.8 - Vacant Land - Currently, there are roughly 350 acres of vacant residentially-zoned land in the existing built-out portion of the City. Some of the land is in the floodplain and lots scattered throughout the City. The Plan envisions a portion of this land will be utilized by 2040 since it has access to urban services today.

UTILITIES - All municipal and private utilities exist in the area and can be extended to serve the proposed development.

ASSOCIATED REQUESTS:

CZ#13010 - A change of zone from AGR and R-3 for portions of the lots involved in this request.

FPPL#13076 - A final plat creating one lot and outlot.

ANALYSIS:

1. This is a request for a community unit plan (CUP) over approximately 22.44 acres of land for 90 dwelling units. The Design Standards allow for up to 156 units based upon the land area involved, and so the maximum number of units is being requested to allow flexibility in the event additional units can be accommodated in the future. The plan includes both attached single-family (two dwellings which share a common wall but each unit is on its own lot), and townhouses (three or more dwellings attached to one another but each unit is on its own lot).
2. The proposed development is surrounded by the open space associated with the floodway and floodplain of Beal's Slough to the east, a similar residential CUP named Shadow Pines to the south, a residential acreage to the west across South 56th Street, and a residential acreage on the north. The Comprehensive Plan designates future open space (recognizing the creek and the associated floodway and floodplain), and urban density residential land uses for the land involved in this request. The proposed site plan is consistent with respect to the Future Land Use Map.
3. As is typical with a CUP, the site plan shows a lot, block and street layout that requires several waivers for the proposed layout to be allowed. Waivers A-C below require Planning Commission approval as part of the CUP. The remaining five (D - I) are waivers to Design Standards and are approved by the Planning Director based upon recommendations from the Public Works and Utilities Department. Each is discussed individually below:
 - A. Adjust Minimum Average Lot Width - One concern with reducing lot width is that on-street parking can be eliminated as a result. For the attached single-family dwellings, the layout shown couples the garages together and provides adequate space on the street to accommodate on-street parking. For the townhouse structures located along Shailee and Kayla Courts, the narrow lot width does not allow on-street parking. However, each unit has a two-car garage and double-wide driveway to accommodate up to four cars, and on-

street parking is possible along South 57th Street.

The second concern with reduced lot width is the view of the dwelling from the street. If reduced too much, all that is seen of the dwelling from the street is the garage. In this case, a requirement (Note #21 on the site plan) has been added which requires that the principle facade of each dwelling have both a door and a window. In the case of a two-story structure, each story requires a window, and so the door will be on the first story but both windows may also be located on the second story. Done this way, the proposed layout meets the spirit and intent of the Small Lot Standards adopted in 2010.

B. Adjust Minimum Lot Area - The lot area in this case is largely a function of lot width, and given the site layout this adjustment is appropriate.

C. Adjust Setbacks - There are two rear adjustments requested. The first adjusts the rear setback for most all lots from the required 30' or 20% of lot depth to 20'. Given that the lot depths range from 103' (for a 20.6' req'd rear setback) to 112' (for a 22.4' req'd rear setback), the adjustment to provide a uniform 20' rear setback is minor.

The second rear setback adjustment applies only to Lots 1-4, Block 4, for an adjustment to 8'. In this case, all four lots back up to the creek, and given the significant amount of adjoining open space and lack of adjacent lots, this request is appropriate.

The front setback relates to the corner lots. Typically, corner lots are required to have a front setback along both street frontages. In this case, the request is to treat only the one yard as the front with a 20' setback, which is defined by the driveway and garage. The other yard adjacent to a street is shown to have a 10' setback. General Note #20 requires there be windows to avoid blank walls along these frontages.

D - H. Adjust Minimum Street Radius; Adjust Intersection Spacing; Allow Sanitary Sewer Flow Opposite Street Grade; Waive Requirement for a Cul-de-Sac; Waive Curve K Value - These are technical standards related to either the design of sanitary sewer or streets. In part, the justification for these waivers relates to the development constraints of the site. As noted by the applicant, there is significant fall across the site, with the requirement to connect to existing streets and also provide stub connections to the parcels to the north and south, along with no direct access to South 56th Street. Public Works and Utilities recommends approval of all five, subject only to the condition that the sanitary sewer not exceed 15' in depth.

4. As designed, Kayla Court creates a nonconforming condition for two adjacent lots to the south in the Shadow Pines CUP. That is, if Kayla Court is platted as shown, the adjacent lots would be required to now have a second front yard setback along the private roadway. However, those lots were developed assuming their north lot line would be a side lot line, which is 5' (side) instead of 20' (front). The homes would become nonconforming due to the insufficient front setback, and this should be avoided if possible. As an alternative, the public access easement and utility easement allowing the private roadway in Outlot A should not extend to the common lot line with the subject lots. Done this way, the homes would not have frontage onto Kayla Court so the adjacent yard is not considered a front yard.

5. The site plan shows Outlot E, a narrow outlot at the northwest corner on the development. The lot owner to the north retains an option to purchase this strip of land, which staff understands is for the purpose of maintaining an adequate setback for the existing dwelling. The associated final plat FPPL#13076 has been submitted for the sole purpose of subdividing the area covered by the option into a separate outlot. Done this way, the neighbor still retains the right to purchase the strip outright. However, should he let the option lapse, the outlot can be combined into the development and owned by either the developer or homeowners association. In any event, a public access easement to allow for the future extension of South 57th Street across the outlot must be shown on the site plan. The easement will be required to be shown and dedicated on the final plat as well.
6. It is noted that in their review of this proposal, the U.S. Post Office indicates that centralized box units will be used for mail delivery, and that they are to be installed at the developer's expense.
7. It is noted that the City's bike trail system shows a future extension along the creek in this area. The best connection point to the internal sidewalk system of the proposed development would be at the end of the South 59th Place cul-de-sac. The plans should be revised to show a pedestrian sidewalk connection extending to the edge of this development to accommodate a future connection to the bike trail at such time as it is built.
8. Public Works and Utilities noted several necessary corrections to the grading and drainage plans, and this is included as a recommended condition of approval.
9. There several other minor changes needed as noted by staff during the review, and are included as recommend conditions of approval.
10. The site is designated for open space and future urban density residential land uses on the Future Land Use Map. Subject to the recommended conditions of approval, this request complies with the requirements of the Zoning Ordinance and is consistent with the Comprehensive Plan.

CONDITIONS OF APPROVAL:

This approval allows the Joshua's Glen CUP for a total of up to 156 dwelling units with adjustments to minimum average lot width, minimum lot area, and front and rear setbacks.

Site Specific:

1. The developer shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including 5 copies with all required revisions and documents as listed below upon approval of the community unit plan before receiving building permits:
 - 1.1 Revise the plans as follows:
 - 1.1.1 Revise the total number of units shown in Note #1 and the density

table to provide for up to four dwelling units on Lot 1, Block 3.

- 1.1.2 Add a general note that states “Outlot E will initially be owned by Hollingsworth but may be deeded to the lot to the north. However, if at such time as the lot owner to the north releases the option to purchase the outlot, it will be deeded at no cost to the Joshua’s Glen homeowners association. South 57th Street and the adjacent sidewalks will be extended across Outlot E when the land to the north redevelops.”
 - 1.1.3 Revise the first sentence of Note #20 to state “Corner lots shall only have one 20' front yard setback and which shall be applicable to the driveway entrance to the lot, where the other front yard setback will only be 10'.
 - 1.1.4 Show a pedestrian sidewalk connection from the end of South 59th Place to the boundary of the development.
 - 1.1.5 Add a general note that states “The future sidewalk connection to the future City bike trail to be determined by the Parks and Recreation Department. Construction of the sidewalk in Outlot D is not required until such time as the City trail is built. After a review of alternatives and due to the existing floodway and steep topography, an ADA compliant location was deemed not practical.
 - 1.1.6 Delete the words “PARK AREA” in Outlot D.
 - 1.1.7 Dimension the amount of right-of-way being dedicated in South 56th Street.
 - 1.1.8 Show the public access easement and private roadway in Kayla Court stopping 1' short of the south lot line.
 - 1.1.9 Revise the block numbering to show the lots north of Shailee Court in a separate block.
 - 1.1.10 Revise the waiver table to note the front yard is reduced to 10' for corner lots per Note #20.
 - 1.1.11 Delete all building envelopes, as setbacks shall be per the approved adjustments and general notes.
 - 1.1.12 Add a general note that states “All driveways shall be paired.”
- 1.2 Submit revised site, grading and drainage, and utility plans to the satisfaction of Public Works and Utilities.

General:

2. Before receiving building permits:

2.1 The construction plans shall comply with the approved plans.

2.2 Final plans shall be approved by the City.

Standard:

3. The following conditions are applicable to all requests:

3.1 Before occupying the dwelling units all development and construction shall have been completed in compliance with the approved plans.

3.2 All privately-owned improvements shall be permanently maintained by the owner or an appropriately established owners association approved by the City Attorney.

3.3 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.

3.4 This resolution's terms, conditions, and requirements bind and obligate 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 therefore to be paid in advance by the applicant. Building permits will not be issued unless the letter of acceptance has been filed.

Prepared by:

Brian Will, 441-6362, bwill@lincoln.ne.gov

June 12, 2013

APPLICANT: Joshua's Glen, LLC
8040 Eiger Drive
Lincoln, NE 68516
402-420-2335

CONTACT: Mike Eckert
Civil Design Group
8535 Executive Woods Drive
Lincoln, NE 68512
(402)434-8494

OWNER: John Hollingsworth
6520 South 56th Street
Lincoln, NE 68516

SPECIAL PERMIT NO. 13022 JOSHUA'S GLEN COMMUNITY UNIT PLAN

PUBLIC HEARING BEFORE PLANNING COMMISSION:

June 26, 2013

Members present: Sunderman, Corr, Scheer, Hove, Lust, Beecham and Cornelius; Weber absent.

Cornelius disclosed that he works with a relative of the owner of the property who had asked him if he had any information on this application. Cornelius stated that he consistently referred the individual to the Planning staff.

Staff recommendation: Conditional approval.

Staff presentation: **Brian Will of Planning staff** presented the request for a community unit plan which is allowed by special permit in the R-3 zoning district. Will reminded the Commission that an associated change of zone application from AGR to R-3 on this property came before the Planning Commission two weeks ago. That application changed the zoning on the irregular portions from AGR to R-3 to provide consistent zoning across the site.

This request is seeking approval for a site plan that shows 90 dwelling units. 156 units was noted as the overall density allowed by the zoning district; however, the proposed site plan shows only 90 units. The larger number would allow additional units in the future by administrative amendment.

There are two types of units being proposed with South 57th Street being the line of demarcation. The units on the eastern portion are what we call townhomes (attached single family dwelling units – two units sharing a common wall with each unit on its own lot). The other units are 24 true townhomes -- two-story structures on narrower lots. To accommodate this site plan, there are waivers being requested, including minimum lot width and minimum lot area and required setbacks, including front and rear setback. The waiver of the rear yard setback establishes a uniform setback of 20', and staff is agreeable. The setbacks for the lots adjacent to the conservation easement and creek are adjusted to zero in that they back up to the creek and open space. The adjustment to front yard setback relates to the corner lots. There is a note to insure there is some relief to the side of the building to address the appearance being closer to the street.

As noted in the staff report, Will acknowledged that there are some development constraints with this property, including the development to the south with regard to access. This developer is required to show street connections to adjoining properties. Those connections are shown on South 57th Street and South 58th Street. There is a prior approved preliminary plat for one lot to the north, with an approved street layout, so the challenge was to figure out some way to make that street connection. This plan shows a way for that to happen with South 58th Street.

The other access (South 59th Street) was more challenging. A conservation easement was purchased several years ago by the Lower Platte South NRD, so there is an easement over that area that must be respected. There are terms and conditions of that easement. There was considerable discussion about whether or not the South 59th Street connection as shown is allowed;

however, just very recently, the applicant has come to an understanding with the NRD and there will be a land swap to facilitate the street connection.

Will also pointed out that there are some design standard waivers which have been reviewed and approved by Public Works.

Lust inquired whether the streets that are shown to the north have already been approved by preliminary plat. Will explained that back in 2005-06, the property owner came forward with a request and has an approved preliminary plat over the property to the north; however, there is an intervening lot. The approved preliminary plat showed a typical lot layout, but also showed a street projecting through and curving down to the southeast corner. With that approved, the challenge is to provide for that street connection with future development. While there is an intervening property, we do have to account for that street projection. There is a way to make those connections and build the internal street network. There is no technical reason that cannot occur. That is the challenge about developing these areas sort of piece-meal.

Lust inquired whether development can go forward with no connectivity to 56th Street to the north. Will stated that this does not bind the internal property to the street layout. All it is showing is the connections to the street network that are being proposed. The more development that occurs around you, the more limited are your options, but it is feasible. He is not bound by that street layout.

If future connections to 56th Street do not occur, Lust observed that this may be approving a development that could landlock these owners? Will agreed, if they never develop. The presumption is that they will develop. There are three townhouse developments creating the development pattern and we believe that development will continue to occur. The real challenge is to show a street layout with this development to show it is feasible to create an internal street network as the property to the north develops.

Sunderman noted that Shadow Pines Drive will be connected to 56th Street on this development. He wondered whether that road and the connecting roads are designed to handle the traffic capacity. Will responded affirmatively. If this property and the properties to the north fully develop, there will be another connection to the north at approximately Cumberland Drive. But, if Cumberland does not happen, Sunderman wondered whether Shadow Pines Drive could handle the capacity. **Dennis Bartels of Public Works** agreed that obviously, it will increase the traffic onto that road but Public Works has determined that it will not increase it beyond what can be expected on a local street. The street that is there will handle the traffic.

Beecham referred to the two-story townhomes and the view of the dwelling from the street. She is concerned about there being no windows on the first floor. Will pointed out that Note #21 on the site plan is intended to address that concern. It requires that:

The principal street facade of each dwelling shall have at least one door. The principal street facade of each dwelling shall also have a minimum of one window per story oriented to the street. If the dwelling is two stories in height, both required windows may be located on the second floor. ...

We are trying to get away from blank walls.

Hove asked if South 59th Street is developed. Will responded that it is not. It is being proposed and will go to the south edge of this development. Then as property to the south develops, it will be extended on south. Hove suggested then that at this point the only access is Shadow Pines.

Proponents

1. Mike Eckert of Civil Design Group appeared on behalf of Joshua's Glen LLC, the applicant, which has done several projects in the City over the past several years (Cameron Townhomes), which have been successful in serving the need for low priced, affordable homes.

Eckert provided history relating to the waiver requests, stating that the developer has already made some revisions based on the staff comments. Most of the Cameron Townhome developments in this community use private streets, simply implying that the long term ownership and maintenance is by a homeowners association, and it does afford the developer the ability to get a little more density. The initial layout of this project was based on continued waivers; however, staff encouraged the developer to move away from private streets as much as possible. It is just an issue of long term maintenance. They worked with staff and are now down to just two private drives that stub toward 56th Street. The rest they have been able to accomplish in a public road format with a lot of adjustments to the front yard setbacks, etc. From a design perspective, there is a fixed elevation on 56th Street and 57th Street ends at a fixed elevation. The neighboring property has a fixed elevation that this developer cannot disturb, and then there is a conservation easement along the floodplain with a 23' elevation drop. It is a standard process in the subdivision design standards that the developer must show grading and roadway connections on the adjacent properties if not already developed. This developer is required to show a road and what they think the adjacent property could look like. The adjacent property owner has every right to change their internal road network when they develop.

Eckert stated that it has taken several months to get to this point on this project. The easement does provide for a road crossing. This developer has reached an agreement with the NRD to offer extra land to go into the conservation easement.

With regard to the traffic concerns, Eckert advised that he participated in the task force for the Access Management standards. Throughout the 1990's when growth really took off, the biggest complaint was that there is no guidance for access on our major arterials in this city. That task force came up with the guidance and the general conclusion that access points would be preferred every one-fourth mile. With this development, the developer would like to provide more access to 56th Street. This development showed a proposed connection to 56th Street and staff made it clear that it was not in accordance with the Access Management Policy. Therefore, this project was designed around that and they had to stub private streets going to 56th Street. As such, all of this traffic will come back to Shadow Lane, which is the new standard – the ¼ mile access. When 56th Street is widened between Pine Lake Road and Old Cheney Road, that intersection will eventually have a light when the traffic warrants it. Eckert believes this development may help reach those warrants. This is really a fairly standard connectivity issue. His client is not excited about having to build the road but he understands that is the rule. Eckert pointed out that there are other places in this city where there are more units dumping out onto intersections and arterials and they are made to handle it. It is just the way that we have decided to go forward in our community to access arterial streets to try to improve drive times.

Eckert believes that this is a great infill project supported by the Comprehensive Plan; the developer is giving right-of-way for the widening of 56th Street and putting in all the streets, roads, sewer and

water lines; and the developer will pay an estimated \$115,000 in street impact fees, \$24,000 in park impact fees, and \$166,000 in sewer and water impact fees.

Scheer inquired as to the percentage increase that will be gained for the conservation easement in the land swap. Eckert responded that the NRD will get 26,461 sq. ft. and the roadway will take up 24,491 sq. ft.

Other testimony, not in opposition but with concerns

1. **Michael Jaquez**, 6700 S. 59th Street Circle, stated that he is not in opposition but has questions. He and his wife own 4.5 acres and their neighbor owns 9 acres. He is concerned about 59th Street. 59th Street Circle is a gravel road now. What are the implications to him and his neighbor for the connection to 59th Street? Will they be required to help pay for the road?

2. **Joe Bentler**, 5735 Shadow Pines Court, and President of Shadow Pines Townhome Association, also stated that he and the association are neutral but very concerned about traffic flow. It is very difficult to get out on Shadow Pines Drive when 56th Street is busy. Why not give this developer access on 56th Street until that road is developed? If not, he asked that a stop light be considered sooner rather than later at Shadow Pines Drive and 56th Street. 56th Street is scheduled to be widened and it is not going to carry less traffic. Why not get ahead of the subject and at least get a stop light for ingress and egress out of those two subdivisions? He is not opposed to the development but a stop light would be a big help.

3. **Shelley Jaquez**, 6700 S. 59th Street Circle, stated that she is not in favor nor against the development. She wanted to know the plans for Block 4 in Joshua's Glen, which is the parcel closest to her property. Is it a goal of planning to mix the high density and low density as much as possible to mix income levels, or is it more the intent to keep "sames and sames" for comparable reasons in real estate values?

4. **Vera Salmon**, 5725 Shadow Lane, does not believe the streets proposed are adequate to handle the increased traffic. She would feel comfortable if she had a guarantee that the street going out to Cumberland would be a reality and not just a possibility. She would like them to look for other solutions.

Staff questions

With regard to the acreage development to the south, Will explained that the 59th Street connection is shown projecting to the edge of the proposed development. It is then open-ended as to how it connects to the acreages. At this time, those owners are under no obligation to build a street or make a connection. But at such time as those properties do redevelop, the platting process would show the streets. There is nothing those property owners to the south have to do as a result of this development.

Cornelius asked staff to talk about the city's philosophy with regard to mixing urban density and acreage density. Will referred to the future land use map, which designates future land uses around the city. This area is shown as future urban density. That does not say it is large lot single family or all apartments. The Comprehensive Plan talks about mixing uses and housing types. We want a mix of uses. What is being shown here is appropriate in that regard.

Will acknowledged that Block 4 is part of this CUP. It is one single residential lot in the southeast corner with a driveway connection shown to it. It is anticipated that there will eventually be some type of residence on that lot.

Hove inquired about the stop light at 56th Street. Dennis Bartels of Public Works stated that a stop light would be installed when the warrants are met. Public Works must comply with the warrants established by Nebraska state law, and they do not install signals until they meet warrant requirements, which include traffic counts, accidents, etc. It needs to be studied. As far as traffic projections, Bartels does not anticipate that the signal will be needed day one. Public Works anticipates getting the 56th Street improvements bid in late 2015 or 2016. An environmental impact statement is yet to be approved and the right-of-way cannot be acquired until the environmental impact statement is approved. They anticipate construction beginning in 2016. Hove inquired about the trigger to install the traffic signal. Bartels stated that it is typically traffic counts. However, he does not believe the widening will increase the traffic day one.

Beecham inquired whether there is a formula used to project traffic volume. Bartels indicated that Public Works does make some value judgments. For example, when the Walmart Store was built at 84th & Fremont, Public Works anticipated that it would increase the traffic enough to install the signal when the street system for the commercial area was installed. There is some judgment involved as to whether we want it there day one. He does not believe there will be a large change in traffic patterns at this location. More development would cause us to anticipate more traffic. Even at full development, the traffic engineers do not anticipate that this subdivision would warrant the traffic signal day one.

Response by the Applicant

Eckert acknowledged that the one large lot is just a single family lot and that they have reached agreement with the NRD as to the access for that lot, making sure the driveway will have enough room and offset from the easement. It is just a single family lot.

Eckert also suggested that there is about 360 feet from the centerline of 57th Street to the centerline of 56th Street. The distance between those two intersections is quite reasonable to handle stacking, etc. They could possibly request that some striping might help for those folks making a right-hand movement to go north so as not to hold up traffic.

With regard to the acreage owners to the south, Eckert stated that their 59th Street access won't happen until they come forward with some type of development.

Eckert believes the developer has already addressed most of the issues set forth in the staff report. He expressed appreciation to staff for their willingness to work with the developer to do more public streets and the NRD on the easement issues.

ACTION BY PLANNING COMMISSION:

June 26, 2013

Lust moved to approve the staff recommendation of conditional approval, seconded by Sunderman.

Corr has some concerns about foregoing the windows on the first floor with just a door and a garage door. She does not prefer that design and does not think it is very neighborly. She does not think this particular layout lends itself very well to that concept. That causes her some concerns.

Beecham agreed. She appreciates the addition of glass. She would love to see something on the first floor other than garage door, door, garage door, door. Note #21 waives the window on the first floor and puts two on the second floor.

Cornelius believes this is something that looks very much like what we say we want in the Comprehensive Plan. It is an infill development – already developed on several sides. It is a small lot, small unit development which is something that we heard was desirable during the Comprehensive Plan update. On the surface, there might be some access challenges, but we have heard from our city experts that Shadow Pines Drive is capable of supporting the traffic and that there will be a signal installed as the warrants are met. And he believes there is a reasonable chance because of the growth as a result of this development, that those warrants may be met and the signal may appear sooner rather than later. We have heard this is a relatively common planning tool to show connectivity with neighboring properties for the future.

Motion for conditional approval carried 7-0: Sunderman, Corr, Scheer, Hove, Lust, Beecham and Cornelius voting 'yes'; Weber absent. This is final action, unless appealed to the City Council within 14 days.

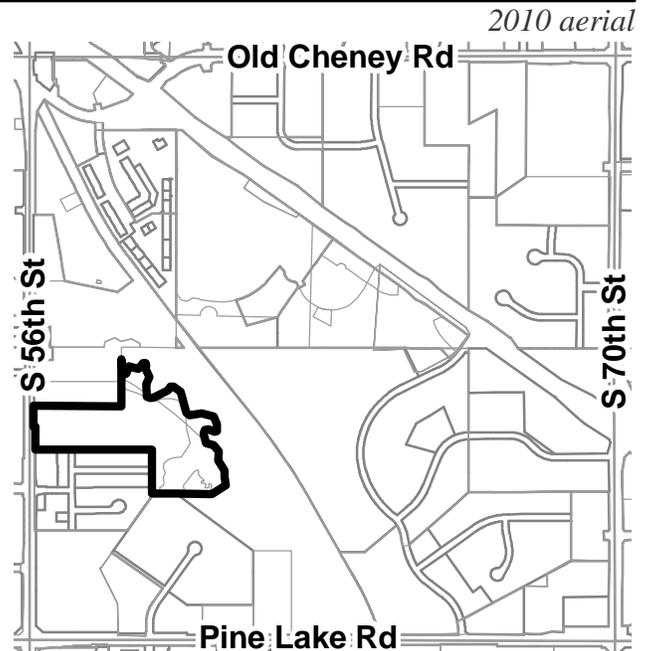
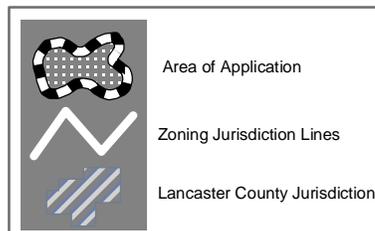


Special Permit #: SP13022
S 56th St & Shadow Pines Dr
Joshua's Glen CUP

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

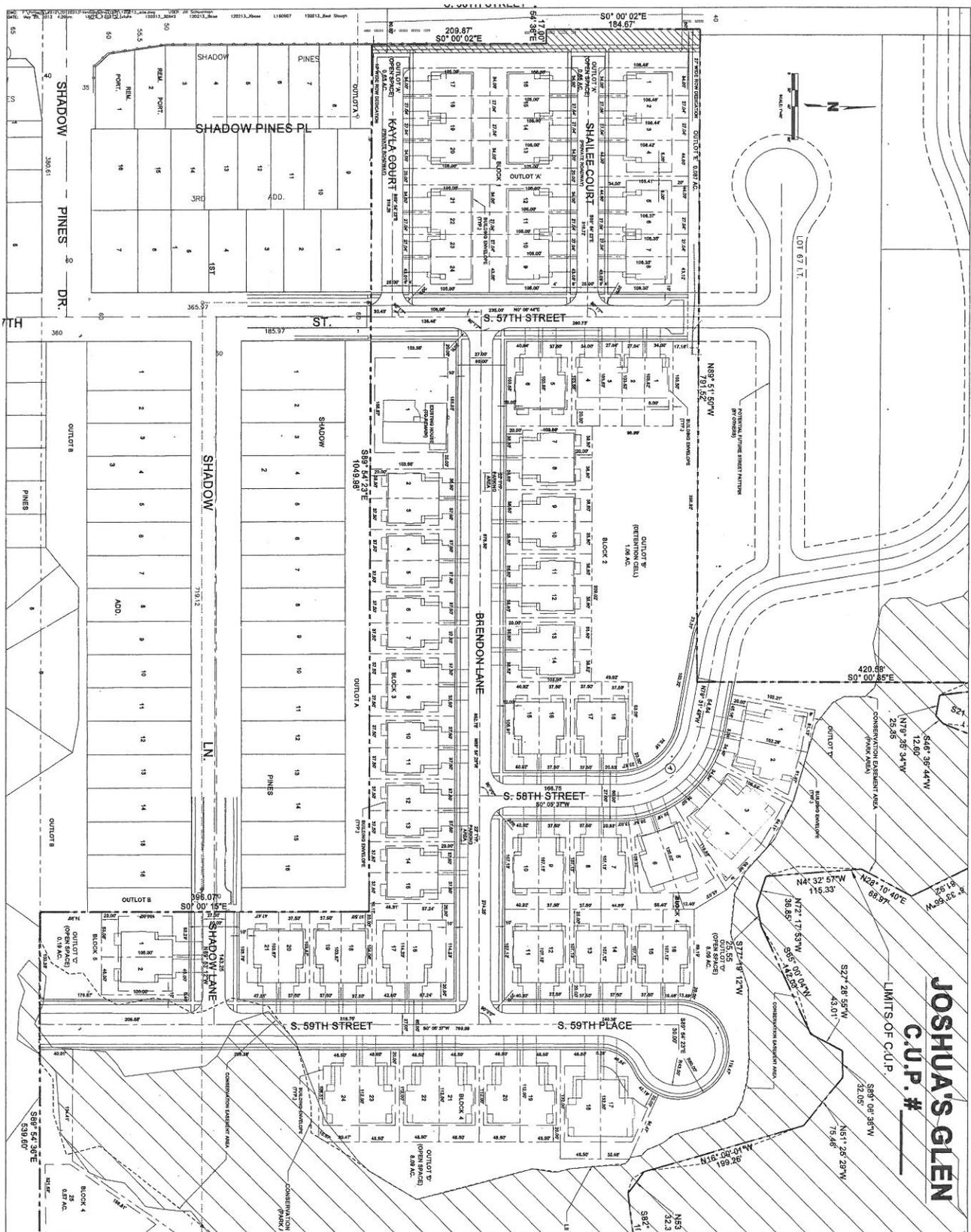
One Square Mile:
 Sec.16 T09N R07E



LEGAL DESCRIPTION

A LEGAL DESCRIPTION OF A TRACT OF LAND COMPRISED OF LOT 93 IT, LOT 172 IT, A PORTION OF LOT 15 IT AND A PORTION OF LOT 111 IT LOCATED ON THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6TH PRINCIPAL MERIDIAN, LINCOLN, LANCASTER COUNTY, NEBRASKA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

/// BEGINNING AT THE NORTHWEST CORNER OF LOT 93, SAID POINT BEING ON THE EAST 33.00' RIGHT-OF-WAY LINE OF SOUTH 56TH STREET; THENCE S 00°00'02" E ON THE EAST 33.00' RIGHT-OF-WAY LINE FOR A DISTANCE OF 184.67'; THENCE S 89°54'36" E FOR A DISTANCE OF 17.00' TO THE NORTHWEST CORNER OF LOT 172, SAID POINT BEING ON THE EAST 50.00' RIGHT-OF-WAY LINE OF SOUTH 56TH STREET; THENCE S 00°00'02" E ON THE EAST 50.00' RIGHT-OF-WAY LINE OF SOUTH 56TH STREET FOR A DISTANCE OF 209.87' TO THE SOUTHWEST CORNER OF LOT 172 SAID POINT ALSO BEING THE NORTHWEST CORNER OF SHADOW PINES 3RD ADDITION; THENCE S 89°54'23" E ON THE SOUTH LINE OF LOT 172, THE SOUTH LINE OF LOT 93, THE NORTH LINE OF SHADOW PINES 3RD ADDITION, AND THE NORTH LINE OF SHADOW PINES 1ST ADDITION FOR A DISTANCE OF 1049.98' TO THE NORTHEAST CORNER OF SHADOW PINES 1ST ADDITION; THENCE S 00°00'15" E ON THE LINE COMMON TO LOT 93 AND SHADOW PINES 1ST ADDITION FOR A DISTANCE OF 396.07' TO THE SOUTHWEST CORNER OF LOT 93; THENCE S 89°54'36" E ON THE SOUTH LINE OF LOTS 93 AND 111 FOR A DISTANCE OF 539.60'; THENCE N 58°10'48" E FOR A DISTANCE OF 150.47'; THENCE N 08°15'02" W FOR A DISTANCE OF 70.95'; THENCE N 01°28'00" W FOR A DISTANCE OF 59.04'; THENCE N 33°23'40" W FOR A DISTANCE OF 109.99'; THENCE N 05°30'14" E FOR A DISTANCE OF 79.73'; THENCE N 36°33'42" W FOR A DISTANCE OF 76.01'; THENCE N 77°04'52" W FOR A DISTANCE OF 71.03'; THENCE N 16°01'27" W FOR A DISTANCE OF 90.15'; THENCE N 21°10'36" E FOR A DISTANCE OF 33.83'; THENCE N 78°02'40" E FOR A DISTANCE OF 34.31'; THENCE S 66°02'53" E FOR A DISTANCE OF 60.13'; THENCE N 69°55'29" E FOR A DISTANCE OF 22.21'; THENCE N 00°27'51" E FOR A DISTANCE OF 62.33'; THENCE N 23°14'34" W FOR A DISTANCE OF 74.74'; THENCE N 75°57'40" W FOR A DISTANCE OF 113.27'; THENCE S 82°46'51" W FOR A DISTANCE OF 109.23'; THENCE N 53°17'50" W FOR A DISTANCE OF 32.37'; THENCE N 16°00'01" W FOR A DISTANCE OF 199.26'; THENCE N 51°25'29" W FOR A DISTANCE OF 75.48'; THENCE S 89°06'38" W FOR A DISTANCE OF 32.05'; THENCE S 27°28'55" W FOR A DISTANCE OF 43.01'; THENCE S 65°00'04" W FOR A DISTANCE OF 142.03'; THENCE S 77°19'12" W FOR A DISTANCE OF 25.55'; THENCE N 72°17'53" W FOR A DISTANCE OF 36.85'; THENCE N 04°32'57" W FOR A DISTANCE OF 115.33'; THENCE N 28°10'40" E FOR A DISTANCE OF 68.97'; THENCE N 26°33'56" W FOR A DISTANCE OF 81.92'; THENCE N 09°59'12" E FOR A DISTANCE OF 38.22'; THENCE N 19°04'39" W FOR A DISTANCE OF 14.00'; THENCE N 87°47'49" W FOR A DISTANCE OF 26.47'; THENCE S 37°04'07" W FOR A DISTANCE OF 59.94'; THENCE N 86°58'23" W FOR A DISTANCE OF 29.04'; THENCE N 70°20'55" W FOR A DISTANCE OF 60.51'; THENCE S 21°13'54" W FOR A DISTANCE OF 66.03'; THENCE S 46°36'44" W FOR A DISTANCE OF 12.60'; THENCE N 79°35'34" W FOR A DISTANCE OF 25.35'; THENCE N 06°45'16" W FOR A DISTANCE OF 128.60' TO A POINT ON THE LINE COMMON TO LOTS 15, 67, AND 66; THENCE S 00°00'35" E ON THE LINE COMMON TO LOTS 15, 67, AND 66 FOR A DISTANCE OF 420.58' TO THE SOUTHEAST CORNER OF LOT 67 SAID POINT ALSO BEING THE SOUTHWEST CORNER OF LOT 15, SAID POINT ALSO BEING ON THE NORTH LINE OF LOT 93; THENCE N 89°51'50" W ON THE LINE COMMON TO LOTS 67 FOR A DISTANCE OF 791.52' TO THE POINT OF BEGINNING AND CONTAINING A CALCULATED AREA OF 22.443 ACRES MORE OR LESS.



JOSHUA'S GLEN
C.U.P. #

LIMITS OF CUP

SITE PLAN
JOSHUA'S GLEN

NO.	DATE	DESCRIPTION

Civil Design Group, Inc.
1800 EXECUTIVE WOODS DR., SUITE 200
LINCOLN, NEBRASKA 68503
PH. 402-434-6484 FAX 402-218-2747
WWW.CIVILDG.COM

CONSULTING ENGINEERS • LAND USE PLANNERS
CIVIL DESIGN • SITE DEVELOPMENT • PLANNING AND ZONING

LINCOLN, NEBRASKA

2013

JOSHUA'S GLEN

C.U.P.



LEGAL DESCRIPTION

ALL INFORMATION CONTAINED HEREIN IS THE PROPERTY OF CIVIL DESIGN GROUP, INC. AND IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREIN. ANY REUSE OR MISUSE OF THIS INFORMATION WITHOUT THE WRITTEN CONSENT OF CIVIL DESIGN GROUP, INC. IS STRICTLY PROHIBITED. THE USER ASSUMES ALL LIABILITY FOR ANY AND ALL DAMAGES, INCLUDING REASONABLE ATTORNEY'S FEES, ARISING FROM ANY SUCH REUSE OR MISUSE. THIS INFORMATION IS PROVIDED AS IS, WITHOUT WARRANTY OF ANY KIND, EXPRESS OR IMPLIED, INCLUDING BUT NOT LIMITED TO THE WARRANTIES OF MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE AND NONINFRINGEMENT. IN NO EVENT SHALL CIVIL DESIGN GROUP, INC. BE LIABLE FOR ANY DAMAGES, INCLUDING REASONABLE ATTORNEY'S FEES, ARISING FROM ANY SUCH REUSE OR MISUSE.

APPROVED MAJOR

1. NAME OF MAJOR: _____

2. ADDRESS OF MAJOR: _____

3. DATE OF APPROVAL: _____

4. SIGNATURE OF MAJOR: _____

APPROVED SURVEYOR

1. NAME OF SURVEYOR: _____

2. ADDRESS OF SURVEYOR: _____

3. DATE OF APPROVAL: _____

4. SIGNATURE OF SURVEYOR: _____

GENERAL NOTES

1. THE SURVEY WAS MADE BY THE SURVEYOR ON THE DATE INDICATED ON THE SURVEY PLAN.
2. THE SURVEY WAS MADE IN ACCORDANCE WITH THE SURVEYING ACTS OF NEBRASKA.
3. THE SURVEY WAS MADE USING THE FOLLOWING INSTRUMENTS: _____
4. THE SURVEY WAS MADE USING THE FOLLOWING METHODS: _____
5. THE SURVEY WAS MADE USING THE FOLLOWING PROCEDURES: _____
6. THE SURVEY WAS MADE USING THE FOLLOWING DATA: _____
7. THE SURVEY WAS MADE USING THE FOLLOWING RESULTS: _____
8. THE SURVEY WAS MADE USING THE FOLLOWING CONCLUSIONS: _____
9. THE SURVEY WAS MADE USING THE FOLLOWING RECOMMENDATIONS: _____
10. THE SURVEY WAS MADE USING THE FOLLOWING COMMENTS: _____

LEGEND

- 1. SHADING TO BE USED TO INDICATE: _____
- 2. SHADING TO BE USED TO INDICATE: _____
- 3. SHADING TO BE USED TO INDICATE: _____
- 4. SHADING TO BE USED TO INDICATE: _____
- 5. SHADING TO BE USED TO INDICATE: _____
- 6. SHADING TO BE USED TO INDICATE: _____
- 7. SHADING TO BE USED TO INDICATE: _____
- 8. SHADING TO BE USED TO INDICATE: _____
- 9. SHADING TO BE USED TO INDICATE: _____
- 10. SHADING TO BE USED TO INDICATE: _____

DATE DATA

1. DATE: _____

2. TIME: _____

3. LOCATION: _____

4. SURVEYOR: _____

5. CLIENT: _____

6. PROJECT: _____

7. SHEET: _____

8. TOTAL SHEETS: _____

9. SCALE: _____

10. UNITS: _____

PROJECT COMMENTS

1. _____

2. _____

3. _____

4. _____

5. _____

6. _____

7. _____

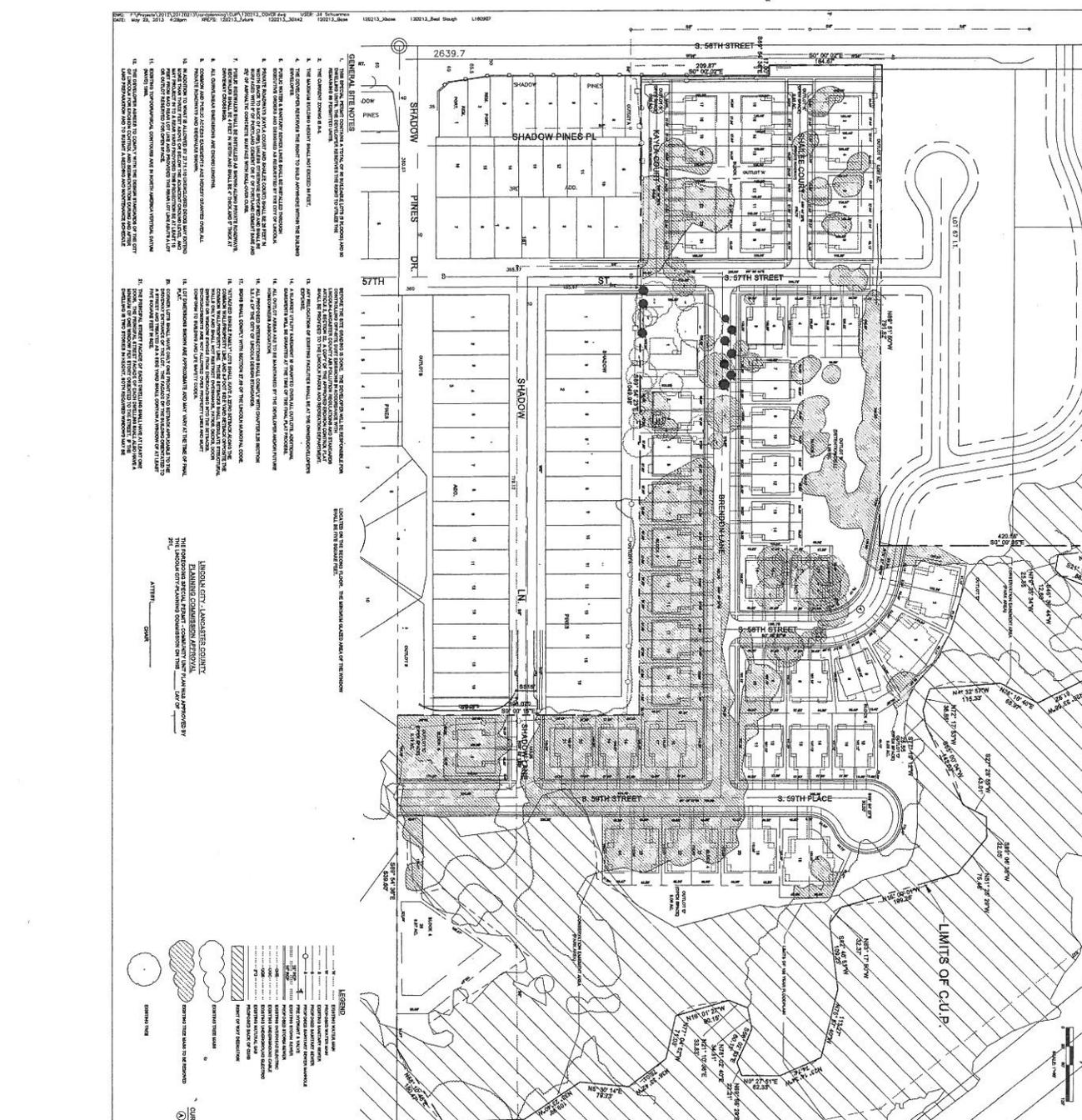
8. _____

9. _____

10. _____

REVISIONS

NO.	DATE	DESCRIPTION
1	2013	ISSUED FOR PERMIT



GENERAL NOTES

1. THE SURVEY WAS MADE BY THE SURVEYOR ON THE DATE INDICATED ON THE SURVEY PLAN.
2. THE SURVEY WAS MADE IN ACCORDANCE WITH THE SURVEYING ACTS OF NEBRASKA.
3. THE SURVEY WAS MADE USING THE FOLLOWING INSTRUMENTS: _____
4. THE SURVEY WAS MADE USING THE FOLLOWING METHODS: _____
5. THE SURVEY WAS MADE USING THE FOLLOWING PROCEDURES: _____
6. THE SURVEY WAS MADE USING THE FOLLOWING DATA: _____
7. THE SURVEY WAS MADE USING THE FOLLOWING RESULTS: _____
8. THE SURVEY WAS MADE USING THE FOLLOWING CONCLUSIONS: _____
9. THE SURVEY WAS MADE USING THE FOLLOWING RECOMMENDATIONS: _____
10. THE SURVEY WAS MADE USING THE FOLLOWING COMMENTS: _____

2639.7

SHADOW PINE PL

SHADOW PINE DR



Civil Design Group, Inc.

Consulting Engineers & Land Use Planners
Civil Design • Site Development • Planning & Zoning

www.civildg.com

May 29, 2013

Mr. Marvin Krout, Director of Planning
City of Lincoln /Lancaster County
555 South 10th Street, Room 213
Lincoln, NE 68508

Re: Application for Community Unit Plan (CUP) Special Permit for Joshua's Glen subdivision located at 6520 S. 56th Street. CDG Project No. 2012-0213

Dear Marvin:

On behalf of Joshua's Glen, LLC we submit an application for a CUP on 22.4~~4~~ acres generally located at 6520 S. 56th Street. This is an infill property that is annexed with city services adjacent to it. This land contains a large conservation easement area previously granted to the City/NRD that coincides with much of the flood plain on this land. The R-3 CUP density of this land would permit 156 dwelling units; we are proposing 90 dwelling units on our site plan.

We have worked extensively with staff in pre-application meetings to determine a list of acceptable design waivers that would allow this development to maximize its density using public streets instead of private streets. Those reasons include:

- The narrow shape of this lot, which provides less than optimal width for a typical street and lot layout.
- A change in grade of over 23 feet from the south property line to the north property line.
- Fixed roadway elevation connection points at S. 57th St and Shadow Lane Drive
- Fix abutting grades at the south, west and north property lines.
- A required functional roadway connection the two northern lots.
- A restriction of direct vehicular access to S. 56th from this property.
- Grading and detention restrictions on the conservation easement area that runs along the eastern edge of the developable portion of this land.

As a result, we are requesting the following waivers to the subdivision and design standards:

1. Waiver of minimum lot width for all lots.
2. Waiver of minimum lot area requirements for all lots.
3. Waiver of rear yard setbacks for all lots to be at a 20' minimum for, Lots 1-4, block 4 to be 8'.
4. Waiver of the minimum street radius to 100 feet on S 58th St.
5. Waiver of street intersection spacing to 100 feet along S. 57th St.
6. Waiver of sanitary sewer running against street grade in, S. 59th Pl, S. 58th St, S. 57th St.
7. Waiver of required cul-de-sac on Kayla Ct and Shailee Ct.
8. Waiver of sag curve K value from 30 to 16.04 in Kayla Ct.

028

With this application we submit the following items:

Application for Community Unit Plan – Special Permit
CUP Fee - \$3,754.08

I hope that this letter in conjunction with the CUP plans sets provides you with enough information to review this application. In an effort to facilitate the review process, please feel free to call me at (402) 434-8494 so that I can address any questions you may have.

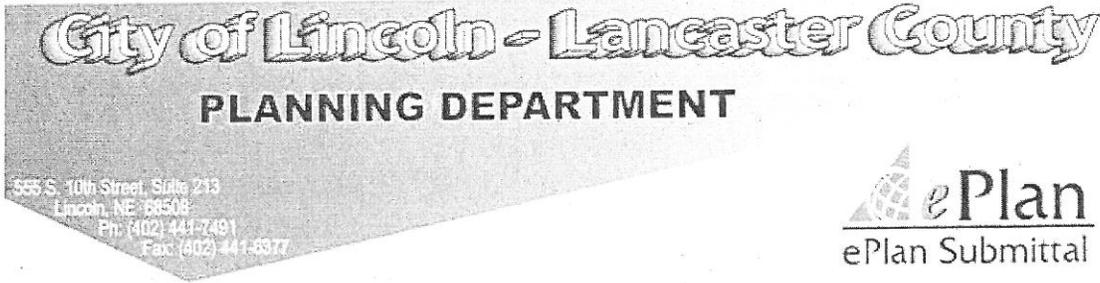
Sincerely,

A handwritten signature in black ink, appearing to read "Mike Eckert", with a long horizontal flourish extending to the right.

Mike Eckert, AICP

cc: Joshua's Glen, LLC
John Hollingsworth

F:\Projects\2012\20120213\landplanning\Doc\CUP_05-29-13.doc



Application Information	
Application #	SP13022
Title	JOSHUAS GLEN
Associated Requests	

Planning Department Use Only	
Submission Date	5/30/2013
Review Due	6/9/2013
Project Planner	Brian Will

Review Comments	
Planning	<input checked="" type="radio"/> Corrections Needed for Review <input type="radio"/> Insufficient Information for Review <input type="radio"/> Recommend Denial <input type="radio"/> Recommend Approval with Conditions <input type="radio"/> Recommend Approval <input type="radio"/> No Review Required Review 1:
Development Review Manager (Steve Henrichsen)	<input type="radio"/> Corrections Needed for Review <input type="radio"/> Insufficient Information for Review <input type="radio"/> Recommend Denial <input type="radio"/> Recommend Approval with Conditions <input checked="" type="radio"/> Recommend Approval <input type="radio"/> No Review Required Review 1:
Planning (Diana Gottschall)	<input type="radio"/> Corrections Needed for Review <input type="radio"/> Insufficient Information for Review <input type="radio"/> Recommend Denial <input type="radio"/> Recommend Approval with Conditions <input type="radio"/> Recommend Approval <input type="radio"/> No Review Required Review 1:
School District - Lincoln (Scott Wieskamp)	<input type="radio"/> Corrections Needed for Review <input type="radio"/> Insufficient Information for Review <input type="radio"/> Recommend Denial <input type="radio"/> Recommend Approval with Conditions <input type="radio"/> Recommend Approval <input type="radio"/> No Review Required Review 1:
	<input type="radio"/> Corrections Needed for Review <input type="radio"/> Insufficient Information for Review <input type="radio"/> Recommend Denial <input checked="" type="radio"/> Recommend Approval with Conditions <input type="radio"/> Recommend Approval <input type="radio"/> No Review Required Review 1: Revise the sanitary sewer flow arrows at 58th and Brendon Lane so that wastewater

030

<p>Public Works (Dennis Bartels)</p>	<p>flow has an outlet(The flow east of 58th is intended to flow east, not west as shown). The sewer flows opposite street grades waiver is satisfactory provided the depths of sewer do not exceed 15'. The required water main in 57th Street is not shown on the utility plan. The private storm sewer in the private street/townhome area west of 57th is recommended to be located outside the 57th Street ROW except where it crosses 57th and outlets into first inlet needed in 57th. This would make a better distinction between public and private ownership. Assuming there are inlets in 57th, an easement needs to be shown from 57th east to where it outlets. An easement is also needed west of the inlets in 59th. The outlet for the detention discharges across an open area with no defined ditch shown per contours. I recommend the plan show a graded ditch to a defined outlet and possibly designed protection to its outlet to Beals Slough. The requested waivers to the street system are satisfactory. There is an approved and built private roadway south of Kayla Court. It is not proposed to be connected to Kayla Court and I am not asking it to be connected, but I believe that this is a waiver of subdivision ordinance requirements that may need to be addressed.</p>	
<p>Lower Platte South NRD (Paul Zillig)</p>	<p><input type="checkbox"/> Corrections Needed for Review <input type="checkbox"/> Insufficient Information for Review <input type="checkbox"/> Recommend Denial <input type="checkbox"/> Recommend Approval with Conditions <input type="checkbox"/> Recommend Approval <input type="checkbox"/> No Review Required</p> <p>Review 1:</p>	
<p>Public Works (Jared Nelson)</p>	<p><input type="checkbox"/> Corrections Needed for Review <input type="checkbox"/> Insufficient Information for Review <input type="checkbox"/> Recommend Denial <input type="checkbox"/> Recommend Approval with Conditions <input type="checkbox"/> Recommend Approval <input type="checkbox"/> No Review Required</p> <p>Review 1:</p>	
<p>LES (Nancy Hegener)</p>	<p><input type="checkbox"/> Corrections Needed for Review <input type="checkbox"/> Insufficient Information for Review <input type="checkbox"/> Recommend Denial <input type="checkbox"/> Recommend Approval with Conditions <input type="checkbox"/> Recommend Approval <input type="checkbox"/> No Review Required</p> <p>Review 1:</p>	
<p>United States Post Office (Kerry Kowalski)</p>	<p><input type="checkbox"/> Corrections Needed for Review <input type="checkbox"/> Insufficient Information for Review <input type="checkbox"/> Recommend Denial <input checked="" type="checkbox"/> Recommend Approval with Conditions <input type="checkbox"/> Recommend Approval <input type="checkbox"/> No Review Required</p> <p>Review 1: Recommend approval on the condition the developer purchase and install Centralized Box Units(CBUs) at their expense in the location mutually agreed upon by the developer and the US Postal Service.</p>	
<p>Public Works (Buff Baker)</p>	<p><input type="checkbox"/> Corrections Needed for Review <input type="checkbox"/> Insufficient Information for Review <input type="checkbox"/> Recommend Denial <input checked="" type="checkbox"/> Recommend Approval with Conditions <input type="checkbox"/> Recommend Approval <input type="checkbox"/> No Review Required</p> <p>Review 1: See Dennis' comments on Site Layout. Bonds for the Private improvemnets of Sts, Lts, Storm Sewer and Detention will be required along with Executive Orders for the Public Improvemnets with the Final Plat.</p>	
<p>County Health (Chris Schroeder)</p>	<p><input type="checkbox"/> Corrections Needed for Review <input type="checkbox"/> Insufficient Information for Review <input type="checkbox"/> Recommend Denial <input type="checkbox"/> Recommend Approval with Conditions <input type="checkbox"/> Recommend Approval <input type="checkbox"/> No Review Required</p>	

Jean Preister

From: Susan Napolitano [susan@thehoppelawfirm.com]
Sent: Monday, June 24, 2013 11:24 AM
To: Jean Preister; tdinh001@neb.rr.com
Cc: Lori Marsh
Subject: Special Permit No. 13022--Objection by Tony Dihn

My clients are the owners of Lot 67 IT, which is situated adjacent to the Joshua's Glen proposed development. The owners are as follows: TRAN, LOC & LAM, HUE & TRAN, HOA TYLER P. My clients would like to go on record to state that they are offended by the bold and presumptive planning of public streets running directly through their property. At no time has anyone connected to the development ever contacted them about such plan, but the developer's intent is clear from the proposal. My clients have no current wishes to develop their property, which is currently their home and acreage. If the development is approved as planned, the streets would simply stop at my clients' property line, which is a ridiculous proposition. We propose that the developers redraw the streets to bypass my clients' property and to include a turnaround area to accommodate emergency and service vehicles somewhere off 58th street. Additionally, we object to any access grants off 56th street that inhibit my clients' ability to get approval for access off the newly widened 56th street. Generally, we also object to the density of the housing in the plan as it is overcrowded and diminishes the quiet character of the neighborhood.

Best regards,

Susan M. Napolitano
Attorney at Law

mailto: susan@thehoppelawfirm.com



THE HOPPE LAW FIRM LLC
ATTORNEYS AT LAW

The information contained in this e-mail, including any attachment(s), is intended solely for use by the named addressee(s). If you are not the intended recipient, or a person designated as responsible for delivering such messages to the intended recipient, you are not authorized to disclose, copy, distribute or retain this message, in whole or in part. This e-mail may contain proprietary, confidential or privileged communications and/or information. If you have received this message in error, please notify the sender immediately. This notice is included in all e-mail messages originating from this address. Thank you for your cooperation.

IRS CIRCULAR 230 NOTICE. Any advice expressed above as to tax matters was neither written nor intended by the sender or The Hoppe Law Firm, LLC to be used and cannot be used by any taxpayer for the purpose of avoiding tax penalties that may be imposed on the taxpayer. If any such tax advice is made to any person or party other than to our client to whom the advice is directed, then the advice expressed above is being delivered to support the promotion or marketing (by a person other than The Hoppe Law Firm, LLC) of the transaction or matter discussed or referenced. Each taxpayer should seek advice based on the taxpayer's particular circumstances from an independent tax advisor.