

FACTSHEET

TITLE: SPECIAL PERMIT NO. 04054, Hartland Homes Southwest 1st Addition Community Unit Plan, requested by Brian D. Carstens and Associates on behalf of Hartland Homes, for approximately 382 single family dwelling units, on property generally located southwest of the intersection of West "A" Street and S.W. 27th Street.

STAFF RECOMMENDATION: Conditional Approval, as revised.

ASSOCIATED REQUESTS: Change of Zone No. 04067 (05-18).

FINDINGS OF FACT:

1. This community unit plan special permit and the associated Change of Zone No. 04067 were heard at the same time before the Planning Commission.
2. The purpose of this special permit is to develop a community unit plan consisting of approximately 382 single family dwelling units generally located southwest of the intersection of West "A" Street and S.W. 27th Street.
3. The applicant is also requesting waivers of the preliminary plat process, block length, lot area and average lot width.
4. The staff recommendation of conditional approval, including approval of all waiver requests, is based upon the "Analysis" as set forth on p.5, concluding that the proposal is in conformance with the Comprehensive Plan and the Zoning Ordinance. The conditions of approval reduced the number of dwelling units from 384 to 382. On November 10, 2004, the staff submitted proposed revisions to the conditions of approval (p.29).
5. The applicant's testimony is found on p.7. The applicant agreed with the staff recommendation and conditions of approval, as revised.
6. There was no testimony in opposition.
7. On November 10, 2004, the Planning Commission agreed with the staff recommendation and voted 7-0 to recommend conditional approval, as set forth in the staff report dated October 27, 2004, with the revisions submitted by staff on November 10, 2004.
8. On November 10, 2004, the Planning Commission also voted 7-0 to recommend approval of the associated change of zone request.
9. The Site Specific conditions of approval required to be completed prior to scheduling this application on the City Council agenda have been satisfied.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 11/10/04
Administrative Action: 11/10/04

RECOMMENDATION: Conditional Approval of 382 dwelling units, as revised (7-0: Carlson, Pearson, Carroll, Marvin, Larson, Krieser and Bills-Strand voting 'yes'; Taylor and Sunderman absent).

FACTSHEET PREPARED BY: Jean L. Walker

DATE: February 1, 2005

REVIEWED BY: _____

DATE: February 1, 2005

REFERENCE NUMBER: FS\CC\2005\SP.04054

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for November 10, 2004 PLANNING COMMISSION MEETING

****As Revised by Staff and Recommended for Conditional Approval
by Planning Commission:
November 10, 2004****

This is a combined staff report for related items. This report contains a single background and analysis section for all items. However, there are separate conditions provided for each individual application.

P.A.S.: **Special Permit #04054**
Change of Zone #04067

PROPOSAL: Community Unit Plan for 384 single family dwellings and change of zone from H-4 General Commercial and AGR Agricultural Residential to R-3 Residential.

LOCATION: Southwest of the intersection of West "A" St. & S. W. 27th St.

WAIVER REQUEST:
Eliminate the preliminary plat process
Block length for Block 13
Average Lot width from 50' to 42'
Lot area from 6,000 s. f. to 4,000 s. f.

LAND AREA: 91.3 acres, more or less.

CONCLUSION: The proposed change of zone and Community Unit Plan are in conformance with the comprehensive plan and zoning ordinance.

<u>RECOMMENDATION:</u>	
<u>Special Permit</u>	<u>Conditional Approval</u>
Change of Zone	Approval
<u>WAIVERS</u>	
<u>Eliminate the preliminary plat process</u>	<u>Approval</u>
<u>Block Length</u>	<u>Approval</u>
<u>Lot Area</u>	<u>Approval</u>
<u>Average Lot Width</u>	<u>Approval</u>

GENERAL INFORMATION:

LEGAL DESCRIPTION: Lots 54 & 68 Irregular Tracts, located in the NE 1/4 of Section 32, Township 10 North, Range 6 East, Lancaster County, Nebraska.

EXISTING ZONING: H-4, General Commercial
AGR, Agricultural Residential

EXISTING LAND USE: Undeveloped

SURROUNDING LAND USE AND ZONING:

North:	AGR, Agricultural Residential	Undeveloped/Agriculture
	H-4, General Commercial	Undeveloped/Agriculture
South:	P, Public	Correctional Center, State property
East:	R-3, Residential	Single-family houses/undeveloped
West:	R-3, Residential	Single-family houses

ASSOCIATED APPLICATIONS: Change of Zone #04067

HISTORY:

August 2, 2004 The Lincoln Airport F.A.R. Part 150 Noise Compatibility Study, 2003 was adopted by City Council.

June 17, 2002 Hartland Homes SW Preliminary Plat and Community Unit Plan located at S. W. 27th St. & W. South St. was approved by City Council.

June 17, 2002 Change of Zone #3361 from AGR, Agricultural Residential to R-3, Residential located at S. W. 27th St. & W. South St. was approved by the City Council.

November 29, 1999 Timber Valley Preliminary Plat generally located at S. W. 31st & West "A" St. was approved by City Council.

April 27, 1998 Annexation #97010 annexing the area southwest of West "A" St. & S. W. 27th St. was approved by the City Council.

March 2, 1998 Change of Zone #3044 from AGR, Agricultural residential to H-4 General Commercial was approved by the City Council.

COMPREHENSIVE PLAN SPECIFICATIONS:

Maximize the community's present infrastructure investment by planning for residential and commercial development in areas with available capacity. This can be accomplished in many ways including encouraging appropriate new

development on unused land in older neighborhoods and encouraging a greater amount of commercial space per acre and more dwelling units per acre in new neighborhoods.” (F-17)

Affordable housing should be distributed throughout the region to be near job opportunities and to provide housing choices within every neighborhood. Encourage different housing types and choices, including affordable housing, throughout each neighborhood for an increasingly diverse population. (F-18)

Interconnected networks of streets, trails, and sidewalks should be designed to encourage walking and bicycling, reduce the number and length of automobile trips, conserve energy and for the convenience of the residents. (F-18)

Transit, pedestrian, and bicycle networks should maximize access and mobility to provide alternatives and reduce dependence upon the automobile. (F-19)

The Land Use Plan identifies this area as urban residential and commercial. (F-25)

The Land Use Plan displays the generalized locations of each land use. It is not intended to be used to determine the exact boundaries of each designation. The area of transition from one land use is often gradual. The Comprehensive Plan also encourages the integration of compatible land uses, rather than a strict segregation of different land uses. (F-27)

Provide different housing types and choices, including affordable housing, throughout each neighborhood for an increasingly diverse population. (F-66)

Transit, pedestrian, and bicycle networks should maximize access and mobility to provide alternatives and reduce dependence upon the automobile. Sidewalks should be provided on both sides of all streets or in alternative locations as allowed through design standards or the Community Unit plan process. (F-66)

Interconnected networks of streets, trails, and sidewalks should be designed to encourage walking and bicycling and provide multiple connections within and between neighborhoods. (F-66)

Guiding principles for new neighborhoods includes:

1. Similar housing types face each other: single family faces single family, change to different use at rear of lot;
2. Parks and open space within walking distance to all residences;
3. Pedestrian orientation; shorter block lengths, sidewalks on both sides of all roads (F-67)

The Lincoln Airport Authority has assessed the existing and future noise impacts, noise contours for the Airport environment in a Part 150 Airport Noise Compatibility Planning Study. The Comprehensive Plan will use information from the Part 150 Study to guide land use planning throughout the airport environs. (F-123)

UTILITIES: Utilities are available to serve this development.

TOPOGRAPHY: The east half and the southwest corner of the property generally slopes south to north. The northwest portion generally slopes from north to south.

TRAFFIC ANALYSIS:

West “A” is classified as a minor arterial. Improvements to West “A” St. are shown in the 2004-2010 Capital Improvement Program. Improvements consist of changing West “A” St. to two through lanes plus left and/or right turn lanes at intersections. The project is scheduled to be completed in 2008.

S.W. 27th St. is a local street. Currently S.W. 27th St. is a rural cross section with a gravel surface. A paving district was approved for SW 27th St.

PUBLIC SERVICE: The nearest fire station is located on Coddington Ave., south of West “A” Street.

Roper Elementary school is located at Coddington Ave. & West South St.

ANALYSIS:

1. This is a request for a change of zone from H-4 and AGR to R-3 and for a Community Unit Plan to develop 384 single family lots.
2. The site is 91.3 acres. The allowed overall density is 614 dwelling units, however the applicant is requesting only 384 dwelling units resulting in a density of 4.2 dwelling units per acre.
3. This area could not be used for residential previously because it exceeded the DNL 70 noise contour. The recently approved Noise Compatibility Study revised the noise contours and this area now lies between the DNL 60 and 65 noise contour. Residential uses are allowed up to the DNL 70 line. The western edge of this development is below the DNL 60 line.
4. The proposed residential development is compatible with the adjacent land use and is in conformance with the 2025 Comprehensive Plan. There are residential developments to the west and across S.W. 27th St. to the east.
5. The applicant is requesting a waiver to lot width and lot area to allow 42' x 110' lots in some areas. The smaller lots allow for different housing types and choices. This waiver is acceptable to Planning staff.
6. The applicant is requesting a waiver to block length for Block 13. This waiver is acceptable because a street stub from the west was not provided for connection into this property.
7. This development is subject to the requirement for park land dedication, impact fees for park facilities at the time of building permits, or a combination of both. A city-owned park is not planned within this development, and the Parks and Recreation Department is requesting impact fees in lieu of the park land dedication.

CONDITIONS:

Site Specific:

1. After the applicant completes the following instructions and submits the documents and plans to the Planning Department office and the plans are found to be acceptable, the application will be scheduled on the City Council's agenda:

- 1.1 Revise the site plan to show:

- 1.1.1 Revise Note 12 to read, "The grant of an avigation and noise easement to the Lincoln Airport Authority is a condition of approval as all or part of the land is located within the Airport Environs Noise District and potentially subjects the land to aircraft noise levels which may affect users of the property and interfere with its use.
- 1.1.2 Change the names of W. Jenna St. and S.W. Jeremy Lane.
- 1.1.3 Dedicate 33' 27' of additional right-of-way along West "A" St. (****As revised by staff and recommended by Planning Commission: 11/10/04****)
- 1.1.4 Delete the last sentence in Note 6.
- 1.1.5 Reverse the street names of W. Kyle Lane and W. Washington St.
- 1.1.6 Identify the bike trail on West "A" St.
- 1.1.7 Add a note that Block 3 shall not be final platted until Maple St. is vacated.
- 1.1.8 Change S.W. 28th St., south of W. Peach St., to S.W. 29th St.
- 1.1.9 Change S.W. Derrick Ave. to S.W. 29th St. and S.W. 29th St. to S.W. Derrick Ave.
- 1.1.10 Combine Block 14 with Block 10 and revise the lot numbers. Combine Blocks 11, 12 & 13 and renumber lots.
- 1.1.11 Show utility easements requested by the October 11, 2004 LES report.
- 1.1.12 Show a landscape screen along West "A" St. for residential lots backing onto a public street.
- 1.1.13 Make corrections per Public Works & Utilities report.
- 1.1.14 Show a 6' wide outlot along West "A" Street for a bike trail.
- 1.1.15 Provide a pedestrian easement from W. Peach Place to the west boundary of the development.
- 1.1.16 As required by Section 26.23.160, show the dedication of at least 2.14 acres for a neighborhood park in the southwest portion of the community unit plan to the satisfaction of the Director of Parks & Recreation Department.

(As revised by staff and recommended by Planning Commission: 11/10/04**)**

2. This approval permits 382 dwelling units with waivers to lot area, lot width, block length, and the preliminary plat process.
3. The waiver of the preliminary plat process shall only be effective for a period of ten (10) years from the date of the city's approval, and shall be of no force or effect thereafter. If any final plat on all or a portion of the approved community unit plan is submitted five (5) years or more after the approval of the community unit plan, the city may require that a new community unit plan be submitted, pursuant to all the provisions of section 26.31.015. A new community unit plan may be required if the subdivision ordinance, the design standards, or the required improvements have been amended by the city; and as a result, the community unit plan as originally approved does not comply with the amended rules and regulations.

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

Permittee agrees:

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

to complete the installation of sidewalks along both sides of the streets and along West "A" St. and S.W. 27th St. as shown on the final plat within four (4) years following the approval of the final plat.

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

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

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

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

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

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

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

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

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

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

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

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

to continuously and regularly maintain the landscape screens.

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

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

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

to relinquish the right of direct vehicular access to West "A" St. except at S.W. 30th St.

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

General:

3. Before receiving building permits:
 - 3.1 The permittee shall have submitted a revised and reproducible final plan including 5 copies and the plans are acceptable.
 - 3.2 The construction plans shall comply with the approved plans.
 - 3.3 Final Plats shall be approved by the City.
 - 3.4 Grant an avigation and noise easement to the Lincoln Airport Authority on all or that part of the land located within the Airport Environs Noise District.

STANDARD CONDITIONS:

4. The following conditions are applicable to all requests:
 - 4.1 Before occupying the dwelling units all development and construction shall have been completed in compliance with the approved plans.
 - 4.2 All privately-owned improvements shall be permanently maintained by the owner or an appropriately established homeowners association approved by the City Attorney.
 - 4.3 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.
 - 4.4 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
 - 4.5 The applicant shall sign and return the letter of acceptance to the City Clerk within 30 days following the approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filling fees therefor to be paid in advance by the applicant.

Prepared by:

Tom Cajka
Planner

DATE: October 27, 2004

APPLICANT: Duane Hartman
Hartland Homes
P. O. Box 22787
Lincoln, NE 68542
(402) 477-6668

OWNER: same as applicant

CONTACT: Brian D. Carstens
Brian D. Carstens & Associates
601 Old Cheney Rd. Suite "C"
Lincoln, NE 68512
(402) 434-2424

**CHANGE OF ZONE NO. 04067
and
SPECIAL PERMIT NO. 04054,
HARTLAND HOMES SW 1ST ADDITION
COMMUNITY UNIT PLAN**

PUBLIC HEARING BEFORE PLANNING COMMISSION:

November 10, 2004

Members present: Carlson, Pearson, Carroll, Marvin, Larson, Krieser and Bills-Strand; Sunderman and Taylor absent.

Staff recommendation: Approval of the change of zone and conditional approval of the community unit plan.

Ex Parte Communications: None.

Tom Cajka of Planning staff submitted proposed the following amendments to the conditions of approval on the special permit:

- 1.1.3 Dedicate 33' 27' of additional right-of-way along West "A" St. (****As revised by staff and recommended by Planning Commission: 11/10/04****)

- 1.1.14 Show a 6' wide outlot along West "A" Street for a bike trail.

- 1.1.15 Provide a pedestrian easement from W. Peach Place to the west boundary of the development.

- 1.1.16 As required by Section 26.23.160, show the dedication of at least 2.14 acres for a neighborhood park in the southwest portion of the community unit plan to the satisfaction of the Director of Parks & Recreation Department.

Proponents

1. Brian Carstens appeared on behalf of **Hartland Homes**, explaining that this is a community unit plan for 384 single family residential units with a change of zone to allow the residential use. This property became available for residential development with the adoption of the new Airport Environs map. The applicant agreed with the staff's proposed amendments to the conditions of approval.

There was no testimony in opposition.

CHANGE OF ZONE NO. 04067

ADMINISTRATIVE ACTION BY PLANNING COMMISSION: November 10, 2004

Larson moved approval, seconded by Krieser and carried 7-0: Carlson, Pearson, Carroll, Marvin, Larson, Krieser and Bills-Strand voting 'yes'; Taylor and Sunderman absent. This is a recommendation to the City Council.

SPECIAL PERMIT NO. 04054

ADMINISTRATIVE ACTION BY PLANNING COMMISSION

November 10, 2004

Carlson moved to approve the staff recommendation of conditional approval, with the amendments submitted today, seconded by Carroll and carried 7-0: Carlson, Pearson, Carroll, Marvin, Larson, Krieser and Bills-Strand voting 'yes'; Taylor and Sunderman absent. This is a recommendation to the City Council.



2002 aerial

Special Permit #04054
Change of Zone #04067
SW 27th & West 'A' St.

Zoning:

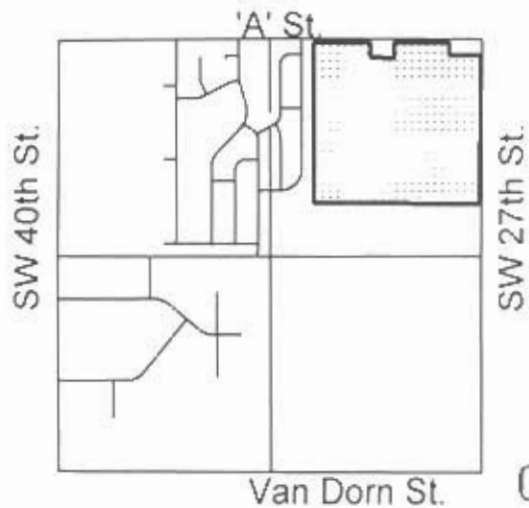
- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- R-C Residential Conservation District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned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

One Square Mile
 Sec. 32 T10N R6E

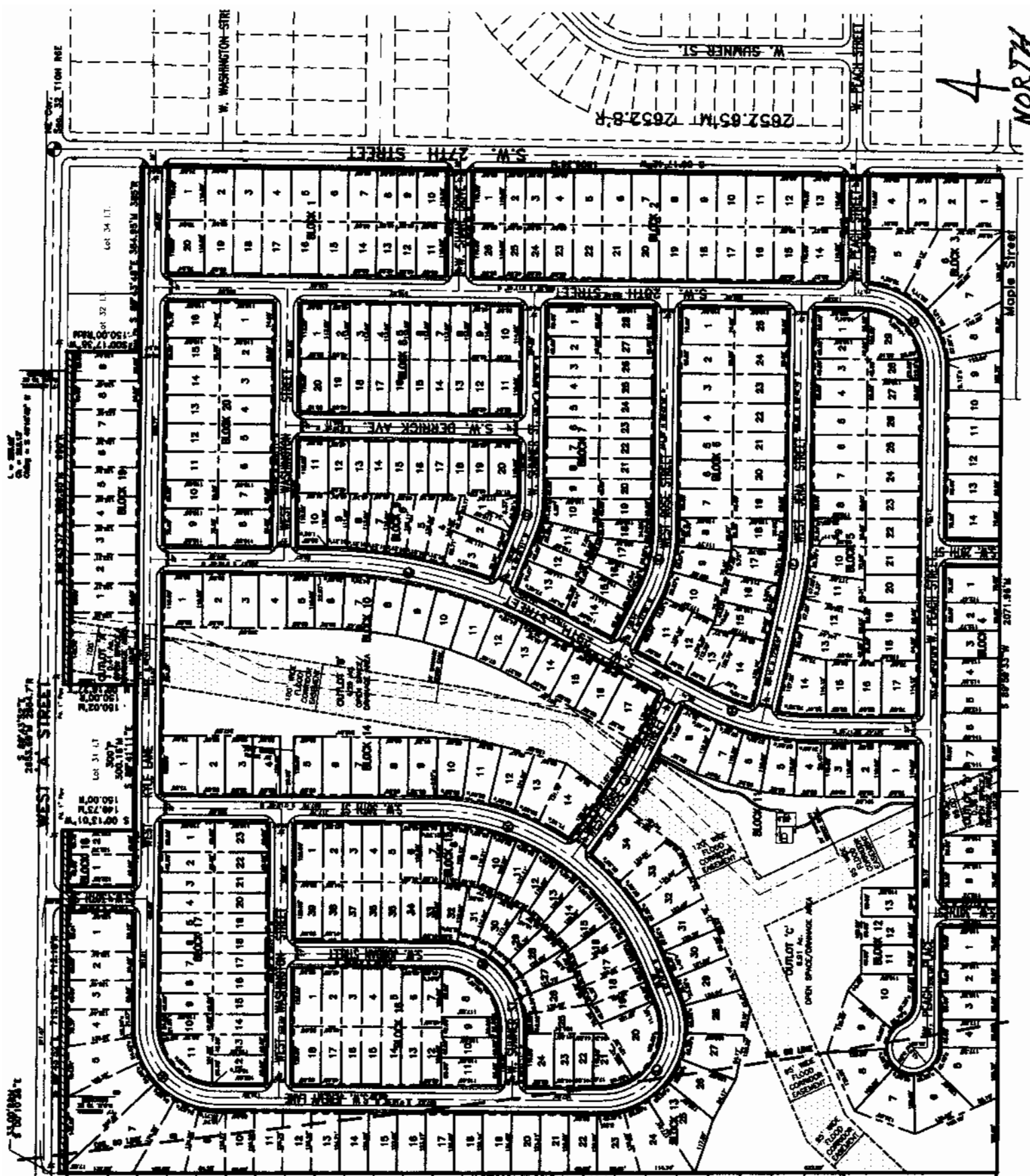


Zoning Jurisdiction Lines

City Limit Jurisdiction



013



4
NORTH

014

100' R

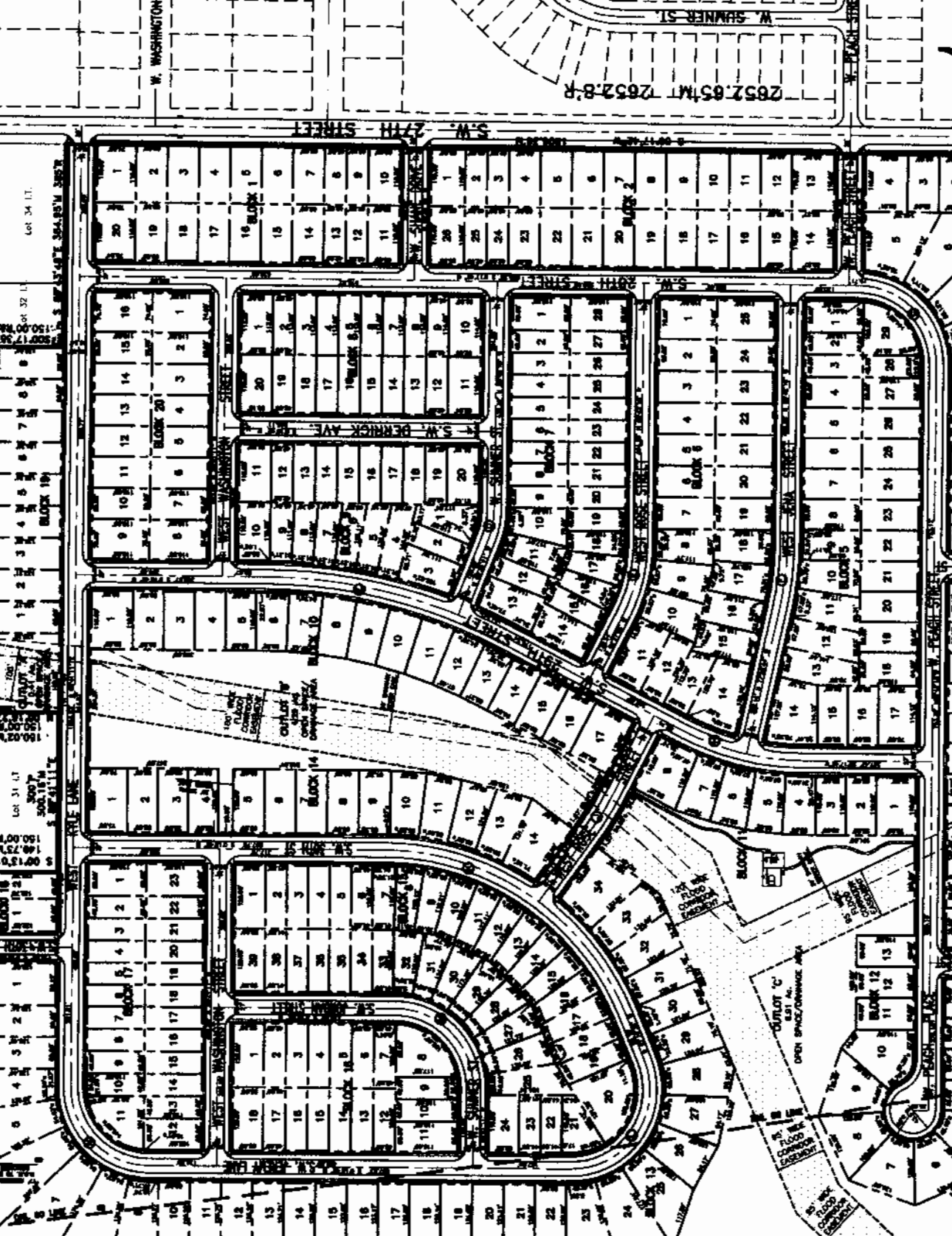
WEST A STREET
WEST B STREET
WEST C STREET
WEST D STREET
WEST E STREET
WEST F STREET
WEST G STREET
WEST H STREET
WEST I STREET
WEST J STREET
WEST K STREET
WEST L STREET
WEST M STREET
WEST N STREET
WEST O STREET
WEST P STREET
WEST Q STREET
WEST R STREET
WEST S STREET
WEST T STREET
WEST U STREET
WEST V STREET
WEST W STREET
WEST X STREET
WEST Y STREET
WEST Z STREET

LOT 31
LOT 32
LOT 33
LOT 34
LOT 35
LOT 36
LOT 37
LOT 38
LOT 39
LOT 40
LOT 41
LOT 42
LOT 43
LOT 44
LOT 45
LOT 46
LOT 47
LOT 48
LOT 49
LOT 50

LOT 51
LOT 52
LOT 53
LOT 54
LOT 55
LOT 56
LOT 57
LOT 58
LOT 59
LOT 60
LOT 61
LOT 62
LOT 63
LOT 64
LOT 65
LOT 66
LOT 67
LOT 68
LOT 69
LOT 70

LOT 71
LOT 72
LOT 73
LOT 74
LOT 75
LOT 76
LOT 77
LOT 78
LOT 79
LOT 80
LOT 81
LOT 82
LOT 83
LOT 84
LOT 85
LOT 86
LOT 87
LOT 88
LOT 89
LOT 90

LOT 91
LOT 92
LOT 93
LOT 94
LOT 95
LOT 96
LOT 97
LOT 98
LOT 99
LOT 100



WEST A STREET
WEST B STREET
WEST C STREET
WEST D STREET
WEST E STREET
WEST F STREET
WEST G STREET
WEST H STREET
WEST I STREET
WEST J STREET
WEST K STREET
WEST L STREET
WEST M STREET
WEST N STREET
WEST O STREET
WEST P STREET
WEST Q STREET
WEST R STREET
WEST S STREET
WEST T STREET
WEST U STREET
WEST V STREET
WEST W STREET
WEST X STREET
WEST Y STREET
WEST Z STREET

LOT 101
LOT 102
LOT 103
LOT 104
LOT 105
LOT 106
LOT 107
LOT 108
LOT 109
LOT 110
LOT 111
LOT 112
LOT 113
LOT 114
LOT 115
LOT 116
LOT 117
LOT 118
LOT 119
LOT 120

HARTLAND HOMES SOUTHWEST 1ST ADDITION

LEGAL DESCRIPTION:

A survey of the Lots 54, and 68, of Irregular Tracts, located in the Northeast Quarter of Section 32 Township 10 North Range 6 East of the Sixth Principal Meridian, Lancaster County, Nebraska, more particularly described by metes and bounds as follows.

Comencing at the North 1/4 Corner of Section 32 Township 10 North Range 6 East of the Sixth Principal Meridian; Thence South 89°43'52" East, (an assumed bearing) on the North line of the Northeast Quarter of Section 32, a distance of 530.30 feet;
Thence South 00°10'36" East, on the East line of Timber Valley Addition extended, a distance of 33.00 feet, to the POINT OF BEGINNING;

Thence South 89°43'52" East, on the South right of way line of West A Street, a distance of 713.16 feet, to the Northwest corner of Lot 31 Irregular Tract;

Thence South 00°13'01" West, on the West line of Lot 31 Irregular Tract, a distance of 149.73 feet, to the Southwest corner of said Lot 31;

Thence South 89°41'11" East, on the South line of Lot 31, a distance of 300.16 feet, to the Southeast Corner of said Irregular Tract Lot 31;

Thence North 00°16'27" East, on the East line of Lot 31, a distance of 150.02 feet, to a point on the South right of way of West A Street;

Thence South 89°43'37" East, on the said right of way line, a distance of 689.65 feet, to the Northwest corner of Lot 32 Irregular Tract;

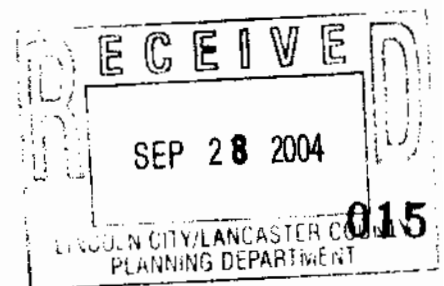
Thence South 00°17'35" West, on the West line of Lot 32 I.T., a distance of 150.00 feet;

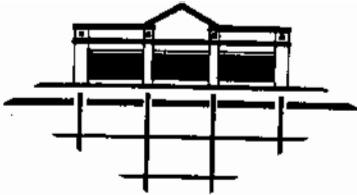
Thence South 89°43'48" East, on the South line of Lots 32, and 34 Irregular Tract, a distance of 384.95 feet, to a point on the West right of way of Southwest 27th Street;

Thence South 00°17'42" West, on the said West right of way, a distance of 1806.36 feet, to a point on the North line of Maple Street;

Thence South 89°59'33" West, on the North line of Maple Street, Lot 23, and Lot 18, Irregular Tract, a distance of 2071.96 feet, to the Southeast corner of Outlot A, Timber Valley, Addition;

Thence North 00°10'36" West, on the East line of Timber Valley Addition, a distance of 1966.59 feet to the POINT OF BEGINNING, and containing a calculated area of 3,978,418.33 Square feet or 91.332 acres more or less.





BRIAN D. CARSTENS AND ASSOCIATES
LAND USE PLANNING RESIDENTIAL & COMMERCIAL DESIGN
601 Old Cheney Road, Suite C Lincoln, NE 68512 Phone: 402.434.2424

September 28, 2004

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

RE: HARTLAND HOMES SOUTHWEST 1ST ADD. - SPECIAL PERMIT/ C.U.P.
SOUTHWEST 27TH AND WEST 'A' STREETS

Dear Marvin, on behalf of Heartland Homes, Inc., we submit the following Special Permit for a Community Unit Plan for your review.

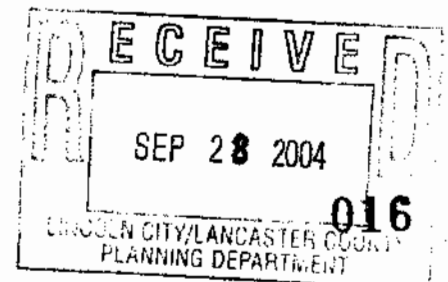
Hartland Homes S.W. 1st Addition is located immediately west of the previously approved Hartland Homes Southwest Addition/ Preliminary Plat/ C.U.P., located at S.W. 27th and West South Streets.

The site is currently zoned 'H-4' and 'AGR', thus we are submitting a change of zone to 'R-3' for the entire development. With the new airport environs mapping, almost the entire site is within the 'DNL 60' line. Residential development can occur in this area, with minor modifications to the homes, such as double pane windows, etc.

This project contains 379 single family dwelling units on various sizes of lots. The site is bisected by an existing drainage way that is being preserved with the development of the project. There are 3 street crossings across the drainage areas. We are proposing a ½ court basketball court and a climbing/ slide structure as part of the recreational plan on a common outlet.

We are requesting a waiver to the subdivision ordinance to eliminate the 'preliminary plat' procedures, as we are submitting a Special Permit for a C.U.P. at this time.

We are also requesting a 'block length' waiver on Block 13, as there were no street connections planned between this property and the subdivision to the west.



Page 2

Please feel free to contact me if you have any further questions.

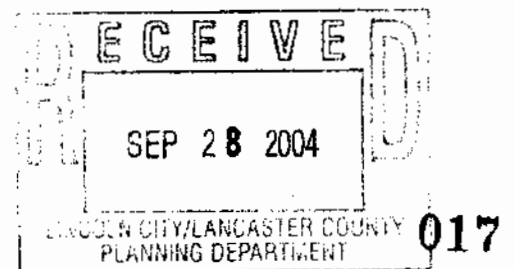
Sincerely,



Brian D. Carstens

cc: Duane Hartman, Hartland Homes, Inc.
Peter Katt, PFHB & K
Lyle Loth, E.S.P.

Enclosures: 24 copies of sheet 1 of 8
8 copies of sheets 2 thru 8
Application for a Special Permit
Application for a Change of Zone & Exhibits
Application Fees \$3,120.00
Certificate of Ownership
8-1/2" x 11" Reductions of the Plans



Memorandum

To:	Tom Cajka, Planning Department
From:	Chad Blahak, Public Works and Utilities Dennis Bartels, Public Works and Utilities
Subject:	Hartland Homes SW 1 st Addition Special Permit #04042
Date:	10/29/04
cc:	Randy Hoskins, Roger Figard

Engineering Services has reviewed the special permit for Hartland Homes SW 1st Addition, located on the southwest corner of SW 27th Street and West A Street, and has the following comments:

Sanitary Sewer - The following comments need to be addressed.

(1.1) There are existing sanitary manholes located in what is proposed to be Detention Area 'C'. The rim elevation listed for the manhole near the outlet is below the 100yr elevation according to the drainage report. Also, this manhole is shown to be on the side slope for the detention cell. The manhole rim will need to be adjusted to be above the 100yr elevation. The grading needs to be revised to show the manhole not on the side slope of the detention cell and the manhole adjusted to grade.

Water Mains - The water system is satisfactory.

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

(3.1) The proposed grading along West A Street needs to be revised to reflect future improvements to West A Street.

(3.2) It appears that the 7x7 box culvert in A Street and the twin 5x6 culvert just upstream were analyzed separately. Information needs to be provided showing to the satisfaction that the effects of the A Street culvert were taken into account for the design of outlet culvert for Detention Cell 'C'.

(3.3) The storm sewer system that areas A and B drain to were not designed to account for the flow shown on this plat. Information needs to be provided showing that the existing down stream system has sufficient capacity to convey the proposed flows. The down stream system was designed by this engineer and constructed by this developer. This excess flow would flow down SW 27th Street and drain to the A Street south ditch and potentially cause problems with existing driveway culverts along A Street.

(3.4) The proposed plan shows a detention cell on the south property line of the plat. The cell is shown to extend onto the adjacent property. If this detention is required, a detention/drainage easement needs to be shown on the property to the south to ensure the required volume is maintained. If this detention is not needed, the drainage plan and report/calculations need to be revised showing that sufficient detention is provided elsewhere.

(3.5) The grading plan shows that Lots 1-6 Block 19 appear to be below the low point elevation in A Street. The grading plan should be revised to show these lots graded above the overflow elevation.

Streets - The following comments need to be addressed.

(4.1) The current approved Comprehensive Plan shows 120' of ROW for A Street in this area. The site plan needs to be revised to show ROW dedication to 60' along the south side of A Street for this plat.

(4.2) There is currently 30' ROW for Maple Street in the southeast corner of the plat. As shown the plat violates the subdivision ordinance for double frontage lots. The north 30' of Maple Street needs to be dedicated and the street layout revised to incorporate Maple Street or the Exist ROW needs to be vacated. If the ROW is to be vacated, this should be completed prior to the first final plat is approved.

General - The information shown on the preliminary plat relating to the public water main system, public sanitary sewer system, and public storm sewer system has been reviewed to determine if the sizing and general method providing service is satisfactory. Design considerations including, but not limited to, location of water main bends around curves and cul-de-sacs, connection of fire hydrants to the public main, temporary fire hydrant location, location and number of sanitary sewer manholes, location and number of storm sewer inlets, location of storm sewer manholes and junction boxes, and the method of connection storm sewer inlets to the main system are not approved with this review. These and all other design considerations can only be approved at the time construction drawings are prepared and approved.

Memo



To: Tom Cajka, Planning Department

From: Mark Canney, Parks & Recreation

Date: October 12, 2004

Re: Hartland Homes SW 1st Addition

Staff members of the Lincoln Parks and Recreation Department have conducted a plan review of the above-referenced application/proposal and have the following comments:

1. In lieu of dedication of park land for a neighborhood park as part of the platting process, the Park's Department is requesting impact fees.

If you have any additional questions, comments or concerns, please feel free to contact me at 441-8248. Thank you.

Memo



To: Tom Cajka, Planning Department

From: Mark Canney, Parks & Recreation

Date: October 5, 2004

Re: Hartland Homes SW 1st Addition

Staff members of the Lincoln Parks and Recreation Department have conducted a plan review of the above-referenced application/proposal and have the following comments:

1. Provide a pedestrian easement between lots 6 & 7 , block 12 for connectivity between Timber Ridge, this plat and Roper Elementary School.
2. Provide ROW along south side of A from SW. 27th west for an East to West trail connection per the Comprehensive Plan.
3. It is recommended that 20' separation be provided between the play structure and the basketball court to prevent conflict of activity and age groups using facilities.
4. The Homeowners Association should be aware that they will be required to have liability insurance for the playground and the ongoing costs associated with the insurance, playground maintenance and upkeep.

If you have any additional questions, comments or concerns, please feel free to contact me at 441-8248. Thank you.



Dennis L Roth

10/04/2004 05:30 AM

To: Thomas J Cajka/Notes@Notes

cc:

Subject: re: Hartland Homes, SW 1st

PROJ NAME: Hartland Homes Southwest 1st Add
PROJ NMBR: SP #04054
PROJ DATE: 09/28/04
PLANNER: Tom Cajka

Finding TWO DUPLICATE/SIMILAR sounding names in our geobase for the streets proposed in this project..

EXISTING

JENNA LN
LARAMIE TRL

PROPOSED

W JENA ST - does NOT align with the existing street
SW JEREMY LN

Dennis "denny" Roth, ESD II/CAD Admin
Emergency Communications 9-1-1 Center

STREETS: W Derrick Ave, W Jena St, W Jeremy Ln, W Jordan St, W Kyle Ln, W Peach Pl, W Peach St,
W Rose St, W Shane Cir, W Sumner St, W Washington St, SW 28th St, SW 29th St &
SW 30th St

CROSS: SW 13th St, SW 27th St and W A St

PRIVATE: none

COMMENTS: RE: Laramie and Jeremy. We find MOST callers tend NOT to offer their full street name, opting for the root name only. The extra time required to complete the full name, could pose a significant delay in Emergency Services response.

Richard J Furasek
10/04/2004 09:20 AM

To: Thomas J Cajka/Notes@Notes
cc:
Subject: Hartland Homes Southwest 1st Addition

Upon review of special permit # 04054 and CZ # 0406F, we find it acceptable from the perspective of our department.

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



MICHAEL WOOLMAN
<lpd737@CJIS.CI.LINC
OLN.NE.US>

09/29/2004 03:08 PM

To: Tom Cajka <TCajka@ci.lincoln.ne.us>
cc:
Subject: Hartland Homes Southwest 1st Addition

Mr. Cajka,

The Lincoln Police Department does not object to the Hartland Homes Southwest 1st Addition.

Sergeant Michael Woolman

IMPORTANT

Return this report with two sets of corrected plans. The corrections noted below are required to be made to the plans prior to issuance of a permit. Please indicate under each item where the correction is made by plan sheet number or plan detail number.

A separate set of plans for review and final approval must be submitted by the licensed installing contractor/s if fire suppression systems, sprinklers, dry powder, fire alarm systems or underground tanks are installed.

Permit # **DRF04149**

Address

Job Description: Development Review - Fire

Location: HARTLAND HOMES SOUTHWEST 1ST ADD

Special Permit: Y

Preliminary Plat:

Use Permit:

CUP/PUD:

Requested By **TOM CAJKA**



Status of Review: Approved

09/30/2004 9:54:21 AM

Reviewer: FIRE PREVENTION/LIFE SAFETY CODE

BOB FIEDLER

Comments: need site utility plan showing fire hydrants

Status of Review: Approved

09/30/2004 12:02:19 PM

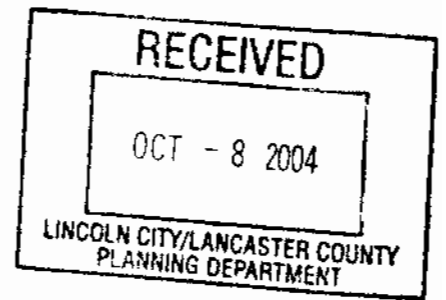
Reviewer: FIRE PREVENTION/LIFE SAFETY CODE

BOB FIEDLER

Comments: approved

Current Codes in Use Relating to Construction Development in the City of Lincoln:

- 2000 International Building Code and Local Amendments
- 2000 International Residential Code and Local Amendments
- 1994 Nebraska Accessibility Guidelines (Patterned after and similar to ADA guidelines)
- 1989 Fair Housing Act As Amended Effective March 12, 1989
- 1979 Zoning Ordinance of the City of Lincoln as Amended including 1994 Parking Lot Lighting Standards
- 1992 Lincoln Plumbing Code (The Lincoln Plumbing Code contains basically the 1990 National Standard Plumbing Code and local community Amendments.)
- 1999 National Electrical Code and Local Amendments
- 1997 Uniform Mechanical Code and Local Amendments
- 1994 Lincoln Gas Code
- 2000 NFPA 101 Life Safety Code
- 2000 Local Amendments International Firecode
- Applicable NFPA National Fire Code Standards



October 7, 2004

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

Subject: Lincoln Airport, Lincoln, NE
Special Permit 04054
Hartland Homes Southwest, 1st Addition
Number 03068

Mr. Cajka:

Regarding the proposed Special Permit:

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

This area is also within an Outer Approach Zone, as defined in Chapter 27.59. Any structures proposed in this area over 75' in height will require a height permit review, per the requirements of the chapter.

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

Sincerely,

AIRPORT AUTHORITY

A handwritten signature in black ink, appearing to read "Jon L. Large".

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

JLL/lb

cc: Mike Johnson, w/enclosures

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

TO: Tom Cajka

DATE: October 11, 2004

DEPARTMENT: Planning

FROM: Chris Schroeder

ATTENTION:

DEPARTMENT: Health

CARBONS TO: EH File
EH Administration

SUBJECT: Hartland Homes
Southwest 1st Addition
SP #04054 CZ #04067

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

- During the construction process, the land owner(s) will be responsible for controlling off-site dust emissions in accordance with Lincoln-Lancaster County Air Pollution Regulations and Standards Article 2 Section 32. Dust control measures shall include, but not limited to application of water to roads, driveways, parking lots on site, site frontage and any adjacent business or residential frontage. Planting and maintenance of ground cover will also be incorporated as necessary.

INTER-DEPARTMENT COMMUNICATION



DATE: October 11, 2004
TO: Tom Cajka, City Planning
FROM: Sharon Theobald
Ext 7640
SUBJECT: DEDICATED EASEMENTS
DN# 16S-29W

Attached is the Hartland Homes Southwest 1st Addition C.U.P.

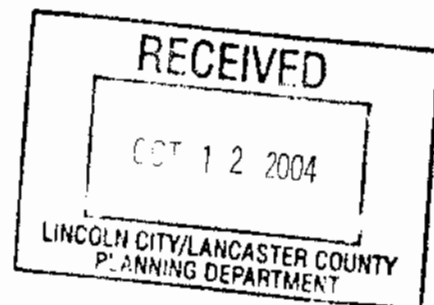
In reviewing the dedicated transmission line or other electrical easements shown on this plat, LES does not warrant, nor accept responsibility for the accuracy of any such dedicated easements.

ALLTEL, Time Warner Cable, and the Lincoln Electric System will require the additional easements marked in red on the map, along with blanket utility easements over all of the Outlots.

It should be noted, any relocation of existing facilities will be at the owner/developer's expense.

Sharon Theobald

ST/ss
Attachment
c: Terry Wiebke
Easement File



MEMORANDUM

TO: Planning Commission
FROM: Tom Cajka, Planning
SUBJECT: Hartland Homes Southwest 1st Addition
Special Permit #04054
DATE: November 9, 2004

Amendment to Conditions of staff report:

1. Revise condition 1.1.3 to read, "Dedicate 27' of additional right-of-way along west "A" St."
2. Add condition 1.1.14 to read, "Show a 6' wide outlet along West "A" St. for a bike trail."
3. Add condition 1.1.15 to read, "Provide a pedestrian easement from W. Peach Place to the west boundary of the development"
4. Add condition 1.1.16 to read, "As required by Section 26.23.160 show the dedication of at least 2.14 acres for a neighborhood park in the southwest portion of the plat to the satisfaction of the Director of Parks & Recreation Department."