

FACTSHEET

TITLE: SPECIAL PERMIT NO. 1786A, an amendment to the **BLACK FOREST ESTATES COMMUNITY UNIT PLAN**, requested by Olsson Associates on behalf of Quin-C, Inc., permitting 88 dwelling units, with associated adjustments and waivers, on property generally located at 62nd Street and Old Cheney Road.

STAFF RECOMMENDATION: Conditional Approval, as revised on 8/22/01.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 07/25/01; 08/08/01 and 08/22/01
Administrative Action: 08/22/01

RECOMMENDATION: Conditional Approval, as revised on 8/22/01 (8-0: Krieser, Steward, Schwinn, Newman, Duvall, Carlson, Taylor and Bayer voting 'yes'; Hunter absent).

FINDINGS:

1. The proposed changes to the CUP are an attempt to save existing trees on the site, minimize grading and changes to existing drainage courses.
2. Approval of this special permit allows 88 dwelling units with the following adjustments and waivers:
 - Adjustment to a 5' front yard setback, except along Old Cheney Road, with a minimum 22' setback for garages.
 - Adjustment to a 5' rear yard on Lot 7, Block 7.
 - Waiver of sidewalks on the west side of Black Forest Drive and both sides of Black Forest Court.
3. The staff had originally recommended denial of the request, based upon the "Analysis" as set forth on p.4; however, on August 22, 2001, the staff submitted revised conditions of approval to which both the applicant and the staff agreed (See p.21-23; also see Minutes, p.9-10). The applicant revised the application such that Crosscut Lane will remain a private roadway within Black Forest Estates, which changed several of the waiver requests and which changed the staff recommendation to conditional approval.
4. The applicant was not present at the continued public hearing; however, the applicant's agreement to the revised conditions of approval appears in a letter dated August 21, 2001 (p.25-26).
5. The record consists of four letters in support (p.27-30).
6. There was no testimony in opposition; however, the record consists of two letters in opposition (p.31-36).
7. On August 22, 2001, the Planning Commission agreed with the revised staff recommendation and voted 8-0 to recommend conditional approval, as set forth in the revised staff report on p.5-8.
8. The developer did not follow up with changes required per the August 22, 2001, action by the Planning Commission, and as part of an effort to clear pending cases from our records, the Planning Department contacted the developer on July 15, 2005, requesting that they indicate their intentions regarding this application. In response, the Site Specific conditions of approval required to be completed prior to scheduling this application on the City Council agenda were submitted on September 15, 2005, and the revised site plan is attached (p.13).

FACTSHEET PREPARED BY: Jean L. Walker

REVIEWED BY: _____

REFERENCE NUMBER: FS\CC\2005\SP.1786A

DATE: September 19, 2005

DATE: September 19, 2005

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

P.A.S.: Special Permit #1786A
Black Forest Estates C.U.P.

DATE: July 9, 2001

****As revised by the applicant and staff
and approved by Planning Commission on 8/22/01****

PROPOSAL: Gary Bredehoff, on behalf of Quin-C, Inc., is proposing the following changes to the Black Forest Estates Community Unit Plan:

- ~~Removal of Crosseut Lane between Burlwood Drive and Black Forest Drive with the addition of a cul-de-sac at the intersection of Crosseut Lane and Black Forest Drive (**Revised by the applicant, 8/22/01**)~~
- Delete sidewalks along both sides of Black Forest Court
- Revise Note 17 to waive sidewalks along the west side of Black Forest Drive instead of the east side
- Provide a picnic shelter on Outlot "D"

The following waivers are requested:

- ~~Waiver of block length for Burlwood Drive~~
- ~~Waiver of cul-de-sac length for Black Forest Drive/Court~~
- ~~Waiver of cul-de-sac radius size (**Revised by the applicant, 8/22/01**)~~
- Waiver of sidewalks along both sides of Black Forest Court

GENERAL INFORMATION:

APPLICANT: Gary Bredehoff
Olsson Associates
1111 Lincoln Mall
Lincoln, NE 68508

OWNER: Quin-C, Inc.
3003 S. 31st Street
Lincoln, NE 68502

LOCATION: 62nd & Old Cheney Road

LEGAL DESCRIPTION: Lot 9, Vandervoort Addition, Black Forest Estates Addition, and Black Forest Estates 1st Addition all located in the south ½ of Section 9, Township 9 North, Range 7 East of the 6th P. M. Lincoln, Lancaster County, Nebraska.

SIZE: 39.65 acres more or less

EXISTING ZONING: R-1 Residential under a C.U.P.

EXISTING LAND USE: Single family dwellings

SURROUNDING LAND USE AND ZONING: To the north are single family homes, zoned R-1; to the east are attached single family homes and a single family home on an acreage, zoned R-1; to the south across Old Cheney Road are single family homes on acreages zoned R-1 and AGR; to the west are retail stores and office buildings, zoned B-5 and O-3.

COMPREHENSIVE PLAN SPECIFICATIONS: The Land Use Plan shows the site as Urban Residential

HISTORY: The site was converted from A-1 Single Family to R-1 Residential with the **1979 zoning update**.

- Nov. 19, 1984** City Council approved Special Permit #1114 - the Pheasant Run Community Unit Plan to the east. The City Council Resolution amended the site plan by removing the road connection from Tanglewood Lane to Pheasant Lane (now called Pheasant Run Place). The plans retained a connection from S. 68th Street to Grouse Place via Brushwood Lane and to the east via Tallowwood Ave.
- May 4, 1987** City Council approved Special Permit #1114B, which amended the lot layout of the Pheasant Run Community Unit Plan and removed the street connection to Brushwood Lane. Staff had requested that the street connection to Colonial Hills remain.
- 1988** City Council requested that staff study potential vehicular outlets from Colonial Hills to Old Cheney Road.
- June 3, 1996** City Council approved Special Permit #1615, the Tallow Wood CUP, which, over a staff recommendation of denial, created a cul-de-sac east of Pheasant Run and closed off the final potential connection from Pheasant Run to Hickory Crest and Colonial Hills.
- Dec. 20, 1999** City Council approved the Black Forest Estates Preliminary Plat and Community Unit Plan, which approved a road connection to Tanglewood Lane to be completed after 10 years or the construction of the 60th of 88 units within Black Forest Estates.
- Dec. 29, 1999** The Mayor vetoed City Council's action, noting that the street connection to Colonial Hills must be completed earlier than stipulated in the original resolutions.
- Jan. 18, 2000** City Council approved the Black Forest Estates Preliminary Plat and Community Unit Plan using a substitute resolution which mandated an earlier street connection to Tanglewood Lane in Colonial Hills. The entire connection to Tanglewood Lane shall be completed or the completion thereof guaranteed by a bond or an approved escrow of security agreement prior to the earlier of (a) scheduling the Phase II final plat on the Planning Commission agenda or (b) the final platting of the 40th dwelling unit.

SPECIFIC INFORMATION:

UTILITIES: The area can be served with public utilities.

TOPOGRAPHY: The property generally slopes from northeast to southwest.

TRAFFIC ANALYSIS: The City Staff in 1988 was requested by the City Council to study vehicular outlets from the Colonial Hills area to Old Cheney Road. Five outlets were studied. On September 19, 1988, the City Council authorized the purchase of land in Parham Place. On March 9, 1992, the City and Quin-C entered into a sales agreement. One of the stipulations states that the City shall not construct a street stub or curb return until the development of the land owned by Quin-C.

PUBLIC SERVICE: The closest fire station is #6, located at Highway 2 and S. 48th Street. The Comprehensive Plan proposes that this station be relocated to S. 70th Street and Pioneers Blvd.

REGIONAL ISSUES: Vehicular circulation from Colonial Hills to Old Cheney Road.

ENVIRONMENTAL CONCERNS: Wetlands

AESTHETIC CONSIDERATIONS: Protection of existing trees

ANALYSIS:

1. The applicant states that the changes to the C.U.P. are an attempt to save existing trees on site, minimize grading and changes to existing drainage courses.
2. The elimination of Crosscut Lane would save some tree mass, but the Public Works and Utilities Department notes, "The trees in the area of Crosscut Lane are... shown on the landscape plan to be eliminated anyway. This approved street system was proposed by the developer and street right-of-way and lots platted. If the goal was to save trees and minimize grading, the lot and street layout should have been proposed differently when there was maximum flexibility in the design."
3. The Public Works & Utilities Department objects to the elimination of Crosscut Lane between 62nd Street and Black Forest Drive. In addition to exceeding the subdivision ordinance cul-de-sac length requirements, it requires a water main to be built through an open area with drainage that fails to meet design standards. The removal of Crosscut Lane would also cause Burlwood Drive to exceed block length standards. A vehicle trip from Burlwood Drive as it enters the subdivision to the end of Black Forest Court would become 1/4 mile longer if Crosscut Lane were removed. The Public Works & Utilities Department further notes that there may be some flexibility in the grades of Crosscut and accompanying grading plan to minimize the grading necessary to construct the approved street system.
4. The sidewalks on the west side of Black Forest Drive were waived because a pedestrian easement was provided through the center of Block 6 as a replacement. No other sidewalks were waived in the development. The request to waive sidewalks on Black Forest Court should be denied.
5. The City acquired land in Colonial Hills with the intent to provide a vehicular connection from Tanglewood Lane to Old Cheney Road. Black Forest Drive and Crosscut Lane are the only final platted roadways which connect to the neighborhoods to the north. This connection should not be removed.
6. The street connections and timing in the approved C.U.P. were the result of lengthy negotiations between the City and the applicant. Both parties agreed to the conditions of the Black Forest Estates C.U.P. and nothing has changed to warrant altering that agreement.
7. The picnic shelter can be added to the site plan through the administrative amendment process.

STAFF CONCLUSION: The removal of Crosscut Lane would result in a number of deviations from subdivision development standards. The tract of land is neither of such an unusual size or shape, nor is it surrounded by unusual conditions such that strict application of standards would result in actual difficulties or substantial hardship or injustice. Furthermore the removal of Crosscut Lane would eliminate the only final platted connection in Black Forest Estates from Old Cheney Road to the Colonial Hills neighborhood. If this application were approved and the remainder of Black Forest Estates failed to develop, then the opportunity to connect Colonial Hills to Old Cheney Road would be lost.

STAFF RECOMMENDATION:

~~Denial,~~ **Revised to Conditional Approval based upon the applicant's withdrawal of the request to remove Crosscut Lane between Burlwood Drive and Black Forest Drive, 8/22/01.**

If, after holding a public hearing, the Planning Commission determines that this application should be approved, the following conditions should apply:

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 Show sidewalk in former Crosscut Lane.~~

~~1.1.2 Remove the cul-de-sac on Black Forest Drive.~~

~~1.1.3 Revise Note 17 to delete "and both sides of Black Forest Ct." Also add note stating that sidewalks shall be constructed within pedestrian easements.~~

~~1.1.4 Revise the grading plan to the satisfaction of Public Works & Utilities.~~

~~1.1.5 Revise the Phasing Exhibit to match the previously approved Phasing.~~

~~1.1.6 In Note 11, add "and recreation facilities" to the description for Outlot "D".~~

~~1.1.7 Revise the legal description - the C.U.P. no longer includes Lots 64 and 59 I.T.~~

~~1.1.8 To Note 5 add language indicating sidewalks shall be constructed within pedestrian easements.~~

2. This approval permits:

~~2.1 88 dwelling units.~~

~~2.2 Adjustment to a 5' front yard setback except along Old Cheney Road with a minimum 22' setback for garages.~~

~~2.3 Adjustment to a 5' rear yard on Lot 7, Block 7.~~

~~2.4 Accessory dwelling units described as a single living unit having less than 1,000 square feet of floor space and that would generally consist of an apartment on top of a garage, connected to a garage or main home, or existing in the basement that would be typically used by an older family member, college student or renter as affordable housing often referred to as a "granny flat". One accessory dwelling unit may be permitted on each of the lots in Blocks 4-6.~~

~~2.5 A waiver of sidewalks on the west side of Black Forest Drive.~~

General:

~~3. Before receiving building permits:~~

~~3.1 The permittee shall have submitted a revised and reproducible final plan and 5 copies to the Planning Department.~~

~~3.2 The construction plans shall comply with the approved plans.~~

~~3.3 Final Plats shall be approved by the City.~~

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 City Clerk shall file a copy of the resolution approving the permit and the letter of acceptance with the Register of Deeds. The Permittee shall pay the recording fee in advance.~~

1.1.1 Crosscut Lane as a private roadway between Burlwood Drive and Black Forest Drive.

1.1.2 Remove the cul-de-sac on Black Forest Drive.

1.1.3 Add note stating that sidewalks shall be constructed within pedestrian easements.

1.1.4 Revise the grading plan to the satisfaction of Public Works & Utilities.

1.1.5 Revise the Phasing Exhibit to match the previously approved Phasing.

1.1.6 In Note 11, add "and recreation facilities" to the description for Outlot "D".

1.1.7 Revise the legal description - the C.U.P. no longer includes Lots 64 and 59 I.T.

1.1.8 To Note 5 add language indicating sidewalks shall be constructed within pedestrian easements.

1.1.9 Move the fire hydrant in the center of Crosscut Lane to another location.

2. This approval permits:

2.1 88 dwelling units.

- 2.2 Adjustment to a 5' front yard setback except along Old Cheney Road with a minimum 22' setback for garages.
- 2.3 Adjustment to a 5' rear yard on Lot7, Block 7.
- 2.4 Accessory dwelling units described as a single living unit having less than 1,000 square feet of floor space and that would generally consist of an apartment on top of a garage, connected to a garage or main home, or existing in the basement that would be typically used by an older family member, college student or renter as affordable housing often referred to as a "granny flat". One accessory dwelling unit may be permitted on each of the lots in Blocks 4-6.
- 2.5 A waiver of sidewalks on the west side of Black Forest Drive and both sides of Black Forest Court.

General:

- 3. Before receiving building permits:
 - 3.1 The permittee shall have submitted a revised and reproducible final plan and 5 copies to the Planning Department.
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- 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 City Clerk shall file a copy of the resolution approving the permit and the letter of acceptance with the Register of Deeds. The Permittee shall pay the recording fee in advance.

****As Revised by staff and approved by Planning Commission, pursuant to revised application submitted by the applicant withdrawing the request to remove Crosscut Lane between Burlwood Drive and Black Forest Drive, 8/22/01****

Prepared by:

Jason Reynolds
Planner

Date: August 22, 2001 (revised)

**SPECIAL PERMIT NO. 1786A
AMENDMENT TO THE BLACK FOREST
ESTATES COMMUNITY UNIT PLAN**

PUBLIC HEARING BEFORE PLANNING COMMISSION:

July 25, 2001

Members present: Krieser, Hunter, Steward, Taylor, Newman, Duvall, Carlson, Schwinn and Bayer.

Planning staff recommendation: Denial.

Jason Reynolds of Planning staff submitted a letter in support from John Rallis, who is currently building a home in Black Forest Estates, and a letter from the applicant's attorney requesting a two-week deferral to meet with the Colonial Hills neighbors.

Carlson made a motion to defer, with continued public hearing and administrative action scheduled for August 8, 2001, seconded by Hunter and carried 9-0: Krieser, Hunter, Steward, Taylor, Newman, Duvall, Carlson, Schwinn and Bayer.

CONT'D PUBLIC HEARING BEFORE PLANNING COMMISSION:

August 8, 2001

Members present: Taylor, Newman, Carlson, Hunter, Schwinn, Duvall, Steward and Bayer; Krieser absent.

Jason Reynolds of the Planning staff requested an additional two-week deferral for further discussion between the applicant and staff.

Schwinn moved to defer, with continued public hearing and administrative action scheduled for August 22, 2001, seconded by Newman and carried 8-0: Taylor, Newman, Carlson, Hunter, Schwinn, Duvall, Steward and Bayer voting 'yes'; Krieser absent.

There was no public testimony.

CONT'D PUBLIC HEARING BEFORE PLANNING COMMISSION:

August 22, 2001

Members present: Krieser, Steward, Schwinn, Newman, Duvall, Carlson, Taylor and Bayer; Hunter absent.

Jason Reynolds of Planning staff submitted a letter from the applicant amending the application such that Crosscut Lane will remain a private roadway. This amendment to the application deletes the waiver of block length for Burlwood Drive, the waiver of cul-de-sac length for Black Forest Drive/Court and the waiver of cul-de-sac radius size. This amendment to the Community Unit Plan deletes the sidewalks along both sides of Black Forest Court; revises Note 17 to waive sidewalks along the west side of Black Forest Drive instead of the east side; and provides a picnic shelter on

Outlot "D". With the withdrawal of the request to remove Crosscut Lane between Burlwood Drive and Black Forest Drive, the staff recommendation is revised to conditional approval and the revised conditions were submitted to the Commission.

The applicant was not present.

There was no testimony in opposition.

Carlson noted that Black Forest Court is the stub north of Crosscut Lane. Reynolds clarified that Lots 5 and 6 at Black Forest Court are "flag" lots—their property extends to the terminus of Black Forest Drive. That private roadway is essentially a shared driveway for Lots 5 and 6, and they are buildable lots intended to have homes.

With regard to the sidewalk waivers, Reynolds explained that the houses on Black Forest Court have a driveway that leads to the sidewalks on Black Forest Drive. They would be able to walk down their driveway to the sidewalk on the east side of Black Forest Drive.

Public hearing was closed.

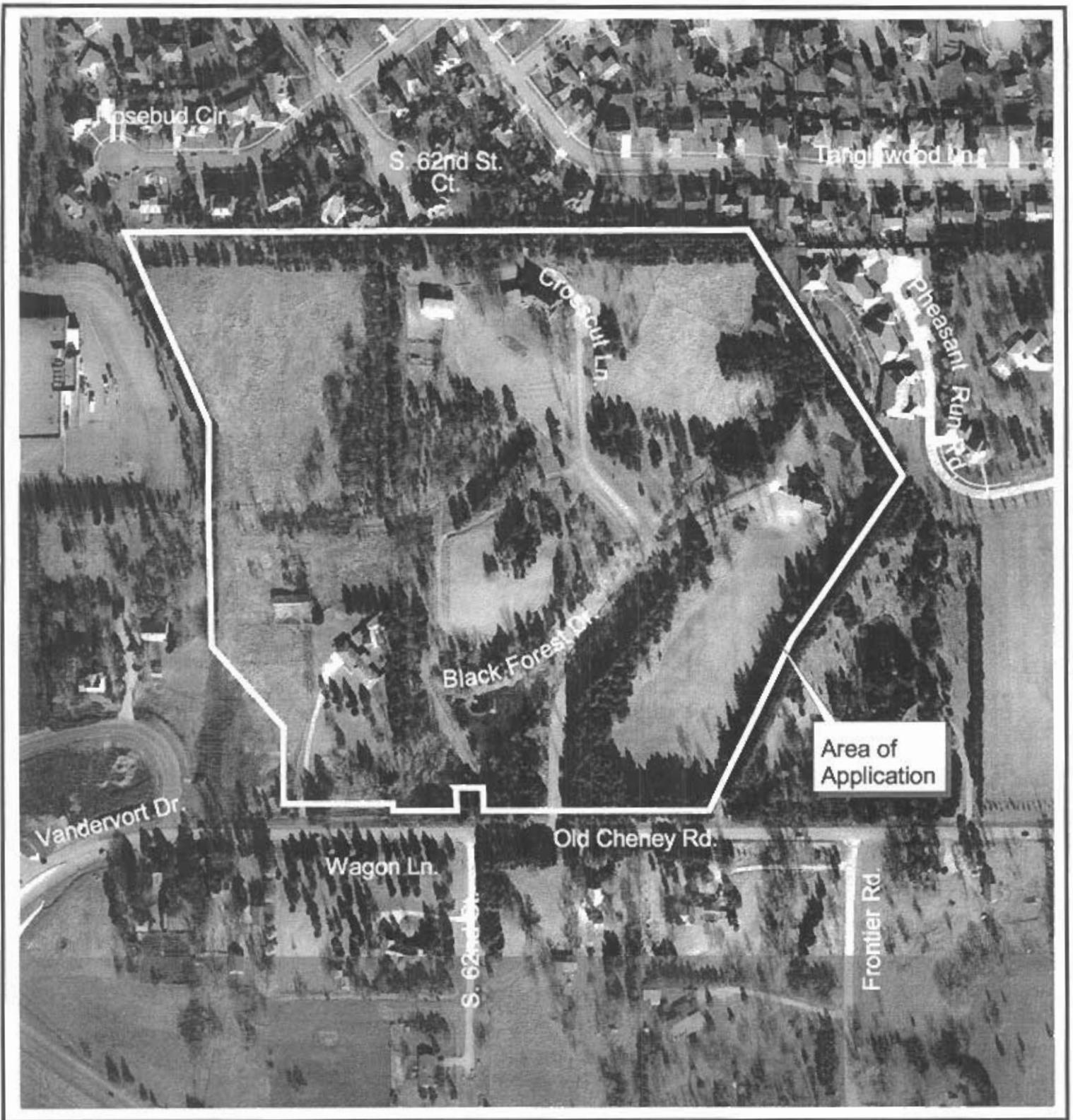
ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

August 22, 2001

Schwinn moved to approve the revised Planning staff recommendation of conditional approval as submitted under Memorandum dated August 22, 2001, seconded by Steward.

Carlson stated that he is leery about sidewalk waivers and he has a difficult time waiving them.

Motion for approval, with revised conditions, carried 8-0: Krieser, Steward, Schwinn, Newman, Duvall, Carlson, Taylor and Bayer voting 'yes'; Hunter absent.



**Special Permit #1786A
62nd and Old Cheney Rd.**

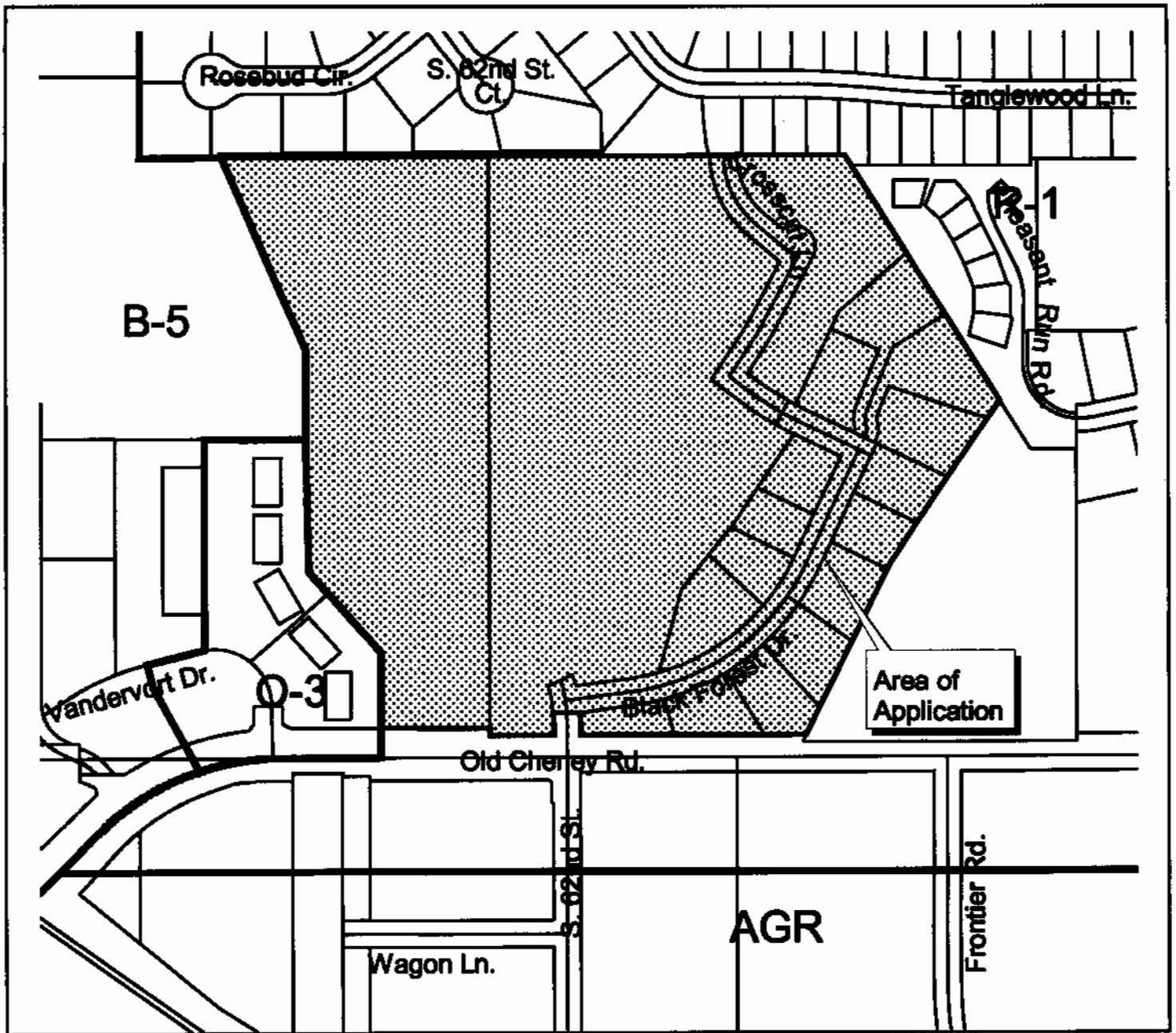


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7-10-01

Photograph Date: 1997

Lincoln City - Lancaster County Planning Dept.

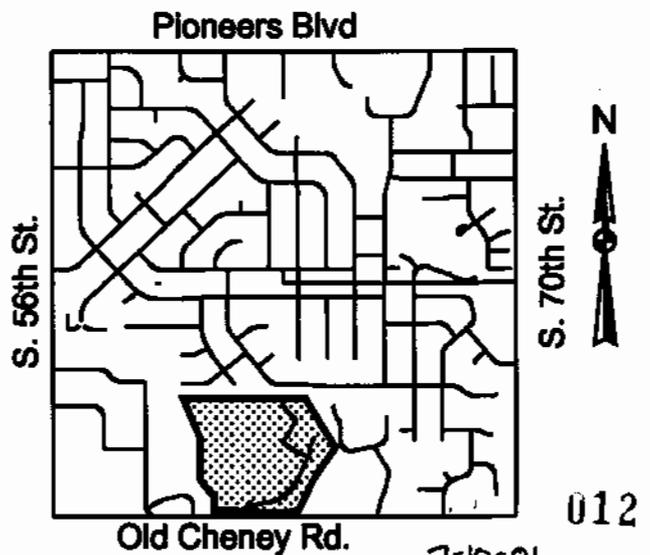
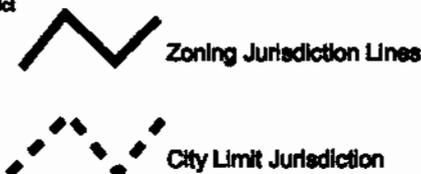


**Special Permit #1786A
62nd and Old Cheney Rd.**

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. 9 T9N R7e



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RECEIVED

SEP 15 2005

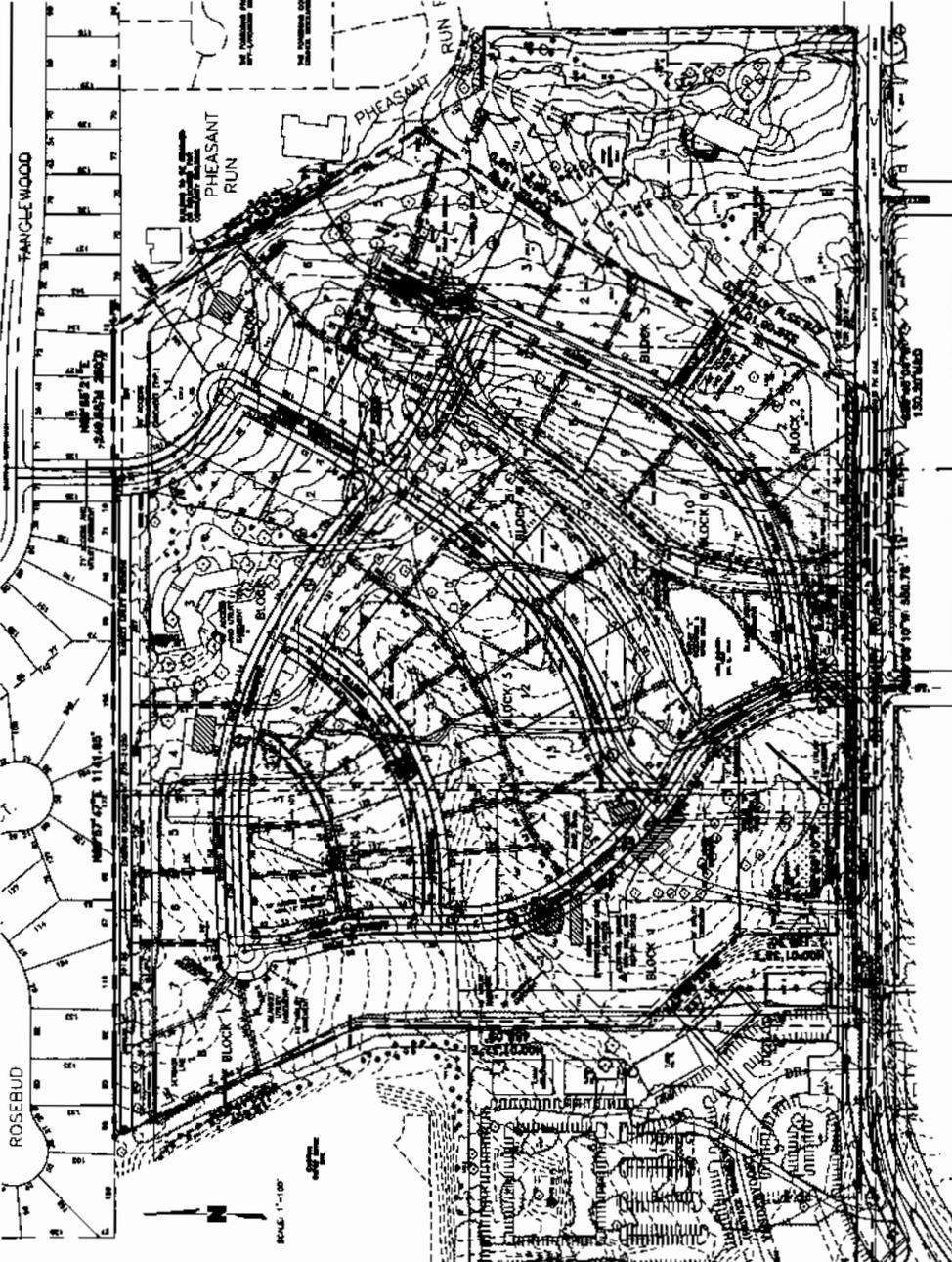
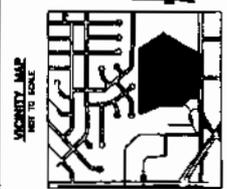
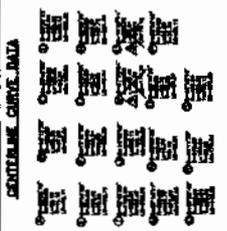
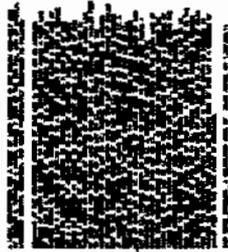
BLACK FOREST ESTATES

AMENDMENT TO THE CITY OF LINCOLN CITY/LANCASTER COUNTY ZONING AND PLANNING DEPARTMENT

ENGINEER & ARCHITECT
1111 LINCOLN BLVD
LANCASTER, NE 68501
PHONE: 472-0411

DENSITY CALCULATIONS

ALL ZONES
MAXIMUM
MINIMUM
MAXIMUM
MINIMUM
MAXIMUM
MINIMUM



CONTRACT NO. 0000000000
1111 LINCOLN BLVD
LANCASTER, NE 68501
PHONE: 472-0411

BLACK FOREST ESTATES
ESTATES
AMENDMENT
TO THE
C.U.P.

SITE PLAN

LINCOLN NEBRASKA 2001

DATE: 08/15/05
BY: [Signature]
CHECKED BY: [Signature]
APPROVED BY: [Signature]



SHEET 1 OF 5

GENERAL SITE NOTES

1. SANITARY SEWER AND WATER LINES TO BE 8" PIPE AND 6" D.I. PIPE RESPECTIVELY UNLESS OTHERWISE SHOWN AND TO BE BUILT TO CITY OF LINCOLN SPECIFICATIONS.
2. ORNAMENTAL LIGHTING ALONG ALL PRIVATE ROADWAYS SHALL BE IN ACCORDANCE WITH L.E.S. REGULATIONS.
3. THE DEVELOPER AGREES TO COMPLY WITH THE DESIGN STANDARDS OF THE CITY OF LINCOLN FOR EROSION CONTROL AND SEDIMENTATION DURING AND AFTER LAND PREPARATION.
4. LOT DIMENSIONS SHOWN ARE APPROXIMATE AND MAY VARY UP TO 10 FEET.
- 3 5. EASEMENTS AS SHOWN SHALL BE GRANTED FOR PUBLIC USE AND FOR SIDEWALKS. ALL SIDEWALKS SHALL BE 4' WIDE WITHIN THE 60' PUBLIC ACCESS EASEMENT. SIDEWALKS TO BE PROVIDED ALONG BOTH SIDES OF ALL PRIVATE ROADWAYS WITH THE EXCEPTION OF THE WEST SIDE OF BLACK FOREST DRIVE AND BOTH SIDES OF BLACK FOREST CT. ALL PROPOSED BIKE TRAILS SHOWN WILL BE 8' WIDE WITH 10' WIDE EASEMENTS, ALL SIDEWALKS SHALL BE CONSTRUCTED WITHIN PEDESTRIAN EASEMENTS. (UNLESS OTHERWISE NOTED)
6. DIRECT VEHICULAR ACCESS TO OLD CHENEY ROAD IS RELINQUISHED EXCEPT AS SHOWN.
7. ALL DIMENSIONS ALONG CURVES ARE CHORD DISTANCES.
8. ALL PAVING RADII TO BE 20' UNLESS OTHERWISE NOTED.
9. ALL SANITARY SEWERS & WATER MAINS TO BE PUBLIC.
10. THE YARD SETBACKS REGULATES STRUCTURAL WALLS ONLY AND DOES NOT RESTRICT OVERHANGS, PATIOS, DOOR SWINGS, WINDOW SWINGS, ETC. FROM ENCROACHING INTO THE SETBACKS.
11. TOTAL USAGE:

54 SINGLE FAMILY	OUTLOT "A" - FUTURE BUILDING LOTS (45 UNITS MAX.)
33 ACCESSORY DWELLING UNITS	OUTLOT "B" - DETENTION AND OPEN SPACE
TOTAL UNITS 87	OUTLOT "C" - GREEN SPACE BUFFER
	OUTLOT "D" - OPEN SPACE AND RECREATIONAL FACILITIES 3
TOTAL BLOCKS - 6	OUTLOT "E" - DETENTION AND OPEN SPACE
TOTAL LOTS - 54	OUTLOT "F" - PRIVATE ROADWAY
12. ALL INTERSECTION ANGLES SHALL BE 90' (UNLESS OTHERWISE NOTED)
13. ALL ELEVATIONS ARE BASED ON CITY OF LINCOLN DATUM.
14. THE DEVELOPER AGREES TO COMPLY WITH PROVISIONS OF THE LAND SUBDIVISION ORDINANCE REGARDING LAND PREPARATION UNLESS OTHERWISE NOTED.
15. THE DEVELOPER AGREES TO PROVIDE AN AREA LIGHTING PLAN AND CALCULATIONS
16. THE PROPOSED PLAT IS CURRENTLY ZONED R-1.
17. SIDEWALKS TO BE BUILT ALONG BOTH SIDES OF ALL PRIVATE ROADWAYS AND THE NORTH SIDE OF OLD CHENEY ROAD, EXCEPT FOR ALONG LOTS 7-10, BLOCK 6 ON THE WEST SIDE OF BLACK FOREST DRIVE, AND BOTH SIDES OF BLACK FOREST CT. THE SIDEWALK SURROUNDING OUTLOT 'E' SHALL BE BUILT WITH PHASE 2. 3
18. ALL INTERIOR STREETS TO BE PRIVATE ROADWAYS WITH PUBLIC WATER AND SANITARY SEWER. ALL ROADWAYS TO BE 24' WIDE ASPHALT WITH ROLL-OVER CURB.
19. OUTLOT "F" (ROADWAY) SHALL HAVE A 60' BLANKET PUBLIC UTILITY AND ACCESS EASEMENT.
20. OUTLOT "A" SHALL BE FUTURE BUILDING LOTS WITH 45 MAXIMUM PROPOSED UNITS.
21. LOTS IN BLOCKS 1, 4, AND 5 ARE ALLOWED TO HAVE ONE ACCESSORY DWELLING UNIT PER LOT. ACCESSORY DWELLING UNITS DESCRIBED AS A SINGLE LIVING UNIT HAVING LESS THAN 1,000 SQUARE FEET OF FLOOR SPACE AND THAT WOULD GENERALLY CONSIST OF AN APARTMENT ON TOP OF A GARAGE, CONNECTED TO A GARAGE OR MAIN HOME, OR EXISTING IN THE BASEMENT THAT WOULD BE TYPICALLY USED BY AN OLDER FAMILY MEMBER, COLLEGE STUDENT OR RENTER AS AFFORDABLE HOUSING OFTEN REFERRED TO AS A "GRANNY FLAT".
22. RELOCATION OF EXISTING L.E.S. FACILITIES WILL BE AT OWNER/DEVELOPER'S EXPENSE. ALL OUTLOTS AND PRIVATE ALLEYS SHALL HAVE BLANKET UTILITY EASEMENTS.
23. THE WALKWAY, EASEMENT AREA, TRAFFIC CIRCLES, AND OUTLOTS SHALL BE MAINTAINED BY THE DEVELOPER OR FUTURE HOME OWNERS ASSOCIATION.
24. WE REQUEST A WAIVER OF THE FRONT YARD SETBACK FROM 30' TO 5' FOR THE DWELLING UNITS TO ALLOW FOR A NEW URBANISM STYLE CONCEPT ALONG WITH SAVING THE EXISTING TREES WITHIN THE BACK HALF OF MANY OF THE LOTS. THE GARAGE WOULD REQUIRE A MINIMUM OF A 22' SETBACK FROM THE EDGE OF THE ROADWAY. THE SETBACK FROM OLD CHENEY ROAD SHALL REMAIN AT THE STANDARD FRONT YARD SETBACK.
25. WE REQUEST A WAIVER OF THE REAR YARD SETBACK TO 5' FOR LOT 7, BLOCK 3 TO ALLOW THE DWELLING UNIT TO BE PLACED TO THE BACK CORNER OF THE LOT TO SAVE THE EXISTING TREES ON SITE.
26. FOR AN UNIFORM APPEARANCE ALONG THE ROADWAYS, DRIVEWAYS TO THE ROADWAYS SHALL NOT BE PERMITTED ON A LOT THAT HAS ACCESS TO AN ALLEY. DRIVEWAY ACCESS SHALL ONLY BE FROM THE ALLEY WITH THE EXCEPTION OF LOTS 1, 3, 8, & 4, BLOCK 4; WHICH HAVE AN OPTION FOR A SIDE ENTRY.
27. SUBDIVISION SIGN LOCATED AT 62ND STREET AND OLD CHENEY ROAD SHALL COMPLY WITH ZONING CODE 27.69.220.
28. THE DEVELOPER ACKNOWLEDGES THAT THE OLD CHENEY ROAD WIDENING PROJECT WILL EFFECT THE GRADING ALONG THE OLD CHENEY RD. FRONTAGE OF BLACK FOREST ESTATES SUBDIVISION BUT THAT THE PROJECT HAS NOT BEEN FINALIZED, AND THE DEVELOPER AGREES THAT NO BUILDING PERMIT WILL BE ISSUED TO LOTS 1 AND 2, BLOCK 2, BLACK FOREST ESTATES UNTIL SUCH TIME AS PUBLIC WORKS AND THE DEVELOPER COME TO AN AGREEMENT AS TO THE FINAL GRADING PLAN FOR THE BLACK FOREST ESTATES/OLD CHENEY RIGHT OF WAY LINE WITH AN EMPHASIS TO MAXIMIZE PROTECTION OF THE EXISTING TREE MASS ALONG OLD CHENEY ROAD.
29. THE STREET STUB AT OLD CHENEY ROAD AND SOUTH 62ND STREET SHALL BE DEDICATED TO THE CITY OF LINCOLN AS PART OF THE PHASE 1 FINAL PLAT.
30. THE PUBLIC ACCESS EASEMENT OVER THE PRIVATE ROADWAY CONNECTION TO TANGLEWOOD LANE SHALL BE DEDICATED TO THE CITY OF LINCOLN AND SHOWN AS AN OUTLOT ON PHASE I FINAL PLAT.
31. THE PORTION OF THE PRIVATE ROADWAY WHICH ABUTS ANY BUILDING LOT WITHIN PHASE I FINAL PLAT SHALL BE COMPLETED OR THE COMPLETION GUARANTEED BY BOND OR AN APPROVED ESCROW OF SECURITY AGREEMENT PRIOR TO SCHEDULING THE PHASE I FINAL PLAT ON THE PLANNING COMMISSION AGENDA. 014
32. THE ENTIRE PRIVATE ROADWAY CONNECTION TO TANGLEWOOD LANE SHALL BE COMPLETED OR THE COMPLETION THEREOF GUARANTEED BY BOND OR AN APPROVED ESCROW OF SECURITY AGREEMENT PRIOR TO THE EARLIER OF (A) SCHEDULING THE PHASE II FINAL PLAT ON THE PLANNING COMMISSION AGENDA OR (B) THE FINAL PLATTING OF THE 40TH DWELLING

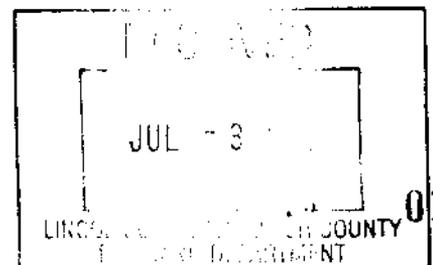
M e m o r a n d u m



To: Jason Reynolds, Planning Department
From:  Dennis Bartels, Public Works & Utilities
Subject: Black Forest Estates Special Permit 1786A
Date: June 29, 2001
cc: Roger Figard, Nicole Fleck-Tooze

Engineering Services has reviewed the proposed amendments to the Black Forest Estates C.U.P. at 62nd and Old Cheney and has the following comments:

1. Engineering Services objects to the elimination of Crosscut Lane between 62nd Street and Black Forest Drive. The elimination of this street causes the length of the Black Forest Drive cul-de-sac and block lengths to exceed subdivision ordinance requirements. This requires a water main to be built through an open area through a drainage which is also contrary to design standards. The trees in the area of Crosscut Lane proposed to be eliminated are shown on the landscape plan to be eliminated anyway. This approved street system was proposed by the developer and street right-of-way and lots platted. If the goal was to save trees and minimize grading, the lot and street layout should have been proposed differently while there was maximum flexibility in the design. There may be some flexibility in the grades of Crosscut and accompanying grading plan to minimize the grading necessary to construct the approved street system.
2. Engineering Services recommends against waiving all sidewalks along Black Forest Drive. It is my understanding that the sidewalk requirement along the west side has already been waived.



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

TO: Jason Reynolds

DATE: 7/2/2001

DEPARTMENT: Planning

FROM: Chris Schroeder
Jerry Hood

ATTENTION:

DEPARTMENT: Health

CARBONS TO: Carole Douglas, Acting Director
EH File
EH Administration

SUBJECT: Special Permit 1786A
Black Forest Estates

The Lincoln-Lancaster County Health Department (LLCHD) has reviewed the requested Special Permit 1786A for possible negative environmental health impacts. The following are noted:

The existing residences that are within the plat must be connected to the municipal sewer within six months after it becomes available. Within 30 days after that, the individual sewage system must be properly abandoned.

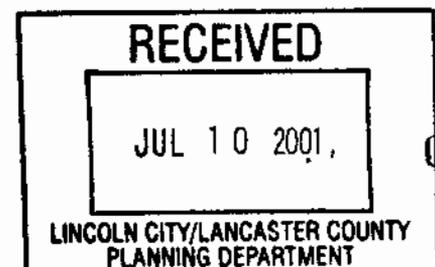
The existing wells that are within the plat must be either properly abandoned or if they are kept a biennial well permit must be obtained from the LLCHD.

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 vegetable ground cover will also be incorporated as necessary.

Provisions should be made for retaining as much tree mass as possible. Alternately, the applicant will need to plan for disposal of tree waste by burying on site, grinding, offering for firewood or hauling to the landfill. Permits for open burning of tree waste within the city limits will not be approved and applications for burning within the 3-mile zone are unlikely to be approved.

All wind and water erosion must be controlled during construction. The Lower Platte South Natural Resources District should be contacted for guidance in this matter.

If you have any questions, please contact me at 441-6272.

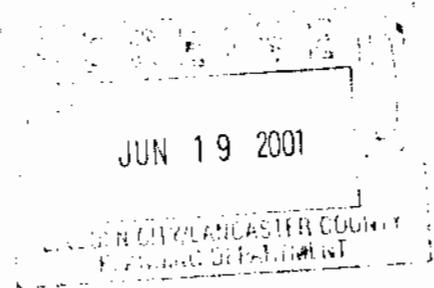




OLSSON ASSOCIATES
ENGINEERS • PLANNERS • SCIENTISTS • SURVEYORS

18 June 2001

Mr. Ray Hill
Land Use Manager
Planning Department
555 South 10th Street, Suite 213
Lincoln NE 68508



Re: **Black Forest Estates Amendment to the CUP**
OA Project No. 2001-0396.02

Dear Ray:

Enclosed find the following documents for the above-mentioned project:

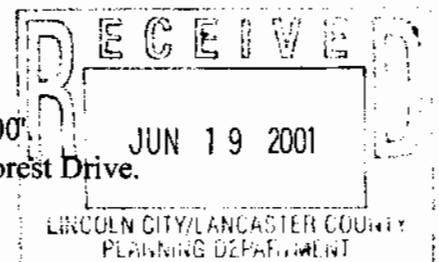
1. 21 copies of the Site Plan.
2. 8 copies of the Drainage and Grading Plan.
3. 5 copies of the Preliminary Street Profiles.
4. 7 copies of the Landscape Plan.
5. \$195 Submittal Fee.
6. Copy of the Ownership Certificate.
7. Special Permit Application.

On behalf of the Owner/Developer, Quin-C, Inc., James O. Carveth, President, 3003 South 31st Street, Lincoln, Nebraska 68502, we are requesting an amendment to the Community Unit Plan to revise the following:

1. Removal of Crosscut Lane between Burlwood Drive and Black Forest Drive with the addition of a 30' R cul-de-sac at the intersection of Crosscut Lane and Black Forest Drive.
2. Delete the sidewalks along both sides of Black Forest Court.
3. Correct Note 17 regarding the exception of sidewalks along the "west" side of Black Forest Drive, not the east side.
4. Provide a picnic shelter on Outlot "D" for use of all Black Forest Estates residents.

In addition, we would request the following waivers:

1. Waiver of block length for Black Forest Drive in excess of 1000'
2. Waiver to allow a reduced size cul-de-sac of 30' R on Black Forest Drive.
3. A waiver of sidewalks along both sides of Black Forest Court.

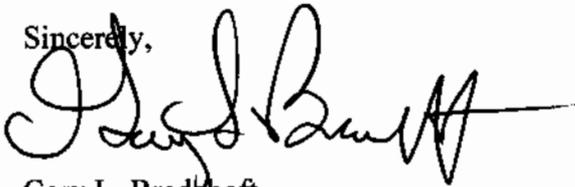


Mr. Ray Hill
18 June 2001
Page Two

The changes requested are an attempt to save existing trees on site, minimize grading and changes to existing drainage courses. We would like to create a rural type setting in the area.

If you require additional information or have any questions, please call.

Sincerely,

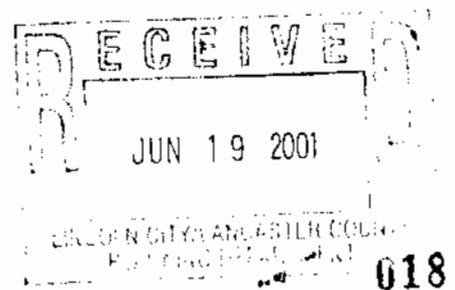


Gary L. Bredehoft

Enclosures

cc: Rob Otte
Steve Carveth
Jim Carveth
John Fritsch

F:\Projects\20010396\doc\lhill.601.wpd





May 25, 2001

Robert Otte
201 North 8th Street
Suite 300
Lincoln, NE 68508

Dear Rob:

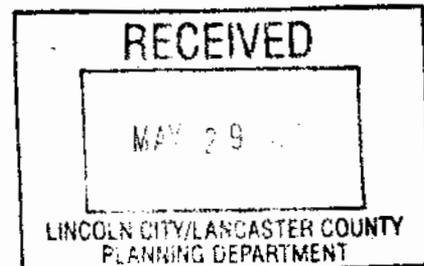
I discussed with Ray Hill the proposed changes in Black Forest Estates to eliminate the street paving in Cross Cut Lane between Burlwood Drive and Black Forest Drive that we discussed in our meeting May 24, 2001. Ray and I concluded that we cannot support this revision. We are concerned with violating block length and cul-de-sac length requirements of the subdivision ordinance, and constructing a 'cross country' water main not parallel to a public or private street. I, therefore, am informing you that if you formally request your proposed changes to the Black Forest Estate C.U.P. the staff recommendation will likely be denial.

Sincerely,

Dennis Bartels,
Short Term Planning Manager

jaj BlackForestStPav ddb

cc: R. Figard
R. Hill



W. MICHAEL MORROW
TERRANCE A. POPPE
ROBERT R. OTTE
DAVID W. WATERMEIER
TIMOTHY C. PHILLIPS
JOEL G. LONOWSKI
JOSEPH E. DALTON
KELLY N. TOLLESEN

**MORROW, POPPE, OTTE,
WATERMEIER & PHILLIPS, P.C.**

Attorneys at Law

A Limited Liability Organization
TELEPHONE: (402) 474-1731
FACSIMILE: (402) 474-5020
E-MAIL ADDRESS: info@morrowpoppelaw.com
WEBSITE: www.morrowpoppelaw.com

Location:
201 N. 8th Street, Suite 300
Lincoln, Nebraska 68508

Mailing Address:
P.O. Box 83439
Lincoln, Nebraska 68501-3439

June 4, 2001

COPY

Mr. Dennis Bartels
Engineering Services Division
Public Works and Utilities Department
531 Westgate Boulevard, Suite 100
Lincoln, NE 68528

RE: Black Forest Estates

Dear Dennis:

Thank you for your May 25, 2001, letter regarding the proposed changes in Black Forest Estates for elimination of the paving in Cross Cut Lane between Burlwood Drive and Black Forest Drive. I am not sure I understand your reluctance after the somewhat positive comments that you made in our meeting. At our meeting, we discussed the block length and cul-de-sac length requirements, and you did not voice any specific objection. You also did not express much objection a "cross country" water main for that short distance. Based on our conversation, I authorized Olssons to proceed with the application.

I am aware that your office has supported block length and cul-de-sac length waivers in the past. Your letter was not specific as to the specific nature of your concern over the issues. Thus, I would like to address this matter with you further and ask that you contact me after you have had a chance to review my letter to discuss the same.

Thank you for your consideration in this matter.

Sincerely,

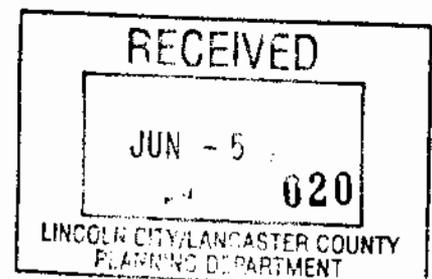
MORROW, POPPE, OTTE,
WATERMEIER & PHILLIPS, P.C.



By:

Robert R. Otte

RRO/bc
c Jim Carveth
c Gary Bredehoff
c John Rallis
c Ray Hill



MEMORANDUM

TO: Planning Commission

FROM: Jason Reynolds, Planning Department *JR*

DATE: August 22, 2001

RE: Special Permit #1786A - Black Forest Estates Community Unit Plan

The applicant has revised his application so that Crosscut Lane will remain a private roadway within Black Forest Estates. This changes several of the waivers being requested.

After discussions with the applicant and with the Department of Public Works & Utilities, it became clear that Black Forest Court is a public access easement over two "flag" lots - more a shared driveway than a roadway. The sidewalk waiver is therefore justified.

I have adjusted the applicant's request and modified the conditions of approval to reflect this new information. The staff recommendation is now **Conditional Approval**.

PROPOSAL: Gary Bredehoff, on behalf of Quin-C, Inc., is proposing the following changes to the Black Forest Estates Community Unit Plan:

- ~~Removal of Crosscut Lane between Burlwood Drive and Black Forest Drive with the addition of a cul-de-sac at the intersection of Crosscut Lane and Black Forest Drive~~
- Delete sidewalks along both sides of Black Forest Court
- Revise Note 17 to waive sidewalks along the west side of Black Forest Drive instead of the east side
- Provide a picnic shelter on Outlot "D"

The following waivers are requested:

- ~~Waiver of block length for Burlwood Drive~~
- ~~Waiver of cul-de-sac length for Black Forest Drive/Court~~
- ~~Waiver of cul-de-sac radius size~~
- Waiver of sidewalks along both sides of Black Forest Court

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 Crosscut Lane as a private roadway between Burlwood Drive and Black Forest Drive.
- 1.1.2 Remove the cul-de-sac on Black Forest Drive.
- 1.1.3 Add note stating that sidewalks shall be constructed within pedestrian easements.
- 1.1.4 Revise the grading plan to the satisfaction of Public Works & Utilities.
- 1.1.5 Revise the Phasing Exhibit to match the previously approved Phasing.
- 1.1.6 In Note 11, add "and recreation facilities" to the description for Outlot "D".
- 1.1.7 Revise the legal description - the C.U.P. no longer includes Lots 64 and 59 I.T.
- 1.1.8 To Note 5 add language indicating sidewalks shall be constructed within pedestrian easements.
- 1.1.9 Move the fire hydrant in the center of Crosscut Lane to another location.

2. This approval permits:

- 2.1 88 dwelling units.
- 2.2 Adjustment to a 5' front yard setback except along Old Cheney Road with a minimum 22' setback for garages.
- 2.3 Adjustment to a 5' rear yard on Lot7, Block 7.
- 2.4 Accessory dwelling units described as a single living unit having less than 1,000 square feet of floor space and that would generally consist of an apartment on top of a garage, connected to a garage or main home, or existing in the basement that would be typically used by an older family member, college student or renter as affordable housing often referred to as a "granny flat". One accessory dwelling unit may be permitted on each of the lots in Blocks 4-6.
- 2.5 A waiver of sidewalks on the west side of Black Forest Drive and both sides of Black Forest Court.

General:

3. Before receiving building permits:

- 3.1 The permittee shall have submitted a revised and reproducible final plan and 5 copies to the Planning Department.
- 3.2 The construction plans shall comply with the approved plans.
- 3.3 Final Plats shall be approved by the City.

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 City Clerk shall file a copy of the resolution approving the permit and the letter of acceptance with the Register of Deeds. The Permittee shall pay the recording fee in advance.

W. MICHAEL MORROW
TERRANCE A. POPPE
ROBERT R. OTTE
DAVID W. WATERMEIER
TIMOTHY C. PHILLIPS
JOEL G. LONOWSKI
JOSEPH E. DALTON
KELLY N. TOLLEFSEN
JENNIFER S. LILJEDAHL

ITEM NO. 3.2: SPECIAL PERMIT NO. 1786A
(p. 129 - Public Hearing - 7/25/01)
**MORROW, POPPE, OTTE,
WATERMEIER & PHILLIPS, P.C.**
Attorneys at Law

A Limited Liability Organization
TELEPHONE: (402) 474-1731
FACSIMILE: (402) 474-5020
E-MAIL ADDRESS: info@morrowpoppelaw.com
WEBSITE: www.morrowpoppelaw.com

Location:
201 N. 8th Street, Suite 300
Lincoln, Nebraska 68508
Mailing Address:
P.O. Box 83439
Lincoln, Nebraska 68501-3439

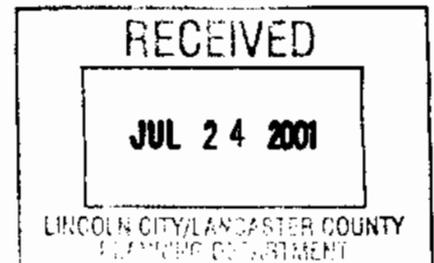
COPY

July 23, 2001

Lincoln Lancaster County Planning Commission
c/o Jean Walker
555 South 10th Street
Lincoln, NE 68508

HAND DELIVERED

RE: Special Permit 1786A
Black Forest Estates CUP
Request for Two Week Postponement



Dear Jean:

Please consider this the request of the Applicant for a two week postponement of the hearing on the above-referenced matter. As you probably know, Gary Bredehoff is no longer with Olsson Associates. Gary not only made the application but is intimately familiar with the subdivision and a two week delay will allow us to replace, to some extent, Gary's expertise. Also, John Rallis, the developer/builder is on vacation this week.

Finally, I have received a couple of calls from Colonial Hills neighbors and would like some additional time to address their concerns.

I have additionally talked with Jason Reynolds of the Planning Staff who indicated he would have no objection to continuing the matter for two weeks.

Thank you for your consideration in this matter. Unless you advise otherwise, I will not appear at the hearing set for July 25, 2001, and plan on having the matter heard at the next regularly scheduled Planning Commission meeting.

Sincerely,

MORROW, POPPE, OTTE,
WATERMEIER & PHILLIPS, P.C.

By:

Robert R. Otte

RRO/bc
c James Carveth, President
c Olssons Associates
c John Rallis
c Jason Reynolds, Planning Staff

024

W. MICHAEL MORROW
TERRANCE A. POPPE
ROBERT R. OTTE
DAVID W. WATERMEIER
TIMOTHY C. PHILLIPS
JOEL G. LONOWSKI
JOSEPH E. DACTON
KELLY N. TOLLEFSEN

**MORROW, POPPE, OTTE,
WATERMEIER & PHILLIPS, P.C.**
Attorneys at Law

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E-MAIL ADDRESS: info@morrowpoppe.com
WEBSITE: www.morrowpoppe.com

Location:
201 N. 8th Street, Suite 300
Lincoln, Nebraska 68508
Mailing Address:
P.O. Box 83439
Lincoln, Nebraska 68501-3439

August 21, 2001

Mr. Russ Bayer, Chair
Lincoln/Lancaster County Planning Commission
Via Facsimile
(402) 441-6377

RE: Special Permit No. 1786A - Black Forest Estates CUP (South 62nd Street and Old Cheney Road)

Dear Chairman Bayer:

Pursuant to my telephone conversation today with Jason Reynolds and our meeting with him last week, I want to confirm our proposal regarding the above-referenced matter. It is our proposal, regarding the above-referenced Special Permit that:

1. The sidewalks along both sides of Black Forest Court be waived. This was an oversight initially, and I believe caused by some drafting error because of the particular nature and design of Black Forest Court. It is my understanding that you support that request.
2. A picnic shelter be allowed on Outlot D.

Neither of these request would change the timing of the connection with Colonial Hills nor would these change the connection to Colonial Hills. This should eliminate some of the confusion that has been generated in this matter.

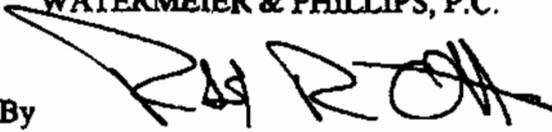
As to the request to eliminate the portion of Cross Cut Lane between Burlwood Drive and Black Forest Drive in the manner shown in the application a fair amount of confusion was generated as a result of our inadequate communication is this regard. We will submit a separate application for a time extension to construct any roadway in Cross Cut Lane which eliminates the need for the other waivers also.

I do not plan to attend the meeting since I do not believe there will be any public opposition in that the remaining issues are without dispute and the Planning Staff has agreed with those items. I would be happy to address any questions.

Thank you for your consideration.

Sincerely,

MORROW, POPPE, OTTE,
WATERMEIER & PHILLIPS, P.C.

By 

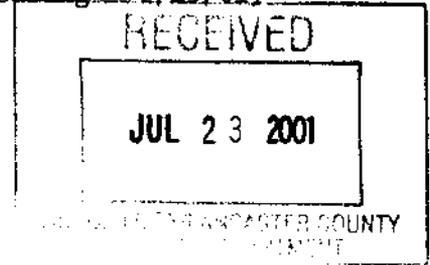
Robert R. Otte

RRO/bc

James Carveth
Mr. Jason Reynolds Lincoln/Lancaster County Planning Department Via fax 441.6377

IN SUPPORT

ITEM NO. 3.2: SPECIAL PERMIT NO. 1786A
(p.129 - Public Hearing - 7/25/01)



July 18, 2001

Kathleen Sellman
Planning Director
City of Lincoln - Planning Department
555 South 10th Room #213
Lincoln NE 68508

Dear Kathleen:

I am writing to you in support of a proposal for putting a cul-de-sac in the Black Forest Estates Neighborhood. My family will be moving into the development next spring and will reside at 6321 Black Forest Drive. I will not be in town to testify in favor of the developer's recommendation, but wanted to make certain my voice was heard in the hearing process.

There are a couple of reasons I am supporting this recommendation from the developer:

- We have two small children, ages five and ten and believe the cul-de-sac will add safety to the area by limiting the amount of traffic.
- The trees and moving of earth that would have to take place to accommodate a road versus the cul-de-sac would disrupt the natural beauty of the development. A great deal of effort has been taken by the developer and all residents who are building homes, to minimize any deforestation in the area.

Thank you for your thoughtful consideration of this matter. I know you will act in a responsible and fair manner to the request. Please feel free to call me at 475-2800 (work) or 489-2510 (home) to discuss this matter further. Thanks again.

Sincerely,

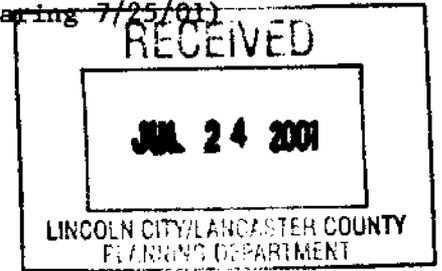
A handwritten signature in black ink, appearing to read "Rich Claussen".

Rich Claussen
Landowner in Black Forest Estates

7830 Lillibridge St., 68506

RC/me

July 19th, 2001
Lincoln Planning Commission
555 So. 10th
Lincoln, Ne.



Dear Commissioners,

I am writing you in support of the proposal submitted for Black Forest Estates. I am currently building my home in Black Forest, and I will be building all of the homes in that area.

The developer has gone to great lengths to maintain the natural character of the land. The preservation of trees has been a high priority in the planning and construction of the homes. The cul-de-sac would eliminate the need to make severe grade changes, which would result in a major loss of forestation .

There are currently 11 of 13 lots sold, and I do not know of any lot owner who does not support this proposal. There are very few developments in this city that have gone to the lengths the developers of Black Forest has to be environmentally sensitive. This type of developing should be encouraged.

Thank you for your consideration.

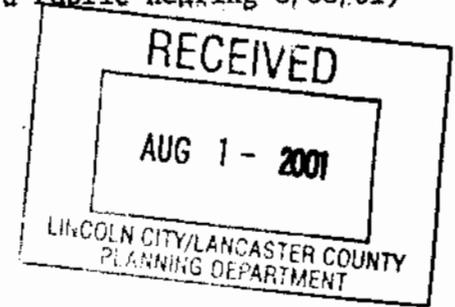
Sincerely

John Rallis

IN SUPPORT

ITEM NO. 4.1: SPECIAL PERMIT NO. 1786A
(p.129 - Cont'd Public Hearing 8/08/01)

Donald R. Nelson
Dorothy Heidemann Nelson
3236 N. 75th Street
Lincoln, NE 68507
402-467-1804
FAX 402-467-1804
drnelson@attol.net



July 30, 2001

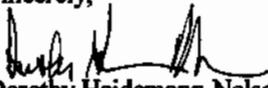
Lincoln City/Lancaster County Planning Commission
555 S. 10th Street
Lincoln, NE 68507

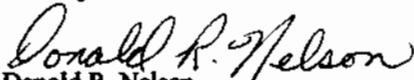
RE: Special Permit No. 1786A

To Whom It May Concern:

We are owners of the lot at 6345 Black Forest Drive and would like to express our support for Special Permit No. 1786A, an amendment to the Black Forest Estates Community Unit Plan to add a picnic shelter and to remove Crosscut Lane between Burlwood Drive and Black Forest Drive. The construction of Crosscut Lane would require the removal of many large established trees and filling of a low area with 20-30 feet of fill. This would drastically change the characteristics of the area and the loss of the trees would be tragic.

Sincerely,


Dorothy Heidemann Nelson


Donald R. Nelson

IN SUPPORT

ITEM NO. 4.1; SPECIAL PERMIT NO. 1786A
(p.129 - Cont'd Public Hearing - 8/08/01)

August 6, 2001

Dear Chairman and Members of the Lincoln City/Lancaster County Planning Commission:

RE: Special Permit No. 1786A

I am the owner of property in Colonial Hills located at 6501 Tanglewood Lane, Lincoln, Nebraska 68516. It is my understanding that the application of the developer Quin-C to remove a portion of Cross Cut Lane does not change the nature of the prior obligation of the developer to add a connection to Colonial Hills from Old Cheney Road in the second phase of the project. Since the developer has been very willing to work with the neighbors and has created a very attractive development in this area, it is our belief that the developer should be allowed the waivers sought and specifically to remove a portion of Cross Cut Lane. The removal of Cross Cut Lane would create a cul de sac and we support any waiver that might be necessary in this regard in that it will add to the overall development.

The fact is that the allowance of this waiver will not change or delay the connection between Old Cheney and Colonial Hills and will enhance the area which we support. This developer did an excellent job with the Parham Place Subdivision in Colonial Hills, the development along Hickory Crest Drive and now as Black Forest Estates. Therefore, we believe this developer should be allowed this waiver.


Jeff and Jacque McCullough
6501 Tanglewood Lane
Lincoln, Nebraska 68516





Tmpetro@aol.com
08/07/2001 04:20 PM

To: JReynolds@ci.lincoln.ne.us
cc: michellew@nslp.org, JohnDavis@realtor.com,
elizabeth.morgan@usbank.com
Subject: Re: Black Forest Estates CUP - Special Permit #1786A

Mr. Reynolds:

Thank you for the information concerning the access road between Tanglewood and the Black Forest Estates development. I am sadly not surprised at their attempt to again delete this important access. As stated in December of 1999 when the City Council voted to require the access (and 1996 and 1988, I believe), I am still for an access street.

This street is necessary to relieve congestion in the southern Colonial Hills area (especially Hickory Crest and Elkcrest). A second southern access will give these residents a shorter distance to travel helping to slow the speeds on our residential streets.

Also, this access would provide another route for emergency vehicles. Our streets are often crowded with not only moving traffic but with parked cars on both sides of the street.

In conclusion none of the arguments for the access street have changed or been eliminated since the previous attempts to remove this street from the plan.

Thank you,
Marilyn Petro
4639 Kirkwood Dr.
488-7521

August 7, 2001

Planning Commission
FAX 441-6377
5 pages

RE: Black Forest Estates CUP—Special Permit #1786A

I hope you realize that approving this special permit would be no small issue. Years of letters, phone calls and appearances before the Planning Commission and City Council were necessary to get that street in the first plat of Rob's development. I was dismayed to learn today that he is once again bringing this issue to the table. By eliminating the cross cut between Black Forest Road and Burlwood, he is asking to eliminate the only platted connection to Tanglewood. We had specifically requested that the connection be in the first plat so this issue would not have to be fought again and again. It has already been nearly 13 years since this subject first came up before the City Council, and the owner of the property was asked to be sure that a street was included when he developed the area.

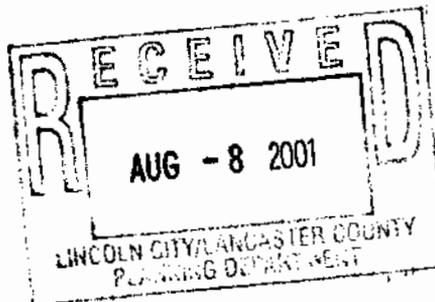
The developer ignored that request and the plans were presented without a connection street July-October 1999 to the Planning Commission and December 1999 to the City Council. While being flexible on timing, they required the connecting street be in the first plat. Now he is trying again. If this connection is eliminated, there is no guarantee that a future street will be platted. You would open the door for continued attempts to prevent the road from ever being built. To validate this concern, I invite you to come out and see the barricade and stub street leading to Pheasant Run. They will always be there, a testament to the last time this developer promised a street. Until the connecting street is actually built, I will not feel comfortable that we will see the end to this issue. It could be years before another plat is presented, and we would need to start the entire education and garnering support process again. It is time for closure.

Attached is a letter I wrote to the City Council in November 1999. I hope that those of you who are not familiar with this issue will take the time to read it. It outlines the history of this issue as well as the issues the led us to support a street. I have underlined the reasons for the street. I am also attaching an October 1999 letter I sent to the Planning Commission that responds to the arguments Rob presented for not having a street, if you would like to review those.

I do not know what tact Rob will take this time. He may promise a street later, he may bring in a platoon of new Black Forest residents, he may try to convince you the street has no merit. Please remember: the street has been required by governing bodies every time in the past. Let us quit wasting time and money, and close the file on this.

Thank you for taking the time to consider both sides of this issue. If I can be of further assistance, please feel free to call me at home (483-4012) or work (434-1055).

Beth Morgan
Beth Morgan
5601 Elkcrest Dr.
Lincoln, NE 68516



November 10, 1999

All City Council Members
Lincoln City Council
555 So. 10 Street
Lincoln, NE 68508

FAX 441-6533

Dear Council:

I understand that the question of a connector street from Colonial Hills to Old Cheney through the new Black Forest Estates development will come before the City Council on November 29. As you are aware, the issue has already been before the City Planning Commission. I am enclosing the correspondence I generated for those hearings, but I also want to reiterate some of the major points. Please bear with the length, as most contacts you receive will be focused on one or two points, while I am endeavoring at the request of my neighbors to provide history and a full discussion of the issues. Some of us will also appear at the public hearing, but the daytime schedule will cause our numbers to be light.

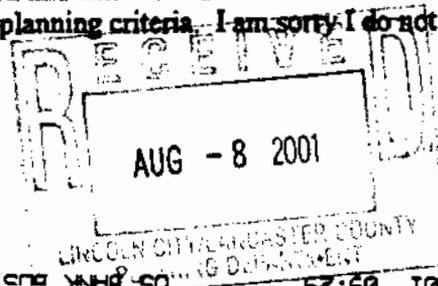
I became involved with this issue 11 years ago when the traffic light was put in at 56th & Elkcrest Drive. After researching the need for the light, I decided to support it despite its presence in my front yard because of the safety factors for children crossing to Zeman School. However, my neighbors and I also began investigating other means of diminishing traffic and traffic speed at the intersection. That is how we became aware of the importance of a connection from the Colonial Hills neighborhood to Old Cheney.

The issue went before the City Council at that time. There were 5 proposed connections. Two were immediately eliminated due to topography. One has since been put in where Hickory Crest was developed, a few blocks west of 70th Street. The one that caused most heated discussion was to Pheasant Run. A stub there made it obvious that a street was planned. I understand that a basement was sunk in Pheasant Run prior to a permit being obtained in order to prevent the street from being continued, but the Colonial Hills people that resided near the stub also heavily opposed it.

The City Council decided that the construction had gone too far to make that connection feasible. They did, however, instruct City personnel to buy the land at 61st and Tanglewood for a future street at whatever time Dr. Carveth decided to develop the property. Dr. Carveth and Rob Ott were at that meeting, but have proposed their development without the connection.

Several factors came out at the Planning Commission hearings. It was estimated that Black Forest Estates will generate 1500 "trips" in 24 hours by itself. With a connector to Colonial Hills, that would increase by about 700. The estimates were 200-300 off Hickory Crest and 400-500 off Elkcrest. The City has no plans to design the street as a collector. It would be more in the style of the one through Hickory Crest that does not invite through traffic, but provides a convenient route for people near the street.

The City Planning staff supports the street for several reasons, but the one that most pertains to safety and traffic is that the people in Colonial Hills have to drive further than is acceptable to get to an outlet. There are only 10 ways out of Colonial Hills at this time. This causes speeding on the major thoroughfares, such as Tanglewood, Deerwood and Elkcrest. The connector would cut the distance to a more acceptable level based on traffic-planning criteria. I am sorry I do not have the specifics as to distance.



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One of the issues raised by the Planning Commission was the traffic that Old Cheney would have to bear at the Black Forest outlet. Most of that traffic will be there regardless, as it will come from the new development and Hickory Crest. It is important to remember, though, that Old Cheney is an arterial, not a residential street. It is planned to handle that traffic and will be even more able after the planned expansion to four lanes.

We have contended that this is the very last chance for a connection to be made from Colonial Hills to Old Cheney. The developer contends that he should not bear the brunt of poor decisions that were made in the past. We have already accepted one compromise—this street instead of the one through Pheasant Run. We have been very patient. We are not proposing a street that would invite traffic through the new development as a means of getting to Pioneers, or other far reaches of Colonial Hills. It would be a connection, not a collector. There are many examples in the City of this type of street not negating the residential aura of the area. It is routine for neighborhoods to be connected and in keeping with the "New Urbanism" concept. The developers knew this was an issue 11 years ago, and could have planned accordingly.

There has also been some comment that things have changed in the last 11 years, so the street is no longer necessary. What has changed is that there is more development. That means more homes in Colonial Hills, largely between Elkcrest and Edgewood that would be serviced by the new road. It also means more destinations at Edgewood, the Trade Center and by Vandervoort's. In other words, the need has not diminished.

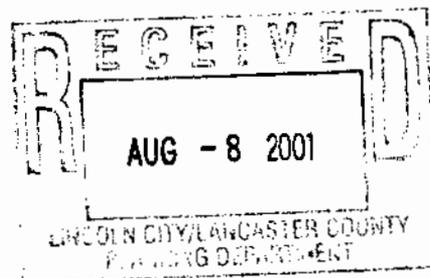
In regard to support for the street, the signatures that were collected were designed to show broad-based support as opposed to generating numbers. The signatures were collected in two evenings. There are 62 different addresses represented from throughout the neighborhood, including people on Tanglewood that recognize the benefit to the neighborhood as a whole. Also included are people that opposed the Pheasant Run connection, but can appreciate the need when the street is a few blocks further from their own home. (Some of the people in that area were not part of the earlier controversy, but expressed a concern about emergency vehicle access now.) I believe the vast majority of households either favor the street or are not impacted. The only ones I have heard opposed live within a few blocks of the new street, and only a few of those (that are newer to the area) were unaware of the plan.

I thank you for taking the time to read this long summary, and to get acquainted with some of the important issues surrounding the need for the new street. I sincerely hope this is the last time the issue has to be debated. If I can provide any other assistance, please feel free to call me at work (434-1055) or at home (483-4012). I will most likely try to schedule meetings with you to answer any questions.

Best regards,



Beth Morgan
5601 Elkcrest Drive
Lincoln, NE 68516



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October 16, 1999

Barbara Hopkins
City Planning Commission
555 South 10th Street
Lincoln, NE 68508

Dear Commissioner Hopkins:

RE: Black Forest Estates Street

As you mentioned at the end of the hearing, there was quite a bit of new information to assimilate. For instance, I do not think people on either side of the issue had previously heard traffic counts. Therefore, I would like to share a few additional thoughts with you.

1. The number of 2,500 cars coming through Black Forest Estates bothers me. That number was a guess predicated on 270 units in the new development. What I heard is that there are only 44 units definitely planned. I am sure that number will increase to closer to the newspaper estimate of 150, but I would be stunned if it got as high as the 270 maximum. I think the developer should have to present a definite number before final plat is approved, if the road is going to be denied based on traffic counts related to the number of units in Black Forest.
2. Assume for a moment that the count is accurate. I am not sure why it is conceived as equal to have those cars coming out on Old Cheney as opposed to Elkcrest. Old Cheney is an arterial; Elkcrest is residential. Additionally, not all the cars coming out on Old Cheney would have gone through Black Forest on the same street.
3. A 15-20% reduction on Elkcrest was more than I had hoped, but it certainly would not lessen the perception of Elkcrest as a busy street. I think it is important for the commission to remember that none of the people that spoke in favor of the street stand to gain anything financially. The people who live on Tanglewood that spoke for the street like the convenience it offers. Mr. King's development is done; he merely wanted a promise kept. On Elkcrest, today just as 10 years ago, our concern is for the safety of the children who are the primary pedestrians and bicyclists as they go to Zeman school. Any reduction in traffic enhances their welfare.
4. This decision was represented as only making 50% of the people happy, no matter which way it goes. That is not true. Those that would be unhappy that live in Colonial Hills are by far in the minority and located within a few blocks of the proposed street. Most of those knew the street was planned as was indicated by the gentleman that spoke at the very end, but against the street.

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5. Both sides seemed to think that the fact that this street was the last chance for an outlet to Old Cheney was an argument to their benefit. The developer does not see why he should be saddled with the solution to a problem that was not of his making.

First, I think the City Council of 10 years ago should be given some credit. This was such a hot issue then that one of the women on the Council received threatening phone calls at home. (It was not Linda Wilson, but I am sure she would remember the incident.) She voted her conscience anyway, which was against the street proposed at that time. While I walked away on the losing side, I also walked away with a tremendous amount of respect for the City Council members. They did not take the easy way out, but they felt they had offered a fair alternative--buying the land to be sure this street goes in. The developer was present at that meeting and knew the mandate.

Colonial Hills was not laid out with just 10 exits. That's what we have been reduced to. Just because every other street alternative has been eliminated for some reason or another and the neighbors have had to put up with increasing traffic for the last 20 years, does not mean that we should have to accept it. We have been very patient. I hope somewhere along the line in this debate the slogan "Promises Made; Promises Kept" takes on meaning.

Finally, if by some quirk of illogic, this street is not connected to Colonial Hills, the alternative Quin-C is offering (the street from Old Cheney to Edgewood) would offer some very small consolation. I hope you would not approve a final plat until the street is definitely included and an agreement signed with Edgewood. I am no longer trusting of things not contracted legally.

I hope I have not violated your instructions as to proper continuing contact. I also apologize if some of my numbers are not quite accurate. I did not have documents to refer to. I thank you for taking these points under consideration. Please do not hesitate to contact me at home (483-4012) or work (434-1055), if you have any questions or comments.

Best regards,

Beth Morgan

Beth Morgan
5601 Elkcrest Dr.
Lincoln, NE 68516

