LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

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for October 1, 2003 PLANNING COMMISSION MEETING
****As Revised by Staff on 9/29/03 and 10/01/03****

P.A.S.: Special Permit #1423I
HiMark Estates CUP

PROPOSAL: This is a request to amend Special Permit 1423 to replace the 272 multiple-family units with 31 single-family attached units for a total of 344 dwelling units within the CUP.

LOCATION: South 90th Street and Old Cheney Road.

WAIVER REQUESTS: Requirement for a preliminary plat.
Less than minimum lot area.
. Less than minimum width for major streets.

LAND AREA: 32.96 acres, more or less (actual area of amendment)
401.7 acres, more or less (HiMark CUP)

CONCLUSION: The addition of these units is consistent with the currently approved Community Unit Plan, Comprehensive Plan, and Zoning Ordinance.

RECOMMENDATION:	**Conditional Approval**
Waivers:	
Requirement for a preliminary plat.	**Approval**
Less than minimum lot area.	**Approval**
Less than minimum width for major streets.	**Denial**

GENERAL INFORMATION:

LEGAL DESCRIPTION:
All of the Lots, Blocks, and Outlots in the following subdivisions: HiMark Estates Addition, HiMark Estates 1st Addition, HiMark Estates 2nd Addition, HiMark Estates 3rd Addition, HiMark Estates 4th Addition, HiMark Estates 5th Addition Corrected, HiMark Estates 6th Addition, HiMark Estates 7th Addition, and Iron Gates Estates, all located in Section 11, T9N, R7E, City of Lincoln, Lancaster County, Nebraska.

The specific area to be amended is legally described as:

Outlots D and E, HiMark Estates Addition, and Outlot D, HiMark Estates 1st Addition, located in the SW 1/4 of Section 11, T9N, R7E, City of Lincoln, Lancaster County, Nebraska.

EXISTING ZONING: R-3 Residential.

EXISTING LAND USE: Residential lots, private roadways, golf course and clubhouse, parking lot, and open space.

SURROUNDING LAND USE AND ZONING:

North:	R-3 Residential	Single-family residential and HiMark golf course
South:	R-3 Residential	Single-family residential
East:	R-3 Residential	Single-family residential and HiMark golf course
West:	R-3 Residential	HiMark golf course

HISTORY:

Sep 2003 Special Permits #1423G and #1423H were scheduled for hearing before the Planning Commission on September 17, 2003.

Sep 2003 Special Permit #1423G was deferred by the Planning Commission from September 3, 2003 until September 17, 2003.

Aug 2003 Received Special Permits #1423G, #1423H, and #1423I to amend the CUP by adding additional single-family dwelling units, roadways, and outlots, and reduce the number of multiple-family dwelling units.

Feb 2003 Special Permit #1423F approved the identification of certain townhouse lots with zero setbacks on all lot lines. The total number of approved dwelling units was still 539.

Apr 2002 Special Permit #1423E approved. This amendment provided for setback adjustment to Lot 3, HiMark Estates 7th Addition, and approved 539 dwelling units.

Aug 2001 Special Permit #1423C approved an increase in multiple-family dwelling units from 240 to 272. However, this permit was voided because the owner did not sign the Letter of Acceptance.

Jan 2001 Special Permit #1423D withdrawn.

Nov 2000 Special Permit #1423D submitted. This was a request to rename a private roadway and install gates at its entrance. Based upon a prior grant of public access over the private roadway, the Applicant could not use the gates to exclude the public.

Nov 1999 Special Permit #1423C submitted.

Aug 1999 Administrative Final Plat #99025 approved. This renamed Lots 7-48, Block 2 HiMark Estates to Lots 1-24, and 26-39, Block 1 and Outlot A, HiMark Estates 2nd Addition.

Aug 1999 Administrative Amendment #99054 to Special permit #1423A approved to add restrooms and an irrigation pump house to HiMark Golf Course.

Jul 1998 Change of Zone #3125 approved to change the zoning for the area covering this application from AG Agricultural to R-3 Residential.

Jul 1998 Special Permit #1423B approved for the HiMark Estates Community Unit Plan, which included 507 dwelling units and golf course.

Apr 1998 Special Permit #1423A withdrawn.

Mar 1996 Special Permit #1423A submitted. This application sought to expand the existing clubhouse and add a cart storage building to the HiMark Golf Course.

Aug 1993 Administrative Amendment #93055 to Special Permit #1423 approved to increase the number of parking stalls.

Mar 1993 Administrative Amendment #92075 to Special Permit #1423 approved to rearrange portions of the parking lot and provide signage.

Apr 1992 Special Permit #1423 approved for a golf course.

Mar 1979 The zoning for the area of this CUP was changed from A-A Rural and Public Use to AG Agricultural as part of the 1979 Zoning Update.

COMPREHENSIVE PLAN SPECIFICATIONS: The Land Use Plan identifies this area Urban Residential, Green Space, and Lakes and Streams. (F 25)

Urban Residential: Multi-family and single-family residential uses in areas with varying densities ranging from more than fifteen dwelling units per acre to less than one dwelling per acre. (F 27)

Green Space: Areas predominantly used for active recreational uses, such as parks, golf courses, soccer or ball fields, and trails. Green space areas may be either public or privately owned. While some isolated environmentally sensitive features may be within these areas, they are predominantly for active recreation, with some passive recreation uses also possible. (F 22)

Lakes and Streams: This category includes the larger stream corridors, lakes, and ponds.

Guiding Principles for New and Existing Neighborhoods
Encourage a mix of compatible land uses in neighborhoods, but similar uses on the same block face. (F 69) Similar housing types face each other: single family faces single family, change to different use at rear of lot. (F 67, 69)

Both Old Cheney Road and South 84th Street are shown as "4 Lanes + Center Turn Lane" projects. (F 109, 110)

Right-of-Way Considerations
Right of-way widths for projects on the Year 2025 Street and Highway Improvements Plan are displayed on the Right-of-Way Standards Map. For existing and future arterial street projects appearing on this map, the right-of-way is generally 120' in width for "2 Lanes + Center Turn Lane" (2+1) and "4 Lanes + Center Turn Lane" (4+1) projects, and 140' in width for "6 Lanes + Center Turn Lane" (6+1) projects. (F 112)

Projects occurring at the intersection of two arterial streets will warrant the further dedication of public right-of-way up to 130' in width for the "2+1 at 120' of ROW" and "4+1 at 120' of ROW" projects, and 150' in width for the "6+1 at 140' of ROW" projects, for a distance extending two blocks from the centerline (approximately 700') of the intersection. (F 112)

UTILITIES:
Utilities are public. The final design and location of the golf holes in this area will need to be approved by the City as they relate to the location of the trunk sanitary sewer.

TRAFFIC ANALYSIS:
The Comprehensive Plan identifies Old Cheney Road as a Rural Major Collector (County) at the present time, and a Minor Arterial in the future. (E49, F103) The Comprehensive Plan shows both Old Cheney Road and South 84th Street in this area should have 120' of right-of-way, and 130' of right-of-way at the intersection. (F 112) Currently, there is 100' of right-of-way in both cases. Additional right-of-way should be acquired with this project.

A trail is planned to cross through this property. This trail will join two other future trails, one coming from the north along 84th Street, and one coming from the northwest along Antelope Creek, and will travel generally southeast until Highway 2. The final design and location of the golf holes in this area will need to be approved by the City as they relate to the location of the trail.

Collector Streets: These streets serve as a link between local streets and the arterial system. Collectors provide both access and traffic circulation within residential, commercial, and industrial areas. Moderate to low traffic volumes are characteristic of these streets. (F 105)

Minor Arterials: This functional class serves trips of moderate length and offers a lower level of mobility than principal arterials. This class interconnects with, and augments principal arterials, distributes traffic to smaller areas, and contains streets that place some emphasis on land access. These are characterized by moderate to heavy traffic volumes. (F 103)

ENVIRONMENTAL CONCERNS:

Antelope Creek crosses through this site from southeast to northwest. The channel entering this site from the south drains an area of approximately 600 acres. There is no FEMA delineated flood plain or floodway on this site. Also, as proposed, grading in this area appears to divert major flows away from the creek crossing under 84th Street and to the existing pond to the north.

There are existing wetlands on this site. Some of these wetlands will be disrupted with the development of this site, and these wetland areas should be mitigated. This proposed development will require the disruption and mitigation of fewer wetlands than the currently approved plan for apartments.

ANALYSIS:

1. This is a request to amend Special Permit 1423 to replace 272 multiple-family units with 31 single-family attached units, for a total of 344 dwelling units within the CUP. These lots must be platted prior to receiving building permits.

2. The total allowable density of this CUP is 1,418 dwelling units. At this point, the number of approved dwelling units is 539. Special Permit #1423G, which is currently pending before the City Council, will increase the number of approved dwelling units to 559. Special Permit #1423H, which is also currently pending before the City Council, will increase the number of approved dwelling units to 585.

3. With the elimination of 272 multiple-family dwelling units and the addition of 31 single-family attached units, this proposal will reduce the number of approved dwelling units to 344.

4. The Planning Department supports the request to waive the requirement for a preliminary plat, provided Applicant submits all information required with a preliminary plat as part of the special permit. The approved community unit plan may be used in lieu of the preliminary plat for the area of this amendment.

5. Applicant has requested a waiver of minimum lot size for Outlots Q and S. Outlot Q is proposed between Angeline Court and Lot 21. Lot 21 is currently an interior lot, and this particular side of the lot would have a 5' side yard setback. The placement of Angeline Court would make Lot 21 a corner lot, requiring instead a 20' front yard setback. Outlot Q is 15' wide, and is intended to be used as common open space

providing an overall 20' setback for Lot 21. The proposed outlot is not in character with the neighborhood, and should be added to Lot 21. Once added, Lot 21 will be similar to every other corner lot in the neighborhood, and its ultimate buildable footprint will still remain unchanged.

Outlot S is proposed adjacent to South 88th Street, between Lots 50, 51 and 52. This outlot serves as a golf course connection, aligned with an outlot across South 88th provided for the same purpose.

6. The Planning Department opposes a waiver for Outlot Q, and supports a waiver for Outlot S.

7. The Comprehensive Plan indicates both Old Cheney Road and South 84th Street should have 120' of right-of-way in this area for future improvement to a 4+1 lane design. The Plan also states there shall be 130' of right-of-way for a distance of 700' from the centerline of the intersecting streets, since each are arterials. There currently exists 100' of right-of-way in both streets. Therefore, a dedication of 15' of right-of-way for the first 700' from the centerline of the intersection, and 10' of right-of-way for the remaining length of the lots should occur along Old Cheney Road and South 84th Street.

8. The applicant has requested to provide the necessary right-of-way in an easement rather than a dedication. The Public Works & Utilities Department is opposed to an easement at these locations. When an easement is allowed, quite often there is an expectation that there will never be any roadway infrastructure there. A dedication, however, provides a much clearer expectation that roadway infrastructure may be located there if needed. Also, the Public Works & Utilities Department does not believe the dedication would create any undue hardship upon the property owner.

9. The profile for Angeline Court does not meet design standards for intersection approach grade. The profile and grading plan must be revised to meet the minimum approach grade of 3.0% as required by design standards.

10. The channel entering this site from the south drains a land area of approximately 600 acres. Since the FEMA delineated flood plain and floodway end at 84th Street, a floodway corridor needs to be delineated through this site. Lincoln Municipal Code requires the preservation of a minimum flood corridor to preserve flood storage and riparian vegetation. This corridor should be established using the method described in §1.5.6 of the Drainage Criteria Manual.

11. Greater detail is needed for the proposed flood plain mitigation area. It appears the proposed mitigation area will be graded lower than the existing Antelope Creek

channel. This grading would appear to divert major flows away from the creek crossing under 84th Street, to the existing pond to the north. This could result in floodwaters overtopping 84th Street at this location. It also appears the proposed fill and mitigation grading will encroach on the to be delineated floodway corridor.
To ensure the culverts under 84th Street will still function as designed and that flows and flood heights are not increased downstream, hydrologic and hydraulic analyses should be prepared comparing the existing conditions with the conditions as proposed.

Mitigation for the loss of storage in the floodplain should be done above the 10-year water surface elevation. Any storage below the 10-year elevation is less effective in reducing the peak flow.

12. The proposed location for the trail raises concerns. Specifically, the trail is located approximately 10' from the edge of the putting green. This poses safety concerns for trail users and liability concerns for golf course patrons. Pedestrian protection should be provided based upon relevant USGA or other industry standards.

    The alternate route shown crossing the existing residential lot will require some form of written confirmation by the property owner that the developer has permission to put the trail in this location. Also, the trail appears to pass through delineated wetlands. The area affected needs to be shown as wetlands to be mitigated.

13. The grading proposed along Old Cheney Road and South 84th Street must be revised to reflect current paving projects. The proposed site grading contours must be shown tying into the grading for the city paving projects.

14. The final design and location of the golf holes in this area will need to be approved by the City as they relate to the locations of the trunk sanitary sewer and trail.

15. Lincoln Electric System revisions are required.

The Planning Department recommends the conditional approval of this application based on the following conditions.

CONDITIONS:

Site Specific:

1. After the applicant completes the following instructions and submits 1 original and 4 copies of 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 Note 13 on the site plan to include the triangle 9 symbol, show 238 single-family, 94 duplex townhouse, and 339 total dwelling units, and 18 outlots.

1.2 Remove Outlot O from the drawings. Rename Outlots P, Q, R, and S with the next consecutive letters, which are O, P, Q, and R. Revise Note 19 on the site plan accordingly.

1.3 Revise the profile and grading plan for Angeline Court to meet the maximum approach grade of 3.0% required by Design Standards.

1.4 Delineate a minimum flood corridor through this site as required by § 1.5.6 of the Drainage Criteria Manual.

1.5 Provide additional detail of the proposed flood plain mitigation area for the approval of the Public Works & Utilities Department.

1.6 Provide both hydrologic and hydraulic analyses comparing existing conditions with proposed conditions for the approval of the Public Works & Utilities Department.

1.7 Provide mitigation for the loss of storage in the flood plain area above the 10-year water surface elevation.

1.8 Provide protection that conforms to~~applicable industry standards, between golf course patrons and pedestrians on the trail~~ typical recognized and acceptable clearance distances in golf course design. These include a minimum clearance of 150' from the center of a green, and a minimum clearance of 200' from the center of a fairway. The proposal must be approved by ~~for the approval of~~ the Parks and Recreation Department. **(**As revised by staff on 9/29/03**)**

1.9 Show grading for the trail.

1.10 Provide written documentation providing permission to utilize the alternate trail location.

1.11 Show the area of delineated wetlands crossed by the trail as wetlands to be mitigated.

1.12 Revise the grading along Old Cheney Road and 84th Street to reflect current paving projects, for the approval of the Public Works & Utilities Department.

1.13 Revise the site grading contours to tie into the grading for city paving projects, for the approval of the Public Works & Utilities Department.

1.14 Show the revisions requested by the LES review. The revisions may be viewed at the Planning Department.

1.15 Revise the drawings to show the dedication of an additional 15' of right-of way for a distance of 700' from the centerlines of Old Cheney Road and South 84th Street, and an additional 10' of right-of-way along the remaining portion of these lots, on the north side of Old Cheney Road and the east side of South 84th Street.

1.16 Revise Snyder Court and Sandhills Court to reflect changes made as part of the approval of Special Permits #1423G and 1423H.

1.17 Prior to construction of the golf course holes in this area, provide final design and locations for the golf holes for the approval of the Public Works & Utilities and Parks and Recreation Departments.

1.18 Prior to any further grading on the site, submit and receive approval for a mitigation plan for the vegetation and grading within the minimum flood corridor in conformance with Section 26.15.020(b) and (c) of the Subdivision Ordinance to the satisfaction of the Director of Public Works & Utilities. **(**As revised by staff on 10/01/03**)**

2. This approval permits 344 dwelling units.

3. The waiver of minimum lot area for Outlot S is approved.

4. The requirement that a preliminary plat be submitted is waived for the area of this application. The approved community unit plan shall serve the purpose of a preliminary plat for the area of this amendment. Final plats in this area may be approved based upon the approved community unit plan.

5. The waiver of the filing of a preliminary plat and the approval of this community unit plan in lieu of a preliminary plat shall only be effective for a period of ten (10) years from the date of 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 date of approval, 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.

General:

6. Before receiving building permits:

6.1 Permitee must submit 1 original and 5 copies of the plans as approved.

6.2 Final Plats must be approved by the City.

6.3 The construction plans shall comply with the approved plans.

STANDARD CONDITIONS:

7. The following conditions are applicable to all requests:

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

7.2 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.

7.3 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.

7.4 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.

8. The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all resolutions approving previous permits remain in force unless specifically amended by this resolution.

Prepared by:

Greg Czaplewski
Planner

Date: September 17, 2003

Applicant: HiMark Golf, L.L.C.
8901 Augusta Drive
Lincoln, NE 68520
480.244.9005

Owner: Guy Lamlee
HiMark Golf, L.L.C.
8901 Augusta Drive
Lincoln, NE 68520
480.244.9005

Contact: Olsson Associates
Mark Palmer
1111 Lincoln Mall
Lincoln, NE 68508
458.5632

Special Permit #1423I
S. 84th & Old Cheney Rd.
HiMark Estates CUP

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Lincoln City - Lancaster County Planning Dept.
2002 aerial

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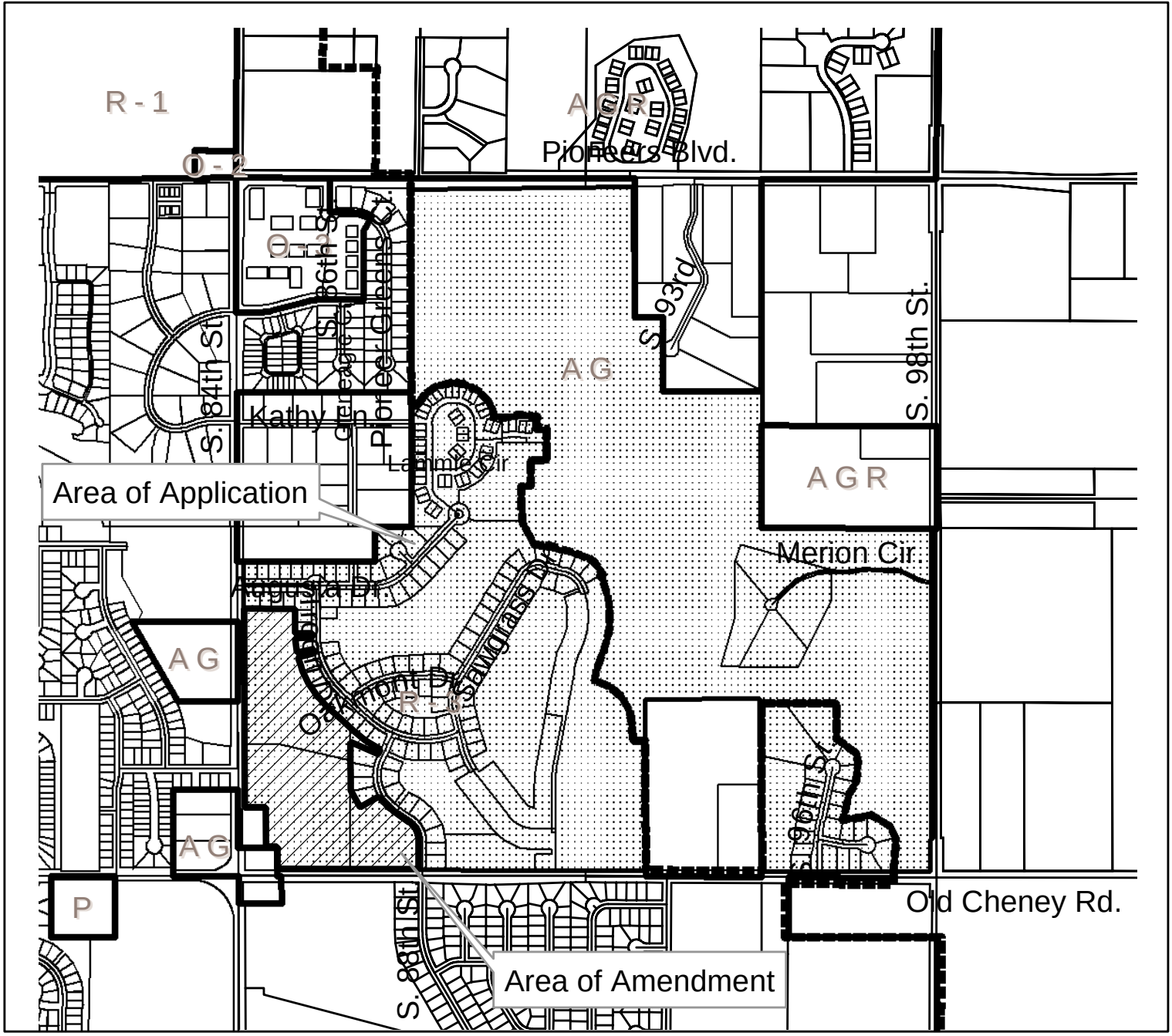
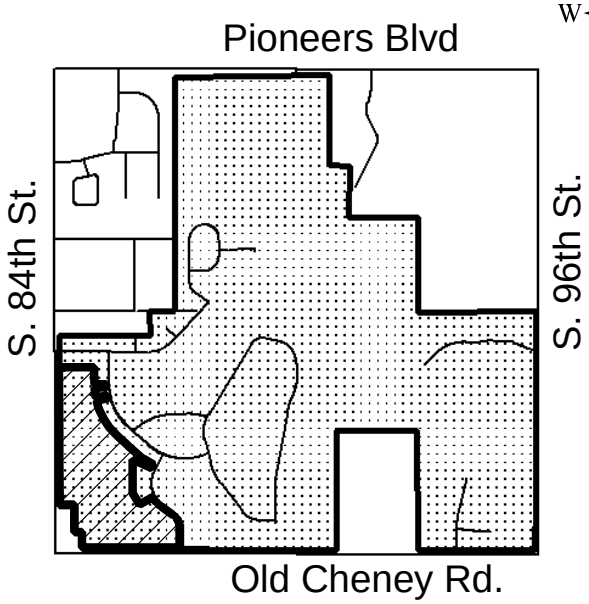


Special Permit #1423I
S. 84th & Old Cheney Rd.
HiMark Estates CUP

Zoning:

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Convervation 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. 11 T9N R7E



Zoning Jurisdiction Lines

City Limit Jurisdiction

Lincoln City - Lancaster County Planning Dept.

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HiMARK ESTATES

AMENDMENT TO THE C.U.P. SITE PLAN

VICINITY MAP

TYPICAL PARKING DETAILS

AUGUSTA DRIVE & ROTARY DETAIL

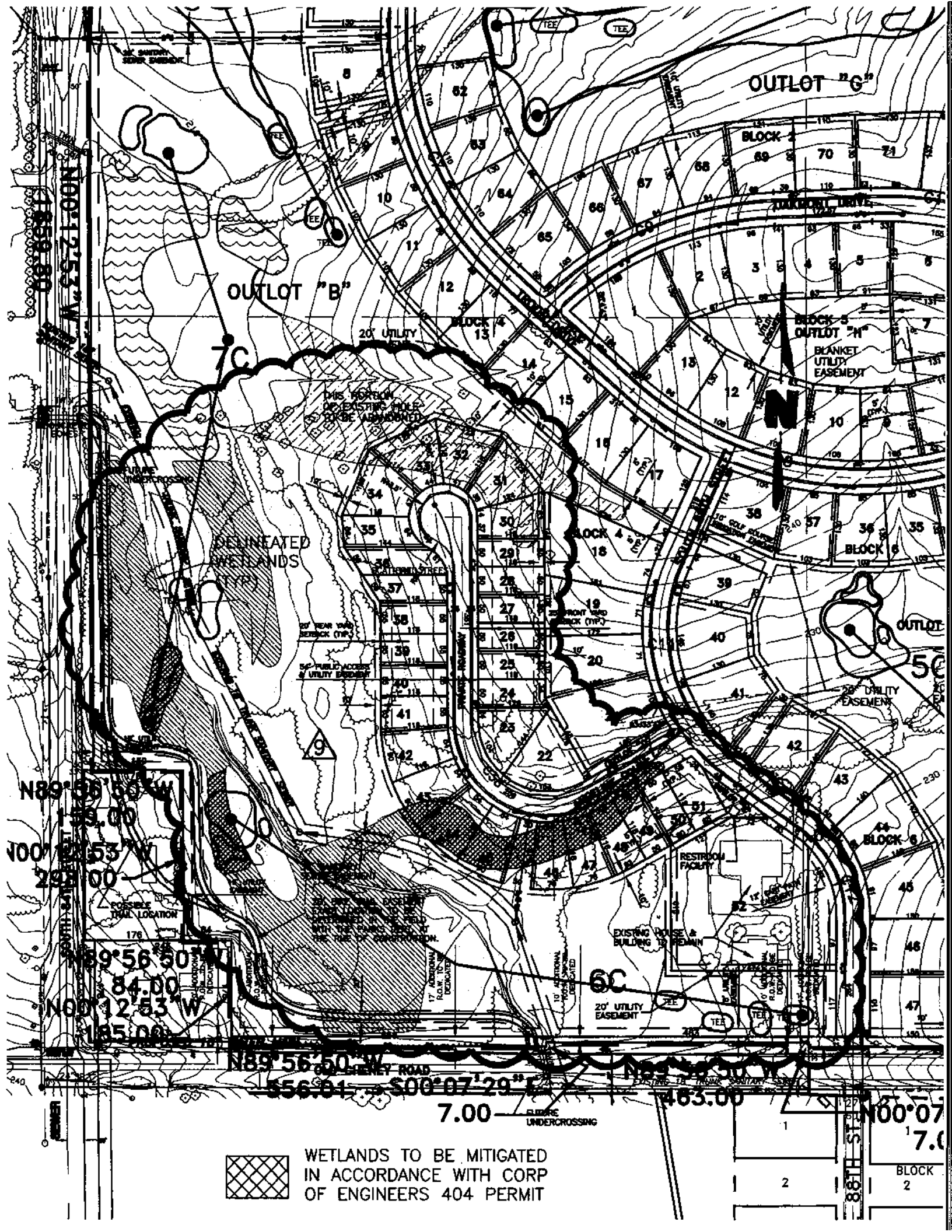
OLSSON ASSOCIATES

AMENDMENT TO THE C.U.P.

SITE PLAN

LINCOLN NEBRASKA 2003

SHEET 1 OF 9



WETLANDS TO BE MITIGATED IN ACCORDANCE WITH CORP OF ENGINEERS 404 PERMIT

OLSSON ASSOCIATES
ENGINEERS • PLANNERS • SCIENTISTS • SURVEYORS

21 August 2003

Mr. Marvin S. Krout, Director
Lincoln Lancaster Planning Department
County-City Building
555 South 10th Street, Suite 213
Lincoln, NE 68508

Re: HiMark Estates
Amendment to the Community Unit Plan #1423
OA Project No. 2003-0606

Dear Mr. Krout,

On behalf of the owner, HiMark Golf L.L.C. we are requesting an Amendment to the Community Unit Plan to replace the 272 multi family units at the corner of 84th and Old Cheney Road with 31 single family attached lots and 2 golf holes.

We have met with Ray Hill and Greg Czaplewski to discuss the project. Ray Hill was concerned with the loss of density from the site. We had originally been proposing single family lots, we have revised that concept to provide townhome lots.

We have relocated the proposed bike trail to avoid the proposed golf holes and maintain connectivity between the future 84th street and Old Cheney Road underpasses.

We understand that a Corp of Engineers 404 permit will be required to mitigate wetlands that will be filled by the grading of the residential lots and golf course construction. This permit is currently being designed.

We show filling within the flood plain of Antelope Creek. We will mitigate the lost flood plain volume to provide a "no net fill" within the flood plain.

There are a large number of trees located within this area. The golf course design will attempt to maintain as many trees as possible. Trees will require removal within future fairways, water features, or residential lots.

Enclosed, please find the following documents:

1. Revised Site Plan, Sheet 1; 21 copies
2. Revised Grading & Drainage Plan, Sheet 2; 9 copies
3. Revised Profile Sheet, Sheet 7; 9 copies
4. Revised Landscape Plan, Sheet 8; 9 copies
5. City of Lincoln Zoning Application; "Community Unit Plan; Amendment"
6. Filing fee for "Community Unit Plan"; $615.00
7. 8 ½" x 11" Reduced Drawings of the Site Plan
8. Ownership Certificate

1111 Lincoln Mall • P.O. Box 84608 • Lincoln, Nebraska 68501-4608 • (402) 474-6311 • FAX (402) 474-5160
OMAHA, NE • GRAND ISLAND, NE • HOLDREGE, NE • SOUTH SIOUX CITY, NE • KANSAS CITY, MO • PHOENIX, AZ • DENVER, CO

Please contact me if you have any questions or require any additional material.

Sincerely,

Mark C. Palmer P.E.

cc: Guy Lamlee, HiMark Golf L.L.C
Mark Hunzeker

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"Mark Palmer" <MPalmer@oaconsulting.com>
09/08/2003 01:08 PM

To: <GCzaplewski@ci.lincoln.ne.us>
cc:
Subject: HiMark Waiver Request

Greg

On Behalf of Guy Lamlee I am also requesting a waiver for lot sizing. Outlots "S" and "Q" do not meet the minimum lot sizing. Outlot "S" is defining a potential access way for golfers and a potential restroom. Outlot "Q" is to provide for a corner lot setback for the existing residential lot that abuts the outlot whcih is adjacent to the private roadway. This outlot will be landscaped and maintained by the home owners association.

Outlot "R" is the Northern 60 acres of the site adjacent to Pioneers Blvd. Guy Lamlee may want to deed this to one of his children in the future.

Please give me a call if you have any questions.

Thanks Greg

Mark

"Mark Palmer" <MPalmer@oaconsulting.com>
09/05/2003 10:22 AM

To: <GCzaplewski@ci.lincoln.ne.us>
cc:
Subject: Guy Lamlee HiMark Amendment

On behalf of Guy Lamlee I am requesting the following waivers:

1. The additional 10' of Right of Way requested by Public Works (to make 120' of right of way) be in the form of an easement for Right of Way.

Justification:
The developer would like to utilize this property for landscaping purposes to screen the golf course from Old Cheney Road.

2. That the requirement for the preliminary plat be waived.

Justification:

The amendment to the preliminary plat would be a redundant amendment. It would be a technicality that would create more paperwork for the planning staff and require additional review time. The CUP accounts for the same issues that the preliminary plat would cover.

Please call if you have any questions.

Mark

Mark Palmer P.E.
Olsson Associates
(402) 458-5632