

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for November 9, 2005 PLANNING COMMISSION MEETING

- P.A.S.:** Preliminary Plat #05016 Apple's Way
- PROPOSAL:** A preliminary plat creating 32 residential lots in R-1 and 10 lots in B-2.
- LOCATION:** South 66thth Street and Highway 2
- LAND AREA:** Approximately 61.7 acres.
- WAIVERS:**
1. Lots that do not front onto a public street or private roadway in B-2.
 2. Lot lines not perpendicular to a street.
 3. Sidewalk along Highway 2
 4. Sidewalk along the north side of McIntosh Road and McIntosh Circle.
 5. Location of public sanitary sewer and water main.
- CONCLUSION:** Several corrections and revisions are required as noted in the conditions of approval, and that being done the plat will comply with requirements of Title 26 (Land Subdivision ordinance) provided the requested waivers are approved. The waivers are appropriate except the request to waive sidewalks in the residential area. These sidewalks are necessary to provide safe pedestrian access throughout the development, especially if the sidewalk along the south side of Highway 2 is waived. The waivers recommended for approval by staff are final action by the Planning Commission, those recommended for denial by staff are final action at City Council.

RECOMMENDATION:

Preliminary Plat #05016 Conditional Approval

Waivers:

- | | | |
|----|--|----------|
| 1. | Lots that do front onto a public street or private roadway in the B-2. | Approval |
| 2. | Lot lines not perpendicular to a street. | Approval |
| 3. | Sidewalk along Highway 2 | Approval |
| 4. | Sidewalk along the north side of McIntosh Road and McIntosh Circle. | Denial |
| 5. | Location of public sanitary sewer and water main. | Approval |

GENERAL INFORMATION:

LEGAL DESCRIPTION: See attached legal description.

EXISTING LAND USE AND ZONING: Vacant, Single-family Residential R-3, B-2

SURROUNDING LAND USE AND ZONING:

North:	Bank, Residential	AGR, O-3
South:	Vacant, Residential	AGR, R-1
East:	Residential	AGR, R-1
West:	Commercial	H-4

ASSOCIATED APPLICATION: CZ#05026A - A request for an amendment to Apple's Way PUD to allow three additional waivers.

HISTORY: June 13, 2005 - CZ#05026 Apple's Way PUD was approved for 32 single-family lots in R-3 and 10 lots in B-2. The preliminary plat was specifically not waived with the approval of the PUD.

June 13, 2005 - CPA#04010 was approved to change the land use designation from residential to commercial for the west 39 acres of this site.

July 14, 2003 - CPA#03012 to change the land use designation on this site from urban residential to open space and commercial was withdrawn. It had received a 6-0 vote for denial from the Planning Commission.

March 26, 2001 - A request to include a change in the land use designation from urban residential to commercial for this site was considered but not adopted as part of the Southeast Lincoln/Highway 2 Subarea Plan.

May 2, 1994 - CZ#2085 was denied by City Council to change the zoning of this property from AGR to R-3 and B-5.

May 8, 1979 - The zoning was changed from AA Rural and Public Use to AGR Agriculture Residential with the 1979 Zoning Update.

COMPREHENSIVE PLAN SPECIFICATIONS:

Page F23 - This site is designated as commercial and urban residential land use in the Land Use Plan.

Page F27 - Urban Growth Tiers - This site is within the City's Future Service Limit.

Page F156 - Subarea Planning - By reference the Southeast Lincoln/Highway 2 Subarea Plan is included in the Comprehensive Plan.

UTILITIES: The site can be served by municipal water and sanitary sewer.

TOPOGRAPHY: There is a hill along the west edge of the site, with small drainage ways on either side of it flowing from northeast to southwest.

ANALYSIS:

1. The preliminary plat is based upon the Apple's Way PUD approved in June, 2005. At the time the PUD was approved, the preliminary plat was not waived. This application fulfills the requirement to submit a preliminary plat prior to final plats.
2. This application includes the grading and drainage plan along with a hydrologic/hydraulic study for the site, items that were not submitted with the PUD. These items are being reviewed by Public Works and Utilities, however that review was not completed in time to be included with this report. Any deficiencies in those plans noted in the Public Works review must be corrected before the plat can be approved.
3. At the time the PUD was approved it was assumed all development would comply with the applicable requirements and design standards, and the preliminary plat is generally consistent with the approved PUD. However, information submitted as part of the preliminary plat is more detailed than what was provided for the PUD and four items that do not comply with the applicable design standards are noted as part of this application. They are as follows:
 - A. Lots that do front onto a public street or private roadway in B-2 - This waiver applies only to the commercial center in the area zoned B-2. This is a typical waiver for commercial centers where individual lots are accessed by an internal system of private drives. Common access easements are then granted over the drives and parking areas to provide for common use of those facilities.
 - B. Lot lines not perpendicular to a street - The intent of this requirement was to provide for uniform, regularly-shaped lots by making all lot lines perpendicular to the adjacent street. However, this site is unique and somewhat irregularly shaped, and the existing development constraints

on this site including topography and drainage facilities dictate that some lot lines are not perpendicular to the street. The Land Subdivision ordinance requires that plats show “desirable and satisfactory lots”, a requirement satisfied by this plat even though some lot lines are not perpendicular to the street.

- C. Sidewalk along Highway 2 - A sidewalk is not desirable along Highway 2 due to traffic speed and volume, and in the past the State of Nebraska has not supported sidewalks along the highway. The sidewalk has been waived adjacent to other commercial developments along Highway 2, and this request to waive it is appropriate as well.
 - D. Sidewalk along the north side of McIntosh Road and McIntosh Circle - Assuming the sidewalk along Highway 2 is waived, it becomes all that more important that sidewalks are provided along both sides of these streets. Sidewalks along both sides of the street are required by Title 26 (Land Subdivision ordinance) to provide for basic pedestrian access and safety and there is not adequate justification to support this waiver.
 - E. Location of public sanitary sewer and water main - Sanitary sewers and water mains must be located 3.5' from the back of curb, or in a location approved by Public Works and Utilities. Public Works has approved the alternate locations for both the water and sewer lines and this waiver is appropriate.
4. The plat shows a proposed street extension from Apple's Way through Outlot F to the southwest corner of the plat. The street crosses an area designated as a detention area. The street must be named, and it must be labeled as a private roadway if it is not a public street, and it must be shown how the required detention capacity can be maintained when the street is built.
 5. The streets within the B-2 area are to remain private roadways, and those in the R-1 are to be public streets. The streets within the B-2 must be clearly labeled as private roadways.
 6. All lots must be dimensioned and numbered. To maintain flexibility for the actual location of lot lines, a note has been added to the plans stating that the lot lines are approximate and that the exact locations will be determined at the time of final plats.
 7. The notes must be revised to match those on the approved plan for Apple's Way PUD.
 8. The Health Department notes concerns regarding noise and hazardous waste transported on the nearby rail line. Those advisory comments are attached.

9. Staff supports four of the five waivers requested and those can be final action at Planning Commission. The waiver not supported by staff is final action at City Council.

CONDITIONS:

Site Specific:

1. After the subdivider completes the following instructions and submits the documents and plans and 6 copies to the Planning Department, the preliminary plat will be signed by the Chair of the Planning Commission certifying approval: (NOTE: These documents and plans are required by ordinance or design standards.)
 - 1.1 Revise the preliminary plat as follows:
 - 1.1.1 Show sidewalks along both sides of McIntosh Circle and McIntosh Lane unless the subdivider's waiver request is approved by the City Council.
 - 1.1.2 Show easements per the L.E.S. review.
 - 1.1.3 Provide a name for the unidentified street at the southwest corner of the plat and label it as a private roadway if it is not a public street.
 - 1.1.4 Show how the required detention capacity is maintained when the unidentified street at the southwest corner of the plat is built.
 - 1.1.5 Label the roads in the B-2 as private roadways.
 - 1.1.6 Dimension and number all lots.
 - 1.1.7 Revise the General Notes to match those on the approved plan for Apple's Way PUD.
 - 1.1.8 Revise the landscape plan on Sheet 5 of 5 to show all the required landscape screen between the B-2 and R-1 located in the B-2.
 - 1.1.9 Remove the designation for "Possible Sign Location" at the southeast corner of the site which is outside the boundary of the plat.
 - 1.1.10 Revise the note "175' Drive Setback" in the B-2 to read "175' Setback to Parking and Driveways."
 - 1.2 Make corrections to the satisfaction of Public Works and Utilities.

General:

2. Final Plats will be approved by the Planning Director after:
 - 2.1 The required improvements are completed or a surety is posted to guarantee the completion of the public streets, private roadway improvements, sidewalks, sanitary sewer system, water system, drainage facilities, land preparation and grading, sediment and erosions control measures, storm water detention/retention facilities, drainageway improvements, street lights, landscaping screens, street trees, temporary turnaround and barricades, and street name signs.
 - 2.2 The subdivider has signed an agreement that binds the subdivider, its successors and assigns:
 - 2.2.1 to complete the street paving of public streets shown on the final plat within two (2) years following the approval of the final plat.
 - 2.2.2 to complete the paving of private roadway shown on the final plat within two (2) years following the approval of this final plat.
 - 2.2.3 to complete the installation of sidewalks as shown on the final plat within four (4) years following the approval of the final plat.
 - 2.2.4 to complete the public water distribution system to serve this plat within two (2) years following the approval of the final plat.
 - 2.2.5 to complete the public wastewater collection system to serve this plat within two (2) years following the approval of the final plat.
 - 2.2.6 to complete the enclosed public drainage facilities shown on the approved drainage study to serve this plat within two (2) years following the approval of the final plat.
 - 2.2.7 to complete the enclosed private drainage facilities shown on the approved drainage study to serve this plat within two (2) years following the approval of the final plat.
 - 2.2.8 to complete land preparation including storm water detention/retention facilities and open drainageway improvements to serve this plat prior to the installation of utilities and improvements but not more than two (2) years following the approval of the final plat

- 2.2.9 to complete the installation of public street lights within this plat within two (2) years following the approval of the final plat.
- 2.2.10 to complete the installation of private street lights within this plat within two (2) years following the approval of the final plat.
- 2.2.11 to complete the planting of the street trees a within this plat within four (4) years following the approval of the final plat.
- 2.2.12 to complete the installation of the street name signs within two (2) years following the approval of the final plat.
- 2.2.13 to complete any other public or private improvement or facility required by Chapter 26.23 (Development Standards) of the Land Subdivision Ordinance in a timely manner which inadvertently may have been omitted from the above list of required improvements.
- 2.2.14 to complete the public and private improvements shown on the preliminary plat.
- 2.2.15 to retain ownership of or the right of entry to the outlots in order to maintain the outlots and private improvements on a permanent and continuous basis and to maintain the plants in the medians and islands on a permanent and continuous basis. However, the subdivider may be relieved and discharged of this maintenance obligation upon creating, in writing, a permanent and continuous association of property owners who would be responsible for said permanent and continuous maintenance. The subdivider shall not be relieved of such maintenance obligation until the private improvements have been satisfactorily installed and the documents creating the association have been reviewed and approved by the City Attorney and filed of record with the Register of Deeds.
- 2.2.16 to properly and continuously maintain and supervise the private facilities which have common use or benefit, and to recognize that there may be additional maintenance issues or costs associated with providing for the proper functioning of storm water detention/retention facilities as they were designed and constructed within the development, and that these are the responsibility of the land owner.

- 2.2.17 to continuously and regularly maintain the street trees along the private roadways and landscape screens.
- 2.2.18 to comply with the provisions of the Land Preparation and Grading requirements of the Land Subdivision Ordinance.
- 2.2.19 to submit to the Director of Public Works a plan showing proposed measures to control sedimentation and erosion and the proposed method to temporarily stabilize all graded land for approval.
- 2.2.20 to submit to the lot buyers a copy of the soil analysis.
- 2.2.21 to protect the trees that are indicated to remain during construction and development.
- 2.2.22 to relinquish the right of direct vehicular access from those adjacent to Highway 2.
- 2.2.23 to pay all design, engineering, labor, material, inspection, and other improvement costs.

3. The waivers to the design standards to allow lots that do not front onto a public street or private roadway, lotlines not perpendicular to a street, sidewalk along Highway 2, location of public sanitary sewer and water main are hereby approved.

Prepared by:

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

Planner

October 26, 2005

Applicant/

Owner: Apple's Way, L.L.C./Uno Properties
1201 N Street Suite 102
Lincoln, NE 68506
435.0011

Preliminary Plat #05016
Apple's Way

Page 9

Contact: Tim Gergen
Olsson Associates
1111 Lincoln Mall
Lincoln, NE 68508
474.6311

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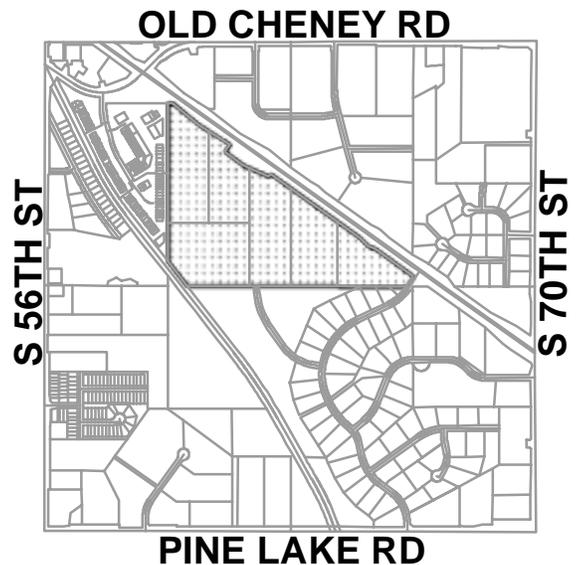
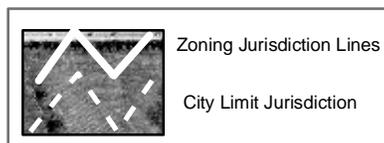


2005 aerial

**Preliminary Plat #05016 &
Change of Zone #05026A
Apple's Way
S 63rd St & Highway 2
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. 16 T09N R07E



October 27, 2005

Mr. Brian Will
Planning Department, City of Lincoln
County-City Building
555 So. 10th Street
Lincoln, NE 68508

RE: Apple's Way PUD / Preliminary Plat
OA Project No. 2002-1220

Dear Mr. Will:

Below are the descriptions for the need of the requested waivers for the above referenced project.

Waivers to the PUD:

1. **Waive front yard setback to 0' in the B-2 PUD Zone with the exception of along Hwy 2, then the setbacks shall be 175' for drives and 200' for buildings.**

This waiver is being requested to allow the most flexibility with building and parking placement in regards to the internal roadway system. Apple's Way development would like the flexibility to create a downtown urban setting abutting the roadway system to encourage pedestrian movement. Therefore an internal front yard setback reduction is being asked.

2. **Waive rear yard setback to 30' abutting a residential district in the B-2 PUD Zone.**

Due to the placement of the entrance road to the site the reduction of the rear yard setback is necessitated to accommodate a realistic building envelope for the lots on the east side of the entrance. A 50' setback will be maintained in this area through the use of a 20' landscape easement placed on the abutting residential zoning. These are large residential lots to begin with and will allow the residential lots to utilize and enjoy the setback green space area rather than having it be located on the wrong side of the fence. A 100% landscape screen will be provided on the lot line together with maintaining the large hill to fully screen and more than adequately separate the commercial and residential uses.

3. **Waive height restriction to 52' for buildings that exceed 100,000 square feet in floor area.**

This waiver is being requested to accommodate a large front parapet peak at the entrance of the proposed Lowe's building. The peak is a standard prototypical

entrance of the store.

Mr. Brian Will
October 27, 2005
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Waivers to the Preliminary Plat:

1. **Waive requirement for lots to front public or private street and lot lines to be perpendicular to the street.**

Due to the triangular shape of the site it is not efficient to have the lot in the northwest corner of the site with a roadway network system for its access. Also due to the irregular shape of the site and curved roadways the lot lines are most efficient if they are not perpendicular to the street.

2. **Waive sidewalk requirement along Highway #2 for both the residential and commercial areas and the north side of McIntosh Road and McIntosh Circle.**

Since there are currently no sidewalks built or planned for along Highway #2 we are asking to continue this City policy and waive the sidewalks in Apples Way as well. The adjoining Country Meadows neighborhood does not have any sidewalks. The waiver of sidewalks on the north side of McIntosh Road and Circle is in keeping with the character of the existing neighborhood. Further, no residential lot will be more than 30' from a sidewalk connection by crossing to the south side of the road. Finally, the elimination of this sidewalk will be replaced with a walking path along and on the south side of the ponds that are to be maintained as a commons. A walking path in this area would have more value to the residents than a sidewalk on the north side of the connection road.

3. **Waive requirement for location of public sanitary sewer and public water main.**

Due to the likeliness of Highway #2 being widened in the future we are requesting the water main to parallel our commercial pavement and residential street network to avoid the possibility of the water main to be under pavement if Highway #2 is to be widened. The sanitary sewer does not follow a street network system due to the existing stub-out and irregularity of the lot layout as described in the waivers described above. The water main and sanitary sewer will be in easements dedicated to the city and are agreeable to Public Works.

Sincerely,

Tim Gergen, PE

cc: Bennie McCombs
Tom Huston
Peter Katt



OLSSON ASSOCIATES
ENGINEERS • PLANNERS • SCIENTISTS • SURVEYORS

October 19, 2005

Mr. Brian Will
Planning Department, City of Lincoln
County-City Building
555 So. 10th Street
Lincoln, NE 68508

RE: Apple's Way PUD / Preliminary Plat
OA Project No. 2002-1220

Dear Mr. Will:

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

1. Application for a Waiver to the PUD
2. Application fee (\$500)
3. Cover Sheet – 1 copy

On behalf of the Owner/Developer, Apple's Way, L.L.C. and Uno Properties, Inc., 1201 N Street, Suite 102, Lincoln, NE 68508, we are requesting an amendment to the Planned Unit Development (PUD) on the property shown on the enclosed site plan, all located in the north half of Section 16, Township 9 North, Range 7 East, City of Lincoln, Lancaster County, Nebraska (approximately 61.7 acres). We expect to be scheduled on the Planning Commission Agenda for the 9th of November simultaneously with the Apple's Way Preliminary Plat hearing.

We are requesting the following waivers to the PUD:

1. Waive front yard setback to 0' in the B-2 PUD Zone with the exception of along Hwy 2, then the setbacks shall be 175' for drives and 200' for buildings.
2. Waive rear yard setback to 30' abutting a residential district in the B-2 PUD Zone.
3. Waive height restriction to 52' for buildings that exceed 100,000 square feet in floor area.

Mr. Brian Will
October 19, 2005
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In addition, we would like to clarify and re-state the waivers to the submitted Preliminary Plat to the following:

1. Waive requirement for lots to front public or private street and lot lines to be perpendicular to the street.
2. Waive sidewalk requirement along Highway #2 for both the residential and commercial areas and the north side of McIntosh Road and McIntosh Circle.
3. Waive requirement for location of public sanitary sewer and public water main.

It is our intention to have the Amendment to the PUD and the Preliminary Plat proceed concurrently to avoid two separate public hearings. Please let us know the public hearing schedule for these two submittals.

Sincerely,



Tim Gergen, PE

Enclosures

cc: Bennie McCombs
Tom Huston
Peter Katt
Rob Otte

DEVELOPER

APPLE'S WAY LLC
UNO PROPERTIES, INC.
1201 N STREET, SUITE 102
LINCOLN, NE 68508
PHONE: 435-0000

ENGINEER & PREPARER

OLSSON ASSOCIATES
1111 LINCOLN MALL
LINCOLN, NE. 68501
PHONE: 474-6311

PRELIMINARY PLAT LEGAL DESCRIPTION

REMAINING PORTION OF OUTLOT "E", COUNTRY MEADOWS, AND LOTS 36, 88, 123, 155 AND 156 IRREGULAR TRACTS, ALL LOCATED IN THE NORTH HALF OF SECTION 16, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6th P.M., LINCOLN, LANCASTER COUNTY, NEBRASKA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 123; THENCE ON THE NORTH LINE OF SAID LOT 123, ON AN ASSIGNED BEARING OF N 89°57'28"E, A DISTANCE OF 50.79'; THENCE ON THE SOUTHERLY RIGHT OF WAY LINE OF NEBRASKA HIGHWAY #2, FOR THE NEXT THIRTEEN (13) COURSES; S 48°25'20"E 359.86'; THENCE S 59°21'17"E 330.85'; THENCE S 54°33'46"E 70.04'; THENCE S 35°30'08"W 90.51'; THENCE S 54°32'44"E 230.00'; THENCE S 65°06'38"E 315.35'; THENCE N 35°20'01"E 32.94'; THENCE S 54°36'32"E 267.53'; THENCE S 54°29'46"E 618.68'; THENCE S 54°29'48"E 307.34'; THENCE S 47°32'08"E 110.81'; THENCE S 62°59'47"E 90.95'; THENCE S 54°31'20"E 482.57', TO A POINT OF INTERSECTION WITH THE NORTHERLY RIGHT OF WAY LINE OF SOUTH 86th STREET, SAID POINT BEING THE EASTERLY MOST POINT OF SAID REMAINING PORTION OF OUTLOT "E"; THENCE ON THE EASTERLY LINE OF SAID OUTLOT "E" AND THE NORTHERLY RIGHT OF WAY LINE OF SOUTH 86th STREET FOR THE NEXT THREE (3) COURSES; THENCE S 0°05'02"W 10.53'; THENCE S 35°06'21"W 127.02', TO A POINT ON CIRCULAR CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 513.12' AND A CENTRAL ANGLE OF 0°13'28"; THENCE ON THE CHORD OF SAID CURVE, S 34°54'22"W 2.01', TO THE SOUTHEAST CORNER OF SAID OUTLOT "E"; THENCE ON THE SOUTH LINE OF SAID OUTLOT "E", N 89°58'34"W 733.95'; THENCE ON THE SOUTH LINE OF SAID LOT 36, N 89°56'43"W 500.47'; THENCE ON THE SOUTH LINE OF SAID LOTS 88 AND 155, N 89°55'11"W 1125.77', TO A POINT ON THE SOUTHWESTERLY LINE OF SAID LOT 88; THENCE ON SAID SOUTHWESTERLY LINE, N 37°44'12"W 316.98', TO A POINT ON THE WEST LINE OF SAID LOT 88; THENCE ON THE WEST LINE OF SAID LOTS, 88 AND 123, N 0°01'47"W 1712.95', TO THE POINT OF BEGINNING, SAID TRACT CONTAINING AN AREA OF 61.70 ACRES, MORE OR LESS.

Memorandum

To: Brian Will, Planning Department

From: Chad Blahak, Public Works and Utilities

Subject: Apple's Way Preliminary Plat #PP05016

Date: October 18, 2005

cc: Randy Hoskins

Engineering Services has reviewed the submitted plans for the Apple's Way preliminary plat, located south and west of Highway 2 between Old Cheney Road and South 66th Street and has the following comments:

Sanitary Sewer – The following comments need to be addressed.

(1.1) The sanitary sewer needs to be extended to Hwy #2 in a location that allows for the future service of the upstream area north of Hwy #2. The grades on the north side of Hwy #2 must be taken into consideration.

Water Mains – The water system is satisfactory.

Grading and Drainage – The following comments need to be addressed.

(3.1) The grading and drainage plan is unsatisfactory. The grading for the roadway that connects to Apple's Way and extends through the proposed detention cell to the west needs to be shown with this plat and will be required as part of the grading certification for construction of the public utilities. This grading will affect the proposed detention significantly. The revised drainage study needs to be provided to the satisfaction of Public Works showing that all detention requirements are met with the road grading.

Streets/Paving – The following comments need to be addressed.

(4.1) The proposed road connecting from Apple's Way to the west property line needs to be shown on these plans. A street grade profile needs to be provided to the satisfaction of Public Works.

(4.2) The proposed 150' right turn lane shown in Hwy #2 at South 66th Street is unsatisfactory. The plans need to be revised to show the right turn lane as 200' long in accordance city design practice.



Status of Review: Approved

Reviewed By ANY

Comments:

Status of Review: Active

Reviewed By 911 ANY

Comments:

Status of Review: Approved

Reviewed By Alltel ANY

Comments:

Status of Review: Active

Reviewed By Building & Safety ANY

Comments:

Status of Review: Approved

10/17/2005 3:17:47 PM

Reviewed By Building & Safety BOB FIEDLER

Comments: approved

Status of Review: Approved

10/18/2005 2:48:53 PM

Reviewed By Fire Department ANY

Comments: Upon review of Preliminary Plat # PP05016, we have no objections from the perspective of our department.

Status of Review: Approved

10/25/2005 3:36:35 PM

Reviewed By Health Department

ANY

Comments: LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT
INTER-OFFICE COMMUNICATION

TO: Brian Will DATE: October 25, 2005

DEPARTMENT: Planning FROM: Chris Schroeder
ATTENTION: DEPARTMENT: Health

CARBONS TO: EH File SUBJECT: Apple's Way
EH Administration PP #05016

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

The LLCHD notes that a rail line is located approximately 600 feet from the proposed residential development. The LLCHD does have concerns relative to noise pollution and the possibility of hazardous materials incidents involving trains with residential populations in relative close proximity.

The LLCHD advises that noise pollution can be an issue when locating commercial uses adjacent to residential zoning.

Lincoln Municipal Code (LMC) 8.24 Noise Control Ordinance does address noise pollution by regulating source sound levels based upon the receiving land-use category or zoning. However, the LLCHD does have case history involving residential uses and abutting commercial uses in which the commercial source does comply with LMC 8.24, but the residential receptors still perceive the noise pollution as a nuisance. The LLCHD strongly advises the applicant to become familiar with LMC 8.24. The LLCHD advises against locating loading docks, trash compactors, etc. adjacent to residential zoning. Therefore, creative site design should be utilized to locate potential sources of noise pollution as far as possible from residential zoning.

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.

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

Part of the proposed development is located within the Country Meadows Wellhead Protection Area. Best management practices (BMP) should be utilized to decrease the risk of groundwater contamination. For example, being conscientious regarding the use of lawn chemicals/ fertilizers and ensuring the proper storage of chemicals and/or fuels.

Status of Review: Active

Reviewed By Lincoln Electric System

ANY

Comments:

Status of Review: Active

Reviewed By Lincoln Police Department

ANY

Comments:

Status of Review: Active

Reviewed By Nebraska Department of Roads

ANY

Comments:

Status of Review: Approved

10/18/2005 1:46:44 PM

Reviewed By Parks & Recreation

ANY

- Comments:
1. Please contact the forestry department at 441-7036 for the assignment of street trees.
 2. All outlot areas to be maintained by the developer and/or future homeowners association.
 3. The park serving this area is Pine Lake Park.
-

Status of Review: Routed

Reviewed By Planning Department

SARA HARTZELL

Comments:

Status of Review: Complete

Reviewed By Planning Department

RAY HILL

Comments:

Status of Review: Active

Reviewed By Planning Department

BRIAN WILL

Comments:

Status of Review: Active

Reviewed By Public Utilities - Wastewater

ANY

Comments:

Status of Review: Active

Reviewed By Public Works - Development Services

ANY

Comments:

Status of Review: Active

Reviewed By Public Works - Long Range Planning

ANY

Comments:

Status of Review: Active

Reviewed By Public Works - Watershed Management

ANY

Comments:

Status of Review: Active

Reviewed By School District

ANY

Comments:

Status of Review: Active

Reviewed By US Post Office

ANY

Comments:
