

FACTSHEET

TITLE: Letter of Appeal, filed by Jason M. Thiellen of Engineering Design Consultants on behalf of Prairie Homes, appealing Condition #1.1.9 of **PRELIMINARY PLAT NO. 05003, Highland View Addition**, requested by Prairie Homes, on property generally located west of N.W. 12th Street between Hwy 34 and W. Alvo Road.

STAFF RECOMMENDATION: Denial of the appeal to Condition #1.1.9.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 08/03/05 and 08/17/05
Administrative Action: 08/17/05

RECOMMENDATION: To retain Condition #1.1.9 of the Highland View Addition Preliminary Plat No. 05003 (7-2: Esseks, Krieser, Pearson, Taylor, Sunderman, Carroll and Carlson voting 'yes'; Larson and Bills-Strand voting 'no').

FINDINGS OF FACT:

1. On August 17, 2005, the Planning Commission voted 9-0 to adopt Resolution No. PC-00945, as amended, approving the Highland View Addition Preliminary Plat No. 05003, requested by Engineering Design Consultants on behalf of Prairie Homes, for 566 residential lots, including a waiver of the sanitary sewer requirement to allow sanitary sewer to run opposite street grade for Banff Street, Dubois Street and N.W. 18th Street; a waiver of the sanitary sewer depth; and a waiver of the required block length.
2. The conditions of approval imposed upon the preliminary plat included Condition #1.1.9 (Item No. 1.i. of Resolution No. PC-00945):

Show a full median on Highway 34 at the temporary access. Label the access as right-in-out only.

The applicant had requested the Planning Commission to delete this condition and to add language to Condition #1.1.3: "The temporary connection to Purple Heart Highway shall be a full movement intersection."

3. On August 30, 2005, a letter appealing Condition #1.1.9 was filed by Jason Thiellen of Engineering Design Consultants on behalf of the applicant, Prairie Homes (See p.2-3).
4. Item #11 of the "Analysis" in the staff report on p.13 discusses the temporary access issue. The minutes of the public hearing before the Planning Commission pertaining to this condition are found on p.21-23. The action by the Planning Commission dealing with this condition is found on p.23-24. The motion to approve the staff recommendation which provides for right-in/right-out only at the temporary access on Highway 34 carried 7-2 (Esseks, Krieser, Pearson, Taylor, Sunderman, Carroll and Carlson voting 'yes'; Larson and Bills-Strand voting 'no').
5. Condition #1.1.9 is the only item to be considered and acted upon by the City Council. The staff is no longer recommending denial of the waiver of sanitary sewer depth and the waiver of block length.
6. There was no testimony in opposition to this preliminary plat at the Planning Commission.
7. The associated annexation and change of zone request will come before the City Council for public hearing upon completion of an Annexation Agreement.

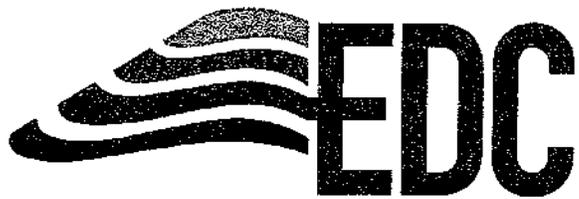
FACTSHEET PREPARED BY: Jean L. Walker

DATE: September 7, 2005

REVIEWED BY: _____

DATE: September 7, 2005

REFERENCE NUMBER: FS\CC\2005\PP.05003 Appeal



Engineering Design Consultants

2200 Fletcher Ave.
Suite 102
Lincoln, NE 68521
Ph 402-438-4014
Fx 402-438-4026

August 30, 2005

Joan Ross
City Clerk
County-City Building
555 S. 10th Street, Suite 102
Lincoln, NE 68508

CITY CLERK'S OFFICE
2005 AUG 30 PM 1 50
CITY OF LINCOLN
NEBRASKA

RE: Highland View
Preliminary Plat
Letter of Appeal
EDC Job #03-101

Dear Ms. Ross

On behalf of Engineering Design Consultants client, Prairie Homes, we hereby request an appeal to the following conditions of approval from the Lincoln Planning Commission meeting held on August 17, 2005, to the Lincoln City Council:

1. Comment 1.1.9, to show a full median on Highway 34 at the temporary access. Label the access as right-in, right-out only. This condition is being appealed for the following reasons:
 - a. The location of the proposed full movement temporary access is spaced more than ½ mile apart from the full movement access points from NW 27th and HWY 34 and Fall Brook Boulevard and HWY 34. The standard spacing requirement by the City of Lincoln for access points onto Major Arterial Streets is a ¼ mile apart; this proposed access point is more than a ½ mile from any other existing access onto HWY 34.
 - b. There is proper site distance from the proposed access location along HWY 34 in both directions making crossing HWY 34 a safe traffic movement.
 - c. The first phase of the Highland View Development will take access from this location due to inefficient road access from other locations at this time. In order to provide much needed lots for north Lincoln and a successful housing development a convenient access is warranted at this location. A right-in/right-out access at this location would force homeowners to travel 2 miles to the west to the NW 27th Street access to travel east on HWY 34. A right-in/right-out access would greatly hinder the ability for Prairie Homes to sell lots and housing units.
 - d. The access to HWY 34 will be a temporary access and will be removed per condition of approval 1.1.3 which was agreed upon by the developer and the City of Lincoln prior to the Planning Commission meeting on August 17, 2005.

- e. The cost of the full movement temporary access will be the responsibility of the developer and will not warrant any funds from the City of Lincoln for construction of the intersection.

Future homeowners deserve a convenient access in and out of their place of residence and the right-in/right-out access suggested by Public Works and the Planning Department will not provide the access needed. Therefore, we ask that the condition of approval be removed and the full movement temporary access to HWY 34 be allowed.

If you have any additional questions or concerns please contact me at 438-4014 or at jthiellen@edc-civil.com.

Sincerely,

ENGINEERING DESIGN CONSULTANTS, L.L.C.



Jason M. Thiellen
Land Planner

Cc. Peter Katt, Steve Champoux

**PLANNING COMMISSION FINAL ACTION
NOTIFICATION**

TO : Mayor Coleen Seng
Lincoln City Council

FROM : Jean Walker, Planning 

DATE : August 29, 2005

RE : **Preliminary Plat No. 05003 - Highland View Addition**
(West of N.W. 12th Street between Hwy 34 (Purple Heart Highway) and W. Alvo Road.
Resolution No. PC-00945

The Lincoln City-Lancaster County Planning Commission took the following action at their regular meeting on Wednesday, August 17, 2005:

Motion made by Larson, seconded by Bills-Strand, to approve **Preliminary Plat No. 05003, Highland View Addition**, with conditions, as amended, requested by Engineering Design Consultants on behalf of Prairie Homes, for 566 residential lots, including a waiver of the sanitary sewer requirement to allow the sanitary sewer to run opposite street grade for Banff Street, Dubois Street and N.W. 18th Street; a waiver of the sanitary sewer depth; and a waiver of the required block length, on property generally located west of N.W. 12th Street between Hwy 34 and W. Alvo Road.

Motion for approval, with conditions, as amended, carried 9-0: Sunderman, Carlson, Larson, Carroll, Krieser, Taylor, Pearson, Esseks and Bills-Strand voting 'yes'.

The Planning Commission action on this preliminary plat is final, unless appealed to the City Council by filing a Letter of Appeal with the City Clerk within 14 days of the date of the action by the Planning Commission. The Planning Commission also voted 9-0 to recommend approval of the associated Annexation No. 05004 and Change of Zone No. 05022 from AG Agricultural District to R-3 Residential District, which will be scheduled on the City Council agenda upon completion of an Annexation Agreement.

Attachment

cc: **Building & Safety**
Rick Peo, City Attorney
Public Works
Jason Thiellen, EDC, 2200 Fletcher Ave., #102, 68521
Peter Katt, P.O. Box 95109, 68509
Prairie Homes, 2045 S. Folsom, 68522
Tommy Taylor, Highlands N.A.
Gordon Bjorman, NW Highlands N.A.

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RESOLUTION NO. PC-00945

1 WHEREAS, Prairie Homes has submitted the preliminary plat of Highland View
2 Addition for acceptance and approval together with a request pursuant to Section 26.31.010 of
3 the Lincoln Municipal Code to allow sanitary sewer to run opposite street grade for Banff St.,
4 Dubois St., and N.W 18th St., to allow sanitary sewer to be constructed at a depth greater than
5 18' for Dubois Street, and to waive the required block length; and

6 WHEREAS, the Planning Director has recommended conditional approval of said
7 preliminary plat; and

8 WHEREAS, the waiver of sanitary sewer requirement to allow the sanitary sewer
9 to run opposite street grade for Banff St., Dubois St., and N.W. 18th St. is acceptable to the
10 Director of Public Works & Utilities.

11 NOW, THEREFORE, BE IT RESOLVED by the Lincoln City-Lancaster County
12 Planning Commission that the preliminary plat of Highland View Addition, generally located west
13 of N.W. 12th Street between Hwy. 34 and W. Alvo Road as submitted by Prairie Homes is
14 hereby accepted and approved, subject to the following terms and conditions:

- 15 1. Revise the preliminary plat as follows:
- 16 a. Add utility easements as requested by the July 20, 2005 LES report
- 17 b. Add the following note to the General Notes: "The grant of an avigation
18 and noise easement to the Lincoln Airport Authority is a condition of
19 approval for this preliminary plat as all or part of the land is located within
20 the Airport Environs Noise District and potentially subjects the land to
21 aircraft noise levels which may affect users of the property and interfere
22 with its use.
- 23 c. Add the following note to the General Notes; "No more than 115 lots shall
24 be final platted until there is a permanent access paved roads from this
25 development to a system of continuous paved street. At such time as
26 there are two permanent paved access roads from this development, the
27 temporary access road/connection to Purple Heart Highway shall be
28 removed.
- 29
- 30

- 1 d. Add block length to the requested waivers on Sheet 1.
2
3 e. Show a street connecting from Silverado Dr. to Lander Dr. in Block 13
4 unless the City Council grants the waiver to block length.
5
6 f. Show Lot 5 I.T., the tract of land to the south, on the site plan Lots 62-67,
7 Block 12, shall not be final platted until such time that either satisfactory
8 engineering information is provided to Public Works to show a street
9 connection to Lot 5 I.T., or Lot 5 I.T. is shown to be a nonbuildable lot.
10
11 g. Change the street name of Jasper Dr., McKinley Cir., Ranier St., and
12 Alpine Dr. The new names must be approved by Emergency
13 Communications 9-1-1 Center.
14
15 h. Remove the temporary access to W. Alvo Rd.
16
17 i. Show a full median on Highway 34 at the temporary access. Label the
18 access as right-in-out only.
19
20 j. Label all streets with the prefix West or Northwest.
21
22 k. Delete Note 1 on Sheet 13 regarding the temporary access to W. Alvo
23 Rd.
24
25 l. Remove N.W. 17th Street right-in/right-out access to W. Alvo Road.
26
27 m. Make corrections to the satisfaction of Public Works per Public Works and
28 Utilities memo of July 20, 2005
29
30 n. Make corrections per Public Works Watershed Management memo of
31 July 19, 2005.
32
33 o. Revised phasing plan to be agreed upon between the developer, the
Planning Department and Public Works Department.
34
35 p. Show Lot 5 I.T. on the site plan.
36
37 q. Show the street profile of Alpine Dr. and Vancouver St. 300' beyond the
38 limits of the subdivision.
39
40 r. Show minimum opening elevation for lots abutting Outlot "A".
41
42 s. Revise Note 8 in Site Specific Notes to read, "Direct access to W. Alvo
43 Rd. is relinquished except where shown." Delete the remainder of Note 8.
44
45 t. Show sanitary sewer depths to meet design standards and block lengths
46 not in excess of 1,320' between cross-streets unless the subdivider's
waiver request is approved by the City Council."

- 1 2. Final Plats will be approved by the Planning Director after:
- 2 a. The required improvements are completed or a surety is posted to
- 3 guarantee the completion of the public streets, private roadway
- 4 improvements, sidewalks, sanitary sewer system, water system, drainage
- 5 facilities, land preparation and grading, sediment and erosions control
- 6 measures, storm water detention/retention facilities, drainageway
- 7 improvements, street lights, landscaping screens, street trees, temporary
- 8 turnaround and barricades, and street name signs.
- 9 b. The subdivider has signed an agreement that binds the subdivider, and
- 10 subdivider's successors and assigns:
- 11 i. To complete the street paving of public streets, and temporary
- 12 turnarounds and barricades located at the temporary dead-end of
- 13 the streets shown on the final plat within two (2) years following
- 14 the approval of the final plat.
- 15 ii. To complete the installation of sidewalks along both sides of
- 16 streets and along the south side of W. Alvo Rd. and the west side
- 17 of NW 12th St. as shown on the final plat within four (4) years
- 18 following the approval of the final plat.
- 19 iii. To construct the sidewalk in the pedestrian way easements in
- 20 Blocks 11, 13 & 18 at the same time as the abutting streets are
- 21 paved and to agree that no building permit shall be issued for
- 22 construction on Lots 7,8,28 & 29, Block 11; Lots 9,10,30 & 31,
- 23 Block 13; and Lots 9,10,24 & 25, Block 18 until such time as the
- 24 sidewalk in the pedestrian way easement is constructed.
- 25 iv. To complete the public water distribution system to serve this plat
- 26 within two (2) years following the approval of the final plat.
- 27 v. To complete the public wastewater collection system to serve this
- 28 plat within two (2) years following the approval of the final plat.
- 29 vi. To complete the enclosed public drainage facilities shown on the
- 30 approved drainage study to serve this plat within two (2) years
- 31 following the approval of the final plat.
- 32 vii. To complete land preparation including storm water
- 33 detention/retention facilities and open drainageway improvements
- 34 to serve this plat prior to the installation of utilities and
- 35 improvements but not more than two (2) years following the
- 36 approval of the final plat
- 37 viii. To complete the installation of public street lights along streets
- 38 within this plat within two (2) years following the approval of the
- 39 final plat.
- 40

- ix. To complete the planting of the street trees along streets within this plat within four (4) years following the approval of the final plat.
- x. To complete the installation of the street name signs within two (2) years following the approval of the final plat.
- xi. 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.
- xii. To complete the public and private improvements shown on the preliminary plat.
- xiii. The Subdivider agrees to maintain the outlots and private improvements on a permanent and continuous basis, and to recognize that there may be additional maintenance issues or costs associated with providing for the proper functioning of stormwater detention/retention facilities as they were designed and constructed within the development and these are the responsibility of the Subdivider. Subdivider further agrees to retain ownership of or the right of entry to the outlots in order to maintain the outlots and private improvements on a permanent and continuous basis. However, the Subdivider may be relieved and discharged of such maintenance obligations only upon creating, in writing, a permanent and continuous association of property owners who would be responsible for said permanent and continuous maintenance subject to the following conditions:
 - (1) Subdivider shall not be relieved of Subdivider's maintenance obligation for each specific private improvement until a registered professional engineer or nurseryman who supervised the installation of said private improvement has certified to the City that the improvement has been installed in accordance with approved plans; and
 - (2) The maintenance agreements are incorporated into covenants and restrictions in deeds to the subdivided property and the documents creating the association and the restrictive covenants have been reviewed and approved by the City Attorney and filed of record with the Register of Deeds.
- xix. To perpetually maintain the sidewalks in the pedestrian way easements in Blocks 11, 13 and 18 at their own cost and expense.

- 1 xx. To comply with the provisions of the Land Preparation and
2 Grading requirements of the Land Subdivision Ordinance.
- 3 xxi. To submit to the Director of Public Works a plan showing
4 proposed measures to control sedimentation and erosion and the
5 proposed method to temporarily stabilize all graded land for
6 approval.
- 7 xxii. To submit to the lot buyers and home builders a copy of the soil
8 analysis.
- 9 xxiii. To protect the trees that are indicated to remain during
10 construction and development
- 11 xxiv. To relinquish the right of direct vehicular access to Highway 34,
12 W. Alvo Rd., and NW 12th St. except where shown.
- 13 xxv. To inform all prospective purchasers and users that the land is
14 located within the Airport Environs Noise District, that the land is
15 subject to an avigation and noise easement granted to Lincoln
16 Airport Authority, and that the land is potentially subject to aircraft
17 noise levels which may affect users of the property and interfere
18 with its use.
- 19
20 xxvi. To submit to all potential purchasers of lots a copy of the ground
21 water report.
- 22 xxvii. To pay all design, engineering, labor, material, inspection, and
23 other improvement costs

24 3. The requirement of Section 3.6 of the Sanitary Sewer Design Standard that
25 sanitary sewers should parallel the slope of the street is hereby waived to permit the sanitary
26 sewer to flow opposite the street grades in Dubois Street, N.W. 18th Street and Banff Street.

DATED: August 17, 2005

ATTEST:


Chair

Approved as to Form & Legality:



Chief Assistant City Attorney

009

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for AUGUST 3, 2005 PLANNING COMMISSION MEETING

****As Revised and Adopted by Planning Commission: August 17, 2005
Resolution No. PC-00945****

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

PROJECT #: Annexation #05004, Change of Zone #05022 and **Preliminary Plat #05003-Highland View.**

PROPOSAL: To annex approximately 154.77 acres, change the zoning from AG-Agricultural to R-3-Residential and preliminary plat 566 residential lots.

LOCATION: West of N.W. 12th St. between Hwy. 34 (Purple Heart Highway) and W. Alvo Rd.

WAIVER REQUEST:

1. Allow sanitary sewer to run opposite street grade for Banff St., Dubois St. and N.W. 18th St.
2. Allow sanitary sewer to be constructed at a depth greater than 18' for Dubois St.
3. Block length

LAND AREA: 154.77 acres, more or less

CONCLUSION: The proposed development, with conditions, is in conformance with the Comprehensive Plan, Zoning ordinance and Subdivision ordinance. The development is located in Tier 1, Priority A and has utilities located nearby. This development will add 566 residential lots, over 8 phases, to the City. Improvements will need to be made to W. Alvo Rd. and NW 12th St. before more than 115 lots are platted

RECOMMENDATION:

| | |
|--|---|
| Annexation | Approval subject to annexation agreement approval |
| Change of Zone | Approval |
| Preliminary Plat | Conditional Approval |
| <u>Waivers:</u> | |
| 1. Allow sanitary sewer to run opposite street grade for Banff St., Dubois St. and N.W. 18 th St. | Approval |
| 2. Allow sanitary sewer to be constructed at a depth greater than 18' for Dubois St. | Denial |
| 3. Block length | Denial |

GENERAL INFORMATION:

LEGAL DESCRIPTION: Lots 36 I.T., 37 I.T. and 38 I.T., located in the NE 1/4 of Section 33, Township 11 North, Range 6 East, Lancaster County, Nebraska

EXISTING ZONING: AG-Agricultural

EXISTING LAND USE: Single family residential and agriculture

SURROUNDING LAND USE AND ZONING:

| | | |
|--------|-----------------|-----------------|
| North: | AG-Agricultural | Undeveloped |
| South: | I-2-Industrial | Kawasaki Motors |
| East: | AG-Agricultural | Undeveloped |
| West: | AG-Agricultural | Undeveloped |

COMPREHENSIVE PLAN SPECIFICATIONS:

Lincoln’s future urban growth should generally occur in multiple directions around the existing city. Lincoln will continue to have managed and contiguous growth. (F-17)

Natural and environmentally sensitive areas should be preserved within neighborhoods. (F-17)

The Land Use Plan identifies this area as urban residential in the 2025 Comprehensive Plan. (F-23)

Priority A of Tier 1:

Areas designated for near term development are generally contiguous to existing development and should be provided with basic infrastructure within 12 years of the adoption of the Plan. Some of the infrastructure required for development may already be in place. This area includes some land already annexed, but is still undeveloped and without significant infrastructure. Areas with this designation are the next priority for infrastructure programming. Some infrastructure improvements may be done in the near term while others, such as road improvements that are generally more costly, may take longer to complete.(F-29)

The proposed development is located in Tier One Priority A. (F-31)

Guiding Principles for New Neighborhoods include:(F-67)

1. encourage a mix of housing types, single-family, townhomes, apartments, elderly housing all within one area;
2. Similar housing types face each other: single family faces single family, change to different use at rear of lot
3. Parks and open space within walking distance of all residences;
- 4 Pedestrian orientation; shorter block lengths, sidewalks on both sides of all roads

The extension of water and sanitary sewer services shall be predicated upon annexation of the area by the City. City annexation shall occur before any property is provided with water, sanitary sewer or other potential City services. (F-154)

Annexation generally implies the opportunity to access all City services. Voluntary annexation agreements may limit or otherwise outline the phasing, timing or installation of utility services (e.g., water, sanitary sewer), and may include specific or general plans for the private financing of improvements to the infrastructure supporting or contributing to the land uses in the annexed area.(F-154-155)

HISTORY:

- March 7, 2005 Preliminary Plat submitted:
- July 7, 2005 Revised plans submitted showing a larger area than in the original site plan
- June 25, 2001 Annexation #00007, to annex Kawasaki Motors, was approved by City Council.

UTILITIES: There is existing sanitary sewer on N.W. 27th St. The sanitary sewer will need to be extended from N.W. 27th St. to this development.

There is an existing 16" main at N.W. 12th St. and Alvo Rd.

TRAFFIC ANALYSIS: Alvo Rd. and N.W. 12th St. are classified as minor arterial. W. Alvo Rd. is a county gravel rural section road. N.W. 12th St. has not been constructed south of Alvo Rd. The 2025 Comprehensive Plan, under proposed projects, identifies N.W. 12th St. as 4 lanes plus turn lanes from Highlands Blvd. to Alvo Rd. and Alvo Rd. as 2 lanes plus turn lanes from N.W. 27th St. to N.W. 12th St. These projects are not listed in the City’s 2005-2011 Capital Improvement Program.

PUBLIC SERVICE:

This area is within the Raymond rural fire district. The nearest elementary school is Fredstrom located at N.W. 10th St. and W. Harvest Dr. There is a proposed elementary school within the Fallbrook development, located east of this development.

ENVIRONMENTAL CONCERNS: There are existing wetlands in the southwest portion of this development.

ANALYSIS:

1. This is a request to annex 154.77 acres, change the zoning from AG-Agricultural to R-3-Residential and preliminary plat 566 residential lots.
2. The proposed development is outside the city limits, but is within the future service limits and is shown as urban residential in the 2025 Comprehensive Plan.
3. This subdivision lies within Airport Environs Noise District and is within the inner and outer approach zone. This subdivision is between the 60 DNL and 65 DNL, which is acceptable for residential development. An Avigation and Noise Easement is required prior to approval of a final plat.
4. This area is designated as Tier I, Priority A in the 2025 Comprehensive Plan. The Comprehensive Plan identifies Priority A of Tier I as areas designated for near term development generally contiguous to existing development and should be provided with basic infrastructure within 12 years of the adoption of the Plan. Some of the infrastructure required for development may already be in place.

5. The proposed residential development is compatible with adjacent land use and is in conformance with the 2025 Comprehensive Plan. There is a residential development to the east (Fallbrook) and industrial south of Purple Heart Highway (Kawasaki).
6. This development will require sanitary sewer to be extended along Purple Heart Highway from NW 27th St. to this development. There is an existing water main at the intersection of W. Alvo Rd. and SW 12th St.
7. Public Works & Utilities Department does not object to the waiver to allow sanitary sewer to run opposite street grades, but does object to the waiver for sanitary sewer depth because they believe street grades can be adjusted to minimize the depth.
8. The applicant is requesting a waiver to block length due to the grade of the property. This waiver is not acceptable to the Planning Department or the Public Works and Utilities Department. The July 20th report from Public Works and Utilities states that a street connection can be constructed that meets design standards to lessen the block lengths in blocks 11 and 13.
9. The applicant's letter identifies that pedestrian easements have been provided in Blocks 11, 13 & 18 to meet block length requirements. Pedestrian easements are required when a block is in excess of 1,000 feet. However, block 11 & 13 exceed the maximum block length. The subdivision ordinance (26.23.130) states that block lengths shall not exceed 1,320' between cross-streets.
10. The applicant is requesting a temporary access to W. Alvo Rd. W. Alvo Rd. is a gravel county rural road. No connection should be made to W. Alvo Rd. until the road is constructed to the City of Lincoln design standards. The increased traffic would cause considerable dust and county roads are not designed for urban traffic. Currently, there are no plans to improve W. Alvo Rd. in the City's 2005-2011 Capital Improvement Program.
11. This tract of land is very isolated from a paved street system. The only access to the west is along W. Alvo Rd. to NW 27th St. to Purple Heart Highway. Both W. Alvo Rd. and NW 27th St. are gravel roads. There is no street system leading to the south or east. To access a system of paved roads a temporary access is proposed to Purple Heart Highway. Planning staff is recommending that the temporary access be right-in-right-out only. However, for safety reasons this temporary access is limited to 115 final platted lots. Before final platting more than 115 lots, there shall be two paved streets connecting this development to a system of continuous paved streets. These two paved streets could connect to the system of paved streets in Fallbrook and/or in combination of connecting to the paving in NW 27th St.
12. The applicant's letter states that lots will be allowed to be final platted along NW 12th St. without improving NW 12th St. The design of how NW 12th St. will cross Highway 34 is not known at this time. The draft annexation agreement requires the developer to improve NW 12th St. north of Missoula St. Thus, Planning would agree to allow lots along NW 12th St. south of Missoula St. to be final platted without improvements to NW 12th St. because that section maybe constructed as part of the NW 12th St. overpass.

CONDITIONS OF APPROVAL:

Site Specific:

1. After the subdivider completes the following instructions and submits the documents and plans and 6 copies to the Planning Department office, 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 to show:
 - 1.1.1 Add utility easements as requested by the July 20, 2005 LES report
 - 1.1.2 Add the following note to the General Notes: "The grant of an avigation and noise easement to the Lincoln Airport Authority is a condition of approval for this preliminary plat as all or part of the land is located within the Airport Environs Noise District and potentially subjects the land to aircraft noise levels which may affect users of the property and interfere with its use.
 - 1.1.3 Add the following note to the General Notes; "No more than 115 lots shall be final platted until there ~~are two~~ is a permanent access paved roads from this development to a system of continuous paved streets, and At such time ~~the temporary access road to Purple Heart Highway shall be removed~~ as there are two permanent paved access roads from this development, the temporary access road/connection to Purple Heart Highway shall be removed." **(**Per Planning Commission: 08/17/05**)**
 - 1.1.4 Add block length to the requested waivers on Sheet 1 if approved by City Council.
 - 1.1.5 Show a street connecting from ~~Avalance Rd. to Snowshoe Dr. in block 41, and from Silverado Dr. to Lander Dr. in Block 13~~ unless the City Council grants the waiver to block length. **(**Per Planning Commission, 08/17/05**)**
 - 1.1.6 Show Lot 5 I.T., the tract of land to the south, on the site plan. Lots 62-67, Block 12, shall not be final platted until such time that either satisfactory engineering information is provided to Public Works to show a street connection to Lot 5 I.T., or Lot 5 I.T. is shown to be a nonbuildable lot. and show access to the lot **(**Per Planning Commission: 08/17/05**)**
 - 1.1.7 Change the street name of Jasper Dr., McKinley Cir., Ranier St., and

Alpine Dr. The new names must be approved by Emergency Communications 9-1-1 Center.

- 1.1.8 Remove the temporary access to W. Alvo Rd.
- 1.1.9 Show a full median on Highway 34 at the temporary access. Label the access as right-in, right-out only.
- 1.1.10 Label all streets with the prefix West or Northwest.
- 1.1.11 Delete Note 1 on Sheet 13 regarding the temporary access to W. Alvo Rd.
- 1.1.12 ~~Show only one street taking access to W. Alvo Rd. east of Jasper Dr. at approximately the quarter mile point~~Remove N.W. 17th Street right-in/right-out access to West Alvo Road.
(Per Planning Commission, 08/17/05**)**
- 1.1.13 Make corrections to the satisfaction of Public Works per Public Works and Utilities memo of July 20, 2005
- 1.1.14 Make corrections per Public Works Watershed Management memo of July 19, 2005.
- 1.1.15 ~~Show the driveway for the house at 1486 W. Alvo Rd. Relocate NW 15th St. so it is west of the driveway.~~ **(**Per Planning Commission, 08/17/05**)**
- 1.1.16 ~~Correct the name NW 19th St. on Sheet 7. There is no NW 19th St. on the site plan.~~ **(**Per Planning Commission, 08/17/05**)**
- 1.1.17 ~~Amend the Phasing Plan if the temporary access to W. Alvo Rd. is not granted. Include Phase 2 with Phase 1 and end Phase 1 at Lots 13 & 14, Block 23~~ Revised phasing plan to be agreed upon between the developer, the Planning Department and Public Works Department.
(Per Planning Commission, 08/17/05**)**
- 1.1.18 Show Lot 5 I.T. on the site plan.
- 1.1.19 Show the street profile of Alpine Dr. and Vancouver St. 300' beyond the limits of the subdivision.
- 1.1.20 Show minimum opening elevation for lots abutting Outlot "A".
- 1.1.21 Revise Note 8 in Site Specific Notes to read, "Direct access to W. Alvo Rd. is relinquished except where shown." Delete the remainder of Note

8.

- 1.1.22 Show sanitary sewer depths to meet design standards and block lengths not in excess of 1,320' between cross-streets unless the subdivider's waiver request is approved by the City Council."

General:

3. Final Plats will be approved by the Planning Director after:

3.1 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.

3.2 The subdivider has signed an agreement that binds the subdivider, its successors and assigns:

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

to complete the installation of sidewalks along both sides of streets and along the south side of W. Alvo Rd. and the west side of NW 12th St. as shown on the final plat within four (4) years following the approval of the final plat.

to construct the sidewalk in the pedestrian way easements in Blocks 11, 13 & 18 at the same time as the abutting streets are paved and to agree that no building permit shall be issued for construction on Lots 7,8,28 & 29, Block 11; Lots 9,10,30 & 31, Block 13; and Lots 9,10,24 & 25, Block 18 until such time as the sidewalk in the pedestrian way easement is constructed.

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

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

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

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

plat

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

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

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

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

to complete the public and private improvements shown on the preliminary plat

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.

to perpetually maintain the sidewalks in the pedestrian way easements in Blocks 11, 13 and 18 at their own cost and expense.

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

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

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

to protect the trees that are indicated to remain during construction and development

to relinquish the right of direct vehicular access to Highway 34, W. Alvo Rd., and NW 12th St. except where shown.

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

to submit to all potential purchasers of lots a copy of the ground water report.

to pay all design, engineering, labor, material, inspection, and other improvement costs

4. The waiver to the design standards to permit the sanitary sewer to flow opposite the street grades is hereby approved.

Prepared by:

Tom Cajka
Planner

DATE: July 21, 2005

APPLICANT: Engineering Design Consultants
2200 Fletcher Ave. Suite 102
Lincoln, NE 68521
(402) 438-4014

OWNER: Prairie Homes
2045 S. Folsom
Lincoln, NE 68522
(402) 476-6599

CONTACT: same as applicant

**ANNEXATION NO. 05004,
CHANGE OF ZONE NO. 05022
and
PRELIMINARY PLAT NO. 05003,
HIGHLAND VIEW**

PUBLIC HEARING BEFORE PLANNING COMMISSION:

August 3, 2005

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

Staff recommendation: Approval of the annexation, subject to an annexation agreement; approval of the change of zone; and conditional approval of the preliminary plat.

Ex Parte Communications: None.

The Clerk announced that the applicant has submitted a request for continuance until August 17, 2005.

Larson moved to defer, with continued public hearing and action scheduled for August 17, 2005, seconded by Krieser and carried 9-0: Carroll, Larson, Taylor, Sunderman, Esseks, Krieser, Pearson, Carlson and Bills-Strand voting 'yes'.

There was no public testimony.

CONT'D PUBLIC HEARING BEFORE PLANNING COMMISSION:

August 17, 2005

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

Staff recommendation: Approval of the annexation, subject to an annexation agreement; approval of the change of zone; and conditional approval of the preliminary plat.

Ex Parte Communications: None.

Proponents

1. Jason Thiellen of EDC, presented the proposal on behalf of **Prairie Homes**. This is a 566 lot single family residential project in northwest Lincoln. It will have lots ranging from 6,000 to 10,000 square feet for a diverse supply of housing opportunity for north Lincoln.

Thiellen proposed amendments to the conditions of approval:

- 1.1.3 Add the following note to the General Notes; “No more than 115 lots shall be final platted until there ~~are two~~ is a permanent access paved roads from this development to a system of continuous paved streets, ~~and At such time the temporary access road to Purple Heart Highway shall be removed as there are two permanent paved access roads from this development, the temporary access road/connection to Purple Heart Highway shall be removed. The temporary connection to Purple Heart Highway shall be a full movement intersection”.~~
- 1.1.5 Show a street connecting from ~~Avalance Rd. to Snowshoe Dr. in block 11, and from Silverado Dr. to Lander Dr. in Block 13 unless the City Council grants the waiver to block length.~~
- 1.1.6 Show Lot 5 I.T., the tract of land to the south, on the site plan. Lots 62-67, Block 12, shall not be final platted until such time that either satisfactory engineering information is provided to Public Works to show a street connection to Lot 5 I.T., or Lot 5 I.T. is shown to be a nonbuildable lot, and show access to the lot
- ~~4.1.9 Show a full median on Highway 34 at the temporary access. Label the access as right-in, right-out only.~~
- 1.1.12 ~~Show only one street taking access to W. Alvo Rd. east of Jasper Dr. at approximately the quarter mile point~~Remove N.W. 17th Street right-in/right-out access to West Alvo Road.
- 4.1.15 ~~Show the driveway for the house at 1486 W. Alvo Rd. Relocate NW 15th St. so it is west of the driveway.~~
- 4.1.16 ~~Correct the name NW 19th St. on Sheet 7. There is no NW 19th St. on the site plan.~~
- 1.1.17 ~~Amend the Phasing Plan if the temporary access to W. Alvo Rd. is not granted. Include Phase 2 with Phase 1 and end Phase 1 at Lots 13 & 14, Block 23~~ Revised phasing plan to be agreed upon between the developer, the Planning Department and Public Works Department.

Condition #1.1.5 refers to the block length waiver. The condition requires the developer to bring the street through, but the developer has made significant attempts to preserve the wetlands, minimize the grading and maximize the use of the existing drainage ways to provide the most effective use of the infrastructure. Bringing a street through this area will minimize all of that. It became a design challenge. The developer has agreed to put in a 30' wide pedestrian way as opposed to the street connection. There are several accesses on the block, so Thiellen does not believe it is a block length issue.

Thiellen advised that Public Works has agreed to work with the developer to minimize the amount of sanitary sewer depth over 15 feet, so Public Works is no longer objecting to that waiver.

2. Peter Katt appeared on behalf of the applicant to address the issue related to the Highway 34 access (Condition #1.1.3). This project has been under development for quite a bit longer than indicated in the staff report. The challenge for this site has been to find a connection point (paved road) that allows reasonable access and reasonable development for the project. He acknowledged that the staff has worked hard, but they have agreed to disagree on this issue. The client and staff have no objection to the temporary access point to Hwy 34. This would be temporary until there are two other permanent paved access points, at which time the temporary access would close. However, the applicant believes that this access point should be comparable to what exists on Hwy 34 at the Fallbrook interchange. Staff suggests that the Hwy 34 intersection should simply be a right-in and right-out, and the applicant does not believe that makes much sense. The full movement intersection being requested by the applicant is in compliance with the NDOR in terms of spacing. Public Works wants to preserve the future traffic capacity of Hwy 34 and that is why we have agreed to a temporary access. Until sufficient other neighborhood access exists, the applicant requests that this be a full movement intersection (proposed amendment to #1.1.3 and deletion of Condition #1.1.9).

Carlson inquired as to what constitutes sufficient connection to trigger closing the temporary access. Katt suggested it would be the second access point out of the neighborhood to a continuous paved street. At this point in time, the applicant believes it is most reasonable that eventually the platting and roadway network will connect to the east through Fallbrook. Katt then explained the potential access points. He does not know when or how the second access will come, but that will be the appropriate time to close the Hwy 34 access. The developer will construct a cul-de-sac and the connection will be asphalt as opposed to any permanent-looking street connection. He also believes they will have to bond and provide for a traffic light when the traffic warrants are met.

There was no testimony in opposition.

Carlson asked staff to address the access issue. Tom Cajka of Planning staff stated that staff is still recommending a “right-in right-out only” onto Hwy 34 because it is a safety factor and minimizes conflicts. Dennis Bartels of Public Works stated that previously, Public Works reluctantly agreed to another intersection at Hwy 34 and he is opposed to the full movement intersection. He further stated that it is not the end of the world if it ends up being full access, but Public Works definitely does not want a traffic signal there. A traffic signal will not be installed at this temporary location. Hwy 34 is designed as an expressway and it would be the position of Public Works that there not be any more accesses on Hwy 34. If the Commission approves full access, Bartels does not want any reference made to a traffic signal.

Bills-Strand confirmed that Bartels could live with it if it were full access. Do you think it would be more dangerous for people to go down, turn around and come back? Bartels stated that he does not see the danger in that movement. He can see why the developer would want full access. The problem with this development is that it is occurring before there is any street infrastructure in the area. Alvo Road is gravel between N.W. 27th and N.W. 12th.

Bartels did agree with the statement made by the applicant on the sanitary sewer depth issue. He

is willing to work with them and willing to recommend approval of an exception to allow the sewer depth over 15'.

Cajka stated that staff:

would agree with the amendment to Condition #1.1.3, if the last sentence is deleted: "The temporary connection to Purple Heart Highway shall be a full movement intersection". Also, Condition #1.1.9 should not be deleted.

disagrees with the proposed amendment to Condition #1.1.5 which deals with the block length.

agrees with the amendment to Condition #1.1.6.

agrees with the amendment to Condition #1.1.12 if "right-in/right-out" is stricken.

agrees with the amendment to Condition #1.1.15, #1.1.16 and #1.1.17.

Esseks inquired as to who will pay for the extension of the sewer and water lines. Cajka stated that the developer is responsible for the infrastructure within the development. Bartels stated that the sewer to serve this will have to run parallel to Hwy 34 west to the intersection at N.W. 27th Street. The developer will have to pay for it. There is water at the intersection of N.W. 12th and Alvo Road, which is an impact fee facility. The developer would be paying for everything except what the city would typically subsidize.

Response by the Applicant

In terms of the block length issue, Katt believes that staff's disagreement is based upon the block length requirement that is pretty arbitrary in how you compute block lengths, particularly in subdivisions where there are no longer square blocks. He believes that this development meets the intent and purpose of the block length. They have included a pedestrian easement and would request that the block length be waived as requested.

The access issue is a difference of opinion in terms of whether the Hwy 34 access should be a full movement or right-in/right-out. Katt believes it is appropriate to be a full movement intersection. The competing subdivision to the east has a full movement intersection which will be permanent, and that's the one staff points us to. But we can't get there. The road network is not in place, so Katt believes it is appropriate to have the temporary access be a full movement access until they can get permanent access.

Taylor is concerned about the emissions from the Kawasaki plant. He is also concerned about the airport fly zone from the airport and whether it will have any affect on the quality of the homes. Katt responded, stating that this property has been shown in the Comprehensive Plan as appropriate for residential development for a number of years. The community has said that this is an appropriate area. It is not in such close proximity that the health and safety of the future residents are jeopardized by the Kawasaki plant. With regard to the noise easement area, there are a

number of neighborhoods that are within the airport fly zone. The community has made a decision that residential development within those zones is safe. As far as the relative cost or price mix, it is not likely that these homes will be in the Fallbrook price range. The community needs a range of housing. His client's current thoughts for this area are that this neighborhood that will develop on the west side of Fallbrook will be comparable in style of homes and quality and pricing to the Highlands.

Larson inquired whether there is a median on Hwy 34 where the temporary access is located. Katt explained that there is currently a grassed median. They filled in the median at Fallbrook and paved it. What is done in that right-of-way will need approval from NDOR. Hwy 34 is an expressway designation, which calls for intersections at half mile intervals. This access is very close to being ½ mile from the Fallbrook intersection.

Carlson noted that occasionally we see some of these pedestrian easements not constructed prior to the home construction. What can you tell me to assure the alternate connection? Katt believes that the regulations now require those easements to be constructed at the time of building the streets. He does not believe it will be the same problem we have seen in the past. The width of this pedestrian easement is 30 feet, while they were crammed into a 10' area in the past.

Esseks is concerned about serious safety risk. Let's say the traffic is heading toward Lincoln in the morning, with people heading east toward Kawasaki at the same time. He thinks it is a problem if there is not a traffic light. It might be safer to turn right and then come around. We do have a responsibility to protect the public health and safety. Katt's response was that all of us will have differing opinions as to the safety issue. That traffic occurs for maybe 10-15 minutes a day. Overall, through a 24-hour day, Katt believes we are better served by having a full movement access. He thinks the full movement access is safer.

ANNEXATION NO. 05004

ACTION BY PLANNING COMMISSION:

August 17, 2005

Carlson moved approval, subject to an annexation agreement, seconded by Carroll and carried 9-0: Esseks, Krieser, Pearson, Taylor, Sunderman, Carroll, Larson, Carlson and Bills-Strand voting 'yes'. This is a recommendation to the City Council.

CHANGE OF ZONE NO. 05022

ACTION BY PLANNING COMMISSION:

August 17, 2005

Carlson moved approval, seconded by Pearson and carried 9-0: Esseks, Krieser, Pearson, Taylor, Sunderman, Carroll, Larson, Carlson and Bills-Strand voting 'yes'. This is a recommendation to the City Council.

PRELIMINARY PLAT NO. 05003

ACTION BY PLANNING COMMISSION:

August 17, 2005

Larson moved to approve the staff recommendation of conditional approval, with the amendments requested by the applicant, seconded by Bills-Strand.

Bills-Strand believes it should be a full movement access. She likes stop lights and she would think that if a stop light is warranted that it should be put up for the safety of the people. It could be triggered as opposed to automatic. She also does not believe that the connecting street is necessary. There are plenty of accesses in and out of that area. She thinks they have reached a good compromise.

Carroll has a concern about the full movement access because people who live out there will get used to it and will be upset when it is closed. The neighborhood association will say they don't want to close it and will want a traffic light. He does not think it is fair. We need to say no, and not give them the opportunity to have it for a short period of time and then take it away from them. He agrees with staff.

Carroll moved to amend Condition #1.1.3 to staff recommendation, which deletes the full movement access and provides for right-in/right-out only, seconded by Esseks and carried 7-2: Esseks, Krieser, Pearson, Taylor, Sunderman, Carroll and Carlson voting 'yes'; Larson and Bills-Strand voting 'no'. This amendment also leaves Condition #1.1.9 in place.

Main motion for conditional approval, as set forth in the staff report, with the amendments requested by the applicant, except striking the last sentence from the amendment to Condition #1.1.3 and retaining Condition #1.1.9, carried 9-0: Esseks, Krieser, Pearson, Taylor, Sunderman, Carroll, Larson, Carlson and Bills-Strand voting 'yes'. This is final action, unless appealed to the City Council within 14 days.