

**LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT**  
**for SEPTEMBER 28, 2016 PLANNING COMMISSION MEETING**

**PROJECT #:** Preliminary Plat #16004

**PROPOSAL:** A preliminary plat for 23 lots with 19 lots in Roca's jurisdiction and 4 lots in Lancaster County jurisdiction.

**LOCATION:** S. 60<sup>th</sup> Street and Wittstruck Road

**WAIVER REQUEST:**

1. Storm water detention
2. Water quality
3. Build-through

**LAND AREA:** 80 acres with 3 acres in the City of Lincoln jurisdiction, 11 acres in Lancaster County jurisdiction and 66 acres in Roca's jurisdiction.

**CONCLUSION:** If this land is rezoned AGR, with the approval of CZ16025 and CZ16026, then the preliminary plat is in conformance with the zoning code. The preliminary plat is also in conformance with the subdivision regulations and should be approved. The waivers are acceptable due to the small area that is under the City of Lincoln jurisdiction.

<b>RECOMMENDATION:</b>	Conditional Approval
Waivers and modifications:	
1. Storm water detention	Approval
2. Storm water quality	Approval
3. Build-through	Approval

**GENERAL INFORMATION:**

**LEGAL DESCRIPTION:** East half of the northwest quarter of Section 16, Township 8 North, Range 7 East, Lancaster County, NE

**EXISTING ZONING:** AG Agricultural

**EXISTING LAND USE:** Farm ground

**SURROUNDING LAND USE AND ZONING:**

North:	AG Agricultural	Acreage development
South:	AG Agricultural	Farm ground

	AGR Agricultural Residential	Acreage development
East:	AG Agricultural	Farm ground
West:	AGX Exclusive Agricultural (Roca)	Farm ground

**ASSOCIATED APPLICATIONS:**

- Change of Zone #16025
- Change of Zone #16026

**COMPREHENSIVE PLAN SPECIFICATIONS:**

The 2040 Lancaster County Future Land Use Plan identifies this area as Agricultural (p.1.8)

Acknowledge the fundamental “Right to Farm.” Preserve areas throughout the county for agricultural production by designating areas for rural residential development— thus limiting potential conflicts between farms and acreages. (p. 2.7)

LPlan 2040 supports the preservation of land in the bulk of the County for agricultural and natural resource purposes. However, it recognizes that some parts of the County are in transition from predominantly agricultural uses to a mix that includes more residential uses (p. 7.12)

All proposals for acreages, whether designated on the future land use map for low density residential or not, should be evaluated based on factors such as paved roads, adequate water quality and quantity, soil conditions for on-site wastewater management, availability of emergency services, agricultural productivity, land parcelization, the pattern of existing acreages, and plans for future urban development (p. 7.12)

Grouping acreages together in specific area will limit the areas of potential conflict between farms and acreages. It also may enable services to be provided more efficiently, by reducing the amount of paved routes, reducing the number and distance of school bus routes and taking advantage of more effective rural water district service (p. 7.12)

Many families are not well-informed of all the implications of rural living before they make that lifestyle choice. This includes an understanding of the state’s “right to Farm” law, which protects farmers from nuisance claims when conducting normal agricultural practices, and an understanding of the difference between urban and rural public services. (p. 7.13)

The 2040 Priority Growth Areas map identifies this area in Tier II (p.12.6)

**UTILITIES:** This area is served by Lancaster County Rural Water District #1. Each lot shall have individual private sewer systems.

**TRAFFIC ANALYSIS:** Wittstruck Road is a county gravel road. S. 54<sup>th</sup> Street is a paved county road. Wittstruck Road is shown for 120 feet of right-of-way in the Comprehensive plan.

**PUBLIC SERVICE:** The Hickman Rural Fire District serves this area. This is in the Norris School District.

**REGIONAL ISSUES:** Expansion of acreage development.

**ANALYSIS:**

1. This preliminary plat is within 3 different jurisdictions for zoning and subdivision. The largest portion, 66 acres (80%), is within Roca's one mile extra territorial jurisdiction (ETJ); 11 acres is within the County's jurisdiction and 3 acres in Lincoln's ETJ.
2. The overall preliminary plat proposes 23 lots. All lots will be 3+ acres and have individual wastewater systems. The subdivision will be serviced by Lancaster County Rural Water District #1.
3. The applicant is requesting a waiver to storm water detention, storm water quality and build-through requirements. All of these waivers only apply to the portion within the City jurisdiction. Since the area in the City jurisdiction is only 3 acres and covers only a portion of 2 lots, the waivers are acceptable. Public Works Watershed Management does not object to the waivers.
4. Roca's Comprehensive Plan identifies this area as Rural Use. Rural Use is defined as an agricultural use which includes rural non-farm acreage development and some other compatible uses.
5. The Lincoln-Lancaster County Health Department notes that the applicant adequately addressed water and wastewater issues.
6. The Roca Village Board approved the preliminary plat and associated change of zone on September 12, 2016.
7. Change of Zone 16025 and 16026 would rezone these properties from AG to AGR. With approval of the change of zone, the preliminary plat is in conformance with the zoning code. The preliminary plat is also in conformance with the subdivision regulations and should be approved.

**CONDITIONS OF APPROVAL:**

Approval of the following waivers:

1. Storm water detention
2. Water quality
3. Build-through

Site Specific:

1. The subdivider shall complete the following instructions and submits the documents and plans and 3 copies to the Planning Department office: (NOTE: These documents and plans are required by ordinance or design standards.)
  - 1.1 Revise the preliminary plat to show:
    - 1.1.1 For S. 61<sup>st</sup> Court change Court to Circle, Place or Bay. S. 61<sup>st</sup> Court already exists.
    - 1.1.2 Delete the last sentence in Note #2 and delete notes 12 and 13.
    - 1.1.3 Delete the density calculations. It is not required for a preliminary plat.
    - 1.1.4 Delete the building setback table.
    - 1.1.5 Delete “Zoned AG” and “Zoned AGX” under Lancaster County and Roca Jurisdiction.
    - 1.1.6 Subdivision boundary closes but the Street centerline could not be checked due to lack of curve data.  
Submit street centerline curve data and dimension the location of each interior street centerline intersecting the subdivision boundary.
    - 1.1.7 Show dimensioning along the east and west boundary to locate the established 1/16 corners on those lines.
    - 1.1.8 Show approximate lot dimensioning along the south line of Lots 1 and 2, Block 4.
    - 1.1.9 Dedicate 60 feet of right-of-way from centerline of Wittstruck Road.
    - 1.1.10 Lot 6 IT adjacent to the NE portion of this plat is mislabeled.
    - 1.1.11 The south boundary course bearing and dimension along with adjacent lot note is not legible.

- 1.1.12 Along the south boundary, there is an open circle symbol shown indicating a set monument. If this is a land corner show, dimensioning to locate and list corner reference ties for same.
- 1.1.13 Note #2 indicates 26 single family lots but development layout shows 23.
- 1.1.14 Note # 6 should be revised to reflect the roadway surfacing options listed on the Typical Lancaster County Rural Cross Section detail shown on sheet 3. Note: Add the typical Rock & Gravel surfacing note and add the typical pavement surfacing note.
- 1.1.15 Add a General Note that if asphalt or concrete pavement is used the developer shall install survey control monument boxes per City of Lincoln standards at all centerline control points after acceptance and approval of the pavement.
- 1.1.16 Add a General Note that the developer is required to provide all testing related to improvement installation in compliance with Lancaster County design standards and Lancaster County Engineering Department shall be notified prior to improvement installation for inspection and shall receive reports of all testing results.
- 1.1.17 Add a General Note that the interior lots are limited to no more than two accesses each to a public or private roadway.
- 1.1.18 Add a General Note that "Access to adjacent lots outside subdivision boundary shall not be permitted from the end of the temporary dead-end streets."
- 1.1.19 At the very NW corner of this plat there is an existing field drive onto Wittstruck Road. Show the existing field drive on the drawing and note as "Existing Field Drive to be Removed".
- 1.1.20 Regarding Culvert A1, the flowline of the 24" CMP is listed at elevation 1347.50. Adding 24", the top of the pipe would be at 1349.50. In the table, "shoulder elevation" shows an elevation of 1348.85. The top of the pipe should be at least 12" below the shoulder (more to allow for future pavement thickness) to satisfy 1 foot minimum cover requirements.

- 1.1.21 Show drainage pipe locations to scale on profile sheets.
- 1.1.22 On the Wittstruck Road sight distance profile on sheet 3, make stationing reference to the location of subdivision's west boundary to indicate profile is viewed from west to east along Wittstruck Road.
- 2. The City Council approves associated request:
  - 2.1 Change of Zone #16025
- 3. The County Board approves associated request:
  - 3.1 Change of Zone #16026
- 4. Final Plats will be approved by the Planning Director after:
  - 4.1 The streets, land preparation and grading, sediment and erosion control measures, drainageway improvements, temporary turnarounds and barricades, and street name signs have been completed.

Prepared by:

Tom Cajka  
Planner

**DATE:** September 12, 2016

**APPLICANT:** BCLINC, LLC  
4400 Lowell Ave.  
Lincoln, NE 68506

**OWNER:** Jane K. Bauer  
1015 N. Shore Dr.  
Lincoln, NE 68901

**CONTACT:** Civil Desing Group  
8535 Executive Woods Drive, Suite 200  
Lincoln, NE 68512

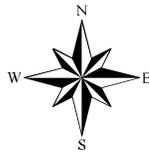
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Lincoln/Lancaster, NE GIS

2016 aerial

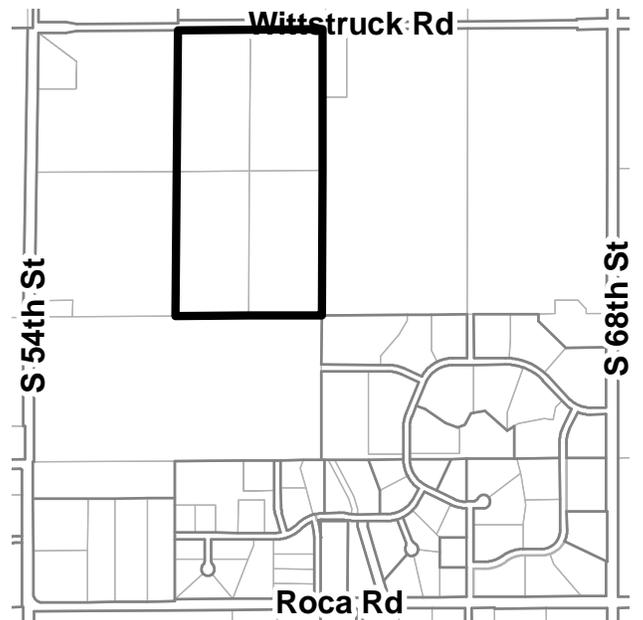
**Preliminary Plat #: PP16004**  
**Silverhawk Estates**  
**S 60th St & Wittstruck Rd**



One Square Mile:  
 Sec.16 T08N R07E

**Zoning:**

- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential 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





**NOTES:**

1. THIS PRELIMINARY PLAT CONTAINS 80.33 ACRES MORE OR LESS.
2. THIS PRELIMINARY PLAT PERMITS 26 SINGLE FAMILY LOTS. EACH LOT SHALL CONTAIN A MAXIMUM OF ONE SINGLE FAMILY RESIDENCE AND ONE OUT BUILDING, ALL LOCATED WITHIN THE BUILDING ENVELOPES AS SHOWN AND/OR NOTED.
3. THE CURRENT ZONING IS 'AGX' (ROCA JURISDICTION) & 'AG' (LANCASTER COUNTY/ CITY OF LINCOLN JURISDICTION). PROPOSED ZONING IS AGR FOR ROCA AND LANCASTER COUNTY/CITY OF LINCOLN.
4. THE DEVELOPER PROPOSES THE USE OF LANCASTER COUNTY RURAL WATER FOR POTABLE WATER SUPPLY. HOWEVER, INDIVIDUAL WELLS MAY BE USED.
5. THE DEVELOPER PROPOSES THE USE OF A INDIVIDUAL WASTE WATER SYSTEMS.
6. THE DEVELOPER SHALL CONSTRUCT AND SURFACE ALL STREETS TO MEET THE LANCASTER COUNTY ENGINEERS DESIGN STANDARDS.
7. DEVELOPER SHALL INSTALL STREET SIGNS AS REQUIRED BY LANCASTER COUNTY.
8. ONE SUBDIVISION GROUND SIGN SHALL BE PERMITTED FOR THIS DEVELOPMENT.
9. ALL CURVILINEAR DIMENSIONS ARE CHORD LENGTHS.
10. DIRECT VEHICULAR ACCESS TO WITTSTRUCK ROAD IS HEREBY RELINQUISHED EXCEPT FOR S. 59TH STREET.
11. ALL TOPOGRAPHIC CONTOURS ARE AT NAVD 88 DATUM.
12. 'JUNK CARS' SHALL BE PROHIBITED IN THIS DEVELOPMENT AS NOTED IN PROTECTIVE COVENANTS.
13. FUTURE LOT OWNERS WILL BE ADVISED THAT THIS IS IN A RURAL FARM AREA AND THAT NORMAL AND CUSTOMARY FARM ACTIVITIES ARE NOT A NUISANCE.
14. PERMANENT EASEMENTS SHALL BE SHOWN ON FINAL PLATS FOR CULVERT PIPES THAT EXTEND PAST THE RIGHT-OF-WAY.
15. GRADING SHALL EXTEND AROUND ALL CUL-DE-SACS. THE DEVELOPER SHALL NOTIFY ALL PURCHASERS THAT DITCHES MAY NOT BE FILLED IN.
16. ALL CULVERTS SHALL HAVE A FLARED-END SECTION OR CONCRETE HEADWALL ON THE INLET END.

**WAIVERS:**

1. 4% STREET SLOPE MAXIMUM.(ROCA)
2. PEDESTRIAN EASEMENT FOR BLOCKS OVER 600'. (ROCA)
3. BLOCK LENGTH TO EXCEED 1,320 FEET. (ROCA)
4. STREET LIGHTING. (ROCA)
5. LANDSCAPE SCREEN. (ROCA)
6. SIDEWALKS. (LANCASTER COUNTY)
7. STORM WATER DETENTION & WATER QUALITY. (CITY OF LINCOLN)
8. BUILD THROUGH REQUIREMENTS. (CITY OF LINCOLN)

**BUILDING SETBACKS**

FRONT YARD SETBACK - 60'
SIDE YARD SETBACK - 25'
REAR YARD SETBACK - 50'
HEIGHT - 35'

**APPROVAL:**

THE PRELIMINARY PLAT WAS APPROVED BY THE VILLAGE OF ROCA - VILLAGE BOARD ON THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2016

ATTEST: \_\_\_\_\_

**APPROVAL:**

THE PRELIMINARY PLAT WAS APPROVED BY THE VILLAGE OF ROCA PLANNING COMMISSION ON THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2016.

ATTEST: \_\_\_\_\_ CHAIR

**DENSITY CALCULATION**

80.33 AC. PROPERTY BOUNDARY TO COUNTY CENTERLINE / 3 UNITS PER AC.  
26.77 = 26 UNITS PERMITTED

**SHEET INDEX:**

SITE PLAN	1
GRADING & DRAINAGE PLAN	2
PRELIMINARY STREET PROFILE	3
PRELIMINARY STREET PROFILE	4
PRELIMINARY STREET PROFILE	5

**SECTION TIES**

Northwest Corner of the East Half of the Northwest Quarter of Sec. 16 T. 8 N. R. 7

E. Found 1" Pipe  
S 33.00' to Capped Rebar 695  
N 33.08' to Capped Rebar  
SSW 32.60' to 3/4" Rebar

Northeast Corner of East Half of the Northwest Quarter of Sec. 16 T8N R7E  
Found 2" Aluminum Cap  
SE 44.20' to Iron Pipe  
S 33.00' to Capped Rebar  
NW 42.31' to Iron Pipe

Southeast Corner of the East Half of the Northwest Quarter of the Northwest Quarter of Sec. 16 T. 8 N., R. 7 E.  
Set Capped Rebar

W 10.5' to N-S Fence Line  
WNW 10.60' to nail in fence post.  
SSW 55.47' to nail in top of fence post

SE Corner East Half of the Southeast Quarter of the Northwest Quarter of Section

# RURAL WATER DISTRICT NO. 1

## LANCASTER COUNTY, NEBRASKA

310 FIR STREET PO BOX 98 - BENNET, NEBRASKA 68317

402.782.3495 www.lrawd1.com



September 15, 2016

Craig Giles, BCL Inc LLC  
4400 Lowell  
Lincoln, NE 68506

Application for Water Service in: Silverhawk Estates, 54<sup>th</sup> & Wittstruck Rd for (23) Lots

Dear Mr. Giles:

WELCOME!

The Board of Directors approved your Subdivision Application at the September 14, 2016 Board Meeting for Water Service for 23 water hookups located as legally described as: E ½ of the NW ¼ of Sect. 16, T8N, R7E (23) lots in Lancaster County, Nebraska.

The Board of Directors also approved construction projects that are required to provide the Subdivision and existing customers adequate water pressure. You will find these details in the attached letter by the District's Engineer, JEO Consulting Group. You will be responsible for the first 3 noted bullets on page 2 describing the necessary lines and connections. The last bullet describing the requirements for the District's "Area 3" infrastructure will take place by the District.

Construction Coordinator, Phil Goering, will provide you an estimate on the subdivision construction next week. Once you have received this, we will then need you to provide the District with a letter of credit by your financial institution stating these funds are in escrow and payable to the Rural Water District No. 1 upon completion of construction.

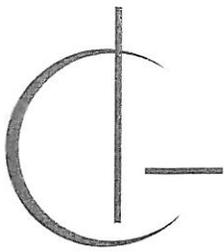
Also, please notify the office as soon as you have an approved County Plat Map. We will then need to draw up the Agreement to be signed by the Board of Directors and You.

If you have any questions, you may contact me at (402) 782-3495. Thank you.

Sincerely,

A handwritten signature in black ink that reads "Jasmine K. Mach". The signature is written in a cursive, flowing style.

Jasmine K. Mach  
Office Manager  
Rural Water District No. 1  
Lancaster County, NE



# Civil Design Group, Inc.

Consulting Engineers & Land Use Planners  
Civil Design • Site Development • Planning & Zoning

www.civildg.com

August 31, 2016

Mr. David Cary, Director of Planning  
City of Lincoln /Lancaster County  
555 South 10<sup>th</sup> Street, Room 213  
Lincoln, NE 68508

**Re: Application for Change of Zone & Preliminary Plat for Silverhawk Estates,  
CDG Project #2016-0136.**

Dear Mr. Cary:

On behalf of BCLINC, LLC we submit the above mentioned applications for a change of zone from AG to AGR along with a preliminary plat for Silverhawk Estates on 80 acres of land generally located at S. 59<sup>th</sup> Street and Wittstruck Road. This is a cross-jurisdiction property with 66 acres in the Roca ETJ, 11 acres in the County ETJ and 3 acres in the City of Lincoln ETJ. We scheduled for a hearing and vote on the preliminary plat and change of zone for the Roca portion of the land on September 6<sup>th</sup>.

Given the small amount of land within the City's ETJ we are requesting a waiver of storm water detention, water quality, and build-through requirements on this portion of the land. We are also requesting a waiver of sidewalks on the Lancaster County portion of the land. The entire preliminary plat proposes 23 lots, all 3+ acres in size with individual sewer systems and water service by Lancaster Country Rural Water District #1.

In conjunction with this submittal we have included the following:

City of Lincoln Change of Zone fee: \$792.00  
Lancaster County Change of Zone fee: \$792.00  
Lancaster County Preliminary Plat fee: \$1,320.00  
Plans uploaded via Project Dox.

We hope that this letter and associated plans provide you with enough information to review this application for a change of zone of preliminary plat. Please call me at (402) 434-8494 if you have questions.

Sincerely,

Mike Eckert, AICP

Encl

cc: BCLINC, LLC

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