

FACTSHEET

TITLE: ANNEXATION NO. 04003, requested by Kent Seacrest on behalf of Richard, Daniel, Mark and Thomas Meginnis; Southview, Inc.; and Ridge Development Company, to annex approximately 300 acres, more or less, generally located east and west of 98th Street from Holdrege to O Streets.

STAFF RECOMMENDATION: Approval, subject to an Annexation Agreement.

ASSOCIATED REQUESTS: Change of Zone No. 04019 (06-50), Waterford Estates Annexation Agreement; and Annexation No. 05003 (06-49).

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 03/02/05 and 03/16/05
Administrative Action: 03/16/05

RECOMMENDATION: Approval, subject to an Annexation Agreement (9-0: Sunderman, Taylor, Marvin, Pearson, Carroll, Carlson, Krieser, Larson and Bills-Strand voting 'yes').

FINDINGS OF FACT:

1. This proposed annexation is related to proposed Annexation No. 05003 and was heard at the same time as Change of Zone No. 04019 and the Waterford Estates Preliminary Plat.
2. This proposed annexation will allow the development of approximately 660 residential lots and one lot for a future school on property generally located east and west of 98th Street from Holdrege Street to O Street. The associated preliminary plat was adopted by the Planning Commission as Resolution No. PC-00913.
3. The staff recommendation to approve the annexation, subject to an Annexation Agreement, is based upon the "Analysis" as set forth on p.5-6, concluding that the proposed annexation is in conformance with the Comprehensive Plan.
4. The applicant's testimony is found on p.8-9 and 11-12.
5. There was no testimony in opposition; however, residents in Sunrise Estates testified with concerns about the changes this development may bring to Sunrise Estates. Sunrise Estates does not wish to be annexed nor connected by streets to the new development of Waterford Estates (See Minutes, p.9-10 and p.11; Also See p.18-24).
6. On March 16, 2005, the Planning Commission agreed with the staff recommendation and voted 9-0 to recommend approval, subject to an Annexation Agreement, which is also now being submitted to the City Council for consideration and action. Over the past year, the applicants and staff have held periodic negotiations concerning the terms for repayment if the applicants advance the construction of road, water and sewer improvements at their own cost. At the time this report is being drafted, there may not be complete agreement on these terms. But in light of the length of time since the Planning Commission action, the applicant requested and staff agreed to schedule the associated items for City Council consideration.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: March 28, 2006

REVIEWED BY: 

DATE: March 28, 2006

REFERENCE NUMBER: FS\CC\2006\ANNEX.04003+

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for March 16, 2005 PLANNING COMMISSION MEETING

****As Revised and Approved by Planning Commission
March 16, 2005****

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.

P.A.S.: Annexation #04003, Change of Zone #04019, Waterford Estates Preliminary Plat #04011

PROPOSAL: To preliminary plat 660 residential lots and 1 lot for a future school, to change the zone from AG, Agricultural to R-3, Residential and B-2, Planned Neighborhood Commercial and to annex approximately 300 acres, more or less.

LOCATION: Generally located east and west of N. 98th Street from Holdrege to O Streets.

WAIVER REQUEST:

- Delay the submittal of a use permit on the B-2 parcels.
- Allow temporarily the transfer of sanitary sewer from one basin to another by a lift station.
- Allow lot lines not perpendicular to rights of way.
- Allow sanitary sewer mains to flow opposite street grades.
- Allow block lengths to exceed 1,320'.
- Allow sanitary sewers to exceed maximum depth of 15' but not exceed 20'
- Waive the minimum lot depth to width ratio for Outlots D, E and H
- Eliminate the pedestrian easement in Block 9
- Waive drainage criterial in minimum flood corridors

LAND AREA: 300 acres, more or less.

CONCLUSION: In conformance with the Comprehensive Plan, Zoning and Subdivision Ordinances and the newly adopted Temporary Pump Station Policy.

RECOMMENDATION:

<u>Annexation #04003</u>	<u>Conditional Approval</u>
<u>Change of Zone #04019</u>	<u>Approval</u>
<u>Preliminary Plat #04011</u>	<u>Conditional Approval</u>
Delay the submittal of a use permit on the B-2 parcels	Approval
Allow temporarily the transfer of sanitary sewer from one basin to another by a lift station	Approval
Allow lot lines not perpendicular to rights of way	Approval
Allow sanitary sewer mains to flow opposite street grades	Approval
Allow sanitary sewers to exceed maximum depth of 15' but not exceed 20'	Approval
Waive the minimum lot depth to width ratio for Outlots D and E	Approval
Waive the minimum lot depth to width ratio for Outlot H	Approval
Eliminate the pedestrian easement in Block 9	Approval
Waive drainage criterial in minimum flood corridors	Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION: See attached.

EXISTING ZONING: AG, Agricultural.

EXISTING LAND USE: Undeveloped.

SURROUNDING LAND USE AND ZONING:

North:	Acreages vacant	AG
South:	Acreages vacant	AG
East:	Acreages, vacant	AG
West:	Acreages, college	AG

COMPREHENSIVE PLAN SPECIFICATIONS: This area is shown as Urban Residential and Commercial in the Comprehensive Land Use Plan. A commerce center and light industrial center are shown generally near O Street and N. 98th Street.(F-25)

The area is shown within the future service limit in Tier 1, Priority A. (F-27)

“Maximize the community’s present infrastructure investment by planning for residential...in areas with available capacity” by “encouraging...more dwelling units per acre in new neighborhoods” (F 17).

“Encourage different housing types and choices, including affordable housing, throughout each neighborhood for an increasingly diverse population” (F-18).

“Encourage a mix of housing types, single family, townhomes, apartments, elderly housing all within one area; Similar housing types face each other: single family faces single family, change to different use at rear of lot; Parks and open space within walking distance of all residences; Multi-family and elderly housing nearest to commercial area; Pedestrian orientation; shorter block lengths, sidewalks on both sides of all roads; Public uses (elementary schools, churches) as centers of neighborhood – shared facilities (city parks & school sites)”. (F-67)

“Require new development to be compatible with character of neighborhood and adjacent uses” (F 69).

“Natural and environmentally sensitive areas should be preserved within neighborhoods. Conservation areas and open lands should be used to define and connect different neighborhoods” (F-17).

The ANNEXATION POLICY is found on pages F-154 and 155 of the Comprehensive Plan.

HISTORY: The area was zoned A-A, Rural and Public Use until 1979 when the zone was updated to AG, Agricultural.

UTILITIES: There is no public water main adjacent to this site. If the developer wants to proceed before the city constructs the water main it will be the developer’s responsibility to pay for the construction. The city may reimburse the developer based on the Capital Improvement Program. 12" mains will be required in the development.

Sanitary sewer is not available to the area. The Stevens Creek trunk sewer is not scheduled to serve this area for several more years. The developer proposes to build a private temporary pump station and force main, which will conform to the newly adopted standards for temporary

pump stations, to serve approximately 100 acres. The phasing plan is tied directly to the timing of available capacity and future extension of the trunk sewer main.

The developer will also build sections of the Stevens Creek sewer project on this property in advance of the larger project, which will temporarily tie to the pump station. The developer would be reimbursed for this expense at a later date based on the Capital Improvement Program.

TOPOGRAPHY: Rolling, with areas of floodplain. A flood control structure is proposed in the central-eastern portion of the plat to be constructed by the Lower Platte South Natural Resources District.

TRAFFIC ANALYSIS: Holdrege is classified as an urban minor arterial and the Comprehensive Plan shows it to be improved to a four-lane plus center turn lane west of N. 98th Street and two-lane plus center turn lane east of N. 98th Street. (F-103/105)

N. 98th Street is classified as an urban minor arterial and is shown to be improved to a four-lane plus center turn lane from O Street to Holdrege Street. (F-103/105)

O Street is classified as an urban principal arterial and is shown to be improved to six-lane plus center turn lane west of N. 98th Street and four-lane plus center turn lane east of N. 98th Street. (F-103/105) None of the streets are within the six-year CIP, the developer will be obligated for the construction of N. 98th Street if development precedes the City's Capital Improvement Program. The details of building this road improvement and any reimbursement through the CIP will need to be settled as part of the annexation agreement with the City Council.

A public bicycle trail is shown in the Comprehensive Plan and the site plan indicates that trail to extend along O Street, north on 98th Street, crossing N. 98th Street and extending north along the lake and crossing the dam structure and continuing north to Holdrege Street. Future grade separated crossings are identified north of O Street near N. 98th Street and at approximately N. 110th and Holdrege Streets. An unbuilt/proposed pedestrian center is identified at N. 98th and O Streets. (F-91)

PUBLIC SERVICE: The Fire Department indicated they do not have a fire station in the area in order to maintain their optimal level of service response time. They do not oppose the development, but wanted to make people aware that response times are getting to be close to or longer than 10 minutes in this area.

REGIONAL ISSUES: This area is shown for urban residential, however there is a pocket of existing acreages (shown as low-density residential in the Comprehensive Plan) to the west that will soon be completely surrounded by urban residential. The Sunrise Estates CUP is set up for future build-through so that there should eventually be more urban residential sized lots in that development and the two developments will have more compatible lot sizes if and when Sunrise Estates is further subdivided. Lots backing onto Sunrise Estates are shown to be approximately 8,500 square feet in area.

ENVIRONMENTAL CONCERNS: A portion of the site is within the floodplain. A flood control structure is planned by the Lower Platte South NRD in the middle of the site. The developer

proposes to create additional flood storage in the NRD's lake in order to meet the stormwater detention requirements. The Lower Platte South NRD has been part of the review process of this plat due to the proposed flood control structure.

Some of the minimum flood corridors are impacted with this plat. The Watershed Management section of the Public Works and Utilities Department indicated that mitigation is required and must be submitted. The developer requested a waiver to allow these impacts and the Watershed Management section recommends approval to this waiver.

ANALYSIS:

1. This is a request to develop 660 residential lots and 1 lot for a future school, to change the zone from AG, Agricultural to R-3, Residential and B-2, Planned Neighborhood Commercial and to annex approximately 300 acres with several waivers as previously indicated.
2. The developer requests a waiver to allow block lengths to exceed the maximum 1320'. Blocks that abut a major road or natural feature, such as floodplain, lake or similar feature may exceed the maximum block lengths without the need for a waiver. There are no block lengths which exceed 1,320' that do not meet the criteria as allowed in the Subdivision Ordinance. Staff determined that a waiver is unnecessary.
3. The developer requests to waive drainage criteria in minimum flood corridors to allow impacts to the stream corridors. The Watershed Management section recommends approval to this waiver as indicated in their attached memo dated February 25, 2005.
4. Most of the lots are single family, however lots closer to the future commercial/industrial area are shown as single-family attached lots.
5. Outlots D and E are located in Blocks 5 and 7 for the purpose of avoiding the requirement to request a waiver to allow what are essentially double frontage lots that back onto Waterford Estates Drive. Lots in Blocks 3, 5 and 7 essentially have double frontage. Lots should not back onto a local street. This eliminates the residential character of the street and is an inefficient use of land, streets and utilities. However, lots on the north side of Waterford Estates Drive are residential and the land south of Waterford Estates Drive is proposed B-2 commercial. Fronting lots toward the proposed commercial would not be desirable. Staff supports the request to allow the waiver to the lot depth to width ratio of Outlots D and E.
6. Outlot H has a substantial portion of the lot located in floodplain. The purpose of this, and other, outlots must be indicated on the site plan. Most of the outlot is not developable due to the floodplain and the staff recommends the approval to the waiver of maximum lot depth to width ratio in order to preserve the floodplain in this location.
7. The developer requests to change the zone from AG to B2 on a portion of the perimeter of the preliminary plat. The developer indicated they do not have a tenant for the site and do not presently know how they would like to configure the commercial. They request to delay the filing of a use permit to a later date. Staff supports this request because all

required information will be submitted with the use permit and a public hearing process will be followed. Zoning the property now will provide evidence to future residents that the southern portion of the site will eventually be commercial in nature. The Comprehensive Plan calls out part of this area for "employment" (i.e. light industrial) uses. Staff and the developer have had preliminary discussions on how the land to the south, and perhaps some or all of this strip of B-2 zoning as well, may be rezoned to a planned unit development that would allow for a mix of uses.

8. The annexation request meets the annexation policy in the Comprehensive Plan. Annexation policy:

- Land which is remote from the limits of the City of Lincoln will not be annexed; land which is contiguous and generally urban in character may be annexed; and land which is engulfed by the City should be annexed.
- 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 (i.e., 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.
- Plans for the provision of services within the areas considered for annexation should be carefully coordinated with the Capital Improvements Program of the city and the county."

ANNEXATION CONDITIONS:

1. Prior to scheduling the request on the City Council agenda the applicant shall sign an annexation agreement to the satisfaction of the City. However the Planning Director may forward the annexation to the City Council if the City Staff and the applicant cannot reach an agreement.

Prepared by:

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Planner

DATE: March 3, 2005

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OWNER: Richard, Daniel, Mark and Thomas McGinnis
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(402)435-6000

**ANNEXATION NO. 04003,
CHANGE OF ZONE NO. 04019,
and
PRELIMINARY PLAT NO. 04011,
WATERFORD ESTATES**

PUBLIC HEARING BEFORE PLANNING COMMISSION:

March 2, 2005

Members present: Sunderman, Krieser, Taylor, Larson, Carroll, Marvin, Carlson, Pearson 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.

Ray Hill of Planning staff submitted a letter from Steve Bussey of the Sunrise Estates Community Association, indicating his concern about the compatibility of the size of the lots that border the Sunrise Estates development.

Proponents

1. Kent Seacrest appeared on behalf of **Southview, Inc. and Ridge Development Company**. This is an annexation for about 300 acres, a change of zone for R-3 and B-2, and includes a plat for about 660 residential lots. This development is unique in many, many ways. It will have a lake, which is one of the Stevens Creek flood control structures. The developers have worked with the NRD to use the lake as an urban feature as well as a floodplain feature. There is a school site of about 20 acres. This is the first Stevens Creek basin development since it was designated for opening in the Comprehensive Plan in 2004. This is in Tier I, Priority A, and is consistent with the Comprehensive Plan.

Seacrest also pointed out that this is the first development following the guidelines of the proposed Stevens Creek Master Plan. The new floodplain, the minimum flood corridors and pretreatment facilities and the minimum water quality storage have been incorporated into this development. The lake will be over-excavated with a fishery and will allow more water quality to occur within the lake itself. The flood control structure and the water quality have been balanced in an urban setting.

Seacrest further pointed out that this is the first development that follows the new city temporary pump policy that has been adopted by the City, and this proposal meets the criteria of that policy. The big trunk sewer line is in the CIP and will get down to this area in the 6-year period. The city did hold property owner meetings to see if anyone else wanted to use the temporary pump, but the property owners that attended decided to wait.

Seacrest submitted a motion to amend the conditions of approval on the preliminary plat. He also advised that one waiver was not properly advertised and the preliminary plat was not advertised as final action. Therefore, Seacrest requested a two-week deferral.

Seacrest advised that the developer hosted six neighborhood meetings, three of them being with Sunrise Estates.

Marvin inquired whether there were public dollars used to build the lake at Wilderness Ridge. Seacrest stated that the Wilderness Ridge lake was all private dollars. The NRD is contributing to build this lake because their Stevens Creek efforts to date showed 10 stormwater features to help minimize the flooding up and down the Stevens Creek basin. Therefore, this proposal will not only help with current flooding in the Stevens Creek area, but it also anticipates the growth of the valley and helps create some regional opportunities. So there is public interest here. The detention has been master planned and the dam has been oversized to allow this development's on-site detention to occur. The bottom line is cost-sharing; however, the NRD has nothing to do with the boulders and quality features that this developer is going to add.

Taylor moved to defer, with continued public hearing and action on March 16, 2005, seconded by Krieser and carried 9-0: Sunderman, Krieser, Taylor, Larson, Carroll, Marvin, Carlson, Pearson and Bills-Strand voting 'yes'.

Public Testimony

1. Dan Howe, residing at 1001 N. 92nd Street in Sunrise Estates, currently President of the Sunrise Estates Community Association, stated that the Association is impressed with the quality of the proposed development, but it is especially important to Sunrise Estates that the proposed development includes annexation through Southeast Community College and not through Sunrise Estates. Sunrise Estates does not want to be connected by streets into the new development and does not want to be annexed.

Howe submitted a statement in writing with signatures of everyone in the Sunrise Estates Association in support. He showed the point of connectivity on the map that the Association requested be closed, and a photograph showing the rural character of the area and the county-installed gate across the road that they would like to relocate to the point of connectivity.

Bills-Strand confirmed that Sunrise Estates wants the gate moved down. Howe clarified that the gate is a county-installed barricade at the end of the cul-de-sac. Prior to installing the gate, there had been partying and vandalism creating a nuisance, so the County allowed them to put a gate across there and to post no trespassing signs. That gate is not locked.

Larson inquired whether the 28 signatures represents all of the property owners in Sunrise Estates. Howe stated that a couple of the property owners were vacationing and he could not get their signature.

2. Steve Bussey, 1001 N. 88th Street, testified in favor of keeping the road closed. One of the issues is that there is a recreational area down there with a horse on it. When this area is developed, that area will no longer be a very usable space or a good space to have horses and the new development will not be compatible. It was stated that the lot sizes are compatible; however, the drawing shows that there is not much compatibility in sizes at all. The Sunrise Estates lots are three to six acres. There is no comparison. The Sunrise Estates owners have asked for some transition from rural into high residential, which we understand to be the plan, but it goes from a very rural type setting to a rather high density type setting. He is not aware of

any concessions that have been made, with the exception of annexing through Southeast Community College as opposed to through Sunrise Estates. Sunrise Estates is interested in remaining isolated.

Bussey is not sure that today is the appropriate time for this development in Stevens Creek. He thought he read where funding would not be available for the sewer for 10 years. The recent change to the policy to allow a lift station was specifically for this development. He does not believe the intent was to max out six years. There is no reason to be pushing this through.

3. Stan Berlowitz, 9300 East Avon Lane, Treasurer of Sunrise Estates Community Association, has a bird's eye view of the wonderful agricultural area, the horse barn and the common area of 11 acres of natural wildlife, an empty horse barn and corral, which will be changing very soon. He stated that he is testifying on his own behalf and not on behalf of the Association. He agrees with Dan Howe's statement that it appears to be a wonderful development if it turns out to look anything like Wilderness Ridge; however, he is not particularly opposed to the development in and of itself, but he would prefer it be delayed as long as possible. His preference would be to isolate Sunrise Estates from ingress into and out of the proposed development. He would like to see as little traffic as possible, particularly during the construction stage. The county roads will not handle the traffic and the abuse and the debris that goes along with the years of traffic that we will see in the proposal development. He is also fearful that the roads will suffer and his neighborhood will be affected by the traffic. Those roads should be replaced. He would also prefer that they close or abandon as many roads as possible. It has been discussed with Kent Seacrest to abandon at least a portion of Sunny Slope Road, which right now dead-ends and serves no purpose. Berlowitz would insist that Sunny Slope be abandoned in order that the townhouses back-face his neighborhood rather than front-face.

On behalf of Sunrise Estates, Berlowitz reiterated the desire that they not be annexed at this time. Sunrise Estates has excellent well water; perfectly functioning septic systems and one or two lagoons.

4. Jeff Rhone, 9400 East Avon Lane, testified that Sunrise Estates is quiet, friendly and self-sufficient, with no heavy traffic. The infrastructure is set up for the population it serves. Adding 600+ homes will increase the street load and population density, destroying the community that Sunrise Estates has become. Maybe it is time to take a rest and let the city acquire the money for the infrastructure that it needs. The developer has stated that there would be landscaping barriers put up, but due to lack of money for the development from the city, that has been reduced to a less amount. The annexation of Sunrise Estates would force people to sell their homes because of assessments. The residents of Sunrise Estates would like to keep what they have worked so hard for and bar any future traffic or development throughout the Sunrise Estates community and to the east of Sunrise Estates.

These applications will be scheduled for continued public hearing and action on March 16, 2005.

CONT'D PUBLIC HEARING BEFORE PLANNING COMMISSION:

March 16, 2005

Members present: Sunderman, Taylor, Marvin, Pearson, Carroll, Carlson, Krieser, Larson 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, as revised.

Ex Parte Communications: None.

Proponents

1. Kent Seacrest appeared on behalf of **Southview, Inc., Ridge Development and various Meginnis family members**. He believes that this is a unique development. It is the first development that will be involved in the Stevens Creek basin after being put into the Comprehensive Plan. This will be first development that will follow the Stevens Creek Watershed Master Plan with the forebays, etc. This is the first major development to meet the new city temporary pump station policy.

Seacrest advised that the developers held six neighborhood meetings. He submitted a motion to amend the Condition #3.2.22 of the preliminary plat to clarify that all purchasers and users of the lots that are located in the floodplain will be notified that they are located in the floodplain.

Seacrest went on to state that this has been a very complex project that started in about 2002 and he expressed appreciation to the staff.

2. Dan Howe, 1001 N. 92nd Street in Sunrise Estates, and **President of the Sunrise Estates Community Association**, testified in support because the Sunrise Estates owners know that Lincoln is growing and that development is inevitable. They are impressed with the quality of the proposed development; however, they are interested in preserving the setting in Sunrise Estates. He referred to his letter to the Planning Commission dated March 9, 2005, and reiterated the request that 98th Street be initially connected to Holdrege Street and that the northern portion be graveled until later phases of the proposed development. Howe also showed photographs attesting to the openness and rural character of the Sunrise Estates area. The pictures show that the asphalt streets are aged but the county does a very good job of maintaining them. The construction traffic should use 98th Street.

There was no testimony in opposition.

Staff agreed with the motion to amend Condition #3.2.22 submitted by Seacrest.

Response by the Applicant

Seacrest explained that Mr. Howe is proposing to cut off Avon Avenue, and therefore gravel N. 98th Street. Seacrest stated that the developer plans to pave the first south one-third of 98th Street in the first phase and will finish as they develop further. The request by Sunrise Estates is to block off Avon, which is a hard surface, and live with the gravel system. Seacrest believes there are two public policy considerations. The city has a strong practice that emergency vehicles should have two hard surface ways to get in and out. The main way is going to be off 98th and O, but if something happened, they could get an emergency vehicle through Sunrise Estates and not rely on a gravel system. Sunrise Estates has only one access to Holdrege and their secondary emergency route is through another neighborhood. This developer is asking for a second emergency way in and out of the neighborhood. Seacrest believes that our future generations should be able to drive to their neighborhood without going back out onto an arterial street. There should be more connectivity through the neighborhood to avoid congestion on the

arterial and help keep the capacity of the arterial network going. There will also be amenities in Waterford Estates that will serve the Sunrise Estates neighborhood. Seacrest did agree that there will be a covenant of record requiring the builders to go out 98th Street at O Street. The graveling would be on a city public infrastructure road. This application with the two hard surfaces fully meets the design standards, and a gravel system does not meet design standards.

ANNEXATION NO. 04003

ACTION BY PLANNING COMMISSION:

March 16, 2005

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

CHANGE OF ZONE NO. 04019

ACTION BY PLANNING COMMISSION:

March 16, 2005

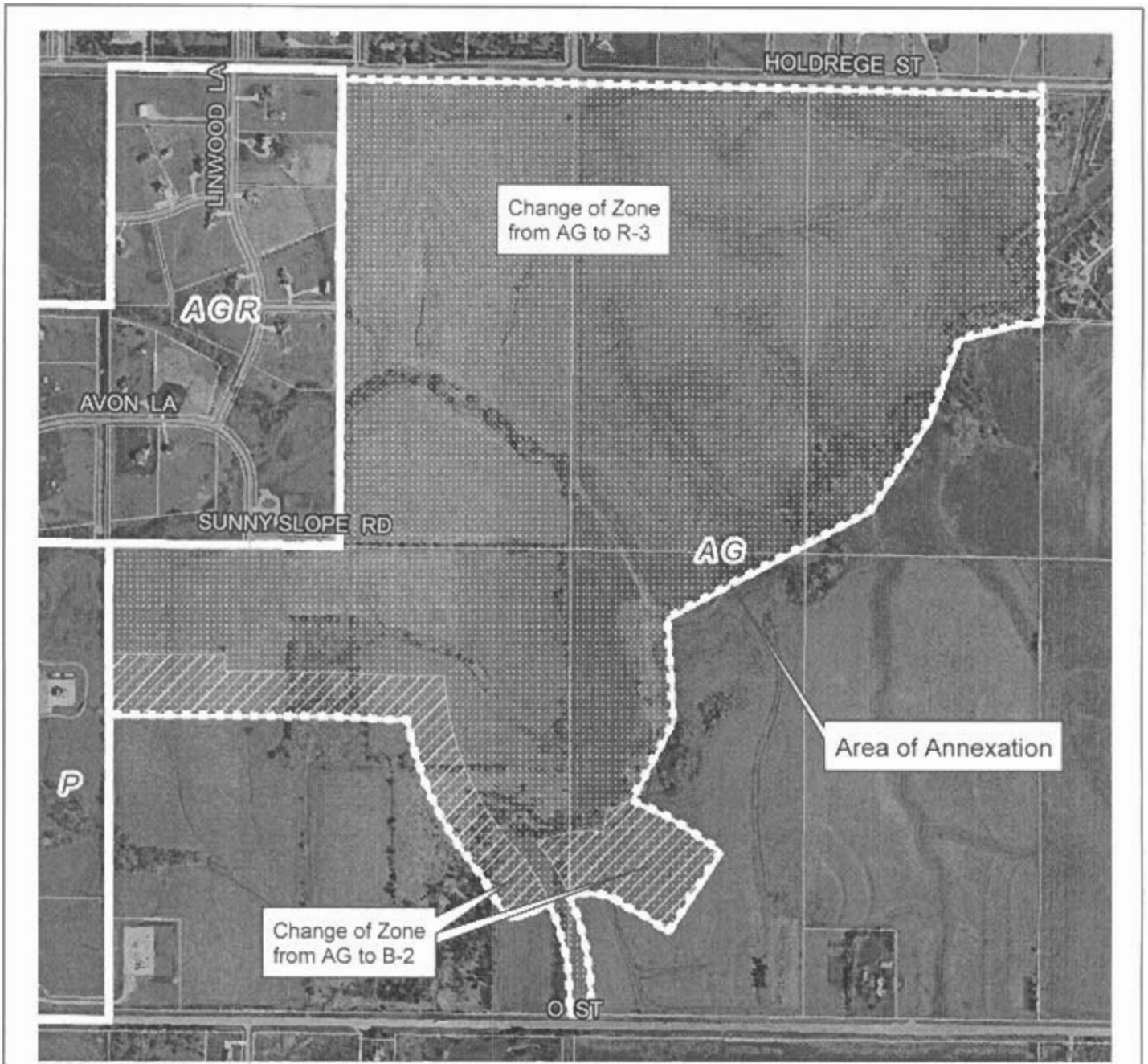
Carlson moved approval, seconded by Sunderman and carried 9-0: Sunderman, Taylor, Marvin, Pearson, Carroll, Carlson, Krieser, Larson and Bills-Strand voting 'yes'. This is a recommendation to the City Council.

PRELIMINARY PLAT NO. 04011

ACTION BY PLANNING COMMISSION:

March 16, 2005

Larson moved to approve the staff recommendation of conditional approval, as revised, with the amendment requested by Seacrest, seconded by Carroll and carried 9-0: Sunderman, Taylor, Marvin, Pearson, Carroll, Carlson, Krieser, Larson and Bills-Strand voting 'yes'. This is final action, unless appealed to the City Council within 14 days.



2002 aerial

Annexation #04003
Change of Zone #04019
N. 98th & Holdrege St.

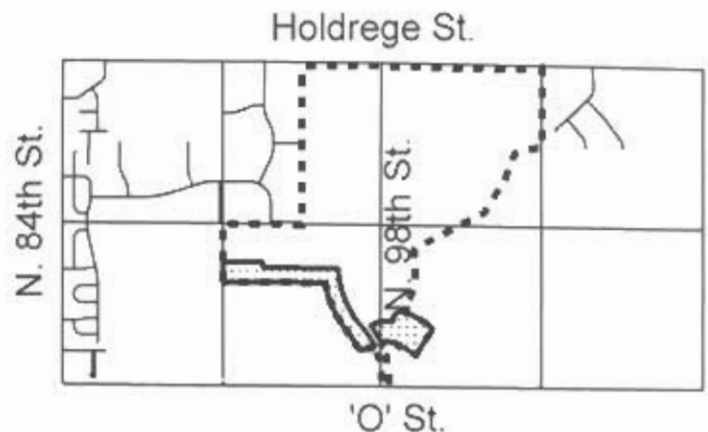
Zoning:

- 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

Two Square Mile
 Sec. 23 T10N R7E
 Sec. 24 T10N R7 E



Zoning Jurisdiction Lines
 City Limit Jurisdiction



**LEGAL DESCRIPTION
ANNEXATION**

14 0
A LEGAL DESCRIPTION FOR A TRACT OF LAND COMPOSED OF LOT 14 I.T., A PORTION OF LOT 3 I.T., AND A PORTION OF THE NORTH HALF OF THE SOUTHEAST QUARTER, ALL IN THE EAST HALF OF SECTION 23, TOWNSHIP 10 NORTH, RANGE 7 EAST OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA, AND A PORTION OF LOT 8 I.T., A PORTION OF LOT 11 I.T., AND A PORTION OF THE NORTH HALF OF THE SOUTHWEST QUARTER, ALL IN THE WEST HALF OF SECTION 24, TOWNSHIP 10 NORTH, RANGE 7 EAST OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 24, SOUTH ALONG THE EAST LINE OF SAID NORTHWEST QUARTER ON AN ASSUMED BEARING OF SOUTH 00 DEGREES 09 MINUTES 34 SECONDS WEST, A DISTANCE OF 50.01 FEET TO THE NORTHEAST CORNER OF SAID LOT 8 I.T., SAID POINT BEING **THE TRUE POINT OF BEGINNING**, THENCE CONTINUING SOUTH 00 DEGREES 09 MINUTES 34 SECONDS WEST, A DISTANCE OF 1,272.74 FEET TO A POINT, THENCE SOUTH 89 DEGREES 11 MINUTES 23 SECONDS WEST, A DISTANCE OF 113.22 FEET TO A POINT, THENCE SOUTH 76 DEGREES 00 MINUTES 17 SECONDS WEST, A DISTANCE OF 363.45 FEET TO A POINT, THENCE SOUTH 20 DEGREES 06 MINUTES 43 SECONDS WEST, A DISTANCE OF 471.68 FEET TO A POINT, THENCE SOUTH 32 DEGREES 55 MINUTES 55 SECONDS WEST, A DISTANCE OF 620.76 FEET TO A POINT, THENCE SOUTH 62 DEGREES 22 MINUTES 00 SECONDS WEST, A DISTANCE OF 1,295.82 FEET TO A POINT, THENCE SOUTH 03 DEGREES 19 MINUTES 34 SECONDS EAST, A DISTANCE OF 574.78 FEET TO A POINT, THENCE SOUTH 28 DEGREES 14 MINUTES 31 SECONDS WEST, A DISTANCE OF 503.12 FEET TO A POINT, THENCE SOUTH 65 DEGREES 18 MINUTES 51 SECONDS EAST, A DISTANCE OF 242.70 FEET TO A POINT, THENCE SOUTH 59 DEGREES 30 MINUTES 50 SECONDS EAST, A DISTANCE OF 90.00 FEET TO A POINT, THENCE SOUTH 56 DEGREES 20 MINUTES 05 SECONDS EAST, A DISTANCE OF 250.91 FEET TO A POINT, THENCE SOUTH 33 DEGREES 39 MINUTES 55 SECONDS WEST, A DISTANCE OF 536.53 FEET TO A POINT, THENCE NORTH 56 DEGREES 20 MINUTES 05 SECONDS WEST, A DISTANCE OF 158.38 FEET TO A POINT, THENCE NORTH 62 DEGREES 28 MINUTES 07 SECONDS WEST, A DISTANCE OF 132.72 FEET TO A POINT OF CURVATURE OF A NON TANGENT CURVE, THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A RADIUS OF 345.00 FEET, ARC LENGTH OF 326.55 FEET, DELTA ANGLE OF 54 DEGREES 13 MINUTES 54 SECONDS, A CHORD BEARING OF NORTH 81 DEGREES 35 MINUTES 40 SECONDS WEST, AND A CHORD LENGTH OF 314.49 FEET TO A POINT OF CURVATURE OF A NON TANGENT CURVE, THENCE

JAN - 4 - 2005 014

ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A RADIUS OF 1,360.00 FEET, ARC LENGTH OF 594.86 FEET, DELTA ANGLE OF 25 DEGREES 03 MINUTES 40 SECONDS, A CHORD BEARING OF SOUTH 11 DEGREES 53 MINUTES 08 SECONDS EAST, AND A CHORD LENGTH OF 590.13 FEET TO A POINT OF TANGENCY, THENCE SOUTH 00 DEGREES 38 MINUTES 42 SECONDS WEST, A DISTANCE OF 80.24 FEET TO A POINT OF INTERSECTION WITH THE SOUTH LINE OF LOT 11 I.T., SAID POINT BEING 61.13 FEET NORTH OF THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SECTION 24, SAID POINT ALSO BEING ON THE NORTH LINE OF "O" STREET RIGHT-OF-WAY, THENCE NORTH 89 DEGREES 50 MINUTES 30 SECONDS WEST ALONG THE NORTH LINE OF SAID RIGHT-OF-WAY, SAID LINE BEING THE SOUTH LINE OF SAID LOT 11 I.T., A DISTANCE OF 120.00 FEET TO A POINT LOCATED 60.11 FEET NORTH OF THE SOUTH LINE OF SAID SOUTHWEST QUARTER, THENCE NORTH 00 DEGREES 38 MINUTES 42 SECONDS EAST, A DISTANCE OF 81.26 FEET TO A POINT OF CURVATURE, THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A RADIUS OF 1,240.00 FEET, ARC LENGTH OF 553.97 FEET, DELTA ANGLE OF 25 DEGREES 35 MINUTES 49 SECONDS, A CHORD BEARING OF NORTH 12 DEGREES 09 MINUTES 13 SECONDS WEST, AND A CHORD LENGTH OF 549.38 FEET TO A POINT, THENCE SOUTH 62 DEGREES 43 MINUTES 30 SECONDS WEST, A DISTANCE OF 33.26 FEET TO A POINT OF CURVATURE, THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A RADIUS OF 776.00 FEET, ARC LENGTH OF 208.47 FEET, DELTA ANGLE OF 15 DEGREES 23 MINUTES 33 SECONDS, A CHORD BEARING OF SOUTH 70 DEGREES 25 MINUTES 17 SECONDS WEST, AND A CHORD LENGTH OF 207.84 FEET TO A POINT OF CURVATURE OF A NON TANGENT CURVE, THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A RADIUS OF 1,000.00 FEET, ARC LENGTH OF 276.40 FEET, DELTA ANGLE OF 15 DEGREES 50 MINUTES 12 SECONDS, A CHORD BEARING OF NORTH 33 DEGREES 54 MINUTES 30 SECONDS WEST, AND A CHORD LENGTH OF 275.52 FEET TO A POINT OF REVERSE CURVATURE, THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A RADIUS OF 1,800.00 FEET, ARC LENGTH OF 988.39 FEET, DELTA ANGLE OF 31 DEGREES 27 MINUTES 41 SECONDS, A CHORD BEARING OF NORTH 26 DEGREES 05 MINUTES 46 SECONDS WEST, AND A CHORD LENGTH OF 976.02 FEET TO A POINT, THENCE NORTH 89 DEGREES 37 MINUTES 05 SECONDS WEST, A DISTANCE OF 71.10 FEET TO A POINT, THENCE NORTH 87 DEGREES 19 MINUTES 39 SECONDS WEST, A DISTANCE OF 350.28 FEET TO A POINT, THENCE NORTH 89 DEGREES 37 MINUTES 05 SECONDS WEST, A DISTANCE OF 1,270.65 FEET TO A POINT OF INTERSECTION WITH THE WEST LINE OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF SECTION 23, THENCE NORTH 00 DEGREES 01 MINUTES 20 SECONDS EAST ALONG THE WEST LINE OF SAID NORTH HALF OF THE SOUTHEAST QUARTER OF SECTION 23, A DISTANCE OF 953.63 FEET TO THE NORTHWEST

CORNER OF THE SOUTHEAST QUARTER OF SECTION 23, THENCE SOUTH 89 DEGREES 24 MINUTES 38 SECONDS EAST, A DISTANCE OF 1,307.81 FEET TO THE SOUTHWEST CORNER OF LOT 14 I.T., THENCE NORTH 00 DEGREES 13 MINUTES 16 SECONDS EAST ALONG THE WEST LINE OF SAID LOT 14 I.T., A DISTANCE OF 2,609.41 FEET TO THE NORTHWEST CORNER OF SAID LOT 14 I.T., SAID POINT BEING ON THE SOUTH LINE OF HOLDREGE STREET RIGHT-OF-WAY, SAID POINT BEING 50.00 FEET SOUTH OF THE NORTH LINE OF THE NORTHEAST QUARTER OF SECTION 23, THENCE SOUTH 89 DEGREES 15 MINUTES 58 SECONDS EAST ALONG THE NORTH LINE OF SAID LOT 14 I.T., SAID LINE BEING THE SOUTH LINE OF SAID RIGHT-OF-WAY, SAID LINE BEING 50.00 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF THE NORTHEAST QUARTER OF SECTION 23, A DISTANCE OF 1,315.40 FEET TO THE NORTHEAST CORNER OF SAID LOT 14 I.T., SAID POINT BEING THE NORTHWEST CORNER OF LOT 8 I.T., THENCE SOUTH 88 DEGREES 45 MINUTES 33 SECONDS EAST ALONG THE NORTH LINE OF SAID LOT 8 I.T., SAID LINE BEING THE SOUTH LINE OF SAID RIGHT-OF-WAY, SAID LINE BEING 50.00 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 24, A DISTANCE OF 2,654.23 FEET TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA OF 13,940,257.96 SQUARE FEET OR 320.02 ACRES, MORE OR LESS.

January 4, 2005
F:\Projects\20020092\lincsurvey\yplat\dwg\yannex.doc

Holdrege Street

Wetland K
PEMA 0.24 ac

Wetland J
PFOA 0.14 ac

Wetland I
PFOA/PEMA 0.37 ac

Wetland G
PFOA/PEMA 0.04 ac

Wetland F
PFOA/PEMA 0.6 ac

Wetland E
PFOA 0.16 ac

Wetland D
PEMA 0.06 ac

Wetland H
PFOA/PEMA 0.25 ac

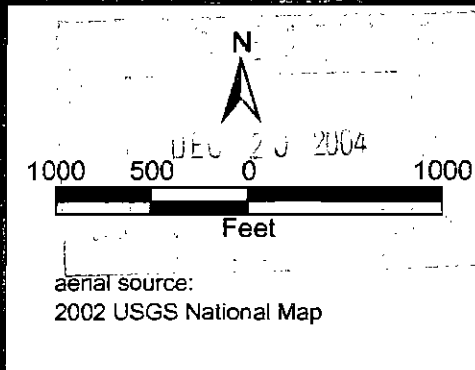
Wetland C
PFOA 0.09 ac

Wetland B
PEMK 5.53 ac




Wetland A
PFOA 0.34 ac

O Street

Hilicrest Country Club



Legend

-  site boundary
-  waters of the U.S.
-  wetlands

-projects\20030204\gis\waters_of_the_us.mxd

PROJECT : 2002-0092 9-11-701
DRAWN BY: drv
DATE: 06/23/2003

WATERS OF THE U.S. MAP
Meginnis / Finke Property
Lancaster County, Nebraska



OLSSON ASSOCIATES
 ENGINEERS - PLANNERS - SCIENTISTS - SURVEYORS
 1111 LINDOLY HILL, LANCASTER, NEBRASKA 68601
 PH: 402-474-6311 - FAX: 402-474-6180

FIGURE
D-1

**Sunrise Estates
1001 N. 92nd St.
Lincoln, NE 68505**

Planning Commission
City of Lincoln
Lincoln, NE 68505

Dear Commissioners,

All members not on vacation in Sunrise Estates were polled in two areas:

- Do you want any connecting road between Sunrise Estates and the proposed development known as Waterford Estates?
- Do you have any desire to be annexed by the city of Lincoln?

All polled members agreed, without exception, that they did not want a connecting road. If the area must be accessible by emergency vehicles only, every member requested a barricade of some type be installed.

All polled members also agreed, without exception, that they did not desire to be annexed by the city. Residents of Sunrise Estates repeatedly said that they purchased their homes for:

- The unique character of the area, including the large lots and community plan.
- Most plan to stay in their homes until they are forced by age or need to move.
- Most use the existing streets for walking, running, and other exercise, and the streets are not safe for such if combined with increased traffic flow.

We believe that the developer should either provide alternate roads that do not affect our homes, or wait to propose annexation until the city can afford financing for infrastructure needs.

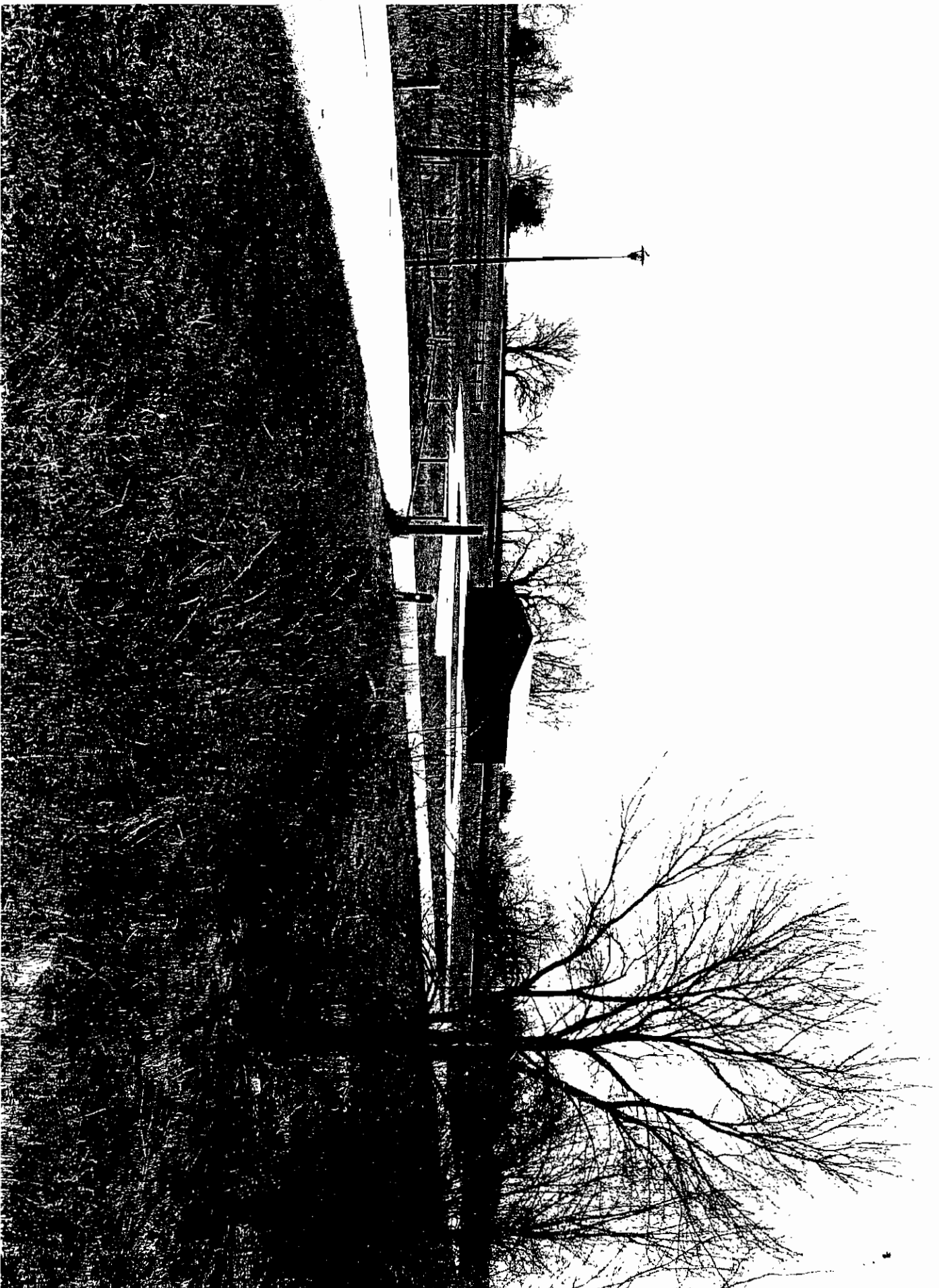
Thank you for your consideration,



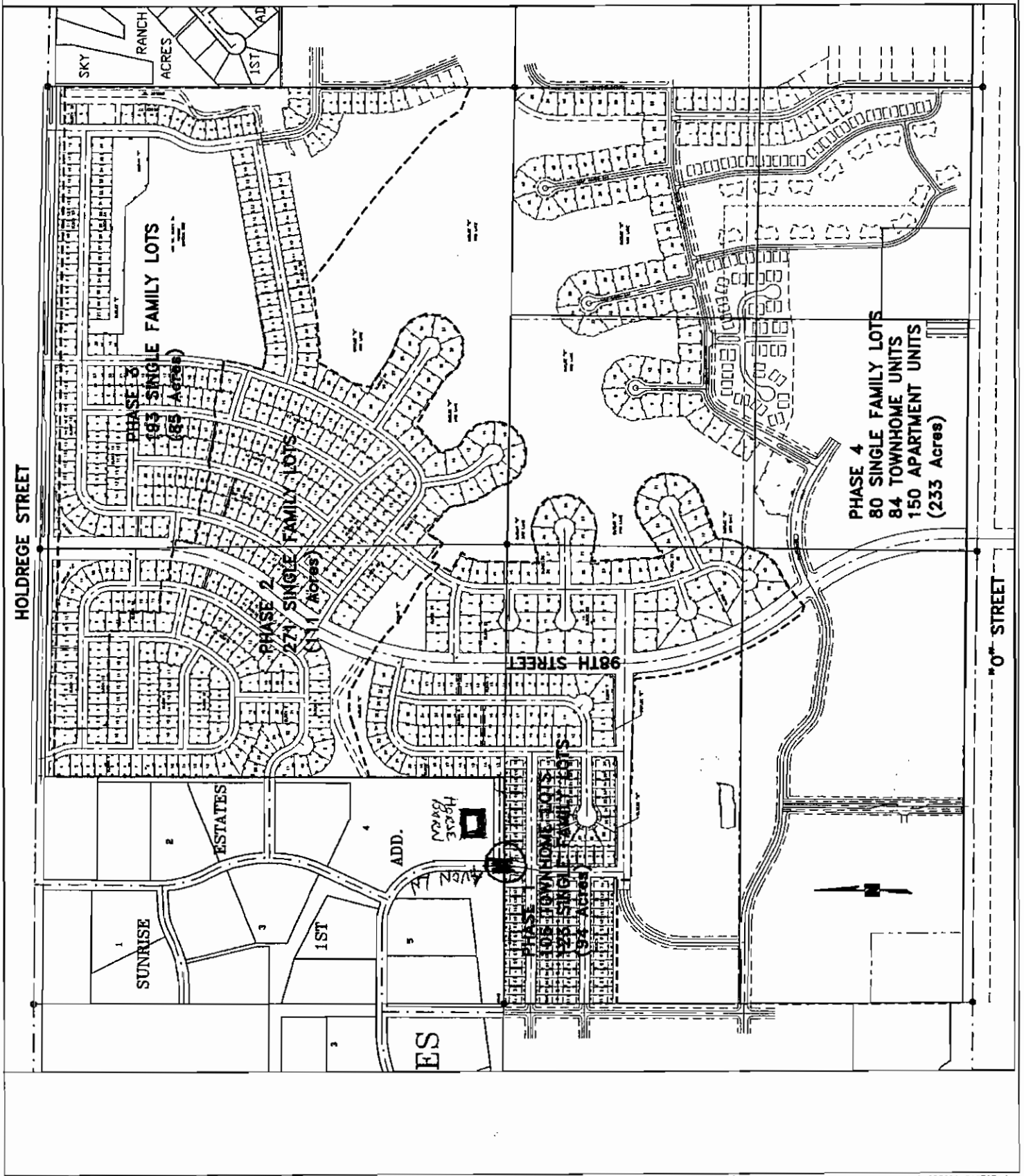
Dan Howe
President
Sunrise Estates Association

#	SUNRISE HOME OWNER		ADDRESS	SIGNATURE
1	Adamek, Bob	Chris	9500 Eastview Road	Chris Adamek
2	Anderson, Mike	Kathy	9201 Avon Lane	Kathy Anderson
3	Anderson, Gordon	Phyllis	9301 Duane Lane	Gordon & Phyllis Anderson
4	Beeck, Jerry		1241 Linwood Lane	Jerry Beeck
5	Berlowitz, Stan	Linda	9300 Avon Lane	Stan & Linda Berlowitz
6	Bode, Dick	Karen	8701 Avon Lane	Dick & Karen Bode
7	Bussey, Steve	Deb	1001 N 88 Street	Steve & Deb Bussey
8	Dweikat, Ismail	Sally McKenzie	940 N 88 Street	Ismail & Sally McKenzie
9	Finkner, Arnold	Darlene	8700 Avon Lane	Arnold & Darlene Finkner
10	Floyd, Gary	Sarah Kohlhof	8900 Avon Lane	Gary & Sarah Kohlhof
11	Furman, Bob	Nancy	1240 Linwood Lane	Bob & Nancy Furman
12	Halstead, Danny	Shelly	901 N 92 Street	Danny & Shelly Halstead
13	Halvorsen, Dave	Joyce	1400 Linwood Lane	Dave & Joyce Halvorsen
14	Hansen, John	Becky	9200 Avon Lane	John & Becky Hansen
15	Harper, John	Debby	9031 Avon Lane	John & Debby Harper
16	Hoback, Bob	Louayne	1101 Linwood Lane	Bob & Louayne Hoback
17	Howe, Dan	Donna	1001 N 92 Street	Dan & Donna Howe
18	Hruska, Ron	Robin	8831 Avon Lane	Ron & Robin Hruska
19	Kramer, Mark	Sue	1000 N 88 Street	Mark & Sue Kramer
20	Lionberger, John	Kaz	9340 Duane Lane	John & Kaz Lionberger
21	McPike, Brian	Christine	9440 Duane Lane	Brian & Christine McPike
22	Patel, Ketan	Jagruti	1340 Linwood Lane	Ketan & Jagruti Patel
23	Raybould, Pat	Janet	9501 Eastview Road	Pat & Janet Raybould
24	Rhone, Jeff	Kelly	9400 Avon Lane	Jeff & Kelly Rhone
25	Schuette, Dennis	Lynn	9401 Avon Lane	Dennis & Lynn Schuette
26	Stinson, Mark	Tracy	9431 Avon Lane	Mark & Tracy Stinson
27	Thurmond, Bill	Sandy	1040 N 92 Street	Bill & Sandy Thurmond
28	Walton, Dennis	Valerie	1401 Linwood Lane	Dennis & Valerie Walton

NUON LANE / SANDS LOPE RD.



020



\P\PROJECTS\990305\DWG\UTL\5AN02.DWG 1-18-01 10744 pm EST

ITEM NO. 4.2a,b,c: ANNEX.04003
CHANGE OF ZONE 04019
PREL. PLAT NO. 04011
(p.339 - Cont'd Public Hearing - 03/16/05)

**Sunrise Estates
1001 North 92nd Street
Lincoln, NE 68505**

FAX COVER SHEET

DATE: 11-Mar-05

TO: Becky Horner -- City Planning Commission

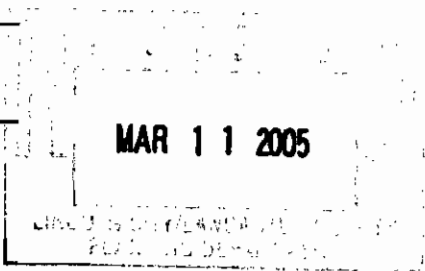
PHONE #: 441-6373

FAX #: 441-6377

FROM: Dan Howe -- Sunrise Estates Community Assoc.

PHONE #: (402) 441- 2580

FAX #: (402) 441- 2595



Number of pages including cover sheet: 2

Comments: Urgent For your review Reply ASAP Please Comment

Becky,

RE: ANNEXATION NO. 04003, CHANGE OF ZONE NO. 04019, AND PRELIMINARY PLAT NO 04011, N 98TH STREET, BETWEEN HOLDREGE & "O" STREETS, WATERFORD ESTATES.

Sunrise Estates would like to formally propose that 98th Street be initially connected from "O" Street to Holdrege Street, and that the northern portion be graveled until later phases of the proposed development.

Please submit the faxed letter to the Planning Commission and Kent Seacrest, Ridge Development Co. If you have any questions regarding this request or the faxed letter, please contact me at 441-2580.

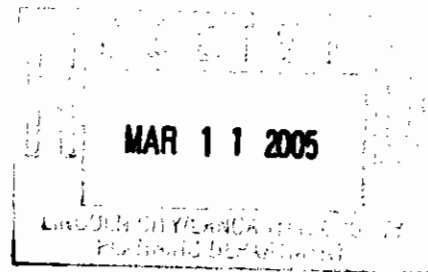
Sincerely,

Daniel R. Howe,
President,
Sunrise Estates Community Association

**Sunrise Estates
1001 North 92nd Street
Lincoln, NE 68505**

March 9, 2005

Lincoln City/Lancaster County Planning Commission
555 South 10th Street,
Lincoln, NE 68508



RE: Waterford Estates/Connecting 98th Street to Holdrege Street

Dear Commissioners:

Waterford Estates is a proposed new development that will eventually progress from "O" Street north to Holdrege Street, and will use 98th Street as the main thoroughfare for the development. Although the right of way for 98th Street must be developed as a routing for the new water main, the northern portion of 98th Street is not planned to be available for use during the initial phases of the new development.

The Waterford Estates development borders Sunrise Estates to the east. Sunrise Estates Community Association would like to formally propose that 98th Street be initially connected to Holdrege Street, and that the northern portion be graveled until later phases of the proposed development. We recommend this for the following reasons:

- 1.) The 98th Street routing must be laid out initially when the utilities are brought in from the north.
- 2.) Placing gravel or rock on the unpaved, northern portions of 98th Street will not be an unreasonable expense to the developers.
- 3.) The northern portion can provide access for emergency vehicles should the southern portion be blocked during an emergency.
- 4.) Construction traffic will help compact the road bed in preparation for future paving.
- 5.) Heavy construction vehicles will not be tempted to take short cuts through Sunrise Estates, which has asphalt streets that are already cracked, and not designed for heavy vehicle traffic.
- 6.) Sunrise Estates is an open area without sidewalks along streets. Sunrise Estates homeowners and adjacent Lincoln residents walk on the shoulder of the street, often as a family outing, complete with baby strollers and pets. Without Waterford Estates development making provision for access to Holdrege to the north, the increased volume of construction and residential traffic will result in a safety hazard.

Please include this recommendation in Planning Commission's requirements for approval of the new development.

Sincerely,

Daniel R. Howe
President
Sunrise Estates Community Association

John D. Harper
9031 Avon Ln
Lincoln, Ne. 68505

March 13,2005

RE: Annexation No. 04003 Meeting, N. 98th
St. between Holdreg and "O" St, Waterford
Estates, March 2, 2005.

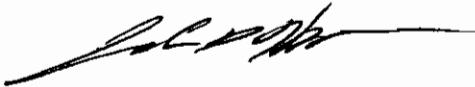
Dear Becky Horner:

I saw a video tape of the Planning Commission meeting on March 2, 2005 for the Waterford Estates, 98th Street between Holdrege and "O" St. Steve Bussey, 1001 N. 88th St., made some comments I would like to respond to.

1. The horse barn area was a requirement of the Planning Commission for Sunrise Estates. This area is currently under review by the Sunrise Estate Board to determine what the options are for this area. The horse barn (metal building) is currently used just for storage and the land is mowed 3 -4 times a year. To figure out a use for this area that would benefit the majority of the 28 homeowners of Sunrise Estates has been discussed since the horse was built. One thought is to subdivide this area into acreage lots and create a buffer between Sunrise And Waterford Estates, than use the revenue to help pay for the infrastructure when someday we get annexed.
2. Steve was concerned about the size of the lots in Waterford Estates. This was an interesting comment from someone that sold off part of his land and now has a row of Townhouses in his back yard. When this was developed several years ago it also created a water runoff problem during heavy rains on Arnold Finkner's lot at 8700 Avon Ln.

I have Jury Duty this week and may not be able to attend Weds. Meeting 3/16/05.

Sincerely,



John D. Harper

