

## **FACTSHEET**

**TITLE:** **CHANGE OF ZONE NO. 06069**, from AG Agricultural District to AGR Agricultural Residential District, requested by Hidden Valley Estates, LLC, on property generally located south of South 112<sup>th</sup> Street and Pine Lake Road.

**STAFF RECOMMENDATION:** Approval

**SPONSOR:** Planning Department

**BOARD/COMMITTEE:** Planning Commission  
Public Hearing: 10/25/06  
Administrative Action: 10/25/06

**RECOMMENDATION:** Approval (9-0: Cornelius, Sunderman, Taylor, Larson, Krieser, Carroll, Strand, Esseks and Carlson voting 'yes').

### **FINDINGS OF FACT:**

1. This change of zone request was heard in conjunction with the associated Hidden Valley Estates Community Unit Plan (Special Permit No. 06061).
2. The purpose of this change of zone request from AG to AGR on 36.009 acres is to permit a total of 26 dwellings on 193.38 acres in the associated community unit plan. This request is not in conformance with the Comprehensive Plan land use map, which shows this area as Agriculture, or the Growth Tiers map, which projects urban development on this land after 2025. However, the proposal does meet the Plan's build-through policies and furthers the Plan's goal for opening up 112<sup>th</sup> Street.
3. The staff recommendation of approval is based upon the "*Analysis*" as set forth on p.4-5, concluding that the "build-through" standards will help enable the opening of 112<sup>th</sup> Street south of Pine Lake Road as specifically called for in the Comprehensive Plan. The dedication of right-of-way for 112<sup>th</sup> Street, both north and south of Pine Lake Road, together with the overall low-density of the associated community unit plan, has convinced the Director of Planning to support this application.
4. The staff presentation is found on p.7.
5. The applicant's testimony is found on p.8-9. The applicant requested two amendments to the conditions of approval on the associated community unit plan, both of which were agreed upon by the staff.
6. There was no testimony in opposition.
7. On October 25, 2006, the Planning Commission agreed with the staff recommendation and voted 9-0 to recommend approval of this change of zone request.
8. On October 25, 2006, the Planning Commission also adopted Resolution No. PC-01025, approving the associated Hidden Valley Estates Community Unit Plan (Special Permit No. PC-06061), with the amendments requested by the applicant.

**FACTSHEET PREPARED BY:** Jean L. Walker

**DATE:** October 30, 2006

**REVIEWED BY:** \_\_\_\_\_

**DATE:** October 30, 2006

**REFERENCE NUMBER:** FS\CC\2006\CZ.06069

**LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT**

**for October 25,2006 PLANNING COMMISSION MEETING**

**PROJECT #:** Change of Zone No. 06069

**PROPOSAL:** From AG Agriculture to AGR Agriculture Residential, generally located at S. 112<sup>th</sup> Street and Pine Lake Road.

**LOCATION:** South of S. 112<sup>th</sup> Street and Pine Lake Road.

**LAND AREA:** 36.009 acres, more or less

**EXISTING ZONING:** AG Agriculture

**WAIVER /MODIFICATION REQUEST:** NA

**CONCLUSION:** Not in conformance with the Land Use or Growth Tiers Maps in the Comprehensive Plan, though built to “Build-Through” standards as called for in the Plan, and will help enable the opening of 112<sup>th</sup> Street south of Pine Lake Road as specifically called for in the Plan. The dedication of right of way for 112<sup>th</sup> Street both north and south of Pine Lake Road, together with the overall low-density of the proposed CUP, a 26 lot Community Unit Plan, has convinced the Planning Director to support this application.

<b><u>RECOMMENDATION:</u></b>	Approval
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**GENERAL INFORMATION:**

**LEGAL DESCRIPTION:**.A portion of Government Lot 2, located in Section 19, T 9 N, R 8 E and a portion of the South ½ of the NE 1/4 of Section 24, T 9 N, R 7 E of the 6<sup>th</sup> P.M., Lancaster County NE. Legal Description attached.

**EXISTING LAND USE:** Golf Course.

**SURROUNDING LAND USE AND ZONING:**

North: Ag land and acreages, zoned AG Agriculture

South: Acreages and ag land to the south, zoned AG Agriculture to the south and AGR to the southwest.

East: Agriculture, Zoned AG Agriculture

West: Agriculture and one farm residence, Zoned AG Agriculture

**ASSOCIATED APPLICATIONS:** Special Permit # 06061, 26 lot Community Unit Plan for Hidden Valley Estates.

**HISTORY:** An AG Community Unit Plan (SP #05031) was approved for 15 lots, in July 2005. Changed from AA Rural and Public Use to AG in 1979.

**COMPREHENSIVE PLAN SPECIFICATIONS:** The 2025 Plan shows this as Agriculture. This is in the Lincoln growth Tier II. The 2025 Comprehensive Plan states:

Currently, acreage development has occurred under two development scenarios: AG - Agricultural District (minimum of 20 acres per lot) and AGR - Agricultural Residential District (minimum of 3 acres per lot) with the possibility in both AG and AGR zoning districts of clustering units together in order to preserve more open space and agricultural areas and/or receive additional density bonuses under a community unit development. The complex issue of acreage development and other public objectives requires a large array of land use strategies (pg F 70)

Acknowledge the "Right to Farm" and preserve areas for agricultural productions throughout the county by designating specific areas in advance for rural residential so as to limit areas of potential conflict between farms and acreages (pg F 70)

Retain the current overall density of 32 dwellings per square mile (20 acre) for all agriculturally zoned land. Provide for an ability to divide two 3 acre lots per "40" acre parcel with conditions and administrative review and right of appeal. This would allow more flexibility for parcel size while retaining the overall density and assist in retaining farmable units of land. (F 70)

In determining areas of higher density rural acreage (200 units or more per square mile), numerous factors will be reviewed, such as but not limited to water and rural water districts, soil conditions, roads, agricultural productivity, land parcelization, amount of existing acreages, and plans for urban or town development. Acreages should develop in areas that best reflect the carrying capacity of that area for acreages. A performance criteria should be developed to review requests for acreage zoning and to determine where these standards can best be met. (F 70)

Development of a performance standard "point system" will allow the location of higher density rural acreage development in either "AG" or "AGR" where the review criteria can be met. This allows equal treatment across the county, maximum freedom of determination of marketing and sale, while locating those developments only in those areas where sufficient "points" can be accumulated to justify the development at the requested location." (F 71)

New 'urban acreage' development should only be permitted in Tier II and Tier III areas of Lincoln and near towns under higher design standards based upon a "build-through" model and without use of sanitary improvement districts. The "build-through" design standards should address, along with other items deemed necessary by the study; • a preliminary plan lot layout that accommodates first phase low density acreages with rural water and sewer systems. The preliminary plat would also show future lot splits as a second phase to permit the urban infrastructure to be built through and urbanization to occur if and when annexed by a city or town is deemed appropriate. The future lot splits will increase density in an urban form and provide income to property owners to defray the increases in city taxes, services and infrastructure costs; • a lot layout that meets the various elements of the Comprehensive Plan; and • a development agreement that runs with the land and acknowledges that the acreage development (i) is not entitled to extra buffering protection greater than the acreage property lines from existing agricultural practices and from future urbanization and (ii) waives any future right to protest the creation of lawful centralized sanitary sewer, water and paving special assessment districts or other lawful financing methods at a later date when urbanization is appropriate. (F71)

The County Road Plan indicates some "road widenings" for those existing two lane paved roads that are no longer adequate for today's traffic volumes. The County's road improvement plan also includes new railroad viaducts planned near Hickman and Firth to address increasing competition at rail crossings from both rail and vehicular traffic.

New roadway openings included in this Plan provide for continuity in the road system and better serve the adjacent areas. These segments include:

- 98th Street, A Street to "O" Street
- 98th Street, "O" Street to Holdrege Street
- 98th Street, Adams Street to Fremont Street
- 112th Street, Pine Lake Road to Yankee Hill Road

This brief explanation of County road improvements and the different levels of traffic volumes that trigger those improvements is an attempt to show that, generally, there exists a fairly orderly approach to project planning, programming and completion of the appropriate improvement. This methodical approach does, however, become threatened when development precedes the improvements and becomes the controller of priorities and the limited fiscal resources available for road improvements. New development should locate along those facilities that have already received improvements capable of supporting such development. The Future County Road Improvements Plan shows county roads which are candidates for paving in the future. (F 114)

**UTILITIES:** There are no utilities in the area. Lancaster Rural Water is proposed to be extended to serve this area.

**TOPOGRAPHY:** .Gently rolling hills, falling off to the north and east

**TRAFFIC ANALYSIS:** Pine Lake Road is paved to this location and is shown as Potential Paving in the Comprehensive Plan and for ROW in the County 1-6 CIP. S. 112th Street is a gravel county road shown as Potential Paving in the Comprehensive Plan.

**PUBLIC SERVICE:** This area is served by the Cheney School District #153, the Bennet Rural Fire District (station in Bennet, about 7 miles distant, with Basic Life Support), and is in the Norris Public Power District service area.

**REGIONAL ISSUES:** Acreage development, rural sprawl, clustering and build-through, streets.

**ENVIRONMENTAL CONCERNS:** Drainage way and pond on the site. An existing golf course. Soil rating is 5.76 on a scale of 1 - 10 where 1 - 4 is prime. No historic resources are noted, however, the 1862 Steam Wagon Road was located on or near this property.

**AESTHETIC CONSIDERATIONS:** n/a

**ALTERNATIVE USES:** An existing final plat based on the prior AG CUP is in the office for 15 lots (withdrawn). Farming and golf course special permit.

**ANALYSIS:**

1. This request is for a Change of Zone from AG to AGR on a 36.009 acre parcel. This change of zone to AGR is sized to permit a total of 26 dwellings on 193.38 acres in the associated Hidden Valley CUP.
2. During early review discussions between the developer and City and County Staff, the applicant proposed to acquire, at his expense, an additional 2-3 acres of ROW on the northeast corner of 112<sup>th</sup> and Pine Lake Road. The County Engineer and Public Works and Utilities Director advised that this was highly desirable as the extension of 112<sup>th</sup> Street to the south will need to be shifted to the east to avoid drainage issues and would eventually need to be purchased by the City or County. Accomplishing this shift by the private land

acquisition now saves future cost and meets the future need as well as the needs for a properly designed road. The increase in lot yield from 15 lots under AG/CUP to 26 lots based on approving the requested area of AGR provides sufficient resources to the developer for this to happen.

3. This request is not in conformance with the Lincoln-Lancaster County Comprehensive Plan land use map which shows this as Agriculture or the Growth Tiers map which projects urban development on this land after the year 2025. However, it does meet the Plan's build-through policies, and does further the Plan's goal for opening up 112<sup>th</sup> Street.
4. The associated application for an AGR/AGCUP, has a community waste treatment system and Rural Water.
5. Some acreage review issues can be addressed in this report:
  - a) Water/rural water,  
Lancaster Rural Water is proposed to be extended
  - b) Road access and paving,  
Pine Lake Road is a paved county road to this location. Pine Lake Road east of this is proposed for engineering in the County 1&6 CIP. S.112th Street is gravel county road shown as future potential paved.
  - c) Soil rating,  
The soil is not prime ag land of the county.
  - d) Development of the area/land parcelization,  
The surrounding land in this area is a mix of parcel sizes, many are of 10 and 20 acres.
  - e) Existing acreages,  
There are areas of acreage development to the north and south.
  - f) Conflicting farm uses,  
There are no conflicting farm uses noted in a field check.
  - g) Environmental issues,  
There are drainage issues on the site
  - h) Impact on other governmental entities,  
This will increase demand for service on the Sheriff, Rural Fire, School, roads and others. The level of impact is not known. However, the associated CUP locks in a gross density which is much closer to AG than AGR. The proposal should reduce future City/County costs by acquiring needed ROW at the northeast corner of 112<sup>th</sup> Street and Pine Lake Road.

I) Plans of other towns,  
N/A

Prepared by:

Mike DeKalb  
441-6370, [mdekalb@lincoln.ne.gov](mailto:mdekalb@lincoln.ne.gov)  
Project Manager

**DATE:** October 12, 2006

**APPLICANT:** John Schleich, co manager  
Hidden Valley Estates, L.L.C.  
10501 Pine Lake Road  
Lincoln, NE 68512  
(402) 436-3444

**OWNER:** Hidden Valley Estates, L.L.C.  
10501 Pine Lake Road  
Lincoln, NE 68512  
(402) 436-3444

**CONTACT:** Mike Eckert  
Civil Design Group, Inc  
3901 Normal Blvd, Suite 203  
Lincoln, NE 68506  
(402) 434-8494

**CHANGE OF ZONE NO. 06069  
and  
SPECIAL PERMIT NO. 06061,  
HIDDEN VALLEY ESTATES COMMUNITY UNIT PLAN**

**PUBLIC HEARING BEFORE PLANNING COMMISSION:**

October 25, 2006

Members present: Krieser, Taylor, Cornelius, Sunderman, Strand, Larson, Esseks, Carroll and Carlson.

Staff recommendation: Approval of the change of zone and conditional approval of the community unit plan.

Ex Parte Communications: None.

Staff presentation: Mike DeKalb of Planning staff presented this proposal which is located in the Hidden Valley Golf Course area at S. 112<sup>th</sup> and Pine Lake Road. There are actually two sizes of parcels involved. The change of zone is a smaller parcel within the area of the golf course from AG to AGR, and the CUP covers the entire golf course area. He noted that the staff recommendation on the change of zone to AGR is approval on 36.09 acres, and the primary reason for recommending approval is that this change of zone and development will facilitate the future road improvements in the County. The applicant has offered to acquire an additional 2-3 acres of right-of-way on the northeast corner of 112<sup>th</sup> and Pine Lake Road in order to shift the road around the wetland and creek, and this will alleviate some bridge problems. Public Works and the County Engineer are both in support. Accomplishment of this shift by the private land acquisition now saves future cost and meets the future need as well as the needs for a properly designed road.

The community unit plan includes 193 acres, with cluster of 26 lots basically in the area zoned AGR.

Sunderman sought clarification as to why the change of zone acreage is different than the community unit plan. DeKalb explained that the applicant is only asking for enough change in density to get the number of units to justify acquiring additional land on the north end. Sunderman confirmed that the CUP will go off the AGR onto AG. DeKalb concurred that the CUP will be a blend of density of AG and AGR.

Carlson confirmed that the CUP will be platted with build-through. DeKalb confirmed that the CUP will need to comply with some of the build-through requirements, which relates to the staff recommendation to deny the waiver of street lighting, sidewalks and street trees.

Carlson inquired as to the staging of the access road. The road with the lots appears to come up 112<sup>th</sup> Street to the east. DeKalb demonstrated at the map. They are proposing an at-grade crossing. The conditions of approval suggest relocating it to the quarter mile line.

Strand inquired whether the applicant has purchased the additional 2-3 acres of right-of-way. DeKalb believes they have an agreement for contract but did not know whether it had been consummated.

Esseks noted that this development will have a community sewer system, yet later on today's agenda (West Van Dorn Heights), the staff is recommending denial of a project with a package wastewater system. He asked DeKalb to distinguish the difference between the two systems and why staff is recommending denial of West Van Dorn Heights. DeKalb stated that the package systems are being seen more and more. They are less expensive and are being approved by NDEQ. The recommendation to deny West Van Dorn Heights is not based strictly on there being a package system. With the type of density in Hidden Valley Estates, they have to have that package plant because of the existing condition.

### Proponents

**1. Kent Seacrest** appeared on behalf of **Hidden Valley Estates, LLC**. He submitted that golf course lots are very popular in Lincoln and that we are virtually out of them. This group wants to make lots of improvements and build a brand new clubhouse. They explored with staff not only bringing in a lot of golf course lots, but also bringing in the neighbor to the west and annexing and doing city water. Staff was not comfortable with that big annexation package, so as a result this development went into the compromise mode.

The developer has worked with staff from 75 lots down to 26 lots, with a combination of AG and AGR. The real benefit is that this proposal dedicates right-of-way through an active golf course for 112<sup>th</sup> Street. Where 112<sup>th</sup> Street comes in, there is about 200' of creek, so the city and county suggested shifting 112<sup>th</sup> Street over to avoid a massive public expenditure, the 404 permit process and about 230' feet of creek. In return for the 112<sup>th</sup> Street right-of-way, this developer is required to build a brand new hole, rebuild three golf course holes, and relocate three irrigation wells and many irrigation lines. This has been a major achievement by the staff to get right-of-way through an active golf course and the developer's willingness to contribute the right-of-way costs north off their site. The city will not have to pay for damages to the golf course and the developer had to give up 49 golf course lots. The developer, however, does support the compromise.

**2. Mike Eckert of Civil Design Group** provided a new layout and proposed amendments to the conditions of approval. They are showing a future build-out scenario across 112<sup>th</sup> Street. They have made some connection spurs from the lots to a property owner to the east, and also a connection spur from the lots back to 112<sup>th</sup> Street. They have an understanding with staff that staff will never force that connection as long as there is an existing golf course.

With regard to the confusion on the package plant, Eckert pointed out that one of the memos in the staff report was in relation to a discussion the developer had had at one point about annexing the whole area, which meant they would live off of city water but have a package plant for the entire development. That is when staff was not comfortable. They are still proposing a package plant but it will be much smaller for the 26 lots. There are no issues with odor. If they were to do lagoons, they would have to have a 7-acre lagoon. A package plant is contained underground. Rural water is acceptable. They do have a letter from the rural water district approving 26 lots.

With regard to the road alignment, Eckert noted that there are some flood prone and floodplain areas that would require a bridge. However, they were able to get the road realigned, and then as the development goes to the south, the road weaves back. They need to avoid the green at the bottom. They had to shift it a little bit to the west, but it will eventually come back into the section line.

The applicant submitted a motion to amend Condition #4.1.1.13:

Show the gas line easement ~~and a 235 foot buffer.~~

This requirement to show a buffer was requested by the Health Department; however, this proposal does not show any lots in that area whatsoever so there is no need to provide a buffer.

The applicant submitted a motion to amend Condition #4.1.1.15:

Note or show ~~the~~ a fire fighting reserve tanks (with a minimum capacity of 10,000 gallons) and dry hydrants pumping fixture approved by the Bennet Rural Fire Department.

Seacrest noted that whenever the Bennet Rural Fire Department sees urban style lots, they request and recommend, but cannot enforce, a storage tank on-site. Their trucks will come to the site full of water. The reserve tank is a backup. The developer agrees to provide the reserve tank. Only one tank is needed for 26 lots.

Carlson inquired whether the roadway is elevated. Do you build underpasses? How do you get the pedestrians and golf carts from one side of the street to the other side of the street? Seacrest's response was that this has not yet been engineered.

There was no testimony in opposition.

DeKalb agreed with the amendment to Condition #4.1.1.15. The staff concern is that there be a backup system.

Scott Holmes of the Health Department agreed with the proposed amendment to Condition #4.1.1.13.

**CHANGE OF ZONE NO. 06069**

**ACTION BY PLANNING COMMISSION:**

October 25, 2006

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

**SPECIAL PERMIT NO. 06061**

**ACTION BY PLANNING COMMISSION:**

October 25, 2006\

Carroll moved to approve the staff recommendation of conditional approval, with amendments requested by the applicant, seconded by Strand and carried 9-0: Krieser, Taylor, Cornelius,

Sunderman, Strand, Larson, Esseks, Carroll and Carlson voting 'yes'. This is final action, unless appealed to the City Council.



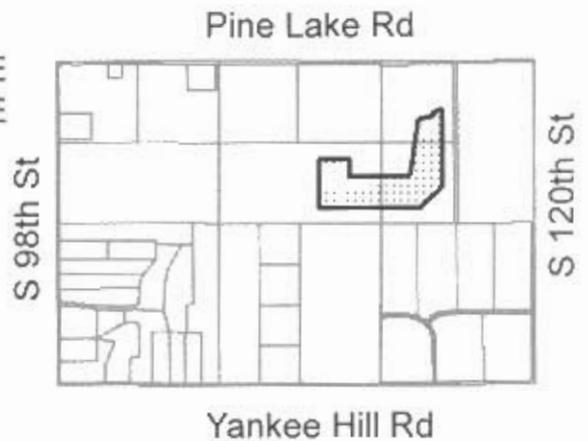
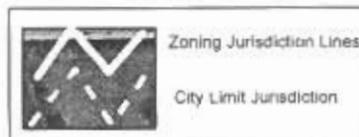
**Change of Zone #06069  
Hidden Valley Estates  
S 112th St & Pine Lake Rd**

2005 aerial

**Zoning:**

- R-1 to R-4 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 Miles  
Sec. 24 T09N R07E  
Sec. 19 T09N R08E





Revised

**HIDDEN VALLEY ESTATES  
CHANGE OF ZONE 'AG' TO 'AGR'**

**Change of Zone #06069  
Hidden Valley Estates  
S 112th St & Pine Lake Rd**

A legal description of a 36.009 acre tract of land which is located within a portion of Government Lot 2, Section 19 Township 9 North Range 8 East of the Sixth Principal Meridian, and a portion of the South one half of the Northeast Quarter of Section 24 Township 9 North Range 7 East of the Sixth Principal Meridian, Lancaster County, Nebraska. Said Tract of land shall be more particularly described by metes and bounds as follows.

Commencing at the Northwest corner of Section 19 Township 9 North Range 8 East of the Sixth Principal Meridian, Lancaster County, Nebraska; Thence North 89°42'50" East, (an assumed bearing) on the North line of Section 19, a distance of 1258.81 feet; Thence South 00°01'35" West, on the East line of Government Lot 2, a distance of 794.80 feet; Thence North 89°58'25" West, a distance of 249.79 feet to the POINT OF BEGINNING; Thence South 00°00'00" East, a distance of 1248.42 feet; Thence South 46°46'56" West, a distance of 503.33 feet; Thence South 90°00'00" West, a distance of 1652.97 feet; Thence North 00°00'00" East, a distance of 803.53 feet; Thence North 90°00'00" East, a distance of 493.00 feet; Thence South 00°00'00" West, a distance of 291.84 feet; Thence North 90°00'00" East, a distance of 994.97 feet; Thence North 08°35'26" East, a distance of 946.63 feet; Thence North 82°01'27" East, a distance of 245.16 feet; Thence North 12°21'52" West, a distance of 64.28 feet; Thence North 73°14'49" East, a distance of 168.53 feet, to the POINT OF BEGINNING, and containing a calculated area of 1,568,535.74 Square feet or 36.009 acres more or less.

**Special Permit #06061  
Hidden Valley Estates CUP  
S 112th St & Pine Lake Rd**

**HIDDEN VALLEY ESTATES  
'AG' COMMUNITY UNIT PLAN**

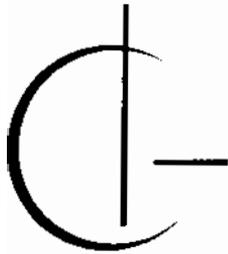
A survey of Government Lot 2, and Lots 5 and 6, Irregular Tracts located in the North one half of Section 19 Township 9 North Range 8 East of the Sixth Principal Meridian, along with Lot 33 Irregular Tract, and the South one half of the Northeast Quarter of Section 24 Township 9 North Range 7 East of the Sixth Principal Meridian, Lancaster County, Nebraska. More particularly described by metes and bounds as follows.

Commencing at the North one Quarter of Section 24 Township 9 North Range 7 East of the Sixth Principal Meridian, THENCE South 00 degrees 01 minutes 22 seconds East (an assumed bearing) a distance of 50.08 feet a point on the South right of way of Pine Lake Road and the POINT OF BEGINNING;  
THENCE South 89 degrees 46 minutes 08 seconds East for a distance of 1326.57 feet on the South right of way of Pine Lake Road;  
THENCE South 00 degrees 03 minutes 54 seconds West for a distance of 1268.33 feet on the South line of Lot 32 Irregular Tracts;  
THENCE South 89 degrees 47 minutes 36 seconds East for a distance of 1326.21 feet on the East line of Lot 32 Irregular tracts, and the East line of the Northeast quarter of Section 24;  
THENCE North 00 degrees 05 minutes 24 seconds East for a distance of 1242.73 feet on the South right of way of Pine Lake Road;  
THENCE North 89 degrees 42 minutes 53 seconds East for a distance of 440.33 feet on the said South right of way;  
THENCE North 63 degrees 03 minutes 34 seconds East for a distance of 55.73 feet on the South right of way of Pine Lake Road;  
THENCE North 89 degrees 42 minutes 48 seconds East for a distance of 706.93 feet on said right of way;  
THENCE North 00 degrees 03 minutes 27 seconds East for a distance of 49.98 feet to a point on the North line of the North one half of Section 19 Township 9 North Range 8 East;  
THENCE North 89 degrees 41 minutes 25 seconds East for a distance of 59.93 feet to the Northeast corner of Lot 6 Irregular tract;  
THENCE South 00 degrees 01 minutes 35 seconds West for a distance of 2636.95 feet on the East line of Lot 6 Irregular Tract to the Southeast corner of said Lot 6 Irregular Tract;  
THENCE South 89 degrees 47 minutes 04 seconds West for a distance of 1259.45 feet on the South line of the North One half of Section 19, to the East One Quarter corner of Section 24 Township 9 North Range 7 East;  
THENCE North 89 degrees 49 minutes 01 seconds West for a distance of 2651.68 feet on the South line of the Northeast Quarter of Section 24, to the Center 1/4 Corner;  
THENCE North 00 degrees 02 minutes 29 seconds East for a distance of 2587.59 feet on the West line of the Northeast Quarter of Section 24, to the POINT OF BEGINNING, Said property contains 8,423,853.92 square feet or 193.385 acres more or less.

EXCEPT

A 36.009 acre tract of land which is located within a portion of Government Lot 2, Section 19 Township 9 North Range 8 East of the Sixth Principal Meridian, and a portion of the South one half of the Northeast Quarter of Section 24 Township 9 North Range 7 East of the Sixth Principal Meridian, Lancaster County, Nebraska. Said Tract of land shall be more particularly described by metes and bounds as follows.

Commencing at the Northwest corner of Section 19 Township 9 North Range 8 East of the Sixth Principal Meridian, Lancaster County, Nebraska; Thence North 89°42'50" East, (an assumed bearing) on the North line of Section 19, a distance of 1258.81 feet; Thence South 00°01'35" West, on the East line of Government Lot 2, a distance of 794.80 feet; Thence North 89°58'25" West, a distance of 249.79 feet to the POINT OF BEGINNING; Thence South 00°00'00" East, a distance of 1248.42 feet; Thence South 46°46'56" West, a distance of 503.33 feet; Thence South 90°00'00" West, a distance of 1652.97 feet; Thence North 00°00'00" East, a distance of 803.53 feet; Thence North 90°00'00" East, a distance of 493.00 feet; Thence South 00°00'00" West, a distance of 291.84 feet; Thence North 90°00'00" East, a distance of 994.97 feet; Thence North 08°35'26" East, a distance of 946.63 feet; Thence North 82°01'27" East, a distance of 245.16 feet; Thence North 12°21'52" West, a distance of 64.28 feet; Thence North 73°14'49" East, a distance of 168.53 feet, to the POINT OF BEGINNING, and containing a calculated area of 1,568,535.74 Square feet or 36.009 acres more or less.

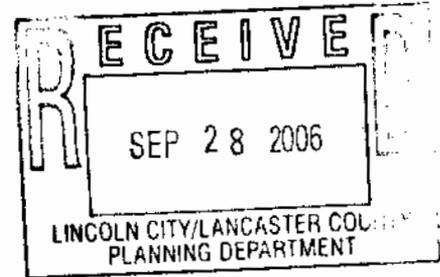


# Civil Design Group, Inc.

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

September 27, 2006

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



**Re: Hidden Valley Estates – AG & AGR Community Unit Plan (CUP), limited Change of Zone from 'AG' to 'AGR', and Amendment of Pre-existing Special Permit #14. Generally located at S. 112<sup>th</sup> & Pine Lake Road CDG Project No. 2005-0006**

Dear Marvin:

On behalf of Hidden Valley Estates, L.L.C. we submit the above mentioned application for your review. Hidden Valley Estates lies completely within the city of Lincoln's three-mile jurisdiction and is located in Tier 2 of the City of Lincoln's grown pattern. As we have discussed, the development of Hidden Valley Estates CUP within the confines of Hidden Valley Golf Course represents a unique opportunity for the City of Lincoln and Lancaster County to secure an entire ½ mile section of ROW for the future arterial (112<sup>th</sup> Street) that does not exist on this section of land today. The ROW required for this future major arterial is presently absent between Yankee Hill Road and Pine Lake Road and is a concern to Public Works and the County Engineer as it relates to the ultimate execution of the Long Range Transportation Plan (LRTP) in Comprehensive Plan.

The approval of this CUP will now provide the means for the city and county to secure the necessary ½ mile of ROW through this property, greatly enhancing the ability to satisfy the goals of the LRTP and provide conformance with Comprehensive Plan. Not only has this potential development presented the opportunity to secure the ROW, but it has also allowed us to work diligently with Public Works and the County Engineer to locate and design 112<sup>th</sup> Street and its ROW so that it avoids crossing a very large segment of the newly mapped "floodprone" area adjacent to Pine Lake Road where 112<sup>th</sup> Street currently terminates on the north side of Pine Lake Road.

Therefore, we are proposing an AG & AGR CUP on approximately 196.58 gross acres which is a compilation of 160.58 acres of AG zoning and a Change of Zone from AG to AGR on 36.0 acres located on an interior portion of the existing golf course. This CUP will provide for the future dedication of 120' of ROW for 112<sup>th</sup> Street from Pine Lake Road to our southern property line. We are showing a permitted density of 26 single family lots as part of this AG & AGR CUP to be clustered in the eastern portion of the golf course with each lot containing approximately 0.22 acre. We are achieving a density of 26 units with the use of a 20% bonus for clustering/urban reserve component and 20% for community wastewater system. All lots will receive potable water from Lancaster Rural Water District #1 and will sewer into a community wastewater treatment plant located on the northeast corner of the property. The private roadways will be constructed to meet Lancaster County BTA design standards and we have

shown how Hidden Valley Drive can be extended to the south and west in the future to accommodate future urban build-through while preserving the existing golf course operations. The "Acreage Development Component" of the project is 10.5% of the area of the AG & AGR CUP.

Additionally, we are requesting an Administrative Amendment to Pre-existing Special Permit #14 for a recreational golf course that exists on the property today. The amendment will effectively remove the land containing the 26 single-family residential lots from Special Permit as they will no longer function as part of the golf course operations applicable to the special permit. We are requesting that the private roadways to be built with the residential lots, Outlots "B" and "E" remain in the Special Permit as golf carts, patrons and maintenance employees of the course will need to cross these outlots to move from hole to hole on the course.

We are requesting the following waivers: To the Land Subdivision Ordinance to waive sidewalks, street trees, street lighting, landscape screening, block length, Preliminary Plat (as this area will not be annexed into the City of Lincoln at this time), and to the Zoning Ordinance requirements for a CUP in the BTA that requires that all future road connections, (including 112<sup>th</sup> Street) be graded for future urban development. The last waiver is requested due to the unique circumstances present on this CUP – that it will be overlaid on an existing, operational golf course. Grading these areas would destroy several operational golf holes that need to continue to function as they exist today.

In conjunction with this submittal letter we submit the following information:

- 24 copies of Sheet 1 thru 2
- 8 copies of Sheet 3 thru 8
- Application for a Special Permit – City of Lincoln
- Application for a Change of Zone – City of Lincoln
- Application for an Administrative Amendment – City of Lincoln
- Change of Zone and CUP Application Fees - \$1,270.00
- Administrative Amendment Fees - \$125.00
- Certificate of Ownership
- Letter from Lancaster Rural Water for 26 lots.
- 8-1/2" x 11" reductions of the plans.

I hope that this letter in conjunction with the plans provide you with enough information to review our requests. In an effort to facilitate the review process, please feel free to call me at (402) 434-8494 so that I can address any questions you may have.

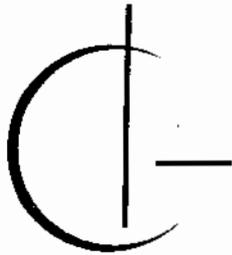
Sincerely,



Mike Eckert, AICP

Encl/jds

cc: Hidden Valley Estates, L.L.C.



# Civil Design Group, Inc.

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

September 27, 2006

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

Re: Withdrawal of Pending Special Permit #05031 for Hidden Valley Estates  
Refund of application fees  
N. 112<sup>th</sup> & Pine Lake Road

Dear Marvin:

On behalf of Hidden Valley Estates, L.L.C., we request that the application of Special Permit #05031 for Hidden Valley Estates submitted in May of 2005 by Brian D. Carstens & Associates be withdrawn and removed from the pending list of the Lincoln Lancaster County Planning Commission. This application is no longer needed.

In association with this request we would like to request that a refund of all fees submitted with this application. Please make the applicable check out to "Hidden Valley Estates, LLC" in our attention at our address.

If you have questions regarding these requests please feel free to call me at (402) 434-8494. Thank you for your assistance in this matter.

Sincerely,

Mike Eckert, AICP

cc: Hidden Valley Estates

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**CITY OF LINCOLN  
NEBRASKA**

**MAYOR COLEEN J. SENG**

lincoln.ne.gov

Public Works and Utilities Department

Karl Fredrickson, Director

555 South 10th Street

Suite 203

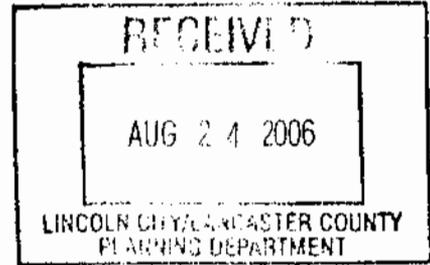
Lincoln, Nebraska 68508

402-441-7548

fax: 402-441-8609

August 23, 2006

Developments Unlimited  
c/o Kent Seacrest  
1111 Centennial Mall, Suite 350  
Lincoln, NE 68508



RE: Hidden Valley Development

Dear Kent;

Representatives of the Planning and Public Works/Utilities Departments have discussed the options surrounding the development proposals at the Hidden Valley Golf Course, which you last presented at the July 28 meeting with the Mayor. It is our position that the City should not annex the property at this time, and also should not support re-zoning the property to allow a development with over 70 urban-density lots outside the city limits.

There are several factors involved in our decision, an important one of which is the proposed package sewer treatment system. Package treatment plants locally and nationally continue to be prone to failures. While we applaud the effort to think "green" by proposing to use the effluent for irrigation, we are concerned that the soil types in this area will not sustain the salt loading over time. The adopted policy for urban development allows temporary pump stations and force mains to advance projects, and we are concerned that the package treatment plant would set a precedent and raise expectations for similar projects at other locations around the city's fringe. Even if the project is set up with legal documents obligating the homeowners to maintain and repair or replace this system, history tells us that city residents will expect city government to solve their problems.

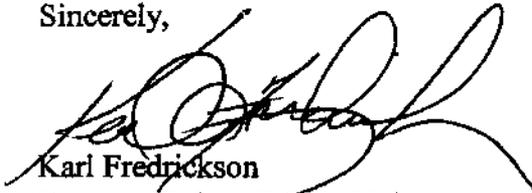
As a stand-alone project outside the city limits, the proposed development is inconsistent with the Comprehensive Plan, which calls for urban development to occur inside municipal limits and with municipally supplied services. Lincoln ratepayers are being asked to support significant increases in fees in order to expand the infrastructure to serve new growth areas. The City has annexed 3.5 square miles of land in the past year to accommodate urban growth. Lincoln Public Schools is spending a quarter billion dollars to serve projected growth needs in their district which has expanded along with the City. Those investments become threatened if at the same time we modify our policies and encourage urban lots around the city's edge which will not help pay for those investments.

Developments Unlimited  
August 8, 2006  
Page 2

We share the County Engineer's interest in finding a safe and cost-efficient solution to extending 112th Street south of the intersection with Pine Lake Road. We appreciate your efforts to work with the property owner north of Pine Lake Road on a possible realignment of the intersection to the east of the current T-intersection, and your offer to dedicate the necessary right-of-way on either side of Pine Lake Road as part of your project. However, this offer does not outweigh the problems with approving urban-density development at this location.

We would be glad to work with you further on options for utilizing the cluster provisions under the current AG zoning, in a way that satisfies current traffic safety requirements as well as reserving the right of way on your client's property for the ultimate extension and improvement of 112th Street. Please let us know if you would like to meet on this or have any questions.

Sincerely,

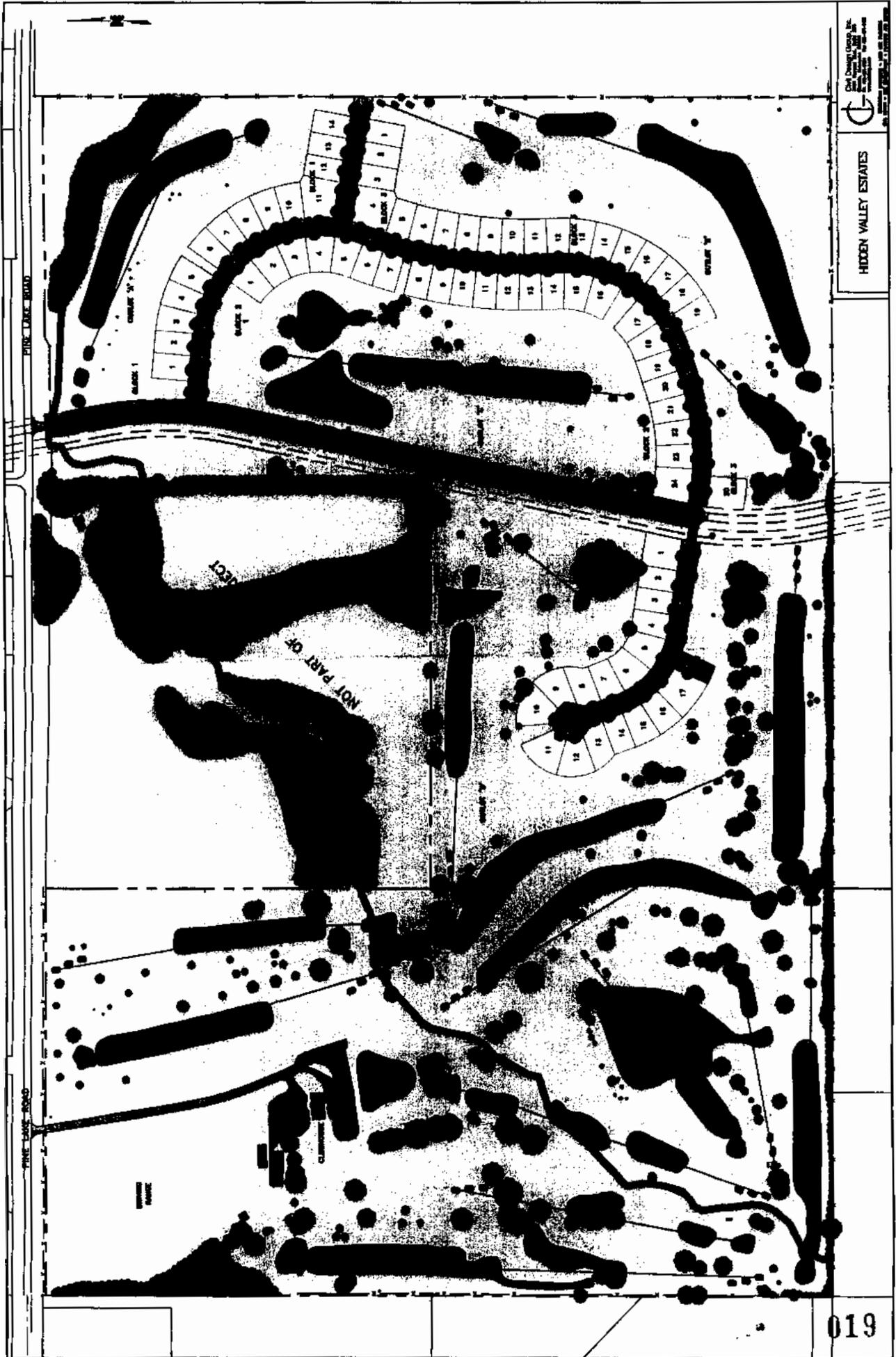


Karl Fredrickson  
Director, Public Works/Utilities



Marvin S. Krout  
Director, Planning Department

cc: Mayor Seng  
Mark Bowen



City of Chicago, Illinois  
Department of Public Works  
Engineering Division  
100 North Dearborn Street, Chicago, IL 60610

HIDDEN VALLEY ESTATES

