FACTSHEET

TITLE: SPECIAL PERMIT NO. 17022 - Dominion at Stevens Creek Community Unit Plan with up to 433 residential dwelling units with requested waivers. (O Street and North 112th Street)

APPLICANT: Starostka-Lewis, LLC

STAFF RECOMMENDATION: Conditional Approval

SPONSOR: Planning Department

RECOMMENDATION: Conditional Approval (7-0: Edgerton, Finnegan, Joy, Harris, Washington, Corr and Scheer voting 'yes'; Beckius and Hove absent).

OTHER DEPARTMENTS AFFECTED: N/A

Approval

REASON FOR LEGISLATION:

This is a request for a new Community Unit Plan (CUP) to develop up to 433 single family lots on approximately 153.97 acres. Four phases in total are proposed with road connections to O Street and North 112th Street and existing adjacent subdivisions. 74 single family lots are proposed for the first phase of the development. Significant open space would be preserved in the northeast part of the development where there is floodplain. Office zoning is proposed along O Street in the Pipeline Planning Area and is outside the area of the CUP.

DISCUSSION/FINDINGS OF FACT:

1. This special permit request, the associated Annexation No. 17007 (Bill #18-2), and Change of Zone No. 17015 (Bill #18-3), were heard at the same time before the Planning Commission. In addition, there is an associated amendment to the Annexation Agreement (Bill #18R-11) which is being prepared by the Law Department.

2. The staff recommendation to approve the special permit, as set forth in the revised conditions of the staff report dated November 2, 2017, is based upon the “Analysis” as set forth on pp.2-3, concluding that this proposal will have R-3 zoning similar to Waterford Estates to the west and will have residential lots at urban density consistent with other R-3 CUP developments. The waivers to the Subdivision Ordinance for block length and to allow for side lot lines relative to the street right of way lines are supportable given the subdivision design. The waiver to the Design Standards to allow sanitary sewer mains to run opposite the street grades is a common waiver request. The staff presentation is found on pp.19-21.

3. Testimony on behalf of the applicant is found on pp.21-22. There was no testimony in support of this application. Testimony in opposition can be found on pp.22-23. To access the public comments and all other documentation on this proposed special permit, go to the following link www.lincoln.ne.gov and insert PATS as the keyword. Click on the “Selection Screen” and “featured Links”, type in the application number (i.e. SP17022); click on “Search”, then “Select” and go to “Related Documents”. The applicant’s rebuttal is found on p.25.

4. On November 15, 2017, the Planning Commission voted 7-0 to adopt Resolution No. PC-01575, approving the requested special permit, as set forth in the revised conditions of the staff report dated November 2, 2017, and agreed upon by the applicant.

5. On November 15, 2017, the Planning Commission voted 7-0 to recommend conditional approval of the associated Annexation No. 17007 (Bill #18-2), as set forth in the revised staff report November 2, 2017, and voted 7-0 to recommend conditional approval of the associated Change of Zone No. 17015 (Bill #18-3), as set forth in the staff report dated November 2, 2017.
6. On November 16, 2017, a letter of appeal was filed by Mark Hunzeker, 1248 O Street, Ste. 600, Lincoln, and on November 29, 2017, a letter of appeal was filed by Rodger Johnson, 1320 Cessna Lane, on behalf of the SkyRanch Acres Neighborhood Assn (pp. 28-29)
COMPATIBILITY WITH THE COMPREHENSIVE PLAN
The proposed land use and density are in conformance with the 2040 Comprehensive Plan, which identifies future urban density residential uses in this location.

WAIVERS
1. Design Standards, Title 2, Chapter 2.00, Section 3, 3.6, to allow for sanitary sewer mains to run opposite the street grades.  (Recommend Approval)
2. Subdivision Ordinance 26.23.130(a), to allow block lengths to exceed 1,320 feet for Blocks 15 and 25.  (Recommend Approval)
3. Subdivision Ordinance 26.23.140(c) to allow for side lot lines to deviate from being radial and perpendicular to street ROW lines on curved streets.  (Recommend Approval)
KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

P. 12.3 - this site is shown as future urban density residential and green space on the 2040 Lincoln Area Future Land Use Plan (the green space is the area of the existing floodplain).

P. 12.4 - Urban Residential. Multi-family and single family residential uses in areas with varying densities ranging from more than fifteen dwelling units per acre to less than one dwelling per acre.

P. 12.4 - Green Space. Public or privately-owned areas predominantly used for recreation, such as parks, golf courses, soccer or ball fields, and trails. Many green space areas also serve functions such as buffers between incompatible uses and as stormwater management areas. In some cases, privately-owned Green Space such as golf courses may also be appropriate to be considered for future Urban Residential development.

P. 12.4 - Environmental Resources. Land and water masses which are of particular importance for maintenance and preservation, such as saline wetlands, native prairie, and some floodway and riparian corridors.

P. 7.2 - Neighborhoods and Housing Guiding Principles:
- Provide a wide variety of housing types and choices for an increasingly diverse and aging population.
- Provide flexibility to the marketplace in siting future residential development locations.
- Strive for predictability for neighborhoods and developers for residential development and redevelopment.

P. 7.4 - Strategies for Neighborhoods and Housing
- Discourage residential development in areas of environmental resources such as endangered species, saline wetlands, native prairies, and in floodplain corridors.
- Encourage preservation or restoration of natural resources within or adjacent to development.

P. 7.4-7.8 - Strategies for Developing Neighborhoods
- Encourage new development to achieve densities greater than five dwelling units per gross acre.

ANALYSIS

1. This is a request for a new Community Unit Plan (CUP) to develop up to 433 total dwelling units consisting of 351 single family units and 82 townhome units on approximately 153.97 acres. The project is located east of Waterford Estates between O Street and Sky Ranch Acres subdivision. The first phase of the project will commence adjacent to Sky Ranch Acres and the northeast part of Waterford Estates and will consist of 74 single family lots. Phase 2 which will continue the development south along the east side of Waterford Estates will consist of 78 single family units. Phase 3A which will consist of 78 single family units will expand the development eastward towards 112th Street. Phase 3B will include 38 single family units and will extend the development to O Street along the east side of Waterford Estates. Phase 4 which includes the area north of O Street east of Phase 2 and 3B will consist of 83 single family and 82 townhome units. Outside of the CUP along O Street 42,300 square feet of office is proposed as part of the proposed O-3 zoning area. A use permit will be required for the office development.

2. The future land use map shows the proposed residential area for future urban density residential land uses. The phasing exhibit identifies 433 dwelling units as part of the first four phases, which is an appropriate urban density. A CUP in the R-3 district is permitted a maximum density of 6.96 dwelling units per acre, which equates to 1,071 dwelling units based on the ultimate buildout of the CUP area at 153.97 acres. Therefore, the total allowable dwelling units is 1,071.

3. An application to rezone part of this property from AG Agriculture to R-3 Residential has been submitted in conjunction with the CUP. The part to be rezoned R-3 consists of 67.67 acres. The proposed change of zone is consistent with the zoning pattern in the area. In addition, the Comprehensive Plan designates this area for future urban density residential development. The R-3 zoning district allows the type of development consistent with the future land use designation.

4. The applicant has requested two waivers to the Lincoln Municipal Code and one waiver to Design Standards:
   i) Design Standards, Title 2, Chapter 2.00, Section 3, 3.6, to allow for sanitary sewer mains to run opposite the street grades. This is a common waiver for subdivision design.
   ii) Subdivision Ordinance 26.23.130(a), to allow block lengths to exceed 1,320. This is requested for Blocks 15 and
25. Block 15 surrounds two detention cells that are designed to coordinate the detention requirements for much of this subdivision in two connected cells that feed into a greenspace area. A pedestrian way easement is shown on the ridge dividing the two cells. Block 25 abuts the 100-year floodplain and floodway for which waivers of block length are generally granted.

iii) Subdivision Ordinance 26.23.140(c) to allow for side lot lines to deviate from being radial and perpendicular to street ROW lines on curved streets. This waiver is requested to allow flexibility in obtaining the required width of house footprints at the setback line on streets as final plats are created.

5. Access to this development will be provided off O Street and 112th Street with street connections through Sky Ranch Acres and Waterford Estates subdivisions. Phase 1 (see attached phasing plan) will gain access through Sky Ranch Acres with two connecting streets. Phase 2 will commence after connection of Crescent Moon Drive to N. 104th Street in Waterford Estates. In coordination with the developers of Waterford Estates, access rights have been arranged to construct Crescent Moon Drive as it turns into North 104th Street and connects to Waterford Estates 19th Addition. Subsequent phases of the development would include addition street connections to Waterford Estates, O Street and North 112th Street. The connection to North 112th Street would be made upon development of the adjoining property at the northwest corner of O Street and 112th Streets. The latter connection to 112th is proposed rather than in the northeast part of the development in order to avoid significant floodway areas. The developer will construct right and left turn lanes at the O Street entrance at 105th. This intersection will be built with the later phase when the subdivision connects to O Street.

6. Water and wastewater are existing and available to serve this area. Water mains currently exist in the Waterford development to the west of this location and will need to be extended from Shore Front Drive and from 104th St and Shoreline Drive. This area can be generally be served by gravity sanitary sewer. Sewer connections will include connecting to the trunk sewer to the east and to Waterford Estates to the west.

7. It should be noted that if the Nebraska Department of Transportation (NDOT) would purchase the land required to grade their future O Street right of way section, most of the office space shown on the application would become right of way. The developer is proposing the office use as there is a gas pipeline planning corridor along O Street. Residential dwellings, schools, residential and nonresidential health care facilities, and childcare facilities will not be allowed within the pipeline planning area.

8. This site is in the Southeast Rural Fire District. After annexation, fire protection will be provided by Lincoln Fire and Rescue (LFR). There is no necessary reimbursement in order for the city fire department to serve this area after annexation.

9. A neighborhood meeting concerning this development was held on November 2, 2017. Nearby residents expressed concerns about traffic from the development through Sky Ranch Acres. In particular, construction traffic using the streets in Sky Ranch Acres to gain access to the development from Holdrege Street was one concern along with the safety of residents. Sanitary sewer capacity was another concern mentioned.

10. The proposed phasing plan will protect the existing Sky Ranch Acres with limitations as far as number of dwelling units in the first phase. The additional phases of the development will not be permitted until additional street connections are provided. The proposed low density single family residential will not have a significant negative impact and will be a typical amount of traffic. As of the writing of this report, the developer is looking at phasing options including a temporary construction road to 112th Street and accelerating the construction of Crescent Moon Drive in Waterford Estates.

CONDITIONS OF APPROVAL: See attached.

PUBLIC SERVICE: Lincoln Fire & Rescue (LFR) notes that this area is not within the preferred four minute response time. The nearest Lincoln Fire and Rescue Stations are located at 901 N Cotner Boulevard (Fire Station #9) and 2201 South 84th Street (Fire Station #’ 12). Station #16 is planned to be located between O Street and Holdrege Street between 84th Street and 98th Street and this area will then be well served by the new station. The Lincoln Police Department notes that response times may be delayed until their new stand-alone station is operational in 2019. The new station with LFR is being built at 6601 Old Cheney with an expected completion date in early 2019.

EXISTING LAND USE & ZONING: Agriculture; AG
SURROUNDING LAND USE & ZONING

North: Single Family Residential; AG
South: Agricultural, Single Family Residential; AG
East: Agriculture; AG
West: Vacant; R-3

APPROXIMATE LAND AREA: 153.97 acres, more or less

PROPOSED CITY COUNCIL DISTRICT ASSIGNMENT: City Council District #1

LEGAL DESCRIPTION:

A tract of land composed of Lot 18 & 19 Irregular Tracts and the South Half of the Northeast Quarter located in the East Half of Section 24, Township 10 North, Range 7 East, of the 6th P.M., Lincoln, Lancaster County, Nebraska (See attached legal description).

Prepared by

___________________________
George Wesselhoft, Planner
(402) 441-6366 or gwesselhoft@lincoln.ne.gov
Date: November 2, 2017

CONDITION 2.1.1 REVISED ON NOVEMBER 15, 2017

Applicant/Contact: Jill Schuerman
Civil Design Group
8535 Executive Woods Drive
Lincoln, NE 68512
(402) 434-8494 or jschuerman@civildg.com

Owner: Starostka-Lewis, LLC & Lewis Starostka, Inc.
429 Industrial Lane
Grand Island, NE 68803

James M Buel
PO Box 301
Eagle, NE 68347

F:\DevReview\SP\17000\SP17022 Dominion at Stevens Creek CUP.gjw.docx
CONDITIONS OF APPROVAL – SPECIAL PERMIT #17022

Per Section 27.63.320 this approval permits a Community Unit Plan for single family detached and townhome residential uses for up to 433 total dwelling units, with waivers to allow sanitary sewer mains to run opposite the street grades, to allow block lengths to exceed 1,320 feet for Blocks 15 and 25, and to allow for side lot lines to deviate from being radial and perpendicular to street ROW lines on curved streets.

Site Specific Conditions:

1. The City Council approves associated requests:
   1.1 Annexation #17007
   1.2 Change of Zone #17015

2. Before a final plat is approved the permittee shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including 3 copies with all required revisions and documents as listed below:
   2.1 Make the following revisions:
      2.1.1 Amend Phasing Exhibit (as revised on November 8, 2017) to have number of assigned and unassigned dwelling units no greater than 400 units of the total number of units requested for the first four phases (433 dwelling units). Also add a third condition that “Temporary barricades will be installed on Piper Way and Beechcraft Road, at the connection between Sky Ranch Acres and the Dominion at Stevens Creek, until such time that occupancy permits have been granted for 74 single-family units within the new development.

      As an additional option, Phase 1 shall include either the connection of Crescent Moon Drive to N. 104th Street in Waterford Estates, or a connection to Shore Front Drive. However, if the sole connection to Phase 1 is Shore Front Drive, final platting of Phase 1 shall be limited to 35 lots, until the connection of Crescent Moon Drive to N. 104th Street is completed.

      Phase 3A/3B must include a connection to either Shore Front Drive or East “O” Street.

      2.1.2 Submit corrections to the satisfaction of LES.

      2.1.3 Submit corrections to the satisfaction of Public Works- Watershed Management.

      2.1.4 Delete Site Notes 5, 8, 9 and 12 on Sheet 1 of 20.

      2.1.5 Show a 20’ trail easement in outlot. Note it will be located in future location to the satisfaction of the Parks and Recreation Department.

      2.1.6 Add note that prior to any final plat in Phase 3B Waterford Estates preliminary plat must be amended or the Dominion site plan revised to match their currently approved plan.

      2.1.7 Provide exhibit showing block length for all blocks.

      2.1.8 Change Weston Lane name to Boathouse Road. Add note that this access will be coordinated with adjacent developer.

      2.1.9 Change Site Note 11 on Sheet 1 of 20 for Hospitals to Residential and Nonresidential Health Care Facilities.

      2.1.10 Label 20’ trail easement on adjoining Waterford Estates property.
2.1.11 Add pedestrian easement and confirm grading meets ADA in Block 17.

2.1.12 Add pedestrian easement and revise grading to conform to ADA from the Crescent Moon cul de sac to the potential bike trail to the east.

3. Before a final plat is approved provide the following documents to the Planning Department:

3.1 Verification from the Register of Deeds that the letter of acceptance as required by the approval of the special permit has been recorded.

4. Final plat(s) is/are approved by the City.

If any final plat on all or a portion of the approved community unit plan is submitted five (5) years or more after the approval of the community unit plan, the city may require that a new community unit plan be submitted, pursuant to all the provisions of section 26.31.015. A new community unit plan may be required if the subdivision ordinance, the design standards, or the required improvements have been amended by the city; and as a result, the community unit plan as originally approved does not comply with the amended rules and regulations.

Before the approval of a final plat, the public streets, private roadway improvements, sidewalks, public sanitary sewer system, public water system, drainage facilities, land preparation and grading, sediment and erosions control measures, storm water detention/retention facilities, drainageway improvements, street lights, landscaping screens, street trees, temporary turnaround and barricades, and street name signs, must be completed or provisions (bond, escrow or security agreement) to guarantee completion must be approved by the City Law Department. The improvements must be completed in conformance with adopted design standards and within the time period specified in the Land Subdivision Ordinance. A cash contribution to the City in lieu of a bond, escrow, or security agreement may be furnished for sidewalks and street trees along major streets that have not been improved to an urban cross section. A cash contribution to the City in lieu of a bond, escrow, or security agreement may be furnished for street trees on a final plat with 10 or fewer lots.

No final plat shall be approved until the Permittee, as subdivider, enters into an agreement with the City whereby Permittee agrees:

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

to complete the installation of sidewalks along both sides of all streets as shown on the final plat within four (4) years following the approval of the final plat.

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

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

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

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

to complete the planting of the street trees along all streets within this plat within six (6) years following the approval of the final plat.
to complete the planting of the landscape screen within this plat within two (2) years following the approval of the final plat.

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

to complete the installation of the permanent markers prior to construction on or conveyance of any lot in the plat.

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

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

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

to complete the public and private improvements shown on the Community Unit Plan.

to keep taxes and special assessments on the outlots from becoming delinquent.

to maintain the outlots on a permanent and continuous basis.

to maintain the private improvements in good order and state of repair, including the routine and reasonable preventive maintenance of the private improvements, on a permanent and continuous basis.

to maintain the plants in the medians and islands, including replacement and replanting as reasonably necessary, on a permanent and continuous basis.

to maintain the landscape screens, including replacement and replanting as reasonably necessary, on a permanent and continuous basis.

to recognize that there may be additional maintenance issues or costs associated with the proper functioning of storm water detention/retention facilities as they were designed and construction within the development and that these additional maintenance issues or costs are the responsibility of the Permittee.

to retain ownership of and the right of entry to the outlots in order to perform the above-described maintenance of the outlots and private improvements on a permanent and continuous basis. However, Permittee(s) may be relieved and discharged of such maintenance obligations upon creating in writing a permanent and continuous association of property owners who would be responsible for said permanent and continuous maintenance subject to the following conditions:

(1) Permittee shall not be relieved of Permittee’s maintenance obligation for each specific private improvement until a registered professional engineer or nurseryman who supervised the installation of said private improvement has certified to the City that the improvement has been installed in accordance with approved plans.

(2) The maintenance agreements are incorporated into covenants and restrictions in deeds to the subdivided property and the documents creating the association and the restrictive covenants have been reviewed and approved by the City Attorney and filed of record with the Register of Deeds.

to pay all design, engineering, labor, material, inspection, and other improvement costs.
to inform all purchasers and users of land is located within the 100 year floodplain that the grading of the lots and outlots within the 100 year floodplain shall be in conformance with the approved grading plan or as amended by the Director of Planning. The volume of fill material brought into each lot and outlot from outside the floodplain shall not exceed that shown on the approved grading plan accompanying the preliminary plat.

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

to relinquish the right of direct vehicular access to O Street and N. 112th Street except as shown.

**Standard Conditions:**

5. The following conditions are applicable to all requests:

5.1 Before occupying the dwelling units all development and construction shall substantially comply with the approved plans.

5.2 All privately-owned improvements, including landscaping and recreational facilities, shall be permanently maintained by the Permittee or an appropriately established homeowners association approved by the City.

5.3 The physical location of all setbacks and yards, buildings, parking and circulation elements, and similar matters be in substantial compliance with the location of said items as shown on the approved site plan.

5.4 The terms, conditions, and requirements of this resolution shall run with the land and be binding upon the Permittee, its successors and assigns.

5.5 The applicant shall sign and return the letter of acceptance to the City Clerk. This step should be completed within 60 days following the approval of the special permit. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the applicant. Building permits will not be issued unless the letter of acceptance has been filed.
Special Permit #: SP17022
Dominion at Stevens Creek CUP
N 112th St & O St

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

One Square Mile: Sec.24 T10N R07E

Area of Application
Zoning Jurisdiction Lines
Existing City Limits
SITE NOTES

1. THE EXISTING ZONING IS AG, THE PROPOSED ZONING IS R-3 AND O-3 CUP.

2. DIRECT VEHICULAR ACCESS SHALL BE RELINQUISHED TO 'O' STREET AND 112TH STREET EXCEPT AS SHOWN.

3. ALL OUTLOT AREAS AND OPEN SPACE SHALL BE MAINTAINED BY THE DEVELOPER UNTIL SUCH TIME THAT AN ASSOCIATION IS CREATED.

4. OUTLOTS 'B', 'C', 'D', 'E', 'F', 'G', 'I', 'J', 'L', 'M', AND 'N' ARE FOR PEDESTRIAN EASEMENTS.

5. ADMINISTRATIVE AMENDMENTS SHALL BE REQUIRED FOR FUTURE CHANGES TO GRADING, DETENTION, STREET ALIGNMENTS, UTILITY LOCATIONS, STREET PROFILES, ETC.

6. EXISTING AND PROPOSED EASEMENTS TO BE IDENTIFIED AND SHOWN AT TIME OF FINAL PLATTING.

7. ALL TOPOGRAPHICAL ELEVATIONS ARE BASED ON NAVD 1988.

8. MINIMUM OPENING ELEVATIONS SHALL BE SET AT TIME OF ADMINISTRATIVE AMENDMENT FOR THOSE LOTS ADJACENT TO FLOODPLAIN/FLOOD PRONE AREAS, FLOOD CORRIDORS AND/OR OTHER DRAINAGE WAYS.

9. THE PARKING AND LANDSCAPING REQUIREMENTS FOR O-3 AREAS TO BE APPROVED AT THE TIME OF BUILDING PERMITS IN COMPLIANCE WITH LINCOLN MUNICIPAL CODE AND THE DESIGN STANDARDS.

10. EAVES, OVERHANGS, WINDOW SWINGS, DOOR SWINGS, AIR CONDITIONER UNITS ETC., MAY ENCROACH OVER THE SETBACK LINES. ENCROACHMENTS ARE NOT ALLOWED OVER PROPERTY LINES AND MUST CONFORM TO BUILDING AND LIFE SAFETY CODES.

11. RESIDENTIAL DWELLINGS, SCHOOLS, HOSPITALS AND CHILDCARE FACILITIES ARE NOT ALLOWED WITHIN THE PIPELINE PLANNING AREA.

12. SINGLE FAMILY ATTACHED BUILDINGS MUST HAVE 22' FROM THE BACK OF SIDEWALK TO THE FACE OF GARAGE.

WAIVERS

1. DESIGN STANDARDS CHAPTER 2.15, SECTION 2.2.2. SANITARY SEWER RUNNING OPPOSITE OF STREET GRADE.

2. SUBDIVISION ORDINANCE 26.23.130 (a), BLOCK LENGTH WAIVER FOR BLOCK 15 AND 25.

3. SUBDIVISION ORDINANCE 26.23.K10 (c), TO ALLOW LOT LINES NOT TO BE RADIAL AND PERPENDICULAR TO STREET RIGHT OF WAY.
DENSITY CALCULATION:

CUP BOUNDARY - 153.97 AC. X 6.96 (R3) = 1071.63

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CONDITIONS FOR PHASING:

1. PHASE 1 SHALL INCLUDE THE CONNECTION OF CRESCENT MOON DRIVE TO N. 104TH STREET IN WATERFORD ESTATES.
2. PHASE 3A/3B MUST INCLUDE A CONNECTION TO EITHER SHORE FRONT DRIVE OR EAST 'O' STREET.
October 11, 2017

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

Re: Amended application for a R-3 CUP & O-3 office park on 160 acres of land generally Located at 105th Street & East O Street. CDG Project No. 2016-0204.

Dear Mr. Cary:

On behalf of Lewis-Starostka, Inc., Starostka-Lewis, LLC., & James Buel we submit the enclosed application for the Dominion at Stevens Creek CUP, formerly submitted as the Caldwell Estates CUP. This amended application covers 160 acres from 105th & O Street to 3/4th of mile north of O Street on N. 112th Street and provides for 436 single family lots and 42,300 square feet of office space.

Extensive discussions with Planning Staff have led to the revised and expanded layout of this subdivision after interacting with NDOT on their corridor protection rights along East O Street. Should NDOT purchase the land required to grade their future ROW section, most of the office space shown on this application would become NDOT ROW.

We are requesting waivers of the following zoning and subdivision regulations:

1. To Design Standards, Title 2, Chapter 2.00, Section 3, 3.6, to allow for sanitary sewer mains to run opposite the street grades (not requesting waiver of depth). This a common waiver for current subdivision design.
2. To Subdivision Ordinance 26.23.130(a), to allow block lengths to exceed 1,320’ for Blocks 15 and 25. Block 15 surrounds two detention cells that are designed to coordinate the detention requirements for much of this subdivision in two connected cells that feed into a greenspace area. A pedestrian way easement is shown on the ridge dividing the two cells. Block 25 abuts the 100-year floodplain and floodway for which waivers of block length are generally granted.
3. To Subdivision Ordinance 26.23.140(c) to allow for side lots lines to deviate from being radial and perpendicular to street ROW lines on curved streets. This waiver is request to obtain flexibility in obtaining the required width of house footprints at the setback line on streets as final plats are created.

The first phase of this project will commence adjacent to the Sky Ranch Acres subdivision and the northeast section of Waterford Estates. In coordination with the developers of Waterford Estates, we have arranged for access rights to construct Crescent Moon Drive as it turns into N. 104th Street and connects to Waterford Estates 19th Addition. Together, the access to these subdivisions will provide two points of ingress and egress into the initial phase of this subdivision. This subdivision will then progress southward toward South Shore Lane and then towards the O Street access point at N. 105th Street. When the city’s next phase of the Stevens Creek sanitary sewer trunk main is completed in 2018, this northern portion of this development will expand eastward towards 112th Street.
Regarding arterial street impact fees generated from this development, we are requesting that they be directed towards both the construct of the required permanent turn lanes in East O Street at N. 105th Street, as well as the future construction of N. 112th Street.

With this amended application we submit the following items:

- A new application for a Community Unit Plan & Change of Zone
- A change of zone & annexation exhibit
- A phasing exhibit
- All plan sheets, uploaded via Project Dox

I hope that this letter in conjunction with the plan sets assists you in reviewing these applications. Please feel free to call me at (402) 434-8494 so that I can address any questions you may have.

Sincerely,

Mike Eckert, AICP

cc: Lewis-Starostka, Inc.
    Staroskta Lewis, LLC
    James Buel

/Volumes/share/F/Projects/2017/20170204/Landplanning/Doc/CUP submittal 10-11-17.doc
C.U.P. LEGAL DESCRIPTION

A legal description of a tract of land composed of a portion of Lot 18 & 19 Irregular Tracts and the South Half of the Northeast Quarter located in the East Half of Section 24, Township 10 North, Range 7 East, of the 6th P.M., Lincoln, Lancaster County, Nebraska and more particularly described as follows:

Referring to the Southwest Corner of the Southeast Quarter of said Section 24; thence North on the West Line of the Southeast Quarter on an assumed bearing of N 00°10'16" E for a distance of 392.07' to a point on the West line of Lot 18 Irregular Tracts and the Point of beginning; Thence N 00°10'16" E on the West Line of Lot 18 Irregular Tracts and the West Line of the Southeast Quarter of Section 24 for a distance of 2243.44' to the Northwest Corner of Lot 18, said point also being the Southwest Corner of the South Half of the Northeast Quarter of Section 24; Thence N 00°09'38" E on the West Line of the South Half of the Northeast Quarter of Section 24 for a distance of 1321.04' to the Northwest Corner of the South Half of the Northeast Quarter of Section 24; Thence S 88°51'12" E on the North Line of the South Half of the Northeast Quarter of Section 24 for a distance of 2676.41' to the Northeast Corner of the South Half of the Northeast Quarter of Section 24; Thence S 00°09'35" W on the East Line of the South Half of the Northeast Quarter of Section 24 for a distance of 1314.02' to the Southeast Corner of the South Half of the Northeast Quarter of Section 24; Thence N 88°59'43" W on the South Line of the South Half of the Northeast Quarter of Section 24 for a distance of 1338.08' to the Northeast Corner of the West Half of the Southeast Quarter of Section 24 said point also being the Northeast Corner of Lot 19 Irregular Tracts; Thence S 00°10'18" W on the East Line of the West Half of the Southeast Quarter of Section 24 and the East Line of Lot 19 Irregular Tracts for a distance of 2397.54'; Thence 1146.79' on a bearing of N 89°08'20" W; Thence 150.01' on a bearing of N 00° 00' 00" E; Thence 138.86' on a bearing of N 89° 08'20" W; Thence with a non-tangential curve turning to the right with an arc length of 53.25', with a radius of 200.00', with a chord bearing of N 81°30'43" W, with a chord distance of 53.09' to the Point of Beginning, and having a calculated area of 153.97 acres more or less.

Subject to any and all easements and restrictions of record.
## Current Project - Agency Review Report

<table>
<thead>
<tr>
<th>Agency Name</th>
<th>User Name</th>
<th>Review Cycle</th>
<th>Review Status</th>
<th>Comments</th>
<th>Assignment</th>
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</thead>
<tbody>
<tr>
<td>Black Hills Corp</td>
<td>Black Hills Corp</td>
<td>2</td>
<td>In Review</td>
<td>No comments.</td>
<td>First In Group</td>
</tr>
<tr>
<td>Building &amp; Safety</td>
<td>ron rehtus</td>
<td>2</td>
<td>Recommend Approval</td>
<td></td>
<td>Individual</td>
</tr>
<tr>
<td>Charter Communications</td>
<td>Charter Communications</td>
<td>2</td>
<td>In Review</td>
<td></td>
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</tr>
<tr>
<td>County Engineer</td>
<td>ken schroeder</td>
<td>2</td>
<td>Recommend Approval</td>
<td>This office made a limited review of &quot;DOMINION AT STEVENS CREEK&quot; Annexation if AN17007 in the E 1/2 of Section 24, T10N, R7E located at N. 112th Street and &quot;O&quot; Street and has no direct objections to this submittal, subject to development improvements following area annexation including the adjacent County road. (October 23, 2017) (kds)</td>
<td>Individual</td>
</tr>
<tr>
<td>County Health</td>
<td>chris schroeder</td>
<td>2</td>
<td>Recommend Approval</td>
<td>During the construction process, the land owner(s) will be responsible for controlling off-site dust emissions in accordance with Lincoln-Lancaster County Air Pollution Regulations and Standards Article 2 Section 32. Dust control measures shall include, but not limited to application of water to roads, driveways, parking lots on site, site frontage and any adjacent business or residential frontage. Planting and maintenance of ground cover will also be incorporated as necessary. Developers are responsible for all mosquito control issues during the building process and all outlets, green-spaces, and/or natural corridors subsequently controlled by the owner, tenant, occupant, lessee, or otherwise, for that subdivision would be responsible for vectors of zoonotic disease in those areas.</td>
<td>Individual</td>
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<tr>
<td>County Sheriff</td>
<td>Todd Duncan</td>
<td>1</td>
<td>Did Not Complete</td>
<td>Water wells existing when annexation occurs may continue to exist and be used for domestic (household) or non-domestic (irrigation) use if the use is consistent with the use prior to annexation. An annual well permit is required for all wells within the city limits. Unused wells must be properly decommissioned by a licensed well driller. If the city sewer system is more than 300 feet away from the building or premise, the building or premise may maintain its current on-site wastewater system provided the system is not failing. When the city sewer is within 300 feet and Public Works determines its availability, the building or premise must connect to the city sewer. The existing system must then be properly abandoned and a licensed wastewater treatment system installer. During the construction process, the land owner(s) will be responsible for controlling off-site dust emissions in accordance with Lincoln-Lancaster County Air Pollution Regulations and Standards Article 2 Section 32. Dust control measures shall include, but not limited to application of water to roads, driveways, parking lots on site, site frontage and any adjacent business or residential frontage. Planting and maintenance of ground cover will also be incorporated as necessary. Developers are responsible for all mosquito control issues during the building process and all outlets, green-spaces, and/or natural corridors subsequently controlled by the owner, tenant, occupant, lessee, or otherwise, for that subdivision would be responsible for vectors of zoonotic disease in those areas.</td>
<td>Individual</td>
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<tr>
<td>Department of Roads - Corridors</td>
<td>todd wicken</td>
<td>1</td>
<td>Recommend Approval</td>
<td>No issue with Corridor Protection.</td>
<td>First In Group</td>
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<tr>
<td>Department of Roads - Noise</td>
<td>will packard</td>
<td>1</td>
<td>Recommend Approval</td>
<td>setbacks reasonable to avoid residential noise impacts</td>
<td>First In Group</td>
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<tr>
<td>Department of Roads - Planning &amp; Projects</td>
<td>david schoenmaker</td>
<td>1</td>
<td>Recommend Approval</td>
<td>NDOR Intermodal Planning has no comments.</td>
<td>First In Group</td>
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<tr>
<td>Department of Roads - Planning &amp; Projects</td>
<td>steve henrichsen</td>
<td>2</td>
<td>Pending</td>
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<td>Individual</td>
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<tr>
<td>Emergency Communications</td>
<td>Kelly Davia</td>
<td>1</td>
<td>Did Not Complete</td>
<td></td>
<td>Individual</td>
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<tr>
<td>Fire Department</td>
<td>patrick boner</td>
<td>1</td>
<td>Recommend Approval</td>
<td></td>
<td>Individual</td>
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<tr>
<td>Location/Department</td>
<td>Name</td>
<td>Status</td>
<td>Description</td>
<td>Authorship</td>
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<tr>
<td>Law Department</td>
<td>1</td>
<td>Did Not Complete</td>
<td>2 Recommend Approval Station 16 is planned to be located between 0 street and Holdrege between 84th and 98th and this area will be well served by this station.</td>
<td>First In Group</td>
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<tr>
<td></td>
<td>2</td>
<td>Pending</td>
<td>Les reviews 2 Corrections Required 10/17/17 Easements to be determined in near future. Working with consultants to determine electrical source(s) for the development. 10.17.17</td>
<td>First In Group</td>
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<tr>
<td>Lincoln Police Department</td>
<td>1</td>
<td>Did Not Complete</td>
<td>SGT Randy Clark 2 Recommend Approval Response times may be delayed until our new stand-alone station is operational in 2019</td>
<td>First In Group</td>
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<tr>
<td>Long Range Manager</td>
<td>Paul Barnes</td>
<td>Recommend Approval</td>
<td>The Future Land Use is Urban Residential, and this property is in Tier I, Priority B. Water and sewer will need to be coordinated with PW&amp;J. The Waterford Trail is shown near Waters Edge Drive. Adding residential to the office uses along 0 would be desirable, if outside the pipeline planning area.</td>
<td>Individual</td>
<td></td>
</tr>
<tr>
<td>Parks &amp; Recreation</td>
<td>Sara Hartell</td>
<td>Recommend Approval</td>
<td>The area of the Dominion that is being requested for annexation at this time does not include any planned trails of park facilities. The Waterford development adjacent includes trail that is near the western border of the area of request. The Neighborhood Park for this square mile is planned adjacent to the future elementary school in Waterford. Phase III of the Dominion does include a portion of the planned future Stevens Creek Trail in the northwest corner of that Phase III area. As development of that Phase moves forward, the trail should be included in the discussion and plans.</td>
<td>Individual</td>
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<tr>
<td>Planning Dept</td>
<td>Andrew Thieroff</td>
<td>Recommend Approval</td>
<td>City Council District #1</td>
<td>Individual</td>
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<tr>
<td></td>
<td>Brenda Thomas</td>
<td>No Review Required</td>
<td>2 Recommend Approval District 1</td>
<td>Individual</td>
<td></td>
</tr>
<tr>
<td>Public Works - Engineering Services</td>
<td>Brion Perry</td>
<td>1</td>
<td>Recommend Approval 6/2/17 Review long range utility plan. Limit access onto &quot;O&quot; St and/or E.O. for LI and RI turn bays into development</td>
<td>First In Group</td>
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<td></td>
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<td>2</td>
<td>Recommend Approval 10-20-17 Business/office space along &quot;O&quot; St. will be in conflict with future widening. At final plat stage EOS and Sureties will be required.</td>
<td>Individual</td>
<td></td>
</tr>
<tr>
<td>Public Works - Survey Check</td>
<td>1</td>
<td>Did Not Complete</td>
<td>Troy Griffin 2 Recommend Approval Closure gap = 0.008, well within limits.</td>
<td>First In Group</td>
<td></td>
</tr>
<tr>
<td>Project</td>
<td>ben higgins</td>
<td>1</td>
<td>Corrections Required</td>
<td>Will need grading, storm drainage, detention, Stormwater quality, etc with next submittal (i.e. prior to planning commission submission).</td>
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<tr>
<td>Public Works - Watershed Management</td>
<td>tim</td>
<td>2</td>
<td>Corrections Required</td>
<td>10/27/17 1. Water Quality measures must be in place for Phase 1. Detention must also be provided with each phase. Specifically, detention must be provided for the portion of Phase 1 that drains east. 2. Drainage calculations use a CN for 1/3 acre lots, yet most all lots are 1/4 acre in size. Revise calculations to match lot size. (Note: Detention ponds may need to be reconfigured, with the possibility of losing a few lots.) 3. Submit a revised grading plan that accounts for the revised road connection to 112th St. 4. Need a 14’ top width for the detention pond in Outlot H, specifically along the east property line. 5. Based on the grades of Crescent Moon Dr, the 100-year bypasses the detention pond in Outlot G. Revise the detention routing to accurately reflect the grading, or revise the grading to match the detention routing. 6. Show the minimum opening elevations for all lots next to all detention ponds, overland flow path, and drainage swales. Also show the lowest floor elevations for all lots next to the floodplain. 7. Add flow arrows where walkout lots drain onto the lots directly behind them to clarify if flow should drain along the back or side property line. 8. Label the lettered FEMA cross sections. 9. See markups on plan sheets for additional comments. 10. Future submittals may be subject to further comments and revisions.</td>
<td></td>
</tr>
<tr>
<td>Public Works &amp; Utilities - Wastewater</td>
<td>brian kramer</td>
<td>1</td>
<td>Recommend Approval</td>
<td>This area can be generally be served by gravity sanitary sewer.</td>
<td></td>
</tr>
<tr>
<td>Public Works &amp; Utilities - Water</td>
<td>dave beyersdorf</td>
<td>2</td>
<td>Recommend Approval</td>
<td>Water mains currently exist in the Waterford development to the west of this location and will need to be extended from Shore Front Dr (12&quot;) and from 104th St and Shoreline Dr (12&quot;).</td>
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<tr>
<td>Public Works &amp; Utilities - Water</td>
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<td>1</td>
<td>Did Not Complete</td>
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<tr>
<td>United States Post Office</td>
<td>kerry kowalski</td>
<td>1</td>
<td>Recommend Approval</td>
<td>Recommend approval on the condition all new delivery addresses are established in Centralized Box Units (CBUs) which will be purchased and installed at the developer’s expense in a location mutually agreed upon by the developer and the US Postal Service.</td>
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<tr>
<td>Windstream</td>
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<td>2</td>
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</table>
ANNEXATION NO. 17007, CHANGE OF ZONE 17015, AND SPECIAL PERMIT NO. 17022

ANNEXATION NO. 17007, TO ANNEX APPROXIMATELY 70.01 ACRES, MORE OR LESS, ON PROPERTY GENERALLY LOCATED AT O AND NORTH 112TH STREETS. November 15, 2017

Members present: Corr, Edgerton, Finnegan, Harris, Joy, Washington, and Scheer; Beckius and Hove absent.

Staff recommendation: Conditional Approval.

AND

CHANGE OF ZONE NO. 17015, FROM AG (AGRICULTURAL DISTRICT) TO R-3 (RESIDENTIAL DISTRICT) ON APPROXIMATELY 67.67 ACRES, MORE OR LESS, ON PROPERTY GENERALLY LOCATED AT O AND NORTH 112TH STREETS. November 15, 2017

Members present: Corr, Edgerton, Finnegan, Harris, Joy, Washington, and Scheer; Beckius and Hove absent.

Staff recommendation: Conditional Approval.

AND

SPECIAL PERMIT NO. 17022, DOMINION AT STEVENS CREEK CUP WITH UP TO 433 RESIDENTIAL UNITS INCLUDING SINGLE-FAMILY UNITS AND TOWNHOMES, WITH WAIVERS, ON APPROXIMATELY 153.97 ACRES, GENERALLY LOCATED AT O AND NORTH 112TH STREETS. November 15, 2017

Members present: Corr, Edgerton, Finnegan, Harris, Joy, Washington, and Scheer; Beckius and Hove absent.

Staff recommendation: Conditional Approval.

There were no ex parte communications disclosed.

Staff Presentation: George Wesselhoft of the Planning Department to state this area is adjacent to Waterford and Sky Ranch Acres. Around 153 acres of the total area would be within the boundaries of the CUP. The area can be served by sewer from the west and connection to the planned trunk line at Steven’s Creek. There is 2.34 acres along O Street that is a State-protected area where the Nebraska Department of Transportation could acquire right-of-way, so the proposed “office” could be impacted by that. Office was proposed in that location due to the pipeline planning area where residential development is not permissible. In terms of conformance with the Comprehensive Plan, the area is Tier I, Priority B, and is all within the full range of City services. The change in zone to R-3 will match the zoning to the west in Waterford. There is a condition to allow the State a 60-day review period.
Phase 1 of the development would commence in the northwest part of the development with 74 single-family units. The subsequent phases would extend to the south and east. There are conditions with the latest proposal to account for a temporary easement to facilitate construction vehicles. Barricades would be placed at the Piper and Beach Craft and would remain in place until occupancy permits are granted for all of the units in Phase 1.

The developer has requested three waivers, similar to what was granted in Waterford. First, it is to have sanitary sewer running opposite the street grade. This is a common request. There are also waivers requested to increase block lengths for Block 15 and Block 25 in the northeast of the area where they will be near detention and green spaces, and to allow side lot lines to deviate from being radial and perpendicular to street right-of-way lines. Lincoln Fire & Rescue has indicated that the development is not within their desired response time. Station 16 will be located somewhere between Holdrege and O Streets and will better serve the area. The development is not unusual in terms of density. The request is for 433 units and they are allowed up to 1,000, so the developer will use only 40% of the allowed. The intent of phasing the project is to better disperse traffic for residents in the area.

Finnegan asked about the phasing schedule. Wesselhoft said that could be better addressed by the applicant.

Edgerton asked for more information about construction entrances. Wesselhoft said the entrance will be along 112th Street and the developer is currently working with the County Engineer.

Joy asked about the logic of going through existing neighborhoods. Wesselhoft said this proposal is not unprecedented when adding urban density to pre-established rural density. Street connections extended with the intent for future connection.

Washington asked for more information about the waivers for increased block length. Wesselhoft explained that there is green space and some floodplain that consumes much of the northeast portion of the property. That area will be developed in Phase 3. Washington asked if the extra block length was to accommodate those open areas. Wesselhoft said that is correct. Washington said block length is considered to make sure pedestrians don’t have to walk extra distances, especially towards school. Wesselhoft said there is potential for an additional school site, but it is to the west in Waterford.

Corr asked about Crescent Drive. Wesselhoft said there will be a connection to Waterford in that northwest area. Corr asked if that was the only ingress and egress for Phase 1 or if there will be access into the other development on Piper. Wesselhoft said that once occupancy permits are issued, then the barricades to the Sky Ranch area will be removed. Corr noted that the original report did not show barricades. Wesselhoft said that is correct; the developer sent a modified request to address concerns over construction traffic.

Washington wondered about the safety of having only a single access point to homes in Phase 1. Wesselhoft said the developer can address that.

Steve Henrichsen of the Planning Department said this is a common occurrence during the initial construction of new developments. It is not possible to go in on day one and build six entrances. Staff works with developers to work out phasing and to find an appropriate number of units while there is only one way in and out. The first phase in this project will
include 74 units and, to some extent, this number was to address concerns from Waterford and Sky Ranch residents about people driving past their homes. Public Works looked at the existing roads in the area. Initial construction traffic will go down 104th Street. In the long term, traffic will be distributed differently with potential connections out to O Street, and eventually another 80 acres closer to 112th Street. The phasing addresses how the developer can afford to make the infrastructure improvements. It is not uncommon for there to be a number of units that will temporarily only have one access point.

Proponents:

1. Mark Hunzeker, 1248 O Street, Suite 600, came forward on behalf of the developer, Starostka-Lewis. This is a low-density development, with approximately 2.8 units per acre. A neighborhood meeting was held two weeks ago at SCC and there was lots of input from neighbors about access and the ability of roads to withstand heavy construction traffic. In response, Mr. Eckert, the engineer on the project, modified the initial phasing to limit access to Sky Ranch while the first phase is being built. Access was discussed with Waterford residents. Crescent Moon will connect to 104th Street. In addition, barricades will be placed at each access to Sky Ranch. In the meantime, there is a drainage way that runs under 104th Street that will require an amendment to the FEMA Floodplain. An application will be made for a map revision to enable that to be built. This should be done well in time for this to proceed. As an alternative, the option of opening Shore Front Drive has been discussed and that amendment would be requested if FEMA does not act quickly, though that is not our preferred course. In order to limit traffic that travels back to the west, the first phase would be limited to 35 lots so that by the time the second half of Phase 1 is underway, there would be two access points going west. One other request today is to change the language affecting the annexation agreement so that if there is a delay in getting the annexation agreement signed, the public hearing at City Council could be delayed rather than costing the developer even more time, given the holidays. Staff had no objection to that change.

Edgerton asked if splitting the construction of Phase 1 would change the requirements for the barricades into Sky Ranch. Hunzeker said the barricades would still be required to remain until all 74 lots of Phase One have occupancy permits.

Corr asked for more information about the longer blocks.

2. Mike Eckert, Civil Design Group, responded that there will be two detention cells to increase functionality. The compromise for the longer block length was that a pedestrian easement be built, so there will be what essentially is a dam between the two cells. That also ties in with water quality requirements in the area. The pedestrian easement goes out into the green space and there is also a future bike trail.

Washington asked if the geometry of Phase I would change if option two were used. Eckert said no, Phase I is seen as a whole, even if constructed in two stages. We are confident that Crescent Moon can be built. The development that has to go through the FEMA process is different, but it should be done by April of next year.

Finnegan asked the density of Waterford and Sky Ranch. Eckert said he did not know, but the proposed lot sizes are similar to Waterford. Sky Ranch Acres has relatively small lots for a rural subdivision. The proposed lots are closer to one acre in size.
Corr asked if there is further development planned on the Waterford side. Eckert said that is correct, there is more planned on 104th Street but none are built. He believes a final plat has been approved. The road is not yet paved.

Scheer asked how long the first phase will take, including permitting. Eckert said from the time the infrastructure is in place, grading is done, it will be mid- to late-summer next year, so it will be into 2019 before the first homes come online.

3. DaNay Kalkowski, Seacrest & Kalkowski, 1128 Lincoln Mall, Suite 105, said she represents the adjacent development. Her role today is to let the Commissioners know that discussion regarding access and traffic is ongoing. The final concept for the proposed development keeps changing so the access points need to be worked out, especially because any proposed O Street access location will be important to the other developments. It is their goal to have the access discussion concluded prior to City Council public hearing. Also of note is that the barricades to Sky Ranch essentially force access through Waterford. From our standpoint, we would argue that it is always better to have multiple access points to a development. No one street should have to bear all of the burden of traffic. Waterford’s final concern is regarding construction traffic accessing the development through their streets.

Opponents:

1. Bill Austin, 301 S. 13th Street, came forward representing Sky Ranch Neighborhood Association. Matt Sherman, President of Sky Ranch Neighborhood Association, also came forward. Sky Ranch was platted and developed in the early 1970s with 27 single-family units. Annexation was initiated by the neighborhood and occurred in 2012. The area consists of large lots with private sewer and water. There is concern about the capacity of streets in their area. The development will have immediate and significant impact on the Sky Ranch occupants. To our knowledge, no traffic or road condition study has been conducted. The neighborhood has not been provided with adequate information to do anything other than object. The neighborhood meeting was the first time the proposed development was fully explained. Residents raised numerous concerns. Less than two weeks later, the proposal is at Planning Commission for Final Action. That was simply not enough time to adequately respond. We ask for a delay of at least 30 days to allow time to discuss the sufficiency of the streets to accommodate new development and to sit down with the developer. Allowing the delay would not have an impact since the special permit would have to await the approval of the other applications. His clients are not unmindful of the efforts the applicants have made, but there was simply not enough time to get consensus among Sky Ranch neighbors. Mr. Austin asked all Sky Ranch residents attending the meeting to voice their opposition to stand.

Harris asked if they are asking for a hard 30-day delay. She wondered how the holiday schedule would play into the 30-day delay, or if the holidays would create further delays. Austin said if it took longer that would not concern his clients, but he doubts that is the case for the applicants. They are willing to work with whatever they can get. After discussion with the Clerk, it was concluded the City Council public hearing could occur as late as December 20th.

Joy asked if the neighbors were supportive of the annexation and change of zone, and are only asking for more time on the special permit. Austin said they are neutral on the other applications. It is the impacts to the streets and the connection that cause concern.
2. Roger Johnson, 1320 Cessna Lane, said much of his testimony is included in the letter of opposition he submitted. There is a well at the end of Piper Way that was permitted in the 1970s-1980s. The position of the well may interfere with the proposed location of the connection to the new development. He has heard minimal discussion from the City regarding the well when it may have to be moved, at significant cost. He would like to have this issue completely resolved before this moves forward.

3. Marge Davenport, 302 N. 112th Street, stated she farms 130 acres on the down side of the proposed buildings. Stevens Creek runs through her property and she said her main concern is the water issue. The creek floods regularly, sometimes completely flooding out her property. More concrete in the area will increase that problem. 112th Street has become impassable two times this year alone. She is also concerned with the safety of the water supply. It has occasionally been so dusty in the area from traffic that headlight must be used during the day to farm. The road is not in good shape and additional traffic will make it dangerous. There is additional concern for safety due to the number of accidents when people turn off O Street onto 112th Street. The project has been very rushed; they only found out about it in early November.

4. Andrea Howell, 1360 Beechcraft Road, stated she and her husband, Scott, live on the corner lot and sent a letter of opposition. They have voiced safety concerns and sent numerous emails to urge people to consider that the risks to children and pedestrians are huge. There are almost 20 children under the age of 13. Two cars cannot pass at the same time on the narrow roads and large vehicles can barely make it, if at all. There are no sidewalks or lights for pedestrians and these are not meant to be urban roads. This is a safety risk.

Finnegan asked if they are okay with annexation. Howell said yes, annexation is good for the City and there are many benefits. They are just very nervous about their streets where even garbage and delivery trucks do not fit on the roads. Lives are at stake.

Staff Questions:

Harris was interested in Staff’s take on the amendment proposed and on the delay of action. Wesselhoft confirmed that staff supports the change proposed by Hunzeker. Henrichsen said it gets complicated delaying items this time of year. Out of the next seven weeks, there are four weeks without City Council hearings. There are rules to meet regarding introduction, public hearing, and voting, so if this body acts today, the public hearing at City Council will be on December 11th and the vote will be on December 18th. If there were to be some other delay, voting may not occur until next year. An appeal on the Final Action for the special permit would need to be done within 14 days, so potentially, voting could end up occurring in February if that appeal occurs late. In terms of the special permit, it is difficult to come up with the exact dates.

Joy asked if the issues regarding the 112th Street will be addressed. Wesselhoft said he is not aware of any plan at this time.

Corr asked about the Nebraska Department of Transportation easement. She wondered if they could choose to require right-of-way beyond what already exists. Wesselhoft explained that the State easement does not just apply to this property, but to the general area along O
Street. They were included in the review process and would also be involved for the final plat.

Corr asked for more information to address concerns about sewer capacity. Wesselhoft said the sewer will connect to Waterford and to the trunk line to the east and will not be made in Sky Ranch.

Corr also asked about the well mentioned in public testimony. Wesselhoft said the City is aware of the well. In a 1990 administrative amendment to a special permit, the well house was shown in a common area and not in the right-of-way. In general, the City and County do not approve wells in right-of-way. If it needed to be moved, those costs would need to be discussed with the developer.

Corr asked about the comments made about flooding in the area. Wesselhoft said the area is within the Lower Platte South Natural Resource District. Public Works and Watershed Management reviewed the proposal. Public Works is satisfied with storm water management and the developer is aware there is a significant flood zone on the property.

Washington asked if moving the well house would be a separate discussion from the well itself. She wondered if people are still able to traverse the road. Wesselhoft said the well house is east of Piper Way.

Washington noted how narrow the roads are. She wondered if they will stay that width once they are eventually connected. She asked what the process would be to widen the roads if is necessary for public safety. Robert Simmering, Engineering Services Manager, City of Lincoln, stated the streets were looked at and there was concern that they are rural, probably a 5-inch asphalt over an aggregate base. They are 22-feet wide in several places, which is a typical width for uncurbed streets. There is nothing in the geometry that would limit traffic. The well house is 6 feet off the edge of the street, which is the minimum clearance zone. There is nothing to motivate us to require that be moved. If residents want to widen the street, it would be done through an assessment district. They would only be addressed for the additional width. Staff does agree that construction traffic should be kept off of those streets. Even when the barricades are down, we would probably consider putting weight limits on the streets to keep loaded trucks off.

Washington asked if there is any requirement for them to be widened. Simmering said it is not required and the streets could be left as they are. Washington went on to ask if there is anything about the annexation to cause neighbors to think they would not have future development go through them. Simmering said the streets were stubbed to the end of the lots and for anyone watching the growth of the city, it would be presumptuous to assume they would not be connected.

Edgerton asked if the new streets would be wider to the south, once they are connected. Simmering said they would be 27-foot, curbed streets.

Washington asked for more information about the flooding in the area. Wesselhoft indicated that the comments from the review are available as part of the staff report. Washington explained that she feels for Ms. Davenport, who testified about the flooding on her property, since the addition of impervious surfaces in the area could increase the potential for flooding.
Finnegan asked staff to go over public safety comments from LFR. Wesselhoft said it was noted that the area is not within their 4-minute response time goal. The existing stations are at Cotner and at S. 84th Street. A new station is planned for the near future so once that is there, they will be able to serve the area from that closer station. The area is currently serviced by the Southeast Rural Fire District. Finnegan asked if the streets are adequate for fire trucks in Sky Ranch. Wesselhoft said he does not know. Henrichsen said that when the area was annexed, it was reviewed and no misgivings were expressed.

Washington asked if traffic studies are required for new developments. Wesselhoft said that generally speaking, they are not done for residential developments and are used more for commercial.

**Applicant Rebuttal:**

Hunzeker said there is no specific description of what the consequences will be to the Sky Ranch area other than the consequences of the connective streets, which were stubbed out for that very purpose. Streets are stubbed to the property line in existing subdivisions and they have no control over this; that is how it is done. Additional traffic was an anticipated consequence of City growth and has been anticipated. It is the job of the City to inform us as to whether or not they are sufficient. The construction traffic will be temporary and efforts will be made to keep it out of Sky Ranch. As for the flooding, a contour map has been provided. All of the runoff from the property moves to the north and to the east to come out in the area where the detention cells are planned. Additionally, it is part of the required design standards that runoff from the development cannot exceed what it is today. That is why the detention cells are planned. Sky Ranch is already within the City and being served by LFR. Our preference it to avoid any delay so that the grading can start on schedule.

Finnegan acknowledged the changes that were made after meeting with neighbors on November 2nd. She asked if there has been any other follow-up with them. Hunzeker said an email was sent to all who signed-in describing what will be done to limit construction traffic through the neighborhood.

Corr asked if the goal is for all of the applications to remain together as they move on to City Council. Hunzeker said that even with the 2-week appeal process, this will put voting well into January. Eckert added that they are more than willing to continue to sit down with neighbors. They are required to follow all the rules in terms of making the connections. The City was willing to put up the barricades. Hunzeker noted that public hearing at City Council will likely not occur until December 18th since details of the annexation agreement need to be worked out.

Edgerton concluded that it seems likely the special permit will be appealed and will move to City Council with the other applications. Hunzeker reiterated that they are willing to meet with neighbors between now and then.

Corr asked if building had to wait for approval from the State due to the protection along O Street. Hunzeker said this protection was designed by the State to provide notice if you want to build, so they are forced to make a decision as to whether or not they will need the land in the future. The state could make an appraisal to acquire the land. It is a matter of giving them the opportunity to buy it in case they need the property and to make sure they know that something is being built.
ANNEXATION NO. 17007  
**ACTION BY PLANNING COMMISSION:** November 15, 2017

Corr moved for approval, seconded by Joy.

Edgerton commented that the annexation is fine to move forward.

Sheer agreed that the area is ready to be brought into the City.

Motion carried, 7-0: Corr, Edgerton, Finnegan, Harris, Joy, Washington, and Scheer voting ‘yes’; Beckius and Hove absent.

CHANGE OF ZONE NO. 17015  
**ACTION BY PLANNING COMMISSION:** November 15, 2017

Corr moved for approval, seconded by Edgerton.

Corr said this is appropriate zoning for the area given the R-3 District already in the area.

Motion carried, 7-0: Corr, Edgerton, Finnegan, Harris, Joy, Washington, and Scheer voting ‘yes’; Beckius and Hove absent.

SPECIAL PERMIT NO. 17022  
**ACTION BY PLANNING COMMISSION:** November 15, 2017

Scheer noted there are amendments proposed by Staff and the Applicant that will need to be accounted for.

Corr moved for approval, as amended by Staff and the Applicant.

Harris noted one amendment was intended for the annexation. The Law Department clarified that the motion made on that item is acceptable since it relates to the content of the annexation agreement.

Washington seconded the motion.

Joy asked about the appeal process, if it happens. Wesselhoft said the final action taken by Planning Commission can be appealed to the City Council within two weeks of today’s date. If that is done early enough, the applications can be synchronized for the sake of City Council. Cary said the items would then move forward to City Council, bundled together. They do not have to be, but the applicant might request they be kept together.

Corr reminded the neighborhood that there is time between today’s hearing and City Council public hearing so that will allow for more time to work out issues. She thanked both parties for talking and getting some things worked out already. We are glad that door was opened and hope that discussion continues to get somewhere where the residents can be happy.

Washington said it was good the developers were willing to make changes in response to the neighbors’ concerns. She encouraged the neighborhoods to continue discussions and to make a case for their concerns. The project will be better in the end if it is well-vetted. She feels
for the neighbors, especially when it comes to safety concerns.

Finnegan echoed the thoughts of Washington. The project is moving fast if the neighborhood meeting occurred only two weeks ago and is before this body for final action today. She hopes everyone involved will keep talking.

Scheer thanked everyone for the context surrounding this proposal. This is what happens when a growing city extends infrastructure. It can be expected and this is a good process. He appreciates neighbors for being at the hearing and hopes discussion continues. It feels like things are moving quickly, but there are some weeks to come, and then a couple of years before the true traffic impacts will be felt.

Motion carried, 7-0: Corr, Edgerton, Finnegan, Harris, Joy, Washington, and Scheer voting ‘yes’; Beckius and Hove absent.
From: Mark A. Hunzeker [mailto:MHunzeker@baylorevnen.com]
Sent: Thursday, November 16, 2017 10:26 AM
To: Steve S. Henrichsen <shenrichsen@lincoln.ne.gov>
Cc: David R. Cary <dcary@lincoln.ne.gov>; Bill Austin (waustin@blakeaustinlaw.com) (waustin@blakeaustinlaw.com) <waustin@blakeaustinlaw.com>
Subject: Dominion CUP

Steve:
We hereby give notice of appeal of the decision of the Planning Commission recommending conditional approval of Special Permit No 17022, Dominion at Stevens Creek community Unit Plan. Please place this matter on the City Council agenda at the same time as the accompanying Change of Zone No 17015 and Annexation No 17007. Please call if you have any questions.

Mark A. Hunzeker
Baylor Evnen Law Firm
600 Wells Fargo Center
1248 “O” Street
Lincoln, NE 68508
402-458-2131
(direct line)
MHunzeker@baylorevnen.com
To: Steve Henricksen

Subject: SP17022

On behalf of SkyRanch Acres Neighborhood Association, I hereby give notice of an appeal to the City Council of the decision of the Planning Commission to approve Special Permit No. 17022.

Rodger Johnson
1320 Cessna Lane
Lincoln, NE 68527

Email: Rj62205@windstream.net