FACTSHEET

TITLE: Change of Zone No. 17030 – AG to R-3 Planned Unit Development for a residential area and residential transition uses with various waivers (91st and Van Dorn Streets)

APPLICANT: Matodol, LLC

STAFF RECOMMENDATION: Conditional Approval

SPONSOR: Planning Department

REASON FOR LEGISLATION:
This is a combined staff report for two related applications associated with the Wandering Creek R-3 Planned Unit Development (PUD), located on approximately 78.66 acres on the north side of Van Dorn Street at approximately 91st Street across from the Firethorn neighborhood and golf course. The developer is requesting annexation and change of zone from AG to R-3 PUD for what will constitute the first phase of their development. Residential, multifamily and office uses are proposed as part of this PUD, including 104 dwellings as part of the residential area, up to 595 total multifamily dwellings or up 480 persons as part of healthcare residential, and up to 10,000 square feet of office residential transition use which could include up to 12 dwellings.

DISCUSSION / FINDINGS OF FACT:

1. On December 6, 2017, this proposed Change of Zone, the associated Comprehensive Plan Amendment (Bill #18R-19), and the associated Annexation No. 17019 (Bill # 18-10) were heard at the same time before the Planning Commission. In addition, there is an associated amendment to the Annexation Agreement (Bill #18R-20) which is being prepared by the Law Department.

2. The staff recommendation of approval for this requested Change of Zone is based upon the “Analysis” as set forth on pp.4-6, concluding that a change of zone to R-3 PUD is consistent with the Future Land Use Map and compatible with the adjacent development. Both the change of zone and annexation requests comply with the Zoning Ordinance and are consistent with the Comprehensive Plan. Most of the subdivision and zoning ordinance waivers are justified in so far as allowing flexible design to accommodate a mixture of residential development types with significant green space conservation and additional setback with green space along Van Dorn Street. The staff presentation is found of pp.36-37.

3. Testimony on behalf of the applicant is found on pp.38-39, which includes a proposed amendment to Waiver No. 8 of the staff report (See p.45). There was no testimony in support of this change of zone request. Testimony in opposition is found on pp.39-40. The applicant’s rebuttal is found on pp.41-43.

4. On December 6, 2017, the Planning Commission voted 9-0 to recommend conditional approval of this requested change of zone, as set forth in the staff report dated November 2, 2017.

5. On December 6, 2017, the Planning Commission also voted 9-0 to recommend approval of the associated Comprehensive Plan Amendment No. 17007 (Bill #18R-19), as set forth in the revised staff report dated November 3, 2017, and subject to the Amended Annexation Agreement (Bill #18R-20); and voted 9-0 to recommend conditional approval of Annexation No. 17019 (Bill #18-10), as set forth in the revised staff report dated November 2, 2017.
COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The site is designated for future urban density residential land uses on the Future Land Use Map, and these requests comply with the requirements of the Zoning Ordinance and Comprehensive Plan.

WAIVERS
1. Subdivision Ordinance 26.23.130 (a), to allow block length for Blocks 8 and 9 to exceed 1,320 feet. (Recommend Approval only for multi-family uses)
2. Subdivision Ordinance 26.23.140(c), to allow lot lines to deviate from being radial and perpendicular to street right-of-way. (Recommend Approval)

3. Zoning Ordinance Table 27.72.020(a), to reduce lot area to 3,200 square feet, reduce lot width to 40 feet, reduction of front yard to 10 feet, street side yard to 5 feet, side yard to 5 feet and rear yard to 8 feet for Lots 1-7, Block 12, & Lots 1-20, Block 2. (Conditional Approval - reduction to 10 feet for any front yard)

4. Zoning Ordinance Table 27.72.020(a), to reduce lot area to 1,600 square feet, reduce lot width to 20 feet, reduction of front yard to 10 feet, street side yard to 5 feet, side yard to 5 feet with common wall 0’, rear yard to 8 feet for Lots 1-8, Block 13. (Conditional Approval - reduction to 10 feet for any front yard)

5. Zoning Ordinance 27.72.030 (b) to increase building footprint floor area up to 10,000 square feet and building height up to 35 feet for the office/residential transition area. (Recommend Approval)

6. Zoning Ordinance Table 27.72.020(b), to increase building height up to 50 feet for up to 4-story buildings with reduction of rear yard setback to 10 feet if adjacent to outlot designated as open space for the multifamily area. (Recommend Approval)

7. Design Standards, Chapter 2.15, and by reference the Lincoln Standard Plans (LSP 640), to reduce the width of roadway sections at drainage crossings from 27 to 21 feet. (Conditional Approval)

8. Design Standards, Chapter 2.05, Section 5.3, to allow vertical deflections or vertical curves in stormwater facilities. (Recommend Denial)

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

P. 1.10 - The 2040 Growth Tiers Map designates this area as Tier 1, Priority B.

P. 7.2 - Neighborhoods and Housing Guiding Principles:
- 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.

P. 12.3 - this site is shown as future urban density residential on the 2040 Lincoln Area Future Land Use Plan.

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 - 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.


Annexation policy is a potentially powerful means for achieving many of the goals embodied in the Plan's Vision. Annexation is a necessary and vitally important part of the future growth and health of Lincoln. The annexation policies of the City of Lincoln include but are not limited to the following:

The provision of municipal services must coincide with the jurisdictional boundaries of the City - in short, it is not the intent of the City of Lincoln to extend utility services (most notably, but not necessarily limited to, water and sanitary sewer services) beyond the corporate limits of the City.
The extension of water and sanitary sewer services should be predicated upon annexation of the area by the City. City annexation must occur before any property is provided with water, sanitary sewer, or other potential City services.

The areas within Tier I Priority A that are not annexed serve as the future urban area for purposes of annexation per state statute and are appropriate for immediate annexation upon final plat. These areas have approved preliminary plans.

To demonstrate the City's commitment to the urbanization of land in Tier I Priority B, the City should annex land that is contiguous to the City and generally urban in character, as well as land that is engulfed by the City. Land that is remote or otherwise removed from the limits of the City of Lincoln will not be annexed. The City should review for potential annexation all property in Priority B for which basic infrastructure is generally available or planned for in the near term.

Annexation generally implies the opportunity to access all City services within a reasonable period of time. Voluntary annexation agreements may limit or otherwise outline the phasing, timing or installation of utility services (e.g., water, sanitary sewer), and may include specific or general plans for the private financing of improvements to the infrastructure supporting or contributing to the land uses in the annexed area. The annexation of large projects may be done in phases as development proceeds.

The character of existing residential areas should be respected as much as possible during the annexation process. When low density "acreage" areas are proposed for annexation due to the City's annexation policy, additional steps should be taken to ease the transition as much as possible, such as public meetings, advance notice and written explanation of changes as a result of annexation. In general, many aspects of acreage life may remain unchanged, such as zoning or covenants. However, any annexation of existing residential areas will include some costs which must be the responsibility of property owners.

Annexation to facilitate the installation of improvements and/or possible assessment districts is appropriate if it is consistent with the annexation policies of the Plan listed above.

Plans for the provision of services within the areas considered for annexation shall be carefully coordinated with the Capital Improvements Program of the City and the County.

**UTILITIES & SERVICES:**

A. Sanitary Sewer: The Steven's Creek Trunk Sewer is to be completed by the City by approximately June, 2019 for connection and extension to serve the Wandering Creek PUD area. The applicant proposes building permits shall be allowed prior to the trunk sewer being completed in 2019, as long as streets, street signs, and water mains are completed. The developer will be responsible for any temporary pumping of sewage until connection to the trunk is completed. The temporary pumping of sewage will be subject to Public Works & Utilities Department approval.

B. Water: Water is available to the site via a 16" water main in Van Dorn Street. This line was recently installed to serve the newly annexed portion of Firethorn and extends to South 91st Street.

C. Roads: Nearby arterial streets include Van Dorn Street. The proposed development includes full access intersections with Van Dorn Street at Resort Drive and South 91st Street. These two full access intersections, which would include right and left turn lanes, were approved in the Annexation Agreement for the Van Dorn Coalition, though it is a recommended condition of approval that the applicant signs an amended annexation agreement for the installation of a roundabout at 91st Street and Van Dorn Street in the first phase. 98th Street is scheduled to be paved in 2018 by Lancaster County as part of a three mile paving project extending from Old Cheney Road to A Street.

D. Parks and Trails: A 20’ trail easement is identified for the trail that would extend along the north side of the creek that extends from near Resort Drive to South 98th Street. This creek is part of a minimum flood corridor which will have an associated conservation easement. A potential public park is shown as part of the conceptual residential area outside the first phase development area as part of this application. This public park is shown on the potential Lincoln Public Schools (LPS) property and is subject to future agreements being completed between LPS and the City of Lincoln.
E. Fire Protection: After annexation, fire protection will be provided by Lincoln Fire & Rescue (LFR). Lincoln Fire and Rescue station 12 is located at 84th and South Streets. It will ultimately be moved to 84th and Pioneers. Station 12 will be able to serve this area within department response time goals.

ANALYSIS

1. These are related requests for both annexation and a change of zone for a Planned Unit Development (PUD). The area proposed to be annexed includes 73.53 acres. The PUD will consist of 78.66 acres which includes property previously annexed as part of the Van Dorn Coalition annexation agreement.

2. All the regulations of the R-3 Zoning District shall apply, except as modified through the Planned Unit Development notes and waivers. The regulations of the R-5 Zoning District will apply for the areas designated for multifamily include Blocks 7, 8 and 9 except all permitted, conditional and special uses per the R-5 District are allowed as permitted uses. The regulations of the R-3 Zoning District will apply for the residential area and include Blocks 2-6, and 10-15 except all permitted, conditional, and special uses per the R-3 district are allowed as permitted uses, and the regulations of the R-T Zoning District will apply to Block 1 except all permitted, conditional and special uses per the R-T district are allowed as permitted uses. The PUD is therefore intended to foster a mix of uses, including residential, residential transition and multifamily residential.

3. The land use proposal includes R-3, R-5 zoning subareas within the overall R-3 PUD. In addition to single and two family residential uses, the R-3 Zoning permits other uses such as townhomes, elderly and retirement housing, housing for the handicapped, residential health care facilities by special permit in addition to other uses. The R-5 Zoning permits similar uses to the R-3 but also multiple family dwellings.

4. The R-T Residential Transition District is intended as a transitional area consistently primarily of office or other types of small scale commercial uses. The R-T Zoning permits single family dwellings, two-family dwellings, and office uses with a limited building footprint of 5,000 square feet. In this case, the developer as part of the waivers requested is proposing a 10,000 square foot maximum building footprint floor area. As a condition of approval, the Planned Unit Development notes would only allow permitted uses in the R-T Zoning District and would exclude conditional or special permitted uses. In addition, the list of uses would be reviewed with the applicant as some conditional and special uses are not appropriate by right in the PUD (personal wireless services facilities, broadcast towers, etc.)

5. The Multifamily/R-5 area of the PUD (Lots 1, Block 7/8/9) is comprised of approximately 22.57 acres. If the full 595 multifamily dwelling units are built out, this would constitute an approximate land use density of 26.36 dwelling units/acre which is within R-5 limitations. Alternately, the proposed PUD includes up to 480 persons for healthcare residential. The proposed multifamily/R-5 area is set back over 170 feet from the north line of the future Van Dorn Street right-of-way with non-buildable open space in between. A 20 foot outlot is also proposed along the north side of Van Dorn Street adjacent to the residential transition area and the residential area. This 20 foot outlot will be used for open space and berming similar to the berming installed along the Firethorn townhome area south of Van Dorn Street. The Residential/R-3 area, which is approximately 54.60 acres, would include 104 dwellings. The Residential Transition/RT area (Lot 1, Block 1) is 1.49 acres and would include an office use up to 10,000 square feet or up to 12 dwellings. The overall density would be around 9.04 dwelling units per acre. This is consistent with the Comprehensive Plan for developing neighborhoods which strives to achieve densities greater than five dwelling units per gross acre. The site in question is shown as future urban density residential on the 2040 Lincoln Area Future Land Use Plan.

6. The developer was a party to the Annexation Agreement for Van Dorn Coalition approved on March 9, 2017 that master planned the infrastructure to provide for the future annexation of the Property and other Van Dorn Coalition property comprising approximately 273 acres in size. This agreement established that the development of the property would be phased and established the responsibilities for the necessary public improvements. These include public sewer, water, arterial streets, and parks and trail improvements associated with new development.

7. Associated request CPA17007 is a Comprehensive Plan Amendment to designate the northwest corner of South 98th Street and Van Dorn Street as a Neighborhood Center on Map 5.1: Existing and Proposed Commercial Centers and as Commercial on the Lincoln Area Future Land Use Map. This area is anticipated to ultimately contain a mix of retail,
office, and service uses that are oriented to the neighborhood level, and may also include residential uses. See CPA17007 staff report for more details.

8. The area to be annexed is located within Tier1 Priority B of the Comprehensive Plan. Public water is already available and sanitary sewer will be with the planned extension by 2019. Thus, the development can be served by the full range of city services.

9. The subject property is located within the Southeast Fire District. Under State law, the District can petition for compensation from the annexing municipality for lost revenue based upon the amount of service area annexed. For voluntary annexations such as this one, any costs due to the district are to be borne by the developer. In this case, staff has conducted the financial analysis and there is no money due the District.

10. In regards to the requested waivers:
   o The block length waiver request is not necessary when there are significant drainage ways such as for Blocks 4 and 5. The block length waiver for Blocks 8 and 9 in the multi-family area is appropriate due to the fact that the buildings in this area and site layout will be of a larger scale.
   o The waiver to the lot setbacks and regulations on certain blocks with the residential area is to provide flexibility for townhomes and patio homes served by alleys. Specifically, the R-3 Zoning District requires 20’ front yard, 5’ side yard and 20’ or 20% of the lot depth for rear yard or 30’ or 20% of the lot depth for other allowed uses. The changes proposed through waivers include reduction of front yard to 10 feet, street side yard to 10 feet minimum and rear yard to 8 feet for specific blocks within the development. The 10 foot minimum front yard would allow for front porches.
   o The height waiver for the Residential Transition area to allow an increase up to 35 feet is to match what is permitted in the R-3 zoning for the residential area and is similar to the Firethorn Community Unit Plan.
   o The height increase up to 50 feet for the multifamily area is to allow adequate height to construct up to four story buildings. Similar height waivers have been permitted on recent multifamily projects.
   o The waiver for lot lines being radial and perpendicular to the street is a typical waiver request.

Additional infrastructure waiver requests include reduction of width of roadway sections at drainage crossings from 27 feet to 21 feet and allowance for vertical deflections or vertical curves in stormwater facilities. These reductions should be quite short, less than 100 feet.

   o The recommendation for conditional approval the roadway section waiver is to approve the slope at 4:1, anything less would be less safe to maintain. 3:1 slopes are “traversable, but not recoverable” meaning there is a greater risk of falling over such as for mowing equipment, and that is important given that this waiver is at drainage crossing structures.

Public Works-Watershed Management notes:
   o The recommendation to deny the request to allow vertical deflections or curves in the storm water facilities is because wherever there is a vertical change in grade, a manhole is needed. “A vertical change in grade to a storm drainage pipe system causes otherwise smoothly flowing water, to change course abruptly, causing turbulence and large forces upon the concrete pipes. This can compromise the integrity, reliability, and robustness of the storm drainage system. In effect, it introduces a weak point in the system that we otherwise do not have. This has been a Design Standard and common practice for decades, whereas any change in vertical grade necessitates a Manhole.”

   “No deviations from this design standard are allowed to new infrastructure that will become the City’s. Normally, a concrete Manhole structure is where those abrupt changes to pipe grade occur, so that the resulting turbulent and violent flow changes are confined to a structure that also has a manhole lid, which is an access point. This makes inspection and maintenance easier as well. Allowing this waiver, and having a change in another location of the pipe system, underground and without a manhole access would
likely go unnoticed; so a failure at this point would also likely go unnoticed and could result in sink holes under road ways if not known or repaired. Repair of a problem like this also would require tearing up and closing the road, so again a Manhole is required; whereas it can be repaired effectively and efficiently.”

11. The proposed roundabout at 91st and Van Dorn Street which is recommended as a condition of approval through amended annexation agreement is justified as a means of efficient intersection traffic control as the area develops with a neighborhood commercial center to the east. This would be an efficient use of infrastructure dollars in the long term as traffic increases with additional development in the future whereby it would already be established.

12. The developer held an informational meeting with surrounding neighbors on September 25, 2017. The meeting was well attended both by acreage neighbors and neighbors from the Firethorn area to the south. The neighbors expressed concerns about the density of the proposed uses, setback of the uses from Van Dorn Street, drainage from the property and increased traffic on Van Dorn Street.

13. The site is designated for future urban density residential land uses on the Future Land Use Map, and these requests comply with the requirements of the Zoning Ordinance and Comprehensive Plan.

14. The proposed temporary sewer is an interim measure to allow some of the residential uses to commence construction prior to the anticipated completion of the sanitary sewer trunk line extension by June, 2019. The temporary pumping associated with this proposal would be the responsibility of the developer and would be subject to the approval of the Public Works & Utilities Department.

EXISTING LAND USE & ZONING: Agriculture; AG

SURROUNDING LAND USE & ZONING
North: Agriculture; AG
South: Commercial, Vacant/Golf Course; R-1/AGR
East: Agricultural, Single Family Residential; AG
West: Agriculture; AG

APPROXIMATE LAND AREA:
Annexation #17019: 73.53 acres, more or less
Change of Zone #17030: 78.66 acres, more or less

PROPOSED CITY COUNCIL DISTRICT ASSIGNMENT: Council District #2

LEGAL DESCRIPTION:
Annexation #17019:
A tract of land composed of portions of Lots 50 and 51 I.T., located in the SW ¼ of Section 35-10-7 Lincoln, Lancaster County, Nebraska (See attached legal description).

Change of Zone #17030:
A tract of land composed of portions of Lots 50 and 51, I.T., located in the SW 1/4 of Section 35-10-7, 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 Revised: December 6, 2017
Applicant/Contact: DaNay Kalkowski  
1128 Lincoln Mall, Suite 105  
Lincoln, NE 68508  
(402)-435-6000 or danay@sk-law.com

Owner: Matodol, LLC  
601 P Street  
Lincoln, NE 68508  
(402)-458-5632 or mpalmer@olssonassociates.com
CONDITIONS OF APPROVAL - ANNEXATION #17019

Before scheduling with the City Council:

1. The applicant signs an amended annexation agreement that includes for the installation of a roundabout at 91st Street and Van Dorn Street.

2. Revise the legal descriptions to the satisfaction of Public Works-Survey Check.

CONDITIONS OF APPROVAL - CHANGE OF ZONE #17030

This approval permits up to 104 residential dwelling units as part of R-3 PUD Residential Area; up to 595 multifamily dwelling units or up to 480 persons for healthcare residential or some combination of the two in the R-5 Multi-family area; and up to 10,000 square feet or 12 dwellings as part of the R-3 PUD Residential Transition Area, or other permitted uses with the following waivers:

1. Subdivision Ordinance 26.23.130 (a), Block length for blocks 8 and 9 only if developed as multi family.

2. Subdivision Ordinance 26.23.140(c), Lot lines being radial and perpendicular to street right of way.

3. Zoning Ordinance Table 27.72.020(a), Residential Area:
   a. Lots 1-7, Block 12 & Lots 1-20, Block 2:
      i) Lot area minimum reduced to 3,200 square feet
      ii) Lot width minimum reduced to 40 feet
      iii) Front yard setback reduced to 10 feet
      iv) Corner Lots: Front yard setback reduced to 10 feet one side with other street side reduced to 10 feet with no garages permitted to face either street
      v) Side yard reduced to 5 feet
      vi) Rear yard reduced to 8 feet
   b. Lots 1-8, Block 13
      i) Lot area minimum reduced to 1,600 square feet
      ii) Lot width minimum reduced to 20 feet
      iii) Front yard setback reduced to 10 feet
      iv) Corner Lots: Front yard setback reduced to 10 feet with other street side reduced to 10 feet with no garages permitted to face either street
      v) Side yard reduced to 5 feet with common wall of 0’
      vi) Rear yard reduced to 8 feet

4. 27.72.030((b), Residential Transition:
   a. Lot 1, Block 1:
      i) Building footprint floor area increased up to 10,000 square feet
      ii) Maximum building height increased up to 35 feet

5. Zoning Ordinance Table 27.72.020(b), Multifamily Area:
   i) Building height increased to 50 feet
   ii) Rear yard setback reduced to 10 feet if adjacent to an outlot designated as open space

6. Design Standards, Chapter 2.15, and by reference the Lincoln Standard Plans (LSP 640), to reduce the width of roadway sections at drainage crossings from 27 to 21 feet subject to slope no less than at 4:1.

Site Specific Conditions:

1. The Developer signs an amended annexation agreement before the City Council approves the change of zone.
2. The City Council approves associated request:

2.1 Comprehensive Plan Amendment CPA 17007.

3. Before receiving building permits or before a final plat is approved the developer shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including 4 copies with all required revisions and documents as listed below upon approval of the planned unit development by the City Council.

3.1 Sheet 1 of 22: Delete 2. under Requested Waivers.

3.2 Sheet 1 of 22: Remove blocks 4, 5, 6 and 7 from under Requested Waivers 1. And add “only if developed as multi family” after 8 and 9.

3.3 Sheet 1 of 22: Delete 3 under Requested Waivers.

3.4 Sheet 1 of 22: Modify 5. under Requested Waivers by changing Lots 1-14 to Lots 1-20 under a.

3.5 Sheet 1 of 22: Modify 5. under Requested Waivers by changing Street Side Yard to Corner Lots: Front yard of 10 feet on one side with 10 5 feet on other street side with no garages permitted to face the street for both a. and b.

3.6 Sheet 1 of 22: Modify 9. under Requested Waivers by deleting reference to number of stories for building height.

3.7 Sheet 1 of 22: Density note under Block, Lot, Use, and Units table shall reference Chapter 3.35 of the Design Standards.

3.8 Sheet 1 of 22: Delete notes under General Site Notes which are not necessary including 6, 8, 9, 10, 13, 14, 17.

3.9 Sheet 1 of 22: Revise notes under Planned Unit Development Notes for 6.B and 6.C to the following: a list of uses to the satisfaction of the Planning Director.

6.B. The regulations of the “R-5” Zoning District apply to Blocks 7, 8, and 9, except all permitted, conditional, and special uses (except broadcast towers, personal wireless services facilities, utility and cable television purposes and solar energy conversion system) per the “R-5” Zoning District are allowed as permitted uses, and except as adjusted by the P.U.D as noted in the requested waivers.

6.C. The regulations of the “R-3” Zoning District apply to Blocks 2-6 and 10-15, except townhouses and multi-family use where each dwelling unit is on its own lot are allowed as permitted uses, and except as adjusted by this P.U.D. as noted in the requested waivers.

3.10 Sheet 1 of 22: Revise notes under Planned Unit Development Notes for 6.D to the following: such that only R-T Zoning permitted uses are allowed and delete text about conditional and special permit uses in R-T are permitted.

6.D. The regulations of the “R-T” District apply to Block 1, except early childhood care facilities, multi-family use where each dwelling unit is on its own lot, residential health care facilities and non-residential health care facilities are allowed as permitted uses, and except as adjusted by the P.U.D. as noted in the requested waivers.

3.11 Sheet 1 of 22: Delete notes under Planned Unit Development Notes which are not necessary including 4, 5, and 9.
3.12 Sheet 1 of 22: Add text under Planned Unit Development Note 12 to state: include Van Dorn Street and S. 98th Street. The developer shall construct improvements to Van Dorn Street and 98th Street per the Annexation Agreement for Van Dorn Street Coalition, as amended.

3.13 Sheet 1 of 22: Amend note for Residential Transition under Requested Waivers to list maximum number of stories consistent with 35 foot maximum building height.

3.134 Sheet 1 of 22: Amend note for Multifamily Area under Requested Waivers to define a rear yard setback of 20 feet if not adjacent to an outlot designated as green space.

3.145 Sheet 1 of 22: Amend note 13 under Planned Unit Development to state: such that temporary pumping of sewage shall be per the approval of the Public Works & Utilities Department. The Stevens Creek trunk sewer and sub basin sewer E3 have proposed completion dates of June 2019. Both sanitary sewers are necessary to serve the Wandering Creek PUD area. Building permits shall be allowed prior to the trunk sewer being provided by the City of Lincoln, as along as streets, street signs, and water mains are completed, provided both sanitary sewer project completion dates are within 6 months of expected occupancy. The developer shall be responsible for any temporary pumping of sewage until connection to the trunk sewer is completed.

3.156 Sheet 1 of 22: Blocks 12 and 13 south of Butterfly Stream Road: This is all one block. Revise plan sheet accordingly.

3.167 Change Resort Drive, the north-south street from Badger Stream Road to Van Dorn Street, to a numbered street.

3.178 Change Resort Drive from Badger Stream Road to Falls Branch Road to a different street name.

3.189 Rename Falls Branch Road and Little Cedar Creek Road to a different name not similar to other existing street names in Lincoln.

3.1920 Sheet 2 of 22: Identify the sidewalk shown in Block 2 near Rattlesnake Creek Road as either public or private. If public, said sidewalk shall be in addition to the sidewalk in the street public right of ways and public access easement provided.

3.204 Sheet 2 of 22: Provide block length for all blocks. If Block 10 is over 1,320 feet then extend S. 90th Street to Resort Drive. If less than 1,320 feet then extend a pedestrian easement from end of S. 90th Street straight to Resort Drive.

3.212 Sheet 2 of 22: Remove street lines located in the middle of the traffic circle island at Big Timber Creek Road and South 91st Street intersection.

3.223 Sheet 2 of 22: Remove street lines located in the middle of the traffic circle island at Big Timber Creek Road and South Street.

3.234 Sheet 2 of 22: Remove the note that Right of Way shall be Reserved if City of Lincoln Designs Roundabout at Intersection and show the right of way for the roundabout design for both Van Dorn Street at Resort Drive and Van Dorn Street at South 91st Street roundabouts. Add note that the roundabout at 91st and Van Dorn Street will be built in the first phase.

3.245 Sheet 2 of 22: Show trail connection and right of way width for connection of trail through Resort Drive to Van Dorn Street.

3.256 Sheet 3 of 22: Building shown in right of way of Rattlesnake Creek Road partly on Lot 13 of Block 3 will need to either be removed or relocated.
3.267 Sheet 3 of 22: Provide lowest floor elevations for Block 24, Lots 5-12, Block 25, Lot 1, Block 5, Lots 6 and 7, and Block 20, Lots 1 and 2.

3.278 Change Redbird Creek Road to a numbered street.

3.289 Submit corrections to the satisfaction of Public Works - Watershed Management, as per the attached comments.

3.290 Add exhibit showing the profile for the reduced with stream crossing and dimension exactly the length of the reduction at each crossing to the satisfaction of the Public Works & Utilities Department.

3.304 Show conceptual layout on land to the west.

3.312 Label the flood plain, conservation easement and minimum flood corridor on all pages.

4. Before receiving building permits, the developer shall provide the following documents to the Planning Department:

4.1 Verification from the Register of Deeds that the letter of acceptance as required by the approval of the planned unit development has been recorded.

5. Before issuance of building permits, final plat(s) shall be approved by the City.

If any final plat on all or a portion of the approved planned unit development is submitted five (5) years or more after the approval of the planned unit development, the city may require that a new planned unit development be submitted, pursuant to all the provisions of Section 26.31.015. A new planned unit development 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 planned unit development as originally approved does not comply with the amended rules and regulations.

Before the approval of a final plat, the developer agrees, as subdivider, must enter into an agreement with the City whereby Developer agrees:

Before the approval of a final plat approval must be received by the Lower Platte South Natural Resources District (NRRD).

Necessary right-of-way for extending streets through the Panhandle property extending through streets must become part of the Planned Unit Development must be obtained prior to any final plat for lots on streets bisected by the Panhandle.

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 erosion control measures, storm water detention/retention facilities, drainage 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.

Before a final plat may be approved, Developer agrees, as subdivider, must enter into an agreement with the City whereby Developer 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 paving of private roadway, and temporary turnarounds and barricades located at the temporary dead-end of the private roadways shown on the final plat within two (2) years following the approval of this final plat.

to complete the installation of sidewalks along both sides of the streets (private roadways) and along (direction and name of street) as shown on the final plat within four (4) years following the approval of the final plat.

to complete the installation of sidewalks along (name the improved major street) as shown on the final plat within two (2) years following the approval of this final plat.

to construct the sidewalk in the pedestrian way easements at the same time as adjoining streets are paved and to agree that no building permit shall be issued for construction on until such time as the sidewalk in the pedestrian way easement is constructed.

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

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

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

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

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

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

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

to complete the planting of the street trees along streets/private roadways within this plat within six (6) years following the approval of the final plat.

to complete the planting of street trees along (the (direction) side and name of the improved major street) as shown on the final plat within two (2) years following the approval of this 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 timely complete any other public or private improvement or facility required by the Land Subdivision Ordinance 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 Planned Unit Development.

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 condition and state of repair, including the routine and reasonable preventative 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 street trees along the private roadways and landscape screens, including replacement and replanting as reasonably necessary, on a permanent and continuous basis.

to maintain the sidewalks in the pedestrian way easements in good order and condition, including repair and replacement as reasonably necessary, on a permanent and continuous basis.

to maintain the private facilities which have common use or benefit in good order and condition and state of repair, including the routine and reasonable preventive maintenance of the private improvements, 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 constructed within the development and that these additional maintenance issues or costs are the responsibility of the developer.

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, Developer(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) Developer shall not be relieved of Developer’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 inform all purchasers and users of land located within the 100 year floodplain and that the grading of the lots and outlots within the 100 year floodplain shall be in conformance with the grading plan approved with the Wandering Creek R-3 PUD change of zone #17030 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 PUD.

Standard Conditions:

6. The following conditions are applicable to all requests:
6.1 Before occupying the dwelling units/buildings all development and construction shall substantially comply with the approved plans.

6.2 All privately-owned improvements shall be permanently maintained by the owner or an appropriately established homeowners association approved by the City Attorney.

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

6.4 The terms, conditions, and requirements of the ordinance shall run with the land and be binding upon the developer, its successors and assigns.

6.5 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 therefore to be paid in advance by the applicant. Building permits will not be issued unless the letter of acceptance has been filed.

6.6 The site plan as approved with this ordinance voids and supersedes all previously approved site plans, however all ordinances approving previous permits remain in full force and effect unless specifically amended by this ordinance.
Annexation #: AN17019
Wandering Creek
S 91st St & Van Dorn 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.35 T10N R07E

Area of Application
Zoning Jurisdiction Lines
Existing City Limits
Change of Zone #: CZ17030 (AG to R-3)
Wandering Creek PUD
S 91st St & Van Dorn 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.35 T10N R07E

Area of Application
Zoning Jurisdiction Lines
Existing City Limits

Lincoln/Lancaster, NE GIS
2016 aerial
REQUESTED WAIVERS

1. BLOCK LENGTH FOR BLOCKS 4, 5, 6, 7, 8, AND 9.
2. LANDSCAPE SCREENING TO BE APPROVED AT TIME OF BUILDING PERMITS IN COMPLIANCE WITH LINCOLN MUNICIPAL CODE
3. THE FRONT, SIDE AND REAR SETBACKS ARE ADJUSTED TO 0' FOR LOTS 1-20, BLOCK 2.
4. LOT LINES BEING RADIAL AND PERPENDICULAR TO STREET RIGHT-OF-WAY.

5. RESIDENTIAL:
   a. LOTS 1-7, BLOCK 12, & LOTS 1-14, BLOCK 2:
      • LOT AREA (MIN): 3,200 SF
      • LOT WIDTH (MIN): 40 FEET
      • FRONT YARD: 10 FEET
      • STREET SIDE YARD: 5 FEET
      • SIDE YARD: 5 FEET
      • REAR YARD: 8 FEET
   
   b. LOTS 1-8, BLOCK 13:
      • LOT AREA (MIN): 1,600 SF
      • LOT WIDTH (MIN): 20 FEET
      • FRONT YARD: 10 FEET
      • STREET SIDE YARD: 5 FEET
      • SIDE YARD: 5 FEET, COMMON WALL 0'
      • REAR YARD: 8 FEET

6. RESIDENTIAL TRANSITION:
   a. LOT 1, BLOCK 1
      • BUILDING FOOTPRINT FLOOR AREA UP TO 10,000 SQUARE FEET
      • BUILDING HEIGHT: 35 FEET ((MAX))

8. MULTIFAMILY AREA:
   • BUILDING HEIGHT: 50 FEET, 3-STORY (MAX)
   • REAR YARD SETBACK: 10 FEET IF ADJACENT TO OUTLOT DESIGNATED AS GREENSPACE

GENERAL SITE NOTES

1. SANITARY SEWER AND WATER LINES TO BE 8" AND 6" PIPE DIAMETER RESPECTIVELY AND TO BE CONSTRUCTED TO OTHER CITY OF LINCOLN SPECIFICATIONS, UNLESS OTHERWISE SHOWN.
2. ALL SANITARY SEWERS AND WATER MAINS TO BE PUBLIC.
3. ALL DIMENSIONS ALONG CURVES ARE CHORD DISTANCES.
4. ALL PAVING RADIUS TO BE 20' UNLESS OTHERWISE NOTES.
5. ALL ELEVATIONS ARE TO BE ON NAVD 1988.
6. SIDEWALKS TO BE BUILT ON BOTH SIDES OF THE STREET.
7. SIDEWALKS TO BE 5 FEET MINIMUM WHERE RIGHT-OF-WAY ABUTS OPEN SPACE OR DOES NOT ABUT RESIDENTIAL LOTS. SIDEWALKS SHALL BE 4 FEET WIDE WHERE ABUTTING RESIDENTIAL LOTS.
8. THE DEVELOPER AGREES TO COMPLY WITH THE PROVISIONS OF THE LAND SUBDIVISION ORDINANCE REGARDING LAND PREPARATION.
9. LANDSCAPE SCREENING ALONG VAN DORN STREET IN THE RESIDENTIAL AREA SHALL BE PROVIDED.
10. A HOMEOWNER ASSOCIATION SHALL BE ESTABLISHED TO MAINTAIN ALL OPEN SPACE AREAS INCLUDING THE MEDIANS, AND TRAFFIC CIRCLES WITHIN THE PUBLIC STREETS.
11. LOT, OUTLOT AND BLOCK DIMENSIONS SHOWN ARE APPROXIMATE AND MAY VARY.
12. ALL STREET DIMENSIONS ARE TO BACK OF CURB.
13. EXISTING AND PROPOSED EASEMENTS TO BE TIED DOWN AT TIME OF FINAL PLATTING.
14. EXACT LOCATIONS OF WATER, SANITARY, DRAINAGE AND PAVING WILL BE SUBMITTED WITH INDIVIDUAL SITE PLANS AT TIME OF BUILDING PERMIT IN ACCORDANCE WITH CITY OF LINCOLN DESIGN STANDARDS.
15. THE YARD SETBACKS REGULATE STRUCTURAL WALLS ONLY AND DO NOT RESTRICT OVERHANGS, PATIOS, DOOR SWINGS, WINDOW SWINGS, ETC. FROM ENCROACHING INTO THE SETBACKS.
16. DETAILS OF ALL SIGNS, INCLUDING TYPE, HEIGHT, AND SIZE WILL BE SUBMITTED SEPARATELY FOR REVIEW WITH THE BUILDING PERMIT AND NEED NOT BE SHOWN ON THE PUD PLANS.
17. ALL IMPACTED WETLANDS WILL BE PERMITTED WITH THE CORP OF ENGINEERS.
18. ALL STREETS WITHIN THIS PUD ARE PUBLIC LOCAL STREETS UNLESS DESIGNATED OTHERWISE ON THE PLAN.
19. THE FINAL LOCATION AND GRADING OF THE BIKE TRAIL WILL BE DETERMINED BY THE PARK AND RECREATION DEPARTMENT AT THE TIME OF FINAL PLAT.
20. PEDESTRIAN SIDEWALK CONNECTIONS ARE REQUIRED TO BE 5 FEET WIDE WHEN EXCEEDING 190 FEET IN LENGTH, THIS WIDTH WILL BE REQUIRED AT THE TIME OF FINAL PLAT.

PLANNED UNIT DEVELOPMENT NOTES

1. THIS PLANNED UNIT DEVELOPMENT (P.U.D.) CONTAINS 78.66 ACRES.
20. PEDESTRIAN SIDEWALK CONNECTIONS ARE REQUIRED TO BE 5 FEET WIDE WHEN EXCEEDING 190 FEET IN LENGTH. THIS WIDTH WILL BE REQUIRED AT THE TIME OF FINAL PLAT.

PLANNED UNIT DEVELOPMENT NOTES

1. THIS PLANNED UNIT DEVELOPMENT (P.U.D.) CONTAINS 78.66 ACRES.
2. ALL REGULATIONS OF THE UNDERLYING ZONING DISTRICT SHALL APPLY, EXCEPT AS PROVIDED HEREIN AND/OR SPECIFICALLY MODIFIED BY THE CITY COUNCIL.
3. PRIVATE ROADWAYS SHALL BE PERMITTED BY ADMINISTRATIVE AMENDMENT.
4. DIRECT VEHICULAR ACCESS SHALL BE RElinquished FROM VAN DORN AND S. 98TH STREET EXCEPT AS SHOWN.
5. EXACT LOCATION OF ALL EASEMENTS SHALL BE SHOWN AT THE TIME OF FINAL PLATS.
6. THE 'R-3' ZONING REGULATIONS APPLY THROUGHOUT THIS P.U.D. WITH THE FOLLOWING EXCEPTIONS:
   A. PER THE APPROVED WAIVERS AS LISTED IN THE REQUESTED WAIVERS TABLE.
   B. THE REGULATIONS OF THE 'R-8' ZONING DISTRICT APPLY TO BLOCKS 7, 8, AND 9 EXCEPT ALL PERMITTED, CONDITIONAL, AND SPECIAL USES PER THE 'R-8' ZONING DISTRICT ARE ALLOWED AS PERMITTED USES, AND EXCEPT AS ADJUSTED BY THIS P.U.D. AS NOTED IN THE REQUESTED WAIVERS.
   C. THE REGULATIONS OF THE 'R-3' ZONING DISTRICT APPLY TO BLOCKS 2-6 AND 10-15 EXCEPT ALL PERMITTED, CONDITIONAL, AND SPECIAL USES PER THE 'R-3' ZONING DISTRICT ARE ALLOWED AS PERMITTED USES, AND EXCEPT AS ADJUSTED BY THIS P.U.D. AS NOTED IN THE REQUESTED WAIVERS.
   D. THE REGULATIONS OF THE 'RT' ZONING DISTRICT APPLY TO BLOCK 1 EXCEPT ALL PERMITTED, CONDITIONAL, AND SPECIAL USES PER THE 'RT' ZONING DISTRICT ARE ALLOWED AS PERMITTED USES, AND EXCEPT AS ADJUSTED BY THIS P.U.D. AS NOTED IN THE REQUESTED WAIVERS.
7. LOT LAYOUT IS CONCEPTUAL. ACTUAL LAYOUT WILL BE DETERMINED AT THE TIME OF FINAL PLAT SUBJECT TO COMPLIANCE WITH L.M.C. TITLE 26.
8. THE DEVELOPER AGREES TO COMPLY WITH THE DESIGN STANDARDS OF THE CITY OF LINCOLN FOR EROSION CONTROL AND SEDIMENTATION DURING AND AFTER LAND PREPARATION AND TO SUBMIT A SEEDING AND MAINTENANCE SCHEDULE BEFORE SITE GRADING IS DONE. THE DEVELOPER WILL BE RESPONSIBLE FOR CONTROLLING OFF-SITE DUST EMISSIONS IN ACCORDANCE WITH LINCOLN-LANCASHER COUNTY AIR POLLUTION REGULATIONS AND STANDARDS ARTICLE 2, SECTION 32.
9. ALL OPEN SPACE AND DETENTION AREAS MAINTENANCE IS THE RESPONSIBILITY OF THE DEVELOPER AND/OR FUTURE HOMEOWNER'S ASSOCIATION.
10. ALL TRAFFIC CIRCLES LOCATED WITHIN THE DEVELOPMENT AND IN THE PUBLIC RIGHT-OF-WAY SHALL BE MAINTAINED BY THE DEVELOPER AND/OR FUTURE HOMEOWNERS ASSOCIATION.
11. THE DEVELOPER SHALL CONSTRUCT RIGHT AND LEFT TURN LANES AT ALL STREET CONNECTIONS TO VAN DORN STREET.
12. THE STEVEN'S CREEK TRUNK SEWER IS TO BE COMPLETED BY THE CITY BY 2019 FOR CONNECTION AND EXTENSION TO SERVE THE WANDERING CREEK PUD AREA. BUILDING PERMITS SHALL BE ALLOWED PRIOR TO THE TRUNK SEWER BEING PROVIDED BY THE CITY OF LINCOLN. AS LONG AS STREETS, STREET SIGNS, AND WATER MAINS ARE COMPLETED. THE DEVELOPER SHALL BE RESPONSIBLE FOR ANY TEMPORARY PUMPING OF SEWAGE UNTIL CONNECTION TO TRUNK IS COMPLETED.
13. TEMPORARY OR PERMANENT OFF-SITE IMPROVEMENTS TO BE DESIGNED AND CONSTRUCTED ACCORDING TO ANNEXATION AGREEMENT.
14. A POTENTIAL PUBLIC PARK IS SHOWN ON THE POTENTIAL LPS PROPERTY AND IS SUBJECT TO AGREEMENTS BEING COMPLETED BETWEEN LPS AND THE CITY OF LINCOLN PARKS DEPARTMENT.
15. DRAINAGE CROSSINGS 'B' AND 'C' SHALL BE CONSTRUCTED WITH THE FINAL PLATTING OF ANY LOTS NORTH OF OUTLOTS 'B', 'C' OR 'E'.

COVER SHEET

LINCOLN, NEBRASKA

drawn by: BPR

checked by: MJ

approved by: BM

017-1391

10/18/2017
<table>
<thead>
<tr>
<th>Block</th>
<th>Lot</th>
<th>Use</th>
<th>Units</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>1</td>
<td>Residential Transition</td>
<td>10,000 sq. ft.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>OR 12 dwellings</td>
</tr>
<tr>
<td>7</td>
<td>1</td>
<td>Multifamily</td>
<td>245 dwellings</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>OR 200 persons (Healthcare)</td>
</tr>
<tr>
<td>8</td>
<td>1</td>
<td>Multifamily</td>
<td>155 dwellings</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>OR 125 persons (Healthcare)</td>
</tr>
<tr>
<td>9</td>
<td>1</td>
<td>Multifamily</td>
<td>195 dwellings</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>OR 155 persons (Healthcare)</td>
</tr>
<tr>
<td>2-6, 10-12</td>
<td></td>
<td>Residential</td>
<td>104 dwellings*</td>
</tr>
</tbody>
</table>

*Dwellings shown on site plan. Density may be increased as allowed per densities of Chapter 3.35 for R-3.*
October 18, 2017

HAND DELIVERY

David Carey, Planning Director
City County Planning Department
555 South 10th Street
Lincoln, NE 68508

RE: Applications for Annexation, Change of Zone to R-3 Planned Unit Development and Comprehensive Plan Amendments

Dear David:

Our law firm represents Matodol, LLC ("Matodol"), owner of the real property legally described as Lots 50, 51, and 64, located in the South Half of Section 36, Township 10 North, Range 7 East of the 6th P.M. and Outlot A, FBT Addition, all located in Lancaster County, Nebraska (the "Property"). Matodol is a party to the Annexation Agreement for Van Dorn Coalition approved by the City on March 9, 2017 that master planned the infrastructure to provide for the future annexation of the Property and other Van Dorn Coalition property.

Matodol is ready to move forward with development of its first phase of the Property which contains approximately 78.66 acres and is legally described and shown on Exhibit “A” enclosed herein ("First Phase Property"). Matodol is seeking to annex and change the zone of the First Phase Property from AG to R-3 Planned Unit Development. While Matodol’s requests for annexation and change of zone only affect the First Phase Property, the PUD plans show conceptual uses on the remainder of the Property and neighboring properties. The Grading and Drainage Study also covers the entire Property. Development of the Property is planned to provide a variety of housing types in varying price ranges.

The proposed R-3 PUD for the First Phase Property contains a residential area showing a variety of single family residential uses. It also includes a multifamily area and residential transition area. A height increase to 50 feet is being requested for the multifamily area to allow adequate height to construct three story buildings. Similar height adjustments have been granted on many recent multifamily projects. A decrease in the rear yard setback from 30 to 10 feet is also requested in the multifamily area where the rear yard abuts a nonbuildable outlot. A height increase up to 35 feet is also requested for the residential transition area which increases the height in this area to match what is permitted in the R-3 zoning for the residential area and also what is permitted within the Firethorn CUP.
In addition to the above, Matodol is requesting amendments to the 2040 Lincoln/Lancaster County Comprehensive Plan ("Comp Plan") to designate the northwest corner of S. 98th Street and Van Dorn Street as (i) a (N) Neighborhood Center on Map 5.1: Existing and Proposed Commercial Centers; and (ii) as "Commercial" on the Lincoln Area Future Land Use Map. This area is anticipated to ultimately contain a mix of retail, office, and service uses that are oriented to the neighborhood level, and may also include residential uses. There are no Neighborhood Centers identified within over a square mile from this newly developing area.

Enclosed please find the following:

1. City of Lincoln Application for annexation of the First Phase Property;
2. City of Lincoln Application for a change of zone from AG to R-3 PUD for the First Phase Property;
3. City of Lincoln Application for Comp Plan Amendments;
4. Application fees in the amount of $4,695;
5. PUD Site Plan;
6. Exhibits for the Comp Plan Amendments.

The development team has met with City Staff multiple times to discuss the proposed applications and will continue to work on issues that arise. The development team has also held individual meetings with property owners whose parcels are impacted by the layout of the PUD and will continue to work directly with those property owners as the PUD site plan is developed for future phases. In addition, an informational meeting was held with surrounding neighbors on September 25, 2017 to discuss the proposed zoning and land uses for the First Phase Property as well as the proposed Comp Plan amendments. The meeting was well attended by acreage neighbors and neighbors from the Firethorn neighborhood to the south. The neighbors expressed concerns about the density of the proposed uses, setback of the uses from Van Dorn Street, drainage from the Property and increased traffic on Van Dorn Street.

The proposed multifamily area is set back over 170 feet from the north line of the future Van Dorn Street right-of-way with nonbuildable green space in between. The multifamily area will provide an appropriate transitional use between the anticipated future commercial uses on the Realty Trust property to west and the proposed single family uses within the R-3 PUD to the east and north. A 20 feet outlot is also proposed along the north side of Van Dorn Street adjacent to the residential transition area and the residential area. This 20 feet outlot will be utilized for green space and berming similar to the berming installed along the Firethorn townhome area south of Van Dorn Street.

There is significant green space shown throughout the proposed PUD development with the owner maintaining the minimum flood corridors and wetland areas. Stormwater runoff and water quality measures will be accounted for within the development and are outlined in the Grading and Drainage Study.

The proposed development includes full access intersections with Van Dorn Street at Resort Drive and S. 91st Street. These two full access intersections were approved in the Annexation
Agreement. Owner plans to install right and left turn lanes at both intersections as outlined in the Annexation Agreement to improve safety and capacity at these two intersections.

Additional waivers are requested to address block length issues caused by the green space and drainage ways shown throughout the development. Adjustments to the lot regulations are also requested on certain blocks within the residential area to provide flexibility for new urbanism style townhomes and patio homes served by alleys.

We look forward to continuing to work with the City and neighbors on the above applications. Brad Marshall from Olsson Associates will be uploading the proposed plans. Please feel free to contact me or Brad should you have any questions or need any additional information.

Very truly yours,

DANAY KALKOWSKI
For the Firm

Enclosures

cc with enclosures: Jon Camp
Neighborhood Meeting Attendees
Jack Wolfe
9080, LLC
Roger H. Graff
Greg Bohac
Timothy Lieske
Daryl and Kristie Bohac
Todd Lorenz
October 24, 2017

HAND DELIVERY

David Carey, Planning Director
City County Planning Department
555 South 10th Street
Lincoln, NE 68508

RE: Correction to Submittal Letter for Wandering Creek R-3 PUD

Dear David:

The purpose of this letter is to correct a statement made in our October 18, 2017 submittal letter for Wandering Creek R-3 PUD. In that letter we indicated Matodol was requesting a height adjustment to 50 feet for the multifamily area to allow adequate height to construct three story buildings. In fact, Matodol is requesting the height adjustment to 50 feet to allow up to four story buildings. Similar height increases have been requested with recent multifamily projects that will permit four story buildings such as the height adjustment up to 50 feet approved for the Shadow Creek PUD R-5 area which has four story buildings planned. The proposed site plan includes significant green space with existing mature vegetation that separates and buffers the multifamily area from the existing recreational facility and townhome uses south of Van Dorn Street and future residential uses within the development.

Please feel free to contact me or Brad Marshall should you have any questions or need any additional information.

Very truly yours,

DANAY KALKOWSKI
For the Firm

cc: Jon Camp
Neighborhood Meeting Attendees
Jack Wolfe
9080, LLC
Roger H. Graff
Greg Bohac
Timothy Lieske
Daryl and Kristie Bohac
Todd Lorenz
ANNEXATION
LEGAL DESCRIPTION
PARCEL 1

A TRACT OF LAND COMPOSED OF A PORTION OF LOT 50 I.T., LOCATED IN THE SOUTHWEST QUARTER OF SECTION 35, TOWNSHIP 10 NORTH, RANGE 7 EAST OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF SECTION 35, TOWNSHIP 10 NORTH, RANGE 7 EAST OF THE 6TH P.M.; THENCE NORTHERLY ON THE EAST LINE OF SAID SOUTHWEST QUARTER ON AN ASSUMED BEARING OF NOO°11'14"W, A DISTANCE OF 50.00' TO THE SOUTHEAST CORNER OF LOT 49 I.T., SAID POINT BEING ON A NORTH RIGHT-OF-WAY LINE OF VAN DORN STREET; THENCE N89°49'27"W, ON A SOUTH LINE OF SAID LOT 49 I.T., SAID LINE BEING A NORTH LINE OF SAID RIGHT-OF-WAY, SAID LINE BEING 50.00' NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 20.13' TO THE SOUTHEAST CORNER OF LOT 50 I.T., THENCE NOO°11'24"W, ON A EAST LINE OF SAID LOT 50 I.T., SAID LINE BEING A WEST LINE OF SAID LOT 49 I.T., A DISTANCE OF 380.02' TO THE TRUE POINT OF BEGINNING; THENCE N89°50'28"W, A DISTANCE OF 248.49' TO A POINT; THENCE N90°21'21"W, A DISTANCE OF 249.94' TO A POINT; THENCE N89°49'27"W, A DISTANCE OF 1,051.11' TO A POINT OF INTERSECTION WITH THE WEST LINE OF SAID LOT 50 I.T., SAID POINT BEING ON THE EAST LINE OF LOT 56 I.T.; THENCE NOO°17'55"W, ON THE WEST LINE OF SAID LOT 50 I.T., SAID LINE ALSO BEING THE EAST LINE OF LOTS 10 I.T., AND LOT 56 I.T., A DISTANCE OF 1,462.67' TO A POINT; THENCE N89°42'13"E, A DISTANCE OF 40.94' TO A POINT OF CURVATURE FOR A CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 26°19'31"; A RADIUS OF 480.00', AN ARC LENGTH OF 220.54', A CHORD LENGTH OF 218.61', A TANGENT LENGTH OF 112.25', AND A CHORD BEARING OF N76°32'28"E, TO A POINT; THENCE S46°35'10"E, A DISTANCE OF 83.09' TO A POINT; THENCE S50°15'03"E, A DISTANCE OF 178.93' TO A POINT; THENCE S49°24'00"E, A DISTANCE OF 61.30' TO A POINT; THENCE S46°14'29"E, A DISTANCE OF 59.50' TO A POINT; THENCE S42°59'39"E, A DISTANCE OF 59.50' TO A POINT; THENCE S39°44'42"E, A DISTANCE OF 59.76' TO A POINT; THENCE N51°53'27"E, A DISTANCE OF 119.99' TO A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 02°31'18", A RADIUS OF 1,170.00', AN ARC LENGTH OF 51.49', A CHORD LENGTH OF 51.49', A TANGENT LENGTH OF 25.75', AND A CHORD BEARING OF N39°22'12"W TO A POINT; THENCE N49°22'10"E, A DISTANCE OF 60.00' TO A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 01°23'51", A RADIUS OF 1,230.00', AN ARC LENGTH OF 30.00', A CHORD LENGTH OF 30.00', A TANGENT LENGTH OF 15.00', AND A CHORD BEARING OF S39°55'55"E TO A POINT; THENCE N43°45'44"E, A DISTANCE OF 108.81' TO A POINT; THENCE N60°48'43"E, A DISTANCE OF 133.13' TO A NORTH CORNER OF SAID LOT 50 I.T., SAID POINT BEING A SOUTH CORNER OF LOT 49 I.T.; THENCE S89°28'04"E, ON A NORTH LINE OF SAID LOT 50 I.T., SAID LINE BEING A SOUTH LINE OF SAID LOT 49 I.T., A DISTANCE OF 367.01' TO AN EAST
CORNER OF SAID LOT 50 I.T., SAID POINT BEING A SOUTH CORNER OF SAID LOT 49 I.T., THENCE S00°11'24"E, ON A EAST LINE OF SAID LOT 50 I.T., SAID LINE BEING A WEST LINE OF SAID LOT 49 I.T., A DISTANCE OF 1,195.73' TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA 1,759,591.197 SQUARE FEET OR 40.39 ACRES, MORE OR LESS.

TOGETHER WITH THE FOLLOWING:

ANNEXATION
LEGAL DESCRIPTION
PARCEL 2

A TRACT OF LAND COMPOSED OF PORTION OF LOT 51 I.T., LOCATED IN THE SOUTHWEST QUARTER OF SECTION 35, TOWNSHIP 10 NORTH, RANGE 7 EAST OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF SECTION 35, TOWNSHIP 10 NORTH, RANGE 7 EAST OF THE 6TH P.M.; THENCE NORTHERLY ON THE WEST LINE OF SAID SOUTHEAST QUARTER, ON AN ASSUMED BEARING OF N00°11'14"W, A DISTANCE OF 50.00' TO THE SOUTHWEST CORNER OF LOT 51 I.T., SAID POINT BEING THE SOUTHEAST CORNER OF LOT 49 I.T., SAID POINT ALSO BEING ON THE NORTH RIGHT-OF-WAY LINE OF VAN DORN STREET, SAID POINT BEING THE TRUE POINT OF BEGINNING; THENCE CONTINUING N00°11'14"W ON SAID LINE, A DISTANCE OF 1,575.75' TO A POINT; THENCE N89°48'39"E, A DISTANCE OF 391.27' TO A POINT; THENCE S48°41'46"E, A DISTANCE OF 50.73' TO A POINT; THENCE S53°18'05"E, A DISTANCE OF 56.95' TO A POINT; THENCE S57°48'46"E, A DISTANCE OF 48.60' TO A POINT; THENCE S59°44'46"E, A DISTANCE OF 141.21' TO A POINT; THENCE S46°46'45"E, A DISTANCE OF 86.29' TO A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 02°05'47", A RADIUS OF 820.00', AN ARC LENGTH OF 30.00', A CHORD LENGTH OF 30.00', A TANGENT LENGTH OF 15.00', AND A CHORD BEARING OF N42°10'22"E TO A POINT; THENCE S48°52'32"E, A DISTANCE OF 60.00' TO A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 05°16'46", A RADIUS OF 880.00', AN ARC LENGTH OF 81.08', A CHORD LENGTH OF 81.06', A TANGENT LENGTH OF 40.57', AND A CHORD BEARING OF S43°45'51"W TO A POINT; THENCE S43°35'46"E, A DISTANCE OF 125.00' TO A POINT; THENCE S27°59'15"E, A DISTANCE OF 355.67' TO A POINT; THENCE S33°56'02"E, A DISTANCE OF 180.34' TO A POINT OF INTERSECTION WITH AN EAST LINE OF SAID LOT 51 I.T., SAID POINT BEING ON THE WEST LINE OF LOT 48 I.T.; THENCE S00°12'26"E, ON THE EAST LINE OF SAID LOT 51 I.T., SAID LINE BEING THE WEST LINE OF LOT 48 I.T., OF 726.67' TO THE SOUTHEAST CORNER OF SAID LOT 51 I.T., SAID POINT BEING THE SOUTHWEST CORNER OF SAID LOT 48 I.T., SAID POINT BEING ON THE NORTH RIGHT-OF-WAY LINE OF VAN DORN STREET, SAID POINT BEING 50.00' NORTH OF THE SOUTH LINE OF SAID SOUTHEAST QUARTER; THENCE N89°49'24"W, ON THE SOUTH LINE OF SAID LOT 51 I.T., SAID LINE BEING THE NORTH LINE OF SAID RIGHT-OF-WAY, SAID LINE ALSO BEING 50.00' NORTH OF AND
PARALLEL WITH THE SOUTH LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 1,061.56' TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA 1,443,774.62 SQUARE FEET OR 33.14 ACRES, MORE OR LESS.

Tuesday, October 10, 2017
PLANNED UNIT DEVELOPMENT
LEGAL DESCRIPTION
PARCEL 1

A TRACT OF LAND COMPOSED OF A PORTION OF LOT 50 I.T., LOCATED IN THE SOUTHWEST QUARTER OF SECTION 35, TOWNSHIP 10 NORTH, RANGE 7 EAST OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF SECTION 35, TOWNSHIP 10 NORTH, RANGE 7 EAST OF THE 6TH P.M.; THENCE NORTHERLY ON THE EAST LINE OF SAID SOUTHWEST QUARTER ON AN ASSUMED BEARING OF N00°11'14"W, A DISTANCE OF 50.00' TO THE SOUTHEAST CORNER OF LOT 49 I.T., SAID POINT BEING ON A NORTH RIGHT-OF-WAY LINE OF VAN DORN STREET; THENCE N89°49'27"W, ON A SOUTH LINE OF SAID LOT 49 I.T., SAID LINE BEING A NORTH LINE OF SAID RIGHT-OF-WAY, SAID LINE BEING 50.00' NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 20.13' TO THE SOUTHEAST CORNER OF LOT 50 I.T., SAID POINT BEING THE TRUE POINT OF BEGINNING; THENCE CONTINUING N89°49'27"W ON SAID LINE, A DISTANCE OF 424.20' TO A SOUTH CORNER OF SAID LOT 50 I.T.; THENCE N79°29'38"W, ON A SOUTH LINE OF SAID LOT 50 I.T., SAID LINE BEING A NORTH LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 55.77' TO A SOUTH CORNER OF SAID LOT 50 I.T., SAID POINT BEING 60.00' NORTH OF THE SOUTH LINE OF SAID SOUTHWEST QUARTER; THENCE N89°49'27"W, ON A SOUTH LINE OF SAID LOT 50 I.T., SAID LINE BEING A NORTH LINE OF SAID RIGHT-OF-WAY, SAID LINE ALSO BEING 60.00' NORTH AND PARALLEL WITH THE SOUTH LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 822.76' TO THE SOUTHWEST CORNER OF SAID LOT 50 I.T., SAID POINT BEING ON THE EAST LINE OF LOT 56 I.T.; THENCE N00°17'55"W, ON THE WEST LINE OF SAID LOT 50 I.T., SAID LINE ALSO BEING THE EAST LINE OF LOTS 10 I.T., AND LOT 56 I.T., A DISTANCE OF 1,582.68' TO A POINT; THENCE N89°42'13"E, A DISTANCE OF 40.94' TO A POINT OF CURVATURE FOR A CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 26°19'31", A RADIUS OF 480.00', AN ARC LENGTH OF 220.54', A CHORD LENGTH OF 218.61', A TANGENT LENGTH OF 112.25', AND A CHORD BEARING OF N76°32'28"E, TO A POINT; THENCE S46°35'10"E, A DISTANCE OF 83.09' TO A POINT; THENCE S50°15'03"E, A DISTANCE OF 178.93' TO A POINT; THENCE S49°24'00"E, A DISTANCE OF 61.30' TO A POINT; THENCE S46°14'29"E, A DISTANCE OF 59.50' TO A POINT; THENCE S42°59'39"E, A DISTANCE OF 59.50' TO A POINT; THENCE S39°44'42"E, A DISTANCE OF 59.76' TO A POINT; THENCE N51°53'27"E, A DISTANCE OF 119.99' TO A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 02°31'18", A RADIUS OF 1,170.00', AN ARC LENGTH OF 51.49', A CHORD LENGTH OF 51.49', A TANGENT LENGTH OF 25.75', AND A CHORD BEARING OF N39°22'12"W TO A POINT; THENCE N49°22'10"E, A DISTANCE OF 60.00' TO A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 01°23'51", A RADIUS OF 1,230.00', AN ARC LENGTH OF 30.00', A CHORD LENGTH OF 30.00', A TANGENT LENGTH OF 15.00', AND A CHORD BEARING OF S39°55'55"E TO A POINT; THENCE N43°45'44"E, A DISTANCE OF 108.81' TO A POINT; THENCE N60°48'43"E, A
DISTANCE OF 133.13' TO A NORTH CORNER OF SAID LOT 50 I.T., SAID POINT BEING A SOUTH CORNER OF LOT 49 I.T.; THENCE S89°28'04"E, ON A NORTH LINE OF SAID LOT 50 I.T., SAID LINE BEING A SOUTH LINE OF SAID LOT 49 I.T., A DISTANCE OF 367.01' TO AN EAST CORNER OF SAID LOT 50 I.T., SAID POINT BEING A SOUTH CORNER OF SAID LOT 49 I.T.; THENCE S00°11'24"E, ON A EAST LINE OF SAID LOT 50 I.T., SAID LINE BEING A WEST LINE OF SAID LOT 49 I.T., A DISTANCE OF 1,575.75' TO A POINT TO A POINT; TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA 1,982,745.27 SQUARE FEET OR 45.52 ACRES, MORE OR LESS.

TOGETHER WITH THE FOLLOWING:

PLANNED UNIT DEVELOPMENT
LEGAL DESCRIPTION
PARCEL 2

A TRACT OF LAND COMPOSED OF PORTION OF LOT 51 I.T., LOCATED IN THE SOUTHWEST QUARTER OF SECTION 35, TOWNSHIP 10 NORTH, RANGE 7 EAST OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF SECTION 35, TOWNSHIP 10 NORTH, RANGE 7 EAST OF THE 6TH P.M.; THENCE NORTHERLY ON THE WEST LINE OF SAID SOUTHEAST QUARTER, ON AN ASSUMED Bearing of N00°11'14"W, A DISTANCE OF 50.00' TO THE SOUTHWEST CORNER OF LOT 51 I.T., SAID POINT BEING THE SOUTHEAST CORNER OF LOT 49 I.T., SAID POINT ALSO BEING ON THE NORTH RIGHT-OF-WAY LINE OF VAN DORN STREET, SAID POINT BEING THE TRUE POINT OF BEGINNING; THENCE CONTINUING N00°11'14"W ON SAID LINE, A DISTANCE OF 1,575.75' TO A POINT; THENCE N89°48'39"E, A DISTANCE OF 391.27' TO A POINT; THENCE S48°41'46"E, A DISTANCE OF 50.73' TO A POINT; THENCE S53°18'05"E, A DISTANCE OF 56.85' TO A POINT; THENCE S57°48'46"E, A DISTANCE OF 48.60' TO A POINT; THENCE S59°44'46"E, A DISTANCE OF 141.21' TO A POINT; THENCE S46°46'45"E, A DISTANCE OF 86.29' TO A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 02°05'47", A RADIUS OF 820.00', AN ARC LENGTH OF 30.00', A CHORD LENGTH OF 30.00', A TANGENT LENGTH OF 15.00', AND A CHORD BEARING OF N42°10'22"E TO A POINT; THENCE S48°52'32"E, A DISTANCE OF 60.00' TO A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 05°16'46", A RADIUS OF 880.00', AN ARC LENGTH OF 81.08', A CHORD LENGTH OF 81.06', A TANGENT LENGTH OF 40.57', AND A CHORD BEARING OF S43°45'51"W TO A POINT; THENCE S43°35'46"E, A DISTANCE OF 125.00' TO A POINT; THENCE S27°59'15"E, A DISTANCE OF 355.67' TO A POINT; THENCE S33°56'02"E, A DISTANCE OF 180.34' TO A POINT OF INTERSECTION WITH AN EAST LINE OF SAID LOT 51 I.T., SAID POINT BEING ON THE WEST LINE OF LOT 48 I.T.; THENCE S00°12'26"E, ON THE EAST LINE OF SAID LOT 51 I.T., SAID LINE BEING THE WEST LINE OF LOT 48 I.T., OF 726.67' TO THE SOUTHEAST CORNER OF SAID LOT 51 I.T., SAID POINT BEING THE SOUTHWEST CORNER OF SAID LOT 48 I.T., SAID POINT BEING ON THE NORTH RIGHT-OF-WAY LINE OF VAN DORN STREET, SAID POINT BEING 50.00' NORTH
OF THE SOUTH LINE OF SAID SOUTHEAST QUARTER; THENCE N89°49'24"W, ON THE SOUTH LINE OF SAID LOT 51 I.T., SAID LINE BEING THE NORTH LINE OF SAID RIGHT-OF-WAY, SAID LINE ALSO BEING 50.00' NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 1,061.56' TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA 1,443,774.62 SQUARE FEET OR 33.14 ACRES, MORE OR LESS.
# 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>
</tr>
</thead>
<tbody>
<tr>
<td>Building &amp; Safety</td>
<td>ron rehuts</td>
<td>1</td>
<td>Corrections Required</td>
<td>See mark-ups. See PW/U Wastewater comments. Comment No. 13 on Sheet 1 of 22 needs to be revised. Building permits will not be issued for properties that cannot be connected immediately to the City's sanitary sewer system. This office made a limited review of &quot;WANDERING CREEK R 3 P.L.D.&quot; Annexation # AN17019 in the S ½ of Section 35, T10N, R7E located at S. 91st Street and Van Dorn Street and has no direct objections to this subject, but subject to development improvements following area annexation including the adjacent County road. October 31, 2017 (lotts) 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 outlots, 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>
</tr>
<tr>
<td>County Engineer</td>
<td>ken Schroeder</td>
<td>1</td>
<td>Recommend Approval</td>
<td>All wind and water erosion must be controlled during construction. The Lower Platte South Natural Resources District should be contacted for guidance in this matter. Developers are responsible for all mosquito control issues during the building process and all outlots, 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>
</tr>
<tr>
<td>County Health</td>
<td>chris Schroeder</td>
<td>1</td>
<td>Recommend Approval</td>
<td>Individual</td>
<td></td>
</tr>
<tr>
<td>County Sheriff</td>
<td>Todd Duncan</td>
<td>1</td>
<td>Pending</td>
<td>Individual</td>
<td></td>
</tr>
<tr>
<td>Development Review Manager</td>
<td>steve hennrichsen</td>
<td>1</td>
<td>Corrections Required</td>
<td>Individual</td>
<td></td>
</tr>
<tr>
<td>Emergency Communications</td>
<td>Kelly Davila</td>
<td>1</td>
<td>Pending</td>
<td>Individual</td>
<td></td>
</tr>
<tr>
<td>Fire Department</td>
<td>Patrick Borer</td>
<td>1</td>
<td>Recommend Approval</td>
<td>Lincoln Fire and Rescue station 12 is located at 84th and South. It will ultimately be moved to 84th and Pioneers. Station 12 will be able to serve this area within department response time goals. Lincoln Fire and Rescue recommends approval of this application.</td>
<td>Individual</td>
</tr>
<tr>
<td>Law Department</td>
<td>Law Department</td>
<td>1</td>
<td>Pending</td>
<td>First In Group</td>
<td></td>
</tr>
<tr>
<td>LES</td>
<td>les reviews</td>
<td>1</td>
<td>Recommend Approval</td>
<td>10/31/17 Easements to be obtained during final plat process. DG</td>
<td>First In Group</td>
</tr>
<tr>
<td>Lincoln Police Department</td>
<td>sgt randy clark</td>
<td>1</td>
<td>Recommend Approval</td>
<td>First In Group</td>
<td></td>
</tr>
<tr>
<td>Long Range Manager</td>
<td>paul barnes</td>
<td>1</td>
<td>Recommend Approval</td>
<td>Individual</td>
<td></td>
</tr>
<tr>
<td>Lower Platte South NRD</td>
<td>Kyle Haushchild</td>
<td>1</td>
<td>Corrections Required</td>
<td>Individual</td>
<td></td>
</tr>
<tr>
<td>Norris PPD</td>
<td>Norris PPD</td>
<td>1</td>
<td>Pending</td>
<td>First In Group</td>
<td></td>
</tr>
<tr>
<td>Parks &amp; Recreation</td>
<td>Sara Hartzell</td>
<td>1</td>
<td>In Review</td>
<td>Individual</td>
<td></td>
</tr>
<tr>
<td>Planning Dept</td>
<td>Andrew Thieoff</td>
<td>1</td>
<td>Recommend Approval</td>
<td>City Council District 2</td>
<td>Individual</td>
</tr>
<tr>
<td></td>
<td>Brenda Thomas</td>
<td>1</td>
<td>No Review Required</td>
<td>First In Group</td>
<td></td>
</tr>
<tr>
<td>Public Works - Engineering Services</td>
<td>brion perry</td>
<td>1</td>
<td>Recommend Approval</td>
<td>10-20-17 2 roadway crossings will need to be done when North of roundabout is plated. E0 and Sureties will be required at final plat.</td>
<td>First In Group</td>
</tr>
<tr>
<td></td>
<td>Troy Griffin</td>
<td>1</td>
<td>Corrections Required</td>
<td>Land base shows annex (Parcel 1) approx. 33' north of south line of Lot 49 JT. This needs to be verified with County agencies responsible for land base. Minor text edits.</td>
<td>First In Group</td>
</tr>
<tr>
<td>Name</td>
<td>Code</td>
<td>Action</td>
<td>Comment</td>
<td>Group</td>
<td></td>
</tr>
<tr>
<td>---------------------------------------</td>
<td>------</td>
<td>--------------</td>
<td>--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td>----------------</td>
<td></td>
</tr>
<tr>
<td>Public Works - Watershed Management</td>
<td>1</td>
<td>Corrections Required</td>
<td>See comments uploaded in the Miscellaneous folder. For all future submissions, the 320 page Hydrologic Study is requested to be submitted as a hard copy in addition to the electronic copy.</td>
<td>First In Group</td>
<td></td>
</tr>
<tr>
<td>Public Works &amp; Utilities - Wastewater</td>
<td>1</td>
<td>Recommend Approval</td>
<td>Sanitary sewer will not be available to this area until approximately June 2019.</td>
<td>Individual</td>
<td></td>
</tr>
<tr>
<td>Public Works &amp; Utilities - Water</td>
<td>1</td>
<td>Recommend Approval</td>
<td>LWS is available at the southwest corner of the intersection of Van Dom and S. 91st St.</td>
<td>First In Group</td>
<td></td>
</tr>
<tr>
<td>United States Post Office</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>
<td>First In Group</td>
<td></td>
</tr>
</tbody>
</table>
Wandering Creek PUD, AN17019

Plans & Hydrologic Study, v1; reviewed, WSMJLN, 11/3/2017; revised per Planning 11/6/2017

Corrections Required:

1. General Site note 10: Add detention to this.
2. General Site note 17: Specify that the Developer is responsible for permitting wetland impacts.
3. General Site note 14: Remove drainage from list, and separately describe that changes to grading and drainage need to be submitted as an Admin Amendment.
4. PUD Notes: Will need to add notes detailing plan for channel, alignment, permitting and who/when is doing Resort Drive, its culvert, and potential channel impacts adjacent to it. It is unclear at this time what is occurring.
5. PUD Notes: Add a note describing how at the time of Final Platting, the developer agrees to provide surety and build detention for any lot(s) being platted as buildable which drain to said detention. A note regarding the timing, construction, and maintenance of Water Quality components is also needed. In general, detention and water quality features need to be built before, or in conjunction, with each phase of development.
6. A licensed Professional Engineers needs to seal the planset and studies to certify the surveyed information, and calculations presented.
7. The Lower Platte South NRD, with City as partners, paid for and completed a Master Planning Project with accompanying easements for a channel restoration and stream stability project upstream of 98th St. The Easement Instrument Number(s) needs to be referenced and features of this project are requested to be shown on the plans and preserved. The easement specifies that no one can occupy or construct within this easement, except possibly only one crossing may be allowed, if prior approval from the NRD is obtained; at this time it's not clear if that has been done. The pedestrian crossing (crossing D) and Long Pine Creek Rd (Crossing E) will require approval of NRD, or the plan will need to be revised. In addition, the project is in its USACE 404 Monitoring Period, and the USACE may not permit any work in these areas for several years. The project also has permanent access easements to access both sides of the channel and the NRD and City will need to see and approve equivalent accessibility to the project. Finally, no detention is supported in this vicinity which would impound water, aggregate sediment, and compromise the restored and protected riparian corridor.
8. There are maintenance concerns about Detention in the existing riparian corridor, generally between crossings A, and downstream at 98th St (south of Coyote Springs Rd), due to: trees being in a detention area where they could be damaged from standing/detained water and clogging of detention outlet; and concerns with sediment aggregating in channel, ruining the riparian corridor and affecting storage capacity. It's very difficult to maintain these and the future HOAs will not likely expect or know of such maintenance requirements. Finally, much of this area is in a floodplain, so not only are there hydraulic implications, but also sediment will diminish the flood storage capacity and conveyance.
9. No Hydraulic study was submitted or any consideration given to the FEMA floodplain and floodway area here. This is needed and will need to address New Growth Area Floodplain standards, show no rise, compensatory storage, and meeting Master Plan flows, etc. Sequencing information for drainage crossings is needed as well. A CLOMR or LOMR may be required. The drainage structures crossing the floodplain will impact the floodplain and this
needs to be reviewed. A Hydraulic study and floodplain implications will affect lowest floor elevations, minimum opening elevations, detention, and possibly other grading and drainage features; therefore this information needs to be supplied and revised plans are needed before a complete review of minimum opening elevations and lowest floor elevations, detention and drainage calculations can be conducted.

10. Floodplain cross sections and labels are needed with pertinent information.

11. Minimum opening elevations are needed for all lots abutting Outlots A through G and other drainage ditches, swales, detention; and need to be at least 1 FT above the Major Storm Event Water Surface Elevation of such, or 1 FT above the downstream culvert crossing, whichever is greater.

12. Lowest Floor Elevations are needed for all lots abutting outlots which have floodplain in them, and need to be at least 1 FT above the BFE. If the floodplain changes per Hydraulic Study (which is still needed), then they need to be based on the highest resulting BFE of existing or proposed conditions.

13. Plans are missing outfall structures for detention cells and their details. Detention needs outfall structures (e.g. weirs) to regulate the 2, 10, and 100yr flows on private property, to be owned and maintained by private property.

14. A plan showing the details of Water Quality feature(s) is needed.

15. Show details of Rock Rip-rap plunge pools (or other approved erosion control measure) needed at each storm drain outfall, and add note describing these will be installed.

16. Sheet 8: Major Storm Event runoff and overland flow paths, do not appear to be identical to drainage pipe network at all locations. Calculations need to clarify these and show sufficient overland flow capacity. This also needs to reflect the final ROW/road cross section, where varying.

17. Show and label the ponding limits of the 100yr Major Storm Event where applicable, such as detention cells.

18. Outlots need label so it’s clear what they are to be dedicated for (i.e., open space, drainage, etc.)

19. Additional elevation labels are requested for existing and proposed contours.

20. Provide a copy of Wetland Delineation report.

21. Crossing C does not line up. Why?
COMPREHENSIVE PLAN AMENDMENT NO. 17007, ANNEXATION NO. 17019, AND CHANGE OF ZONE 17030

COMPREHENSIVE PLAN AMENDMENT NO. 17007, AMENDING TO DESIGNATE THE NW CORNER OF S. 98TH STREET AND VAN DORN AS (N) NEIGHBORHOOD CENTER ON MAP 5.1: EXISTING AND PROPOSED COMMERCIAL CENTERS, GENERALLY LOCATED AT THE NW CORNER OF S. 98TH AND VAN DORN STREETS. December 6, 2017


Staff recommendation: Approval.

AND

ANNEXATION NO. 17019, TO ANNEX APPROXIMATELY 73.53 ACRES, MORE OR LESS, ON PROPERTY GENERALLY LOCATED AT 91ST AND VAN DORN STREETS. December 6, 2017


Staff recommendation: Conditional Approval.

AND

CHANGE OF ZONE NO. 17030 FROM AG (AGRICULTURAL DISTRICT) TO R-3 (RESIDENTIAL DISTRICT) PUD, WITH SINGLE-FAMILY, MULTIPLE-FAMILY, AND RESIDENTIAL TRANSITION USES, WITH VARIOUS WAIVERS, ON PROPERTY GENERALLY LOCATED AT 91ST AND VAN DORN STREETS. December 6, 2017


Staff recommendation: Conditional Approval.

There were no ex parte communications disclosed.

Staff Presentation: George Wesselhoft of the Planning Department stated he will discuss the annexation and change of zone. Andrew Thierolf, Long Range Planner, will discuss the amendment to the Comprehensive Plan. The change of zone area is slightly larger than the annexation area because there is an area that was annexed as part of the Van Dorn Coalition. This rezoning consists of 72.66 acres and the developer requests approval of 104 dwellings, 595 total multi-family, a 489-person residential healthcare facility, and office. There are a total of eight waivers requested.
The site map shows the Phase I area. The multi-family units would be zoned R-5 and are along the west of the site. The office or R-T area would be located at the south end in the center of the property. The remaining areas would be R-3, with the exception of the substantial green space. Key to this area is the extension of the Steven’s Creek sewer line. The application proposes that building permits be allowed prior to completion of that trunk line so long as there are street water mains. The main arterial for the area is Van Dorn. As a condition, a roundabout is proposed at the intersection of 91st and Van Dorn. 98th Street is scheduled to be paved in 2018. There is a 20-foot trail easement along the north side of the creek. A memo was sent out December 5th pertaining to additional clarifications to conditions.

In the R-5 area, a few uses were deemed inappropriate, including broadcast towers, personal wireless towers, and solar energy conversion systems. A comparable development is land use, density, and scale is Lennox Village. This proposal is typical for suburban land use density and is compatible with adjacent developments. The property is adjacent to City limits and can provide a full range of municipal services.

Andrew Thierolf of the Planning Department, said the amendment applies to the southeast corner of the area, at 98th and Van Dorn Streets, and does not change the zoning but amends the future land use to show a commercial center. Neighborhood centers are usually between 50,000 and 150,000 square feet and have to meet several criteria, which are listed in the staff report. This would be the 2nd center in the square mile. A future trail is also shown for the area.

Corr said this is an early stage so nothing is shown in detail. She wondered if Planning Commission will see the area again. Thierolf said the annexation and change of zone would still need to be done and more details and the density would be shown at that time.

Corr asked if the topography limits areas of development on other corners. Thierolf said much of the area is flood plain and floodway. The perfect spot would be a little more to the west, but the drainage way prevents that.

Hove asked for more information about the roads. Wesselhoft said there is not a plan to turn this into a 4-lane arterial. Turn lanes will be added at other sections, along with the roundabout at 91st Street. Hove asked if that is included in the first phase. Bob Simmering of the Public Works Department said the roundabout and turn lanes will be built as permanent improvements, meaning they meet the full extent of standards required for City streets.

Harris noted there were public comments and concerns about the height of the multi-family buildings. Wesselhoft said there have been similar waivers granted for other developments. Steve Henrichsen of the Planning Department said there are multiple examples around town such as Woodlands at Yankee Hill. Lots of new complexes are going to first-floor and underground parking so it is difficult to keep the height under 40 feet. If there is a large buffer area and the development is planned in advance, this request is more routine.

Finnegan noted the hilly topography and wondered how it will affect traffic in the roundabout. Simmering said the roundabout will have a direct impact on the speed of traffic coming in -- 22 mph is the rate one can comfortably drive through, including the grade. There is a throat that extends out so drivers will know the roundabout is coming up.
Proponents:

1. DaNay Kalkowski, Seacrest & Kalkowski, 1128 Lincoln Mall, came forward representing the applicant. In 2016, the owner was part of the Van Dorn Coalition, along with five others. In total, they controlled 300 acres. At that time, they worked with the city to amend the Comprehensive Plan to show the majority of the area as Tier I, Priority B. They then worked on the annexation agreement that would master plan 280 acres, including roads, water, trails, and parks. That plan also contained preliminary plan of site use. The reason for this planning is that the City opened up this vast area for development by deciding to fund the extension of Steven’s Creek.

These applications are for the first 78 acres of development. The uses are consistent with the Land Use Map. This proposal creates a unique environment with a mix of uses. One thing that stands out is the amount of drainage and green space being preserved, particularly in this first phase. Those open spaces provide ample buffering.

The anticipated uses for the higher density R-5 area include multi-family and elderly housing. The height waiver for the area is supported by staff. The property to the west is anticipated to be commercial, so these proposed uses will provide a nice transition to the single-family residential to the east. The large amount of natural buffers also mitigates the impacts to adjacent properties. The small R-T area is a unique property and is cut off from other residential uses at 91st street and also to the west because of the drainage. This makes the parcel appropriate for a small office or daycare. It could even be used for residential and the proposal is for 10,000 square feet of office, or 12-units density. The final area is R-3 which generally follows the rules for that zoning district. There is also a 20-foot buffer of green space between the R-T and the single-family.

Grading and drainage were areas of concern to neighborhoods. While this is only the first piece, the site plan shows a conceptual layout for the remainder and master plans the entire area in terms of grading. In September, we hosted a neighborhood meeting and presented the conceptual plan. It was well-attended. The concerns were related to the drainage, density, height and setback waivers, and traffic, especially at the 91st Street intersection. We did try to address those concerns as best as possible and copies of the plan were sent out to anyone who signed in at that meeting. A major concession made by the developer was the agreement to fund and install the roundabout. The annexation agreement master planned all of the road improvements and the left and right turn lanes were included. These are intended to be permanent improvements that will not have to be removed in the future should the City widen Van Dorn Street. There were many conditions and we worked through many of them. There is only one item of disagreement with regard to Waiver No. 8 related to vertical deflections or vertical curves and we submit a motion to amend that.

2. Brad Marshall, Olsson Associates, noted the amount of trees and green space being retained. There is a stream stabilization project completed by the NRD and the site plan was modified to work around that. Considerable grade separations from street to drainage are proposed to slow down water flow to dissipate energy. This may be an area that can be worked out with Watershed Management in the upcoming year. Parks and Recreation has been involved with the trail which will follow drainage and runs from the southwest out to 98th Street north of Van Dorn where it will continue to connect with the MoPac Trail. They are also working with LPS about the possible colocation of a park near a school.
Harris asked if the applicant agrees with the memo that was received. Kalkowski said they do with the exception of Waiver 8, which is the only part that their motion to amend applies to.

Harris asked what the maximum density is for Phase I and how it relates to other developments. Kalkowski acknowledged that the density will appear skewed due to the fact that Phase I contains all of the proposed multi-family dwellings for the entire area. The rest of the area is anticipated to be single-family dwellings. The Comprehensive Plan encourages density to make for more efficient use of infrastructure.

Hove asked where the entry and exit points will be. Kalkowski said the first phase has two points to Van Dorn and there is the entrance to Firethorn at 91st Street. A connection to the west can be expected when they develop and there will be multiple access point once other areas included in the master plan develop.

Opponents:

1. **Mark Hunzeker, Baylor Evnen, 1248 O Street**, came forward representing Firethorn. These applications should be delayed. There should also be a roundabout at 88th Street and his client also disagrees with the use of waiver. Changes were made and we only found out via email yesterday. There has been no comment regarding the waterline for the golf course. Firethorn was asked and agreed to dedicate right-of-way. The roundabout at 91st Street is offset to the south. We request a deferral to the December 22nd hearing to allow for time to discuss these changes. The request is to put 495 dwelling units in 20 acres. That is a larger population than most Nebraska towns. The request for the height waiver is necessary because it is impossible to build to that density and not put parking underneath. The use of waivers in R-5 and R-T give us pause. There are a lot of uses that are conditional or specially permitted that require some degree of compliance or use of a public hearing. There is high potential for unforeseen consequences that could be avoided by denying the waivers. This project is not so special that it should be permitted to avoid traffic issues or waive due process.

Harris asked what scenarios are of concern with the use of waivers. Hunzeker responded there are special uses that could raise concerns, like an outdoor recreational facility or some group living uses like imprisonment facilities.

2. **Tam Allen, 1045 Lincoln Mall**, stated he is a developer and he believes this area was always destined to be developed. He will live on the corner where the roundabout will be located. More traffic control should be considered for the area. The hills make those intersections dangerous and he is strongly in support of adding roundabouts at other intersections. The answer he received from the developer is that it is too expensive to add more. He also believes the very high density use will be problematic. Though many access points are planned, there are only two in the highest density area of the development. He supports the request for a delay in order to better understand the proposal. Firethorn is willing to donate the property for the roundabout, but there is a waterline there that feeds the golf course. His final concerns are related to the spacing between the intersections and whether they comply.

3. **Kristine Sewell, 3605 Doonbeg Road**, has lived in the area for six years and has two children. She is not opposed to development but her main concern is safety. The roundabout is needed at Resort Drive where kids access the pool and restaurant.
4. Mark Wibel, Manager of Firethorn Golf Course, stated he is also not opposed to development and thinks this will be good for the community. However, there are concerns about the density being added. He receives numerous calls about close-call accidents from residents who exit onto Van Dorn. Firethorn is willing to donate property for another roundabout. There is also concern about the waterline located in right-of-way. Some of the assurances made should be formalized. It is important moving forward to consider how we can get creative with funding to make sure citizen safety is a priority.

5. Kandice Denker, 8931 Eagle View Way, came forward as chairman of the Firethorn Board. She echoes the concerns of previous testimony regarding citizen safety.

Staff Questions:

Corr asked for Staff position on the motion to amend Waiver No. 8. Jared Nelson, Watershed Management, said that water is heavy and has momentum. By changing direction, water slams into the pipe and this leads to the eventual creation of a weak point. This is a standard that the City does not allow deviation from. A second concern is safety. If something gets stuck, it could cause flooding. A final point is the ease for inspecting the system, as is required by Federal law.

Corr asked how long Nelson has been on staff. Nelson said over five years. The developer is building up the site next to drainage ways. In general, the City prefers to dissipate the energy of the water in more sustainable ways rather than doing it within the pipes.

Corr asked if he would still recommend denial. Nelson said yes.

Harris asked staff to address the issues presented by Mr. Hunzeker. Wesselhoft said that with regard to the waivers, the original report was looser. It referenced Planning Director approval for some of the uses. We looked at what should be permissible. One of the criteria that was significant in our minds was the considerable amount green space.

Harris asked where staff stands on the argument that changes were made late in the process and the opposition did not have enough time to respond. Wesselhoft said work has been down with the applicant the past several weeks. It is true that a memo was just issued yesterday. David Cary, Director of Planning, stated that the question about taking action is up to Planning Commissioners. Good-faith negotiations have taken place. From a staff perspective, we have had enough time to work out issues. If this body feels it does not have enough answers, then it is possible to delay.

Washington asked about the possibility of having two roundabout in such close proximity to one another. Simmering said there are other examples in town. The issue is funding the building of an additional roundabout.

Hove asked for comment on the fact that the proposed roundabout on 91st Street is curved and there appears to be another drive just to the north. Simmering said these issues are addressed in the Access Manual. The driveway just north of the roundabout at 91st would need to be at least 50 feet away.

Edgerton asked staff’s view on having two roundabouts in this area. Simmering said that it is true that it would increase safety, but no force has been exercised to require that many. The impact fees for the area would probably not be enough to build both.
Hove asked why the roundabout is more south of the street. Simmering said they are generally offset, but he would have to defer to the designer as to why it goes south instead of north.

Scheer asked if this plan is still conceptual. Simmering said yes.

Corr asked how the right-of-way plays into the waterline. Simmering said it is substantial that it could remain under the road by permit. It is still the responsibility of the owner of the line.

Washington said if it is under that part of the road, it is the responsibility of Firethorn, but their cost for accessing it becomes more expensive. Simmering said that is correct.

Cary said that the topic of two roundabouts is a good example of plans that are generally in conformance and have staff support, but cannot be afforded. Our current plan does not include the widening of Van Dorn until 2040. This is a topic staff is working on - if there were an opportunity to take impact fees from elsewhere to use City-wide so that they are used in the best way. The 2nd roundabout is preferred, but there is not the funding or directed impact fee to pay for it. This is something that will be heard again as new developments come forward so it was important to let Commissioners know that it is being discussed.

Corr asked if the road is eventually widened, would the roundabout have to be rounded to two lanes. Cary said there is not enough information to answer that at this time.

Corr asked if roundabouts are more difficult to maintain. Simmering said they are less expensive to maintain than stop lights.

Finnegan asked how the decision to put the roundabout at 91st street, versus another intersection, came about. Simmering said that the conclusion was that it is the best location to catch and slow down traffic travelling in both directions.

Washington asked if Van Dorn will eventually be an exit to the East Beltway project. Simmering said he cannot answer that.

**Applicant Rebuttal:**

Kalkowski said that a deferral is not warranted. The use of waivers was related to each zoning district used and what did or did not meet the regulations for those districts. The original proposal was broader and Staff asked that it be narrowed. The R-T area was originally open to all uses so we went back and said we would follow code with a couple of exceptions for uses that are appropriate, such as a childcare facility. The only area that was kept broad was use in the R-5 area. The applicant is not asking to be treated specially. The PUD grant more flexibility for uses when it makes sense in a specific area. In this case, the significant buffer areas allowed some leeway. There are still provisions in place to protect neighbors, and there were no specific concerns mentioned about the uses. The annexation agreement was approved for 300 acres in the area. The agreement maps all of the access points. In that agreement, all that was said was that right and left turn lanes must be installed. While the R-5 is dense, it is not more than requested in other similar areas. Despite the fact that our original agreement did not require a roundabout, the applicant has agreed to fund one because it will be a benefit and will address some of the safety concerns. This is a permanent improvement, done to the ultimate grade and with a $750,000 price tag. There is no funding for a second roundabout, nor is one necessary. In addition to the cost, there is a large
drainage way that will need to be moved. These are all issues that the City will run into in the future when they widen the road, and it is not fair to make the developer address all of these things at this time.

Marshall said a revised speed study has been considered. The road may or may not warrant a reduction in speed so we asked what other means of traffic control could be used. This concept is a work in progress and he is confident that many of the concerns can be addressed. Roundabouts are not centered which is part of the mechanism to slow cars. He is willing to talk more about lessening the impact to Firethorn. Part of the annexation agreement language is to work out issues related to the waterline. While staff’s input is appreciated, we have presented a proposal that we believe is industry standard. It is possible the interpretation of design standards may be outdated and we should look harder at them.

Kalkowski noted that her clients have been upfront about not being able to fund a second roundabout. More specific questions about the design will be taken care of as we move through the process. There is an amendment to the annexation agreement to address the addition of the roundabout at 91st Street.

Beckius asked about the southward skew of the roundabout. Marshall said the roundabout is over 150 feet in diameter and is shifted 10 feet to the south. There are angles built in to slow traffic. Another consideration was the driveway to the north and providing a decent separation. Those things can be looked at and Firethorn has been gracious enough in dedicating that right-of-way.

Beckius noted the large buffer to the R-5 area to the south. He wondered what the northern buffer is. Marshall estimated that it is between 80 and 100 feet. Extending the minimum corridors has been discussed and it could easily be extended.

Corr asked if the channel will have to be moved to accommodate the turn lanes. Kalkowski said no. Corr said that even though there is no roundabout, there will be turn lanes installed for safe turning. Kalkowski said that is right. There are many instances of coming in and out at an unsignaled access point. Marshall added that as the commercial ground becomes viable, that may also warrant some additional infrastructure.

Hove asked how many vertical manholes there will be. Marshall said 15 to 20. He wonders about problems with many discharge points. Water will be collected from surrounding areas and the streets.

Washington asked if there are others that are that concentrated. Marshall said Waterford Estates, Charleston Heights, and Fallbrook are all examples. Hove asked why those were approved. Marshall said it is based on the interpretation of standards. He is not saying those standards have changed, but staff made a different determination in those cases. He is not aware of any issues or failures that ended up as expenses for the City. Scheer wondered why previous proposals were approved. Marshall said he does not know but the processes were different.

Harris wondered if there is any future phase where a second roundabout might be considered. Kalkowski said that in this area, once these are built to permanent grade, that will be it. If the commercial corner develops, the City has the right to ask us for a traffic study to see what needs to be done.
Scheer said that one thing that gives him pause is whether the roundabout is in the best location. He wondered if the greater volume and density to the west would make another location better. Kalkowski said that was considered. After weighing the factors, the scale tipped towards the 91st Street intersection that will serve traffic coming from both directions.

Washington said it is hard to look at past decisions. Kalkowski said that is a city-wide problem where access points are needed but do not have adequate funding. The permanent improvements will already be installed when the City does the road widening, but the problem is that those projects are in the future, so how do you attach that to one developer.

Scheer gauged if there would be any interest in deferral among Commissioners. They agreed there was no interest in deferral.

Cary noted that the East Beltway would be a State project, generally along 126th Street. As of now, it will connect at Pine Lake Road, Pioneers Boulevard, O Street, Adams Street, and Fletcher Avenue. 98th Street will be paved to County standards in the immediate future.

**COMPREHENSIVE PLAN AMENDMENT NO. 17007**

**ACTION BY PLANNING COMMISSION:**

December 6, 2017

Corr moved for approval, seconded by Beckius.

Hove said he will support these applications even though the discussion about the roundabout is difficult as safety is a big concern. 91st Street makes the most sense. As far as uses go, each party will have to trust each other and work through details. Hopefully, they will find solutions that work for all.

Beckius stated he will support this motion with the December 5th memo and deferral is not warranted. He would like to see a change to the roundabout from its off-center placement to the south. The waivers do not concern him because of the buffers.

Finnegan said she will support the motion as presented. She struggles with the waiver because if it has worked in other neighborhoods, she thinks it could work here, too.

Joy echoed the thoughts of her fellow Commissioners and will support the project.

Scheer said he would find it difficult to oppose this proposal. There are some issues to work out and there is some validity to the timing issues brought up by Mr. Hunzeker. He agrees that the roundabout should not be offset to the south. The developer should bear that consequence and not expect Firethorn to go above and beyond.

Harris said discussion about the location of the roundabout should continue and that can be done at the Council level. Another broader issue is dealing with annexation agreements. We have to ask what changes are reasonable and in the interest of having the predictability the Comprehensive Plan calls for. Deferring at this point will not yield more answers.

Motion carried, 9-0: Beckius, Corr, Edgerton, Finnegan, Harris, Hove, Joy, Washington, and Scheer voting 'yes'.

Note: This is a recommendation to the City Council.
ANNEXATION NO. 17019
ACTION BY PLANNING COMMISSION: December 6, 2017


Note: This is a recommendation to the City Council.

CHANGE OF ZONE NO. 17030
ACTION BY PLANNING COMMISSION: December 6, 2017

Beckius moved for approval, seconded by Hove.

Corr noted that due to holidays, there will be extra time to work things out.

Motion carried, 9-0: Beckius, Corr, Edgerton, Finnegan, Harris, Hove, Joy, Washington, and Scheer voting ‘yes’.

Note: This is a recommendation to the City Council.
MOTION TO AMEND

I hereby move to amend Waiver 8 for Change of Zone #17030 as follows:

Waiver 8. Design Standards, Chapter 2.05, Section 5.3, to allow vertical deflections to or vertical curves in design of stormwater facilities that are located outside of public rights-of-way. Vertical changes in alignment are allowed in green/open/common spaces where storm sewer easements can be accessible to assist in the design to facilitate energy dissipation to reduce outlet velocities and reduce long term maintenance of such facilities.

Requested by: Seacrest & Kalkowski, PC, LLO on behalf of Matodol, LLC.