City Council Introduction: **Monday**, June 11, 2007
Public Hearing: **Monday**, June 18, 2007, at **1:30** p.m.

Bill No. 07-98

FACTSHEET

TITLE: **CHANGE OF ZONE NO. 07028,** from AG Agricultural District to AGR Agricultural Residential District, requested by Hidden Valley Estates, LLC, on property generally located south of South 112th Street and Pine Lake Road.

STAFF RECOMMENDATION: Approval, subject to a Zoning and Development Agreement.

ASSOCIATED REQUESTS: Zoning and Development Agreement (07R-119).

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 05/23/07
Administrative Action: 05/23/07

RECOMMENDATION: Approval, subject to a Zoning and Development Agreement (8-0: Esseks, Carroll, Strand, Taylor, Krieser, Sunderman, Cornelius and Carlson voting 'yes'; Larson absent).

FINDINGS OF FACT:

1. This is a request to change the zoning from AG to AGR on 36.01 acres, more or less, to permit an additional 14 dwelling units to the 26 dwelling units currently approved in the Hidden Valley Estates Community Unit Plan on 193.38 acres. The total area of AGR zoning will be 72 acres if this change of zone is approved. The Planning Commission also heard the proposed amendment to the Hidden Valley Estates Community Unit Plan to add the 14 dwelling units (Special Permit No. 06061A) in conjunction with this change of zone request.

2. The staff recommendation to approve the change of zone, subject to a separate zoning agreement between the applicant and the City whereby the applicant will pay $35,000 to the City for arterial street construction, is based upon the *"Analysis"* as set forth on p.4-6. The proposed change of zone is not in conformance with the Comprehensive Plan; however, the minor expansion of the approved zoning and community unit plan and low overall density, along with the offer to pay an exaction to the City equivalent to arterial street impact fees for the additional 14 lots, and the previous proffers of right-of-way, have convinced the Director of Planning to support this application. This proposal accomplishes the extension of South 112th Street to the south and shifts it to the east, at the applicant's cost, to avoid drainage issues. The staff presentation is found on p.7.

3. A summary of the ex parte communication between Commissioner Esseks and planner Mike DeKalb was submitted in writing (p.16-17).

4. The testimony by the applicant's representatives is found on p.7-8.

5. There was no testimony in opposition.

6. On May 23, 2007, the Planning Commission agreed with the staff recommendation and voted 8-0 to recommend approval of the change of zone, subject to a zoning agreement, finding that the proposal makes efficient use of ground that has already been removed from AG uses and is close to the City (Larson absent). See Minutes, p.8-9.

7. The associated amendment to the Hidden Valley Estates Community Unit Plan was also approved by the Planning Commission by Resolution No. PC-01054. A copy of the "Build Through Site Plan" is attached for information purposes (p.15).

FACTSHEET PREPARED BY: Jean L. Walker

DATE: June 4, 2007

REVIEWED BY: _____

DATE: June 4, 2007

REFERENCE NUMBER: FS\CC\2007\CZ.07028+

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for May 23, 2007 PLANNING COMMISSION MEETING

PROJECT #: Change of Zone No. 07028

PROPOSAL From AG Agriculture to AGR Agriculture Residential, generally located at S. 112th Street and Pine Lake Road.

LOCATION: South of S. 112th Street and Pine Lake Road.

LAND AREA: 36.01 acres, more or less.

EXISTING ZONING: AG Agriculture

WAIVER /MODIFICATION REQUEST: NA

CONCLUSION: Not in conformance with the Land Use or Growth Tiers Maps in the Comprehensive Plan, However, the overall density with the split AG and AGR zoning underlying the CUP will be about half the density of a typical acreage subdivision built to "Build-Through" standards as called for in the Plan. The minor expansion of the approved zoning/CUP, along with the offer to pay an exaction to the City equivalent to arterial impact fees for the additional 14 lots has convinced the Planning Director to support this application.

RECOMMENDATION: Conditional Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION:.A 36.01 acre portion of Lot 33, Irregular Tracts and a portion of the South ½ of the NE 1/4, all located in Section 24, T 9 N, R 7 E of the 6th P.M., Lancaster County NE. Legal Description attached.

EXISTING LAND USE: Golf Course with approved CUP for 26 lots.

SURROUNDING LAND USE AND ZONING:
North: Ag land, golf course and acreages, zoned AG Agriculture and AGR Agriculture Regimental.
South: Acreages and ag land, zoned AG and AGR.
East: Agriculture and Golf course, Zoned AG and AGR
West: Agriculture and one farm residence, Zoned AG Agriculture

ASSOCIATED APPLICATIONS: Special Permit #06061A for a 14 lot addition to the Community Unit Plan for Hidden Valley Estates.

HISTORY: A change of zone to AGR(CZ 06069) and Hidden Valley CUP (SP#06061) for 26 lots, was approved in 2006. An AG Community Unit Plan (SP #05031) was approved for 15 lots, in July 2005.

Changed from AA Rural and Public Use to AG in 1979.

COMPREHENSIVE PLAN SPECIFICATIONS: The 2030 Plan shows this as Green Space (reflecting the golf course). This is in the Lincoln growth Tier II. The 2030 Comprehensive Plan states:

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

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

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

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

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

New 'urban acreage' development should only be permitted in Tier II and Tier III areas of Lincoln and near towns under higher design standards based upon a "build-through" model and without use of sanitary improvement districts. The "build-through" design standards should address, along with other items deemed necessary by the study;

- a preliminary plan lot layout that accommodates first phase low density acreages with rural water and sewer systems. The preliminary plat would also show future lot splits as a second phase to permit the urban infrastructure to be built through and urbanization to occur if and when annexed by a city or town is deemed appropriate. The future lot splits will increase density in an urban form and provide income to property owners to defray the increases in city taxes, services and infrastructure costs;
- a lot layout that meets the various elements of the Comprehensive Plan; and
- a development agreement that runs with the land and acknowledges that the acreage development (I) is not entitled to extra buffering protection greater than the acreage property lines from existing agricultural practices and from future urbanization and (ii) waives any future right to protest the creation of lawful centralized sanitary sewer, water and paving special assessment districts or other lawful financing methods at a later date when urbanization is appropriate. (F71)

The County Road Plan indicates some "road widenings" for those existing two lane paved roads that are no longer adequate for today's traffic volumes. The County's road improvement plan also includes new railroad viaducts planned near Hickman and Firth to address increasing competition at rail crossings from both rail and vehicular traffic.
New roadway openings included in this Plan provide for continuity in the road system and better serve the adjacent areas. These segments include:

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

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

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

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

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

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

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

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

AESTHETIC CONSIDERATIONS: n/a

ALTERNATIVE USES: An existing final plat based on the existing AG/AGR CUP is in process for 26 lots. Farming, 20 acre parcels and golf course special permit.

<u>ANALYSIS:</u>

1. This request is for a Change of Zone from AG to AGR on an additional 36.01 acre parcel. This change of zone to AGR is sized to permit an additional 14 dwellings to the 26 dwellings currently approved on the 193.38 acres in the associated Hidden Valley CUP. The total AGR zoning will be 72 acres.

2. The applicant has acquired, at his expense, an additional 2-3 acres of ROW on the northeast corner of S. 112th Street and Pine Lake Road as agreed to in the prior change of zone approval. The County Engineer and Public Works and Utilities Director advised that this was highly desirable as the extension of S. 112th Street to the south will need to be shifted to the east to avoid drainage issues and would eventually need to be purchased by the City or County. Accomplishing this shift by the private land acquisition now saves future cost and meets the future need as well as the needs for a properly designed road. The applicant has indicated that the land acquisition cost was substantially more than anticipated and seeks additional AGR zoning to increase the number of lots to reduce this cost.

3. This request is not in conformance with the Lincoln-Lancaster County Comprehensive Plan land use map which shows this as Agriculture, or the Growth Tiers map which projects urban development on this land after the year 2025. However, it does meet the Plan's build-through policies.

4. Traffic from this development will largely use city arterial streets to the west which has recently been improved or are scheduled for improvement in the next year. The applicant has agreed to help defray these impacts on City roads by paying an exaction of $35,000, equivalent to the current arterial street impact fees over the 14 additional lots that are requested.

5. The associated application for an AGR/AG CUP, has a community waste treatment system and Rural Water.

6. Some acreage review issues can be addressed in this report:

a) Water/rural water,
Lancaster Rural Water is proposed to be extended

b) Road access and paving,
Pine Lake Road is a paved county road to this location. Pine Lake Road east of this is proposed for engineering in the County 1&6 CIP. S.112th Street north of Pine Lake Road is a gravel county road shown as future potential paved. South of Pine Lake Road it is part of this CUP, paved for local service and reserved for future extension.

c) Soil rating,
The soil is not prime ag land of the county.

d) Development of the area/land parcelization,
The surrounding land in this area is a mix of parcel sizes, many are of 10 and 20 acres. A 26 unit CUP is approved on a portion of this site. a 160 acre acreage subdivision is located north of Pine Lake Road.

e) Existing acreages,
There are areas of acreage development to the north and south.

f) Conflicting farm uses,
There are no conflicting farm uses noted in a field check.

g) Environmental issues,
There are drainage issues on the site relative to the tributary to Salt Creek located just south of Pine Lake Road.

h) Impact on other governmental entities,
This will increase demand for service on the Sheriff, Rural Fire, School, roads and others. The level of impact is not known. However, the associated CUP locks in a gross density which is much closer to AG than AGR. The proposal

should reduce future City/County costs by acquiring needed ROW at the northeast corner of 112th Street and Pine Lake Road.

l) Plans of other towns,
N/A

7. This change of zone should be accompanied by a separate zoning agreement between the applicant and the City Council to provide the City $35,000 for arterial street construction nearby and inside the city limits.

Prepared by:

Mike DeKalb
441-6370, mdekalb@lincoln.ne.gov
Planner

DATE: May 10, 2007

APPLICANT: Hidden Valley Estates, L.L.C.
8644 Executive Woods Drive
Lincoln, NE 68512
(402) 436-3442

OWNER: Hidden Valley Estates, L.L.C.
8644 Executive Woods Drive
Lincoln, NE 68512
(402) 436-3442

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

CHANGE OF ZONE NO. 07028,
and
SPECIAL PERMIT NO. 06061A,
AN AMENDMENT TO THE HIDDEN VALLEY ESTATES COMMUNITY UNIT PLAN,

PUBLIC HEARING BEFORE PLANNING COMMISSION: May 23, 2007

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

Staff recommendation: Approval of the change of zone, subject to a zoning agreement, and conditional approval of the amendment to the community unit plan.

Ex Parte Communications: Esseks submitted the ex parte communications he had with Mike DeKalb in writing.

Staff Presentation: **Mike DeKalb** of Planning staff advised that this is a request to change 36 acres within the Hidden Valley Golf Course area from AG to AGR. The entire area of the Hidden Valley Golf Course is within the Community Unit Plan. The CUP is a blended density of AG and AGR. The prior approval of the AG area included 26 lots. This change of zone is requested to add 14 lots on down the road. The prior agreement and approval by the City for the change to AGR and the Hidden Valley CUP was in fact to accomplish the Comprehensive Plan goal of extending South 112th Street and getting that road shifted around the intersection.

Esseks asked for clarification as to where this property is located in relation to the current city boundaries. DeKalb explained that it is about ½ mile east of the city limits.

Esseks wanted to know why the property is not in Tier I or Tier II. DeKalb explained that the property drains to the east and the pipe is coming from the north. It falls short of the Tier I with the pipe coming from the north.

Proponents

1. Kent Seacrest appeared on behalf of **Developments Unlimited,** the owner of the Hidden Valley Golf Course area. This is also the developer who has completed the Wilderness Ridge Golf Course, and those lots are gone. There has been a lot of interest in the first 26 lots at Hidden Valley, and now there is interest in these 14 additional lots.

Seacrest reminded the Commission that last year the Commission unanimously voted to support doing this hybrid mixing of AG and AGR and doing it as a build-through. This proposal goes directly to the final product of build-through with urban lots on day one, with rural water and community sewer treatment plant. The streets will be paved. The developer will dedicate 112th Street. 112th Street is not on the map in the Comprehensive Plan but yet it is important for the community interest. Getting

an arterial street dedicated ahead of time is huge, particularly when it goes through a golf course. In order to get 112th Street to go through, the developer purchased two acres to the north. A straight alignment would have taken it through a major water course with enormous consequences to mitigate going through a waterway. This developer is helping the city move the right-of-way. The staff report points out that this is not ag land; there are no farm conflicts; Public Works and the County Engineer desire to get 112th Street; and the developer has indicated willingness to pay impact fees, even though this is not in the city limits. The developer is willing to pay the road impact fee of $35,000, even though it is not required.

2. Mike Eckert of Civil Design Group explained some of the design details. The 14 lots are an extension of the original 26 lots. They will be served by rural water. He portrayed the layout for 112th Street. The developer has proactively gone about the process of grading and installed a new golf hole so that 112th Street can come through. The community treatment plant was built in a modular fashion. The permit with NDEQ will be renewed to add more lots. Detention was addressed in the first 26 lots and they will do so with the additional 14 lots.

Esseks commented that it looks like a very well designed development; however, the Comprehensive Plan calls for limiting of acreages to approximately 6% of the county's total population. Why will people choose this area and not others that will come along? Seacrest referred to the Comprehensive Plan. When you deal with acreages or AGR zoning requests, you look for the darker yellow color on the plan. This tract is not even yellow. It is green – open space. This is a "unique duck" – it's called "golf course" or "open space". This has been a golf course for years. It has had a pre-existing community use as a business-type activity. This is a unique fact pattern. The Comprehensive Plan sets out a lot of goals, and sometimes the goals are not in perfect alignment. The developer came very close to bringing this area in by annexation for city services, but Public Works was a little nervous about having a package plant. In hindsight, maybe they should have just brought it in as urban.

In addition, Seacrest pointed out that the Comprehensive Plan contains a goal of having recreation in the city and county. This keeps the golf course alive. It also still allows the green space which is called for in the Comprehensive Plan, and the Comprehensive Plan also calls for 112th Street to go through. The Comprehensive Plan also says to protect the strategic riparian waterways. This developer shifted and purchased two acres (at a very expensive cost) in order to move the alignment.

There was no testimony in opposition.

CHANGE OF ZONE NO. 07028
ACTION BY PLANNING COMMISSION: May 23, 2007

Carroll made a motion to approve, subject to a zoning agreement, seconded by Strand.

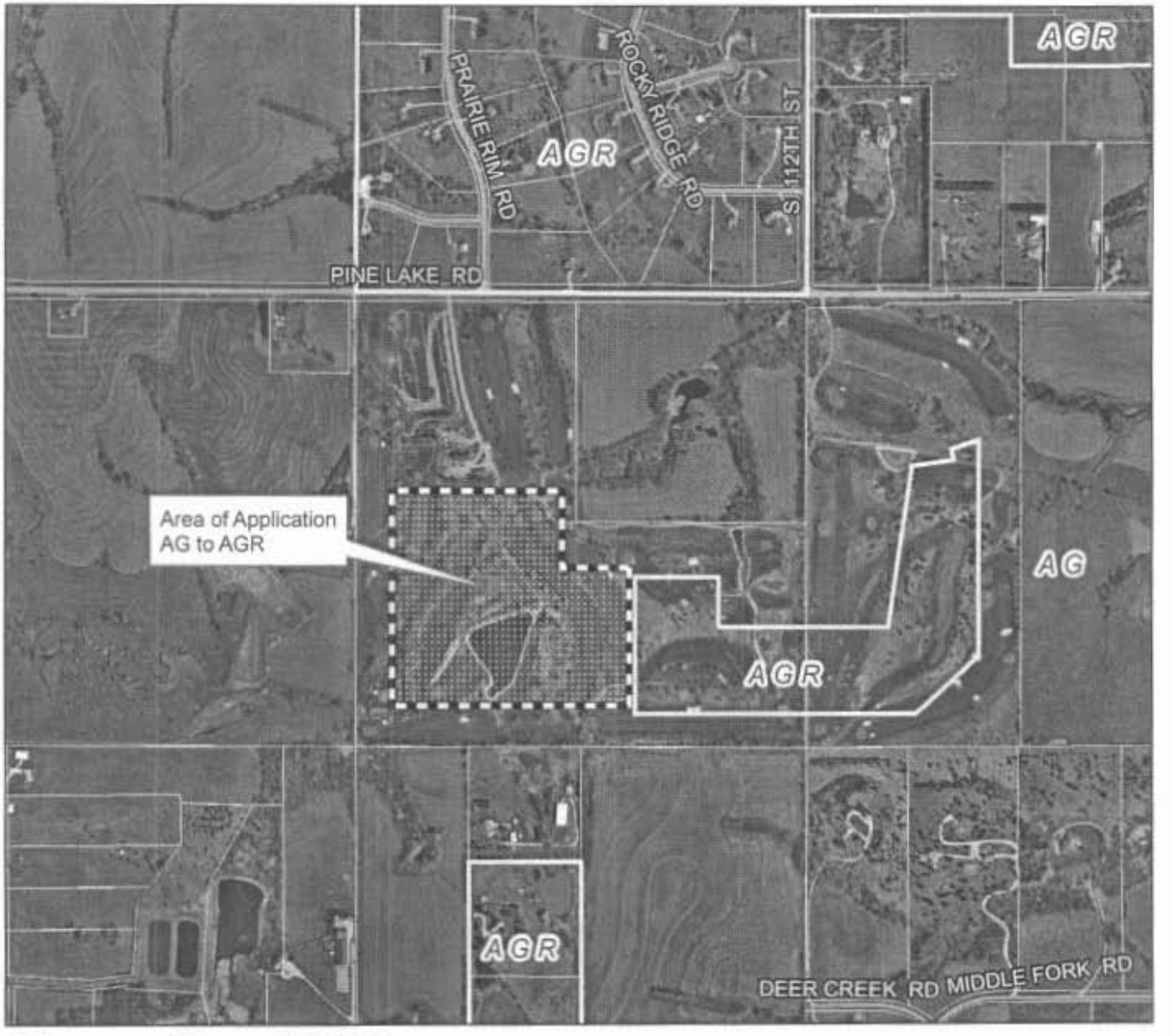
Esseks believes this is a very good choice for AGR because it is so close to the City and the people who live here are likely to make contribution to the city in tax dollars, social participation, etc.

Carlson stated that he will support the motion because it makes efficient use of ground that has already been removed from AG service. It is efficient use of the land.

Motion for conditional approval carried 8-0: Strand, Cornelius, Taylor, Carroll, Krieser, Esseks, Sunderman and Carlson voting 'yes'; Larson absent. This is a recommendation to the City Council.

SPECIAL PERMIT NO. 06061A
ACTION BY PLANNING COMMISSION: May 23, 2007

Carroll moved approval of the staff recommendation of conditional approval, seconded by Strand and carried 8-0: Strand, Cornelius, Taylor, Carroll, Krieser, Esseks, Sunderman and Carlson voting 'yes'; Larson absent. This is final action, unless appealed to the City Council within 14 days.



Change of Zone #07028
Hidden Valley Estates CUP
S 112th St & Pine Lake Rd

2005 aerial

Zoning:

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

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One Square Mile
Sec. 24 T09N R07E

N

Zoning Jurisdiction Lines

City Limit Jurisdiction

HIDDEN VALLEY ESTATES FIRST ADDITION
CHANGE OF ZONE AG TO AGR
LEGAL DESCRIPTION:

A LEGAL DESCRIPTION OF A 36.01 ACRE TRACT OF LAND WHICH IS LOCATED WITHIN A PORTION OF LOT 33 IRREGULAR TRACT AND A PORTION OF THE SOUTH ONE HALF OF THE NORTHEAST QUARTER ALL LOCATED IN SECTION 24 TOWNSHIP 9 NORTH RANGE 7 EAST OF THE SIXTH PRINCIPAL MERIDIAN, LANCASTER COUNTY, NEBRASKA. SAID TRACT OF LAND SHALL BE MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS.

COMMENCING AT THE SOUTHWEST CORNER OF LOT 32 LOCATED IN SECTION 24 TOWNSHIP 9 NORTH RANGE 7 EAST OF THE SIXTH PRINCIPAL MERIDIAN, LANCASTER COUNTY, NEBRASKA; THENCE SOUTH 89°47'36" EAST, (AN ASSUMED BEARING) ON THE SOUTH LINE OF SAID LOT 32, A DISTANCE OF 316.09 FEET; THENCE SOUTH 00°12'24" WEST, A DISTANCE OF 263.88 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 00°00'00" WEST, A DISTANCE OF 803.53 FEET; THENCE SOUTH 90°00'00" WEST, A DISTANCE OF 1400.00 FEET; THENCE NORTH 00°00'00" WEST, A DISTANCE OF 1247.30 FEET; THENCE NORTH 90°00'00" EAST, A DISTANCE OF 1000.00 FEET; THENCE SOUTH 00°00'00" EAST, A DISTANCE OF 443.77 FEET; THENCE NORTH 90°00'00" EAST, A DISTANCE OF 400.00 FEET; TO THE POINT OF BEGINNING, AND CONTAINING A CALCULATED AREA OF 1,568,708.91 SQUARE FEET OR 36.01 ACRES MORE OR LESS.

Change of Zone #07028
Hidden Valley Estates CUP
S 112th St & Pine Lake Rd

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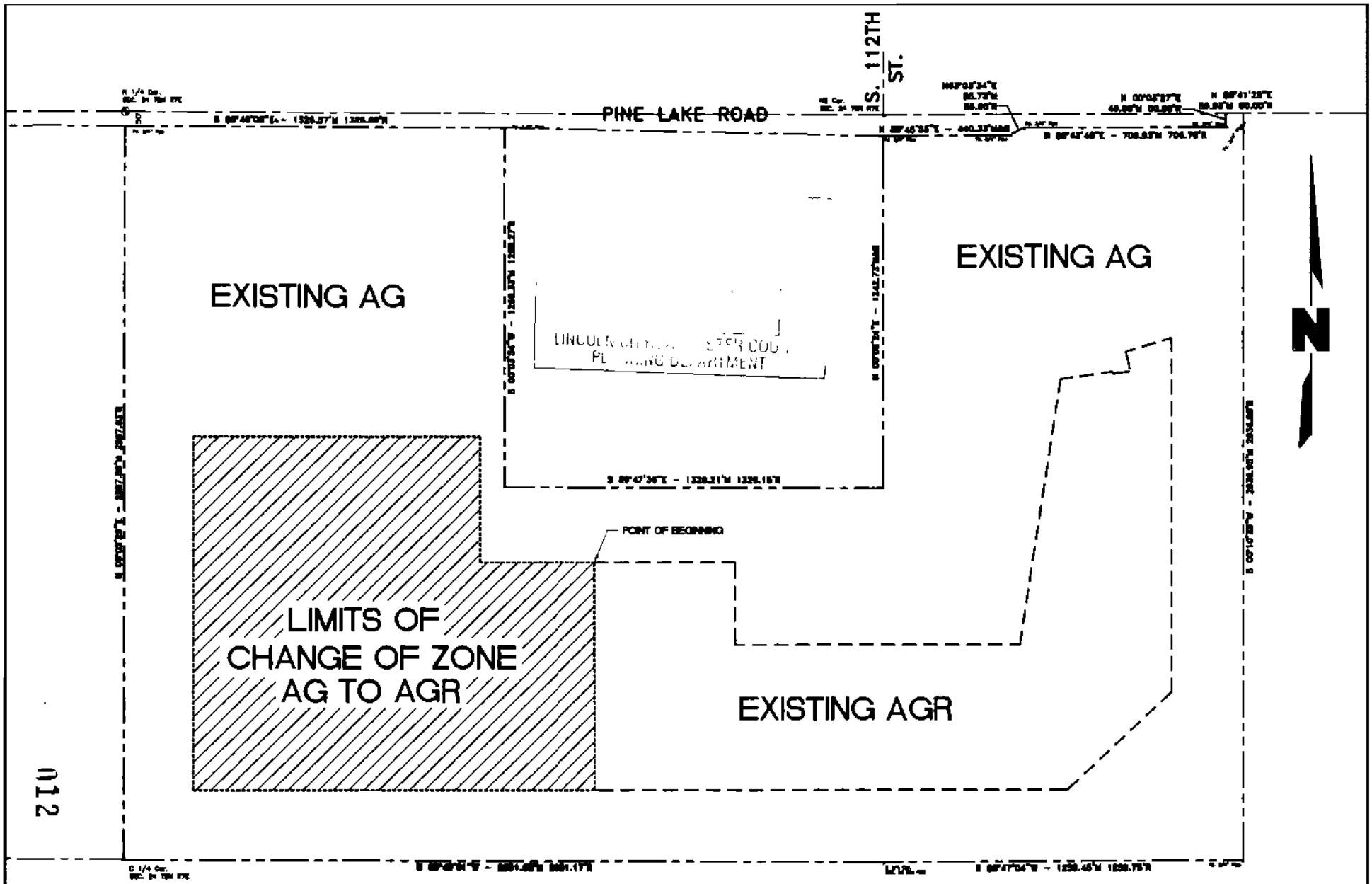
PLANNING DEPARTMENT



012

drawn by: jds checked by: – project no.: 2007–0023 date: 04/20/2007	**Change of Zone #07028** E EXHIBIT **Hidden Valley Estates CUP** FIRST ADDITION **S 112th St & Pine Lake Rd** NE	Civil Design Group, Inc. 3901 Normal Blvd, Suite 203 Lincoln, Nebraska 68506 Ph. 402-434-8484 Fax 402-434-8483 www.civildg.com CONSULTING ENGINEERS • LAND USE PLANNERS CIVIL DESIGN • SITE DEVELOPMENT • PLANNING AND ZONING	EXHIBIT 1

Civil Design Group, Inc.

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

April 25, 2007

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

Re: Hidden Valley Estates First Addition– AG & AGR Amended CUP, Limited Change of Zone from 'AG' to 'AGR', and Amendment of Pre-existing Special Permit #14, Generally located at S. 112th & Pine Lake Road.
CDG Project No. 2007-0023

Dear Marvin:

On behalf of Hidden Valley Estates, LLC, I submit the above mentioned applications for your review. Hidden Valley Estates lies completely within the city of Lincoln's three-mile jurisdiction and is located in Tier 2 of the City of Lincoln's grown pattern. This First Addition to Hidden Valley Estates includes 14 more lots to compliment the previously approved 26 lots. To reiterate, the previously approved CUP and Change of Zone provided the means for the City and County to secure the necessary ½ mile of ROW through this golf course, greatly enhancing the ability to satisfy the goals of the City and County's Long Range Transportation Plan. Additionally, our client has secured the necessary ROW on the north side of the development to locate and design 112th Street in a manner that avoids crossing a very large segment of the newly mapped "floodprone" area adjacent to Pine Lake Road where 112th Street currently terminates.

We are proposing an amendment to the AG & AGR CUP on the 196.58 gross acres contained by the golf course. We are showing a permitted density, via the limited change of zone, to 40 single family lots, clustered in the eastern portion of the golf course with each lot containing approximately 0.22 acre. All lots will receive potable water from Lancaster Rural Water District #1 (see attached letter) and will sewer into a community wastewater treatment plant located on the northeast corner of the property. The private roadways will be constructed to meet Lancaster County BTA design standards.

Additionally, we are requesting an Administrative Amendment to the Pre-Existing Special Permit #14 for a recreational golf course that exists on the property today. The amendment will effectively remove the land containing the 40 residential lots from the Special Permit as they will no longer function as part of the golf course operations applicable to the special permit. We are requesting that the private roadways (Outlots "B" and "E") remain in the Special Permit as golf carts, patrons and maintenance employees of the course will need to cross these outlots as part of the Special Permit.

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APR 25 2007
LINCOLN CITY/LANCASTER COUNTY
PLANNING DEPARTMENT

3901 Normal Blvd, Ste 203, Lincoln, Nebraska 68506
Office: 402.434.8494 Fax: 402.434.8493 www.civildg.com

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

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

- 24 copies of Sheet 1 thru 2
- 8 copies of Sheet 3 thru 9
- 5 copies of the Administrative Amendment to Use Permit #14
- Application for a Special Permit – City of Lincoln
- Application for a Change of Zone – City of Lincoln
- Application for an Administrative Amendment – City of Lincoln
- Change of Zone and CUP Application Fees – $970.00
- Administrative Amendment Fees - $125.00
- Certificate of Ownership
- Letter from Lancaster Rural Water for 14 additional lots
- 8-1/2" x 11" reductions of the plans

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

Sincerely,

Mike Eckert, AICP

Encl/jds

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

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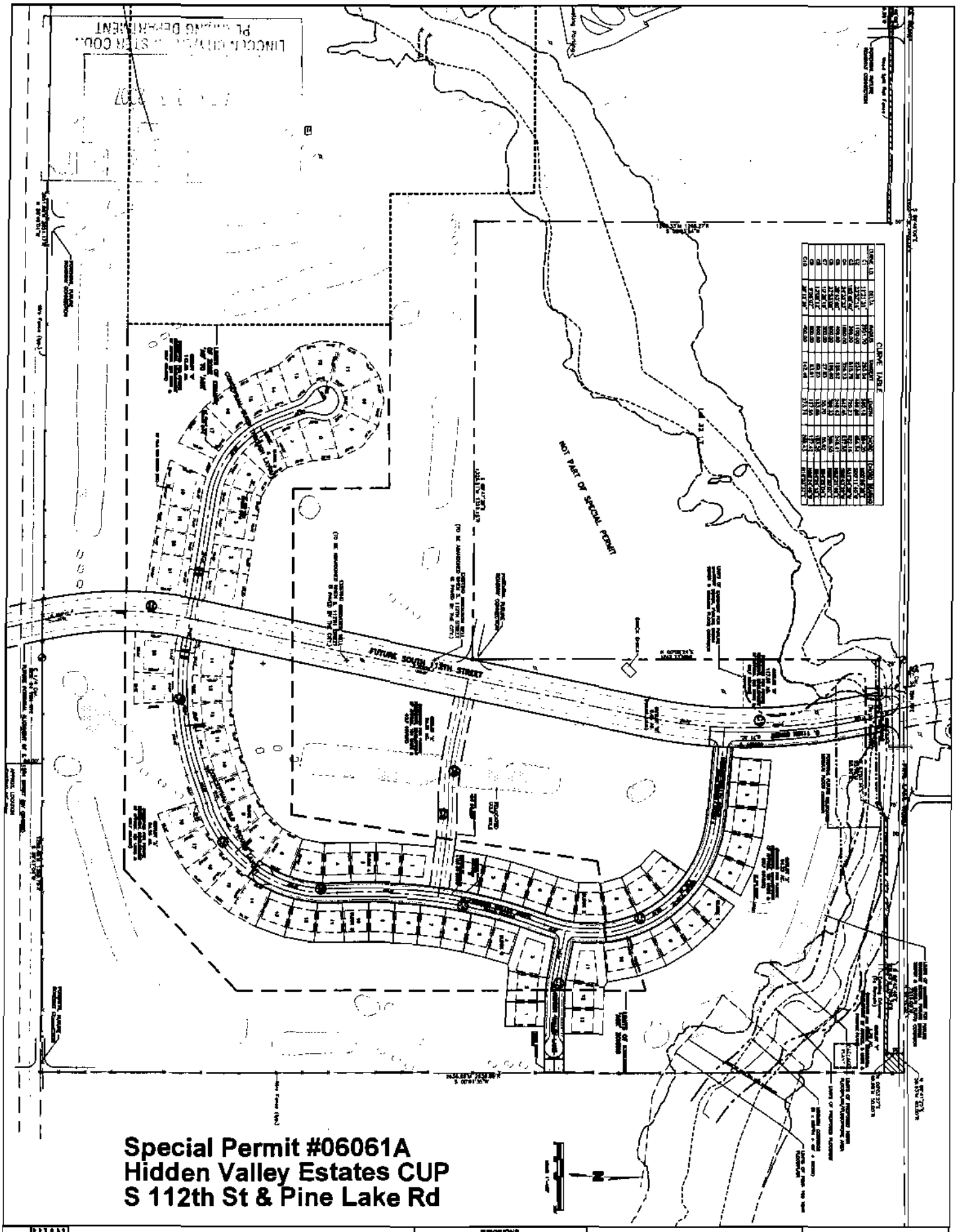
PLANNING DEPARTMENT


Special Permit #06061A
Hidden Valley Estates CUP
S 112th St & Pine Lake Rd
FUTURE SOUTH 112TH STREET
NOT PART OF SPECIAL PERMIT
CURVE TABLE
BUILD THROUGH SITE PLAN
HIDDEN VALLEY ESTATES FIRST ADDITION
ADMINISTRATIVE AMENDMENT TO PRE-EXISTING SPECIAL PERMIT #14,
AMENDED SPECIAL PERMIT #06061 & CHANGE OF ZONE E
LINCOLN, NEBRASKA
2007
REVISIONS
015
Civil Design Group, Inc

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MAY 23 2007
LINCOLN CITY/LANCASTER COUNTY
PLANNING DEPARTMENT

Wednesday morning, May 23rd

Issues Raised in a Phone Conversation between Dick Esseks and Mike Dekalb, regarding the Hidden Valley Development. Dick was trying to get Mike's feedback on some ideas about acreage developments. Mike's not to blame for any of the following:

1. Every time we approve an acreage development that has an average density greater than the one in 20-acre goal set by the Comprehensive Plan, we set a practical and potentially legal precedent that may undermine that feature of the Plan. Therefore, I want to make sure there are defensible justifications for this higher density at South 112 and Pine Lake.

2. What will be Hidden Valley's overall density if we accept the Planning Department's recommendation for approval? 26 prior sites plus another 14 = 40 divided by 193 acres = one in 4.8 acres?.

3. Every community as large as Great Lincoln needs some acreage development. Three-acre or greater lots are very attractive to business executives, doctors, and other high-skill persons whom our community needs. But where in relation to the City of Lincoln should these upscale, but relatively small-lot home sites be located? Should we have more here at South 112th and Pine Lake Road? What is there about this location that justifies placing more acreage sites there? If we recommend locating them there, then to honor the Comp Plan's overall goal of limiting acreage development county-wide, we need to know where *not* to recommend acreages.

Location Criteria:

1. Carrying capacity?

- On the east end of a paved road
- Lancaster Rural Water is "proposed" to be extended to the site? How soon?
- Developer will install a package wastewater treatment plant?
- Fire-fighting capacity—Will install two ten-thousand gallon storage tanks to fight fires? 20,000 gallons are enough?

2. Not hinder Lincoln's expansion?

- Will meet the build-through regulations.
- Developer will—at his expense—facilitate the southward extension of S. 112, a north-south route the City will eventually need.

3. Not place an undue burden on taxpayers in the City of Lincoln?

- The residents here will most probably be using city roads, and the developer has agreed to pay $35,000, the "equivalent to the current arterial street impact fees over the 14 additional lots that are requested."

4. To what extent will the residents be part of the Lincoln community, providing their work talents, tax dollars, social participation, and other contributions to strengthening Lincoln? **This question is highly relevant because the Comp Plan provides for limiting the population outside of municipalities to about 6% of the county's total population.**

- Should we support locating more acreages at South 112th and Pine Lake Road because the residents will be very close to Lincoln, just a half mile from current city limits by one measure? Therefore, they will likely be working, shopping, going to church or synagogue, and perhaps even enrolling their children in schools in Lincoln. And we shall have what our recently approved plan seeks—a mix of housing choices that strengthens the community?

Relevant Parts of the Comp Plan:

A variety of housing choices should apply to acreage residential development as well as urban areas. *Residential Chapter, p. 69*

Specific areas will be designated so that approximately **6% of the total population** in the County can be accommodated on acreages. Grouping acreages together in a specific area enables services to be provided more efficiently, such as reducing the amount of paved roads, fewer and shorter school bus routes and more cost effective rural water district service. Grouping also reduces the number of potential conflict points between farm operations and acreages. P. 70

Retain the current overall density of 32 dwellings per square mile (1 dwelling unit per 20 acres) for all agriculturally zoned land. Provide more bonuses and a lower threshold size (not below nominal 40 acres) for the proven technique of "cluster" development using the Community Unit Plan. This technique has been successful in providing flexibility while preserving both farmland and environmental resources at the same time. P. 71