

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for September 1, 2004 PLANNING COMMISSION MEETING

P.A.S.: Masek's First Addition Community Unit Plan
Co. Special Permit #04041, Preliminary Plat 04019

Note: This is a combined staff report for related items. This report contains a single background and analysis section for all items. However, there are separate conditions provided for each individual application.

PROPOSAL: A community unit plan and preliminary plat for nine acreage residential units.

LOCATION: Southeast of the intersection of Northwest 27th Street and West Mill Road.

WAIVER REQUESTS:

1. Yard setbacks.
2. Minimum lot area.
3. Frontage and setbacks.
4. Ornamental street lighting.
5. Sidewalks.
6. Street trees.
7. Landscape screens.
8. Stormwater Detention.
9. Block length.

LAND AREA: 161.85 acres, more or less.

CONCLUSION: This is an AG Community Unit Plan, proposing to "cluster" the allowed dwelling units to nine acreage lots. Waivers requested are typical of a rural subdivision and are provided for in the code. A 20% bonus is being requested.

RECOMMENDATION:

Co. Special Permit #04041	Conditional Approval
Preliminary Plat # 04019	Conditional Approval
Waivers	
1. Yard Setbacks:	Approval
2. Minimum lot area:	Approval
3. Minimum frontage and setbacks	Approval

4.	Ornamental lighting	Approval
5.	Sidewalks	Approval
6.	Street trees	Approval
7.	Landscape screens	Approval
8.	Stormwater Detention	Approval
9.	Block length	Approval except for the south boundary, extend street.

GENERAL INFORMATION

LEGAL DESCRIPTION: All of the Northwest Quarter of Section 9, T11N, R6E of the 6th P.M., Lancaster County, Nebraska.

EXISTING ZONING: AG Agriculture

EXISTING LAND USE: Farmland, pasture

SURROUNDING LAND USE AND ZONING: Agricultural land in AG zoning on all sides Valley Home Farms acreage subdivision abutting along the south. One farm house to the north.

HISTORY: Changed from AA Rural and Public Use to AG Agriculture with the adoption of the 1979 Zoning Update. Valley Home Farms, abutting to the south, was approved final plat in 1980.

COMPREHENSIVE PLAN SPECIFICATIONS: The 2025 Comprehensive Plan shows this area as Agriculture. This is in the Lincoln growth tier III. A cluster is permitted by special permit in the AG district. In relation to clustering in the Agriculture area, the 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)

UTILITIES: There are no sewer or water facilities available. There is no water district at this location. Well water is proposed. This is an area of potential salt water intrusion in wells.

TOPOGRAPHY: The property is rolling, draining to the south and northwest.

TRAFFIC ANALYSIS: NW 27 is a county gravel road. W. Mill Road is a county gravel road. Neither road is shown for future improvements in the Comprehensive Plan. Raymond Road, one mile to the north, is the closest paved road.

PUBLIC SERVICE: This area is served by Raymond Rural Fire District. This is in School District # 161. This is in the Norris Public Power service area.

REGIONAL ISSUES: Expansion of the acreage areas. Clustering to preserve farm land.

ENVIRONMENTAL CONCERNS: The Historic and Ecological Resources survey shows no historic resources identified at this site. An 11 acre parcel of Native hay is located by Mill Road in outlot "C". The soil rating is 6.9, on a scale of 1 to 10 where 1-4 are prime ag land. This is not prime land. This is an area of the County where salt water intrusion into wells is a potential hazard.

AESTHETIC CONSIDERATIONS: NA

ALTERNATIVE USES: All uses allowed in the AG district. Seven 20+ acre lots.

ANALYSIS:

1. This request is for a Special Permit for a Community Unit Plan for 9 acreage residential lots. A gravel public street is proposed and individual sewer and water is proposed. A 20% dwelling unit bonus is being requested for preservation of farmland and open space preservation.
2. This request is in general conformance with the Comprehensive Plan. However, this is in Tier III, outside the City three mile. Build - through is called for in the Plan. A Build - through ordinance is in process that would apply only in the Lincoln three mile area. With this in mind, Build - through in the County Jurisdiction will not be applied at this time.
3. The arrangement of the lots appears to reflect the topography and drainage of the parcel.
4. The density calculations for the project are as follows;

161.85 acres at 1 dwelling per 20 acres	=	8.09 dwellings
20% bonus requested X 1.20	=	9.70 dwellings
		9 dwellings permitted
Requested		9 units on 9 lots
5. NW 23 Street, in the subdivision to the south is a dedicated public street. It abuts this subdivision and is in place to connect to development to the north. Now would be the appropriate time to make that connection. If not, and this parcel is developed to the maximum under the current zoning, the street may never be extended. Connection of NW 23rd Street and West Masek Drive would provide a second way out for both subdivisions. Connectivity is a policy of the Plan.
6. There were no conflicting farm uses, such as feedlots, noted in the immediate area.
7. A waiver to the minimum lot area of 20 acres is requested. This is required to accomplish the clustering to 3 acre lots. A waiver to block frontage is requested as all lots will be less then the AG requirement through the CUP approval.

8. Waivers are requested for street lights, sidewalks, block length, street trees, storm drainage and screening. These are typical waivers required, provided for and appropriate for agriculture/acreage clusters. Waiver to block length along the south boundary at the location of NW 23 should not be waived, the street system can be designed to connect to the stub street in the abutting subdivision. The setback waivers are an adjustment from AG setbacks to AGR equivalent setbacks.
9. The building envelopes appear to allow future subdivision of the lots. However, buildable envelope for Lot 1, Block 1 should be shortened to allow its future division and frontage on the south cul - de - sac.
10. The County Engineer's memo of August 6, 2004 notes several minor issues and corrections.
11. The Lincoln/Lancaster County Health Department memo of August 6 notes the water report shows the quality is excellent and supply is adequate for the development. Waste water treatment is adequately addressed.
12. This proposal is requesting 9 lots. Eight dwellings would be permitted if this was divided into 20 acre lots. The CUP provides for a better layout and the application of appropriate conditions.
13. The applicant has provided some response to a Build - through model by showing future streets and building envelopes on ½ the lot.
14. The City is proceeding with a Build - through Ordinance. No equivalent language is currently proposed for the County and thus this application will not be held to that standard.
15. Lot 1 Block 4 fronts and accesses W. Mill Road, a section line road, usually such a freestanding lot would not be supported and the access be consolidated to the minimum number with all access from an internal street. Lot 1 is not part of the cluster and does not take access from the common internal street.

CONDITIONS FOR SPECIAL PERMIT #04041:

Site Specific:

1. After the applicant completes the following instructions and submits the documents and plans to the Planning Department office and the plans are found to be acceptable, the application will be scheduled on the County Board's agenda: (NOTE: These documents and plans are required by resolution/ordinance or design standards.)

- 1.1 Make the corrections requested by the County Engineer in his letter of August 6, 2004.
 - 1) General Note No 15 shall require interior intersection radii to be 30 feet, and the intersection radii at NW 27th Street to be 50 feet.
 - 2) General Note No. 16 shall be revised to allow read only one residential access shall be permitted per lot.
 - 3) General Note No. 12 shall be revised to allow two existing farm accesses.
 - 4) Verify by field survey, that no culvert is needed under West Masek Drive at NW 27th Street.
- 1.2 Revise the drawing to show the West Masek Drive connected to NW 23rd Street extended.
- 1.3 Show and note the native hay on Outlot "C".
- 1.4 Relocate Lot 1, Block 4 to front and access an internal street.
- 1.5 Shorten the building envelop in Lot 1, Block 1.
- 1.6 Eliminate all notes regarding private roadways.
2. This approval permits 9 single family lots.

General:

3. Before receiving building permits:
 - 3.1 The permittee is to submit a revised site plan and the plan is found to be acceptable.
 - 3.2 The permittee is to submit six prints and a permanent reproducible final site plan as approved by the County Board.
 - 3.3 The construction plans are to comply with the approved plans.
 - 3.4 The final plat(s) is/are approved by the County Board.
 - 3.5. The County Board approves associated requests:

- 3.5.1 Masek's 1st Addition Preliminary Plat #04019.
 - 3.5.2 A waiver to the sidewalk, street lights, landscape screen, stormwater detention and street tree requirements since the area is of larger lots, a rural nature and the subdivision will not be annexed.
 - 3.5.3 A waiver to lot area, frontage and setbacks as part of the CUP.
 - 3.5.4 A modification to the requirements of the land subdivision ordinance\resolution to permit a block length in excess of 1320' along the north, east and west perimeter of this subdivision.
- 3.6 The County Engineer has approved:
- 3.6.1 An agreement for street maintenance.

STANDARD CONDITIONS:

4. The following conditions are applicable to all requests:
- 4.1 Before occupying this Community Unit Plan all development and construction is to comply with the approved plans.
 - 4.2 Before occupying this Community Unit Plan, City/County Health Department is to approve the water and waste water systems.
 - 4.3 All privately-owned improvements are to be permanently maintained by the owner or an appropriately established homeowners association approved by the County Attorney.
 - 4.4 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
 - 4.5 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
 - 4.6 The County Clerk is to file a copy of the resolution approving the permit and the letter of acceptance with the Register of Deeds. The Permittee is to pay the recording fee.

CONDITIONS FOR PRELIMINARY PLAT #04019:

Site Specific:

1. After the subdivider completes the following instructions and submits the documents and plans to the Planning Department office, the preliminary plat will be scheduled on the City Council/County Board agenda: (NOTE: These documents and plans are required by ordinance or design standards.)
 - 1.1 Make the corrections requested by the County Engineer in his letter of August 6, 2004.
 - 1) General Note No 15 shall require interior intersection radii to be 30 feet, and the intersection radii at NW 27th Street to be 50 feet.
 - 2) General Note No. 16 shall be revised to allow read only one residential access shall be permitted per lot.
 - 3) General Note No. 12 shall be revised to allow two existing farm accesses.
 - 4) Verify by field survey, that no culvert is needed under West Masek Drive at NW 27th Street.
 - 1.2 Revise the drawing to show the West Masek Drive connected to NW 23rd Street extended.
 - 1.3 Show and note the native hay on Outlot "C".
 - 1.4 Relocate Lot 1, Block 4 to front and access an internal street.
 - 1.5 Shorten the building envelop in Lot 1, Block 1.
 - 1.6 Eliminate all notes regarding private roadways.
2. The County Board approves associated requests:
 - 2.1 County Special Permit # 04041 for the Community Unit Plan.
 - 2.2 A waiver to the storm water detention, sidewalk, street paving, street lights, landscape screen, and street tree requirements since the area is of larger lots, a rural nature and the subdivision will not be annexed.

- 2.3 A waiver to the lot area, setbacks and frontage.
- 2.4 A modification to the requirements of the land subdivision ordinance to permit a block length in excess of 1320' along the north, south, east and west perimeter of this subdivision and along the south side of West Masek Drive.

General:

- 3. Final Plats will be scheduled on the Planning Commission agenda after:
 - 3.1 Streets, water facilities, drainage facilities, temporary turnarounds and barricades, and street name signs have been completed.
 - 3.2 The subdivider has signed an agreement that binds the subdivider, its successors and assigns:
 - 3.2.1 To submit to the County Engineer an erosion control plan.
 - 3.2.2 To protect the remaining trees on the site during construction and development.
 - 3.2.3 To submit to lot buyers and homebuilders a copy of the soil analysis and water report.
 - 3.2.4 To complete the private improvements shown on the preliminary plat.
 - 3.2.5 To maintain the outlots and private improvements on a permanent and continuous basis. However, the subdivider may be relieved and discharged of this maintenance obligation upon creating in writing a permanent and continuous association of property owners who would be responsible for said permanent and continuous maintenance. The subdivider shall not be relieved of such maintenance obligation until the document or documents creating said property owners association have been reviewed and approved by the County Attorney and filed of record with the Register of Deeds.
 - 3.2.6 To relinquish the right of direct vehicular access to NW 27th Street except for the West Masek Dive and one existing farm access and to West Mill Road except for a safe location for Lot 1, Block 4 and three existing farm access.

3.2.7 To comply with the provisions of the Land Subdivision Resolution regarding land preparation.

Prepared by:

Mike DeKalb, 441-6370, mdekalb@lincoln.ne.gov
Planner
August 16, 2004

APPLICANT: 3801 Harney L.L.C.
Mark Masek, Manager
1620 Fairfield Street
Lincoln, NE 68521
(402) 601 -0285

OWNER: 3801 Harney L.L.C.

CONTACT: Brian D. Carstens
Carstens and Associates
601 Old Cheney Road, Suite C
Lincoln, NE 68512
434-2424



County Preliminary Plat #04019
County Special Permit #04041
Masek's 1st Add
NW 27th & West Mill Rd.

2002 aerial

Zoning:

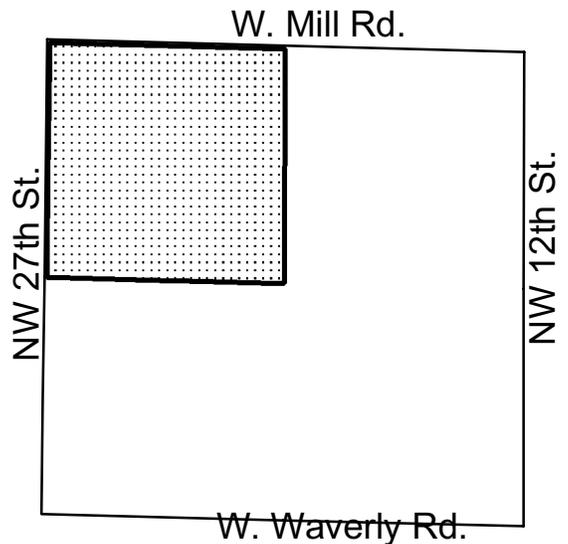
- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- R-C Residential Conservation District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial District
- B-4 Lincoln Center Business District
- B-5 Planned Regional Business District
- H-1 Interstate Commercial District
- H-2 Highway Business District
- H-3 Highway Commercial District
- H-4 General Commercial District
- I-1 Industrial District
- I-2 Industrial Park District
- I-3 Employment Center District
- P Public Use District

One Square Mile
 Sec. 9 T11N R6E



Zoning Jurisdiction Lines

City Limit Jurisdiction



County Preliminary Plat #04019 County Special Permit #04041 Masek's 1st Add

LAND USE PLANNING & CONSULTING DESIGN
BRIAN D. CARSTERS & ASSOCIATES
 LAND USE PLANNING & CONSULTING DESIGN
 1015 COUNTY ROAD 100
 LINCOLN, NE 68502
 PHONE: (402) 441-1111
 FAX: (402) 441-1112
 WWW: WWW.BDCARSTERS.COM

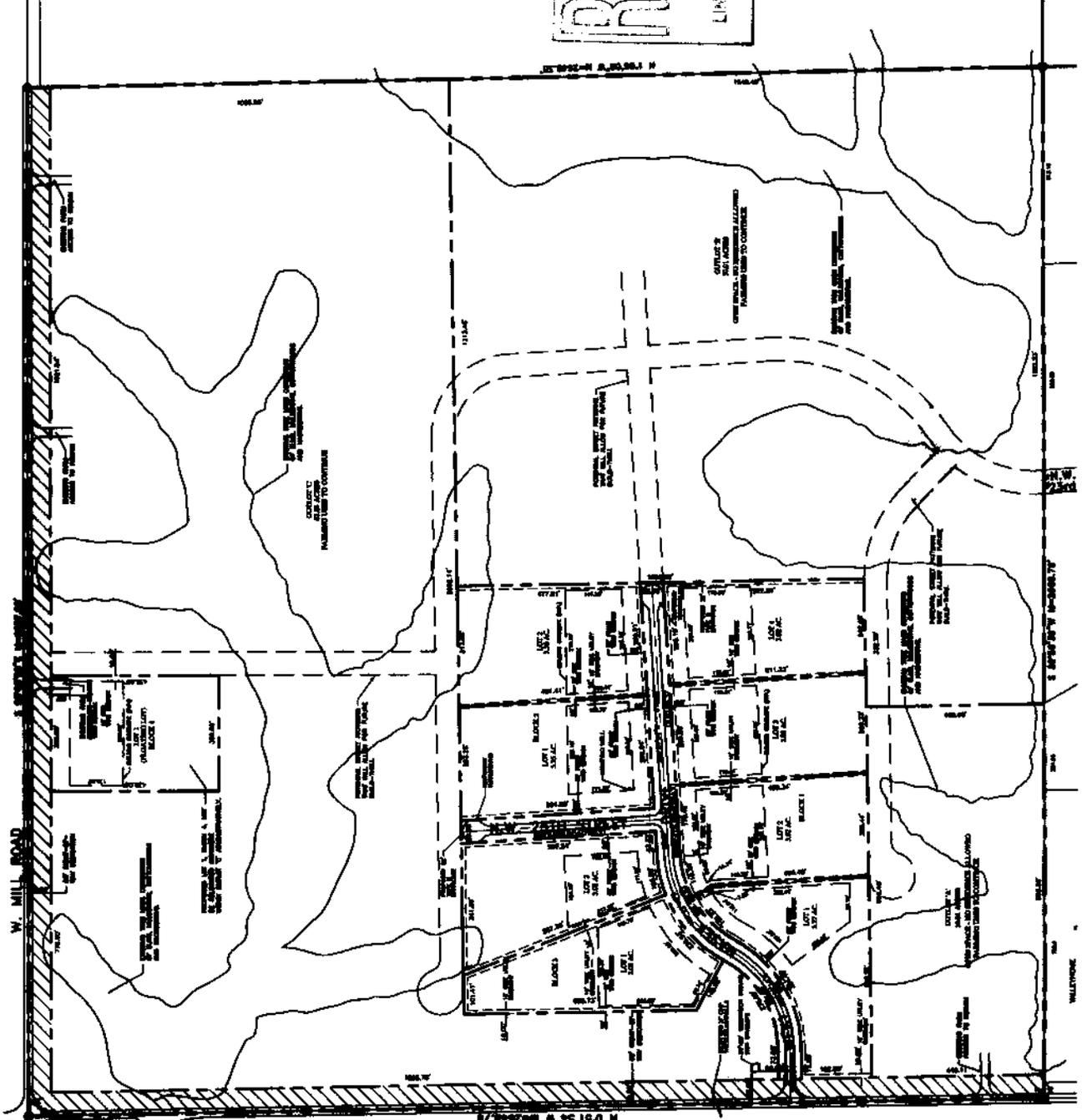
MASEK'S FIRST ADDITION
 COUNTY PRELIMINARY PLAT
 COUNTY SPECIAL PERMIT
 N.W. 27TH & W. MILL ROAD
 LINCOLN, NE

SITE PLAN
 SCALE: 1"=40'
 PROJECT: MASEK'S FIRST ADDITION

GENERAL NOTES:
 1. ALL UTILITIES SHOWN ARE BASED ON RECORD PLANS AND FIELD SURVEY. THE PLANNING AND DESIGN ENGINEER HAS CONDUCTED VISUAL INSPECTIONS OF THE SITE AND HAS OBSERVED THE UTILITIES AT THE LOCATION OF THE PROPOSED DEVELOPMENT. THE PLANNING AND DESIGN ENGINEER HAS CONDUCTED VISUAL INSPECTIONS OF THE SITE AND HAS OBSERVED THE UTILITIES AT THE LOCATION OF THE PROPOSED DEVELOPMENT. THE PLANNING AND DESIGN ENGINEER HAS CONDUCTED VISUAL INSPECTIONS OF THE SITE AND HAS OBSERVED THE UTILITIES AT THE LOCATION OF THE PROPOSED DEVELOPMENT.

GENERAL NOTES:
 2. THE PROPOSED DEVELOPMENT IS SUBJECT TO THE APPROVAL OF THE CITY OF LINCOLN AND THE NEBRASKA DEPARTMENT OF REVENUE. THE PLANNING AND DESIGN ENGINEER HAS CONDUCTED VISUAL INSPECTIONS OF THE SITE AND HAS OBSERVED THE UTILITIES AT THE LOCATION OF THE PROPOSED DEVELOPMENT. THE PLANNING AND DESIGN ENGINEER HAS CONDUCTED VISUAL INSPECTIONS OF THE SITE AND HAS OBSERVED THE UTILITIES AT THE LOCATION OF THE PROPOSED DEVELOPMENT. THE PLANNING AND DESIGN ENGINEER HAS CONDUCTED VISUAL INSPECTIONS OF THE SITE AND HAS OBSERVED THE UTILITIES AT THE LOCATION OF THE PROPOSED DEVELOPMENT.

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RECEIVED
 JUL 28 2004
 LINCOLN CITY/LANCASTER COUNTY
 PLANNING DEPARTMENT



BRIAN D. CAROTHERS ASSOCIATES, INC.

REGISTERED PROFESSIONAL ENGINEER
STATE OF NORTH CAROLINA
EXPIRES 12/31/2004

1010 COUNTY ROAD 1
LITTLETON, NC 28112
PHONE: (703) 443-1100
FAX: (703) 443-1101
© Brian D. Carothers, Inc.

MASEK'S FIRST ADDITION

COUNTY PERMISSORY PLAT

COUNTY SPECIAL PERMIT

N.W. 27TH & W. HILL ROAD
LINCOLN, NC

STREET PROFILES

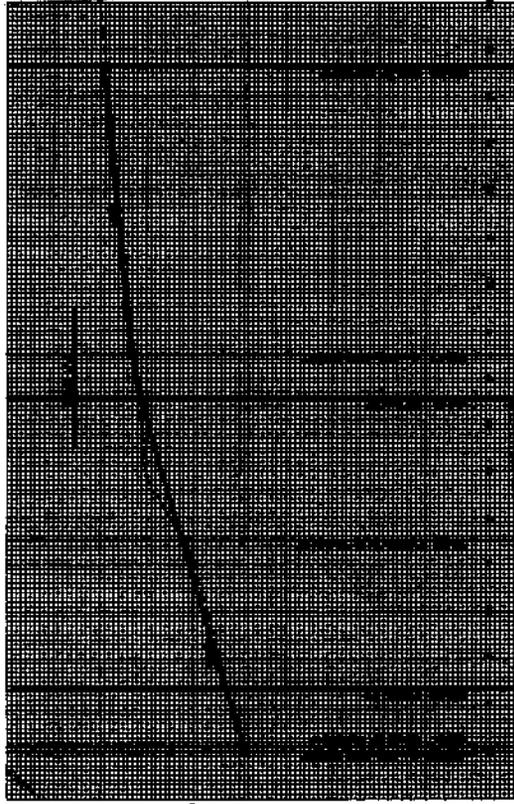
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COURTESY: COUNTY ENGINEERING DEPARTMENT

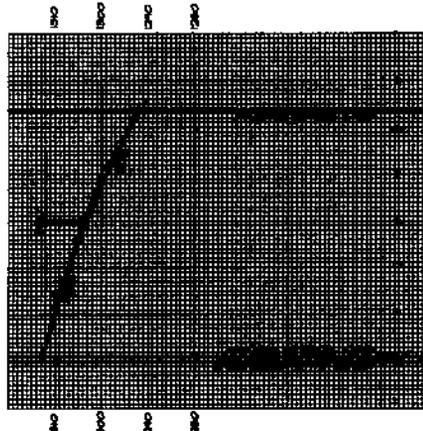
3 OF 3

ENGINEERING DEPARTMENT
LINCOLN COUNTY

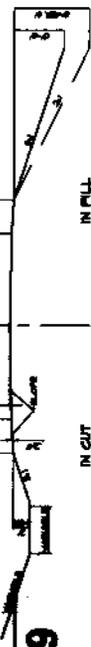
JUL 28 2004



WEST MASEK DRIVE
(PROPOSED RESURFACE)

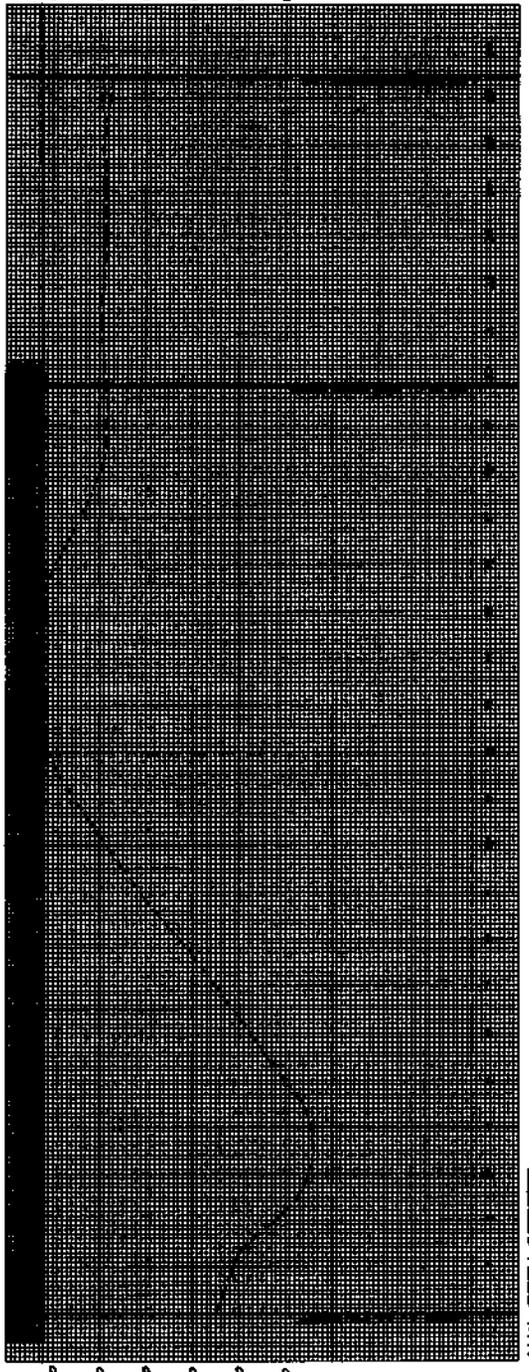


N.W. 27TH STREET
(PROPOSED RESURFACE)



TYPICAL SECTION FOR PRIVATE ROADWAYS

County Preliminary Plat #04019 County Special Permit #04041 Masek's 1st Add



N.W. 27TH STREET

ALL OF NORTHWEST QUARTER OF SECTION 9, TOWNSHIP 11 NORTH, RANGE 6 EAST OF THE 6th P.M., LANCASTER COUNTY, NEBRASKA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID NORTHWEST QUARTER; THENCE NORTHERLY ON THE WEST LINE OF SAID NORTHWEST QUARTER ON AN ASSIGNED BEARING OF N 0°51'54"W A DISTANCE OF 2648.76', TO THE NORTHWEST CORNER OF SAID NORTHWEST QUARTER; THENCE EASTERLY ON THE NORTH LINE OF SAID NORTHWEST QUARTER, N 90°00'00"E 2657.90', TO THE NORTHEAST CORNER OF SAID NORTHWEST QUARTER; THENCE SOUTHERLY ON THE EAST LINE OF SAID NORTHWEST QUARTER, S 1°06'06"E 2646.35', TO THE SOUTHEAST CORNER OF SAID NORTHWEST QUARTER; THENCE WESTERLY ON THE SOUTH LINE OF SAID NORTHWEST QUARTER, S 89°56'39"W 2668.79', TO THE POINT OF BEGINNING, SAID TRACT CONTAINING AN AREA OF 161.85 ACRES, MORE OR LESS.

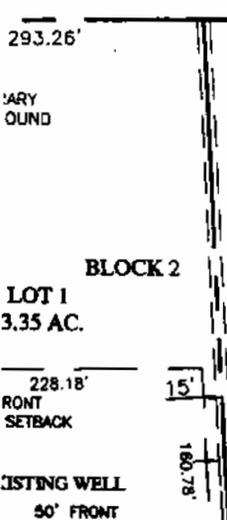
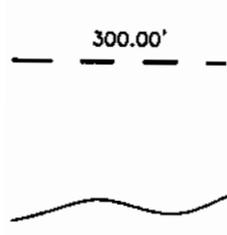
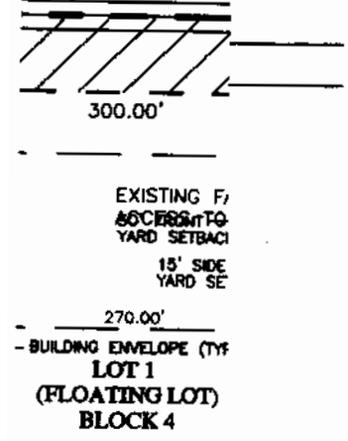
SURVEYOR'S CERTIFICATE:

I HEREBY CERTIFY THAT THIS BOUNDARY SURVEY WAS MADE UNDER MY SUPERVISION AND THAT I AM A LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF NEBRASKA.

DATE DEREK A. BEENBLOSSOM L.S. #570

GENERAL NOTES

1. THIS PRELIMINARY PLAT/ C.U.P. CONTAINS 161.85 ACRES MORE OR LESS.
2. THIS PRELIMINARY PLAT/C.U.P. PERMITS 9 SINGLE FAMILY LOTS AND 4 OUTLOTS. EACH LOT SHALL CONTAIN A MAXIMUM OF ONE SINGLE FAMILY RESIDENCE AND OUT BUILDINGS, ALL LOCATED WITHIN THE BUILDING ENVELOPES AS SHOWN AND/ OR NOTED.
3. THE CURRENT ZONING IS 'AG' & THE PROPOSED ZONING IS 'AG' WITH C.U.P WITH A 20% DENSITY BONUS.
4. THE MAXIMUM BUILDING HEIGHT SHALL NOT EXCEED 35 FEET, AS PER 'AG' ZONING.
5. THE DEVELOPER / OR OWNER RESERVES THE RIGHT TO BUILD ANYWHERE WITHIN THE BUILDING ENVELOPES SHOWN.
6. THE DEVELOPER PROPOSES THE USE OF WELLS FOR POTABLE WATER SUPPLY.
7. THE DEVELOPER PROPOSES THE USE OF INDIVIDUAL WASTE WATER SYSTEMS. IF PERCOLATION TEST DO NOT PERMIT SUB SURFACE FIELDS, LAGOONS SHALL BE INSTALLED. WASTE WATER SYSTEMS SHALL BE APPROVED BY THE LANCASTER COUNTY HEALTH DEPARTMENT.
8. DEVELOPER SHALL INSTALL STREET IDENTIFICATION SIGNS, ONE 25 MPH SPEED LIMIT SIGN AND ONE "NO OUTLET" SIGN, ALL JUST EAST OF N.W. 27TH STREET ON WEST MASEK DRIVE AND ONE STOP SIGN.
9. ONLY ONE SUBDIVISION GROUND SIGN SHALL BE PERMITTED FOR THIS DEVELOPMENT.
10. ALL CURVILINEAR DIMENSIONS ARE CHORD LENGTHS.
11. COMMON AND PUBLIC ACCESS EASEMENTS ARE HEREBY GRANTED OVER THE PRIVATE ROADWAYS AS SHOWN.
12. DIRECT VEHICULAR ACCESS TO N.W. 27TH STREET IS HEREBY RELINQUISHED EXCEPT TO WEST MASEK DRIVE (OUTLOT 'D') AND ONE EXISTING FARM. DIRECT VEHICULAR ACCESS TO WEST MILL ROAD IS HEREBY RELINQUISHED EXCEPT TO THREE EXISTING FARM ACCESS AND ONE DRIVEWAY ACCESS TO LOT 1, BLOCK 4.
13. ALL TOPOGRAPHIC CONTOURS ARE AT NAVD 88 DATUM.
14. THE FOLLOWING WAIVERS ARE APPROVED WITH THIS PRELIMINARY PLAT NO. _____ AND SPECIAL PERMIT NO. _____ : SIDEWALKS, STREET TREES, STREET LIGHTING, LANDSCAPE SCREENING, BLOCK LENGTH AND CONNECTING TO AN EXISTING PLATTED STREET (N.W. 23RD STREET).
15. THE DEVELOPER SHALL CONSTRUCT AND SURFACE THE PUBLIC STREETS WITH 3" OF CRUSHED ROCK AND 1" OF GRAVEL IN ACCORDANCE WITH THE LANCASTER COUNTY STANDARDS. THE COUNTY SHALL BE NOTIFIED PRIOR TO THE LAYING OF THE GRAVEL. ALL SURFACING RADI AT INTERSECTIONS SHALL BE 30 FEET.
16. ONLY ONE ACCESS SHALL BE PERMITTED PER EACH LOT AND THIS SHALL BE IN ALL DEDICATION OF ANY FINAL PLATS.
17. 'JUNK CARS' SHALL BE PROHIBITED IN THIS DEVELOPMENT AS NOTED IN PROTECTIVE COVENANTS.
18. FUTURE LOT OWNERS WILL BE ADVISED THAT THIS IS IN A RURAL FARM AREA AND THAT NORMAL AND CUSTOMARY FARM ACTIVITIES ARE NOT A NUISANCE.
19. FARM ACCESSES ARE FOR AGRICULTURAL USES ONLY. ANY OTHER USE WILL FORFEIT AND RELINQUISH THAT ACCESS.
20. ALL PRIVATE IMPROVEMENTS SHALL BE MAINTAINED BY THE HOMEOWNERS ASSOCIATION.
21. THE DEVELOPER AGREES TO COMPLY WITH THE DESIGN STANDARDS AS IDENTIFIED IN THE LAND SUBMISSION ORDINANCE FOR EROSION CONTROL AND SEDIMENTATION DURING AND AFTER LAND



BRI/ CAR/ & ASSC

LAND USE RESID/ & COM/ DE

601 OLD CT SU/ LINCOLN

PHONE: (402) FAX: (402) © 2004 CA

MA/ FI ADD

CC PRELIM #

CC SPECI/ #

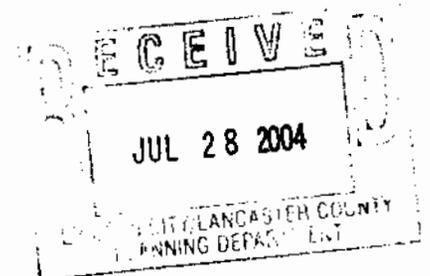
**County Preliminary Plat #04019
County Special Permit #04041
Masek's 1st Add**

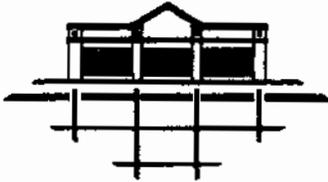
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ALL OF NORTHWEST QUARTER OF SECTION 9, TOWNSHIP 11 NORTH, RANGE 6 EAST OF THE 6th P.M., LANCASTER COUNTY, NEBRASKA, MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGINNING AT THE SOUTHWEST CORNER OF SAID NORTHWEST QUARTER; THENCE NORTHERLY ON THE WEST LINE OF SAID NORTHWEST QUARTER ON AN ASSIGNED BEARING OF N 0°51'54"W A DISTANCE OF 2648.76', TO THE NORTHWEST CORNER OF SAID NORTHWEST QUARTER; THENCE EASTERLY ON THE NORTH LINE OF SAID NORTHWEST QUARTER, N 90°00'00"E 2657.90', TO THE NORTHEAST CORNER OF SAID NORTHWEST QUARTER; THENCE SOUTHERLY ON THE EAST LINE OF SAID NORTHWEST QUARTER, S 1°06'06"E 2646.35', TO THE SOUTHEAST CORNER OF SAID NORTHWEST QUARTER; THENCE WESTERLY ON THE SOUTH LINE OF SAID NORTHWEST QUARTER, S 89°56'39"W 2668.79', TO THE POINT OF BEGINNING, SAID TRACT CONTAINING AN AREA OF 161.85 ACRES, MORE OR LESS.





BRIAN D. CARSTENS AND ASSOCIATES
LAND USE PLANNING RESIDENTIAL & COMMERCIAL DESIGN
601 Old Cheney Road, Suite C Lincoln, NE 68512 Phone: 402.434.2424

July 27, 2004

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

RE: MASEK'S FIRST ADDITION- N.W. 27th AND WEST MILL ROAD
COUNTY SPECIAL PERMIT- COMMUNITY UNIT PLAN
COUNTY PRELIMINARY PLAT

Dear Marvin,

On behalf of Mark Masek of 3801 Harney, L.L.C., we submit the above mentioned zoning applications for your review. Masek's First Addition contains 161.85 acres and is currently zoned 'AG'. We are requesting 8 single family acreage lots and one 'floating' acreage lot for a total of 9 lots. There are 3 large outlots that will remain as farmland for farming uses to continue. Thus we are requesting the 20% density bonus.

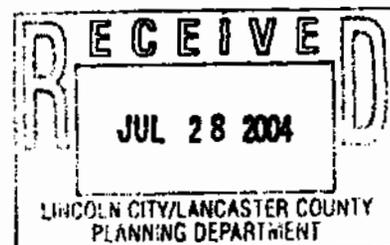
We are proposing a graveled ^{Public} private roadway for vehicular circulation. Each lot will have its own well and septic system.

We are requesting the customary waivers of sidewalks, street trees, landscape screening, and streetlights, as each lot is larger than one acre and this project is not being annexed into the City of Lincoln at this time.

We are also requesting a waiver of block length on the south side of West Masek Drive.

We are not connecting our proposed private roadway system to an existing platted street at the south end of our project at this time, thus we are requesting a waiver if necessary. We are showing a potential street pattern that could be developed in the future, should the property be annexed.

This site is located in the far northern edge of Tier 3 of the Lincoln growth plan. We have shown a proposed street and lot pattern to show how the proposed lots could be further subdivided in the future if this area is ever annexed into the City of Lincoln. The proposed lots have smaller building envelopes, keeping the home to one side of the lot, aiding in future subdivision.



Page 2

We have been waiting for quite some time for the "build-thru" standards to move thru the approval process. Mark Masek is anxious to get this project moving forward at this time.

Please feel free to contact me if you have any further questions or comments.

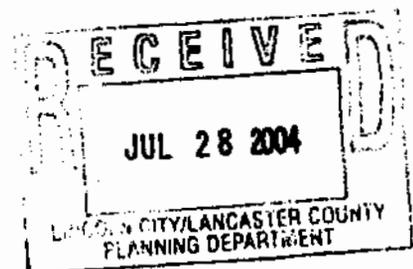
Sincerely,

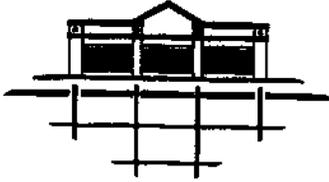


Brian D. Carstens

cc. Mark Masek

Enclosures: 24 Copies of Sheet 1 of 3
8 Copies of Sheets 2 and 3 of 3
8-1/2" x 11" Reductions of the Plans
Application for a County Preliminary Plat
Applicant's Technical Checklist
Application for a County Special Permit (C.U.P.)
Application Fee of \$1,050.00
3 copies of the Water Report
Preliminary Soils Analysis
Certificate of Ownership





BRIAN D. CARSTENS AND ASSOCIATES
LAND USE PLANNING RESIDENTIAL & COMMERCIAL DESIGN
801 Old Cheney Road, Suite C Lincoln, NE 68512 Phone: 402.434.2424

July 30, 2004

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

RE: MASEK'S FIRST ADDITION- PRELIMINARY PLAT/ C.U.P.

Dear Marvin,

We have recently submitted the above mentioned applications for your review. After a discussion with Mark Masek and Larry Worrel from the Lancaster County Engineer's Office, we are requesting that the applications be revised to review the private roadways, as shown on the plans, as public streets.

Please feel free to contact me if you have any further questions.

Sincerely,

Brian D. Carstens

cc. Larry Worrel

GROUNDWATER REPORT

MASEK'S FIRST ADDITION

NW1/4 SEC. 9 - T. 11N. - R. 6E.

NW 27th STREET AND WEST MILL ROAD

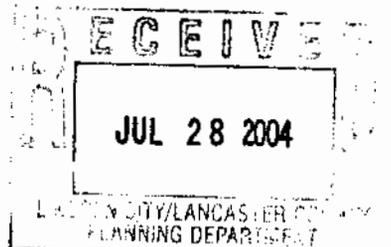
LANCASTER COUNTY

Petitioner: Brian D. Carstens
Brian D. Carstens & Associates

Developer: Mark Masek

Hydrogeologist and Preparer of Report:
Vincent H. Dreeszen

V. H. Dreeszen
6/30/04



Report of Groundwater Investigation

MASEK'S FIRST ADDITION

NW1/4 SEC. 9-11N-6E

Lancaster County

The proposed development is located at NW27th and Old Mill Road in the NW1/4 sec. 9-11N-6E. Access is from NW27th Street. Eight lots of slightly more than 3 acres each is planned mostly in the SE1/4 of the NW1/4 Section 9. Outlot "A" of 10.01 acres immediately to the south and Outlot "B" (50.1 acres) mostly due east constitute the remainder of the south half of the quarter section. Both of these lots are restricted to "No Residence Allowed". The north portion of the quarter section (67.54 acres) is designated as a "Floating Lot". (See Figure 1).

The development is located about one mile East and one mile South of the Village of Raymond. The building sites are centered on an east-west ridge overlooking Oak Creek Valley to the west. Land surface elevations (Raymond Quadrangle, 7.5-minute series) range from about 1315 feet above mean sea level on the ridge to about 1280 feet on the back side of the lots. The area is located in the rolling hills of the dissected glaciated portion of eastern Nebraska.

The principal aquifer in the area is the Dakota Sandstone. However, the lower sandstone of the Dakota in this area is usually brackish to highly saline. A few Dakota Sandstone wells

have been completed by penetrating only the upper few feet of sandstone to obtain a treatable domestic supply. Brackish or highly saline water is expected to occur at depths of about 200 to 220 feet along the ridge on the property.

A few wells in the area have been completed in silts of fine sand above the Dakota. One well in Lot 7 has been completed in fine or fine to medium sand to a depth of 148 feet (See attached log). The main aquifer was reported as fine to medium sand from 110 to 138 feet. The saturated thickness from the static water level of 86.5 feet to total drilled depth of well (148 feet) is 62 feet. "Shale", probably the top of the Dakota Group sandstone and clays was reported at 152 feet. The extent of the Pleistocene Age sand layer or body in the area is not known. If present throughout the building site area the aquifer should be capable of providing an adequate water supply to individual wells. Test wells should be drilled on each lot before home construction.

The water quality in the well on Lot 7 is quite good (13 parameter water quality analysis by the Nebraska Laboratory Services is attached). The water is relatively hard, iron and manganese values are relatively low as is total dissolved solids (only 464 mg/l). Nitrate plus Nitrate as N is 0.95 mg/l.

Based upon information available and log of the existing well in centrally located Lot 7 the potential for individual domestic wells in the proposed development is quite good. The water quality is excellent. As previously noted a test well

should be drilled before developing a home site. Because the sand is relatively fine grained, proper well construction and development will be necessary to eliminate any possibility of wells pumping sand.

In the event the thickness of the Pleistocene sand is insufficient for a supply, it is likely that a satisfactory well could be developed in the upper few feet of Dakota Sandstones. The mineralization and in particular the salinity of the water in the Dakota increases well depth.

Well Log, Webster Well Company

NW 27th Street and Old Mill Road
SW1/4 NW1/4 sec. 9 - T. 11N., R. 6E.
Lot 7, Masek's First Addition
Estimated Altitude: 1315 ft
Static Water Level: 86 ft
GPS Coordinates: Latitude N40° 56' 24.84"
Longitude W96° 45' 19.56"
Estimated Well Yield: 15 gpm
Well cased to 148'

0 - 2	Top soil
2 - 25	Yellow/reddish brown clay
25 - 63	Gray/brown clay with soft crunchy ironstone 60-61'
63 - 75	Medium gray clay with some thin sand layers
75 - 85	Brown/gray clay, crunchy
85 -100	Medium/light brown clay, soft, sandy
100 -109.5	Fine sand, hard layer 109.5 to 110'
110 -138	Sand, fine to medium
138 -141	Clay, gray
141 -152	Clay with some sand layers
152 -161	Shale, gray

Compiled from well drillers field log by V.H. Dreeszen

**Nebraska Health and Human Services
Regulation and Licensure - Laboratory Services**

3701 South 14th Street
Lincoln, NE 68502
(402) 471-2122
(402) 471-2080 (fax)

**MASEKMAR
MASEK, MARK**

**1620 FAIRFIELD STREET
LINCOLN, NE 68521**

Laboratory Report Printed on: JUN-16-04

Laboratory Analysis For: PRIVATE 13 PARAMETER

Sample Comments:

Page: 1 of 1

Laboratory Number: **P25553-57**

Date Collected: **26-May-2004 05:30 PM**

Sampled By: **MARK MASEK**

Date Received: **26-May-2004**

Location: **NW 27&W MILL RD**

Parameters	Test Results	Qualifier	Report Level	Units	Method	Prep Date	Analysis Date	Analyst
Alkalinity, Total	260.		20	mg/l	2320B		06/02/04	SH
CALCIUM	81.3	F	.15	mg/l	215.1		06/10/04	SS
Chloride	7.53		1	mg/L	4500CL-E		05/27/04	sr
Nitrate+Nitrite (As N)	0.95		.05	mg/l	353.2		05/27/04	km
Fluoride	0.30		.2	mg/l	4500F-C		06/08/04	jn
IRON	1180.	F	50	ug/l	SM3111B		06/09/04	SS
Hardness, Total	300.		4	mg/l	2340C		05/27/04	SH
MANGANESE	18.5	F	1	ug/l	200.8		06/02/04	CC
SODIUM	24.5	F	10	mg/l	SM3111B		06/09/04	SS
pH	7.84			pH	150.1		06/01/04	SH
SULFATE	120.		10	mg/l	EPA 375.4		06/07/04	HK
TOTAL COLIFORM	0.0		0	cfu/100ml	9223B-QT		05/27/04	DJ
E. COLI	0.0		0	cfu/100ml	9223B-QT		05/27/04	DJ
Solids, Total Dissolved (Tds)	464.		10	mg/l	160.1		06/01/04	SH

Report Remarks:

LOT 472HYB
TURBIDITY EXCEEDS 1 NTU
Turbidity is greater than 1 NTU

See reverse side of report for description of acronyms and data qualifiers
For inquiries on result interpretation call: (402) 471-2541.

**LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT
INTER-OFFICE COMMUNICATION**

TO: Mike DeKalb

DATE: August 6, 2004

DEPARTMENT: Planning

FROM: Chris Schroeder

ATTENTION:

DEPARTMENT: Health

CARBONS TO: EH File

SUBJECT: Maseks 1st Addition

EH Administration

SP #04041

The Lincoln-Lancaster County Health Department has reviewed the proposed development with the following noted:

- The developer has adequately addressed on-site wastewater treatment issues in the General Notes. The developer proposes the use of individual wastewater treatment systems. Lagoons or absorption fields will be installed based on soil percolation test results.
- The developer proposes the use of individual wells for potable water supply. The developer has provided a groundwater report indicating the potential for individual domestic wells is good with excellent water quality. This is based on available information and the groundwater report recommends that a test well be drilled on each lot before home construction.
- 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.
- 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.

Lancaster

DON R. THOMAS - COUNTY ENGINEER

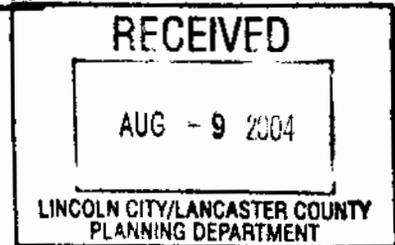
County

Engineering

DEPUTY- LARRY V. WORRELL
COUNTY SURVEYOR

Department

DATE: August 6, 2004
TO: Mike DeKalb
Planning Department
FROM: Larry V. Worrell 
County Surveyor
SUBJECT: MASEK'S 1ST ADDITION



Upon review, this office would have the following comments:

- 1) Dedicating the streets to the public is acceptable
- 2) *General Note No. 15* shall require interior intersection radii to be 30 feet, and the intersection radii at NW 27th Street to be 50 feet.
- 3) *General Note No. 16* shall be revised to allowing only one residential access shall be permitted per lot.
- 4) *General Note No. 12* shall be revised to allow two existing farm accesses, and one access to Lot 1, Block 4. The third farm access shall be used for Lot 1 if at a safe location or removed.
- 5) Verify by field survey, that no culvert is needed under West Masek Drive at NW 27th Street.

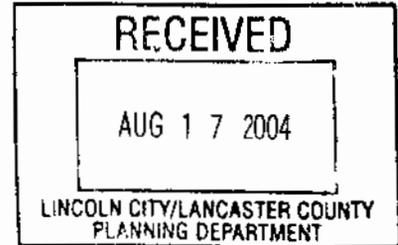
LVW/DP/cm

SUBDIV.WK/Masek's 1st Addition.Mem



AREA 2
SERVICE CENTER

R.R. 1 BOX 56
ROCA, NEBRASKA 68430
402/423-3855
FAX 402/423-8090



August 13, 2004

Mike Dekalb, Project Planner
555 S. 10th #213
Lincoln, NE 68508

RE: Masek's First Addition

Mike, I have reviewed the subject Plat and see easements in place as we would request.

As always, thanks for your cooperation.

Sincerely,

Rick Volmer, Construction Superintendent, Area 2



Nebraska Game and Parks Commission

2200 N. 33rd St. / P.O. Box 30370 / Lincoln, NE 68503-0370

Phone: 402-471-0641 / Fax: 402-471-5528 / www.outdoornebraska.org

August 18, 2004

Mike Dekalb
Lincoln/Lancaster County Planning Department
555 S. 10th Street, #213
Lincoln, NE 68508

Dear Mr. Dekalb:

Nebraska Game and Parks Commission (NGPC) staff members have reviewed the information regarding Masek's First Addition to be located at N.W. 27th Street and West Mill Road. The Addition will include 8 single family acreage lots and 1 "floating" acreage lot for a total of 9 lots. There are 3 large outlots that will remain as farmland.

The project site does include several areas of existing tree mass, consisting of elm, mulberry, cottonwood, and hackberry, mainly associated with the drainages on the property as noted on the site plan. We encourage the least amount of impact to these riparian areas as they serve important functions such as filtering runoff from adjacent land, improving water quality, and providing wildlife habitat. Please advise if plans changed and further review is required. Thank you for the opportunity to comment on this proposal. If you have any questions, please contact me at (402) 471-5423.

Sincerely,

Carey Grell
Environmental Analyst
Realty and Environmental Services Division

