City Council Introduction: **Monday**, January 22, 2007
Public Hearing: **Monday**, January 29, 2007, at **5:30** p.m.

Bill No. 07R-20

FACTSHEET

TITLE: **SPECIAL PERMIT NO. 872F,** requested by Firethorn Investment, for authority to expand the boundaries of the **Firethorn Community Unit Plan** and to add 95 single family residential lots, on property generally located northeast of the intersection of South 84th Street and Pioneers Boulevard.

STAFF RECOMMENDATION: Conditional approval.

ASSOCIATED REQUESTS: Annexation Agreement, Annexation No. 06020 (07-11), Change of Zone No. 06077 (07-12) and Street Name Change No. 06010 (07-13).

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 12/20/06
Administrative Action: 12/20/06

RECOMMENDATION: Conditional Approval, with amendments (8-0: Cornelius, Larson, Taylor, Krieser, Strand, Carroll, Esseks and Carlson voting 'yes'; Sunderman absent).

FINDINGS OF FACT:

1. This proposed amendment to the Firethorn Community Unit Plan was heard before the Planning Commission in conjunction with the associated Annexation No. 06020 and Change of Zone No. 06077.

2. The area of the community unit plan is 498.53 acres, more or less. There are now 129 residences on 143 lots in Firethorn. This request as delineated adds 95 single-family lots for a total of 238 lots, and the applicant asked to increase the number of allowed dwelling units to 350. Staff proposed to set the "cap" at 545 units, which is the calculated capacity of the downstream sewer system until the Stevens Creek interceptor arrives to service this area. The resolution approved by the Planning Commission permits 545 units. The waivers previously approved with the Firethorn Community Unit Plan carry forward, and no new waivers are requested.

3. The staff recommendation of conditional approval is based upon the "Analysis" as set forth on p.20-21, concluding that the proposal complies with the Zoning Ordinance and the Comprehensive Plan if the associated annexation and change of zone are approved. The staff presentation is found on p.24-25.

4. The applicant's testimony and other testimony in support is found on p.25-27. The additional information submitted by the applicant is found on p.49. The applicant requested that the requirement recommended by staff to provide a street connection to 88th Street, in order to provide access between Firethorn lots and Pioneers Boulevard, be deleted (Condition #3.1.1.3). A lot of landscaping has occurred in this area. The neighbors are concerned that the existing trees would be removed and that the aesthetics would be impacted by such a street connection. The plan has been redesigned to provide for other access.

5. Testimony in support by Jeff Schumacher, President of the Firethorn Homeowners Committee, is found on p.26-27.

6. Testimony in opposition to the annexation of the property is found on p.27-28, and the record consists of one e-mail communication in opposition (p.50). There was concern expressed about the termination of any conservation easements associated with this proposal.

7. The staff response to the request to delete the street connection and the concern about the conservation easements is found on p.28-29.

8. The applicant's response to the testimony in opposition is found on p.29-31.

9. On December 20, 2006, the Planning Commission agreed with the staff recommendation and voted 8-0 to adopt Resolution No. PC-01032, approving Special Permit No. 872F, with conditions, with amendments requiring a street connection to Pioneers Boulevard (as opposed to specifically via 88th Street), and requiring that the current conservation easement on the 18-hole golf course be retained, subject to minor administrative modifications. In fact, there are two separate conservation easements covering portions of the 27 holes, both established to run for 100 years and both requiring City (Council) approval to modify or terminate. (See p.5-15). (Sunderman absent).

10. On December 28, 2006, a letter of appeal was filed by Jennifer J. Strand on behalf of Firethorn Golf Company, LLC, appealing this application to the City Council, specifically the requirement to provide a street connection to Pioneers Boulevard (See p.2-4).

11. Staff has met with the applicant and has agreed to withdraw its recommendation for a street connection to 88th Street or Pioneers Boulevard, after learning of a private agreement between Firethorn and a homeowner in the subdivision which is accessed by Pioneers Boulevard and 88th Street. This homeowner controls the land proposed for access for the new Firethorn lots to 84th Street, which is critical to the expansion plans. He will not release that land unless ensured that a street connection utilizing 88th Street is prevented.

FACTSHEET PREPARED BY: Jean L. Walker **DATE**: January 9, 2007
REVIEWED BY:_____ **DATE**: January 9, 2007
REFERENCE NUMBER: FS\CC\2007\SP.872F Appeal

ALLEN L. OVERCASH
PAUL M. SCHUDEL
EDWARD H. TRICKER
WM. LEE MERRITT
JOSEPH H. BADAMI
KERRY L. KESTER
ROBERT B. EVNEN
JOEL D. HEUSINGER
TERRY C. DOUGHERTY
JENNIFER J. STRAND
CRAIG C. DIRRIM
BRUCE A. SMITH
JEFFERY T. PEETZ
KENT E. ENDACOTT
KRISTA L. KESTER
JAMES A. OVERCASH
ANDREW B. KOSZEWSKI
NATHAN J. GURNSEY
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ADMITTED TO PRACTICE ONLY IN:
*THE DISTRICT OF COLUMBIA
‡NEW JERSEY AND NEW YORK

December 28, 2006

E-Mail – JStrand@woodsaitken.com
Direct Dial – (402) 437-8522

BY HAND
Joan Ross
City Clerk
City of Lincoln
555 South 10th Street, Room 103
Lincoln, Nebraska 68508

FILED

DEC 28 2006

CITY CLERK'S OFFICE
LINCOLN, NEBRASKA

Re: Notice of Appeal – Special Permit No. 872F

Dear Ms. Ross:

This firm represents Firethorn Golf Company, LLC. On behalf of Firethorn Golf Company, LLC, the purpose of this letter is to request that the City Council hear an appeal of the action taken by the Planning Commission on December 20, 2006 adopting Resolution No. PC-01032 with respect to Special Permit No. 872F.

Specifically, Firethorn Golf Company, LLC is appealing the Planning Commission's Conditional Approval of Special Permit No. 872F requiring that a street connection to Pioneers Boulevard be shown on the amendment to the Firethorn Community Unit Plan.

Please do not hesitate to contact me if you have any questions with regard to this matter or require anything further.

Sincerely,

Jennifer J. Strand

JJS:js
cc: Mark A. Wible (by telecopy)
Roger Severin (by telecopy)
Rick Peo (by telecopy)
Brian Will (by telecopy)

ALLEN L. OVERCASH
PAUL M. SCHUDEL
EDWARD H. TRICKER
WM. LEE MERRITT
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December 28, 2006

E-Mail – JStrand@woodsaitken.com
Direct Dial – (402) 437-8522

BY TELECOPY
Marvin Krout
Director of Planning
Lincoln/Lancaster County Planning Department
555 South 10th Street, Suite 213
Lincoln, Nebraska 68508

RECEIVED
DEC 28 2006
LINCOLN CITY/LANCASTER COUNTY
PLANNING DEPARTMENT

Re: Firethorn

Dear Mr. Krout:

Enclosed please find a copy of the Notice of Appeal filed by Firethorn Golf Company, LLC appealing the Planning Commission's Conditional Approval of Special Permit No. 872F requiring that a street connection to Pioneers Boulevard be shown on the amendment to the Firethorn Community Unit Plan.

As you know, one of the Planning Department's conditions to Special Permit No. 872F required a connection to 88th Street, which the Planning Commission amended to require a street connection to Pioneers Boulevard. We respectfully request that the Planning Department reconsider the requirement for a street connection to Pioneers Boulevard.

As you are aware, the homeowners in the Ikuru acreage development are opposed to any connection to 88th Street. Given the existing golf course improvements and conservation easements, there is no feasible alternative to provide a connection to Pioneers Boulevard. If this requirement is not waived, Firethorn Golf Company, LLC will be unable to proceed with the voluntary annexation of the Firethorn residential community.

We would appreciate an opportunity to meet with you to discuss this matter further.

Sincerely,

Jennifer J. Strand

JJS js
Enclosure

cc: Mark A. Wible (by telecopy)
Roger Severin (by telecopy)
Rick Peo (by telecopy)
Brian Will (by telecopy)

PLANNING COMMISSION FINAL ACTION
NOTIFICATION

TO : Mayor Coleen Seng
Lincoln City Council

FROM : Jean Walker, Planning

DATE : December 28, 2006

RE : **Special Permit No. 872F** - Amendment to the **Firethorn Community Unit Plan** (South 84th Street and Pioneers Blvd.)
Resolution No. PC-01032

The Lincoln City-Lancaster County Planning Commission took the following action at their regular meeting on Wednesday, December 20, 2006:

> Motion made by Esseks, seconded by Cornelius, to approve **Special Permit No. 872F,** with conditions, as amended, requested by Firethorn Investment, for authority to expand the boundaries of the **Firethorn Community Unit Plan** and to add 95 single family residential lots, on property generally located northeast of the intersection of South 84th Street and Pioneers Boulevard.
>
> Motion for conditional approval, as amended, carried 8-0 (Carroll, Esseks, Cornelius, Larson, Strand, Taylor, Krieser and Carlson voting 'yes'; Sunderman absent).

The Planning Commission's action is final, unless appealed to the City Council by filing a Letter of Appeal with the City Clerk within 14 days of the date of the action by the Planning Commission.

Please Note: On December 28, 2006, a letter of appeal was filed by Jennifer J. Strand of Woods & Aitken, on behalf of Firethorn Golf Company, LLC, appealing the Planning Commission action approving this amendment to the Firethorn Community Unit Plan, specifically the requirement to show a street connection to Pioneers Boulevard. The public hearing on this appeal before the City Council will be scheduled when the associated Annexation No. 06020, Change of Zone No. 06077 and the associated Annexation Agreement are scheduled.

Attachment
cc: Building & Safety
Rick Peo, City Attorney
Public Works
Mark Wible, Firethorn Investment, 9301 Firethorn Lane, 68520
Family Acres Association (2)
Pioneer/Mar-Ma-Ra-Lo Heights Homeowners Association (2)
Jennifer Strand, Woods & Aitken, 301 S. 13th, Suite 500, 68508
Jeff Schumacher, 2920 S. 91st Street, 68520
Roger Massey, 4130 Taliesin Drive, 68520
Charlie Wright, 4020 Thorn Court, 68510
Mike Donlan, 9270 Pioneer Court, 68520
Dr. Steven J. Lehr, 9230 Pioneer Court, 68520

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RESOLUTION NO. PC-01032

SPECIAL PERMIT NO. 872F

WHEREAS, Firethorn Investment has submitted an application designated as Special Permit No. 872F for authority to expand the boundaries of the Firethorn Community Unit Plan and to add 95 single family residential lots on property generally located northeast of the intersection of South 84th Street and Pioneers Boulevard and legally described as set out on Exhibit A attached hereto; and

WHEREAS, the Lincoln City-Lancaster County Planning Commission has held a public hearing on said application; and

WHEREAS, the community as a whole, the surrounding neighborhood, and the real property adjacent to the area included within the site plan for this amendment to the community unit plan will not be adversely affected by granting such a permit; and

WHEREAS, said site plan together with the terms and conditions hereinafter set forth are consistent with the comprehensive plan of the City of Lincoln and with the intent and purpose of Title 27 of the Lincoln Municipal Code to promote the public health, safety, and general welfare.

NOW, THEREFORE, BE IT RESOLVED by the Lincoln City-Lancaster County Planning Commission of Lincoln, Nebraska:

That the application of Firethorn Investment, hereinafter referred to as "Permittee", to expand the boundaries of the Firethorn Community Unit Plan and to add 95 single family

residential lots be and the same is hereby granted under the provisions of Section 27.63.320 and Chapter 27.65 of the Lincoln Municipal Code upon condition that construction of said community unit plan be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves up to 545 dwelling units.

2. The City Council must approve the following associated request:

   a. Annexation #06020.

   b. Change of Zone #06077.

3. Before receiving building permits:

   a. The Permittee shall complete the following instructions and submit the documents and plans to the Planning Department for review and approval.

      i. A revised site plan including 5 copies showing the following revisions:

         (1) Revise the Proposed/Existing Lots table to note the total number of acres of land in the CUP.

         (2) Revise General Note #4 to state: THIS CUP ALLOWS 545 DWELLING UNITS AND ONE CLUHOUSE FACILITY.

         (3) Show a street connection to Pioneers Boulevard.

         (4) Revise General Note #1 from 'Special Permit #872' to 'Special Permit #872E'.

         (5) Delete General Notes #11 and #15.

         (6) Revise General Note #14 to state: ALL SIDEWALKS, DRIVEWAYS AND PARKING LOTS TO BE PAVED TO CITY OF LINCOLN DESIGN STANDARDS.

         (7) Revise General Note #19 to state: SIGNS NEED NOT BE SHOWN ON THE SITE PLAN AND THE LOCATION AND SIZE WILL BE APPROVED AT THE TIME OF SIGN PERMITS IN COMPLIANCE WITH THE ZONING ORDINANCE.

(8) Revise General Note #24 to specify where the common access over drives and parking stall is granted.

(9) Revise General Note #29 to state: THE SALE OF ALCOHOLIC BEVERAGES FOR CONSUMPTION ON THE PREMISES IS PERMITTED PER LMC 27.63.680.

(10) Combine General Site Notes #28 and #30 and eliminate duplication and conflicting phrases between the two.

(11) Revise General Note #33 to state: THE BUILDING ENVELOPES SHOWN ARE FOR ILLUSTRATING THE PERMITTED USES AND THEIR APPROXIMATE LOCATIONS. FINAL SITE LAYOUTS TO BE DETERMINED AT THE TIME OF BUILDING PERMITS.

(12) Revise General Note #34 to state: REQUIRED EASEMENTS TO BE DETERMINED AT THE TIME OF FINAL PLAT.

(13) General Note #35 conflicts with General Notes #14 and #15. Either revise or delete General Note #35.

(14) General Notes #16 and #36 conflict. Revise to specify actual road standard and eliminate conflict between the notes.

(15) Note the existence and approximate location of the 18" high-pressure gas line near South 84th Street as noted by the Health Department.

(16) State intended purpose of all outlots.

(17) Show a public sanitary sewer easement in a location acceptable to Public Works and Utilities.

ii. Revise the grading and drainage plan to the satisfaction of Public Works and Utilities.

iii. Provide documentation from the Register of Deeds that the letter of acceptance as required by the approval of the special permit has been recorded.

b. The construction plans must conform to the approved plans.

4. Before occupying the new dwelling units all development and construction is to comply with the approved plans.

5. All privately-owned improvements, including landscaping and recreational facilities, are to be permanently maintained by the owner or an appropriately established homeowners association approved by the City.

6. 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.

7. The current conservation easement on the 18-hole golf course shall be retained subject to minor modifications through agreement with the Planning Department.

8. This resolution's terms, conditions, and requirements bind and obligate the Permittee, its successors and assigns.

9. The applicant shall sign and return the letter of acceptance to the City Clerk within 60 days following the approval of the special permit, provided, however, said 60-day period may be extended up to six months by administrative amendment. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filling fees to be paid in advance by the applicant.

10. The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all resolutions approving previous permits remain in force unless specifically amended by this resolution.

The foregoing Resolution was approved by the Lincoln City-Lancaster County Planning Commission on this 20 day of December, 2006.

ATTEST:

/S/ Original signed by
Jon Carlson

Chair

Approved as to Form & Legality:

Chief Assistant City Attorney

009

EXHIBIT "A"

DEC - 4 2006

LEGAL DESCRIPTION
CUP

A LEGAL DESCRIPTION FOR A TRACT OF LAND COMPOSED OF LOT 5 I.T., A PORTION OF LOT 38 I.T., A PORTION OF SOUTH 88TH STREET RIGHT-OF-WAY, OUTLOTS "A", "B", "C", "D" AND "E", FIRETHORN ADDITION, LOTS 1 THROUGH 4, BLOCK 1, FIRETHORN ADDITION, LOTS 1 THROUGH 3, BLOCK 2, FIRETHORN ADDITION, LOTS 8 THROUGH 10, BLOCK 2, FIRETHORN ADDITION, LOTS 13 THROUGH 37, BLOCK 2, FIRETHORN ADDITION, AND LOTS 41 THROUGH 51, BLOCK 2 FIRETHORN ADDITION, OUTLOT "B" AND CLUB HOUSE AREA, FIRETHORN 2ND ADDITION, LOT 3 BLOCK 1, FIRETHORN 2ND ADDITION, LOTS 4 THROUGH 24, BLOCK 2, FIRETHORN 2ND ADDITION, OUTLOT "C" FIRETHORN 3RD ADDITION, LOT 3, FIRETHORN 3RD ADDITION, THE REMAINING PORTION OF LOTS 1, AND 2, FIRETHORN 3RD ADDITION, LOTS 1 THROUGH 7, AND LOTS 9 THROUGH 40, FIRETHORN 6TH ADDITION, OUTLOT "A", FIRETHORN 7TH ADDITION, OUTLOT "C", FIRETHORN 7TH ADDITION, LOTS 1 AND 2, BLOCK 1, FIRETHORN 7TH ADDITION, LOTS 2 AND 3, BLOCK 2, FIRETHORN 7TH ADDITION, LOT 1 BLOCK 3, FIRETHORN 7TH ADDITION, OUTLOT "A" FIRETHORN 8TH ADDITION, LOT 1 FIRETHORN 8TH ADDITION, LOT 1 FIRETHORN 10TH ADDITION, A TRACT OF LAND COMPOSED OF VACATED ORDINANCE NO. 98-2670, FIRETHORN 10TH ADDITION, LOT 1 FIRETHORN 11TH ADDITION, OUTLOT "A", AND LOT 1, FIRETHORN 12TH ADDITION, OUTLOT "A" FIRETHORN 13TH ADDITION, LOT 1, FIRETHORN 13TH ADDITION, OUTLOTS "A", "B", "D", AND "E", FIRETHORN 15TH ADDITION, LOTS 2 THROUGH 8, BLOCK 1, FIRETHORN 15TH ADDITION, THE REMAINING PORTION OF OUTLOT "A", FIRETHORN 17TH ADDITION, OUTLOT "D" FIRETHORN 17TH ADDITION, A PORTION OF OUTLOT "E" FIRETHORN 17TH ADDITION, THE REMAINING PORTION OF OUTLOT "F", FIRETHORN 17TH ADDITION, OUTLOTS "A" AND "B" FIRETHORN 18TH ADDITION, OUTLOT "A" FIRETHORN 20TH ADDITION, LOTS 1 THROUGH 14, BLOCK 1, FIRETHORN 20TH ADDITION, OUTLOT "A" FIRETHORN 22ND ADDITION, LOT 1, FIRETHORN 22ND ADDITION, OUTLOT "A", FIRETHORN 23RD ADDITION, LOTS 1 AND 2 FIRETHORN 23RD ADDITION, ALL LOCATED IN SECTION 2, TOWNSHIP 9 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 SOUTHEAST QUARTER OF SAID SECTION 2, THENCE WESTERLY ALONG THE SOUTH LINE OF SAID SOUTHEAST QUARTER ON AN ASSUMED BEARING OF NORTH 89 DEGREES 49 MINUTES 45 SECONDS WEST, A DISTANCE OF 49.82 FEET TO A POINT, THENCE NORTH 00 DEGREES 10 MINUTES 15 SECONDS EAST, A DISTANCE OF 50.00 FEET TO THE SOUTHEAST CORNER OF OUTLOT "E" FIRETHORN 15TH ADDITION, SAID POINT BEING

ON THE NORTH LINE OF PIONEERS BOULEVARD RIGHT-OF-WAY, SAID POINT BEING **THE TRUE POINT OF BEGINNING**; THENCE NORTH 89 DEGREES 49 MINUTES 45 SECONDS WEST ALONG A SOUTH LINE OF SAID OUTLOT "E", THE SOUTH LINE OF OUTLOT "A", FIRETHORN 20TH ADDITION, A SOUTH LINE OF OUTLOT "A", FIRETHORN 22ND ADDITION, AND A SOUTH LINE OF OUTLOT "D", FIRETHORN 15TH ADDITION, A DISTANCE OF 898.15 FEET TO A SOUTHWEST CORNER OF SAID OUTLOT "D", THENCE NORTH 00 DEGREES 11 MINUTES 51 SECONDS EAST ALONG A WEST LINE OF SAID OUTLOT "D", A DISTANCE OF 598.50 FEET TO THE NORTHWEST CORNER OF SAID OUTLOT "D", THENCE NORTH 89 DEGREES 49 MINUTES 45 SECONDS WEST ALONG A SOUTH LINE OF LOT 8, BLOCK 1, FIRETHORN 15TH ADDITION, A DISTANCE OF 371.46 FEET TO THE SOUTHWEST CORNER OF SAID LOT 8, THENCE SOUTH 00 DEGREES 29 MINUTES 32 SECONDS WEST ALONG A EAST LINE OF OUTLOT "A", FIRETHORN 15TH ADDITION, A DISTANCE OF 5898.51 FEET TO A SOUTHEAST CORNER OF SAID OUTLOT "A", THENCE NORTH 89 DEGREES 49 MINUTES 45 SECONDS WEST ALONG A SOUTH LINE OF SAID OUTLOT "A", FIRETHORN 15TH ADDITION, AND A SOUTH LINE OF OUTLOT "A", FIRETHORN 12TH ADDITION, SAID LINE BEING A NORTH LINE OF SAID RIGHT-OF-WAY, SAID LINE BEING 50.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 1,323.02 FEET TO A POINT OF DEFLECTION, THENCE NORTH 89 DEGREES 53 MINUTES 33 SECONDS WEST ALONG A SOUTH LINE OF SAID OUTLOT "A", FIRETHORN 12TH ADDITION, AND A SOUTH LINE OF OUTLOT "A", FIRETHORN 15TH ADDITION, SAID LINE BEING A NORTH LINE OF SAID RIGHT-OF-WAY, SAID LINE BEING 50.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 2, A DISTANCE OF 600.39 FEET TO THE SOUTHWEST CORNER OF OUTLOT "A", FIRETHORN 15TH ADDITION, THENCE NORTH 00 DEGREES 40 MINUTES 06 SECONDS EAST ALONG A WEST LINE OF SAID OUTLOT "A", A DISTANCE OF 1,003.59 FEET TO THE SOUTHEAST CORNER OF LOT 5 I.T., THENCE NORTH 89 DEGREES 53 MINUTES 26 SECONDS WEST ALONG A SOUTH LINE OF SAID LOT 5 I.T., A DISTANCE OF 630.78 FEET TO THE NORTHEAST CORNER OF SOUTH 88TH STREET RIGHT-OF-WAY, THENCE SOUTH 00 DEGREES 33 MINUTES 37 SECONDS WEST ALONG A EAST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 144.19 FEET TO A POINT, THENCE NORTH 89 DEGREES 26 MINUTES 59 SECONDS WEST, A DISTANCE OF 359.96 FEET TO A POINT OF INTERSECTION WITH A WEST LINE OF LOT 38 I.T., THENCE NORTH 00 DEGREES 33 MINUTES 44 SECONDS EAST ALONG A WEST LINE OF SAID LOT 38 I.T., A DISTANCE OF 150.42 FEET TO THE NORTHEAST CORNER OF LOT 43 I.T., THENCE NORTH 89 DEGREES 44 MINUTES 17 SECONDS WEST ALONG A NORTH LINE OF SAID LOT 42 I.T., A DISTANCE OF 170.13 FEET TO THE SOUTHWEST CORNER OF LOT 40 I.T., THENCE NORTH 00 DEGREES 45 MINUTES 37 SECONDS EAST ALONG A EAST LINE OF SAID LOT 40 I.T., A

DISTANCE OF 257.11 FEET TO THE NORTHEAST CORNER OF SAID LOT 40 I.T., THENCE NORTH 89 DEGREES 49 MINUTES 56 SECONDS WEST ALONG A NORTH LINE OF SAID LOT 40 I.T., AND ITS EXTENSION, A DISTANCE OF 837.02 FEET TO THE SOUTHWEST CORNER OF LOT 3, FIRETHORN 3RD ADDITION, SAID POINT BEING ON THE EAST LINE OF SOUTH 84TH STREET RIGHT-OF-WAY, THENCE NORTH 00 DEGREES 23 MINUTES 35 SECONDS EAST ALONG THE WEST LINE OF SAID LOT 3, SAID LINE BEING THE EAST LINE OF SAID RIGHT-OF-WAY, SAID LINE BEING 50.00 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 2, A DISTANCE OF 721.27 FEET TO THE NORTHWEST CORNER OF SAID LOT 3, THENCE SOUTH 89 DEGREES 53 MINUTES 32 SECONDS EAST ALONG A NORTH LINE OF SAID LOT 3, SAID LINE BEING THE SOUTH LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 14.67 FEET TO THE SOUTHWEST CORNER OF THE REMAINING PORTION OF LOT 2 FIRETHORN 3RD ADDITION, THENCE NORTH 00 DEGREES 19 MINUTES 37 SECONDS WEST ALONG A WEST LINE OF SAID REMAINING PORTION OF SAID LOT 2, SAID LINE BEING THE EAST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 322.94 FEET TO A POINT OF DEFLECTION, THENCE NORTH 14 DEGREES 24 MINUTES 03 SECONDS EAST ALONG A WEST LINE OF SAID REMAINING PORTION OF LOT 2, AND A WEST LINE OF THE REMAINING PORTION OF LOT 1, FIRETHORN 3RD ADDITION, SAID LINE BEING A EAST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 47.45 FEET TO A POINT OF DEFLECTION, THENCE NORTH 00 DEGREES 41 MINUTES 00 SECONDS WEST ALONG A WEST LINE OF SAID REMAINING PORTION OF LOT 1, SAID LINE BEING A EAST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 230.86 FEET TO THE NORTHWEST CORNER OF SAID REMAINING PORTION OF LOT 1, SAID POINT BEING ON THE SOUTH LINE OF THE REMAINING PORTION OF OUTLOT "F", FIRETHORN 17TH ADDITION, THENCE NORTH 89 DEGREES 53 MINUTES 32 SECONDS WEST ALONG A SOUTH LINE OF SAID REMAINING PORTION OF OUTLOT "F", SAID LINE BEING A NORTH LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 5.76 FEET TO THE SOUTHWEST CORNER OF SAID REMAINING PORTION OF OUTLOT "F", THENCE NORTH 00 DEGREES 23 MINUTES 26 SECONDS EAST ALONG A WEST LINE OF SAID REMAINING PORTION OF OUTLOT "F", SAID LINE BEING THE EAST LINE OF SAID RIGHT-OF-WAY, SAID LINE BEING 62.00 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 53.04 FEET TO A NORTHWEST CORNER OF SAID REMAINING PORTION OF OUTLOT "F", THENCE NORTH 45 DEGREES 13 MINUTES 54 SECONDS EAST ALONG A NORTHWEST LINE OF SAID REMAINING PORTION OF OUTLOT "F", SAID LINE BEING A SOUTHEAST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 21.27 FEET TO A NORTHWEST CORNER OF SAID REMAINING PORTION OF OUTLOT "F", THENCE SOUTH 89 DEGREES 55 MINUTES 38 SECONDS EAST ALONG A NORTH LINE OF SAID REMAINING PORTION OF OUTLOT "F", A DISTANCE OF 532.79 FEET TO A POINT OF

CURVATURE OF A NON-TANGENT CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING DELTA ANGLE OF 36 DEGREES 08 MINUTES 53 SECONDS, A RADIUS OF 240.00 FEET, AN ARC LENGTH OF 151.42 FEET, A TANGENT LENGTH OF 78.32 FEET, A CHORD LENGTH OF 148.92 FEET, AND A CHORD BEARING OF NORTH 67 DEGREES 44 MINUTES 00 SECONDS EAST ALONG A NORTHWEST LINE OF SAID REMAINING PORTION OF OUTLOT "F" TO A NORTH CORNER OF SAID REMAINING PORTION OF OUTLOT "F", THENCE SOUTH 40 DEGREES 20 MINUTES 27 SECONDS EAST ALONG A NORTHEAST LINE OF SAID REMAINING PORTION OF SAID OUTLOT "F", A DISTANCE OF 163.65 FEET TO THE SOUTHEAST CORNER OF SAID REMAINING PORTION OF OUTLOT "F", THENCE NORTH 39 DEGREES 11 MINUTES 09 SECONDS EAST ALONG A NORTHWEST LINE OF OUTLOT "A", FIRETHORN 18TH ADDITION, A DISTANCE OF 632.24 FEET TO A POINT OF DEFLECTION, THENCE NORTH 54 DEGREES 59 MINUTES 09 SECONDS EAST ALONG A NORTHWEST LINE OF SAID OUTLOT "A", A DISTANCE OF 842.65 FEET TO THE NORTH CORNER OF SAID OUTLOT "A", THENCE NORTH 17 DEGREES 56 MINUTES 39 SECONDS EAST, A DISTANCE OF 61.35 FEET TO A SOUTHWEST CORNER OF THE REMAINING PORTION OF OUTLOT "A", FIRETHORN 17TH ADDITION, THENCE NORTH 11 DEGREES 46 MINUTES 20 SECONDS WEST ALONG A WEST LINE OF SAID REMAINING PORTION OF OUTLOT "A", A DISTANCE OF 610.45 FEET TO A POINT NORTHEAST CORNER OF LOT 4, BLOCK 1, FIRETHORN 17TH ADDITION, THENCE SOUTH 82 DEGREES 09 MINUTES 31 SECONDS WEST ALONG A NORTH LINE OF SAID LOT 4, A DISTANCE OF 400.00 FEET TO THE NORTHWEST CORNER OF SAID LOT 4, SAID POINT BEING A POINT OF CURVATURE OF A NON-TANGENT CURVE IN A CLOCKWISE DIRECTION, HAVING DELTA ANGLE OF 24 DEGREES 47 MINUTES 12 SECONDS, A RADIUS OF 549.00 FEET, AN ARC LENGTH OF 237.50 FEET, A TANGENT LENGTH OF 120.64 FEET, A CHORD LENGTH OF 235.65 FEET, AND A CHORD BEARING OF SOUTH 03 DEGREES 46 MINUTES 59 SECONDS WEST ALONG A WEST LINE OF SAID LOT 4 TO A WEST CORNER OF SAID LOT 4, THENCE SOUTH 04 DEGREES 37 MINUTES 58 SECONDS WEST ALONG A WEST LINE OF SAID LOT 4, A DISTANCE OF 50.17 FEET TO THE SOUTHWEST CORNER OF SAID LOT 4, SAID POINT BEING A POINT OF CURVATURE OF A NON-TANGENT CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING DELTA ANGLE OF 15 DEGREES 53 MINUTES 58 SECONDS, A RADIUS OF 340.00 FEET, AN ARC LENGTH OF 94.35 FEET, A TANGENT LENGTH OF 47.48 FEET, A CHORD LENGTH OF 94.05 FEET, AND A CHORD BEARING OF SOUTH 81 DEGREES 37 MINUTES 15 SECONDS WEST ALONG A SOUTH LINE OF SAID REMAINING PORTION OF OUTLOT "A" TO A SOUTHEAST CORNER OF THE REMAINING PORTION OF OUTLOT "A", FIRETHORN 21ST ADDITION, THENCE NORTH 16 DEGREES 19 MINUTES 44 SECONDS WEST ALONG A NORTHEAST LINE OF SAID REMAINING PORTION OF OUTLOT "A", A DISTANCE OF 50.00 FEET TO A POINT OF CURVATURE OF A NON-TANGENT CURVE IN

A COUNTER CLOCKWISE DIRECTION, HAVING DELTA ANGLE OF 43 DEGREES 53 MINUTES 00 SECONDS, A RADIUS OF 449.00 FEET, AN ARC LENGTH OF 343.89 FEET, A TANGENT LENGTH OF 180.88 FEET, A CHORD LENGTH OF 335.55 FEET, AND A CHORD BEARING OF NORTH 00 DEGREES 07 MINUTES 27 SECONDS EAST ALONG A EAST LINE OF SAID REMAINING PORTION OF OUTLOT "A" TO A POINT OF TANGENCY,; THENCE NORTH 21 DEGREES 49 MINUTES 03 SECONDS WEST ALONG A NORTHEAST LINE OF SAID REMAINING PORTION OF OUTLOT "A", A DISTANCE OF 14.11 FEET TO A POINT OF CURVATURE, THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A DELTA ANGLE OF 23 DEGREES 21 MINUTES 31 SECONDS, A RADIUS OF 329.00 FEET, AN ARC LENGTH OF 134.13 FEET, A TANGENT LENGTH OF 68.01 FEET, A CHORD LENGTH OF 133.20 FEET, AND A CHORD BEARING OF NORTH 33 DEGREES 29 MINUTES 49 SECONDS WEST ALONG A NORTHEAST LINE OF SAID REMAINING PORTION OF OUTLOT "A" TO A POINT OF CURVATURE, THENCE NORTH 45 DEGREES 10 MINUTES 34 SECONDS WEST ALONG A NORTHEAST LINE OF SAID REMAINING PORTION OF OUTLOT "A", A DISTANCE OF 302.44 FEET TO A POINT OF DEFLECTION, THENCE NORTH 89 DEGREES 36 MINUTES 34 SECONDS WEST ALONG A NORTH LINE OF SAID REMAINING PORTION OF OUTLOT "A", A DISTANCE OF 958.83 FEET TO THE NORTHWEST CORNER OF REMAINING PORTION OF OUTLOT "A", THENCE NORTH 00 DEGREES 23 MINUTES 26 SECONDS EAST ALONG A WEST LINE OF THE REMAINING PORTION OF OUTLOT "A", FIRETHORN 17TH ADDITION, SAID LINE BEING THE EAST LINE OF SOUTH 84TH STREET RIGHT-OF-WAY, SAID LINE BEING 50.00 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 2, A DISTANCE OF 536.75 FEET TO A NORTHWEST CORNER OF SAID REMAINING PORTION OF OUTLOT "A", THENCE NORTH 45 DEGREES 16 MINUTES 58 SECONDS EAST ALONG A NORTHWEST LINE OF SAID REMAINING PORTION OF OUTLOT "A", SAID LINE BEING A SOUTHEAST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 70.84 FEET TO A NORTHWEST CORNER OF SAID REMAINING PORTION OF OUTLOT "A", THENCE SOUTH 89 DEGREES 49 MINUTES 29 SECONDS EAST ALONG A NORTH LINE OF SAID REMAINING PORTION OF OUTLOT "A", AND A NORTH LINE OF OUTLOT "A", FIRETHORN ADDITION, SAID LINE BEING THE SOUTH LINE OF VANDORN STREET RIGHT-OF-WAY, SAID LINE BEING 50.00 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 2,543.68 FEET TO A POINT OF DEFLECTION, THENCE SOUTH 89 DEGREES 49 MINUTES 14 SECONDS EAST ALONG A NORTH LINE OF SAID OUTLOT "A", A NORTH LINE OF OUTLOT "C", FIRETHORN ADDITION, AND THE NORTH LINE OF OUTLOT "A", FIRETHORN 23RD ADDITION, SAID LINE BEING THE SOUTH LINE OF SAID RIGHT-OF-WAY, SAID LINE BEING 50.00 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 2,592.91 FEET TO THE NORTHEAST CORNER OF SAID OUTLOT "A", FIRETHORN

23RD ADDITION, THENCE SOUTH 00 DEGREES 22 MINUTES 59 SECONDS WEST ALONG A EAST LINE OF SAID OUTLOT "A", AND A EAST LINE OF OUTLOT "C", FIRETHORN ADDITION, SAID LINE BEING A WEST LINE OF SOUTH 98TH STREET RIGHT-OF-WAY, SAID LINE BEING 50.00 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 2,582.82 FEET TO A POINT OF DEFLECTION, THENCE SOUTH 00 DEGREES 22 MINUTES 50 SECONDS WEST ALONG A EAST LINE OF SAID OUTLOT "C", AND A EAST LINE OF OUTLOT "A", FIRETHORN 15TH ADDITION, SAID LINE BEING A WEST LINE OF SAID RIGHT-OF-WAY, SAID LINE BEING 50.00 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 2, A DISTANCE OF 661.75 FEET TO A EAST CORNER OF SAID OUTLOT "A", SAID POINT BEING ON THE NORTH LINE OF OUTLOT "B", FIRETHORN 15TH ADDITION, THENCE SOUTH 89 DEGREES 50 MINUTES 57 SECONDS EAST ALONG A NORTH LINE OF SAID OUTLOT "B", A DISTANCE OF 17.00 FEET TO THE NORTHEAST CORNER OF SAID OUTLOT "B", THENCE SOUTH 00 DEGREES 22 MINUTES 50 SECONDS WEST ALONG A EAST LINE OF SAID OUTLOT "B", THE EAST LINE OF OUTLOT "A", FIRETHORN 20TH ADDITION, AND A EAST LINE OF OUTLOT "E", FIRETHORN 15TH ADDITION, SAID LINE BEING THE WEST LINE OF SAID RIGHT-OF-WAY, SAID LINE BEING 33.00 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 1,583.45 FEET TO A EAST CORNER OF SAID OUTLOT "E", THENCE NORTH 89 DEGREES 37 MINUTES 10 SECONDS WEST ALONG A SOUTH LINE OF SAID OUTLOT "E", SAID LINE BEING A NORTH LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 17.00 FEET TO A EAST CORNER OF SAID OUTLOT "E", THENCE SOUTH 00 DEGREES 22 MINUTES 50 SECONDS WEST ALONG A EAST LINE OF SAID OUTLOT "E", SAID LINE BEING A WEST LINE OF SAID RIGHT-OF-WAY, SAID LINE BEING 50.00 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 350.00 FEET TO THE POINT OF BEGINNING. SAID TRACT CONTAINS A CALCULATED AREA OF 21,715,842.03 SQUARE FEET OR 498.53 ACRES, MORE OR LESS.

Monday, December 04, 2006
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LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for December 20, 2006 PLANNING COMMISSION MEETING

****As Revised and Adopted by Planning Commission: 12/20/06****
Resolution No. PC-01032**

PROJECT #: Special Permit #872F for Firethorn Community Unit Plan (CUP).

PROPOSAL: A request to expand the Firethorn CUP to allow up to 545 dwelling units.

LOCATION: Northeast of the intersection of South 84th Street and Pioneers Blvd.

LAND AREA: Approximately 498.53 acres.

CONCLUSION: This request is dependent upon the associated applications for annexation and change of zone being approved by the City Council. The waivers previously approved with the Firethorn CUP carry forward, and no new waivers are requested. It is important that the future extension of South 88th Street be provided for and should be shown on this plan. Otherwise the revisions are minor and are included in the conditions of approval. Provided the associated annexation and change of zone requests are approved, this request complies with the Zoning Ordinance and Comprehensive Plan subject to the recommended conditions of approval.

RECOMMENDATION: Conditional Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION: See attached.

EXISTING ZONING: AGR Agricultural Residential

SURROUNDING LAND USE AND ZONING:

North	Agriculture, Residential	AG
East	Agriculture, Residential	AG
West	Vacant, Office, Church, Residential	AGR, R-1, R-3, O-3
South	Residential, Church, Golf Course	AG, AGR

EXISTING LAND USE: Residential, Golf Course

COMPREHENSIVE PLAN SPECIFICATIONS:

Pg 5 - The following principles are based on this One Community Vision and describe the desired end state:
- All of the communities and people of Lancaster County work together to implement a common plan providing for mutual benefit.
-Lincoln remains a single community. The policies of a single public school district, drainage basin development, and provision of city utilities only within the city limits continue

to be a positive influence and help shape the City for decades to come. These policies are sustained in order to preserve our ability to move forward as one community.

Page 9 - Overall Form - Maximize the community's present infrastructure investment by planning for residential and commercial development in areas with available capacity. This can be accomplished in many ways including encouraging appropriate new development on unused land in older neighborhoods, and encouraging a greater amount of commercial space per acre and more dwelling units per acre in new neighborhoods.

Pg 17 - Future Land Use Map - This area is designated for open space and urban residential land use.

Page F21 - Urban Growth Tiers - This site is in Tier 1, Priority C.

Page F65 - Overall Guiding Principles
Interconnected networks of streets, trails and sidewalks should be designed to encourage walking and bicycling and provide multiple connections within and between neighborhoods.

HISTORY:

December 6, 2005 - The Planning Director approved Firethorn 23th Addition final plat.

August 22, 2001 - Administrative Amendment #01065 was approved to increase the size of the restroom facility on the golf course.

April 27, 2001 - Administrative Amendment #01030 was approved to add a restroom facility on the golf course and add a canopy.

August 9, 1999 - The Planning Director approved Firethorn 22th Addition final plat.

November 3, 1998 - The Planning Director approved Firethorn 20th Addition final plat.

October 21, 1998 - Administrative Amendment #98070 was approved to adjust lot lines.

September 21, 1998 - The Planning Director approved Firethorn 18th Addition final plat.

August 31, 1998 - The Planning Director approved Firethorn 19th Addition final plat.

July 1, 1998 - The Planning Director approved Firethorn 15th Addition final plat.

June 8, 1998 - The Planning Director approved Firethorn 17th Addition final plat.

June 1, 1998 - The Planning Director approved Firethorn 16th Addition final plat.

May 7, 1998 - The Planning Director approved Firethorn 14th Addition final plat.

April 20, 1998 - City Council approved Special Permit #872E to amend the Firethorn Community Unit Plan to exclude the area at the northwest corner now zoned O-3 and approved for office uses.

January 14, 1998 - City Council approved Firethorn 1st Addition Preliminary Plat and Firethorn Community Unit Plan Special Permit #872D on February 24, 1998.

October 31, 1997 - The Planning Director approved Firethorn 13th Addition final plat and Administrative Amendment #97046 to shift lot lines.

September 2, 1997 - The Planning Director approved Firethorn 12th Addition final plat.

July 1, 1997 - The Planning Director approved Administrative amendment # 97027 to shift boundary of CUP.

October 11, 1994 - The Planning Director approved Firethorn 11th Addition and Administrative Amendment #94081, increasing the size of lot 2, block 3.

October 6, 1992 - The Planning Director approved Administrative Amendment #92062 for a storage building.

August 27, 1992 - The Planning Director approved Firethorn 10th Addition and Administrative Amendment #92057 transferring a dwelling unit to a new lot.

March 22, 1991 - The Planning Director approved Administrative Amendment #91013, converting Lot 1 to a buildable lot.

December 17, 1990 - The Planning Director approved Firethorn 8th Addition.

May 31, 1990 - The Planning Director approved Administrative Amendment #90031, for a starter shack for the golf course.

December 22, 1989 - The Planning Director approved Firethorn 6th Addition.

November 15, 1989 - The Planning Director approved Firethorn 7th Addition.

November 14, 1989, the Planning Director approved Firethorn 4th Addition.

July 31, 1989 - The Planning Director approved Administrative Amendment #677 to Special Permit #872A, superseding Firethorn 1st Addition.

July 10, 1989 - The City Council approved Special Permit #872C for Firethorn 5th Addition CUP

February 14, 1989 - The Planning Director approved Firethorn 3rd Addition and Administrative Amendment #638, converting three lots to nonbuildable lots.

May 6, 1985 - City Council approved Firethorn 2nd Addition. In 1989, zoning was changed from AG to AGR.

June 19, 1986 - The Planning Director approved Administrative Amendment #512, increasing the width of lot 19, block 2.

March 20, 1985 - The Planning Director approved Administrative Amendment #450, adjusting the layout of the golf course.

January 28, 1985 - City Council approved Special Permit #872B for Firethorn 1st Addition CUP.

May 7, 1984 - City Council approved Special Permit #872A, amending the Community Unit Plan and preliminary plat, changing the name of the subdivision from Sunterra to Firethorn, vacating the original final plat, and approving a new final plat.

March 9, 1981 - City Council approved final plat for Sunterra Addition.

December 17, 1979 - City Council approved Special Permit #872 for the Sunterra CUP and preliminary plat.

ASSOCIATED REQUESTS: Annexation #06020 - Firethorn
Change of Zone #06077 - From AGR to R-3
Street Name Change #06010

SPECIFIC INFORMATION:

UTILITIES & SERVICES:

A. **Sanitary Sewer:** The development is served by a community wetland treatment system. The system drains to the northeast corner of the development where a pump station sends it via force main to the wetland treatment system. A new pump station and additional force main will be installed and connected to the City's sanitary sewer system in Pioneer Greens south of South 86th Street and Pioneers Blvd. The internal sewer lines will continue to be used and will remain private after annexation. To provide adequate capacity, approximately 1,240' of public sewer line east of South 84th Street will be up-sized from 8" to 10".

B. **Water:** The development is also served by a private community water system. A new public internal system of water lines will be installed along with new water meters to connect to the City's system. The 16" water main in Pioneers Blvd will be extended to Thorn Court. The old private system will be left in place and can be used for watering lawns or other outdoor uses.

C. **Roads:** Firethorn is accessed via South 84th Street, Pioneers Blvd, Van Dorn Street, and South 98th Street. South 84th Street is an improved, four-lane arterial street, Pioneers Blvd is a two-lane rural asphalt road east of South 86th Street, as is Van Dorn Street east of South 84th Street, and South 98th Street is a gravel road. The internal asphalt street system is private. Sidewalks and street lights were waived when the Firethorn CUP was approved, and the streets will remain private after annexation.

ANALYSIS:

1. This is a request to amend the Firethorn CUP to add 95 single-family residential lots, and is dependent upon City Council approval of the associated annexation and change of zone applications. If the associated applications are approved, 129 existing homes will be annexed into the City.

2. Existing and proposed residences will pay sewer and water impact fees. All new residences will additionally pay arterial street impact fees.

3. The area of the CUP is 498.53 acres. There are now 129 residences on 143 lots in Firethorn. This request adds 95 lots single-family lots for a total of 238, and increases the number of allowed dwelling units to 350. Under the proposed R-3, the allowed density would be 3,469 dwelling units by Design Standards. However, the total allowable density is limited by the capacity of the sanitary sewer system that will serve the annexed area. Public Works states that the system can accommodate a total of 545 dwelling units. General Site Note #4 should be revised to state 545 dwelling units are allowed, and the reference to 350 lots should be deleted. This will accommodate development of additional units in the future without having to amend the CUP.

4. The applicant has requested a street name change from Montello Road to Firethorn Lane. It proposes to rename that portion of Montello Road west of the intersection of Montello Road and Firethorn Lane and has been approved by the Street Naming Committee. Emergency Communications notes that Carnoustie is already in use as a street name and must be changed, and that Old Head is too phonetically similar to Oldham and must also be changed.

5. The applicant notes that a street connection to South 88th Street is not shown at the request of neighbors in the Ikuru acreage development to the south. The Ikuru final plat dedicated South 88th Street to the public at the time the City approved the final plat. However, only a portion of the street was improved for travel. The Comprehensive Plan encourages such connections to support the overall theme of "One Community" and to provide connectivity among neighborhoods. Connectivity between neighborhoods reduces traffic on the surrounding arterial streets. Such connections result in a more efficient transportation system with multiple routes in and out of neighborhoods, thereby reducing the traffic on individual local streets. The requirement to build South 88th Street to the boundary of the CUP does not require the improvement of South 88th Street at this time abutting the Ikuru acreages. Showing the extension does provide for the connection in the future.

6. While it cannot be made at this time, this CUP should accommodate future connection to the City's gravity-flow sanitary sewer when it is extended up the Stevens Creek drainage basin. An easement to accommodate this line should be shown on the site plan in a location acceptable to Public Works and Utilities.

7. The Lincoln Police Department notes concern regarding blocks in excess of 1,320'. Staff is aware of the issues regarding over-length blocks, and as a result they are generally discouraged. However, this is an existing development with a golf course and the streets are in place.

8. If the annexation and change of zone requests are approved, this amendment is generally consistent with the Zoning and Land Subdivision Ordinances and Comprehensive Plan, and is an appropriate land use at this location.

9. Minor corrections or revisions are required to the site plan, and are noted in the recommended conditions of approval.

CONDITIONS:

Site Specific:

1. This approval permits up to 545 dwelling units.

2. The City Council approves associated request:

   2.1 Annexation #06020

   2.2 Change of Zone #06077

General:

3. Before receiving building permits:

   3.1 The permittee shall complete the following instructions and submit the documents and plans to the Planning Department for review and approval.

      3.1.1 A revised site plan including 5 copies showing the following revisions:

         3.1.1.1 Revise the Proposed/Existing Lots table to note the total number of acres of land in the CUP.

         3.1.1.2 Revise General Note #4 to state: THIS CUP ALLOWS 545 DWELLING UNITS AND ONE CLUBHOUSE FACILITY.

         3.1.1.3 Show ~~the~~ a street connection to ~~South 88th Street~~ Pioneers Boulevard. **(**Per Planning Commission: 12/20/06**)**

         3.1.1.4 Revise General Note #1 from 'Special Permit #872' to 'Special Permit #872E'.

         3.1.1.5 Delete General Notes #11 and #15.

         3.1.1.6 Revise General Note #14 to state: ALL SIDEWALKS, DRIVEWAYS AND PARKING LOTS TO BE PAVED TO CITY OF LINCOLN DESIGN STANDARDS.

         3.1.1.7 Revise General Note #19 to state: SIGNS NEED NOT BE SHOWN ON THE SITE PLAN AND THE LOCATION AND SIZE WILL BE APPROVED AT THE TIME OF SIGN PERMITS IN COMPLIANCE WITH THE ZONING ORDINANCE.

         3.1.1.8 Revise General Note #24 to specify where the common access over drives and parking stall is granted.

3.1.1.9 Revise General Note #29 to state: THE SALE OF ALCOHOLIC BEVERAGES FOR CONSUMPTION ON THE PREMISES IS PERMITTED PER LMC 27.63.680.

3.1.1.10 Combine General Site Notes #28 and #30 and eliminate duplication and conflicting phrases between the two.

3.1.1.11 Revise General Note #33 to state: THE BUILDING ENVELOPES SHOWN ARE FOR ILLUSTRATING THE PERMITTED USES AND THEIR APPROXIMATE LOCATIONS. FINAL SITE LAYOUTS TO BE DETERMINED AT THE TIME OF BUILDING PERMITS.

3.1.1.12 Revise General Note #34 to state: REQUIRED EASEMENTS TO BE DETERMINED AT THE TIME OF FINAL PLAT.

3.1.1.13 General Note #35 conflicts with General Notes #14 and #15. Either revise or delete General Note #35.

3.1.1.14 General Notes #16 and #36 conflict. Revise to specify actual road standard and eliminate conflict between the notes.

3.1.1.15 Note the existence and approximate location of the 18" high-pressure gas line near South 84th Street as noted by the Health Department.

3.1.1.16 State intended purpose of all outlots.

3.1.1.17 Show a public sanitary sewer easement in a location acceptable to Public Works and Utilities.

3.1.2 Revise the grading and drainage plan to the satisfaction of Public Works and Utilities.

3.1.3 Provide documentation from the Register of Deeds that the letter of acceptance as required by the approval of the special permit has been recorded.

3.2 The construction plans comply with the approved plans.

Standard:

4. The following conditions are applicable to all requests:

   4.1 Before occupying the new dwelling units all development and construction is to comply with the approved plans.

   4.2 All privately-owned improvements, including landscaping and recreational facilities, are to be permanently maintained by the owner or an appropriately established homeowners association approved by the City.

   4.3 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.

   4.4 The current conservation easement on the 18-hole golf course shall be retained, subject to minor modifications through agreement with the Planning Department. **(**Per Planning Commission: 12/20/06**)**

   4.~~4~~5 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.

   4.~~5~~6 The applicant shall sign and return the letter of acceptance to the City Clerk within 60 days following the approval of the special permit, provided, however, said 60-day period may be extended up to six months by administrative amendment. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filling fees to be paid in advance by the applicant.

5. The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all resolutions approving previous permits remain in force unless specifically amended by this resolution.

Prepared by:

Brian Will, 441-6362, bwill@lincoln.ne.gov
Planner
December 6, 2006

APPLICANT: Firethorn Investment
9301 Firethorn Lane
Lincoln, NE 68520
402.489.4934

CONTACT: Mark Palmer
Olsson Associates
1111 Lincoln Mall
Lincoln, NE 68502
402.434.6311

ANNEXATION NO. 06020,
CHANGE OF ZONE NO. 06077
and
SPECIAL PERMIT NO. 872F,
AMENDMENT TO THE FIRETHORN COMMUNITY UNIT PLAN

PUBLIC HEARING BEFORE PLANNING COMMISSION: December 20, 2006

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

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

Ex Parte Communications: Strand disclosed that her stepdaughter was counsel to the applicants but that they had not had any ex parte communications and there is no financial interest to her family. Carlson disclosed a telephone message on his answering machine but he did not reach the caller.

Staff presentation: **Brian Will of Planning staff** submitted a letter in opposition from Dr. Steven Lehr, 9230 Pioneer Court. He also submitted a letter from the applicant revising the change of zone request to R-1 (as opposed to R-3) dated December 20, 2006.

Will presented the three applications, including an annexation and change of zone covering approximately 304 acres, and the community unit plan amendment, which covers an area of approximately 498 acres. The boundary of the special permit is different than the annexation and change of zone because the amendment to the community unit plan includes the property out to S. 98th and up to Van Dorn. Will noted that the annexation is a voluntary request by the developer. The city reviews these requests for consistency with the annexation policy of the Comprehensive Plan, and staff has found that this property is contiguous to the city limits and generally urban in character. The question is whether the city can provide this area with utilities.
Currently, the properties immediately adjacent to South 84th Street are in the city. The rest of the property to the east is not. Firethorn proper is served by a community well and septic system. The question becomes: How will the property be served by city sewer? Will explained that the community septic system currently has a pump station and collects the effluent and pumps it back to the southwest. The applicant is proposing to replace that pump station and force main, and pump the sewage back and connect to the city's sewer system located south of Pioneers east of South 84th Street. The staff has found that this proposal generally complies with the city's pump station policy. However, there are two significant areas where it does not - it is not in Priority A (but actually in Priority Area C), and thus is not currently or planned to be served, and it is not in the CIP. Staff is saying that it "generally" complies with the policy. And it certainly complies with the intent of the policy. It is an existing development. The developer is suggesting to make the improvements to the sewer and the water system at their cost, and it won't be a financial burden to the city. Based upon that, staff has made the finding that it is consistent with the Comprehensive Plan and is recommending conditional approval.

In reviewing the community unit plan, one of the questions becomes: if we can accommodate this development, is there a limitation on capacity? There is a limitation on capacity, but there does not appear to be any danger; however, the Planning staff has recommended a cap of 545 units on the community unit plan, which is the maximum amount the city can accommodate with the existing sewer system.

The only other issue is relative to the community unit plan and relates to an extension or connection with South 88th Street. There is opposition to this connection from other property owners in the area. Staff is suggesting that making that connection is consistent with the Comprehensive Plan. Staff is recommending that South 88th Street be shown extended to the southern limit of the CUP.

Esseks inquired as to the implications of R-1 versus R-3 in terms of density. Will stated that R-3 allows upwards of 3,000 units. R-1 would accommodate approximately 1900 units, well in excess of what is being requested.

Esseks inquired about the comment in the staff report that having Firethorn within the city limits is a substantial benefit to the city. Will responded, stating that primarily, it is a development that is on the edge of the city that would be made a part of the community. Once annexed, then that portion of the city tax levy would be paid to the city. It would also come within the LPS school system versus the Waverly/Eagle school district. And the city would have additional water customers.

In relation to R-1 verus R-3, Carlson observed that the capacity of the sewer discharge is the controlling factor as opposed to the density. Will agreed. The CUP is regulating the density of the development and that is why the staff is recommending a cap as part of the CUP.

Proponents

1. Mark Palmer of Olsson Associates appeared on behalf of **Mark Wible**, managing member of **Firethorn Golf, LLC.** The homeowners have been kept informed of the negotiations through their Web site. There have been four neighborhood meetings. Each home owner is being assessed a $4,000 annexation fee. This totals about 30% of the actual annexation costs being incurred. The new developed lots will be covering the other 70% of the costs. The improvements will be the extension of a 16 inch water main along Pioneers Boulevard, internal 12 inch water mains and complete new 6 inch water mains to all existing homes. There will be new water services constructed to each of the existing homes. A new pump station and force main will be constructed. When all complete, the existing roadways will be new asphalt overlay. Mark Wible represented to the residents of Firethorn when this process began that he would not proceed with the annexation without a majority vote from the residents. A vote was taken on May 20th and showed a 77.5% approval of the annexation.

Palmer agreed with the conditions of approval set forth in the staff report, except for two changes:

> 1) The request submitted by the applicant today revising the change of zone request to R-1 is a result of neighborhood feedback. The applicant knew the density was being controlled by other means, and the R-1 (as opposed to R-3) can be accommodated in the new lots being developed.
>
> 2) Delete Condition #3.1.1.3 (the 88th Street connection). A lot of landscaping has occurred in this area. The neighbors are concerned that the existing trees would be removed and the aesthetics would be impacted by that street connection. The plan has been redesigned to provide for other access as described on the map.

Palmer also distributed an additional e-mail that Mark Wible sent to the homeowners earlier today, explaining this change. The question came up regarding the number of lots allowed. The limitation to 545 lots is a sewer capacity issue and is all that is being requested. If the developer is paying to upsize the sewer line, Firethorn should be eligible for that capacity. There are no plans for any additional lots, but there is reserve capacity for some time in the future.

Strand suggested that rather than delete Condition #.3.1.1.3, it should be revised to require a street connection to the west. Palmer pointed out that the plan is showing a street connection to the west but this developer does not own all the property. They will show the connection to the median opening, but this developer does not control the properties.

Esseks referred to Mr. Wible's e-mail noting the discussion about the conservation easements, and inquired about those that will be terminated. Wible explained that there are conservation easements over all portions of the golf course today. There are some minor portions that would need to be vacated as explained at the map. Esseks asked what steps would need to be taken to terminate a conservation easement. Wible stated that he is working with the Law Department to go through those steps and it will be included in the package that goes to the City Council with the annexation agreement.

If the connection to the south is removed, Carlson wanted to know what facilitates movements onto Pioneers Boulevard. Palmer explained that there would not be an access onto Pioneers. There are other areas around town that do not have through connectivity. The golf course somewhat limits the connectivity in this area.

2. Jeff Schumacher testified in support. He has been President of the Firethorn Homeowners committee. When Firethorn was established in the mid-80's, the covenants provided for a formal homeowners association, but unfortunately, it never got off the ground. When Mark Wible came in 2005, he asked Schumacher to chair a Firethorn homeowners committee, and four other members and Schumacher have been on that committee for the last couple of years. He explained the process that they have gone through. Their goal was to do what was in the best interest of the Firethorn homeowners. Some problems developed with the wetland system in early 2005, and at that point in time, they had to start looking at alternatives to rebuild or replace the wetland system. One of the other alternatives was to consider the annexation issue. They held four homeowner meetings, all of which were very well attended, and one of which was attended by Steve Henrichsen of the Planning staff. About a year ago, they conducted a ballot vote, even though they are not a formal legal entity. 77% of the Firethorn homeowners authorized Mark Wible to proceed forward with the annexation. The property owners were also provided with a lot of financial information regarding the annexation.

3. Roger Massey, 4130 Taliesin Drive, which is located in the subdivision immediately to the south and next to 88th Street, testified in support. He expressed appreciation to the developer for working with his neighborhood to attempt to make sure that it is compatible with what they like to see in the area. He requested that the Planning Commission delete Condition #3.1.1.3, deleting the street connection to 88th Street. There is a letter in the record from the homeowners dated September 6th requesting that this connection be eliminated. He referred to the map on page 5 which shows where 88th Street comes north off of Pioneer. The 20 acres above it was school land and in the 1960's, LPS had a policy of land banking land in Stevens Creek in anticipation that it would be needed. That school land has since been declared excess by the schools. 88th Street was dedicated all the way to that school land, but the whole remaining section was agriculture at that time and the only way you could get to the school land was from Pioneers up 88th, and we were happy to do that. In the 70's the Planning Commission and City Council changed the zoning ordinance to allow a CUP in the AG district, so we have had development completed all the way over to 84th and now they are urbanizing to the north of us. He is not objecting to the additional development, but the platting of 88th Street from Pioneers up to that school land was for the school. There were two other means of egress provided and he urged the Commission to delete the 88th Street connection.

Opposition

1. Charlie Wright, 4020 Thorn Court (in Firethorn), testified in opposition. He will be requesting a two-week deferral because of the complexity of the issues involved and his need to do further research before finalizing his position. He submitted a letter dated September 20, 2005, and other correspondence he has had with Mr. Schumacher. The two principal issues are putting a pump station and force mains in an area that is designated Tier I, Priority C, when the provisions in the city's resolution and ordinances and the design standards say that these facilities are permitted only in Tier I, Priority A. He questions whether it is even proper for the Planning Commission to recommend a transfer from a C priority into a situation like this where that is pretty well etched in stone by the resolution and definitions. He understands that there is a 30-year plan but the specific definition of pump station design states very objectively that the transfer of wastewater from one watershed to another by any means, such as a lift station or construction of a sanitary sewer which runs through the edge of separating wetlands, shall not be permitted.

The other issue he wants to address needs some history. The resolution approving the Firethorn CUP required the developer in this case to enter into a contract with the city to operate and maintain the sanitary sewer system and the water system for the benefitted residents. This is the only thread that we as residents have. We have to have this sanitary sewer and we have to have the water. When we purchased our lots, that was part of the deal, and we were aware that this was the requirement that the developer had promised to the city. What is happening is that Firethorn, in essence, wants to get out of the sanitary wastewater business and the water business and have the residents pay for a new system. Whether that will be allowed or not will depend in part upon the recommendation of this Planning Commission and the final decision on the zoning and annexation by the City Council. If that happens, we homeowners need to have some protection from the city as to how these costs are to be apportioned. There have been some attempts to discuss those matters. He believes that eventually they will reach an agreement, but it has not yet happened. He needs to have a comfortable feeling that these costs are going to be fairly apportioned among the people in Firethorn, including the golf course and the clubhouse.

In addition, the developer must demonstrate how the necessary infrastructure improvements could be provided and financed. Wright has had no information on how they are going to pay for it. He has requested information concerning the estimated cost of the new sewage treatment and water, information on the estimated cash flow, and information on how the costs will be allocated. He needs that information in order to assess his position on these applications. To his knowledge, there has been no explanation or meetings with the landowners since last April or May. During that time, there have been numerous meetings between the developer and staff and none of the information has been made available to the property owners.

Wright requested a two-week deferral.

2. Mike Donlan, 9270 Pioneer Court (located in the Fairway townhouse development on the south end of Firethorn), testified in opposition. He agrees with the change to R-1 zoning. But even with R-1 zoning, there will be an additional 400 units and up to 1700 units down the road, which severely increases the density in this area. Several months ago, the homeowners approved the development north of South 88th Street on the west side of Firethorn. The homeowners also approved the annexation of the entire area. He would like clarification as to why the entire Firethorn area is being changed from AGR to R-1. He is concerned about a change that does not address the future development that would severely impact the value of the existing properties. He wants some assurance that the golf course will not be abandoned, in part or in full, and turned it into another subdivision.

Response by Staff

With regard to the 88th Street connection, Will stated that staff is sensitive to the fact that maybe there are some improvements along the dedicated right-of-way to South 88th Street and it does not have to be at the specific location. It could perhaps be relocated to the east of the existing development. We need to be consistent in asking for these types of connections in terms of the Comprehensive Plan.

With regard to the pump station, Will suggested that it is important to bear in mind that the pump station policy is just that – a policy. It was adopted to give us guidance but it is not a hard and fast rule. Staff is suggesting that this application generally complies, and complies with at least 19 of the 21 criteria.

With regard to revising the change of zone to R-1 as opposed to R-3, Will advised that this change does not require readvertising.

Esseks understands why the current owners of homes adjacent to the golf course are concerned that the conservation easement on the golf course can be terminated, making them next to urban density subdivisions. He asked Will whether he knew the status of those easements. Will stated that the intent is to have that process determined when this proposal goes to the City Council. He understands that it is a conservation easement granted to the City. It would be the City that would have to terminate it. Esseks believes that to be a very important provision in the annexation agreement. Will suggested that it is more important relative to the CUP in terms of the neighbors seeking some sort of long term guarantee of the golf course. The long term guarantee of the golf course is more an issue for the developer and the homeowners.

Esseks inquired at what point the Planning Commission can exercise the obligation to protect the interests of the property owners. Will suggested that it could be made a condition of approval on the CUP.

Carroll asked staff to explain again the difference between the boundaries of the annexation versus the CUP. Are we changing the zone on some of the property that we are not annexing? Will stated that all of the property being annexed is also being rezoned. All of the property within the CUP, however, is not being annexed and rezoned. Originally, the Firethorn CUP was defined by a certain boundary. This is an amendment to that original CUP. They are coming forward with an annexation and change of zone for something less than the CUP boundaries. The city was in agreement to something less because it does not include those adjacent arterial streets which are not improved and not planned to be improved. The area within the change of zone and annexation could be something less than what is being proposed; however, we need to make sure everyone served by city sewer and water are annexed.

Carroll confirmed that the owners to the east are not included in the annex but are included in the CUP. If those property owners would ask for annexation, why not include them now? Why would you allow Firethorn to have the controlling spectrum of the sewer and water versus the city? Will explained that Firethorn is making the improvements at their cost, and just about everyone that can be served is being included in the annexation. If there is another party that wants to be annexed and can be served or is willing to pay for the utilities, the city would be more than happy to include them. If they cannot be served, either they have to extend those utilities to their property or join with Firethorn and connect to their private system. There has to be some cost-sharing mechanism and the city is not involved in that.

Carroll inquired whether any part of the new sewer or water system is going to be dedicated to the City. Will explained that the water line in Pioneers Boulevard will be a public system. The sewer system internal to Firethorn will remain private for the time-being, but it will connect to the public system south of Pioneers.

Palmer clarified that they are proposing a full public water system. The sewer system will be private and run by the Firethorn utility company. The water system will be dedicated to the city.

Carroll wondered whether the property owners on the east can get the water service if they want it. Will suggested that if they can be served by it, yes, they could be annexed without paying Firethorn.

Response by the Applicant

With regard to the conservation easement issue, Palmer explained that there are actually two separate conservation easements - one covering the new nine holes and one covering the original eighteen holes of the golf course. The criteria for the new nine is different than the original golf course. The conservation easement dissolves when city gravity sewer becomes available to the new nine holes and can be incorporated and potentially changed in use, but that is not until the Stevens Creek trunk sewer is connected. The conservation easement for the original 18 holes is 100 years. They are considering vacating a section of the conservation easement that will expire when the sewer comes there, and then some minor modifications to allow for a couple of lots to be moved around – nothing that takes away the use of the golf course or eliminates the use of the golf course.

Wible stated that he would not object to having the conservation easement re-established around the new homes. The golf course will be reconfigured on the north side and that is the portion that at some future date may sunset the conservation easement. The earliest that would occur is 2015, and only on the latest development within Firethorn. They do not plan to change any of the conservation easements on the original 18 holes and all existing homes, except where they are adding a couple lots here or there.

With regard to the costs of annexation, Palmer noted that Wible did represent to the home owners that there would be a cost of $4,000 per lot. The actual cost of the annexation to Firethorn over and above that $4,000 per lot has nearly been determined, and he estimated that there will be approximately $9,500 per lot that is being subsidized for each of the 129 existing lots and covered by the developer.

Palmer also explained that they need to change the zoning to residential because of the annexation into the City. We need to get all residential lots annexed to provide them with the public water service and fire protection. Firethorn is not currently at the city's required flow rates for fire protection so that is why they are annexing and changing the zone on all the lots.

With regard to the sewer, Palmer noted that the developer is agreeing to dedicate easements where future sewers would go. In the meantime this is a pump station operated and controlled by Firethorn.

With regard to the comments by Mr. Wright in opposition, Wible noted that the protective covenants on the property today allow for the owner (Wible) to charge back maintenance costs for the sewer infrastructure, water facilities, etc. The new development will have city water and will not have Firethorn water, but all of Firethorn will be served by the sanitary sewer, so the sewer costs will be apportioned to all of the lots, including the new lots. The new lots will not absorb any costs associated with the water system because it will be a city system.

Carlson inquired about the potential on 88th Street for any modifications that might avoid the improvements but still give a connection. Palmer does not believe there would be room on the east side to put a road through. He referred to HiMark to the south where there is no potential for any access from north to south. They looked at HiMark as being a precedent.

Palmer stated that the developer is not interested in a two-week delay, as requested by Mr. Wright. The cost is being capped at $4,000 per lot, with the standard assessments done by Firethorn utility company, but those assessments will diminish once they are out of the wastewater treatment business.

Wible advised that the committee assembled three highly respected financial people within the community to discuss the economics and whether it was an equitable distribution to the homeowners. This is what they arrived at and that was their recommendation back to the homeowner group.

ANNEXATION NO. 06020
ACTION BY PLANNING COMMISSION: December 20, 2006

Carroll moved approval, subject to an annexation agreement, seconded by Strand and carried 8-0: Cornelius, Taylor, Esseks, Carroll, Strand, Larson, Krieser and Carlson voting 'yes'; Sunderman absent. This is a recommendation to the City Council.

CHANGE OF ZONE NO. 06077
ACTION BY PLANNING COMMISSION: December 20, 2006

Carroll moved approval of R-1, seconded by Strand and carried 8-0: Cornelius, Taylor, Esseks, Carroll, Strand, Larson, Krieser and Carlson voting 'yes'; Sunderman absent. This is a recommendation to the City Council.

SPECIAL PERMIT NO. 872F
ACTION BY PLANNING COMMISSION: December 20, 2006

Esseks moved to approve the staff recommendation of conditional approval, with amendment adding a condition that the current conservation easement on the 18-hole golf course be retained, subject to minor modifications through agreement by the Planning Department. He wants to give property owners adjacent to the land some protection, seconded by Cornelius.

Carroll made a motion to amend to revise Condition #3.1.1.3 to "Show a street connection to Pioneers Boulevard.", seconded by Strand and carried 8-0: Cornelius, Taylor, Esseks, Carroll, Strand, Larson, Krieser and Carlson voting 'yes'; Sunderman absent.

Main motion, as amended, carried 8-0: Cornelius, Taylor, Esseks, Carroll, Strand, Larson, Krieser and Carlson voting 'yes'; Sunderman absent. <u>This is final action, unless appealed to the City Council within 14 days.</u>

Special Permit #872F
Firethorn Community Unit Plan
S 84th & Pioneers Blvd

2005 aerial

Zoning:

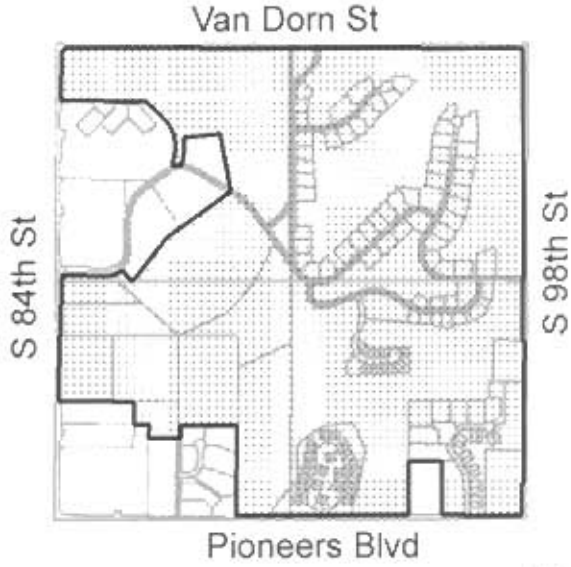
R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business 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. 2 T09N R07E

N

Zoning Jurisdiction Lines

City Limit Jurisdiction



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FIRETHORN

AMENDMENT TO THE COMMUNITY UNIT PLAN

LEGAL DESCRIPTION (CUP)

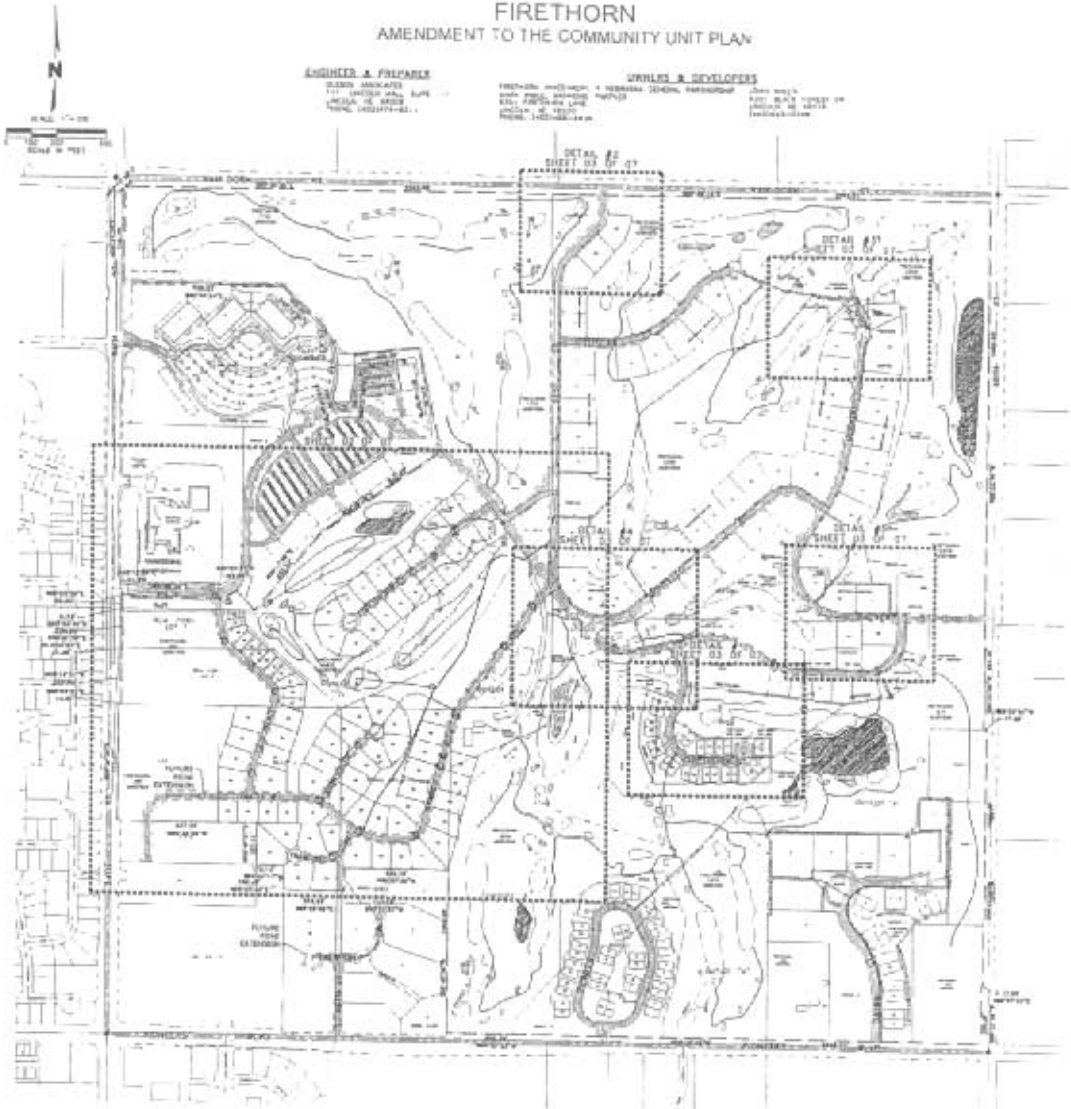
[illegible]

ENGINEER & PREPARER

[illegible]

OWNER & DEVELOPER

[illegible]



LEGEND

[illegible]

CENTERLINE CURVE TABLE

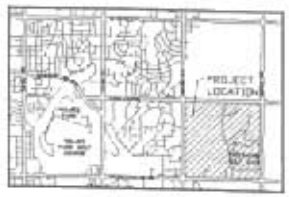
CURVE	RADIUS	LENGTH	DELTA	TANGENT	CHORD
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]

BOUNDARY CENTERLINE DATA

[illegible]

PROPOSED/EXISTING LOTS TABLE

EXISTING FIRETHORN LOTS	[illegible]	
PROPOSED NEW RE-ALIGNMENT LOTS	[illegible]	
TOTAL LOTS	[illegible]	



VICINITY MAP

NOT TO SCALE

GENERAL NOTES

[illegible]

SURVEYOR'S CERTIFICATE

[illegible]

ENGINEER'S CERTIFICATE

[illegible]

APPROVAL

[illegible]

OLSSON ASSOCIATES

SITE PLAN COVER SHEET

FIRETHORN AMENDMENT TO THE CUP

LINCOLN, NE

REV.	DATE	DESCRIPTION	BY
[illegible]	[illegible]	[illegible]	[illegible]

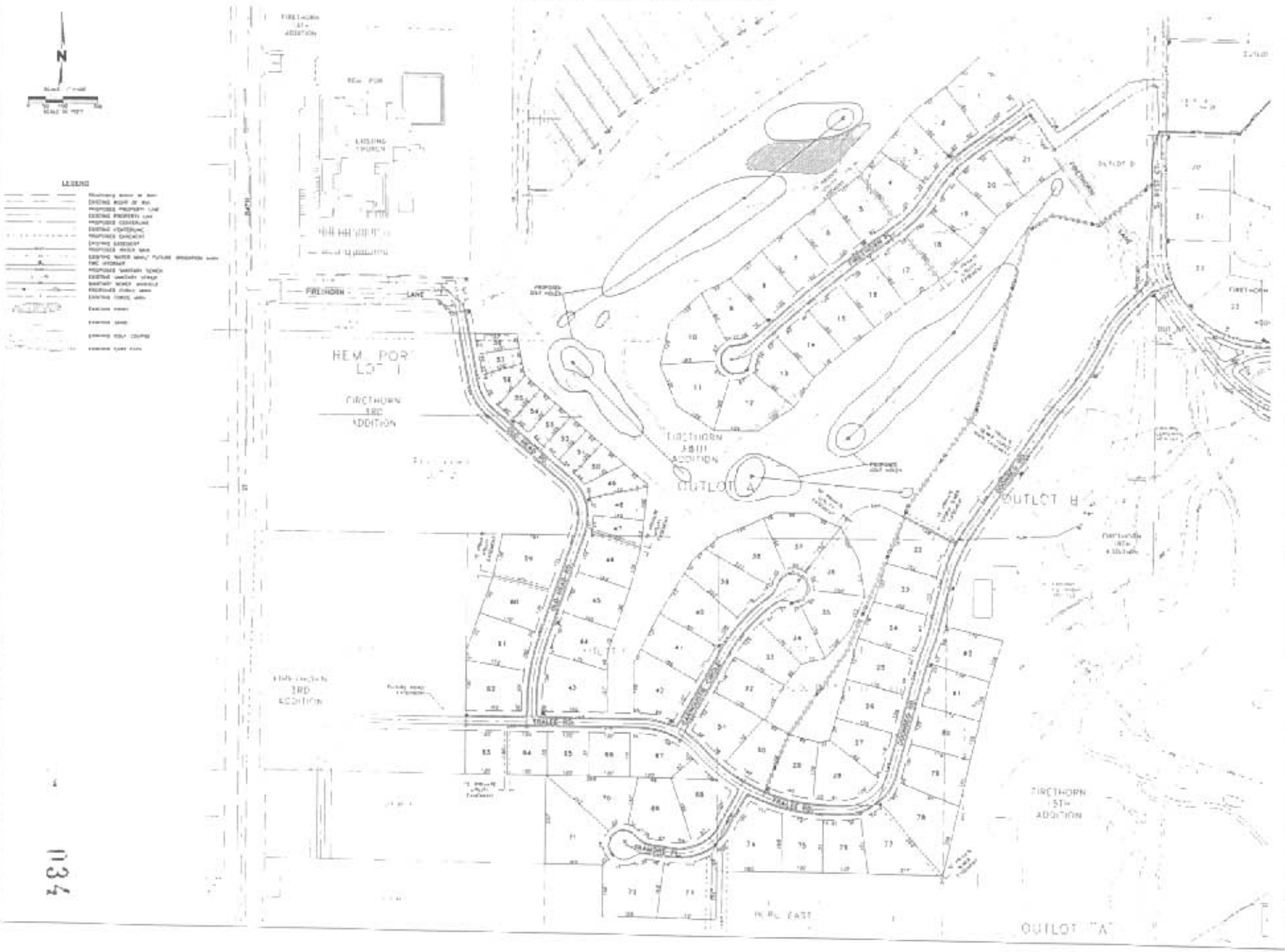
REVISIONS

SHEET 01 OF 07

03

FIRETHORN

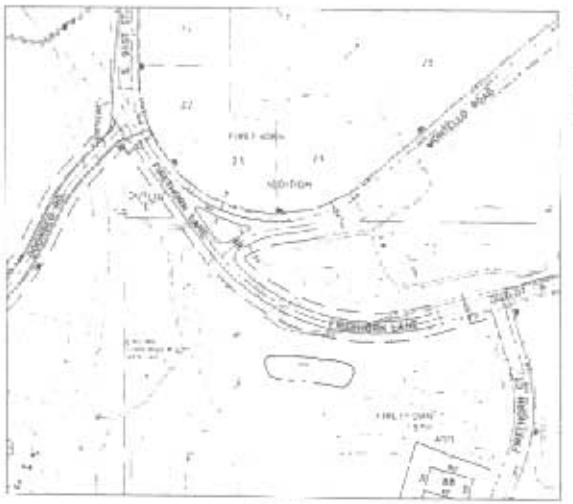
AMENDMENT TO THE COMMUNITY UNIT PLAN



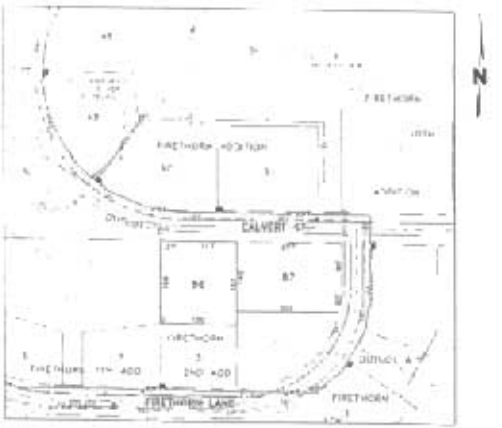
FIRETHORN

AMENDMENT TO THE COMMUNITY UNIT PLAN

DETAIL #2
SCALE 1"=100'

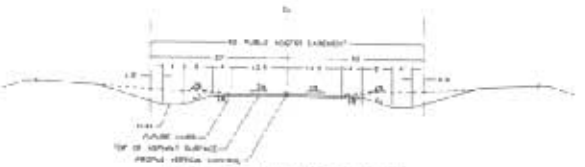


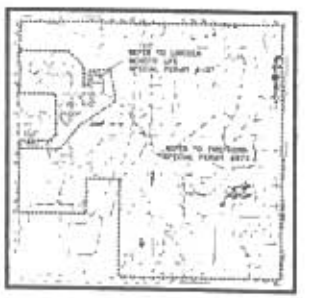
DETAIL #1
SCALE 1"=100'



DETAIL #3
SCALE 1"=100'

DETAIL #2
SCALE 1"=100'





EXISTING PERMITS KEY
NTS

DETAIL #3
SCALE 1"=100'

MINOR STORM SYSTEM CONVEYANCE ANALYSIS

STORM CALCULATED AT SUMP LOCATIONS

MINOR STORM AVERAGE RETURN FREQUENCY, YEARS 10.00 5.00

LOCATION	AREA A ACRES	C COEFFICIENT	CA	TOTAL CA	TIME OF CONCENTRATION TC MINUTES	INTENSITY I IN/HOUR	RAINFALL I IN/HR	TOTAL RUNOFF Q CFS	PIPE SLOPE S FT/FT	PIPE LENGTH L FT	PIPE DIAMETER D IN	PIPE CAPACITY Q CFS	PIPE VELOCITY V FT/SEC	TIME IN SECTION TS MINUTES	COMMENTS
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]

GENERAL NOTES

1. ALL LOTS SHOWN AS EXISTING HAVE BEEN CONSTRUCTED UNDER PREVIOUS SPECIAL PERMIT #872.
2. WAIVERS TO DESIGN STANDARDS AND LINCOLN MUNICIPAL CODE THAT HAVE PREVIOUSLY BEEN APPROVED FOR THE EXISTING FIRETHORN DEVELOPMENT ARE REQUESTED FOR THE PROPOSED "NEW DEVELOPMENT" AREA.
3. GOLF COURSE MAINTENANCE BUILDINGS, STORAGE FACILITIES, AND ACCESSORY BUILDINGS SHALL BE PERMITTED ANYWHERE WITHIN THE GOLF COURSE OUTLOTS PROVIDED THE REQUIRED SETBACKS ARE MAINTAINED.
4. THIS CUP ALLOWS 350 SINGLE FAMILY LOTS AND 1 CLUBHOUSE FACILITY.
5. THE SANITARY SEWER SYSTEM SHALL BE A PRIVATE SYSTEM OWNED AND MAINTAINED BY FIRETHORN UTILITY COMPANY.
6. PROPOSED EASEMENTS ARE SHOWN FOR FUTURE PUBLIC SEWER MAINS TO SERVICE NEIGHBORING PROPERTIES.
7. SANITARY SEWER AND WATER LINES TO BE 8" PIPE AND 6" PIPE RESPECTIVELY UNLESS OTHERWISE SHOWN AND ARE TO BE BUILT TO CITY OF LINCOLN SPECIFICATIONS.
8. ORNAMENTAL LIGHTING SHALL BE IN ACCORDANCE WITH L.E.S.
9. ALL PAVING RADII TO BE 20' UNLESS OTHERWISE NOTED.
10. 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 FURTHER TO SUBMIT A SEEDING AND MAINTENANCE SCHEDULE BEFORE SITE GRADING IS DONE.
11. THE PROPOSED PLAT IS CURRENTLY ZONED AG-R. THE PROPOSED ZONE IS R-3.
12. ALL DIMENSIONS ALONG CURVES ARE CHORD DISTANCES.
13. DIRECT VEHICULAR ACCESS TO 98TH ST., VAN DORN ST. AND PIONEERS BLVD. SHALL BE RELINQUISHED EXCEPT AS SHOWN ON THE PLAT.
14. ALL SIDEWALK, DRIVE AND PARKING PAVEMENTS TO BE BUILT TO CITY OF LINCOLN STANDARDS.
15. ALL SIDEWALKS TO BE BUILT 4' MIN. WIDTH.
16. ALL PROPOSED PRIVATE ROADWAYS SHALL BE 27' WIDE UNLESS OTHERWISE NOTED. ALL EXISTING PRIVATE ROADWAYS ARE 24' WIDE UNLESS OTHERWISE NOTED.
17. LOT DIMENSIONS SHOWN ARE APPROXIMATE AND MAY VARY UP TO 10 FEET.
18. THE APPLICANT SHALL COMPLY WITH ENVIRONMENTAL PERFORMANCE STANDARDS OF THE CITY OF LINCOLN.
19. SIGNS NEED NOT BE SHOWN ON THE SITE PLAN & WILL BE PER ZONING ORDINANCE 27.69
20. ALL DISABLED PARKING STALLS SHALL BE IN COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT, (FEDERAL REGISTER/VOL. 58, NO. 144/RULES AND REGULATIONS).
21. ALL ELEVATIONS ARE TO NAVD 1988.
22. ALL STREET DIMENSIONS ARE TO EDGE OF ASPHALT.
23. ALL STREET INTERSECTIONS ARE AT 90° UNLESS OTHERWISE NOTED.
24. WE ARE REQUESTING A COMMON ACCESS EASEMENT OVER ALL DRIVES & PARKING STALLS, AS SUCH DRIVES & PARKING STALLS MAY EXIST.
25. ALL LANDSCAPING, INCLUDING EARTHEN BERMS WILL BE LOCATED OUTSIDE OF PUBLIC RIGHT-OF-WAY AND APPLICABLE SITE TRIANGLE.
26. LOTS MAY BE CREATED WITHOUT FRONTAGE TO A PUBLIC STREET IF THEY HAVE ACCESS TO A PUBLIC ACCESS EASEMENT.
27. ALL SETBACKS WILL BE IN ACCORDANCE WITH THE R-3 ZONING STANDARDS.
28. THE YARD SETBACKS REGULATE STRUCTURAL WALLS ONLY AND DO NOT RESTRICT OVERHANGS, PATIOS, DOOR SWINGS, WINDOW SWINGS, ETC. FROM ENCROACHING INTO THE SETBACKS.
29. THE SALE OF ALCOHOLIC BEVERAGES FOR CONSUMPTION OFF PREMISES IS PERMITTED.
30. ALL EAVES, CANOPIES AND OTHER BUILDING PROJECTIONS MAY EXTEND OVER THE BUILDING ENVELOPE LINES BUT NOT LOT LINES.
31. FENCES, DECORATIVE STRUCTURES, & ACCESSORY BUILDINGS ARE NOT SHOWN ON THE SITE PLAN IF THEY ARE 25' BY 25' OR SMALLER AND ARE CONSTRUCTED OUTSIDE OF SETBACKS, SITE TRIANGLES, EASEMENTS, AND REQUIRED MINIMUM PARKING, AND ARE BUILT ACCORDING TO THE ZONING ORDINANCE PROVISIONS, AND ARE IN CONFORMANCE WITH ALL OTHER APPLICABLE CODES.
32. THE DEVELOPER RESERVES THE RIGHT TO BUILD ANYWHERE WITHIN THE BUILDABLE AREA OF EACH LOT.
33. THE BUILDING ENVELOPES SHOWN ARE FOR ILLUSTRATING THE PERMITTED USES AND THEIR APPROXIMATE LOCATIONS. FINAL SITE LAYOUT TO BE DETERMINED THROUGH FUTURE ADMINISTRATIVE AMENDMENTS.
34. Reqd. Utility EASEMENTS TO BE TIED DOWN AT THE TIME OF FINAL PLATTING.
35. NO SIDEWALKS ARE PROPOSED FOR THIS SUBDIVISION.
36. PRIVATE ROADWAY ACCESS EASEMENTS ARE 22' WIDE CENTERED IN OUTLOT "C", FIRETHORN ADDITION, EXCEPT WHERE THEY HAVE A 43' RADIUS AND EXCEPT WHEN OTHERWISE SHOWN. THE PUBLIC ACCESS EASEMENT IN OUTLOT "A", FIRETHORN 22ND ADDITION, WILL EXTEND TO EACH LOT ALONG THE PRIVATE ROADWAY.
37. DUPLEX LOTS 1-40, FIRETHORN 6TH ADDITION; OUTLOT "A", FIRETHORN 12TH ADDITION; LOTS 9-24, FIRETHORN 2ND ADDITION; LOTS 1-14, OUTLOT "A", FIRETHORN 20TH ADDITION,; AND LOTS 88-95 OF THE PROPOSED NEW DEVELOPMENT ARE TO HAVE 0' SETBACK FOR FRONT, BACK, AND SIDE YARDS.
38. THE DEVELOPMENT REQUESTED TO PLANT TREES ON PRIVATE PROPERTY IN LIEU OF STREET TREES AND THEREFORE THE CITY WILL NOT BE PLANTING OR MAINTAINING STREET TREES IN THE FUTURE.
39. ALL DIRVEWAY CULVERTS SHALL BE 24" DIAMETER.

OLSSON ASSOCIATES

November 8, 2006

Mr. Marvin Krout
Planning Department
555 South 10th St., Suite 213
Lincoln, NE 68508

Re: Firethorn
Amendment to the Community Unit Plan / Annexation / Change of Zone
OA Project No.: 2005-0662

Dear Marvin:

On behalf of the developers, Firethorn Investment, A Nebraska General Partnership, we are requesting annexation into the City of Lincoln for the Firethorn Development (see attached annexation exhibit). We are also requesting a change of zone for the property from AGR to R-3, and an amendment to the Firethorn Community Unit Plan, and a street name change for Montello Road west of Firethorn Lane.

We have met on numerous occasions with staff from various departments to discuss the annexation issues and address the departments concerns. We are awaiting an annexation agreement that is currently being prepared by the City Law Department.

We are proposing to maintain the private wastewater collection system for existing and proposed lots. This system will discharge via force main to the existing city sanitary sewer main at approximately 86th & Pioneers Blvd. We have agreed to increase the size of a 400' section of sanitary sewer main, west of 84th Street to allow for the Firethorn sewerage flow. We will be constructing a public water main system to serve all lots within Firethorn (existing and proposed). The roadways and storm sewer system will be privately owned and maintained.

We request all the waivers that have previously been approved for Firethorn to apply to the new development area. These include: rural asphalt roadway cross sections with limited storm sewer, no sidewalks, no street lights, street trees, block lengths longer than 1,000', and cul-de-sacs longer than 1,000'.

We have met with the residents of Firethorn and many of the neighbors to discuss this annexation and C.U.P. amendment. The neighbors in the Ikiru Acreage Development east of 88th and Pioneers Blvd. have requested that 88th Street not be continued northward into the new Firethorn Development. 88th Street is platted right-of-way; however, a street has not been constructed. There are a number of large established trees along the eastern side of the right-of-way that would be removed if a roadway was constructed. We propose to maintain the 88th street right-of-way corridor for a 12" water main to service the development.

037

1111 Lincoln Mall, Suite 111
P.O. Box 84608
Lincoln, NE 68501-4608
TEL 402.474.6311
FAX 402.474.5160

www.oaconsulting.com

We are also requesting a street name change of Montello Road to Firethorn Lane from 84th Street to the existing Firethorn Lane intersection. We propose to reconfigure the Montello Road/ Firethorn Lane intersection as shown on the site plan. This will create a more direct access to the Clubhouse from 84th Street.

Enclosed find the following documents for the above-mentioned project:

1. 21 copies of the Site Plan (Sheets 1-3)
2. 9 copies of the Drainage and Grading Plan (Sheet 4)
3. 5 copies of the Paving Profile Sheets (Sheets 5-7)
4. City of Lincoln Zoning Application (AG-R to R-3)
5. Change of Zone Submittal Fee ($370)
6. City of Lincoln Special Permit Application
7. Special Permit Submittal Fee ($125)
8. Street Name Change Fee ($250)
9. 1 copy of the Ownership Certificates (8 Properties)
10. 1 copy of the Legal Descriptions for C.U.P and Annexation
11. 3 copies of a Drainage Study Memorandum
12. 1 - 8 ½ x 11 site plan

Please let me know if you have questions or require additional information.

Sincerely,

Mark C. Palmer

Cc Mark Wible, Firethorn Investment
John Rallis, Rallis Construction
Tim Tewes, Facts Management
Jennifer Strand, Woods & Aitken
Roger Severin, Olsson Associates

038

September 27, 2006

Mr. Roger Severin
Olsson Associates
1111 Lincoln Mall
P.O. Box 84608
Lincoln, NE 68508-4608

Re: So. 88th St. / Firethorn annexation proposal & related plat

Dear Roger;

I am writing this letter on behalf of the below named residents of Ikriu East subdivision and adjacent property owners. All of us either abut So. 88th St. or are served by it.

On or about August 2005, we were made aware of the proposed annexation of Firethorn, along with a related development plat, which included property north of Ikiru East subdivision. At that time, you stated the Planning Department staff would require installation of the previously platted So. 88th St. north (from Taliesin Dr.) connecting to newly platted streets.

The prospect of this street extension being implemented was (and remains) of great concern to us. Accordingly, as you are well aware, during the intervening period, we have been involved in numerous and lengthy discussions with you, Firethorn and the Tewes/Rallis group, with the objective of developing some mutually acceptable alternative. Recently, we have reached that accord, resulting in a revised plat, a copy of which is attached. Although the revision precludes extending So. 88th St. further north than at present, we understand and agree that an easement along the vacated portion of south So. 88th St. will be provided and used for extension of utility lines to Pioneers Blvd.

Our reasons for working to achieve this agreement -- ie, not extending So. 88th St. north of its existing northern limit -- are as follows. 1) We have lived here for over 40 years and do not want our present, attractive, "semi-rural" environment altered; 2) once the new development is completed, there will be no further development in the area and certainly none abutting the vacated portion of So. 88th St.; and, 3) we have made arrangements with the developers to have access to Montello Road, which would appear to negate the requirement for any further street connections. In other words, given the attached plan, there does not appear to be any logical or compelling reason to extend So. 88th street further north.

Again, all of us strongly endorse the most recent, negotiated proposal and urge you to actively pursue its acceptance by the Planning Department, Planning Commission and the City Council. Given our conviction, we will assist you in any way, at any time, as you pursue that goal.

Sincerely,

Richard L. Youngscap
On behalf of the following residents

Robert & Donna Ewoldt
4011 Taliesin Dr. (Lot 1, Ikiru East)

Robert Ewoldt
Donna Ewoldt

Roger & Carolyn Massey
4130 Taliesin Dr. (Lot 5, Ikiru East)

Roger Massey
Carolyn Massey

Jerry & Mary Alice Trimble
4010 Taliesin Dr. (Lot 2, Ikiru East)

Jerry P. Trimble
Mary A. Trimble

Deon & Susan Bahr
4144 So. 88th St. (Lot 6, Ikiru East)

Susan Bahr
Deon Bahr

Jeff & Leslie Dale
4121 Taliesin Dr. (Lot 3, Ikiru East)

Jeff Dale
Leslie Dale

Joe & Anne Bruce
4150 So. 88th St. (Lot 7, Ikiru East)

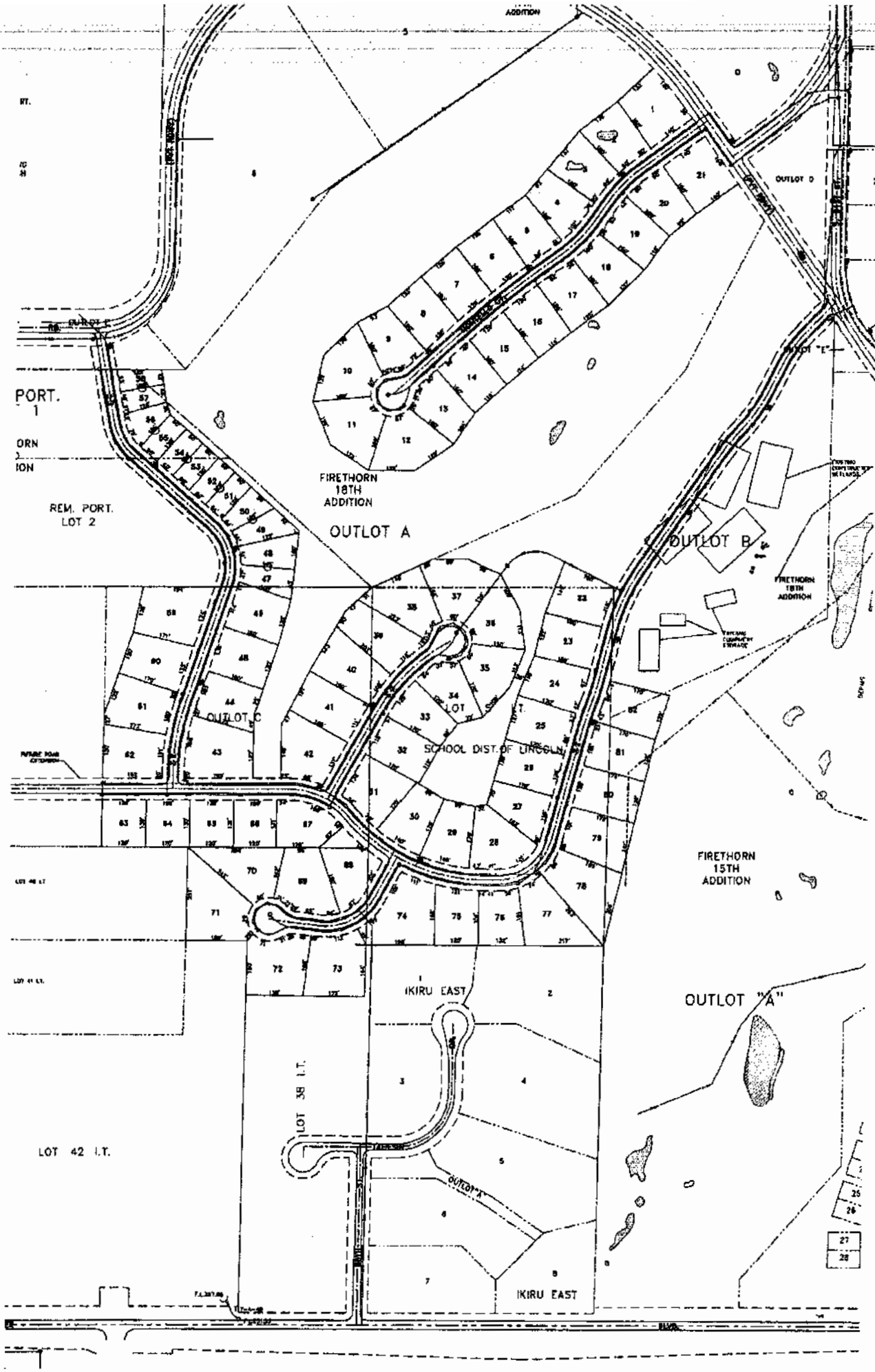
J Bruce Jr
Anne Bruce

Richard & Barbara Youngscap
4120 Taliesin Dr. (Lot 4, Ikiru East)

Richard Youngscap
Barbara Youngscap

Dave & Doreen Miller
4101 So. 88th St. (Lot 38, I.T.)

D Miller
Doreen Miller


ADDITION
OUTLOT D
OUTLOT E
OUTLOT "E"
PORT.
1
ORN
ION
REM. PORT.
LOT 2
FIRETHORN
18TH
ADDITION
OUTLOT A
OUTLOT B
FIRETHORN
18TH
ADDITION
OUTLOT C
LOT
SCHOOL DIST. OF LINCOLN
FIRETHORN
15TH
ADDITION
IKIRU EAST
OUTLOT "A"
LOT 38 I.T.
LOT 42 I.T.
OUTLOT "A"
IKIRU EAST

Review Comments for
Application #: SP3572F

Status of Review: **Denied** 11/19/2006 3:14:44 PM

Reviewed By **911** ANY

Comments: Carnoustie Cir alerady exists at approx NW 12th and W Keating. Old Head is too similar to Oldham when considering the foreigh dialects we encounter on a daily basis.

Status of Review: **Active**

Reviewed By **Alltel** ANY

Comments:

Status of Review: **Approved** 11/13/2006 2:58:42 PM

Reviewed By **Building & Safety** BOB FIEDLER

Comments: approved

Status of Review: **FYI** 11/15/2006 7:59:51 AM

Reviewed By **Building & Safety** Terry Kathe

Comments: As stated in previous review of street name change of Montello. Houses outside of this subdivision will be effected and without their approval, I would object to the street name change requested as part of this submittal.

Status of Review: **Complete** 11/22/2006 3:19:23 PM

Reviewed By **Fire Department** ANY

Comments: Our concern in the area is the water supply. From the layout standpoint, we have no objections from the perspective of our department.

042

Status of Review: Approved 11/17/2006 3:36:07 PM

Reviewed By Health Department ANY

Comments: LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT
INTER-OFFICE COMMUNICATION

TO: Brian Will DATE: November 17, 2006

DEPARTMENT: Planning FROM: Chris Schroeder
ATTENTION: DEPARTMENT: Health

CARBONS TO: EH File SUBJECT: Firethorn
EH Administration SP #872F CZ #06077
AN #06020

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

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 homeowners association for that subdivision would be responsible for vectors of zoonotic disease in those areas.

According to the LLCHD's Geographic Information System (GIS) records, a eighteen inch high pressure underground natural gas pipeline is located along the western edge of this proposed development. See the attached GIS map for the location of this underground pipeline. The LLCHD calculated a hazard area of approximately 174 feet on each side for this pipeline using the hazard area equation from report entitled, "A Model for Sizing High Consequence Areas Associated with Natural Gas Pipelines" prepared by Mark J. Stephens from C-FER Technologies. A hazard area or high consequence area is defined as the area within which the extent of property damage and the chance of serious or fatal injury would be expected to be significant in the event of a worst case scenario rupture failure.

At this time, there are no current regulations that prohibit the location of occupied buildings within hazard areas. However, the LLCHD strongly recommends that occupied dwellings or buildings not be located within projected hazard areas. At the very least, LLCHD recommends that future owners and/or lessees of dwellings or buildings located within the projected hazard area, be advised of the natural gas pipeline's location. Note, according to submitted site plan, there are no lots currently plotted within the projected hazard area.

The proposed development is located within the Firethorn Wellhead Protection Area. Best management practices (BMP) should be utilized to decrease the risk of groundwater contamination. For example, being conscientious regarding the use of lawn chemicals/ fertilizers and ensuring the proper the storage of chemicals and/or fuels.
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.

043

Status of Review: Active

Reviewed By Lancaster County Sheriff Department ANY

Comments:

Status of Review: Complete

Reviewed By Law Department NCSBJW

Comments:

Status of Review: Complete

Reviewed By Lincoln Electric System JIM HENNESSY

Comments:

Status of Review: Complete 12/07/2006 9:42:31 AM

Reviewed By Lincoln Police Department DON SCHEINOST

Comments: Mr. Will,

The Lincoln Police Department has a concern regarding the Firethorn Amendment to the Community Unit Plan / Annexation / Change of Zone, OA Project number 2005-0662. The Lincoln Police Department would suggest that block lengths not exceed 1,320 feet. The letter sent to the Planning Department, dated November 8, 2006, states that block lengths and cul-de-sacs longer that 1,000 feet would apply to the new development area.

Block lengths, or cul-de-sacs longer than 1,320 feet cause problems for emergency responders. Additionally, extended blocks cause problems during construction, at times of accidents or emergency situations when the street is obstructed by vehicles or other traffic. The Lincoln Police Department would suggest that any proposed block/cul-de-sac lengths be limited to under 1,320 feet.

Sergeant Don Scheinost
Lincoln Police Department

Status of Review: Active

Reviewed By Nebraska Department of Roads ANY

Comments:

044

Status of Review: Approved 11/14/2006 10:31:04 AM

Reviewed By Parks & Recreation ANY

Comments: 1. The annexation agreement calls for a park to be located in the development. Location and scope will be worked out through the developer/and or homeowners association.

Status of Review: Routed

Reviewed By Planning Department COUNTER

Comments:

Status of Review: Complete

Reviewed By Planning Department RAY HILL

Comments:

Status of Review: Active

Reviewed By Planning Department ANY

Comments:

Status of Review: Active

Reviewed By Planning Department BRIAN WILL

Comments:

045

Status of Review: **Complete** 12/07/2006 9:53:43 AM

Reviewed By **Public Works - Development Services** NCSBJW

Comments:

To:□Brian Will, Planning Department□
From:□Chad Blahak, Public Works and Utilities□
Subject:□Firethorn SP872F CZ06077 AN06020 □
Date:□□December 4, 2006□
cc:□□□

□
□
Engineering Services has reviewed the special permit, change of zone, and annexation for the Firethorn development, located east of 84th Street between Van Dorn Street and Pioneers Boulevard and has the following comments:

Sanitary Sewer – The following comments need to be addressed.

(1.1) The sanitary sewer system is satisfactory. However, the Wastewater Department will have to approve the amount of development that can be transferred from the Stevens Creek basin to the existing sanitary sewer system.

Water Main - The following comments need to be addressed.

(2.1) The existing 16" water main in Pioneers Boulevard will have to be extended to South 88th Street to accommodate the proposed 12" main connection to the north. The financial responsibility for the 16" main will need to be addressed in an approved annexation agreement.

Grading/Drainage – The grading and drainage is satisfactory.

Streets/Paving - The following comments need to be addressed.

(4.1) A street connection needs to be shown from Tramore Place to the south property line connecting to the existing ROW for South 88th Street. The paving may not need to be constructed at this time as South 88th Street has not been construct north of Taliesin Drive. However, when the acreages to the south subdivide in the future, this street connection should be required as it is the only connection to Pioneers Boulevard from the north between 84th and 98th Street.

General – The information shown on the preliminary plat relating to the public water main system, public sanitary sewer system, and public storm sewer system has been reviewed to determine if the sizing and general method providing service is satisfactory. Design considerations including, but not limited to, location of water main bends around curves and cul-de-sacs, connection of fire hydrants to the public main, temporary fire hydrant location, location and number of sanitary sewer manholes, location and number of storm sewer inlets, location of storm sewer manholes and junction boxes, and the method of connection storm sewer inlets to the main system are not approved with this review. These and all other design considerations can only be approved at the time construction drawings are prepared and approved.

F:\FILES\SIECEB\PROJECTS\2006-12-022\WORD FILES\FRTHRN-SP872F CZ06077 AN06020.DOC

Status of Review: **Active**

Reviewed By **Public Works - Long Range Planning** ANY 046

Comments:

Status of Review: Complete 12/07/2006 9:44:28 AM

Reviewed By Public Works - Watershed Management NCSBJW

Comments: Brian,
Watershed Management Division has reviewed the above subject materials and have the following comments:

- Applicant needs to acknowlege that development is in a "New Growth Area" and, if true, state there is no grading or development within floodplain or floodprone areas or within minimum flood corridor.

- Drawings need to show 100 year flood boundary for open drains next to lots.

- Drawings need to show minimum openings for affected lots adjacent to sump areas,(ie. A2, A3, B3), lots near inflows from offsite (ie. A1, B1, F1) and lots adjacent to the detention area and the 100 year overflow spillway area.

- Drawings need to show details of the outlet structure.

- Minimum longitudinal slope of 2% for the detention area appears to be exceeded.

- Need discussion of maintenace access to the detention area.

- Need to provide information that the 50 year storm does not overtop road for the 100 year spillway detention area.

- Need explanation of why 100 year peak discharge for Existing Conditions in Table 6 (252 cfs) is less than Existing Conditions for one basin (275 cfs for basin SC370a) in Table 1.

Status of Review: Active

Reviewed By Rural Fire District ANY

Comments:

Status of Review: Active

Reviewed By School District ANY

Comments:

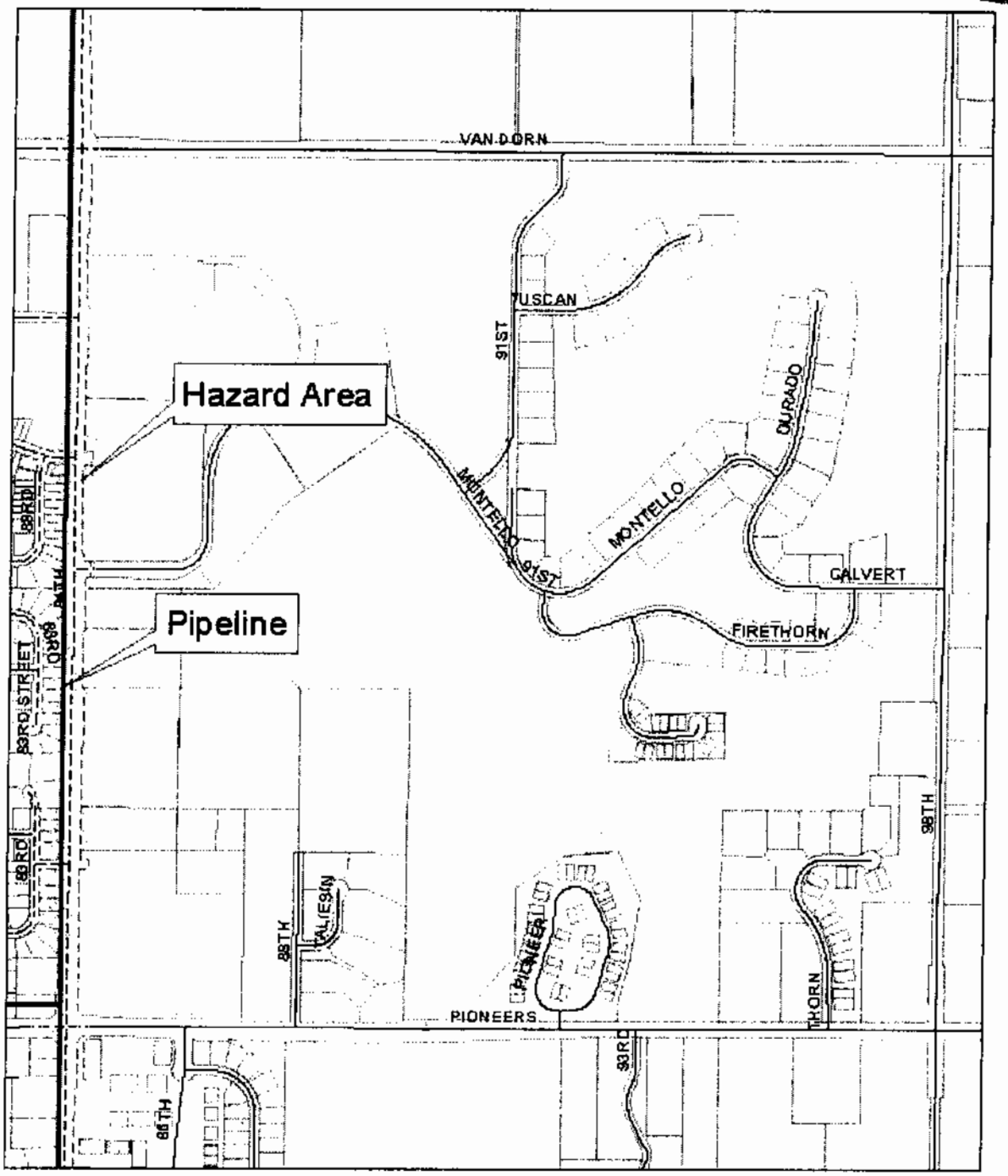
Status of Review: Active

Reviewed By US Post Office ANY

Comments:

047

November 17, 2006



Firethorn

Natural Gas Pipeline

Pipeline

Hazard Area

0 310 620 1,240 1,860 2,480 Feet

N

048

e-mail sent to HO 12:00 noon Wednesday, December 20, 2006.

Folks,

I had several voice messages this morning regarding our plans for annexation. Unfortunately, there is a large amount of misinformation being disseminated which is untrue.

Here are the facts:

Zoning - while it is true that we originally applied for R-3 zoning (a zoning designation that allows for a very dense concentration of homes) we did so only because the City recommended this to us. Given the "heartburn" that this appears to have caused some - we have amended our request to R-1. R-1 is a much less dense concentration of housing. I just heard from our engineer that the City has accepted the request and as we go to PC this afternoon it will be presented as R-1 and voted on that way.

It is important to point out however that even under R-1 zoning the concentration levels for the area that is Firethorn could exceed 1,000 allowable units.

Please note that the zoning is NOT the controlling document that will govern the number of units allowed in Firethorn. The Community Unit Plan (CUP) controls.

As pointed out in my memo to the homeowners (posted to the Website - November 20th), the total number of units available in the Firethorn CUP is governed by sewer capacity. As discussed multiple times, Firethorn is being required to "upsize" a 1,200+ foot line downgrade from Firethorn along Pioneers. This "upsizing" creates additional capacity in the line which, if not reserved by Firethorn, could potentially be used by some adjacent property owner. Firethorn initially requested a total of 350 total units be allowed within the CUP. While this number far exceeds any plans we have for current or future development, we are asking to "reserve" this allocation because we are paying for it. If, in the future, some adjacent landowner requests a connection to that line they will have to talk to us in order to be able to use the line. This gives us the potential to recover some of the costs noted above for the "upsizing." The City has since come back to us and calculated the total maximum allowable units at 547. Again, what ever the number, we are "reserving" them for Firethorn for the reasons noted above.

The homeowners are protected two ways. First, any additional changes to the Firethorn CUP would have to be approved by the City (everyone would have the right to have additional input). Secondly, the Conservation Easements will remain in place in total on the course except as modified by our current request. Any further modification would require City approval.

I've heard some interesting theories this morning - from "Firethorn is closing the South 9 to build track housing" to "I'm a distant descendant of Adolph Hitler." As far as I know - neither is true.

I hope the facts will allow everyone to make a reasoned judgment regarding our request for annexation.

OPPOSITION

ITEM NO. 4.3a,b,c: ANNEXATION NO. 06020
CHANGE OF ZONE NO. 06077
SPECIAL PERMIT NO. 872F
(p.35 - Public Hearing - 12/20/06)

Jean L Walker/Notes
12/20/2006 08:15 AM

To Jean L Walker/Notes,
cc
bcc
Subject Fw: Firethorn rezoning

----- Forwarded by Ray F Hill/Notes on 12/20/2006 07:32 AM -----

"Steve and Donna Lehr" <lakesidelehr@alltel.net>
12/19/2006 09:32 PM

To <rhill@lincoln.ne.gov>
cc <shenrichsen@lincoln.ne.gov>, <tcajka@lincoln.ne.gov>, <dcary@lincoln.ne.gov>, <mdekalb@lincoln.ne.gov>, <ceichorn@lincoln.ne.gov>, <bgarrett@lincoln.ne.gov>, <shartzell@lincoln.ne.gov>, <bwill@lincoln.ne.gov>, <ezimmer@lincoln.ne.gov>
Subject Firethorn rezoning

As a resident of Firethorn Fairways of two years, this is the most underhanded, deceitful manipulation of future planning for this area I have ever been witness. Mark Wibble cried about how we needed to be annexed by Lincoln knowing full well that he intended to flood the area with new construction which will totally change the character and ambiance of the home we purchased based on the Firethorn layout. This will not only lower the value of the homes we have invested so much in, but raise the noise level, raise the crime rate, and totally change the way of life we sought by moving here. If you pass this zoning change, you are catering to "big money".
Sincerely,
Dr. Steven J. Lehr
9230 Pioneer Court
The Fairways
lakesidelehr@alltel.net