

FACTSHEET

TITLE: ANNEXATION NO. 15003
(South 84th Street and Van Dorn Street)

BOARD/COMMITTEE: Planning Commission

APPLICANT: FT Development II, Inc.

RECOMMENDATION: Approval (8-0:
Sunderman, Harris, Beecham, Cornelius, Hove,
Scheer, Corr and Lust voting 'yes'; Weber
absent).

STAFF RECOMMENDATION: Approval,
subject to an annexation agreement.

OTHER DEPARTMENTS AFFECTED:

Public Works & Utilities will be responsible for
the maintenance and replacement of Van Dorn,
and other departments will provide City services
to the area and its residents.

SPONSOR: Planning Department

OPPONENTS: None

REASON FOR LEGISLATION:

To annex approximately 60 acres, more or less, including adjacent rights-of-way, generally located at South 84th Street and Van Dorn Street.

DISCUSSION / FINDINGS OF FACT:

1. This annexation request and the associated Change of Zone No. 15005 (Bill #15-52) were heard at the same time before the Planning Commission, along with Special Permit No. 872H, Use Permit No. 107D, and Use Permit No. 15005.
2. The purpose of this proposal is to annex and re-zone a portion of Firethorn golf course near the intersection of South 84th and Van Dorn Streets to accommodate the revised layout for the Firethorn CUP, which includes an additional 42 dwelling units and an outdoor recreation facility. In addition, it re-zones approximately 18 acres to O-3 for a new office park.
3. The staff recommendation to approve the annexation request is based upon the "Analysis" as set forth on p.6-7, concluding that there are no city services to serve the site but the applicant has agreed to enter into an annexation agreement (Bill #15R-66). The area proposed to be annexed is shown on the 2040 Future Land Use Map and compatible with the adjacent development. This annexation is in conformance with the Comprehensive Plan.
4. On March 18, 2015, the Planning Commission held a public hearing on this item, and the applicant's representatives came forward to speak; their testimony is found on p. 9-11.
5. On March 18, 2015, the Planning Commission agreed with the staff recommendation and voted 8-0 to recommend approval of this annexation request, subject to the Conditional Annexation and Zoning Agreement being introduced as Bill #15R-66 on March 30, 2015.

6. On March 18, 2015, the Planning Commission also voted 8-0 to recommend approval of the associated Change of Zone No. 15003 (Bill #15-52); voted 8-0 to adopt Resolution No. PC-01440 approving Special Permit No. 872H to amend the Firethorn CUP to add approximately 42 single-family lots an outdoor recreation facility that includes the sale of alcohol for consumption on the premises; voted 8-0 to adopt Resolution No. PC-01441 approving Use Permit No. 107D, to amend the Firethorn Office Park to reconfigure the lot layout and slightly expand the area of the use permit; and voted 8-0 to recommend approval of Use Permit No. 15005, to allow approximately 225,000 square feet of office floor area, with a waiver to setbacks. Special Permit 872H and Use Permit No. 107D have not been appealed to the City Council.

7. Should this annexation request be approved, the Planning staff is recommending that the Council ordinance assign the newly annexed area to **Council District #2**.

FACTSHEET PREPARED BY: Geri Rorabaugh, Administrative Officer
REVIEWED BY: David R. Cary, Acting Planning Director

DATE: March 23, 2015
DATE: March 23, 2015

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LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for March 18, 2015 PLANNING COMMISSION MEETING

Note: This is a combined staff report for related items. This report contains a single background and analysis section for all items.

PROJECT #: Annexation #15003 - Firethorn
Change of Zone #15005

PROPOSAL: To annex approximately 60 acres of land, and change the zoning to accommodate an expanded Firethorn community unit plan (CUP), a new office park, and a small land exchange with the existing Firethorn office park.

LOCATION: South 84th and Van Dorn Streets

LAND AREA: Annexation #15003 - Approximately 60 acres
Change of Zone #15005:
A. AGR to R-1 - 44.37 acres
B. O-3 to R-1 - .32 acres
C. AGR to O-3 - .32 acres
D. AGR to O-3 - 17.93 acres

CONCLUSION: The subject property is adjacent to the city limit, and the full range of municipal services can be provided if annexed. The multi-part change of zone is consistent with the Future Land Use Map and compatible with the adjacent development. Both requests comply with the Zoning Ordinance and are consistent with the Comprehensive Plan.

RECOMMENDATION:	
AN#15003	Approval
CZ#15003	Approval

PROPOSED CITY COUNCIL DISTRICT ASSIGNMENT: District #2.

GENERAL INFORMATION:

LEGAL DESCRIPTION: AN#15003 - See attached legal description.
CZ#15005 - See attached legal descriptions.

EXISTING ZONING: AGR Agricultural Residential, O-3 Office Park

SURROUNDING LAND USE AND ZONING:

North:	Agriculture	AG
South:	Golf Course, residential, office	R-1, O-3
East:	Residential	R-1
West:	Residential, Office, Commercial	R-3, O-3

EXISTING LAND USE: Golf Course

COMPREHENSIVE PLAN SPECIFICATIONS:

Pg 1.9 - The Future Land Use Map designates this site for urban density residential and commercial land uses.

Pg. 1.10 - This site is shown in Tier I, Priority C on the Growth Tier Map.

Pg 12.14 - The ANNEXATION POLICY of the 2040 Comprehensive Plan:

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

The provision of municipal services must coincide with the jurisdictional boundaries of the City – in short, it is not the intent of the City of Lincoln to extend utility services (most notably, but not necessarily limited to, water and sanitary sewer services) beyond the corporate limits of the City.

The extension of water and sanitary sewer services should be predicated upon annexation of the area by the City. City annexation must occur before any property is provided with water, sanitary sewer, or other potential City services.

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

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

Annexation generally implies the opportunity to access all City services within a reasonable period of time.

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

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

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

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

ASSOCIATED REQUESTS: Special Permit #872H for the Firethorn CUP; Use Permit #15005 for the Firethorn Corporate Center; Use Permit #107D for the Firethorn Office Park.

SPECIFIC INFORMATION:

UTILITIES & SERVICES:

- A. **Sanitary Sewer:** The larger Firethorn CUP connected to the City’s sanitary sewer system when it was annexed in 2007. The development drains to the north where sewage is pumped via lift station to where it connects to the public sewer main near South 88th Street and Pioneers Blvd. The lift station is privately-owned and maintained by the Firethorn Association. The public sewer main in Pioneers Blvd was up-sized at Firethorn’s expense prior to connection, and now has the capacity to handle up to 545 dwelling units in the area bounded by South 70th and 84th Streets, and Van Dorn Street and Pioneers Blvd. The additional dwelling units, outdoor recreation facility and office park will connect to this same system, and also force sewage via lift station to the public system in Pioneers Blvd. The lift stations are temporary, as the area will connect to the Stevens Creek trunk sewer when it reaches this area.

- B. **Water:** The larger Firethorn development also connected to the City’s water system at the time of annexation. This system is available to serve the proposed development as well. To ensure a looped water system and adequate fire flow, the water main in Van Dorn Street needs to be installed. Being an impact fee facility, funds are shown allocated in the the City’s 2015 Capital Improvements Program to construct the water line from South 84th Street to South 91st Street.

- C. **Roads:** All internal streets proposed as part of the development are to be dedicated as private roadways. They will be constructed as part of the development and maintained by an association. Van Dorn Street is adjacent to the north, and is classified as an arterial street. It is currently

improved as a two-lane, asphalt county road. It will not be improved to City standards with this development, but temporary turn lanes will be required to be installed by the developer as a condition of approval of the associated special permit for the community unit plan and use permit for the office park.

- D. **Parks and Trails:** The bike trail system extends south along the east side of South 84th Street from Adams Street to Old Cheney Road. A future connector from South 84th Street to the MoPac Trail is shown on the north side of Van Dorn Street along a drainage channel extending from southwest to northeast, but is beyond the limits of this annexation. Otherwise, there are no trails or park land associated with this development.
- E. **Fire Protection:** After annexation, fire protection will be provided by Lincoln Fire Rescue (LFR). The nearest station is Fire Station #12 at 2201 South 84th Street, approximately one-half mile away to the north.

ANALYSIS:

1. These are related requests for both annexation and a change of zone, and are associated with both the special permit amending the Firethorn community unit plan, and the use permit for a new office park. See the reports for SP#872H and Use Permit #15005 for the detailed reviews and recommendations on those requests.
2. The intent is to annex and re-zone that portion of the Firethorn golf course near the intersection of South 84th and Van Dorn Streets. It will accommodate the revised layout for the Firethorn CUP which includes an additional 42 dwelling units and an outdoor recreation facility. It also re-zones approximately 18 acres to O-3 for a new office park.
3. All of the 60 acres being annexed are also being re-zoned, but the change of zone request has four parts.
 - A. AGR to R-1 - 44.37 acres - This is the largest part of the re-zoning application, and is necessary for the revision of the Firethorn CUP to include the proposed 42 dwelling units and the outdoor recreation facility.
 - B. O-3 to R-1 - .32 acres - Combined with the change of zone described in 'C' below, they will allow for a land exchange designed to reshape Lot 4 (referring to the use permit site plan associated with UP#107D) to occur.
 - C. AGR to O-3 - .32 acres - See 'B' above.

D. AGR to O-3 - 17.93 acres - This involves the area immediately adjacent to the intersection of South 84th and Old Cheney Road. It will allow for an office park containing up to 225,000 square feet of floor area, which also includes the option to convert it to a 150-unit apartment complex.

4. The area to be annexed is located within Tier I, Priority C of the Comprehensive Plan, and can be served by the full range of city services.
5. The subject property is located within the Southeast Rural Fire District #1. Under State law, the District can petition for compensation from the annexing municipality for lost revenue based upon the amount of service area annexed. For voluntary annexations such as this one, any costs due to the district are to be borne by the developer. In this case, staff has conducted a financial analysis and estimates there is no money due the District.
6. The site is designated for future urban density residential and commercial land uses on the Future Land Use Map, and these requests comply with the requirements of the Zoning Ordinance and Comprehensive Plan.

CONDITIONS OF APPROVAL:

AN#15003

1. The applicant shall enter into an annexation agreement with the City.

Prepared by:

Brian Will, 441-6362, bwill@lincoln.ne.gov
March 3, 2015

CONTACT: DaNay Kalkowski
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Lincoln, NE 68508
402-435-6000

APPLICANT: FT Development II, Inc.
C/o Mark Wible
9301 Firethorn Lane
Lincoln, NE 68516
402-488-6467

**ANNEXATION NO. 15003,
CHANGE OF ZONE NO. 15005, AND
USE PERMIT NO. 15005**

ANNEXATION NO. 15003, ANNEXING APPROXIMATELY 59.72 ACRES, MORE OR LESS, AND ADJACENT RIGHT-OF-WAY, GENERALLY LOCATED AT SOUTH 84TH STREET AND VAN DORN STREET.

March 18, 2015

Staff Recommendation: Approval

Members present: Lust, Hove, Beecham, Cornelius, Corr, Harris, Scheer, and Sunderman: Weber absent.

There were no ex parte communications disclosed on this item. .

Staff presentation: **Brian Will of the Planning staff** provided an overview of the five related applications, including Annexation No. 15003, Change of Zone No. 15005, Special Permit No. 872H, Use Permit No. 107D, and Use Permit No. 15005. Referring to the site plan, Will explained that the northwest corner of the project is located at South 84th and Van Dorn Streets, bounded on the south by Pioneers and on the east by 98th Street. The five applications primarily affect the area located in the northwest corner, which currently consists of fairways and a small golf course. Will identified the corporate limits of the city of Lincoln and stated that there are portions of the community unit plan (CUP) that actually extend beyond the city limits; therefore, the request to annex and rezone the property currently outside the city limits to allow for the connection of utilities and services.

Will indicated that the change of zone application is a little complicated, as it does two things: (1) sets the stage for both expansion of the Firethorn CUP from AGR to R-1 to allow for a residential development, and (2) changes the zone on two small pieces of property so they can be included in the use permit and the CUP. The new use permit which involves the area to be rezoned to O-3 office, would allow for 225,000 square feet of office floor area, which includes a setback waiver.

Will further explained that with the original Firethorn Development, there was an associated use permit to reconfigure the lot layout and slightly expand the area of the original use permit.

Will indicated that staff is recommending approval of all five applications. Will noted that the Planning Commission received an email memorandum from the Public Works Department modifying Review Comment No. 2, which provides a little more detail but it does not revise the staff report. Will also stated that under Conditions of Approval for Special Permit No. 872H, the waivers should sidewalks, which was inadvertently omitted.

Commissioner Beecham asked for a quick overview of the curbs and differences between standard curbs and what is being proposed.

Will explained that rollover curbs are being proposed for this development as opposed to standard curbs. Will indicated that rollover curbs are not as well defined and can make it a little more difficult to find the edge when plowing, etc. He also noted that they may not contain drainage as well. In this case, where it is a private development with private roadways, their drainage and grading plan is going to have to accommodate the fact that rollover curbs are being used. Will noted that most improvements were waived in the original Firethorn development, which consists generally of asphalt roadways with ditches.

Commissioner Corr asked for clarification on the proposed decreased of street width from 27 feet to 24 feet.

Will indicated that these are private roadways which are internal to the development where heavy traffic is much less of a concern but explained that the standard street width is 27 feet. Will stated that development constraints had a bearing on some of the roadway widths, especially along South 88th Street, as the majority of that street is existing and widening it out would be challenging. A reduction of three feet has been done internal to community unit plans routinely in the past.

Applicant's Testimony

Danay Kalkowski, representing Firethorn Development II, Inc., the applicant on all five of these applications. She noted that Mark Wible, a principal with the development, and Brad Marshall with Olsson Associates, are also present today.

Danay explained that the five applications would allow them to permit approximately 60 acres of golf course area currently owned by Firethorn Golf Company, which is occupied by the 9-hole golf course.

There are three main components to the development plan: (1) a change of zone from AGR to O-3, to allow for an office development on approximately 18 acres; (2) amend the existing CUP to allow for a new recreational facility, which is intended to be more family friendly with an outdoor swimming pool, tennis courts, volleyball court, as well some indoor gym facilities and restaurant, as well as reconfiguring the existing 9-hole golf course; and (3) adding additional residential units – they are proposing 34 town home unit and 9 single-family lots.

Danay indicated that the goals of the Firethorn Development are to develop a land uses that are compatible with the existing office uses and residential uses and also to develop a layout that would preserve the character of the existing uses while being sensitive to the wetlands and the vegetative drainage ways. Danay noted that some of the waivers are needed to accommodate the drainage ways. Danay reported that Mark Wible has done a considerable amount of outreach to the neighborhood and adjacent property owners to give them an opportunity to discuss the proposed development. There was no major opposition to these plans.

Danay thanked that city staff for working though a number of sensitive issues, which required multiple meetings. The developer is in agreement with the Planning Department recommendations and conditions of approval with the exception of one clean-up item.

Brad Marshall, Olsson Associates, 601 P Street, reported that there is one item on the conditions for Special Permit No. 872H, relating to the setbacks for the existing CUP, which is zoned R-1. In the original special permit, there was an agreement for an R-3 development, which was changed back to R-1 to accommodate the existing residences while maintaining the R-3 setbacks. In order to keep this consistent, Condition 1.1.1 should be deleted in order to allow the R-3 setbacks to remain for the single-family lots to be developed. This would allow for the current R-3 setbacks to stay as they currently are on the plan (page 78 of the Planning Commission packet).

Commissioner Beecham asked Danay to identify the street where the sidewalk waiver is being requested.

Danay reported that the sidewalk waiver is along 91st Street, which has already been built to rural standards with existing houses along the east side. The waiver would allow the existing character to remain for the nine lots. There is also a sidewalk waiver along the connector road between the office and recreation facility to Firethorn Lane. A portion of the road is existing and is used to service the maintenance facility for the golf course. They are proposing to expand the existing roadway to make the connection. Sidewalks will be included in the new office area, the recreational facility and for the town homes. In terms of the roadway width, Danay explained that this applies primarily to the existing connector roadway.

Commissioner Corr asked if there would still be the same number of buildings if the developer chooses to construct 150 apartments in the northwest corner.

Danay explained that there is a condition on the permit that if they change to an apartment use, they would be required to get an administrative amendment in order to allow staff to see the layout and make sure that the gas line protection area is considered. She also stated that there are private use restrictions that would impact the ability to change to apartments.

Commissioner Corr asked Danay to identify the zero setbacks on Lots 104 - 145.

Brad Marshall indicated that the numbering of the zero setbacks may be off a little bit as some of these were included in the original CUP. Brad indicated that in the new area, the zero setback only pertains to the town home lots and not the single-family lots.

Commissioner Corr asked if the outdoor recreational facilities are permitted in the R-1 zoning.

Danay reported that it is a special permitted use.

Commissioner Corr asked who is paying for the temporary turn lanes.

Danay indicated that the construction of the temporary turn lanes is addressed in the annexation agreement. She reported that any part of the grading that will be associated with those that meet the future grade study, could be considered a permanent improvement for which they could get some reimbursement. The asphalt for the physical turn lanes, which are considered temporary improvements, will not be reimbursable.

Commissioner Corr stated that there is a limitation on the dwelling units as a result of the sewer treatment and asked about the impact of the recreational facility. .

Brad Marshall explained that they had to equate everything back to the original dwelling units. He considered the different types of uses to come up with the recommendation for square footage of different uses that would equate to a dwelling unit. This formula has been applied throughout to backup to the allowable square feet for the various uses. They are still under 545.

Proponents:

None.

Opponents:

None.

Staff Questions

Commissioner Harris asked if staff is in agreement with the deletion of Condition 1.1.1 on the special permit.

Will indicated that this was an oversight as result of the zoning being changes and he supports the deletion of 1.1.1 on the special permit. In addition, sidewalks should be added into the waivers as well as the additional review comment from Public Works.

Commissioner Corr asked for clarification about the difference in parking requirements for the section of the O-3 that might be changed to apartments.

Will explained that office is 1 stall per 300 square feet of floor area. Parking for apartments is two spaces per dwelling unit. When they apply for a building permit, they will need to meet the required parking either way. The layout that is shown is conceptual at this point.

Commissioner Corr asked staff when they consider the conceptual site plan if there is adequate space for parking if the developer chooses to build apartments.

Will explained that this is a development constraint. They have to consider the setback and the building layout. They will need to consider the number of required parking spaces as part of laying out the site; it may be necessary to reduce the number of apartments to meet the required parking spaces.

ACTION BY PLANNING COMMISSION:

March 4, 2015

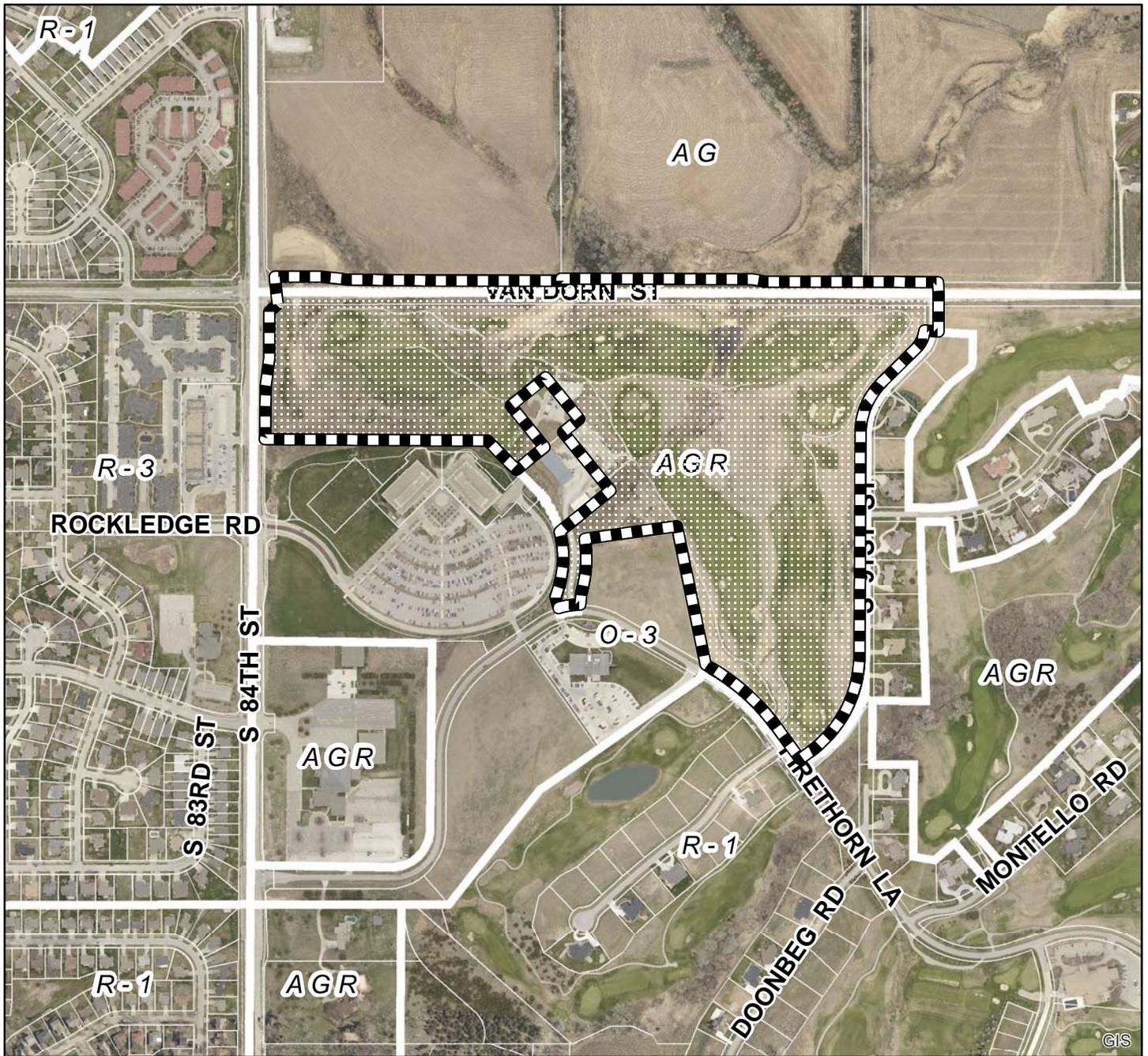
ANNEXATION NO. 15003, ANNEXING APPROXIMATELY 59.72 ACRES, MORE OR LESS, AND ADJACENT RIGHT-OF-WAY, GENERALLY LOCATED AT SOUTH 84TH STREET AND VAN DORN STREET.

March 18, 2015

Hove moved to recommend approval of this application; seconded by Beecham.

Commissioner Lust stated that she believes this is a good project for the area. They are keeping the character of the recreation area while expanding the office and residential uses. She plans to support all of the applications.

The motion for approval carried 8-0; Lust, Hove, Harris, Beecham, Cornelius, Corr, Scheer, and Sunderman; Weber absent.



GIS

2013 aerial

Annexation #: AN15003
Firethorn
S 84th & Van Dorn St

Zoning:

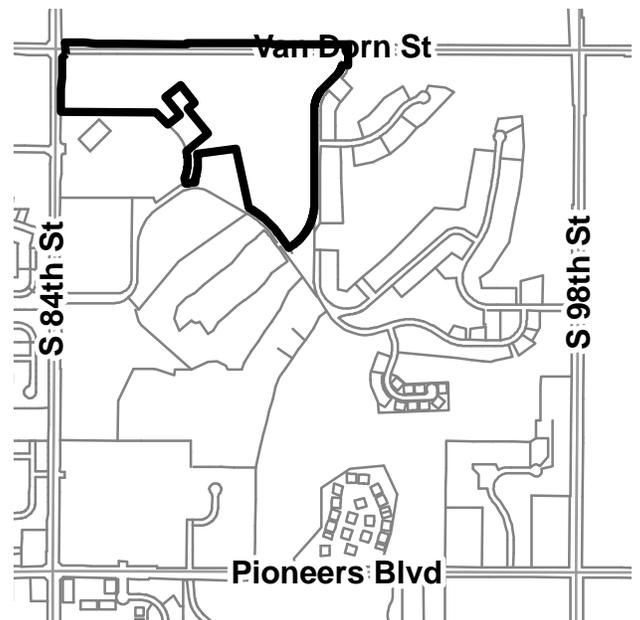
- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial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

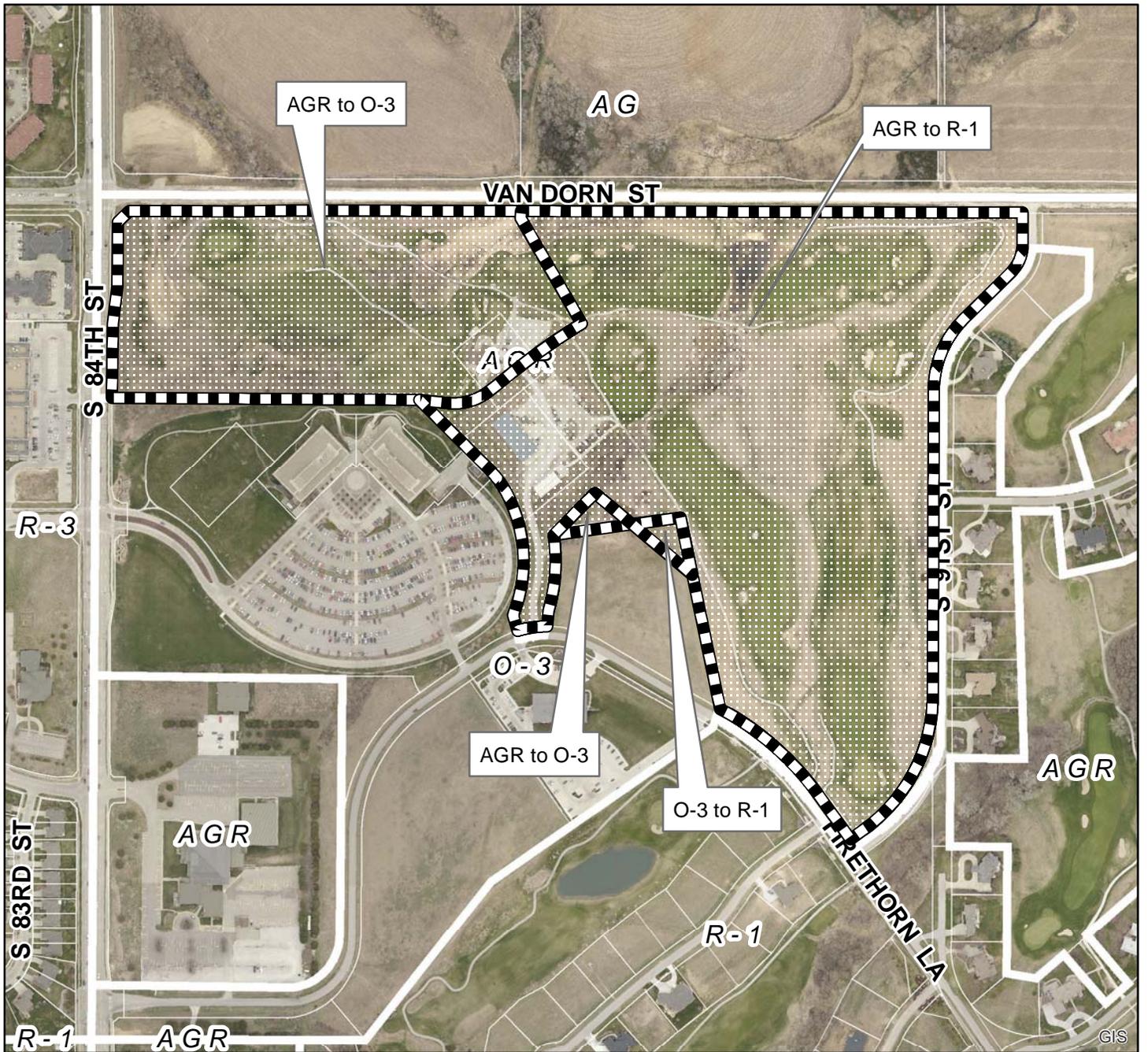
One Square Mile:
 Sec.02 T09N R07E

Area of Application

Zoning Jurisdiction Lines

Lancaster County Jurisdiction





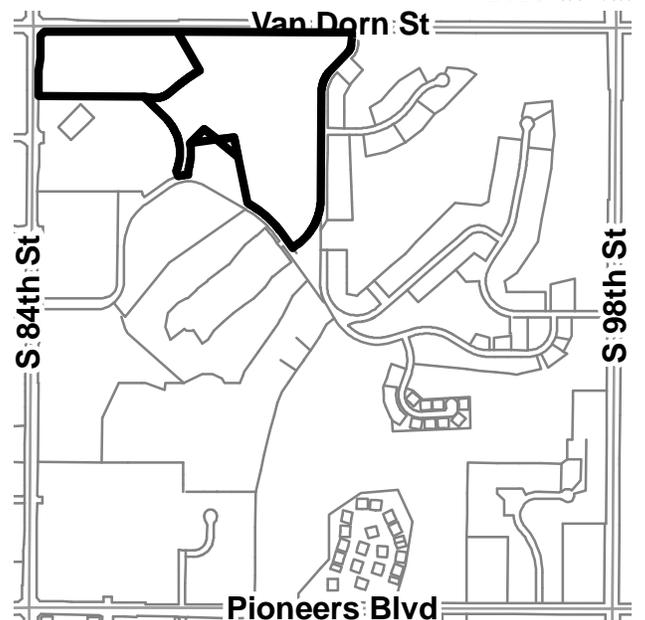
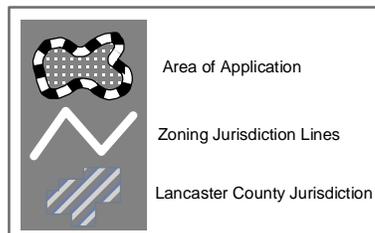
2013 aerial

Change of Zone #: CZ15005
Firethorn
S 84th & Van Dorn St

Zoning:

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

One Square Mile:
 Sec.02 T09N R07E



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February 26, 2015

David Cary
Interim Planning Director
555 South 10th Street
Lincoln, NE 68508

RE: Development of Outlot A, Firethorn 17th Addition

Dear David:

Our office represents Firethorn Golf Company, L.L.C., the owner of Outlot A, Firethorn 17th Addition, Lincoln, Lancaster County, Nebraska (the "Property"), and FT Development Company, Inc. ("Developer"), who has a contract to purchase portions of the Property. Currently, the Property is zoned AGR and is part of Firethorn Special Permit No. 872. The conservation easement previously existing on a large portion of the Property has expired and Developer is ready to move forward with development of the released portion of the Property into residential, recreational facility and office uses. The portion of the Property still subject to the conservation easement will continue to be used for golf course. Developer is making the following applications and requests for development of the Property:

1. Annexation. Developer is requesting annexation of all portions of the Property not already annexed. In 2007, the City of Lincoln approved an Agreement Regarding the Annexation of Firethorn. Developer will be submitting by separate cover an Amendment and Restatement to the Agreement Regarding the Annexation of Firethorn that includes the Property.
2. Changes of Zone. Developer is requesting changes of zone that change the zone of the Property from AGR to R-1 and O-3, and also a change of zone from O-3 to R-1 for a small piece of property that is being traded with a neighboring property owner.
3. Amendment to SP872. Developer is requesting an amendment to Firethorn Special Permit No. 872 ("SP872"). The proposed amendment to SP872 adds eight single family lots and 34 townhome lots west of S. 91st Street. It also adds a new recreational facility that includes outdoor tennis, swimming pool, volleyball, putting greens and bocce ball, with an indoor fitness facility and restaurant, that permits the sale of alcohol for consumption on the premises. The amendment also adjusts the boundaries of SP872 to remove approximately 18 acres of the Property located at the southeast corner of S. 84th and Van Dorn and adds a small piece of property being traded with a neighboring property owner.

The single family and townhome lots being added to SP872 are a continuation of the existing Firethorn residential development. They will maintain the character of the existing Firethorn lots and will be governed by similar covenants. Consequently, Developer is requesting the following waivers for the new residential area added to SP872 that are consistent with waivers previously approved under SP872 for the existing Firethorn residential development:

- a. L.M.C. 26.27.020 - Request a waiver for sidewalks along the west side of S. 91st Street. S. 91st Street is an existing roadway that was part of SP872. It was designed and has been constructed without curb and with no plans for a sidewalk on either side. The previous waiver granted under SP872 should continue to apply to the west side of S. 91st Street. Sidewalks will be constructed within the townhome area along Birdie Run/Eagle View Way in the location identified on the cross-section shown on the plans.
- b. L.M.C. 26.27.090 - Request a waiver to allow street trees to be planted on private property. SP872 currently allows street trees to be planted on private property, so the City does not plant or maintain street trees within the current Firethorn development.
- c. L.M.C. 26.27.070 – Request a waiver for ornamental lighting. This waiver keeps the character of the existing development and is consistent with past additions to SP872.
- d. Design Standards Chapter 2.25, Section 3.6.2 - Request a waiver to require concrete curbs on both sides of the roadway. This waiver keeps the character of the existing development and is consistent with past additions to SP872. Birdie Run/Eagle View Way within the townhome area will be constructed with rollover curbs.
- e. Waiver to adjust the applicable setbacks to 0' for the front, rear and side yards of Lots 104 through 145. These lots are designed to only include buildable area and will be surrounded by an outlet.

Developer is also requesting a waiver to L.M.C. 26.23.130 to allow blocks in excess of 1,320 feet. Developing property around a golf course and wetland areas provides unique challenges in trying to meet the City's block length standards. In response to feedback from City staff, Developer has worked hard to show road connections within the new development area that minimize block length issues. The proposed amendment to SP872 shows a potential future road connection from the end of Eagle View Way in the townhome area extending to Firethorn Lane. In addition, the proposed plans show a private roadway connection extending from Firethorn Lane north around the existing maintenance facility to connect to the new private roadway that will extend through the proposed new office and recreational facility areas ("S. 88th Street"). There are multiple constraints that make locating and constructing S. 88th Street a challenge. Consequently, Developer is requesting the following waivers to the City Design Standards in Chapter 2.25 that will allow Developer to utilize the existing 24 feet wide rural roadway section that provides access from Firethorn Lane to the maintenance facility for the first leg of S. 88th Street and then extend S. 88th Street around the maintenance facility:

Section 3.3.2 Radius for Curves: Request a waiver to minimum centerline radius for curves on private roadways to be 75 feet.

- b. Section 3.5 Roadway Width: Request a waiver to minimum roadway width, measured from edge of pavement to edge of pavement to be 24 feet.
- c. Section 3.6.2 Roadway Cross-Section: Request a waiver to require concrete curbs on both sides of the roadway.

In keeping with the character of the existing road and to accommodate its extension, Developer is also requesting waivers to L.M.C. 26.27 for sidewalks, street trees and ornamental lighting along S. 88th Street.

4. New Use Permit. Developer is requesting a new Use Permit for Firethorn Corporate Center permitting 225,000 square feet of O-3 commercial uses on approximately 18 acres located at the southeast corner of S. 84th and Van Dorn Streets. This area is adjacent to office and golf course use to the south and the proposed recreational facility to the east. The site plan has been laid out to minimize impacts to existing wetlands and green space. The proposed office uses are consistent with the Comprehensive Plan and will provide a good transition for this area. Developer is requesting a waiver to adjust the applicable setbacks to 0' for the front, rear and side yards of Lots 1 through 7 within Firethorn Corporate Center. These lots are designed to only include buildable area and are surrounded by an outlot for parking and green space.

5. Amendment to Firethorn Addition Use Permit No. 107. In order to accommodate the proposed development of the Property, Firethorn Golf Company, L.L.C. and Firethorn Development Corp. have agreed to swap ownership of small .32 acre parcels of property adjacent to Lot 4, Block 1, Firethorn 17th Addition. This swap of property requires an amendment to adjust the boundaries of Use Permit No. 107.

6. Amend Conservation Easement. The swap of land between Firethorn Golf Company, L.L.C. and Firethorn Development Corp. also requires an amendment to the Declaration of Protective Covenants, Conditions and Restrictions Pursuant to the Conservation and Preservation Easement Act recorded in the Office of the Register of Deeds of Lancaster County, Nebraska on September 23, 1998 as Instrument No. 98-049864 (the "Declaration"), to remove .32 acres from the Declaration.

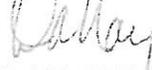
Enclosed please find the following:

- 1. Legal Description for Annexation;
- 2. City Application Form for Changes of Zone with legal descriptions attached;
- 3. City Application Form and Site Plan for Amendment to SP872;
- 4. City Application Form and Site Plan for new Use Permit;
- 5. City Application Form and Site Plan for Amendment to UP107; and
- 6. Application fees in the amount of \$5,534.76;

Brad Marshall at Olsson Associates will be submitting the plans to project docs.

We appreciate your consideration of the above requests and look forward to working with you on this exciting new development for the City. If you have any questions or need any additional information, please do not hesitate to contact me or Brad Marshall.

Very truly yours,



DANAY KALKOWSKI
For the Firm

Enclosures

cc (via email): Mark Wible
Richard Youngscap
Jon Camp

**LEGAL DESCRIPTION
ANNEXATION**

A TRACT OF LAND COMPOSED OF OUTLOT "A", FIRETHORN ADDITION, AND A PORTION OF OUTLOT "A", FIRETHORN 17TH ADDITION, ALL LOCATED IN THE NORTH HALF OF 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 NORTHWEST CORNER OF THE NORTHWEST QUARTER OF SECTION 2, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6TH P.M.; THENCE EASTERLY ON THE NORTH LINE OF SAID NORTHWEST QUARTER ON AN ASSUMED BEARING OF S89°49'29"E, A DISTANCE OF 100.07' TO A POINT; THENCE S00°10'31"W, A DISTANCE OF 53.39' TO THE NORTHWEST CORNER OF OUTLOT "A", FIRETHORN 17TH ADDITION, SAID POINT BEING ON A SOUTH RIGHT-OF-WAY LINE OF VAN DORN STREET; SAID POINT ALSO BEING **THE TRUE POINT OF BEGINNING**; THENCE S89°49'29"E, ON A NORTH LINE OF SAID OUTLOT "A", SAID LINE BEING A SOUTH LINE OF SAID RIGHT-OF-WAY, SAID LINE BEING 53.39' SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 344.69' TO A POINT; THENCE N89°01'26"E, ON A NORTH LINE OF SAID OUTLOT "A", SAID LINE BEING A SOUTH LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 168.73' TO A POINT 50.00' SOUTH OF THE NORTH LINE OF SAID NORTHWEST QUARTER; THENCE S89°49'29"E, ON A NORTH LINE OF SAID OUTLOT "A", AN ON A NORTH LINE OF OUTLOT "A", FIRETHORN ADDITION, SAID LINE BEING A SOUTH LINE OF SAID RIGHT-OF-WAY, SAID LINE BEING 50.00' SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 2,029.91' TO A POINT; THENCE S89°49'14"E, ON A NORTH LINE OF SAID OUTLOT "A", SAID LINE BEING A SOUTH LINE OF SAID RIGHT-OF-WAY, SAID LINE BEING 50.00' SOUTH OF AND PARALLEL WITH THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 2, A DISTANCE OF 245.18' TO THE NORTHEAST CORNER OF SAID OUTLOT "A", SAID POINT BEING THE NORTHWEST CORNER OF OUTLOT "P", FIRETHORN 27TH ADDITION; THENCE S00°13'38"W, ON A EAST LINE OF SAID OUTLOT "A", SAID LINE BEING A WEST LINE OF SAID OUTLOT "P", A DISTANCE OF 100.67' TO A POINT OF CURVATURE FOR A CURVE IN A CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 45°00'00", A RADIUS OF 120.00', AN ARC LENGTH OF 94.25' ON A EAST LINE OF SAID OUTLOT "A", SAID LINE BEING A WEST LINE OF SAID OUTLOT "P", A CHORD LENGTH OF 91.84', A TANGENT LENGTH OF 49.71', AND A CHORD BEARING OF S22°43'38"W, TO A POINT; THENCE S45°13'38"W, ON A SOUTHEAST LINE OF SAID OUTLOT "A", SAID LINE BEING A NORTHWEST LINE OF SAID OUTLOT "P", A DISTANCE OF 209.69' TO A POINT OF CURVATURE FOR A CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 44°59'59", A RADIUS OF 313.43', AN ARC LENGTH OF 246.17' ON A EAST LINE OF SAID OUTLOT "A", SAID LINE BEING A WEST LINE OF SAID OUTLOT "P", A CHORD LENGTH OF 239.89', A TANGENT LENGTH OF 129.83', AND A CHORD BEARING OF S22°43'39"W, TO THE SOUTH CORNER OF SAID OUTLOT "A", SAID POINT BEING ON A EAST LINE OF OUTLOT "A", FIRETHORN 17TH ADDITION; THENCE S00°13'39"W, ON A EAST LINE OF SAID OUTLOT "A", SAID LINE BEING A EAST LINE OF SAID OUTLOT "P", A DISTANCE OF 953.52' TO NORTH CORNER OF OUTLOT "E", FIRETHORN 17TH ADDITION, SAID POINT BEING A POINT OF

CURVATURE FOR A CURVE IN A CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF $53^{\circ}42'51''$, A RADIUS OF 520.00', AN ARC LENGTH OF 487.49' ON A EAST LINE OF SAID OUTLOT "A", SAID LINE BEING A WEST LINE OF SAID OUTLOT "E", A CHORD LENGTH OF 469.84', A TANGENT LENGTH OF 263.32', AND A CHORD BEARING OF $S27^{\circ}05'04''W$, TO A POINT; THENCE $S53^{\circ}56'30''W$, ON A SOUTHEAST LINE OF SAID OUTLOT "A", SAID LINE BEING A NORTHWEST LINE OF SAID OUTLOT "E", A DISTANCE OF 52.25' TO THE SOUTHEAST CORNER OF SAID OUTLOT "A"; THENCE $N36^{\circ}03'30''W$, ON A SOUTHWEST LINE OF SAID OUTLOT "A", SAID LINE BEING A NORTHEAST LINE OF SAID OUTLOT "E", A DISTANCE OF 176.02' TO A POINT OF CURVATURE FOR A CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF $23^{\circ}56'44''$, A RADIUS OF 906.62', AN ARC LENGTH OF 378.90' ON A SOUTHWEST LINE OF SAID OUTLOT "A", SAID LINE BEING A NORTHEAST LINE OF SAID OUTLOT "E", A CHORD LENGTH OF 376.15', A TANGENT LENGTH OF 192.26', AND A CHORD BEARING OF $N48^{\circ}01'52''W$, TO A POINT; THENCE $N60^{\circ}00'14''W$, ON A SOUTHWEST LINE OF SAID OUTLOT "A", SAID LINE BEING A NORTHEAST LINE OF SAID OUTLOT "E", A DISTANCE OF 26.79' TO A WEST CORNER OF SAID OUTLOT "A", SAID POINT BEING THE SOUTHEAST CORNER OF LOT 4, BLOCK 1, FIRETHORN 17TH ADDITION; THENCE $N11^{\circ}46'20''W$, ON A WEST LINE OF SAID OUTLOT "A", SAID LINE BEING A EAST LINE OF SAID LOT 4, A DISTANCE OF 610.45' TO THE NORTHEAST CORNER OF SAID LOT 4; THENCE $S82^{\circ}09'31''W$, ON A SOUTH LINE OF SAID OUTLOT "A", SAID LINE BEING A NORTH LINE OF SAID LOT 4, A DISTANCE OF 400.00' TO THE NORTHWEST CORNER OF SAID LOT 4, SAID POINT BEING A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF $24^{\circ}47'12''$, A RADIUS OF 549.00', AN ARC LENGTH OF 237.50' ON EAST LINE OF SAID OUTLOT "A", SAID LINE BEING A WEST LINE OF SAID LOT 4, A CHORD LENGTH OF 235.65', A TANGENT LENGTH OF 120.64', AND A CHORD BEARING OF $S03^{\circ}46'59''W$ TO A POINT; THENCE $S04^{\circ}37'58''W$, ON A EAST LINE OF SAID OUTLOT "A", SAID LINE BEING A WEST LINE OF SAID LOT 4, A DISTANCE OF 50.17' TO A SOUTH CORNER OF SAID OUTLOT "A", SAID POINT BEING THE SOUTHWEST CORNER OF SAID LOT 4, SAID POINT BEING ON A NORTH LINE OF SAID OUTLOT "E", SAID POINT BEING A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF $15^{\circ}53'58''$, A RADIUS OF 340.00', AN ARC LENGTH OF 94.35' ON A SOUTH LINE OF SAID OUTLOT "A", SAID LINE BEING A NORTH LINE OF SAID OUTLOT "E", A CHORD LENGTH OF 94.05', A TANGENT LENGTH OF 47.48', AND A CHORD BEARING OF $S81^{\circ}37'15''W$ TO A SOUTH CORNER OF SAID OUTLOT "A", SAID POINT BEING THE SOUTHEAST CORNER OF OUTLOT "A", FIRETHORN 24TH ADDITION; THENCE $N16^{\circ}19'44''W$, ON A WEST LINE OF SAID OUTLOT "A", SAID LINE BEING A EAST LINE OF SAID OUTLOT "A", A DISTANCE OF 50.00' TO A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF $36^{\circ}41'25''$, A RADIUS OF 449.00', AN ARC LENGTH OF 287.52' ON A WEST LINE OF SAID OUTLOT "A", SAID LINE BEING A EAST LINE OF SAID OUTLOT "A", A CHORD LENGTH OF 282.64', A TANGENT LENGTH OF 148.88', AND A CHORD BEARING OF $N03^{\circ}43'14''E$ TO A POINT; THENCE $N51^{\circ}03'10''E$, A DISTANCE OF 280.66' TO A POINT; THENCE $N38^{\circ}56'50''W$, A DISTANCE OF 324.00' TO A POINT; THENCE $N51^{\circ}03'10''E$, A DISTANCE OF 90.00' TO A POINT; THENCE $N38^{\circ}56'50''W$, A DISTANCE OF 230.00' TO A POINT; THENCE $S51^{\circ}03'10''W$, A DISTANCE OF 192.61' TO A POINT; THENCE $S38^{\circ}56'50''E$, A DISTANCE OF 230.00' TO A POINT; THENCE

§§1°03'10"W, A DISTANCE OF 154.97' TO A POINT OF INTERSECTION WITH A SOUTHWEST LINE OF SAID OUTLOT "A", SAID POINT BEING ON A NORTHEAST LINE OF SAID OUTLOT "A"; THENCE N45°10'34"W, ON A SOUTHWEST LINE OF SAID OUTLOT "A", SAID LINE BEING A NORTHEAST LINE OF SAID OUTLOT "A", A DISTANCE OF 176.46' TO THE NORTHEAST CORNER OF OUTLOT "A", FIRETHORN 24TH ADDITION; THENCE N89°36'33"W, ON A SOUTH LINE OF SAID OUTLOT "A", SAID LINE BEING A NORTH LINE OF SAID OUTLOT "A", A DISTANCE OF 958.84' TO THE NORTHWEST CORNER OF OUTLOT "A", FIRETHORN 24TH ADDITION, SAID POINT BEING THE SOUTHWEST CORNER OF OUTLOT "A", FIRETHORN 17TH ADDITION, SAID POINT BEING ON THE EAST RIGHT-OF-WAY LINE OF SOUTH 84TH STREET, SAID POINT BEING 50.00' EAST OF THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 2; THENCE N00°23'26"E, ON A WEST LINE OF SAID OUTLOT "A", SAID LINE BEING A EAST LINE OF SAID RIGHT-OF-WAY, SAID LINE BEING 50.00' EAST OF AND PARALLEL WITH THE WEST LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 19.06' TO A POINT; THENCE N00°48'13"E, ON A WEST LINE OF SAID OUTLOT "A", SAID LINE BEING A EAST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 211.85' TO A POINT; THENCE N07°01'42"E, ON A WEST LINE OF SAID OUTLOT "A", SAID LINE BEING EAST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 118.11' TO A POINT 50.00' EAST OF THE WEST LINE OF SAID NORTHWEST QUARTER; THENCE N00°23'26"E, ON A WEST LINE OF SAID OUTLOT "A", SAID LINE BEING A EAST LINE OF SAID RIGHT-OF-WAY, SAID LINE BEING 65.18' EAST OF AND PARALLEL WITH THE WEST LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 200.13' TO A WEST CORNER OF SAID OUTLOT "A"; THENCE N45°17'53"E, ON A NORTHWEST LINE OF SAID OUTLOT "A", SAID LINE BEING A SOUTHWEST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 49.70' TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA 2,601,211.66 SQUARE FEET OR 59.72 ACRES, MORE OR LESS.

Wednesday, February 04, 2015

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