

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for August 17, 2005 PLANNING COMMISSION MEETING

P.A.S.:

Co. Special Permit #05038, Co. Special Permit #05039, Wagon Train Estates Preliminary Plat #05013

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

PROPOSAL:

A special permit for a community unit plan, a preliminary plat for 6 acreage residential units and a special permit for dwellings within 1320' of a public lake.

LOCATION:

Northeast of the corner of S. 96 Street and Wagon Train Road

WAIVER REQUESTS:

1. Ornamental street lighting
2. Sidewalks
3. Street trees
4. Landscape screens
5. Stormwater detention

LAND AREA: 21.83 acres (20.13 net), more or less

CONCLUSION: The request by the State Game and Parks Commission to strictly apply the 600' buffer would preclude any development of this site. The existing home to the east is about 385' from the park property and the barn is at about 168', thus creating a constraint on hunting within this portion of the park today. A setback of 200' would provide about an equivalent impact on the parkland as the existing development to the east. Use of a "cluster" with a community waste system might allow for six lots as well as an appropriate buffer. If three acre lots are used, the number of lots would likely be reduced to three or four.

RECOMMENDATION:

| | |
|---|----------------------|
| Co. Special Permit # 05038 (lake development) | Conditional Approval |
| Co. Special Permit #05039 (CUP) | Conditional Approval |
| Preliminary Plat # 05013 | Conditional Approval |
| Waivers | |
| 1. Ornamental lighting | Approval |
| 2. Sidewalks | Approval |
| 3. Street trees | Approval |

| | | |
|----|----------------------|----------|
| 4. | Landscape screens | Approval |
| 5. | Stormwater detention | Approval |

GENERAL INFORMATION

LEGAL DESCRIPTION: Lot 41, Irregular tract in the Northwest Quarter of Section 36, T8N, R7E, in the 6th P.M., Lancaster County, Nebraska

EXISTING ZONING: AGR Agriculture Residential

EXISTING LAND USE: Farm land/pasture

SURROUNDING LAND USE AND ZONING:

| | |
|---|----------|
| North: Agriculture, State property | zoned AG |
| South: Acreages | zoned AG |
| East: One residence, and Wagon Train Lake | zoned AG |
| West: Agriculture and acreages | zoned AG |

HISTORY Changed from AG to AGR in April 2005. This property was changed from AA Rural and Public Use to AG Agriculture with the adoption of the 1979 Zoning Update.

COMPREHENSIVE PLAN SPECIFICATIONS: The 2025 Plan shows this as Residential Low Density (pg F 23). This is not in any Lincoln growth Tier. The Hickman Horizon Plan shows this for acreage residential. The 2025 Lincoln Lancaster Comprehensive Plan states:

Rural Lancaster County is in transition from an area of predominantly agricultural uses to an area which includes more residential uses. Balancing the strong consumer demand for country style living and the practical challenge of integrating acreages with traditional agricultural land use will continue. **Lands previously designated in the Comprehensive Plan or zoned for low density residential development must be recognized.** (F69)

“Currently, acreage development has occurred under two development scenarios: AG - Agricultural District (minimum of 20 acres per lot area) and AGR - Agricultural Residential District (minimum of 3 acres per lot area) with the possibility in both AG and AGR zoning districts of clustering units together in order to preserve more open space and agricultural areas and/or receive additional density bonuses under a community unit development. The complex issue of acreage development and other public objectives requires a large array of land use strategies. (F70)

Acknowledge the “Right to Farm” and preserve areas for agricultural productions throughout the county by designating specific areas in advance for rural residential so as to limit areas of potential conflict between farms and acreages. (F70)

Specific areas will be designated so that approximately 6% of the total population in the County can be accommodated on acreages. Grouping acreages together in a specific area enables services to be provided more efficiently, such as reducing the amount of paved roads, fewer and shorter school bus routes and more cost effective rural water district service. Grouping also reduces the amount of potential conflict points between farm operations and acreages. (F70)

In determining areas of higher density rural acreage (200 units or more per square mile), numerous factors will be reviewed, such as but not limited to water and rural water districts, soil conditions, roads, agricultural productivity, land parcelization, amount of existing acreages, and plans for urban or town development. Acreages should develop in areas that best reflect the carrying capacity of that area for acreages. A performance criteria should be developed to review requests for acreage zoning and to determine where these standards can best be met. (F70)

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

UTILITIES: This area is in the Lancaster Rural Water District #1. Private water and waste disposal are proposed.

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

TRAFFIC ANALYSIS: S. 96th Street and Wagon Train Road adjacent to this site, are paved county roads.

PUBLIC SERVICE: This area is served by the Norris School District #160, the Hickman Rural Fire District, and is in the Norris Public Power District service area.

REGIONAL ISSUES: Expansion of the acreage areas. Development around lakes.

ENVIRONMENTAL CONCERNS: There is a cemetery a 1/4 mile south of this site (unnamed/Swiggart). There are no Historic resources identified on this site. A state lake is adjacent to the northeast of this site. There are wetlands and flood plain in the immediate area. The soil rating is approximately 4.8 on a scale of 1 to 10, where 1-4 is prime soil. This is not prime agriculture soil. No feeding operations were noted in the area.

AESTHETIC CONSIDERATIONS: na

ALTERNATIVE USES: All non dwelling or animal confinement uses allowed in the AGR district. One 20+ acre lot (or up to seven smaller lots if part of a CUP with a lagoon).

ANALYSIS:

1. This request is for a a Special Permit for dwellings within 1320' of a public lake, a special permit for a Community Unit Plan to allow the private street and a Preliminary Plat for 6 acreage residential lots. A private, paved, internal street is proposed.
2. Individual waste disposal and wells are proposed to serve the subdivision. The lots are large enough to provide for septic or lagoon systems. The Health Department indicates adequate water quality and quantity in the area. No water report was required by Health.
3. This request is in conformance with the Comprehensive Plan and existing zoning. This area is shown as Residential, Low Density and is zoned AGR.
4. Nebraska Game and Parks is requesting the “ usual” or “standard” special permit protection of locating dwellings in the AGR district no closer then 600' to the property line of a public lake be enforced. Due to the size and configuration of this lot, enforcing this standard would mean that no dwellings would be allowed.
5. The Health Department notes an adequate supply of water existing in the area. They also note new regulations regarding easements and the use of septic and lagoons will have to be met.
6. Norris Public Power is requesting easements on all lots.
7. The County Engineer letter of July 21, 2005, notes several adjustments and corrections, including: required county standards.
8. This design reflects many of the normal adjustments to accomplish acreage subdivision.
9. Waivers are requested for street lights, sidewalks, street trees, screening and stormwater detention. These are typical waivers required, provided for and appropriate for agriculture/acreage clusters.
10. As requested by the County Board, no scoring is provided on this application.

11. The existing AGR zoning would allow seven dwellings. The density calculations for the project are as follows;

| | | |
|-----------------------|---|-------------------|
| 21.83 acres / 3 acres | = | 7.27 dwellings |
| Permitted | | 7 dwellings |
| Requested | | 6 units on 6 lots |

12. Several revisions and notes need to be made to reflect the Special Permit language. The special permit provisions for dwellings within 1320' of a public lake are as follows;

13.012 Special Permit. Special permitted use: Dwellings within 1,320 feet of the property line of a publicly owned lake property of 30 acres or more may be allowed in the AGR district under the following conditions:

- a) The County Board may amend the conditions of the special permit upon a showing that exceptional and unusual circumstances exist in connection with the specific parcel of land.
- b) All dwellings, occupied buildings and live stock feed lots shall be located a minimum of 600 feet (200 yards) from the property line of the public lake property to protect from noise and gunfire. Adjustment for other factors such as roads, lot size, abutting uses and private agreements should be considered in applying this.
- c) Sewer systems shall be designed so no effluent will reach the lake.
- d) Well information shall be provided that shows there is adequate quantity and quality of water on the site and the development will not adversely affect adjacent property wells.
- e) Unless already in permanent vegetation, a buffer of native grasses and forbs shall be planted within 200' abutting the public property line. Overall use of native plants and "xeroscaping" is encouraged.
- f) Any disturbance of surface soils shall use the "Best Management Practices" to prevent any sediment from moving off site, in accordance with a sediment plan shall be approved by the Lower Platte South based on the Sediment and Erosion Manual.
- g) Exterior lighting shall meet the Lincoln Design Standards for Outdoor Recreational Lighting sections on illumination levels beyond the property line (I.B) and Glare control (III) shielded to prevent trespass of light off the property.
- h) Vehicular access points shall be designed so as not to conflict with other entrances and to recognize the additional traffic as well as the character of that traffic on the road. Access to paved roads is required if possible.
- i) The boundary between the private and public ownership shall be posted as "private property". The signs shall be at least eleven by fourteen inches and shall be spaced no more than 1,320 feet apart and at all property corners and field entrances.
- j) The public agencies of the adjacent lake property shall have the opportunity to review the special permit application as well as the Nebraska Game and Parks Commission, Natural Resources District, Corps. of Engineers and Department of Environmental Quality.
- k) All chimneys shall be equipped with spark arresters.
- l) No antenna or any other structure over 35' in height shall be permitted unless approved by this permit.

- m) The applicant shall acknowledge and advise future purchasers of, the full utilization of all legal uses and activities that would normally occur on the public lake property abutting the application. Protective covenants shall be filed on the property containing this information.
- n) Density/number of dwelling units permitted in the parcel (a range is suggested of no less than 5 nor more than 10 acres per dwelling unit).
- o) The developer shall enter into a written agreement with the county on the conditions of the special permit. (Resolution No. 5428, January 22, 1997)

CONDITIONS FOR Co SPECIAL PERMIT #05038 (lake development):

Site Specific:

1. After the applicant completes the following instructions and submits the documents and plans to the Planning Department office and the plans are found to be acceptable, the application will be scheduled on the County Board's agenda: (NOTE: These documents and plans are required by resolution/ordinance or design standards.)
 - 1.1 Make the corrections requested by the County Engineer in his letter of July 21, 2005.
 - 1.2 Note that the provisions of the special permit for dwellings withing 1320' of a state lake apply and list the key provisions, including; all chimneys shall have spark arresters, no occupied buildings or livestock feeding shall be with 200' of the park boundary, a 200' vegetative buffer to the Park shall be shown and maintained, all exterior lighting shall meet standards for glare control and the maximum structure height shall not exceed 35'.
 - 1.3 Show a 200' setback from the property line of the State Lake.
 - 1.4 Revise the street name suffix of Layne to reflect approved designated as provided by the code.
 - 1.5 Revise Note 12 to reflect typical farm language.
 - 1.6 Add a note to reflect that no junk cars will be allowed.
 - 1.7 Note the total number of acres in the application.
 - 1.8 Show the easements requested by Norris Public Power.
 - 1.9 Revise the title block to add the CUP and remove the Preliminary Plat from the County Clerks block.
 - 1.10 Show the lake special permit in the sheet name.

- 1.11 Show a 50' yard setback from the private access easement.
2. This approval permits 6 single family lots if clustered and 4 single family lots if they are 3+ acre parcels..

General:

3. Before receiving building permits:
 - 3.1 The permittee is to submit a revised site plan and the plan is found to be acceptable.
 - 3.2 The permittee is to submit six prints and a permanent reproducible final site plan as approved by the County Board.
 - 3.3 The construction plans are to comply with the approved plans.
 - 3.4 The final plat(s) is/are approved by the County Board.
 - 3.5 The County Board approves associated requests:
 - 3.5.1 Wagon Train Estates Preliminary Plat #05013.
Co Special Permit # 05039
 - 3.5.2 A waiver to the sidewalk, street lights, landscape screen, street tree requirements and storm water detention since the area is of larger lots, a rural nature and the subdivision will not be annexed.
 - 3.6 The County Engineer has approved:
 - 3.6.1 An agreement for street maintenance.

STANDARD CONDITIONS:

4. The following conditions are applicable to all requests:
 - 4.1 Before occupying this special permit for dwellings all development and construction is to comply with the approved plans.
 - 4.2 Before occupying dwellings in this special permit, City/County Health Department is to approve the water and waste water systems.

- 4.3 All privately-owned improvements are to be permanently maintained by the owner or an appropriately established homeowners association approved by the County Attorney.
- 4.4 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
- 4.5 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
- 4.6 The County Clerk is to file a copy of the resolution approving the permit and the letter of acceptance with the Register of Deeds. The Permittee is to pay the recording fee.

CONDITIONS FOR SPECIAL PERMIT #05039 (CUP):

Site Specific:

1. After the applicant completes the following instructions and submits the documents and plans to the Planning Department office and the plans are found to be acceptable, the application will be scheduled on the County Board's agenda: (NOTE: These documents and plans are required by resolution/ordinance or design standards.)
 - 1.1 Make the corrections requested by the County Engineer in his letter of July 21, 2005.
 - 1.2 Note that the provisions of the special permit for dwellings withing 1320' of a state lake apply and list the key provisions, including; all chimneys shall have spark arresters, no occupied buildings or livestock feeding shall be with 200' of the park boundary, a 200' vegetative buffer to the Park shall be shown and maintained, all exterior lighting shall meet standards for glare control and the maximum structure height shall not exceed 35'.
 - 1.3 Show a 200' setback from the property line of the State Lake.
 - 1.4 Revise the street name suffix of Layne to reflect approved designated as provided by the code.
 - 1.5 Revise Note 12 to reflect typical farm language.
 - 1.6 Add a note to reflect that no junk cars will be allowed.

- 1.7 Note the total number of acres in the application.
 - 1.8 Show the easements requested by Norris Public Power.
 - 1.9 Revise the title block to add the CUP and remove the Preliminary Plat from the County Clerks block.
 - 1.10 Show the lake special permit in the sheet name.
 - 1.11 Show a 50' yard setback from the private access easement.
2. This approval permits 6 single family lots if clustered and 4 single family lots if they are 3+ acre parcels..

General:

3. Before receiving building permits:
- 3.1 The permittee is to submit a revised site plan and the plan is found to be acceptable.
 - 3.2 The permittee is to submit six prints and a permanent reproducible final site plan as approved by the County Board.
 - 3.3 The construction plans are to comply with the approved plans.
 - 3.4 The final plat(s) is/are approved by the County Board.
 - 3.5 The County Board approves associated requests:
 - 3.5.1 Wagon Train Estates Preliminary Plat #05013.
 - 3.5.2 Co Special Permit # 05038
 - 3.5.3 A waiver to the sidewalk, street lights, landscape screen, stormwater detention and street tree requirements since the area is of larger lots, a rural nature and the subdivision will not be annexed.
 - 3.5.4 A modification to lot area, frontage and setbacks as part of the CUP.
 - 3.6 The County Engineer has approved:

3.6.1 An agreement for street maintenance.

STANDARD CONDITIONS:

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

CONDITIONS FOR Co. PRELIMINARY PLAT #05013:

Site Specific:

1. After the subdivider completes the following instructions and submits the documents and plans to the Planning Department office, the preliminary plat will be scheduled on the County Board agenda: (NOTE: These documents and plans are required by ordinance or design standards.)
 - 1.1 Make the corrections requested by the County Engineer in his letter of July 21, 2005.
 - 1.2 Note that the provisions of the special permit for dwellings withing 1320' of a state lake apply and list the key provisions, including; all chimneys shall have spark arresters, no occupied buildings or livestock feeding shall be with 200'

of the park boundary, a 200' vegetative buffer to the Park shall be shown and maintained, all exterior lighting shall meet standards for glare control and the maximum structure height shall not exceed 35'.

- 1.3 Show a 200' setback from the property line of the State Lake.
 - 1.4 Revise the street name suffix of Layne to reflect approved designated as provided by the code.
 - 1.5 Revise Note 12 to reflect typical farm language.
 - 1.6 Add a note to reflect that no junk cars will be allowed.
 - 1.7 Note the total number of acres in the application.
 - 1.8 Show the easements requested by Norris Public Power.
 - 1.9 Revise the title block to add the CUP and remove the Preliminary Plat from the County Clerks block.
 - 1.10 Show the lake special permit in the sheet name.
 - 1.11 Show a 50' yard setback from the private access easement.
2. The County Board and City approves associated requests:
 - 2.1 County Special Permit # 05038 for the dwelling next to a recreation area.
County Special Permit #05039 for the Community Unit Plan.
 - 2.2 A waiver to the sidewalk, street lights, landscape screen, and street tree requirements since the area is of larger lots, a rural nature and the subdivision will not be annexed.
 - 2.3 A modification to the requirements of the land subdivision ordinance to permit a lot depth to width ratio to exceed 3 to 1.

General:

3. Final Plats will be scheduled on the Planning Commission agenda after:
 - 3.1 Streets, drainage facilities, temporary turnarounds and barricades, and street name signs have been bonded or completed.

- 3.2 The subdivider has signed an agreement that binds the subdivider, its successors and assigns:
- 3.2.1 To submit to the County Engineer an erosion control plan.
 - 3.2.2 To protect the remaining trees on the site during construction and development.
 - 3.2.3 To submit to lot buyers and home builders a copy of the soil analysis.
 - 3.2.4 To complete the private improvements shown on the preliminary plat.
 - 3.2.5 To maintain the outlots and private improvements on a permanent and continuous basis. However, the subdivider may be relieved and discharged of this maintenance obligation upon creating in writing a permanent and continuous association of property owners who would be responsible for said permanent and continuous maintenance. The subdivider shall not be relieved of such maintenance obligation until the document or documents creating said property owners association have been reviewed and approved by the County Attorney and filed of record with the Register of Deeds.
 - 3.2.6 To relinquish the right of direct vehicular access to S 96th Street and to Wagon Train Road except for Systeria.
 - 3.2.7 To comply with the provisions of the Land Subdivision Resolution regarding land preparation.

Prepared by:

Mike DeKalb, 441-6370, mdekalb@lincoln.ne.gov
Planner
August 4, 2005

APPLICANT: Lyle Loth, E-S-P
601 Old Cheney Rd., Suite A
Lincoln, NE 68532
(402) 421 - 2500

OWNER: Richard Roush and Connie Roush, husband and wife
Gary Kvasnicka and Darcie Kvasnicka, husband and wife
130 W. 1st Street
Cortland, NE 68331
(402) 798 - 7313

CONTACT: Lyle Loth, E-S-P
(402) 421 - 2500



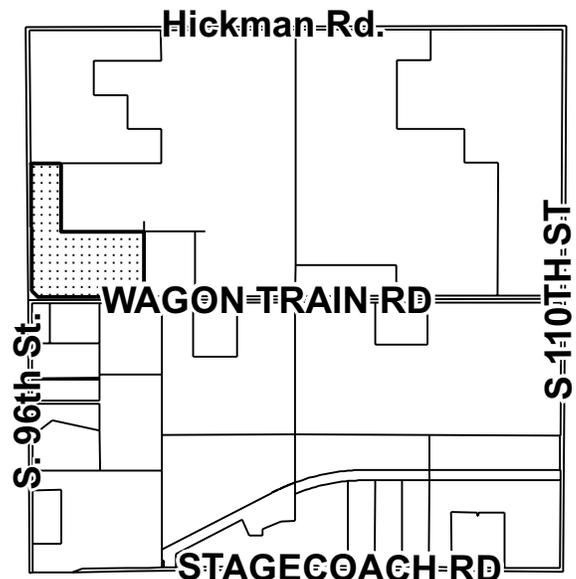
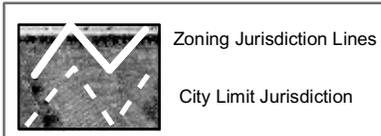
County Preliminary Plat #05013
County Special Permit #05038
County Special Permit #05039
S. 96th & Wagon Train Rd.
Wagon Train Estates

2002 aerial

One Square Mile
 Sec. 36 T8N R7E

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





County Preliminary Plat #05013
County Special Permit #05038
County Special Permit #05039
S. 96th & Wagon Train Rd.
Wagon Train Estates

2002 aerial





GENERAL NOTES

1. Swamps treatment will be provided by individual lot owners. Lots may be drained and will not be provided by contractor. Treatment systems may be required.

2. Water will be provided by individual wells on each lot.

3. The developer agrees to comply with the Ordinance Standards of the Lancaster County for erosion and sedimentation control during and after land preparation.

4. Contours are Mean Sea Level range 80 to 90 feet.

5. Utility easements will be provided as required by the Public Power, Utility, Time Warner Communications, and Aquatic.

6. Direct vehicular access to S. 96th Street & Wagon Train Road is provided. Access to S. 96th Street & Wagon Train Road is provided through the easement along S. 96th Street and Wagon Train Road.

7. The following materials are to be used in the construction of the driveway:

- Drainage Lighting
- Street Trees
- Landscaping Screens
- Storm Water Detention

8. This swamps development is not subject to either buffering or protection from the adjacent property lines from existing swamps. The developer agrees to provide the construction of a stabilized embankment, water and wetland habitat management plan, and other land management methods of a total site area determination to be appropriate.

9. The following materials are to be used in the construction of the driveway:

- Drainage Lighting
- Street Trees
- Landscaping Screens
- Storm Water Detention

10. The following materials are to be used in the construction of the driveway:

- Drainage Lighting
- Street Trees
- Landscaping Screens
- Storm Water Detention

LEGAL DESCRIPTION
Lot 47, 1/2, located in the NE 1/4, Sec. 36, T. 2 N., R. 7 E., of the 6th P.M., Lancaster County, Nebraska.

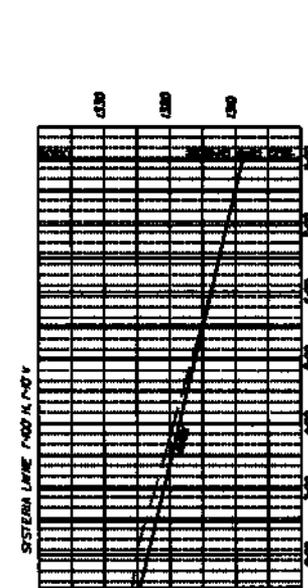
OWNERS/DEVELOPERS
Carmel Hughes & Gerald Hruszalka
130 W. 7th Street
Culpeper, NE 68321
402-799-2123

ENGINEER/SURVEYOR
E.S.P. Cheney Road
501 S. 10th Street
Lincoln, NE 68512
402-421-2500

DATE PREPARED
JUNE 2005

DATE PREPARED
JUNE 2005

DATE PREPARED
JUNE 2005



APPROVAL
The foregoing plat was reviewed by the Lancaster City-Lancaster County Planning Commission on the 14th day of June 2005.

ATTEST: CLAIR

ACCEPTANCE
The foregoing Preliminary Plat was accepted and approved by the Lancaster County Board of Commissioners on the 14th day of June 2005 by Resolution No. 2005-001.

ATTEST: CLAIR



| PROJECT LOCATION | |
|------------------|-------------|
| SECTION No. | SECTION No. |

OWNER'S CERTIFICATE
I, hereby certify that this plat was made by a licensed surveyor under the laws of the State of Nebraska.

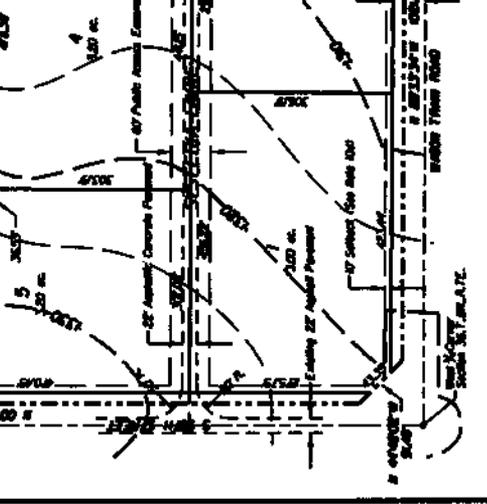
Eric L. Latta, L.S., 314

APPROVAL
The foregoing plat was reviewed by the Lancaster City-Lancaster County Planning Commission on the 14th day of June 2005.

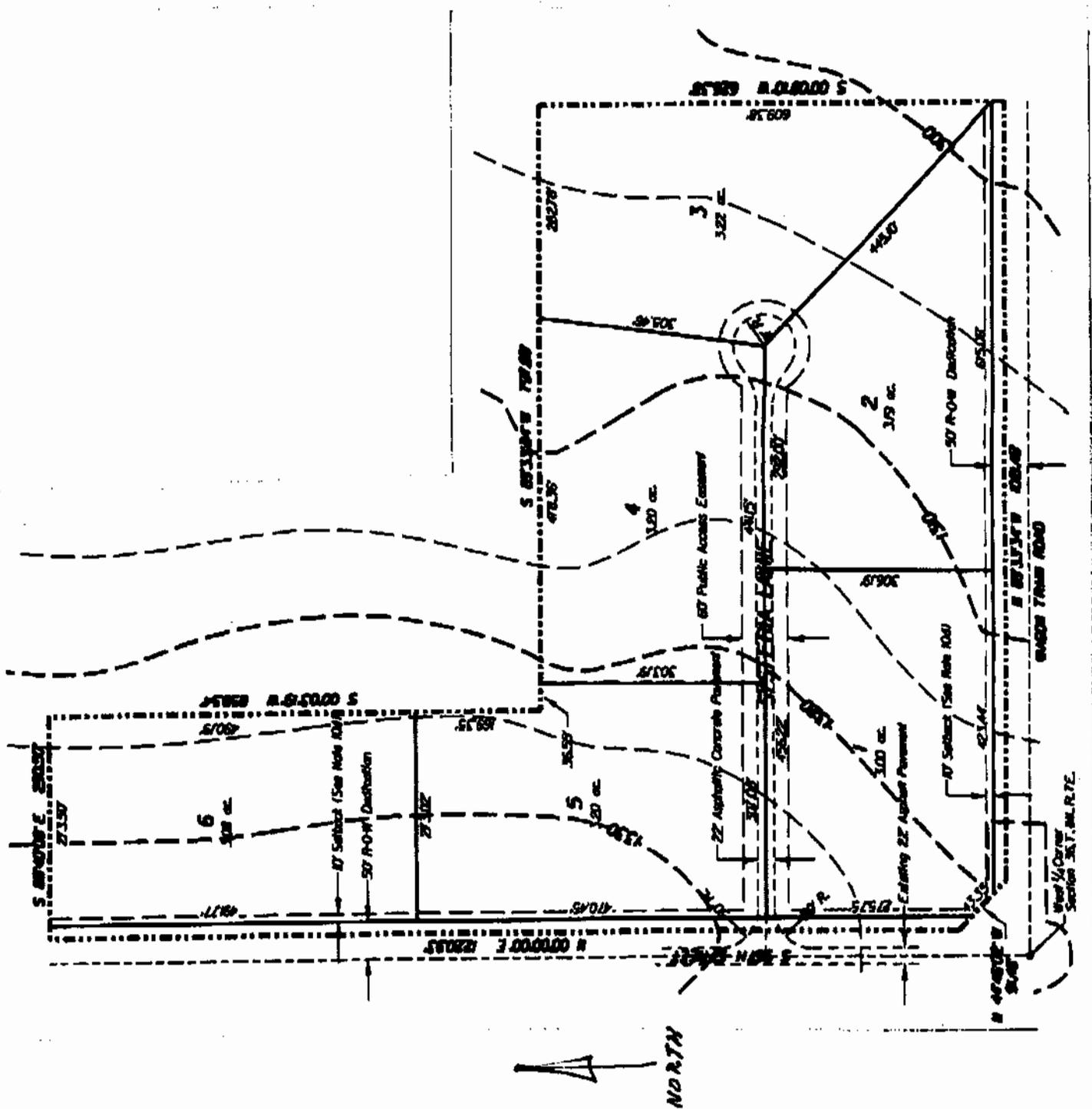
ATTEST: CLAIR

ACCEPTANCE
The foregoing Preliminary Plat was accepted and approved by the Lancaster County Board of Commissioners on the 14th day of June 2005 by Resolution No. 2005-001.

ATTEST: CLAIR



County Preliminary Plat #05013
County Special Permit #05038
County Special Permit #05039
S. 96th & Wagon Train Rd.
Wagon Train Estates One Square



County Preliminary Plat #05013
 County Special Permit #05038
 County Special Permit #05039
 S. 96th & Wagon Train Rd.
 Wagon Train Estates One Square

GENERAL NOTES

1. Sewage treatment will be provided by individual lot owners. Lagoons may be allowed and will not be prohibited by covenant. Due to soil types and slopes, lagoons or engineered waste treatment systems may be required.
2. Water will be provided by individual wells on each lot.
3. The developer agrees to comply with the Design Standards of the Lancaster County for erosion and sedimentation control during and after land preparation.
4. Contours are Mean Sea Level (NAVD 88 Datum).
5. Utility easements will be provided as required by Norris Public Power, Alltel, Time Warner Entertainment, and Aquila.
6. Direct vehicular access to N. 96th Street & Wagon Train Road is hereby relinquished, except at the location of the 60' private access easement (Systerla Layne) along 96th Street, and except for Lot 6
10. Setbacks shall be as follows:
 - A. Front Yard 50 feet
 - B. Side Yard 15 feet
 - C. Rear Yard Lesser of 50' or 20% Depth
 - D. 10' Setback along the S. 96th St. frontage of Lots 1, 5, & 6, & along the Wagon Train Rd. frontage to allow existing trees & structures to remain. Any new trees & structures shall not be allowed in this area.
11. The following waivers to the Land Subdivision Ordinance are hereby requested:
 - A. Ornamental Lighting
 - B. Sidewalks
 - C. Street Trees
 - D. Landscape Screens
 - E. Storm Water Detention
12. This acreage development (i) is not entitled to extra buffering protection greater than the acreage property lines from existing agricultural practices and from future urbanization and (ii) waives any future right to protest the creation of lawful centralized sanitary sewer, water and paving special assessment districts or other lawful financing methods at a later date when urbanization is appropriate.

County Preliminary Plat #05013
County Special Permit #05038
County Special Permit #05039
S. 96th & Wagon Train Rd.
Wagon Train Estates One Square

LEGAL DESCRIPTION
WAGON TRAIN ESTATES
PRELIMINARY PLAT & C.U.P.

Lot 41, I.T., located in the NW ¼, Section 36, Township 8 North, Range 7 East, of the 6th
P.M., Lancaster County, Nebraska

County Preliminary Plat #05013
County Special Permit #05038
County Special Permit #05039
S. 96th & Wagon Train Rd.
Wagon Train Estates One Square
Zoning:



File No. 05-0020
July 19, 2005

Mike Dekalb
Planning Department
555 South 10th St.
Lincoln, NE 68508

Re: WAGON TRAIN ESTATES PRELIMINARY PLAT

LYLE L. LOTH, P.E./L.S.

Suite A - 601 Old Cheney Road
Lincoln, NE 68512

Phone (402) 421-2500
Fax (402) 421-7096

Email: lyle@espeng.com

Dear Mr. Dekalb,

This purpose statement is in reference to the above preliminary plat. The owners of the property, Connie Roush and Darcie Kvasnicka, intend to develop the property into 6 single-family lots. They currently have no interest in any of the land surrounding the property. In addition to the preliminary plat application, we are also requesting a special permit for dwellings within 1320 feet of a publicly owned lake as per zoning regulations. We are also requesting a second special permit for a Community Unit Plan to allow us to extend the property lines to the centerline of a public access easement.

Accompanying this purpose statement is an attached legal description of the property, copies of the site plan and street profile of the private street for your review, special permit application and preliminary plat application with applicable fees.

We have contacted the Lancaster County Health Department regarding groundwater; there is an adequate amount and quality to serve this subdivision. All of the lots are greater than 3 acres, therefore they would be acceptable for lagoons.

If you have any questions or concerns, please feel free to contact me at any time.

Sincerely,

A handwritten signature in black ink, appearing to read 'Lyle L. Loth', is written over the typed name.

Lyle L. Loth
President
Engineering-Surveying-Planning, Inc.

Cc: Connie Roush, Darcie Kvasnicka



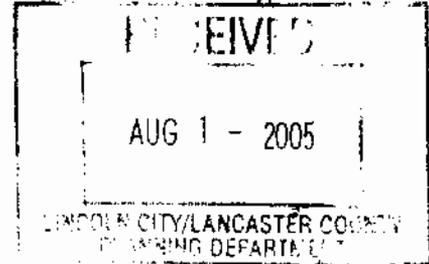
Nebraska Game and Parks Commission

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

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

July 28, 2005

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



**RE: Preliminary Plat, Wagon Train Estates, Northeast corner of 96th and Wagon Train Road
(near Wagon Train State Recreation Area)**

Dear Mr. Dekalb:

Nebraska Game and Parks Commission (NGPC) staff members have reviewed the information for the proposal identified above. The project involves a request for a preliminary plat for Wagon Train Estates, a special permit for dwellings within 1,320 feet of a publicly owned lake, and special permit for a Community Unit Plan to allow for extension of the property lines to the centerline of a public access easement.

Wagon Train SRA is a 720-acre public use area that is open to camping, fishing, and hunting. NGPC believes it is necessary to require new developments to remain at least 200 yards back from public property where hunting is allowed. Nebraska law states, "It is unlawful to hunt, take, or trap any wild mammal or wild bird within a two-hundred yard radius of an inhabited dwelling or livestock feedlot".

The county zoning regulations for AGR zoning also state that a building or premises shall be permitted to be used for the purpose of single-family dwellings located more than 1,320 feet (1/4 mile) from the property line of a publicly owned lake property over 30 acres in size. An option is available, which is being requested at this time, to obtain a special permit, which would allow dwellings within 1,320 feet of the property line of a publicly owned lake property. However, this special permit would still include the condition that all dwellings, occupied buildings and livestock feedlots, shall be located a minimum of 600 feet (200 yards) from the property line of a publicly owned lake to protect from noise and gunfire.

If this special permit is allowed for dwellings within 1,320 feet of a publicly owned lake, we recommend that the special permit conditions be followed, as written in the county zoning regulations for AGR zoning, which includes the condition requiring all dwellings, occupied buildings, and livestock feedlots be located a minimum of 600 feet (200 yards) from the property line of the public lake property.

Thank you for the opportunity to review this proposal. If you have any questions, please contact me at (402) 471-5423.

Sincerely,

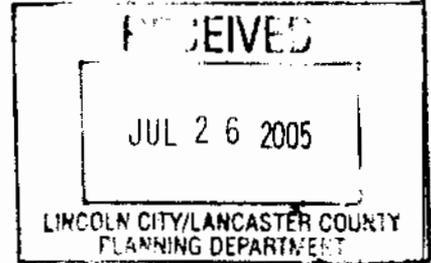
Carey Grell
Environmental Analyst
Realty and Environmental Services Division

cc: Pat Molini, NGPC



AREA 2
SERVICE CENTER

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



July 22, 2005

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

RE: Wagon Train Estates

Dear Mike,

I have reviewed the subject plat and would request easement all around Systeria Lane [10'] and 5' on each side of adjacent lot lines.

Thanks for your cooperation.

Sincerely,

A handwritten signature in cursive script that reads "Rick Volmer".

Rick Volmer, Staking Engineer

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

| | |
|---|--|
| TO: Mike DeKalb | DATE: August 1, 2005 |
| DEPARTMENT: Planning | FROM: Chris Schroeder |
| ATTENTION: | DEPARTMENT: Health |
| CARBONS TO: EH File EH Administration | SUBJECT: Wagon Train Estates SP #05038 PP #05013 |

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

- The developer proposes standard septic systems, engineered systems or lagoons for on-site wastewater treatment. If lagoons are to be considered, the lots must contain a minimum of three acres excluding all area below the normal high water level of any surface water feature, all area below ten-year flood elevations and all area within the right-of-way or easement of street, road or access easement. This requirement is necessary to comply with Nebraska Department of Environmental Quality regulations in Title 124, "Rules and Regulations for the Design, Operation and Maintenance of On-site Wastewater Treatment Systems".
- On a lot that does not meet the minimum size to construct a lagoon, two percolation tests must be conducted. One test must be conducted in the area in which the wastewater system is proposed to be installed. A second test must be conducted in an area reserved for expansion or system replacement in the event the primary system fails. Both of these areas must have passing percolation tests.
- Existing LLCHD information indicates that an adequate supply of groundwater exists in the area for domestic use.
- All wind and water erosion must be controlled during construction. The Lower Platte South Natural Resources District should be contacted for guidance in this matter.
- During the construction process, the land owner(s) will be responsible for controlling off-site dust emissions in accordance with Lincoln-Lancaster County Air Pollution Regulations and Standards Article 2 Section 32. Dust control measures shall include, but not limited to application of water to roads, driveways, parking lots on site, site frontage and any adjacent business or residential frontage. Planting and maintenance of ground cover will also be incorporated as necessary.

Lancaster

DON R. THOMAS - COUNTY ENGINEER

County

Engineering

Department

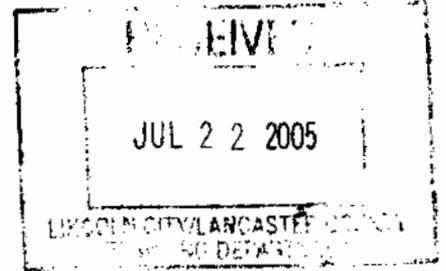
DEPUTY - LARRY V. WORRELL
COUNTY SURVEYOR

DATE: July 21, 2005

TO: Mike DeKalb
Planning Department

FROM: Larry V. Worrell 
County Surveyor

SUBJECT: PRELIMINARY PLAT AND CUP
WAGON TRAIN ESTATES
SOUTH 96TH STREET & WAGON TRAIN ROAD



Upon review, this office would have the following comments:

- 1) Add to General Notes: Systeria Layne to be constructed to Lancaster County standard testing of the subgrade and surfacing shall be the responsibility of the developer. The County shall be notified 48 hours prior to surfacing. Surfacing shall be 7" asphaltic concrete pavement as specified by the County.
- 2) Developer required to install 1 "Stop Sign", "Street ID Sign" and 1 "No Outlet Sign".
- 3) Potential buyers of the lots that front onto Systeria Layne are to be notified, that ditches can not be filled, and access permits must be obtained from the County Engineers Office.

LWW/bml

Connle/Subdiv.wk/Wagon Train Estates PP & CUP Mem.



Dennis L Roth/Notes
07/20/2005 08:25 AM

To Michael V Dekalb/Notes@Notes
cc
bcc
Subject re: Wagon Train Estates

PROJ NAME: Wagon Train Estates
PROJ NMBR: SP05038
PROJ DATE: 07/18/2005
PLANNER: Mike Dekalb

Finding ONE similar/duplicate street names within our database, other than those which are obvious extensions of an existing street.

| <u>PROPOSED</u> | <u>EXISTING</u> |
|-----------------|-----------------|
| Systeria Layne | Wisteria Pl |

Dennis "denny" Roth, ESD II/CAD Admin
Emergency Communications 9-1-1 Center

CROSS STs: Generally located at S 96 St and Wagon Trail Rd

PUBLIC STs: Wisteria Layne

PVT STs: none

COMMENTS: In addition, there does not appear to be a street type unless Layne should have been spelled Lane. Streets ending in a cul-de-sac are required to use the type Court, Circle, Bay or Place.

RECOMMEND Denial