

**LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT**

**P.A.S.#:** Co Special Permit #195, Prel. Plat #02011  
Beaver Creek Community Unit Plan

**Date:** May 2, 2002  
Revised January 14, 2005

*NOTE: This is a combined staff report for related items. This report contains a single background and analysis section for all items. There are separate conditions for each individual application.*

**PROPOSAL:** A Community Unit Plan and Preliminary Plat to create 6 acreage lots and 6 outlots, with a density bonus for preservation of farm land.

**WAIVER REQUEST:** Waivers of street trees, street lighting, landscape screens, sidewalks, and block length.

**LAND AREA:** 100.12 acres, more or less.

**CONCLUSION:** This plat and community unit plan generally conforms with the Comprehensive Plan and adopted Regulations.

<b><u>RECOMMENDATION:</u></b>	Conditional Approval of the Special Permit Conditional Approval of the Preliminary Plat
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**GENERAL INFORMATION:**

**LEGAL DESCRIPTION:** A portion of Lot 34 I.T., and all of Lots 35 I.T., 40 I.T., and 41 I.T., located in Section 28, T10N, R8E, in the 6th P.M., Lancaster County, Nebraska.

**LOCATION:** S. 134 Street and 'O' Street (Highway 34).

**EXISTING ZONING:** AG Agricultural in the Lancaster County Jurisdiction.

**EXISTING LAND USE:** Agriculture and one dwelling.

**SURROUNDING LAND USE AND ZONING:**

North: Manufacturing plant, storage and Agriculture,. zoned I and AG,

South: Agriculture and bike trail, zoned AG

East: Agriculture, zoned AG

West: Pet Cemetery and Crooked Creek Golf Course and CUP, zoned AGR

**ASSOCIATED APPLICATIONS:** This request is for County Special Permit # 195 and Preliminary Plat #02011

**HISTORY:** This application was put on pending, at the request of the applicant, in August 2002. Changed from AA Rural and Public Use to AG Agricultural in the 1979 zoning update.

**COMPREHENSIVE PLAN SPECIFICATIONS:** The 2025 Comprehensive Plan shows this area as Agriculture, Agricultural Stream corridor and Environmental Resources along the stream. This is in Lincoln Growth Tier III. A cluster is permitted by special permit in the County AG district.

**UTILITIES:** There is no public sewer available. This is in the Lancaster County Rural Water District #1. Individual wells are proposed.

**TOPOGRAPHY:** Rolling land, draining from west to east. There is a wooded creek bisecting the land from west to east.

**TRAFFIC ANALYSIS:** This is served by Highway 34/"O" Street, a future four lane facility. S. 134<sup>th</sup> Street is paved to about the south end of the subject property. The proposed "East Middle Beltway" is located ½ mile to the west of this project. "O" Street is proposed for future widening by the State.

**PUBLIC SERVICE:** This is in the Southeast Fire District and the Waverly School District. This is served by the Lancaster County Sheriff's Department.

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

**ENVIRONMENTAL CONCERNS:** The Historic and Ecological resources survey shows no resources on this site. There is some native hay shown south of this land. The Mo Pac Trail abuts the south edge of this property. The soil rating on this land is 5.5 on a scale of 1 to 10 where 1 to 4 is prime. This is not prime ag land. There is a wooded drainage way and floodplain across the southern 1/3 of this parcel. This is located on an east bank tributary to Stevens Creek.

**AESTHETIC CONSIDERATIONS:** Entryway to Lincoln

**ALTERNATIVE USES:** Continued farming or 5 dwellings on 20 acre parcels.

**ANALYSIS:**

1. This request is for a Special Permit for a Community Unit Plan and a Preliminary Plat for 6 acreage residential lots and 6 outlots. Two gravel private streets are proposed. Outlots C and F are intended as a future service road and Outlots B, D, and E may become right of way.
2. Individual wells and individual sewage disposal are proposed. The lots are large enough for lagoons if percolation will not support a septic system. The water report indicates water can be expected in volumes of 10 to 440 gallons per minute.
3. The Health Department review indicates there may be sufficient water but draw down from Crooked Creek golf course and residents is possible.
3. This request is in general conformance with the Comprehensive Plan.
4. The applicant is requesting waivers to street lighting, street trees, landscape screens, and sidewalks, These waivers are consistent with the rural nature of the subdivision, the character of the land and the provisions of the County regulations. The area is not to be annexed by the city at this time. The existing farm land and proposed acreages do provide storm water detention equivalent to the Lincoln standards.
5. The applicant is requesting a waiver of the block length along the north, south east and west of the plat. The waiver is reasonable considering the nature and use of the land for farming, existing floodplain and topography. The cul-de-sac length exceeds the 1,000 feet of the design standards, since it is a temporary turnaround for future extension and serves just three lots, the length may be appropriate.
6. The density calculations for the project are as follows;
 

100.12 acres @ 20 acres per dwelling =	5.00 dwellings
X 1.20 for the bonus =	6.00 dwellings permitted
 Requested	 6 units
7. The County Engineer’s letter of January 10, 2005 notes minor adjustments.
8. Building and Safety notes all lots are out of the flood plain.
9. The 100 year flood plain shown is from the new Stevens Creek Watershed Management Plan study.

10. The applicant is requesting a 20% bonus for preservation of the rural character of open fields, pastures and wooded area. Reservation of the outlots is proposed for both agriculture, flood plain and future road uses.
11. The NDOR notes the service road and outlots will need to be shifted.

CONDITIONS FOR SPECIAL PERMIT #195:

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 January 5, 2005;
    - 1) Revise Note # 9 to 50' radius.
    - 2) Note the developer will be responsible for maintenance of Silverfox Lane as it will not meet the requirement for county maintenance.
  - 1.2 Remove Note #16.
  - 1.3 Revise the legal regarding the "NW corner of said lot 34".
  - 1.4 Revise the service road and outlots as requested by the NDOR. Show the outlots abutting "O" street as future right of way if that is the purpose. Otherwise, show the dimension.
  - 1.5 Show Silverfox Lane as a private road to qualify for the ag bonus.
2. This approval permits 6 single family lots, including a 20% bonus.

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 required easements as shown on the site plan are recorded with the Register of Deeds.
- 3.6. The County Board approves associated requests:
  - 3.6.1 Beaver Creek Preliminary Plat #02011.
  - 3.6.2 A waiver to the sidewalk, street paving, street lights, storm water detention, landscape screen, and street tree requirements since the area is of larger lots, a rural nature and the subdivision will not be annexed.
  - 3.6.3 A modification to the requirements of the land subdivision ordinance\resolution to permit a block length in excess of 1320' along the north, south, east and west perimeter of this subdivision.
- 3.7 The County Engineer has approved:
  - 3.7.1 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, including street lighting, landscaping and recreational facilities, are to be permanently maintained by the owner or an appropriately established homeowners association approved by the County Attorney.

- 4.4 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
- 4.5 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
- 4.6 The County Clerk is to file a copy of the resolution approving the permit and the letter of acceptance with the Register of Deeds. The Permittee is to pay the recording fee.

CONDITIONS FOR PRELIMINARY PLAT #01011:

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 January 5, 2005;
    - 1) Revise Note # 9 to 50' radius.
    - 2) Note the developer will be responsible for maintenance of Silverfox Lane as it will not meet the requirement for county maintenance.
  - 1.2 Remove Note #16.
  - 1.3 Revise the legal regarding the "NW corner of said lot 34".
  - 1.4 Revise the service road and outlots as requested by the NDOR. Show the outlots abutting "O" street as future right of way if that is the purpose. Otherwise, show the dimension.
  - 1.5 Show Silverfox Lane as a private road to qualify for the ag bonus.
- 2. The County Board approves associated requests:
  - 2.1 Special Permit # 195 for the Community Unit Plan.

- 2.2 A waiver to the sidewalk, street paving, street lights, landscape screen, and street tree requirements since the area is of larger lots, a rural nature and the subdivision will not be annexed.
- 2.3 A modification to the requirements of the land subdivision ordinance to permit a block length in excess of 1320' along the east, west, north and south perimeter of this subdivision.

General:

- 3. Final Plats will be scheduled on the Planning Commission agenda after:
  - 3.1 Streets, water facilities, drainage facilities, temporary turnarounds and barricades, and street name signs have been completed.
  - 3.2 The subdivider has signed an agreement that binds the subdivider, its successors and assigns:
    - 3.2.1 To submit to the County Engineer an erosion control plan.
    - 3.2.2 To protect the remaining trees on the site during construction and development.
    - 3.2.3 To submit to lot buyers and home builders a copy of the soil analysis and ground water report information.
    - 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 Hwy 34(O St) except for S. 142nd St. and to S. 134th St. except for Silverfox Lane.
    - 3.2.7 To maintain County roads until the County Board specifically accepts the maintenance.

3.2.8 To comply with the provisions of the Land Subdivision Ordinance\Resolution regarding land preparation.

Prepared by:

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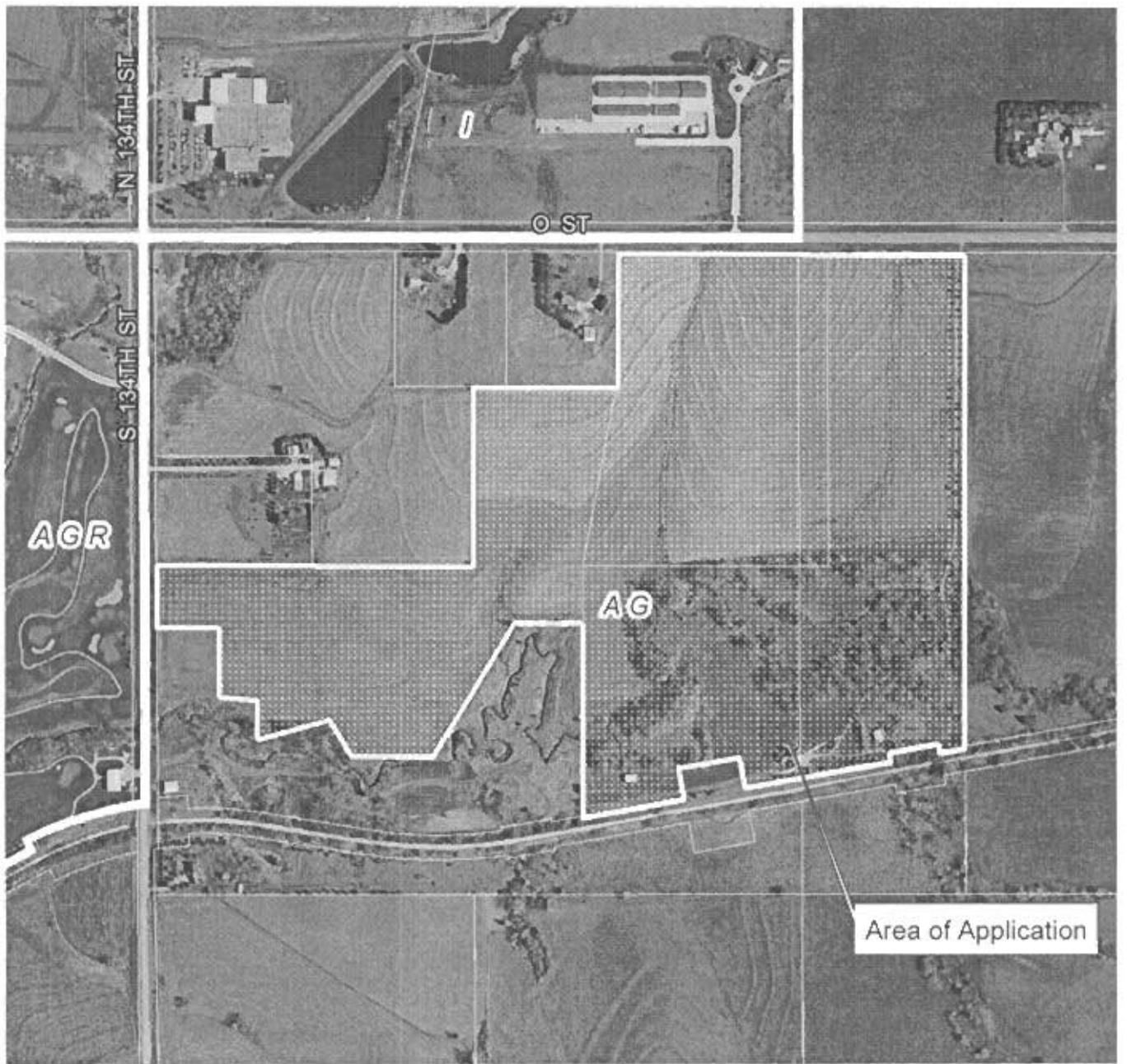
Mike DeKalb, 441-6370, [mdekalb@lincoln.ne.gov](mailto:mdekalb@lincoln.ne.gov)  
Planner  
January 18, 2005

**APPLICANT:** J. D. Burt  
Design Associates  
1609 "N" Street  
Lincoln, NE 68508  
(402) 474-3000

**OWNERS:** Robert G. Hall  
800 Lakewood Drive  
Lincoln, NE 68510

Mervin and LaDonna Van Engen  
14201 "O" Street  
Lincoln, NE 68510

**CONTACT:** J. D. Burt  
(402) 474-3000



**Co. Preliminary Plat #02011**  
**Co. Special Permit #195**  
**Beaver Creek**  
**S. 134th & 'O' St.**

2002 aerial

**Zoning:**

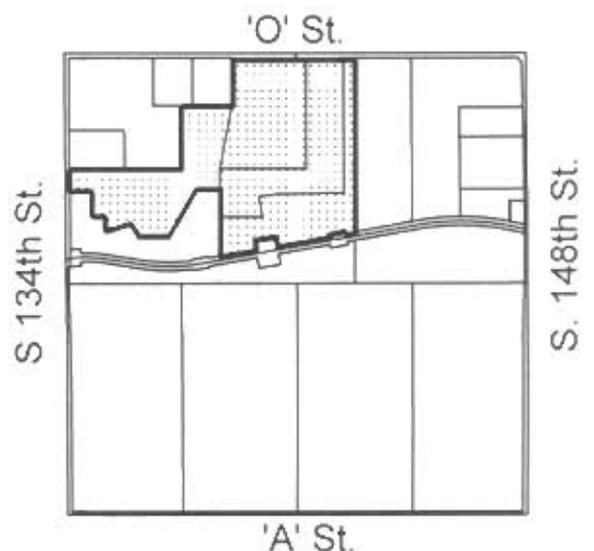
- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- R-C Residential Conservation District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned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

One Square Mile  
 Sec. 28 T10N R8E



Zoning Jurisdiction Lines

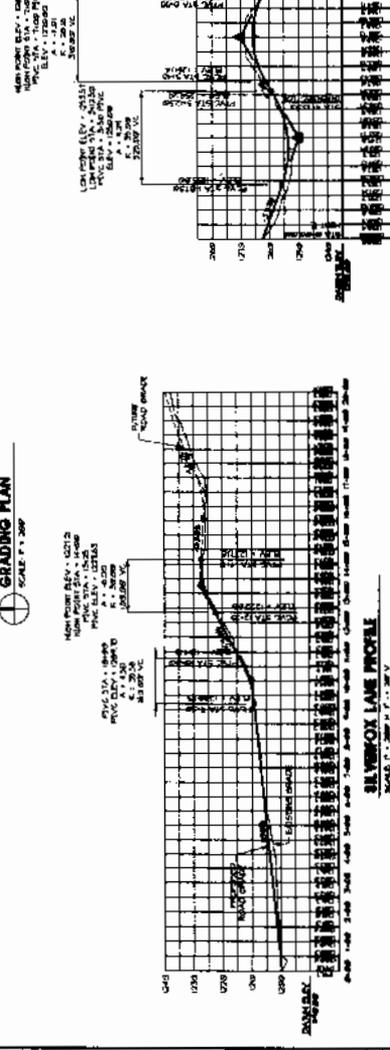
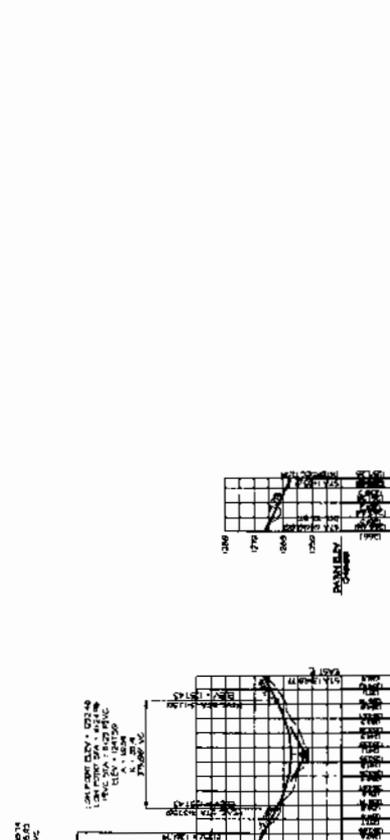
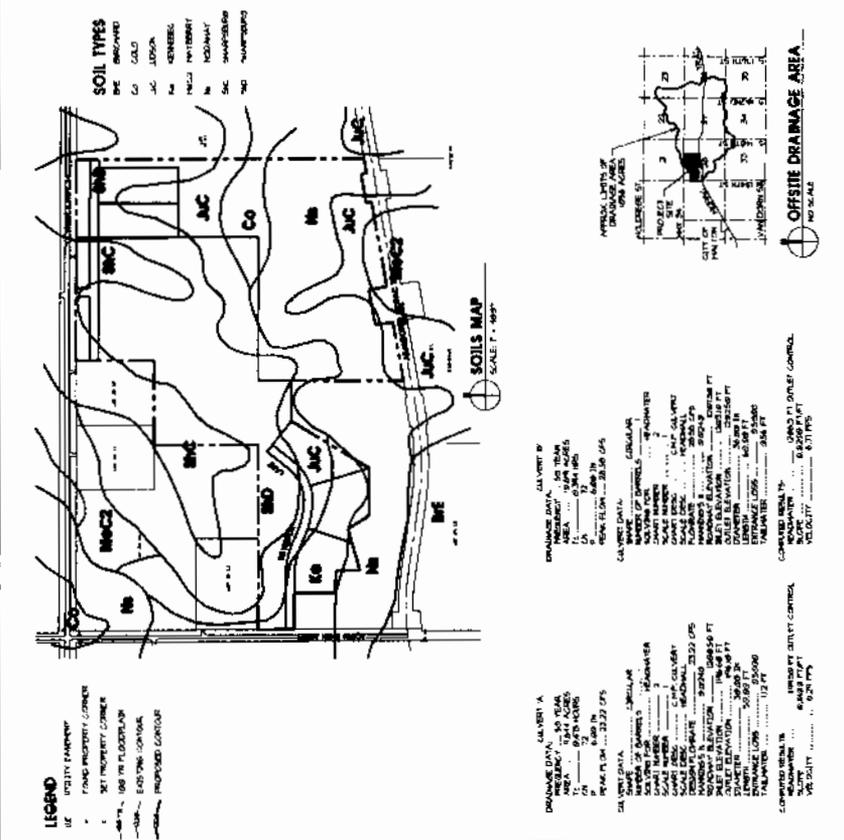
City Limit Jurisdiction



Lincoln City - Lancaster County Planning De







**Co. Preliminary Plat #02011**  
**Co. Special Permit #195**  
**Beaver Creek**  
**S. 134th & 'O' St.**

*Revised*



## LEGAL DESCRIPTION

I HEREBY CERTIFY THAT I HAVE CAUSE TO BE SURVEYED THE PROPERTY TO BE KNOWN AS "BEAVER CREEK ADDITION", A SUBDIVISION OF A PORTION OF LOT 34 I.T., AND ALL OF LOTS 35 I.T., 40 I.T., 41 I.T., LOCATED IN SECTION 28, TOWNSHIP 10 NORTH, RANGE 8 EAST OF THE 6TH P.M., CITY OF LINCOLN, LANCASTER COUNTY, NEBRASKA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
REFERRING TO THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SECTION 28 TOWNSHIP 10 NORTH RANGE 8 EAST OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA.  
THENCE IN A NORTHERLY DIRECTION ON THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 28 FOR A DISTANCE OF 394.51 FEET.  
THENCE IN AN EASTERLY DIRECTION ON AN ASSUMED BEARING OF NORTH 86 DEGREES 08 MINUTES 49 SECONDS EAST FOR A DISTANCE OF 50.16 FEET.  
THENCE NORTH 00 DEGREES 11 MINUTES 56 SECONDS WEST ON THE EAST RIGHT-OF-WAY LINE OF SOUTH 134TH STREET FOR A DISTANCE OF 680.92 FEET TO THE NORTHWEST CORNER OF SAID LOT 34.  
AND THE POINT OF BEGINNING.

THENCE NORTH 00 DEGREES 11 MINUTES 56 SECONDS WEST ON THE EAST RIGHT-OF-WAY LINE OF SOUTH 134TH STREET FOR A DISTANCE OF 250.08 FEET TO THE SOUTHWEST CORNER OF LOT 28 OF IRREGULAR TRACTS.  
THENCE SOUTH 89 DEGREES 47 MINUTES 26 SECONDS EAST ON THE NORTHERLY LINE OF SAID LOT 34 FOR A DISTANCE OF 1279.89 FEET TO THE SOUTHEAST CORNER OF LOT 38 OF IRREGULAR TRACTS.  
THENCE NORTH 00 DEGREES 08 MINUTES 22 SECONDS WEST ON THE EAST LINE OF SAID LOT 38 FOR A DISTANCE OF 719.15 FEET TO A POINT ON THE SOUTH LINE OF LOT 23 OF IRREGULAR TRACTS.  
THENCE SOUTH 89 DEGREES 47 MINUTES 14 SECONDS EAST ON THE SOUTH LINE OF LOTS 23 AND 20 OF IRREGULAR TRACTS FOR A DISTANCE OF 580.17 FEET TO THE NORTHEAST CORNER OF SAID LOT 34.  
THENCE NORTH 00 DEGREES 14 MINUTES 54 SECONDS EAST ON THE WEST LINE OF LOT 35 OF IRREGULAR TRACTS FOR A DISTANCE OF 539.54 FEET TO THE NORTHWEST CORNER OF SAID LOT 35.  
THENCE SOUTH 89 DEGREES 45 MINUTES 49 SECONDS EAST ON THE NORTH LINE OF SAID LOT 35 FOR A DISTANCE OF 740.08 FEET.  
THENCE SOUTH 00 DEGREES 57 MINUTES 32 SECONDS EAST ON THE NORTH LINE OF LOTS 35, 41 AND 40 OF IRREGULAR TRACTS FOR A DISTANCE OF 658.20 FEET TO THE NORTHEAST CORNER OF SAID LOT 40.  
THENCE SOUTH 00 DEGREES 04 MINUTES 45 SECONDS EAST ON THE EAST LINE OF SAID LOT 40 FOR A DISTANCE OF 1485.41 FEET TO THE SOUTHEAST CORNER OF SAID LOT 40.  
THENCE SOUTH 80 DEGREES 11 MINUTES 51 SECONDS WEST ON THE SOUTH LINE OF SAID LOT 40 FOR A DISTANCE OF 106.44 FEET.

THENCE NORTH 10 DEGREES 01 MINUTES 19 SECONDS WEST FOR A DISTANCE OF 375.0 FEET.  
THENCE SOUTH 79 DEGREES 54 MINUTES 41 SECONDS WEST FOR A DISTANCE OF 200.14 FEET.  
THENCE SOUTH 09 DEGREES 57 MINUTES 29 SECONDS EAST FOR A DISTANCE OF 375.1 FEET.  
THENCE SOUTH 79 DEGREES 55 MINUTES 40 SECONDS WEST FOR A DISTANCE OF 540.23 FEET.  
THENCE NORTH 10 DEGREES 07 MINUTES 31 SECONDS WEST FOR A DISTANCE OF 125.11 FEET.  
THENCE SOUTH 79 DEGREES 59 MINUTES 20 SECONDS WEST FOR A DISTANCE OF 249.78 FEET.  
THENCE SOUTH 10 DEGREES 00 MINUTES 34 SECONDS EAST FOR A DISTANCE OF 125.29 FEET.  
THENCE SOUTH 79 DEGREES 57 MINUTES 56 SECONDS WEST FOR A DISTANCE OF 414.85 FEET.  
THENCE NORTH 00 DEGREES 04 MINUTES 24 SECONDS EAST FOR A DISTANCE OF 280.06 FEET.  
THENCE SOUTH 31 DEGREES 14 MINUTES 48 SECONDS WEST FOR A DISTANCE OF 629.88 FEET.  
THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS WEST FOR A DISTANCE OF 330.36 FEET.  
THENCE NORTH 31 DEGREES 51 MINUTES 17 SECONDS WEST FOR A DISTANCE OF 173.48 FEET.  
THENCE SOUTH 74 DEGREES 15 MINUTES 14 SECONDS WEST FOR A DISTANCE OF 248.22 FEET.  
THENCE NORTH 00 DEGREES 11 MINUTES 56 SECONDS WEST FOR A DISTANCE OF 160.58 FEET.  
THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS WEST FOR A DISTANCE OF 155.07 FEET.  
THENCE NORTH 00 DEGREES 11 MINUTES 56 SECONDS WEST FOR A DISTANCE OF 280.00 FEET.  
THENCE SOUTH 84 DEGREES 48 MINUTES 04 SECONDS WEST FOR A DISTANCE OF 251.54 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH AND SUBJECT TO COVENANTS, EASEMENTS, AND RESTRICTIONS OF RECORD.  
SAID PROPERTY CONTAINS 100.12 ACRES MORE OR LESS.

## CERTIFICATE OF SURVEYOR

SIGNED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_

DENNIS SIMONS

L.S. NO. 343

*Revised*

**Co. Preliminary Plat #02011  
Co. Special Permit #195  
Beaver Creek  
S. 134th & 'O' St.**

### GENERAL SITE NOTES

1. ALL CONTOUR LINES SHOWN ARE NAVD '88.
2. ALL CURVILINEAR DIMENSIONS ARE CHORD DISTANCES UNLESS NOTED.
3. LOT DIMENSIONS SHOWN ARE APPROXIMATE AND MAY VARY UP TO 10 FEET.
4. EASEMENTS SHOWN THEREON ARE HEREBY GRANTED IN PERPETUITY TO THE COUNTY OF LANCASTER, NEBRASKA, NORRIS PUBLIC POWER, ALLTEL COMMUNICATIONS, THEIR SUCCESSORS AND ASSIGNS, TO ALLOW ENTRY FOR THE PURPOSE OF CONSTRUCTION, RECONSTRUCTION, REPAIR, OPERATION AND MAINTENANCE OF WIRES, CABLES, CONDUITS, FIXTURES, POLES, PIPES, AND EQUIPMENT FOR DISTRIBUTION OF ELECTRICITY, TELEPHONE, DRAINAGE, AND ALL APPURTENANCES THERETO, OVER, UPON, OR UNDER THE EASEMENTS AS SHOWN ON THE FOREGOING PLAT. THE CONSTRUCTION OR LOCATION OF ANY BUILDING OR STRUCTURE, EXCLUDING FENCES, SHALL BE PROHIBITED.
5. CONSTRUCTION OR INSTALLATION OF ANY FENCE OR OTHER IMPROVEMENT THAT OBSTRUCTS DRAINAGE SHALL BE PROHIBITED.
6. ACCESS IS HEREBY RELINQUISHED TO 134TH STREET, EXCEPT AT THE INTERSECTION OF SILVERFOX LANE.
7. ACCESS TO 'O' STREET IS HEREBY RELINQUISHED EXCEPT AS SHOWN, AND IS SUBJECT TO N.D.O.R. APPROVAL.
8. ALL PUBLIC STREETS SHALL BE CONSTRUCTED AND SURFACED IN COMPLIANCE WITH ROADWAY STANDARDS AS ADOPTED BY LANCASTER COUNTY.
9. ROADWAY RADII TO BE 20' UNLESS OTHERWISE NOTED.
10. A TEMPORARY 30-FOOT RADIUS TURNAROUND AND TWO (2) TYPE III BARRICADE, 22 FEET IN LENGTH, SHALL BE PROVIDED AT THE TERMINATION OF SILVERFOX LANE.
11. ONE RESIDENTIAL ACCESS SHALL BE PERMITTED PER LOT.
12. DRIVEWAY CULVERTS, IN COMPLIANCE WITH COUNTY STANDARDS, WILL BE INSTALLED AT TIME OF INDIVIDUAL BUILDING PERMITS ARE ISSUED.
13. CULVERTS SHALL HAVE EITHER A CONCRETE HEADWALL OR FLARED END SECTION ON THE INLETS.
14. EASEMENTS SHALL BE DEDICATED ON FINAL PLATS FOR ALL CULVERTS THAT EXTEND OUTSIDE OF RIGHT-OF-WAY AND UTILITY EASEMENTS.
15. SETBACKS SHALL CONFORM TO 'AGR' ZONING DISTRICT AS FOLLOWS:
  - FRONT YARD -50 FEET
  - SIDE YARD -15 FEET
  - REAR YARD -LESSER OF 50 FEET OR 20% OF LOT DEPTH
16. REQUIRED YARD SETBACKS REGULATE STRUCTURAL WALLS ONLY AND DO NOT RESTRICT OVERHANGS, PATIOS, DOOR SWINGS, WINDOW SWINGS, ETC., FROM ENCROACHMENT INTO THE SETBACK AREAS.
17. DOMESTIC WATER SHALL BE SUPPLIED BY INDIVIDUAL WELLS CONSTRUCTED BY THE OWNER OF EACH RESPECTIVE LOT.
18. PRIVATE ON-SITE WASTEWATER TREATMENT FACILITIES SHALL BE LOCATED WITHIN THE LIMITS OF EACH LOT IN COMPLIANCE WITH REQUIREMENTS SET FORTH BY LANCASTER COUNTY AND THE STATE OF NEBRASKA. CONSTRUCTION OF EACH SYSTEM SHALL BE PRIOR TO, OR IN CONJUNCTION WITH CONSTRUCTION OF EACH RESPECTIVE RESIDENTIAL DWELLING. ALL APPROPRIATE SOIL TESTS, APPLICATIONS AND INSPECTIONS SHALL BE THE RESPONSIBILITY OF PROPERTY OWNER OR ASSIGN. LAGOONS SHALL NOT BE PROHIBITED.
19. ALL TREE MASSES WITHIN THE SITE ARE VOLUNTEER DECIDUOUS AND CONIFERS, INCLUDING BUT NOT LIMITED TO, ELM, LOCUST, OAK, MAPLE, CEDAR AND PINE, EXCEPT TREES PLANTED IN PROXIMITY TO THE RESIDENCE LOCATED IN LOT 4. REMOVAL OF TREE MASSES IS NOT PROPOSED WITH INSTALLATION OF STREETS. THE DEVELOPERS AND THEIR ASSIGNS RESERVE THE RIGHT TO REMOVE AND/OR RELOCATE TREES IN THE DEVELOPMENT.
20. THE DEVELOPERS ACKNOWLEDGE THE AGRICULTURAL ENVIRONMENT THAT CURRENTLY EXISTS IN THE VICINITY OF THIS DEVELOPMENT. THEY FURTHER ACKNOWLEDGE THE ABILITY FOR THESE PERMITTED USES TO BE CONTINUED. LOT PURCHASERS SHALL RECEIVE A COPY OF THE LANCASTER COUNTY ZONING REQUIREMENTS, INCLUDING PERMITTED LAND USES OF THE 'AG' ZONING DISTRICT TO ADVISE LOT PURCHASERS OF LAND USES THAT MAY BE ALLOWED ADJACENT TO OR IN VICINITY OF BEAVER CREEK ADDITION.
21. THE 100-YEAR FLOOD PLAIN SHOWN ON THE PLAT AND COMMUNITY UNIT PLAN IS AS IDENTIFIED IN THE STEVENS CREEK WATERSHED BASIN PLANNING STUDY OF 2004.
22. A DENSITY BONUS OF 20% IS REQUESTED FOR PRESERVATION OF OPEN SPACE AREAS WITH PLATTING OF OUTLOT 'A' THAT IS RESERVED FOR AGRICULTURAL USES AND FUTURE DEVELOPMENT.
23. NEW CONSTRUCTION IN LOT 4 SHALL PROVIDE A LOWEST FLOOR ELEVATION AND OPENING ELEVATION OF A MINIMUM OF ONE FOOT ABOVE THE 100-YEAR FLOOD PLAIN ELEVATION.
24. DEVELOPER SHALL INSTALL ALL SIGNAGE THAT IS DETERMINED NECESSARY BY THE COUNTY ENGINEER.

Revised

### WAIVERS

THE FOLLOWING WAIVERS TO THE LAND SUBDIVISION ORDINANCE ARE REQUESTED:

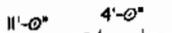
- a) MAXIMUM BLOCK LENGTH ALONG THE NORTH, SOUTH, EAST, AND WEST LIMITS OF THE PLAT.
- b) ORNAMENTAL STREET LIGHTS.
- c) SIDEWALKS
- d) STREET TREES
- e) LANDSCAPE SCREENS

DEC 30 2004

**Co. Preliminary Plat #02011**  
**Co. Special Permit #195**  
**Beaver Creek**  
**S. 134th & 'O' St.**

ARY PLAT HAS  
 5 COMMISSION ON THE  
 2...

PERSHING SQUARE PROJECT NO. 11/11/04



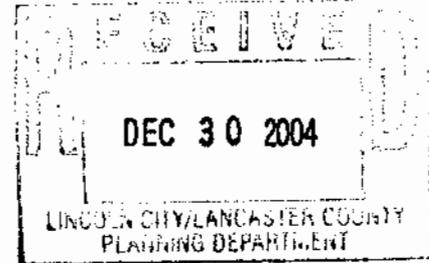
**Design Associates** of Lincoln, Inc.

Pershing Square  
1609 'N' Street  
Lincoln, NE 68508  
Phone: (402) 474-3000 • Fax: (402) 474-4045

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December 29, 2004

Marvin Krout  
Lincoln-Lancaster County Planning Department  
555 South 10<sup>th</sup> Street  
Lincoln, Nebraska 68508



RE: Re-submittal Beaver Creek Preliminary Plat #02011  
Community Unit Plan #195  
134<sup>th</sup> and "O" Street

Mr. Krout:

Attached please find revised submittal documents for the referenced applications. Revisions to the these documents include the following:

- The 100-year flood plain delineation along the unnamed Stevens Creek tributary has been revised to reflect the limits of the flood plain east of 134<sup>th</sup> Street, as identified in the Steven Creek Watershed Basin Planning Study of 2004.
- The boundary of the application has been altered to remove flood plain areas in the southwesterly portion of the original application. The area being excluded from this application is approximately 20.3 Acres.
- Density calculations have revised to reflect removal of the 20.3 Acres parcel from the applications. Density for the development is now proposed at six (6) dwelling units.
- Access to "O" Street and the future interior street alignment in the northerly portion of the development have been revised to reflect the scheduled widening of street as proposed by the Nebraska Department of Roads.
- Drainage calculations have been revised as requested.
- General note 23 has been added to identify that new construction in Lot 4 shall provide a lowest floor elevation or opening elevation a minimum of one foot above the 100-year flood plain elevation. All other buildable lots have been removed from the 100-year flood plain.

Please contact this office if you or your staff have any questions or are in need of any additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "J.D. Burt".

J.D. Burt



**Design Associates** of Lincoln, Inc.

Pershing Square  
1609 'N' Street  
Lincoln, NE 68508

Phone: (402) 474-3000 • Fax: (402) 474-4045

ITEM NO. 4.1a&b: CO. SPECIAL PERMIT 195

(p.77- Cont'd Public Hearing - 8/07/02)

Hand Delivery

August 6, 2002

Jean Walker  
Lincoln/Lancaster Planning Department  
555 South 10<sup>th</sup> Street  
Lincoln, Nebraska 68508  
402/441-6377

RE: County Special Permit #195  
County Preliminary Plat #20011  
Beaver Creek, 134<sup>th</sup> and "O" Street

Jean,

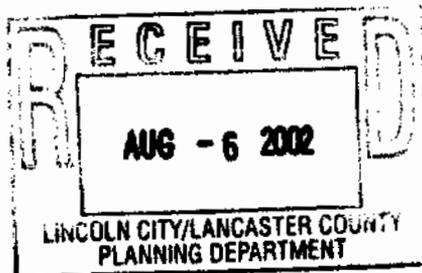
Please accept this correspondence as a request to place both agenda items for Beaver Creek shown on the August 7, 2002 Planning Commission Agenda on pending. It is our understanding, information has been requested by the Commission regarding the availability of water in the proposed development. This information has been requested from a water consultant. Our office continues to work with the developer regarding conditions of approval related to flood plain issues.

Thank you for your consideration.

Sincerely,

J.D. Burt  
For the firm

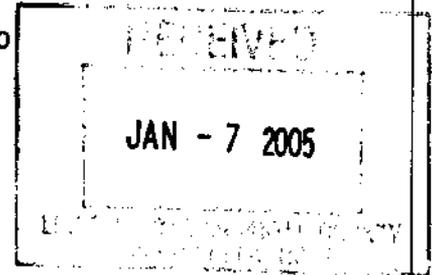
cc: Bob Hall





AREA 2  
SERVICE CENTER

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



January 5, 2005

Mike Dekalb, Project Planner  
555 S. 10<sup>th</sup> #213  
Lincoln, NE 68508

RE: Beaver Creek

Mike, I have reviewed the subject plat. Easements appear to be in place as we would hope, but they are not written in as they normally are. I would request our standard 10' along all frontage and 10' [ 5' each side ] of adjacent lot lines if this is not the case.

As always, thanks for your cooperation.

Sincerely,

Rick Volmer, Construction Superintendent, Area 2

Lancaster

DON R. THOMAS - COUNTY ENGINEER

County

Engineering

Department

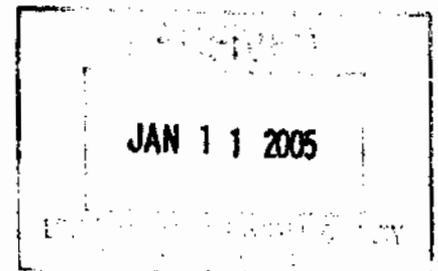
DEPUTY - LARRY V. WORRELL  
COUNTY SURVEYOR

**DATE:** January 10, 2005  
**TO:** Mike DeKalb  
Planning Department  
**FROM:** Larry V. Worrell   
County Surveyor  
**SUBJECT:** BEAVER CREEK  
PRELIMINARY PLAT & C.U.P.

Upon review, this office would have the following comments:

- 1) General notes are acceptable, #9 revise to 50' radius.
- 2) Developer shall be responsible for maintenance of Silverfox Lane due to subdivision does not meet 6 Lot minimum for acceptance of maintenance.

LWW/bml  
SUBDIV.WK\Beaver Creek Prelim & CUP.#2wpd



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

**TO:** Mike DeKalb

**DATE:** January 14, 2005

**DEPARTMENT:** Planning

**FROM:** Chris Schroeder

**ATTENTION:**

**DEPARTMENT:** Health

**CARBONS TO:** EH File  
EH Administration

**SUBJECT:** Beaver Creek  
PP #02011 CUP #195  
Resubmittal

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

In the memo of May 8, 2002 that was prepared for the original submission is applicable with the exception that Lots 1-4 in the original report are now Lots 1-3. Lot 5 in the original report is now Lot 4. Lots 6 and 7 in the original report are now lots 5 and 6. A copy of the original report is included. Additional comments include:

- As indicated in the original report, construction of homes and on-site wastewater treatment systems in Kennebec soil is not recommended. It appears that a major portion of Lots 1-3 exists in Kennebec soil. A report from a Professional Engineer will be required by the LLCHD prior to the issuance of an on-site wastewater permits for Lots 1-3. Kennebec soils have a seasonally high groundwater. The report must identify the approximate depth to groundwater and any special on-site wastewater treatment system design features that may be needed to maintain separation between groundwater and effluent from the system. If a non-standard is installed, it will be necessary to obtain permit for the Nebraska Department of Environmental Quality and the LLCHD.
- The on-site wastewater treatment system serving the residence located on Lot 4 does not show any visible signs of malfunction.
- The water well serving the residence located on Lot 4 appears to meet construction standards. Samples of water indicate the water meets minimum standards for a private water supply.
- Test wells should be installed on Lot 5 and 6 prior to the construction of homes to insure an adequate quantity and quality of water.

- The LLCHD notes that a self storage unit facility has been proposed directly to the north of this proposed residential development. There are currently no regulations that address the types or quantities of chemicals that may be stored in these types of facilities. However, it appears from the site plan that an adequate buffer of approximately 300 feet does exist between this proposed residential development and self storage facility.

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

**TO:** Mike DeKalb

**DATE:** January 13, 2005

**DEPARTMENT:** Planning

**FROM:** Chris Schroeder

**ATTENTION:**

**DEPARTMENT:** Health

**CARBONS TO:** EH File  
EH Administration

**SUBJECT:** CZ #04087

The Lincoln-Lancaster County Health Department (LLCHD) has reviewed the change of zone application with the following noted:

- The LLCHD notes that a residential development with three lots has been proposed directly to the south of this proposed change of zone to allow the construction of a self storage facility. There are currently no regulations that address the types or quantities of chemicals that may be stored in these types of facilities. However, it appears from the site plan for the proposed residential development that an adequate buffer of approximately 300 feet does exist between this proposed residential development and self storage facility.

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

**TO:** Mike DeKalb

**DATE:** May 8, 2002

**DEPARTMENT:** Planning

**FROM:** Chris Schroeder  
Jerry Hood

**ATTENTION:**

**DEPARTMENT:** Health

**CARBONS TO:** Bruce Dart, Director  
EH File  
EH Administration

**SUBJECT:** Beaver Creek  
SP #195 PP #02011

The Lincoln-Lancaster County Health Department (LLCHD) has reviewed the proposed Beaver Creek Subdivision and information provided by the applicant on well log data for the section and surrounding area. LLCHD also contacted the University of Nebraska's Conservation and Survey Division for their review and comment on the water quality and quantity in the proposed Beaver Creek Subdivision. The following items are noted.

- Conservation and Survey believes there may be sufficient water to serve Lots 1 through 4 of this proposed subdivision. However, the wells should be made deep and the pump set deep because the irrigation wells serving Crooked Creek Golf Course will likely impact these wells particularly on Lot 1. Conservation and Survey reported some decline in the water table in this area. Crooked Creek also reported a decline in the gallon per minute (gpm) their wells were pumping. Upon pulling the pumps they discovered a great deal of mineral encrustation. The pumps were cleaned and the well screens were acidified to restore pumping rates. Conservation and Survey indicates that Crooked Creek's wells impact each other meaning that as the wells are pumped simultaneously a drawdown effect is created. The zone of influence of the pumping wells are expanded and the surrounding water levels will drop. According to Conservation Survey, Lots 6 and 7 may be near the edge of the aquifer and the quantity of water may be minimal or inadequate. The aquifer ceases to exist completely both north and east of this proposed subdivision.
- Sewage Disposal is projected to be individual sewage disposal systems. Based on USDA soil survey maps, the predominant soil in Lots 1 through 4 appears to be Kennebec Silt Loam, which is frequently flooded. Building houses or installing wastewater systems in Kennebec Silt Loam soil should not be approved. The soil maps indicates this area is outside of the delineated 100-year flood plain shown on the proposed subdivision plat. Thus, further on-site review by soil scientist should be required.

- Lots 6 and 7 are in Sharpsburg Silty Clay Loam soil which may or may not percolate well enough for a septic system. However, these two lots are large enough to accommodate some type of individual sewage disposal system, such as an engineered system or lagoon.
- 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.
- Provisions should be made for retaining as much tree mass as possible. Alternately, the applicant will need to plan for disposal of tree waste by burying on site, grinding, offering for firewood or hauling to the landfill. Permits for open burning of tree waste within the city limits will not be approved and applications for burning within the 3-mile zone are unlikely to be approved.



HWS Consulting Group  
825 J Street, Box 80358  
Lincoln, NE 68501-0358  
402.479.2200 • Fax: 402.479.2276  
hws.com

Mr. Tom Young  
Design Associates  
1609 N Street  
Lincoln, NE 68508

REFERENCE: US 34 & Beaver Creek Preliminary Plat:

Dear Mr. Young:

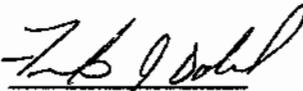
HWS is in the process of designing future improvements to US 34 From the City of Lincoln to the City of Eagle. The existing two lane road will be reconstructed to a four lane divided roadway section. We have been advised by Mr. John Baker with the Nebraska Department of Roads that your firm is working on a preliminary plat for a future subdivision titled Beaver Creek. This development is adjacent to our roadway project on the south side of US 34.

The preliminary plat shows outlots C & F. It is my understanding that these two outlots will in the future contain a roadway within your subdivision. This roadway will take the place of the access road, which our roadway design project provided for an existing residence. However the location in which your drawing shows this access is approximately 27' north of our originally intended location. In a previous discussion with another gentleman in your office he indicated that your intent was to locate these outlots in the location HWS proposed to locate the access drive. I informed your colleague that the future alignment of US 34 in this vicinity is shifted to the south approximately 27' from the existing roadway and section line. Your colleague indicated that this was simply a point of confusion and you would be happy to relocate the outlots to conform with our intended design location.

Attached for your use is an exhibit which identifies the distance the proposed US 34 project centerline is shifted to the south of the section line. This should assist you in locating the outlots. Should you have any questions please call me at 479-2412 or email me at [fdoland@hws.com](mailto:fdoland@hws.com).

Sincerely:

HWS CONSULTING GROUP, INC.

  
Frank J. Doland, P.E.

FJD/amh  
52-34-1719  
TRANSP341719

cc: John Baker

Denver      Manhattan      Lincoln      Omaha      Chicago  
...and anywhere else our Clients need us.



SEC. 21-T10N-R8E

PROJECT NO. 34-71(03)  
 SHEET NO. 1818  
 SCALES:  
 FULLS 1"=50'  
 HALFS 1"=100'

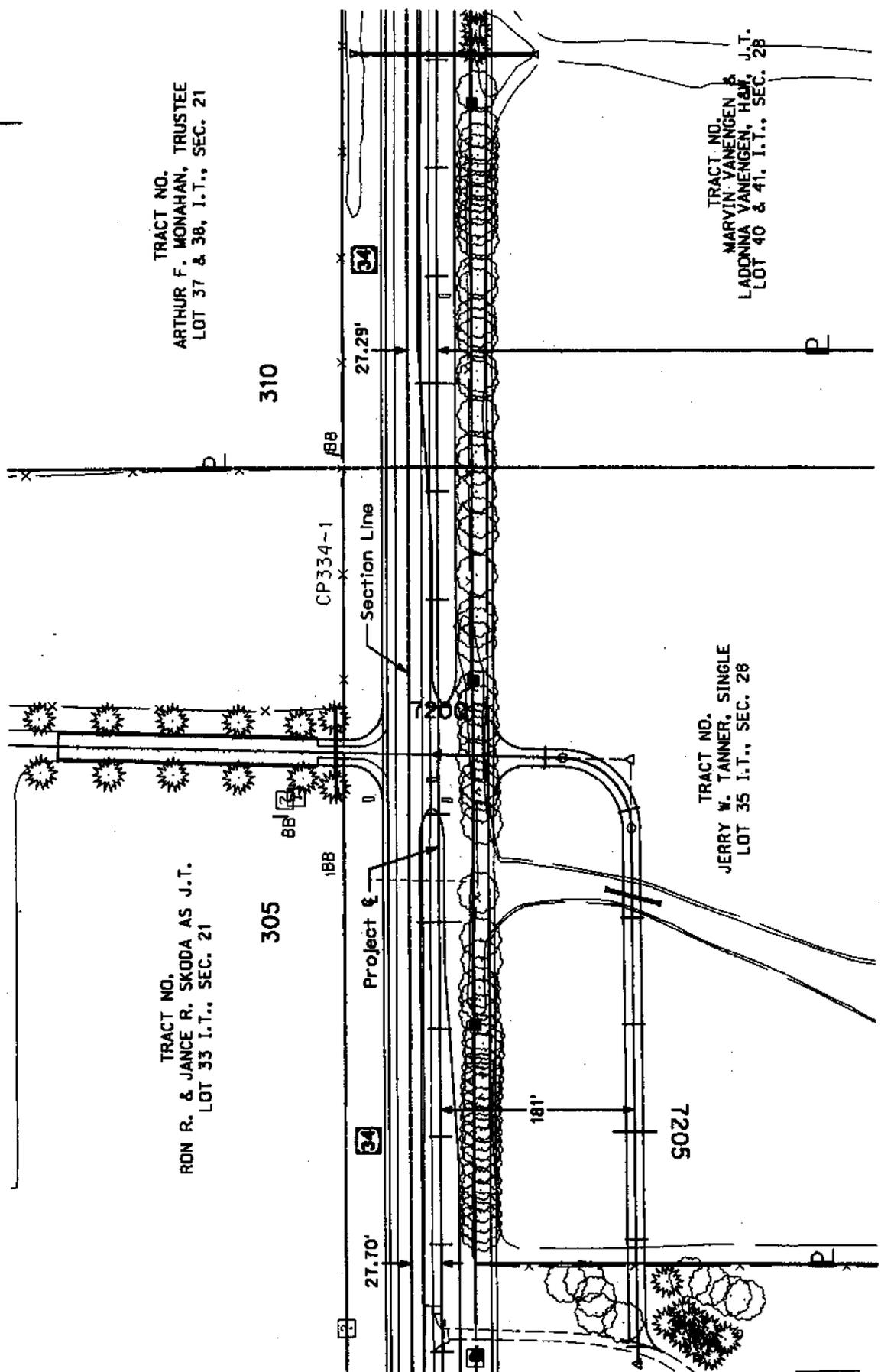


TRACT NO.  
 ARTHUR F. MONAHAN, TRUSTEE  
 LOT 37 & 38, I.T., SEC. 21

TRACT NO.  
 RON R. & JANCE R. SKODA AS J.T.  
 LOT 33 I.T., SEC. 21

TRACT NO.  
 MARVIN VANENGEN &  
 LADONNA VANENGEN, H&M, J.T.  
 LOT 40 & 41, I.T., SEC. 28

TRACT NO.  
 JERRY W. TANNER, SINGLE  
 LOT 35 I.T., SEC. 28



JAN. 06, 2005  
 SECTION LINE &  
 PROJECT & EXHIBIT

SEC. 28-T10N-R8E



**Terry A Kath**

01/03/2005 07:30 AM

To: Michael V Dekalb/Notes@Notes

cc:

Subject: Re: Beaver Creek PP 

No building envelopes shown, so the State protection corridor will be looked at, at time of building permit.

All the buildable lots are located outside the flood plain. I did transfer the PP to John Callen for his review. He will send you an email if there is a problem.

TK