

Eagle Planning Commission

December 7, 2017

The Eagle Planning Commission met in regular session at 7:00 PM on December 17, 2017 with Terry Caddy, John Surman, Randy Todd, Clifford Schildt, Douglas Cummins, Willa DiCostanzo and Dale Ellwanger present. The Agenda items listed thereon were sufficiently descriptive to give the public reasonable notice of the matters to be considered at the meeting. The Chair, at the beginning of the meeting, informed the public about the location of the posted current copy of the Open Meetings Act. Chairperson Caddy named the three (3) areas where the agenda was posted as follows: Village Clerk's Office, Eagle Fire & Rescue Department and Eagle State Bank.

Motion by DiCostanzo, second by Schildt, to re-appoint John Surman, Randy Todd and Douglas Cummins to 3-year terms on the Eagle Planning Commission. Voting: Ayes – 7. Motion carried.

Terry Caddy called for nominations for Chairperson.

DiCostanzo nominated Caddy for Chairperson.

Motion by Surman, second by Schildt, to cease all nominations for Chairperson. Voting: Ayes – 7. Motion carried.

Caddy was elected Chairperson.

Caddy called for nominations for Vice Chairperson.

Todd nominated Surman for Vice Chairperson.

Motion by Surman, second by Schildt, to cease all nominations for Vice Chairperson. Voting: Ayes – 7. Motion carried.

Surman was elected Vice Chairperson.

Caddy called for nominations for Secretary.

DiCostanzo nominated Todd for Secretary.

Motion by Surman, second by Cummins, to cease all nominations for Secretary. Voting: Ayes – 7. Motion carried.

Todd was elected Secretary.

PUBLIC HEARING for the purpose of hearing testimony concerning a Conditional Use Permit at the following described property: Sublot 1 of 3 located in the Northeast Quarter of the Northeast Quarter of Section 28, Township 10 North, Range 9 East of the 6th Principal Meridian, Cass County, Nebraska, containing 1.28 acres, for the use of automotive sales.

Chairperson Caddy opened the Public Hearing at 7:07 p.m. to discuss hearing testimony concerning a Conditional Use Permit at the following described property: Sublot 1 of 3 located in the Northeast Quarter of the Northeast Quarter of Section 28, Township 10 North, Range 9 East of the 6th Principal Meridian, Cass County, Nebraska, containing 1.28 acres, for the use of automotive sales. There were no questions or comments from the public or Planning Commission.

The public hearing was closed at 7:08 p.m.

Motion by Surman, second by DiCostanzo, to approve the recommendation of a Conditional Use Permit at Sublot 1 of 3 located in the Northeast Quarter of the Northeast Quarter of Section 28, Township 10 North, Range 9 East of the 6th Principal Meridian, Cass County, Nebraska, containing 1.28 acres, for the use of automotive sales. Voting: Ayes – 7. Motion carried.

PUBLIC HEARING for the purpose of hearing testimony concerning a Preliminary Plat, Final Plat, Subdivision Application and Request for Annexation submitted by RLM Enterprises, Inc., pertaining to +/- 15.92 acres located in Outlots 'C' & 'D', Hartland Homes Eagle Estates, located in the Southwest Quarter of Section 20, Township 10 North, Range 9 East of the 6th Principal Meridian, Cass County, Nebraska.

Chairperson Caddy opened the Public Hearing at 7:10 p.m. to discuss hearing testimony concerning a Preliminary Plat, Final Plat, Subdivision Application and Request for Annexation submitted by RLM Enterprises, Inc., pertaining to +/- 15.92 acres located in Outlots 'C' & 'D', Hartland Homes Eagle Estates, located in the Southwest Quarter of Section 20, Township 10 North, Range 9 East of the 6th Principal Meridian, Cass County, Nebraska. Lyle Loth (Rega Engineering Group) said this project is a continuation of the Hartland Homes subdivision that began in 2007. In 2007, a Preliminary Plat was submitted that consisted of all 75 lots. Loth said the first phase included 23 lots that have all been built out and completed. At the time of the first phase, all mass grading was completed. Loth said one concern he has heard about is the capacity of the existing lift station; when erected in 2007, the lift station was built to serve all 75 homes within the entire project area. Loth said the remaining 51 lots and park space in the development are substantially the same as what was approved in the Preliminary Plat in 2007. The Drainage Study Report was submitted to the Village Office and Village Engineer. Loth said he has reviewed the Village Engineer's initial comments and there are no concerns on his part in addressing these comments. Alan Wood was present and introduced himself as the attorney for Rural Water District No. 2. Wood said the district is not opposed to this development but does have comments in regards to the annexation request. The annexation will reduce the size of Rural Water District No. 2 due to the location of the development and its involvement in an existing portion of the district's water service area as formulated in the early 1970's. Wood said under the circumstances, the proposed development will impair the ability of the water district to serve its customers because it reduces the area that is available for future customers. Rural Water District No. 2 is not supported by tax funds and supports itself only through its customer base through water charges it collects. Wood said substantial capital improvements are funded through USDA loans, and pursuant to federal law, municipalities cannot impair the ability of the water district to provide water service to its customers. The loss of this proposed development through annexation will have the effect of reducing the ability of the district to operate and pay back its federal loan. Wood said there is an agreement in place in Rural

Water District No. 1, located in Lancaster County, that whenever there is a developer-driven annexation request, the developer must compensate the district for the potential loss of new customers or existing customers. There are no existing customers in this particular +/- 15-acre tract of land. Wood said if the rules of Lancaster County would be followed in this case, the cost to the developer would be \$333.00 per lot or just under \$5,000.00 to buy out of Rural Water District No. 2. A Certificate of Release and Relinquishment would then be filed with the Cass County Register of Deeds releasing this area from the district's boundary lines. Wood said a little over a year ago his office reached out to the Village of Eagle wanting to discuss future water boundary concerns and reach an agreement between the two parties, but unfortunately no discussion has been held at this time. Caddy said it is his understanding that in the 1970's, when Rural Water Districts were created, that each municipality could elect to forgo or reserve their one-mile zoning jurisdiction area for future water service customers and asked if there was any paperwork that indicates Eagle gave up their one-mile jurisdiction. Wood said he has no proof of this occurring; however, he interprets the federal statute differently than how it was stated. Roland Meyer (RLM Enterprises) agreed to pay the approximate \$5,000.00 to Rural Water District No. 2 to release his proposed development from the district's boundary lines. Roger Peterson (466 N. 202nd St.) discussed his concerns with the initial mass grading efforts and said each time it rains 202nd Street becomes covered with mud, rock and debris; attempts to have Cass County and Hartland Homes fix these concerns failed. Eventually the original, platted driveway was moved to an alternate location due to this ongoing issue that was never resolved. Caddy said his recommendation to the developer will be to pave the road prior to residential development which will alleviate this concern and also keep construction vehicles from entering town on Eagle Drive. Peterson said he also has concerns with having a public park developed in the rear of his property and he is not interested in installing a fence to prevent trespassers. Brandi Peterson (466 N. 202nd St.) said another concern is the size of the proposed lots and the affect they may have on property values along 202nd Street. Todd asked who would be responsible for developing the park after it is dedicated. Caddy said the Village of Eagle would be responsible for the park after dedication and he suspects it would be seeded with grass and utilized as a green space in the beginning. Brandi Peterson said she feels there could be an alternate location for the park elsewhere in the proposed development. Caddy said this concern will be noted. Peterson said he has an issue with the size of the lots and it was his understanding these lots were proposed to be one-acre in size in the past proposal. Caddy said Residential Suburban guidelines require a minimum of 9,000 square feet per lot and the proposed development meets this requirement. Loth said he was involved with the project in 2007 and he never recalls a proposal with one-acre lots. Surman said that is his recollection as well. Brandi Peterson asked what size of homes will be built on the lots. Loth said the average home will probably be between 2,500-3,000 square feet.

The public hearing was closed at 7:51 p.m.

Discuss/possible action: Approval/recommendation of Preliminary Plat, Final Plat and Subdivision Application for Outlots 'C' & 'D', Hartland Homes Eagle Estates, located in the Southwest Quarter of Section 20, Township 10 North, Range 9 East of the 6th Principal Meridian, Cass County Nebraska – Caddy said he would like to recommend Olivia Drive is paved and connected to 202nd Street prior to any other construction activities and asked for the Planning Commission's input. The Planning Commission and developer agreed. Caddy said the proposed development calls for 6" thick concrete on the streets and the minimum

requirements is 7". Loth said the plans have been updated to include 7" thick concrete streets. Todd asked if the curbs will match those currently on Olivia Drive. Loth said yes. Todd asked if those residents currently residing on 202nd Street will be required to construct sidewalks along Olivia Drive. Caddy said the property owners along 202nd Street are not being annexed and it is his belief that sidewalks will only be required for those residing within the proposed annexation area. Caddy said Olivia Drive is 27' wide and discussed concerns with vehicles parking on both sides of the street. Nystrom said Olivia Drive is currently "no parking" on one side of the street and he anticipates the board will continue this mandate the remaining distance. Caddy discussed the potential parking issue along Olivia Drive if there is an event or family gathering at the proposed park, whether the 10' access leading to the park is sufficient and whether there is enough visibility from the street for law enforcement. Caddy said Section 5.05 of the Eagle Subdivision Regulations discusses developer requirements for street signs, lighting, electrical power, mail boxes, gas mains and hydrants and the current proposed Subdivision Agreement states the Village of Eagle will address these improvements. Loth said the developer will address all required improvements and modify the Subdivision Agreement as discussed. Caddy asked if Olivia Drive should be considered a collector street (37' width) rather than a residential street (27' width) since it fits both definitions. Nystrom called the Village Engineer and reported Olivia Drive would fit the residential street requirements. The current section of Olivia Drive is 27' wide. Caddy reviewed the cost estimates for the proposed development and felt they were perhaps 20-25% too low. Loth said he will review these figures and check for accuracy. Meyer said he feels the prices may appear lower because he plans to finish the entire project in one phase with his contractors. Loth said the developer will also be putting up 110% of the cost into an escrow account to allow for some extra cushion. Cummins said if possible he would prefer to see some type of off-street parking for the proposed park. Loth said the theory is to utilize these types of parks as neighborhood parks that locals can access by walking to and from. Meyer said if the proposed park is going to be a big concern he would consider dedicating the space to the Peterson's. Caddy said the problem with that is the Village is required to obtain public space per its regulations. Surman asked if there will be any changes to the current plat or if the developer would like the Planning Commission to move forward with what is being presented tonight. Meyer said he would like the Planning Commission to move forward with what has been presented.

Motion by DiCostanzo, second by Cummins, to approve the recommendation of a Preliminary Plat, Final Plat and Subdivision Application for Outlots 'C' & 'D', Hartland Homes Eagle Estates, located in the Southwest Quarter of Section 20, Township 10 North, Range 9 East of the 6th Principal Meridian, Cass County, Nebraska, contingent upon the recommendations found in the minutes of the Eagle Planning Commission. Voting: Ayes – Surman, Cummins, DiCostanzo, Schildt, Ellwanger, Caddy. Nays – Todd. Motion carried.

Motion by DiCostanzo, second by Ellwanger, to approve the recommendation of Request for Annexation of Outlots 'C' & 'D', Hartland Homes Eagle Estates, located in the Southwest Quarter of Section 20, Township 10 North, Range 9 East of the 6th Principal Meridian, Cass County, Nebraska. Voting: Ayes – Surman, Cummins, DiCostanzo, Schildt, Ellwanger, Caddy. Todd abstained. Motion carried.

The meeting was adjourned at 8:55 p.m.

Terry Caddy
Chairperson

Nick Nystrom
Village Clerk