

Village of Eagle  
Planning Commission Meeting Minutes  
December 7, 2023 Start Time 7:00 P.M.  
Eagle Fire & Rescue Department- 705 S 1<sup>st</sup> Street, Eagle, NE

The December 7, 2023 Planning Commission Meeting was called to order at 7:00 P.M. by Chairman, Terry Caddy. The chairman made the announcement that the Open Meetings Act is posted on the east wall of the Fire Hall meeting room and that the meeting announcement and agenda were posted at the announcement boards located at the Eagle Park, Village of Eagle Office, and the Village of Eagle Fire Department.

Roll call of Planning Commission Members present included: Terry Caddy, Justin Davison, , Randy Todd, Willa DiCostanzo as well as an alternate of John Surman. Austin Beck and Ashley Moyer were absent. Additional attendees included: Rick Hesterman, Nick Nystrom, Marcus Hochstein, Maureen Caddy, Raymond Althouse, Verde Umland, James Dobbins, Barbara Johnston, Joseph Flaxbeard, and Marty Pelster.

Called to order at 7:02.

**PUBLIC HEARING opened at 7:04 for the purpose of hearing testimony concerning an Application for Preliminary Plat submitted by MDC Eagle One, LLC, pertaining to ± 60.565 acres located in part of Tax Lot 22 and part of Tax Lot 35, all in the E½ of Section 19, Township 10 North, Range 9 East of the 6th P.M., Cass County, Nebraska.**

Joseph Flaxbeard addressed the revision of the development based on hearing previous community concerns. As they've worked through the process they've heard the communities feedback and revised our plan a couple of times to get where we are today. They've encountered issues of on inability to have groundwater wells through the lack of groundwater. So, they've had discussions with the Village Board about water main extension and the developer and the SID's willingness to finance that project. This can help supplement some of the villages infrastructure and provide infrastructure to this development. The proposal is 27 lots with 1.5 acre minimums to be on municipal water and possibly have septic. There will be some larger 3 acre lots on the west end of the subdivision based on the concerns of the neighbors to the west of the subdivision.

Barbara Johnston stated that every question or comment we had was addressed. The only one that she had further discussion with is the hydrant issue.

Maureen Caddy stated she didn't have a lot of additional comments from Barbara's. She pointed out the only two waivers that they formally requested were the maximum block lengths subdivision ordinance. 4.14 and the other one was the minimum two vehicular access points, which has been on the table every time we've been here on this particular subdivision because of the lack of frontage on the road. So this Planning Commission has heard those arguments before. With regard to the hydrant intervals, I did suggest that that if they want to be longer than 300 feet, that technically I think should have been a waiver request as well that the Board could consider waiving. There's a sidewalk requirement in anything that's residentially zoned. She didn't see in our zone, our subdivision rights, that we have an exception

for it being residential estates. Also, I'd indicated perhaps should be a waiver unless there are going to be sidewalks. So, if that is not going to happen, I think that needs to be a waiver request. It did say in the subdivision agreement that street lights they would be installing just at the entrance. I think our subdivision regs say that it's going to be at intersections also and at points as recommended by the municipality, the municipal engineer, etcetera. Mailbox location might be something that we'll want to see so we know that we're not going to have a problem if it's going to be put in the right of way. Maureen Caddy addressed there to be two access easements but asked if one is also supposed to be an access easement for the Mopac.

Flaxbeard stated they did as part of our plat submittal on our paving plan indicate the two Mopac trail accesses and they are going to be easements and that one does overlap with that access easement to the basin. They will make that easement more clear for the basin easement. They are either 8 or 10 foot wide trails. Flaxbeard stated they are asking for the block length waiver as this is the same street grid that was approved by this group and the village board of preliminary plat previously and they've just added a few more lot lines. So the reasoning for the maximum block length waiver is just once again these larger lot formats. They do have the trail connector this that was something that we talked about this group in the village board to accommodate like pedestrian access at least to the Mopac. The other waiver about the vehicular access points. From what is in the comment, it wasn't clear, but on our preliminary plat, our paving plan, we do show the wider pavement at the entrance or right of way it looks like it's 61 feet to accommodate that wider paving section that we discussed and that paving section we're presenting the same thing that that we've presented since the recommendation was made to make wider pavement section at that entrance. The street lights was another thing that was discussed at previous hearings, just the one light at the entrance. Flaxbeard asked if the hydrants aren't a waiver that is discussed this evening because it wasn't part of the formal application. Is that something that could be part of the final plat application and that will allow the development team, me and the village of engineer kind of have some that coordination on what's appropriate. Terry Caddy stated we'll consider the waiver. Mailboxes will be in the right of way and that's something gets coordinated with USPS. The subdivision trail connections will be 8-10 foot wide and both of them are going to be handicap accessible. The last comment of Paving of Streets, Item 7 with the deferral of paving on Robin and Sparrow St. north of Eagle Rd. to the future development. That's something that gets documented in the subdivision agreement and the SID. That's something in that agreement, the village and the SID agree to that and since the SID has the financing mechanisms to basically they're the semi-governmental agency that can financially guarantee that that improvement.

Randy Todd stated previously we were requiring the streets to be paved. Flaxbeard responded stating that previously there wasn't going to be an SID mechanism to help finance the water project. However, now that an SID would be in place it's paid for privately to install those in the future. The SID piece is something that's different than what we have presented.

Terry Caddy addressed the entrance has previously been agreed that we approve one entrance that's 61 feet wide. As you're leaving Eagle Landing we should have two exit lanes. Also, the school doesn't pickup kids though the development, so either parents are going to have to take them or if the school is generous maybe they will stop at 202<sup>nd</sup> Street to pick them up. The next thing I'd like to keep in mind are the street lights and I think we need two street lights on the entrance, one on each side of the road. The reasons are because 202<sup>nd</sup> is a relatively busy road and because at some point we could start seeing three or four cars for each household going in and out. The next item Caddy addressed is fire hydrants.

These people are going to need some Fire Protection because they're along the trail, which could catch fire at anytime. There is also the possibility of grass fires, controlled burns, fireworks, etc. Caddy thinks we keep the hydrant requirement. Nick Nystrom and Terry Caddy have talked about in the office who is going to engineer and contract the water main for 5th Street out to 202<sup>nd</sup> Street. Flaxbeard responded by stating since the SID is financing this the preference would be the SID designs that and manages the construction administration of the bidding and the procurement of that from 5th Street out. That would include going through and getting easement acquisitions for the properties along the exterior. We would do a plan approval of everything to make sure because it's going to become our property.

Terry Caddy asked if it would make sense to run the line along the mopac trail. Joseph Flaxbeard stated that the advantage of placing it on the north side of Eagle Road would be more cost affective for any future developments to the north for a long term cost savings.

Terry Caddy then stated we need a written legal agreement as to how MDC Eagle/Eagles Landing gets reimbursed for their share of the water main project. Maureen Caddy stated this is apart of the subdivision agreement. Terry Caddy asked who's going to own the water mains? Flaxbeard stated the SID would be until it gets annexed. The SID owns the water mains, meaning if there's a leak, a problem, broken hydrant, they're responsible for the maintenance of that. The village would be on site for repairs. The Village is responsible for the water line up to the right of way at 202<sup>nd</sup>.

Terry Caddy stated that he doesn't feel sidewalks aren't practical for the subdivision. When they were three acre lots. The general consensus is that didn't make a lot of sense.

John Surman asked if we go into a water rationing system how is this handled. Maureen Caddy stated we can shut them down per our customer agreement we will have in place.

Willa DiCostanzo asked Barbara Johnstons opinion on street lights in the intersection on Robin St. and Eagle Rd. Since there's not sidewalks there's likely not pedestrian traffic and those two. She doesn't see that. Sparrow Street as a landing zone. Robin Street is kind of an intersection either way. So if you wanted to require that or when that street gets paved. DiCostanzo asked if we need to have the infrastructure in place at time of development or if it could be added later. Flaxbeard stated it would make most sense to decide where lights would be desired and put them in at the beginning. Flaxbeard stated if the village desires to have those intersections lighted then he proposed that we just make that all part of the application. Johnston stated to have a light on the turn of Blue Jay Drive into Robin St. because that's where the trail connection will be. So, if there's anybody walking to the Mopac or using it to get to 202<sup>nd</sup> I wouldn't be lit. The suggested lights are at Blue Jay and Robin, intersection of Robin and Eagle Rd. and one at the intersection of Sparrow and Eagle Road and two at the entrance.

Randy Todd asked on the roads that aren't to be paved going to the north on the easement, who will take care of them? Flaxbeard stated that per the SID agreement then the SID maintains this. The developer leads the SID board and they hold elections every two years for the SID board of trustees. Per Marty Pelster the developers goal with the SID is that that this property is developed quickly, the houses are sold in their residents take control as soon as possible.

Willa DiCostanzo asked Joe Flaxbeard about the hydrant requirements and what his request would be if we offered a waiver for the 300 foot requirement. Flaxbeard stated that he's not asking for a 600' spacing but a 380 or 400 foot hydrant spacing would give us the flexibility to have one at the intersection

that would have been midpoint have one at. What I'm getting at is four hundred feet. I'd always said it shouldn't be an arbitrary number, but let's just say we throw up 400 feet or. At the nearest lot corner. Barbara Johnston pointed out something they had in the last version as well and I think it initially was a just a clarity thing and subdivision regulations and most municipalities have a spacing that is a radius, so the hydrant and then a 300 foot radius around it. The way that it's worded, an Eagle subdivisions is linear spacing which would be doubled to the hydrants. So, if you have a 300 foot radius in this case it would probably be about as many as they have here. You could request that they add a few specific platformers if you feel that's needed. Barbara doesn't think it's unsafe to have the number that they proposed. John Surman stated we do have some small hydrants along Eagle Road coming into town. Flaxbeard stated they would have hydrants along the water main running down Eagle Road.

Raymond Althouse addressed his concern with traffic and the dust they get from that to the north already. An increase of the population will increase that dust level. He has a concern of construction materials blowing around as construction starts. His final concern is where the water line will be along Eagle Road. Flaxbeard it's currently proposed on the south side of Eagle Road. However, they aren't far enough along to finalize that location whether it be north or south of the road. Flaxbeard stated if there are obvious things they can avoid such as fiber optics then the goal would be to locate that in a better place.

Johnston asked if the water exhibit has the water booster station on the plan. Flaxbeard stated that the booster station is accounted for but not shown special on the water plan right now. The booster station would be located within the development at the cost of the developer/SID.

Maureen Caddy stated she realizes dust is an issue to the north of the development. Flaxbeard stated they've talked to the county about having the pavement to at least the intersection of the development. These lots are more marketable if that road is paved

Public hearing closed at 8:03.

**The next item of business is for the PUBLIC HEARING for the purpose of hearing testimony concerning an Application for a Change of Zoning and amendment of the Eagle Zoning Map from AG (Agricultural) to RE (Residential Estates) submitted by MDC Eagle One, LLC, pertaining to ± 60.565 acres located in part of Tax Lot 22 and part of Tax Lot 35, all in the E½ of Section 19, Township 10 North, Range 9 East of the 6th P.M., Cass County, Nebraska. 3.**

Public hearing opened at 8:11.

Flaxbeard stated that on behalf of the applicant he covered the presentation with the plat, but to make this plat work we're asking for the residential estate zoning and here answer any questions might have specific to the zoning.

Terry Caddy asked if there was any other input, questions or otherwise? DiCostanzo stated, "No."

Public hearing closed at 8:13.

**The next item of business is to discuss the Approval/recommendation of the following waiver requests:**

**Waiver No. 1 to allow maximum block lengths greater than 600' without pedestrian easements.**

Considerations: Are there unique circumstances or conditions affecting the property that are not the result of the actions by the subdivider. Waivers are necessary for the reasonable and acceptable development of the property in question. Granting the waivers will not be detrimental to the public or interest to the adjacent and nearby properties.

DiCostanzo motioned that all three criteria for the waiver are met to accept waiver number one to allow block lengths greater than 600' without pedestrian easements. Todd Seconded. Motion Carried

DiCostanzo – yes

Davison – yes

Todd – yes

Caddy – yes

Surman- yes

**Waiver No. 2 to allow for one (1) vehicular access point to the subdivision.**

Considerations: Are there unique circumstances or conditions affecting the property that are not the result of the actions by the subdivider. Waivers are necessary for the reasonable and acceptable development of the property in question. Granting the waivers will not be detrimental to the public or interest to the adjacent and nearby properties.

DiCostanzo motioned that all three criteria for the waiver are met to accept waiver number one to allow for waiver two of one (1) vehicle access point to the subdivision. Surman Seconded. Motion Carried

DiCostanzo – yes

Davison – yes

Todd – yes

Caddy – yes

Surman- yes

**Waiver No. 3 to waive the requirement of sidewalks in the subdivision.**

Considerations: Are there unique circumstances or conditions affecting the property that are not the result of the actions by the subdivider. Waivers are necessary for the reasonable and acceptable development of the property in question. Granting the waivers will not be detrimental to the public or interest to the adjacent and nearby properties.

DiCostanzo motioned that all three criteria for the waiver are met to the requirement of sidewalks in the subdivision. Caddy Seconded. Motion Carried

DiCostanzo – yes

Davison – yes

Todd – yes

Caddy – yes

Surman- yes

**Waiver No. 4 to allow fire hydrant spacing to have a 300' radial spacing rather than linear and we agree to the placement on the preliminary plat. With any changes as indicated by the village engineer.**

Considerations: Are there unique circumstances or conditions affecting the property that are not the result of the actions by the subdivider. Waivers are necessary for the reasonable and acceptable development of the property in question. Granting the waivers will not be detrimental to the public or interest to the adjacent and nearby properties.

DiCostanzo motioned that all three criteria for the waiver are met and allow fire hydrant spacing to have a 300' radial spacing rather than linear and we agree to the placement on the preliminary plat. With any changes as indicated by the village engineer. Todd Seconded. Motion Carried

DiCostanzo – yes

Davison – yes

Todd – yes

Caddy – yes

Surman- yes

**The next item of business is to discuss the Approval/recommendation of a Preliminary Plat located in part of Tax Lot 22 and part of Tax Lot 35, all in the E½ of Section 19, Township 10 North, Range 9 East of the 6th P.M., Cass County, Nebraska.**

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Surman motioned to approve the Preliminary Plat located in part of Tax Lot 22 and part of Tax Lot 35, all in the E½ of Section 19, Township 10 North, Range 9 East of the 6th P.M., Cass County, Nebraska. Caddy Seconded. Motion Carried

DiCostanzo – yes

Davison – yes

Todd – yes

Caddy – yes

Surman- yes

**The next item of business is to discuss the Approval/recommendation of an Application for a Change of Zoning and amendment of the Eagle Zoning Map from AG (Agricultural) to RE (Residential Estates) submitted by MDC Eagle One, LLC, pertaining to ± 60.565 acres located in part of Tax Lot 22 and part of Tax Lot 35, all in the E½ of Section 19, Township 10 North, Range 9 East of the 6th P.M., Cass County, Nebraska. 6.**

DiCostanzo motioned to approve for a Change of Zoning and amendment of the Eagle Zoning Map from AG (Agricultural) to RE (Residential Estates) submitted by MDC Eagle One, LLC, pertaining to ± 60.565 acres located in part of Tax Lot 22 and part of Tax Lot 35, all in the E½ of Section 19, Township 10 North, Range 9 East of the 6th P.M., Cass County, Nebraska. 6. Davison Seconded. Motion Carried.

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DiCostanzo – Yes

Davison – Yes  
Todd – Yes  
Caddy – Yes  
Surman – Yes

**The next item of business is to discuss the approval of the minutes as typed for the previous meeting.**

**DiCostanzo** motioned to approve the minutes as typed for the previous meeting. Todd seconded. Motion Carried..

DiCostanzo – yes  
Davison – yes  
Moyer – yes  
Caddy – yes  
Surman- yes

Seeing no further items of business the Planning Commission Meeting the meeting was adjourned at 8:27pm.

A recording of this meeting was made and is available at the Village of Eagle Office.