

Village of Eagle
Planning Commission Meeting Minutes
March 8, 2023 Start Time 7:00 P.M.
Eagle Fire & Rescue Department- 705 S 1st Street, Eagle, NE

The March 8, 2023 Planning Commission Meeting was called to order at 7:02 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, Ashley Moyer, Randy Todd, Austin Beck as well as an alternate of John Surman. Robin Sinner and Willa DiCostanzo were absent. Additional attendees included: Joseph Flaxbeard, Raymond Althouse, Jason McCune, Barbara Johnston, Gloria Umland, Rick Hesterman, Travis Moore, Terri Todd, and Marcus Hochstein.

The first item of business was to vote in the Chairperson, Vice Chair and Secretary. Todd moved for Terry Caddy to be renamed as Chairperson, Davison seconded motion. The vote was taken and the motion was approved with 5 members of the Planning Commission voting in favor.

Caddy - yes

Davison – yes

Moyer – Yes

Todd – Yes

Beck – yes

Surman-didn't vote as alternate

Caddy moved for Willa DiCostanzo to be named as Vice Chair, Davison seconded Motion. The vote was taken and the motion was approved with 5 members of the Planning Commission voting in favor.

Caddy - yes

Davison – yes

Moyer – Yes

Todd – Yes

Beck – yes

Surman-didn't vote as alternate

Moyer moved for Robin Sinner to be named as Secretary. Todd moved for Justin Davison to be named as Secretary. A unanimous vote was taken and all voted for Justin Davison as Secretary. The vote was taken and the motion was approved with 5 members of the Planning Commission voting in favor.

Caddy - yes

Davison – yes

Moyer – Yes

Todd – Yes

Beck – yes

Surman-didn't vote as alternate

Public Hearing opened at 7:08pm 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, in the E½ of Section 19, Township 10 North, Range 9 East of the 6th P.M., Cass County, Nebraska.

Flaxbeard opened with addressing the layout of the development, Eagles Landing. They are presenting 18, 3 acre+, acreage lots. They are also requesting with this preliminary plat a change of zoning from AG to Residential Estates. The development will be served by septic and well on each lot. Along with the application they're also requesting two waivers. Waiver one is for one vehicular access point on the entrance at 202nd due to limited road frontage for the development. Waiver 2 is to waive the maximum block length of 600'. Due to the width of the acreage lots because it isn't practical to have street access points that wouldn't lead anywhere in the future.

Flaxbeard also addressed a comment letter from the Village Attorney in regard to sidewalks. He asked the Village clerk if he needed to have a formal waiver request for sidewalks due to the subdivision being acreage lots. Caddy stated we would address this later.

Barbara Johnston with Snyder & Associates, Village Engineer, addressed discussion about needing temporary turnarounds at the dead-end streets being requested. The two main concerns of hers and Maureen Caddy's were a drainage easement through lots 3,4, 13, and 15. Which would dedicate that land for a natural drainage way so that owners of those properties can't build homes and protects any filling of the drainage ways and obstructions of drainage for natural flow of water through this area as it's intended to be. The other concern would be the width of the paved entrance be widened to three lanes for traffic in and out as a result of only have one access point.

Flaxbeard addressed that they are okay with reworking the plan to accommodate an entrance width of 3 lanes. They are working through the corps of engineers with the permit about the culvert design to know what the wetlands impacts are and can calculate the headwater of the culvert to be modeled for the 100 year now so they can define the easement. This is something they can start showing on plat documents now or add it to the final plat.

Caddy asked if they're looking at metal or concrete culvert tubes. Flaxbeard stated they are looking at concrete. They want to minimize the wetland disturbance. Caddy asked if there will be curbs and Flaxbeard confirmed there will be no curbs. However, there will be ditches on either side of the road with 18" or 24" culvert pipes conveying the ditch drainage underneath the street crossing and dropped into the low points at the culvert. Each acreage driveway will have a culvert, which is specified as 18" per the subdivision regulation. Each acreage is only allowed one driveway per our Village code.

Caddy addressed the water study reflects that the study states there will be less water study than what is currently there because it's currently crops. However, it is currently CRP grass now

and Caddy would like that reviewed. Flaxbeard addressed that they followed the TR55 and he will need to review the drainage study due to the new information and what date we're measuring back to. Caddy wants to know how this will affect the downflow stream of water and Flaxbeard stated per our regulation they aren't allowed to increase flow, so they will have to restudy this and come up with a solution for this. Flaxbeard was under the assumption they were dealing with pre-construction being cropland, but they will address this concern and will correct it.

Johnston addressed Maureen Caddy's comments in her absence of: There are two trail connectors and wanted to know if there are easements and how they will be dedicated and connected. Flaxbeard addressed that they will be easements and they will be concreted. Terry Caddy asked if it would be dedicated to the public and Flaxbeard confirmed it would be. Terry recommended a 10' concrete width of the trail right of way in the case a fire apparatus or police need come off the trail or get on the trail they could access. Flaxbeard said that's fine and Terry Caddy wanted it added to the notes. Maureens next comment was street names and Flaxbeard stated they would come up with new street names to reduce confusion.

Terry Caddy asked if there were comments from the public. Raymond Althouse addressed his concern of not necessarily the flow of water but rather the speed at what it moves off the property. Marcus Hochstein asked if the streets were going to be concreted and Flaxbeard confirmed they would be. Hochstein asked if this will be in one or two phases. Flaxbeard addressed he isn't for sure on this but the current intent is to do it all now. Terri Todd asked if there will be better drawings of the turnarounds. Flaxbeard stated that if he's agreeing to it then it will be on the final drawings. Terri Todd also asked when the trail access points would be put in and Flaxbeard confirmed they would be put in at the same time the other concrete is installed as it will be the same contractor.

Terry Caddy asked if there were comments from the planning commission. Caddy addressed the three lane width at the entrance of the development off 202nd street. The reason for this is because in this development if nothing more is developed it wouldn't be an issue. However, if it gets further developed to north or west we would need the three lane width. Flaxbeard stated a previously we were looking at a width of three lanes for a length of 150-200'. Johnston agreed with this recommendation.

Terry Caddy recommended the stubbed out roads be concreted out. The developer had stated that they not pave these and have the HOA pay to pave these streets at a later date. Caddy's concern is how do we require the HOA do this especially if another developer wants to come in and develop to the north or west, how do we regulate this. Another concern is that due to the development having dry grassland around the development he would like these paved incase fire trucks need to access these areas incase of a fire during times such as Fourth of July. His final concern is if they rock this there could be issues of growth coming through the rock and/or contractors tearing up the rock roads with equipment. Randy Todd addressed his additional concern of who maintains this if it isn't concreted. Terry also brought up concerns if it isn't rocked or anything then we may have encroachment issues later on.

Terry Caddy addressed the turnarounds on “19th” and “22nd”. Flaxbeard stated in previous plans the Village was okay with crushed rock in these turnarounds. There will be a dedicated temporary easement of these turnarounds and the easement wouldn’t be lifted until a development went in adjacent. The easement and turnarounds would be within the boundary of the development. Flaxbeard addressed the turnarounds would be on all four stubbed out roadways.

Randy Todd asked if any of the changes for the entrance lane requirement and the turnarounds would affect the lot areas to meet the 3-acre threshold. Flaxbeard stated he isn’t concerned with this affecting the lot sizes.

Travis Moore asked a question about allowing only one access to the development in case there is future development to the north or west of the development. Flaxbeard addressed that due to the safety concern of lining up Eagle Road to the entrance of the development that is the safest route due to the minimal road frontage on the current land boundary.

Travis Moore also asked if thought has been given to the fact that if Eagle keeps growing we are minimizing the chances of growth to the west because if we’re putting in acreages with wells and septic it’s harder to annex them in.

Public hearing closed at 7:48 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, in the E½ of Section 19, Township 10 North, Range 9 East of the 6th P.M., Cass County, Nebraska.

Public Hearing opened at 7:49pm for the purpose of hearing testimony concerning an Application for a Change of Zoning and amendment of the Eagle Zoning Map from AG (Agriculture) 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, in the E1/2 of Section 19, Township 10 North, Range 9 East of the 6th P.M., Cass County, Nebraska.

Terry Caddy asked if when application was made for a change of zoning if the owner of the property signed off on the application? Flaxbeard stated, “yes”, but that was a misunderstanding as they thought it was just an applicants signature. However, the question at hand is that McCune doesn’t own the land yet and it’s on option to purchase. The current landowner doesn’t want the Change of Zoning to take place prior to the purchase of the property. Terry addressed that the Change of Zoning is conditional on the Village passing an ordinance and approving the final plat. The land will have to be purchased prior to these approvals. Flaxbeard also gave further peace of mind that the owners would have to sign off on the plat in order to change this so there’s nothing to worry about.

Randy Todd addressed his concern of rezoning Ag land to Residential because you can never get Ag land back once you develop it. You only have so much land.

Public Hearing closed at 7:55pm for the purpose of hearing testimony concerning an Application for a Change of Zoning and amendment of the Eagle Zoning Map from AG (Agriculture) 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, in the E1/2 of Section 19, Township 10 North, Range 9 East of the 6th P.M., Cass County, Nebraska.

The next item of business is to discuss the Approval/recommendation of the following waivers:

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

Surman made a motion to the waive the maximum block lengths to exceed 600' without pedestrian easements. Finding that all three conditions to the waiver have been met. Todd seconded the motion. The motion was approved with 6 members of the Planning Commission voting in favor.

Caddy - yes

Davison – yes

Moyer – Yes

Todd – Yes

Beck – yes

Surman-yes

- 2) Waiver No. 2 to allow for one (1) vehicle access point to the subdivision.

Moyer made a motion to allow for one (1) vehicle access point to the subdivision. Finding that all three conditions to the waiver have been met. Todd seconded the motion. The motion was approved with 6 members of the Planning Commission voting in favor.

Caddy - yes

Davison – yes

Moyer – Yes

Todd – Yes

Beck – yes

Surman-yes

- 3) Waiver No. 3 to allow waiver of sidewalks in the development.

Moyer made a motion to allow the waiver of sidewalks in the development. Finding that all three conditions to the waiver have been met. Surman seconded the motion. The motion was approved with 6 members of the Planning Commission voting in favor.

Caddy - yes

Davison – yes

Moyer – Yes

Todd – Yes

Beck – yes

Surman-yes

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

Johnston stated that there were other comments made in our memo in regards to the plat, drainage comments, culvert outlets, trail connections, plan labels, and vertical curves in the paving plan have all been addressed.

Recommendations from the planning committee:

- 1) Developer agreed to the entrance at 202nd street should be three lanes wide for a length between 150-200’.
- 2) Developer agreed to the two access points to the MoPac trail to be concreted and 10’ in width.
- 3) Recommendation for concreting the stubbed out streets to the end at time of development.
- 4) Developer agreed to the turnarounds at all four stubbed out roadways of the development along with reflectors at the dead ends.
- 5) Recommendation to review the drainage study for grassland instead of crops, as the current study states.
- 6) Recommendation of street name changes to not confuse current municipality street names.

Caddy encouraged an early priority of a street light at the development entrance. Flaxbeard stated that the plan is to install that at the time of trenching in power.

Caddy also addressed the previous comment of Travis Moore in regards to stopping urban development with the acreages. Caddy was a very strong proponent of Residential Estates to the west of the village. However, he’s cognizant to the fact that the cost of water and sewer for this development is cost inhibitive due to the location.

Todd made a motion to approve the Preliminary Plat located in part of Tax Lot 22 and part of Tax Lot 35, in the E½ of Section 19, Township 10 North, Range 9 East of the 6th P.M., Cass County, Nebraska, conditional on the planning commissions 6 recommendations. Surman seconded the motion. The motion was approved with 6 members of the Planning Commission voting in favor.

Caddy - yes

Davison – yes

Moyer – Yes

Todd – Yes

Beck – yes

Surman-yes

The next item of business is 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 On, LLC, pertaining to ±60.565 acres located in part of Tax Lot 22 and part of Tax Lot 35, in the E½ of Section 19, Township 10 North, Range 9 East of the 6th P.M., Cass County, Nebraska.

Caddy made a motion to approve the Application for a Change of Zoning and amendment of the Eagle Zoning Map from AG (Agricultural) to RE (Residential Estates) submitted by MDC Eagle On, LLC, pertaining to ±60.565 acres located in part of Tax Lot 22 and part of Tax Lot 35, in the E½ of Section 19, Township 10 North, Range 9 East of the 6th P.M., Cass County, Nebraska, conditional upon the ordinance by the Village Board and Final Plat being approved. Moyer seconded the motion. The motion was approved with 6 members of the Planning Commission voting in favor.

Caddy - yes

Davison – yes

Moyer – Yes

Todd – Yes

Beck – yes

Surman-yes

The decision will be forwarded to the Village of Eagle.

The next item of business is to discuss the Eagle Zoning Ordinance and Eagle Zoning Map updates.

Caddy addressed that the planning commission needs to address any updates we feel need to be made to the current ordinances and maps. A meeting will be set in the next few weeks to review this along with any changes needed.

The final item of business is to approve the previous meeting minutes as amended. Moyer motioned to approve and Todd seconded. Motion is carried with 5 members of the planning commission voting in favor.

Caddy - yes

Davison – yes

Moyer – Yes

Todd – Yes

Beck – yes

Surman -abstained

Seeing no further items of business the Planning Commission Meeting the meeting was adjourned at 8:28pm.

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