

## FACTSHEET

**TITLE:** CHANGE OF ZONE NO. 15011  
AG to AGR (9400 South 56<sup>th</sup> Street)

**BOARD/COMMITTEE:** Planning Commission

**APPLICANT:** Pride Homes

**RECOMMENDATION:** Approval (7-0: Sunderman, Harris, Beecham, Weber, Hove, Scheer, and Lust voting 'yes'; (Corr and Cornelius absent).

**STAFF RECOMMENDATION:** Approval.

**OTHER DEPARTMENTS AFFECTED:** N/A

**SPONSOR:** Planning Department

**OPPONENTS:** None

### **REASON FOR LEGISLATION:**

Request for change of zone from AG Agricultural to AGR Agricultural Residential District, on property generally located at 9400 South 56<sup>th</sup> Street.

### **DISCUSSION / FINDINGS OF FACT:**

1. This change of zone request and the associated Special Permit No. 15021 were heard at the same time before the Planning Commission.
2. The purpose of this change of zone from AG to AGR is to allow the development of the Trinity Oaks Community Unit Plan, consisting of 17 dwelling units, including requests to waive the maximum lot area, allow double frontage lots, maximum block length, sanitary sewer to run opposite street grades, to not require grading of streets in the urban reserve component, setbacks and lot width-to-depth ratio on property generally located at 9400 South 56<sup>th</sup> Street.
3. The staff recommendation to approve the change of zone request is based upon the "Analysis" as set forth on p.3-4, concluding that the change of zone is in conformance with the Comprehensive Plan, which designates this area for future low-density residential development.
4. The applicant's testimony is found on p.6.
5. There was no testimony in direct opposition but comments were made by a nearby property owner relating to the potential impact on the water table and the proposed septic system found on p.6-7.
6. On April 15, 2015, the Planning Commission agreed with the staff recommendation and voted 7-0 to recommend approval of this change of zone request.
7. On April 15, 2015, the Planning Commission also voted 7-0 to adopt Resolution No. PC-01448 approving Special Permit No. 15021 to allow the Trinity Oaks Community Unit Plan for 17 dwelling units and associated waivers. The special permit has not been appealed to the City Council as of this date.

**FACTSHEET PREPARED BY:** Geri Rorabaugh, Administrative Officer

**DATE:** April 21, 2015

**REVIEWED BY:** Stephen S. Henrichsen, Development Review Manager

**DATE:** April 21, 2015

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# LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

## for April 15, 2015 PLANNING COMMISSION MEETING

**PROJECT #:** Change of Zone #15011 - Trinity Oaks

**PROPOSAL:** Change the zoning from AG Agriculture to AGR Agricultural Residential

**LOCATION:** South 56<sup>th</sup> Street and Shady Hollow Road

**LAND AREA:** Approximately 46.45 acres

**CONCLUSION:** The Comprehensive Plan designates this area for future Low-density Residential development. This designation is reflective of the development pattern which exists over the remainder of the section bounded by South 56<sup>th</sup>, South 70<sup>th</sup>, Yankee Hill Road and Rokeby Road, where almost the entire section is populated with acreages. This request complies with the Zoning Ordinance and is in conformance with the Comprehensive Plan.

<b>RECOMMENDATION:</b>	Approval
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### GENERAL INFORMATION:

**LEGAL DESCRIPTION:** Lot 91 I.T. located in the SW 1/4 of Section 28-9-7 of the 6<sup>th</sup> P.M., Lancaster County, Nebraska.

**EXISTING LAND USE:** Undeveloped

### **SURROUNDING LAND USE AND ZONING:**

North:	Acreage Residential	AGR
South:	Acreage Residential	AGR
East:	Acreage Residential	AGR
West:	Acreage Residential	AGR

### **ASSOCIATED APPLICATIONS:**

SP#15021 - A proposed AGR community unit plan which creates 17 lots. It contains a future lot layout (build-through) for the development reserve component in the event the area is annexed by the City at some time.

## **COMPREHENSIVE PLAN SPECIFICATIONS:**

Pg 1.9 - The Future Land Use Map designates the area for low-density residential land uses.

Pg 1.10 - This property is in the Tier I, Priority B of the Growth Tiers with Priority Areas map for the City of Lincoln.

Pg 7.2 - Neighborhoods and Housing: Guiding Principles

-Encourage acreages to develop in appropriate areas and preserve farmland.

Pg 7.12 - Neighborhoods and Housing: Rural Areas

-All proposals for acreages, whether designated on the future land use map for low density residential or not, should be evaluated based on factors such as paved roads, adequate water quality and quantity, soil conditions for on-site wastewater management, availability of emergency services, agricultural productivity, land parcelization, the pattern of existing acreages, and plans for future urban development.

Grouping acreages together in specific areas will limit the areas of potential conflict between farms and acreages. It also may enable services to be provided more efficiently, by reducing the amount of paved routes, reducing the number and distance of school bus routes, and taking advantage of more effective rural water district service.

-New acreage development is not encouraged in the "*Map 1.3: Growth Tiers with Priority Areas*" for Lincoln's three-mile extra territorial jurisdiction (ETJ), except for areas already platted, zoned, or designated for low density residential development. Development in these tiers should only be permitted under the "build-through" model that has been established, and without the use of Sanitary Improvement Districts (SIDs).

-Require applicants seeking plan designation or re-zoning for acreages to provide information on water quality and quantity if planning to use on-site wells.

## **ANALYSIS:**

1. This request seeks to re-zone a 46.45 acre tract from AG to AGR. The land is located on the east side of South 56<sup>th</sup> Street near the intersection of Shady Hollow Road. The tract is entirely surrounded by AGR zoning and acreage development.
2. This tract is located within the section bounded by South 56<sup>th</sup>, South 70<sup>th</sup>, Yankee Hill Road and Rokeby Road, where almost the entire section is populated with acreages. The Comprehensive Plan acknowledges this dominant land use pattern, and designates the entire section for low-density residential uses, including the subject property.

3. This application is associated with Special Permit #15021, a request for an AGR community unit plan (CUP) to allow up to 17 lots/dwelling units. Required to meet build-through standards, the plan shows how the urban reserve component can be further subdivided at such time as the property is annexed and can be served by the full range of City services. Even without the CUP, a change of zone to AGR is appropriate, as it would allow the tract to be subdivided into multiple three acre parcels for residential development.
4. This request complies with the Zoning Ordinance and is consistent with the Comprehensive Plan.

Prepared by:

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Brian Will  
Planner  
April 1, 2015

**APPLICANT:** Pride Homes  
6600 Stoneybrook Pkwy  
Lincoln, NE 68521

**CONTACT:** Mike Eckert  
Civil Design Group  
8535 Executive Woods Drive  
Lincoln, NE 68512  
402-434-8494

**OWNER:** Troncone Family Trust  
9400 South 56<sup>th</sup> Street  
Lincoln, NE 68516

**CHANGE OF ZONE. NO. 15011  
AND  
SPECIAL NO. 15021  
TRINITY OAKS COMMUNITY UNIT PLAN**

**PUBLIC HEARING BEFORE THE PLANNING COMMISSION:**

April 15, 2015

Members present: Lust, Hove, Beecham, Weber, Scheer, Harris, and Sunderman; Corr and Cornelius absent.

Staff Recommendation: Approval of the change of zone and conditional approval on the special permit.

There were no ex parte communications disclosed on this item.

Staff presentation: **Brian Will of the Planning staff**, referring to the site plan, provided an overview of the project area, bounded by the following major arterial streets: Yankee Hill Road, South 56<sup>th</sup> Street, Rokeby Road, and South 70<sup>th</sup> Street. There are two associated applications – one for the change of zone and one for the special permit for a community unit plan, utilizing build-through. The applicant is requesting AGR zoning because the property is surrounded by AGR zoned property. He explained that this area is not eligible to be annexed due to the lack of city utilities. Will explained that although this property is not eligible to be annexed today, it likely will be in the near future as it is in the Tier I, Priority B of the Growth Tiers. The city limits are moving in this direction. With the idea of doing the build-through in this location within a manner that it can be annexed in the near future makes sense. The applicant is proposing 16 lots in the southeast corner of the property and 1 additional existing lot. The new proposed lots will range from one-half acre to just over one acre in size. If this development were zoned AGR, they could have 3-acre lots. Because this area seems to be close to being annexed, he believes that this more closely approximates urban development. Will stated that about 60 percent of the development is not being platted for development today but rather is being set aside for when it is annexed. The site plan does include a future street and lot layout that resembles something similar to a typical R-3 residential neighborhood. The streets that will serve the 17 lots will be built to city standards. The future streets will not be built until the property is annexed and a future layout is brought before the Planning Commission for approval. Staff is supportive of all the waivers that are being proposed. The most notable conditions of approval relate to the approval of the grading and drainage by Public Works and the placement of individual wells until the property is annexed, as reviewed and approved by the Health Department.

## Staff Questions

Lust questioned what the plans are for sewer. Will explained that the sewer will be installed with the street as a single-package plant which will serve all the existing lots until municipal facilities are connected. Will noted that the switch over should be easy.

Harris referenced the letter regarding the existing home having continued access to South 56<sup>th</sup> Street. Will stated that the request of the property owner is to be allowed to continue to use the existing drive onto South 56<sup>th</sup> until the property is annexed in the future. Staff is supportive of the use of driveway but, once the property is annexed, the driveway will be eliminated and will access off the internal street network of the property.

Weber asked for clarification on the single-package plant. Will indicated that it has not yet been determined but the applicant may be able to address what is being proposed during his testimony.

## Proponents

**Mike Eckert**, Civil Design Group, 8535 Executive Woods Drive, Lincoln, representing Pride Homes, the proposed developer of the project. Using an aerial view of the property, Eckert explained that the entire mile section is composed of acreages and, thus, they believe that the change of zone makes sense. The proposal includes a build-out of an acreage development and a future urban reserve component. With the future endeavor over the next few years with the Capital Improvement Program, they will be focusing on getting sewer and water to this site. They are working with city staff in terms of the water connection. Eckert referred to the site plan and explained that the applicant has a vision for this property, as it is inevitable that it will be annexed in the not too distant future. Their goals are to make it easy for hookup in terms of streets and sewer. The streets will be build to city standards. During the initial acreage component of the development, they are planning for a community sewage system planned. The soil percolates enough in a good portion of the property to basically allows them to have a large septic field in part of the urban reserve component that would be dismantled when sewer comes in. They continue to work on the more efficient design. The sewer system will likely grow as the development grows, which will be fully regulated by the Nebraska Department of Environmental Quality. They have planned adequate connections to Mr. Gibson's property as well as to 60<sup>th</sup> Street and 58<sup>th</sup> Street. Eckert believes that the proposal is compatible with the existing acreages but also plans for future annexation.

## Opponents

1. John Hollingsworth, 9200 South 60<sup>th</sup> Street, property owner of the land that abuts the north portion of the proposed development. Hollingsworth noted that he is not necessarily testifying in opposition. He believes that the plan is doable as it is being proposed but he noted that he is concerned about the wells and the impact that this may on the water table as well as the septic system. Hollingsworth

reported he has met with the applicant a couple times, and the applicant has done a good job of explaining some components of the development but not all components. Hollingsworth noted that the applicant indicated they plan to have a lateral field across the fence from his property; Hollingsworth stated this would likely need to be quite large to service 16 large homes.

### Staff Questions

Beecham stated that there has been recent testimony to the Planning Commission regarding the depth of wells, water availability, etc. for another development, and questioned as to what point in the process the Health Department reviews and approves the wells for a new development.

Will explained that the wells and septic systems are both conditions of approval. If the Planning Commission approves the proposal with these conditions, then the applicant has to satisfy that requirement. These conditions are associated with the special permit and will need to be satisfied before the final plat or any plans can be submitted for building permits .

### Response by the Applicant

Eckert addressed the concerns of Mr. Hollingworth and explained that he is working with Doug Smith of Lincoln Lancaster County Health Department. Eckert indicated that he was involved in an acreage development in 2007 north of Pawnee Lake and the water situation is different, as they had a condition that required them to drop a well on each lot before a building permit could be obtained – all 18 were dropped and all were successful with no apparent repercussions to the neighbors. Eckert stated that for this proposed development, they need to submit the geological study to the Health Department proving that there is adequate water. Eckert stated that there is a line Yankee Hill and Rokeby but neither had been extended because this area has sufficient water, although it is a hard and treatment will be required. Eckert noted that they will comply with the Health Department's requirements, and they will do a 13-perimeter test on the existing well and submit that as well. As for the septic system, an engineer out of Fremont is working on the design, which will most likely include lateral fields, showing the placement in conjunction to Mr Hollingsworth property. Because they are proposing a community system, it has to meet Nebraska Department of Environmental Quality regulations, noting that typically these are designed to be larger than what is needed, noting that a separate hearing will likely be held on the approval of the proposal.

Weber asked how often septic systems are inspected? Eckert explained that discharge systems are required to have a monthly inspection. For non-discharge systems, they are inspected annually to make sure that the lateral systems are working. The type of system that will likely use, is an infiltration system so will likely be inspected annually.

George Gibson, property owner to the east, asked a question of the Commission from his

seat in the chambers regarding the septic system. Chairperson Lust asked that Mr. Gibson direct his question to the applicant's representative.

**ACTION BY PLANNING COMMISSION:**

April 15, 2015

**CHANGE OF ZONE NO. 15011, FROM AG TO AGR ON PROPERTY GENERALLY LOCATED AT 9400 SOUTH 56<sup>TH</sup> STREET.**

Hove moved to recommend approval of this change of zone application; seconded by Weber.

Lust stated that this seems like a good fit for the development that is already existing in the area, although it is a little concerning when we are building more acreages in an area that we anticipate are going to be part of the city fairly quickly; however, she believes the staff and the applicant have come up with a good plan in terms of how it will be integrated into future city growth. Lust noted she supports the application.

The motion for recommended approval of this application carried 7-0; Lust, Hove, Beecham, Weber, Scheer, Harris, and Sunderman; Corr and Cornelius absent.

**SPECIAL PERMIT NO. 15021, TO ALLOW THE TRINITY OAKS COMMUNITY UNIT PLAN FOR 17 DWELLING UNITS, INCLUDING WAIVERS, ON PROPERTY LOCATED AT 9400 SOUTH 56<sup>TH</sup> STREET**

Hove moved for conditional approval of this application; seconded by Beecham.

The motion for conditional approval of this application carried 7-0; Lust, Hove, Beecham, Weber, Scheer, Harris, and Sunderman; Corr and Cornelius absent.



2013 aerial

**Change of Zone #: CZ15011 (AG to AGR) &  
Special Permit: SP15021  
Trinity Oaks CUP  
S 56th St & Shady Hollow Rd  
Zoning:**

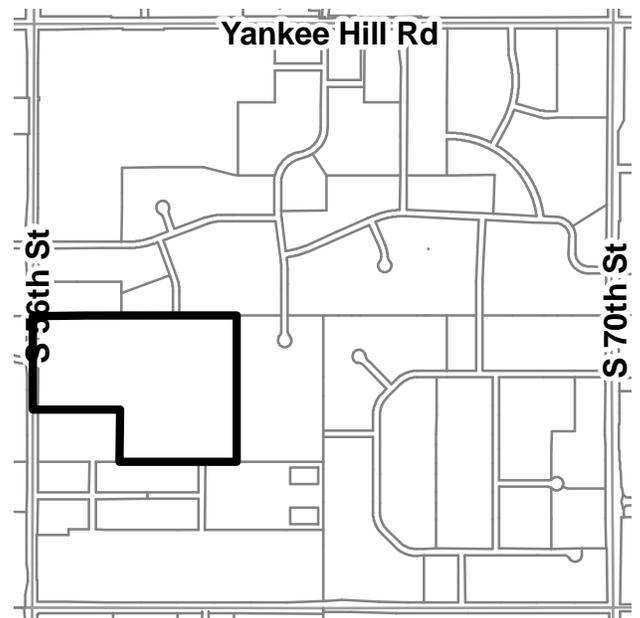
One Square Mile:  
Sec.28 T09N R07E

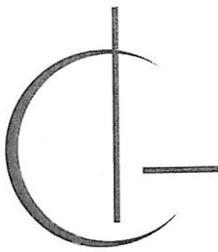
- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial 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

Area of Application

Zoning Jurisdiction Lines

Lancaster County Jurisdiction





# Civil Design Group, Inc.

Consulting Engineers & Land Use Planners  
Civil Design • Site Development • Planning & Zoning

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March 18, 2015

Mr. David Cary, Acting Director of Planning  
City of Lincoln /Lancaster County Planning Department  
555 South 10<sup>th</sup> Street, Room 213  
Lincoln, NE 68508

**Re: Trinity Oaks Application for Change of Zone and Special Permit for a Community Unit Plan (CUP)  
9400 S. 56<sup>th</sup> Street  
CDG Project No. 2014-0376**

Dear David:

On behalf of Pride Homes, we submit the above mentioned project for review. With this submittal we are requesting a Change of Zone from AG to AGR on 46.45 acres at 9400 S. 56<sup>th</sup> Street and the approval of the associated CUP that incorporates build-through design elements for eventual annexation into the City of Lincoln.

In multiple pre-application meetings with City staff we have worked to create a CUP that clusters the 17 units of AGR density, utilizes a community wastewater system, and preserves 60% of the land in the Urban Reserve Component. In order to meet the intent of the build-through standards in LMC Section 27.65.075 the developer will be installing city standard sewer mains in the Acreage Development Component to facilitate urban conversion. Prior to annexation, the developer proposes the use of individual wells for water supply for the 17 AGR units. An inventory of the adjacent well data is attached in lieu of a water report. It demonstrates the propensity of groundwater in this area of the County.

In order to create a development that integrates an Urban Reserve Component while respecting the character of the surrounding acreage lots, our site plan yields 1.6 units/acre for the 28.06 acres that comprises the Urban Reserve Component. While this falls short of the standards set in LMC Section 27.65.075 it provides an amicable density for the surrounding as-built environment.

We are requesting that the medians in the public row be platted as outlots that will be retained in ownership and maintenance by home owners association. Additionally, we are request that that the one existing single family home on the site be allowed to continue to have access on S. 56<sup>th</sup> Street at the currently location of the driveway until S. 57<sup>th</sup> Street is built in front of the residence. Lastly, we are also requesting that Lots 1 & 2, Block 2 be allowed to have a direct driveway access to Trinity Lane across Outlot E.

The following waivers of the design standards are requested:

1. For the installation of sidewalks and street trees along the segments of streets that are constructed now for access to the Acreage Development Component lots, but will serve lots in the Urban Reserve Component.

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2. For block length distance on Blocks 1, 2, and 3 in the acreage development component due to the distances created by making the allowable street connections to the surrounding acreages areas.
3. For sanitary sewer mains running opposite street grades due to the required grading of property.
4. For a removal of BTA grading requirements for all Urban Reserve Component roadways not constructed for 17 Acreage Development Component lots.
5. For the setbacks on lots in the Acreage Development Component to: 20' front yard, 30' rear yard and 5' side yard.
6. For the lot-to-depth ratio for Lot 4 Block 2 due to the roadway connections that must be made to the south and eastern acreages.

Included with this submittal is the following:

Application for Change of Zone and Special Permit – City of Lincoln  
Adjacent Well Data and Logs  
Change of Zone Fee: \$792.00  
Community Unit Plan Fee: \$3,792.00  
County Health Department Review Fee: \$885.00  
Plans uploaded via ProjectDox

I hope that this letter in conjunction with the plans provides you with enough information to review this application. In an effort to facilitate the review process, please feel free to call me at (402) 434-8494 so that I can address any questions you may have.

Sincerely,



Mike Eckert, AICP

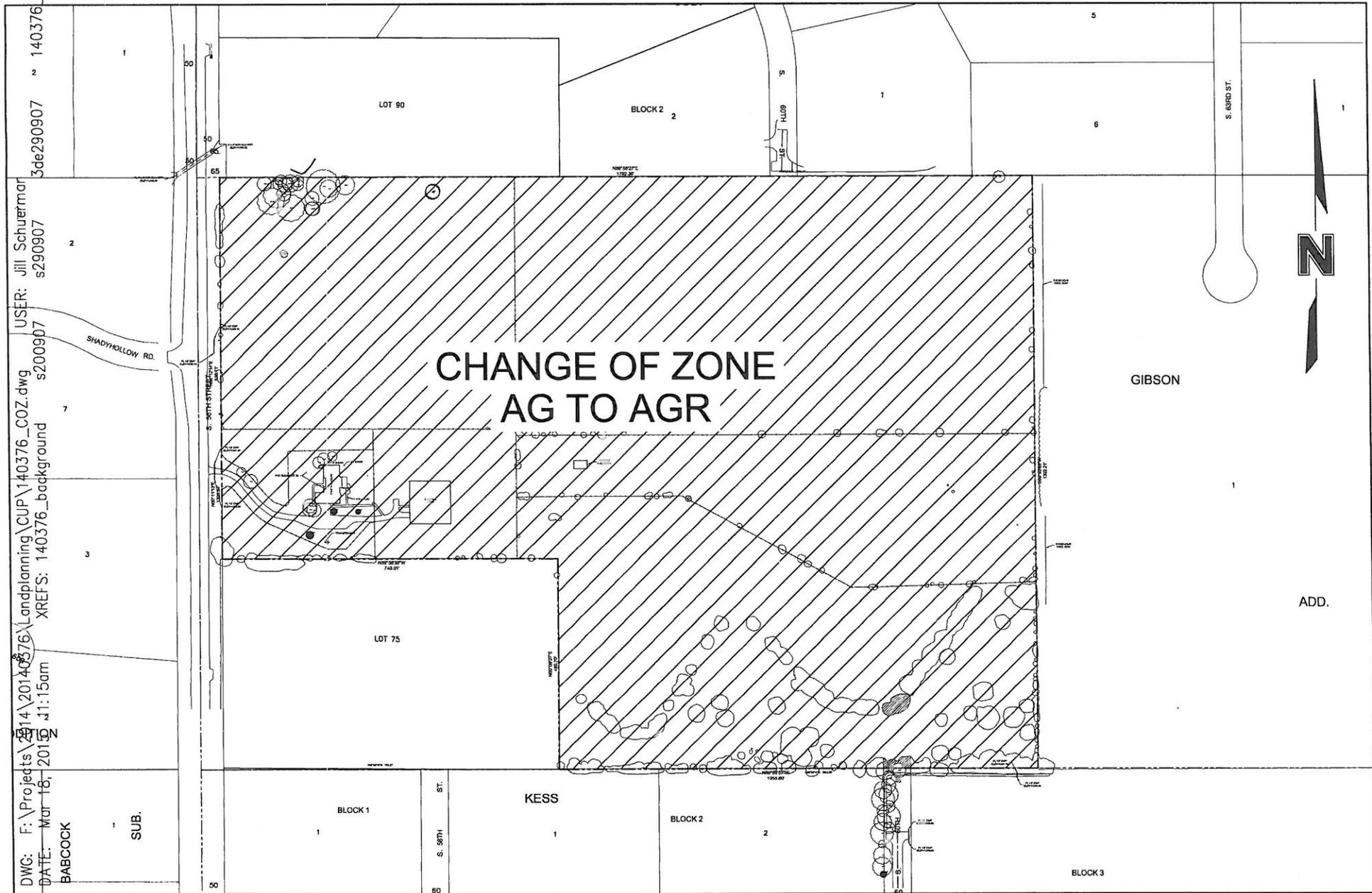
Encl

cc: Pride Homes

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DATE: Mar 18, 2015 11:15am  
USER: Jill Schuermar s290907  
XREFS: 140376\_background s200907  
3de290907 2 140376\_Xbae



drawn by: jds  
 checked by: -  
 project no.: 2014-0376  
 date: 03/18/2015

**CHANGE OF ZONE EXHIBIT  
 TRINITY OAKS  
 LINCOLN, NEBRASKA**

**Civil Design Group, Inc.**  
 8535 EXECUTIVE WOODS DR., SUITE 200  
 Lincoln, Nebraska 68512  
 Ph. 402-434-8494 Fax 866-215-8747  
 www.civildg.com

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EXHIBIT  
**1 OF 2**

## CHANGE OF ZONE LEGAL DESCRIPTION:

Description of a Lot 91 of Irregular tracts located in the Southwest Quarter of Section 28, Township 9 North, Range 7 East, of the 6th P.M., Lancaster County, Nebraska, and more particularly described as follows:

Beginning at the Northwest corner of Lot 91 of Irregular tracts, said point being on the Easterly 50.00 Right-of-Way line of South 56th Street and on the North line of the Southwest Quarter of said Section 28; Thence in a Easterly direction on the North line of the Southwest Quarter of said Section 28, and on the Northerly line of said Lot 91 of Irregular tracts and on an assumed bearing of N 89°58'27" E, for a distance of 1792.36' to the Northeast corner of said Lot 91 of Irregular tracts;

Thence S 00°02'28" W on the East line of said Lot 91 of Irregular tracts, for a distance of 1322.21' to the Southeast corner of said Lot 91 of Irregular tracts said point also being on the Northerly line of "Kess Estates";

Thence N 89°58'57" W on the most Southerly line of said Lot 91 of Irregular tracts and the Northerly Line of "Kess Estates" for a distance of 1055.60';

Thence N 00°08'37" E, for a distance of 469.70';

Thence N 89°56'50" W, for a distance of 740.01' to the Southwest corner of said Lot 91 of Irregular tracts, and the Easterly 50.00' Right-of-Way line of said South 56th Street;

Thence N 00°12'14" E on the Westerly line of said Lot 91 of Irregular tracts, and the Easterly 50.00' Right-of-Way line of said South 56th Street, for a distance of 850.71' to the POINT OF BEGINNING. Containing a calculated area of 46.45 Acres more or less.

Together with and subject to covenants, easements, and restrictions of record

DWG: F:\Projects\2014\20140376\Landplanning\CUP\140376\_COZ.dwg  
 DATE: Mar 18, 2015 11:15am  
 XREFS: 140376\_background s200907  
 USER: Jill Schuerman s290907  
 3de290907  
 140376\_Xbase

drawn by: jds  
 checked by: -  
 project no.: 2014-0376  
 date: 03/18/2015

### CHANGE OF ZONE EXHIBIT TRINITY OAKS LINCOLN, NEBRASKA



Civil Design Group, Inc.  
 8535 EXECUTIVE WOODS, DR., SUITE 200  
 Lincoln, Nebraska 68512  
 Ph. 402-434-8494 Fax 866-215-8747  
 www.civildg.com

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EXHIBIT

2 OF 2

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