

City Council Introduction: **Monday**, August 20, 2001  
Public Hearing: **Monday**, August 27, 2001, at **1:30 p.m.**

Bill No. 01-139

## FACTSHEET

**TITLE:** CHANGE OF ZONE NO. 3333, from AG Agricultural to AGR Agricultural Residential, requested by Union Bank and Trust, on property generally located ½ mile south of the southwest corner of the intersection of S.W. 12<sup>th</sup> Street and W. Denton Road.

**SPONSOR:** Planning Department

**BOARD/COMMITTEE:** Planning Commission  
Public Hearing: Consent Agenda, 08/08/01  
Administrative Action: 08/08/01

**STAFF RECOMMENDATION:** Approval.

**RECOMMENDATION:** Approval (9-0: Taylor, Newman, Carlson, Hunter, Schwinn, Duvall, Steward, Krieser and Bayer voting 'yes')

### FINDINGS OF FACT:

1. The Planning staff recommendation to approve this change of zone request is based upon the following analysis:
  - A. This request is for a change from AG Agriculture to AGR Agricultural Residential on a 76 acre parcel of land. This could provide up to 25 dwellings.
  - B. The stated intent is a conventional residential acreage development of 18 three-acre lots.
  - C. This is in conformance with the Comprehensive Plan Land Use Maps.
  - D. The abutting land to the west and south is currently platted and developed with acreages and has been zoned AGR.
  - E. Ground water information was not provided. However, water reports on other subdivisions in the area have generally indicated good quality and quantity.
2. This application was placed on the Consent Agenda of the Planning Commission on August 8, 2001, and opened for public hearing. No one came forward to speak.
3. The Planning Commission unanimously agreed with the staff recommendation.

**FACTSHEET PREPARED BY:** Jean L. Walker

**DATE:** August 13, 2001

**REVIEWED BY:** \_\_\_\_\_

**DATE:** August 13, 2001

**REFERENCE NUMBER:** FS\CC\FSCZ3333

## LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

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**P.A.S.:** Change of Zone No. 3333  
S.W. 12th and W. Denton Road  
AG to AGR

**DATE:** September 6, 2001

**PROPOSAL:** Brian Carstens, on behalf of Union Bank and Trust, has requested a change of zone from AG Agricultural to AGR Agricultural Residential.

### **GENERAL INFORMATION:**

**APPLICANT:** Brian Carstens  
Brian Carstens and Associates  
601 Old Cheney Road, Suite C  
Lincoln, NE 68512  
(402) 434-2442

**CONTACT:** Same as above.

**LOCATION:** ½ mile south of the Southwest corner of the intersection of S.W. 12<sup>th</sup> Street and W. Denton Road.

**REQUESTED ACTION:** Approval of zoning change.

**LEGAL DESCRIPTION:** All of Lot 1, Foreman Ridge, located in the S/E 1/4 of Section 21, Township 9 North, Range 6 East of the 6th P.M., Lancaster County, Nebraska.

**EXISTING ZONING:** AG Agricultural.

**PURPOSE:** Future residential plat.

**SIZE:** 76 acres, more or less.

**EXISTING LAND USE:** agriculture.

**SURROUNDING LAND USE AND ZONING:** Agriculture land to the north, acreages to the west and south, LES substation to the east. Zoned AGR Agriculture to the south and west and AG Agricultural to the north. P Public abuts to the east.

**COMPREHENSIVE PLAN SPECIFICATIONS:** In conformance. This is shown as Low Density Residential in the 1994 County Land Use Plan.

**HISTORY:** Changed from AA Rural and Public Use to AG Agricultural with the adoption of the 1979 Zoning Update.

**SPECIFIC INFORMATION:**

**UTILITIES:** There are no utilities or water districts in the area.

**TOPOGRAPHY:** Gently rolling, draining to Cardwell Branch to the north.

**TRAFFIC ANALYSIS:** Southwest 12th Street and West Denton Road are paved county roads.

**PUBLIC SERVICE:** This is in the Southwest Rural Fire District, the station is located approximately 4 miles from this site. This is in the Lincoln Public School District, served by Beattie elementary, Irving middle and Southeast high schools. Electric service is by Norris Public Power.

**REGIONAL ISSUES:** Acreage development.

**ENVIRONMENTAL CONCERNS:** There are no identified environmental or historic resources in or near this application. This land is rated at 6.9 on the land evaluation scale, with 1 being the best and 10 being the worst. This is not prime agricultural land. The water report on other subdivisions in the area have generally indicated good quantity and quality.

**AESTHETIC CONSIDERATIONS:** NA

**ALTERNATIVE USES:** Pasture and farming uses. Up to 3 dwellings.

**ANALYSIS:**

1. This request is for a change from AG Agriculture to AGR Agricultural Residential on a 76 acre parcel of land. This could provide up to 25 dwellings.
2. The stated intent is a conventional residential acreage development of 18 three acre lots.
3. This is in conformance with the Comprehensive Plan Land Use Maps.
4. The abutting land to the west and south is currently platted and developed with acreages and has been zoned AGR.
5. Ground water information was not provided. However, water reports on other subdivisions in the area have generally indicated good quality and quantity.

**STAFF RECOMMENDATION:**

Approval

Prepared by:  
Michael V. DeKalb AICP, Planner

## CHANGE OF ZONE NO. 3333

**CONSENT AGENDA**  
**PUBLIC HEARING & ADMINISTRATIVE ACTION**  
**BEFORE PLANNING COMMISSION:**

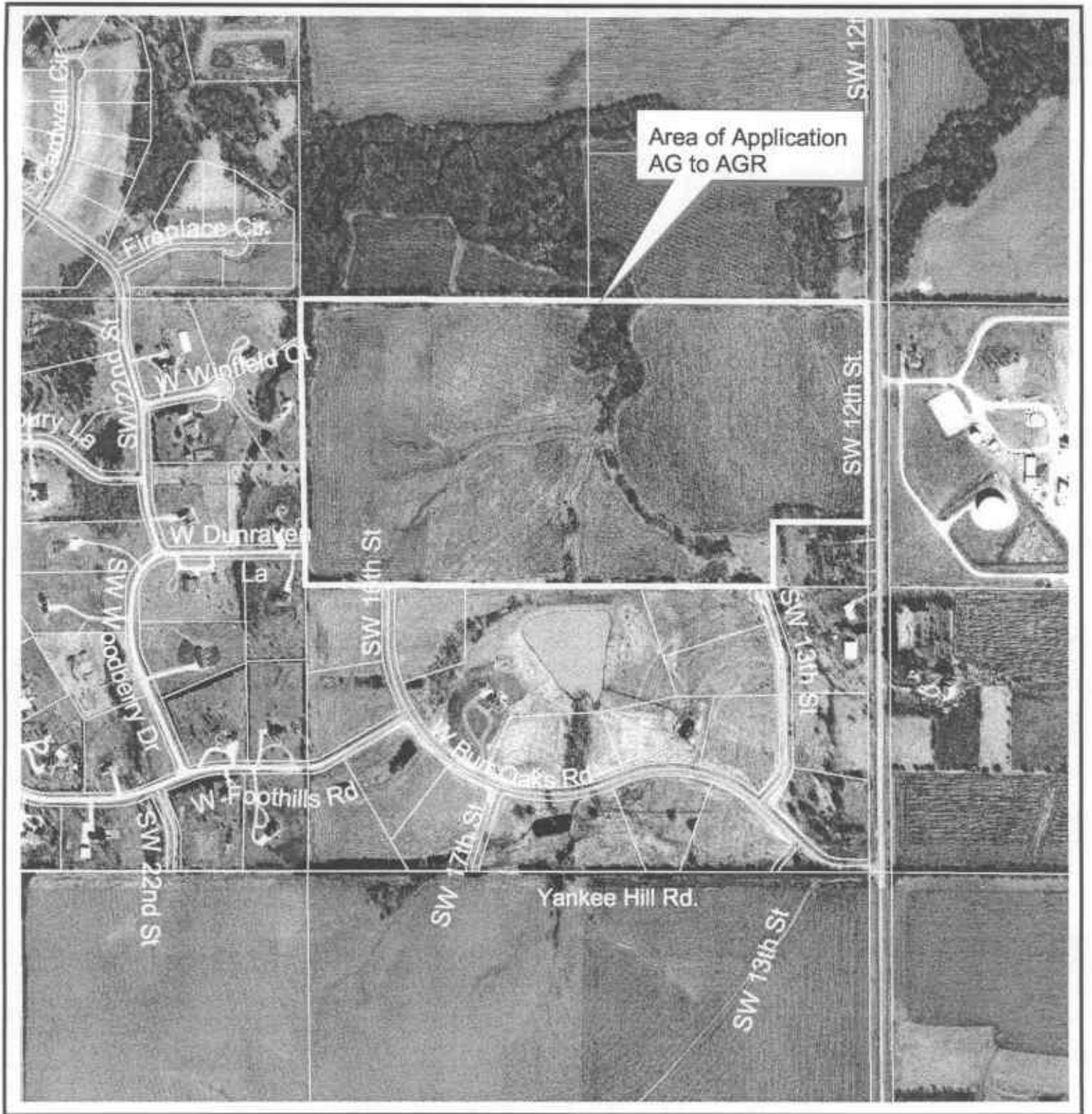
August 8, 2001

Members present: Bayer, Carlson, Duvall, Hunter, Krieser, Newman, Schwinn, Steward and Taylor.

The Consent agenda consisted of the following items: **CHANGE OF ZONE NO. 3333; SPECIAL PERMIT NO. 1923; SPECIAL PERMIT NO. 441D; SPECIAL PERMIT NO. 1435C; CITY/COUNTY FINAL PLAT NO. 99004, CROOKED CREEK ADDITION; FINAL PLAT NO. 01004, ASPEN RIDGE ADDITION; and FINAL PLAT NO. 01019, ASHLEY HEIGHTS ADDITION.**

Steward moved to approve the Consent Agenda, seconded by Newman and carried 9-0: Bayer, Carlson, Duvall, Hunter, Krieser, Newman, Schwinn, Steward and Taylor voting 'yes'.

Note: This is final action on Special Permit No. 1923, Special Permit No. 441D, the Aspen Ridge Addition Final Plat No. 01004; the Ashley Heights Addition Final Plat No. 01019; and the Crooked Creek Addition Final Plat No. 99004 (on that portion within the City's jurisdiction), unless appealed to the City Council by filing a letter of appeal with the City Clerk within 14 days of the action by the Planning Commission.



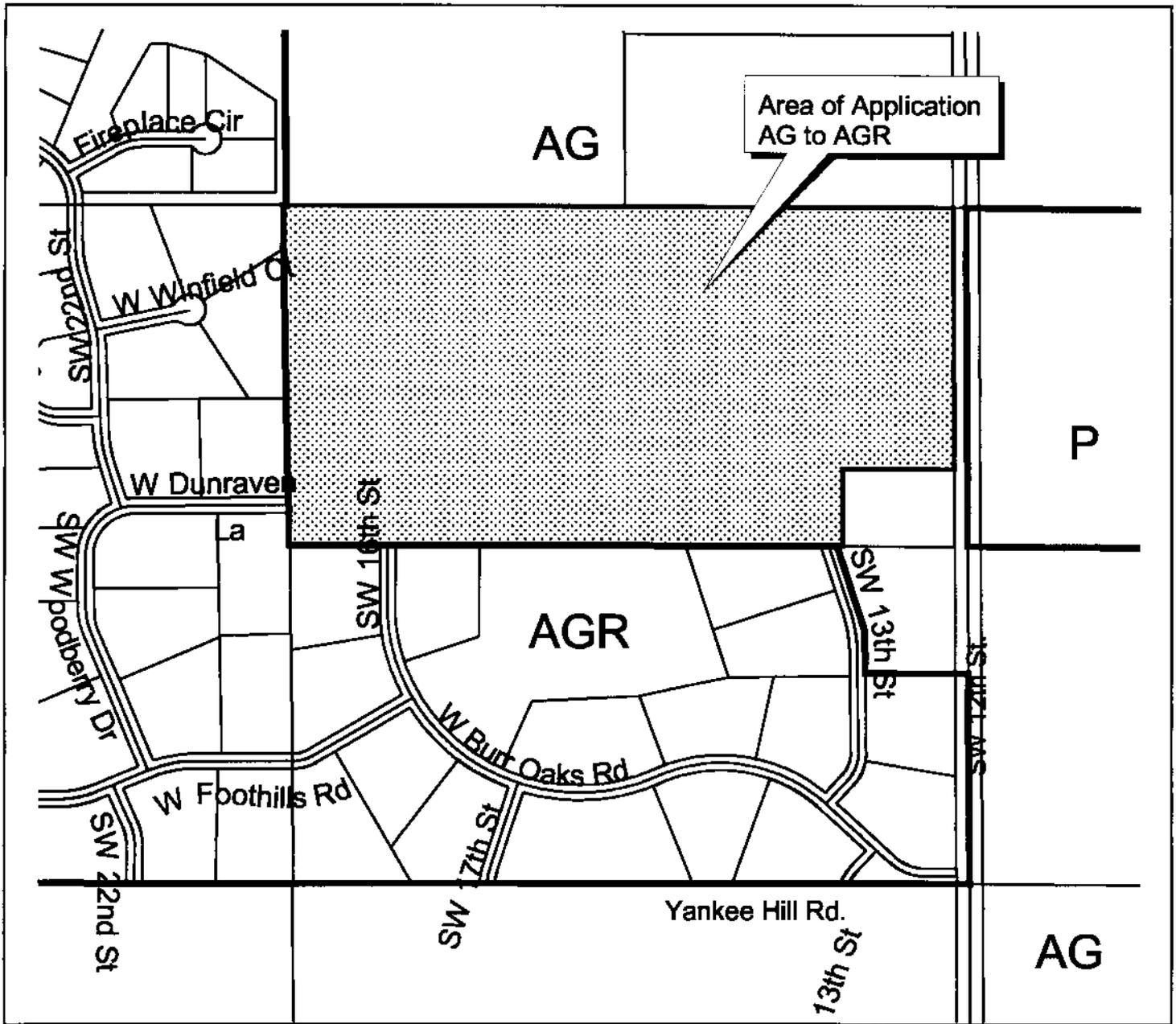
**Change of Zone #3333  
SW 12th & W. Denton Rd.**



7-26-01

005

Photograph Date: 1997

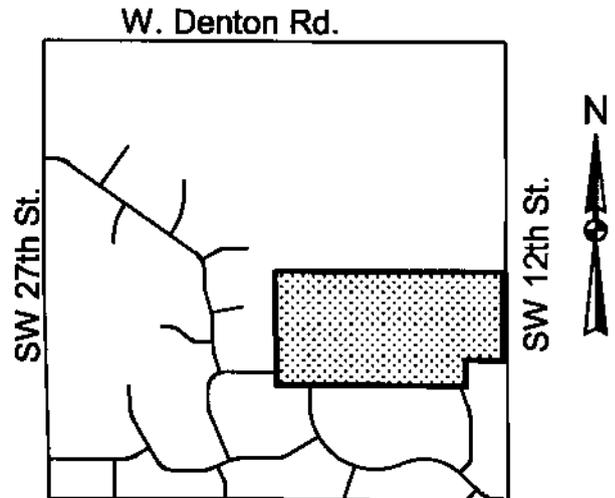
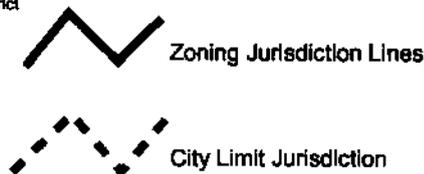


**Change of Zone #3333  
SW 12th & W. Denton Rd.**

**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

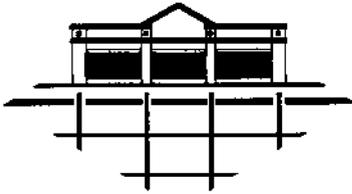
One Square Mile  
Sec. 21 T9N R6E



Yankee Hill Rd.

7-26-01

006



**BRIAN D. CARSTENS AND ASSOCIATES**  
**LAND USE PLANNING RESIDENTIAL & COMMERCIAL DESIGN**  
601 Old Cheney Road, Suite C Lincoln, NE 68512 Phone: 402.434.2424

July 11, 2001

Ms. Kathleen A. Sellman, AICP  
Director of Planning  
City of Lincoln/ Lancaster County  
555 South 10th Street  
Lincoln, NE 68508

RE: CHANGE OF ZONE FROM 'AG' TO 'AGR'  
LOT 1, FOREMAN RIDGE - SE 1/4 OF 21-9-6

Dear Kathleen,

On behalf of the owners, we are requesting a change of zone from 'AG' to 'AGR' on the above mentioned property. The property is currently shown as 'Low Density Residential' in the Lincoln/ Lancaster County Comprehensive Plan. The site is currently surrounded by 'AGR' zoning on the South, West, and Northwest. This proposed Change of Zone is in conformance with the current Comprehensive Plan.

The site is currently being used for agricultural purposes, however, they would like to move forward with a preliminary plat in the near future. We have enclosed a preliminary lot layout with this application.

Please contact me if you have any further questions.

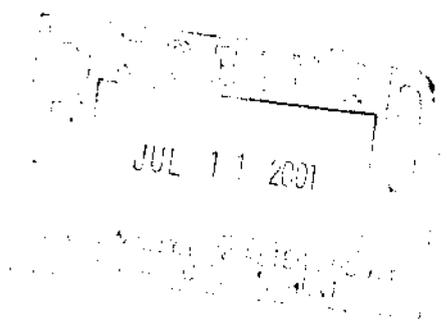
Sincerely,

Brian D. Carstens

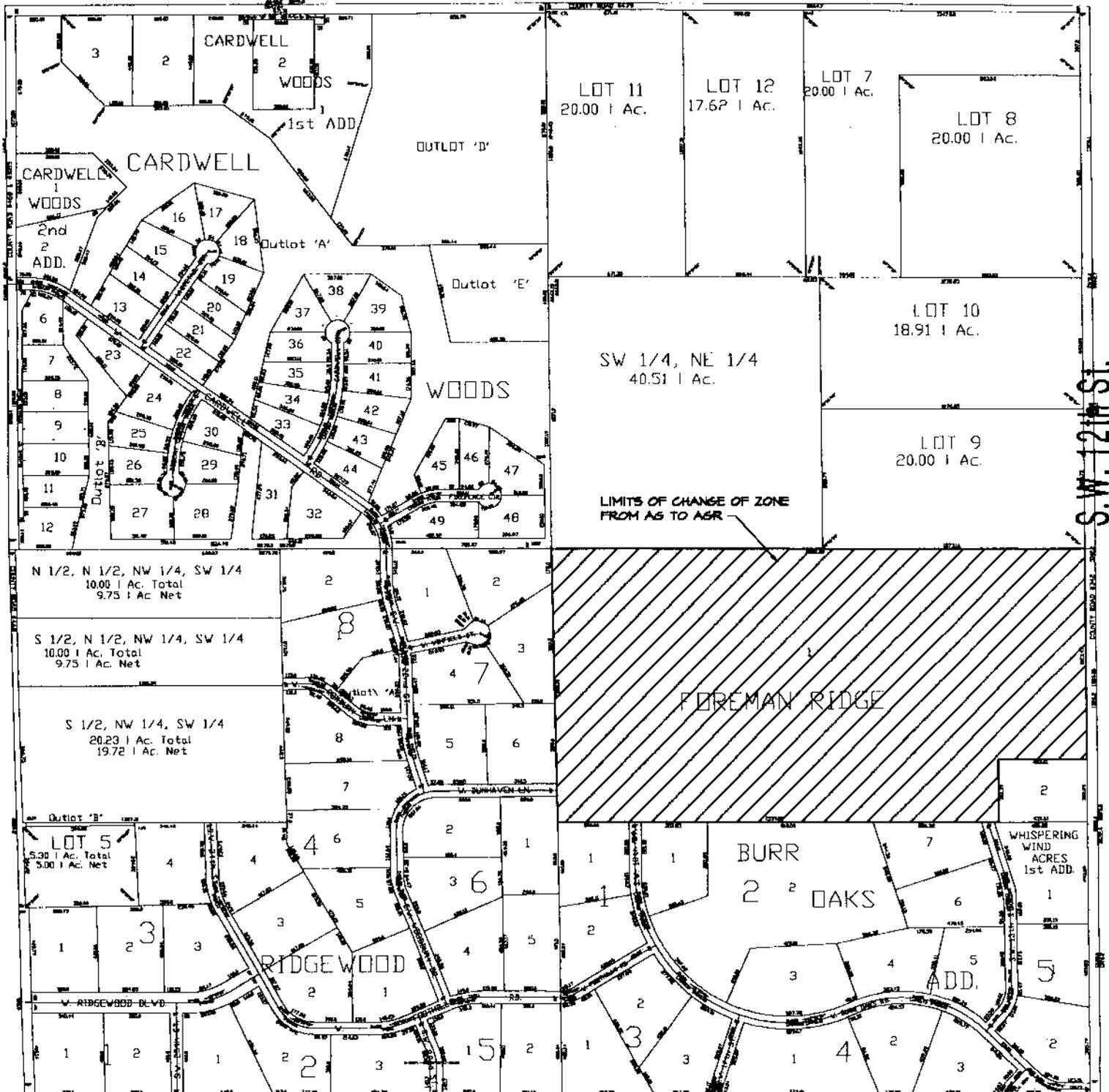
cc: Kim Munnis, Union Bank & Trust Co.  
Dolores Foreman  
Sue Crawford

ENCLOSURES:

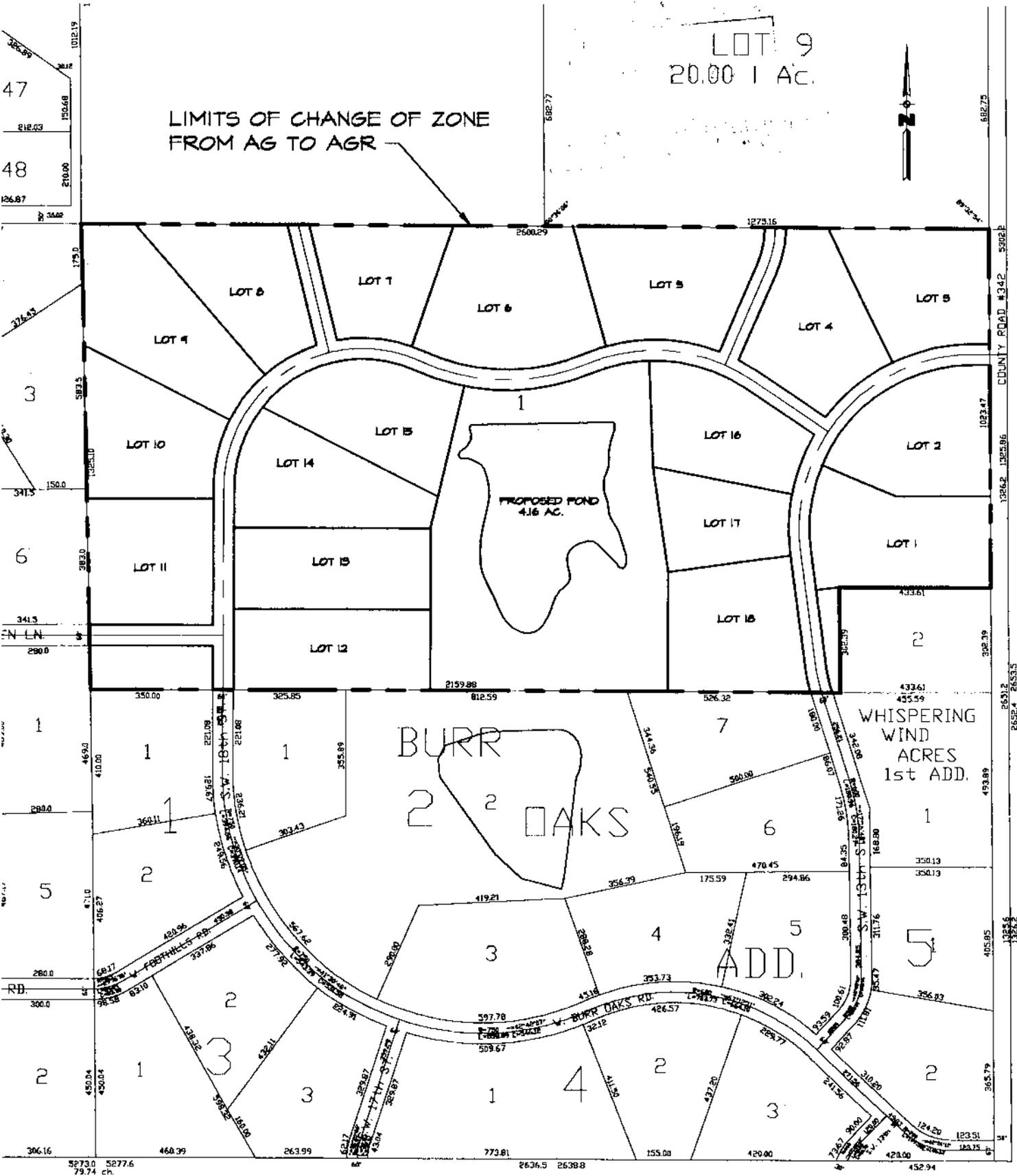
Application for a Change of Zone  
Section Map identifying parcel of Change of Zone  
Preliminary Lot Layout of future subdivision  
Application Fee of \$290.00



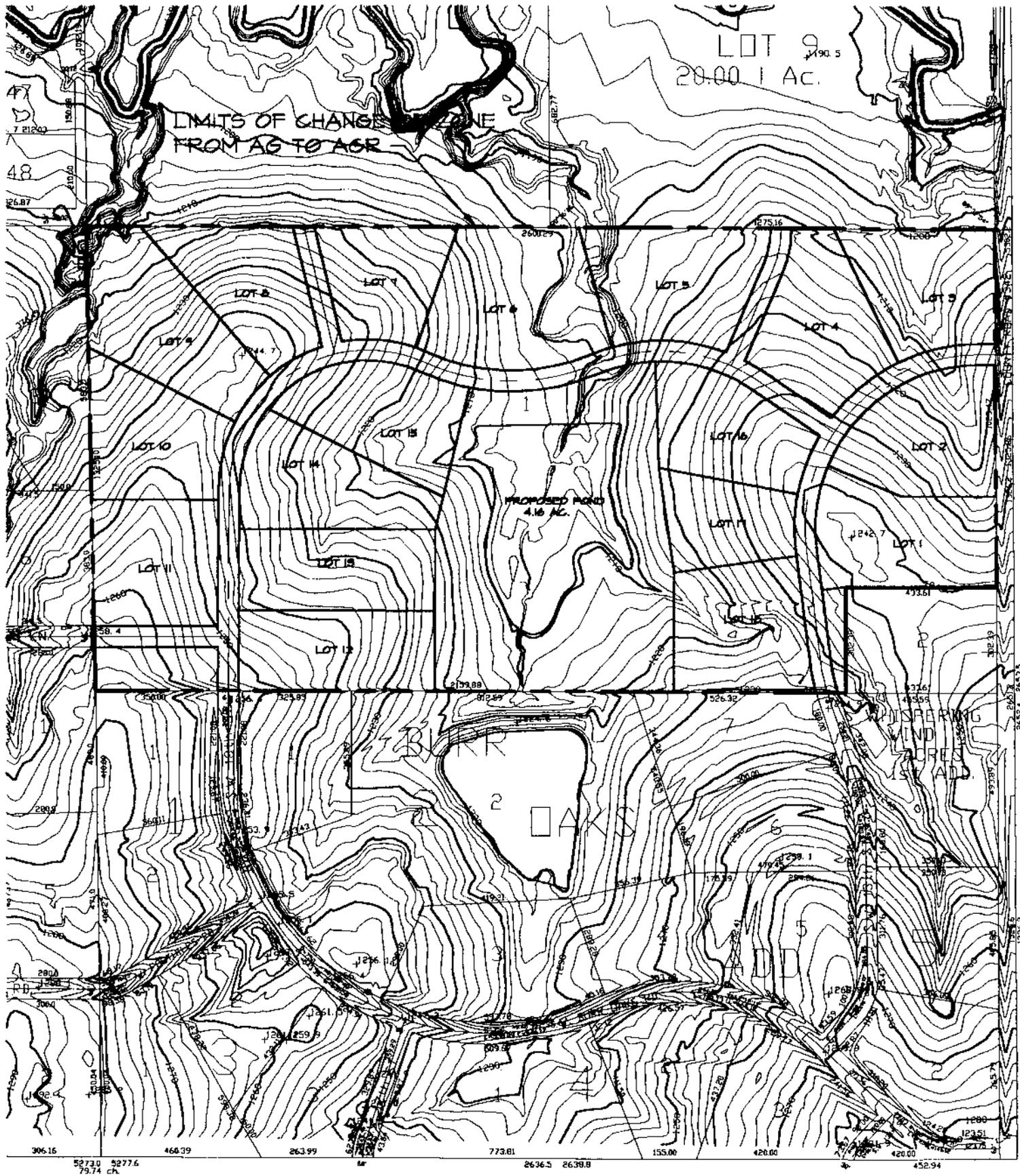
# W. Denton Rd.



# FOREMAN RIDGE FIRST ADDITION



# FOREMAN RIDGE FIRST ADDITION



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

**TO:** Jason Reynolds

**DATE:** 7/25/2001

**DEPARTMENT:** Planning

**FROM:** Chris Schroeder  
Jerry Hood

**ATTENTION:**

**DEPARTMENT:** Health

**CARBONS TO:** Carole Douglas, Acting Director  
EH File  
EH Administration

**SUBJECT:** CZ #3333

The Lincoln-Lancaster County Health Department (LLCHD) has reviewed the proposed change of zone number 3333 for possible negative public health impacts. The following items are noted:

The Williams Pipeline(s) virtually trace the eastern boundary of the parcel in question. The LLCHD has concerns regarding residential development near these pipeline(s) and the risk of exposing a residential population to hazardous chemicals. At a minimum, the LLCHD recommends a buffer zone of 300 feet to the nearest residence from this pipeline(s).

It is assumed from the size of the lots on the preliminary drawing of a subdivision of this property that they would be of at least three acres and have their own sewage disposal system and well. There is a conglomeration of soils on this site. There is Sharpsburg Silty Clay Loam, Wymore Silty Clay Loam, Pawnee Clay Loam, Judson Silt Loam, Kennebec Silt Loam, and a very small amount of Burchard Nodaway complex. The Sharpsburg Silty Clay Loam and Wymore Silty Clay Loam may or may not percolate well enough to provide septic systems. The Pawnee Clay Loam will not percolate well enough for septic systems. The Judson Silt Loam will pass. The Kennebec Silt Loam will pass if dry, but it is a soil that is frequently flooded and has a high groundwater level and should not be built upon or have a sewage system installed upon it. A large part of proposed lot 6 is in this soil as is a part of lot 5. The Burchard-Nodaway Complex is a stream bed and can have nothing built on it.

The LLCHD would require that sewage lagoons could not be prohibited by covenant in this proposed subdivision.

Assuming a well would serve each property, there appears to be an adequate amount of groundwater in this area. There is some problems with nitrate levels in the groundwater in low lying areas close to this site. Only test wells could indicate if nitrate levels are a problem in this area.