

City Council Introduction: **Monday**, November 5, 2001
Public Hearing: **Monday**, November 19, 2001, at **1:30 p.m.**

Bill No. 01-169

FACTSHEET

TITLE: CHANGE OF ZONE NO. 3332, from AG Agricultural to AGR Agricultural Residential, requested by Engineering Design Consultants on behalf of Yankee, L.L.C., on property generally located south of West Pleasant Hill Road between S.W. 33rd and S.W. 40th Streets.

STAFF RECOMMENDATION: Approval.

ASSOCIATED REQUESTS: Preliminary Plat No. 01011, Rolling Meadows 1st Addition (01R-292).

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 10/17/01
Administrative Action: 10/17/01

RECOMMENDATION: Approval (8-0: Carlson, Steward, Hunter, Taylor, Duvall, Newman, Bills and Schwinn voting 'yes'; Krieser absent).

FINDINGS OF FACT:

1. This change of zone request and the associated Rolling Meadows 1st Addition preliminary plat were heard at the same time before the Planning Commission.
2. The staff recommendation to approve the change of zone request is based upon the analysis that it is in conformance with the Comprehensive Plan. The Land Use Plan shows this as Low Density Residential. There are existing acreage developments to the north and south of this application. (See p.3)
3. The applicant's testimony is found on p. 4.
4. Testimony in opposition is found on p.5. The issues of the opposition are access to S.W. 40th Street (the developer is requesting to waive this connection on the preliminary plat) and water quantity and quality and drainage (See Minutes, p.5 and 6).
5. The applicant's response to the opposition is found on p.6.
6. On October 17, 2001, the Planning Commission agreed with the staff recommendation and voted 8-0 to recommend approval of this change of zone request.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: October 29, 2001

REVIEWED BY: _____

DATE: October 29, 2001

REFERENCE NUMBER: FS\CC\FSCZ3332

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

This is a combined staff report for related items. This report contains a single background and analysis section for all items. However, there are separate conditions provided for each individual application.

P.A.S.: Change of Zone #3332 and Preliminary Plat # 01011
Rolling Meadows 1st Addition

DATE: Oct 2,2001

PROPOSAL: A request for a change of zone from AG Agriculture to AGR Agriculture Residential and a Preliminary Plat for 23 lots.

LAND AREA: 78.682 acres more or less, including 1.005 acres of R.O.W.

CONCLUSION: This requested zoning change and preliminary plat are generally in conformance with the Comprehensive Plan and Subdivision regulations and are compatible with the development of the area.

RECOMMENDATION

Approval of change of zone Conditional approval of Preliminary Plat
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GENERAL INFORMATION:

LEGAL DESCRIPTION: Lot 14 Irregular Tract, located in the North Half of the SouthWest Quarter of Section 17, Township 9 North, Range 6 East of the 6th P.M., Lancaster County, Nebraska.

LOCATION: South of West Pleasant Hill Road between SW 33rd and SW 40th.

APPLICANT: Yankee L.L.C.
Steve Champoux
P.O.Box 84891
Lincoln, NE 68501
(402) 476-6599

OWNER: Yankee L.L.C.

CONTACT: Richard P. Onnen
Engineering Design Consultants
630 N. Cotner Blvd. Suite 105
Lincoln, NE 68505
(402) 464-4011

EXISTING ZONING: AG Agriculture

EXISTING LAND USE: farmland

SURROUNDING LAND USE AND ZONING:

North: Acreages, zoned AGR
South: Acreages, zoned AGR
East: Farm land, zoned AG
West: Farm land, zoned AG

ASSOCIATED APPLICATIONS: Requested Change of Zone #3323 and Preliminary Plat #01011, Rolling Meadows.

HISTORY: Changed from AA Rural and Public Use to AG Agriculture in 1979.

COMPREHENSIVE PLAN SPECIFICATIONS: This is shown as “Low Density Residential” on the Comprehensive Plan Land Use Plan.

UTILITIES: No rural or community water or sewer.

TOPOGRAPHY: Gently rolling, draining to the south.

TRAFFIC ANALYSIS: SW 40th and SW33rd are gravel county roads. West Pleasant Hill Rd and West Denton Rd are paved county roads.

PUBLIC SERVICE: SW Rural Fire District, located about 5 miles from this site. This is in the Lincoln Public School District. Electrical service is by Norris Public Power.

REGIONAL ISSUES: Acreage development.

ENVIRONMENTAL CONCERNS: No historic or ecological resources are identified in this parcel. The soil rating is 4.5 on a scale of 1 to 10 where 1 to 4 are prime agriculture land. Ground water is generally available in acceptable quantity and quality in the area.

AESTHETIC CONSIDERATIONS: N/A

ALTERNATIVE USES: Agriculture and up to 4 dwelling units.

ANALYSIS:

1. This request is in conformance with the Comprehensive Plan. The Land Use Plan shows this as Low Density Residential. There are existing acreage developments to the north and south of this application.

Prepared by:

Michael DeKalb, AICP, Planning

**CHANGE OF ZONE NO. 3332
and
PRELIMINARY PLAT NO. 01011,
ROLLING HILLS 1ST ADDITION**

PUBLIC HEARING BEFORE PLANNING COMMISSION:

October 17, 2001

Members present: Carlson, Steward, Hunter, Taylor, Duvall, Newman, Bills and Schwinn voting 'yes'; Krieser absent.

Staff recommendation: Conditional approval

Proponents

1. Mark Hunzeker appeared on behalf of the developer. This is a change of zone and preliminary plat for an acreage area in a vicinity which is already largely developed with acreages. It is in an area shown for acreage development in all of the potential land use plans that have been considered by the Comprehensive Plan Committee. In Hunzeker's opinion, there is virtually no chance that over the next planning period this area would be incorporated into the city limits. This is an ideal spot for additional acreage development and he believes the staff agrees, except for one issue.

The developer is proposing to take an access from existing roadways which abut this 80 acre parcel from both the north and the south. The developer is not showing a connection to S.W. 40th. Hunzeker believes this is acceptable to the County Engineer who has primary responsibility for roads inside the three-mile limit but outside the city limits. The County Engineer is responsible for maintaining these roads and has expressed no objection to not extending a street onto S.W. 40th. Hunzeker also submitted that this is consistent with the general desire of engineers in both the city and county, i.e. not to have too many access points onto the section line roadways. The staff report requires the developer to relinquish access to all their lots onto S.W. 40th, and is being asked to make a road extension out to S.W. 40th because it creates a block length which exceeds the maximum allowed in the subdivision ordinance. Hunzeker purports that the block length is more of an issue in an urban environment. He does not believe it is a concern in a situation such as this where we have only a handful of lots that will be affected one way or the other in terms of getting back out to S.W. 40th, and they can do so through existing platted roads and at the same time minimize the number of access points on the section line road.

Hunzeker requested the Commission to delete Condition #1.1 (which requires a street connection from S.W. 40th to S.W. 38th) and to amend Condition #2.2 to read: "An exception to the design standards to permit block length in excess of 1320 feet for Blocks 1 and 2."

Hunzeker went on to state that this is a very straight forward plat. The only issue is the conflict between the county and the city's view of how important this access might be. If it were an urban setting, Hunzeker agrees that the requirement would be legitimate, but in this case, it is one that in judgment you can determine is not necessary.

Carlson inquired why the developer did not choose to connect to S.W. 34th Street. Hunzeker stated that the primary reason is that S.W. 34th is not paved nor is Pleasant Hill Road from S.W. 33rd to S.W. 34th. Rather than have a section where we were taking access into the subdivision via a gravel road for basically two lots, we simply decided to cul-de-sac and leave it a gravel cul-de-sac. We will be paving the interior roadways and it just seemed like a more consistent approach to control the dust coming through the subdivision. The graveled roads are in good condition.

Carlson inquired whether there are any topographical problems on the west side of the lot for a street connection. Hunzeker stated that it is not a physical constraint at all. The problem is that it takes additional land out of a pair of lots to construct a road which is unnecessary and adds additional expense and cost to those lots.

Opposition

1. Phil Corkill, 3110 W. Pleasant Hill Road, appeared on behalf of the Hitching Post Hills Neighborhood Association in opposition to waiving the access to S.W. 40th. The developer is consenting to pave from West Blue Grass to Pleasant Hill. Instead of putting a road out to S.W. 40th, they are incurring more costs to do that paving. Corkill believes the developer could connect to S.W. 40th and relinquish paving S.W. 33rd to Pleasant Hill Road. If they would like to pave S.W. 40th to Denton, it would connect the subdivisions with paved traffic. The cul-se-sac area is a real sunken hole. When Pleasant Hill Road was extended to S.W. 34th, there was quite an area that had to be filled in.

2. Dianne Keech, 6740 S.W. 38th Street, testified in opposition. The north border of their land is this development. She is concerned about adequate water for 23 more private wells. We have had some years of drought and are concerned about our own wells. Another concern is that her property experiences a major run-off and erosion problem from this site when there is a rainfall. She contacted the NRCS who inspected the site and said only the owner of this land could solve the erosion problem. She does not see anything on this plat that addresses that issue. In addition, the traffic from this subdivision will funnel right past her home, rather than accessing from S.W. 40th. She is also concerned about lagoons—how close they will be, what they will look like and screening. She is wondering whether there will be adequate covenants in the neighborhood against noise, structures, animals, odor, etc.

Staff questions

Carlson asked staff to address the concern about drainage. Mike DeKalb of Planning staff advised that the applicant did provide a grading plan which was reviewed by Public Works and the County Engineer. The property is currently farm ground. It does meet the drainage detention standards. They are not asking for a waiver.

Carlson asked staff to respond to the access to S.W. 40th street. DeKalb noted that the County Engineer's written response does not acknowledge that they agree to this waiver. It is a design standard of the subdivision ordinance to have cross-streets every 1320 ft. Both the 80 acres to the north and to the south did meet that requirement by providing a connection to S.W. 40th. The staff is asking that this standard be applied equally. Public Works noted no engineering reason to grant this waiver. DeKalb does not believe the developer would lose a lot by constructing this road access.

Other than not having engineering reasons to justify the waiver of the block length, Steward wondered whether there are some locational and fire equipment access issues. One of the big issues in many of our acreage developments is emergency access. DeKalb responded that the design standard is established with good reason and the discussions have been towards the continued concern about connectivity and multiple access points. The staff is opposed to granting the waiver of block length.

DeKalb addressed the issue of groundwater, stating that this is an area of good groundwater and good wells with no known problems. In regard to paving, it is discretionary and not required on this size of lot. The county has paved W. Pleasant Hill Road. The subdivision immediately to the north is gravel and the County Engineer has agreed that extending the pavement in the cul-de-sac is extraneous when the rest is gravel.

Phil Corkill gave additional testimony regarding the water issue. He is disputing the quality of the water. There is some instance of salt water by drilling too deep or over-pumping. The addition to the south used to have an irrigation well for crops and he has never had official word from anyone, but he believes the reason they quit irrigating was because the water had fouled. If the water does foul and the water level goes down, what happens next? Who is responsible? What is the corrective action at that point?

Response by the Applicant

Hunzeker responded to the opposition, stating that this plat will not change any of the drainage patterns in this area. This application meets all the drainage criteria of the ordinance. With respect to groundwater, one of the requirements prior to a final plat is that we do the test wells that are necessary before final platting and selling lots. As indicated by Health, this is an area that has been identified as having good groundwater. Hunzeker suggested that domestic use of 24 homes is much less likely to cause a problem than potential agricultural use. They do not intend to use lagoons, but will have septic systems on all lots. There will be restrictive covenants but he did not know how they would compare with the other subdivisions; however, the covenants for this subdivision would be in keeping with the development in the area.

Hunzeker also pointed out that Pleasant Hill Road as it abuts this project is currently a dedicated half street. This developer is dedicating the other half of that street and it may be low because it has not been graded all the way through and there may be some dirt work that needs to be done in accordance with county standards.

As to the waiver of block length, Hunzeker agreed that the County Engineer has not affirmatively agreed with the waiver, but the comments also do not say that they should put a connection in. The irony of this is that the requirement to make the connection comes from the city side; however, if we were in the city, making this connection would put three access points to S.W. 40th Street closer together than Public Works would ordinarily allow in the city. Hunzeker believes it is a judgment call. This subdivision has plenty of access via public roadways. And he does not see a lot of traffic going in those directions when they have access internally on paved roads back to a paved road at S.W. 33rd and to a paved road that goes east, i.e. Pleasant Hill Road. He does not believe there will be a lot of traffic going north and south on S.W. 38th Street.

Hunter asked Hunzeker if they would lose any lots by making the connection to S.W. 40th Street. Hunzeker concurred with staff that it does not reduce the number of lots—it is a matter of additional cost to those lots.

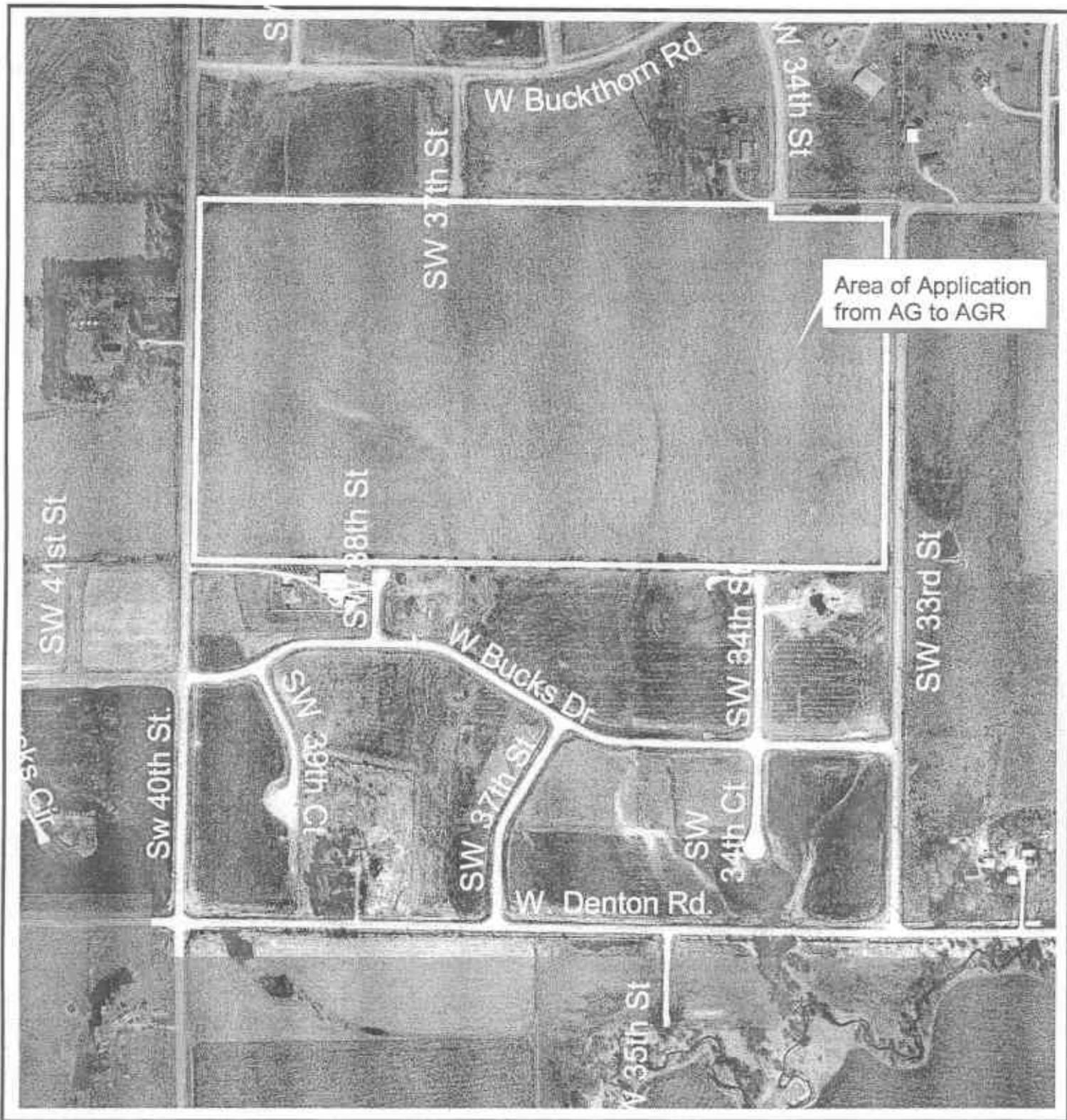
Public hearing was closed.

CHANGE OF ZONE NO. 3332

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

October 17, 2001

Duvall moved approval, seconded by Carlson and carried 8-0: Carlson, Steward, Hunter, Taylor, Duvall, Newman, Bills and Schwinn voting 'yes'; Krieser absent.

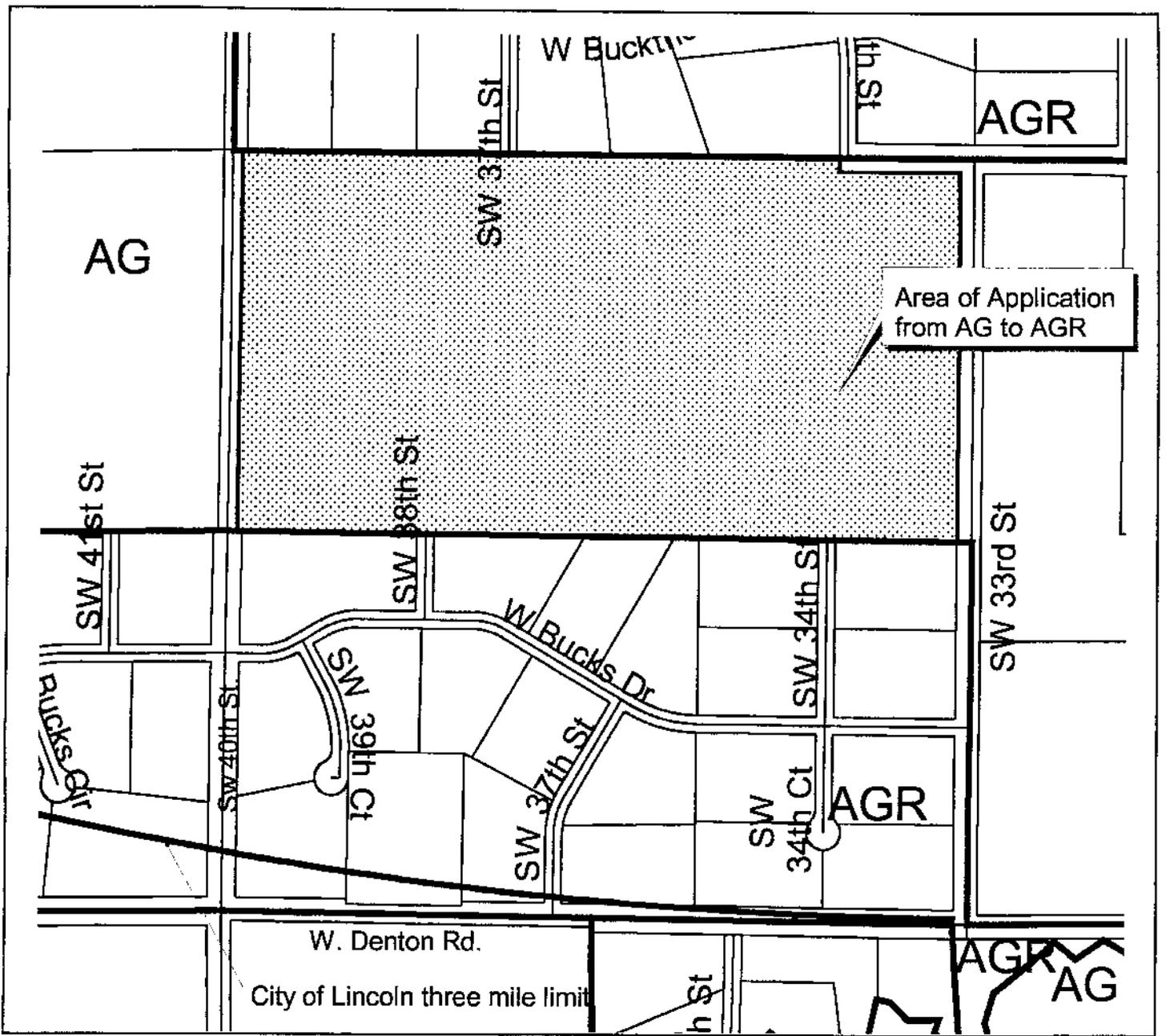


**Preliminary Plat #01011
Change of Zone #3332
SW 33rd & W Denton Rd.**



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Photograph Date: 1997

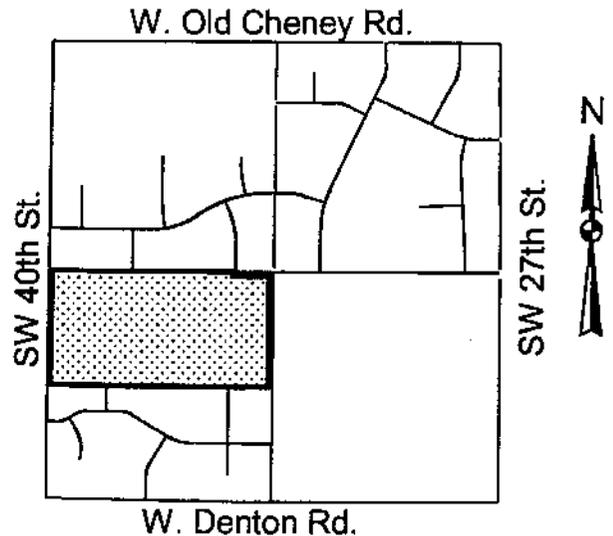
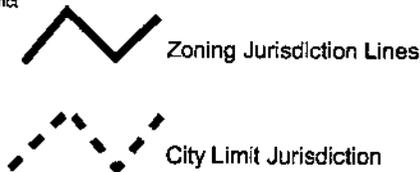


**Preliminary Plat #01011
Change of Zone #3332
SW 33rd & W Denton Rd.**

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. 17 T9N R6E



Sheet ___ of ___
Date:

009

**ROLLING MEADOWS 1ST ADDITION
CHANGE OF ZONE AG TO AGR
LEGAL DESCRIPTION**

A LEGAL DESCRIPTION OF LOT 14 IRREGULAR TRACT LOCATED IN THE NORTH HALF OF THE SOUTHWEST QUARTER OF SECTION 17, TOWNSHIP 9 NORTH, RANGE 6 EAST OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA AND MORE FULLY DESCRIBED AS FOLLOWS:

REFERRING TO THE NORTHWEST CORNER OF THE NORTH HALF OF SAID SOUTHWEST QUARTER; THENCE: S90°00'00"E, (AN ASSUMED BEARING), ON THE NORTH LINE OF SAID NORTH HALF, A DISTANCE OF 2152.30 FEET; THENCE: S00°00'46"E, ON THE WEST R.O.W. LINE OF SW 34TH STREET, A DISTANCE OF 50.00 FEET; THENCE: S90°00'00"E, ON THE SOUTH R.O.W LINE OF PLEASANT HILL ROAD, A DISTANCE OF 430.00 FEET; THENCE: S00°00'46"E, ON THE WEST R.O.W. LINE OF SW 33RD STREET, A DISTANCE OF 1290.41 FEET; THENCE: N89°42'13"W, ON THE SOUTH LINE OF SAID NORTH HALF, A DISTANCE OF 2589.53 FEET; THENCE: N00°17'58"E, ON THE WEST LINE OF SAID NORTH HALF, A DISTANCE OF 1327.03 FEET TO THE POINT OF BEGINNING AND CONTAINING A CALCULATED AREA OF 78.682 ACRES INCLUDING 1.005 ACRES OF COUNTY ROAD R.O.W. MORE OR LESS.