

## FACTSHEET

**TITLE:** CHANGE OF ZONE NO. 2912, from AG to AGR, requested by Don Fauth on property generally located 1/2 mile west of Coddington at S.W. 27th Street & Old Cheney Road.

**STAFF RECOMMENDATION:** Denial

**STAFF PRESENTATION REQUESTED:** No

**SPONSOR:** Planning Department

**BOARD/COMMITTEE:** Planning Commission  
Public Hearing: 6/21/95  
Administrative Action: 7/05/95

**RECOMMENDATION:** Denial (5-4: Bleed, Bollerup, Francke, Hopkins and Magruder voting 'yes'; Bailey, Bayer, Stephens and Wilson voting 'no').

### **FINDINGS OF FACT:**

1. The Planning staff recommendation of denial is based upon the "Analysis" as set forth on p.003-005.
2. Judy Cozine testified in opposition (p.010) and the record consists of a letter in opposition from Mark and Judy Cozine (p.008) with concerns about an access road being built adjacent to their property to the north of the subject property on Coddington Avenue.
3. The applicant contended that the Planning Commission has recently approved two similar zone changes in the area, one being one mile straight west of this proposal and the other being one mile west and one mile south of this proposal. The applicant's testimony is found on p.010.
4. The Planning Commission debated the issue, finding that there are adequate supplies of acreage lots available to consumers to meet the demand in the near term. The Planning Commission hesitated to approve this change until the County Comprehensive Plan Update has been completed.
5. A motion to approve the change of zone failed 4-5.
6. The Planning Commission agreed with the staff recommendation and voted 5-4 to recommend denial.

**FACTSHEET PREPARED BY:** Jean Uhrmacher

**DATE:** July 10, 1995

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

**DATE:** July 10, 1995

**REFERENCE NUMBER:** FS\CC\FSCZ2912/jlu



**COMPREHENSIVE PLAN SPECIFICATIONS:** The 1994 Comprehensive Plan shows this area as Agricultural. The area to the south is shown as Low Density Residential and the area to the north, east and west is shown as Agriculture.

**HISTORY:** Converted from AA Rural and Public Use to AG Agriculture in the 1979 Zoning Update.

**SPECIFIC INFORMATION:**

**UTILITIES:** There are no public utilities available.

**TOPOGRAPHY:** Gently sloping to the northeast.

**TRAFFIC ANALYSIS:** This is served by Stable Lane, a local gravel street.

**PUBLIC SERVICE:** This is in the SouthWest Rural Fire District and the Lincoln Public School District. This served by the Lancaster County Sheriffs Department.

**REGIONAL ISSUES:** Continuing expansion of the acreage areas.

**ENVIRONMENTAL CONCERNS:** There are no historic or ecological sites recorded on or near this site. The soil rating on this land is 5 on a scale of 1 to 10 where 1 is the highest.

**AESTHETIC CONSIDERATIONS:** na

**ALTERNATIVE USES:** Continued farming.

**ANALYSIS:**

1. This request is for a change of zone from AG Agriculture ( 20 acre min. lot size ) to AGR Ag Residential ( 3 acre min. lot size ). This request increases the potential buildable lots on the 31 acre tract from one to ten dwellings.
2. This parcel is served only through the local street of the abutting subdivision to the south, this will create a remote area that likely will exceed design standards such as block length and length of cul-de-sacs. The County Engineer notes this limited access.
3. This is not in conformance with the Lincoln Land Use Plan ( figure 16 ) or Lancaster County's Land Use Plan (Figure 17 ).

4. Where an application is not consistent with the Plan maps, the review assessment includes a review of the statutory criteria of securing safety from dangers and promoting the general health, safety, and general welfare with consideration to the character of the area zoned, their peculiar suitability for uses and types of development, conserving property values, and encouraging the most appropriate use of the land, in accordance with a comprehensive plan, and the following additional zoning criteria;

- a. **Infrastructure: the availability of the water, sewer, drainage and the transportation systems.**

No water, sewer or drainage system is available. This is served only by one local graveled street.

- b. **Compatibility: harmony and suitability with the surrounding land uses and the natural environment.**

The proposed district uses are generally in harmony with the AGR zoning and acreage uses to the south. The proposed district uses have some conflict with the agricultural uses to the east and west.

- c. **Health and safety: protection against natural and man-made hazards including noise; air, ground and water pollution; flooding; and hazards from industrial or agricultural processes or products.**

There are no known hazards of record except from normal farming.

- d. **Physiographic features: the topography, suitability of proposed land uses with streams, lakes, soil types, natural vegetation of wildlife habitat.**

There are no unique features on this site.

- e. **Accessibility: availability, or lack thereof, of public transportation, arterial connections and pedestrian linkages.**

Accessibility is via Coddington to W. Pleasant Hill Rd. and then by local street. No pedestrian linkages or public transit are available.

- f. **Open Space: availability of sufficient open space and recreational areas to accommodate a project's residents and employees.**

Parks and open space are not available in the immediate vicinity. Pioneer Park is one mile north and the YMCA soccer fields are two miles to the northeast.

- g. Fiscal Impacts: whether the proposed use does not create a burden to local tax revenues and /or available resources.**

This proposal would likely have minimal negative impacts on the tax revenues of the county.

5. Continued approval of zoning that is not in conformance with the Comprehensive Plan Maps undermines the public faith and confidence in the Plan as a guide and sets a precedence for other requests.

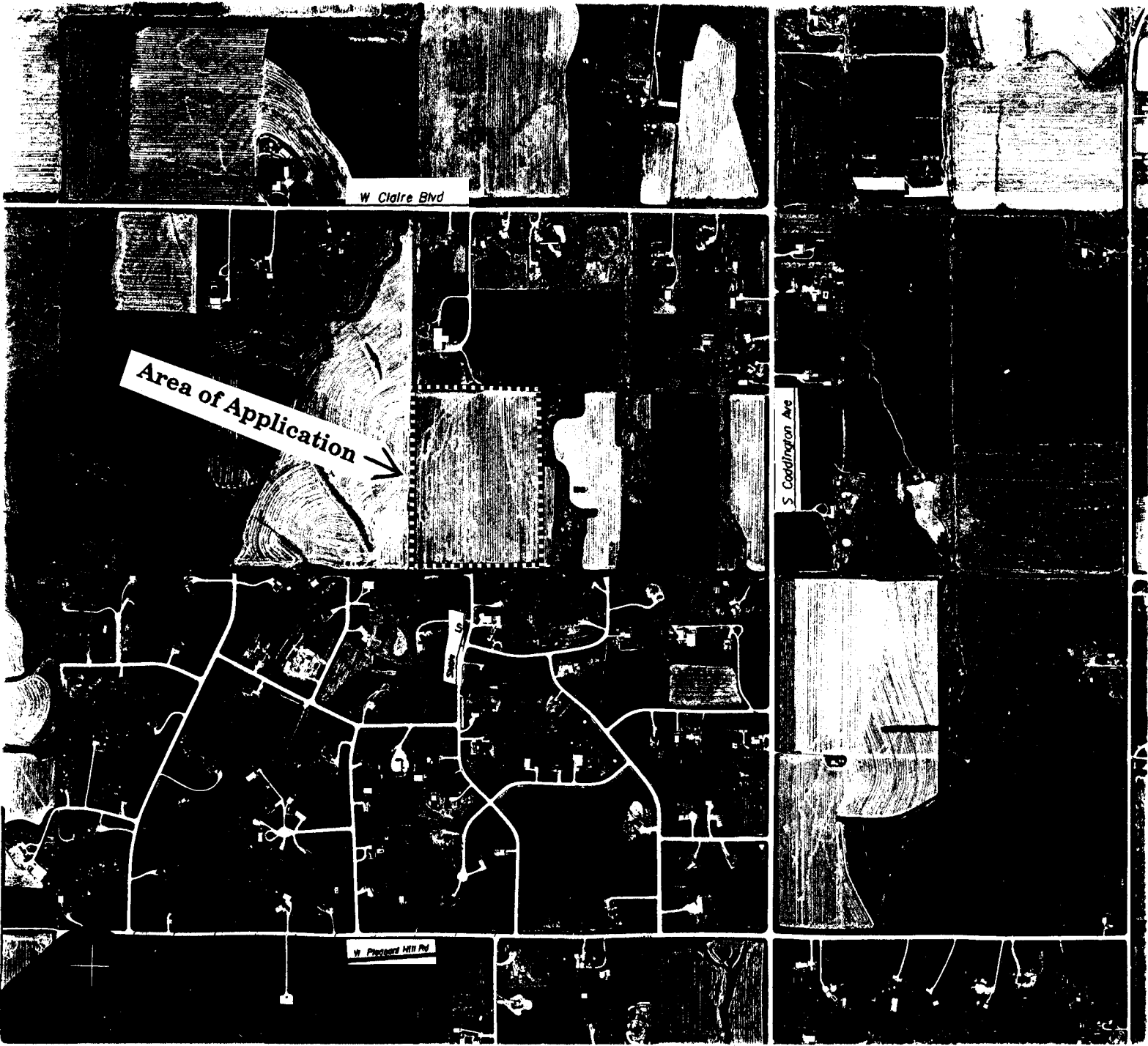
**STAFF RECOMMENDATION:**

Denial

Prepared by:

\_\_\_\_\_  
Michael V. DeKalb AICP  
Planner

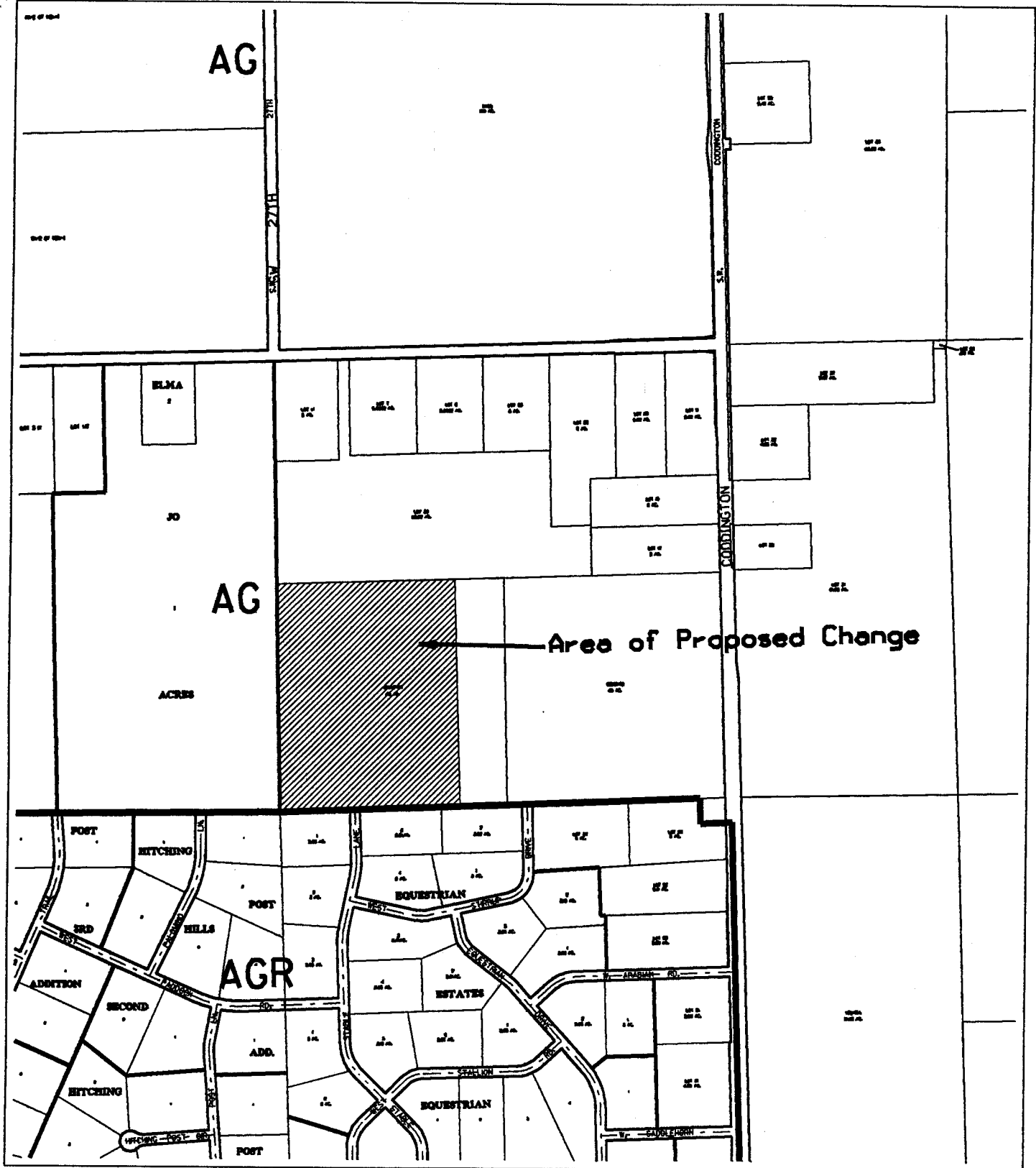
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**CHANGE OF ZONE 2912**  
**SW 27th & W. Old Cheney**  
**AG to AGR**

Scale: \_\_\_\_\_  
Sheet: 1 of 2  
Date: 6/7/95  
Drawn by: MB





Change of zone # 2912

Zoning:

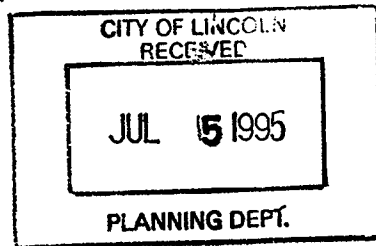
- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- R-C Residential Conservation District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned 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-4 Planned Industrial Reserve District
- P Public Use District



Scale: 1" = 800'  
 Sheet: 2 of 2  
 Date: 6/1/95

007



July 3, 1995

Lincoln City-Lancaster County Planning Commission  
555 South 10th Street  
Lincoln, NE 68508

RE: Change of Zone No. 2912

Dear Sirs:

We have no problem with the proposed zoning change, except we are concerned that an access road may be built adjacent to our property which is just north of Mr. Fauth's property on Coddington Avenue. If an access road were built along the south side of our property, we feel many of the people living on acreages to the southwest of us would find this a convenient shortcut to Lincoln, causing an unacceptable amount of traffic and road dust.

Thank you for considering our view on this matter.

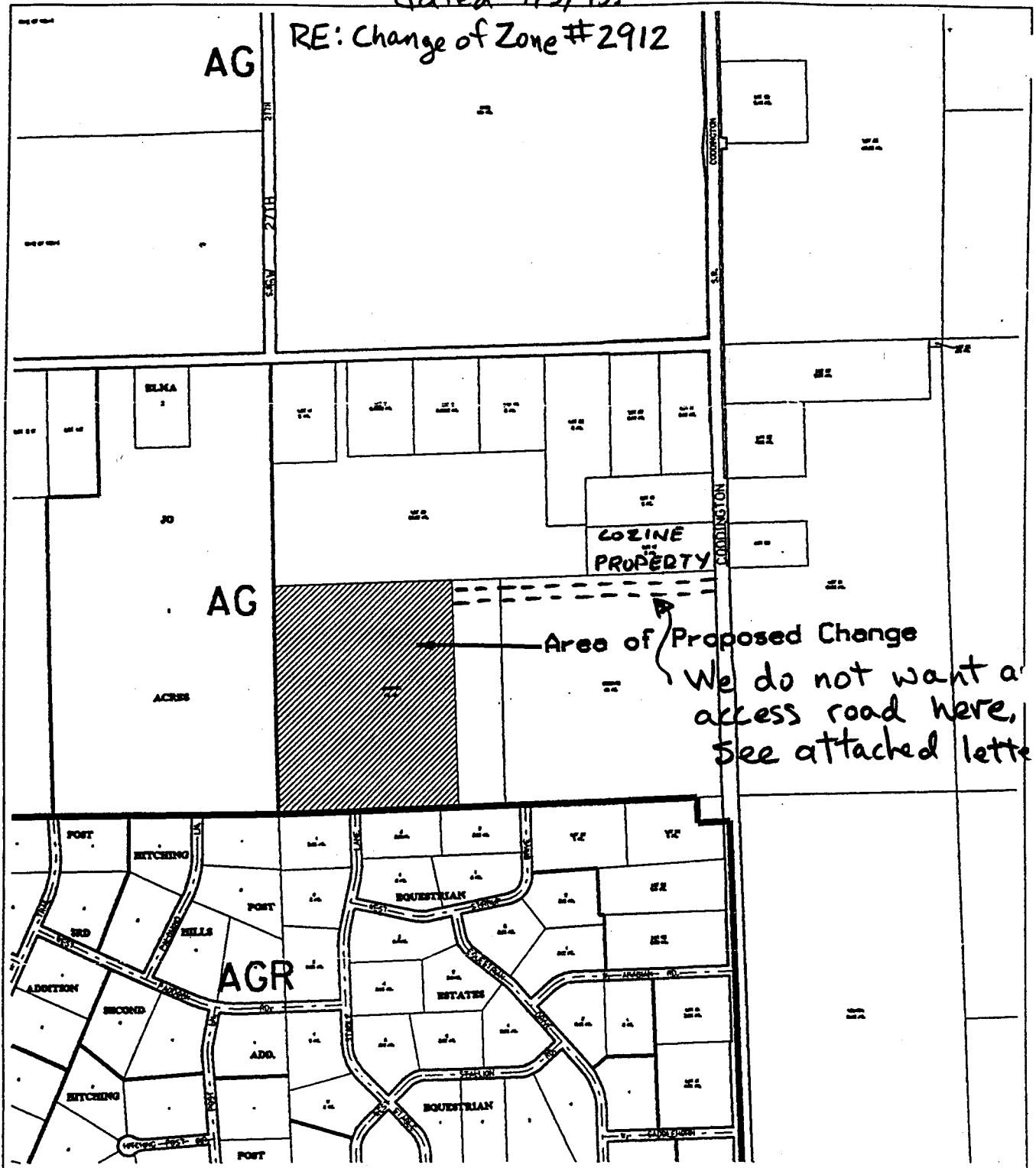
Sincerely,

*Mark Cozine Judy Cozine*

Mr. and Mrs. Mark Cozine  
5301 South Coddington Avenue  
Lincoln, NE 68523



Attachment to Mr. & Mrs. Mark Cozine's  
 letter to City-Co. Planning Commission  
 dated 7/3/95.



RE: Change of Zone #2912

COZINE PROPERTY

Area of Proposed Change

We do not want an access road here, see attached letter.

Change of zone # 2912

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
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- B-4 Lincoln Center Business District
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- H-1 Interstate Commercial District
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- I-1 Industrial District
- I-2 Industrial Park District
- I-4 Planned Industrial Reserve District
- P Public Use District



Scale: 1" = 800'  
 Sheet: \_\_\_\_\_ of \_\_\_\_\_  
 Date: 6/1/95

009

**CHANGE OF ZONE NO. 2912**

**PUBLIC HEARING BEFORE PLANNING COMMISSION:**

June 21, 1995

Members present: Bailey, Bleed, Bollerup, Magruder and Stephens; Bayer, Francke, Hopkins and Wilson absent.

Planning staff recommendation: Denial.

Lyle Loth appeared on behalf of the owner of the property. The staff report does indicate correctly that this area is bounded on the south by two AGR subdivisions, Equestrian Estates and Hitching Post Hills. There are small acreages on the north. The property to the east and west remain as agricultural uses.

Mr. Loth recalled that there have been two similar zone changes that have been successful in recent months, including the Ironwood subdivision approx. 1 mile straight west of this proposal. This area was in the Comprehensive Plan under the AGR designation and was found to be in conformance. The application at S.W. 40th & W. Denton was not in conformance and was approved, which is located approx. 1 mile west and 1 mile south of the subject property.

Mr. Loth does not believe this application undermines the faith and confidence in the Comprehensive Plan. It is not of the magnitude to do so.

Mr. Loth concurred with #2 of the staff analysis, which indicates that access will likely exceed design standards such as block length and length of cul-de-sacs. He agreed that it would be a long roadway into the area, but it does not preclude an access out to the north to Claire Avenue and furthermore, it could also possibly be accessed from the east to Coddington. The owner of the property does own the property out to Coddington and he would consider opening an access out to Coddington if it becomes an issue.

With regard to water, Mr. Loth stated that this is in a very good area for water availability.

**Opposition**

1. **Judy Cozine**, 5301 So. Coddington, testified, not in opposition to the 3-acre lots, but she has questions about the access road. Her property is north of the Fauth property on Coddington and if there was access to Coddington it would be adjacent to her property and this is a concern to her.

No one else appearing, public hearing was closed.

**CHANGE OF ZONE NO. 2912**

**ADMINISTRATIVE ACTION BEFORE PLANNING COMMISSION:**

July 5, 1995

Members present: Bailey, Bayer, Bleed, Bollerup, Francke, Hopkins, Magruder, Stephens and Wilson.

Mike DeKalb of Planning staff submitted a letter from Mr. and Mrs. Mark Cozine with concerns about a road being constructed coming in off Coddington which would impact their property.

Stephens moved approval, seconded by Bailey. Stephens believes it is surrounded by acreages and believes it appropriate to approve.

Bleed recognizes the acreages in the area, but she wonders what will happen to this area as we move forward. It is surrounded by acreages and is in an area that could be developed for city property. She wishes there was a county plan in place to more clearly spell out the plans for this area. She questions if we want low density acreages here to keep it for urban reserve. At this point, she will vote to approve but she would like to get support for a request to the County Board task force to look carefully at this area.

Francke does not see it as any more appropriate for AGR than AG. The argument goes either way and until such time as we elect to make it AGR, she would just as soon maintain the AG designation. The argument of adjacent to AGR or in area of other AGR applies to a lot of areas in the County and she would prefer to hold off and do it as a deliberate decision than a little bit at a time.

Hopkins inquired about the timing of the County Comprehensive Plan. Mike DeKalb indicated that the Task Force is expected to make a recommendation to the County Commissioners by next January.

Bollerup has concerns about these acreage proposals. It seems that from a comprehensive plan standpoint out in the county one of the biggest problem areas is acreage development sprawling from Lincoln out into the county. It has been a major problem historically. Right now we have more than adequate supplies of acreage lots available to consumers to meet the demand in the near term. He believes that given the fact that we do have acreage lots that are available and in this general area, it would be sufficient to last through this building season and into the next. It only makes sense to hold up on approvals of additional large tracts of AGR zoning until we take a comprehensive look at it as a part of the County update. He would feel differently if there were a huge demand and that acreages cannot be found in this part of the county. Next January would be in time for the next building season.

Hopkins would like to know the acreages that may be part of the Lincoln Public School system and those that are not.

Bollerup stated that it is known that there is acreage development immediately south with available lots. Bleed noted on the other hand, though, that this is an area where there is relatively good water and next to an area that is already developed.

Motion to approve failed 4-5: Bailey, Bayer, Stephens and Wilson voting 'yes'; Bleed, Bollerup, Francke, Hopkins and Magruder voting 'no'.

Bollerup moved denial, seconded by Magruder.

Bayer does not feel good about making the applicant pay the fee again because the city or county wasn't ready for it. Hopkins wondered if it could be deferred until the County Comprehensive Plan is completed.

Motion to deny carried 5-4: Bleed, Bollerup, Francke, Hopkins and Magruder voting 'yes'; Bailey, Bayer, Stephens and Wilson voting 'no'.

Blead wondered whether the Commission should make a request to the County Board Task Force to review this issue carefully. Mr. DeKalb of Planning staff indicated that the task force does have a focus group on acreages.

Bollerup questions if the task force will be made aware of specific requests that have come forward for changes of zone. Mr. DeKalb indicated that they received information including lots available, but they have not kept posted on the applications that have come in through the process. Bollerup requested that Mr. DeKalb make them aware of these requests the Commission is attempting to deal with. Hopkins wants to make sure the school districts in the County are aware of these types of requests as well. It should also interact with the Lincoln Public Schools.

Mr. DeKalb stated that there will be a "government" focus group regarding interrelating different governmental activities. All governmental agencies will be attempting to coordinate around the table at the same time.