

FACTSHEET

TITLE: ANNEXATION NO. 02004, requested by the Director of Planning at the request of Ridge Development Company, to annex approximately 46.22 acres, more or less, generally located northeast of the intersection of South 56th Street and Yankee Hill Road.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 01/08/03 and 01/22/03
Administrative Action: 01/22/03

STAFF RECOMMENDATION: Approval, subject to an Annexation Agreement.

RECOMMENDATION: Approval, subject to an Annexation Agreement (5-0: Krieser, Taylor, Carlson, Newman and Steward voting 'yes'; Duvall, Larson, Schwinn and Bills-Strand absent).

ASSOCIATED REQUEST: Annexation and Zoning Agreement (03R-141), Change of Zone No. 3362 (03-91) and Preliminary Plat No. 02012, Big Thompson Creek (03R-142).

FINDINGS OF FACT:

1. This annexation request and the associated Change of Zone No. 3362 and Big Thompson Creek Preliminary Plat No. 02012 were heard at the same time before the Planning Commission.
2. The staff recommendation to approve the annexation, subject to an Annexation Agreement, is based upon the "Analysis" as set forth on p.4-6, concluding that the necessary improvements must be shown on the plat if the annexation agreement is signed as drafted. The improvements called for in the agreement, along with the requested waivers, will allow the change of zone and preliminary plat to be found to generally conform to the Zoning Ordinance and Comprehensive Plan. If the annexation agreement is not signed as drafted, these applications do not conform to the Zoning Ordinance and Comprehensive Plan and should not be approved.
3. The applicant's testimony is found on p.7-9.
4. There was no testimony in opposition.
5. On January 22, 2003, the Planning Commission agreed with the staff recommendation and voted 5-0 to recommend approval, subject to an Annexation Agreement. The applicant has not signed the Annexation Agreement as of the date this factsheet is being submitted, but has asked that this item and associated requests be introduced on June 2, 2003, so as not to further extend the processing time.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: May 27, 2003

REVIEWED BY: _____

DATE: May 27, 2003

REFERENCE NUMBER: FS\CC\2003\ANNEX.02004 Big Thompson Creek

APPLICANT/

OWNER: Ridge Development Company
2001 Pine Lake Road, Suite 100
Lincoln, NE 68542

CONTACT: Stephen Clymer
Olsson Associates
1111 Lincoln Mall
Lincoln, NE 68508
(402)474-6311

EXISTING ZONING: AG Agriculture

EXISTING LAND USE: Agriculture

SURROUNDING LAND USE AND ZONING:

North:	Residential under development (Thompson Creek)	R-3	
South:	Agriculture		AG
East:	Agriculture		AG
West:	Single-family Residential		AGR

COMPREHENSIVE PLAN SPECIFICATIONS:

Page F25 - The future land use map designates urban residential land use for this area.

Page F31 - This area is shown as Priority Area A of Tier 1 within of the City’s Future Service Limit. Lands within Priority Area A should be provided with basic infrastructure within 12 years of adoption of the Plan.

Page F103 - South 56th Street is shown as a principal arterial at this location. Principal arterials can provide direct access to adjacent land, but their primary functional responsibility is moving traffic within the transportation system.

Page F105 - South 56th Street is shown to be constructed as a four-lane plus center turn-lane roadway.

Page F110 - South 56th Street is included on the list of proposed street improvement projects for the 25 year programming period.

Page F112 - South 56th Street is included with those streets designated for 120’ wide rights-of-way to allow for a four-lane plus center turn-lane roadway and other public improvements in the right-of-way.

HISTORY: Preliminary Plat was submitted **March 25, 2002.**

Planning Director’s letter was sent **April 24, 2002.**

Revised preliminary plat was submitted **November 27, 2002.**

UTILITIES: Water- The internal water system for this plat is satisfactory. However, a 24" water main must be constructed in South 56th Street to get water to the site, and the funds for the City’s portion of this improvement have not been budgeted.

Sanitary Sewer - This project will connect to the sanitary sewer being constructed to serve Thompson Creek subdivision adjacent to the north. The sewer plan shown is satisfactory.

TRAFFIC ANALYSIS: Internal local streets will connect with those being platted as part of Thompson Creek adjacent to the north. A full turning-movement median provides access to South 56th Street at Cavy Road.

South 56th Street is planned to be a four-lane plus center turn-lane arterial street, however the funds for this improvement are currently not in the six-year capital improvements program. Temporary widening of South 56th Street to accommodate the turn lanes necessary for the full median access at Cavy Road will be necessary if this project is developed in advance of the permanent upgrade of South 56th Street.

PUBLIC SERVICE: Annexation is necessary for connection to the City's water and sewer systems. After annexation, all municipal services will be provided. Engine #6 at South 48th and Claire Streets is the nearest existing fire station, although this plat shows a potential future fire station site on Lot 5, Block 11; Gere Library is located at South 56th and Normal Blvd; and, a potential future school site is shown on the property immediately east of this project - also a potential site for a future neighborhood park to be located somewhere in this area.

REGIONAL ISSUES: Impact upon L.E.S. power transmission lines in the area.

ANALYSIS:

6. This site is outside the city limit but within the Future Service Limit and must be annexed to receive City services. An annexation agreement is required. A partial listing of the conditions in the agreement is as follows:
 - A. That 10' of additional right-of-way be dedicated along South 56th Street to provide one-half of the required 120' right-of-way;
 - B. That an additional 10' utility easement be granted to L.E.S. along South 56th Street;
 - C. That the developer pay to relocate L.E.S. power poles out of the South 56th Street right-of-way;
 - D. That the developer pay one-half of the equivalent cost to design, grade, and pave South 56th Street with curb and gutter as a "suburban cross section";
 - E. That the developer pay to construct temporary left-turn lanes in South 56th Street to accommodate full median access at Cavy Road if streets are final platted that connect to South 56th Street prior to construction of the improvements in 'D' above;

F. The developer will construct a 24" water main in South 56th Street, and the City agrees to subsidize the cost in excess of the equivalent of a 6" water main, and all costs of the water main for that portion adjacent to the L.E.S. property at the northwest corner of the plat (Lot 36 I.T.).

7. At the time the utility easement was acquired to accommodate the L.E.S. transmission line along South 56th Street, a 100' wide right-of-way was the standard for arterial streets. The utility easement was wide enough to allow the power line to be constructed outside the right-of-way to help prevent future conflicts between street widening and other permanent infrastructure, such as utility poles. The right-of-way standard changed with the adoption of the Comprehensive Plan in 2002, and a 120' wide right-of-way is now required for South 56th Street at this location. When the additional right-of-way is dedicated, several L.E.S. utility poles will be in it. The annexation agreement requires that the developer dedicate the additional right-of-way, grant additional utility easement to compensate for the wider right-of-way, and pay to relocate any L.E.S. utility poles out of the South 56th Street right-of-way.
8. The Subdivision Ordinance requires a minimum lot depth of 120' for residential lots along major streets. This helps provide adequate area for required screening, and helps maintain a separation to reduce the impact upon residences located adjacent to major streets. Several of the lots shown along South 56th Street do not provide this minimum lot depth, and a waiver has been requested to allow them as shown. There are no unique topographic or physical characteristics on the site that dictate the lot layout being proposed. As a result, in the absence of any hardship or unique circumstance, the plat should be redesigned to provide the required minimum lot depth.
9. A waiver to block length is being requested, but is a condition partially created by the adjacent subdivision, Thompson Creek. When the preliminary plat of Thompson Creek was approved, a long block was created, but did not exceed 1,320' so a waiver was not required at that time. However, the continuation of streets and blocks within this plat creates a block more than 1,320' long.

A waiver to pedestrian easement in a block over 1,000' long is also requested. However, the bike trail along the north boundary satisfies the requirement for a pedestrian easement provided a notation granting a public access easement is included on the plat. If this access easement over the bike trail is shown, the waiver is not required. With that, the proposed street layout and bike trail combine to provide adequate vehicular and pedestrian access, and justify the requested waiver to block length.
10. A waiver to lot lines not perpendicular to streets is also requested, and it is acceptable given the minor deviation and the layout of the plat.
11. Revisions to the grading and drainage plan are required, and must be approved by Public Works and Utilities before this project is considered by the City Council. It is noted in the Public Works and Utilities review that grading is shown outside the limits of the plat to the south and east. This requires permission from the adjacent land owners. Additionally, in the case of the grading outside the plat to the east, a portion of the right-of-way for Exbury Road is shown on

adjacent property. The lots fronting this street cannot be final platted until all the required right-of-way is dedicated and provisions for completing the improvement therein have been made in accordance with the Land Subdivision Ordinance.

12. In their review, Public Works and Utilities also notes that waivers to the 3% platform slope for the Cavvy Road and South 56th Street intersection and sewer flowing opposite street grades are requested. Considering the natural terrain and to help minimize grading on the site, these waivers are acceptable.

- *
13. Other minor revisions to the plat are required to comply with Lincoln Municipal Code, and they include:

A. The street trees shown along South 56th Street will interfere with the existing power lines when fully grown. The developer must coordinate an alternate species with the Parks and Recreation Department for planting in this area.

B. A 20' wide public access easement for the proposed bike trail at the north boundary of the plat.

C. The intended use for all outlots must be shown on the plat, in addition to being shown in the notes.

D. All owners of lands within the limits of the plat must be shown.

E. The required landscape screen along South 56th Street must be located on private property and moved out of the public right-of-way.

CONDITIONS:

Annexation #02004.

1. The applicant must enter into an annexation agreement with the City of Lincoln.

Prepared by:

Brian Will, AICP
Planner

**ANNEXATION NO. 02004,
CHANGE OF ZONE NO. 3362,
FROM AG AGRICULTURAL TO R-3 RESIDENTIAL,
and
PRELIMINARY PLAT NO. 02012,
BIG THOMPSON CREEK**

PUBLIC HEARING BEFORE PLANNING COMMISSION:

January 8, 2003

Members present: Carlson, Bills-Strand, Larson, Newman, Taylor, Krieser and Schwinn; Steward and Duvall absent.

Staff recommendation: Approval of the Annexation, subject to an annexation agreement; approval of the change of zone and conditional approval of the preliminary plat.

Proponents

1. Kent Seacrest appeared on behalf of **Ridge Development Company** and **Southview, Inc.**, the developers. This is a subdivision for 157 single family dwellings generally south of Campbells Nursery at 56th & Pine Lake Road. Seacrest indicated that he is requesting a two-week deferral because the motion to amend which he will be presenting contains a waiver request which was not advertised. The applicant is also interested in meeting with Planning, Public Works, Law, Fire, LES and any neighbors if they have any concerns in the next two weeks.

Seacrest submitted the proposed motion to amend the conditions of approval. One set of amendments deals with the dedication of So. 56th Street right-of-way and the corresponding LES transmission line that goes up and down the street. He believes that the remaining amendments can be worked out with the staff in the next two weeks.

The big issue is, what is the appropriate right-of-way dedication on So. 56th for a residential development of this nature? This all ties back into what was previously called "public way corridors". There was a packet of text amendments in front of the Commission in May of 2002, consisting of 125 pages of ordinance amendments and design standard amendments to interpret and reflect these standards. At that hearing, city staff requested that it be put on pending so that they could continue to work on the details. It is still on the Planning Commission pending list and everyone thought it was going to come back. Now the administration indicates that the package is not coming back. The Comprehensive Plan shows 120' right-of-way. This leaves the Planning Commission to interpret what we do with the 120' right-of-way desire.

In this project, the staff is asking this developer to move an LES power line at a cost of ½ million dollars. The Planning Commission needs to give the staff some wisdom as to what to do with this issue.

Seacrest went on to state that the fact pattern is a city-wide issue. What do we do with big power lines? We had a standard of 100' right-of-way to build 4-lane roads and LES went around this community and put in the transmission lines right outside the 100' right-of-way and spent money acquiring easements. The city now wants 120' right-of-way and thus the LES power lines are in the public right-of-way. We've been building 4-lane roads in 100' of right-of-way in some instances, but if you want the 28' boulevard and the wide landscaped medians with double rows of trees, you might have to move the power line in some instances. Who pays to move power lines? In the subject fact pattern, someday 56th Street will be 4-lanes and it will cost \$450,000 on this developer's frontage to build 4 lanes. The power line relocation is estimated at over ½ million dollars. The city can't get LES to move the power line because they were there first. Now the city wants this developer to move those power lines. If we did that, we would pay three times the amount of any impact fee. And if the impact fee ordinance is adopted, we won't get a credit. If the city was building that road today, they wouldn't move those power lines. They can build all the four lanes they want in 100' and 110'. They do not need 120' in all instances.

Seacrest further pointed out that the developers have given the city 120' in some projects, but we've never sat down and figured out what the 120' corridor standards should be. Seacrest submits that the 120' width is not necessary in this project.

Seacrest urged that this is a big issue because it goes back to the Planning Commission pending list. His clients are caught in the middle of "two elephants dancing—LES and the City". What are we going to do as a community to address this? Seacrest stated that he helped draft a compromise to the 120' at the time, and the standard says it is the desired width, not the mandatory width. Seacrest requested that this development be allowed to give the city the additional 10' through a landscape easement.

Seacrest also pointed out that this development is paying for one-half of the road if there are no impact fees. If there are impact fees, this development would be paying the \$2500.

Bills moved to defer for two weeks, with continued public hearing and administrative action scheduled for January 22, 2003, seconded by Krieser and carried 7-0: Carlson, Bills-Strand, Larson, Newman, Taylor, Krieser and Schwinn voting 'yes'; Duvall and Steward absent.

There was no testimony in opposition.

CONT'D PUBLIC HEARING BEFORE PLANNING COMMISSION:

January 22, 2003

Members present: Krieser, Taylor, Carlson, Newman and Steward; Duvall, Larson, Schwinn and Bills-Strand absent.

Staff recommendation: Approval of the Annexation, subject to an Annexation Agreement; approval of the Change of Zone; and conditional approval of the Preliminary Plat.

Proponents

1. Kent Seacrest appeared on behalf of **Southview, Inc. and Ridge Development Company**. This is a proposal for 156 single family dwelling units and nothing else. It abuts So. 56th Street. This happens to be the first project trying to implement the 120' corridor vision, and LES planned their poles

under the old 100' standard. Seacrest submitted proposed amendments to the conditions of approval, which he believes are now acceptable to LES, the city and the applicants. The compromise is that the developer of this subdivision is giving an easement for sidewalk and landscaping to get the 120' corridor vision implemented, but because of the poles we might go more than 120' so that we can put the sidewalk on the opposite side so that the pole would be between the street and the sidewalk, if necessary. This provides flexibility to meander the sidewalk.

Seacrest expressed appreciation to the staff and LES for their cooperation in coming to a reasonable consensus so that this developer does not have to pay to relocate the LES transmission line.

Seacrest indicated that the developer has met with the neighborhoods and to the best of his knowledge there are no issues to report.

Steward asked Seacrest to describe, for the Commission's general awareness, the nearest neighborhood shopping or commercial location to this project of new housing as well as the proximity to trails and recreational areas. Seacrest displayed a map. The northern part of this plat is a proposed trail network. Then it goes down and connects into the Beal Slough trail, and then this goes to the west and connects to a trail network there. There will also be a trail on one side or the other of 56th Street. As far as shopping, this piece of land is in the section that is comprised primarily of Campbell Nursery, which is proposing a "new urbanism" community center primarily on the southeast corner of Pine Lake Road and So. 56th. One-half mile to the north will be a neighborhood community center, into which the trail network connects. That neighborhood center has been designated in the Comprehensive Plan. Otherwise, this development will also be located between two large regional centers at 27th and Pine Lake Road and 84th and Hwy 2. There is also a designation close to Rokeby and 40th Street that is a community center in the Comprehensive Plan.

Steward inquired as to the developer's intent for the characteristics of Outlot A. Seacrest indicated that it is a dry detention facility—it will be a green open space that will get wet and drain within 12 hours. Right now the vision is for LPS to have school site on the section but they are looking at moving that school site to the eastern edge of this development, and again, on the trail network. There was no testimony in opposition.

Staff questions

Brian Will of Planning staff agreed with the motion to amend submitted by Seacrest, including the blue ink changes which were actually recommended by the staff.

Public hearing was closed.

ANNEXATION NO. 02004

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

January 22, 2003

Newman moved approval, seconded by Krieser and carried 5-0: Krieser, Taylor, Carlson, Newman and Steward voting 'yes'; Duvall, Larson, Schwinn and Bills-Strand absent.

CHANGE OF ZONE NO. 3362

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

January 22, 2003

Newman moved approval, seconded by Krieser and carried 5-0: Krieser, Taylor, Carlson, Newman and Steward voting 'yes'; Duvall, Larson, Schwinn and Bills-Strand absent.

PRELIMINARY PLAT NO. 02012

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

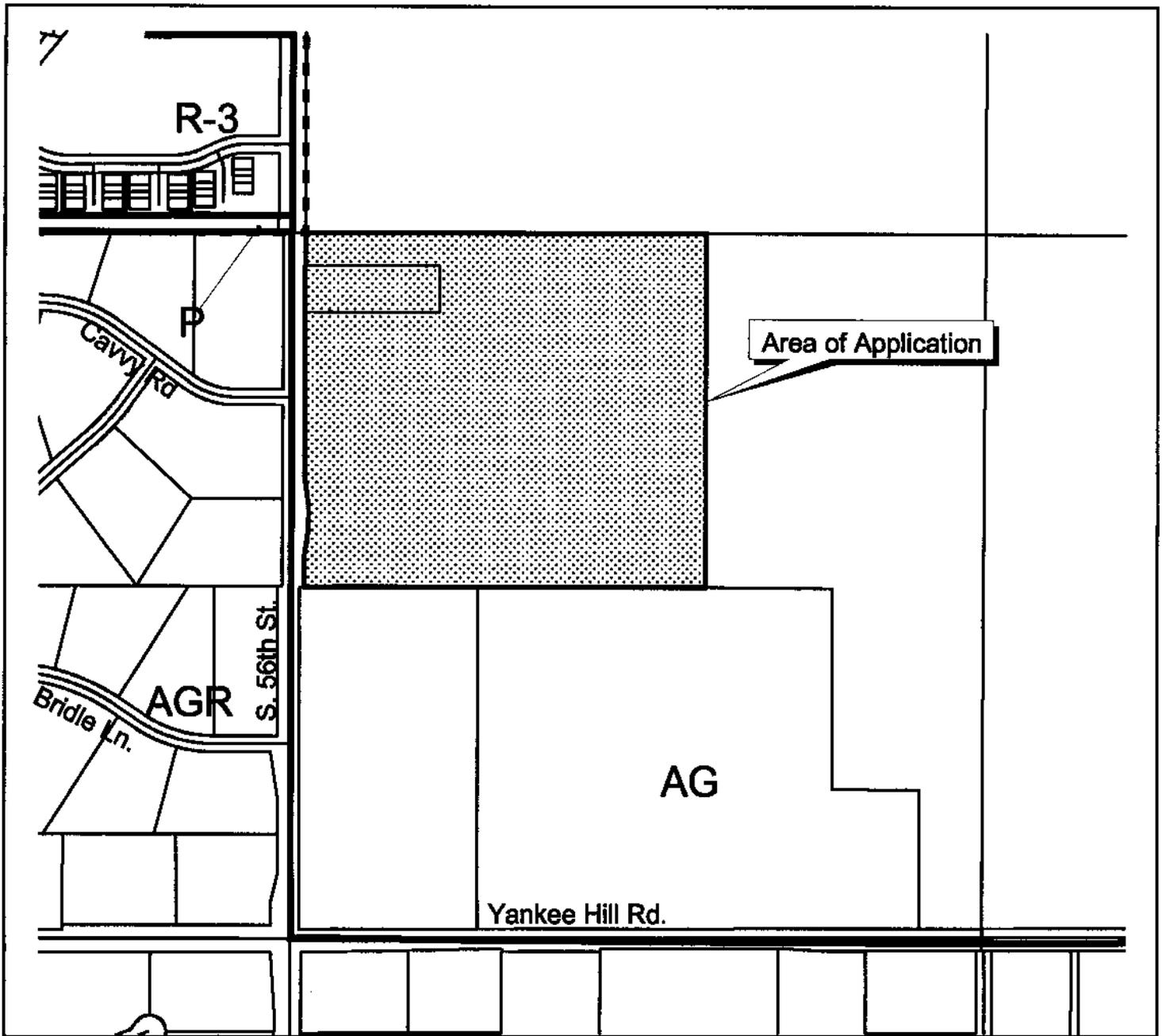
January 22, 2003

Newman moved conditional approval, with the amendments proposed by the applicant, seconded by Krieser and carried 5-0: Krieser, Taylor, Carlson, Newman and Steward voting 'yes'; Duvall, Larson, Schwinn and Bills-Strand absent.



**Annexation #02004
S. 56th & Cavy Rd.**



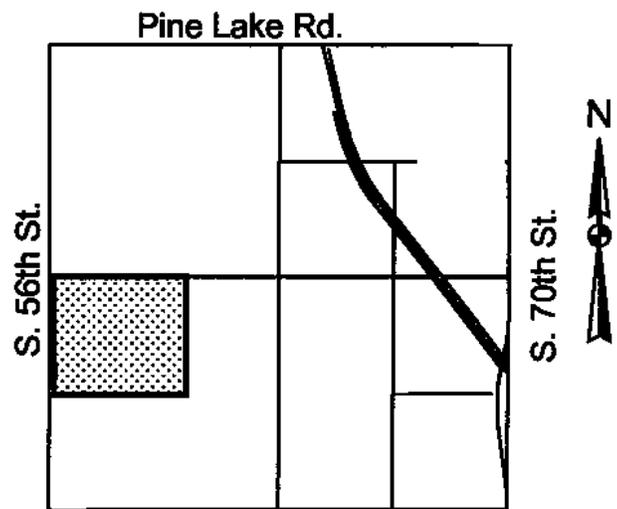
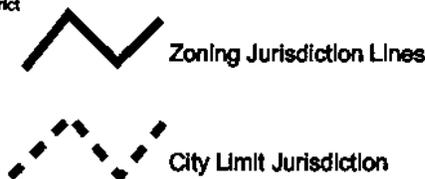


**Annexation #02004
S. 56th & Cavy Rd.**

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

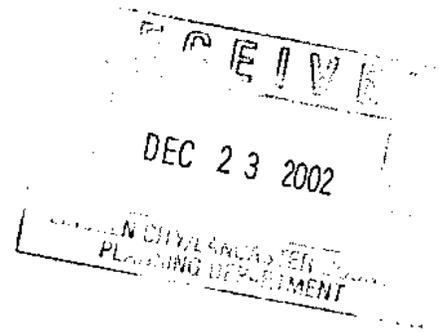
One Square Mile
Sec. 21 T9N R7E



012



OLSSON ASSOCIATES
ENGINEERS • PLANNERS • SCIENTISTS • SURVEYORS



December 23, 2002

Mr. Marvin Krout, Planning Director
Planning Department
County - City Building
555 South 10th Street, Suite 213
Lincoln, NE 68508

Re: Big Thompson Creek Preliminary Plat
OA Project No. 2001-0679.04

Dear Mr. Krout,

Enclosed, please find the following documents for the above mentioned project:

- a. Site Plan; 16 copies.
- b. Drainage and Grading Plan; 10 copies.
- c. Street Profile Plans; 5 copies
- d. Landscape Plan; 10 copies.
- e. 8 1/2" x 11" print Site plan
- f. Drainage Study; 3 Copies

- * (Soils Report previously submitted).
- * (HEC-1 Beals Slough Drainage Study previously submitted).

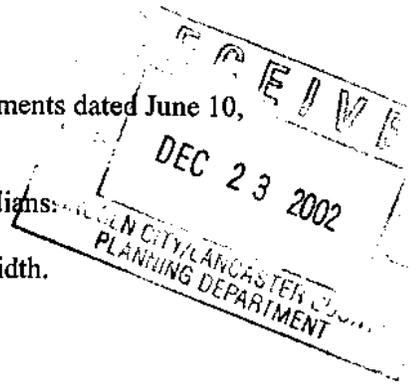
The annexation agreement has previously been submitted under separate cover by Seacrest and Kalkowski P.C.

Following are our responses to Dennis Bartels, Public Works and Utilities comments dated July 19, 2002. Please note that the roadway configuration has been changed to accomodate the proposed Fire Station.

- 1) Sanitary Sewer - (15' depth):
We have revised our site grading plans to minimize the depth of the sewer. The sewer will still flow opposite street grades, however, it will not exceed the 15' depth.
- 2) Water - (24" water main):
The payment for the 24" water main will be addressed in the annexation agreement.
- 3) Street System:
We have revised our plans to show 60' of Right of Way adjacent to 56th street.
The payment for the roadways, LES pole relocation, and temporary pavement will be addressed in the annexation agreement.
- 4) Drainage & Grading: The plans have been revised to address Public Work's comments.

Following are our responses to **Mark Canney**, Lincoln Parks and Recreation's comments dated June 10, 2002.

- 1) This submittal includes a detailed landscape plan of the Traffic circles / medians.
- 2) The cross section of the Public Way Corridor has been changed to 120' in width.



Following are our responses to **LES** comments (Verbal from Jason Reynolds)

- 1) Blanket easements have been provided for Outlots A, B, & C. Previous submittals provide for blanket easements for Outlots D & E.

The following **waivers** are being requested:

- 1) To allow the length of Block 7 & 10 to exceed 1320'.
- 2) To waive pedestrian easements in blocks that exceed 1,000 feet in length.
(The future bike trail, Outlot D, will serve as pedestrian access across blocks in question).
- 3) To allow Sanitary Sewer Main flow opposite street grades at Upton Grey Lane and Great Falls Road .
- 4) To waive the lot depth requirement for Lots 1, 2, 3, 4, & 5, Block 1; Lots 1 & 2, Block 11.
- 5) To allow lot lines perpendicular to right-of-way lines.

Please contact us if you have any questions or require any additional material for your review.

Sincerely,



Stephen Clymer, AIA

Attachments

- cc: Tom White
John Brager
Gerald Schleich
File

Dennis D Bartels

To: Brian J Will/Notes@Notes

12/23/2002 03:47 PM

cc:

Subject: Big Thompson Creek Prelim Plat

Per the proposed annexation agreement, Public Works will agree to subsidize the 24" water main in 56th abutting this plat. This is different than stated in the memo sent to you earlier today from Chad Blakak.