

City Council Introduction: Monday, June 30, 2003
Joint Public Hearing of the Lincoln City Council
and Lancaster County Board of Commissioners:
Thursday, July 10, 2003, 5:30 p.m.

Bill No. 03R-174

FACTSHEET

TITLE: **COMPREHENSIVE PLAN AMENDMENT NO. 03019**, by the Director of Planning, at the request of Kent Seacrest, on behalf of Ridge Development Company and Southview, Inc., to amend the 2025 Lincoln/Lancaster County Comprehensive Plan, to revise the Community Center commercial designation to designate specifically the northwest corners of Homestead Expressway and West Denton Road as a Community Center; and to revise the light industrial designation for a future "employment center" to specifically designate an area northwest of Homestead Expressway and West Denton Road as Industrial.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 05/21/03
Administrative Action: 05/21/03

RECOMMENDATION: **Approval of the staff recommendation** as set forth on the map on p.6 (6-0: Carlson, Larson, Duvall, Taylor, Steward and Schwinn voting 'yes'; Bills-Strand and Krieser absent).

STAFF RECOMMENDATION: **Approval of the Site Specific "Community Center" and "Light Industrial" designation**, as set forth on the map on p.6.

FINDINGS OF FACT:

1. The staff recommendation as set forth on the map on p. 6 is based upon the "Status/Description", "Comprehensive Plan Implications" and "Conclusion" as set forth in the staff report on p.2-4, concluding, in part, that the land northwest of the intersection of Homestead Expressway and West Denton Road is best suited for the location of the Community Center and Light Industrial designations; however, there are many specific site issues to be resolved. The proposal to designate specific areas as light industrial or commercial is premature until there is further information on the overall development, access and buffers.
2. The applicant's testimony is found on p.5, requesting to amend the staff recommendation to show the "C" and "LI" symbols being interlinked. The Planning Commission did not propose this change.
3. There was no testimony in opposition; however, Peter Katt testified on behalf of the Home Builders Association of Lincoln, and urged that the infrastructure, sizing and capacity brought to this location be sufficient to support additional urban residential development in this area contemporaneously with development of additional commercial space. (See Minutes. p.5).
4. The record also consists of a letter from R. William Darnell on behalf of David J. Beynon, who owns property located at South 1st Street and West Old Cheney Road, with concerns about the closing of Old Cheney Road and relocation of South 1st Street and Warlick Boulevard that would accompany the construction of an interchange in this area, and the impact of those changes upon the amount of available land area and property value, precluding the continued use of the Beynon property as an economical farming unit (See p.12-14).
5. On May 21, 2003, the Planning Commission agreed with the staff recommendation and voted 6-0 to recommend **approval of the staff recommendation**, as set forth on the map on p.6.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: June 23, 2003

REVIEWED BY: _____

DATE: June 23, 2003

REFERENCE NUMBER: FS\CC\2003\CPA.03019

2003 COMPREHENSIVE PLAN ANNUAL REVIEW

Comprehensive Plan Amendment No. 03019 Homestead Expressway & West Denton Road Employment Center

Applicant	Location	Proposal
Kent Seacrest for Ridge Development Company and Southview Inc.	Homestead Expressway intersection with Warlick Blvd. and West Denton Road.	see below
<p>Recommendation: Approval of Site Specific “Community Center” and “Light Industrial” designation The plans for this area are in the early stage, but this location is generally appropriate for these uses.</p>		

Status/Description

The applicant proposes the following:

- 1) Revise the Community Center commercial designation to designate specifically the northwest and northeast corners of Homestead Expressway and West Denton Road as a Community Center,
- 2) Revise the light industrial designation for a future “employment center” to specifically designate an area northwest of Homestead Expressway and West Denton Road as light industrial, and
- 3) Specifically designate commercial and industrial uses in land use plan at Homestead Expressway and West Denton Road.

In addition to these amendments to the Comprehensive Plan, the applicant notes that they will be requesting annexation and urban services within a year. This property is designated as a Priority A, meaning services should be planned for within the next 12 years. The proposed Capital Improvement Program (CIP) for this year plans for services to this area just beyond the next six years.

The State of Nebraska is proposing that West Denton Road be realigned as part of an interchange design for the Warlick Blvd. intersection. This is a proposal is still under consideration and design.

Comprehensive Plan Implications

This application is one of four amendments dealing with future light industrial employment centers:

- 1) Stone Bridge Creek at N. 27th & I-80 (Amendment #03010)
- 2) 98th & O Street (#03011)
- 3) Wilderness Hills at ½ mile south of S. 40th and Yankee Hill Road (#03015)
- 4) Homestead Expressway and Warlick Blvd (#03019)

The “Wilderness Hills” employment center is a new site. The Stone Bridge Creek proposal is to reduce the size of the industrial area. Both this application and Amendment #03011 at 98th and O Street are to designate the Light Industrial and Community Center to specific properties. Both of these amendments are currently designated as not site specific and could be located anywhere within a ½ mile of the general location shown in the Plan.

In this vicinity, Wilderness Park is to the east of the Homestead Expressway on both the northeast and southeast corners of the intersection. The property to the south of West Denton Road at this future interchange is in the 100 year floodplain. The northwest corner is the logical location for the future commercial and industrial development. There are some acreage residences to the west of Folsom Street in this vicinity.

As stated in the Comprehensive Plan, a new Community Center should have approximately 300,000 to 500,000 square feet (SF). The Plan offers an incentive for projects to develop with more square feet, if certain criteria are met. The applicant is not yet at a stage to develop a draft site plan for the Community Center, so there isn't a proposal yet to review in comparison with the incentive criteria.

The Comprehensive Plan shows that Folsom Street will be improved to 4 lanes from Pioneers Blvd. to West Denton Road. Also, West Denton Road is shown for a major improvement to 4 lanes from Coddington to the Homestead Expressway.

The Lincoln/ Lancaster County Health Department notes that:

“This proposed comprehensive plan amendment locates industrial and commercial zoning adjacent to urban residential. Regarding locating commercial zoning adjacent to residential, the LLCHD (has) concerns regarding some of the permitted uses in the H zoning classifications. This largely pertains to the storage of chemicals and/or hazardous materials in these zones. The LLCHD recommends at least 300 foot buffer between these commercial uses and residential zones. In addition, regarding the proposed siting of the industrial zone adjacent to the residential zone, the LLCHD has been advised that the preferred zoning will be I-3. The LLCHD will recommend placing restrictions within the use permit to address potential uses which may pose negative public health impacts.”

The issues regarding appropriate buffers and transition can be addressed as more detailed site plans are submitted for review.

The Comprehensive Plan on page F 29-30 called for a study of the southwest area to determine the most suitable location to begin development. However, it is clear that the intersection of Warlick and the Homestead Expressway is the best location to begin development in the southwest region, due to the traffic capacity, future improvements and available land. Public Works and Utilities notes that the infrastructure (water, wastewater and roads) to serve this area is generally at the end of the proposed six year period and beyond.

Conclusion

After reviewing the properties within a ½ mile of Homestead Expressway and West Denton Road, the land northwest of the intersection of Homestead Expressway and West Denton Road is best suited for the location of the Community Center and Light Industrial designations. It will make use of the traffic capacity of the four lane Homestead Expressway — the western leg of the future “beltway.”

The goals of the Comprehensive Plan encourage the proposed pedestrian oriented commercial centers, with a mix of commercial and employment uses, in addition to a mix of housing types and greater efficiency in the use of land in this application. The light industrial employment center, as part of Community Center is also in conformance with the Plan that states “new light industrial centers should be located in new growth areas of the city.” (Page F 39)

The Plan states that the “Health Department should be involved in the all siting of new industrial centers to ensure the public’s health and safety.” (Page F 39) The Health Dept. has stated an interest in working to ensure there are adequate buffers and measures in place regarding the light industrial uses.

However, there are many specific site issues to resolve. The proposal to designate specific areas as light industrial or commercial is premature until there is further information on the overall development, access and buffers.

The proposed plan designates light industrial uses across Folsom Street from a few acreage residences. Public meetings need to be held with adjacent acreage homeowners and the realignment of West Denton Road in regards to access to this site also needs to be further considered. All of these questions could potentially affect the location of the future commercial and industrial uses.

Amend the Comprehensive Plan as follows:

1. Amend the “Existing and Proposed Industrial Centers” on Page F 39 to designate the Light Industrial center at Homestead Expressway and West Denton Road, as “Unbuilt Approved Center (Site Specific)” as shown on the attached map.
2. Amend the Priority section on Page F 29-30 as follows:

~~“There are five southwest drainage basins where future urban development could follow sound planning principles and develop first in the lower basin reaches that are contiguous to Lincoln’s future service limits and proceed upstream in an orderly fashion. Within one year from the adoption of this Comprehensive Plan, the City, with public involvement and input, should carry out a further detailed planning process for the southwest basins to further analyze and select which southwest basin(s) are best suited for the start of urban development based upon infrastructure, market demand, and developer/landowner interests. The southwest planning process would create competition between property owners and developers which will help reduce overall development costs. The outcome of the planning process would be the identification of which basin(s) should be developed during the Priority A and Priority B time periods and incorporation of the priorities into the Comprehensive Plan. Development in the southwest should begin in the Priority A area in the general vicinity of the intersection of Warlick Blvd. and the Highway 77. Further planning should proceed to identify initial staging of infrastructure and development in this area.~~

3. Amend the list of proposed locations for Light Industrial centers to state “Homestead Expressway & ~~Warlick Boulevard~~ West Denton Road” on Page F 40.
4. Amend the “Existing and Proposed Commerce Centers” on Page F 41 to designate a Community Center as “Unbuilt Approved Center (Site Specific)” for the intersection Homestead Expressway and West Denton Road as shown on the attached map.
5. Amend the list of proposed locations of future Community Centers on page F 46 as follows:

C “Homestead Expressway (a. k. a., West Beltway) & ~~Warlick Boulevard~~ West Denton Road”

COMPREHENSIVE PLAN AMENDMENT NO. 03019

PUBLIC HEARING BEFORE PLANNING COMMISSION:

May 21, 2003

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

Staff recommendation: Approval of site specific "Community Center" and "Light Industrial".

Proponents

1. **Kent Seacrest** appeared on behalf of the applicants, **Southview, Inc. and Ridge Development Company**. This is a proposed tract of 144 acres due west of the intersection of US Hwy 77 and Warlick Blvd. that has been in the Comprehensive Plan for one year in the Tier I, Priority A. This was one of those pieces that had a lot of interest because there was such a push to open up Stevens Creek and to open up southwest Lincoln to have the multi-directional growth approach. The current Comprehensive Plan has the two symbols for community and commercial, both "floaters" within that one-half mile area. The proposal is to "stick" the light industrial and commercial designations.

The State has unveiled new plans to put an interchange at Warlick Blvd. and US 77, so we're dealing with an interchange. The present route of 1st Street and West Denton Road would get rerouted and cut through the middle of this property. The applicant's proposal was to "color" the commercial and light industrial. They have met with city staff and worked out what Seacrest calls the "sticky" compromise that instead of showing color and floating dots we would at least stick the dots. Today, they have reached a second compromise to interlink the symbols.

2. **Peter Katt** appeared on behalf of the **Home Builders Association of Lincoln**. This is similar to the property at 98th and "O" (Comprehensive Plan Amendment No. 03011) and the Home Builders would have the same comments. They strongly support the opening of an additional basin for development. As to the specifics, the Home Builders are neutral. As to the staff comments in terms of their language on p.197: "Further planning should proceed to identify initial staging of infrastructure and development in this area.", the Home Builders would support and encourage that and make sure that the infrastructure and sizing and capacity brought to this location is sufficient to support additional urban residential development in this area contemporaneously with development of this additional commercial space. We are rapidly running out of developable lots in the city.

There was no testimony in opposition.

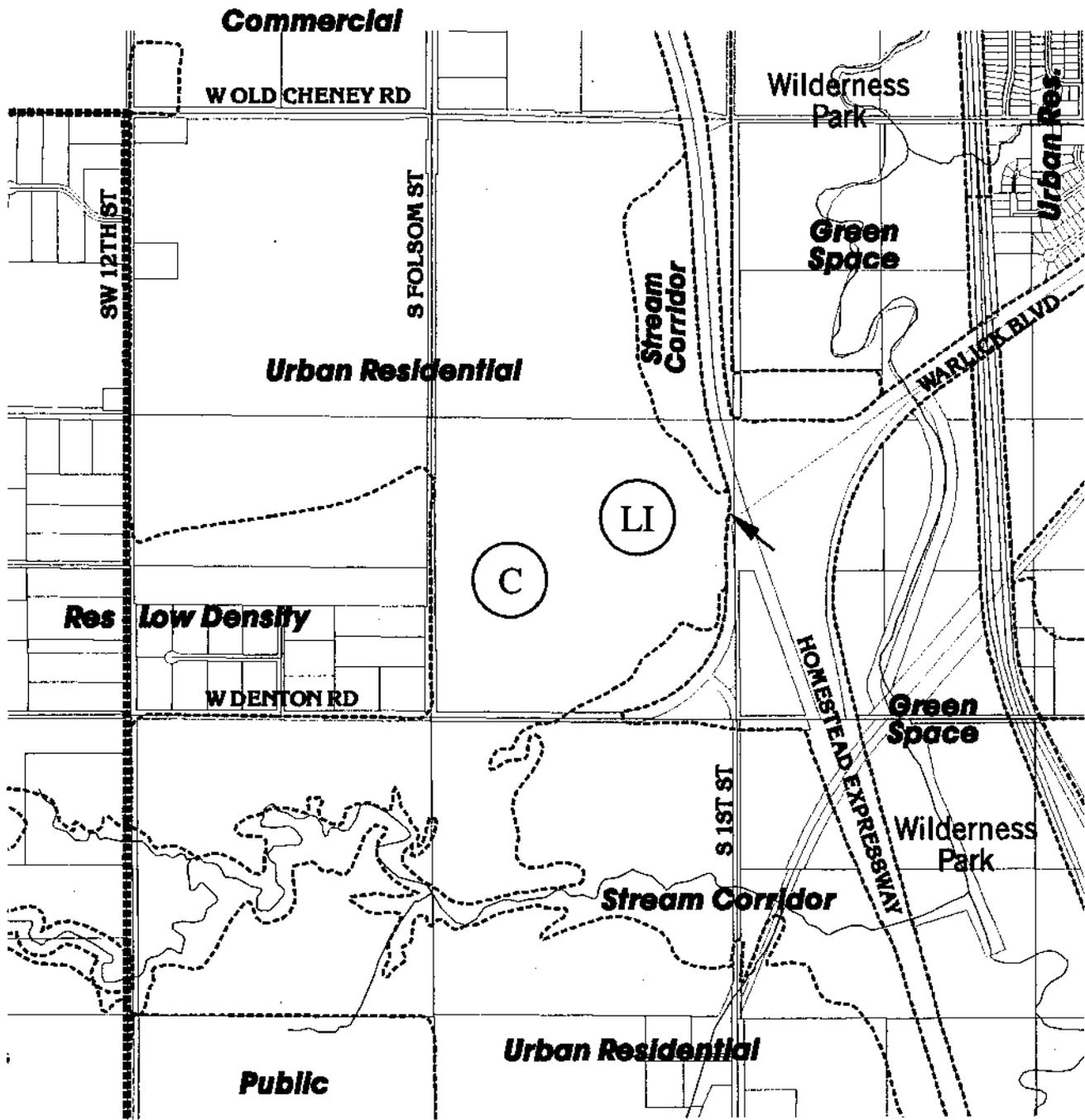
COMPREHENSIVE PLAN AMENDMENT NO. 03019

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

May 21, 2003

Taylor moved to approve the staff recommendation, seconded by Duvall. The motion recommends approval of the map on p.199. The staff recommendation does not include the overlap.

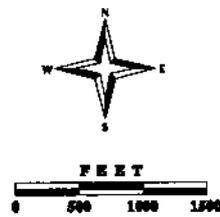
Motion approving the staff recommendation carried 6-0: Carlson, Larson, Duvall, Taylor, Steward and Schwinn voting 'yes'; Bills-Strand and Krieser absent.



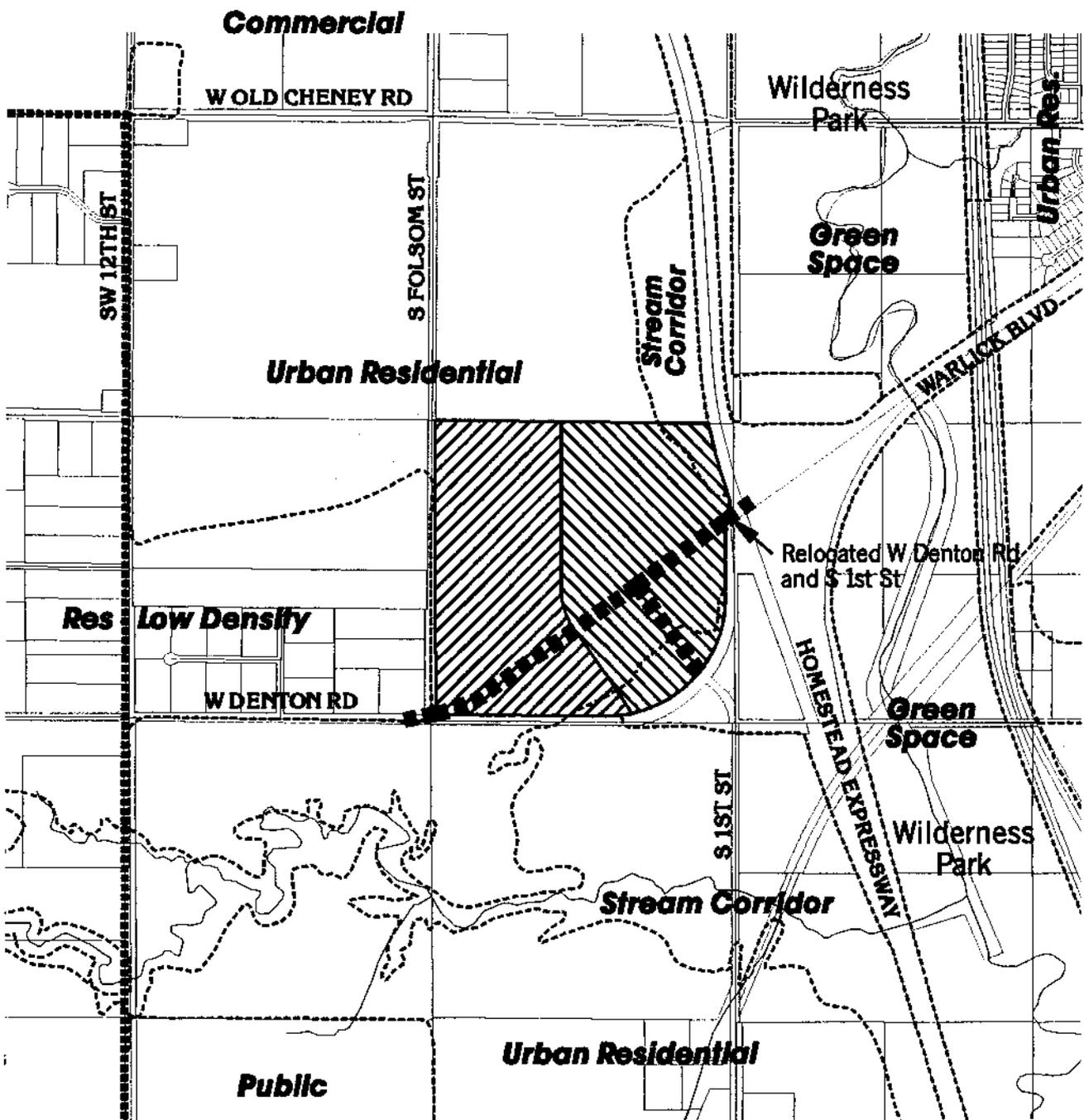
Homestead Expy & Warlick Blvd

Recommended Amendment #19

- Future Service Limit
- Land Use Boundary
- Res** Land Use Category
- Unbuilt Approved Center Site Specific
- C Community
- LI Light Industry



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Homestead Expy & Warlick Blvd

Applicant Proposed Amendment #19

- Future Service Limit
- Land Use Boundary
- Res** Land Use Category
-  From Urban Res to Industrial
-  From Urban Res to Commercial



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SEACREST & KALKOWSKI, P.C.

1111 LINCOLN MALL, SUITE 350
LINCOLN, NEBRASKA 68508-3905

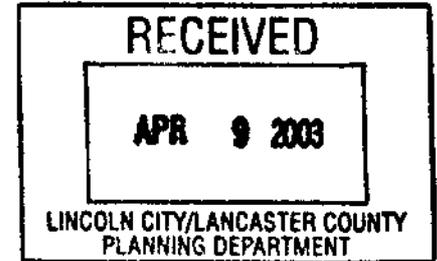
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KENT SEACREST
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DANAY KALKOWSKI
E-MAIL: danay@sk-law.com

April 9, 2003

Marvin Krout
Planning Director
County-City Building
555 South 10th
Lincoln, NE 68508



RE: Proposed Comprehensive Plan Amendments: Area located north of West Denton Road between South Folsom Street and Homestead Expressway (U.S. Highway 77)

Dear Marvin:

This letter is a result of meetings we have had with you and your staff regarding the above described property since our client, Pine Lake Heights Joint Venture, LLP (the "Joint Venture"), obtained a contract interest in the property. The property consists of approximately 144 acres located north of West Denton Road between South Folsom Street and Homestead Expressway (U.S. Highway 77), and is more particularly described as Lot 18, Irregular Tract located in the Southeast Quarter of Section 15, Township 9 North, Range 6 East of the 6th P.M., Lancaster County, Nebraska (the "Property").

Answer 1: On behalf of the Joint Venture, we hereby request that the City of Lincoln-Lancaster County Comprehensive Plan be amended as follows:

- Amend Lincoln/Lancaster County Land Use Plan (F-23) and Lincoln Area Detail from Lincoln/Lancaster County Land Use Plan (F-25) to show the following:
 - Community Center on the southeast corner of the Property as shown on Exhibit "A".
 - Light Industrial/Employment Center surrounding the Community Center on the remainder of the Property as shown on Exhibit "A".
- Delete the fifth bullet under the Principals for Priority Areas (F-29 to F-30) regarding the planning process for the five southwest basins within one year from the adoption of the 2002 Comprehensive Plan.
- Amend the Existing and Proposed Commerce Centers map (F-41) to show "C"--Community Center on the eastern half of the Property as shown on Exhibit "A"; and
- Amend the Existing and Proposed Industrial Centers map (F-39) to show Light Industrial/Employment Center on the west half of the Property immediately west of the proposed Community Center as shown on Exhibit "A".

Answer 2: The Property is immediately west of the Homestead Expressway and Warklick Boulevard. This intersection is scheduled to become an interchange upon the State of Nebraska redesignating Homestead Expressway from an expressway to a freeway. The Property currently is shown in the Comprehensive Plan within Priority A of Tier I, designating it for development within the first twelve year period. The current Comprehensive Plan places both a LI (Light Industrial) and a C (Community Center) designation on the Property immediately west of the Homestead Expressway and Warklick Boulevard intersection.

Our proposed Comprehensive Plan Amendments would formally designate a proposed Light Industrial/Employment Center and Community Center on the Property as shown on Exhibit "A". Two of the Comprehensive Plan's Principles for Priority Areas particularly support the development of southwest Lincoln, by stating:

- *In order to implement the Plan Vision, infrastructure should generally be provided in different directional growth areas, depending upon financial resources and if there is development interest in the area.*
- *Funds for improvements in new major drainage basins to the southwest and east should provide the opportunity for development to begin in these areas within the next 12 years.*

It is our intention to apply for annexation, change of zone and preliminary plat on the Property by June of this year. Our June proposal will request urban services for the Property in the next twelve months. We believe our requested Comprehensive Plan Amendments (and our June proposals) are consistent with the current Comprehensive Plan's Tier 1-Priority A, LI (Light Industrial and C (Community Center) designations.

Answer 3: For the anticipated impacts and mitigation measures, see Answer 2 above. The planning community has desired new southwest Lincoln growth for many, many years to help the community's urban form and efficiency patterns. The 2002 Comprehensive Plan stated this basin (Cardwell Branch) as the best candidate to begin the new southwest Lincoln growth.

Homestead Expressway and the new proposed interchange at Warlick Boulevard and West Denton Road will provide desirable access to the Property and traffic circulation to and from the region. Unlike other Lincoln commercial sites, the roads abutting this Property have future traffic capacity and are not congested. The site is minutes away from Downtown Lincoln and the University of Nebraska-Lincoln city campus. The short time travel will provide new and important synergy to the historical center of our community.

The Comprehensive Plan also promotes economic development strategies, and this site has the potential to become one of Lincoln's best draws. This development provides a major new employment center site for existing and new businesses and companies to grow and expand. The proposed abutting retail areas will provide needed services and retail goods within walking distance to both the new employment center, as well as future residential dwellings.

The mix of quality traffic patterns, high visibility, regional draw and minimum neighboring land use conflicts (compared to other large commercial sites), combines to provide

an exiting new development that will add to the tax base and increase the City's net sales tax receipts.

A definitive designation of the Commercial Center and Light Industrial/Employment Center will provide needed commercial services, job opportunities and consumer choices to Southwest Lincoln and the abutting sections of land. In addition, the definitive designation will provide public notice to the abutting landowners and future southwest Lincoln residents of the proposed uses of the Property. Development of the Property via a use permit/special permit will insure proper site review to minimize impacts to surrounding neighbors and provide an overall net benefit to the area.

Answer 4: We believe our Comprehensive Plan Amendments are consistent with the Guiding Principles From the Comprehensive Plan Vision, Guiding Principles for the Urban Environment, Priority Area Plan for Tier 1, Summary of Comprehensive Plan Assumptions, Commercial Growth Component, General Principles for All Commercial & Industrial Uses, Industrial Centers, Commerce Centers, Community Center (C), Environmental Resources, Residential, Utilities, Mobility & Transportation, and Financial Resources. See Answer 2 for additional reasoning.

Answer 5: We will hold a neighborhood meeting with the affected property owners prior to the Planning Commission's public hearing on the proposed Comprehensive Plan Amendments. As part of the neighborhood outreach effort we will also review the following proposed submittals with them:

- Subarea Master Plan
- Annexation request and related Annexation Agreement
- First phase Preliminary Plat
- First phase Change of Zone

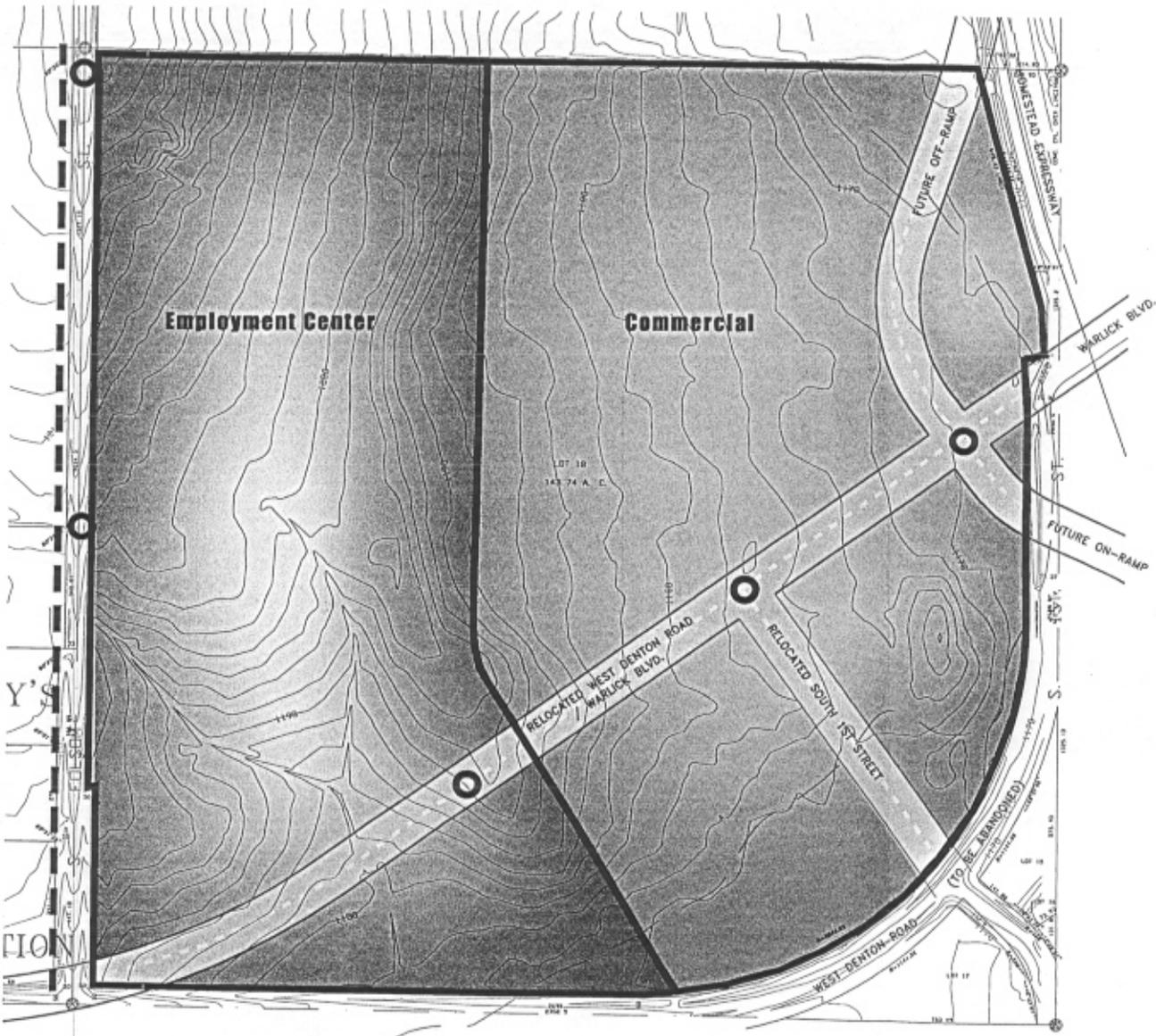
We look forward to continuing our discussions regarding this request with you as a new amendment to the Comprehensive Plan.

Yours very truly,

Kent by DK
KENT SEACREST
For the Firm

Enclosure

cc: Mayor Don Wesley
Council Member Jonathan Cook
Southview, Inc
Ridge Development Company



LEGEND
 ——— PROPOSED ZONING LIMITS
 - - - - - PROPOSED BIKE TRAIL
 ○ FULL MEDIAN OPENING

Exhibit "A"

OLSON ASSOCIATES
 LAND SURVEYORS
 1001 N. 10TH ST., SUITE 100
 LINCOLN, NEBRASKA 68502-1000
 PHONE: 402-476-1000
 FAX: 402-476-1001
 WWW: WWW.OLSONASSOCIATES.COM



REVISIONS
 DATE DESCRIPTION

HOCK PROPERTY
 LAND USE PLAN

LINCOLN, NEBRASKA
 2003

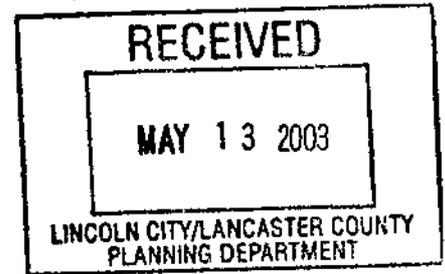
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 Project no.: [blank]
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 Date: [blank]

COMPREHENSIVE PLAN AMENDMENT NO. 03019
(p.195 - Public Hearing - 5/21/03)

cc: Kent Seacrest

IRA D. BEYNON & ASSOCIATES

640 SOUTH 10TH STREET
P.O. BOX 82226
LINCOLN, NEBRASKA 68501
TELEPHONE (402) 476-2100
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IRA D. BEYNON (1896-1989)
DAVID J. BEYNON

R. WILLIAM DARNELL
THOMAS D. WILLIAMS

Mr. Marvin Krout, Director
Lincoln Lancaster County Planning
City County Building, Room 213
555 South 10th Street
Lincoln, NE 68508

May 12, 2003

RE: Application of Pine Lake Heights Joint Venture, LLP
For Amendment of Comprehensive Plan

Dear Mr. Krout:

I represent Mr. David J. Beynon, who is the owner of a parcel of land located at approximately South 1st Street and West Old Cheney Road, Lincoln, Lancaster County, Nebraska, said real estate more particularly known as:

Part of the Northeast Quarter of Section Fifteen, Township Nine
North, Range Six East

It has come to Mr. Beynon's attention that Pine Lake Joint Venture, LLP (Joint Venture) has filed for a change in the Comprehensive Plan which will impact his above cited real estate. As we understand the proposed amendment and the surrounding conceptual plans of the City of Lincoln and State of Nebraska - Department of Roads (NEDOR), this amendment and those conceptual plans will have a significant impact on Mr. Beynon's farming operations by further restricting access to portions of his farm.

As you may know, this farm was a traditional farming unit of slightly less than 160 acres prior to the construction of the Homestead Express Way(HEW). The construction design employed by the NEDOR required the acquisition of several acres and the eventual splitting of the remainder of the tract. Currently, Mr. Beynon has approximately five acres of farmable land which lies immediately east of the HEW and south of West Old Cheney Road. Access to this portion of the farm is only accomplished using a joint agreement between Mr. Beynon's family and Lancaster County to use a

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portion of the now vacated South 1st Street. The larger portion of the farm can only be accessed via West Old Cheney Road. However, access via West Old Cheney Road is subject to restrictions which were established by the NEDOR.

As I have stated, Mr. Beynon maintains the real estate as a farm. Currently, Mr. Ben Walbrecht is the tenant who operates this farm. Mr. Walbrecht presently farms all tillable acreage contained within the real estate, (ie: tillable acreage on both sides of the HEW). In order to continue to operate this farming enterprise in the most economical manner, Mr. Walbrecht must have access to all tracts. It is our understanding that plans call for the elimination of access to the acreage which lies east of the HEW or allows only for problematic and uneconomic access. It is our specific understanding that West Old Cheney Road will be permanently closed at points where it currently intersects the HEW. This will have the impact of Mr. Walbrecht being denied reasonable and economic access, from the larger parcel, to the five acre tract laying on the eastside of the HEW.

When the NEDOR and Mr. I.D. Beynon reached a settlement in a condemnation action, regarding the appropriation of land for the HEW, it was with I.D. Beynon's understanding and belief that West Old Cheney Road, as it intersected the HEW, would remain open to through traffic. Had I.D. Beynon been informed that the plans, in actuality, contemplated the closing of West Old Cheney Road, the settlement would have been considerably more costly for the NEDOR as significant and identifiable damages would befall the farm and its future usage.

Adoption of any modification to the Comprehensive Plan and enactment of suggested plans for a relocated South 1st Street and Warlick Boulevard and construction of new on/off ramps, for a redesignated HEW, will act to decrease the available land area, diminish its value by further restricting access to both parcels and preclude its continued usage as an economical farming unit.

Further, Mr. Beynon is the president and chief executive officer of a corporation which has as its principle business activity the ownership, management, development and redevelopment of commercial real estate. Presently, this company is the owner of three (3) neighborhood shopping centers in Florida and one (1) in Lincoln, Nebraska. The subject real estate is currently being reviewed by Mr. Beynon's company for its highest and best commercial usage. It appears that the proposed amendment of the Comprehensive Plan and the potential construction of a reconfigured HEW, South 1st Street and Warlick Boulevard will have a significant impact on Mr. Beynon's planning for future development of his real estate. Any severing of West Old Cheney Road will significantly decrease the value of this property by making access less than ideal, and potentially making the property unsuitable for the most desirable commercial purposes.

We urge all local and state governmental authorities, to proceed quite circumspectly to avoid a decision which results in economic damages to a current farming operation and potentially prejudices future development of Mr. Beynon's real estate.

Yours truly,

A handwritten signature in black ink, consisting of a stylized, cursive 'R' followed by a horizontal line extending to the right.

R. William Darnell
Attorney at Law

/rwd

cc: David J. Beynon