

City Council Introduction: **Monday**, February 14, 2005  
Public Hearing: **Monday**, February 28, 2005, at **5:30** p.m.

Bill No. 05-22

## **FACTSHEET**

**TITLE:** **CHANGE OF ZONE NO. 05001**, from AG Agricultural District to R-3 Residential District, requested by Olsson Associates on behalf of Guy Lammle, on property generally located at Lammle Circle and Gleneagle Court.

**SPONSOR:** Planning Department

**BOARD/COMMITTEE:** Planning Commission  
Public Hearing: Consent Agenda: 02/02/05  
Administrative Action: 02/02/05

**STAFF RECOMMENDATION:** Approval.

**RECOMMENDATION:** Approval (9-0: Carlson, Carroll, Krieser, Larson, Marvin, Pearson, Bills-Strand, Sunderman and Taylor voting 'yes').

### **FINDINGS OF FACT:**

1. The purpose of this change of zone request within the HiMark Estates Community Unit Plan is to remove some property from the golf course for development of six additional dwelling units in the area.
2. The staff recommendation of approval is based upon the "Analysis" as set forth on p.4, concluding that the proposed change of zone generally conforms to the Comprehensive Plan and to the approved HiMark Estates Community Unit Plan.
3. On February 2, 2005, this application appeared on the Consent Agenda of the Planning Commission and was opened for public hearing. No one came forward to speak.
4. On February 2, 2005, the Planning Commission agreed with the staff recommendation and voted 9-0 to recommend approval.

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

**DATE:** February 7, 2005

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

**DATE:** February 7, 2005

**REFERENCE NUMBER:** FS\CC\2005\CZ.05001

# LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for February 2, 2005 PLANNING COMMISSION MEETING

- P.A.S.:** Change of Zone #05001
- PROPOSAL:** Change the zoning from AG Agricultural to R-3 Residential.
- LOCATION:** Lammle Circle and Gleneagle Court
- LAND AREA:** 1.1 acres, more or less
- CONCLUSION:** This change of zone generally conforms to the Comprehensive Plan and to the approved HiMark Estates CUP.

|                        |          |
|------------------------|----------|
| <b>RECOMMENDATION:</b> | Approval |
|------------------------|----------|

## **GENERAL INFORMATION:**

**LEGAL DESCRIPTION:** A portion of Outlot A, HiMark Estates 7<sup>th</sup> Addition, located in the NW 1/4 of 11-9-7, Lancaster County, Nebraska. See attached for metes and bounds description.

**EXISTING ZONING:** AG Agricultural

**EXISTING LAND USE:** HiMark Golf Course

## **SURROUNDING LAND USE AND ZONING:**

|        |                         |                                     |
|--------|-------------------------|-------------------------------------|
| North: | HiMark Golf Course      | AG Agricultural                     |
| South: | Single-family dwellings | R-3 Residential, HiMark Estates CUP |
| East:  | HiMark Golf Course      | AG Agricultural                     |
| West:  | HiMark Golf Course      | AG Agricultural                     |

## **HISTORY:**

- Dec 2004 Administrative Amendment #04098 approved to eliminate one single-family lot by combining it into adjacent lots.
- May 2004 Special Permit #1423I approved the elimination of 272 multiple-family units on one lot and the addition of 31 single-family lots for a total of 344 dwelling units.
- Dec 2003 Special Permit #1423H approved the addition of 26 single-family lots for a total of 585 dwelling units.
- Nov 2003 Special Permit #1423G approved the addition of 19 single-family lots for a total of 558 dwelling units.

Feb 2003 Special Permit #1423F approved the identification of certain townhouse lots with zero setbacks on all lot lines. The total number of approved dwelling units was still 539.

Apr 2002 Special Permit #1423E approved. This amendment provided for setback adjustment to Lot 3, HiMark Estates 7<sup>th</sup> Addition, and approved 539 dwelling units.

Aug 2001 Special Permit #1423C approved an increase in multiple-family dwelling units from 240 to 272. However, this permit was voided because the owner did not sign the Letter of Acceptance.

Jan 2001 Special Permit #1423D withdrawn.

Nov 2000 Special Permit #1423D submitted. This was a request to rename a private roadway and install gates at its entrance. Based upon a prior grant of public access over the private roadway, the Applicant could not use the gates to exclude the public.

Nov 1999 Special Permit #1423C submitted.

Aug 1999 Administrative Final Plat #99025 approved. This renamed Lots 7-48, Block 2 HiMark Estates to Lots 1-24, and 26-39, Block 1 and Outlot A, HiMark Estates 2<sup>nd</sup> Addition.

Aug 1999 Administrative Amendment #99054 to Special permit #1423A approved to add restrooms and an irrigation pump house to HiMark Golf Course.

Jul 1998 Change of Zone #3125 approved to change the zoning for the area covering this application from AG Agricultural to R-3 Residential.

Jul 1998 Special Permit #1423B approved for the HiMark Estates Community Unit Plan, which included 507 dwelling units and golf course.

Apr 1998 Special Permit #1423A withdrawn.

Mar 1996 Special Permit #1423A submitted. This application sought to expand the existing clubhouse and add a cart storage building to the HiMark Golf Course.

Aug 1993 Administrative Amendment #93055 to Special Permit #1423 approved to increase the number of parking stalls.

Mar 1993 Administrative Amendment #92075 to Special Permit #1423 approved to rearrange portions of the parking lot and provide signage.

Apr 1992 Special Permit #1423 approved for a golf course.

Mar 1979 The zoning for the area of this CUP was changed from A-A Rural and Public Use to AG Agricultural as part of the 1979 Zoning Update.

**COMPREHENSIVE PLAN SPECIFICATIONS:** The Land Use Plan identifies this area as Urban Residential and Green Space. (F 25)

**ANALYSIS:**

1. This is a request to change the zoning from AG Agricultural to R-3 Residential within the HiMark Estates CUP.
2. This change of zone will remove some property from the golf course for development as dwelling units. Applicant has requested an administrative amendment to the CUP that adds 6 dwelling units in this area. A site plan of the proposed cul-de-sac and new units is attached.
3. A final plat will be required before the proposed lots can be developed.
4. Although this change of zone and the proposed amendment will allow additional units on a dead-end street in excess of the subdivision regulations and allow the dead-end street to exceed the maximum allowable length, these requirements have been waived previously with the CUP. Applicant will be providing a new access to this area through the parking lot of the golf course clubhouse.
5. This change of zone, along with the associated administrative amendment and final plat, generally comply with the approved HiMark Estates community unit plan.

Prepared by:

Greg Czaplewski  
441-7620, gczaplewski@lincoln.ne.gov

**Date:** January 19, 2005

**Applicant:** Olsson Associates  
Tim Gergen  
1111 Lincoln Mall  
Lincoln, NE 68508  
474.6311

**Owner  
and  
Contact:** Guy Lammle  
8901 Augusta Drive  
Lincoln, NE 68520  
(480) 244.9005

# CHANGE OF ZONE NO. 05001

## CONSENT AGENDA

### PUBLIC HEARING & ADMINISTRATIVE ACTION

#### BEFORE PLANNING COMMISSION:

February 2, 2005

Members present: Carlson, Carroll, Krieser, Larson, Marvin, Pearson, Bills-Strand, Sunderman and Taylor.

The Consent Agenda consisted of the following items: ***CHANGE OF ZONE NO. 05001; SPECIAL PERMIT NO. 1386C, an amendment to the WINDHOEK 4<sup>TH</sup> ADDITION COMMUNITY UNIT PLAN; SPECIAL PERMIT NO. 04073; SPECIAL PERMIT NO. 05001; COUNTY SPECIAL PERMIT NO. 195, BEAVER CREEK COMMUNITY UNIT PLAN; and COUNTY PRELIMINARY PLAT NO. 02011, BEAVER CREEK.***

#### Ex Parte Communications:

Marvin disclosed that he was contacted and encouraged to vote in favor of Item No. 1.3, Special Permit No. 04073.

Bills-Strand disclosed that she was also contacted to see if she had any questions about Special Permit No. 04073.

**Item No. 1.2, Special Permit No. 1386C**, was removed from the Consent Agenda and scheduled for separate public hearing.

Carlson moved to approve the remaining Consent Agenda, seconded by Carroll and carried 9-0: Carlson, Carroll, Krieser, Larson, Marvin, Pearson, Bills-Strand, Sunderman and Taylor voting 'yes'.

This is final action on Special Permit No. 1386C and Special Permit No. 05001, unless appealed to the City Council within 14 days.



2002 aerial

## Change of Zone #05001 Lammle Circle and Gleneagle Court

### Zoning:

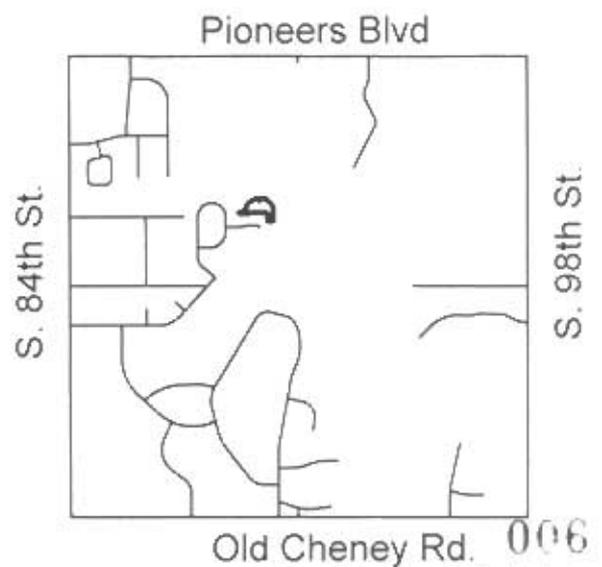
- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- R-C Residential Conservation District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned 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. 11 T09N R7E



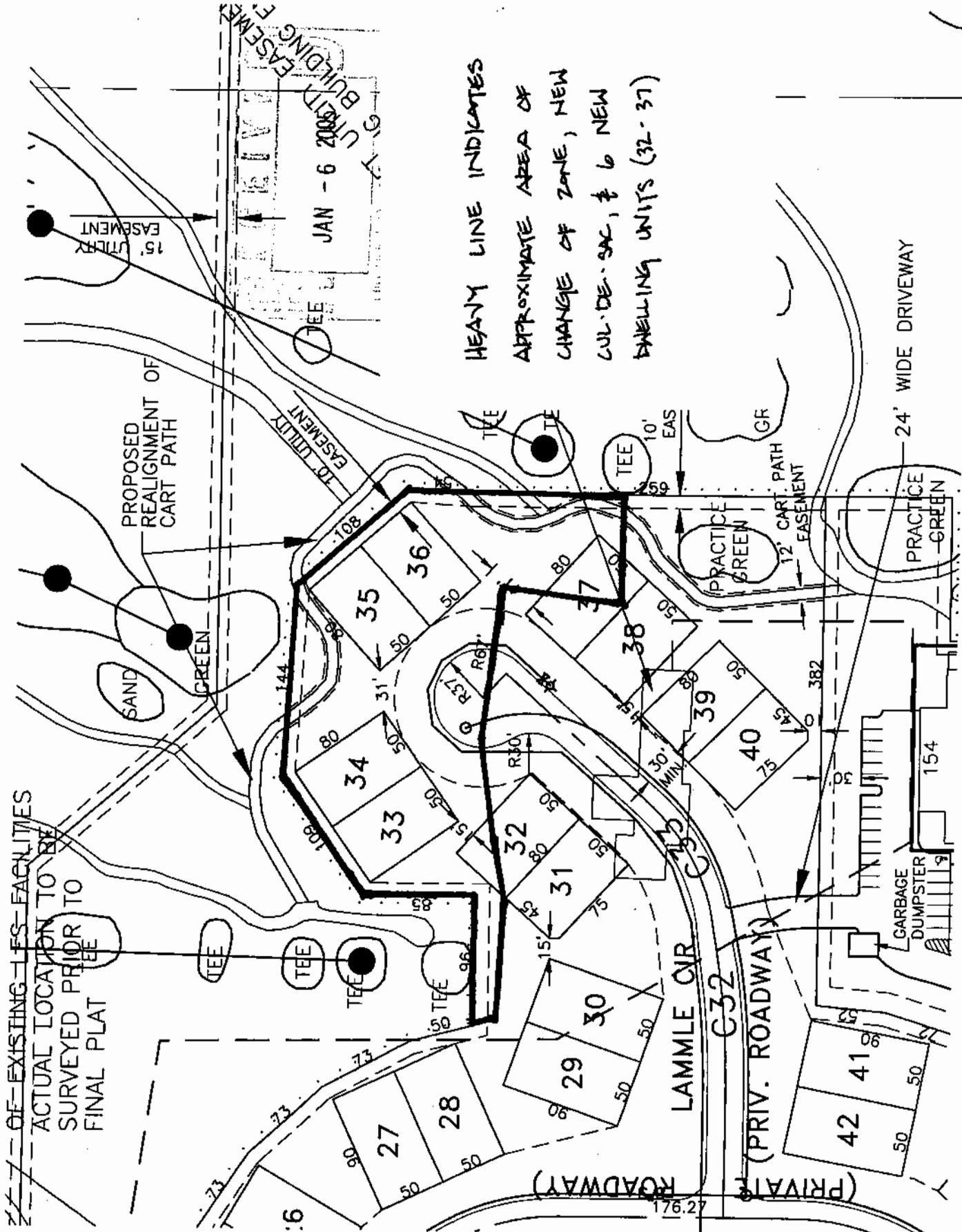
Zoning Jurisdiction Lines

City Limit Jurisdiction



Lincoln City - Lancaster County Planning De

--- OF EXISTING LFS FACILITIES  
 --- ACTUAL LOCATION TO BE SURVEYED PRIOR TO FINAL PLAT



HEAVY LINE INDICATES  
 APPROXIMATE AREA OF  
 CHANGE OF ZONE, NEW  
 CUL-DE-SAC, & 6 NEW  
 DWELLING UNITS (32-37)

**LEGAL DESCRIPTION  
CHANGE OF ZONE**

A LEGAL DESCRIPTION FOR A TRACT OF LAND COMPOSED OF A PORTION OF OUTLOT "A" HIMARK ESTATES 7<sup>TH</sup> ADDITION, LOCATED IN THE NORTHWEST QUARTER OF SECTION 11, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6<sup>TH</sup> P.M., LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF OUTLOT "A" HIMARK ESTATES 4<sup>TH</sup> ADDITION, SAID POINT BEING A SOUTH CORNER OF OUTLOT "A" HIMARK ESTATES 7<sup>TH</sup> ADDITION, SAID POINT BEING THE **TRUE POINT OF BEGINNING**, THENCE WEST ALONG A SOUTH LINE OF SAID OUTLOT "A" HIMARK ESTATES 7<sup>TH</sup> ADDITION, ON AN ASSUMED BEARING OF SOUTH 89 DEGREES 53 MINUTES 26 SECONDS WEST, A DISTANCE OF 78.08 FEET TO A SOUTH CORNER OF SAID OUTLOT "A", THENCE NORTH 07 DEGREES 00 MINUTES 00 SECONDS EAST ALONG A WEST LINE OF SAID OUTLOT "A", A DISTANCE OF 94.92 FEET TO A SOUTH CORNER OF SAID OUTLOT "A", THENCE NORTH 83 DEGREES 00 MINUTES 00 SECONDS WEST ALONG A SOUTH LINE OF SAID OUTLOT "A", A DISTANCE OF 116.91 FEET TO A SOUTH CORNER OF SAID OUTLOT "A", THENCE SOUTH 82 DEGREES 27 MINUTES 14 SECONDS WEST ALONG A SOUTH LINE OF SAID OUTLOT "A", A DISTANCE OF 75.58 FEET TO A NORTH CORNER OF SAID OUTLOT "A", THENCE SOUTH 78 DEGREES 34 MINUTES 59 SECONDS WEST ALONG A SOUTH LINE OF SAID OUTLOT "A", A DISTANCE OF 49.08 FEET TO A SOUTH CORNER OF SAID OUTLOT "A", THENCE NORTH 87 DEGREES 30 MINUTES 04 SECONDS WEST ALONG A SOUTH LINE OF SAID OUTLOT "A", A DISTANCE OF 88.70 FEET TO A SOUTHWEST CORNER OF SAID OUTLOT "A", THENCE NORTH 14 DEGREES 25 MINUTES 13 SECONDS WEST ALONG A WEST LINE OF SAID OUTLOT "A", A DISTANCE OF 16.77 FEET TO A POINT, THENCE NORTH 89 DEGREES 53 MINUTES 26 SECONDS EAST, A DISTANCE OF 95.82 FEET TO A POINT, THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST, A DISTANCE OF 84.84 FEET TO A POINT, THENCE NORTH 54 DEGREES 50 MINUTES 14 SECONDS EAST, A DISTANCE OF 109.18 FEET TO A POINT, THENCE SOUTH 86 DEGREES 33 MINUTES 22 SECONDS EAST, A DISTANCE OF 143.91 FEET TO A POINT, THENCE SOUTH 42 DEGREES 06 MINUTES 46 SECONDS EAST, A DISTANCE OF 108.28 FEET TO A POINT, THENCE SOUTH 03 DEGREES 16 MINUTES 02 SECONDS WEST, A DISTANCE OF 55.78 FEET TO A POINT, THENCE SOUTH 00 DEGREES 06 MINUTES 34 SECONDS EAST, A DISTANCE OF 112.02 FEET TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA OF 49,565.18 SQUARE FEET OR 1.1379 ACRES, MORE OR LESS.

January 5, 2005  
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