

City Council Introduction: **Monday**, February 28, 2005
Public Hearing: **Monday**, March 7, 2005, at **1:30 p.m.**

Bill No. 05-25

FACTSHEET

TITLE: CHANGE OF ZONE NO. 04070, from AGR Agricultural Residential District to R-3 Residential District, requested by Brian D. Carstens and Associates on behalf of Joey Hausmann, on property generally located southeast of S.W. 40th Street and West "A" Street.

STAFF RECOMMENDATION: Approval

ASSOCIATED REQUESTS: Annexation No. 04010 (05-24) and Annexation Agreement (05R-50).

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 12/08/04
Administrative Action: 12/08/04

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

FINDINGS OF FACT:

1. This change of zone request, the associated annexation and the Woodland View Preliminary Plat No. 04027 were heard at the same time before the Planning Commission. (The preliminary plat was adopted by Resolution No. PC-00898 and does not require review and action by the City Council.)
2. The staff recommendation to approve the change of request is based upon the "Analysis" as set forth on p.4-5, concluding that the proposed change of zone and the annexation are in conformance with the Comprehensive Plan.
3. The applicant's testimony is found on p.6, including the submittal of a revised legal description, reducing the scope of the area being annexed and reducing the size of the land area within the change of zone and preliminary plat (pp.8-9 represent the area of application as originally submitted; pp.10-13 represent the area of application as revised by the applicant on 12/08/04).
4. There was no testimony in opposition; however, subsequent to the Planning Commission hearing and action, an e-mail was submitted by R.T. Short expressing concerns about protection of wetlands and green space (p.14).
5. On December 8, 2004, the Planning Commission agreed with the staff recommendation and voted 9-0 to recommend approval of the change of zone, with the revised legal description.
6. On December 8, 2004, the Planning Commission also voted 9-0 to recommend approval of the associated annexation request and adopted Resolution No. PC-00898 approving the Woodland View preliminary plat, with amendment.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: February 22, 2005

REVIEWED BY: _____

DATE: February 22, 2005

REFERENCE NUMBER: FS\CC\2005\CZ.04070

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for December 8, 2004 PLANNING COMMISSION MEETING

(As Revised by the Applicant and Recommended for Approval
by Planning Commission: December 8, 2004**)**

P.A.S.: Annexation #04010
Change of Zone #04070

This is a combined staff report for related items. This report contains a single background and analysis section for all items.

PROPOSAL: Annex approximately ~~30.186~~ 24.33 acres and Change of Zone from AGR to R-3
(As revised by the applicant: 12/08/04**)**

LOCATION: Southeast of S. W. 40th and West "A" St.

LAND AREA: 30.186 acres, more or less

CONCLUSION: The annexation and change of zone are in conformance with the Comprehensive Plan.

RECOMMENDATION:

Annexation #04010

Find that this request is in conformance with the Comprehensive Plan and Approval, subject to an Annexation Agreement.

Change of Zone #04070

Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION: see attached

EXISTING ZONING: AGR, Agricultural Residential

PROPOSED ZONING R-3 Residential

EXISTING LAND USE: Agriculture/undeveloped

SURROUNDING LAND USE AND ZONING:

| | | |
|--------|------------------------------|------------------------------------|
| North: | AGR-Agricultural residential | Single-family dwellings on acreage |
| South: | AGR-Agricultural residential | Single-family dwellings on acreage |
| East: | R-3 Residential | Single family dwellings |
| West: | AGR-Agricultural residential | Single-family dwellings on acreage |

ASSOCIATED APPLICATIONS: Preliminary Plat #04027

COMPREHENSIVE PLAN SPECIFICATIONS:

Encourage different housing types and choices, including affordable housing, throughout each neighborhood for an increasingly diverse population. (F-18)

Interconnected networks of streets, trails, and sidewalks should be designed to encourage walking and bicycling, reduce the number and length of automobile trips, conserve energy and for the convenience of the residents. (F-18)

The Land Use Plan identifies this area as urban residential. (F-25)

Tier I: Defines the City of Lincoln's near term growth area-generally a 40 square mile area which could reasonably expect urban services within the next twenty-five year period. Land within this area should remain generally in the present use in order to permit further urbanization by the City. (F-28)

Priority A of Tier I:

Areas designated for near term development are generally contiguous to existing development and should be provided with basic infrastructure within 12 years of the adoption of the Plan. Some of the infrastructure required for development may already be in place. This area includes some land already annexed, but is still undeveloped and without significant infrastructure. Areas with this designation are the next priority for infrastructure programming. Some infrastructure improvements may be done in the near term while others, such as road improvements that are generally more costly, may take longer to complete.(F-29)

Affordable housing should be distributed throughout the region to be near job opportunities and to provide housing choices within every neighborhood. Preserve existing affordable housing and promote the creation of new affordable housing throughout the community. (F-65)

Provide different housing types and choices, including affordable housing, throughout each neighborhood for an increasingly diverse population. (F-66)

Guiding principles for new neighborhoods includes:

1. Similar housing types face each other: single family faces single family, change to different use at rear of lot;
2. Parks and open space within walking distance to a ll residences;
3. Pedestrian orientation; shorter block lengths, sidewalks on both sides of all roads (F-67)

Continue the City's growth policy of contiguous urban growth. Urban development will occur in areas immediately abutting the city that reflect a logical and timely extension of urban infrastructure. (F 75)

The Lincoln Airport Authority has assessed the existing and future noise impacts, noise contours for the Airport environment in a Part 150 Airport Noise Compatibility Planning Study. The Comprehensive Plan will use information from the Part 150 Study to guide land use planning throughout the airport environs. (F-123)

HISTORY:

August 2, 2004 The Lincoln Airport F.A.R. Part 150 Noise Compatibility Study, 2003 was adopted by City Council.

September 2, 1997 Timber Ridge Preliminary Plat was approved by City Council.

November 8, 1995 High Ridge Estates Final Plat was approved by the Planning Commission.

April 21, 1995 High Ridge Estates Preliminary Plat was approved by City Council.

UTILITIES: This development can be served with water and sanitary sewer by connecting to the water and sanitary sewer mains in Timber Ridge subdivision adjacent to the east.

PUBLIC SERVICE: The nearest fire station is located on Coddington Ave., south of West “A” St.

Roper Elementary school is located at Coddington Ave. & West South St.

ANALYSIS:

1. This request is for a change of zone from AGR-Agriculture Residential to R-3 Residential in order to develop 83 residential lots. It is associated with Woodland View preliminary plat.
2. Annexation policy of the Comprehensive Plan:

**-To not extend water and sanitary sewer services beyond the city limits.
Annexation shall occur before any property is provided water, sanitary sewer, and other city services.**

Sanitary sewer and water service is available to the site from existing mains in Timber Ridge. The developer will be responsible for posting a surety of \$125,000.00 for off-site improvements to the sanitary sewer along West “A” St.

-Land which is contiguous and generally urban in character may be annexed.

The area is contiguous, and the preliminary plat shows urban-density development.

- Annexation generally implies the opportunity to access all City services.

The area is within the future service limits.

3. This area is designated as urban residential on the Land Use Plan in the 2025 Comprehensive Plan. The area is inside the future service limits.

4. This zoning is an expansion of contiguous existing R-3 zoning.
5. This area is designated as Tier 1, Priority A in the 2025 Comprehensive Plan. The Comprehensive Plan identifies Priority A of Tier I as areas designated for near term development generally contiguous to existing development and should be provided with basic infrastructure within 12 years of the adoption of the Plan. Some of the infrastructure required for development may already be in place.

Prepared by:

Tom Cajka

DATE: November 23, 2004

APPLICANT: Joey Hausmann
3434 W. Garfield St.
Lincoln, NE 68522
(402) 580-2181

OWNER: Janet H. & Erich H. Broer
1800 S.W. 40th St.
Lincoln, NE 68522

CONTACT: Brian Carstens
Brian D. Carstens & Associates
601 Old Cheney Rd. Suite C
Lincoln, NE 68512
(402) 434-2424

**ANNEXATION NO. 04010,
CHANGE OF ZONE NO. 04070
FROM AG AGRICULTURAL TO R-3 RESIDENTIAL,
and
PRELIMINARY PLAT NO. 04027, WOODLAND VIEW**

PUBLIC HEARING BEFORE PLANNING COMMISSION:

December 8, 2004

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

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

Ex Parte Communications: None.

This application was removed from the Consent Agenda at the request of Mark Hunzeker.

Proponents

1. Mark Hunzeker appeared on behalf of the applicant. Hunzeker requested to amend the legal description on all three applications, reducing the scope of the area being annexed and reducing the size of the land area within the change of zone and preliminary plat.

Hunzeker also requested that Condition #1.1.4 on the preliminary plat be deleted. This condition requires the extension of a street to the limits of the preliminary plat. Inadvertently, the applicant had included a street which was not intended to be built in this first phase, but was intended to be built when and if the adjacent property was subdivided. At the time the additional area is subdivided they would be required to extend that street to meet it. Hunzeker has visited with the staff and he does not believe they object.

There was no testimony in opposition.

Tom Cajka of Planning staff agreed with the proposed amendments. With the revised legal description, Condition #1.1.4 is no longer needed as the application meets the requirements of the subdivision ordinance of extending streets to the boundary of the plat.

ANNEXATION NO. 04010

ACTION BY PLANNING COMMISSION:

December 8, 2004

Carlson made a motion to find the annexation to be in conformance with the Comprehensive Plan, as amended by the applicant, subject to an annexation agreement, seconded by Taylor and carried 9-0: Carlson, Carroll, Krieser, Sunderman, Pearson, Marvin, Taylor, Larson and Bills-Strand voting

'yes'. This is a recommendation to the City Council.

CHANGE OF ZONE NO. 04070

ACTION BY PLANNING COMMISSION:

December 8, 2004

Carlson moved approval of the boundaries as amended by the applicant, seconded by Taylor and carried 9-0: Carlson, Carroll, Krieser, Sunderman, Pearson, Marvin, Taylor, Larson and Bills-Strand voting 'yes'. This is a recommendation to the City Council.

PRELIMINARY PLAT NO. 04027

WOODLAND VIEW

ACTION BY PLANNING COMMISSION:

December 8, 2004

Carlson moved to approve the staff recommendation of conditional approval, with the amended legal description and the deletion of Condition #1.1.4 as requested by the applicant, seconded by Krieser and carried 9-0: Carlson, Carroll, Krieser, Sunderman, Pearson, Marvin, Taylor, Larson and Bills-Strand voting 'yes'. This is "final action" unless appealed to the City Council.



2002 aerial

**Preliminary Plat #04027
Change of Zone #04070
Annexation #04010**

Zoning:

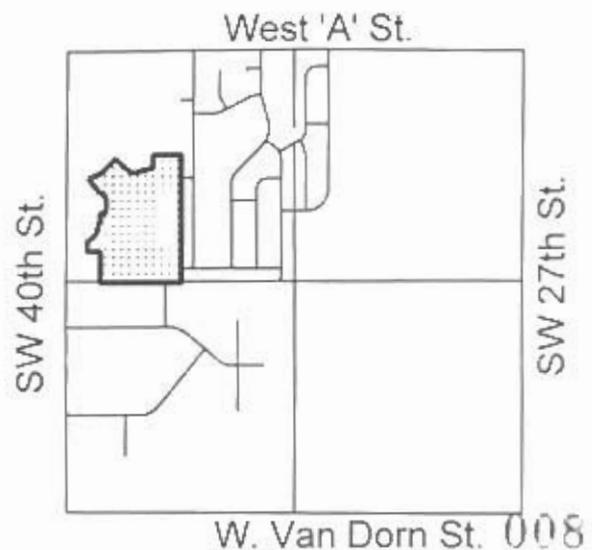
- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- R-C Residential Conservation District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned 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. 32 T10N R6E



Zoning Jurisdiction Lines

City Limit Jurisdiction





2002 aerial

**Preliminary Plat #04027
Change of Zone #04070
Annexation #04010**

Zoning:

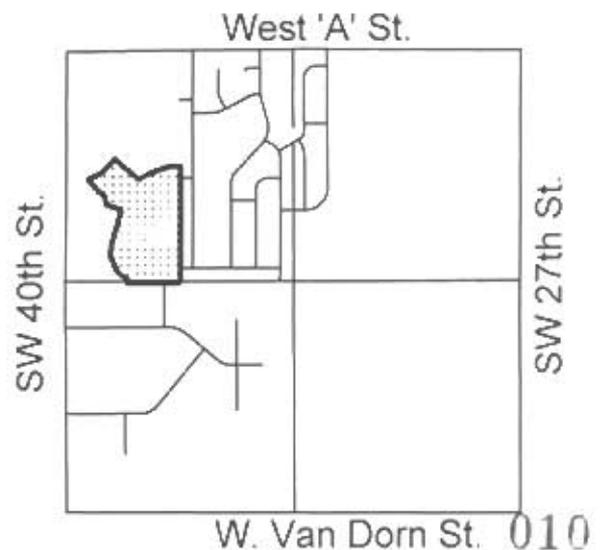
- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- R-C Residential Conservation District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned 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. 32 T10N R6E



Zoning Jurisdiction Lines

City Limit Jurisdiction



SUBMITTED AT PUBLIC HEARING
BEFORE PLANNING COMMISSION BY
MARK HUNZEKER ON BEHALF OF THE APPLICANT:
12/08/04

ANNEXATION NO. 04010

MOTION TO AMEND ANNEXATION NO. 04010

I hereby move to amend the legal description for Annexation No. 04010 to read as set forth on attached Exhibit "A".

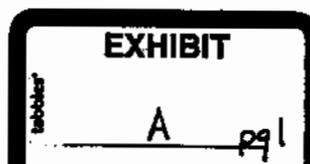
LEGAL DESCRIPTION

CHANGE OF ZONE AGR TO R-3, ANNEXATION & PRELIMINARY PLAT

A survey of a portions of Lots 71 and 72 of Irregular Tracts, located in the Northwest Quarter of Section 32 Township 10 North Range 6 East of the Sixth Principal Meridian, Lancaster County, Nebraska; More particularly described by metes and bounds as follows.

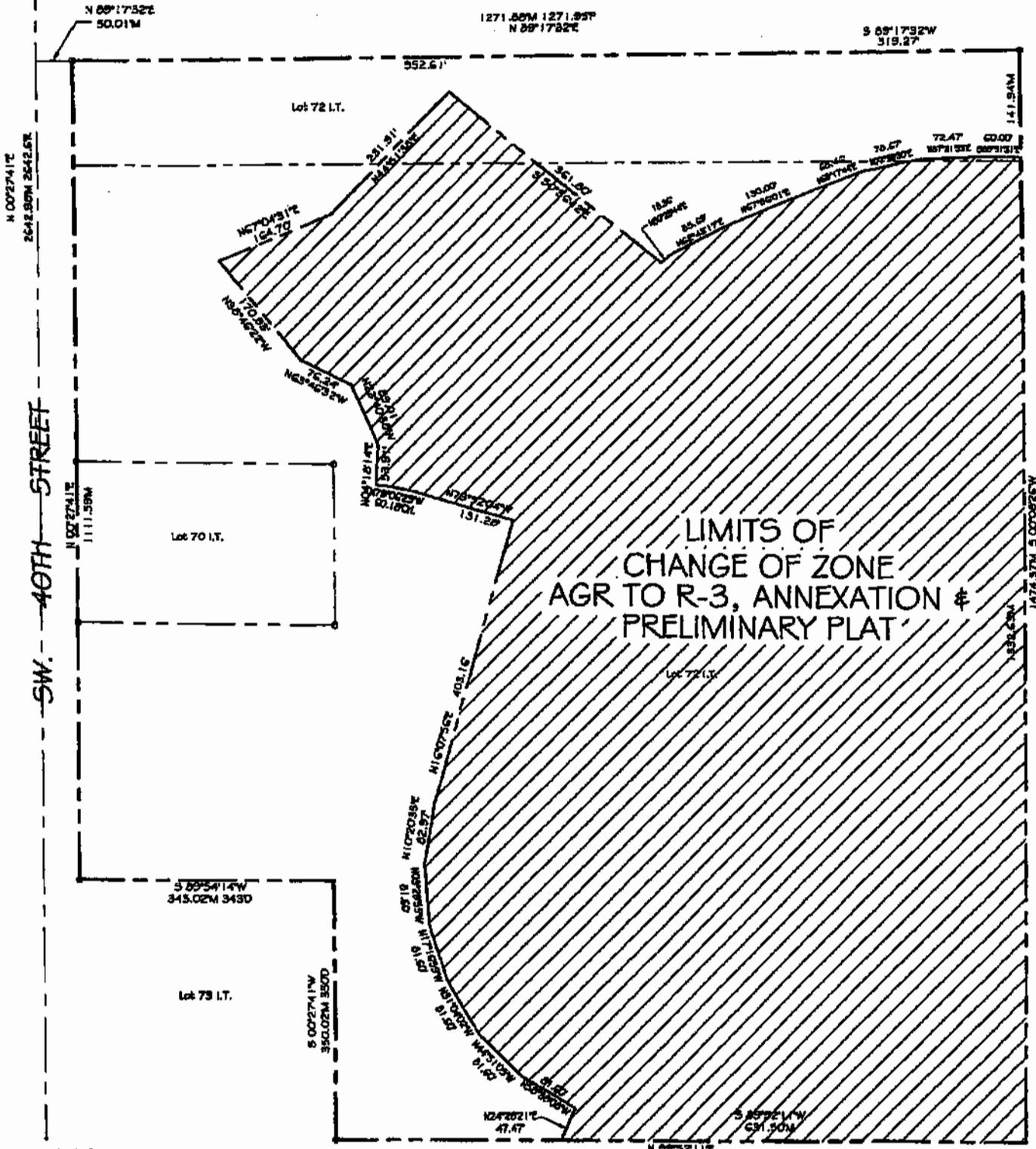
Commencing at the Northwest corner of Section 32 Township 10 North Range 6 East of the sixth Principal Meridian; Thence South $00^{\circ}27'42''$ West (an assumed bearing) on the West line of the Northwest Quarter of Section 32, a distance of 1181.91 feet; Thence North $89^{\circ}17'32''$ East, on the South line of Lancaster subdivision a distance of 50.01 feet; Thence continuing on said South line of Lancaster Subdivision, a bearing of North $89^{\circ}17'32''$ East, on the said South line, and the South lines of Lot 51 of Irregular Tracts a distance of 1271.88 feet to a point on the West line of the East one half of the Northwest Quarter; Thence South $00^{\circ}08'26''$ West, on said West line of the East one half of the Northwest Quarter, and the West line of Timber Ridge 5th Addition, a distance of 141.94 feet to the POINT OF BEGINNING; Thence continuing South $00^{\circ}08'26''$ West, on said West line of the East one half of the Northwest Quarter and the West line of Timber Ridge 5th Addition, a distance of 1332.63 feet; Thence South $89^{\circ}52'11''$ West, on the North line of Blocks 1, and 2, High Ridge Addition, a distance of 631.50 feet; Thence North $24^{\circ}28'21''$ East, a distance of 47.47 feet; Thence North $58^{\circ}38'08''$ West, a distance of 81.60 feet; Thence North $44^{\circ}51'05''$ West, a distance of 81.60 feet; Thence North $31^{\circ}04'02''$ West, a distance of 81.60 feet; Thence North $17^{\circ}16'59''$ West, a distance of 81.60 feet; Thence North $03^{\circ}29'55''$ West, a distance of 81.60 feet; Thence North $10^{\circ}20'35''$ East, a distance of 82.97 feet; Thence North $16^{\circ}07'56''$ East, a distance of 403.16 feet; Thence North $73^{\circ}52'04''$ West, a distance of 131.28 feet; Thence on a curve to the left having a radius of 330.00 feet, a central angle of $10^{\circ}27'45''$, a chord bearing of North $79^{\circ}06'29''$ West, and a chord distance of 60.18 feet; Thence North $04^{\circ}18'14''$ East, a distance of 53.91 feet; Thence North $23^{\circ}40'38''$ West, a distance of North $23^{\circ}40'38''$ West, a distance of 89.01 feet; Thence North $63^{\circ}46'22''$ West, a distance of 76.24 feet; Thence North $38^{\circ}46'22''$ West, a distance of 170.93 feet; Thence North $67^{\circ}04'31''$ East, a distance of 164.70 feet; Thence North $44^{\circ}51'38''$ East, a distance of 231.91 feet; Thence South $50^{\circ}36'42''$ East, a distance of 361.80 feet; Thence North $50^{\circ}29'44''$ East, a distance of 18.36 feet; Thence North $62^{\circ}43'17''$ East, a distance of 85.69 feet; Thence North $67^{\circ}56'01''$ East, a distance of 130.00 feet; Thence North $69^{\circ}17'44''$ East, a distance of 68.46 feet; Thence North $77^{\circ}59'30''$ East, a distance of 78.67 feet; Thence North $87^{\circ}31'55''$ East, a distance of 72.47 feet; Thence South $89^{\circ}51'31''$ East, a distance of 60.00 feet to the POINT OF BEGINNING, and containing a calculated area of 1,060,189.74 Square feet or 24.33 acres more or less.

REV.: 12/08/04



012

CHANGE OF ZONE EXHIBIT



W 1/4 Cor.
Sec. 32 T10N R2E

REV: 120804

EXHIBIT

A pg 2

013

CHANGE OF ZONE NO. 04070

PRELIMINARY PLAT NO. 04027



Rick Short
<rt.short@worldnet.att.net>

To: plan@lincoln.ne.gov
cc:
Subject: Cocern of Annaxation No. 04010

12/14/2004 05:39 PM

Planning Commission,

We know that the date has expired on subject annexation hearing for change of zone No. 04070, and preliminary plat No. 04027, but we have a question and concern that we hope you will respond to anyway since we are affected by this.

Our records show that portions of the western "area of application", from north to south, is considered to be "wetlands". No where in your letter of notification, dated November 24, 2004, is it addressed how the construction of road, sewer, and 83 homes will affect these wetlands and what the city of Lincoln will do to protect the area.

This area is considered sensitive enough that when SW 40th St was paved sometime back, and dirt was being dumped into this area, county officials told residents that the owner of the property was fined for failure to assure this dirt was not going to spill silt into the wetlands as stated above. Now, we see major destruction of this area and the issue is not addressed.

It's obvious that Lincoln continues emphatically at all costs to build it's tax base and provide affordable housing to it's influx of diverse citizens, but what available "green space" need be sacrificed for this? We would appreciate a response to assure us that the city of Lincoln is doing everything in it's power to be a good neighbor and not to violate any federal laws or destroy what wetlands we have left in this area. As a native Nebraskan, I would hope this area will be preserved regardless of the cities urgency for the builder to develop it and of course prevent ugly urban sprawl in SW Lincoln.

Sincerely,

R.T. Short
R.T.Short@att.net