

City Council Introduction: **Monday**, June 20, 2005
Public Hearing: **Monday**, June 27, 2005, at **5:30 p.m.**

Bill No. 05-83

FACTSHEET

TITLE: CHANGE OF ZONE NO. 05038, from AGR Agricultural Residential District to R-1 Residential District, requested by Charles D. Humble, on behalf of Pine Lake Heights Congregation of Jehovah's Witnesses, Inc., on property generally located northwest of the intersection of S. 70th Street and Pine Lake Road.

STAFF RECOMMENDATION: Approval

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: Consent Agenda: 06/08/05
Administrative Action: 06/08/05

RECOMMENDATION: Approval (7-0: Carlson, Carroll, Krieser, Larson, Pearson, Sunderman and Taylor voting 'yes'; Bills-Strand and Esseks absent).

FINDINGS OF FACT:

1. The purpose of this change of zone request is to facilitate the subdivision of the property into two lots.
2. The staff recommendation of approval is based upon the "Analysis" as set forth on p.3-4, concluding that the proposed change of zone is in conformance with the Comprehensive Plan.
3. On June 8, 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 June 8, 2005, the Planning Commission agreed with the staff recommendation and voted 7-0 to recommend approval.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: June 13, 2005

REVIEWED BY: _____

DATE: June 13, 2005

REFERENCE NUMBER: FS\CC\2005\CZ.05038

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for JUNE 8, 2005 PLANNING COMMISSION MEETING

PROJECT #: Change of Zone No.05038
PROPOSAL: From AGR to R-1
LOCATION: Northwest of the intersection of S. 70th St. and Pine Lake Rd.
LAND AREA: 4.2 acres, more or less
CONCLUSION: This change of zone request is in conformance with the 2025 Comprehensive Plan.

RECOMMENDATION:	Approval
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GENERAL INFORMATION:

LEGAL DESCRIPTION: Lot 1, Country Place 22nd Addition, located in the SE 1/4 of Section 16, Township 9 North, Range 7 East, Lancaster County, NE

EXISTING ZONING: AGR Agricultural Residential

EXISTING LAND USE: Church

SURROUNDING LAND USE AND ZONING:

North:	AGR Agricultural Residential	Single family dwellings
South:	AGR Agricultural Residential	Single family dwellings
East:	AGR Agricultural Residential	Single family dwellings
	B-2 Neighborhood Business	Willowbrook Shopping Center
West:	R-1 Residential	Single family dwellings

HISTORY:

September 8, 2003 Final plat #03014, Hannan Addition, located west of this application was approved by City Council with the condition that access to Lot 2 Hannan Addition be consolidated with the existing church drive.

September 8, 2003 Change of Zone #3385 from AGR to R-1, located northeast of the intersection of S. 66th St. and Pine Lake Rd., was approved by City Council.

January 15, 1992

Country Place 22nd Addition final plat was approved by the Planning Director.

COMPREHENSIVE PLAN SPECIFICATIONS:

Maximize the community's present infrastructure investment by planning for residential and commercial development in areas with available capacity. This can be accomplished in many ways including encouraging appropriate new development on unused land in older neighborhoods, and encouraging a greater amount of commercial space per acre and more dwelling units per acre in new neighborhoods. (F-17)

Encourage mixed-use redevelopment, adaptive reuse, and in-fill development including residential, commercial and retail uses. These uses may develop along transit routes and provide residential opportunities for persons who do not want to or cannot drive an automobile. Promote residential development, economic development and employment opportunities throughout the City. (F-18)

The Lincoln/Lancaster County Land Use Plan shows this area as urban residential. (F-25)

UTILITIES: There is a 24" water main and a 15" sanitary sewer main on Pine Lake Rd. The 24" water main cannot be tapped to provide service to any future lots. A tappable size water main will need to be provided fronting any new lots.

TRAFFIC ANALYSIS: Pine Lake Rd. is classified as a minor arterial. The Comprehensive Plan states, "This functional class serves trips of moderate length and offers a lower level of mobility than principal arterials. This class interconnects with, and augments principal arterials, distributes traffic to smaller areas, and contains streets that place some emphasis on land access. These are characterized by moderate to heavy traffic volumes." (F-103)

Pine Lake Rd. is shown as a committed project for 4-lanes + turn lanes in the 2025 Comprehensive Plan. As a minor arterial, driveway access onto Pine Lake Rd. is restricted.

ANALYSIS:

1. This request is for a change of zone from AGR-Agricultural Residential to R-1 Residential. The property immediately to the west was granted a change of zone from AGR to R-1 in September 2003.
2. The applicant's letter states that the purpose of the change of zone is to facilitate the subdivision of the property into two lots. If the change of zone is approved, a final plat shall be submitted.
3. The Public Works & Utilities Department requires that a single access to Pine Lake Rd. be designed to provide access to both lots as a requirement of the subdivision.
4. Resolution A-82315 approved Hannan Addition final plat with the condition that access for Lot 2 Hannan Addition be consolidated with the existing access to Lot 1, Country Place 22nd Addition to the east of Lot 2, Hannan Addition.

5. The Public Works & Utilities Department report states that the water main in Pine Lake Rd. cannot be tapped.
6. Country Place 22nd Addition final plat limited access to Pine Lake Rd to the west 150 feet of Lot 1. Any future final plat would require an access easement from the existing drive to any new lot. Public Works & Utilities Department and Planning Department will not support a second driveway onto Pine Lake Rd.

Prepared by:

Tom Cajka
Planner

DATE: May 23, 2005

APPLICANT: Pine Lake Heights Congregation of Jehovah's Witnesses, Inc.
6800 Pine Lake Rd.
Lincoln, NE 68516
(402) 420-2144

OWNER: same as applicant

CONTACT: Charles D. Humble, Attorney
301 S. 13th St. Suite 400
Lincoln, NE 68508
(402) 476-1000

CHANGE OF ZONE NO. 05038

CONSENT AGENDA

PUBLIC HEARING & ADMINISTRATIVE ACTION

BEFORE PLANNING COMMISSION:

June 8, 2005

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

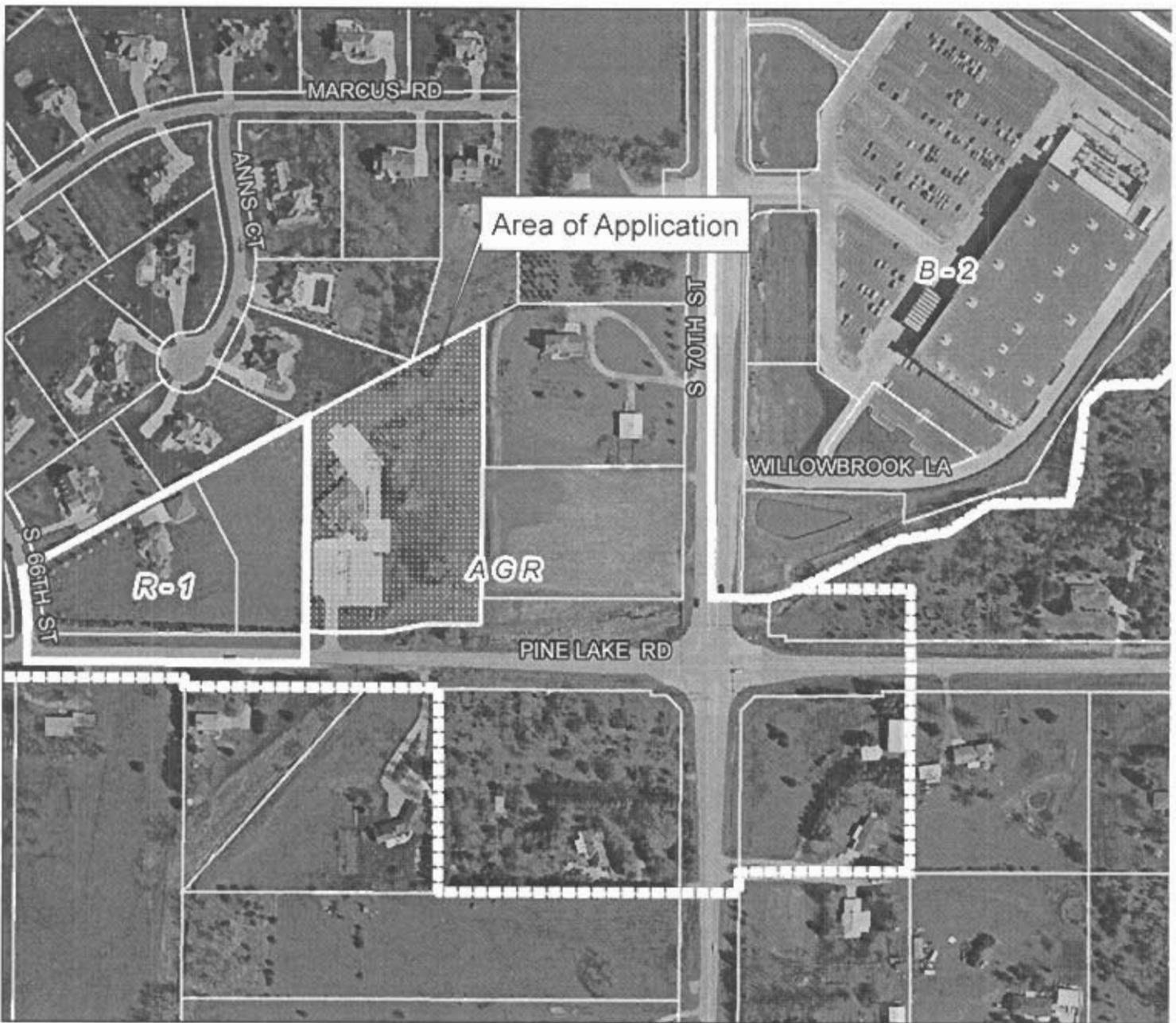
The Consent Agenda consisted of the following items: **CHANGE OF ZONE NO. 05038**; **CHANGE OF ZONE NO. 05040**; **USE PERMIT NO. 05004**; **CHANGE OF ZONE NO. 05041**; **USE PERMIT NO. 130A**; **USE PERMIT NO. 123D**; **COUNTY SPECIAL PERMIT NO. 05026**; **COUNTY FINAL PLAT NO. 05053, ADAMS STREET ACREAGES**; and **WAIVER NO. 05005**.

Ex Parte Communications: None.

Item No. 1.2a, Change of Zone No. 05040; Item No. 1.2b, Use Permit No. 05004 and Item No. 1.6, County Final Plat No. 05053, were removed from the Consent Agenda and scheduled for separate public hearing.

Larson moved to approve the remaining Consent Agenda, seconded by Taylor and carried 7-0: Carlson, Carroll, Krieser, Larson, Pearson, Sunderman and Taylor voting 'yes'; Esseks and Bills-Strand absent.

Note: This is final action on Waiver No. 05005, unless appealed to the City Council within 14 days.



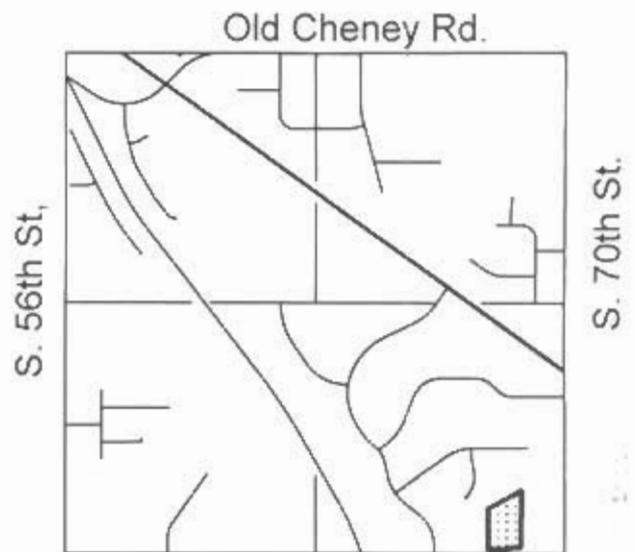
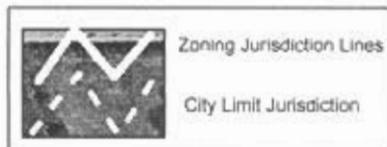
2002 aerial

Change of Zone #05038 S. 68th & Pine Lake Rd.

Zoning:

R-1 to R-4	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. 16 T9N R7E

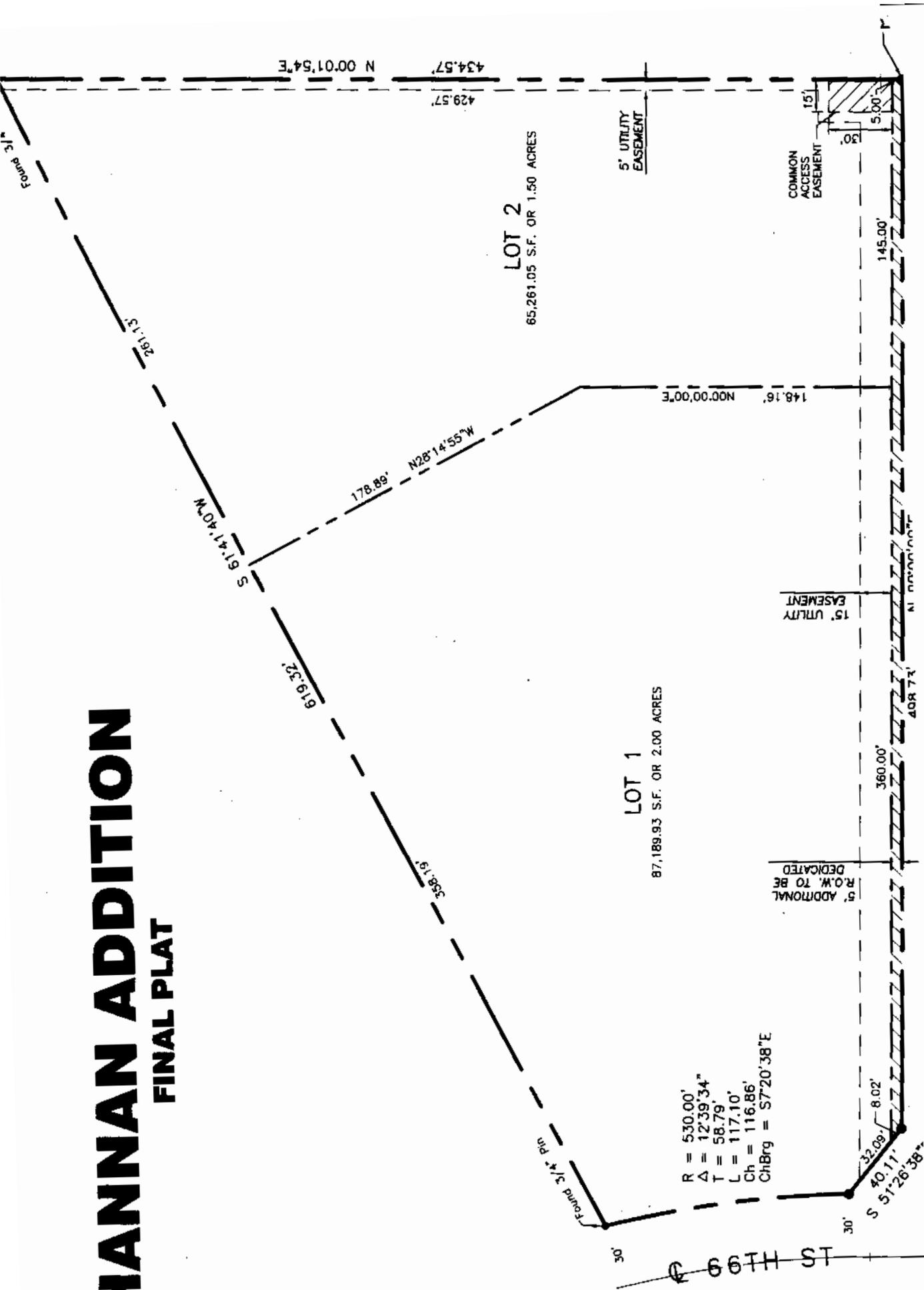


Pine Lake Rd.

006

HANNAN ADDITION

FINAL PLAT



-PINE LAKE ROAD-

FP. 03014

43
RESOLUTION NO. A-82315

03R-230

Introduce: 8-18-03

RESOLUTION NO. A- 82315

AMENDED 9/8/03

1 WHEREAS, Vic and Kathleen Hannan (Owners) have submitted the
2 administrative final plat of Hannan Addition consisting of two residential lots for
3 acceptance and approval; and

4 WHEREAS, said administrative final plat presently cannot be approved as
5 access to Pine Lake Road was relinquished with the approval of Country Place Addition
6 and Owners now request that said relinquishment be released to allow access to Pine
7 Lake Road from Lot 2 of the final plat of Hannan Addition; and

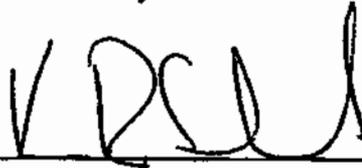
8 WHEREAS, the Lincoln City - Lancaster County Planning Commission
9 has reviewed said request and recommends that access to Pine Lake Road be allowed
10 for Lot 2 provided that such access is restricted to a single access for one single-family
11 dwelling and that a common access easement be established with the church to the
12 east at the time of widening of Pine Lake Road.

13 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of
14 Lincoln, Nebraska:

15 That the relinquishment of access to Pine Lake Road is hereby released
16 to allow access to Lot 2, Hannan Addition, provided that Owners provide the necessary
17 subdivision agreement with the City of Lincoln whereby Owners agree (1) that such
18 the existing access to Lot 1, Country Place 22nd Addition to the east
access shall be restricted to a single access for one single-family dwelling; (2) that such
of Lot 2, Hannan Addition; and (2) agree that access provided to Lot 2,
Hannan Addition be restricted to an access for one single-family
dwelling.

1 ~~access may be consolidated with the access for the church east of Lot 2, Hannan-~~
2 ~~Addition at the time of widening of Pine Lake Road, and (3) that Owners agree to grant~~
3 ~~the church any necessary common access easement to consolidate the two access~~
4 ~~drives into a single access.~~

Introduced by:



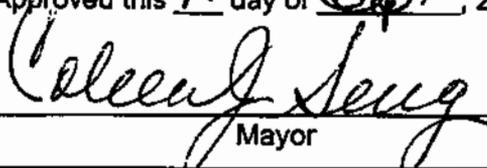
Approved as to Form & Legality:

AYES: Camp, Cook, Friendt,
McRoy, Newman, Svoboda,
Werner; NAYS: None.



City Attorney

AMENDED 9/8/03

Approved this 11 day of Sept, 2003:

Mayor

03R-230

8/25/03 Council Proceedings:

COOK Moved to delay action of Bill No. 03R-230 to 9/8/03.

Seconded by McRoy & carried by the following vote: **AYES:** Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; **NAYS:** None.

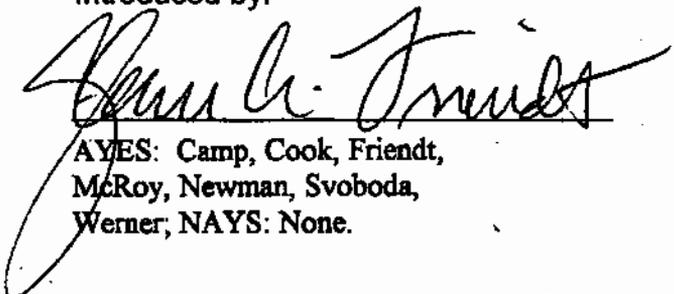
MOTION TO AMEND NO. 1

I hereby move to amend Bill No. 03R-230 in the following manner:

1. Beginning on page 1, line 16, after the word "Owners" delete the remainder of that paragraph through page 2, line 3, and insert in lieu thereof the following language:

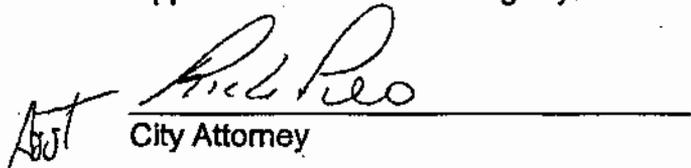
(1) provide the necessary easement and consolidate the access to Lot 2, Hannan Addition with the existing access to Lot 1, Country Place 22nd Addition to the east of Lot 2, Hannan Addition; and (2) agree that access provided to Lot 2, Hannan Addition be restricted to an access for one single-family dwelling.

Introduced by:



AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

Approved as to Form & Legality:


City Attorney

Requested by: Roger Figard

Reason for Request: To modify the provisions for conditional access to Lot 2, Hannan Addition.

ADOPTED
SEP 08 2003
BY CITY COUNCIL

M e m o r a n d u m

To: Tom Cajka, Planning Department
From: Dennis Bartels, Engineering Services
Subject: Pine Lake Heights Congregation of Latter Day Saints
Date: May 11, 2005
cc: Randy Hoskins
Roger Figard
Kris Humphrey

Engineering Services has reviewed the proposed change of zone for the Pine Lake Heights Congregation of Latter Day Saints located at 6800 Pine Lake Road and has the following comments:

1. Engineering Services has no objection to changing the zone from AGR to R1 but has reservations and concerns about the potential subdivision depicted in the application.
2. The subdivision as shown would require provision of access to the second lot to the east. Pine Lake Road is an arterial street proposed to be widened to a 4-lane median divided street. the goal of Engineering Services would be to eliminate or minimize driveways and access points to Pine Lake Road. The 2 acre parcel proposed to be created has potential to be resubdivided into smaller units. As a minimum, we would require that a single access to Pine Lake be designed to provide access to both lots as a requirement of such a subdivision. This would likely require moving the existing church drive and redesigning the church parking. With proposed subdivision of the lot to the west, we raised similar issues and the subdividers were apparently unable to negotiate a shared access to the church at the existing drive location.
3. A tappable size water main will need to be provided fronting any new lots as a condition of the subdivision and at the cost of the subdivider.

**LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT
INTER-OFFICE COMMUNICATION**

TO: Tom Cajka	DATE: May 16, 2005
DEPARTMENT: Planning	FROM: Chris Schroeder
ATTENTION:	DEPARTMENT: Health
CARBONS TO: EH File EH Administration	SUBJECT: Pine Lake Heights Congregation of Latter Day Saints CZ #05038

The Lincoln-Lancaster County Health Department has reviewed the change of zone application and does not object to the approval of this application.

CHARLES THONE
DONALD H. ERICKSON
WM. E. MORROW, JR.
SAM JENSEN
DANIEL B. KINNAMON
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May 4, 2005

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Thomas Cajka, Planner
Lincoln-Lancaster County Planning Department
555 South 10th Street, Suite 213
Lincoln, NE 68508

Re: PURPOSE STATEMENT/CHANGE OF ZONE, 6800 PINE LAKE ROAD
Our File No.: 24003.47610

Dear Mr. Cajka:

We represent Pine Lake Heights Congregation of Jehovah's Witnesses, Inc., applicant for a Change of Zone from AGR to R-1 at 6800 Pine Lake Road.

The purpose of the Application is to accommodate a plat which will have the effect of dividing the present approximately 4.2 acres into two lots. Since the LMC requires that lot sizes be a minimum of three acres in the AGR zoning district, it becomes imperative to request the Change of Zone. R-1 was selected because a parcel located immediately west of this Application has been previously zoned as R-1.

If the zoning is changed, a plat will be submitted to divide the single 4.2 acre parcel into two lots. The Church will remain on the westernmost lot. Since it is now apparent to the Congregation that the easternmost part of the parcel is surplus to the Church's future needs, it will be sold by the Congregation for a compatible use. If you have any questions, please don't hesitate to contact me.

Very truly yours,



Charles D. Humble

CDH:rjj
Enclosures

