

FACTSHEET

TITLE: COMPREHENSIVE PLAN AMENDMENT NO.

06002, by the Director of Planning, at the request of Kent Seacrest on behalf of Developments Unlimited LLP, on property generally located at S. 84th Street and Rokeby Road.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 03/15/06; 03/29/06; 04/12/06;
04/26/06; and 05/10/06
Administrative Action: 05/10/06

STAFF RECOMMENDATION: Approval, as revised on May 10, 2006.

RECOMMENDATION: Approval, as revised on May 10, 2006 (8-0: Larson, Taylor, Carroll, Esseks, Strand, Cornelius, Sunderman and Carlson voting 'yes'; Krieser absent).

FINDINGS:

1. This proposed Comprehensive Plan Amendment and the associated Waiver of Sanitary Sewer Design Standards No. 06002, were heard before the Planning Commission at the same time.
2. The amendment to the Comprehensive Plan proposes to: a) amend the 2025 Future Service Limit to add land west of 98th Street, from Yankee Hill Road to ½ mile south of Rokeby Road; b) amend the Urban Growth Tier and associated maps in the same area from Tier I, Priority B, to Tier I, Priority A, and land from Tier II to a mix of Tier I, Priority A and B; and c) change the land use for the land being added to the Future Service Limit from Agricultural to Urban Residential.
3. The staff report explains that planned Beal Slough sewer lines likely would need to be upgraded, at the developers' cost, to open up this additional area. The report also points out that the additional sewage is likely to hasten the time when the Salt Creek trunk line further downstream reaches capacity and a new southwest treatment plant or detention facility must be built.
4. The applicant had originally requested to amend the plan to serve up to 1,000 acres; however, the property owners on the eastern portion, generally on the west side of 98th Street, have chosen not to join with the remaining coalition in a developer agreement to pay for the oversizing of the sanitary sewer. Therefore, the revised staff recommendation is approval to serve up to 725 acres.
5. The staff recommendation of approval to serve up to 725 acres is based upon the "*Comprehensive Plan Implications*" as set forth on p.3-7, concluding that, while contrary to the policy of transferring waste from one basin to another, 1) it will help square off the development pattern in this area; 2) it is a more efficient use of future infrastructure investments; and 3) it will probably not increase the amount of grading, and could actually result in development following the existing contours. The specific amendments to the Comprehensive Plan are set forth on p.7.
6. This Comprehensive Plan Amendment and the associated Waiver of Sanitary Sewer Design Standards were deferred at the Planning Commission until the sewer study had been completed and to allow negotiations with the property owners.
7. The minutes of the public hearings before the Planning Commission are found on p.9-13. There was no testimony in opposition.
8. The revised staff recommendation submitted on May 10, 2006, is found on p.26-29.
9. On May 10, 2006, the Planning Commission agreed with the revised staff recommendation and voted 8-0 to recommend approval. The revised Future Land Use Map and Proposed Priority & Tier Designations map as recommended by the Planning Commission are found on p.14-15.
10. On May 10, 2006, the Planning Commission also voted 8-0 to adopt Resolution No. PC-00997, approving the waiver of sanitary sewer design standards (See p.30-32).
11. The applicants and City staff have been negotiating a development agreement for this land, which appears as a separate item on this same agenda. There are unresolved differences regarding what infrastructure costs to serve this area should be reimbursed by the City and over what time period. A separate memo summarizing these differences will be submitted to the Council in advance of the hearings.

FACTSHEET PREPARED BY: Jean L. Walker

REVIEWED BY: _____

REFERENCE NUMBER: FS\CC\2006\CPA.06002

DATE: May 31, 2006

DATE: May 31, 2006

COMPREHENSIVE PLAN AMENDMENT NO. 06002

S. 84th and Rokeby Road: Future Service Limit

Updated May 10, 2006

Location	Proposal
<p>Generally between S. 70th and 98th Street, from Yankee Hill Road to ½ mile south of Rokeby Road</p>	<p>Amend the 2025 Lincoln/ Lancaster County Comprehensive Plan to</p> <ol style="list-style-type: none"> 1) Amend the 2025 Future Service Limit (FSL) to add land west of 98th Street, from Yankee Hill Road to ½ mile south of Rokeby Road. 2) Amend the Urban Growth Tier and associated maps in the same area from Tier I, Priority B to Tier I Priority A and land from Tier II to a mix of Tier I Priority A and B. 3) Change the land use in the land being added to the FSL from Agricultural to Urban Residential.
<p>Recommendation: Approval of option to serve up to <u>725 acres</u>, if the property owners agree to fund all the sanitary sewer costs associated with adding this additional area — or less area if not all the property owners are willing to fund the improvements.</p>	

Status/Description

Change to Future Service Limit

The applicant has proposed to expand the Future Service Limit and change land to Priority A at approximately 84th and Rokeby Road. The applicant has determined a way to build a gravity sanitary sewer that could serve land from the “Hickman” basin into the Beal Slough basin. Adding land to the Beal Slough basin could impact two sewer lines currently under design and proposed for construction this spring/summer. In order to not delay the design and construction of these two sewer lines, the City agreed to forward this Comprehensive Plan Amendment, even though all the details are not yet finalized.

During the past month the applicant has been working with various land owners in this area to finalize the boundaries of the application and form a “coalition” of owners. However, at this time, not all of the property owners have agreed to share in the cost of the oversizing caused by this additional area. Thus, the applicant has submitted two options: Option A is the largest area and includes approximately 380 acres; Option B is only for 120 acres if other owners do not agree to fund the oversizing. The applicant’s proposal is summarized as:

Option A Proposal — Multiple Properties West of 84th Street: Extension of Future Service Limit to add approximately 380 acres, between South 70th Street and South 84th Street on both sides of Rokeby Road. (See Option A Exhibit).

Option B Proposal — Developments Unlimited Property Only: Extension of Future Service Limit to add approximately 120 acres, between South 70th Street and South 77th Street on both sides of Rokeby Road. (See Option B Exhibit).

Option C Proposal — 1,000 Acres: Extension of Future Service Limit to add approximately 1,000 acres, between South 70th Street and South 98th Street on both sides of Rokeby Road. (See Option C

Exhibit). This would include Jensen Park. Excluding the park land, there is about 875 acres of privately owned land within the identified area.

All three options would be accomplished by a gravity "wrap around sewer" that cuts through the Beal Slough ridge line and other hill sections. At its deepest, the cut would be approximately 21 feet. The sewer would be at least 15 feet below the finished grade. This proposal would transfer a substantial area from the "Hickman" drainage basin into the Beal Slough basin.

Comprehensive Plan Implications

There are five segments of sanitary sewer lines which were studied in terms of the potential impact depending on the number of additional acres served. The following segments were studied:

"City Sewers" (Sewer Identification from Developer Agreement)

- #1a From the Salt Valley main trunk line to S. 27th Street a major relief sanitary sewer line is already **under construction**. Fortunately, at least 1,000 acres can be added to the service area for this line without going over the capacity of the pipe under construction.
- #1b From 27th to 56th Street, south of Highway 2, the **existing** sewer line is already over capacity. The City has plans for a relief sewer line of approximately 24 inches in size to serve the planned future development in Beal Slough basin. This sewer line is in the recently released draft Capital Improvement Program (CIP) for construction in the year 2009-2009 from 27th to 40th Street and in 2011-12 for the segment from 40th to 56th Street. This sewer has capacity for additional 150 acres.
- #2 From 56th Street & Highway 2 to approximately 60th & Pine Lake Road there is an **existing** 27 inch sewer line. The City has no plans to improve this line.
- #3 From 60th & Pine Lake Road to S. 70th Street & Yankee Hill Road a 24 to 18 inch sewer line is **proposed** generally east of Village Gardens. This sewer line is under design and was to be bid in April 2006 at a cost of approximately \$1 million. However, due to some design changes, it could cost up to \$1.5 million. The funds for this additional costs have not yet been identified. A portion of this sewer may have to be built by Krueger Development due to funding constraints with repayment in later years.

Developer Sewers

- A & B From 70th Street to Yankee Hill Road, then south approximately 3/4 mile to Rokeby Road. These **proposed** sewer lines will be built by Krueger Development with all sewer lines 10 inches or greater in size, eligible to be reimbursed through impact fees. The reimbursement is proposed for funding in the draft CIP in 2008-2009.
- C to I All remaining extensions would be **new** sewer lines that are only needed if this Comprehensive Plan Amendment is approved. There is no funding for these sewer lines planned in the draft CIP, nor has the City considered building these sewer lines in the 2025 planning period.

From the studies, the following is a very generalized conclusion as to the impact of adding 500, 725 or 1,000 acres to the various segments of pipe.

**Additional Improvements to the Beal Slough Sanitary Sewer
Based on Number of Acres Added to Basin**

Sewer line segment	Number of Acres Added			
	0	500	725	1000
<u>"City" Sewer Lines</u>				
1a - S.V. T - 27th	n/a	None	None	None
1b - 27th to 56 th St	n/a	38th-56th upsized 24" - 27"	27 th - 56th upsized to all 30"	27 th - 56th upsized to all 30"
2 -56th & Hwy 2 to 60 th & Pine Lake Road	n/a	None	None	N. of PLR 2,500' Parallel ext sewer w/27"
3- 60 th & Pine Lake Rd to 70 th & Yankee Hill Road	n/a	None	Along 70th 1,500' upsized 21-24"	Along 70 th 2,000' * upsized 21-24" So. Of PLR 500' upsized 24 - 27"
<u>Developer Sewer</u>				
A & B - 70 th & Yankee Hill Road to 3/4 mile south	n/a	City base 10 -15" to be oversized	City base 10 -15" to be oversized	City base 10 -15" to be oversized
C to I Additional Developer Lines	n/a	Developer lines to be oversized	Developer lines to be oversized	Developer lines to be oversized

The proposed sewer line wrapping around the hill would also serve land east of 84th Street, including the future Jensen Park and possibly serve part of unincorporated Cheney. However, the Cheney system is constructed to drain to the northeast into a series of lagoons in the Stevens Creek basin.

The City has stated that due to funding constraints and the fact that this additional area is not part of the natural drainage basin, the City could not recommend approval of this amendment unless the property owners fund all of the additional cost required to serve the additional area. The applicant has proposed a separate developer agreement in which the developer would pay for the oversizing. The details of this agreement have not been completely worked out at this time.

This proposal is contrary to Sanitary Sewer Design Standard 2.1 which states that "The transfer of wastewater from one watershed to another by any means, such as a lift station or construction of a sanitary sewer which cuts through the ridge separating watersheds, shall not be permitted."

The Comprehensive Plan on page F 77 states

"The City's collection system, in general, will continue to be a gravity fed system that is designed to accommodate urbanization of drainage basins and sub-basins. This system encourages orderly growth within the natural drainage basin boundaries. This policy encourages urban growth from the lower portion of the drainage basin and prohibits pumping of wastewater across basin boundaries. Explore alternative methods, such as lift stations, where practical."

The City has developed a temporary lift station policy. However, this area would not meet the criteria for that policy in that a lift station here would not be temporary. A trunk line to serve the “Hickman” basin is not even contemplated in the next 25 years or beyond. Also, the developer does not need a lift station to serve the eastern portion of this property.

If this proposal is not approved, the developers would typically grade this land substantially in order to “push” ridge line as much as possible. The applicant has stated this proposal could actually reduce the overall amount of earth moving.

In the Woodlands at Yankee Hill proposal at 84th and Yankee Hill the City had already tentatively agreed to smaller scale proposal to transfer a perhaps 60+/- acres from Hickman into the Beal Slough basin by grading and running a sewer through the hill. The approval and details showing how this could be done by gravity were not included in the Woodlands PUD approved by the Planning Commission.

This proposal would also “square off” the future city limits. Currently the ridge line of the Beal Slough basin would leave an area between 70th and 84th and Yankee Hill Road and Rokeby Road as unsewerable, even with substantial grading.

This proposal would be a more efficient use of future infrastructure investment. Eventually a water main would be built along 84th and Rokeby, and Rokeby Road would be paved from 70th to 84th Street. This additional area to be served would benefit from these improvements, without any additional cost. To serve the area ½ mile south of Rokeby, the existing asphalt paving might be useable, with some additional turn lanes, given that most of the traffic would use Rokeby Road.

This proposal adds to the number of acres flowing into the Salt Valley trunk line. This will impact the timing of the need for a Southwest Wastewater Facility (SWWF). The City is in the process of finding a location for this facility. With the current 2025 Plan, it is anticipated that the Salt Valley trunk line could serve all of Tier I without the need for the SWWF. However, by adding this 380 to 1,000 acres, the SWWF could be needed earlier than 2025.

Change to Priority A

The Comprehensive Plan states the following about priority areas on page F 29:

“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.

Priority B of Tier I

The next area for development beyond Priority A, which currently lack almost all of the infrastructure required to support development. In areas with this designation, the community will maintain present uses until urban development can commence. Infrastructure improvements to serve this area will not initially be included in the City's CIP, but will be considered in the long term capital improvement planning of the various city and county departments.”

The Comprehensive Plan then addresses how the priority areas are to be used to guide infrastructure financing and utility planning. In particular, on page F 29 and 30 the Plan states:

“The principles for prioritization and the individual priority areas are described as follows:

- *Generally, adequate infrastructure improvements should be completed in all Priority A areas where there is development interest prior to beginning infrastructure in Priority B areas.*
- *It is anticipated that there may be some unique circumstances to **warrant consideration of development of land in Priority B**, prior to the full completion of improvements in Priority A. The community will consider development in a sub-basin in Priority B areas, before completing the infrastructure in Priority A areas, if all of the following conditions are met:*
 - 1) *the project is contiguous to the City and proposed for immediate annexation, and is consistent with principles of the Comprehensive Plan,*
 - 2) *the developer provides information demonstrating how the necessary infrastructure improvements to serve the sub-basin would be provided and financed. The City shall contact other public agencies to obtain their report on the infrastructure necessary to serve the sub-basin including utilities, roads, fire service, public safety, parks, trails, schools and library needs.*
 - 3) *the impact that development in the sub-basin will have on capital and operating budgets, level of service, service delivery and Capital Improvement Programs is addressed,*
 - 4) *there is demonstrated substantial public benefit and circumstances that warrant approval of the proposal in advance of the anticipated schedule.” (Emphasis added)*

The needed water, streets and watershed improvements to serve the additional area around 84th and Rokeby are not in the City’s Capital Improvement Program (CIP).

Public Works and Utilities and Watershed Management and Lower Platte South NRD have the following comment:

“This amendment would allow for several hundred acres to be sewerable (i.e. developed) in the 2 - 6 year time frame, while the majority of drainage would continue to flow in the Wagon Train Watershed. The City as well as the Lower Platte South NRD, and National Resources Conservation Service are concerned as the watershed is currently rural and agricultural and urbanization without proper drainage planning will cause significant adverse impacts to the streams and recently renovated Wagon Train Lake.

Prior to any development in this area a drainage Master Plan for the upper end of the watershed that includes the developable acres should be developed with potential guidelines/ BMPS/ordinance changes to assure that future development will not cause stream degradation or adverse impacts to the Lake.”

The agreement should also state that development in the Wagon Train basin would not take place until a Watershed Master Plan for the urbanized area is complete. The developer would have the option to fund this study if they did not want to wait for the city to conduct the study.

Due to the time constraints of sizing and constructing the sanitary sewer, the proposed developer agreement will focus on sanitary sewer due to the need to address this improvement now. All other improvements will be addressed through the standard process of annexation.

The most recent Water Facilities Master Plan did not model this area, so no improvements have been identified yet. This will be done in 2007 when we update the Master Plan. Based on a preliminary review, the areas to be served by this amendment will all most likely be served by the Cheney Booster District. 16" mains will be required on the section lines, with a possible 24" main in 84th St. None of these mains are in the proposed CIP.

Public Works and Utilities Department has reservations about the ability of city funding for other improvements, such as water mains and arterial streets. Their concern is that this amendment should not raise expectations about improvements being funded. No arterial streets, outside of Antelope Valley, 48th and O Street and the South Beltway in the CIP for funding in the next six years.

Conclusion

This proposal, while contrary to the policy of transferring waste from one basin to another, should be approved because: 1) it will help square off the development pattern in this area; 2) it is a more efficient use of future infrastructure investments; 3) will probably not increase the amount of grading, and could actually result in development following the existing contours; and 4) additional costs over the normal sanitary sewer needs. If the owners do not agree to fully fund this additional cost, then the amendment should be denied. A separate developer agreement will be forwarded with this amendment on the City Council agenda for consideration.

~~When this proposal first came in for only 380 acres, the impact on schools, fire, parks and trails and other services was probably very minimal. However, since this proposal has expanded to 1,000 acres, these other needs should be addressed in more detail prior to development. Particularly there are significant questions as to how 98th Street would connect into the arterial street system north of Rokeby Road. Currently 98th crosses a railroad track and does not connect to Highway 2. Thus, staff recommends the land from 98th Street to ½ mile west be designated as Priority B, until several service and infrastructure issues can be studied in more detail.~~

If the property owners agree to fund the sanitary sewer costs associated with serving the additional area – the City’s preference is for up to 1,000 acres, which is the largest area and “squares off” the city limits and is the most efficient use of the infrastructure investment in this area.

Approval of the Comprehensive Plan Amendment and developer agreement, if the issues can be resolved, does not imply anything in regards to the availability of city funding for water mains, arterial streets or watershed facilities in the next 12 years – which will mark Priority A in the updated Comprehensive Plan. The needed water, streets and watershed improvements to serve the additional area around 84th and Rokeby are not in the City’s Capital Improvement Program (CIP). The proposed developer agreement will solely focus on sanitary sewer due to the need to address this improvement now, before the sanitary sewer mains are built. Other improvements will be addressed through the standard process of annexation.

Amend the Comprehensive Plan as follows: **Approval of option to serve up to 725 acres, if the property owners agree to fund all the sanitary sewer costs associated with adding this additional area — or less area if not all the property owners are willing to fund the improvements.**

1. Amend the “Lincoln/Lancaster County Land Use Plan”, figure on pages F 23 and F 25, for the area in the vicinity of 84th and Rokeby Road as shown on the attached “Proposed Future Landuse” exhibit to
 - a. Add the land to the Future Service Limit, and
 - b. Change the land uses from Agricultural to Urban Residential
2. Amend the “Urban Growth Tier” figure on page F 27 to change land from Tier II to Tier I in the vicinity of 84th Street and Rokeby Road as shown on the following “Proposed Priority and Tier Designations” exhibit.
3. Amend the “Tier I – Priority Areas” figure on page F 31 to change land from Tier I, Priority B to Tier I Priority A, and from Tier II to Tier I, Priority A and from Tier II to Tier I, Priority B as shown on the following “Proposed Priority and Tier Designations” exhibit.

Prepared by:

Stephen Henrichsen
441-6374, shenrichsen@lincoln.ne.gov

Date: Updated May 10, 2006

Applicant: Developments Unlimited LLP
8020 O Street
Lincoln, NE 68510

Contact: Kent Seacrest
1111 Lincoln Mall, Suite 350
Lincoln, NE 68508
435-6000

COMPREHENSIVE PLAN AMENDMENT NO. 06002,

PUBLIC HEARING BEFORE PLANNING COMMISSION:

March 15, 2006

Members present: Sunderman, Strand, Esseks, Krieser, Taylor, Larson, Carroll and Carlson.

Staff recommendation: Approval of Option A, if the property owners agree to fund the sanitary sewer costs associated with adding this additional area; or only the Option B proposal, if they are the only properties willing to fund the improvements.

Ex Parte Communications: None.

Additional information submitted for the record: Steve Henrichsen of Planning staff submitted a letter from the applicant requesting a two-week delay. This will also allow this amendment to be heard at the same time as the waiver to the sanitary sewer design standard. Henrichsen noted that both the Comprehensive Plan Amendment and the waiver are an attempt to accommodate looking at expanding the future service limit. There are two sanitary sewers that are under design that the city hopes to put out to bid in May. The city is trying to look at oversizing those sewers but yet keep the design moving forward because there are several subdivisions in process that require those two new sanitary sewers. If this amendment were to be delayed longer it would impact the construction of the sanitary sewer. Henrichsen is hopeful that the details will be worked out before the March 29th meeting.

Strand moved to defer, with continued public hearing and action scheduled for March 29, 2006, seconded by Carroll and carried 8-0: Sunderman, Strand, Esseks, Krieser, Taylor, Larson, Carroll and Carlson voting 'yes'.

There was no other testimony.

COMPREHENSIVE PLAN AMENDMENT NO. 06002

and

WAIVER NO. 06002

PUBLIC HEARING BEFORE PLANNING COMMISSION:

March 29, 2006

Members present: Esseks, Taylor, Carroll, Larson, Krieser, Strand, Cornelius, Sunderman and Carlson.

Staff recommendation:

Comprehensive Plan Amendment: Approval of Option A, if the property owners agree to fund the sanitary sewer costs associated with adding this additional area, or approval of only Option B, if the applicant is the only property willing to fund the improvements.

Waiver: Approval of the area included in Comprehensive Plan Amendment No. 06002 with Developer Agreement to pay for the cost of over-sizing the sanitary sewer.

Ex Parte Communications: None

Steve Henrichsen of Planning staff requested a two-week deferral to allow additional time to complete the sewer study.

Strand moved to defer, with continued public hearing and action scheduled for April 12, 2006, seconded by Larson and carried 9-0: Esseks, Taylor, Carroll, Larson, Krieser, Strand, Cornelius, Sunderman and Carlson voting 'yes'.

There was no other public testimony.

CONT'D PUBLIC HEARING BEFORE PLANNING COMMISSION:

April 12, 2006

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

Staff recommendation: Approval of Option A on the Comprehensive Plan Amendment, if the property owners agree to fund the sanitary sewer costs associated with adding the additional area, or approval only of Option B if the applicants are the only properties willing to fund the improvements; and approval of the waiver for the area included in the Comprehensive Plan Amendment, with a developer agreement to pay for the cost of over-sizing the sanitary sewer.

Ex Parte Communications: None.

Steve Henrichsen of Planning staff requested an additional two-week delay, announcing that the sewer study was completed yesterday. The staff is hopeful to be prepared to address these items on April 26th.

Strand moved to defer two weeks, with continued public hearing and action scheduled for April 26, 2006, seconded by Sunderman and carried 8-0: Strand, Sunderman, Larson, Carroll, Krieser, Cornelius, Esseks and Carlson voting 'yes'; Taylor absent.

There was no other testimony.

CONT'D PUBLIC HEARING BEFORE PLANNING COMMISSION:

April 26, 2006

Members present: Esseks, Carroll, Larson, Strand, Cornelius, Taylor, Krieser and Carlson voting 'yes'; Sunderman absent.

Staff recommendation:

Comprehensive Plan Amendment: Approval of Option A, if the property owners agree to fund the sanitary sewer costs associated with the additional area, or only approval of Option B, if the applicants are the only properties willing to fund the improvements.

Waiver: Approval for the area included in Comprehensive Plan Amendment No. 06002, subject to a developer agreement to pay for the cost of over-sizing the sanitary sewer.

Ex Parte Communications: None.

The Clerk announced that the staff has requested an additional two-week deferral.

Strand moved to defer, with continued public hearing and action scheduled for May 10, 2006, seconded by Taylor and carried 8-0: Esseks, Carroll, Larson, Strand, Cornelius, Taylor, Krieser and Carlson voting 'yes'; Sunderman absent.

There was no testimony in support nor in opposition.

CONT'D PUBLIC HEARING BEFORE PLANNING COMMISSION:

May 10, 2006

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

Staff recommendation: Approval, as revised on May 10, 2006.

Staff presentation:

Steve Henrichsen of Planning staff advised that the waiver is final action by the Planning Commission. The Comprehensive Plan Amendment will be forwarded to the City Council. At the City Council hearing, the Comprehensive Plan Amendment will be joined by a separate developer agreement. The Comprehensive Plan Amendment has two components.

First, this proposes to amend the future service limit to include approximately 740 acres. The previous staff recommendation was for up to 1000 acres, but as a result of meeting with the property owners, the property owners on the eastern portion, generally on the west side of 98th Street, have chosen not to join with the remaining coalition in a developer agreement to pay for the oversizing of the sanitary sewer. The area being added to the future service limit is in a different drainage basin than Beal Slough, and would flow south of Wagon Train Lake; however, the engineers for the applicants have found a way that this area could be served by gravity without a substantial amount of cut and fill being required. Staff concurs with the generalized initial routing for the sanitary sewer. The staff is recommending approval of adding this area, particularly for the area west of 84th Street because it squares off an area that otherwise might require substantial amount of grading to move the ridgeline. By the method of gravity sewer shown here, there is the potential for substantially reducing the amount of fill and earth moving that would be necessary. It is also something that could be done without any type of pump station.

The second part of the Comprehensive Plan Amendment is a change from Tier II for that area outside of the Future Service Limit to be included inside of Tier I, and that all of that land would be shown as Priority A. There is additional land on the east side of 70th that is inside of the Future Service Limit but was shown as Priority B. The staff believes it appropriate for all of the property to be shown as Priority A with the sewer service.

Staff is recommending approval of adding the 740 acres, subject to a development agreement that will fund all of the costs associated with oversizing the sanitary sewer to service this area. The multiple requests to delay these items were to try to finish all of the engineering studies and that impact has now been addressed. The developer agreement would be reviewed by the City Council.

The staff recommendation is revised to show approximately 740 acres, not including the area of Jensen Park, and revising the legal description for the waiver to exclude those properties that did not want to be added to the Future Service Limit.

Carroll wonders whether excluding the land to the east eliminates them as far as sewer extension. Henrichsen responded, "no", it reduces the need to build a parallel sewer north of Pine Lake Road at approximately 60th and Pine Lake Road to 56th and Hwy 2. Page 3 of the staff report shows the numerous city sewer lines that would have to be oversized if we did 1000 acres. The Sewer #2 need would be eliminated, but we would still need to extend the sewers south of Yankee Hill out to serve this area.

Larson inquired whether those property owners that opted out have their own septic systems, etc. Henrichsen assumes that they do. Mostly, the offer to them was to include their acres for future development down the road. Most of the property owners have entered into the coalition for urban development rather than any type of acreage development. They would have to wait for the sewer to come south through the Wagon Train Lake area.

Proponents

1. Kent Seacrest appeared on behalf of the new coalition of 13 different individuals and business entities representing about 716 acres, more or less,

They have been meeting weekly to get this group together because the city is building some pipes in Beal Slough and we need to get them sized right. The coalition is paying to oversize those pipes so that we can get this area to drain by gravity flow. This is a great area because of the close proximity to Hwy 2, Jensen Park, and the 84th & Hwy 2 shopping areas. It is a good opportunity to make a great set of neighborhoods. It is a good deal for the city because we are going to end up bringing in about 716 acres and the city is not going to have any oversizing costs to bring in a lot of land. The coalition will also agree to do a master plan for drainage. This area was not in the plan before, but we are going ahead to do the master planning before any annexation and permitting. It is also exciting because this coalition is agreeing to master plan the road network, lot layouts, recreation, trails, etc. in the next six months. Seacrest expressed appreciation to the staff for the extraordinary efforts to bring this area in.

Esseks inquired how the city will reimburse the owners for the oversizing costs. Seacrest stated that they will not be reimbursed. It is an opportunity. The coalition recognizes that it's either pay for it or wait for the sewer to go down Salt Creek down to Hickman, around and then back up. That's a long time. This will keep the city very compact. We will be annexing very contiguously.

There was no testimony in opposition.

COMPREHENSIVE PLAN AMENDMENT NO. 06002

ACTION BY PLANNING COMMISSION:

May 10, 2006

Larson moved approval, as revised today, seconded by Carroll.

Carlson believes this has been a good job of adding another square mile of land.

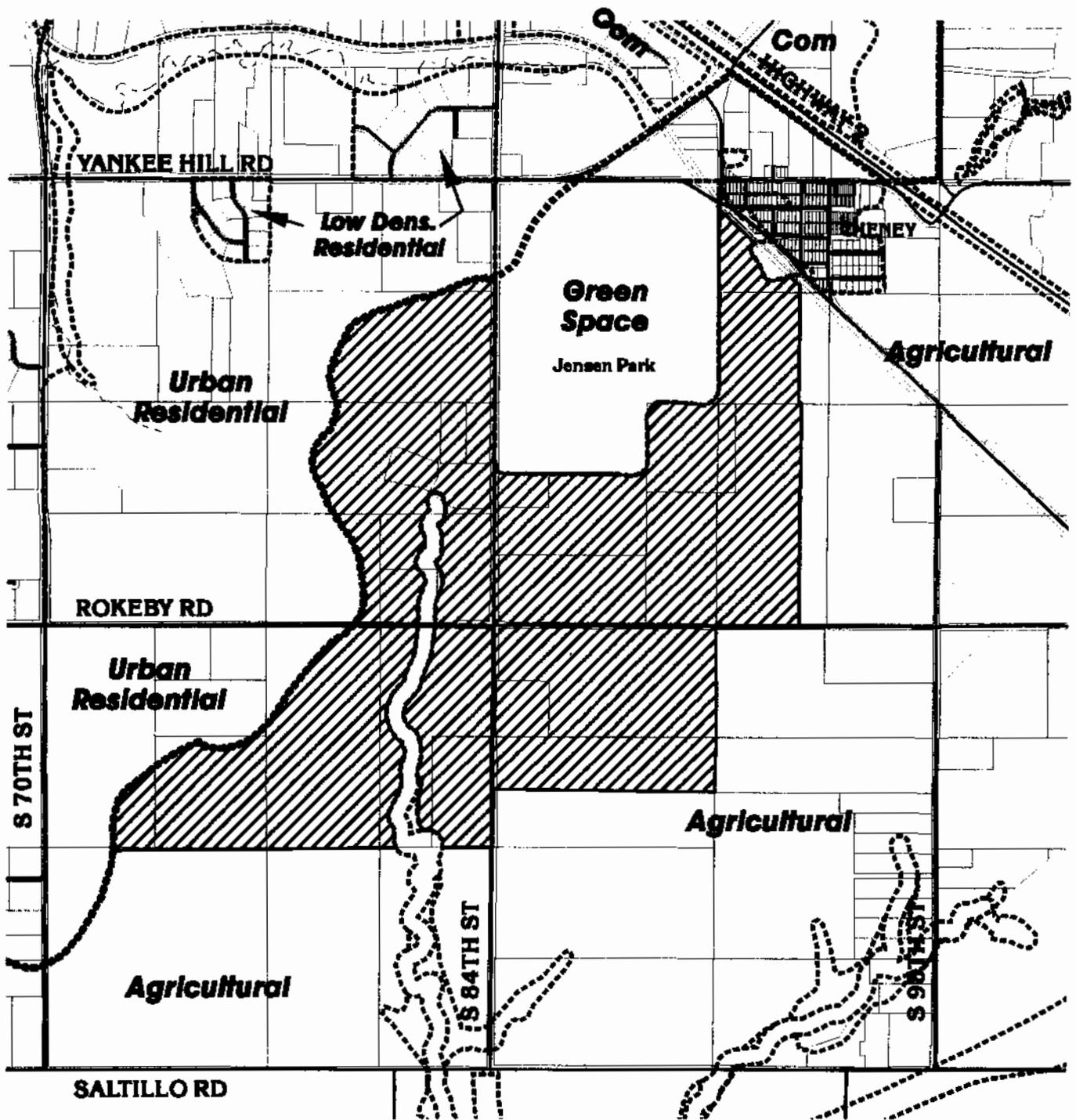
Motion for approval carried 8-0: Larson, Taylor, Carroll, Esseks, Strand, Cornelius, Sunderman and Carlson voting 'yes'; Krieser absent. This is a recommendation to the City Council.

WAIVER NO. 06002

ACTION BY PLANNING COMMISSION:

May 10, 2006

Larson moved approval, as revised today, seconded by Carroll and carried 8-0: Larson, Taylor, Carroll, Esseks, Strand, Cornelius, Sunderman and Carlson voting 'yes'; Krieser absent. This is final action unless appealed to the City Council.



CPA # 06002: S 84th & Rokeby Rd

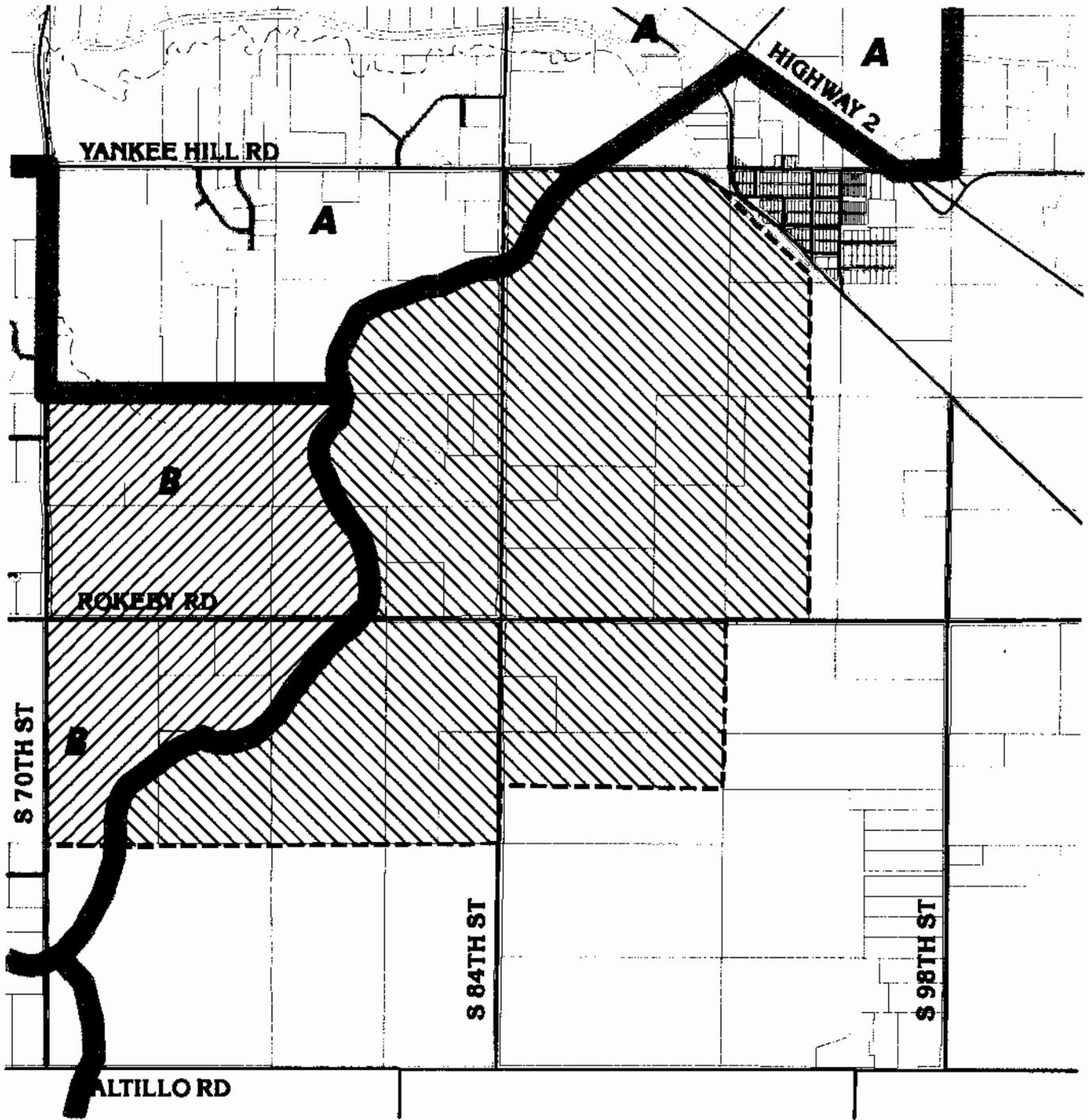
Proposed Future Landuse

(AS RECOMMENDED BY PLANNING COMMISSION: 5/10/06)

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



014



CPA # 06002: S 84th & Rokeby Rd

Proposed Priority & Tier Designations

- Future Service Limit
- A** Existing Priority Designation
-  From Tier I Priority B to Tier I Priority A
-  From Tier II to Tier I Priority A
-  Priority Area Boundary (AS RECOMMENDED BY PLANNING COMMISSION: 5/10/06)

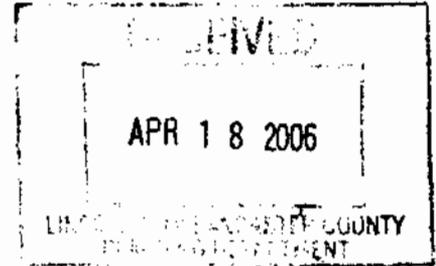


015

LOWER PLATTE SOUTH
NATURAL RESOURCES DISTRICT



3125 Portia St., Box 83581, Lincoln NE 68501-3581
(402) 476-2729 • FAX (402) 476-6454
www.lpsnrd.org



April 14, 2006

Mr. Steve Henrichsen
City of Lincoln/Lancaster County Planning Dept.
555 South 10th Street, Room 213
Lincoln, NE 68508

RE: Comprehensive Plan Amendment #06002

Dear Steve:

I appreciated the opportunity to meet with you and learn more about proposed Comp Plan Amendment 06002. This amendment would eventually allow development of several hundred acres of land that "drains into Hickman" (Wagon Train Lake Watershed). The Wagon Train Watershed is rural/agricultural in nature and Wagon Train Lake recently underwent a million dollar renovation of the lake and the NRD is involved with ongoing work in the watershed. We are concerned that if not planned properly changes in the stormwater runoff, due to urbanization, will cause stream degradation and detrimental effects to Wagon Train Lake.

Currently the development of this area is anticipated to be several years away. I am writing to express our desire that before this development occurs that the appropriate practices are required to ensure that stormwater from the newly urbanized land will not negatively impact the natural resources downstream.

Sincerely,

Paul D. Zillig
Assistant General Manager

PDZ/pdz

MEMORANDUM

Date: April 18, 2006

To: Steve Henrichsen, Planning

From: Ben Higgins, Public Works and Utilities, 441-7589 *BH*

Subject: *Comp Plan Amendment #06002, 84th and Rokeby Road*

cc: *Paul Zillig, NRD, Dennis Schroeder, NRCS, Nicole Fleck-Tooze, PWU*

As discussed in the City/NRCS/NRD meeting on April 7, 2006, attached are Public Works and Utilities comments on the amendment for revising the developable acres in the Wagon Train Watershed (Comp Plan Amendment #06002).

This amendment would allow for several hundred acres to be sewerable (i.e. developed) in the 2 - 6 year time frame, while the majority of drainage would continue to flow in the Wagon Train Watershed. The City as well as the Lower Platte South NRD, and National Resources Conservation Service are concerned as the watershed is currently rural and agricultural and urbanization without proper drainage planning will cause significant adverse impacts to the streams and recently rennovated Wagon Train Lake.

Prior to any development in this area a drainage Master Plan for the upper end of the watershed that includes the developable acres should be developed with potential guidelines/ BMPS/ordinance changes to assure that future development will not cause stream degradation or adverse impacts to the Lake.

SEACREST & KALKOWSKI, P.C.

A LIMITED LIABILITY ORGANIZATION

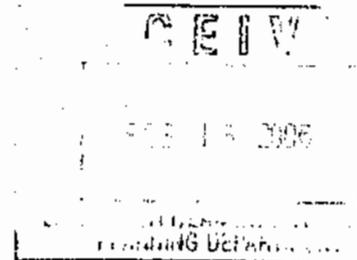
1111 LINCOLN MALL, SUITE 350
LINCOLN, NEBRASKA 68508-3910

TELEPHONE (402) 435-6000
FACSIMILE (402) 435-6100

KENT SEACREST
E-MAIL: kent@sk-law.com

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

February 16, 2006



Marvin Krout
Planning Director
City of Lincoln - Lancaster County
555 South 10th Street
Lincoln, NE 68508

RE: Comprehensive Plan Amendment; South 70th Street to South 84th Street south of the Beal Slough Ridge Line and in the vicinity of Rokeby Road

Dear Marvin:

Our law firm represents Developments Unlimited, LLP ("Developments Unlimited") who is the contract purchaser of certain properties located outside the Beal Slough drainage basin as generally shown on the enclosed Exhibit 3. These properties are hereinafter referred to as the "Developments Unlimited Properties."

Developments Unlimited has been working with Civil Design Group, Inc. and the City of Lincoln to explore the possibility of designing gravity flow sanitary sewer plans to sewer the Developments Unlimited Properties as well as to sewer a potentially larger area of properties located outside the Beal Slough drainage basin (collectively "Potential Coalition Properties"). These Potential Coalition Properties are bounded by Beal Slough ridge line on the north, South 84th Street on the east, the one-half mile line south of Rokeby Road on the south and South 70th Street on the west. The property owners of the Potential Coalition Properties are hereinafter referred to as the "Potential Coalition Property Owners."

Option A Comprehensive Plan Amendments

On behalf of Developments Unlimited, we hereby request amendments to the 2025 Comprehensive Plan to show the Potential Coalition Properties as follows (see Option A):

1. Amend the 2025 Future Service Limit (FSL) to add the Potential Coalition Properties;

2. Change the Potential Coalition Properties from Tier 1 and Tier 2 to Tier 1, Priority A; and

3. Change the future land use designation of the Potential Coalition Properties within the FSL from Agricultural to Urban Residential.

Option B Comprehensive Plan Amendments

Developments Unlimited is committed to work diligently with the other Potential Coalition Property Owners to cause the Potential Coalition Properties to be able to gravity drain into the Beal Slough basin. We would hope to be able to reach consensus in the next three weeks with the Potential Coalition Property Owners on a Coalition Agreement to fund such sewer improvements. In the event the Potential Coalition Property Owners are not able or unwilling to fund the necessary sewer up-sizing as explained below or it is not economical or feasible to up-size that stretch of a future Beal Slough sewer line from S. 40th Street to S. 56th Street as described below, then Developments Unlimited would request that the City approve the following amendments to the 2025 Comprehensive Plan to show the Developments Unlimited Properties as follows (see Option B):

1. Amend the 2025 Future Service Limit (FSL) to add the Developments Unlimited Properties;

2. Change the Developments Unlimited Properties from Tier 1 and Tier 2 to Tier 1, Priority A; and

3. Change the future land use designation of Developments Unlimited Properties within the FSL from Agricultural to Urban Residential.

Background

As background, the City is in final design on the extension of the trunk sewer line from Pine Lake Road to generally Yankee Hill Road. In addition, our neighbors to the north are in final design of the next section of the trunk sewer line from generally Yankee Hill Road to the ridge line. If these two sections of the Beal Slough trunk lines are up-sized, then these stretches could sewer the Potential Coalition Properties. With some reasonable re-grading, it is possible to sewer the Developments Unlimited Properties and the other Potential Coalition Properties into the Beal Slough sewer line. However, these costs are not shown in the City's Capital Improvement Plan. Development Unlimited is willing to assist in funding the upsizing to sewer the Developments Unlimited Properties. If the other Potential Coalition Properties are also willing to fund their fair share, then all the Potential Coalition Properties could be sewered with some reasonable re-grading.

To gauge the Potential Coalition Property Owners interest in paying their fair share of cost to up-size the key stretches of the Beal Slough sewer line, Developments Unlimited called a meeting of the Potential Coalition Property Owners last week. At last week's meeting,

Developments Unlimited outlined a potential coalition framework for the property owners to help fund the extra costs to up-size the downstream Beal Slough sewer line to accommodate the extra waste load from the Potential Coalition Properties. Some of our neighbors were unable to attend the meeting and we were able to orally outline the concepts over the telephone.

The Potential Coalition Property Owners were explained the short window of opportunity to help fund the up-sizing of certain stretches of the Beal Slough sewer line. The Potential Coalition Property Owners acknowledge that the Option A sewer plan would provide gravity flow sewer service to their properties, which would increase their properties' fair market values. However, the window to up-size the sewer would have to be made in the very near future because the City and other down-stream property owners are in the final design stages to construct key stretches of the Beal Slough sewer line.

Despite the quick timetable, the City is still studying whether another stretch of Beal Slough from S. 40th Street to S. 56th Street needs to be up-sized as well. Consequently, we are not able to estimate the potential up-sizing costs until the City completes its analysis. Similarly, without the cost estimates, the Potential Coalition Members are unclear on the potential costs they would be asked to fund in the future.

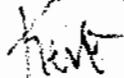
Next Steps

We hope to work with the City in the next week to better define the up-sizing costs. In turn, Developments Unlimited will provide the Potential Coalition Property Owners the projected cost figures and ask to again meet with its neighbors within the next two weeks. We want to be open and fair with our neighbors and yet still be sensitive to the City and our downstream neighbors who are trying to finalize their Beal Slough sewer line plans and go out for bid in the very near future.

By next Tuesday morning, we will provide City Staff a detailed Option A proposal on how the Potential Coalition Property Owners will fund the up-sizing of the various Beal Slough Lines (and alternatively, an Option B proposal on how Developments Unlimited will fund the up-sizing in the event Option A fails). As part of our detailed proposals, we will include grading/sanitary sewer plans for the two options showing potential sewer profiles and sewer line depths.

We look forward to working with City Staff and our neighbors on this exciting proposal. If you have any questions in the meantime, please give Mike Eckert, DaNay Kalkowski or myself a call.

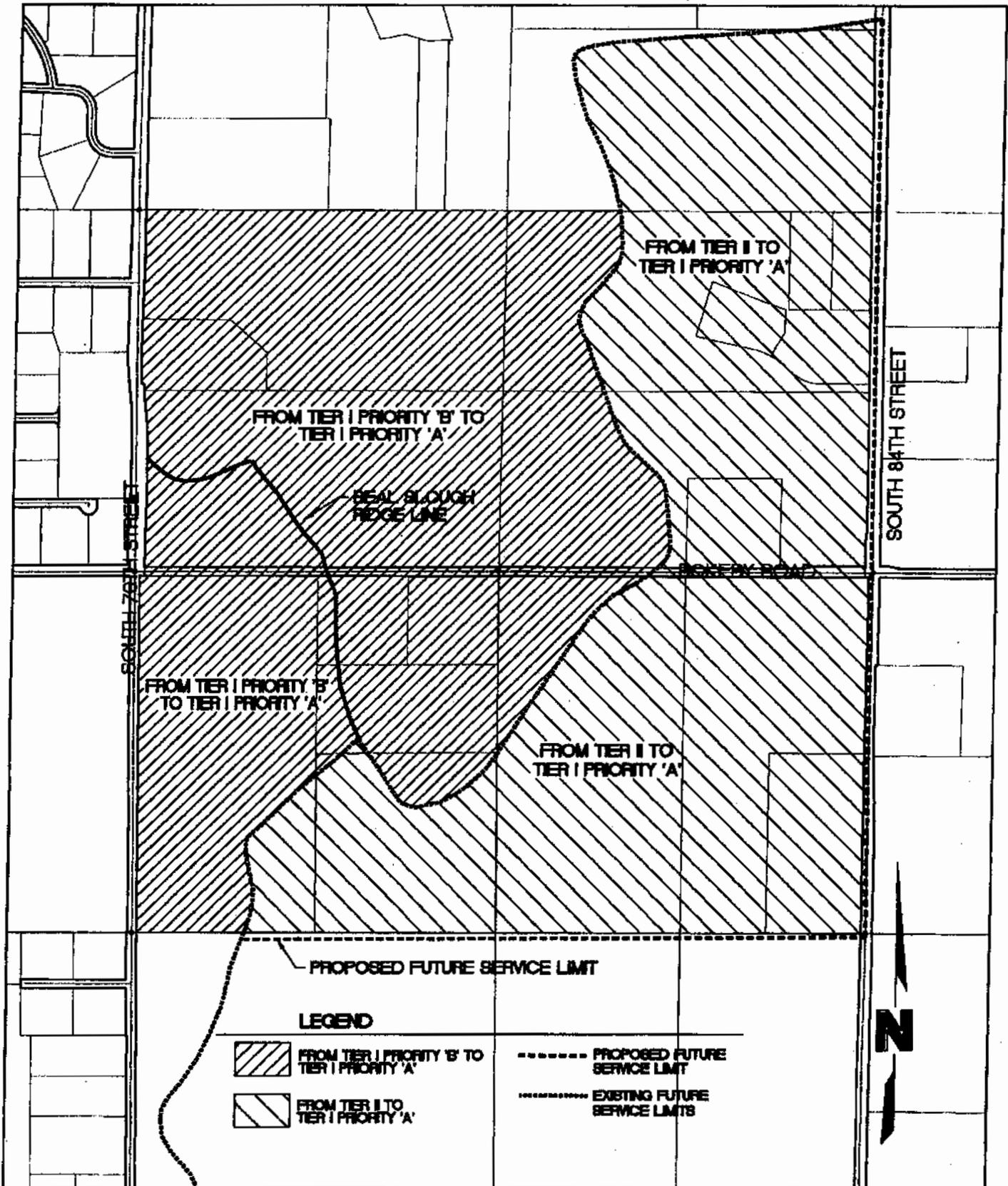
Very truly yours,



Kent Seacrest
For the Firm

cc with enclosures:

Mayor Coleen Seng
Jon Camp
Steve Henrichsen
Developments Unlimited, LLP
Civil Design Group, Inc.
3AP SE LLC & Midwest Net Lease
Rick Krueger
Carl and Vicki Schmidt
Dorothy Davis
Catholic Bishop of Lincoln, Inc.
Rev. John Perkinton
Father Borowiak
Trent Sidders
Carlton Talcott
Milton and Carol Talcott
Marion Talcott, Inc. c/o Marion Pillard
Fred and Janet Smith
Bernita and Clinton Daharsh
Jerry Stricker

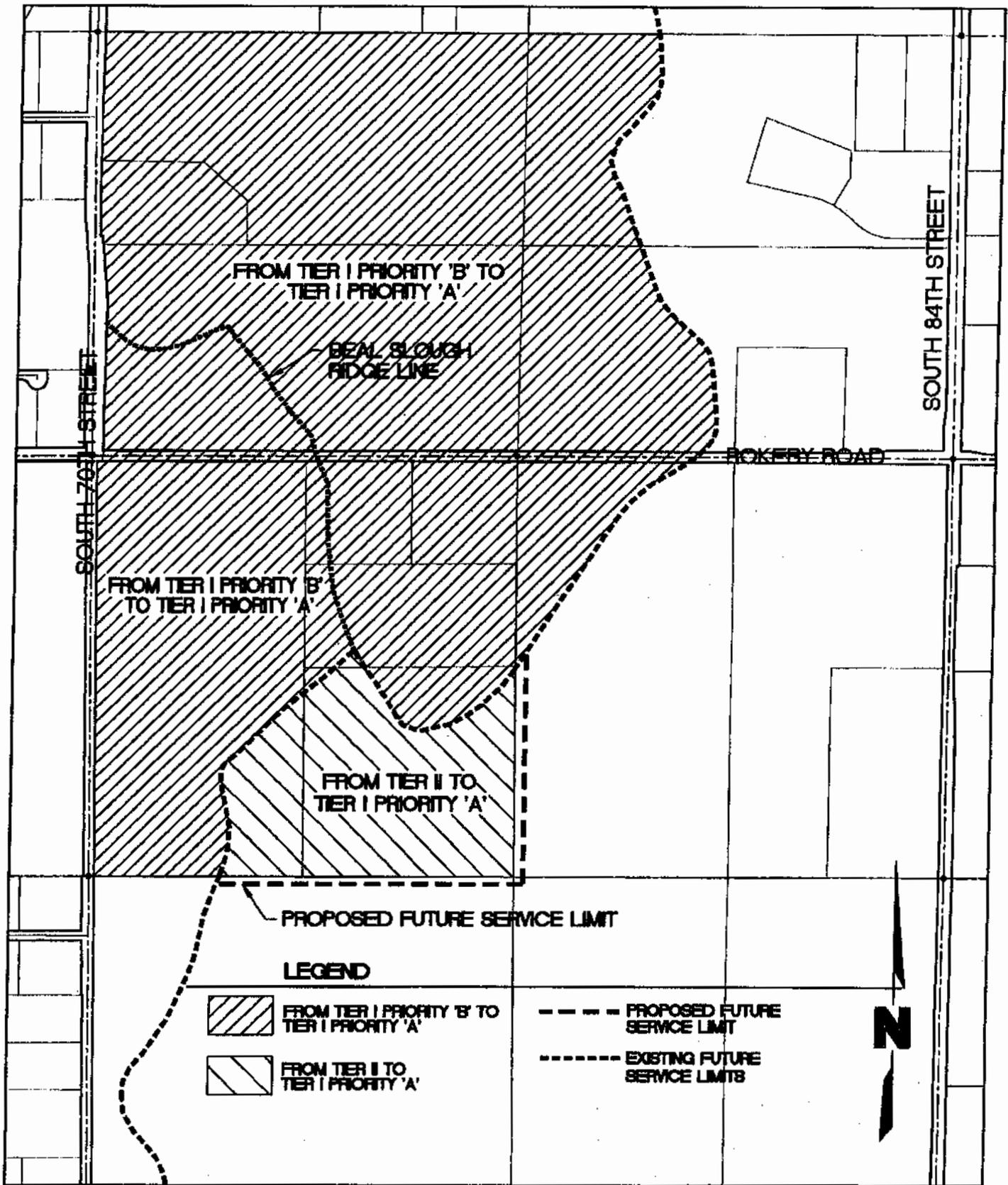


drawn by: jds
 checked by: -
 project no.: 2005-0020
 date: 02/16/2005

COMPREHENSIVE PLAN AMENDMENT
OPTION 'A'
LINCOLN, NEBRASKA


 Civil Design Group, Inc.
 3001 Normal Blvd, Suite 203
 Lincoln, Nebraska 68508
 Ph. 402-434-8484 Fax 402-434-0483
 www.chdgp.com
 CONSULTING ENGINEERS • LAND USE PLANNERS
 CIVIL DESIGN • SITE DEVELOPMENT • PLANNING AND ZONING

EXHIBIT
 1

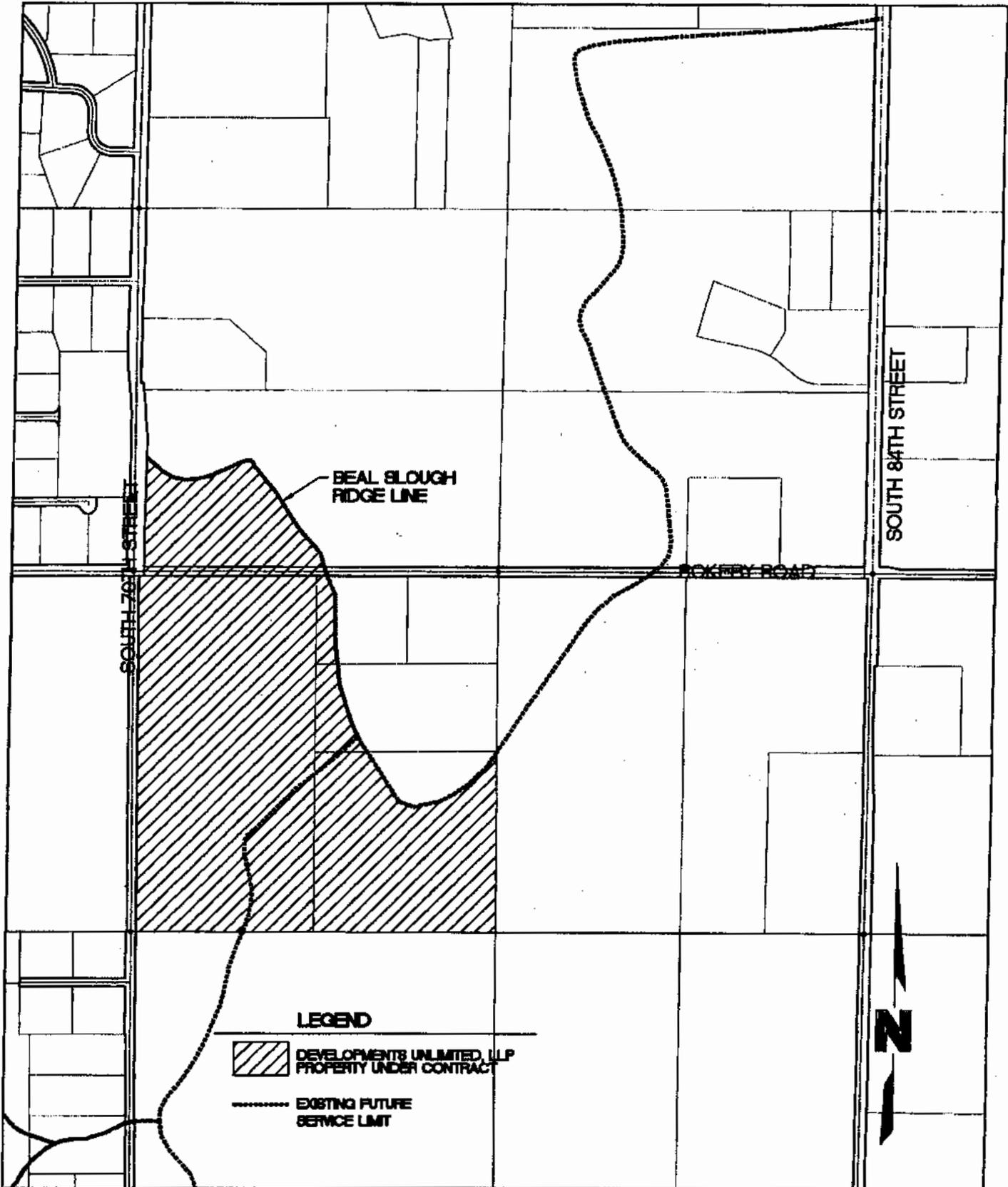


drawn by: jds
 checked by: -
 project no.: 2005-0020
 date: 02/16/2005

COMP PLAN AMENDMENT
OPTION 'B'
LINCOLN, NEBRASKA


 Civil Design Group, Inc.
 3901 Normal Blvd, Suite 203
 Lincoln, Nebraska 68506
 PH: 402-434-8484 Fax: 402-434-8483
 www.cdvgrp.com
 CONSULTING ENGINEERS • LAND USE PLANNERS
 CIVIL DESIGN • SITE DEVELOPMENT • PLANNING AND ZONING

EXHIBIT
 2



LEGEND

 DEVELOPMENTS UNLIMITED, LLP
PROPERTY UNDER CONTRACT

 EXISTING FUTURE
SERVICE LIMIT



drawn by: jds
 checked by: -
 project no.: 2005-0020
 date: 02/16/2005

DEVELOPMENTS UNLIMITED, LLP
PROPERTY UNDER CONTRACT
LINCOLN, NEBRASKA

 Civil Design Group, Inc.
 2001 Normal Blvd. Suite 203
 Lincoln, Nebraska 68508
 Ph. 402-434-8484 Fax 402-434-8483
 www.cdvldg.com

CONSULTING ENGINEERS • LAND USE PLANNERS
 CIVIL DESIGN • SITE DEVELOPMENT • PLANNING AND ZONING

EXHIBIT
 3

MEMORANDUM

TO: Planning Commission

FROM: Steve Henrichsen, Planning 

SUBJECT: **REVISED STAFF RECOMMENDATION for Comprehensive Plan Amendment #06002 & Waiver #06002: 84th & Rokeby Road**

DATE: May 10, 2006

cc: Mike Eckert, DaNay Kalkowski, Rick Krueger
Marvin Krout, Kent Morgan, Planning
Karl Fredrickson, Jerry Obrist, Nick McElvain, Public Works & Utilities
Randy Hoskins, Roger Figard, Dennis Bartels, Public Works & Utilities
Steve Masters, Brian Kramer, Gary Brandt, Public Works & Utilities

For the past several weeks, Kent Seacrest has been meeting weekly with many of the property owners within the boundaries of the proposed Comprehensive Plan Amendment at 84th and Rokeby Road. As a result of these meetings, a few property owners on the eastern edge near 98th Street have decided to not join the coalition of property owners. The remaining coalition includes less than 725 acres. The coalition has been working with the City on a developer agreement to address the costs associated with oversizing sanitary sewer lines to serve 725 acres in this area.

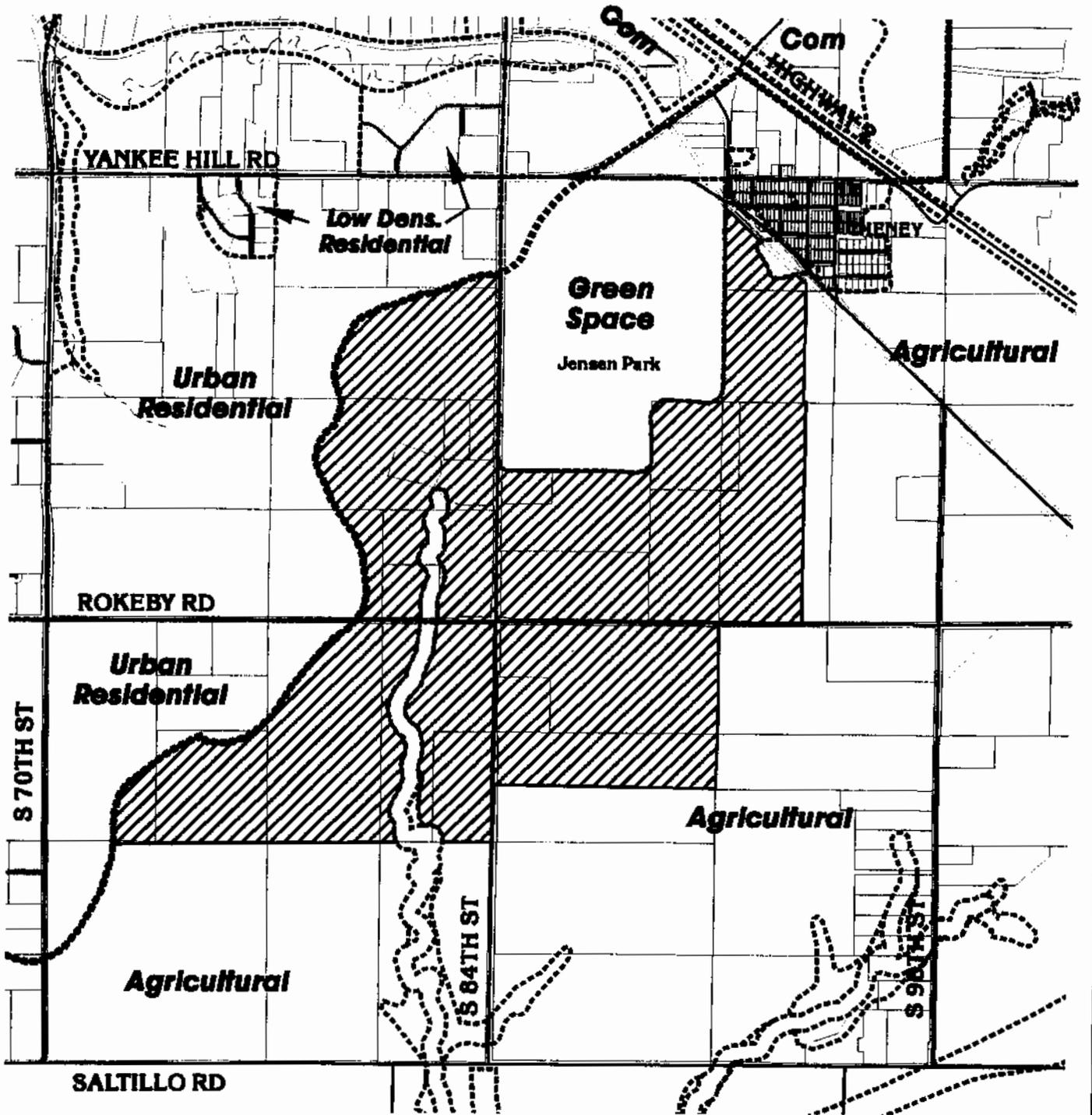
Since the owners have chosen to not participate, the staff recommendation is hereby amended to eliminate these properties from the Comprehensive Plan Amendment and Waiver request.

Attached are the following amendments:

1. For Comprehensive Plan Amendment #06002: New "Proposed Future Landuse" map to replace the map on page 148 of the Planning Commission packet.
2. For Comprehensive Plan Amendment #06002: New "Proposed Priority & Tier Designations" map to add to the report (this map was inadvertently left out of the report).
3. For Waiver #06002: New air photo showing revised area of waiver.

For Waiver #06002: the legal description on page 1 of the staff report is hereby amended as follows: South ½ and East ½ of Section 27-9-7; the North ½ of Section 34-9-7; Lots 1, 23 and 24 in the northwest ½ quarter of 35-9-7; and all of Section 26-9-7 south of the railroad tracks, except for Lots 9, 22 and 29 Irregular Tract and Lots 1 and 2, Sunset Ridge Subdivision, Lincoln, Lancaster County, Nebraska.

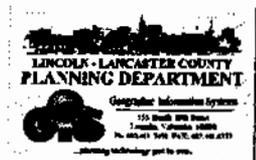
Q:\PC\CPA\2025 Plan\cpa 06002 PC memo.wpd

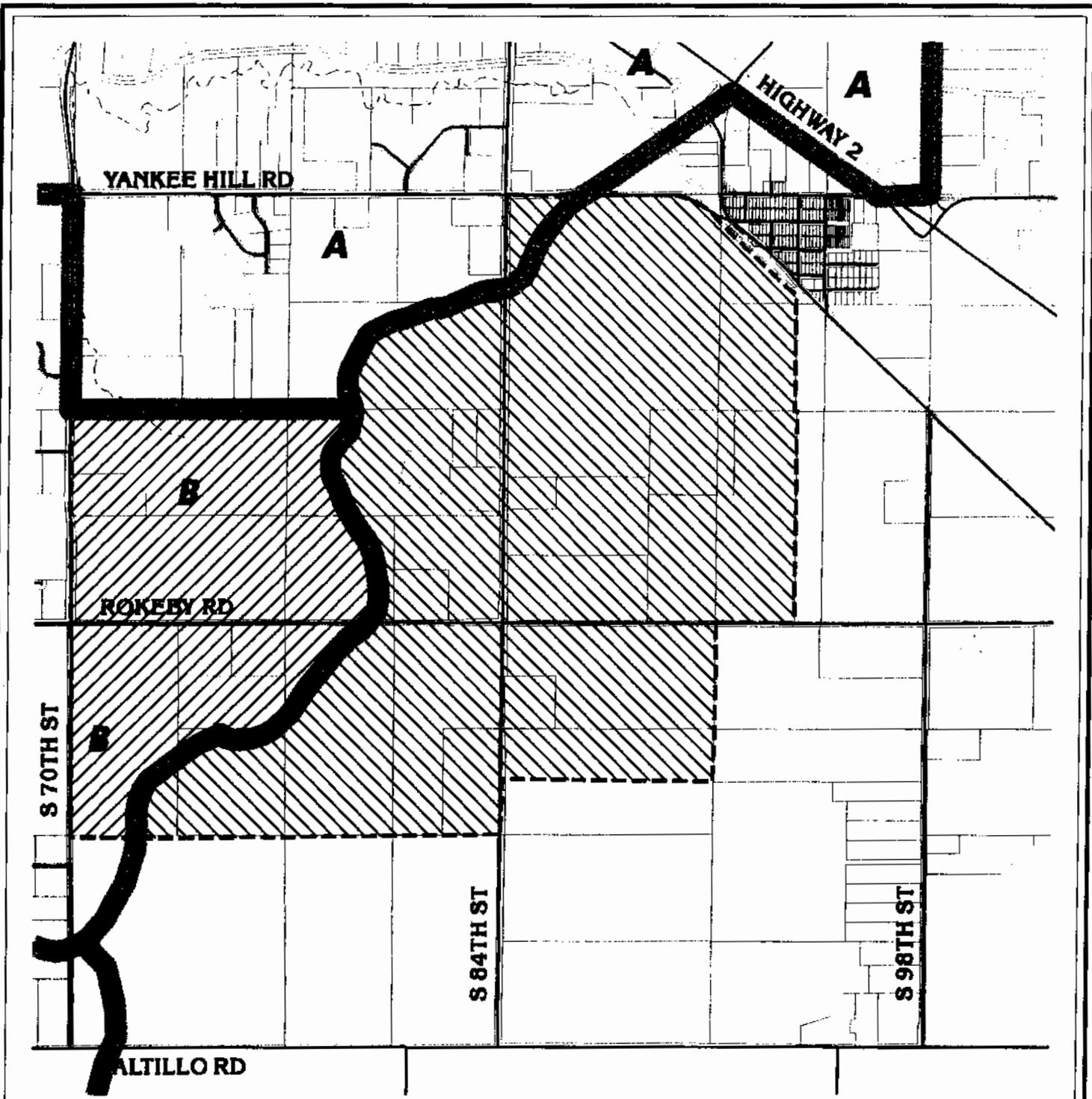


CPA # 06002: S 84th & Rokeby Rd

Proposed Future Landuse

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

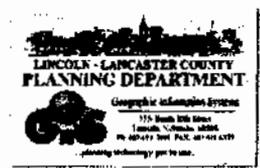


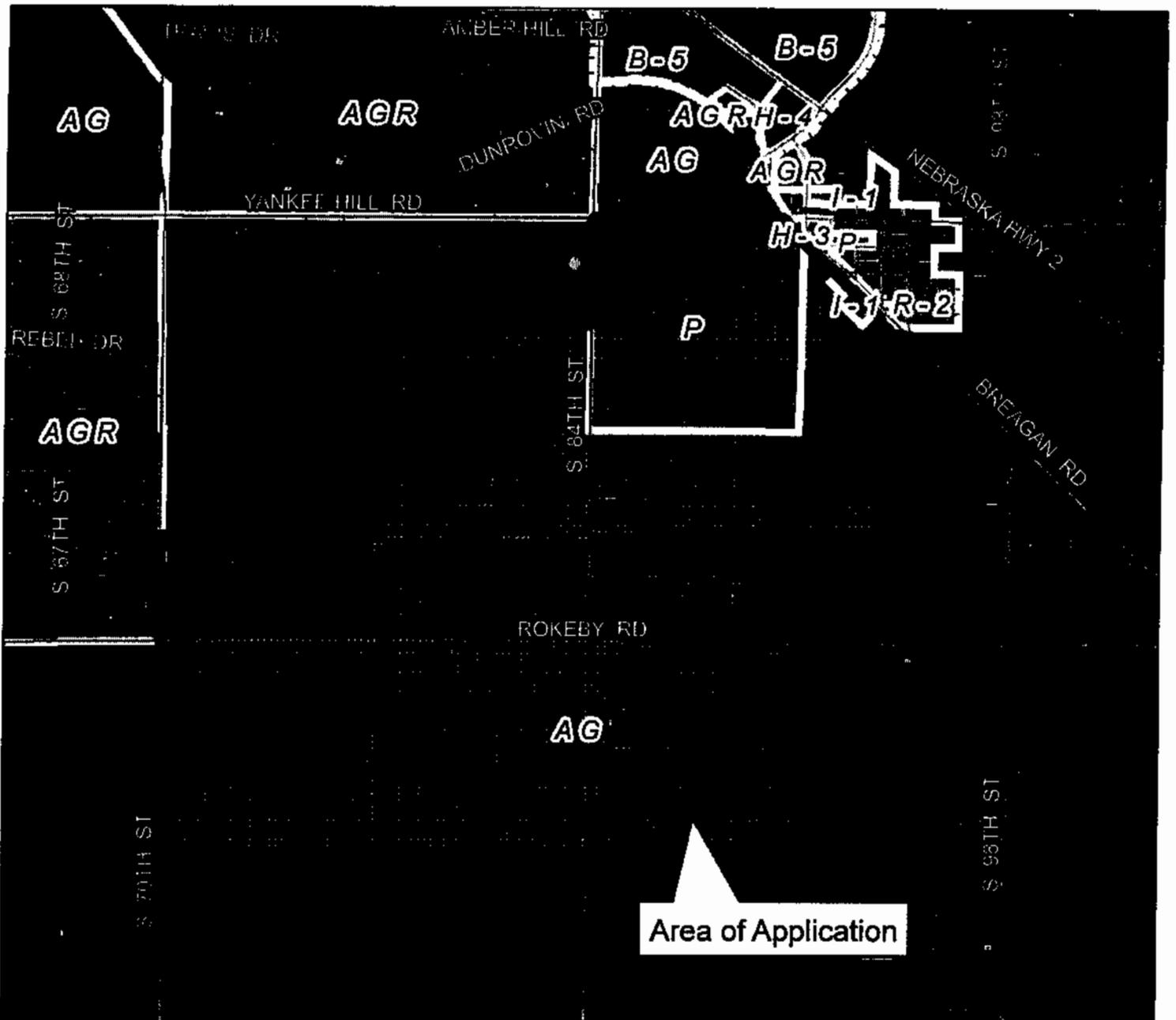


CPA # 06002: S 84th & Rokeby Rd

Proposed Priority & Tier Designations

- Future Service Limit
- Priority Area Boundary
- A** Existing Priority Designation
- From Tier I Priority B to Tier I Priority A
- From Tier II to Tier I Priority A





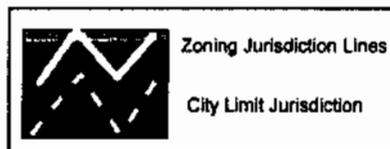
Waiver #06002

S 84 St & Rokeby Rd

Four Square Miles
 Sec. 26 T09N R7E
 Sec. 27 T09N R7E
 Sec. 34 T09N R7E
 Sec. 35 T09N R7E

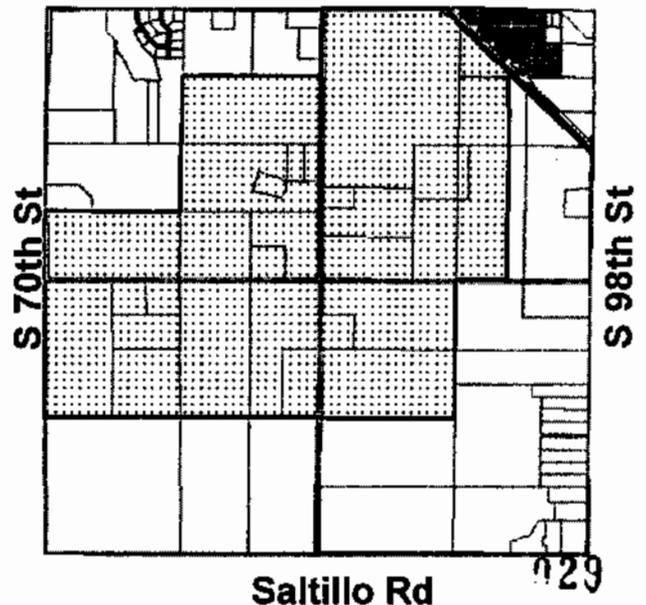
Zoning:

- 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



2005 aerial

Yankee Hill Rd



**PLANNING COMMISSION FINAL ACTION
NOTIFICATION**

TO : Mayor Coleen Seng
Lincoln City Council

FROM : Jean Walker, Planning

DATE : May 12, 2006

RE : **Waiver No. 06002**
(Sanitary Sewer Design Standards - 84th & Rokeby Road)
Resolution No. PC-00997

The Lincoln City-Lancaster County Planning Commission took the following action at their regular meeting on Wednesday, May 10, 2006:

Motion made by Larson, seconded by Carroll, to approve **Waiver No. 06002**, as revised on May 10, 2006, requested by Seacrest & Kalkowski on behalf of Developments Unlimited LLP, to modify the Sanitary Sewer Design Standards to waive requirement 2.1 that the transfer of wastewater from one watershed to another by any means, such as a lift station or construction of a sanitary sewer which cuts through the ridge separating watersheds, on property generally located in the vicinity of South 84th Street and Rokeby Road.

Motion for approval, a revised, carried 8-0: Larson, Taylor, Carroll, Esseks, Strand, Cornelius, Sunderman and Carlson voting 'yes'; Krieser absent.

The Planning Commission's action is final, unless appealed to the City Council by filing a Letter of Appeal with the City Clerk within 14 days of the date of the action by the Planning Commission.

Attachment

cc: Building & Safety
Rick Peo, City Attorney
Public Works
Kent Seacrest, 1111 Lincoln Mall, Suite 350, 68508
Developments Unlimited LLP, 8020 O Street, 68510

i:\shared\wp\ju\2006 ccnotice.wvr\WVR.06002

RESOLUTION NO. PC- 00997

1 WHEREAS, Developments Unlimited LLP on behalf of multiple property owners
2 has requested a modification of the Sanitary Sewer Design Standards to waive
3 requirement 2.1 that the transfer of wastewater from one watershed to another by any
4 means, such as a lift station or construction of a sanitary sewer which cuts through the
5 ridge separating watersheds, shall not be permitted, for property generally located in the
6 vicinity of S. 84th Street and Rokeby Road; and

7 WHEREAS, the Planning Director has recommended approval of the requested
8 modification to the Design Standards upon condition that Developments Unlimited LLP
9 and other property owners pay for the cost of oversizing the Beal Slough sewer lines to
10 handle the transfer of wastewater from the additional acreage to be sewered and other
11 sanitary sewer costs caused by this development; and

12 WHEREAS, the Planning Commission finds that the strict application of the
13 transfer of wastewater from one watershed to another would result in actual difficulties
14 or substantial hardship or injustice to the property owner.

15 NOW, THEREFORE, BE IT RESOLVED by the Lincoln City-Lancaster County
16 Planning Commission of Lincoln, Nebraska:

- 17 1. That the provisions of Sanitary Sewer Design Standard 2.1 which prohibits
18 the transfer of wastewater from one watershed to another by any means, such as a lift
19 station or construction of a sanitary sewer which cuts through the ridge separating
20 watersheds, is hereby waived for the property described as:

1 The South Half and East Half of Section 27, Township 9
2 North, Range 7 East of the 6th P.M., the North Half of
3 Section 34, Township 9 North, Range 7 East of the 6th P.M.,
4 Lots 1, 23, and 24 Irregular Tracts in the Northwest Quarter
5 of Section 35, Township 9 North, Range 7 East of the 6th
6 P.M., and all of Section 26, Township 9 North, Range 7 East
7 of the 6th P.M., south of the railroad tracks, except for Lots
8 9, 22, and 29 Irregular Tracts and Lots 1 and 2, Sunset
9 Ridge Subdivision, Lincoln, Lancaster County, Nebraska;

10 upon condition that Developments Unlimited LLP and other property owners pay for the
11 cost of oversizing the Beal Slough sanitary sewer lines to handle the transfer of
12 wastewater from the additional acreage to be sewerred.

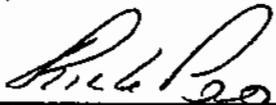
13 The foregoing Resolution was approved by the Lincoln City-Lancaster County
14 Planning Commission on this 10 day of May, 2006.

ATTEST:

/S/ ORIGINAL SIGNED BY
Jon Carlson

Chair

Approved as to Form & Legality:



Chief Assistant City Attorney