

City Council Introduction: **Monday**, May 17, 2010
Public Hearing: **Monday**, May 24, 2010, at **5:30** p.m.

Bill No. 10-52

FACTSHEET

TITLE: **CHANGE OF ZONE NO. 10010**, from AG Agricultural District to R-3 Residential District, requested Lincoln Federal Bancorp, Inc., on property generally located at South 27th Street and Whispering Wind Boulevard.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: Consent Agenda: 05/05/10
Administrative Action: 05/05/10

STAFF RECOMMENDATION: Approval.

RECOMMENDATION: Approval (9-0: Larson, Esseks, Partington, Cornelius, Taylor, Francis, Gaylor Baird, Lust and Sunderman voting 'yes').

ASSOCIATED REQUESTS: Annexation No. 10003 (10-51).

FINDINGS OF FACT:

1. This change of zone request and the associated Annexation No. 10003 were heard at the same time before the Planning Commission.
2. This is a request to change the zoning from AG Agricultural to R-3 Residential on an area consisting of approximately 33.6 acres generally located on the east side of South 27th Street between Whispering Wind Boulevard and Rokeby Road. It is the second phase of development for the Wilderness Hills 1st Addition Preliminary Plat.
3. The staff recommendation of approval is based upon the "Analysis" as set forth on p.4, concluding that the change of zone is consistent with the Wilderness Hills 1st Addition Preliminary Plat No. 06004; it complies with the Comprehensive Plan; and is appropriate for this location.
4. On May 5, 2010, this application appeared on the Consent Agenda of the Planning Commission and was opened for public hearing. No one came forward to speak.
5. On May 5, 2010, the Planning Commission agreed with the staff recommendation and voted 9-0 to recommend approval.
6. On May 5, 2010, the Planning Commission also voted 9-0 to recommend approval of the associated annexation (10-51).

FACTSHEET PREPARED BY: Jean L. Preister

DATE: May 10, 2010

REVIEWED BY: _____

DATE: May 10, 2010

REFERENCE NUMBER: FS\CC\2010\CZ.10010+

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for MAY 5, 2010 PLANNING COMMISSION MEETING

PROJECT #: *Change of Zone No.10010*
Annexation No. 10003

Note: This is a combined staff report for related items. This report contains a single background and analysis section for all items. However, there are separate conditions provided for each individual application.

PROPOSAL: To *change the zone from AG Agriculture to R-3 Residential* and annex approximately 10.01 acres

LOCATION: Generally located at S. 27th Street and Whispering Wind Boulevard

LAND AREA: Change of zone is 33.6 acres more or less
Annexation is 10.01 acres more or less

EXISTING ZONING: AG Agriculture

CONCLUSION: Both this change of zone and annexation are consistent with the Wilderness Hills 1st Addition Preliminary Plat #06004. This request complies with the Comprehensive Plan and is appropriate for this location.

RECOMMENDATION:	Approval
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GENERAL INFORMATION:

LEGAL DESCRIPTION: See Attached

EXISTING LAND USE: Vacant agricultural land

SURROUNDING LAND USE AND ZONING:

North:	Residential	R-3
South:	Residential/Undeveloped	AG and R-3
East:	Undeveloped Agriculture	AG
West:	Residential	R-3

HISTORY:
June 7, 2010 Wilderness Hills 1st Addition Preliminary Plat #PP06004 Resolution # PC-01001 was approved by Planning Commission.

COMPREHENSIVE PLAN SPECIFICATIONS:

The 2025 Lincoln City/Lancaster County Comprehensive Plan designates this area as Urban Residential land use (19)

The guiding principles for new neighborhoods are a combination of principles found in this section in addition to the principles for all other sections within the plan, such as Business and Commerce and Mobility and Transportation. A neighborhood is more than housing – great neighborhoods combine all the elements of parks, education, commercial areas, the environment and housing together in one place.

1. Encourage a mix of housing types, single family, townhomes, apartments, elderly housing all within one area;
2. Similar housing types face each other: single family faces single family, change to different use at rear of lot;
3. Parks and open space within walking distance of all residences;
4. Multi-family and elderly housing nearest to commercial area;
5. Pedestrian orientation; shorter block lengths, sidewalks on both sides of all roads;
6. Public uses (elementary schools, churches) as centers of neighborhood – shared facilities (city parks & school sites);
7. Encourage shopping and employment uses to be at within the neighborhoods and within walking distance to most residences (which may also serve as locations for transit stops.)

The ANNEXATION POLICY

Annexation policy is a potentially powerful means for achieving many of the goals embodied in the Plan's Vision. The annexation policies of the City of Lincoln include but are not limited to the following:

The provision of municipal services shall coincide with the jurisdictional boundaries of the City – in short, it is not the intent of the City of Lincoln to extend utility services (most notably, but not necessarily limited to, water and sanitary sewer services) beyond the corporate limits of the City.

The extension of water and sanitary sewer services shall be predicated upon annexation of the area by the City. City annexation shall occur before any property is provided with water, sanitary sewer, or other potential City services.

Land which is remote or otherwise removed from the limits of the City of Lincoln will not be annexed; land which is contiguous to the City and generally urban in character may be annexed; and land which is engulfed by the City should be annexed.

Annexation generally implies the opportunity to access all City services. Voluntary annexation agreements may limit or otherwise outline the phasing, timing or installation of utility services (e.g., water, sanitary sewer), and may include specific or general plans for the private financing of improvements to the infrastructure supporting or contributing to the land uses in the annexed area.

The character of existing residential areas should be respected as much as possible during the annexation process. When low density "acreage" areas are proposed for annexation due to the City's policy, additional steps should be taken to ease the transition as much as possible, such as public meetings, advance notice and written explanation of changes as a result of annexation. In general, many aspects of acreage life may remain unchanged, such as zoning or covenants. However, any annexation of existing residential areas will include some costs which must be the responsibility of property owners.

Annexation to facilitate the installation of improvements and/or possible assessment districts is appropriate if it is consistent with the annexation policies of the Plan listed above.

Plans for the provision of services within the areas considered for annexation shall be carefully coordinated with the Capital Improvements Program of the City and the County. (154)

UTILITIES: Existing

TOPOGRAPHY: This area generally slopes south east.

TRAFFIC ANALYSIS: This site is planned as the second phase of the Wilderness Hills 1st Addition preliminary plat. This area has full access to S. 27th Street via Hoy Street and Whispering Wind Boulevard. According to the associated preliminary plat, eventually this area will have an additional access to Rokeby Road via S. 29th Street and will have numerous additional routes connecting it to the remainder of the planned neighborhood to the east and north.

PUBLIC SERVICE: The Lincoln Fire Department indicated that they find the application acceptable, but noted that limited facilities in the area may cause greater response times as development continues.

ALTERNATIVE USES: The proposed area of application is currently in agriculture use. A preliminary plat has been approved with the assumption that this area would be annexed and re-zoned to R-3 residential.

ANALYSIS:

1. This is a request for a change of zone from AG Agricultural to R-3 Residential for an area approximately 33.6 acres in size on land generally located on the east side of S. 27th Street between Whispering Wind Boulevard and Rokeby Road. It is the second phase of development for the Wilderness Hills 1st Addition Preliminary Plat.
2. Associated with this request, the applicant has submitted an annexation for this area consisting of 10.01 acres. A majority of the land that is being re-zoned is already inside the City limits. This Annexation does not require an annexation agreement. All infrastructure issues regarding sanitary sewer, water, and roads were addressed at the time of preliminary plat. There is no reimbursement required for the rural fire district.
3. This change of zone is based on the approved preliminary plat for Wilderness Hills and will permit residential uses. A final Plat for this area is in process and will be approved if the Change of zone and Annexation are approved by City Council.
4. No other departments have objections to the application for a change of zone or annexation.
5. This request is consistent with the Future Land Use Plan which designates this area as Urban Residential.

Prepared by:

Christy Eichorn, Planner

DATE: April 22, 2010

APPLICANT / OWNER: Lincoln Federal Bancorp, Inc.
1101 N Street
Lincoln, NE 68508

CONTACT: Pam Dingman
Engineering Design Consultants, L.L.C
1021 D Street
Lincoln, NE 68502

**ANNEXATION NO. 10003
and
CHANGE OF ZONE NO. 10010**

**CONSENT AGENDA
PUBLIC HEARING & ADMINISTRATIVE ACTION
BEFORE PLANNING COMMISSION:**

May 5, 2010

Members present: Gaylor Baird, Cornelius, Esseks, Francis, Larson, Lust, Partington, Sunderman and Taylor.

The Consent Agenda consisted of the following items: **COMPREHENSIVE PLAN CONFORMANCE NO. 10002, ANNEXATION NO. 08027, ANNEXATION NO. 10003, CHANGE OF ZONE NO. 10010, CHANGE OF ZONE NO. 10008 and COUNTY SPECIAL PERMIT NO. 10020.**

Ex Parte Communications: None

Item No. 1.5, County Special Permit No. 10020, was removed from the Consent Agenda and called under Requests for Deferral.

Larson moved to approve the remaining Consent Agenda, seconded by Francis and carried 9-0: Gaylor Baird, Cornelius, Esseks, Francis, Larson, Lust, Partington, Sunderman and Taylor voting 'yes'.

Note: This is final action on Comprehensive Plan Conformance No. 10002, unless appealed to the City Council by filing a letter of appeal with the City Clerk within 14 days of the action by the Planning Commission.



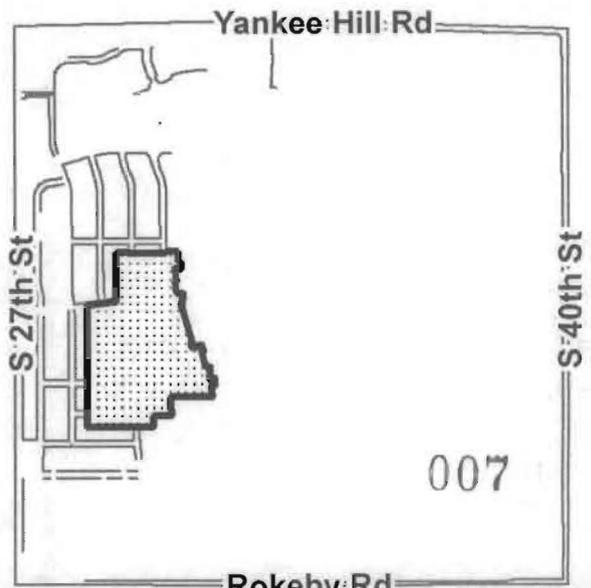
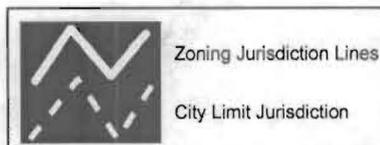
2007 aerial

Change of Zone #10010 S 27 St & Whispering Wind Blvd

Zoning:

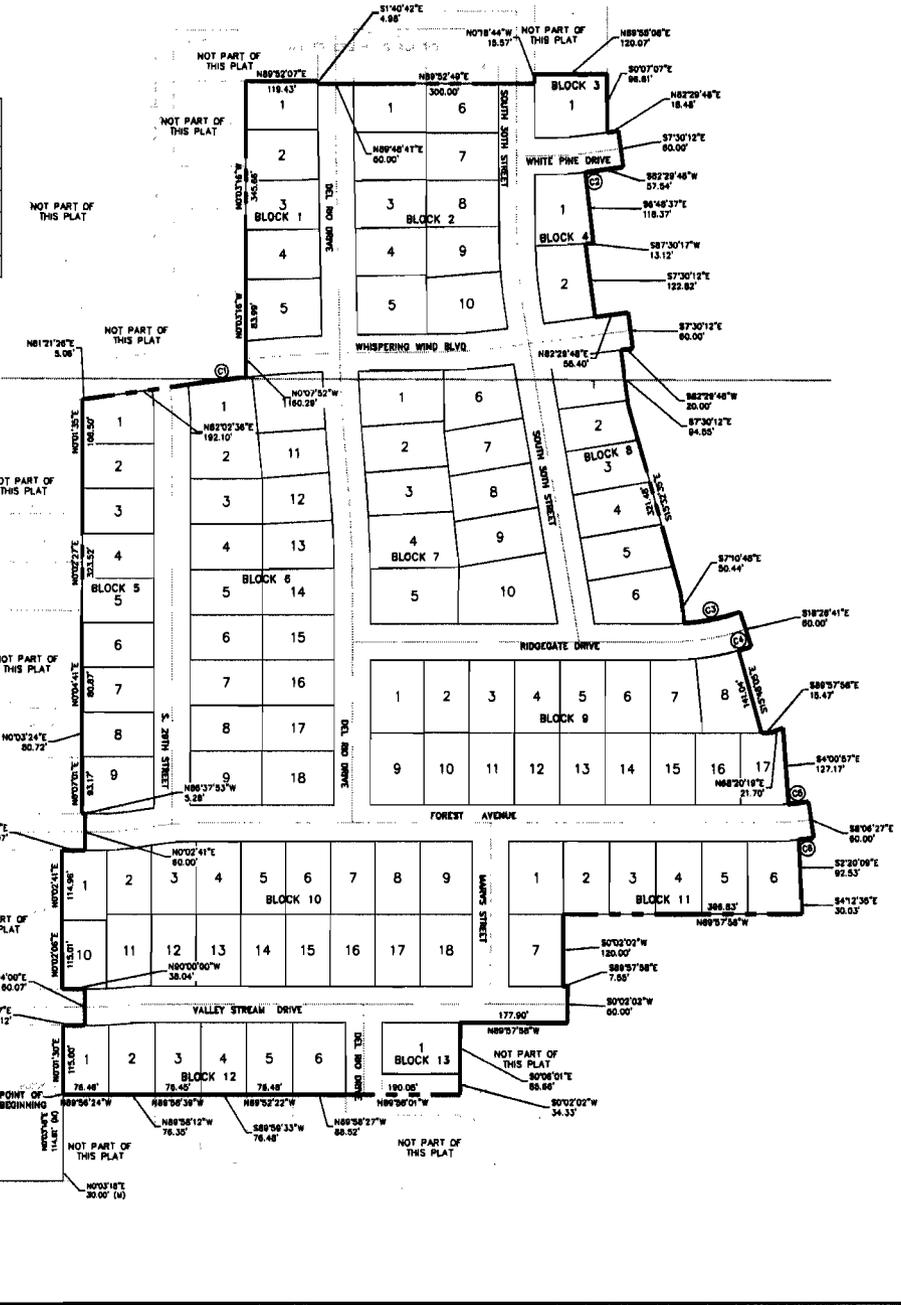
R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	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. 30 T09N R07E



COMMENCING AT THE SOUTHWEST CORNER OF SECTION 30, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 8TH P.M., CITY OF LINCOLN, LANCASTER COUNTY, NEBRASKA; THENCE N00°00'47"W (AN ASSUMED BEARING) ON THE WEST LINE OF SAID SECTION 30 A DISTANCE OF 1310.88 FEET; THENCE S88°57'58"E A DISTANCE OF 658.40 FEET; THENCE N00°03'18"E A DISTANCE OF 30.00 FEET TO THE SOUTHEAST CORNER OF LOT 2, BLOCK 6, WILDERNESS HILLS 1ST ADDITION; THENCE N00°03'18"E A DISTANCE OF 114.81 FEET ALONG THE EAST LINE OF LOT 2, BLOCK 6, WILDERNESS HILLS 1ST ADDITION TO THE NORTHEAST CORNER OF SAID LOT 2 AND THE POINT OF BEGINNING; THENCE N00°01'30"E A DISTANCE OF 115.00 FEET; THENCE S89°54'17"E A DISTANCE OF 38.12 FEET; THENCE N00°04'00"E A DISTANCE OF 80.07 FEET; THENCE N00°00'00"W A DISTANCE OF 38.04 FEET; THENCE N00°02'08"E A DISTANCE OF 115.01 FEET; THENCE N00°03'17"E A DISTANCE OF 114.88 FEET; THENCE S89°57'17"E A DISTANCE OF 38.07 FEET; THENCE N00°02'11"E A DISTANCE OF 80.00 FEET; THENCE N88°37'53"W A DISTANCE OF 5.28 FEET; THENCE N00°07'01"E A DISTANCE OF 93.17 FEET; THENCE N00°03'24"E A DISTANCE OF 80.72 FEET; THENCE N00°04'41"E A DISTANCE OF 80.87 FEET; THENCE N00°02'27"E A DISTANCE OF 323.52 FEET; THENCE N00°01'35"E A DISTANCE OF 108.50 FEET; THENCE N81°21'28"E A DISTANCE OF 5.06 FEET; THENCE N82°02'36"E A DISTANCE OF 192.10 FEET; THENCE ON A CURVE TO THE RIGHT, HAVING A RADIUS OF 1970.00 FEET, AND A LENGTH OF 77.65 FEET, BEING SUBTENDED BY A CHORD OF N83°08'18"E A DISTANCE OF 77.65 FEET; THENCE N00°07'52"W A DISTANCE OF 80.29 FEET; THENCE N00°03'18"W A DISTANCE OF 83.98 FEET; THENCE N00°03'18"W A DISTANCE OF 345.86 FEET; THENCE N89°52'07"E A DISTANCE OF 119.43 FEET; THENCE S01°40'42"E A DISTANCE OF 4.98 FEET; THENCE N88°48'47"E A DISTANCE OF 80.00 FEET; THENCE N89°52'48"E A DISTANCE OF 300.00 FEET; THENCE N00°18'44"W A DISTANCE OF 15.57 FEET; THENCE N89°55'08"E A DISTANCE OF 120.07 FEET; THENCE S00°07'07"E A DISTANCE OF 96.81 FEET; THENCE N82°29'48"E A DISTANCE OF 18.48 FEET; THENCE S07°30'12"E A DISTANCE OF 80.00 FEET; THENCE S82°29'48"W A DISTANCE OF 57.54 FEET; THENCE ON A CURVE TO THE RIGHT, HAVING A RADIUS OF 480.00 FEET, AND A LENGTH OF 5.81 FEET, BEING SUBTENDED BY A CHORD OF S82°50'38"W A DISTANCE OF 5.81 FEET; THENCE S08°48'37"E A DISTANCE OF 118.37 FEET; THENCE S87°30'17"W A DISTANCE OF 13.12 FEET; THENCE S07°30'12"E A DISTANCE OF 122.82 FEET; THENCE N82°29'48"E A DISTANCE OF 55.40 FEET; THENCE S07°30'12"E A DISTANCE OF 80.00 FEET; THENCE S82°29'48"W A DISTANCE OF 20.00 FEET; THENCE S07°30'12"E A DISTANCE OF 94.55 FEET; THENCE S19°32'35"E A DISTANCE OF 321.48 FEET; THENCE S07°10'48"E A DISTANCE OF 50.44 FEET; THENCE ON A CURVE TO THE LEFT, HAVING A RADIUS OF 370.00 FEET, AND A LENGTH OF 94.84 FEET, BEING SUBTENDED BY A CHORD OF N78°53'00"E A DISTANCE OF 94.84 FEET; THENCE ON A CURVE TO THE LEFT, HAVING A RADIUS OF 430.00 FEET, AND A LENGTH OF 22.17 FEET, BEING SUBTENDED BY A CHORD OF S73°01'57"W A DISTANCE OF 22.17 FEET; THENCE S19°48'06"E A DISTANCE OF 141.04 FEET; THENCE S89°57'58"E A DISTANCE OF 15.47 FEET; THENCE N88°20'19"E A DISTANCE OF 21.70 FEET; THENCE S04°00'57"E A DISTANCE OF 127.17 FEET; THENCE ON A CURVE TO THE LEFT, HAVING A RADIUS OF 470.00 FEET, AND A LENGTH OF 33.58 FEET, BEING SUBTENDED BY A CHORD OF N83°58'18"E A DISTANCE OF 33.58 FEET; THENCE S08°08'27"E A DISTANCE OF 80.00 FEET; THENCE ON A CURVE TO THE RIGHT, HAVING A RADIUS OF 530.00 FEET, AND A LENGTH OF 24.80 FEET, BEING SUBTENDED BY A CHORD OF S83°14'00"W A DISTANCE OF 24.80 FEET; THENCE S02°20'09"E A DISTANCE OF 92.53 FEET; THENCE S04°12'35"E A DISTANCE OF 30.03 FEET; THENCE N89°57'58"W A DISTANCE OF 396.83 FEET; THENCE S00°02'02"W A DISTANCE OF 120.00 FEET; THENCE S89°57'58"E A DISTANCE OF 7.55 FEET; THENCE S00°02'02"W A DISTANCE OF 177.00 FEET; THENCE S00°08'01"E A DISTANCE OF 85.86 FEET; THENCE S00°02'02"W A DISTANCE OF 34.33 FEET; THENCE N89°58'01"W A DISTANCE OF 190.08 FEET; THENCE N89°58'27"W A DISTANCE OF 88.52 FEET; THENCE N89°52'22"W A DISTANCE OF 78.48 FEET; THENCE S89°59'33"W A DISTANCE OF 78.48 FEET; THENCE N89°58'39"W A DISTANCE OF 78.45 FEET; THENCE N89°58'12"W A DISTANCE 78.35 FEET; THENCE N89°58'24"W A DISTANCE OF 78.48 FEET TO THE POINT OF BEGINNING, CONTAINING AN AREA OF 1,482,889.19 SQUARE FEET OR 33.579 ACRES MORE OR LESS.

CURVE TABLE					
CURVE NO.	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD LENGTH
C1	77.65	1870.00	2°15'30"	N83°08'18"E	77.65
C2	5.81	480.00	0°41'35"	S82°50'38"W	5.81
C3	94.84	370.00	14°39'21"	N78°53'00"E	94.84
C4	22.17	430.00	2°57'17"	S73°01'57"W	22.17
C5	33.58	470.00	4°05'29"	N83°58'18"E	33.58
C6	24.80	530.00	2°40'53"	S83°14'00"W	24.80



D:\Civil 3D Projects\05049 4th\Design Sheets\Final Plat\05049 FP Plan.dwg
 USER: lsummers
 DATE: Apr 05, 2010 8:45am
 XREFS: 05049 4th Base
 E Surrounding Areas

EDC
 Engineering Design Consultants
 1021 D Street, Lincoln, NE 68502
 402-438-4014 • Fax 402-438-4026

WILDERNESS HILLS 4TH ADDITION
 LINCOLN, NEBRASKA
ZONING EXHIBIT

Drawn By: LAS
 Dwg: 05049 FP Plan.dwg
 Date: 04/01/2010
 Job #: 05-049
SHEET 1 OF 1



Application Information	
Application #	0210919 Title WILDERNESS HILLS 4TH ADDITION
Associated Requests	AN10003

Planning Department Use Only	
Submission Date	4/5/2010 Review Due 4/15/2010
Project Planner	Christy Eichorn

Review Comments	
Planning	<input checked="" type="radio"/> Corrections Needed for Review <input type="radio"/> Insufficient Information for Review <input type="radio"/> Recommend Denial <input type="radio"/> Recommend Approval with Conditions <input type="radio"/> Recommend Approval <input type="radio"/> No Review Required Review 1: See Staff Report. Affidavit of correction is in process for Lot 52 I.T. When this is corrected then Lot 52 I.T. will be spit in to two pieces. One will be a 10.01 acre parcel known as Lot 53 I.T.
Building & Safety (Mike Petersen)	Corrections Needed for Review Insufficient Information for Review Recommend Denial Recommend Approval with Conditions Recommend Approval * No Review Required Review 1:
Building & Safety (Terry Kathe)	Corrections Needed for Review Insufficient Information for Review Recommend Denial Recommend Approval with Conditions Recommend Approval * No Review Required Review 1:
County Engineer (Ken Schroeder)	Corrections Needed for Review Insufficient Information for Review Recommend Denial Recommend Approval with Conditions * Recommend Approval No Review Required Review 1:
County Health (Chris Schroeder)	Corrections Needed for Review Insufficient Information for Review Recommend Denial Recommend Approval with Conditions * Recommend Approval No Review Required

009

	Review 1:	
County Sheriff (Capt Don E Young)	<p>Corrections Needed for Review Insufficient Information for Review Recommend Denial * Recommend Approval with Conditions Recommend Approval No Review Required</p> <p>Review 1:</p>	
Development Review Manager (Steve Henrichsen)	<p>Corrections Needed for Review Insufficient Information for Review Recommend Denial * Recommend Approval with Conditions Recommend Approval No Review Required</p> <p>Review 1: Revisions to change of zone legal needed.</p>	
Emergency Communications (Kelly Davila)	<p>Corrections Needed for Review Insufficient Information for Review Recommend Denial Recommend Approval with Conditions Recommend Approval No Review Required</p> <p>Review 1:</p>	
Emergency Communications (Tara Garza)	<p>Corrections Needed for Review Insufficient Information for Review Recommend Denial Recommend Approval with Conditions * Recommend Approval No Review Required</p> <p>Review 1:</p>	
Fire Department (Richard Furasek)	<p>Corrections Needed for Review Insufficient Information for Review Recommend Denial Recommend Approval with Conditions Recommend Approval No Review Required</p> <p>Review 1: The only issue we have is the lack of Fire facilities in the area that does not allow us to provide a timely emergency response that our citizens have grown accustomed to receive.</p>	
Law Department (Rick Peo)	<p>Corrections Needed for Review Insufficient Information for Review Recommend Denial Recommend Approval with Conditions Recommend Approval * No Review Required</p> <p>Review 1:</p>	
Lincoln Police Department (Sgt Don Scheinost)	<p>Corrections Needed for Review Insufficient Information for Review Recommend Denial Recommend Approval with Conditions * Recommend Approval No Review Required</p> <p>Review 1: The Lincoln Police Department does not object to this application.</p>	
Public Works (Buff Baker)	<p>Corrections Needed for Review Insufficient Information for Review Recommend Denial Recommend Approval with Conditions * Recommend Approval No Review Required</p> <p>Review 1:</p>	

<p>Public Works (Dennis Bartels)</p>	<p>Corrections Needed for Review Insufficient Information for Review Recommend Denial Recommend Approval with Conditions * Recommend Approval No Review Required</p> <p>Review 1:</p>
<p>School District - Lincoln (Scott Wieskamp)</p>	<p>Corrections Needed for Review Insufficient Information for Review Recommend Denial Recommend Approval with Conditions Recommend Approval No Review Required</p> <p>Review 1:</p>
<p>United States Post Office (Kerry Kowalski)</p>	<p>Corrections Needed for Review Insufficient Information for Review Recommend Denial * Recommend Approval with Conditions Recommend Approval No Review Required</p> <p>Review 1: Recommend Approval provided the developer agrees to purchase and install Centralized Box Units (CBUs) for this addition.</p>
<p>Public Works (Steve Titus)</p>	<p>Corrections Needed for Review Insufficient Information for Review Recommend Denial Recommend Approval with Conditions * Recommend Approval No Review Required</p> <p>Review 1: The only thing I see is that C9 in the curve table doesn't match to C8 curve dat in mis 10004. They are bothe thesame segment of curve but it is outside of the requested area.</p>