

City Council Introduction: **Monday**, July 15, 2013  
Public Hearing: **Monday**, July 22, 2013, at **3:00** p.m.

Bill No. 13-80

## **FACTSHEET**

**TITLE:** **CHANGE OF ZONE NO. 13011**, from AG Agriculture District to R-3 Residential District, requested by Lincoln Federal Bancorp, Inc., on property generally located northeast of South 27<sup>th</sup> Street and Rokeby Road.

**SPONSOR:** Planning Department

**BOARD/COMMITTEE:** Planning Commission  
Public Hearing: Consent Agenda: 06/26/13  
Administrative Action: 06/26/13

**STAFF RECOMMENDATION:** Approval.

**RECOMMENDATION:** Approval (7-0: Beecham, Cornelius, Corr, Hove, Lust, Scheer and Sunderman voting 'yes'; Weber absent).

**ASSOCIATED REQUESTS:** Annexation No. 13002 (13-79)

### **FINDINGS OF FACT:**

1. This proposed change of zone request and the associated Annexation No. 13002 were heard at the same time before the Planning Commission.
2. This is a request for change of zone from AG Agriculture District to R-3 Residential District on approximately 42 acres, more or less, generally located northeast of South 27<sup>th</sup> Street and Rokeby Road, to accommodate the phased approach of the Wilderness Hills 1<sup>st</sup> Addition preliminary plat approved by the Planning Commission in 2006.
3. The staff recommendation to approve the change of zone request is based upon the "Analysis" as set forth on p.4-5, concluding that the area proposed to be annexed and rezoned is in conformance with the Comprehensive Plan and the approved preliminary plat. Infrastructure was addressed with a previous annexation agreement.
4. On June 26, 2013, 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 June 26, 2013, the Planning Commission agreed with the staff recommendation and voted 7-0 to recommend approval of the change of zone request.
6. On June 26, 2013, the Planning Commission also voted 7-0 to recommend approval of the associated Annexation No. 13002 (Bill #13-79).

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

**DATE:** July 8, 2013

**REVIEWED BY:** Marvin Krout, Director of Planning

**DATE:** July 8, 2013

**REFERENCE NUMBER:** FS\CC\2013\CZ13011+

**LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT**

**for JUNE 26, 2013 PLANNING COMMISSION MEETING**

**PROJECT #:** *Change of Zone No. 13011*  
Annexation No. 13002

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:** *From AG Agriculture to R-3 Residential*

**LOCATION:** Generally located northeast of S. 27<sup>th</sup> Street and Rokeby Road

**LAND AREA:** *Change of Zone is approximately 42 acres more or less*  
Annexation is approximately 24 acres more or less

**CONCLUSION:** This area was part of a preliminarily plat approved 2006. The proposed change of zone and annexation is in conformance with the approved Preliminary Plat.

<b>RECOMMENDATION:</b>	<b>Approval</b>
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**PROPOSED CITY COUNCIL DISTRICT ASSIGNMENT:** District #2

**GENERAL INFORMATION:**

**LEGAL DESCRIPTION:** See Attached

**EXISTING LAND USE:** Vacant

**SURROUNDING LAND USE AND ZONING:** AG Agriculture to the east, north and south and R-3 Residential (single family residential) to the west.

**HISTORY:**

1992 Special Permit #1443 approved for soil extraction along the west side of S. 40<sup>th</sup> Street, a portion of which lies within the boundaries of this preliminary plat.

March 1993 Special Permit #1450 approved for the operation of a golf practice facility at the southwest corner of S. 40<sup>th</sup> & Yankee Hill Road.

June 28, 2004 Special Permit #1999 approved for Wilderness Hills Community Unit Plan at the southeast corner of Wilderness Hills Blvd & S. 27<sup>th</sup> Street, west of this preliminary plat.

- November 7, 2005                    Use Permit #154A approved for Wilderness Hills Commercial Center and the southeast corner of S. 27<sup>th</sup> & Yankee Hill Road, adjacent to this preliminary plat.
- June 7, 2006                        Planning Commission approved a Preliminary Plat ( Wilderness Hills, 1<sup>st</sup> Addition ) for which this change of zone and annexation are based on. It covers most of this quarter section.
- December, 2008                    Wilderness Commons PUD was approved adjacent to the east side of the Preliminary Plat.
- December 22, 2009                An administrative amendment to the Wilderness Hills Community Unit Plan adjacent to the west and north of the Preliminary Plat was approved to remove a portion of the CUP and rezone it to H-4 for an auto dealership, and to move the R-5 lot for multifamily south of Crescent Drive. Related applications include CZ09025 and SP09022.

**COMPREHENSIVE PLAN SPECIFICATIONS:**

This area is in the Tier 1 Priority A on the 2040 Priority Growth Area Map (Page 12.6) and is shown as Future Urban Residential on the 2040 Lincoln Area Future Land Use Plan (Page 12.3)

**The ANNEXATION POLICY- page 12.14 of the 2040 Comprehensive Plan.**

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

The provision of municipal services must 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 should be predicated upon annexation of the area by the City. City annexation must occur before any property is provided with water, sanitary sewer, or other potential City services.

The areas within Tier I Priority A that are not annexed serve as the future urban area for purposes of annexation per state statute and are appropriate for immediate annexation upon final plat. These areas have approved preliminary plans.

To demonstrate the City's commitment to the urbanization of land in Tier I Priority B, the City should annex land that is contiguous to the City and generally urban in character, as well as land that is engulfed by the City. Land which is remote or otherwise removed from the limits of the City of Lincoln will not be annexed.

Annually the City should review for potential annexation all property in Priority B for which basic infrastructure is generally available or planned for in the near term.

Annexation generally implies the opportunity to access all City services within a reasonable period of time.

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 annexation of large projects may be done in phases as development proceeds.

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 annexation 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.

**UTILITIES:** Utilities are existing and available in the developed residential to the west.

**TRAFFIC ANALYSIS:** A traffic study was completed with the development and approval of the Use Permit and Preliminary Plat for this quarter section. Public Works and Utilities recommends approval of the Change of Zone and Annexation.

**PUBLIC SERVICE:** Lincoln Fire and Rescue recommends approval of this application with the understanding that elected officials and department directors need to develop plans for provisions for public safety near S. 27<sup>th</sup> Street and Rokeby Road. This area is approximately 6 minutes of travel from the nearest fire station and further from a police station.

**ENVIRONMENTAL CONCERNS:** Although the Annexation and Change of Zone are acceptable to the Public Works and Utilities Watershed Management Division, there is an unresolved issue of a road shown on the preliminary plat proposed to cross a channel mitigation site required by the U.S. Army Corps of Engineers (USACE) 404 permit. The fate of the road connection is important but the final resolution over the mitigation site is unclear at this time. The road connection may only be able to be made by the reconfiguration of the street network, or additional mitigation area being needed to further mitigate the road connection. Therefore it seems premature to approve final platting at this time when the configuration of the preliminary plat cannot be constructed and there is no solution or alternative identified. If the road connection is desired, Watershed Management would not recommend further final platting of this development.

**ANALYSIS:**

1. This is a combined staff report to annex approximately 25 acres of land more or less and rezone approximately 42 acres more or less from AG Agriculture to R-3 Residential.
2. This area was included in a Preliminary Plat approved by Planning Commission in 2006. The intent of the Preliminary Plat was to phase development. This annexation and change of zone is consistent with previous approvals.
3. As mentioned by the Watershed Management Division of Public Works and Utilities in the Environmental section above, there is a road connection on the preliminary plat that is shown crossing a wetland mitigation area. This wetland mitigation area is in the area

of this application but the mitigation of the road crossing will be handled at the time of final plat and should not impact this change of zone or annexation.

4. This application for a change of zone and annexation is in conformance with the Comprehensive Plan and the approved Preliminary Plat. Infrastructure was addressed with a previous annexation agreement and with the preliminary plat.

Prepared by:

Christy Eichorn, Planner  
402-730-8539  
ceichorn@lincoln.ne.gov

**DATE:** June 13, 2013

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

**CONTACT:** Engineering Design Consultants  
Pam Dingman  
1021 D Street  
Lincoln, NE 68502

**ANNEXATION NO. 13002  
and  
CHANGE OF ZONE NO. 13011**

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

**June 26, 2013**

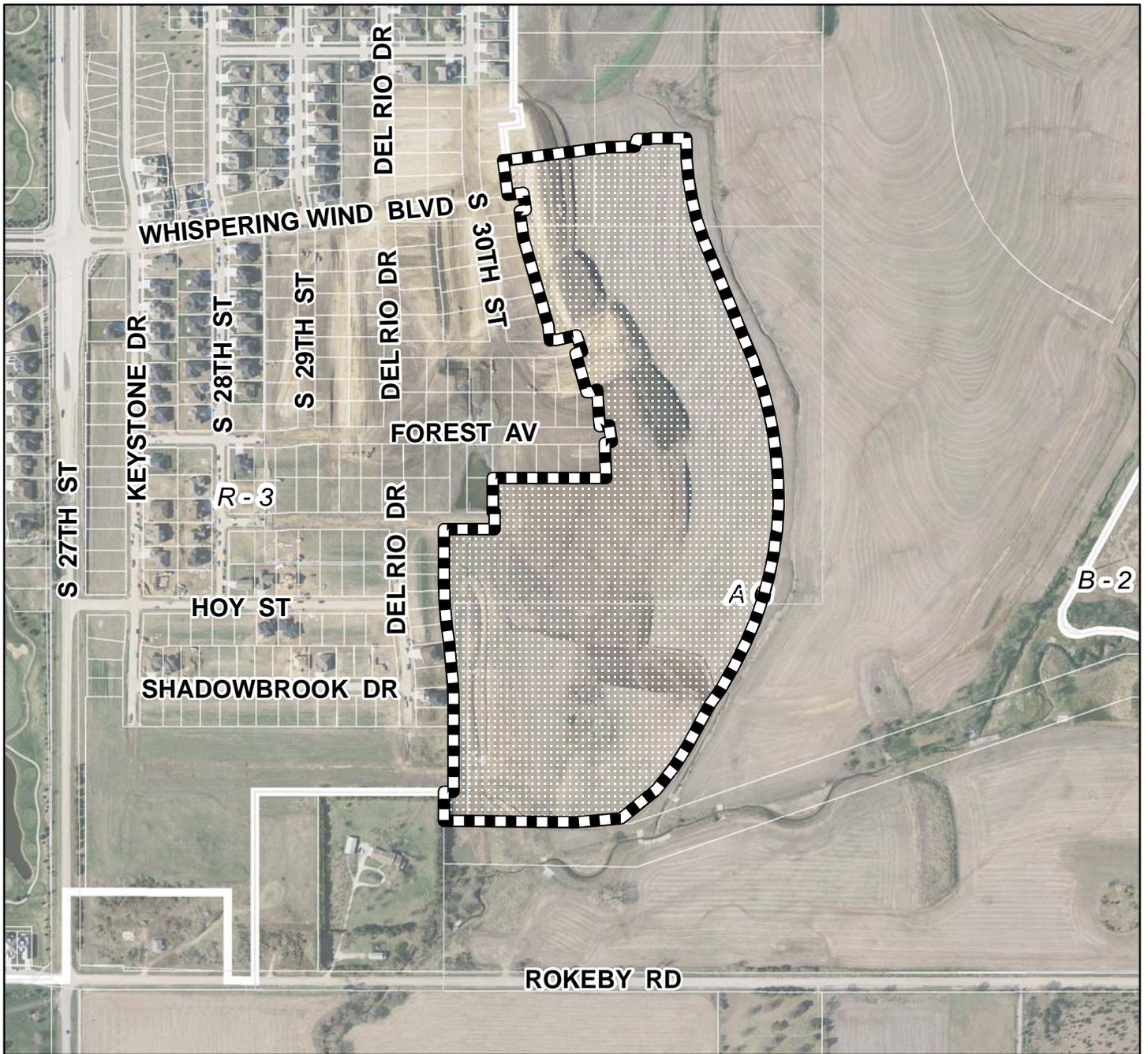
Members present: Beecham, Cornelius, Corr, Hove, Lust, Scheer and Sunderman; Weber absent.

The Consent Agenda consisted of the following items: **COMPREHENSIVE PLAN CONFORMANCE NO. 13003, ANNEXATION NO. 13002, CHANGE OF ZONE NO. 13011, TEXT AMENDMENT NO. 13007, TEXT AMENDMENT NO. 13009, COUNTY TEXT AMENDMENT NO. 13008, COUNTY TEXT AMENDMENT NO. 13010, USE PERMIT NO. 152A, COUNTY SPECIAL PERMIT NO. 13018 and SPECIAL PERMIT NO. 13020.**

There were no ex parte communications disclosed.

Lust moved approval of the Consent Agenda, seconded by Hove and carried 7-0: Beecham, Cornelius, Corr, Hove, Lust, Scheer and Sunderman voting 'yes'; Weber absent.

Note: This is final action on County Special Permit No. 13018 and County Special Permit No. 13020, unless appealed to the Lancaster County Board of Commissioners within 14 days.



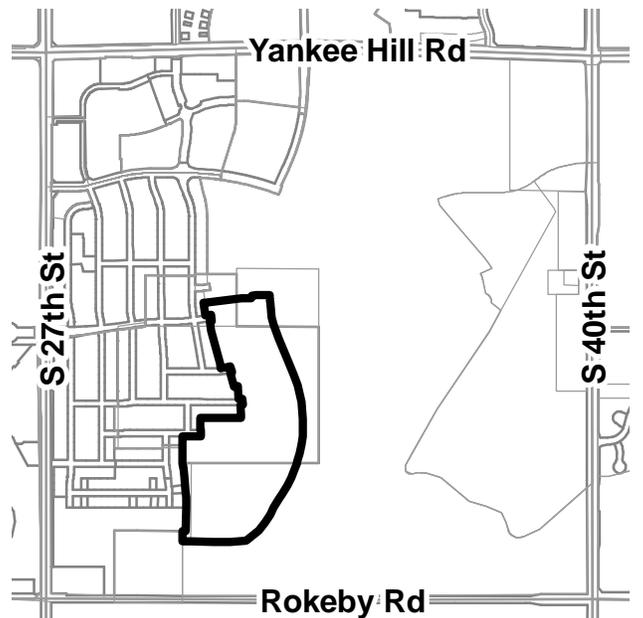
**Change of Zone #: CZ13011**  
**S 27th St & Rokeby Rd**  
**AG to R-3**

**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

2010 aerial



# PARCEL TO BE REZONED

A LEGAL DESCRIPTION OF A PARCEL OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 30 TOWNSHIP 9 NORTH RANGE 7 EAST OF THE SIXTH PRINCIPAL MERIDIAN, LANCASTER COUNTY NEBRASKA. SAID TRACT SHALL BE MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS.

COMMENCING AT THE SOUTH ¼ CORNER OF SECTION 30 TOWNSHIP 9 NORTH RANGE 7 EAST OF THE SIXTH PRINCIPAL MERIDIAN; THENCE N 00°02'54" E, ON THE EAST LINE OF THE SOUTHWEST QUARTER OF SECTION 30, A DISTANCE OF 2952.42 FEET; THENCE N 89°56'58" W, A DISTANCE OF 475.54 FEET, TO THE POINT OF BEGINNING. THENCE S 01°11'16" E, A DISTANCE OF 74.09'; THENCE S 05°16'05" E, A DISTANCE OF 71.01'; THENCE S 09°33'07" E, A DISTANCE OF 71.01'; THENCE S 13°50'09" E, A DISTANCE OF 71.01'; THENCE S 18°07'11" E, A DISTANCE OF 71.01'; THENCE S 21°53'03" E, A DISTANCE OF 74.55'; THENCE S 22°23'09" E, A DISTANCE OF 79.00'; THENCE S 22°23'09" E, A DISTANCE OF 79.00'; THENCE S 22°23'09" E, A DISTANCE OF 79.00'; THENCE S 22°22'20" E, A DISTANCE OF 150.00'; THENCE S 18°46'15" E, A DISTANCE OF 105.67'; THENCE S 14°41'41" E, A DISTANCE OF 82.61'; THENCE S 11°07'05" E, A DISTANCE OF 82.60'; THENCE S 07°32'30" E, A DISTANCE OF 82.60'; THENCE S 03°57'55" E, A DISTANCE OF 82.60'; THENCE S 00°23'18" E, A DISTANCE OF 82.62'; THENCE S 03°43'15" W, A DISTANCE OF 83.95'; THENCE S 07°49'45" W, A DISTANCE OF 82.91'; THENCE S 11°37'07" W, A DISTANCE OF 82.91'; THENCE S 15°24'30" W, A DISTANCE OF 82.91'; THENCE S 17°41'29" W, A DISTANCE OF 16.99'; THENCE S 19°35'10" W, A DISTANCE OF 65.92'; THENCE S 22°59'15" W, A DISTANCE OF 82.91'; THENCE S 26°46'37" W, A DISTANCE OF 82.91'; THENCE S 29°56'13" W, A DISTANCE OF 98.33'; THENCE S 35°16'01" W, A DISTANCE OF 62.87'; THENCE S 28°39'27" W, A DISTANCE OF 95.48'; THENCE S 28°39'27" W, A DISTANCE OF 75.03'; THENCE S 31°19'22" W, A DISTANCE OF 85.03'; THENCE S 39°17'35" W, A DISTANCE OF 102.32'; THENCE S 50°29'44" W, A DISTANCE OF 155.98'; THENCE S 85°18'13" W, A DISTANCE OF 160.32'; THENCE N 89°19'38" W, A DISTANCE OF 426.37'; THENCE N 00°04'17" E, ON THE EXTENDED WEST LINE OF LOT 51 IRREGULAR TRACT, A DISTANCE OF 328.20 FEET; THENCE N 00°02'56" W, ON THE EAST LINE OF LOT 1, BLOCK 2, WILDERNESS HILLS 2ND ADDITION, A DISTANCE OF 68.00'; THENCE N 00°15'54" W, ON THE EAST LINE OF LOT 1, BLOCK 2, WILDERNESS HILLS 2ND ADDITION, A DISTANCE OF 29.69'; THENCE N 01°36'34" W, ON THE EAST LINE OF LOT 1, BLOCK 2, WILDERNESS HILLS 2ND ADDITION, A DISTANCE OF 45.87'; THENCE N 04°25'39" E, ON THE EAST LINE OF LOT 1, BLOCK 1, WILDERNESS HILLS 3RD ADDITION, A DISTANCE OF 7.11 FEET; THENCE N 04°11'54" W, ON THE EAST LINE OF AID LOT 1, BLOCK 1, WILDERNESS HILLS 3RD ADDITION, A DISTANCE OF 53.12'; THENCE N 06°39'11" W, ON THE EAST LINE OF LOT 1, BLOCK 1, WILDERNESS HILLS 3RD ADDITION, A DISTANCE OF 15.11 FEET; THENCE N 06°39'11" W, ON THE EAST LINE OF LOT 3, BLOCK 2, WILDERNESS HILLS 2ND ADDITION, A DISTANCE OF 82.49'; THENCE N 06°54'10" W, ON THE EAST LINE OF LOT 4 BLOCK 2, WILDERNESS HILLS 2ND ADDITION, A DISTANCE OF 63.65'; THENCE N 06°17'24" W, ON THE EAST LINE OF LOT 5, BLOCK 2 WILDERNESS HILLS 2ND ADDITION, A DISTANCE OF 58.49'; THENCE N 02°59'19" W, ON THE EAST LINE OF LOT 6, BLOCK 2, WILDERNESS HILLS 2ND ADDITION, A DISTANCE OF 54.42'; THENCE N 00°01'31" W, ON THE EAST LINE OF LOT 7 AND 8, BLOCK 2, WILDERNESS HILLS 2ND ADDITION, A DISTANCE OF 128.91'; THENCE N 00°01'19" W, ON THE EAST LINE OF LOT 1, BLOCK 13, WILDERNESS HILLS 4TH ADDITION, A DISTANCE OF 85.64'; THENCE N 89°58'58" E, ON THE SOUTH RIGHT OF WAY OF VALLEY STREAM DRIVE, A DISTANCE OF 177.91'; THENCE N 00°02'21" W ON SAID WEST RIGHT OF WAY, A DISTANCE OF 59.86'; THENCE S 89°26'11" W, ON THE NORTH RIGHT OF WAY OF VALLEY STREAM DRIVE, A DISTANCE OF 7.50'; THENCE N 00°03'04" E ON THE WEST LINE OF LOT 7 BLOCK 11, WILDERNESS HILLS 4TH ADDITION, A DISTANCE OF 120.07'; THENCE S 89°57'54" E, ON THE NORTH LINE OF LOTS 2 THRU 6, BLOCK 11, WILDERNESS HILLS 4TH ADDITION, A DISTANCE OF 396.87'; THENCE N 04°19'08" W ON THE EAST LINE OF LOT 6, BLOCK 11, WILDERNESS HILLS 4TH ADDITION, A DISTANCE OF 29.82'; THENCE N 02°20'04" W ON THE EAST LINE OF LOT 6, BLOCK 11, WILDERNESS HILLS 4TH ADDITION, A DISTANCE OF 92.74'; THENCE ON A CURVE TO THE LEFT WITH AN ARC LENGTH OF 24.75', WITH A RADIUS OF 530.00', WITH A CHORD BEARING OF N 83°02'17" E, ON THE SOUTH RIGHT OF WAY OF FOREST AVENUE A CHORD LENGTH OF 24.75'; THENCE N 08°06'52" W, ON THE EAST RIGHT OF WAY OF FOREST AVENUE A DISTANCE OF 60.05'; THENCE ON A CURVE TO THE RIGHT WITH AN ARC LENGTH OF 33.57', WITH A RADIUS OF 470.00', WITH A CHORD BEARING OF S 83°51'48" W, ON THE NORTH RIGHT OF WAY OF FOREST AVENUE, A CHORD LENGTH OF 33.56'; THENCE N 03°58'37" W ON THE EAST LINE OF LOT 17, BLOCK 9, WILDERNESS HILLS 4TH ADDITION, A DISTANCE OF 127.11'; THENCE S 68°24'56" W, ON THE NORTH LINE OF SAID LOT 17, A DISTANCE OF 21.73'; THENCE N 89°55'10" W, ON THE NORTH LINE OF SAID LOT 7, A DISTANCE OF 15.43'; THENCE N 15°50'07" W, ON THE EAST LINE OF LOT 8, BLOCK 8 WILDERNESS HILLS 4TH ADDITION, A DISTANCE OF 141.07'; THENCE ON A CURVE TO THE LEFT WITH AN ARC LENGTH OF 22.16', WITH A RADIUS OF 430.00', WITH A CHORD BEARING OF N 72°59'15" E, ON THE SOUTH RIGHT OF WAY OF RIDGEGATE DRIVE, A CHORD LENGTH OF 22.16'; THENCE N 18°32'12" W, ON THE EAST RIGHT OF WAY OF SAID RIDGEGATE DRIVE, A DISTANCE OF 59.94'; THENCE ON A CURVE TO THE RIGHT WITH AN ARC LENGTH OF 94.63', WITH A RADIUS OF 370.00', WITH A CHORD BEARING OF S 78°58'37" W, ON THE NORTH RIGHT OF WAY OF RIDGEGATE DRIVE, A CHORD LENGTH OF 94.37'; THENCE N 06°45'31" W, ON THE WEST LINE OF LOT 6, BLOCK 8, WILDERNESS HILLS 4TH ADDITION, A DISTANCE OF 50.44'; THENCE N 15°37'24" W ON THE EAST LINE OF LOTS 5 THRU 2 BLOCK 8, WILDERNESS HILLS 4TH ADDITION, A DISTANCE OF 320.24'; THENCE N 07°32'31" W ON THE EAST LINE OF LOT 1, BLOCK 8, WILDERNESS HILLS 4TH ADDITION, A DISTANCE OF 95.72'; THENCE N 82°29'16" E ON THE SOUTH RIGHT OF WAY OF WHISPERING WIND BOULEVARD, DISTANCE OF 20.01'; THENCE N 07°25'16" E ON THE EAST RIGHT OF WAY OF SAID WHISPERING WIND BOULEVARD, A DISTANCE OF 60.02'; THENCE S 82°31'04" W, ON THE NORTH RIGHT OF WAY OF WHISPERING WIND BOULEVARD, A DISTANCE OF 55.40'; THENCE N 07°32'40" W, ON THE EAST LINE OF LOT 2, BLOCK 4, WILDERNESS HILLS 4TH ADDITION, A DISTANCE OF 122.82'; THENCE N 87°14'53" E, A DISTANCE OF 13.04'; THENCE N 82°48'50" E, A DISTANCE OF 355.67'; THENCE N 88°35'31" E A DISTANCE OF 94.20'; THENCE N 17°06'56" E A DISTANCE OF 27.40'; THENCE N 89°52'04" E A DISTANCE OF 43.61'; THENCE N 70°12'24" E A DISTANCE OF 8.69'; THENCE N 89°42'57" E A DISTANCE OF 120.00' TO THE POINT OF BEGINNING, AND CONTAINING A CALCULATED AREA OF 1,856,857.56 SQUARE FEET OR 42.628 ACRES MORE OR LESS.



1021 D Street, Lincoln, NE 68502  
402-438-4014 • Fax 402-438-4026

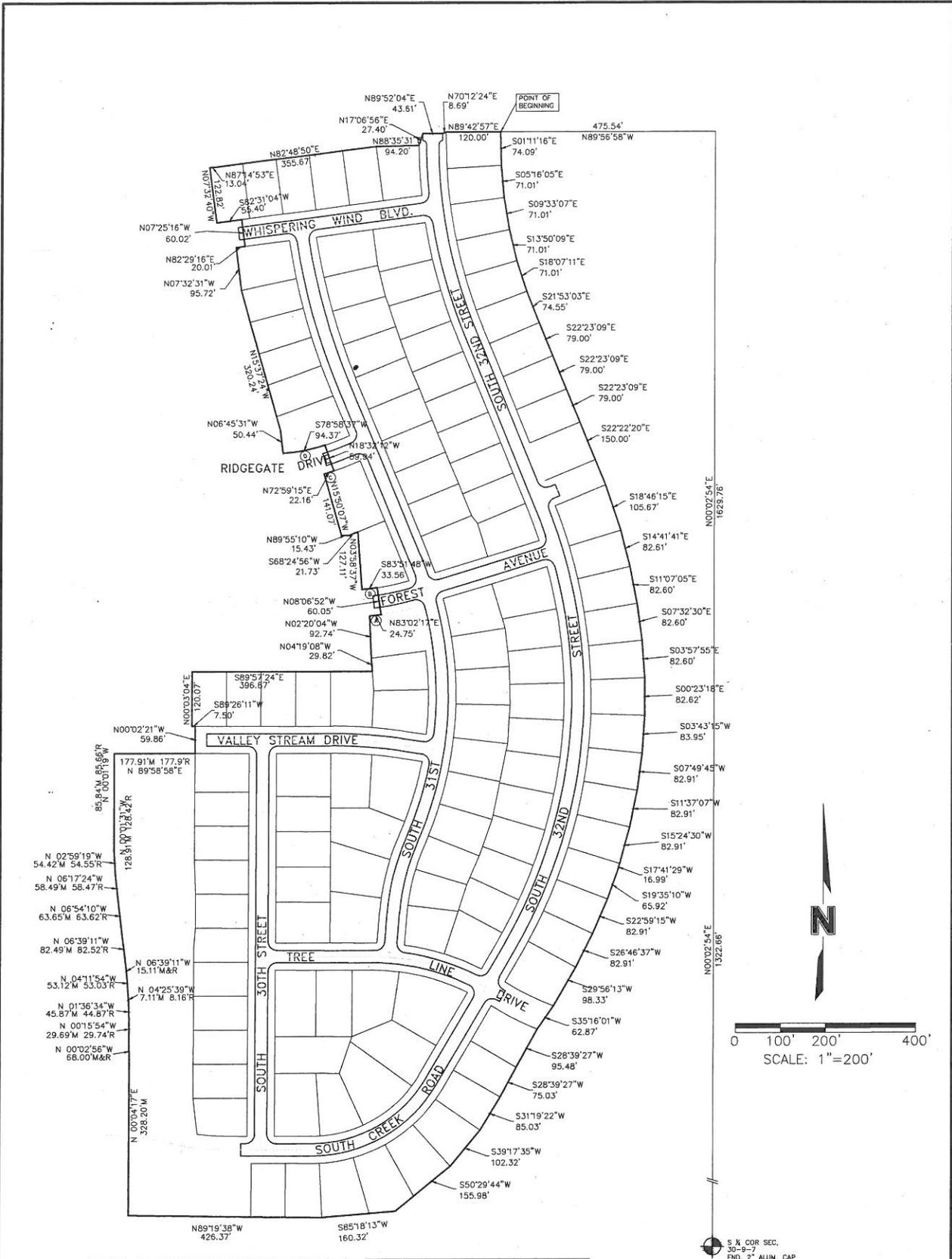
## Wilderness Hills 5th Addition REZONING BOUNDARIES

Lincoln, Nebraska

Drawn By: DAB  
Dwg.: 12050 FP Base.dwg  
Date: (04/23/2013)

SHEET  
2 OF 2

008



CURVE DATA					
CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
A	530.00'	24.75'	24.75'	N 83°02'17" E	2°40'34"
B	470.00'	33.57'	33.56'	S 83°51'48" W	4°05'31"
C	430.00'	22.16'	22.16'	N 72°59'15" E	2°57'11"
D	370.00'	94.63'	94.37'	S 78°58'37" W	14°39'15"



**Wilderness Hills 5th Addition  
REZONING BOUNDARIES**  
Lincoln, Nebraska

Drawn By: DAB  
Dwg.: 12050 FP Bose.dwg  
Date: (04/23/2013)

SHEET  
1 OF 2

009

1921 D Street, Lincoln, NE 68502  
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