

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for April 14, 2004 PLANNING COMMISSION MEETING

P.A.S.: County Change of Zone #04020

PROPOSAL: A change of zone from AG Agriculture to AGR Agricultural Residential

LAND AREA: 40.00 Acres, more or less

CONCLUSION: In conformance with the 2025 Comprehensive Plan.

RECOMMENDATION:

Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION: The N1/2 of the NE 1/4 and the S ½ of the NE 1/4 of the SW 1/4 of Section 4, T 10 N, R 5 E of the 6th P.M., Lancaster County NE.

LOCATION: Generally located at N. W. 105th Street and W. Fletcher Road.

EXISTING ZONING: AG Agriculture

EXISTING LAND USE: pasture

SURROUNDING LAND USE AND ZONING:

North: Ag land, zoned AG Agriculture,
South: Ag land, zoned AG Agriculture
East: Ag land, zoned AG Agriculture
West: Ag land, zoned AG Agriculture, Pawnee State Lake to the Southwest.

ASSOCIATED APPLICATIONS: None

HISTORY: Changed from County AA Rural and Public Use to AG Agriculture in the **1979** Zoning Update.

COMPREHENSIVE PLAN SPECIFICATIONS: This area is shown as Low Density Residential on the Land Use Plan (pg F 23). This is outside the Lincoln growth tiers. The 2025 Comprehensive Plan states:

Rural Lancaster County is in transition from an area of predominantly agricultural uses to an area which includes more residential uses. Balancing the strong consumer demand for country style living and the practical challenge of integrating acreages with traditional agricultural land use will

continue. **Lands previously designated in the Comprehensive Plan or zoned for low density residential development must be recognized.** (F69)

“Currently, acreage development has occurred under two development scenarios: AG - Agricultural District (minimum of 20 acres per lot area) and AGR - Agricultural Residential District (minimum of 3 acres per lot area) with the possibility in both AG and AGR zoning districts of clustering units together in order to preserve more open space and agricultural areas and/or receive additional density bonuses under a community unit development. The complex issue of acreage development and other public objectives requires a large array of land use strategies. (F70)

Acknowledge the “Right to Farm” and preserve areas for agricultural productions throughout the county by designating specific areas in advance for rural residential so as to limit areas of potential conflict between farms and acreages. (F70)

Specific areas will be designated so that approximately 6% of the total population in the County can be accommodated on acreages. Grouping acreages together in a specific area enables services to be provided more efficiently, such as reducing the amount of paved roads, fewer and shorter school bus routes and more cost effective rural water district service. Grouping also reduces the amount of potential conflict points between farm operations and acreages. (F70)

In determining areas of higher density rural acreage (200 units or more per square mile), numerous factors will be reviewed, such as but not limited to water and rural water districts, soil conditions, roads, agricultural productivity, land parcelization, amount of existing acreages, and plans for urban or town development. Acreages should develop in areas that best reflect the carrying capacity of that area for acreages. A performance criteria should be developed to review requests for acreage zoning and to determine where these standards can best be met. (F70)

Development of a performance standard “point system” will allow the location of higher density rural acreage development in either “AG” or “AGR” where the review criteria can be met. This allows equal treatment across the county, maximum freedom of determination of marketing and sale, while locating those developments only in those areas where sufficient “points” can be accumulated to justify the development at the requested location.” (F 71)

UTILITIES: No utilities are available

TOPOGRAPHY: Rolling hills, falling off to the south and west.

TRAFFIC ANALYSIS: N. 105th Street, W. Fletcher Avenue and W. Superior are gravel county roads. NW 112th St and W. Adams are paved and provide access to Pawnee Lake.

PUBLIC SERVICE: This area is served by the Malcolm School District, the Malcolm Rural Fire District, and is in the Norris Public Power District service area.

REGIONAL ISSUES: The location of acreage development and farming. Development around state lakes.

ENVIRONMENTAL CONCERNS: There are no Historic resources identified on this site. A state lake is about one quarter mile southwest of this site. There are no wetlands or flood plain on the site. There is native prairie adjacent to the north of this property and Nine Mile Prairie is located about 2 miles east. The soil rating is approximately 4.1 on a scale of 1 to 10, where 1-4 is prime soil. This is not prime, but is very good agriculture soil. No feeding operations were noted in the area.

AESTHETIC CONSIDERATIONS: NA

ALTERNATIVE USES: Two 20 acre parcels and two dwellings.

ANALYSIS:

1. This proposal is for a change of zone on a 40 acre parcel to allow future acreage development.
2. This parcel is shown for future acreage development in the 2025 Comprehensive Plan. It is in conformance with the Plan. Approval is presumed for areas already shown.
3. The Health Department notes ground water quality and quantity may be issues and a groundwater report is required. (This will be required at the time of subdivision).
4. The County Engineer notes this is not on a paved road or adjacent to existing development and recommends denial. (The closest paved road is 1/4 mile west).
5. Under the County Zoning, any AGR subdivision will require a special permit to address issues related to the State Lake proximity and any impacts (13.012).
6. Development potential of this land would be two dwelling units under the AG zoning and about thirteen dwellings under AGR zoning.
7. Some acreage review issues can be addressed in this report:
 - a) Water/rural water,
Ground water information is lacking for this parcel This is an area known for issues of quantity and quality water. This is not in a rural water district.

- b) Road access and paving,
The parcel abuts gravel county roads. There is pavement via NW 112th Street within 1/4 mile of this land.
 - c) Soil rating,
The soil is very good but not prime ag land of the county.
 - d) Development of the area/land parcelization,
The land in this area is in larger parcels of 20, 40 and 80 acres.
 - e) Existing acreages,
There is no acreage development in this immediate area. Smaller acreage development exists about one mile to the north and west.
 - f) Conflicting farm uses,
There are no farm feeding operation or other conflicting farm uses noted in a field check.
 - g) Environmental issues,
There are no known environmental issues with this land. There is a state lake to the southwest. Native prairie exists in the general area and is adjacent immediately to the north.
 - h) Impact on other governmental entities,
This will increase demand for service on the Sheriff, Rural Fire, School and others. The level of impact is not known.
 - i) Plans of other towns,
This is two and one half miles from the town of Malcolm and is not shown on any plans.
8. The raw score for this parcel, as proposed in the Performance Based Standards report, is 288.3. The staff proposed policy for acreage development in the county recommended a score of 300 to be eligible for support for an AGR zoning change that was not already shown for low density residential.

Prepared by:

Mike DeKalb, AICP, 441-6370, mdekalb@ci.lincoln.ne.us
Planner

March 31, 2004

APPLICANT: Kenneth Morrow
1676 Burr Street
Lincoln, NE 68502
(402) 580-2039

OWNER: Barry L Hemmerling, Trustee and
Allen L. Brandt, Trustee
393 Starmine Pl
Castle Rock, CO 80104

CONTACT: Kenneth Morrow
(402) 580 -2039



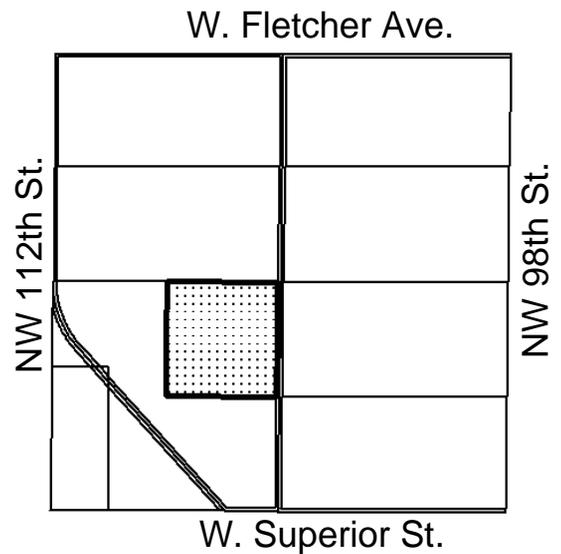
2002 aerial

County Change of Zone #04020 NW 105th & W. Fletcher Ave.

Zoning:

- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- R-C Residential Conservation District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial District
- B-4 Lincoln Center Business District
- B-5 Planned Regional Business District
- H-1 Interstate Commercial District
- H-2 Highway Business District
- H-3 Highway Commercial District
- H-4 General Commercial District
- I-1 Industrial District
- I-2 Industrial Park District
- I-3 Employment Center District
- P Public Use District

One Square Mile
Sec. 4 T10N R5E



Lancaster

DON R. THOMAS - COUNTY ENGINEER

County

Engineering

Department

DEPUTY- LARRY V. WORRELL
COUNTY SURVEYOR

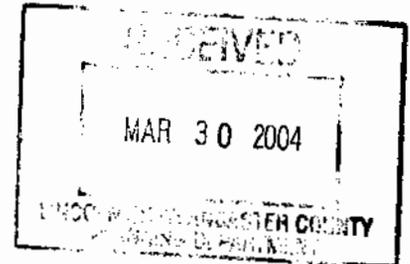


DATE: March 30, 2004
TO: Mike DeKaib
Planning Department
FROM: Larry V. Worrell 
County Surveyor
SUBJECT: CHANGE OF ZONE #04020
NW 105TH STREET AND WEST FLETCHER

Upon review, this office would have the following comments:

1. This small tract of land would not be conducive to planning a street network
2. Does not front to a paved road
3. Does not abut to another AGR area

Therefore, this office would recommend denial of a Change of Zone for this application.



LW/cm

ZONE/#4020 W Fletcher & NW 105th.Mem

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

TO: Mike DeKalb

DATE: March 29, 2004

DEPARTMENT: Planning

FROM: Chris Schroeder
Doug Smith

ATTENTION:

DEPARTMENT: Health

CARBONS TO: EH File

SUBJECT: Change of Zone #04020

EH Administration

NW 105th & Fletcher

Groundwater quantity and quality may be issues in this area. A groundwater report will be required. The report should address expected quantity based on the number of wells projected to be constructed in this area. The report should also address the expected water quality and water treatment that may be needed to provide acceptable water quality.

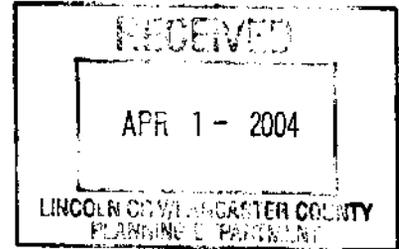


Nebraska Game and Parks Commission

2200 N. 33rd St. / P.O. Box 30370 / Lincoln, NE 68503-0370

Phone: 402-471-0641 / Fax: 402-471-5528 / <http://www.ngpc.state.ne.us/>

March 29, 2004



Mike DeKalb
Lincoln/Lancaster County Planning
555 S. 10th Street #213
Lincoln, NE 68508

RE: CZ# 04020, Change of Zone from "AG" to "AGR", Lancaster County

Dear Mr. DeKalb:

Nebraska Game and Parks Commission (NGPC) staff members have reviewed the information regarding the change of zone, CZ#04020. The change of zone from "AG" to "AGR" will apply to the N1/2, NE4, SW4, 4-10-5 and S1/2, NE4, SW4, 4-10-5. The project location is adjacent to Pawnee Lake State Recreation Area, an area owned and managed by NGPC. There is a shooting range on the State Recreation Area that is located approximately 1 mile south of the project location, and hunting is permitted on the area in season beginning after Labor Day. Management activities, such as prescribed burns may also occur on the State Recreation Area.

Please advise if plans change and further review is required. If you have any questions, please contact me at (402) 471-5423.

Sincerely,

Carey Grell
Environmental Analyst
Realty and Environmental Services Division