

April 28, 2004

S. 84th & Highway 2 (Southwest Corner):
Urban Residential and Commercial

Applicant	Location	Proposal
Peter Katt on behalf of Prairie Homes (Trustis Inc.)	South side of Highway 2, from 75 th Street to 84 th Street, north of Boone Trail and Amber Hill Road.	See Below:
<p>Recommendation: Change from Urban Residential to Commercial: Denial Change from Low Density Residential to Urban Residential: Approval Planning Department amendments to the Comprehensive Plan and Southeast Lincoln/ Highway 2 Subarea Plan: Approval</p>		

Status/Description

The application in February 2004 proposed a change in land use for approximately 70 acres owned by Saint Elizabeth’s, but optioned to Trustis Inc. (Prairie Homes). The original application also extended into the surrounding acreage subdivision. After further discussion with residents in the adjacent subdivisions, the applicant agreed to revise the land use proposal to eliminate the extended area. The revised application dated April 16, 2004, shown in **Exhibit A** proposes the following:

- 1) Change approximately 10 acres from Urban Residential to Commercial use designation on the eastern side of the property adjacent to 84th Street;
- 2) Change approximately 60 acres from Low Density Residential to Urban Residential use designation;

As a result of this application, the Planning Department proposes the following amendments:

- 3) Change approximately 60 acres from Low Density Residential to Urban Residential use designation, shown in **Exhibit B**; and
- 4) Amend the Comprehensive Plan and update the “Southeast Lincoln/ Highway 2 Subarea Plan”.

Prairie Homes’ proposal includes developing the Saint Elizabeth’s 70 acre parcel with approximately 200 to 240 single-family homes and townhomes. The applicant has held several meetings with the surrounding residents to outline the proposed development, and seek support for the approval of the Comprehensive Plan amendment. These meetings have been well attended. Attached are letters regarding the proposal from the surrounding neighbors.

In 2001, the City Council and County Board adopted the “Southeast Lincoln/ Highway 2 Subarea Plan.” At the time of approval, the land known as “**Saint E’s Tract**” was undeveloped and shown as approximately 60 acres of Low Density Residential and 10 acres of Urban Residential land use. The Comprehensive Plan states on page F 28, the following description for Low Density Residential land uses: *“Residential areas with densities ranging from 1 to 5 acres per dwelling unit, with a typical density of 3 acres per dwelling unit. Such residential developments are often referred to as acreages.”*

The surrounding properties are residential acreages, ranging in size from 3 to 5 acres per dwelling unit. These acreage subdivisions include Portsche Heights, Clarendon Hills and Amber Hill Estates. Each of these acreage subdivisions exhibit their own unique character through a mix of housing sizes, types and age. The character that combines these neighborhoods are large lots, gravel streets, rural ditches, and greater separation between homes.

In 2002, the City Council and County Board adopted the 2025 Lincoln/ Lancaster County Comprehensive Plan, along with new land use policy for acreage developments in the County. The Comprehensive Plan on page F 69 provide the following policy guidance; *“Lands previously designated in the Comprehensive Plan or zoned for low density residential development must be recognized.”* This policy, along with others in the Comprehensive Plan provides general guidance on where new acreage developments may be located in the County.

The Comprehensive Plan also states that property within Tier I – the City’s designated growth area over the 25-year planning period, should stay in its current use until future urbanization occurs. The Tier I growth area reflects the City’s Future Service Limit, where urban services and inclusion into the city limits are anticipated by 2025. The Saint E’s Tract is located in Tier I, and therefore is designated for near term development. The Comprehensive Plan section on Residential, page F 70 states the following policy regarding new acreages in the Tier I growth area:

“New urban acreage development is not encouraged in the Plan Vision Tier I areas for Lincoln, except for areas already zoned, previously designated for acreages or under development, in order to provide areas for future urban growth and to minimize the impact on new acreage development. This will reduce the number of acreage homeowners who would be impacted by annexation in the future. Even though acreages can be designed with infrastructure to city standards, there is still an impact on acreage owners and their families during annexation in terms of changes in school district, the character of the surrounding area and financial implications. Impacts to the acreage homeowners and to the City of Lincoln can be avoided by locating acreages in areas outside of the Tier I areas.”

The Comprehensive Plan states that new acreage developments should only be permitted in Tier II and III areas of Lincoln under a higher development standard based upon a “build-through” model. The Comprehensive Plan states that within Tier I, new acreage developments on land previously designated as Low Density Residential are allowed. However, the intent of this policy can be reasonably applied to the Tier I area, so that new acreages built on land shown as Low Density Residential, would also need to meet the build-through model.

The Build Through Acreage (BTA) standard has not yet been finalized and adopted, but their intent is shown on page F 70 of the Comprehensive Plan. These BTA developments would be designed in a manner so acreage subdivisions could easily accommodate higher density, by subdividing in phases and in an orderly fashion – from lower to higher densities.

The land uses adjacent to this square-mile have changed to greater intensity over the past 5 years. Located north of Highway 2, an office development is underway and Pine Lake Sanitary Improvement District was recently annexed by the City; and to the northeast the Heritage Lakes residential development and a large commercial center that includes Wal-Mart has opened. Future urban uses are planned to the west and south of Beals Slough. The Land Use Plan does not show any additional commercial uses along the Highway 2 corridor.

Comprehensive Plan Implications

The Comprehensive Plan and Southeast Lincoln/ Highway 2 Subarea Plan (referred to as Subarea Plan) provides the following policy guidance for reviewing this amendment.

The Comprehensive Plan stresses that new developments utilize the existing capacity of the urban infrastructure system. This policy strives to maximize the investment made on behalf of the City and its residents, and to most efficiently utilize its scarce financial resources. The Public Works and Utilities Department report that the Saint E's Tract is located in Tier I and can be served by City utilities already located in the general vicinity of the property. The City's Wastewater Treatment Facility has available capacity to serve this development. Public Works and Utilities reports that it would be necessary to build infrastructure through parts of the existing acreage development in order to provide adequate service and fire protection to the Saint E's Tract. This policy is located in the section on Community Form, page F 17 and states the following:

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

This amendment is a change to the approved general land use shown in the Comprehensive Plan and Subarea Plan. The Comprehensive Plan stresses that over time some land uses will change, and may transition from less-intense to higher-intense uses. The Land Use Plan provides just one of many sources of policy guidance, when evaluating changes in land use designations. When evaluating changes in land use, it is necessary to balance the community's overall benefit with the impact on existing neighborhoods. In this regard, the entirety of the Comprehensive Plan and the approved Subarea Plan should be utilized to provide policy guidance in determining requests to change land use. The Comprehensive Plan section on Community Form, page F 27 states the following:

"The land use plan displays the generalized location of each land use. It is not intended to be used to determine the exact boundaries of each designation. The area of transition from one land use is often gradual. The Comprehensive Plan also encourages the integration of compatible land uses, rather than a strict segregation of different land uses."

The Comprehensive Plan recognizes that adverse financial impacts may occur when new developments locate next to established neighborhoods. The policy included in the Comprehensive Plan states that new development should not cause a financial burden to surrounding residents, when they are not planning to develop at the same time.

The Comprehensive Plan section on Financial Resources, page 148 states the following:

“Minimize Impact on Those Who Are Not Developing Land: As much as possible, property owners should only be assessed or pay the improvement costs at the time they seek approval of development proposals or building permits. Financing mechanisms should not impact property owners in an area under development who don’t want to develop their land at that time. The community should grow in an orderly compact fashion and therefore infrastructure improvements should be made in a timely manner. Property owners need to be educated about the growth and infrastructure plans to reduce the elements of surprise and anger and to foster more informed personal planning decisions.”

Southeast Lincoln/ Highway 2 Subarea Plan Specifications

The purpose of this Subarea Plan is to provide a vision for the desired future for this region and to serve as a guide for review of future development proposals. The Comprehensive Plan states that the purpose of subarea planning is to identify and address issues at a scale that is much more refined and responsive to local needs than can be attained under the broader scope of the Comprehensive Plan. Still, some issues are better resolved at the time of submittal of a specific annexation, zoning or subdivision plans. The Subarea Plan identifies a number of related land use policies for the area included in this amendment. The Subarea Plan on page 9 states the following:

- ! *“Retention of Low Density Residential Character: the character of this area today is predominately low density residential. The Comprehensive Plan encourages preserving and respecting the character of the existing neighborhoods. The impact on existing areas should be a priority in all land use and transportation decisions in this area. The low density residential designation is kept on existing neighborhoods. In addition, the property on the southwest corner of 84th & Highway 2 should remain low density residential. It does not have a safe access point to either Highway 2 or 84th Street. This site is fully integrated into the land use and road pattern of the surrounding neighborhoods and due to the features of the site can be developed residentially.”*
- ! *“Changes from Low Density to Urban Residential: several vacant properties along Highway 2 are appropriate for urban residential. Development of residential is possible along Highway 2 and will retain the residential character of the area. Several of these properties have existing topography and trees which help screen the property from the highway while others may require additional screening.”*

The Subarea Plan on page 11 states the following:

- 5) *“On the southwest corner of 84th and Highway 2, property owned by St. Elizabeth’s has been designated as urban residential on the eastern portion. The western portion is designated as low density residential, which could be appropriate for development at a density of two dwelling units per acre if the adjacent road network were paved and urban utilities in place.”*

Land use decisions have a significant transportation impact. In the corridor from 48th to 98th Street along Highway 2 there is over 3.5 million square feet (including 1.9 million square feet at 84th to 91st Street along Highway 2) of existing or approved commercial space. This commercial space attracts a substantial amount of traffic. The Subarea Plan on page 35 states the following:

*“Traffic modeling makes it clear that developing **more than approximately 1.9 million SF** of commercial space at 84th and Highway 2 **would generate traffic volumes beyond the traffic capacity** of Highway 2 and 84th Street.”*

“All of these traffic numbers assume the south and east beltways being built. If the beltways were not built, significantly more traffic would be on Highway 2. The model also assumed that Highway 2 would keep its expressway characteristics of limited access points and traffic signals. Additional commercial access points and signals would diminish the traffic capacity of Highway 2.”

The development of the Saint E’s Tract represents many challenges. The property is located within the Tier I growth area and is under pressure to develop at a greater intensity than currently designated in the Comprehensive Plan. Prairie Homes has proposed to build single-family homes next to existing single-family homes. These house sizes would be similar in size and type with the existing acreage homes, but on a smaller lot. The Prairie Homes proposal would be in keeping with the mix of house sizes in the surrounding area. The transition from smaller urban-sized lots to acreage lots would occur primarily at the rear of houses. Prairie Homes has proposed to build at less than the allowable density permitted. More detailed site planning would be required to blend the existing and proposed developments together to minimize the impact on the acreage neighborhood. Balancing the goals of the Comprehensive Plan it is possible to design a site plan, if it included urban paving to mitigate traffic impacts for the Saint E’s Tract that would blend new housing with the existing neighborhood.

The Saint E’s Tract has no direct access to the arterial street system. The residential street system surrounding the Saint E’s Tract consists of county gravel roads. Gravel roads are not appropriate to carry additional traffic created by an urban subdivision. The transportation system should be upgraded to urban standards prior to any development approval being granted. In a general manner, urban residential development will increase traffic on adjacent streets, but a network of roads will disperse traffic to minimize the impact at any one location. There are concerns from neighbors that several intersections with the arterial road system are unsafe – these include S. 75th Street and Pine Lake Road; Pine Lake Road and Highway 2; and, along S. 70th Street.

The Comprehensive Plan states that public park facilities should be located within walking distance to residents. The City Parks and Recreation Department reports that there is no neighborhood park within walking distance of the area proposed for urban residential development. The Parks and Recreation Department recommends that a park meeting the standards in the Comprehensive Plan should be provided to serve this development. The Saint E’s Tract is surrounded by acreages and major arterial roads. If this property were developed as a typical urban subdivision, a public park facility would be needed to serve the areas recreation needs. The Comprehensive Plan section on Community Form, page F 18 states the following:

“A range of parks and open space, from tot-lots to ballfields, should be distributed within neighborhoods and be within walking distance of the residents.”

Conclusion

The Comprehensive Plan provides general guidance for land use decisions, and approval of general land use changes does not imply approval of specific development concepts. The applicant has met extensively with the surrounding property owners over the past months to discuss his development proposal and listened to the neighborhood's issues and concerns. While some specific issues have been addressed between the neighborhood and the applicant, these agreements are not included with this amendment.

The request for a change from Urban Residential to Commercial use is **not** in conformance with the goals of the Comprehensive Plan and should be **denied**. Numerous requests have been received for additional commercial use designations along Highway 2, these requests have been consistently denied in the past. Any additional commercial uses would have a significant impact to capacity of the transportation system along Highway 2. The applicant has not submitted any traffic information that would justify approval of commercial use at 84th and Highway 2.

The request for a change from Low Density Residential to Urban Residential use is in conformance with the goals of the Comprehensive Plan and should be **approved**. While there are competing statements in the Comprehensive Plan and Subarea Plan, the provision of urban infrastructure and services to the Saint E's Tract is underway and planned for inclusion in the City limits. The Saint E's Tract can be served with City water and sewer in the near term and arterial roads are currently being designed for upgrading or are identified for improvement in the current Capital Improvement Program. The change in land use designation to Urban Residential fulfills several key policies as stated in Comprehensive Plan for undeveloped land in the Tier I growth area, and maximizes the investment of existing and planned urban infrastructure.

The development of the Saint E's Tract represents many challenges. The property is located within the Tier I growth area and is under pressure to develop at a greater intensity use than currently designated in the Comprehensive Plan. The property is surrounded by acreages, and has no direct access to the arterial street system. The residential street system surrounding the Saint E's Tract consists of county gravel roads. Gravel roads are not appropriate to carry additional traffic created by an urban subdivision. The transportation system should be upgraded to urban standards prior to any development approval being granted. Balancing the goals of the Comprehensive Plan it is possible to design a site plan, if it included urban paving to mitigate traffic impacts, for the Saint E's Tract that would blend new housing with the existing neighborhood.

If approved, urban development located on the Saint E's Tract should be served by multiple access points and include paved roads to an appropriate standard to disperse traffic. Due to the likelihood of surrounding acreages subdividing over the next 25-years, the street system between the arterial road system, acreages and the Saint E's Tract should be paved to an urban standard with curb and gutter. While county asphalt paved roads may serve the area initially, the long term impact of urban traffic on this type of pavement will shorten the life expectancy of the road – causing it to be replaced sooner than expected. This would place a further financial burden on the City and taxpayers when a new road and storm sewer system would be needed. It is recommended that the "main street routes" serving the Saint E's Tract be paved to urban road standards.

The request to amend the “Southeast Lincoln/Highway 2 Subarea Plan” is in conformance with the goals of the Comprehensive Plan and should be **approved**. The proposed Planning Department amendment (**Exhibit B**) reflects the applicant’s amendment for urban residential on the Saint E’s Tract, without the commercial designation on the east portion of the property. While it was initially proposed by the applicant and considered by the City to extend the urban residential designation into the acreage subdivision – this amendment would only change the Low Density Residential designation on the Saint E’s Tract. The City believes that this acreage subdivision will transition to a greater density over the next 25-years, and would favor the incremental subdividing of these acreages in the future. This area is shown within the City’s Future Service Limit, implying the provision of urban services and annexation within 25-years. Several acreages have the potential to be annexed in the near term, due to their proximity to existing and planned infrastructure. The acreage lots surrounding the Saint E’s Tract lend themselves well to further subdivision due to their large size. Also, several property owners have approached the Planning Department stating their intent to subdivide in the future. The following changes would update the Subarea Plan based upon previous actions, and the Planning Department’s proposed changes included with this amendment.

On **Figure 2** the amendments to the “Southeast Lincoln/Highway 2 Subarea Plan” are as follows:

- ! Change approximately 60 acres from Low Density Residential to Urban Residential land owned by Saint Elizabeth’s;
- ! Revise the location of “New Residential Street” east of S. 75th Street and west of 84th Street, north of Amber Hill Road and south of Portsche Lane;

(The following changes are from previously approved planning actions)

- ! Change from Low Density Residential to Urban Residential land use on land generally south of Beals Slough, north of Yankee Hill Road, between South 70th Street and Dunrovin Road;
- ! Change from Agricultural to Urban Residential land use on land generally south of Yankee Hill Road, between South 70th Street and 84th Street;
- ! Revise boundaries of “Park and Open Space” at approximately Ashbrook Drive and Hunter Ridge Road
- ! Revise location of “New Residential Street” west of the Pine Lake subdivision; and
- ! Revise location of “New Residential Street” along Pine Lake Road between Highway 2 and South 84th Street to show “Future Road Closing” between Westshore Drive and Eastshore Drive

Amend the Comprehensive Plan as follows:

1. Amend the “Lincoln/Lancaster County Land Use Plan”, figure on pages F 23 and F 25, to designate changes in land use as shown in **Exhibit B** on the following page, and change other maps accordingly;
2. Amend the “Future Parks” figure on page F 134 to show a Neighborhood Park in the general vicinity, south of Highway 2, west of 84th Street, and north of Beals Slough;

3. Amend the “Southeast Lincoln/Highway 2 Subarea Plan”, Figures 2 and 6 on pages 8 and 19, respectively, as listed above and shown on the following page; and
4. Amend the “Southeast Lincoln/Highway 2 Subarea Plan”, text on page 40 as shown below:

VI. Transportation

C. Residential

Future Needs

- As existing acreage developments are surrounded by urban development, or transition to greater residential densities by subdivision, the upgrading and improvement of key residential streets, including connections with arterial roads must be completed. Prior to development approval, these areas impacted by annexation or adjacent to new developments should have streets brought up to an acceptable standard to satisfaction of the City of Lincoln Public Works and Utilities Department.

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