

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT
for September 1, 2004 PLANNING COMMISSION MEETING

P.A.S.#: County Change of Zone #04053

PROPOSAL: Shanna Cole, for Wapiti Enterprises, has requested a Change of Zone from AG to AGR on property generally located at S.W. 40 and Rokeby Rd.

LAND AREA: 30.00 Acres, more or less, 28.27 net

CONCLUSION: Without an adopted rating standard in place, it is not possible to do a review and recommendation of the increased density as stated in the 2025 Comprehensive Plan. Based on the current information, a change of zone is not substantiated and this request should be denied.

<u>RECOMMENDATION:</u>	Denial of the Change of Zone
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GENERAL INFORMATION:

LEGAL DESCRIPTION: Lot 23, Irregular tract in the Northwest Quarter of Section 32, T9N, R6E, in the 6th P.M., Lancaster County, Nebraska.

LOCATION: Southeast of the corner of S.W. 40 and Rokeby Rd.

EXISTING ZONING: AG Agriculture in the Lancaster County Jurisdiction

EXISTING LAND USE: farm land/pasture

SURROUNDING LAND USE AND ZONING:

North: Agriculture, zoned AG, Yankee Hill Lake across the intersection to the northwest

South: Agriculture, zoned AG

East: Agriculture, zoned AG

West: Agriculture, zoned AG

ASSOCIATED APPLICATIONS: None

HISTORY: Changed from AA Rural and Public Use to AG Agriculture in the 1979 zoning update. A change of zone by the same applicant, to the east of this parcel, was denied in 1999.

COMPREHENSIVE PLAN SPECIFICATIONS: The 2025 Plan shows this as Agriculture, across the street from Environmental Resources. This is in the Lincoln growth Tier III, across the street from Tier II. The 2025 Comprehensive Plan states:

Currently, acreage development has occurred under two development scenarios: AG - Agricultural District (minimum of 20 acres per lot) and AGR - Agricultural Residential District (minimum of 3 acres per lot) 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 (pg F 70)

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 (pg F 70)

Retain the current overall density of 32 dwellings per square mile (20 acre) for all agriculturally zoned land. Provide for an ability to divide two 3 acre lots per "40" acre parcel with conditions and administrative review and right of appeal. This would allow more flexibility for parcel size while retaining the overall density and assist in retaining farmable units of land. (F 70)

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. (F 70)

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)

SPECIFIC INFORMATION:

UTILITIES: No water district. No water information was submitted. Norris Public Power is the electric provider.

TOPOGRAPHY: Rolling, draining to the east and a tributary to Cardwell Creek.

TRAFFIC ANALYSIS: This area is served by W. Rokeby Rd. and S. W. 40th Street. Both are gravel county roads and are not programmed or shown for improvement during the planning period. Pavement is two miles north or east.

PUBLIC SERVICE: This is in the S.W. Rural Fire District and School District 152. This is served by the Lancaster County Sheriffs Department. This is in the Norris Public Power District.

REGIONAL ISSUES: Expansion and location of the acreage areas. Protection of farming operations. Protection of State lakes.

ENVIRONMENTAL CONCERNS: There are no identified historic or ecological resources on this site. A small cemetery is located across the road to the north (Wesley chapel). The soil rating on this land is 5.5 on a scale of 1 to 10 where 1 to 4 are prime. This is not prime ag land. There is no FEMA mapped flood plain. No animal confinement was noted in the immediate area. Yankee Hill State Lake property is across the road to the northwest.

AESTHETIC CONSIDERATIONS: n/a

ALTERNATIVE USES: Continued agricultural use or one residential lot.

ANALYSIS:

1. This request is for a Change of Zone from AG to AGR on a 30 acre parcel.
2. Water information is not known.
3. This request is not in conformance with the Lincoln-Lancaster County Comprehensive Plan map which shows this as Agriculture. A point system for increased density has not been developed. However, the “raw score” run for this property is less than 0, where staff have suggested a score of 300 or more for consideration for a change of zone.
4. The change of zone to AGR would permit up to 9 dwellings. An AGR CUP with bonuses could permit 11 or 12 dwellings.
5. If approved, development of the AGR zoned area would have to comply with the special permit provisions for acreages within 1320' of a state lake of 30 acres or more. Those standards include such items as, 600 foot setbacks from the State property, property posting, water and wastewater information, lighting restrictions, spark arresters, planting buffers, antenna limits and acknowledgment of public use and activities.
6. Some acreage review issues can be addressed in this report:
 - a) Water/rural water,
There is no rural water district and no water report was provided
 - b) Road access and paving,
W. Rokeby Road and SW 40th Street are gravel county roads and are not proposed for improvement.

- c) Soil rating,
The soil is not prime ag land of the county.
- d) Development of the area/land parcelization,
The surrounding land in this area is in substantially larger parcels of 40 and 80 acres in area. To the northwest is Yankee Hill State Lake.
- e) Existing acreages,
There are no abutting acreage developments.
- f) Conflicting farm uses,
There are no conflicting farm uses noted in a field check.
- g) Environmental issues,
This is in the proximity of Yankee Hill State Lake.
- h) Impact on other governmental entities,
This will increase demand for service on the Sheriff, Rural Fire, School, Roads and others. The level of impact is not known.
- i) Plans of other towns,
NA

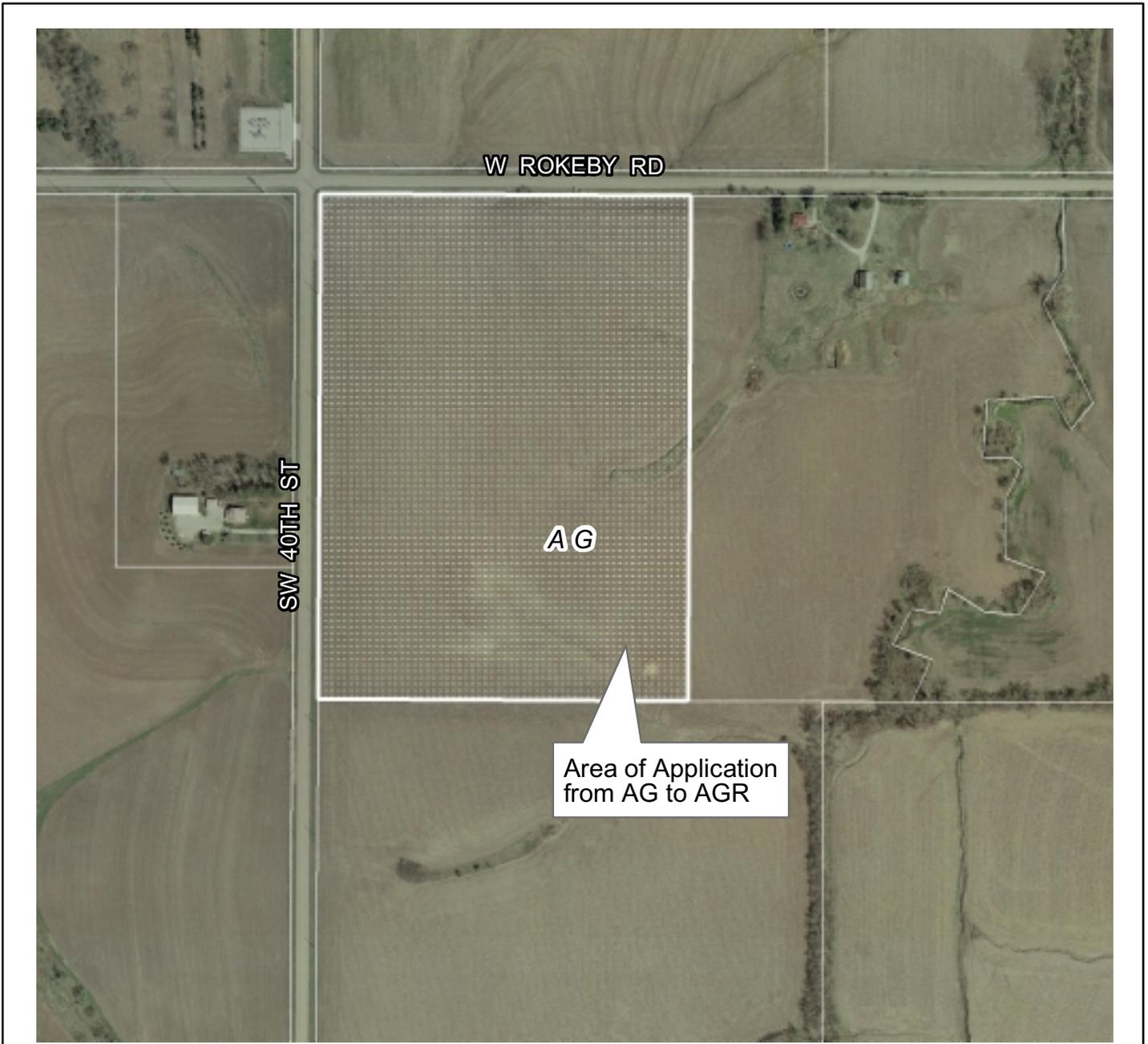
Prepared by:

Mike DeKalb, 441-6370, mdekalb@ci.lincoln.ne.us
Planner
August 15, 2004

APPLICANT: Mark Hunzeker/Shanna Cole
1045 Lincoln Mall, Suite 204
Lincoln, NE 68508
(402) 476-7621

CONTACT: same

OWNER: Wapiti Enterprises, Inc
10251 S.W. 27th Street,
Lincoln, NE 68423



2002 aerial

County Change of Zone #04053 SW 40th & W Rokeby Rd.

Zoning:

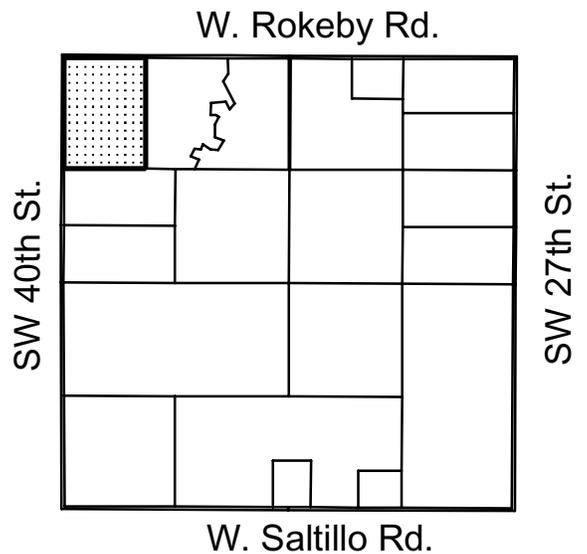
- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- R-C Residential Conservation District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned 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. 32 T9N R6E



Zoning Jurisdiction Lines

City Limit Jurisdiction



Pierson|Fitchett
LAW FIRM

1045 Lincoln Mall
Suite 200
P.O. Box 95109
Lincoln, NE 68509
(402) 476-7621
fax (402) 476-7465
www.pierson-law.com

Thomas J. Fitchett
Mark A. Hunzeker
William G. Blake
Peter W. Katt
William C. Nelson
David P. Thompson
Patrick D. Timmer
Randy R. Ewing
Shanna L. Cole
Jason L. Scott

August 5, 2004

Gary L. Aksamit
of Counsel

Lincoln-Lancaster County Planning Dept.
555 South 10th Street, Suite 213
Lincoln, Nebraska 68508

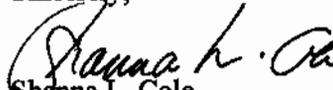
Re: *Change of Zone Application for Wapiti Enterprises*

To Whom It May Concern:

Attached is an application from Wapiti Enterprises for a change of zone from AG to AGR on property legally described as Lot Twenty-three (23), Irregular Tracts in the Northwest Quarter of Section 32, Township 9 North, Range 6 East of the 6th P.M., Lancaster County, Nebraska. I certify that Wapiti Enterprises is the owner of this property and the purpose of a request for a change of zone is acreage development.

If you have further questions or concerns, please feel free to contact me.

Sincerely,


Shanna L. Cole
For the Firm
scole@pierson-law.com

SLC:lh

Enclosure

(G:\WPData\Sc\Wapiti Planning Dept. 8-5.ltr.wpd)

Pierson, Fitchett, Hunzeker, Blake & Katt

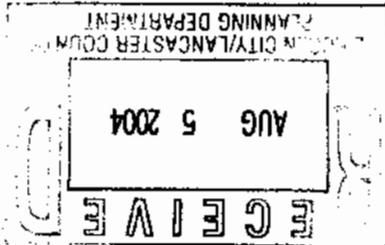


EXHIBIT "A"

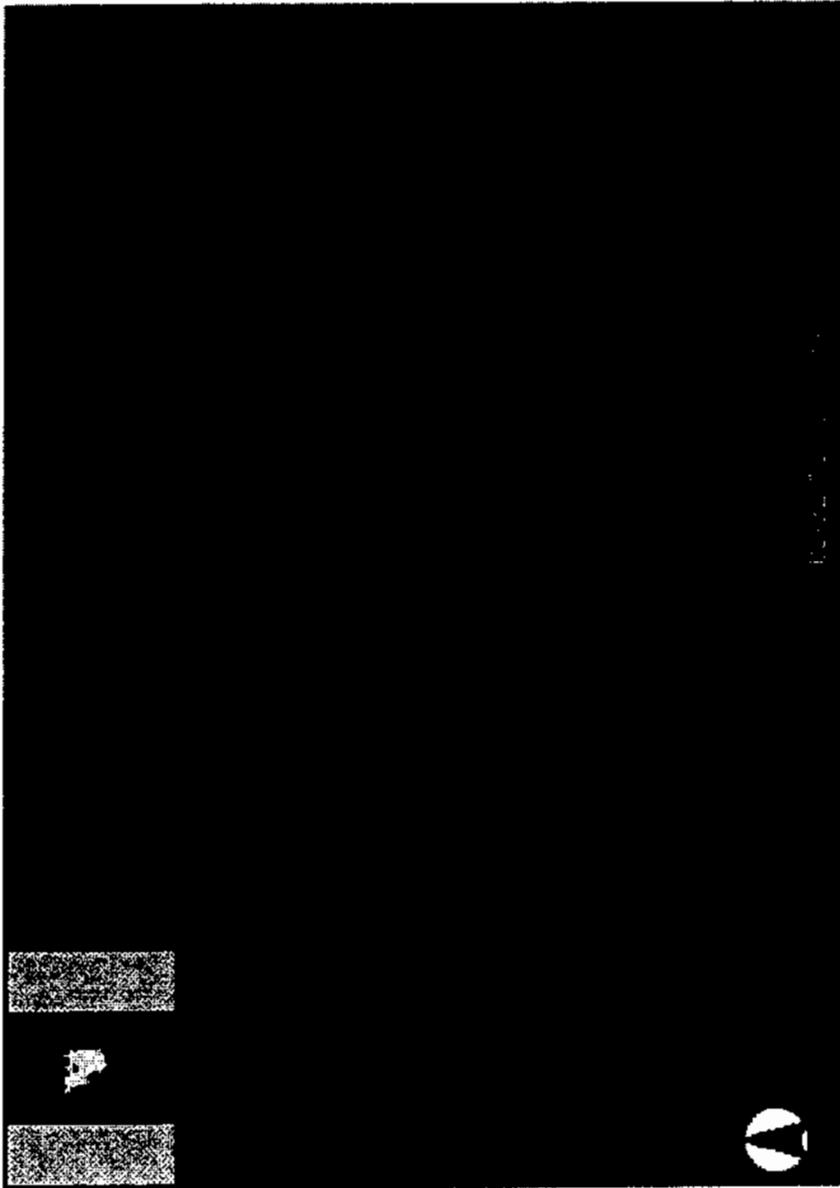
Lot Twenty-three (23), Irregular Tracts in the Northwest Quarter of Section
32, Township 9 North, Range 6 East of the 6th P.M., Lancaster County,
Nebraska

(G:\WPData\Sci\Wapiti Exhibit A.wpd)





ROBERT D.



Lancaster

DON R. THOMAS - COUNTY ENGINEER

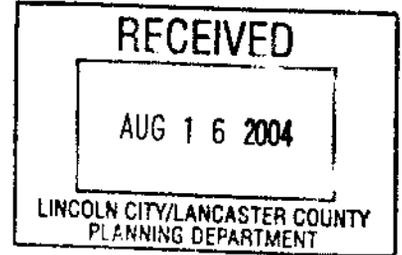
County

Engineering

Department

DEPUTY- LARRY V. WORRELL
COUNTY SURVEYOR

DATE: August 16, 2004
TO: Mike DeKalb
Planning Department
FROM: Larry V. Worrell 
County Surveyor
SUBJECT: CHANGE OF ZONE NO. 04053



Upon review, this office would not recommend approval for a change of zone for this application.

This office, on other occasions, has recommended denial for areas of this size. These small locations do not provide sufficient traffic circulation or connection for the future.

LVW/bml

Docs/Zone/Change of Zone #04053



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 / www.outdoornebraska.org

August 18, 2004

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

RE: CZ# 04053, 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#04053. The change of zone from "AG" to "AGR" for the purpose of acreage development will apply to Lot 23 in the Northwest Quarter of Section 32, T9N, R6E. The project is located in the southeast quadrant of the intersection of S.W. 40th Street and Rokeby Road. Yankee Hill State Wildlife Management Area, an area managed by NGPC, is located in the northwest quadrant of the intersection of S.W. 40th Street and Rokeby Road. Hunting is permitted on the Wildlife Management Area in season, and management activities, such as prescribed burns, may also occur on the 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

