

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

P.A.S.: Co. Change of Zone 209

DATE: September 03, 2002

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

LAND AREA: 41.3 Acres, more or less

CONCLUSION: Without a rating standard in place, it is not possible to do a review and recommendation as stated in the 2025 Comprehensive Plan, therefore, this application should be deferred until a review performance standard is developed. However, if action is desirable at this time, the evidence to date indicates the application should be denied.

<u>RECOMMENDATION:</u>	Deferral Denial if action is requested
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GENERAL INFORMATION:

LEGAL DESCRIPTION: A portion of Lot 9 I.T. in the NE 1/4 of Section 35, T 8 N, R 6 E of the 6th P.M., Lancaster County NE., metes and bounds description attached.

LOCATION: Generally located at S 12th Street (Hwy 77) and W. Sprague/Hickman Road.

APPLICANT: Yankee LLC
7000 Woody Creek Circle
Lincoln, NE 68516
(402) 423-0260

OWNER: Yankee LLC

CONTACT: Bruce Pester
7000 Woody Creek Circle
Lincoln, NE 68516
(402) 423-0260

EXISTING ZONING: AG Agriculture

EXISTING LAND USE: Farmland

SURROUNDING LAND USE AND ZONING:

North: Ag land , zoned AG Agriculture,

South: Ag land, zoned AG Agriculture

East: Ag land and one farmstead, zoned AG Agriculture

West: Ag land and a farm feeder operation, zoned AG Agriculture

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 Agricultural on the Land Use Plan (pg F 23) The 2025 Comprehensive Plan states:

“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: Not available. This area is outside the Lincoln future urban service area shown in the Comprehensive Plan. This is in the Lancaster County Rural Water District #1.

TOPOGRAPHY: Gently rolling hills, falling off to the north.

TRAFFIC ANALYSIS: West Sprague/Hickman Road, 1/8th mile north, is a paved county road. Limited access is available to S.12th Street, which is U.S. Highway 77/Homestead Expressway.

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

REGIONAL ISSUES: The location of acreage development and farming. Development along Hwy 77/ Homestead expressway.

ENVIRONMENTAL CONCERNS: There are no Historic or Ecological resources identified on this site. A Lake is one half mile southwest of this site. The soil rating is approximately 7.1 on a scale of 1 to 10, where 1-4 is prime soil. This is not prime agriculture soil.

AESTHETIC CONSIDERATIONS: NA

ALTERNATIVE USES: Farming or two 20+acre parcels.

ANALYSIS:

1. This proposal is for a change of zone to accommodate about 12 future 3 acre lots.
2. The 2025 Comprehensive Plan calls for a performance standard “point system” to review those applications for higher density that are not shown for acreage use. The performance standard has not been developed at this time.
3. The County Engineer notes roads do not connect to an existing road and this is not shown for acreage development.
4. The Health Department notes there is not much information on ground water in this area and additional information is needed.
5. Development potential of this land would be two dwelling units under the AG zoning and about 13 dwellings under AGR zoning.

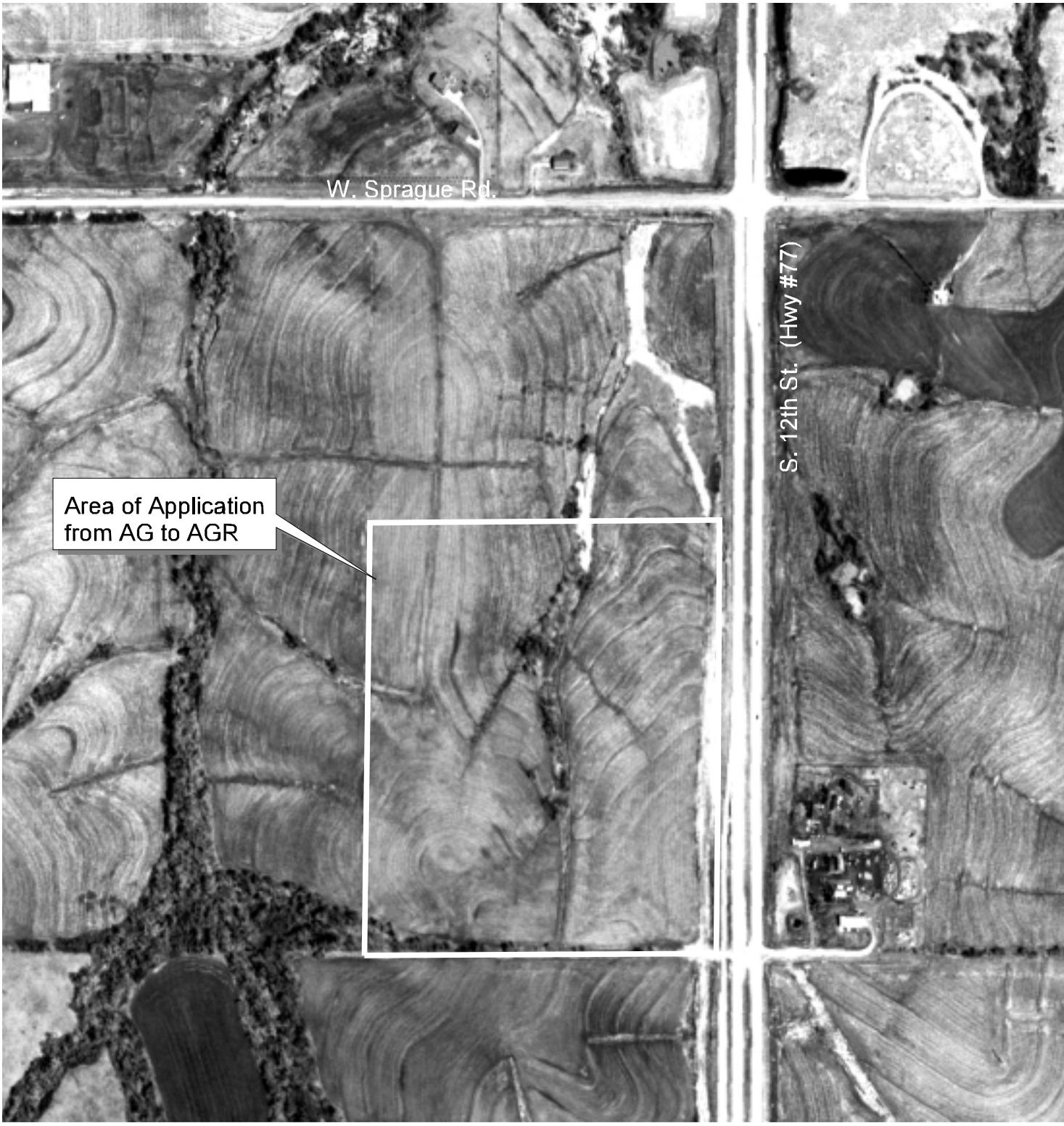
6. It appears that access to this parcel is limited to an access drive from Highway 77 to the southeast corner of this property. The access drive goes through the Department of Roads truck weigh station siding. It is not clear that this could be used for access to a subdivision.
7. The performance standard point system has not been developed nor a rating system accepted for review of these types of applications.
8. Some acreage review issues can be addressed in this report:
 - a) Water/rural water,
Ground water information is lacking, this is in the rural water district but the location and availability of service is unknown.
 - b) Road access and paving,
Highway 77 is a paved major access road but the ability to access this road for a subdivision is unknown. No other access to a public road is available.
 - c) Soil rating,
The soil is not prime ag land of the county. It is currently productive cultivated land.
 - d) Development of the area/land parcelization,
The land in this area is in substantially larger parcels of 40 and 80 acres in area.
 - e) Existing acreages,
There is little acreage development in this immediate area. Highway 77 has few acreages along its frontage at this location. There are no abutting acreage developments.
 - f) Conflicting farm uses,
There is a farm feeding operation across this section to the west. There were no other conflicting farm uses noted in a field check.
 - g) Environmental issues,
There are no known environmental issues with this land. There is no flood plain identified.

- 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 about two miles from the town of Sprague, no response was received from the town on this project.

9. Conclusion: Without a rating standard in place, it is not possible to do a review and recommendation as stated in the 2025 Comprehensive Plan, Therefore, this application should be deferred until a review performance standard is developed. However, if action is desirable at this time, the evidence to date indicates the application should be denied.

Prepared by:
Mike DeKalb, AICP

Planner



W. Sprague Rd.

S. 12th St. (Hwy #77)

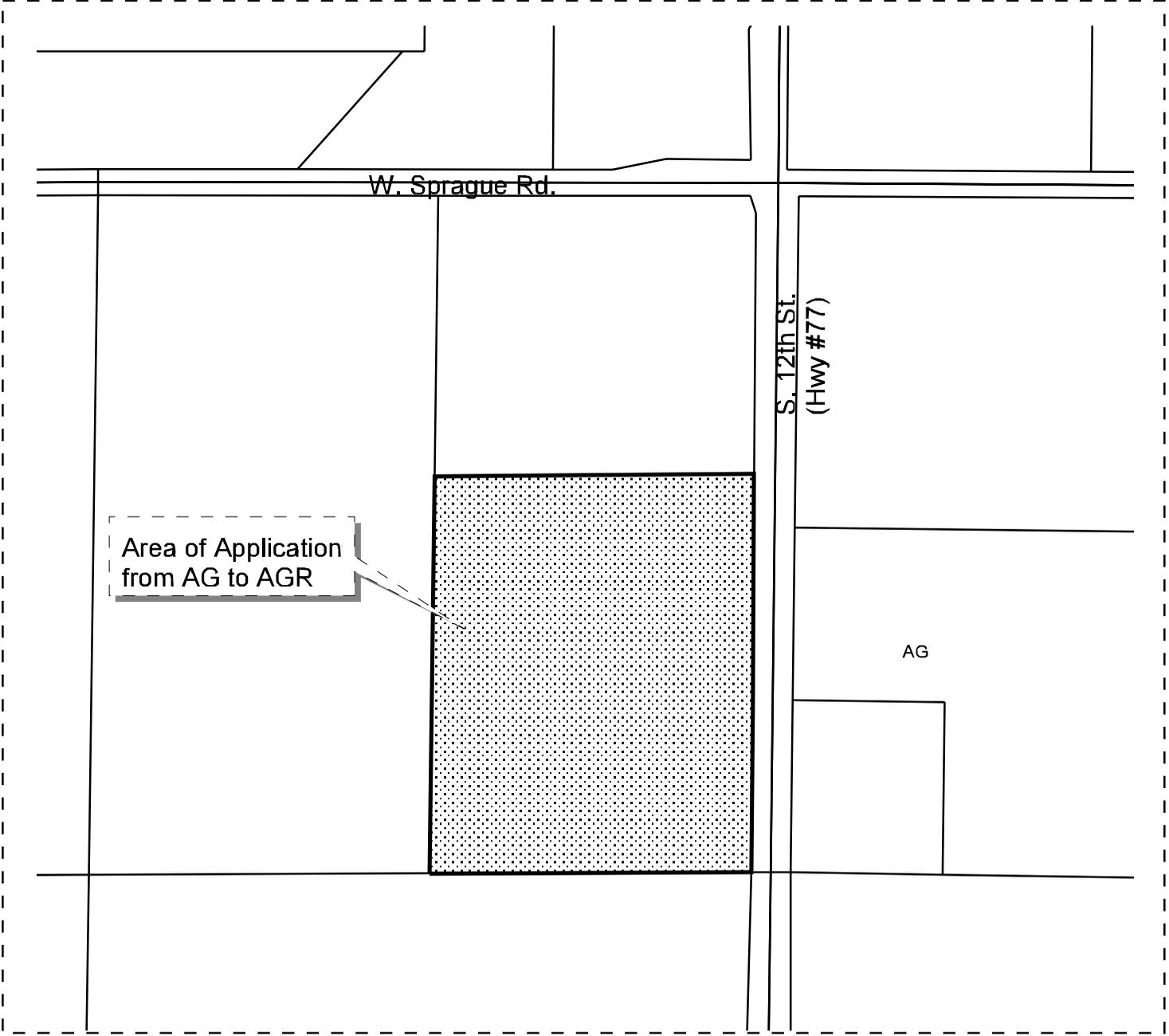
Area of Application from AG to AGR

**County Change of Zone #209
S. 12th & Hickman Rd.**



Photograph Date: 1999

Lincoln City - Lancaster County Planning Dept.



County Change of Zone #209 S. 12th & Hickman 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. 35 T8N R6E



Zoning Jurisdiction Lines



City Limit Jurisdiction

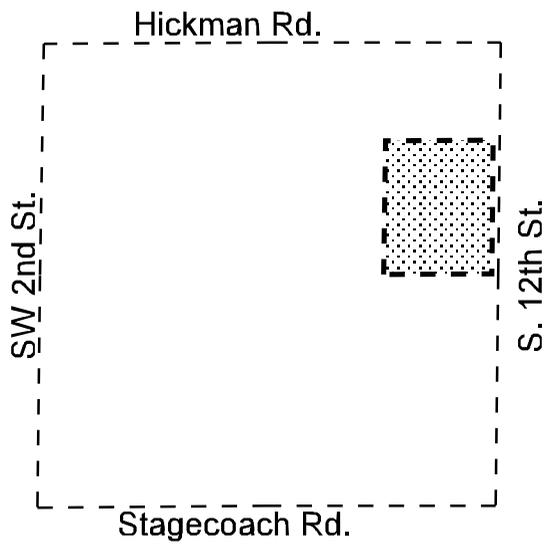


EXHIBIT "A"

A portion of Lot Nine (9), Irregular tracts located in the East One-Half of the Northeast Quarter of Section 35, Township 8 North, Range 6 East of the 6th P.M., Lancaster County, Nebraska and more particularly described as follows:

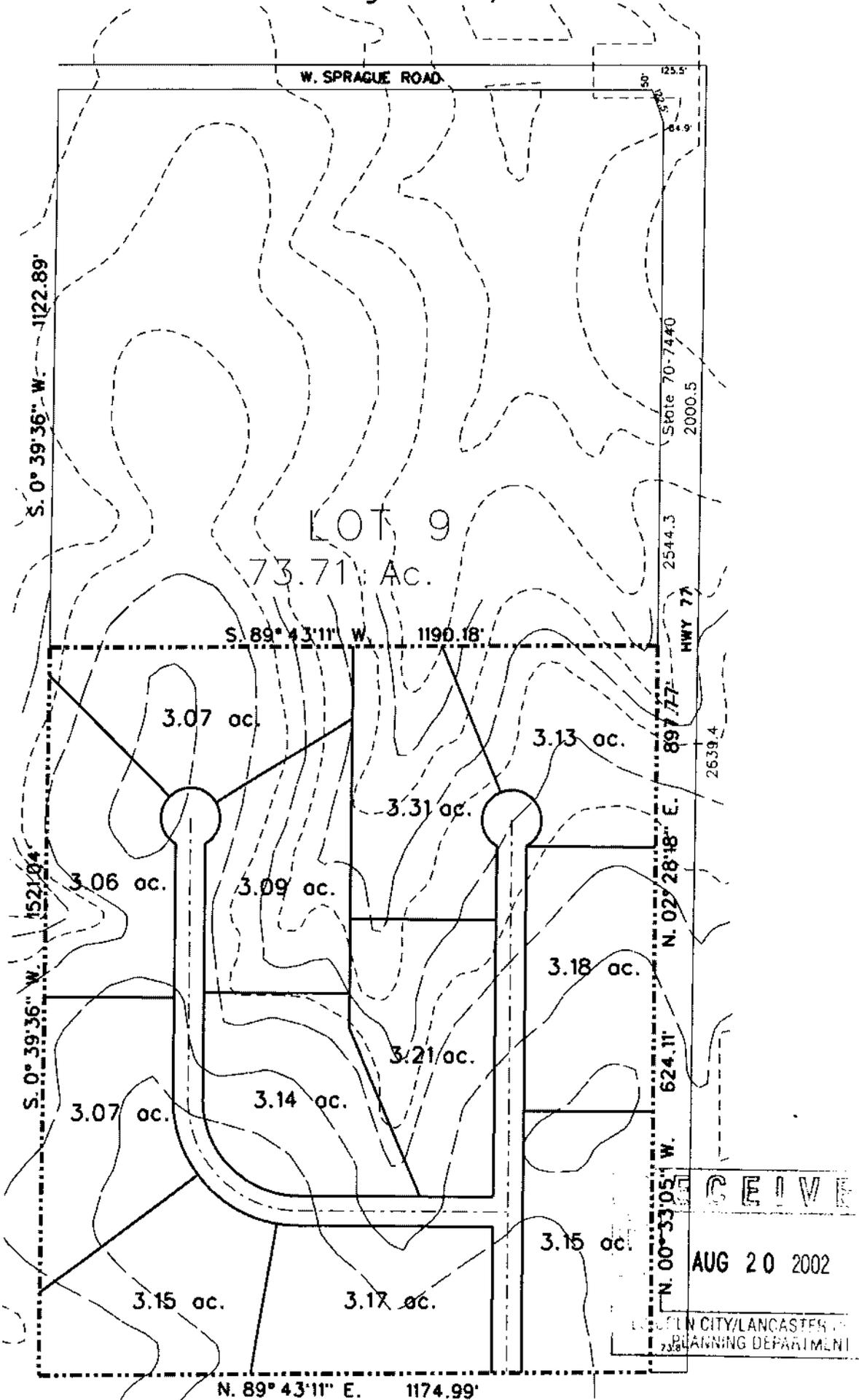
Referring to the Northwest corner of the East One-Half of the Northeast Quarter of said Section 35; thence in a Southerly direction, along the West line of the East One-Half of the Northeast Quarter of said Section 35, on an assumed bearing of South 00 degrees 39 minutes 36 seconds West for a distance of 1122.89 feet to the Point of Beginning; thence continuing on the last described course, on said bearing of South 00 degrees 39 minutes 36 seconds West, for a distance of 1521.04 feet to the Southwest corner of the East One-Half of the Northeast Quarter of said Section 35; thence North 89 degrees 43 minutes 11 seconds East, along the South line of the East One-Half of the Northeast Quarter of said Section 35, for a distance of 1174.99 feet to a point on the Westerly Right-of-Way line of US Highway #77, thence North 00 degrees 33 minutes 05 seconds West, along the Westerly Right-of-Way line of US Highway #77, for a distance of 624.11 feet; thence North 02 degrees 28 minutes 18 seconds East, along the Westerly Right-of-Way line of US Highway #77, for a distance of 897.77 feet; thence South 89 degrees 43 minutes 11 seconds West for a distance of 1190.18 feet to the Point of Beginning.

RECEIVED

AUG 20 2002

LANCASTER CITY/LANCASTER COUNTY
PLANNING DEPARTMENT

35-8-6 Zoning Concept Plan



Lancaster

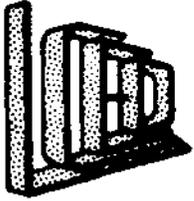
DON R. THOMAS - COUNTY ENGINEER

County

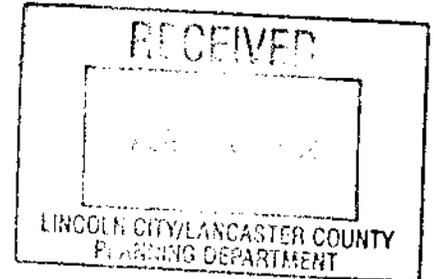
Engineering

Department

DEPUTY- LARRY V. WORRELL
COUNTY SURVEYOR



DATE: August 23, 2002
TO: Mike DeKalb
Planning Department
FROM: Larry V. Worrell 
County Surveyor
SUBJECT: CHANG OF ZONE #209 - HWY 77 AND SPRAGUE ROAD



This office has reviewed subject change of zone and recommends denial based on the following comments:

- 1) Proposed roads do not connect to an existing county road. The zoning concept plan does not show proposed roads connecting to any existing public road.
- 2) The zoning concept plan does not show the existing Highway 77 right-of-way correctly. This change will cause a change in the lot configuration and acreages.
- 3) Comprehensive plan does not show AGR zoning in this location.

LVW/DP/bml

Docs/Zone/Change of Zone #209

