

FACTSHEET

TITLE: **CHANGE OF ZONE NO. 3390**, from AG Agricultural to R-3 Residential, requested by Hubert H. Hall, on property generally located northeast of N.W. 48th Street and W. Holdrege Street.

STAFF RECOMMENDATION: Approval

ASSOCIATED REQUESTS: Annexation No. 02010 (03-70); Special Permit No. 1995, Hub Hall Heights Community Unit Plan (03R-108) and Preliminary Plat No. 02025, Hub Hall Heights (03R-109).

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 02/05/03 and 02/19/03
Administrative Action: 02/19/03

RECOMMENDATION: Approval (6-0: Newman, Carlson, Taylor, Bills-Strand, Duvall and Schwinn voting 'yes'; Krieser, Larson and Steward absent).

FINDINGS OF FACT:

1. This change of zone request and the associated annexation, community unit plan for 869 dwelling units and preliminary plat were heard at the same time before the Planning Commission.
2. The staff recommendation of approval is based upon the "Analysis" as set forth on p.4-6, concluding that with conditions, the proposal is in conformance with the Comprehensive Plan.
3. The public hearing was continued for two weeks in an effort to work with an adjacent property owner regarding the extension of N.W. 40th Street.
4. The applicant's testimony is found on p.7-8, including proposed amendments to the conditions of approval on the preliminary plat.
5. Testimony by the owner abutting on the east in opposition to the extension of N.W. 40th Street to the north in the preliminary plat is found on p.8.
6. On February 19, 2003, the Planning Commission agreed with the staff recommendation and voted 6-0 to recommend approval. The applicant agreed to provide half-street right-of-way and participate in improvements along 40th Street if and when the owner abutting on the east decides to subdivide that property.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: April 22, 2003

REVIEWED BY: _____

DATE: April 22, 2003

REFERENCE NUMBER: FS\CC\2003\CZ.3390 Hub Hall Heights

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

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.

P.A.S.: Hub Hall Heights **DATE:** January 22, 2003
Annexation #02010
Change of Zone #3390
Special Permit for Community Unit Plan #1995
Preliminary Plat #02025

****As Revised by Planning Commission: 2/19/03****

SCHEDULED PLANNING COMMISSION MEETING: **DATE:** February 5, 2003

PROPOSAL: To annex 142 acres, **change the zone from AG, Agricultural to R-3, Residential,** preliminary plat 356 lots and 5 outlots and obtain a special permit for a community unit plan for 869 dwelling units at NW 48th Street and W Holdrege Avenue.

WAIVER REQUEST: An exception to §26.23.130 to exceed block lengths
An exception to §26.23.140(e) to allow double frontage lots

LAND AREA: Annexation, Change of Zone, Preliminary Plat: 142 acres
Special Permit for CUP 129 acres

CONCLUSION: With conditions the change of zone, preliminary plat, and special permit are in conformance with the Comprehensive Plan. The developer is required to contribute toward the paving of and the cost of the water main in NW 48th Street as part of the annexation.

<u>RECOMMENDATION:</u> <u>Change of Zone</u> Preliminary Plat, Special Permit, Annexation	<u>Approval</u> Conditional Approval
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GENERAL INFORMATION:

LEGAL DESCRIPTION:

Annexation, Change of Zone & Preliminary Plat: Lots 14 and 32 Irregular Tracts, located in Section 18 T10N R6E.

Special Permit: Lot 14 and a portion of Lot 32 I.T., located in Section 18 T10N R6E and more particularly described in the attached legal description.

LOCATION: Generally located northeast of NW 48th and W. Holdrege Streets

APPLICANT: Hubert H. Hall
2320 S. 48th Street
Lincoln, NE 68506
(402)483-2551

OWNER: Charles Gary Gately
Charles Gary Gately Trust and contract interest in:
Highway 15, Inc., a Nebraska Corporation

Hub Hall
2320 S. 48th Street
Lincoln, NE 68506
(402)483-2551

CONTACT: Lyle L. Loth
Engineering Surveying and Planning
601 Old Cheney Road, Suite A
Lincoln, NE 68512
(402)421-2500

Brian D. Carstens
Brian D. Carstens and Associates
601 Old Cheney Road, Suite C
Lincoln, NE 68512
(402)434-2424

EXISTING ZONING: AG, Agricultural.

EXISTING LAND USE: Undeveloped.

SURROUNDING LAND USE AND ZONING:

North:	Undeveloped, residential	R-3, Residential
South:	Undeveloped	AG, Agricultural
East:	Undeveloped	AG
West:	Undeveloped, residential	R-3, AG

COMPREHENSIVE PLAN SPECIFICATIONS: The Comprehensive Plan shows this area as Urban Residential (page F-25).

The area is identified as Tier 1, priority A (F-31). Development can occur within the next 25 years and is designated for near term development (F-29).

The Comprehensive Plan encourages efforts to preserve small stream corridors in future developments (F-59).

Guiding Principles for New Neighborhoods encourages:

1. Encourage a mix of housing types, single family, townhomes, apartments, elderly housing all within one area;
2. Similar housing types face each other: single family faces single family, change to different use at rear of lot;
3. Parks and open space within walking distance of all residences;
4. Multi-family and elderly housing nearest to commercial area;
5. Pedestrian orientation; shorter block lengths, sidewalks on both sides of all roads;
6. Public uses (elementary schools, churches) as centers of neighborhood – shared facilities (city parks & school sites). (F-67)

HISTORY:

Date when preliminary plat was submitted:	November 6, 2002
Date when Planning Director's letter was sent:	December 10, 2002
Date when revised preliminary plat was submitted:	January 6, 2003
Met with applicant regarding grading and drainage issues:	January 22, 2003

The zone was A-A, Rural and Public Use District until the zone was changed to AG, Agricultural during the 1979 zoning update.

UTILITIES: Utilities are adjacent to this site in NW 48th Street. Extension is required as part of the annexation agreement. A 24" water main is proposed in W. Holdrege Street and a 16" water main is proposed in NW 48th Street. The developer is required to pay half the cost of a 6" water main in both streets. All other water mains are of standard sizing. Standard 8" sanitary sewer mains are shown throughout the development. The developer proposes either a force main or pumping station in the south east corner of the plat. The Public Works & Utilities Department is not satisfied with the proposed lift station.

TOPOGRAPHY: Rolling, with several wooded drainage ditches throughout.

TRAFFIC ANALYSIS: NW 48th Street is currently a paved two-lane rural roadway. The Comprehensive Plan classifies NW 48th Street as a Principal Arterial. The developer is required to pay half the cost of a three lane suburban cross section.

West Holdrege Street is unpaved and unclassified, however, the Comprehensive Plan shows 120' of right-of-way for that portion from NW 48th Street east approximately one quarter mile to about NW 45th Street (F-113). East from that point only 80' of right-of-way is indicated for W. Holdrege Street. The developer is currently showing the dedication of 60' for the entire portion of W. Holdrege. This is not required. Only 40' of right-of-way must be dedicated east of NW 45th Street. Local streets are entirely the responsibility of the developer, who may delay the construction of W. Holdrege with a phasing plan approved by the Planning and Public Works & Utilities Departments.

PUBLIC SERVICE: The nearest fire station #11 in Arnold Heights
The nearest public school is Arnold Elementary School
The nearest public library is the Arnold Heights Library

REGIONAL ISSUES: This area is within the Airport Environs Turning Zone. An Avigation and Noise Easement and Covenant Agreement is required.

ANALYSIS:

1. Public Works & Utilities Department had the following comments:
 1. The existing culvert in N.W. 48th Street needs to be shown as per the January 22, 2003 meeting with the engineer.

2. The sanitary sewer needs to be revised in the northeast corner of the plat. It is currently located under the dam of a proposed detention facility. This is unacceptable.
 3. Sanitary sewer has not been extended to the property lines at drainage basin entry points into the development as per the Planning Director's letter dated December 10, 2002.
 4. The proposed alternate to serve the proposed multi-family area with a lift station is unsatisfactory. The multi-family lot cannot be developed until a sewer outlet is available from the east.
 5. The grading in N.W. 41st Court, West Faesy Street, and N.W. 47th Street needs to be revised as per the meeting January 22, 2003. Due to the large grade changes front to back across several areas on this plat Public Works recommends that the grading plan and /or lot layout be revised to provide more desirable lots for building.
 6. Public Works does not approve any drive way location for Lot 30 Block 12 (multi-family area) onto W. Holdrege Street until a final site plan and use for the lot is approved.
 7. The sanitary sewer in NW 47th Street is shown to be 15' deep at the north property line. The sewer will run opposite street grades in NW 47th Street until the first east-west street (W. Thatcher Lane) in the Ashley Heights 1st Addition to the north. This will force the sewer to be deeper than 15'. No waivers of design standards for sewer depth have been approved for the Ashley Heights 1st development. The sewer in this plat must be designed to accommodate the sewer depth at the property line.
 8. The annexation agreement for this plat requires the developer pay for the equivalent of ½ the cost of a 6" water main in NW 48th Street. The developer is required to contribute ½ the cost of a 3-lane suburban cross-section street toward the future urban street paving of NW 48th Street.
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2. W. Faesy Place, W. Emily and W. Louse Lanes, W. Megan Court, and W. Jewel Street must be renamed because of existing street names that are similar or the same.
 3. §26.23 requires pedestrian access to be provided in blocks that exceed 1000'. Block 4 exceeds this standard and no waiver was requested or advertised. The applicant must show a pedestrian access in this block.
 4. The pedestrian easement is shown in Block 12 is proposed in an area with a significant grade change from the front of the lot to the rear. A more level location must be found to accommodate ADA grade requirements for this pedestrian sidewalk.
 5. As noted by the Public Works & Utilities Department the general design of the lots in relation to the grading plan is poor. Several lots have a 20' grade difference from front to back. The

Comprehensive Plan considers general desirability of lots. In this case, many lots are not desirable and the grading plan must be revised to eliminate steep grade differences.

6. There are several block lengths that do not meet design standards. W. Faesy Place can be extended northeast to NW 44th Street to help alleviate this problem. The engineer agreed to this at the January 22, 2003 meeting with Planning Department staff.
7. The request to waive block lengths is to preserve existing drainage areas which is consistent with the Comprehensive Plans efforts to preserve natural areas.
8. The request to waive double frontage lots is acceptable. The developer is required to provide screening between the rear of lots and the street.
9. Only 40' of right-of-way is required to be dedicated east of NW 45th Street and should be revised to reflect this standard.
10. The developer is required to pave all locale streets within and abutting this plat. W. Holdrege and NW 40th Streets must be paved with curb and gutter. The developer can delay the construction of these streets by submitting a phasing plan that is found acceptable to the Planning and Public Works & Utilities Departments.

Prepared by:

Becky Horner
Planner

**ANNEXATION NO. 02010,
CHANGE OF ZONE NO. 3390,
SPECIAL PERMIT NO. 1995,
HUB HALL HEIGHTS COMMUNITY UNIT PLAN,
and
PRELIMINARY PLAT NO. 02025,
HUB HALL HEIGHTS**

PUBLIC HEARING BEFORE PLANNING COMMISSION:

February 5, 2003

Members present: Carlson, Newman, Krieser, Taylor, Bills-Strand, Steward and Schwinn; Larson and Duvall absent.

Staff recommendation: Approval of the annexation, subject to an Annexation Agreement; approval of the change of zone and conditional approval of the community unit plan and preliminary plat.

Becky Horner of the Planning staff submitted a letter from Barbara Erickson, an adjacent property owner, requesting deferral for two weeks to review the application with the developer. She is also asking for a condition of approval that NW 40th not be extended north along the east property line of the development from W. Holdrege Street.

Horner also submitted a letter from Lyle Loth, on behalf of the developer, also requesting a two week deferral in order to advertise an additional waiver of the extension of N.W. 40th Street on the preliminary plat.

Steward moved deferral for two weeks, with continued public hearing and administrative action scheduled for February 19, 2002, seconded by Carlson and carried 7-0: Carlson, Newman, Krieser, Taylor, Bills-Strand, Steward and Schwinn voting 'yes'; Duvall and Larson absent.

There was no testimony in support nor in opposition.

CONT'D PUBLIC HEARING BEFORE PLANNING COMMISSION:

February 19, 2003

Members present: Newman, Carlson, Taylor, Bills-Strand, Duvall and Schwinn; Krieser, Larson and Steward absent.

Staff recommendation: Approval of the annexation, subject to an annexation agreement; approval of the change of zone; and conditional approval of the community unit plan and preliminary plat.

There were no ex parte communications disclosed by the Commissioners.

Proponents

1. **Hub Hall**, the developer, presented the application. He has met with City and has approval to proceed. We have called this plat "Heights" because it is one of the highest points in Lancaster County. There are lots of trees and lots of open space. The intent is to keep most of the trees except where a street may go through. He has counted 161 lots that back up to open space and to trees. The apartment units and 10 acres for the church site will help to improve the area. He believes this development will be a great improvement to the City.

2. **Brian Carstens** testified on behalf of the developer to discuss issues to be resolved. The extension of N.W. 40th Street is an issue. N.W. 40th was originally shown to be extended slightly north and then curve over to the east. The neighbor to the east finds this unacceptable. The developer worked with them to extend it straight north which was also unacceptable. They have also met with Dennis Bartels of Public Works, who suggests curving it over to the north and west. This would require filling 26' through the draw to get the road in with 6% slopes going down hill and would remove about 200' in width of trees through that draw. Carstens proposed that N.W. 40th Street not be extended north of Holdrege Street, and requested to add condition #1.1.26 to the preliminary plat: Delete future extension of N.W. 40th Street north of W. Holdrege.

Carstens requested that Condition #1.1.9 on the preliminary plat be deleted: W. Faesy Place extended north to No. 44th Street. Due to grading issues, it will not be possible to get the street up to No. 44th Street and the applicant believes a waiver of the block length is appropriate because of the topography of the site.

Carstens indicated that they will continue to work with staff on the street names (Condition #1.1.10).

Opposition

1. **Barbara Erickson and Martin Erickson**, the owners of Lot 27, SW1/4 of 17-10-6, and the adjacent 5.25 acres, testified in opposition to the extension of N.W. 40th Street. They have lived on the land for 22 years and have planted over 400 trees. If N.W. 40th Street is extended north, they would request a condition that all of N.W. 40th be used by the new development and that none of their land be taken away. Currently, they are showing N.W. 40th curving right into the Erickson property. At first, they were running N.W. 40th Street right into the Erickson property. The Ericksons desire to keep their land and their trees as they exist. If the street is not built, the Ericksons request that a condition of approval require that the lots located along the Erickson property line allow for a 66' future right-of-way in case there is a N.W. 40th extended at some point in the future. Another concern is the location of the sewer system. Is it going to go through their property? They have not seen any plans on the sewer system.

Martin Erickson expressed concerns about the noise issues with regard to the airport, etc.

Carlson inquired of staff regarding the sewer. Dennis Bartels of Public Works indicated that the lot is not developable until sewer is available from the east or northeast. At some point in time, the sewer will have to either go across their lot or in close proximity to get sewer service to serve the apartments. The apartments cannot be gravity sewered straight north where the single family lots are proposed to

be served. The single family lots are sewerable today with extensions from Ashley Heights. In Bartels' estimation, the apartment complex will not be able to be served until such time as the Oak Creek sanitary sewer is extended or parallel sewer identified to bring it to the south end of the airport runway. It is probably not feasible to get sewer into this facility until such time as that trunk sewer is built and sewer is extended from the trunk sewer. At this point, it will be an 8" sanitary sewer that we would normally expect to see as development occurs. However, the city is not unknown to negotiate or condemn an easement. The city has ways to get the sewer through but the city would have to pay for the easement and restore the area that was disturbed.

Carlson noted that there are conditions placing the burden upon the landowner of the apartments. Bartels indicated that the City will not initiate a project to make it sewerable. If it was to go across the Erickson's property, it would have to happen through an assessment district and would take City Council action. We cannot arbitrarily build a sewer across their property.

Carlson inquired as to the long term road network in this area. Bartels referred to the county road and Holdrege Street. The road east of this property was vacated by the County. There are no streets east or north of the 40th & Holdrege intersection, and the staff has recommended the 40th Street intersection be shown there because the existing 40th Street right-of-way splits that property line. It would have to start at a point which would take right-of-way from both properties. It would help protect the development potential of that property. They have 30' of frontage. Bartels believes 40th is as good a location as we can get. There is only one street at the 1/4 mile point and this would put another access point at the 1/2 mile line giving us the standard quarter mile spacing of streets. This 40th Street is not a lot of benefit to Mr. Hall's project, but the bigger benefit was visioned to be the future potential subdivision of the properties to the east.

Carlson inquired as to current and proposed development to the east and north. Becky Horner of Planning staff advised that the property is outside the urban service area and it is all AG zoning. The area east of here is within the current noise contour and does not allow residential. The Airport Authority is studying that presently but nothing has been adopted at this time. This particular area is in Tier I. The area to the east is not. The area to the north is also Tier I.

Bills-Strand made further inquiry into N.W. 40th Street. Bartels indicated that he does not object to curving it to the west. But as you approach Holdrege Street, it seemed more appropriate to line the intersection of 40th Street up with 40th as it goes south of Holdrege. The plan is envisioning that 40th Street would bend to the east. We're just looking at 40th as a collector type street to provide local access. As you go further north, there is no way to tie it into an arterial street system. It is basically a local street beyond the intersection north of Holdrege. Bartels tried to consider the land uses, but there are no uses yet identified to the east. If it provides primary access to an industrial area, it may not be the best spot for a residential street. The city has no desire to go and condemn the right-of-way and force that street to be built until development occurs to the east. Holdrege Street is vacated east of 40th Street.

Ray Hill of Planning staff referred to the aerial photograph on page 56. The developer did not want to cross any more of the wooded area than is necessary. If 40th went straight north it would go through the middle of that wooded area. By swinging it to the east it moves away from and does not go through the wooded area. We have not required 40th Street along the east side of any of the residential

developments further to the north of this project. Typically, the grid system is for the mile sections. 48th Street is the north/south carrier through this area and to have another street parallel would not be appropriate.

Bills-Strand wondered what happens to the Erickson property if nothing is done with 40th Street and this plat is approved. Hill advised that whenever that area is available for development and for subdivision, then they would tie into the street system that is proposed in this area, just like this area has tied onto the development to the north. The staff did ask that a street extend to the east so that as that area does become available for development, it has a street pattern to tie onto.

Schwinn asked whether staff agrees with the developer that we do not want to do the evasive grading through the green space. Hill indicated that staff agrees with the layout as proposed. Staff is requesting the extension of N.W. 40th Street and the curving to the east is acceptable. The road would not have to be built until the Ericksons decide they want to subdivide or it is needed for the multi-family area in this development.

Carstens stated that the apartments will not be built until the sewer is brought in. West Gately Street has been relocated. The south right-of-way will touch the Erickson lot line but will never go through their property. It will only be adjacent.

Marvin Krout, Director of Planning, believes that a note can be added to the plat regarding this discussion about N.W. 40th Street and the language can be worked out between now and the City Council.

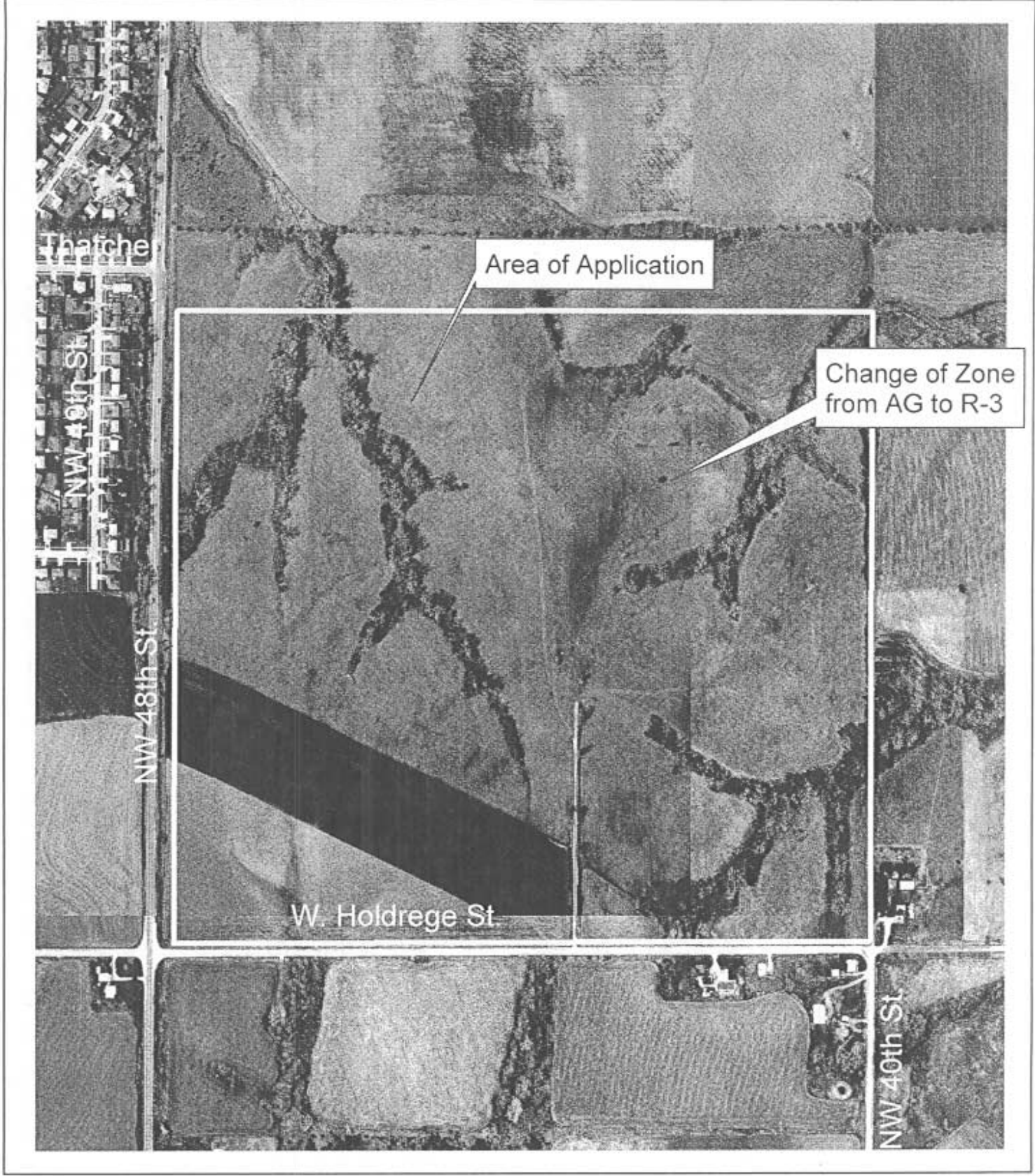
Public hearing was closed.

CHANGE OF ZONE NO. 3390

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

February 19, 2003

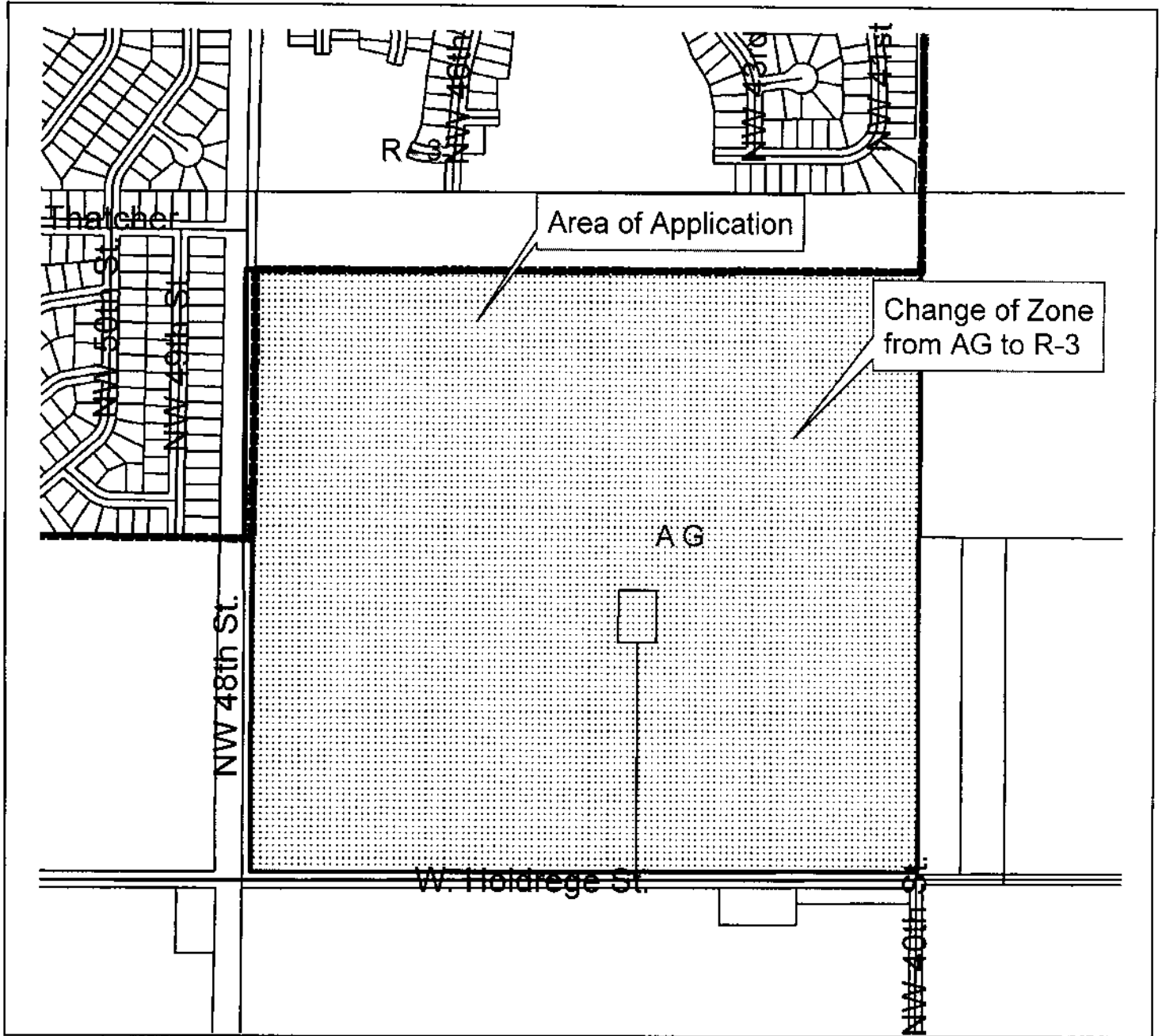
Taylor made a motion to approve, seconded by Newman and carried 6-0: Newman, Carlson, Taylor, Bills-Strand, Duvall and Schwinn voting 'yes'; Krieser, Larson and Steward absent.



Preliminary Plat #02025
Change of Zone # ~~0290~~ *3390*
Hub Hall Heights
NW 48th & W Holdrege



Lincoln City - Lancaster County Planning Dept.
1999 Aerial

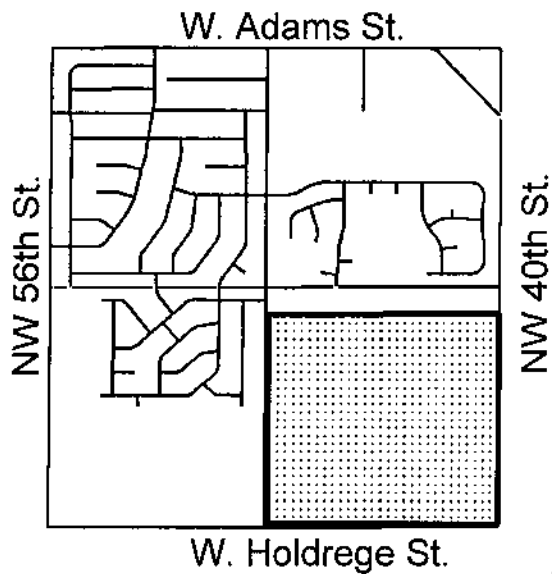
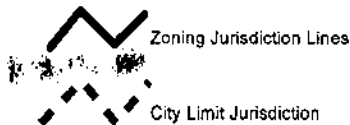


Preliminary Plat #02025
Change of Zone #~~3250~~ 3390
Hub Hall Heights
NW 48th & W Holdrege

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. 18 T10N R6E



012



November 6, 2002

LYLE L. LOTH, P.E./L.S.

Suite A - 601 Old Cheney Road
Lincoln, NE 68512

Phone (402) 421-2500
Fax (402) 421-7096

Email: lyle@espeng.com

Mr. Marvin Krout
Director of Planning
City of Lincoln/ Lancaster County
555 South 10th Street
Lincoln, NE 68508

RE: HUB HALL HEIGHTS
PRELIMINARY PLAT & COMMUNITY UNIT PLAN
CHANGE OF ZONE ('AG' TO 'R-3') & ANNEXATION

Dear Mr. Krout,

On behalf of Hubert H. Hall, we submit the above mentioned applications for your review. This site contains 142.39 acres and is currently zoned 'AG' and we are proposing 'R-3' with a C.U.P..

The area of the project is located outside the city limits. We are requesting to be annexed into the city limits at this time.

We have completed density calculations which shows 953 units are the total units allowed. We are proposing to develop 357 single-family lots/units, one multi-family lot with 400 units, one future church lot, 195 unassigned units and 5 outlots. The unassigned units shall be used to add single family, duplex lots and/or single family attached. The proposed development has public streets with public water, public sanitary sewer and public storm sewer to serve the site. There will be a Homeowners Association for maintenance of the outlots, which serves as detention and open space.

We have shown a right-of-way dedication 60 feet along N.W. 48th Street. It has come to our knowledge that the development to the north (Ashley Heights), was allowed to dedicated only 40 feet of right-of-way. If there is a possibility for us to match that it would allow us to increase the lot depth adjacent to N.W. 48th Street and may allow more grading alternatives for the public sidewalk.

We are requesting the following waivers to maintain existing drainage, tree masses and natural topography:

1. Block length on the east side of N.W. 46th Street from 1,320 feet to 1,763.75 feet. Block length on the south side of W. Hall Drive from 1,320 feet to 1,410.84 feet. Block length on the east and south side of N.W. 45th Street/W. Keady Lane/N.W. 41st Street from 1,320 feet to 2,260.71 feet. Block length on the north and west side of W. Keady Lane/N.W. 41st Street from 1,320 feet to 1,354.25 feet.

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Please contact me if you have any further questions.

Sincerely,

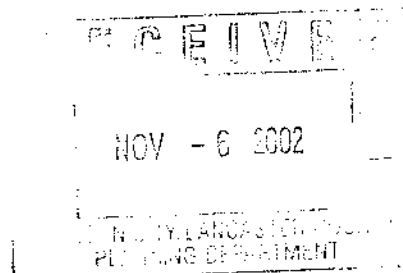


Kyle L. Loth

cc. Hubert H. Hall
Brian D. Carstens

ENCLOSURES:

- 21 copies of sheet 1 of 8
- 6 copies of sheets 2 through 8 of 8
- Application for a Special Permit & Change of Zone
- Application for a Preliminary Plat
- Certificate of Ownership
- Application fees of \$2,985.00
- 8-1/2" x 11" reductions of the plans
- 3 copies of Preliminary Soils Analysis
- 2 copies of Storm Water Detention Calculations



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