

FACTSHEET

TITLE: **ANNEXATION NO. 12004**, requested by Fox Hollow, LLC, to annex approximately 4.6 acres, more or less, generally located at South 84th Street and Amber Hill Road.

STAFF RECOMMENDATION: Approval.

ASSOCIATED REQUESTS: Change of Zone No. 12027 (12-143) and Special Permit No. 06001B (12R-281).

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 09/05/12, 10/03/12, 10/17/12 and 10/31/12
Administrative Action: 10/31/12

RECOMMENDATION: Approval (7-0: Hove, Lust, Francis, Gaylor Baird, Sunderman, Weber and Cornelius voting 'yes'; Butcher absent).

FINDINGS OF FACT:

1. This proposed annexation and the associated change of zone and amendment to the Grand Terrace Community Unit Plan were heard at the same time before the Planning Commission.
2. This is a request to annex approximately 4.6 acres, more or less, to allow up to 31 additional dwelling units in the Grand Terrace Community Unit Plan, generally located at South 84th Street and Amber Hill Road.
3. The staff recommendation of approval is based upon the "Analysis" as set forth on p.4-5, concluding that the area proposed to be annexed is adjacent to the City Limits along the extent of both Renatta Drive and South 84th Street, and can be served by the full range of municipal services. The proposed annexation is consistent with the City's criteria for annexation and is found to be in conformance with the 2040 Comprehensive Plan. The staff presentation is found on p.7-8.
4. The applicant's testimony is found on p.8-10.
5. Testimony in opposition is found on p.10-11. The concerns of the opposition include insufficient access points into the Grand Terrace development, resulting in traffic being diverted south into a 3-acre lot subdivision; lack of green space; and allowing 31 units as the transition next to an acreage development. The record also consists of five letters in opposition, three of which are from the Krombergs who testified in opposition (See p.17-25).
6. The Planning Commission discussion with staff is found on p.11-12, and the response by the applicant is found on p.12.
7. On October 31, 2012, the Planning Commission agreed with the staff recommendation and voted 7-0 to recommend approval, finding that the proposed use is reasonable in the context of the surrounding properties, and that the Future Land Use map reflects that the determination was made that urban residential is a good transition between the existing acreage land use and the proposed future commercial use.
8. On October 31, 2012, the Planning Commission also voted 7-0 to recommend approval of the associated change of zone request from AGR to R-3 (Bill #12-143), and voted 7-0 to adopt Resolution No. PC-01307, approving the associated amendment to the Grand Terrace Community Unit Plan, which has been appealed to the City Council (Bill #12R-281).
9. Should this annexation request be approved, the Planning staff is recommending that the Council ordinance assign the newly annexed area to **Council District #2**.

FACTSHEET PREPARED BY: Jean L. Preister

DATE: November 9, 2012

REVIEWED BY: Marvin Krout, Director of Planning

DATE: November 9, 2012

REFERENCE NUMBER: FS\CC\2012\ANNEX12004+

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for October 3, 2012 PLANNING COMMISSION MEETING

Note: 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.

PROJECT #: Annexation #12004
Change of Zone #12027

PROPOSAL: A combined request for annexation and a change of zone for Lot 1, Amber Hill Estates 2nd Addition.

LOCATION: South 84th Street and Amber Hill Road

LAND AREA: 4.6 acres more or less

CONCLUSION: The land is adjacent to the city limit along the extent of both Renatta Drive and South 84th Street, and can be served by the full range of municipal services. The proposed change of zone will allow a range of uses compatible with surrounding land uses, including those inside the city limit adjacent to the north. Both the annexation and change of are consistent with the Zoning Ordinance and Comprehensive Plan, and meet the City's criteria for annexation.

RECOMMENDATION:	
<u>AN#12004</u> CZ#12027	<u>Approval</u> Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION: Lot 1, Amber Hill Estates 2nd Addition, Lancaster County, Nebraska.

EXISTING ZONING: AGR Agricultural Residential

PROPOSED ZONING: R-3 Residential

ASSOCIATED APPLICATIONS: Special Permit #06001B to expand the Grand Terrace community unit plan (CUP) to include a 31-dwelling unit townhouse component.

SURROUNDING LAND USE AND ZONING:

North:	Multiple-family Residential under development	R-3
South:	Single-family residential	AGR
East:	Open Space	B-5
West:	Single-family Residential	AGR

EXISTING LAND USE: Single-family Residential

COMPREHENSIVE PLAN SPECIFICATIONS:

Pg 12.14 - The Annexation Policy of the Comprehensive Plan:

Annexation policy is a potentially powerful means for achieving many of the goals embodied in the Plan's Vision. Annexation is a necessary and vitally important part of the future growth and health of Lincoln. The annexation policies of the City of Lincoln include but are not limited to the following:

The provision of municipal services must coincide with the jurisdictional boundaries of the City – in short, it is not the intent of the City of Lincoln to extend utility services (most notably, but not necessarily limited to, water and sanitary sewer services) beyond the corporate limits of the City.

The extension of water and sanitary sewer services should be predicated upon annexation of the area by the City. City annexation must occur before any property is provided with water, sanitary sewer, or other potential City services.

The areas within Tier I Priority A that are not annexed serve as the future urban area for purposes of annexation per state statute and are appropriate for immediate annexation upon final plat. These areas have approved preliminary plans.

To demonstrate the City's commitment to the urbanization of land in Tier I Priority B, the City should annex land that is contiguous to the City and generally urban in character, as well as land that is engulfed by the City. Land which is remote or otherwise removed from the limits of the City of Lincoln will not be annexed.

Annually the City should review for potential annexation all property in Priority B for which basic infrastructure is generally available or planned for in the near term.

Annexation generally implies the opportunity to access all City services within a reasonable period of time.

Voluntary annexation agreements may limit or otherwise outline the phasing, timing or installation of utility services (e.g., water, sanitary sewer), and may include specific or general plans for the private financing of improvements to the infrastructure supporting or contributing to the land uses in the annexed area. The annexation of large projects may be done in phases as development proceeds.

The character of existing residential areas should be respected as much as possible during the annexation process. When low density "acreage" areas are proposed for annexation due to the City's annexation policy, additional steps should be taken to ease the transition as much as possible, such as public meetings, advance notice and written explanation of changes as a result of annexation. In general, many aspects of acreage life may remain unchanged, such as zoning or covenants. However, any annexation of existing residential areas will include some costs which must be the responsibility of property owners.

Annexation to facilitate the installation of improvements and/or possible assessment districts is appropriate if it is consistent with the annexation policies of the Plan listed above.

Plans for the provision of services within the areas considered for annexation shall be carefully coordinated with the Capital Improvements Program of the City and the County.

UTILITIES & SERVICES:

- A. **Sanitary Sewer/Water:** Both utilities exist in the Grand Terrace development adjacent to the north and can be extended to serve this property. Water is currently provided by a private well, as the land is outside the boundary of the rural Water District. Upon annexation the well can continue to be used for domestic use (both household and irrigation) but will require an annual well permit.
- B. **Roads:** The property is bounded on three side by public streets. To the north is Renatta Drive, a local street inside the city limit improved to City standards as part of the Grand Terrace development adjacent to the north. To the east is South 84th Street, an arterial street also inside the city limit improved to City standards Amber Hill Road. To the south is Amber Hill Road, an asphalt road outside the city improved to County standards. Renatta Drive has right-in, right-out only turning movements onto South 84th Street. Amber Hill Road is located at a median opening in South 84th Street and offers full-turning movement access.
- C. **Fire Protection:** Fire protection is currently provided by the Southeast Rural Fire District. If annexed, fire protection would be provided by Lincoln Fire Rescue.

ANALYSIS:

1. The applicant/owner is the same developer of the apartment complex to the north across Renatta Drive in the Grand Terrace CUP. He is requesting both annexation of the subject tract, and a change of zone from AGR to R-3.
2. The associated Special Permit #06001B application was not initially submitted with the two requests covered by this report. During the review, city staff met with the applicant's representative who agreed to delay the annexation and change of zone applications so the associated special permit which shows how the site will develop could be considered simultaneously. That application has been submitted and reviewed by staff, and is covered in the separate staff report for SP#06001B.
3. The proposed development plan shows a public street created across the subject tract connecting Renatta Drive and Amber Hill Road, along with the layout for the townhouse component expanding the Grand Terrace CUP. The street connection is important because it would allow improved access for traffic from the apartment complex to the full median opening at Amber Hill Road at South 84th Street. It is intended to provide a more direct route for traffic headed north on South 84th Street. Today the apartment dwellers would need to travel west on Renatta Drive, south on South 80th Street, and then east on Amber Hill Road, or east on Renatta Drive and South 84th Street to Amber Hill Road, then east on Amber Hill Road to Amber Hill Court, then west on Amber Hill Court to South 84th Street. With the new road, cars would be able to exit the apartment complex and travel straight south using the proposed connection, then east to the Amber Hill Road/South 84th Street intersection.

4. Public streets are typically created via the platting process after review and approval of preliminary plats (or by community unit plan or planned unit development in lieu of a preliminary plat) and final plats by the City. The proposed development plan for this property is included in the plans submitted with the associated application SP#06001B. Those plans show the creation of both the South 83rd Street connection, and an internal private roadway serving the development.
5. The details of the a utility plan, the grading and drainage plan, and the layout of lots and streets showing how the site can be developed are also covered in the review of SP#06001B. Staff has noted that additional information is required for that application, and those deficiencies are included as recommended conditions of approval of the special permit.
6. The Future Land Use Map of the Comprehensive Plan designates urban density land uses for the subject property. As the city continues to grow and surround the acreages in this area, it is anticipated there will be additional voluntary annexation requests. Similar requests to annex and re-zone to allow higher density residential development which allow more efficient use of land and infrastructure would be consistent with the Comprehensive Plan. Additionally, the proposed R-3 zoning allows a range of uses compatible with the surrounding AGR zoning and acreage development.
7. The requests as submitted comply with the Zoning Ordinance and Comprehensive Plan. If approved, development of the site is limited to the requirements of the R-3 zoning district.

Prepared by:

Brian Will, 441-6362, bwill@lincoln.ne.gov
September 19, 2012

OWNER/

APPLICANT: Fox Hollow, LLC
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Civil Design Group
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**ANNEXATION NO. 12004
CHANGE OF ZONE NO. 12027
and
SPECIAL PERMIT NO. 06001B**

PUBLIC HEARING BEFORE PLANNING COMMISSION:

September 5, 2012

Members present: Gaylor Baird, Butcher, Cornelius, Francis, Hove, Lust, Sunderman and Weber.

Staff recommendation: Approval, subject to submittal of a preliminary plat or community unit plan.

There were no ex parte communications disclosed.

The Clerk announced that the applicant has requested a deferral of the public hearing until October 3, 2012.

Francis moved deferral, with continued public hearing and action scheduled for October 3, 2012, seconded by Lust and carried 8-0: Gaylor Baird, Butcher, Cornelius, Francis, Hove, Lust, Sunderman and Weber voting 'yes'.

There was no public testimony.

CONT'D PUBLIC HEARING BEFORE PLANNING COMMISSION

October 3, 2012

Members present: Hove, Sunderman, Gaylor Baird, Francis, Lust, Weber and Cornelius; Butcher absent.

Staff recommendation: Approval of the annexation and change of zone; conditional approval of the amendment to the special permit.

There were no ex parte communications disclosed.

Mike Eckert of Civil Design Group appeared on behalf of **Fox Hollow LLC**, the owner of the lot in question, and requested a two-week deferral due to some discussions that the applicant continues to have with staff related to the conditions of approval in the community unit plan.

Lust moved to defer, with continued public hearing and action scheduled for October 17, 2012, seconded by Francis and carried 7-0: Hove, Sunderman, Gaylor Baird, Francis, Lust, Weber and Cornelius voting 'yes'; Butcher absent.

There was no other public testimony.

CONT'D PUBLIC HEARING BEFORE PLANNING COMMISSION:

October 17, 2012

Members present: Butcher, Francis, Lust, Hove and Cornelius; Sunderman, Weber and Gaylor Baird absent.

The Clerk announced that the applicant has requested an additional two-week deferral of the public hearing.

Lust moved to defer, with continued public hearing and action scheduled for Wednesday, October 31, 2012, seconded by Francis and carried 5-0: Butcher, Francis, Lust, Hove and Cornelius voting 'yes'; Sunderman, Weber and Gaylor Baird absent.

There was no public testimony.

CONT'D PUBLIC HEARING BEFORE PLANNING COMMISSION:

October 31, 2012

Members present: Lust, Francis, Gaylor Baird, Sunderman, Weber, Hove and Cornelius; Butcher absent.

Staff recommendation: Approval of the annexation and change of zone, and conditional approval of the amendment to the CUP.

There were no ex parte communications disclosed.

Staff presentation: **Brian Will of Planning staff** explained that these three applications represent an amendment to the existing CUP adding a 4.6-acre parcel located northwest of Amber Hill Road and South 84th Street. The proposed site plan shows up to 24 units. The Future Land Use map shows this area as future urban residential with the commercial across the street. Will reviewed the proposed site plan which shows South 83rd Street connecting from Renatta Drive to Amber Hill Road and then internally the development of 31 lots being served by what is currently an unnamed private road.

Will pointed out that there is a waiver to design standards requested for the radius of the cul-de-sac. In reducing that radius, Public Works is supportive provided there is no parking on the cul-de-sac.

Will also pointed out that the Health Department noted the proximity of the property to the existing high pressure gas line. The separation from that gas line to the rear of the proposed structures is 200'. Based upon their calculations, the Health Department is recommending a separation of 220'. The Planning staff is still supportive of the application with the 200' separation because the applicant has revised the site plan to the extent possible to maintain the 200' separation. The applicant is providing as much separation as they can and staff is recommending approval, subject to conditions.

Francis inquired whether the 2030 Future Land Use map showed the same designation. Will believes the amendment was actually to the 2030 Plan and brought forward in the 2040 Plan.

Lust inquired about notification to property owners about the proximity of the gas line. Will acknowledged that there is no regulatory notification. He suggested that there are signs or markers along the gas line location and they are typically in an undeveloped area. There is no requirement that there be some written notice or as part of the deed or covenants. It will be shown on the site plan and any approved plans for the CUP, which will be recorded and part of the public record.

Gaylor Baird asked how the Planning staff wrestled with the Health Department recommendation, i.e. at what point was the Planning Department uncomfortable with the separation? Will stated that it is reaching a point where we have a comfort level. The original plan did not provide as much separation. Staff worked with the applicant to modify the site plan to the extent possible, while providing the same number of units. Staff believes that 200' gets pretty close to the ultimate goal. It is not a hard and fast standard, but a calculation that provides a goal. The language is more "to the extent possible", and staff believes the 200' meets the intent of the language.

Proponents

1. Mike Eckert of Civil Design Group appeared on behalf of **Fox Hollow LLC**, the owner of the property that is a part of this amendment. He expressed appreciation to the Commission for allowing the previous deferrals, which gave the developer an opportunity to go back to the drawing board to look at some things differently on the site plan and potential changes in 84th Street; however, they ended up back exactly where they were before the deferrals.

Eckert stated that this piece of property was purchased by the owners of the apartment complex that is being built to the north of Renatta Drive. Fox Hollow, LLC, purchased the property with the intent of putting in a street to extend down to Amber Hill Road. This was shown in general concept in the approved CUP in 2006. This street will be constructed between 84th and 80th and will comply with block length. The applicant began this process with this 5-acre parcel in order to put in the road to a full access intersection. Then staff wanted more detail. At one point, the neighbors were shown three 25-plexes. The plan now is to develop "duplex-style" – some two-plexes, some four-plexes; two-story maximum height. The duplexes will front on 83rd Street and some on the private roadway. The detention has been modified such that in the future, there will be a detention cell which will be green space and lower than the existing grade of Amber Hill Road.

Eckert also observed that they worked with the neighbor to leave an outlot to preserve some trees. They also met with neighbors to the south about extra trees on their properties when the road is constructed.

Eckert submitted proposed amendments to the conditions of approval to which he believes staff is in agreement:

- 1.2 Submit grading, drainage, and utility plans, including plans for improvements in Amber Hill Road to the satisfaction of Public Works and Utilities. The following improvements will be phased as follows:
 - 1.2.1 Sidewalks and street trees on the west side of 83rd Street will be installed upon development of the land to the west. This property will be platted as an outlot for future development and deeded to the owner to the west.

- 1.2.2 Urban curb and gutter segment on the south side of Amber Hill Road will be the responsibility of any future redevelopment of the land to the south.
- 1.2.3 Urban curb and gutter segment and associated grading on north side of Amber Hill Road will occur once buildable lots are platted on this development.
- 1.2.4 The water main in Amber Hill Road will not be constructed as part of this project, but the owner agrees to not object to a special assessment district for this improvement if it is proposed in the future.
- 1.2.5 That the water main in the private roadway not be extended to the future water main in Amber Hill Road.

Eckert advised that this property is being brought in as a R-3 CUP. The density on a typical R-3 CUP is 6.96 units per acre, or, in this case, 32 lots on 4.6 acres. This proposal promotes one less unit than what is allowed in the standard R-3. It will be owned by the owners of the apartment complex, but the density is equivalent to R-3 CUP residential density. They want to get the road built and will come back at some point and do a final plat.

Lust inquired how soon the developer anticipates building the 32 units. Eckert stated that the developer is going through a phasing in the apartment complex – one phase next year and the next in 2014. It would be after that that they would anticipate building this area. This also provides some diversity of units. The road will be built as soon as possible. It will be a fully conforming paved road done by standard executive order.

Gaylor Baird asked Eckert to explain why the Commission should disregard the recommendation of the Health Department with regard to the gas line. Eckert suggested that it is a recommendation based on a formula that in his understanding is not widely accepted across the country as far as a standard that we have to deal with. It was only three months ago that the developer realized the proximity of the gas line. The developer did revisit the site plan and layout and did do some things differently and made the effort. They even considered putting the roadway in that setback area, but the sewerage was then going to be problematic. Eckert believes this development has come a long way in this regard, now generally providing a 200' separation, while Health wants 220'. Eckert reiterated that there is nothing in the subdivision regulations or standards that require this setback. There is no easement for it. There is nothing of record on the property.

Weber referred to Renatta Drive and asked whether the developer ever discussed bringing Renatta Drive out and making an intersection on 84th Street. Eckert explained that part of the delay was to meet with the city to discuss a potential roundabout there, which would require relocating some streets. Public Works determined that it was not the optimum place due to several factors, and Public Works is waiting to make decisions on roundabouts in relation to the Access Management policy that was just passed. They wanted to look at the intersection on Amber Hill for a roundabout, which at least provides a safer u-turn movement. From a design perspective it did not work well on Renatta. The streets need to be loaded equally from all four sides. Weber wondered about a stop light, doing away with 83rd Street and moving the whole development to the west to give more space to the gas line. Eckert observed that for over 10 years before the Access Management standards were passed, signals have been focused on the 1/4 mile. This was closer to 1/8 mile.

Opposition

1. **Russ Kromberg**, 8201 Amber Hill Road, testified in opposition. In 2006, Grand Terrace was approved with the condition that there would ultimately be at least three other access points to this development besides Renatta Drive and South 84th Street. As of now, there are only two access points. All of this traffic flows out Amber Hill Road, and they either have to make a u-turn or they have to do a right turn to head north at 84th & Amber Hill Road. The original plan showed one exit going to the north through Portsche Heights and one to the west at around 75th Street. As of now, these accesses have not happened and there is no plan to make them happen, so we are ultimately going to have all of the traffic coming out one exit. To help ease that, the developer wants to put 83rd Street in there, but Kromberg does not believe that is going to help the traffic. It will still come out the same area. This development needs more access points.

In a letter dated January 5, 2005, from Engineering Design Consultants to the Planning Department it read, "The developer has worked diligently with the surrounding homeowners to bring forward a development that meets the City of Lincoln's goals for residential density and is conducive to the existing homes." That original developer, Steve Champoux, did do that, including a payment of \$285,000 towards paving the roads.

The annexation policy of the Comprehensive Plan states that the character of existing residential areas should be respected as much as possible. When low density acreage areas are proposed for annexation, additional steps should be taken to ease the transition as much as possible, such as public meetings, notices, etc. Kromberg does not believe putting 31 units up next to an acreage development eases the transition.

Kromberg then referred to the pile of dirt depicted in a photograph sent by Kristy Kromberg. That pile of dirt is still there; however, it has been moved to the north. He does not know how long it is going to be there. He has not had any communication with the developer on that.

Kromberg stated that he understands that this area will be developed in the near future and he is on-board with that, but he does have an issue with 83rd Street going right into his driveway. There will be 200+ cars traveling down there with lights coming into his house.

Kromberg also expressed concern about green space. The only green space will be the detention cells, which is going to be smaller than a normal cul-de-sac with no parking. If two of the units have a party, there will be people parking on Amber Hill Road, which means it should have curb and gutter and sidewalks.

Kristy Kromberg is concerned about the huge volume of traffic being diverted south onto a 3-acre lot subdivision.

Staff questions

Weber asked for confirmation about the access points for the entire CUP. Will stated that there are multiple connections in and out of the development in the overall approved plan for Grand Terrace, acknowledging that some will occur in the future. There is a connection to the north coming forward. It is true that the whole development has not yet been platted so not all of the streets have

been constructed. As the development is platted and additional lots are created and homes are built, those connections will be made. There is one connection dependent upon the acreage lots to the west being developed, but there are multiple connections planned and shown in the CUP. Will concurred that there are only two outlets at this time because there is only a portion of the development that has been platted.

Will observed that what is driving this application is building the street connection down to Amber Hill Road and South 84th Street.

Weber wondered whether there are any benchmarks for when more outlets have to be built. Will believes that is up to the developer and the market demand.

Lust inquired about what is now developed. Will stated that the apartment buildings are under construction now. Will then showed on the map what has been final platted but not yet fully built out with homes.

Gaylor Baird inquired more about whether this is an appropriate transition from the land to the east. Why does the Planning Department believe this is an appropriate transitional change of zone? Will referred to the Future Land Use map which shows the urban density designation. The area designated as low density residential is not an attempt to represent a desire but more than anything, it merely recognizes the acreages that exist. The Planning staff does not see an inherent conflict between the lower density and the acreages next door to residential. There is not an inherent incompatibility – it is residential next to residential. Given the location, Will would suggest that it is just a matter of time before this area is developed in a like manner that Grand Terrace is developing, and staff will find that to be consistent with the Comprehensive Plan. It will make better use of infrastructure as that area develops. The future is going to be urban residential for this area. The area designated as commercial was part of the rationale for making the change to urban residential.

Will agreed with the applicant's proposed amendments to the conditions of approval.

Sunderman inquired whether there are any design regulations that require a setback from the pipeline. Will stated that there is nothing in the Lincoln Municipal Code that regulates or requires some specific setback from those facilities. The Health Department calculation is a recommendation.

Francis assumes that there are currently other subdivisions that are closer than 200' to a gas line. Will concurred. A classic example is one mile north in Vintage Heights.

Cornelius wondered where the discussion stands about imposing some sort of requirement or regulations with regard to proximity to the pipelines. Will believes that there was a report from the Joint City-County Planning Commission and the Board of Health suggesting some guidelines. The calculation of the Health Department is taken into consideration – it is not treated as a hard and fast standard – but to the extent we can achieve that goal, that is what we intend to do.

Lust remembers some briefings where the Health Department was going to advise the Commission of some guidelines. The process Will previously discussed occurred longer ago. There was some

discussion a few years ago where the issue was revisited and there was discussion about formulating some standards, but that has not been done.

Response by the Applicant

Eckert addressed the concerns of the opposition by talking about the connection points. His firm has been directed by the developer to begin the next phase of development of 30 lots; however, only 6 are currently under purchase agreement. Sewer and water will be brought in from Highway 2 in the next phase. The next phase after the water and sewer will require a connection for those on the western part. We've got 80th Street and 83rd Street, but we must not overlook that eventually people can get to 70th Street. Not all of the traffic will be going up to 84th Street. Part of the reason the developer was asked to pay \$285,000 for the roads was that Portsche Lane and Amber Hill Road were paved to an 8" asphalt standard rather than 6" anticipating that urban residential use. There has been some foresight in how that would be handled and traffic can go both directions. The two connections meet the typical fire, safety, and access standards.

Eckert purported that this development does comply with the Comprehensive Plan in that it provides some green space with the detention cells, as well as an attempt to stay away from the pipeline as far as possible, even though not a required standard. At one point the distance was 120' and they have been able to bring that to 200'. "When there is not a design standard, you do what you can", and Eckert believes they have done so.

Eckert further observed that this application follows the CUP by putting in the road and it follows the Comprehensive Plan by putting in urban residential. The developer has worked some of the design issues out with staff and it is adjacent to a major arterial.

Lust inquired about the Portsche access which the Krombergs are concerned has not occurred. Eckert explained that it was modified. The note on the 2006 site plan said to either take access to Portsche Lane or provide some other access to Portsche Lane. So when that amendment to the CUP was done, it was determined that the access would go "here" (pointing to the map). That property owner of that 5-acre parcel was the applicant on the CUP and has shown that as a future right-of-way. That is where the sewer and water will come through for the next phase and that road connection will not be made. That connection would be determined by that landowner at the time he decides to subdivide his property.

ANNEXATION NO. 12004

ACTION BY PLANNING COMMISSION:

October 31, 2012

Francis moved approval, seconded by Hove.

In looking at the Future Land Use map, Cornelius believes this is a reasonable use of the property in the context of the surrounding properties. It is intended to be urban residential and is actually forming a transition between commercial to the east and north and the acreages that are currently existing. The acreages as shown on the Future Land Use map reflect not necessarily the future intended use but the existing use. As the planning process looked at this area, it was determined that urban residential made a good transition between that existing acreage land use and the proposed future commercial. For that reason alone, this is a reasonable plan for this area.

Motion for approval carried 7-0: Hove, Lust, Francis, Gaylor Baird, Sunderman, Weber and Cornelius voting 'yes'; Butcher absent. This is a recommendation to the City Council.

CHANGE OF ZONE NO. 12027

ACTION BY PLANNING COMMISSION:

October 31, 2012

Francis moved approval, seconded by Lust and carried 7-0: Hove, Lust, Francis, Gaylor Baird, Sunderman, Weber and Cornelius voting 'yes'; Butcher absent. This is a recommendation to the City Council.

SPECIAL PERMIT NO. 06001B

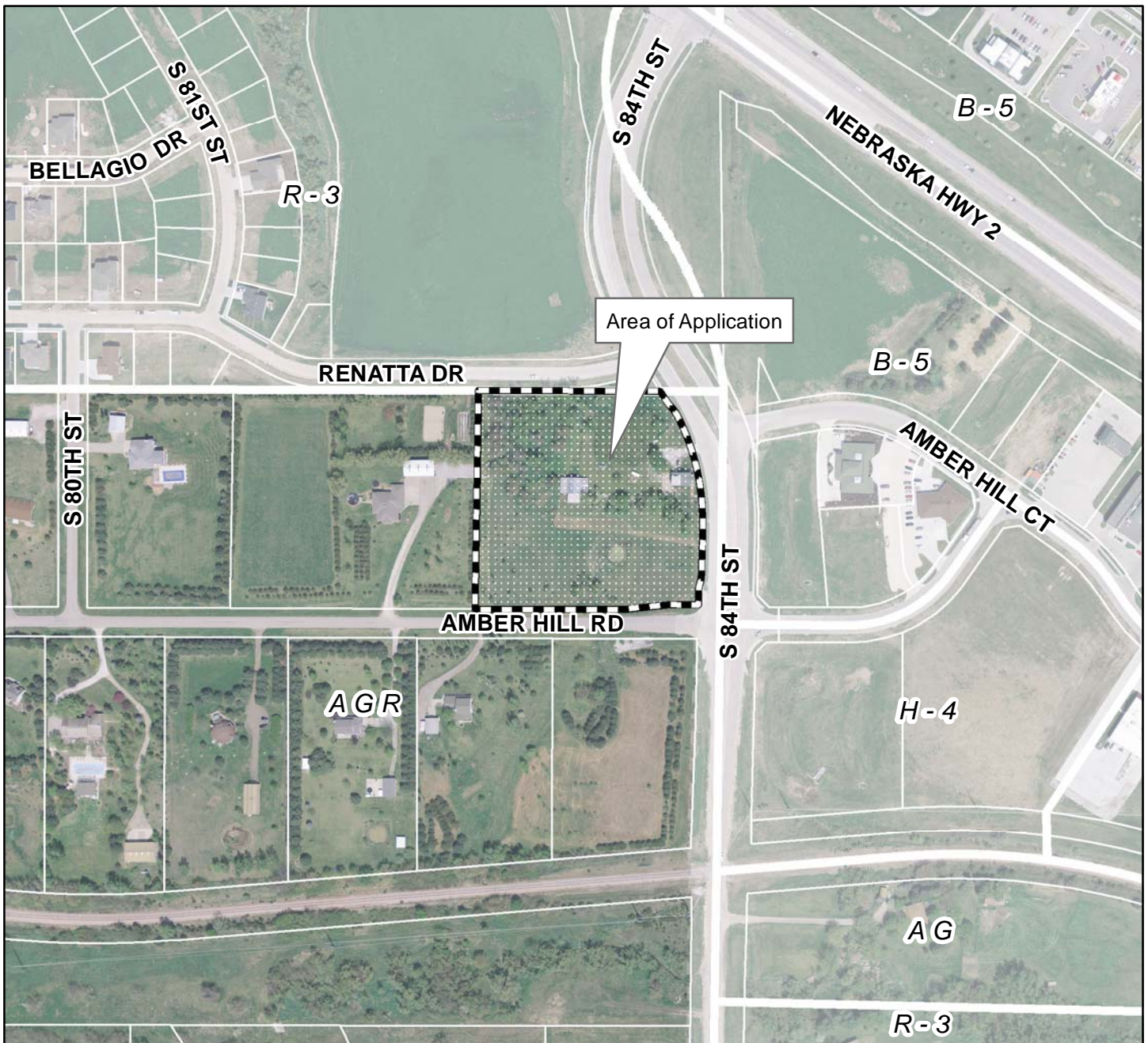
ACTION BY PLANNING COMMISSION:

October 31, 2012

Lust moved to approve the staff recommendation of conditional approval, with the amendments proposed by the applicant, provided that Condition #1.2.5 reads, "That the water main in the private roadway will not be extended to the future water main in Amber Hill Road.", seconded by Francis.

Cornelius indicated that his comments on the annexation apply to this application as well. Of particular concern was the proximity of the high pressure natural gas pipeline to the east. What he has concluded as a result of this discussion is that it might be worth the effort to revisit that discussion to see if we can come up with some kind of standards to apply in these situations. The Health Department recommendation is not a standard but is generated based on formulas. Cornelius makes his livelihood off of basing things on formulas so puts a lot of stock in them, but he will support this application because of the good faith effort made on the part of the developer to locate the residential units as far from the pipeline as possible.

Motion for conditional approval, as amended, carried 7-0: Hove, Lust, Francis, Gaylor Baird, Sunderman, Weber and Cornelius voting 'yes'; Butcher absent. This is final action unless appealed to the City Council within 14 days.



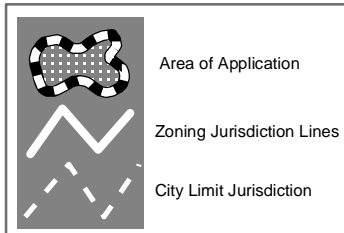
**Change of Zone #12027 (AGR to R-3)
& Annexation #12004
S 84th St & Amber Hill Rd**

2010 aerial

Zoning:

- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential 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. 22 T09N R07E



GRAND TERRACE 2ND ADD.

LOT 1

RENATTA DR.

S89°46'38"E
485.67'

R=480.00'
D=21°18'46"
A=178.27'
C=177.25'

S71°55'43"E
15.35'

S32°12'47"E
32.11'

OUTLOT B

N89°46'38"W
130.84'

R=104.00'
D=10°35'14"
A=19.22'
C=19.19'

R=91.00'
D=15°58'52"
A=25.38'
C=25.30'

R=470.00'
D=28°17'27"
A=232.07'
C=229.72'

AMBER

HILL

REM. PORT.
1

CHANGE OF ZONE AGR TO R-3

N00°52'51"E
450.06'

ESTATES

2

2ND

ADD.

R=46.00'
D=17°45'29"
A=14.28'
C=14.20'

103.91'
S01°25'05"W

R=59.00'
D=17°55'19"
A=18.46'
C=18.38'

S. 84TH ST.

305.16'

N89°47'01"W

AMBER

HILL

100.50'

S84°30'17"W

RD.

30.0

30.0

40.0

40.0

5

REM. PORT.
6

6

DWG: F:\Projects\2011\20110038\landplanning\EXHIBIT\110038_coz.dwg
DATE: Aug 08, 2012 10:49am
USER: Jill Schuerman
XREFS:

drawn by: jds
checked by: -
project no.: 2011-0038
date: 08/08/2012

**CHANGE OF ZONE EXHIBIT
GRAND TERRACE SOUTH
LINCOLN, NEBRASKA**

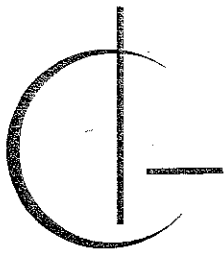


Civil Design Group, Inc.
8536 EXECUTIVE WOODS, DR., SUITE 200
Lincoln, Nebraska 68512
Ph. 402-434-8494 Fax 866-216-8747
www.civildg.com

CONSULTING ENGINEERS • LAND USE PLANNERS
CIVIL DESIGN • SITE DEVELOPMENT • PLANNING AND ZONING

EXHIBIT

1
015



Civil Design Group, Inc.

Consulting Engineers & Land Use Planners
Civil Design • Site Development • Planning & Zoning

www.civildg.com

August 8, 2012

Mr. Marvin Krout, Director of Planning
City of Lincoln /Lancaster County
555 South 10th Street, Room 213
Lincoln, NE 68508

**Re: Request for Annexation and Change of Zone for 7901 S. 84th St, Amber Hill Estates
2nd Addition, Lot 1
CDG Project No. 2011-0102**

Dear Marvin:

On behalf of Fox Hollow, LLC, we submit the above request for annexation and change of zone from AGR to R-3 for the 5 acre parcel known as 7901 S. 84th. Fox Hollow, LLC is the owner of this parcel and is currently developing and multi-family complex on the north side of this lot. They desire to annex this land so that they may construct 83rd Street between Renatta Dr and Amber Hill Rd. The Grand Terrace CUP refers to this roadway connection in note #16. This will assist current and future residents and owners in the Grand Terrace subdivision with enhanced access to the full access intersection of Amber Hill Rd and 84th St. It will also provide for better compliance with block length and pedestrian easement requirements as development occurs in this area.

In conjunction with this submittal we submit the following items:

Application for Change of Zone and Annexation
Change of Zone Fee - \$440.00

I hope that this letter in conjunction with the attached exhibit provides you with enough information to review this annexation and change of zone request. In an effort to facilitate the review process, please feel free to call me at (402) 434-8494 so that I can address any questions you may have.

Sincerely,

Mike Eckert, AICP

F:\Projects\2012\20120102\landplanning\Doc\COZ-annexation-planning_08-08-12.doc

016

TO THE PLANNING COMMISSION

MY NAME IS JAYME GRUBER,
I AM PRESIDENT OF RECORD FOR THE
AMBER HILLS ESTATES HOMEOWNERS
ASSOC.

WE AS AN ASSOCIATION HAVE
SERIOUS CONCERNS ABOUT THE ANNEXATION
AND ZONE CHANGE REQUEST FOR LOT 1,
SECOND ADDITION OF AMBER HILL ESTATES.

FIRST WHAT ARE THESE
DEVELOPERS: HIDING SUBMITTING A
A BLANK MAP FOR THIS PROCESS, IT
WAS A ~~REDACTED~~ METONICAL QUESTION, I
HAVE SEEN THE SITE PLAN AND R3
ZONING IS WAY OUT OF THE CHARACTER
OF THIS NEIGHBORHOOD, IT IS OBVIOUS
THAT THEY HAVE NO INTENTION OF
BEING GOOD NEIGHBORS, THEY HAVE
ONLY SPOKEN TO ONE PERSON IN THE
NEIGHBORHOOD AND HAVE MADE NO
ATTEMPTS TO CONTACT THE ASSOCIATION
ABOUT THEIR PLANS FOR THIS PROPERTY.

GRANTING THEM R3 ZONING
IS LIKE WRITING THEM A BLANK
CHECK DESTROY THE INTEGRITY OF
OUR NEIGHBORHOOD.

OPPOSITION:

ITEM NO. 4.1a&b: ANNEXATION NO. 12004

CHANGE OF ZONE NO. 12027

(p.9 - Public Hearing - 9/05/12)

RECEIVED

AUG 30 2012

Lincbn/Lancaster Co.
Planning Department

I WOULD LIKE TO CHALLENGE
THE PLANNING COMMISSION TO SHOW
US ANOTHER DEVELOPMENT WHERE
AND AGR LOT WAS CHANGED TO R3
AND A DEVELOPER WAS ALLOWED TO
BUILD APARTMENT NEXT TO EXISTING
ACERAGE HOMES.

~~AND~~ CONCERNS, LIGHT POLLUTION
NOISE POLLUTION, TRAFFIC CONCERNS.
WE'RE IN THE COUNTRY, DOES THE ROAD,
AUBER HILL RD, BECOME A CITY STREET?

WE ASK THAT YOU DENY
THIS APPLICATION UNTIL THIS
DEVELOPER BECOMES MORE FORTH
COMING ABOUT THEIR PLANS FOR THIS
PROPERTY.

Jean Preister

From: russk@neb.rr.com
Sent: Friday, August 31, 2012 12:29 PM
To: Brian Will; Jean Preister
Subject: Annexation No. 12004
Attachments: 110038_acreage_site.pdf

In response to the application to annex the 5 acres of land at 7901 S. 84th street. The way the application has been filed I am against the annexation and rezoning of this property. There has not been a plan submitted with this request and we do not know what the developer wants to do with this property other than put a road in.

As it is shown on the plan the road will come directly into our driveway at 8201 Amber Hill Rd. and I have a concern with vehicles coming down a hill directly into a driveway.

What are the plans for Amber Hill road from 84th street to the new road being put in? Will this section of Amber Hill Rd. be required to be brought up to city standards? Who will be required to pay for this?

In April of 2012, Mr. Larry Bayer with Fox Hollow LLC provided me with a proposed layout of this 5 acres that shows three apartment buildings with 25 units in each building and no green space within this development. (see attached layout). I do not believe that this development would flow into the existing Amber Hill Estates acreage development.

There has been excessive dirt work completed on this property without any notification of the neighbors or a building permit.

There is currently a lagoon on this property. Is there a process to abandon this in accordance with the department of health?

What is the plan for sewer and water? How will it be provided to this property?

What about storm water run off? Where is this going to flow?

I believe these questions and concerns need to be addressed before this property can be annexed or rezoned.

Russ Kromberg
8201 Amber Hill Rd.
Lincoln, NE 68516
402-560-2615

Sent: Friday, August 31, 2012 11:30 AM
To: Jean Preister
Subject: Kristy Kromberg shared "2012-08-28 16.47.17.jpg" with you - CZ#12004 AN#12027

From: Dropbox [mailto:no-reply@dropbox.com]
Sent: Tuesday, August 28, 2012 5:21 PM
To: Brian Will
Subject: Kristy Kromberg shared "2012-08-28 16.47.17.jpg" with you



Kristy used Dropbox to share an image with you!

Message from Kristy: "This is a view today of what is occurring regarding annexation number 12004. We live directly across the street and have some concerns regarding the changes in elevation that are occurring daily. This does not seem to be in line with our urban residential setting and is already approx 20 feet higher than the surrounding area. It is not in alignment with the topical or visual lines of the surrounding area. At this point there has been no changes in zoning or building permit I appreciate your assistance.

Kristy Kromberg
8201 Amber Hill Road
402-560-2614"

[Click here to view the image.](#)



2012-08-28 16.47.17.jpg

Create a Dropbox account

Download

Sign in



022

Jean Preister

From: Shelly Noerrlinger [noerrlinger@gmail.com]
Sent: Monday, September 03, 2012 7:45 PM
To: Jean Preister
Subject: Annexation No. 12004 and Change of Zone No. 12027

Planning Department
555 South 10th, Room 213
Lincoln, NE 68508

To Whom It May Concern:

I'm am submitting a comment prior to the public hearing in regards to the September 5,2012 Planning Commission Agenda items mentioned below.

ANNEXATION WITH RELATED ITEMS:

4.1a Annexation No. 12004, to annex approximately 5 acres, more or less, generally located at S. 84th Street and Amber Hill Road.

Staff recommendation: Approval, subject to submittal of a preliminary plat or community unit plan

Staff Planner: Brian Will, 402-441-6362, bwill@lincoln.ne.gov

4.1b Change of Zone No. 12027, from AGR Agricultural Residential District to R-3 Residential District, on property generally located at S.

84th Street and Amber Hill Road.

Staff recommendation: Approval, subject to submittal of a preliminary plat or community unit plan

Staff Planner: Brian Will, 402-441-6362, bwill@lincoln.ne.gov

I would like to express my concern for the amount of traffic that would be entering and exiting Renatta Drive and in the near future Amber Hill Road due to the building of the apartment complexes and/or townhouses. When sitting at the Amber Hill Road and 84th street intersection; there is a blind corner to the north. I have pulled out in front of someone a handful of times when using this intersection around 7:45 a.m. I'm a cautious driver when taking my son to school at this time of day but there is no way to see the south bound traffic coming around the corner on 8th street.

Furthermore, since you cannot make a left turn onto 84th street at the intersection of Renatta Drive and 84th street, the traffic flow is forced to travel south and make a u-turn at the Amber Hill Road intersection. Again, it's very busy during the morning rush hour.

My suggestion would be to research the design of the traffic flow during this planning process. Please feel free to contact me at (402) 429-6887 if you have any further questions.

Sincerely,
Shelly Noerrlinger

023

Jean Preister

From: Russ Kromberg [russk@neb.rr.com]
Sent: Monday, October 15, 2012 9:48 PM
To: Brian Will; Jean Preister; Mayor; UrbanDev
Subject: SP06001A, Grand Terrace, 84th & Amber Hill Rd.
Attachments: sp06001.pdf

The way the plan is now I am opposed to the annexation and rezoning of this property and the addition of this 5 acres to the Grand Terrace community unit plan.

In 2006 the Grand Terrace development was proposed and accepted with the condition that "there will ultimately be three other connections in and out of this development, besides Renatta Dr. and S 84th,"

As of now there is only two, one at 80th St. and one at Renatta and 84th.

The original plan shows one going into Portsche heights and one going to the west towards 75th St.

There are no plans in the near future to put these access points in. The property owner in Portsche has no plans on allowing that road to go through in the near future; when he sub divides the road will go through.

This sounds like very poor planning to have all this traffic exit on Amber Hill Rd or turn south on 84th and make a U turn at the median of 84th and Amber Hill Rd.

To get another access point to Grand Terrace the developer wants to put in 83rd st which will also send traffic down Amber Hill. So with over approx 200 units in this CUP the majority of them will be exiting at 84th and Amber Hill, sounds like a traffic back up. There needs to be an access point on the north before another one on the south.

In a letter dated Jan 5 2005 from Engineering Design Consultants to the planning department, it stated "**The developer has worked diligently with the surrounding homeowners to bring forward a development that meets both the City of Lincoln's goals for residential density and is conducive to the area and existing homes.**" (see page 26 of attached file) I believe they did do this including \$285K to pave the acreage roads. Putting in 31 town houses in 5 acres does not follow this plan.

We understand the this area will develop in the near future but I do not believe this is the right plan. There needs to be an access point to this development from the north to alleviate the traffic burden at 84th and Amber Hill. If 83rd St does get put

in it needs to move to the east so it is not in line with our existing driveway. The way the plan is now the majority of the of traffic from this entire CUP will be exiting down 83rd St. and there will be traffic from approximately 200 home, apartments and town homes coming down 83rd street directly into our driveway. I would propose that 83rd street be moved to the east so that is does not line up with our existing driveway.

Finally, when this 5 acres is annexed and developed I believe Amber Hill Rd will need to be brought up to city standards including curb, gutter and sidewalks on both north and south sides of the road to support the additional traffic from 84th St. to the end of the proposed annexation.

Russ, Kristy Kromberg
8201 Amber Hill Rd.