City Council Introduction: November 16, 2015
Public Hearing: November 23, 2015, at 5:30 p.m.

Bill No. 15-136

FACTSHEET

TITLE: ANNEXATION NO. 15011
(South 90th Street and "O" Street)

BOARD/COMMITTEE: Planning Commission

APPLICANT: Lewis-Starostka, Inc.

RECOMMENDATION: Approval (9-0: Beecham, Cornelius, Harris, Lust, Sunderman, Corr, Weber, Scheer and Hove voting 'yes'.

STAFF RECOMMENDATION: Approval

OTHER DEPARTMENTS AFFECTED: Public Works will be responsible for the maintenance and replacement of the streets and utilities in the new addition, and other departments will provide City services to the area and its residents.

SPONSOR: Planning Department

OPPONENTS: Two property owners requested more information on drainage and traffic impacts.

REASON FOR LEGISLATION: To annex approximately 50.5 acres, more or less, generally located at South 90th Street and "O" Street.

DISCUSSION/FINDINGS OF FACT:

1. This annexation request and the associated Change of Zone No. 15028 from AG to R-3 Planned Unit Development (Bill #15-137), were heard at the same time before the Planning Commission.

2. The purpose of this proposal is to allow the development of up to 320 residential units and 40,0000 square feet of commercial space.

3. The staff recommendation for approval of the annexation request is based upon the "Analysis" as set forth on p.5-9, concluding that the property is adjacent to the city limit, and the full range of municipal services are planned to be constructed adjacent to this property. This annexation complies with the Zoning Ordinance and is consistent with the Comprehensive Plan. The staff presentation is found on p.11-13.

4. The testimony on behalf of the applicant is found on p.13-15.

5. There were questions of two local property owners regarding potential traffic and drainage impacts in the area, which are found on p. 14.

6. On October 28, 2015, the Planning Commission agreed with the staff recommendation and voted 9-0 to recommend approval of this annexation request.

7. On October 28, 2015, the Planning Commission also voted 9-0 to recommend approval of the associated Change of Zone No. 15026 (Bill #15-137).

8. 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: Geri Rorabaugh, Administrative Officer **DATE:** November 3, 2015

REVIEWED BY: David R. Cary, Acting Planning Director **DATE:** November 3, 2015

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LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for October 28, 2015 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 #: Change of Zone No. 15028, Shadow Creek PUD
Annexation No. 15011

PROPOSAL: To annex property and change the zoning from AG, Agriculture, to R-3, Residential, Planned Unit Development for up to 320 residential units and 40,000 square feet of commercial space

LOCATION: Generally located at 90th Street and O Street

LAND AREA: CZ15028 48.9 acres, more or less
AN15011 50.5 acres, more or less

EXISTING ZONING: AG Agriculture

CONCLUSION: This property is adjacent to the city limit, and the full range of municipal services are planned to be constructed adjacent to this property. A change of zone to R-3 PUD is consistent with the Future Land Use Map and is compatible with the adjacent development. The requested waivers will provide flexibility for this development. Both requests comply with the Zoning Ordinance and are consistent with the Comprehensive Plan.

RECOMMENDATION:	
AN15011	Approval
CZ15028	Conditional Approval
WAIVERS:	
1. Per Section 27.60.020, to allow increase in height of buildings in Area 1 from 35' to 50'.	Conditional Approval
2. Per Section 27.67.030, to allow parking in the required side yard for Area 2 except when abutting a residential district.	Conditional Approval

3. Per Section 27.67.030, to allow cross parking between lots located in Areas 1 and 2 to meet minimum parking requirements.	Conditional Approval
4. Per Section 27.60.020, to allow residential lots that exceed the maximum 3 to 1 lot depth to width ratio.	Conditional Approval

PROPOSED CITY COUNCIL DISTRICT ASSIGNMENT: District #2

GENERAL INFORMATION:

LEGAL DESCRIPTION: Lots 9, 28 and 34 of Irregular tracts and part of Lot "C", located in the north ½ of Section 26-10-7, Lancaster County, Nebraska, and more particularly described on the attached exhibit.

EXISTING LAND USE: Low-Density Residential and Farmland

SURROUNDING LAND USE AND ZONING:

North: Southeast Community College; P, Public
South: Soccer Fields and Open Space; AG, Agriculture
East: Low-Density Residential; AG, Agriculture
West: State Farm; O-3, Office Park District

HISTORY:
This property was rezoned from AA, Rural, to AG, Agriculture Use, with the 1979 Zoning Update.

COMPREHENSIVE PLAN SPECIFICATIONS:
P. 1.9 - The Future Lane Use Map designates this site for urban density residential land uses.

P. 1.10 - This site is shown in Tier 1, Priority B (2025) on the Growth Tier Map.

P. 12.14 - 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:

The City has plans to construct sanitary sewer and water utilities in 2016/2017 that would serve this property. Full building permits will not be approved for this development until utilities are available.

A. **Sanitary Sewer:** Plans for constructing the sanitary sewer from N. 98th Street and Boathouse Road extended to this property are underway. The City anticipates the sanitary sewer will be constructed in fiscal year 2016/2017.

B. **Water:** A 24 inch water main has been designed in O Street from 84th Street to 98th Street. The eastern 1300' has been constructed to approximately the Hillcrest Golf Course driveway.

C. **Roads:** Public streets and private roads are proposed within this development.

D. **Parks and Trails:** A future trail is proposed on the north side of O Street. There are no other trails or park land associated with this development.

E. **Fire Protection:** After annexation, fire protection will be provided by Lincoln Fire Rescue (LFR).

TOPOGRAPHY: This property slopes downward from the west to the east.

TRAFFIC ANALYSIS: The Public Works and Utilities Department is reviewing the traffic study that was submitted with this application. No comments have been received as of the writing of this staff report. O Street is a State highway and is classified as a Major Arterial.

REGIONAL ISSUES: A small tributary of Stevens Creek cuts through the property on the east and includes floodplain along same area. The property has a low point along the floodplain and increases in elevation to the west.

ENVIRONMENTAL CONCERNS: Black Hills Energy has a pipeline along O Street that impacts residential development on this property. The recommended pipeline planning area is 109 feet based on current operating pressure.

ANALYSIS:

1. These are related requests for both an annexation and a planned unit development (PUD). The proposal is to develop up to 100 detached and attached single-family units, up to 220 multi-family units and 40,000 square feet of commercial space. The change of zone is from AG agriculture to R-3 PUD and proposes a mix of R-3, R-5 and B-2 land uses.

2. The area to be annexed is within Tier I, Priority B of the Comprehensive Plan. Tier I reflects the "Future Services Limit" where urban services and inclusion in the city limits is anticipated. In certain cases, areas in Priority B have special agreements that include some level of commitment to build infrastructure. In this case, no annexation agreement is needed to build future infrastructure as they are all provided or will be built in the near term. City services and road improvements will be noted in the PUD for this development.

3. This area is located within the Southeast Rural Fire District #1. Under State law, the District can petition for compensation from the annexing municipality for lost revenue based upon the amount of service area annexed. For voluntary annexations such as this one, any costs due to the district are to be borne by the developer. In this case, staff has conducted the financial analysis and there is no money due the District.

4. It is also the developer's responsibility to reach an agreement regarding any compensation due the Rural Water District as a result of the proposed annexation. This property is not located within the Rural Water District, so no compensation agreement is required.

5. This area is shown as Urban Residential on the Future Land Use Map. The R-3 PUD proposes a mix of residential and commercial uses. The R-3 and R-5 densities as proposed are appropriate urban residential districts at this location, and the B-2 area will provide appropriate services fo the area.

6. The City plans to extend sanitary sewer and water utilities that would serve this property. According to the Public Works and Utilities Department, both utilities will be constructed in 2016/2017. If the developer plans to construct the utilities ahead of the City's schedule, they will need to develop an agreement with the City.

7. The existing City limit abuts this property to the north on O Street and to the west. This application will annex additional O Street right-of-way that abuts this property.

8. Access into the development is off O Street at 90th Street which lies directly south of the entrance into Southeast Community College. The Nebraska Department of Roads is currently reviewing the access permit request and turn lane improvements on O Street. It is anticipated that this access point will be approved.

9. This development is divided into three development areas. Area 1 is located adjacent to O Street and the State Farm campus and is proposed for 220 multi-family dwelling units. Area 2 is shown as the neighborhood commercial area and proposes B-2 uses. This area is located approximately 550 feet from the existing Hillcrest residential neighborhood. Uses found in the B-2 zoning district are appropriate for a neighborhood commercial center. Area 3 is comprised of single-family dwellings, both attached and detached. The attached units are located in the northeast corner near O Street and adjacent to the Hillcrest Neighborhood.

   Since the building layouts for the Area 1 and Area 2 are not shown, that will need to be done in the future by administrative amendment. Depending on the building layout, an increase in building setbacks may be recommended at the time of administrative amendment.

10. Public streets and private roadways are proposed within this development. All streets within this development will be public except for S. 91st and S. 92nd Streets which will be private. The private roads are short streets that will serve 10 residential lots each. Red Sky Lane will be built to the edge of this development as a public street and could provide a future connection east to Anthony Lane. This connection would not happen unless the properties on Anthony Lane were redeveloped in the future.

11. This development proposes up to 320 residential units to be built and shows future access points to the east and south. The Hillcrest Neighborhood lies to the east and was platted with a right-of-way stub that was intended to provide access to this property. The location of the right-of-way stub lies directly within the floodplain. This is not an ideal location for a street and would be very difficult to construct under today's standards. Therefore, the recommended connection to the east is at Red Sky Lane.

The Shadow Creek PUD shows three streets that could be extended to the south if additional development occurs. Connections to the west and east could be provided when future development occurs to the south of the Shadow Creek PUD. A west connection could be provided through the State Farm property. The intersection of Cherrywood Drive and 84th Street is a signalized intersection and serves as an entryway into the State Farm property. Cherrywood turns into a driveway east of 84th and could provide a connection to 84th Street. This connection is conceptual and could only be made with the approval of State Farm. The Hillcrest Neighborhood was platted with a right-of-way stub to the south that would provide an additional connection to the east.

12. The development proposes on and off-sale alcohol sales in the B-2 district, but does not impose the separation requirements from residential zoning districts. The B-2 district requires a minimum 100 foot separation between the door of the licensed premises and the nearest residential district. In this case, the closest residential district to the east will be 90 feet due to the overhead electric easement and detention area. The closest residential district to the south and west would be 75 feet. Given this layout the separation adjustment may not be necessary. However, this adjustment would allow for residential units to be constructed in the commercial area as well.

13. The applicant is asking for several waivers to the Zoning Code and Subdivision Ordinance for this development as listed below.

A. Allow increase in height of buildings in Area 1 from 35' to 50'.

Area 1 is proposed to be developed with R-5 uses. The R-5 district allows buildings up to 35 feet in height, and the proposal is to construct the buildings up to 50 feet in height. Area 1 is adjacent to O Street to the north, the State Farm campus to the west and is separated from future single-family dwellings on the south by the drainageway. Given these circumstances, the increase in building height should have minimal impact on the surrounding properties. Placement of buildings and parking in Area 1 will require a future administrative amendment. Setbacks may be increased based on the location of future buildings.

B. Allow parking in the required side yard for Area 2 except when abutting a residential district.

The Zoning Code prohibits parking in any required side yard in all districts. The required side yard setback for the B-2 zone is 20'. Even if Area 2 is subdivided into separate lots, the entire area should still be treated as one center. Parking within the side yard setbacks should not be prohibited within the center, except for that portion adjacent to residential development on the east.

C. Allow cross parking between lots located in Areas 1 and 2 to meet minimum parking requirements.

The Planned Unit Development district encourages innovative and efficient land use and preservation of open space. Allowing cross parking between Areas 1 and 2 will support these efforts and will provide flexibility when the multi-family and commercial areas develop.

D. Allow residential lots that exceed the maximum 3 to 1 lot depth to width ratio.
Lots 2, 5, 7 and 10 in Block 4 are shown as flag lots that exceed the maximum lot depth to width ratio. The lot layout of this area provides access to the land adjacent to the drainageway while keeping residential lots fronting on S. 90th Street. This lot arrangement is a more efficient use of the land and doesn't require additional street infrastructure.

14. Relative to this proposed development, a high pressure natural gas pipeline is located along O Street. The Lincoln-Lancaster County Health Department (LLCHD) calculated a pipeline planning area of 154 feet on each side of this pipeline using a federal equation that accounts for the diameter and pressure of the natural gas pipeline which is based on the maximum allowable operating pressure for the pipeline. A Pipeline Planning Area (PPA) is the area in which the potential failure of a pipeline could have significant impact on people or property. The LLCHD recommends against locating vulnerable populations identified in the uses of residential dwellings, schools, hospitals, or childcare facilities within pipeline planning areas.

The applicant has proposed to calculate the pipeline planning area using the current operating pressure for this pipeline thus reducing the pipeline planning area to 109 feet on each side of this pipeline using the formula. The 109 foot setback is depicted as the gas line setback for the proposed multi-family residential and commercial areas (Area 1 & Area 2).

This approach of using the current operating pressure has recently been supported in other new residential developments along Yankee Hill Road as well. However, along Yankee Hill Road the operating pressure was very near the maximum allowable operating pressure. In this case along O Street, the 12 inch pipe is operating well below the maximum allowable operating pressure. According to Black Hills Energy, this pipe could have been sized at 2 to 4 inches, but was oversized to 12 inches to accommodate future growth. Presently, Black Hills doesn't have any plans to increase the operating pressure. They note it would take a significant commercial/industrial user for them to consider increasing the operating pressure. The 2040 Comprehensive Plan does designate commercial and light industrial uses in the area of 98th and O Street, but this is mostly envisioned as a retail or office area, with perhaps some mini-warehouse or storage uses and is not planned for a significant heavy industrial user that might have large natural gas usage, such as one with large boilers or furnaces.

The 2040 Comprehensive Plan states:

P. 7.4 - Provide adequate spacing from pipelines and areas where hazardous chemicals could be used and stored; notify property owners and residents along the pipeline about hazards and emergency actions.

P. 7.8 - Neighborhoods and Housing - Revise the regulations or procedures to provide notice to potential buyers about the location of pipelines and hazardous chemical use and storage, and to encourage adequate spacing be provided from pipelines and areas where hazardous chemicals could be used and stored.

In this case, the applicant has provided a site plan that arranged the land uses in order to increase the setback and reduce the amount of residential use next to the PPA compared to a standard single family subdivision. In the Area 1, the multi-family use will allow for parking and garages to be placed in the PPA. In Area 2, a commercial area is proposed next to the PPA. Thus, the 109 foot pipeline planning area is acceptable due to the current operating pressure and the site plan which meets that setback or provides commercial, parking or garages in the setback. However, it should be understood that if this pipeline's pressure is increased, the PPA would also increase placing residential dwelling units within the PPA.

15. A sidewalk should be shown along the O Street frontage. Currently there is not a sidewalk in this location. The sidewalk should be shown in the future right-of-way area and built once this land is platted.

CONDITIONS:

This approval annexes approximately 50.5 acres of land and permits 320 dwelling units and 40,000 sq. ft. of commercial floor area together with modifications to the Zoning Ordinance and Subdivision Regulations as follows:

1. Per Section 27.60.020, to allow increase in height of buildings in Area 1 from 35' to 50'.
2. Per Section 27.67.030, to allow parking in the required side yard for Area 2 except when abutting a residential district.
3. Per Section 27.67.030, to allow cross parking between lots located in Areas 1 and 2 to meet minimum parking requirements.
4. Per Section 27.60.020, to allow residential lots that exceed the maximum 3 to 1 lot depth to width ratio.

Annexation #15011 Approval

Prepared by:
Paul Barnes, Planner
402-441-6372
pbarnes@lincoln.ne.gov

DATE: October 13, 2015

APPLICANT: Lewis-Starostka, Inc.
429 Industrial Lane
Grand Island, NE 68803

OWNER: Lewis-Starostka, Inc.
429 Industrial Lane
Grand Island, NE 68803

Raymond Leavitt Trust
8701 O Street
Lincoln, NE

Harry Leavitt
8805 O Street
Lincoln, NE

CONTACT: Civil Design Group, Inc.
Mike Eckert
8535 Executive Woods Drive, Suite 200
Lincoln, NE 68512

ANNEXATION NO. 15011

ANNEXATION NO. 15011
TO ANNEX APPROXIMATELY 48.92 ACRES

Staff recommendation: Approval.

AND

CHANGE OF ZONE NO. 15028 - SHADOW CREEK PUD
FROM AG AGRICULTURAL TO
R-3 PLANNED UNIT DEVELOPMENT DISTRICT
PLANNED UNIT DEVELOPMENT DISTRICT
BOTH GENERALLY LOCATED AT S. 90TH AND O STREETS
PUBLIC HEARING BEFORE PLANNING COMMISSION: October 28, 2015

Members present: Beecham, Cornelius, Corr, Harris, Hove, Lust, Scheer, Sunderman, and Weber.

Staff recommendation: Approval.

There were no ex parte communications disclosed.

STAFF PRESENTATION:

Paul Barnes of the Planning Department presented these two related items. This area includes approximately 50 acres and is located just outside the city limits. The City services for sanitary sewer and water are programmed and the City is in the process of installing those services through 2016-2017. This annexation does not include an annexation agreement.

The Planned Unit Development talks about the different areas of development and land uses proposed. The uses are a mixture of commercial and residential. Along O Street at the north end, there is an access point shown at what will be South 90th Street. There are three areas proposed for development. Area 1 is shown as residential under the R-5 zoning district and will be multi-family dwellings up to 220 units. Area 2 is proposed for a Neighborhood Commercial Center with up to 40,000 square feet of floor area, noting that this PUD does not get to the level of detail to show the actual building footprints or location. Staff is recommending that it be approved by Administrative Amendment, so there will be an additional level of review as to how the area will lay out; this goes for Area 1 as well. Area 3 encompasses the area to the east and to the south and includes development of single-family units along the south and attached single-family units on the east.

Barnes said most of the streets shown will be public. The private street would be for the ten lots of attached single family units to the east. Red Sky Lane makes for a potential connection to the east. The Hillcrest neighborhood was platted with right-of-way stub streets which, in the future, would have allowed for connections to the west. However, one street stub is located within a flood plain so it would be difficult to meet today's standards. The proposal is to allow for Red Sky Lane to connect to the east. This would not happen until the lots farther to the east develop, but it is setting it up for that future connection. The other connections shown would provide additional connections to the south. As discussed in the staff report, there could be additional connections made to east and west in the future.

Barnes noted that there are several waivers requested. One is a height waiver for the residential building in Area 1, which is supported. Between Areas 1 and 2, there is a request to allow cross parking. Not knowing the layout of these two areas, that is supported and can be reviewed once those specific plans come in for approval. There is a request for some lots to exceed the lot depth-to-width ratio. That is a good use of the land given the infrastructure and the proximity to floodplain and wetlands.

Barnes said that for Area 2, there is a request to eliminate the required separation between alcohol sales and residential districts. In B-2 zoning, there is a requirement to have at least a 100-foot separation between the door of the licensed premise to the nearest residential district. This entire PUD is proposed to be R-3, so with the overlay, it is residential. Looking at adjacent proposed residential uses to the east, the attached units are separated by an overhead easement and a detention area that is around 90 feet. To the south and west, given the right-of-way and the setbacks, it is approximately 75 feet. The Comprehensive Plan supports mixed use and residential within neighborhood commercial centers. This request supports that.

Corr asked where Red Sky Lane goes through. Barnes said it comes off of a roundabout in the future South 90th Street and curves to the east in between two lots with existing houses now. Corr asked if there is enough room between the houses to fit a road. Barnes said this plan acknowledges that it is likely that those two properties would need to be redeveloped in order for that to work. What it does is set up that option. Staff is not saying that it has to happen with this proposal, but if they were ever to redevelop in the future, that connection could be made. Further to the east, the Planning Commission and City Council had previously approved Gable Pines, which is a mixed-use, assisted living and memory care facility. If you extend Red Sky Lane, it would meet up with that road to the east. Corr said on the west side, there are two existing houses. She asked if they will be removed. Barnes confirmed that they will.

Harris asked if any comments were received from Public Works. The report stated a traffic report had been submitted but no comments had been received as of the writing of the staff report. Barnes said most of the comments were minor changes to the wording of text. There was not a significant change due to the traffic study.

Public Works has asked that the changes be made and that the report be forwarded on to Nebraska Department of Roads (NDOR) for their approval. Harris asked if they did recommend approval, as is, with only the minor text changes. Barnes said yes. They did not propose any conditions be added.

Corr asked whether there would be widening of O Street or turn lanes added. Barnes said that there are turn lanes proposed and those are currently being reviewed by NDOR. It is likely to be approved as shown on the plan, but that needs to be a discussion with NDOR.

Beecham asked for more detail about the distance of houses from the proposed area with alcohol sales. Barnes said staff measured a distance of where a building footprint could potentially be in relation to the proposed residential. There is an overhead LES easement along the east side and beyond that, there is detention. Given that, if the building were built right along the line of the commercial area and up against the easement, that would be about 90 feet to the nearest lot line. It is a similar situation to the south and west. If you built right on the edge and include the setbacks and right-of-way, the distance to the nearest residence is 75 feet. Beecham asked for confirmation that the existing properties along Anthony Lane are outside that required distance. Barnes confirmed that is the case. The existing houses to the east are much farther than the 100 feet for alcohol sales.

Beecham went on to ask about notification of neighbors. She recalled that with Gable Pines, there was a lot public concern about various issues. Barnes said that the notification requirements ensured that letters were sent to property owners within 200 feet of the boundary. Some neighbors could still have been outside of that 200-feet boundary. The applicant also held a neighborhood meeting and invited owners within 800 feet.

PROPONENTS:

Mike Eckert, Civil Design Group, came forward on behalf of applicant, Lewis Starostka. He stated that they reached out farther than the standard notification area because they felt the entire Hillcrest neighborhood needed to be informed. The biggest concerns were with the hydrology of the area. Ben Higgins from Public Works was invited to answer questions. There is a large basin area that drains down to that stub street that is both floodplain and floodway. The hope is that when these surrounding areas are developed, some of the water from the peak events will be held back and there will be improvement.

Eckert said there is also an undersized culvert in O Street. At this point, NDOR has eventual plans to correct this when the consolidation of Anthony Lane and Hillcrest Lane occurs. As part of the request, everything possible has been done to over-detain water. There was also discussion with neighbors regarding the sewer that has to come up through Anthony Lane in the right-of-way. Generally, neighbors knew something would happen here.

Eckert went on to say that the applicant was mindful of keeping single family and townhome units closer to existing residential units and the multi-family to the west. The two houses along O Street in the west part of this area will be removed and the site will be graded to be a platform for that multi-family building.

Eckert said that sewer and water are coming and will make use of the Stevens Creek trunk sewer. There is controlled traffic access here. Six months ago, NDOR was contacted and they are now getting ready to kick off their process for releasing that access, going through the appraisal and traffic study. There is hope that the length of the turn lanes preliminarily proposed by them will be reduced once the speed limit is reduced with this annexation.

Eckert concluded, stating that his feeling overall was that the neighborhood meeting went well, and he encourages neighbors to continue to give more feedback. This will be a very nice development and will compliment this area very well.

Beecham asked if the traffic study indicated that the access was pulled back far enough from the intersection. She asked if there will be a left turn at the exit. Eckert said that the plan shows a median, but there will be enough room for a left turn lane, with a combined through or right turn lane. The YMCA fields are to the south and the traffic study accounted for the possibility that it could someday become residential. Further to the south there are some residential connections out to 84th Street. The specifics have yet to be approved and will have to be approved by both NDOR and Public Works.

PUBLIC COMMENTS:

Mike Streeter 649 E. Hillcrest Drive, stated his question is related to Red Sky Lane. It sounds as though it will eventually join with Anthony Lane. He wondered if that is the intent. If so, there is another road from the elderly care facility so all roads come down to Anthony Lane. He is concerned about how that choke point will be handled.

Dave Bright, 135 Anthony Lane, stated that this plan shows that Red Sky will end up between his neighbor's house and his. His main concern is also the traffic with the turn lane is off of O Street. Since this was installed, the island there has been run over many times and since it has been added, and the water drainage in the area has been ruined. He learned that there is roughly 335 acres that drain through that area and Southeast Community College (SCC) has since put more concrete parking, making the problem worse.

APPLICANT REBUTTAL:

Eckert returned to address concerns. He explained that the stub street originally shown was never built. This is why the City includes these potential future connections into planning because otherwise it is unknown when they will be constructed and who will do it. That stub street was dedicated as public right-of-way. Not only is the conceptual stub street located in the floodplain, it is actually in the floodway, so staff made the decision that engineers would not approve of a connection there, using today's standards.

Looking at options, it was determined the best way to provide some type of future connectivity was to look at the other side. Red Sky Lane was situated between the two existing houses. There is a road in the other development to the east that will have platted public right-of way for when Anthony Lane and Hillcrest Lane get consolidated to a point farther east to take access to O street, so we have tried to line up with that. When that happens, the existing access will go away. It may seem foolish to spend so much on turn lanes now when they will go away someday.

Eckert said this through street is not being built today. It is being built with a barricade and hammerhead turn-around, and the only way that road will ever going be built is if both properties are purchased and redeveloped. Then staff would have the opportunity to ask for that connection. Connectivity to the east was very problematic with the floodplain and the existing Hillcrest homes. This is a good solution. It is not forcing anything on neighbors now. It is only if these properties choose to redevelop someday.

Eckert said he can address the location of the trunk sewer with the neighbor. At the time of the public meeting, it was unclear where it was coming up. The neighbors were told it could be on either side. The City will bring the sewer up in the public right-of-way of Anthony Lane and will utilize that stub to bring the sewer to this area, and roughly 60 additional acres to the south. The City did a good job in asking us to be part of a master plan by including Red Sky Lane and by planning how it will work out in the future.

Beecham asked if future SCC development was considered when looking at the drainage for the area. Eckert replied that only a portion of SCC is within this area. This development catches all of its own runoff. He stated that he would leave it to Staff to comment on how much SCC factors in if they chose to expand. Most of their water drains to Waterford Lake.

Corr stated that she assumes from the layout that the first phase of construction will be along the southern part of this property. She wondered what would follow. Eckert confirmed this was true. The residential units and town homes along South 90th Street will be first. Over the winter, the trees and two houses will be removed from the multi-family area and the grading process will begin. In 2016, you will see the single family. If a multi-family buyer comes in, then the commercial and multi-family will come as demand dictates. Corr asked if could be several years before they see anything in those sites. Eckert said it could be, but it will be graded and reseeded with grass.

ANNEXATION NO. 15011
ACTION BY PLANNING COMMISSION: **October 28, 2015**

Beecham moved approval, seconded by Lust.

Beecham thanked the applicant for putting so much thought into this layout and mitigating the impact to the existing acreages. She stated she is often conservative about approving alcohol sales within the 100 feet of residential, but in a situation like

this, it works. Folks moving into the area will know this is a commercial development so they can be comfortable going in with full knowledge, and it does not impact the existing neighbors.

Corr stated she has concerns about the public pipeline going through O Street. She recognizes that the pressure is not being used to full capacity, but it does still cause concern. She plans to approve this application with the waiver.

Hove stated he plans to support this application. It is a good fit for the area.

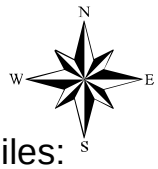
Motion for approval carried 9-0: Beecham, Cornelius, Corr, Harris, Hove, Lust, Scheer, Sunderman and Weber voting ‘yes’. This is a recommendation to the City Council.

2013 aerial

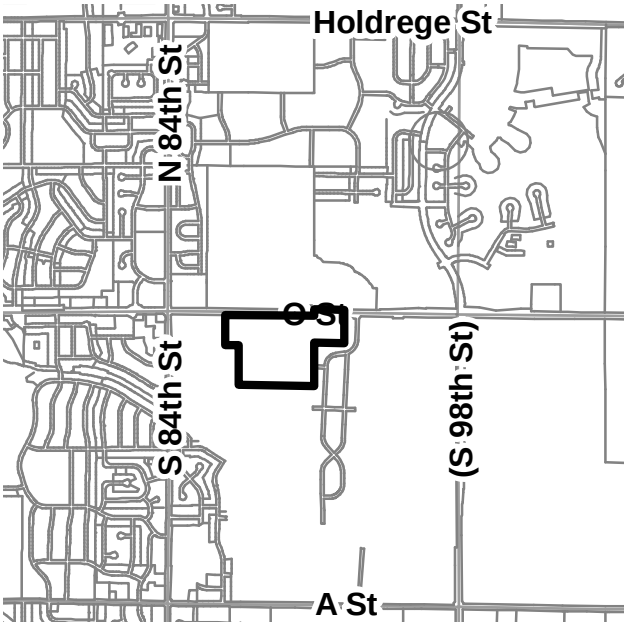
Annexation #: AN15011
Shadow Creek
S 90th & O St

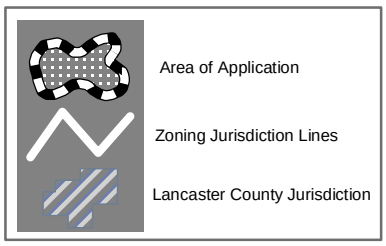
Zoning:

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



Two Square Miles:
Sec.23 T10N R07E
Sec.26 T10N R07E





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SHADOW CREEK

PLAN UNIT DEVELOPMENT

SITE NOTES

WAIVERS

P.U.D. LEGAL DESCRIPTION

VICINITY MAP

NO SCALE

CURVE DATA

PROPERTY OWNERS

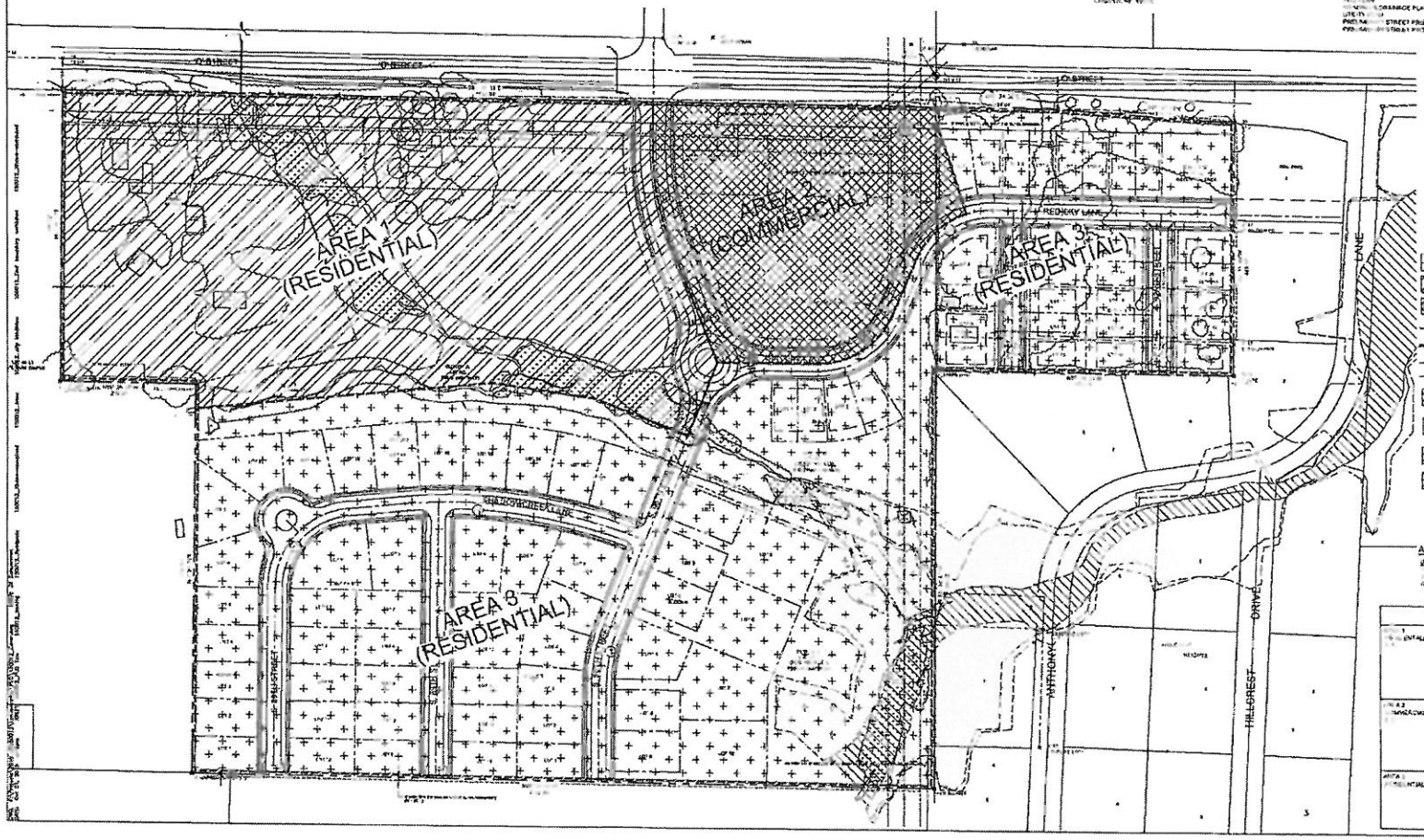
DEVELOPER

ENGINEER

SURVEYOR

SHEET INDEX

SHEET 1
SHEET 2
SHEET 3
SHEET 4
SHEET 5
SHEET 6



LEGEND

ALLOWED LAND USE

HEIGHT AND AREA TABLE

REVISIONS

SHADOW CREEK
PLANNED UNIT DEVELOPMENT #

COVER SHEET

LINCOLN, NEBRASKA

2015

SHEET
1 OF 6

SITE NOTES

1. THE EXISTING ZONING IS AG, THE PROPOSED ZONING IS R-3 PUD. AREA 1 WILL CONFORM WITH THE R-5 ZONING DISTRICT. AREA 2 WILL CONFORM WITH THE B-2 ZONING DISTRICT REGULATIONS AND AREA 3 WILL CONFORM WITH THE R-3 DISTRICT, UNLESS OTHERWISE SPECIFIED.

2. DIRECT VEHICULAR ACCESS SHALL BE RELINQUISHED TO 'O' STREET EXCEPT AS SHOWN.

3. ALL PERMITTED, CONDITIONAL, AND SPECIAL PERMITTED USES OF THE B-2 ZONING DISTRICT ARE PERMITTED BY RIGHT IN AREA 2. ALL SUCH USES IN THE R-5 ZONING DISTRICT SHALL BE PERMITTED BY PERMIT IN AREA 1.

4. BY ADMINISTRATIVE AMENDMENT MINIMUM PARKING REQUIREMENTS MAY BE REDUCED BY 25% FOR MIXED USE REDUCTION, SHARD PARKING CONFIGURATION OR OPPOSING USE TIMES.

5. ALL OUTLOT AREAS AND OPEN SPACE SHALL BE MAINTAINED BY THE DEVELOPER UNTIL SUCH TIME THAT AN ASSOCIATION IS CREATED.

6. ADMINISTRATIVE AMENDMENTS SHALL BE REQUIRED FOR FUTURE CHANGES TO GRADING, DETENTION, STREET ALIGNMENTS, UTILITY LOCATIONS, STREET PROFILES, ETC. ADMINISTRATIVE AMENDMENTS ARE NOT REQUIRED REGARDING COMMERCIAL SQUARE FOOTAGE ALLOCATION. SITE PLANS FOR OFFICE/COMMERCIAL USES, SITES FOR OTHER THAN RESIDENTIAL USES, TO BE APPROVED BY ADMINISTRATIVE AMENDMENT.

7. LOTS MAY BE CREATED WITHOUT FRONTAGE TO A PUBLIC STREET IF THEY ABUT A PUBLIC ACCESS EASEMENT.

8. EXISTING AND PROPOSED EASEMENTS TO BE IDENTIFIED AND SHOWN AT TIME OF FINAL PLATTING.

9. EXACT LOCATIONS OF WATER, SEWER, DRAINAGE AND PAVING FOR AREAS 1 AND 2 WILL BE SUBMITTED WITH INDIVIDUAL SITE PLANS AT TIME OF BUILDING PERMIT IN ACCORDANCE WITH CITY OF LINCOLN DESIGN STANDARDS.

12. FENCES, DUMPSTER, DECORATIVE STRUCTURES AND ACCESSORY BUILDINGS ARE NOT SHOWN ON THE PLANS BUT ARE ALLOWED IN AREAS 1 AND 2 IF THEY ARE OUTSIDE OF THE SIGHT TRIANGLES AND SETBACKS AND ARE IN CONFORMANCE WITH ALL APPLICABLE ORDINANCES AND CODES.

13. STREET TREES TO BE REVIEWED AT TIME OF FINAL PLAT AND ASSIGNED BY PARKS AND RECREATION.

14. IN AREA 1 R-5 SIGN REGULATIONS SHALL APPLY AND IN AREA 2 THE B-2 SIGN REGULATIONS SHALL APPLY. SIGNS NEED NOT BE SHOWN ON THE SITE PLAN.

15. ALL TOPOGRAPHICAL ELEVATIONS ARE BASED ON NAVD 1988.

16. LOCATIONS OF WATER, SANITARY SEWER, STORM SEWER, GRADING & DRAINAGE, PAVING, STREETS, LOT LINES AND SIDEWALKS SUBJECT TO APPROVAL BY ADMINISTRATIVE AMENDMENT IN COMPLIANCE WITH THE LINCOLN MUNICIPAL CODE AND THE DESIGN STANDARDS EXCEPT AS SPECIFICALLY MODIFIED BY THE CITY COUNCIL WITH THIS P.U.D.. MINIMUM OPENING ELEVATIONS SHALL BE SET AT TIME OF ADMINISTRATIVE AMENDMENT FOR THOSE LOTS ADJACENT TO FLOODPLAIN/FLOOD PRONE AREAS, FLOOD CORRIDORS AND/OR OTHER DRAINAGE DITCHES. THE PARKING AND LANDSCAPING TO BE APPROVED AT THE TIME OF BUILDING PERMITS IN COMPLIANCE WITH LINCOLN MUNICIPAL CODE AND THE DESIGN STANDARDS.

17. THE SALE OF ALCOHOL FOR CONSUMPTION ON AND OFF THE PREMISES SHALL BE PERMITTED IN THOSE AREA DESIGNATED FOR COMMERCIAL USES CONSISTENT WITH LMC FOR COMMERCIAL USES. FOR THE PURPOSE OF SEPARATION DETERMINATION, AREAS NOT DESIGNATED FOR COMMERCIAL/OFFICE USES SHALL BE CONSIDERED RESIDENTIAL DISTRICTS AS DEFINED IN LMC SECTION 27.31.040.

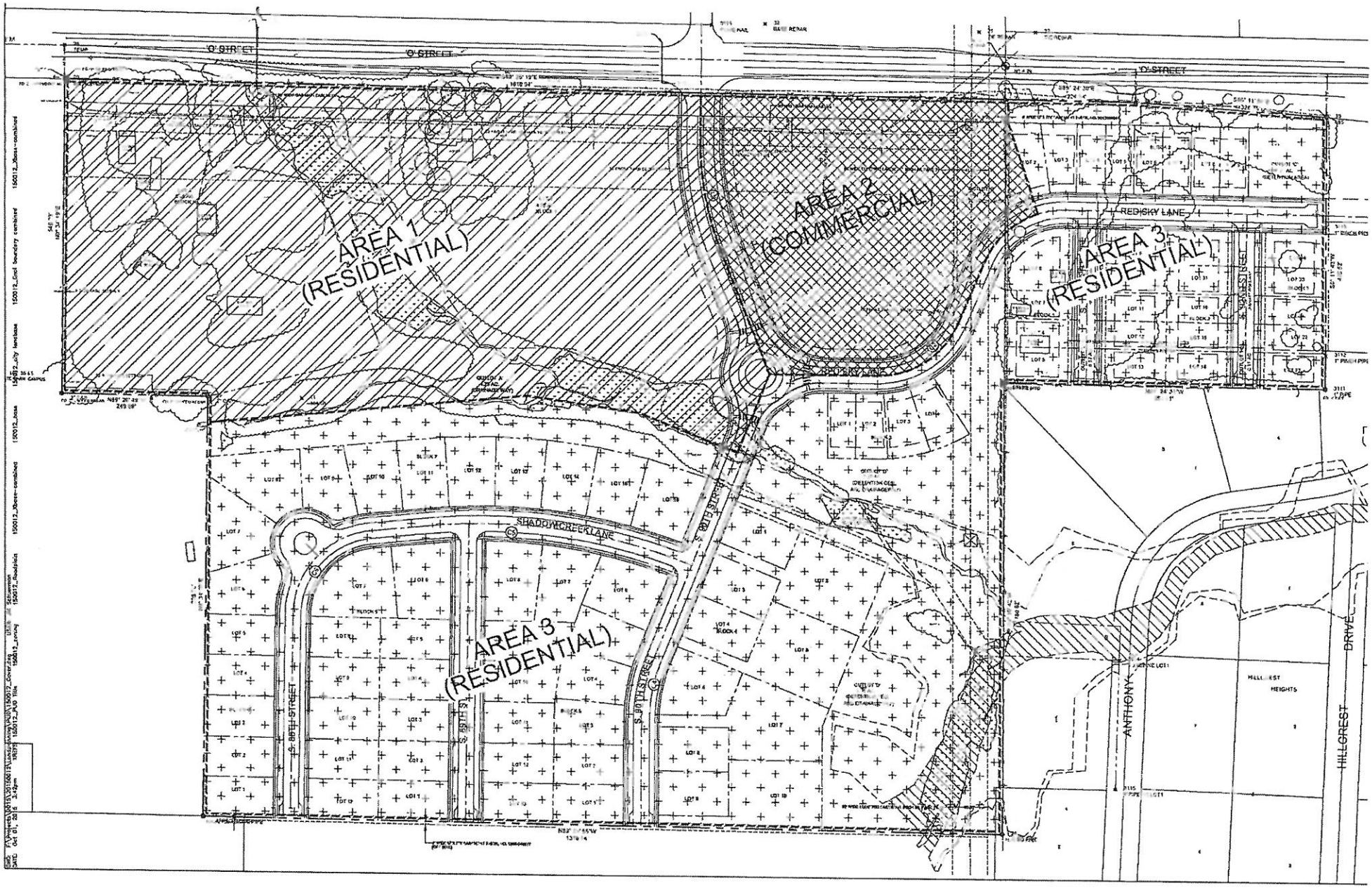
18. AREA BOUNDARIES ARE APPROXIMATE AND MAY BE ADJUSTED BY ADMINISTRATIVE AMENDMENT.

19. EASEMENTS AS SHOWN SHALL BE GRANTED FOR PUBLIC USE AND FOR SIDEWALKS. ALL SIDEWALKS ADJACENT TO STREETS ARE TO BE IN PUBLIC R.O.W. EXCEPT AS NOTED ALL OTHER WALKS ARE TO BE IN PEDESTRIAN EASEMENTS. PEDESTRIAN EASEMENTS TO BE 10 FEET WIDE IN PEDESTRIAN AREAS AND ALL SIDEWALKS ARE TO BE 4 FEET WIDE. EXACT LOCATION OF ALL EASEMENTS SHALL BE SHOWN AT THE TIME OF FINAL PLATS.

20. FINAL DESIGN FOR GRADING OF THE OPEN DITCHES AND DETENTION FACILITIES SHALL CONFORM TO THE CITY OF LINCOLN DESIGN STANDARDS REQUIRING PROVISIONS TO LIMIT DEGRADATION OF THE CHANNEL AND TO MAINTAIN A STABLE SLOPE BASED ON URBANIZED RUNOFF FROM THE WATERSHED.

21. EVES, OVERHANGS, WINDOW SWINGS, DOOR SWINGS, AIR CONDITIONER UNITS ETC. MAY ENCROACH OVER THE SETBACK LINES. ENCROACHMENTS ARE NOT ALLOWED OVER PROPERTY LINES AND MUST CONFORM TO BUILDING AND LIFE SAFETY CODES.

22. RESIDENTIAL STRUCTURES SHALL NOT BE PERMITTED IN THE 109' GAS LINE SETBACK AREA ALONG "O" STREET.


O STREET
AREA 1
(RESIDENTIAL)
AREA 2
(COMMERCIAL)
REDISKY LANE
AREA 3
(RESIDENTIAL)
SHADOWCREEK LANE
AREA 3
(RESIDENTIAL)
S. 84TH STREET
S. 90TH STREET
ANTHONY
HILLCREST
DRIVE
HILLCREST
HEIGHTS

Civil Design Group, Inc.

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

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October 16, 2015

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

Re: Shadow Creek, Planned Unit Development (PUD) application, South 90th Street and "O" Street, CDG Project #2015-0012.

Dear Mr. Cary:

On behalf of Lewis-Starostka, Inc., we submit the above mentioned Shadow Creek PUD application. This PUD contains 48.9 acres of land that is currently zone AG and is not annexed. We are requesting a change of zone to R-3 PUD and annexation to the City of Lincoln. The PUD will contain R-5, B-2 and R-3 uses as shown on the site plan.

A Traffic Impact Analysis incorporating the conceptual uses and the access point onto "O" Street has been previously submitted and reviewed by the Public Works and Utilities Department and the Nebraska Department of Roads. We are also requesting a modification to the Health Department's "pipeline planning area" residential setback recommendation. The requested setback of 154' was calculated using the maximum operating pressure. We are proposing to reduce it to 109' by using the actual operating pressure as provided by Black Hills Energy.

We request the following waivers with this application with the noted LMC Sections:

1. To allow for the block length to exceed 1,320' for Red Sky Land and for the streets abutting floodplain and drainage ways, per Section 26.23.130.
   Additional connections to the adjacent existing residential development on the east are encumbered by floodplain and floodway areas as we as existing houses.

2. To allow parking in the required side yard for Area 2, except when abutting a residential district, per Section 27.67.030.
   To utilize the land more effectively in the event Area 2 is divided into multiple commercial lots.

3. To allow cross parking between lots located in Area 1 and 2 to meet minimum parking requirements, per Section 26.67.030.
   This would utilize the sharing of opposing parking demands for the multi-family and commercial areas.

Office 402•434•8494 8535 Executive Woods Dr., Suite 200 • Lincoln, NE 68512 Fax 866•215•8747

4. To increase the height from 35' to 50' for Area 1 (R-5 Multi-family), per Section 27.72.020.

   This is a typical waiver due to new construction standards and market demands for current multi-family units.

5. To the 3-to-1 maximum lot depth-to-width ratio for four lots abutting a floodplain area east of S. 90th Street, per Section 26.23.140(a).

   This is for four flag lots that have been created against a floodplain area that was not conducive to further roadway connectivity due to floodway constraints.

In conjunction with this submittal we have included the following:

PUD Fee - $3,720.00
PUD Application Form

We have worked extensively with staff on this application and hope that this letter and associated plan sheets provide you with enough information to review this PUD application. As always, please call me at (402) 434-8494 if you have questions.

Sincerely,

Mike Eckert, AICP

Encl
cc: Lewis-Starostka, Inc.

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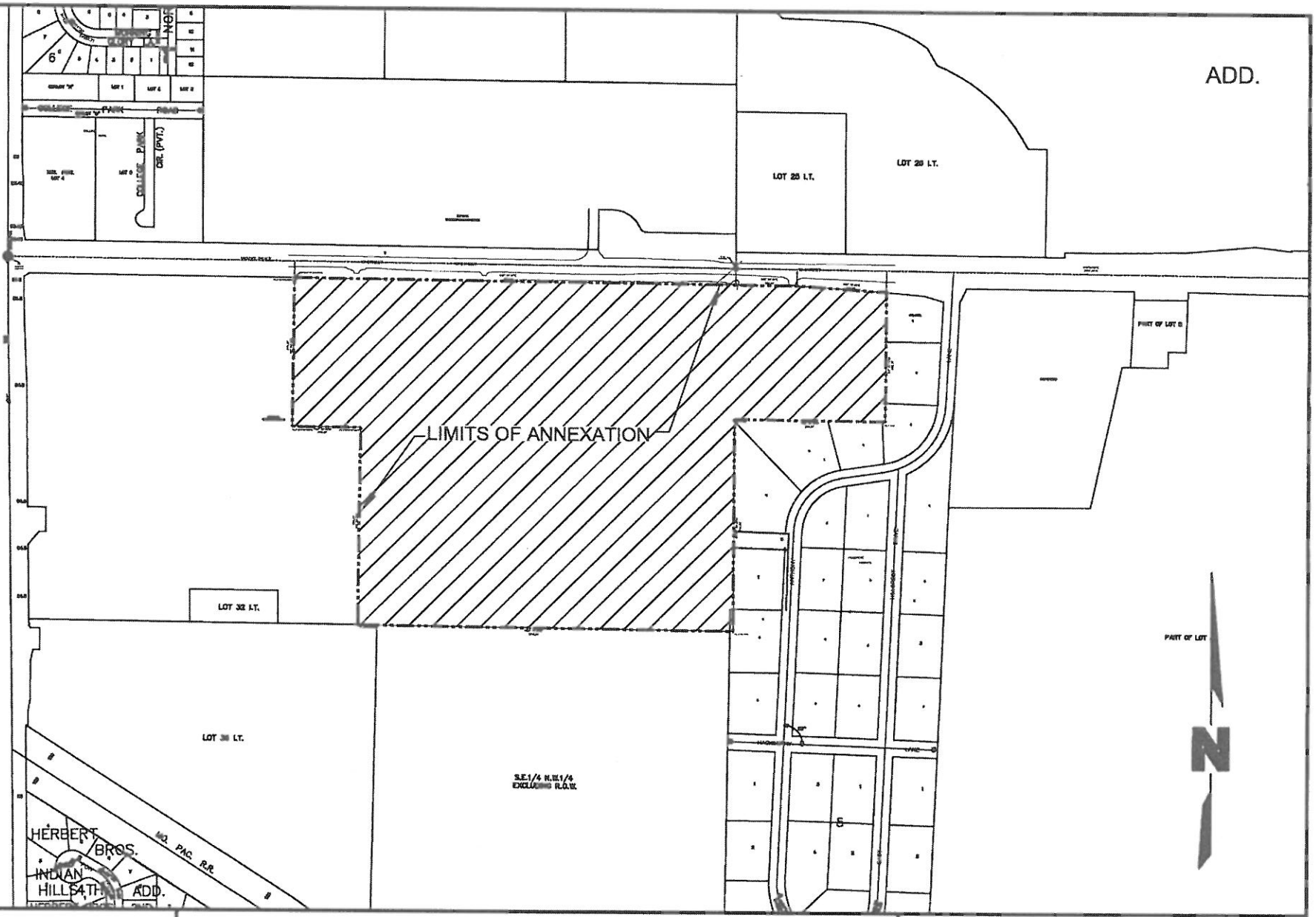
DWG: F:\Projects\2015\20150012\Landplanning\Exhibit\150012_annexation.dwg USER: Jill Schuerman
DATE: Oct 05, 2015 3:44pm XREFS: 150012_final boundary combined 150012_city landbase 150012_Xbase-co



drawn by:	jds	
checked by:	-	
project no.:	2015-0012	
date:	10/05/2015	

ANNEXATION EXHIBIT
SHADOW CREEK
LINCOLN, NEBRASKA

Civil Design Group, Inc.
8535 EXECUTIVE WOODS DR., SUITE 200
Lincoln, Nebraska 68512
Ph. 402-434-8494 Fax 866-215-8747
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CONSULTING ENGINEERS • LAND USE PLANNERS
CIVIL DESIGN • SITE DEVELOPMENT • PLANNING AND ZONING

EXHIBIT
1

ANNEXATION - LEGAL DESCRIPTION

Description of a 48.92 acre tract of land consisting of Lots 9, 28, and 34 of Irregular tracts and part of Lot "C", located in the North One-half of Section 26, Township 10 North, Range 7 East, of the 6th P.M., Lancaster County, Nebraska, and more particularly described as follows:

Beginning at the Northwest corner of said Lot 9 of Irregular tracts, said point being located on the Southerly 60.00' Right-of-Way line of U.S. Highway #34; Thence in a Easterly direction on the North line of said Lots 9, 28 and 34 of Irregular tracts, and on the Southerly 60.00' Right-of-Way line of said U.S. Highway #34, and on an assumed bearing of S 89°25'19" E, for a distance of 1610.94' to the Northeast corner of said Lot 34 of Irregular tracts;

Thence S 89°24'30" E on the North line of said Lot "C", and on the Southerly 60.00' Right-of-Way line of said U.S. Highway #34, for a distance of 224.04';

Thence S 86°11'58" E on the Southerly Right-of-Way line of said U.S. Highway #34, for a distance of 326.75' to a point on the West line of Hillcrest Heights;

Thence S 00°11'43" W on the East line of said Lot "C", for a distance of 469.52' to the Southeast corner of said Lot "C", and the Northeast corner of Lot 4, Block 1, Hillcrest Heights;

Thence N 89°24'31" W on the South line of said Lot "C", for a distance of 550.01' to the Southwest corner of said Lot "C" and the Northwest corner of Lot 5, Block 1, Hillcrest Heights;

Thence S 00°10'42" W on the East line of said Lot 34 of Irregular tracts, for a distance of 780.62' to the Southeast corner of said Lot 34 of Irregular tracts, and the Northeast corner of the SE1/4 of the NW1/4 of said section 26;

Thence N 89°20'55" W on the South line of said Lot 34 of Irregular tracts, for a distance of 1316.94' to the Northwest corner of the SE1/4 of the NW1/4 of said section 26;

Thence N 89°12'26" W on the South line of said Lot 34 of Irregular tracts, for a distance of 52.87' to the Southwest corner of said Lot 34 of Irregular tracts;

Thence N 00°34'35" E on the West line of said Lot 34 of Irregular tracts, for a distance of 726.30' to a point on the South line of said Lot 9 of Irregular tracts;

Thence N 89°26'49" W on the South line of said Lot 9 of Irregular tracts, for a distance of 249.89' to the Southwest corner of said Lot 9 of Irregular tracts;

Thence N 00°34'19" E on the West line of said Lot 9 of Irregular tracts, for a distance of 540.33' to the POINT OF BEGINNING. Containing a calculated area 48.92 acres, more or less.

Together with and subject to covenants, easements, and restrictions of record.