

FACTSHEET

TITLE: CHANGE OF ZONE NO. 15029
(South 98th Street & Andermatt Drive)

BOARD/COMMITTEE: Planning Commission

APPLICANT: Clark Enersen Partners
on behalf of Krueger Development

RECOMMENDATION: Approval (7-0:
Beecham, Cornelius, Harris, Lust, Sunderman,
Corr, and Hove voting 'yes'; Scheer declared
conflict of interest; Weber absent).

STAFF RECOMMENDATION: Approval

OTHER DEPARTMENTS AFFECTED: None.

SPONSOR: Planning Department

OPPONENTS: None present at hearing.

REASON FOR LEGISLATION:

To change the zoning from AG Agriculture District and B-2 Planned Neighborhood Business District to R-3 Residential District, on property generally located at South 98th Street and Andermatt Drive.

DISCUSSION/FINDINGS OF FACT:

1. This change of zone request, the associated Annexation No. 15010 (Bill #15-143), and Special Permit No. 06014A (PC-01473) adding approximately 32 acres to South Lake Community Unit Plan for 91 single-family lots, with waivers to setbacks, lot-to-depth ratio, and allow drive-over curbs in private roadways, appeared on the Consent Agenda of the Planning Commission on November 18, 2015.
2. The purpose of this change of zone from AG and B-2 to R-3 is to allow for development of 91 single-family lots.
3. The staff recommendation for approval of the change of zone request is based upon the "Analysis" as set forth on p.4-5, concluding that the change of zone to R-3 is consistent with the Future Land Use Map and compatible with the adjacent development, and the subject property is adjacent to the city limit and the full range of municipal services can be provided if annexed. This request complies with the Zoning Ordinance and is consistent with the Comprehensive Plan.
4. On November 18, 2015, the Planning Commission agreed with the staff recommendation and voted 7-0 to recommend approval of this change of zone request.
5. On November 18, 2015, the Planning Commission also voted 7-0 to recommend approval of the associated Annexation No. 15010 (Bill #15-143), and voted 7-0 to adopt Resolution No. PC-01473 approving the associated Special Permit No. 06014A adding approximately 32 acres to the South Lake Community Unit Plan for 91 single-family lots, with waivers as identified above. As of the date of this Factsheet, the special permit has not been appealed to the City Council

FACTSHEET PREPARED BY: Geri Rorabaugh, Administrative Officer

DATE: November 23, 2015

REVIEWED BY: David R. Cary, Acting Planning Director

DATE: November 23, 2015

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LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for November 18, 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.

PROJECT #: Annexation #15010
Change of Zone #15029

PROPOSAL: To annex approximately 28 acres, and change the zoning from AG and B-2 to R-3 over approximately 32 acres for the South Lake Community Unit Plan

LOCATION: South 91st Street and Highway 2

LAND AREA: Annexation #15010 - Approximately 28 acres
Change of Zone #12030:
AG to R-3 - Approximately 31.2 acres
B-2 to R-3 - Approximately 0.8 acres

CONCLUSION: The subject property is adjacent to the city limit, and the full range of municipal services can be provided if annexed. A change of zone to R-3 is consistent with the Future Land Use Map and compatible with the adjacent development. Both requests comply with the Zoning Ordinance and are consistent with the Comprehensive Plan.

RECOMMENDATION:	
AN#15010	Approval
CZ#15029	Approval

PROPOSED CITY COUNCIL DISTRICT ASSIGNMENT: District #2.

GENERAL INFORMATION:

LEGAL DESCRIPTION: AN#15010 - See attached legal description.
CZ#15029 - See attached legal descriptions.

EXISTING ZONING: AG Agriculture, B-2 Planned Neighborhood Business PUD

SURROUNDING LAND USE AND ZONING:

North:	Residential (under development)	R-3
South:	Highway 2, Residential, Vacant	AG, R-2, H-3
East:	Acreage Residential	AG
West:	Vacant, Residential Health Care Facility B-2(PUD)	

EXISTING LAND USE: Vacant

COMPREHENSIVE PLAN SPECIFICATIONS:

Pg 1.9 - The Future Land Use Map designates this site for urban density residential land uses.

Pg. 1.10 - This site is shown in Tier I, Priority B on the Growth Tier Map.

Pg 12.14 - The ANNEXATION POLICY of the 2040 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.

ASSOCIATED REQUEST: Special Permit #06014A amending the Southlake community unit plan to add 91 dwelling units to the existing CUP.

HISTORY:

November 5, 2001 - AN#01006 was approved and included an annexation agreement that generally included the area bounded by Pine Lake Road, the railroad line one-quarter mile south of Highway 2, and South 84th and South 98th Streets.

SPECIFIC INFORMATION:

UTILITIES & SERVICES:

The area of these requests was included in the annexation agreement for the Appian Way Shopping Center approved in 2001. It is exempt from impact fees as the developer instead contributed to public infrastructure improvements per the terms of the agreement. This included contributions to help extend trunk water and sewer mains, and to make improvements in the surrounding arterial streets.

- A. **Sanitary Sewer:** Sanitary sewer is available in the adjacent developed portion of the Southlake CUP, and can be extended to serve this phase.
- B. **Water:** Water is also available in the adjacent development and can be extended as well.
- C. **Roads:** The nearby adjacent arterial streets are improved, and include South 91st Street, Pine Lake Road, and South 98th Street. All proposed streets internal to the development are private roadways which will be constructed as part of the development.
- D. **Parks and Trails:** The bike trail system extends along the east side of South 91st Street from Highway 2 to Pine Lake Road.
- E. **Fire Protection:** After annexation, fire protection will be provided by Lincoln Fire Rescue (LFR). LFR recommends approval, noting that a new fire station is planned to be built in southeast Lincoln, closer to this development.

ANALYSIS:

1. These are related requests for both annexation and a change of zone, and are associated with the special permit amending the Southlake community unit plan. See the report for the associated application SP#06014A for the detailed review and recommendations on that request.

2. This area of these requests is included within the boundary of the area previously covered by the Appian Way annexation agreement. Contributions to public infrastructure have been made, and as a result the area is not subject to impact fees.
3. The areas of the annexation and the change of zone vary slightly. That is because there is a narrow strip along South 98th Street that was annexed in 2010 to assist with the South 98th Street improvement project. Also, Outlot B, Southlake 6th Addition was annexed in 2009 when the adjacent lots were re-zoned to B-2. So while only a portion of Lot 127 has to be annexed, the other two parcels along with the portion of Lot 127 being annexed all have to be re-zoned to R-3.
4. This area was planned to be developed as part of the larger Appian Way development since the initial approval in 2001. Even though the Future Land Use Map of the Comprehensive Plan designated the area for future residential land uses, the specific land use had not been determined until now. The single-family dwellings proposed by the associated SP#06014A are consistent with the Plan.
5. The area to be annexed is located within Tier I, Priority B of the Comprehensive Plan, and can be served by the full range of city services.
6. Annexation of the area complies with the Annexation Policy from the Comprehensive Plan, and the re-zoning to R-3 is consistent with the Zoning Ordinance.

Prepared by:

Brian Will, 441-6362, bwill@lincoln.ne.gov
November 3, 2015

**APPLICANT/
CONTACT:**

Tim Gergen
Clark Enersen Partners
1010 Lincoln Mall
Lincoln, NE 68508
402-477-9291

OWNER:

Andermatt, LLC,
16934 Pella Road
Adams, NE 68301

CHANGE OF ZONE NO. 15029

CONSENT AGENDA
PUBLIC HEARING & ADMINISTRATIVE ACTION
BEFORE PLANNING COMMISSION:

November 18, 2015

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

The Consent Agenda consisted of the following items: **COMPREHENSIVE PLAN CONFORMANCE NO. 15031, ANNEXATION NO. 15010 and related CHANGE OF ZONE NO. 15029 and SPECIAL PERMIT NO. 06014A, ANNEXATION NO. 15012 and related CHANGE OF ZONE NO. 15032, TEXT AMENDMENT NO. 15022, AND TEXT AMENDMENT NO. 15023.**

There were no ex parte communications disclosed.

Lust moved to approve the Consent Agenda, seconded by Harris and carried 7-0: Beecham, Cornelius, Corr, Harris, Hove, Lust, and Sunderman, voting 'yes'; Scheer declared a Conflict of Interest; Weber absent.

Note: This is final action on Special Permit No. 06014A, unless appealed to the City Council by filing a letter of appeal with the City Clerk within 14 days.

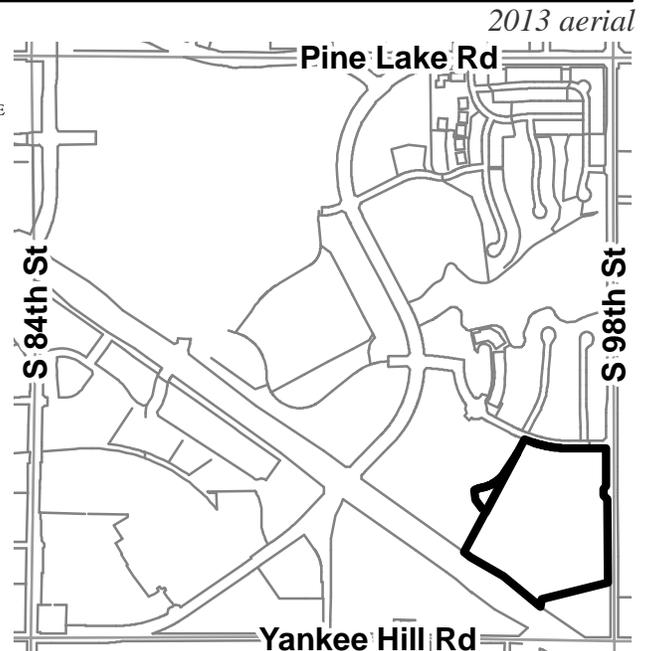


Change of Zone #: CZ15029
Southlake Addition
S 91st St & Hwy 2

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.23 T09N R07E

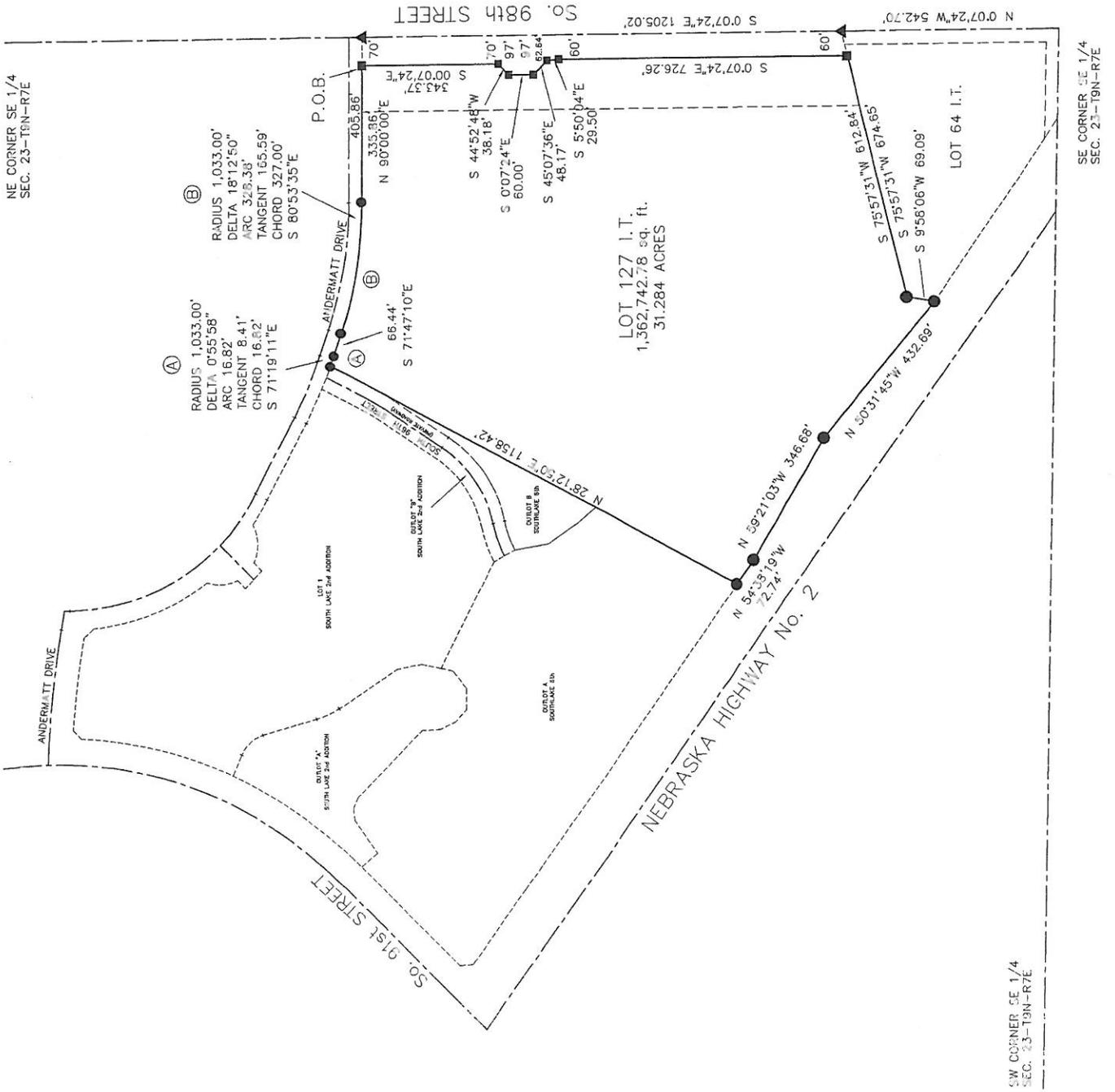



**SOUTHLAKE
CHANGE OF ZONE FROM AG TO R-3 LEGAL DESCRIPTION**

ALL LOT 127 IRREGULAR TRACT, LOCATED IN THE SOUTHEAST QUARTER OF SECTION 23, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 127, SAID POINT BEING AN INTERSECTION POINT OF THE WEST RIGHT-OF-WAY LINE FOR SOUTH 98th STREET WITH THE SOUTH RIGHT-OF-WAY LINE FOR ANDERMATT DRIVE; THENCE SOUTHERLY ON THE WEST RIGHT OF WAY FOR SOUTH 98th STREET FOR THE NEXT SIX (6) COURSES, S 0°07'24"E 343.37'; THENCE S 44°52'48"W 38.18'; THENCE S 0°07'24"E 60.00'; THENCE S 45°07'36"E 48.17'; THENCE S 5°50'04"E 29.50'; THENCE S 0°07'24"E 726.26', TO THE SOUTHEAST CORNER OF SAID LOT 127, SAID POINT BEING THE NORTHEAST OF LOT 64 IRREGULAR TRACT IN SAID SECTION; THENCE ON THE NORTH LINE OF SAID LOT 64 FOR THE NEXT TWO (2) COURSES, S 75°57'31"W 612.84'; THENCE S 9°58'06"W 69.09', TO A POINT ON THE NORTH RIGHT OF WAY LINE FOR NEBRASKA HIGHWAY No. 2; THENCE NORTHWESTERLY ON SAID NORTH RIGHT OF WAY LINE FOR THE NEXT THREE (3) COURSES, N 50°31'45"W 432.69'; THENCE N 59°21'03"W 346.68'; THENCE N 54°38'19"W 72.74', TO THE SOUTHWEST CORNER OF SAID LOT 127; THENCE NORTHEASTERLY ON THE WEST LINE OF SAID LOT 127, N 28°12'50"E 1158.42', TO A POINT ON THE SOUTH RIGHT OF WAY LINE FOR ANDERMATT DRIVE, SAID POINT ALSO BEING A POINT ON A CIRCULAR CURVE TURNING IN A COUNTER CLOCKWISE DIRECTION, HAVING A RADIUS OF 1033.00', A CENTRAL ANGLE OF 0°55'58" AND AN ARC LENGTH OF 16.82'; THENCE ON SAID SOUTH RIGHT OF WAY LINE FOR THE NEXT FOUR (4) COURSES, ON SAID CURVE, HAVING A CHORD OF S 71°19'11"E 16.82'; THENCE S 71°47'10"E 66.44', TO A POINT ON A CIRCULAR CURVE TURNING IN A COUNTER CLOCKWISE DIRECTION, HAVING A RADIUS OF 1033.00', A CENTRAL ANGLE OF 18°12'50" AND AN ARC LENGTH OF 328.38'; THENCE ON SAID CURVE, HAVING A CHORD OF S 80°53'35"E 327.00'; THENCE N 90°00'00"E 335.86', TO THE POINT OF BEGINNING, SAID TRACT CONTAINING AN AREA OF 1,362,742.78 SQUARE FEET OR 31.284 ACRES MORE OR LESS.

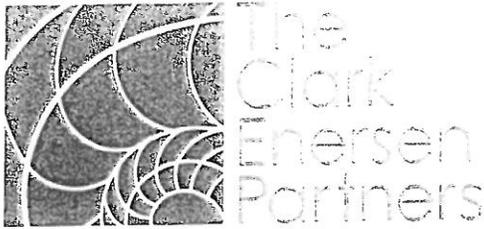
AG to R-3 Change of Zone
Exhibit



SOUTHLAKE
CHANGE OF ZONE FROM B-2 TO R-3 LEGAL DESCRIPTION

OUTLOT B, SOUTHLAKE 6TH ADDITION

SAID TRACT CONTAINING AN AREA OF 38,587.19 SQUARE FEET, OR 0.886 ACRES
MORE OR LESS.



October 21, 2015

Mr. David Cary
Planning Department, City of Lincoln
County-City Building
555 So. 10th Street
Lincoln, NE 68508

RE: Southlake Amendment to the CUP, Annexation, Change of Zone

Dear Mr. Cary:

Enclosed please find the following for the above-mentioned project:

1. Application (Amendment to the CUP, Annexation, Change of Zone)
2. Application fee \$4,584.00 (\$792.00 + \$3,792.00)
3. Annexation Legal Description w/ exhibit
4. Community Unit Plan Legal Description w/ exhibit
5. Change of Zone Legal Description w/ exhibit
6. Site Plan, 2 sheets
7. Grading & Drainage Plan, 2 sheets
8. Street Profiles, 2 sheets

On behalf of the Developer, Krueger Development, 8200 Cody Drive, Suite F, Lincoln NE 68512, we are requesting an Amendment to the existing Southlake Community Unit Plan, Annexation, and Change of Zone to the property approximately located at the southwest corner of South 98th Street and Andermatt Drive. This application is to add 91 single family lots to the Southlake neighborhood. The proposed lots will be served by public water and public sanitary sewer within a private roadway system. We are requesting a waiver to the design standards to allow a 3" tall drive-over curb to eliminate the necessary curb grinding necessary with a 6" tall curb. The owner wishes to request this waiver for the aesthetic reasons for the neighborhood and to match the existing conditions of the neighborhood roadways. In addition to, the lots adjacent to Highway 2 exceed the 3:1 width to depth ratio due to the attempt to preserve an existing 40'-80' wide berm. This landscape berm will be used to screen the lots proposed lots from the highway. One of the front yard setbacks on corner lots is being requested to be reduced from 20' to 15' to be able to accommodate the residential unit better on the corner lots.

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There is an existing acreage lot to the southeast of the proposed development with access to South 98th Street. The City of Lincoln may desire a street connection from the proposed Southlake development to this acreage lot. However, significant import of dirt was added to the Southlake development to be able to gravity sewer this development (approximately 15'). This import of dirt makes a roadway connection to this acreage lot from the Southlake development very difficult to meet the design guidelines. An exhibit has been included to show a location for a possible roadway connection with a vertical profile. To eliminate runoff from the Southlake development to the acreage lot a slight vertical hump is being shown in the profile with a transition to a steep vertical grade. At the mutual property line of the proposed Southlake development the roadway will be approximately 6 feet higher than the existing grade and would not be able to intersect the existing ground elevation until the roadway is 325 feet into the acreage lot. Due to the existing topographical differences between the Southlake development and the acreage lot it would be better for the acreage lot to take its access from South 98th Street.

Sincerely,



Tim Gergen