City Council Introduction: June 6, 2016
Public Hearing: June 13, 2016, 3:00 p.m.

Bill No. 16-58

FACTSHEET

TITLE: CHANGE OF ZONE NO. 15036 -
AG and AGR to R-4
(SW 30th Street and West A Street)

BOARD/COMMITTEE: Planning Commission

APPLICANT: Anderson Homes, Inc.

RECOMMENDATION: Approval (8-0 Cornelius, Harris, Lust, Sunderman, Corr, Weber, Beecham, and Hove voting 'yes'; Scheer absent).

STAFF RECOMMENDATION: Approval

OTHER DEPARTMENTS AFFECTED: None.

SPONSOR: Planning Department

OPPONENTS: 2 present at hearing

REASON FOR LEGISLATION:
To change the zoning from AG Agriculture District and AGR Agricultural Residential to R-4 Residential District.

DISCUSSION/FINDINGS OF FACT:

1. This change of zone request and the associated Comprehensive Plan Amendment No. 15004 (Bill #16R-121), Annexation No. 15014 (Bill #16-57), and Special Permit No. 15072 were heard at the same time before the Planning Commission.

2. The purpose of this change of zone from AG and AGR to R-4 is to allow for the development of a community unit plan with up to 582 multi-family units.

3. The staff recommendation to approve the change of zone request is based upon the "Analysis" as set forth on pp.6-7, concluding that a residential use in this location is appropriate based on the location of existing commercial uses to the east and the existing residential development adjacent to the site. This request is in general compliance with the Zoning Ordinance and Comprehensive Plan. The staff presentation is found on pp.9-11; testimony on behalf of the applicant is found on p.11, and p.14.

4. Testimony in opposition is found on p.12.

5. On March 2, 2016, the Planning Commission agreed with the staff recommendation and voted 8-0 to recommend approval of this change of zone request.

6. On March 2, 2016, the Planning Commission also voted 8-0 to recommend approval of the associated Comprehensive Plan Amendment No. 15004 (Bill #16R-121), Annexation No. 15014 (Bill #16-57), and voted 8-0 for conditional approval of Special Permit No. 15072, adopted by PC-01482.

7. On February 27, 2016, Mark Antonson, 1521 S.W. 30th Street, filed a letter appealing the Planning Commission's approval of Special Permit No. 15072. A public hearing was held before the City Council on March 28, 2016. The City Council voted to approve the special permit with amended conditions to limit the number of dwelling units to 432 until the road improvements are completed on West A Street, west of the city limits to Coddington, as adopted by Resolution No. A-89592.

FACTSHEET PREPARED BY: Geri Rorabaugh, Administrative Officer **DATE:** May 27, 2016

REVIEWED BY: David R. Cary, Planning Director **DATE:** May 27, 2016

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LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for February 17, 2016 PLANNING COMMISSION MEETING

PROJECT #: Annexation #15014
Change of Zone #15036

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.

PROPOSAL: To annex approximately 41.84 acres and change the zoning from AG Agriculture and AGR Agricultural Residential to R-4 Residential.

LOCATION: S.W. 30th Street and West A Street

LAND AREA: AN15014: 41.84 acres, more or less
CZ15036: 41.84 acres, more or less

CONCLUSION: This property is contiguous to the City limits on the south and east. A residential use in this location is appropriate based on the location of existing commercial uses to the east and the existing residential development adjacent to the site. Based on these factors, annexation and change of zone over this property are acceptable.

RECOMMENDATION:

Annexation #15014	Conditional Approval
Change of Zone #15036	Approval

PROPOSED CITY COUNCIL DISTRICT ASSIGNMENT: District #3

GENERAL INFORMATION:

LEGAL DESCRIPTION: Lot 45 I.T. and Lot 102 I.T., located in the SE 1/4 of Section 29 T10N R06E, Lancaster County, Nebraska.

EXISTING ZONING: AG Agriculture and AGR Agricultural Residential

SURROUNDING LAND USE AND ZONING:

North: Floodplain and Floodway Storage, Cropland, Railroad Tracks; I-1
South: Single Family Detached Residential; R-3
East: Agricultural Production; AG and H-4
West: Agricultural Production; AG and AGR

EXISTING LAND USE: Agricultural Production

COMPREHENSIVE PLAN SPECIFICATIONS:

This area is shown as Commercial, Green Space, and Environmental Resources in the Future Land Use Plan of the 2040 Comprehensive Plan (p. 12.3)

Neighborhoods & Housing - Guiding Principles (p. 7.2)

- Provide a wide variety of housing types and choices for an increasingly diverse and aging population.

- Provide flexibility to the marketplace in siting future residential development locations.

Developing Neighborhoods (p. 7.5) - Developing neighborhoods should have a variety of housing types and sizes, plus commercial and employment opportunities.

Continue the City's growth policy of contiguous urban growth; urban development will occur in areas immediately abutting the city that reflect a logical and timely extension of urban infrastructure (p.11.2)

Future Growth Tier Map - Priority C of Tier I

The next areas for development, after 2025, are those which currently lack almost all infrastructure required to support urban development. In areas with this designation, the community will maintain present uses until urban development can commence. Infrastructure improvements to serve this area will not initially be included in the City's Capital Improvement Program (CIP), but will be actively planned for in the longer term capital improvement planning of the various city and county departments.

Future Growth Tier Map - Guidelines for Amending Priority Areas: (p. 12.7-12.8)

- Infrastructure should generally be provided in different directional growth areas, depending upon limited financial resources and if there is development interest in the area.

- The community should only approve development proposals that can be adequately served by the initial urban improvements such as electricity, water, sewer, pedestrian facilities and roads and by all urban improvements and services in the long term. Initially, roads may not be built to 12.8 Lincoln/Lancaster County Comprehensive Plan the full capacity; for example, rural asphalt roads may continue to be used for some period, or a two lane urban street may be built and later expanded to four lanes with turn lanes when conditions warrant.

- Growth into most of the Priority C areas is comparatively inefficient in terms of required capital investment as compared to the Priority B areas

The ANNEXATION POLICY- page 12.14 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.

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.

HISTORY:

October 1990 Special Permit #1380 was approved by the Planning Commission for a limited landfill operation for construction debris on Lot 102 (the north lot) for a period of thirty days.

ASSOCIATED REQUESTS: Special Permit #15072 to construct up to 582 multi-family units within a Community Unit Plan and Comprehensive Plan Amendment #15004.

SPECIFIC INFORMATION:

UTILITIES & SERVICES:

A. **Sanitary Sewer:** Lots 1 and 2 of the proposed Community Unit Plan can connect to the existing sanitary sewer main in West A Street. The West A Street sewer main has sufficient capacity to serve these additional lots. However, Lot 3 cannot connect to the gravity-fed sewer in West A Street. If Lot 3 were to be served by city sewer, the lot could not be developed until the future sanitary sewer trunk line along Middle Creek was constructed. The Middle Creek trunk line is not planned for construction at a minimum through the year 2020 and likely much longer. There is existing sanitary sewer provided adjacent to this site within the single family residential development south of West A Street.

As allowed by the design standards, Lot 3 will be served via a privately owned and maintained individual ejector pump. The ejector pump serves a single owner and single lot. It is not a pump station for multiple lots and transferring waste from one watershed basin to another. It is a single pump for a single user as allowed by City standards.

The applicant will be required to permanently maintain the ejector pump until such time as Lot 3 can connect via gravity to the future Middle Creek trunk line.

B. **Water:** Water is available in West A Street. The internal water mains to serve the lots within development will be installed by the developer at the time of final plat.

C. **Roads:** West A Street is is a two-lane, asphalt road, and it is classified as a Minor Arterial in the 2040 Comprehensive Plan. Improvements to West A Street are listed in the Capital Improvement Program for construction of two permanent through lanes and left and right turn lanes as appropriate. These improvements are scheduled for completion in Fiscal Year 2018/2019. One new permanent connection and one temporary connection to West A Street are proposed with this development. All internal streets proposed as part of the development are local streets and will be constructed as the development is final platted.

D. **Parks and Trails:** There are no existing or planned parks nearby. A future trail is planned for the south side of West A Street between S.W. 27th Street to S.W. 40th Street.

E. **Fire Protection:** This site is in the Southwest Rural Fire District. After annexation, fire protection will be provided by Lincoln Fire and Rescue (LFR). There is no necessary reimbursement in order for the city fire department to serve this area after annexation. The closest City of Lincoln fire station is located on South Coddington Avenue south of West A Street.

TOPOGRAPHY: The site generally slopes up from north to south.

AESTHETIC CONSIDERATIONS: There are no residential or commercial design standards for this area.

ALTERNATIVE USES: The Comprehensive Plan shows this area as Commercial, Green Space, and Environmental Resources on the Future Land Use Map. This is a requested change of zone from AG and AGR to R-4 with the intention of constructing a multi-family apartment complex. Residential development on this site is acceptable and appropriate given the other residential development nearby and the low demand for additional commercial uses in the vicinity.

ENVIRONMENTAL CONCERNS: This property is adjacent to Middle Creek. The north portion of the future Lot 3 is located within the FEMA 100-year floodplain. A non-buildable conservation easement over all of Outlot B for permanent open space and storm water detention and drainage will be required on the north end of the site that includes an area for compensatory storage to compensate for fill added to raise portions of the property out of the floodplain.

Portions of Outlot B are currently outside the floodplain, which will aid it mitigating the fill. There is also floodplain present to the east that will provide a significant amount of open space between the apartments and future development to the east. There is a 200 foot wide minimum flood corridor along portions of the eastern edge of the property.

ANALYSIS:

1. This request is to annex approximately 41.84 acres and a change of zone from AG and AGR to R-4 over the same area. The land is contiguous to the City limits on the south and east. This annexation will be covered by an annexation agreement.

2. The purpose of the change of zone and annexation is to allow the property owner to construct up to 582 multi-family units through a Community Unit Plan.

3. The Future Land Use Map identifies this area as Commercial, Green Space, and Environmental Resources. The Middle Creek floodway is shown as Environmental Resources and the floodplain is shown as Green Space. The site is also classified as Growth Tier I, Priority C. An amendment to the Comprehensive Plan accompanies these applications to change the designated future Commercial land use area to Urban Density Residential and change the Growth Tier designation to Tier I, Priority A.

4. This area was originally envisioned as future commercial due to its location along the extended centerline of Runway 18/36. However, with the proximity of commercial development at Coddington Avenue and West A Street a short distance to the east, commercial uses have not developed in the area as anticipated. This area is located between the 60DNL and 65DNL noise contours as described in the Airport Environs Noise District regulations. Residential development between these contours is acceptable but will require acoustical features as a condition of building permit issuance. Residential uses have developed adjacent to this site on the south side of West A Street. Therefore, a residential use in this location is appropriate.

5. Growth Tier I reflects the “Future Service Limit” where urban services and inclusion in the City limits is anticipated within the 30-year planning period. Tier I includes three Priority Areas for phasing development. Priority A is comprised of undeveloped land within the City limits, as well as areas that are not yet annexed but which have approved preliminary plans such as preliminary plats, use permits, community unit plans, or planned unit developments. Priority B is comprised of areas designated for development in the first half of the planning period (to 2025) are generally contiguous to existing development and should be provided with basic infrastructure as they develop. In contrast, areas within Priority C are actively planned for in the longer term but lack most infrastructure to support development.

6. As mentioned previously, Lots 1 and 2 on the southern end of the site can connect via gravity to the existing sanitary sewer line. Lot 3 cannot connect via gravity and will require a private individual ejector pump. The property owner will

need to extend a sanitary sewer line to the property. The water main will not be extended until further development occurs on the site. Currently the nearest City water main and sanitary sewer line are in West A Street. All other utilities are available.

7. A traffic study submitted for this development was approved by Public Works and Utilities. Access is provided to West A Street via S.W. 30th Street, a private roadway, and a temporary access that will be removed at the time this development can connect to West A Street via Rabbit Run Road through future development to the west.

8. A conditional annexation agreement will be required to prohibit any future development on Outlot B as the designated permanent conservation easement, to agree that the Middle Creek sewer line will not be constructed for the foreseeable future, to stipulate that Lot 3 can only be developed as apartments and as a single owner single lot due to the constraints of the sewer ejector pump, and to require construction and permanent maintenance of the ejector pump until such time as Lot 3 can connect to City sewer.

Prepared by:

Rachel Jones, Planner
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DATE: February 4, 2016

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CHANGE OF ZONE NO. 15036

COMPREHENSIVE PLAN AMENDMENT NO. 15004
TO CHANGE THE FUTURE LAND USE DESIGNATION TO RESIDENTIAL-URBAN DENSITY, GREEN SPACE AND ENVIRONMENTAL RESOURCES
ON PROPERTY GENERALLY LOCATED AT SW 30TH AND WEST A STREETS.
PUBLIC HEARING BEFORE PLANNING COMMISSION: February 17, 2016

Staff recommendation: Approval.

AND

ANNEXATION NO. 15014
TO ANNEX APPROXIMATELY 41.84 ACRES
ON PROPERTY GENERALLY LOCATED AT SW 30TH AND WEST A STREETS.
PUBLIC HEARING BEFORE PLANNING COMMISSION: February 17, 2016

Staff recommendation: Conditional Approval.

AND

CHANGE OF ZONE NO. 15036
FROM AGR AND AG DISTRICTS TO R-4 RESIDENTIAL DISTRICT
ON PROPERTY GENERALLY LOCATED AT SW 30TH AND WEST A STREETS.
PUBLIC HEARING BEFORE PLANNING COMMISSION: February 17, 2016

Staff recommendation: Approval.

AND

SPECIAL PERMIT NO. 15072
FOR A COMMUNITY UNIT PLAN CONSISTING OF 582 MULTI-FAMILY UNITS
ON PROPERTY GENERALLY LOCATED AT SW 30TH AND WEST A STREETS.
PUBLIC HEARING BEFORE PLANNING COMMISSION: February 17, 2016

Staff recommendation: Conditional Approval.

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

There were no ex parte communications disclosed.

<u>Staff presentation:</u> Rachel Jones of the Planning Department stated the current use of this area is a tree farm. To the west and east of the area are agricultural uses, to the north is Middle Creek and to the south there is single-family housing. The area is outside of City limits and is currently designated as future commercial uses in the 2040 Comprehensive Plan. The Comprehensive Plan Amendment would change this designation to Residential-Urban Density use. The Environmental Resources category designates floodway, floodplain, and riparian corridors. The Green Space category designates open space reserved for storage water detention purposes.

The applicant has requested approval for up to 582 units, which is the maximum allowed number within a CUP. The site plan currently only shows 432 units. There are two access points including one from West A Street at S.W. 30th Street and a temporary drive to the west that would be removed at the point when the development connected to future development to the west via Rabbit Run Road.

Two waivers to the Zoning Ordinance are requested to increase the maximum height from 35 feet to 40 feet and to adjust the front yard setbacks from 25 feet to 15 feet along the two private roadways. There are also two waivers to Design Standards requested. The first is to allow sanitary sewer to run opposite street grades and the second is a waiver of the stormwater detention requirements.

There are also a number of requested deviations to the Access Management Policy requested. There is a reduced storage length for the right turn lane at the permanent access at S.W. 30th. There are several that relate to the temporary driveway which are approved because they are temporary conditions, including waiver of the requirement to provide a right turn lane. There is a request for a waiver of the requirement to provide a left turn lane at the S.W. 30th Street access. At the time the Staff Report was published, there was no decision made, but it has now been approved by Public Works, conditioned upon the timing of development to the west.

Lots 1 and 2 are adjacent to West A Street and Lot 3 is to the north. A large portion of Lot 3 is currently within the floodplain. Fill will be added to raise the proposed buildings out of the floodplain. In compensation for that, the area farther to the north in Outlot B will be designated a permanent non-buildable conservation easement that will also include an area for compensatory storage.

The general topography of the site slopes down to Middle Creek from south to north. Lots 1 and 2 will be able to connect via gravity to the existing sanitary sewer in West A Street. Lot 3 is not able to connect via gravity and will require a privately-owned and maintained sewer ejector pump.

West A Street is currently a 2-lane asphalt road. It is shown in the Capital Improvement Program (CIP) for construction of two permanent concrete lanes and a left/right turn lane, along with some intersection improvements.

There are two Motions to Amend. The first has a number of points, including clerical corrections and additions to the conditions of approval that relate to the fact that a couple of the deviations to the Access Management Policy are conditionally approved by Public Works. The second is related to Note 16 on the site plan. The applicant

requests to modify that condition to state, “The site layout is conceptual. Minor modifications are allowed without an administrative amendment.” Staff prefers that the new note not be included and that the normal procedures regarding determination of whether site plan changes are “major” or “minor” be followed. We do not want to see a deviation from that policy.

Several neighbors submitted comments mostly relating to concerns about traffic and conditions on West A Street. A letter was submitted by the West A Street Neighborhood Association that was in support, but also expressed concerns about traffic and other infrastructure impacts.

Lust asked what is accomplished by approving a change for this area from Tier I, Priority ‘C’ to Priority ‘A’. Jones said that Tier I is for land that is appropriate for immediate annexation and development. Category ‘A’ means utilities and infrastructure are in place. For Priority C land, all utilities are not yet available. In this case, the site is suitable for immediate development with the exception of Lot 3, but with the pump, it is developable.

Lust said the notes indicate that most of the fill used to raise the site out of the floodplain will come from the site. She wondered how that is monitored.

Ben Higgins of Public Works and Utilities came forward. He said that is a good question. He assumes the applicant will get the fill from the site due to the cost effectiveness of that choice, but that is only tracked for special projects such as Antelope Valley. It is not a normal practice.

Beecham asked why the area was designated with the Environmental Resources category and whether the new Green Space designation will still offer the same protection. Higgins said the Environmental Resources area was centered along Middle Creek and remains in place since the property does not extend all the way to the creek. There was a small portion that comes up a channel that will be preserved as a minimum corridor. The boundaries of the buildings meander because they have intentionally avoided those minimum corridor areas. The areas not showing buildings will be set aside as conservation easements and will not be built upon. Beecham said that should take care of concerns about flood waters and storage. Higgins said yes, and the applicant was also asked to submit hydraulic runs for the site so that we could make sure there were no substantial increases in floodplain heights.

Harris asked the opinion of Public Works on the motion to amend requesting to delete the note. Higgins said he would defer to Planning on that. In his opinion, you would want to leave that up to Planning as to whether an amendment is needed in order to avoid the potential for an applicant to make an incorrect decision about what constitutes a “minor” change. Jones added that this site has several factors that make this issue more important, such as the sewer pump, the floodplain and fill, and the West A connections. Those are additional reasons we feel it is better to keep with our standard policies.

Hove said this special permit would approve 582 units even though they only plan to build 432 at this time. He asked why they request more than shown on the plan and whether the applicant plans to add more. Jones said they may, and that is why they are

requesting 582 units--the maximum that is allowed in a CUP in the R-4 district. They are just asking to reserve that so if they have additional units, they won't have to come through with a full amendment. Hove asked whether they would have to purchase or have access to more land to add units. Jones said that is likely because the layout is relatively maxed out. If they wanted to add units such that they would expand the boundary, increase height, or adjust the setbacks, that would have to come through the process again.

Weber asked what would happen with the sewer ejector pump in times of loss of power. Jones said she is unsure and the applicant can speak to that.

Proponents

1. Marcia Kinning, REGA Engineering, came forward on behalf of Anderson Homes, Inc. to state the lift station is located in the far northwest corner of the site where it could be connected to the sewer that will be along the north side of the site. It then follows along the western line of the property down to West A. If the power goes out, the apartment complex would be responsible for having a backup generator to make sure the system works.

Lust asked if the lift station is designed to be temporary and will be decommissioned once there is sewer. Kinning said yes.

Lust went on to ask for further explanation for the request for the Motion to Amend. Kinning said Building and Safety will flag to Planning Department if they believe it is necessary to have an administrative amendment for changes. Without the note, any minor change such as a parking stall deletion or relocation of a dumpster will require an amendment, so no matter what, this would have to go back to Planning. We would like to get rid of the note because if there is a major change like height, it will go through a full amendment. We would like to avoid the amendment for minor items that will have little effect.

Corr asked for a clearer idea of the timeline for this project. She knows two phases were mentioned for construction. She wondered when it would start or if there is an estimated completion date. Kinning said that it depends. The owner is open to either selling the property to a developer, or he may develop it. If he does it himself, it would probably be a couple of years for development on the first phase, which includes Lots 1 and 2. Corr said the roads are scheduled for improvement in 2018-2019, so there is a possibility that those could be improved before this is fully built out. Kinning said that is correct.

Harris asked for the language of Note 16 on the original site plan. Kinning said it states, "Apartment layout is conceptual. Variations to the conceptual layout will not require an administrative amendment." The language makes it seem like buildings and drives could be moved around, so then it is understandable why Planning would want to review. We have already gone through extensive work with Planning and Public Works to make sure all of the grading, compensatory storage and requirements are met.

Opponents:

1. Mark Antonson, 1521 S.W. 30th Street, came forward to thank Commissioners for their time. This is the first time he has offered testimony at a public hearing, but he feels strongly enough about this application to come forward today. He thanked Jones for answering his long list of questions. He clarified that he is not strictly in opposition of this application. He asks that approval be tied conditionally to the improvements to West A Street. Having read through all of the application documents, it appears that the traffic study addresses issues of flow and interruption, but not safety. West A Street is in very poor condition and the added capacities could create worse conditions. He respects the property owner's rights to develop the land, he just asks that the project wait to move forward until road improvements are made.

Corr asked where the temporary asphalt begins. Antonson said he drives West A Street everyday. It begins shortly west of Coddington and continues on until it turns to gravel near the railroad tracks, which he believes is roughly 40th Street. He is most concerned about the stretch of road between S.W. 30th and S.W. 37th Streets. That area is in especially poor condition.

2. Vickie Jenkins, 3007 W. Washington Street, came forward to state that she just purchased her home. She is opposed to this application and worries about the safety of children, traffic, and changes in property values. She worries about the impacts of adding the buildings across the street. She has a good view of West A, West O, and out to the Interstate. She drops kids off a half hour early because she is unable to get into traffic the way it is now. She also sees many kids on bicycles riding along West A Street which is dangerous because there is no shoulder. Traffic is really heavy in that area.

Staff Question:

Weber asked if it was typical to not require any provision for alternate power in cases where there is a privately-owned sewer pump, and particularly in a case like this, where there is not a definite timeline for hookup to the adjacent sewer line.

Randy Hoskins of the Public Works and Utilities Department said he would be surprised if they did not have backup generators; that would be rare. Weber asked for confirmation that it is not a requirement. Hoskins stated it is not required, but would be in their best interest to protect their own property from significant damage by having the backup generators.

Beecham asked for more information about the traffic, road conditions, and potential trails for this area. Hoskins said West A Street is a standard county road. It has been in place a long time and although it is well rutted, it is not in terrible shape. The ruts do fill in with water when it rains, so that could increase some concern. The main concern is lack of sidewalks and pedestrian facilities, particularly for getting kids to area schools. That is the major reason we have worked to get West A in the CIP.

Beecham went on to ask about the use of “temporary” asphalt versus regular. Hoskins said he is not a fan of calling the surface “temporary”. It is asphalt, and is not the standard concrete that would be in place for an arterial street. When the street is rebuilt, it will be three lanes including a center turn lane. This will make it safer at intersections because there will be no traffic stopping in through lanes, which creates safety concerns. There will be a right turn lane.

Beecham asked if there will be a shoulder and sidewalk. Hoskins said with reconstruction such as this, it would be typical to add sidewalks on both sides, depending on availability of right-of-way. Beecham asked for an estimate of when people can expect this project to be underway. Hoskins said it is shown in the current draft for the CIP for the 2018-2019 fiscal year. It is viewed as a fully-funded, priority project.

Harris asked if there is some way to combine staff’s preferred language with that proposed by the applicant for Note 16, including both language stating the site plan is conceptual and administrative amendments will be required to revise the plan, but minor modifications are allowed without amendment. She wondered if there is any way to possibly come to an agreement where it is pointed out that there is a limit to what will be flagged for an administrative amendment. Jones said some agreement could probably be reached. It should be noted that the applicant is not necessarily required to do an amendment for the most minor changes like a parking stall change, for example. The note would require defining in certain terms what is meant by “minor modification”, but it is possible.

Lust wondered if there is some misunderstanding regarding what the Building and Safety Department would flag. This is the first time this has been an issue, so she wonders what the source of the concern is. Jones said it seems like the applicant is under the impression that Building and Safety will flag very minor changes. Lust said she assumes that Building and Safety is efficient at determining the type of changes that require an administrative amendment. Jones agreed that they make those decisions all the time. Beecham asked if moving a dumpster would require an amendment. Jones said no, moving a dumpster or a parking stall here or there would not require that. Lust asked for confirmation that the administrative amendment process does not come back before Planning Commission but is approved internally by the Director. Jones said that is correct.

Corr wanted to note that the Staff Report mentions a future trail planned for the south side of West A Street. She believes that could alleviate many of the concerns about pedestrians and children riding bicycles. Jones agreed.

Corr went on to ask for more information about the setbacks and how they have sited the roads along the sides instead of in the middle of the site. Jones said there are two private roadways within this development--Rabbit Run Road and S.W. 30th. There are a couple of ways to show private roadways. One is to locate them in an outlot. The other is to simply show them without an outlot, where the center line of the street would be the meeting line of two adjoining lots. In this case, because these are in an outlot, the setback is going to begin at the edge of the outlot versus the center of the street. That is the way we prefer it in an outlot. So based on that, they request the reduced setback

since, instead of being counted from the center line, the setback will be counted from the edge of the outlot. This is a waiver that is approved often. Corr said this is not a decrease in any number of feet, it is just where the count is starting. Jones said that is right. It is also important to note that they are internal to the development as opposed to along the boundaries. Corr asked if it is also pretty normal to have the owner maintain an ejector pump until they can connect to City resources. Jones said yes, there are several around town. Corr asked if there was a bond required for the maintenance or input, in case anything happens. Jones said she is not sure.

Henrichsen said this is a private ejector pump for one lot, owned by one party. He noted that if there were a single-family house in which a basement bathroom can't quite get water up to the sewer in the street, there could be an ejector pump. It is the owner's problem if it floods the basement or something goes wrong, so people will typically have backup power to protect themselves. So, for an individual lot, one pump is their responsibility. There is a separate policy that talks about a pump station that would serve multiple properties, maybe 400 or 500 acres. There the concern for the City is much greater because there are multiple parties involved. In those circumstances, the City actually maintains it and has warning systems and even has backup pumps. In this case, it is one pump for one property, so it is in their best interest to maintain it. Corr noted that this one pump will serve more than one building. Henrichsen agreed there are multiple buildings, but it is all on one lot and with one owner; one owner will be controlling the pump because they own the entire complex.

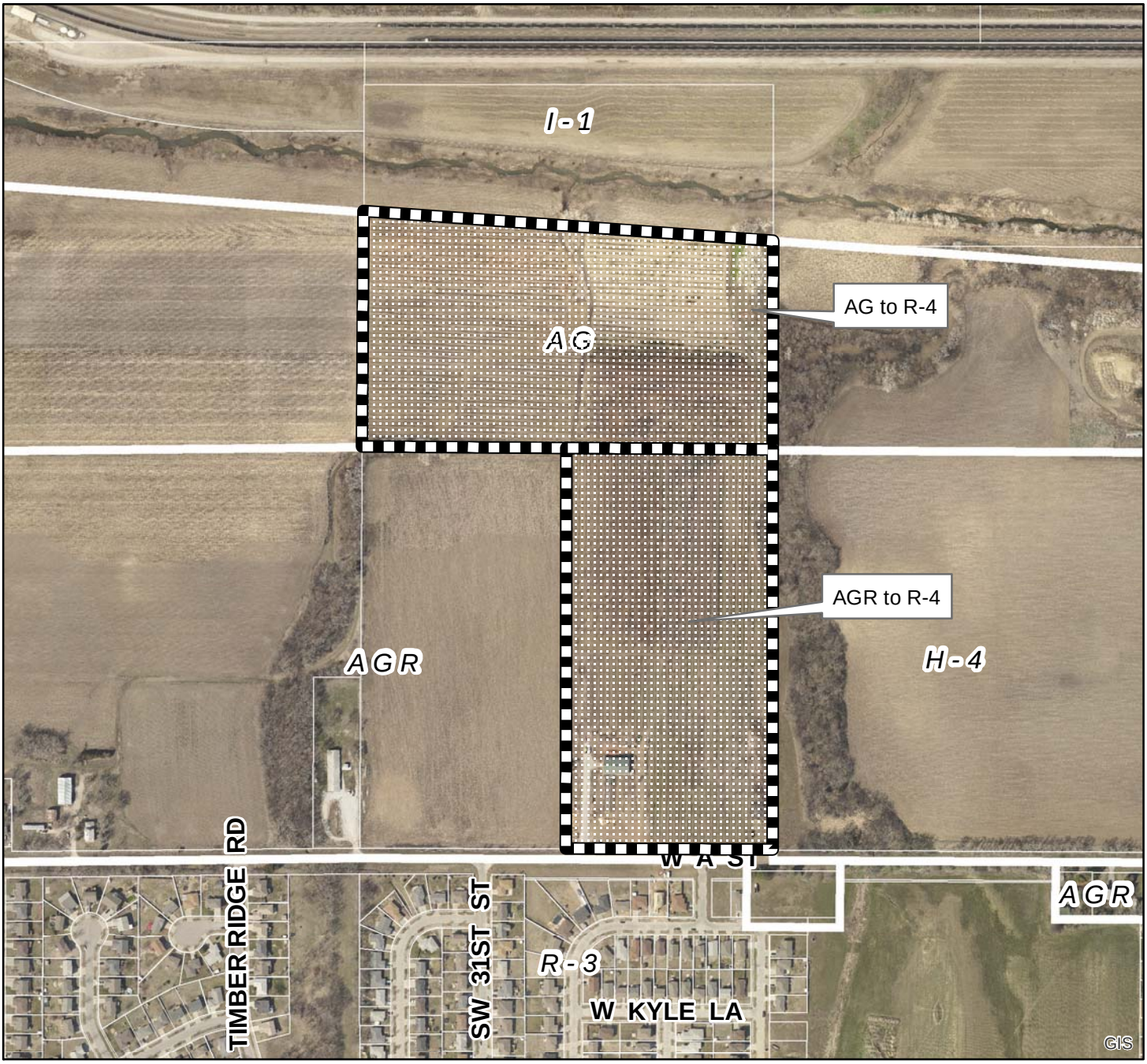
Applicant Rebuttal:

Kinning came forward to point out that this development is a reason West A improvements are in the forefront of the City now. Before this application came forward, this wasn't on the books. The project does have the neighborhood in mind with the improvements that will come to West A.

CHANGE OF ZONE NO. 15036
ACTION BY PLANNING COMMISSION: **February 17, 2016**

Beecham moved Approval; seconded by Cornelius.

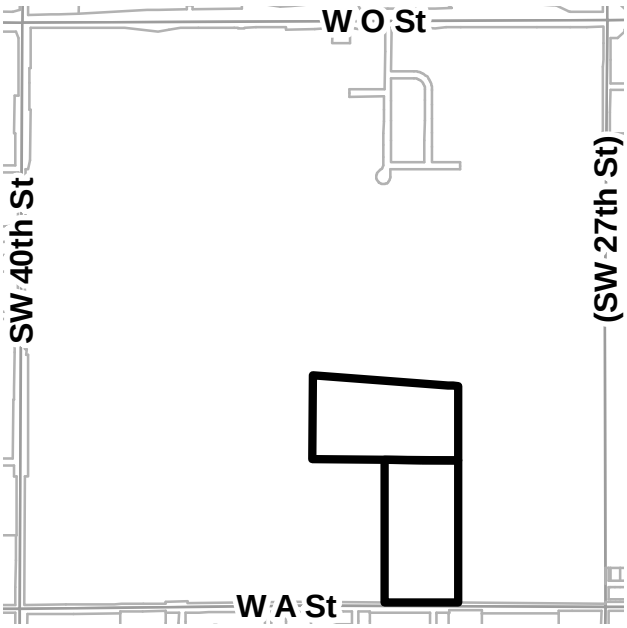
Motion for approval carried 8-0: Beecham, Cornelius, Corr, Harris, Lust, Sunderman, Weber, and Hove voting 'yes'; Scheer absent. This is a recommendation to the City Council.



2013 aerial

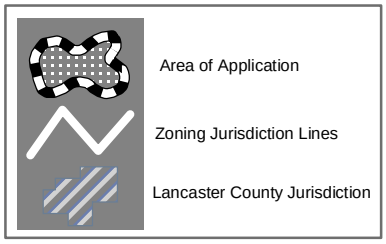
Change of Zone #: CZ15036
Scouts Treefield Park
SW 31st & W A St

One Square Mile:
Sec.29 T10N R06E



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



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File: F:\DevReview\PlannerPacket\MXD\Agendadrawings.mxd (CZ15036)

SCOUTS TREEFIELD PARK

CHANGE OF ZONE
FROM 'AG' TO 'R-4'

LEGAL DESCRIPTION

Lot 102 of Irregular Tracts located in the Southeast Quarter of Section 29, Township 10 North, Range 6 East of the 6th P.M., Lancaster County, Nebraska, more particularly described as follows:

Commencing at the SW Corner of said Southeast Quarter and extending thence S89°41'04"E along the South line of said Southeast Quarter, a distance of 663.42 feet; Thence N00°13'22"E, a distance of 1311.21 feet to the POINT OF BEGINNING;

Thence N89°45'56"W, 660.73 feet;

Thence N00°20'26" E, 766.63 feet;

Thence S85°54'31"E, 1322.02 feet;

Thence S00°06'37"W, 677.71 feet;

Thence N89°45'56"W, 661.18 feet to the POINT OF BEGINNING, containing 21.89 acres.

REGA
ENGINEERING
GROUP, INC.

File No. 151111
November 4, 2015
(Revised January 6, 2016)
(Revised January 20, 2016)

David Cary
Acting Director of Planning
Rachel Jones, Planner
City of Lincoln/ Lancaster County
555 South 10th Street
Lincoln, NE 68508

RE: SCOUTS TREEFIELD PARK
COMMUNITY UNIT PLAN/ CHANGE OF ZONE/ ANNEXATION
& COMPREHENSIVE PLAN AMENDMENT
SW 30th Street & West 'A' Street

Dear David,

On behalf of Anderson Homes, Inc., we submit the above mentioned community unit plan application for your review. Concurrently, a zoning application has been submitted which is requesting a change of zone from 'AG' to 'R-4' and 'AGR' to 'R-4', annexation, Comprehensive Plan amendment and a few deviation requests.

Scouts Treefield Park contains 41.34 acres. The site currently has both 'AG' and 'AGR' zoning with a request for 'R-4' zoning. The community unit plan consists of 3 lots with 432 multi-family units, a maintenance building which will house the developments' water meter and backflow preventer, a club house and recreational facilities for the development. There are also 2 outlots, one for the private roadways and one to be designated as a conservation easement including bio retention area, compensatory storage and flood corridor.

This development is currently within Priority C, Tier 1. We are requesting the Comprehensive Plan be amended to include this area into the Priority A, Tier 1 area.

Part of the site is within the 100 year flood plain. The fill material needed to raise the site to the base flood elevation will be acquired from the area within Outlot B of the development. The development is within the New Growth Area and therefore no imported fill will be allowed within the flood plain portion of this project. Drainage is located to the east of the development. A minimum flood corridor easement has been shown which varies from the north to the south on the east side of the property, as well as a 60 foot wide minimum flood corridor easement in the northwest portion of the development. The proposed garages, parking and driveways are located outside of the minimum flood corridor.

An executive summary of the Flood Plain Management and Post construction Stormwater Management has been enclosed. Upon request, a hard copy of the HEC-RAS model can be submitted as well. An electronic file of the HEC-RAS model will be submitted to Watershed Management. Revisions to the original design have been made as per discussions with Ben Higgins.

A possible centerline of a street layout west of the development is shown. The temporary West 'A' Street access to the development west of SW 30th Street shall be removed at such time as a development to the west connects to SW 31st Street. A deviation request has been submitted to Thomas Shafer in the Public Works Department which covers those items which do not follow the Access Management Policy.

We are requesting the following waivers at this time which include Land Subdivision Regulations and Design Standards:

1. *Storm water detention facilities. (Design Standards, Chapter 2.05, Section 3.3)*
   Through discussions with the Public Works Department, it has been determined that storm water detention would not be required in this area due to the close proximity to Middle Creek.
2. *The sanitary sewer running opposite the street grades. (Design Standards, Chapter 2.00, Section 3.5)*
   To sustain the natural flow of surface water, the sanitary sewer runs opposite the street grades. The minimum and maximum sewer depths will remain within Design Standards.
3. *Access separation on arterial streets to be closer than one quarter mile apart. (Design Standards, Chapter 2.15, Section 2.2)*
   Due to the number of dwelling units as well as the overall circulation of the development a deviation request has been request and sent to Public Works for approval on this as well as other variations from the Access Management Policy.
4. *Height of structures from 35 feet to 40 feet. (Title 27 of Lincoln Municipal Code, 27.72.020(a))*
   It is unknown at this time what the design of the apartment buildings will actually be. With experience with non-related apartment buildings in Lincoln, a 3 story building may need to be taller than the 35 feet height allowed. To ensure that a waiver request in the future will not be needed, this is being requested.
5. *Front yard setbacks adjacent to private roadways from 25 feet to 15 feet. (Title 27 of the Lincoln Municipal Code, 27.72.020(a))*
   Instead of placing the lot lines at the center line of the private roadways, the lot lines have been place on the outside of the sidewalk along the private roadways. Due to the area available, the requested 15 feet will allow adequate space around all 4 sides of the apartment buildings.

REGA
ENGINEERING
GROUP, INC.

A neighborhood meeting took place on August 10, 2015 to discuss the proposed development. The major concern of the neighborhood is the need for improvements to West 'A' Street. We are in agreement with their concerns and have shown a right turn-lane into the development from West 'A' Street. The developer would support the City of Lincoln improving the pavement of West 'A' Street to a typical arterial street cross section.

We look forward to working with the Planning Department and other City Departments on this application. Please do not hesitate to contact me if you have any additional questions or comments.

Sincerely,

Marcia L. Kinning

Marcia L. Kinning
Cc: Scott Anderson
Enclosures: Application
Special Permit Fee of $3,792.00
COZ Fee of $792.00
Comp Plan Amendment Fee of $330.00
(All application amounts had been submitted with the original application submittal)

Current Project - Agency Review Report

Agency Name	User Name	Review Cycle	Review Status	Comments	Assignment
Airport Authority	jon large	2	In Review	27.58-This area is within the Airport Environs District. An Avigation Easement will be required. This area is also located between the 60DNL and 65DNL noise contours. Residental development between these contours is acceptable but will require acoustical features as a condition of building permit issuance. See Figure 27.58.050. 27.59-Follow the requirements of the chapter. This development is very close to the extended centerline of Runway 18/36 and will be regularly overflown by aircraft on approach to, or departure from, the runway. These flights, and their associated noise, should be expected.	Individual
Building & Safety	christy eichorn	2	Corrections Required	I do not believe that a 5 foot side yard setback is adequate space to meet the provisions of Chapter 3.5 Section 7.3 (c). In zoning this will be considered a residential lot and the provisions of Chapter 3.5 Section 7.4 will be required.	Individual
County Engineer	ken schroeder	1	Corrections Required	Upon review, this office has no direct objections to this submittal but would offer the following comments for "Scouts Treefield Park" CUP, change of zone/annexation "AN15014" located in the SE ¼ of Section 29, T10N, R6E, near SW 30th Street and West "A" Street. 1. The legal descriptions which reference Lot 45 irregular tracts should be revised to include the 33' of existing road right-of-way and described to the south line of the SE ¼ of Section 29. Lot 45 I.T is recorded to be the E ½ of the SW ¼, SE ¼ of Section 29, T10N, R6E of the 6th P.M. 2. The right-of-way dedication should be shown to also include the dedication of the existing 33' of statutory road right-of-way easement along West A Street. 3. It should be noted that the remaining portion of Lot 102 irregular tracts may be non-buildable. 4. Development improvements to follow area annexation. November 17, 2015 (kds)	Individual
		2	Corrections Required	Upon review, this office has no direct objections to this submittal but would resubmit the following comments from	Individual

Current Project - Agency Review Report

				our November 17, 2015 review for "Scouts Treefield Park" CUP, change of zone/annexation "AN15014" located in the SE ¼ of Section 29, T10N, R6E, near SW 30th Street and West "A" Street. 1. The legal descriptions which reference Lot 45 irregular tracts should be revised to include the 33' of existing road right-of-way and described to the south line of the SE ¼ of Section 29. Lot 45 I.T is recorded to be the E ½ of the SW ¼, SE ¼ of Section 29, T10N, R6E of the 6th P.M. 2. The right-of-way dedication should be shown to also include the dedication of the existing 33' of statutory road right-of-way easement along West A Street. 3. It should be noted that the remaining portion of Lot 102 irregular tracts may be non-buildable. 4. Development improvements to follow area annexation. NOTE: No deeds have yet been filed regarding irregular tract numbering. January 19, 2016 (kds)	
County Health	chris schroeder	1	Recommend Approval	The LLCHD does not object to the proposed annexation.	Individual
Development Review Manager	steve henrichsen	1	Corrections Required		Individual
		2	Corrections Required		Individual
Emergency Communications	Kelly Davila	2	In Review		Individual
Fire Department	patrick borer	2	Recommend Approval	Lincoln Fire and Rescue recommends approval of this application. With regards to the street names 'Rabbit Run' and 'Flyway Lane', my only objection to these would be if these are duplicates of street names someplace else in the city.	Individual
Law Department	Law Department	2	In Review		First In Group
LES	les reviews	1	Recommend Approval	11/16/15, LES is requesting a Blanket Utility Easement excluding Building Envelopes - all 3 lots (see uploaded redlined drawing). LES will request as part of final plat.	First In Group
		2	Corrections Required	1/12/16- Uploaded red line drawing into the miscellaneous documents fold3er. Comments were: 1) See easements on drawing (Darin Gourka). 2) Add blankets as marked (Shana	Individual

Current Project - Agency Review Report

				Sprackling). 3) Add above request as noted to special permit drawings. These will be requested as part of final plat (Steve Hanks). -Sarah Ryan	
Planning Dept	brandon garrett	1	Recommend Approval	City Council District 3.	Individual
Public Works - Engineering Services	bob simmering	1	Recommend Approval	11-19. Per Access Management Policy Left and Right turns lanes are required on Minor Arterials. This would apply to both access points. Right Turn Lane as shown does not appear correct-possibly not including required storage length (see tables in section VII-H in AMP). Need traffic study to determine storage lengths.	First In Group
		2	Recommend Approval	1. Residential driveway access to minor arterial Since this is a temporary situation, this is approved. 2. Distance between accesses less than 660' SW 30th Street aligns with existing street. Driveway is temporary, approved. 3. Driveway width 27' with 20' radii Temporary situation, approved. 4. Right turn lane to be reduced by half on storage length The right turn storage length was misapplied in the traffic impact study. The length of the needed deceleration length was shortened through the assumption that traffic would slow 10 MPH prior to entering the lane. The study assumed a 10 MPH reduction plus the additional 10 MPH already factored in. The 45 MPH speed limit on West A Street would require a 250' right turn lane plus the storage length plus the taper. I would concur with eliminating the storage length and just providing the 250' deceleration length and the taper. 5. No right turn lane for the temporary driveway Temporary situation, approved. The lack of a left turn lane in West A Street was not addressed as a deviation, though it was addressed in the traffic study. This is where I have the most concern with	Individual

Current Project - Agency Review Report

				this request. While the consultant cites that the NCHRP 457 guidelines for installing a left turn lane are not met, we have been consistent in requiring left turn lanes at any access with an appreciable number of turning vehicles. The Access Management Policy states that a left turn lane is required for a minor arterial where left turns are allowed. The traffic study shows the higher number of left turns will be made at the temporary driveway. Depending on the ease of travel between the proposed project site and the future permanent connection at SW 31st Street, there is a high possibility that all left turns generated by this development might use SW 30st Street in the future. Based on the above a final question came back requesting that city would also waive left turn lanes-I will advise on that as soon as traffic engineer weighs in.	
Public Works - Survey Check	julio talero	1	In Review	Approved-PWU	First In Group
		2	Recommend Approval	Approved-PWU	Individual
Public Works - Watershed Management	ben higgins	1	Did Not Complete	Sent email with initial concerns 11/10/15	Individual
		2	Corrections Required	revised second review 1/27/16 (initial second review 1/12/16) Water Quality Comments - Include detention time calculations for both facilities in the Post Construction Stormwater Management Report. Should range between 24 to 40 hours per the Drainage Criteria Manual. Double check the compensatory storage drain time (needs to be 72 hours) for the combined post construction Stormwater facility /compensatory storage area. - Sheet 4, outlet box detail, bioretention B. A couple of leader lines are missing on the elevations. Include them. - Sheet 1: Add additional note or add to note 5 that will need a maintenance agreement prior to any building permits being issued. - Sheet 4: Revise the alignment for the perforated pipe on bioretention cell B. Run diagonally up through the middle of the cell. New Growth Area Standards/Floodplain Comments	Individual

Current Project - Agency Review Report

				- Provide specifics for each building on lowest floor openings. Current lowest floor elevations provided on sheets 1 and 3 provide a range. - The combined post construction Stormwater facility/compensatory storage area (B) has a relative high potential high water table. However it's relatively close to the creek which may keep the water table down during typical low flow events. Needs to be checked with some shallow soil borings to ensure that digging down a few feet won't intercept the typical water table. - Include a note on Sheet 1 about formalizing the conservation easement either through language in the final plat or as a separate document prior to initial building permit approval (city will provide draft language for either).	
Public Works & Utilities - Wastewater	Brian Kramer	1	Did Not Complete		Individual
		2	Recommend Approval	The sanitary system proposed would be private. It would be in the best interest to move the lift station as far north as possible, so that one day the sewer can be connected by gravity when a new trunk line is built. Need easements for future trunk line in outlot area.	Individual
Public Works & Utilities - Water	dave beyersdorf	1	Recommend Approval		First In Group
		2	Pending		Individual

West A
Neighborhood Association

November 3, 2015

Dear Lincoln Planning Commission Members:

As President of the West "A" Neighborhood Association I have been visiting with neighbors in our area about the proposed development on West A by Scott Anderson. This issue may not seem very important, however to the neighborhoods affected by this decision it is a very important issue what the neighbors are concerned about is not the development itself because they do support the development and the developer but it is about having streets, schools and other infrastructure issues addressed has no control over. This letter to support the developer but at the same time address the issues and concerns that affect our area, we do understand that they are normally the same as many areas in Lincoln. As President of the West A Neighborhood association I strongly support the developer as he has come to the neighborhood explained what his plan is and asked if the neighbors have concerns that he can address. We have not regularly seen that by developers in our neighborhood or been treated as well as Scott has done. We do want to make it very apparent that we are concerned with roads, and schools but that we also support the developer and thank him for investing in our neighborhood.

Sincerely,

William E. Vocasek

William E. Vocasek
President
West "A" Neighborhood Association

OPPOSITION

AN15014, CZ15036, CPA15004
Scouts Treefield Park
(PUBLIC HEARING/ACTION 2/17/16)

Subject: Comments to Planning Commission RE: Annexation No. 15014, Comprehensive Plan Amendment No. 15004, Change of zone No.15036

From: shenrichsonl@aol.com [mailto:shenrichsonl@aol.com]
Sent: Tuesday, February 16, 2016 12:12 PM
To: plan@lincoln.ne.gov.
Cc: jraybold@lincoln.ne.gov; lgayorbaird@lincoln.ne.gov
Subject: Annexation No. 15014, Coprehensive Plan Amendment No. 15004, Change of zone No.15036

I am writing to express my concern for the possible building of apartments at 30th and West A. We moved to this area because of the low crime rate. This rate seems to be higher where apartments are built. Unfortunately some people do not respect property they do not own.

West A street is already overloaded with traffic. There are times when we cannot get on to the street for 10 minutes or more because there is so much traffic on it. The street is badly in need of repair already. More wear and tear will make it worse.

Annexing this area to the city I feel is a bad idea. The area at 30th and W. A floods. I'm wondering what this would do to our storm sewers. We have been lucky not to have our property back up and do not want this ever to happen.

There are already to many apartments in Lincoln. Many are not being rented. We do not need 564 more.

Please do not build these apartments. I hope you will listen to my concerns.

Thank you,

Susan Miller
2332 W. Washington