City Council Introduction: June 20, 2016
Public Hearing: June 27, 2016, 5:30 p.m.

Bill No. 16-64

FACTSHEET

TITLE: CHANGE OF ZONE NO. 16014
AGR Agricultural Residential District to R-3 Residential District (7601 Pine Lake Road)

BOARD/COMMITTEE: Planning Commission

APPLICANT: Highway 2 Development, LLC

RECOMMENDATION: Approval (6-0: Corr, Harris, Sunderman, Weber, Scheer and Hove voting 'yes'; Beecham, Cornelius and Lust absent).

STAFF RECOMMENDATION: Approval

OTHER DEPARTMENTS AFFECTED: N/A.

SPONSOR: Planning Department

OPPONENTS: None present at hearing.

REASON FOR LEGISLATION: Request to change the zone from AGR Agricultural Residential District to R-3 Residential on approximately 6.06 acres to allow for the development of a 120-unit senior living facility consisting of independent living, assisted living, and memory care.

DISCUSSION/FINDINGS OF FACT:

1. This Change of Zone, and the associated Annexation No. 16006 (Bill #16-63) and Special Permit No. 16018 (Bill #16R-131) were heard at the same time before the Planning Commission.

2. The staff recommendation to approve the change of zone request is based upon the "Analysis" as set forth on pp.4-5, concluding that a change of zone to R-3 is consistent with the Future Land Use Map and compatible with the adjacent development. This request complies with the Zoning Ordinance and is consistent with the Comprehensive Plan. The staff presentation is found on pp.6-7.

3. Testimony on behalf of the applicant is found on pp.7-8.

4. There was no testimony in opposition.

5. On June 8, 2016, the Planning Commission agreed with the staff recommendation and voted 6-0 to recommend approval of this change of zone request.

6. On June 8, 2016, the Planning Commission also voted 6-0 to recommend approval of the associated Annexation No. 16006 (Bill #16-63), and voted 6-0 to recommend conditional approval of Special Permit No. 16018 (Bill #16R-131).

FACTSHEET PREPARED BY: Geri Rorabaugh, Administrative Officer

DATE: June 13, 2016

REVIEWED BY: David R. Cary, Planning Director

DATE: June 13, 2016

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LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for June 8, 2016 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 #16006
Change of Zone #16014

PROPOSAL: To annex approximately 7.88 acres, and change the zoning from AGR Agricultural Residential to R-3 Residential over approximately 6.06 acres

LOCATION: Highway 2 and Pine Lake Road

LAND AREA: Annexation #16006 - Approximately 7.88 acres
Change of Zone #16014 - Approximately 6.06 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#16006	Approval
CZ#16014	Approval

PROPOSED CITY COUNCIL DISTRICT ASSIGNMENT: District #2.

GENERAL INFORMATION:

LEGAL DESCRIPTION: AN#16006 - Lot 1, Block 1, Portsche Heights Third Addition, and Lot 1, Block 1, Clarendon Hills, including all of the old Pine Lake Road right-of-way between South 75th Street and Highway 2, all located in the NW 1/4 of Section 22-9-7, and Lot 56 located in the SW 1/4 of Section 15-9-7, Lincoln, Lancaster County, Nebraska.

CZ#16014 - Lot 1, Block 1, Portsche Heights Third Addition, and Lot 1, Block 1, Clarendon Hills, located in the NW 1/4 of Section 22-9-7, Lincoln, Lancaster County, Nebraska.

EXISTING ZONING: AGR Agricultural Residential

SURROUNDING LAND USE AND ZONING:

North:	Highway 2	
South:	Residential	AGR
East:	Highway 2	
West:	Vacant, Residential	AGR, O-3

EXISTING LAND USE: Vacant, Residential

ASSOCIATED APPLICATIONS: Special Permit #16018 for the Pemberly Place residential health care facility.

HISTORY:

FEB 2013 - Special Permit #13060 for a 13-space campground per Section 27.63.270 was withdrawn by the applicant.

FEB 2013 - Change of Zone 13029 from AGR to H-3 was withdrawn by the applicant.

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. 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.

SPECIFIC INFORMATION:

UTILITIES & SERVICES:

A. **Sanitary Sewer:** City sanitary sewer is available to the site, there is a sanitary sewer main n Highway 2.

B. **Water:** Water is also available to the site via a water main in Highway 2.

C. **Roads:** Access to the site will be off South 75th Street via the old Pine Lake Road right-of-way. The old roadway will need to be improved to City standards, and can also be used for access by intervening properties. Lot 1, Block 1, Portsche Heights 3rd currently has an access permit onto Highway 2 from the State of Nebraska. However, that access will need to be relinquished as a consequence of this rezoning.

D. **Fire Protection:** After annexation, fire protection will be provided by Lincoln Fire Rescue (LFR). LFR recommends approval, noting that in response to the recently approved bond issue there will be new fire station built in southeast Lincoln, perhaps in the vicinity of South 70th Street and Pine Lake Road.

ANALYSIS:

1. These are related requests for both annexation and a change of zone, and are based upon the residential health care facility special permit for Pemberly Place.

2. AN#16006 is for approximately 7.88 acres, and CZ#16014 is for approximately 6.06 acres. The area of the associated special permit and the change of zone are the same, and cover the area of application for the residential health care facility.

   The additional 1.82 acres includes Lot 56 located on the north side of the old Pine Lake Road right-of-way owned by someone other than the applicant. After annexation of the lots included in this request, and the annexation of the old Pine Lake Road right-of-way, Lot 56 will be totally surrounded by the City. It otherwise meets the annexation policy of the City, so it is included and recommended for annexation along with the applicant's property.

3. The area to be annexed is located within Tier I, Priority B of the Comprehensive Plan. All utilities, including public water and sewer, exist adjacent to the area of these requests. The development can be served by the full range of city services.

4. The subject property 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.

5. It is also the developer's responsibility to reach an agreement regarding any compensation due the Rural Water District #1 (RWD) as a result of the proposed annexation. This area is outside the boundary of the RWD, and no claim of reimbursement will be made as a result of this annexation.

6. The 2013 change of zone proposal to H-3 zoning was recommended for denial because neither the H-3 zoning nor the proposed use of a campground were deemed appropriate. These requests for R-3 zoning and a residential health care facility were recommended at that time as an appropriate zoning designation and land use.

7. The associated Special Permit #16018 is recommended for approval, but has recommended conditions of approval. One of those conditions requires that these requests be approved by the City Council.

8. The area is designated for future urban density residential land uses on the Future Land Use Map, and these requests comply with the requirements of the Zoning Ordinance and Comprehensive Plan.

Prepared by:

_____
Brian Will, 441-6362, bwill@lincoln.ne.gov
April 27, 2016

APPLICANT/ OWNER: Highway 2 Development LLC
129 North 10th Street
Lincoln, NE 68508
402-805-4136

CONTACT: Rob Duvall
Schemmer Associates
1044 North 115th Street, Ste 300
Omaha, NE 68154

CHANGE OF ZONE NO. 16014

ANNEXATION NO. 16006
TO ANNEX APPROXIMATELY 7.88 ACRES
GENERALLY LOCATED AT 7601 PINE LAKE ROAD.
PUBLIC HEARING BEFORE PLANNING COMMISSION: June 8, 2016

Staff recommendation: Approval.

CHANGE OF ZONE NO. 16014
FROM AGR TO R-3 DISTRICT
GENERALLY LOCATED AT 7601 PINE LAKE ROAD.
PUBLIC HEARING BEFORE PLANNING COMMISSION: June 8, 2016

Staff recommendation: Approval.

AND

SPECIAL PERMIT NO. 16018
TO ALLOW A RESIDENTIAL HEALTHCARE FACILITY
GENERALLY LOCATED AT 7601 PINE LAKE ROAD.
PUBLIC HEARING BEFORE PLANNING COMMISSION: June 8, 2016

Staff recommendation: Conditional Approval.

There were no ex parte communications disclosed.

Staff presentation: Brian Will of the Planning Department came forward to state this property is near the old Pine Lake Road alignment that used to intersect with Highway 2. It includes two lots. One has a single-family dwelling, while the other has been undeveloped since its creation. There are three associated applications.

The first application is for annexation. As mentioned in the Staff Report, this area fits the annexation policy. It is urban in character--adjacent to a highway; there are other single-family dwellings in the area; there is infrastructure in place to support it; and it will be served by the Lincoln Police Department and Lincoln Fire and Rescue.

The change of zone to R-3 is also appropriate. As the City grows to the southeast, there are other residential developments occurring. Though there are currently acreages to the south, we have seen that as the City expands, the acreages tend to redevelop. Grand Terrace is a nearby example. The R-3 zoning is both appropriate and it suits the applicant's needs.

The final application is for the special permit. There have been many proposals for this tract of land, most recently a request for a campground. Staff was not supportive of that. Looking at the future land use plan, we find that residential uses such as townhomes or

apartments are what is shown and we have consistently recommended that over time. This residential healthcare facility, with a mix of care options, including assisted and independent living and memory care, is appropriate. As we see the area redevelop, we will continue to recommend residential uses. The only conditions placed on this permit pertain to screening.

Hove asked if access will be off of the old Pine Lake Road stub. Will said that is correct. The street stub will be improved and renamed.

Proponents:

1. Peter Katt, Baylor Evnen Law Firm, came forward on behalf of the property owner. As part of this development, the adjoining parcel will also be acquired which will address concerns about access. The neighbors were consulted on three separate occasions and the plans were revised in order to accommodate their concerns.

2. Shane Larsen, Architect at Schemmer Associates, 1044 N. 115th Street, Omaha, stated that the neighborhood had several opportunities to contribute to the concepts and layout of the design. The goal is for this building to appear residential in nature and to minimize height and volume so that from a distance, it looks like a large home. Architectural features used to achieve this goal include the use of an articulated roof which minimizes any appearance of a tall peak and shields rooftop equipment. The finishes include stone and the use of natural colors.

The building needs to be functional for multiple levels of care. That was a challenge in maintaining the residential feel so each area of care was separated into different portions of the building to minimize the size impact. The windows are also similar to what would be found in a residential structure. To respect neighbors and to add the additional sound barrier, the building was situated on the property as close to Highway 2 as possible. The grading on this site is also depressed, so that will also help minimize height impacts. As one enters the building, there is a focal point that creates the illusion of a single story structure.

3. Matt Hubel, Civil Engineer at Schemmer Associates, 1044 N. 115th Street, Omaha, stated the project includes the redevelop the old Pine Lake Road stub with two entrances onto the site. One will point to the south will be the main entrance to parking. The other will be access for service vehicles. There will be extensive landscape screening. The Staff Report indicates conditions related to further screening and there is no problem in satisfying those requirements. There are three wings for care with a center community area. There is a proposed grass-paved drive running along the north and east which will provide what looks like a lawn area, but it will actually be a road to provide fire access. That way, the site will not be covered in concrete.

Hove asked if there are any plans for the triangular-shaped property located to the north between Pine Lane Road and Highway 2. Katt stated that property has a different owner. He is not aware of any plans.

Harris asked for more information about the service access between Highway 2 and the building. Larsen said the service access is the drive that runs southeast and it would

give access to staff and service vehicles, and there is also covered parking on that side. It is screened from Highway 2. Harris asked if it is a screened parking lot. Larsen said the building itself provides screening for the adjacent homeowners from trash, equipment delivery, and some staff parking.

Corr asked for clarification about the location of the grass drive. Larsen showed that Fire and Rescue could enter from the northwest and use the grass path along the north and east to have close access to the building. There will be grass all around the area, but that path will have increased compaction to support that function.

Opponents:

There was no testimony in opposition.

Staff Questions:

Corr asked if the old Pine Lake Road stub will be public or private. Will said it will be public. Corr wondered if there were any comments from the Natural Resource District regarding increased runoff. Will said that the grading and drainage were looked at. The plan is to take it offsite to a ditch off of Highway 2 where there is a detention pond to the northwest.

Hove asked if Staff is aware of any plans for the piece of property to the north. Will said nothing has been submitted to Planning at this time, but given the improvement and development of the roadway, he would not be surprised to hear some discussion about that.

Weber wondered if the adjacent property owner entered into the annexation voluntarily, or if they have expressed any opposition. Will said they did not ask to join in, but Staff looked at the property and noted that it will be completely surrounded and it meets all of the requirements for annexation. There has been no opposition at this time.

Sunderman asked if the property to the south of that property was inside the City. Will said areas to the south and west are still outside of City limits, however, the old Pine Lake Road stub directly adjacent to the south of the extra property will come in as part of the annexation, so then the property will be surrounded.

ANNEXATION NO. 16006
ACTION BY PLANNING COMMISSION: **June 8, 2016**

Sunderman moved approval, seconded by Corr.

Corr stated she is glad to see this property with a more appropriate plan for the area than what was presented in the past. The zone change is fine and this will work out nicely.

Hove said this is a good use of this property and he applauds the owner for finding something that makes sense in this location.

Motion carried, 6-0; Corr, Harris, Scheer, Sunderman, Weber and Hove voting 'yes'; Beecham, Cornelius, and Lust absent.

This is a recommendation to the City Council.

CHANGE OF ZONE NO. 16014
ACTION BY PLANNING COMMISSION: **June 8, 2016**

Weber moved approval, seconded by Harris.

Hove stated this is a good project and a good fit for this location.

Motion carried, 6-0; Corr, Harris, Scheer, Sunderman, Weber and Hove voting 'yes'; Beecham, Cornelius, and Lust absent.

This is a recommendation to the City Council.

There being no further business to come before the Commission, the meeting was adjourned at 1:31 p.m.

Note: These minutes will not be formally approved by the Planning Commission until their next regular meeting on Wednesday, June 22, 2016.

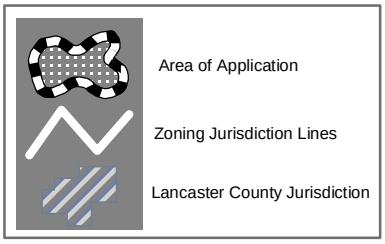
2013 aerial

Change of Zone #: CZ16014 (AGR to R-3) and Special Permit #: SP16018
Pemberly Place
Hwy 2 & Pine Lake Rd

Zoning:

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile:
Sec.22 T09N R07E



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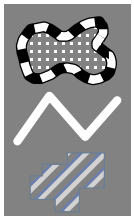
2013 aerial

Annexation #: AN16006
Pemberly Place
S 76th St & Pine Lake Rd

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

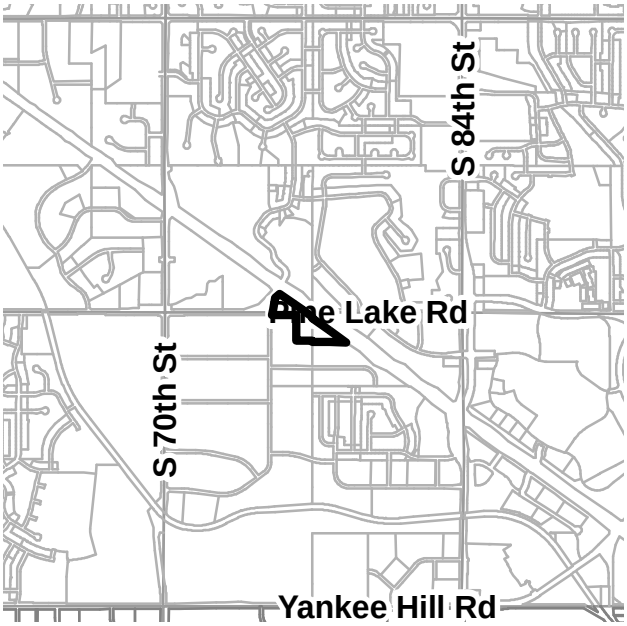
Two Square Miles:
Sec.15 T09N R07E
Sec.22 T09N R07E



Area of Application

Zoning Jurisdiction Lines

Lancaster County Jurisdiction



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SCHEMMER
ARCHITECTS | ENGINEERS | PLANNERS

March 30, 2016

Mr. Stephen Henrichsen
Development Review Manager
City of Lincoln Planning Department
555 S. 10th St., Suite 213
Lincoln, NE 68508

RE: Highway 2 Development
City of Lincoln Change of Zone and Special Permit
Schemmer Project No. 06787.001

Dear Mr. Henrichsen:

The following letter is to declare the intent for the Change of Zone and Special Permit for Lot 1, Block 1 of Clarendon Hills and Lot 1, Block 1 of Portsche Heights Third Addition, all in Section 22, Township 9N, Range 7E. This parcel is located southeast of the intersection of Old Pine Lake Road and S. 75th Street.

The purpose of this Change of Zone application and Special Permit application is to provide the above-mentioned parcels a zoning designation that is compatible with the use group of our client, Healthcare Facilities; Residential. The City of Lincoln has directed the property owner to rezone these parcels as the R3 zoning designation. The Healthcare Facilities; Residential use group is identified as a Special Permit use for the R3 zoning designation within the use group table in 27.06.080, which is why we are also submitting the Special Permit application.

On behalf of our client, I would also like the City of Lincoln to consider the request for the annexation of these parcels.

Please find the attached Change of Zone Application, Special Permit Application, and application fees.

Please do not hesitate to call if you have any questions or comments.

Sincerely,

THE SCHEMMER ASSOCIATES INC.
ARCHITECTS | ENGINEERS | PLANNERS

Rob DuVall

Rob DuVall, PE

jl:P/

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