

FACTSHEET

TITLE: CHANGE OF ZONE NO. 16025
AG to AGR (South 60th Street & Wittstruck Rd.)

BOARD/COMMITTEE: Planning Commission

APPLICANT: BCLINC, LLC

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

STAFF RECOMMENDATION:
Approval

OTHER DEPARTMENTS AFFECTED: N/A

SPONSOR: Planning Department

OPPOSITIONS: None present at hearing; 1 letter submitted.

REASON FOR LEGISLATION:

Request for a change from AG Agricultural District to AGR Agricultural Residential District, on property generally located at South 60th Street and Wittstruck Road.

DISCUSSION/FINDINGS OF FACT:

1. This Change of Zone and the associated County Change of Zone No. 16026 and County Preliminary Plat No. 16004 were heard at the same time before the Planning Commission.
2. The staff recommendation of approval is based upon the "Analysis" as set forth on pp.3-4, concluding that the change of zone request from AG to AGR is not in conformance with the 2040 Lincoln/Lancaster County Comprehensive Plan. However since the majority of the development is within the Village of Roca's zoning jurisdiction and Roca approved the change of zone, this change of zone request should be approved in order to provide a logical and complete acreage subdivision. The staff presentation is found on p.5.
3. The applicant's testimony and discussion with Planning Commission is found on pp.5-6.
4. There was no testimony in opposition; however, one letter of opposition was submitted and is found on p.10.
5. On September 28, 2016, the Planning Commission voted 6-0 (Hove and Lust absent) to recommend approval.
6. On September 28, 2016, the Planning Commission also voted 6-0 to recommend approval of the associated County Change of Zone No. 16026 and voted 6-0 to adopt Resolution PC-01520 approving County Preliminary Plat No. 16004.
7. The public hearing before the County Board on the associated County Change of Zone No. 16026 is pending at this time.

FACTSHEET PREPARED BY: Geri Rorabaugh, Administrative Officer

DATE: September 30, 2016

REVIEWED BY: David R. Cary, Planning Director

DATE: September 30, 2016

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT
for SEPTEMBER 28, 2016 PLANNING COMMISSION MEETING

PROJECT #: Change of Zone No.16025 (City)

PROPOSAL: From AG Agricultural to AGR Agricultural Residential

LOCATION: S. 60th Street and Wittstruck Road

LAND AREA: 2.85 acres, more or less

EXISTING ZONING: AG Agricultural

CONCLUSION: The change of zone request from AG to AGR is not in conformance with the 2040 Lincoln/Lancaster County Comprehensive Plan. However since the majority of the development is within the Village of Roca's zoning jurisdiction and Roca approved the change of zone, this change of zone request should be approved in order to provide a logical and complete acreage subdivision.

RECOMMENDATION:

Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION: A portion of the East ½ of the NE 1/4, of the NW 1/4 of Section 16, 8, 7; Lancaster County, NE.

EXISTING LAND USE: Farm ground

SURROUNDING LAND USE AND ZONING:

North:	AG Agricultural	Acreage development
South:	AG Agricultural	Farm ground
	AGR Agricultural Residential	Acreage development
East:	AG Agricultural	Farm ground
West:	AGX Exclusive Agricultural (Roca)	Farm ground

ASSOCIATED APPLICATIONS:

Preliminary Plat #16004
Change of Zone #16026

COMPREHENSIVE PLAN SPECIFICATIONS:

The 2040 Lancaster County Future Land Use Plan identifies this area as Agricultural (p.1.8)

Acknowledge the fundamental "Right to Farm." Preserve areas throughout the county for agricultural production by designating areas for rural residential development— thus limiting potential conflicts between farms and acreages. (p. 2.7)

LPlan 2040 supports the preservation of land in the bulk of the County for agricultural and natural resource purposes. However, it recognizes that some parts of the County are in transition from predominantly agricultural uses to a mix that includes more residential uses (p. 7.12)

All proposals for acreages, whether designated on the future land use map for low density residential or not, should be evaluated based on factors such as paved roads, adequate water quality and quantity, soil conditions for on-site wastewater management, availability of emergency services, agricultural productivity, land parcelization, the pattern of existing acreages, and plans for future urban development (p. 7.12)

Grouping acreages together in specific area will limit the areas of potential conflict between farms and acreages. It also may enable services to be provided more efficiently, by reducing the amount of paved routes, reducing the number and distance of school bus routes and taking advantage of more effective rural water district service (p. 7.12)

Many families are not well-informed of all the implications of rural living before they make that lifestyle choice. This includes an understanding of the state's "right to Farm" law, which protects farmers from nuisance claims when conducting normal agricultural practices, and an understanding of the difference between urban and rural public services. (p. 7.13)

The 2040 Priority Growth Areas map identifies this area in Tier II. (p.12.6)

UTILITIES: This area is served by Lancaster County Rural Water District #1. Each lot shall have individual private sewer systems.

TRAFFIC ANALYSIS: Wittstruck Road is a county gravel road. S. 54th Street is a paved county road.

PUBLIC SERVICE: The Hickman Rural Fire District serves this area. This is in the Norris School District.

REGIONAL ISSUES: Expansion of acreage development

ANALYSIS:

1. This request is for a change of zone from AG Agricultural to AGR Agricultural Residential on 2.85 acres. Associated with this change of zone is Silverhawk Estates preliminary plat.
2. The proposed project boundary falls within three different jurisdictions. They include the Village of Roca, Lancaster County and Lincoln. The jurisdiction for Lincoln comprises 2.85 acres, Lancaster County 11.48 acres and Roca 65.97 acres.
3. The Roca Village Board approved the change of zone from AG to AGR on September 12, 2016.
4. Although the Lincoln/Lancaster County Comprehensive Plan shows this area as agricultural, only 14 of the 80 acres (3.5%) is under the jurisdiction of the City Council. Thus, in order to provide for a logical and complete subdivision the entire property should be of similar zoning.

5. Proposed acreage development should be evaluated on several factors. These include:
 - a) Water/rural water,
This is in Lancaster County Rural Water District #1.
 - b) Roads,
Wittstruck Road is a county gravel road.
 - c) Emergency services,
This area is served by the Lancaster County Sheriff and Hickman Rural fire district.
 - d) Soils,
A small portion in the northern half of the 80 acres is identified as prime farmland.
 - e) Existing acreages,
There is existing acreages to the north (Brushcreek Estates), northwest (The Quarry) and to the southeast (The Preserve at Cross Creek).
5. Roca's Comprehensive Plan identifies this area as Rural Use. Rural Use is defined as an agricultural use which includes rural non-farm acreage development and some other compatible uses.

Prepared by:

Tom Cajka
Planner

DATE: September 19, 2016

APPLICANT: BCLINC, LLC
4400 Lowell Ave.
Lincoln, NE 68506

OWNER: Jane K. Bauer
1015 N. Shore Dr.
Lincoln, NE 68901

CONTACT: Mike Eckert
Civil Design Group
8535 Executive Woods Drive, Suite 200
Lincoln, NE 68512
402-434-8494

CHANGE OF ZONE NO. 16025

CHANGE OF ZONE NO. 16025

FROM AG (AGRICULTURAL) TO AGR (AGRICULTURAL RESIDENTIAL)

ON 2.85 ACRES GENERALLY LOCATED AT S. 60TH ST. AND WITTSTRUCK RD.

PUBLIC HEARING BEFORE PLANNING COMMISSION:

September 28, 2016

Staff recommendation: Approval.

AND

COUNTY CHANGE OF ZONE NO. 16026

FROM AG (AGRICULTURAL) TO AGR (AGRICULTURAL RESIDENTIAL)

ON 11.48 ACRES GENERALLY LOCATED AT S. 60TH ST. AND WITTSTRUCK RD.

PUBLIC HEARING BEFORE PLANNING COMMISSION:

September 28, 2016

Staff recommendation: Approval.

AND

COUNTY PRELIMINARY PLAT NO. 16004 - SILVERHAWK ESTATES

FOR 23 LOTS ON APPROXIMATELY 80 ACRES

GENERALLY LOCATED AT S. 60TH ST. AND WITTSTRUCK RD.

PUBLIC HEARING BEFORE PLANNING COMMISSION:

September 28, 2016

Staff recommendation: Conditional Approval.

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

There were not ex parte communications disclosed on these items.

Staff Presentation: Tom Cajka of the Planning Department stated there was a letter in opposition received for these items. The primary concern was additional dust created by traffic. The plat is for 23 lots located just south of Wittstruck Road. This project is unique because the subdivision is under three different jurisdictions with 75% within Roca's 1-mile jurisdiction, a small triangular piece along the north within City of Lincoln 3-mile jurisdiction, and the rest in the County. As a result, there are two Change of Zone applications – one will go to City Council and the other to County Board. Of the 23 lots proposed, only portions of a few lots are outside of Roca's jurisdiction, so Planning Commissions authority only pertains to those areas. The area will be served by rural water. Roca approved the project on September 12, 2016.

Proponents:

1. **Mike Eckert, Civil Design Group**, came forward on behalf of the applicant to state the majority of this area was approved for acreages by the Planning and Village Boards of Roca.

Their growth area is primarily to the north; this is a little farther out, but was still deemed appropriate as there are acreages nearby, such as The Preserve at Cross Creek done in the mid-2000s. The proposed preliminary plat includes connections to the south and it is fair to assume that the land between will be rezoned AGR at some point, and then a connection can be made to The Preserve which will provide an additional route from S. 68th Street. If acreages filled in to the west, connections could be made there, as well. For the time being, traffic will use Wittstruck. Roca did not express concerns about the increased traffic generation.

Corr asked how many more trips per day might be generated by the new 23 lots. Eckert replied that the typical expected amount is 9-per-household, so it could be 180 to 190 trips. It is around 40 now, so it is an increase, but still below the County requirements to support paving.

Cornelius asked if they had a chance to address the letter in opposition. Eckert said the letter was sent directly to Planning so they have not had a chance to reply yet.

There was no testimony in opposition.

CHANGE OF ZONE NO. 16025
ACTION BY PLANNING COMMISSION:

September 28, 2016

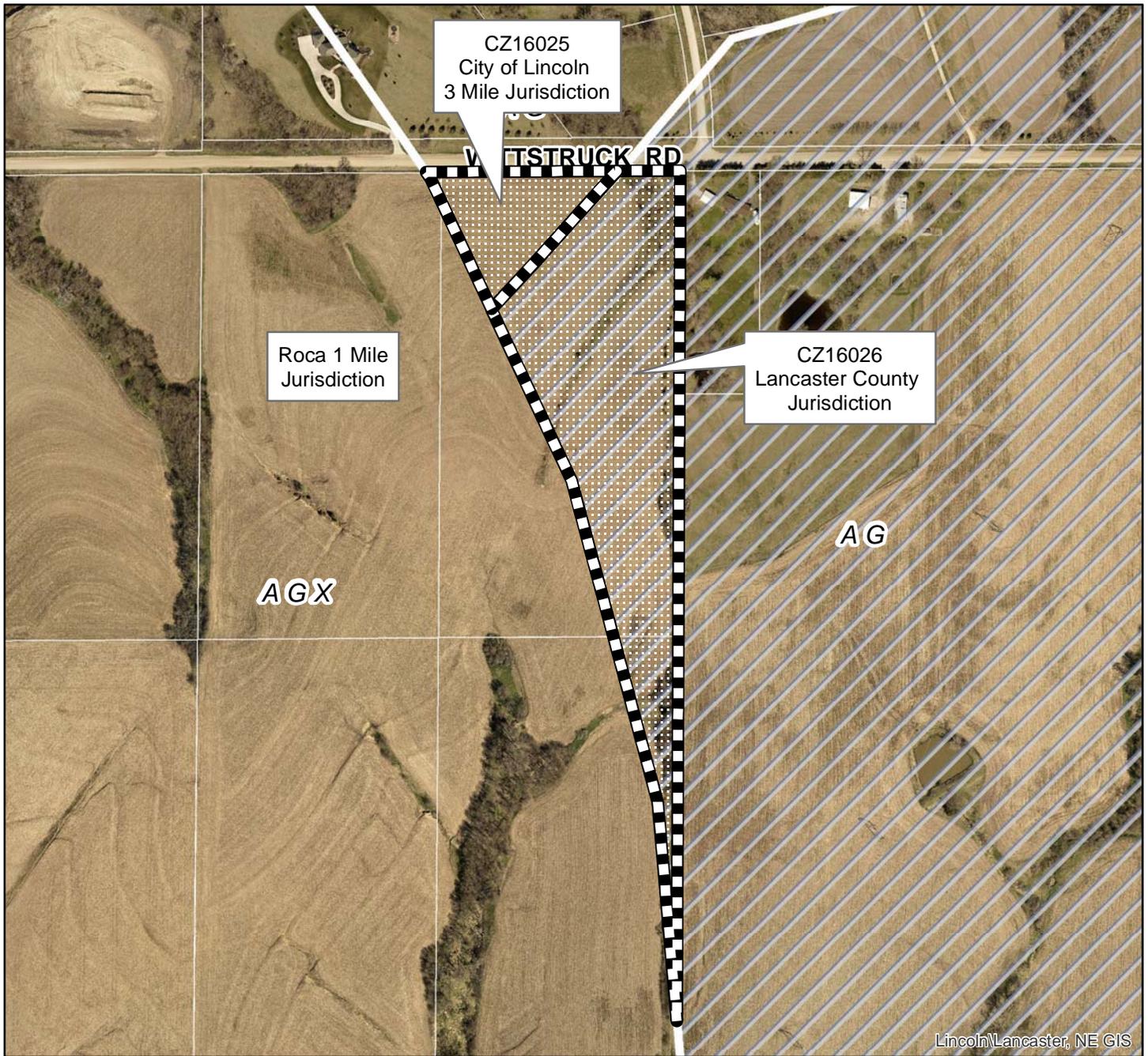
Cornelius moved approval; seconded by Corr.

Cornelius said his comments will address all three related items. This project looks complicated on paper due to the three jurisdictions. The jurisdiction that covers most of the area is in favor of the design, so he is inclined to agree with their assessment. He is sympathetic to the concerns in the letter, but the County Engineer says the road can support this increase.

Corr stated she feels her hands are tied since Roca made their decision. She feels the plans are acceptable if Roca approved.

Scheer stated this action is necessary to accommodate the orderly and appropriate residential growth area and the project is consistent with the goals of the Comprehensive Plan. He will support the project.

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



Lincoln\Lancaster, NE GIS

2016 aerial

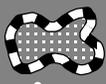
**Change of Zone #: CZ16025 (AG to AGR)
& Change of Zone #: CZ16026 (AG to AGR)
Silverhawk Estates
S 60th St & Wittstruck Rd**

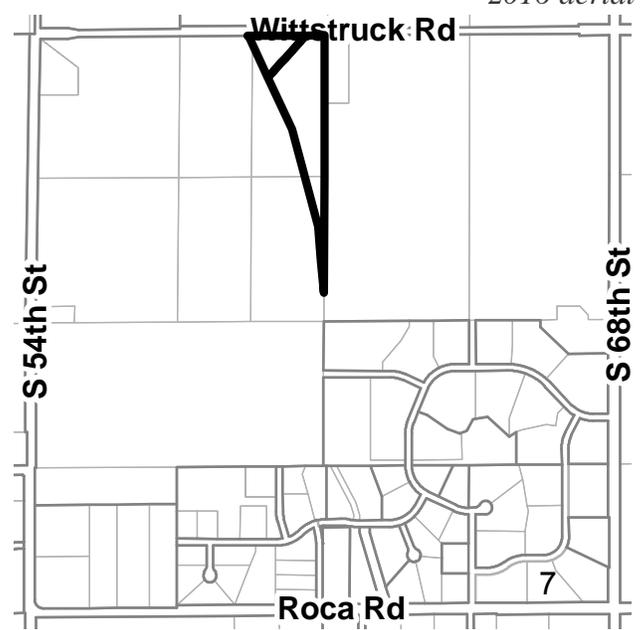


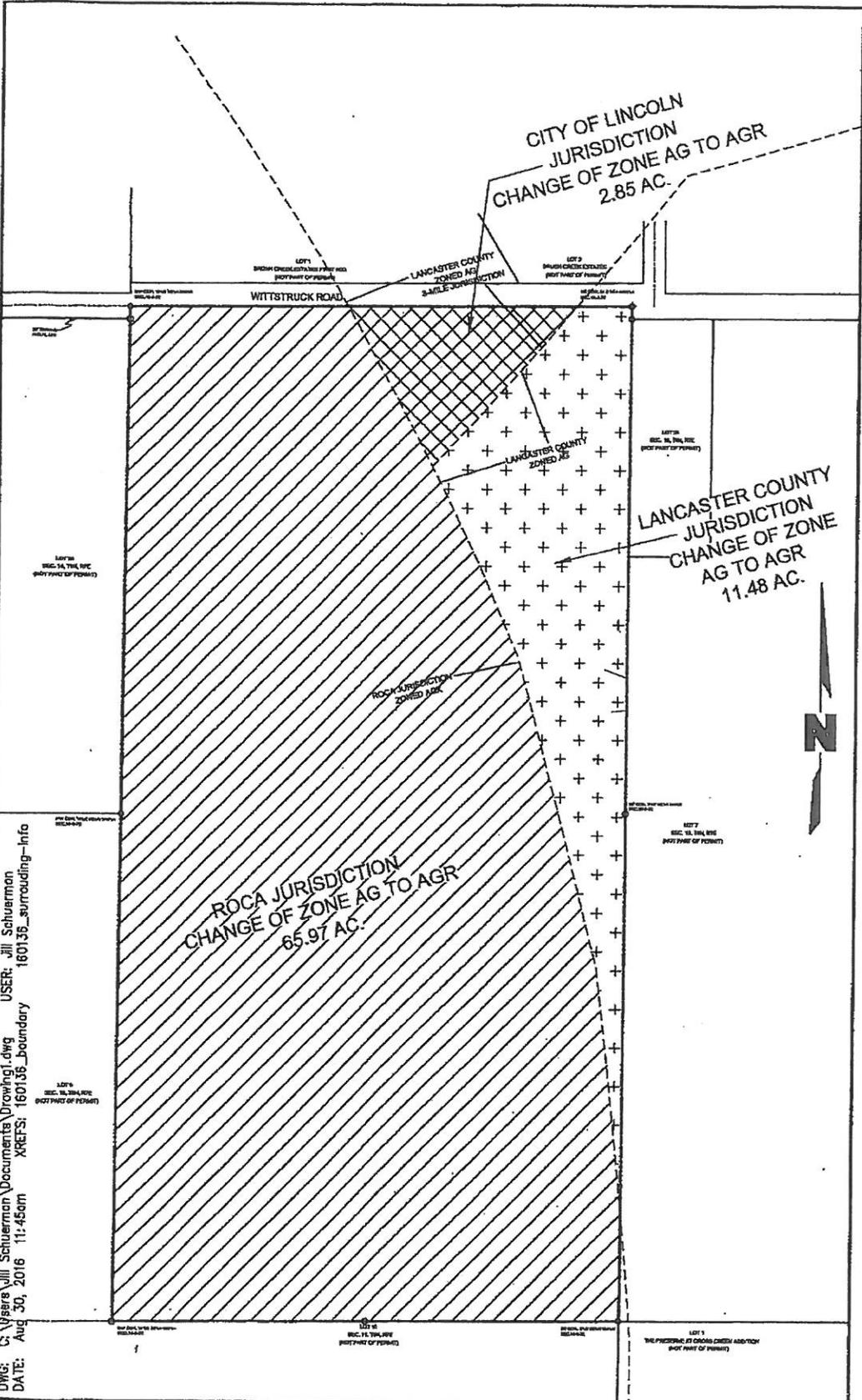
**One Square Mile:
Sec. 16 T08N R07E**

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

	Area of Application
	Zoning Jurisdiction Lines
	City of Lincoln Jurisdiction





C:\Users\jill_schuermon\Documents\Drawing1.dwg USER: jill_schuermon
 DATE: Aug 30, 2016 11:45am XREFS: 160136_boundary
 DWG: 160136 XREFS: 160136_boundary

drawn by: jds
 checked by: -
 project no.: 2016-0136
 date: 09/30/2016

CHANGE OF ZONE EXHIBIT
SILVERHAWK ESTATES
ROCA, NEBRASKA


Civil Design Group, Inc.
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 PH. 402-434-4484 FAX 402-215-8747
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 CONSULTING ENGINEERS LAND USE PLANNERS
 CIVIL DESIGN SITE DEVELOPMENT PLANNING AND ZONING

EXHIBIT
1



Civil Design Group, Inc.

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

www.civildg.com

August 31, 2016

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

**Re: Application for Change of Zone & Preliminary Plat for Silverhawk Estates,
CDG Project #2016-0136.**

Dear Mr. Cary:

On behalf of BCLINC, LLC we submit the above mentioned applications for a change of zone from AG to AGR along with a preliminary plat for Silverhawk Estates on 80 acres of land generally located at S. 59th Street and Wittstruck Road. This is a cross-jurisdiction property with 66 acres in the Roca ETJ, 11 acres in the County ETJ and 3 acres in the City of Lincoln ETJ. We scheduled for a hearing and vote on the preliminary plat and change of zone for the Roca portion of the land on September 6th.

Given the small amount of land within the City's ETJ we are requesting a waiver of storm water detention, water quality, and build-through requirements on this portion of the land. We are also requesting a waiver of sidewalks on the Lancaster County portion of the land. The entire preliminary plat proposes 23 lots, all 3+ acres in size with individual sewer systems and water service by Lancaster Country Rural Water District #1.

In conjunction with this submittal we have included the following:

City of Lincoln Change of Zone fee: \$792.00
Lancaster County Change of Zone fee: \$792.00
Lancaster County Preliminary Plat fee: \$1,320.00
Plans uploaded via Project Dox.

We hope that this letter and associated plans provide you with enough information to review this application for a change of zone of preliminary plat. Please call me at (402) 434-8494 if you have questions.

Sincerely,

Mike Eckert, AICP

Encl

cc: BCLINC, LLC

/Volumes/share/F/Projects/2016/20160136/Landplanning/Doc/COZ-planning_8-31-16.doc

OPPOSITION

Subject: Letter of Opposition: Silverhawk Estates Wittstruck Road between 54 and 60th

From: Linda & Larry [mailto:lbrownson@windstream.net]
Sent: Friday, September 23, 2016 4:00 PM
To: Geri K. Rorabaugh <grorabaugh@lincoln.ne.gov>
Subject: Silverhawk Estates Wittstruck Road between 54 and 60th

Worse idea in the world. I fully realize that Roca Planning Commission has already approved the majority or this, however, if even four or five can be stopped it would help a bit.

Wittstruck Road is a gravel road, such as that may be. Yes, there is gravel, however, with the additional amount of vehicles traveling this road on a daily basis, it will become almost unbearable. The dust is a factor already without an additional 23 homes on this mile road. We have been unable to have our windows open for the past 3-4 years. We cannot back out into the road as the traffic is without thought as to someone coming out of a driveway or road. When we built our home over thirty years ago, my husband had to sign an affidavit as to fact we could not connect our east and west driveways. We now turn around in our single driveway and pull out into the road to be safe.

Further, we realize negative against the project is like talking to a wall. However, would like to have our opinion brought forward. You are not the ones who have totally had the joy of their home stripped away.

Thank you for your consideration????

Linda and Larry Brownson
6101 Wittstruck Rd
Roca NE 68430

Linda cell -402-429-2329