

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for February 15, 2006 PLANNING COMMISSION MEETING

This is a combined staff report for related items. This report contains a single background and analysis section for all items. However, there are separate conditions provided for each individual application.

PROJECT #: Annexation #04012
Change of Zone #04079 - AG to R-3 and R-4

PROPOSAL: To annex approximately 66 acres of land and change the zoning from AG to R-3 and R-4 in association with the preliminary plat of Jensen Park Estates.

LOCATION: South 84th Street and Yankee Hill Road.

LAND AREA: Approximately 66 acres.

CONCLUSION: These requests are associated with the preliminary plat of Jensen Park Estates. Annexation is required for the development to connect to City water and sewer, and the change of zone is necessary to allow the density proposed with the plat. Provided the owner enters into an annexation agreement with the City, the annexation and zoning are consistent with the Comprehensive Plan.

RECOMMENDATION:

ANN#04012
CZ#04075

Conditional Approval
Approval

GENERAL INFORMATION:

LEGAL DESCRIPTIONS:

ANN#04012 - Lots 104, 105, 106, 108, 110, and 111 I.T.'s, the adjacent portions of railroad right-of-way, and adjacent portions of Yankee Hill Road and South 84th Street right-of-way, located in the SW 1/4 of Section 23-9-7, Lancaster County, Nebraska, generally located at S. 84th Street and Yankee Hill Road.

CZ#04079 - See attached legal descriptions.

EXISTING ZONING: AG - Agriculture **PROPOSED ZONING:** R-3 and R-4 Residential

EXISTING LAND USE: Residential, Vacant

SURROUNDING LAND USE AND ZONING:

North:	Commercial	B-5
South:	Agriculture	P, AG
East:	Commercial	B-5, H-4
West:	Residential	AGR

ASSOCIATED APPLICATIONS:

PP#04030 - The preliminary plat of Jensen Park Estates to create 151 single-family residential lots.

COMPREHENSIVE PLAN SPECIFICATIONS:

Page F23 - This site is designated as urban residential land use in the Land Use Plan.

Page F27 - Urban Growth Tiers - This site is in Tier 1, Priority Area A of the City's Future Service Limit.

Page F28 - The Comprehensive Plan includes three tiers of growth for the City of Lincoln. Tier I reflects the "Future Service Limit," where urban services and inclusion in the city limits are anticipated by 2025. Infrastructure planning, especially for water and sanitary sewer facilities, can reach beyond the 25 year time horizon to 50 years and further. Tier I defines the City of Lincoln's near term growth area – generally a 40 square mile area which could reasonably expect urban services within the next twenty five year period. Land within this area should remain generally in the present use in order to permit future urbanization by the City.

Page 154 - Annexation Policy - Annexation policy is a potentially powerful means for achieving many of the goals embodied in the Plan's Vision. The annexation policies of the City of Lincoln include but are not limited to the following:

The provision of municipal services shall 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 water services) beyond the corporate limits of the City.

The extension of water and sanitary sewer services shall be predicated upon annexation of the area by the City. City annexation shall occur before any property is provided with water, sanitary sewer, or other potential City services.

Land which is remote or otherwise removed from the limits of the City of Lincoln will not be annexed; land which is contiguous to the City and generally urban in character may be annexed; and land which is engulfed by the City should be annexed.

Annexation generally implies the opportunity to access all City services. 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.

Page F156 - Subarea Planning - By reference the Southeast Lincoln/Highway 2 Subarea Plan is included in the Comprehensive Plan.

Southeast Lincoln/Highway 2 Subarea Plan:

Page 8 - Designates urban residential land use for this site.

UTILITIES: Streets - The area is bounded by South 84th Street to the west, and by Yankee Hill Road on the south. Yankee Hill Road and South 84th Street are both classified as principal arterial streets. South 84th Street is a paved county road, while Yankee Hill Road has a gravel surface. There is no funding in the current six-year CIP to improve these streets adjacent to the project.

Sanitary Sewer - Sewer is not yet available to this site. This project is dependent upon completion of the Beal's Slough relief sewer Phases I and II, and the extension of the Upper Beal's Slough trunk sewer to South 70th Street and Yankee Hill Road, and then from South 70th Street to South 84th Street. Funding for Phases I and II is shown in the Capital Improvements Program (CIP) for years 2005-2009. The Upper Beal's Slough trunk sewer project is currently under design, and may be substantially completed by October, 2006.

Water - There is a 24" water main in South 84th Street to serve this site. The main must be extended to the intersection of South 84th Street and Yankee Hill Road, and being an impact fee facility the extension is eligible for reimbursement.

ANALYSIS:

1. These requests are associated with the preliminary plat of Jensen Park Estates, and must be approved prior to the plat.
2. The total area of the annexation request is approximately 66 acres. This includes the area (42.97 acres) of Jensen Park Estates and several adjacent lots. Areas beyond the plat include the 3.8 acre L.E.S. substation site adjacent to the east, the 1.5 acre parcel with a house at the intersection of South 84th Street and Pine Lake Road, the 5.5 acre parcel between the area of the plat and the railroad to the north, and adjacent rights-of-way for the railroad, South 84th Street, and Yankee Hill Road. The commercial development to the north (Appian Way Phase II) has been annexed, and The Woodlands PUD is proposed to be annexed southwest of South 84th and Yankee Hill Road including a 40-acre portion of the City-owned land south of Yankee Hill Road (see attached agenda map from The Woodlands at Yankee Hill proposed annexation).

3. The adjacent lots were included because upon annexation of Jensen Park Estates they meet the conditions of the Annexation Policy of the Comprehensive Plan. That is, city utilities would be available to the lots, they are considered urban in character, and they would be engulfed by the city limit.
4. The proposed change of zone complies with the urban residential designation of the Comprehensive Plan. The associated change of zone request from AG to R-3 and R-4 accommodates the density shown on the preliminary plat. The R-4 component is included to accommodate the reduced width of those lots adjacent to Yankee Hill Road designated for attached single-family units.
5. The developer will be required to enter into an annexation agreement with the City for the area of Jensen Park Estates. It will address financial responsibility for required off-site improvements that must be constructed to serve this development in advance of public funding becoming available.

CONDITIONS OF APPROVAL:

ANN#04012

1. Enter into an annexation with the City of Lincoln.

Prepared by:

Brian Will, 441-6362, bwill@lincoln.ne.gov
Planner
February 2, 2006

APPLICANT: Jensen Park, LLC
3801 Union Hill Drive, Ste 102
Lincoln, NE 68516 402.434.5650

OWNER: Douglas Blanc c/o Alan Baade
RR#8
Lincoln, NE 68516 402.423.4932

CONTACT: Jason Thiellen
EDC
2200 Fletcher Ave.
Lincoln, NE 68521 402.438.4014



2005 aerial

Annexation #04012 Jensen Park Estates

Zoning:

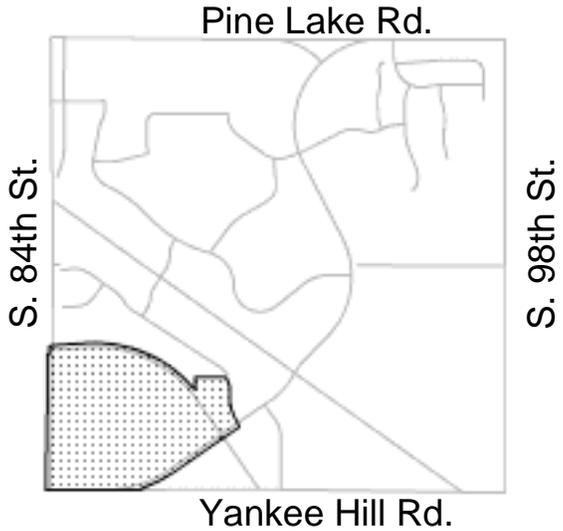
- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- R-C Residential Conservation District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned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

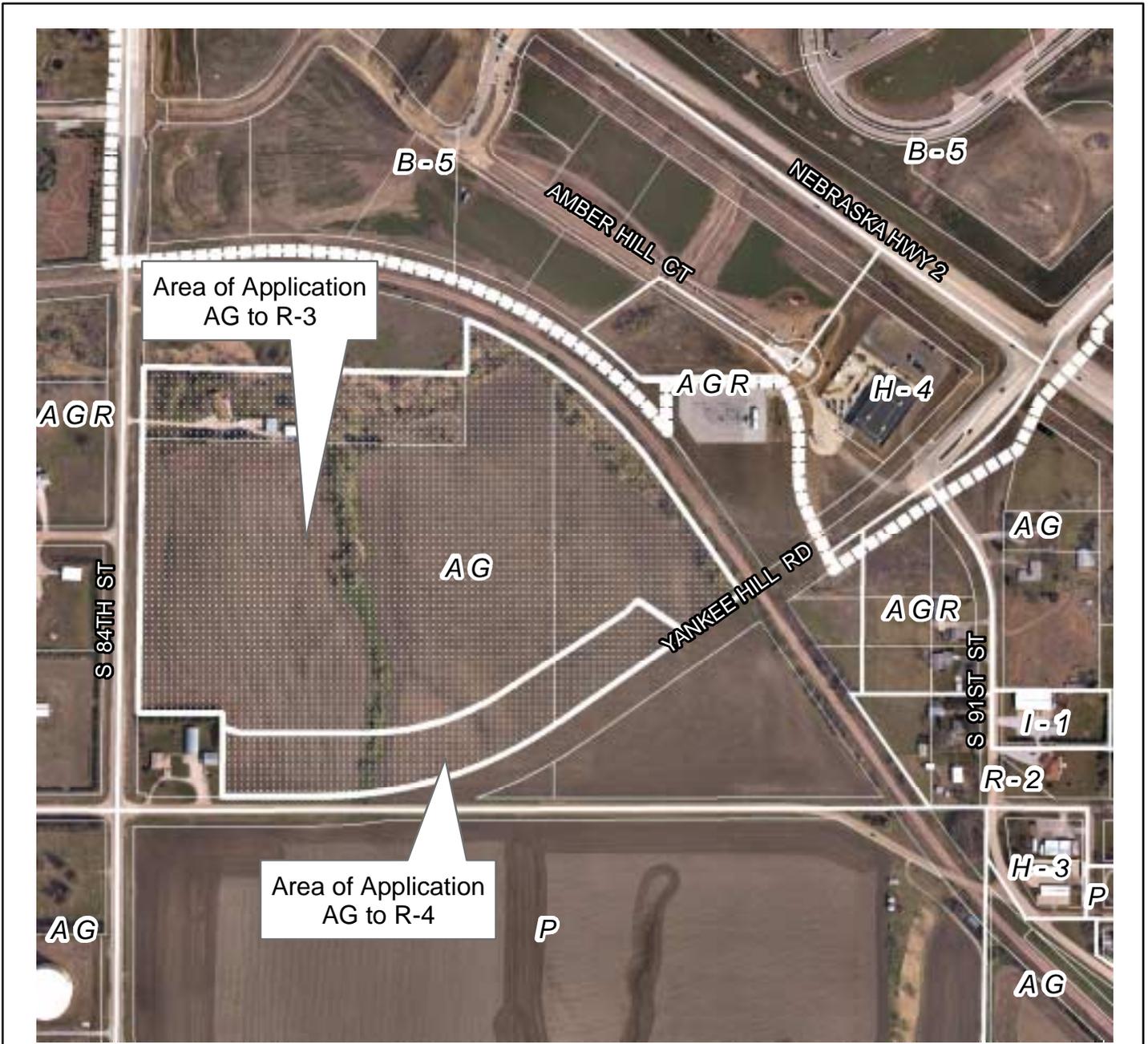
One Square Mile
Sec. 23 T9N R7E



Zoning Jurisdiction Lines

City Limit Jurisdiction





2005 aerial

Change of Zone #04079 Jensen Park Estates

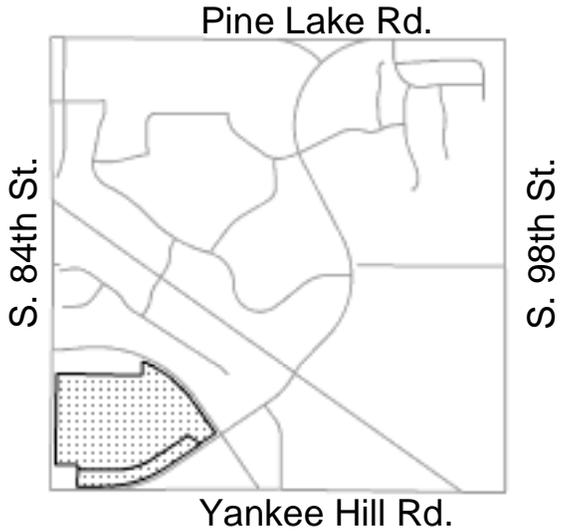
Zoning:

- R-1 to R-8 Residential District
- AG Agricultural District
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- I-1 Industrial District
- I-2 Industrial Park District
- I-3 Employment Center District
- P Public Use District

One Square Mile
Sec. 23 T9N R7E



Zoning Jurisdiction Lines
City Limit Jurisdiction



(EXCERPT FROM THE WOODLANDS STAFF REPORT)



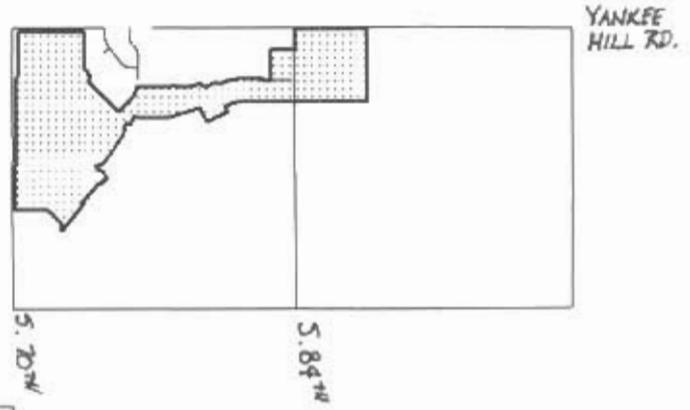
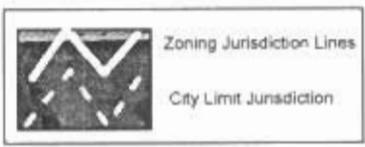
2005 aerial

**Annexation #05015
The Woodlands at Yankee Hill
S. 70th & Yankee Hill Rd.**

Zoning:

- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- R-C Residential Conservation 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 Mile
Sec. 27 T9N R7E
Sec. 26 T9N R7E



AG TO R-3 CHANGE OF ZONE LEGAL DESCRIPTION

LOT 110 IRREGULAR TRACT AND A PORTION OF LOT 118 IRREGULAR TRACT LOCATED IN THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 104, ALSO BEING ON THE EAST RIGHT-OF-WAY LINE OF SOUTH 84TH STREET; THENCE ON SAID EAST RIGHT-OF-WAY LINE FOR THE NEXT 2 COURSES, $N00^{\circ}55'21''E$, 808.98 FEET; THENCE $N01^{\circ}13'40''E$, 248.41 FEET TO THE NORTHWEST CORNER OF SAID LOT 110 IRREGULAR TRACT; THENCE ON THE NORTH LINE OF SAID LOT 110 IRREGULAR TRACT, $S88^{\circ}26'01''E$, 979.73 FEET TO THE NORTHEAST CORNER OF SAID LOT 110 IRREGULAR TRACT; THENCE $N00^{\circ}59'23''E$, 174.41 FEET TO THE SOUTH LINE OF THE OMAHA PUBLIC POWER DISTRICT TRACT; THENCE ON SAID SOUTH LINE FOR THE NEXT 2 COURSES, SOUTHEASTERLY ON A 1,550.44 FOOT RADIUS CURVE TO THE RIGHT, AN ARC LENGTH OF 768.06 FEET (LONG CHORD BEARS $S51^{\circ}10'48''E$, 760.23 FEET); THENCE $S34^{\circ}43'40''E$, 438.98 FEET TO THE NORTH RIGHT-OF-WAY LINE OF YANKEE HILL ROAD; THENCE ON SAID NORTH RIGHT-OF-WAY LINE, $S55^{\circ}22'56''W$, 199.14 FEET; THENCE $N55^{\circ}54'42''W$, 182.71 FEET; THENCE SOUTHWESTERLY ON A 150.00 FOOT RADIUS CURVE TO THE RIGHT, AN ARC LENGTH OF 59.80 FEET (LONG CHORD BEARS $S45^{\circ}30'35''W$, 59.41 FEET); THENCE $S56^{\circ}55'51''W$, 447.68 FEET; THENCE WESTERLY ON A 750.00 FOOT RADIUS CURVE TO THE RIGHT, AN ARC LENGTH OF 430.49 FEET (LONG CHORD BEARS $S73^{\circ}22'27''W$, 424.60 FEET); THENCE $S89^{\circ}49'04''W$, 371.80 FEET; THENCE WESTERLY ON A 150.00 FOOT RADIUS CURVE TO THE RIGHT, AN ARC LENGTH OF 77.92 FEET (LONG CHORD BEARS $N75^{\circ}18'05''W$, 77.04 FEET) TO THE EAST LINE OF LOT 104; THENCE ON SAID EAST LINE, $N00^{\circ}50'50''E$, 32.90 FEET TO THE NORTHEAST CORNER OF SAID LOT 104; THENCE ON THE NORTH LINE OF SAID LOT 104, $S89^{\circ}51'53''W$, 257.68 FEET TO THE POINT OF BEGINNING, CONTAINING 1,612,712.50 SQUARE FEET (37.02 ACRES) MORE OR LESS.

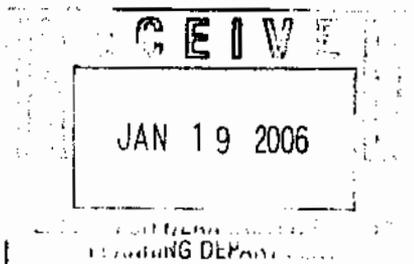
FILED

JAN 19 2006

AG TO R-4 CHANGE OF ZONE LEGAL DESCRIPTION

A PORTION OF LOT 118 IRREGULAR TRACT LOCATED IN THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 104, ALSO BEING ON THE NORTH RIGHT-OF-WAY LINE OF YANKEE HILL ROAD; THENCE ON THE EAST LINE OF SAID LOT 104, N00°50'50"E, 215.12 FEET; THENCE EASTERLY ON A 150.00 FOOT RADIUS CURVE TO THE LEFT, AN ARC LENGTH OF 77.92 FEET (LONG CHORD BEARS S75°18'06"E, 77.04 FEET); THENCE N89°49'04"E, 371.80 FEET; THENCE EASTERLY ON A 750.00 FOOT RADIUS CURVE TO THE LEFT, AN ARC LENGTH OF 430.49 FEET (LONG CHORD BEARS N73°22'28"E, 424.60 FEET); THENCE N56°55'51"E, 447.68 FEET; THENCE NORTHEASTERLY ON A 150.00 FOOT RADIUS CURVE TO THE LEFT, AN ARC LENGTH OF 59.80 FEET (LONG CHORD BEARS N45°30'34"E, 59.41 FEET); THENCE S55°54'42"E, 182.71 FEET TO THE NORTH RIGHT-OF-WAY LINE OF YANKEE HILL ROAD; THENCE ON SAID NORTH RIGHT-OF-WAY LINE FOR THE NEXT 3 COURSES, S55°22'56"W, 477.44 FEET; THENCE WESTERLY ON A 1,298.14 FOOT RADIUS CURVE TO THE RIGHT, AN ARC LENGTH OF 781.43 FEET (LONG CHORD BEARS S72°37'37"W, 769.68 FEET); THENCE S89°52'18"W, 297.73 FEET TO THE POINT OF BEGINNING, CONTAINING 259,046.93 SQUARE FEET (5.95 ACRES) MORE OR LESS.



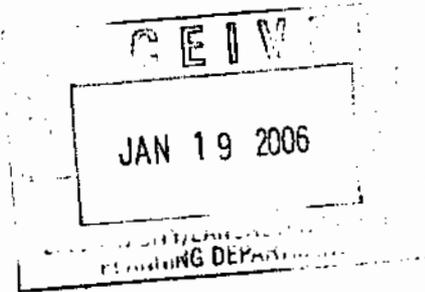


Engineering Design Consultants

2200 Fletcher Ave.
Suite 102
Lincoln, NE 68521
Ph 402-438-4014
Fx 402-438-4026

January 19, 2006

Brian Will
Planning Department
555 s. 10th Street, Suite 213
Lincoln, NE 68508



RE: Jensen Park Estates
Preliminary Plat
Resubmittal
EDC Job #03-085

Dear Mr. Will,

On behalf of Engineering Design Consultants client, Jensen Park, LLC we hereby resubmit the above referenced Preliminary Plat with the following changes per comment from the Planning Department dated December 10, 2004:

1. The legal description has been revised to include the updated I.T. Lots per comment #1. Revised legal descriptions for the change of zone applications and annexation request.
2. In response to comment #2, the remaining portions of Lots 103 and 107 will not be included in the preliminary plat.
3. In response to comment #3, Jensen Park, LLC will provide 60 feet for future right-of-way for Yankee Hill Road and a 10 foot easement 200 feet from the intersection of South 84th Street and Yankee Hill Road for a right turn lane. Jensen Park, LLC will not be dedicating the right-of-way for Yankee Hill Road due to the fact that the City of Lincoln required a shift in the Yankee Hill Road alignment to the north requiring a redesign of the original submittal of Jensen Park Estates. In addition, we request that the bike trail be located on the south side of Yankee Hill Road as the Jensen Park is located on the south side of the road.
4. In response to comment #4, the improvement of Yankee Hill Road will be agreed upon by the developer and the City of Lincoln through the developer negotiations process.
5. In response to comment #5, the improvement of South 84th Street will be agreed upon by the developer and the City of Lincoln through the developer negotiations process.
6. In response to comment #6, a waiver will be requested to not provide curb and gutter for South 84th Street. The current cross section of South 84th Street will include a fly-by lane and a right turn lane into Dunrovin Road from South 84th Street.

7. In response to comment #7, a waiver to not require a pedestrian easement for blocks that exceed 1,000 feet in length and for blocks that exceed the length of 1,320 feet will be requested. The block length that exceeds 1,000 and 1,320 feet backs onto an existing OPPD railroad corridor and wetlands. The plat will not show a street connection from Jensen Park Estates to Lot 111 I.T. adjacent to the north.
8. In response to comment #8, Conestoga Street will be changed and the street names have been revised to be consistent with Lincoln Municipal Code (LMC).
9. In response to comment #9, the OPPD railroad crossing is located at the half-mile point and therefore it would appear the logical place for a full median break in South 84th Street would be located at Dunrovin Road as two subdivisions will use that locations as a main access into each subdivision.
10. In response to comment #10, Site Specific Note #8 will not be modified to include sidewalks on both side of Yankee Hill Road as this plat is only bounded on one side by Yankee Hill Road.
11. The acceptance block for the County Board has been deleted per comment #11.
12. In response to comment #12, the lots designated as Attached-Single Family lots will be zoned R-4, which will bring the lot widths in conformance with the City of Lincoln Zoning Ordinance.
13. In response to comment #13, the Beal Slough Trunk Sewer is being extended from South 70th Street to South 84th Street providing gravity sewer to the entire plat.
14. In response to comment #14, a written approval is no longer required as the sewer will not be crossing the rail road corridor.
15. In response to comment #15, this comment no longer is relevant to the preliminary plat due to the extension of the Beal Slough Trunk Sewer.
16. In response to comment #16, this comment no longer is relevant to the preliminary plat due to the extension of the Beal Slough Trunk Sewer.
17. In response to comment #17, the extension of the water main in South 84th Street will be agreed upon by the developer and the City of Lincoln through the developer negotiations process.
18. Responses to Public Works Department include the following:
 - a. In response to comment 1.1, this comment is no longer relevant due to the extension of the Beal Slough Trunk Sewer from South 70th Street to South 84th Street.

- b. In response to comment 1.2, written approval from OPPD is no longer required as the sanitary sewer will not be crossing the rail road corridor.
 - c. In response to comment 1.3, due to the extension of the Beal Slough Trunk Sewer, this comment is no longer relevant.
 - d. In response to comment 2.1, the water main will be extended south in South 84th Street from Amber Hill Drive to Dunrovin Road. OPPD has been contacted about the required approval for the utility crossing at the rail road.
 - e. In response to comment 3.1, the drainage and grading plan and report has been revised to account for drainage from the south through the Jensen Park Estates property.
 - f. The minimum opening elevations for the lots in Block 4 have been revised to correspond to the 100 year flood elevations per comment 3.2.
 - g. The grading plan and street profiles have been revised accordingly to meet the City of Lincoln drainage requirement per comment 3.3.
 - h. The future South 84th Street profile and alignment has been considered in the grading plan per comment 3.4.
 - i. In response to comment 4.1, the Jensen Park Estate preliminary plat will not be phased and all shown lots will be developed at one time.
 - j. In response to comment 4.2, a street connection will not be shown to the Lot 77 to the north of the plat due to the existing wetlands separating the property.
 - k. In response to comment 4.3, the OPPD railroad crossing is located at the half-mile point and therefore it would appear the logical place for a full median break in South 84th Street would be located at Dunrovin Road as two subdivisions will use that location as a main access into each subdivision.
 - l. In response to comment 4.4, a waiver has been requested to not provide curb and gutter on South 84th Street. The current cross section of South 84th Street will include a fly- by lane and a right turn lane into Dunrovin Road from South 84th Street.
19. In response to comment #19, an approved Section 404 Permit from the U.S. Army Corps of Engineers to disturb existing wetlands will be provided prior to the disturbance of any wetlands.

20. Jensen Park, LLC has agreed to pay impact fees in lieu of a parkland dedication per comment #20.
21. The name of the development has been revised to prevent potential confusion for emergency responders per comment #21.
22. Information has been provided to the Health Department regarding the type of freight materials that are hauled along the rail road per comment #22.
23. Street trees are shown on final plats; however the street tree assignments have been noted per comment #23.
24. Additional easements will be shown per L.E.S per comment #24.
25. In response to comment #25, the developer understands that an annexation agreement will be required between the developer and the City of Lincoln.
26. The Baade property on the corner of South 84th Street and Yankee Hill Road has been removed from the plat at the owner of the property request. The lot will have access from Conestoga Street when the property owner decides to subdivide the property.
27. The additional following waivers are hereby requested:
 - a. Title 2, Section 3.7.2 to not provide curb and gutter for the east side of South 84th Street, due to the existing cross-section of South 84th Street, we are providing a fly-by and a right turn lane into Jensen Park Estates from Dunrovin Road.
 - b. Title 26, Section 26.23.030 to not project street system into adjacent property. Due to the existing natural feature of wetlands located to the north of the plat, the cost to provide a connection to the north property outweighs the benefit for the developer.
 - c. Title 26, Section 26.23.140 to allow lots backing onto major arterial street to not have a minimum lot depth of 120 feet. The waiver is requested due to the shift in Yankee Hill Road and South 84th Street required by the City of Lincoln due to the location of the cemetery on the south side of Yankee Hill Road.

If you have any additional questions or concerns please contact me at 438-4014 or at jthiellen@edc-civil.com.

Jensen Park Estates
Preliminary Plat Resubmittal
EDC Job # 03-085
January 19, 2006
Page 5

Sincerely,

ENGINEERING DESIGN CONSULTANTS, L.L.C.



Jason M. Thiellen
Land Planner

Enclosure:

8 Sets of Sheets 1 - 7
21 Copies of the Site Plan
21 Copies of the Utility Plan
Change of Zone Exhibits
Annexation Exhibits
3 Copies of Drainage Report