

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for March 15, 2006 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. However, there are separate conditions provided for individual applications where appropriate.

PROJECT #: Annexation #06001 - Grand Terrace
Change of Zone #06001

PROPOSAL: To annex approximately 70 acres of land and change the zoning from AG to R-3.

LOCATION: South 84th Street and Highway 2.

LAND AREA: Approximately 70 acres.

CONCLUSION: The applicant must enter into an annexation agreement with the City of Lincoln, the terms of which will be mutually acceptable to both the City and the owner. The change of zone to R-3 to allow development at an urban residential density is consistent with a recently approved comprehensive plan amendment for this area, and must be approved for the associated CUP (SP#06001) to be allowed. Subject to the conditions of approval, this request complies with the requirements of the Zoning Ordinance and the Comprehensive Plan.

RECOMMENDATION:

AN#06001
CZ#06001

Conditional Approval
Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION: Lot 59 I.T. in the NE 1/4 of Section 22, T9N, R7E of the 6th P.M., Lancaster County, Nebraska, more particularly described in the attached legal description.

EXISTING ZONING: AG Agriculture

EXISTING LAND USE: Open space, the land is not developed nor farmed.

SURROUNDING LAND USE AND ZONING:

North: Acreage Residential, Office (north of Hwy 2)

AGR, O-3

South:	Acreage Residential	AGR
East:	Commercial (under development)	B-5
West:	Acreage Residential	AGR

ASSOCIATED APPLICATIONS:

SP#06001 - A request for a community unit plan for up to 485 dwelling units on approximately 70 acres of land. The associated special permit for a CUP is covered in a separate report for procedural convenience. The applications for the annexation and change of zone must be approved by City Council, where the special permit is final action at Planning Commission. As a result, the annexation and change of zone will be forwarded to City Council separate from the special permit application.

HISTORY:

CPA#04011 - A Comprehensive Plan Amendment approved in June, 2004 to change the land use designation in the Comprehensive Plan on the site of this proposed development from Low Density Residential to Urban Density Residential

COMPREHENSIVE PLAN SPECIFICATIONS:

Page F17 - Overall Form - Maximize the community's present infrastructure investment by planning for residential and commercial development in areas with available capacity. This can be accomplished in many ways including encouraging appropriate new development on unused land in older neighborhoods, and encouraging a greater amount of commercial space per acre and more dwelling units per acre in new neighborhoods.

Page F18 - Residential Neighborhoods - A range of parks and open space, from tot-lots to ballfields, should be distributed within neighborhoods and be within walking distance of the residents."

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 F67 - Guiding Principles for New Neighborhoods

- Encourage a mix of housing types, single family, townhomes, apartments, elderly housing all within one area;
- Similar housing types face each other: single family faces single family, change to different use at rear of lot;
- Parks and open space within walking distance of all residences;

- Multi-family and elderly housing nearest to commercial area;
- Pedestrian orientation; shorter block lengths, sidewalks on both sides of all roads;
- Public uses (elementary schools, churches) as centers of neighborhood – shared facilities (city parks & school sites).

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.

Page 11 - On the southwest corner of 84th and Highway 2, property owned by St. Elizabeth's has been designated as urban residential on the eastern portion. The western portion is designated as low density residential, which could be appropriate for development at a density of two dwelling units per acre if the adjacent road network were paved and urban utilities in place.

UTILITIES: Sewer/Water - Sanitary sewer and water service exist north across Highway 2 in the Pine Lake Plaza office complex now under construction. The plan shows both utilities being extended under Highway 2 and across property beyond the limit of this development to serve it. A water main also exists in South 84th Street.

TOPOGRAPHY: The slope across the site is generally falling north towards Highway 2, with the highest area being at the southwest corner. The area at the southwest corner is in another drainage basin and cannot be connected to the sanitary sewer serving the rest of the development. There is an existing pond on the site as well as delineated wetlands.

TRAFFIC ANALYSIS: The site is surrounded on three sides by residential acreage development with gravel roads. To the east, the site abuts South 84th Street which has recently been improved as a four-lane arterial street. At the northeast corner, the site abuts Highway 2. This development shows four street connections with the adjacent neighborhoods, and also shows a connection to South 84th Street. South 84th Street is divided by a median at this location, and this development will only be provided with right-in, right-out access to South 84th Street. Internally, the development is served by public streets except the townhouse/multiple-family area which is served by a private roadway.

PUBLIC SERVICE: The site will be served by City of Lincoln Fire and Police Departments. The nearest fire stations are at South 84th and South Streets, and at South 48th Street and Claire Avenue.

REGIONAL ISSUES: The site is surrounded by acreage development served by gravel roads. If annexed, this development makes several street connections to the adjacent neighborhoods, and raises the question of whether some or all of the gravel roads in the area should be improved to provide paved access to the development.

In the Fall of 2005, the acreage owners surrounding this site requested and the County Board approved a road improvement district for the purpose of creating an assessment district to potentially pave the gravel streets with asphalt to meet County standards. Eventually, these acreages will be annexed into the city limits. If the surrounding roads are paved after annexation, they must be improved to city standards with concrete paving, curb and gutter. If the streets are asphalt upon annexation, the existing asphalt paving surface would be allowed to remain. The cost to individual property owners in an assessment district is less if the streets are paved with asphalt versus concrete.

ANALYSIS:

1. CPA#04011 was approved in 2005 designating this site for urban residential land uses. The proposed change of zone to R-3 complies with that designation.
2. The associated request for a CUP (SP#06001) is proposing a residential development with the maximum density allowed by the Design Standards for this site, which is 485 dwelling units. The site plan for the CUP shows a layout that accommodates 267 units (183 single-family units and 84 townhouse units). The applicant is seeking to have the maximum number of units approved as part of the CUP to retain the flexibility to develop the townhouse area as apartments.
3. Sewer and water are not adjacent to the site and must be extended from the north across Highway 2 to serve the development. Both utilities are shown crossing land owned by others not involved in this development, and a utility easement must be granted. Public Works notes that the application states the City will use the power of condemnation to acquire the easement. However, condemnation is a decision of City Council not staff, and Public Works only supports condemnation if there is no other satisfactory alignment.
4. A portion of the site is in a different drainage basin and cannot be served by the sewer proposed in the remainder of the development, but must be served by the Beal's Slough trunk sewer. There are currently no funds in the Capital Improvement Program to extend that line to a point where it can serve these lots. Until sewer is available that area cannot be final platted into buildable lots.
5. A phasing plan is included as part of the associated CUP. Public Works noted that the phasing plan should be revised to show which surrounding gravel streets are proposed to be improved with this development. Those street improvements must be agreed upon by the City and the developer and will be made a part of the proposed annexation agreement. A signed agreement is a condition of annexation.
6. Approval of the annexation and change of zone requests are conditions of approval of the CUP.

AN#06001
CZ#06001
Grand Terrace

CONDITIONS OF APPROVAL:

AN#06001

1. The owner will enter into an annexation agreement with the City of Lincoln.

Prepared by



Brian Will, 441-6362, bwill@lincoln.ne.gov
Planner
February 28, 2006

APPLICANT/

OWNER: Dubois, LLC
2045 South Folsom Street
Lincoln, NE 68522
402.476.6599

CONTACT: Jason Thiellen
EDC
2200 Fletcher Avenue
Lincoln, NE 68520
402.438.4014



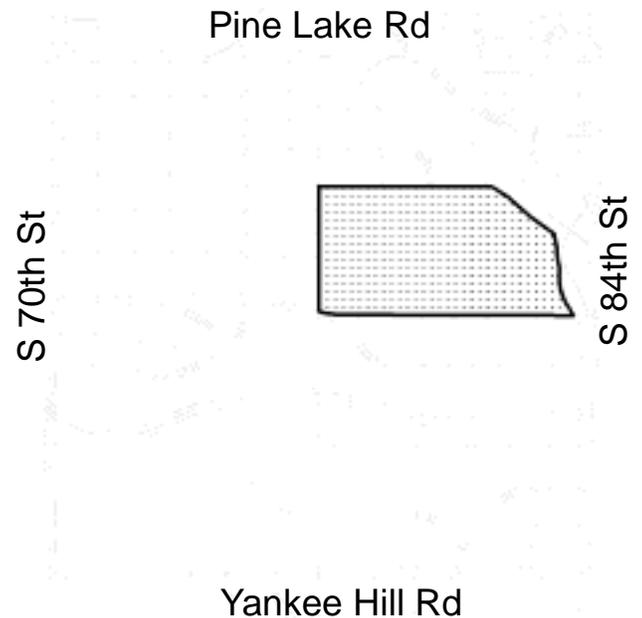
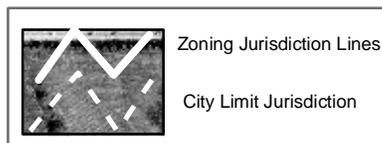
**Annexation #06001, Change of Zone #06001
& Special Permit #06001
Grand Terrace
S. 84th & Highway 2**

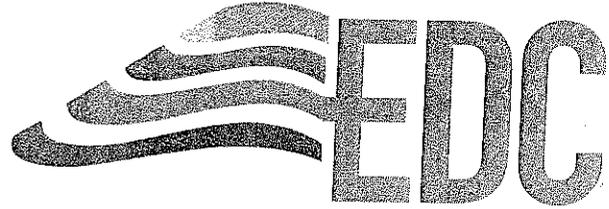
2005 aerial

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. 22 T9N R7E



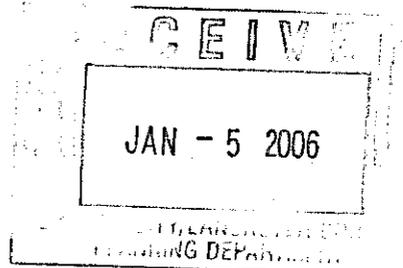


Engineering Design Consultants

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

January 5, 2005

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



RE: Grand Terrace
Community Unit Plan
Annexation Request
EDC Job #04-005-25

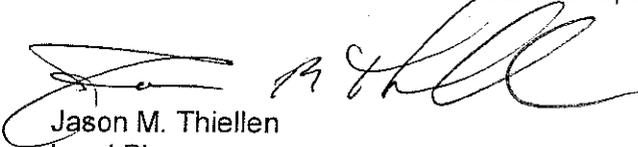
Dear Mr. Brian Will,

On behalf of Engineering Design Consultants client Dubois, L.L.C and in conjunction with the Grand Terrace Community Unit Plan submittal, we hereby request annexation to the corporate limits of the City of Lincoln the property described in the attached exhibit and legal description.

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

Sincerely,

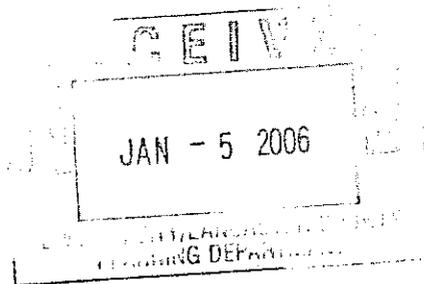
ENGINEERING DESIGN CONSULTANTS, L.L.C.


Jason M. Thiellen
Land Planner

ANNEXATION LEGAL DESCRIPTION

THE REMAINING PORTION OF LOT 59 IRREGULAR TRACT LOCATED IN THE NORTHEAST QUARTER OF SECTION 22, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6TH P.M. AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

REFERRING TO THE EAST QUARTER CORNER OF SAID SECTION 22; THENCE ON THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION, N89°47'01"W, 130.83 FEET TO THE POINT OF BEGINNING; THENCE N89°47'29"W, 374.95 FEET; THENCE N89°46'28"W, 505.25 FEET; THENCE N89°46'48"W, 300.14 FEET; THENCE N89°51'01"W, 60.06 FEET; THENCE N89°45'58"W, 294.90 FEET; THENCE N89°45'49"W, 294.97 FEET; THENCE N89°45'19"W, 314.54 FEET; THENCE N89°48'04"W, 207.98 FEET; THENCE WESTERLY ON A 910.27 FOOT RADIUS CURVE TO THE RIGHT, AN ARC LENGTH OF 234.61 FEET (LONG CHORD BEARS N81°55'30"W, 233.96 FEET); THENCE N00°04'24"E, 555.09 FEET; THENCE N00°00'08"W, 245.08 FEET; THENCE N00°01'41"E, 481.52 FEET; THENCE S89°49'12"E, 1538.96 FEET; THENCE S89°50'56"E, 210.68 FEET; THENCE S56°57'12"E, 193.02 FEET; THENCE S49°09'10"E, 301.29 FEET; THENCE S53°30'20"E, 300.04 FEET; THENCE S10°15'34"E, 164.12 FEET; THENCE S25°21'05"E, 12.51 FEET; THENCE SOUTHERLY ON A CURVE TO THE LEFT WITH A RADIUS OF 469.95 FEET, AN ARC LENGTH OF 171.83 FEET (LONG CHORD BEARS S09°11'28"E, 170.87 FEET); THENCE SOUTHERLY ON A CURVE TO THE LEFT WITH A RADIUS OF 585.00 FEET, AN ARC LENGTH OF 413.96 FEET (LONG CHORD BEARS S11°24'16"E, 405.38 FEET); THENCE S31°40'37"E, 115.97 FEET TO THE POINT OF BEGINNING, CONTAINING 3,036,268 SQUARE FEET (69.70 ACRES) MORE OR LESS.



2300 Fletcher Ave, Suite 102, Lincolnton, NC 28121
402-438-4014 • Fax 402-438-4026

Grand Terrace - Community Unity Plan
ANNEXATION LEGAL DESCRIPTION

Drawn By: SVO
Dwg.: Annexation Ex
Date: 1/03/2006
Job#: 04-005

SHEET
2 OF 2

LEGEND



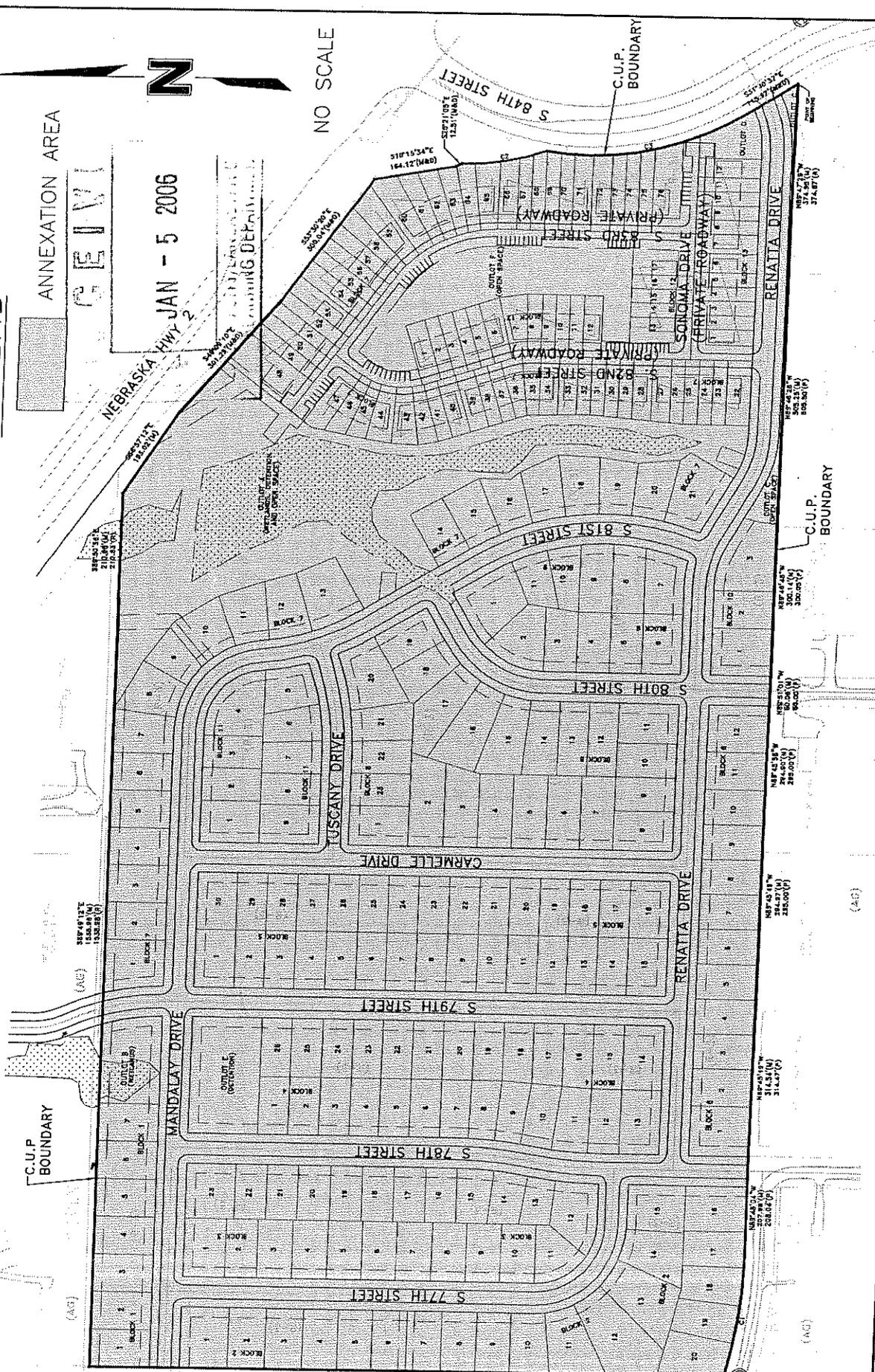
ANNEXATION AREA

GEVI



JAN - 5 2006

NO SCALE



Drawn By: SVO
 Dwg.: Annexation Ex
 Date: 1/03/2006
 Job#: 04-005

SHEET
 1 OF 2

**Grand Terrace - Community Unit Plan
 ANNEXATION EXHIBIT**

Lincoln, Nebraska



EDC
 Engineering & Design
 407-338-4001
 407-338-4002
 407-338-4003