MEMORANDUM

TO: Planning Commission

FROM: Steve Henrichsen, Planning

SUBJECT: ***Comprehensive Plan Amendment #06002: 84th & Rokeby Road***

DATE: March 17, 2006

cc: Mike Eckert, DaNay Kalkowski, Rick Krueger
Marvin Krout, Kent Morgan, Planning
Karl Fredrickson, Public Works & Utilities
Randy Hoskins, Roger Figard, Dennis Bartels, Public Works & Utilities
Steve Masters, Brian Kramer, Gary Brandt, Public Works & Utilities
Jerry Obrist, Nick McElvain, Public Works & Utilities

On March 15, 2006 the Planning Commission agreed to continue the public hearing on **Comprehensive Plan Amendment #06002** to the March 29th agenda. A primary reason for this continuance was to allow for the review of potential land to be added to the amendment on the east side of S. 84th Street. As of this time, the sanitary sewer capacity analysis of the additional acres has not yet been completed. If is done in time for the March 29th hearing, staff will present the additional information to the Commission. If information is not available, then this amendment may need to be delayed to the April 12th, Planning Commission hearing.

If necessary, the amendment should be delayed rather than put on indefinite pending, because the City is in the design process of a sanitary sewer line that will be impacted by the amount of acres to be served downstream. The sewer line was scheduled to be bid for construction this spring. It is desirable to conclude this potential Comprehensive Plan Amendment as soon as possible in order to determine the sewer size and avoid delaying the construction of the sanitary sewer.

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Lincoln City-Lancaster County Planning Department
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Phone: 441-7491 ● Fax: 441-6377

S. 84th and Rokeby Road: Future Service Limit

Location	Proposal
Generally between S. 70th and 84th Street, from ½ mile north of Rokeby Road to ½ mile south of Rokeby Road	Amend the 2025 Lincoln/ Lancaster County Comprehensive Plan to 1) Amend the 2025 Future Service Limit (FSL) to add land west of 84th Street, north of Rokeby to ½ mile south. 2) Change a square mile of land from 70th to 84th, from a ½ mile north to ½ mile south of Rokeby from Priority A to Priority B. 3) Change the land use in the land being added to the FSL from Agricultural to Urban Residential.
Recommendation: Approval of Option A, if the property owners agree to fund the sanitary sewer costs associated with adding this additional area — or only the Option B proposal, if they are the only properties willing to fund the improvements.	

Status/Description

Change to Future Service Limit

The applicant has proposed to expand the Future Service Limit and change land to Priority A at approximately 84th and Rokeby Road. The applicant has determined a way to build a gravity sanitary sewer that could serve land from the "Hickman" basin into the Beal Slough basin. Adding land to the Beal Slough basin could impact two sewer lines currently under design and proposed for construction this spring/ summer. In order to not delay the design and construction of these two sewer lines, the City agreed to forward this Comprehensive Plan Amendment, even though all the details are not yet finalized.

During the past month the applicant has been working with various land owners in this area to finalize the boundaries of the application and form a "coalition" of owners. However, at this time, not all of the property owners have agreed to share in the cost of the oversizing caused by this additional area. Thus, the applicant has submitted two options: Option A is the largest area and includes approximately 380 acres; Option B is only for 120 acres if other owners do not agree to fund the oversizing. The applicant's proposal is summarized as:

Option A Proposal—Coalition Properties: Extension of Future Service Limit to add approximately 380 acres, between South 70th Street and South 84th Street on both sides of Rokeby Road. (See Option A Exhibit). This area will be accomplished by a gravity "wrap around sewer" that cuts through the Beal Slough ridge line and other hill sections. At its deepest, the cut would be approximately 21 feet. The sewer would be at least 15 feet below the finished grade. This proposal would transfer a substantial area from the "Hickman" drainage basin into the Beal Slough basin.

Option B Proposal—Developments Unlimited Property Only: Extension of Future Service Limit to add approximately 120 acres, between South 70th Street and South 77th Street on both sides of Rokeby Road. (See Option B Exhibit). This area will be accomplished by a gravity "wrap around sewer" that cuts through the Beal Slough ridge line and other hill sections. At its deepest, the cut would be approximately 21 feet. The sewer would be at least 15 feet below the finished grade. This proposal would transfer a smaller area from the "Hickman" drainage basin into the Beal Slough basin.

Comprehensive Plan Implications

There are five segments of the Beal Slough sanitary sewer lines which would impacted by this proposal, according to the Public Works and Utilities Department:

Sewer #

#1 40th to 56th Street: the **existing** sewer line is already over capacity. The City has plans for a relief sewer line of approximately 24 inches in size to serve the planned future development in Beal Slough basin. This sewer line is in the current Capital Improvement Program (CIP) for construction in the year 2008-2009. This sewer has capacity for additional 150 acres.

#2 56th Street to Pine Lake Road: the **existing** 27 inch sewer has capacity for at least the 400 additional acres proposed.

#3 Pine Lake Road to S. 70th Street: this is a **proposed** 24 to 18 inch sewer line generally east of Village Gardens. This sewer line is under design and was to be bid in April 2006 at a cost of approximately $1 million. However, due to some design changes, it could cost up to $1.5 million. The funds for this additional costs have not yet been identified. In order to serve the additional 380 acres proposed this sewer line would have to be oversized, further adding to the cost.

#4 70th Street to Yankee Hill Road, then south to Rokeby Road: The **proposed** sewer line from 70th to Yankee Hill Road was to be built by the City this year, but due to funding constraints it will not be built by the City. Krueger Development is discussing with the City building this sewer to Yankee Hill Road, then building the sewer line south of Yankee Hill through their proposed subdivision the “Woodlands at Yankee Hill.” Since this sewer would be greater than 8 inches in size, the developer is eligible to be reimbursed through impact fees for this sewer. The developer is proposing that the developer build the sewer with the City reimbursing him for the cost through impact fees or wastewater utility revenues. The reimbursement is not funded in the current CIP.

#5 South of Rokeby Road: This would be a **new** sewer line only needed if this Comprehensive Plan Amendment is approved. To serve the whole additional 380 acres it would have a western and eastern branches, both of which would over 8 inches in size. If only 120 acres are served, then only the western branch would be needed. There is no funding for this sewer planned in the CIP, nor has the City considered building this sewer in the 2025 planning period.

The proposed sewer line wrapping around the hill would also serve land east of 84th Street, including the future Jensen and possibly serve part of Cheney. The Cheney system is constructed to drain to the northeast into a series of lagoons in the Stevens Creek basin. However, while this area could be served, there possibly would not be capacity in the existing Sewer #2 which is not proposed for oversizing. Serving land east of 84th Street would also probably add to sizing of the pipes in Sewer #1, #3, #4 and #5, all of which could add substantially to the costs.

The City has stated that due to funding constraints and the fact that this additional area is not part of the natural drainage basin, that the City could not recommend approval of this amendment unless the property owners fund all of the additional cost required to serve the additional area. The applicant has proposed a separate developers agreement in which the developer would pay for the oversizing of Sewer #3 (east of Village Gardens), Sewer #4 (through the Woodlands) and the new Sewer #5. Oversizing of the existing Sewer #2 is not needed for 380 acres.

Due to the time limitations, the applicant has not yet received information on the sizing of Sewer #1. At this time, the applicant is proposing that impact fees be used to pay for the oversizing of Sewer #1 – which is not acceptable to the City. This item is still under discussion.

This proposal is contrary to Sanitary Sewer Design Standard 2.1 which states that "The transfer of wastewater from one watershed to another by any means, such as a lift station or construction of a sanitary sewer which cuts through the ridge separating watersheds, shall not be permitted."

The Comprehensive Plan on page F 77 states

> *"The City's collection system, in general, will continue to be a gravity fed system that is designed to accommodate urbanization of drainage basins and sub-basins. This system encourages orderly growth within the natural drainage basin boundaries. This policy encourages urban growth from the lower portion of the drainage basin and prohibits pumping of wastewater across basin boundaries. Explore alternative methods, such as lift stations, where practical."*

The City has developed a temporary lift station policy. However, this area would not meet the criteria for that policy in that a lift station here would not be temporary. A trunk line to serve the "Hickman" basin is not even contemplated in the next 25 years or beyond. Also, the developer does not need a lift station to serve the eastern portion of this property.

If this proposal is not approved, the developers would typically grade this land substantially in order to "push" ridge line as much as possible. The applicant has stated this proposal could actually reduces the overall amount of earth moving.

In the Woodlands at Yankee Hill proposal at 84th and Yankee Hill the City had already tentatively agreed to smaller scale proposal to transfer a perhaps 60+/- acres from Hickman into the Beal Slough basin by grading and running a sewer through the hill. The approval and details showing how this could be done by gravity were not included in the Woodlands PUD approved by the Planning Commission.

This proposal would also "square off" the future city limits. Currently the ridge line of the Beal Slough basin would leave an area between 70th and 84th and Yankee Hill Road and Rokeby Road as unsewerable, even with substantial grading.

This proposal would be a more efficient use of future infrastructure investment. Eventually a water main would be built along 84th and Rokeby, and Rokeby Road would be paved from 70th to 84th Street. This additional area to be served would benefit from these improvements, without any additional cost. To serve the area ½ mile south of Rokeby, the existing asphalt paving might be useable, with some additional turn lanes, given that most of the traffic would use Rokeby Road.

This proposal adds to the number of acres flowing into the Salt Valley trunk line. This will impact the timing of the need for a Southwest Wastewater Facility (SWWF). The City is in the process of finding a location for this facility. With the current 2025 Plan, it is anticipated that the Salt Valley trunk line could serve all of Tier I without the need for the SWWF. However, by adding this 380 acres, the SWWF could be needed earlier than 2025.

Change to Priority A

The Comprehensive Plan states the following about priority areas on page F 29:

"Priority A of Tier I
Areas designated for near term development are generally contiguous to existing development and should be provided with basic infrastructure within 12 years of the adoption of the plan. Some of the infrastructure required for development may already be in place. This area includes some land already annexed, but is still undeveloped and without significant infrastructure. Areas with this designation are the next priority for infrastructure programming. Some infrastructure improvements may be done in the near term while others, such as road improvements that are generally more costly, may take longer to complete.

Priority B of Tier I
The next area for development beyond Priority A, which currently lack almost all of the infrastructure required to support 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 CIP, but will be considered in the long term capital improvement planning of the various city and county departments."

The Comprehensive Plan then addresses how the priority areas are to be used to guide infrastructure financing and utility planning. In particular, on page F 29 and 30 the Plan states:

"The principles for prioritization and the individual priority areas are described as follows:

- *Generally, adequate infrastructure improvements should be completed in all Priority A areas where there is development interest prior to beginning infrastructure in Priority B areas.*

- *It is anticipated that there may be some unique circumstances to* ***warrant consideration of development of land in Priority B****, prior to the full completion of improvements in*

Priority A. The community will consider development in a sub-basin in Priority B areas, before completing the infrastructure in Priority A areas, if all of the following conditions are met:

1) the project is contiguous to the City and proposed for immediate annexation, and is consistent with principles of the Comprehensive Plan,

2) the developer provides information demonstrating how the necessary infrastructure improvements to serve the sub-basin would be provided and financed. The City shall contact other public agencies to obtain their report on the infrastructure necessary to serve the sub-basin including utilities, roads, fire service, public safety, parks, trails, schools and library needs.

3) the impact that development in the sub-basin will have on capital and operating budgets, level of service, service delivery and Capital Improvement Programs is addressed,

4) there is demonstrated substantial public benefit and circumstances that warrant approval of the proposal in advance of the anticipated schedule." (Emphasis added)

The needed water, streets and watershed improvements to serve the additional area around 84th and Rokeby are not in the City's Capital Improvement Program (CIP). Due to the time constraints of sizing and constructing the sanitary sewer, the proposed developer agreement will solely focus on sewer due to the need to address this improvement now. Other improvements will be addressed through the standard process of annexation.

The most recent Water Facilities Master Plan did not model this area, so no improvements have been identified yet. This will be done in 2007 when we update the Master Plan. Based on a preliminary review, the areas to be served by this amendment will all most likely be served by the Cheney Booster District. 16" mains will be required on the section lines, with a possible 24" main in 84th St. None of these mains are in the proposed CIP.

Public Works and Utilities Department has reservations about the ability of city funding for other improvements, such as water mains and arterial streets. Their concern is that this amendment should not raise expectations about improvements being funded. No arterial streets, outside of Antelope Valley, 48th and O Street and the South Beltway in the CIP for funding in the next six years.

Conclusion

This proposal, while contrary to the policy of transferring waste from one basin to another, should be approved because: 1) it will help square off the development pattern in this area; 2) it is a more efficient use of future infrastructure investments; 3) will probably not increase the amount of grading, and could actually result in development following the existing contours; and 4) additional costs over the normal sanitary sewer needs. If the owners do not agree to fully fund this additional cost, then the amendment should be denied. A separate developer agreement will be forwarded with this amendment on the City Council agenda for consideration.

If the property owners agree to fund the sanitary sewer costs associated with serving the

additional area – the City's preference is for Option A, which is the largest area and "squares off" the city limits and is the most efficient use of the infrastructure investment in this area. If the City had funding for all the sewers, then Option B would be rejected —however, given funding constraints, City funding is not possible, so Option B is also acceptable.

Approval of the Comprehensive Plan Amendment and developer agreement, if the issues can be resolved, does not imply anything in regards to the availability of city funding for water mains, arterial streets or watershed facilities in the next 12 years – which will mark Priority A in the updated Comprehensive Plan. The needed water, streets and watershed improvements to serve the additional area around 84th and Rokeby are not in the City's Capital Improvement Program (CIP). The proposed developer agreement will solely focus on sanitary sewer due to the need to address this improvement now, before the sanitary sewer mains are built. Other improvements will be addressed through the standard process of annexation.

Amend the Comprehensive Plan as follows: (**Approval of Option A, if the property owners agree to fund the sanitary sewer costs associated with adding this additional area — or only the Option B proposal, if they are the only properties willing to fund the improvements.**

Text is worded for Option A, but could be revised to the smaller Option B area at City Council if they are the only properties agreeing to fund the improvements.)

1. Amend the"Lincoln/Lancaster County Land Use Plan", figure on pages F 23 and F 25, to

   a. Amend the Future Service Limit to include land west of 84th Street in the vicinity of Rokeby Road as shown on the applicant's plan.

   b. Change the land uses from Agricultural to Urban Residential the land west of 84th Street in the vicinity of Rokeby Road as shown on the applicant's plan as being added to the Future Service Limit.

2. Amend the "Urban Growth Tier" figure on page F 27 to change land from Tier II to Tier I west of 84th Street in the vicinity of Rokeby Road as shown on the applicant's plan.

3. Amend the "Tier I – Priority Areas" figure on page F 31 to change land from Tier II to Priority A and from Priority B to Priority A between 70th and 84th Street in the vicinity of Rokeby Road as shown on the applicant's plan.

Prepared by:

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Date: March 2, 2006

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February 16, 2006

RECEIVED
FEB 16 2006
PLANNING DEPARTMENT

Marvin Krout
Planning Director
City of Lincoln - Lancaster County
555 South 10th Street
Lincoln, NE 68508

RE: Comprehensive Plan Amendment; South 70th Street to South 84th Street south of the Beal Slough Ridge Line and in the vicinity of Rokeby Road

Dear Marvin:

Our law firm represents Developments Unlimited, LLP ("Developments Unlimited") who is the contract purchaser of certain properties located outside the Beal Slough drainage basin as generally shown on the enclosed Exhibit 3. These properties are hereinafter referred to as the "Developments Unlimited Properties."

Developments Unlimited has been working with Civil Design Group, Inc. and the City of Lincoln to explore the possibility of designing gravity flow sanitary sewer plans to sewer the Developments Unlimited Properties as well as to sewer a potentially larger area of properties located outside the Beal Slough drainage basin (collectively "Potential Coalition Properties"). These Potential Coalition Properties are bounded by Beal Slough ridge line on the north, South 84th Street on the east, the one-half mile line south of Rokeby Road on the south and South 70th Street on the west. The property owners of the Potential Coalition Properties are hereinafter referred to as the "Potential Coalition Property Owners."

Option A Comprehensive Plan Amendments

On behalf of Developments Unlimited, we hereby request amendments to the 2025 Comprehensive Plan to show the Potential Coalition Properties as follows (see Option A):

1. Amend the 2025 Future Service Limit (FSL) to add the Potential Coalition Properties;

2. Change the Potential Coalition Properties from Tier 1 and Tier 2 to Tier 1, Priority A; and

3. Change the future land use designation of the Potential Coalition Properties within the FSL from Agricultural to Urban Residential.

Option B Comprehensive Plan Amendments

Developments Unlimited is committed to work diligently with the other Potential Coalition Property Owners to cause the Potential Coalition Properties to be able to gravity drain into the Beal Slough basin. We would hope to be able to reach consensus in the next three weeks with the Potential Coalition Property Owners on a Coalition Agreement to fund such sewer improvements. In the event the Potential Coalition Property Owners are not able or unwilling to fund the necessary sewer up-sizing as explained below or it is not economical or feasible to up-size that stretch of a future Beal Slough sewer line from S. 40th Street to S. 56th Street as described below, then Developments Unlimited would request that the City approve the following amendments to the 2025 Comprehensive Plan to shown the Developments Unlimited Properties as follows (see Option B):

1. Amend the 2025 Future Service Limit (FSL) to add the Developments Unlimited Properties;

2. Change the Developments Unlimited Properties from Tier 1 and Tier 2 to Tier 1, Priority A; and

3. Change the future land use designation of Developments Unlimited Properties within the FSL from Agricultural to Urban Residential.

Background

As background, the City is in final design on the extension of the trunk sewer line from Pine Lake Road to generally Yankee Hill Road. In addition, our neighbors to the north are in final design of the next section of the trunk sewer line from generally Yankee Hill Road to the ridge line. If these two sections of the Beal Slough trunk lines are up-sized, then these stretches could sewer the Potential Coalition Properties. With some reasonable re-grading, it is possible to sewer the Developments Unlimited Properties and the other Potential Coalition Properties into the Beal Slough sewer line. However, these costs are not shown in the City's Capital Improvement Plan. Development Unlimited is willing to assist in funding the upsizing to sewer the Developments Unlimited Properties. If the other Potential Coalition Properties are also willing to fund their fair share, then all the Potential Coalition Properties could be sewered with some reasonable re-grading.

To gage the Potential Coalition Property Owners interest in paying their fair share of cost to up-size the key stretches of the Beal Slough sewer line, Developments Unlimited called a meeting of the Potential Coalition Property Owners last week. At last week's meeting,

Developments Unlimited outlined a potential coalition framework for the property owners to help fund the extra costs to up-size the downstream Beal Slough sewer line to accommodate the extra waste load from the Potential Coalition Properties. Some of our neighbors where unable to attend the meeting and we were able to orally outline the concepts over the telephone.

The Potential Coalition Property Owners were explained the short window of opportunity to help fund the up-sizing of certain stretches of the Beal Slough sewer line. The Potential Coalition Property Owners acknowledge that the Option A sewer plan would provide gravity flow sewer service to their properties, which would increase their properties' fair market values. However, the window to up-size the sewer would have to be made in the very near future because the City and other down-stream property owners are in the final design stages to construct key stretches of the Beal Slough sewer line.

Despite the quick timetable, the City is still studying whether another stretch of Beal Slough from S. 40th Street to S. 56th Street needs to be up-sized as well. Consequently, we are not able to estimate the potential up-sizing costs until the City completes its analysis. Similarly, without the cost estimates, the Potential Coalition Members are unclear on the potential costs they would be asked to fund in the future.

Next Steps

We hope to work with the City in the next week to better define the up-sizing costs. In turn, Developments Unlimited will provide the Potential Coalition Property Owners the projected cost figures and ask to again meet with its neighbors within the next two weeks. We want to be open and fair with our neighbors and yet still be sensitive to the City and our downstream neighbors who are trying to finalize their Beal Slough sewer line plans and go out for bid in the very near future.

By next Tuesday morning, we will provide City Staff a detailed Option A proposal on how the Potential Coalition Property Owners will fund the up-sizing of the various Beal Slough Lines (and alternatively, an Option B proposal on how Developments Unlimited will fund the up-sizing in the event Option A fails). As part of our detailed proposals, we will include grading/sanitary sewer plans for the two options showing potential sewer profiles and sewer line depths.

We look forward to working with City Staff and our neighbors on this exciting proposal. If you have any questions in the meantime, please give Mike Eckert, DaNay Kalkowski or myself a call.

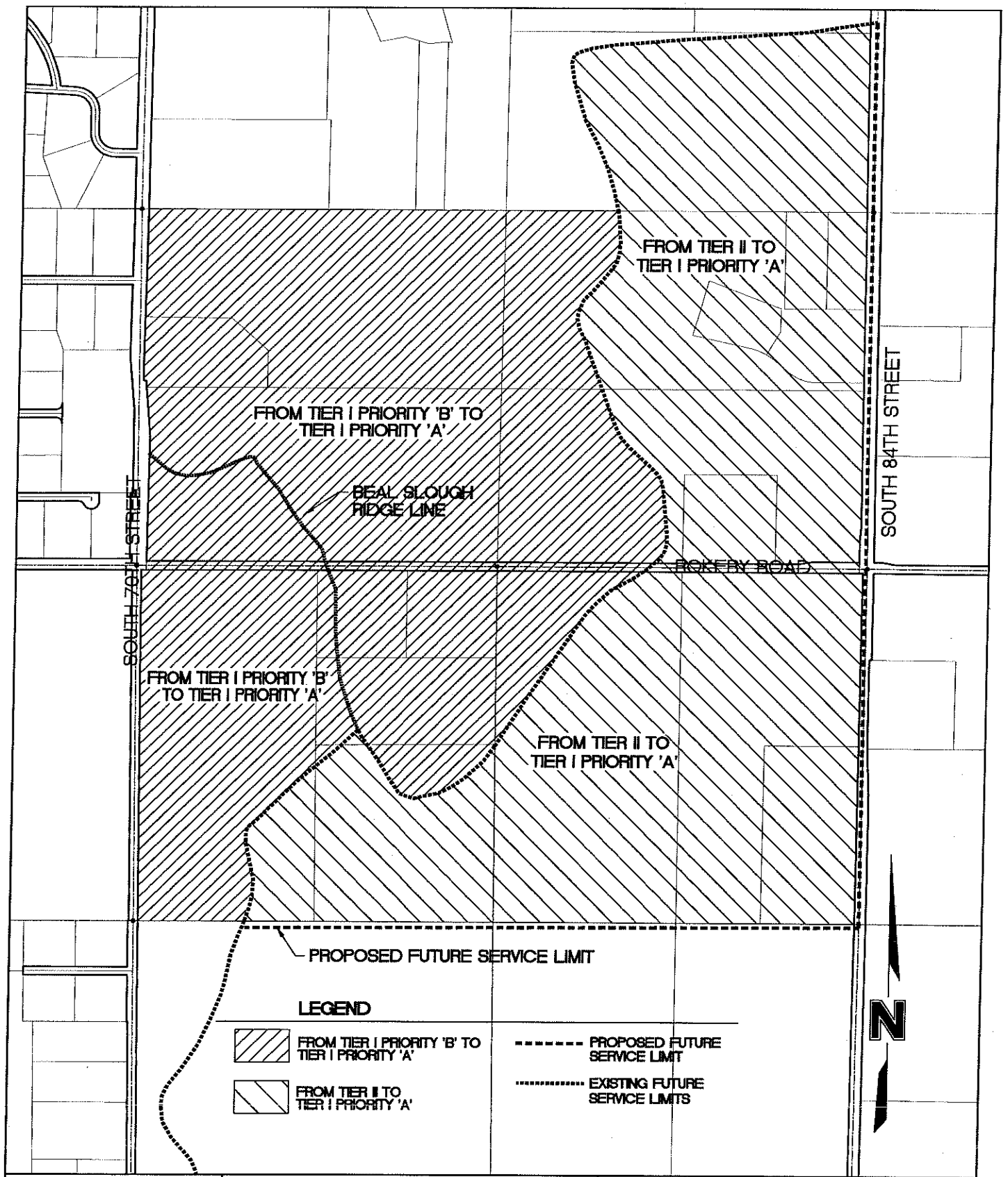
Very truly yours,

Kent

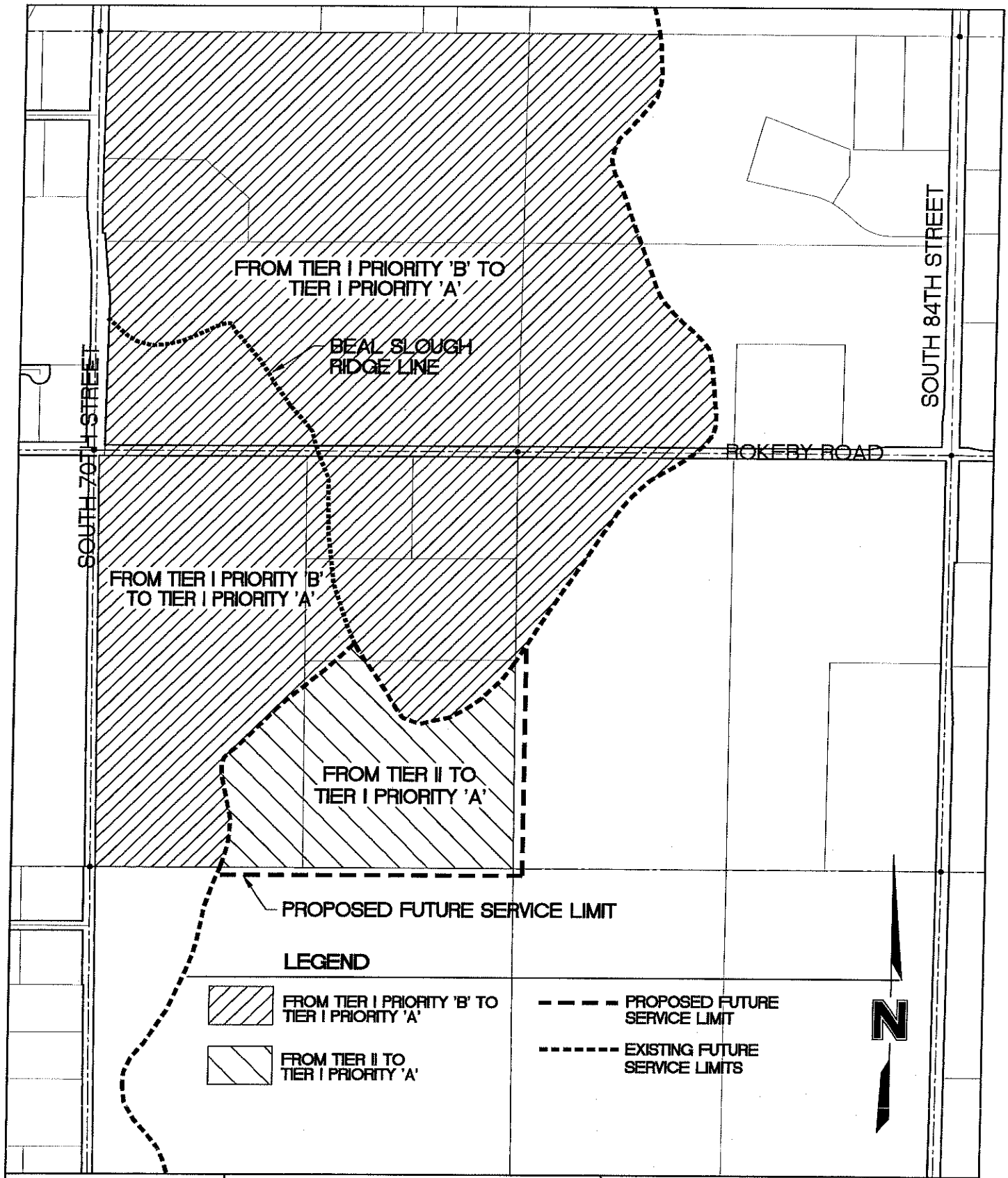
Kent Seacrest
For the Firm

cc with enclosures:

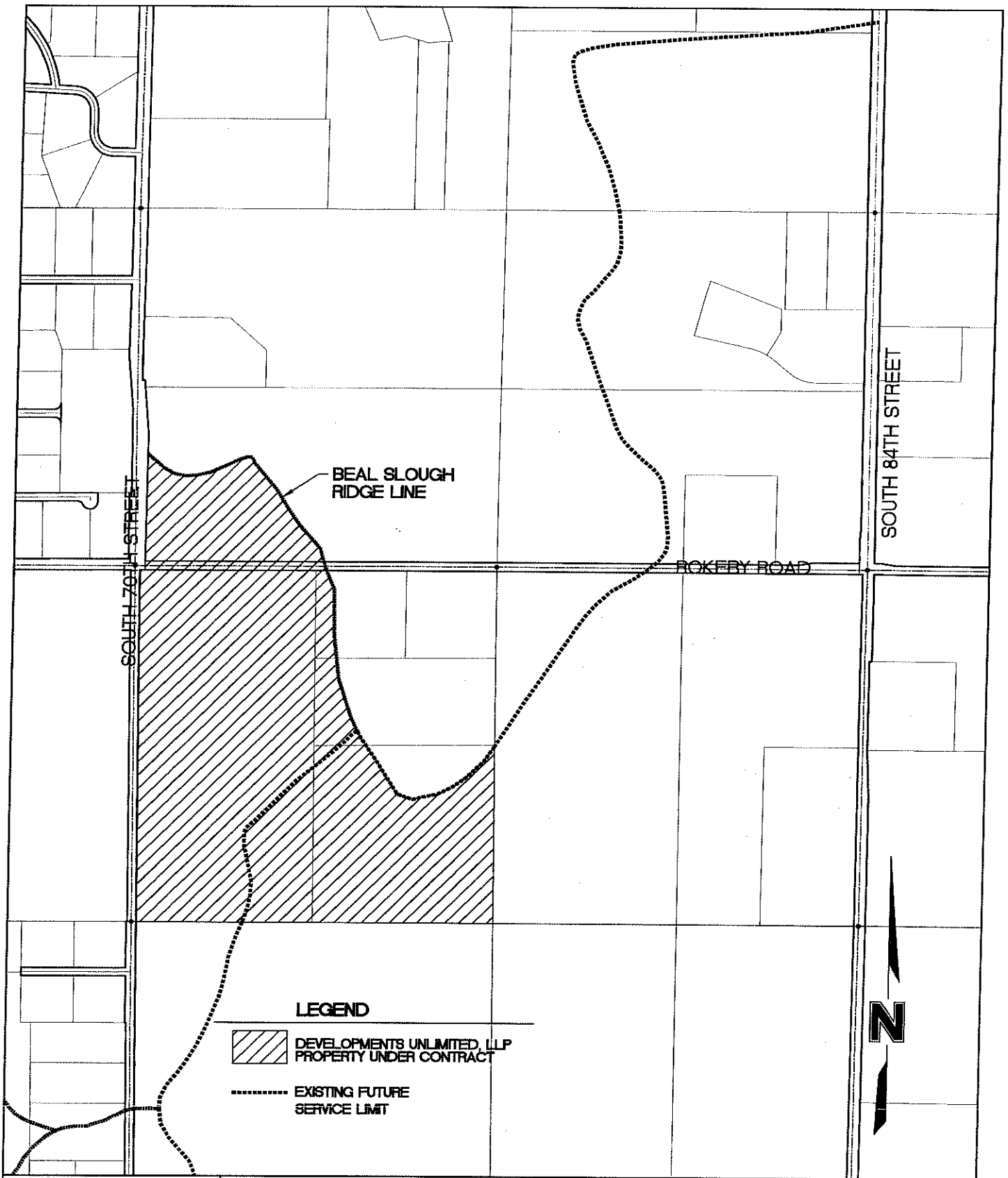
Mayor Coleen Seng
Jon Camp
Steve Henrichsen
Developments Unlimited, LLP
Civil Design Group, Inc.
3AP SE LLC & Midwest Net Lease
Rick Krueger
Carl and Vicki Schmidt
Dorothy Davis
Catholic Bishop of Lincoln, Inc.
Rev. John Perkinton
Father Borowiak
Trent Sidders
Carlton Talcott
Milton and Carol Talcott
Marion Talcott, Inc. c/o Marion Pillard
Fred and Janet Smith
Bernita and Clinton Daharsh
Jerry Stricker



drawn by: jds checked by: – project no.: 2005–0020 date: 02/16/2005	COMPREHENSIVE PLAN AMENDMENT OPTION 'A' LINCOLN, NEBRASKA	Civil Design Group, Inc. 3901 Normal Blvd, Suite 203 Lincoln, Nebraska 68506 Ph. 402–434–8494 Fax 402–434–8493 www.civildg.com CONSULTING ENGINEERS • LAND USE PLANNERS CIVIL DESIGN • SITE DEVELOPMENT • PLANNING AND ZONING	EXHIBIT 1



drawn by: jds checked by: – project no.: 2005–0020 date: 02/16/2005	COMP PLAN AMENDMENT OPTION 'B' LINCOLN, NEBRASKA	Civil Design Group, Inc. 3901 Normal Blvd, Suite 203 Lincoln, Nebraska 68506 Ph. 402–434–8494 Fax 402–434–8493 www.civildg.com CONSULTING ENGINEERS • LAND USE PLANNERS CIVIL DESIGN • SITE DEVELOPMENT • PLANNING AND ZONING	EXHIBIT 2



drawn by: jds checked by: – project no.: 2005–0020 date: 02/16/2005	DEVELOPMENTS UNLIMITED, LLP PROPERTY UNDER CONTRACT LINCOLN, NEBRASKA	Civil Design Group, Inc. 3901 Normal Blvd, Suite 203 Lincoln, Nebraska 68506 Ph. 402–434–8494 Fax 402–434–8493 www.civildg.com CONSULTING ENGINEERS • LAND USE PLANNERS CIVIL DESIGN • SITE DEVELOPMENT • PLANNING AND ZONING	EXHIBIT 3