

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT
for September 28, 2005 PLANNING COMMISSION MEETING

P.A.S.#: County Change of Zone #05063

PROPOSAL: A Change of Zone from AG Agriculture to AGR Agricultural Residential District on property generally located at the southeast corner of N.W. 105 Street and Hwy 43/ Alvo Road.

LAND AREA: 39.15 acres, more or less

CONCLUSION: This is shown on the 2025 Comprehensive Plan map as Agriculture and thus should be denied.

<u>RECOMMENDATION:</u>	Denial
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GENERAL INFORMATION:

LEGAL DESCRIPTION: The W ½ of the SW 1/4 and the W ½ of the NW 1/4 of the NE 1/4 (aka Lots 70 and 71 I.T.) of Section 33, T11N, R5E, in the 6th P.M., Lancaster County, Nebraska.

LOCATION: Southeast of the corner of N. 105th Street and Nebraska Highway 34/Alvo Road.

EXISTING ZONING: AG Agriculture

EXISTING LAND USE: Two dwellings (one per 20 acre lot) farm land/pasture

SURROUNDING LAND USE AND ZONING:

North: Agriculture	zoned AG
South: Scattered acreages	zoned AG
East: Agriculture	zoned AG
West: Agriculture and scattered acreages	zoned AG

ASSOCIATED APPLICATIONS: None

HISTORY: Changed from AA Rural and Public Use to AG Agriculture in the 1979 zoning update.

COMPREHENSIVE PLAN SPECIFICATIONS: The 2025 Plan shows this as Agricultural. A strip along both sides of 105th St. a half of the mile north of W. Fletcher is shown for Low Density Residential (pg F 23). This is not in any of Lincoln's future growth Tiers. The 2025

Lincoln Lancaster Comprehensive Plan states:

Rural Lancaster County is in transition from an area of predominantly agricultural uses to an area which includes more residential uses. Balancing the strong consumer demand for country style living and the practical challenge of integrating acreages with traditional agricultural land use will continue. Lands previously designated in the Comprehensive Plan or zoned for low density residential development must be recognized. (F69)

“Currently, acreage development has occurred under two development scenarios: AG - Agricultural District (minimum of 20 acres per lot area) and AGR - Agricultural Residential District (minimum of 3 acres per lot area) with the possibility in both AG and AGR zoning districts of clustering units together in order to preserve more open space and agricultural areas and/or receive additional density bonuses under a community unit development. The complex issue of acreage development and other public objectives requires a large array of land use strategies. (F70)

Acknowledge the “Right to Farm” and preserve areas for agricultural productions throughout the county by designating specific areas in advance for rural residential so as to limit areas of potential conflict between farms and acreages. (F70)

Specific areas will be designated so that approximately 6% of the total population in the County can be accommodated on acreages. Grouping acreages together in a specific area enables services to be provided more efficiently, such as reducing the amount of paved roads, fewer and shorter school bus routes and more cost effective rural water district service. Grouping also reduces the amount of potential conflict points between farm operations and acreages. (F70)

In determining areas of higher density rural acreage (200 units or more per square mile), numerous factors will be reviewed, such as but not limited to water and rural water districts, soil conditions, roads, agricultural productivity, land parcelization, amount of existing acreages, and plans for urban or town development. Acreages should develop in areas that best reflect the carrying capacity of that area for acreages. A performance criteria should be developed to review requests for acreage zoning and to determine where these standards can best be met. (F70)

Development of a performance standard “point system” will allow the location of higher density rural acreage development in either “AG” or “AGR” where the review criteria can be met. This allows equal treatment across the county, maximum freedom of determination of marketing and sale, while locating those developments only in those areas where sufficient “points” can be accumulated to justify the development at the requested location.” (F 71)

SPECIFIC INFORMATION:

UTILITIES: This area is not in any rural water district.

TOPOGRAPHY: Gently rolling hills, falling off to the west.

TRAFFIC ANALYSIS: S. 105th Street and W. Fletcher Ave. to the south are gravel county roads and are not shown to be paved in the Lancaster County Road and Bridge Construction Program Fiscal Year 2005 and 2006-20010. Alvo Road adjacent to the north is paved state

highway 34. Highway 34 is scheduled for improvement by the State Department of Roads.

PUBLIC SERVICE: This area is served by the Malcolm School District # 148, the Malcolm Rural Fire District, and is in the Norris Public Power District service area.

REGIONAL ISSUES: The location of acreage development and farming.

ENVIRONMENTAL CONCERNS: There are no historic resources identified on this site. The flood plain covers approximately 4.25 acres of the southern 20 acre lot (Lot 71 I.T.). There are 16 acres of native hay in this section to the south of this application. The soil rating is approximately 6.2 on a scale of 1 to 10, where 1-4 is prime soil. This is not prime agriculture soil. No feeding operations were noted in the area. Pawnee Lake is two miles south of this application.

AESTHETIC CONSIDERATIONS: NA

ALTERNATIVE USES: Continued agricultural use with one dwelling on each parcel. Staff is also developing a concept that would allow developers to acquire development rights from other land owners.

ANALYSIS:

- 1) This proposal is for a change of zone on a 39.15 acre parcel to allow the creation of lots for members of the family. No subdivision or water report accompany this application. The AGR district would allow the creation of possibly 10 lots.
- 2) This parcel is shown for Agriculture in the 2025 Comprehensive Plan however there is a strip of Low Density Residential development shown along both sides of NW 105th north from W. Fletcher Ave. that appears to abut this area on the south.
- 3) The County Engineer notes no objection.
- 4) The Health Department notes water and waste water information will be required at the time of final platting.
- 5) Development potential of this land would be two dwelling units (as exist today) under the AG zoning and thirteen dwellings under AGR zoning.
- 6) As requested by the County Board, no scoring is provided on this application.
- 7). Some acreage review issues can be addressed in this report:

- a) Water/rural water,
No ground water information is provided for this parcel. This is an area known for spotty water quantity and quality. This is not in a rural water district.
- b) Road access and paving,
Hwy 34/Alvo is paved. NW 105th is gravel.
- c) Soil rating,
The soil is not prime ag land of the county.
- d) Development of the area/land parcelization,
The land to the south of this area is substantially split into smaller acreage parcels as one gets closer to the immediate area around Pawnee Lake. To the north, east and west the land is still in larger farmed parcels.
- e) Existing acreages,
There is some acreage development in this immediate area, primarily to the south, generally around the state lake.
- f) Conflicting farm uses,
There are no farm feeding operations or other conflicting farm uses noted in a field check.
- g) Environmental issues,
There is a small area of flood plain across the southern lot.
- h) Impact on other governmental entities,
This will increase demand for service on the Sheriff, Rural Fire, School and others. The level of impact is not known.
- i) Plans of other towns,
NA

Prepared by:

Mike DeKalb, 441-6370, mdekalb@ci.lincoln.ne.us
Planner
September 1, 2005

APPLICANT: Steve Schmidt
7000 NW 105
Malcolm, NE 68402
(402) 796-2587

CONTACT: Steve Schmidt
7000 NW 105
Malcolm, NE 68402
(402) 796-2587

OWNER: Steve Schmidt
7000 NW 105
Malcolm, NE 68402
(402) 796-2587

Stan Schmidt
7100 NW 105
Malcolm, NE 68402
(402) 796-9586



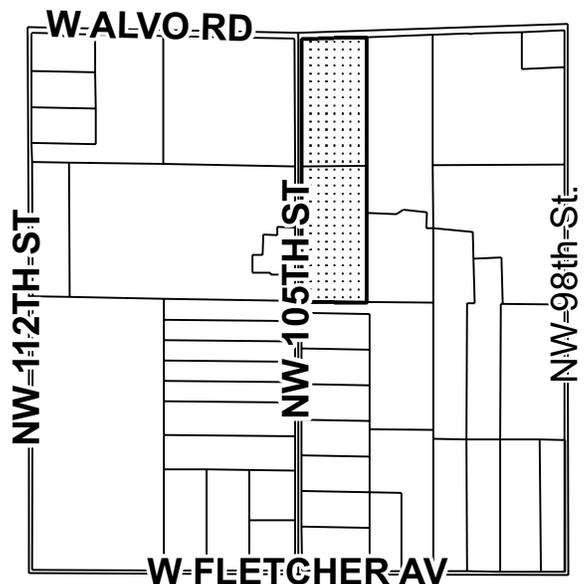
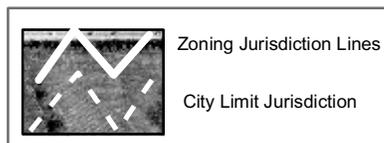
2002 aerial

Change of Zone #05063 NW 105th & Alvo Rd (Hwy 34)

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. 33 T11N R5E





T-11-N R-5-E
Section 33

United States Department of Agriculture
Farm Service Agency



Lancaster County

January 07, 2004

1999 Digital Orthophotography - Not to Scale

United States
Department of
Agriculture

Farm
Service
Agency

Lancaster County FSA Office
6030 SO 58TH ST SUITE A
Lincoln, Ne 68516 3641
402-423-9683

1-8-04

STEVEN R SCHMIDT
7000 NW 105TH ST
MALCOLM, NE 68402-9551

Dear Producer:

FSA is currently updating their aerial photography maps to a Geographic Information System (GIS). Using GIS, farm, tract and field boundaries are digitally placed. The acreage for any enclosed area is automatically calculated by the computer and is based on the delineation of field boundary lines on current imagery. This is a re-measurement of acres on every field in the county. All official acres may change once digitized into GIS. Research has shown that by using the computer based GIS, acreage calculations are more accurate than past measurement methods.

Enclosed are the new maps showing the land that you have an interest in as an owner or operator. Please review the boundary lines for each of your fields for accuracy in the line placement. Please note that the boundaries and acres represented should include all known changes currently reported to the county office. The maps also include notification of all known wetlands located in each field. The wetlands are represented by a dot on the map. If further information is needed about the wetlands points, please contact your local NRCS office. These maps will become the official photography and the calculated acres will be used in all FSA programs.

The total farmland and cropland acres used in FSA programs for the past few years are listed below. There is a total acreage for each individual farm and a total acreage for all farms that you own or operate.

Farm No.	Tract No.	Tract Farmland	Tract Cropland	Map Desc
5887	10955	20.0	2.8	B7*SWWNE, 33-11-5
	TOTAL	20.0	2.8	
	FINAL TOTALS			
	TOTAL	20.0	2.8	

Please review all information listed, as well as the boundaries outlined on the photos. If you do not agree with the placement of a line for any farm, tract or field boundary, you must file a written request or visit our office within 30 days of the date of this letter. If all farm, tract and field boundaries are correct, no further action is required and the maps will become official after the 30-day review period. At that time field lines and acres will be used for all official program uses including Direct and Counter-Cyclical (DCP) Program, crop acreage certification and conservation programs such as the Conservation Reserve Program (CRP).

If you are no longer associated with a farm or tract listed above, or if any other changes have occurred in your operation, please notify the County FSA Office as soon as possible.

Sincerely,
/s/
FSA County Executive Director
County FSA Office

LANCASTER COUNTY ASSESSOR
COUNTY-CITY BUILDING

LINCOLN, NEBRASKA 68508-2866
(402) 471-7463

NORMAN H. AGENA
ASSESSOR

ROBIN HENDRICKSEN
CHIEF ADMINISTRATIVE DEPUTY

ROB OGDEN
CHIEF FIELD DEPUTY

THIS IS FOR:

STAN R. SCHMIAT
7100 NW 105TH ST
MALCOLM, NE 68402

CERTIFICATION OF LAND USE

for land farmed in conjunction

I, the undersigned, owner of a parcel of land in Lancaster County that has less than 20.0 acres of net farmable area described as 05-33-200-010-000 or the Assessor's alternate key 2155752, do hereby certify that the above described parcel is managed (farmed) in conjunction with other farm land, which when totaled exceeds 20.0 acres of farmable area.

The other farm land has a legal description of:

05-33-200-011-000

or the Assessor's alternate key 2155761

Signed Stan R. Schmiat

Date 1-31-95

TOTAL FARM ACREAGE IS 20 ACRES LESS COUNTY
ROAD RIGHT OF WAY, MRS 1-31-95

SURVEY RECORD

LANCASTER COUNTY, NEBRASKA

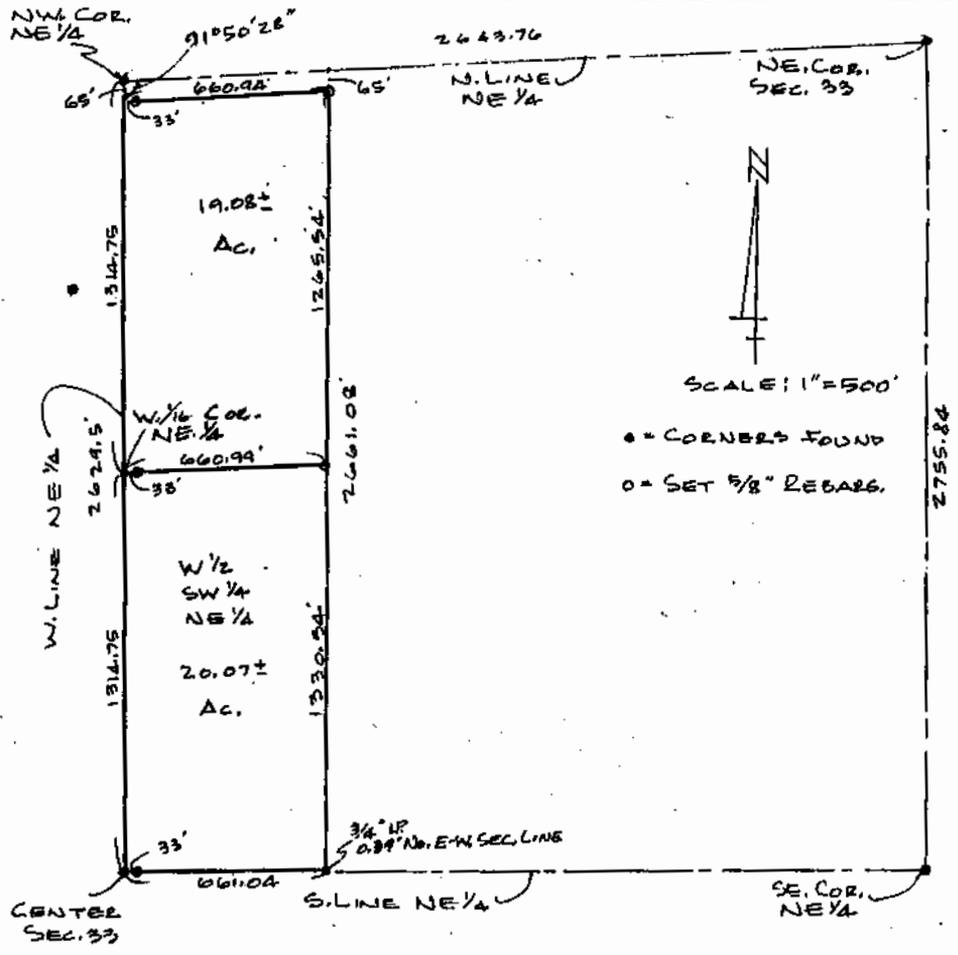
Survey of $W\frac{1}{2} SW\frac{1}{4}$ & $W\frac{1}{2} NW\frac{1}{4}$

$NE\frac{1}{4}$ Section 33 T. 11 N., R. 5 E.

of 6th P.M.

County Survey No. _____

Date April 26 19 93 Weather _____



SURVEYOR'S CERTIFICATE

I hereby certify that, to the best of my ability, I have accurately surveyed the property in the above plat. All dimensions are in feet and decimals of a foot and are chord measurements unless otherwise noted.

PAUL E. KASL
SURVEYOR L.S.-246
3101 LOVELAND DRIVE
LINCOLN, NEBRASKA 68502



Signed this 27th day of April 19 93

Name Paul E. Kasl

LAND SURVEYOR'S SEAL

**LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT
INTER-OFFICE COMMUNICATION**

TO: Mike DeKalb **DATE:** September 6, 2005

DEPARTMENT: Planning **FROM:** Chris Schroeder

ATTENTION: **DEPARTMENT:** Health

CARBONS TO: EH File **SUBJECT:** Schmidt Property

EH Administration CZ #05063

The Lincoln-Lancaster County Health Department has reviewed the change of zone application with the following noted:

- At the time of subdivision, the applicant will be required to submit a water quantity and quality report for the area to be subdivided.
- At the time of subdivision, the applicant will be required to submit a plan for the installation of on-site wastewater treatment systems for the proposed lots.

Lancaster

DON R. THOMAS - COUNTY ENGINEER

County

Engineering

DEPUTY- LARRY V. WORRELL
COUNTY SURVEYOR

Department



DATE: August 29, 2005

TO: Mike DeKalb
Planning Department

FROM: Larry V. Worrell
County Surveyor

SUBJECT: CHANGE OF ZONE NO. 05063
SCHMIDT PROPERTY