

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for NOVEMBER 9, 2016 PLANNING COMMISSION MEETING

PROJECT #: Special Permit No.16049 Glacial Till Ridge

PROPOSAL: A request per Article 13.001 (z) for a Community Unit Plan.

LOCATION: NW 12th Street and W. Mill Road

LAND AREA: 85.13 acres, more or less

EXISTING ZONING: AG Agricultural

WAIVER /MODIFICATION REQUEST:

1. Block length
2. Yard setbacks
3. Minimum lot area
4. Minimum frontage
5. Average lot width
6. Sidewalks
7. Well report based on one well per 10 acres.

CONCLUSION: The request meets the intent of the 2040 Comprehensive Plan and with the conditions is acceptable for approval. The waivers to lot area, setbacks and frontage are appropriate and necessary for a residential cluster development. The waiver to block length is appropriate in a rural environment and as future streets are shown that will lessen the block length.

RECOMMENDATION:	Conditional Approval
Waivers/modifications:	
1. Block length	Approval
2. Yard setbacks	Approval
3. Minimum lot area	Approval
4. Minimum frontage	Approval
5. Average lot width	Approval
6. Sidewalks	Approval
7. Well report based on one well per 10 acres.	Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION: Lot 22 Irregular Tract located in the SE 1/4 of Section 4, Township 11 North, Range 6 East Lancaster County, NE.

EXISTING LAND USE: Farm ground and one single family house.

SURROUNDING LAND USE AND ZONING:

North:	AG Agricultural	Farm ground and farmsteads.
South:	AG Agricultural	Farm ground
Southwest:	AG Agricultural	Farm ground and acreage subdivisions.
East:	AG Agricultural	Farm ground and farmsteads
West:	AG Agricultural	Farm ground and houses.

HISTORY:

October 2004 Special Permit #04041 Masek’s 1st Addition Community Unit Plan for 9 acreage lots located southeast of NW 27th Street and W. Mill Road was approved by the County Board.

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)

UTILITIES: Each lot will have individual water wells and septic systems.

TRAFFIC ANALYSIS: West Mill Road is a County gravel road.

PUBLIC SERVICE: This area is served by Raymond Rural Fire District and Lancaster County Sheriff. This is in the Norris Public Power service area.

REGIONAL ISSUES: Expansion of acreage lots.

ENVIRONMENTAL CONCERNS: This is not prime farmland.

ALTERNATIVE USES: Continue as farm ground.

ANALYSIS:

1. This request is for a Special Permit for a Community Unit Plan (CUP) for 5 acreage lots. Each lot will have individual water wells and septic systems. A 25% dwelling unit bonus is being requested for preservation of farmland and open space.
2. AG Agricultural zoning allows one dwelling unit per 20 acres. Through the provisions of the Community Unit Plan, bonus lots can be granted when a minimum of 70% of the development area is preserved as open space. These bonuses can be granted for as much as a 25% increase of the allowable density.
3. Density Calculation:

85.13 acres divided by 20 = 4.256 dwelling units

Preserved land: 70% of land to be preserved in outlot

85.13 acres x 70% = 59.59 acres required for bonus
59.71 acres shown currently

With a density bonus of 25%, the density would be:

4.256 x 1.25 = 5.32 dwelling units or 5 dwelling units with rounding.
4. The lots will take access off of the new public road NW 18th Street. The County currently does not maintain county roads when there are less than six dwelling units on the road. The homeowners will be responsible for maintenance of NW 18th Street.
5. Waivers to minimum lot area, average lot width, minimum frontage and setbacks for the AG District are requested. These are typical waivers in a AG community unit

plan. These waivers allow for the clustering of lots on 3 acre parcels. The setback waivers are equivalent to the AGR setbacks.

6. A waiver to block length is requested. The future layout conceptually shows streets off of NW 18th Street. With the future streets, the block length will be reduced significantly. Larger block lengths are typical in rural and acreage developments.
7. A waiver to sidewalks is requested. Sidewalks are required where needed for pedestrian traffic. With only 5 lots within this CUP and each lot over 3 acres in size, pedestrian traffic would be minimal and there are not any sidewalks in the vicinity.
8. The Lancaster County Zoning Regulations Article 14.013o(7) requires that data on the quantity and quality of the water shall be obtained from test wells which shall be drilled on the ration of one to each ten acres on a grid system when individual water wells are used. The applicant has request a waiver to the test wells and instead has provided information from existing wells.
9. Groundwater information from 22 wells was submitted. Nine of the 22 wells are located within the section on which this development is proposed. The pumping rate for all of the wells ranged from 10 gallons per minute to 30 gallons per minute. Lincoln Lancaster County Health Department (LLCHD) considers 5 gallons per minute to be the minimum pumping rate for household needs. Based on the information provided, LLCHD concludes that there is sufficient groundwater for this development and supports the waiver for additional test wells. The Lancaster County Zoning Regulations Article 14.013o(7) requires that data on the quantity and quality of the water shall be obtained from test wells which shall be drilled on the ration of one to each ten acres on a grid system when individual water wells are used. The applicant has request a waiver to the test wells and instead has provided information from existing wells.
10. With the conditions outlined below, this request is found to be in conformance with the Comprehensive Plan and is appropriate for approval.

CONDITIONS OF APPROVAL:

Per Article 13.001z this approval permits a Community Unit Plan for 5 dwelling units and waivers to yard setbacks, minimum lot area, minimum lot frontage, average lot width, sidewalks, block length and test wells every 10 acres.

Site Specific Conditions:

1. Before a final plat is approved the permittee shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including **3** copies with all required revisions and documents as listed below:

- 1.1 Combine Outlot A and B. Show the future street in the outlot and label it "Future street to be graded prior to final plat of adjacent lot."
- 1.2 Add Block 1 for lots on the west side of NW 18th Street. The lots on the east side of NW 18th Street should be Lots 1-2, Block 2.
- 1.3 Identify the use of Outlot A as Agriculture.
- 1.4 Add a note that Height and Area regulations of the AGR District shall apply for all lots within the CUP.
- 1.5 Add the following waivers; yard setbacks, minimum lot area and minimum frontage.
- 1.6 Revise Note 17 to read, "A homeowners association shall be established to maintain NW 18th Street until such time that it is maintained by Lancaster County or another governmental subdivision."
- 1.7 In Note 1 delete "1 outlot for future street"
- 1.8 Revise grading plan and street profile plans to the satisfaction of the County Engineer.
- 1.9 Make the following corrections per the County Engineer;
 - A. Need to show found and/or set boundary corner monuments for subdivision and list monument description.
 - B. Need to show Section corner reference ties and list monument description for same.
 - C. Revise sight distance centerline profile exhibit along West Mill Road at recommended location for NW 18th Street and make reference of development boundary on profile stationing.
 - D. Need drainage areas delineated and ponds which are mentioned in submitted hydraulics report shown on the grading plan to effectively review drainage calculations.
 - E. Add a note to read, "The developer is required to provide all testing related to improvement installation in compliance with Lancaster County design standards and Lancaster County Engineering Department shall receive reports of all test results for grade compaction and load ticket reports to verify quantity of rock and gravel road surface material installed."

2. Before a final plat is approved provide the following documents to the Planning Department:
 - 2.1 Verification from the Register of Deeds that the letter of acceptance as required by the approval of the special permit has been recorded.
3. Prior to issuance of a building permit:
 - 3.1 The construction plans must substantially comply with the approved plans.
 - 3.2 Final plat(s) is/are approved by the County.

If any final plat on all or a portion of the approved community unit plan is submitted five (5) years or more after the approval of the community unit plan, the city may require that a new community unit plan be submitted, pursuant to all the provisions of section 26.31.015. A new community unit plan may be required if the subdivision ordinance, the design standards, or the required improvements have been amended by the city; and as a result, the community unit plan as originally approved does not comply with the amended rules and regulations.

Before the approval of a final plat, the public streets, drainage improvements, land preparation and grading, sediment and erosions control measures, temporary turnaround and barricades, and street name signs, must be completed. The improvements must be completed in conformance with adopted design standards specified in the Land Subdivision Resolution.

No final plat shall be approved until the Permittee, as subdivider agrees:

to maintain County roads in good order and condition, including repair and replacement of paving as reasonably necessary, until the County Board specifically accepts the maintenance.

to relinquish the right of direct vehicular access to West Mill Road except at NW. 18th Street.

Standard Conditions:

4. The following conditions are applicable to all requests:
 - 4.1 Before occupying the dwelling units all development and construction shall substantially comply with the approved plans.
 - 4.2 The physical location of all setbacks and yards, buildings, parking and

circulation elements, and similar matters be in substantial compliance with the location of said items as shown on the approved site plan.

- 4.3 Before occupying the dwelling units City/County Health Department is to approve the water and waste water systems.
- 4.3 The terms, conditions, and requirements of this resolution shall run with the land and be binding upon the Permittee, its successors and assigns.
- 4.4 The applicant shall sign and return the letter of acceptance to the County Clerk. This step should be completed within 60 days following the approval of the special permit. The Permittee shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds. Building permits will not be issued unless the letter of acceptance has been filed.

Prepared by

Tom Cajka
Planner

DATE: October 26, 2016

APPLICANT: REGA Engineering Group
601 Old Cheney Rd. Suite A
Lincoln, NE 68512

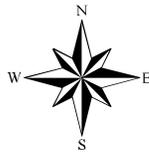
OWNER: Steven Mulbach
5701 Vine Street
Lincoln, NE 68505
402-416-2063

CONTACT: Marcia Kinning
REGA Engineering Group
601 Old Cheney Rd. Suite A
Lincoln, NE 68512
402-484-7342



Special Permit #: SP16049
Glacial Till Ridge CUP
NW 12th St & W Mill Rd

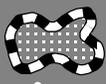
2016 aerial

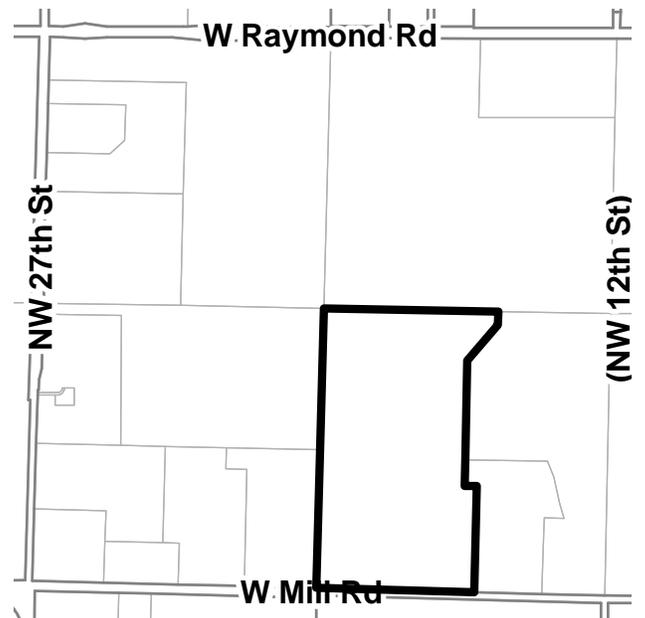


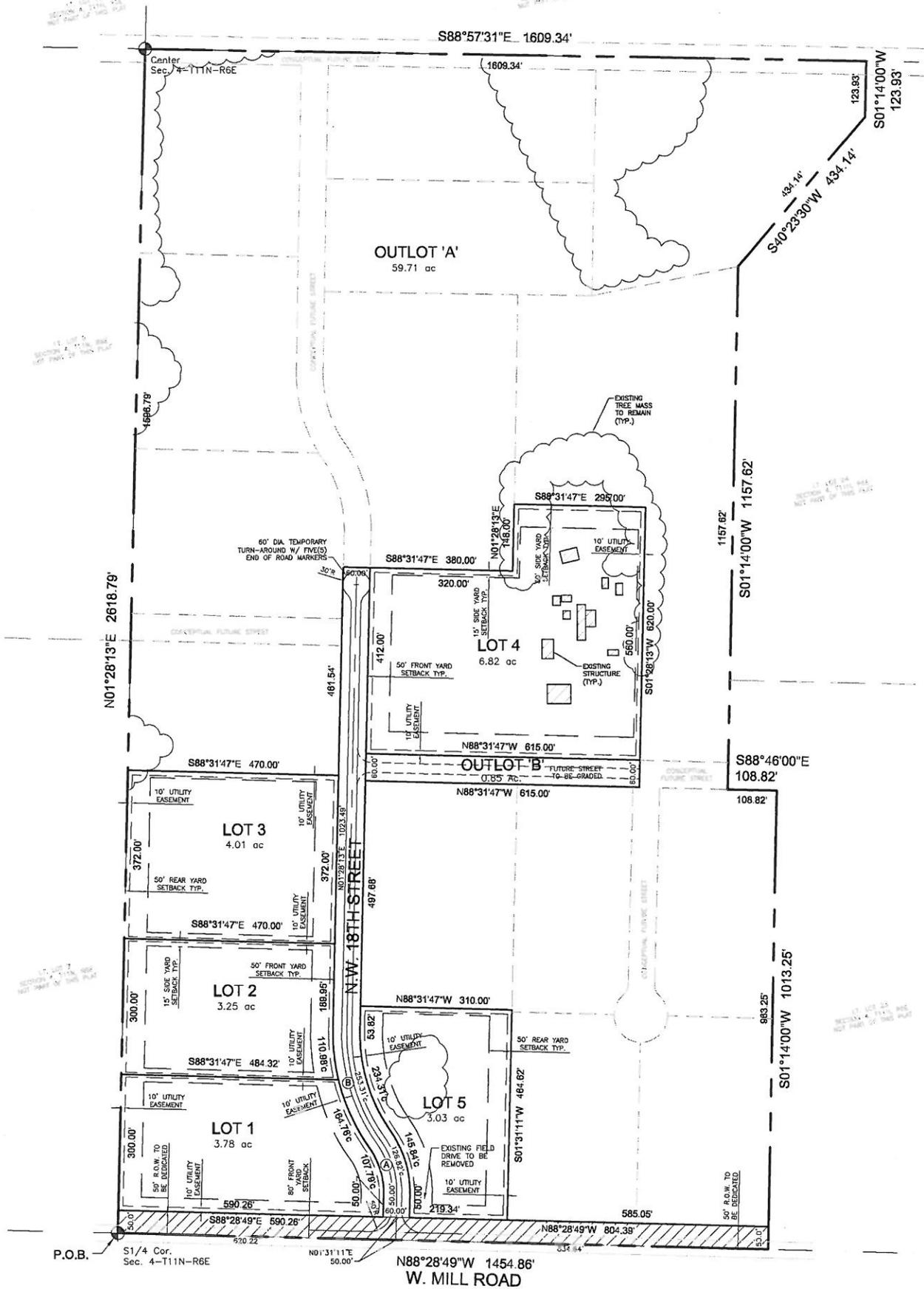
One Square Mile:
 Sec.04 T11N R06E

Zoning:

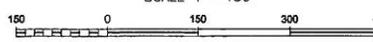
- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial 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





NORTH
SCALE 1" = 150'



GENERAL NOTES

1. THIS COMMUNITY UNIT PLAN CONTAINS 85.13 ACRES.
2. THIS COMMUNITY UNIT PLAN PERMITS 5 SINGLE FAMILY LOTS, 1 OUTLOT FOR FUTURE STREET AND 1 OUTLOT RESERVED FOR FARM USES.
3. THE DEVELOPER PROPOSES THE USE OF INDIVIDUAL WATER WELLS FOR POTABLE WATER SUPPLY. INDIVIDUAL WATER WELLS FOR EACH LOT TO BE CONSTRUCTED IN SUCH A MANNER THAT AN ADEQUATE SUPPLY OF POTABLE WATER MEETING THE CURRENT STANDARDS OF THE DEPARTMENT OF HEALTH OF THE STATE OF NEBRASKA FOR DRINKING PURPOSES IS AVAILABLE TO EVERY LOT WITHIN THE SUBDIVISION AT THE TIME IMPROVEMENTS ARE ERECTED THEREON. ALL WATER WELLS SHALL BE CONSTRUCTED IN COMPLIANCE WITH THE RULES AND REGULATIONS OF THE HEALTH DEPARTMENT.
4. THE DEVELOPER PROPOSES THE USE OF INDIVIDUAL WASTE WATER SYSTEMS. IF PERCOLATION TEST DOES NOT PERMIT SUB SURFACE FIELDS, LAGOONS SHALL BE INSTALLED. WASTE WATER SYSTEMS SHALL BE APPROVED BY THE LANCASTER COUNTY HEALTH DEPARTMENT.
5. THE DEVELOPER SHALL CONSTRUCT AND SURFACE THE PUBLIC STREET WITH 3" OF CRUSHED ROCK AND 1" OF GRAVEL IN ACCORDANCE WITH THE LANCASTER COUNTY STANDARDS. THE COUNTY SHALL BE NOTIFIED PRIOR TO THE LAYING OF THE GRAVEL. ALL SURFACING RADII AT ALL INTERIOR INTERSECTIONS SHALL BE 30 FEET. THE SURFACING RADII AT THE INTERSECTION OF N.W. 18TH STREET AND W. MILL ROAD SHALL BE 50.0 FEET.
6. ALL CURVILINEAR DIMENSIONS ARE CHORD LENGTHS.
7. LOT DIMENSIONS SHOWN ARE APPROXIMATE AND MAY VARY UP TO 10 FEET. ALL DIMENSIONS ALONG CURVES ARE CHORD DISTANCES.
8. ALL INTERSECTION ANGLES SHALL BE 90° UNLESS OTHERWISE NOTED.
9. MOWING AND TRIMMING OF THE SEEDED PORTION OF THE INTERIOR ROADWAY SHALL BE THE RESPONSIBILITY OF THE ADJACENT PROPERTY OWNER.
10. DIRECT VEHICULAR ACCESS TO W. MILL ROAD IS HEREBY RELINQUISHED EXCEPT FOR N.W. 18TH STREET. EACH LOT IS LIMITED TO NO MORE THAN TWO ACCESSES TO N.W. 18TH STREET.
11. ALL TOPOGRAPHIC CONTOURS ARE AT NAVD88 DATUM.
12. EASEMENTS SHALL BE DEDICATED AT THE TIME OF FINAL PLAT FOR CULVERTS THAT EXTEND BEYOND THE PUBLIC RIGHT-OF-WAY.
13. ALL CULVERTS SHALL HAVE EITHER A FLARED-END SECTION OR CONCRETE HEADWALL ON THE INLET END. GRADING SHALL BE CONSTRUCTED TO ALLOW FOR PROPER DRAINAGE THROUGH CULVERTS.
14. GRADING SHALL EXTEND AROUND TEMPORARY TURN-AROUND AND THE DEVELOPER SHALL NOTIFY ALL PURCHASERS THAT DITCHES MAY NOT BE FILLED IN.
15. SIGNS NEED NOT BE SHOWN ON THIS PLAN, BUT NEED TO BE IN COMPLIANCE WITH CHAPTER 27.69 OF THE LINCOLN ZONING ORDINANCE, AND MUST BE APPROVED BY BUILDING & SAFETY DEPARTMENT PRIOR TO INSTALLATION.
16. ALL DRIVEWAY ACCESS APPROACHES TO THE PUBLIC ROADWAY TO BE CONSTRUCTED ACCORDING TO LANCASTER COUNTY ENGINEERING DEPARTMENT GUIDELINE STANDARDS.
17. A HOMEOWNERS ASSOCIATION SHALL BE ESTABLISHED TO MAINTAIN N.W. 18TH STREET UNTIL SUCH TIME THAT IT IS GRANTED AS A PUBLIC STREET TO LANCASTER COUNTY OR THE CITY OF LINCOLN, NEBRASKA, A MUNICIPAL CORPORATION, ITS SUCCESSORS AND ASSIGNS AND TO THE PUBLIC GENERALLY FOR VEHICULAR AND PEDESTRIAN PURPOSES. AT THAT TIME, MAINTENANCE OF N.W. 18TH STREET WILL NOT BE REQUIRED BY THE HOMEOWNERS ASSOCIATION.

WAIVERS

1. BLOCK LENGTH

REGA

ENGINEERING
GROUP, INC.

September 28, 2016
Revised October 5, 2016
Revised October 26, 2016

Mr. David Cary
Planning Director
Tom Cajka, Planner
Lincoln/Lancaster County Planning Department
555 S. 10th Street,
Lincoln, NE 68508

RE: GLACIAL TILL RIDGE – ‘AG’ C.U.P
NW 12th Street & W. Mill Road
REGA Project No: 161166

Dear David:

On behalf of Steven Muhlbach we are submitting a County ‘AG’ Community Unit Plan for review. Glacial Till Ridge consists of 85.13 acres with 5 single family acreage lots, containing a minimum of 3 acres. Each lot shall have individual water wells and septic systems.

The existing site consists of ‘AG’ farming uses. To maximize the premium farm ground, the acreages have been clustered together. The remaining open area will continued to be farmed. The proposed public road will be constructed to meet Lancaster County design standards. The location of the access onto W. Mill Road meets the site distance required by the County and is shown on the street profiles.

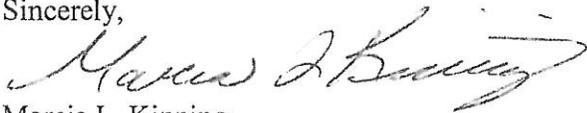
Existing well information provided by NDNR Groundwater Well Registration – Registered Groundwater Wells Data Retrieval will be uploaded into ProjectDox. A report from Moser Well Drilling has also been uploaded into ProjectDox and sent to the Health Department for review.

The following waivers are being requested with this application:

1. Sidewalks – Lancaster County Subdivision Regulations, Chapter 4 (Design Standards) Section 4.06 and Section 5.02. Each lot is at least 3 acre and this project will not be annexed into the City of Lincoln in the near future.
2. Block length – Lancaster County Subdivision Regulations, Chapter 4 (Design Standards) Section 4.07. To preserve as much area as possible for farm land and take advantage of the unique layout of the land, the block length cannot be maintained within the project. Also, each lot is at least 3 acre and this project will not be annexed into the City of Lincoln in the near future.
3. Minimum lot area from 20 acres to 3 acres – Lancaster County Zoning Regulations, Article 4, 4.017(a). The intent with an AG Community Unit Plan is to allowed 3 acres lots with area reserved for open space/farm uses.
4. Lot width – Lancaster County Zoning Regulations, Article 4, 4.017(a). The intent with an AG Community Unit Plan is to allowed 3 acres lots with area reserved for open space/farm uses. With this reduction in size, a reduction in the width of the lot is also needed.
5. Lot frontage – Lancaster County Zoning Regulations, Article 4, 4.017(a). The intent with an AG Community Unit Plan is to allowed 3 acres lots with area reserved for open space/farm uses. With this reduction in size, a reduction of lot frontage is also needed.
6. Side yard setback from 60 feet to 15 feet – Lancaster County Zoning Regulations, Article 4, 4.017(a). The intent with an AG Community Unit Plan is to allowed 3 acres lots with area reserved for open space/farm uses. With this reduction in size, a reduction of setbacks is needed to allow for buildable area within the lot.
7. Rear yard setback from 100 feet to 50 feet – Lancaster County Zoning Regulations, Article 4, 4.017(a). The intent with an AG Community Unit Plan is to allowed 3 acres lots with area reserved for open space/farm uses. With this reduction in size, a reduction of setbacks is needed to allow for buildable area within the lot.
8. Water well report – Lancaster County Zoning Regulations, Article 14, 14.013. In order to accommodate the water tests required by these regulations, well information including water quality testing will be obtained from the existing well within this 'AG' CUP and submitted to John Chess with the Health Department for review.

If you have any questions regarding this application, please contact me at (402) 484-7342.

Sincerely,



Marcia L. Kinning

Cc: Steven Muhlbach

Harry Muhlbach

Enclosures: County Application
Application Fee of \$1,452.00