

FACTSHEET

TITLE: ANNEXATION NO. 04002, requested by Brian D. Carstens & Associates on behalf of Scott Anderson, to annex approximately 20.00 acres, more or less, generally located south of Leighton Avenue and east of N. 84th Street.

STAFF RECOMMENDATION: Approval, subject to an Annexation Agreement

ASSOCIATED REQUESTS: Change of Zone No. 04011 (05-17); Annexation Agreement (05R-30); and Special Permit No. 04009, Anderson's Place Planned Service Commercial Center (05R-31).

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: Consent Agenda: 06/23/04
Administrative Action: 06/23/04

RECOMMENDATION: Approval, subject to an Annexation Agreement (9-0: Carlson, Carroll, Krieser, Larson, Marvin, Pearson, Sunderman, Bills-Strand and Taylor voting 'yes').

FINDINGS OF FACT:

1. This annexation request and the associated Change of Zone No. 04011, Special Permit No. 04009 and Preliminary Plat No. 04007 were heard at the same time before the Planning Commission.
2. This proposal is a request to develop forty residential lots and six commercial lots containing approximately 86,120 sq. ft. of Planned Service Commercial, generally located south of Leighton Avenue and east of N. 84th Street.
3. The staff recommendation to approve the annexation request, subject to an annexation agreement, is based upon the "Analysis" as set forth on p.4-5, concluding that the proposed annexation and associated requests are in conformance with the Comprehensive Plan.
4. On June 23, 2004, this application appeared on the Consent Agenda of the Planning Commission and was opened for public hearing. No one came forward to speak.
5. On June 23, 2004, the Planning Commission agreed with the staff recommendation and voted 9-0 to recommend approval, subject to an annexation agreement.
6. On June 23, 2004, the Planning Commission also voted 9-0 to recommend approval of the associated change of zone request and conditional approval of the Planned Service Commercial special permit.
7. On June 23, 2004, the Planning Commission also voted 9-0 to adopt Resolution No. PC-00880 approving the associated Anderson's Place Preliminary Plat consisting of forty residential lots and six commercial lots.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: January 31, 2005

REVIEWED BY: _____

DATE: January 31, 2005

REFERENCE NUMBER: FS\CC\2005\ANNEX.04002

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for June 23, 2004 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.

P.A.S.: **Annexation #04002**, Change of Zone #04011, Special Permit #04009

PROPOSAL: To annex approximately 20 acres, change the zone from AG to R-3 and H-4 and obtain a special permit for 86,120 square feet in floor area for planned service commercial

LOCATION: Generally located south of Leighton Avenue and east of N. 84th Street.

WAIVER REQUEST:

Special Permit:

Front yard setback from 50'-40' for Lot 4, Block 1
Side yard setback from 50'-20' for Lots 4 and 5, Block 1
Internal side yard setback from 20' to 0' for Lots 1-4, Block 1

<u>LAND AREA:</u>	Annexation	20 acres, more or less.
	Change of Zone from AG to H-4:	11 acres, more or less.
	Change of Zone from AG to R-3:	9 acres, more or less.
	Special Permit:	11 acres, more or less.

CONCLUSION: This request is in conformance with the Comprehensive Plan.

<u>RECOMMENDATION:</u>	Conditional Approval
<u>Annexation:</u>	<u>Conditional Approval</u>
<u>Change of Zone from AG to R-3 and H-4:</u>	Approval
<u>Special Permit:</u>	Conditional Approval
Front yard setback from 50'-40' for Lot 4, Block 1	Approval
Side yard setback from 50'-20' for Lots 4 and 5, Block 1	Approval
Internal side yard setback from 20' to 0' for Lots 1-4, Block 1	Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION: See attached.

EXISTING ZONING: AG, Agriculture.

EXISTING LAND USE: Undeveloped.

SURROUNDING LAND USE AND ZONING:

North:	Undeveloped, residential	R-3 Residential
South:	Residential, church, undeveloped	B-2 Planned Neighborhood business, O-3 Office Park, R-4
East:	Acreage, farm	AG, Agricultural
West:	LES substation, undeveloped	P Public, H-4 Commercial

COMPREHENSIVE PLAN SPECIFICATIONS: This area is indicated as commercial and urban residential in the Comprehensive Plan (F-25).

This area is shown within the Tier 1 - Priority A growth boundary. (F 27, F 31)

Guiding Principles for the Urban Environment include maximizing “present infrastructure investment by planning for residential and commercial development in areas with available capacity.” And by “encouraging a greater amount of commercial space per acre and more dwelling units per acre in new neighborhoods.” (F-17)

“Transition of uses; less intense office uses near residential areas” (F 42)

“Encourage different housing types and choices, including affordable housing, throughout each neighborhood for an increasingly diverse population” (F-18).

“Construction and renovation within the existing urban area should be compatible with the character of the surrounding neighborhood” (F 18).

“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)”. (F-67)

“Encourage a mix of housing types, including single family, duplex, attached single family units, apartments, and elderly housing all within one area. Encourage multi-family near commercial areas” (F 69).

“Require new development to be compatible with character of neighborhood and adjacent uses” (F 69).

HISTORY:

Date when preliminary plat was submitted:	February 17, 2004
Date when Planning Director’s letter was sent:	March 15, 2004
Date when revised preliminary plat was submitted:	May 24, 2004

This area was zoned AG, Agricultural during the **1979** zoning update from A-A, Rural and Public Use district.

UTILITIES: Utilities will be extended by the developer. This development is required to pay a sewer connection fee for connection as required by the Regent Heights Sewer agreement.

A water connection fee is required to connect to the existing 16" water main in Leighton Avenue. The amount of the fee is based on one half the cost of an 8" water main for the portion of the main that abuts commercial uses and one half the cost of a 6" water main for the portion of the main that abuts residential uses.

TRAFFIC ANALYSIS: N. 84th Street is classified as an arterial and Leighton Avenue is a collector street. Leighton Avenue is an existing two lane gravel road. The Subdivision Ordinance requires all roads abutting a subdivision to be paved.

Garland and Colby Streets must be extended to the east when the east property develops and temporary barricades shall be placed until such time as the streets are extended.

A trail is indicated along N. 84th Street and a trail easement was shown to be constructed in the future through the Prairie Village Community Unit Plan north of this area.

PUBLIC SERVICE: Fire service will be provided by the Fire Station #5 located at 3640 Touzalin Avenue, approximately 3 miles from this site. The Fire Department indicated their concern regarding limited resources and fire stations in the area and their limited ability to provide timely fire and rescue service.

AESTHETIC CONSIDERATIONS: The grade of the area shown for storage units is lower than the right of way for N. 84th Street. Planning staff believes an added evergreen screen will enhance the appearance of the storage units, since they are proposed to be closer to the street than typically allowed. Planning staff does not object to the front yard setback waiver as long as additional screening is provided along the west property line

ANALYSIS:

1. This is a request to annex 20 acres, change the zone from AG, Agriculture to R-3, Residential and H-4, Commercial and obtain a special permit for Planned Service Commercial for 86,120 square feet of floor area.
2. This lot is contiguous to the existing city limits and within the future service area and may be annexed. An annexation agreement must be signed prior to scheduling this item on the City Council agenda.
3. This area is shown as urban residential and commercial in the Comprehensive Plan. The zoning request is consistent with the Comprehensive Plan.
4. The commercial floor area ratio is approximately 0.20. The Comprehensive Plan assumes a 0.25 floor area ratio, therefore this request is within an acceptable range and could be increased to increase the use of existing infrastructure.
5. The applicant requests to waive the front yard setback in the special permit along N. 84th Street. Due to the existing overhead power line and 80' easement, planning staff

believes this is reasonable provided the applicant provides additional evergreen screening. Additionally, the applicant requests to waive internal setbacks and the setback abutting the commercial district to the south. Both of these requests are acceptable.

6. The Lincoln Lancaster County Health Department indicated several comments related to noise pollution which are indicated in their attached comments.

ANNEXATION CONDITION:

1. An annexation must be signed prior to scheduling to the City Council.

Prepared by:

Becky Horner
441-6373, rhomer@ci.lincoln.ne.us
Planner

DATE: June 8, 2004

APPLICANT: Brian D. Carstens and Associates
601 Old Cheney Road, Suite C
Lincoln, NE 68512
(402)434-2424

OWNER: Scott Anderson
PO Box 30842
Lincoln, NE 68503

CONTACT: Brian D. Carstens and Associates

**ANNEXATION NO. 04002
CHANGE OF ZONE NO. 04011
SPECIAL PERMIT NO. 04009, ANDERSON'S PLACE**

**CONSENT AGENDA
PUBLIC HEARING & ADMINISTRATIVE ACTION
BEFORE PLANNING COMMISSION:**

June 23, 2004

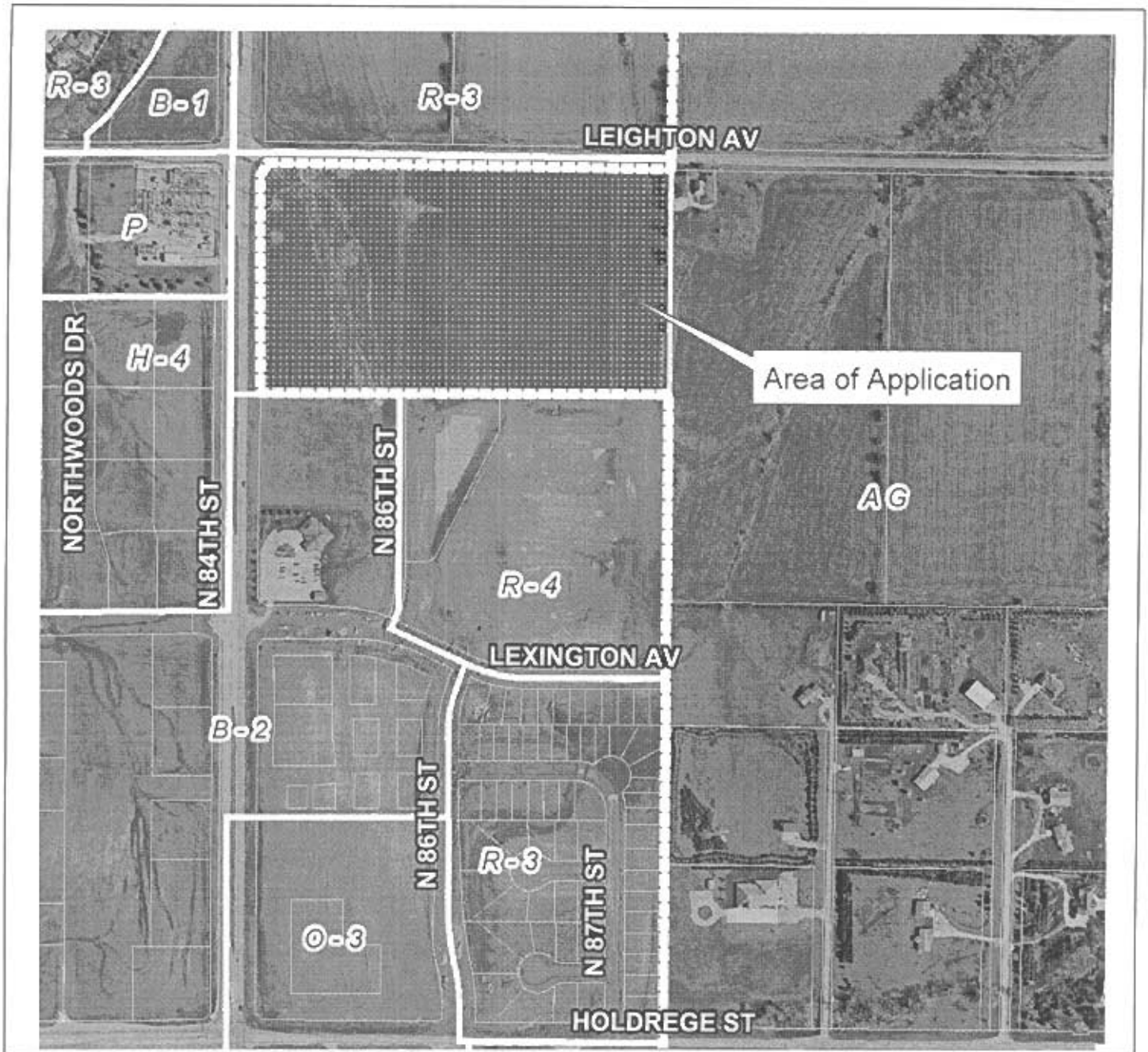
Members present: Carlson, Carroll, Krieser, Larson, Marvin, Pearson, Sunderman, Bills-Strand and Taylor.

The Consent Agenda consisted of the following items: **CHANGE OF ZONE NO. 04039; SPECIAL PERMIT NO. 2046A; USE PERMIT NO. 150A; SPECIAL PERMIT NO. 04030; SPECIAL PERMIT NO. 04031; COUNTY FINAL PLAT NO. 04060, HILLTOP ESTATES 2ND ADDITION; COUNTY FINAL PLAT NO. 04062, THE PRESERVE AT CROSS CREEK 1ST ADDITION; ANNEXATION NO. 04002; CHANGE OF ZONE NO. 04011; SPECIAL PERMIT NO. 04009; and PRELIMINARY PLAT NO. 04007, ANDERSON'S PLACE.**

Item No. 1.1a, Change of Zone No. 04039; Item No. 1.1b, Special Permit No. 0246A; Item No. 1.1c, Use Permit No. 150A; and Item No. 1.5, County Final Plat No. 04062, were removed from the Consent Agenda and scheduled for separate public hearing.

Larson moved to approve the remaining Consent Agenda, seconded by Krieser and carried 9-0: Carlson, Carroll, Krieser, Larson, Marvin, Pearson, Sunderman, Bills-Strand and Taylor voting 'yes'.

This is final action on Special Permit No. 04030, Special Permit No. 04031 and the Anderson's Place Preliminary Plat No. 04007, unless appealed to the City Council by filing a letter of appeal with the City Clerk within 14 days of the action by the Planning Commission.



2002 aerial

Annexation #04002 N. 84th & Leighton

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. 14 T10N R7E



Zoning Jurisdiction Lines

City Limit Jurisdiction



ANDERSON'S PLACE

ANNEXATION/

PRELIMINARY PLAT LEGAL DESCRIPTION:

A survey of Lot 100 Irregular Tracts, located in the Southwest Quarter of Section 14 Township 10 North Range 7 East of the Sixth Principal Meridian, Lancaster County, Nebraska. More particularly described by metes and bounds as follows:

Commencing at the West 1/4 Corner of Section 14 Township 10 North Range 7 East of the Sixth P.M.; Thence South 89°24'54" East, (an assumed bearing) on the North line of the Southwest Quarter, a distance of 1326.42 feet to a found 5/8" Rebar for the North 1/16 Corner of the Southwest Quarter; Thence South 00°02'38" west, on the West line of Lot 10 I.T. extended, a distance of 33.00 feet, to the Northwest corner of Lot 10 I.T. and the POINT OF BEGINNING; Thence continuing on the Previous bearing of South 00°02'38" West, on the East line of Said Lot 100 I.T., a distance of 675.99 Feet, to the Northeast Corner of Morning Glory Estates Addition; Thence South 89°57'47" West, on the North line of said addition, a distance of 1235.35 feet, to the Northwest Corner of Morning Glory Estates Addition, said point being on the East Right of Way of North 84th Street; Thence North 00°02'13" West on the East Right of Way of North 84th Street, a distance of 105.38 feet; Thence North 00°59'41" West, on said right of Way, a distance of 299.12 feet; Thence North 00°02'13" West, on the East Right of Way of North 84th Street, a distance of 245.00 feet; Thence North 26°39'06" East, on the Southeasterly right of way of North 84th Street, a distance of 44.53 feet, to a point on the South right of way of Leighton Avenue; Thence South 89°24'55" East, on said South right of way, a distance of 1221.36 feet to the POINT OF BEGINNING, and containing a calculated area of 845,456.48 square feet or 19.409 acres more or less.

FEB 17 2004 008

Richard J Furasek
06/04/2004 03:09 PM

To: Rebecca D Horner/Notes@Notes
cc:
Subject: Anderson Place resubmitted

Upon review of the Anderson Place resubmitted, we find it acceptable from the perspective of our department. The only concern is our limited resources and fire stations in this area that does not allow us to provide the timely fire and rescue service that the people of the city have grown to expect.

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