

City Council Introduction: **Monday**, February 7, 2005  
Public Hearing: **Monday**, February 14, 2005, at **1:30** p.m.

Bill No. 05-18

## **FACTSHEET**

**TITLE:** **CHANGE OF ZONE NO. 04067**, from AGR Agricultural Residential District and H-4 General Commercial District to R-3 Residential District, requested by Brian D. Carstens and Associates on behalf of Hartland Homes, on property generally located southwest of the intersection of West "A" Street and S.W. 27<sup>th</sup> Street.

**STAFF RECOMMENDATION:** Approval

**ASSOCIATED REQUESTS:** Special Permit No. 04054, Hartland Homes Southwest 1<sup>st</sup> Addition Community Unit Plan (05R-32).

### **FINDINGS OF FACT:**

1. This change of zone request and the associated Hartland Homes Southwest 1<sup>st</sup> Addition Community Unit Plan (Special Permit No. 04054) were heard at the same time before the Planning Commission.
2. The purpose of this proposal is to change the zoning from AGR and H-4 to R-3 to develop a community unit plan consisting of 382 single family dwelling units, generally located southwest of the intersection of West "A" Street and S.W. 27<sup>th</sup> Street.
3. The staff recommendation of approval is based upon the "Analysis" as set forth on p.5, concluding that the proposal is in conformance with the Comprehensive Plan and the Zoning Ordinance.
4. The applicant's testimony is found on p.7.
5. There was no testimony in opposition.
6. On November 10, 2004, the Planning Commission agreed with the staff recommendation and voted 7-0 to recommend approval.
7. On November 10, 2004, the Planning Commission also recommended conditional approval of the associated community unit plan special permit.

**SPONSOR:** Planning Department

**BOARD/COMMITTEE:** Planning Commission  
Public Hearing: 11/10/04  
Administrative Action: 11/10/04

**RECOMMENDATION:** Approval (7-0: Carlson, Pearson, Carroll, Marvin, Larson, Krieser and Bills-Strand voting 'yes'; Taylor and Sunderman absent).

**FACTSHEET PREPARED BY:** Jean L. Walker

**DATE:** February 1, 2005

**REVIEWED BY:** \_\_\_\_\_

**DATE:** February 1, 2005

**REFERENCE NUMBER:** FS\CC\2005\CZ.04067

**LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT**

**for November 10, 2004 PLANNING COMMISSION MEETING**

**\*\*As Revised by Staff and Recommended for Conditional Approval  
by Planning Commission:  
November 10, 2004\*\***

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.:** Special Permit #04054  
Change of Zone #04067

**PROPOSAL:** Community Unit Plan for 384 single family dwellings and change of zone from H-4, General Commercial and AGR, Agricultural Residential to R-3, Residential.

**LOCATION:** Southwest of the intersection of West "A" St. & S. W. 27<sup>th</sup> St.

**WAIVER REQUEST:**  
Eliminate the preliminary plat process  
Block length for Block 13  
Average Lot width from 50' to 42'  
Lot area from 6,000 s. f. to 4,000 s. f.

**LAND AREA:** 91.3 acres, more or less.

**CONCLUSION:** The proposed change of zone and Community Unit Plan are in conformance with the comprehensive plan and zoning ordinance.

**RECOMMENDATION:**

Special Permit	Conditional Approval
Change of Zone	Approval

**WAIVERS**

Eliminate the preliminary plat process	Approval
Block Length	Approval
Lot Area	Approval
Average Lot Width	Approval

**GENERAL INFORMATION:**

**LEGAL DESCRIPTION:** Lots 54 & 68 Irregular Tracts, located in the NE 1/4 of Section 32, Township 10 North, Range 6 East, Lancaster County, Nebraska.

**EXISTING ZONING:** H-4, General Commercial  
AGR, Agricultural Residential

**EXISTING LAND USE:** Undeveloped

**SURROUNDING LAND USE AND ZONING:**

North:	AGR, Agricultural Residential	Undeveloped/Agriculture
	H-4, General Commercial	Undeveloped/Agriculture
South:	P, Public	Correctional Center, State property
East:	R-3, Residential	Single-family houses/undeveloped
West:	R-3, Residential	Single-family houses

**ASSOCIATED APPLICATIONS:** Change of Zone #04067

**HISTORY:**

- August 2, 2004** The Lincoln Airport F.A.R. Part 150 Noise Compatibility Study, 2003 was adopted by City Council.
- June 17, 2002** Hartland Homes SW Preliminary Plat and Community Unit Plan located at S. W. 27<sup>th</sup> St. & W. South St. was approved by City Council.
- June 17, 2002** Change of Zone #3361 from AGR, Agricultural Residential to R-3, Residential located at S. W. 27<sup>th</sup> St. & W. South St. was approved by the City Council.
- November 29, 1999** Timber Valley Preliminary Plat generally located at S. W. 31<sup>st</sup> & West "A" St. was approved by City Council.
- April 27, 1998** Annexation #97010 annexing the area southwest of West "A" St. & S. W. 27<sup>th</sup> St. was approved by the City Council.
- March 2, 1998** Change of Zone #3044 from AGR, Agricultural residential to H-4 General Commercial was approved by the City Council.

**COMPREHENSIVE PLAN SPECIFICATIONS:**

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.” (F-17)

Affordable housing should be distributed throughout the region to be near job opportunities and to provide housing choices within every neighborhood. Encourage different housing types and choices, including affordable housing, throughout each neighborhood for an increasingly diverse population. (F-18)

Interconnected networks of streets, trails, and sidewalks should be designed to encourage walking and bicycling, reduce the number and length of automobile trips, conserve energy and for the convenience of the residents. (F-18)

Transit, pedestrian, and bicycle networks should maximize access and mobility to provide alternatives and reduce dependence upon the automobile. (F-19)

The Land Use Plan identifies this area as urban residential and commercial. (F-25)

The Land Use Plan displays the generalized locations of each land use. It is not intended to be used to determine the exact boundaries of each designation. The area of transition from one land use is often gradual. The Comprehensive Plan also encourages the integration of compatible land uses, rather than a strict segregation of different land uses. (F-27)

Provide different housing types and choices, including affordable housing, throughout each neighborhood for an increasingly diverse population. (F-66)

Transit, pedestrian, and bicycle networks should maximize access and mobility to provide alternatives and reduce dependence upon the automobile. Sidewalks should be provided on both sides of all streets or in alternative locations as allowed through design standards or the Community Unit plan process. (F-66)

Interconnected networks of streets, trails, and sidewalks should be designed to encourage walking and bicycling and provide multiple connections within and between neighborhoods. (F-66)

Guiding principles for new neighborhoods includes:

1. Similar housing types face each other: single family faces single family, change to different use at rear of lot;
2. Parks and open space within walking distance to a ll residences;
3. Pedestrian orientation; shorter block lengths, sidewalks on both sides of all roads (F-67)

The Lincoln Airport Authority has assessed the existing and future noise impacts, noise contours for the Airport environment in a Part 150 Airport Noise Compatibility Planning Study. The Comprehensive Plan will use information from the Part 150 Study to guide land use planning throughout the airport environs. (F-123)

**UTILITIES:** Utilities are available to serve this development.

**TOPOGRAPHY:** The east half and the southwest corner of the property generally slopes south to north. The northwest portion generally slopes from north to south.

**TRAFFIC ANALYSIS:**

West “A” is classified as a minor arterial. Improvements to West “A” St. are shown in the 2004-2010 Capital Improvement Program. Improvements consist of changing West “A” St. to two through lanes plus left and/or right turn lanes at intersections. The project is scheduled to be completed in 2008.

S.W. 27<sup>th</sup> St. is a local street. Currently S.W. 27<sup>th</sup> St. is a rural cross section with a gravel surface. A paving district was approved for SW 27<sup>th</sup> St.

**PUBLIC SERVICE:** The nearest fire station is located on Coddington Ave., south of West "A" Street.

Roper Elementary school is located at Coddington Ave. & West South St.

**ANALYSIS:**

1. This is a request for a change of zone from H-4 and AGR to R-3 and for a Community Unit Plan to develop 384 single family lots.
2. The site is 91.3 acres. The allowed overall density is 614 dwelling units, however the applicant is requesting only 384 dwelling units resulting in a density of 4.2 dwelling units per acre.
3. This area could not be used for residential previously because it exceeded the DNL 70 noise contour. The recently approved Noise Compatibility Study revised the noise contours and this area now lies between the DNL 60 and 65 noise contour. Residential uses are allowed up to the DNL 70 line. The western edge of this development is below the DNL 60 line.
4. The proposed residential development is compatible with the adjacent land use and is in conformance with the 2025 Comprehensive Plan. There are residential developments to the west and across S.W. 27<sup>th</sup> St. to the east.
5. The applicant is requesting a waiver to lot width and lot area to allow 42' x 110' lots in some areas. The smaller lots allow for different housing types and choices. This waiver is acceptable to Planning staff.
6. The applicant is requesting a waiver to block length for Block 13. This waiver is acceptable because a street stub from the west was not provided for connection into this property.
7. This development is subject to the requirement for park land dedication, impact fees for park facilities at the time of building permits, or a combination of both. A city-owned park is not planned within this development, and the Parks and Recreation Department is requesting impact fees in lieu of the park land dedication.

Prepared by:

Tom Cajka  
Planner

**DATE:**                    October 27, 2004

**APPLICANT:** Duane Hartman  
Hartland Homes  
P. O. Box 22787  
Lincoln, NE 68542  
(402) 477-6668

**OWNER:** same as applicant

**CONTACT:** Brian D. Carstens  
Brian D. Carstens & Associates  
601 Old Cheney Rd. Suite "C"  
Lincoln, NE 68512  
(402) 434-2424

**CHANGE OF ZONE NO. 04067  
and  
SPECIAL PERMIT NO. 04054,  
HARTLAND HOMES SW 1<sup>ST</sup> ADDITION  
COMMUNITY UNIT PLAN**

**PUBLIC HEARING BEFORE PLANNING COMMISSION:**

November 10, 2004

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

Staff recommendation: Approval of the change of zone and conditional approval of the community unit plan.

Ex Parte Communications: None.

Tom Cajka of Planning staff submitted proposed the following amendments to the conditions of approval on the special permit:

- 1.1.3            Dedicate 33' 27' of additional right-of-way along West "A" St. **(\*\*As revised by staff and recommended by Planning Commission: 11/10/04\*\*)**
  
- 1.1.14           Show a 6' wide outlot along West "A" Street for a bike trail.
  
- 1.1.15           Provide a pedestrian easement from W. Peach Place to the west boundary of the development.
  
- 1.1.16           As required by Section 26.23.160, show the dedication of at least 2.14 acres for a neighborhood park in the southwest portion of the community unit plan to the satisfaction of the Director of Parks & Recreation Department.

Proponents

**1. Brian Carstens** appeared on behalf of **Hartland Homes**, explaining that this is a community unit plan for 384 single family residential units with a change of zone to allow the residential use. This property became available for residential development with the adoption of the new Airport Environs map. The applicant agreed with the staff's proposed amendments to the conditions of approval.

There was no testimony in opposition.

**CHANGE OF ZONE NO. 04067**

**ADMINISTRATIVE ACTION BY PLANNING COMMISSION**: November 10, 2004

Larson moved approval, seconded by Krieser and carried 7-0: Carlson, Pearson, Carroll, Marvin, Larson, Krieser and Bills-Strand voting 'yes'; Taylor and Sunderman absent. This is a recommendation to the City Council.

**SPECIAL PERMIT NO. 04054**

**ADMINISTRATIVE ACTION BY PLANNING COMMISSION**

November 10, 2004

Carlson moved to approve the staff recommendation of conditional approval, with the amendments submitted today, seconded by Carroll and carried 7-0: Carlson, Pearson, Carroll, Marvin, Larson, Krieser and Bills-Strand voting 'yes'; Taylor and Sunderman absent. This is a recommendation to the City Council.





2002 aerial

**Special Permit #04054**  
**Change of Zone #04067**  
**SW 27th & West 'A' St.**

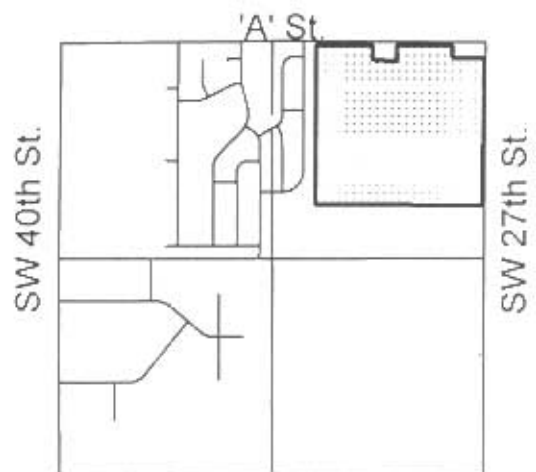
**Zoning:**

- 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. 32 T10N R6E



Zoning Jurisdiction Lines  
 City Limit Jurisdiction



Van Dorn St.

009

# HARTLAND HOMES SOUTHWEST 1ST ADDITION

## LEGAL DESCRIPTION:

A survey of the Lots 54, and 68, of Irregular Tracts, located in the Northeast Quarter of Section 32 Township 10 North Range 6 East of the Sixth Principal Meridian, Lancaster County, Nebraska, more particularly described by metes and bounds as follows.

Comencing at the North 1/4 Corner of Section 32 Township 10 North Range 6 East of the Sixth Principal Meridian; Thence South 89°43'52" East, (an assumed bearing) on the North line of the Northeast Quarter of Section 32, a distance of 530.30 feet;  
Thence South 00°10'36" East, on the East line of Timber Valley Addition extended, a distance of 33.00 feet, to the POINT OF BEGINNING;

Thence South 89°43'52" East, on the South right of way line of West A Street, a distance of 713.16 feet, to the Northwest corner of Lot 31 Irregular Tract;

Thence South 00°13'01" West, on the West line of Lot 31 Irregular Tract, a distance of 149.73 feet, to the Southwest corner of said Lot 31;

Thence South 89°41'11" East, on the South line of Lot 31, a distance of 300.16 feet, to the Southeast Corner of said Irregular Tract Lot 31;

Thence North 00°16'27" East, on the East line of Lot 31, a distance of 150.02 feet, to a point on the South right of way of West A Street;

Thence South 89°43'37" East, on the said right of way line, a distance of 689.65 feet, to the Northwest corner of Lot 32 Irregular Tract;

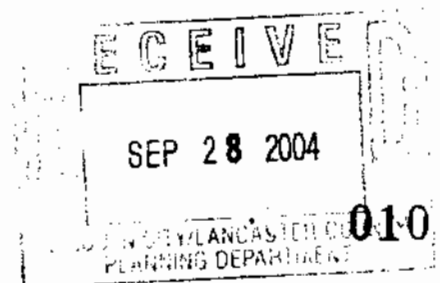
Thence South 00°17'35" West, on the West line of Lot 32 I.T., a distance of 150.00 feet;

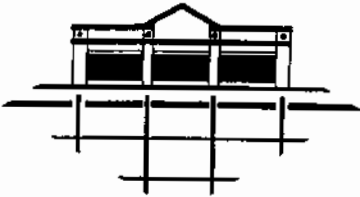
Thence South 89°43'48" East, on the South line of Lots 32, and 34 Irregular Tract, a distance of 384.95 feet, to a point on the West right of way of Southwest 27th Street;

Thence South 00°17'42" West, on the said West right of way, a distance of 1806.36 feet, to a point on the North line of Maple Street;

Thence South 89°59'33" West, on the North line of Maple Street, Lot 23, and Lot 18, Irregular Tract, a distance of 2071.96 feet, to the Southeast corner of Outlot A, Timber Valley, Addition;

Thence North 00°10'36" West, on the East line of Timber Valley Addition, a distance of 1966.59 feet to the POINT OF BEGINNING, and containing a calculated area of 3,978,418.33 Square feet or 91.332 acres more or less.





**BRIAN D. CARSTENS AND ASSOCIATES**  
LAND USE PLANNING RESIDENTIAL & COMMERCIAL DESIGN  
601 Old Cheney Road, Suite C Lincoln, NE 68512 Phone: 402.434.2424

September 28, 2004

Mr. Marvin Krout  
Director of Planning  
City of Lincoln/ Lancaster County  
555 South 10<sup>th</sup> Street  
Lincoln, NE 68508

RE: HARTLAND HOMES SOUTHWEST 1<sup>ST</sup> ADD. - SPECIAL PERMIT/ C.U.P.  
SOUTHWEST 27<sup>TH</sup> AND WEST 'A' STREETS

Dear Marvin, on behalf of Heartland Homes, Inc., we submit the following Special Permit for a Community Unit Plan for your review.

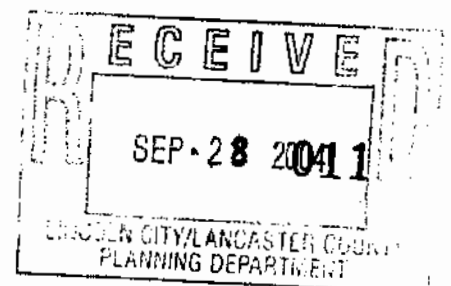
Hartland Homes S.W. 1<sup>st</sup> Addition is located immediately west of the previously approved Hartland Homes Southwest Addition/ Preliminary Plat/ C.U.P., located at S.W. 27<sup>th</sup> and West South Streets.

The site is currently zoned 'H-4' and 'AGR', thus we are submitting a change of zone to 'R-3' for the entire development. With the new airport environs mapping, almost the entire site is within the 'DNL 60' line. Residential development can occur in this area, with minor modifications to the homes, such as double pane windows, etc.

This project contains 379 single family dwelling units on various sizes of lots. The site is bisected by an existing drainage way that is being preserved with the development of the project. There are 3 street crossings across the drainage areas. We are proposing a ½ court basketball court and a climbing/ slide structure as part of the recreational plan on a common outlot.

We are requesting a waiver to the subdivision ordinance to eliminate the 'preliminary plat' procedures, as we are submitting a Special Permit for a C.U.P. at this time.

We are also requesting a 'block length' waiver on Block 13, as there were no street connections planned between this property and the subdivision to the west.



Page 2

Please feel free to contact me if you have any further questions.

Sincerely,



Brian D. Carstens

cc: Duane Hartman, Hartland Homes, Inc.  
Peter Katt, PFHB & K  
Lyle Loth, E.S.P.

Enclosures: 24 copies of sheet 1 of 8  
8 copies of sheets 2 thru 8  
Application for a Special Permit  
Application for a Change of Zone & Exhibits  
Application Fees \$3,120.00  
Certificate of Ownership  
8-1/2" x 11" Reductions of the Plans

