

FACTSHEET

TITLE: **ANNEXATION NO. 06007**, requested by Charleston Heights, LLC, to annex 78.03 acres, more or less, generally located at North 14th Street and Humphrey Avenue.

STAFF RECOMMENDATION: Approval

ASSOCIATED REQUESTS: Change of Zone No. 06026 (06-82).

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 05/10/06
Administrative Action: 05/10/06

RECOMMENDATION: Approval (8-0: Larson, Carroll, Esseks, Strand, Cornelius, Taylor, Sunderman and Carlson voting 'yes'; Krieser absent).

FINDINGS OF FACT:

1. This request to annex approximately 78.03 acres was heard before the Planning Commission in conjunction with the associated change of zone to R-3 and Charleston Heights Community Unit Plan.
2. The staff recommendation to approve the annexation request is based upon the "*Analysis*" as set forth on p.4, concluding that the proposed annexation is in conformance with the Comprehensive Plan. No annexation agreement is required.
3. The minutes of the public hearing before the Planning Commission are found on p.6-7.
4. There was no testimony in opposition.
5. On May 10, 2006, the Planning Commission agreed with the staff recommendation and voted 8-0 to recommend approval.
6. The Planning Commission also voted 8-0 to recommend approval of the associated Change of Zone No. 06026 and to adopt Resolution No. PC-00996 approving the Charleston Heights Community Unit Plan.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: May 15, 2006

REVIEWED BY: _____

DATE: May 15, 2006

REFERENCE NUMBER: FS\CC\2006\ANNEX.06007+

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for MAY 10, 2006 PLANNING COMMISSION MEETING

PROJECT #: **Annexation #06007**
Change of Zone No.06026

Note: 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.

PROPOSAL: Annex 78.03 acres, more or less and change of zone from AG-Agricultural to R-3 Residential.

LOCATION: N. 14th St. and Humphrey Ave.

LAND AREA: 78.03 acres, more or less

EXISTING ZONING: AG-Agricultural

CONCLUSION: This Change of Zone and Annexation is in conformance with the Comprehensive Plan.

RECOMMENDATION:

Annexation
Change of Zone

Approval
Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION: Lot 2, Irregular Tract located in the Northeast Quarter of Section 35, Township 11 North, Range 6 East, Lancaster County, Nebraska

EXISTING LAND USE: Agriculture

SURROUNDING LAND USE AND ZONING:

| | | |
|--------|-----------------|---|
| North: | AG-Agricultural | Undeveloped/Agriculture |
| South: | R-3 Residential | Single-family residential and undeveloped |
| East: | R-3 Residential | Single-family and two-family residential |
| West: | AG-Agricultural | Acreages |

ASSOCIATED APPLICATIONS:

Special Permit #06030, Charleston Heights Community Unit Plan

HISTORY:

- August 1, 2005 Annexation #04001 and Change of Zone #04007 for Stonebridge Creek 1st Addition were approved by the City Council.
- June 20, 2005 Annexation #05006, Change of Zone #05024 and Special Permit #05015 for Hartland's Garden Valley Community Unit Plan, located immediately to the south, was approved by the City Council.
- June 23, 2004 Preliminary Plat #04002, Stonebridge Creek 1st Addition, located immediately to the southeast, was approved by the Planning Commission.
- August 27, 2001 Annexation #00003, Change of Zone #3265 and Preliminary Plat #00017, Stonebridge Creek , located to the east, was approved by the City Council

COMPREHENSIVE PLAN SPECIFICATIONS:

The Land Use Map of the 2025 Comprehensive Plan identifies the proposed annexation area as Urban residential. (F-23)

The proposed annexation area is inside the future service limits and within Tier One Priority A & B (F-31)

The provision of municipal services shall coincide with the jurisdictional boundaries of the City—in short, it is not the intent of the City of Lincoln to extend utility services (most notably, but not necessarily limited to, water and sanitary sewer services) beyond the corporate limits of the City. (F-154)

The extension of water and sanitary sewer services shall be predicated upon annexation of the area by the City. City annexations shall occur before any property is provided with water, sanitary sewer, or other potential City services. (F-154)

Annexation generally implies the opportunity to access all City services. Voluntary annexation agreements may limit or otherwise outline the phasing, timing or installation of utility services (e.g. water, sanitary sewer) and may include specific or general plans for the private financing of improvements to the infrastructure supporting or contributing to the land uses in the annexed area. (F-154,155)

UTILITIES:

- A. **Sanitary Sewer:** There is no sanitary sewer in N. 14th St. abutting this property. There is an existing 8" sanitary sewer in Humphrey Ave. to serve this development.
- B. **Water:** There is an existing 12" water main in Humphrey Ave. to serve this development.
- C. **Roads:** N. 14th St. is a two-lane asphalt county road cross-section. N. 14th St. is classified "minor arterial" and Humphrey Ave. is classified as "collector" in the 2025 Comprehensive Plan. N. 14th St. is shown as a proposed project in the Comprehensive Plan, but is not shown in the six-year CIP. The owner shall dedicate right-of-way along N. 14th St. as a condition of annexation.
- D. **Parks and Trails:** There are no proposed trails at this location.
- E. **Fire Protection:** Adequate fire protection may be provided. The Fire Department has no objection.

TRAFFIC ANALYSIS:

N. 14th St. is designated as a minor arterial in the Comprehensive Plan.
Humphrey Ave. is designated as an urban collector in the Comprehensive Plan

PUBLIC SERVICE:

The nearest fire station is Station 10 located at N. 14th St. and Adams St.

There are two elementary schools located about equal distance from the proposed development; Campbell Elementary located approximately at N. 22nd St. and Superior St. and Belmont Elementary located approximately at N. 14th St. and Adams St. Lincoln Public Schools has proposed constructing a new elementary school at approximately N. 14th St. and Alvo Rd.

ANALYSIS:

1. This is a request for Annexation of 78.03 acres of land at N. 14th & Humphrey Avenue and a Change of Zone from AG-Agriculture to R-3 Residential to permit a Community Unit Plan. (see associated request, SP#06030)
2. The proposed annexation area is contiguous to the City limits. Stone Bridge Creek subdivision is located on the east side of N. 14th St. and Hartland’s Garden Valley subdivision is located south of this proposed annexation area.
3. The area of annexation is within the future service limits and within Tier One Priority A & B as identified in the 2025 Comprehensive Plan.
4. The Future Land Use Plan identifies this area as urban residential.
5. An annexation agreement is not required for this development. All utilities are available and the site plan shows additional dedicated right-of-way along N. 14th St. and Humphrey Ave. The additional right-of-way shall be dedicated at the time of final plat.
6. Annexation policy:
 - ! Land which is remote from the limits of the City of Lincoln will not be annexed; land which is contiguous and generally urban in character may be annexed; and land which is engulfed by the City should be annexed.
 - ! Annexation generally implies the opportunity to access all City services. Voluntary annexation agreements may limit or otherwise outline the phasing, timing or installation of utility services (i.e., water, sanitary sewer) and may include specific or general plans for the private financing of improvements to the infrastructure supporting or contributing to the land uses in the annexed area.
 - ! Plans for the provision of services within the areas considered for annexation should be carefully coordinated with the Capital Improvements Program of the city and the county."

Prepared by:

Tom Cajka
Planner

DATE: April 26, 2006

APPLICANT: Charleston Heights, LLC
1233 Infinity Court
Lincoln, NE 68512
(402) 420-2950

OWNER: Parrot Family Farms
5329 Marigold Court
Lincoln, NE 68521
(402) 477-1165

CONTACT: Paula Dicero
1233 Infinity Court
Lincoln, NE 68512
(402) 420-2950

**ANNEXATION NO. 06007,
CHANGE OF ZONE NO. 06026
and
SPECIAL PERMIT NO. 06026,
CHARLESTON HEIGHTS COMMUNITY UNIT PLAN**

PUBLIC HEARING BEFORE PLANNING COMMISSION:

May 10, 2006

Members present: Larson, Taylor, Carroll, Esseks, Strand, Cornelius, Sunderman and Carlson; Krieser absent.

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

Staff presentation: Tom Cajka of Planning staff described the proposal, stating that the community unit plan is for 206 single family lots and 144 attached single family lots, for a total of 350 dwelling units. The project is located on the northwest corner of N. 14th and Humphrey Avenue, with existing residential development on the east side of 14th and a new development just starting to take shape on the south side of Humphrey. There is a proposed elementary school and park to the north. There are existing acreages to the west. This area is contiguous to the city limits and all utilities are available to service this property.

The applicant has requested waivers and modifications to the requirements. The staff agrees with the modification of the minimum lot area; however, the staff does not believe the block length and pedestrian easement should be waived. There is adequate area to either move the street or make another street connection to lessen the block length. A pedestrian easement could be put in an alternate location out to 14th Street.

Cajka made a correction to the conditions of approval on the community unit plan, deleting Condition #2.3 because the staff agrees to waive the recreation facility based on the closeness of the park and the elementary school.

Carroll asked whether the park would go somewhere else if LPS does not build a school in this location. Cajka advised that the Parks Department comments state that Parks is not going to ask for park land with this development. The subdivision ordinance allows the Parks Department to either ask for park land or impact fee in lieu of park land. Parks is asking for the impact fee in this situation.

Proponents

1. Paula Dicero of SNB Management Corporation appeared on behalf of the developer, **Charleston Heights, LLC**, which is proposing this residential development of townhouses and single family. She agreed with the conditions of approval set forth in the staff report and **withdrew** the waiver of the pedestrian easement and block length. She explained that the developer is currently in negotiation with LPS. The developer has an option on the 40 acres in the northwest

corner. LPS has indicated that they plan to build a school in this area in 2007, but they do not know the location. Therefore, the developer is now negotiating to float it on the north part and will do a land swap wherever LPS decides to locate.

There was no testimony in opposition.

ANNEXATION NO. 06007

ACTION BY PLANNING COMMISSION:

May 10, 2006

Strand moved approval, seconded by Carroll and carried 8-0: Larson, Taylor, Carroll, Esseks, Strand, Cornelius, Sunderman and Carlson voting 'yes'; Krieser absent. This is a recommendation to the City Council.

CHANGE OF ZONE NO. 06026

ACTION BY PLANNING COMMISSION:

May 10, 2006

Strand moved approval, seconded by Carroll and carried 8-0: Larson, Taylor, Carroll, Esseks, Strand, Cornelius, Sunderman and Carlson voting 'yes'; Krieser absent. This is a recommendation to the City Council.

SPECIAL PERMIT NO. 06030

ACTION BY PLANNING COMMISSION:

May 10, 2006

Strand moved to approve the staff recommendation of conditional approval, with amendment deleting Condition #2.3 as requested by staff, seconded by Carroll and carried 8-0: Larson, Taylor, Carroll, Esseks, Strand, Cornelius, Sunderman and Carlson voting 'yes'; Krieser absent. This is final action, unless appealed to the City Council within 14 days.



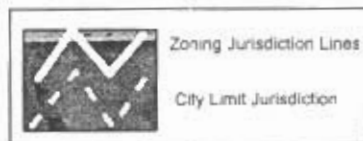
**Change of Zone #06026, Annexation #06007 and
Special Permit #06030
Charleston Heights CUP
N 14th & Humphrey Ave**

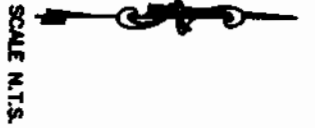
2005 aerial

Zoning:

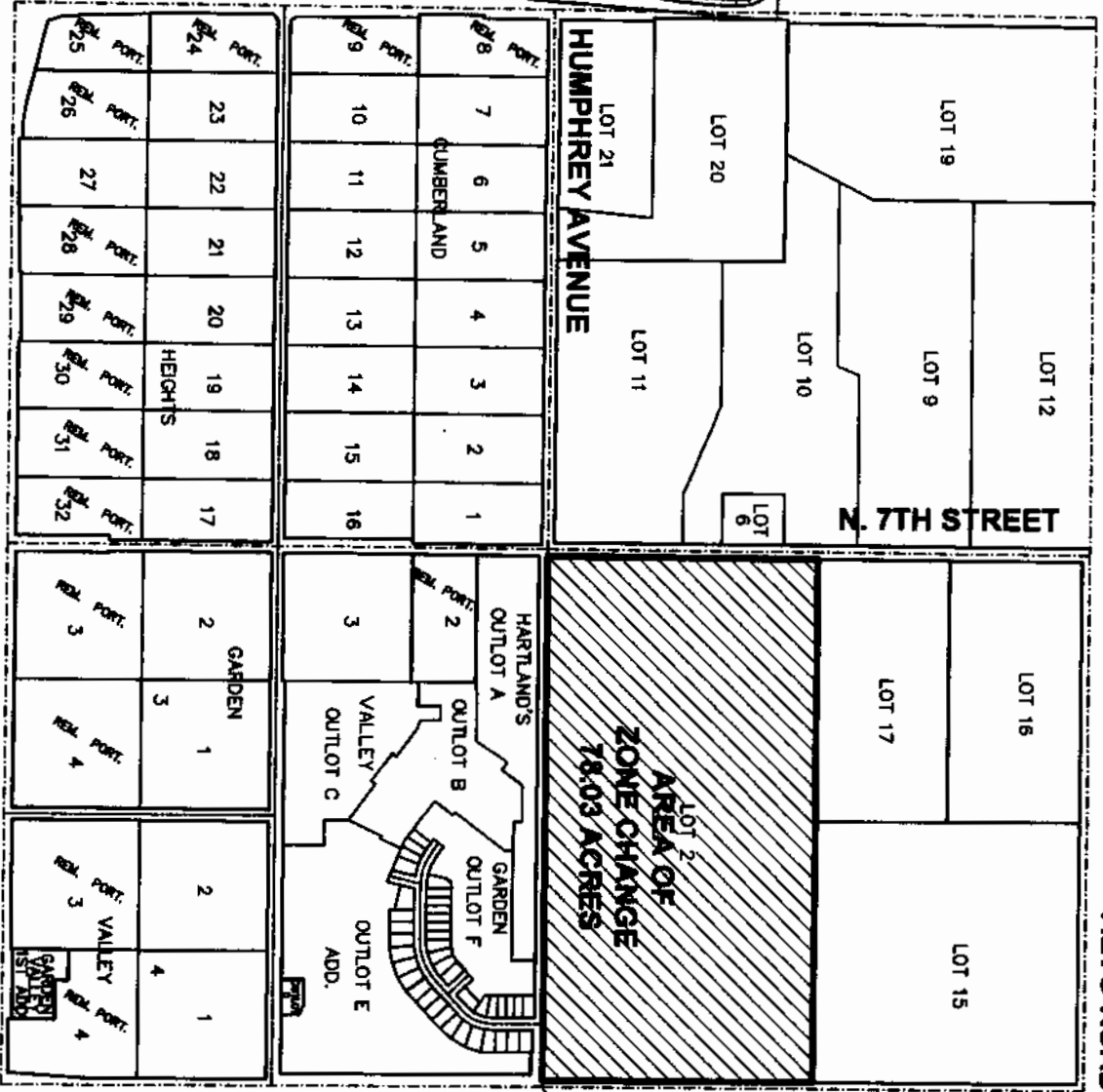
- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- R-C Residential Conservation District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned 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. 35 T11N R6E





RECEIVED
 APR 13 2006
 LINCOLN CITY/LANCASTER COUNTY
 PLANNING DEPARTMENT



POINT OF REFERENCE
 EAST QUARTER CORNER
 SECTION 35 T11N R6E

LEGAL DESCRIPTION

LOT 2 I.T., LOCATED IN THE NORTHEAST QUARTER OF SECTION 35, TOWNSHIP 11 NORTH, RANGE 6 EAST OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA AND MORE PARTICULARLY DESCRIBED AS:

REFERRING TO THE EAST QUARTER CORNER OF SAID SECTION 35 (A FOUND LQSM); THENCE ALONG THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 35 ON AN ASSUMED BEARING OF N89°55'07"W, A DISTANCE OF 33.00 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF NORTH 14TH STREET AND THE POINT OF BEGINNING; THENCE CONTINUING ON SAID BEARING OF N89°55'07"W, A DISTANCE OF 2,568.71 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF NORTH 7TH STREET; THENCE ALONG SAID RIGHT-OF-WAY LINE, N00°25'02"E, A DISTANCE OF 1,323.91 FEET; THENCE S89°54'33"E, A DISTANCE OF 2,567.09 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF NORTH 14TH STREET; THENCE ALONG SAID RIGHT-OF-WAY LINE, S00°20'57"W, A DISTANCE OF 1,323.46 FEET TO THE POINT OF BEGINNING AND CONTAINING AN AREA OF 78.03 ACRES MORE OR LESS.

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EXHIBIT A
CHANGE OF ZONE
 LOT 2 I.T., NORTHEAST QUARTER, SEC. 35 T11N, R6E
 LINCOLN, NEBRASKA

CHARLESTON
 HERBERTS, LLC
 1231 WENFORTH COURT
 LINCOLN, NE 68512
 Phone: 402.403.2556
 Fax: 402.403.2548

APPLICANT: HERBERTS, LLC
 DATE: APRIL 3, 2006
 DRAWN BY: [Name]
 CHECKED BY: [Name]

| NO. | DATE | REVISION |
|-----|------|----------|
| 1 | | |

1 of 1

LEGAL DESCRIPTION

Lot 2, I. T., located in the Northeast Quarter of Section 35, Township 11 North, Range 6 East of the 6th Principal Meridian, Lancaster County, Nebraska and is more fully described as follows:

Referring to the East Quarter Corner of said Section 35 (a found LCSM),

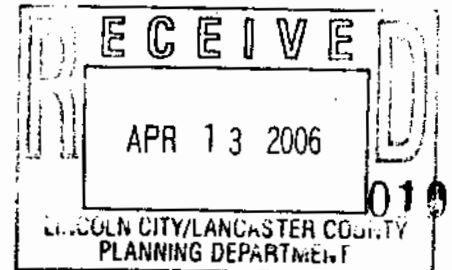
Thence along the south line of the Northeast Quarter of said Section 35 on an assumed bearing of North 89 degrees 55 minutes 7 seconds West, a distance of 33.00 feet to a point on the westerly right-of-way line of North 14th Street and the Point of Beginning,

Thence continuing on said bearing of North 89 degrees 55 minutes 7 seconds West, a distance of 2,568 .71 feet to a point on the easterly right-of-way line of North 7th Street,

Thence along said right-of-way line, North 0 degrees 25 minutes 02 second East, a distance of 1,323.91 feet,

Thence South 89 degrees 54 minutes 33 seconds East, a distance of 2,567.09 feet to the westerly right-of-way line of North 14th Street,

Thence along said right-of-way line, South 0 degrees 20 minutes 57 seconds West, a distance of 1,323.46 feet to the Point of Beginning and containing an area of 78.03 acres more or less.



SNB MANAGEMENT CORPORATION
CHARLESTON HEIGHTS ADDITION

April 13, 2006

Mr. Marvin Krout
Lincoln - Lancaster County Planning Department
555 South 10th Street - Suite 213
Lincoln, Nebraska 68508

Dear Mr. Krout:

On behalf of Charleston Heights, LLC, owner and developer of Charleston Heights Addition, please accept this correspondence as supplemental information to the attached applications for CUP/Special Permit and Re-Zoning. We also request annexation of this property into the City of Lincoln. Charleston Heights Addition is located on the north side of Humphrey Avenue, between North 7th and North 14th Streets. The property abuts Lots 15 and 17 of Irregular Tracts to the north.

Property is legally described as:

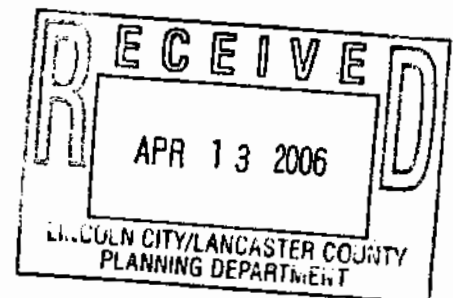
Lot 2 Irregular Tract, located in the Northeast Quarter of Section 35, Township 11 North, Range 6 East of the 6th Principal Meridian, Lancaster County, Nebraska.

The proposed development plan for 78.03 acres includes a shared development cost and revision of the design of Humphrey Avenue to the south with Hartland Homes. Presently Charleston Heights L.L.C. is working with ESP Engineering and Hartland Homes on the redesign of the western portion of Humphrey Avenue to better accommodate homes on some of the lots to the south and allow for sanitary sewer to run the full length of Humphrey. This will accommodate sanitary sewer service for North 7th and 8th Streets.

The developing of Charleston Heights Lane, in the northwest corner of the development will be at the expense of Charleston Heights L.L.C. and with the consent of the owners of Lot 17. Access to North 14th Street from Julesburg will take place when improvements are completed on North 14th Street.

This development contains a total of 350 lots, including 206 single family lots, 144 attached single family lots, and 9 outlots. These outlots will be used for drainage, detention, future lots, landscape irrigation sprinkler meters, green area and easements.

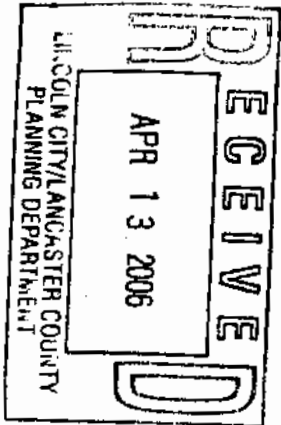
All new lots are designed for proposed R-3 zoning. These lots are compatible with the future land use map, designated as residential urban and existing land use to the south and east of the site.



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The following waivers are requested for this plat:

- The Preliminary Plat process with the Special Permit for a Community Unit Plan to take its place.
- To grant the Planning Director authority to approve an Administrative Final Plat that conforms to the Special Permit for the Community Unit Plan.
- To grant the Planning Director authority to approve Administrative Final Plats even though there are public streets or private roadways.
- Development Standards for Minimum lot area requirements 26.23.140(a). Average lot area 27.15.040(a)(1). General area requirements for R-3 zoning 27.15.080(a). Townhouse units are designed for this subdivision to provide for adequate living space within a smaller lot area and still maintain setback requirements.
- Design Standard for Community Unit Plans, Chapter 3.35.1.4 Recreational Facilities. A future school and park is proposed for Lot 15, which is located directly north of Julesburg Drive, east of North 14th Street.
- Development Standards for Pedestrian easement for block length that exceeds one thousand feet 26.23.125. Intersections along North 13th Street and Magnolia Lane are restricted because of a detention cell on the south and North 14th Street to the east.
- Design Standard for Community Unit Plans Chapter 3.35.1.4 Recreational Facilities. A future school and park is proposed for Lot 15, which is located directly north of Julesburg Drive, east of North 14th Street.
- Design Standard for Sanitary Sewer 2.3.6 to allow the slope of the sanitary sewer to not run parallel with the slope of the street or finished grade in Humphrey Avenue to provide sanitary sewer coverage along North 7th Street and Humphrey Avenue. The profile of Humphrey was previously designed and approved by the City of Lincoln for Humphrey Avenue, resulting in a short distance of the sanitary running against grade at the east end of Humphrey Avenue before it connects into an existing manhole.



Contact information is as follows:

OWNER / DEVELOPER:

Charleston Heights, L.L.C.
 Contact: Paula Dicero
 1233 Infinity Court
 Lincoln, NE 68512
 Phone: 402-420-2950
 Fax: 402-420-5268
 Email: pdicero@fowlercustomhomes.com

ENGINEER / SURVEYOR

REGA Engineering Group, Inc.
 Dan Rosenthal / Thomas B. Catlett, LS
 4827 Pioneers Blvd., Suite A
 Lincoln, NE 68506
 Phone: 402-484-7342
 Fax: 402-484-7344
 email: dan@regaengineering.com
tcat@regaengineering.com