

City Council Introduction: **Monday**, October 13, 2008
Public Hearing: **Monday**, October 20, 2008, at **1:30 p.m.**

Bill No. 08-145

FACTSHEET

TITLE: ANNEXATION NO. 08006, requested by Realty Trust Group, to annex approximately 4.87 acres, more or less, generally located at South 70th Street and Pine Lake Road.

STAFF RECOMMENDATION: Approval, subject to an Annexation Agreement.

ASSOCIATED REQUESTS: Annexation Agreement (08R-260) and Change of Zone No. 08041 (08-146).

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 08/27/08 and 09/10/08

Administrative Action: 09/10/08

RECOMMENDATION: Approval, subject to an Annexation Agreement (8-0: Taylor, Francis, Cornelius, Esseks, Sunderman, Partington, Larson and Carroll voting 'yes'; Gaylor Baird absent).

FINDINGS:

1. This proposed annexation request was heard by the Planning Commission in conjunction with the associated Pine Woods Planned Unit Development.
2. This is a request by Realty Trust Group to annex Lot 66, I.T., consisting of 4.87 acres, more or less, generally located at South 70th Street and Pine Lake Road, in order to develop the Pine Woods Planned Unit Development, which includes both Lot 64 and Lot 66, I.T. Lot 64, I.T., is already in the City Limits.
3. The staff recommendation of approval, subject to an Annexation Agreement, is based upon the "Analysis" as set forth on p.5-6, concluding that the proposed annexation is consistent with the Comprehensive Plan.
4. The applicant's testimony is found on p.9.
5. There was no testimony in opposition; however, the record consists of a letter from Dr. Tom Gapp, 7501 S. 70th Street, with concerns about traffic and safety (p.13).
6. On September 10, 2008, the Planning Commission agreed with the staff recommendation and voted 8-0 to recommend approval, subject to an Annexation Agreement (Gaylor Baird absent).
7. On September 10, 2008, the Planning Commission also voted 8-0 to recommend conditional approval of the associated Pine Woods Planned Unit Development, with one amendment (08-146).

FACTSHEET PREPARED BY: Jean L. Preister

DATE: October 6, 2008

REVIEWED BY: _____

DATE: October 6, 2008

REFERENCE NUMBER: FS\CC\2008\ANNEX.08006+

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for August 27, 2008 PLANNING COMMISSION MEETING

****As Revised and Recommended for Conditional Approval
by Planning Commission: September 10, 2008****

PROJECT #: **Annexation #08006**
Change of Zone #08041 - Pine Woods PUD

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 Lot 66 I.T. into the City
Change of zone from AGR to R3 PUD for Pine Woods

LOCATION: South 70th Street and Pine Lake Road

LAND AREA: **AN#08006 - Approximately 4.87 acres**
CZ#08041 - Approximately 9.4 acres

EXISTING ZONING: AGR Agricultural Residential

WAIVER /MODIFICATION REQUEST:

1. Adjust minimum lot area from 5,000 to 4,300 square feet (requires approval by City Council).
2. Sanitary sewer to flow opposite street grades (subject to administrative approval by Planning Director).

CONCLUSION: Given the future restricted access to the adjacent arterial streets, a limited mixed-use development at this location is appropriate provided the highest traffic-generating uses are prohibited. The waiver to minimum lot area to 4,300 square feet is appropriate and results in adequately sized lots for attached single-family dwellings. The area is in the Future Service Limit. Subject to the recommended conditions of approval, these requests comply with the Zoning Ordinance and are consistent with the Comprehensive Plan.

RECOMMENDATION:

Annexation #08006

Change of Zone #08041

Waivers:

1. Adjust minimum lot area from 5,000 to 4,300 square feet.

Conditional Approval

Conditional Approval

Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION: ANN#08006 - See attached legal description.
CZ#08041 - See attached legal description.

EXISTING LAND USE: Residential, Vacant

SURROUNDING LAND USE AND ZONING:

North:	Church, Vacant	R-1, AGR
South:	Acreage Residential	AGR
East:	Acreage Residential	AGR
West:	Acreage Residential	AGR

COMPREHENSIVE PLAN SPECIFICATIONS:

Pg 16 - The guiding principles are the basis for decision making within the community. The challenge is turning these visions and principles into reality. Implementing these guiding principles requires additional details that come in three distinct forms:

1. the specific strategies found in this Plan;
2. the land use relationships of community in the land use plan; and,
3. the timing of development found in the future urban growth tiers.

The land use plan for Lincoln and Lancaster County contains several general categories of land use types that are listed below. The maps displaying the land use plan are but one aspect of the Comprehensive Plan. The entire Comprehensive Plan should be referenced and considered when viewing the land use plan maps and for judging the appropriateness of the land uses they may display.

Commercial: Areas of retail, office and service uses. Commercial uses may vary widely in their intensity of use and impact, varying from low intensity offices, to warehouses, to more intensive uses such as gas stations, restaurants, grocery stores or automobile repair. Each area designated as commercial in the land use plan may not be appropriate for every commercial zoning district. The appropriateness of a commercial district for a particular piece of property will depend on a review of all the elements of the Comprehensive Plan.

Pg 17 - The Future Land Use map designates open space and residential land uses for this site.

Pg 27 - This site is designated as Tier I, Priority A on the Urban Growth Tier map.

Pg 55-56 - The Greenprint Challenge Implementation Principles - Seek early identification of areas to be preserved – While planning for future growth is integral to this Comprehensive Plan, it is equally important that environmental resource features be accorded similar attention. The community should invest planning resources into the early identification of those areas most valued as part of the Greenprint Challenge. This principle supports the notion of “getting ahead of the game” by knowing what resources are most valued, where they are located, and what actions should be made within the broader planning process to secure their future for the community.

Provide biological interconnection – Plants and animals do not exist in isolation. They interact with each other and reside within an integrated habitat. Implementation of the Comprehensive Plan needs to respect biological connections that exist today and provide responsive means for maintaining those associations.

Make “green space” an integral part of all environments – “Green space” can come in a wide variety of forms. The policies of the Comprehensive Plan should strive to incorporate such uses in the full range of urban and rural landscapes.

Prevent the creation of a “wall-to-wall city” through the use of green space partitions – As cities and villages expand, establishing corridors and districts of green should be part of the growth process. This often requires the advance delineation of these areas and the means for securing their on going maintenance.

Pg 66 - Guiding Principles for New Neighborhoods - The guiding principles for new neighborhoods are a combination of principles found in this section in addition to the principles for all other sections within the plan, such as Business and Commerce and Mobility and Transportation. A neighborhood is more than housing – great neighborhoods combine all the elements of parks, education, commercial areas, the environment and housing together in one place. The image is an example of how the principles might work together in a neighborhood, including the following principles:

1. Encourage a mix of housing types, single family, townhomes, apartments, elderly housing all within one area;
2. Similar housing types face each other: single family faces single family, change to different use at rear of lot;
3. Parks and open space within walking distance of all residences;
4. Multi-family and elderly housing nearest to commercial area;
5. Pedestrian orientation; shorter block lengths, sidewalks on both sides of all roads;
6. Public uses (elementary schools, churches) as centers of neighborhood – shared facilities (city parks & school sites);
7. Encourage shopping and employment uses to be at within the neighborhoods and within walking distance to most residences (which may also serve as locations for transit stops.)

Pg 89 - Pedestrians - Walking is an essential part of our daily activities, whether it be trips to work, shop, or play. Often pedestrian facilities are overlooked or merely added onto street improvement projects. However, to preserve and enhance the quality of life for Lincoln, consistent maintenance of the existing pedestrian system and additional facilities are needed.

Page 154 - The City’s annexation policy of the 2030 Comprehensive Plan.

UTILITIES: The utility plan proposes connection to an existing 15' sanitary sewer line in Pine Lake Road. Water service is provided by connection to an existing water main also in Pine Lake Road.

TRAFFIC ANALYSIS: Pine Lake Road and South 70th Street are both designated as minor arterial streets adjacent to this site. Both are also planned as four-lane with center turn-lane facilities, but no funds are allocated in the City’s six-year Capital Improvements Program for these improvements. Additional right-of-way will be required to be dedicated with this development to accommodate these streets and will be addressed Public Works in their review.

ENVIRONMENTAL CONCERNS: Preservation of the open space in the floodway and floodplain located west of this site. This site is heavily wooded, however most all of the existing trees are shown being removed with this development.

ALTERNATIVE USES: Given that access onto Pine Lake Road and South 70th Street will be limited to right-in/right-out in the future when those streets are improved, residential uses such as domiciliary care and apartments would be appropriate. High volume traffic generating uses are not appropriate given the future limited access.

ANALYSIS:

1. The proposed development includes Lots 64 and 66 I.T. Lot 64 is approximately 4.53 acres in area and inside the city limit. Lot 66 is approximately 4.87 acres in area and outside the city limit. This is a combined request to both annex Lot 66, and to change the zoning from AGR to R-3 for both lots to allow for a mixed-use planned unit development.
2. The site plan shows 11 residential lots. Ten of these lots are for attached single-family dwellings, with the eleventh for a detached dwelling. The commercial component creates one lot with six pad sites to accommodate approximately 53,000 square feet of general office, medical office, and retail uses.
3. The development abuts Pine Lake Road and South 70th Street, both two-lane asphalt streets. They are designated as minor arterial streets in the Comprehensive Plan and planned as four-lane with center turn-lane facilities at such time as they are improved. The Plan calls for median openings in arterial streets to be located at 1/4 mile intervals. The access points shown on the site plan are significantly less than 1/4 mile from the Pine Lake Road/South 70th Street intersection, and as a result will be limited to right-in/right-out only access at such time as the arterial streets are improved. Without median openings, full turning movement access is not allowed and the amount of vehicle traffic that can reasonably be accommodated is greatly reduced.
4. A future median opening in South 70th will likely be located at Revere Lane just south of the development. While not 1/4 mile from the major intersection, it is a logical location given the existing street network east of South 70th Street. Anticipating a median opening at this location, South 69th Street is shown connecting to a future street network on the lot adjacent to the south. At such time as the adjacent lot is re-zoned for redevelopment and Revere Lane is extended to the west, the proposed driveway onto South 70th Street for Pine Woods PUD should be removed.
5. To minimize access points onto Pine Lake Road and consolidate them where possible, a provision for shared access with the property adjacent to the west should be shown on the site plan. A partial drive to the west from South 69th Street is shown, but it must be extended to the property line along with the granting of a public access easement. At such time as the adjacent lot develops, its driveway onto Pine Lake Road can be eliminated and access will be provided to South 69th Street via this driveway.
6. Understanding the access limitations, staff recommends that the highest traffic generating uses either be prohibited or limited. Prohibited uses include: convenience store/filling station; fast food restaurants with drive-through facilities; and banks with drive-through facilities. Additionally, some retail uses and medical office generate higher amounts of traffic. The amount of these uses should be limited to those shown in the trip generation analysis provided by the applicant - 23,000 square feet of retail and 10,000 square feet of medical office.
7. An adjustment to the minimum lot area from 5,000 to 4,300 square feet is requested. The adjustment allows for both a reasonable number of dwellings and lot layout, and is appropriate.

8. At the time this report was written, reviews from Public Works Engineering Services and Watershed Management were not available. Anticipating several corrective comments in addition to those noted above, a recommended condition of approval includes compliance with any items noted in those reviews.
9. Building and Safety notes that all the commercial buildings will be addressed off South 69th Street, and not Pine Lake Road or South 70th Street.
10. Lot 66 (the lot proposed for annexation), is located in Rural Water District #1 and the Southeast Rural Fire District. The request for annexation is subject to an annexation agreement which will include provisions making the applicant responsible for any compensation that may be due those entities as a result of the annexation by the City of Lincoln.
11. Other necessary minor corrections to the site plan are noted, and they are included as recommended conditions of approval.
12. Staff finds the applicant's request is justified and acceptable to adjust the minimum lot area from 5,000 to 4,300 square feet.
13. The subdivider's request to waive or modify the following design standard was found to be justified and acceptable and has been administratively approved: sanitary sewer to flow opposite street grades.

This approval permits 11 dwelling units and 53,000 square feet of commercial floor area with an adjustment to the minimum lot area to 4,300 square feet

CONDITIONS OF APPROVAL:

ANN#08006

1. The applicant signs an annexation and/or zoning agreement before the City Council approves the change of zone.

Prepared by:
Brian Will, 441-6362, bwill@lincoln.ne.gov
Planner
August 13, 2008

**APPLICANT/
CONTACT:**

Lyle Loth
ESP
601 Old Cheney Road
Lincoln, NE 68512
402-421-2500

OWNER:

Realty Trust Group
2300 South 48th Street Ste 1
Lincoln, NE 68506

**ANNEXATION NO. 08006
and
CHANGE OF ZONE NO. 08041,
PINE WOODS PLANNED UNIT DEVELOPMENT**

REQUEST FOR DEFERRAL:

August 27, 2008

Members present: Cornelius, Taylor, Francis, Gaylor Baird, Larson, Partington, Sunderman, Esseks and Carroll.

Ex Parte Communications: None.

Staff recommendation: Approval of the annexation, subject to an annexation agreement, and conditional approval of the Planned Unit Development.

The Clerk announced that the applicant has requested a two-week deferral.

Cornelius moved to defer, with continued public hearing and action scheduled for September 10, 2008, seconded by Francis and carried 9-0: Cornelius, Taylor, Francis, Gaylor Baird, Larson, Partington, Sunderman, Esseks and Carroll voting 'yes'.

There was no public testimony.

CONT'D PUBLIC HEARING BEFORE PLANNING COMMISSION:

September 10, 2008

Members present: Taylor, Cornelius, Esseks, Partington, Sunderman, Francis, Larson and Carroll; Gaylor Baird absent.

Ex Parte Communications: None.

Staff recommendation: Approval of the annexation, subject to an annexation agreement, and conditional approval of the planned unit development.

Staff presentation: **Brian Will of Planning staff** submitted a letter from Dr. Tom Gapp, not necessarily in opposition, but he is voicing concerns about traffic and safety.

These applications include two parcels. One of the lots is already in the City Limits. The change of zone covers both parcels. There are two adjustments to lot area from 5,000 to 4,300 square feet, which staff is recommending be approved. The other adjustment is a modification to design standards to allow sanitary sewer to flow opposite street grade, and staff is recommends approval.

Esseks asked staff to respond to Dr. Gapp's concerns. Will referred to the condition in the staff report which requires compliance with the Public Works comments, including:

...200' right and left turn lanes need to be shown in Pine Lake Road at 69th Street and in South 70th Street at the proposed temporary drive per current Public Works policy.

Dr. Gapp is concerned about vehicles northbound on 70th Street. That condition would require a turn lane in 70th Street to accommodate those left turning vehicles.

Proponents

1. Mike Marsh, Realty Trust Group, one of the owners of the property, testified as the applicant. He stated that they have worked very hard with staff on this proposal and he agreed with all conditions of approval, with a couple of amendments.

In response to Dr. Gapp's comments, all of the high traffic uses like convenience stores and fast foods have been eliminated.

Marsh believes he has reached agreement with staff on an amendment. There is an access that will be available when Revere is constructed. With regard to 69th Street, he is in agreement with staff that the adjacent ingress/egress will be vacated upon S. 69th Street going through. He is proposing to give the neighbor access to 69th Street.

Will agreed that Public Works has agreed to a modification of their comment in that if these two property owners can't come to some agreement, Public Works will assist and use their authority to make that occur. This does not require an amendment to the conditions of approval.

The request by the applicant to modify Condition #2.2 is also acceptable to staff:

- 2.2 Label the driveway onto South 70th Street as "TEMPORARY", and revise General Note #5 to include the following sentence: "THE TEMPORARY DRIVEWAY ONTO SOUTH 70TH STREET TO BE REMOVED AT SUCH TIME AS SOUTH 69TH STREET IS EXTENDED TO THE SOUTH OF THIS PROPERTY AND THE INTERSECTION OF SOUTH 70TH STREET AND REVERE LANE IS CONSTRUCTED."

There was no testimony in opposition.

ANNEXATION NO. 08006

ACTION BY PLANNING COMMISSION:

September 10, 2008

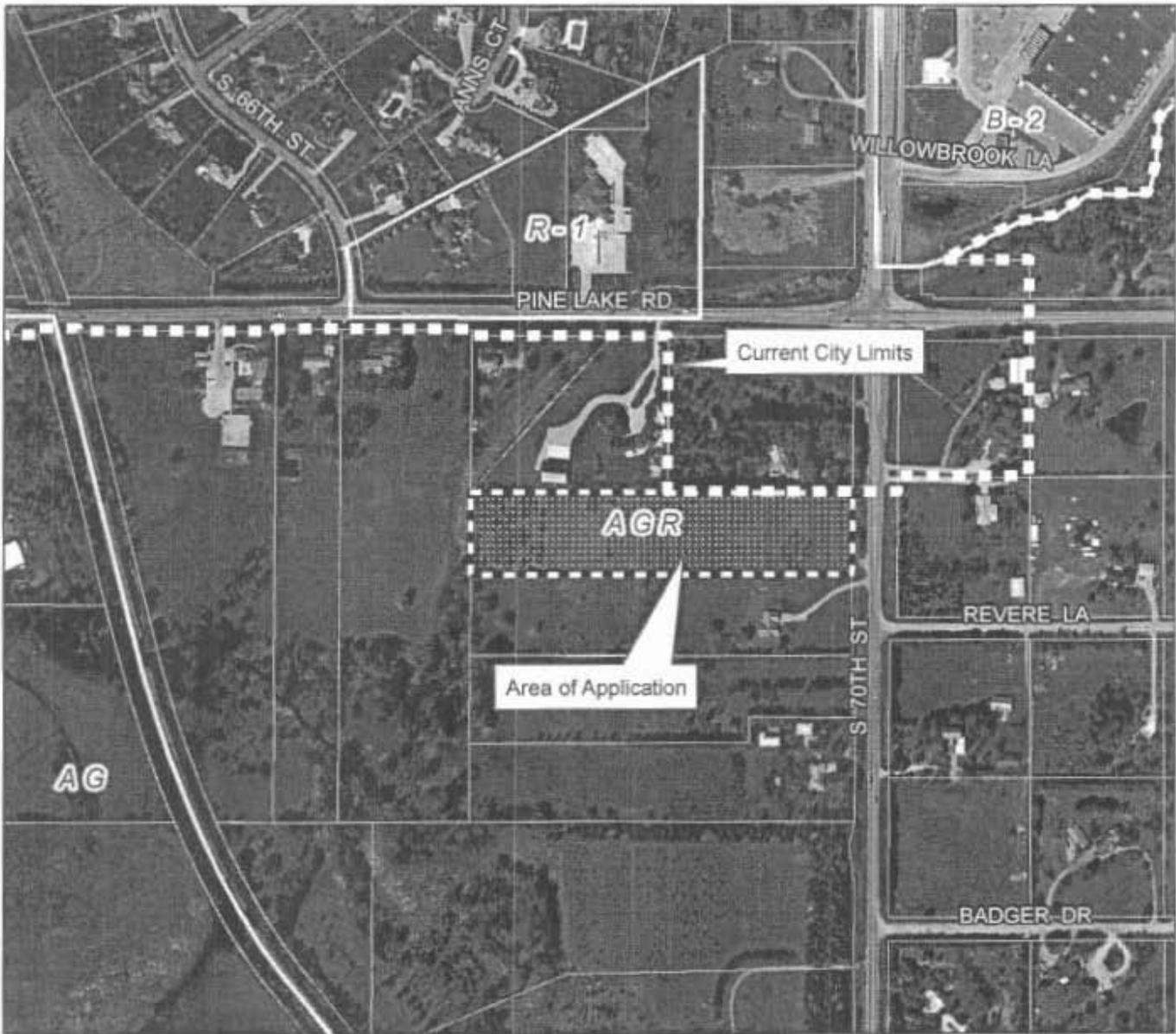
Taylor moved approval, subject to an annexation agreement, seconded by Francis and carried 8-0: Taylor, Francis, Cornelius, Esseks, Sunderman, Partington, Larson and Carroll voting 'yes'; Gaylor Baird absent. This is a recommendation to the City Council.

CHANGE OF ZONE NO. 08041

ACTION BY PLANNING COMMISSION:

September 10, 2008

Taylor moved to approve the staff recommendation of conditional approval, with amendment to Condition #2.2, seconded by Francis and carried 8-0: Taylor, Francis, Cornelius, Esseks, Sunderman, Partington, Larson and Carroll voting 'yes'; Gaylor Baird absent. This is a recommendation to the City Council.



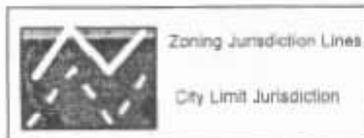
2007 aerial

Annexation #08006 S 70th St & Pine Lake Rd

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-7 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. 21 T09N R07E



**ANNEXATION
LEGAL DESCRIPTION**

LOT 66 IRREGULAR TRACTS, LOCATED IN THE NORTHEAST QUARTER OF SECTION 21, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE SIXTH PRINCIPAL MERIDIAN, LANCASTER COUNTY, NEBRASKA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 21 THENCE ALONG THE EAST LINE OF SAID SECTION 21 $S00^{\circ}22'07''W$, A DISTANCE OF 456.60 FEET; THENCE $N89^{\circ}37'53''W$, A DISTANCE OF 60.47 FEET TO THE NORTHEAST CORNER OF SAID LOT 66 IRREGULAR TRACT AND THE POINT OF BEGINNING

THENCE ALONG THE EAST LINE OF SAID LOT 66 I.T. $S00^{\circ}21'18''W$, A DISTANCE OF 212.00 FEET;

THENCE ALONG THE SOUTH LINE OF SAID LOT 66 I.T. $N89^{\circ}49'47''W$, A DISTANCE OF 1002.58 FEET;

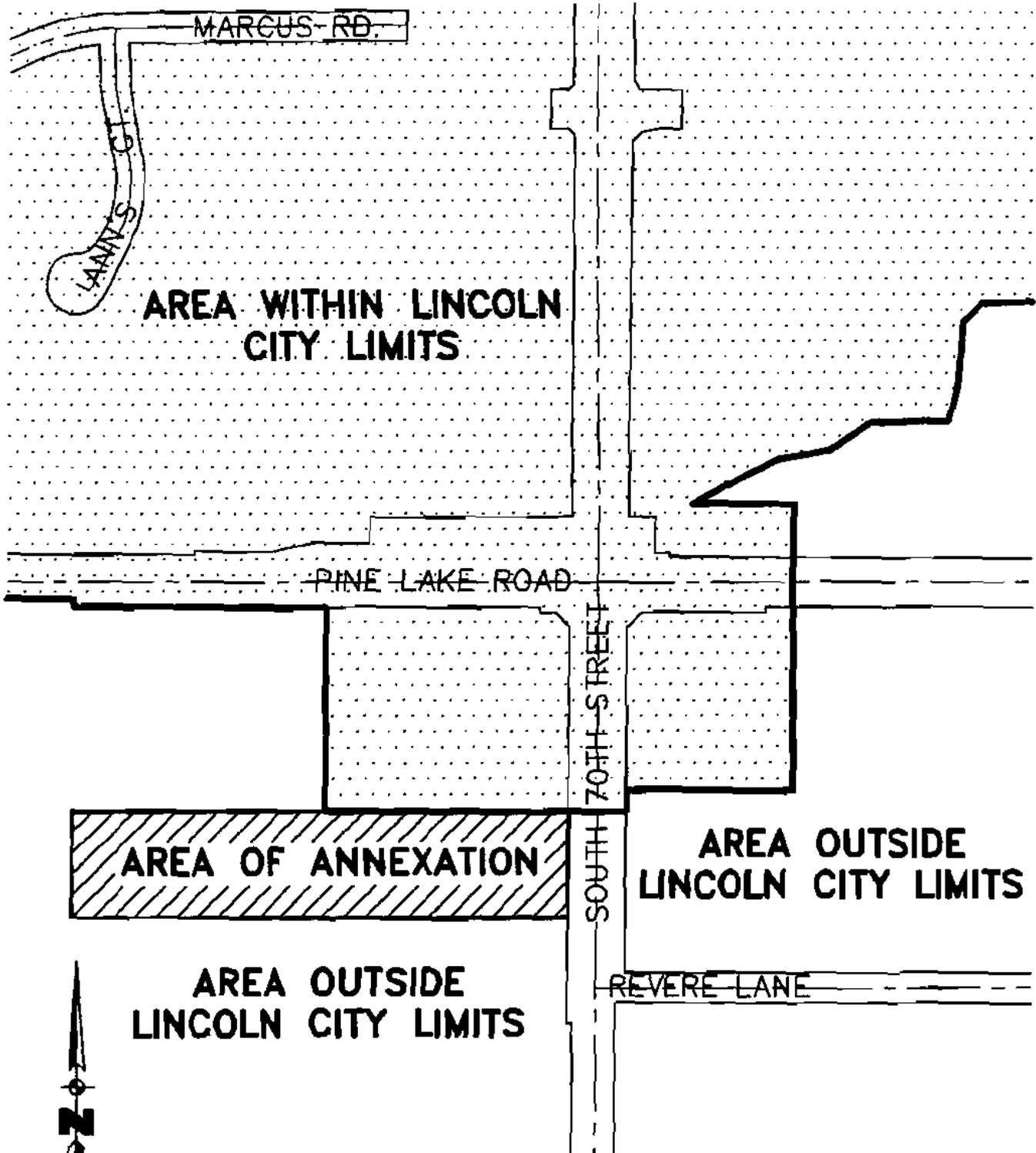
THENCE ALONG THE WEST LINE OF SAID LOT 66 I.T. $N00^{\circ}26'23''E$, A DISTANCE OF 211.81 FEET;

THENCE ALONG THE NORTH LINE OF SAID LOT 66 I.T. $S89^{\circ}47'54''E$, A DISTANCE OF 514.89 FEET;

THENCE CONTINUING ALONG THE NORTH LINE OF SAID LOT 66 I.T. $S89^{\circ}53'08''E$, A DISTANCE OF 487.38 FEET TO THE POINT OF BEGINNING AND CONTAINING A CALCULATED AREA OF 212,225.47 SQUARE FEET OR 4.87 ACRES.

ALSO INCLUDING THE ADJACENT RIGHT-OF-WAY OF SOUTH 70TH STREET.

ANNEXATION EXHIBIT



SCALE: 1" = 300'

ITEM NO. 5.lasb: ANNEXATION NO. 08006
CHANGE OF ZONE NO. 08041
(Pine Woods PUD - p.35 - Cont'd Public Hearing -
9/10/06)



Tom Gapp
<tagapp@yahoo.com>
09/09/2008 12:08 PM

To <plan@lincoln.ne.gov>
cc
bcc

Subject 70th and Pine Lake

Commissioners,

I have no problems with the PUD plans for 70th and Pine Lake Road, though I do think 90% retail/office and 10% residential is a bad precedent to set for mixed use. My concern at this location is the safety issue for cars traveling North on 70th street. The speed limit is 50, which means most cars are going at least that speed. After cresting the hill, if cars are turning left into this development and stopped for southbound cars, the northbound cars would have a short stopping time after recognition of the situation. I feel the right in/right out as proposed for the future on 70th should be in place now, or widening with turn lanes should be provided in 70th by the developer. This is a safety issue!

Thank you for your safe planning,
Thomas Gapp M.D.
7501 S. 70th
Lincoln, NE 68516