City Council Introduction: November 7, 2016
Public Hearing: November 21, 2016

Bill No. 16-109

FACTSHEET

TITLE: CHANGE OF ZONE NO. 16032
AG to R-3 (So. 70th & Rokeby Road)

BOARD/COMMITTEE: Planning Commission

APPLICANT: Civil Design Group, Inc., on Rokeby Holdings, Ltd.

RECOMMENDATION: Approval (6-0: Corr, Sunderman, Cornelius, Harris, Weber, and Hove voting 'yes'; Lust and Scheer absent).

STAFF RECOMMENDATION:
Approval

OTHER DEPARTMENTS AFFECTED: N/A

SPONSOR: Planning Department

OPPONENTS: None present at hearing.

REASON FOR LEGISLATION:
Request for a change from AG Agricultural District to R-3 Residential District, on property generally located at South 70th Street and Rokeby Road.

DISCUSSION/FINDINGS OF FACT:

1. This Change of Zone and the associated Annexation No. 16011 (Bill#16-108) were heard at the same time before the Planning Commission.

2. The purpose of this request is for the development of Grandview Estates 1st Addition.

3. The staff recommendation of approval of the annexation request is based upon the "Analysis" as set forth on pp.4-5, concluding that the subject property is adjacent to the city limit, and the full range of municipal services can be provided if annexed. A change of zone to R-3 is consistent with the Future Land Use Map and compatible with the adjacent development. Both requests comply with the Zoning Ordinance and are consistent with the Comprehensive Plan.

4. On October 28, 2016, this change of zone request and the associated annexation (Bill#16-108) appeared on the Consent Agenda of the Planning Commission.

5. On October 28, 2016, the Planning Commission voted 6-0 to recommend approval of this change of zone request.

6. On October 28, 2016, the Planning Commission also voted 6-0 recommend approval of the associated Annexation No. 16011 (Bill#16-108).

FACTSHEET PREPARED BY: Geri Rorabaugh, Administrative Officer **DATE:** October 31, 2016

REVIEWED BY: David R. Cary, Planning Director **DATE:** October 31, 2016

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LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for October 26, 2016 PLANNING COMMISSION MEETING

Note: This is a combined staff report for related items. This report contains a single background and analysis section for all items.

PROJECT #: Annexation #16011
Change of Zone #16032

PROPOSAL: To annex 21.91 acres, and change the zoning from AG Agriculture and R-3 Residential for Grandview Estates 1st Addition

LOCATION: South 70th Street and Rokeby Road

LAND AREA: Annexation #16011 - Approximately 21.91 acres
Change of Zone #16032 - Approximately 21.91 acres

CONCLUSION: The subject property is adjacent to the city limit, and the full range of municipal services can be provided if annexed. A change of zone to R-3 is consistent with the Future Land Use Map and compatible with the adjacent development. Both requests comply with the Zoning Ordinance and are consistent with the Comprehensive Plan.

RECOMMENDATION:	
AN#16011	Approval
CZ#16032	Approval

PROPOSED CITY COUNCIL DISTRICT ASSIGNMENT: District #2.

GENERAL INFORMATION:

LEGAL DESCRIPTION: AN#16011 - See attached legal description.
CZ#16032 - See attached legal description.

EXISTING ZONING: AG Agriculture

SURROUNDING LAND USE AND ZONING:

North:	Residential (under development), Agriculture	AG, R-3
South:	Agriculture	AG
East:	Agriculture	AG
West:	Acreage Residential	AGR

EXISTING LAND USE: Agriculture.

HISTORY:

JUN 2014 - Special Permit #14014 for the Grandview Estates CUP was approved. The CUP showed a concept plan covering 109 acres with a site layout showing 316 dwelling units with an overall maximum allowed density of up to 760 dwelling units.

AUG 2014 - Annexation #14004 and Change of Zone #14017 covering approximately 27 acres were approved by the City Council so the first phase of the development could be final platted. These applications were associated with Special Permit #14014.

COMPREHENSIVE PLAN SPECIFICATIONS:

Pg 1.9 - The Future Land Use Map designates this site for urban density residential land uses.

Pg. 1.10 - This site is shown in Tier I, Priority B on the Growth Tier Map.

Pg 12.14 - The ANNEXATION POLICY of the 2040 Comprehensive Plan:

Annexation policy is a potentially powerful means for achieving many of the goals embodied in the Plan's Vision. Annexation is a necessary and vitally important part of the future growth and health of Lincoln. The annexation policies of the City of Lincoln include but are not limited to the following:

The provision of municipal services must 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.

The extension of water and sanitary sewer services should be predicated upon annexation of the area by the City. City annexation must occur before any property is provided with water, sanitary sewer, or other potential City services.

The areas within Tier I Priority A that are not annexed serve as the future urban area for purposes of annexation per state statute and are appropriate for immediate annexation upon final plat. These areas have approved preliminary plans.

To demonstrate the City's commitment to the urbanization of land in Tier I Priority B, the City should annex land that is contiguous to the City and generally urban in character, as well as land that is engulfed by the City. Land which is remote or otherwise removed from the limits of the City of Lincoln will not be annexed.

Annually the City should review for potential annexation all property in Priority B for which basic infrastructure is generally available or planned for in the near term.

Annexation generally implies the opportunity to access all City services within a reasonable period of time.

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. The annexation of large projects may be done in phases as development proceeds.

The character of existing residential areas should be respected as much as possible during the annexation process. When low density "acreage" areas are proposed for annexation due to the City's annexation policy, additional steps should be taken to ease the transition as much as possible, such as public meetings, advance notice and written explanation of changes as a result of annexation. In general, many aspects of acreage life may remain unchanged, such as zoning or covenants. However, any annexation of existing residential areas will include some costs which must be the responsibility of property owners.

Annexation to facilitate the installation of improvements and/or possible assessment districts is appropriate if it is consistent with the annexation policies of the Plan listed above.

Plans for the provision of services within the areas considered for annexation shall be carefully coordinated with the Capital Improvements Program of the City and the County.

SPECIFIC INFORMATION:

UTILITIES & SERVICES:

A. **Sanitary Sewer:** Sanitary sewer is available in the adjacent phase of this development to the west, and can be extended by the developer to serve this phase.

B. **Water:** Water is also available in the adjacent phase of this development and can be extended as well.

C. **Roads:** All internal streets associated with Grandview Estates 1st Addition are local streets and will constructed by the developer as part of the development. Nearby arterial streets include South 70th Street and Rokeby Road.

South 70th Street is a two-lane, asphalt county road, and is adjacent to a portion of this phase of the development. South 70th Street will not be improved to City standards at this time, but temporary turn lanes have been required to be installed by the developer at Lilee Lane. Rokeby Road is a gravel road, and improvements will be triggered at such time as lots are platted with access to it. This phase does not annex any land adjacent to Rokeby Road, so there will be no lots adjacent or access to it at this time.

D. **Parks and Trails:** The bike trail system extends south along South 70th Street, and then follows the drainage southeast before jogging east across the north edge of this development. Easements to accommodate the trail have been dedicated with the final plats consistent with the Grandview Estates community unit plan (CUP).

E. **Fire Protection:** After annexation, fire protection will be provided by Lincoln Fire Rescue (LFR). LFR recommends approval, noting that in response to the recently approved bond issue there will be new fire station built in southeast Lincoln, perhaps in the vicinity of South 70th Street and Pine Lake Road.

ANALYSIS:

1. These are related requests for both annexation and a change of zone, and are based upon the overall site plan for Grandview Estates 1st Addition CUP. They seek to expand the development by annexing an additional 21.91 acres, and re-zoning the land to R-3 to allow for additional single-family dwellings.

2. These requests constitute Phase II of the Grandview Estates 1st Addition development, and if approved will allow for an additional 22 acres to be final platted. Both requests are based upon, and consistent with, the concept plan approved with the original special permit. This plan provided for the associated

special permit request also includes the current design for the improvement of Rokeby Road, which will include roundabouts at intersections.

3. The area to be annexed is located within Tier I, Priority B of the Comprehensive Plan. All utilities, including public water and sewer, exist adjacent to the area of these requests in Phase I of the same development. The development can be served by the full range of city services.

4. The subject property is located within the Southeast Rural Fire District #1. Under State law, the District can petition for compensation from the annexing municipality for lost revenue based upon the amount of service area annexed. For voluntary annexations such as this one, any costs due to the district are to be borne by the developer. In this case, staff has conducted the financial analysis and there is no money due the District.

5. It is also the developer's responsibility to reach an agreement regarding any compensation due the Rural Water District #1 (RWD) as a result of the proposed annexation. This developer has previously settled with the RWD, and no additional claim of reimbursement will be as a result of this annexation.

6. Annexation and re-zoning of the area of these requests was anticipated by Phase I of this development. The annexation agreement signed between the City and the developer as part of the original development to assign financial responsibility for public infrastructure is being followed. It is still in effect, it covers the area of these requests, and does not have to be amended.

7. These applications do not represent changes significant enough to warrant a major amendment to the community unit plan. However, there are minor changes and some corrections to the notes that should be reflected on the plans prior to approval of final plats. The changes can be approved by an administrative amendment approved by the Planning Director.

8. The site is designated for future urban density residential land uses on the Future Land Use Map, and these requests comply with the requirements of the Zoning Ordinance and Comprehensive Plan.

Prepared by:

_____
Brian Will, 441-6362, bwill@lincoln.ne.gov
October 12, 2016

APPLICANT/ CONTACT: Mike Eckert
Civil Design Group
8535 Executive Woods Drive
Lincoln, NE 68512
402-434-8494

OWNER: Rokeby Holdings, LLC
8020 O Street
Lincoln, NE 68510

ANNEXATION NO. 16011
and
CHANGE OF ZONE NO. 16032

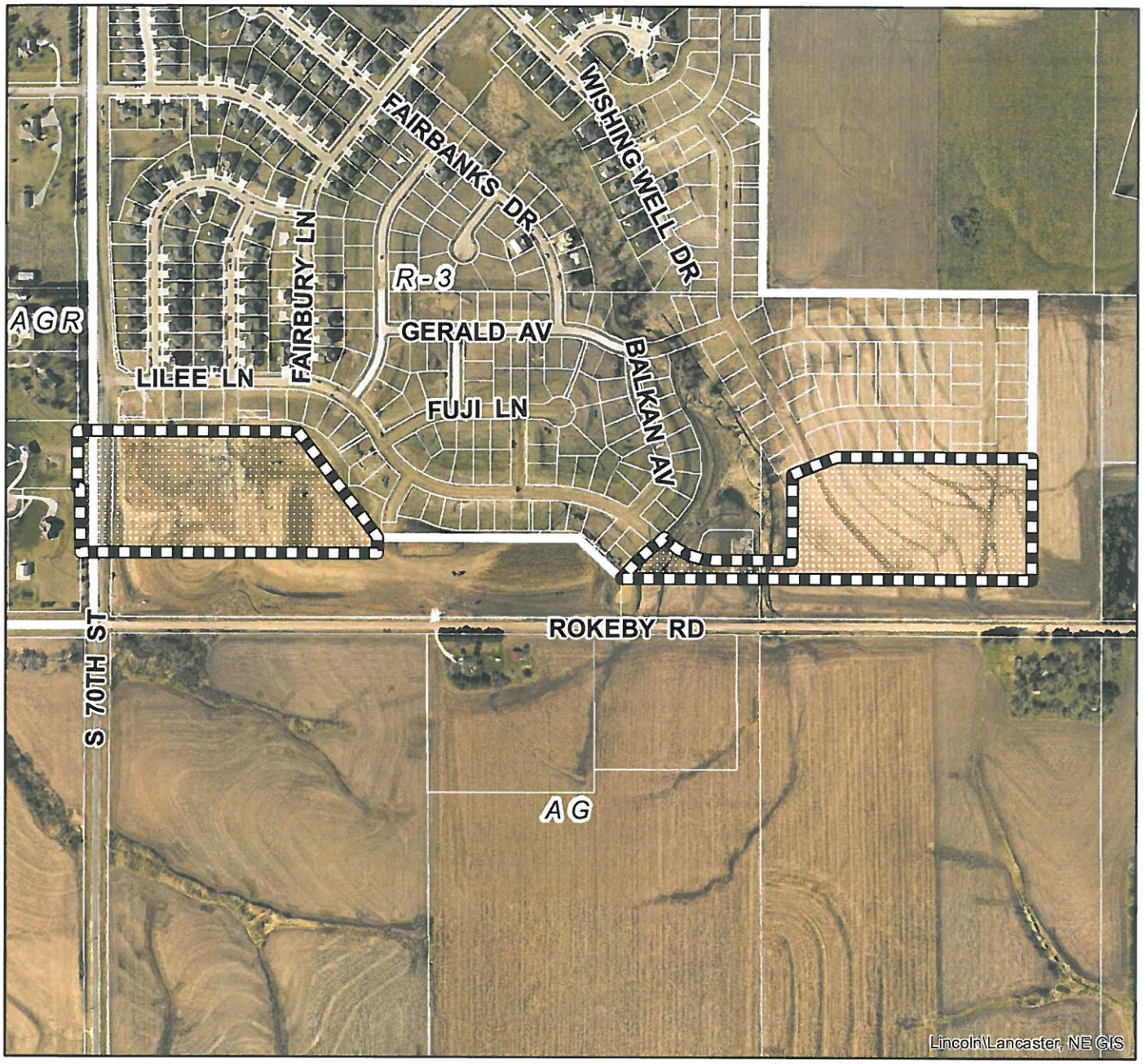
CONSENT AGENDA
PUBLIC HEARING & ADMINISTRATIVE ACTION
BEFORE PLANNING COMMISSION: **October 28, 2016**

Members present: Corr, Harris, Hove, Cornelius, Sunderman, and Weber present; although absent, Scheer declared a conflict of interest on Annexation No. 16012 and Change of Zone No. 04075G; Lust and Scheer absent.

The Consent Agenda consisted of the following items: **COMPREHENSIVE PLAN CONFORMANCE NO. 16009; ANNEXATION NO. 16011** and **CHANGE OF ZONE NO. 16032; ANNEXATION NO. 16012** and **CHANGE OF ZONE NO. 04075G**; and **CHANGE OF ZONE NO. 16027**.

Cornelius moved approval of the Consent Agenda; seconded by Weber and carried 6-0: Cornelius, Corr, Harris, Sunderman, Weber, and Hove voting 'yes'; Scheer and Lust absent.

Note: This is a recommendation to the City Council on all items.



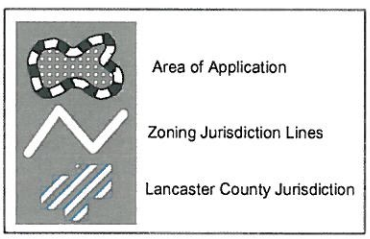
2016 aerial

Annexation #: AN16011
and Change of Zone #: CZ16032 (AG to R-3)
Grandview Estates 1st Addition
S 70th St & Rokeby 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-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.27 T09N R07E



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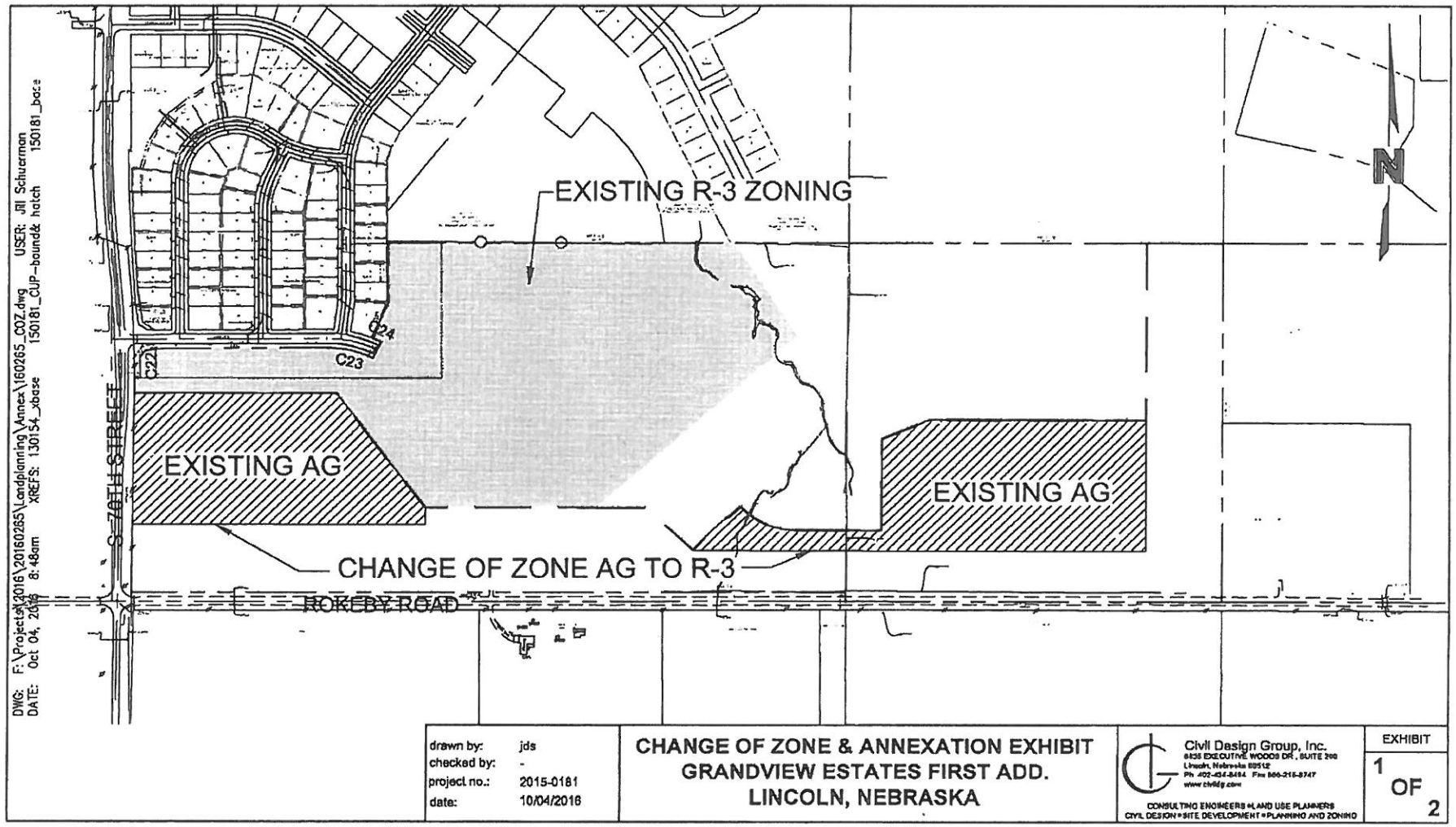
EXISTING R-3 ZONING
EXISTING AG
EXISTING AG
CHANGE OF ZONE AG TO R-3
ROKEBY ROAD
S 70TH STREET
C22
C23
C24
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DATE: Oct 04, 2016 8:48am XREFS: 130154_xbase 150181_CUP-bound& hatch 150181_bdy
drawn by: jds
checked by: -
project no.: 2015-0181
date: 10/04/2016
CHANGE OF ZONE & ANNEXATION EXHIBIT
GRANDVIEW ESTATES FIRST ADD.
LINCOLN, NEBRASKA
Civil Design Group, Inc.
8535 EXECUTIVE WOODS DR., SUITE 200
Lincoln, Nebraska 68512
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CONSULTING ENGINEERS • LAND USE PLANNERS
CIVIL DESIGN • SITE DEVELOPMENT • PLANNING AND ZONING
EXHIBIT
1 OF 2

CHANGE OF ZONE LEGAL DESCRIPTION- AG TO R-3 AND ANNEXATION

A legal description of Lot 74 Irregular Tract, located in the Southwest Quarter of Section 27, Township 9 North, Range 7 East, of the 6th P.M., Lincoln, Lancaster County, Nebraska and more particularly described as follows:

Beginning at the Northwest Corner of Lot 74, thence Easterly on the Northerly Line of Lot 74, on an assumed bearing of S 89°56'10" E for a distance of 730.01';
Thence continuing on the Northerly Line of Lot 74, S 37°26'17" E for a distance of 526.83';
Thence S 00°03'50" W for a distance of 63.25';
Thence N 89°56'10" W for a distance of 1056.22' to a point on the Westerly Line of Lot 74;
Thence on the Westerly Line of Lot 74, N 00°42'59" E for a distance of 481.24' to the Point of Beginning, and having a calculated area of 10.10 Acres more or less.

Subject to any and all easements and restrictions of record.

AND

A legal description of Lot 77 Irregular Tract, located in the Southwest and Southeast Quarters of Section 27, Township 9 North, Range 7 East, of the 6th P.M., Lincoln, Lancaster County, Nebraska and more particularly described as follows:

Referring to the Northeast Corner of Lot 77 , thence Westerly on the Northerly Line of Lot 77 on an assumed bearing of N 89°54'12" W for a distance of 274.88'; Thence S 00°08'10" W for a distance of 652.43' to the **Point of Beginning;**
Thence continuing on the last described course S 00°08'10" W for a distance of 484.46';
Thence N 89°51'50" W for a distance of 1634.26' to a point on the Northerly Line of Lot 77;
Thence on the Northerly Line of Lot 77 the remaining 9 courses; N 42°30'57" E for a distance of 88.70';
Thence N 47°26'32" E for a distance of 87.99';
Thence with a non-tangential curve turning to the right with an arc length of 3.86', with a radius of 570.00', with a chord bearing of S 42°21'50" E, with a chord distance of 3.86';
Thence N 47°49'48" E for a distance of 60.00';
Thence with a non-tangential curve turning to the left with an arc length of 224.75', with a radius of 270.00', with a chord bearing of S 66°01'01" E, with a chord distance of 218.32';
Thence S 89°51'50" E for a distance of 309.15';
Thence N 00°08'10" E for a distance of 341.00';
Thence N 68°20'05" E for a distance of 185.80';
Thence S 89°51'50" E for a distance of 781.49' to the Point of Beginning, and having a calculated area of 11.81 Acres more or less.

Subject to any and all easements and restrictions of record.

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DATE: Oct 04, 2016 8:49am XREFS: 130154_xbase 150181_CUP-bound& hatch 150181_base

drawn by: jds checked by: - project no.: 2015-0181 date: 10/04/2016	CHANGE OF ZONE & ANNEX. EXHIBIT GRANDVIEW ESTATES FIRST ADD. LINCOLN, NEBRASKA	Civil Design Group, Inc. 8535 EXECUTIVE WOODS, DR., SUITE 200 Lincoln, Nebraska 68512 Ph 402-434-8494 Fax 866-215-8747 www.civildg.com CONSULTING ENGINEERS • LAND USE PLANNERS CIVIL DESIGN • SITE DEVELOPMENT • PLANNING AND ZONING	EXHIBIT 2 OF 2

Civil Design Group, Inc.
Consulting Engineers & Land Use Planners
Civil Design • Site Development • Planning & Zoning
www.civildg.com

September 28, 2016

Mr. David Cary
Director of Planning
City of Lincoln /Lancaster County
555 South 10th Street, Room 213
Lincoln, NE 68508

Re: Request for Annexation, Change of Zone for additional land in Grandview Estates
CDG Project No. 2016-0265

Dear Mr. Cary:

On behalf of Rokeby Holdings LTD, we submit the above applications for an annexation and change of zone from AG to R-3 for two parcels consisting of a total of 21.91 acres.

With these applications we also submit the following items:

Applications for a CUP, Change of Zone and Annexation
Change of Zone Fee - $792.00
Plans, exhibits and legal descriptions uploaded via Project Dox

I hope that this letter in conjunction with the plan sets provides you with enough information to review these applications. In an effort to facilitate the review process, please feel free to call me at (402) 434-8494 so that I can address any questions you may have.

Sincerely,

Mike Eckert, AICP

cc: Rokeby Holdings LTD

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