

City Council Introduction: **Monday**, June 3, 2002  
Public Hearing: **Monday**, June 10, 2002, at **1:30 p.m.**

Bill No. 02-70

## **FACTSHEET**

**TITLE:** **CHANGE OF ZONE NO. 3361**, from AG Agricultural to R-3 Residential, requested by Brian D. Carstens and Associates on behalf of Hartland Homes, Inc., on property generally located at S.W. 27<sup>th</sup> Street and South Street.

**STAFF RECOMMENDATION:** Approval.

**ASSOCIATED REQUESTS:** Miscellaneous No. 01011 (02-69); Special Permit No. 1951, Hartland Homes Southwest Community Unit Plan (02R-120); and Preliminary Plat No. 01020, Hartland Homes Southwest (02R-121).

**SPONSOR:** Planning Department

**BOARD/COMMITTEE:** Planning Commission  
Public Hearing: Consent Agenda: 4/03/02  
Administrative Action: 04/03/02

**RECOMMENDATION:** Approval (8-0: Carlson, Duvall, Krieser, Larson, Newman, Schwinn, Steward and Bills-Strand voting 'yes'; Taylor absent).

### **FINDINGS OF FACT:**

1. The staff recommendation to approve this change of zone request is based upon the "Analysis" as set forth on p.4, concluding that the change of zone is in conformance with the Comprehensive Plan.
2. On April 3, 2002, this change of zone request and the associated Miscellaneous No. 01011 and the Hartland Homes Southwest Community Unit Plan and Preliminary Plat were placed on the Consent Agenda of the Planning Commission and opened for public hearing. No one came forward to speak.
3. The Planning Commission agreed with the staff recommendation and voted 8-0 to recommend approval.

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

**DATE:** May 17, 2002

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

**DATE:** May 17, 2002

**REFERENCE NUMBER:** FS\CC\2002\CZ.3361

## LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

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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.

**DATE:** March 20, 2002

**P.A.S.:** **Change of Zone # 3361 (AGR to R-3)**  
Special Permit #1951-Hartland Homes SW Community Unit Plan  
Preliminary Plat #01020- Hartland Homes SW

**PROPOSAL:** To create 120 multi-family units and 186 single-family units on 51.94 acres located at SW. 27<sup>th</sup> St. and W. South St.

**WAIVER REQUEST:** Exceed block length on W. Plum St./SW. 25<sup>th</sup> St. from 1320 feet to 1980 feet.

Street trees along SW. 27<sup>th</sup> Street.

**LAND AREA:** 51.94 acres more or less.

**CONCLUSION:** The change of zone conforms to the Comprehensive Plan.  
The preliminary plat and special permit require minor modifications, but are in general conformance with the Subdivision and Zoning Ordinance.

<b><u>RECOMMENDATION:</u></b>	Change of Zone #3361	Approval
	Special Permit #1951(C.U.P.)	Conditional Approval
	Preliminary Plat #01020	Conditional Approval
	Waiver of Sec. 26.23.130(block length)	Approval
	Waiver of Sec. 26.27.090(street trees)	Approval

**GENERAL INFORMATION:**

**LEGAL DESCRIPTION:** Lots 38 and 39 I.T., all of Blocks 13-20; the north ½ of Block 37 and all of Blocks 38, 39 and 40; Hawthorne Addition, located in the NW 1/4 of Section 33, T10N, R6E, Lancaster County, Nebraska.

**LOCATION:** SW. 27<sup>th</sup> Street and South Street.

**APPLICANT:** Hartland Homes, Inc.  
P.O. Box 22787  
Lincoln, NE 68542

**OWNER:** Hartland Homes, Inc.  
P.O. Box 22787  
Lincoln, NE 68542

**CONTACT:** Brian D. Carstens  
601 Old Cheney Rd. Suite C  
Lincoln, NE 68512

**EXISTING ZONING:** AGR Agricultural Residential

**EXISTING LAND USE:** Agriculture

**SURROUNDING LAND USE AND ZONING:**

North:	R-3 and AGR	Single family residential.
South:	AGR and R-3	Vacant and Roper Elementary School
East:	R-2	Single family residential.
West:	H-4 and P	Vacant

**COMPREHENSIVE PLAN SPECIFICATIONS:** This area is shown as Urban Residential in the Comprehensive Plan. This site lies within the SW. 27<sup>th</sup> and West "A" Subarea Plan of the Comprehensive Plan approved February 18, 1997. The site is within the Future Service Limit.

**HISTORY:**

Date when preliminary plat was submitted: **November 20, 2001**

Date when Planning Director's letter was sent: **December 20, 2001**

Date when revised preliminary plat was submitted: **February 28, 2002**

CZ #3303 Approved in April, 2001, changed zoning from AGR to R-3 on a portion of Lot 102 IT abutting this plat to the north.

CZ #3258 Approved in April, 2001, changed zoning from AGR to R-3 on a portion of Lot 102 IT abutting this plat to the north.

PP #00013 In April, 2001, Aspen Ridge was approved allowing 63 single family lots. Aspen Ridge abuts this plat to the north.

CZ #3044 Approved in March, 1998, changed zoning from AGR to H-4 west of SW 27<sup>th</sup> St. north and south of West "A" St abutting this plat to the west.

Changed from AA Rural and Public Use District to AGR Agricultural Residential District in the 1979 zoning update.

**UTILITIES:** Water--- A 12 inch water main exists on W. South St.

A 12 inch water main must be built on SW 27<sup>th</sup> Street abutting this plat.

Sewer— There is no existing sanitary sewer in W. South Street or SW 27<sup>th</sup> Street abutting this plat.

**TRAFFIC ANALYSIS:** SW 27<sup>th</sup> Street and W. South St. abutting this plat are rural gravel roads. Public Works notes that SW 27<sup>th</sup> St. and W. South St. need to be paved to urban street standards. SW 27<sup>th</sup> St and W. South St are identified as local streets in the Comprehensive Plan. South St. is identified as a Urban Collector in the Future Functional Street and Road Classification.

The proposed plat provides connections to SW. 27<sup>th</sup> St., W. South St., and two connections to the north on SW. 25<sup>th</sup> St. and SW 26<sup>th</sup> St.

**PUBLIC SERVICE:** The nearest fire station is Station #13 located at approximately Coddington Ave. and West A. St.

Roper elementary school is located at Coddington Ave. and W. South St.

**ANALYSIS:**

1. This is an application for a preliminary plat for 187 lots and four outlots; a special permit for a community unit plan for 306 dwelling units consisting of 186 single family units and 120 multiple family units and a change of zone from AGR to R-3.
2. This application request waivers to street trees along SW 27<sup>th</sup> Street and to exceed the block length on W. Plum/SW 25<sup>th</sup> Street. The landscape plan shows an existing line of trees along SW 27<sup>th</sup> Street to remain. Parks Department does not object to this waiver.

A cross street from SW 25<sup>th</sup> Street to the east is not possible. The area abutting this plat to the east is developed with single family houses.

3. The entire plat lies within Airport Environs Noise District. Approximately one half of the single family lots and the apartment complex are between the LDN 65 line and LDN 70 line. An Avigation and Noise Easement to the airport authority is required. The applicant will be required to file the easement with the Register of Deeds prior to scheduling final plats on the Planning Commission Agenda.
4. The Land Use Plan shows this area as residential, urban.
5. The proposed Preliminary Plat and Community Unit Plan are consistent with the Land Subdivision and Zoning Ordinance.

Prepared by:  
Tom Cajka  
Planner

# CHANGE OF ZONE NO. 3361

**CONSENT AGENDA**  
**PUBLIC HEARING AND**  
**ADMINISTRATIVE ACTION BY PLANNING COMMISSION:**

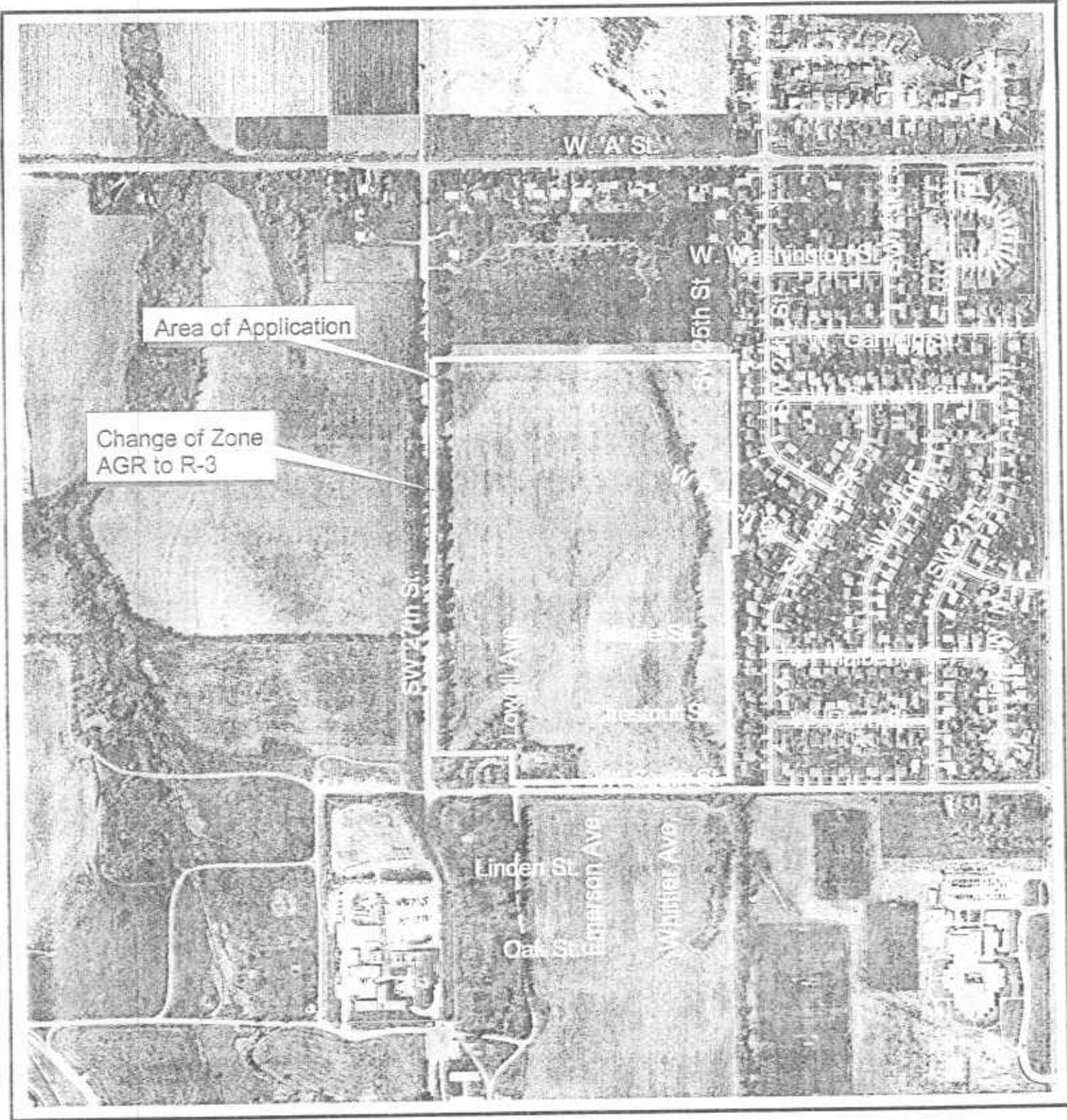
April 3, 2002

Members present: Carlson, Duvall, Krieser, Larson, Newman, Schwinn, Steward, Bills-Strand and Taylor.

The Consent Agenda consisted of the following items: **CHANGE OF ZONE NO. 3361; SPECIAL PERMIT NO. 1951, HARTLAND HOMES SOUTHWEST COMMUNITY UNIT PLAN; PRELIMINARY PLAT NO. 01020, HARTLAND HOMES SOUTHWEST; MISCELLANEOUS NO. 01011; PRE-EXISTING USE PERMIT NO. 9S; PRE-EXISTING SPECIAL PERMIT NO. 23E; SPECIAL PERMIT NO. 1962; SPECIAL PERMIT NO. 1963; SPECIAL PERMIT NO. 1774A, AMENDMENT TO THE WILDERNESS ESTATES 3<sup>RD</sup> ADDITION COMMUNITY UNIT PLAN; SPECIAL PERMIT NO. 1952, HAWKSWOOD ESTATES 1<sup>ST</sup> ADDITION COMMUNITY UNIT PLAN; and PRELIMINARY PLAT NO. 01024, HAWKSWOOD ESTATES 1<sup>ST</sup> ADDITION.**

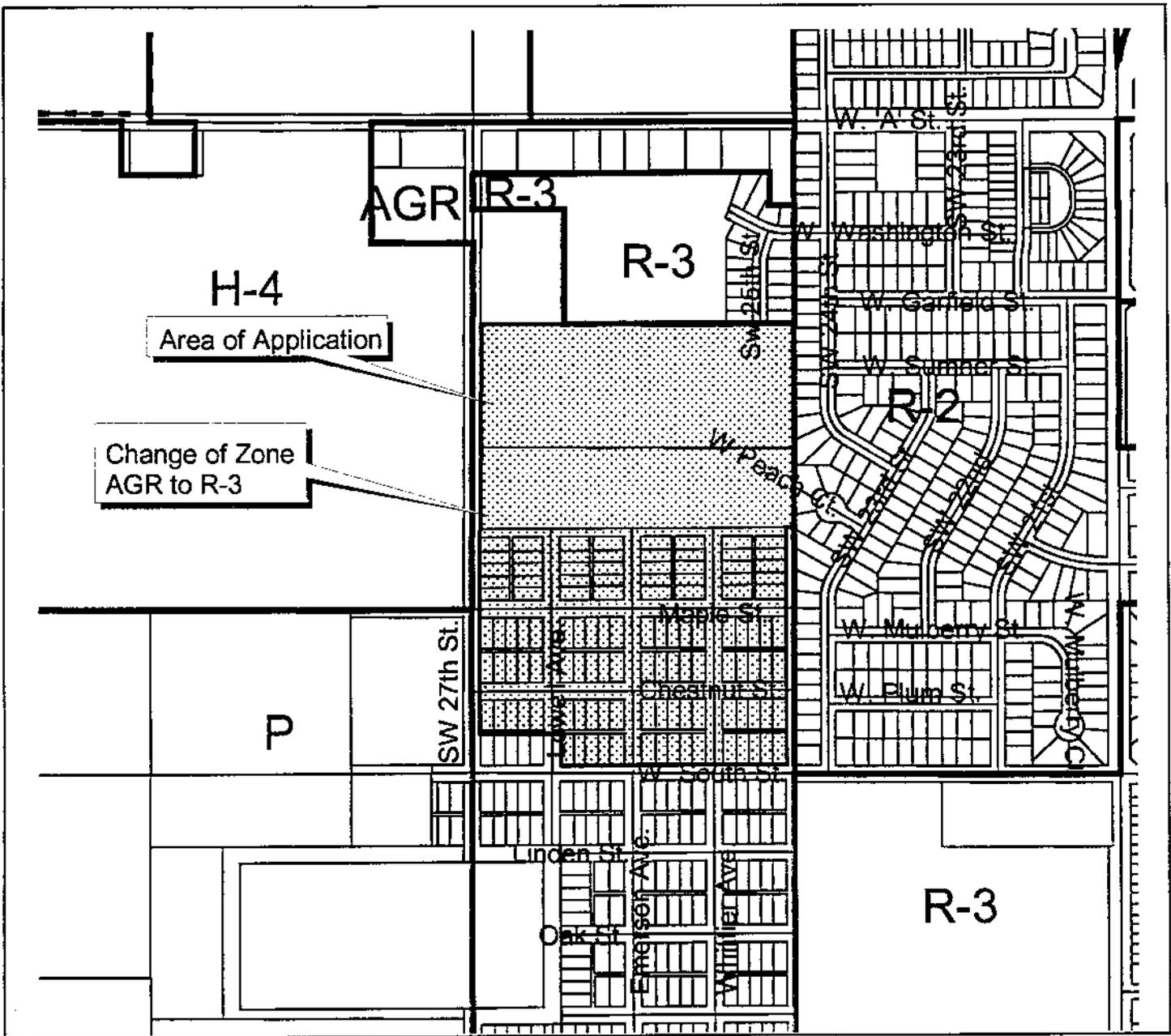
**Item No. 1.3, Pre-Existing Special Permit No. 23E**, was removed from the Consent Agenda and scheduled for separate public hearing.

Carlson moved to approve the remaining Consent Agenda, seconded by Newman and carried 8-0: Carlson, Duvall, Krieser, Larson, Newman, Schwinn, Steward and Bills-Strand voting 'yes'; Taylor absent.



**Preliminary Plat #01020  
Special Permit #1951  
Change of Zone #3361  
Hartland Homes Southwest  
SW 27th & South St.**



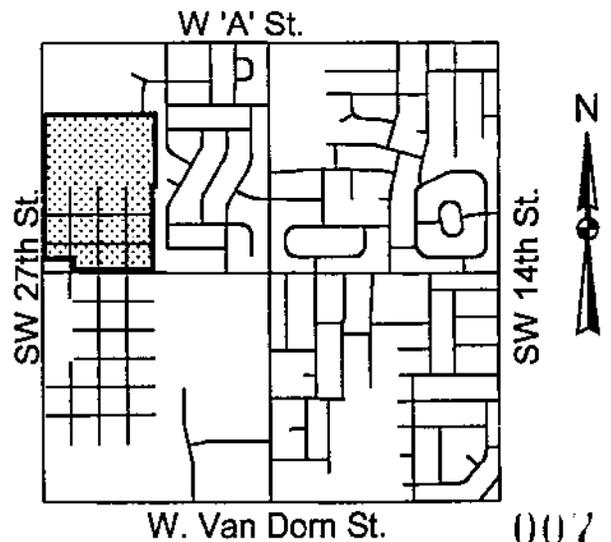
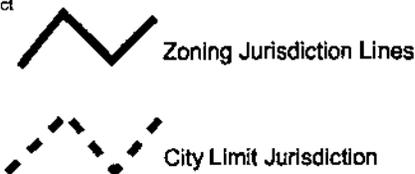


**Preliminary Plat #01020**  
**Special Permit #1951**  
**Change of Zone #3361**  
**Hartland Homes Southwest**  
**SW 27th & South St.**

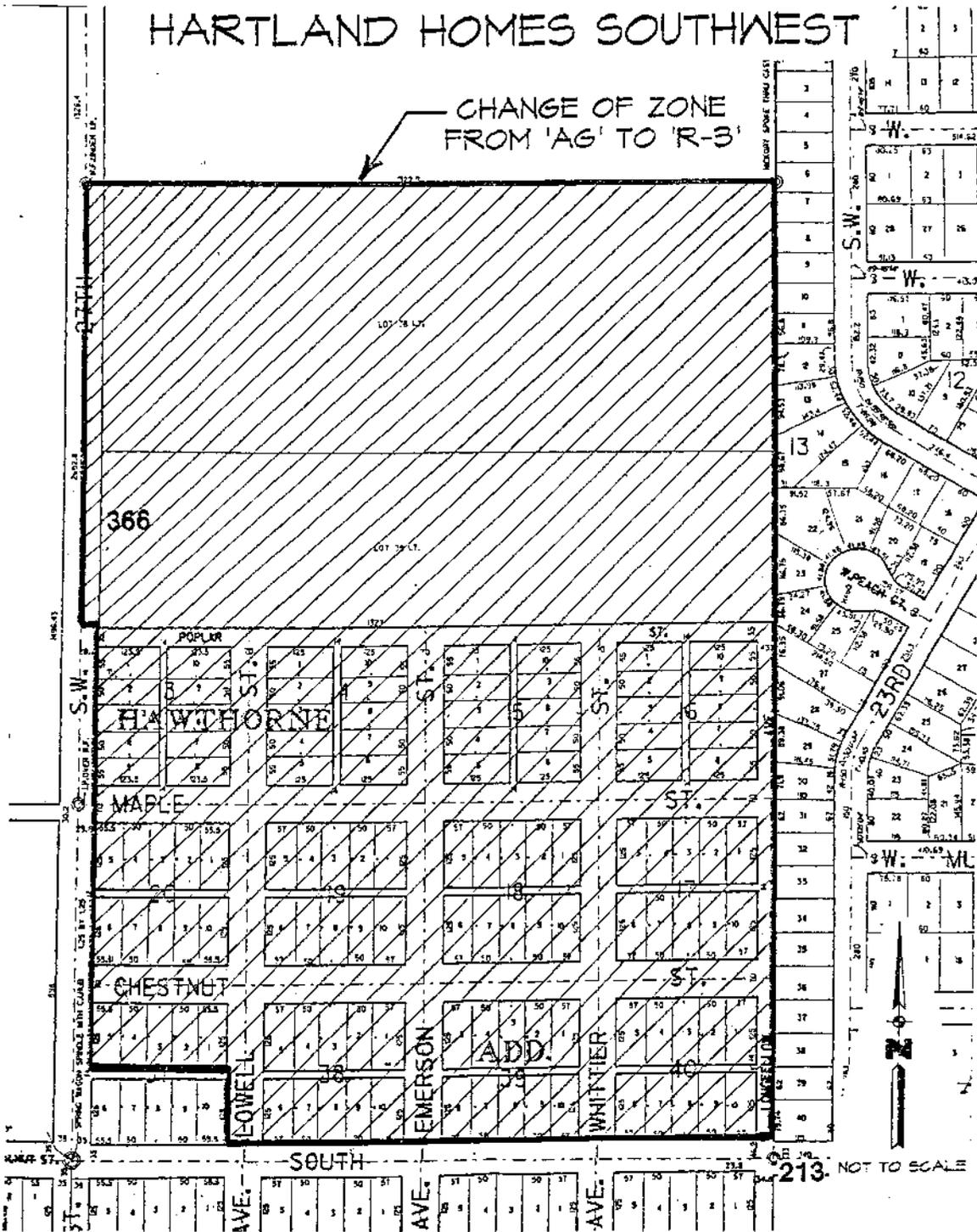
**Zoning:**

- R-1 to R-3 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. 33 T10N R6E



# CHANGE OF ZONE EXHIBIT FOR HARTLAND HOMES SOUTHWEST



**Change of Zone #3361  
Hartland Homes Southwest  
SW 27th & South St.**



## LEGAL DESCRIPTION:

LOTS 38 AND 39 IRREGULAR TRACTS, AND ALL OF BLOCKS 13, 14, 15, 16, 17, 18, 19 AND 20, AND LOTS 1 THROUGH 5, BLOCK 37 AND ALL OF BLOCKS 38, 39 AND 40, HAWTHORNE ADDITION TOGETHER WITH ADJACENT STREETS AND ALLEYS, EXCEPT FOR SOUTHWEST 27TH STREET, WEST SOUTH STREET, AND THE EAST-WEST ALLEY OF BLOCK 37, ALL BEING LOCATED IN THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 33, TOWNSHIP 10 NORTH, RANGE 6 EAST OF THE 6TH P.M., LINCOLN, LANCASTER COUNTY, NEBRASKA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 38 IRREGULAR TRACT, SAID POINT BEING ON THE WEST LINE OF SAID WEST HALF OF THE NORTHWEST QUARTER;

THENCE ON THE NORTH LINE OF SAID LOT 38, ON AN ASSIGNED BEARING OF N 89°41'55" E, 1326.76 FEET TO THE NORTHEAST CORNER OF SAID LOT 38;

THENCE ON THE EAST LINE OF SAID WEST HALF, S 00°10'26" E, 1784.05 FEET, TO A POINT ON THE NORTH LINE OF WEST SOUTH STREET;

THENCE ON SAID NORTH LINE, S 89°28'03" W, 1036.21 FEET, TO A POINT ON THE WEST LINE OF LOWELL AVENUE;

THENCE ON SAID WEST LINE, N 00°31'03" W, 139.00 FEET, TO A POINT ON THE NORTH LINE OF THE EAST-WEST ALLEY IN BLOCK 37 EXTENDED EASTERLY;

THENCE ON SAID NORTH LINE OF ALLEY, S 89°28'03" W, 261.00 FEET, TO A POINT ON THE EAST LINE OF SOUTHWEST 27TH STREET;

THENCE ON SAID EAST LINE, N 0°31'03" W, 459.01 FEET, TO THE NORTHWEST CORNER OF SAID BLOCK 20;

THENCE CONTINUING ON SAID EAST LINE, N 0°27'08" W, 365.26 FEET, TO THE CENTERLINE OF POPLAR STREET;

THENCE ON SAID CENTERLINE OF POPLAR STREET, S 89°28'03" W, 26.72 FEET, TO A POINT ON THE WEST LINE OF SAID WEST HALF OF THE NORTHWEST QUARTER;

THENCE ON SAID WEST LINE, N 0°00'00" E, 826.13 FEET, TO THE POINT OF BEGINNING, SAID TRACT CONTAINING AN AREA OF 53.02 ACRES, MORE OR LESS.

