

City Council Introduction: **Monday**, June 6, 2005
Public Hearing: **Monday**, June 13, 2005, at **1:30** p.m.

Bill No. 05-70

FACTSHEET

TITLE: **CHANGE OF ZONE NO. 05025**, from AG Agricultural District to R-3 Residential District, requested by Brian D. Carstens and Associates on behalf of Ironwood Estates, LLC, on property generally located at South 93rd Street and Old Cheney Road.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 04/13/05
Administrative Action: 04/13/05

STAFF RECOMMENDATION: Approval

RECOMMENDATION: Approval (9-0: Carroll, Pearson, Marvin, Krieser, Sunderman, Carlson, Taylor, Larson and Bills-Strand voting 'yes').

ASSOCIATED REQUESTS: Annexation No. 05007 (05-69)

FINDINGS OF FACT:

1. This change of zone request and the associated Annexation No. 05007 and the Ravenwood Community Unit Plan (Special Permit No. 05017) were heard at the same time before the Planning Commission.
2. The staff recommendation to approve the change of zone request is based upon the "Analysis" as set forth on p.4-5, concluding that the proposed change of zone is in conformance with the Comprehensive Plan.
3. The testimony by the applicant's representative is found on p.6.
4. There was no testimony in opposition.
5. On April 13, 2005, the Planning Commission agreed with the staff recommendation and voted 9-0 to recommend approval of the change of zone request.
6. The Planning Commission also recommended approval of the associated Annexation No. 05007, subject to an annexation agreement, and adopted Resolution No. PC-00920 approving the Ravenwood Community Unit Plan, with the amendment requested by the applicant.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: May 31, 2005

REVIEWED BY: _____

DATE: May 31, 2005

REFERENCE NUMBER: FS\CC\2005\CZ.05025

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for April 13, 2005 PLANNING COMMISSION MEETING

PROJECT #: Change of Zone #05025
Annexation #05007

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: Change the zoning from AG Agricultural to R-3 Residential and annex the proposed Ravenwood CUP.

LOCATION: 93rd Street and Old Cheney Road.

LAND AREA: 26.1 acres, more or less.

CONCLUSION: The change of zone conforms to the Comprehensive Plan. Provided an annexation agreement is signed, the annexation conforms to the Comprehensive Plan for the following reasons:

- It meets the annexation policies of the Plan;
- The area to be annexed is within the future service limit;
- The area to be annexed is contiguous to the city;
- The area to be annexed is generally urban in character.

RECOMMENDATION:

Change of Zone

Annexation

Approval

Conditional Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION: Irregular Tracts 46 and 65, located in the Southeast 1/4 of Section 11 T9N R7E, Lancaster County, Nebraska.

EXISTING LAND USE AND ZONING: Single-family dwelling AG Agricultural

SURROUNDING LAND USE AND ZONING:

North:	HiMark golf course	AG Agricultural
South:	Single-family dwellings	R-3 Residential
East:	Single-family dwellings	R-3 Residential
West:	Single-family dwellings	R-3 Residential

ASSOCIATED APPLICATIONS: Special Permit #05017 Ravenwood CUP

HISTORY:

Mar 1979 The zoning for these lots was changed from A-A Rural and Public Use to AG Agricultural as part of the zoning update.

COMPREHENSIVE PLAN SPECIFICATIONS: The Land Use Plan identifies this area as Urban Residential. (F 25)

The proposed annexation is within the City's Future Service Limit. (F 27)

The Comprehensive Plan's Annexation Policy is found on pages F-154 and F-155 of the 2025 Comprehensive Plan. Some relevant excerpts are as follows:

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 water 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 annexation shall occur before any property is provided with water, sanitary sewer, or other potential City services. (F 154)

Land which is remote or otherwise removed from the limits of the City of Lincoln will not be annexed; land which is contiguous to the City and generally urban in character may be annexed; and land which is engulfed by the City should be annexed. (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)

SPECIFIC INFORMATION:

UTILITIES & SERVICES: This property is identified in the Top Priority Area of the Comprehensive Plan.

- A. **Sanitary Sewer:** This property currently utilizes a septic system. An 8" public sanitary sewer line exists in Old Cheney Road adjacent to this property..
- B. **Water:** This property is located within Lancaster Rural Water District #1. A 16" public water main exists in Old Cheney Road adjacent to this property. The developer will be required to reach an agreement with the rural water district to assume any financial obligations of terminating service before the City annexes this area.
- C. **Roads:** This property is served by Old Cheney Road, which is currently a 2-lane county cross-section with asphalt paving. This portion of Old Cheney Road is identified in the Comprehensive Plan for expansion to 4 lanes plus center turn lane. (F 105) The Ravenwood CUP identifies new public streets and private roads to serve future development.
- D. **Parks, Trails, and Public Service:** There are no trails through this site, but a trail is identified through the western portion of the HiMark Estates and Vintage Heights developments running generally north and south along 84th Street. The closest City parks are Edenton South, Colonial

Hills, and Holmes Lake, and Gere Library is located at 56th Street and Normal Boulevard. StarTran provides weekday service to 84th and Van Dorn Streets, and Saturday service to 84th and “A” Streets. The closest hospitals are BryanLGH East at 48th and Sumner Streets, and Saint Elizabeth Regional Medical Center, located just south of 70th and “O” Streets.

5. **Fire and Police Protection:** This property is currently served by the Southwest Rural Fire District and Lancaster County Sheriff. The developer will be required to reach an agreement with the rural fire district to assume any financial obligations of terminating service before the City annexes this area. Upon annexation, the Lincoln Fire and Police Departments will be responsible for providing protection to this property. For fire protection, it is anticipated that first responders would be from Station #12 (2201 S. 84th Street).
6. **School:** This property is in the Waverly Public School district. Upon annexation, this property would become part of the Lincoln Public School district.

ANALYSIS:

1. This is a request to annex approximately 26 acres to be developed with 44 residential lots in order that they can be provided city services, and to change the zoning on the property from AG Agricultural to R-3 Residential.

2. The annexation policy of the Comprehensive Plan states:

- To not extend water and sanitary sewer services beyond the city limits. Annexation shall occur before any property is provided water, sanitary sewer, and other city services.

The Public Works and Utilities Department has not commented on the availability of City services.

- Land which is contiguous and generally urban in character may be annexed.

The area is contiguous and urban in character.

- Annexation generally implies the opportunity to access all City services.

The area is within the future service limit.

- Plans for the provision of services within the areas considered for annexation should be carefully coordinated with the Capital Improvements Program of the city.”

The Public Works and Utilities Department has not commented on the availability of City services.

3. As a condition of the annexation agreement, the property owner will be required to compensate the public service districts from which they will be removed. These include, but may not be limited to, the Southeast Rural Fire District and Lancaster Rural Water District #1.

4. This property is surrounded on three sides by R-3 zoning, and future development plans propose residential lots with the same character as the adjacent HiMark Estates and Irongate Estates developments.

CONDITIONS:

Prior to scheduling this application on the City Council's agenda, applicant must:

1. Submit a signed annexation agreement.
2. Provide documentation demonstrating an agreement with the rural water and fire districts for compensation due to service termination.

Prepared by:

Greg Czaplewski
441-7620, gczaplewski@lincoln.ne.gov

Date: March 31, 2005

Applicant: Ironwood Estates, LLC
8900 South 56th Street
Lincoln, NE 68516
402.423.0873

Owner: Alan Fluckey and Susan Chadwick
9200 Old Cheney Road
Lincoln, NE 68516
402.483.7031

Contact: Brian D. Carstens and Associates
Brian Carstens
601 Old Cheney Road, Suite C
Lincoln, NE 68512
402.434.2424

**ANNEXATION NO. 05007,
CHANGE OF ZONE NO. 05025
and
SPECIAL PERMIT NO. 05017,
RAVENWOOD COMMUNITY UNIT PLAN**

PUBLIC HEARING BEFORE PLANNING COMMISSION:

April 13, 2005

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

Staff recommendation: Approval of the annexation, subject to an annexation agreement; approval of the change of zone; and conditional approval of the community unit plan.

Ex Parte Communications: None.

Proponents

1. Brian Carstens appeared on behalf of **Ironwood, LLC, and Bob and Margaret Schultz**, explaining that this is the last piece of the HiMark subdivision along Old Cheney Road. The developer has now entered into purchase agreements on a large 21-acre piece and already owns the 5-acre piece. They are proposing to change the zone to R-3 for 44 single family lots. 93rd Street will be a public street with roundabout and there will be a private roadway to the north and east. The units will range in size from 9,000 to 40,000 sq. ft. of lot area.

Carstens requested that Condition #1.1.1 be amended as follows:

Remove the 5 4 subdivision ground signs shown at Ravenwood Lane South and Ravenwood Lane North, ~~and Ravenwood Circle.~~

Carstens believes that staff is in agreement with this amendment.

Carstens further explained that they want a ground sign off of Old Cheney Road; one at the entrance to the private cul-de-sac; and then something as you enter in from the west.

There was no testimony in opposition.

Greg Czaplewski of Planning staff agreed with the proposed amendment. Building & Safety had wanted those five internal signs removed. But, after the staff report was prepared, it was agreed that one sign can stay and four would still need to be removed. Staff agrees with the proposed amendment.

Carlson inquired as to the number of dwelling units per acre. Carstens believes it would calculate to less than two dwelling units per acre. There are city water and city services to that parcel.

ANNEXATION NO. 05007

ACTION BY PLANNING COMMISSION:

April 13, 2005\

Larson moved approval, subject to an annexation agreement, seconded by Marvin and carried 9-0: Carroll, Pearson, Marvin, Krieser, Sunderman, Carlson, Taylor, Larson and Bills-Strand voting 'yes'. This is a recommendation to the City Council.

CHANGE OF ZONE NO. 05025

ACTION BY PLANNING COMMISSION:

April 13, 2005

Carlson moved approval, seconded by Carroll and carried 9-0: Carroll, Pearson, Marvin, Krieser, Sunderman, Carlson, Taylor, Larson and Bills-Strand voting 'yes'. This is a recommendation to the City Council.

SPECIAL PERMIT NO. 05017

ACTION BY PLANNING COMMISSION:

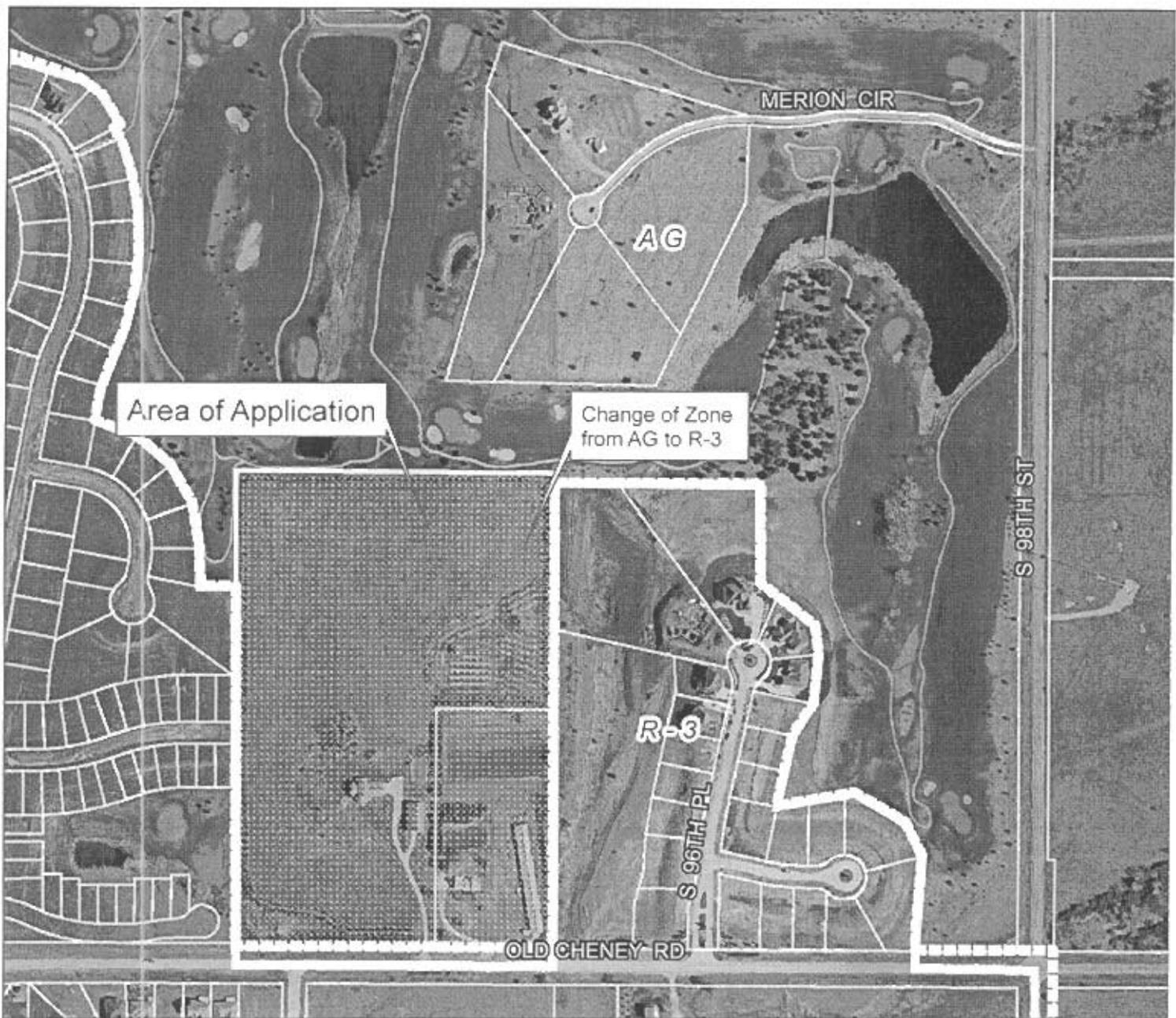
April 13, 2005

Taylor moved to approve the staff recommendation of conditional approval, with the amendment requested by the applicant, seconded by Marvin.

Carlson noted the continuing concerns about affordable housing and proper density and how this application takes advantage of existing infrastructure. It is important for the Commission to be mindful of this in approving developments.

Marvin thinks that flexibility is the key.

Motion for conditional approval, with amendment, carried 9-0: Carroll, Pearson, Marvin, Krieser, Sunderman, Carlson, Taylor, Larson and Bills-Strand voting 'yes'. This is final action, unless appealed to the City Council within 14 days.



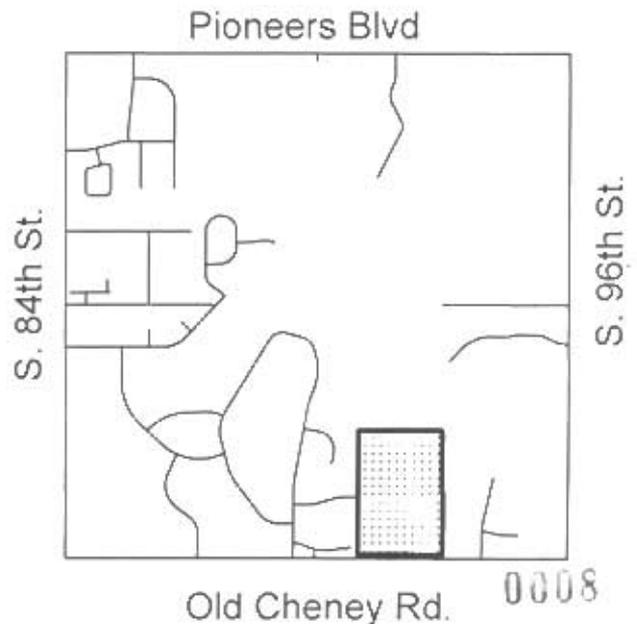
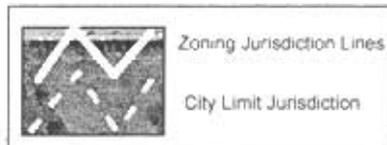
2002 aerial

Change of Zone #05025 Annexation #05007 S. 93rd & Old Cheney Rd.

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. 11 T9N R7E



N 88°05'25"E
875.29M 875R

PD. 54° 822AR



317.41M 316.25R

PD. 34° 822AR

9 02'24" 1.6E
544.25M 544.50R

CHANGE OF ZONE
AG TO R-3

105.00M
MEDINA DR.
106.75M
PD. 34° 822AR

N 02°19'25"W
1288.41M 1288.07R

105.00M
MEDINA DR.
106.75M
PD. 34° 822AR

553.04M

5 02'10.53E
534.27M 533.5R

PD. 34° 822AR

S 88°05'40"W
549.75M 549.95R

PD. 54° 822AR

S 88°06'02"W
324.82M 325R

PD. 11° 11P



9.87M
9.91F

2.61M

80.51
1325.27M

1.070423W
1325.27M

OLD CHENEY ROAD

Old Cheney Rd.

S 1/16 COR. SE 1/4
Sec. 11 T9N R7E

0009

LEGAL DESCRIPTION

A legal description of Lots 46, and 65 of Irregular Tracts, located in the Southeast Quarter of Section 11 Township 9 North Range 7 East of the Sixth Principal Meridian, Lancaster County, Nebraska. More fully described by metes and bounds as follows:

Commencing at the South 1/16 corner of the Southeast Quarter of Section 11 Township 9 North Range 7 East of the Sixth Principal Meridian; Thence North $02^{\circ}10'53''$ East (an assumed bearing), on the East line of Lot 46 extended, a distance of 50.00 feet to the POINT OF BEGINNING; Thence South $88^{\circ}06'02''$ West, on the North right of way of Old Cheney Road, a distance of 324.82 feet, to the Southeast corner of Lot 65 Irregular Tract; Thence South $88^{\circ}05'40''$ West, on the North right of way of Old Cheney Road, a distance of 549.75 feet to the Southwest corner of Lot 65 Irregular Tract; Thence North $02^{\circ}19'25''$ West, on the West line of Lot 65 Irregular Tract, a distance of 1298.44 feet; Thence North $88^{\circ}05'25''$ East on the South line of Outlot A Himark Estates 5th Addition, a distance of 875.29 feet, to the Northeast corner of Lot 65 Irregular Tract; Thence South $02^{\circ}24'16''$ East, on the East line of Lot 65 Irregular Tract and the West line of Irongate Estates, a distance of 644.26 feet, to the Northeast corner of Lot 46 Irregular Tract; Thence South $02^{\circ}10'53''$ East, on the East line of Lot 46 Irregular Tract, and the West line of Outlot B, Irongate Estates, a distance of 654.27 feet to the POINT OF BEGINNING, and containing a calculated area of 1,136,864.29 square feet or 26.099 acres more or less.