

City Council Introduction: **Monday**, August 2, 2010  
Public Hearing: **Monday**, August 9, 2010, at **3:00** p.m.

Bill No. 10-99

## **FACTSHEET**

**TITLE:** **ANNEXATION NO. 10001**, by the Director of Planning at the request of Village Gardens Development, to annex approximately 17 acres, more or less, generally located at South 62<sup>nd</sup> Street and Yankee Hill Road.

**SPONSOR:** Planning Department

**BOARD/COMMITTEE:** Planning Commission  
Public Hearing: 03/24/10  
Administrative Action: 03/24/10

**STAFF RECOMMENDATION:** Approval, subject to an annexation agreement.

**RECOMMENDATION:** Approval, subject to an annexation agreement (7-0: Larson, Esseks, Partington, Cornelius, Taylor, Francis and Gaylor Baird voting 'yes'; Lust and Sunderman absent).

**ASSOCIATED REQUESTS:** Amendment #2 to the Village Gardens Conditional Annexation and Zoning Agreement (10R-182) and Change of Zone No. 10006 (10-100).

### **FINDINGS OF FACT:**

1. This annexation request and the associated Change of Zone No. 10006 from AG to R-3 were heard at the same time before the Planning Commission, along with the Village Meadows Preliminary Plat No. 10001.
2. This is a request to annex approximately 17 acres, more or less, to allow the development of 52 single-family residential lots.
3. The staff recommendation of approval, subject to an annexation agreement, is based upon the "Analysis" as set forth on p.3-4, concluding that the proposed annexation is consistent with the City's annexation policy. The staff presentation is found on p.5.
4. The applicant's testimony is found on p.6.
5. There was no testimony in opposition.
6. On March 24, 2010, the Planning Commission agreed with the staff recommendation and voted 7-0 to recommend approval of the annexation request, subject to an annexation agreement.
7. On March 24, 2010, the Planning Commission also voted 7-0 to recommend approval of the associated Change of Zone No. 10006 (10-100), and adopted Resolution No. PC-01202, approving the associated Village Meadows Preliminary Plat (copy of site plan is attached to the Factsheet for Change of Zone No. 10006).

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

**DATE:** July 26, 2010

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

**DATE:** July 26, 2010

**REFERENCE NUMBER:** FS\CC\2010\ANNEX.10001+

**LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT**

**for March 24, 2010 PLANNING COMMISSION MEETING**

**PROJECT #:** ***Annexation #10001*** - Village Meadows Addition  
Change of Zone #10006

**PROPOSAL:** Request to annex approximately 15.5 acres of the land and change the zoning from AG to R-3.

**LOCATION:** South 62<sup>nd</sup> Street and Yankee Hill Road

**LAND AREA:** ***AN#10001 - Approximately 16.9 acres***  
CZ#10006 - Approximately 15.5 acres

**CONCLUSION:** The proposed annexation is consistent with the City's Annexation Policy, and the change of zone from AG to R-3 is consistent with the Comprehensive Plan.

**RECOMMENDATION:**

***AN#10001***  
CZ#10006

***Conditional Approval***  
Approval

**GENERAL INFORMATION:**

**LEGAL DESCRIPTION:** AN#1001 and CZ#1006 - See attached.

**EXISTING ZONING:** AGR Agricultural Residential

**PROPOSED ZONING:** R-3 Residential

**SURROUNDING LAND USE AND ZONING:**

North	Vacant, Residential	AG
South	Acreage Residential	AGR
East	Vacant	AG
West	Single-family Residential	R-3

**ASSOCIATED APPLICATION:** PP#10001 for the preliminary plat of Village Meadows.

**EXISTING LAND USE:** Vacant

## **COMPREHENSIVE PLAN SPECIFICATIONS:**

**Pg 17** - The Future Land Use Map designates this land for urban density residential land uses.

**Pg 21** - This area is designated as Tier 1, Priority A on the Urban Growth Tier Map.

**Pg 154** - The Annexation Policy of the 2030 Comprehensive Plan.

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

-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.

-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.

-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.

-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.

-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 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.

## **ANALYSIS:**

1. There are two requests. The first seeks a change of zone from AG to R-3 for approximately 15.5 of acres of land in the vicinity of South 62<sup>nd</sup> Street and Yankee Hill Road. The area of the annexation is somewhat larger at about 16.9 acres because it includes both the area of the change of zone and the adjacent right-of-way for Yankee Hill Road.
2. Both applications are associated with Preliminary Plat #10001 for Village Meadows. The plat proposes to create 52 lots for single-family dwellings, with lot sizes and a layout comparable to the adjacent development to the west in the Big Thompson Creek Development.

3. The applicant is seeking annexation in order to receive City services, consistent with the City of Lincoln's annexation policy which states that land must be annexed in order to receive those services. Public sanitary sewer and water can be extended to serve this development, in addition to all other municipal services which can also be provided.
4. The area to be annexed is adjacent to the city limits on the west with the Big Thompson Creek development.
5. The change of zone request seeks to change the zoning from AG to R-3 to accommodate the development plan shown on the associated preliminary plat. The Future Land Use Map designates the area of the proposed change of zone as urban density residential, and R-3 zoning is consistent with this designation and the adjacent development inside the city limit.
6. An annexation agreement will be required to address applicant responsibilities, including any payments due to the Rural Water and Fire Districts as a result of annexation. Additionally, the area proposed for annexation is mentioned in the annexation agreement for the Village Gardens Planned Unit Development. Any responsibilities assumed by this development stemming from that agreement will also be included.

**CONDITIONS:**

AN#10001

1. The owner(s) will enter into an annexation agreement with the City.

Prepared by:

Brian Will, 441-6362, [bwill@lincoln.ne.gov](mailto:bwill@lincoln.ne.gov)  
Planner  
March 10, 2010

**APPLICANT/  
CONTACT:**

Brad Marshall  
Olsson Associates  
1111 Lincoln Mall  
Lincoln, NE 68508  
(402)474-6311

**OWNER:**

Village Gardens Development  
5625 Pine Lake Road  
Lincoln, NE 68516

**ANNEXATION NO. 10001,  
CHANGE OF ZONE NO. 10006  
AND  
PRELIMINARY PLAT NO. 10001,  
VILLAGE MEADOWS ADDITION**

**PUBLIC HEARING BEFORE PLANNING COMMISSION:**

March 24, 2010

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

Ex Parte Communications: None.

Staff recommendation: Approval of the annexation, subject to an annexation agreement; approval of the change of zone; and conditional approval of the preliminary plat, with one amendment.

These applications were removed from the Consent Agenda due to revised conditions of approval recommended by staff on the preliminary plat.

Staff presentation: **Brian Will of Planning staff** explained that these are three associated requests for annexation, change of zone from AG to R-3 and a preliminary plat that shows approximately 52 lots, located generally in the vicinity of 63<sup>rd</sup> and Yankee Hill Road.

The site plan for the preliminary plat is pretty straight forward and consistent with the adjacent neighborhood to the west, Big Thompson Creek. This plat continues that general lot layout. The application also includes a waiver to design standards to allow sewer to flow opposite street grades, and Public Works has recommended approval of that waiver.

Will explained that this proposal was removed from the Consent Agenda to revise the conditions of approval to delete Condition #1.1.4 on the preliminary plat, which relates to Bridle Lane in the northern part of the development. This plat shows the dedication of half of that right-of-way to build the street. Originally, the staff report was written requiring full width dedication, but in this case that northern 30 feet of right-of-way is on someone else's property. Condition #1.1.6 was added in lieu of showing that right-of-way, and limits the development to 40 lots until such time as that right-of-way is dedicated.

Esseks inquired as to the location of the 12 lots that will not be platted at this time. Will advised that those lots have not been specified; however, he would imagine it would be the lots in the northern part of the development. They would be platting from south to north until such time as that dedication is accomplished.

Proponents:

**1. Mark Palmer of Olsson Associates** appeared on behalf of Aspen Builders, the developer. He provided further clarification about the Bridle Lane situation, explaining that the additional right-of-way is on the Lincoln Public Schools property to the north. The developer has met with LPS. There is an agreement between LPS and the current owner of the property to build the common infrastructure when required. They have every intention to build that road. There is also a rural water line on the south side of the property and the developer has met with those appropriate individuals as well.

Palmer agreed with the revised conditions of approval.

There was no testimony in opposition.

**ANNEXATION NO. 10001**

**ACTION BY PLANNING COMMISSION:**

March 24, 2010

Larson moved approval, subject to an annexation agreement, seconded by Francis, and carried 7-0: Larson, Partington, Taylor, Esseks, Gaylor Baird, Francis and Cornelius; Lust and Sunderman absent. This is a recommendation to the City Council.

**CHANGE OF ZONE NO. 10006**

**ACTION BY PLANNING COMMISSION:**

March 24, 2010

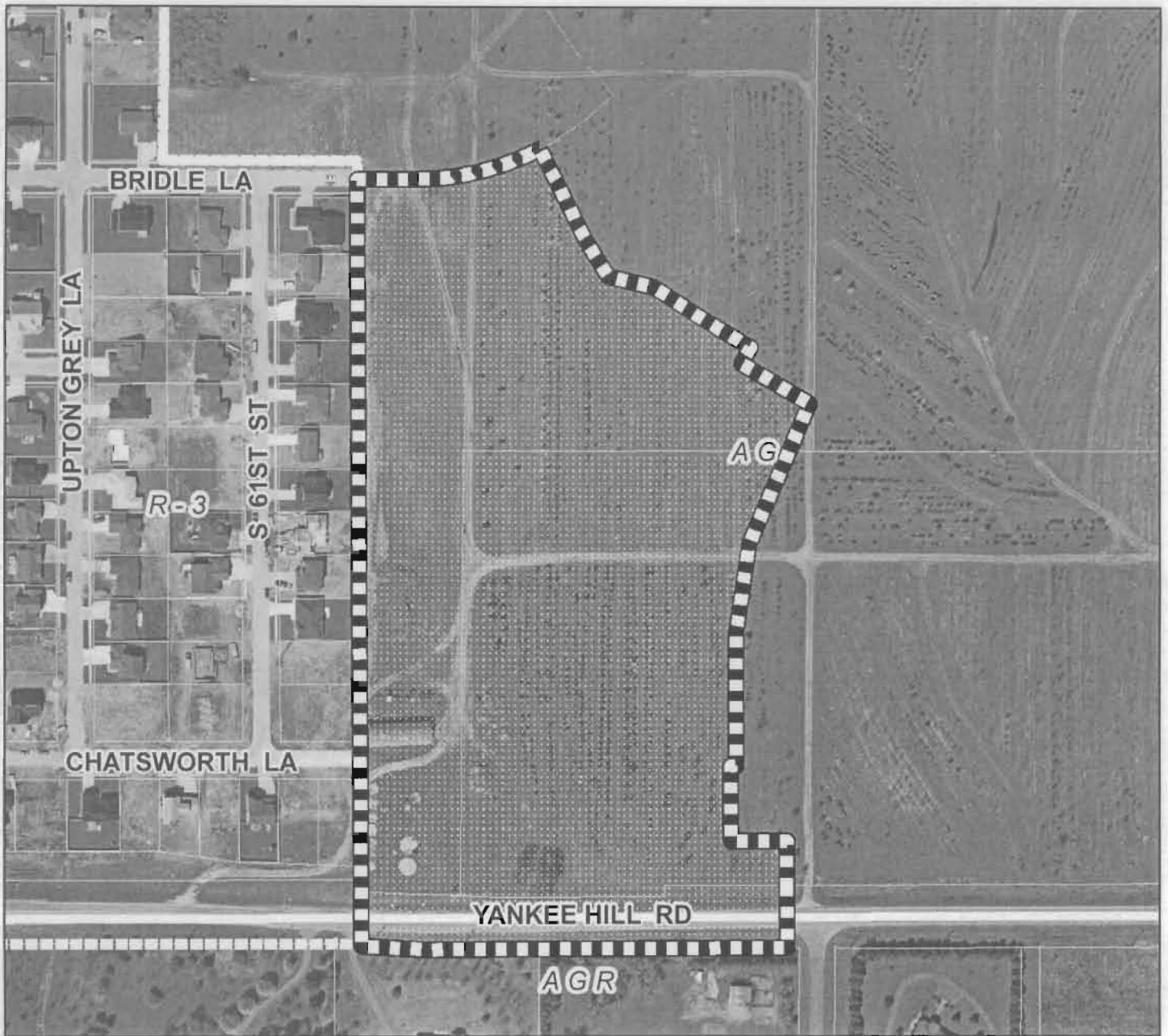
Francis moved approval, seconded by Esseks and carried 7-0: Larson, Partington, Taylor, Esseks, Gaylor Baird, Francis and Cornelius; Lust and Sunderman absent. This is a recommendation to the City Council.

**PRELIMINARY PLAT NO. 10001**

**ACTION BY PLANNING COMMISSION:**

March 24, 2010

Larson moved to approve the staff recommendation of conditional approval, as revised, seconded by Esseks and carried 7-0: Larson, Partington, Taylor, Esseks, Gaylor Baird, Francis and Cornelius; Lust and Sunderman absent. This is final action, unless appealed to the City Council within 14 days.



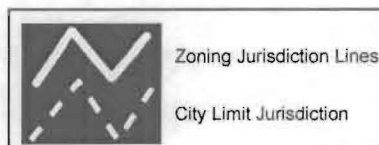
2007 aerial

**Annexation #10001  
Village Meadows Addition  
S 62nd St & Yankee Hill 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. 21 T09N R07E





February 24, 2010

Mr. Marvin Krout  
Planning Department  
555 South 10<sup>th</sup> St., Room 213  
Lincoln, NE 68508

Re: Village Meadows  
Annexation, Change of Zone and Preliminary plat  
Olsson Project No. 009-2567

Dear Marvin:

Enclosed find the following documents for the above-mentioned project:

1. Preliminary Plat Application
2. Change of Zone Application
3. Legal Description and Exhibit
4. Preliminary Plat Submittal Fee (\$3,720.00)
5. Change of Zone Submittal Fee (\$440.00)
6. 1 copy of the Ownership Certificate
7. 1 – 8 ½ x 11 copy of the cover sheet, site plan, and general notes.
8. Cover, Site, and Grading & Drainage Plans will be submitted electronically.

We are submitting this Preliminary Plat, Change of Zone, and request for annexation, on behalf of the developer, Aspen Builders Inc. The Preliminary Plat is a portion of Lot 70 I.T., Lot 56 I.T., and Lot 75 I.T., located in Section 21, Township 9 North, Range 7 East of the 6<sup>th</sup> P.M., City of Lincoln, Lancaster County, Nebraska.

Aspen Builders has an option to purchase the property from Village Gardens Development Company. Village Gardens is supportive of this project. If approved, Aspen Builders plans to construct the first phase of the subdivision immediately and hopefully be constructing homes later this summer.

The property is currently zoned AG. We are requesting a change of zone to R-3 residential use which is consistent with the adjacent Zoning and Comprehensive plan. Utility service, and roadway access was master planned under the Village Gardens Annexation agreement.

We have met with Steve Henrichsen and Brian Will on a number of occasions to gain Planning department feedback on this proposed subdivision. The site plan was revised to reflect their comments.



Mr. Marvin Krout  
February 24, 2010  
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We have also met with Scott Wieskamp from Lincoln Public Schools to discuss the project and gain any feedback from LPS.

If you require further information or have any questions, please call either myself at (402) 458-5632, or DaNay Kalkowski at (402) 435-6000.

Sincerely,



Brad J. Marshall, PE

CC Bob Benes, Aspen builders Inc.  
DaNay Kalkowski, Seacrest & Kalkowski PC  
Dick Campbell, Village Gardens

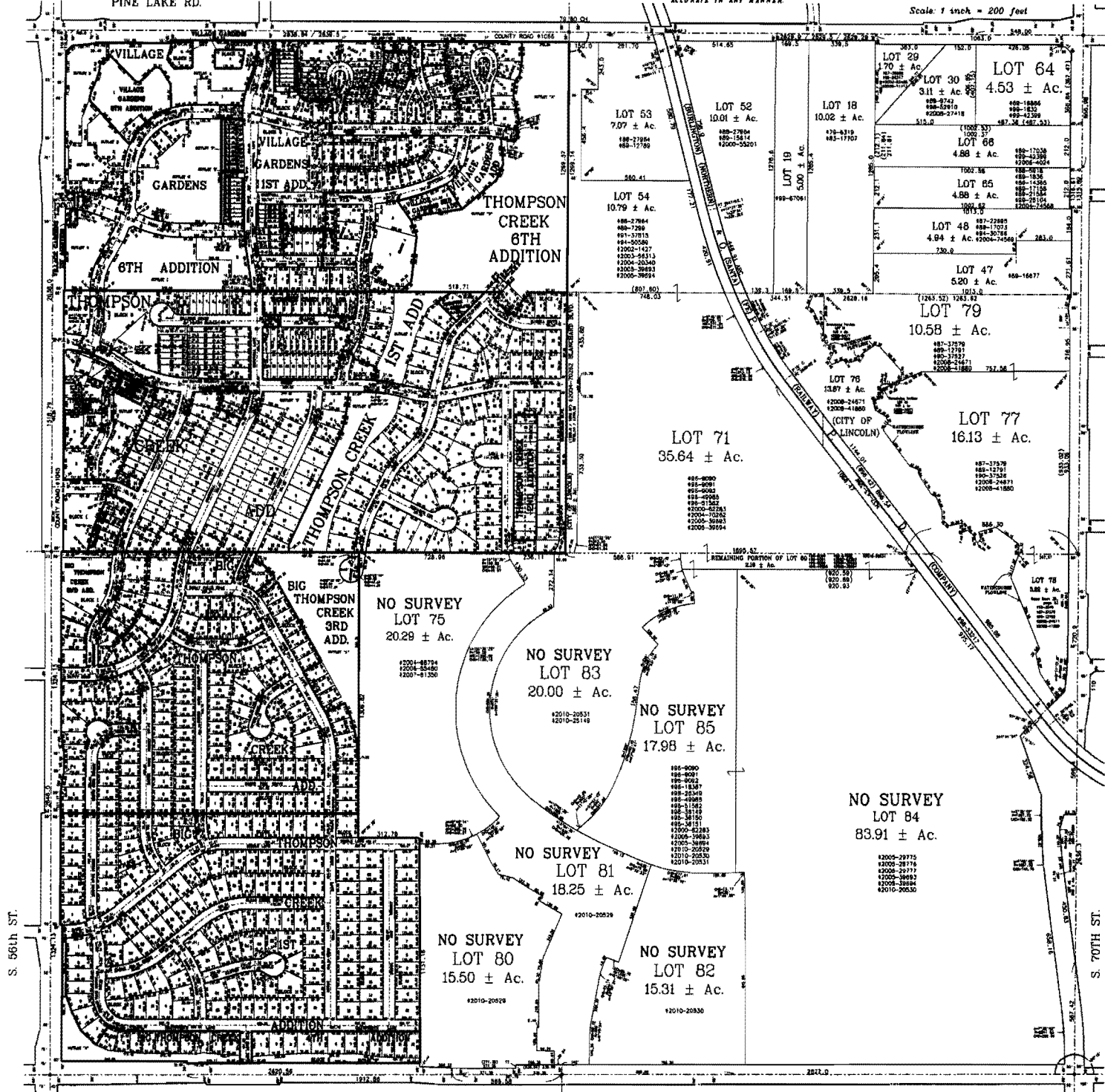
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SEC.21-T9N-R7E  
Grant

Scale: 1 inch = 200 feet

THIS PLAT IS INTENDED TO SHOW AS ACCURATELY AS POSSIBLE THE RELATIONSHIP OF FRACTS OF LAND, BUT IS NOT INTENDED TO BE CONSTRUED AS SURVEY ACCURATE IN ANY MANNER.

PINE LAKE RD.



YANKEE HILL RD.

18 Jun 10 15:04:00 Friday

S. 96th ST.

S. 70th ST.

## LEGAL DESCRIPTION

A LEGAL DESCRIPTION FOR A TRACT OF LAND COMPOSED OF A LOT 80 I.T., LOCATED IN THE SOUTHWEST QUARTER OF SECTION 21, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6TH P.M., LANCASTER COUNTY, STATE OF NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 21; THENCE NORTHERLY ALONG THE EAST LINE OF SAID SOUTHWEST QUARTER ON AN ASSUMED BEARING OF  $N00^{\circ}16'22''E$ , A DISTANCE OF 50.00' TO A POINT OF INTERSECTION WITH A SOUTH LINE OF LOT 81 I.T., SAID POINT BEING ON THE NORTH RIGHT-OF-WAY LINE OF YANKEE HILL ROAD; THENCE  $S89^{\circ}51'31''W$  ALONG A SOUTH LINE OF SAID LOT 81 I.T., SAID LINE BEING A NORTH LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 0.36' TO A POINT 50.00' NORTH OF THE SOUTH LINE OF SAID SOUTHWEST QUARTER; THENCE  $S89^{\circ}51'10''W$  ALONG A SOUTH LINE OF SAID LOT 81 I.T., SAID LINE BEING A NORTH LINE OF SAID RIGHT-OF-WAY, SAID LINE ALSO BEING 50.00' NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 39.64' TO THE SOUTHEAST CORNER OF SAID LOT 80 I.T., SAID POINT BEING **THE TRUE POINT OF BEGINNING**; THENCE CONTINUING WESTERLY ALONG SAID LINE, A DISTANCE OF 196.39' TO A POINT; THENCE  $S00^{\circ}16'22''W$  ALONG A EAST LINE OF SAID LOT 80 I.T., SAID LINE BEING A WEST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 17.00' TO A POINT 33.00' NORTH OF THE SOUTH LINE OF SAID SOUTHWEST QUARTER; THENCE  $S89^{\circ}51'10''W$  ALONG A SOUTH LINE OF SAID LOT 80 I.T., SAID LINE BEING A NORTH LINE OF SAID RIGHT-OF-WAY, SAID LINE ALSO BEING 33.00' NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 271.36' TO A POINT; THENCE  $N88^{\circ}08'41''W$  ALONG A SOUTH LINE OF SAID LOT 80 I.T., SAID LINE BEING A NORTH LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 200.33' TO A POINT 40.00' NORTH OF THE SOUTH LINE OF SAID SOUTHWEST QUARTER; THENCE  $S89^{\circ}51'10''W$  ALONG A SOUTH LINE OF SAID LOT 80 I.T., SAID LINE BEING THE NORTH LINE OF SAID RIGHT-OF-WAY, SAID LINE ALSO BEING 40.00' NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 21.44' TO THE SOUTHWEST CORNER OF SAID LOT 80 I.T.; THENCE  $N00^{\circ}16'45''W$  ALONG THE WEST LINE OF SAID LOT 80 I.T., A DISTANCE OF 1,131.16' TO THE NORTHWEST CORNER OF SAID LOT 80 I.T.; THENCE  $N89^{\circ}56'49''E$  ALONG A NORTH LINE OF SAID LOT 80 I.T., A DISTANCE OF 90.28' TO A POINT OF CURVATURE FOR A CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF  $27^{\circ}04'05''$ , A RADIUS OF 450.00', AN ARC LENGTH OF 212.59' ALONG A NORTH LINE OF SAID LOT 80 I.T., A TANGENT LENGTH OF 108.32', A CHORD DISTANCE OF 210.62', AND A CHORD BEARING OF

N76°24'46"E TO A NORTH CORNER OF SAID LOT 80 I.T.; THENCE S27°08'05"E ALONG A NORTHEAST LINE OF SAID LOT 80 I.T., A DISTANCE OF 161.20' TO A POINT; THENCE S32°15'57"E ALONG A NORTHEAST LINE OF SAID LOT 80 I.T., A DISTANCE OF 70.17' TO A POINT; THENCE S77°13'30"E ALONG A NORTH LINE OF SAID LOT 80 I.T., A DISTANCE OF 75.42' TO A POINT; THENCE S57°53'59"E ALONG A NORTHEAST LINE OF SAID LOT 80 I.T., A DISTANCE OF 123.35' TO A POINT; THENCE S60°32'27"E ALONG A NORTHEAST LINE OF SAID LOT 80 I.T., A DISTANCE OF 60.00' TO A POINT; THENCE S29°27'33"W ALONG A EAST LINE OF SAID LOT 80 I.T., A DISTANCE OF 29.55' TO A POINT; THENCE S60°32'27"E ALONG A NORTHEAST LINE OF SAID LOT 80 I.T., A DISTANCE OF 126.09' TO A POINT; THENCE S23°21'37"W ALONG A EAST LINE OF SAID LOT 80 I.T., A DISTANCE OF 243.52' TO A POINT; THENCE S08°45'47"W ALONG A EAST LINE OF SAID LOT 80 I.T., A DISTANCE OF 73.03' TO A POINT; THENCE S08°29'15"W ALONG A EAST LINE OF SAID LOT 80 I.T., A DISTANCE OF 65.72' TO A POINT; THENCE S00°00'00"W ALONG A EAST LINE OF SAID LOT 80 I.T., A DISTANCE OF 216.65' TO A POINT; THENCE N89°43'38"W ALONG A SOUTH LINE OF SAID LOT 80 I.T., A DISTANCE OF 8.49' TO A POINT; THENCE S00°16'22"W ALONG A EAST LINE OF SAID LOT 80 I.T., A DISTANCE OF 120.00' TO A POINT; THENCE S89°43'38"E ALONG A NORTH LINE OF SAID LOT 80 I.T., A DISTANCE OF 90.25' TO A POINT; THENCE S00°16'22"W ALONG A EAST LINE OF SAID LOT 80 I.T., A DISTANCE OF 68.91' TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA OF 675,014.40 SQUARE FEET OR 15.50 ACRES, MORE OR LESS.

$\Delta=27^{\circ}04'05''$   
 $R=450.00'$   
 $L=212.59'$   
 $T=108.32'$   
 $C=210.62'$   
 $CB=N76^{\circ}24'46''E$

