LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for SEPTEMBER 28, 2016 PLANNING COMMISSION MEETING

PROJECT #: Change of Zone No.16026 (County)

PROPOSAL: From AG Agricultural to AGR Agricultural Residential

LOCATION: S. 60th Street and Wittstruck Road

LAND AREA: 11.48 acres, more or less

EXISTING ZONING: AG Agricultural

CONCLUSION: The change of zone request from AG to AGR is not in conformance with the 2040 Lincoln/Lancaster County Comprehensive Plan. However since the majority of the development is within the Village of Roca's zoning jurisdiction and Roca approved the change of zone, this change of zone request should be approved in order to provide a logical and complete acreage subdivision.

RECOMMENDATION: Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION: A portion of the East ½ of the NE 1/4 and SE 1/4, of the NW 1/4 of Section 16, 8, 7; Lancaster County, NE.

EXISTING LAND USE: Farm ground

SURROUNDING LAND USE AND ZONING:

North:	AG Agricultural	Acreage development
South:	AG Agricultural	Farm ground
	AGR Agricultural Residential	Acreage development
East:	AG Agricultural	Farm ground
West:	AGX Exclusive Agricultural (Roca)	Farm ground

ASSOCIATED APPLICATIONS:
Preliminary Plat #16004
Change of Zone #16025

COMPREHENSIVE PLAN SPECIFICATIONS:
The 2040 Lancaster County Future Land Use Plan identifies this area as Agricultural (p.1.8)

Acknowledge the fundamental "Right to Farm." Preserve areas throughout the county for agricultural production by designating areas for rural residential development— thus limiting potential conflicts between farms and acreages. (p. 2.7)

LPlan 2040 supports the preservation of land in the bulk of the County for agricultural and natural resource purposes. However, it recognizes that some parts of the County are in transition from predominantly agricultural uses to a mix that includes more residential uses (p. 7.12)

All proposals for acreages, whether designated on the future land use map for low density residential or not, should be evaluated based on factors such as paved roads, adequate water quality and quantity, soil conditions for on-site wastewater management, availability of emergency services, agricultural productivity, land parcelization, the pattern of existing acreages, and plans for future urban development (p. 7.12)

Grouping acreages together in specific area will limit the areas of potential conflict between farms and acreages. It also may enable services to be provided more efficiently, by reducing the amount of paved routes, reducing the number and distance of school bus routes and taking advantage of more effective rural water district service (p. 7.12)

Many families are not well-informed of all the implications of rural living before they make that lifestyle choice. This includes an understanding of the state's "right to Farm" law, which protects farmers from nuisance claims when conducting normal agricultural practices, and an understanding of the difference between urban and rural public services. (p. 7.13)

The 2040 Priority Growth Areas map identifies this area in Tier II. (p.12.6)

UTILITIES: This area is served by Lancaster County Rural Water District #1. Each lot shall have individual private sewer systems.

TRAFFIC ANALYSIS: Wittstruck Road is a county gravel road. S. 54th Street is a paved county road

PUBLIC SERVICE: The Hickman Rural Fire District serves this area. This is in the Norris School District.

REGIONAL ISSUES: Expansion of acreage development

ANALYSIS:

1. This request is for a change of zone from AG Agricultural to AGR Agricultural Residential on 11.48 acres. Associated with this change of zone is Silverhawk Estates preliminary plat.

2. The proposed project boundary falls within three different jurisdictions. They include the Village of Roca, Lancaster County and Lincoln. The jurisdiction for Lincoln comprises 2.85 acres, Lancaster County 11.48 acres and Roca 65.97 acres.

3. The Roca Village Board approved the change of zone from AG to AGR on September 12, 2016.

4. Although the Lincoln/Lancaster County Comprehensive Plan shows this area as agricultural, with only 11.48 of the 80 acres (14.3%) under the jurisdiction of the County Board. Thus, in order to provide for a logical and complete subdivision the entire property should be of similar zoning.

5. Proposed acreage development should be evaluated on several factors. These include:

   a) Water/rural water,
      This is in Lancaster County Rural Water District #1.

   b) Roads,
      Wittstruck Road is a county gravel road.

   c) Emergency services,
      This area is served by the Lancaster County Sheriff and Hickman Rural fire district.

   d) Soils,
      A small portion in the northern half of the 80 acres is identified as prime farmland.

   e) Existing acreages,
      There is existing acreages to the north (Brushcreek Estates), northwest (The Quarry) and to the southeast (The Preserve at Cross Creek).

6. Roca's Comprehensive Plan identifies this area as Rural Use. Rural Use is defined as an agricultural use which includes rural non-farm acreage development and some other compatible uses.

Prepared by:

Tom Cajka
Planner

DATE: September 19, 2016

APPLICANT: BCLINC, LLC
4400 Lowell Ave.
Lincoln, NE 68506

OWNER: Jane K. Bauer
1015 N. Shore Dr.
Lincoln, NE 68901

CONTACT: Mike Eckert
Civil Desing Group
8535 Executive Woods Drive, Suite 200
Lincoln, NE 68512
402-434-8494

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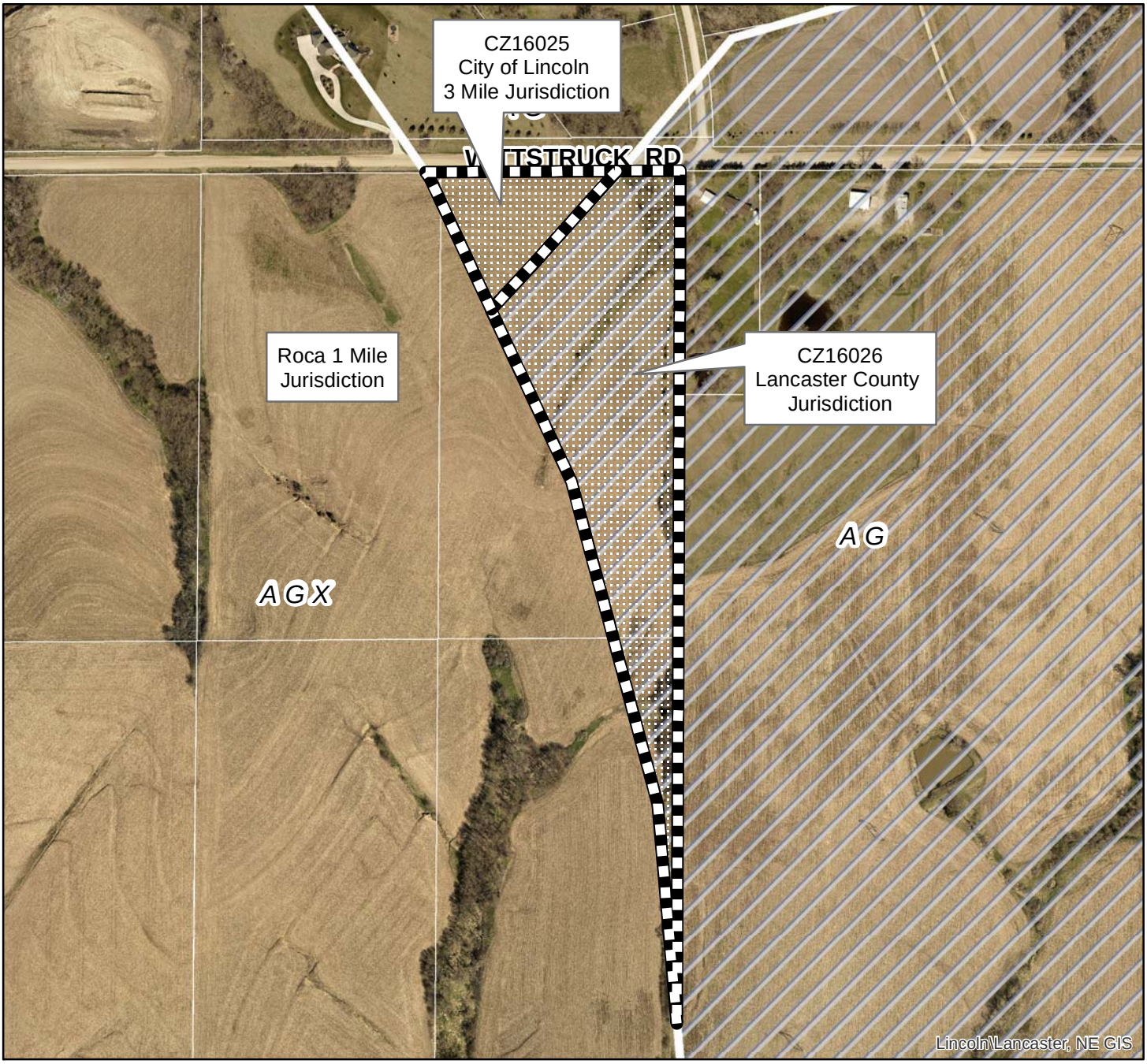


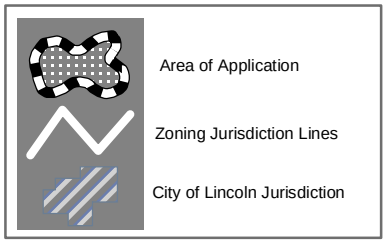
2016 aerial

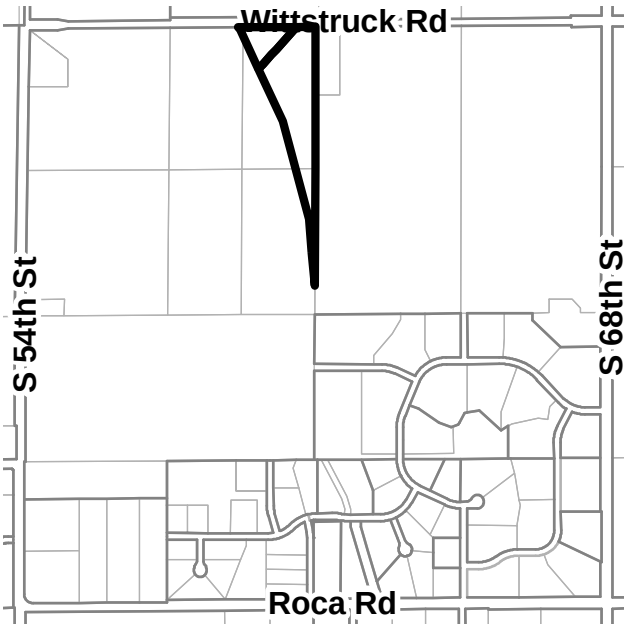
Change of Zone #: CZ16025 (AG to AGR)
& Change of Zone #: CZ16026 (AG to AGR)
Silverhawk Estates
S 60th St & Wittstruck Rd

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.16 T08N R07E





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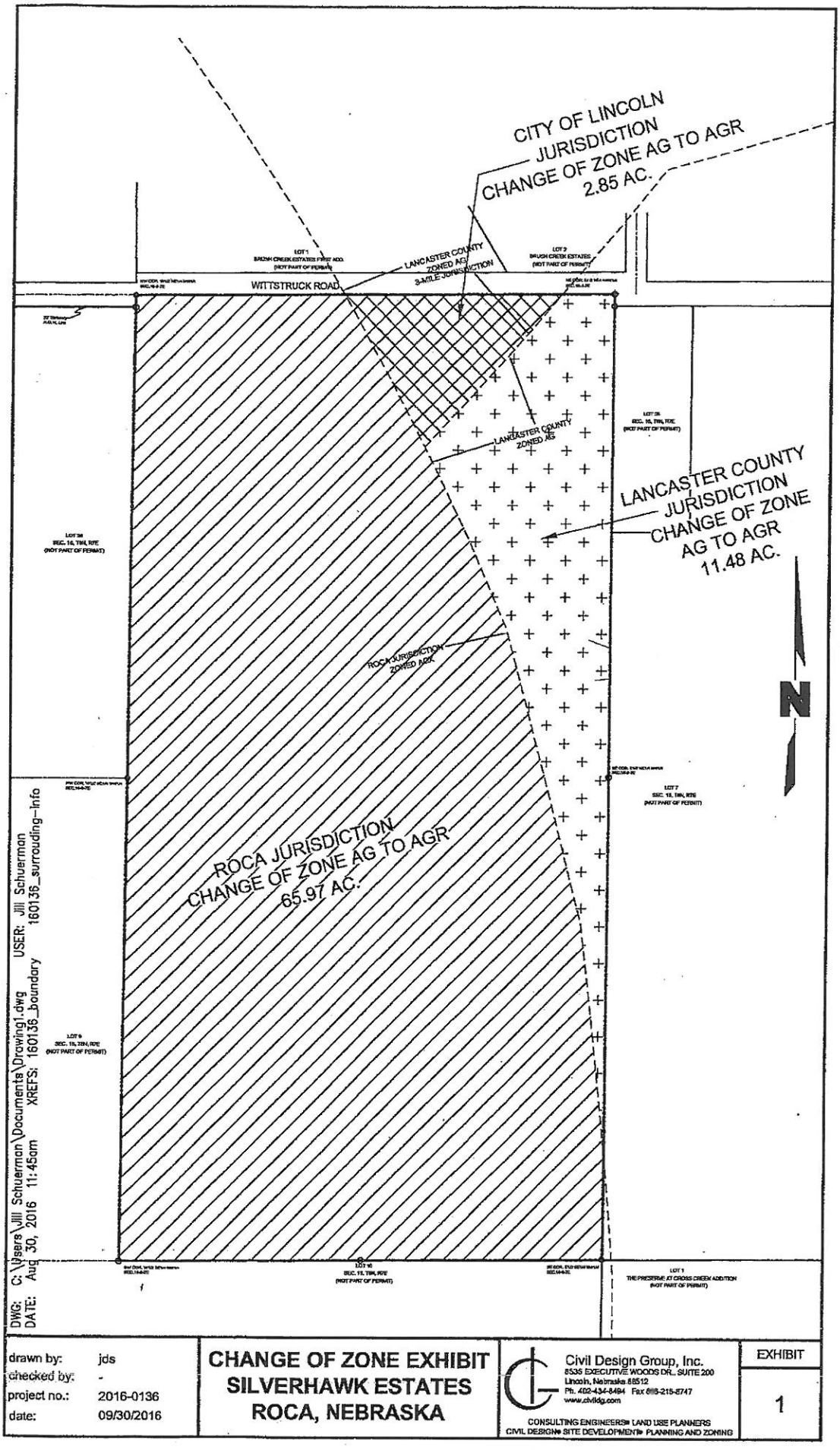
File: F:\DevReview\PlannerPacket\MXD\Agendadrawings.mxd (CZ16025)


CITY OF LINCOLN
JURISDICTION
CHANGE OF ZONE AG TO AGR
2.85 AC.
WITTSTRUCK ROAD
LANCASTER COUNTY
ZONED AG
3-MILE JURISDICTION
LANCASTER COUNTY
ZONED AG
LANCASTER COUNTY
JURISDICTION
CHANGE OF ZONE
AG TO AGR
11.48 AC.
ROCA JURISDICTION
ZONED AGR
ROCA JURISDICTION
CHANGE OF ZONE AG TO AGR
65.97 AC.
N
DWG: C:\Users\Jill Schuerman\Documents\Drawing1.dwg USER: Jill Schuerman
DATE: Aug 30, 2016 11:45am XREFS: 160136_boundary 160136_surrouding--Info
drawn by: jds
checked by: -
project no.: 2016-0136
date: 09/30/2016
CHANGE OF ZONE EXHIBIT
SILVERHAWK ESTATES
ROCA, 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
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Civil Design Group, Inc.
Consulting Engineers & Land Use Planners
Civil Design • Site Development • Planning & Zoning
www.civildg.com

August 31, 2016

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

Re: Application for Change of Zone & Preliminary Plat for Silverhawk Estates, CDG Project #2016-0136.

Dear Mr. Cary:

On behalf of BCLINC, LLC we submit the above mentioned applications for a change of zone from AG to AGR along with a preliminary plat for Silverhawk Estates on 80 acres of land generally located at S. 59th Street and Wittstruck Road. This is a cross-jurisdiction property with 66 acres in the Roca ETJ, 11 acres in the County ETJ and 3 acres in the City of Lincoln ETJ. We scheduled for a hearing and vote on the preliminary plat and change of zone for the Roca portion of the land on September 6th.

Given the small amount of land within the City's ETJ we are requesting a waiver of storm water detention, water quality, and build-through requirements on this portion of the land. We are also requesting a waiver of sidewalks on the Lancaster County portion of the land. The entire preliminary plat proposes 23 lots, all 3+ acres in size with individual sewer systems and water service by Lancaster Country Rural Water District #1.

In conjunction with this submittal we have included the following:
City of Lincoln Change of Zone fee: $792.00
Lancaster County Change of Zone fee: $792.00
Lancaster County Preliminary Plat fee: $1,320.00
Plans uploaded via Project Dox.

We hope that this letter and associated plans provide you with enough information to review this application for a change of zone of preliminary plat. Please call me at (402) 434-8494 if you have questions.

Sincerely,

Mike Eckert, AICP

Encl

cc: BCLINC, LLC

/Volumes/share/F/Projects/2016/20160136/Landplanning/Doc/COZ-planning_8-31-16.doc

Office 402•434•8494 8535 Executive Woods Dr., Suite 200 • Lincoln, NE 68512 Fax 866•215•8747