

City Council Introduction: **Monday**, November 4, 2002

City Council Public Hearing: **Monday**, November 18, 2002, at **1:30 p.m.**

Bill No. 02R-259

County Board Public Hearing: **Tuesday**, November 26, 2002, at **1:30 p.m.**

FACTSHEET

TITLE: COMPREHENSIVE PLAN AMENDMENT NO. 02001.A (Proposal A), requested by the Realty Trust Group, to amend the 2025 Lincoln-Lancaster County Comprehensive Plan to change the designation from Agriculture to Urban Residential and Commercial uses, on property generally located at the northeast corner of 84th & Van Dorn Streets.

STAFF RECOMMENDATION: Denial.

ASSOCIATED REQUESTS: Comprehensive Plan Amendment No. 02001 (02R-258) and Comprehensive Plan Amendment No. 02001.B (02R-261).

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 10/16/02
Administrative Action: 10/16/02

RECOMMENDATION: Denial (9-0: Steward, Bills-Strand, Krieser, Larson, Carlson, Newman, Taylor, Duvall and Schwinn voting 'yes').

FINDINGS OF FACT:

1. This Comprehensive Plan Amendment was heard before the Planning Commission at the same time as the E-3 Subarea amendment and Proposal B at 84th and South Street.
2. The staff recommendation to **deny** this amendment is based upon the "Status/Description" and "Comprehensive Plan Implications" as set forth in the staff report on p.2-3, concluding that this proposal for commercial/residential use in the near term is premature to development within this square mile. At this time, the applicant has not provided sufficient information to show that a portion of this site could be provided with sanitary sewer service per city standards.
3. The minutes of the Planning Commission are found on p.4-6.
4. The applicant's testimony is found on p.4-5. The additional information submitted by the applicant at the public hearing is found on p.8-16.
5. The Planning Commission discussion with staff is found on p.5-6.
6. There was no testimony in opposition.
7. On October 16, 2002, the Planning Commission agreed with the staff recommendation and voted 9-0 to recommend **denial**. See Minutes, p.6.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: October 29, 2002

REVIEWED BY: _____

DATE: October 29, 2002

REFERENCE NUMBER: FS\CC\2002\CPA.02001.A

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

Amendment #02001 - Proposal A Commercial at Northeast Corner of 84th & Van Dorn

Applicant	Location	Proposal
Robert Weigel, Realty Trust Group	Northeast corner of 84th & Van Dorn	Designation of Urban Residential and Commercial uses
<p>Recommendation for Proposal A: Denial Based on the information presented to date, this site can not be provided with sanitary sewer service and is inappropriate for commercial designation.</p>		

Status/Description

This item was initially reviewed as part of the 1998 Annual Review of the Comprehensive Plan. On January 28, 1998 the Planning Commission unanimously recommended denial of the application on a 7-0 vote. After public hearing at the City Council, this item was placed on pending. On October 1, 1998 the application was withdrawn by the applicant. A revised proposal was then made to the City Council and County Board as part of the review of the draft 2025 Comprehensive Plan in May 2002. The Council and Board decided to send this item to the Planning Commission for consideration as part of the Comprehensive Plan Amendment #02001.

The previous application in October 1997 was for a change from Agricultural to 20.5 acres of commercial and 11.5 acres for a buffer and a sewage lagoon location. On December 15, 1997 the applicant amended his application to request a lift station instead of sewage lagoon. This area is in the Stevens Creek drainage basin and is Priority B of the Comprehensive Plan. The applicant then proposed to serve the site by filling the site with up to 38 feet of fill so that the site is served by a gravity sanitary sewer line. The applicant previously submitted a generalized plan for the commercial location. The current proposal does not include a specific amount of commercial land.

To the west is an apartment complex, to both the north and east is agricultural land. To the south is the Firethorn golf course and the Lincoln Benefit Life offices.

Comprehensive Plan Implications

This property is inside the future service limit and are designated as “Priority B” areas in the Plan (page F 31). Priority B areas currently lack infrastructure and are shown for development generally beyond the next 12 years. Development in the near term is not in keeping with Priority B areas.

This site is in the Stevens Creek drainage basin and can not be provided with sanitary sewer service per city standards. The previously proposed sanitary sewer alternatives were reviewed by Public Works and found to be not acceptable. One alternative included substantial fill which is contrary to the subdivision ordinance which encourage that “Earth moving shall be kept to a minimum to protect and preserve the existing trees and grasses and keep erosion to

a minimum.” The design standards also state that “The transfer of wastewater from one watershed to another by any means, such as a lift station or construction of a sanitary sewer which cuts through the ridge separating the watershed, shall not be permitted.”

The applicant has discussed instead of grading the entire site, to instead provide a new plan with minimal grading in order to provide sanitary sewer service by gravity to a smaller portion of the site. The implications on downstream sewer capacity would also need to be addressed. At this time the new information has not yet been submitted and reviewed.

The applicant has discussed a proposed commercial uses as part of a mixed use “life style” center. The Comprehensive Plan does encourage a mix of land uses and housing types. However, the designation of this property, or any other property in this portion of the Stevens Creek drainage basin is premature as it is in Priority B. The process as designated in the Comprehensive Plan (page F 47 of the Plan) is for the location of neighborhood commercial centers to be determined as development proceeds within an area. Development in the square mile from 84th to 98th, from A Street to Van Dorn (Priority B area) is potentially more than 12 years away.

Conclusion for Proposal A

This proposal for commercial/residential use in the near term is premature to development within this square mile. At this time the applicant has not provided sufficient information to show that a portion of this site could be provided with sanitary sewer service per city standards and should be designated as for near term development.

Prepared by

Duncan L. Ross, AICP
Planning Department

COMPREHENSIVE PLAN AMENDMENT NO. 02001

PROPOSAL A - 84th & Van Dorn Streets

PUBLIC HEARING BEFORE PLANNING COMMISSION:

October 16, 2002

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

Staff recommendation: Denial

Henrichsen also explained that after the Planning Commission hearing on the Comprehensive Plan in April, the two Proposals A and B were brought to the City Council and County Board. Those bodies requested that Proposals A and B be returned to the Planning Commission for consideration.

Proposal A: 84th & Van Dorn Streets:

1. Jim Hutchinson of Hutchinson Design presented Proposal A. Presently, to the west, there is a large residential multi-family development. To the south is Lincoln Benefit Life, which is now searching for ancillary uses such as a small shopping center, bank, laundry, restaurant, and things of that nature. The proposal is to provide a mixed use to also provide a residential area. They are not proposing to develop the entire site. Hutchinson concurred that there are some problems with sewerage, but they have had several engineering studies done, indicating that a contour line of 1143 would naturally drain this system into the Van Dorn sewer line. They are unsure where the ridge line actually is located. There has been discussion that it might possibly be the mile marker line or maybe it's the contour line on this owner's property--we don't know. The north portion of this property could be sewerage to Van Dorn Street and they could also go north. This is not a proposal to accept the design today. This is an effort to have the opportunity to work with the Planning Commission and the staff on a design to start to develop just a small portion of the property and then develop a large portion and then a park development. This is a request to be designated as a mixed use. It will not be farm land forever.

Hutchinson then showed concept plans for Firefox. They are now looking at more of a residential type atmosphere with the split rail fence. They are trying to follow the topographic areas of the existing land. There is a potential health hazard of the low area.

There is an embankment filled with trees and he wants to work with the city to find out the correct way to deal with that. There are no barricades at the present time. They foresee a small center with shops for grocery (no large corporations) and some other smaller shop facilities.

2. Mike Marsh, Realty Trust Group, stated that Realty Trust Group has been working on this project for approximately 5 years. There was an issue as to what was originally proposed and they have met with the city and minimized the fill amount and reduced to a smaller buildout. The developer's engineers have determined that the property does gravity flow to the Van Dorn section for sewer. They have also worked with City staff regarding the access points for safety issues and traffic projections. There will be 43,000 cars per day at this intersection so they have gone to great lengths to make sure

the access points are safe and convenient. The developer has come to a solution where they are minimizing the development and minimizing any dollars that the city will need to pay; and the developer's engineers have shown that it is not a burden on the existing sewer system. Marsh believes this is a win-win for both the developer and the city for future tax dollars. Marsh stated that there is capacity in the sewer system to take on a project like this. They will continue to work with the city on the capacity issues and make adjustments, if necessary. But, they need to be included in the Comprehensive Plan to proceed with resolving any further issues.

Steward observed that if this developer has been working on this project for 5 years, it means they have been holding options on the land for that long. Marsh indicated that they do own the property. Steward inquired as to what assurance the developer can give the City that this is where a commercial center should be located in terms of the Comprehensive Plan. Marsh believes this is an area that is well suited for a neighborhood shopping center. Steward believes that could be questionable without knowing what the surrounding development is going to be. Marsh further observed that the general area is an area that Planning staff said was an appropriate area. Steward believes all of the rest of the development is going to depend on some infrastructure process that is going to take 4-5 years. Marsh believes they have the opportunity today and believes they can stay within the city standards.

There was no testimony in opposition.

Staff questions

Carlson then referred to Proposal A at 84th & Van Dorn, and inquired about the criteria for selecting a neighborhood center site. He does not understand how there can be no cost to the city. Henrichsen advised that in terms of neighborhood centers, the Comprehensive Plan does not specifically designate where the neighborhood center is going to be located for new areas into which the city is growing. It calls for a process where we look at all the potential sites and what would be most appropriate in terms of a variety of factors, and that is still the staff's recommendation within this square mile. The vast majority of this mile is part of this Stevens Creek area that could be served in the longer term (12 years or more away, Priority B), so the staff is not recommending that the neighborhood center be designated at this point.

Henrichsen further advised that Realty Trust Group had submitted information 5 years ago that showed two sewer alternatives and those were reviewed and it was determined that neither met the city staff recommendation as being in conformance with the subdivision ordinance or Comprehensive Plan. The staff has not received any information showing that the city services could be provided by gravity. Realty Trust Group thought that perhaps a smaller area could be served by gravity and they have said they will provide information showing how a smaller portion might be served. But at this point, the staff is not recommending it since we don't have information showing it can be served.

Carlson noted that there is an older letter from the city that indicates that it is feasible for sewer but neither option meets the design standards. Dennis Bartels of Public Works suggested that if you were going to try to sewer to Van Dorn, the city sanitary sewer is about 600' west of 84th Street. If you extended that sanitary sewer at minimum grade east to 84th, you would be into the pavement elevations. To sewer by gravity you have to go through a hill and lower the sewer before you catch up

with grade to make it sewer by gravity. Even beyond that point, we have some concerns about capacity in the Antelope Creek system to which this would be heading. If it goes to 84th and South, that sewer outlets to Dead Man's Run. We have some surcharging that occurs downstream in Dead Man's Run north of "O" Street, meaning that the sanitary sewer flows full and water accumulates on top of the pipe in the manholes—beyond its design capacity downstream.

Schwinn confirmed that at 84th and South Street, the developer could come forward with a proposal for a recreational facility in the AG zoning. Would the lagoon be acceptable? When would annexation occur? Henrichsen suggested that they can bring that proposal forward without a Comprehensive Plan Amendment.

With regard to cost implications, Bartels suggested that probably the biggest cost would be at 84th and Van Dorn as it is not improved to an urban cross-section. The letter system has not been extended down that roadway. The cost of urban type street paving and traditional oversize water main in Van Dorn would become an issue. Obviously 84th has been built to urban cross-section and we have water in that area. The other potential cost implication would be sewer capacity issues. Schwinn believes there would also be quite a bit of grade change on Van Dorn heading east. Bartels recalled that to grade it to traditional urban cross-section there would have to be considerable amount of fill and there may have to be some adjustments to the grade for platform requirements or sight distance.

Response by the Applicant

Hutchinson stated that he wants to be able to work with the city to do a final determination on the gravity flow because he has a feasibility letter.

Public hearing was closed.

COMPREHENSIVE PLAN AMENDMENT NO. 02001.A **ADMINISTRATIVE ACTION BY PLANNING COMMISSION:**

October 16, 2002

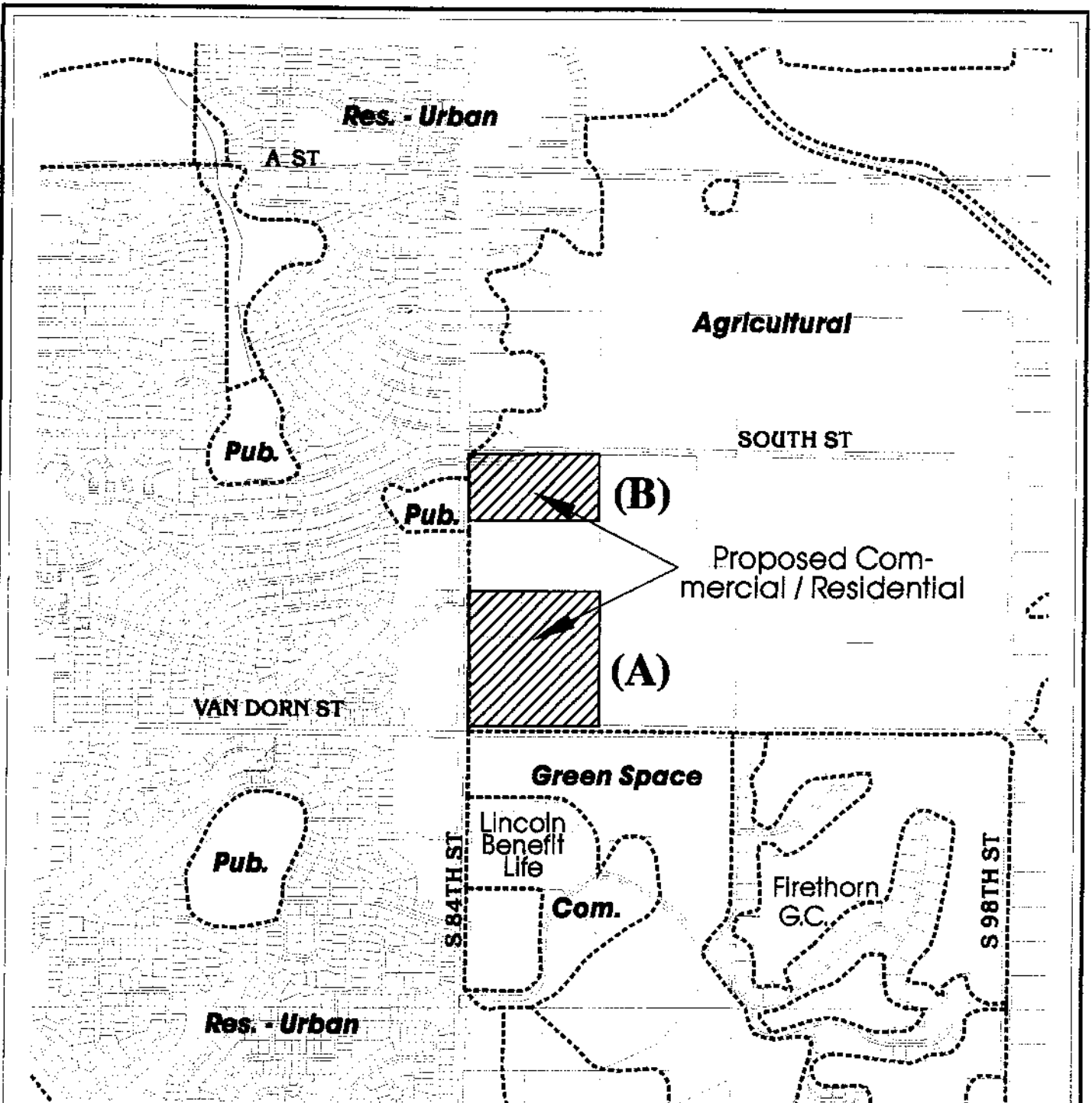
Carlson moved to deny, seconded by Steward.

Duvall believes this will eventually be a commercial area. We do have the sewer issue, but he thinks the city is going to have to work on this in the near future.

Newman commented that it appears to be a great project, but it's just the wrong time.


Schwinn needs to see this come forward in a full package. He agrees that this will be a commercial designated area; however, living in that neighborhood and understanding the topography of Van Dorn east of 84th, he realizes there is a huge amount of redesign involved to make that work and he does not see this would be germane for just a small portion.

Motion to deny carried 9-0: Steward, Bills-Strand, Krieser, Larson, Carlson, Newman, Taylor, Duvall and Schwinn voting 'yes'.



84th & Van Dorn (A); 84th & South (B)

Comprehensive Plan Proposals A & B

- Land Use Boundary
- Res** Land Use Category
-  Proposed Commercial and Residential



007

SUBMITTED AT PUBLIC HEARING
BEFORE PLANNING COMMISSION: 10/16/02
BY THE APPLICANT

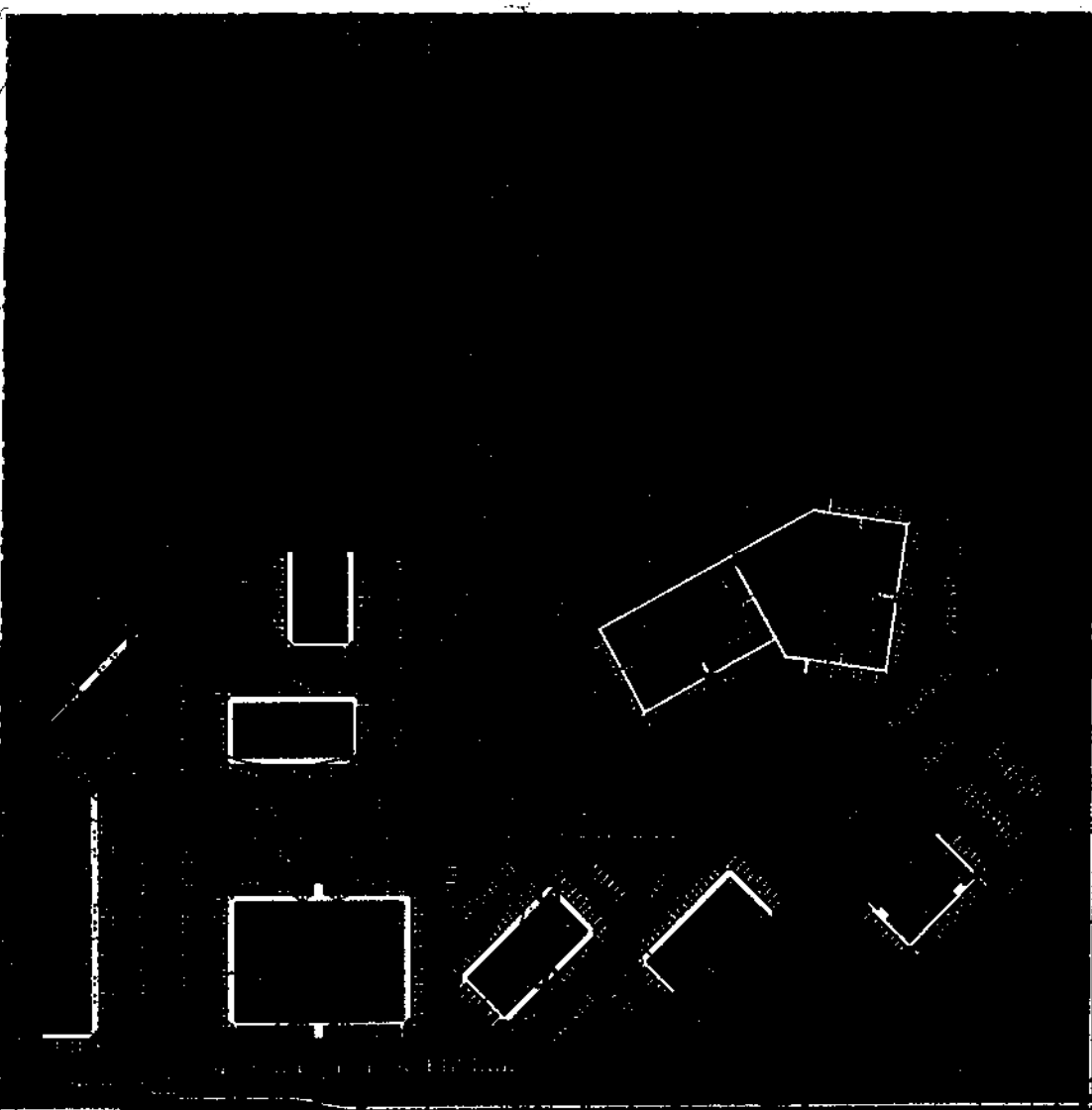
COMPREHENSIVE PLAN AMENDMENT
NO. 02001, PROPOSAL A

LAND-USE DATA:

TOTAL PROPERTY SQ.FTG.	= 1,641,091 SQ.FT. (37.67 ACRES)
TOTAL BUILDING SQ.FTG.	= 140,646 SQ.FT. (8.6% OF LAND AREA)
COMMERCIAL	= 44,706 SQ.FT.
OFFICE	= 36,900 SQ.FT.
RESIDENTIAL	= 59,040 SQ.FT. (9,840/LEVEL * 3 LEVELS @)
TOTAL WATER FEATURE SQ.FTG.	= 78,660 SQ.FT. (4.8% OF LAND AREA)
TOTAL GREEN SPACE SQ.FTG.	= 1,155,965 SQ.FT. (26.54 ACRES) OR, (70.4 % OF LAND AREA = GREEN SPACE)


PHASE # 1

PHASE # 2

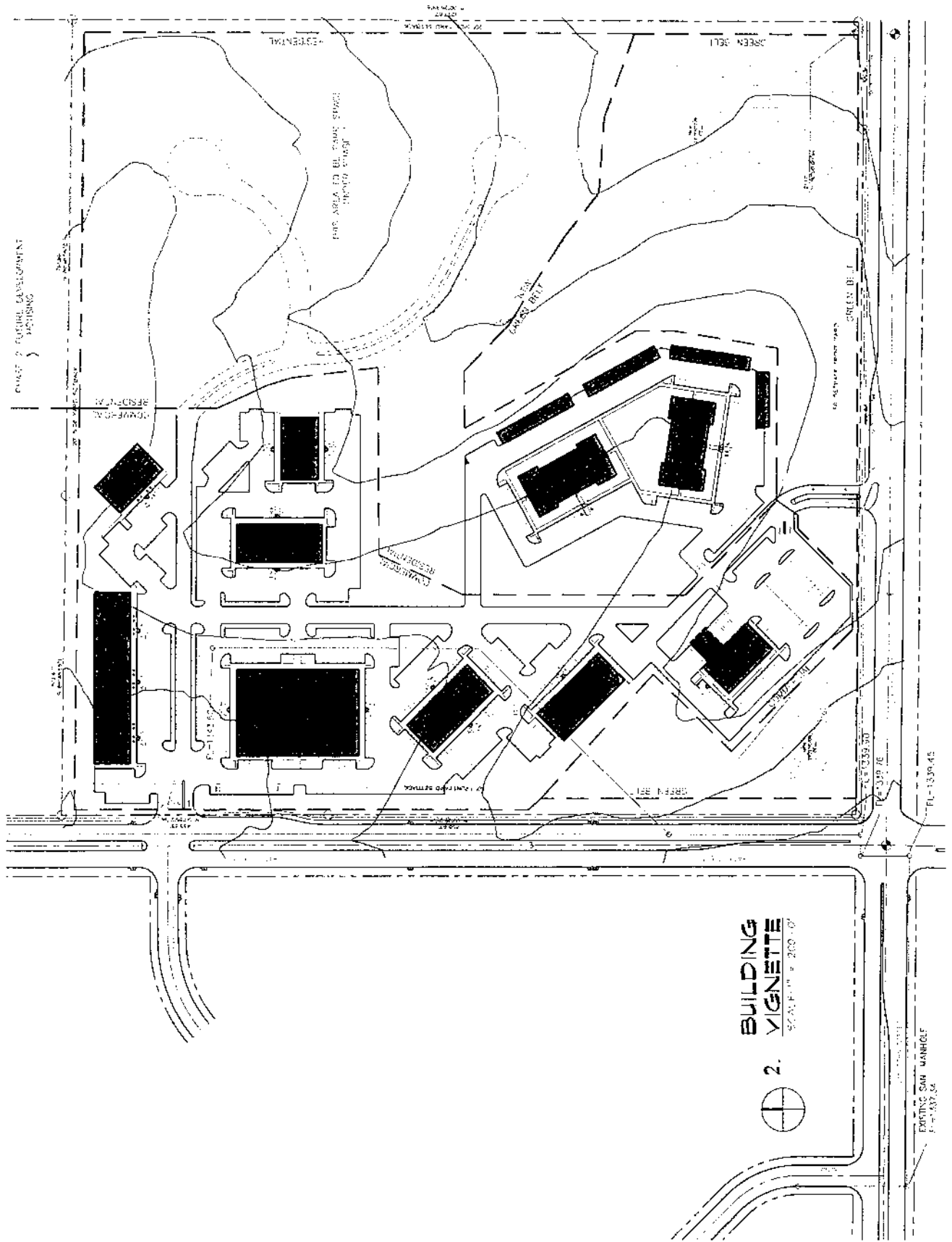


LAND-USE DATA

TOTAL PROPERTY SQ.FTG.	= 1,641,091 SQ.FTG. (37.87 ACRES)
TOTAL BUILDING SQ.FTG.	= 140,446 SQ.FTG. (3.48 OF LAND AREA)
COMMERCIAL	= 44,706 SQ.FTG.
RESIDENTIAL	= 95,740 SQ.FTG. (13.840/LEVEL * 3 LEVELS #)
TOTAL WATER FEATURE SQ.FTG.	= 79,460 SQ.FTG. (4.88 OF LAND AREA)
TOTAL GREEN SPACE SQ.FTG.	= 1,85,965 SQ.FTG. (12.54 ACRES) OR (70.4 % OF LAND AREA - GREEN SPACE)


1 SITE PLAN
 SCALE: 1" = 200'-0"

DRAWING: SAN MANHOLE
 11-1-2017



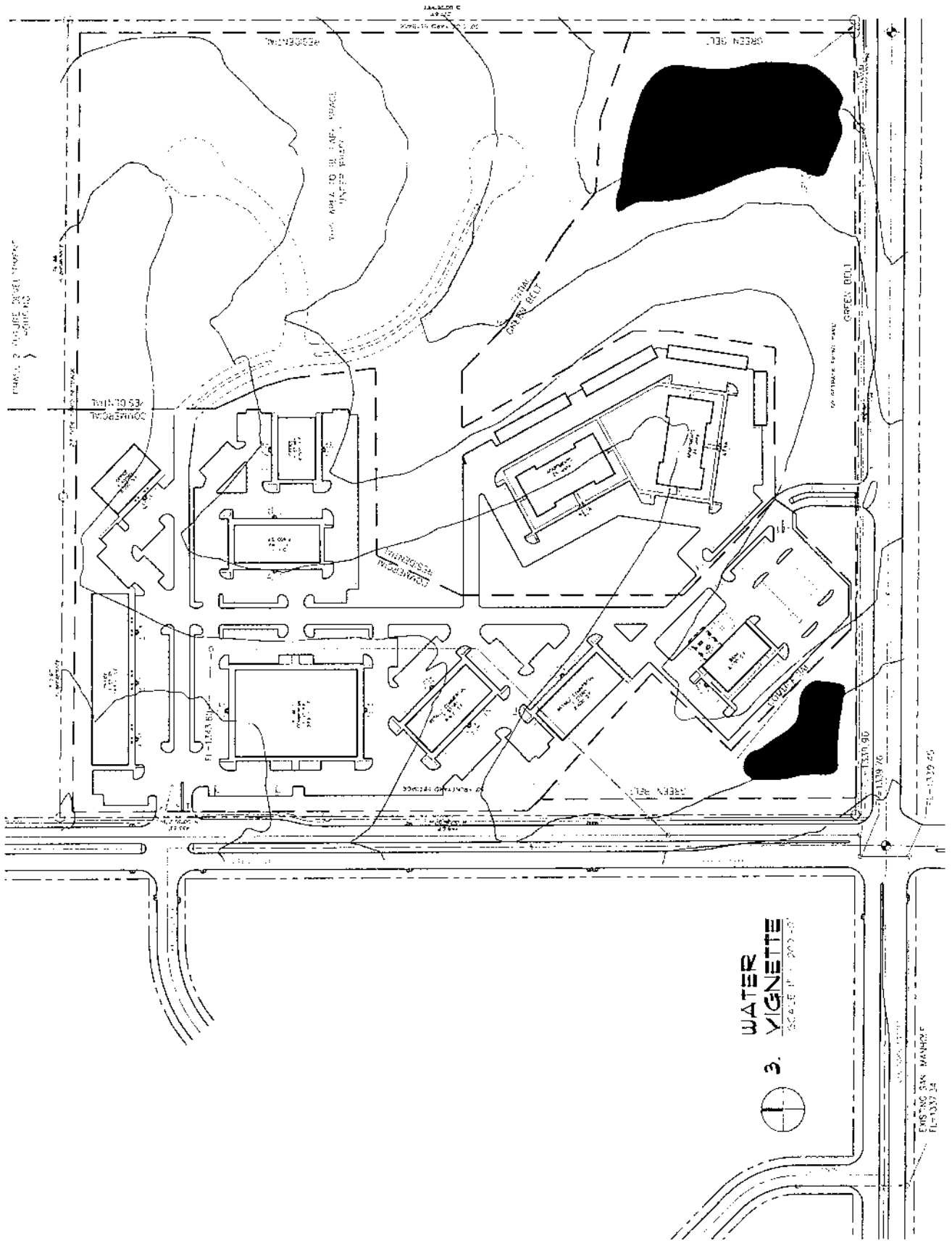
BUILDING VIGNETTE
 SCALE: 1/8" = 1'-0"

2.



EXISTING SAN MANRIQUE
 1-1-1975

FL-1339-45



WATER VIGNETTE
SCALE 1/8" = 1'-0"

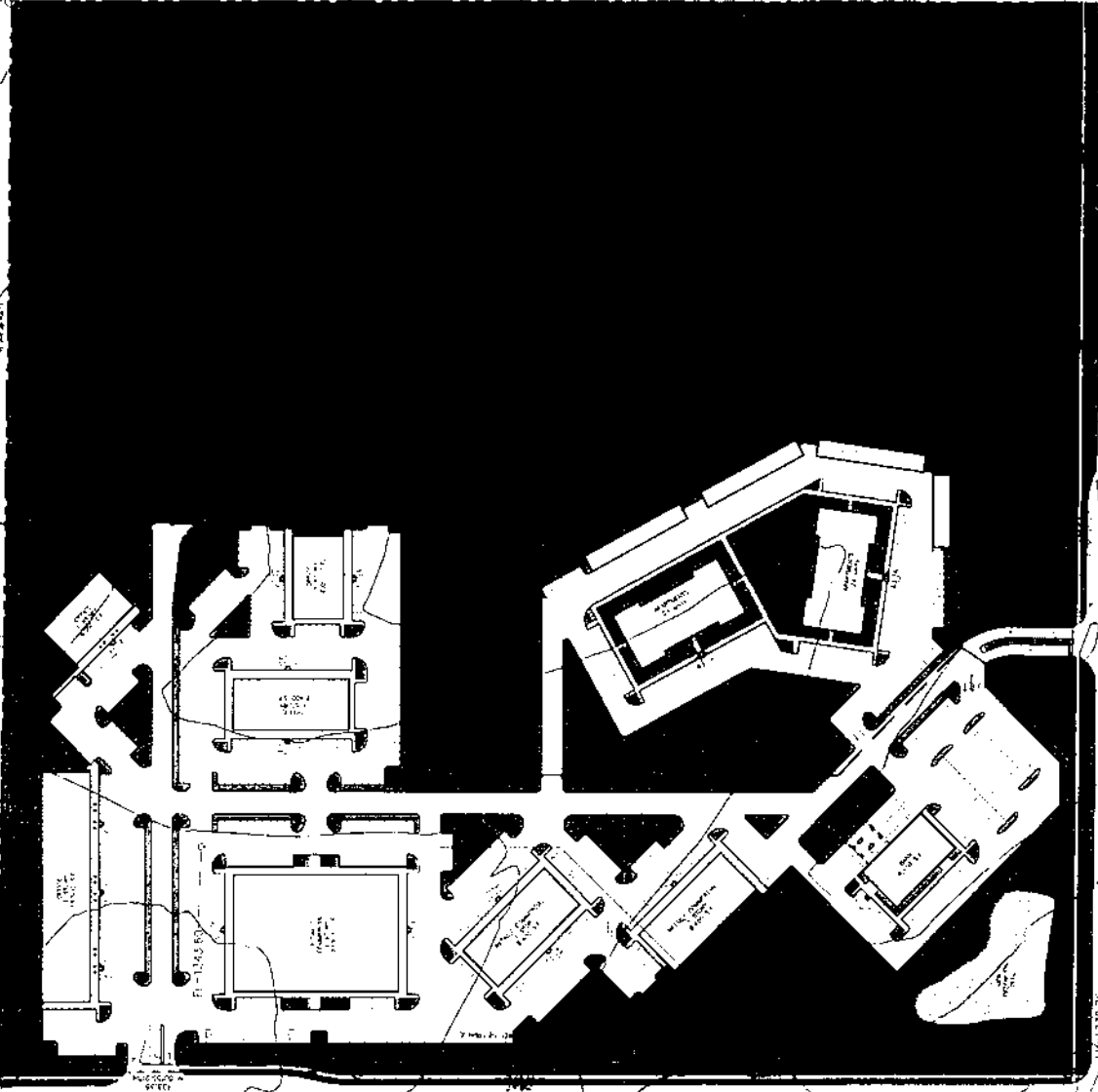
3.



EXISTING GAS MAINLINE
EUC-033 34

3.19.76

EXISTING PLANTING
ADJACENT



0.2247

0.2247

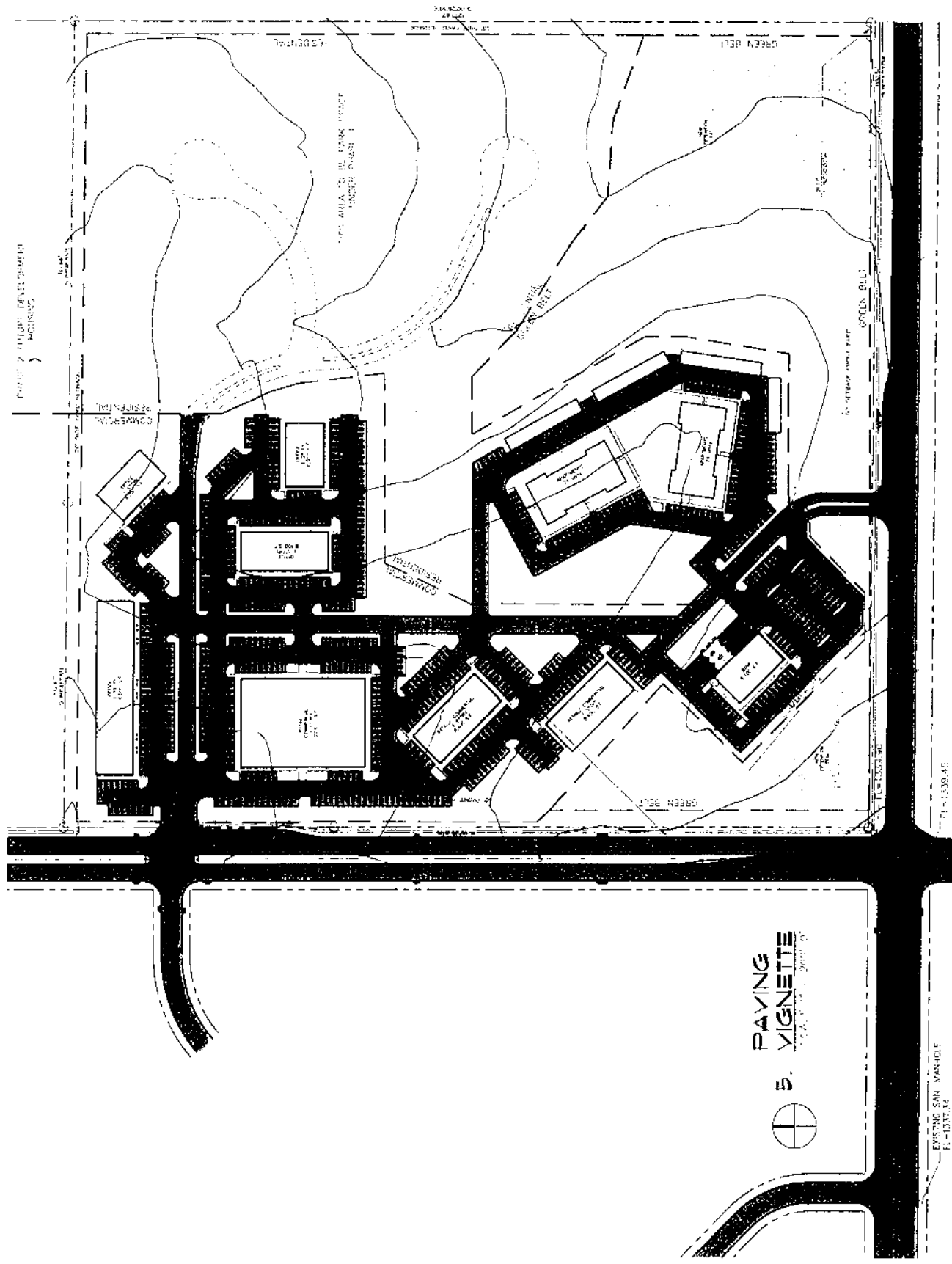
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GREEN SPACE
4. VIGNETTE
SCALE: 1/8" = 1'-0"

4.



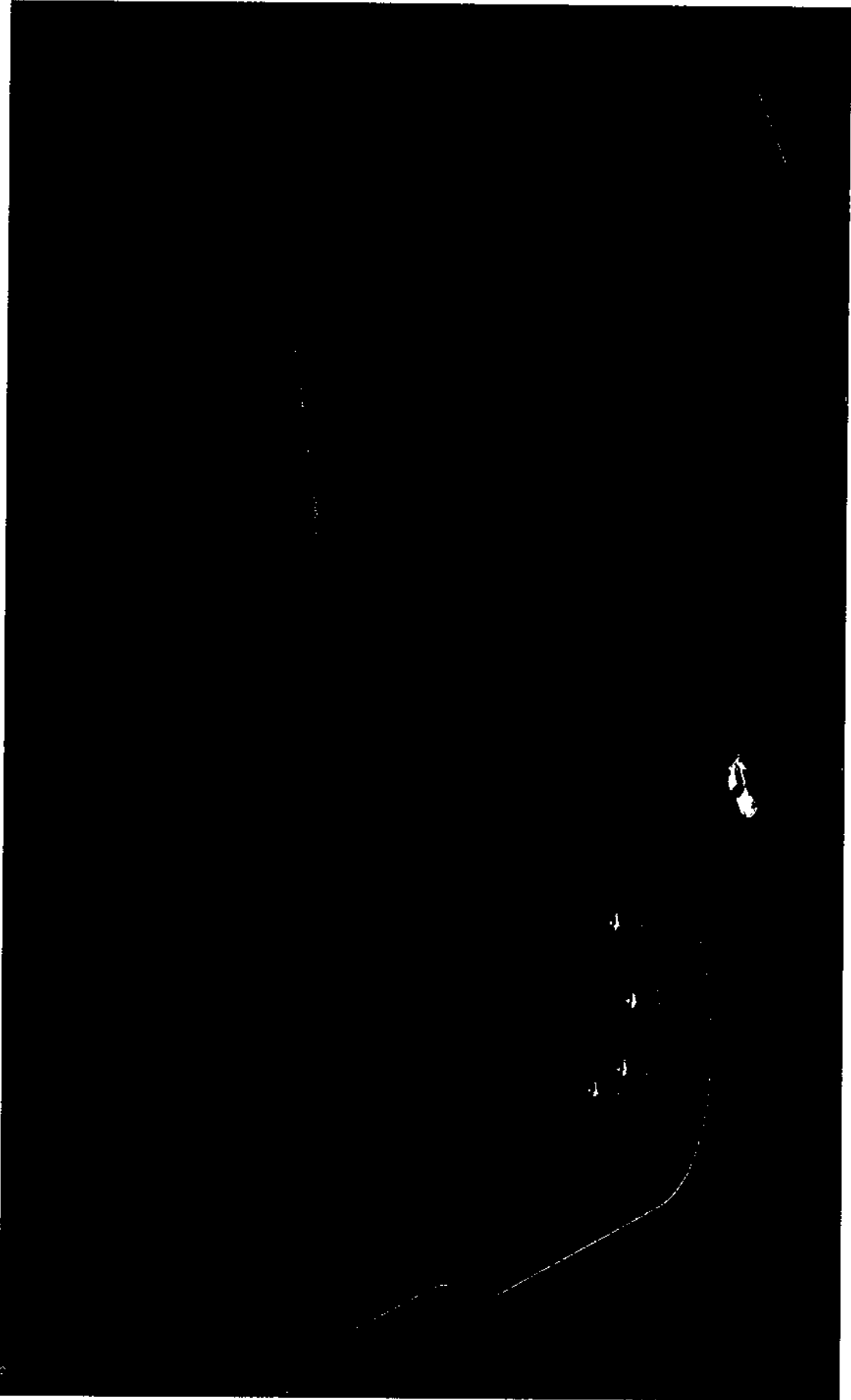
EXISTING PLANTING
E=11.07.14



PAVING
VIGNETTE

5.

EXISTING SAN MANHOLE
 H-10351-M



Hatch
A . . . R . . . C . . . E . . . J . . . T . . . F . . . E . . . C . . . T . . . S . . .
[Redacted] *Design*
P.C.

LINCOLN



DEPARTMENT OF PUBLIC WORKS
DEPARTMENT OF PUBLIC UTILITIES

NEBRASKA'S CAPITAL CITY

MIKE JOHANNIS, MAYOR

July 10, 1998

Robert Weigel
2300 S. 48th St.
Lincoln, NE 68506

Dear Bob:

The Public Works Department has reviewed several options to serve Lots 27 and 28 I.T. at the northeast corner of 84th and Van Dorn Streets with sanitary sewer. Per our discussions, it is feasible to build a sewer in 84th Street from the high point in 84th Street, at your north property line, north to the existing manhole south of 84th and South. It is also feasible to extend a sewer in Van Dorn Street, west from 84th Street.

Neither option meets city design standards. Your property is entirely within the Stevens Creek drainage basin. The potential sewer outlet in 84th Street is in the Dead Mans Run drainage basin. The sewer in Van Dorn Street is in the Antelope Creek drainage basin. There are capacity concerns in both downstream systems. If either option is approved, reconstruction of portions of the downstream system may be necessary to assure adequate capacity. Both options require a large amount of fill to be placed on your site to provide cover over the sewer service within your site. The outlet to Van Dorn Street would require less fill to construct a gravity sewer service to the public main.

If your zoning is approved, Public Works would recommend that the Van Dorn Street sewer option be utilized. In our opinion this option would allow the development to better fit into the existing topography in and adjacent to your site. Your development would be responsible for conducting the necessary studies to determine potential sewer capacity problems and would be responsible for the cost of the outlet sewer and any supplemental sewers built to overcome capacity problems.

The purpose of this letter is not to make a recommendation of approval or denial of your development, but is only a statement concerning the feasibility of providing a gravity sewer to the perimeter of your site.

Sincerely,

Richard Erickson
Director of Public Works/Utilities

cc: Mayor Johannis
Gary Brandt
John Bradley
Dennis Bartels

cjr00109 ddb

555 SOUTH 10th ST. - LINCOLN, NE 68508

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TOTAL P. 20

**ENGINEERING ■ SURVEYING ■ PLANNING**

LYLE L. LOTH
JACK D. TUMA

4910 NORMAL BOULEVARD
SUITE 'D'
LINCOLN, NE 68506

OFFICE (402) 484-5500
FAX (402) 484-5502

File No. 98-0001
May 18, 1998

Mr. John Bradley
Acting Planning Director
Planning Department
555 South 10th Street
Lincoln, NE 68508

Re: Proposed Commercial Development @ NE Corner of 84th & Van Dorn

Dear John:

At the request of Bob Weigel and Mike Marsh, I have taken another look at the referenced project. I was asked to determine if the site, based on existing topographic City maps, could be served by gravity into the City's existing sewer system.

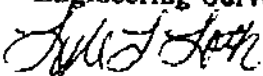
I have considered two alternatives to serve this site with a gravity sewer. These alternatives are shown on the attached sketches, and briefly described as follows:

ALTERNATE NO. 1 This alternate would require the extension of the existing sewer from 82nd & Van Dorn to the southwest corner of the site at 84th & Van Dorn, and then northeasterly to the proposed building site.

ALTERNATE NO. 2 This alternate would require the extension of the existing sewer located 345 feet south of 84th & South Street south to the proposed building site.

As I have mentioned in an earlier letter, I have estimated the flow rate from this proposed commercial development to be negligible (1400 gallons per day), and in my opinion, the existing sewer system, with either alternate, should have ample capacity to accept this flow.

E-S-P
Engineering-Surveying-Planning


Lyle L. Loth
For the Firm