

FACTSHEET

TITLE: ANNEXATION NO. 07002, requested by Cameron Homes, to annex approximately 40.48 acres, more or less, generally located at North 90th Street and Leighton Avenue.

STAFF RECOMMENDATION: A finding of conformance with the Comprehensive Plan.

ASSOCIATED REQUESTS: Change of Zone No. 07044 (07-138).

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 08/15/07
Administrative Action: 08/15/07

RECOMMENDATION: A finding of conformance with the Comprehensive Plan (8-0: Esseks, Carroll, Sunderman, Taylor, Larson, Strand, Cornelius and Carlson voting 'yes'; Krieser absent).

FINDINGS OF FACT:

1. This is a request to annex approximately 40.48 acres associated with the proposed Change of Zone No. 07044 to R-4 Residential and the Cedar Cove Townhomes preliminary plat consisting of approximately 133 lots generally located at 90th & Leighton Avenue.
2. The staff recommendation to find the proposed annexation to be in conformance with the Comprehensive Plan is based upon the "Analysis" as set forth on p.4, concluding that the proposed annexation generally conforms to the City's annexation policy. There is no requirement for an annexation agreement.
3. The staff presentation is found on p.5.
4. The applicant's testimony is found on p.6-7. The only issue is the requirement on the associated preliminary plat to show a stub street into the LPS property to satisfy the block length issue.
5. There was no testimony in opposition; however, the record consists of an e-mail from Dave Butler at 9420 Leighton Avenue, with concerns about the infrastructure needed to support this development (p.9).
6. On August 15, 2007, the Planning Commission agreed with the staff recommendation and voted 8-0 to find the proposed annexation to be in conformance with the Comprehensive Plan (Krieser absent).
7. On August 15, 2007, the Planning Commission also voted 8-0 to approve the associated Change of Zone No. 07044 and to adopt Resolution No. 01070, approving the associated Cedar Cove Townhomes Preliminary Plat No. 07003 (Site Plan attached, p.10)

FACTSHEET PREPARED BY: Jean L. Walker

DATE: August 20, 2007

REVIEWED BY: _____

DATE: August 20, 2007

REFERENCE NUMBER: FS\CC\2007\ANNEX.07002+

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for AUGUST 15, 2007 PLANNING COMMISSION MEETING

PROJECT #: Change of Zone No. 07044
Annexation No. 07002

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: Annexation and Change of Zone from AG to R-4.

LOCATION: N. 90th and Leighton Avenue

LAND AREA: 40.48 Acres, more or less

EXISTING ZONING: AG

CONCLUSION: The proposed change of zone generally conforms to the Land Use Plan of the 2030 Comprehensive Plan. The proposed annexation generally conforms to the City's annexation policy in the 2030 Comprehensive Plan.

<u>RECOMMENDATION:</u>	Approval
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GENERAL INFORMATION:

LEGAL DESCRIPTION: Lots 108 and 109 I.T. and the remaining portion of the SE 1/4 of the NW 1/4, all located in the SE 1/4 of the NW 1/4 of Section 14-10-7, Lancaster County, Nebraska.

EXISTING LAND USE: Undeveloped; Agriculture

SURROUNDING LAND USE AND ZONING:

North: Single Family Residential, R-3 and Undeveloped, R-3
South: Single Family Residential, R-3 and Undeveloped, R-3
East: Acreage Residential, AG
West: Single Family Residential, R-3

ASSOCIATED APPLICATIONS: Preliminary Plat #07003, Cedar Cove Townhomes

HISTORY:

June 27, 2007: The applicant met with City staff for a pre-application meeting to discuss the concept plan of the proposed preliminary plat.

February 13, 2007: Lincoln Public Schools sold a portion of the 40 acres to the applicant.

COMPREHENSIVE PLAN SPECIFICATIONS:

Page 154 - Annexation policy:

- Land which is remote from the limits of the City of Lincoln will not be annexed; land which is contiguous 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 (i.e., 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.
- Plans for the provision of services within the areas considered for annexation should be carefully coordinated with the Capital Improvements Program of the city and the county.

Page 9 - Overall Form - Maximize the community's present infrastructure investment by planning for residential and commercial development in areas with available capacity. This can be accomplished in many ways including encouraging appropriate new development on unused land in older neighborhoods, and encouraging a greater amount of commercial space per acre and more dwelling units per acre in new neighborhoods.

Natural and environmentally sensitive areas should be preserved within neighborhoods. Conservation areas and open lands should be used to define and connect different neighborhoods.

Streams, trees, open space, and other environmentally sensitive features should be preserved within new development as design standards allow. The natural topography and features of the land should be preserved by new development to maintain the natural drainageways and minimize land disturbance.

Page 16 - Environmental Resources: Land and water masses which are of particular importance for maintenance and preservation, such as saline wetlands, native prairie, and some floodway and riparian corridors. Such areas may be either publicly or privately owned.

Public and Semi-Public: Areas of public or semi-public land use and/or structures that serve the general public. Only the largest facilities are shown on the land use plan. Some small scale public and semi-public land uses may be found within all land use designations. Highways and interstates are also included in this category.

Urban Residential: Multi-family and single family residential uses in areas with varying densities ranging from more than fifteen dwelling units per acre to less than one dwelling per acre.

Page 19 - This site is designated for urban residential uses, public and semi-public, and environmental resources in the Land Use Plan.

Page 21 - Urban Growth Tiers - This site is in Tier 1, Priority Area A of the City's Future Service Limit.

UTILITIES:

There is an existing 47' electric transmission line easement along the north side of Leighton Avenue.

There is an existing 12" sewer behind Lots 9-24, Block 3.

The site will have access to public water and sanitary sewer.

Fire Protection: The nearest City fire station is located at 3640 Touzalin Avenue. The next nearest station is at 2201 S. 84th Street. There is a rural fire station near the intersection of N. 84th Street and Holdrege Street.

TOPOGRAPHY: There is a drainageway with trees that runs through the southeast corner of the change of zone application area that flows from southwest to northeast.

ENVIRONMENTAL CONCERNS: The plans show existing wetlands in the drainage area near the southeast corner of the property.

ANALYSIS:

1. The proposed annexation is generally consistent with the City's annexation policies.
2. The proposed annexation area is contiguous to the City limits and is shown as urban residential, environmental resources, and public use on the Land Use Plan in the 2030 Comprehensive Plan.
3. The area is shown within the "Future Service Limit" and within Tier I, Priority A of the 2030 Comprehensive Plan.
4. The area of the proposed annexation and change of zone is bounded by the City limits on the north, south, and west.
5. The proposed change of zone from AG to R-4 is consistent with the Land Use Plan in the 2030 Comprehensive Plan, which designates the majority of this area as urban residential and public & semi-public.
6. The proposed R-4 zone includes approximately 132 attached single family lots and one school site as per the proposed preliminary plat.

Prepared by:

Brandon M. Garrett, AICP
Planner

DATE: August 2, 2007

APPLICANT: Cameron Homes, Breck Collingsworth
8040 Eiger Drive
Lincoln, NE 68516

OWNERS: Lancaster County School District 0001
5901 O Street
Lincoln, NE 68510

Ridge Development Co. & Southview Inc.
8644 Executive Woods Drive
Lincoln, NE 68512

**ANNEXATION NO. 07002,
CHANGE OF ZONE NO. 07044,
and
PRELIMINARY PLAT NO. 07003,
CEDAR COVE TOWNHOMES**

PUBLIC HEARING BEFORE PLANNING COMMISSION:

August 15, 2007

Members present: Sunderman, Larson, Carroll, Strand, Esseks, Taylor, Cornelius and Carlson; Krieser absent.

Ex Parte Communications: None.

Staff recommendation: Approval of the annexation and change of zone, and conditional approval of the preliminary plat.

Additional information for the record: **Brandon Garrett of Planning staff** submitted an e-mail from Dave Butler in regard to the traffic situation at 84th & Leighton, questioning whether there would be a right turn lane in the future or a traffic signal. Garrett believes that there would be a traffic signal at some point in time. He did not know about the right-turn lane.

Staff presentation: **Brandon Garrett of Planning staff** presented the staff recommendation, indicating that the staff has been in conversation with the applicant and they have expressed some concern about Condition #1.1.7 on page 64, which addresses the block length issue. There is a proposed LPS school site in the middle of the 40 acres and the block length issue occurs from Kinzie Street all the way around the east and to the south all the way to N. 89th Street. The staff is requesting a stub street into that LPS property in the event that it does not develop as a school. However, in the interim, the staff would agree to allow the stub street to remain as an outlet reserved for future r.o.w. or future development. Staff also believes that LPS would be willing to work with this applicant to revise the layout. Compliance with Condition #1.1.7 would result in there being sufficient space for 60' r.o.w. and additional space for front yard setbacks in the event that it is a street. In total, at minimum, it would be 100', i.e. 60' for the r.o.w. and 20' additional for setback reasons. The width of the lots averages around 37'. They are attached single family lots. Garrett added that if the school does develop, that street would not be required and the applicant could develop the outlet, reaching the total of 28 attached single family lots, which is what they are showing today, plus one additional single family lot with a pedestrian easement to satisfy the block length requirement. If the school is not built and they do have to dedicate the r.o.w., they would end up with one less unit than what they are currently showing.

Strand confirmed that the 25' setbacks would still apply to the people that build on the lots next to the easement. Garrett suggested that it would depend on how the applicant wants to approach it. If you had an outlet reserved for r.o.w. or future development, you could have an outlet where you could have that space reserved for the future 60' r.o.w. and provide for the setbacks. If the school is built, they could do the same thing with the larger outlet reserved for future development and then split it up appropriately without the r.o.w., maintaining the proper spacing for a pedestrian easement.

Strand did not realize that an easement for a side yard setback could be there if they did not own the land. **Ray Hill of Planning staff** explained there would only be a side yard next to the outlet. It would not be a front yard unless the street is developed, and the street would only occupy the center 60'. Staff's main concern is that when the street would go through, there would be enough space to create a lot that would accommodate the 25' front yard from that new street.

Proponents

1. Mark Palmer of Olsson Associates, gave an overview of the history of this property. It was owned by the University Foundation years ago. It was land-banked by the University and they declared it surplus sometime in the 1990's, when LPS picked it up as a potential elementary school site and has held the property ever since. The developer has worked with LPS. The intent was for sidewalk access to 90th and 91st Street and to provide for some utility conduits.

Palmer advised that the developers of Waterford Estates have entered into agreement with Cameron Homes to purchase this property. This plan respects the two outlets that access 90th Street and 91st Street. The stub access being required by Condition #1.1.7 will result in the developer losing some units. The applicant will need to have Condition #1.1.7 amended to make it conditional upon LPS agreeing to a land swap. The two finger outlets would be combined into one. This developer would carve off and create two lots on either side of the access for LPS. If a road is required in the future, the requirement could then be met. The developer can agree to Condition #1.1.7; however, they need to make sure of the needs of LPS. Palmer believes they can reach a compromise where there is a plan for the future if this piece of property does not become a school site. Palmer suggested that Condition #1.1.7 be amended to add language that, "This condition satisfies the block length requirement and will not be enforced if LPS does not agree to cooperate with the land swap agreement."

Carroll sought to clarify that if LPS says "yes", they will do the swap. But if LPS says "no", then staff wants an outlet available for a street. Palmer explained that there are two 30' outlets to allow for sidewalk access. If LPS says "no", then this developer is back to square one where they would like to say that the sidewalk access at the moment is an LPS school site. Carroll believes LPS would hold the 30' outlet until the point in time that they decide whether this will be a school site. Palmer suggested that if LPS goes with a school site, they would be left with one 60' swath for an access. That is the issue the developer we will have to work out with LPS.

Carroll believes that Condition #1.1.7 is pretty general. He suggested that the Planning Commission would probably leave it intact and let the developer work out an agreement with LPS and not add any other conditions. Palmer's response was that "it is a tricky situation". If LPS agrees, the developer can make it work. If LPS does not agree, the developer's back is up against the wall. The lot layout was worked out with LPS, but they could change their mind and sell it in the future. Carroll suggested that if LPS sells that site to a developer, then access to that area is even more important. He believes that is staff's concern. Palmer is hopeful that LPS will cooperate, but they have not yet had that meeting. If Condition #1.1.7 is upheld, the developer would want LPS to agree. LPS has to agree to move their boundaries in order to make this plan work.

Esseks believes it is important to maintain the principle of connectivity. He believes that Condition #1.1.7 is so general that the developer should be able to work within it. This is only a problem if LPS fails to develop it. Palmer understood and agreed. If it was a clean 40-acre parcel with a

single owner, this would not even be a discussion point. The developer hopes to have a good solution if they can reach agreement with LPS

If LPS is not amenable to the land swap, Cornelius wondered whether there are any contingency plans. Palmer indicated that the development is off the table if they cannot develop this many lots.

2. Breck Collingsworth, Cameron Townhomes, stated that he has a purchase agreement to do this number of lots. If the outlot is required for the street stub, they lose a unit, causing the need to renegotiate the purchase price with the owner due to the loss of one lot. Collingsworth is of the opinion that if there is any question that LPS may sell the land, they will make it more valuable and make it have access. If this developer provides the outlot, they can make the connection work with the existing boundaries today, but the developer loses a duplex unit and that would have to be worked out with the owners of the property.

Palmer suggested that if Condition #1.1.7 is left in place, the developer knows they will lose a duplex lot and will need to renegotiate the purchase agreement with the owner.

There was no testimony in opposition.

ANNEXATION NO. 07002

ACTION BY PLANNING COMMISSION:

August 15, 2007

Carroll moved a finding of conformance with the Comprehensive Plan, seconded by Cornelius and carried 8-0: Sunderman, Larson, Carroll, Strand, Esseks, Taylor, Cornelius and Carlson voting 'yes'; Krieser absent. This is a recommendation to the City Council.

CHANGE OF ZONE NO. 07044

ACTION BY PLANNING COMMISSION:

August 15, 2007

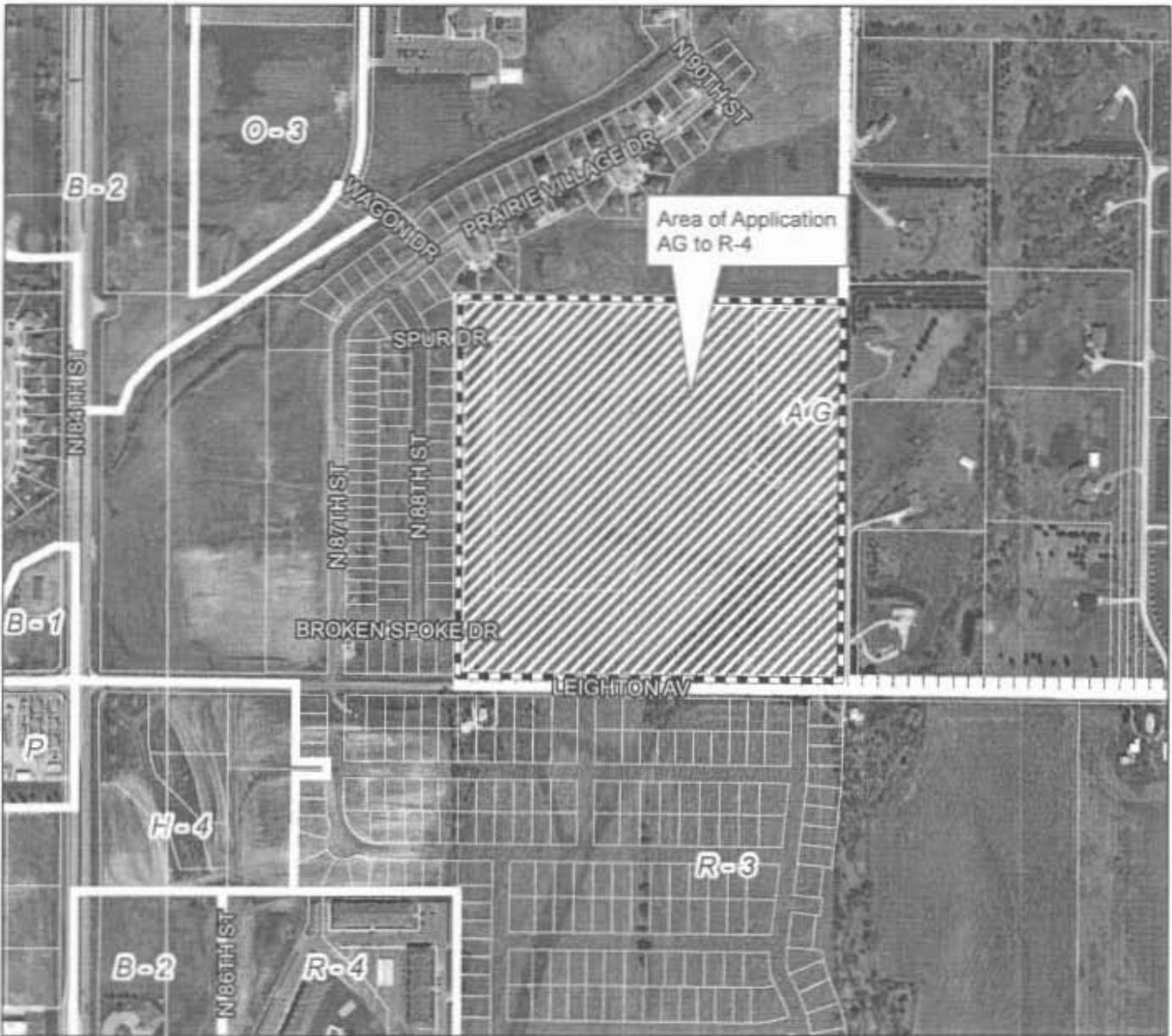
Carroll moved approval, seconded by Strand and carried 8-0: Sunderman, Larson, Carroll, Strand, Esseks, Taylor, Cornelius and Carlson voting 'yes'; Krieser absent. This is a recommendation to the City Council.

PRELIMINARY PLAT NO. 07003

ACTION BY PLANNING COMMISSION:

August 15, 2007

Carroll moved to approve the staff recommendation of conditional approval, seconded by Cornelius and carried 8-0: Sunderman, Larson, Carroll, Strand, Esseks, Taylor, Cornelius and Carlson voting 'yes'; Krieser absent. This is final action, unless appealed to the City Council.

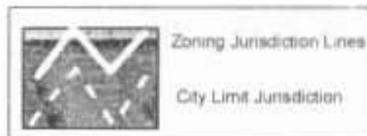


**Preliminary Plat #07003, Annexation #07002
& Change of Zone #07044
Cedar Cove Townhomes
N 84th St & Leighton Ave
Zoning:**

2005 aerial

- R-1 to R-4 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-1 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. 14 T10N R7E



ITEM NO. 4.1a,b,c: ANNEXATION NO. 07002
CHANGE OF ZONE NO. 07044
PRELIMINARY PLAT NO. 07003



Dave Butler
<btirdj94@yahoo.com>

08/14/2007 05:22 PM

(p.53 - Public Hearing - 8/15/07)
To plan@lincoln.ne.gov

cc

bcc

Subject N. 8th Street & Leighton Ave

As part of your review of the annexation, change of zone and preliminary plat (7002, 7044 & 7003) I would like to raise concerns about the infrastructure needed to support this development, along with the other rapid growth in the area.

The intersection of 84th and Leighton is already a danger as a result of the new food service and increase in housing. A right turn lane is needed for north bound traffic turning east off of 84th street onto Leighton.

A stop light is also needed at that intersection to support traffic trying to turn onto 84th street from Leighton and traffic trying to cross 84th on Leighton.

Also, the gravel part of Leighton, east of 84th, is getting abused as the result of additional car and truck traffic. I am not sure what the criteria is for determining when a road gets paved, but for someone that travels this road daily, it feels like now is the time.

Thank you for your consideration of these issues.

Dave Butler
9420 Leighton Ave

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