

FACTSHEET

TITLE: COMPREHENSIVE PLAN AMENDMENT NO. 08006, by the Director of Planning, at the request of Mike Eckert of Civil Design Group on behalf of Reserve Development, LLC, pursuant to the 2008 Comprehensive Plan Annual Review, to change land from Tier II and Tier I, Priority B, to Tier I, Priority A, generally located between S.W. 12th Street to S. Coddington Avenue, from W. Denton Road south to the Cardwell Branch channel.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Special Public Hearing: 05/14/08
Administrative Action: 05/14/08

RECOMMENDATION: Approval (8-0: Esseks, Sunderman, Taylor, Gaylor Baird, Francis, Larson, Cornelius and Carroll voting 'yes').

STAFF RECOMMENDATION: Approval

FINDINGS:

1. This is a request by Civil Design Group on behalf of Reserve Development, LLC, to amend the 2030 Comprehensive Plan to change approximately 100 acres of land from Tier II and Tier I, Priority B, to Tier I, Priority A, generally located from S.W. 12th Street to S. Coddington Avenue, from W. Denton Road south to the Cardwell Branch channel. The property is currently zoned AGR with an approved Community Unit Plan. The land to the east of this application is already designated Priority A. The land to the south, west and north is shown as Tier II.
2. The staff recommendation of approval is based upon the "Analysis" and "Summary" as set forth on p.4-6, concluding that the proposed amendment to the Growth Tier and Priority Area Plan is in conformance with the Comprehensive Plan.
3. The specific proposed amendment is found on p.7 (Also See maps, p.9 and 12).
4. The minutes of the public hearing before the Planning Commission are found on p.8.
5. There was no testimony in opposition.
6. On May 14, 2008, the Planning Commission agreed with the staff recommendation and voted 8-0 to recommend approval.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: May 21, 2008

REVIEWED BY: _____

DATE: May 21, 2008

REFERENCE NUMBER: FS\CC\2008\CPA.08006

LINCOLN /LANCASTER COUNTY PLANNING STAFF REPORT
for May 14, 2008 Planning Commission Meeting

- PROJECT #:** Comprehensive Plan Amendment #08006
- PROPOSAL:** Amend the 2030 Lincoln/ Lancaster County Comprehensive Plan to change land from Tier II and Tier I, Priority B, to Tier I, Priority A, generally between S. W. 12th to S. Coddington Ave., from W. Denton Rd. south to the Cardwell Branch channel
- CONCLUSION:** The amendment to the Growth Tier and Priority Area Plan is in conformance with the 2030 Lincoln-Lancaster County Comprehensive Plan

<u>RECOMMENDATION:</u>	Approval of the proposed amendment
-------------------------------	------------------------------------

GENERAL INFORMATION:

LOCATION: S. W. 12th to S. Coddington Ave., from W. Denton Rd. south to the Cardwell Branch channel

EXISTING LAND USE: Agricultural land

HISTORY: The site is currently zoned AGR Agricultural Residential. Special Permit 05041 was approved in 2006 for a Community Unit Plan (CUP) for 63 dwelling units. The CUP was for a “Build Thru Acreage” subdivision with generally 1/3 to ½ acre lots. The initial development, served by wells and a private sewer plant, is underway south of the Cardwell Branch creek and includes 30 lots. An additional 31 dwelling units were approved north of the creek. The development south of the Cardwell Branch is not part of this proposal.

COMPREHENSIVE PLAN SPECIFICATIONS: The Comprehensive Plan states the following about priority areas on page 24:

“Top Priority Area

The top priority areas are those which are generally within the city limits at the beginning of the planning period. There are still significant infrastructure needs within the existing city and areas currently under development. Some larger projects, such as Antelope Valley, will be ongoing throughout the planning period and will require significant infrastructure resources.

Priority A of Tier I

Areas designated for near term development are generally contiguous to existing development and should be provided first with basic infrastructure within 6 years of the adoption of the Plan. Some of the infrastructure required for development may already be in place. This area includes some land already annexed, with City commitments to fund infrastructure improvements, but the land is still undeveloped and without significant infrastructure in place yet. Some infrastructure improvements may be done in the near term while others, such as road improvements that are generally more costly, may take longer to complete.

Priority B of Tier I

The next areas for development, beyond Priority A, are those which currently lack almost all of the infrastructure required to support development. In areas with this designation, the community will maintain present uses until urban development can commence. Infrastructure improvements to serve this area will not initially be included in the City's CIP, but will be actively planned for in the longer term capital improvement planning of the various city and county departments.

The Comprehensive Plan then addresses how the priority areas are to be used to guide infrastructure financing and utility planning. In particular, on page 25 the Plan states:

"The principles for prioritization and the individual priority areas are described as follows:

- ◆ *The top priority for the City's Capital Improvement Program (CIP) is to maintain existing infrastructure, provide for new neighborhood improvements and to complete needed improvements for areas already under development.*
- ◆ *Infrastructure funding to serve the growing community relies upon adequate revenue from all sources, including gas tax allocation, wheel tax, impact fees, and water and wastewater fees.*
- ◆ *Infrastructure improvements should be made concurrent with development.*
- ◆ *In order to implement the Plan Vision, infrastructure should generally be provided in different directional growth areas, depending upon limited financial resources and if there is development interest in the area.*
- ◆ *Funds for improvements in new major drainage basins to the southwest and to the east should provide the opportunity for development to begin in these areas within the next 12 years.*
- ◆ *Development in the southwest should begin in the Priority A area in the general vicinity of the intersection of Warlick Blvd. and Highway 77. Further planning should proceed to identify initial staging of infrastructure and development in this area.*
- ◆ *The community should only approve development proposals that can be adequately served by all public facilities.*
- ◆ *Generally, adequate infrastructure improvements should be completed in all Priority A areas where there is development interest prior to beginning infrastructure in Priority B areas.*
- ◆ *It is anticipated that there may be some unique circumstances to warrant **consideration of development of land in Priority B** or C, prior to the full completion of improvements in Priority A. Once a year, during the CIP public hearing, proposals for **changes from Priority B and C to A should be evaluated and considered**. That review should consider the following items:*

1) the project is contiguous to the City and proposed for immediate annexation, and is consistent with principles of the Comprehensive Plan,

2) *the developer provides information demonstrating how the necessary infrastructure improvements to serve the sub-basin would be provided and financed. The City shall contact other public agencies to obtain their report on the infrastructure necessary to serve the sub-basin including utilities, roads, fire service, public safety, parks, trails, schools and library needs,*

3) *the impact that development in the sub-basin will have on capital and operating budgets, level of service, service delivery and Capital Improvement Programs is addressed, including impact of financing, utility rates, and other revenue sources and to what degree the developer is willing to finance improvements,*

4) *there is demonstrated substantial public benefit and circumstances that warrant approval of the proposal in advance of the anticipated schedule. (Emphasis added)*

ANALYSIS:

1. This request is a change from Priority B to A approximately 100 acres of land between S. W. 12th and S. Coddington Ave., south of West Denton Road, currently zoned AGR with an approved Community Unit Plan. The land to the east of this application is already designated as Priority A in the Comprehensive Plan. The land to the south, west, and north is shown as Tier II.
2. Technically, the applicant is not asking for improvements in Priority B to be done prior to Priority A as stated above. In this amendment the applicant is requesting this Priority B, as well as a small area of Tier II, area be added to Priority A. Thus, it is worth considering the four criteria mentioned in the Plan in regards to this proposal for a change from Priority B to A:
 3. *“The land is contiguous to the city and the developer is proposing annexation.”*
 - a. This land is not currently contiguous to the City Limits. The City Limits currently are less than 1/4 mile away.
 4. *“The City has contacted other agencies for comments on service implications of this proposal. In general, there appear to be no significant impact on the current CIP.”*
 - a. **Wastewater:** Developer will build a sewer line to serve this property and up to 200 additional acres at his expense with no reimbursement. Developer will establish easements to preserve right-of-way for a future trunk sewer along Cardwell Branch
 - b. **Water CIP:** Main is currently shown in W. Denton Rd. from Folsom to S. W. 12th for construction in 2011/12. Developer would build this main with reimbursement in 2012. Developer would also build, at his expense and without reimbursement, a main to reach and serve the area.
 - c. **Watershed Management:** Watershed Management and the Lower Platte South NRD are currently working with the owner of this property to purchase a conservation easement over the Cardwell Branch Flood prone area on the property. The Cardwell Branch Flood prone area is currently shown as Agricultural Stream Corridor on the

Future Land Use Plan. For the area of the conservation easement Watershed Management recommends the Future Land Use Plan be changed to show the easement area as Green Space.

- d. **Arterial Streets:** No capital improvements required for streets. Developer will add turn lanes into the area off of S. W. 12th at his expense. Snow plows would have to travers approximately 3/4 mile of County jurisdiction in order to plow any public streets within the area after annexation.

In addition, the staff has the following comments on infrastructure needs:

- e. **Schools:** This area is currently served by the Lincoln Public School system. Additional dwelling units could increase demand on elementary, middle and high schools.
 - f. **Parks:** The Future Parks map shows a neighborhood park planned for the mile section immediately to the east. The applicant is willing to set aside land for a neighborhood park. The Future Trails map shows a trail planned to go through the floodplain along Cardwell Branch. The developer is willing to show a 20-foot trail easement. The applicant can be reimbursed for park and trail improvements through impact fees, but these fees may not cover the entire cost of the improvements. Yankee Hill State Recreation Area is approximately two miles to west.
 - g. **Fire:** This area is currently served by the Southwest Rural Fire District which has a station approximately 2.5 miles north of this site. Lincoln Fire and Rescue would have to extend their service area to cover this property after annexation.
 - h. **Police:** This area is currently served by the Lancaster County Sheriff. At annexation, the Lincoln Police Department would have to extend their service area to serve this property.
- 5. None of these departments addressed the impact this proposal might have on operating budgets.
 - 6. The applicant has stated that the *substantial public benefit* of this proposal is the “Addition of a sizable tax base for minimal infrastructure costs including the contribution of impact fees.” The application further noted that the proposal would make use of the existing road network with minimal impact due to the proposed residential use. The proposal would take advantage of the existing temporary lift station completed for Southwest Village. In general, this application might provide more residential development opportunities in southwest Lincoln in the near term, without a substantial infrastructure investment compared to some other areas.
 - 7. The Tier II area is located between the Tier I, Priority B, and the centerline of the Cardwell Branch. This area would be served by the same infrastructure that serves the Priority B area and should be included in the change to Priority A. The current designation as Tier II is more likely the result of generalized mapping rather than a detailed look at the ability to serve this sliver of land.

SUMMARY:

In regards to the request to change from Priority B to A, the basic questions are does this land meet the definition of the Priority A and will including it as Priority A negatively impact the City's infrastructure plans :

1. Given utility planning and infrastructure financing plans is the land serviceable by 2014?

Yes, this area can be reasonably expected to be provided with services by the year 2014. The area meets the definition of Priority A in that it can be provided with basic infrastructure by 2014 (6 years from adoption of Plan) through CIP projects for water and developer financed improvements for water and wastewater.

2. Will the Priority A designation negatively impact the community's infrastructure plans?

No, some improvements to serve these 100 acres are already included in plans for the next 6 years. Other improvements necessary are to built by the applicant at his expense without reimbursement. This change only adds this area to Priority A, it does not place it in the first year of the draft 2008/09 CIP.

Approval of this amendment includes several important caveats:

- The Developer and the City have reached agreement in regards to the financing of improvements, so that the CIP will not have to be amended to serve this development. The Developer has agreed to finance a 12 to 15 inch sanitary sewer line and necessary water mains to serve this site. Only a water main in West Denton Road will be reimbursed by the City, since it is already in the CIP to serve Priority A. All other improvements will be financed by the Developer. If any other properties connect to the Developer financed mains, they will be required to reimburse the Developer a fair share of the cost of the main. It is important to note that it is the Developer's responsibility to obtain approval from Southwest Village for connection to the limited capacity pump station near Homestead Expressway and Warlick Blvd.
- The community already has limited funds to be able to serve the land already designated as Priority A in the Plan — inclusion in Priority A is not a guarantee of financing,
- Addition to Priority A does not mean the land will be included for service in the 6 Year Capital Improvement Program,
- The 2008/09 CIP is based on numerous water and sewer rate increases, new financing sources for the arterial streets, continued revenue from impact fees, and approval of general obligation bonds to pay for watershed, park and public safety improvements. If any of these financing mechanisms are not approved or available, then improvements and services to Priority A areas will be delayed,

PROPOSED AMENDMENT:

Amend the 2030 Lincoln-Lancaster County Comprehensive Plan as follows:

1. Amend the “Urban Growth Tiers with Priority Areas” map on page 21, to change the designation from Tier II and Tier I, Priority B, to Tier I, Priority A the area as shown on the following page.

Prepared by

Sara S. Hartzell
Planning Department, (402) 441-6372:
shartzell@lincoln.ne.gov

APPLICANT:

Marvin Krout, Director at request of
Planning Department
555 S. 10th Street
Lincoln, NE 68508
(402) 441-7491

Rob Watson,
Reserve Development LLC
3700 S. 14th Street
Lincoln, NE 68502
(402) 423 - 7851

CONTACT :

Mike Eckert
Civil Design Group
8535 Executive Woods Drive, Suite 200
Lincoln, NE 68512
(402) 434- 8494

COMPREHENSIVE PLAN AMENDMENT NO. 08006

PUBLIC HEARING BEFORE PLANNING COMMISSION:

May 14, 2008

Members present: Francis, Sunderman, Taylor, Esseks, Larson, Cornelius, Gaylor Baird and Carroll.

Ex Parte Communications: None.

Staff presentation: **Sara Hartzell of Planning staff** explained that Tier I is anticipated to be served in the next 25 years. Tier I is divided into A, B and C. A is the area anticipated to be served with capital improvements within the next six years. This is the only request to move a piece of land from Priority B to Priority A. The property is west of S.W. 12th Street south of West Denton Road going down into the Cardwell Branch.

Esseks inquired as to the closest city fire station. Hartzell stated that the area is currently served by the Southwest Rural Fire District. In Priority A, it would no longer be served by the rural fire district. The nearest city fire station would either be on Coddington between South and A Streets or 27th and Old Cheney, approximately 3.5 miles.

Proponents

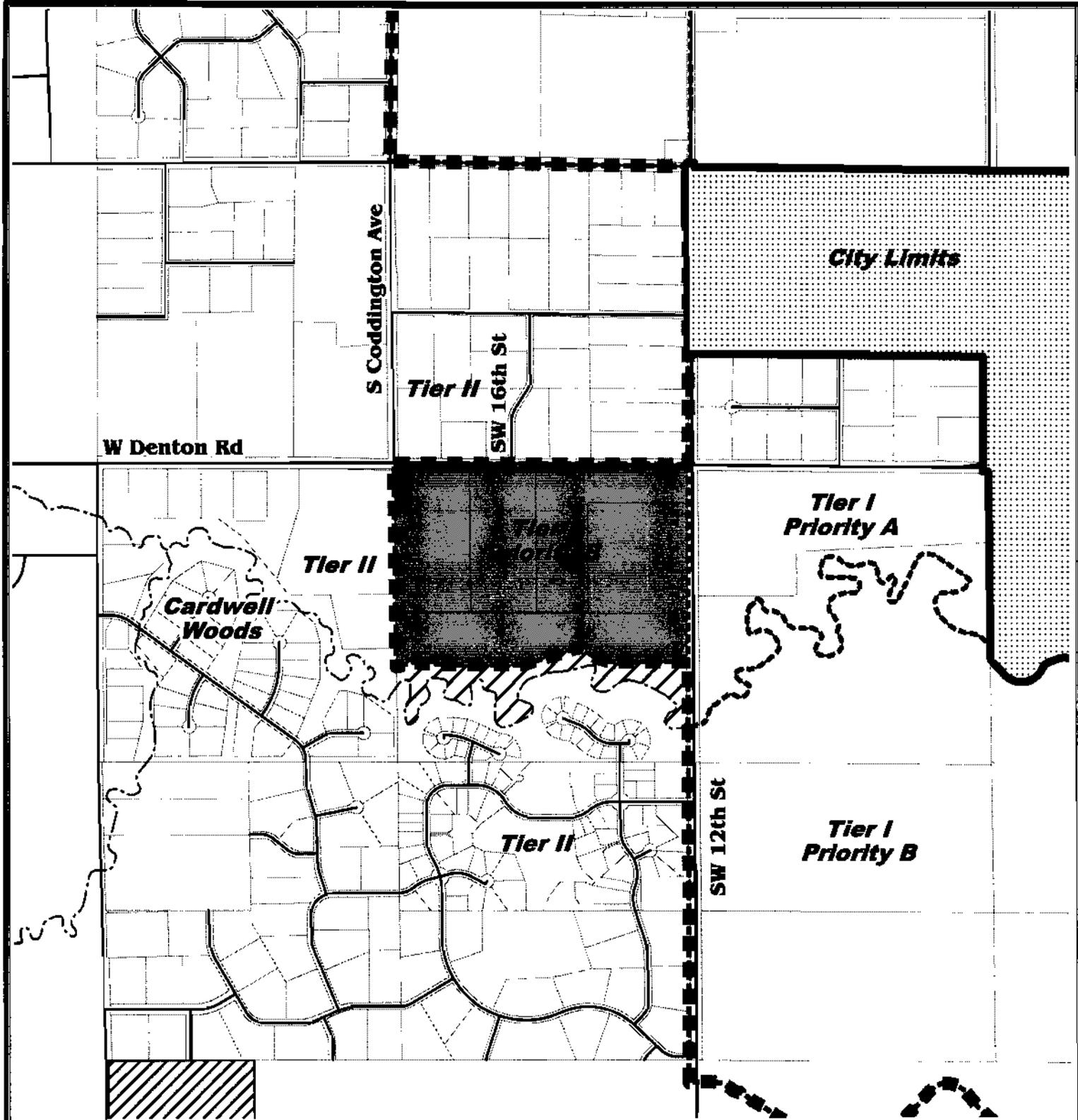
1. Mike Eckert, Civil Design Group, appeared on behalf of **Reserve Development, LLC**, the applicant. This project was on its way to becoming phase two of the development that would have extended the remaining 30 units of residential homes onto the north side of the creek. Phase one was 30 lots previously approved in the AGR CUP. That CUP had been amended to do 30 more urban style lots on the north side. There are some issues with Cardwell Branch as far as discharging sewer systems such that the 30 additional lots would have required a full retention lagoon in the neighborhood of 7-8 acres. That began the process of urbanizing this area and the applicant began to work with staff. The developer came in with proposals that did not burden the CIP. Most of the details have been worked out to bring this development in as an urban format upon approval of this Comprehensive Plan Amendment, followed by an annexation, change of zone and amendment to the CUP. Eckert's client has been working with the owner of the 160 acres, Cardwell Branch, LLC, and working with both Planning staff and Law Department on a contiguous annexation. There is a general agreement on how that will be done. The Cardwell Branch annexation will come in before this one in order to make it contiguous.

There was no testimony in opposition.

ACTION BY PLANNING COMMISSION:

May 14, 2008

Francis moved approval, seconded by Sunderman and carried 8-0: Francis, Sunderman, Taylor, Esseks, Larson, Cornelius, Gaylor Baird and Carroll voting 'yes'. This is a recommendation to the City Council.



CPA # 08006 : SW 12th & W Denton

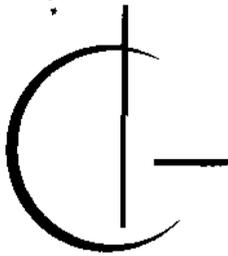
Change in Urban Growth Tier & Priority Area

- ■ | Future Service Limit
- Tier Boundary
- Res** Land Use Category
- Change from Tier I Priority B to Tier I Priority A
- Change from Tier II to Tier I Priority A



LINCOLN - LANCASTER COUNTY
 PLANNING DEPARTMENT
ITS
Jefferson, York, Berks, and Adams Counties
100 South 5th Street, Suite 200, Harrisburg, PA 17101-2000
Phone: 717.634.2000

009



Civil Design Group, Inc.

Consulting Engineers & Land Use Planners
Civil Design • Site Development • Planning & Zoning

February 1, 2008

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

Re: Comprehensive Plan Amendment – Change of designation from Tier I – Priority B to Tier I – Priority A on land generally south of West Denton Road between SW 12th Street and South Coddington Avenue. CDG Project No. 2007-0005

Dear Mr Krout:

On behalf of Reserve Development, LLC our firm is applying for a Comprehensive Plan Amendment for 123.32 acres of their land generally located south of West Denton Road between SW 12th Street and South Coddington Avenue. Specifically, we are requesting a change in the tier designation from Tier I - Priority B to Tier I – Priority A for 107.17 acres of land and from Tier II to Tier I – Priority A for 16.15 acres of land. The attached exhibit details the location of these two areas. Both areas are requested to be shown as future residential on the Land Use Map.

Per the required questionnaire in the application for this amendment, the following details of the amendment are herein provided:

1. A general description of the application is stated above and an exhibit is attached showing the exact area of change requested on the Future Land Use Map. The 2030 LRTP map will not need to be amended as it already shows future improvements on West Denton road from Hwy 77 to South Coddington Avenue and on SW 12th from West Denton Road to Yankee Hill Road
2. The proposal is not adequately addressed in the Comp Plan as the area is currently shown as Tier I – Priority B. Although the current CIP shows programmed construction of a water main to the western edge of this property within the next six years, the delivery of a sewer main to this property is not identified. Our firm and Reserve Development LLC are currently engaged with city staff on a potential resolution of a gravity flow sewer main to this property. We anticipate that this issues will be resolved prior to public hearing on this amendment.
3. The net benefit to the community will be the addition of a sizable tax base for minimal infrastructure costs including the contribution of impact fees and the ability to utilize the existing road network on West Denton Road and SW 12th Street with minimal impact due to the proposal of residential land use. This application also provides the city the opportunity to use existing temporary lift station completed for SW Village Development as well as the ability to take advantage of the Hwy 77 transportation system in place. Additionally, Impact fees received from this development would also assist the city in recouping the capital investment they have recently committed to in constructing West Denton Rd from Hwy 77 to it current termination at Folsom St.

4. This application promotes many of the Residential Guiding Principles on Page 65 of the Comprehensive Plan, including the distribution housing near job sources, (SW Village, ITI, NDOR). Environmental resources are also being protected as part of the application and pending development as Reserve Development LLC is in the process of finalizing a conservation easement with the NRD on the land adjacent to Cardwell Branch Creek that lies within the newly modeled 100 year flood plain.
5. Reserve Development has developed the land south of this area and they have had correspondence with the neighbors to the west of this property about this application.

Enclosed you will find twelve copies of the letter and the exhibit showing the land area we have discussed above. Please call me at (402) 434-8494 if you or the staff at the city has any questions regarding this request.

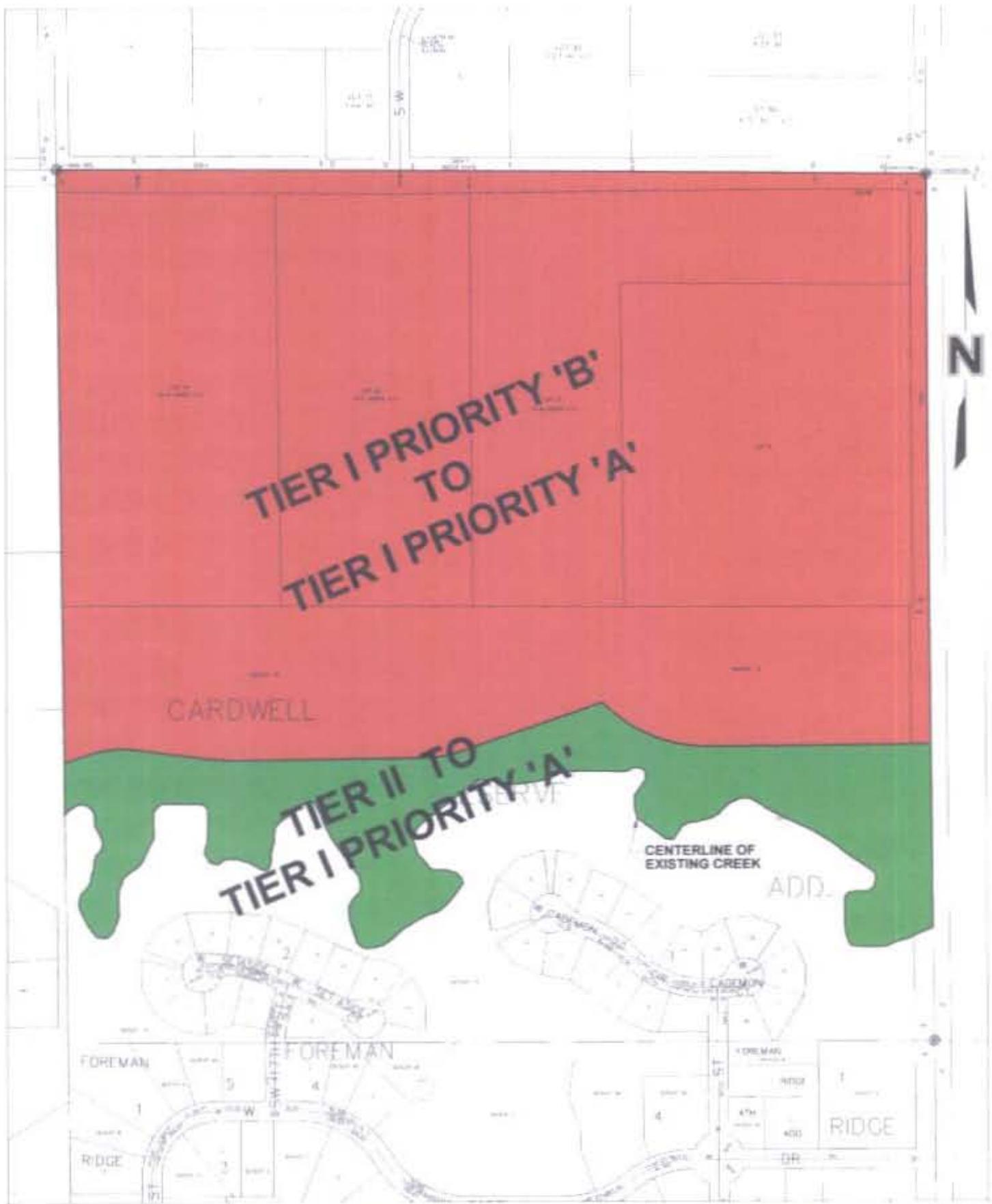
Sincerely,



Mike Eckert, AICP

cc: Reserve Development, LLC

F:\Projects\2007\20070005\landplanning\Doc\comp plan amendment 02-01-08.doc



**COMP PLAN AMENDMENT
CARDWELL RESERVE FIRST ADD.
LINCOLN, NEBRASKA**

drawn by: ds
checked by:
project no: 2001-0005
date: 03/31/2008



Civil Design Group, Inc.
3001 Normal Blvd, Suite 203
Lincoln, Nebraska 68508
Ph: 402-431-8484 Fax: 402-431-8747
www.civildg.com

CONSULTING ENGINEERS • LAND USE PLANNERS
CIVIL DESIGN • SITE DEVELOPMENT • PLANNING AND ZONING