FACTSHEET

TITLE: CHANGE OF ZONE NO. 17036 - AG to R-3
   (South 33rd and Wilderness Hills Blvd.)

APPLICANT: Lincoln Federal Bancorp, Inc.

BOARD/COMMITTEE: Planning Commission


STAFF RECOMMENDATION: Approval

OTHER DEPARTMENTS AFFECTED: N/A

SPONSOR: Planning Department

OPPONENTS: None present at hearing.

REASON FOR LEGISLATION:

This is a request for a change of zone from Agricultural District (AG) to Residential District (R-3) on 61.54 acres. The subject property is inside the city limits and on the fringes of new development. The full range of municipal services can be provided.

DISCUSSION/FINDINGS OF FACT:

1. On December 20, 2017, this change of zone request had public hearing before the Planning Commission.

2. The staff recommendation of conditional approval of this change of zone request is based upon the “Analysis” as set forth on p.2, concluding that this change of zone fits within the overall future land use pattern of the surrounding area. The staff presentation is found on p.9.

3. Testimony on behalf of the applicant is found on p.9. There was no testimony in support or in opposition to this change of zone.

4. On December 20, 2017, the Planning Commission voted 8-0 (Beckius absent) to recommend approval of this change of zone request.
COMPATIBILITY WITH THE COMPREHENSIVE PLAN
A change of zone to R-3 is consistent with the Future Land Use Map and compatible with surrounding development. This request complies with the Zoning Ordinance and is consistent with the Comprehensive Plan.

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN
P. 1.8 - This area is shown as Urban Density Residential on the Future Land Use Map of the 2040 Comprehensive Plan.

P. 5.2 - Seek to efficiently utilize investments in existing and future public infrastructure to advance economic development opportunities.

P. 7.2 - Strive for predictability for neighborhoods and developers for residential development and redevelopment.

P. 7.5 - Provide for an adequate supply of affordable land and timely infrastructure improvements.

P. 11.2 - Continue the City’s growth policy of contiguous urban growth; urban development will occur in areas immediately abutting the city that reflect a logical and timely extension of urban infrastructure.
ANALYSIS

1. The applicant requests a change of zone from Agriculture (AG) to Residential (R-3) on approximately 61.54 acres generally located at S. 33rd Street and Wilderness Hills Boulevard.

2. The purpose of the change of zone is to allow continuation of the existing single family residential development to the west. There are existing sanitary sewer and water lines on the west, north and east sides of the subject properties. Note: Associated with a final plat of Wilderness Hills 8th Addition with 52 residential lots and one outlot.

3. Preliminary Plat #06004 was approved in 2006 to address local streets, utilities, and lot layout. An Administrative Adjustment was approved in July 2014 to adjust for the floodplain. Preliminary Plat #06004 shows approximately 165 single family dwellings in the area covered by this change of zone request.

4. The subject property is within the City limits. The area is within the future service limits and Tier I Priority A as identified in the Comprehensive Plan. Tier I reflects the “Future Service Limit” where urban services and inclusion in the city limits is anticipated within the 30-year planning period. Priority A is comprised of undeveloped land within the City limits, as well as areas that are not yet annexed but which have approved preliminary plans such as preliminary plats, use permits, community unit plans, or planned unit developments.

CONDITIONS OF APPROVAL: none

EXISTING LAND USE & ZONING: vacant, crop land

SURROUNDING LAND USE | SURROUNDING ZONING
--- | ---
North: vacant and undeveloped | R-3 Residential
South: vacant/existing crop land | AG Agriculture
East: vacant and undeveloped | AG and B-2 Planned Neighborhood Business District
West: existing single-family residences | R-3 Residential

APPLICATION HISTORY

June 2006 The Wilderness Hills 1st Addition Preliminary Plat #06004 was approved by the Planning Commission

July 2014 Administrative Amendment #14044 to the Preliminary Plat of Wilderness Hills to adjust the grading plat to remove lots 1 through 8, block 19 from the floodplain and adjusting Note #9 to reflect that a LOMR-F shall be required was approved

APPROXIMATE LAND AREA: 61.54, more or less

LEGAL DESCRIPTION: Outlot "A", Wilderness Hills 7th Addition, a portion of Lot 43, I.T., a portion of Lot 58, I.T., and a portion of Lot 60, I.T., located in Section 30-9-7, Lincoln, Lancaster County, Nebraska (see attached legal description).

Prepared by:

Dessie E. Redmond, Planner
402-441-6373

Applicant: Brad Marshall, Olsson Associates
601 P Street, Suite 200
Lincoln, NE 68508

Owner: Lincoln Federal Bancorp, Inc. c/o Leo Schumacher
1101 N Street
Lincoln, NE 68508

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Change of Zone #: CZ17036 (AG to R-3)
Wilderness Hills 8th Addition
S 32nd St & Wilderness Hills Blvd

Zoning:

- Residential District (R-1 to R-8)
- Agricultural District (AG)
- Agricultural Residential District (AGR)
- Office District (O-1 to O-3)
- Suburban Office District (O-2)
- Office Park District (O-3)
- Residential Transition District (R-T)
- Local Business District (B-1)
- Planned Neighborhood Business District (B-2)
- Commercial District (B-3)
- Lincoln Center Business District (B-4)
- Planned Regional Business District (B-5)
- Interstate Commercial District (H-1)
- Highway Business District (H-2)
- Highway Commercial District (H-3)
- General Commercial District (H-4)
- Industrial District (I-1)
- Industrial Park District (I-2)
- Employment Center District (I-3)
- Public Use District (P)

One Square Mile:
Sec.30 T09N R07E

Area of Application
Zoning Jurisdiction Lines
Lancaster County Jurisdiction
November 22, 2017

Mr. David Cary
Planning Department, City of Lincoln
County-City Building
555 So. 10th Street
Lincoln, Nebraska 68508

RE: Wilderness Hills 1st Addition Preliminary Plat
Applications for Annexation and Change of Zone

Dear Mr. Cary:

On behalf of the Owner, Lincoln Federal Bancorp, Inc. ("LFB"), we are requesting an application for Annexation and Change of Zone.

LFB is requesting to annex and change of zone two areas totaling 61.54 acres and is legally described as shown on Exhibit "A" enclosed herein. Exhibit "A" describes the area seeking to annex and change zone from AG to R-3.

LFB’s request for annexation and change of zone for the property to entitle and zone the property to prepare it for the next stage of development.

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

1. Application for Change of Zone and Annexation
2. Application Fees ($988)
3. Exhibits and Legal Descriptions

If you require further information or have any questions, please do not hesitate to contact me at bmmarshall@olssonassociates.com or (402) 458-5672.

Sincerely,

Brad Marshall, P.E.

Enclosures
cc with enclosures: Leo Schumacher
File
LEGAL DESCRIPTION
CHANGE OF ZONE

A TRACT OF LAND COMPOSED OF OUTLOT “A”, WILDERNESS HILLS 7TH ADDITION, A PORTION OF LOT 43 I.T., A PORTION OF LOT 58 I.T., A PORTION OF LOT 60 I.T., ALL LOCATED IN SECTION 30, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A NORTHEAST CORNER OF LOT 60 I.T., SAID POINT BEING ON A SOUTH LINE OF OUTLOT “G”, WILDERNESS CREEK 1ST ADDITION, AND ON A NORTH LINE OF LOT 61 I.T., SAID POINT ALSO BEING THE TRUE POINT OF BEGINNING AND A POINT OF CURVATURE FOR A CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 07°15'25", A RADIUS OF 2,065.00', AN ARC LENGTH OF 261.54' ON A SOUTH LINE OF SAID LOT 60 I.T., SAID LINE BEING A NORTH LINE OF SAID LOT 61 I.T., HAVING A CHORD LENGTH OF 261.37', A TANGENT LENGTH OF 130.95', AND A CHORD BEARING OF 560°03'35"W TO AN EAST CORNER OF SAID LOT 60 I.T., SAID POINT BEING A WEST CORNER OF SAID LOT 61 I.T., SAID POINT ALSO BEING A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 05°29'57", A RADIUS OF 1,000.00', AN ARC LENGTH OF 95.98' ON A EAST LINE OF SAID LOT 60 I.T., SAID LINE BEING A WEST LINE OF SAID LOT 61 I.T., A CHORD LENGTH OF 95.94', A TANGENT LENGTH OF 48.03', AND A CHORD BEARING OF S39°20'55"E TO A POINT; THENCE 500°33'11"E, A DISTANCE OF 441.81' TO A POINT; THENCE N89°42'38"E, A DISTANCE OF 20.00' TO A POINT; THENCE N04°48'33"E, A DISTANCE OF 60.00' TO A POINT; THENCE N89°42'38"W, A DISTANCE OF 20.01' TO A POINT; THENCE S03°15'25"E, A DISTANCE OF 85.97' TO A POINT; THENCE S07°56'36"E, A DISTANCE OF 68.29' TO A POINT; THENCE S12°05'53"E, A DISTANCE OF 68.29' TO A POINT; THENCE S16°15'10"E, A DISTANCE OF 68.29' TO A POINT; THENCE S20°24'27"E, A DISTANCE OF 68.29' TO A POINT; THENCE S24°33'44"E, A DISTANCE OF 68.29' TO A POINT; THENCE S28°43'01"E, A DISTANCE OF 68.29' TO A POINT; THENCE S32°52'18"E, A DISTANCE OF 68.29' TO A POINT; THENCE S37°27'16"E, A DISTANCE OF 83.58' TO A POINT; THENCE N48°08'28"E, A DISTANCE OF 20.05' TO A POINT; THENCE S41°51'32"E, A DISTANCE OF 60.00' TO A POINT; THENCE S48°08'28"W, A DISTANCE OF 20.05' TO A POINT; THENCE S46°18'53"E, A DISTANCE OF 85.28' TO A POINT; THENCE S51°14'55"E, A DISTANCE OF 78.09' TO A POINT; THENCE S55°59'59"E, A DISTANCE OF 78.09' TO A POINT; THENCE S60°19'40"E, A DISTANCE OF 82.50' TO A POINT; THENCE S61°01'47"E, A DISTANCE OF 167.01' TO A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 07°09'32", A RADIUS OF 370.00', AN ARC LENGTH OF 63.56', A CHORD LENGTH OF 63.56', A TANGENT LENGTH OF 31.89', AND A CHORD BEARING OF N07°55'47"E TO A POINT; THENCE S77°16'22"E, A DISTANCE OF 60.00' TO A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 09°35'43", A RADIUS OF 380.00', AN ARC LENGTH OF 63.64', A CHORD LENGTH OF 63.56', A TANGENT LENGTH OF 31.89', AND A CHORD BEARING OF N07°55'47"E TO A POINT; THENCE S77°16'22"E, A DISTANCE OF 60.00' TO A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 09°21'24", A RADIUS OF 320.00', AN ARC LENGTH OF 52.26', A CHORD LENGTH OF 52.20', A TANGENT LENGTH OF 26.19', AND A CHORD BEARING OF S08°02'56"W TO A POINT; THENCE S78°15'35"E, A DISTANCE OF 120.00' TO A POINT; THENCE S12°10'06"E, A DISTANCE OF 67.66' TO A POINT; THENCE S23°18'27"W, A DISTANCE OF 135.22' TO A POINT; THENCE S28°13'53"W, A DISTANCE OF 84.97' TO A POINT; THENCE S28°58'13"W, A DISTANCE OF 711.22' TO A POINT; THENCE S29°59'33"W, A DISTANCE OF 173.40' TO A POINT; THENCE S43°57'22"W, A DISTANCE OF 103.62' TO A POINT; THENCE S63°35'51"W, A DISTANCE OF 103.22' TO A POINT; THENCE
S64°00'22"W, a distance of 83.72' to a point; thence S70°48'04"W, a distance of 95.52' to a point; thence S25°12'28"E, a distance of 20.00' to a point; thence S64°47'32"W, a distance of 60.00' to a point; thence N25°12'28"W, a distance of 20.00' to a point; thence S66°45'12"W, a distance of 118.40' to a point; thence S72°42'48"W, a distance of 99.85' to a point; thence S84°13'04"W, a distance of 98.07' to a point; thence S87°47'14"W, a distance of 197.93' to a point; thence N87°11'12"W, a distance of 190.70' to a point of intersection with a west line of lot 58 I.T.; thence N28°41'02"E, on a west line of said lot 58 I.T., a distance of 74.93' to a point; thence N28°43'02"E, on a west line of said lot 58 I.T., a distance of 95.49' to a point, said point being the southeast right-of-way corner of forest avenue; thence N35°09'42"E, on a west line of said lot 58 I.T., said point being an east line of said right-of-way, a distance of 61.77' to the northeast corner of said right-of-way; thence N30°01'11"E, on a west line of said lot 58 I.T., a distance of 99.23' to a point; thence N26°45'20"E, on a west line of said lot 58 I.T., a distance of 82.81' to a point; thence N22°58'40"E, on a west line of said lot 58 I.T., a distance of 83.02' to a point; thence N19°11'00"E, on a west line of said lot 58 I.T., and on a west line of lotout "A", wilderness hills 7th addition, a distance of 82.89' to a point; thence N15°30'57"E, on a west line of said lotout "A", a distance of 68.01' to a point; thence N15°14'48"E, on a west line of said lotout "A", a distance of 14.97' to a point; thence N11°31'55"E, on a west line of said lotout "A", a distance of 82.89' to a point; thence N07°56'03"E, on a west line of said lotout "A", a distance of 82.86' to a point; thence N03°42'00"E, on a west line of said lotout "A", a distance of 82.14' to a point; thence N00°21'42"W, on a west line of said lotout "A", a distance of 82.92' to a point; thence N03°57'06"W, on a west line of said lotout "A", a distance of 82.90' to a point; thence N07°24'49"W, on a west line of said lotout "A", a distance of 82.91' to a point; thence N11°11'40"W, on a west line of said lotout "A", a distance of 82.48' to a point; thence N14°44'43"W, on a west line of said lotout "A", a distance of 82.61' to a point; thence N18°48'54"W, on a west line of said lotout "A", a distance of 105.67' to the southeast right-of-way corner of forest avenue; thence N22°20'21"W, on a west line of said lotout "A", a distance of 150.01' to a point; thence N22°22'41"W, on a west line of said lotout "A", a distance of 237.03' to a point; thence N21°54'03"W, on a west line of said lotout "A", a distance of 74.42' to a point; thence N18°03'07"W, on a west line of said lotout "A", a distance of 70.84' to a point; thence N11°19'40"W, on a west line of said lotout "A", a distance of 70.48' to a point; thence N08°52'55"W, on a west line of said lotout "A", a distance of 70.90' to a point; thence N05°49'51"W, on a west line of said lotout "A", a distance of 71.00' to a point; thence N01°14'17"W, on a west line of said lotout "A", a distance of 74.01' to a point; thence N00°15'49"W, on a west line of said lotout "A", a distance of 98.65' to the southeast right-of-way corner for eldorado drive; thence N00°18'29"W, on a west line of said lotout "A", a distance of 750.04' to a point; thence N04°03'03"E, on a west line of said lotout "A", a distance of 74.33' to a point; thence N13°21'44"E, on a west line of said lotout "A", a distance of 76.51' to the northwest corner of said lotout "A", said point being on a south right-of-way line of wilderness hills boulevard, said point also being a point of curvature for a non-tangent curve in a clockwise direction having a central angle of 01°15'28", a radius of 2,558.00', an arc length of 56.16' on a north line of said lotout "A", said line being a south line of said right-of-way, a chord length of 56.16', a tangent length of 28.08', and a chord bearing of S69°58'41"E to a point; thence S69°20'57"E, on a north line of said lotout
“A”, SAID LINE BEING A SOUTH LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 10.61' TO A POINT; THENCE S70°06'22"E, ON A NORTH LINE OF SAID OUTLOT “A”, A DISTANCE OF 5.56' TO THE SOUTHEAST CORNER OF SAID RIGHT-OF-WAY; THENCE N20°28'28"E, ON A WEST LINE OF SAID OUTLOT “A”, SAID LINE BEING A EAST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 12.33' TO A POINT; THENCE S69°02'05"E, ON A NORTH LINE OF SAID OUTLOT “A”, A DISTANCE OF 191.90' TO A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 02°24'28", A RADIUS OF 480.00', AN ARC LENGTH OF 20.17' ON A EAST LINE OF SAID OUTLOT “A”, A CHORD LENGTH OF 20.17', A TANGENT LENGTH OF 10.09', AND A CHORD BEARING OF S15°45'24"W TO A POINT; THENCE S75°26'50"E, ON A NORTH LINE OF SAID OUTLOT “A”, A DISTANCE OF 60.00' TO A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 01°50'04", A RADIUS OF 420.00', AN ARC LENGTH OF 13.45' ON A WEST LINE OF SAID OUTLOT “A”, A CHORD LENGTH OF 13.45', A TANGENT LENGTH OF 6.72', AND A CHORD BEARING OF N15°28'12"E TO A POINT; THENCE S69°02'05"E, ON A NORTH LINE OF SAID OUTLOT “A”, A DISTANCE OF 71.82' TO A POINT OF CURVATURE FOR A CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 10°54'59", A RADIUS OF 930.00', AN ARC LENGTH OF 177.19' ON A NORTH LINE OF SAID OUTLOT “A”, A CHORD LENGTH OF 176.92', A TANGENT LENGTH OF 88.86', AND A CHORD BEARING OF S74°29'34"E, TO A POINT; THENCE S08°12'01"W, ON A EAST LINE OF SAID OUTLOT “A”, A DISTANCE OF 13.38' TO A POINT; THENCE N81°47'59"E, ON A NORTH LINE OF SAID OUTLOT “A”, A DISTANCE OF 60.00' TO A POINT; THENCE S08°50'39"E, ON A EAST LINE OF SAID OUTLOT “A”, A DISTANCE OF 13.38' TO A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 13°20'50", A RADIUS OF 930.00', AN ARC LENGTH OF 216.65' ON A NORTH LINE OF SAID OUTLOT “A”, A CHORD LENGTH OF 216.16', A TANGENT LENGTH OF 108.82', AND A CHORD BEARING OF N89°40'41"E TO A POINT; THENCE S08°30'39"E, ON A EAST LINE OF SAID OUTLOT “A”, A DISTANCE OF 56.49' TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA 2,680,604.27 SQUARE FEET OR 61.54 ACRES, MORE OR LESS.
CHANGE OF ZONE NO. 17036

CHANGE OF ZONE NO. 17036, FROM AG (AGRICULTURAL DISTRICT) TO R-3 (RESIDENTIAL DISTRICT), ON PROPERTY GENERALLY LOCATED AT S. 33RD STREET AND WILDERNESS HILLS BOULEVARD:

DECEMBER 20, 2017

Members present: Corr, Edgerton, Finnegan, Harris, Hove, Joy, Scheer, and Washington; Beckius absent.

Staff recommendation: Conditional Approval.

There were no ex parte communications disclosed on this item.

Staff Presentation: Dessie Redmond of the Planning Department thanked staff and Commissioners for the warm welcome. This is a straightforward change of zone from AG to R-3. The area includes 61.5 acres and is part of Wilderness Hills 8th Addition. This is a Tier I, Priority A growth area, is consistent with the Land Use Map and the Comprehensive Plan, and is in compliance with the zoning ordinance. There is residential development directly adjacent to the west, so this is essentially an extension of that. There are some existing public facilities in the area. A preliminary plat for the area was approved in 2006, so with this change of zone, staff anticipates a final plat will be submitted for the proposed 165 single-family units.

Edgerton asked if all of this area is currently within City limits. Redmond said yes.

Proponents:
1. Erin Bright, Olsson Associates, stated this will continue the next stage of development for this area. As stated, the Wilderness Hills preliminary plat is already approved and they are currently working through the final plat process.

There was no testimony in opposition.

CHANGE OF ZONE NO. 17036
ACTION BY PLANNING COMMISSION:

DECEMBER 20, 2017

Hove moved for Conditional Approval, seconded by Edgerton.

Corr said this is a straightforward application and the plan looks good.

Motion carried, 8-0: Corr, Edgerton, Finnegan, Harris, Hove, Joy, Washington, and Scheer voting 'yes'; Beckius absent.

Note: This is a recommendation to the City Council.