TITLE: CHANGE OF ZONE NO. 17031 - AG to R-3
(7721 Portsche Lane)

APPLICANT: Gage Investments, LLC

RECOMMENDATION: Conditional Approval (7-0: Edgerton, Finnegan, Joy, Harris, Washington, Corr and Scheer voting 'yes'; Beckius and Hove absent).

STAFF RECOMMENDATION: Conditional Approval

OTHER DEPARTMENTS AFFECTED: N/A

SPONSOR: Planning Department

OPPONENTS: No one present at the hearing; 2 letters of opposition submitted.

REASON FOR LEGISLATION:
This is a request for a change of zone from AGR to R-3 associated with the Grey Ghost Trail Community Unit Plan (CUP), located southeast of the intersection of Highway 2 and Pine Lake Road.

The proposed development is on a 4.4 acre lot in the Portsche Heights development, an older acreage development in the southeast part of the city. The CUP includes a plan for a residential community development that proposes 12 lots, all served by internal private roadways, and using public water and sewer.

DISCUSSION/FINDINGS OF FACT:
1. This change of zone request, the associated Annexation No. 17020 (withdrawn), and Special Permit No. 17036 were heard at the same time before the Planning Commission on November 15, 2017. In addition, there is an associated Zoning Agreement (Bill #18R-18) that is being submitted by the Law Department.

2. The staff recommendation of conditional approval of this change of zone is based upon the "Analysis" as set forth on pp.3-4, concluding that the subject property is adjacent to the city limit, and the full range of municipal services can be provided if annexed. Because the area identified in the proposed associated annexation was included as part of the City-initiated Annexation No. 17018, which was approved by the City Council on December 4, 2017, the associated Annexation No. 17020 has been withdrawn. The change of zone to R-3 allows for the CUP also being proposed, where the lot sizes fall between urban and acreage-density residential. Such appropriately-sized transitional lots are compatible with other residential uses in the area, and allow for reasonable redevelopment. This request complies with the Zoning Ordinance and is consistent with the Comprehensive Plan. The staff presentation is found on pp.11-12.

3. Testimony on behalf of the applicant is found on p.12. There was no testimony in support or in opposition to this proposal; however, two letters of opposition were submitted, which can be found on pp.15-17. Rebuttal on behalf of the applicant is found on p.13.

4. On November 15, 2017, the Planning Commission voted 7-0 to recommend conditional approval of this change of zone, as set forth in the staff report dated November 1, 2017.

5. On November 15, 2017, the Planning Commission voted 7-0 to recommend conditional approval of the associated annexation, which has been withdrawn as noted above.

6. On November 15, 2017, the Planning Commission voted 7-0 to adopt Resolution No. PC-01576, approving the requested special permit, as set forth in the revised conditions of the staff report dated November 2, 2017, as offered by the applicant.

FACTSHEET PREPARED BY: Geri Rorabaugh, Administrative Officer
DATE: January 11, 2018

REVIEWS BY: David R. Cary, Planning Director
DATE: January 11, 2018

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This is another in a trend of redeveloping acreage lots in this part of Lincoln in response to the proximity of the city limit.

The site is designated for future low density residential land uses on the Future Land Use Map, and these requests will facilitate a CUP with an overall density that is consistent with that designation.

Additionally, the full range of city services are available, and the site is almost fully surrounded by the city limit. Those nearby residential areas within the city that have been developed in recent years have done so at an urban density level of development, including the Grand Terrace CUP and the Ashbrook Apartments.
KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

P. 1.10 - The 2040 Growth Tiers Map designates this area as Tier 1, Priority B.

P. 7.1 - Housing - In existing neighborhoods, preservation, maintenance, and rehabilitation of existing housing should continue to be the focus. Infill and redevelopment needs to respect the street pattern, block sizes, and development standards of the area, such as parking at the rear and porches, windows, and doors on the front street side. Diversity of land uses, including commercial and special needs housing, is important provided the use fits within the character of the block and neighborhood.

P. 7.2 - Neighborhoods and Housing Guiding Principles:
- Provide flexibility to the marketplace in siting future residential development locations.
- Strive for predictability for neighborhoods and developers for residential development and redevelopment.

P. 7.4 - Strategies for Neighborhoods and Housing
- Discourage residential development in areas of environmental resources such as endangered species, saline wetlands, native prairies, and in floodplain corridors.
- Encourage preservation or restoration of natural resources within or adjacent to development.

P. 7.8 - Redeveloping in existing neighborhoods - Good design and appropriate placement are key to successful redevelopment. Widely varying techniques are utilized to achieve redevelopment in existing neighborhoods such as the following examples:
- De-conversion of multi-family back to single-family homes (resulting in a net decrease in density);
- Replacement of a single-family home with a new single-family home (resulting in no net change in density);
- Tearing down more than one structure and building a new multi-family building or a group of other housing types (resulting in a net increase in density); or
- Existing multi-family complexes identifying open areas to develop additional buildings on the existing property (resulting in a net increase in density).

P. 12.3 - This site is shown as future low density residential on the 2040 Lincoln Area Future Land Use Plan.

P. 12.4 - Low Density Residential. Residential areas, often referred to as acreages, having densities ranging from 1 to 5 acres per dwelling unit, with a typical density of 3 acres per dwelling unit. Existing Low Density Residential areas within the Future Service Limit with urban utilities available may also be appropriate to be considered for future Urban Residential development.

P. 12.4 - 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.


Annexation policy is a potentially powerful means for achieving many of the goals embodied in the Plan’s Vision. Annexation is a necessary and vitally important part of the future growth and health of Lincoln. The annexation policies of the City of Lincoln include but are not limited to the following:

The provision of municipal services must coincide with the jurisdictional boundaries of the City - in short, it is not the intent of the City of Lincoln to extend utility services (most notably, but not necessarily limited to, water and sanitary sewer services) beyond the corporate limits of the City.

The extension of water and sanitary sewer services should be predicated upon annexation of the area by the City. City annexation must occur before any property is provided with water, sanitary sewer, or other potential City services.

The areas within Tier I Priority A that are not annexed serve as the future urban area for purposes of annexation per state statute and are appropriate for immediate annexation upon final plat. These areas have approved preliminary plans.
To demonstrate the City's commitment to the urbanization of land in Tier I Priority B, the City should annex land that is contiguous to the City and generally urban in character, as well as land that is engulfed by the City. Land that is remote or otherwise removed from the limits of the City of Lincoln will not be annexed. The City should review for potential annexation all property in Priority B for which basic infrastructure is generally available or planned for in the near term.

Annexation generally implies the opportunity to access all City services within a reasonable period of time. Voluntary annexation agreements may limit or otherwise outline the phasing, timing or installation of utility services (e.g., 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. The annexation of large projects may be done in phases as development proceeds.

The character of existing residential areas should be respected as much as possible during the annexation process. When low density “acreage” areas are proposed for annexation due to the City's annexation policy, additional steps should be taken to ease the transition as much as possible, such as public meetings, advance notice and written explanation of changes as a result of annexation. In general, many aspects of acreage life may remain unchanged, such as zoning or covenants. However, any annexation of existing residential areas will include some costs which must be the responsibility of property owners.

Annexation to facilitate the installation of improvements and/or possible assessment districts is appropriate if it is consistent with the annexation policies of the Plan listed above.

Plans for the provision of services within the areas considered for annexation shall be carefully coordinated with the Capital Improvements Program of the City and the County.

UTILITIES & SERVICES:
A. Sanitary Sewer: Sanitary sewer was extended to this area originally to serve the Grand Terrace residential CUP adjacent to the south of this lot. Being immediately available, it can be extended to serve this phase as well.

B. Water: Water was also extended to serve Grand Terrace and is in the same vicinity as sanitary sewer. It too can be extended to serve this development. Fire hydrants will be installed per City standards.

C. Roads: The two internal streets serving the 12 lots are private roadways. They intersect with Portsche Lane, a public county road. Portsche Lane is an asphalt road and was repaved within the last ten years as part of a road improvement district. The district covered Portsche Heights and nearby Clarendon Hills. Porsche Lane will not be improved with this development, instead the developer is proposing to pay a maintenance and operation fee to the City in lieu of upgrading the street to full city standard including standard width, and curb and gutter.

E. Fire Protection: After annexation, fire protection will be provided by Lincoln Fire Rescue (LFR). A new fire/police station is to be constructed at South 63rd Street and Pine Lake Road, and will provide enhanced coverage to this development.

ANALYSIS
1. These are related requests for both annexation and a change of zone, and are based upon the overall site plan for the Grey Ghost Trail CUP. They seek both the annexation of the 4.4 acre tract, as well as re-zoning of the land from AGR to R-3 to allow for the 12 new single-family dwellings shown on the CUP. The review of SP#17036 for the Grey Ghost Trail CUP is covered in a separate report.

2. The area to be annexed is located within Tier I, Priority B of the Comprehensive Plan. All utilities, including public water and sewer, exist adjacent to the area of these requests, and the development can be served by the full range of city services.

3. The area of these requests is simultaneously covered by an unrelated annexation request that was initiated by the Planning Department. AN#17018 is currently under review by the City, and recommends approval of annexing approximately 68 acres of land in this area, including the subject property. That request is likely to be considered by the City Council prior to this one. In the event this is approved, this annexation request will be withdrawn and the change of zone request will proceed through the approval process alone.
4. There is no compensation due the Southeast Rural Fire District #1, nor the Rural Water District #1 (RWD) on the part of the City as a result of the proposed annexation.

5. The development is adjacent to Portsche Lane, an existing paved county road. At the time of final plat, the developer would normally be required by LMC Section 26.27.010 to improve the full width of the road to City street standards. As an alternative, the developer has proposed to pay to the City a maintenance and operating fee of $50 per lineal foot of frontage on Portsche Lane at the time of final plat, in lieu of improving the road to City standards. Public Works and Utilities supports this proposal, and the process is described in Note #9 in the Site Specific Notes of the CUP site plan. To make it binding, staff recommends it be included in a conditional zoning agreement, which is included as a recommended condition of approval.

6. The site is adjacent to the corporate limit, municipal services are available, and the land is designated for future low-density residential land uses on the Future Land Use Map consistent with the associated application for a CUP. These requests comply with the requirements of the Zoning Ordinance and Comprehensive Plan.

EXISTING LAND USE & ZONING: Agriculture; AG

ASSOCIATED REQUEST: SP#17036 for the Grey Ghost Trail CUP.

SURROUNDING LAND USE & ZONING

North: Single family residential
South: Single family residential
East: Single family residential
West: Single-family residential

APPROXIMATE LAND AREA:

Annexation #17020: 4.4 acres, more or less
Change of Zone #17031: 4.4, more or less

PROPOSED CITY COUNCIL DISTRICT ASSIGNMENT: District #2

LEGAL DESCRIPTION:

Annexation #17005: Lot 1, Portsche Heights 4th Addition, located in the NE 1/4 of Section 22-9-7, Lincoln, Lancaster County, Nebraska.

Change of Zone #17031: Lot 1, Portsche Heights 4th Addition, located in the NE 1/4 of Section 22-9-7, Lincoln, Lancaster County, Nebraska.

CONDITION:

Annexation #17020 and Change of Zone #17031

1. Before these requests are scheduled for City Council consideration, the owner will enter into a zoning agreement with the City.
Prepared by

______________________________
Brian Will,
November 1, 2017

Applicant/Contact: Rick Onnen
E&A Consulting Group
7130 South Street
Lincoln, NE 68516
(402) 420-7217 or

Owner: Gage Investments
5500 Old Cheney Road
Lincoln, NE 68516
402-560-5445
Special Permit #: SP17036, Annexation #: AN17020
& Change of Zone #: CZ17031 (AG to R-3)
Grey Ghost Trail
S 75th St & Hwy 2

Zoning:

- Residential District
- Agricultural District
- Agricultural Residential District
- Office District
- Suburban Office District
- Office Park District
- Residential Transition District
- Local Business District
- Planned Neighborhood Business District
- Commercial District
- Lincoln Center Business District
- Planned Regional Business District
- Interstate Commercial District
- Highway Business District
- Highway Commercial District
- General Commercial District
- Industrial District
- Industrial Park District
- Employment Center District
- Public Use District

One Square Mile:
Sec.22 T09N R07E

Area of Application
Zoning Jurisdiction Lines
Existing City Limits
October 18, 2017

Mr. Brian Will
City of Lincoln Planning Department
555 South 10th Street
Lincoln, NE 68508

RE: Grey Ghost Trail CUP
E&A Project #: P2107.060.001

Dear Brian,

On behalf of Gage Investments, LLC, we are requesting Annexation, Change of Zone from AG to R-3, and approval of Community Unit Plan (CUP) for property currently identified as Lot 1, Portsche Heights 4th Addition. Attached are the following:

- Completed application for Change of Zone and Community Unit Plan
- Metes and Bounds legal description for the Change of Zone and Annexation.
- A check for application fees in the amount of $2,702.00

The proposed plan will convert an existing 4.4 acre residential acreage property into 12 urban residential lots accessed by private roadways and an outlot to preserve existing wetlands and provides for stormwater conveyance, detention, and post construction treatment.

We are requesting variances to the following subdivision regulations and design standards:

1. Title 26, Section 26.23.125 – To not provide a pedestrian easement for a block length in excess of 1000 feet. No such easements are provided on the adjacent developments to accommodate a pedestrian way connection between Mandalay Drive and Portsche Lane.

2. Title 26, Section 26.23.130 – To allow block lengths in excess of 1,320 feet. No street connections are provided on the abutting developments to facilitate creation of a shorter block.

3. Title 27, Section 27.72.020 – To allow the front yard setback to be reduced from 20’ to 15’. Lot depth is constrained based on the overall size of the development and the existence of wetlands on the eastern portion of the lot. Reduction of the front yard setback will allow for a more usable back yard. As concession for the reduced setback, the development covenants will require that garages be side entry to prevent vehicles parked in the drive from obstructing the street sidewalk.
4. To allow a hammerhead style turn-around at the end of Marian Place and Billie Court. The layout of a standard cul-de-sac consumes too much width to accommodate the desired four rows of lots. Turn-around traffic is anticipated to be minimal as each of the roadways is only approximately 300 feet long and will serve only 6 lots.

Portsche Lane adjacent to the property is currently a rural section roadway. In lieu of improving the street to urban standards, the developer agrees to pay a one-time contribution for maintenance and future improvements of $50 per lineal feet of street frontage. The contribution will be made at the time of final plat.

Thank you for your consideration of this project. We will await notification to upload the CUP plan documents.

Please contact me if you have questions.

Regards,
E & A Consulting Group, Inc.

Rick Onnen, P.E.

cc: Brandon Kircher, Gage Investments, LLC
LEGAL DESCRIPTION

A TRACT OF LAND BEING LOT 1, PORTSCHE HEIGHTS 4TH ADDITION, A SUBDIVISION LOCATED IN THE NE1/4 OF SECTION 22, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 1, PORTSCHE HEIGHTS 4TH ADDITION, SAID POINT ALSO BEING THE NORTHWEST CORNER OF LOT 2, SAID PORTSCHE HEIGHTS 4TH ADDITION, AND ALSO BEING ON THE SOUTH RIGHT-OF-WAY LINE OF PORTSCHE LANE; THENCE S00°02'46"E ALONG THE EAST LINE OF SAID LOT 1, PORTSCHE HEIGHTS 4TH ADDITION, SAID LINE ALSO BEING THE WEST LINE OF SAID LOT 2, PORTSCHE HEIGHTS 4TH ADDITION, A DISTANCE OF 299.98 FEET TO THE SOUTHEAST CORNER OF SAID LOT 1, PORTSCHE HEIGHTS 4TH ADDITION, SAID POINT ALSO BEING ON THE NORTH LINE OF OUTLOT "A", GRAND TERRACE 3RD ADDITION, A SUBDIVISION LOCATED IN SAID SECTION 22; THENCE N89°50'35"W ALONG THE SOUTH LINE OF SAID LOT 1, PORTSCHE HEIGHTS 4TH ADDITION, SAID LINE ALSO BEING THE NORTH LINE OF SAID OUTLOT "A", GRAND TERRACE 3RD ADDITION, AND ALSO THE NORTH LINE OF LOTS 1 THRU 7, SAID GRAND TERRACE 3RD ADDITION, A DISTANCE OF 638.84 FEET TO THE SOUTHWEST CORNER OF SAID LOT 1, PORTSCHE HEIGHTS 4TH ADDITION, SAID POINT ALSO BEING THE NORTHWEST CORNER OF SAID LOT 1, GRAND TERRACE 3RD, AND ALSO THE NORTHEAST CORNER OF LOT 1, BLOCK 1, CLARENDON HILLS FIRST ADDITION, A SUBDIVISION LOCATED IN SAID SECTION 22, AND ALSO BEING THE SOUTHEAST CORNER OF LOT 1, BLOCK 2, CLARENDON HILLS, A SUBDIVISION LOCATED IN SAID SECTION 22; THENCE N00°00'03"E ALONG THE WEST LINE OF SAID LOT 1, PORTSCHE HEIGHTS 4TH ADDITION, SAID LINE ALSO BEING THE EAST LINE OF SAID LOT 1, BLOCK 2, CLARENDON HILLS, A DISTANCE OF 300.24 FEET TO THE NORTHWEST CORNER OF SAID LOT 1, PORTSCHE HEIGHTS 4TH ADDITION, SAID POINT ALSO BEING THE NORTHEAST CORNER OF SAID LOT 1, BLOCK 2, CLARENDON HILLS, AND ALSO BEING ON SAID SOUTH RIGHT-OF-WAY LINE OF PORTSCHE LANE; THENCE S88°49'12"E ALONG THE NORTH LINE OF SAID LOT 1, PORTSCHE HEIGHTS 4TH ADDITION, SAID LINE ALSO BEING SAID SOUTH RIGHT-OF-WAY LINE OF PORTSCHE LANE, A DISTANCE OF 638.59 FEET TO THE POINT OF BEGINNING.

SAID TRACT OF LAND CONTAINS AN AREA OF 191,682 SQUARE FEET OR 4.400 ACRES, MORE OR LESS.
ANNEXATION NO. 17020, CHANGE OF ZONE NO. 17031, AND SPECIAL PERMIT NO. 17036

ANNEXATION NO. 17020, TO ANNEX APPROXIMATELY 4.4 ACRES, MORE OR LESS, AND ADJACENT STREET RIGHT-OF-WAY, ON PROPERTY GENERALLY LOCATED AT 7721 PORTSCHE LANE. November 15, 2017

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

Staff recommendation: Conditional Approval.

AND

CHANGE OF ZONE NO. 17031, FROM AG (AGRICULTURAL DISTRICT) TO R-3 (RESIDENTIAL DISTRICT), ON PROPERTY GENERALLY LOCATED AT 7721 PORTSCHE LANE. November 15, 2017

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

Staff recommendation: Conditional Approval.

AND

SPECIAL PERMIT NO. 17036, FOR A 12-LOT CUP FOR UP TO A MAXIMUM OF 30 DWELLING UNITS, WITH WAVERS, ON PROPERTY GENERALLY LOCATED AT 7721 PORTSCHE LANE. November 15, 2017

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

Staff recommendation: Conditional Approval.

There were no ex parte communications disclosed.

Staff Presentation: Brian Will of the Planning Department stated the annexation application may turn out to be redundant since this area is included in a City-initiated annexation (AN17018) that is currently before City Council. If that annexation is approved, the annexation application associated with this project will be withdrawn.

Corr asked how much of the area was included in the City-initiated package. Will said the City-initiated annexation also includes much of the surrounding area.

Will went on to say the future land-use map shows the area as urban density. This in an older acreage area, but is in transition, with a few acreage lots in the larger vicinity undergoing changes. The request is for R-3, which is appropriate. The allowable density could go up to 30 dwellings but, given the existing acreages still in the area, the proposal of 12 units is much more appropriate as a transition to the acreages. There is no opportunity for connection to the south, which is already platted and well underway. A waiver is proposed to allow for a hammerhead turnaround instead of a more typical cul-de-sac layout.
Staff is supportive of that request since 12 lots will generate only a small amount of traffic and it will allow people to turn around without using driveways. Staff also supports the reduction to the front setbacks provided that the dwellings have side-loading garages.

Washington asked about a letter in opposition that referenced neighborhood covenants. Will said it is not unusual to receive comments about restrictive covenants. Those are simply agreements among private parties and the City is not involved. It is possible for a development to meet City codes and still be contrary to private covenants. Washington wanted to know if the City moving forward creates pressure on the covenants. She wondered if items are ever delayed to resolve conflicts with covenants. Will said no, the City is not involved in matters between private owners and would not ask for a delay.

Corr wondered if the City will be responsible for the curb and gutter down the line, if the area is annexed. Will said there is no imminent requirement that roads are suddenly upgraded after annexation. It could be done via assessment district and Portsche Lane was updated not long ago. Corr wondered about the payment in lieu of updating roads. Will said at the time of the final plat, the developer would be required to improve, but since it doesn’t make sense in this case, there has been a tradeoff.

Joy asked if the requirement for the side-garages is a condition. Will said there is a review at the time of acquiring building permits and the building is reviewed as to compliance with the CUP.

Joy asked about access to Portsche and if there would be lots to that lane. Will said it is a local street and would be problematic due to ditches. The intent would be to take access off the streets to be built.

Corr asked Will to address the side setback along the south boundary. Will said the areas to the south in Grand Terrace front onto internal streets. The side yards referred to are to the south, as you look to the rear yards of the lots in Grand Terrace. It is more typical for houses to back to one another. That is not quite the case here. As large as this development is, it is not unreasonable to ask for the 20-foot setback along the south. It is a measure to ensure compatibility with the neighborhood.

Harris asked why the annexation is being requested at this level if it may become void if City Council approves the City-initiated annexation that includes the area. Will said that technically, the area had not been annexed at the time they applied, so this is to make sure this development can move forward in case the other annexation is not approved.

Corr asked about the request for a block-length waiver. Will said that is not an uncommon waiver request as acreage lots develop and is just a function of the larger acreage area. Washington commented that the block does not seem that long. Will said that the buildout of the street network has been slow and there is not much of a network for 3- and 4-acre lots.

**Proponents:**

1. **Rick Onnen, E & A Consulting Group, 7130 South Street**, came forward as applicant along with **Jayme Shelton, BancWise Realty, 6120 Apple Way**. He stated the goal is to fit 12 lots into the area as a transitional use between the urban density area to the south and the acreages to the north. The block-length waiver is to account for the existing block already being that long. We ask for reconsideration of Condition 2.1.3, which is the side yard requirement of 20 feet, and also the requirement for the screening for the end of streets. It is not uncommon to have a side yard abutting a rear yard and their original concept layout showed the drive coming in on the south side. Options include going with the 5-foot setback, consistent with the zoning, approving the original layout with the drives on the side, or to go with the same setbacks suggested for Grand Terrace. There is need for some screening to block headlights, but the standard with the extra height applied here is what is normally required for multi-family units abutting single-family units. The 25-foot requirement is meant to soften the impact of a tall building. A 10-foot height would be more appropriate.

Shelton added that the covenants that existed were between only two parties and they expired as of January, 2017. The area of this development was not part of the covenants.
There was no testimony in opposition.

**Staff Questions:**

Corr asked how staff feels about the requested amendments. Will said staff agrees with the clarification of what is being required now in Condition 2.1.3. but not with the change to the landscaping requirement. This development is coming into the neighborhood, so providing appropriate screening is necessary. The roadways are being taken to the southern limit. These will be primary entry points so all of the traffic will be coming in and lights will shine to the south.

Edgerton asked about the topography of the area. Will said it is sloping from west to east. There is probably some grade change from north to south, but not enough to block lights.

**Applicant Rebuttal:**

Onnen said the Design Standards have different criteria based on use and this development is being held to the standards of a multi-family building, which would have to be set back even farther and would require 50% screening to the height of 25 feet. If fencing is used as part of the screen, we believe a height of 10 feet is sufficient. The streets will have a grade sloping to the north so it will go uphill to the south.

Washington wondered how they came up with the amount of screening they propose. Onnen said it includes 6-feet for fence and then 20% of the area of the vertical plan to a height of 10 feet. Corr added that the 6 feet comes from being 60% of the 10 feet.

**ANNEXATION NO. 17020**
**ACTION BY PLANNING COMMISSION:** November 15, 2017

Corr moved for approval, seconded by Joy.

Harris commented that this is a “belt and suspenders” action to make sure the annexation for this proposed development is covered in the case that City Council denies the City-initiated application that applies to the same area.

Motion carried, 7-0: Corr, Edgerton, Finnegan, Harris, Joy, Washington, and Scheer voting ‘yes’; Beckius and Hove absent.

**CHANGE OF ZONE NO. 17031**
**ACTION BY PLANNING COMMISSION:** November 15, 2017

Washington moved for approval, seconded by Edgerton.

Corr said this zoning change makes sense with R-3 already in the area.

Motion carried, 7-0: Corr, Edgerton, Finnegan, Harris, Joy, Washington, and Scheer voting ‘yes’; Beckius and Hove absent.

**SPECIAL PERMIT NO. 17036**
**ACTION BY PLANNING COMMISSION:** November 15, 2017

Joy moved for approval, as amended by the applicant. Washington offered a friendly amendment to the motion for the inclusion of the clarifying language, as agreed to by staff. Corr seconded the motion with the friendly amendment.
Joy said she thought the first option listed by the applicant provided all they wanted. She said she is looking at a 20-foot separation with reduction to the screening requirement.

Scheer said he would not be in favor to changing the second part for screening.

Corr agreed that protections must be in place for existing neighbors. Otherwise, this is a good transition from north to south so she has no issues with the overall plan.

Washington said she also has no concern with the density, especially since the development is for fewer units that what is allowed in R-3.

Scheer said this is a good step. This area was discussed as part of the City-initiated annexation at the last meeting, so it is clear that this is an area of transition.

Joy thanked her fellow Commissioners for providing clarification.

Motion carried, 7-0: Corr, Edgerton, Finnegan, Harris, Joy, Washington, and Scheer voting ‘yes’; Beckius and Hove absent.
Greetings Planning Commission Members,

My Wife and I (Zack and Arzu Hadi) own a residence located at 7800 Portsche Lane, just to the north-east of the subject area, legally described at Portsche Heights 3rd Addition, Block 1, Lot 4.

My wife and I oppose the above application for annexation and special permit.

Frist, granting the application and permit opens the door to encroachment upon the “acreage character” of Portsche Lane, which was a premise upon which several people purchased and built homes where they did.

Second, allowing a special permit for 30 dwellings with waivers and setbacks and design standards for cul-de-sac is in no way compatible with our neighborhood characteristics. Just reading what the applicant want on this special permit is scary. As an average citizen of this county, I read this as a special permit for a pass to do whatever they want to do build here.

Third, the restrictive covenants covering the development of the Portsche Lane properties prohibit any subdivision which would create “smaller building tracts” than originally designed and platted. Copies of those covenants were provided to all property owners including this applicant. The subject application appears to anticipate such prohibited subdivision and zoning changes to accomplish its purpose. We would suggest that allowing the application and permit in this case would be tantamount to granting an administrative plat without the consent and agreement of the lender.

We respectfully ask the council to deny this application for annexation, change of zoning and a special permit.

Thank you
Zack and Arzu Hadi

IP: 12.15.136.27
Form: http://lincoln.ne.gov/city/plan/boards/pc/PubCommentForm.htm
User Agent: Mozilla/5.0 (Windows NT 10.0; Win64; x64) AppleWebKit/537.36 (KHTML, like Gecko) Chrome/58.0.3029.110 Safari/537.36
Dear Members of the Planning Commission,

I am working and will not be able to attend your meeting today, but I wanted to express my opposition to this proposal.

I live on the acreage at 7740 Portsche Lane, and do not want this proposed 30 unit housing right across the street from my acreage. This type of development seems a poor choice in the acreage type setting that now exists. With the new single family development already existing just to the south of this property, I can’t fathom why you would allow this higher density type development to go in, since it doesn’t compliment them either. This makes no sense.

Thank You for your Consideration,

John Berrick
7740 Portsche Lane
Lincoln, NE 68516