

City Council Introduction: **Monday**, November 29, 2004
Public Hearing: **Monday**, December 6, 2004, at **1:30 p.m.**

Bill No. 04-213

FACTSHEET

TITLE: CHANGE OF ZONE NO. 04073, from P Public Use District to I-1 Industrial District, requested by Mark Hunzeker on behalf of Whitehead Oil Company, on property generally located northwest of the intersection of North 33rd Street and Superior Street.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: Consent Agenda: 11/10/04
Administrative Action: 11/10/04

STAFF RECOMMENDATION: Approval.

RECOMMENDATION: Approval (7-0: Carlson, Carroll, Krieser, Larson, Marvin, Pearson and Bills-Strand voting 'yes'; Sunderman and Taylor absent).

FINDINGS OF FACT:

1. The staff recommendation of approval is based upon the "Analysis" as set forth on p.3, concluding that this request complies with the Comprehensive Plan.
2. The comments by Public Works & Utilities note that this tract had been previously proposed as a future site for a fire station (which is no longer being considered), and that access to the site is a concern (See p.10). This lot is exempt from subdivision controls because the city ordinance allows public agencies to sell land for private use without platting the lot. Public Works is hoping to restrict access through the driveway permit process.
3. On November 10, 2004, this application appeared on the Consent Agenda of the Planning Commission and was opened for public hearing. No one came forward to speak.
4. On November 10, 2004, the Planning Commission agreed with the staff recommendation and voted 7-0 to recommend approval.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: November 19, 2004

REVIEWED BY: _____

DATE: November 19, 2004

REFERENCE NUMBER: FS\CC\2004\CZ.04073

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for November 10, 2004 PLANNING COMMISSION MEETING

P.A.S.: Change of Zone #04073

PROPOSAL: A request to change the zoning from P (Public) to I-1 Industrial

LOCATION: Northwest of the intersection of North 33rd and Superior Streets

LAND AREA: Approximately 1.25 acres.

CONCLUSION: This request complies with the Comprehensive Plan.

RECOMMENDATION:	Approval
------------------------	----------

GENERAL INFORMATION:

LEGAL DESCRIPTION: See attached legal description.

EXISTING ZONING: P Public

PROPOSED ZONING: I-1 Industrial

EXISTING LAND USE: Vacant

SURROUNDING LAND USE AND ZONING:

North:	Electric Utility Substation	P
South:	Agriculture	I-1
East:	Auto Sales	H-3
West:	Commercial/Industrial and Vacant	I-1, P

COMPREHENSIVE PLAN SPECIFICATIONS:

Page F23 - The Land Use Plan designates this site (including the substation adjacent to the north) for Public land uses; the land to the east across North 33rd Street as Commercial; and, all remaining adjacent lands as Industrial.

Page F38 - General Principles for all Commercial and Industrial Uses

Commercial and industrial districts in Lancaster County shall be located:

- within the City of Lincoln or incorporated villages
- outside of saline wetlands, signature habitat areas, native prairie and floodplain areas (except for areas of existing commercial and industrial zoning)
- where urban services and infrastructure are available or planned for in the near term
- in sites supported by adequate road capacity – commercial development should be linked to the implementation of the transportation plan

- in areas compatible with existing or planned residential uses
- in areas accessible by various modes of transportation (i.e. automobile, transit and pedestrian)
- so that they enhance entryways or public way corridors, when developing adjacent to these corridors
- in a manner that supports the creation and maintenance of green space as indicated in the environmental resources section of this Plan.

HISTORY:

ANALYSIS:

1. This parcel, and the adjacent parcel to the north, have been designated for Public land uses since the adoption of the 1994 Comprehensive Plan.
2. The zoning on the tract was changed from R-3 to P to reflect the fact that it was owned by a public entity. It also acknowledged the existence of the electric utility substation on the adjacent tract to the north. At that time, the site was also being considered as a potential future site for a fire station. The Fire Department is no longer considering this site for a station and has identified an area nearer to the South 27th Street/I-80 interchange as a more suitable location.
3. The Comprehensive Plan designates public land uses for this tract and the substation site, and commercial land uses where the auto dealership is located across North 33rd Street to the east. All other surrounding lands are designated for industrial land uses.
4. Understanding that the Comprehensive Plan designates commercial uses east of North 33rd Street and industrial uses west of North 33rd Street, it is appropriate that this tract would be industrial if the “P” designation changes.
5. The adjacent tract to the north will continue to be zoned P and provides in excess of a 330' separation between this tract and the R-3 north of the substation. The I-1 to the west is developed with commercial and industrial uses. If approved, this change of zone is an extension of the I-1 to the west.
6. The Public Works’ review notes that this tract had been previously proposed as a future site of a fire station, and also notes that access to the site is a concern. Staff is investigating how Public Works’ concerns can be addressed. Other advisory comments that specifically relate to the development of the site are part of that review which is attached for the applicant’s information.
7. This parcel was created when the larger tract was subdivided by the State of Nebraska. The State of Nebraska is exempt from Title 26 - Land Subdivision, and the property can be developed without subdivision review by the City. Building and driveway access permits are required.

Prepared by:
 Brian Will
 441-6362, bwill@lincoln.ne.gov

October 26, 2004

APPLICANT/

CONTACT: Mark Hunzeker
PO Box 95109
Lincoln, NE 68509
(402) 476-7621

OWNER: Whitehead Oil Company
2537 Randolph Street
Lincoln, NE
(402) 435-3509

CHANGE OF ZONE NO. 04073

CONSENT AGENDA

PUBLIC HEARING & ADMINISTRATIVE ACTION

BEFORE PLANNING COMMISSION:

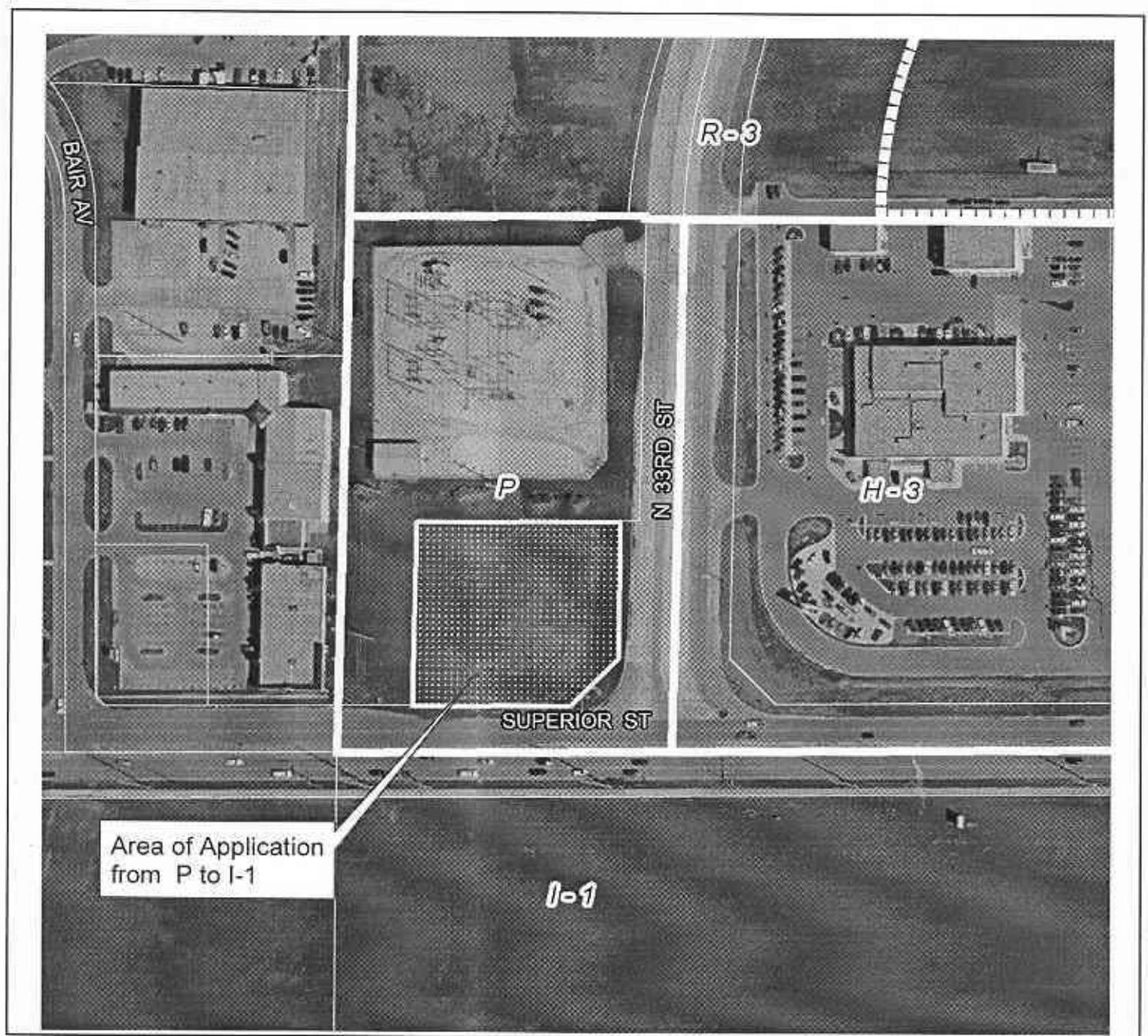
November 10, 2004

Members present: Carlson, Carroll, Krieser, Larson, Marvin, Pearson and Bills-Strand; Sunderman and Taylor absent.

The Consent Agenda consisted of the following items: **CHANGE OF ZONE NO. 04071, CHANGE OF ZONE NO. 04072, CHANGE OF ZONE NO. 04073 and USE PERMIT NO. 04005.**

Item No. 1.4, Use Permit No. 04005, was removed from the Consent Agenda and scheduled for separate public hearing.

Larson moved to approve the remaining Consent Agenda, seconded by Marvin and carried 7-0: Carlson, Carroll, Krieser, Larson, Marvin, Pearson and Bills-Strand voting 'yes'; Sunderman and Taylor absent.



2002 aerial

Change of Zone #04073 N. 33rd & Superior St.

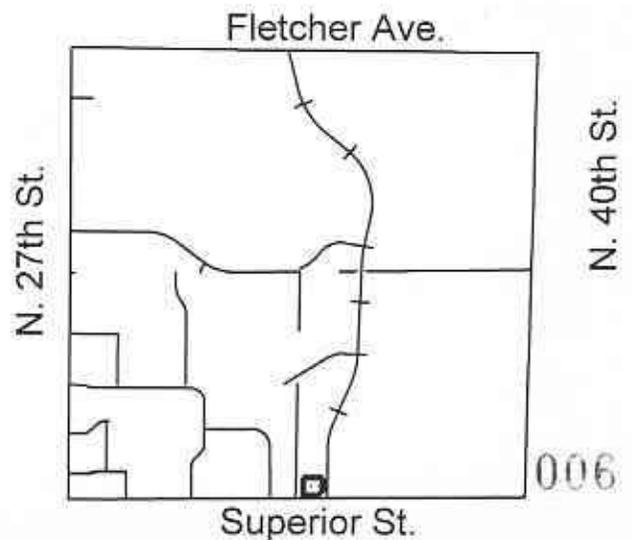
Zoning:

- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- R-C Residential Conservation District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T 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-6 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

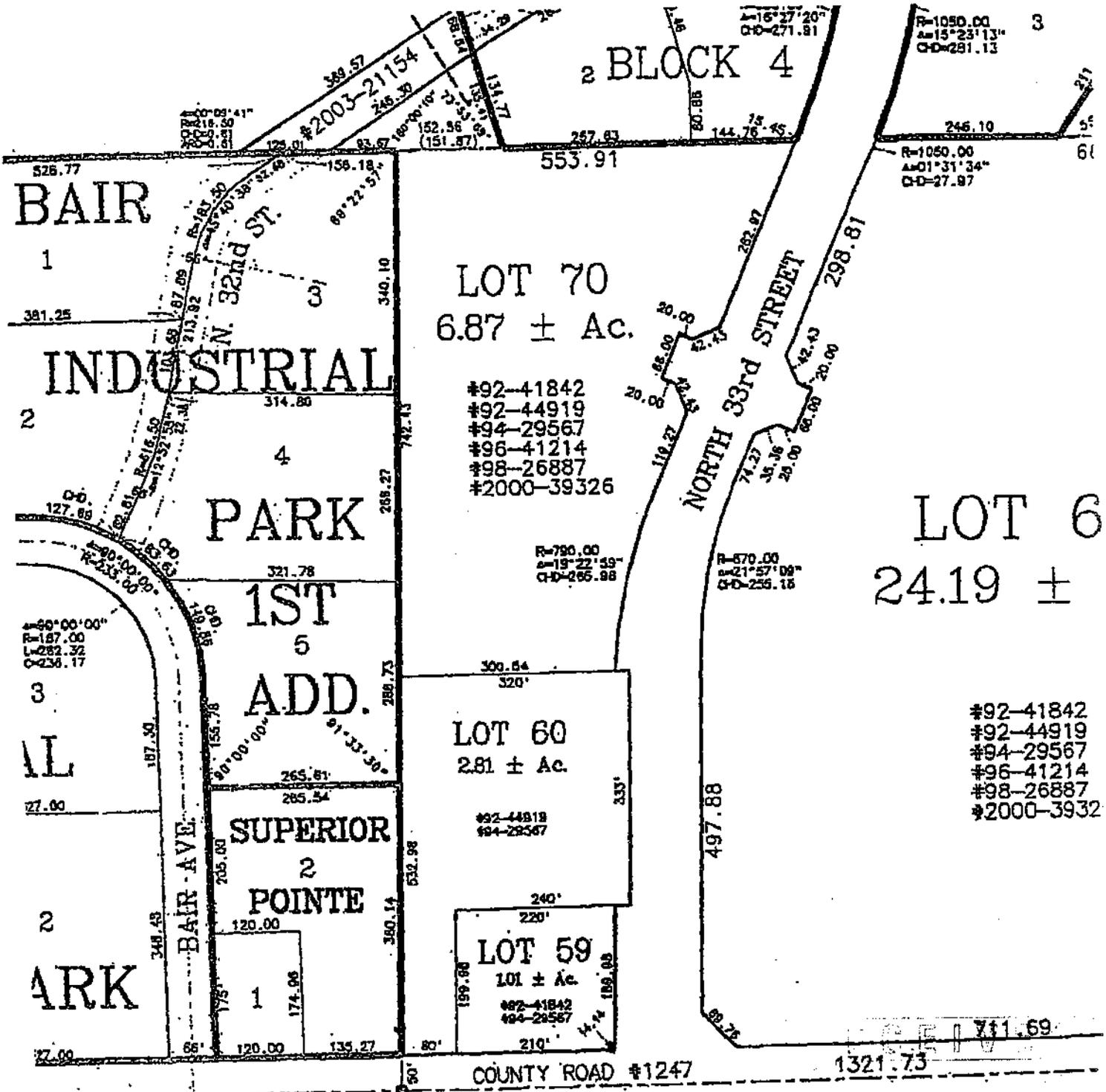


Zoning Jurisdiction Lines

City Limit Jurisdiction



Lincoln City - Lancaster County Planning De



LOT 70
6.87 ± Ac.

- #92-41842
- #92-44919
- #94-29567
- #96-41214
- #98-26887
- #2000-39326

LOT 6
24.19 ±

- #92-41842
- #92-44919
- #94-29567
- #96-41214
- #98-26887
- #2000-39326

LOT 60
2.81 ± Ac.

- #92-44818
- #94-29567

LOT 59
1.01 ± Ac.

- #92-41842
- #94-29567

COUNTY ROAD #1247

OCT 14 2004

007

STATE OF ILLINOIS
DEPARTMENT OF REVENUE

A tract of land in the Southwest Quarter of the Southeast Quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section Six (06), Township Ten (10) North, Range Seven (07) East of the Sixth Principal Meridian, Lancaster County, Nebraska, specifically described as follows:

Commencing at the southwest corner of said SW $\frac{1}{4}$ SE $\frac{1}{4}$, thence on an assumed bearing of N88°27'06"E on the south line of said SW $\frac{1}{4}$ SE $\frac{1}{4}$ a distance of 80.00' to the point of beginning, thence N00°00'00"E on the easterly line or extension thereof of Lot 60 (previously Lot 44) irregular tracts, said line being parallel with the west line of said SW $\frac{1}{4}$ SE $\frac{1}{4}$, a distance of 250.00', thence N88°27'06"E on the southerly line of Lot 60 (previously Lot 44) irregular tracts, said line being parallel with the south line of said SW $\frac{1}{4}$ SE $\frac{1}{4}$, a distance of 220.00', thence S00°00'00"W parallel with the west line of said SW $\frac{1}{4}$ SE $\frac{1}{4}$ a distance of 250.00' to the south line of said SW $\frac{1}{4}$ SE $\frac{1}{4}$, thence S88°27'06"W on the south line of the said SW $\frac{1}{4}$ SE $\frac{1}{4}$ a distance of 220.00' to the point of beginning,

008

RECEIVED

OCT 14 2004

CITY OF LANCASTER
PLANNING DEPARTMENT

Pierson|Fitchett
LAW FIRM

1045 Lincoln Mall
Suite 200
P.O. Box 95109
Lincoln, NE 68509
(402) 476-7621
fax (402) 476-7465
www.pierson-law.com

Thomas J. Fitchett
Mark A. Hunzeker
William G. Blake
Peter W. Katt
William C. Nelson
David P. Thompson
Patrick D. Timmer
Randy R. Ewing
Shanna L. Cole
Jason L. Scott

Gary L. Aksamit
of Counsel

October 14, 2004

Marvin Krout
Director of Planning
City of Lincoln
555 S. 10th Street
Lincoln, NE 68508

Re: Change of Zone from P to I-1
33rd & Superior

Dear Marvin:

The purpose of this application is to remove the property from the P - Public Use District to the I-1 Industrial District. Whitehead Oil Company recently purchased the property from the Board of Educational Lands and Funds. The intent is to construct and operate a convenience store on the property.

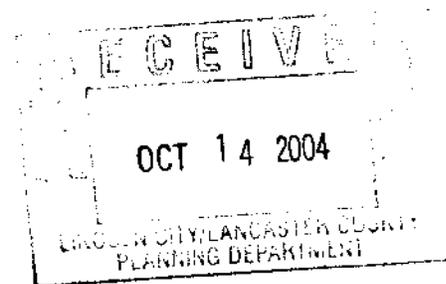
Sincerely,



Mark A. Hunzeker
For the Firm

MAH:la
Enclosures

(G:\WPData\MH\Whitehead\33rd & Superior 5035.002\Krout 10-14-4.ltr.wpd)



M e m o r a n d u m

To: Becky Horner, Planning Department
From: Dennis Bartels, Engineering Services
Subject: Change of Zone #04073, 33rd and Superior
Date: October 26, 2004
cc: Randy Hoskins
Roger Figard

Engineering Services has reviewed the proposed change of zone from 'P' Public to I1 Industrial at the northwest corner of 33rd and Superior and has the following comments:

- This lot was previously proposed as a fire station. Access to this property is a concern for the convenience storm use proposed. One driveway to 33rd as far north as feasible would be the only access allowed. This will be a right-in, right-out only access. Access at the north end of this lot is still not ideal because it would be within the right turn lane for southbound 33rd to Superior, but Public Works is opposed to a Superior Street access. A use that does not generate the high turn over traffic of a convenience store would be preferable to Public Works. If the property is sold by the state to a private owner, the existing 'P' zoning is not appropriate but as noted, we have concerns about the use and the access that may be requested to this site.

**LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT
INTER-OFFICE COMMUNICATION**

TO: Brian Will	DATE: October 25, 2004
DEPARTMENT: Planning	FROM: Chris Schroeder, MCRP
ATTENTION:	DEPARTMENT: Health
CARBONS TO: EH File EH Administration	SUBJECT: CZ #04073 P to I-1 33 rd & Superior Street Revised

The Lincoln-Lancaster County Health Department (LLCHD) has reviewed the change of zone application with the following noted:

- The LLCHD notes that residential zoning is located approximately 250 feet away from the proposed industrial zoning. The LLCHD advises that industrial zoning can be a source of noise pollution for nearby residential populations.