

FACTSHEET

TITLE: CHANGE OF ZONE NO. 05039, from B-2 Planned Neighborhood Business District to H-3 Highway Commercial District, requested by Olsson Associates on behalf of Austin Realty Company, on property generally located at North 27th Street, south of Folkways Boulevard.

STAFF RECOMMENDATION: Approval.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 06/08/05 and 06/22/05
Administrative Action: 06/22/05

RECOMMENDATION: **Approval** (9-0: Sunderman, Carlson, Larson, Carroll, Krieser, Taylor, Pearson, Esseks and Bills-Strand voting 'yes').

1. The purpose of this change of zone request from B-2 Planned Neighborhood Business District to H-3 Highway Commercial District is to expand the boundaries of an existing commercial area. This change of zone request was heard in conjunction with the associated Crossbridge 1st Addition Preliminary Plat No. 05011.
2. The staff recommendation of approval is based upon the "*Analysis*" as set forth on p.3, concluding that the change of zone to H-3 is consistent with the abutting property to the north and that the request is in conformance with the Comprehensive Plan.
3. The applicant's testimony is found on p.4-5, including proposed amendments to the conditions of approval on the associated preliminary plat.
4. There was no testimony in opposition.
5. On June 22, 2005, the Planning Commission agreed with the staff recommendation and voted 9-0 to recommend approval of the change of zone request.
6. On June 22, 2005, the Planning Commission also voted 9-0 to adopt Resolution No. PC-00938 approving the associated Crossbridge 1st Addition Preliminary Plat No. 05011, with amendments.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: July 5, 2005

REVIEWED BY: _____

DATE: July 5, 2005

REFERENCE NUMBER: FS\CC\2005\CZ.05039

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for June 8, 2005 PLANNING COMMISSION MEETING

- PROJECT #:** Change of Zone #05039
- PROPOSAL:** From B-2, Planned Neighborhood Business to H-3, Highway Commercial.
- LOCATION:** N. 27th Street and south of Folkways Boulevard.
- LAND AREA:** 0.75 acres, more or less.
- CONCLUSION:** The request is in conformance with the Comprehensive Plan.

RECOMMENDATION:	Approval
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GENERAL INFORMATION:

- LEGAL DESCRIPTION:** See attached.
- EXISTING ZONING:** B-2, Planned Neighborhood Business District.
- EXISTING LAND USE:** Undeveloped.

SURROUNDING LAND USE AND ZONING:

- | | | |
|--------|-------------|--|
| North: | undeveloped | H-3, Highway Commercial |
| South: | undeveloped | B-2, Planned Neighborhood Commercial |
| East: | undeveloped | R-3, Residential, B-2, Planned Neighborhood Commercial |
| West: | undeveloped | R-3, Residential |

ASSOCIATED APPLICATIONS: Crossbridge 1st Addition Preliminary Plat #05011

COMPREHENSIVE PLAN SPECIFICATIONS: The Comprehensive Plan indicates this area as Commercial (F-25).

HISTORY: On April 14, 2004 Planning Commission approved Crossbridge Preliminary Plat #04010.

On June 25, 2001 City Council approved King Ridge Use Permit 103B.

On February 22, 1999 City Council approved King Ridge Use Permit 103A.

On November 16, 1998 City Council approved Change of Zone #3153 from R-3, Residential to H-3, Highway Commercial.

On February 17, 1998 City Council approved King Ridge Use Permit #103, including the zoning change from A-A to B-2.

During the 1979 zoning update Zoning changed from A-A, Rural and Public Use to R-3, Residential.

UTILITIES: Water is provided from the existing public main in N. 27th Street, sanitary sewer is provided from the existing sanitary sewer line in the northeast of this subdivision.

TRAFFIC ANALYSIS: N. 27th Street is classified as an Urban Principal Arterial and Crossbridge Road is classified as a local road (F-103). The preliminary plat to the south showed a road extending to provide access for this property. That road is not built and does not show signs of being constructed in the near future. The Public Works and Utilities Department indicated that the proposed lot for a church may use the existing asphalt drive. If the developer desires to plat the other two lots, the public roadway must be installed, including the private roadway to the south of this plat.

The Trails and Bicycle Facilities Plan (F-95) indicates a trail near this property from the east extending west to N. 27th Street.

ANALYSIS:

1. This is a request to change the zone from B-2, Planned Neighborhood Business to H-3, Commercial in order to expand the boundaries of an existing commercial area.
2. The applicant indicated that the owners have purchased a 50' wide strip of property from the King Ridge developers to the south. The request is to change the zone on the property to H-3, which is consistent with the abutting property to the north. The newly acquired property is still within the boundaries of the King Ridge Use Permit #103 and must be removed from the use permit through the preliminary plat request. The applicant indicated the area is to be used for additional parking.
3. The minor extension of the zoning to incorporate the area into the existing Crossbridge development is satisfactory to the Planning Department.
4. The request is in conformance with the Comprehensive Plan.

Prepared by:

Becky Horner
Planner

DATE: May 30, 2005

**APPLICANT &
OWNER:** Austin Realty Company
3355 Orwell Street, Suite 100
Lincoln, NE 68516

CONTACT: Mark Palmer
Olsson Associates
1111 Lincoln Mall
Lincoln, NE 68508
(402)474-6311

**CHANGE OF ZONE NO. 05039
and
PRELIMINARY PLAT NO. 05011,
CROSSBRIDGE 1ST ADDITION,**

PUBLIC HEARING BEFORE PLANNING COMMISSION:

June 8, 2005

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

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

Ex Parte Communications: None.

Proponents

1. Mark Hunzeker appeared on behalf of the applicant and requested a two-week deferral in order to set up some meetings with Public Works to discuss access to the property.

Larson moved to defer for two weeks, with continued public hearing and action on June 22, 2005, seconded by Krieser and carried 7-0: Larson, Taylor, Pearson, Sunderman, Carroll, Krieser and Carlson voting 'yes'; Bills-Strand and Esseks absent.

There was no other public testimony.

CONT'D PUBLIC HEARING BEFORE PLANNING COMMISSION:

June 22, 2005

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

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

Ex Parte Communications: None.

Proponents

1. Mark Hunzeker appeared on behalf of the applicant and requested that Condition #1.1.6, which requires a sidewalk along the south side of the private roadway that enters the site, be deleted. Unfortunately, this site is about 15 to 20 feet above the abutting property and there is a retaining wall and a good share of the park runs in front of what is now Crossbridge church, which is already built. There is no space in which to build a sidewalk along the south side of the private roadway. The developer would propose to build sidewalks all the way along the N. 27th frontage and from 27th Street back in front of Lot 3 now owned by Campus Life, as well as in front of Lot 2, which is not currently occupied, and also all the way in front of the church.

Hunzeker submitted a motion to amend Condition #1.1.1:

Revise the preliminary plat to show:

1.1.1 Either:

- (a) No direct vehicular access to N. 27th Street from this plat; or
- (b) Show a temporary right turn lane extending 150 feet south of the plat and construction of a third northbound lane of paving N. 27th Street abutting the plat, AND prior to final plat, secure agreement from the property owner to the north to dedicate an additional ten feet of right-of-way for N. 27th Street and pave a third northbound lane on N. 27th Street from the north line of this plat to Fletcher.

The developer has met with Public Works to discuss access to this site. The shopping center to the south has a long downhill about 300' long and the only access currently to this site winds back up to literally abutting North 27th Street. It makes for a very inconvenient and unworkable access to the church and Campus Life. The developer would like either to relinquish access to North 27th Street, or to show a temporary right turn lane in North 27th Street, together with dedication of an additional 10 feet of right-of-way and construct an additional northbound lane in North 27th Street along the entire length of this plat, and secure the agreement of the abutting property owner to dedicate an additional 10' of right-of-way and construct an additional north-bound through lane. At that time, it is anticipated that agreement will also provide for a right-in, right-out. Public Works believes the additional through lane running all the way to Fletcher was sufficiently beneficial to the city as a whole to justify granting the access. Hunzeker anticipated that that will be agreed upon.

There was no testimony in opposition.

Greg Czaplewski of Planning staff believes that Public Works is in agreement with the amendment to Condition #1.1.1; however, the staff does not support the request to delete Condition #1.1.6 because Crossbridge is a private roadway. That sidewalk is a requirement of the design standards. If they want to waive that sidewalk, it will have to be advertised.

Chad Blahak of Public Works agreed with the proposed amendment to Condition #1.1.1 in light of the precedence of other driveways on N. 27th Street. However, it needs to be clear that part of the agreement was to dedicate right-of-way and construct the third lane on property that is north of this application. An agreement needs to be signed prior to City Council.

Response by the Applicant

Hunzeker believes that the applicant's letter of application requested to waive the sidewalks on both sides of the private roadway. The Clerk advised that the waiver was not advertised. Hunzeker went on to state that there is no way to put a sidewalk along the south side of that private roadway.

Carlson moved to delay two weeks, to allow advertisement of the sidewalk waiver. Upon further discussion, it was determined that the Planning Commission could proceed to act on the preliminary plat and that the sidewalk waiver could come forward separately.

Carlson withdrew the motion to delay.

CHANGE OF ZONE NO. 05039

ACTION BY PLANNING COMMISSION:

June 22, 2005

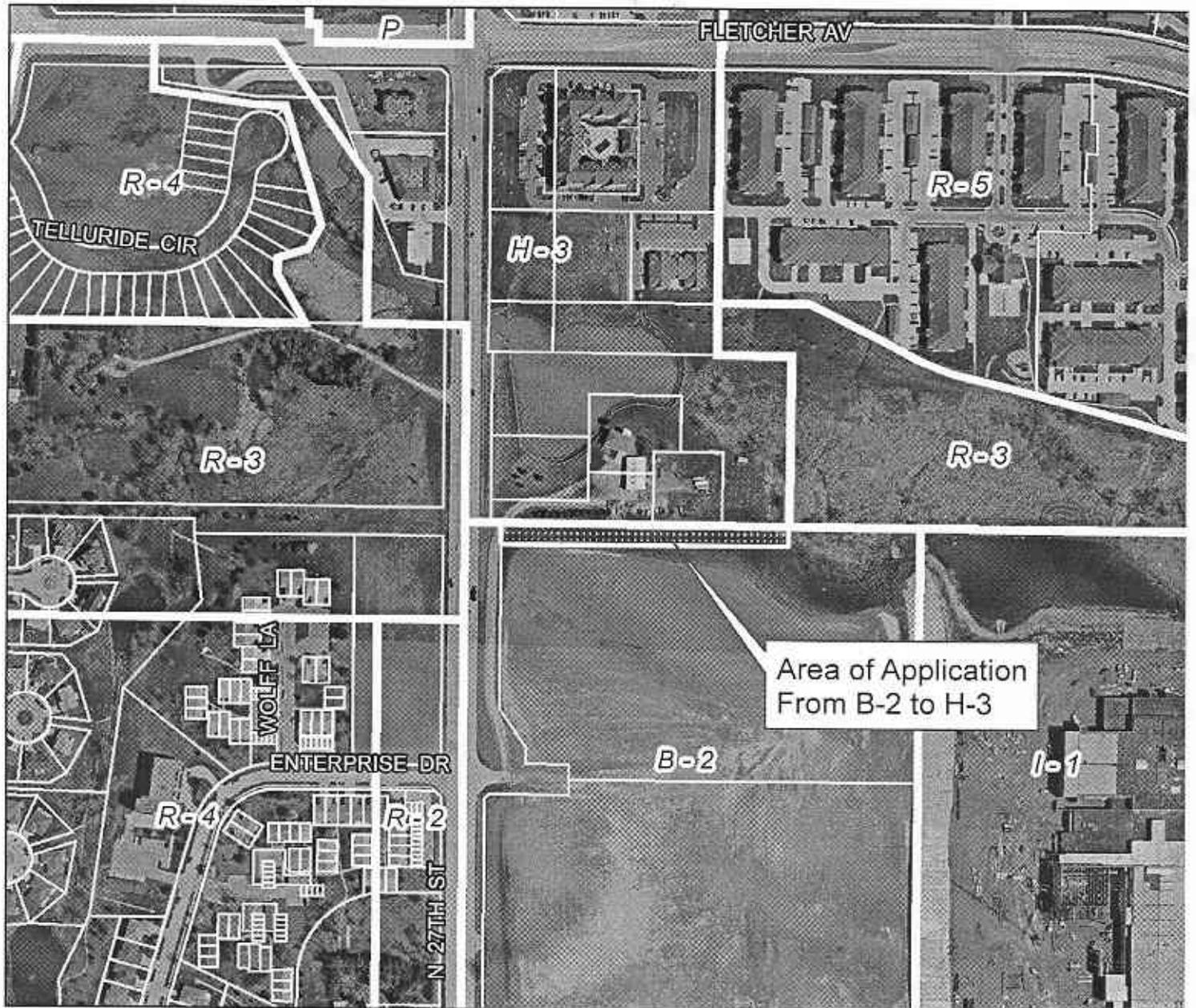
Carlson moved approval, seconded by Pearson and carried 9-0: Sunderman, Carlson, Larson, Carroll, Krieser, Taylor, Pearson, Esseks and Bills-Strand voting 'yes'. This is a recommendation to the City Council.

PRELIMINARY PLAT NO. 05011

ACTION BY PLANNING COMMISSION:

June 22, 2005

Carlson moved to approve the staff recommendation of conditional approval, with amendment to Condition #1.1.1 as requested by the applicant, seconded by Pearson and carried 9-0: Sunderman, Carlson, Larson, Carroll, Krieser, Taylor, Pearson, Esseks and Bills-Strand voting 'yes'. This is final action, unless appealed to the City Council within 14 days.



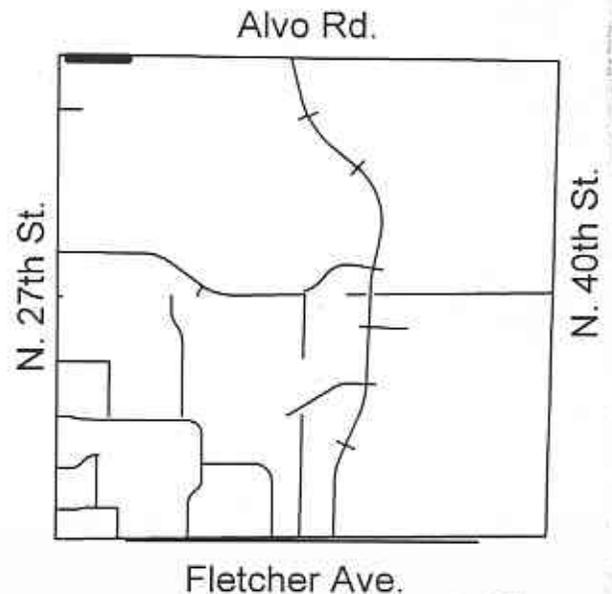
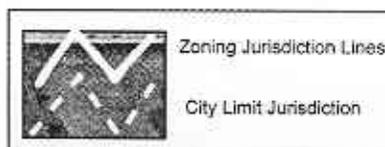
2002 aerial

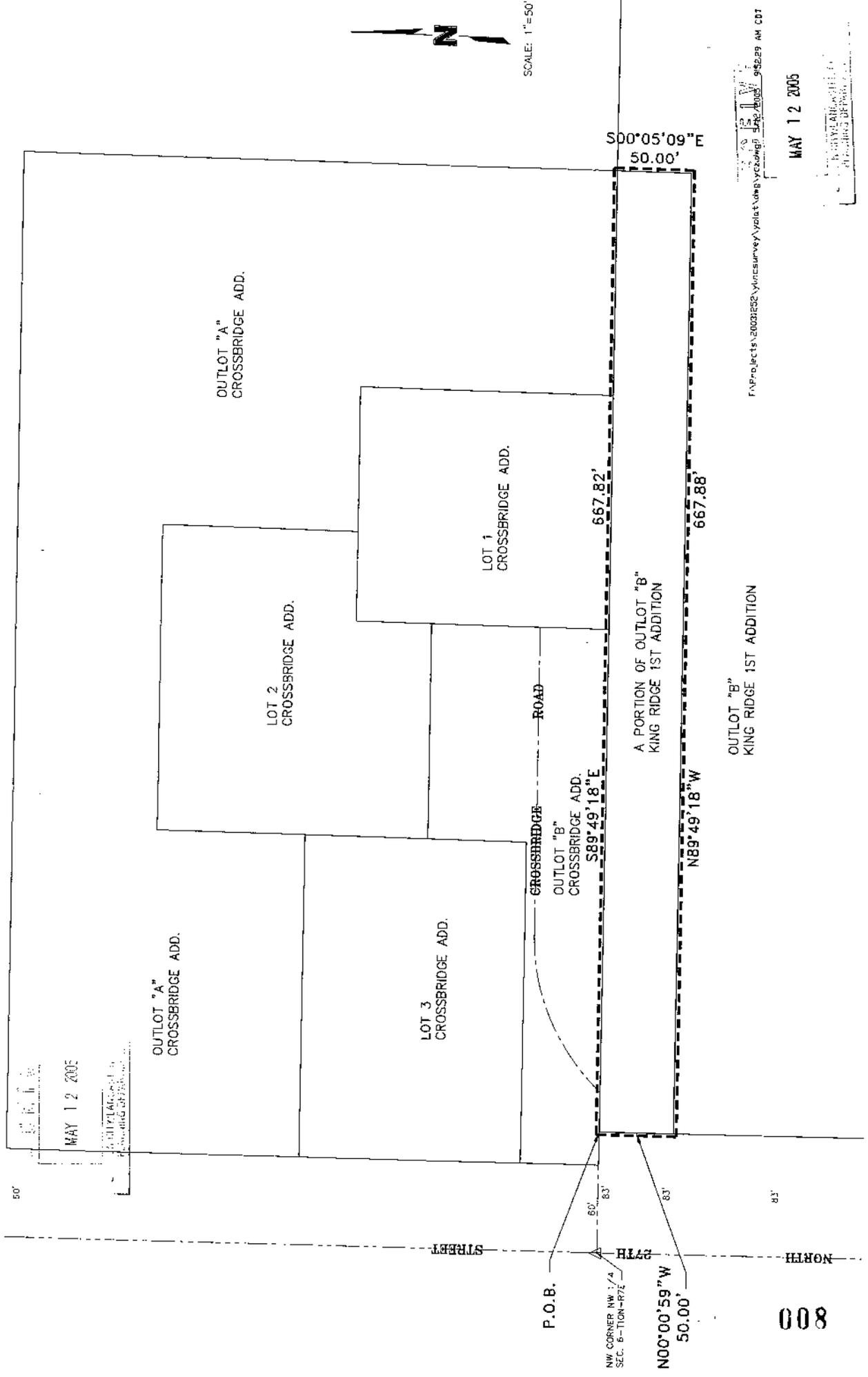
Change of Zone #05039 N. 27th & Fletcher Rd.

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

One Square Mile
Sec. 6 T10N R7E





SCALE: 1"=50'

MAY 12 2005

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MAY 12 2005

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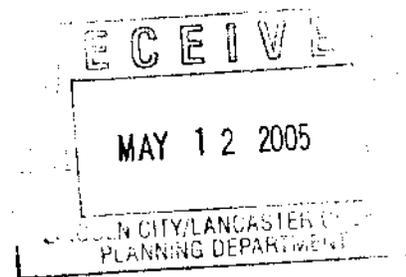
Surveyed and Platted by
 [Signature]
 Licensed Professional Engineer

**LEGAL DESCRIPTION
CHANGE OF ZONE**

A LEGAL DESCRIPTION FOR A TRACT OF LAND COMPOSED OF A PORTION OF OUTLOT "B", KING RIDGE 1ST ADDITION, LOCATED IN THE NORTHWEST QUARTER OF SECTION 6, TOWNSHIP 10 NORTH, RANGE 7 EAST OF THE 6TH P.M., CITY OF LINCOLN, LANCASTER COUNTY, STATE OF NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID OUTLOT "B", SAID POINT BEING 83.00 FEET EAST OF THE WEST LINE OF SAID NORTHWEST QUARTER, SAID POINT BEING ON THE NORTH LINE OF SAID NORTHWEST QUARTER, SAID POINT BEING ON THE EAST LINE OF NORTH 27TH STREET RIGHT-OF-WAY, SAID POINT BEING **THE TRUE POINT OF BEGINNING**; THENCE EAST ALONG THE NORTH LINE OF SAID OUTLOT "B", SAID LINE BEING THE NORTH LINE OF SAID NORTHWEST QUARTER ON AN ASSUMED BEARING OF SOUTH 89 DEGREES 49 MINUTES 18 SECONDS EAST, A DISTANCE OF 667.82 FEET TO THE SOUTHEAST CORNER OF OUTLOT "A" CROSSBRIDGE ADDITION, THENCE SOUTH 00 DEGREES 05 MINUTES 09 SECONDS EAST ALONG AN EXTENSION OF THE EAST LINE OF SAID OUTLOT "A", A DISTANCE OF 50.00 FEET TO A POINT, THENCE NORTH 89 DEGREES 49 MINUTES 18 SECONDS WEST ALONG A LINE 50.00 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 667.88 FEET TO A POINT OF INTERSECTION WITH THE WEST LINE OF SAID OUTLOT "B", THENCE NORTH 00 DEGREES 00 MINUTES 59 SECONDS WEST ALONG THE WEST LINE OF SAID OUTLOT "B", SAID LINE BEING 83.00 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF SAID NORTHWEST QUARTER, SAID LINE BEING THE EAST LINE OF NORTH 27TH STREET RIGHT-OF-WAY, A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA OF 33,392.61 SQUARE FEET OR 0.7666 ACRES, MORE OR LESS.

Thursday, May 12, 2005
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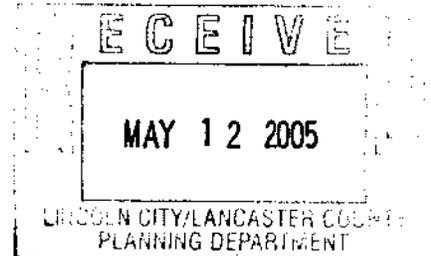




OLSSON ASSOCIATES
ENGINEERS • PLANNERS • SCIENTISTS • SURVEYORS

May 12, 2005

Mr Marvin Krout
Planning Department, City of Lincoln
County-City Building
555 South 10th Street
Lincoln, NE 68508



Re: Cross Bridge 1st Addition Preliminary Plat
OA Project No. 2003-1252

Dear Mr. Krout,

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

1. Site Plan - 21 copies
2. Drainage and Grading Plans - 9 copies
3. Preliminary Plat Application with Technical checklist
4. Change of Zone application with submittal requirements
5. Change of Zone Legal description and exhibit
6. Change of Zone Application Fee
7. Preliminary Plat Application Fee
8. Soils Report - 1 copy
9. Ownership certificate

On behalf of the Owner/Developer, Austin Realty Company, 8644 Executive Woods Drive, Lincoln NE 68512, we are requesting a *Preliminary Plat* on the property shown on the enclosed site plan, all located in the Northwest Quarter (NW4) of Section 6, T10N, R7E of the 6th PM, City of Lincoln, Lancaster County, Nebraska

The owners have purchased a 50' wide strip of property from the King Ridge developers to the south. We are proposing to change the zone on this property to H-3. This area is to be used for additional parking.

We are also requesting a right in / right out entrance off 27th Street as shown on the site plan. This property had the access to 27th Street purchased by the City as part of the 27th Street widening project. The current access is a frontage driveway from Enterprise Road parallel to 27th Street. The future access is a meandering private roadway through the King Ridge development. The King Ridge development showed the construction of a third northbound thru lane for the entire length of the development. Our clients are willing to construct 150' of this third lane to be used as a right turn lane. Our clients understand that the controlled access will need to be purchased from the City.

010

The land uses that this turn lane will support are not high traffic generating uses. One lot is a church, one is an office building, and one lot will be either a sit-down restaurant, or office building. These uses will be less intensive than the Rustad Property to the south that just recently got a right in / right out turn lane approved off 27th Street.

The following waivers are being requested for the above-mentioned project. The justification for each waiver is listed below. These waivers were previously approved as part of Cross Bridge Preliminary Plat.

1. A waiver to Design Standards to not construct sidewalks on both sides of the private roadway.

We have shown an alternative location for the sidewalks through the site.

4. A waiver to Design Standards to not require storm water detention on this site.

The neighboring properties to the north and south (King Ridge and Northridge) were not required to provide detention due to their proximity to Salt Creek. As this property fits the same locational criteria, it should also be granted the same waiver.

5. A waiver to Design Standards to not require a cul-de-sac at the end of the private roadway.

This private roadway connects into a parking lot that will provide room for vehicles to turn around.

Please contact me if you have any questions or require additional information.

Sincerely,



Mark C. Palmer, PE

Encls

cc John Schleich
Tom Schleich