

FACTSHEET

TITLE: **CHANGE OF ZONE NO. 3273**, from O-3 Office Park to R-3 Residential and from R-3 Residential to O-3 Office Park, requested by Brian D. Carstens and Associates on behalf of South Ridge Village, L.L.C. and R.C. Krueger Development, Inc., on property generally located between South 28th Street and South 29th Street along Porter Ridge Road.

STAFF RECOMMENDATION: Approval.

ASSOCIATED REQUEST: Use Permit No. 100A (00R-233)

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: Consent Agenda, 07/26/00
Administrative Action: 07/26/00

RECOMMENDATION: Approval (5-0: Carlson, Duvall, Newman, Schwinn and Steward voting 'yes'; Taylor abstaining; Bayer, Hunter and Krieser absent).

FINDINGS OF FACT:

1. This change of zone and the associated Use Permit No. 100A were heard at the same time before the Planning Commission.
2. The Planning staff recommendation of approval is based upon the following analysis:
 - A.. This change of zone request is to bring the zoning district boundaries into alignment with the platted lot lines.
 - B. **Section 27.05.030(b) of the L.M.C. - Rules Where Uncertainty as to Boundaries Arises** states:

“Where the property has been or may hereafter be divided into blocks and platted lots, the district boundaries shall be construed to coincide with the nearest platted lot lines; and where the district designated in the district map made a part of this title by reference are bounded approximately by platted lot lines, the platted lot line shall be construed to be the boundary of the district.”
 - C. The district boundaries in this case were established by metes and bounds descriptions prior to the platting of the lots. Therefore, the district boundaries and the platted lots have specific descriptions which do not correspond.
 - D. These changes will align the district boundaries with the platted lot lines.
3. This item was placed on the Consent Agenda of the Planning Commission on July 26, 2000, and opened for public hearing. No one came forward to speak.
4. The Planning Commission agreed with the staff recommendation of approval.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: August 14, 2000

REVIEWED BY: _____

DATE: August 14, 2000

REFERENCE NUMBER: FS\CC\FSCZ3273

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

P.A.S.: CHANGE OF ZONE NO. 3273

DATE: JULY 10, 2000

PROPOSAL: Brian D. Carstens of Brian D. Carstens and Associates, on behalf of South Ridge Village L.L.C. and R. C. Krueger Development, Inc., has requested changes of zone from O-3 Office Park to R-3 Residential and from R-3 Residential to O-3 Office Park on property generally located between South 28th Street and South 29th Street along Porter Ridge Road.

GENERAL INFORMATION:

APPLICANT: Brian D. Carstens
c/o Brian D. Carstens and Associates
2935 Pine Lake Road - Suite H
Lincoln, NE 68516
402-434-2424

OWNER: South Ridge Village, L.L.C. &
R. C. Krueger Development, Inc.
2929 Pine Lake Road - Suite C
Lincoln, NE 68516

LOCATION: Generally, north of Porter Ridge Road between South 28th and South 29th.

REQUESTED ACTION: Changes of Zone from O-3 Office Park to R-3 Residential and from R-3 Residential to O-3 Office Park.

PURPOSE: To correct the zone lines between the R-3 District and the O-3 District.

LEGAL DESCRIPTION: See attached descriptions.

SIZE: From R-3 to O-3 - 8,753.7 square feet more or less.
From O-3 to R-3 - 13,758.4 square feet more or less.

EXISTING ZONING: O-3 Office Park and R-3 Residential

EXISTING LAND USE: Vacant

SURROUNDING LAND USE AND ZONING: On the area east of South 29th Street there are developed office uses, on the lot south of Porter Ridge Road and west of South 28th Street, a car dealership is under construction, the remaining surrounding area is vacant. Surrounding zoning is O-3 and R-3, with H-4 General Commercial to the north.

COMPREHENSIVE PLAN SPECIFICATIONS: The Land Use Plan of the *Comprehensive Plan* indicates this area as Commercial and Residential.

HISTORY:

On February 28, 1994, the City Council approved Change of Zone No. 2740 over this area which established the general areas of the R-3, O-3, and H-4 Districts.

December 9, 1996, the Council approved Change of Zone No. 2952 which located the zoning district boundaries on the north side of Porter Ridge Road.

The zoning on a portion of land on the east side of the car dealership lot was changed by the City Council on March 22, 1999 with Change of Zone No. 3161.

The various final plats and administrative final plats in the vicinity were approved by the Planning Commission and administratively between 1995 and 1999.

ANALYSIS:

1. This change of zone request is to bring the zoning district boundaries into alignment with the platted lot lines.
2. **Section 27.05.030(b) of the L.M.C. - Rules Where Uncertainty as to Boundaries Arises** states:

“Where the property has been or may hereafter be divided into blocks and platted lots, the district boundaries shall be construed to coincide with the nearest platted lot lines; and where the district designated in the district map made a part of this title by reference are bounded approximately by platted lot lines, the platted lot line shall be construed to be the boundary of the district.”
5. The district boundaries in this case were established by metes and bounds descriptions prior to the platting of the lots. Therefore, the district boundaries and the platted lots have specific descriptions which do not correspond.
4. These changes will align the district boundaries with the platted lot lines.

STAFF RECOMMENDATION:

Approval

Prepared by:

Richard A. Houck, AICP
Planner II
Planning Department

CHANGE OF ZONE NO. 3273
and
USE PERMIT NO. 100A

CONSENT AGENDA
PUBLIC HEARING & ADMINISTRATIVE ACTION
BEFORE PLANNING COMMISSION:

July 26, 2000

Members present: Carlson, Duvall, Newman, Taylor, Schwinn and Steward; Bayer, Hunter and Krieser absent.

The Consent Agenda consisted of the following items: **CHANGE OF ZONE NO. 3270; CHANGE OF ZONE NO. 3273; USE PERMIT NO. 100A; SPECIAL PERMIT NO. 1553A; SPECIAL PERMIT 1858;SPECIAL PERMIT NO. 1859; FINAL PLAT NO. 99039, BLACK FOREST ESTATES ADDITION; FINAL PLAT NO. 00002, HIMARK ESTATES 3RD ADDITION; FINAL PLAT NO. 00013, IRONGATE ESTATES ADDITION; COMPREHENSIVE PLAN CONFORMANCE NO. 00006; AND MISCELLANEOUS NO. 00006.**

Item No. 1.9, Comprehensive Plan Conformance No. 00006, and Item No. 1.10, Miscellaneous No. 00006, were removed from the Consent Agenda and scheduled for separate public hearing.

Steward moved to approve the remaining Consent Agenda, seconded by Newman and carried 5-0: Carlson, Duvall, Newman, Schwinn and Steward voting 'yes'; Taylor abstaining; Bayer, Hunter and Krieser absent.

Note: This is final action on Special Permit No. 1858, Special Permit No. 1859, Black Forest Estates Addition Final Plat No. 99039, Himark Estates 3rd Addition Final Plat No. 00002, and Irongate Estates Addition Final Plat No. 00013, unless appealed to the City Council by filing a notice of appeal with the City Clerk within 14 days of the action by the Planning Commission.