

City Council Introduction: **Monday**, February 5, 2001
Public Hearing: **Monday**, February 12, 2001, at **1:30 p.m.**

Bill No. 01-21

FACTSHEET

TITLE: **CHANGE OF ZONE NO. 3300**, from AG Agricultural to H-3 Highway Commercial, requested by Mark A. Fahleson on behalf of George and Sharol Slama, on property generally located at the northwest corner of N.W. 84th and West "O" Streets.

STAFF RECOMMENDATION: Approval.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 01/24/01
Administrative Action: 01/24/01

RECOMMENDATION: Approval (9-0: Newman, Duvall, Schwinn, Taylor, Steward, Hunter, Carlson, Krieser and Bayer voting 'yes').

FINDINGS OF FACT:

1. The Planning staff recommendation to approve this change of zone request is basis upon the "Analysis" and "Conclusion" as set forth on pp.3-5, concluding that this application generally meets the zoning criteria as set forth in the Comprehensive Plan.
2. The applicant's testimony is found on p.6.
3. There was no testimony in opposition.
4. The Planning Commission agreed with the staff recommendation.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: January 29, 2001

REVIEWED BY: _____

DATE: January 29, 2001

REFERENCE NUMBER: FS\CC\FSCZ3300

HISTORY: Changed from AA Rural and Public Use to AG Agricultural and from H-2 to H-3 in the 1979 zoning update. Converted from Lancaster County zoning to Lincoln zoning in 1971 when the three mile moved across Emerald.

SPECIFIC INFORMATION:

UTILITIES: This is in the Emerald SID which provides sewer and water. This is in the LES service system.

TOPOGRAPHY: Generally flat.

TRAFFIC ANALYSIS: This is served by West “O” Street/Hwy #6 and NW 84th Street. “O” Street is a paved Highway. NW 84th is a gravel county road.

PUBLIC SERVICE: This is in the Malcolm Rural Fire District and the Malcolm School District #148. This is served by the Lancaster County Sheriffs Department.

REGIONAL ISSUES: Expansion of commercial areas.

ENVIRONMENTAL CONCERNS: The Historic and Ecological Resources survey shows no resources on this site. The soil rating on this land is 3.5 on a scale of 1 to 10 where 1 is the highest and a rating of 1-4 is prime agriculture land. This is prime ag land.

AESTHETIC CONSIDERATIONS: n/a

ALTERNATIVE USES: Farming, after the crushed rock has been removed.

ANALYSIS:

1. This request is for a change of zone from AG Agriculture to H-3 Highway Commercial.
2. The land is currently graveled and is being used for internal circulation, truck storage and other outdoor storage.
3. This parcel is served by a paved highway and a county gravel road.
4. This is not in conformance with the Lincoln and Lancaster County Land Use map, however, the language of the comprehensive plan, in reference to Rural Centers, does state that “while no significant expansion of existing free standing sites or additions of new sites is shown on the plan, criteria should be developed to accommodate the appropriate new services (such as neighborhood business) in the county.” (pg 65)
5. Where an application is not consistent with the Plan maps the review assessment includes a review of the statutory criteria of securing safety from dangers and promoting the general health,

safety, and general welfare with consideration to the character of the area zoned, their peculiar suitability for uses and types of development, conserving property values, encouraging the most appropriate use of the land, in accordance with a comprehensive plan, and the following additional zoning criteria;

a. Infrastructure: the availability of the water, sewer, drainage and the transportation systems.

The area is in the Emerald Sanitary Improvement District and has available water and sewer. This is in the LES District.

b. Compatibility: harmony and suitability with the surrounding land uses and the natural environment.

The requested Highway Commercial zoning would be compatible with the existing development of the corner and would “square off” and reflect the existing use.

c. Health and Safety: protection against natural and man-made hazards including noise; air, ground and water pollution; flooding; and hazards from industrial or agricultural processes or products.

There are no known hazards in the area other than the normal commercial uses such as the existing truck repair. Emerald has had EPA action due to V.O.C. ground water contamination. Several potential sources were noted at the time. The SID was expanded to provide water service in response to that problem.

d. Physiographic Features: the topography, suitability of proposed land uses with streams, lakes, soil types, natural vegetation or wildlife habitat.

The site has been graded flat and rocked. There is no natural habitat on the site.

e. Accessibility: availability, or lack thereof, of public transportation, arterial connections and pedestrian linkages.

Highway 6/ West”O” Street is paved. NW 84th Street is gravel. There is a traffic warning light at this intersection. Lincoln is three miles east. A rail line and Interstate 80 are about ½ mile north.

f. Open Space: availability of sufficient open space and recreational areas to accommodate a project's residents and employees.

Open space and recreation areas are located in Lincoln (Three miles east). Pawnee Lake is two miles to the north.

g. Fiscal Impacts: whether the proposed use does not create a burden to local tax revenues and/or available resources.

There are no apparent major fiscal impacts.

6. This would be compatible with and an extension of the existing truck operation. The parcel is internal to the existing uses and is blocked from street view by the existing buildings.
7. The Comprehensive Plan update is currently starting and exurban development would be expected to be reviewed.
8. If this is intended for eventual sale, a subdivision will need to be approved to split this area off from the balance of Lot 146 I.T..

CONCLUSION:

Page 190 of the Comprehensive Plan provides the following language for this circumstance;

“b. Rezoning and Comprehensive Plan Amendments. The city and county future land use plans are specific maps. In some situations, applications will be made for land use changes that are not in conformance with those maps. In each case, the Planning Department will complete an advisory review of Comprehensive Plan compliance for the Planning Commission and the City Council or County Board. This assessment will follow these guidelines:

- ! If an application is generally consistent with the land use map and the zoning criteria, it will be considered to be consistent with the comprehensive plan.
- ! If an application is not consistent with the land use maps but meets the zoning criteria, the proposal will be found to be inconsistent with the land use plan but compliant with the general concepts of the comprehensive plan. An amendment to the land use plan may be approved along with the rezoning proposal. The land use plan can then be updated on an annual basis to remain current. (Amendment 9416)
- ! If an application is inconsistent with both the land use plan and zoning criteria, it will be considered to be inconsistent with the comprehensive plan. Approval of the project will require an amendment to the comprehensive plan.”

This application generally meets the zoning criteria and thus is recommended for approval.

STAFF RECOMMENDATION:

Approval

Prepared by:

Michael V. DeKalb AICP
Planner

CHANGE OF ZONE NO. 3300

PUBLIC HEARING BEFORE PLANNING COMMISSION:

January 24, 2001

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

Planning staff recommendation: Approval.

Proponents

1. **Britt Ehlers**, 1201 Lincoln Mall, Suite 102, testified on behalf of Larry and Linda Lewis. Ehlers suggested that the staff report on this matter is very thorough and provides the background. This property is located at the corner of West "O" and N.W. 84th Street. The property currently owned by the applicant is zoned H-3 and forms an L at the northwest corner of that intersection. This application would square off that piece of property and assist the Lewis's in their ability to run their business, Nebraska Truck Company.

As far as adverse effects, Ehlers contended that there are none. The property is currently graveled with crushed rock and used for parking, and this is anticipated to be its continued use. It is a small parcel of approximately .9 acre and there is adequate infrastructure present. It does not destroy any natural habitat. Other additional consideration is that it is used primarily for truck parking. The applicant has been careful to have this parking on the back side of the building and thus it is not a hindrance or harmful in any manner aesthetically.

Ehlers advised that this piece of property is currently subject to a purchase agreement conditioned upon approval of this change of zone. There has been an application for administrative plat filed.

Hunter inquired whether this is for an expanded use. Ehlers advised that it will be used for parking as it is currently used today. His client wants to own the property and bring it into compliance.

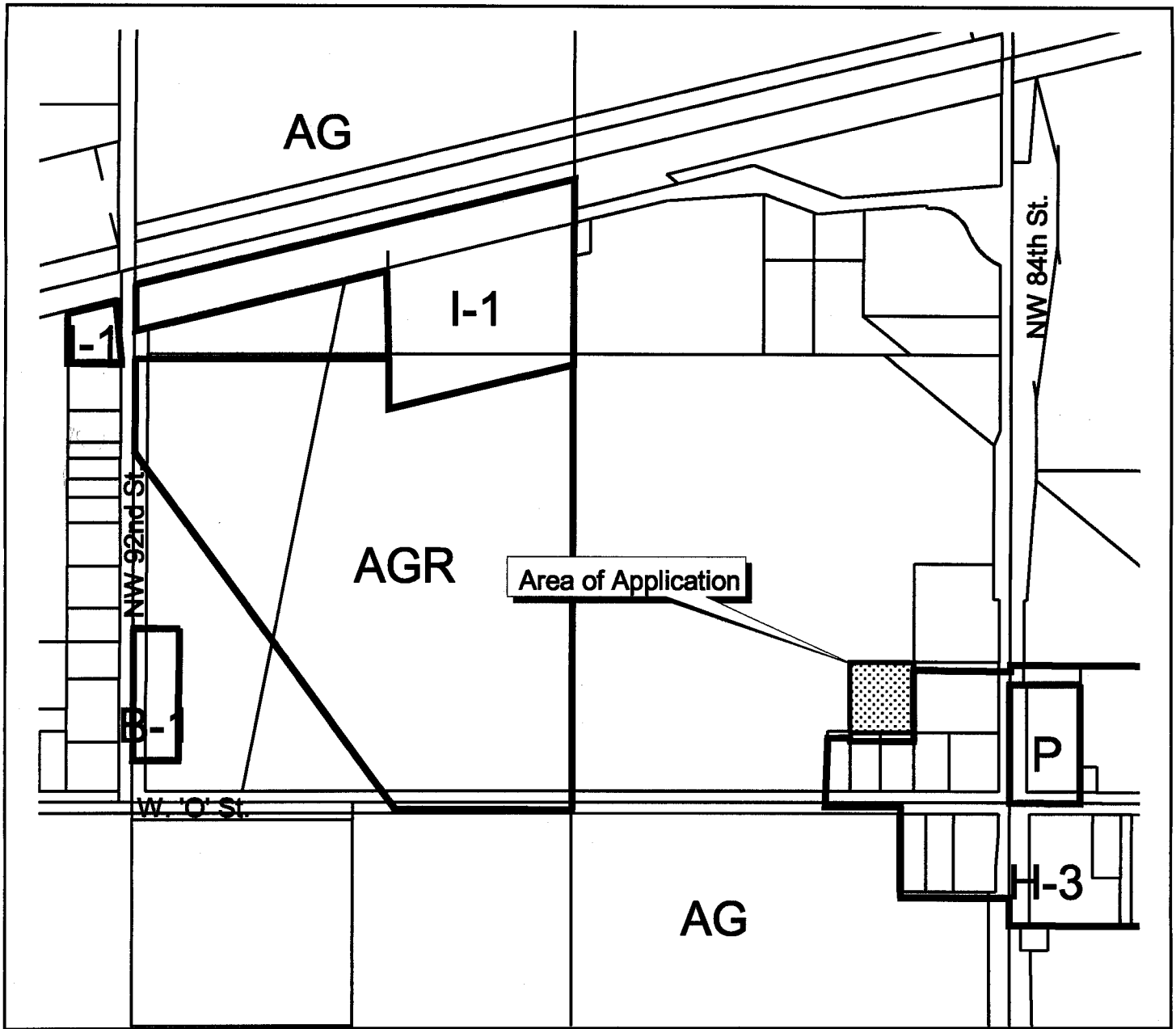
There was no testimony in opposition.

Public hearing was closed.

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

January 24, 2001

Steward moved approval, seconded by Hunter and carried 9-0: Newman, Duvall, Schwinn, Taylor, Steward, Hunter, Carlson, Krieser and Bayer voting 'yes'.

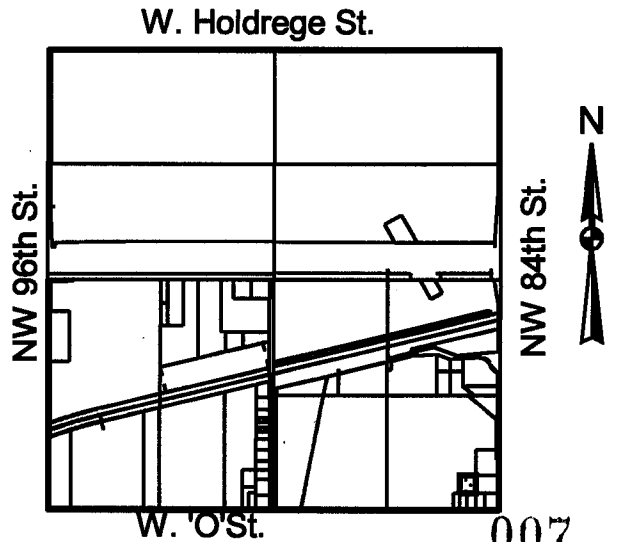
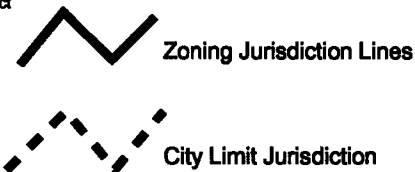


**Change of Zone #3300
NW 84th & West 'O' St.**

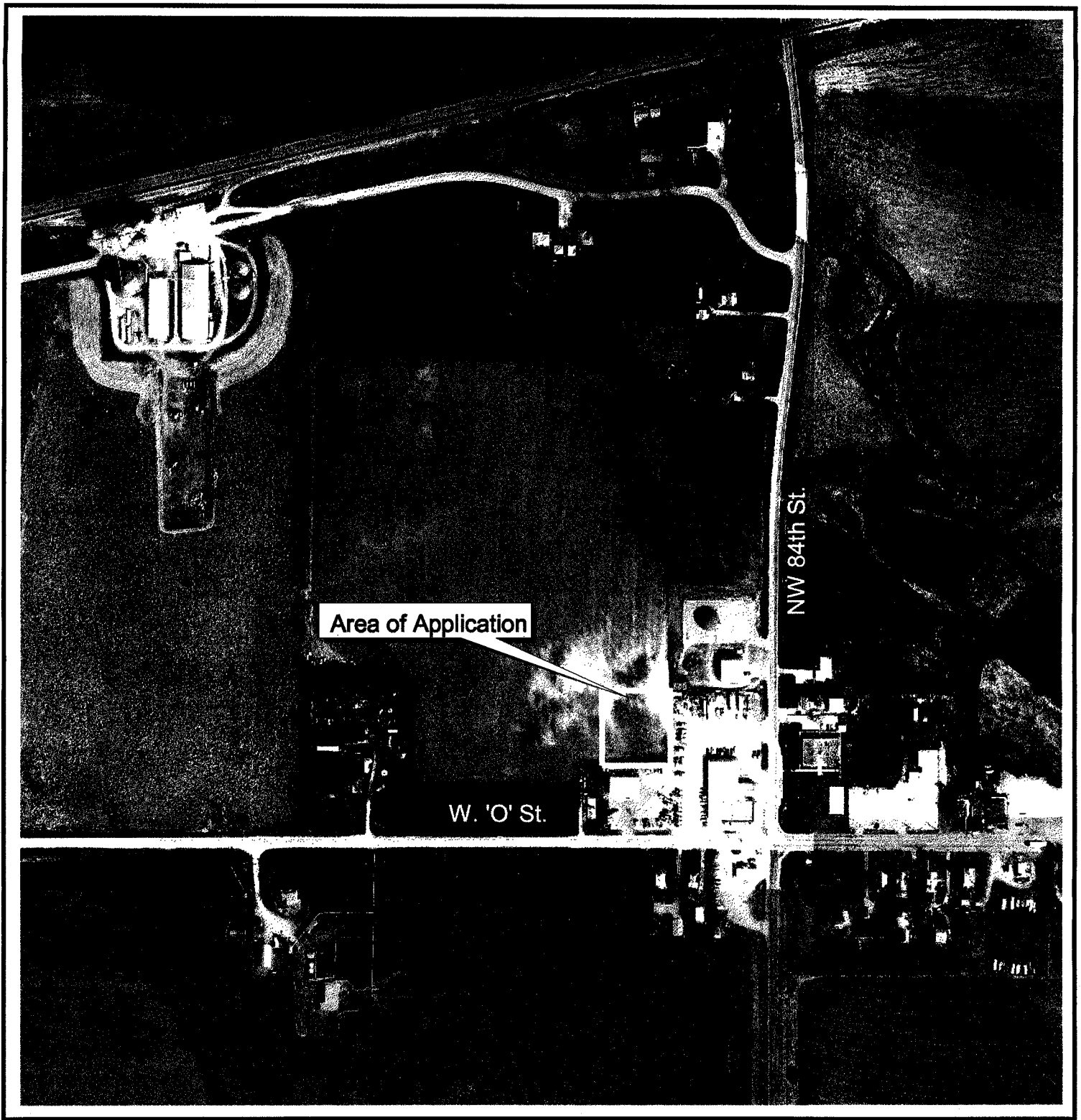
Zoning:

- 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-5 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. 22 T10N R5E



Sheet 1 of 2
Date:



Area of Application

NW 84th St.

W. 'O' St.

**Change of Zone #3300
NW 84th & West 'O' St.**



Sheet 2 of 2

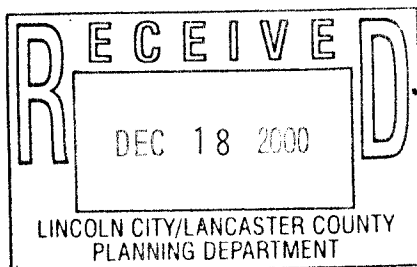
Date: _____ 008

Photograph Date: 1997

Lincoln City - Lancaster County Planning Dept.

A tract of land located in Lot 146 Irregular Tract, in the Southeast Quarter of Section 22, Township 10 North, Range 5 East of the 6th P.M., Lancaster County, Nebraska and more fully described as follows:

Referring to the Southeast corner of said Southeast Quarter; thence North 00 degrees 00 minutes 00 seconds East (an assumed bearing), on the East line of said Southeast Quarter, a distance of 415.98 feet; thence South 89 degrees 51 minutes 30 seconds West on the North line of Lot 137, a distance of 284.01 feet to the point of beginning; thence South 00 degrees 00 minutes 47 seconds East on the West line of Lot 137, a distance of 208.00 feet; thence South 89 degrees 54 minutes 34 seconds West, on the North line of Lots 27 and 59, a distance of 190.00 feet; thence North 00 degrees 00 minutes 47 seconds West, a distance of 208.00 feet; thence North 89 degrees 54 minutes 34 seconds East, a distance of 190.00 feet to the point of beginning.



Official Survey Record

R. Russell Orr Land Surveying
 7130 Morton Street, Lincoln, NE. 68507
 Ph.:(402)450-0827
 Fax:(402)466-6721

Job No. : 27200

Survey of :

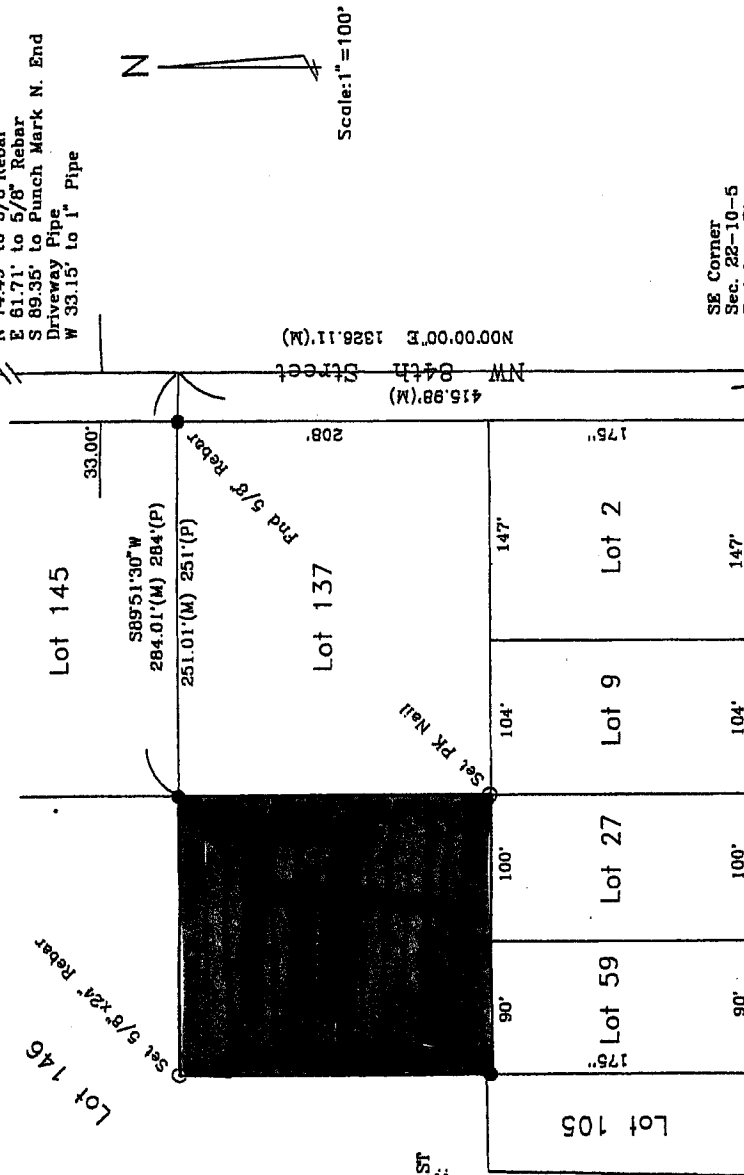
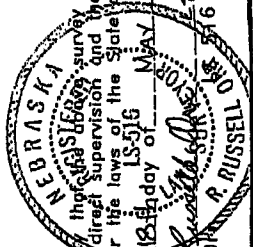
A LEGAL DESCRIPTION OF A TRACT OF LAND LOCATED IN LOT 146 IRREGULAR TRACT, IN THE SOUTHEAST QUARTER OF SECTION 22, TOWNSHIP 10 NORTH, RANGE 5 EAST OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA AND MORE FULLY DESCRIBED AS FOLLOWS:

REFERRING TO THE SOUTHEAST CORNER OF SAID SOUTHEAST QUARTER. THENCE: N00°00'00"E. (AN ASSUMED BEARING). ON THE EAST LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 415.98'; THENCE: S89°51'30"W, ON THE NORTH LINE OF LOT 137, A DISTANCE OF 284.01'; TO THE POINT OF BEGINNING; THENCE: 500°00'47"E; ON THE WEST LINE OF LOT 137, A DISTANCE OF 208.00'; THENCE: S89°54'34"W, ON THE NORTH LINE OF LOTS 27 AND 59, A DISTANCE OF 190.00'; THENCE: N00°00'47"W, A DISTANCE OF 208.00'; THENCE: N89°54'34"E, A DISTANCE OF 190.00'; TO THE POINT OF BEGINNING AND CONTAINING A CALCULATED AREA OF 0.507 ACRES MORE OR LESS.

I hereby certify that this survey or report was executed by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of Nebraska.

Signed this 18th day of MAY, 2000

R. Russell Orr



LEGEND

- R=Recorded Distance
- M=Measured Distance
- P=Plat Distance
- =Corner Found
- =Corner Set
- ⊙=Section Corner

E1/16 SE1/4
 Sec. 22-10-5
 Pnd 3/4" Pipe
 N 74.49' to 5/8" Rebar
 S 89.35' to Punch Mark N. End
 Driveway Pipe
 W 33.15' to 1" Pipe



Scale: 1" = 100'

SE Corner
 Sec. 22-10-5
 Pnd Iron Pin
 NW 75.04' Pnd 5/8" Rebar
 NE 53.53' Top Bolt F. Hyd.
 SE 68.78' to X Top ROW Marker
 SW 41.88' to X top Curb

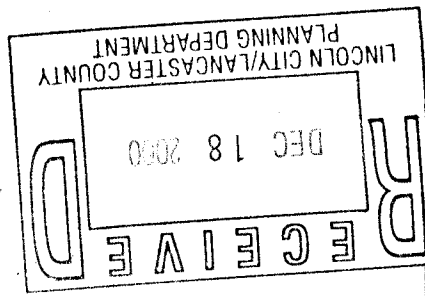


Exhibit "A"

Lancaster

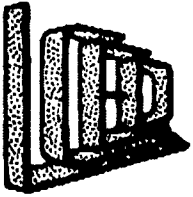
DON R. THOMAS - COUNTY ENGINEER


County

Engineering

DEPUTY- LARRY V. WORRELL
COUNTY SURVEYOR

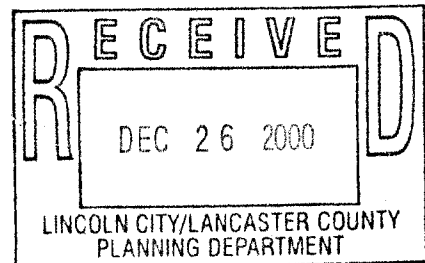
Department



DATE: December 26, 2000
TO: Jason Reynolds
Planning Department
FROM: Larry V. Worrell 
County Surveyor
SUBJECT: LEWIS SUBDIVISION
CHANGE OF ZONE #3300 AND
ADMINISTRATION SUBDIVISION #00078

Upon review, this office has no direct objections to Change of Zone #3300 or to
Adminlstrative Final Plat #00078

LVW/cm



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