

FACTSHEET

TITLE: CHANGE OF ZONE NO. 3314, from AG Agricultural to H-3 Highway Commercial, requested by Kent Seacrest on behalf of D & R Development, Inc., on property generally located southwest of S.W. 56th & West "O" Street.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: Consent Agenda, 10/17/01
Administrative Action: 10/17/01

STAFF RECOMMENDATION: Approval

RECOMMENDATION: Approval (8-0: Carlson, Steward, Hunter, Taylor, Duvall, Newman, Bills and Schwinn voting 'yes'; Krieser absent).

ASSOCIATED REQUEST: Annexation No. 01003
(01-165)

FINDINGS OF FACT:

1. This change of zone and the associated Annexation No. 01003 were heard at the same time before the Planning Commission.
2. The staff recommendation to approve this change of zone request is based upon the following analysis:
 - A. This is shown in the Mid-term, Phase III, yellow area on the Lincoln Service Limit and Phasing Plan, fig 65.
 - B. An annexation agreement has been signed. The developer agrees to wait for public water and sewer or to assume the cost if utilities are required prior to inclusion in the Capital Improvement Program.
 - C. The current Capital Improvement Program shows sewer extension from SW 40th Street to near SW48th Street and West O Street in the year 2003-2004 at a cost of 1.6 million dollars. An additional 1.7 million dollars is estimated to provide service to SW 56th street.
 - D. This area is shown as Commercial in the Comprehensive Plan.
 - E. The developer agrees not to apply for subdivision until public water and sewer are provided.
 - F. A landfill special permit is only allowed in the AG, H-3 and I-1 zoning districts, thus the H-3 district is the preferred commercial district where the limited landfill may be completed.
3. This application was placed on the Consent Agenda of the Planning Commission on October 17, 2001, and opened for public hearing. No one came forward to speak.
4. On October 17, 2001, the Planning Commission agreed with the staff recommendation and voted 8-0 to recommend approval.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: October 22, 2001

REVIEWED BY: _____

DATE: October 22, 2001

REFERENCE NUMBER: FS\CC\FSCZ3314

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

P.A.S.: Change of Zone #3314
Annexation # 01003

DATE: September 28, 2001

This is a combined staff report for related items. This report contains a single background and analysis section for all items. However, there are separate conditions provided for each individual application.

PROPOSAL: Kent Seacrest, for D & R Development Inc., has applied for a change of zone from AG Agriculture to H-3 Highway Commercial and Annexation.

LAND AREA: 9.12 acres more or less requested for H-3 and Annexation.

CONCLUSION: This area is in the future service limit. An annexation agreement has been reached to address phasing. This area is shown as Commercial in the Future Land Use Plan.

<u>RECOMMENDATION:</u>	Approval of the Change of Zone Approval of the Annexation, per the Agreement
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GENERAL INFORMATION:

LEGAL DESCRIPTION: Lot 19 and a portion of 26 I.T., in the northeast quarter of Section 25, Township 10 North, Range 5 East of the 6th P.M., Lincoln, Lancaster County, Nebraska. See attached legal.

LOCATION: Southwest of SW 56th and West 'O' Street

APPLICANT: Kent Seacrest, for D&R Development Inc.
1020 S. Coddington Ave.
Lincoln, NE 68542

OWNER: D&R Development Inc.

CONTACT: Kent Seacrest
Seacrest and Kalkowski. PC
1111 Lincoln Mall, Suite 350
Lincoln, NE 68508
(402)-435-6000

EXISTING ZONING: AG Agriculture District.

EXISTING LAND USE: Church, a limited landfill operation and a commercial building under construction.

SURROUNDING LAND USE AND ZONING:

North: Agriculture, zoned AG Agriculture and H-4 General Commercial

Northeast: Crete Carrier, zoned H - 4 General Commercial

East: Agriculture, Zoned AG and H-4

South: Agriculture and a Rail line, zoned AG Agriculture

West: Acreages, Playmore Ballroom and Emerald, zoned AG Agriculture

ASSOCIATED APPLICATIONS: Requested Change of Zone 3314 and Annexation 01003.

HISTORY: This area was changed from AA Rural and Public Use to AG Agriculture in the 1979 Zoning Update. A Comprehensive Plan amendment in 1999 showed this in the Future Service Limit. A Special Permit (#1773) for a limited landfill was approved on April 5, 2000. Two administrative amendments have been subsequently approved.

COMPREHENSIVE PLAN SPECIFICATIONS: This proposal is generally in conformance with the Lincoln Land Use Map (fig 16) which shows this area as Commercial and in the Future Service Limit. It is Phase III in the Phasing Plan (fig 65) and therefor is not in conformance with phasing or the text of the Comprehensive Plan. The language of the Comprehensive Plan in regard to phase three is as follows;

“ 3. Phasing Plan

Figure 65 and Lincoln's Future Service Limits show the phasing plan for Lincoln's growth. It includes the following areas:

a. Immediate Development Areas (Blue Areas).

Description: Areas designated for immediate development will generally be contiguous to existing development with some or most of the infrastructure required for development already in place.

Policy: In areas with this designation, the community actively encourages growth. Infrastructure to facilitate growth in this area will generally be the highest priority in the Capital Improvement Plan. All major infrastructure required to facilitate development in this area will generally be in place or included in the first year of the CIP, although some improvements may be developed in years 2-6 of the CIP if such phasing is concurrent with the development of the land. The community will generally approve development proposals in this area that are consistent with the land use portion of this plan if all the capital facility needs are met and if the proposal is consistent with the zoning criteria.

b. Near Term Development (Green Areas).

Description: Areas designated for near term development will be contiguous to existing or planned development but lacking one or more major items of infrastructure, such as an arterial road, park or trunk sewer.

Policy: In areas with this designation, the community will neither encourage nor discourage growth. Infrastructure to facilitate growth in these areas will generally be a lower priority in the CIP. The major infrastructure to develop these areas should be included in the 1-6 year CIP although whether it is included will be depend upon the availability of funding. The community will approve only developments that can be adequately served by public facilities. Doing so may require that a developer contribute to one or more major off-site improvements.

c. Mid Term Development (Yellow Areas)(Phase III).

Description: Areas designated for mid term development will be contiguous to existing or planned development, lack most infrastructure required to support development, but might reasonably be expected to develop within the planning period.

Policy: In areas with this designation, the community will discourage growth. Infrastructure improvements will generally not be included in the 1-6 year CIP, but may be considered in the long term capital improvement planning of the various city and county departments. The community will consider development proposals in this area only if the developer agrees to immediately provide, at the developer's cost, all off site improvements necessary to extend municipal infrastructure to serve the proposed development. (page196)

The developer has entered into an annexation agreement that public water and sewer will not be provided. The developer agrees to wait for city extension of utilities or to pay the cost of the extension of municipal infrastructure.

UTILITIES: There is no existing public water or sewer in the area. This is in the Future Service limit but utility extensions are not currently programed.

TOPOGRAPHY: Sloping from the north to the south. There are drainage ways on the north and south of this property, and one north/south on the west of the project.

TRAFFIC ANALYSIS: The access to the site is provided from West 'O' Street/ Hwy 6. West 'O' street is scheduled for construction by the State as a four lane facility in 2005. Additional ROW and grading may be required.

PUBLIC SERVICE: County Sheriff and S. W. Rural Fire serve this area.

REGIONAL ISSUES: NA

ENVIRONMENTAL ISSUES: There is a 100 year floodplain south of the site, which is proposed to be modified in the approved landfill permit. There are wetlands to the south on the east property line. Soil value ranges from 1 to 8 with an average rating of 4.3, where 1-4 is prime agricultural soil. After the completion of the landfill permit, all buildable land will be on fill.

AESTHETIC CONSIDERATIONS: This is highly visible to West 'O' Street/Hwy 6 traffic and is an entrance way to the City.

ALTERNATIVE USES: Continued Special Permit for a landfill and uses accessory to it.

ANALYSIS:

1. This is shown in the Mid-term, Phase III, yellow area on the Lincoln Service Limit and Phasing Plan, fig 65.
2. An annexation agreement has been signed. The developer agrees to wait for public water and sewer or to assume the cost if utilities are required prior to inclusion in the Capital Improvement Program.
3. The current Capital Improvement Program shows sewer extension from SW 40th Street to near SW48th Street and West O Street in the year 2003-2004 at a cost of 1.6 million dollars. An additional 1.7 million dollars is estimated to provide service to SW 56th street.
4. This area is shown as Commercial in the Comprehensive Plan.
5. The developer agrees not to apply for subdivision until public water and sewer are provided.
6. A landfill special permit is only allowed in the AG, H-3 and I-1 zoning districts, thus the H-3 district is the preferred commercial district where the limited landfill may be completed.

Prepared by:

Mike DeKalb, AICP
Planner

CHANGE OF ZONE NO. 3314

CONSENT AGENDA

PUBLIC HEARING & ADMINISTRATIVE ACTION

BEFORE PLANNING COMMISSION:

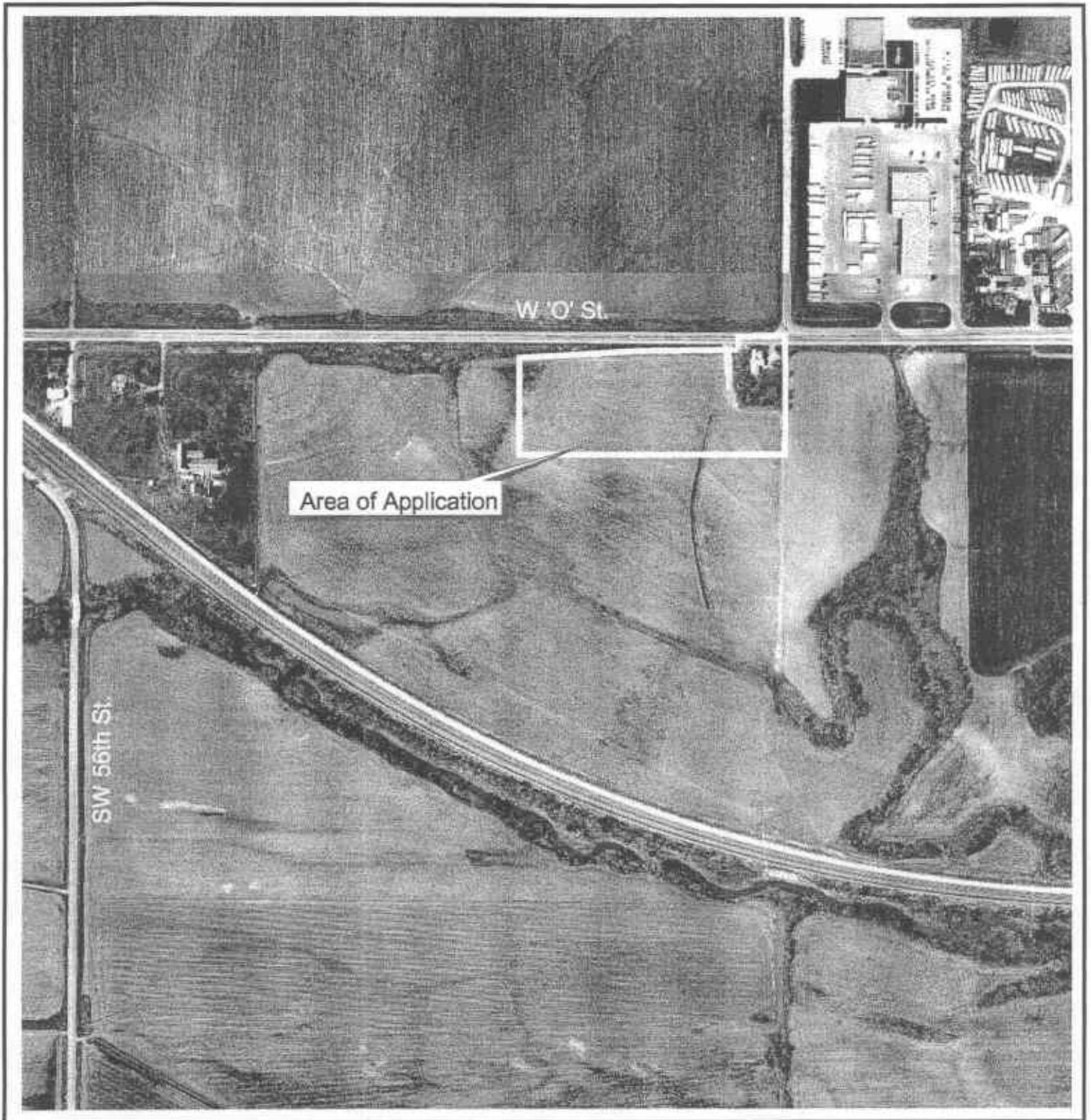
October 17, 2001

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

The Consent Agenda consisted of the following items: **CHANGE OF ZONE NO. 3336; CHANGE OF ZONE NO. 3342; SPECIAL PERMIT NO. 1935; SPECIAL PERMIT NO. 1936; SPECIAL PERMIT NO. 1938; FINAL PLAT NO. 01024, MORNING GLORY ESTATES ADDITION; ANNEXATION NO. 01003; and CHANGE OF ZONE NO. 3314.**

Steward moved to approve the Consent Agenda, seconded by Hunter and carried 8-0: Bills, Carlson, Duvall, Hunter, Newman, Schwinn, Steward and Taylor voting 'yes'; Krieser absent.

Note: This is final action on Special Permit No. 1936; Special Permit No. 1938; and Morning Glory Estates Addition Final Plat No. 01024, unless appealed to the City Council by filing a letter of appeal with the City Clerk within 14 days of the action by the Planning Commission.



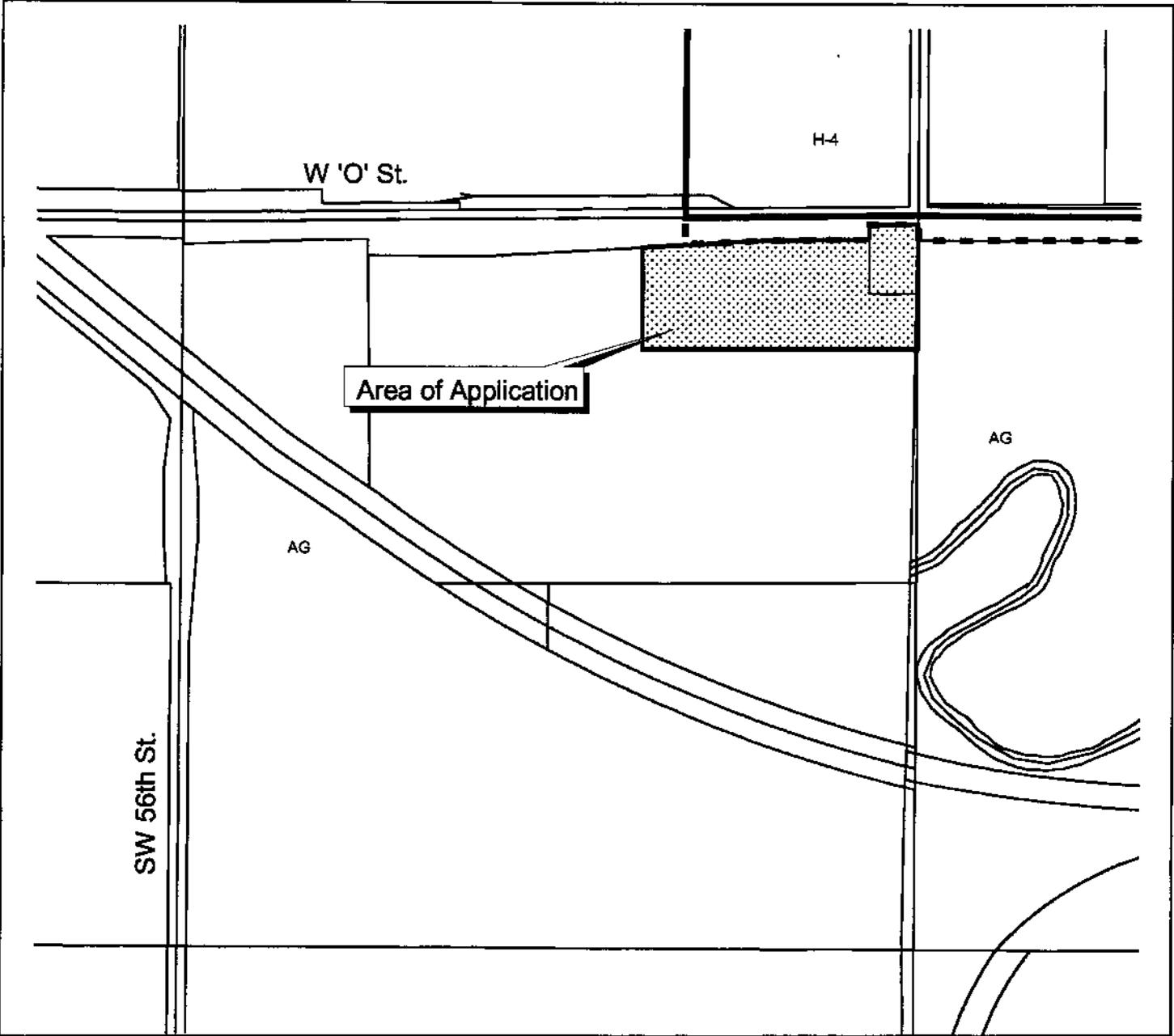
**Annexation #01003
SW 56th & West 'O' St.
Change of Zone #3314**



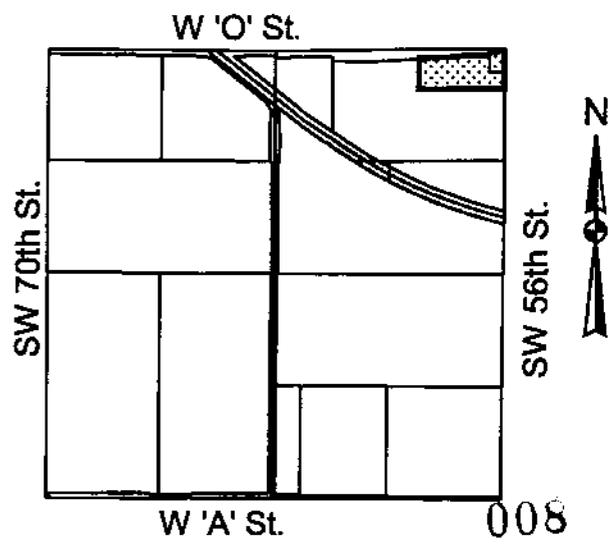
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Photograph Date: 1999

Lincoln City - Lancaster County Planning Dept.

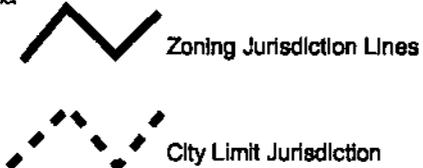


**Change of Zone #3314
Annexation #01003
SW 56th & West 'O' St.**



- Zoning:**
- R-1 to R-9 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. 25 T10N R5E

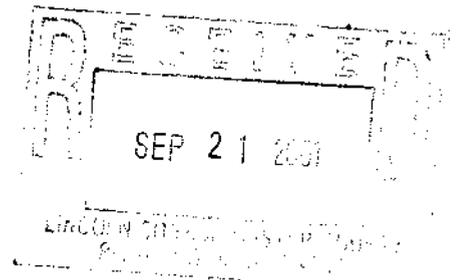


LEGAL DESCRIPTION
"FIRST PHASE"

A LEGAL DESCRIPTION FOR A TRACT OF LAND COMPOSED OF LOT 5 I.T., AND A PORTION OF LOT 26 I.T., ALL LOCATED IN THE NORTHEAST QUARTER OF SECTION 25, TOWNSHIP 10 NORTH, RANGE 5 EAST OF THE 6TH P.M., LANCASTER COUNTY NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID NORTHEAST QUARTER, THENCE ON AN ASSUMED BEARING OF SOUTH 01 DEGREES 41 MINUTES 04 SECONDS EAST ALONG THE EAST LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 33.00 FEET TO THE NORTHEAST CORNER OF SAID LOT 5 I.T., SAID POINT BEING **THE TRUE POINT OF BEGINNING**, THENCE CONTINUING SOUTH 01 DEGREES 41 MINUTES 53 SECONDS EAST ALONG THE EAST LINE OF SAID NORTHEAST QUARTER, SAID LINE BEING THE EAST LINE OF SAID LOT 5 I.T., AND LOT 26 I.T., A DISTANCE OF 452.06 FEET TO A POINT, THENCE SOUTH 88 DEGREES 26 MINUTES 35 SECONDS WEST, A DISTANCE OF 1000.43 FEET TO A POINT, THENCE NORTH 02 DEGREES 30 MINUTES 01 SECONDS WEST, A DISTANCE OF 361.44 FEET TO A POINT OF INTERSECTION WITH A NORTH LINE OF SAID LOT 26 I.T., THENCE NORTH 84 DEGREES 38 MINUTES 05 SECONDS EAST ALONG A NORTH LINE OF SAID LOT 26 I.T., SAID LINE BEING THE SOUTH RIGHT-OF-WAY LINE OF U.S. HWY. #6, A DISTANCE OF 446.33 FEET TO A NORTH CORNER OF SAID LOT 26 I.T., THENCE NORTH 87 DEGREES 29 MINUTES 59 SECONDS EAST, ALONG A NORTH LINE OF SAID LOT 26 I.T., SAID LINE BEING THE SOUTH RIGHT-OF-WAY LINE OF U.S. HWY. #6, A DISTANCE OF 382.73 FEET TO A POINT OF INTERSECTION WITH THE WEST LINE OF SAID LOT 5 I.T., SAID POINT BEING A NORTHEAST CORNER OF SAID LOT 26 I.T., THENCE NORTH 02 DEGREES 30 MINUTES 01 SECONDS WEST ALONG A WEST LINE OF SAID LOT 5 I.T., A DISTANCE OF 51.80 FEET TO THE NORTHWEST CORNER OF SAID LOT 5 I.T., THENCE NORTH 87 DEGREES 29 MINUTES 59 SECONDS EAST, ALONG A NORTH LINE OF SAID LOT 5 I.T., SAID LINE BEING THE SOUTH RIGHT-OF-WAY LINE OF U.S. HWY. #6, A DISTANCE OF 178.12 FEET TO THE NORTHEAST CORNER OF SAID LOT 5 I.T., SAID POINT BEING THE TRUE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA OF 9.12 ACRES, OR 397,457.02 SQUARE FEET MORE OR LESS.

JULY 5, 2001 (11:23AM)
FA\Projects\990718\MIKEJ\FIRSTP-1.L01



M e m o r a n d u m

To: Ray Hill, Planning Department → MIKE DEKALB

From: Dennis Bartels, Public Works & Utilities

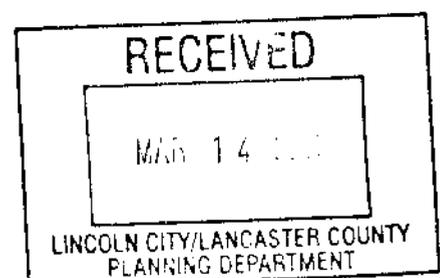
Subject: Change of Zone #3314, SW 56th and West 'O'

Date: March 13, 2001

cc: Roger Figard, Nicole Fleck-Tooze, Virendra Singh, Mark Bauer, Nick McElvain

Engineering Services has reviewed the proposed change of zone from Ag to H3 and I3 west of SW 56th on the south side of West 'O' and has the following comments:

1. This area is shown as Phase III in the Comprehensive Plan. This property is not Phase I because at this time, it is not sewerable. The sewer required to serve this area has not been built and is not included in the approved C.I.P. This area should not be rezoned or annexed until it is determined how and when the area can be served with sanitary sewer.
2. There is an existing 16" water main in West 'O' which is presently terminated at NW 56th Street. Due to minimally acceptable water pressures at this location, the Lincoln Water System is considering alternatives to increasing the pressure.
3. The impact of traffic from this site to West 'O' Street will need to be considered with platting of this area.



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

TO: Mike Dekalb

DATE: 04/04/2001

DEPARTMENT: Planning

FROM: Chris Schroeder
Jerry Hood

ATTENTION:

DEPARTMENT: Health

CARBONS TO: Leon F. Vinci, MPH
EH File
EH Administration

SUBJECT: Annexation S.W. 56th &
West 'O' Streets

The Lincoln-Lancaster County Health Department (LLCHD) has reviewed the proposed annexation and zoning change and has noted the following.

- Assuming that the use for the building located on "parcel C" remains a church, the LLCHD does have concerns regarding the proximity of this building to the proposed I-1 zone on the adjacent property. The LLCHD does not support or endorse I-1 zoning where potential uses in the I-1 could possible have negative environmental impacts for susceptible populations.
- The Baptist Church property is served by individual water and sewage systems.
- The D & R property has also proposed having an individual sewage and water system. Both the well and sewage system will require LLCHD permits and approval. The sewage system may require joint approval with the Nebraska Department of Environmental Quality. If annexation occurs, the following will have to be observed:
 - When municipal sewer becomes available and within 300 feet of the properties involved, connection must be made to the sewer within six months of the day it becomes available. Within 30 days after connection to the sewer any individual system must be properly abandoned all according to Chapter 24.38 of the Lincoln Municipal Code.
 - After annexation, these properties can either connect to the municipal water system and properly abandon their wells or if they choose to keep their wells, they must obtain a biennial well permit from the LLCHD as outlined in Chapter 8.44 of the Lincoln Municipal Code.

If you have any questions, please contact me at 441-8029.