

City Council Introduction: **Monday**, April 3, 2000
Public Hearing: **Monday**, April 10, 2000, at **1:30** p.m.

Bill No. 00-72

FACTSHEET

TITLE: CHANGE OF ZONE NO. 3245, from AG Agricultural to O-2 Suburban Office, requested by Brian Carstens on behalf of Manette Kidney, on property generally located at South 84th Street and Old Cheney Road.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 03/22/00
Administrative Action: 03/22/00

STAFF RECOMMENDATION: Denial.

RECOMMENDATION: Denial (6-2: Bayer, Hopkins, Hunter, Newman, Krieser and Taylor voting 'yes'; Schwinn and Duvall voting 'no'; Steward absent).

FINDINGS OF FACT:

1. The Planning staff recommendation to **deny** this change of zone request is based upon the following analysis:
 - A. The change of zone does not conform to the Comprehensive Plan. The Comprehensive Plan shows the area as Urban Residential. The commercial site for this area is located southeast of the intersection of Old Cheney Road & S. 84th Street.
 - B. The Comprehensive Plan shows more than twice as much commercial area than the projected need at the end of the planning period.
 - C. The application did not demonstrate that the studies required in the S. 84th & HWY 2 Subarea have been completed.
 - D. Access to the site will be limited to right hand turns on and off of the abutting major streets after the major street improvements.
2. The applicant's testimony is found on p.012.
3. There was no testimony in opposition.
4. On March 22, 2000, the Planning Commission agreed with the staff recommendation and voted 6-2 to recommend denial of the change of zone request (Schwinn and Duvall dissenting). (See Minutes, p.012-013).

FACTSHEET PREPARED BY: Jean L. Walker

DATE: March 27, 2000

REVIEWED BY: _____

DATE: March 27, 2000

REFERENCE NUMBER: FS\CC\FSCZ3245

EXISTING ZONING:

AG Agricultural

EXISTING LAND USE:

Single family Residence

SURROUNDING LAND USE AND ZONING:

To the south across Old Cheney Road is a public utility building and vacant land, zoned AG and R-3;
to the southwest across the intersection of S. 84th Street and Old Cheney Road is Lincoln Christian School, zoned R-3;
to the west across S. 84th Street is vacant and single family acreages, zoned AG;
to the north is a dwelling, zoned R-3;
to the east is a vacant wooded area which is part of the Himark Estate development, zoned R-3, and presently proposed for 300 units of multi-family.

COMPREHENSIVE PLAN SPECIFICATIONS:

The 1994 Comprehensive Plan designates this property as Urban Residential.

The Land Use Plan shows Commercial on the southeast corner of S. 84th Street and Old Cheney Road, and an Urban Village on the west side of S. 84th Street about half way between Pioneers Boulevard and Old Cheney Road.

The Comprehensive Plan shows approximately twice as much land area for commercial than is projected to be needed in the planning period (to the year 2015 and a City population of 243,000).

The 84th & HWY 2 Subarea Plan, an appendix to the Comprehensive Plan, involves an area approximately one and one-half miles in radius from the intersection of Highway 2 and 84th Street. This site is located within this one and one-half mile radius. **The subarea plan states that zoning will not occur until after the completion of traffic, environment, infrastructure and community facilities, and staging/phasing studies have been completed.**

HISTORY:

In **1979**, the land was changed from AA Rural and Public Use to AG Agricultural.

On **August 4, 1980**, City Council approved Special Permit #887, which allowed the construction of Lincoln Christian School on the southwest corner of 84th and Old Cheney Road.

On **June 22, 1987**, City Council approved Special Permit #1229, which allowed the construction of a building for telephone equipment on property south of Old Cheney Road and east of S. 84th.

On **December 3, 1990**, City Council approved Special Permit #887A, which waived the required paving of the parking lot for the Lincoln Christian School on the southwest corner of 84th and Old Cheney.

On **July 10, 1995**, City Council approved Change of Zone #2888, which changed the zoning of Lincoln Christian School property to the southwest from AG to AGR. This item was associated with Special Permit 887B.

On **July 10, 1995**, City Council approved Special Permit #887B, which permitted the construction of an elementary school and allowed the expansion of the high school on the Lincoln Christian School property.

On **June 24, 1996**, City Council approved Special Permit #887C, which waived parking lot paving requirements on the Lincoln Christian School parking lot until two years after the site is annexed into the City of Lincoln.

On **July 15, 1996**, City Council approved Change of Zone #2991, which changed the zoning of areas to the southwest from AG and AGR to R-3 Residential.

On **July 14, 1997**, City Council approved Change of Zone #3045, which changed the zoning of property south of Old Cheney and East of 84th Street from AG to R-3 Residential.

On **July 27, 1998**, City Council approved Change of Zone 3125, which changed the zoning of property to the northeast (HiMark Estates) from AG Agricultural to R-3 Residential. This request was associated with Special Permit 1423B for the HiMark Estates CUP and Comprehensive Plan Amendment 94-23-22.

On **July 27, 1998**, City Council approved the Special Permit #1423B for the HiMark Estates CUP on property to the northeast. (Special Permit 1423 approved by the City

Council on April 6, 1992 and Special Permit 1423A approved by the Planning Commission on April 24, 1994 were both for the HiMark Golf Course located ½ to 1 mile north and east of this site.)

On **July 27, 1998**, City Council approved Comprehensive Plan Amendment #94-23-22, which expanded the Future Service Limit and designated this property and the HiMark Estates property to the northeast as Urban Residential in the Lincoln Land Use Plan.

On **April 26, 1999**, the City Council annexed the area and the surrounding area.

On **February 7, 2000**, the City Council approved Change of Zone #3228 from AG to R-3 on the lot to the north.

SPECIFIC INFORMATION:

UTILITIES:

Public utilities could be extended to serve this lot.

TOPOGRAPHY:

The site slopes down approximately 14' from the southwest corner to the northeast corner of the lot.

TRAFFIC ANALYSIS:

Access to the lot will be limited to right turns on and off of Old Cheney Road and S. 84th Street after major street improvements.

In the letter accompanying the application, the applicant stated they want to construct a office/medical building and that the traffic generated by a 15,000 sq. ft. office building (369 trips) will be very similar to a 5,000 sq. ft. early childhood care facility (396 trips). However the 6th Edition of Trip Generation by the Institute of Transportation Engineers on average found a 15,000 medical-dental office building would generate 541 average vehicle trips.

PUBLIC SERVICE:

The nearest fire station is located at 84th & South Streets.

REGIONAL ISSUES:

Should this request be approved it would encourage additional requests for commercial zoning in the areas that are not shown as commercial in the Comprehensive Plan. The 1994 Comprehensive Plan amendment identifies traffic, environmental, infrastructure and community facilities and development phasing as unresolved issues in the 1 ½ mile radius area from S. 84th Street and Highway 2. The issues remain unresolved today.

A request for commercial zoning (CZ#3207) across S. 84th Street is on the Planning Commission's pending agenda.

ENVIRONMENTAL CONCERNS:

The site is not within the boundary of a 100 year floodplain.

Ed Ubben of the Lower Platte South Natural Resources District states that after visiting the site it appears to have wetlands on the northeast corner of the property.

AESTHETIC CONSIDERATIONS:

There are no building design standards beyond setbacks and building height for the O-2 zoning district.

ANALYSIS:

1. The change of zone does not conform to the Comprehensive Plan.

The Comprehensive Plan shows the area as Urban Residential. The commercial site for this area is located southeast of the intersection of Old Cheney Road & S. 84th Street.
2. The Comprehensive Plan shows more than twice as much commercial area than the projected need at the end of the planning period.
3. The application did not demonstrate that the studies required in the S. 84th & HWY 2 Subarea have been completed.
4. Access to the site will be limited to right hand turns on and off of the abutting major streets after the major street improvements.

STAFF RECOMMENDATION:

Denial

Prepared by:

Ray Hill
Planner

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LOWER PLATTE SOUTH
NATURAL RESOURCES DISTRICT



3125 Portia St., Box 83581, Lincoln NE 68501-3581
(402) 476-2729 • FAX (402) 476-6454

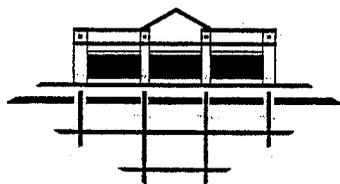
Memorandum

Date: March 8, 2000
To: Jason Reynold, Planning Department
From: Ed Ubben, Projects Coordinator
Subject: Change of Zone 3245, 84th and Old Cheney

After visiting the site, the property appears to have wetlands present on the northeast corner of the property. I would suggest this area be inspected for the presents of a wetland. To support a change of zone I would like to have this matter investigated.

EU/eu

pc: file



BRIAN D. CARSTENS AND ASSOCIATES
LAND PLANNING RESIDENTIAL & COMMERCIAL DESIGN
2935 Pine Lake Road, Suite H Lincoln, NE 68516 Phone: 402.434.2424

February 24, 2000

Ms. Kathleen Sellman, Director
Planning Department
City of Lincoln/ Lancaster County
555 South 10th Street
Lincoln, NE 68508

*RE: CHANGE OF ZONE FROM AG to O-2
NORTHEAST CORNER OF SOUTH 84TH AND OLD CHENEY ROAD*

Dear Kathleen,

On behalf of Manette Kidney, I am requesting a Change of Zone from AG to O-2 on property legally described as Lot 48 I.T. in the SW 1/4 of Section 11, Township 9 North, Range 7 East, Lincoln, Lancaster County, NE or located at 8400 Old Cheney Road.

This property is currently a single family residence, with a proposed multi-family complex on the North and East sides, future commercial zoning to the South, probably B-2 for retail type uses, the Lincoln Christian School to the Southwest and AG to the West, however there is a pending Change of Zone from AG to B-2 on this property.

This site is slightly under one acre in size, therefore we have to requested a Change of Zone to O-2 instead of the O-3 district which requires a minimum of 2 acres. We are proposing to construct a small two story office/ medical building on this site. We feel that the long term use of this property as a single family residence is not practical. We have explored the ideas of a domiciliary at this location, but it will not provide enough room for a facility that will be profitable with a small amount of units. An early childhood care facility was also mentioned by staff, however, the size of the site will limit the amount of building and parking to a very small facility. A small office/ medical building on this site will be a transition from the busy intersection of South 84th and Old Cheney Road and the proposed multi-family units to the northeast.

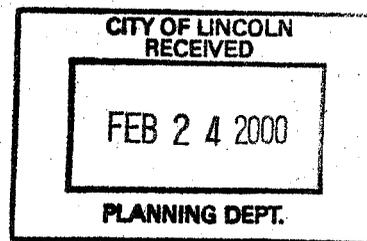
The traffic generated by this office building will be very similar to a small early childhood care facility. Assuming a 15,000 square foot office building, there will be 369 trips generated by this site per weekday. If this site were developed as a 5,000 square foot early childhood care facility, it will generate 396 trips per weekday. These trips were calculated by using the charts as found in the Trip Generation Tables in the ITE manual, please refer to the attached charts. It appears that the change of zone to O-2 versus a special permit for an early childhood care facility, will not have any adverse impact on the adjacent arterial streets.

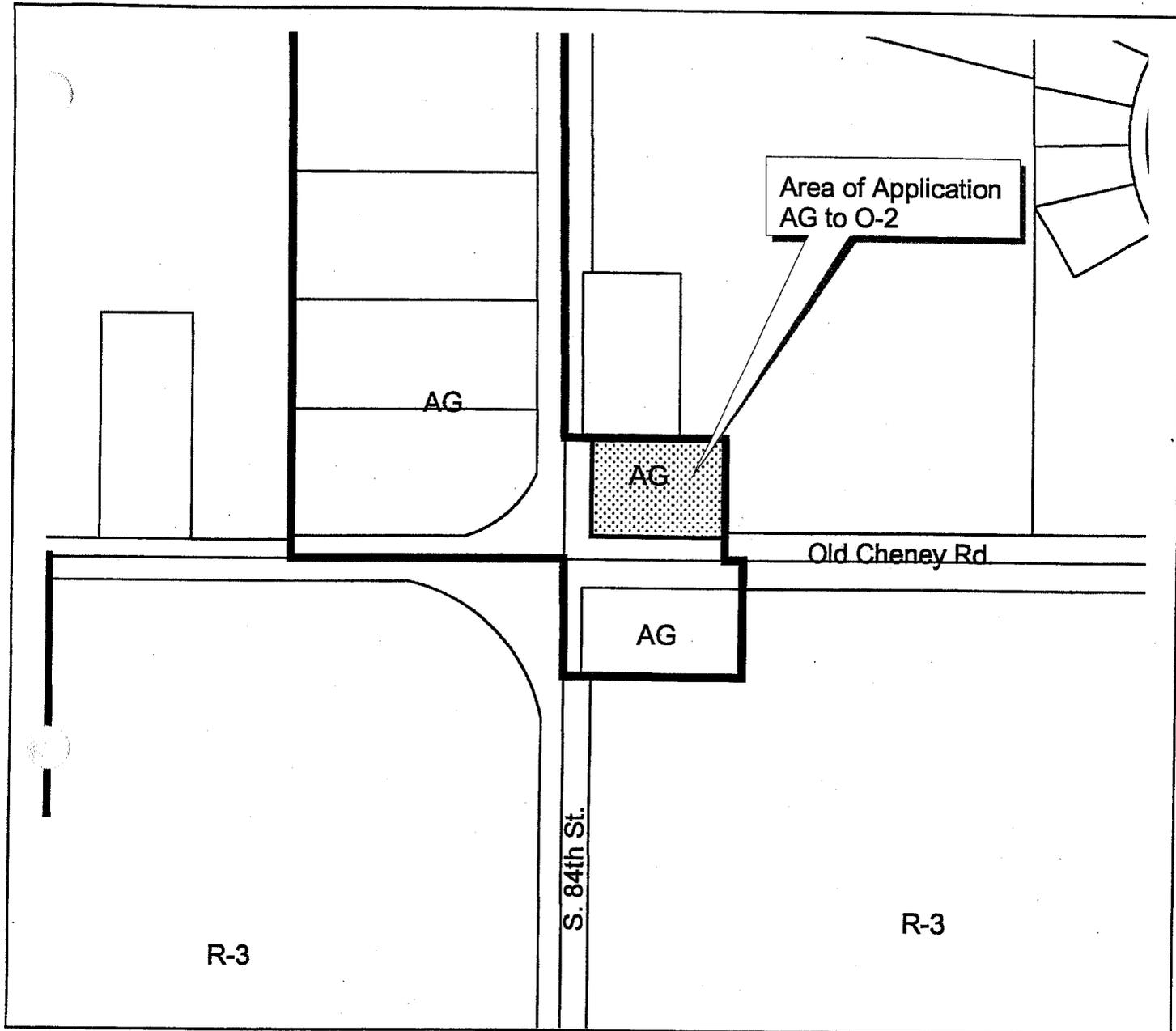
Please contact me if you have any further questions.

Sincerely,

Brian D. Carstens

Enclosures: Application for a Change of Zone
Application Fee of \$195.00

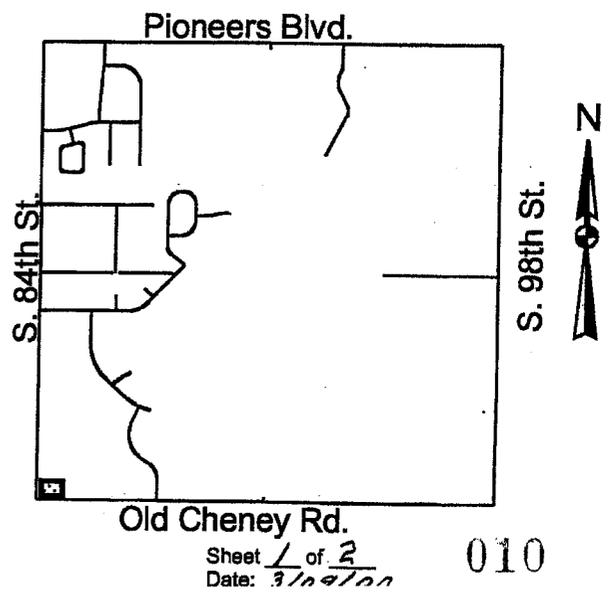
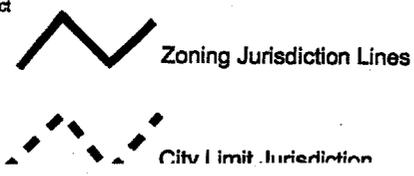


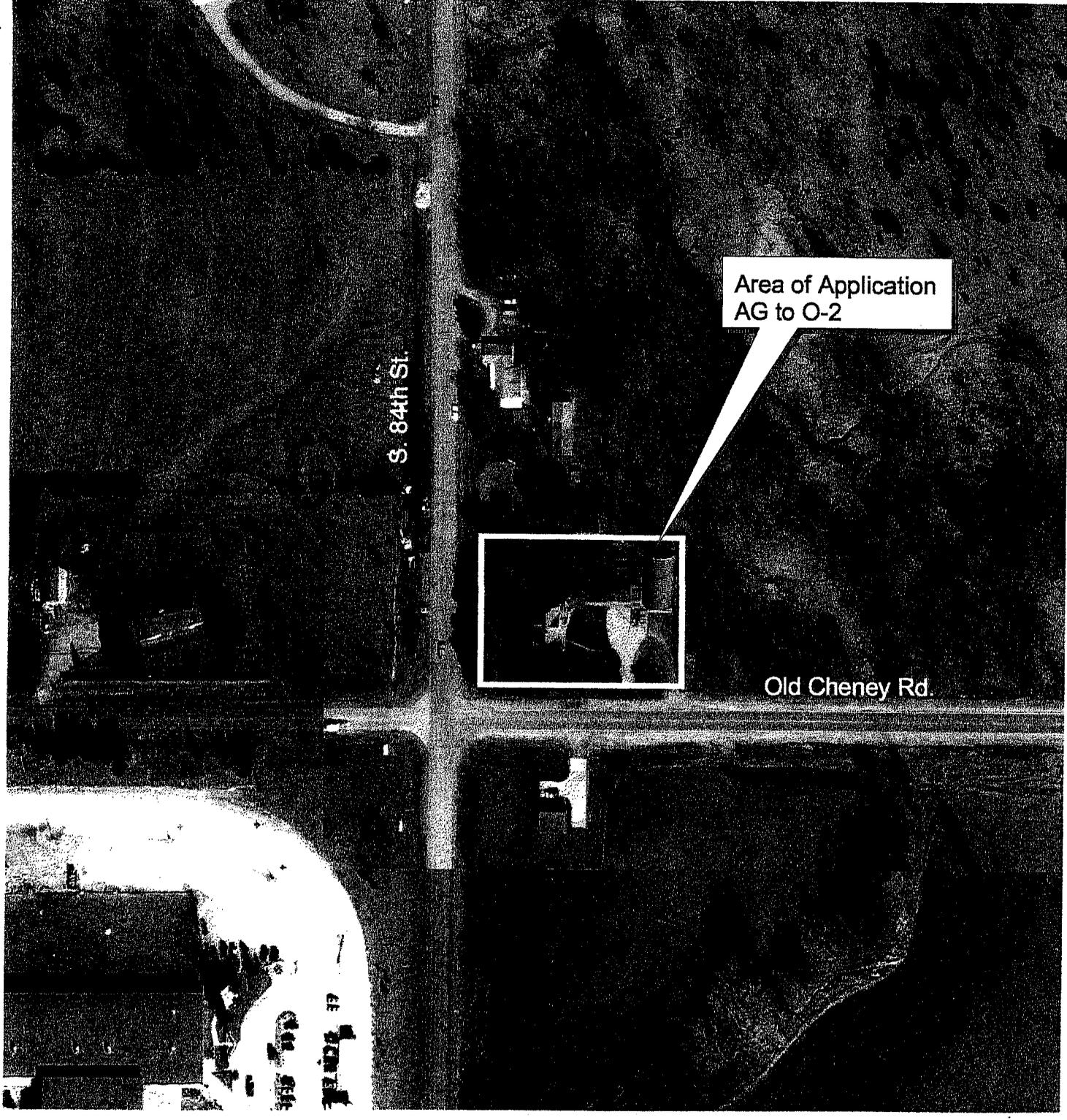


**Change of Zone #3245
S. 84th St. & Old Cheney Rd.**

- 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-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. 11 T9N R7E





**Change of Zone #3245
S. 84th St. & Old Cheney Rd.**



Sheet 2 of 2
Date: 3/08/00
Photograph Date: 1999 011
Lincoln City - Lancaster County Planning Dept.

CHANGE OF ZONE NO. 3245

PUBLIC HEARING BEFORE PLANNING COMMISSION:

March 22, 2000

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

Planning staff recommendation: Denial.

Proponents

1. **Brian Carstens** appeared on behalf of the applicant. The subject property is located on the northeast corner of 84th and Old Cheney Road. There is now an apartment complex surrounding this property on the north and the east. This property is located within 1/8 miles of the fringe of the 84th and Hwy 2 subarea plan. This request is to change the zoning to O-2 to allow potential office/medical use. There will be 120' of right-of-way at that intersection and it will be close to the house on the south side.

Carstens stated that they would have requested O-3 with a use permit, but this site is just under an acre and they would need 3 acres for O-3 with a use permit.

There was no testimony in opposition.

Public hearing was closed.

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

March 22, 2000

Duvall moved approval, seconded by Schwinn.

Duvall believes this is an area that will be built upon. We had this discussion about two months ago and this change is a continuation in the same direction.

Schwinn believes that on this corner the O-2 is probably more appropriate. He does not want to see a Kwik Shop or anything like that, but he believes the O-2 is appropriate and he will support that change.

Bayer stated that he typically supports this type of change, but we have an opportunity here where the land is virgin with respect to development. If we make this O-2, what happens on the southeast, southwest and northwest corners of that intersection? He would rather see all of that planned comprehensively. Hopkins concurred.

Motion for approval failed 2-6: Duvall and Schwinn voting 'yes'; Bayer, Hopkins, Hunter, Newman, Krieser and Taylor voting 'no'; Steward absent.

Hopkins moved to deny, seconded by Hunter and carried 6-2: Bayer, Hopkins, Hunter, Newman, Krieser and Taylor voting 'yes'; Schwinn and Duvall voting 'no'; Steward absent.