

City Council Introduction: **Monday**, July 19, 2004
Public Hearing: **Monday**, July 26, 2004, at **5:30** p.m.

Bill No. 04-134

FACTSHEET

TITLE: CHANGE OF ZONE NO. 04041, from P Public Use District to I-1 Industrial District, requested by B & J Partnership, on 24.62 acres, more or less, generally located at South 9th Street and Calvert Street.

STAFF RECOMMENDATION: Approval

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: Consent Agenda: 07/07/04
Administrative Action: 07/07/04

RECOMMENDATION: Approval (8-0: Larson, Marvin, Carroll, Taylor, Sunderman, Carlson, Krieser and Pearson voting 'yes'; Bills-Strand absent).

FINDINGS OF FACT:

1. This request to change the zoning from P Public Use to I-1 Industrial would allow the area to develop as industrial. This area is surrounded by industrial zoning.
2. The staff recommendation of approval is based upon the "Analysis" as set forth on p.3-4, concluding that while the land is not shown as industrial on the Land Use Plan, this change of zone conforms with the Comprehensive Plan.
3. On July 7, 2004, this application appeared on the Consent Agenda of the Planning Commission and was opened for public hearing. No one came forward to speak.
4. On July 7, 2004, the Planning Commission agreed with the staff recommendation and voted 8-0 to recommend approval.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: July 12, 2004

REVIEWED BY: _____

DATE: July 12, 2004

REFERENCE NUMBER: FS\CC\2004\CZ.04041

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for July 7, 2004 PLANNING COMMISSION MEETING

P.A.S.: Change of Zone 04041

PROPOSAL: From P-Public to I-1 Industrial

LOCATION: S. 9th St. & Calvert St.

LAND AREA: 24.62 acres, more or less

CONCLUSION: While the land is not shown as industrial on the Land Use Plan, this change of zone conforms to the Comprehensive Plan.

RECOMMENDATION:	Approval
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GENERAL INFORMATION:

LEGAL DESCRIPTION: see attached

EXISTING ZONING: P Public

EXISTING LAND USE: undeveloped/agriculture

SURROUNDING LAND USE AND ZONING:

North:	I-1 Industrial	Industrial Park
South:	I-1 Industrial	Industrial Park (Sutherland Park)
	P-Public	undeveloped State of Nebraska property.
East:	I-1 Industrial	Industrial Park
West:	I-1 Industrial	Industrial Park (Pioneer Business Park)

HISTORY:

April 21, 2004 Pioneer Business Park Addition final plat was approved by the Planning Director.

September 15, 2003 Pioneer Business Park preliminary plat was approved by the City Council.

October 18, 2000 Sutherland Park 1st Addition final plat was approved by the Planning Commission.

September 23, 1996 Change of Zone #3015 from P-Public to I-1 Industrial on property between S. 9th St and the railroad tracks and south of Calvert St. Was approved by the City Council.

- November 22, 1995** Sutherland Park final plat was approved by the Planning Commission
- August 7, 1995** Sutherland Park preliminary plat was approved by the City Council.
- June 25, 1990** Change of Zone #2560 from I-1 Industrial and AG Agriculture to P-Public was approved by the City Council.

Changed from AA- Rural and Public Use District to AG-Agriculture District in the 1979 zoning update.

COMPREHENSIVE PLAN SPECIFICATIONS:

Industrial: Areas where railroads, manufacturing, trucking and transportation facilities are the dominant land use, some commercial activities may also take place in predominately industrial districts, such as office, retail or warehouses. (F-22)

The 2025 Comprehensive Plan shows this area as public and the surrounding area as industrial. (F 23)

The land use plan displays the generalized location of each land use. It is not intended to be used to determine the exact boundaries of each designation. (F-27)

The Plan foresees the demand for nearly 2,400 acres of additional industrial property over the planning period. (F 37)

Guiding principles for the urban environment includes;

Maximizing the community’s present infrastructure investment by planning for development in areas with available capacity. This can be accomplished in many ways, including encouraging appropriate new development in unused land in older neighborhoods. (F 17)

TRAFFIC ANALYSIS: Calvert St and S. 9th St. are classified as local streets.

PUBLIC SERVICE: The nearest fire station is located at S. 17th St. And Van Dorn St.

AESTHETIC CONSIDERATIONS: The I-1 zoning district allows off-premises signs (billboards). With its close proximity to Nebraska Highway 2, this property could be an attractive site for off-premises signs.

ANALYSIS:

1. This is a request to change the zoning from P-Public to I-1 Industrial on approximately 26.62 acres.
2. This area was changed from I-1-Industrial and AG-Agriculture to P-Public in 1990. The change of zone request was initiated by the Planning Director to recognize the public ownership and use.
3. This request, while not shown as industrial on the Land Use Plan is in conformance with the Comprehensive Plan as listed in the Comprehensive Plan specifications.
4. A similar change of zone was approved in 1996 immediately east of this property.

5. The approval of this application would allow the area to develop as industrial keeping in character with the adjacent area.
6. A minor amount of the property is located within the 100 year floodplain. (See attached map) This should have minimal impact on any future development.
7. Although the Land Use Plan identifies this area as Public, the Land Use Plan is generalized and is not to be used for exact boundaries. This area is surrounded by industrial zoning.
8. Off-Premises signs in the I-1 district are allowed that do not exceed 700 s.f. and 45 feet in height, provided an existing nonconforming off-premises sign of equal or greater face area is removed. The administrative permit for an off-premises sign expires 10 years from the date of issuance. Thereafter a renewal is required. Section 27.69.035 of the Zoning Ordinance identifies the regulations for off-premises signs. The off-premises sign must be 600 feet from any existing off-premises sign. There are two existing off-premises signs located between 9th St and Nebraska Highway 2.

Prepared by:

Tom Cajka
Planner

DATE: June 23, 2004

APPLICANT: B & J Partnership
340 Victory Lane
Lincoln, NE 68528

OWNER: same as applicant

CONTACT: J. Michael Rierden
645 "M" St. Suite 200
Lincoln, NE 68508
(402) 476-2413

CHANGE OF ZONE NO. 04041

CONSENT AGENDA
PUBLIC HEARING & ADMINISTRATIVE ACTION
BEFORE PLANNING COMMISSION:

July 7, 2004

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

The Consent Agenda consisted of the following items: **CHANGE OF ZONE NO. 04041; COUNTY FINAL PLAT NO. 04064, FOUR WINDS ESTATES ADDITION; ANNEXATION NO. 04009 and SPECIAL PERMIT NO. 1886A.**

Item No. 1.3a, Annexation No. 04009, and Item No. 1.3b, Special Permit No. 1886A, were removed from the Consent Agenda and scheduled for separate public hearing.

Larson moved to approve the remaining Consent Agenda, seconded by Krieser and carried 8-0: Carlson, Carroll, Krieser, Larson, Marvin, Pearson, Sunderman and Taylor voting 'yes'; Bills-Strand absent.



2002 aerial

Change of Zone #04041 S. 9th & Calvert St.

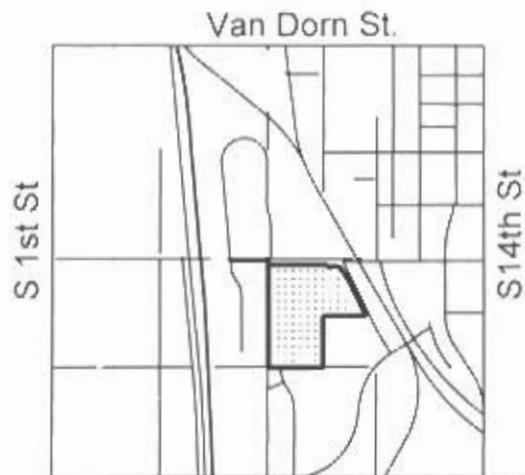
Zoning:

- 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-1 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. 2 T9N R6E

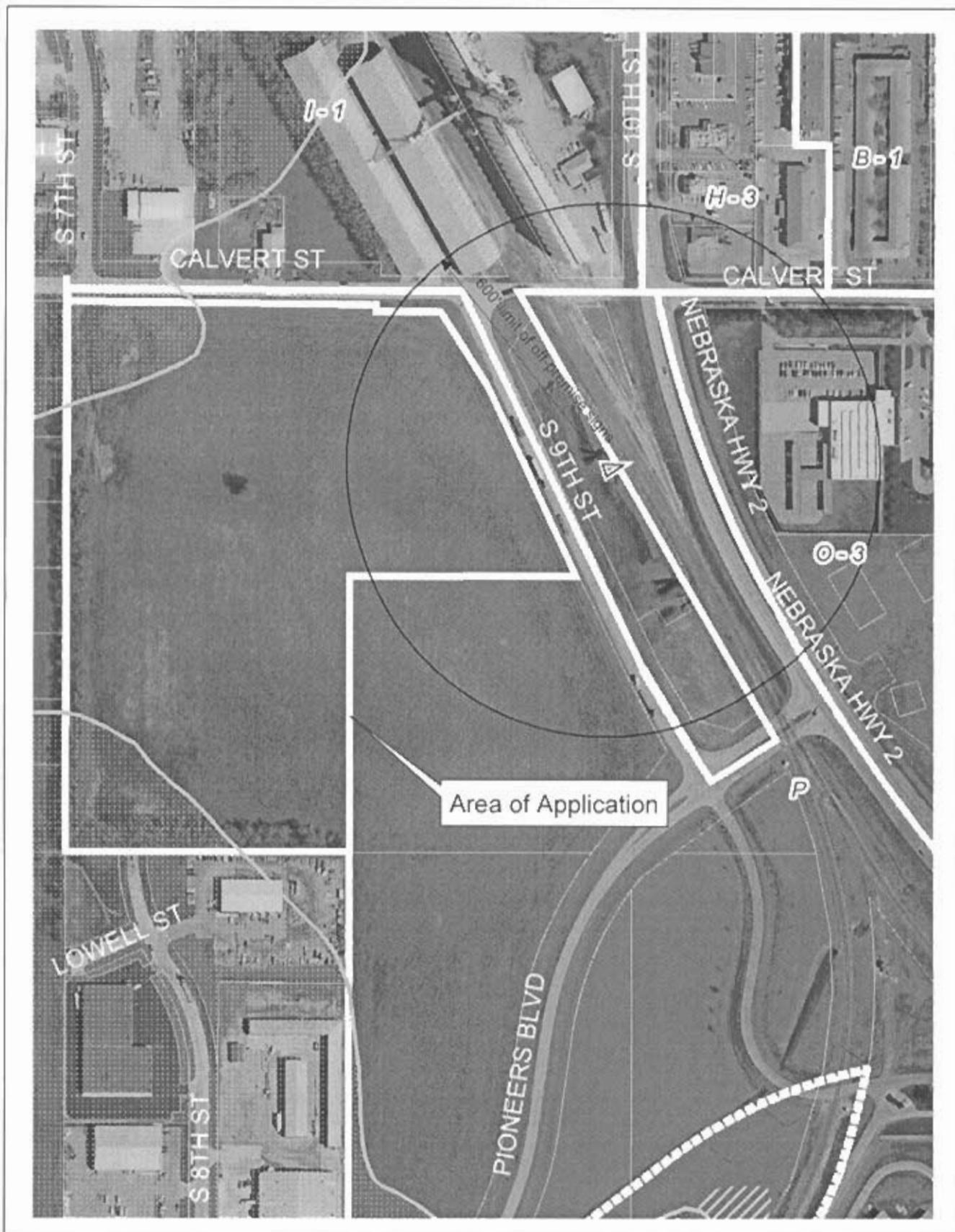


Zoning Jurisdiction Lines
City Limit Jurisdiction



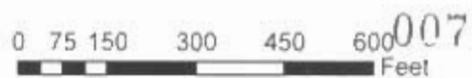
Pioneer Blvd

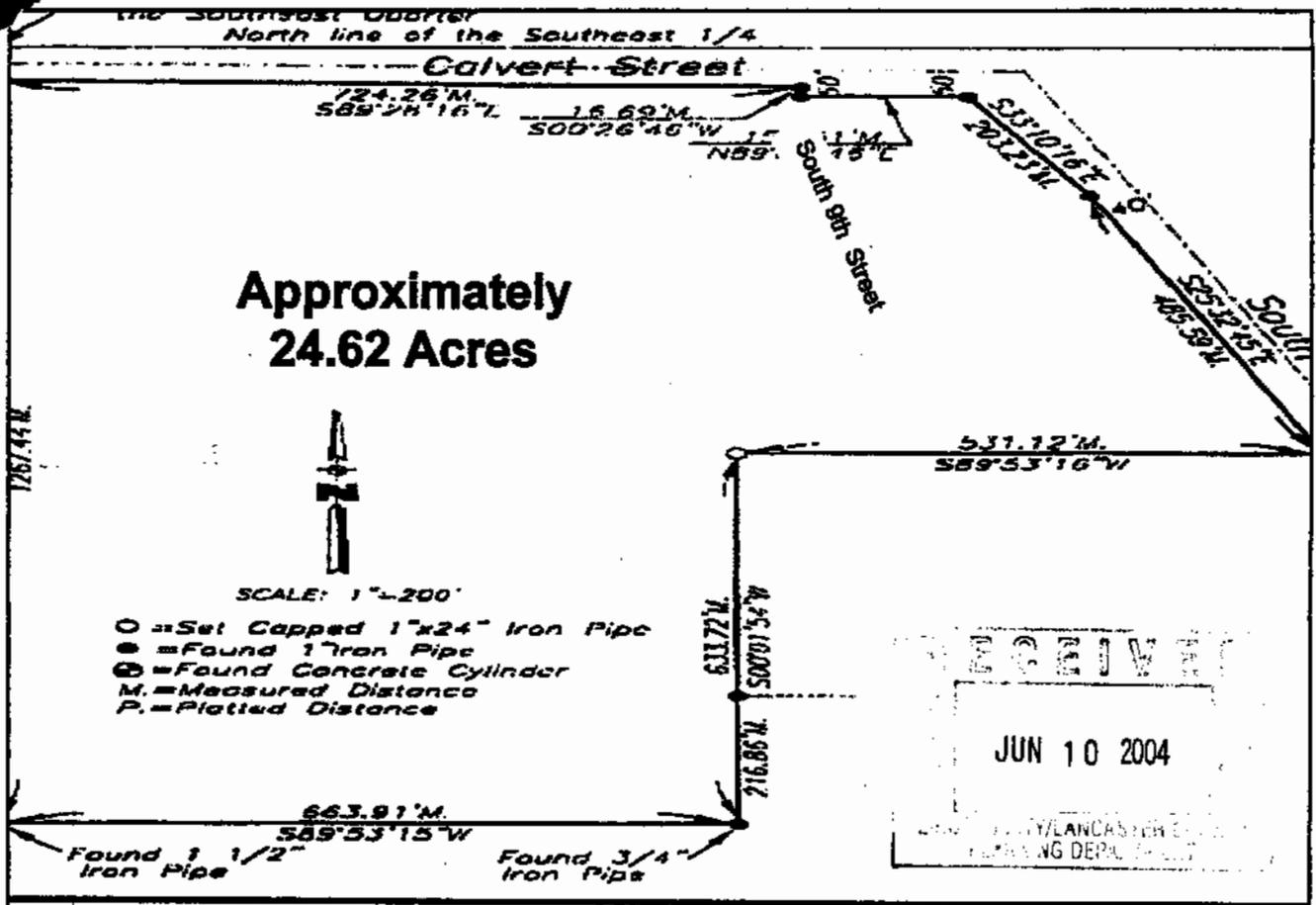
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**Change of Zone #04041
S. 9th & Calvert St.**

- Flood plain**
-  100 Year
 -  500 Year
 -  Floodway





Approximately
24.62 Acres

LEGAL DESCRIPTION:

Referring to the Northwest Corner of the Southeast Quarter of Section 2 Township 9 North, Range 6 East of the 6th P.M., Lancaster County, Nebraska.

THENCE in a Southerly direction on the West line of the Southeast Quarter of said Section 2 and on and assumed bearing of South 00 degrees 00 minutes 28 seconds West for a distance of 58.50 feet to a point on the Southerly Right-Of-Way line of Calvert Street and the POINT OF BEGINNING.

THENCE South 89 degrees 28 minutes 16 seconds East on the Southerly Right-Of-Way line of Calvert Street for a distance of 724.26 feet.

THENCE South 00 degrees 26 minutes 46 seconds West for a distance of 16.69 feet.

THENCE North 89 degrees 54 minutes 46 seconds East on the Southerly 50.00 foot Right-Of-Way line of Calvert Street for a distance of 150.51 feet to a point on the Westerly Right-Of-Way line of South 9th Street.

THENCE South 33 degrees 10 minutes 16 seconds East on the Westerly Right-Of-Way line of South 9th Street for a distance of 203.23 feet to a point on the Westerly 40.00 foot Right-Of-Way line of South 9th Street.

THENCE South 25 degrees 32 minutes 45 seconds East on the Westerly 40.00 foot Right-Of-Way line of South 9th Street for a distance of 485.59 feet.

THENCE South 89 degrees 53 minutes 16 seconds West for a distance of 531.12 feet.

THENCE South 00 degrees 01 minutes 54 seconds West for a distance of 633.72 feet to the Northeast corner of Lot 1, Block 2 Sutherland Park First Addition.

THENCE South 89 degrees 53 minutes 15 seconds West on the North line of Sutherland Park First Addition for a distance of 663.91 feet to a point on the West line of the Southeast Quarter of said Section 2.

THENCE North 00 degrees 00 minutes 28 seconds East on the West line of the Southeast Quarter of said Section 2 for a distance of 1267.44 feet to the POINT OF BEGINNING.

Together with and subject to covenants, easements, and restrictions of record.

Said property contains 24.62 acres more or less.

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