

FACTSHEET

TITLE: Amendment to Ordinance No. 18287, requested by the Director of Planning, to correct the legal description for **CHANGE OF ZONE NO. 3425**, from P Public Use District to O-3 Office Park District, requested by the Director of the Parks & Recreation Department, on property generally located at N.W. 12th Street and W. Highlands Boulevard.

STAFF RECOMMENDATION: Approval.

ASSOCIATED REQUESTS: An amendment to the ordinance declaring the property as surplus.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: Consent Agenda, 10/27/04
Administrative Action: 10/27/04

RECOMMENDATION: Approval (5-0: Carlson, Taylor, Larson, Carroll and Bills-Strand voting 'yes'; Pearson declaring a conflict of interest; Marvin, Sunderman and Krieser absent).

FINDINGS OF FACT:

1. Ordinance No. 18287, changing the zoning from P Public Use District to O-3 Office Park District, was passed by the City Council on January 5, 2004.
2. It was subsequently discovered that the legal description on Ordinance No. 18287 was in error. The purpose of this application is to correct the legal description.
3. The legal description on the associated declaration of surplus property was also in error. The Law Department is also submitting a request to correct the legal description on that ordinance.
4. The staff recommendation to approve this correction to the legal description is based upon the "Analysis" as set forth on p.3.
5. On October 27, 2004, this request to correct the legal description on Change of Zone No. 3425 appeared on the Consent Agenda of the Planning Commission and was opened for public hearing. No one came forward to speak.
6. On October 27, 2004, the Planning Commission agreed with the staff recommendation and voted 5-0 to recommend approval.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: November 1, 2004

REVIEWED BY: _____

DATE: November 1, 2004

REFERENCE NUMBER: FS\CC\2004\CZ.3425 Corrected

**LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT
for October 27, 2004 PLANNING COMMISSION MEETING**

P.A.S.: Change of Zone #3425

PROPOSAL: To correct the legal description of Change of Zone #3425 that changed the zoning from P, Public to O-3, Office Park.

LOCATION: NW 12th north of W. Highland Boulevard.

LAND AREA: 5 acres, more or less.

CONCLUSION: The area has been declared surplus and therefore should not be zoned P, Public. The O-3, Office Park district is a natural extension of an adjacent zoning and appropriate for this location.

RECOMMENDATION:

Change of Zone:

Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION: Lot 2, Highlands Coalition 4th Addition.

EXISTING ZONING: P, Public.

EXISTING LAND USE: Open space.

SURROUNDING LAND USE AND ZONING:

North:	Golf course	P, Public
South:	Undeveloped	O-3, Office Park
East:	Residential, church	R-3, Residential
West:	Golf Course	P, Public

HISTORY:

January 5, 2004 City Council unanimously approved Change of Zone 3425 from P, Public to O-3, Office Park on this property and Comprehensive Plan Conformance 03011 to declared the land surplus.

September 4, 2003 the Parks and Recreation Advisory Board Meeting determined the area is surplus to the needs of the golf course and decides to seek surplus status.

1993 Highlands Golf Course is opened.

1991 the land was acquired by the City of Lincoln for the development of an 18-hole golf course.

COMPREHENSIVE PLAN SPECIFICATIONS:

The Comprehensive Plan indicates this area as public open space, however the city has declared the piece of property surplus.

The maps displaying the land use plan are but one aspect of the Comprehensive Plan. The entire Comprehensive Plan should be referenced and considered when viewing the land use plan maps and for judging the appropriateness of the land uses they may display. (F-22)

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. The area of transition from one land use is often gradual. The Comprehensive Plan also encourages the integration of compatible land uses, rather than a strict segregation of different land uses. (F-27)

ANALYSIS:

1. This is an application to correct the legal description of the original change of zone request that changed the zoning from P, Public to O-3, Office Park. All maps and figures indicated the correct property, however, the applicant provided the incorrect legal description and the error was missed by Planning staff. All previous analysis is included for reference purposes. The correction for the surplus property designation will go directly to City Council for correction.
2. The Parks and Recreation Department indicated that the Parks and Recreation Department has no need for the land and would like to declare the area surplus and sell the land. The subject area is not occupied by the golf course area and is not needed for future expansion of the golf course.
3. The Parks and Recreation Department indicated that the Highlands area is adequately served by park and open space facilities and meets the requirements of the Comprehensive Plan.
4. The Parks and Recreation Department does not have a purchaser for the property.
5. The Parks and Recreation Department Advisory Board supports the request to declare this property surplus. A meeting of the City Department Directors indicated that other departments do not need the land.

6. The area must be rezoned if it is to be used for future private development. The area to the south is zoned O-3, Office Park and is an appropriate zoning for the land proposed for surplus.

Prepared by:

Becky Horner
Planner

DATE: October 13, 2004

**APPLICANT
CONTACT &
OWNER:** Lynn Johnson, Parks and Recreation Department
City of Lincoln
2740 A Street
Lincoln, NE 68502
(402)441-7847

CHANGE OF ZONE NO. 3425 - CORRECTED

CONSENT AGENDA
PUBLIC HEARING & ADMINISTRATIVE ACTION
BEFORE PLANNING COMMISSION:

October 27, 2004

Members present: Carlson, Carroll, Larson, Bills-Strand and Taylor; Pearson declaring a conflict of interest; Krieser, Marvin and Sunderman absent.

The Consent Agenda consisted of the following items: ***CHANGE OF ZONE NO. 3425; USE PERMIT NO. 124A; USE PERMIT NO. 150B; SPECIAL PERMIT NO. 1813A, an amendment to THE PRESERVE ON ANTELOPE CREEK COMMUNITY UNIT PLAN; COUNTY SPECIAL PERMIT NO. 04052; SPECIAL PERMIT NO. 04053; COMPREHENSIVE PLAN CONFORMANCE NO. 04009; WAIVER NO. 04014; and MISCELLANEOUS NO. 04004.***

Item No. 1.3, Use Permit No. 150B, was removed from the Consent Agenda and scheduled for separate public hearing.

Taylor moved to approve the remaining Consent Agenda, seconded by Larson and carried 5-0: Carlson, Carroll, Larson, Bills-Strand and Taylor voting 'yes'; Pearson declaring a conflict of interest; Krieser, Marvin and Sunderman absent.

Note: This is final action on Special Permit No. 04053 and Waiver No. 04014, 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.

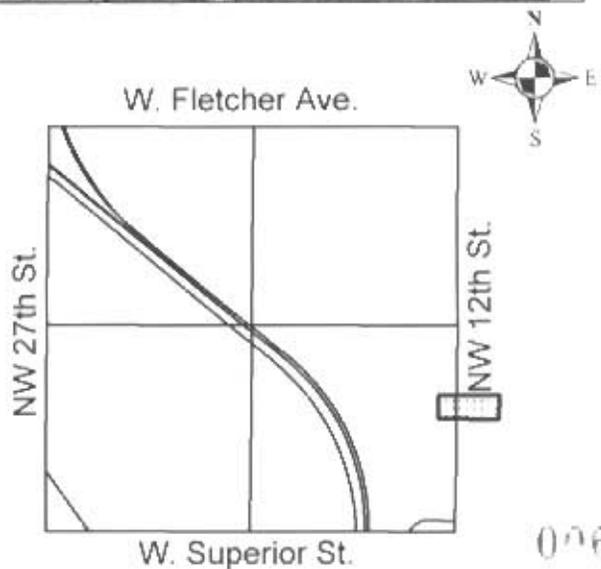


Change of Zone #3425 Highland Golf Course Surplus Property

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. 4 T10N R6E



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**COMPREHENSIVE PLAN CONFORMANCE NO. 03011,
DECLARATION OF SURPLUS PROPERTY
and
CHANGE OF ZONE NO. 3425**

PUBLIC HEARING BEFORE PLANNING COMMISSION:

November 12, 2003

Members present: Carlson, Bills-Strand, Marvin, Duvall, Taylor, Krieser and Steward; Larson absent.

Staff recommendation: A finding of conformance with the Comprehensive Plan on Comprehensive Plan Conformance No. 03011, and approval of Change of Zone No. 3425.

Ex Parte Communications: None.

These applications were removed from the Consent Agenda at the request of Commissioner Marvin and had separate public hearing.

Marvin inquired as to whether the city has entered into discussions on potential sale of the property. Steve Hiller, Assistant Director of Parks & Recreation (in charge of the golf program), stated that the Parks Department intends to do that but they have not entered into any discussions at this point in time. This action is to declare approximately five acres of property at the Highlands Golf Course as surplus. It is in an area that is not used as part of the golf course. It is at the far end of the driving range adjacent to N.W. 12th Street. It is quite a distance beyond where golfers would hit their golf balls when using the driving range, and is quite a distance away from the #1 fairway. Therefore, the Parks Department believes this to be a piece of property that can be declared surplus and the intent is to make it available for sale.

Marvin inquired as to the kind of latitude the city has in selling the property. Must it be sold to the highest bidder? Hiller stated that the Parks Department is working with the Mayor's Economic Development director to determine whether there are any possibilities to use the site as incentive for potential new business coming to Lincoln. Marvin suggested that if the Parks Department were to donate the property for that purpose, then Parks would not get the funds. Have there been discussions on how the city might make up the funds to Parks & Recreation? Hiller stated that he has not been a part of those conversations. This property is owned by the golf fund, which is an enterprise fund, and the intent is to get the full value of the property so that it can be utilized in the golf enterprise fund. A formal appraisal of the property has not been done but it is believed to be valued at \$400,000 to \$500,000. The property to the south that is zoned O-3 is privately owned.

Carlson inquired whether the Parks Department has a purchaser in mind. Hiller stated that there is none that he is aware of. This action is the formal step to declare the property as surplus and then market the property. The intent of the O-3 is that the Parks Department believes O-3 would be the likely use at this location.

Carlson inquired as to the process once the property is declared surplus. He has seen surpluses that have gone good and bad directions. Rick Peo from the City Law Department advised that the city has the right to sell the property on whatever conditions or whatever they believe to be in the best interests of the city. Declaring the property as surplus does not mean per se that it will be sold – it just removes it from being a restrictive use for public purposes for the city. It just opens up the capability of the city to sell it and generate some of the money back. There are various mechanisms to offer it for sale – RFP, or other avenues. Carlson inquired as to whether there is public participation after that, or whether it is at the Mayor's discretion. Depending upon the value of the property, Peo advised that it must go through an approval process at City Council before it can be sold. Bills-Strand assumes that once the property is sold with O-3 zoning, there is not a whole lot the city can do. Peo responded, stating that the city always has the right not to sell it. If it looked like an inappropriate use, then that is something that can be considered, and the zoning request could be changed, if desired.

Opposition

1. **Peter Katt** testified as a resident of the Highlands. This is the first that he has heard of the proposed declaration of surplus property. He does not know that the neighborhood association has had opportunity to participate. The city acquired this property from the bankrupt SID and there was extensive public participation and planning in designing and laying out the golf course and the Highlands. It seems premature to determine the zone change. He understands the declaration of surplus, but is O-3 zoning appropriate at this location? How does it connect into the street pattern? He is not aware of any neighborhood opportunity to provide any comments on this action. It seems to be the "cart before the horse" by not having that public participation.

Steward noted that the property is contiguous to an existing O-3 zone, and that is one element of consideration regardless of the zoning request.

Steward inquired of staff regarding notification of this action. Becky Homer of Planning staff stated that the declaration of surplus property and the change of zone were advertised in the newspaper and notice of the proposed action and this hearing was mailed to property owners within 200' of the boundaries of the subject site. Notice was also mailed to the contacts for the Highlands Neighborhood Association.

COMPREHENSIVE PLAN CONFORMANCE NO. 03011 **ADMINISTRATIVE ACTION BY PLANNING COMMISSION:**

November 12, 2003

Taylor moved a finding of conformance, seconded by Duvall.

Taylor lives in the Highlands. There is already O-3 zoning to the south of this property. He has no problem with the declaration of surplus property.

Marvin indicated that he was "torn". He believes it is in conformance, but he would like the city to inventory its assets like this, and if we can utilize it to attract major employers to come to these sites, then that is a big plus. He hears that there is thought and movement in that direction, but we have to figure out how to reimburse the golf course fund. That fund cannot be shortchanged \$400,000, and he is afraid if it is surplus, some of the discussions that would fix that hurdle may be shortchanged and we might wind up selling the property and not get what we could get.

Carlson commented that if Parks recommends the property be surplus, and the Parks Board also recommends that it be surplus, it almost begs the question as to what is the proposed use. It is tough to separate the context of whether it is needed. It is different to separate the potential for future use from "we don't need it anymore". He is concerned about process.

Steward believes the two questions the Commission is being asked are whether it is in conformance and whether it is an appropriate zone. We are not being asked any question about the disposition of the property, and it is not this Commission's business in this particular case. The comments are instructive for others to understand the concerns, but it's technically not a part of the question.

Motion to find the proposed declaration of surplus property to be in conformance with the Comprehensive Plan carried 7-0: Carlson, Bills-Strand, Marvin, Duvall, Taylor, Krieser and Steward voting 'yes'; Larson absent.

CHANGE OF ZONE NO. 3425

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

November 12, 2003

Duvall moved approval, seconded by Taylor and carried 7-0: Carlson, Bills-Strand, Marvin, Duvall, Taylor, Krieser and Steward voting 'yes'; Larson absent.

Memorandum

September 7, 2003

TO: Marvin Krout, Planning Director

FR: Lynn Johnson, Parks and Recreation Director



RE: Surplus Property at Highlands Golf Course

The purpose of this memo is to request review of the proposal for declaration of a five acre area at Highlands Golf Course as surplus for consistency with the Comprehensive Plan, and to assign zoning for private development of the subject area. The subject area is located in the southeastern area of Highlands Golf Course as depicted on Attachment A, and as described below:

A portion of Lot 2 Highlands Coalition beginning at the southeastern point of the lot having frontage on NW 12th Street, thence west 726.01 feet, thence north 300.0 feet, thence east 726.01 feet, thence south 300.0 feet to the point of beginning to comprise an area of 5.0 acres.

Background

The subject area was acquired by the City of Lincoln in 1991 for the development of an 18-hole municipal golf course. Subsequently Highlands Golf Course was developed, and opened for play in 1993. The subject area is located immediately south of the driving range, and east of the fairway of the Hole #1. The subject area is out of play on the golf course and is not needed for future development or expansion of the course.

The subject area is owned by the Golf enterprise fund. Proceeds from the proposed sale of the property would be retained within the golf fund, and used to assist in retiring the revenue bond issued for development of Highlands Golf Course.

Consistency with the Comprehensive Plan

The Lincoln/Lancaster County Comprehensive Plan states the intent to acquire and develop one neighborhood park of approximately eight to twelve acres in size (2 acres of neighborhood parkland per 1,000 residents) within each square mile of residential development. The

Highlands area is approximately one square mile in size. Highlands Park is a fully developed 11 acre neighborhood park adjoining Fredstrom Elementary School. In addition, Highlands South Park is a 33 acre greenway that includes a portion of the Highlands Loop Trail, two play fields and extensive areas of native plantings. Thus the Highlands area is adequately served by park and open space facilities.

Fire Station #14, 5435 NW 1st Street, is located approximately one mile east of the subject site. Loren Corey Eiseley Library, 1530 Superior Street is located approximately two miles east of the subject site and serves the northwest quadrant of the City, including the Highlands area. Thus there is not a need for subject site to address other public service facility needs in the area.

Zoning

The subject area currently has a zoning designation of "P" (Public Use District). Zoning for private development of the site will need to be established. The adjoining property to the south has a zoning designation of "O-3" (Office Park District). This district is intended to consist of "a mixture of office and other types of compatible and complementary uses, and residential uses in suburban areas." Properties with an "O-3" zoning designation are to be located on arterial streets. This zoning district is intended to promote development with "an appealing atmosphere, stressing the quality of the environment." I would like to recommend that the subject area be zoned "O-3" consistent with the adjoining property to the south to encourage quality office park, or similar development, which is complementary to the adjoining premier municipal golf course facility.

Please phone me at 441-8265, or Steve Hiller at 441-8266 with questions. Thank you for your assistance.

F:/parks/shared/golf&athletics/highlands surplus prop.doc

Memorandum

To: Becky Horner, Planning Department
From: Charles W. Baker, Public Works and Utilities *Bull*
Subject: Change of Zone #3425, Surplus Property at Highlands Golf Course
Date: October 29, 2003
cc: Randy Hoskins

The City Engineer's Office of the Department of Public Works and Utilities has reviewed the request for the proposed Change of Zone and sale of surplus property in the area of Highlands Golf Course located west of Northwest 12th and Issac Drive. Public Works has the following comments:

- Public water and sewer will need to be extended to serve this area if it is to be developed as Office Zoning. The closest water main is a 6" in Issac Drive along with sewer manholes. Office Zoning will require an 8" water main.
- Potential drive access to this property must be at the Issac Drive intersection of Northwest 12th Street.

