

FACTSHEET

TITLE: CHANGE OF ZONE NO. 05053, from P Public Use District to R-3 Residential District, requested by the Director of Planning, on property generally located at N.W. 7th Street and N.W. Fairway Drive.

STAFF RECOMMENDATION: Approval.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: Consent Agenda: 08/17/05
Administrative Action: 08/17/05

RECOMMENDATION: Approval (9-0: Carlson, Carroll, Esseks, Krieser, Larson, Pearson, Bills-Strand, Sunderman and Taylor voting 'yes').

1. The purpose of this change of zone request is to change the zoning on land that was previously declared surplus and has since been purchased by the abutting property owners.
2. The staff recommendation of approval is based upon the "*Analysis*" as set forth on p.3-4, concluding that the proposed change of zone will allow the property owners to use their entire property as allowed by the R-3 district.
3. On August 17, 2005, 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 August 17, 2005, the Planning Commission agreed with the staff recommendation and voted 9-0 to recommend approval.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: August 22, 2005

REVIEWED BY: _____

DATE: August 22, 2005

REFERENCE NUMBER: FS\CC\2005\CZ.05053

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for August 17, 2005 PLANNING COMMISSION MEETING

PROJECT #: Change of Zone No.05053

PROPOSAL: From P-Public to R-3 Residential

LOCATION: NW 7th St. and NW Fairway Dr.

LAND AREA: 2.5 acres, more or less

CONCLUSION: This application changes the zoning from P to R-3 on land that was previously declared surplus and has since been purchased by abutting property owners. The approval of this application will allow the property owners to use their entire property as allowed by the R-3 District.

RECOMMENDATION:	Approval
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GENERAL INFORMATION:

LEGAL DESCRIPTION: see attached

EXISTING ZONING: P-Public

EXISTING LAND USE: rear yard area

SURROUNDING LAND USE AND ZONING:

North:	R-3	Residential and Fredstrom Elementary school
South:	R-3	Residential
East:	R-3	Residential
West:	R-3	Residential

HISTORY:

April 28, 2004 Comprehensive Plan Conformance #03004 to declare a portion of Outlot "A", Highlands West 1st Addition, Highlands South Park, surplus was approved by the City Council.

April 23, 2001 Comprehensive Plan Conformance #00006 to declare a portion of Highlands South Park surplus was approved by the City Council.

COMPREHENSIVE PLAN SPECIFICATIONS:

This area is shown as Urban Residential in the 2025 Comprehensive Plan. (F-23)

UTILITIES:

Lincoln Electric System notes that there are existing easements over the entire application area. These easements shall be retained.

Public Works & Utilities notes that there are existing sanitary and storm sewers within the Outlot.

ANALYSIS:

1. This is an application to change the zoning from P, Public to R-3, Residential on property that was previously declared surplus.
2. The application area was declared surplus in April, 2001 and since then many of the property owners have purchased the abutting ground.
3. Property owners have not been able to obtain building permits from the Building and Safety Department on the property that is zoned P-Public. The zoning ordinance states that the provisions of the Public Use District shall not apply to land in private ownership. The Public Use District is only applicable to a building or premise owned by any governmental entity.

Prepared by:

Tom Cajka
Planner

DATE: July 29, 2005

APPLICANT: Marvin Krout, Planning Director
Lincoln-Lancaster County Planning Department
555 S. 10th St. Suite 213
Lincoln, NE 68508
(402) 441-7491

CONTACT: Tom Cajka, Planner
Lincoln-Lancaster County Planning Department
555 S. 10th St. Suite 213
Lincoln, NE 68508
(402) 441-5662

CHANGE OF ZONE NO. 05053

CONSENT AGENDA
PUBLIC HEARING & ADMINISTRATIVE ACTION
BEFORE PLANNING COMMISSION:

August 17, 2005

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

The Consent Agenda consisted of the following items: **CHANGE OF ZONE NO. 05053** and **SPECIAL PERMIT NO. 1689A**.

Ex Parte Communications: None.

Larson moved to approve the Consent Agenda, seconded by Taylor and carried 9-0: Carlson, Carroll, Esseks, Krieser, Larson, Pearson, Bills-Strand, Sunderman and Taylor voting 'yes'.

Note: This is final action on Special Permit No. 1689A, 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.



Sheet 1 of 3
Overview

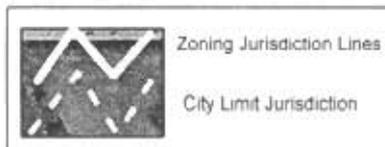
2005 aerial

Change of Zone #05053 NW 12th & Highland Blvd

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. 03 T10N R6E





Sheet 2 of 3

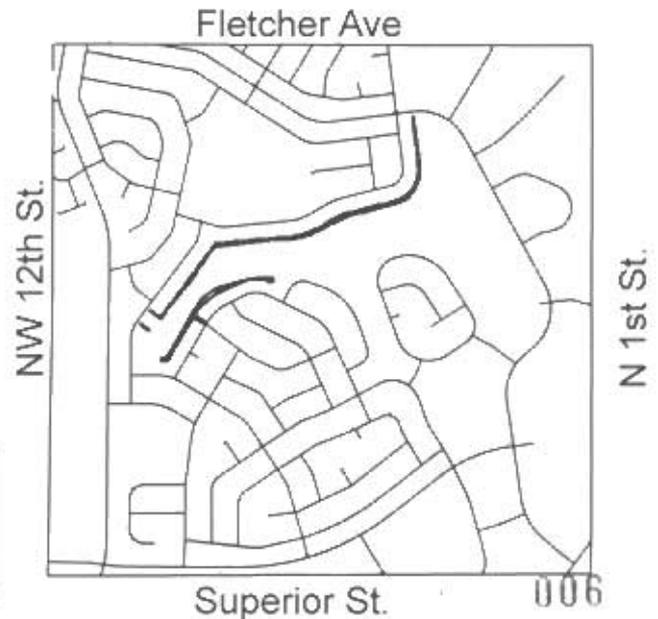
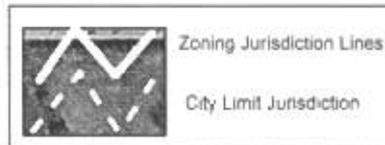
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- I-2 Industrial Park District
- I-3 Employment Center District
- P Public Use District

One Square Mile
Sec. 03 T10N R6E





Area of Application

Change of Zone #05053 NW 12th & Highland Blvd

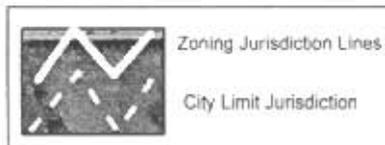
Sheet 3 of 3

2005 aerial

Zoning:

- R-1 to R-8 Residential District
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- P Public Use District

One Square Mile
Sec. 03 T10N R6E



NW 12th St.



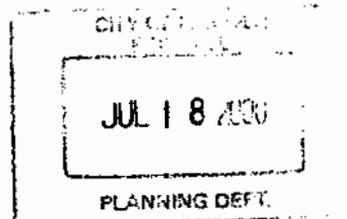
N 1st St.

Superior St.

007

K&M^{inc.}

Land Surveying



540 W. INDUSTRIAL LAKE DR. · SUITE 1 · LINCOLN, NE 68528 · (402) 476-3020 · (402) 476-3138 FAX

PARCEL 1

That part of Outlot P, Block 5, Highlands Coalition, adjacent to Lots 2 through 21, Block 1, Highlands East 6th Addition and Lot 1, Block 5, Highlands West 1st Addition, located in the North half of Section 3, Township 10 North, Range 6 East of 6th P.M., Lincoln, Lancaster County, Nebraska, more particularly described as follows;

Beginning at the Northeast corner of said Lot 21, Block 1; THENCE on the Northerly line of said Lot 21, on an assigned bearing of N 74°27'46"W 79.86'; THENCE on the Northwesterly (rear) Lot lines of said Lots 20, 19, 18, 17, 16, 15, 14, 13, 12, 11 and 10 for the next Eleven (11) courses, N 84°45'50"W 79.68'; THENCE S 84°55'56"W 80.23'; THENCE S 74°57'49"W 79.36'; THENCE S 65°24'17"W 74.40'; THENCE S 63°04'39"W 63.23'; THENCE S 62°59'17"W 63.00'; THENCE S 62°25'25"W 67.23'; THENCE S 56°32'05"W 76.24'; THENCE S 49°23'01"W 77.26'; THENCE S 41°58'10"W 77.14'; THENCE S 34°46'04"W 77.27', to the Southwesterly corner of said Lot 10, Block 1; THENCE on the southerly line of said Lot 10, S 59°06'05"E 120.25', to a point on a circular curve to the left, having a radius of 510.00', a central angle of 00°15'55"; THENCE on the chord of said curve, S 30°30'19"W 2.36', to the Point of Tangency; THENCE on said Tangent, S 30°22'21"W 17.59', to the Northeasterly corner of said Lot 9, Block 1; THENCE on the Northerly line of said Lot 9, N 59°14'39"W 120.48', to the Northwest corner of said Lot 9; THENCE on the Northwesterly Lot lines of said Lots 9, 8, 7, 6, 5, 4, 3 and 2, said Block 1, for the next Four (4) courses, S 30°32'31"W 189.47'; THENCE S 30°33'29"W 189.17'; THENCE S 30°32'55"W 63.12'; THENCE S 30°40'58"W 59.07', to the Northeast corner of said Lot 1, Block 5, Highlands West 1st Addition; THENCE on the North line of said Lot 1, S 89°28'57"W 57.07', to the Southeast corner of Outlot A, Highlands West 1st Addition; THENCE on the East line of said Outlot A, N 00°12'10"E 38.42'; THENCE S 85°34'31"E 48.29'; THENCE N 30°40'58"E 34.16'; THENCE N 30°32'55"E 63.02'; THENCE N 30°33'29"E 63.10'; THENCE N 30°33'20"E 63.18'; THENCE N 30°33'47"E 63.00'; THENCE N 30°32'27"E 63.33'; THENCE N 30°32'45"E 63.23'; THENCE N 30°32'13"E 62.85'; THENCE N 31°02'08"E 20.31'; THENCE N 34°45'43"E 80.50'; THENCE N 28°13'32"E 84.00'; THENCE N 49°22'41"E 83.06'; THENCE N 56°32'53"E 82.16'; THENCE N 62°24'36"E 69.21'; THENCE N 75°08'04"E 205.52'; THENCE N 74°56'46"E 80.34'; THENCE N 84°55'37"E 81.25'; THENCE N 86°31'47"E 166.97'; THENCE S 13°24'02"W 45.00', to the Point of Beginning, said tract containing an area of 41036.51 square feet or 0.94 acres more or less.

PARCEL 2

That part of Outlot P, Block 5, Highlands Coalition adjacent to Lots 10, Block 5, Highlands West 1st addition, located in the Southwest Quarter of Section 3, Township 10 North, Range 6 East of the 6th P.M., Lincoln, Lancaster County, Nebraska, more particularly described as follows;

Beginning at the Northwest corner of said Lot 10; THENCE on the Easterly right of way line of N.W. Fairway Drive, on an assigned bearing of N 36°42'41"E 10.00'; THENCE S 53°12'06"E 123.94', to a point on the Northerly line of Outlot A, said Highlands West 1st Addition; THENCE on said Northerly line, N 76°01'10"W 25.67' to a point on the Northerly line of said Lot 10; THENCE on said Northerly line, N 53°13'36"W 100.26' to the Point of Beginning, said tract Containing an area of 1118.28 square feet or 0.0257 acres, more or less.

K&M **inc.** **Land Surveying**

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PARCEL 3

That part of Outlot P, Block 5, Highlands Coalition, adjacent to Lots 1 through 22, Block 5, Highland North 2nd Addition, located in the North half of Section 3, Township 10 North, Range 6 East of 6th P.M., Lincoln, Lancaster County, Nebraska, more particularly described as follows:

Beginning at the Southwesterly corner of said Lot 1, Block 5, Highlands North 2nd Addition; THENCE on the Southwesterly line of said Lot 1, on an assigned bearing of S 52°55'43"E 120.28', to the Southeasterly corner of said Lot 1; THENCE on the Southeasterly Lot line of said Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12, said Block 5, Highlands North 2nd Addition, for the next Eleven (11) courses, N 36°43'42"E 70.02'; THENCE N 36°42'34"E 70.02'; THENCE N 37°05'22"E 70.17'; THENCE N 36°46'24"E 69.85'; THENCE N 36°45'36"E 69.93'; THENCE N 36°48'30"E 69.91'; THENCE N 36°50'25"E 139.98'; THENCE N 36°42'38"E 69.88'; THENCE N 36°55'34"E 70.11'; THENCE N 36°48'11"E 106.05'; THENCE N 36°44'15"E 93.75', to the Easterly corner common to Lots 12 and 14, said Block 5, Highlands North 2nd Addition; THENCE on the Southerly Lot lines of said Lots 14, 15, 16, 17, 18, 19, 20, 21 and 22, said Block 5, for the next Seven (7) courses, N 84°05'42"E 3.55'; THENCE N 84°07'44"E 104.36'; THENCE N 84°14'22"E 76.06'; THENCE N 84°29'47"E 69.89'; THENCE N 84°14'50"E 140.12'; THENCE N 84°22'34"E 139.84'; THENCE N 84°15'24"E 70.03', to the Southeast corner of said Lot 22, Block 5; THENCE S 05°49'11"E 15.00'; THENCE S 84°15'38"W 70.03'; THENCE S 84°22'21"W 69.86'; THENCE S 84°22'28"W 69.93'; THENCE S 83°18'52"W 400.30'; THENCE S 36°48'53"W 72.37'; THENCE S 36°45'31"W 107.45'; THENCE S 36°55'33"W 70.04'; THENCE S 28°34'13"W 70.62'; THENCE S 36°50'25"W 140.08'; THENCE S 36°48'29"W 69.70'; THENCE S 36°45'36"W 70.10'; THENCE S 44°55'45"W 70.49'; THENCE S 37°05'23"W 70.09'; THENCE S 36°42'36"W 70.14'; THENCE S 36°43'16"W 80.01'; THENCE N 52°55'16"W 130.29', to a point on the Southeasterly right of way line of N.W. Fairway Drive; THENCE on said right of way line, N 36°42'41"E 10.00', to the Point of Beginning, said tract Containing 24133.00 square feet or 0.55 acres, more or less.

K&M *inc.*

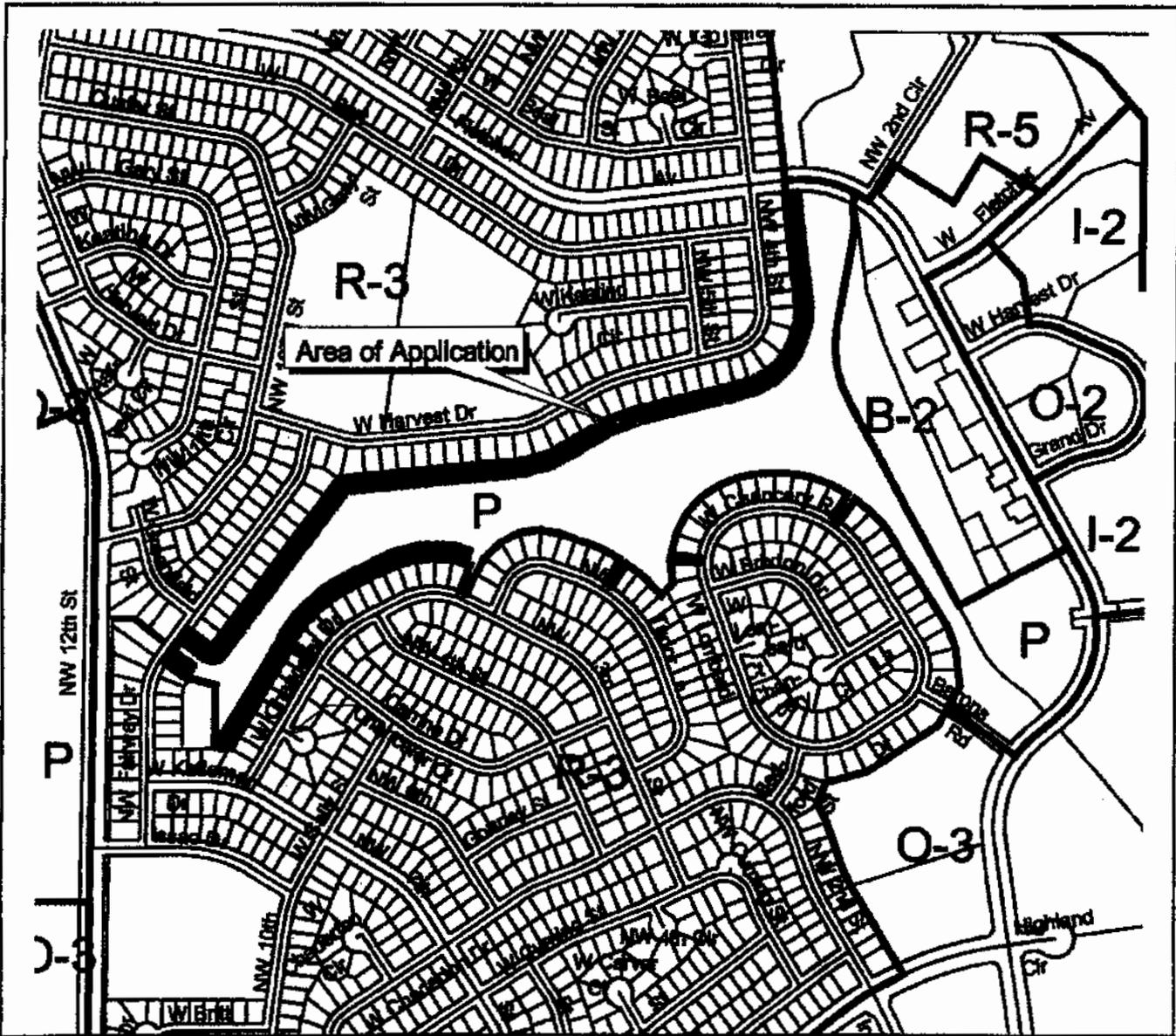
Land Surveying

540 W. INDUSTRIAL LAKE DR. - SUITE 1 - LINCOLN, NE 68528 - (402) 476-3020 - (402) 476-3138 FAX

PARCEL 4

That part of Outlot P, Block 5, Highlands Coalition, adjacent to Lots 23 through 28, Block 5, Highland North 2nd Addition and Lots 1 through 22, Block 20, Highlands North, located in the North Half of Section 3, Township 10 North, Range 6 East of the 6th P.M., Lincoln, Lancaster County, Nebraska, more particularly described as follows;

Beginning at the Southwest corner of said Lot 23, Block 5, Highlands North 2nd Addition; THENCE on the South line of said Lot 23, on an assigned bearing of N 84°12'43"E 80.39', to the Southeast corner of said Lot 23; THENCE on the Southerly lines of said Lots 24, 25, 26, 27 and 28 for the next four (4) courses, N 84°16'07"E 79.98' to a Point of Curvature of a circular curve to the Left, said Curve having a Radius of 510.58' and a central angle of 23°30'43"; THENCE on the chord of said curve N 72°30'45"E 208.06', to the Point of Tangency; THENCE on said Tangent N 60°45'23"E 44.53'; THENCE N 60°37'22"E 69.93', to the corner common to said Lots 28, Block 5 and Lot 22, Block 20; THENCE on the Southerly line of said Block 20, for the next eleven (11) courses, N 60°30'55"E 69.93'; THENCE N 60°53'46"E 50.36', to a Point of Curvature of a circular curve to the right, said curve having a Radius of 609.58' and a central angle of 15°00'11"; THENCE on the chord of said curve, N 68°23'52"E 159.16', to the Point of tangency; THENCE on said tangent N 75°53'57"E 70.05'; THENCE N 75°54'50"E 70.07'; THENCE N 75°42'54"E 70.05'; THENCE N 76°05'36"E 69.81'; THENCE N 75°35'37"E 69.98'; THENCE N 75°27'50"E 69.98'; THENCE N 75°51'12"E 34.97' to a Point of Curvature of a circular curve to the Left, said curve having a Radius of 313.89' and a central angle of 83°03'39"; THENCE on the chord of said curve N 34°19'23"E 416.23', to the Point of tangency; THENCE on said tangent N 07°12'27"W 52.99', said point being the northeast corner of said Lot 7, Block 20; THENCE on the Easterly line of said Block 20 for the next six (6) courses, N 07°15'08"W 69.99'; THENCE N 07°15'32"W 69.99'; THENCE N 07°25'29"W 69.97'; THENCE N 07°08'56"W 70.10'; THENCE N 07°18'29"W 70.05'; THENCE N 07°13'31"W 71.92', to the Northeast corner of said Lot 1, Block 20; THENCE on the Southerly right of way line of W. Fletcher Avenue, N 83°15'31"E 10.00'; THENCE S 07°13'32"E 71.79'; THENCE S 07°18'29"E 70.07'; THENCE S 07°08'56"E 70.11'; THENCE S 07°25'29"E 69.97'; THENCE S 07°15'31"E 69.94'; THENCE S 07°15'07"E 69.95'; THENCE S 06°49'36"E 70.58'; THENCE S 05°06'12"W 103.80'; THENCE S 20°11'34"W 120.73'; THENCE S 41°59'35"W 107.82'; THENCE S 61°43'52"W 93.18'; THENCE S 74°15'31"W 71.66'; THENCE S 75°27'49"W 69.88'; THENCE S 75°35'40"W 70.22'; THENCE S 76°05'41"W 69.54'; THENCE S 75°42'53"W 70.20'; THENCE S 75°54'51"W 70.10'; THENCE S 75°53'57"W 70.00'; THENCE S 68°20'26"W 67.16'; THENCE S 61°42'51"W 66.47'; THENCE S 63°30'00"W 69.06'; THENCE S 63°30'00"W 69.75'; THENCE S 63°30'00"W 70.16'; THENCE S 61°29'47"W 76.97'; THENCE S 69°16'15"W 93.58'; THENCE S 82°20'55"W 92.98'; THENCE S 84°16'07"W 79.87'; THENCE S 87°45'51"W 80.69'; THENCE N 05°25'34"W 15.00', to the Point of Beginning, said tract Containing an area 42756.73 square feet or 0.982 acres, more or less.

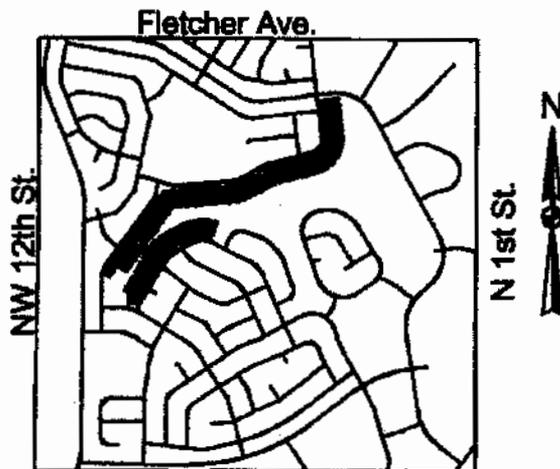
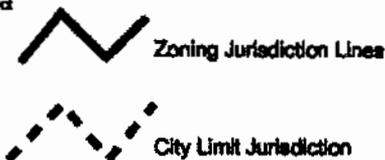


**Comprehensive Plan Conformance #00006
NW Fairway Dr. & West Harvest Dr.
Highlands South Park**

Zoning:

- R-1 to R-4 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
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- I-3 Employment Center District
- P Public Use District

One Square Mile
Sec. 3 T10N R6E



Superior St.

Sheet 1 of 2
Date:

011

Lincoln City - Lancaster County Planning Dept.

Memorandum

To: Tom Cajka, Planning Department

From: Charles W. Baker, Public Works and Utilities

Subject: Highlands Coalition and Highlands West Change of Zone #05053

Date: July 18, 2005

cc: Randy Hoskins

The City Engineer's Office of the Department of Public Works and Utilities has reviewed the request for the Highlands Coalition and Highlands West Change of Zone #05053, particularly located for the lot located at 530 West Chancelor Drive. Public Works has the following comments:

- The lot identified at 530 West Chancelor does not have public utilities located in the area for the proposed building addition. Therefore Public Works has no objection at this site for the Change of Zone.
- However, there are locations north and east in this application that should have easements for the sanitary and storm sewers in the Outlot that might have conflicts for other property owners that intend to construct out-buildings in this area for the proposed Change of Zone.

INTER-DEPARTMENT COMMUNICATION

-LES

DATE: July 21, 2005
TO: Tom Cajka, City Planning
FROM: Sharon Theobald *St*
Ext 7640
SUBJECT: DEDICATED EASEMENTS
DN# 54N-8W



CZ 05053

Attached is the Change of Zone Request for Highlands Coalition and Highland West 1st Addition.

In reviewing the dedicated transmission line or other electrical easements shown on this plat, LES does not warrant, nor accept responsibility for the accuracy of any such dedicated easements.

ALLTEL, Time Warner Cable, and the Lincoln Electric System will wish to retain all existing easements over the entire surplus areas, as there are existing facilities in place.

ST/ss
Attachment
c: Terry Wiebke
Easement File