

City Council Introduction: **Monday**, September 24, 2007
Public Hearing: **Monday**, October 1, 2007, at **1:30 p.m.**

Bill No. 07-152

FACTSHEET

TITLE: **CHANGE OF ZONE NO. 07042**, from O-2 Suburban Office District to B-1 Local Business District, requested by Southeast Lincoln Animal Medical Center, LLC, on property generally located northeast of the intersection of South 84th Street and Old Cheney Road.

STAFF RECOMMENDATION: Approval.

ASSOCIATED REQUEST: Conditional Zoning and Development Agreement (07R-197).

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: Consent Agenda: 09/12/07
Administrative Action: 09/12/07

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

FINDINGS OF FACT:

1. This is a request to change the zoning from O-2 Suburban Office to B-1 Local Business on approximately .9 acre, more or less, located northeast of the intersection of S. 84th Street and Old Cheney Road, for the purpose of an animal hospital use.
2. The staff recommendation of approval, subject to a conditional zoning and development agreement, is based upon the "Analysis" as set forth on p.3-4. The Analysis recognized the small size of this lot and the adjacent lot to the north, and their isolation by the existing golf course. Staff concluded that office and limited commercial uses were deemed appropriate for these lots in 2004 when the zoning was changed to O-2. However, the full range of uses allowed in the B-1 district should be restricted due to limited access and proximity to a major intersection. A zoning agreement could limit the uses to those allowed in the O-2 district plus animal hospitals, and this change of zone would not have any significant impact compared to the current O-2 zoning. The proposed change of zone would be consistent with the Comprehensive Plan and allows for appropriate land uses, provided the owner enters into a zoning agreement with the City with the limitations noted above.
3. On September 12, 2007, 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 September 12, 2007, the Planning Commission agreed with the staff recommendation and voted 9-0 to recommend approval, subject to a conditional zoning and development agreement.
5. On September 12, 2007, the Planning Commission also adopted Resolution No. PC-01075, approving Special Permit No. 07031 for an animal hospital on the property. A copy of the site plan for the special permit is attached for information purposes (p.15). The approval of this change of zone is a condition of approval of the special permit.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: September 17, 2007

REVIEWED BY: _____

DATE: September 17, 2007

REFERENCE NUMBER: FS\CC\2007\CZ.07042

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for September 12, 2007 PLANNING COMMISSION MEETING

PROJECT #: Change of Zone #07042

PROPOSAL: From O-2 Suburban Office to B-1 Local Business

LOCATION: Northeast of the intersection of South 84th Street and Old Cheney Road

LAND AREA: .9 of an acre

EXISTING ZONING: B-1 Local Business

CONCLUSION: Office and limited commercial uses were deemed appropriate for this lot in 2004 when the zoning for it and the adjacent tract to the north was changed to O-2. However, the full range of uses allowed in the B-1 should be restricted due to limited access and proximity to a major intersection. A zoning agreement could limit the uses to those allowed in the O-2 plus animal hospitals, and changing the zoning to B-1 will not have any significant impact compared to the current O-2. If approved, this request is consistent with the Comprehensive Plan and allows for appropriate land uses provided the owner enters into a zoning agreement with the City with the limitations noted.

<u>RECOMMENDATION:</u>	Approval
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GENERAL INFORMATION:

LEGAL DESCRIPTION: Lot 76 I.T. in the southwest quarter of Section 11, T9N, R7E of the 6th P.M., Lancaster County, Nebraska.

EXISTING LAND USE: Vacant

SURROUNDING LAND USE AND ZONING:

North:	Office, Open space associated with the HiMark CUP/Golf Course	O-2, R-3
South:	Communications Utility Facilities	AG
East:	Open space associated with the HiMark CUP/Golf Course	R-3
West:	Vacant	R-3

ASSOCIATED APPLICATIONS:

SP#07031 - A special permit to allow an animal hospital less than 200' away from a residential zoning district.

HISTORY:

- Sep 2004 CZ#04047 was approved changing the zoning from AG and R-3 to O-2 for this and the adjacent lot to the north.
- May 1979 The zoning update changed the zoning on both of these parcels from A-A Rural and Public to AG Agriculture.

COMPREHENSIVE PLAN SPECIFICATIONS:

Page 16 - Future Land Use Plan of the Comprehensive Plan designates commercial land uses for this property.

TRAFFIC ANALYSIS: The Comprehensive Plan identifies South 84th Street as a principal arterial, and Old Cheney Road as a minor arterial. South 84th Street has recently been improved to 4 lanes plus turn lanes. The east leg of the South 84th Street/Old Cheney Road intersection in Old Cheney Road has been installed adjacent to the south side of this tract.

When the change of zone was approved in 2004, Public Works advised the owners that this lot and the lot to the north would each be limited to one driveway onto Old Cheney Road and South 84th Street respectively due to proximity to a major intersection. The owners were further advised that shared access between the two would be necessary.

ANALYSIS:

1. This is a request to change the zoning from O-2 to B-1 to allow an animal hospital on Lot 76 I.T. An associated application for a special permit seeks to site an animal hospital less than 200' away from a residential zoning district.
2. The current owner purchased the subject property in 2006 with the intent of locating an animal hospital on it. The City previously classified an animal hospital as medical office and it was a permitted use in the O-1 through O-3 zoning districts. However, the Zoning Ordinance was amended on June 4, 2007 to define animal hospitals and indoor kennels, and also changed the way both uses are regulated. Animal hospitals and indoor kennels are now permitted uses in the B-1, B-2, B-3, H-2, H-3 and H-4 zoning districts provided the facility is more than 200' away from a residential zoning district. If it is less than 200' away, a special permit is required.
3. Upon understanding the impact of the recent amendment to the Zoning Ordinance, the applicant's representative met with staff to discuss options. Staff suggested the applicant request a change of zone to B-1, and also request a special permit to allow an animal hospital less than 200' away from a residential zoning district. Staff noted that their recommendation on the change of zone would include a condition that the applicant enter into a zoning agreement limiting uses on the property.
4. Due to proximity to a major intersection, minimizing the number of conflict points such as driveways near the intersection is an important concern for staff. The change of zone to O-2 for this lot and the lot adjacent to the north was not opposed by staff because it is a low-intensity zoning district, and at the time Public Works noted that access would be limited to

one driveway per lot. The subject property has one driveway onto Old Cheney Road, and the north lot has a driveway onto South 84th Street. Common access is granted across both lots to allow either lot the use of both driveways.

5. The B-1 zoning district is a more intensive than O-2 and allows a wider range of uses. The B-1 district also allows animal hospitals, and includes the provision for a special permit if located less than 200' away from a residential zoning district. Some of the permitted uses in B-1 such as restaurants and service stations generate significant amount of traffic and are not appropriate at this location.
6. An animal hospital is not considered a high traffic generator and would be appropriate at this location.
7. The impact of the change of zone to B-1 for this lot would be negligible if the uses were limited to those allowed in the O-2 district and animal hospitals. The uses allowed limited by means of a zoning agreement as a condition of the change of to B-1 should be required.
8. In addition to this change of zone to B-1, SP#07031 must also be approved for an animal hospital to be located on this site.

CONDITIONS

1. Prior to approval of this application by the City Council, the owner shall sign a conditional zoning agreement. The conditional zoning agreement shall restrict the uses on this property to those allowed in the O-2 zoning district plus an animal hospital.

Prepared by:

Brian Will, 441-6362, bwill@lincoln.ne.gov

Planner

August 29, 2007

APPLICANT/ OWNER:

Southeast Lincoln Animal Medical Center, LLC
2200 Cornhusker Highway
Lincoln, NE 68521

CONTACT:

Jack Wolfe
1248 O Street Ste 800
Lincoln, NE 68508

CHANGE OF ZONE NO. 07042

CONSENT AGENDA

PUBLIC HEARING & ADMINISTRATIVE ACTION

BEFORE PLANNING COMMISSION:

August 29, 2007

Members present: Carlson, Carroll, Cornelius, Esseks, Larson, Strand, Krieser, Sunderman and Taylor.

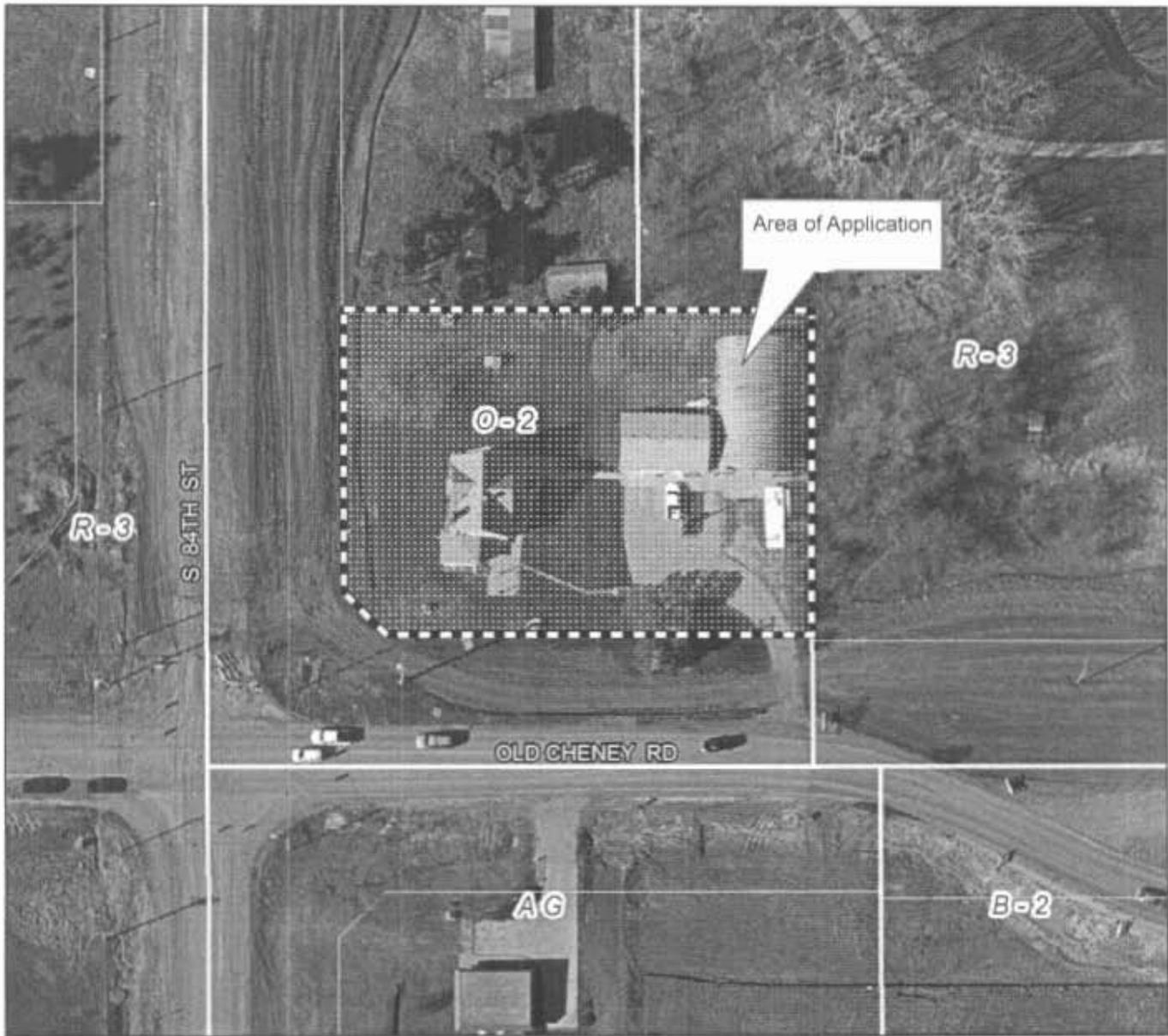
The Consent Agenda consisted of the following items: ***CHANGE OF ZONE NO. 07042, SPECIAL PERMIT NO. 07031, SPECIAL PERMIT NO. 07004 and SPECIAL PERMIT NO. 07036.***

Ex Parte Communications: None.

Item No. 1.2, Special Permit No. 07004, and Item No. 1.3, Special Permit No. 07036, were removed from the Consent Agenda and scheduled for separate public hearing.

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

Note: This is final action on Special Permit No. 07031, Special Permit No. 07004 and Special Permit No. 07036, 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.



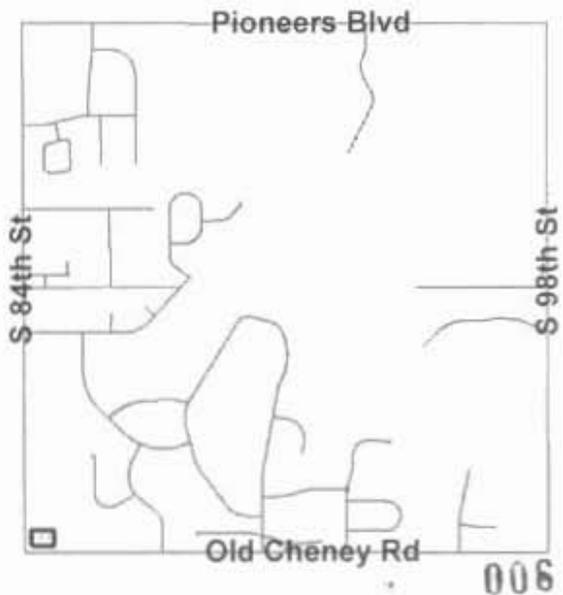
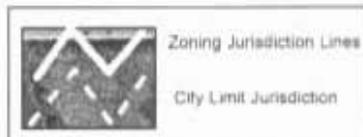
**Special Permit #07031 & Change of Zone #07042
S 84th St & Old Cheney Rd**

2005 aerial

Zoning:

- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential 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 T09N R07E



HIMARK

ESTATES

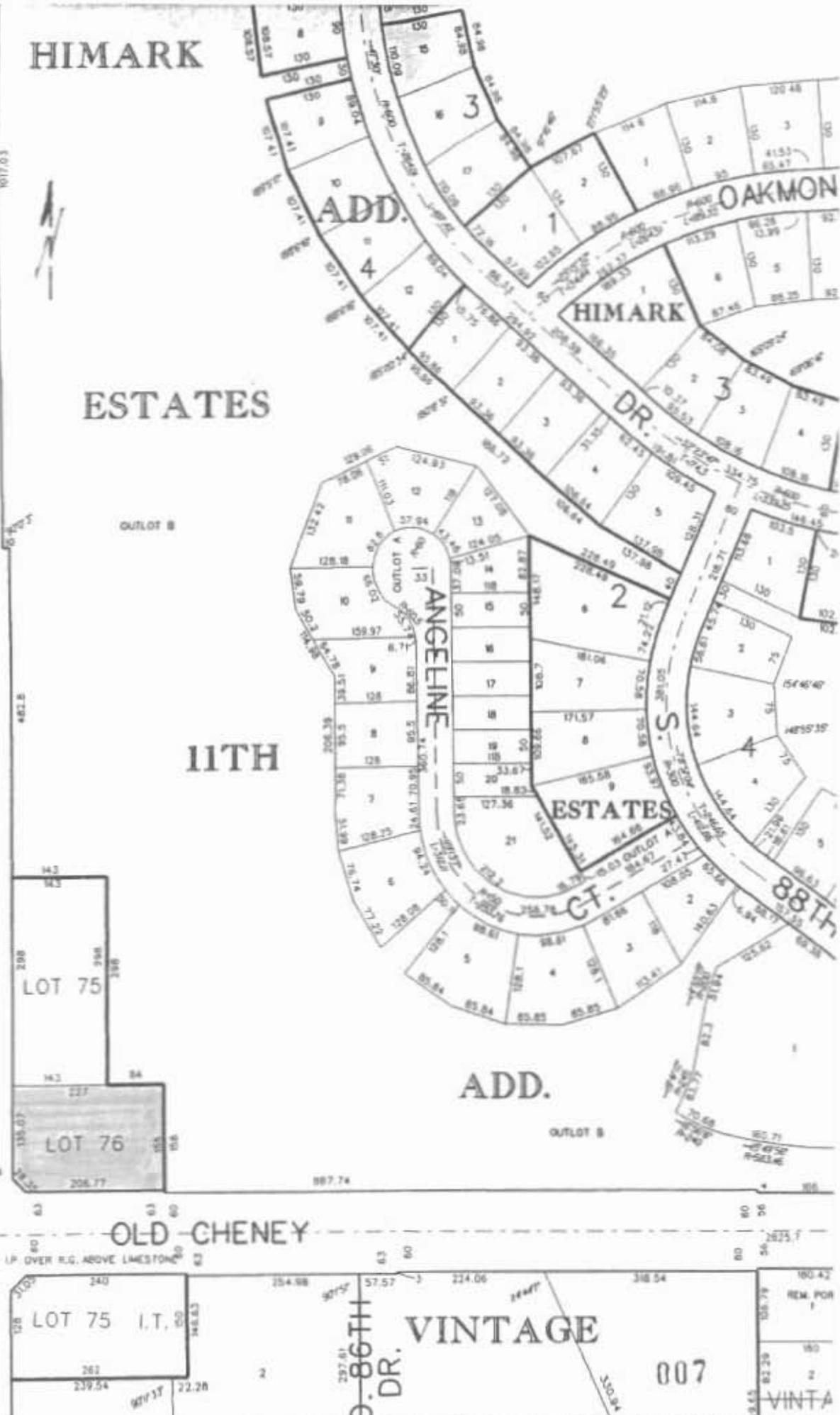
11TH

OLD CHENEY

ADD.

VINTAGE

007



LAW OFFICES

WOLFE, SNOWDEN, HURD, LUERS & AHL, LLP

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STEPHEN L. AHL
DEAN J. SITZMANN
THOMAS C. SATTLER
WILLIAM L. TANNEHILL

NICHOLE S. BOGEN
MELANIE J. WHITAMORE-MANTZIOS
DANIEL R. SLAUGHTER
RENEE EVELAND
DAVID V. CHIPMAN
ERIN C. DUGGAN PEMBERTON
MARK A. HASSEBROOK

August 7, 2007

Marvin Kraut, Director
City-County Planning Department
555 S. 10th Street
Lincoln, Nebraska 68508

Re: Change of Zone & Special Permit
Applications; 84th & Old Cheney Road

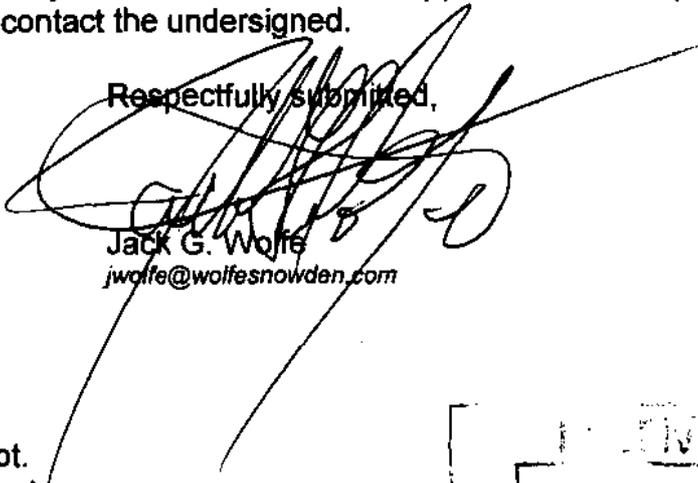
Dear Mr. Kraut:

It appears from a review of the revised site plan that we will need to revise the above-captioned applications. I enclose another copy of the revised site plan for your reference.

Please consider this correspondence as a revision to the applications previously provided on the above-captioned matter to include a waiver of the Design Standard, Chapter 3.50 (Section 7.1 and Section 7.5).

If additional information is necessary relative to this revised application and requested waiver, please do not hesitate to contact the undersigned.

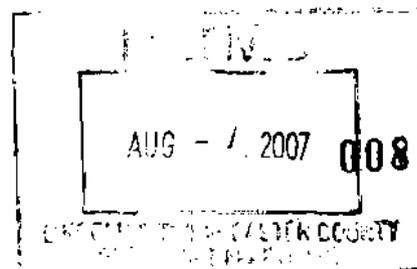
Respectfully submitted,


Jack G. Wolfe
jwolfe@wolfesnowden.com

JGW/bdc
Enclosure

VIA HAND DELIVERY

pc: (1) Brian Will, Planning Dept.
(2) Southeast Lincoln Animal
Medical Center, LLC





"Jack Wolfe"
<JWolfe@wolfesnowden.com
>

07/24/2007 10:19 AM

To <BWill@ci.lincoln.ne.us>

cc "Jim Himmelberg" <lincvet27@alltel.net>

bcc

Subject RE: Special Permit #07031 - SE Lincoln Animal Med Clinic

Brian:

On behalf of the property owners I do hereby request a one (1) month delay in the processing of both the Zoning application as well as the Special Permit application covering 8400 Old Cheney Road.

If you need anything additional, please advise.

Jack G. Wolfe
Wolfe, Snowden, Hurd, Luers & Ahl, LLP
Suite 800, Wells Fargo Center
1248 "O" Street
Lincoln, NE 68508
Telephone: (402) 474-1507
Facsimile: (402) 474-3170
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ERIN C. DUGGAN PEMBERTON
MARK A. HASSEBROOK

July 18, 2007

Marvin Kraut, Director
City-County Planning Department
555 S. 10th Street
Lincoln, Nebraska 68508

Re: Change of Zone & Special Permit
Applications; 84th & Old Cheney Road

Dear Mr. Kraut:

Enclosed please find the following documents, to wit:

1. Application for Change of Zone from O-2 to B-1;
2. Special Permit Application under 27.63.790 for the operation of an indoor animal hospital;
3. Check in the amount of Six Hundred Twenty Dollars (\$620.00) from Southeast Lincoln Animal Medical Center, LLC for both applications;
4. Ownership Certificate for Lot 76, 11-9-7, a/k/a 8400 Old Cheney Road, Lincoln, Nebraska;
5. Plat map of the proposed zoning change; and
6. Letter from applicant indicating the purpose of the applications.

Please note that the proposed building has not been sited yet but when situated on the lot will meet all area requirements of a B-1 zoned lot with the exception that the applicants are requesting a waiver of the 200-foot distance from a residential district requirement. We believe there are extraordinary circumstances which lend themselves to such a waiver.

Marvin Kraut, Director
July 18, 2007
Page 2

Please also note that the undersigned is the contact person named on both applications, and in the event additional information is needed or required to process these applications timely, do not hesitate to give me a call.

Respectfully submitted,

A large, stylized handwritten signature in black ink, appearing to read 'Jack G. Wolfe', is written over the typed name and email address.

Jack G. Wolfe
jwolfe@wolfesnowden.com

JGW:bdc
Enclosures
VIA HAND DELIVERY
pc: Southeast Lincoln Animal
Medical Center, LLC



Status of Review: Complete

Reviewed By Building & Safety

Terry Kathe

Comments:

Status of Review: Approved

07/19/2007 2:54:14 PM

Reviewed By Building & Safety

BOB FIEDLER

Comments: approved

Status of Review: Complete

08/03/2007 10:36:31 AM

Reviewed By Fire Department

ANY

Comments: We have no issues from the perspective of our department.

Status of Review: Approved

08/01/2007 2:59:05 PM

Reviewed By Health Department

ANY

Comments: LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT
INTER-OFFICE COMMUNICATION

TO: Brian Will DATE: August 1, 2007

DEPARTMENT: Planning FROM: Chris Schroeder

ATTENTION: DEPARTMENT: Health

CARBONS TO: EH File SUBJECT: Southeast Lincoln

EH Administration Animal Medical Center,

LLC SP #07031

CZ #07042

The Lincoln-Lancaster County Health Department has reviewed the special permit and change of zone applications with the following noted :

Developers are responsible for all mosquito control issues during the building process and all outlots, green-spaces, and/or natural corridors subsequently controlled by the homeowners association for that subdivision would be responsible for vectors of zoonotic disease in those areas.

All wind and water erosion must be controlled during construction. The Lower Platte South Natural Resources District should be contacted for guidance in this matter.

During the construction process, the land owner(s) will be responsible for controlling off-site dust emissions in accordance with Lincoln-Lancaster County Air Pollution Regulations and Standards Article 2 Section 32. Dust control measuras shall include, but not limited to application of water to roads, driveways, parking lots on site, site frontage and any adjacent business or residential frontage. Planting and maintenance of ground cover will also be incorporated as necessary.

Status of Review: Complete

08/09/2007 12:03:50 PM

Reviewed By Lincoln Police Department

NCSBJW

Comments: Mr. Will,

The Lincoln Police Department does not object to the Southeast Lincoln Animal Medical Center, LLC, Special Permit #SP07031, and Change of Zone #CZ07042.

Status of Review: Active

Reviewed By Planning Department

BRIAN WILL

Comments:

Status of Review: Routed

Reviewed By Planning Department

COUNTER

Comments:

013

Status of Review: Complete

07/20/2007 11:39:55 AM

Reviewed By Planning Department

RAY HILL

Comments: A site plan should be included.

Status of Review: Complete

07/23/2007 4:06:06 PM

Reviewed By Public Works - Development Services

SIETDQ

Comments: Memorandum□□

□

To:□ Brian Will, Planning Department

From:□ Charles W. Baker, Public Works and Utilities

Subject:□ Southeast Lincoln Animal Medical Center LLC

Special Permit #07031 and Change of Zone #07042

Date:□ July 23, 2007

cc:□ Randy Hoskins

□

The City Engineer's Office of the Department of Public Works and Utilities has received the Southeast Lincoln Animal Medical Center LLC Special Permit #07031 and Change of Zone #07042 located on the northeast corner of 84th and Old Cheney Road. Public Works has no comment until a site plan of the proposed layout is submitted for review.

S. 24th STREET

48' R.O.W. 64' R.O.W.

NOTES:

1. OCCUPANCY IS V.B.
2. NO PARKING LOT LIGHTING.
3. LOT LINES & MARKERS ARE FROM A SURVEY, BUT EXISTING SIDEWALK & CURBS ALONG S&B ST., OLD CHENEY RD. ARE NOT.
4. EXTRA PARKING STALLS ARE SHOWN FROM POSSIBLE FUTURE EXPANSION (1085 SQ. FT.).
5. LANDSCAPING TO BE DONE LATER BY LANDSCAPING CONTRACTOR.

CONCRETE LINES OR MARKERS OF PAV.

60' R.O.W. 85' R.O.W.

OLD CHENEY RD.

EXISTING STREET CROWN NOT SHOWN
EXISTING SIDEWALK NOT SHOWN

EXISTING CURB NEEDS TO BE CUT TO MEET DRIVEWAY TO 28'-0"

60' R.O.W. 60' R.O.W.

EXISTING 10' SIDEWALK - NOT SURVEYED

POSSIBLE FUTURE EXPANSION APPROX. 1085 SQ. FT.

3284 SQ. FT. BUILDING

8" CONC. ASHLAR & 1/2" EXPANDED

CLAMP NAILS UP TO SIDEWALK 2 PLACES

8" SIDEWALK

8" SIDEWALK

8" CONC. AS NEEDED TYP.

18'-0"

20'-0"

18'-0"

18'-0"

18'-0"

18'-0"

18'-0"

18'-0"

18'-0"

18'-0"

18'-0"

18'-0"

RESTRICTIVE PROVISION TO ALLOW PARKING LOT EXPANSION IN THIS AREA. OWNER SHALL BE RESPONSIBLE FOR THE PROVISION OF DRIVEWAY TO LOT LINE AND DRIVEWAY IN RELATION TO OWNER'S LOT.

AT LEAST 2 SHADE TREES ARE REQUIRED WITHIN 8' OF CURB TO SURVEY PARALLEL LOT.

DRIVEWAY

LOT LINES

PROPERTY MARKER

PROOF COPY OF EXISTING CURB NOT SURVEYED

EXISTING STREET MARKERS TO BE MAINTAINED WITHIN 10' OF CURB TO SURVEY PARALLEL CONCRETE

DRIVEWAY TO CONNECT TO NEIGHBOR'S PROPERTY

145.00'

64.00'

155.00'



VINTAGE HEIGHTS VETERINARY CLINIC
 8400 OLD CHENEY ROAD
 LINCOLN, NEBRASKA
 51, 74, 81, 88 MUNICIPAL, HERNDON
 11 LOT 76 5M