

City Council Introduction: **Monday**, April 20, 2009
Public Hearing: **Monday**, April 27, 2009, at **5:30 p.m.**

Bill No. 09-53

FACTSHEET

TITLE: **CHANGE OF ZONE NO. 09008**, from P Public Use District to O-3 Office Park District, requested by Southeast Community College, on property generally located at approximately North 90th Street and "O" Street.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: Consent Agenda, 04/08/09
Administrative Action: 04/08/09

STAFF RECOMMENDATION: Approval.

RECOMMENDATION: Approval (8-0: Gaylor Baird, Carroll, Francis, Partington, Sunderman, Esseks, Larson and Taylor voting 'yes'; Cornelius absent).

ASSOCIATES REQUESTS: Annexation No. 08005 (09-52).

FINDINGS:

1. This is a request for change of zone from AG Agricultural to O-3 Office Park and was heard before the Planning Commission at the same time as the associated requests for Annexation No. 08005 and Use Permit No. 09001 on property generally located at approximately North 90th Street and "O" Street.
2. This change of zone request and the associated annexation and use permit are being requested by Southeast Community College to facilitate a partnership with the Nebraska Institute for Forensic Sciences for the construction of facilities to accommodate activities such as research, laboratories, a library, a forensic sciences museum, exhibit space and classrooms.
3. The staff recommendation of approval is based upon the "Analysis" as set forth on p.3, finding that the proposed change of zone is in conjunction with a use permit to allow 125,000 square feet of office space to be owned by Southeast Community College, but leased to a private entity. P zoning is for public entities, so the zoning must be changed to allow such use, even though Southeast Community College retains ownership of the property.
4. On April 8, 2009, this application appeared on the Consent Agenda of the Planning Commission and was opened for public hearing. No one came forward to speak.
5. On April 8, 2009, the Planning Commission agreed with the staff recommendation and voted 8-0 to recommend approval.
6. On April 8, 2009, the Planning Commission also voted 8-0 to recommend approval of the associated Annexation No. 08005, and voted 8-0 to adopt Resolution No. PC-01161 approving the associated Use Permit No. 09001, a copy of which has previously been provided to the City Council.
7. As of the date of this Factsheet, the associated Use Permit No. 09001 has not been appealed.

FACTSHEET PREPARED BY: Jean L. Preister

DATE: April 13, 2009

REVIEWED BY: _____

DATE: April 13, 2009

REFERENCE NUMBER: FS\CC\2009\CZ.09008+

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for APRIL 8, 2009 PLANNING COMMISSION MEETING

- PROJECT #:** Change of Zone No. 09008
- PROPOSAL:** From P Public Use District to O-3 Office Park District
- LOCATION:** Approximately N. 90th Street and O Street
- LAND AREA:** 7.79 acres, more or less.
- EXISTING ZONING:** P Public Use District
- CONCLUSION:** The proposed change of zone is in conjunction with a use permit to allow 125,000 square feet of office space owned by Southeast Community College (SCC), but leased to a private entity. P zoning is for public entities, so the zoning must be changed to allow such a use, even if it is under the ownership of SCC.

<u>RECOMMENDATION:</u>	Approval
-------------------------------	----------

GENERAL INFORMATION:

LEGAL DESCRIPTION: See attached.

EXISTING LAND USE: Parking lot and undeveloped land on the SCC campus.

SURROUNDING LAND USE AND ZONING:

- North: P Public Use District-ball field and undeveloped land on SCC's campus.
- South: P Public Use District-undeveloped land on SCC's campus.
AG Agriculture District-farmland
- East: P Public Use District-undeveloped land on SCC's campus.
- West: P Public Use District-parking, drive aisles, recreation, and undeveloped land on SCC's campus.

ASSOCIATED APPLICATIONS:

- Annexation #08005
Use Permit #09001

HISTORY:

April 17, 2006: Annexation #05003 was approved by City Council. The annexation included portions of this change of zone application.

COMPREHENSIVE PLAN SPECIFICATIONS:

This area is designated as “Public and Semi-Public” in the 2030 Comprehensive Plan Future Land Use Plan. (p. 19)

Public and Semi-Public: Areas of public or semi-public land use and/or structures that serve the general public. Only the largest facilities are shown on the land use plan. Some small scale public and semi-public land uses may be found within all land use designations. Highways and interstates are also included in this category. (p. 16)

UTILITIES: The site will be served by extensions of water and sewer lines that serve SCC’s main building.

TOPOGRAPHY: The site is lower in elevation than SCC’s main building.

TRAFFIC ANALYSIS: O Street is an Urban Principal Arterial.

PUBLIC SERVICE: The closest fire station is Fire Station #12 near S. 84th Street and South Street.

ALTERNATIVE USES: SCC could develop the property with educational buildings or other public uses.

ANALYSIS:

1. The change of zone and associated applications are requested by SCC to facilitate a partnership with the Nebraska Institute for Forensics Sciences. The institute has requested to lease ground on SCC’s campus and would like to construct facilities to accommodate activities such as research, laboratories, a library, a forensics science museum, exhibit space, and classrooms.
2. The proposed change of zone and use permit are located in an area designated as “Public and Semi-Public” in the Future Land Use Plan. The proposed use of the office space will provide some courses and training for students of forensics.
3. The change of zone application is accompanied by an annexation request and a use permit. O-3 zoning requires a use permit. Use Permit #09001 includes the same legal description. The portion of proposed zoning along the driveway and 50 feet of frontage on O Street is a zoning requirement for the O-3 District.
4. The property will remain under the ownership of Southeast Community College, but since there will be a long-term lease with a private agency, the property cannot be zoned P Public Use District.
5. Change of Zone #09008 from P Public Use District to O-3 Office Park District includes some area which is currently outside of the city limits. Allowing urban zoning outside of the city limits is against policy. Annexation #08005 will bring all of the land mentioned in Change of Zone #09008 into the City.

CONDITIONS OF APPROVAL:

Site Specific Conditions:

1. The City Council approves associated request:
 - 1.1 Annexation #08005

Prepared by:

Brandon M. Garrett, AICP
Planner

DATE: March 31, 2009

APPLICANT: Lyle Loth
ESP
601 Old Cheney Rd, Ste. A
Lincoln, NE 68512

OWNER: Southeast Community College
8800 O Street
Lincoln, NE 68502

**ANNEXATION NO. 08005
and
CHANGE OF ZONE NO. 09008**

**CONSENT AGENDA
PUBLIC HEARING & ADMINISTRATIVE ACTION
BEFORE PLANNING COMMISSION:**

April 8, 2009

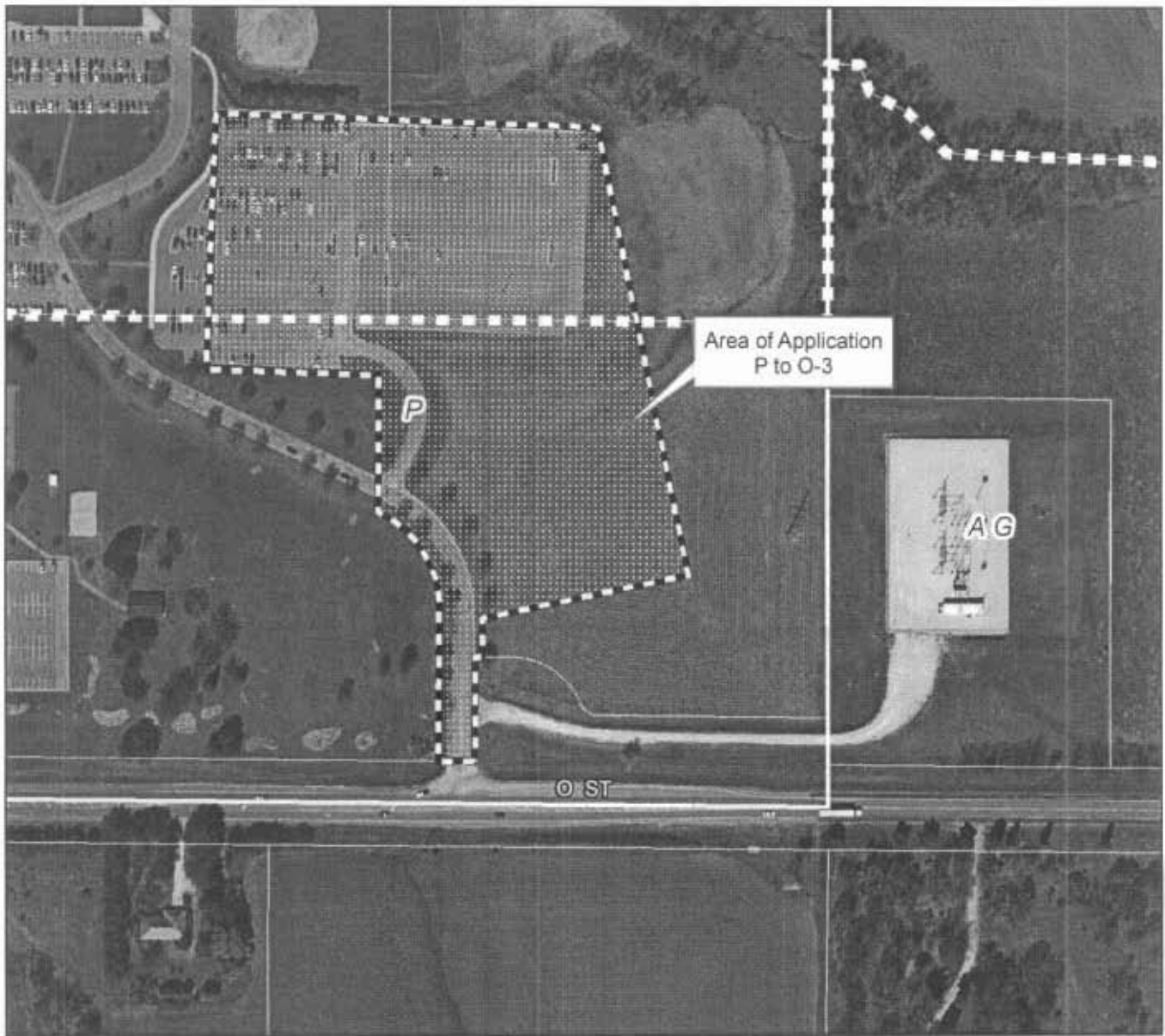
Members present: Gaylor Baird, Carroll, Esseks, Francis, Larson, Partington, Sunderman and Taylor; Cornelius absent.

The Consent Agenda consisted of the following items: **COMPREHENSIVE PLAN CONFORMANCE NO. 09004, ANNEXATION NO. 08005, CHANGE OF ZONE NO. 09008, USE PERMIT NO. 09001, CHANGE OF ZONE NO. 09007, SPECIAL PERMIT NO. 09004 AND USE PERMIT NO. 140C.**

Ex Parte Communications: None

Item 1.1, Comprehensive Plan Conformance No. 09004, was removed from the Consent Agenda and scheduled for separate public hearing.

Larson moved approval of the remaining Consent Agenda, seconded by Sunderman and carried 8-0: Gaylor Baird, Carroll, Esseks, Francis, Larson, Partington, Sunderman and Taylor voting 'yes'; Cornelius absent.



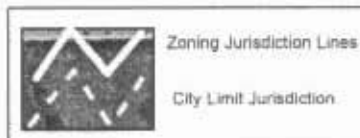
**Change of Zone #09008 and Use Permit #09001
N 90th & O St**

2007 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. 23 T10N R07E



**SOUTHEAST COMMUNITY COLLEGE
CHANGE OF ZONE (P TO O-3)
LEGAL DESCRIPTION**

A portion of Irregular Tract Lots 15, 16 & 19 all located in the Southwest Quarter of Section 23, Township 10 North, Range 7 East of the Sixth Principal Meridian, Lancaster County, Nebraska, more particularly described as follows:

Commencing at the Southeast Corner of the Southwest Quarter of said Section 23, thence along the South section line of said Southwest Quarter N. 89°25'20" W., a distance of 502.62 feet; Thence N. 00°34'40" E., a distance of 60.00 feet to the POINT OF BEGINNING;

Thence N. 89°25'20" W., a distance of 50.00 feet;

Thence N. 00°34'40" E., a distance of 208.54 feet to a point on a circular curve to the left having a radius of 150.00 feet, a central angle of 65°57'05" and whose chord (163.29 feet) bears N. 32°23'52" W.;

Thence on the arc of said circular curve 172.66 feet;

Thence N. 00°34'40" E., a distance of 192.00 feet;

Thence N. 88°00'50" W., a distance of 245.00 feet;

Thence N. 01°59'10" E., a distance of 356.12 feet;

Thence S. 88°00'50" E., a distance of 542.14 feet;

Thence S. 11°42'09" E., a distance of 638.00 feet;

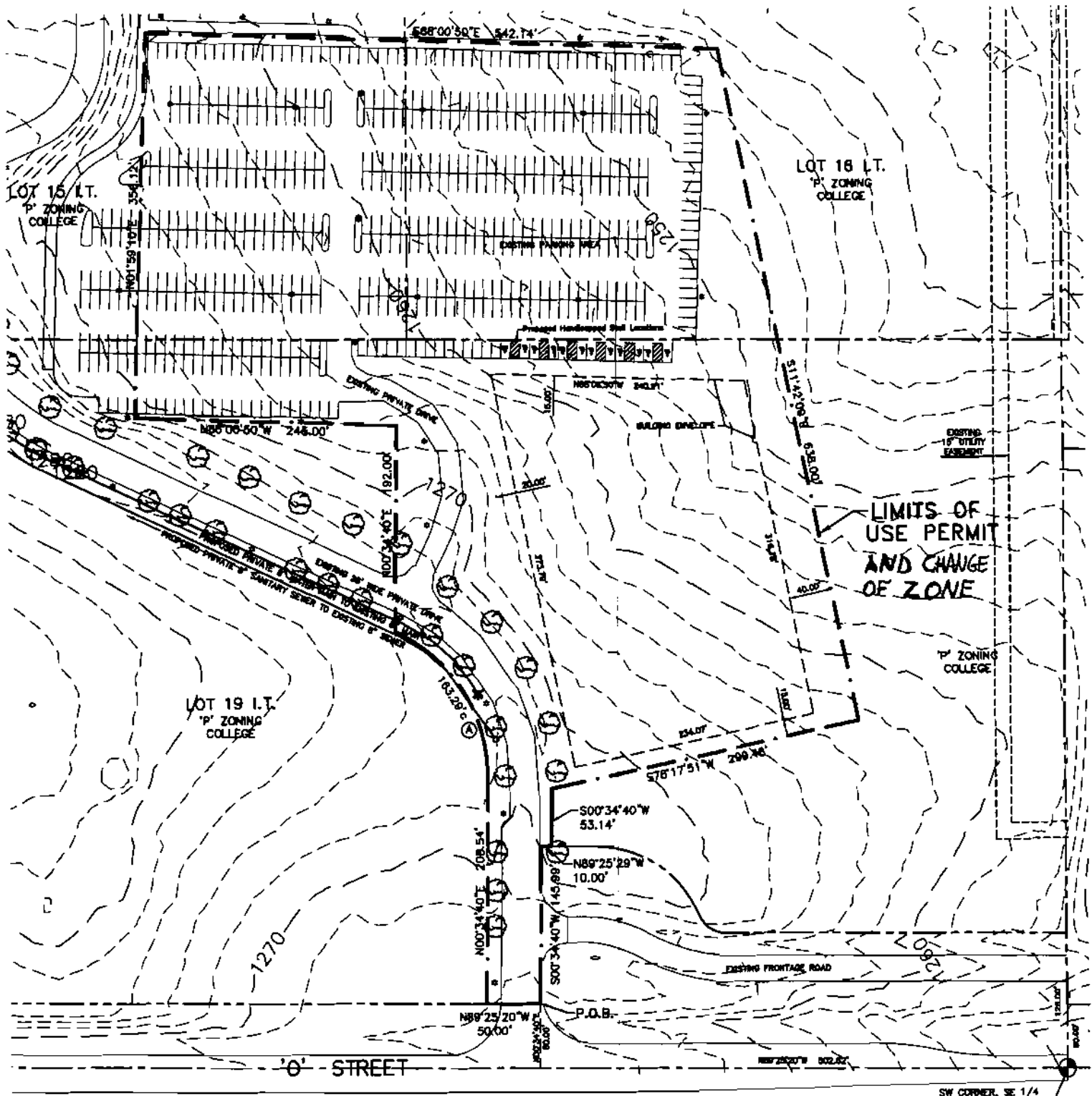
Thence S. 78°17'51" W., a distance of 299.48 feet;

Thence S. 00°34'40" W., a distance of 53.14 feet;

Thence N. 89°25'29" W., a distance of 10.00 feet;

Thence S. 00°34'40" W., a distance of 145.99 feet to the POINT OF BEGINNING and containing a calculated area of 339,467.83 square feet or 7.79 acres.

Including the adjacent right-of-way.



SW CORNER, SE 1/4
SEC. 23, T10N, R7E



Status of Review: Approved

Reviewed By: ANY

Comments:

Status of Review: Active

Reviewed By: 911 ANY

Comments:

Status of Review: Approved

Reviewed By: Alltel ANY

Comments:

Status of Review: FYI

03/13/2009 2:17:34 PM

Reviewed By: Building & Safety Terry Kathe

Comments: unable to determine parking compliance

Parking off premise is not an option in O-3 zoning district.

Status of Review: Approved

03/17/2009 7:46:12 AM

Reviewed By: Building & Safety ANY

Comments: approved

Status of Review: Active

Reviewed By: Fire Department ANY

Comments:

Status of Review: Approved

06/10/2008 9:31:08 AM

Reviewed By: Health Department

ANY

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

TO: Brandon Garrett DATE: June 9, 2008

DEPARTMENT: Planning FROM: Chris Schroeder

ATTENTION: DEPARTMENT: Health

CARBONS TO: EH File SUBJECT: South East Community

EH Administration College Annexation

AN #08005

The Lincoln-Lancaster County Health Department has reviewed the proposed annexation with the following noted:

According to the LLCHD's Geographic Information System (GIS) records, a high pressure underground natural gas pipeline is located along the southern edge of this proposed annexation. See the attached GIS map for the location of this underground pipeline. The LLCHD calculated a hazard area of approximately 154 feet on each side for this pipeline using the hazard area equation from report entitled, "A Model for Sizing High Consequence Areas Associated with Natural Gas Pipelines" prepared by Mark J. Stephens from C-FER Technologies. A hazard area or high consequence area is defined as the area within which the extent of property damage and the chance of injury would be expected to be significant in the event of a worst case scenario rupture failure.

At this time, there are no current regulations that prohibit the location of occupied buildings within hazard areas. However, according to the final report submitted by the Planning Commission and Board of Health Joint Committee on Health and Land Use, recommended that, in new developments, developers should avoid the Hazard Area as much as possible. For example, homes and businesses should be located out of the area as much as possible. Redesigning a site to place yards, parking or garages in the Hazard Area is preferable to having residences or businesses located in this potentially harmful area. Active recreation areas which would regularly draw large groups of people, such as playgrounds and baseball/soccer fields should not be placed in the Hazard Area as well.

Status of Review: Active

Reviewed By: Lancaster County Sheriff Department

ANY

Comments:

Status of Review: Active

Reviewed By: Law Department

ANY

Comments:

Status of Review: Approved

03/23/2009 2:52:45 PM

Reviewed By: Health Department

ANY

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

TO: Brandon Garrett DATE: March 23, 2009

DEPARTMENT: Planning FROM: Chris Schroeder

ATTENTION: DEPARTMENT: Health

CARBONS TO: EH File SUBJECT: SCC Use Permit and

EH Administration Change of Zone

CZ #09008 UP #09001

The Lincoln-Lancaster County Health Department has reviewed the change of zone and use permit application 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 owner, tenant, occupant, lessee, or otherwise, 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 measures 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: Active

Reviewed By: Law Department

ANY

Comments:

Status of Review: Active

Reviewed By: Lincoln Electric System

ANY

Comments:

Status of Review: Active

Reviewed By: Lincoln Police Department

ANY

Comments:

Status of Review: Routed

Reviewed By: Planning Department

COUNTER

Comments:

011

Status of Review: Active

Reviewed By: Planning Department

BRANDON GARRETT

Comments:

Status of Review: Complete

03/18/2009 2:42:40 PM

Reviewed By: Public Works - Development Services

SIETDQ

Comments: Memorandum□□

□

To:□Brandon Garrett, Planning Department

From:□Dennis Bartels, Engineering Services

Subject:□Southeast Community College Use Permit and Change of Zone #09008

Date:□March 18, 2009

cc:□Randy Hoskins

Ben Higgins

Brian Kramer

Nick McElvain

□

Engineering Services has reviewed the change of zone from P to O3 for a portion of the Southeast Community College Campus and a use permit for medical office and the following comments:

1.□Water Service - The development is part of the SCC campus which is served by a private water service. Extending an 8" private water service from the existing water service as shown is satisfactory provided that adequate fire protection can be provided.

2.□Sewer Service - The plan shows extension of an 8" sewer from the existing SCC service. This is satisfactory if grades will allow. The plan however shows approximately 8' rise from the terminus of the sewer northwest towards the existing sewer. Grades likely will not allow an 8" gravity service. If the building waste must be ejected from the building up to the existing gravity system, a pipe system smaller than 8" and without a manhole as shown is likely. An ejector system to serve the building is satisfactory.

3.□Parking - Sharing an existing parking lot and driveway system with existing SCC facilities is satisfactory to Public Works.

4.□No grading or drainage is shown on the site plan. Due to the location within the campus, this is satisfactory to Engineering Services.

Status of Review: Active

Reviewed By: Public Works - Long Range Planning

ANY

Comments:

Status of Review: Active

Reviewed By: School District

ANY

Comments:



LYLE L. LOTH, P.E./L.S.

Suite A - 601 Old Cheney Road
Lincoln, NE 68512

Phone (402) 421-2500
Fax (402) 421-7096

Email: lyle@espeng.com

March 11, 2009

Mr. Marvin Krout, AICP
Director of Planning
Brandon Garrett & Rashi Jain, Planners
City of Lincoln/ Lancaster County
555 South 10th Street
Lincoln, NE 68508

RECEIVED

MAR 11 2009

Lincoln/Lancaster Co.
Planning Department

RE: SOUTHEAST COMMUNITY COLLEGE
North 84th and 'O' Streets approximately
USE PERMIT & CHANGE OF ZONE FROM 'P' TO 'O-3'

Dear Marvin,

On behalf of Southeast Technical Community College, we are submitting a Use Permit and requesting a Change of Zone from 'P' to 'O-3' on 6.86 acres within the campus of the Southeast Community College. We also request that the annexation of the remaining portion of Irregular Tract Lot 19, which was previously submitted with Annexation #08005, proceed in the process.

The proposed use within the Use Permit is for 125,000 square feet of medical office. A forensic specialist will use the entire area for his practice with laboratories, offices and classrooms. The college will be working with the forensic specialist to utilize the classrooms to further the resources of learning to their students. The exhibits within the building will be open to the public for no charge at certain times within the week as set by the forensic specialist.

Through working with the City of Lincoln staff, it has been determined that the sanitary sewer needed for this project can be furnished by connecting to an existing public sewer west of the college. The water line has been shown to connect to an existing private water line. The proposed location of the utilities has been shown on the plan. The exact location will be addressed at the time of building permits.

The required parking for the proposed use will be furnished from the existing parking area of the college. The use of the building will be for the forensic practice and student learning. The college gym and cafeteria area show a required parking of 292 stalls. After removing 564 stalls for the use permit, including handicapped ramps, the college remains with 1,326 stalls.

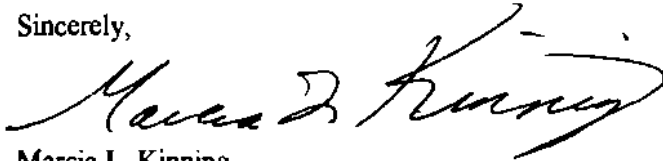
013

Page 2

The building configuration has not been determined, due to the uncertainty of the approval of this application. Once this application is approved, the owner/developer will be reassured that the additional investment of designing a building/buildings is affordable. Because of this, the pedestrian circulation, landscape plans and grading plans for the individual building/buildings shall be addressed at the time of building permits.

Please contact me if you have any questions or comments.

Sincerely,



Marcia L. Kinning

Cc: Southeast Community College
Nebraska Institute for Forensic Sciences

Enclosures: 12 Copies of Use Permit
Application for a Use Permit & Change of Zone
Use Permit Fee of \$2,400.00
Change of Zone Fee of \$890.00
Change of Zone Exhibit
Legal Description
8 ½ x 11 Use Permit Reductions
Certificate of Ownership