

FACTSHEET

TITLE: **CHANGE OF ZONE NO. 10028**, from O-2 Suburban Office District, R-3 Residential District and AG Agriculture District to I-2 Industrial Park District, requested by Par 5 Partners, LLC, on property generally located at US Highway 34 and West Fletcher Avenue.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: Consent Agenda: 04/06/11
Administrative Action: 04/06/11

STAFF RECOMMENDATION: Approval, subject to a conditional zoning agreement.

RECOMMENDATION: Approval, subject to a Conditional Zoning Agreement (9-0: Gaylor Baird, Cornelius, Esseks, Francis, Larson, Lust, Partington, Taylor and Sunderman voting 'yes').

ASSOCIATED REQUEST: Conditional Zoning Agreement (11R-116)

FINDINGS:

1. This is a request for change of zone from O-2 Suburban Office, R-3 Residential and AG Agriculture to I-2 Industrial Park on 4.56 acres, more or less, generally located at US Highway 34 and W. Fletcher Avenue.
2. The staff recommendation of approval, subject to a conditional zoning agreement relinquishing access to W. Fletcher Avenue, is based upon the "Analysis" as set forth on p.3-4, concluding that the change of zone to I-2 is compatible with the surrounding land use and is in conformance with the Comprehensive Plan.
3. On April 6, 2011, 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 April 6, 2011, the Planning Commission agreed with the staff recommendation and voted 9-0 to recommend approval, subject to a conditional zoning agreement relinquishing access to W. Fletcher Avenue.
5. The associated Conditional Zoning Agreement has been executed by the applicant/owner and is also being introduced as Bill #11R-116 on May 16, 2011.

FACTSHEET PREPARED BY: Jean L. Preister

DATE: May 9, 2011

REVIEWED BY: _____

DATE: May 9, 2011

REFERENCE NUMBER: Q:\FS\CC\2011\CZ10028+

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for APRIL 6, 2011 PLANNING COMMISSION MEETING

PROJECT #: Change of Zone No. 10028

PROPOSAL: From O-2, R-3 and AG to I-2

LOCATION: U.S. Hwy 34 and West Fletcher Ave.

LAND AREA: 4.56 acres, more or less

EXISTING ZONING: O-2, Suburban Office, R-3, Residential and AG, Agricultural

CONCLUSION: The change of zone to I-2 is compatible with the surrounding land use and is in conformance with the comprehensive plan. The Planning Department supports this change of zone with the applicant agreeing to relinquish access to W. Fletcher Ave.

RECOMMENDATION:	Conditional approval
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GENERAL INFORMATION:

LEGAL DESCRIPTION: Lot 4 and 20 Irregular Tracts located in the NE 1/4 of Section 3-10-06 and the remaining portion of Lot 1, Block 1, Highland North and Lot 57 Irregular Tract located in the NW 1/4 of Section 2-10-06

EXISTING LAND USE: Single family house

SURROUNDING LAND USE AND ZONING:

North: O-3, Office Park	Hwy 34 and undeveloped north of Hwy 34
South: I-2, Industrial Park	Manufacturing and undeveloped
East: R-3, Residential	Hwy 34 and Apartment complex east of highway
West: I-2, Industrial Park	Manufacturing
R-5, Residential	Apartment complex west of W. Fletcher Ave.

HISTORY:

February 7, 1977 Highland North final plat was approved by the City Council.

March 13, 1978 Highland Office Park final plat was approved by the City Council

April 24, 1985 Change of Zone #2172 to change Lots 2 & 3, Block 2, Highland Office Park from O-2 to I-2 located south and west of this application was approved by the City Council.

June 20, 1994

Change of Zone #2827 to change Lot 5, Block 2, Highland Office Park from O-2 to I-2 located south of this application was approved by the City Council.

COMPREHENSIVE PLAN SPECIFICATIONS:

Overall Form - Maximize the community's present infrastructure investment by planning for residential and commercial development in areas with available capacity. This can be accomplished in many ways including encouraging appropriate new development on unused land in older neighborhoods, and encouraging a greater amount of commercial space per acre and more dwelling units per acre in new neighborhoods. (p.9)

Commercial: Areas of retail, office and service uses. Commercial uses may vary widely in their intensity of use and impact, varying from low intensity offices, to warehouses, to more intensive uses such as gas stations, restaurants, grocery stores or automobile repair. Each area designated as commercial in the land use plan may not be appropriate for every commercial zoning district. The appropriateness of a commercial district for a particular piece of property will depend on a review of all the elements of the Comprehensive Plan. (p.16)

Industrial: Areas where railroads, manufacturing, trucking and transportation facilities are the dominant land use. Some commercial activities may also take place in predominantly industrial districts, such as office, retail or warehouses. (p.16)

The Future Land Use Plan identifies this area as commercial and industrial. (p.19)

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 uses is often gradual. (p.23)

The City should work with developers interested in providing new industrial and office development sites.(p29)

The City and County shall recognize the valuable role that sales tax contributes to the community, which provides a substantial portion of City budget funds. (p.30)

TRAFFIC ANALYSIS:

W. Fletcher Ave is designated as minor arterial and Highway 34 is designated as a Principal Arterial in the 2030 Functional Street & Road Classification map.

ANALYSIS:

1. This property has I-2 zoning to the south and west. Highway 34 abuts it on the north and east. There is R-5 zoning west of West Fletcher Ave. The nearest point from the apartment to the proposed I-2 is approximately 300 feet.
2. The Lincoln-Lancaster County health Department does not object to the approval of this application.
3. The property to the south and west were rezoned from O-2 to I-2 in 1985 and 1994.
4. The State Department of Roads (NDOR) controls access to W. Fletcher Ave. south of Highway 34 where the existing access is located. The existing drive access to W. Fletcher Ave. will be removed once the house is removed per an agreement with NDOR.
5. Public Works and Planning Departments have requested that the applicant relinquish access to W. Fletcher Ave. Highland Office Park final plat granted a 60 feet wide ingress & egress

easement from W. Harvest Dr. to these lots. With this easement, access to W. Fletcher is not needed.

6. This proposed change of zone is compatible with the surrounding zoning and is in conformance with the 2030 Comprehensive Plan.

CONDITIONS OF APPROVAL:

1. The Developer signs a zoning agreement relinquishing access to W. Fletcher Ave before the City Council approves the change of zone.

Prepared by:

Tom Cajka
Planner

DATE: March 23, 2011

APPLICANT: Mark Hunzeker
600 Wells Fargo Center
1248 "O" St.
Lincoln, NE 68508

OWNER: Par 5 Partners, LLC

CONTACT: same as applicant

CHANGE OF ZONE NO. 10028

CONSENT AGENDA
PUBLIC HEARING & ADMINISTRATIVE ACTION
BEFORE PLANNING COMMISSION:

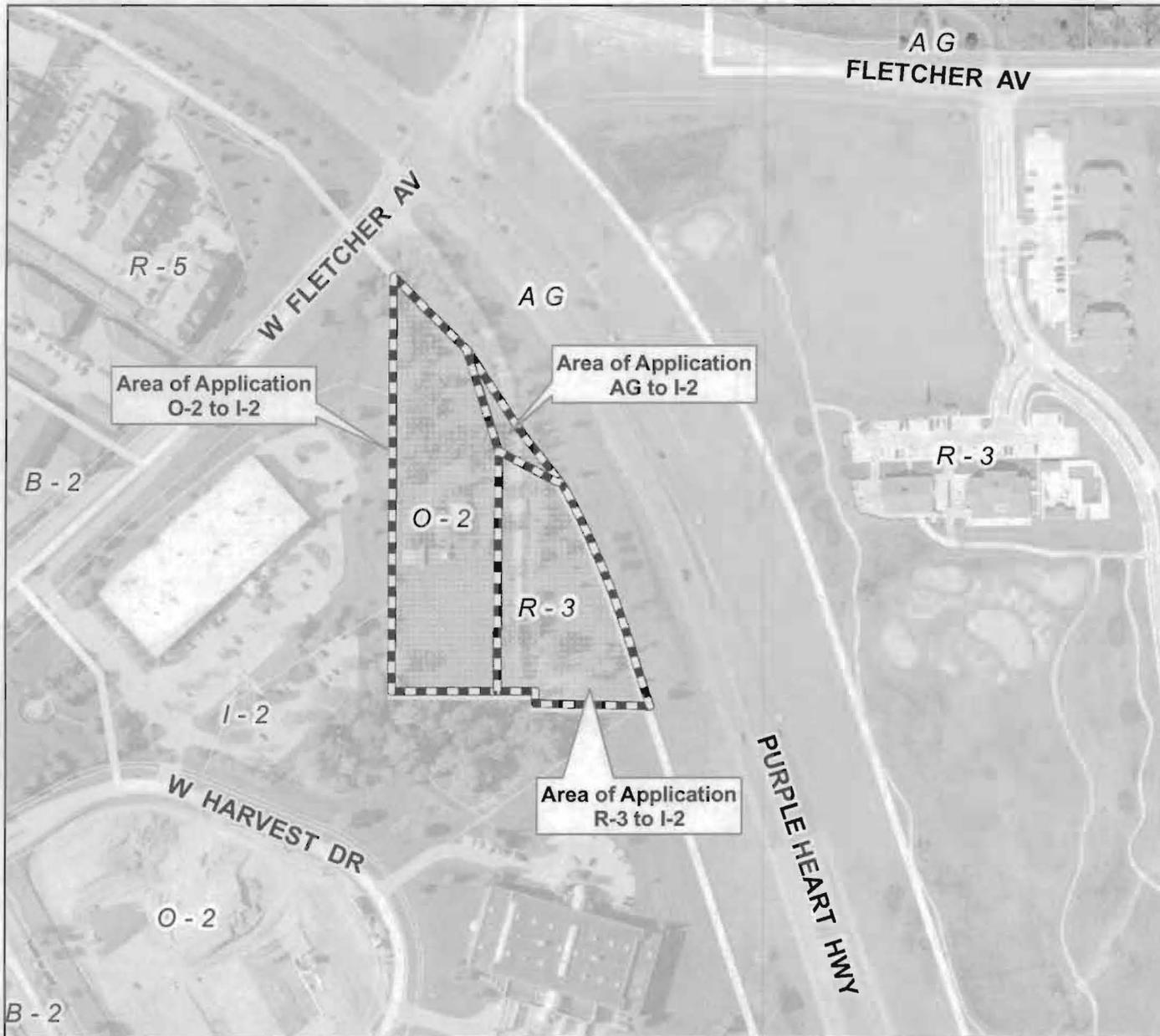
April 6, 2011

Members present: Gaylor Baird, Cornelius, Esseks, Francis, Larson, Lust, Partington, Sunderman and Taylor.

The Consent Agenda consisted of the following items: **CHANGE OF ZONE NO. 10028, CHANGE OF ZONE NO. 11008 and STREET AND ALLEY VACATION NO. 11004.**

Ex Parte Communications: None

Taylor moved approval of the Consent Agenda, seconded by Francis and carried 9-0: Gaylor Baird, Cornelius, Esseks, Francis, Larson, Lust, Partington, Sunderman and Taylor voting 'yes'.

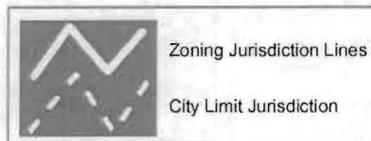
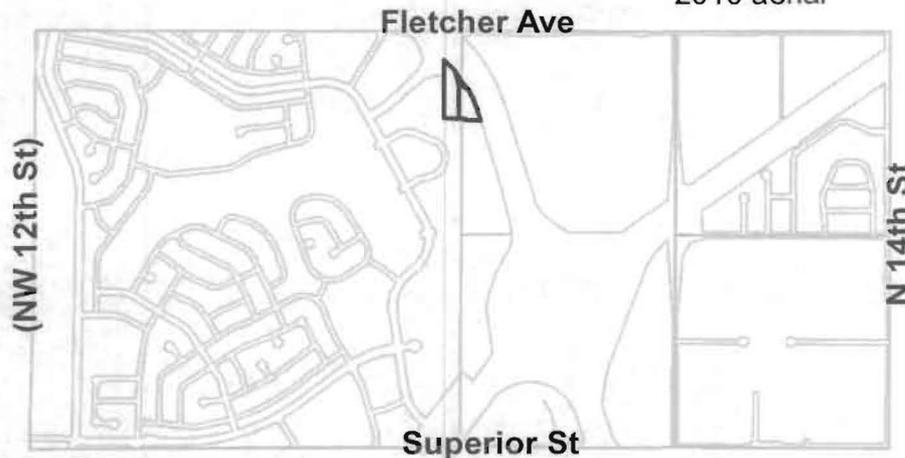


2010 aerial

Change of Zone #10028 Hwy 34 & W Fletcher Ave

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



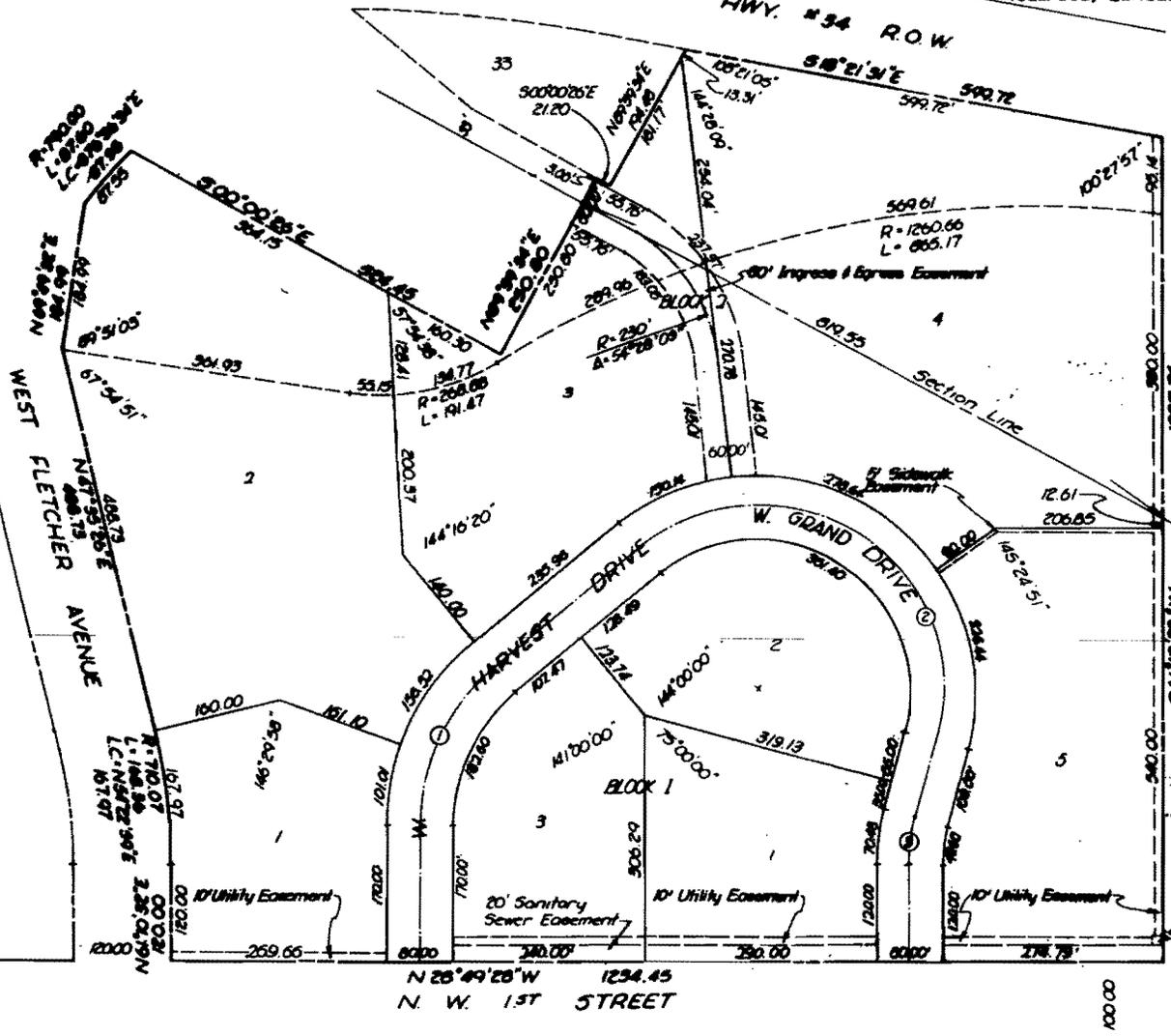
Two Square Miles
Sec. 2 T10N R06E
Sec. 3 T10N R06E



HIGHLAND OFFICE PARK

A Replot of Lot 1 Block 1 Highland North as Platted & Recorded, Lancaster County, Nebraska, Containing 29.43 Ac.

HWY. #34 R.O.W



Scale: 1"=100'

Note:
All lot curve dimensions are chord distances

INDEXED 9-128
MICRO-FILED #1910
GENERAL

LAND RECORDED
REGISTERED
1876 MAR 28 AM 8:32
EXTENDED BY #1850
FILED IN RECORDS
INST. NO. 78- 6993

Curve Data

① Δ-51°00'00"	② Δ-144°00'00"	③ Δ-15°00'00"
R-252.08	R-290.00	R-290.00
L-224.35	L-578.05	L-60.21
T-180.84	T-707.67	T-30.28
D-22.7692	D-24.9112	D-24.9112

L. Block & Associates, Inc.
11414 W. Center Road Suite 200
Omaha, Nebraska, 68144
(402) 590-2200 Sheet 2 of 2



WALTER E. ZINK II
RANDALL L. GOYETTE*
STEPHEN S. GEALY
GAIL S. PERRY
DALLAS D. JONES
JILL GRADWOHL SCHROEDER
DAVID A. DUDLEY
BRENDA S. SPILKER
STEPHANIE F. STACY
W. SCOTT DAVIS
MARK A. HUNZEKER

WILLIAM G. BLAKE
PETER W. KATT
CHRISTOPHER M. FERDICO
DARLA S. IDEUS
JARROD S. BOITNOTT
TIMOTHY E. CLARKE
ANDREW M. LOUDON
CHRISTINA L. BALL**
JENNY L. PANKO
CAROLINE M. WESTERHOLD*
JAMES D. HAMILTON*

AMANDA A. DUTTON
DEREK C. ZIMMERMAN
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TORREY L. JANUS GERDES

OF COUNSEL
DONALD R. WITT
ROBERT T. GRIMIT
J. ARTHUR CURTISS

*ALSO ADMITTED IN IOWA
**ALSO ADMITTED IN KANSAS

December 29, 2010

VIA EMAIL

Mr. Marvin Kraut
Director of Planning
555 South 10th Street
Lincoln, NE

RE: Attached Change of Zone Application

Dear Marvin:

Attached is an Application for Change of Zone from O-2 to I-2 for property owned by the Spilker Family Trust at the general location of Highway 34 and West Fletcher. The property is abutting and compatible with adjacent I-2 Zoning, and inappropriate for long term residential use. There are no immediate plans for development of the property; however, the owners feel it is important to have available legal uses defined to prospective buyers.

Please feel free to contact me if you have questions.

Sincerely,

Mark A. Hunzeker
For the Firm
mhunzeker@baylorevnen.com

MAH/Isoderquist
Attachment

457337