

City Council Introduction: **Monday**, November 18, 2013
Public Hearing: **Monday**, November 25, 2013, at **5:30 p.m.**

Bill No. 13R-263

FACTSHEET

TITLE: COMPREHENSIVE PLAN AMENDMENT NO. 13002, requested by the Director of Planning at the request of Lincoln Airport Authority, to amend the 2040 Lincoln-Lancaster County Comprehensive Plan to change approximately 477 acres, more or less, from Public and Semi-Public to Industrial; to add a Moderate to Heavy Industrial Center to the Existing and Proposed Industrial Centers map; and to change approximately 395 acres, more or less, from Tier I, Priority C, to Tier 1, Priority A, on property generally located at N.W. 27th Street and Highway 34.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: October 30, 2013
Administrative Action: October 30, 2013

RECOMMENDATION: Approval (8-0: Scheer, Beecham, Corr, Hove, Cornelius, Sunderman, Weber and Lust voting 'yes').

STAFF RECOMMENDATION: Approval

ASSOCIATED REQUESTS: Memorandum of Understanding (13R-264); Annexation No. 13005 (13-136); and Change of Zone No. 13022 (13-137).

FINDINGS OF FACT:

1. This Comprehensive Plan Amendment and the associated Annexation No. 13005 and Change of Zone No. 13022 were heard at the same time before the Planning Commission.
2. This is a request to amend the 2040 Future Land Use Plan to change approximately 477 acres from Public and Semi-Public to Industrial; to add a Moderate to Heavy Industrial Center to the Existing and Proposed Industrial Centers map; and to change approximately 395 acres from Tier 1, Priority C, to Tier 1, Priority A, in conjunction with a request for annexation and a change of zone from P Public and AG Agriculture to I-1 Industrial. The land is owned by Lincoln Airport Authority and will be leased for future development. The specific amendments to the Comprehensive Plan are found on p.4.
3. The staff recommendation of approval is based upon the "Analysis" and "Summary" as set forth on p.3-4, concluding that the change of land use designation to Industrial and the change to Tier 1, Priority A, creates a very large and flexible area for potential future large employers within proximity to developed industrial areas and at a multi modal hub for air traffic, rail service, highway and interstate. Based on the Memorandum of Understanding associated with the annexation request, the proposed amendments to the Comprehensive Plan are appropriate. The staff presentation is found on p.6.
4. Testimony on behalf of the Lincoln Airport Authority is found on p.7.
5. There was no testimony in opposition.
6. On October 30, 2013, the Planning Commission agreed with the staff recommendation and voted 8-0 to recommend approval of this Comprehensive Plan Amendment, finding that this is a good location for an industrial center.
7. On October 30, 2013, the Planning Commission also agreed with the staff recommendation and voted 8-0 to recommend approval of the associated Annexation No. 13005 (Bill #13-136) and Change of Zone No. 13022 (Bill #13-137).

FACTSHEET PREPARED BY: Jean L. Preister
REVIEWED BY: Marvin Krout, Director of Planning
REFERENCE NUMBER: FS\CC\2013\CPA13002+

DATE: November 7, 2013
DATE: November 7, 2013

LINCOLN /LANCASTER COUNTY PLANNING STAFF REPORT
for October 30, 2013 Planning Commission Meeting

Project #: Comprehensive Plan Amendment #13002

PROPOSAL: Amend the 2040 Future Land Use Plan to change approximately 477 acres of land from Public and Semi Public to Industrial south of United States Highway 34, add a Moderate to Heavy Industrial Center to the Existing and Proposed Industrial Centers map, and to change approximately 395 acres from Tier I, Priority C to Tier I, Priority A.

CONCLUSION: Based on the Memorandum of Understanding associated with the annexation for the Lincoln Airport Authority's railpark, the amendments are appropriate.

<u>RECOMMENDATION:</u>	Approval of the proposed amendment
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GENERAL INFORMATION:

LOCATION: South of US Highway 34 and NW 31st Street

EXISTING LAND USE: undeveloped

ASSOCIATED APPLICATIONS: Annexation #13005 and Change of Zone #13022

HISTORY:

November 16, 2006 The 2030 Lincoln/Lancaster County Comprehensive Plan showed this area as Public and Semi-Public and Tier I, Priority A.

October 31, 2011 The 2040 Lincoln/Lancaster County Comprehensive Plan was adopted by City Council. The plan shows this area as Public and Semi-Public and Tier I, Priority C.

COMPREHENSIVE PLAN SPECIFICATIONS:

The Future Land Use Plan in the 2040 Comprehensive Plan identifies this area as Public and Semi-Public. (p. 1.9)

Focus primarily on retention and expansion of existing businesses. (p. 5.1)

Seek to efficiently utilize investments in existing and future public infrastructure to advance economic development opportunities. (p. 5.2)

Provide flexibility to the marketplace in siting future commercial and industrial locations. (p. 5.2)

Moderate to Heavy Industrial Centers:

Size

Moderate to Heavy Industrial Centers should be over 80 acres in size, with planned industrial centers of over 200 acres preferred. (p. 5.16)

Description

Moderate to Heavy Industrial Centers are primarily for manufacturing, processing and assembly uses such as Veyance, Archer Daniels Midland, and Kawasaki. In the past, large industrial users were often located in isolation from each other; preferably industries should locate together in planned industrial centers. Many industrial centers also include some warehouse, storage and contractor yard uses with a minor amount of supporting commercial use — but they should be and usually are over 75% industrial use. (p. 5.16)

Spacing

Moderate to Heavy Industrial uses are encouraged to locate near each other in planned industrial centers. Planned industrial centers should generally be distributed throughout the community. (p. 5.16)

Criteria

New industrial centers should be distant from existing or planned residential areas. Industrial uses should be located in close proximity to each other. Transitional uses (such as offices or commercial uses) should develop between Moderate to Heavy Industrial Centers and residential uses. In redeveloping areas, lesser setbacks may be acceptable due to the existing conditions, as long as industrial zoning does not get closer to existing residences. Each planned industrial district should be established only after further consideration of site characteristics, buffering and appropriate zoning. (p. 5.16-5.17)

This area is adjacent to an “Existing Heavy Industrial Center” and this land use change is large enough to be considered as an “Unbuilt Approved Moderate to Heavy Industrial Center” if this application is approved. (p. 5.17)

Tier I, Priority A:

Priority A is comprised of undeveloped land within the City limits, as well as areas that are not yet annexed but which have approved preliminary plans such as preliminary plats, use permits, community unit plans, or planned unit developments. There are still significant infrastructure needs within the existing city and areas currently under development. The top priority areas are those which are within the city limits at the beginning of the planning period. In some cases, annexation agreements commit the City to the construction of certain improvements (arterial roads, water and wastewater lines) by a predetermined date, or commit the City to the repayment of their cost which may have initially been assumed by the developer. Some larger projects, such as the West Haymarket, will be ongoing throughout the planning period and will require significant infrastructure resources. Priority A serves as the “future urban area” for purposes of annexation per state statute, and these areas are appropriate for immediate annexation upon final plat approval. In general, commitments to serve the Priority A areas should be met before the annexation of new areas within Priority B. (p. 12.7)

Tier I, Priority C:

The next areas for development, after 2025, are those which currently lack almost all infrastructure required to support urban development. In areas with this designation, the community will maintain present uses until urban development can commence. Infrastructure improvements to serve this area will not initially be included in the City’s Capital Improvement Program (CIP), but will be actively planned for in the longer term capital improvement planning of the various city and county departments. (p. 12.7)

ANALYSIS:

1. The proposed amendment for a change from Public and Semi-Public to Industrial land use is in conjunction with a request for a change of zone from P to I-1 (CZ#13022). The Industrial land use designation includes areas of industrial, retail, office, and service uses. Industrial uses may vary widely in their intensity of use and impact. Individual areas designated as Industrial on the Land Use Plan may not be appropriate for every industrial land use.

2. The proposed amendment for a change from Tier I, Priority C to Tier I, Priority A is in conjunction with an annexation request (AN#13005). Tier I, Priority A includes land under development within the city limits and areas that have been approved for development with preliminary plats etc. Priority A is where the City should focus their efforts on providing public facilities. Tier I, Priority C is an area that is not expected to develop until some time after 2025 and currently lacks almost all infrastructure needed to support development.
3. Due to the size of the potential development, Planning staff has added to the request a designation of an “Unbuilt Approved Moderate to Heavy Industrial Center” to this area in order to be consistent with the existing map on Page 5.17 of the 2040 Comprehensive Plan.
4. The proposal meets the size, description, spacing, and criteria for Moderate to Heavy Industrial Centers as described in the Comprehensive Plan.
5. The area is primarily zoned P Public and is near I-2 on the east and I-1 Industrial to the southwest. AG zoning is to the north and along rail corridors traversing the site.
6. This site has rail access and public utilities nearby.
7. The land is owned by the Lincoln Airport Authority and will be leased for future development.
8. There are no Urban Density Residential areas planned adjacent to or near this area. The property north of US Highway 34 is outside of the 2040 Future Service Limit.

SUMMARY:

The change of land use designation to Industrial and change to Tier I, Priority A creates a very large and flexible area for potential future large employers within proximity to developed industrial areas and at a multi modal hub for air traffic, rail service, highway, and interstate.

PROPOSED AMENDMENT:

Amend the 2040 Lincoln/Lancaster County Comprehensive Plan as follows:

1. Amend the Lancaster County Future Land Use plan on pages 1.8 and 12.2 and the Lincoln Area Future Land Use Plan on pages 1.9 and 12.3 to reflect Industrial land use, and all other maps, figures, and plans where the land use map is displayed including on pages 5.6 and 5.17.
2. Amend the Existing and Proposed Industrial Centers map on page 5.17 to reflect a new Unbuilt Approved Moderate to Heavy Industrial Center.
3. Amend the 2040 Priority Growth Areas map on pages 1.10 and 12.6 to reflect the change to Tier I, Priority A.

Prepared by:

Brandon M. Garrett, AICP
Planner
402-441-6373 or bgarrett@lincoln.ne.gov

DATE: October 22, 2013

**APPLICANT/
OWNER:** Lincoln Airport Authority
2400 West Adams St.
Lincoln, NE 68524

CONTACT: William F. Austin
Erickson Sederstrom
301 S. 13th Street, Ste. 400
Lincoln, NE 68508
402-476-1000
austin@eslaw.com

**COMPREHENSIVE PLAN AMENDMENT NO. 13002,
ANNEXATION NO. 13005
and
CHANGE OF ZONE NO. 13022**

PUBLIC HEARING BEFORE PLANNING COMMISSION:

October 30, 2013

Members present: Scheer, Beecham, Corr, Hove, Cornelius, Sunderman, Weber and Lust.

Staff recommendation: Approval of the comprehensive plan amendment; approval of the annexation, subject to a Memorandum of Understanding; and approval of the change of zone request.

There were no ex parte communications disclosed.

Staff presentation: **Tom Cajka of Planning staff** explained that the proposed amendment to the Comprehensive Plan is to change the land use map from Public to Industrial. This is an area owned by the Lincoln Airport Authority (LAA) just north of the runways. It is currently shown as Public in the land use plan because of its ownership. This amendment also proposes to change the priority map from Tier I, Priority C to Priority A. This amendment also adds the property to the Existing and Proposed Industrial Center map to show the area as a moderate to heavy industrial use. Because of the size of the property, it is important to update this map.

Cajka advised that the proposed annexation covers approximately 435 acres at N.W. 27th next to Kawasaki, up to Highway 34 and down to the City Limits. All of this area is owned by the LAA, with the exception of some railroad corridors. The reason for the annexation is to allow city utilities to serve the area, with a goal to lease out large parcels for industrial development.

The area on the proposed change of zone is different than the annexation area. There are some areas owned by LAA that they wish to remain as Public zoning, which they will not lease out. There is also an area to the north that was privately owned with a portion zoned Public. Perhaps some right-of-way got vacated and never was changed on the map. That is the Casey's convenience store which needs to be changed from Public, AG and B-1 to H-3 Highway Commercial.

Lust wondered whether the change of zoning from P to I-1 puts the property back on the tax rolls. Cajka did not believe so.

Hove inquired whether the City will incur any costs in this process. Cajka explained that there is a Memorandum of Understanding with the proposed annexation that will address the infrastructure improvements which will be at the cost of LAA. LAA will have to expand the water and sanitary sewer to serve these properties, plus any new streets.

Proponents

1. **Bill Austin** appeared on behalf of **Lincoln Airport Authority**, 301 S. 13th Street, Suite 400, and the Executive Director of the Airport Authority, John Wood, was available to answer questions. Austin stated that LAA is the applicant and is requesting approval of these applications. This is a project that was embarked upon by the LAA with the encouragement of the Mayor's office and Lincoln Partnership for Economic Development. Essentially, it takes 477 acres of vacant property that has current rail access and will be developed to provide large lot industrial zoning with rail access available for industrial users.

Austin clarified that the installation of utilities will be done at the expense of LAA with a \$750,000 grant provided through the State Building and Development Fund, with \$250,000 provided by the city. The remainder will be done at the cost of LAA

Austin also agreed that this does not affect the tax status of the property.

Hove asked if LAA would pay for the road. Austin explained that the Memorandum of Understanding sets forth a relocation of N.W. 38th Street and to build it as a two-lane industrial area type of urban street with the possibility of expansion to four lanes in the future. The northerly access has been worked out with Public Works and the Nebraska Department of Roads, and will be built at the expense of LAA and turned over to the City. The abandonment of the State Spur 55 access is also anticipated.

There was no testimony in opposition.

COMPREHENSIVE PLAN AMENDMENT NO. 13002

ACTION BY PLANNING COMMISSION:

October 30, 2013

Beecham moved approval, seconded by Weber.

Lust thinks this is a great development area; it is a great location for an industrial center and she is glad to see the expansion of that opening up for potential employers.

Motion for approval carried 8-0: Scheer, Beecham, Corr, Hove, Cornelius, Sunderman, Weber and Lust voting 'yes'. This is a recommendation to the City Council.

ANNEXATION NO. 13005

ACTION BY PLANNING COMMISSION:

October 30, 2013

Scheer moved approval, subject to the Memorandum of Understanding, seconded by Hove, and carried 8-0: Scheer, Beecham, Corr, Hove, Cornelius, Sunderman, Weber and Lust voting 'yes'. This is a recommendation to the City Council.

CHANGE OF ZONE NO. 13022
ACTION BY PLANNING COMMISSION:

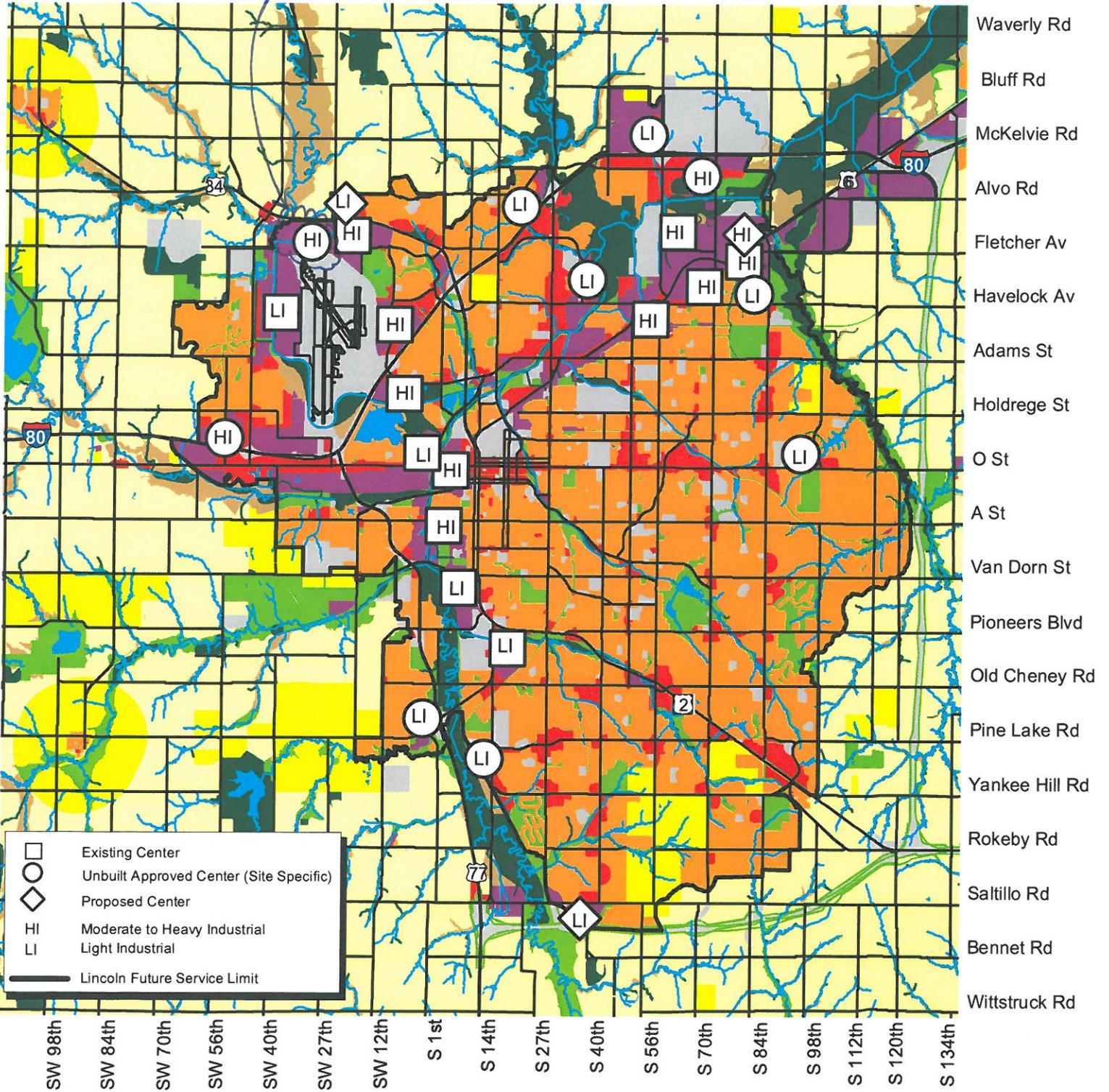
October 30, 2013

Hove moved approval, seconded by Scheer.

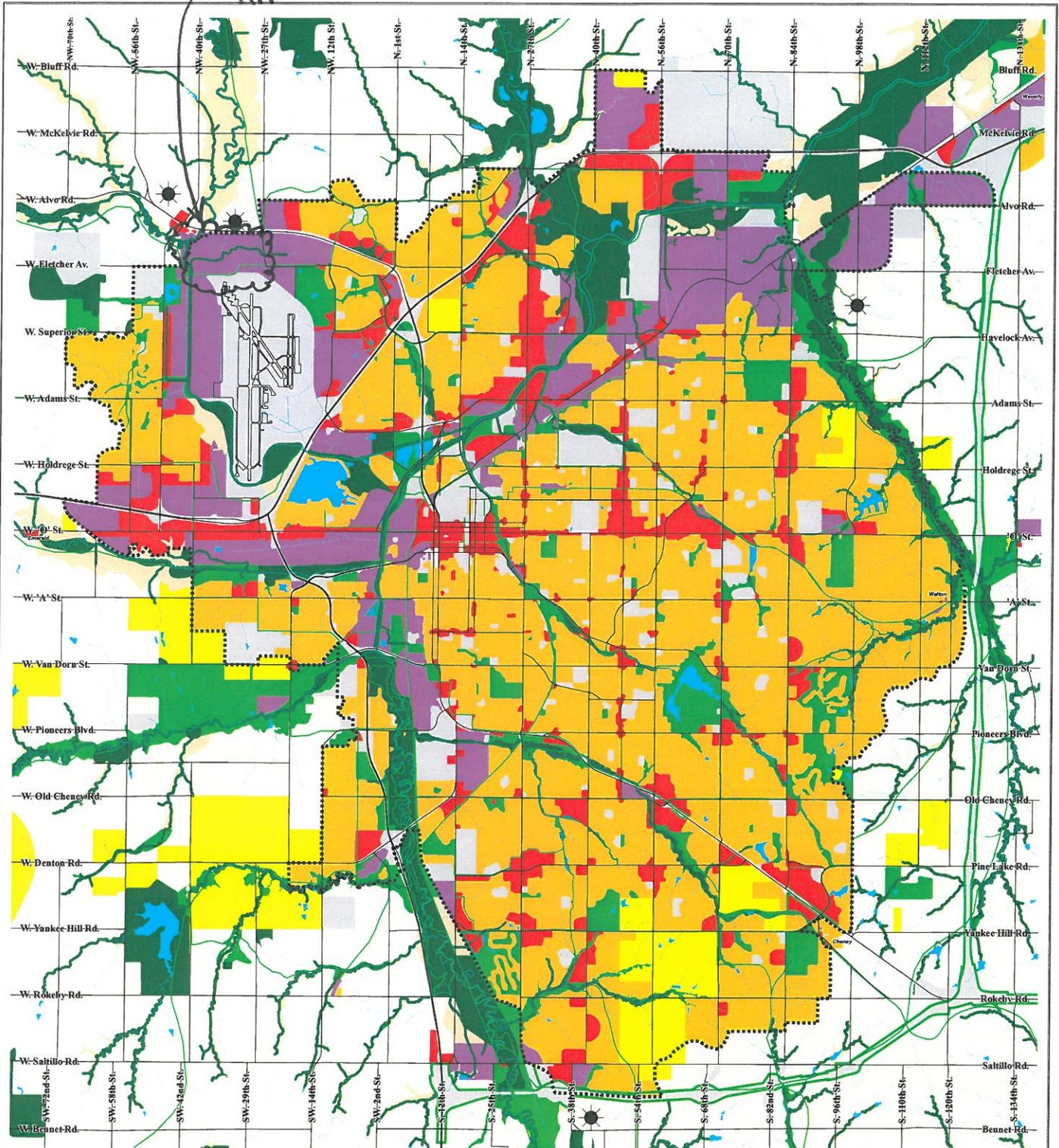
Corr believes this is a good opportunity to clean up some zoning and a great location for some businesses with the railroad access.

Motion for approval carried: Scheer, Beecham, Corr, Hove, Cornelius, Sunderman, Weber and Lust voting 'yes'. This is a recommendation to the City Council.

AREA OF APPLICATION



AREA OF APPLICATION



2040 LINCOLN AREA FUTURE LAND USE PLAN

- | | | |
|--|------------------------------|-------------------------|
| Agricultural | Commercial | Green Space |
| Residential - Urban Density | Industrial | Environmental Resources |
| Residential - Low Density | Public & Semi-Public | Lakes & Streams |
| Potential Large Employer Opportunity Areas | Agricultural Stream Corridor | Future Service Limit |

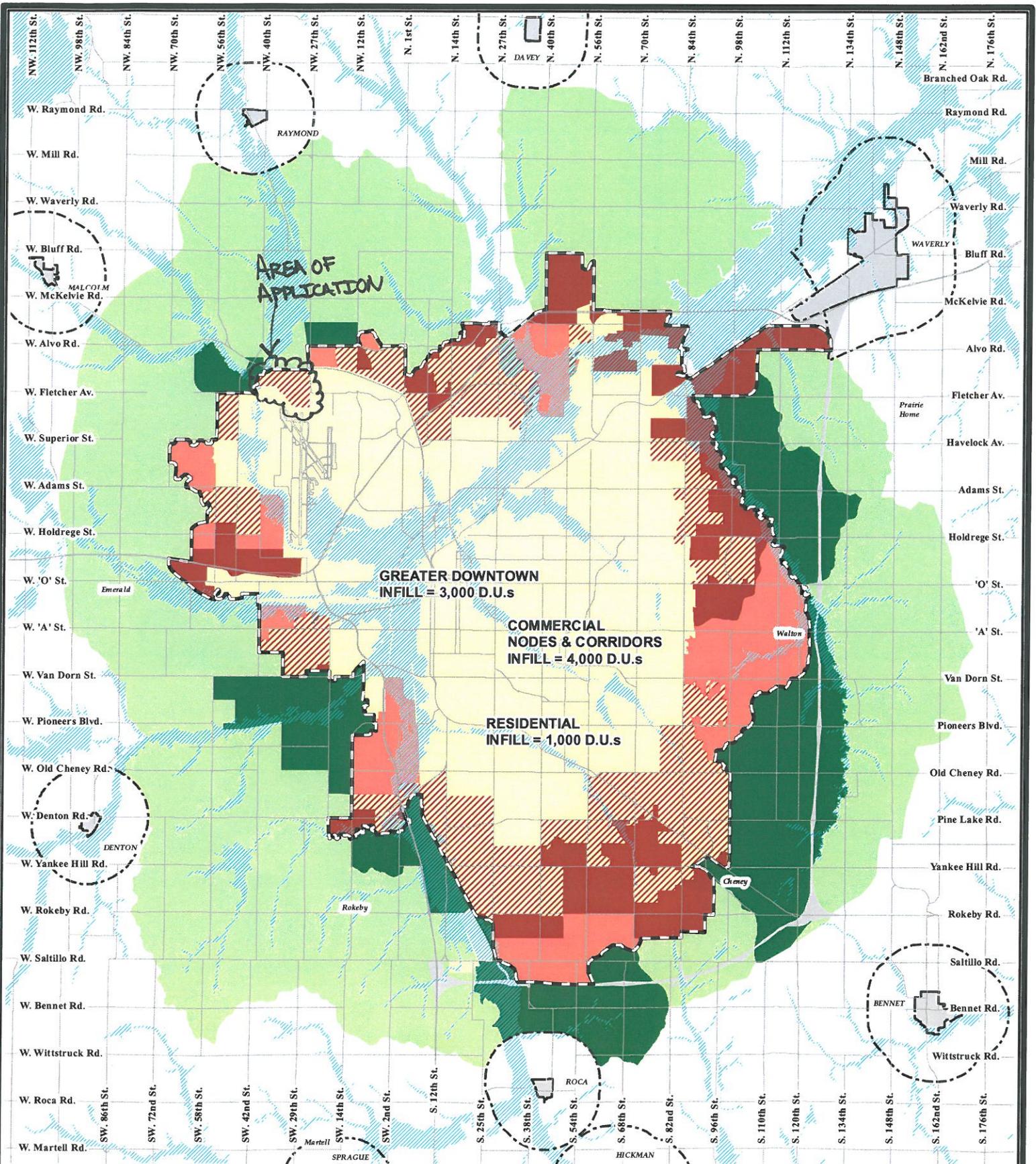
The location of each land use designation is generalized. The appropriateness of a particular zoning district for a particular piece of property will depend on a review of all of the elements of the Comprehensive Plan. Please consult other sources for exact locations of environmental resources such as wetlands, native prairie and floodplain. Not all of these resources are displayed on this figure.

The incorporated town plans are displayed on this figure. In many circumstances the land use categories in the town plans were different from the categories used in the Lincoln Lancaster County Plan, so some adjustments were made for the purposes of this display. These communities and their specific adopted plans should be consulted as the source for decisions within their zoning jurisdictions.



0 0.2 0.4 0.8 1.2 Miles





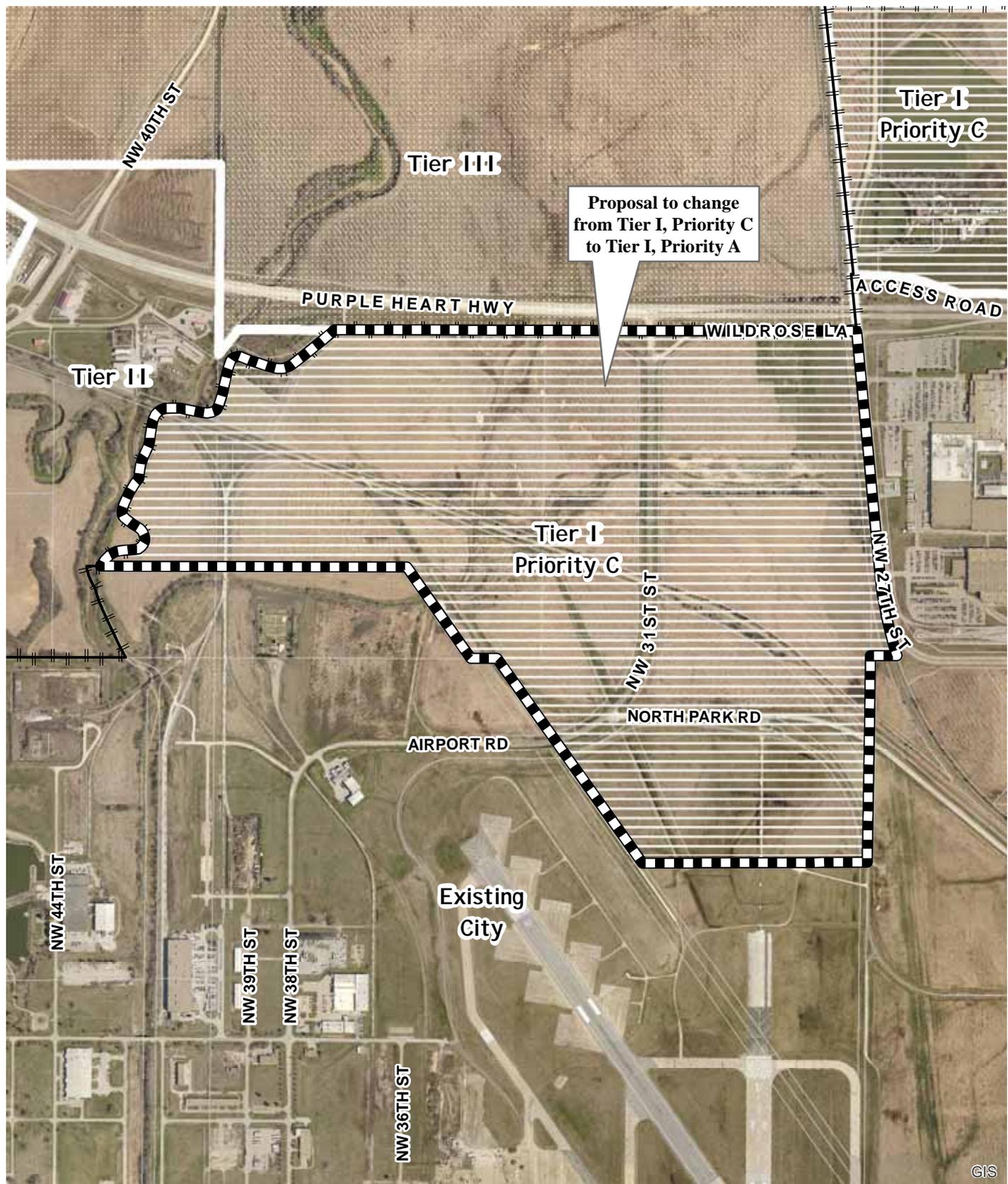
2040 PRIORITY GROWTH AREAS

- Existing Lincoln City Limits and Approved Preliminary Plans (2011)
- Floodplain and Flood Prone Areas
- 2040 Future Service Limit
- Tier I, Priority A (Developing)
- Tier I, Priority B (2025)
- Tier I, Priority C (2040)
- Tier II (2060)
- Tier III

Miles
0 0.5 1 2

L Plan
2040

011



CPA # 13002 : NW 27th St & Hwy 34

Tier II Current Growth Tier

 Area of Amendment

 Future Svc Limit

 Ownership Parcels

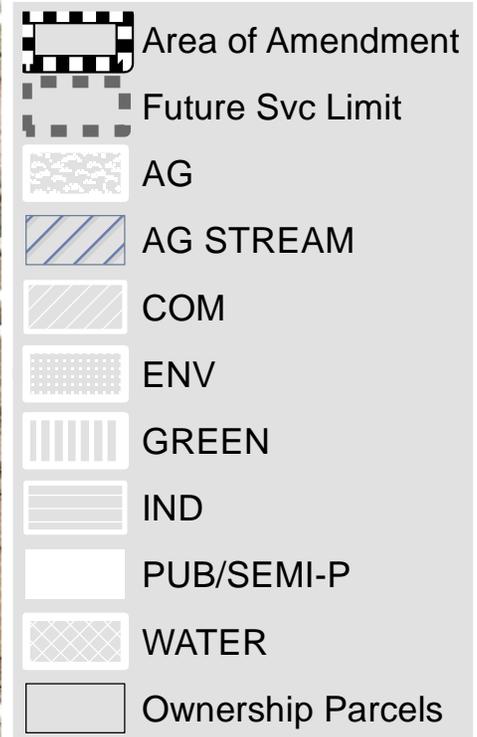
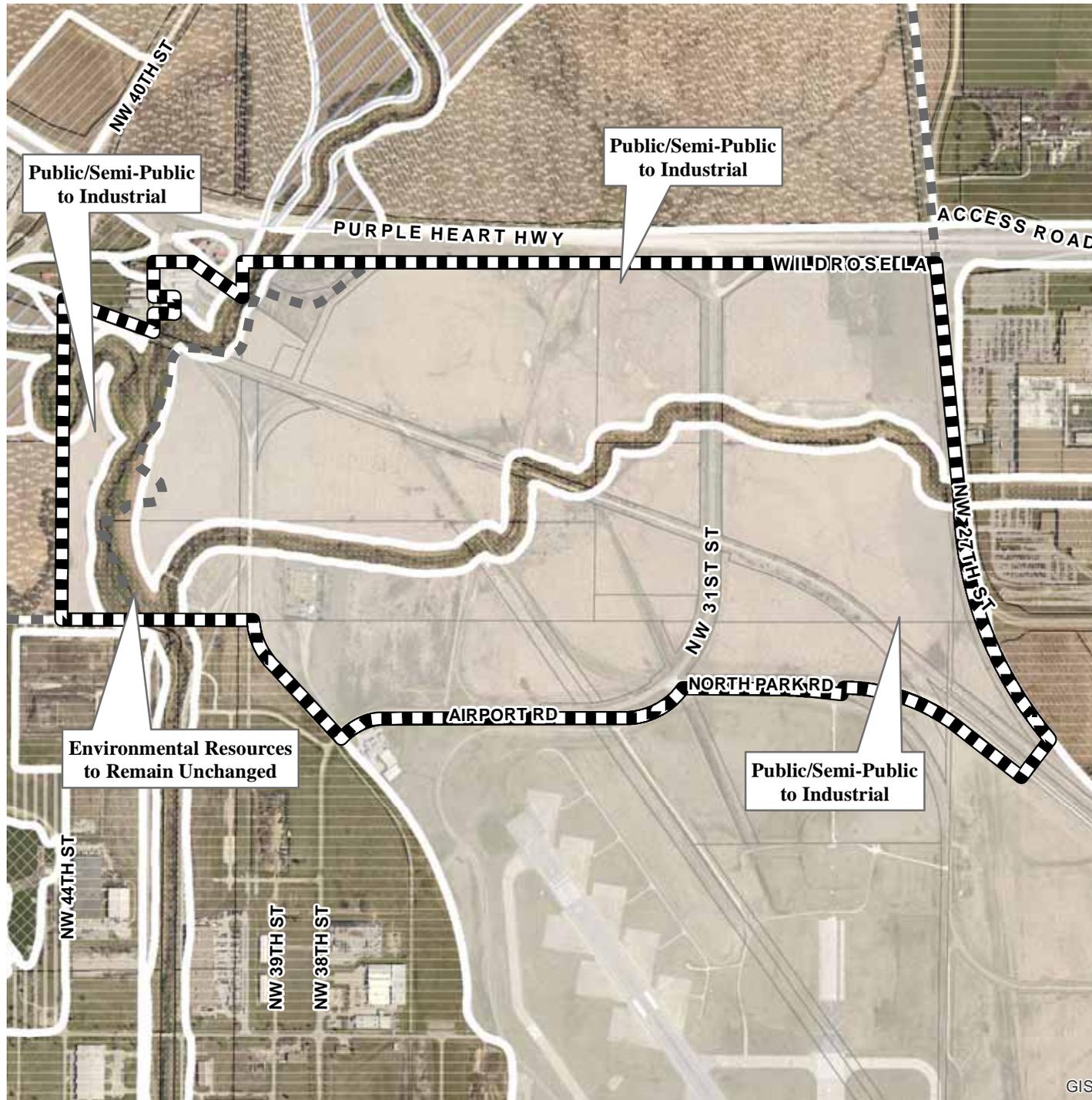
Proposed Growth Tier Change



LINCOLN - LANCASTER COUNTY
PLANNING DEPARTMENT
 Information Technology Services

 505 South 10th Street
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**CPA # 13002 :
NW 27th St & Hwy 34
Proposed Future Land Use**



GIS

RECEIVED

SEP 9 - 2013

Lincoln/Lancaster Co.
Planning Department

austin@eslaw.com

ERICKSON | SEDERSTROM

ATTORNEYS AT LAW

301 So. 13th STREET, SUITE 400
LINCOLN, NEBRASKA 68508
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WILLIAM F. AUSTIN

September 9, 2013

AN 13005
CPA 13002
CZ 13002

Mr. Tom Cajka
Lincoln/Lancaster County Planning Department
555 S. 10th Street, Suite 213
Lincoln, NE 68508

Re: Annexation of Railpark Area
Our File No.: 24751.58136

Dear Tom:

The Airport Authority of the City of Lincoln, Nebraska, is hereby formally requesting the following:

- Annexation of the area legally described and depicted on Exhibit "A" into the corporate limits of the City of Lincoln, comprising of approximately 428.81 acres.
- A Comprehensive Plan Amendment to change the designation of the property legally described and depicted on Exhibit "B" from Public and Semi-Public to Industrial on the 2040 Lincoln Area Future Land Use Plan and to change its designation on the 2040 Priority Growth Area Map to Tier 1, Priority A.
- A change of zone from P Public Use to I-1 Industrial for the property legally described and depicted on Exhibit "B," comprising approximately 469.36 acres.

The annexation and change of zone are not coterminous because there are some small areas already in the corporate limits that are zoned P Public Use and need to be changed to I-1 Industrial; conversely, there are also some small areas that will remain outside the corporate limits but likewise need the zoning changed from P Public Use to I-1 Industrial.

I am also submitting a Memorandum of Understanding relating to the requested annexation and change of zone that has been developed through discussions between Airport and City representatives and which I believe reflects the consensus of the participants regarding the installation of necessary infrastructure and amenities within the area proposed to be annexed. One addition I did need to include was a statement to the effect that transfer of the right-of-way

Mr. Tom Cajka
Page 2
September 9, 2013

of NW 38th Street is subject to concurrence by the FAA, as the Airport must get FAA agreement on any transfer of land that is within the Airport property covered by our grant assurances.

It is my understanding that, because of the governmental nature of the Airport Authority, no filing fees are required. If anything further is needed to begin processing these requests, or any further information needed thereafter, please do not hesitate to contact me.

Sincerely,



William F. Austin

WFA:rln
Enclosures
By Hand Delivery
c: John Wood
Marvin Krout