

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for March 1, 2006 PLANNING COMMISSION MEETING

PROJECT #: Change of Zone #06010

PROPOSAL: From O-3 Office Park to B-2 Planned Neighborhood Business

LOCATION: 84th and Holdrege Streets

LAND AREA: 3.96 acres, more or less.

CONCLUSION: Changing the zoning for this entire request would eliminate an important buffer of transitional uses adjacent to a residential area. Limiting the change to the portion along the arterial street would conform to the Comprehensive Plan.

<u>RECOMMENDATION:</u>	Approval, as amended
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GENERAL INFORMATION:

LEGAL DESCRIPTION: See attached

EXISTING LAND USE AND ZONING: Vacant commercial O-3 Office Park

SURROUNDING LAND USE AND ZONING:

North:	Partially developed commercial	B-2 Planned Neighborhood Business
South:	Vacant commercial	O-3 Office Park
East:	Single-family dwellings	R-3 Residential
West:	Vacant commercial	B-2 Planned Neighborhood Business

HISTORY:

May 2004 Administrative Amendment #04027 to Use Permit #128A approved revisions to the lot layout and use table, and redistributed floor area.

Dec 2003 Administrative Amendment #03007 to Use Permit #128A redistributed floor area.

Apr 2003 Administrative Amendment #03002 to Use Permit #128A approved revisions to the lot layout and use table, and redistributed floor area.

Jan 2002 Administrative Amendment #02001 to Use Permit #128A approved a time extensions for filing the Letter of Acceptance.

Oct 2001 Use Permit #128A approved a revised legal description to correct a survey error. No additional floor area was approved.

Jul 2001 Use Permit #128 approved 153,000 square feet of office and commercial floor area over this parcel and additional property to the north and south.

COMPREHENSIVE PLAN SPECIFICATIONS: The Land Use Plan Identifies this property as Urban Residential and Commercial. (F 25)

TRAFFIC ANALYSIS: The Comprehensive Plan identifies North 84th Street as a Principal Arterial, Holdrege Street as a Minor Arterial, and North 86th Street as a local street, both now and in the future. (49, 103)

ANALYSIS:

1. This is a request to change the zoning within a portion of the Morning Glory Estates commercial development.
2. This change of zone would change the mix of uses by converting over 30,000 square feet from office to commercial and increase the amount of commercial uses across North 86th Street from residential uses.
3. During the review process, the developer and staff agreed to a rezoning over that portion of their original proposal that faces 84th Street, and retaining the existing O-3 zoning over that portion facing North 86th Street and across from residences. This compromise preserves office space and the mixed use nature of the development while providing some additional commercial area fronting on North 84th Street.
4. Staff recommends approval to a change of zone consistent with the above-mentioned compromise. The applicant will prepare and submit a revised legal description prior to the hearing.

Prepared by:

Greg Czaplewski, 441-7620, gczaplewski@lincoln.ne.gov
Planner

Date: February 13, 2006

**Applicants
and
Owners:** Holdrege Investors, LLC
300 North 44th Street, Suite 100
Lincoln, NE 68503
402.476.1234

University Park Congregation of Jehovah's Witnesses
1900 North 84th Street
Lincoln, NE 68505

Contact: J. Michael Rierden
645 "M" Street, Suite 200
Lincoln, NE 68508

B-1 Local Business

Permitted Uses:

- ~~(j) Service Station~~
- (q) Retail, not including motor vehicles
- (w) Garden Centers
- (y) Marinas, for sale, service, and storage of motor boats and other related watercraft
- (aa) Dry cleaning or laundry establishments, provided that the floor area does not exceed 2,000 square feet exclusive of office and pickup space

Conditional Uses:

- (e) Sales and showrooms for the sale at retail of plumbing, electrical, and heating and air conditioning equipment and supplies, including service facilities and rental of equipment

Height and Area:

- Front yard = 20'
- Side yard = 0', 10' abutting residential
- Rear yard = Smaller of 30' or 20% lot depth
- Height = 40'

Parking:

- 1 space per 300 sf
- may park in front yard

Signs:

- (f) In any B-3 zoning district which is twelve acres or more in area, including public right-of-way located therein, off-premises signs not exceeding 400 square feet in area and thirty-five feet in height are permitted, subject to the provisions of Section 27.69.035.

B-3 Commercial

Permitted Uses:

- (u) Retail Bakery
- (v) Sales and showrooms, including service facilities and rental of equipment, provided all displays and merchandise are within the enclosure walls of the buildings
- (w) Milk distribution stations, but not involving any bottling on the premises
- (x) Food storage lockers
- (y) Optical lens grinding and finishing
- (cc) Motorcycle, bicycle, and home and office equipment, but not including vehicle body repair shops

Conditional Uses:

- (c) Furnace, heating, sheet metal, electrical shops or electrical contractors, heating and air conditioning contractors, and cabinet shops or stores
- (d) Tire stores and sales, including vulcanizing
- (g) Recycling Center
- (h) Vehicle body repair shop
- (j) ~~Service stations and~~ automobile or appliance sales and repair facilities, but not including vehicle body repair shops

Height and Area:

- Front yard = 0', same as residential if in block face
- Side yard = 0', 5' abutting residential
- Rear yard = 0', 30' abutting residential
- Height = 45', 35' abutting R-1, R-2, or R-3

Parking:

- 1 space per 600 sf
- may park in front yard if meet conditions

Signs:

- (f) Off-premises signs not exceeding 300 square feet in area and thirty-five feet in height are permitted, subject to the provisions of Section 27.69.035.
- (g) In lieu of the signs in subsection (b):
 - One fifty square foot on-premises ground sign per entrance to a shopping center identifying the shopping center or commercial area; or
 - One pole sign per frontage, 100 square feet in area, identifying the shopping center or commercial area. If the shopping center has more than 150 feet of frontage on any one street, the pole sign may be 150 square feet in area. Such pole signs shall be spaced a minimum of seventy-five feet from any other premises.

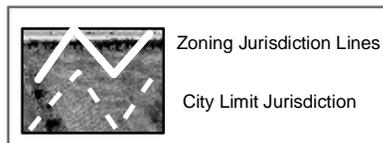


Change of Zone #06010 N. 84th & Holdrege St.

Zoning:

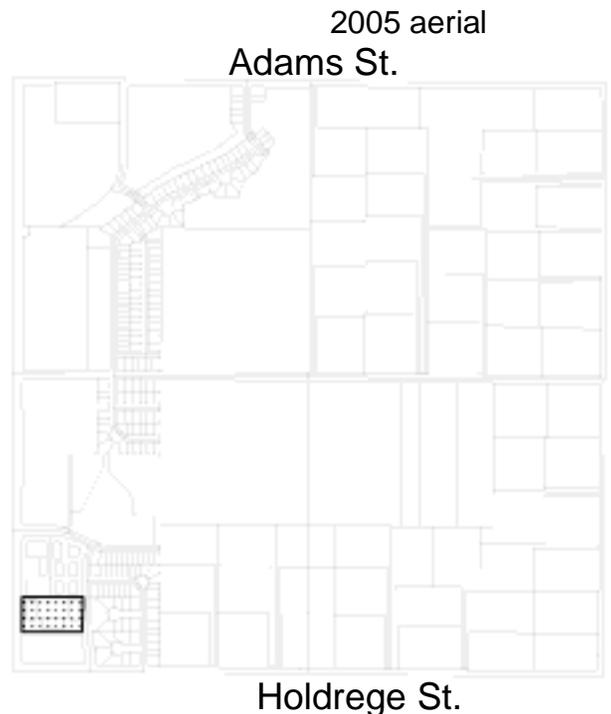
- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- R-C Residential Conservation District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned 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. 14 T10N R7E



N 84th St.

N 98th St.

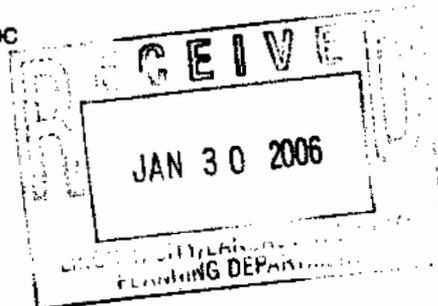


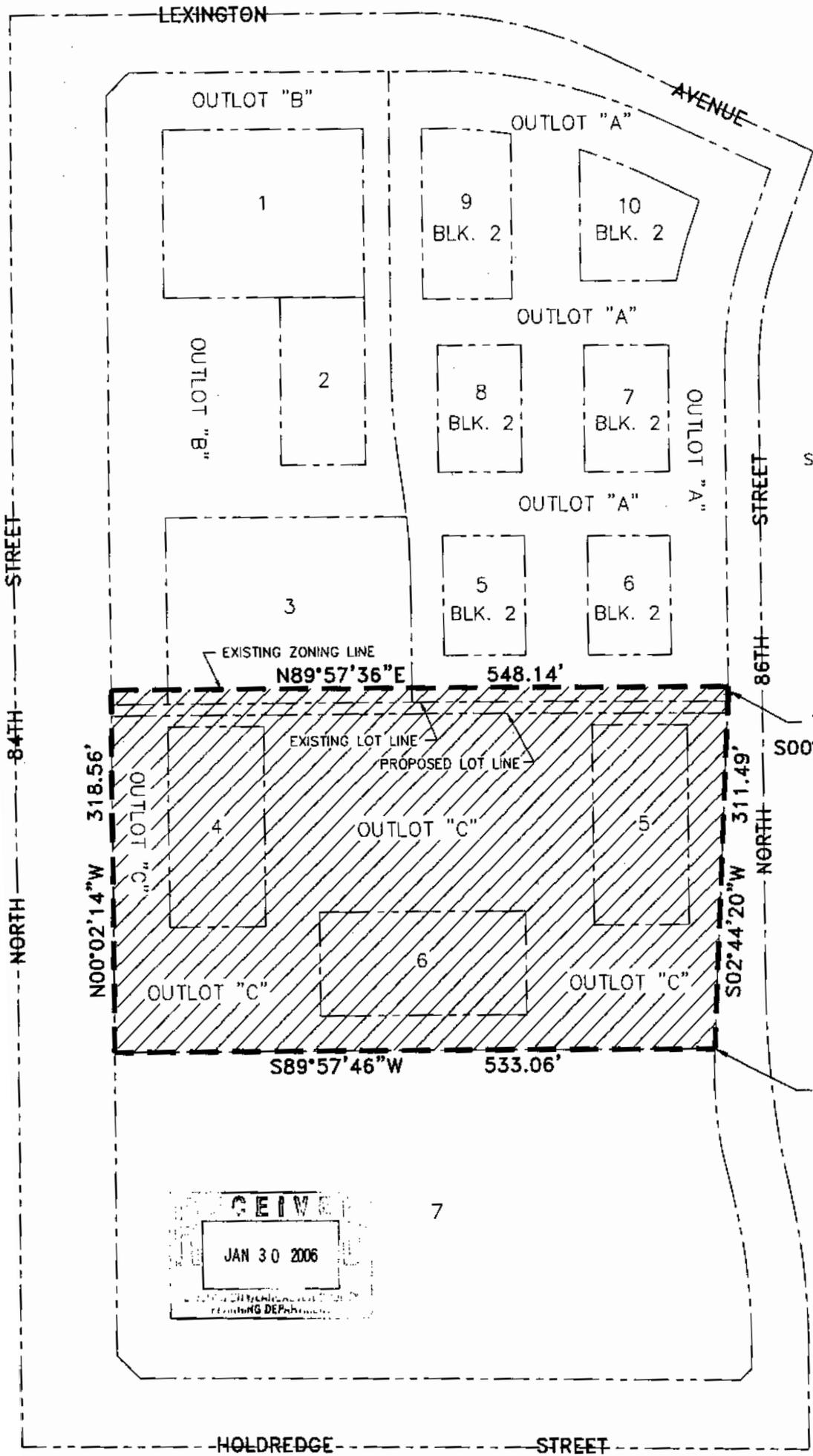
**LEGAL DESCRIPTION
CHANGE OF ZONE
FROM "O-3" TO "B-2"**

A LEGAL DESCRIPTION FOR A TRACT OF LAND COMPOSED OF OUTLOT "C", AND LOTS 4, 5, AND 6, AND A PORTION OF OUTLOTS "A", AND "B", AND A PORTION OF LOT 3, ALL OF MORNING GLORY ESTATES 2ND ADDITION, ALL LOCATED IN THE SOUTHWEST QUARTER OF SECTION 14, TOWNSHIP 10 NORTH, RANGE 7 EAST OF THE 6TH P.M., CITY OF LINCOLN, LANCASTER COUNTY, STATE OF NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID OUTLOT "C", SAID POINT BEING **THE TRUE POINT OF BEGINNING**; THENCE WESTERLY ALONG THE SOUTH LINE OF SAID OUTLOT "C" ON AN ASSUMED BEARING OF SOUTH 89 DEGREES 57 MINUTES 46 SECONDS WEST, A DISTANCE OF 533.06 FEET TO THE SOUTHWEST CORNER OF SAID OUTLOT "C", SAID POINT BEING ON THE EAST LINE OF NORTH 84TH STREET RIGHT-OF-WAY; THENCE NORTH 00 DEGREES 02 MINUTES 14 SECONDS WEST ALONG THE WEST LINE OF SAID OUTLOT "C", AND THE WEST LINE OF SAID OUTLOT "B", SAID LINE BEING THE EAST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 318.56 FEET TO A POINT; THENCE NORTH 89 DEGREES 57 MINUTES 36 SECONDS EAST, A DISTANCE OF 548.14 FEET TO A POINT OF INTERSECTION WITH THE EAST LINE OF SAID LOT "A", SAID POINT BEING ON THE WEST LINE OF NORTH 86TH STREET RIGHT-OF-WAY; THENCE SOUTH 00 DEGREES 07 MINUTES 25 SECONDS EAST ALONG THE EAST LINE OF SAID OUTLOT "A", SAID LINE BEING THE WEST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 7.46 FEET TO A POINT OF DEFLECTION; THENCE SOUTH 02 DEGREES 44 MINUTES 20 SECONDS WEST ALONG THE EAST LINE OF SAID OUTLOT "A", AND THE EAST LINE OF SAID OUTLOT "C", SAID LINE BEING THE WEST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 311.49 FEET TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA OF 172,279.8780 SQUARE FEET OR 3.9550 ACRES, MORE OR LESS.

JANUARY 10, 2006
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SCALE: NONE

RECEIVED
 JAN 30 2006
 PLANNING DEPARTMENT

J. Michael Rierden
ATTORNEY AT LAW

THE COTSWOLD
645 "M" STREET
SUITE 200
LINCOLN, NE 68508

TELEPHONE (402) 476-2413
TELECOPIER (402) 476-2948

Lincoln/Lancaster County Planning Department
555 S 10th Street
Lincoln, Nebraska 68508
Attention: Marvin Krout, Planning Director

Re: Morning Glory Estate Amendment to Use
Permit #128 and CUP #1839

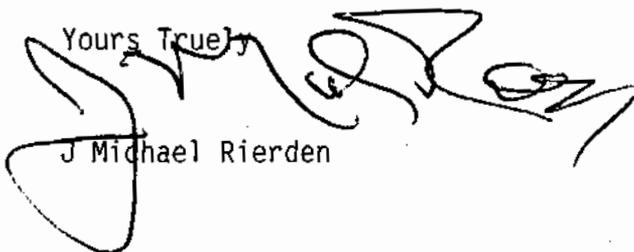
Dear Mr Krout,

Enclosed are the following items:

- 1) Application for Change of Zone from O3 to B2
- 2) Application to Amend Use Permit #128 and CUP #1839
- 3) 22 copies of the Amended Use Permit Site Plan
- 4) 2 copies of the Change of zone Exhibit and Legal Description
- 5) Checks for filing fee

I would request that the aforementioned Applications be processed at the soonest possible time. For your information I will be out of the office from January 13th to January 28th. If you should have any questions or need any additional information during that time please contact Don Day at Olsson Associates.

Yours Truly


J Michael Rierden

