

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for APRIL 25, 2007 PLANNING COMMISSION MEETING

PROJECT #: Change of Zone No. 07020

PROPOSAL: From R-2 Residential to B-1 Local Business

LOCATION: N. 70th Street and Havelock Avenue

LAND AREA: 7,150 sq. ft. (0.16 acres) more or less

EXISTING ZONING: R-2

CONCLUSION: The ownership parcel includes two lots with one house. The west lot is zoned R-2, while the east lot is zoned B-1. The house could be removed and the service station could expand within the existing B-1 district. The Planning Department supports a minimal expansion of the B-1 district to accommodate the expansion of the service station.

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

LEGAL DESCRIPTION: Lot 3, Block 24, Havelock, located in the NE 1/4 of Section 9-10-7, Lancaster County, Nebraska.

EXISTING LAND USE: Single family residential

SURROUNDING LAND USE AND ZONING:

North: R-2: Single family residential
South: R-2: Single family residential
East: B-1: Single family residential (same ownership parcel)
B-1: Service station (neighboring ownership parcel)
B-1: Multiple family residential (neighboring ownership parcel)
West: R-2: Single family residential

ASSOCIATED APPLICATIONS:

Special Permit #07010, for the expansion of a nonconforming use. The nonconforming use is the sale of alcohol for consumption off the premises.

HISTORY:

March 28, 2007 An application was submitted for this change of zone in conjunction with special permit #07010 for the expansion of a nonconforming use (sale of alcohol for consumption off the premises).

COMPREHENSIVE PLAN SPECIFICATIONS:

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)

Encourage renovation and reuse of existing commercial centers. Infill commercial development should be compatible with the character of the area and pedestrian oriented. As additional centers are built, the City and developers should be proactive in redevelopment of existing centers to make sure that redevelopment is sensitive to the surrounding neighborhood and happens quickly to reduce vacancies. (p. 36)

Commerce Centers should be developed as integrated centers – “four corner commercial development” should be discouraged. Centers should be appropriately dispersed throughout the community to support convenience of access and to lessen impacts on infrastructure. (p. 47)

Buildings and land uses at the edge of the center should be compatible with adjacent residential uses. Examples of compatible land uses include offices or child care centers. Buildings should be compatible in terms of height, building materials and setback. Small compatible commercial buildings at the edge could include retail or service uses. Buildings with more intrusive uses should have greater setbacks, screening requirements and be built of more compatible materials. (p. 48)

The most intensive commercial uses, such as restaurants, car washes, grocery stores, gasoline/ convenience stores and drive thru facilities should be located nearer to the major street or roadway and furthest from the residential area. Citizens of the community have become increasingly concerned about “light pollution” and its affects upon neighborhoods and the environment. Lighting, dumpsters, loading docks and other service areas should be shielded from the residential area. (p. 48)

Maintain and encourage retail establishments and businesses that are convenient to, and serve, neighborhood residents, yet are compatible with, but not intrusive upon residential neighborhoods. (p. 48)

Expansion of existing commercial and industrial uses should not encroach on existing neighborhoods and must be screened from residential areas. (p.48)

The priority in older areas should be on retaining areas for residential development. Prior to approving the removal of housing in order to provide for additional parking to support existing centers, alternatives such as shared parking, additional on street parking or the removal of older commercial stores should be explored. (p. 48)

PUBLIC SERVICE:

The Police Department objects to this application, stating that the proposed structure should meet the current zoning requirements. This would require an application for a special permit

for the sale of alcohol for consumption off the premises and 100' spacing from a residential area.

AESTHETIC CONSIDERATIONS:

Lot 3 could serve as a buffer between the expanded service station and the existing residential neighborhood to the west.

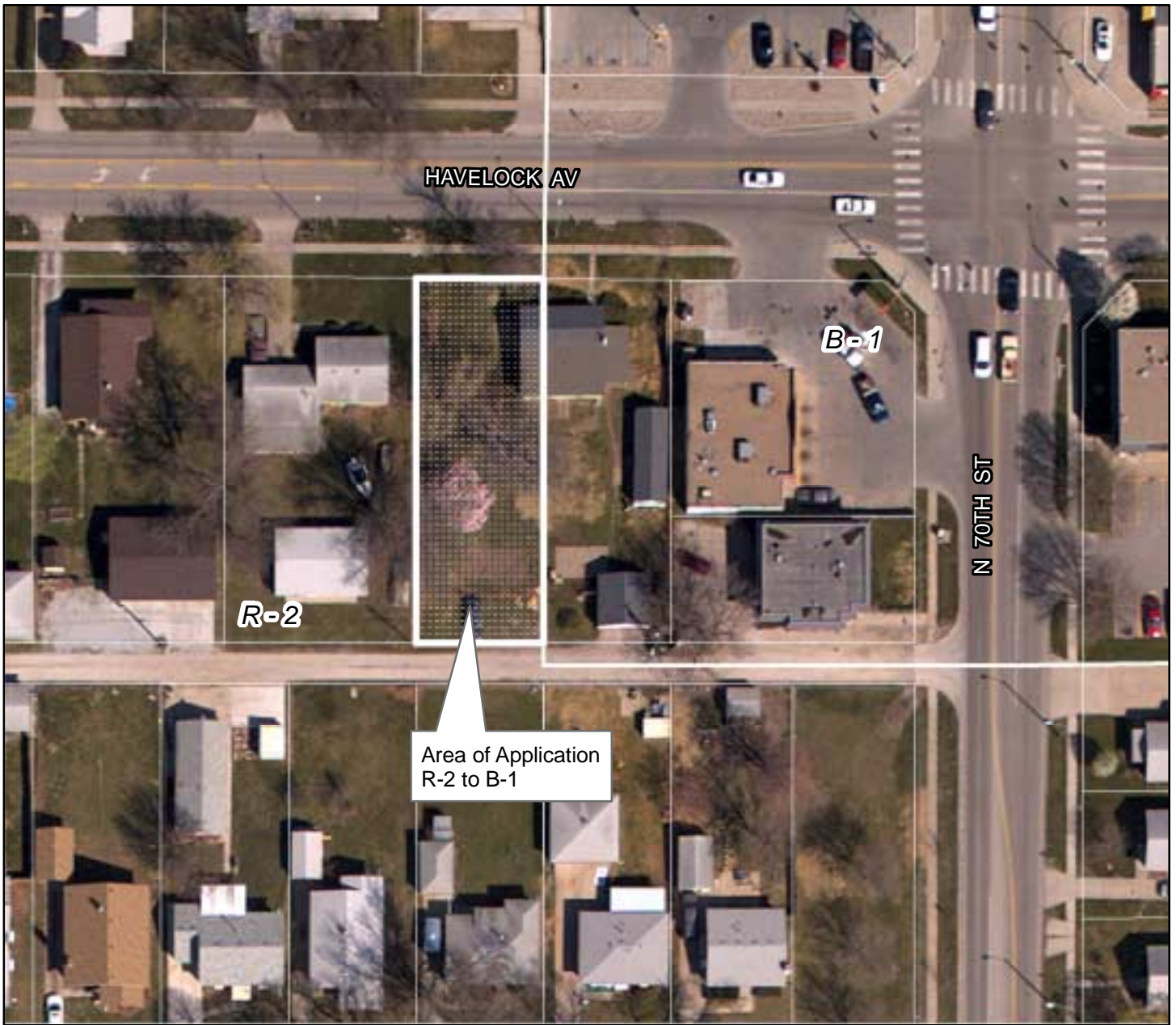
ANALYSIS:

1. The proposal is to expand the B-1 Local Business District zone into the R-2 Residential District.
2. The existing B-1 zoning line matches the development across Havelock Avenue to the north.
3. The service station could be significantly expanded within the existing B-1 district without a change of zone.
4. Havelock Avenue is in a 40' building line district. The setbacks shall be measured from 40' from the centerline of the street.
5. It would be possible to expand the nonconforming use and stay within the B-1 district. The B-1 district includes the existing service station, the multiple family dwelling to the south, and the 50' wide lot to the west. The developer has indicated that it may be possible to minimize the change of zone request to reflect only a slight encroachment into the R-2 district; however, until a site plan is provided, the appropriate distance cannot be determined.
6. The applicant will submit a revised site plan to determine the extent of the change of zone from R-2 to B-1. Alternatively, the Planning Commission can place the item on hold until a precise boundary is determined.
7. The applicant submitted revised plans electronically on Friday, April 13th. However, staff has not had an opportunity to review and comment as of the time of this report.

Prepared by:

Brandon M. Garrett, AICP

DATE: April 16, 2007
APPLICANT: Casey's Retail Company
OWNER: Millhaven, LLC
PO Box 22772
Lincoln, NE 68542
CONTACT: Mark Hunzeker
1045 Lincoln Mall, Ste. 200
Lincoln, NE 68508



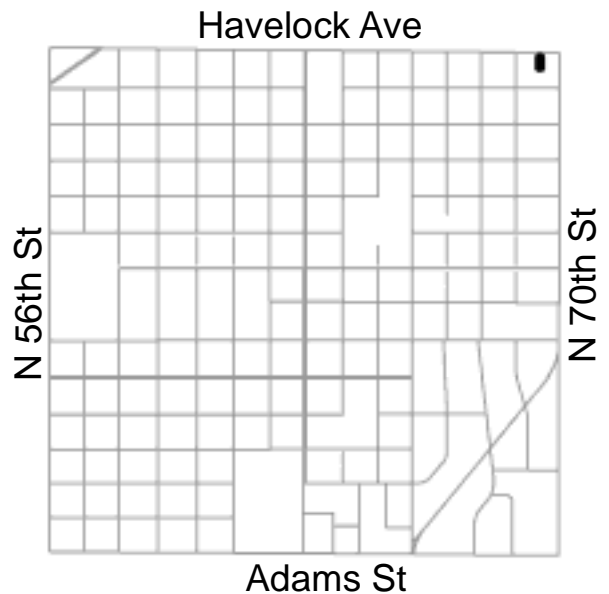
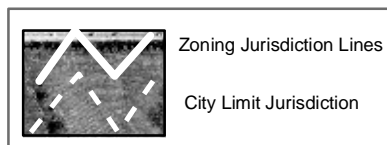
Change of Zone #07020 N 70th St & Havelock Ave

2005 aerial

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. 09 T10N R07E





Status of Review: **Active**

Reviewed By ANY

Comments:

Status of Review: **Complete**

Reviewed By 911 ANY

Comments:

Status of Review: **Active**

Reviewed By Alltel ANY

Comments:

Status of Review: **Active**

03/30/2007 11:39:27 AM

Reviewed By Building & Safety ANY

Comments: Use of the property as retail has been non-existent since January of 2006.

Status of Review: **Approved**

04/06/2007 1:44:07 PM

Reviewed By Building & Safety BOB FIEDLER

Comments: approved

Status of Review: **Active**

03/30/2007 1:53:42 PM

Reviewed By Fire Department ANY

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

Status of Review: **Approved**

04/05/2007 1:36:56 PM

Reviewed By **Health Department**

ANY

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

TO: Brandon Garrett DATE: April 5, 2007

DEPARTMENT: Planning FROM: Chris Schroeder

TO: [REDACTED]

ATTENTION: [REDACTED] DEPARTMENT: Health

CARBONS TO: EH File SUBJECT: Casey's - Havelock

EH Administration SP #07010 CZ #07020

[REDACTED]

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

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.

Prior to demolition of existing structures, an asbestos survey must be conducted for all structures and ten or more working days prior to demolition a notification of demolition must be provided to the LLCHD. These are federal Environmental Protection Agency (EPA) requirements related to asbestos removal/demolition activities. Documentation related to this matter should be submitted to Harry LeDuc with the LLCHD at 3140 N Street, Lincoln, NE 68510. Mr. LeDuc can be contacted at 441-8034.

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: **Active**

Reviewed By **Parks & Recreation**

ANY

Comments:

Status of Review: **Approved**

Reviewed By **Planning Department**

COUNTER

Comments:

Status of Review: **Active**

Reviewed By **Planning Department**

RAY HILL

Comments:

Status of Review: **Active**

Reviewed By **Planning Department**

PLANNER

Comments:

Status of Review: **Active**

Reviewed By **Public Works - Development Services**

ANY

Comments:

Status of Review: **Active**

Reviewed By **Public Works - Long Range Planning**

ANY

Comments:

Status of Review: **Active**

Reviewed By **Public Works - Watershed Management**

ANY

Comments:

Status of Review: **Active**

Reviewed By **School District**

ANY

Comments:

Status of Review: **Active**

Reviewed By **Urban Development**

ANY

Comments:

Status of Review: **Active**

Reviewed By **Urban Development**

ANY

Comments:

Status of Review: **Active**

Reviewed By **US Post Office**

ANY

Comments:



Memo

To: Brandon Garrett, Planning Department
From: Mark Canney, Parks & Recreation
Date: April 3, 2007
Re: Casey's – Havelock SP07010 & CZ070

Staff members of the Lincoln Parks and Recreation Department have conducted a plan review of the above-referenced application/proposal and have no comments. We approve this request.

If you have any additional questions, comments or concerns, please feel free to contact me at 441-8248.

Thank you.