

City Council Introduction: **Monday**, August 30, 2004
Public Hearing: **Monday**, September 13, 2004, at **1:30 p.m.**

Bill No. 04-163

FACTSHEET

TITLE: **CHANGE OF ZONE NO. 04047**, from AG Agricultural District and R-3 Residential District to O-2 Suburban Office District, requested by Jack Wolfe on behalf of the owners, on property generally located at 84th Street & Old Cheney Road.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: Consent Agenda: 08/18/04
Administrative Action: 08/18/04

STAFF RECOMMENDATION: Approval.

RECOMMENDATION: Approval (8-0: Carlson, Carroll, Krieser, Marvin, Pearson, Bills-Strand, Sunderman and Taylor voting 'yes'; Larson absent).

FINDINGS OF FACT:

1. This is a proposal to change the zoning on two Irregular Tract lots from AG Agricultural and R-3 Residential to O-2 Suburban Office District.
2. The staff recommendation to approve this change of zone request is based upon the "Analysis" as set forth on p.3-4, concluding that the exclusion of one of these properties from an approved development plan, along with recent right-of-way acquisitions for planned road improvements, have left these parcels with few development options. Continuation of the existing residential uses will be made more difficult as 84th and Old Cheney are improved to 4 lanes each. However, any future commercial use of these properties must respect the imminent traffic patterns, and should be coordinated with one another.
3. On August 18, 2004, 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 August 18, 2004, the Planning Commission agreed with the staff recommendation and voted 8-0 to recommend approval.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: August 23, 2004

REVIEWED BY: _____

DATE: August 23, 2004

REFERENCE NUMBER: FS\CC\2004\CZ.04047

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for August 18, 2004 PLANNING COMMISSION MEETING

- P.A.S.:** Change of Zone #04047
- PROPOSAL:** Change the zoning from AG Agricultural and R-3 Residential to O-2 Suburban Office.
- LOCATION:** 84th and Old Cheney Road.
- LAND AREA:** 1.76 acres, more or less.
- CONCLUSION:** The exclusion of one of these properties from an approved development plan, along with recent right-of-way acquisitions for planned road improvements, have left these parcels with few development options. Continuation of the existing residential uses will be made more difficult as 84th and Old Cheney are improved to 4 lanes each. However, any future commercial use of these properties must respect the imminent traffic patterns, and should be coordinated with one another.

RECOMMENDATION:	Approval
------------------------	----------

GENERAL INFORMATION:

LEGAL DESCRIPTION:

Lots 2 and 48 of Irregular Tracts, located in the SW 1/4 of Section 11 T9N R7E, Lancaster County, Nebraska.

EXISTING ZONING: AG Agricultural and R-3 Residential

EXISTING LAND USE: Single-Family Residential

SURROUNDING LAND USE AND ZONING:

North:	HiMark Golf Course	R-3 Residential
South:	Vacant	R-3 Residential
East:	HiMark Golf Course	R-3 Residential
West:	Vacant	R-3 Residential

HISTORY:

Aug 2001 Special Permit #1423C HiMark Estates CUP approved an increase in multiple-family dwelling units from 240 to 272. The plan for the apartments included Lot 2 IT. However, this permit was voided because the owner of Lot 2 IT did not sign the Letter of Acceptance.

- Feb 2000 Change of Zone #3228 changed the zoning on Lot 2 IT from AG Agricultural to R-3 Residential so this property could be included in the multiple-family portion of the HiMark Estates CUP.
- May 1979 The zoning update changed the zoning on both of these parcels from A-A Rural and Public to AG Agriculture.

COMPREHENSIVE PLAN SPECIFICATIONS: This property is designated as Urban Residential in the Land Use Plan. (F 25)

Urban Residential: Multi-family and single-family residential uses in areas with varying densities ranging from more than fifteen dwelling units per acre to less than one dwelling per acre. (F 27)

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 use is often gradual. The Comprehensive Plan also encourages the integration of compatible land uses, rather than a strict segregation of different land uses. (F 27)

TRAFFIC ANALYSIS: The Comprehensive Plan identifies 84th Street as a Principle Arterial, and Old Cheney Road as a Minor Arterial, both now and in the future. (E 49, F 103) The improvement of 84th Street to 4 lanes plus turn lanes is a “committed” project in the Comprehensive Plan from Montello Road to Amber Hill Road. (F109) The Comprehensive Plan shows the improvement of Old Cheney Road to 4 lanes plus turn lanes from Highway 2 to 84th Street is a “committed” project, and from 84th Street to 98th Street is a “proposed” project. (F109, 110). Portions of these projects were funded through the CIP and are under construction.

The right-of-way standard for the improvements is 60 feet from centerline. In addition, the intersection of two arterials requires a right-of-way width of 65 feet from centerline for 700 feet from the centerline of the intersection. Along these properties, the right-of-way width along 84th Street is 66 feet and Old Cheney is 63 feet, both from centerline.

ALTERNATIVE USES: These properties could continue to be used for single-family dwellings, or any other use allowed in the underlying zoning district. Due to the existence of HiMark golf course to the north and east, these properties cannot be developed in connection with HiMark Estates.

ANALYSIS:

1. This is a proposal to change the zoning on two IT lots from AG Agricultural and R-3 Residential to O-2 Suburban Office.
2. Both of these lots have been impacted by recent right-of-way acquisitions for planned improvements to 84th Street and Old Cheney Road.
3. Both lots have been given residential access points based upon their existing zoning. The change to O-2 zoning and assumed uses will require a commercial driveway design. Under commercial standards, the Public Works and Utilities Department will require the two lots to be designed with a common driveway from 84th Street, having a 150 foot right turn lane approaching the driveway. Due to the north-south dimension of the south parcel, the driveway must be located in the north parcel with a common access easement between the property

owners if the properties develop under separate owners. If the south parcel develops first, it will get a temporary access until the north parcel develops and the access is combined.

4. Sewer and water service can be provided to these two lots. Depending upon site development and ownership patterns, some additional sewer and water construction may be necessary. This construction will be a cost responsibility of the benefitted property.
5. Future use of these parcels under O-2 zoning would be best served if they are developed together. However, the small size of these parcels does not meet the requirement for an O-3 use permit, or a PUD, either of which would provide the necessary review to obtain a unified development plan. Access may be problematic if these parcels develop independently.

Prepared by:

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

Date: August 5, 2004

Applicants: Jerome Hittner
and 2165 County Road J
Owners: Weston, NE 68070

Michael McKeeman and Manette Kidney
8400 Old Cheney Road
Lincoln, NE 68526

Contact: Jack Wolfe
1248 "O" Street, Suite 830
Lincoln, NE 68508
474.1507

CHANGE OF ZONE NO. 04047

CONSENT AGENDA
PUBLIC HEARING & ADMINISTRATIVE ACTION
BEFORE PLANNING COMMISSION:

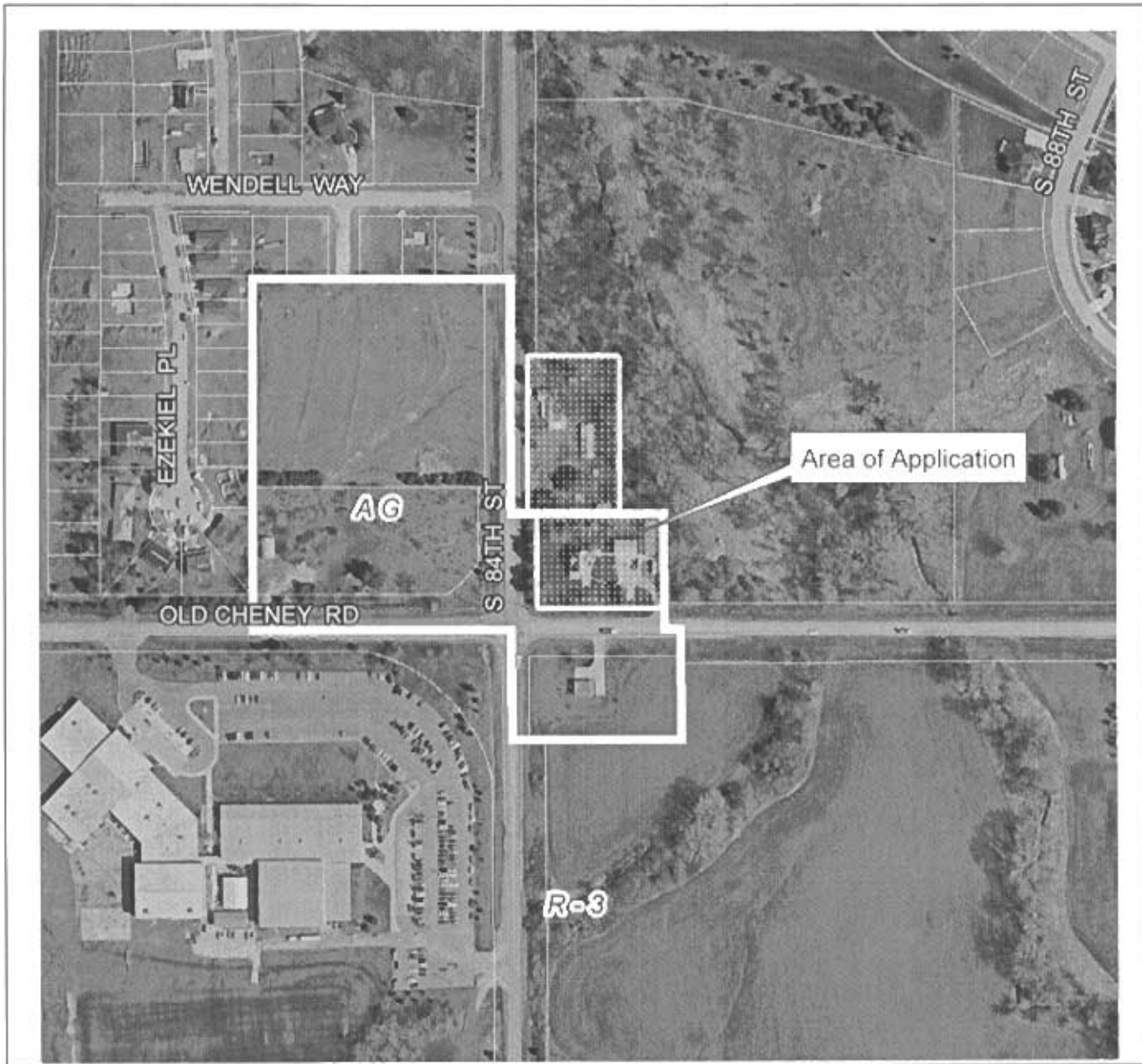
August 18, 2004

Members present: Carlson, Carroll, Krieser, Marvin, Pearson, Bills-Strand, Sunderman and Taylor; Larson absent.

The Consent Agenda consisted of the following items: **CHANGE OF ZONE NO. 04043; CHANGE OF ZONE NO. 04047; CHANGE OF ZONE NO. 04048; SPECIAL PERMIT NO. 1692C, Amendment to the WILDERNESS RIDGE COMMUNITY UNIT PLAN; USE PERMIT NO. 126B; USE PERMIT NO. 117A; USE PERMIT NO. 123C; SPECIAL PERMIT NO. 04004A, Amendment to the STONE BRIDGE CREEK COMMUNITY UNIT PLAN; and COUNTY FINAL PLAT NO. 04075, OAK PRAIRIE ESTATES.**

Item No. 1.1, Change of Zone No. 04043, and Item No. 1.6, Special Permit No. 04004A, were removed from the Consent Agenda and scheduled for separate public hearing.

Marvin moved to approve the remaining Consent Agenda, seconded by Carroll and carried 8-0: Carlson, Carroll, Krieser, Marvin, Pearson, Bills-Strand, Sunderman and Taylor voting 'yes'; Larson absent.



2002 aerial

Change of Zone #04047 S. 84th & Old Cheney Rd.

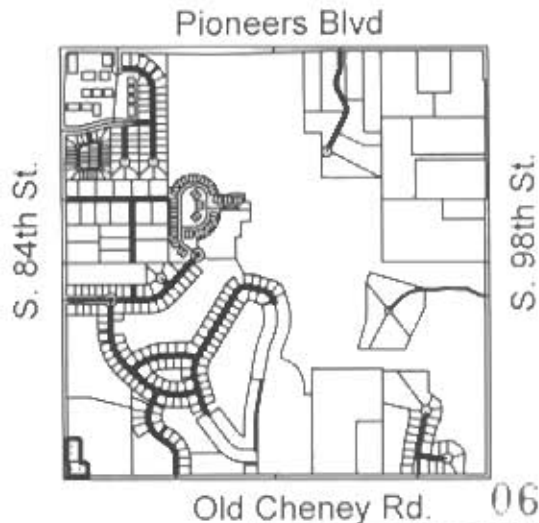
Zoning:

- 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. 11 T9N R7E



Zoning Jurisdiction Lines
City Limit Jurisdiction



Old Cheney Rd. 06

Lincoln City - Lancaster County Planning De

PURPOSE STATEMENT

The 84th and Old Cheney Road Improvement Project has left both Lots (2) and Forty-eight (48) with each having only one right in-right out vehicular ingress and egress point. Neither the AG Zoning District nor the R-3 Zoning District is appropriate for the remanent and neither provides a useful purpose for which the parcels could be developed to their highest and best use.

The O-2 Zoning District provides the kinds of uses for which the property should be developed given the impediments created by the Road Improvement Project.

(G:UGW\Hittner\purpose statement.071904)

