City Council Introduction: January 5, 2015
Public Hearing: January 12, 2015

Bill No. 15-4

FACTSHEET

TITLE: CHANGE OF ZONE NO. 14031
(N.W. 33rd Street and W. Vine Street)

BOARD/COMMITTEE: Planning Commission

APPLICANT: Noel and Gloria Chadd

RECOMMENDATION: Approval (9-0: Sunderman, Harris, Beecham, Cornelius, Hove, Weber, Scheer, Corr and Lust voting 'yes').

STAFF RECOMMENDATION: Approval, subject to an annexation agreement.

OTHER DEPARTMENTS AFFECTED: None.

SPONSOR: Planning Department

OPPONENTS: None

REASON FOR LEGISLATION:

To change the zoning from AG Agriculture District to I-1 Industrial District, on property generally located at N.W. 33rd Street and W. Vine Street.

DISCUSSION / FINDINGS OF FACT:

1. This change of zone request and the associated Annexation No. 14006 (Bill #15-3) were heard at the same time before the Planning Commission, along with Special Permit No. 14050.

2. The purpose of this change of zone from AG Agriculture District to I-1 Industrial District is to allow a rock crusher on the site, which also requires a special permit in the I-1 district.

3. The staff recommendation to approve the change of zone request is based upon the "Analysis" as set forth on p.4-5, concluding that the change of zone is in conformance with the Comprehensive Plan.

4. On December 10, 2014, this application appeared on the Consent Agenda of the Planning Commission and was opened for public hearing. No one came forward to speak.

5. On December 10, 2014, the Planning Commission agreed with the staff recommendation and voted 9-0 to recommend approval of this change of zone request.

6. On December 10, 2014, the Planning Commission also voted 9-0 to recommend approval of the associated Annexation No. 14006 (Bill #15-3), and voted 9-0 to adopt Resolution No. PC-01423 approving Special Permit No. 14050 to allow the operation of a rock crusher. The special permit has not been appealed to the City Council.

FACTSHEET PREPARED BY: Jean Preister, Administrative Officer **DATE:** December 29, 2014

REVIEWED BY: Stephen S. Henrichsen, Development Review Manager **DATE:** December 29, 2014

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LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for DECEMBER 10, 2014 PLANNING COMMISSION MEETING

PROJECT #: Annexation #14006
Change of Zone #14031

Note: This is a combined staff report for related items. This report contains a single background and analysis section for all items.

PROPOSAL: To annex and ***change the zoning from AG Agriculture to I-1 Industrial*** for ***approximately 22 acres***

LOCATION: West Vine Street between NW 27th Street and NW 40th Street

LAND AREA: 22 acres, more or less for change of zone and annexation.

CONCLUSION: This annexation and change of zone is in conformance with the Comprehensive Plan.

RECOMMENDATION: Approval

PROPOSED CITY COUNCIL DISTRICT ASSIGNMENT: District #4

GENERAL INFORMATION:

LEGAL DESCRIPTION:

Annexation: Lot 60 I.T. and adjacent West Vine Street right-of-way and Interstate 80 right-of-way, located in the SW1/4 of Section 20-10-06, Lancaster County, NE

Change of Zone: Lot 60 Irregular Tract, located in the SW1/4 of Section 20-10-06, Lancaster County, NE

EXISTING ZONING: AG Agricultural

SURROUNDING LAND USE AND ZONING:

North:	AG Agricultural	Farming
	P Public	Lincoln airport
South:	H-3 Highway Commercial	Manufacturing (south of I-80)
East:	AG Agricultural	Soil excavation and farming
West:	AG Agricultural	Soil excavation and farming

EXISTING LAND USE: Agricultural

COMPREHENSIVE PLAN SPECIFICATIONS:

The 2040 Lincoln Area Future Land Use Plan identifies this area as industrial. (P.12.3)

The 2040 Priority Growth Areas map identifies this area as Tier 1 Priority B.(p.12.6)

Tier One, Priority B:

> Areas designated for development in the first half of the planning period (to 2025) are generally contiguous to existing development and should be provided with basic infrastructure as they develop.(p.12.7)

The ANNEXATION POLICY- page 12.14 of the 2040 Comprehensive Plan.

Annexation policy is a potentially powerful means for achieving many of the goals embodied in the Plan's Vision. Annexation is a necessary and vitally important part of the future growth and health of Lincoln. The annexation policies of the City of Lincoln include but are not limited to the following:

The provision of municipal services must coincide with the jurisdictional boundaries of the City – in short, it is not the intent of the City of Lincoln to extend utility services (most notably, but not necessarily limited to, water and sanitary sewer services) beyond the corporate limits of the City.

The extension of water and sanitary sewer services should be predicated upon annexation of the area by the City. City annexation must occur before any property is provided with water, sanitary sewer, or other potential City services.

To demonstrate the City's commitment to the urbanization of land in Tier I Priority B, the City should annex land that is contiguous to the City and generally urban in character, as well as land that is engulfed by the City. Land which is remote or otherwise removed from the limits of the City of Lincoln will not be annexed.

Annually the City should review for potential annexation all property in Priority B for which basic infrastructure is generally available or planned for in the near term.

Annexation generally implies the opportunity to access all City services within a reasonable period of time.

Voluntary annexation agreements may limit or otherwise outline the phasing, timing or installation of utility services (e.g., water, sanitary sewer), and may include specific or general plans for the private financing of improvements to the infrastructure supporting or contributing to the land uses in the annexed area. The annexation of large projects may be done in phases as development proceeds.

HISTORY:

February 2, 1994	Special Permit #1489 for soil excavation was approved by the Planning Commission.
February 28, 1996	Special Permit #1489A to extend the permit for soil excavation was approved by the Planning Commission.
September 4, 2013	Special Permit #13041 for soil excavation was approved on the property immediately to the east by the Planning Commission.

ASSOCIATED REQUEST:
Special Permit #14050

SPECIFIC INFORMATION:

UTILITIES & SERVICES:

A. **Sanitary Sewer:** Sanitary sewer is not available.

B. **Water:** Water is not available to serve this site. The nearest City water line is in NW 27th Street.

C. **Roads:** West Vine Street is a county gravel road.

D. **Fire Protection:** The nearest fire station is at 3401 West Luke. The area outside the city limits is served by the Southwest rural fire district

ANALYSIS:

1. The applicant is requesting annexation and a change of zone from AG Agriculture to I-1 Industrial. The annexation and change of zone is needed for the applicant to have a rock crusher. With the site being 22 acres other industrial use could be developed on the site.

2. A rock crusher is only permitted in the I-1 and I-2 Districts. The I-1 District requires a special permit for the rock crusher. There is an associated application for the special permit.

3. There are no city services to serve this site. The applicant acknowledges this and has agreed to an annexation agreement that no city services will be extended to serve this site.

4. State law requires adjacent road rights-of-way to be annexed automatically with the adjacent property, and so this request requires a portion of West Vine Street to be annexed. Although this portion of West Vine Street. will be in the city limits, the remainder of West Vine Street between NW 40th Street and NW 27th Street will be in the county. The County will maintain the portion of West Vine Street that is in the City under a mutual maintenance agreement that the City and County have. The County Engineer has requested a road maintenance agreement.

5. The future land use plan in the 2040 Comprehensive Plan identifies this area as industrial.

6. The area of annexation is contiguous to the City limits on the south. The area of annexation is within the future service limits and Tier One Priority B as identified in the 2040 Comprehensive Plan.

Prepared by:

Tom Cajka
Planner

DATE: December 1, 2014

APPLICANT: Noel and Gloria Chadd
3335 N. 13th Street
Lincoln, NE 68521
402-430-7556

CONTACT: Gary Varley
5840 NW Gary Street
Lincoln, NE 68521
402-610-0515

ANNEXATION NO. 14006,
CHANGE OF ZONE NO. 14031
and
SPECIAL PERMIT NO. 14050

CONSENT AGENDA
PUBLIC HEARING & ADMINISTRATIVE ACTION
BEFORE PLANNING COMMISSION: **December 10, 2014**

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

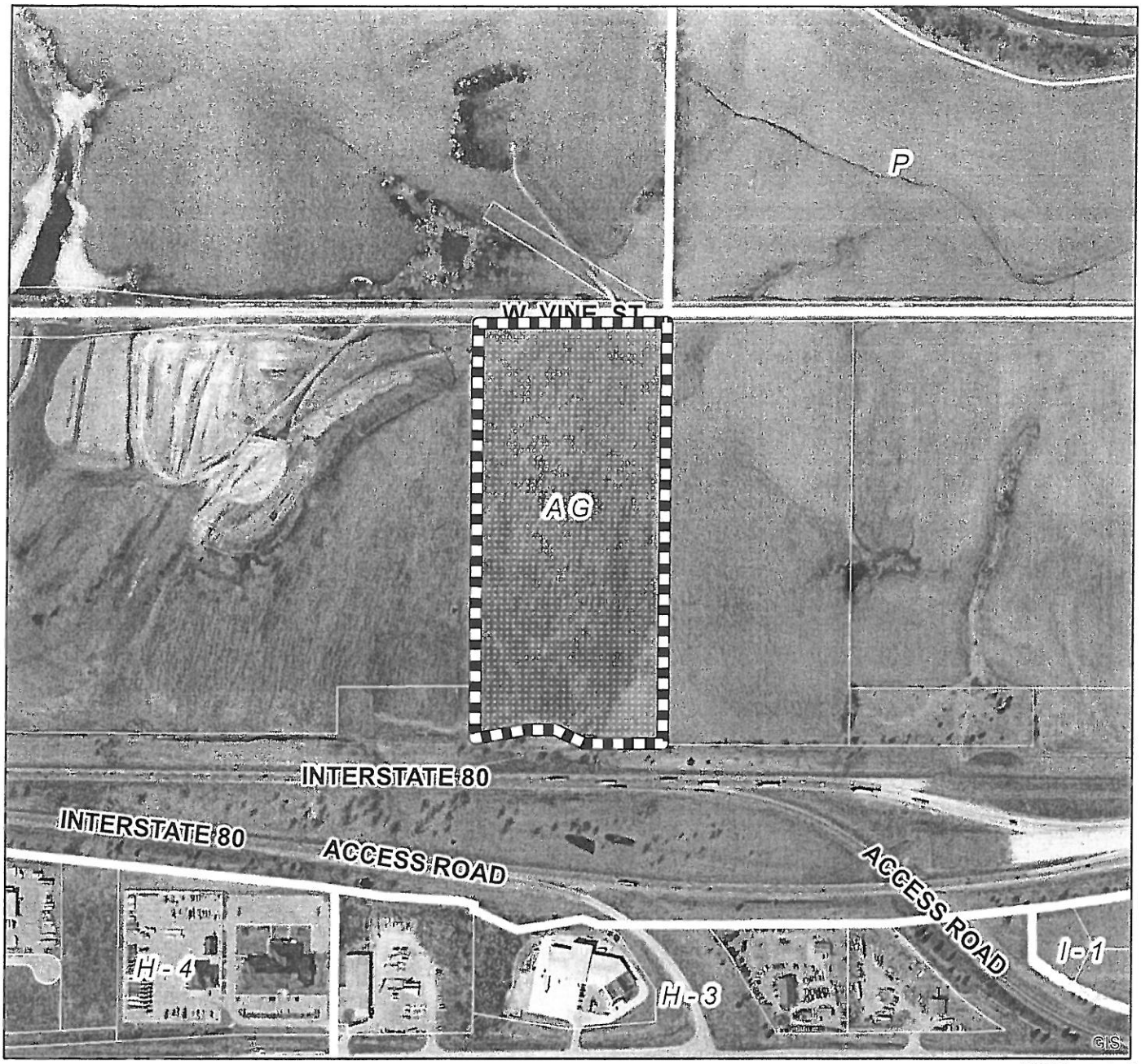
The Consent Agenda consisted of the following items: **CITY TEXT AMENDMENT NO. 14019 and COUNTY TEXT AMENDMENT NO. 14020; *ANNEXATION NO. 14006, CHANGE OF ZONE NO. 14031 and SPECIAL PERMIT NO. 14050*; CHANGE OF ZONE NO. 14030; SPECIAL PERMIT NO. 14048 and STREET & ALLEY VACATION NO. 14011; STREET & ALLEY VACATION NO. 14010; and STREET & ALLEY VACATION NO. 14012.**

There were no ex parte communications disclosed.

Item No. 1.5, Street & Alley Vacation No. 14010, was removed from the Consent Agenda and had separate public hearing.

Cornelius moved approval of the remaining Consent Agenda, seconded by Hove and carried 9-0: Scheer, Harris, Cornelius, Beecham, Corr, Sunderman, Weber, Hove and Lust voting 'yes'.

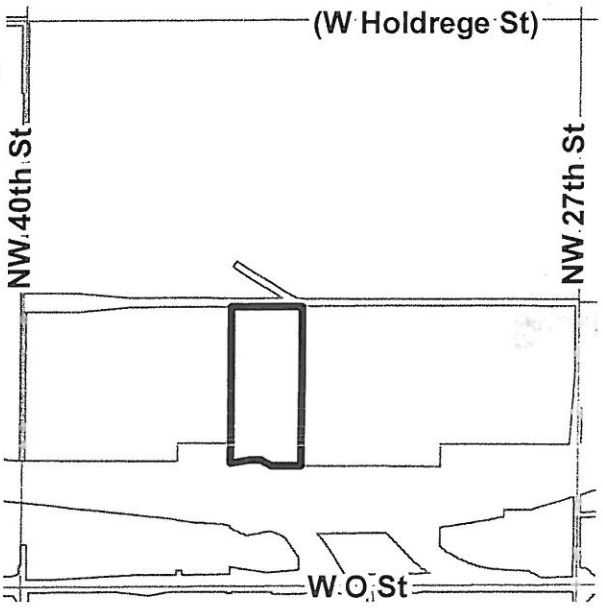
Note: This is final action on Special Permit No. 14050 and Special Permit No. 14048, unless appealed to the City Council by filing a letter of appeal with the City Clerk within 14 days.



2013 aerial

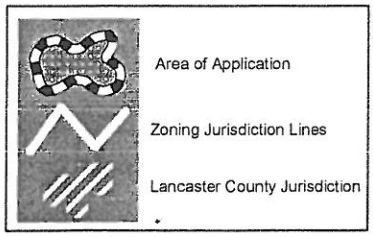
Change of Zone #: CZ14031 (AG to I-1)
& Special Permit #: SP14050
NW 40th & W Vine St

One Square Mile:
Sec.20 T10N R06E



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



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(CZ14031)

LAND
Excavating
and
Demolition, LLC

November 12, 2014

City of Lincoln – Planning Commission
555 South 10th Street
Lincoln, NE 68508

Re: Zoning Change Request – Parcel ID# 10-20-300-002-000; near NW 33rd and West Vine St.

Dear Sirs,

Noel L. and Gloria J. Chadd are requesting a zoning change for the above site from AG to I-1 in anticipation of selling the property to Land Excavating and Demolition, LLC. This site has been previously used as a borrow site under Special Permit #1489A and coincides with "Airport West Subarea Plan" as approved in February 2005. In addition, Land Excavating and Demolition is requesting annexation and special permit for a rock crusher located at the same site.

Land Excavating and Demolition, LLC will initially use this site as a temporary stockpile area for future recycled products such as concrete and asphalt and within five years expect to build an office/shop area in the east half of the property. Crushing quite likely would not begin until next fall or winter. The south property line along I-80 is currently being reconstructed to accommodate new grades in conjunction with the NDOR Diverging Diamond Project (#IM-NH-80-9(862(863)(864). Once right-of-way elevations are established we will provide a detailed plan of the revised elevations.

Sincerely,

Gary T. Varley
Land Excavating and Demolition, LLC
President