

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for April 28, 2004 PLANNING COMMISSION MEETING

P.A.S.: Change of Zone #04022

PROPOSAL: A change of zone from AG Agriculture to H-3 Highway Commercial

LAND AREA: 4.30 Acres, more or less

CONCLUSION: This is replacement zoning and buildable area for a viable existing operation. This is generally in conformance with the Comprehensive Plan.

RECOMMENDATION:

Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION: A 4.30 acre parcel located in the NW 1/4 of Section 31, T 11 N, R 6 E of the 6th P.M., Lancaster County NE. Metes and Bounds description attached.

LOCATION: Generally located at N. W. 48th Street and Hwy 34.

EXISTING ZONING: AG Agriculture with a Heritage Center Special Permit (a “heritage center” allows additional uses by special permit for a historically significant era or activity).

EXISTING LAND USE: pasture/farming

SURROUNDING LAND USE AND ZONING:

North: Ag land, zoned AG Agriculture

South: Ag land, zoned AG Agriculture

East: Commercial land, zoned H-3 Highway Commercial

West: Ag land, zoned AG Agriculture. “GrandPa John’s” Heritage Center Special Permit.

ASSOCIATED APPLICATIONS: None

HISTORY: Special permit for a Heritage Center approved in February 1994. Changed from County AA Rural and Public Use to AG Agriculture in the 1979 Zoning Update. The land to the east changed from AG to H-3 in April 1995 (cz 2892).

COMPREHENSIVE PLAN SPECIFICATIONS: This area is shown as Agriculture adjacent to Commercial on the Land Use Plan (pg F 23). This is in the Lincoln growth Tier III. A

Comprehensive Plan Amendment is in process that reflects this area and suggests it be studied for suitability for Tier I or II (CPA #04016). The 2025 Comprehensive Plan states:

Existing businesses flourish and there are opportunities for new businesses within Lincoln and the incorporated communities. The Plan provides new employment locations and supports retention of existing businesses. Pg F 16

Encourage renovation and reuse of existing commercial centers. Infill commercial development should be compatible with the character of the area and pedestrian oriented. 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. Expansion of existing commercial and industrial uses should not encroach on existing neighborhoods and must be screened from residential areas. Pg F 49

During the planning period, improvements are planned for Interstate 80 and many of the existing Nebraska State Highways in Lincoln and Lancaster County. These improvements can generally be categorized as the widening of roadways or construction of interchanges. All of the projects listed below are considered to have funds committed to their construction during the planning period:

US-34, West, city limits west to county line 4 lanes + turn lanes
West "O" St., **N.W. 48th St.** to N.W. 56th St. 4 lanes + turn lanes

UTILITIES: No utilities are available

TOPOGRAPHY: Flat

TRAFFIC ANALYSIS: Highway 34/ Purple Heart highway is a Federal highway with limited access and a 50' from centerline building line district. Northwest 48th/Woodlawn is a city major street with a 50' from centerline building line district. The State of Nebraska is in the process of a project to realign N.W. 48th and N.W. 40th Streets to a common intersection on Hwy 34, on a portion of the applicants property.

PUBLIC SERVICE: This is served by the Malcolm Rural Fire District, County Sheriff, and Malcolm School District #148.

REGIONAL ISSUES: NA

ENVIRONMENTAL CONCERNS: No historic or environmental resources are noted on this parcel. This is in the Airport Noise zone between the Ldn 70 and 75 contours. This is under the approach to runway 14. Much of the site is in the 500 year flood plain but not in the 100 year flood plain. The soil types at this site are classified as "Prime".

AESTHETIC CONSIDERATIONS: Entrance to the city. This is not in an identified Capital View Corridor.

ALTERNATIVE USES: Agriculture

ANALYSIS:

1. This proposal is for a change of zone on a 4.30 acre parcel to replace currently zoned land and buildings being lost to acquisition by the Department of Roads of Right - of - Way for the realignment of NW 48th and NW 40th Streets at this location. About 2.4 acres appears to be directly impacted by the R O W acquisition and two buildings will be impacted by the new drive.
2. This is being requested to replace and enhance the existing business operation of mini storage/warehousing.
3. This zoning is an expansion contiguous to existing H-3 zoning.
4. The potential for this area to be served by city services is proposed to be studied.
5. The landowner will be compensated by the State for land and damages.
6. The offset of the zoning from Highway 34 is to acknowledge the entryway to the city and improve visual impact.
7. The area of Special Permit # 1481 must be amended if this zoning is approved.

Prepared by:

Mike DeKalb, AICP, 441-6370, mdekalb@ci.lincoln.ne.us
Planner
April 13, 2004

APPLICANT: John Zakovec
4801 N.W. Hwy 34
Lincoln, NE 68524
(402) 470-2450

OWNER: John Zakovec

CONTACT: Lyle Loth ESP
601 Old Cheney Road, Suite A
Lincoln, NE 68512



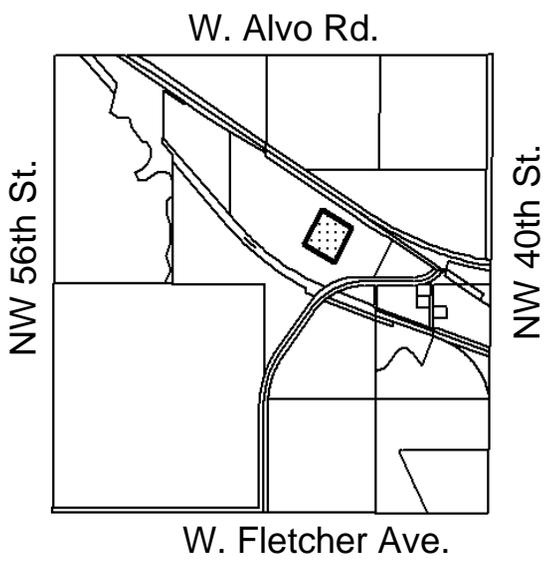
2002 aerial

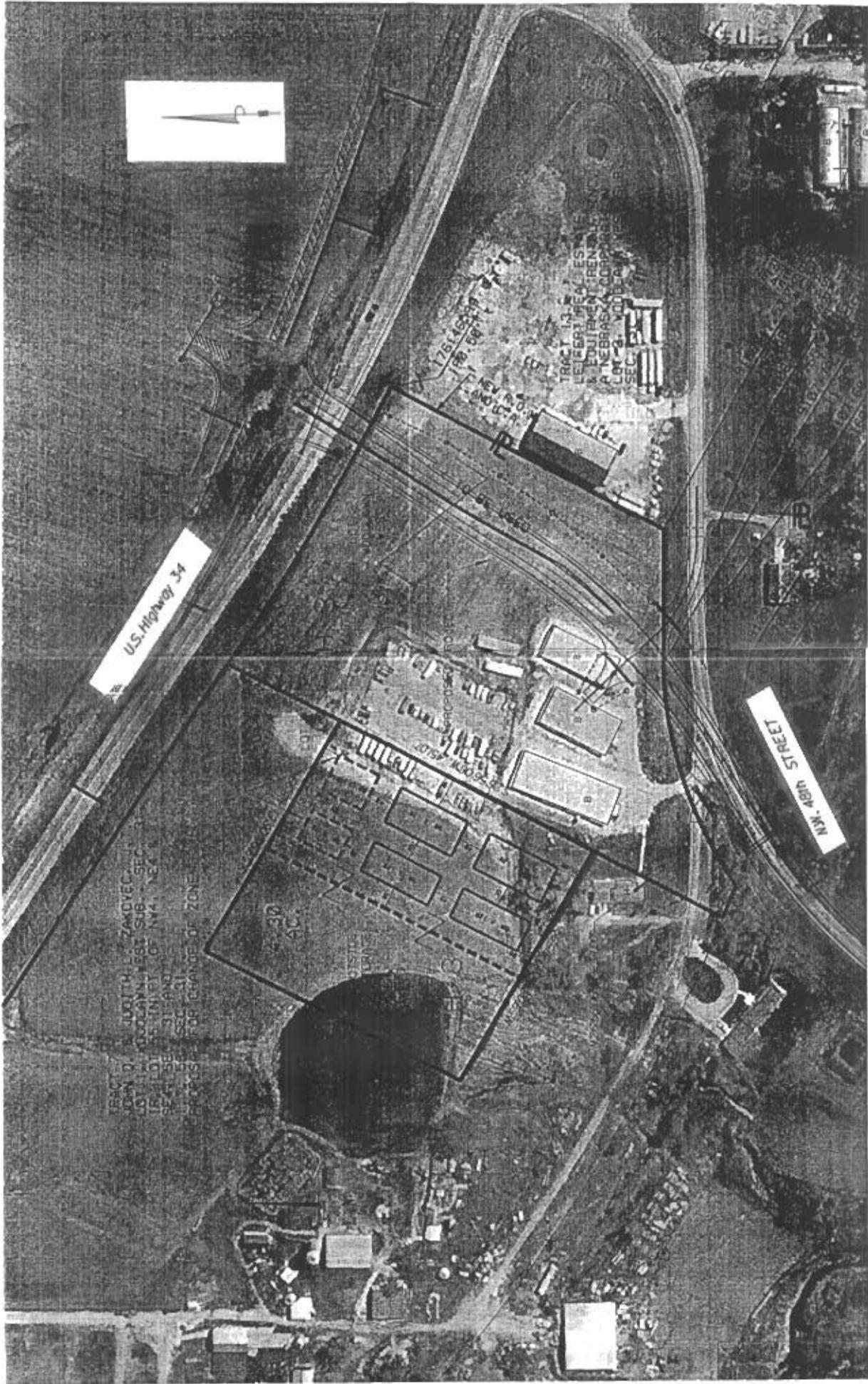
Change of Zone #04022 4801 NW Hwy 34

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. 31 T11N R6E





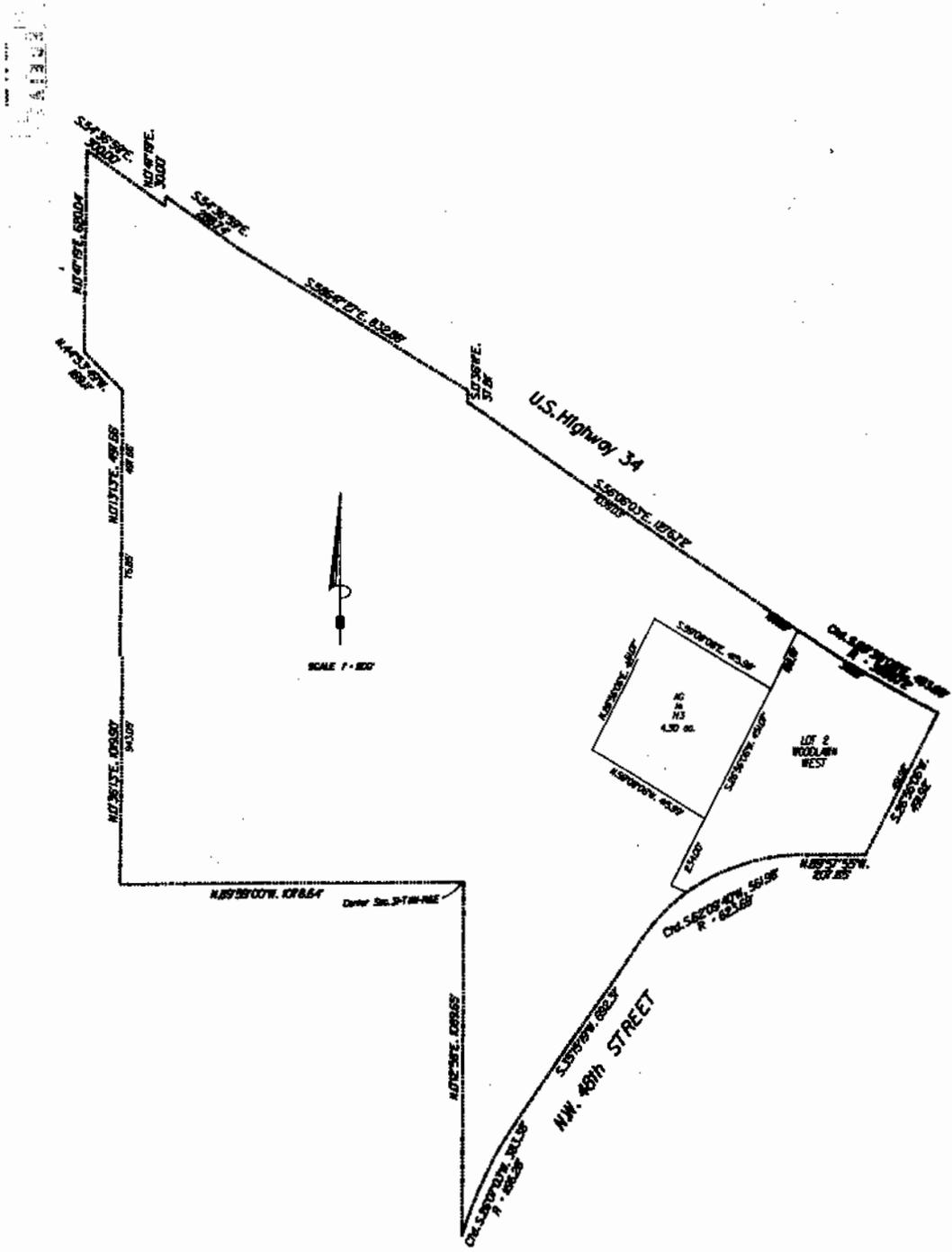
U.S. Highway 34

NW 48th STREET

TRACT 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100

LEBERT, W. E. & SONS, INC. & EQUIPMENT RENTALS, INC. NEBRASKA CORPORATION Lot 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100

Change of Zone #04022
4801 NW Hwy 34



Change of Zone #04022
4801 NW Hwy 34



File No. 00-0016
March 23, 2004

Mike Dekalb
Planning Department
555 South 10th Street
Lincoln, NE 68508

Re: Change of Zone – John Zakovec

LYLE L. LOTH, P.E./L.S.

Suite A - 601 Old Cheney Road
Lincoln, NE 68512

Phone (402) 421-2500
Fax (402) 421-7096

Email: lyle@espeng.com

Dear Mike:

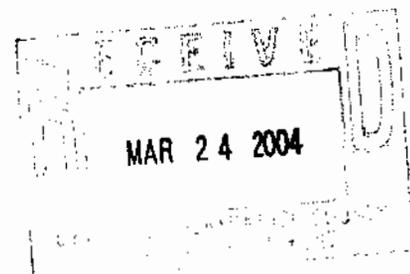
On behalf of John and Judy Zakovec we are submitting herewith an application for a Change of Zone from AG to H-3. The Nebraska Department of Roads is planning to acquire right-of-way from the Zakovecs for the proposed improvements to Highway 34 and NW 48th Street. This acquisition includes a substantial part of the H-3 zoning along the eastern part of the Zakovec property, and will require the relocation of 2 of the commercial storage buildings operated by the Zakovecs. The purpose of this change of zone request is to provide suitable zoning for the relocation of the storage buildings and outside storage area.

E-S-P
Engineering-Surveying-Planning

A handwritten signature in black ink, appearing to read 'Lyle L. Loth', is written over the typed name.

Lyle L. Loth
For the Firm

Cc: John & Judy Zakovec



**METES & BOUNDS
AG to H3 PARCEL**

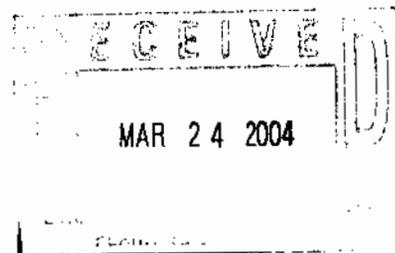
Commencing at the SW corner of the existing H3 Zoning area (also SW corner of Lot2, Woodlawn West), set forth by the City of Lincoln, Nebraska, located in Sec. 31, T 11N., R 6E., of the 6th P.M., Lancaster County, Nebraska and extending thence N. 26°56'06" E., 234.00 feet to the point of beginning of the proposed change of zone;

Thence N. 59°08'06" W., 415.99 feet;

Thence N. 26°56'06" E., 451.07 feet;

Thence S. 59°08'06" E., 415.99 feet;

Thence S. 26°56'06" W., 451.07 feet to the point of beginning of the said proposed change of zone, containing an area of 4.30 acres, more or less.



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

TO: Mike DeKalb

DATE: April 5, 2004

DEPARTMENT: Planning

FROM: Chris Schroeder

ATTENTION:

DEPARTMENT: Health

CARBONS TO: EH File
EH Administration

SUBJECT: CZ #04022
4801 NW HWY 34

The Lincoln-Lancaster County Health Department has reviewed the change of zone application and does not have any objection to the approval of this application.