

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for September 29, 2004 PLANNING COMMISSION MEETING

P.A.S.: Change of Zone #04059

PROPOSAL: A change of zone from AG Agriculture to I-1 Industrial

LAND AREA: 3.63 Acres, more or less

CONCLUSION: This is not in conformance with the Comprehensive Plan.

RECOMMENDATION:

Denial

GENERAL INFORMATION:

LEGAL DESCRIPTION: Lot 67 I.T. in the NE 1/4 of Section 22, T 10 N, R 5 E of the 6th P.M., Lancaster County NE.

LOCATION: Generally located at N. W. 84th Street and West Haven Road in Emerald.

EXISTING ZONING: AG Agriculture.

EXISTING LAND USE: Residence of applicant, outdoor storage and garages.

SURROUNDING LAND USE AND ZONING:

North: Rail line, I-80, Ag land, zoned AG Agriculture

South: Residences and Ag land, zoned AG Agriculture

East: Ag land, zoned AG Agriculture.

West: Residence and grain elevator, zoned AG and I-1

ASSOCIATED APPLICATIONS: None

HISTORY: The settlement of Emerald was established in about 1884. It was zoned I Industrial and C Commercial zoning in the County jurisdiction, converted to City I-1 and H-2 in 1970 when the three mile city jurisdiction included the area.

COMPREHENSIVE PLAN SPECIFICATIONS: This area is shown as Agricultural Stream Corridor on the Land Use Plan (pg F 23). This is in the Lincoln growth Tier III. 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

Agricultural Stream Corridor: Land intended to remain in open space, predominately in agricultural use, but that may also include parks, recreation fields, or parking areas when near future commercial, industrial, or public uses. Such areas will be primarily privately owned, but may also include some public ownership or easements. These areas are mostly in the 100 year floodplain, outside of the existing Lincoln urban development. Pg F 22

Commercial and industrial districts in Lancaster County shall be located:

- within the City of Lincoln or incorporated villages
- outside of saline wetlands, signature habitat areas, native prairie and floodplain areas (except for areas of existing commercial and industrial zoning)
- where urban services and infrastructure are available or planned for in the near term
- in sites supported by adequate road capacity – commercial development should be linked to the implementation of the transportation plan
- in areas compatible with existing or planned residential uses
- in areas accessible by various modes of transportation (i.e. automobile, transit and pedestrian)
- so that they enhance entryways or public way corridors, when developing adjacent to these corridors
- in a manner that supports the creation and maintenance of green space as indicated in the environmental resources section of this Plan. Pg F 38

UTILITIES: No utilities are available. This is adjacent to, but not in, the Emerald SID. This may be served by the SID in the future (Emerald SID provides both sewer and water).

TOPOGRAPHY: Flat/creek area. Next to elevated rail bed on the north.

TRAFFIC ANALYSIS: N.W. 84th is a paved county road connecting Emerald and “O” Street to Pawnee Lake to the north. W. Haven Road is a gravel county road that serves local residential traffic as well as access to the grain elevator.

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 resources are noted on this parcel. The entire site is in the 100 year flood plain and

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

ALTERNATIVE USES: Existing residence

ANALYSIS:

1. This proposal is for a change of zone from AG to I-1 on a 3.63 acre parcel in the Emerald area.
2. This is being requested to allow future commercial storage.
3. This would expand the industrial zoning along the rail line.
4. A residence and some storage exist on the site.
5. The Emerald SID supports the application.
6. This parcel is surrounded by various uses, including residential to the south, a rail line to the north and a grain elevator to the west.
7. This parcel is entirely in the 100 year flood plain and is shown as Agricultural Stream Corridor in the Plan. This is not in conformance with the Plan. There is not sufficient evidence presented to vary the Plan designation or the zoning at this time. A subarea/neighborhood plan may be appropriate if the SID expands its service area.
8. Although the site is adjacent to the active rail road, it is unlikely the site would be provided a service side track.

Prepared by:

Mike DeKalb, AICP, 441-6370, mdekalb@ci.lincoln.ne.us
Planner
September 14, 2004

APPLICANT: Brian D. Carstens for Walt Dondlinger
601 Old Cheney Road, Suite C
Lincoln, NE 68512
(402) 434-2424

OWNER: Walt Dondlinger
447 N.W. 84th Street
Lincoln, NE 68522-1642
(402) 474-1198

CONTACT: Brian D. Carstens
601 Old Cheney Road, Suite C
Lincoln, NE 68512
(402) 434-2424



2002 aerial

Change of Zone #04059 NW 84th & West Haven Rd.

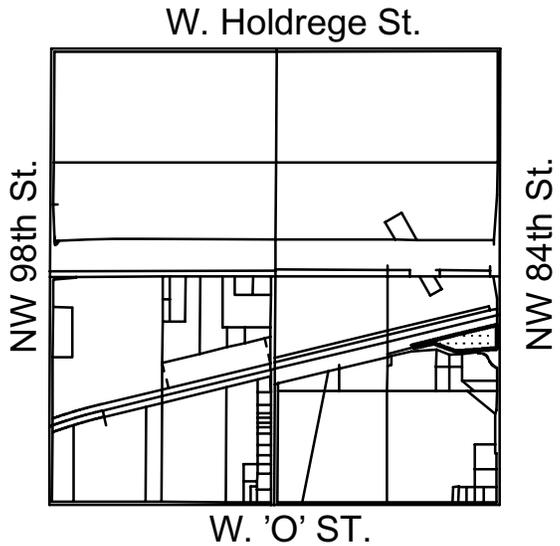
Zoning:

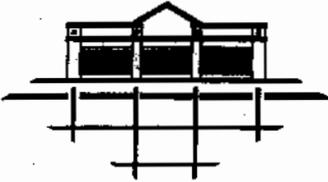
- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- R-C Residential Conservation District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned 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. 22 T10N R5E



● Zoning Jurisdiction Lines
○ City Limit Jurisdiction





BRIAN D. CARSTENS AND ASSOCIATES
LAND USE PLANNING RESIDENTIAL & COMMERCIAL DESIGN
601 Old Cheney Road, Suite C Lincoln, NE 68512 Phone: 402.434.2424

September 1, 2004

Mr. Marvin Krout
Director of Planning
City of Lincoln/ Lancaster County
555 South 10th Street
Lincoln, NE 68508

RE: CHANGE OF ZONE FROM 'AG' TO 'I-1'
N.W. 84TH AND W. HAVEN ROAD

Dear Marvin,

On behalf of Walt Dondlinger, I am submitting the above mentioned Change of Zone for your review. Mr. Dondlinger desires to change to zoning to allow for future commercial uses on his property, mainly storage.

He has already received approval from Emerald S.I.D. Board for his proposed change of zone. A copy of their letter is attached for your reference.

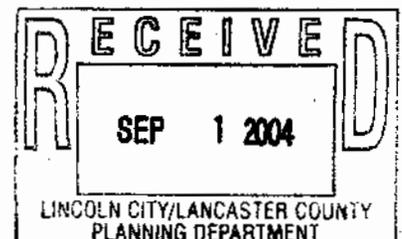
Please feel free to contact me if you have any further questions.

Sincerely,

Brian D. Carstens

cc. Walt Dondlinger

Enclosures: Application for a Change of Zone
Application Fees of \$740.00
Letter from Emerald S.I.D. #6



August 22, 2004

Planning Department
555 S. 10th Street
Lincoln, NE. 68508

RE: Walt Dondlinger zoning change request.

Dear Planning Department,

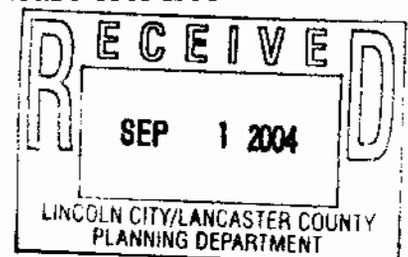
Walt Dondlinger's property at this time does not lie within the boundaries of SID#6. We will be drilling test wells within the next two month's (good Lord willing and the creek's don't rise!). If the well's prove to be what we expect, we will include West Emerald in this service and extend our boundaries accordingly with the inclusion of Mr. Dondlinger's property.

We appreciate the Planning Departments desire to closely monitor the growth in the Emerald area. As the Planning Department knows we have made several changes in securing our homes and water supply for the future and hope to continue changing for the betterment of our community.

Mr. Dondlinger simply wants to do things right the first time around. The SID Board has no problem with the proposed zoning change. We look forward to a diverse community offering services to the residents otherwise unavailable in this area.

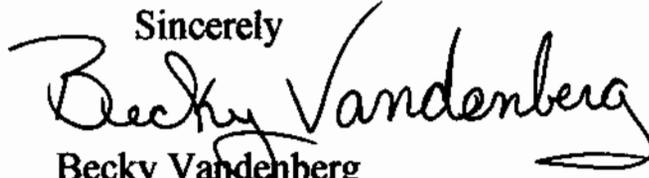
The Emerald SID Board would ask the Planning Department to approve this zoning change.

If you should have any questions or comments you'd like to discuss or if you should desire our presence at any meeting please feel free to contact me at anytime.

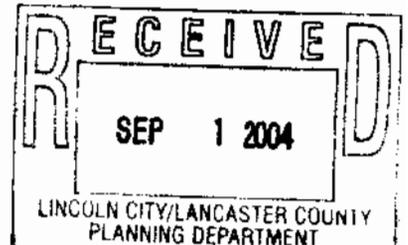


Again, Thank You for your concern and perseverance in helping Emerald maintain it's community atmosphere, this is our home and we love it here!

Sincerely

A handwritten signature in black ink that reads "Becky Vandenberg". The signature is written in a cursive style with a large, sweeping "B" and a long horizontal line at the end.

Becky Vandenberg
President SID#6



Lancaster

DON R. THOMAS - COUNTY ENGINEER

County

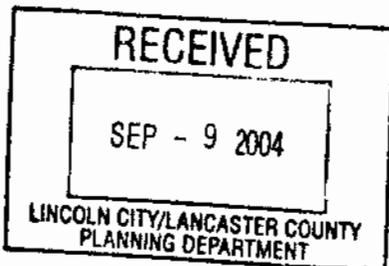
Engineering

DEPUTY - LARRY V. WORRELL
COUNTY SURVEYOR

Department

DATE: September 8, 2004
TO: Mike DeKalb
Planning Department
FROM: Larry V. Worrell 
County Surveyor
SUBJECT: CHANGE OF ZONE - #04059

Upon review, this office has no objections to this submittal.



LW/cm

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

TO: Mike DeKalb

DATE: September 15, 2004

DEPARTMENT: Planning

FROM: Chris Schroeder

ATTENTION:

DEPARTMENT: Health

CARBONS TO: EH File
EH Administration

SUBJECT: CZ #04059
AG to I-1

The Lincoln-Lancaster County Health Department has reviewed the change of zone application and does not object to the proposed change of zone.