

City Council Introduction: **Monday**, February 24, 2003
Public Hearing: **Monday**, March 3, 2003, at **1:30 p.m.**

Bill No. 03-36

FACTSHEET

TITLE: **CHANGE OF ZONE NO. 3386**, from H-3 Highway Commercial to I-1 Industrial, requested by Engineering Design Consultants on behalf of Gary and Carolyn Christensen and Delisi Brothers, Inc., on property generally located southwest of the intersection of South Coddington Avenue and West "O" Street.

STAFF RECOMMENDATION: Approval.

ASSOCIATED REQUESTS: Preliminary Plat No. 02022, G & C Addition (03R-50).

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 01/08/03
Administrative Action: 01/08/03

RECOMMENDATION: Approval (8-0: Carlson, Bills-Strand, Larson, Newman, Duvall, Taylor, Krieser and Schwinn voting 'yes'; Steward absent).

FINDINGS OF FACT:

1. This change of zone request and the associated preliminary plat were heard at the same time before the Planning Commission on January 8, 2003.
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 with minor modifications, this change of zone and preliminary plat are consistent with the Zoning Ordinance and Comprehensive Plan.
3. The applicant's testimony is found on p.5-6, including proposed amendments to the conditions of approval on the associated preliminary plat.
4. There was no testimony in opposition.
5. On January 8, 2003, the Planning Commission agreed with the staff recommendation and voted 8-0 to recommend approval.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: February 18, 2003

REVIEWED BY: _____

DATE: February 18, 2003

REFERENCE NUMBER: FS\CC\2003\CZ.3386

LOCATION: Southwest of the intersection of South Coddington Avenue and West O Street.

CONTACT: Richard Onnen
Engineering Design Consultants
630 North Cotner Blvd., Suite 105
Lincoln, NE 68505
(402) 464-4011

APPLICANT: Gary and Carolyn Christensen
1101 Arapahoe Street, Suite 3
Lincoln, NE 68502
(402) 420-7777

OWNERS: Gary and Carolyn Christensen
1101 Arapahoe Street, Suite 3
Lincoln, NE 68502
(402) 420-7777
Delisi Brothers, Inc.
3500 West A Street
Lincoln, NE 68522
(402) 438-2268

EXISTING ZONING: H-3 Highway Commercial, I-1 Industrial

EXISTING LAND USE: Commercial, Vacant

SURROUNDING LAND USE AND ZONING:

| | | |
|--------|----------------------------------|----------|
| North: | Commercial | H-3 |
| South: | Commercial, BNSF railroad tracks | I-1 |
| East: | Commercial | H-3, I-1 |
| West: | Homestead Expressway | H-3, I-1 |

COMPREHENSIVE PLAN SPECIFICATIONS:

Page F25 - This area is designated for commercial and industrial land use on the Future Land Use Map.

Page F27 - This area is shown within the City's Future Service Limit.

HISTORY: Preliminary Plat was submitted **October 8, 2002**.
Letter noting application deficiencies to be corrected was sent **November 8, 2002**.
Planning Director's letter was sent **November 22, 2002**.
Revised preliminary plat was submitted **November 27, 2002**.

UTILITIES: This site is located within the City's Future Service Limit, and City water and sewer service can be provided. Electricity, telephone and cable service can also be provided.

ANALYSIS:

1. A waiver to allow a lot without frontage to a street is required for Outlot A to remain as shown. A 30' storm sewer, drainage and access easement is provided across Lot 2 from Magnum Court to the outlot. As the purpose of the outlot is for storm water detention, access to a street via an easement is appropriate.
2. The plat does not show the improvements to South Coddington Avenue as required by the Subdivision Ordinance. Waivers to paving, curb and gutter, sidewalks and street trees have all been requested, the justification being that the existing rural cross-section roadway is adequate to support the proposed development. The applicant further states that given the condition of the existing street, the street trees and sidewalks should be waived because the rural cross-section roadway does not provide space for them.

The intent of Lincoln Municipal Code in requiring improvements in conjunction with platting ensures that adequate, modern infrastructure is built to support proposed development. This includes upgrading substandard infrastructure, as is the case with this project. The result is a continuous upgrading of the City's infrastructure.

A waiver to paving, curb and gutter, and street trees was also requested when the property adjacent to the south was recently subdivided. That request was denied by the City Council and the owner must construct all required improvements. Consistent with that action and in the absence of any hardship or technical infeasibility, this request to waive improvements to South Coddington should also be denied.

3. This plat creates dead-end streets of West M and N Streets. In response, the applicant is requesting a waiver to the requirement to provide permanent turnarounds at the ends of the street. The applicant has also stated that petitions to vacate M and N Streets west of South Coddington Avenue have been submitted.

Streets have not been constructed in the rights-of-way to be vacated, and would serve little purpose if they had considering the development pattern in this area. The proposed street vacations are encouraged as they will convert unneeded and excess public right-of-way into usable property. It is recommended that the waiver to provide turnarounds be denied to help ensure the street vacation petitions continue to proceed through the process.

4. Minor corrections must be made to the grading and drainage. Those items are noted in the attached report from Public Works and Utilities. These corrections will need to be made prior to this item being forwarded to City Council.

Prepared by:

Brian Will, AICP
Planner II

**CHANGE OF ZONE NO. 3386
and
PRELIMINARY PLAT NO. 02022,
G & C ADDITION**

PUBLIC HEARING BEFORE PLANNING COMMISSION:

January 8, 2003

Members present: Carlson, Bills-Strand, Larson, Newman, Duvall, Taylor, Krieser and Schwinn;
Steward absent.

Staff recommendation: Approval of the change of zone and conditional approval of the preliminary plat.

Proponents

1. Rick Onnen of Engineering Design Consultants testified on behalf of the applicant, **Gary Christensen**. The proposed development is industrial and one commercial lot, at approximately Coddington & West "O". Streets.

The applicant agrees with the conditions of approval on the preliminary plat, except Condition #1.1.1, which denies the waiver of improvements to South Coddington. This discussion occurred in another proposal less than a year ago. In that case, the City Council denied the waiver but they did give the developer the option that if they could not form a paving district within 3 years, to come back and request the waiver again. The primary argument not to improve the street is that it is a rural section paved roadway. The traffic volume is low. The street functions fine as it is and the developer would rather not incur the costs. It also impacts the other owners along the street as it is difficult to improve due to drainage issues.

Onnen then discussed Condition #1.1.3, which requires the vacation of West M Street and West N Street west of South Coddington Avenue. West M Street exists as a right-of-way (a stub to the west) on a plat done in the late 1800's and has never been constructed. That part is integral with this plat and the developer has no problem with the vacation of M Street. They will essentially be replacing the piece of vacated right-of-way in kind with the cul-de-sac to the south and the developer would like to be able to acquire the vacated right-of-way without having to purchase it.

With regard to the vacation of West N Street, Onnen advised that West N Street is not within the boundaries of this plat and not in control of the ownership of this developer. The owner has consented to petition for the vacation and the property has since changed hands. The new owner has also agreed to petition for the vacation. The biggest problem is that that vacation is also going to require an administrative plat on that property to not provide lots without frontage. There is a time factor involved in processing that vacation and the developer does not want the vacation of West N Street to hold up this plat. This developer supports the vacation of West N Street, but would prefer it not be a condition of approval on this plat.

In response to a request for clarification by Carlson regarding West M Street, Onnen stated that the developer would essentially like to trade. The developer is moving the street and, rather than having to purchase that right-of-way at market value, the developer would like to swap that land. As part of the Ford Van Lines administrative subdivision, the developer has already bonded for the improvements for that portion of the street. Ray Hill of Planning staff suggested that the developer contact Clint Thomas of the Real Estate Division of Urban Development regarding this issue. These arrangements should be made before the street vacation gets to the City Council. The street vacations are reviewed by the Planning Commission as to conformance with the Comprehensive Plan. If that's the case, Carlson believes the condition should remain in place and let them work the land swap out prior to City Council. Hill commented that no one disagrees with the vacation of M Street. The developer is just asking that he be given consideration not to have to pay for the land when the city vacates M Street and then turn around and dedicate an equal amount of land with the final plat. That agreement to swap is a discussion that should take place with the City Appraiser.

Carlson noted the applicant's testimony that the existing road is functioning adequately. If you add 15 new industrial users, why doesn't the curb and gutter need to be brought to urban standard? Onnen responded, stating that the uses envisioned would be low volume traffic uses such as body shops and small businesses, i.e. contractor/warehouse type facilities. Carlson believes that anything can happen in I-1 given the lot size and restrictions. Onnen noted that the lots are small.

Onnen further advised that the developer has requested an assessment district for the paving. Public Works asked that it be addressed all the way from "O" Street and the developer has requested an assessment district for that piece. The agreement was if that assessment district would not be established within three years, the developer could come back and ask for the waiver again at that time.

There was no testimony in opposition.

Public hearing was closed.

CHANGE OF ZONE NO.3386

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

January 8, 2003

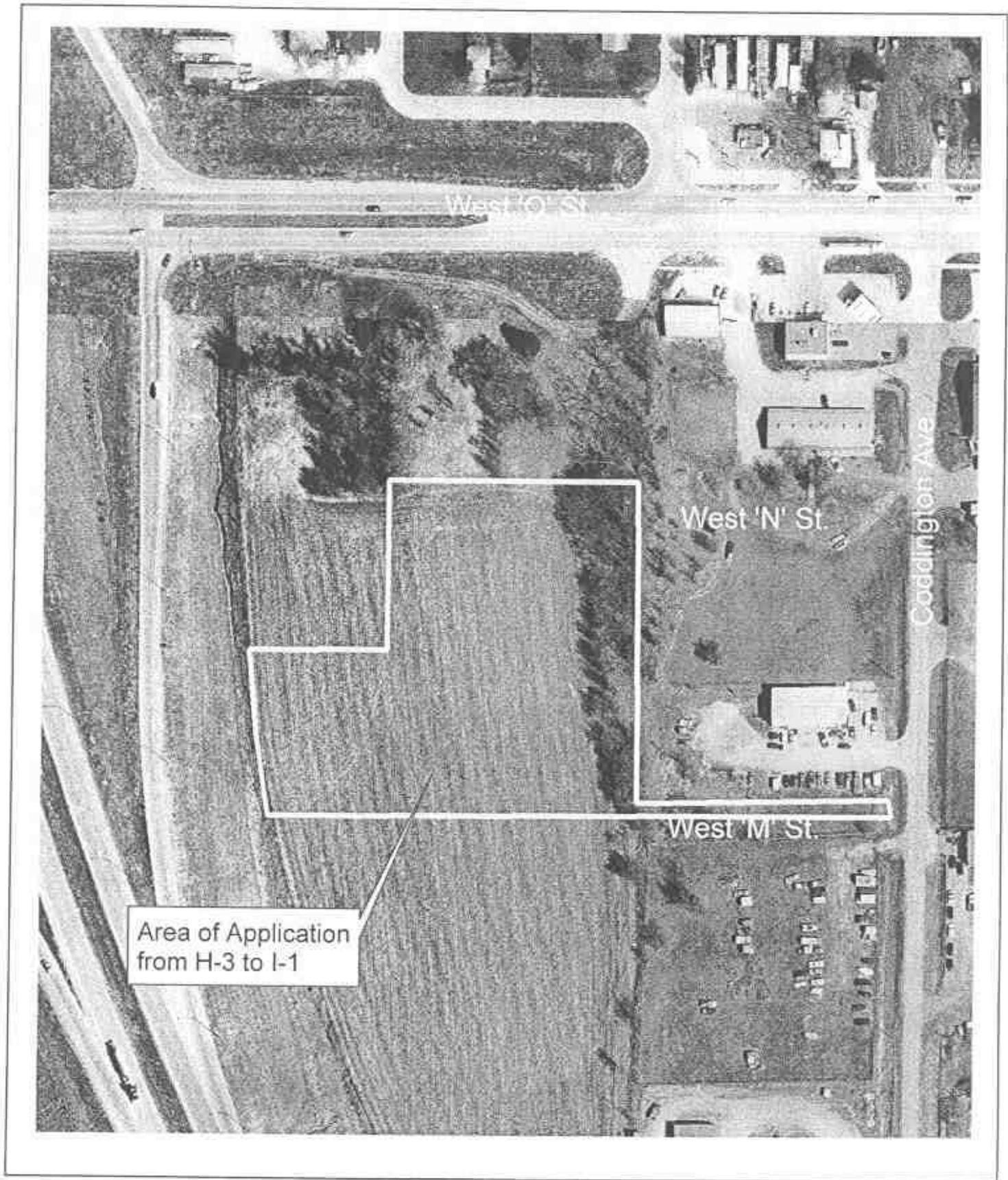
Carlson moved approval, seconded by Newman and carried 8-0: Carlson, Bills-Strand, Larson, Newman, Duvall, Taylor, Krieser and Schwinn voting 'yes'; Steward absent.

PRELIMINARY PLAT NO. 02022

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

January 8, 2003

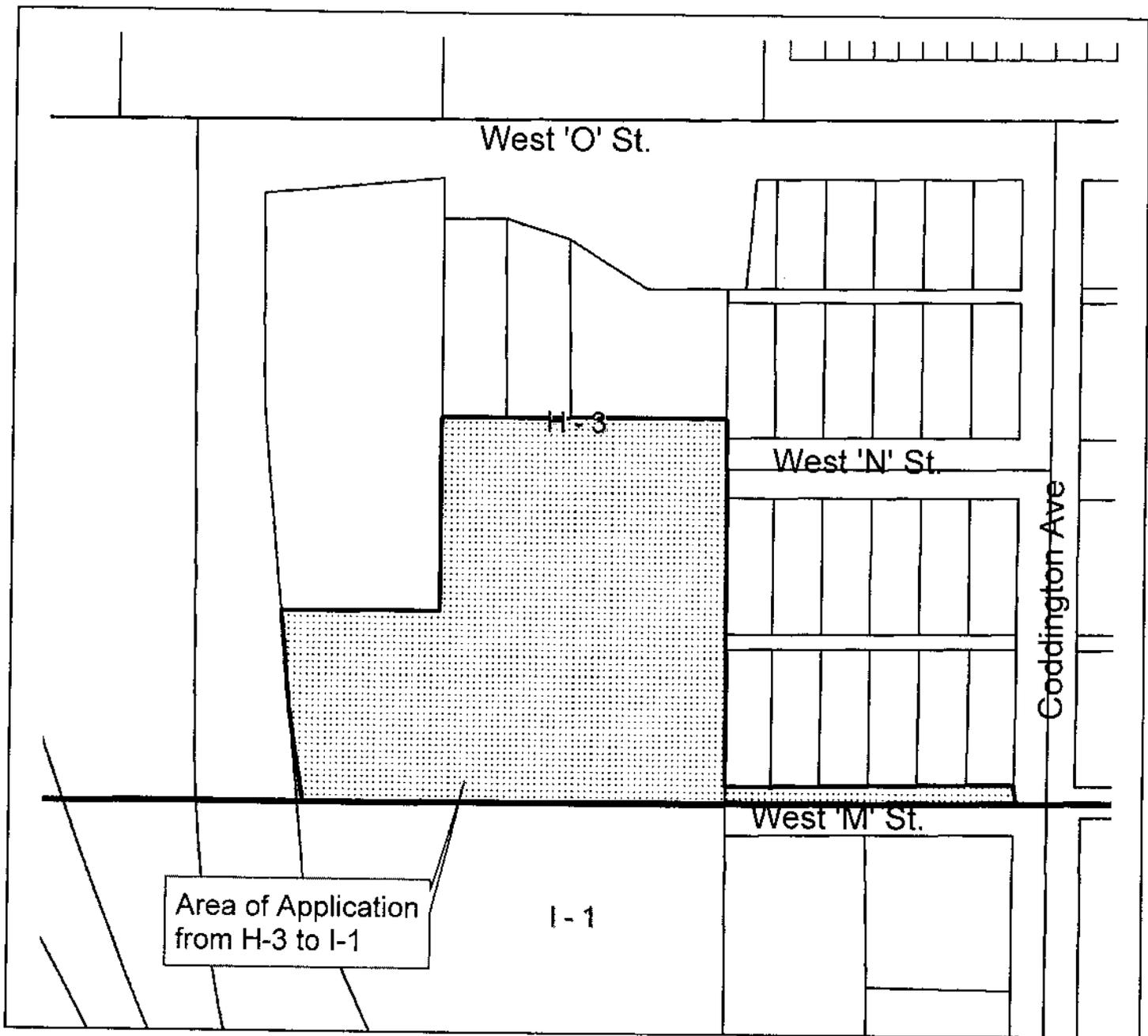
Carlson moved approval of the staff recommendation of conditional approval, seconded by Newman and carried 8-0: Carlson, Bills-Strand, Larson, Newman, Duvall, Taylor, Krieser and Schwinn voting 'yes'; Steward absent.



**Change of Zone #3386
SW 24th & West 'O' St.**



007

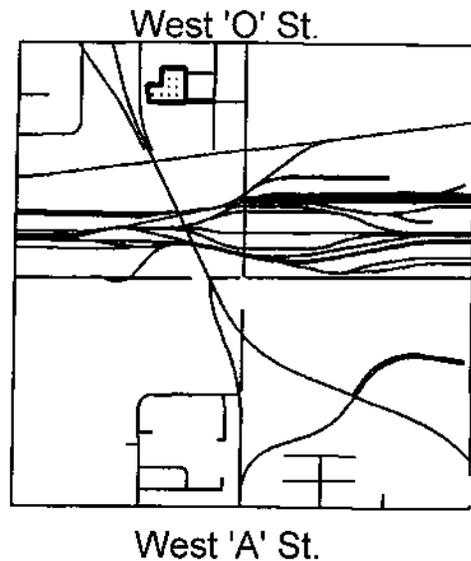
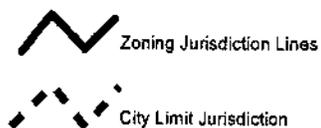


Change of Zone #3386 SW 24th & West 'O' St.

Zoning:

One Square Mile
Sec. 28 T10N R6E

- 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



008

**LEGAL DESCRIPTION
CHANGE OF ZONE: H-3 TO I-1**

CHANGE OF ZONE

A LEGAL DESCRIPTION OF PART OF LOT 125 I.T. LINCOLN, LANCASTER COUNTY, NEBRASKA IN THE NORTHWEST QUARTER OF SECTION 28, TOWNSHIP 10 NORTH, RANGE 6 EAST OF THE 6TH P.M. AND MORE FULLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 6, BLOCK 3, MANCHESTER HEIGHTS ADDITION; THENCE S00°22'40"E, A DISTANCE OF 144.04 FEET; THENCE: N89°07'38"E, A DISTANCE OF 297.25 FEET; THENCE S00°03'52"W, A DISTANCE OF 30.00 FEET; THENCE: S89°07'38"W, A DISTANCE OF 715.33 FEET; THENCE: N08°22'17"W, A DISTANCE OF 208.09 FEET; THENCE N89°39'19"E, A DISTANCE OF 157.08 FEET; THENCE: N00°20'36"W, A DISTANCE OF 193.80 FEET; THENCE: N89°08'58"E, A DISTANCE OF 290.04 FEET; THENCE: S00°22'47"E, A DISTANCE OF 224.51 FEET TO THE POINT OF BEGINNING AND CONTAINING A CALCULATED AREA OF 3.53 ACRES MORE OR LESS.