

## **FACTSHEET**

**TITLE:** **CHANGE OF ZONE NO. 09023**, requested by Alan Schroeder, to amend Section 27.51.030 of the Lincoln Municipal Code.

**STAFF RECOMMENDATION:** Approval.

**SPONSOR:** Planning Department

**BOARD/COMMITTEE:** Planning Commission  
Public Hearing: Consent Agenda: 10/07/09  
Administrative Action: 10/07/09

**RECOMMENDATION:** Approval (8-0: Gaylor Baird, Cornelius, Esseks, Larson, Partington, Lust, Taylor and Sunderman voting 'yes'; Francis absent).

### **FINDINGS OF FACT:**

1. This is a request to amend Section 27.51.030 of the Lincoln Municipal Code (Zoning Ordinance) to add a provision allowing a building to be used as a residence for resident watchmen and caretakers or supervisory personnel employed and residing on the premises in the I-3 Employment Center District. This request is being made in connection with a proposed self-storage facility in south Lincoln.
2. The staff recommendation of approval is based upon the "Analysis" as set forth on p.2-3, concluding that the use of a residence for resident watchmen and caretakers or supervisory personnel employed and residing on the premises is currently allowed in all of the H zoning districts as well as the I-1 and I-2 districts. Adding this use to the I-3 use permit district should have no significant impact on the surrounding area.
3. On October 7, 2009, 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 October 7, 2009, the Planning Commission agreed with the staff recommendation and voted 8-0 to recommend approval.

**FACTSHEET PREPARED BY:** Jean L. Preister

**DATE:** October 12, 2009

**REVIEWED BY:** \_\_\_\_\_

**DATE:** October 12, 2009

**REFERENCE NUMBER:** FS\CC\2009\CZ.09023 text

# LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

## for October 7, 2009 PLANNING COMMISSION MEETING

- PROJECT #:** Change of Zone No.09023
- PROPOSAL:** Text change to I-3 Employment Center District to add a provision allowing a building to be used as a residence for resident watchmen and caretakers or supervisory personnel employed and residing on the premises.
- LOCATION:** Section 27.51.030
- CONCLUSION:** The use of a residence for resident watchmen and caretakers or supervisory personnel employed and residing on the premises is currently allowed in all H zoning districts as well as I-1 and I-2 districts. Adding this use to the I-3 use permit district should have no significant impact on the surrounding area.

<b><u>RECOMMENDATION:</u></b>	Approval
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### **GENERAL INFORMATION:**

### **ANALYSIS:**

1. The I-3 zoning district is a use permit district. Any development, including building and open land uses, except farming and the sale of farm products, are prohibited until a use permit has been granted by Planning Commission or City Council.
2. This text amendment would add the use as a residence for resident watchmen and caretakers or supervisory personnel employed and residing on the premises to the permitted uses, under a use permit associated with the I-3 zoning district.
3. The general purpose of the I-3 zoning district includes the development of attractive office and light industrial facilities as employment centers for location of plant facilities or headquarters of major employers. It is also intended to provide such employment centers with the surrounding support uses, including complementary office and retail use complementing the use pattern of the community and assisting the implementation of the adopted goals and polices of the community.
4. Industrial zoning districts generally don't allow residential uses because of their potential proximity to hazardous chemicals, stored, used and associated with industrial uses.
5. All of the H (Highway Commercial) zoning districts as well as the both the I-1 Industrial District and I-2 Industrial Park District already allow for resident watchmen and caretakers or supervisory personnel employed and residing on the premises. Some of these districts have light and heavy industrial uses and a relatively high intensity of use and land coverage greater than the I-3 zoning district.

6. One of the types of facilities that commonly use resident watchmen include mini-warehouses. The applicant intends to open a new mini-warehouse in an I-3 zoning district with a use permit. There are several facilities very similar to his around town in other zoning districts that utilize a resident watchman as part of their business.
7. In 2006 the Joint Committee on Public Health & Land Use Planning completed a report that established goals and objectives that would better separate the use and storage of hazardous material from incompatible uses such as residential uses. In this case adding a resident watchman would be an acceptable residential use as it is in the I-1 and I-2 Industrial districts. As the report stated there are times when the proximity of incompatible uses can not be avoided. Prevention and risk reduction thru notification, emergency planning can significantly reduce the risks of a single individual living on a site zoned Industrial of being exposed to hazardous chemicals. A resident watchmen living within an industrial district should have a greater awareness of the potential hazards of the area as compared to those individuals living in a residential neighborhood that abuts such a district.
8. There were no objections to this text amendment from any city department.

Prepared by:

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Planner  
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**DATE:** September 24, 2009

**APPLICANT:** Alan Schroeder  
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# CHANGE OF ZONE NO. 09023

## CONSENT AGENDA

## PUBLIC HEARING & ADMINISTRATIVE ACTION

## BEFORE PLANNING COMMISSION:

October 7, 2009

Members present: Gaylor Baird, Cornelius, Esseks, Larson, Lust, Partington, Sunderman and Taylor; Francis absent.

The Consent Agenda consisted of the following items: **COMPREHENSIVE PLAN CONFORMANCE NO. 09010**, **CHANGE OF ZONE NO. 09023** and **CHANGE OF ZONE NO. 09026**.

Ex Parte Communications: None

**Item No. 1.1, Conformance No. 09010**, was removed from the Consent Agenda and scheduled for separate public hearing at the request of Commissioner Gaylor Baird.

Lust moved to approve the remaining Consent Agenda, seconded by Taylor and carried 8-0: Gaylor Baird, Cornelius, Esseks, Larson, Lust, Partington, Sunderman and Taylor voting 'yes'; Francis absent.