

City Council Introduction: **Monday**, April 13, 2009
Public Hearing: **Monday**, April 20, 2009, at **1:30 p.m.**

Bill No. 09-48

FACTSHEET

TITLE: **CHANGE OF ZONE NO. 08061**, from AG Agricultural District to H-3 Highway Commercial District, requested by Shoemaker's Truck Station, Inc., on property generally located south and west of the southwest corner of S.W. 48th Street and West O Street.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: Consent Agenda: 12/17/08
Administrative Action: 12/17/08

STAFF RECOMMENDATION: Approval.

RECOMMENDATION: Approval (7-0: Gaylor Baird, Carroll, Esseks, Francis, Larson, Partington and Sunderman voting 'yes'; Cornelius and Taylor absent).

ASSOCIATES REQUESTS: Annexation No. 08025 (09-47) and Amendment to the West O Street Redevelopment Plan (09R-57).

FINDINGS:

1. This is a request to change the zoning from AG Agricultural to H-3 Highway Commercial on property generally located south and west of the southwest corner of S.W. 48th Street and West O Street for the purpose of moving the existing Shoemakers Truck Stop facility located at the northwest corner of N.W. 48th Street and West O Street, across the street to S.W. 48th Street and West O Street.
2. The staff recommendation of approval is based upon the "Analysis" as set forth on p.4, finding that the proposed annexation and change of zone to H-3 are in general conformance with the Comprehensive Plan. The text amendment to allow truck stops in the H-3 zoning district was adopted by the City Council on January 26, 2009, Ordinance No. 19197.
3. On December 17, 2008, 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 December 17, 2008, the Planning Commission agreed with the staff recommendation and voted 7-0 to approve this change of zone request.
5. It is requested that the City Council take action on the associated Amendment to the Redevelopment Plan on April 20, 2009, and that this change of zone and the associated Annexation No. 08025 be placed on the Council's pending list until May 4, 2009, when the Redevelopment Agreement is anticipated to be completed and scheduled to be heard by the City Council.

FACTSHEET PREPARED BY: Jean L. Preister

DATE: April 3, 2009

REVIEWED BY: _____

DATE: April 3, 2009

REFERENCE NUMBER: FS\CC\2009\ANNEX.08025+

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT
for DECEMBER 17, 2008 PLANNING COMMISSION MEETING

PROJECT #: Change of Zone No. 08061
 Annexation No. 08025

This is a combined staff report for related items. This report contains a single background and analysis section for all items. However, there are separate conditions provided for each individual application.

PROPOSAL: Annexation and Change of Zone from AG to H-3

LOCATION: Generally located south west of the southwest corner of S. 48th Street and W. O Street.

LAND AREA: 10 acres more or less.

EXISTING ZONING: AG Agriculture

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

RECOMMENDATION:	
<u>Change of Zone</u>	Approval
<i>Annexation</i>	<i>Conditional Approval</i>

GENERAL INFORMATION:

LEGAL DESCRIPTION: Lots 13 and 37 I.T. excluding that portion already annexed and zoned H-3 all located in the NW 1/4 of Section 30, Township 10 North, Range 6 East of the 6th P.M., Lancaster County , Nebraska.

EXISTING LAND USE: Vacant

SURROUNDING LAND USE AND ZONING:

North:	H-3 Highway Commercial District, used for parking semi trailers otherwise vacant	
South:	AG Agriculture	Vacant
East:	AG Agriculture	Vacant
West:	AG Agriculture	Vacant

ASSOCIATED APPLICATIONS: CZ08060 Text change to add truck stops as a permitted use in the H-1 and H-3 districts and to add a definition for truck stops.

HISTORY:

July 10, 1995 The northern half of Lot 37 IT was annexed and re-zoned from AG to H-3.

- December 2, 1991 An application to expand the limited landfill was approved by the City Council.
- September 1990 A Special Permit for a limited landfill on the site, north of the creek was approved.
- October 1981 A Change of Zone to AG Agricultural was approved.
- May 1979 Re-zoned to AGR Agricultural Residential during the 1979 Zoning Update.
- 1967 This area had been zoned AA Rural and Public Use.

COMPREHENSIVE PLAN SPECIFICATIONS:

The Future Land Use Map shoes this area as commercial.(19)

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 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. (35)

The Urban Growth Tiers Map shows this area as Tier 1 Priority A .

Priority A identifies a future service area of approximately 20 square miles to serve with utilities in the next six years. The City's water and wastewater utility plans for operation and growth are based on serving the Priority A area. User fee increases and/or impact fees as projected for water and wastewater will require additional increases, or additional private financing if projects are added or staged earlier than previously identified. (22)

To demonstrate the City's commitment to the urbanization of land in Tier I Priority A, the City should promptly annex land in Priority A which is contiguous to the City and generally urban in character, as well as land which is engulfed by the City. (154)

UTILITIES: Available

TOPOGRAPHY: Generally flat fill, sloping to the south

TRAFFIC ANALYSIS: "O" Street is a Major street and a Federal Highway. N.W. 48th Street is an access point to Interstate 80.

PUBLIC SERVICE: Currently this area is served by Sheriff, Southwest Rural Fire District, and the Lincoln Public School System. If annexed this area will no longer be served by the Sheriff and Southwest Rural Fire District but will be served by the Lincoln Police and Fire Departments.

REGIONAL ISSUES: Entrance way in to the City of Lincoln

ALTERNATIVE USES: Remain agricultural land

ANALYSIS:

1. The owner of this property is asking for the change of zone and annexation in order to move their existing truck stop facility at the north west corner of N.W. 48th and W. O Street across the street to S.W. 48th Street and W. O Street.
2. The northern half of the Lot, for the future truck stop, approximately 8.6 acres is already annexed and zoned H-3. Today truck stops are not specifically allowed in the H-3 zoning district. There is a text amendment in process to allow truck stops in the H-3 zoning district. This application extends the zoning and annexed area to cover the entire lot owned by Shoemakers. By extending the zoning and annexed area, Shoemakers will be able to better utilize the property providing adequate parking and circulation for both semi trucks and smaller vehicles.
3. The H-3 zoning district is a district for a redeveloping area intended to provide for low-density commercial uses requiring high visibility and/or access from major highways. The uses permitted generally include those of the neighborhood and highway business areas. A truck stop meets this intent.
4. This property has access to both sewer and water. It was shown as a potential area to be annexed by the City in 2009 in the Planning Department's 2008 Annexation Study.
5. Public Works noted that they have no objection to the change of zone and the annexation, but since W. O Street is a state highway, Engineering Services has recommended to the Nebraska Department of Roads and to this developer that S.W. 48th be extended into this property. In addition, the primary access to this property will be from W. O Street across from Northwest 48th Street and the applicant should show appropriate turn lanes in W. O Street and roadway geometrics to fit existing and future geometrics for W. O Street and Northwest 48th Street. Public Works also recommends that S.W. 48th Street be designed now to accommodate access to this median opening from property east and west of this site. Southwest 48th should be built south through at least the limits of the initial development of this property and some provisions should be made for the potential future extension to the south.
6. All of the requirements for the extension of S.W. 48th Street should be addressed in a annexation agreement. That agreement would also address the applicants contribution for the rural fire district. The City may not annex the property lying within the boundaries of the Southwest Rural Fire District except by the City assuming and paying that portion of all outstanding obligations of the District which would otherwise constitute an obligation of the Shoemakers property being annexed. The owner of the annexed property will pay the required \$ 36.66, the amount which must be paid to the Southwest Rural Fire Protection District, prior to annexation in order for the annexation to be complete.

Prepared by:

Christy Eichorn
Planner

DATE: December 4, 2008

APPLICANT/CONTACT: Allan Slattery
Rembolt Ludtke LLP
1201 Lincoln Mall, Ste 102
Lincoln, NE 68508
(402) 475-5100

OWNER: Shoemaker's Truck Station, Inc
4800 W. O Street
Lincoln, NE 68528

**ANNEXATION NO. 08025
and
CHANGE OF ZONE NO. 08061**

**CONSENT AGENDA
PUBLIC HEARING & ADMINISTRATIVE ACTION
BEFORE PLANNING COMMISSION:**

December 17, 2008

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

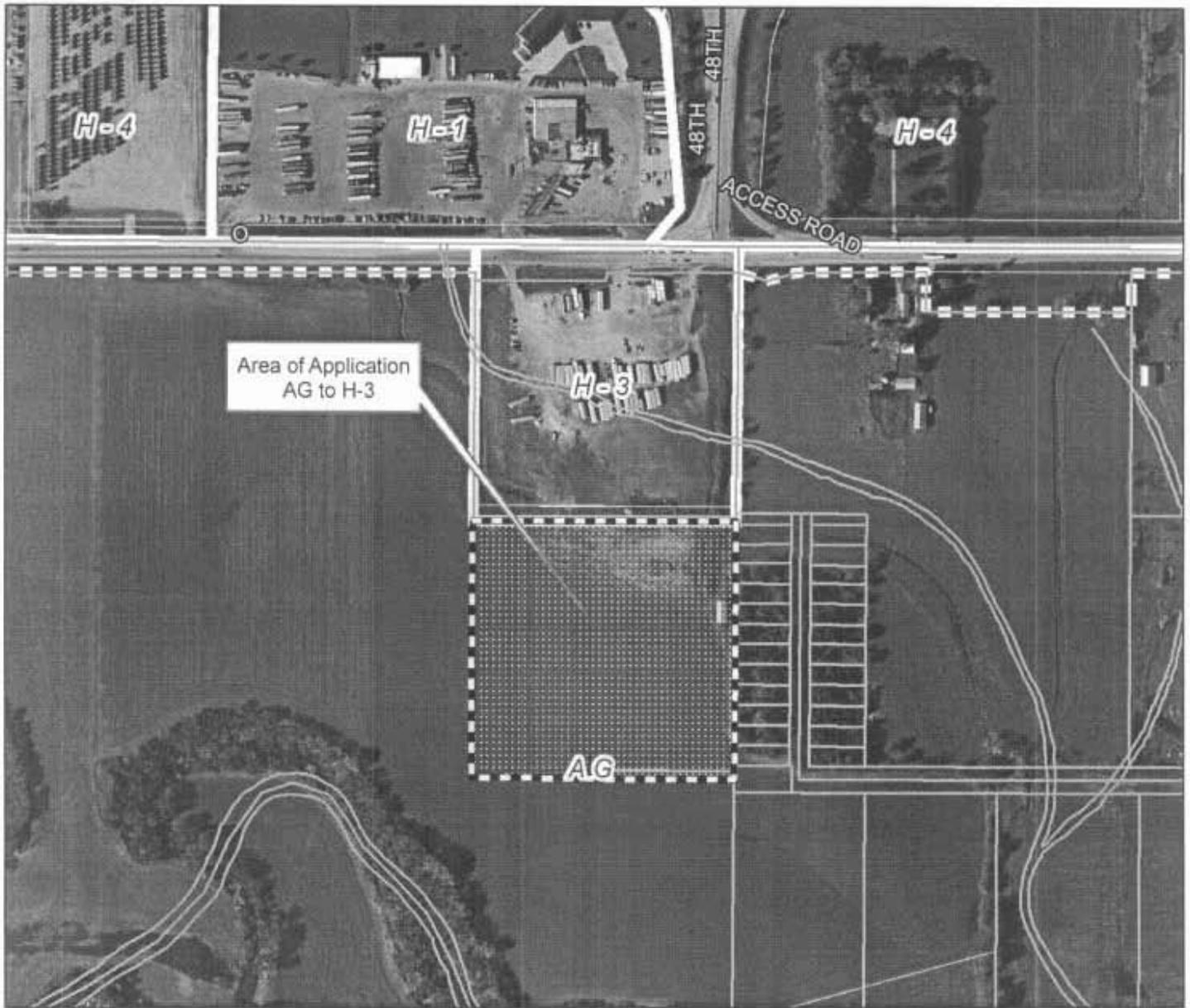
The Consent Agenda consisted of the following items: **ANNEXATION NO. 08025, CHANGE OF ZONE NO. 08061, CHANGE OF ZONE NO. 08059, CHANGE OF ZONE NO. 08060, CHANGE OF ZONE NO. 08063, CHANGE OF ZONE NO. 08062, SPECIAL PERMIT NO. 05046A, COUNTY SPECIAL PERMIT NO. 07043A and SPECIAL PERMIT NO. 08049.**

Ex Parte Communications: None

Item No. 1.4, Change of Zone No. 08063, was removed from the Consent Agenda and scheduled for separate public hearing.

Larson moved to approve the remaining Consent Agenda, seconded by Francis and carried 7-0: Gaylor Baird, Carroll, Esseks, Francis, Larson, Partington and Sunderman voting 'yes'; Cornelius and Taylor absent.

Note: This is final action on Special Permit No. 05046A and Special Permit No. 08049, unless appealed to the City Council by filing a letter of appeal with the City Clerk within 14 days of the action by the Planning Commission.



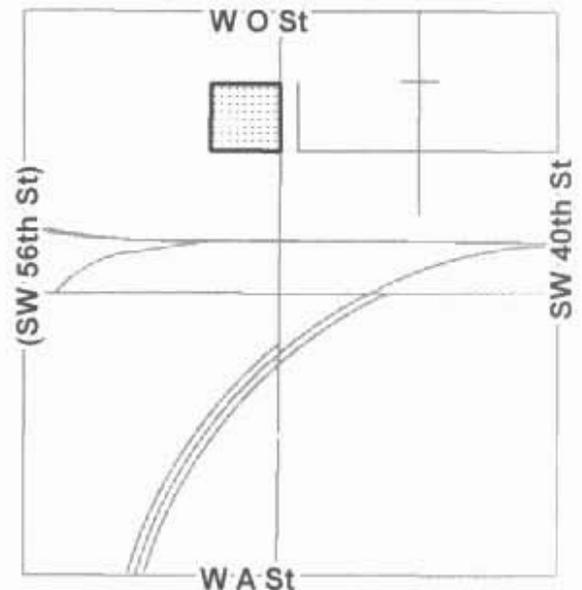
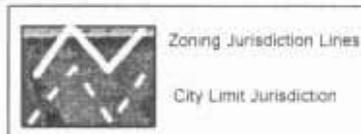
**Change of Zone #08061 &
Annexation #08025
SW 48th St & West "O" Street**

2007 aerial

Zoning:

One Square Mile
Sec. 30 T10N R06E

- 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



James E. Rembolt
Alan D. Slattery
Robert L. Nefsky
Peter C. Wegman
Rick D. Lange
Daniel E. Klaus *

Timothy F. Clare
Timothy L. Moll
Jane F. Langan
Mark A. Fahleson
Britt J. Ehlers
Brian S. Kruse

Troy S. Kirk *
David J. A. Borgen
Sarah S. Pillen
Ramzi J. Hynek

* also admitted in Colorado

OF COUNSEL
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John H. Binning

Rembolt | Ludtke

November 19, 2008

Rembolt Ludtke LLP
Attorneys at Law

Lincoln - Seward
Grand Island

City of Lincoln - Lancaster County Planning Department
Attn: Marvin Krout, Planning Director
555 South 10th Street, Room 213
Lincoln, NE 68508

RE: City of Lincoln Zoning Application

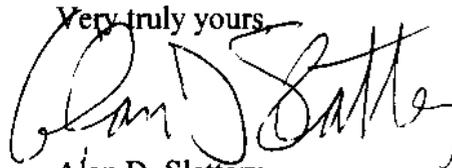
Dear Mr. Krout:

Enclosed for filing with the City of Lincoln - Lancaster County Planning Department is the City of Lincoln Zoning Application of Shoemaker's Truck Station, Inc., seeking a zoning change from AG to H-3 for the remaining portion of the following property that is not already zoned as H-3: Lot 13 and Lot 37, Irregular Tracts all located in the Northwest 1/4 of Section 30, Township 10 North, Range 6 East of the 6th P.M., Lancaster County, Nebraska.

Accompanying the enclosed application is a map of the subject property. Also enclosed is a check for the application fee in the amount of \$890.

If you have any questions, please do not hesitate to contact me.

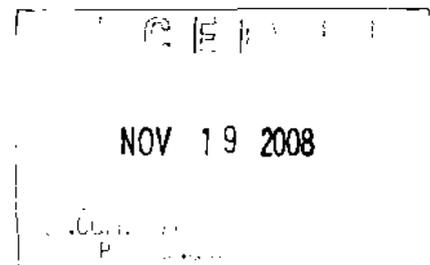
Very truly yours,



Alan D. Slattery
aslattery@remboltludtke.com

ADS/sjp/G:\WDOX\clients\22829\007\00229338 WPD

Enclosures



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**Review Comments for
Application #: CZ08061
SHOEMAKERS W. O ST**

Comments as of: Monday, December 01, 2008

WINDSTREAM has no conflicts with the proposed annexation and zone changing of Lot 13 and Lot 37, irregular Tracts Northwest ¼ of Section 30, Township 10 North, Range 6 East of the 6th P.M. For Choemaker's Truck Station, Inc.

Thank you,



Jeff Schlake, Engineer – Outside Plant
On behalf of Bill Lange, OSP Manager
Windstream Communications

Status of Review: Approved

11/20/2008 11:12:03 AM

Reviewed By: Building & Safety

ANY

Comments: approved

Status of Review: Complete

11/21/2008 12:55:42 PM

Reviewed By: Building & Safety

Terry Kathe

Comments: reviewed only the change of zone and not the projected use, as the zoning text change has not been approved.



"Sgt. Don Scheinost"
<lpd798@CJIS.LINCOLN.NE.
GOV>

11/20/2008 11:09 AM

To: Christy Eichorn <ceichom@lincoln.ne.gov>

cc

bcc

Subject: Schoemaker's Truck Stop on West "O" Street

Ms. Eichorn,

The Lincoln Police Department does not object to the Shoemaker's Truck Stop on West "O" Street, Change of Zone # CZ08061, Annexation # AN08025.

Sergeant Don Scheinost
Management Services
Lincoln Police Department
575 South 10th Street
Lincoln, NE 68508
402.441.7215
mail to: lpd798@cjis.lincoln.ne.gov

010

Status of Review: **Approved**

11/25/2008 9:01:17 AM

Reviewed By: **Health Department**

ANY

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

TO: Christy Eichorn DATE: November 25, 2008

DEPARTMENT: Planning (FROM: Chris Schroeder
ATTENTION: DEPARTMENT: Health

CARBONS TO: EH File SUBJECT: Schoemakers Truck
EH Administration Stop on W. O ST
CZ #08061

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

Status of Review: **Complete**

11/25/2008 1:34:06 PM

Reviewed By: **Public Works - Development Services**

SIETDQ

Comments: **Memorandum**

To: Christy Eichorn, Planning Department
From: Dennis Bartels, Engineering Services
Subject: Shoemaker's Truck Station, Inc. - Change of Zone #08061 and Annexation
Date: November 25, 2008
cc: Randy Hoskins
Steve Masters
Roger Figard

Engineering Services has reviewed the proposed annexation and change of zone to H3 for property located south of West O at Southwest 48th and has the following comments:

- Public Works has no objection to the change of zone and the annexation.
- The primary access to this property will be from West O Street across from Northwest 48th Street. Since West O Street is a state highway, Engineering Services has recommended to the Nebraska Department of Roads and to this developer that Southwest 48th be extended into this property with appropriate turn lanes in West O Street and roadway geometrics to fit existing and future geometrics for West O and Northwest 48th. Southwest 48th should be designed along with the site plan to accommodate access to this median opening from property east and west of this site. Southwest 48th should be built south through at least the limits of the initial development of this property. If the initial development is not to the limits of the zoning and annexation, some provisions should be made for the potential future extension to the south. Engineering Services questions whether these conditions can be accomplished as a condition of access to West O or if some form of annexation or zoning agreement should be required.