

FACTSHEET

TITLE: **CHANGE OF ZONE NO. 10027**, from AG Agricultural District to H-4 General Commercial District, requested by Hartland Homes, on property generally located at North 54th Street and Alvo Road.

STAFF RECOMMENDATION: Approval, subject to a revised annexation agreement.

ASSOCIATED REQUEST: Amendment No. 1 to the Northbank Junction Conditional Annexation and Zoning Agreement (11R-41)

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: Consent Agenda: 01/12/11
Administrative Action: 01/12/11

RECOMMENDATION: Approval (9-0: Gaylor Baird, Cornelius, Esseks, Francis, Larson, Lust, Partington, Taylor and Sunderman voting 'yes').

FINDINGS:

1. This is a request for change of zone from AG to H-4 on 6.11 acres, more or less, located in the North Bank Junction 1st Addition preliminary plat, generally located at N. 54th Street and Alvo Road. The Northbank Junction preliminary plat shows the area north of Alvo Road for future commercial lots.
2. The staff recommendation of approval, subject to a revised annexation agreement, is based upon the "Analysis" as set forth on p.3-4, concluding that the change of zone substantially complies with the approved preliminary plat and is in conformance with the Comprehensive Plan. The annexation agreement for Northbank Junction required a traffic study prior to submitting an application for H-4 Highway Commercial District zoning north of Alvo road; however, when the lot to the east was rezoned to H-4 in March 2008, the Public Works Department concluded that one additional lot did not require the traffic study. Public Works and Planning recommend that the annexation agreement be amended to allow up to 13.5 acres of H-4 Highway Commercial District zoning north of Alvo Rd. without a traffic study.
3. On January 12, 2011, 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 January 12, 2011, the Planning Commission agreed with the staff recommendation and voted 9-0 to recommend approval, subject to a revised annexation agreement.
5. Amendment No. 1 to the Northbank Junction Conditional Annexation and Zoning Agreement has been executed by the developer and is being introduced as Bill #11R-41 on February 7, 2011.

FACTSHEET PREPARED BY: Jean L. Preister

DATE: January 31, 2011

REVIEWED BY: _____

DATE: January 31, 2011

REFERENCE NUMBER: Q:\FS\CC\2011\CZ10027+

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT
for JANUARY 12, 2011 PLANNING COMMISSION MEETING

PROJECT #: Change of Zone No.10027

PROPOSAL: From AG, Agricultural to H-4, General Commercial.

LOCATION: N. 54th St and Alvo Rd.

LAND AREA: 6.11 acres, more or less

EXISTING ZONING: AG, Agricultural

CONCLUSION: This change of zone substantially complies with the preliminary plat and is in conformance with the 2030 Comprehensive Plan

RECOMMENDATION: Approval subject to a revised annexation agreement

GENERAL INFORMATION:

LEGAL DESCRIPTION: See attached

EXISTING LAND USE: vacant/undeveloped

SURROUNDING LAND USE AND ZONING:

North:	AG, Agricultural	Undeveloped
South:	H-4, General Commercial	Wholesale/Undeveloped
East:	H-4, General Commercial	Heavy equipment sales
West:	AG, Agricultural	Undeveloped
	R-3, Residential	Undeveloped

ASSOCIATED APPLICATIONS:

Final Plat #10076, Northbank Junction 4th Addition

HISTORY:

April 4, 2008 Northbank Junction 2nd Addition final plat was approved by the Planning Director.

March 10, 2008 Change of Zone #08001 for a change of zone from AG to H-4 and Annexation #08001 were approved by the City Council.

February 13, 2008 Northbank Junction 1st Addition preliminary plat was approved by the Planning Commission.

COMPREHENSIVE PLAN SPECIFICATIONS:

Overall Form - Maximize the community's present infrastructure investment by planning for residential and commercial development in areas with available capacity. This can be accomplished in many ways including encouraging appropriate new development on unused land in older neighborhoods, and encouraging a greater amount of commercial space per acre and more dwelling units per acre in new neighborhoods. (p.9)

Commercial: Areas of retail, office and service uses. Commercial uses may vary widely in their intensity of use and impact, varying from low intensity offices, to warehouses, to more intensive uses such as gas stations, restaurants, grocery stores or automobile repair. Each area designated as commercial in the land use plan may not be appropriate for every commercial zoning district. The appropriateness of a commercial district for a particular piece of property will depend on a review of all the elements of the Comprehensive Plan. (p.16)

The 2030 Comprehensive Plan Land Use Map shows this area as Commercial. (p.19)

The City should work with developers interested in providing new industrial and office development sites.(p29)

The City and County shall recognize the valuable role that sales tax contributes to the community, which provides a substantial portion of City budget funds. (p.30)

UTILITIES:

Water and sanitary sewer are existing in Alvo Rd.

TRAFFIC ANALYSIS:

Alvo Rd. and N. 54th St. are local streets. North 56th St. is a principal arterial.

PUBLIC SERVICE:

The closest City fire station is located at Touzalin Avenue and Fremont Street

ENVIRONMENTAL CONCERNS:

The entire area of this application is in the 100 year flood plain. The revised floodplain map that is to be effective February 18, 2011 shows approximately the eastern half in the 100 year flood plain.

ANALYSIS:

1. This area is a portion of Northbank Junction 1st Addition Preliminary Plat #08001. The preliminary plat shows this area for future commercial.
2. Property adjacent and to the east of N. 56th Street and to the south of Alvo Road is zoned H-4.
3. The proposed change of zone is consistent with the preliminary plat of Northbank Junction 1st Addition. The preliminary plat shows the area north of Alvo Rd. for future commercial lots.
4. The development to the south is part of a special permit (SP #2004) for Planned Service Commercial. The proposed change of zone is not a part of this special permit and is not subject to its requirements.
5. The annexation agreement for Northbank Junction required a traffic study prior to submitting an application for H-4 Highway Commercial District zoning north of Alvo road. When the lot to the east was rezoned to H-4 in March 2008, the Public Works Department concluded that

one additional lot did not require the traffic study. Public Works and Planning recommend that the annexation agreement be amended to allow up to 13.5 acres of H-4 Highway Commercial District zoning north of Alvo Rd. without a traffic study.

CONDITIONS OF APPROVAL:

1. The Developer signs a revised annexation agreement to allow 13.5 acres of H-4 zoning north of Alvo Rd. without a traffic study before the City Council approves the change of zone.

Prepared by:

Tom Cajka
Planner

DATE: December 28, 2010

APPLICANT: ESP
601 Old Cheney Rd. Suite A
Lincoln, NE 68512
(402) 421-2500

OWNER: Hartland Homes
P.O. Box 22787
Lincoln, NE 68542
(402) 477-6668

CONTACT: same as applicant

CHANGE OF ZONE NO. 10027

CONSENT AGENDA
PUBLIC HEARING & ADMINISTRATIVE ACTION
BEFORE PLANNING COMMISSION:

January 12, 2011

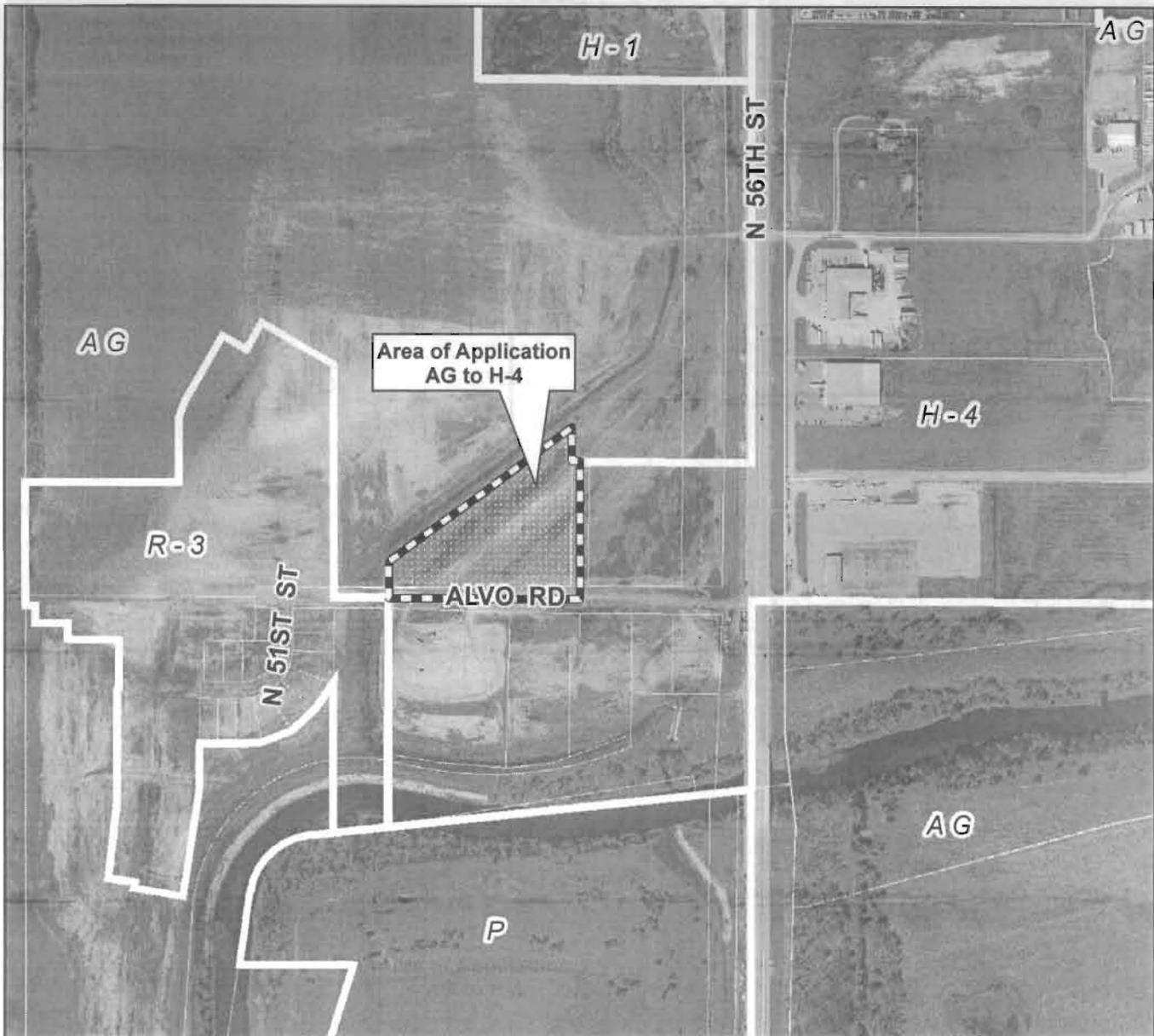
Members present: Gaylor Baird, Cornelius, Esseks, Francis, Larson, Lust, Partington, Sunderman and Taylor.

The Consent Agenda consisted of the following items: **CHANGE OF ZONE NO. 10027, SPECIAL PERMIT NO. 10035, SPECIAL PERMIT NO. 10036 and STREET AND ALLEY VACATION NO. 10018.**

Ex Parte Communications: None

Taylor moved to approve the Consent Agenda, seconded by Lust and carried 9-0: Gaylor Baird, Cornelius, Esseks, Francis, Larson, Lust, Partington, Sunderman and Taylor voting 'yes'.

Note: This is final action on Special Permit No. 10035 and Special Permit No. 10036, 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 #10027
N 56th St & Alvo Rd**

2007 aerial

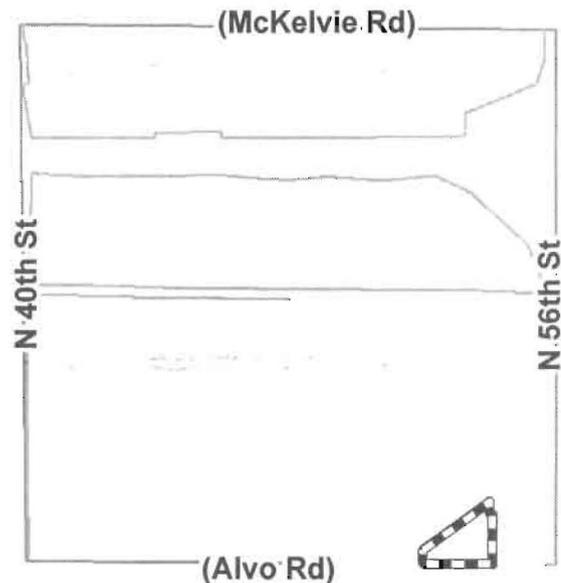
Zoning:

- 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

One Square Mile
Sec. 29 T11N R07E

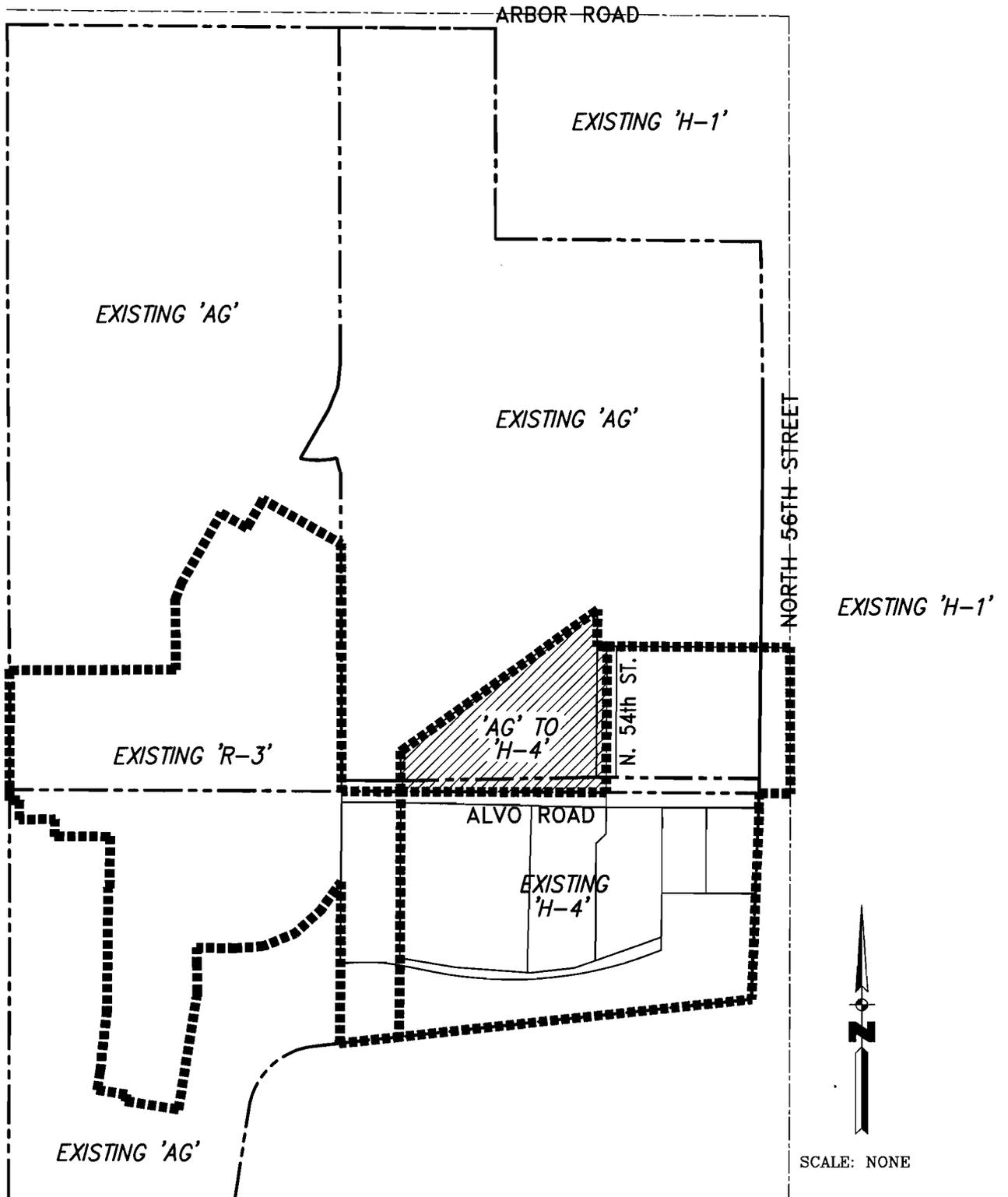


Zoning Jurisdiction Lines
 City Limit Jurisdiction



m:\plan\arcview\Agendadrawings.mxd (CZ10027)

NORTHBANK JUNCTION 1ST ADDITION CHANGE OF ZONE FROM 'AG' TO 'H-4'



E.S.P.
CONSULTING
ENGINEERS

601 OLD
CHENEY RD.
SUITE 'A'
LINCOLN
NEBRASKA
68512

**NORTHBANK JUNCTION 1ST ADDITION
CHANGE OF ZONE FROM 'AG' TO 'H-4'**

LEGAL DESCRIPTION

Outlot 'A', Northbank Junction 2nd Addition and the adjacent right-of-way of Alvo Road and North 54th Street, located in the Southeast Quarter of Section 29, Township 11 North, Range 7 East, of the Sixth Principal Meridian, City of Lincoln, Lancaster County, Nebraska, more particularly described as follows:

Commencing at the Southeast Corner of said Section 29, and extending along the South line of said Southeast Quarter North 89°36'40" West, a distance of 626.62 feet to the POINT OF BEGINNING;

 Thence continuing along the South line of said Southeast Quarter North 89°36'40" West, a distance of 693.56 feet;

 Thence North 00°23'20" East, a distance of 36.00 feet;

 Thence North 00°05'54" West, a distance of 100.33 feet;

 Thence North 54°15'46" East, a distance of 818.86 feet;

 Thence South 00°23'20" West, a distance of 123.60 feet;

 Thence South 89°36'40" East, a distance of 33.00 feet;

 Thence South 00°23'20" West, a distance of 495.50 feet to the POINT OF BEGINNING, and containing a calculated area of 266,104.41 square feet or 6.11 acres.



File No. 10-0072

December 16, 2010

Suite A - 601 Old Cheney Road
Lincoln, NE 68512

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

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

RE: NORTHBANK JUNCTION 1ST ADDITION
CHANGE OF ZONE FROM 'AG' TO 'H-4'

Dear Marvin,

On behalf of Hartland Homes, Inc., we submit a change of zone from 'AG' to 'H-4' on the property of Outlot 'A', Northbank Junction 2nd Addition. The property has previously been annexed into the City of Lincoln. The adjacent property to the south and east are currently zoned 'H-4'. The adjacent property to the north and west is zoned 'AG' with the potential to be zoned commercial / industrial in the future.

In conjunction with this application, a final plat has been submitted to create 1 lot and 1 outlot on the property of the change of zone.

Please contact me if you have any further questions or comments.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Marcia L. Kinning'.

Marcia L. Kinning

Cc: Hartland Homes, Inc.
David Albers

Enclosures: Change of Zone Application
Application fee of \$890.00

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