

## FACTSHEET

**TITLE: CHANGE OF ZONE NO. 04005**, from AGR Agricultural Residential District, to P Public Use District, requested by the Southeast Rural Fire Department, on property located at 7700 Pine Lake Road.

**SPONSOR:** Planning Department

**BOARD/COMMITTEE:** Planning Commission  
Public Hearing: 03/01/06  
Administrative Action: 03/01/06

**STAFF RECOMMENDATION:** Denial.

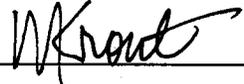
**RECOMMENDATION:** Denial (6-0: Krieser, Carroll, Sunderman, Esseks, Taylor and Carlson voting 'yes'; Larson and Strand absent).

### FINDINGS OF FACT:

1. This request seeks to change the zoning from AGR to P Public Use on the tract of land where the Southeast Rural Fire Department is located at 7700 Pine Lake Road. The applicant indicates that they are seeking to build an addition onto the existing fire station building, which addition would encroach into the required side yard and does not comply with the setback requirements of the existing AGR district.
2. The staff recommendation to deny this change of zone request is based upon the "Analysis" as set forth on p.3-4, concluding that there are no height, bulk, density or land use regulations in the P zoning district, thus the applicable zoning requirements for the buildings would be minimal with P zoning. The Comprehensive Plan calls for public facilities to be exemplary, and to model good design for the private sector. A change of zone to P for this site eliminates virtually all restrictions and design criteria, and is inconsistent with the goals of the Plan regarding development of public facilities.
3. The applicant was not present at the public hearing before the Planning Commission.
4. There was no testimony in opposition.
5. On March 1, 2006, the Planning Commission agreed with the staff recommendation and voted 6-0 to recommend denial.

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

**DATE:** March 6, 2006

**REVIEWED BY:** 

**DATE:** March 6, 2006

**REFERENCE NUMBER:** FS\CC\2006\CZ.04005

**LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT**

**for March 1, 2006 PLANNING COMMISSION MEETING**

**PROJECT #:** Change of Zone #04005  
Southeast Rural Fire Department

**PROPOSAL:** From AGR to P

**LOCATION:** 7700 Pine Lake Road

**LAND AREA:** Approximately .64 acres.

**CONCLUSION:** As there are no height, bulk, density or land use regulations in the P zoning district, the applicable zoning requirements for buildings are minimal. The Comprehensive Plan calls for public facilities to be exemplary, and to model good design for the private sector. A change of zone to P for this site eliminates virtually all restrictions and design criteria, and is inconsistent with the goals of the Plan regarding development of public facilities.

**RECOMMENDATION:**

Denial

**GENERAL INFORMATION:**

**LEGAL DESCRIPTION:** A portion of the remaining portion Lot 42 I.T., Pine Lake Addition, more particularly described as follows: Beginning at the southwesterly corner of Lot 41, Pine Lake Addition, a subdivision of the SE 1/4 of Section 15, T9N, R7E, of the 6<sup>th</sup> P.M., Lancaster County, Nebraska, and extending N43°55'W 285 feet; thence S46°6'W 120 feet; thence S53°55'E 168.7 feet; thence S89°48'E 167.4 feet to the point of beginning, except the south 17 feet thereof.

**EXISTING ZONING:** AGR Agricultural Residential

**PROPOSED ZONING:** P Public

**EXISTING LAND USE:** Southeast Rural Fire Station

**SURROUNDING LAND USE AND ZONING:**

North:	Single-family Residential	AGR
South:	Vacant (approved for office)	O-3
East:	Single-family Residential	AGR
West:	Open Space/Horse Stable	AGR

**HISTORY:** October 8, 1968 - Subdivision Permit #980 was approved subdividing Lot 42, Pine Lake Addition into two lots, one of which is occupied by the Southeast Rural Fire Station.

## **COMPREHENSIVE PLAN SPECIFICATIONS:**

**Page F129** - Urban Design - City government uses the volunteer advisory services of an Urban Design Committee (UDC). This is a group of design professionals and interested citizens appointed by the Mayor with the approval of the City Council. The Committee is charged with advising the Mayor, City Council, Planning Commission, city boards, and city departments on the design of city buildings and other public projects, major public/private developments, and any private projects constructed on city right of way or other city property. The Committee's intent is to make sure that new public facilities are exemplary – that they provide functional and aesthetically pleasing facilities for the public, and model good design for the private sector. The Commission also works to publicize and reward good design, private as well as public, through an annual awards program.

**Page F132** - Other public Buildings and Facilities - During the time period covered by this Plan, there will likely be a need to construct, renovate, or abandon certain public buildings and facilities not already discussed in this document. At such time as these events may occur, care should be taken by those public officials making these decisions that the Vision of this Plan is recognized and respected. This may include the siting of a new facility, the abandonment of an existing one, the way renovations are undertaken, the manner of financing used to complete the work, the arrangements made for the facility's operation, the process followed in making the decision, and the timing of the action.

### **ANALYSIS:**

1. This request seeks to change the zoning from AGR to P for the tract of land where the Southeast Rural Fire Department (SERFD) is located at 7700 Pine Lake Road.
2. SERFD notes they are seeking to build an addition onto the existing fire station building to include a bathroom, kitchenette, and training/conference room. The proposed addition encroaches into the required side yard and does not comply with the setback requirements of the AGR zoning district.
3. The setback requirements of the AGR zoning district are as follows: Front - 50'; Side - 15'; and Rear - the lesser of 50' or 20% of depth, or in this case approximately 46'.
4. The addition as proposed is prohibited in the AGR zoning district due to required setbacks, however the P zoning district has no setback requirements. P zoning would allow the building to be expanded up to the property line which is shared by single-family residences to the east.
5. City staff met with SERFD personnel and suggested alternatives other than a change of zone to P in an effort to help find a way for an addition to be built. Those options included a smaller addition, or a second-story addition which met setbacks. Staff also suggested a change of zone to R-3 to allow a 5' side yard setback.
6. This request was originally submitted February 4, 2004. At the request of the applicant, the application was not scheduled for the Planning Commission to allow the SERFD time to consider alternatives. In an effort to clear pending cases, the Planning Department contacted SERFD requesting that the case either go forward or be withdrawn. Lacking a response to the several mail and phone requests, this application is being brought forward as indicated in the attached letter from the Planning Department to SERFD.
7. The P zoning district was originally adopted as a tool to track publically-owned lands. As stated in the preamble of Lincoln Municipal Code Chapter 27.54, it was "intended to provide a district essentially for mapping purposes which will identify real property

presently owned and used by any government entity, including local, state, or federal government units, and put to some form of public use.” It was not designed to exempt public facilities from the height, bulk, and density requirements of the Zoning Ordinance to allow unrestricted development.

8. The goals of the Comprehensive Plan are to encourage excellence in public facilities and for public entities to set the standard for the private sector when it comes to design. Applying P zoning for the purpose of allowing development that is largely unregulated and more intensive than that allowed in the other zoning districts is inconsistent with these goals.

Prepared by:

Brian Will  
441-6362, [bwill@lincoln.ne.gov](mailto:bwill@lincoln.ne.gov)  
Planner  
February 14, 2006

**APPLICANT/  
CONTACT:**

Ken Scurto  
Southeast Rural Fire Department  
7700 Pine Lake Road  
Lincoln, NE 68516  
402.499.1398

**OWNER:**

Southeast Rural Fire Department  
7700 Pine Lake Road  
Lincoln, NE 68516

# CHANGE OF ZONE NO. 04005

## PUBLIC HEARING BEFORE PLANNING COMMISSION:

March 1, 2006

Members present: Krieser, Carroll, Sunderman, Esseks, Taylor and Carlson; Strand and Larson absent.

Staff recommendation: Denial.

Ex Pate Communications: None.

The applicant was not present.

Brian Will of Planning staff appeared to explain this application. This change of zone application was submitted in February of 2004. At that time, the staff met with the applicant, noting some concerns and suggesting alternatives. The applicant then requested that the application not be placed on the Planning Commission agenda and be delayed to allow time to consider those alternatives. This application is being brought forward at this time in an attempt to clear it off the docket because the applicant has not pursued any of the suggested alternatives and has not withdrawn the original application. Therefore, staff is recommending denial. The applicant was notified three times that this application would be placed on the agenda if not withdrawn.

There was no testimony in support nor in opposition.

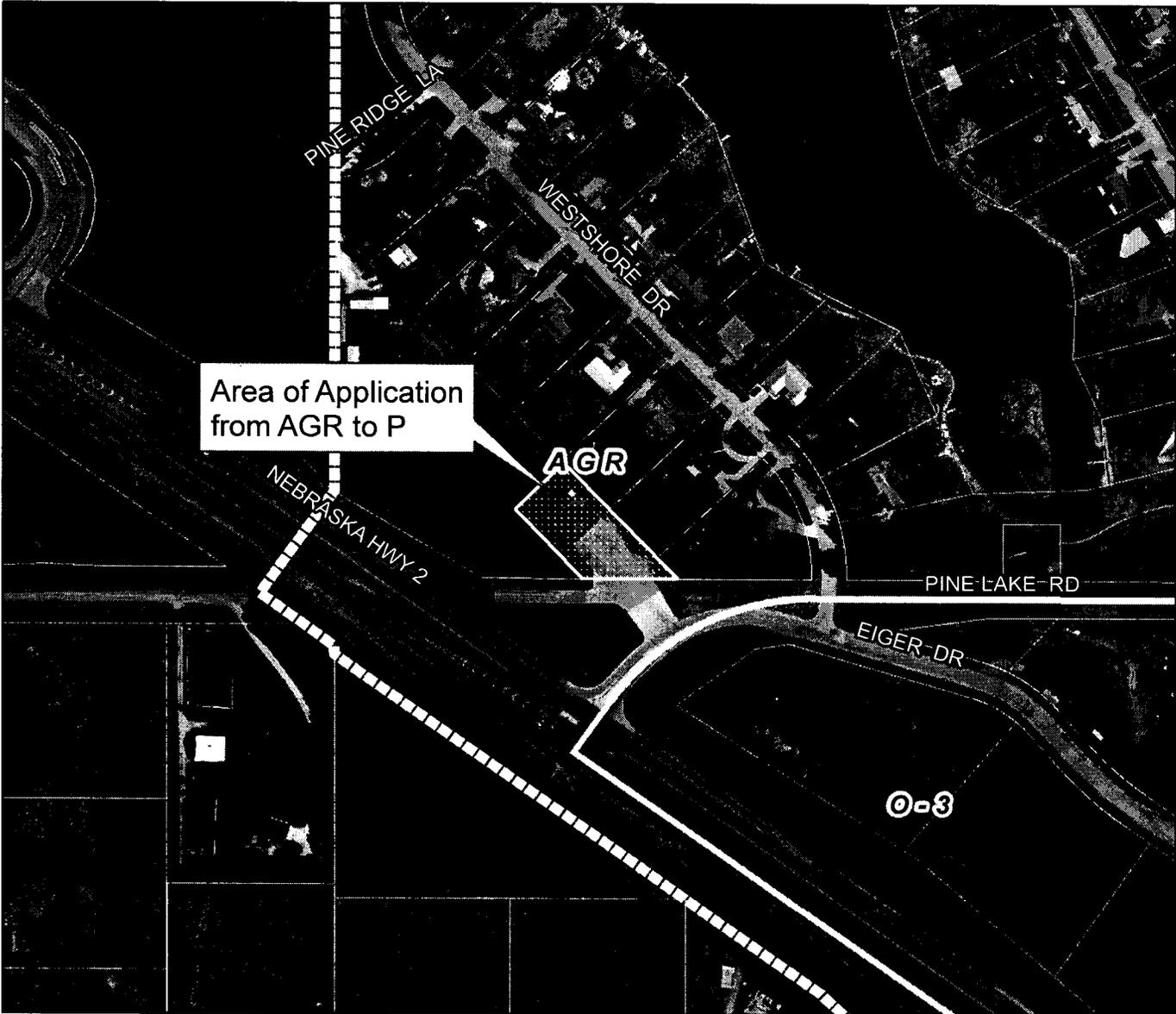
## ACTION BY PLANNING COMMISSION:

March 1, 2006

Taylor moved to deny, seconded by Esseks.

Taylor noted that he has not seen this happen before but that he appreciates the work staff is doing to help clear up pending projects.

Motion to deny carried 6-0: Krieser, Carroll, Sunderman, Esseks, Taylor and Carlson voting 'yes'; Strand and Larson absent. This is a recommendation to the City Council.



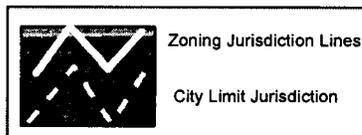
**Change of Zone #04005  
7700 Pine Lake Rd.**

2005 aerial

**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. 15 T9N R07E



**Old Cheney Rd.**



Pine Lake Rd. 006

# SOUTHEAST RURAL FIRE DEPARTMENT

7700 Pine Lake Road  
Lincoln, Ne. 68516  
(402)483-6769

February 4, 2004

City of Lincoln Lancaster  
Planning Department  
555 S. 10<sup>th</sup> Street  
Lincoln, NE. 68508

To Whom It May Concern:

The Southeast Fire Department, located at 7700 Pine Lake Road would like to request rezoning from AGR to P- Public Use.

It is our understanding that AGR allows for the building of a 15x15 addition, which is not an adequate addition to fit the needs of the Southeast Fire Department, therefore we are requesting the Planning Departments approval in rezoning this land to P - Public Use in order for us to build an addition that would meet our needs.

Our goal is to build a 40x40, two-story addition on the front northeast portion of the current building that will include a public restroom, kitchenette, and a training/conference room on the first level. The second story level of the addition will serve as a training room and a day room. As always, the facility will always be open to other Public Service Personnel.

We anticipate that we will begin remodeling in the spring, upon approval from the Planning Department, so we would request that if there are any other issues regarding rezoning that we need to address to please let us know as soon as possible.

Thank you for your consideration and if you need any additional information I can be reached at (402) 730-7575.

Sincerely,



Rick Pickel  
Assistant Chief  
Southeast Fire Department

FEB 4 2004 007

# APPLICATION FOR SUBDIVISION PERMIT

TO THE LINCOLN CITY—LANCASTER COUNTY PLANNING DEPARTMENT

The undersigned hereby applies for a permit to subdivide the following described parcel of land:

LEGAL DESCRIPTION OF PROPERTY..... SEE ATTACHED EXHIBIT "A"

..... in Lancaster County, Nebraska

### DESCRIPTION OF PARCELS CREATED:

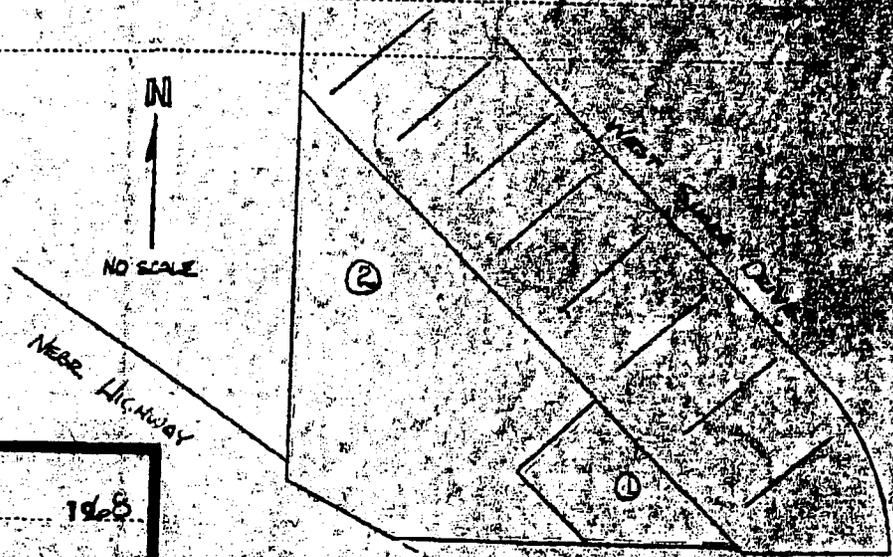
DESCRIPTION KEY: Parcel numbers are not to be used for legal descriptions.

PARCEL ① SEE ATTACHED EXHIBIT "A"

PARCEL ② SEE ATTACHED EXHIBIT "A"

PARCEL 3

PARCEL 4



APPROVED THIS 8<sup>TH</sup> DAY OF OCT 1968

1. CITY OF LINCOLN, AND ITS CITY COUNCIL

D.E. BROGDEN BY *Rodger P. Harris*  
PLANNING DIRECTOR

—OR—

2. LANCASTER COUNTY, AND ITS COUNTY BOARD

CHAIRMAN, COUNTY BOARD

COUNTY SURVEYOR

PLANNING DIRECTOR

I HEREBY CERTIFY THAT THE ABOVE STATEMENTS ARE CORRECT

*Prime Lake Co. Inc.*  
*William E. ...*  
 OWNER

*James ...*  
 ADDRESS

SOUTH LINE OF SECTION 15



ST 129

100'-0" R.F.

26'-0" T.O.P.

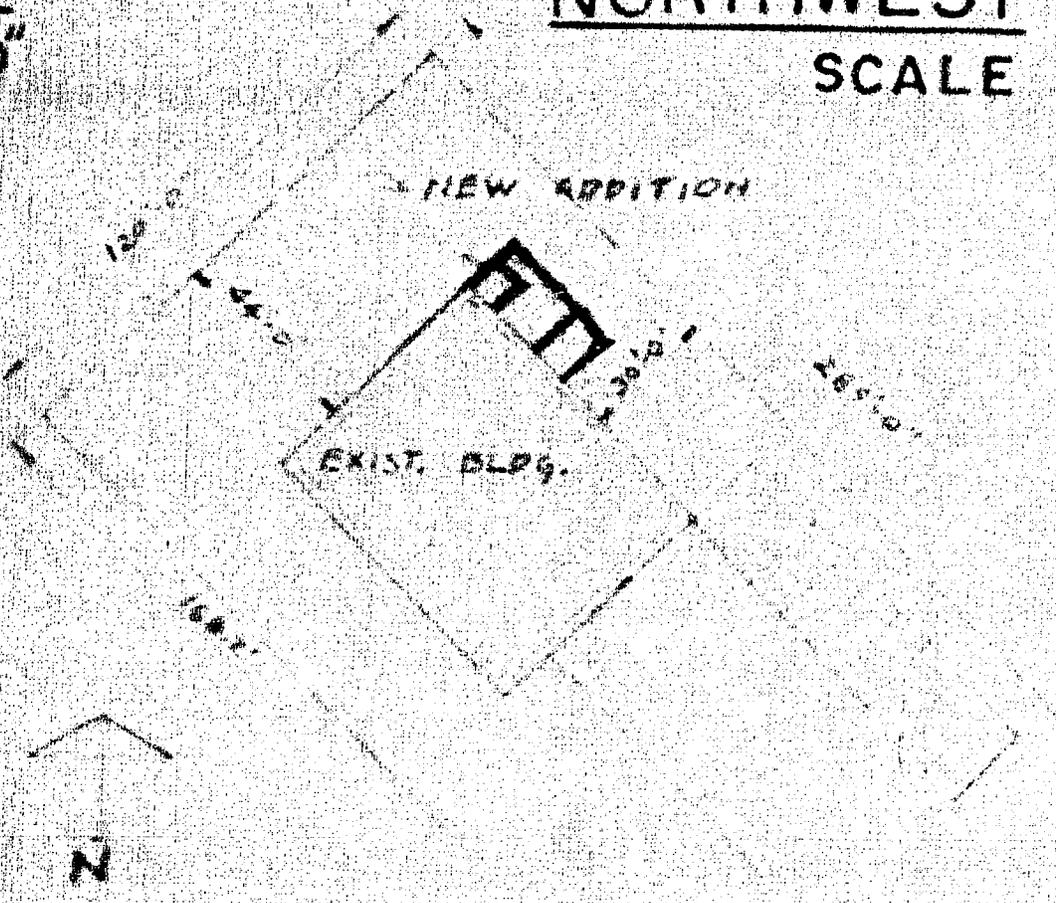
ION  
0"

NORTHWEST

ELI

SCALE

1/4" = 1'



E PINE LAKE ROAD

009

EXHIBIT 'A'

Legal Description of Property:

TOTAL

A tract of land in the SW $\frac{1}{4}$  of the SE $\frac{1}{4}$  of Section 15-T9N-R7E of the 6th P.M., Lancaster County, Nebraska described as commencing at the quarter section corner common to Sections 15 and 22, running thence N. 0° 08'E. along the north-south center line of said Section 15, a distance of 123' to the point of beginning; continuing thence N. 0° 08'E. 525.8 to an intersection with the west and southwest lines of Pine Lake Addition; thence S. 43° 55'E. along the said southwest line of Pine Lake Addition 982.3' to the south line of said Section 15; thence N. 89° 48' W. along said south line ~~351.7'~~; thence N. 64° 05' W 283.5' more or less to the point of beginning.

Description of Parcels Created:

PARCEL 1

Beginning at the south-westerly corner of Lot 41, Pine Addition, a sub-division of the S.E.  $\frac{1}{4}$  of Section 15, T9N, R7E of the 6th P.M., Lancaster County, Nebraska and extending N. 43°-55' W. 285.00 feet;

Thence S. 46°-06' W. 120.00 feet;

Thence S. 53°-55' E. 168.7 feet;

Thence S. 89°-48' E. 167.4 feet, to the point of beginning, except the south 17' thereof.

PARCEL 2

A tract of land in the southwest quarter of the southeast quarter of Section 15, T9N, R7E of the 6th P.M., Lancaster County, Nebraska commencing at the quarter section corner common to Sections 15 and 22, running thence N 0° 08' E along the north-south center line of said Section 15 a distance of 123 feet to a point of beginning; continuing thence N 0° 08' E 525.8 feet to an intersection with the west and southwest lines of Pine Lake Addition; thence S 43° 55' E along the said southwest line of Pine Lake Addition 571.5 feet; thence S 46° 06' W perpendicular to said southwest line 120 feet, thence S 43° 55' E parallel to said southwest line 168.7 feet to a point 33 feet north of the south line of said Section 15; thence S 89° 48' E parallel to said section line 167.4 feet to the southwest line of said Pine Lake Addition; thence S 43° 55' E along said southwest line 45.8 feet to the said south line of said Section 15; thence N 89° 48' W along said south line 371.70 feet; thence N 64° 05' W 283.5 feet more or less to the point of beginning, except the south 50' thereof.



**CITY OF LINCOLN  
NEBRASKA**

**MAYOR COLEEN J. SENG**

lincoln.ne.gov

Lincoln-Lancaster County  
Planning Department  
Marvin S. Krout, Director

Jon Carlson, Chair  
City-County Planning Commission

555 South 10th Street  
Suite 213

Lincoln, Nebraska 68508

402-441-7491

fax: 402-441-6377

January 4, 2006

**COPY**

Ken Scurto, Southeast Rural Fire Department  
7700 Eiger Drive  
Lincoln, NE 68516

RE: Change of Zone No. 04005 (AGR to P Public Use)

Dear Mr. Scurto:

On February 2, 2004, Richard Pickel filed an application for this Change of Zone from AGR/Agricultural Residential District to P/Public Use District, to allow for a proposed expansion of the existing building. Due to concerns raised by staff about this request, the applicant requested that this application not be placed on the Planning Commission agenda so that other options could be explored.

I understand that Ray Hill and Brian Will explained at the time that as a general rule, we did not think it was fair and would not support rezoning to exempt a public use from the same zoning rules to which all private uses are subject. We also did not believe that a variance request to reduce the setback filed with the Board of Zoning Appeals would meet the very narrow standards set out in state statutes to qualify for such a request. Staff did suggest a reduced-size addition that would stay within the zoning setbacks and/or a second-story addition as options, neither of which would require any application to be filed with the Planning Department.

One other option occurring to me is that staff could support a rezoning request to the R-3 zoning district, which is the typical single family district category inside the city limits. That would allow a building addition to within 5 feet of the side property line, rather than to the 15 feet setback required in the AGR district. If you are interested in pursuing this option, please contact Brian Will at 441-6362.

If you do not wish to pursue the original request for "P" zoning, or the R-3 option that we could support, then please submit a letter of withdrawal by Thursday, January 19, 2006, and the filing fee will be refunded in full. If we do not hear from you by that time, we will proceed to place the original request on the Planning Commission agenda with a recommendation of denial.

Sincerely,

Marvin S. Krout  
Director of Planning

cc: Brian Will  
File

q:\p\cz\04000\CZ.04005.ltr to applicant



**CITY OF LINCOLN**  
**NEBRASKA**

MAYOR COLEEN J. SENG

lincoln.ne.gov

Lincoln-Lancaster County  
Planning Department  
Marvin S. Krout, Director

Jon Carlson, Chair  
City-County Planning Commission

555 South 10th Street  
Suite 213

Lincoln, Nebraska 68508

402-441-7491

fax: 402-441-6377

November 28, 2005

Richard J. Pickel  
Southeast Rural Fire Department  
7700 Pine Lake Road  
Lincoln, NE 68516

RE: Change of Zone No. 04005 (AGR to P Public Use)  
(7700 Pine Lake Road)

Dear Mr. Pickel:

On February 2, 2004, you filed an application for Change of Zone No. 04005 from AGR Agricultural Residential to P Public Use on property owned by the Southeast Rural Fire Protection District located at 7700 Pine Lake Road. Due to concerns raised by the staff about this change of zone request, the applicant requested that this application not be placed on the Planning Commission agenda so that you could explore other options.

If you do not wish to pursue this change of zone request, please submit a letter of withdrawal by Thursday, December 8, 2005, and the filing fee will be refunded in full. Otherwise, we will proceed to place this request on the Planning Commission agenda with a recommendation of denial.

If you have any questions, please contact Brian Will at 441-6362.

Sincerely,

Marvin S. Krout  
Director of Planning

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**LINCOLN**

The Community of Opportunity

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