

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

JANUARY 17, 2007 PLANNING COMMISSION MEETING

PROJECT #: Change of Zone No. 06083

PROPOSAL: From AG to I-1.

LOCATION: North 84th Street and Cornhusker Highway

LAND AREA: Approximately 2.9 acres.

EXISTING ZONING: AG, Agricultural District

CONCLUSION: The 2025 Comprehensive Plan designated this area as industrial. However, the change of zone is not consistent with the 2030 Comprehensive Plan, which designates the area as agricultural. The applicant indicated that he intended to apply sooner, but did not. The change of zone would bring the applicant's business into compliance with the zoning ordinance.

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| <u>RECOMMENDATION:</u> | Approval |
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GENERAL INFORMATION:

LEGAL DESCRIPTION: See attached.

EXISTING LAND USE: Agriculture

SURROUNDING LAND USE AND ZONING:

| | | |
|--------|-------------|----|
| North: | Agriculture | AG |
| South: | Residential | AG |
| East: | Agriculture | AG |
| West: | Agriculture | AG |

HISTORY:

May 28, 2002 2025 Comprehensive Plan was adopted. It designated the area as industrial (see exhibit).

Early 2006: The applicant constructed a building on the property; it did not require a building permit since it was supposed to be for agricultural use.

- Summer 2006: The Building and Safety Department issued a letter to the applicant notifying him that he is illegally operating a garbage collection service in the AG zone from the agricultural building.
- October 31, 2006: The applicant met with Planning Department staff to discuss a possible change of zone.
- November 16, 2006: 2030 Comprehensive Plan was adopted. It designated the area as agricultural (see exhibit).
- December 21, 2006: Applied for change of zone over a portion of Lot 39 IT from AG to I-1.

COMPREHENSIVE PLAN SPECIFICATIONS:

Industrial: Areas where railroads, manufacturing, trucking and transportation facilities are the dominant land use. Some commercial activities may also take place in predominately industrial districts, such as office, retail or warehouses. (16)

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. (16)

UTILITIES: The property is outside of the future service limit. No utilities exist on the site and there are no utilities currently planned for the site. The building is served by a well and septic system.

TRAFFIC ANALYSIS: The garbage trucks take access to Cornhusker Highway via unpaved N. 84th Street and must cross the railroad tracks parallel to the highway on the north side. The garbage trucks may also create an additional burden on North 84th Street north of Cornhusker Highway which is unpaved. It would be conceivable that garbage trucks could make trips north to the existing landfill that is on Bluff Road.

AESTHETIC CONSIDERATIONS:

The building and outdoor storage area for roll-off containers are visible from North 84th Street. The parking and outdoor storage will need to be screened in accordance with the City's design standards.

ANALYSIS:

The applicant cannot currently legally operate his business as it is zoned today. The previous 2025 Comprehensive Plan adopted May 28, 2002 designated this land as industrial. The land was in agricultural use until early 2006. The applicant stated that he did not pursue a building permit for the shed because it was for agricultural use on AG zoned land. The garbage collection service operated by the applicant moved into the new building shortly after construction. The building has been used for the storage of the garbage trucks. The area surrounding the building has been used for employee parking and for storage of roll-off garbage containers. The site is currently being utilized as a business rather than as an agricultural use, and therefore is operating illegally. When this was brought to the attention of the applicant by the Building and Safety Department, he began to take steps to find a way to bring the operation into compliance. During that time period, the 2030 Comprehensive Plan was adopted, which designated the future land use for this area as agricultural.

A change of zone from AG to I-1 and bringing the building and the site up to all codes and design standards should solve the applicant's problem and allow him to operate his business legally. While the 2030 Comprehensive Plan indicates the future land use of this area should be agricultural, it is small enough not to warrant an amendment to the Future Land Use map. The change of zone covers a small portion of a 127 acre tract, the majority of which is in the 100 year Salt Creek floodplain (see exhibit). Expansion of the zoning onto a larger portion of the property would be unlikely due to the floodplain.

Prepared by:

Brandon M. Garrett, AICP
Planner

DATE: January 8, 2007

APPLICANT/OWNER: Steven Harms
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Lincoln, NE 68505

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Seacrest & Kalkowski
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Lincoln, NE 68508



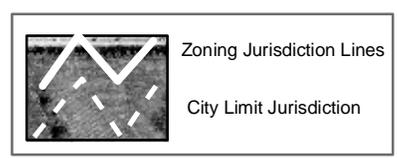
2005 aerial

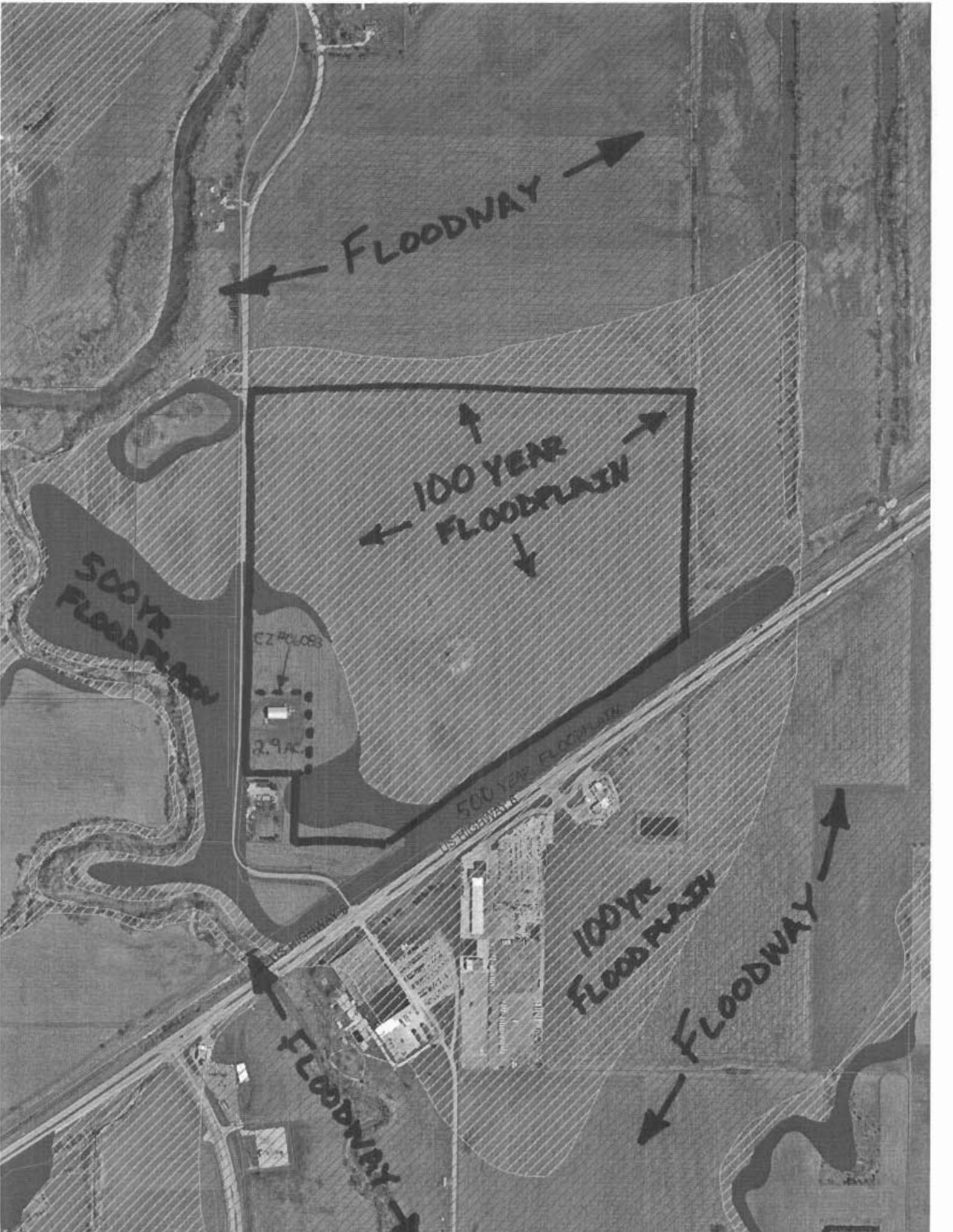
Change of Zone #06083 N 84th St & Highway 6

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. 35 T11N R07E





FLOODWAY

100 YEAR FLOODPLAIN

500YR FLOODPLAIN

CZ POLICE
2.9A

US HIGHWAY 6

100YR FLOODPLAIN

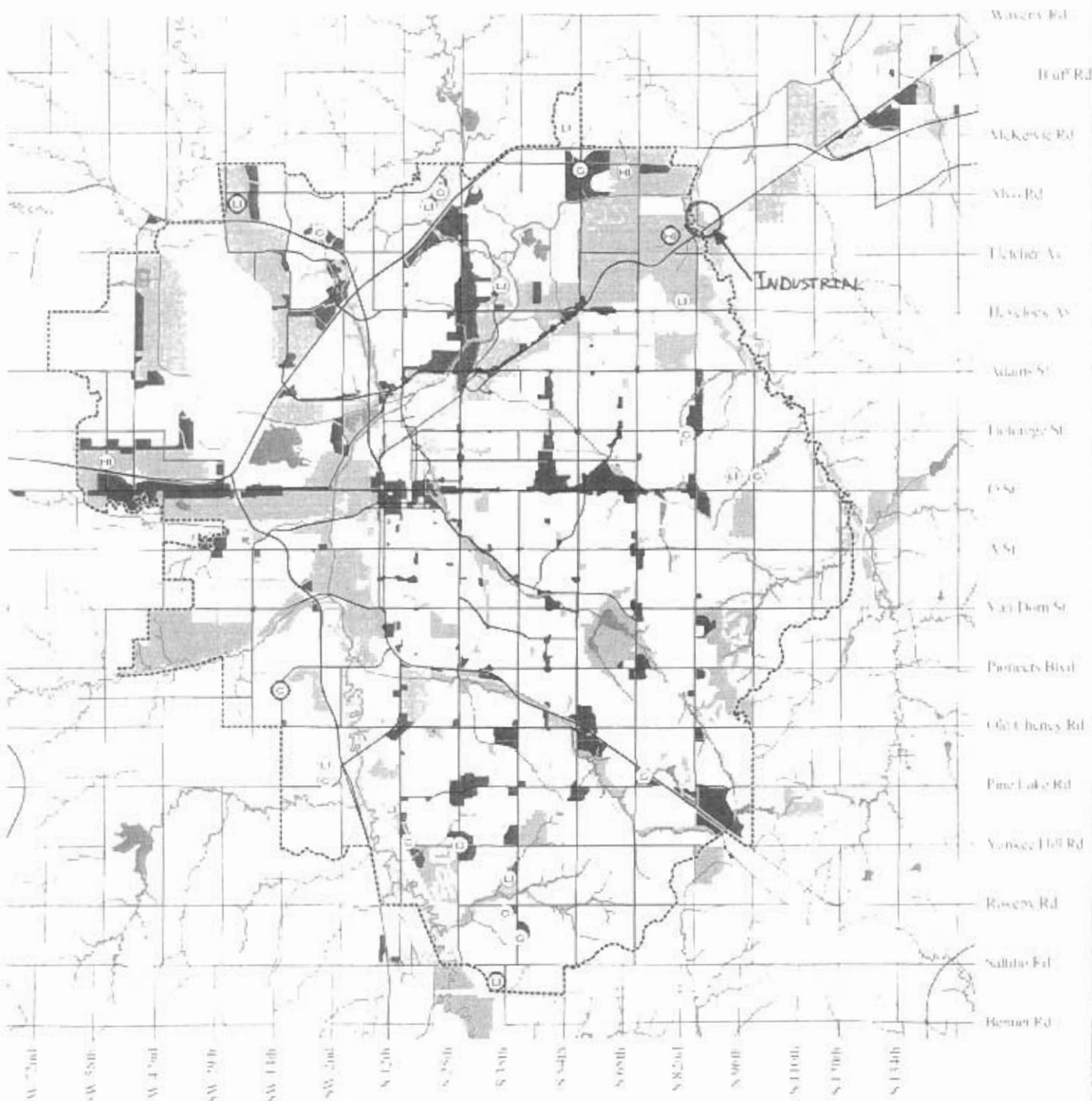
FLOODWAY

FLOODWAY

FROM 2025 COMPREHENSIVE PLAN

LINCOLN AREA DETAIL

FROM LINCOLN / LANCASTER COUNTY LAND USE PLAN

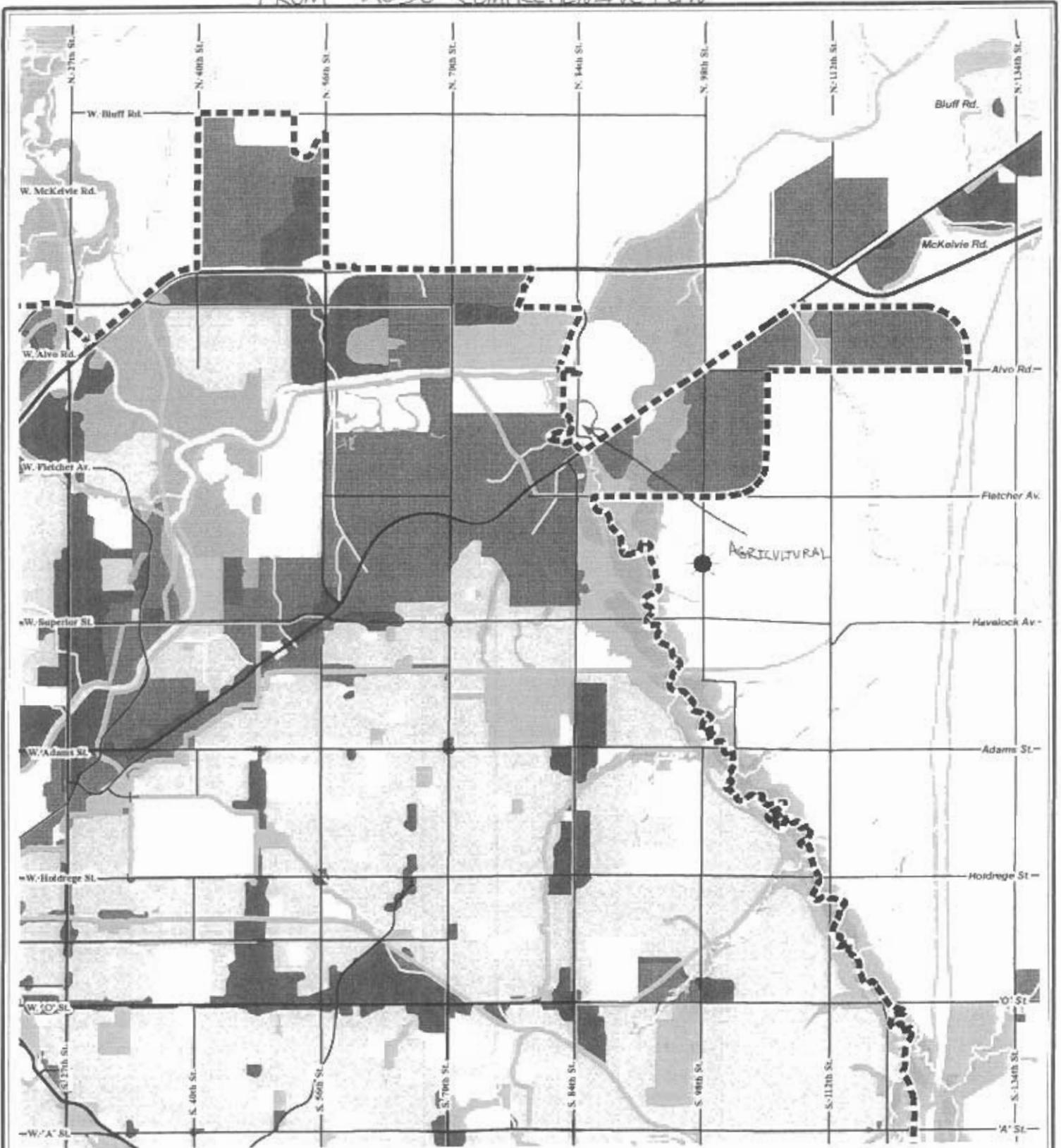


LEGEND

- | | | | |
|--|-------------------------|--|------------------------------------|
| | Residential General | | Lakes & Streams |
| | Residential Low Density | | Environment - Resources |
| | Commercial | | Agriculture |
| | Industrial | | Agricultural - Interim Control |
| | Office/Professional | | Utility Service Corridor |
| | Highway/News/Public | | Not Designated for Other Land Uses |
| | | | Not Designated for Other Land Uses |
| | | | Not Designated for Other Land Uses |

The Lincoln area land use designations presented in this plan are intended to provide a framework for future development and growth. These designations are based on the Lincoln area's location, resources, and potential. The Lincoln area is a major center of population and economic activity in Lincoln County. The Lincoln area is a major center of population and economic activity in Lincoln County. The Lincoln area is a major center of population and economic activity in Lincoln County.





LINCOLN AREA FUTURE LAND USE (NORTHEAST)

- | | | |
|-----------------------------|-------------------------|--|
| Residential - Urban Density | Green Space | Agricultural |
| Residential - Low Density | Public & Semi-Public | Agricultural Stream Corridor |
| Commercial | Lakes & Streams | Future Service Limit |
| Industrial | Environmental Resources | Potential Large Employer Opportunity Areas |

The location of each land use designation is preliminary. The appropriateness of a particular zoning district for a particular piece of property will depend on a review of all of the elements of the Comprehensive Plan. Please consult your attorney for exact locations of environmental resources such as wetlands, native prairie and floodplain. Not all of these resources are displayed on this map.

The incorporated town limits are displayed on this figure in heavy black outlines. The land use categories in this figure were prepared from the categories used in the Lincoln Landowner Choice Plan. As some adjustments were made to the boundaries of the county, these adjustments and their specific attached areas should be considered at the time of decisions with their zoning conditions.



0 0.5 1 1.5 2 Miles

