

FACTSHEET

TITLE: CHANGE OF ZONE NO. 06006, from H-4 General Commercial District to R-3 Residential District, requested by Charleston Heights, LLC, on property generally located north and east of S.W. 27th Street and West A Street.

STAFF RECOMMENDATION: Approval.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: Consent Agenda: 02/15/06
Administrative Action: 02/15/06

RECOMMENDATION: Approval (5-0: Carlson, Carroll, Esseks, Sunderman and Taylor voting 'yes'; Krieser, Larson and Strand absent).

FINDINGS OF FACT:

1. This is a request to allow residential uses so that this property may be joined with the residentially zoned property to the east to form a community unit plan, an application for which will be made at a later date.
2. The staff recommendation of approval is based upon the "Analysis" as set forth on p.3, concluding that the proposed change of zone is in conformance with the Comprehensive Plan and the Zoning Ordinance.
3. On February 15, 2006, this application appeared on the Planning Commission Consent Agenda and was opened for public hearing. No one came forward to speak.
4. On February 15, 2006, the Planning Commission agreed with the staff recommendation and voted 5-0 to recommend approval (Krieser, Larson and Strand absent).

FACTSHEET PREPARED BY: Jean L. Walker

DATE: February 21, 2006

REVIEWED BY:  _____

DATE: February 21, 2006

REFERENCE NUMBER: FS\CC\2006\CZ.06006

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for February 15, 2006 PLANNING COMMISSION MEETING

PROJECT #: Change of Zone No. 06006

PROPOSAL: Change of Zone from H-4 General Commercial to R-3 Residential

LOCATION: North and east of SW 27th and West A Street

LAND AREA: 6.95 Acres

CONCLUSION: The proposed change of zone is in conformance with the Comprehensive Plan and Zoning Ordinance.

RECOMMENDATION:	Approval
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GENERAL INFORMATION:

LEGAL DESCRIPTION: A parcel of land located in the west ½ of the southwest 1/4 Section 28, Township 10 North, Range 6 East of the 6th P.M., Lancaster County, Nebraska, more particularly described on the attached sheet.

EXISTING ZONING: H-4 General Commercial

EXISTING LAND USE: Undeveloped

SURROUNDING LAND USE AND ZONING:

North:	H-4	LES Substation
South:	AGR/R-3	Residential
East:	R-3	Undeveloped
West:	H-4	Undeveloped

ASSOCIATED APPLICATIONS:

There are no associated applications. However, the applicant intends to submit plans for a Community Unit Plan to include this property and the property immediately to the east at a later date upon approval of this application.

HISTORY:

At the time of the original change of zone from AGR and I-1 to H-4, this area was within the Day-Night Average Sound Level (DNL) 70 noise contour, which restricted residential uses. This restriction is no longer in place and residential uses are now acceptable in this area.

August 2, 2004 The Lincoln Airport F.A.R. Part 150 Noise Compatibility Study, 2003 was adopted by City Council.

August 10, 1998 Change of Zone #3083 from AGR Agricultural Residential and I-1 Industrial to H-4 General Commercial approved at this site.

August 10, 1998 Special Permit #1728 Trackwell Planned Service Commercial Center consisting of nine lots approved at this site.

COMPREHENSIVE PLAN SPECIFICATIONS:

The Future Land Use Plan designates this area as Commercial and immediately adjacent to residential designated areas. The commercial designation is a result of the former noise contours restricting residential development. Because this is a request for a change to a less-intense use district staff does not believe that it violates the intent of the Comprehensive Plan.

The Future Land Use Plan identifies this area as commercial. (F-25)

The Lincoln Airport Authority has assessed the existing and future noise impacts, noise contours for the Airport environment in a Part 150 Airport Noise Compatibility Planning Study. The Comprehensive Plan will use information from the Part 15- Study to guide land use planning throughout the airport environs. (F-123)

ANALYSIS:

1. This application is a request for a change of zone to allow residential uses so that this property may be joined with the residentially zoned property to the east to form a Community Unit Plan, an application for which will be made at a later date.
2. This property was formerly within the runway protection zone noise contours. This prohibited residential development which is the cause for this area to be designated as Commercial by the Future Land Use Plan and the subsequent change of zone to H-4 in 1998.
3. Residential uses were not possible on this property previously because the area was within the DNL 70 noise contour. With the adoption of the Noise Compatibility Study in 2004, the noise contours were revised and this area now lies outside of the DNL 70 noise contour. Residential uses are allowed in areas up to the DNL 70 noise contour. The subject area lies within a DNL 60 to 65 contour.
4. While residential development within the 60 to 65 noise contour is allowed, such development is required to incorporate acoustical features as a condition of building permit issuance as described in 27.58.080 of the zoning ordinance.
5. The proposed use for this area is compatible with adjacent land uses. The area to the east will join this area to form a Community Unit Plan, submitted at a later date. The area to the east is zoned R-3 at this time which is compatible with this request.

Prepared by:

Joseph C. Rexwinkle
441-6373
Planner

DATE: February 1, 2006

APPLICANT: Charleston Heights, LLC
1233 Infinity Court
Lincoln, NE 68512

OWNER: Judith Trackwell
HC 1 Box 30
Eldridge, MO 65463-9601

CONTACT: Paula Dicero
1233 Infinity Court
Lincoln, NE 68512

CHANGE OF ZONE NO. 06006

CONSENT AGENDA
PUBLIC HEARING & ADMINISTRATIVE ACTION
BEFORE PLANNING COMMISSION:

February 15, 2006

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

The Consent Agenda consisted of the following items: **CHANGE OF ZONE NO. 06004, CHANGE OF ZONE NO. 06005, CHANGE OF ZONE NO. 06006, SPECIAL PERMIT NO. 06003, SPECIAL PERMIT NO. 06005 and USE PERMIT NO. 108A.**

Ex Parte Communications: None.

Taylor moved to approve the Consent Agenda, seconded by Carroll and carried 5-0: Carlson, Carroll, Esseks, Sunderman and Taylor voting 'yes'; Krieser, Larson and Strand absent.

Note: This is final action on Special Permit No. 06003 and Special Permit No. 06005, 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.



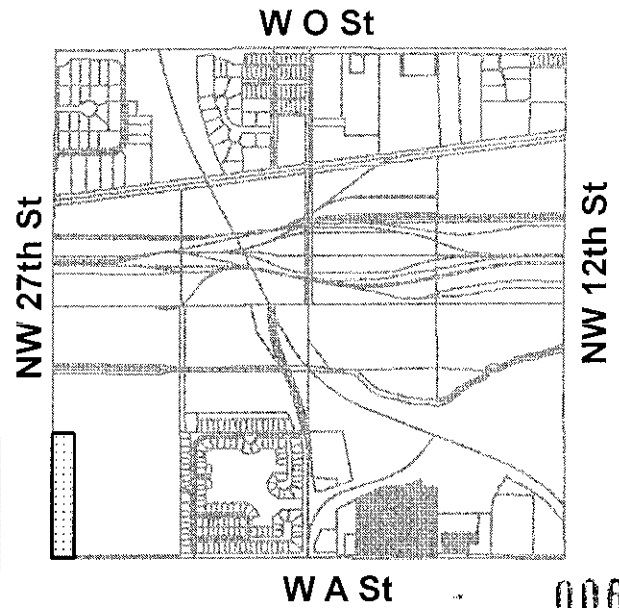
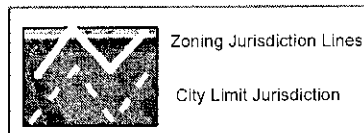
2005 aerial

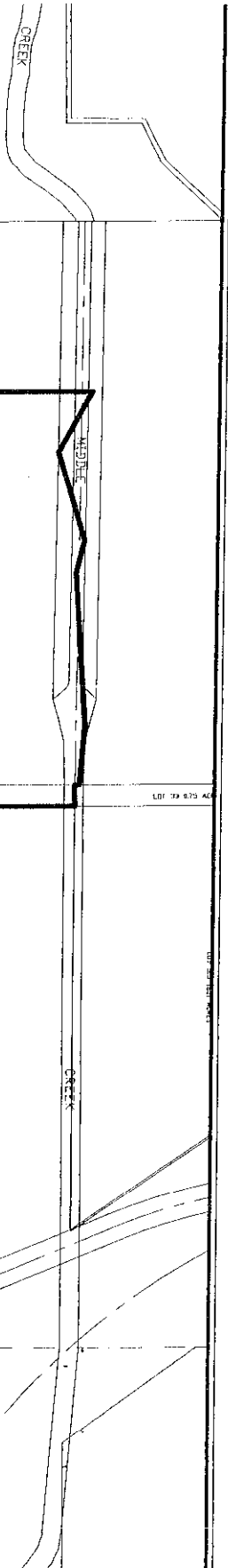
Change of Zone #06006 SW 27th St & W A St

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. 28 T10N R06E





LEGAL DESCRIPTION

A PARCEL OF LAND LOCATED IN THAT PART OF THE WEST HALF OF THE SOUTHWEST QUARTER (W $\frac{1}{2}$ SW $\frac{1}{4}$) LYING SOUTHERLY OF THE LOW WATER CHANNEL LINE OF MIDDLE CREEK, SECTION 28, TOWNSHIP 10 NORTH, RANGE 6 EAST OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA AND MORE PARTICULARLY DESCRIBED AS:

BEGINNING AT THE SOUTHWEST CORNER OF THE WEST HALF OF THE SOUTHWEST QUARTER (W $\frac{1}{2}$ SW $\frac{1}{4}$) OF SECTION 28; THENCE ON AN ASSIGNED BEARING OF N00°07'49"W, A DISTANCE OF 1316.30 FEET; THENCE N89°53'21"E, A DISTANCE OF 230.00 FEET; THENCE S00°07'49"E, A DISTANCE OF 1316.45 FEET; THENCE S89°56'33"W, A DISTANCE OF 230.00 FEET TO THE POINT OF BEGINNING, CONTAINING A CALCULATED AREA OF 302,766.35 SQ. FT. OR 6.95 ACRES MORE OR LESS.

EXHIBIT A
CHANGE OF ZONE
 PART OF THE W 1/2 OF SW 1/4 SEC. 28 T10N, R6E
 LINCOLN, NEBRASKA

WMM
 WHEPENDING MEADOWS LLC
 1123 RAINBOW COAST
 FLOOR 401, SUITE 100
 LINCOLN, NEBRASKA 68502
 TEL: 402.252.5248

PROJ. NO.	JAN. 18, 2006	
DATE		
DESIGN BY		
DRAWN BY		
CHECKED BY		
NO.	DATE	REVISION