

FACTSHEET

TITLE: CHANGE OF ZONE NO. 06010, from O-3 Office Park District to B-2 Planned Neighborhood Business District, requested by Holdrege Investors, LLC, and the University Park Congregation of Jehovah's Witnesses, on property generally located at the 84th and Holdrege Streets.

STAFF RECOMMENDATION: Approval.

SPONSOR: Planning Department

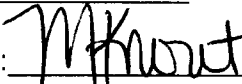
BOARD/COMMITTEE: Planning Commission
Public Hearing: 03/01/06
Administrative Action: 03/01/06

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

FINDINGS OF FACT:

1. This is a request to change the zoning within a portion of the Morning Glory Estates commercial development.
2. The staff recommendation to approve the change of zone, subject to a revised legal description, is based upon the "Analysis" as set forth on p.3, concluding that changing the zoning for this entire request would eliminate an important buffer of transitional uses adjacent to a residential area. Limiting the change to the portion along the arterial street would conform to the Comprehensive Plan.
3. The applicant's testimony is found on p.4, agreeing to the staff's recommendation for a compromise.
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 approval, subject to a revised legal description.
6. The revised legal description and map are found on p.6-7

FACTSHEET PREPARED BY: Jean L. Walker

REVIEWED BY: 

REFERENCE NUMBER: FS\CC\2006\CZ.06010 

DATE: March 6, 2006

DATE: March 6, 2006

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for March 1, 2006 PLANNING COMMISSION MEETING

PROJECT #: Change of Zone #06010

PROPOSAL: From O-3 Office Park to B-2 Planned Neighborhood Business

LOCATION: 84th and Holdrege Streets

LAND AREA: 3.96 acres, more or less.

CONCLUSION: Changing the zoning for this entire request would eliminate an important buffer of transitional uses adjacent to a residential area. Limiting the change to the portion along the arterial street would conform to the Comprehensive Plan.

RECOMMENDATION:	Approval, as amended
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GENERAL INFORMATION:

LEGAL DESCRIPTION: See attached

EXISTING LAND USE AND ZONING: Vacant commercial O-3 Office Park

SURROUNDING LAND USE AND ZONING:

North:	Partially developed commercial	B-2 Planned Neighborhood Business
South:	Vacant commercial	O-3 Office Park
East:	Single-family dwellings	R-3 Residential
West:	Vacant commercial	B-2 Planned Neighborhood Business

HISTORY:

May 2004 Administrative Amendment #04027 to Use Permit #128A approved revisions to the lot layout and use table, and redistributed floor area.

Dec 2003 Administrative Amendment #03007 to Use Permit #128A redistributed floor area.

Apr 2003 Administrative Amendment #03002 to Use Permit #128A approved revisions to the lot layout and use table, and redistributed floor area.

Jan 2002 Administrative Amendment #02001 to Use Permit #128A approved a time extensions for filing the Letter of Acceptance.

Oct 2001 Use Permit #128A approved a revised legal description to correct a survey error. No additional floor area was approved.

Jul 2001 Use Permit #128 approved 153,000 square feet of office and commercial floor area over this parcel and additional property to the north and south.

COMPREHENSIVE PLAN SPECIFICATIONS: The Land Use Plan Identifies this property as Urban Residential and Commercial. (F 25)

TRAFFIC ANALYSIS: The Comprehensive Plan identifies North 84th Street as a Principal Arterial, Holdrege Street as a Minor Arterial, and North 86th Street as a local street, both now and in the future. (49, 103)

ANALYSIS:

1. This is a request to change the zoning within a portion of the Morning Glory Estates commercial development.
2. This change of zone would change the mix of uses by converting over 30,000 square feet from office to commercial and increase the amount of commercial uses across North 86th Street from residential uses.
3. During the review process, the developer and staff agreed to a rezoning over that portion of their original proposal that faces 84th Street, and retaining the existing O-3 zoning over that portion facing North 86th Street and across from residences. This compromise preserves office space and the mixed use nature of the development while providing some additional commercial area fronting on North 84th Street.
4. Staff recommends approval to a change of zone consistent with the above-mentioned compromise. The applicant will prepare and submit a revised legal description prior to the hearing.

Prepared by:

Greg Czaplewski
441-7620, gczaplewski@lincoln.ne.gov
Planner

Date: February 13, 2006

**Applicants
and
Owners:** Holdrege Investors, LLC
300 North 44th Street, Suite 100
Lincoln, NE 68503
402.476.1234

University Park Congregation of Jehovah's Witnesses
1900 North 84th Street
Lincoln, NE 68505

Contact: J. Michael Rierden
645 "M" Street, Suite 200
Lincoln, NE 68508

CHANGE OF ZONE NO. 06010

PUBLIC HEARING BEFORE PLANNING COMMISSION:

March 1, 2006

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

Staff recommendation: Approval, as revised

Ex Pate Communications: None.

Greg Czaplewski of Planning staff advised that the applicant has agreed to reduce the area of this change of zone request and he submitted a revised map showing the revised area. The O-3 zoning along 86th Street will be retained. The western portion of the site would be changed to B-2. The applicant will submit a revised legal description prior to scheduling the application on the City Council agenda.

Proponents

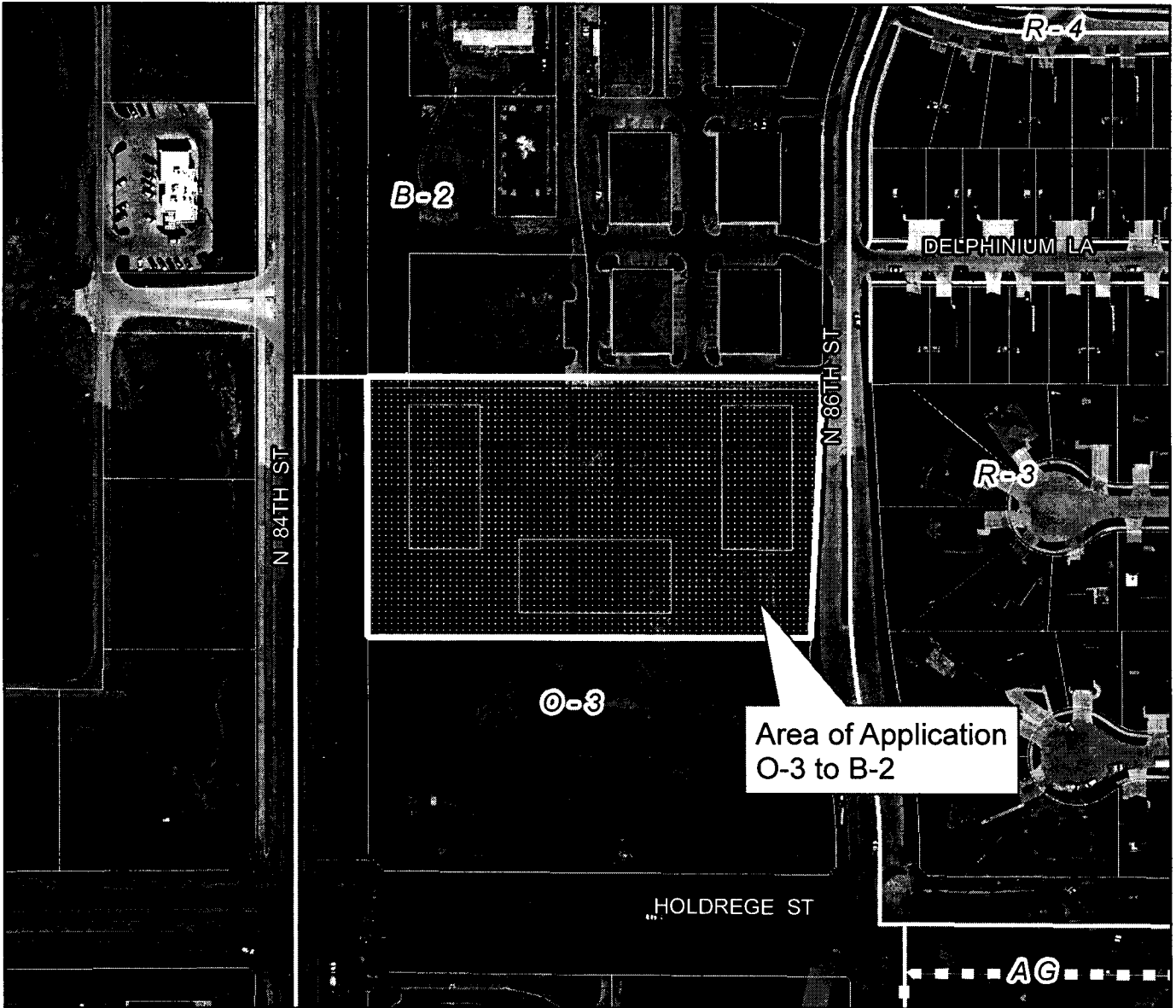
1. **Michael Rierden** on behalf of **Morning Glory Estates** and expressed agreement with the revised proposal and map.

There was no testimony in opposition.

ACTION BY PLANNING COMMISSION:

March 1, 2006

Taylor moved approval, subject to revised legal description in accordance with the map submitted today, seconded by Esseks and carried 6-0: Krieser, Carroll, Sunderman, Esseks, Taylor and Carlson voting 'yes'; Strand and Larson absent. This is a recommendation to the City Council.

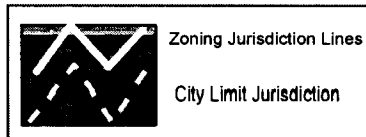


Change of Zone #06010 N. 84th & Holdrege St.

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. 14 T10N R7E



N 84th St.

N 98th St.

2005 aerial
Adams St.



Holdrege St.

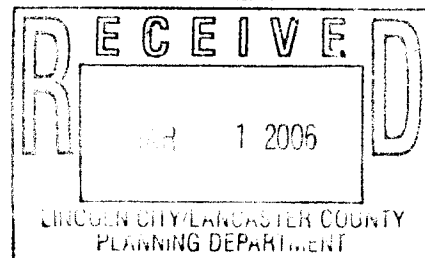
005

**LEGAL DESCRIPTION
CHANGE OF ZONE
FROM "O-3" TO "B-2"**

A LEGAL DESCRIPTION FOR A TRACT OF LAND COMPOSED OF LOTS 4, AND 6, MORNING GLORY ESTATES 2ND ADDITION, A PORTION OF OUTLOTS "A", "B", AND "C", MORNING GLORY ESTATES 2ND ADDITION, AND A PORTION OF LOT 3, MORNING GLORY ESTATES 2ND ADDITION, ALL LOCATED IN THE SOUTHWEST QUARTER OF SECTION 14, TOWNSHIP 10 NORTH, RANGE 7 EAST OF THE 6TH P.M., CITY OF LINCOLN, LANCASTER COUNTY, STATE OF NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID OUTLOT "C", SAID POINT BEING ON THE EAST LINE OF NORTH 84TH STREET RIGHT-OF-WAY, SAID POINT BEING **THE TRUE POINT OF BEGINNING**; THENCE NORTHERLY ALONG THE WEST LINE OF SAID OUTLOT "C", AND THE WEST LINE OF OUTLOT "B", SAID LINE BEING THE EAST LINE OF SAID RIGHT-OF-WAY, ON AN ASSUMED BEARING OF NORTH 00 DEGREES 02 MINUTES 14 SECONDS WEST, A DISTANCE OF 318.56 FEET TO A POINT, THENCE NORTH 89 DEGREES 57 MINUTES 36 SECONDS EAST, A DISTANCE OF 385.22 FEET TO A POINT, THENCE SOUTH 00 DEGREES 05 MINUTES 43 SECONDS EAST, A DISTANCE OF 318.58 FEET TO A POINT OF INTERSECTION WITH THE SOUTH LINE OF SAID OUTLOT "C", THENCE SOUTH 89 DEGREES 57 MINUTES 46 SECONDS WEST ALONG THE SOUTH LINE OF SAID OUTLOT "C", A DISTANCE OF 385.55 FEET TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA OF 122,771.70 SQUARE FEET OR 2.82 ACRES, MORE OR LESS.

March 2, 2006
F:\Projects\20021194\lincs\survey\yplat\dwg\02_1194 O3 TO B2 CZ.doc

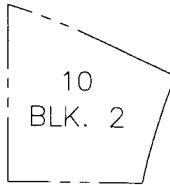
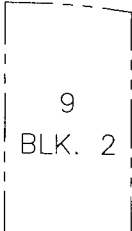
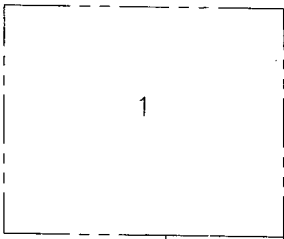


LEXINGTON

OUTLOT "B"

OUTLOT "A"

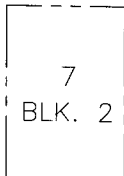
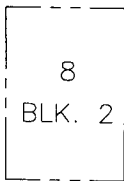
AVENUE



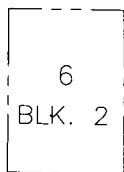
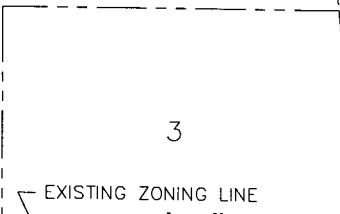
OUTLOT "B"



OUTLOT "A"



OUTLOT "A"

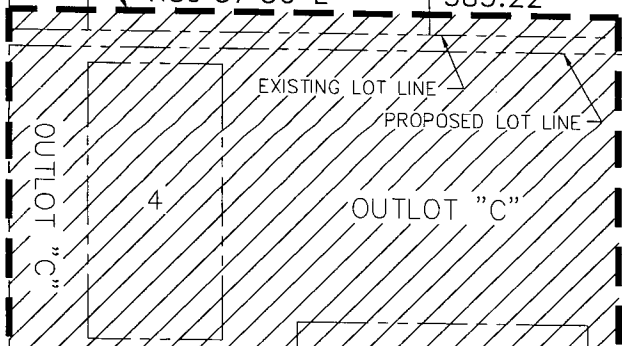


OUTLOT "A"

EXISTING ZONING LINE

N89°57'36"E

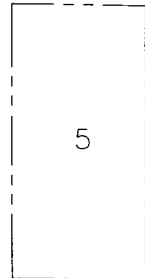
385.22'



EXISTING LOT LINE

PROPOSED LOT LINE

OUTLOT "C"



5

N00°02'14"W 318.56'

OUTLOT "C"

318.58'

S00°05'43"E

OUTLOT "C"

6

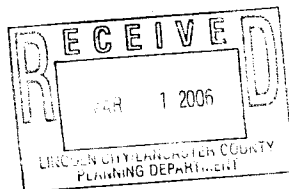
OUTLOT "C"

S89°57'46"W

385.55'

P.O.B.
SW CORNER
OUTLOT "C"
MORNING
GLORY
ESTATES 2ND
ADD.

7



SCALE: NONE

NORTH 84TH STREET

NORTH 86TH STREET

HOLDREDGE STREET

007

J. Michael Rierden
ATTORNEY AT LAW

THE COTSWOLD
645 "M" STREET
SUITE 200
LINCOLN, NE 68508

TELEPHONE (402) 476-2413
TELECOPIER (402) 476-2948

Lincoln/Lancaster County Planning Department
555 S 10th Street
Lincoln, Nebraska 68508
Attention: Marvin Krout, Planning Director

Re: Morning Glory Estate Amendment to Use
Permit #128 and CUP #1839

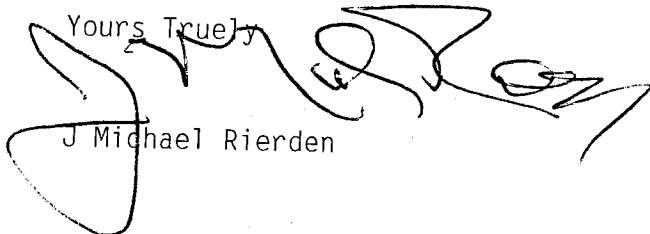
Dear Mr Krout,

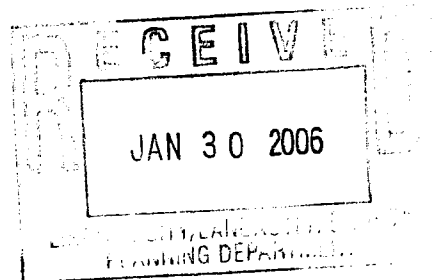
Enclosed are the following items:

- 1) Application for Change of Zone from O3 to B2
- 2) Application to Amend Use Permit #128 and CUP #1839
- 3) 22 copies of the Amended Use Permit Site Plan
- 4) 2 copies of the Change of zone Exhibit and Legal Description
- 5) Checks for filing fee

I would request that the aforementioned Applications be processed at the soonest possible time. For your information I will be out of the office from January 13th to January 28th. If you should have any questions or need any additional information during that time please contact Don Day at Olsson Associates.

Yours Truly


J Michael Rierden



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