

FACTSHEET

TITLE: **CHANGE OF ZONE NO. 06067**, from H-3 Highway Commercial District to R-3 Residential District, requested by Outfield Park, LLC, on property generally located at West Charleston Street and North 1st Street, and Sun Valley Boulevard and Line Drive.

STAFF RECOMMENDATION: Approval

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 10/25/06
Administrative Action: 10/25/06

RECOMMENDATION: Approval (8-0: Cornelius, Sunderman, Larson, Krieser, Carroll, Strand, Esseks and Carlson voting 'yes'; Taylor absent).

FINDINGS OF FACT:

1. The purpose of this change of zone request is to allow for the expansion of the existing student housing apartment complex, and has been requested prior to submitting a revised community unit plan to alleviate unnecessary cost if the change of zone is not approved.
2. The staff recommendation to approve this change of zone request is based upon the "*Analysis*" as set forth on p.4-5, concluding that the residential zoning conforms to the proposed 2030 Comprehensive Plan and is generally compatible with the surrounding land use.
3. On October 25, 2006, the Planning Commission recommended that this area be shown as "Residential" in the 2030 Comprehensive Plan.
4. The staff presentation and testimony by the applicant is found on p.6.
5. There was no testimony in opposition.
6. On October 25, 2006, the Planning Commission agreed with the staff recommendation and voted 8-0 to recommend approval (Taylor absent).

FACTSHEET PREPARED BY: Jean L. Walker

DATE: November 6, 2006

REVIEWED BY: _____

DATE: November 6, 2006

REFERENCE NUMBER: FS\CC\2006\CZ.06067

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for OCTOBER 25, 2006 PLANNING COMMISSION MEETING

PROJECT #: Change of Zone No.06067

PROPOSAL: From H-3, Highway Commercial District to R-3 , Residential District

LOCATION: West Charleston St. & N. 1st St. and Sun Valley Blvd. & Line Dr.

LAND AREA: 41.38 acres, more or less

EXISTING ZONING: H-3, Highway Commercial District

CONCLUSION: The applicant has indicated that the purpose for this change of zone is to allow for the expansion of the existing apartment complex. The residential zoning conforms to the proposed 2025 Comprehensive Plan update and is generally compatible with the surrounding land use.

RECOMMENDATION:	Approval
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GENERAL INFORMATION:

LEGAL DESCRIPTION: A portion of Lot 81 Irregular Tract, located in the SE 1/4 of Section 15-10-06; a portion of Lot 304 Irregular Tract and all of Lot 305 Irregular Tract located in the NE 1/4 of Section 22-10-06; and Lot 71 Irregular Tract located in the NW 1/4 of Section 23-10-06; Lancaster County, Nebraska.

EXISTING LAND USE: Undeveloped

SURROUNDING LAND USE AND ZONING:

Area southwest of W. Charleston St. & N. 1st St. (Northern Portion)

North: I-1- Industrial	Church, mini-warehousing, Oak Creek
South: R-3-Residential	Undeveloped
East: P- Public	Oak Lake Park
West: R-3-residential	Multiple-family residential

Remaining area (Southern Portion)

North R-3-Residential	Undeveloped
P-Public	City impound lot
South I-1-Industrial	Outside storage, railroad tracks
East: P-Public	City impound lot and BMX track
West R-3-residential	open space

HISTORY:

- April 2004 Special Permit #1928A, Sterling University Phase 2 Community Unit Plan to add 171 dwelling units was approved by the City Council.
- April 2004 Change of Zone #3421 from H-3 Highway Commercial to R-3 Residential was approved by the City Council.
- Jul 2002 Administrative Amendment #02034 to Special Permit #1928 for a water meter building, access drive across the railroad line, relocated parking stalls, revised notes, and bus stop was approved by the Planning Director.
- Jan 2002 Special Permit #1928 for Oak Creek Apartments CUP with 157 dwelling units (589 bedrooms) was approved by the City Council.
- Jan 2002 Change of Zone #3329 for a change of zone from I-1 Industrial to R-3 Residential over the original Oak Creek Apartments CUP area was approved by the City Council.
- Jan 2002 Change of Zone 3346 for a change of zone from I-1 industrial to H-3 Highway Commercial in the area of this amendment was approved by the City Council.
- May 1979 This area was changed from K Light Industrial and I Heavy Industrial to I-1 Industrial through the 1979 zoning update.

COMPREHENSIVE PLAN SPECIFICATIONS:

The 2025 Comprehensive Plan designates this area as commercial. (F-25)

The Comprehensive Plan is the basis for zoning and land development decisions. It guides decisions that will maintain the quality and character of the community's established neighborhoods. (F-15)

Lincoln's future urban growth should generally occur in multiple directions around the existing city. Lincoln will continue to have managed and contiguous growth. Lincoln's sense of community has been based on incremental, compact growth built on the foundation of established neighborhoods. Future growth will continue this traditional pattern and be linked to both the level of demand in the market and to the orderly extension of public improvements and services. (F 17)

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. (F 17)

Encourage mixed-use redevelopment, adaptive reuse, and in-fill development including residential, commercial and retail uses. These uses may develop along transit routes and provide residential opportunities for persons who do not want to or cannot drive an automobile. (F 18)

The land use plan for Lincoln and Lancaster County contains several general categories of land use types that are listed below. The maps displaying the land use plan are but one aspect of the Comprehensive Plan. The entire Comprehensive Plan should be referenced and considered when viewing the land use plan maps and for judging the appropriateness of the land uses they may display. (F-22)

The land use plan displays the generalized location of each land use. It is not intended to be used to determine exact boundaries of each designation. The area of transition from one land use is often gradual. (F-27)

Provision of the broadest range of housing options throughout the community improves the quality of life in the whole community. (F 65)

New residential development is generally discouraged in areas of environmental resources such as saline wetlands, native prairies and in floodplain corridors. (F 66)

Provide different housing types and choices, including affordable housing, throughout each neighborhood for an increasingly diverse population. (F-66)

Encourage convenient access to neighborhood services (stores, schools, parks) from residential areas. (F 66)

TRAFFIC ANALYSIS:

The 2025 Comprehensive Plan designates Charleston Street east of North 1st Street as a Collector, both now and in the future. Charleston Street west of North 1st Street is classified as a Local Street both now and in the future. North 1st Street is identified as a Collector at the present time, and as a Principal Arterial in the future. The 2025 Comprehensive Plan identifies a proposed project for North 1st Street for 4 lanes + turn lanes.

PUBLIC SERVICE: The nearest fire station is Station 3 located at 2nd and “N” St.

ENVIRONMENTAL CONCERNS: Much of the land within the proposed change of zone is over an old landfill site. There are wetlands located on or near this area. The area is within the 100 year floodplain.

ALTERNATIVE USES: The area could remain as H-3 Highway Commercial and be developed with commercial uses.

ANALYSIS:

1. This application is for a change of zone from H-3 to R-3. The applicant has indicated that the purpose for the change of zone is to expand the existing student housing apartments. The applicant has requested this change of zone prior to submitting a revised CUP to alleviate unnecessary cost if the change of zone is not approved. Although the intended purpose is to expand the existing apartments, any permitted use in the R-3 district would be allowed by right.
2. R-3 zoning allows single-family and two-family residential. An amendment to the existing special permit, Sterling University Community Unit Plan (CUP) would be required to expand the apartments. Maximum density in an R-3 district with a CUP is 6.96 dwelling units per acre.
3. The previous approved special permit identified landfill within the area of this application. The potential for methane gas will need to be addressed with any development of the property.

4. Watershed Management notes that this area is in the Salt Creek floodplain. This does not prevent development , but it would limit the amount of land that could be developed. Currently there is a 15% allowable fill for this area. Any proposal coming after proposed standards become effective (late fall/early winter) would be required to meet the 55% allowable fill which was determined in the new Salt Creek Study.
5. This area was changed from I-1 Industrial to H-3 Highway Commercial in January 2002. No development has occurred on the property to date. This could indicate the area is not suitable for commercial development.
6. There are concerns about locating residential in close proximity to an industrial district. The Lincoln-Lancaster County Health Department has recommended a 300 foot buffer between any residential structure and any business or industry. The existing industrial is located on the north side of west Charleston St. and adjacent the railroad tracks to the south.
7. The Planning Department is in the process of updating the 2025 Comprehensive Plan. As part of the update, the land use plan is being amended and will show the area of this application as residential. The Plan encourages infill development where there is existing infrastructure. The proposed R-3 zoning is adjacent to R-3 on the west and P Public to the east.
8. Close proximity to transportation routes, public park space and UNL city campus support residential uses in this area.
9. There are no objections from other departments to this change of zone application.

Prepared by:

Tom Cajka
Project Manager

DATE: October 11, 2006

APPLICANT: J. Michael Rierden
645 "M" St. Suite 200
Lincoln, NE 68508
(402) 476-2413

OWNER: Outfield Park LLC
182 W. Lakeshore Dr.
Lincoln, NE 68528

CONTACT: same as applicant

CHANGE OF ZONE NO. 06067

PUBLIC HEARING BEFORE PLANNING COMMISSION:

October 25, 2006

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

Staff recommendation: Approval.

Ex Parte Communications: None.

Staff presentation: **Tom Cajka of Planning staff** stated this to be a request from H-3 to R-3 on 41 acres. The area to be rezoned is next to W. Charleston Street, with the area to the south fronting on Sun Valley Blvd. The intent of the zoning change is to expand the student housing apartment project to the west. The applicant is requesting this change of zone before going to the expense of doing the environmental studies and other engineering work.

Proponents

1. Mike Rierden appeared on behalf of the applicant, **GMH Properties and Ron Nestor**. This applicant has developed 95 of these communities around the country in 29 states. They also develop housing on military bases. Rierden reminded the Commission that he also represented the previous owner of the existing complex. This applicant needs the zoning before spending the money on environmental and floodplain issues. He does not have the answers to a lot of the questions at this point in time, but if this change is approved, the applicant will proceed forward with all of the necessary studies. The applicant anticipates submitting an application for a community unit plan.

Carlson recalled that there was a lot of discussion on the first phase about emergency access, etc. He assumes that this applicant will be prepared to offer that same kind of information on the expansion. Rierden concurred.

There was no testimony in opposition.

Cajka pointed out that one of the amendments to the Comprehensive Plan approved today changed the land use map in this area to residential.

ACTION BY PLANNING COMMISSION:

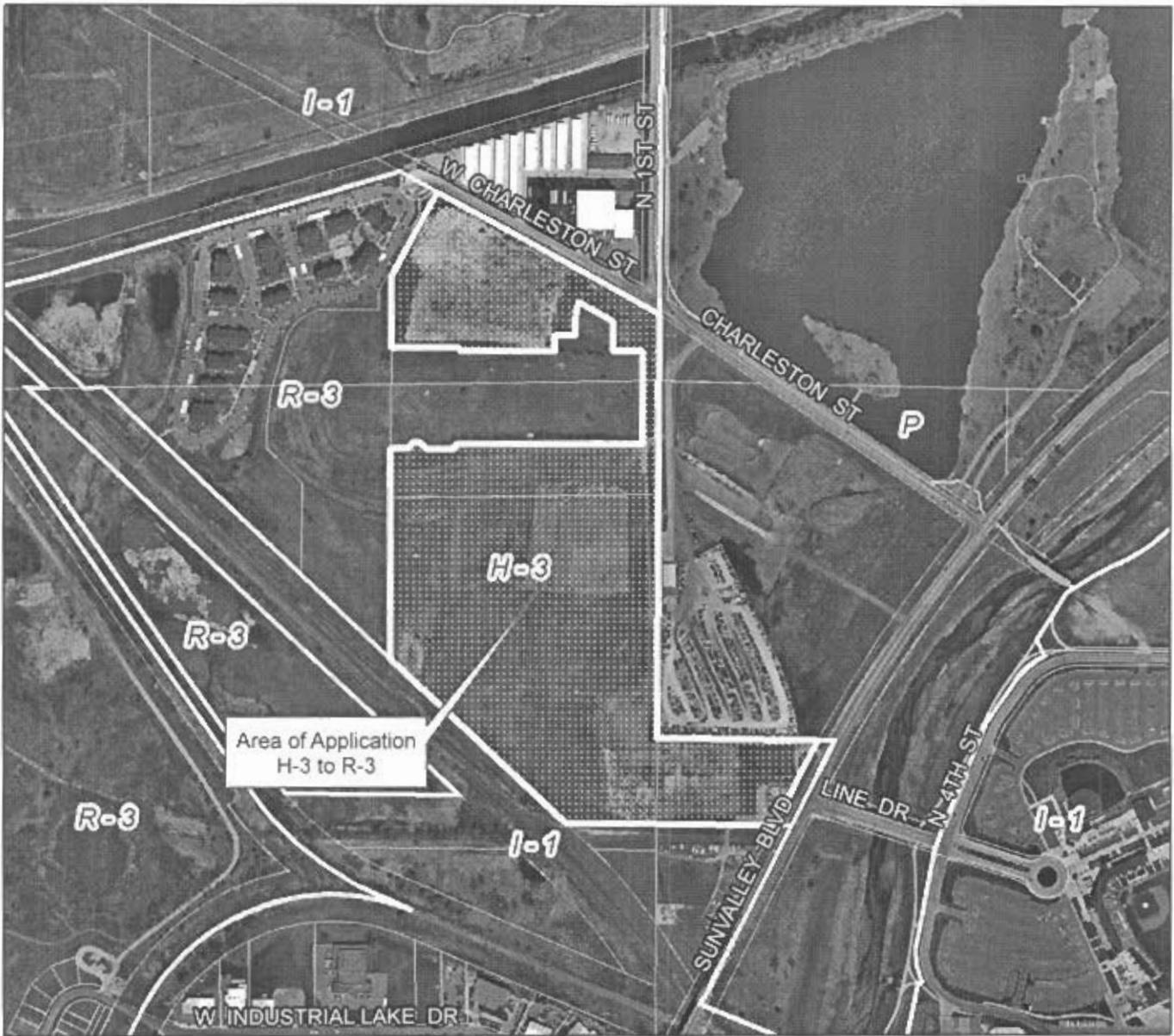
October 25, 2006

Larson moved approval, seconded by Strand.

Strand pointed out that the Planning Commission is approving this change of zone knowing that there need to be substantial environmental studies, yet the Commission just took action telling the race track they couldn't do that.

Carlson remembers this area from the first time around and it is a very challenging area.

Motion for approval carried 8-0: Krieser, Cornelius, Sunderman, Strand, Larson, Esseks, Carroll and Carlson voting 'yes'; Taylor absent. This is a recommendation to the City Council.



2005 aerial

Change of Zone #06067 N 1st & Charleston 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

Three Square Miles
 Sec. 15 T10N R06E
 Sec. 23 T10N R06E
 Sec. 24 T10N R06E

