

City Council Introduction: **Monday**, April 23, 2007
Public Hearing: **Monday**, April 30, 2007, at **5:30 p.m.**

Bill No. 07-71

FACTSHEET

TITLE: **CHANGE OF ZONE NO. 07017**, from R-3 Residential District to B-1 Local Business District, requested by Waterford Estates, LLC, on property generally located northeast of North 98th and O Streets.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: Consent Agenda: 04/11/06
Administrative Action: 04/11/06

STAFF RECOMMENDATION: Approval.

RECOMMENDATION: Approval (9-0: Strand, Taylor, Sunderman, Carroll, Esseks, Krieser, Larson, Cornelius and Carlson voting 'yes').

FINDINGS OF FACT:

1. This change of zone request from R-3 to B-1 expands the previously approved B-1 zoning to allow a marina and restaurant use at the edge of the future lake in Waterford Estates. The future intent is for the restaurant and marina to apply for a special permit for the sale of alcohol for consumption on the premises.
2. The staff recommendation of approval is based upon the "Analysis" as set forth on p.3-4, concluding that the change of zone would accomplish the required 100' separation from a residential district for a future application for a special permit for the sale of alcohol for consumption on the premises in conjunction with a proposed marina and restaurant.
3. On April 11, 2007, this application appeared on the Consent Agenda of the Planning Commission and was opened for public hearing. No one came forward to speak.
4. On April 11, 2007, the Planning Commission agreed with the staff recommendation and voted 9-0 to recommend approval.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: April 16, 2007

REVIEWED BY: _____

DATE: April 16, 2007

REFERENCE NUMBER: FS\CC\2007\CZ.07017

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for APRIL 11, 2007 PLANNING COMMISSION MEETING

PROJECT #: Change of Zone No. 07017

PROPOSAL: From R-3 to B-1

LOCATION: northeast of N. 98th Street and O Street

LAND AREA: 1.43 Acres, more or less

EXISTING ZONING: R-3 Residential

CONCLUSION: The change of zone would accomplish the required 100' spacing from a residential district for a future application for a special permit for the sale of alcohol for consumption on the premises in conjunction with a proposed marina and restaurant.

RECOMMENDATION:	Approval
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GENERAL INFORMATION:

LEGAL DESCRIPTION: See attached.

EXISTING LAND USE: Agriculture/Stream

SURROUNDING LAND USE AND ZONING:

North:	R-3 Residential	Undeveloped/Agricultural
South:	B-2 Planned Neighborhood Business	Undeveloped/Agricultural
East:	R-3 Residential	Undeveloped/Agricultural
West:	R-3 Residential	Undeveloped/Agricultural

HISTORY:

February 14, 2007: Change of Zone #07002 from AG and B-2 to R-3, R-4, B-1, and B-2, Preliminary Plat #07001 Waterford Estates 1st Addition, and Annexation #07001 were recommended for approval by Planning Commission.

April 17, 2006: Change of Zone #04019 from AG to B-2 and R-3 was approved by City Council.

March 16, 2005: Change of Zone #04019 from AG to B-2 and R-3 was recommended for approval by Planning Commission.

March 27, 1995: Change of Zone #2882 from AG to AGR for a portion of the southeast quarter of Section 24 T10N R07E was denied by the City Council.

March 1, 1995: Change of Zone #2882 from AG to AGR for a portion of the southeast quarter of Section 24 T10N R07E was recommended for denial by the Planning Commission.

COMPREHENSIVE PLAN SPECIFICATIONS:

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. Promote residential development, economic development and employment opportunities throughout the City (P.10).

MIXED USE OFFICE CENTERS (O)

Center Size

Centers will develop typically with 250,000 SF or more. Existing centers may be as small as 150,000 SF. New centers should have retail space to serve office tenants, which may also serve adjacent neighborhoods. In general, centers should have a tenth to a quarter of their space in retail uses (P. 46).

COMMUNITY CENTERS ©)

Center Size

Community Centers may vary in size from approximately 250,000 to 600,000 square feet of commercial space. Typically, new Community Centers will range from 300,000 to 400,000 square feet, with those meeting the incentive criteria having up to 600,000 square feet.

Description

Community Centers are intended to be smaller in scale and intensity of uses than Regional Centers and serve a more targeted market and geographic area. Community Centers tend to be dominated by retail and service activities, although they can also serve as campuses for corporate office facilities and other mixed-use activities. When properly located, some light manufacturing or assembly when accessory to an office function may be allowed. One or two department stores or "big box" retail operations may serve as anchors (a single store over 50,000 sq. ft.) to the Community Center with numerous smaller general merchandise stores located between any anchors or on surrounding site pads (P.43).

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 (P.16).

Green Space: Areas predominately used for active recreational uses, such as parks, golf courses, soccer or ball fields, and trails. Green space areas may be either public or privately owned. While some isolated environmentally sensitive features may be within these areas, they are predominately for active recreation, with some passive recreation uses also possible (P.16).

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 (P.16).

Lakes and Streams: This category includes the larger stream corridors, lakes, and ponds (P.16).

Urban Residential: Multi-family and single family residential uses in areas with varying densities ranging from more than fifteen dwelling units per acre to less than one dwelling per acre (P.16).

ANALYSIS:

1. The applicant has indicated that the intent of the B-1 zone requested in CZ#07002 was to build a marina and restaurant. More recently, it was decided that the building might be constructed at the edge of the future lake. CZ#07002 only requested to change the zone to B-1 up to the edge of the lake. The lake is zoned R-3, a residential district. The future intent is for the restaurant and marina to apply for a special permit for the sale of alcohol for consumption on the premises. The licensed premises would not be able to serve alcohol within 100' of a residential zone. The B-1 zoning proposed by CZ#07002 would be too restrictive as to allow the future licensed premises due to the close proximity of the R-3 zone. CZ#07017 proposes to expand the B-1 zone proposed by CZ#07002 into the lake and should therefore accommodate a future submittal for a special permit for the sale of alcohol on the premises.

Prepared by:

Brandon M. Garrett, AICP

DATE: March 29, 2007

APPLICANT/CONTACT: Olsson Associates
1111 Lincoln Mall
Lincoln, NE 68508
402-474-6311

OWNER: Waterford Estates, LLC
8644 Executive Woods Drive
Lincoln, NE 68512

CHANGE OF ZONE NO. 07017

CONSENT AGENDA

PUBLIC HEARING & ADMINISTRATIVE ACTION

BEFORE PLANNING COMMISSION:

April 11, 2007

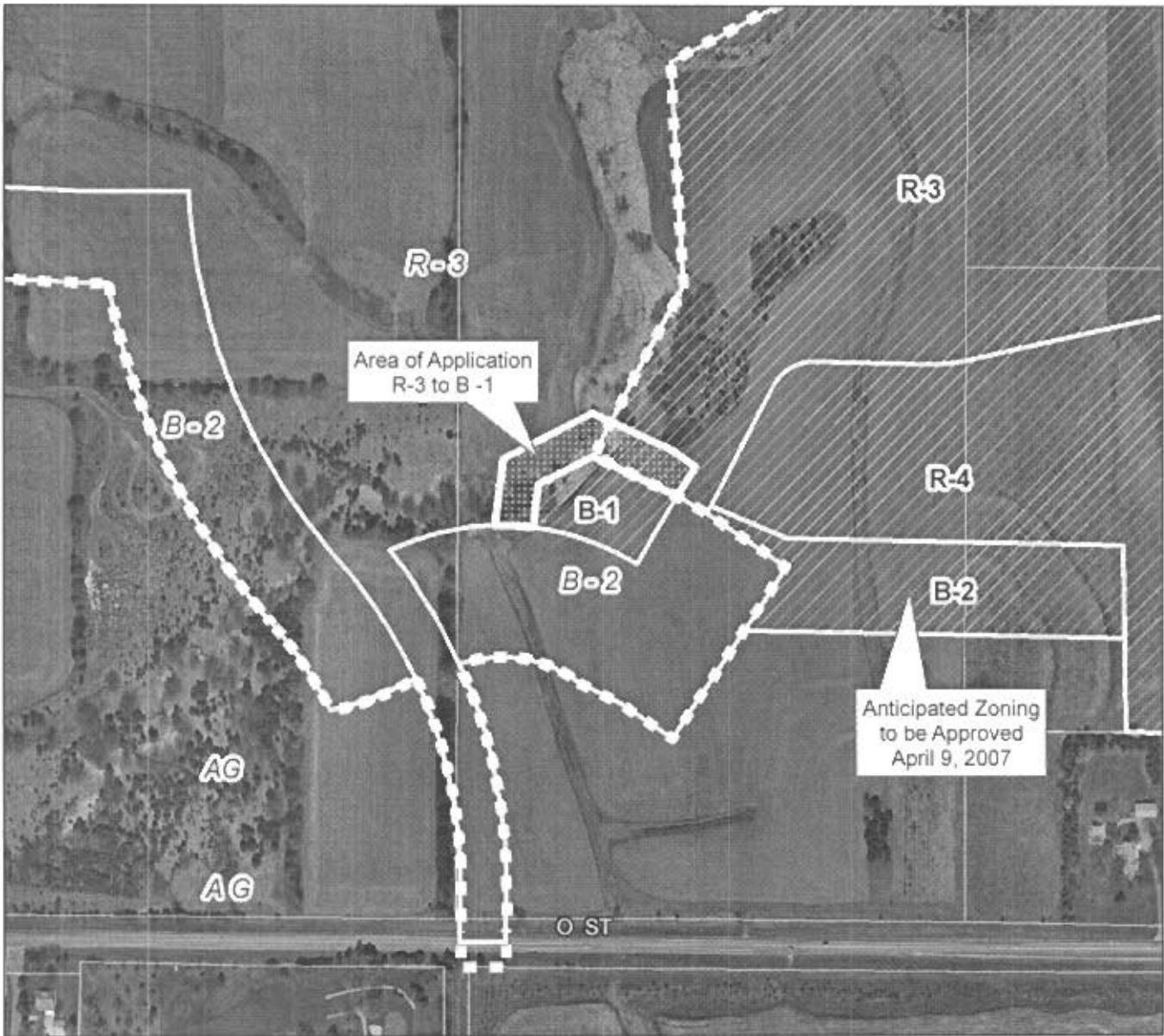
Members present: Carlson, Carroll, Cornelius, Esseks, Krieser, Larson, Strand, Sunderman and Taylor.

The Consent Agenda consisted of the following items: **COMPREHENSIVE PLAN CONFORMANCE NO. 07002; COMPREHENSIVE PLAN CONFORMANCE NO. 07003; COMPREHENSIVE PLAN CONFORMANCE NO. 07004; COUNTY CHANGE OF ZONE NO. 07012; CHANGE OF ZONE NO. 07013; COUNTY CHANGE OF ZONE NO. 07014; CHANGE OF ZONE NO. 07016; CHANGE OF ZONE NO. 07017; and SPECIAL PERMIT NO. 07007.**

Ex Parte Communications: None.

Carroll moved to approve the Consent Agenda, seconded by Cornelius and carried 9-0: Carlson, Carroll, Cornelius, Esseks, Krieser, Larson, Strand, Sunderman and Taylor voting 'yes'.

Note: This is final action on Comprehensive Plan Conformance No. 07002 and Special Permit No. 07007, 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.



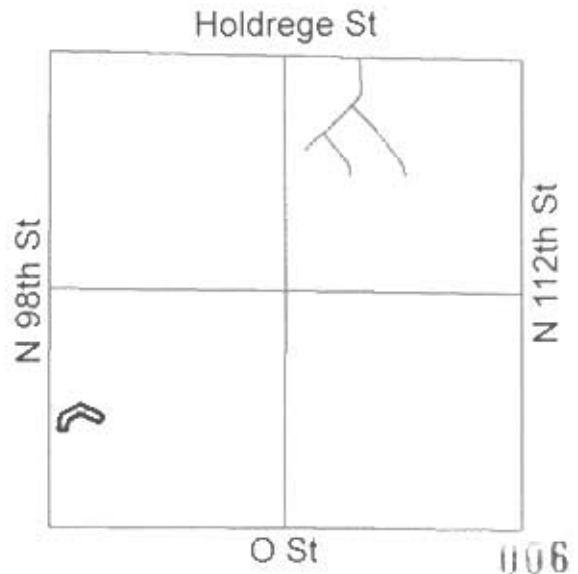
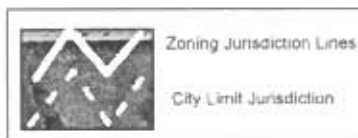
2005 aerial

Change of Zone #07017 98th & O Streets

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-6 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

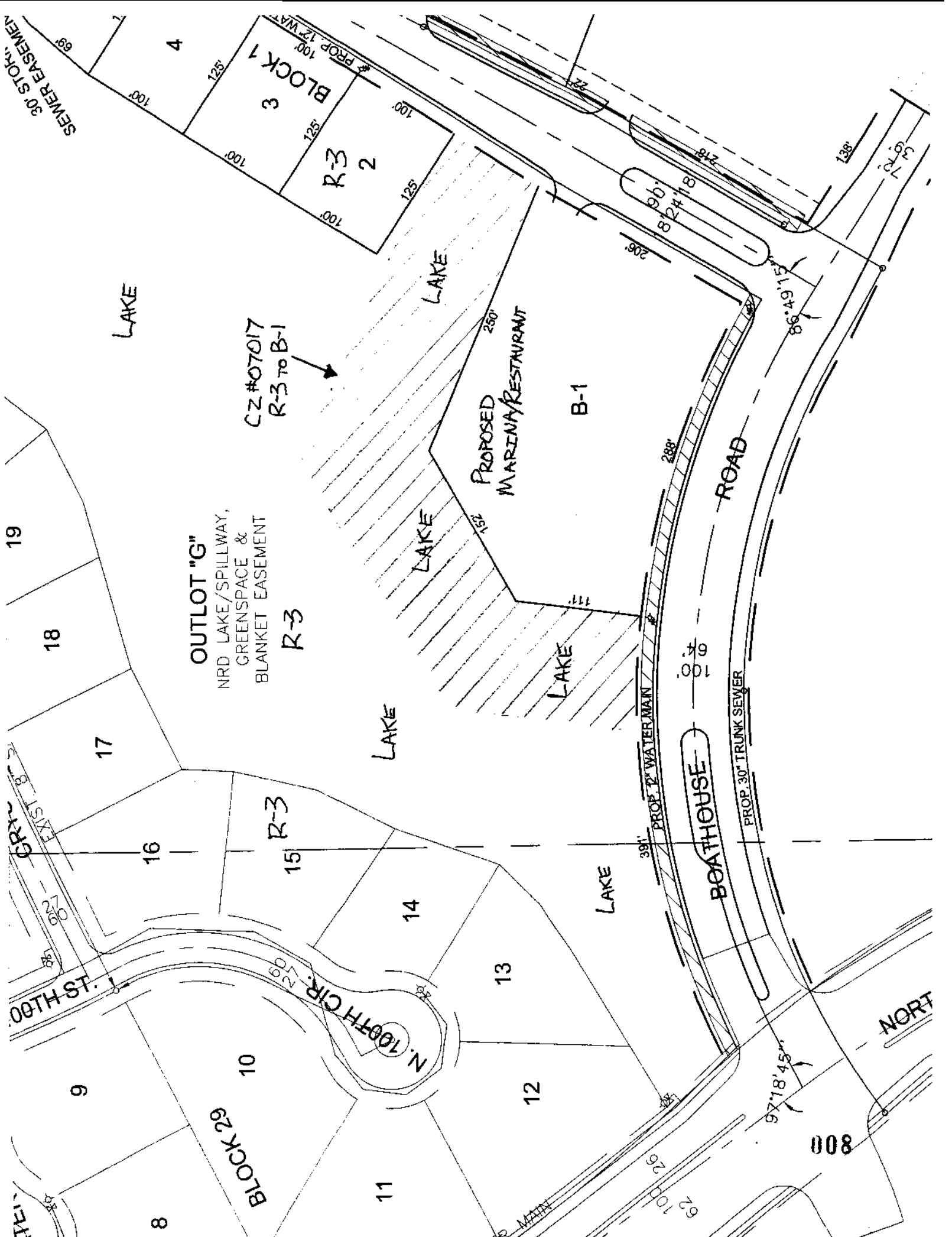
One Square Mile
Sec. 24 T10N R07E



**LEGAL DESCRIPTION
B-1**

A LEGAL DESCRIPTION FOR A TRACT OF LAND COMPOSED OF A PORTION OF LOT 11 I.T., AND A PORTION OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF SECTION 24, LOCATED IN THE WEST HALF OF SECTION 24, TOWNSHIP 10 NORTH, RANGE 7 EAST OF THE 6TH P.M., CITY OF LINCOLN, LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTHWEST QUARTER, THENCE NORTHERLY ALONG THE EAST LINE OF SAID SOUTHWEST QUARTER ON AN ASSUMED BEARING OF NORTH 00 DEGREES 10 MINUTES 10 SECONDS EAST, A DISTANCE OF 60.00 FEET TO THE SOUTHEAST CORNER OF SAID LOT 11 I.T., THENCE NORTH 89 DEGREES 21 MINUTES 18 SECONDS WEST ALONG A SOUTH LINE OF SAID LOT 11 I.T., SAID LINE BEING A NORTH LINE OF "O" STREET RIGHT-OF-WAY, A DISTANCE OF 550.00 FEET TO A POINT, THENCE NORTH 88 DEGREES 57 MINUTES 48 SECONDS WEST ALONG A SOUTH LINE OF SAID LOT 11 I.T., SAID LINE BEING A NORTH LINE OF "O" STREET RIGHT-OF-WAY, A DISTANCE OF 259.85 FEET TO A SOUTHWEST CORNER OF SAID LOT 11 I.T., THENCE NORTH 00 DEGREES 13 MINUTES 22 SECONDS EAST ALONG A WEST LINE OF SAID LOT 11 I.T., A DISTANCE OF 494.92 FEET TO A POINT, THENCE NORTH 88 DEGREES 57 MINUTES 49 SECONDS WEST ALONG A SOUTH LINE OF SAID LOT 11 I.T., A DISTANCE OF 100.29 FEET TO A POINT, THENCE NORTH 00 DEGREES 48 MINUTES 28 SECONDS WEST, A DISTANCE OF 488.48 FEET TO A POINT, THENCE NORTH 88 DEGREES 55 MINUTES 37 SECONDS WEST, A DISTANCE OF 882.89 FEET TO A POINT, THENCE NORTH 67 DEGREES 01 MINUTES 23 SECONDS WEST, A DISTANCE OF 217.87 FEET TO A POINT, THENCE SOUTH 28 DEGREES 11 MINUTES 44 SECONDS WEST, A DISTANCE OF 22.36 FEET TO A POINT, THENCE NORTH 59 DEGREES 30 MINUTES 50 SECONDS WEST, A DISTANCE OF 90.00 FEET TO **THE TRUE POINT OF BEGINNING**; THENCE NORTH 65 DEGREES 18 MINUTES 51 SECONDS WEST, A DISTANCE OF 242.70 FEET TO A POINT, THENCE SOUTH 63 DEGREES 27 MINUTES 30 SECONDS WEST, A DISTANCE OF 160.60 FEET TO A POINT, THENCE SOUTH 06 DEGREES 57 MINUTES 46 SECONDS WEST, A DISTANCE OF 113.44 FEET TO A POINT OF CURVATURE OF A NON-TANGENT CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING DELTA ANGLE OF 08 DEGREES 21 MINUTES 47 SECONDS, A RADIUS OF 687.51 FEET, AN ARC LENGTH OF 100.35 FEET, A TANGENT LENGTH OF 50.26 FEET, A CHORD LENGTH OF 100.26 FEET, AND A CHORD BEARING OF NORTH 87 DEGREES 10 MINUTES 16 SECONDS WEST TO A POINT, THENCE NORTH 06 DEGREES 57 MINUTES 46 SECONDS EAST, A DISTANCE OF 174.39 FEET TO A POINT, THENCE NORTH 63 DEGREES 27 MINUTES 30 SECONDS EAST, A DISTANCE OF 262.27 FEET TO A POINT, THENCE SOUTH 65 DEGREES 18 MINUTES 51 SECONDS EAST, A DISTANCE OF 228.11 FEET TO A POINT, THENCE SOUTH 55 DEGREES 52 MINUTES 29 SECONDS EAST, A DISTANCE OF 76.01 FEET TO A POINT, THENCE SOUTH 32 DEGREES 46 MINUTES 37 SECONDS WEST, A DISTANCE OF 88.41 FEET TO THE POINT OF BEGINNING. SAID TRACT CONTAINS A CALCULATED AREA OF 62,311.50 SQUARE FEET OR 1.43 ACRES, MORE OR LESS.



SEWER EASEMENT
30' STOK
68

LAKE

4

CZ #07017
R-3 to B-1

OUTLET "G"
NRD LAKE/SPILLWAY,
GREENSPACE &
BLANKET EASEMENT

R-3

PROPOSED
MARINA RESTAURANT

B-1

ROAD

LAKE

LAKE

LAKE

LAKE

LAKE

15TH ST. 1

16

R-3

LAKE

14

13

BOATHOUSE

PROP. 2" WATER MAIN

PROP. 30" TRUNK SEWER

15TH ST.

9

10

BLOCK 29

11

12

NORTH

800

62' 100' 26

97' 18' 45"

86' 4' 11.5"

824' 8"

86'

BLOCK 1

3

R-3

2

100'

125'

100'

125'

100'

100'

PROP. 12" WATER MAIN


138'

24' 5' 13"

62' 100' 26



Devin L Biesecker/Notes
03/29/2007 09:08 AM

To Brandon M Garrett/Notes@Notes
cc Benjamin J Higgins/Notes@Notes
bcc
Subject Re: CZ#07017 Waterford Estates 


Brandon,

No comments for the Waterford CZ

Devin Biesecker, P.E.
Watershed Management
City of Lincoln Public Works
441-4955
Benjamin J Higgins/Notes



Benjamin J Higgins/Notes
03/27/2007 05:17 PM

To Devin L Biesecker/Notes@Notes
cc Brandon M Garrett/Notes@Notes
Subject Re: CZ#07017 Waterford Estates 

Devin

Please let Brandon know if you have any comments. Thanks

Ben Higgins
Watershed Management
Public Works and Utilities
City of Lincoln, NE
(402) 441-7589
Brandon M Garrett/Notes



Brandon M Garrett/Notes
03/27/2007 03:53 PM

To jbdixon@lpsnrd.org, Benjamin J Higgins/Notes@Notes
cc
Subject CZ#07017 Waterford Estates

Does Watershed or the NRD have any comments on the change of zone to B-1 over a portion of the future lake at Waterford Estates?

Let me know.
Thanks,
Brandon



Status of Review: Complete 03/19/2007 6:47:27 AM
Reviewed By 911 ANY
Comments: No streets were presented in this plat

Status of Review: Complete
Reviewed By Building & Safety Terry Kathe
Comments:

Status of Review: Approved 03/15/2007 9:15:31 AM
Reviewed By Building & Safety BOB FIEDLER
Comments: approved

Status of Review: Complete 03/23/2007 1:23:51 PM
Reviewed By Fire Department ANY
Comments: we have no issues from the perspective of our department.

Status of Review: Approved

03/26/2007 2:04:32 PM

Reviewed By Health Department

ANY

Comments: LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT
INTER-OFFICE COMMUNICATION

TO: Brandon Garrett DATE: March 26, 2007

DEPARTMENT: Planning FROM: Chris Schroeder

ATTENTION: DEPARTMENT: Health

CARBONS TO: EH File SUBJECT: Waterford Estates 1st

EH Administration Addition

CZ #07017

The Lincoln-Lancaster County Health Department (LLCHD) has reviewed the change of zone application with the following noted:

The LLCHD advises that noise pollution can be an issue when locating commercial uses adjacent to residential zoning.

Lincoln Municipal Code (LMC) 8.24 Noise Control Ordinance does address noise pollution by regulating source sound levels based upon the receiving land-use category or zoning. However, the LLCHD does have case history involving residential uses and abutting commercial uses in which the commercial source does comply with LMC 8.24, but the residential receptors still perceive the noise pollution as a nuisance. The LLCHD strongly advises the applicant to become familiar with LMC 8.24. The LLCHD advises against locating loading docks, trash compactors, etc. adjacent to residential zoning. Therefore, creative site design should be utilized to locate potential sources of noise pollution as far as possible from residential zoning.

Status of Review: Active

Reviewed By Lincoln Electric System

JIM HENNESSY

Comments:

Status of Review: Active

Reviewed By Lincoln Police Department

DON SCHEINOST

Comments:

Status of Review: Active

Reviewed By Natural Resources District

Any

Comments:

Status of Review: **Approved**

Reviewed By **Parks & Recreation**

ANY

Comments:

Status of Review: **Active**

Reviewed By **Planning Department**

BRANDON GARRETT

Comments:

Status of Review: **Routed**

Reviewed By **Planning Department**

COUNTER

Comments:

Status of Review: **Active**

Reviewed By **Planning Department**

ANY

Comments:

Status of Review: **Complete**

03/14/2007 12:57:28 PM

Reviewed By **Planning Department**

RAY HILL

Comments: I might be to their benefit to submit a site plan so the setbacks could be checked.

Status of Review: **Complete**

03/26/2007 2:10:59 PM

Reviewed By **Public Works - Development Services**

SIETDQ

Comments: Memorandum□□
□

To:□Brandon Garrett, Planning Department
From:□Charles W. Baker, Public Works and Utilities
Subject:□Waterford Estates 1st Addition Change of Zone #07017
Date:□March 26, 2007
cc:□Randy Hoskins
□

The City Engineer's Office of the Department of Public Works and Utilities has reviewed the Waterford Estates 1st Addition Change of Zone #07017, located around Lot 1, Block 1, Waterford Estates 1st Addition, to allow alcohol sales in the B-1 District. Public Works has no objections.

Status of Review: **Active**

Reviewed By **Public Works - Long Range Planning**

ANY

Comments:

Status of Review: **Active**

Reviewed By **Public Works - Watershed Management**

ANY

Comments:

013

INTER-DEPARTMENT COMMUNICATION



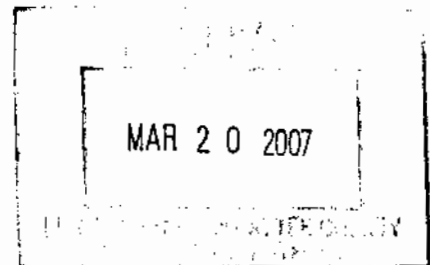
DATE: March 19, 2007
TO: Brandon Garrett, City Planning
FROM: Sharon Theobald (Ext. 7640) *ST*
SUBJECT: DEDICATED EASEMENTS
DN #5N-101E

CZ #07017

Attached is the Change of Application for Waterford Estates 1st Addition.

In reviewing the dedicated transmission line or other electrical easements shown on this plat, LES does not warrant, nor accept responsibility for the accuracy of any such dedicated easements.

Windstream Nebraska, Inc., Time Warner Cable, and the Lincoln Electric System will not require any additional easements.



ST/nh
Attachment
c: Terry Wiebke
Easement File



Memo

To: Brandon Garrett, Planning Department

From: Mark Canney, Parks & Recreation

Date: March 20, 2007

Re: Waterford Estates 1st Addition CZ07017

Staff members of the Lincoln Parks and Recreation Department have conducted a plan review of the above-referenced application/proposal and have no comments. We approve this request.

If you have any additional questions, comments or concerns, please feel free to contact me at 441-8248.

Thank you.



"Sgt. Don Scheinost"
<lpd798@CJIS.LINCOLN.NE.
GOV>

03/21/2007 02:14 PM

To Brandon Garrett <BGarrett@ci.lincoln.ne.us>

cc

bcc

Subject Waterford Estates 1st Addition (CZ07017)

Mr. Garrett,

The Lincoln Police Department does not object to the Waterford Estates, 1st Addition (CZ07017).

Sergeant Don Scheinost, #798
Lincoln Police Department
Management Services
402.441.7215
lpd798@cjis.lincoln.ne.gov