

City Council Introduction: **Monday**, August 27, 2007

Public Hearing: **Monday**, September 10, 2007, at **1:30** p.m.

Bill No. 07-140

FACTSHEET

TITLE: **CHANGE OF ZONE NO. 07041**, from I-2 Industrial Park to I-1 Industrial, requested by Yasufuku U.S.A., Inc., on property generally located at N.W. 12th Street and W. Commerce Way.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: Consent Agenda, 08/15/07
Administrative Action: 08/15/07

STAFF RECOMMENDATION: Approval.

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

FINDINGS OF FACT:

1. This is a request to change the zoning on approximately 2.1 acres, more or less, from I-2 Industrial Park to I-1 Industrial, generally located at N.W. 12th Street and W. Commerce Way. The applicant states that the purpose of this change of zone request is permit the applicant to use Lot 7 to construct an addition to its facility, and to make the zoning classification on all of the land owned by this applicant consistent so as to allow the expansion to proceed with consistent zoning and setback requirements.
2. The staff recommendation of approval is based upon the "Analysis" as set forth on p.3, finding that this change of zone would reduce the front yard on Lot 7 from 20' to 15', but should have minimum impact on adjacent property, and concluding that the request is in conformance with the Comprehensive Plan and is compatible with the surrounding land use.
3. On August 15, 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 August 15, 2007, the Planning Commission agreed with the staff recommendation and voted 8-0 to recommend approval (Krieser absent).

FACTSHEET PREPARED BY: Jean L. Walker

DATE: August 20, 2007

REVIEWED BY: _____

DATE: August 20, 2007

REFERENCE NUMBER: FS\CC\2007\CZ.07041

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for AUGUST 15, 2007 PLANNING COMMISSION MEETING

PROJECT #: Change of Zone No.07041

PROPOSAL: From I-2, Industrial Park to I-1, Industrial.

LOCATION: NW 12th St. and W. Commerce Way

LAND AREA: 2.1 acres, more or less

EXISTING ZONING: I-2, Industrial Park

CONCLUSION: This request is in conformance with the comprehensive plan and is compatible with the surrounding land use.

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

LEGAL DESCRIPTION: Lot 7, Block 1, Union Pacific Addition located in the SW 1/4 Section 10, Township 10, Range 6; Lancaster County, NE

EXISTING LAND USE: Parking lot

SURROUNDING LAND USE AND ZONING:

North: I-2, Industrial Park
South: I-1, Industrial
East: H-3, Highway Commercial
West: I-2, Industrial Park

HISTORY:

September 26, 2005 Change of Zone #05059 to change the zoning from H-3 and I-2 to I-1 on Lots 8-11 and a portion of Lot 12, Block 1 and Lots 1 and 2, Block 3, Union Pacific Addition was approved by the City Council.

February 9, 2004 Change of Zone #3432 from I-2 to H-3 on the south 192 feet of Lot 8, Block 1, Union Pacific Addition was approved by the City Council.

COMPREHENSIVE PLAN SPECIFICATIONS:

The Land Use Plan in the 2030 Comprehensive Plan identifies this area as industrial.
(pg. 19)

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 mote dwelling units per acre in new neighborhoods. (pg. 9)

The community's primary focus for economic development should be retention and expansion of existing businesses. (pg. 29)

UTILITIES: All utilities are existing

TRAFFIC ANALYSIS: The 2030 Comprehensive Plan designates NW 12th St. as a minor arterial and W. Commerce Way as a local road.

ANALYSIS:

1. This is a request to change the zoning from I-2 to I-1.
2. The purpose statement identifies the reason for this change of zone is to allow Yasufuku U.S.A., Inc. to use Lot 7 to construct an addition to its facility. Yasufuku U.S.A. Inc. owns two adjacent lots that are zoned I-1. This change of zone would put all three lots under the same zoning district.
3. The I-1 zoning district has a 15' front yard setback and no side yard setback, whereas the I-2 zoning district has a 20' front and side yard setback. The applicant plans to construct a 42,321 s.f. building on Lot 7. This expansion would not be possible without the change of zone.
4. The property to the south was rezoned from I-2 to I-1 in September 2005.
5. Reducing the front yards on this lot from 20 feet to 15 feet should have minimum impact on adjacent property.

Prepared by:

Tom Cajka
Planner

DATE: July 30, 2007

APPLICANT: Yasufuku U.S.A., Inc.
3201 NW 12th St. Suite 1
Lincoln, NE 68521
(402) 434-1900

OWNER: same as applicant

CONTACT: Trent R. Sidders
Cline, Williams, Wright, Johnson, & Oldfather, L.L.P.
233 S. 13th St. Suite 1900
Lincoln, NE 68521

CHANGE OF ZONE NO. 07041

CONSENT AGENDA
PUBLIC HEARING & ADMINISTRATIVE ACTION
BEFORE PLANNING COMMISSION:

August 15, 2007

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

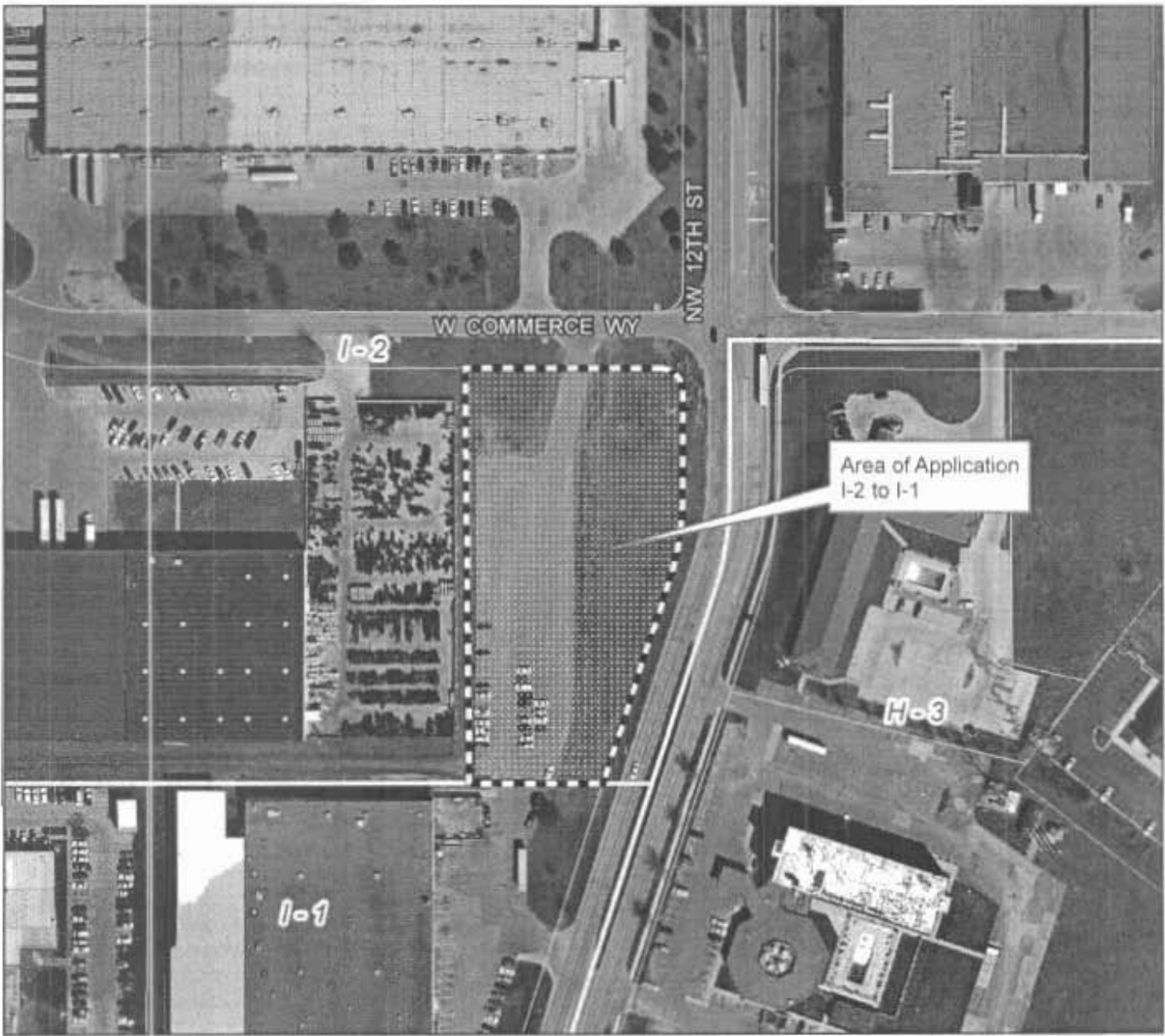
The Consent Agenda consisted of the following items: ***CHANGE OF ZONE NO. 07041, SPECIAL PERMIT NO. 06032A, SPECIAL PERMIT NO. 07030 and COUNTY SPECIAL PERMIT NO. 07032.***

Ex Parte Communications: None.

Item No. 1.4, County Special Permit No. 07032, was removed from the Consent Agenda and had separate public hearing.

Carroll moved to approve the remaining Consent Agenda, seconded by Strand and carried 8-0: Carlson, Carroll, Cornelius, Esseks, Larson, Strand, Sunderman and Taylor voting 'yes'; Krieser absent.

Note: This is final action on Special Permit No. 06032A and Special Permit No. 07030, 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.



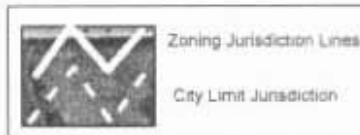
**Change of Zone #07041
NW 12th St & W Commerce Way**

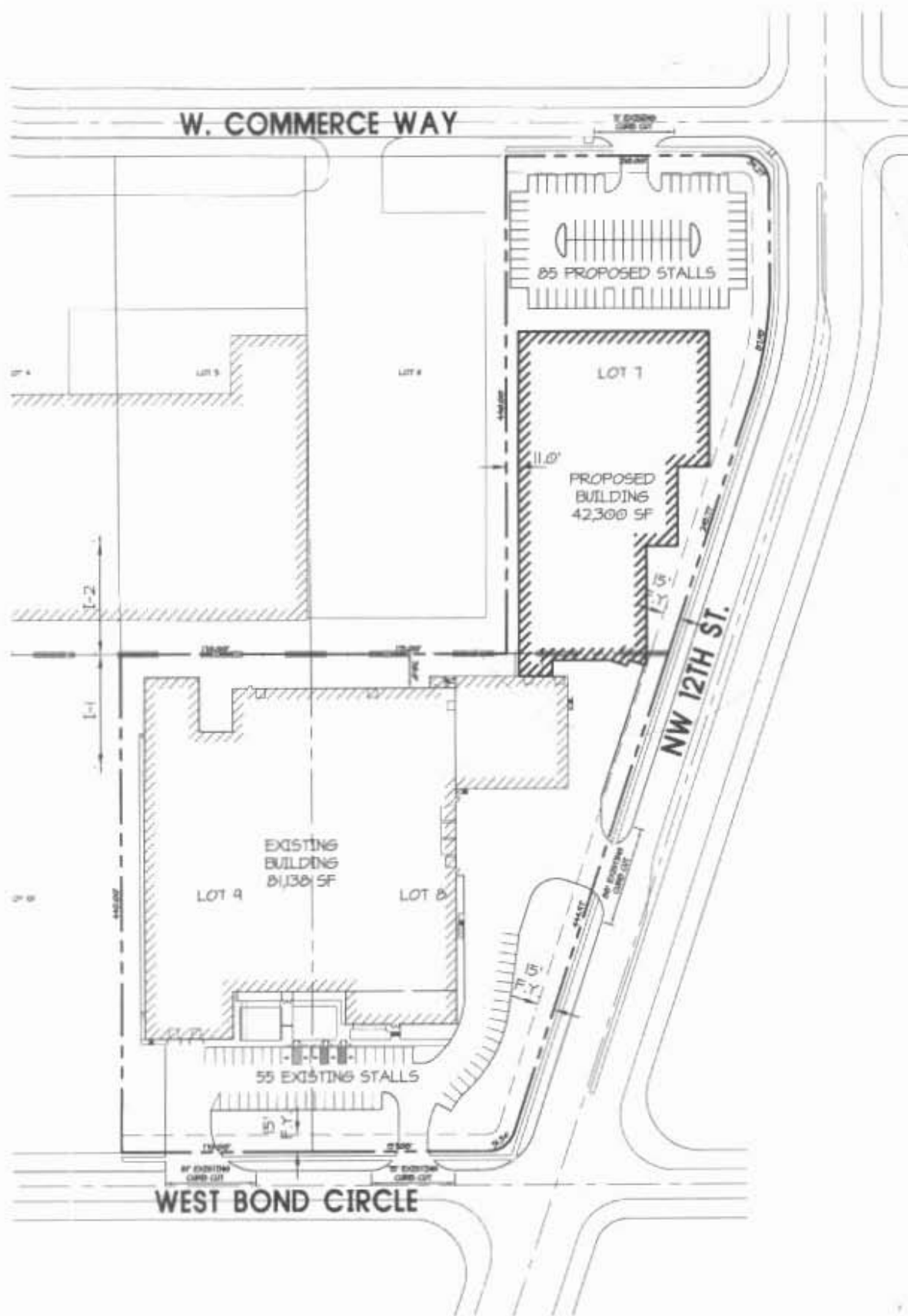
2005 aerial

Zoning:

One Square Mile
Sec. 10 T10N R06E

- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential 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





Handwritten note: 15' EASEMENT

LAW OFFICES OF
CLINE, WILLIAMS, WRIGHT, JOHNSON & OLDFATHER, L.L.P.

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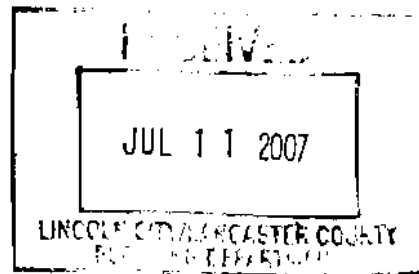
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KEVIN COLLERAN, 1941-2006

July 10, 2007

Mr. Marvin Krout, Director
City of Lincoln - Lancaster County
Planning Department
555 South 10th Street, Suite 213
Lincoln, NE 68508



Re: Yasufuku U.S.A., Inc.
Our File: YAS01-CB001

Dear Mr. Krout:

Enclosed please find the Change of Zone application and associated documents for the proposed change of zone for property owned by Yasufuku U.S.A., Inc. This Change of Zone application relates to Lot 7, Block 1, Union Pacific Addition. In addition to Lot 7, Yasufuku also owns Lots 8 and 9 which house Yasufuku's current operations. All of these properties are located west of Northwest 12th Street, between West Bond Circle and West Commerce Way. Lot 7 is currently zoned I-2. Last year, in conjunction with a change of zone application filed by Molex, Inc., the West Bond Circle properties (Lots 8 and 9) were changed from the prior I-2 to the I-1 zone. Accordingly, the three lots owned by Yasufuku are now zoned inconsistently.

Yasufuku desires to change the zone on Lot 7 from the current I-2 zone to I-1. This change is requested to make the zoning classification on all Yasufuku's land consistent and to change the yard requirements for the side yard and the rear yard. The I-2 zone requires a 20 foot front, side, and rear yard. The I-1 zone requires a 15 foot front yard and a zero side and rear yard. Since Lot 7 is a corner lot, the property would be required to have two front yards, facing both Northwest 12th Street and West Commerce Way. Yasufuku plans to expand its operations on Lot 7 by constructing an approximately 42,321 square foot addition on that parcel. This addition will not be possible with the current zoning of the property.

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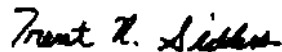
Mr. Marvin Krout, Director
July 10, 2007
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Thus, I enclose the following:

- 1). Zoning Application which I have signed on behalf of my client;
- 2). Purpose Statement;
- 3). Conceptual Site Plan reflecting the location of a plant expansion if the change of zone application is approved;
- 4). Check made payable to the City in the amount of \$740.00 as required by LMC § 27.80.020 (b)(2).

The abutting property to the west, legally described as Lots 3 - 6, is owned by BO Properties Lincoln, L.L.C. That entity is based in Northbrook, Illinois. The adjacent owner has been informed of the plans for the change in zone. If you have any questions with respect to the enclosed Application, please do not hesitate to contact me.

Sincerely,



Trent R. Sidders
For the Firm

Enclosure

cc: Stuart Zetterman

**PURPOSE STATEMENT TO CHANGE OF ZONING APPLICATION
OF YASUFUKU U.S.A., INC.**

The Change of Zoning Application is being made to change the zoning of property owned by Yasufuku U.S.A., Inc. The request is to change the zoning from I-2 to I-1. The proposed change of zone will permit Yasufuku U.S.A., Inc. to use Lot 7 to construct an addition to its facility. The purpose of this request is to make the zoning classification on all of the land owned by Yasufuku U.S.A. Inc. consistent so as to allow the expansion to proceed with consistent zoning and setback requirements.