

FACTSHEET

TITLE: **CHANGE OF ZONE NO. 08015**, from I-2 Industrial Park District to O-3 Office Park District, requested by The University of Nebraska Foundation, on property generally located at N.W. 7th Street and W. Highland Boulevard.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: Consent Agenda: 03/12/08
Administrative Action: 03/12/08

STAFF RECOMMENDATION: Approval.

RECOMMENDATION: Approval (6-0: Gaylor Baird, Carroll, Cornelius, Esseks, Francis and Taylor voting 'yes'; Larson and Sunderman absent).

ASSOCIATED REQUESTS: Change of Zone No. 2938C (08-57).

FINDINGS OF FACT:

1. This change of zone request and the associated Change of Zone No. 2938C and Use Permit No. 80A were heard before the Planning Commission at the same time.
2. This is a request by The University of Nebraska Foundation to change the zoning on approximately 12 acres, more or less, from I-2 Industrial Park District to O-3 Office Park District, generally located at N.W. 7th Street and W. Highland Boulevard. With approval of this change of zone, this area will be incorporated into the University of Nebraska Technology Park. The O-3 area includes the "technology transfer" use which was developed for and applied to this technology park. Although shown as industrial on the Land Use Plan in the Comprehensive Plan, there is office zoning abutting this property to the north and east.
3. 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.
4. On April 23, 2008, this application appeared on the Consent Agenda of the Planning Commission and was opened for public hearing. No one came forward to speak.
5. On April 23, 2008, the Planning Commission agreed with the staff recommendation and voted 6-0 to recommend approval.
6. On April 23, 2008, the Planning Commission also voted 6-0 to recommend approval of the associated Change of Zone No. 2938C to expand the area of The University of Nebraska Technology Park Special Sign District by 12 acres, and also voted 6-0 to adopt Resolution No. PC-01116 to expand the area of the use permit by 12 acres.

FACTSHEET PREPARED BY: Jean L. Preister

DATE: April 28, 2008

REVIEWED BY: _____

DATE: April 28, 2008

REFERENCE NUMBER: FS\CC\2008\CZ.08015+

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for APRIL 23, 2008 PLANNING COMMISSION MEETING

PROJECT #: Change of Zone No.08015
PROPOSAL: From I-2, Industrial Park District to O-3, Office Park District
LOCATION: NW 7st St and W. Highland Blvd.
LAND AREA: 12 acres, more or less
EXISTING ZONING: I-2, Industrial Park District
CONCLUSION: The proposed change of zone is in conformance with the Comprehensive Plan. There is abutting O-3 zoning to the north and east.

RECOMMENDATION:	Approval
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GENERAL INFORMATION:

LEGAL DESCRIPTION:

Lot 78 Irregular Tract, located in the NW 1/4 of Section 10, Township 10 North, Range 6 East, Lancaster County, NE

EXISTING LAND USE: Undeveloped and offices.

SURROUNDING LAND USE AND ZONING:

North:	O-3, Office Park;	Undeveloped
South:	I-2, Industrial Park	Manufacturing
East:	O-3, Office Park;	Undeveloped
West:	I-2, Industrial Park	Manufacturing

ASSOCIATED APPLICATIONS: Change of Zone #2938C and Use Permit 80A

HISTORY:

March 11, 1996 Change of Zone #2968 from I-2 to O-3 at NW 7th and Cattail Rd was approved by the City Council.

Mach 15, 1993 Change of Zone #2738 from R-3 and B-5 to O-3 at NW 1st St and W. Highlands Blvd. was approved by the City Council. This was part of the larger change of zone for the Highlands area.

COMPREHENSIVE PLAN SPECIFICATIONS:

Maximize the community's present infrastructure investment by planning for residential and commercial development in areas with available capacity. (p.9)

The land use plan shows this area as industrial and commercial. (p.19)

The land use plan displays the generalized locations of each land use. It is not intended to be used to determine the exact boundaries of each designation. The area of transition from one land use is often gradual. (p.23)

The City should work with developers interested in providing new industrial and office development sites. These sites are important for new companies to come to town and to help existing businesses to relocate within Lincoln. (p.29)

The City should emphasize the following in order to encourage economic development in the community:

The creation of office sites is an important aspect of job growth for the community.

The community actively encourages public-private partnerships, strategic alliances and collaborative efforts such as the UN Technology Park. (p.29-30)

UTILITIES: All utilities are available.

TRAFFIC ANALYSIS: NW 1st St and W. Highlands Blvd are classified as minor arterial.

ANALYSIS:

1. This application is for a change of zone from industrial to office on approximately 12 acres. With approval of this change of zone, this area will be incorporated into the University of Nebraska Technology Park. The O-3 includes the "technology transfer" use which was developed for and applied to this technology park.
2. This area is designated as industrial on the Land Use Plan in the 2030 Comprehensive Plan. Although shown as industrial, there is office zoning abutting this property to the north and east.
3. The proposed O-3 district is compatible with the adjacent land uses and should have no negative impacts on adjacent properties.
4. There were no objections from other City departments.

Prepared by:

Tom Cajka
Planner

DATE: April 8, 2008

APPLICANT: The University of Nebraska Foundation
1010 Lincoln Mall Suite 300
Lincoln, NE 68508
(402) 458-1100

OWNER: Same as applicant

CONTACT: Tom Huston
233 South 13th St.
1900 U.S. Bank Building
Lincoln, NE 68508
(402) 474-6900

CHANGE OF ZONE NO. 08015

CONSENT AGENDA

PUBLIC HEARING & ADMINISTRATIVE ACTION

BEFORE PLANNING COMMISSION:

April 23, 2008

Members present: Gaylor Baird, Carroll, Cornelius, Esseks, Francis and Taylor; Larson and Sunderman absent.

The Consent Agenda consisted of the following items: **COMPREHENSIVE PLAN CONFORMANCE NO. 08005; COMPREHENSIVE PLAN CONFORMANCE NO. 08006; COMPREHENSIVE PLAN CONFORMANCE NO. 08007; CHANGE OF ZONE NO. 2938C; CHANGE OF ZONE NO. 08015; USE PERMIT NO. 80A; USE PERMIT NO. 05005A; SPECIAL PERMIT NO. 08019; ANNEXATION NO. 07003, CHANGE OF ZONE NO. 07060, WILDERNESS HEIGHTS PLANNED UNIT DEVELOPMENT; and PRELIMINARY PLAT NO. 07004, WILDERNESS HEIGHTS.**

Ex Parte Communications: None

Taylor moved to approve the Consent Agenda, seconded by Cornelius and carried 6-0: Gaylor Baird, Carroll, Cornelius, Esseks, Francis and Taylor voting 'yes'; Larson and Sunderman absent.

Note: This is final action on Comprehensive Plan Conformance No. 08007, Use Permit No. 80A, Special Permit No. 08019, and Preliminary Plat No. 07004, 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 #08015
NW 7th St & W Highland Blvd**

2007 aerial

Zoning:

One Square Mile
Sec. 10 T10N R06E

- 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-8 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



Survey Record

LANCASTER COUNTY, NEBRASKA

Survey of: LOT 78 1/2 IN THE NORTH HALF OF

Section 10 T 10 N, R 8 E of the 6th P.M.

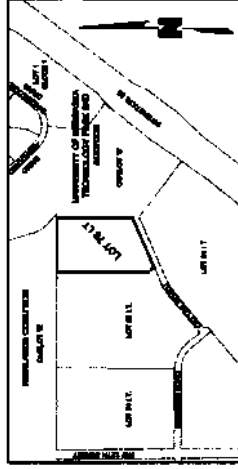
Date of field work: SEPTEMBER 05, 2007

LEGAL DESCRIPTION

A LEGAL DESCRIPTION FOR A PARCEL OF LAND COMPOSED OF LOT 78 1/2, LOCATED IN THE NORTH HALF OF SECTION 10, TOWNSHIP 10 NORTH, RANGE 8 EAST OF THE 6TH P.M., CITY OF LINCOLN, LANCASTER COUNTY, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 78 1/2, SAID POINT ALSO BEING THE NORTHEAST CORNER OF LOT 82 1/2; THENCE, EAST, ALONG THE NORTH LINE OF SAID LOT 78 1/2, SAID LINE BEING THE SOUTH LINE OF OUTLOT 'R', HIGHLANDS COALITION, ON AN ASSUMED BEARING OF SOUTH 89 DEGREES 48 MINUTES 56 SECONDS EAST A DISTANCE OF 161.10 FEET TO THE NORTHEAST CORNER OF SAID LOT 78 1/2; SAID POINT BEING ON THE WEST LINE OF OUTLOT 'B', UNIVERSITY OF NEBRASKA TECHNOLOGY PARK; AND ADDITION, THENCE SOUTH 00 DEGREES 00 MINUTES 47 SECONDS WEST, ALONG THE EAST LINE OF SAID LOT 78 1/2, AND ALONG THE WEST LINE OF SAID OUTLOT 'B', A DISTANCE OF 810.82 FEET TO THE SOUTHWEST CORNER OF SAID LOT 78 1/2; SAID POINT ALSO BEING A WEST CORNER OF SAID OUTLOT 'B'; THENCE SOUTH 86 DEGREES 05 MINUTES 08 SECONDS WEST ALONG THE SOUTHWEST LINE OF SAID LOT 78 1/2, SAID LINE ALSO BEING A NORTHWEST LINE OF SAID OUTLOT 'B', A DISTANCE OF 564.76 FEET TO THE SOUTHWEST CORNER OF SAID LOT 78 1/2; SAID POINT ALSO BEING AN EAST CORNER OF LOT 82 1/2; THENCE NORTH 24 DEGREES 00 MINUTES 32 SECONDS WEST, ALONG THE SOUTHWEST LINE OF SAID LOT 78 1/2, SAID LINE ALSO BEING A NORTHWEST LINE OF SAID LOT 82 1/2; A DISTANCE OF 100.28 FEET TO A WEST CORNER OF SAID LOT 78 1/2; SAID POINT ALSO BEING AN EAST CORNER OF SAID LOT 82 1/2; THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST, ALONG THE WEST LINE OF SAID LOT 78 1/2, SAID LINE ALSO BEING THE EAST LINE OF SAID LOT 82 1/2; A DISTANCE OF 982.29 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS A CALCULATED AREA OF 620,244.26 SQUARE FEET OR 14.01 ACRES, MORE OR LESS.



VICINITY MAP
NO SCALE

LORRAE A. THOMAS, A REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THIS SURVEY WAS MADE UNDER MY DIRECT PERSONAL SUPERVISION AND IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

Signed this ___ day of _____, 20__

Name: _____

Surveyor's License No. L.S. _____

Olsson Associates

Phone: 402-474-8311

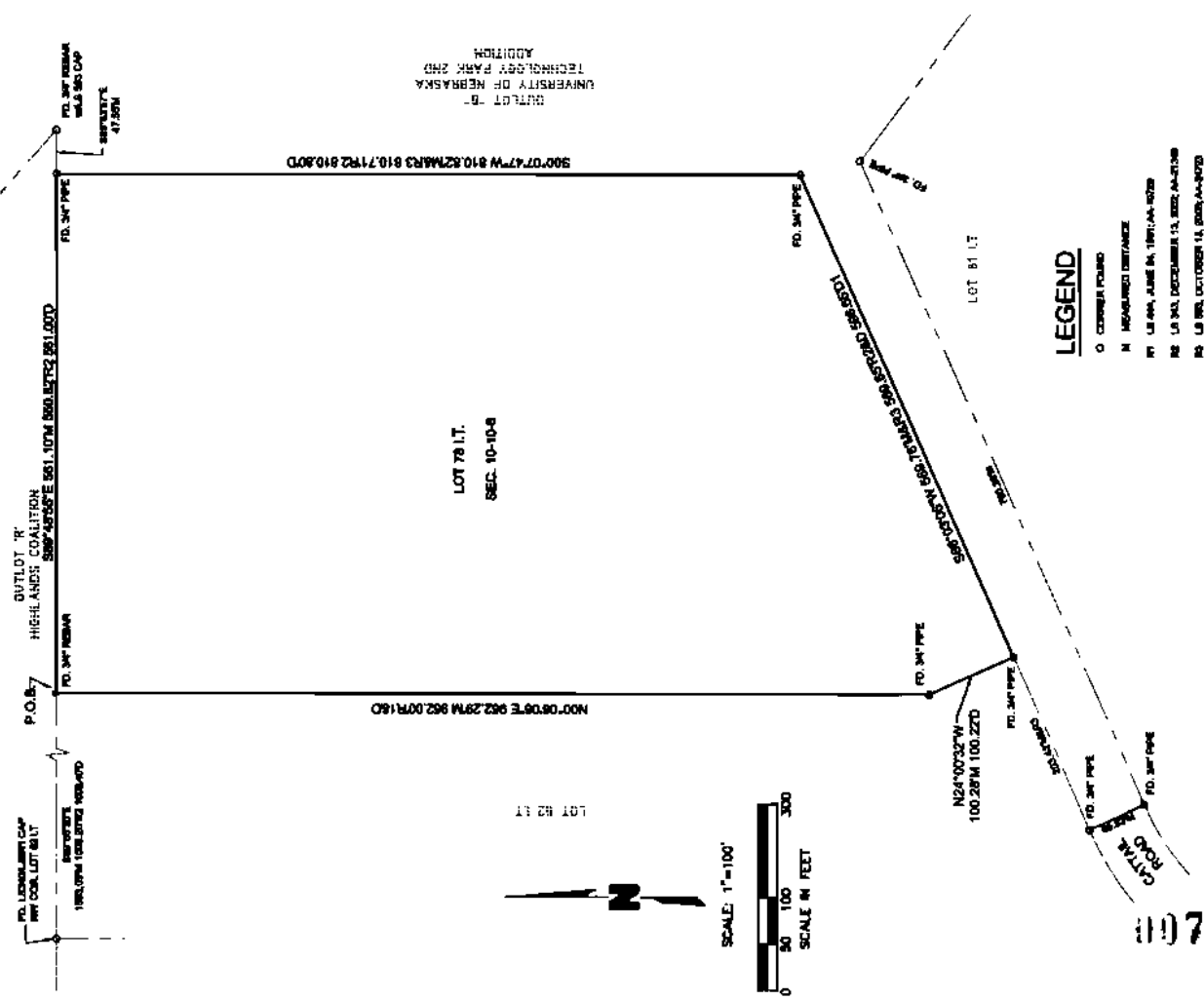
1111 Lincoln Mall

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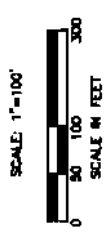
Land Surveyor's Seal

TITLE NOTE
COMMENT FOR TITLE INSURANCE: THIS SURVEY WAS MADE BY NEBRASKA TITLE COMPANY, LIMITED, 1111 LINCOLN MALL, LINCOLN, NEBRASKA 68509. THIS SURVEY IS A REPRODUCTION OF RECORD, WHICH ARE SET FORTH FOR PRECEDENCE WHICH INCLUDED LOT 78 1/2.



LEGEND

- O CENTER POINT
- M MEASURED DISTANCE
- BY L.S. 404, JUNE 14, 1987, AA-1078
- RE L.S. 943, DECEMBER 13, 2002, AA-2738
- RE L.S. 958, OCTOBER 13, 2005, AA-3020
- D SURV. MET. DATA
- O1 SURV. MET. DATA



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

233 SOUTH 13TH STREET
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FAX (402) 474-5393

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MARGARET A. OLSEN
KEITH T. PETERS
ANDREW R. WILLIS
TARA A. STINGLEY
BRANDON K. DICKERSON
MICAH L. UHER

CHARLES M. PALLESEN, JR.
FREDRIC H. KAUFFMAN
DONALD F. BURT
ALAN E. PETERSON
STEPHEN E. CEMRING
RICHARD P. JEFFRIES

KEVIN COLLERAN, 1041-2008

¹ADMITTED IN NE & CO
²ADMITTED IN CO, NE & WY

March 26, 2008

L. BRUCE WRIGHT
JAMES M. BAUSCH
ROBERT J. ROUTH
DAVID R. BUNTAIN
STEPHEN H. NELSEN
MICHAEL C. MUELLER
DANIEL R. STOGSDILL¹
SCOTT D. KELLY
TERRY R. WITTLER
MARK A. CHRISTENSEN
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STEVEN M. DELANEY
JOHN C. HEWITT
JOHN L. HORAN
ROCHELLE A. MULLEN
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Mr. Marvin Krout, Director of Planning
Lincoln City/Lancaster County Planning Department
555 South 10th Street, Suite 213
Lincoln NE 68508

Re: University of Nebraska Technology Park
Our File: 14604.007

Dear Mr. Krout:

This firm represents the University of Nebraska Foundation and the University of Nebraska Technology Park, LLC, which administers the University of Nebraska Technology Park located in the Highlands. In September of 2007, the University of Nebraska Foundation acquired approximately 12 acres adjacent to the Technology Park which it desires to include in the Technology Park and make it subject to Use Permit #80. In order to do so, we have prepared and attach the following:

1. **Change of Zone Application.** This application seeks to change the zoning of the 12+ acres from the current I-2 zoning classification to the O-3 Office Park classification. The change of zone is necessary to include the 12 acres in the O-3 zoning district in order to have Use Permit #80 apply to the 12 acres as part of the Technology Park.
2. **Application to Amend Use Permit #80,** including 21 copies of the site plan and the grading plan. The adjacent 12 acres will be included in Use Permit #80 as a result of this application. The site plan reflects the building envelope and parking envelope for the additional property, consistent with the generic aspect of Use Permit #80.
3. **Change of Zone (Special Sign District).** The University of Nebraska Technology Park is subject to a special sign district. The change of zone application seeks to expand the district to include the 12 acres and shows the various locations of the permitted signs.

0805519.1

1108

March 26, 2008

Page 2

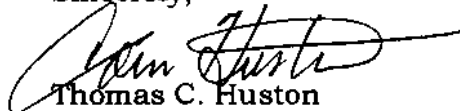
In addition, in accordance with the submittal requirements, I enclose:

1. Two checks which total the sum of \$1,730 to encompass the Use Permit Amendment of \$740 and the Change of Zone Application (I-2 to O-3) in the amount of \$740 and \$250 as the general fee under Section 27.80.120 for the amendment for the Special Sign District.
2. A map and legal description of the Change of Zone to change the 12 acres from the I-2 to the O-3 Office Park District.
3. A purpose statement applicable to all three applications.
4. An ownership letter for the Use Permit Application.

We appreciate this opportunity to present these submittals to the City of Lincoln. We believe that the development opportunities in the University of Nebraska Technology Park warrant the expansion of the Technology Park and the addition of the 12-acre parcel will allow the expansion to occur in an orderly fashion.

Please let me know if you have any questions.

Sincerely,



Thomas C. Huston
For the Firm

Enc.

C: Steve Frayser

Tim Gergen

John Spatz (w/o enc.)

0805519.1

009

**PURPOSE STATEMENT FOR AMENDMENTS TO
UNIVERSITY OF NEBRASKA TECHNOLOGY PARK**

The University of Nebraska Foundation, the permittee under Use Permit #80, recently acquired the following real property legally described as:

Lot Seventy-Eight (78), Irregular Tract, in the North Half (N 1/2) of Section Ten (10), Township Ten North (T10N), Range Six East (R6E) of the 6th P.M., Lincoln, Lancaster County, Nebraska.

This 12-acre parcel is located directly adjacent and west of the real property subject to Use Permit #80. The University of Nebraska Foundation desires to expand the Technology Park by including such parcel within its parameters. In order to proceed with such expansion, the University of Nebraska Foundation has submitted:

1. An Amendment to Use Permit #80, to include the 12 acres;
2. Change of Zone Application to change the zoning classification of the 12-acre parcel from the I-2 Industrial District to the O-3 Office Park District;
3. Change of Zone Application (Special Sign District) to include the 12 acres in the Special Sign District established for the University of Nebraska Technology Park.

Upon approval of these applications by the City of Lincoln, the University of Nebraska Foundation will amend the Covenants, Conditions, and Restrictions applicable to the University of Nebraska Technology Park to encompass this additional 12-acre parcel. The expansion of the University of Nebraska Technology Park will provide additional opportunities for the University of Nebraska Foundation to locate and attract technology transfer industries and applications as envisioned under Use Permit #80.