FACTSHEET

TITLE: CHANGE OF ZONE NO. 17033 - AG to I-1
(South 21st Street and Saltillo Road)

APPLICANT: M.W.H. Leasing, LLC

BOARD/COMMITTEE: Planning Commission


OTHER DEPARTMENTS AFFECTED: N/A

STAFF RECOMMENDATION: Approval

SPONSOR: Planning Department

OPPONENTS: None present at hearing.

REASON FOR LEGISLATION:

This is a request for a change of zone from AG Agriculture District to I-1 Industrial District over a small portion of one lot. The change of zone corresponds to an approximately 1-acre area proposed to be added into the buildable lots shown on the revised Saltillo Industrial Park Preliminary Plat (PP17005).

DISCUSSION/FINDINGS OF FACT:

1. On December 6, 2017, this change of zone request and the associated Preliminary Plat No. 17005 appeared on the Consent Agenda of the Planning Commission.

2. The staff recommendation of conditional approval of this change of zone request is based upon the “Analysis” as set forth on p.2, concluding that the proposed I-1 zoning is not within 300 feet of a residential zoning district. The area is shown as future industrial and agricultural stream corridor on the future land use map. This minor change of zone avoids split zoning on the expanded buildable lots while preserving the remainder of the expanded preliminary plat area as AG zoning in accordance with its designation as an outlot for open space and conservation easement.

3. On December 6, 2017, the Planning Commission voted 8-0 (Scheer declared a conflict of interest) to recommend approval of this change of zone request.

4. On December 6, 2017, the Planning Commission voted 8-0 to adopt Resolution No. PC-01578, approving the requested preliminary plat, as set forth in the staff report dated November 26, 2017. As of this date, no appeals have been filed on this preliminary plat.

FACTSHEET PREPARED BY: Geri Rorabaugh, Administrative Officer DATE: December 11, 2017

REVIEWED BY: David R. Cary, Planning Director DATE: December 11, 2017
APPLICATION NUMBER
Change of Zone #17033

FINAL ACTION?
No

OWNER
M.W.H. Leasing LLC

PLANNING COMMISSION HEARING DATE
December 6, 2017

RELATED APPLICATIONS
Preliminary Plat #17005

PROPERTY LOCATION
S. 25th Street & Saltillo Road

RECOMMENDATION: APPROVAL

BRIEF SUMMARY OF REQUEST
This is a request for a change of zone from AG Agriculture District to I-1 Industrial District over a small portion of one lot. The change of zone corresponds to an approximately 1-acre area proposed to be added into the buildable lots shown on the revised Saltillo Industrial Park Preliminary Plat (PP17005).

JUSTIFICATION FOR RECOMMENDATION
The proposed I-1 zoning is not within 300 feet of a residential zoning district. The area is shown as future industrial and agricultural stream corridor on the future land use map. This minor change of zone avoids split zoning on the expanded buildable lots while preserving the remainder of the expanded preliminary plat area as AG zoning in accordance with its designation as an outlot for open space and conservation easement.

APPLICATION CONTACT
Tim Gergen, (402) 477-9291 or tim.gergen@clarkenersen.com

STAFF CONTACT
Rachel Jones, (402) 441-7603 or rjones@lincoln.ne.gov

COMPATIBILITY WITH THE COMPREHENSIVE PLAN
The future land use is identified as both industrial and agricultural stream corridor. The change of zone to I-1 would only cover the area to be added to the buildable lots of the preliminary plat. It is a small area of change that conforms to the overall future land use pattern for the site.
KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

P. 12.3 - this site is shown as future Industrial, Environmental Resources, Agricultural Stream Corridor, and Lakes and Streams on the 2040 Lincoln Area Future Land Use Plan.

P. 12.4 - Industrial. Areas where railroads, manufacturing, trucking and transportation facilities are the dominant land use, with some commercial activities.

P. 12.4 - Environmental Resources. Land and water masses which are of particular importance for maintenance and preservation, such as saline wetlands, native prairie, and some floodway and riparian corridors.

P. 12.4 - Agricultural Stream Corridor. Land intended to remain in open space, predominately in agricultural use, but that may also include parks, recreation fields, or parking areas when near future commercial, industrial, or public uses. These areas are mostly in the 100 year floodplain, outside of the existing Lincoln urban development.

P. 5.5-5.6 - Commercial and Industrial Development Strategies
• It is the policy that Commercial and Industrial Centers in Lancaster County be located:
  o Within the City of Lincoln or incorporated villages.
  o Outside of saline wetlands, signature habitat areas, native prairie and floodplain areas (except for areas of existing commercial and industrial zoning).
  o Where urban services and infrastructure are available or planned for in the near term.
  o In sites supported by adequate road capacity — commercial development should be linked to the implementation of the transportation plan.
  o In areas compatible with existing or planned residential uses.
  o In existing underdeveloped or redeveloping commercial and industrial areas in order to remove blighted conditions and to more efficiently utilize existing infrastructure.
  o In areas accessible by various modes of transportation (i.e. automobile, bicycle, transit, and pedestrian).
  o In a manner that supports the creation and maintenance of green space as indicated in the environmental resources section of this Plan.

P. 5.1 - Focus primarily on retention and expansion of existing businesses; attracting new businesses should also be encouraged.

P. 5.16 - LPlan 2040 foresees the demand for nearly 1,400 acres of additional industrial property over the planning period.

ANALYSIS

1. This is a request for a change of zone from AG Agriculture to I-1 Industrial over approximately 1.05 acres.

2. The area proposed for re-zoning would be added to expanded lots on the west side of the Saltillo Industrial Park Preliminary Plat (PP17005). The rezoning represents a portion of the Lot 50 I.T. being added to the preliminary plat. The remainder of Lot 50 I.T. would remain zoned AG.

3. The applicant’s original proposal was that the entire Lot 50 be re-zoned to I-1. However, it was revised to the small area being added to the lots rather than all of Lot 50, since the annexation agreement for this area did not include re-zoning Lot 50 I.T. to industrial. The revised preliminary plat shows the industrial lots on the west side to be slightly expanded west into Lot 50 I.T., necessitating that sliver of land to be zoned I-1 in accordance with the rest of the preliminary plat to avoid split zoning on those lots. Although it was not approved as part of the annexation agreement, the change of zone still meets the intent of the annexation agreement as it is a minor amount of additional area.

4. The Comprehensive Plan shows the change of zone area as future industrial and agricultural stream corridor. This change of zone conforms with the overall future land use plan for this site which shows future industrial on portions of Lot 50 I.T. The areas of land shown as future agricultural stream corridor loosely follow the floodplain boundary and floodplain issues have been addressed as part of the grading and drainage review for the preliminary plat.
EXISTING LAND USE & ZONING: Agriculture; AG

SURROUNDING LAND USE & ZONING
North: Temporary rock crushing operation and agriculture; I-1
South: Agriculture; AG
East: Agriculture (approved for existing Saltillo Industrial Park); I-1
West: Agriculture; AG

APPLICATION HISTORY
Feb. 2007 Annexation of this site and a change of zone from AG Agriculture District to I-1 Industrial District were approved by the City Council with Annexation #06012 and Change of Zone #06012.

Dec. 2016 Preliminary Plat #16006 for Saltillo Industrial Park was approved by the Planning Commission.

APPROXIMATE LAND AREA: 1.05 acres, more or less

LEGAL DESCRIPTION: See attached.

Prepared by

Rachel Jones, Planner

Date: November 26, 2017

Applicant/Contact: Tim Gergen, The Clark Enersen Partners
1010 Lincoln Mall, Suite 200
Lincoln, NE 68508
tim.gergen@clarkenersen.com or (402) 477-9291

Owner: M.W.H. Leasing LLC
P.O. Box 22133
Lincoln, NE 68542
Change of Zone #: CZ17033 (AG to I-1)
S 21st St & Saltillo Rd

Zoning:
R-1 to R-4 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

One Square Mile:
Sec.01 T08N R06E

Area of Application
Zoning Jurisdiction Lines
Lancaster County Jurisdiction
THAT PART OF LOT 50 IRREGULAR TRACT, LOCATED IN THE NORTHWEST QUARTER OF SECTION 1, TOWNSHIP 6 NORTH, RANGE 6 EAST OF THE 6th P.M., LANCASTER COUNTY, NEBRASKA, MORE PARTICULARLY DESCRIBED AS FOLLOW:

BEGINNING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 1; THENCE SOUTHERLY ON THE EAST LINE OF SAID LOT 50, S 1°03'15"W 1070.83'; THENCE NORTHERLY IN 6°56'04"W 276.28'; THENCE N 1°03'16"W 746.41', TO A POINT ON THE SOUTH 50' RIGHT OF WAY LINE FOR SALTILLO ROAD; THENCE EASTERLY ON SAID SOUTH LINE, S 89°55'10"E 37.46'; THENCE NORTHERLY, N 2°04'50"E 50.00', TO A POINT ON THE NORTH LINE OF SAID SECTION; THENCE EASTERLY ON SAID NORTH LINE, S 89°55'10"E 29.27', TO THE POINT OF BEGINNING, SAID TRACT CONTAINING AN AREA OF 45,627.25 SQUARE FEET OR 1.05 ACRES, MORE OR LESS.
CONSENT AGENDA
PUBLIC HEARING & ADMINISTRATIVE ACTION
BEFORE PLANNING COMMISSION: December 6, 2017

Members present: Beckius, Corr, Edgerton, Finnegan, Harris, Hove, Joy, and Washington; Scheer absent.

The Consent Agenda consisted of the following items: TEXT AMENDMENT NO. 17013, COUNTY TEXT AMENDMENT NO. 17014, TEXT AMENDMENT NO. 17017, COUNTY TEXT AMENDMENT NO. 17018, TEXT AMENDMENT NO. 17020, ANNEXATION NO. 17023, CHANGE OF ZONE NO. 07063B, CHANGE OF ZONE 17033, PRELIMINARY PLAT NO. 17005, SPECIAL PERMIT NO. 1219N, SPECIAL PERMIT NO. 17041, COUNTY SPECIAL PERMIT NO. 17043, PRE-EXISTING USE PERMIT NO. 3AH, AND USE PERMIT NO. 140F.

Scheer declared a Conflict of Interest on Change of Zone No. 17033 and Preliminary Plat No. 17005, and recused himself from voting on the Consent Agenda.

Hove and Finnegan disclosed that they read an article in the Lincoln Journal Star regarding Pre-Existing Use Permit No. 3AH.

Text Amendment No. 17013, Text Amendment 17014, Text Amendment No. 17020, Special Permit 1219N, and County Special Permit No. 17043 were removed from the Consent Agenda to have separate Public Hearing.

Vice-Chair Corr called for a motion.

Hove moved approval of the remainder of the Consent Agenda, seconded by Beckius and carried, 8-0: Beckius, Corr, Edgerton, Finnegan, Harris, Hove, Joy, and Washington voting ‘yes’; Scheer absent.

Note: This is FINAL ACTION on Special Permit No. 17041 and Preliminary Plat No. 17005 unless appealed by filing a letter with the City Clerk within 14 days. This a recommendation to the City Council or County Board on all remaining items.

Scheer returned to the Chambers.