

FACTSHEET

TITLE: **CHANGE OF ZONE NO. 10025**, from R-2 Residential District to R-T Residential Transition District, requested by Compensation Programs, Inc., on property generally located at the southeast corner of North Cotner Boulevard and Y Street.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: Consent Agenda: 12/15/10
Administrative Action: 12/15/10

STAFF RECOMMENDATION: Approval.

RECOMMENDATION: Approval (8-0: Cornelius, Esseks, Francis, Larson, Lust, Partington, Taylor and Sunderman voting 'yes'; Gaylor Baird absent).

ASSOCIATED REQUEST: Use Permit No. 10001 (11R-16)

FINDINGS:

1. This proposed change of zone and the associated Use Permit No. 10001 were heard at the same time before the Planning Commission.
2. The purpose of the change of zone request from R-2 to R-T is to use the existing single family house as an office.
3. The staff recommendation of approval is based upon the "Analysis" as set forth on p.3-4, concluding that the change of zone to R-T and the use permit for office should have minimal impact on the neighborhood. There is commercial zoning to the north and the property fronts a major street. The proposed use will not cause a substantial increase in traffic through the neighborhood. The proposed change of zone and use permit are in conformance with the Comprehensive Plan.
4. On December 15, 2010, 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 December 15, 2010, the Planning Commission agreed with the staff recommendation and voted 8-0 to recommend approval (Gaylor Baird absent).
6. On December 15, 2010, the Planning Commission also voted 8-0 to recommend conditional approval of the associated Use Permit No. 10001 (Bill #11R-16).

FACTSHEET PREPARED BY: Jean L. Preister

DATE: January 3, 2011

REVIEWED BY: _____

DATE: January 3, 2011

REFERENCE NUMBER: Q:\FS\CC\2011\CZ10025+

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for DECEMBER 15, 2010 PLANNING COMMISSION MEETING

This is a combined staff report for related items. This report contains a single background and analysis section for all items. However, there are separate conditions provided for each individual application.

PROJECT #: *Change of Zone #10025*
Use Permit No.10001

PROPOSAL: *Change of zone from R-2, Residential to RT, Residential Transition.*
Use permit for 2800 square feet office building.

LOCATION: Southeast corner of N. Cotner Blvd. and "Y" St.

LAND AREA: 21,000 sq. ft. , more or less

EXISTING ZONING: R-2, Residential

WAIVER REQUEST/MODIFICATION: Reduce the setback for parking lots, including driveways adjacent to a residential district from 20 feet to 10 feet.

CONCLUSION: The change of zone to R-T, Residential Transition and the use permit for office should have minimal impact on the neighborhood. There is commercial zoning to the north and the property fronts a major street. The proposed use will not cause a substantial increase of traffic through the neighborhood. The proposed change of zone and use permit are in conformance with the Comprehensive Plan. The waiver is acceptable with the additional screening as shown on the site plan.

RECOMMENDATION for the <u>Use Permit</u>	Conditional Approval
RECOMMENDATION for the <u><i>Change of Zone:</i></u> Waiver	<i>Approval</i>
Reduce setback for parking lots, including driveways adjacent a residential district to 10 feet.	Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION: Lots 4-6, Block 94, Bethany Heights, located in the NE 1/4 of Section 21-10-07, Lancaster County, NE

EXISTING LAND USE: Single family residential dwelling

SURROUNDING LAND USE AND ZONING:

North:	B-1, Local Business	Office
	R-2, Residential	Single-family dwellings
South:	R-2, Residential	Single-family dwellings
East:	R-2, Residential	Single-family dwellings
West:	R-2, Residential	Single-family dwellings

HISTORY:

May 1979 The 1979 Zoning Update changes this property from A-2 Single Family Dwelling District to R-2 Residential.

COMPREHENSIVE PLAN SPECIFICATIONS:

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. (p.9)

Construction and renovation within the existing urban area should be compatible with the character of the surrounding neighborhood. (p.10)

Encourage mixed-use redevelopment, adaptive reuse, and in-fill development including residential, commercial and retail uses. (p.10)

Encourage a mix of compatible land uses in neighborhoods, but similar uses on the same block face. Similar housing types face each other: single family faces single family, change to different use at rear of lot. Commercial parking lots should not intrude into residential areas where residential uses predominate a block face. More intense commercial uses (gas stations, big box stores, car wash, fast food, etc.) may not be compatible due to impact on nearby housing. Expansion in existing centers should not encroach, or expand to encroach, on existing neighborhoods, and commercial areas must be screened from residential areas.(68)

Encourage pedestrian orientation with parking at rear of residential and neighborhood commercial uses.(68)

Require new development to be compatible with character of neighborhood and adjacent uses (i.e., parking at rear, similar setback, height and land use).(68)

UTILITIES: Existing

TRAFFIC ANALYSIS: N. Cotner Blvd. is designated as a minor arterial.

ANALYSIS:

1. This is an application for a change of zone from R-2 Residential to R-T Residential Transition District and a use permit at the southeast corner of N. Cotner Blvd. and "Y" St. The owner of the property wants to use the existing single family house as an office.

2. The R-T district requires a use permit. An R-T Residential Transition designation may be granted to any property abutting upon, or directly across a street from and fronting the same street as property zoned B-1, B-2, B-3, H-2, H-3, H-4, I-1, and I-2. B-1 commercial zoning is across the street to the north.
3. Although the applicant's letter states the office will be 2,800 sq. ft; the site plan has been revised to show 3,100 sq. ft. The current building is approximately 2,669 sq. ft. It was determined based on the amount of parking shown on the site plan, a 3,100 sq. ft. building would not exceed the required parking. One parking space per 300 sq. ft. of building is required. The site plan shows 11 parking stalls. The additional square feet gives the applicant the option of expanding in the future. The maximum building footprint in the R-T District is 5,000 sq. ft.
4. The R-T district is intended to provide a buffer between residential and more intense commercial uses. The applicant will be using the existing house as the office.
5. The applicant held a meeting with the neighborhood on September 29, 2010. At the meeting the owners indicated their preference that there would be no parking lot lighting. Instead, any lighting of the parking lot would come from lights on the building. There is not a City requirement that parking lots be lighted.
6. The applicant is requesting a waiver to reduce the setback for the parking lot and driveway from 20 feet to 10 feet. The waiver is acceptable with additional screening. City Design Standards require a 60% screen along the entire length of each side and rear lot line adjacent to a residential district from the ground to a height of 10 feet above the adjacent ground elevation. Fences may not be used to meet more than 50% of this screening requirement. The site plan shows a 6' high opaque fence and landscaping along the east lot line. The landscaping shown is more than the 50% required. If the parking lot was set back an additional 10 feet from the lot line, some existing trees would need to be removed.

Prepared by

Tom Cajka
Planner

DATE: December 1, 2010

APPLICANT: Compensation Programs, Inc.
8101 "O" St. Suite 201
Lincoln, NE 68510
(402) 488-5100

OWNER: same as applicant

CONTACT: Jill Schuerman
Civil Design Group
8535 Executive Woods Dr. Suite 200
Lincoln, NE 68512
(402) 434-8494

**CHANGE OF ZONE NO. 10025
and
USE PERMIT NO. 10001**

**CONSENT AGENDA
PUBLIC HEARING & ADMINISTRATIVE ACTION
BEFORE PLANNING COMMISSION:**

December 15, 2010

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

The Consent Agenda consisted of the following items: **CHANGE OF ZONE NO. 10025, USE PERMIT NO. 10001, SPECIAL PERMIT NO. 10033, SPECIAL PERMIT NO. 10034 and STREET AND ALLEY VACATION NO. 10017.**

Ex Parte Communications: None

Taylor moved to approve the Consent Agenda, seconded by Francis and carried 8-0: Cornelius, Esseks, Francis, Larson, Lust, Partington, Sunderman and Taylor voting 'yes'; Gaylor Baird absent.

Note: This is final action on Special Permit No. 10033 and Special Permit No. 10034, 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.

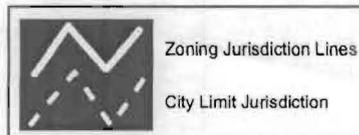


**Use Permit #10001 & Change of Zone #10025
N Cotner Blvd & Y St**

Zoning:

- 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

One Square Mile
Sec. 21 T10N R07E



2007 aerial



B-1

"Y" STREET

P.O.B.

S89°35'05"E
150.00'



**CHANGE OF ZONE
R-2 TO RT**

N00°23'50"E
140.00'

S00°23'52"W
140.07'

R-2

N89°33'32"W
150.00'

PUBLIC ALLEY (NOT PHYSICALLY OPEN)

R-2

LEGAL DESCRIPTION - CHANGE OF ZONE & USE PERMIT

LOTS 4, 5 AND 6, BLOCK 94, BETHANY HEIGHTS, LOCATED IN THE NORTHEAST QUARTER OF SECTION 21, TOWNSHIP 10 NORTH, RANGE 7 EAST OF THE 8TH P.M., LINCOLN, LANCASTER COUNTY, NEBRASKA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID BLOCK 94; THENCE IN AN EASTERLY DIRECTION, ALONG THE NORTH LINE OF SAID BLOCK 94, ON AN ASSUMED BEARING OF S 89°35'05" E FOR A DISTANCE OF 150.00' TO THE NORTHEAST CORNER OF SAID LOT 4
THENCE S 00°23'52" W, ALONG THE EAST LINE OF SAID LOT 4, FOR A DISTANCE OF 140.07' TO THE SOUTHEAST CORNER OF SAID LOT 4
THENCE N 89°33'32" W, ALONG THE SOUTH LINE OF SAID LOTS 4, 5 AND 6, FOR A DISTANCE OF 150.00' TO THE SOUTHWEST CORNER OF SAID LOT 6
THENCE N 00°23'50" E, ALONG THE WEST LINE OF SAID LOT 6, FOR A DISTANCE OF 140.00' TO THE POINT OF BEGINNING AND CONTAINING A CALCULATED AREA OF 21005 SQUARE FEET.

DWG: F:\Projects\2010\20100019\landplanning\Use Permit\100019_COZ.dwg USER: Jill Schuerman
DATE: Nov 17, 2010 9:31am XREFS: 100019_xbase

drawn by: jds
checked by: -
project no.: 2010-0019
date: 11/17/2010

**CHANGE OF ZONE EXHIBIT
COMPENSATION PROGRAMS, INC.
LINCOLN, NE**

 Civil Design Group, Inc.
8535 EXECUTIVE WOODS, DR., SUITE 200
Lincoln, Nebraska 68512
Ph. 402-434-8494 Fax 866-215-8747
www.cdvbg.com
CONSULTING ENGINEERS • LAND USE PLANNERS
CIVIL DESIGN • SITE DEVELOPMENT • PLANNING AND ZONING

EXHIBIT
1

SEACREST & KALKOWSKI, PC, LLO

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LINCOLN, NEBRASKA 68508-3910

TELEPHONE (402) 435-6000
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KENT SEACREST
E-MAIL: kent@sk-law.com

DANAY KALKOWSKI
E-MAIL: danay@sk-law.com

November 17, 2010

HAND DELIVERY

Mr. Marvin Krout
Planning Department, City of Lincoln
County-City Building
555 So. 10th Street
Lincoln, NE 68508

RECEIVED

NOV 17 2010

Lincoln/Lancaster Co.
Planning Department

RE: Application for Change of Zone and Use Permit
1040 N. Cotner Boulevard

Dear Marvin:

Our office represents Compensation Programs, Inc. ("ComPro") and its owners, Brian and Chris McPike. ComPro is the owner of the real property located at the southeast corner of N. Cotner Boulevard and Y Street (1040 N. Cotner Boulevard) consisting of approximately .49 acres (the "Property"). ComPro is a small insurance agency specializing in health insurance and related products for employer groups and individuals. It currently employs five people and subleases space to three other insurance professionals. ComPro would like to utilize the Property as office space for the operation of its business.

ComPro is requesting a change of zone on the Property from R-2 Residential to R-T Residential Transition, along with a Use Permit for 2,800 square feet of office use. The exterior of the current residential structure will stay intact with the primary changes occurring within the interior of the structure. A parking lot will be constructed on the east side of the Property and will be screened to the east and to the south by a new six foot high privacy fence. The current driveway access to the Property from N. Cotner Boulevard will be removed.

Enclosed please find the following:

1. City of Lincoln Zoning Application for Change of Zone from R-2 to R-T and Use Permit
2. Application Fee in the amount of \$1,277.60

A map and legal description for the Change of Zone and plans for the Use Permit are being submitted electronically by Civil Design Group.

We met with Steve Henrichsen and Tom Cajka on September 29, 2010 to discuss the proposed application. In addition, a neighborhood meeting was held on November 8, 2010 to discuss the proposed change of zone and use permit. It was attended by ten neighbors. At the meeting, the owners indicated that parking lot lighting was not required for the parking lot that will be needed on the Property. All lighting of the parking and walkway areas will be provided from exterior lighting on the existing building.

We look forward to working with the City on this application. Please contact me or Mike Eckert from Civil Design Group if you have any questions or require any additional information.

Very truly yours,



DANAY KALKOWSKI
For the Firm

Enclosures