

FACTSHEET

TITLE: CHANGE OF ZONE NO. 14018

BOARD/COMMITTEE: Planning Commission

APPLICANT: Mark Hunzeker on behalf of Matson-Mangrum, LLC.

RECOMMENDATION: Approval, subject to a zoning agreement (9-0: Beecham, Cornelius, Corr, Harris, Hove, Scheer, Sunderman, Weber and Lust voting 'yes').

STAFF RECOMMENDATION: Approval

SPONSOR: Planning Department

OTHER DEPARTMENTS AFFECTED: N/A

OPPONENTS: One letter in opposition (p.19)

REASON FOR LEGISLATION:

To change the zoning on approximately 0.32 acre, more or less, from R-2 Residential District to O-2 Suburban Office District, and from O-2 Suburban Office District to B-1 Local Business District, on property generally located at the northwest corner of South 48th Street and Normal Boulevard.

DISCUSSION/FINDINGS OF FACT:

1. Approval of this change of zone request will open up more off-street parking for the businesses located in the existing B-1 zoning at the corner of South 48th Street and Normal Boulevard. It will also legalize parking and access at the corner of South 47th Street and Normal Boulevard.
2. The staff recommendation of approval, subject to a zoning agreement, is based upon the "Analysis" as set forth on p.4-5, concluding that by limiting access to South 47th Street and eliminating the existing access point on the corner of South 48th Street and Normal Boulevard, this change of zone helps promote use of existing commercial properties and makes more off-street parking available with limited impact on surrounding properties. The proposed rezonings are in conformance with the Comprehensive Plan. The staff presentation is found on p.7-8.
3. The applicant's testimony is found on p.8-9, and other testimony in support is found on p.9-10. The applicant pointed out that the proposed conditional zoning agreement will address any concerns of the neighbors by eliminating access to South 47th Street if the property at 2330 South 47th Street were ever to convert to a commercial use; by eliminating the access to South 48th Street at 4750 South 48th Street; and by prohibiting certain uses on the O-2 zoned property located at 2330 South 47th Street, all as set forth in the Development and Conditional Zoning Agreement (Bill #14R-203).
4. There was no testimony in opposition; however, the record consists of one letter in opposition (p.19). The applicant's representative indicated to the Planning Commission that the applicant contacted Megan Gibbs and believes her issues have been addressed satisfactorily.
5. On July 9, 2014, the Planning Commission voted 9-0 to recommend approval, subject to the conditional zoning agreement.
6. The associated Development and Conditional Zoning Agreement is also being introduced on July 28, 2014, as Bill #14R-203.

FACTSHEET PREPARED BY: Jean L. Preister

DATE: July 21, 2014

REVIEW ED BY: Marvin Krout, Director of Planning

DATE: July 21, 2014

REFERENCE NUMBER: FS\CC\2014\CZ14018

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for July 9th PLANNING COMMISSION MEETING

- PROJECT #:** Change of Zone No. 14018
- PROPOSAL:** From R-2 Residential to O-2 Suburban Office District and from O-2 Suburban Office District to B-1 Local Business District
- LOCATION:** Northwest corner of S. 48th Street and Normal Boulevard
- LAND AREA:** .32 acres more or less
- EXISTING ZONING:** R-2 Residential and O-2 Suburban Office Districts
- CONCLUSION:** With limited access to S. 47th Street and the elimination of the existing access point on the corner of S. 48th Street and Normal Boulevard the change of zone helps promote use of existing commercial properties and makes available more off street parking with limited impact on surrounding neighbors. The proposed rezonings are in conformance with the Comprehensive Plan.

<u>RECOMMENDATION:</u>	Conditional approval
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GENERAL INFORMATION:

LEGAL DESCRIPTION:

Change of Zone from O-2 Suburban Office District to B-1 Local Business: Lot 11, Seymour Addition, and the east ½ of adjacent vacated alley all located in the SW 1/4 of Section 32-10-7, Lincoln, Nebraska.

Change of Zone from R-2 Residential District to O-2 Suburban Office District, on property legally described as Lot 15, Seymour Addition, and the west ½ of adjacent vacated alley, all located in the SW 1/4 of Section 32-10-7, Lincoln, Nebraska.

EXISTING LAND USE: The R-2 zoned property is single family residential and the O-2 zoned property is a portion of a parking lot.

SURROUNDING LAND USE AND ZONING:

- North: O-2 Suburban Office District - Commercial.
South: B-1 Local Business District - Office and service uses
East: R-T Residential Transition District - Office Uses
West: R-2 Residential - Single Family Residential

HISTORY:

- May 1979 The Zoning Update rezoned:
2301 S. 48th Street from B Two Family Dwelling District to O-2 Suburban Office District;
4750 Normal from G Local Business to B-1 Local Business;
2330 S. 47th Street and 4700 Normal from A-2 Single Family Dwelling to R-2 Residential.
- February 1980 Change of Zone #CZ1760 was approved by City Council to re-zoned property at the northeast corner of S. 47th Street and Normal Boulevard, 4700 Normal, from R-2 Residential to O-2 Suburban Office District.
- September 2010 Special Permit #SP10029 was approved by Planning Commission to allow an indoor animal hospital with an outdoor area on the B-1 zoned property at the northwest corner of S. 48th Street and Normal Boulevard.

COMPREHENSIVE PLAN SPECIFICATIONS:

Focus primarily on retention and expansion of existing businesses; attracting new businesses should also be encouraged. (p 5.1)

Seek to efficiently utilize investments in existing and future public infrastructure to advance economic development opportunities. (p.5.2)

Strive for predictability for neighborhoods and developers. (p.5.2)

Commercial centers should be in areas compatible with existing or planned residential use. (p.5.5)

Maintain and encourage businesses that conveniently serve nearby residents, while ensuring compatibility with adjacent neighborhoods. (p.5.14)

Detailed Strategies for Commercial Infill; “Maintain or adaptively reuse existing structures.” (p.5.15)

Strive for predictability for neighborhoods and developers for residential development and redevelopment. (p.7.2)

The 2040 Lincoln Area Future Land Use Plan identifies this area as commercial. (p.12.3)

UTILITIES: Existing

TRAFFIC ANALYSIS: S. 48th Street and Normal Boulevard are both arterial streets. S. 47th Street is a local residential street.

REGIONAL ISSUES: This is a very busy, existing commercial intersection in close proximity to a residential neighborhood.

ALTERNATIVE USES: Leave the property as is which would likely perpetuate illegal parking.

ANALYSIS:

1. The proposed change of zones opens up more off-street parking for the businesses located in the existing B-1 zoning at the corner of S. 48th Street and Normal Boulevard. It also legalizes parking and access at the corner of S. 47th Street and Normal Boulevard.
2. The commercial property at 2301 S. 48th Street is zoned O-2 Suburban Office District. This property has approximately 1,734 square feet of commercial area which requires 6 parking stalls. The property has more than double that many parking stalls. The owner of this property also owns the commercial (B-1 zoning) property to the south. He would like to allow some of the parking stalls at 2301 S. 48th Street to be used for the commercial property at 4750 Normal Boulevard.

The B-1 property at 4750 Normal Boulevard has approximately 4,956 square feet. This requires a parking ratio of 1 stall for every 300 square feet of commercial space. This would require 17 stalls for only office, retail and service uses. It appears that there are only 16 to 17 stalls provided on the B-1 zoned property. If a restaurant were to locate in this center it would be required to have 1 space for every 100 square feet of restaurant area so parking spaces would need to be added.

The zoning ordinance does not allow for uses in a B-1 zoning district to utilize parking stalls in an O-2 zoning district when the O-2 district is on the same block as residential zoning. Today the O-2 property may not share parking with the B-1 property even though the O-2 has excess stalls.

Rezoning the southern portion of the O-2 (which is currently all paved parking) to B-1 will allow the commercial uses in the B-1 to use parking that is not needed by the O-2 use. It also allows for the northern half of 2301 S. 48th Street to remain O-2 which will continue to act as a transitional zoning district and will act as a barrier to further commercial expansion along S. 48th Street.

3. The residential property located at 2330 S. 47th Street is proposed to be rezoned from R-1 Residential to O-2 Suburban Office District. The rear part of the residential property has 3 parking stalls. There does not appear to be a building permit for the parking on 2330 S. 47th Street and it is not known exactly when it was constructed. Aerials show that it was likely constructed in the early 1990's. These three parking stalls could be utilized by the O-2 zoned property to the south if the property is rezoned from R-2 residential to O-2 Suburban Office District.

The property to the south of 2330 S. 47th Street has approximately 2,767 square feet of commercial space requiring 10 parking stalls. It appears that this property only has access to 7 parking stalls. The zoning ordinance does not allow commercial parking in residential zoning districts without a special permit. There are at least 3 stalls that could be utilized by the office if the property at 2330 S. 47th Street were rezoned to O-2. This change would bring the office at 4700 Normal into conformance with zoning requirements.

The residential property at 2330 S. 47th Street also includes a portion of the commercial driveway, which used to be an alley. The zoning ordinance does not allow for commercial properties to take access through residential properties. The proposed change of zone would legalize the existing driveway and access along the vacated alley.

The property owner has agreed to enter into a zoning agreement with the City to eliminate access to S. 47th Street from the residential property if the property were ever to convert to another use allowed in the O-2 zoning district.

4. In addition to eliminating access to S. 47th Street from the new O-2 zoned property the applicant has agreed to eliminate the existing dangerous access point at the corner of S. 48th Street and Normal Boulevard. The closing of the south drive onto S. 48th Street is requested because the is too close to the intersection with Normal Boulevard and does not meet design standards.
5. There were no objections to this change of zone from any other City Departments.
6. In reality this center has parking that serves both the O-2 zoning districts as well as the B-1 Local Business District. There are no signs on the premises that indicate where you must park for which use. This change of zone does not add any additional parking to the center, it simply legalizes the existing parking and allows the B-1 zoned property to legally share existing stalls with the O-2 property to the north. Now is a good time to clean up the parking issues within this center since all the properties involved are under one family ownership.

CONDITIONS OF APPROVAL:

1. The Developer signs a zoning agreement before the City Council approves the change of zone. The zoning agreement will eliminate access to S. 47th Street if the property at 2330 S. 47th Street were ever to convert to a commercial use. The agreement will also eliminate the access to S. 48th Street at 4750 S. 48th Street.

Prepared by:

Christy Eichorn, Planner

DATE: June 30, 2014

APPLICANT: Matson-Mangum, LLC
4700 Normal Blvd.
Lincoln, NE 68506

OWNER: Gale & Cindy Matson
4700 Normal Blvd.
Lincoln, NE 68506

CONTACT: Mark Hunzeker
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CHANGE OF ZONE NO. 14018

PUBLIC HEARING BEFORE PLANNING COMMISSION:

July 9, 2014

Members present: Beecham, Cornelius, Corr, Harris, Hove, Lust, Scheer, Sunderman and Weber.

Staff recommendation: Approval, subject to a conditional zoning agreement.

There were no ex parte communications disclosed.

Staff presentation: **Christy Eichorn of Planning staff** clarified that this is a request for two changes of zone located near the northwest corner of South 48th Street and Normal Boulevard. It is “near the northwest corner” because the change of zone does not include the corner lot. The reason why the staff is encouraging this change of zone is to facilitate activity and businesses that would be on the corner.

This change of zone includes a change of zone from O-2 to B-1 on the lot to the north. The property currently zoned R-2 is being requested to change to O-2. The applicant came to the Planning Department showing the commercial building zoned B-1 which allows for restaurant type uses but they did not have enough parking. There is a great deal of parking to the north, but the zoning ordinance does not allow O-2 zoning for parking for another district. All of the existing parking is for the one business and it is excessive parking for that business. Looking at the site closer, there is parking on the residential property; however, commercial parking is not allowed on a residential lot.

Eichorn advised that the applicant had a neighborhood meeting, which she attended. The applicant is requesting to have a restaurant in the commercial building, but they need more parking. The neighbors were concerned about parking and traffic on South 47th Street. This change of zone actually legalizes parking for the commercial development and legalizes existing parking for the office use of the south property, and will provide an internal circulation pattern for this development.

Eichorn summarized by stating that the rezoning to office legalizes the parking; legalizes the common traffic pattern from South 48th Street; and legalizes parking to the north, making the overall commercial parking pattern more efficient. Hopefully, by legalizing the parking and perhaps adding signage, people will park in the commercial area and not on the adjacent residential street.

The applicant did meet with the neighborhood association, at which time the applicant and the neighbors came to some compromises, such as limiting access from the residential lot to 47th Street. In addition, if at any time in the future the residential use were to go away and become office use, then the driveway would go away and all access would have to go back out to the commercial center. There are other compromises to help reduce or discourage traffic on South 47th Street and encourage people to park in the commercial center.

Beecham asked about the parking lot that will be closed. Eichorn showed the access point on the map. It is a dangerous intersection and does not meet any of the Access Management Policy standards.

Beecham stated that she is assuming people could use the access entrance to the north, but does that need to be widened to allow two-way traffic? Eichorn did not have an answer, but when she attended the neighborhood meeting, she entered and exited at that location with other cars coming in and there were no issues. Public Works did not have an opinion on that access point.

Lust inquired whether the restaurant would have a drive-through. Eichorn understands that drive-through's will be restricted with the neighborhood agreement.

Eichorn confirmed that all of the subject property is owned by members of the same family.

Proponents

1. Mark Hunzeker appeared on behalf of the applicant, **Gale Matson**. The size of the restaurant is only 1500 sq. ft., so that particular use will require 15 parking stalls which triggers the need for additional parking. They have had dialogue with the neighbors about the use and some agreement as to how this change will be implemented. One of the agreements is that the restaurant will not have a drive-through. The two items in the zoning agreement included closure of the 48th Street access and the restriction on access at 47th Street in the event the house being rezoned has a change of use. As a result of discussions with the neighbors, the applicant has also entered into an addendum to the lease agreement with the restaurant which provides: 1) a speed bump to be placed on the driveway that comes off 47th Street and enters the insurance office and goes on to the alley; 2) the restaurant employees will be parking on-site and not on 47th Street; and 3) restriction on the drive-through. Hunzeker believes this agreement has addressed the main issues raised by the neighbors.

Hunzeker then referred to the email in opposition which the Planning Commission received from Ms. Gibbs, and indicated that his client has spoken with her and he believes he addressed the issues raised in the email to her satisfaction.

Hunzeker then observed that this is one of those sites where, if we don't make some accommodation to keep them attractive to good tenants, the possibility likely exists that the only tenants that would be attracted may not be the most desirable.

Hunzeker further noted that in the discussion with the neighbors, the applicant also agreed to include some restrictions on the use in the zoning agreement. The applicant has agreed to eliminate a laundry list of uses, e.g. those uses oriented toward relatively high traffic uses such as apartments, hotel, multi-family, concrete paving plants, body art, dry cleaning establishments, laundry facilities, laundry establishments, parking lots as a primary use, broadcast towers and personal wireless service facilities, and tents and other temporary structures. All of those uses will be prohibited on the property. Hunzeker suggested that if there is a change in the overall scheme of the use of this property in the future, it would likely involve a redevelopment of the entire site.

Corr confirmed that the restaurant will be in the 4750 Normal Boulevard location. Hunzeker concurred.

Corr then stated that she appreciates the applicant working with the neighbors. She assumes the applicant will request that the employees park behind in the new parking. Hunzeker acknowledged that will probably be the case. It is most likely the employees would park on the north side; however, because of the hours of operation of uses, the parking is not an issue. The dentist

operates just three days a week; the Matson insurance office is an 8:00 a.m. to 5:00 p.m. operation; the restaurant owners indicate they will operate from 11:00 a.m. to 10:00 p.m.; the office user in the house to the north operates Wednesday through Friday from 11:00 a.m. to 6:00 p.m. and on Saturday from 10:00 a.m. to 6:00 p.m.; and there are three other uses that generally have two cars each. It really is not a big problem but the applicant desires to have the agreement that people would use the 47th Street area as a parking lot.

Beecham stated that she likes this solution, but she's wondering if the access is going to be wide enough. If Public Works decided it was too narrow, she asked whether the applicant would widen it. Hunzeker believes the applicant would be willing, but it is a pretty wide two-way access as it exists today.

Support

1. Bill McCamley, 1925 Van Dorn Street, and the owner of 2205 South 47th Street (where his five grandchildren live) testified in support. He expressed appreciation to Christy Eichorn for helping him understand this zoning change. Basically, this is a really quiet residential street. It is narrow and sometimes full of parking. He showed photographs of the parking on both sides of 47th Street. It is a short street and there are about 15 children living on this street, 2/3 under the age of 10, so the neighborhood's concern is traffic and parking and keeping the residential area residential. McCamley stated that he is in favor of the restaurant coming into the area, but the neighbors do have concerns.

McCamley then explained the three major concerns: 1) people backing up to the property are concerned about light and noise from the parking lot, but he understands the design standards will take care of that issue; 2) traffic and parking, upon which the applicant has been very willing to work with the neighborhood; and 3) no drive-through, parking on 47th Street and the speed bump are included in the lease agreement. The neighbors have been assured that the restaurant will avoid 47th Street as much as possible.

Another concern of McCamley's is what happens when the ownership of the property now owned by Matson changes.

In summary, McCamley stated that he has no objection to this change of zone because he believes the applicant has addressed the issues with the zoning agreement and lease agreement.

Staff questions

Beecham asked staff to address the change of use question. Eichorn explained that the zoning agreement goes with the property, regardless of ownership.

Corr wondered how many trips the proposed restaurant will generate. Eichorn believes it might be more than the current office space, but she did not know how much more. Eichorn reiterated that because the property is zoned B-1, they could have a restaurant in that building today. The change of zone only affects the parking.

Corr inquired whether a denial of this change of zone would result in a violation of the parking standards. Eichorn explained that they would have to change the size of the restaurant to meet the parking requirement, but that would not resolve the lack of utilization of the parking to the north. The applicant will be required to meet the parking requirements. Whatever the size of the

restaurant, no parking is being waived nor are they adding any parking stalls. It is not their intent to pave for more parking. It is simply to rezone the area to utilize existing parking stalls. Corr expressed that she wants to make sure the parking will meet the requirements with the 1500 sq. ft. restaurant. Eichorn reiterated that if they cannot meet the parking requirements with the existing stalls, then they will have to reduce the size of the restaurant.

There was no testimony in opposition.

ACTION BY PLANNING COMMISSION:

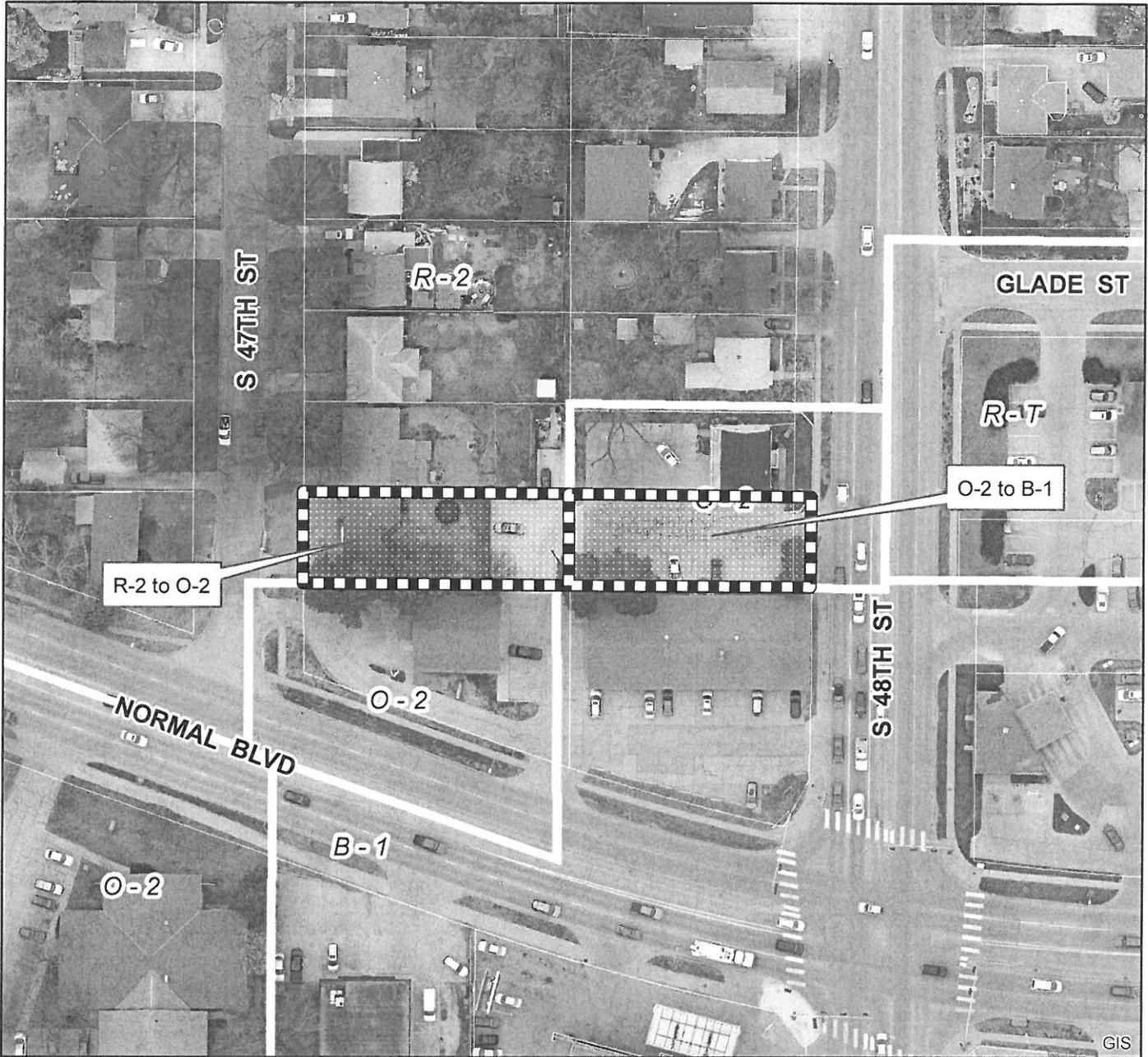
July 9, 2014

Beecham moved to approve the staff recommendation of approval, subject to a conditional zoning agreement, seconded by Hove.

Beecham stated that she likes this solution, and she appreciates all the work the applicant did with the neighbors.

Corr also commended the applicant for working with the neighbors and being willing to compromise on some of their issues. This kind of fixes some problems and legalizes some parking in the area. If the neighbors are still concerned about traffic on 47th Street, she suggested that another great tool besides a speed bump is some speed art.

Motion for approval, subject to the conditional zoning agreement, carried 9-0: Beecham, Cornelius, Corr, Harris, Hove, Lust, Scheer, Sunderman and Weber voting 'yes'. This is a recommendation to the City Council.



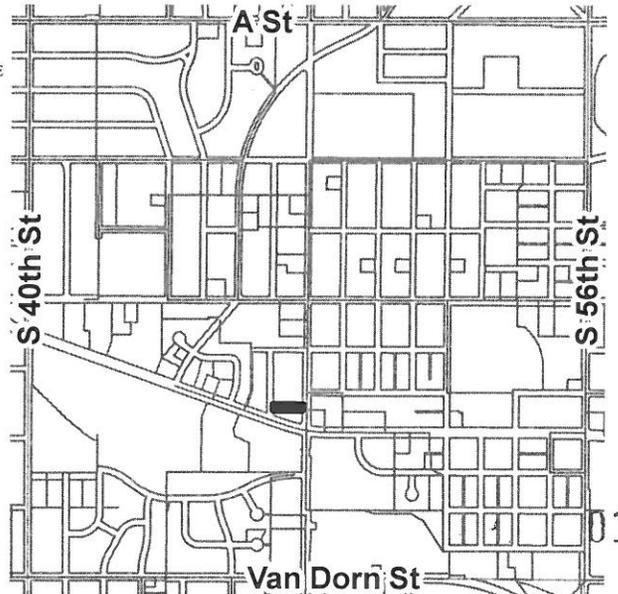
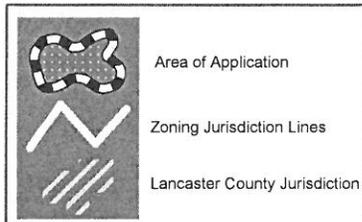
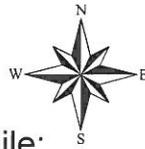
2013 aerial

**Change of Zone #: CZ14018
S 48th St & Normal Blvd**

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.32 T10N R07E





LINCOLN - LANCASTER COUNTY
PLANNING DEPARTMENT



Information Technology Services
 335 South 10th Street
 Lincoln, Nebraska 68508
 Ph: 402.441.7491 Fax: 402.441.6377

Sec.32 T10N R07E



Consult the detailed Application information at
<http://www.lincoln.ne.gov/asp/city/plan/permap.asp>

Application Number

CZ14018

Current Zoning

- | | |
|------------------------------|-------------------------------|
| Boundaries & Labels | O-2 Suburban Office |
| AG Agriculture | O-3 Office Park |
| AGR Agricultural Residential | B-1 Local Business |
| R-1 Residential | B-2 Planned NBHD Business |
| R-2 Residential | B-3 Commercial |
| R-3 Residential | B-4 Lincoln Center Business |
| R-4 Residential | B-5 Planned Regional Business |
| R-5 Residential | H-1 Interstate Commercial |
| R-6 Residential | H-2 Highway Business |
| R-7 Residential | H-3 Highway Commercial |
| R-8 Residential | H-4 General Commercial |
| R-T Residential Transition | I-1 Industrial |
| P Public Use | I-2 Industrial Park |
| O-1 Office | I-3 Employment Center |

Location Overview





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 Date: 6/19/2014
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LINCOLN - LANCASTER COUNTY
PLANNING DEPARTMENT



Information Technology Services
 535 South 10th Street
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Sec.32 T10N R07E



Consult the detailed Application information at
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Application Number

CZ14018

Existing Landuse

- | | |
|-----------------------|-----------------------------|
| 11 - SF Detached | 41-44 - Pub/Semi-Pub |
| 12 - Duplex | 51 - Parks |
| 13 - SF Attached | 52 - Open Space |
| 14 - Multiple | 53 - Golf Course |
| 15,16,18 - GQ/SH/BB | 61,62 - Lakes/Streams |
| 17 - MH/TC | 63 - Wetlands |
| 21,22 - Commercial | 64 - Environmental Preserve |
| 23 - Parking Lot | 65 - Forest/Woodland |
| 24 - Parking Garage | 81 - Ag: Crops/Tree farm |
| 31 - Light Industrial | 82 - Ag: Livestock/Animal |
| 32 - Heavy Industrial | 83 - Mining/Extraction |
| 33 - Utility Facility | 84 - Pasture/Grassland |
| 34 - Railroad | 90 - Vacant/Undevel |
| 35 - Airport | |

Location Overview



Application Information Fact Sheet

Application Number: **CZ14018**

Parcels: 1732303011000, 1732303013000, 1732303012000, 1732303015000, 1732303014000

City Council District: **3**

County Board District: **5**

Section/Township/Range: **32-10-07**

Location Findings:

Intersecting Applications: **CZ14018**

Zoning: **O-2, R-2**

Pre-1979 Zoning: **Two Family Dwelling District, Single Family Dwelling District**

Post-1979 Zoning: **Suburban Office District, Residential District**

Existing Landuse: **Single Family Detached, Commercial NEC**

Future Landuse: **Residential - Urban Density, Commercial**

Subdivisions: **SEYMOUR ADD TO NORMAL**

Growth Tiers: **Existing City**

Fire District: **Lincoln**

Historic District: **No value detected**

Traffic Analysis Zones: **59**

Home Owner Assoc(s): **No value detected**

Neighborhood Assoc(s): **South 48th Street**

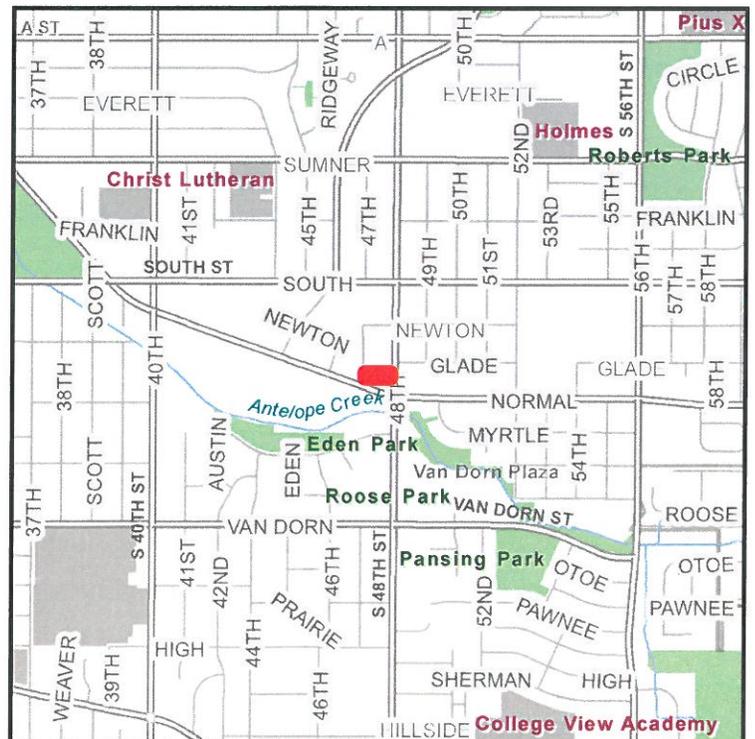
Annexation(Ord. #): **1757**

Annexation Agreement: **No value detected**

Drainage Basin: **Antelope Creek**

Intersecting Entities:

Trails:	No
Railroad Lines Present:	No
Beltway Corridor Protection:	No
Beltway Corridor:	No
Historic Sites Present:	No
Cell Towers Present:	No
Streams:	No
Lakes:	No
FEMA Floodplain:	No
Salt Creek Storage Area:	No
New Growth Flood	No
Standard Exemption Area:	No
Endangered Species:	No
Prime Ag Soils:	No
City Subdivisions:	Yes
Capitol Environs District:	No
Capitol View Corridor OD:	No
Capitol View Corridors:	No
Building Line Districts:	No
BIDs(UDD):	No
Redevelopment Areas(UDD):	No
Blighted Areas(UDD):	No
SIDs:	No
William Pipeline:	No
Airport Approach Elev.(1248):	No
Airport Zoning District:	No
Airport Noise Contours:	No
Airport Noise District:	No
Airport Runway Protection Zones:	No
Church (Planning Landuse - 100ft Buffer):	No
Church (Assessor Parcels - 100ft Buffer):	No
Elderly/Retirement Housing:	No
School Sites:	No
Parks(100ft Buffer):	No
Daycare Facilities(100ft Buffer):	No



NOTICE THIS DATA IS COMPILED FROM MANY SOURCES AND SCALES. EVERY EFFORT IS MADE TO ENSURE THIS DATA IS ACCURATE, AND LINCOLN/LANCASTER COUNTY ACCEPTS NO RESPONSIBILITY FOR ANY INACCURACY, ACTUAL OR IMPLIED.



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ALSO ADMITTED IN:
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June 11, 2014

Marvin Krout
Director of Planning
City of Lincoln Nebraska
555 S. 10th Street
Lincoln, NE 68508

RE: Change of Zone Application
48th and Normal Blvd.

Dear Marvin:

Enclosed is an Application to rezone two lots just north of Normal Blvd. between 47th and 48th Streets. The primary purpose of the change of zone is to allow the existing parking on the lot described as Lot 11 (including the east ½ of the abutting vacated alley) Seymour Add. to be used in conjunction with a new restaurant to be located in the building at 4750 Normal Blvd. The Application is to rezone Lot 11 and the E½ of the vacated alley from O-2 to B-1.

After reviewing the matter with Christy Eichorn, it was concluded that in order to avoid the concern over commercial parking taking access across residentially zoned land (i.e. the west half of the alley abutting Lot 11) we need to request rezoning on Lot 15 (and the west ½ of the abutting vacated alley). The Application requests rezoning Lot 15, Seymour Add. and the W½ of the abutting vacated alley from R-2 to O-2. No change of use of that property is anticipated at this time.

Christy informs me that it is likely the recommendation would include closure of the existing 48th Street curb cut serving the building at 4750 Normal as a condition of this rezoning. We would agree to that as a condition of approval.

Please call if you need further information or if there are questions regarding the Application.

Sincerely,

Mark Hunzeker
For the Firm
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MAH/smj
Encl.

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ALSO ADMITTED IN:
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June 18, 2014

RE: Informational Meeting

Dear Neighbor:

The purpose of this letter is to invite you to an informational meeting on Monday, June 23 at 5:30pm to learn about a pending application for rezoning near the corner of 48th & Normal Blvd. The meeting will be held at 4750 Normal Blvd.

We have filed an application on behalf of Gale Matson for rezoning of two lots, as shown on the enclosed map. The reason for the application is that we intend to add a new restaurant tenant to the building at 4750 Normal Blvd. The parking requirements for the restaurant leave us one space short, and in order to count one of the spaces north of the building, we need to rezone that lot to B-1. Also, because a portion of the drive access along the west side of the lot is zoned residential (the west half of the vacated alley), we must request rezoning of the house north of the existing Matson Insurance building to O-2.

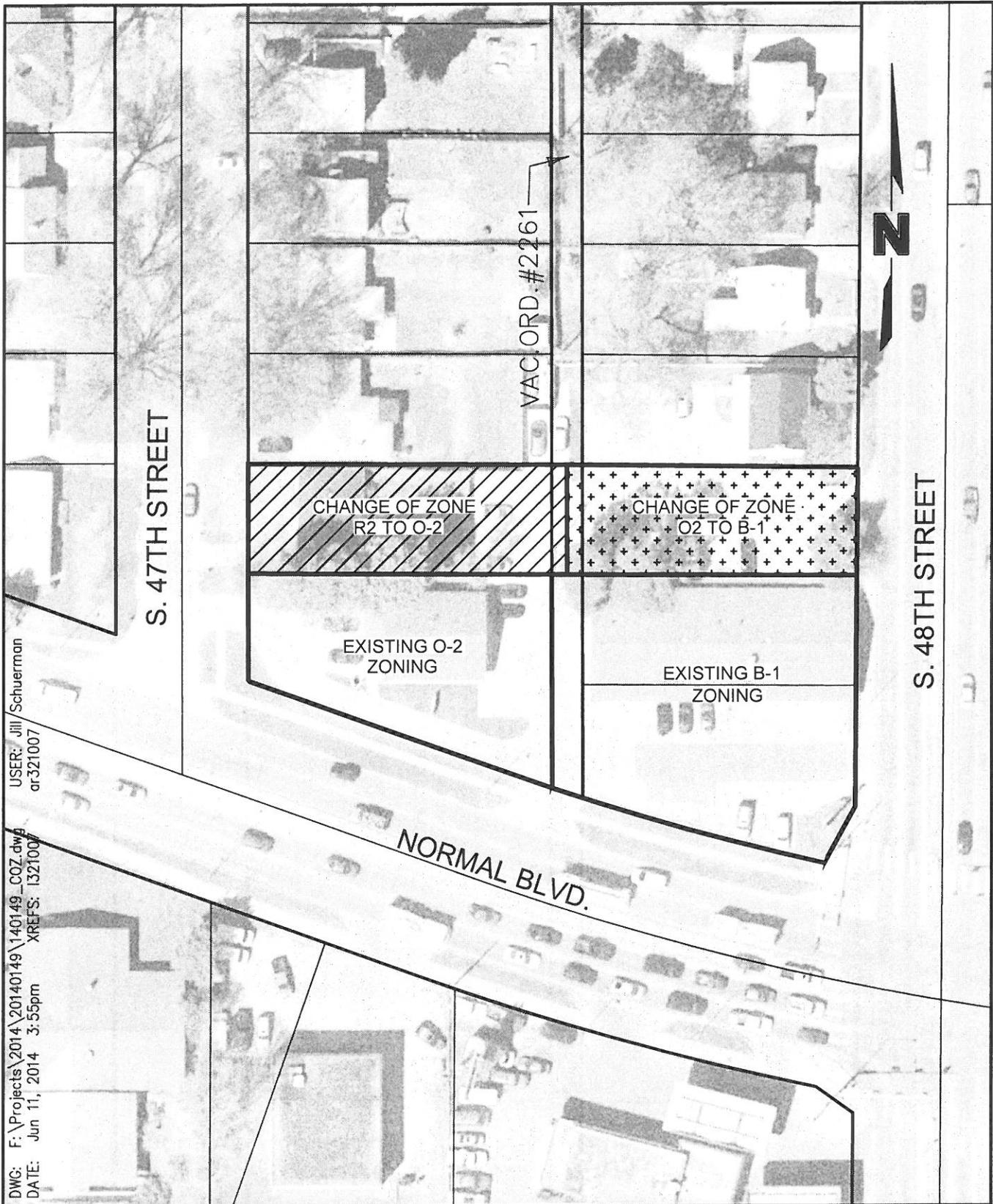
There is no change planned for the existing parking lot, or the existing drive west of the building. There is no change planned for the house north of the existing Matson Insurance building. We will make a very short presentation explaining the reasons for the pending applications and will be available to answer questions. We expect the meeting to last no more than 30-45 minutes. We hope to see you there.

Sincerely,

Mark A. Hunzeker
For the Firm
mhunzeker@baylorevnen.com

MAH/slw

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USER: Jill Schuerman
or 321007

DWG: F:\Projects\2014\20140149\140149_COZ.dwg
DATE: Jun 11, 2014 3:55pm
XREFS: 1321007

drawn by: jds
checked by: -
project no.: 2014-0149
date: 06/10/2014

**CHANGE OF ZONE EXHIBIT
S. 48TH & NORMAL BLVD.
LINCOLN, NEBRASKA**

 Civil Design Group, Inc.
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EXHIBIT
1

From: Jean Preister
Sent: Monday, June 30, 2014 9:44 AM
To: Jean Preister
Subject: Zoning on S. 47th St.

From: Megan Gibbs [<mailto:megan.gibbs14@yahoo.com>]
Sent: Sunday, June 29, 2014 1:16 PM
To: Christy J. Eichorn; Mike J. Petersen; Marvin S. Krout
Subject: Zoning on S. 47th St.

Dear City Officials,

Currently, there is a proposal to rezone property on South 47th St. just north of Normal Blvd. The proposed rezoning of this property would accommodate additional parking and the addition of a Jimmy John's in the commercial space located at the corner of 48th and Normal Blvd. The addition of a high volume restaurant at this location would turn what is now a quiet, peaceful neighborhood, that is safe for children and pets, into a busy thoroughfare of hungry people and, to use Jimmy John's own slogan, "freaky fast delivery" drivers. It is my understanding that the rezoning and additional parking stall requirements apply to the customer parking at the commercial facility but, I am curious, where will all the employees (including multiple delivery drivers) park? On South 47th St.? Can the employees park on a residential street? What about increasing high traffic volumes at an already busy intersection? It was my understanding that the driveway from this commercial property onto 48th St. is to be closed due to the high number of traffic accidents and traffic volume at the intersection of 48th and Normal. How will the City respond to high volume traffic accidents on a residential street?

I am a resident of South 47th St. with my husband and two small children. Many of our neighbors also have small children, many of whom walk to school and none that are older than twelve years old. That's a lot of young foot traffic on a street with only fifteen houses! Everyone I've spoken to on this street is fearful that the rezoning of this property and the addition of a Jimmy John's restaurant will drastically change our quiet, safe neighborhood into a dangerous street where our kids can no longer play in the front yard or ride their bikes on the sidewalk and street.

In addition to being a resident on this street, I am a small business owner and I understand that Gale Madson, as a small business owner, has to do what is required by the City of Lincoln to operate his businesses, and he has every right to do so. But, it has been brought to my attention, and is a verifiable fact that, Mr. Madson has violated regulations of Zoning Ordinances and Building Codes, and many complaints to the City have been filed by the residents of this neighborhood. If the past is the best predictor of the future, I think it's safe to say that Mr. Madson's motivation to rezone this property and open a Jimmy John's is just another example of his putting his personal gain before the consideration of his neighbors and community. It is clear that Mr. Madson has not considered the unfortunate transformation that this neighborhood will go through if this rezoning is approved and Jimmy John's is allowed to open in the commercial space at 48th and Normal Blvd.

If you are able to address the above questions, I look forward to learning more about this rezoning proposal and look forward to attending the Public Hearing on July 9th.

Thank you and Best in Health,
Megan Gibbs

Megan Gibbs
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ACE Certified Personal Trainer
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