

City Council Introduction: **Monday**, February 4, 2002  
Public Hearing: **Monday**, February 11, 2002, at **1:30 p.m.**

Bill No. 02-15

## **FACTSHEET**

**TITLE:** CHANGE OF ZONE NO. 3354, from R-4 Residential and P Public Use to R-2 Residential, requested by the Antelope Park Neighborhood Association, on property generally located at South 30<sup>th</sup> and Cable Avenue, consisting of 9 acres, more or less.

**SPONSOR:** Planning Department

**BOARD/COMMITTEE:** Planning Commission  
Public Hearing: 02/06/02  
Administrative Action: 02/06/02 anticipated

**STAFF RECOMMENDATION:** Denial.

**RECOMMENDATION:** Not available until 02/06/02

### **FINDINGS OF FACT:**

1. The staff recommendation to **deny** this text amendment is based upon the "Analysis" as set forth on p.4-6, concluding that this property has been in private ownership for decades and has been used for residential purposes. It should be zoned accordingly.
2. This change of zone request includes, but is not limited to, the property which is the subject of Change of Zone No. 3349 (Bill No. 02-18), which was recommended for approval by the Planning Commission on January 23, 2002. Since 3023 Arlington Avenue is involved in both Change of Zone No. 3349 and Change of Zone No. 3354, staff believed it appropriate to schedule both applications on the same Council agenda.
3. The Planning Commission is scheduled to hear and act upon this change of zone request on February 6, 2002. The minutes and action of that hearing will be forwarded to the Council before February 11, 2002.

**FACTSHEET PREPARED BY:** Jean L. Walker

**DATE:** January 28, 2002

**REVIEWED BY:** \_\_\_\_\_

**DATE:** January 28, 2002

**REFERENCE NUMBER:** FS\CC\FSCZ3354

# LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

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**P.A.S.:** Change of Zone #3354

**DATE:** January 23, 2002

**PROPOSAL:** To change the zoning on several blocks in the Antelope Park neighborhood from R-4 to R-2 and to change one lot from P to R-2.

**LAND AREA:** 9 acres, more or less

**CONCLUSION:** If this change of zone were to be approved, a number of lots which now conform to the area requirements of the Zoning Ordinance would become non-standard. While a certain amount of non-standard lots can be expected in the older neighborhoods, 36% of the properties within the proposed change of zone would fail to meet the area requirements.

**RECOMMENDATION:**

Denial

**GENERAL INFORMATION:**

**LEGAL DESCRIPTION:** See attached

**LOCATION:** S. 30<sup>th</sup> Street and Cable Avenue

**APPLICANT:** Antelope Park Neighborhood Association  
Lisa J. Good, Interim President  
3036 Franklin Street  
Lincoln, NE 68502  
(402) 489-0869

**CONTACT:** same

**EXISTING ZONING:** P Public Use and R-4 Residential

**EXISTING LAND USE:** Single, two, and three family dwellings

**SURROUNDING LAND USE AND ZONING:**

North:	R-4	Residential uses
South:	R-4, R-5, and B-1	Housing and businesses along South Street
East:	P	Antelope Park and bicycle trail
West:	R-4	Residential uses

## **HISTORY:**

This area was converted from B Two-Family Dwelling District to R-4 Residential in the 1979 Zoning Update, except for Lot 2 Block 4 Parkside Place which was mapped P public use, apparently in error.

The B zoning dates to the 1950's.

The January 30, 1940 zoning map identifies this area as Residence "A", which permitted "dwellings for not more than two families or households living independently of each other." No minimum area was specified.

**COMPREHENSIVE PLAN SPECIFICATIONS:** The Comprehensive Plan designates this area as Urban Residential.

The Community Values state:

**A CONTINUING COMMITMENT TO NEIGHBORHOODS:** Neighborhoods are one of Lincoln's great strengths and their conservation is fundamental to this plan. The health of Lincoln's varied neighborhoods and districts depends on implementing appropriate and individualized policies. In addition, the land use plan is the basis for zoning and other land development decisions. It should guide decisions that will maintain the quality and character of the community's established neighborhoods.(p 36a)

The Existing Urban Areas goals include:

- Preserve and maintain the community's existing, useable housing stock.
- Develop building codes which would facilitate new construction or substantial rehabilitation, while maintaining life and safety standards. Supplemental statement: Apply the appropriate building codes, uniformly, to the new construction and substantial rehabilitation of housing throughout the community.
- Provide an environment for each neighborhood that promotes the safety and well-being of the residents and provides a sense of community.
- Preserve, protect and promote the character and unique features of rural and urban neighborhoods, including their historical and architectural elements.
- Encourage stable and diverse rural and urban neighborhoods by increasing housing opportunities (accessibility and affordability) for all socio-economic groups.
- Preserve the character of rural and urban neighborhoods through maintenance of existing housing stock and encouragement of compatible design in new housing. (pp 45-6)

The Public Policy Considerations section of the Comprehensive Plan states:

**Diversity and Unity.** The diversity of the community by age, race, culture, religion, gender, special need or income level will continue to increase in the future. This diversity must be respected and planned for if the high standard of living within the community is to be maintained. Opportunities for choice should be encouraged and promoted within the context of the whole community to provide a choice of lifestyle, employment, housing, transportation, and shopping for all groups of every income and ability. (Amendment 9416)

In housing, a place should be found for the country estate and the city efficiency apartment, for the small private single family home and the large apartment suite, for the most affordable and the most expensive dwelling unit, for completely independent living and for living within the care of others. Provision of the broadest range of housing options throughout the community improves the quality of life in the whole community.

## **ANALYSIS:**

1. The Comprehensive Plan lists criteria for the review of zoning proposals. These include portions of Nebraska Revised Statutes Section 15-902;

**1. Safety from fire, flood and other dangers;**

No apparent impact.

**2. Promotion of the public health, safety, and general welfare;**

This proposal does not appear to have a negative impact on the public health, safety, and welfare.

**3. Consideration of the character of the various parts of the area, and their particular suitability for particular uses, and types of development;**

The housing within this proposed change of zone is primarily single family residential, with some two and three family dwellings. Except along the arterial streets, the entire Antelope Park neighborhood is similar. The two family housing is more common north of Sumner Street.

**4. Conservation of property values; and**

This change of zone would not necessarily affect property values. It is possible that property values could be diminished if property owners no longer have the option of converting housing into two family units. New construction would likely have higher property values than some of the existing housing: the house at 3023 Arlington had been cited by the City as a dangerous building, for example. It is also possible that property values could be increased by this change of zone if it encourages homeownership.

**5. Encouraging the most appropriate use of land throughout the area zoned, in accordance with a comprehensive plan.**

Most of the two-family dwellings in this neighborhood were built or converted prior to 1980. Under the existing R-4 zoning, each application for a building permit for new construction of a principal building shall comply with the Neighborhood Design Standards. If the zoning is changed to R-2, new construction would no longer be required to meet those standards.

Allowing two family housing to be interspersed with single family housing increases the diversity of housing stock within the city and provides opportunities for those who might not be able to afford a single family house.

There are seven specific criteria established in the Plan for review including;

**a. Infrastructure: the availability of the water, sewer, drainage and the transportation systems.**

The infrastructure is in place.

**b. Compatibility: harmony and suitability with the surrounding land uses and the natural environment.**

The land within the neighborhood is predominantly single family residential with some two- and multi-family dwellings. Either zoning district would be compatible with surrounding uses, although R-2 zoning would create additional nonstandard uses.

**c. Health and Safety: protection against natural and man-made hazards including noise; air, ground and water pollution; flooding; and hazards from industrial or agricultural processes or products.**

The proposed change does not appear to have an impact on health and safety.

**d. Physiographic Features: the topography, suitability of proposed land uses with streams, lakes, soil types, natural vegetation or wildlife habitat.**

This area is already developed.

**e. Accessibility: availability, or lack thereof, of public transportation, arterial connections and pedestrian linkages.**

This proposal does not have an effect on the accessibility or availability of transportation.

**f. Open Space: availability of sufficient open space and recreational areas to accommodate a project's residents and employees.**

This proposal does not affect the availability of open space.

**g. Fiscal Impacts: whether the proposed use does not create a burden to local tax revenues and/or available resources.**

None.

2. The attached maps show the existing land use in the Antelope Park neighborhood, the two- and three- family dwellings within the proposed change, and the parcels which will become nonstandard if this application were approved.

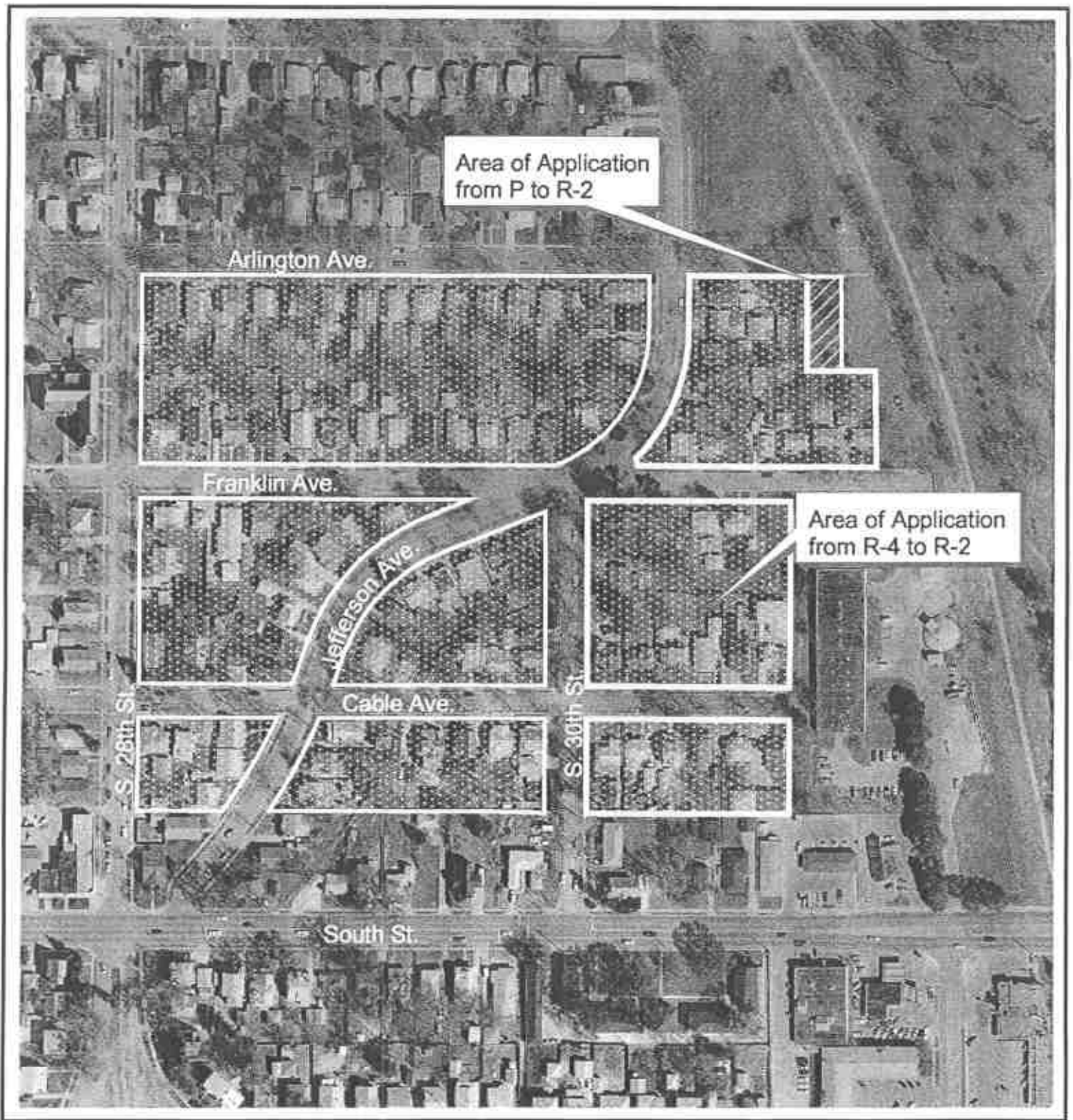
3. There are several differences between R-2 and R-4 zoning, including lot area requirements, side yard setbacks, average lot width, and some uses. The following table highlights some of the area and setback requirements:

	<b>R-2</b>	<b>R-4</b>
Lot area, single family	6,000 sq. ft.	5,000 sq. ft.
Lot area, two family	5,000 sq. ft. per unit	2,500 sq. ft. per unit
Avg. lot width, single family	50 feet	50 feet
Avg. lot width, two family	40 feet per unit	25 feet per unit
Front yard	25 feet	25 feet
Side yard, single family	5 feet	5 feet
Side yard, two family	10 feet (0 feet at common wall)	5 feet (0 feet at common wall)
Rear yard	Smaller of 30 feet or 20% of depth	Smaller of 30 feet or 20% of depth

4. The three family dwellings are already nonstandard uses.
5. If this change of zone is approved, 36% of the parcels within the boundaries of the request would be nonstandard.
6. Nonstandard uses may be enlarged, expanded or reconstructed if they comply with the yard requirements and as long as there is no abandonment of the use.
7. 75 property owners within the area have signed petitions in support of this application. One example has been included in this report; the remainder are available in the file.

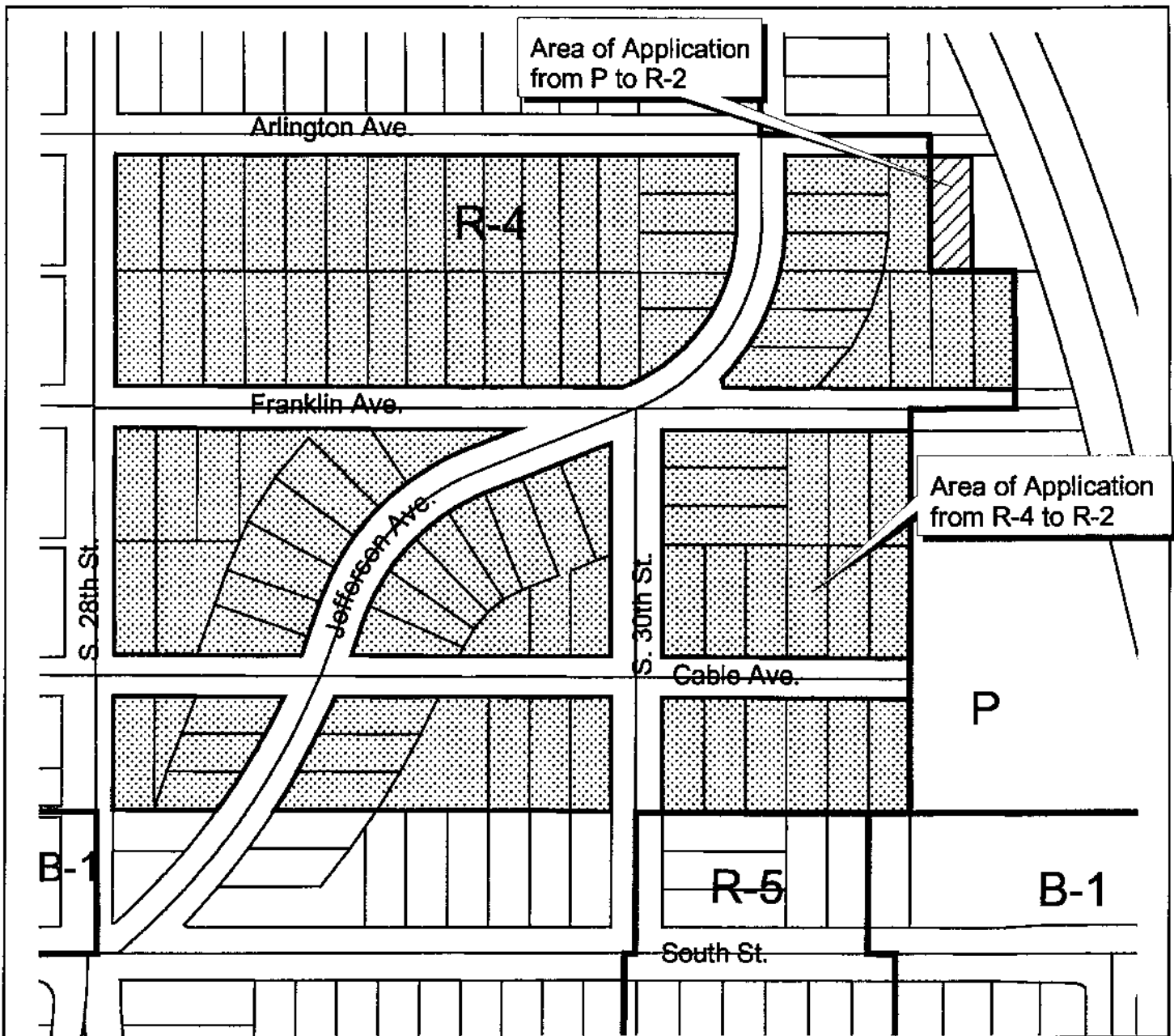
Prepared by:

Jason Reynolds  
Planner



**Change of Zone #3354  
S. 30th & Franklin St.**



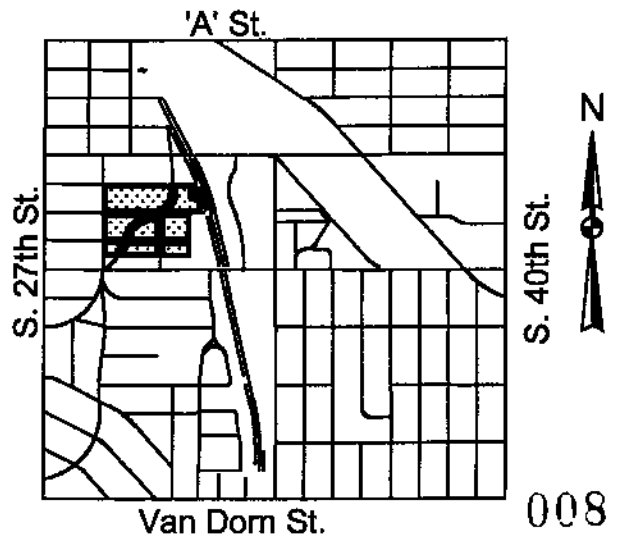
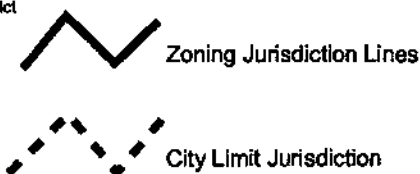


**Change of Zone #3354  
S. 30th & Franklin St.**

**Zoning:**

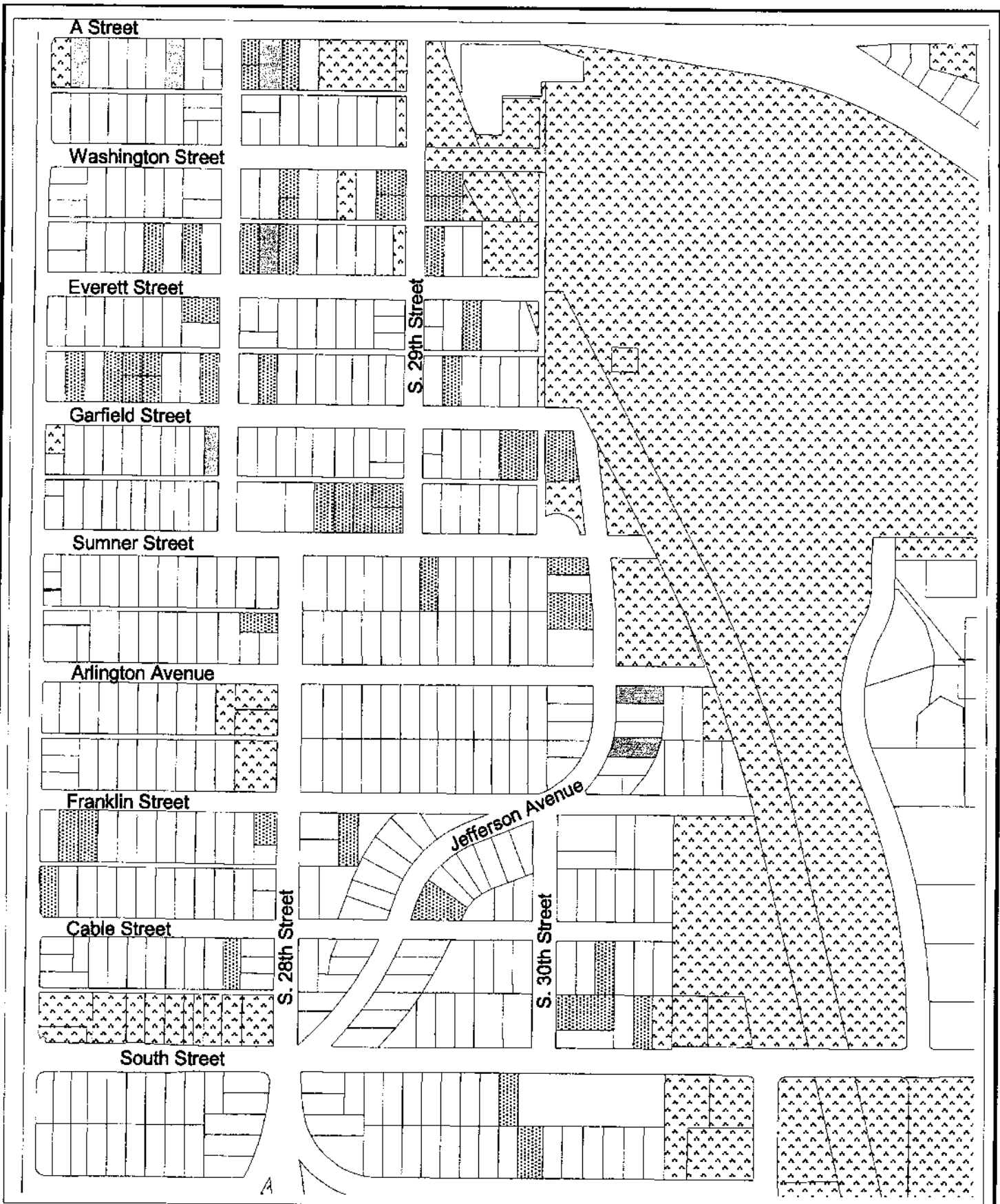
- R-1 to R-3 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- R-C Residential Conservation District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial District
- B-4 Lincoln Center Business District
- B-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. 31 T10N R7E







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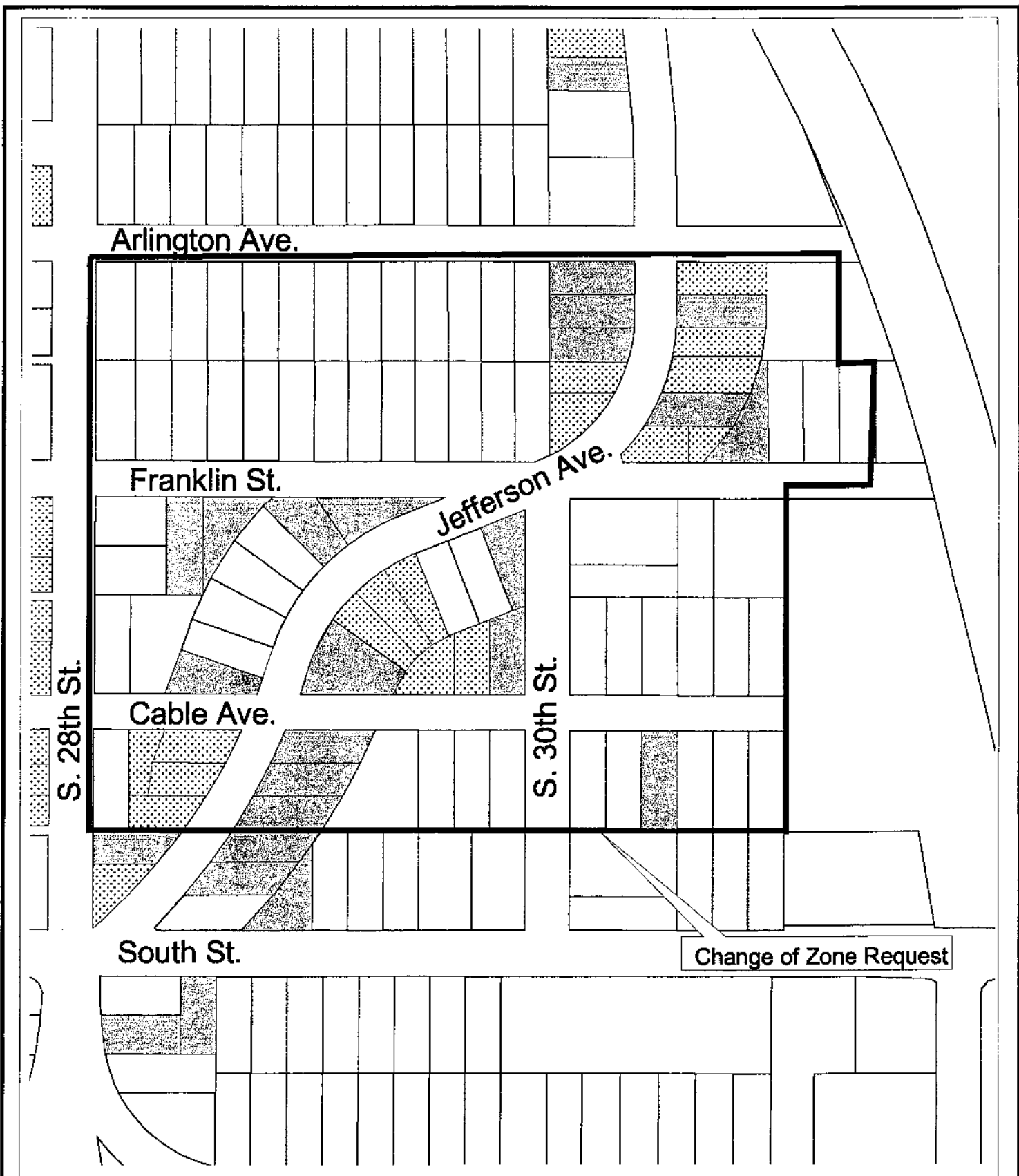


Land Use in the Antelope Park Neighborhood

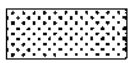

-  Non-residential
-  Single family
-  Two family
-  Multi-family

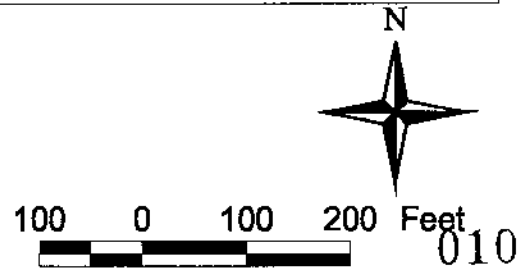
200 0 200 400 Feet

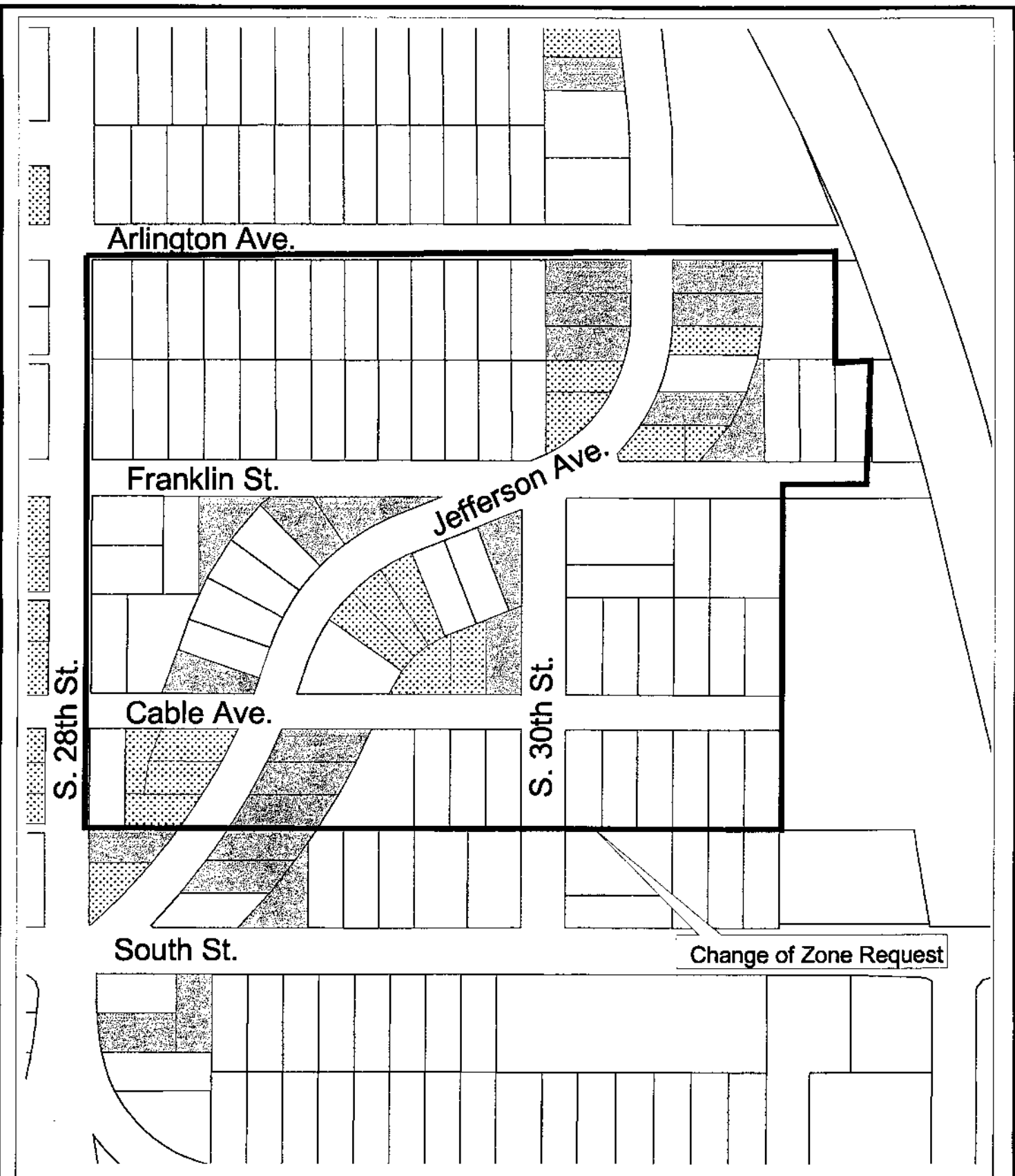






# Change of Zone 3354

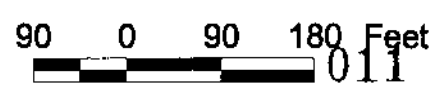
-  Nonstandard before proposed change
-  Nonstandard after proposed change

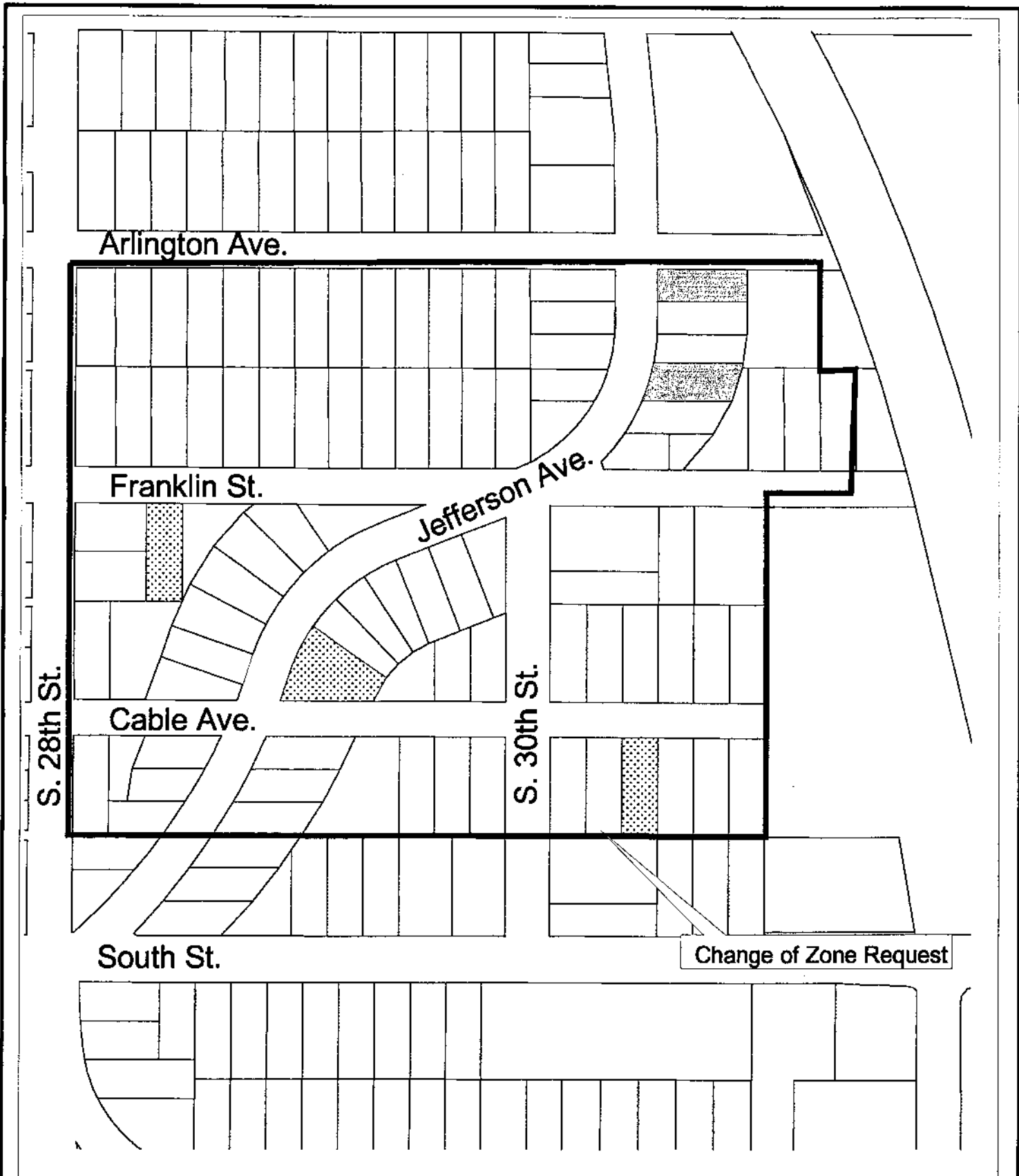




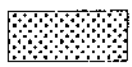
### Change of Zone 3354

-  Parcels which do not meet the single family area requirements of R-4
-  Parcels which do not meet the single family area requirements of R-2





## Change of Zone 3354



Two family dwellings (become nonstandard if the change of zone is approved)



Three family dwellings (nonstandard in both R-4 and R-2 zoning)



ANTELOPE PARK ZONING APPLICATION  
ATTACHMENT

ZONING DISTRICTS R-4 AND P TO R-2

PARKSIDE PLACE BLOCK 4, LOTS 2-13

GOLDEN RULE ADDITION BLOCK 1, LOTS 1-12  
BLOCK 2, LOTS 1-6

PARKSIDE PLACE BLOCK 3, LOTS 1-5

BLOCK 5, LOTS 1-11

BLOCK 6, LOTS 1-13

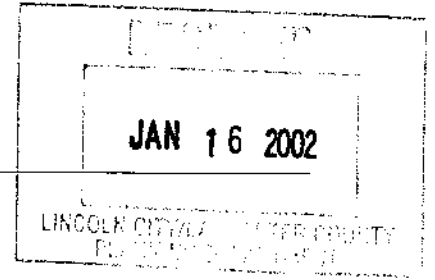
BLOCK 7, LOTS 1,2,3,6,7

BLOCK 8, LOTS 1-7

DOUGLAS SUBDIVISION BLOCK 2, LOTS 1-14

FRANKLIN PARK LOTS 13-24

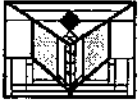
# M e m o r a n d u m



[Redacted]

**To:** Jason Reynolds, Planning  
**From:** B Dennis Bartels, Engineering Services  
**Subject:** Change of Zone 3354  
**Date:** January 15, 2002  
**cc:** Roger Figard  
Nicole Fleck-Tooze

Engineering Services has no objection to the proposed Change of Zone 3354 from R4 to R2 in the vicinity of 30th and Franklin.



Rodger P Harris

01/23/2002 02:01 PM

To: Jason W Reynolds/Notes@Notes

cc:

cc:

Subject: Re: CZ 3354

Jason;

If zoning is changed from the R-4 district to the R-2 district, then the parcels therein which contain single family dwellings or two family dwellings may become nonstandard, not nonconforming, uses, if the parcel size fails to meet the minimum lot size for each use in the R-2 district. See the definitions of nonconforming and nonstandard uses at Sec. 27.03.450 & 27.03.460 respectively. Please also note that a multiple dwelling lawfully existing in either the R-2 or R-4 district became a nonstandard use, as opposed to a nonconforming use, per Sec. 27.13.080(g) & 27.17.080(g) respectively. A nonstandard use, per Sec. 27.61.090 may be enlarged, or reconstructed, without a special permit, in accordance with the provisions of this section and as long as there is not abandonment of the use. A accessory building may be added to a nonstandard use premises in accordance with district requirements. A vacant lot in the R-2 district must comply with the district height and area regulations for any of the permitted uses or may comply with Sec. 27.13.080(e) for a single family use.

Jason W Reynolds

# ANTELOPE PARK NEIGHBORHOOD ASSOCIATION

1745 Jefferson Lincoln, NE 68502

January 21, 2002

Planning Department Commissioners  
City of Lincoln and Lancaster County Planning Department

RE: Change of Zone No. 3349

Dear Planning Department Commissioners:

The Antelope Park Neighborhood Association members, family and friends appreciate the commission's vote on January 9th to delay the change of zone request No. 3349 so that long term solutions for our neighborhood could be sought. We wish to advise you of our progress to date:

The Antelope Park Neighborhood Association Board of Directors unanimously supports a zoning designation change which accurately reflects the single family home character of the neighborhood. This prevailing neighborhood character has allowed for the maintenance of property value, enhanced safety, fewer traffic problems, long term home ownership and increasing numbers of participants in neighborhood activities for the good of our community. To this end, an application for change of zone from R-4 to the more characteristic R-2 was submitted and has the considerable support of property owners.

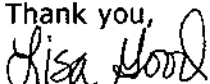
Secondly, the Antelope Park Neighborhood Association continues on-going discussions with many city departments, with emphasis on the urban development and the planning departments, to best determine a pro-active and positive approach for the future of the Antelope Park Neighborhood in accordance with Lincoln's present and future Comprehensive Plan.

Thirdly, an intensive neighbor-to-neighbor approach with information about the changes in our neighborhood has begun, allowing for the positive interaction, dialogue and strategic planning process of the Antelope Park Neighborhood residents, interfacing when possible with the adjacent inner-city neighborhoods and associations for combined effectiveness.

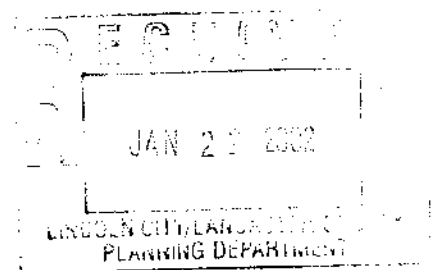
As applicants for a neighborhood area change of R-4 and P zones to an R-2 zone, we respectfully request your consideration of addressing the specific zone change No. 3349 on February 6<sup>th</sup>, when the Antelope Park Neighborhood zoning application is before the commission as well.

The goals of the Antelope Park Neighborhood Association, simply stated, are that we wish to maintain the success of the primarily single family, owner occupied neighborhood character that we now have. We feel these are positive initial steps to preserve and protect a fine inner-city Lincoln neighborhood. Please feel free to contact me with any questions or concerns at 402-429-9718.

Thank you,



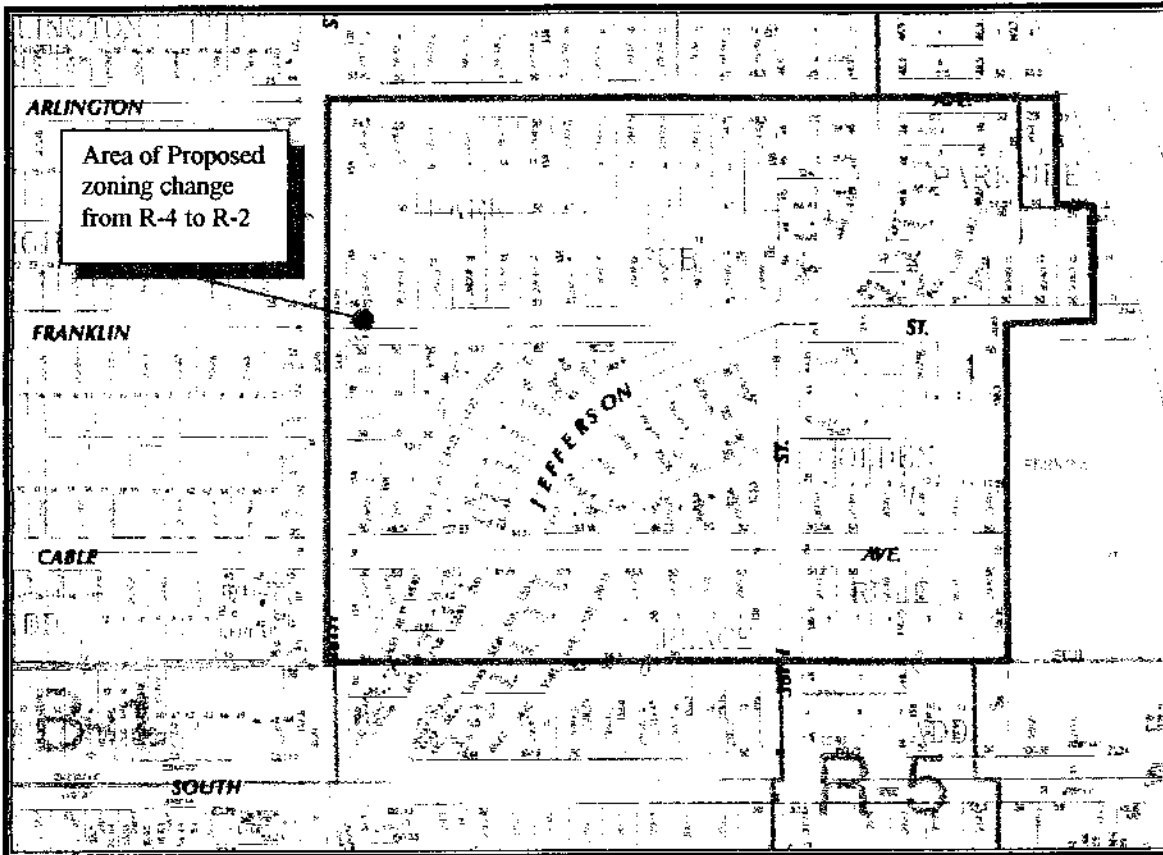
Lisa Good, Interim President,  
for the Antelope Park Neighborhood Association Board of Directors





Owner Name:	SAUCERMAN, BRYAN LEE
Owner Address:	2828 FRANKLIN ST LINCOLN NE 68502
Situs Address:	2828 FRANKLIN ST LINCOLN
Taxing District:	0001 LINCOLN
Property Class:	R URBAN RESIDENTIAL

Legal Description:					
FRANKLIN PARK LOT 22					
Neighborhood:	7302	Land Use:	R100 RES. INT.LOT-TYPICAL		
Acres:	0.000	Zoning:	R4 RESIDENTIAL		
Lot Type:	LT	Width:	50	Depth:	138



I support changing the zoning of my property from Residential District R-4 to Residential District R-2.

Signature: *Bryan L Saucerman* Date: 26 Jan 02

Please Print Name: Bryan L SAUCERMAN