

City Council Introduction: **Monday**, November 18, 2002  
Public Hearing: **Monday**, November 25, 2002, at **5:30 p.m.**

Bill No. 02-182

## **FACTSHEET**

**TITLE:** CHANGE OF ZONE NO. 3384, from R-2 Residential to O-2 Suburban Office, requested by the Director of Planning, on property generally located on Capitol Beach Boulevard, 2 blocks north of West "O" Street (201 Capitol Beach Boulevard).

**SPONSOR:** Planning Department

**BOARD/COMMITTEE:** Planning Commission  
Public Hearing: Consent Agenda, 10/30/02  
Administrative Action: 10/30/02

**STAFF RECOMMENDATION:** Approval

**RECOMMENDATION:** Approval (7-0: Carlson, Krieser, Larson, Newman, Schwinn, Bills-Strand and Taylor voting 'yes'; Duvall and Steward absent).

### **FINDINGS OF FACT:**

1. The staff recommendation to approve this change of zone request is based upon the "Analysis" as set forth on p.3, concluding that the commercial use was permitted prior to the 1979 zoning update on residentially zoned land. The O-2 Suburban Office zoning district recognizes the uses.
2. On October 30, 2002, this application was placed on the Consent Agenda of the Planning Commission and opened for public hearing. No one came forward to speak.
3. The Planning Commission agreed with the staff recommendation and voted 7-0 to recommend approval.

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

**DATE:** November 12, 2002

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

**DATE:** November 12, 2002

**REFERENCE NUMBER:** FS\CC\2002\CZ.3384

## LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

---

**P.A.S.:** Change of Zone #3384

**DATE:** October 14, 2002

**SCHEDULED PLANNING COMMISSION MEETING:**

**DATE:** October 30, 2002

**PROPOSAL:** To change the zone from R-2, Residential to O-2, Suburban Office District on property located at 201 Capitol Beach Boulevard.

**LAND AREA:** 17,000 square feet, more or less

**CONCLUSION:** The commercial use was permitted prior to the 1979 zoning update in residentially zoned land. The O-2, Suburban Office District recognizes the uses.

**RECOMMENDATION:**

Approval

**GENERAL INFORMATION:**

**LEGAL DESCRIPTION:** Lot2, Block 15 Woods Brothers Lakeview Acres, In the southeast quarter of Section 21, T10N R6E.

**LOCATION:** Generally located on Capitol Beach Blvd 2 blocks north of W. O Street.

**APPLICANT:** Marvin S. Krout  
Planning Director

**OWNER:** West Gate Inc.  
P.O. Box 83405  
Lincoln, NE 68501

**CONTACT:** Becky Horner  
Planning Department  
441-6373

**EXISTING ZONING:** R-2, Residential

**EXISTING LAND USE:** Law, dental and insurance offices.

**SURROUNDING LAND USE AND ZONING:**

North:	Residential	R-2, Residential
South:	Commercial	H-3, Highway Commercial
East:	Church	R-2, Residential
West:	Residential	R-2, Residential

**HISTORY:** The zone was changed from A-2, Single Family to R-2, Residential during the 1979 zoning update and the transitional lot provision that allowed office uses in residential zoning when abutting a commercial district was eliminated. Immediately following the 1979 update similar areas were rezoned O-2, Suburban Office.

**COMPREHENSIVE PLAN SPECIFICATIONS:** The Comprehensive Plan encourages buffering residential from retail with office. This zone change will allow the existing situation to be more consistent with the 2025 Comprehensive Plan.

**ANALYSIS:**

1. The main building(West Gate Shopping Center), built in 1967, was extended north in 1973 as part of a transitional lot provision of the Zoning Ordinance. The transitional lot provision allowed certain non-residential uses to extend into residential zones up to 150 feet, which were primarily office. When the zoning ordinance was updated in 1979 the transitional lot provision was eliminated. The intent at that time was to change the zoning of the existing areas that were developed under the transitional lot provision to O-2, Suburban Office District. It appears that the building was unintentionally missed.
2. The change of zone will allow the existing businesses which are all allowed in the O-2, Suburban Office District to conform to the Zoning Ordinance. Without the zone change the portion of the building which extends to the north in the residential district is a nonconforming use. Non-conforming buildings may not be enlarged, extended, converted, reconstructed or structurally altered unless such use is changed to a use permitted in the district or authorized by special permit.
3. Prior to 1979 the transitional lots were not a zoning district, but a provision in the Ordinance. The 1979 zoning update created a new district (O-2, Suburban Office District) for those uses that were created as part of the transitional lot provision. The intention at that time was to change the zoning on all the properties that utilized the transitional lot provision to O-2, however, some of the properties were missed. Some of the areas that were developed under the transitional lot provision include offices at 56<sup>th</sup> and South Street, 48<sup>th</sup> and Van Dorn Street, and 48<sup>th</sup> and Pioneers Boulevard.

Prepared by:

Becky Horner  
Planner

# CHANGE OF ZONE NO. 3384

## CONSENT AGENDA

### PUBLIC HEARING & ADMINISTRATIVE ACTION

#### BEFORE PLANNING COMMISSION:

October 30, 2002

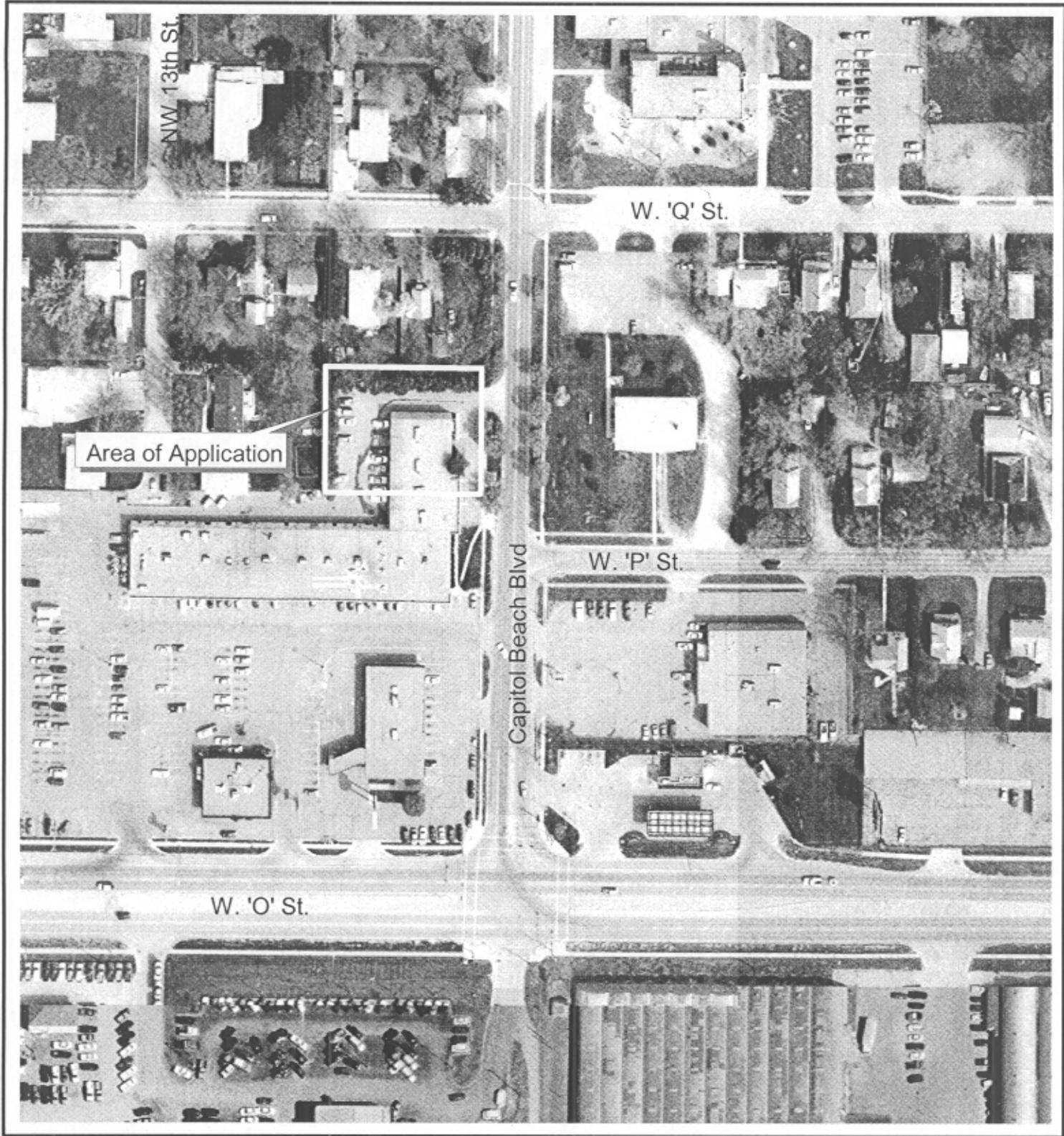
Members present: Carlson, Krieser, Larson, Newman, Schwinn, Bills-Strand and Taylor; Duvall and Steward absent.

The Consent Agenda consisted of the following items: **CHANGE OF ZONE NO. 3384; PRE-EXISTING SPECIAL PERMIT NO. 27B; SPECIAL PERMIT NO. 1869A, amendment to the KNIGHTS COURT COMMUNITY UNIT PLAN; FINAL PLAT NO. 02028, STONE RIDGE ESTATES 1<sup>ST</sup> ADDITION; FINAL PLAT NO. 02030, RIDGE POINTE 2<sup>ND</sup> ADDITION; FINAL PLAT NO. 02034, FALLBROOK 4<sup>TH</sup> ADDITION; STREET AND ALLEY VACATION NO. 02013; ANNEXATION NO. 02007; and WAIVER OF DESIGN STANDARDS NO. 02019.**

**Item No. 1.3, Special Permit No. 1869A**, was removed from the Consent Agenda and scheduled for separate public hearing.

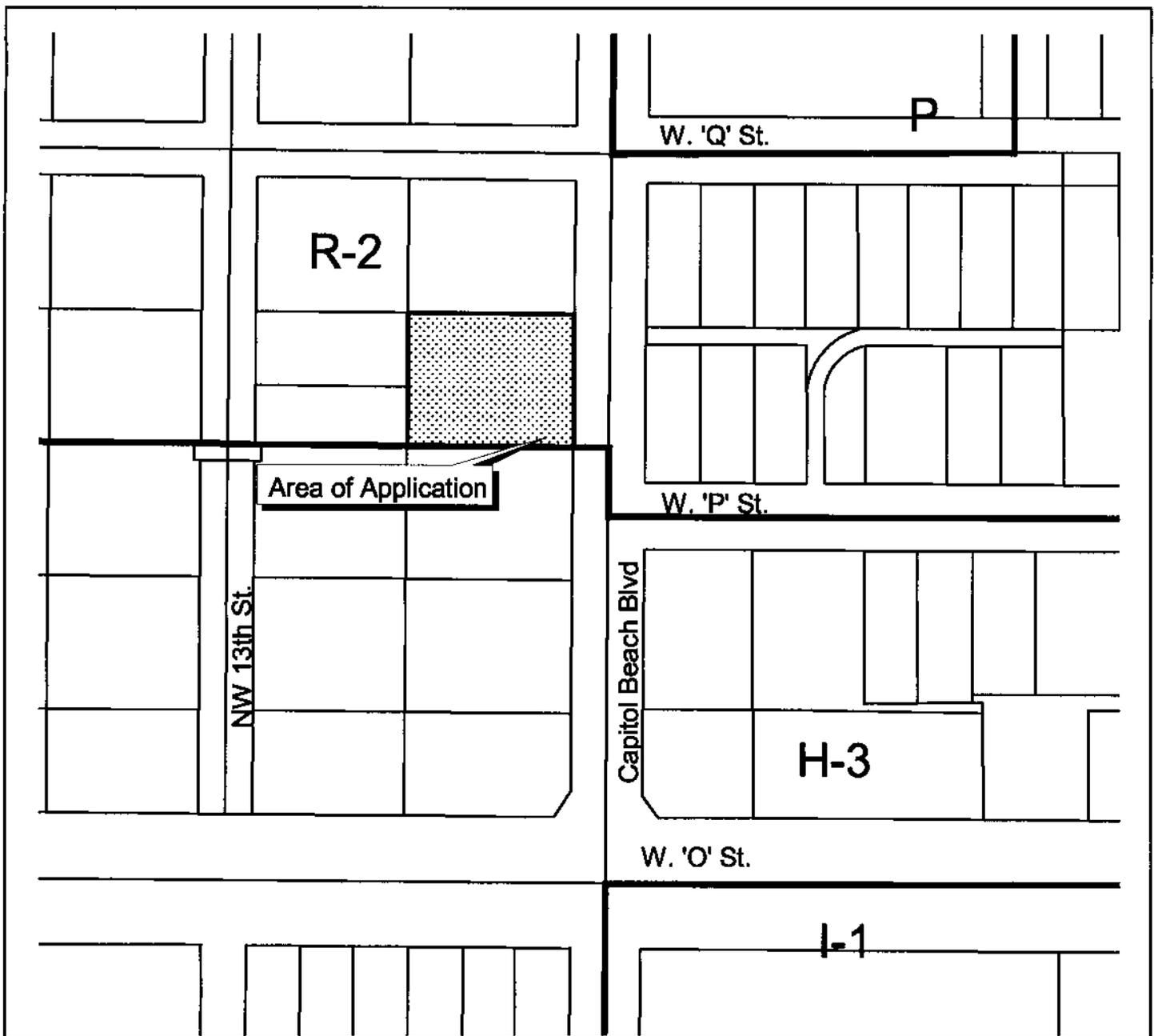
Larson moved to approve the remaining Consent Agenda, seconded by Krieser and carried 7-0: Carlson, Krieser, Larson, Newman, Schwinn, Bills-Strand and Taylor voting 'yes'; Duvall and Steward absent.

Note: This is final action on Pre-Existing Special Permit No. 27B; Stone Ridge Estates 1<sup>st</sup> Addition Final Plat No. 02028; Ridge Pointe 2<sup>nd</sup> Addition Final Plat No. 02030; and Fallbrook 4<sup>th</sup> Addition Final Plat No. 02034, 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 #3384  
201 Capitol Beach Blvd**



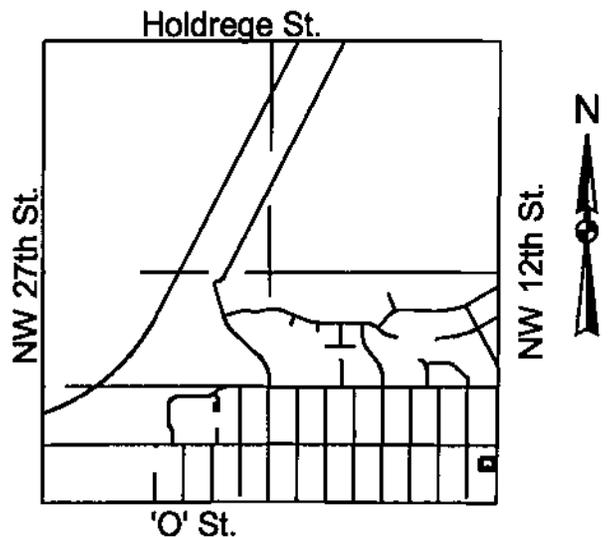
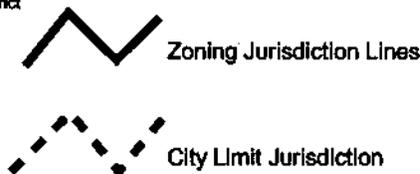


## Change of Zone #3384 201 Capitol Beach Blvd

### Zoning:

- 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-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 R6E



006

Lincoln



Nebraska's Capital City

September 30, 2002

West Gate Inc.  
PO Box 83405  
Lincoln, NE 68501

RE: 201 Capitol Beach Boulevard

Upon a zoning review in your area, it came to our attention that a portion of your commercial building at 201 Capitol Beach Boulevard is within a residential zone (R-2, Residential). The history of the area revealed that the main building, built in 1967, was extended north in 1973 as part of a transitional lot provision of the Zoning Ordinance. The transitional lot provision allowed certain non-residential uses to extend into residential zones up to 150 feet, which were primarily office. When the zoning ordinance was updated in 1979 the transitional lot provision was eliminated. The intent at that time was to change the zoning of the existing areas that were developed under the transitional lot provision to O-2, Suburban Office District. It appears that the building was unintentionally missed. This causes your building to be a nonconforming use. Non-conforming buildings may not be enlarged, extended, converted, reconstructed or structurally altered unless such use is changed to a use permitted in the district or authorized by special permit.

The Planning Department will initiate a change of zone to O-2 for the portion of your lot that is presently in the R-2 zone in order to bring your building into conformance with the Zoning Ordinance. You will be notified in advance of the hearing of the Planning Commission. Please contact planner Becky Horner if you have questions or concerns at 441-6373.

Sincerely,

Marvin S. Krout  
Director of Planning

CC: Rodger Harris, Building and Safety  
File

007



**PLANS AND SPECIFICATIONS CHECKLIST**  
BUILDING INSPECTIONS DIVISION

City of Lincoln, Nebraska

Project Name: Addition to Webster-Singer Center Date Rec'd: 12/27/12

Project Address: 201 Capital Blvd Bldg 5 Zoning District: H-29 Trans Fire Zone: #3

Occupancy Group: F-2 Special Zoning Reqs.: Transitional Lot Req.

Req'd Front Yard: 50' Required Rear Yard: 30' Required Side Yards: \_\_\_\_\_

Architect or Engineer: Juan J. Gutierrez Contractor: Rising

Type of Construction: MU-N Structural Checked: 12/26/12

Special Construction Reqs. by Use or Fire Zone: \_\_\_\_\_

Basic Area Allowed / Floor: 9000' Maximum Ht. Permitted: 2

Area Dedicated for Req'd Open Space: \_\_\_\_\_ Allowable Area Increases / Floor: 1/3 #3

No. of Stories: 1 Total Area All Stories: 6,520' Bsmt. Area: \_\_\_\_\_

First Floor Area: 6,520' Upper Floor Areas: \_\_\_\_\_

Access From: \_\_\_\_\_ Areas Required To Be Sprinkled: \_\_\_\_\_

Grade to All Stories: \_\_\_\_\_ Total Approx. Occupant Load: 65 Basement Occupant Load: \_\_\_\_\_

Areas With Approved Auto. Fire Detectors: \_\_\_\_\_ Upper Floor Occupant Loads: \_\_\_\_\_

First Floor Occupant Load: 65 Exit Widths Checked: \_\_\_\_\_

No. of Exits Per Floor Checked: \_\_\_\_\_ Doors Over Alleys or Sidewalks: \_\_\_\_\_ Ext. Stair Clear. To Gr. or Prop. L.: \_\_\_\_\_

Panic Hdw. Required: \_\_\_\_\_ Door Swings Checked: \_\_\_\_\_ Distance To Exits Checked: \_\_\_\_\_ Req'd. No. of Stairways Provided: \_\_\_\_\_

Exterior Opening Protection Reqs.: \_\_\_\_\_ Stairways Enclosed: \_\_\_\_\_ Stair Riser, Tread & Head Clear. Checked: \_\_\_\_\_ Stairway to Roof Req'd: \_\_\_\_\_

Proper Distance Between Landings: \_\_\_\_\_ Space Under Stair Enclosed: \_\_\_\_\_ Guardrails Req'd: \_\_\_\_\_

Usable Space Under First Floor Protected: \_\_\_\_\_ Vertical Shafts Protected: \_\_\_\_\_ Exit Enclosures Protected: \_\_\_\_\_

Fire-Retardant Roof Coverings: \_\_\_\_\_ Parapets Required: \_\_\_\_\_ Fire-Resistive Materials Approved: \_\_\_\_\_

Boiler Rm. or Mech'l Rm. Properly Separated: \_\_\_\_\_ Light & Ventilation Reqs. Checked: \_\_\_\_\_ No. Toilets Approved: \_\_\_\_\_

Min. Ceiling Hts. Checked: \_\_\_\_\_ Min. Superficial Floor Areas Checked: \_\_\_\_\_ Storage or Handling Flammable Liquids: \_\_\_\_\_

Does Site Plan Indicate All Existing Structures Sidewalks Shown on Site Plan if Required: \_\_\_\_\_ Application for Curb Cuts Made: Yes

Access To Public Water Supply: \_\_\_\_\_ Heating Plans Submitted: \_\_\_\_\_ Electrical Plans Submitted: \_\_\_\_\_

Plumbing Plans Submitted: \_\_\_\_\_

If Required To Be Designed by Architect or Engineer is Seal Affixed To All Documents: Yes

Existing Bldg

02-131

Arch. Stamp chub 12/27 Checked by 12/29/12 MJ  
BUILDING INSPECTIONS DIVISION

1. Severing on No. Side must be confirmed!  
Emergency Det'd?  
Can I complete official set upstairs?  
Doors into offices?  
It can't get past a bit?