

City Council Introduction: **Monday**, April 3, 2000  
Public Hearing: **Monday**, April 10, 2000, at **1:30** p.m.

Bill No. 00-67

## **FACTSHEET**

**TITLE:** **CHANGE OF ZONE NO. 3247**, from AGR Agricultural Residential and R-3 Residential to B-2 Planned Neighborhood Business, requested by the Assistant Director of Planning, on property generally located on the southwest corner of S. Coddington Avenue and West Van Dorn Street.

**STAFF RECOMMENDATION:** Approval.

**SPONSOR:** Planning Department

**BOARD/COMMITTEE:** Planning Commission  
Public Hearing: Consent Agenda, 03/22/00  
Administrative Action: 03/22/00

**RECOMMENDATION:** Approval (8-0: Duvall, Bayer, Hopkins, Hunter, Krieser, Newman, Taylor and Schwinn voting 'yes'; Steward absent).

### **FINDINGS OF FACT:**

1. The Planning staff recommendation of approval is based upon the "Analysis" as set forth on p.003-005, concluding that it is appropriate that this minor change in zoning line be approved so that the zoning line no longer arbitrarily divides buildings owned. The adjacent B-1 zoning could impact the Capitol View Corridors and Pioneers Park, which is on the National Register of Historic Places. The proposed zoning in Change of Zone #3196 from B-1 to B-2 is in conformance with the goals of the Comprehensive Plan. This proposal complements the request in Change of Zone #3196.

Generally, it is contrary to the goals of the Plan to expand commercial zoning outside the city limits and on property that can't be provided with sanitary sewer service. However, since this is a minor expansion of less than 45 feet and a ½ acre in area, which is necessary to remove a zoning line from splitting an existing building, the action is appropriate.

2. On March 22, 2000, 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 voted 8-0 to agree with the staff recommendation.

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

**DATE:** March 27, 2000

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

**DATE:** March 27, 2000

**REFERENCE NUMBER:** FS\CC\FSCZ3247



**COMPREHENSIVE PLAN SPECIFICATIONS:** IN GENERAL CONFORMANCE. This property is shown in Comprehensive Plan, Lincoln Future Land Use Plan, as residential. The proposal includes a slight expansion of the commercial zoning to reflect the current ownership pattern and to match Change of Zone #3196.

**HISTORY:** The existing commercial zoning pattern dates back to at least October 1953. It appears that the commercial zoning was arbitrarily established at 250 by 250 feet in area. The 250 by 250 foot area doesn't match the land use on any corner. In the 1950's, 'G' Local Business zoning was once on all four corners. By the 1970's the northwest corner was no longer zoned commercial. In 1979 the zoning was converted to 'B-1' Local Business.

The current R-3 zoning, 150 feet west of Coddington Avenue also appears to be arbitrary and it once extended 2 ½ miles in length from West South Street to West Old Cheney Road. In 1979 the previous A-2 Single Family Dwelling District was converted to R-3 Residential. This small area of R-3, together with the R-3 in Change of Zone #3210 are the last remnants of the 150 foot strip zoning pattern west of Coddington.

**RELATED ITEMS:** Change of Zone #3196, 3209 and 3210

**ANALYSIS:**

1. This change of zone is requested by J. Michael Rierden on behalf of the property owner Clarice Loomis. Ms. Loomis owns three small lots, on the southwest corner of Coddington and West Van Dorn, on which there is a house, outbuildings and one commercial business. The three lots are zoned R-3, AGR and B-1. The zoning line was arbitrarily established as 250 feet by 250 feet decades ago without following the existing lot lines or ownership pattern. Thus each lot has contains two to three different zoning classifications. The zoning boundary between AGR and B-1 falls through the middle of some of the existing buildings.
2. In Change of Zone #3196 the Planning Department recommended updating the zoning in this area and changing the B-1 zoning of Ms. Loomis's land to B-2. Change of Zone #3196 was one part of three related change of zone requests along West Van Dorn Street.
3. On November 3, 1999 the Planning Commission voted 6-1 to recommend approval of Change of Zone #3196. In January 26<sup>th</sup>, 2000, the Planning Commission recommended approval of accompanying Change of Zone #3209 and #3210. All three of these changes of zone were held and have not yet been scheduled with City Council so that this minor change could be forwarded for consideration.
4. Initially the proposal for this corner was to change the entire property to B-2 zoning. But at Ms. Loomis' request this area was eliminated from the request. After further discussion on this matter, on February 29<sup>th</sup>, 2000 Mr. Rierden, for Ms. Loomis requested the entire property be zoned B-2. The Planning Department initiated Change of Zone #3196.

5. This proposal will expand the zoning by 39 feet to the west and 44.5 feet to the south. The rear yard setback of the B-2 district is 50 feet. Overall, this proposal will only add 0.5 acres of commercial zoning to the existing 1.43 acres of commercial zoning.
6. The following is general information on the B-2 district.

	<b>B-2 Planned Neighborhood Business</b>
Use Permit Required	Yes
Major Commercial Uses allowed "by right" <sup>1,2</sup>	-Banks -Restaurants -Service stations -Retail sales, excluding auto sales -Office buildings -On/off premise alcohol sales
Major Commercial "Conditional" Uses <sup>1</sup>	-Auto wash -Motels&Hotels -Early childhood care facilities
Major Special Permitted Uses	-Health Care Facilities
Setbacks: Front Rear Side	50' 0 (50' abutting residential) 0 (20' abutting residential)
Setback adjustable by Council?	Yes, under Use Permit
Parking allowed in front yard?	No
Parking allowed in rear yard?	Yes
Off Premise Signs (Billboards)	Not permitted
On Premise Pole Signs	Area: 100 S. F. Height 25'
<sup>1</sup> See attached chapters of the Zoning Ordinance for a list of all uses. <sup>2</sup> All uses in the B-2 district require approval of a Use Permit. However, some uses are listed as "permitted" some as "conditional" and others require a "Combined Special Permit/Use Permit". Conditional uses are allowed if specific conditions are met at the time of building permit.	

7. This property is in one of the three major Capitol View Corridors from Pioneers Park. (see map) These view corridors are mapped, but the Lincoln zoning ordinance does not provide any protection for these view corridors from Pioneers Park to the Capitol.
8. The goals of the Comprehensive Plan state:

*“Protect and enhance the State Capitol, its Environs, and vistas to our premier landmark as a particular asset and responsibility of this community.” (Page 175)*

9. The Capitol Environs Committee reviewed Change of Zone #3196 on June 24, 1999 and unanimously recommended, with one abstention, that the zoning be changed from B-1 to B-2 to protect the Capitol View Corridors.

10. The goals of the Comprehensive Plan state:

*“Maintain and encourage retail establishments and businesses that are convenient to, and serve, neighborhood residents, yet are compatible with, but not intrusive upon residential neighborhoods.”*

11. The B-2 zoning with its greater setbacks and use permit provision is a better district to ensure that the retail uses are convenient, yet still compatible with residential uses.

12. In Change of Zone #3196 the R-3 portion of this change of zone was recommended to be changed to AGR to match the zoning to the south and west. If this proposal is approved, then that portion of #3196 will be withdrawn so that entire property owned by Ms. Loomis would be zoned B-2.

13. The goals of the Comprehensive Plan state:

*“Concentrate new growth in the Lincoln urban area and in the villages throughout Lancaster County.*

*Preserve the rural quality of life while allowing for the quality growth of Lincoln and the incorporated communities on the county and encourage contiguous development.” (Page 37)*

## **CONCLUSION:**

It is appropriate that this minor change in zoning line be approved so that the zoning line no longer arbitrarily divides buildings owned. The adjacent B-1 zoning could impact the Capitol View Corridors and Pioneers Park, which is on the National Register of Historic Places. The proposed zoning in Change of Zone #3196 from B-1 to B-2 is in conformance with the goals of the Comprehensive Plan. This proposal compliments the request in Change of Zone #3196.

Generally, it is contrary to the goals of the Plan to expand to expand commercial zoning on outside the city limits and on property that can't be provided with sanitary sewer service. However, since this is a minor expansion of less than 45 feet and a ½ acre in area, which is necessary to remove a zoning line from splitting an existing building – the action is appropriate.

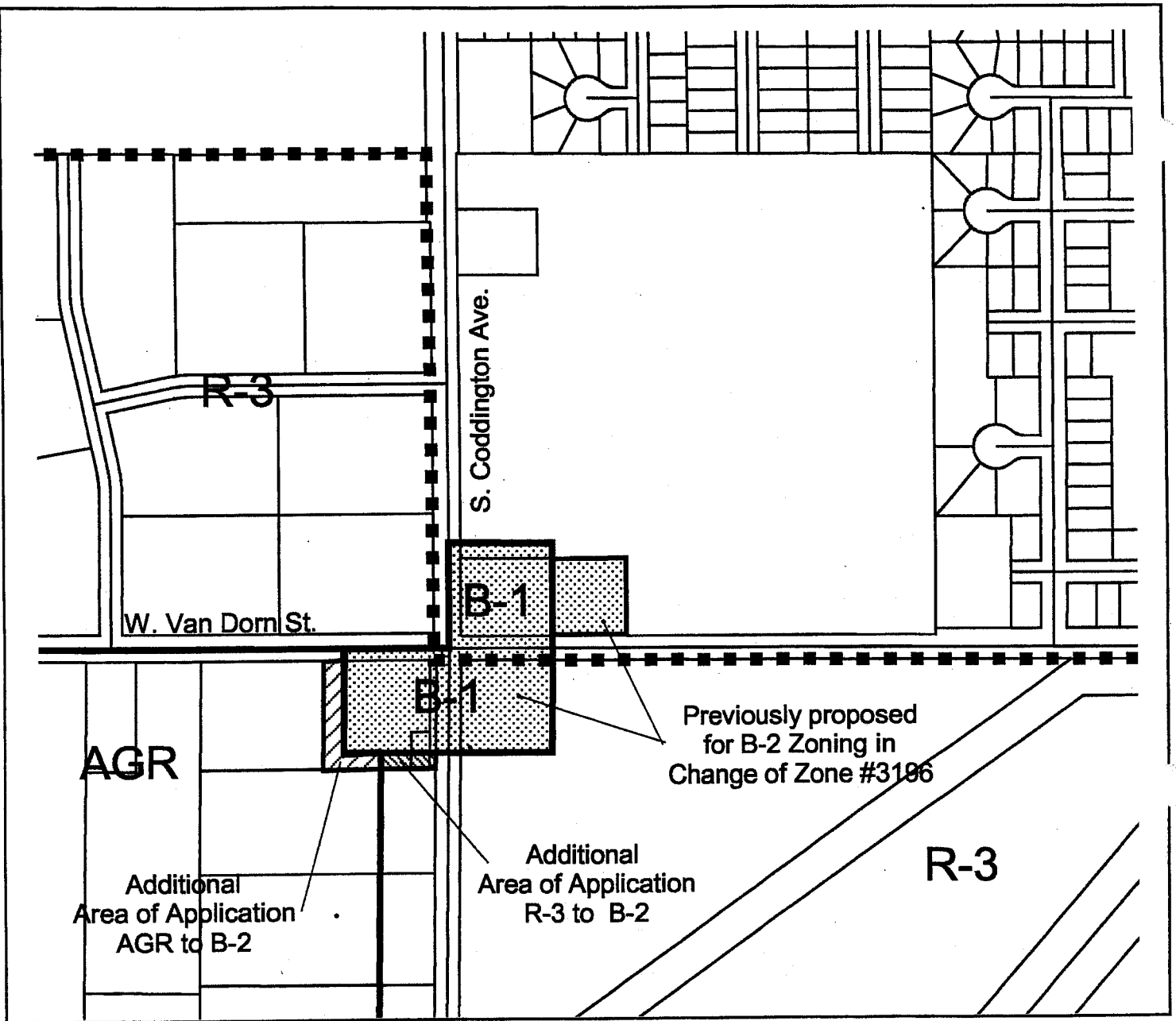
**RECOMMENDATION:** Approval.

Prepared by:

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Stephen Henrichsen, AICP  
Planning Department

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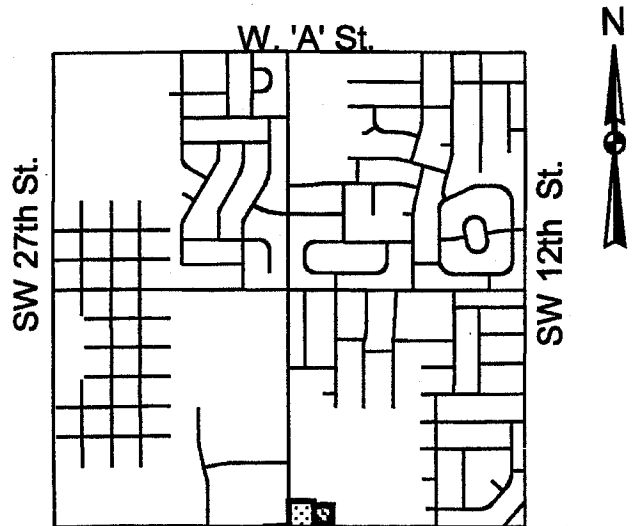
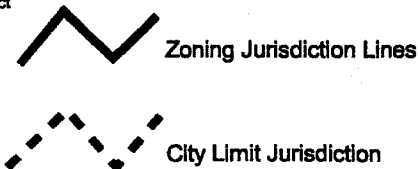


## Change of Zone #3247 W. Van Dorn & Coddington

### 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. 33 T10N R6E



W. Van Dorn  
Sheet 1 of 3  
Date:

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**Change of Zone #3247  
W. Van Dorn & Coddington**

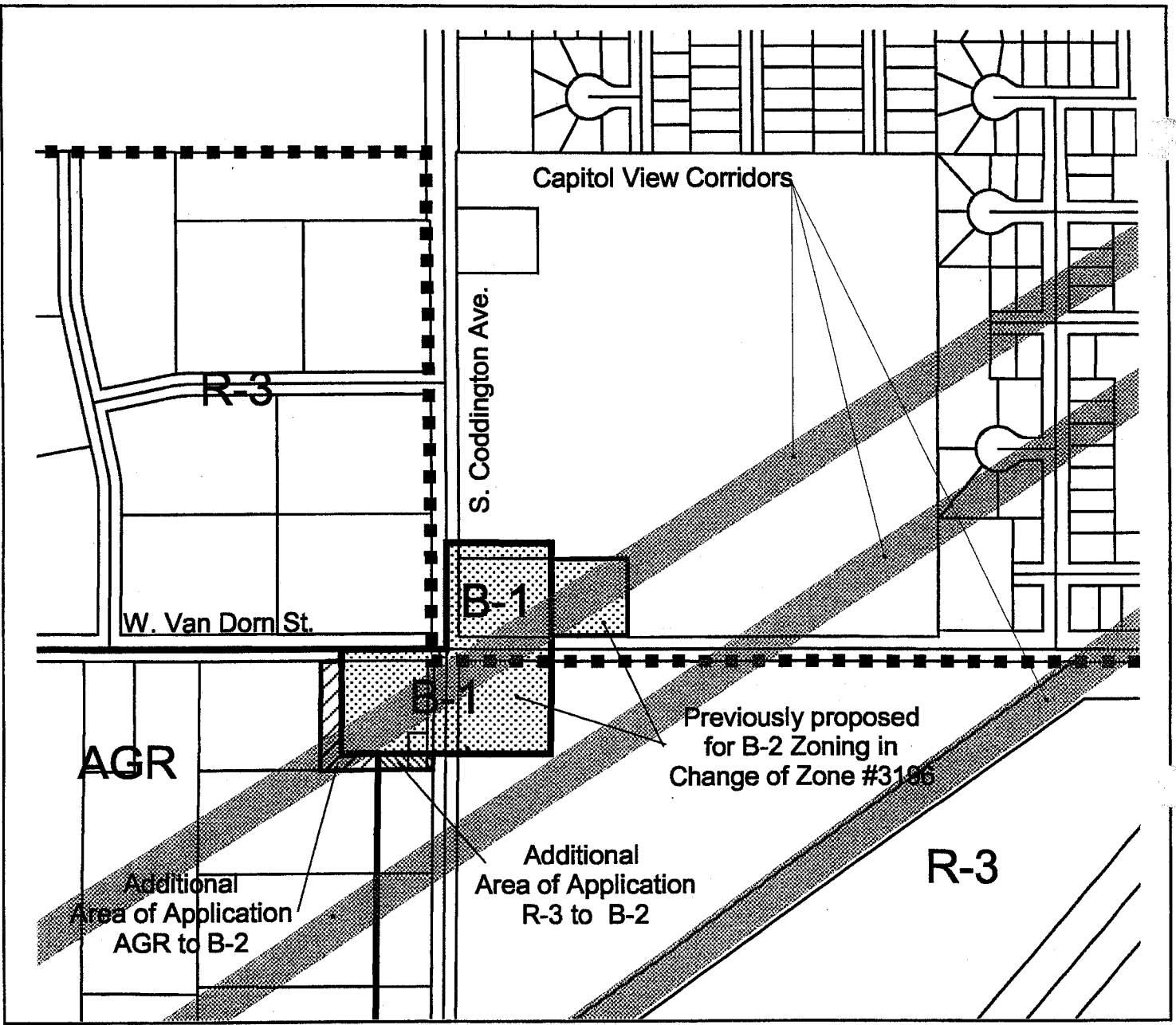


Sheet 2 of 3

Date: 007

Photograph Date: 1997

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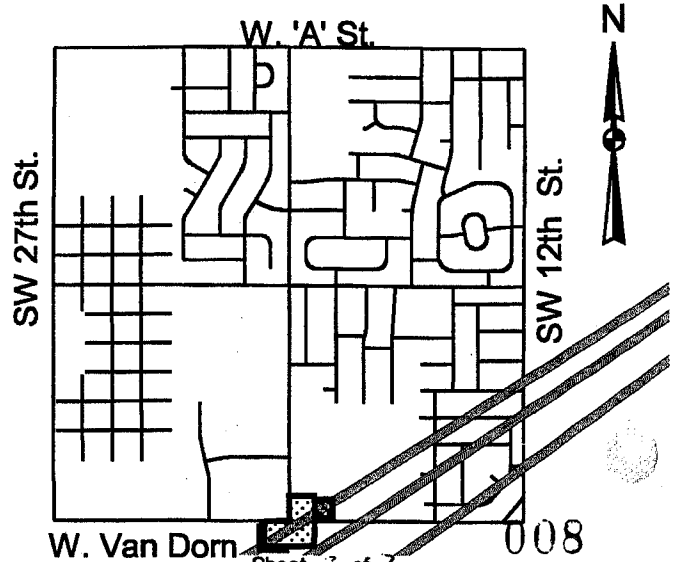
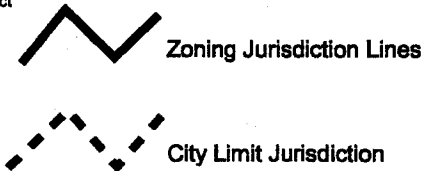


## Change of Zone #3247 W. Van Dorn & Coddington

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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. 33 T10N R6E



Sheet 3 of 3

Date:

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MAR 1 2000

PLANNING DEPT.  
THE COTSWOLD  
645 "M" STREET  
SUITE 200  
LINCOLN, NE 68508

**J. Michael Rierden**  
ATTORNEY AT LAW

TELEPHONE (402) 476-2413  
TELECOPIER (402) 476-2948

February 29, 2000

Steve Henrichsen  
Lincoln Lancaster County  
Planning Department  
555 South 10th Street  
Lincoln, Nebraska 68508

RE: Clarice Loomis Property/West Corner of Coddington and West Van Dorn

Dear Steve:

As per our conference of February 29, 2000, my client, Clarice Loomis is agreeable to having all of her property designated as B-2 Commercial. This would include her property located at the Southwest corner of Coddington and West Van Dorn. It is my understanding that this request will be scheduled for public hearing before the Planning Commission on March 22, 2000 and be presented to the City Council at the same time the other requests in the area are presented. If you should have any questions please feel free to contact me.

Yours very truly,



J. Michael Rierden

JMR/jdr

# CHANGE OF ZONE NO. 3247

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

March 22, 2000

Members present: Bayer, Duvall, Hopkins, Hunter, Krieser, Newman, Taylor and Schwinn; Steward absent.

The Consent Agenda consisted of the following items: **CHANGE OF ZONE NO. 3243; CHANGE OF ZONE NO. 3244; CHANGE OF ZONE NO. 3247; SPECIAL PERMIT NO. 1691B; SPECIAL PERMIT 1713A; SPECIAL PERMIT NO. 1825; PRELIMINARY PLAT NO. 99030, PRAIRIE VIEW ESTATES; and FINAL PLAT NO. 99055, AUTUMN RIDGE WEST 1<sup>ST</sup> ADDITION.**

**Item No. 1.1, Change of Zone No. 3243, Item No. 1.6a, Special Permit No. 1825 and Item No. 1.6b, Preliminary Plat No. 99030,** were removed from the Consent Agenda and scheduled for separate public hearing.

Schwinn moved to approve the remaining Consent Agenda, seconded by Hopkins and carried 8-0: Bayer, Duvall, Hopkins, Hunter, Krieser, Newman, Taylor and Schwinn voting 'yes'; Steward absent.

Note: This is final action on the Autumn Ridge West 1<sup>st</sup> Addition Final Plat No. 99055, unless appealed to the City Council by filing a letter of appeal with the City Clerk within 14 days following the action by the Planning Commission.