

## FACTSHEET

**TITLE:** CHANGE OF ZONE NO. 05021, from R-6, R-5 and R-4 Residential Districts and B-3 Commercial District to R-5, R-4 and R-2 Residential Districts, requested by the University Place Community Organization, on property generally located between Cleveland and Huntington Avenues from 46<sup>th</sup> to 47<sup>th</sup> Streets; between Madison Avenue and Adams Street from 49<sup>th</sup> to 56<sup>th</sup> Streets; and between Garland Street and Huntington Avenue from 48<sup>th</sup> to 56<sup>th</sup> Streets.

**SPONSOR:** Planning Department

**BOARD/COMMITTEE:** Planning Commission  
Public Hearing: 03/30/05  
Administrative Action: 03/30/05

**RECOMMENDATION:** Approval, with three amendments (9-0: Carlson, Sunderman, Marvin, Pearson, Carroll, Krieser, Larson, Taylor and Bills-Strand voting 'yes').

**STAFF RECOMMENDATION:** Approval

### FINDINGS:

1. This is a request by the University Place Community Organization to change the zoning on approximately 18 blocks within the University Place Neighborhood from R-6, R-5 and R-4 Residential and B-3 Commercial to R-5, R-4 and R-2 Residential, as set forth on p.22-23. The applicant's purpose statement is set forth on p.24-25.
2. The staff recommendation of approval is based upon the "Analysis" as set forth on p.4-7, concluding that the proposed downzoning is the result of an adopted neighborhood plan and conforms to the North 48<sup>th</sup> Street/University Place Plan and the Comprehensive Plan.
3. The applicant's testimony and testimony in support is found on p.10-11. The list of property owners submitted by the applicant who have returned petitions in support is found on p.28-29, including one property owner name in opposition. The record consists of eight letters in support (p.30-37).
4. Testimony in opposition is found on p.12-13, including the owners and a representative of the owner of a total of four properties included in the change of zone request. The properties requested to be removed are 4946 Garland (a single family house on 1.5 lots purchased in 2004), 5036 Garland (three-plex townhouse apartment built in 2000), 221 N. 51<sup>st</sup> Street (four-plex built in 2001); and 5342 Madison (a single family house). The record also consists of a petition in opposition signed by three property owners (p.38) and five letters in opposition (p.39-45).
5. The Planning Commission discussion with staff is found on p.13-14. The response by the applicant is found on p.14-15.
6. On March 30, 2005, the Planning Commission agreed with the staff recommendation and voted 9-0 to recommend approval, with amendments deleting 5036 Garland, 221 N. 51<sup>st</sup> and 4946 Garland from the change of zone request, retaining the existing R-5 zoning; and changing the zoning on 5342 Madison from R-6 to R-4 (rather than the proposed R-2). The revised legal description and maps representing the Planning Commission recommendation are found on p.19-21).
7. After taking action on this change of zone, the Planning Commission passed the following motion:

That the Planning Department create a committee to study the best way to do downzoning and how to protect the single family owners and also allow for diversity in the areas,

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

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

**REFERENCE NUMBER:** FS\CC\2005\CZ.05021

**DATE:** April 4, 2005

**DATE:** April 4, 2005

# LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for March 30, 2005 PLANNING COMMISSION MEETING

**\*\*As Revised and Recommended for Approval  
by Planning Commission: March 30, 2005**

**P.A.S.:** Change of Zone #05021

**PROPOSAL:** To change the zoning on approximately 18 blocks within the University Place Neighborhood from R-6, R-5 and R-4 Residential and B-3 Commercial to R-5, R-4, and R-2 Residential.

**LOCATION:** Three areas, generally between Cleveland and Huntington Avenues from 46<sup>th</sup> to 47<sup>th</sup> Streets; between Madison Avenue and Adams Street from 49<sup>th</sup> to 56<sup>th</sup> Streets; between Garland Street and Huntington Avenue from 48<sup>th</sup> to 56<sup>th</sup> Streets.

**LAND AREA:** 39.32 acres, more or less.

**CONCLUSION:** This proposed downzoning is the result of an adopted neighborhood plan. This application conforms to the North 48<sup>th</sup> Street/University Place Plan and the 2025 Comprehensive Plan.

**RECOMMENDATION:**

Approval

## **GENERAL INFORMATION:**

**LEGAL DESCRIPTION:** Lots 1-10, Block 34, Lots 7-10, Block 35, Lots 11-16, Block 36, Lots 1-6, Block 37, Lots 1-16, Block 38, Lots 1-10, Block 39, Lots 1-12, Block, 47, Lots 1-12 and the vacated alley adjacent thereto, Block 54, Lots 1-8, Block 55, Lots 1-12, Block 69, Lots 1-11, Block 74, Lots 1-6, Block 88, Lots 7-12, Block 98, Lots 7-12, Block 99, Lots 7-12, Block 100, Lots 9-15, the remaining portion of Lot 16, and the south 1/2 of the vacated east-west alley, Block 106, Lots 1-12, Block 107, Lots 1-12, Block 108, Lots 1-12, Block 109, Lots 1-12, Block 110, Lots 7-12, Block 111, Lots 1-6, and 10-12, **and the west ½ of Lot 11**, Block 118, Lots 1-12, Block 119, Lots 1-12, Block 120, University Place, and Lots 16, 17, 18, and 25 of Irregular Tracts, all located in Section 17 T10N R7E, Lancaster County, Nebraska. **(\*\*Per Planning Commission: 03/30/05\*\*)**

**EXISTING ZONING:** R-4, R-5, and R -6 Residential, and B-3 Commercial

**EXISTING LAND USE:** Single-, Two-, and Multiple-family dwellings

## **SURROUNDING LAND USE AND ZONING:**

North: Single, Two-, and Multiple-family dwellings R-4, 5, and 6 Residential  
South: Single, and Two-family dwellings, Park R-2, and 4 Residential, P Public  
East: Single, and Two-family dwellings R-2, and 4 Residential  
West: Single, Two-, and Multiple-family dwellings R-5, and 6 Residential

## **HISTORY:**

*The North 48<sup>th</sup> Street/University Place Plan: A Neighborhood Revitalization and Transportation Analysis* was approved in June, 2004. This plan is an adopted subarea plan of the 2025 Comprehensive Plan, and serves as the basis for this change of zone application.

Prior to the 1979 zoning update, this area was zoned B Two-Family Dwelling, C Multiple Dwelling, D Multiple Dwelling, and I Commercial. As a result of the update, the zoning changed to R-4 Residential, R-5 Residential, R-6 Residential, and B-3 Commercial, which substantially reflected the previous zoning.

## **HISTORY OF OTHER RESIDENTIAL DOWNZONING:**

- Mar 2005 Change of Zone #05014 from R-4, R-5, R-6, and R-7 Residential to R-2 Residential requested for an area within the Near South Neighborhood. This request was heard by the Planning Commission on March 16, 2005.
- Jan 2004 Change of Zone #3424 from R-4, R-5, and R-6 Residential to R-2 Residential was approved for an area within the Everett Neighborhood.
- Sept 2003 Change of Zone #3416 from R-4 Residential to R-2 Residential was approved for an area within the Witherbee Neighborhood. The Planning Department suggested the issue of downzoning areas within established neighborhoods should be further studied.
- Aug 2003 Change of Zone #3412 from R-4 Residential to R-2 Residential was approved for an area within the Antelope Park Neighborhood.
- Apr 2003 Change of Zone #3397 from R-4 Residential to R-2 residential was approved for an existing landmark district within the Near South Neighborhood.
- Oct 2002 Change of Zone #3378 from R-5 and R-6 Residential to R-2 Residential was approved within the existing Mount Emerald Neighborhood Landmark District. The Planning Department referred to new language in the recently adopted Comprehensive Plan on preserving the character of the existing neighborhoods.
- Feb 2002 Change of Zone #3354 from R-4 Residential to R-2 Residential was approved for an area within the Antelope Park Neighborhood.
- Jun 1995 Change of Zone #2890 from R-4 Residential to R-2 Residential was approved for a small area of the Near South Neighborhood located at 27<sup>th</sup> and Washington Streets.

**COMPREHENSIVE PLAN SPECIFICATIONS:** The Comprehensive Plan shows the requested area as Urban Residential. (F 25)

**Urban Residential:** Multi-family and single-family residential areas with varying densities ranging from more than fifteen dwelling units per acre to less than one dwelling unit per acre. (F 27)

The community continues its commitment to neighborhoods. Neighborhoods remain one of Lincoln's great strengths and their conservation is fundamental to this plan. (F 15)

## **NORTH 48<sup>TH</sup> STREET/UNIVERSITY PLACE PLAN RECOMMENDATIONS:**

**Vision:** The University Place neighborhood will offer a sound residential environment for a variety of people, but will emphasize its quality and security as a place to own a home. (p 73)

- Public policy should reinforce existing, positive patterns of development, and discourage or prevent undesirable trends.
- In University place, homeowner investments should be viewed as financially secure and the level of uncertainty should be reduced.
- University place should be an increasingly attractive residential setting for NWU or UNL faculty and staff.
- The overall level of owner-occupancy in University place should increase. (pp 74-75)

### **Neighborhood Development and Land Use Recommendations**

**Outcome-Based Neighborhood Investment Strategy:** Lincoln should implement a neighborhood development strategy in University Place, with strategies designed to help bring about desirable outcomes on each blockface. (p 75)

**Focused Downzoning:** The City and neighborhood should implement a surgical rezoning strategy, based on the character and preferred occupancy outcome of each blockface. (p 79)

## **ANALYSIS:**

1. This is a request by the University Place Community Organization to change the zoning for approximately 18 blocks within the University Place Neighborhood from R-6, 5, and 4 Residential Districts and B-3 Commercial District to R-5, 4, and 2 Residential Districts.
2. This is a request to implement the rezoning modifications identified in the adopted North 48<sup>th</sup> Street/University Place Plan.
3. A review process for change of zone proposals is not defined within the Zoning Ordinance. However, Neb. Rev. Stat. §15-902 provides a list of considerations that has traditionally been utilized for such reviews.
  - **Safety from fire, flood and other dangers.**  
No apparent impact.
  - **Promotion of the public health, safety, and general welfare.**  
This proposal appears to fulfill policies and guidelines enumerated in the Comprehensive Plan and the North 48<sup>th</sup> Street/University Place Plan.
  - **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 a mixture of single-, two-, and multiple-family dwellings. The majority of the approximately 226 primary residential structures are single-family. There are 32 two-family dwellings (64 units) and 39 multiple-family dwellings (203 units).

The focused downzoning strategy used in the subarea plan recognized that different parts of the neighborhood have different characteristics. A strategy was developed based upon the housing configuration and occupancy characteristics of each blockface. The result was this pattern of specific zoning changes.

- **Conservation of property values.**

It is difficult to determine the effect a change of zoning will have on property values. On one hand, property values could diminish if houses could no longer be converted into duplexes, due to increased lot area requirements, or redevelopment for apartments. On the other hand, this may have the effect of encouraging home ownership, which could stabilize or increase property values. The North 48<sup>th</sup> Street/University Place Plan acknowledged these competing effects; higher density residential zoning can create uncertainties that tend to drive owner-occupants out and promote conversion of single-family houses and lots to multiple-family use, however, large-scale downzonings face opposition from existing multiple-family property owners, who face the prospect of nonconformance and even clouded titles as a result. (p 79)

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

The Comprehensive Plan encourages efficient use of existing infrastructure and diversity of housing choices. At the same time, the Comp Plan identifies Lincoln's commitment to its neighborhoods, as well as an encouragement to preserve existing single-family homes for single-family uses. The North 48<sup>th</sup> Street/University Place Plan provides guiding principles to balance these often competing interests.

4. There are several differences between the R-2, R-4, R-5, and R-6 district regulations. The table at the end of this report shows the requirements for residential uses in each district.
5. The uses allowed in these districts are quite similar. The permitted uses in the R-2 and R-4 districts do not include multiple-family or townhouse dwellings, as found in the R-5 and R-6 districts. The R-2 district conditional uses require a greater separation between group homes, and allow a less densely occupied domestic shelter than the other districts. The R-2 district special uses add garden centers, clubs, and mobile home courts and subdivisions to the special uses typically found in the other districts.
6. All new construction of principal buildings in residential districts are required to meet the City of Lincoln Neighborhood Design Standards. These standards are designed to recognize that certain areas of Lincoln "retain much of the traditional physical character of their original lower density development," even though they may have experienced

recent higher density development. Since these standards have recently been expanded to include the R-1 through R-4 districts, these protections will not be lost for lots that become R-2 or R-4 if this application is approved.

7. LMC §27.61.040 includes the nonconforming use regulations. In general, a nonconforming use may be continued, but not expanded or enlarged. If the use is damaged beyond 60% of its value, or if the use is discontinued for two years or more, any rebuilding or new use must conform to the zoning regulations. There are 20 properties that are now nonconforming. However, these are all residential uses in the B-3 district, which will become conforming if this change is approved.
8. LMC §27.03.460 defines nonstandard lots as those that fail to meet the minimum lot requirements for the district, such as lot area, lot width, density, setbacks, height, unobstructed open space, or parking.
9. LMC §27.61.090 provides that nonstandard uses, whether existent prior to the ordinance or due to changes in the zoning, may be enlarged, extended, or reconstructed as required by law for safety, or “if such changes comply with the minimum requirements as to front yard, side yard, rear yard, height, and unobstructed open space...”
10. The R-2 and R-4 district regulations also provide that “multiple family dwellings existing in this district on the effective date of this title shall be considered nonstandard uses in conformance with the provisions of Chapter 27.61 [nonconforming and nonstandard uses].” This rule allows multiple-family dwellings built prior to May 8, 1979 to be reconstructed, altered, and restored after damage by treating such uses as nonstandard rather than nonconforming.

Therefore, a multiple-family use that gets changed to R-2 or R-4 may be altered or rebuilt provided it predates May 8, 1979 and meets the setback and height requirements of the new zoning district. This may result in a slightly different building footprint, but there is no need under the current zoning ordinance for a variance or special permit if these requirements are met. There are 16 uses that are currently nonstandard, compared to 48 uses that would be nonstandard if this change is approved.

11. Should the owner of a nonstandard single- or two-family structure want to extend into one of the required yards, a special permit is available provided the structure does not extend further into the setback than it currently does. This special permit is available in any residential zoning district. The owner of a standard use, by comparison, would need to seek a variance from the Board of Zoning Appeals to occupy a required yard.
12. This area as a whole appears to be fully built. There appears to be no more than 1 vacant lot available, nor are there any large lots that could be accumulated and combined to produce an area large enough for multiple-family development. Therefore, the primary opportunity for additional two- or multiple-family residences appears to be converting existing single-family dwellings.

13. The Planning Department suggests this neighborhood has reached an appropriate mix of single-, two-, and multiple-family residences. The combined density within those blocks under consideration is 10.7 units per acre, which compares to densities of 3.8 to 6.5 units per acre in the neighborhoods where R-2 zoning was approved under the current Comp Plan, and 7.6 units per acre in the pending Near South Neighborhood request.

However, this request can be distinguished from previous recent neighborhood requests because it is not a blanket downzone to R-2. There will still be opportunities for additional two-, and multiple-family dwellings in the neighborhood where R-5 and R-6 zoning will remain.

14. At the time of this report, Applicant has submitted the results of 48 returned petitions, 47 of which support this request. Applicant has also indicated additional petitions continue to be returned. The Planning Department has also received one letter in opposition, which is attached. Also attached is a second letter and signed petition from three property owners who oppose this request.

	R-2	R-4	R-5	R-6
<b>Lot area</b> , single family	6,000 sq. ft.	5,000 sq. ft.	5,000 sq. ft.	4,000 sq. ft.
Lot area, two family	5,000 sq. ft. / family	2,500 sq. ft. / family	2,500 sq. ft. / family	2,500 sq. ft. / family
Lot area, townhouse	N/A	N/A	2,500 sq. ft. / family	2,500 sq. ft. / family
Lot area, multiple-family	N/A	N/A	1,500 sq. ft. / unit	1,100 sq. ft. / unit
<b>Avg. lot width</b> , single family	50 feet	50 feet	50 feet	50 feet
Avg. lot width, two family	40 feet / family	25 feet / family	25 feet / family	25 feet / family
Avg. lot width, townhouse	N/A	N/A	20 feet / family	20 feet / family
Avg. lot width, multiple-family	N/A	N/A	50 feet	50 feet
<b>Front yard</b> , single-family	25 feet	25 feet	25 feet	20 feet
Front yard, two family	25 feet	25 feet	25 feet	20 feet
Front yard, townhouse	N/A	N/A	20 feet	20 feet
Front yard, multiple-family	N/A	N/A	20 feet	20 feet
<b>Side yard</b> , single family	5 feet	5 feet	5 feet	5 feet
Side yard, two family	10 feet, 0 at common wall	5 feet, 0 at common wall	5 feet, 0 at common wall	5 feet, 0 at common wall
Side yard, townhouse	N/A	N/A	10 feet, 0 at common wall	5 feet, 0 at common wall
Side yard, multiple-family	N/A	N/A	7 feet, 10 if over 20 feet in height	7 feet, 10 if over 20 feet in height
<b>Rear yard</b>	Smaller of 30 feet or 20% of depth	Smaller of 30 feet or 20% of depth	Smaller of 30 feet or 20% of depth	Smaller of 30 feet or 20% of depth

Prepared by:

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**Date:** March 16, 2005

**Applicant:** University Place Community Organization  
2723 North 50<sup>th</sup> Street  
Lincoln, NE 68504

**Contact:** Larry Zink  
4926 Leighton Avenue  
Lincoln, NE 68504

# CHANGE OF ZONE NO. 05021

## PUBLIC HEARING BEFORE PLANNING COMMISSION:

March 30, 2005

Members present: Carlson, Sunderman, Marvin, Pearson, Carroll, Krieser, Larson, Taylor and Bills-Strand.

Staff recommendation: Approval.

Ex Parte Communications: None.

Greg Czaplewski of Planning staff submitted three letters in opposition, and a list submitted by the applicant identifying 69 petitions returned in support and one returned in opposition.

### Proponents

**1. Larry Zink**, 4926 Leighton Avenue, the immediate past president and member of the Board of the University Place Community Organization (UPCO), presented the application to downzone targeted areas in the University Place neighborhood. This is one of several recommendations for revitalizing this neighborhood in the North 48<sup>th</sup> Street University Place Redevelopment Plan which has been adopted as a subarea plan in the Comprehensive Plan. The study was a year-long cooperative effort looking at traffic, parking, business district redevelopment and neighborhood revitalization. There were several partners involved including UPCO, the University Place Business Association, Nebraska Wesleyan University, UNL east campus, the Urban Development Department and the Public Works & Utilities Department. There were a number of opportunities and encouragement for public input and several public meetings were held.

Zink explained that one of the major concerns that came out of this study was a sense of deterioration of the quality of the neighborhood and disinvestment from owner occupants in the neighborhood. The cause is the increased density of multi-family dwelling units and the traffic, parking, noise and crime associated with the density. This downzone is an alternative vision to the continued deterioration of the neighborhood, emphasizing the quality and security as a place to own a home. The goals of the subarea plan included that 1) University Place homeowner investments should be viewed as financially secure and the current level of uncertainty should be reduced; 2) University Place should be seen as an increasingly attractive residential setting for staff and faculty of Wesleyan and East Campus; and 3) the level of owner occupancy in the neighborhood should be increased. To accomplish these goals was a policy of focused downzoning to implement the strategy based on the character and owner occupancy status of each block face. The subarea plan included specific recommendations for this rezoning.

Zink stated that after completing the neighborhood planning process, UPCO is now here to seek support to continue the process of this subarea plan and the actual implementation of the plan, which includes the recommendation for this downzone application. The downzone boundaries follow exactly those outlined in the subarea plan. This is not a request for a blanket rezoning, but a targeted rezoning with areas identified in the plan that are predominantly single family homes.

Following the adoption of the subarea plan, there was an extensive public process with all of the property owners in the neighborhood and public meetings were held. The overwhelming response has been positive with 69 petitions in support from homeowners in the targeted area, representing over 30% of the owners in this area.

Carroll referred to the brand new multi-family structures on Cleveland and 56<sup>th</sup> and inquired as to the reason to change the zoning to R-4 when they are clearly going to stay there and will become nonstandard because of this change. Zink responded that there are some areas that are not currently multi-family and the hope is that they will not become multi-family.

Bills-Strand referred to the letters in opposition from the owners on 51<sup>st</sup> and Walker, which is proposed to be changed from R-6 to R-2. The owner wants to stay with the original R-6 zoning. She wondered whether the applicant would consider moving that line over one more block and allow them to be R-5. Zink believes that area is in the Creighton Historic District and one of the thrusts of this downzone is to try to preserve the buildings in the historic districts. They do not want the homeowners to stop investing in the neighborhood. UPCO is not opposed to rentals but they had specifically gone through the process with the consultant and identified the predominant single family homes. He does not know where you draw the line. They wish to preserve at least some of the areas as single family.

**2. Laurie Hodges**, 5318 Madison Avenue, on the north side of Nebraska Wesleyan, testified in support. She moved to University Place because she works on East Campus and she wanted to live within 2-3 miles of where she works. She saw a grocery store, drug store, dry cleaners, public pool, two University libraries and a public library all in that neighborhood. It is a fantastic neighborhood. She wanted to live in a mixed neighborhood with people walking and jogging in the neighborhood. She is very supportive of this effort in terms of a larger area of adjusting the zoning to reflect more diversity of uses. It is a University community. Part of the quality of life in the neighborhood is really the mixture of permanent residents that are raising families; it is affordable housing. With regard to 51<sup>st</sup> & Walker, she noted that the sidewalks are in deplorable condition and many of the homes that are rentals do not have good maintenance at all.

**3. Larry McClain**, 5403 Walker, testified in support. He has lived in the neighborhood for 10 years, and in those 10 years the neighborhood has declined. When they moved to the neighborhood it was a healthy mix of owner occupied houses and renters, and over time the healthy mix has turned into a predominance of ever changing renters, and they have seen four different families sell their homes and move away because of the trash, the traffic congestion, parking problems, etc. Houses are going from owner occupied families to rentals, and the fear is that the balance is going to shift and as more and more renters come to the neighborhood, those houses are going to be turned into duplexes and apartment complexes. The neighborhood cannot withstand that. It no longer feels like a neighborhood but a dense conglomeration of people who don't seem to display much sense of responsibility to the neighborhood. The community organization has done a good job of reaching out to the residents; this is a grass roots effort; it has the support of all of his neighbors. This proposal for downzoning is the next logical step to help preserve what makes the neighborhood so wonderful.

## Opposition

**1. Chuck Earley** testified in opposition. He is the owner of the house at 4946 Garland, the seven-plex at 5036 Garland and 221 N. 51<sup>st</sup>. He requested that his properties be removed from this application. He believes the request to change his properties to R-2 is totally unfair to his family and he stands to suffer because of it. Four of the five people along Garland from 49<sup>th</sup> to 51<sup>st</sup> did sign the petition in opposition. And the one that did not sign said he did not care. There is a park across Garland from his apartment so there are no houses across the street. This property was recently built and is governed by newer codes. The problem with the downzone is that he would not be able to rebuild in the event of a catastrophe except to a duplex. He thinks this is a gamble with his family's financial future. He was not asked to participate in this application or to help in its development, yet he and his family are as much in the neighborhood as anyone living there. These buildings are his retirement plan and to help put his two sons through college. This downzoning will put his livelihood in jeopardy. He was not aware of this downzone request until February 2, 2005.

Earley stated that he plans to rent the house at 4946 Garland until his son graduates from UNL in construction management, when he will build a high quality apartment. Had he known about the downzoning when he purchased 4946 Garland, he may have bought it but would not have given the asking price for it. The neighbor to the west has flip-flopped on their support and opposition to this proposal.

**2. Nancy Earley** also testified in opposition as the owner of three properties in the area proposed to be changed from R-5 to R-2, located at 4946 Garland (a house which is on 1.5 lots purchased in 2004); 5036 Garland (three-plex townhouse apartment built in 2000); and 221 N. 51<sup>st</sup> is a 4-plex built in 2001. The Earleys oppose the downzoning of their properties. These are family-owned and built properties, operated with pride. They have chosen this location and have invested their life savings in this neighborhood. Downzoning will hinder any improvements in the neighborhood. They have helped clean up the neighborhood. Their properties have enhanced the neighborhood and are well-maintained. The Earleys are at the properties each day. What will happen if a disaster occurs? If this downzone is in place and there was a disaster where 60% or more of the apartment building was destroyed, they would lose the income from the rentals and would not be able to rebuild the apartments. Their only option would be to build duplexes. Only two houses in the 4900 block of Garland are on the petition to be downzoned (4926 and 4946). Both of the owners of these two houses object to the downzoning. She finds it odd that this proposed downzoning in the 4900 block of Garland includes only these two houses and not the apartment on the remainder of the lot. The Earleys object because the downzoning will depreciate their property. These properties are a huge part of their family's life and they do not want to have to lose everything upon which they have worked so hard. They are very committed to this neighborhood.

Carroll asked what type of structures are to the west of 5036 Garland. Ms. Earley stated that it is a single family home. The rest of the block is all single family homes which she believes may have been built in the late 1960's. The two homes they bought were 40-year-old homes that they moved.

**3. Mark Hunzeker** appeared on behalf of Jay Peters, who owns the house at 5342 Madison, located in the half block abutting the Wesleyan campus. The pattern that is created by virtually everything that is being shown is connecting points with all of these districts. The proposal for the

Peters property is from R-6 to R-2, which leaves a half block spot of R-2, which would be surrounded by R-6 and R-4. Hunzeker proposed that the Peters property become R-4 instead of R-2. At least at that point there would be some option for either conversion or construction of a duplex. Hunzeker believes that the consistency of the mapping in this situation would indicate that R-4 would be appropriate as opposed to R-2.

Pearson noted that one of the purported purposes of this change of zone is to preserve historic homes, so she wondered what was on the block where the Peters property is located. Hunzeker indicated that he received rather late notice of this and he does not know what else is on the block, but he believes it is probably predominantly single family. There are a number of rental properties in the area just by virtue of being located across the street from campus.

### Staff questions

Pearson referred to 5342 Madison and asked why it is being changed from R-6 to R-2.

Czaplewski did not have an answer. This would be a question for the applicant.

Carroll inquired as to the staff position for the property at the corner of 56<sup>th</sup> & Cleveland where multi-plexes are being changed from R-6 to R-5. Czaplewski stated that there is an 18-plex and a 10-plex there that are both currently nonstandard under R-6, and will continue to be nonstandard under R-5, so this zoning change should not affect them because they will have to meet the same setbacks either way. This change of zone results in 48 nonstandards and they are really spread out quite a bit. The difficulty with this application is that it is not a blanket downzone so he could not talk about the affect in general terms. Most of the difficulty for reconstruction occurs when the zoning changes to R-2 because the setbacks are greater.

Carlson suggested that excepting an apartment building on the block from a change of R-6 to R-2 is not legally a spot zone because there is no economic advantage by an upzone. Haven't we done that successfully in the past – leave a parcel out? Rick Peo of the City Law Department stated that spot zoning in and of itself is not illegal, only if it is solely for the benefit of the private property owner. In a lot of these situations, we would look at what was left over. It sometimes falls within the concept of the desires in the Comprehensive Plan for increased density in some areas. When we are doing downzoning we have been more liberal in leaving out parcels where the property owner is opposed on a case-by-case basis.

Taylor wondered whether the Commission has all of the necessary information as far as the historical aspect of the area is concerned. Rick Peo suggested that properties that are designated to be in a historic district have some protection already in that any demolition or changes of the structure have to go through a review process. The owner is not prohibited from demolishing the building, but there is a time delay to work out a way to preserve it. Downzoning helps preserve the building by discouraging demolition because it cannot be rebuilt to the same standards.

Bills-Strand referred to the historic area at 51<sup>st</sup> and Walker. Ed Zimmer of Planning staff stated that there is a landmark district, which is also on the National Register of Historic Places, on Walker and Leighton that extends to 49<sup>th</sup> on the west side on Walker and begins at about 50<sup>th</sup> on Leighton, and extends over to about 53<sup>rd</sup> or 54<sup>th</sup>. 5200 Walker would be in the local landmark district and would be listed on the National Register of Historic Places. If we're looking at the R-2 block on

Madison, it is all single family and it didn't seem large enough for a historic district by itself. It has a strong character but it does not have a historic designation. It is one that has been requested or considered many times in the past, but it does not have a specific designation. Garland is south of the historic district.

Czaplewski offered that Block 98 is 51<sup>st</sup> & Walker with a three-plex, duplex, single family, five-plex and then duplex on the next corner.

Czaplewski responded to the existing precedent that Earley referred to where we have individual lots that may be zoned R-5 and R-6 in the middle of R-4 area. Czaplewski did not know whether the individual lots were left out of the previous downzone, but that is not something the Planning Department would want to encourage anymore. If the Commission wishes to exclude the Earley properties, the staff position would be to remove the entire strip, leaving the entire block R-5 rather than just the Earley properties.

Bills-Strand inquired about the Earley 3-plex and 4-plex that occupy the same lot. What if the buildings were destroyed beyond 60%? Czaplewski explained that the nonconforming use provisions would allow him to keep the second building if it was not destroyed.

Carlson referred to the Earley property to the east on Garland. Other than creating the zig-zaggy zoning line, is there any other reason to not remove the Earley property from the change of zone? Czaplewski stated that the staff would prefer that zoning district lines break at the street or at an alley at the rear of the property. Carlson suggested that beyond the zoning map is the philosophy that we want to have uses contiguous to each other. That is not the situation here. Preserving a straight line does not promote the philosophy. Other than just the fact that the line is straight, what is the philosophy? Why is it important that the line follow the street face and not break in the middle of the block? Czaplewski suggested that we don't want to create additional islands of higher density zoning in a lower density area. Leaving one spot of R-5 in the middle of R-2 would be contradictory to the recent policies.

Carroll referred to the R-6 to R-2 on Madison. What is the staff opinion on changing it to R-4 rather than R-2. Czaplewski did not know why the applicant chose R-2. If the applicant would agree to R-4, the staff would support it.

#### Response by the Applicant

Zink explained that the process of selecting the targeted downzoning was an analysis block face by block face. They were characterized as either owner occupancy; single family; mixed use but still owner predominant; mixed use rental dominant; or rental multi-family. The block in question on Madison was characterized as predominantly owner occupied single family housing, plus it was noted that it has a number of historical characteristics. That is the reason for the proposed R-2 zoning.

Likewise, looking at the historic district along Leighton and Walker, Zink explained that the analysis was that those blocks are still predominantly single family home blocks, plus they are historic neighborhood blocks. Therefore, the proposal to downzone to R-2 is to be able to maintain the characteristics.

Zink then responded regarding the Earley properties. UPCO is not trying to reverse history. The 7-plex is there and this does not change that. While he understands the family's concern, it is also important that the people surrounding it felt they were adversely impacted by a change from single family to a 7-plex.

Zink stated that he did talk to a number of people in the area and he has the signature of Patricia Erks in support. Two other people in the area between the two Earley properties are supportive. The other 16-17 names in general are property owners in the adjacent area who have signed the petition in support. There is a real concern about where to draw the line in terms of more and more apartments.

Zink would not have a problem if they could find a way to maintain the zoning on the 7-plex owned by the Earleys, but he would oppose not downzoning the area one block west because it is still a single family home.

Zink summarized, stating that this has been a long process; there has been a lot of opportunity for public input; there are 69 home owners who have signed petitions in support; there were big signs on 48<sup>th</sup> Street throughout the process when there were public meetings. He believes they have done their best effort to inform the property owners.

Taylor asked Zink to explain the effect in relationship to the surrounding property owners if the 7-plex is not downzoned. Zink believes that the damage has already been done so he does not believe it would be too negative to change the one, but if all of Garland is zoned R-5, he would say that within 3-4 years most of the single family homes will be gone and become apartments, or they will be rental units. That is the trend and that is what this zoning is attempting to stop.

Bills-Strand pointed out that some of the people on Mr. Zink's list are renters as opposed to owner occupants.

**ACTION BY PLANNING COMMISSION:**

March 30, 2005

Main Motion: Carlson moved approval, seconded by Pearson.

Marvin reminded everyone that the Planning Commission passed the N. 48<sup>th</sup> Street plan, and when we passed it they said they would come back with a downzoning plan that would be different than what we have done in the past. The Planning Commission supported that process and Marvin believes it behooves the Commission to support the process now because that is what we were told was going to happen to protect the neighborhood and the property owners. That plan had neighborhood and Wesleyan support.

Motion to Amend #1: Carroll moved to amend to exclude the half block between 51<sup>st</sup> and 49<sup>th</sup> on north side of Garland from the change of zone request, maintaining the R-5 zoning; and that the half block on Madison Avenue be changed from R-6 to R-4 (instead of R-2), seconded by Taylor.

Carlson would prefer to vote on the changes separately.

Carroll does not want to meander a zoning line around things. As far as the western block, there is an apartment complex on one end leaving only one single family house in the middle that we are trying to protect, so that creates a small pocket of R-2 with R-5 on both sides. He does not believe that is protecting the one single family house. The zoning line should be straight and specific so that we are not targeting address by address. That's why he made the motion to take care of the half block.

Pearson was thinking that Madison should be split out.

Motion to split Motion to Amend #1: Carlson moved to split the question between the Garland properties and the Madison properties, seconded by Taylor and carried 9-0: Carlson, Sunderman, Marvin, Pearson, Carroll, Krieser, Larson, Taylor and Bills-Strand voting yes.

Discussion on Motion to Amend #1a, to exclude the half block between 51<sup>st</sup> and 49<sup>th</sup> on north side of Garland from the change of zone request, maintaining the R-5 zoning:

Carlson stated that he will vote against the motion. He would support removing the 3-plex and 7-plex, but he is opposed to putting the existing single family under pressure just to preserve the straight line. The idea that this block face ought to be preserved is based on a philosophy that we do not have, i.e. incompatible uses next to each other, but that situation exists. What we ought to be preserving are the rights of the existing property owners. The Earley property can be removed from the change of zone, but he believes the investments the single family people have made west of the Earley apartments on Garland between 51<sup>st</sup> and 50<sup>th</sup> should be respected.

Marvin suggested that the issue here has to do with rebuilding. Carlson's proposal to exclude only the Earley property allows the Earleys to rebuild in the event of a damage. That is why they are here. They are not here because they want their neighbors to all be R-5. They want protections and that is what this would do. He does not see anything philosophical about a straight line either.

Carroll believes they can rebuild but they have to build to the setback requirements of the new zoning.

Marvin believes they can rebuild if they remain R-5. That is what brought them down here today. It isn't the fact that their neighbor wants to be R-2 that brought them down here. They want to be able to rebuild.

Taylor does not want to ignore the wishes of the single family to be changed to R-2 as they have consented to this change of zone. He will vote against the motion.

Motion to Amend #1a to exclude the half block between 51<sup>st</sup> and 49<sup>th</sup> on north side of Garland from the change of zone request, maintaining the R-5 zoning failed 4-5: Sunderman, Carroll, Larson and Bills-Strand voting 'yes'; Carlson, Marvin, Pearson, Krieser and Taylor voting 'no'.

Discussion on Motion to Amend #1b, to change the half block on Madison Avenue from R-6 to R-4 (instead of R-2):

Carroll reiterated Hunzeker's point that everything around it is either R-4 or R-6 and there is no R-2 contiguous to it at all.

Pearson pointed out that the owner would agree to R-4. The problem Pearson has with R-4 is that every single little piece of property could be torn down and they could construct a 4-plex. Going from R-2 to R-4 doesn't do anything. You might as well leave it R-6.

Carlson believes that R-4 would typically be duplex only.

Carroll believes that R-4 will protect the existing houses because it will be single family or duplex.

Carlson would prefer to take out the affected property owner because everyone else has signed in support or not objected.

Bills-Strand noted that they look like fairly small lots and the setbacks on R-4 may not allow duplexes unless there was an adjacent property owner with which to join. She is not sure it does any good to go to R-4.

Carroll noted that two or three of the properties are owned by Wesleyan but they are not here to say they agree to R-2 or R-4. Carlson believes that Wesleyan has clearly indicated their support of the plan.

Czaplewski clarified that the lots are 7200 sq. ft. R-4 requires 5,000 sq. ft. for a duplex. The lots could accommodate single family or duplex under R-4 zoning. If changed to R-2, the duplex would require 10,000 sq. ft., so they would be limited to single family at R-2.

Motion to Amend #1b to change the half block on Madison Avenue from R-6 to R-4 (instead of R-2), failed 4-5: Sunderman, Carroll, Larson and Bills-Strand voting 'yes'; Carlson, Marvin, Pearson, Krieser and Taylor voting 'no'.

Motion to Amend #2: Carlson moved to amend to change the zoning of 5342 Madison from R-6 to R-4 (rather than R-2), seconded by Marvin and carried 5-4: Carlson, Marvin, Pearson, Krieser, and Taylor voting 'yes'; Sunderman, Carroll, Larson and Bills-Strand voting 'no'.

Motion to Amend #3: Carlson moved to amend to exclude the properties at 5036 Garland and 221 N. 51<sup>st</sup> from the change of zone request, retaining the existing R-5 zoning, seconded by Pearson.

Carlson wants to respect what is there and respect the existing value as opposed to a speculative value over existing value.

Bills-Strand suggested that the property owners knew or should have known the zoning when they purchased their homes, too. They knew they were purchasing in R-5 zoning.

Sunderman commented that he would like to see these properties protected, but if we are going to be doing single properties, why stop there? There are a lot of others that probably deserve the same protection.

Motion to Amend #3 to exclude the properties at 5036 Garland and 221 N. 51<sup>st</sup> from the change of zone request, retaining the existing R-5 zoning carried 9-0: Carlson, Sunderman, Marvin, Pearson, Carroll, Krieser, Larson, Taylor and Bills-Strand voting 'yes'.

Motion to Amend #4: Bills-Strand moved to exclude 4946 Garland (the other Earley property) from the change of zone request, retaining the existing R-5 zoning, seconded by Carroll.

Marvin noted that the property is 1.5 lots. If they were to tear down and rebuild in R-2 they could build a duplex.

Bills-Strand believes they purchased the property based on the highest and best use.

Motion to Amend #4, excluding 4946 Garland from the change of zone request carried 5-4: Sunderman, Carroll, Larson, Taylor and Bills-Strand voting 'yes'; Carlson, Marvin, Pearson and Krieser voting 'no'.

Discussion on the main motion for approval, with Amendments #2, #3 and #4:

Sunderman noted that this is the third downzoning since he has been on the Commission and this one has been set up the best of them all. We get a little bit better each time we do this and there have been eight in the last three years. Maybe before more of these keep coming forward we need to take a step back and decide how we want to handle this instead of on a case by case by case basis.

Bills-Strand reminded that she has said the same thing over and over again. We need a committee to study the best plan to protect the single family owners and also allow for diversity in the areas.

Carroll agreed. At the last meeting, the Commission discussed the need to start dealing with the nonstandard properties because we have created a lot more nonstandards and we need to do a better job of handling that situation.

Main motion for approval, with three amendments, carried 9-0: Carlson, Sunderman, Marvin, Pearson, Carroll, Krieser, Larson, Taylor and Bills-Strand voting 'yes'.

Change of Zone #05021 - University Place Community Organization  
Recommendation of Planning Commission, March 30, 2005:

**B-3 to R-4**

Lots 1-3 and 10-12, Block 47, Lots 1-3 and 10-12, Block 69, Lots 1-3 and 10-11, Block 74, Lots 1-3, Block 88, University Place, located in Section 17 T10N R7E, Lancaster County, Nebraska.

**R-6 to R-5**

Lots 7-10, Block 34, Lots 7-10, Block 35, University Place, located in Section 17 T10N R7E, Lancaster County, Nebraska.

**R-6 to R-4**

Lots 7-10, Block 38, Lots 7-10, Block 39, Lots 1-6 and the north ½ of the vacated alley adjacent thereto, and Lot 12 and the south ½ of the vacated alley adjacent thereto, Block 54, Lots 4-6, Block 88, Lots 7-12, Block 98, Lots 1-6, Block 109, Lots 1-6, Block 110, University Place, and Lots 16, 17, 18, and 25 of Irregular Tracts, all located in Section 17 T10N R7E, Lancaster County, Nebraska.

**R-6 to R-2**

Lots 7-11 and the south ½ of the vacated alley adjacent thereto, Block 54, University Place, located in Section 17 T10N R7E, Lancaster County, Nebraska.

**R-5 to R-4**

Lots 1-6, Block 34, Lots 11-16, Block 36, Lots 1-6, Block 37, Lots 1-6 and 11-16, Block 38, Lots 1-6, Block 39, Lots 4-9, Block 47, Lots 4-9, Block 69, Lots 4-9, Block 74, Lots 9-15, the remaining portion of Lot 16, and the south ½ of the vacated east-west alley, Block 106, Lots 7-12, Block 107, Lots 7-12, Block 108, University Place, located in Section 17 T10N R7E, Lancaster County, Nebraska.

**R-5 to R-2**

Lots 7-12, Block 99, Lots 7-12, Block 100, Lots 1-6, Block 107, Lots 1-6, Block 108, Lots 7-12, Block 109, Lots 7-12, Block 110, Lots 7-12, Block 111, Lots 1-6, 10, and the west ½ of Lot 11, Block 118, Lots 1-10, Block 119, University Place, located in Section 17 T10N R7E, Lancaster County, Nebraska.

**R-4 to R-2**

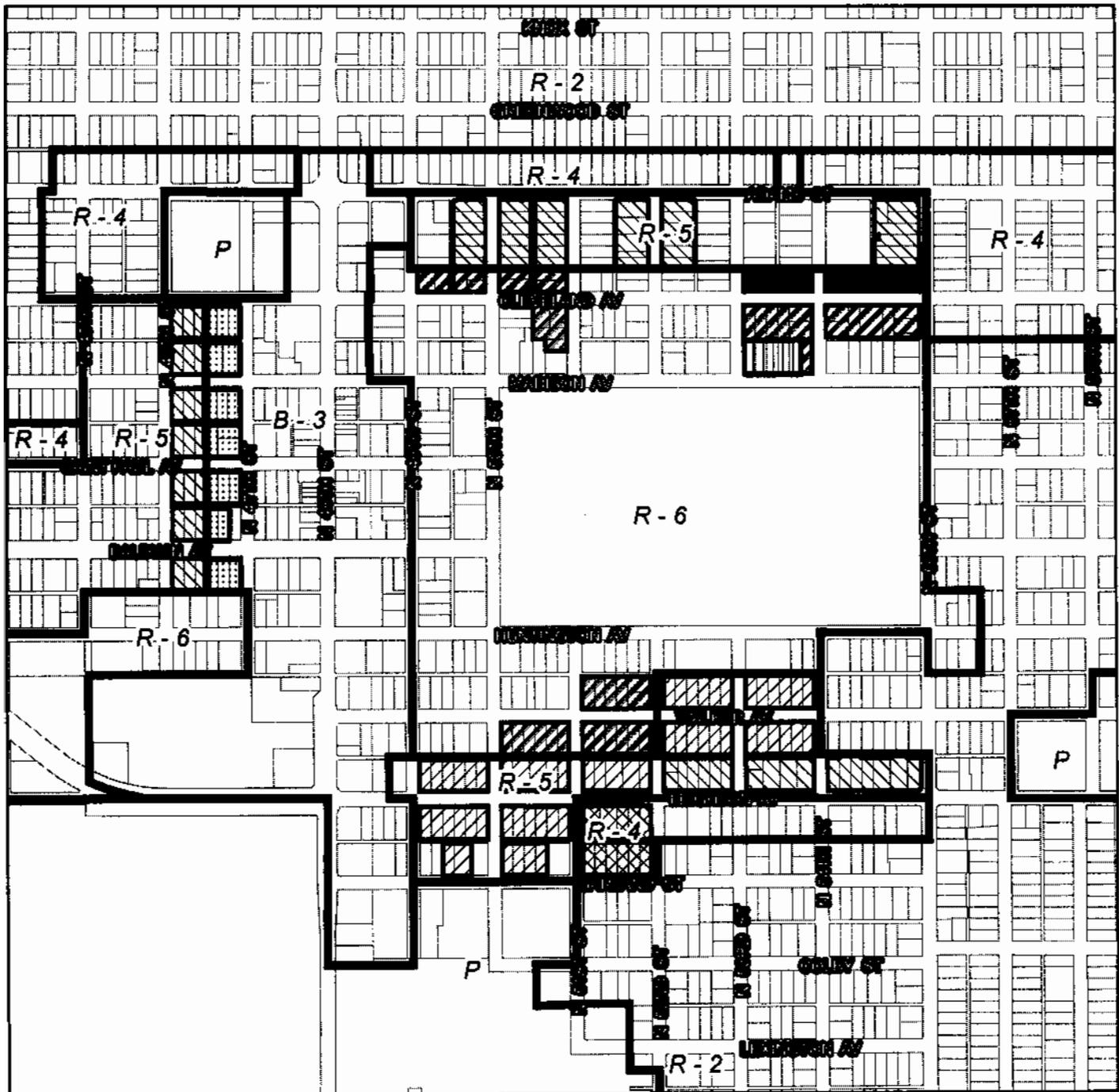
Lots 1-12, Block 120, University Place, located in Section 17 T10N R7E, Lancaster County, Nebraska.



**Change of Zone #05021  
University Place Community Org.**

020





**Zoning:**

- R-1 to R-9 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

**Change of Zone #05021**  
**University Place Community Org.**

*PLANNING COMMISSION RECOMMENDATION*  
*MARCH 30, 2005*

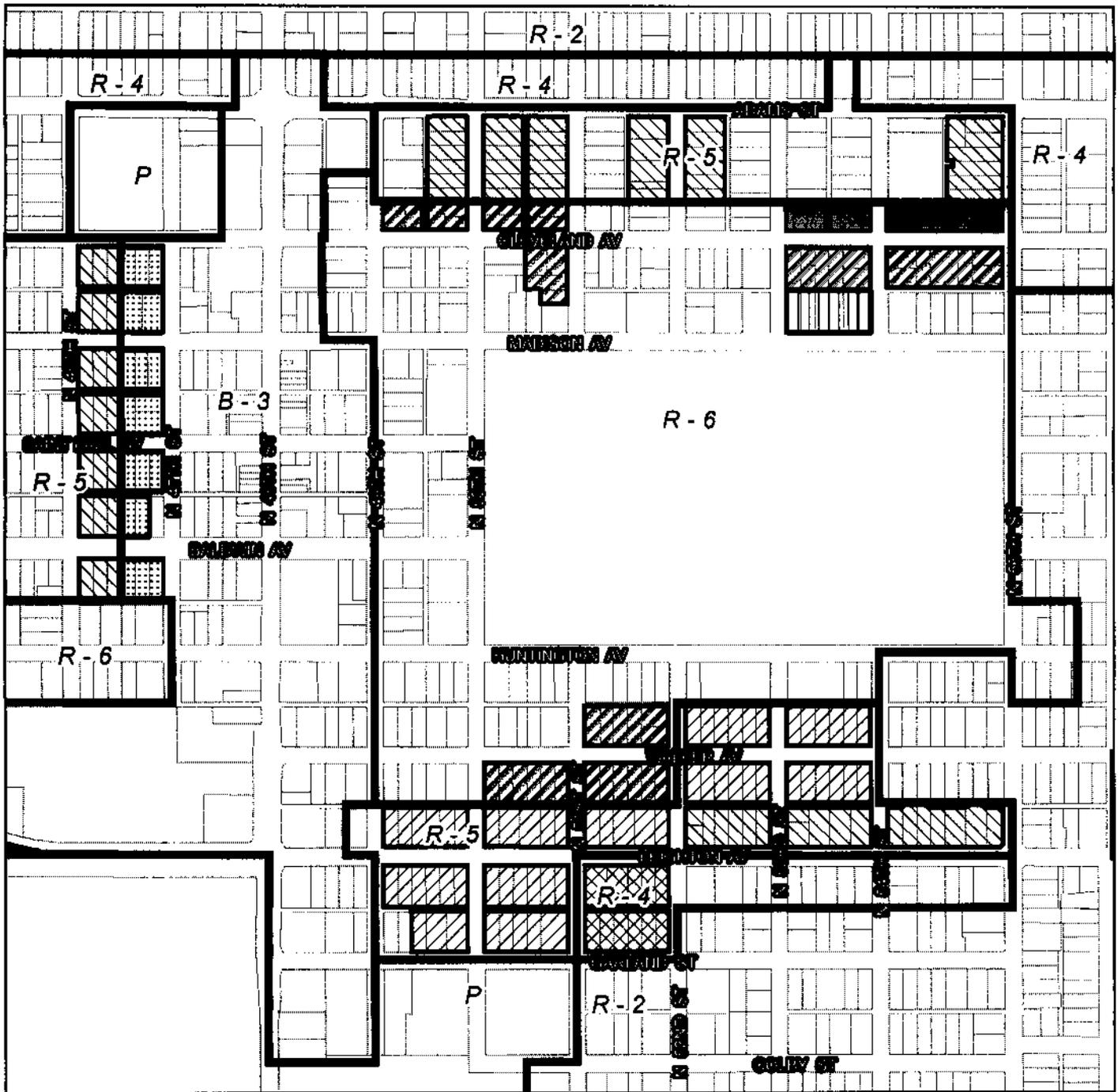
**Areas of Application**

-  B-3 to R-4
-  R-2 to R-6 Up
-  R-4 to R-2
-  R-5 to R-2
-  R-5 to R-4
-  R-6 to R-2
-  R-6 to R-4
-  R-6 to R-5

One Square Mile  
 Sec. 17 T10N R7E



021



**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-6 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

**Change of Zone #05021  
University Place Community Org.**

APPLICANT'S REQUEST

**Areas of Application**

- B-3 to R-4
- R-4 to R-2
- R-5 to R-2
- R-5 to R-4
- R-6 to R-2
- R-6 to R-4
- R-6 to R-5

One Square Mile  
Sec. 17 T10N R7E





**Change of Zone #05021  
University Place Community Org.**

023





**University  
Place  
Community  
Organization**  
2723 N. 50th St  
Lincoln, NE 68504

TO: Lincoln - Lancaster County Planning Department  
FROM: Larry K. Zink, 4926 Leighton Ave, Lincoln, NE 68504  
University Place Community Organization  
DATE: March 3, 2005  
RE: Downzoning Application for University Place Neighborhood

#### **PURPOSE STATEMENT**

Enclosed with this letter is a downzoning application for 222 property parcels located in the University Place neighborhood in northeast Lincoln. This downzoning request is consistent with the recommendations included in The North 48<sup>th</sup> Street – University Place Plan, the product of an area focus study undertaken in 2004. The University Place Business Association, Nebraska Wesleyan University, and the University Place Community Organization were partners in this study along with the city's Urban Development Department, and the Public Works & Utilities Department. As part of this year-long study, several public meetings were held in the neighborhood to gather early input and to solicit feedback on draft recommendations. The North 48<sup>th</sup> Street Plan, and the downzoning recommendations included in that plan, have been reviewed and accepted by the Planning Commission and were adopted by the City Council as an amendment to the Comprehensive Plan in the fall of 2004.

In developing the downzoning recommendations included in the N. 48<sup>th</sup> Street Plan (and this application), a careful block-by-block analysis was conducted of property ownership, occupancy status, and the condition of existing housing stock. As a result of this block-by-block analysis, each blockface in the study area was categorized into one of four categories:

- Owner Occupancy/Single Family Focus,
- Multi-Use/Rental Dominant, and
- Multi-Use/Ownership Dominant,
- Rental Focus.

The N. 48<sup>th</sup> Street Plan advocated a policy of focused downzoning: *"The city and neighborhood should implement a surgical rezoning strategy, based on the character and preferred occupancy status outcome of each blockface."* The Plan's downzoning recommendations and this downzoning application are focused on stabilizing those blockfaces where owner/occupancy is still dominant and encouraging homeowner investment in those areas. This downzoning application follows the downzoning recommendations outlined in the N. 48<sup>th</sup> Street Plan.

It is also worthy of noting that a significant portion of the area south of Nebraska Wesleyan University that is proposed for downzoning is included in or is immediately adjacent to the Charles F. Creighton Landmark District, a historic district recognized in the city's Comprehensive Plan. This downzoning is a critical public policy step to protect the unique character of this historical area.

Following the adoption of the N. 48<sup>th</sup> Street Plan as an amendment to the Comprehensive Plan, the University Place Community Organization adopted the following resolution on 12-14-04 to express its support for the downzoning recommendations included in the N. 48<sup>th</sup> Street Plan.

*The University Place Community Organization (UPCO) believes that downzoning is an effective public policy tool to help neighborhoods maintain and reinforce the residential family character of their neighborhood. Downzoning also serves to protect historic neighborhood family homes by preventing them from being converted into apartments or being demolished and replaced with slip-in apartment complexes with all their associated noise, parking and traffic problems. Over the long-term, by reinforcing the single-family residential character of a neighborhood, resident property values are also protected and enhanced. Therefore, UPCO urges the Planning Commission and the City Council to support the downzoning proposed in the N. 48<sup>th</sup> Street / University Place Plan and urges University Place residents to inform themselves on zoning issues and to express their support these proposed zoning changes.*

Following the adoption of this resolution, UPCO undertook an outreach campaign to inform neighborhood property owners of the downzoning recommendations, to provide them with background information, to answer their questions, and to solicit their feedback and support. Informative mailings were sent to all of the property owners in the areas recommended for downzoning. Information was provided so that anyone having specific questions or concerns would have a contact point to address those concerns or questions. Two public question and answer sessions were also organized to provide additional opportunities for property owners to have their questions answered.

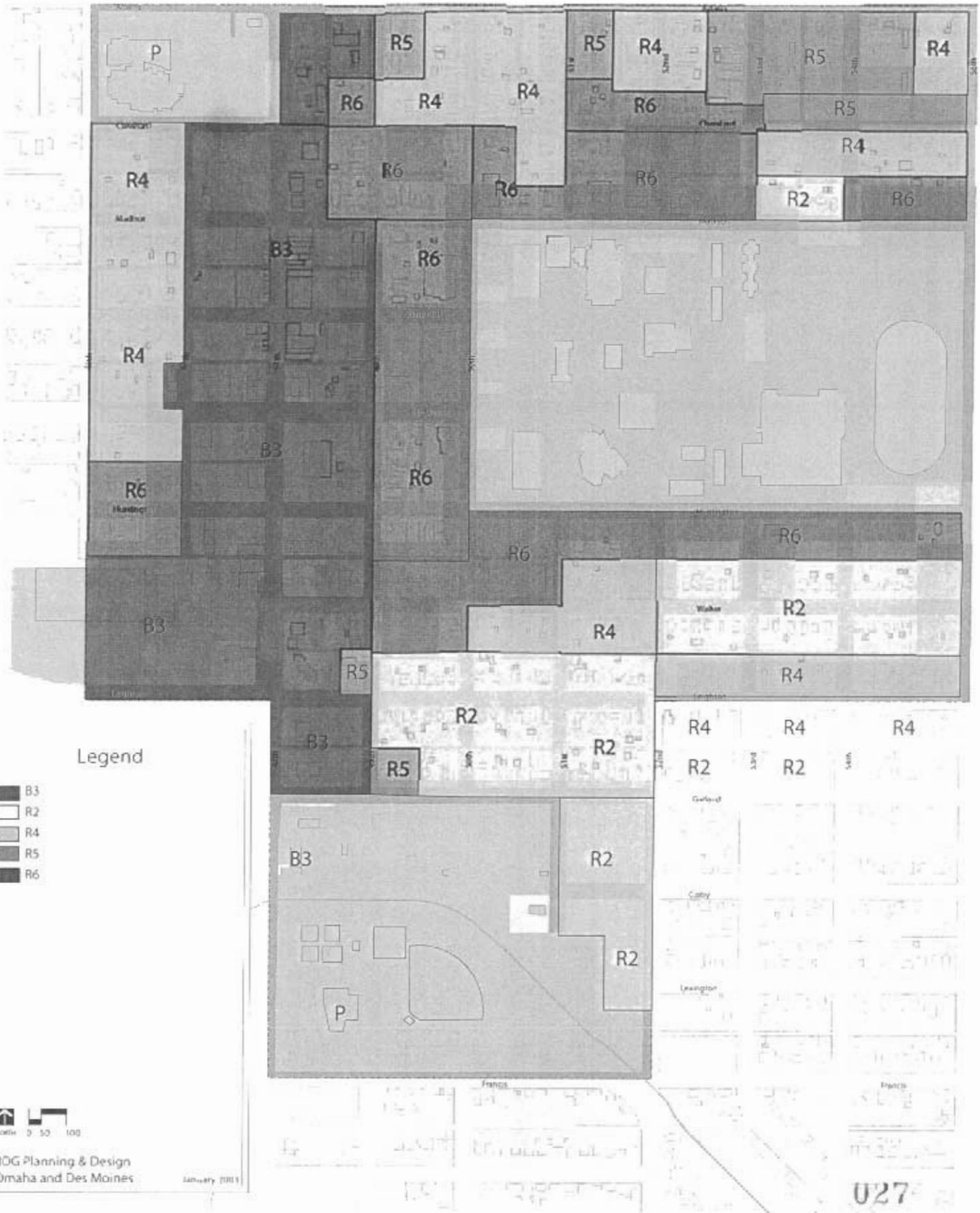
In the course of this outreach/education campaign to all of the property owners, only five (5) property owners have either called the organizational contact person, or attended one of the public information meetings to express their opposition to the downzoning proposal. Only one of those five property owners has returned any printed material to clearly express their opposition (enclosed with this application). On the other hand, the strong support for this downzoning application is shown by the fact that at the time of this application, we have received 47 signed petitions from property owners supporting the proposed downzoning for their property (enclosed with this application). We anticipate receiving additional support petitions, which will be submitted later.

Included with this application for downzoning are two maps from the N. 48<sup>th</sup> Street Plan. One map shows the proposed zoning modifications and one map shows the proposed zoning map of the area if the zoning modifications are adopted. Also included with this application is a digital spreadsheet that includes the information on the property parcels, their owners, and the existing and proposed zoning changes.

If further information is needed relative to this application, the contact person for the University Place Community Organization on this issue is: Larry K. Zink, 4926 Leighton Ave., Lincoln, NE 68504, 402-464-6937, [erickson.zink@att.net](mailto:erickson.zink@att.net).



# Proposed Zoning Map



**Sixty-nine (69) Individual Property Owner Petitions  
Signed and Returned in Support of the  
University Place Downzoning Application**

**Representing Over 30% of Property Owners in the Targeted Downzoning Area**

	<b>OWNER</b>	<b>SITUS ADDRESS</b>
1	UNDERDAHL, NORMAN R & BERNICE	2910 N 50 ST
2	GOFF, NANCY J &	2932 N 50 ST
3	OTTO, G THOMAS & DENISE	2320 N 52 ST
4	KILLS ENEMY, NORMA L &	2933 N 52 ST
5	RYBIJ, LOUIS W & SHAROLYN J	2950 N 52 ST
6	LANE, JUDITH BUCKLIN	2303 N 53 ST
7	RHODES, ROGER C & ROSEMARY	2835 N 54 ST
8	DOLL, SHARON M TRUSTEE	2909 N 56 ST
9	HOLTON, WILLIAM F LF EST &	2941 N 56 ST
10	REIMER, RAYMOND R & GERTRUDE R	5005 ADAMS ST
11	YOUNG, GAREY W	4618 BALDWIN AVE
12	KASSEBAUM, BRIAN R & TERRI L	4626 BALDWIN AVE
13	RICHTER, GUY W & JOAN	4627 BALDWIN AVE
14	RANDALL, SARAH & C B	4603 CLEVELAND AVE
15	DAVIS, JEFFERSON M	4611 CLEVELAND AVE
16	MCBETH, BRIAN P & THERESA M	4619 CLEVELAND AVE
17	MORROW, SHAWN D & LORI A	4627 CLEVELAND AVE
18	HUNSAKER, WILLIAM E & DENYSE M	5050 CLEVELAND AVE
19	JOHNSON, RICHARD G & JOANN	5419 CLEVELAND AVE
20	GRAVES, M ROSE	5439 CLEVELAND AVE
21	ERKS, PATRICIA ANN	4926 GARLAND ST
22	POTTER, DAVID L.	5010 GARLAND ST
23	PHILLIPS, FAYE M	5018 GARLAND ST
24	SCHROEDER, RICHARD & LYNNE	5102 GARLAND ST
25	WILSON, JEFFREY A	5112 GARLAND ST
26	DRAKE, WARREN L & LORETTA M	5120 GARLAND ST
27	HARBAUGH, STEVE R & DEANNE K	5134 GARLAND ST
28	WORMAN, ROGER D & DELORES E	4911 LEIGHTON AVE
29	ALMERY, DONNA L	4919 LEIGHTON AVE
30	HALL, MARY E	4920 LEIGHTON AVE
31	ERICKSON, LAUREL & ZINK, LARRY	4926 LEIGHTON AVE
32	HYDE, HARVEY	4927 LEIGHTON AVE
33	DAHLGREN, JESSICA	4936 LEIGHTON AVE
34	BUNTEMAYER, VIVIAN	5003 LEIGHTON AVE
35	CONNEALY, MATTHEW J II &	5011 LEIGHTON AVE
36	WAHLGREN, SHIRLEY A & WILLIAM	5010 LEIGHTON AVE
37	FYE, ARTHUR J JR & KATHLEEN M	5027 LEIGHTON AVE
38	LAMB, BARBARA J & JERRY L	5036 LEIGHTON AVE
39	PETTINGER, PIERRE E & SANDRA G	5100 LEIGHTON AVE
40	SCHMIDT, JEFFREY S & BRENDA K	5107 LEIGHTON AVE

	<b>OWNER</b>	<b>SITUS ADDRESS</b>
41	STEELE, JOHN	5117 LEIGHTON AVE
42	BEUM, MARYNEL YOUNG	5128 LEIGHTON AVE
43	BRAYMEN, REBECCA K	5210 LEIGHTON AVE
44	KIELTY, CORRIE J & DON WESELY	5300 LEIGHTON AVE
45	EBNER, ALAN	5400 LEIGHTON AVE
46	KRAUSE, KERRY L & LUCILLE R	4642 MADISON AVE
47	NEBRASKA WESLEYAN UNIVERSITY	5304 MADISON AVE
48	EVANS, MILTON D & LEOLA H	5310 MADISON AVE
49	HODGES, LAURIE	5318 MADISON AVE
50	NEBRASKA WESLEYAN UNIVERSITY	5324 MADISON AVE
51	HARTSHORN, KELLEY & GARY	4603 SAINT PAUL AVE
52	JUNGERS, JAMES L & DONA D	4610 SAINT PAUL AVE
53	COOKSON, ELNOR M	4611 SAINT PAUL AVE
54	BURESH, STEVEN D & KIMBERLY A	4626 SAINT PAUL AVE
55	BALL, TODD R & RHONDA L	4627 SAINT PAUL AVE
56	BLACKETER, TERRY L & STEVEN L	4645 SAINT PAUL AVE
57	RECTOR, WENDY L & DAVID L	5003 WALKER AVE
58	DELISI, GARY E & ROXANN	5011 WALKER AVE
59	MUEKSCH, BILL R	5103 WALKER AVE
60	HUNTER, ADRIAN L	5210 WALKER AVE
61	EHLERS, CHARLES W	5211 WALKER AVE
62	EHLERS, CHARLES W	5219 WALKER AVE
63	PARKER, CHAD B & DANIELLE M	5226 WALKER AVE
64	TOMPKIN, HAROLD L JR & LISA A	5234 WALKER AVE
65	TURNER, BARBARA ANN	5235 WALKER AVE
66	PARKER, CHAD B & DANIELLE M	5244 WALKER AVE
67	PEIRCE, TERRY & DIANE	5310 WALKER AVE
68	BELL, GARY & MONGAR, LORRI	5327 WALKER AVE
69	YOUNG, JOHN F & PATRICIA	5343 WALKER AVE

**One (1) Individual Property Owner Petition  
Signed and Returned in Opposition to the  
University Place Downzoning Application**

	<b>OWNER</b>	<b>SITUS ADDRESS</b>
1	ELIKER, AILEEN A	5128 WALKER AVE

NEBRASKA  
WESLEYAN  
UNIVERSITY

March 23, 2005

City-County Planning Commission  
555 South 10<sup>th</sup> Street  
Suite 213  
Lincoln, Nebraska 68508

Dear Planning Commissioners:

In recent years Nebraska Wesleyan University has worked closely with officials from the City of Lincoln, University Place Community Organization (UPCO) and the University Place Business Association to come to agreement on a common plan to develop innovative solutions for revitalization of north 48<sup>th</sup> street/University Place. That process culminated in the approval by you and by the City Council of the North 48<sup>th</sup> Street/University Place Plan for neighborhood revitalization.

We at Nebraska Wesleyan are committed to move forward within the plan as approved and would like to express our support for the process UPCO has initiated in proceeding with the zoning change recommendations as presented in this plan. We have signed petitions in support of changing zoning on properties we own at 5304 Madison and 5324 Madison from R-6 to R-2 and respectfully ask that you approve the other zoning changes as presented in the approved plan and as requested by UPCO.

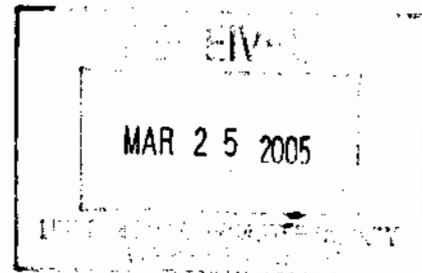
The long term revitalization and improvement of the area surrounding Nebraska Wesleyan University is vitally important to our future and we believe to the future of the whole northeast area of Lincoln. We look forward to working with the other members of this process to achieve these improvements.

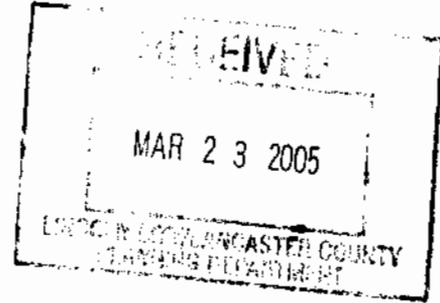
Sincerely,



Clark T. Chandler  
Vice President for Finance and Administration

Cc: UPCO





Planning Commission  
County-City Bldg.  
555 S. 10th  
Lincoln, NE 68508

March 21, 2005

To Whom It May Concern:

I have been a resident of University Place for eleven years and have been a member of board of directors of the University Place Community Organization for two years. I have seen my neighborhood deteriorate in the last few years because of the increase in owner-occupied homes being sold to college students or to their parents and then turned into rental housing. I am writing today to support UPCO's change of zoning application No. 05021. I believe it is critical to stop the decline in our neighborhood that accompanies population density. The increase in parties, traffic, noise and litter has driven homeowners away from our neighborhood and I believe we need to stop this trend. I hope you will support this initiative to preserve our neighborhood's historic character and make our area a more peaceful and beautiful place to live.

Thank you for your consideration in this matter.

Sincerely,

Gerise Herndon  
Member, UPCO Board of Directors



Jeff Wilson  
<jawilly34@yahoo.com  
>

To: plan@lincoln.ne.gov  
cc:  
Subject: Zone No. 05021

03/21/2005 07:56 PM

Our name is Jeff and Nicole Wilson and I live on 5112 Garland St.  
We wanted to let you know that we are for the change of zone No. 05021. We feel that being a new home owner's is already hard enough as it is. If the houses and lots around us become more populated by multiplexes then we feel that it will be just to crowded of a place for us to settle down and start a family.

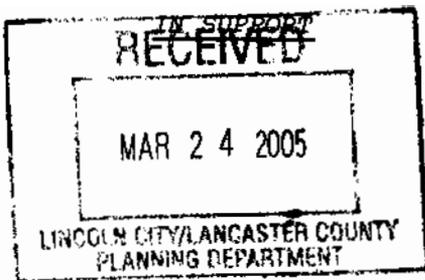
Let's change this zone to an R-2 Residential District to keep this area more family oriented!

Sincerely,

Jeff Wilson and Nicole Wilson

Do you Yahoo!?

Yahoo! Small Business - [Try our new resources site!](#)



ITEM NO. 3.1: CHANGE OF ZONE NO. 05021  
(p.81 - Public Hearing - 03/16/05)

5128 Leighton Avenue  
Lincoln, Nebraska 68504

22 March, 2005

City of Lincoln  
City Planning Commission  
County-City Building  
555 South 10th Street  
Lincoln, Nebraska 68508

RE: Change of Zone proposed  
Zone No. 05021

Gentlemen and ladies:

We are writing in regard to the proposed changes in zoning designations for the above area of Lincoln, known as University Place. Much if not all of the zone being considered is also already designated to be a "Historical Neighborhood."

Our home is in the middle of this historical area; we have lived in University Place since 1976 and consider it a very special area of Lincoln. When the distinction of being a "Historical Neighborhood" was awarded to this area we were especially pleased, since we expected that the original structures of homes, street, trees would be protected from rampant destruction which has converted many older areas of Lincoln not so designated into blocks of modern apartment squares.

The recent legislation which went into effect at the last general election, protecting home-owners in historical neighborhoods from increases in real estate taxes due to renovations and restorations of these properties, seems to accentuate the value of protecting and improving these areas.

It has been a great surprise to us to learn that the zoning codes have not already been in place to be compatible with the perceived values expressed in this legislation. We are seriously concerned to have the zoning changes made to ensure the integrity of our beloved homes. Our neighbors on Leighton, Walker and Garland Avenues share our concern.

Please approve this proposal and take the new plan to the City Council as soon as possible!

With gratitude,

*Marynel Beum*

*Robert Beum*

Marynel & Robert Beum

cc: Larry Zink  
U.P.C.O.

033

**Lisa Tompkin**  
5234 Walker Avenue  
Lincoln, NE 68504

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March 24, 2005

Planning Commission  
County-City Building  
555 South 10<sup>th</sup> Street  
Lincoln, NE 68508

Re: University Place Community Organization  
Support of Zoning Application No. 05021

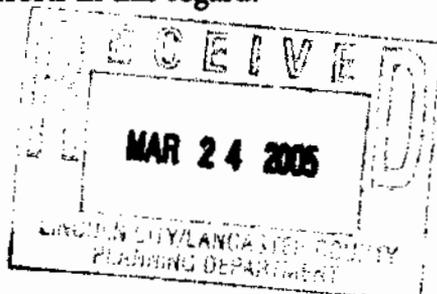
Dear Commissioners:

My husband and I bought a wonderful old house in University Place a little over 11 years ago. We live on Walker Street, just south of Wesleyan, and have watched with great interest as our neighborhood has changed throughout that time. When we moved in, a number of homes around us were owned by elderly folks, who have since passed on. Many of those graceful old houses have been turned into multiple dwelling units, or have been torn down entirely and replaced with apartment complexes.

This past year, I broached the subject of moving somewhere "down South" with my husband, since it is obvious that our neighborhood is rapidly going downhill. We consider ourselves lucky whenever we are able to park in front of our house, due to inadequate parking for the residents in the converted rental houses around us; Pizza Hut delivery boys speed up and down our street in warp drive; Amigo's wrappers and other trash blows into our yard and drifts into piles in the alley behind our house; at least once a week, you can see policemen at one of the many apartment complexes or rental houses that are popping up all around us; and summertime brings loud music and party noise late into what used to be peaceful summer nights, as well as beer bottles in both our front and back yards.

I can tell you, we were really happy to see UPCO's request for the change in zoning.

Please give UPCO's change of zoning proposal careful consideration. It just makes sense that putting limitations on the growth of multiple family dwellings can do nothing but have a positive effect on our wonderful, historic University Place neighborhood. Thanks so much for your efforts in this regard.



Sincerely,

*Lisa A. Tompkin*

Lisa Tompkin

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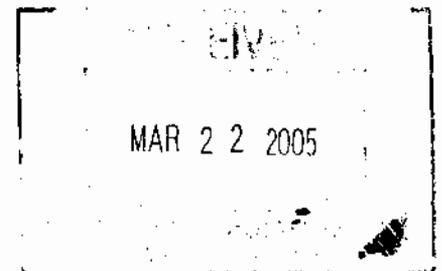
**To The Planning Commission:**

**We own the property at 5120 Garland Street, block 120 Lot 9, in the University Place Area. We strongly support changing of the zoning from Residential District R 4 to R2. We currently have a 6 plex only one block away from us, at 51<sup>st</sup> and Garland and there is a constant problem with the parking at this location. Apartment living is not conducive to home residential living. We surely can attest to that!**

**Please consider and honor the request from the Upco Community Organization. We are proud to be a part of this group.**

**Sincerely,**

*Warren L. Drake*  
*Loretta M. Drake*



035

# Memorandum

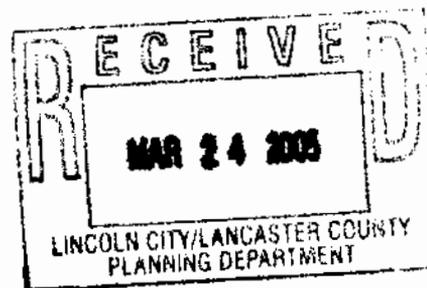
**To:** Greg Czaplewski, Planning Department  
**From:** Wynn Hjermstad, Urban Development  
**Date:** March 23, 2005  
**Subject:** Application No. CZ05012, down zone in University Place  
**cc:** Marc Wullschleger, Urban Development Director

I am writing on behalf of Urban Development to express our support for the proposed rezoning in the University Place neighborhood. Urban Development worked with the University Place Community Organization (UPCO), the University Place Business Association, business and property owners, and Nebraska Wesleyan University (NWU), for over a year to develop *The North 48<sup>th</sup> Street/University Place Plan*. The proposed rezoning is consistent with that Plan.

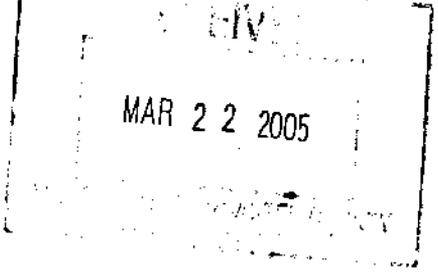
In the Plan, under Neighborhood Development and Land Use, the following vision is identified: "The University Place neighborhood will offer a sound residential environment for a variety of people, but will emphasize its quality and security as a place to own a home" (p. 73). It goes on to state that, "...homeowner investments should be viewed as financially secure and the level of uncertainty should be reduced....Unfortunately, much of University Place is over-zoned; even areas that are primarily single-family are zoned for multi-family development. As a result, the security of homeowner investments is degraded. Zoning policy in the neighborhood should offer greater safeguards to owners" (74). To do so, the Plan recommends implementing a "surgical rezoning strategy" not a blanket downzone. As a result, every block was analyzed and the rezoning application before the Planning Commission focuses on rezoning based on occupancy (i.e., predominately owner occupied or renter) and dominate uses (single- or multi-family).

This application to rezone is the culmination of a long process that included many public meetings and a significant amount of citizen involvement. In our view, it is consistent with the Plan and the process identified in the Plan, and we give it our full support.

Thank you for the opportunity to comment. Please contact me at [whjermstad@ci.lincoln.ne.us](mailto:whjermstad@ci.lincoln.ne.us) if you have any questions.



2-14-05



UPLO  
2723 N 50<sup>th</sup> St  
Lincoln, NE 68504

Dear Sirs:

We own the property at 2910-2912 North 50<sup>th</sup> C University place Block 38-745' lot 10, in University place. With only 45' lot they could never build anything else on this lot so that doesn't apply to me.

However, I support the project on another reason - Houses and apartments in the area meant to 4-6 unrelated students each having a car and no off street parking or room for cars. To complicate that the University in University place has very little parking for students on campus so Monday through Friday all the spaces from 50<sup>th</sup> to 52<sup>nd</sup> street to Adams are all filled during the week and that leaves one lane for regular traffic and no parking for the residents. The University should be required to provide parking for the students.

Respectfully  
Norman R. Underdahl 037

TO: Planning Department

It has been brought to our attention, that the University Place Community Organization (UPCO) is trying to down-zone our property, from R5 to R2. We feel this will decrease our property values, and decrease the marketability of our property upon it's sale.

**We wish to object to this attempt to down-zone our properties. Please note our objection with our signature and address found below.**

<u>Printed Name</u>	<u>Signature</u>	<u>Address</u>	<u>Date</u>
Charles Erky	<i>Charles Erky</i>	4946 GARLAND & 5036 GARLAND	3-5-05
James L. Erks	<i>James Erks</i>	FOR PATRICIA ERKS 4926 GARLAND	3-5-05
Panageote A Fotopoulos	<i>Panageote A Fotopoulos</i>	5026 GARLAND	3-5-05

RECEIVED  
MAR 11 2005  
038

*Chuck & Nancy Earley*

2234 Valley St  
Lincoln, NE 68521  
Home Phone: 408-2234  
Cell Phone: 416-2875  
408-399-0000

February 13, 2005

**TO:** Planning Department & the City Council

**CC:** Greg Czatlowski

**FM:** Chuck and Nancy Earley

**RE:** University Place Organization  
Down Zoning Proposal

*My name is Chuck Earley, and I would like to voice my objection to the proposed down zoning proposal that the University Place Organization is trying to get through the Planning Department and the City Council.*

*I have placed my retirement in this neighborhood. We own two small apartment buildings and a house at 4946 Garland St. within this neighborhood. The house is my major concern with this proposal (Parcel ID # 1717401009000, Legal description: University Place Block 118 E 1/2lot11 and all lot 12.) We bought this house last summer (June 2004) because it sat on a R5 lot and a half. Our plan was, and still is, to rent the house for a few years, then duplex it with another house on the lot, or remove the house and build a four-plex. The only reason we bought this house was to have the options that an R5 lot has with it. Now this proposal comes along and is threatening to remove the very reason for our purchase. We are also against the down zoning of our other property (Parcel ID #1717402013000, Legal description: University place Block 119 lots 11 and 12). We feel strongly that our properties have increased the safety and the value of our neighborhood. They are neat and clean and we run a tight ship with our tenants. Please, ask our neighbors, They know us and we know them all. We are good neighbors.*

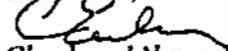
*This same organization, a few years ago, was so gun-ho on letting Wesleyan University builds their new dorms and townhouse without objection. I tried, without success, to point out that by removing that many students out of the neighborhood, the rentals in the neighborhood would suffer. I am in this neighborhood many times daily, and that is exactly what is happening. As far as I am concerned, Wesleyan gave a death cross to this neighborhood. The property owners sold out this neighborhood the day that the few objections over the Wesleyan dorms fell on deaf ears. This current proposal is a futile attempt to revitalize a neighborhood that has already, due to the rental demand before the Wesleyan dorms, too many old, converted houses that are now run-down to the point of no return, setting empty because of lack of renters. The only thing which makes those properties worth anything, is the zoning of the*

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*land they are sitting on, which would be taken away with the approval of this proposal. Maybe this organization should realize that the neighborhood is made up of rental property owners who want the same things they do, and maybe willing to do their share to have a nice neighborhood. If every rental property owner would police their properties (pick up trash etc.) and tolerate fewer tenants parting, as we do. That would be a constructive way to make a better neighborhood. Ask the rental property owner to do this, you maybe surprised. I don't have the answer but I do know this proposal is not it. Let the marketplace determine what happens, but don't change the rules.*

*If your department is concerned with the well being of Lincoln's neighborhoods, especially those that have been hurt by a University's housing project, curtail the number of apartments being built in and around the city, especially those that you have control of, those asking for rezoning, (The golf course apartment project in North Lincoln comes to mind.) We will be watching to see how concerned your department really is. Please, note my objection to this proposal when it comes time to decide its' fate also*

*Thank You;*

*  
Chuck and Nancy Earley*

Untitled

Greg;

On Saturday, 3/05/05. I went door to door, west from my apartments at 5036 Garland St. My neighbor directly to the west was home and he signed my objection to the down zoning letter, please find it included. He stated that some time ago the neighborhood changed from R2 to R5, durring that time I build my apartment building. Now, with an apartment to the east of him, he strongly felt that his property value would decrease in value and marketability if it (5026 Garland St.) went back to R2. He felt his lot was worth much more as an R5 than an R2 ..

The next neighbor further west was not home, the next had no property owner to talk with as did the last house on the corner of 50th and Garland. I continued by my second property on Garland, 4946 Garland, which is in the next block west, to the neighbor to the west of it. He was home and was upset he had not been notified about all this before it got along so far. He signed the letter also, stating the same reasons my other neighbor to the west of 5036 Garland did, adding his house was an older farm house worth less than the 1 and 1/2 lot it sat on and to have it re-zoned to an R2 would hurt his property value greatly.

Please Note: I want to bring to your attention, so you can put it in your report, that ALL the property owners in the block along Garland St. where his property ( 4926 Garland ) and my property (4946 Garland St) are located, are **TOTALLY IN OBJECTION TO THIS DOWN ZONING**, as were all that I spoke with Saturday in the next block east, that my apartments at 5036 Garland are in.

I find it strange that the apartments on 49th and Garland were excluded in all of this, when my apartment at 51th and Garland were not also excluded... all are pre-exesting apartments and on two courner lots. Please, I would like and answer to that question, my e-mail address is [ce66396@msn.com](mailto:ce66396@msn.com) .

Thanks

Chuck Earley

A handwritten signature in black ink, appearing to read 'Chuck Earley', followed by the date '3-8-05' written in a similar style.



Roycemueller@aol.co  
m  
03/28/2005 09:17 PM

To: plan@lincoln.ne.gov  
cc:  
Subject: University Place Change of Zone

Gentlemen,

I am writing in opposition to the proposed change in zoning which would affect my property at 2421 North 52nd Street. This property is currently zoned R-6 and I have been working with a developer since last fall exploring options on how to improve this property.

I can understand the motive behind the initiative and agree that there are numerous nicer old homes in the neighborhood which should be preserved. The University Place Community Organization (OPEC) stated they would like to "preserve blocks made up of predominantly single family homes."

The property I own is surrounded by rental apartments and conversions. Most of the entire block on which this property is located has already changed from single family homes to Apartment complexes. My house which was purchased this past summer has been a rental property for some time. The quality of the house and the surroundings have made it difficult to even rent to a good family. This unfortunate reality had led to renters who have turned out to be less than desirable.

I respectfully request that the block between Walker and Huntington Avenue, 51st and 52nd Street remain zoned R-6. This would also be consistent with the area map which shows R-6 designation for most properties within 1 block of the Wesleyan campus.

Sincerely,

Royce A. Mueller



"darrell ihde"  
<ihderealtor@hotmail.com>

To: plan@lincoln.ne.gov  
cc:  
Subject: Change of zone No. 05021

03/20/2005 11:05 AM

To: Planning Commission  
From: Darrell & Betty Ihde  
4945 Leighton Ave

Having attended one of the informal meetings called by Mr. Larry Zink we voiced our concerns and that we did not support his (his only) wish to down zone our properties. We purchased this property because of the zoning. We did build a two-story duplex that more than conforms to his property or any other in that area. As a Realtor, there are several problems that should concern Mr. Zink, neighbors and the City. I expressed these concerns at their meeting. There are: One clean up the area (garbage, bedding, furniture lose in the alleys and etc.), provide funds for painting and repair and infestation. The infestation is the reason we removed our property because it was far beyond repair. Mr. Zink felt we should have enjoyed our struggle with him to remove the home. He did not want to see our problem until one of the neighbors convinced him otherwise. I don't see any reason to downzone these properties. It is time that Mr. Zink work with the neighbors to better it, not work against us. It also appears to us that not all properties are being looked at in a fair light, ie. Mayor Coleen Sengs property at 2827 North 53rd and her neighbors in her block. I would suggest that COMMON SENSE be used and all parties work together to bring this area or matter of fact the city of lincoln to life with new paints and repairs. As we said in the Military we feel the cart is in front of the horse. We recently had our new garage broken into and material and tools stolen. Now this is a current problem that Mr. Zink and other could help with.

Sincerely yours, Darrell and Betty Ihde



"Vickie Daharsh"  
<VDAHARSH@neb.rr.com>

03/29/2005 11:51 AM

To: <plan@Lincoln.ne.gov>  
cc:  
Subject: zoning in University Place area.

To whom it may concern:

My name is Vickie Daharsh.

I just received a notice about a proposal to be made to the board to change the zoning in the University Place area. I am unable to attend the scheduled meeting for 1:00 p.m. on Wednesday March 30th. I would like to voice my opposition to this plan so am sending it via email.

I just recently purchased two houses on the corner of 51st and Walker Ave. The addresses are : 5102 Walker Ave. and 5110 Walker Ave. I see by your map that these are in the area proposed for rezoning from R6 to R4. I also notice that there are many other apartment houses in this area that are not listed in this proposal. I find it unfair to pinpoint just a few houses in the area of the campus without changing their zoning also. I am situated on a block with apartment complexes and feel it is unfair to change the zoning at the alleyway.

So I am voting to oppose this change and would like it so noted.

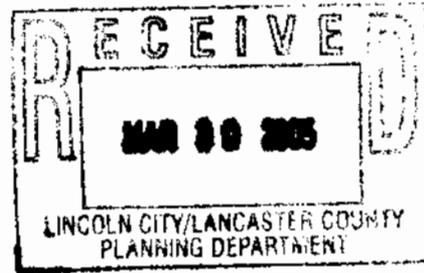
sincerely

Vickie M. Daharsh  
5110 Walker Ave. #1  
Lincoln, NE. 68504-2961  
402 466-3803  
VDAHARSH@neb.rr.com

*IN OPPOSITION*  
**March 30, 2005**

ITEM NO. 3.1: CHANGE OF ZONE NO. 05021  
(p.81 - Public Hearing - 03/30/05)

From: Keith Hopkins  
5342 Cleveland Ave.  
Lincoln, NE 68504



RE: Change of Zone No. 05021, University Place.

To: Lincoln City Planning Commission

My name is Keith Hopkins and I reside at 5342 Cleveland Ave.  
The property description is UNIVERSITY PLACE BLOCK 35 E67' LOTS 7 & 8.

I am addressing the planning commission to express my objection to the proposed downzoning and to ask that my property be removed from any downzoning action.

Furthermore, I have noticed that there are several homes to the west of me on the north and south sides of Cleveland Avenue especially between 51<sup>st</sup> and 53<sup>rd</sup> streets that are not part of this rezoning application. They remain as R6 and I strongly believe that my property should remain as R6.

I purchased my property over 14 years ago and one of the deciding factors for obtaining the property was its development/resale potential being zoned R6.

For the record, the "University Place Community Organization" does not represent my property or me. I find that their letter of February 2, 2005 was a misleading piece of work that on the surface appeared to respect my right to choose if I wanted to accept or reject my property participation in their rezoning proposal. I decided to not support the proposal and to not return their "Change of Zone Petition" support form. Later I received a phone call from a lady representing the organization and I expressed my decision not to support the rezoning proposal.

Then the letter from the city arrived in the mail. My first feeling was that of being betrayed and the blatant disregard for my wishes as a property owner. My question is why did the "University Place Community Organization" even bother getting my support when it is obvious now that they would do the rezoning application anyway regardless of my wishes?

Additionally, for the record the "University Place Community Organization" has never helped me pay for my property or paid for my taxes, yet they have empowered themselves to know what is best for my property and me.

Again I request that my property zoning remain as R6.

Thank you for your review of my request.

*Keith Hopkins*

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