

FACTSHEET

TITLE: CHANGE OF ZONE NO. 04085, from R-2 Residential District to R-T Residential Transition District, requested by Brian D. Carstens and Associates on behalf of GEICO Development, on property generally located at S.W. 17th Street and West "A" Street.

STAFF RECOMMENDATION: Approval.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 10/12/05
Administrative Action: 10/12/05

RECOMMENDATION: Approval (9-0: Larson, Carroll, Esseks, Krieser, Sunderman, Taylor, Strand, Pearson and Carlson voting 'yes').

FINDINGS:

1. This proposed change of zone from R-2 to R-T was heard in conjunction with the associated Use Permit No. 04008 for one 5,000 sq. ft. office/medical building.
2. The staff recommendation to approve this change of zone request is based upon the "Analysis" as set forth on p.3, concluding that the area abuts a commercial district, which is a requirement of the R-T Residential Transition District. The request is in conformance with the Comprehensive Plan.
3. On October 12, 2005, this application was removed from the Consent Agenda of the Planning Commission and had separate public hearing at the request of an adjacent property owner, Randy Ceclre, 1633 West A Street.
4. The applicant's testimony is found on p.5-6. The applicant agreed with the conditions of approval on the associated use permit.
5. The testimony of Randy Ceclre in support is found on p.5-6. He believes that the proposal provides some resolution to the management of water issues in the area; however, he did express concerns about the turning lane in front of his house and the vibrations he is experiencing in his home due to the new storm sewer recently installed. Another issue is drainage off of West Washington Street; however, the applicant believes that drainage problem is outside of the applicant's ownership.
6. Comments from the West "A" Neighborhood Association are found on p.10.
7. On October 12, 2005, the Planning Commission agreed with the staff recommendation and voted 9-0 to recommend approval.
8. On October 12, 2005, the Planning Commission also voted 9-0 to adopt Resolution No. PC-00955, approving the associated Use Permit No. 04008, with conditions. The appeal period expires on October 26, 2005.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: October 17, 2005

REVIEWED BY: _____

DATE: October 17, 2005

REFERENCE NUMBER: FS\CC\2005\CZ.04085

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for October 12, 2005 PLANNING COMMISSION MEETING

P.A.S.: Change of Zone #04085

PROPOSAL: From R-2 Residential to R-T Residential Transition

LOCATION: S.W. 17th St. & West "A" St.

LAND AREA: One acre, more or less

CONCLUSION: This area abuts a commercial district, which is a requirement of the R-T District. The request is in conformance with the comprehensive plan.

RECOMMENDATION:	Approval
------------------------	----------

GENERAL INFORMATION:

LEGAL DESCRIPTION: Outlot A, New Century Estates, located in the NE 1/4 of Section 33, Township 10 North, Range 6 East, Lancaster County, Nebraska

EXISTING ZONING: R-2 Residential

EXISTING LAND USE: Undeveloped

SURROUNDING LAND USE AND ZONING:

North:	R-2 Residential	Single family/two-family residential
South:	R-2 Residential	Single family/two-family residential
East:	R-2 Residential	Single family/two-family residential
West:	B-2 Neighborhood Business	Shopping Center

ASSOCIATED APPLICATIONS: Use Permit #04008

HISTORY:

October 29, 1993 New Century Estates final plat was approved by the Planning Director

August 30, 1993 New Century Estates preliminary plat was adopted by the City Council.

COMPREHENSIVE PLAN SPECIFICATIONS:

Maximize the community's present infrastructure investment by planning for residential and commercial development in areas with available capacity. This can be accomplished in many ways including encouraging appropriate new development on unused land in older neighborhoods, and encouraging a greater amount of commercial space per acre and more dwelling units per acre in new neighborhoods.(F-17)

Construction and renovation within the existing urban area should be compatible with the character of the surrounding neighborhood. (F-18)

Encourage mixed-use redevelopment, adaptive reuse, and in-fill development including residential, commercial and retail uses. (F-18)

Development principles include; Transition of uses, less intense office uses near residential areas. (F-21)

The Land Use Plan designates urban residential for this site. (F-24)

The land use plan displays the generalized location of each land use. It is not intended to be used to determine the exact boundaries of each designation. The area of transition from one land use is often gradual. The Comprehensive Plan also encourages the integration of compatible land uses, rather than a strict segregation of different land uses. (F-27)

UTILITIES: Utilities are available to serve this property.

TRAFFIC ANALYSIS: West "A" St. is classified as a minor arterial. Currently, West "A" St. is a two-lane asphalt rural cross section road.

ANALYSIS:

1. The applicant has requested a change of zone from R-2 to R-T.

Section 27.28.020(a) of the zoning ordinance states;

An R-T Residential Transition designation may be granted to any property abutting upon, or directly across a street from and fronting the same street as property zoned B-1, B-2, B-3, H-2, H-3, H-4, I-1, and I-2. Each building to be located within a Residential Transition District shall have:

- (1) A two and one-half inch in twelve inch pitched roof or steeper;
- (2) A nonreflective exterior siding material which is or simulates wood, stucco, brick, or stone;
- (3) A nonreflective roof material which is or simulates asphalt or wood shingles, tile, or rock;
- (4) No air conditioners on the roof.

The area within the requested change of zone abuts a B-2 district and fronts the same street as the B-2 district.

2. This request is associated with a use permit for a office building with a total floor area of 5,000 sq. ft.
3. The subject property has remained undeveloped since 1993 when the preliminary plat was approved.

4. The intent of the R-T district is to provide a transition between commercial and residential land uses.

Prepared by:

Tom Cajka
Planner

DATE: September 28, 2005

APPLICANT: Brian D. Carstens
Brian D. Carstens & Associates
601 Old Cheney Rd.
Lincoln, NE 68512
(402) 434-2424

OWNER: GEICO Development
2251 W. Pleasant Hill rd.
Lincoln, NE 68523
(402) 430-6977

CONTACT: same as applicant

**CHANGE OF ZONE NO. 04085
and
USE PERMIT NO. 04008**

PUBLIC HEARING BEFORE PLANNING COMMISSION:

October 12, 2005

Members present: Larson, Carroll, Esseks, Krieser, Sunderman, Taylor, Strand, Pearson and Carlson.

Staff recommendation: Approval of the change of zone and conditional approval of the use permit.

Ex Parte Communications: None.

This application was removed from the Consent Agenda at the request of Randy Cecrle and had separate public hearing.

Proponents

1. **Brian Carstens** appeared on behalf of the applicant, **Larry Geiger of Geico Development**, and presented the proposal to develop the one-acre outlot located immediately east of the shopping center at S.W. 17th and West A Street. They have been working with staff for several months. They had originally submitted a plan for two R-T (residential transition) buildings and, after working with staff, have decreased the proposal to one building due to some stormwater concerns. Carstens agreed with all conditions of approval set forth in the staff report.

Support

1. **Randy Cecrle**, who lives in the property just to the east of the proposed development, testified. He has taken the time to talk to the applicant, and the Planning and Public Works staff, to discuss the issues set forth in the Public Works comments dated September 28, 2005. In general, as the property owner next to the site, he stated that he is not opposed to the development, and sees it as some level of resolution to managing the water issues.

With regard to the temporary turn lanes discussed in paragraph #1 of the Public Works comments, Cecrle pointed out that the potential for one of the turning lanes will be in front of his house. He advised that there are some other problems with that street, including considerable vibrations in his house, but he believes they have more to do with the new storm sewer that has been installed.

Paragraph #3 of the Public Works comments discusses some elevation problems that were in the original design. Cecrle understands that the applicant has taken some steps to correct some of the errors, so he is now comfortable that the water issues are being addressed with this proposal. There is little margin of error because of the vast amount of water that comes down from South Street, so water management in this proposal is an important issue.

Cecrle also believes that the grade elevation discussed in paragraph #4 of the Public Works comments is addressing the water issues.

The only other concern expressed by Ceclre is whether the detention area is satisfactory to hold the water.

Ceclre requested that he be informed of any future changes, such as lighting, water flow, etc., in advance of any kind of approval because he has a very strong vested interest in the property.

Ceclre advised that the only outstanding issue in the area is the drainage off of West Washington Street that drains into this area. He believes there are some feelings among the owners of the property out there that that drainage is not adequate.

There was no testimony in opposition.

Response by the Applicant

Carstens explained that they have put the left turn lane heading west on A Street and there appears to be sufficient right-of-way; however, they may have to rebuild the Ceclre driveway approach.

Carstens acknowledged that they did have an error related to the contours which has been resolved. He also acknowledged that there is one drainage issue to the west of the building which they will address.

As far as drainage from the southwest corner, Carstens stated that this development is not impeding any drainage. There may be some issues on the street ½ block south of this, which is beyond this owner's property.

CHANGE OF ZONE NO. 04085

ACTION BY PLANNING COMMISSION:

October 12, 2005

Strand moved approval, seconded by Carroll and carried 9-0: Larson, Carroll, Esseks, Krieser, Sunderman, Taylor, Strand, Pearson and Carlson voting 'yes'. This is a recommendation to the City Council.

USE PERMIT NO. 04008

ACTION BY PLANNING COMMISSION:

October 12, 2005

Carroll moved approval, with conditions, as set forth in the staff report, seconded by Strand and carried 9-0: Larson, Carroll, Esseks, Krieser, Sunderman, Taylor, Strand, Pearson and Carlson voting 'yes'. This is final action, unless appealed to the City Council within 14 days.



Use Permit #04008
Change of Zone #04085
SW 17th & West A St.

2002 aerial

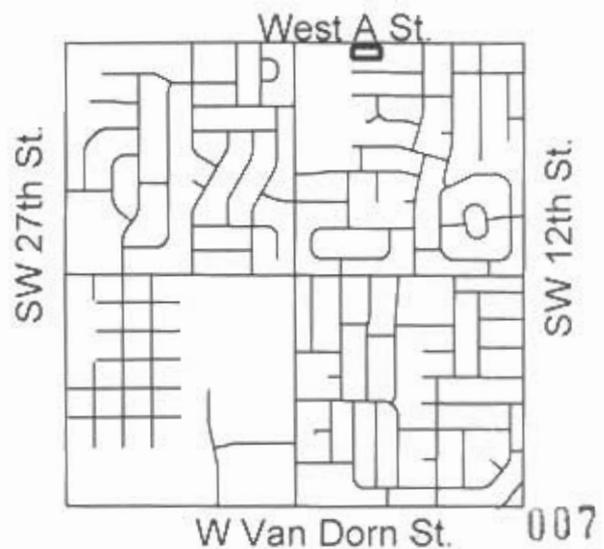
Zoning:

- 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



Zoning Jurisdiction Lines
 City Limit Jurisdiction

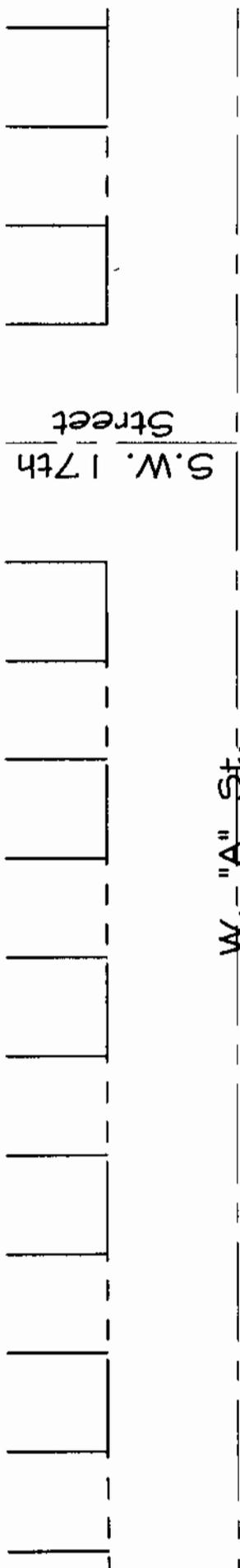


007

LEGAL DESCRIPTION CHANGE OF ZONE R-2 TO R-T

A survey of Outlot A, New Century Estates, located in the Northeast Quarter of Section 33 Township 10 North Range 6 East of the Sixth Principal Meridian, Lancaster County, Nebraska; More particularly described by metes and bounds as follows.

Commencing at the Northwest corner of Outlot A, New Century Estates, said point being on the South right of way of West A Street, and the POINT OF BEGINNING; Thence North 90°00'00" West, (an assumed bearing) on the said South right of way, a distance of 332.84 feet to the Northwest corner of Lot 5 Westland Heights; Thence South 00°35'12" East, on the West line of Lot 6, Westland Heights, a distance of 134.61 feet to the Northeast Corner of Lot 5 New Century Estates; Thence South 89°58'05" West, on the North line of Lots 5 thru 1, New Century Estates, a distance of 332.80 feet, to the Northwest corner of Lot 1, Newcentury Estates; Thence North 00°36'10" West, on the East line of Lot 144 Irregular Tract, a distance of 134.79 feet to the POINT OF BEGINNING, and containing a calculated area of 44,827.93 Square feet or 1.0 acres more or less.



N 90°00'00"E
332.84M 332.97P 333.00R

N 00°36'10"W
134.79M 134.71P

134.61M 134.75P
S 00°35'12"E

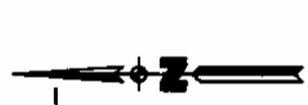
CHANGE OF ZONE R-2 TO R-T

Existing
B-2
Zoning

Existing
R-2
Zoning

S 89°58'05"W
332.80M 332.82P

Existing
R-2
Zoning



SCALE: 1" = 40'

009

ITEM NO. 1.1a&b: CHANGE OF ZONE NO. 04058
USE PERMIT NO. 04008
(p.01 - Consent Agenda - 10/12/05)



"Bill Vocasek"
<bvocasek@neb.rr.com>
10/02/2005 01:19 PM

To <plan@lincoln.ne.gov>

cc

bcc

Subject re: Change of zone No. 04085 and Use Permit No. 04008

Planning Commission Members,

In reference to Change of Zone No. 04085 and Use Permit No. 04008

the

developer Larry Geiger attended a West A Neighborhood Association Meeting to discuss the planned development, concerns were that the property had forfeited its access to West A Street several years ago when the developer developed the houses surrounding the property known as Outlot A, New Century Estates located in the 1/4 section 33-10-6, Lancaster County, Nebraska, generally located at SW 17th and West A Street. During that meeting the applicant assured the neighbors that he would as part of the development install a permanent sidewalk, work with the city to ensure that the drainage from West Washington Street would be addressed, that the development would not negatively affect the property at 1633 West A Street that has had problems relating to water drainage since the development at Coddington and West A Street that had been addressed and is not currently causing problems, and that Wood Privacy Fence would be constructed at the developers expense between his property and the surrounding neighbors. The applicant also assured the neighbors that he would design it for low-density occupancy such as a medical, dental, or insurance office to reduce the impact relating to traffic entering West A Street. It was also agreed upon to limit the usage to daytime and early evening hours and also design it so that lighting would not intrude onto the neighbor's property to minimize the negative impact to the surrounding neighbors. In regard to the proposed development the West A Neighborhood Association supports the development of the property with the agreed upon conditions to assure that city and neighbors are not negatively impacted.

Sincerely,
Bill Vocasek
President
West A Neighborhood Association