

FACTSHEET

TITLE: CHANGE OF ZONE NO. 06040, requested by the 40th & "A" Street Neighborhood Association, to change the zoning on approximately 36 blocks within the 40th and "A" Street Neighborhood from B-1, R-6, R-5 and R-4 to R-2 and from B-1 to R-4, on property generally located in the north and west portions of an area bounded by Randolph, 33rd, 48th and "A" Streets.

STAFF RECOMMENDATION: Approval, as revised by the applicant on August 24, 2006.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 07/05/06 and 08/30/06
Administrative Action: 07/05/06, 08/02/06, 08/16/06 and 08/30/06

RECOMMENDATION: Approval, as revised, with one amendment (5-3: Cornelius, Sunderman, Taylor, Esseks and Carlson voting 'yes'; Larson, Krieser and Carroll voting 'no'; Strand absent).

1. This is a request by the 40th & A Neighborhood Association to change zoning as follows: a) approximately 36 blocks from R-4 to R-2, which is solely in single family and duplex use with over 800 dwelling units; b) four lots from R-5 to R-2, which are currently occupied by a four-plex and a three-plex; c) one lot from R-6 to R-2, which is currently occupied by a four-plex; d) two lots from B-1 to R-2, with one lot in use by a church and one lot occupied by a single family house that is zoned half B-1 and R-2 Residential; and e) a few lots from B-1 to R-4 along both sides of 47th Street, south of Randolph, that are occupied by multi-family uses including duplexes, a three-plex, six-plex and a small part of a 128-unit apartment complex. The stated purpose of the request is "to protect the residential characteristics of [the] neighborhood".
2. This application was originally submitted on 05/31/06, and had public hearing before the Planning Commission on 07/05/06, at which time the Planning Commission voted 5-2 to defer until November 8, 2006, until the recommendations of the Planning Commission downzone subcommittee have been determined (Carroll, Larson, Krieser, Strand and Sunderman voting 'yes'; Carlson and Esseks voting 'no'; Taylor and Cornelius absent).
3. Testimony in support on 07/05/06 is found on p.14, and the record at that time consisted of five communications in support (p.33-37).
4. Testimony in opposition on 07/05/06 is found in p.14-15, and the record at that time consisted of three letters in opposition (p.38-43).
5. The Planning Commission's action of deferral prompted a letter from City Council Members, Patte Newman and Dan Marvin, urging the Planning Commission to reconsider the deferral (p.47).
6. A letter setting forth the timeline of activities pursued by the applicant in bringing forward this change of zone request was submitted by the 40th & A Neighborhood Association Board Members on 08/01/06 (p.48-54).
7. On 08/02/06, the Planning Commission considered the letter from Newman and Marvin and voted to rescind the previous action of deferral, and voted 7-0 to schedule continued public hearing and action for 08/30/06 (See Minutes, p.17-20).
8. On 08/24/06, the applicant revised the change of zone request by changing the half block between 40th and 41st Streets on the south side of G Street to R-4 Residential (property owners: Wilson, Shaw and Cast). See p.55.
9. The minutes of the continued public hearing held on 08/30/06 are found on p.20-24. The applicant submitted a petition in support bearing 179 signatures in support (p.57-65).
10. There was no testimony in opposition at the continued public hearing on 8/30/06; however, the record consists of two letters in opposition dated 08/08/06 from Joel and Helen Sindelar (p.44-46) and a letter from Jim Essay, managing partner of Essman, LLC, in opposition to changing the zoning on 828-836 S. 47th Street (p.56). (**Note:** The Sindelar property was removed from the change of zone request by the applicant; the Essman, LLC property was removed from the change of zone request by the Planning Commission; the property owned by Earl Visser at 3345 A Street which had been discussed, was not removed from the application—it is anticipated that Mr. Visser may submit a change of zone request to R-T for office use on two lots in the future.)
11. On 8/30/06, the majority of the Planning Commission agreed with the staff recommendation, and voted 5-3 to recommend approval, with the revisions submitted by the applicant, and with one amendment removing 828-836 S. 47th Street from the change of zone request (Larson, Krieser and Carroll dissenting; Strand absent). See Minutes, p.24-26.

for August 30, 2006 PLANNING COMMISSION MEETING

P.A.S.: Change of Zone #06040 ***Per Planning Commission August 30, 2006***

PROPOSAL: To change the zoning on approximately 36 blocks within the 40th and "A" Street Neighborhood from B-1 Local Business, R-6, R-5 and R-4 Residential to R-2 Residential and from B-1 Local Business to R-4 Residential near 47th and Randolph Street.

LOCATION: This area is generally located in the north and west portions of an area bounded by Randolph, 33rd, 48th, and "A" Streets.

LAND AREA: 158 acres, more or less.

CONCLUSION: This neighborhood contains a large number of affordable single family homes with nearly a quarter of the dwelling units in duplex use. Overall there is a good mix of dwelling uses with a higher than average overall density of 6 dwelling units per acre. Approval of this change of zone would preserve the current development pattern, limit the potential for increasing housing density in an area with a fixed amount of infrastructure and parking and may encourage home-ownership.

<u>RECOMMENDATION:</u>	Approval
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GENERAL INFORMATION:

LEGAL DESCRIPTION:
(See legal description at end of report)

EXISTING ZONING: B-1 Local Business, R-4, R-5, and R -6 Residential

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

SURROUNDING LAND USE AND ZONING:

North:	Single, Two-, and Multiple-family dwellings	R-2 and R-4 Residential (proposed for change to R-2)
South:	Single, and Two-family dwellings	R-2 Residential
East:	Single, and Two-family dwellings Commercial	R-2 Residential B-1 Local Business
West:	Single, and Two-family dwellings Commercial	R-4 Residential B-3 Commercial

HISTORY:

Prior to the 1979 zoning update, this area was zoned B Two-Family Dwelling, C Multiple Dwelling, D Multiple Dwelling, G Local Business, and I Commercial. As a result of the update,

the zoning changed to R-4 Residential, R-5 Residential, R-6 Residential, B-1 Local Business, and B-3 Commercial, which substantially reflected the previous zoning.

HISTORY OF OTHER RESIDENTIAL DOWNZONING:

- Apr 2005 Change of Zone #05021 from B-3 Commercial and R-4, R-5, and R-6 Residential to R-5, R-4, and R-2 Residential was approved for an area within the University Place Neighborhood. Density was 10.7 units/acre.
- Apr 2005 Change of Zone #05014 from R-4, R-5, R-6, and R-7 Residential to R-2 Residential was approved for an area within the Near South Neighborhood. Density was 7.6 units/acre.
- May 2004 Change of Zone #04026 from R-4 to R-2 was approved for an area within the Irvingdale/Country Club Neighborhood. Density was 4.9 units/acre.
- 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. Density was 4.1 units/acre.
- 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. Density was 3.8 units/acre.
- Aug 2003 Change of Zone #3412 from R-4 Residential to R-2 Residential was approved for an area within the Antelope Park Neighborhood. Density was 5.2 units/acre.
- Apr 2003 Change of Zone #3397 from R-4 Residential to R-2 residential was approved within the existing Franklin Heights Neighborhood Landmark District.
- 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 27th and Washington Streets.

COMPREHENSIVE PLAN SPECIFICATIONS: The Comprehensive Plan shows the requested area primarily as Urban Residential, with Commercial designations generally where commercial uses are currently located. (F 25)

COMP PLAN SPECIFICATIONS IN SUPPORT OF THIS CHANGE OF ZONE:

Preservation and renewal of historic buildings, districts, and landscapes is encouraged. Development and redevelopment should respect historical patterns, precedents, and boundaries in towns, cities and existing neighborhoods. (F 17)

The **Overall Guiding Principles** for future residential planning include:

One of Lincoln's most valuable community assets is the supply of good, safe, and decent single family homes that are available at very affordable costs when compared to many other communities across the country. Preservation of these homes for use by future generations will protect residential neighborhoods and allow for many households to attain the dream of home ownership. (F 65)

The **Guiding Principles for Existing Neighborhoods** include:

Preserve, protect, and promote city and county historic resources. Preserve, protect and promote the character and unique features of rural and urban neighborhoods, including their historical and architectural elements. (F 68)

Preserve the mix of housing types in older neighborhoods. (F 68)

Promote the continued use of single-family dwellings and all types of buildings, to preserve the character of neighborhoods and to preserve portions of our past. (F 68)

Strategies for New & Existing Residential Areas

Single family homes, in particular, add opportunities for owner-occupants in older neighborhoods and should be preserved. The rich stock of existing, smaller homes found throughout established areas, provide an essential opportunity for many first-time home buyers. (F 72)

OTHER RELEVANT COMP PLAN SPECIFICATIONS:

The **Guiding Principles for the Urban Environment: Overall Form** include:

Maximize the community's present infrastructure investment by planning for residential and commercial development in areas with available capacity. (F 17)

Provision of the broadest range of housing options throughout the community improves the quality of life in the whole community. (F 65)

Strategies for New Residential Areas

Structure incentives to encourage more efficient residential and commercial development to make greater utilization of the community's infrastructure. (F 72)

One **Quality of Life Asset** from the **Guiding Principles from the Comprehensive Plan Vision** states:

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)

The **Guiding Principles for the Urban Environment: Residential Neighborhoods** include:

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

Develop and promote building codes and regulations with incentives for the rehabilitation of existing buildings in order to make it easier to restore and reuse older buildings. Encourage reconversion of single family structures to less intensive (single family use) and/or more productive uses. (F 73)

ANALYSIS:

1. This is a request by the 40th and "A" Street Neighborhood Association to change the zoning by:
 - approximately 36 blocks from R-4 Residential to R-2 Residential which is solely in single family and duplex use with over 800 dwelling units

- 4 lots from R-5 to R-2 Residential which are currently occupied by a four-plex and a three-plex
 - 1 lot from R-6 to R-2 Residential which is currently occupied by a four-plex
 - 2 lots from B-1 Local Business to R-2 Residential with one lot in use by a church and lot occupied by a single family house that is zoned half B-1 Local Business and half R-2 Residential
 - a few lots from B-1 Local Business to R-4 Residential along both sides of 47th Street, south of Randolph that are occupied by multi-family uses including duplexes, a three-plex, six-plex and a small part of a 128 unit apartment complex
2. This request is made “to protect the residential characteristics of [the] neighborhood.” Applicant states that the number of conversions from single-to two-family homes has reached a point where the additional density has begun to create negative consequences for the neighborhood residents.
 3. The 40th & A Neighborhood Association has conducted several neighborhood informational meetings prior to the Planning Commission public hearing in order to inform residents. Planning staff attended these informational on April 25th and August 17th. All property owners were mailed a notice of the informational meeting on April 20th by the neighborhood and on August 4th by the City. In addition, notice letters of the Planning Commission hearing were sent to over 1,000 property owners by the City on June 23^d and in the August 4th mailing – which was 4 weeks prior to the August 30th second public hearing.

The initial application has been amended to delete two houses zoned B-1, one at 834 S. 48th Street and one 3309 B Street. Two adjacent vacant lots on B Street were also deleted from the request since the downzoning would not make any difference to these two 40 feet wide lots – with either R-2 or R-4 they could only be used for a duplex or one single family. In addition, the owner of the adjacent commercial property requested that their future use, including potential for use as parking for the adjacent commercial, be considered as part of a future separate application. These lots are at the very edge of the district and are adjacent to B-3 zoning to the west and south.

4. 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 coincide with some policies and guidelines enumerated in the Comprehensive Plan, while other policies and guidelines are neutral or mixed on this proposal.

- **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 predominantly a mixture of single- and two-family dwellings, with several properties used for multiple-family dwellings or churches. There are 610 single-family, 114 two-family (228 units) and 6 multiple-family (148 units) buildings.

The two-family dwellings are dispersed throughout the proposed boundaries, but are particularly focused in the area defined by 37th, 40th, Randolph, and “F” Streets. Outside of this area, every other block has more single-family than two-family dwellings, with several blocks having only single-family uses.

- **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 the increased lot area requirements, or redeveloped for apartments. On the other hand, this may have the effect of encouraging home ownership, which could stabilize or increase property values. Higher density residential zoning can create uncertainties that tend to drive owner-occupants from a neighborhood and promote conversion of single-family houses and lots to multiple-family use. However, downzonings discourage new multiple-family development.

- **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 Plan identifies Lincoln’s commitment to its neighborhoods, as well as an encouragement to preserve existing single-family homes for single-family uses. These concurrent goals often pose as competing arguments in neighborhood downzone requests.

5. 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.
6. 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. Special permitted uses vary by district.
7. All new construction of principal buildings in residential districts within the 1950 city limits 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. These standards apply to this neighborhood.

Nonstandard Uses

8. LMC §27.61.040 outlines 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 of the property must conform to the setback and height regulations. There are 5 properties that are now nonconforming. However, these are all residential uses in the B-1 district, which will no longer be nonconforming if this change is approved.
9. 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.
10. 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...”
11. The R-2 district regulations 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.

Proposed Change of Zone #06048 would amend this stipulation to provide that multi-family built after 1979 could also be reconstructed or altered. This amendment is tentatively scheduled for Planning Commission hearing on September 13th.

12. Therefore, any use that becomes nonstandard may be rebuilt by right, even though the lot is too small, if it will meet the setback requirements of the R-2 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.
13. There are a couple of special permits available for nonstandard uses as well. One permit allows a nonstandard single- or two-family structure to extend into a required yard up to the extent to which a portion of it already does. Another special permit allows nonstandard, and even nonconforming, uses to be rebuilt to the setbacks existing at the time the use was destroyed. Neither of these special permits can be used to allow a standard use to occupy a required yard setback.
14. There are 22 uses that are currently nonstandard, compared to 230 uses that would be nonstandard if this change is approved. Proposed Change of Zone #06048 would also clarify that lots that do not meet the lot area and width requirement could be used for a single family use without being considered as nonstandard. The same amendment would clarify that existing duplexes with less lot area and width would also not be nonstandard.

15. This area as a whole appears to be fully built. There appears to be no more than 2 vacant lots 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.
16. This neighborhood has reached an appropriate mix of single-, two-, and multiple-family residences. The combined density for the blocks under consideration is 6.2 units per acre, which compares to densities of 3.8 to 10.7 units per acre in other neighborhoods where R-2 downzoning was approved under the current 2025 Comprehensive Plan.
17. At the time of this report, Applicant had submitted 22 signatures on petitions in support of this request.

Analysis of Individual Changes of Zones:

18. B-1 Local Business to R-2 Residential includes a church on one lot at 40th and Randolph west of the new restaurant, also zoned B-1. The church is a permitted use in the B-1 and R-2. The B-1 has a 20 foot front yard setback and the R-2 has 25 foot. R-2 requires churches have a 15 foot side yard while B-1 has a 10 foot side yard. Both R-2 and B-1 have the same 20 foot rear (20% of lot depth.) The existing church probably would meet the front yard setback for R-2 as it appears equal setback to the houses to the west. It does not meet the rear setback for either R-2 or B-1. The church building has a larger setback on the sides than a typical residence, but it is unknown if it meets the R-2.

The church lacks parking and long term could be converted to another use. It could potentially be converted to a residential use in the R-2 zoning either through renovation or new construction. Given it's location next to the restaurant drive-thru, any residential use would probably be of a special permitted use, such as a day care or assisted living. The lot is quite small and the building covers quite a bit of the lot. Residential use on this property could have less impact on the existing house to the west, than if this building were demolished and used for an intensive commercial use.

The other B-1 to R-2 lot is a single family house at 842 S. 48th Street, south of Randolph. To the north of this property is a single family house zoned B-1, which is between this property and a convenience store and car wash on Randolph. The lot to the north (834 S. 48th St.) was initially in this application, but was later removed by the applicant. The lot in this application (842 S. 48th St.) is occupied by a single family house that is zoned half B-1 Local Business and half R-2 Residential. It is definitely inappropriate to have a zoning line divide a house in half. Approval of this application would more appropriately have the entire house zoned R-2, similar to seven other houses on the east side of 48th Street north of D Street.

19. B-1 Local Business to R-4 Residential along both sides of 47th Street, south of Randolph are lots that are occupied by multi-family uses including duplexes, a three-plex, six-plex and a small part of a 128 unit apartment complex. The B-1 Local Business zoning is inappropriate along this street. The current zoning does not match land uses or lot lines. The B-1 zoning arbitrarily slices off a corner of an apartment complex owned by Tabitha on the west side of 47th and

includes some of the residential uses on the west side. There are no commercial uses on 47th Street. It appears the B-1 zoning line is a decades old and was not based on existing land uses.

This proposed change would zone this multi-family area to R-4 Residential, the same zoning as the remainder of the Tabitha Village apartments and the rest of the multi-family uses on the east side of 47th Street. Technically, the B-1 zoning district does not allow first floor residential. The B-1 also doesn't allow elderly retirement housing by special permit which allows for a substantial increase in density. This 128 unit complex was approved in 1970 by Special Permit #503. By having the entire lot zoned R-4, the project would come closer to conforming to today's standards. Though by today's standards, even if the entire 4.56 acre project was zoned R-4, it could probably only been approved for approximately 114 units, assuming a 80 percent bonus based on construction standards. If part of the lot were zoned B-1 the number of allowed units would be even less.

20. R-5 and R-6 to R-2 Residential occurs in three places in the proposal. All of the R-5 and R-6 zoning are definitely "spots" of zoning which are of a different use and zoning than the surrounding property. These spots of zoning include only 1 or 2 lots on a block while the rest of the block is zoned R-4. This has allowed the owners to build a 3 or 4 plex, while the rest of the block was single family or two family uses. This type of zoning pattern should be discouraged. The proposal is for these uses to be zoned R-2 like the rest of the block. The multi-family uses would be classified as non-standard and if they were destroyed, they could be rebuilt by right if they could meet the new required setbacks of 25 foot front yard and 10 foot side yard. They would also have the option to apply for a special permit to request the previous setbacks.

Previous Opposition

21. Two property owners previously requested their lots be excluded from the R-4 to R-2 portion of the change of zone. Tim Otto requested that two existing duplexes at 4101 and 4107 F Street remain R-4. The downzoning and the proposed Change of Zone #06048 would not have a significant impact on these existing duplexes. All of the other land on this block would be zoned R-2. The south half of this block is already zoned R-2.
22. Rebecca Cast asked that 4025 and 4045 G Street be excluded. Her letter explained that they had specifically replatted the lots around these properties in 2002 in order to offer them for sale as duplex lots. If zoned R-2, they would not have enough lot area for duplexes, but the existing houses could be removed and new single family units be built instead.

It would be a poor zoning pattern to leave two lots zoned R-4 with a block that would be all R-2 otherwise. To the west of these two lots is a single family use, with a 4 plex zoned R-5 on the corner lot on this block face.

23. Earl Visser has requested that two lots, one at 3333 A (owned by Heath Merrigan) and 3345 A Street (owned by Mr. Visser) not be rezoned from the R-4 to R-2 and instead be zoned R-T Residential Transition for future office use. The applicant did not agree to include the R-T zoning in their application because it would have further delayed their process and required re-advertising and notification of the more intensive use. It would be more appropriate to review the "upzoning" request as part of a separate application.

The R-T has not been legally advertised nor discussed at any of the neighborhood informational meetings.

Prepared by:

Stephen Henrichsen, AICP shenrichsen@lincoln.ne.gov
Planning Department, (402) 441-6374

Date: August 21, 2006

**Applicant
and
Contact:** 40th & "A" Street Neighborhood Association
Tracy Line
1001 South 37th Street
Lincoln, NE 68510
402.310.7069

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	R-2	R-4	R-5	R-6
Lot area , 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
Avg. lot width , 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
Front yard , 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
Side yard , 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
Rear yard	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

From B-1 Local Business District to R-2 Residential District

on property legally described as the N ½ of Lot 9, Block 2, Linwood, located in the SE 1/4 of Section 29-10-7, and West 57.97' of the North 100' of Lot 1, Riley and Whitney's Subdivision (of Lot 19) in the NE 1/4 of Section 31-10-7;

From B-1 Local Business District to R-4 Residential District

on property legally described as 158 and 175 I.T., and a part of 243 I.T., all located in the SW 1/4 of Section 29-10-7; (August 30th Planning Commission Recommendation – delete Lot 158)

From R-6 Residential District to R-2 Residential District

on property legally described as Lot 2 and northern 25' of Lot 3, Block 1, Turner's Randolph Addition in the SW 1/4 of Section 29-10-7;

From R-5 Residential District to R-2 Residential District

on property legally described, ~~Lots 5 and 6, Block 5, Martin Heights~~ and Lots 17 and Southern 30' of Lot 18, Block 1, Turner's Randolph Addition in the SW 1/4 of Section 29-10-7; (As Amended by Applicant on August 29th)

From R-5 Residential District to R-4 Residential District

on property legally described as Lots 5 and 6, Block 5, Martin Heights, in the SW 1/4 of Section 29-10-7; (As Amended by Applicant on August 29th)

From R-4 Residential District to R-2 Residential District (As Amended by Applicant on August 29th)

on property legally described as Lots 1-12, Block 1; Lots 1-12 and all of the vacated east/west alley, Block 2; Lots 1-12 and all of the vacated east/west alley, Block 3; Lots 1-4 and 7-12, Block 4; Lots ~~4 and 7-12~~, Block 5; Lots 1-12 and all of the vacated east/west alley, Block 6; Lots 1-6 and 10-12, Block 7; Lots 1-12 and all of the vacated east/west alley, Block 8; Lots 1-6 and the N1/2 of the vacated east/west alley adjacent thereto, Block 9; Lots 1-6 and the N1/2 of the vacated east/west alley adjacent thereto, Block 10; Lots 1-6, Block 11; Lots 1-6, Block 12, Lots 5-8, Block 13, Martin Heights; Lots 1 and 2, Martin Heights 1st Subdivision; Lots 1 and 2, Martin Heights 2nd Addition; ~~Lots 1 and 2, Martin Heights 3rd Addition;~~ Lot 1, Southern 25' of Lot 3, Lots 4-16, northern 20' of Lot 18, Lots 19-24, Block 1; Lots 1-26, Block 2, Turner's Randolph Addition; Irregular Tracts 132, 244, and 245, all located in the SW 1/4 of Section 29-10-7, Lancaster County, Nebraska, and Lots 1-24, Block 1; Lots 1-24, Block 2, Fair Hill Subdivision; Lots 3-24, Block 1; Lots 1-24, Block 2; Lots 1-24, Block 3; Lots 1-24, Block 4, Fair Hill 2nd Addition; Lots 1-24 and all of the vacated north/south alley, Block 1; Lots 1-24, Block 2, Fair Hill 3rd Addition; Lots 1 and 2, Fair Hill 4th Addition; Lots 1-150, 153-206, and 219-240, Boulevard Heights; Lots 1-10, Block 1; Lots 1-12, Block 2; Lots 1-12, Block 3, Maple Grove; Lots 1-4, Block 1; Lots 1-8, Block 2, Randolph Terrace; Lots 1-3, Block 1; Lots 1-5, Block 2, Randolph Terrace 2nd Addition; Lots 1-8, Randolph Terrace 3rd Addition; Lots 1-4, Randolph Terrace 4th Addition; Lots 1-5, Randolph Terrace 5th Addition; Lot 1 S131.17', the Remaining Portions of Lots 2 and 3, Lots 4-6, and the Remaining Portions of Lots 7-10, Riley and Whitney's Subdivision (of Lot 19); Lots 1-12, Johnson and Schafer Replat; Lots 1-12, Linden Terrace; Lots 1-6, Block 1, Brownbilt; Lots 1-5, Block 11, Brownbilt 2nd Addition; Irregular Tracts 85, 88, 96, 99, 103, 104, 108-111, 114-116, 126, 128, and 130-136, all located in the SE 1/4 of Section 30-10-7, Lancaster County, Nebraska, and Lots 7 and 8, Block 4, Marydell; Lots 1-12, Block 3; Lots 1-6, Block 4, East Lawn Terrace, all located in the NE 1/4 of Section 31-10-7, generally located between 40th and 48th Streets, from Randolph to "A" Streets.

CHANGE OF ZONE NO. 06040

PUBLIC HEARING BEFORE PLANNING COMMISSION:

July 5, 2006

Members present: Carlson, Carroll, Esseks, Krieser, Larson, Sunderman and Strand; Cornelius and Taylor absent.

Staff recommendation: Approval.

Ex Parte Communications: None

Additional information submitted for the record: Greg Czaplewski of Planning staff submitted two letters in support from the Witherbee Neighborhood Association and Howard and Marilyn Cook, and one letter in opposition from Tim Otto.

Staff Presentation: Czaplewski stated that this change of zone covers quite a few blocks. Everything shown on the map is changing to R-2 zoning. A few changes were requested from Commercial to Residential zoning. After talking with the property owners and looking at adjacent commercial uses, staff determined that changing these to commercial would have a negative effect. He has talked to the applicant and believes they would agree to the changes. There is one owner that is requesting their property remain R-4 zoning.

Esseks questioned if staff was able to meet the concerns of property owners who have expressed reservations. Czaplewski replied that he has not talked to anyone else who opposes this, with the exception of the person who submitted a letter today expressing opposition.

Esseks wondered if the accommodation that Mr. Otto seeks is similar to one that has been given before. Czaplewski replied that the lots would become nonstandard under R-4 zoning.

Carroll questioned how long ago legal notice was sent to the property owners. Czaplewski replied that letters were mailed out about two weeks ago.

Carroll wondered how many letters were mailed. Czaplewski replied about 1,100. Carroll questioned how many single family homes in this area were converted to duplex or more. Czaplewski did not have the information immediately available to answer that question.

Strand stated that when she served on the Downzoning Committee, everyone involved was informed of the pro's and con's. Czaplewski indicated that he attended a neighborhood meeting and has addressed letters and phone calls. It is not his place to address mortgage and insurance concerns, etc.

Esseks noted that R-2 allows duplexes. He questioned what would be different under R-4. Czaplewski replied that R-4 needs 5,000 square feet per lot and R-2 needs 10,000 square feet per lot.

Proponents

1. **Tracy Lines** appeared on behalf of the **40th & "A" Neighborhood Association**. She stated the neighborhood has had some problems with people purchasing homes and converting them to duplexes. This can lead to party houses. At a board meeting in April 2005, a speaker addressed zoning in general. In the Fall newsletter, October 2005, there was an article talking about the possibility of the neighborhood association filing this application. In January 2006, the association stated their intent to file the application and in the Spring 2006 newsletter the association stated the anticipated date of filing the application. They mailed out letters to all property owners in the affected area. It was approximately 800-900 people. She acknowledged that Greg Czaplewski appeared at a meeting along with a former Commission member. Thus, the association believes that they have gotten the word out to the affected people. She believes the staff report expresses why this change of zone is supported. Witherbee Neighborhood Association has expressed support for this change of zone. This application attempts to match the current use with the zoning. There are a few properties where the association proposed changes, but the owners of those properties had different ideas. They agreed to go along with the owners' propositions. They are requesting the church be zoned down to residential. The current density is 6.2 units per acre and a nice level to maintain. Seven people stood in support of this application.

Strand wondered who the speaker was at their meeting. Lines does not recall.

Strand further questioned the newsletter. Lines replied there is a newsletter that is hand delivered twice a year and a monthly newsletter that is mailed. Strand believes that this would have gone to tenants and not the owners. Lines replied that owners were mailed a letter of their intentions to file this application in April 2006.

Carroll wondered how the association knows that the neighborhood is changing. Lines replied that it is just a feeling. Carroll wanted to know if the association has voted on this application. Lines replied no.

Carroll stated that there is a choice to delay this application or possibly receive a 'no' vote. He would prefer to delay this application until the Downzoning Committee is finished with their work.

2. **Nye Bond, 859 S. 45th St.**, appeared in support due to his observation of this neighborhood and the time that he has lived there. Neighborhoods, Inc. previously wanted to declare the area around 33rd & "A" a blighted area. Some properties were not being kept up very well. The number of duplexes/apartments is increasing.

Opposition

1. **Helen and Joel Sindelar**, 2630 Winchester South, testified in opposition. Helen Sindelar stated that they own property just inside the border of the proposed change. It is on the southeast corner of 33rd & "B" St. They own the commercial business and the lots behind it. They would like Lots 207 & 208 left as R-4. They have possible future plans to build apartments.

Joel Sindelar does not see any blighted apartments in the area. He sees some blighted houses.

Helen Sindelar stated there are four lots next to each other and it would be detrimental to change some of the lots and not the others.

Joel Sindelar stated that they have never received a newsletter from the neighborhood organization. Helen Sindelar stated they received notice of this application from the Planning Dept. on June 28, 2006.

Esseks wondered what letter the Sindelars received from the association. Helen Sindelar replied that they received a newsletter in April 2006 speaking of a possible application and they were out of town during the next association meeting.

2. **Rebecca Cast**, 4831 Mandarin Circle, testified in opposition. She owns property at 41st & "G" St. She and her husband bought their first house in the area 40 years ago. They had a lot that no longer met the standards of a duplex. They conform currently with what the city requires. They were advised of the April 25, 2006 meeting. They got a letter a few days before and spoke out about their protest. If this is downzoned to R-2, additional square footage is needed. They have already gone to the expense to meet the standards. When they attended the April 2006 meeting, it was stated that a woman in the area had two homes converted to duplexes. She thinks that was the reason for the application. They have had opportunities to develop their property. They would request that their two properties be left at R-4. Value would be lost if downzoned.

3. **Chad Arens**, 4300 "F" St., testified in opposition. He lives in a duplex. He bought this property in November 2005 and he has considered the possibility of seeking a triplex. He believes his property is well kept. He is not sure that his property will even be affected. He received a letter from the Planning Dept. notifying him of the changes being proposed and it only left him two weeks to respond. He thinks this is an inappropriate reaction and response to some bad renters in the area. He does not think all landlords should suffer due to some bad ones.

Esseks questioned if Mr. Arens could build what he wants under current R-4 zoning. Arens stated that he currently has two units. He does not know about other zoning classifications, but he believes R-2 would hamper his efforts.

Strand stated that if the house is burned down, the owner is not guaranteed that the property can be rebuilt.

Staff Questions

Esseks questioned what other downzoning has occurred. Czaplowski replied that there have been a few, nine since February 2002.

Esseks wondered what has happened previously when individual owners come forward and state their expectations. Czaplowski replied that the Planning Commission has taken different views. At times, some property has been taken out and some has been left in.

Carroll wondered about the ramifications of a property becoming nonstandard. Czaplowski replied

there is potential for problems if the property is destroyed. If the house meets R-2 setbacks but the lot is too small, it can be rebuilt. R-4 and R-2 setbacks are the same for front yard. Side yard setbacks are the same for single family. The side yard setback for a duplex is increased from five feet to ten feet.

Carlson wondered about possible insurance changes, etc. Czuplewski acknowledged that this question comes up periodically, but he can address only planning and zoning questions.

Response by the Applicant

Lines stated that she has answered many phone calls. Most of them were in favor of this change. The few that were in disagreement were mostly from landlords. She fails to understand if you own some land for several years and have big plans but fail to follow through, how it affects you. The Sindelars currently own two lots that are R-4 and two lots that are commercial. When she spoke with Helen Sindelar, it was indicated to her that they had planned on possibly constructing a building or parking lot. From the standpoint of the Neighborhood Association, they are concerned about what could be built in the future. She feels that the association has worked with the Sindelars. They were notified of the Spring meeting. They couldn't attend because they were on vacation. She feels they have had ample time to figure out the zoning codes. As for the other two landlords, the association doesn't want more houses converted to duplexes or triplexes. They want to maintain their density.

Esseks would like the reasons the association is asking for this application. Lines replied there was an instance in the neighborhood that was starting to encroach on the neighborhood boundaries. They want to preserve the residential character, prevent parking problems and prevent party houses. They have seen other neighborhoods change from primarily owner occupied to rental and how it has negatively affected them.

ACTION BY PLANNING COMMISSION:

July 5, 2006

Carroll moved to defer and continue public hearing on this application in 120 days, seconded by Strand.

Carroll believes it is premature for downzoning applications to come forward without the Planning Commission's Downzoning Committee being finished with their work.

Strand agrees. She was also on the committee. Anytime we downzone, we are also taking away affordable housing. She thinks that downzoning helps some and hurts others. She does not think the neighborhood association handled this as well as they could have in terms of working it out with property owners beforehand.

Carlson commented that he will not support the motion. The applicant has requested action. The Downzoning Committee has met but there is not an absolute consensus yet. He thinks this neighborhood has done a good job. He thinks that downzoning is important. We've made a few changes already on downzoning that have corrected the major

deficiencies, i.e. are you grandfathered in and can you rebuild? He thinks the applicant should get a recommendation and it should go forward to the City Council. He hopes that recommendation is positive. He has had properties downzoned and he's had no impact from a bank or insurance company. He will not support the issue to delay.

Carroll stated that people have come forward pointing out that errors have been made or they don't want their property rezoned. If they have only heard from a few, he wonders how many others have not been heard with a holiday weekend.

Carlson believes it would be appropriate to delay if the application is incomplete, but he is not sure it is appropriate to delay when the applicant hasn't requested a delay.

Esseks believes that downzoning is a good idea. He would like to encourage more owner occupancy. He is conflicted. He thinks waiting four months to make a decision is too long. He thinks 30 days is reasonable.

Carroll stated that there has been no proof presented that changes have happened in the area. If this application is approved, you are just pushing affordable housing out farther.

Motion to defer with continued public hearing scheduled for November 8, 2006, carried 5-2: Carroll, Larson, Krieser, Strand and Sunderman voting 'yes'; Carlson and Esseks voting 'no'; Cornelius and Taylor absent.

Carlson believes that in the past when Planning Commission has placed applications on hold for extended periods, they have been asked to reconsider.

Rick Peo of the City Law Department appeared and stated that he believes a lengthy delay should not be mandated upon the applicant. They have the right to have their application decided up or down. He would have agreed that a 30-day delay was reasonable due to the type of detailed information and the number of property owners. There is no guarantee that the Downzoning Committee will have decisions made within the 120 days. This puts the applicant in an awkward situation. There is no procedure to forward this on to the City Council because a deferral cannot be appealed. He thinks 120 days is too long.

Carlson wondered if anyone wished to make a motion to reconsider. There was no response.

REQUEST FOR RECONSIDERATION OF DEFERRAL:

August 2, 2006

Members present: Carlson, Carroll, Esseks, Larson, Strand, Sunderman and Taylor; Cornelius and Krieser absent.

Ex-Parte Communications: None

Additional information submitted for the record: Henrichsen submitted a letter signed by board members of the 40th and A Neighborhood Association outlining the steps they have taken in the last year and a half in terms of talking with the neighborhood, invitations to neighborhood meetings, etc.

Staff presentation:

Henrichsen stated in subsequent discussion they have amended the application to remove some of the properties that had registered opposition. Staff has gone ahead and set up a second neighborhood meeting for August 17th and that would allow that mailing to go out two weeks in advance. We are hoping to send that letter this week. If this were in place on August 30th, we would include the notice of the neighborhood meeting and the public hearing date .

Esseks questioned when this application for rezoning was formally applied for. Henrichsen replied that the change of zone application was submitted on May 31, 2006. That was in time to be scheduled be on the July 5 Planning Commission agenda.

Carroll wanted to know if the notice letter is including all the recommendations the Commission discussed. Henrichsen replied that staff will have an interim letter because the letter with recommended changes has yet to be reviewed by the Commission. For staff to be able to get the letters out by Friday, we did not have time to have that letter approved. We are generally giving contact information, nonstandard uses, etc.

Strand wondered if that means the properties you can identify as nonstandard will be notified that they are listed as potentially nonstandard. Henrichsen stated that the City Attorney has recommended that this not be done. Part of the reason had to do with the fact that you are making assumptions about the land use. Our information base is based on building permits. If there is a change from single family to two family, it is not always necessarily caught on the map, so we could be sending a letter that is not correct. Instead, the City Attorney was comfortable with us providing information in regard to the aspects of nonstandard, and what type of things cause nonstandard. The letter gives them Steve Henrichsen's phone number and e-mail address for a contact. It recommends they come to the neighborhood meeting; and it provides the information as to where and when. In this case it would be almost four weeks in advance of the hearing and it would be approximately two weeks in advance of the second neighborhood meeting. We included a recommendation that they contact their title company or mortgage insurance company.

Strand questioned if he meant homeowners insurance, not mortgage insurance. Henrichsen agreed to include both.

Krout reiterated that staff did not have time to get the draft letter to the Commission. We tried to meet the spirit of it and will send a copy to the Planning Commission members when it goes out.

Henrichsen noted there are three more downzoning applications which have been filed and have agreed to the additional time for neighborhood meetings and notices.

Carroll stated that a previous discussion by Planning Commission talked about sending letters to the identified nonstandard lots that have the potential for being nonstandard. He wants this to be done. The key is "potential." Henrichsen responded that we are identifying that each property owner should look at it as there might be a "potential" in general. Krout stated that staff discovered that there is some ambiguous wording which might not make all of the single family homes that are in lots which you would call nonstandard. It is wording that needs to be clarified. You could make an interpretation that the

single family homes on nonstandard lots do not fall into the classification where they are limited in terms of rebuilding and subject to the same problems as a duplex.

Esseks sees the danger of alerting some people and not others. It may give a false sense of security.

Strand suggested wording could state that "we have identified potentially 220 possible changes to a nonstandard situation" so they are aware. Carroll does not want it to be generic. Henrichsen stated that staff has added an entire separate page in addition to our standard notice letter that talks about downzoning and nonstandard and the special permit process. It notes that you could consult a title company and insurance company and contact numbers for staff. We are trying to put everyone on notice. It is already confusing that some of the properties are already nonstandard. There are only two lots of R-5 and one of R-6 on this application.

Carroll wanted to get this done. Henrichsen believes it has been done correctly. It is a complicated matter. The only thing we have not done is bring the letter back for review by the Planning Commission.

ACTION BY PLANNING COMMISSION:

August 2, 2006

Esseks moved to rescind the previous action deferring this application until November 8, 2006, with the intent of having a decision on August 30th, seconded by Larson.

Esseks is thinking of August 30th because 90 days will have elapsed. When we look at the documentation the applicant has presented, they discuss a lot about what the change would be. They alert folks as to some of the scenarios that could be the result, including breaking up a large single family home to a duplex. Most of the ones that we wanted to be notified, have been notified. Given the regulations that exist at the time of the application, these folks have done a good job. The Planning Commission in their advisory role to the City Council should not hold things up any longer than 90 days. He believes the applicant deserves to get through Planning Commission either negatively or positively and go on to the legislative body.

Larson agreed. He was impressed with the packet provided by the neighborhood. It seems they have gone overboard and over a long period of time and he does not see why they should be deferred any longer.

Carroll noted that in all of the neighborhood's letters, they discussed R-4 to R-2 and did not mention the R-5, R-6 or B-3. They did not completely address it, but he does not want to hold it up any longer. There are going to be neighborhoods lining up to do downzoning and he wants to get ahead of them to get the adequate information out to make decisions. He agrees with August 30th public hearing on this one. He would like to implement more of the decisions of the Downzone Committee. He would like to see improvement in the letter that goes out to the public because it is important to inform the public that there will be changes to their lots and their land values. He wants to improve the process and that is all he is after.

Motion to rescind deferral carried 7-0: Carlson, Carroll, Esseks, Larson, Strand, Sunderman and Taylor voting 'yes'; Cornelius and Krieser absent.

Strand moved to reschedule for August 30th, seconded by Carroll.

Strand requested that staff provide Planning Commissioners with a list of property owners who came down to state they did not want their zoning to be changed. Henrichsen offered to summarize that. One of those owners has already been removed from the application.

Motion to reschedule for August 30th carried 7-0: Carlson, Carroll, Esseks, Larson, Strand, Sunderman and Taylor voting 'yes'; Cornelius and Krieser absent.

CONT'D PUBLIC HEARING BEFORE PLANNING COMMISSION:

August 30, 2006

Members present: Cornelius, Sunderman, Taylor, Larson, Krieser, Carroll, Esseks and Carlson; Strand absent.

Staff recommendation: Approval, as revised.

Ex Parte communications: Carroll disclosed that he had a conversation with Jim Essay and he asked Mr. Essay to e-mail the Commission members.

Additional information for the record: Steve Henrichsen of Planning staff submitted a letter from Jim Essay, representing Essman, LLC, the property owner of property located at 828-836 S. 47th Street. Mr. Essay indicates that he was not aware of this change of zone until today and he did not receive a notice. He is concerned about the value of his property and asked that it be withdrawn from this change of zone.

Staff presentation. Henrichsen pointed out that the staff report notes that the 40th & A Neighborhood Association had two neighborhood meetings, both attended by Planning staff, on April 25th and August 17th, with notice for both meetings mailed by the neighborhood association to the property owners in the area. A second notice was mailed by city staff on August 4th, four weeks prior to today. Henrichsen stated that a notice was mailed to the property owner, Essman, LLC, but it went to a different address than Mr. Essay's. It was addressed to whatever address is listed on the County Assessor records.

Henrichsen then noted that the original application included an area over by 33rd and B that has since been removed from the change of zone request. There is one house zoned B-1 which has been removed from the change of zone request, and the two vacant lots (whether R-2 or R-4) are both actually considered one lot because they are undersized. Only one duplex could be built on them.

Henrichsen observed that this application includes about 980 dwelling units overall; about 610 of those are single family, 220 units are duplexes, and then there are six multi-family buildings with 148 dwelling units. There is a fair amount of the uses that would become nonstandard in terms of lot size, but the Planning Director is bringing a text amendment forward to the Planning Commission on September 13th that will address the concern with nonstandard uses. The text amendment will clarify that if something is nonstandard due to lot size or lot width, and if it is used for single family or for duplexes, it will be allowed to continue and will clarify that they are not nonstandard.

Henrichsen pointed out that the applicant has amended the application. The area at 41st & G Street would remain R-4. The western lot already had a spot of R-5 on it. That R-5 is now proposed to go to R-4, and then the three lots to the east would remain R-4. It is a unique circumstance where the eastern two lots were initially three lots with two houses which was replatted into two lots for potential duplex. A fair compromise came up which would leave that entire half block the same zoning --R-4 rather than R-2.

The area toward 47th Street (Mr. Essay's property) is a series of three duplexes on the east side of 47th Street. This particular area is actually correcting a zoning line going back to the 1950's where the B-1 at 48th & Randolph was arbitrarily extended beyond what was actually in commercial use at that time. The aerial photo shows a large elderly apartment complex, but the B-1 zoning line comes down through the middle of the parking lot. The rest of the property would remain R-4. This changes the B-1 to residential. On the east side of the street, the first few multi-family uses are zoned B-1 and the remainder R-4. This application on the east side of 47th would have the B-1 uses rezoned to R-4, including the Essay property. The B-1 actually prohibits residential uses on the first floor, so all of these are basically one-story uses so they are nonconforming in terms of B-1. The staff does not believe it is appropriate to have business uses on 47th Street. The B-1 zoning would remain on 48th Street, but that is not part of this application. As far as staff can tell, the B-1 was extended out and on the north side of Randolph and the Witherbee downzoning does the same thing on the north side of Randolph. There is one small area on 48th Street that is changing B-1 to R-2 – that is a house that has the B-1 zoning line running through the middle of the house. The neighborhood association is proposing that the entire house be zoned R-2. The house to the north of it would remain B-1, and then to the north of that house is the gas station and car wash.

Henrichsen also noted the letter received from Earl Visser requesting that both lots including 3333 A Street (which he does not own) be left out of the application with a future request for R-T for office use. Henrichsen suggested that the R-T should be considered in a separate application and that this application changes the lots to R-2.

Proponents

1. Tracy Lines, 1001 S. 37th Street, appeared on behalf of the **40th & A Neighborhood Association**, the applicant, stating that her voice is the voice of the majority of the residents. Lines then reviewed the timeline which the Neighborhood Association previously submitted and which is attached to the staff report dated August 21, 2006. The application was originally submitted on May 31, 2006, the intent being to preserve the residential character of the neighborhood. The application included nine months of preparation. In the fall of 2005, the Neighborhood Association decided to start undertaking the process of downzoning. Their investigation found there to be an L-shaped portion of the neighborhood that was still R-4, with most of the rest being R-2, and some spots of R-5 and R-6. In the fall of 2005, the Association announced their intentions in the fall newsletter released in October. They formed a downzoning committee and gathered the legal descriptions of 800-1000 lots. The spring 2006 neighborhood association meeting was devoted entirely to the downzoning process. In addition to advertising the spring meeting, the property owners in the L-shaped area were individually contacted, 718 letters were mailed, with 13 going to out-of-state property owners and another 19 to property owners outside of the neighborhood association. They hired a local marketing

firm to compile the list. The spring meeting was attended by 35 individuals. At that time, only one property owner was in opposition (Tom and Rebecca Cast, 2045 and 4045 G Street). The downzone committee had concerns and wanted to work with the Casts, resulting in leaving the Cast property out of the change of zone application.

In the downzone process, an attempt was made to match current use with current zoning.

After the city's notice of the July 5th public hearing was mailed, the Neighborhood Association received about 20 inquiries. Out of those 20 inquiries, only two were against the change of zone.

A lot has happened since July 5th. The Planning Commissioners have worked diligently to review the downzone process. The Neighborhood Association feels the changes being made by the Planning Commission will benefit the neighbors as well as the city.

Lines submitted that the 40th & A Neighborhood Association has met nearly all the recommendations of the Planning Commission. Two neighborhood meetings have been held, with city staff present. Invitations to the August 17th meeting were included in the August 4th city mailing. This notice did follow the four-week notification policy being recommended and gave two-week notice of the neighborhood meeting. That letter also included an information sheet, providing answers to common questions and explained the effect of downzoning. The Neighborhood Association has worked diligently to meet the Planning Commission recommendations.

Lines also believes that the proposed text amendment scheduled for September 13th will potentially eliminate a majority of the nonstandard classifications.

Lines also pointed out that the application only contains two properties zoned R-5 and one that is zoned R-6. She has contacted these property owners and invited them to contact the city staff. She also contacted the two lots for B-1 to R-2.

Another concern expressed by the Commission was the lack of support by the neighbors. At the board meeting on March 28, 2006, the board members discussed doing a petition drive in the area, but felt that since the treasury could withstand the cost, it would be better to do a mailing. There is no requirement for a petition. However, due to the concerns of the Planning Commission, the Neighborhood Association did undertake a petition drive and today she submitted a petition with 179 additional signatures in support. Out of the 49 houses that she petitioned herself, only one was in opposition. She has only heard of two other individuals in opposition based on the petition drive.

Lines suggested that when the neighbors are concerned or feel something needs to be changed, the Planning Commission definitely will hear from them. "Please do not penalize the silent majority of our neighborhood association." There is enough density at 6.2 units per acre, and Lines quoted a property owner, "we want to keep our neighborhood just the way it is."

Esseks inquired who may lose and who may gain by this downzone. Lines suggested that because of the proposed text amendment, the only people that have to lose are people that have plans for their property to become more dense. We have tried very hard to work with these people and she believes they have come to a suitable compromise, with Mr. & Mrs. Cast and Mr. and Mrs. Sindelar. The compromise is that the Sindelars have been removed from the application because they are right on the edge and very close to a business/commercial type setting. Mr. and Mrs. Cast have a very unique situation and the Neighborhood Association felt they could work with them by taking the half block of their properties and changing it to R-4 which will allow their duplex, if they so desire.

Esseks again asked who stands to gain. Lines believes that the neighborhood as a whole stands to gain. There is a good mix of different types of properties and she believes all the neighbors will gain because they all like the neighborhood and that is why they moved into that neighborhood.

Carroll asked Lines whether she could point to any data that shows there is a density change. Lines indicated that she has a report from Urban Development in 1998 and the census data from 2000 showing that there is some increase in density. Carroll inquired whether that data shows home ownership reducing. Lines indicated that she did not look at that specifically, but did look at the number of buildings and it did increase somewhat. She has been advised by the Planning Department that at this time, with the budget cuts, it is too time-consuming to request that Building & Safety provide the building permit information.

Five individuals stood in the audience in support.

There was no testimony in opposition.

Staff response

Carroll posted the question, "how do you know it has reached its most density that it should have, and what data is available to show that?" Henrichsen believes it is one that is more subjective and based on some of the past applications. The goal in typical suburban areas is for the overall density to be about 3 dwelling units per acre for an entire square mile. Most of the downzones have been in the area of five to six dwelling units per acre and as much as 10 dwelling units per acre.

Sunderman confirmed that this will not eliminate the possibility of more duplexes. Henrichsen advised that it would eliminate the possibility on a 5,000 square foot lot. If you had a lot large enough in both width and area, it could be changed to a duplex.

Carroll noted that the Planning Commission has not yet reviewed the change on the nonstandard issue, and it may or may not be approved. He is concerned about voting on this before the nonstandard text is approved. Henrichsen believes that it is already clear in the text today that if you have a single family lot without enough lot area or width, it still may be used for a single family use. If you look at that section it is quite clear that you can continue to use or rebuild as a single family use if you can meet the setbacks. The front and side yard setbacks are not changing in this case. The vast majority of the lots here can be rebuilt and continue as a single family use. The nonstandard would not be much of an issue for very many of these lots. If the text amendment does not pass, the staff will do more of an educational effort with appraisers, mortgage insurance companies, etc.

Response by the Applicant

On the issue of nonstandard, Lines pointed out that her own single family house is nonstandard. She is doing some landscaping. When she purchased the house three years ago, it could have been easily turned into a duplex.

ACTION BY PLANNING COMMISSION:

August 30, 2006

Cornelius moved approval, as revised by the applicant, seconded by Esseks.

Cornelius stated that he supports, in general, when a neighborhood is taking out an insurance policy against density increases in the future, with a preponderance of the neighborhood in support, and sufficient safeguards against risk for those uses that may be compromised under the downzone. In that case, the neighborhood has the right to speak on someone's behalf.

Esseks thinks the Comprehensive Plan clearly encourages the Planning Commission to encourage groups like this who are trying to strengthen their neighborhood. They put so much effort into it and they really have not provoked much opposition. That suggests that this is globally acceptable. In the spirit of compromise they have excluded certain properties. It looks as though this is a really good effort to strengthen their neighborhood. He certainly would not want to be a party to any effort to discourage them. The risk in terms of upsetting the investment plans of owners is pretty small. Two of the three properties have been excised from the application.

Carroll pointed out that the Comprehensive Plan encourages efficient use of existing infrastructure and diversity of housing choices. This is shoving housing choices to the edge of the city for those who cannot afford to buy single family homes and who need to live in apartments and live in the inner core – we're pushing everybody to the edge with the downzones, which costs more to the city. It defeats the purpose. There has not been any evidence to show that the density is in threat of jeopardy of increase in the neighborhood. It is well-balanced. In the last two years, there has been a consistent price and value in this neighborhood. He does not believe the threat is there. There is no decline in house value. He understands picking selected areas and fixing those, but to take this land grab and change everything to R-2 is too much. It drives people way from this area into the edge.

Carroll moved to amend to eliminate 828-836 S. 47th Street from the change of zone, seconded by Krieser.

Carroll believes that Mr. Essay believes it will financially injure him if we change the zone on this property. If the city feels that B-1 is wrong, then at the time of the sale, the new owner can change the zoning. Mr. Essay said he never received any of the notices. Carroll does not want to harm a person's property values by changing the zone when they have not been given the opportunity to speak on it.

Carlson suggested that it might be better to change the zone ahead of the sale. Carroll suggested that it might be sold as B-1 versus R-4. He does not want to change something when the owner is in the middle of negotiating the sale.

Carlson wondered whether the B-1 on 47th is appropriate on that interior residential street. Carroll suggested that the city can battle that when it is purchased and the owner wants to use it. R-4 seems wrong for that area with those duplexes there.

Cornelius believes that area is discontinuous with the rest of the request. He is not sure how that influences his particular thinking about that area, but compared to the remainder of the downzone from various other classifications to R-2, it seems like a relatively minor consideration.

Motion to amend carried 7-1: Cornelius, Sunderman, Taylor, Larson, Krieser, Carroll and Esseks voting 'yes'; Carlson voting 'no'; Strand absent.

Further discussion on main motion, as amended:

Larson agrees that these contiguous downzonings are forcing the affordable housing choices out to the edge which increases our need for infrastructure, and in the long run it is a bad policy.

Esseks does not believe that rental housing is currently in tight supply. It looks as though we still have a lot of rental housing. This is at a time when everything should be rented. He does not believe we have a shortage of rental housing. There is a lot of rental housing in this area. The real problem is expectations to the future. We should be able to tell these folks what to expect in the future. There is such a difference between R-2 and R-4 and there is too much uncertainty. This is a way to achieve both an adequate mix of housing and to allow the homeowners who want to stay there in a single family dwelling, which is the ideal for the American family. He believes this is an important public policy goal. He thinks we can do both.

In Larson's opinion, it is a matter of density. We're moving the density out to the edge of the city. Traditionally, the density should be the highest on the inside and lowest on the outside.

Carlson stated that there is a certain level in an established neighborhood beyond which the density starts to become the problem. Even in areas in Near South, you get close to downtown and close to the Capitol with twice this density and the lack of home ownership and increase in crime and vandalism. If you decrease the quality of life, that causes people to move out of the neighborhood more than the density. If this neighborhood has 6.7 dwelling units per acre, that is pretty reasonable. It is only 3 dwelling units per acre out on the edge. This neighborhood has more than double the typical density out on the edge. If you just look at the density picture and say it is more efficient to put more people in that area, the quality of life tends to diminish. R-2 "describes" an area and "prescribes" how it ought to go. R-2 gives a prescription of the neighborhood but describes that it should stay that way in the future. 6.7 does make efficient use of the land. Let's protect the affordable housing in the area.

Larson noted that the Planning Commission seems to be reviewing a new downzoning area every month. Pretty soon we will have downzoned all around the city.

Carlson suggested that the Commission will have the choice to look at them and determine what density they have reached and what's available in the neighborhood. It can't just be about the number.

Carroll believes that it goes back to economics. The values of the homes have increased in that neighborhood. If there was a fear or problem, the land values would not go up. It must be a good quality neighborhood the way it is. There is no data provided that there is going to be a big change. He does not think we need to fix something that is not broken yet. You are driving those people who have to rent rather than buy to go out to the edge and they can't afford to do that.

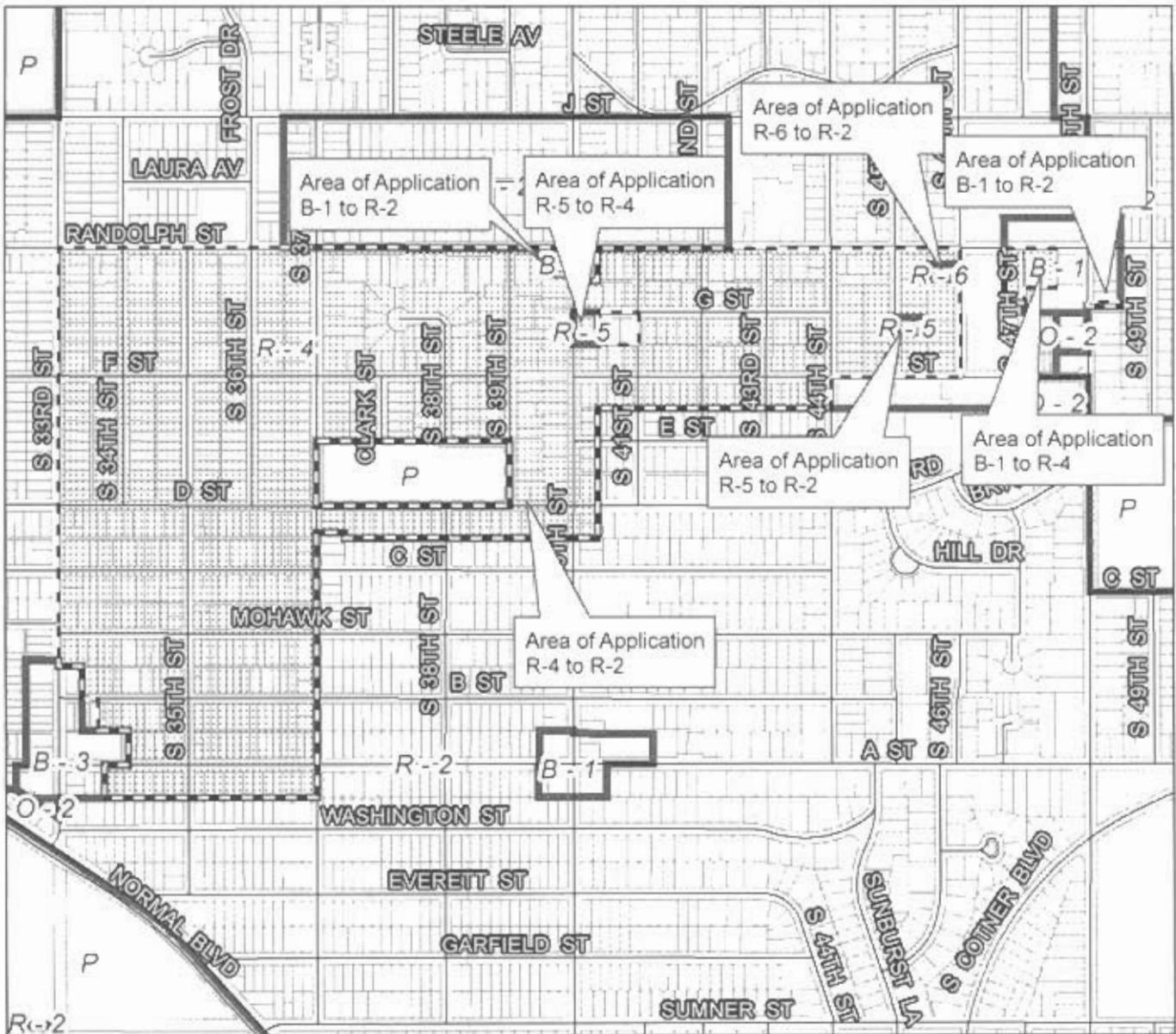
Esseks introduced experiences in Illinois where neighborhoods like this deteriorated to the point of becoming blighted and slums. Part of the vitality of these neighborhoods is that some of them have already been downzoned and some of them expect to be downzoned. There is a sense of optimism. Part of that is the belief that you can go to the city and ask support for your neighborhood. If we turn this down we are sending the wrong message. He does not believe there is a scarcity of rental housing. Some of these properties are so reasonable that it should not be that difficult to move from rental to ownership. He does not want to do anything to discourage home ownership.

Taylor agreed with Carroll and Larson, but he thinks there is an exception in this situation and he believes it should be approved.

Cornelius reiterated that it is these older established neighborhoods that are currently with the status quo. Without necessarily building large duplexes, they are providing the affordable housing right now, without any changes to the existing built housing stock. What we are doing is saying we want to protect the 120,000 sq. ft. house that is affordable in Lincoln today. Further, when talking about "if it isn't broke, don't fix it", when you talk about broke you are talking about a crisis. This neighborhood is wanting to avoid a crisis in the future.

Cornelius also believes it is possible for a neighborhood to become full. His wish would be a way to make an objective decision instead of subjective. One point that kind of highlights it is how the city is connected between the inner and outer city. We are potentially making a change to the inner part that is going to affect the costs at the outer edge of the city. As these changes are made, we have to make sure we keep room available for new residents to come in.

Motion for approval, as amended, carried 5-3: Cornelius, Sunderman, Taylor, Esseks and Carlson voting 'yes'; Larson, Krieser and Carroll voting 'no'; Strand absent. This is a recommendation to the City Council.



Change of Zone #06040 As of August 30, 2006
Planning Commission Recommendation

2005 aerial

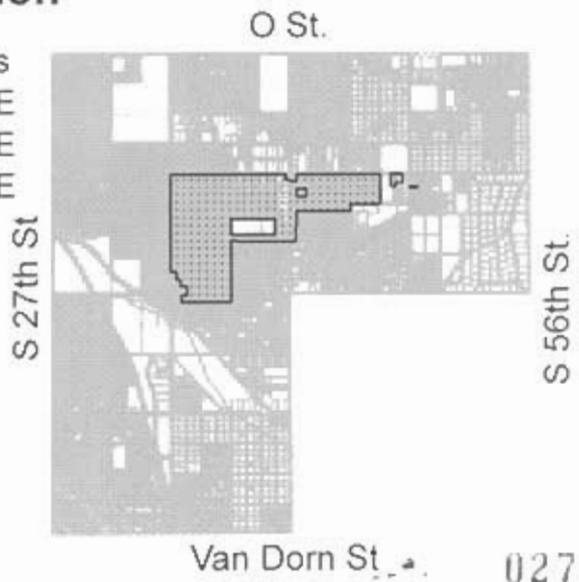
Zoning:

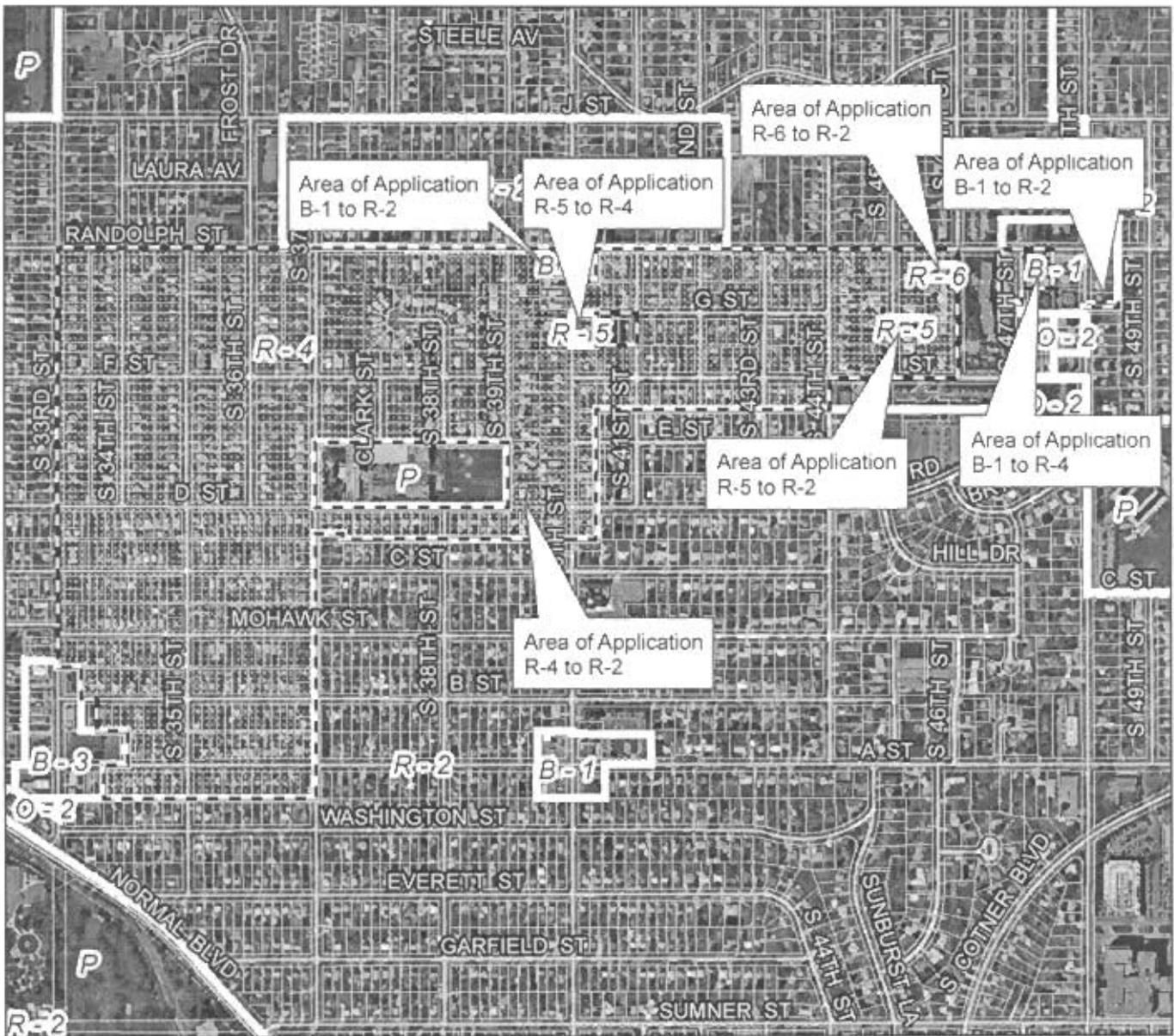
- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- R-C Residential Conservation District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned 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

Three Square Miles
 Sec. 29 T10N R07E
 Sec. 30 T10N R07E
 Sec. 31 T10N R07E



Zoning Jurisdiction Lines
 City Limit Jurisdiction





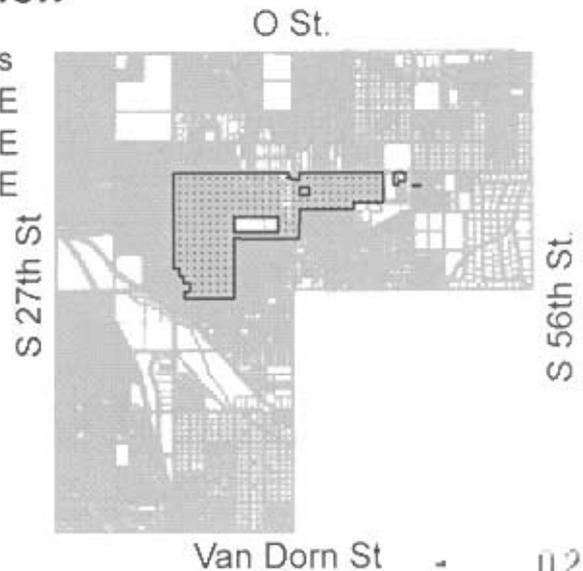
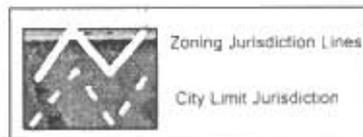
Change of Zone #06040 As of August 30, 2006
Planning Commission Recommendation

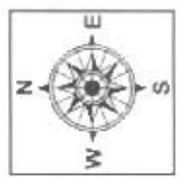
2005 aerial

Zoning:

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- O-1 Office District
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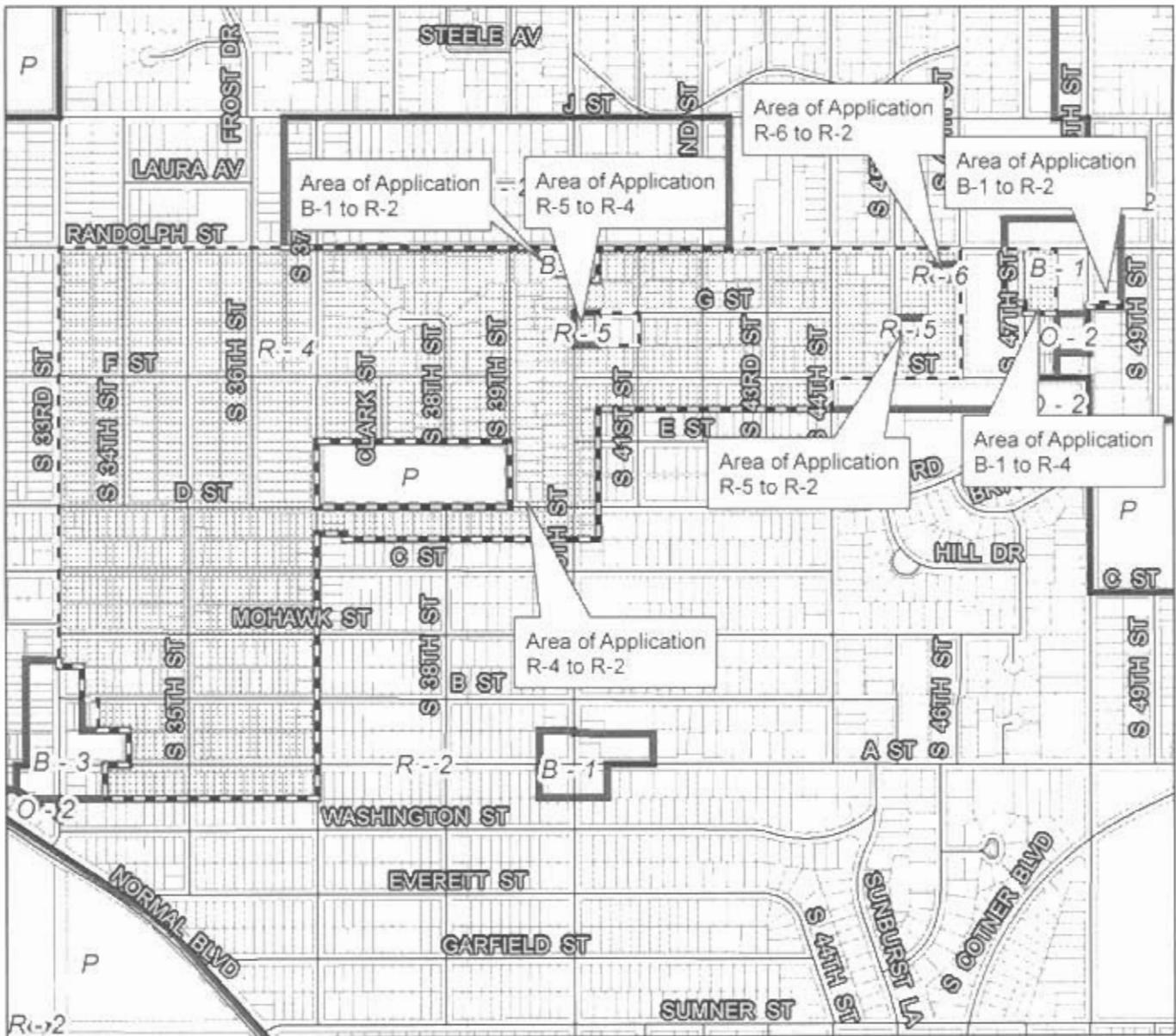


Land Use	
[White Box]	Single Family
[Diagonal Lines Box]	Duplex
[Cross-hatch Box]	Multiple Family (w/units)
[Dotted Box]	Industrial (LES)
[Horizontal Lines Box]	Public / Semi-Public
[Vertical Lines Box]	Vacated ROW
[Diagonal Lines Box]	Vacant

As of August 30, 2006

PLANNING COMMISSION RECOMMENDATION
EXISTING LAND USE
 Proposed Change of Zone at 40th and 'A' Streets

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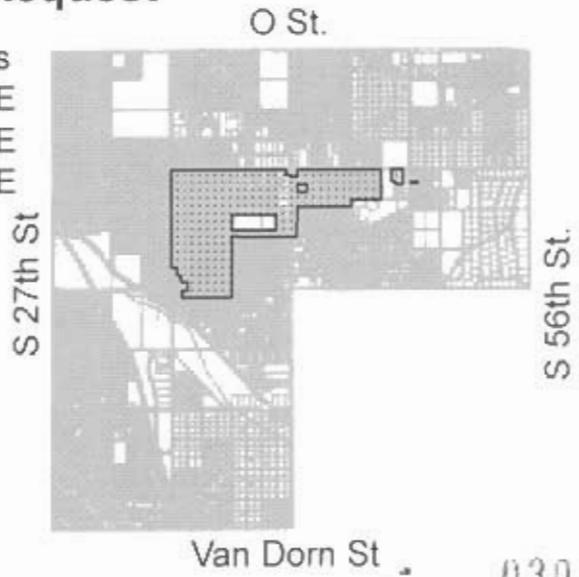
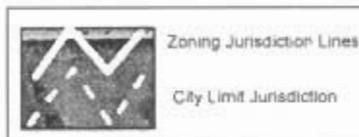
Change of Zone #06040 As of August 30, 2006
40th & A Neighborhood Association Request

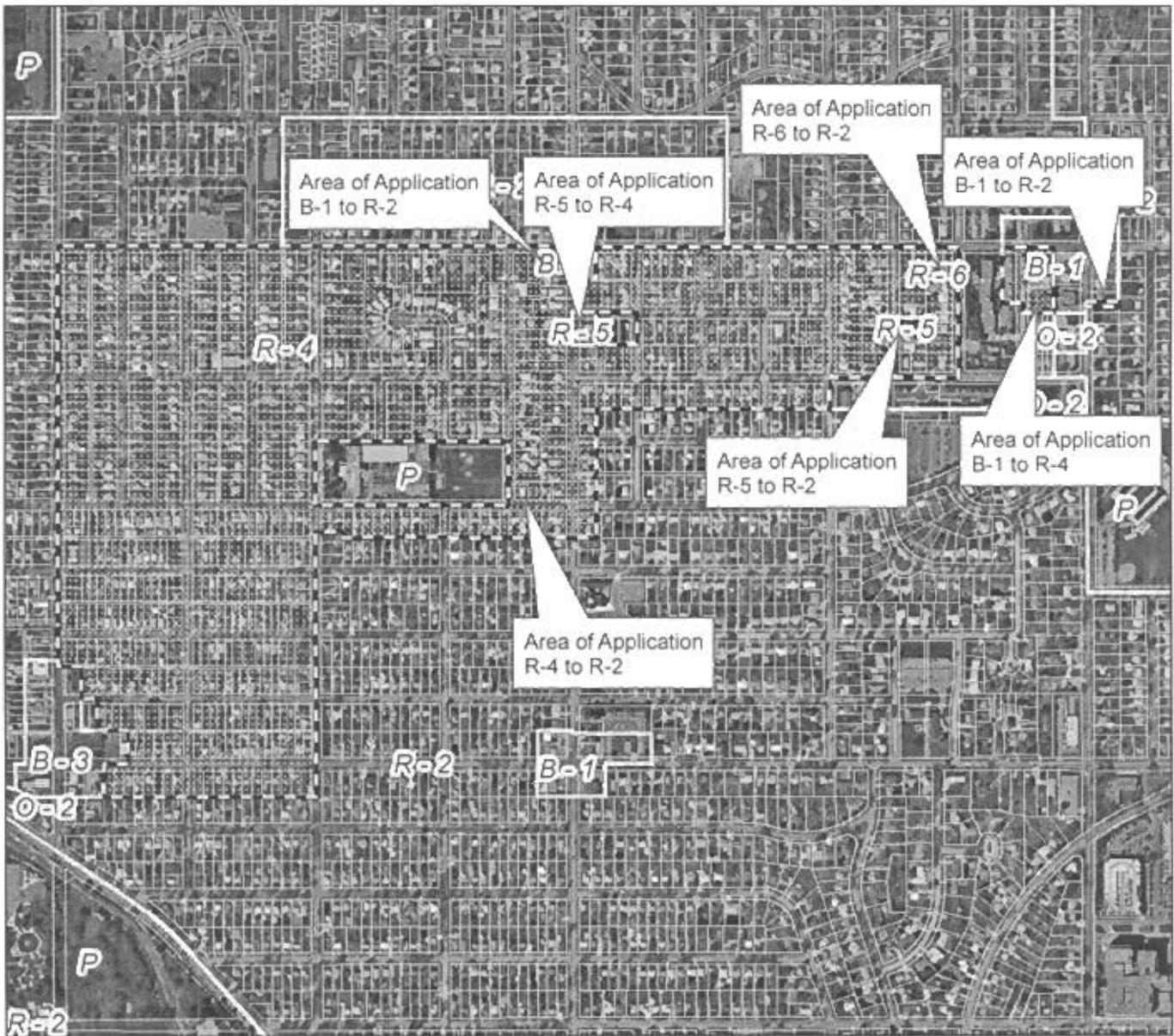
2005 aerial

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Three Square Miles
 Sec. 29 T10N R07E
 Sec. 30 T10N R07E
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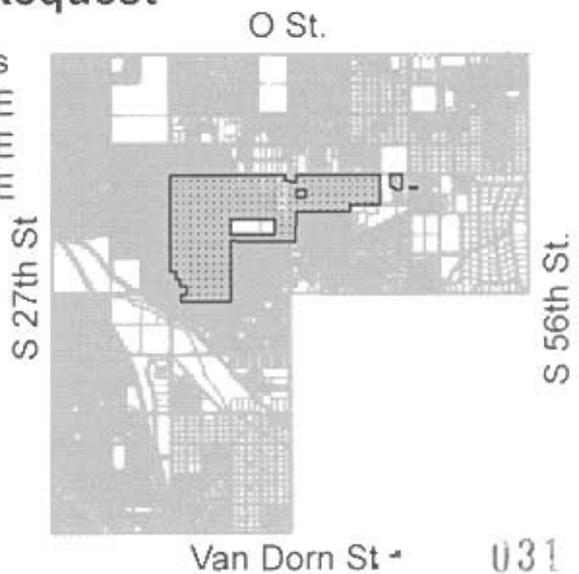
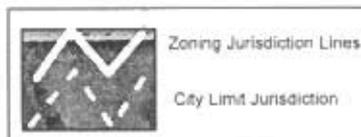
Change of Zone #06040 As of August 30, 2006
40th & A Neighborhood Association Request

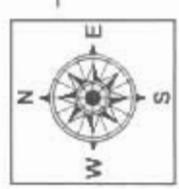
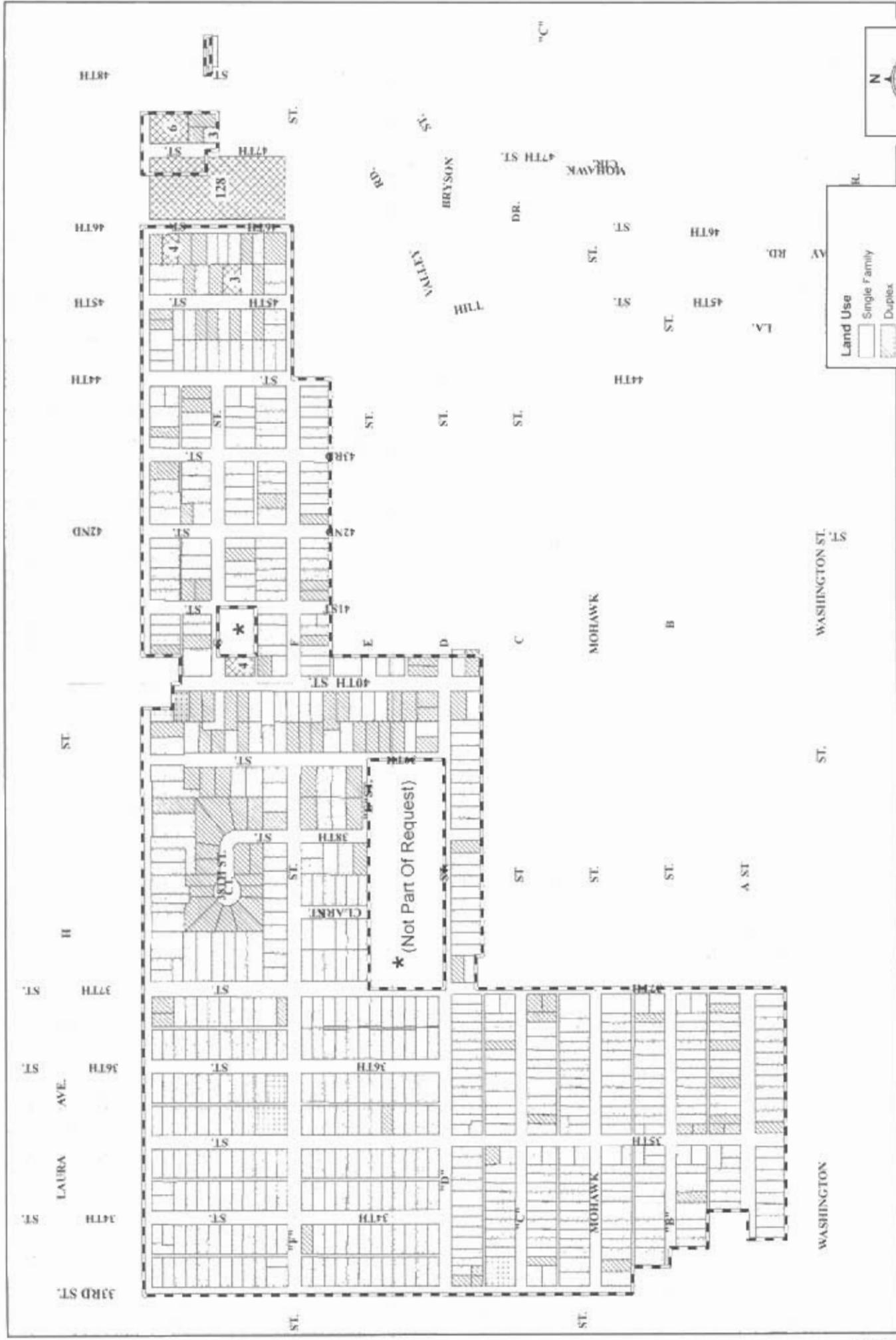
2005 aerial

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Three Square Miles
 Sec. 29 T10N R07E
 Sec. 30 T10N R07E
 Sec. 31 T10N R07E





Land Use

[White box]	Single Family
[Diagonal lines /]	Duplex
[Diagonal lines \]	Multiple Family (w/units)
[Dotted pattern]	Industrial (LES)
[Horizontal lines]	Public / Semi-Public
[Vertical lines]	Vacated ROW
[White box]	Vacant

As of August 30, 2006

40TH & 'A' NEIGHBORHOOD ASSOCIATION REQUEST
EXISTING LAND USE
 Proposed Change of Zone at 40th and 'A' Streets

July 3, 2006

Jon Carlson, Chair
Lincoln Planning Commission
555. S 11th, Rm 213
Lincoln, NE 68508

Mr. Carlson,

Please include the following resolution from the Witherbee Neighborhood Association in the record of Commission's consideration of Change of Zone No. 06040:

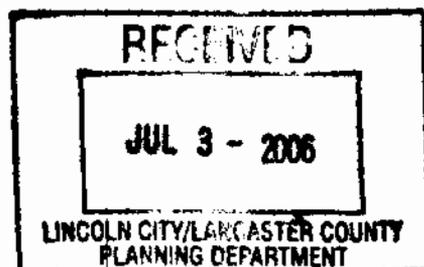
The Witherbee Neighborhood Association, which borders the 40th & A Neighborhood to the north and which has many common interests, enthusiastically supports Change of Zone No. 06040.

The area of the requested zone change is adjacent the southwest portion of Witherbee Neighborhood and the change would benefit our area and Lincoln in general. WNA concurs with the Planning Department analysis that states "Approval of this change of zone would preserve the current development pattern, encourage home-ownership, and limit the potential for increasing housing density in an area with a fixed amount of infrastructure."

WNA concurs with many other points of the analysis such as the fact that Comp Plan specifications supporting this change of zone include: Promote the continued use of single-family dwellings and all types of buildings, to preserve the character of neighborhoods and to preserve portions of our past. (F 68).

On behalf the WNA Board of Directors,

Mike Fitzgerald, WNA Past President
3794 H St., Lincoln, NE 68510



SUPPORT

ITEM NO. 4.1: CHANGE OF ZONE NO. 06040
(p.75 - Public Hearing - 7/05/06)

Marilyn Dorf

4149 E Street
Lincoln, Nebraska 68510
(402) 489-3104
cricketink@earthlink.net

June 27, 2006

Mr. Jon Carlson, Chair
City-County Planning Commission
555 South 10th Street, Suite 213
Lincoln, Nebraska 68508

Re: Change of Zone No. 06040
40th & A Neighborhood Downzone

Dear Sir:

This letter is to register my opposition to the zoning changes proposed for Zone No. 06040.

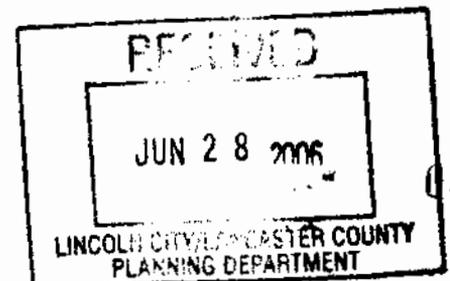
This area of modest, single-family dwellings should not be encroached upon by a series of apartment complexes. Such developments would detract from the peacefulness this residential area provides. For one thing, it would mean a loss of green, and we need our green, certainly not the loss of trees and lawns replaced by impersonal concrete parking lots. We do not want loud parties, radios blaring, more traffic, more trash, drug busts, etc., things that often accompany multi-family dwellings:

It is not right to allow money-hungry landlord(s) to encroach upon an environment enjoyed by present property owners. You should remember that we were here first, having sought and bought and earned the right to own property in a single-family residential district.

Sincerely,

Marilyn Dorf
Marilyn Dorf

cc: Marvin S. Krout



SUPPORT

ITEM NO. 4.1: CHANGE OF ZONE NO. 06040
(p.75 - Public Hearing - 7/05/06)



"Kathy Stastny"
<kstastny@neb.rr.com>
06/26/2006 10:57 PM

To <plan@lincoln.ne.gov>
cc
bcc
Subject Change of Zone No. 06040

I want to support the change the 40th & "A" Neighborhood Association is asking for. I appreciate the work that has been done on this issue and hope the Change of Zone No. 06040 will acted on. This neighborhood has been well taken care of and I feel this change will help to have that continued. Again I ask for your support of this change.

Kathryn L. Stastny
730 So. 37th
Lincoln, NE 68510
(402) 488-3314

June 29, 2006

City-County Planning Commission
555 So. 10 St., Suite 213
Lincoln, NE 68508

Re: Change of Zone No. 06040
40th + A Neighborhood Downzone

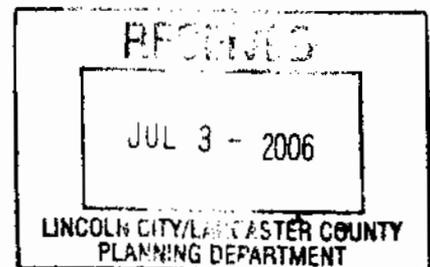
Dear Planning Commission:

We want you to know that we support
this change to protect the single-family
residential character of our neighborhood.

We strongly urge you to act favorably
on this application for zone change.

Sincerely,

Howard + Marilyn Cook
3426 C St.
Lincoln, NE 68510



ITEM NO. 4.1: CHANGE OF ZONE NO. 06040
(p. 75 - Public Hearing - 7/05/06)

June 29, 2006

RE: CHANGE OF ZONE NO. 06040
40th & A Neighborhood Downzone

Greg Czaplewski,
Lincoln Planning Dept.

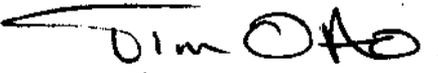
Greg, as per our telephone conversation earlier this week I am sending a letter to your department to let you know that my wife and I would prefer not to have our properties at 4101 & 4107 "F" Street rezoned from R-4 to R-2.

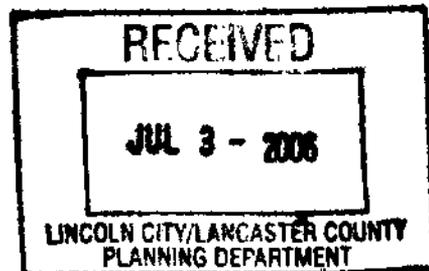
We would also like to express our concerns about the property we own at 4040 "E" Street. We bought this property about a year and a half ago with the intention of requesting a zoning change to R-4, and building on to make the current home a nice duplex .

With there being properties within that block which are currently zoned R-4, we were gong to use this fact and the fact that we maintain our other duplex's inside and out to high standards, as the basis for our future rezoning request. Therefore we are concerned that if the rest of the block gets rezoned to R-2 we be unable to get the property rezoned to R-4.

I have enclosed aerial photos showing where our properties are located and the other duplexes in the area.

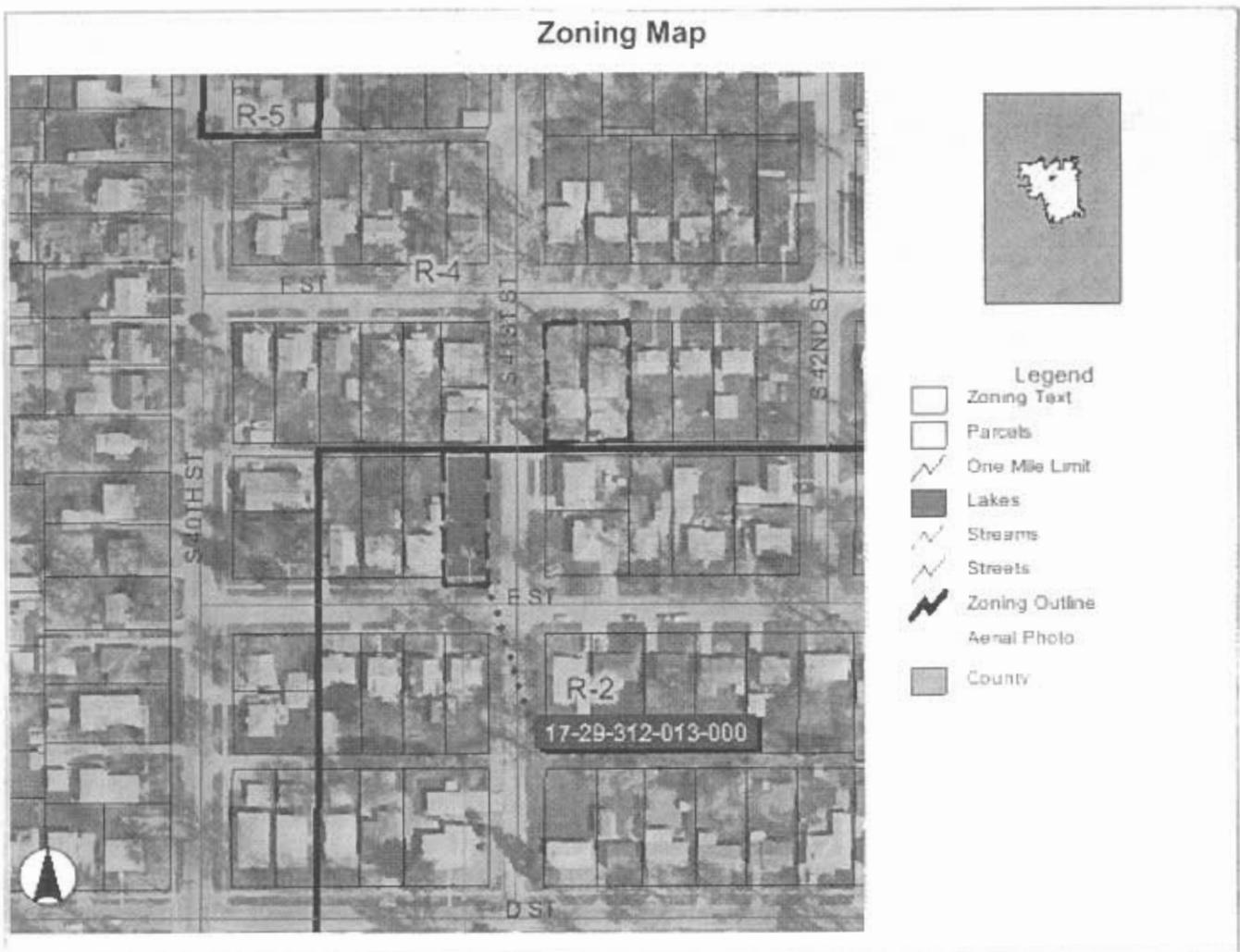
Thanks for you time.


Tim Otto





Hatched Areas Which Are Currently Duplex Residences .



Properties of Concern.

July 5, 2006
Rebecca J. Cast, Trustee
4045 and 4025 G Streets
Martin Heights 3rd Addition
Lots 2 and 1 respectively

PROTEST ON DOWN-ZONING OF 40TH AND A STREET NEIGHBORHOOD

I am here to protest the application of the 40th and A Streets Neighborhood Association from R-4 to R-2. The following are my reasons for my protest:

1. My husband and I have owned the property 4045 G Street for 48 years and 4025 G Street over 20 years. These properties are currently zoned R-4 (single or two-family dwelling) and were zoned R-4 when we purchased them. In 2000 the house on 4045 G Street sustained fire damage. Rather than rebuild, we offered the property for sale as a duplex-zoned lot. In contacting the Building Inspections and Planning Department to apply for a building permit, the potential buyer found that the lot no longer met the standards for building a duplex and that only we, the owners, could rebuild a single-family home on that lot. An empty lot sat between 4045 and 4025 G, so we invested in subdividing the three lots into two lots, thus meeting the standards for duplex-zoned lots on 4045 and 4025 G. That subdivision became official on January 28, 2002. According to Mr. Greg Czaplowski from the Lincoln Planning Department, if the down zoning occurs, our lots at 4045 and 4025 G Street will no longer meet the square footage needed to qualify as duplex-zoned lots, thus reducing the value of our lots after we have spent time and money to conform to the City standards for those lots.

2. Apparently the proposal for the request for down zoning has occurred because one woman had two homes in her neighborhood turned into duplexes, and she is not happy about that. I hardly believe that should be a good reason to change the zoning in an entire section of the city. In fact, that is discrimination against persons who have to depend on rentals for housing and for those of us who own rental property as our source of business.

3. I do not believe that the 40th and A Street area has been over-built with apartment houses, and the few duplexes that have gone in that do not conform to the aesthetics of the neighborhood should have been stopped by the City before they were built. We have been very selective about dealing with potential buyers who have contacted us about the lot at 4045 G Street because we do not want to have an over-sized duplex built on the lot. We have been responsible land owners.

4. **If you do vote to down-zone this area, we are requesting that our subdivision, Martin Heights 3rd Addition, Lots 1 and 2, remain R-4 zoning.** At the 40th and A Street Neighborhood meeting on April 25, 2006, this suggestion was made as an option for us.

I have included a map showing the location of our properties.

Meetings

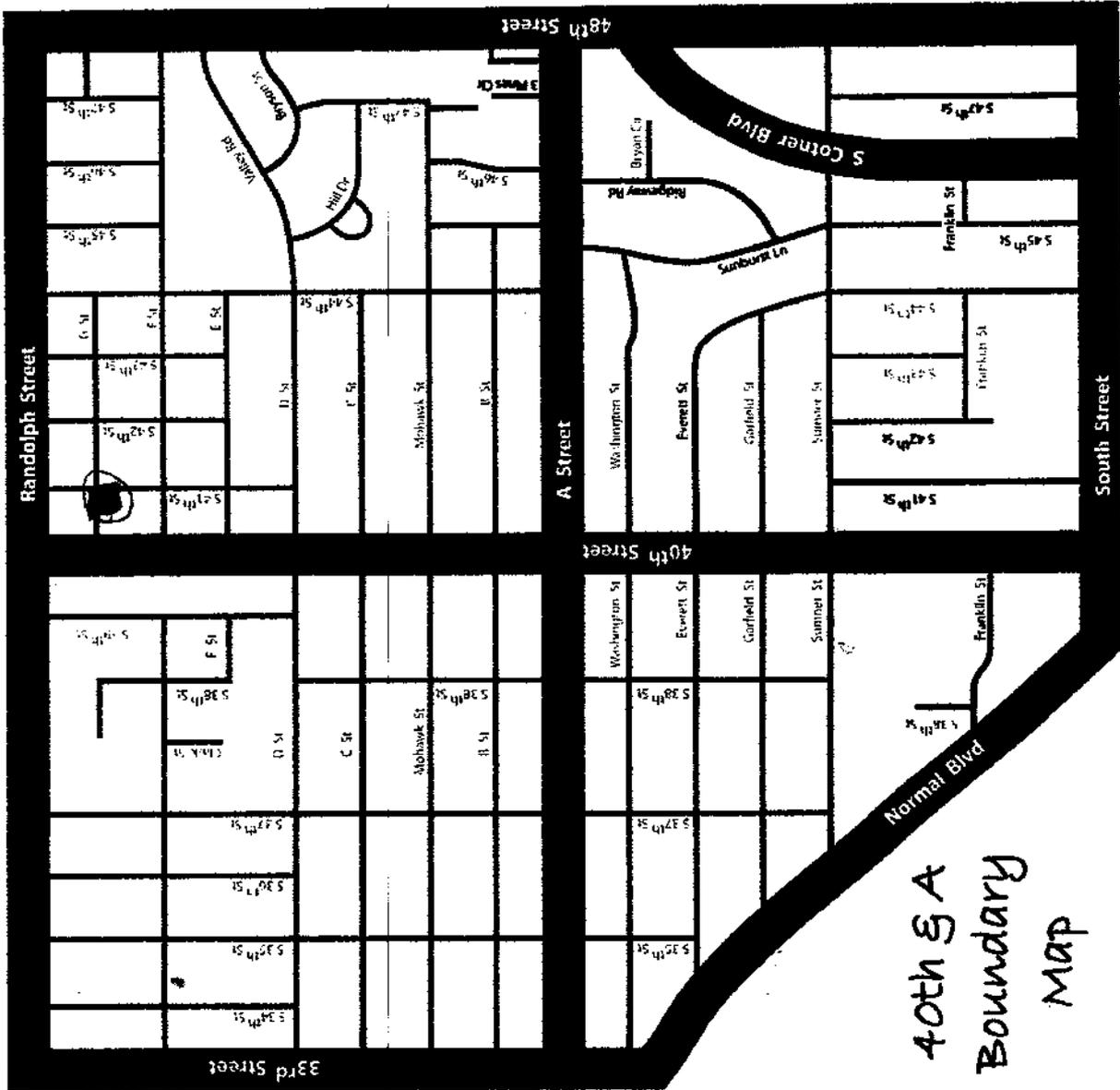
The 40th & A Neighborhood Association meetings are held the 4th Tuesday of the month (except June, July and Dec.) at the Lincoln Medical Educational Partnership, Steven Carveth Center, 4600 Valley Rd at 7 p.m.

Our Purpose

The purpose of the 40th & A Neighborhood Association is to provide a means for citizens living in the neighborhood to plan and work together for a better community.

The Association offers the opportunity for residents to meet and become acquainted with one another, become more informed and express views about the issues impacting our neighborhood community and cooperate with other citizens and community organizations.

This newsletter is the official publication of the 40th & A Neighborhood Association and is published three times per year (January/February, April/May, and



City & County Websites

City of Lincoln

www.lincoln.ne.gov

Joel F & Helen M. Sindelar
2630 Winchester S. Ct.
Lincoln, NE 68512

July 5, 2006

Attn: Lincoln City/Lancaster County Planning Commission

Regarding: Change of Zone No. 06040 (40th & A Neighborhood)

We own --- Lot 207 – Boulevard Heights – 3321 B Street Now zoned as R-4
Lot 208 – Boulevard Heights – 3313 B Street Now zoned as R-4
Lot 209 – Boulevard Heights – 3309 B Street Now zoned as B-3 (Commercial)

We adamantly disagree with the proposal to down-zone any of our above listed lots.

--Lots 207 & 208 are empty lots – only 40 ft. x 133 ft. (5320 sq. ft.)

--The down-zoning of them to R-2 would put us in a situation that we could not build 'two-family dwellings' on either of these two lots. In addition, the lots are on the **edge** of the 40th & A street neighborhood association, and would not have any effect on the rest of the property changes they want to make.

--They are **already adjacent** to Commercially zoned lots to the South, West, and North of our lots.

At the present time we own 4 **adjacent** lots (207, 208, 209, 210). Bought on 7/1/1991 as an investment.

Our investment would greatly be **devalued** by the down zoning any of the three lots listed above.

--Zoning Code Chapter 27.17.080 states the Height and Area Regulations for R-4 Residential District....

... "27.17.080 (a) – shows a table of general requirements
... "27.17.080 (e)... Where a lot of record as of November 2, 1953, has less area or width, or both less area and width than herein required, and its boundary lines along their entire length abutted lands of other ownership on November 2, 1953, and have not since been changed, such lot may be used for a single-family dwelling. Where a lot of record as of November 2, 1953, has less width than herein required, and its boundary lines along their entire length abutted lands of other ownership on November 2, 1953, and have not since been changed, such lot may be used for a two-family dwelling."

--Zoning Code Chapter 27.13.080 states the Height and Area Regulations for R-2 Residential District....

... "27.17.080 (a) – shows a table of general requirements
... "27.17.080 (e) – If a lot or tract has less area or width or both less area and width than herein required and its boundary lines along their entire length abutted lands under other ownership on November 2, 1953, and have not since been changed, such parcel of land may be used for a single-family dwelling."

--We strongly disagree with the down-zoning of Lots 207 & 208 from R-4 to R-2.

--On June 29, 2006, we were told by Tracy Lines, President. of the 40th & A Neighborhood that she "just happened" to add Lot 209 to the list of lots that the association wanted to get down-zoned.

--We were NEVER notified of this proposal until we received a letter in the mail on June 28. Several calls between Tracy and us and to Greg Czaplewski from the Planning Commission were made. Tracy told us at one point that she would just try to re-draw the boundary lines for the proposed zoning changes to **exclude all our lots** from the project; and that she would talk to Greg about doing this.

--Tracy finally told us on July 3 that Lot 209 (B-3) would be taken off the list of properties that are now listed to be down-zoned. This property is next to our small business building that occupies Lot 210. We want to make sure this property IS staying zoned as B-3 and not listed with those to be down-zoned!

Joel F. Sindelar

Helen M. Sindelar

Joel F. Sindelar
2630 Winchester S. Ct.
Lincoln, NE 68512

August 8, 2006

Attn: Lincoln City/Lancaster County Planning Commission

Regarding: **Change of Zone No. 06040 Downzone** (40th & A Neighborhood)

I disagree with the proposal to down-zone any of the property in the area involved with this proposal.

We own property within 200 ft. of the proposed down-zone area in question. I feel that a lot of property owners are being punished because of a single disturbance incident that happened in the neighborhood, and instigated this proposal to down-zone all this property.

--Somehow, the people that are trying to push this through think this will solve any problems of future rental property disturbances in this area. This area mostly consists of smaller, older homes. These properties are exactly what investors are looking for to buy and use as rental investments. They are well-kept, inexpensive properties. Changing the zoning will not stop this at all.

--Some of the very old, run-down houses may never be replaced with bigger, new houses because this new zoning will prevent this. On some smaller lots, if an old house were removed, I don't think anyone could rebuild on the R-2 lot because of the 'set-backs', etc.

--After talking to some property owners in this area, many older people say they don't like what is proposed, but at their age, why try to fight it, because of the energy and resources it would take. (One person was confused and convinced that his house was being taken from him by the city.) Then there are property owners that already are using their houses as a rental, even though they (property owner) do not even live in Lincoln, or even in Nebraska.

I also am sure a lot of people that received the letters from the City, (latest one of August 4, 2006), listing all the properties by lot descriptions (that seem to be X Y Z to A B C) don't think they are included.

I think these neighborhood associations should be required to mail information to all property owners involved, with a notice/post card whereby a "yes" or "no" vote could be designated and returned with a stamped, return envelope.

I also think the associations should be required by the Planning Board to have the votes returned directly to the Planning Board. Also, the Planning Board should require that at least 75% or so of the returned votes be received or the whole thing gets dropped.

I definitely do not feel that this proposal is getting enough exposure to the property owners involved from the neighborhood association, nor from the Planning Commission.

I recommend that all the Planning Commission Members vote "NO" to this down-sizing proposal.

Sincerely,



Joel F. Sindelar

Helen M. Sindelar
2630 Winchester S. Ct.
Lincoln, NE 68512

August 8, 2006

Attn: Lincoln City/Lancaster County Planning Commission

Regarding: **Change of Zone No. 06040 Downzone** (40th & A Neighborhood)

I adamantly disagree with the proposal to down-zone any of the property in the area involved here.

--Down-zoning will lessen the value each of the properties in the area involved.

--Down-zoning would NOT keep any of the current properties from becoming rental properties in the future.

--Down-zoning will keep affordable housing out of the area.

--Down-zoning could/would greatly restrict the size and type of a building to be built on a lot that is currently vacant, or to be rebuilt on.

--Down-zoning has nothing to do with how well a property is maintained, nor would it assure increased maintenance to any property in the future.

--Empty lots in the area are NOT considered to be "nonstandard use property" within the meaning of Zoning Code requirements. Therefore, down-zoning would have a great impact on what size and kind of building could eventually be built on the property; or, what other use the owner wanted to do with the property.

--Owners of existing multiple family dwellings that are destroyed or damaged may 'NOT' be guaranteed to be able to reconstruct, rebuild, alter, or restore their properties as they want under provisions of down-zoned regulations. The "setback requirements" of R-2 zoning would have an impact on this.

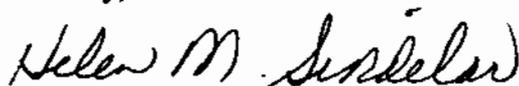
--There is no guarantee that a property owner would be granted a "special permit" if one was requested for 'nonstandard-use' or 'nonconforming-use' property changes.

From what I understand, this proposal started because of a disturbance involving some people living at a rental property in the area. Therefore, a few people from the area decided to have the entire area down-zoned—with one of the reasons being to try to avoid 'more rental property' in the area.

To down-zone this entire area is NOT going to keep people from turning their properties into rental property as they migrate into bigger and better homes in other areas of Lincoln, or move to other cities because of job/work opportunities.

To down-zone the entire area is NOT going to change any of the property owners to maintain their property any better than they are at the present time. There are a lot of properties that are owner-occupied and are not maintained as well as some rental properties are.

Sincerely,



Helen M. Sindelar

P.S.

We own property that is adjacent to the area involved and proposed to be down-zoned. We bought 4 adjacent lots in July, 1991 as an investment. They are located at the 33rd & B Street area.

My husband owned and operated a TV and electronics repair business located on the corner of 33rd and B Street for almost 25 years. Due to extenuating circumstances, including health and eyesight problems, he recently sold the business. The new owner continues to operate the business at the same location. Our investment into the properties was made to help us have something to fall back onto at retirement, since being self-employed does not entitle us to a pension of any kind from an employer.

Our property will not be affected by the down-zoning at present, but the down-zoning will greatly devalue all the property involved that is located around ours in this neighborhood.



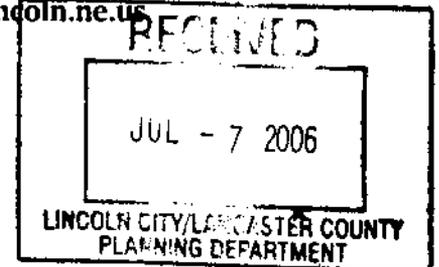
CITY COUNCIL OF LINCOLN NEBRASKA

555 South 10th Street • Lincoln, NE 68508 • 402-441-7515

FAX: 402-441-6533 • E-MAIL: council@ci.lincoln.ne.us

Thursday, July 06, 2006

Planning Commission
555 South 10th Street
Room 213
Lincoln, NE 68508



Dear Planning Commissioners,

We are writing to you to express our concern and disappointment over your inaction concerning Change of Zone #06040. The action you took is prohibited according to the city attorney and denied the residents of 40th and A the process that is their due.

The planning staff recommended approval of this zone change saying:

*Approval of this change of zone would preserve the current development pattern, encourage home-ownership, and limit the potential for increasing housing density in an area with a fixed amount of infrastructure. Overall, Planning Staff is satisfied that this neighborhood at this location has reached an appropriate mix of residential uses. **RECOMMENDATION: Approval***

As former planning commissioners, we totally agree that it is never appropriate to simply rubber-stamp the recommendations of the planning department. However, it is clear that as an appointed body, you do not have the authority to hold up decisions from moving forward to the final decision-making body (either the city council or the county board).

Therefore, after consultation with the city attorney's office, we respectfully urge you to do the following:

1. Vote to waive your rules so the matter can be reconsidered
2. Vote to "reconsider" Change of Zone #06040
3. Vote either "up" or "down" your recommendation for Change of Zone #06040 so that it can move forward to the City Council.

We have great respect for the work of the planning commission, but you have a clear duty to the community to follow the procedure and move the process forward.

Sincerely,

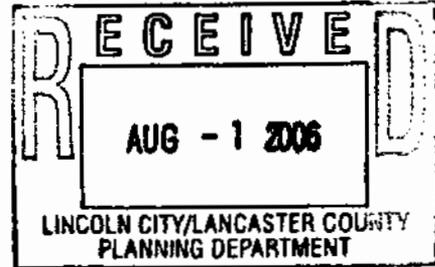
Patte Newman

Daniel K Marvin

4600 Valley Rd
Suite 225
Lincoln, NE 68510

July 28, 2006

Lincoln-Lancaster County Planning Commission
555 S. 10th Street, Suite 213
Lincoln, NE 68508



RE: 40th & A Neighborhood Association Change of Zone

Dear Commissioners:

As you know, the 40th & A Neighborhood Association's application for a change of zone is currently pending before the Planning Commission. It has come to our attention that some members of the Planning Commission are concerned over whether our Association took adequate steps to inform property owners in the affected area about our application.

As an organization consisting largely of property owners, we are keenly aware of the importance of receiving notice of potential government action that will affect one's property. The enclosed timeline sets out the steps we took to ensure affected property owners were made aware of our plan to submit a zoning application and had the opportunity to comment on it. As you can see, our efforts were not, as some have alleged, haphazard and minimal. Rather, we made a comprehensive and concerted effort to ensure that every property owner within the affected area knew the Association planned to apply for a change of zone. Indeed, we went well beyond what was required by the rules in place at the time our application was submitted, and our efforts would have complied with the majority of the additional requirements outlined at the special downzoning committee held on July 19, 2006.

We hope this letter alleviates your concerns about lack of notice. We respectfully request that you (1) rescind the motion to defer the continued public hearing to November 8, 2006; (2) schedule the continued public hearing at the earliest date available (with notice provided by the city planning department); and (3) vote on our change of zone application either with your approval or dissent so we can advance the application to the City Council level.

Best Regards,

<i>Susan M. Dunning</i>	<i>Ken Wood</i>	<i>Kelli Bacon</i>
<i>Mary J. Volkmer</i>	<i>Wills Sapold</i>	<i>Tracy & James</i>
<i>Roger L. Wait</i>	<i>M. Bau</i>	<i>Mr. Bond</i>
<i>Kelly Stahly</i>		<i>Nick Scheel</i>

40th & A Neighborhood Association Board Members

40th & A Neighborhood Association Change of Zone Timeline

April 26, 2005 Steve Henrichsen, City Planner, presented Zoning 101 at our Spring Meeting. Spring meetings are open to the general public; landlords, tenants, homeowners or any interested individual can attend.

Fall 2005 In our fall newsletter that is hand distributed to all residents within our neighborhood association, we announced our intentions to file a change of zone application for the portions of our neighborhood currently zoned R-4 to R-2. The article also gave an overview of what zoning is and the differences between R-4 and R-2. Not only did we call for volunteers to help on the project, but we asked for feedback and concerns. This newsletter was in the initial application packet for our change of zone. Please see Exhibit A.

February 2006 We reminded our residents of our intent to downzone a portion of our neighborhood in our "Dues News." This newsletter is intended to have residents renew their dues as well as to ask for volunteers. It is mailed to every home, business, and church in our boundaries. This mailing was approximately 2,745 pieces. Please see Exhibit B.

April 2006 Our spring newsletter is hand delivered to all residents in our neighborhood association. The purpose of the spring newsletter is to invite them to our spring meeting that is open to the general public. The subject of this year's spring meeting was our upcoming zoning application. To address this subject, we had a panel of three speakers well versed on zoning, including a staff member from the city planning department, a former planning commission member and a city council member. The article defined the area to be downzoned as well as how it affected our properties. This newsletter was included in our initial application packet. Please see Exhibit C.

April 20, 2006 We mailed a letter to all property owners in our targeted downzone area. The letter informed the property owner of the 40th & A Neighborhood Association's intent to file a change of zone application on May 1, 2006 and invited them to our spring meeting with a city planning department staff member and former planning commission member. Definitions of the change of zone were also provided in addition to our purpose of requesting the downzone. A total of 718 letters were mailed. Only 13 of these letters went to out-of-state property owners. Another 19 letters were addressed to property owners outside of the neighborhood association's boundaries. A copy of this letter was included in our initial application packet. Please see Exhibit D.

April 25, 2006 The 2006 Spring General Meeting was held at Lincoln Medical Education Partnership. A panel of speakers consisting of Greg Czaplewski, City Planning Department, Jonathan Cook, City Council Member and Steve Duvall, former planning commission member and neighborhood resident provide information and answer questions concerning downzoning. At this time, we have only one property owner indicate their opposition, the Cast's, regarding their property at 4045 G. A total of 35 individuals were present.

40th & A Neighborhood Association Change of Zone Timeline Continued

The 40th & A downzoning committee reviewed the events of the Spring Meeting. Concerns regarding the Cast's and their property are raised. A discussion with Greg Czaplewski, city planner, indicated that planning practices from upon "spot zoning." The committee decides to leave the Cast property in the change of zone application.

May 2006

A final review of the downzoning area is undertaken. An attempt to match up current use to current zoning on the boundaries of the proposed change of zone is completed. The Association does not want to affect the present commercial properties.

May 31, 2006

Change of zone application submitted to city planning department with required purpose statement, inventory of property legal descriptions, map of area for proposed changes and \$370 fee.

June 6, 2006

An additional \$370 is submitted to city planning department to ensure our application is heard on the July 5th planning commission hearing.

June 23, 2006

City Planning Department mails out notification letters to property owners in proposed change of zone area as well as 200 feet outside of area. A total of 1,052 letters are mailed; 22 pieces are outside of the city; 24 are out of state.

June 24 - July 7, 2006

Applicant contact, Tracy Lines, spoke to at least 15 property owners as they phone her asking for explanation of the letter received from the City Planning Department. Out of the 15, only 2 are against the change of zone. Joel Bacon, 40th & A Board Member, spoke with one property owner in the affected area; she expressed her support for the change in zone. Board Member Mary Volkmer received 3 phone calls from property owners inquiring about the change of zone application; all three indicated their support.

Association Undertaking Zoning Change

The 40th & A Neighborhood Association is in the beginning phases of downsizing portions of our neighborhood that are currently zoned R4 into R2 districts.

Zoning is used by states to regulate subdivisions of land in order to protect the "health, safety and general welfare" of the public, to implement the community's comprehensive plan and to properly arrange land uses. Simply put, zoning is used to manage development.

The Association feels a need to downsize current R4 sections to protect the residential character of our community. Several neighborhood associations within the city of Lincoln have already completed this

process. They include: Near South, UNI Place, Country Club and Everett.

Zoning codes beginning with an 'R' are Residential Districts. The numbers designate the density with one being the least dense. For instance, a lot within an R1 district has the largest lot size requirement. R1 through R4 zones are primarily for single family homes, townhouses or duplexes.

The main differences between the R4 and R2 districts are lot size and density. R4 lots require 5000 square feet for either a single family or two family residence. A single family home in an R2 district requires 6,000 square feet while a two family dwelling needs 10,000 square feet.

In layman's terms, this zoning change would prevent some of our large, older homes from being converted into duplexes. It would not, however, affect buildings that are currently in use as a two-family residence.

Changing the zoning districts can be a challenging task. The Association requests the neighborhood's input and assistance. If you would like to join the Zoning Committee, help with the process or feel the need to voice a concern regarding this proposal, please contact one of our board members or email us at our new email address: forty_and_a_neighborhood@hotmail.com.

Itch Mites Find A Home in Lincoln

The University of Nebraska—Lincoln entomology department reports that itch mites may again be a problem this summer and fall.

Itch mite bites usually are red, 1/4 to 3/4-inch in diameter, with a hard, raised "pimple" in the middle. The bites are usually found on the

victim's neck and shoulders and on areas of the torso where clothing fits loosely. The bites are intensely itchy, but scratching is actually painful.

The nearly invisible mites need to be in contact for several hours before biting. Because the bites do not itch or get painful for about 16 hours,

many people do not know they have been bitten until the next day.

Bites often occur after raking leaves and mowing lawns under pin oaks, red and black oak trees.

The best defenses are wearing insect repellent and showering immediately after completing yard work.

LeeAnn Sergeant
Licensed Massage Therapist

3544 Mohawk St.
Lincoln, NE 68510

(402) 525-1779

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40TH & A NEIGHBORHOOD ASSOCIATION

A Letter From The President....

2006 promises to be a busy year for the 40th & A Neighborhood Association. We have many action items on our agenda; however we need our residents to adopt a "Winston Churchill" attitude to help us accomplish our goals.

"I like things to happen; and if they don't happen, I like to make them happen." —Winston Churchill

While some of our projects are annual events that you can count on, such as the Spring Clean-Up and the New Heights/Pathways Ice Cream Social at the beginning of September, the 40th & A Neighborhood Association Board and I have several new projects and events that we would like to accomplish this year.

Perhaps our biggest undertaking is **down-zoning a large section of District 1**. We are interested in accomplishing this project primarily to preserve the residential characteristics of our older neighborhood as well as to address related concerns such as parking and traffic.

We are also considering starting an annual **neighborhood-wide garage sale**. The Association would advertise your garage sale in the local newspapers and provide a map with the location of your sale for a \$5 fee (\$3 if you are a member of the association). We need to know if enough of our residents are interested in participating to make this event worthwhile. Please email us or call one of the board members by March 15th.

I would also like to develop an **email list** to communicate to our neighbors. Send your concerns our way or join our membership list to stay updated on upcoming events and neighborhood concerns. **forty_and_a_neighborhood@hotmail.com**
Just send me an email. (We will not share or sell email addresses.)

How can you help? Each project has different needs. We need neighbors to write, phone or email the mayor's office (mayor@lincoln.ne.gov) supporting the existing process for down-zoning. Do you like to research? A comprehensive listing of the legal descriptions for the properties involved on our down-zoning application is required. Do you have a truck to help your neighbors haul their "junk" to the Spring Clean-up? The Spring Clean-up also offers some great opportunities for our Girl and Boy Scout troops to earn merit badges. Need to take the dog for a walk on a nice spring or fall day? Help us deliver newsletters to your block! Do you like to talk to people? We need volunteers to man our booths at the annual ice cream social and Celebrate Neighborhoods events.

Don't have any time to volunteer? Your dues contribution makes a difference as well. The fee to apply for down-zoning is almost \$400. Most of our dues monies pay for printing of newsletters to keep the neighborhood informed. **In 2005, our Association was pleased to have 22 businesses, 4 churches and 3 schools as members.** Will you please consider joining us?

Let's make things happen this year for our neighborhood association!

Tracy J. Lines, M.P.A.

--President, 40th & A Neighborhood Association

2006 40th & A Neighborhood Association Membership Form

Name: _____ Address: _____

Phone: _____ Email: _____ District #: _____

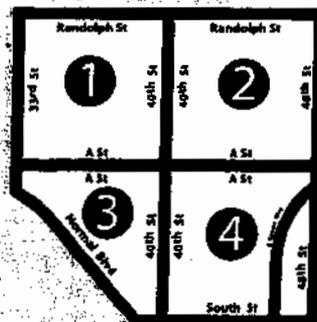
I want to help make things happen!

I am interested in donating my time to:

- Deliver newsletters
- Spring Clean-up
- Serve on the Board
- Ice Cream Social
- Zoning
- Garage Sales
- Plant trees
- Celebrate Neighborhoods!
- Other _____

Annual Membership Dues:

- Student.....\$1.00
- Individual.....\$5.00
- Family.....\$10.00
- Business.....\$15.00
- Contributing.....\$25.00



Make checks payable to:
40th & A Neighborhood Association

Send all address changes and membership forms to:

Susie Dunn
4000 Garfield
Lincoln, NE 68566

Office Use Only
Check No: _____
Date Rec'd: _____

40TH & A NEIGHBORHOOD ASSOCIATION

Spring 2006

Upcoming Zoning Petition Subject of Spring Meeting

The 40th & A Neighborhood Association has been gathering information, planning and working on a petition to downzone the existing R-4 portions of our neighborhood to R-2 for the past six months. We are nearing the end of our preparation phase and are ready to "spring" into action.

To inform our residents of the proposed zoning changes, their meaning and the effects on our neighborhood, our annual spring meeting will feature a panel of speakers including a city planning department representative and former planning commission member to present information and answer questions.

The meeting will be held on **Tuesday, April 25th at 7 p.m.** at

the Lincoln Medical Education Partnership's Steven Carveth Center at 4600 Valley Road.

The area presently zoned R-4 is from A Street to Randolph, 33rd to 37th and D Street to Randolph from 37th to 48th (see map).

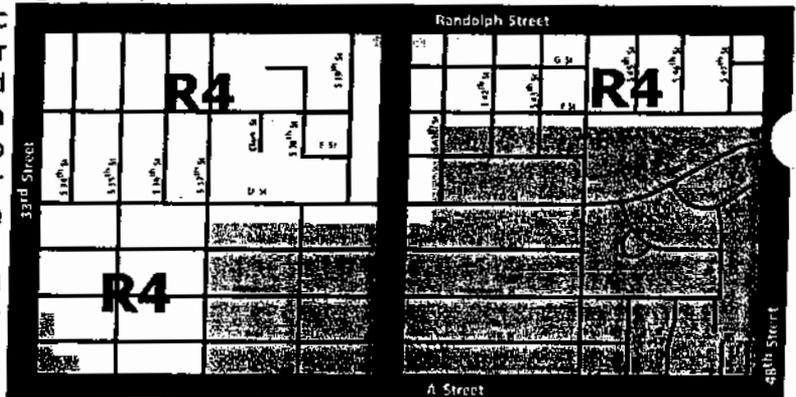
The proposed zoning change will protect our single-family residential

characteristic of our neighborhood by requiring a larger lot to convert or construct a duplex.

Existing multiple family housing units (such as

duplexes) will be considered a non-standard use; this will not require a special permit, only a building permit to enlarge, extend or reconstruct the current building.

To find out more or to have your questions answered, please be sure to attend the meeting on April 25th.



Inside this issue:

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Holiday Display Awards	4
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Annual Spring Clean-Up Set For April 22

Once again the 40th & A Neighborhood Association will be sponsoring a neighborhood clean-up. Rain or shine, we will be accepting your household waste on April 22nd from 8 a.m. to 12 p.m. The Christ Lutheran Church at 4325 Sumner has graciously allowed us to utilize their large parking lot for the event.

Roll-offs will be available for regular debris as well as one designated for tree limbs and other brush. Remember, we cannot accept any grass, leaves, tires, large appliances, garbage, TV's, batteries, solvents or other hazardous waste. (If you have hazardous waste items, the hazardous waste collection dates and locations are listed on the back page of this newsletter.)

Please remember that we still are recycling aluminum at the Church of the Brethren at 3645 Sumner. The proceeds from this recycling effort help fund activities such as this one.

Our goal is to help make our neighborhood look great. Spring is a great time to spruce up the yard and dispose of that broken down fence or those railroad ties that you have been meaning to do something about. Already have your yard in tip-top shape? Perhaps a neighbor or elder could use your assistance. Places commonly overlooked are alleys and common areas. Let's all do our part to make our little part of the city a great place to live!



Dear Neighbor:

This letter is to let you know about an important project the 40th & A Neighborhood Association is undertaking and the impact it may have on your property. One of the purposes of the Association is to maintain the low density residential character of our neighborhood. Traditionally, our neighborhood has been made up primarily of single-family houses that are owned by the people who live in them. But as you have probably noticed, several single-family homes in our neighborhood have recently been transformed into duplexes. This increases population density, creates parking problems, and shifts our neighborhood from one made up of homeowners to one made up of renters. To limit this transformation, the Neighborhood Association, by **May 1, 2006, plans to file an application to downzone the portion of our neighborhood currently zoned as R-4 to R-2.** Your property is located in the area that would be affected if the City of Lincoln approves the application.

Were the application approved, it would greatly reduce the ability of a homeowner to transform a single-family home into a duplex. For example, under an R-4 designation, a duplex is permitted so long as the lot area is 2,500 square feet per family and the average lot width is 40 feet per family. In contrast, under an R-2 designation, the lot area must be 5,000 square feet per family and the average lot width must be 40 feet per family. Other differences also exist between R-2 and R-4. If you are interested, you can see what these differences are by comparing Lincoln Municipal Code Ch. 27.13 (R-2) and Lincoln Municipal Code Ch. 27.17 (R-4), which is available at "<http://www.lincoln.ne.gov/city/build/inspec/zoning/zoningcodes.htm>."

We wish to emphasize, however, the limited effect that downzoning would have on property currently being used in a fashion that does not comply with R-2. If you currently use your property in a manner which does not conform to the requirements of R-2, you will be able to continue to do so even if the application is approved. This means that if you currently own a duplex on a lot that does not have 5,000 square feet per family, you will not be required to revert to a single-family dwelling should the application be approved.

We invite you to share your thoughts on the application with us. You can email comments and concerns to forty_and_a_neighborhood@hotmail.com. Additionally, the 40th & A Neighborhood Association's biannual meeting is on Tuesday, April 25, 2006 at 7:00 p.m. The meeting is open to the public, and there will be a panel of speakers to answer questions about zoning from the City's Planning Department as well as a former Planning Commission member. The meeting will be held at the Steven G. Carveth Center in the LMEP building, which is located at 4600 Valley Road. We strongly encourage you to attend.

Thank you for your attention to this important matter, and we look forward to hearing from you.

Sincerely,

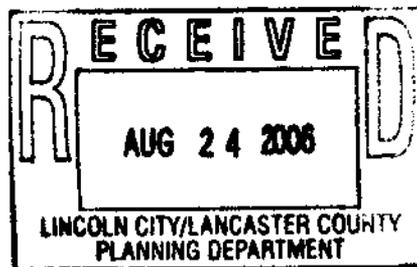
Tracy J. Lines, M.P.A.
President
40th & A Neighborhood Association

Email Received August 24, 2006

1001 S. 37th Street
Lincoln, NE 68510

August 23, 2006

Steve Henrichsen
City of Lincoln-Lancaster County Planning Department
555 S. 10th Street, Suite 213
Lincoln, NE 68508



RE: Change of Zone No. 06040

Dear Steve:

The 40th & A Neighborhood Association would like to amend its change of zone application by changing the half block between 40th and 41st streets on the south side of G Street to R4. This area encompasses four properties owned by Wilson, Shaw and Cast.

Once again, thank you for all of your hard work on our application. If any additional clarification is needed on this change, please feel free to contact me by phone at 310-7069 or by email at tlines24@hotmail.com.

Best Regards,

Tracy J. Lines, M.P.A.
President
40th & A Neighborhood Association



Jim Essay
<JEssay@SecurityFederal.ne
▷

08/30/2006 09:47 AM

To jwalker@lincoln.ne.gov

cc

bcc

Subject Re: Planning commission meeting today

Re: Change of Zone #06040

Dear Jean:

I am the managing partner of Essman, LLC which owns the property at 828-836 S 47th Street. I was made aware this morning of a pending planning commission change of zone on my property. I had not previously received any notice of this zone change so was unable to protest this zone change earlier in the process.

This proposed down-zone would seriously reduce the value of my property. I am asking that you withhold my property from the change of zone action that is scheduled for today.

If you need to contact me by phone my number is 434-2842. Thank you.

Sincerely,

Jim Essay
Member of Essman, LLC

By signing below, I am indicating that I am a property owner in the 40th & A Neighborhood Association boundaries and I am in support of the Change of Zone No. 06040 that affects properties generally from 33rd to 48th Streets, Randolph to "A" Street. I understand that the Change of Zone No. 06040 is a downzone request from R-4 to R-2.

1 <u>PATRICIA OLSON</u> Printed Name	<u>4220 MAHANK</u> Property Address	<u>Patricia Olson</u> Signature
2 <u>Greg Tebo</u>	<u>1011 S. 37</u>	<u>Greg Tebo</u>
3 <u>Sheki Tebo</u>	<u>1011 S. 37th</u>	<u>Sheki Tebo</u>
4 <u>TRACY LINES</u>	<u>1001 S. 37</u>	<u>Tracy Lines</u>
5 <u>ANN JANEETTE CORBETT</u>	<u>3403 MAHANK</u>	<u>Ann Janette Corbett</u>
6 <u>Larry Corbett</u>	<u>3403 Mahank</u>	<u>Larry W. Corbett</u>
7 <u>Sandy Wegner</u>	<u>1002 South 33rd</u>	<u>Sandy Wegner</u>
8 <u>Martha C Anderson</u>	<u>941-S 37th</u>	<u>Martha C Anderson</u>
9 <u>Martha J. Miller</u>	<u>928 S 37</u>	<u>MARTHA J. MILLER</u>
10 <u>Gregory A. Miller</u>	<u>928 S. 37th</u>	<u>Greg A. Miller</u>
11 <u>Karen Nabok</u>	<u>970 S. 37th</u>	<u>Karen Nabok</u>
12 <u>Aaron Holz</u>	<u>910 S. 37th</u>	<u>Aaron Holz</u>
13 <u>Sara L. Honner</u>	<u>868 S. 37th</u>	<u>Sara L. Honner</u>
14 <u>Bryan E. Honner</u>	<u>868 S. 37th</u>	<u>Bryan E. Honner</u>
15 <u>Patrick J McBride</u>	<u>860 S 37th</u>	<u>Patrick J. McBride</u>
16 <u>Mary Pat McBride</u>	<u>840 S 37</u>	<u>Mary Pat McBride</u>
17 <u>Shelly Sullivan</u>	<u>852 S. 37th</u>	<u>Shelly Sullivan</u>
18 <u>DAN SULLIVAN</u>	<u>852 S. 37th</u>	<u>Dan Sullivan</u>
19 <u>Michael Kotopka</u>	<u>830 S. 37th</u>	<u>Michael S. Kotopka</u>
20 <u>Ann Kotopka</u>	<u>830 S. 37th</u>	<u>Ann Kotopka</u>
21 <u>Joan Taster</u>	<u>875 S. 37</u>	<u>Joan Taster</u>
22 <u>Matt Taster</u>	<u>875 S. 37th St.</u>	<u>Matthew D. Taster</u>
23 <u>Virginia Ramos</u>	<u>825 S. 37th St.</u>	<u>Virginia T. Ramos</u>
24 <u>Melba E Foster</u>	<u>855 S. 3th</u>	<u>Melba E Foster</u>
25 <u>Michael E Foster</u>	<u>901 S 37th</u>	<u>Michael E Foster</u>

HW
8-17-6

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	Printed Name	Property Address	Signature
1	Alma Pembrey	861 S 34 th	
2	Lucille Smith	857 So 34 th	Lucille Smith
3	Vivian Fraetler	835 S 34 th	Vivian Fraetler
4	Jay Shafer	835 S 34 th	Jay Shafer
5	REBECCA ROBERTS	825 S 34 th	Rebecca Roberts
6	Emily Wortman	818 S 34 th	Emily Wortman
7	Pam Mdy	826 S 34 th	Pam Mdy
8	SHERI CUNNINGHAM	850 S 34 th ST	Sheri Cunningham
9	ANDREW CUNNINGHAM	850 So 34 th	Andrew Cunningham
10	Lori J. Stout	900 S 34 th	Lori J. Stout
11	Kevin Thomas	900 S 34 th St	Kevin Thomas
12	John Foots	920 So 34 th St	John M. Foots
13	John Foots	920 South 34 th	John Foots
14	Leanne Johnson	921 S 34 th	Leanne Johnson
15	Steve E. Jones	940 S 34 th	Steve E. Jones
16	FRANCES BONO	1010 S 34 th	Frances Bono
17	MARY BONO	1010 S 34 th	Mary Bono
18	LeRoy Strizek	911 S 34 th	LeRoy Strizek
19	Don DeVries	917 S 34	Don DeVries
20	Rebecca Smith	1019 S 34	Rebecca A. Boud
21	Mark Smith	1019 So 34 th	Mark A. Smith
22	Lance McCal	1027 S 34 th	Lance E. McCal
23	Amy McCord	1027 S 34 th	Amy McCord
24	DAVID MCDONALD	1026 S 34 th	David McDonald
25	Lori Wortman	908 S 34 th	Lori Wortman

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Printed Name	Property Address	Signature
1 <u>Nye + Sannett Blvd</u>	<u>869 So 45th St</u>	<u>Nye + Sannett Blvd</u>
2 <u>Andria Schultz</u>	<u>884 So 45th St</u>	<u>Andria Schultz</u>
3 <u>Juella Daughenbaugh</u>	<u>859 S 46th St</u>	<u>Juella Daughenbaugh</u>
4 <u>Linda Spauling</u>	<u>4515 Randolph</u>	<u>Linda Spauling</u>
5 <u>KAREN BILLINGS</u>	<u>831 So. 45th</u>	<u>Karen Billings</u>
6 <u>Mark Billings</u>	<u>831 So. 45th</u>	<u>Mark Billings</u>
7 <u>ARNOLD HAUSNER</u>	<u>4520 F ST</u>	<u>Arnold Hausner</u>
8 <u>HELEN HAUSNER</u>	<u>4520 F ST</u>	<u>Helen Hausner</u>
9 <u>William C. E. Hahn</u>	<u>830 So 45th St</u>	<u>William C. E. Hahn</u>
10 <u>Chris Callahan</u>	<u>819 So 45th</u>	<u>Chris Callahan</u>
11 <u>Gordon L. Keffe</u>	<u>828 So 44th</u>	<u>Gordon L. Keffe</u>
12 <u>Scott Wynia</u>	<u>848 S. 44th</u>	<u>Scott Wynia</u>
13 <u>Lenora Sieffkes</u>	<u>858 S. 44th</u>	<u>Lenora Sieffkes</u>
14 <u>BARBARA MAGER</u>	<u>876 S. 44th St.</u>	<u>Barbara Mager</u>
15 <u>Scott Carlson</u>	<u>869 S. 45th St.</u>	<u>Scott Carlson</u>
16 <u>ROBERT WILSON</u>	<u>864 S. 44th ST</u>	<u>Robert S. Wilson</u>
17 <u>Eloise Wilson</u>	<u>864 S. 44th ST</u>	<u>Eloise Wilson</u>
18 <u>RUTH PELL</u>	<u>4425 RANDOLPH</u>	<u>Ruth Pell</u>
19 <u>SHIRLEY + DON FENSLE</u>	<u>4401 RANDOLPH</u>	<u>Shirley + Don Fensle</u>
20 <u>Daniel Metzler</u>	<u>824 S. 44th</u>	<u>Daniel Metzler</u>
21 <u>Dennis Drudik</u>	<u>865 S 44th</u>	<u>Dennis A. Drudik</u>
22 <u>Amy Erikson</u>	<u>851 S. 44th</u>	<u>Amy Erikson</u>
23 <u>Gail Lopez</u>	<u>815 S 44th</u>	<u>Gail Lopez</u>
24 <u>Josh Nordhues</u>	<u>909 S 37th</u>	<u>Josh Nordhues</u>
25 <u>BRUCE HEWING</u>	<u>918 S 36th</u>	<u>Bruce Hewing</u>

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	Printed Name	Property Address	Signature
1	TAM FOTINOS	3541 D	
2	Rich Lodes	3535 D	
3	Chris Lodes	3535 D	Chris Lodes
4	Lisa Hanson	3515 D	
5	Jeff Knievel	3501 D	
6	Marcella Johnson	1110 So 33 St	
7	Jacob G. Gross	3520 C St	
8	Chris Hansen	3558 C St.	
9	Lori Brunick	3601 C St.	Lori Brunick
10	Jeff Haase	3540 C	
11	Elgol Silerieks	3531 C St	E. Silerieks
12	Thomas C. Kettle Sr.	1136 S. 37 th	Thomas C. Kettle Sr.
13	Ann Z. Osterman	1130 S. 37 th	Ann Z. Osterman
14	Mary J Volkmer	1131 S. 37	Mary J. Volkmer
15	Lee M. Volkmer	1131 S. 37 St.	Lee M. Volkmer
16	Cheryl Helwig	918 S. 36 th St.	Cheryl Helwig
17	BE BURIANEK	936 S. 36 th St	
18	Josh Dorsey	1010 S. 36 th	
19	JOAN R KRUEGER	10205 36 th	Joan R Krueger
20	JERI MATTYAN	1026 S. 36 th	
21	Steven Heinz	1044 S 36 th A	
22	Robert Lund	10298. 37	Robert W Lund
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	Printed Name	Property Address	Signature
1	LARRY BAKER	875 So 36	Larry Baker
2	Matt Scherer	851 S. 36th	Matt Scherer
3	Robert Ogden	835 S. 36th	Robert Ogden
4	Melvin Anderson	825 S. 36th	Melvin Anderson
5	Ram Kumaram	825 S. 36th	Ram Kumaram
6	Camille Holmes	800 S 33rd	Camille J Holmes
7	FLOYD DOUGHTY	800 S. 33rd	Floyd Doughty
8	J.P. CARUSO	818 S 33rd	J.P. Caruso
9	Sylvia Griffith	832 S. 33rd	Sylvia Griffith
10	Buck Meinders	842 S. 33rd	Buck Meinders
11	Karen Tenopir	858 S. 33rd	Karen Tenopir
12	Brent Matz	900 S 33	Brent Matz
13	Michael Ridge	934 S. 33rd	Michael Ridge
14	Lee Christensen	944 S 33rd	Lee Christensen
15	Ralph P. Bowman	1044 So. 33	Ralph P Bowman
16	LARRY D LAYDEN	3315 D ST	Larry D Layden
17	Jean M. Baker	3327 D ST	Jean M. Baker
18	Eric Buchanan	3425 D ST	Eric Buchanan
19	J. Pegans	3401 C	J. Pegans
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	Printed Name	Property Address	Signature
1	Wendi Herbin	850 S 35 th St	Wendi Herbin
2	Michelle Brettmann	845 S. 35 th	Michelle Brettmann
3	PAOLA CRAMER	835 S 35	Paola Cramer
4	Bruce White	830 S. 35 th	Bruce White
5	Cathy M. Wright	935 SO. 35 th	Cathy Wright
6	Kristen Fox	1010 S. 35 th	Kristen Fox
7	VERNA CHUDLY	934 S 35 th	Verna Chudly
8	Robert H. Fischer	918 S. 35 th	Robert H. Fischer
9	DAN KURTZER	940 S. 35	Dan Kurtzer
10	JOE SWOBODA	1018 S. 35	Joe Swoboda
11	Cheryl Livingston	1020 S 35	Cheryl Livingston
12	Pierre E. Pettinger	1045 S 35 th	PIERRE E. PETTINGER
13	Michilina E. Pettinger	1045 So. 35 th St	Michilina E. Pettinger
14	Jeff Schmalke	1001 So. 35 th St	Jeff Schmalke
15	Dennis Hoffman	810 S. 35	Dennis Hoffman
16	Barb Hoffman	825 So. 35	Barb Hoffman
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	Printed Name	Property Address	Signature
1	Martha McCollough	881 S. 34th	Martha McCollough
2	Martha McCollough	1030 S. 34th	Martha McCollough
3	Sara Meyers	857 S. 35 th	Sara Meyers
4	Karen Jensen	815 S. 35 th	Karen Jensen
5	Neil Stoley	800 S. 35 th St.	Neil Stoley
6	Reinhardt-Borchers	820 S. 35	Reinhardt-Borchers
7	Kurt Matthes	840 S. 35 th	Kurt Matthes
8	Cara Matthes	840 S. 35 th	Cara Matthes
9	Richard Wright	935 S. 35	Richard Wright
10	Nancy Heinegger	1029 S. 35	Nancy Heinegger
11	Dail Ogden	921 S. 35 th	Dail Ogden
12	Carl Woodard	910 S. 35 th	Carl Woodard
13	STEVE Smulson	890 S. 34	Steve Smulson
14	James Newman	889 S. 35 th	James Newman
15	Stephanie Newman	889 S. 35 th	Stephanie Newman
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	Printed Name	Property Address	Signature
1	Shaile J Wall	913 Mont	Shaile J Wall
2	TERRY WEAVER	4634 MORAWK	Terry Weaver
3	Willis Saffell	4011 Sumner	Willis Saffell
4	Susan M. Dunn	4000 Garfield	Susan M. Dunn
5	Mildred M. Gardner	4030 C St.	Mildred M. Gardner
6	Kelly Stahly	4435 B ST.	Kelly K. Stahly
7	Paul Joel Bacon	3774 Sumner	Paul Bacon
8	D. KARSTEN	4231 "B"	Douglas Karstensen
9	LYLE E. DOUGLASS	4620 BRYAN CIRCLE	Lyle E. Douglass
10	JIM PETERS	825 S. 40 th	Jim Peters
11	Christine Morawski	925 So. 37 th	Christine Morawski
12	Kathleen Taladay	944 So 37	Kathleen Taladay
13	Jean Bartel	936 S. 37 th	Jean Bartel
14	Steven Ambrose	936 S. 37 th	Steven Ambrose
15	Cynthia McPherson	3640 D St.	Cynthia A. McPherson
16	Ruth A. Hood	1035 So. 37 th ST	Ruth A. Hood
17	MICHAEL A. HOOD	1035 S. 37	Michael A. Hood
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	Printed Name	Property Address	Signature
1	Kristen Nugent	3637 A Street	Kristen L. Nugent
2	Marcy Nelson	3609 A St	Marcy Nelson
3	Dennis Schaaf	3597 A ST	Dennis Schaaf
4	Donna Hoff	3531 A ST	Donna Hoff
5	Beatrice McDonald	3511 A	Beatrice McDonald
6	John H. Brown	3445 A St	John H. Brown
7	Lisa Carpenter	3100 A Street	Lisa Carpenter
8	Gretchen Hamilton	3044 A Street	Gretchen Hamilton
9	Nancy Aviles	1351 S 37	Nancy Aviles
10	Donald Buscher	3417 B St	Donald Buscher
11	Larry J. Fabricius	3401 B St	Larry J. Fabricius
12	Anthony Taylor	1365 S. 35 St.	Anthony Taylor
13	Jeffrey McIntyre	3335 B St	Jeffrey McIntyre
14	Barb McIntyre	3335 B St	Barb McIntyre
15	Judy Carver	869 So 37 th	Judy Carver
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