

## **FACTSHEET**

**TITLE:** **CHANGE OF ZONE NO. 06078**, from R-4 Residential District to B-1 Local Business District, requested by Enterprise Company, Inc., on property generally located at North 46<sup>th</sup> Street and Q Street.

**SPONSOR:** Planning Department

**BOARD/COMMITTEE:** Planning Commission  
Public Hearing: Consent Agenda: 12/06/06  
Administrative Action: 12/06/06

**STAFF RECOMMENDATION:** Approval

**RECOMMENDATION:** Approval (8-0: Taylor, Cornelius, Esseks, Larson, Carroll, Sunderman, Krieser and Carlson voting 'yes'; Strand absent).

### **FINDINGS OF FACT:**

1. This a request to rezone approximately 0.18 acres, more or less, from R-4 Residential to B-1 Local Business.
2. The staff recommendation to approve this change of zone request is based upon the "*Analysis*", as set forth on p.3, concluding that the original purpose of the R-4 zoning district was to establish a front yard opposite residential zoning on the west side of N. 46<sup>th</sup> Street. Now that the residential district no longer exists there, the R-4 zoning is not appropriate. This application is in conformance with the Comprehensive Plan.
3. On December 6, 2006, this application appeared on the Planning Commission Consent Agenda and was opened for public hearing. No one came forward to speak.
4. The record consists of a letter in support from the Witherbee Neighborhood Association (p.12-15).
5. On December 6, 2006, the Planning Commission agreed with the staff recommendation and voted 8-0 to recommend approval (Taylor absent).

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

**DATE:** December 11, 2006

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

**DATE:** December 11, 2006

**REFERENCE NUMBER:** FS\CC\2006\CZ.06078

**LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT**  
**for DECEMBER 6, 2006 PLANNING COMMISSION MEETING**

**PROJECT #:** Change of Zone No. 06078

**PROPOSAL:** From R-4, Residential District to B-1 Local Business District

**LOCATION:** N. 46<sup>th</sup> St. & Q St.

**LAND AREA:** 0.18 acres, more or less

**EXISTING ZONING:** R-4, Residential District

**CONCLUSION:** The original purpose of the R-4 zoning district was to establish a front yard opposite residential zoning on the west side of N. 46<sup>th</sup> Street. Now that the residential district no longer exists there, the R-4 is not appropriate. This application is in conformance with the Comprehensive Plan.

**RECOMMENDATION:**

**APPROVAL**

**GENERAL INFORMATION:**

**LEGAL DESCRIPTION:** See attached.

**EXISTING LAND USE:** A portion of a service drive for an existing commercial use.

**SURROUNDING LAND USE AND ZONING:**

North:	B-1 Local Business District,	Large Retail Store
South:	B-1 Local Business District,	Grocery Store and Small Retail Stores
East:	B-1 Local Business District,	Small Retail Stores Restaurants
West:	O-3 Office Park District,	Office Buildings

**HISTORY:**

A change of zone was approved on the adjacent property to the north (currently Target) in April, 1977 (CZ #1555). The change of zone was from A-2 Single-Family Residential to G Local Business.

The Planning Director was denied a change of zone on this property in October, 1977 (CZ #1565). The change of zone was from A-2 Single-Family Residential to G Local Business. The purpose of the request was to uniformly rezone all remaining A-2 Single-Family Residential land between N. 46<sup>th</sup> and N. 48<sup>th</sup> Streets and between 'O' and 'R' Streets to G Local Business. At the time of this application, the parcel had existing residential uses on it and there were residential uses across the street on the west side of N. 46<sup>th</sup> Street.

The adjacent property to the south (currently Super Saver) was approved a change of zone from R-4 to B-1 in 1984 (CZ #2126). The R-4 that was removed was a 25' strip that was zoned residential for the purpose of providing an additional setback to the commercial uses from N. 46<sup>th</sup> Street and to prohibit vehicular access from the commercial uses to N. 46<sup>th</sup> Street.

### **COMPREHENSIVE PLAN SPECIFICATIONS:**

The Comprehensive Plan is the basis for zoning and land development decisions. It guides decisions that will maintain the quality and character of the community's established neighborhoods. (6)

The land use map shows this area as commercial. (19)

### **ANALYSIS:**

1. The existing parcel is split by two zoning districts B-1 to the east and R-4 to the west with the larger part of the parcel in B-1.
2. The R-4 district is intended for single- and two-family dwellings plus support facilities. The B-1 district is for providing local retail relating to existing communities and neighborhoods.
3. Due to its size and dimensions, the parcel is not conducive to future residential development. Furthermore, this R-4 zone has become an isolated district surrounded by commercial uses and adjacent to no residential uses.
4. The change of zone should have no negative impact on adjacent properties.
5. There were no objections from other City departments.
6. All existing easements on the property shall be retained.
7. The original purpose of the R-4 was to provide additional setbacks of the commercial use. Now that the residential use for which the setback was created no longer exists, the parcel should be zoned the same as the rest of the parcel.

Prepared by:

Brandon M. Garrett, AICP  
Project Planner

**DATE:** November 21, 2006

**APPLICANT:** Enterprise Company, Inc.  
204 N. 46<sup>th</sup> Street  
Lincoln, NE 68503  
(402) 465-4200

**OWNER:** Enterprise Company, Inc.  
204 N. 46<sup>th</sup> Street  
Lincoln, NE 68503  
(402) 465-4200

**CONTACT:** Larry V. Albers, Attorney  
100 Alodium Place  
6710 L Street  
Lincoln, NE 68510

## CHANGE OF ZONE NO. 06078

### CONSENT AGENDA

### PUBLIC HEARING & ADMINISTRATIVE ACTION

### BEFORE PLANNING COMMISSION:

December 6, 2006

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

The Consent Agenda consisted of the following items: ***CHANGE OF ZONE NO. 06078***;  
**MISCELLANEOUS NO. 06017, Van Dorn Redevelopment Area Declaration of Blight and  
Substandard; and MISCELLANEOUS NO. 06018, Fairway Park Plat Vacation.**

Ex Parte Communications: None.

Carroll moved approval of the Consent Agenda, seconded by Esseks and carried 8-0: Carlson,  
Carroll, Cornelius, Esseks, Krieser, Larson, Sunderman and Taylor voting 'yes'; Strand absent.

All items are recommendations to the City Council.



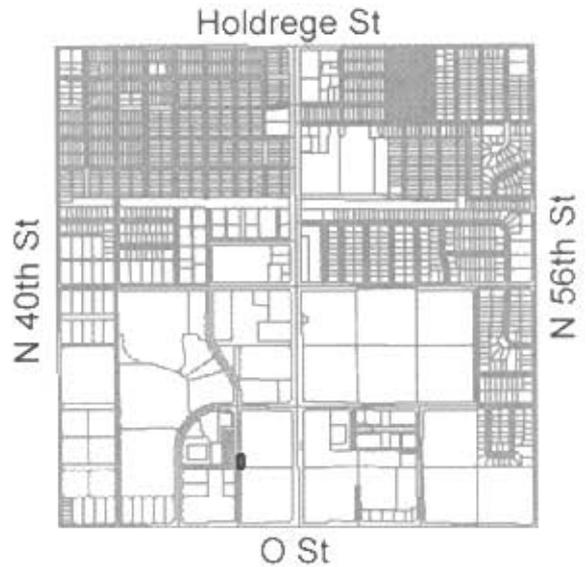
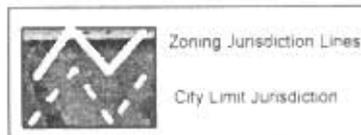
2005 aerial

## Change of Zone #06078 N 46th St & Q St

### Zoning:

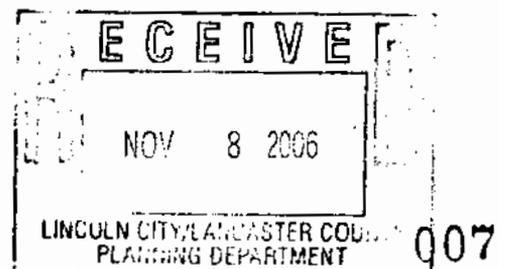
- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- R-C Residential Conservation District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial District
- B-4 Lincoln Center Business District
- B-5 Planned Regional Business District
- H-1 Interstate Commercial District
- H-2 Highway Business District
- H-3 Highway Commercial District
- H-4 General Commercial District
- I-1 Industrial District
- I-2 Industrial Park District
- I-3 Employment Center District
- P Public Use District

One Square Mile  
Sec. 20 T10N R07E



ATTACHMENT "A"  
TO  
CHANGE OF ZONE APPLICATION  
OF  
ENTERPRISE COMPANY, INC.

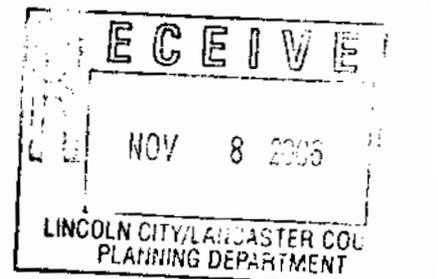
**PURPOSE STATEMENT:** The purpose of this Application is to change the current Zone from R-4 to B-1 for all of that property identified in Attachment "B". The western portion of the Lot is currently R-4, while the remainder is B-1. (See Attachment "B-1 and B-2"). Many years ago, the property immediately west of the Lot (i.e., the northwest corner of 46<sup>th</sup> and Q Street) was zoned R-4. That Zone has since changed to O-3. The entire Lot is part of the Eastview Shopping Center. The zoning surrounding the Lot is designated under either the Office or Business classifications. There is no foreseeable possibility of any residential development for the Lot.



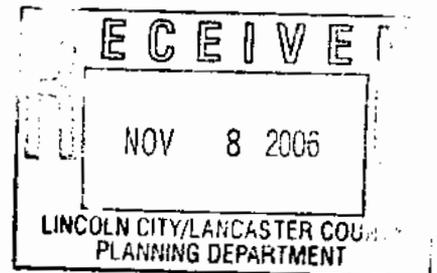
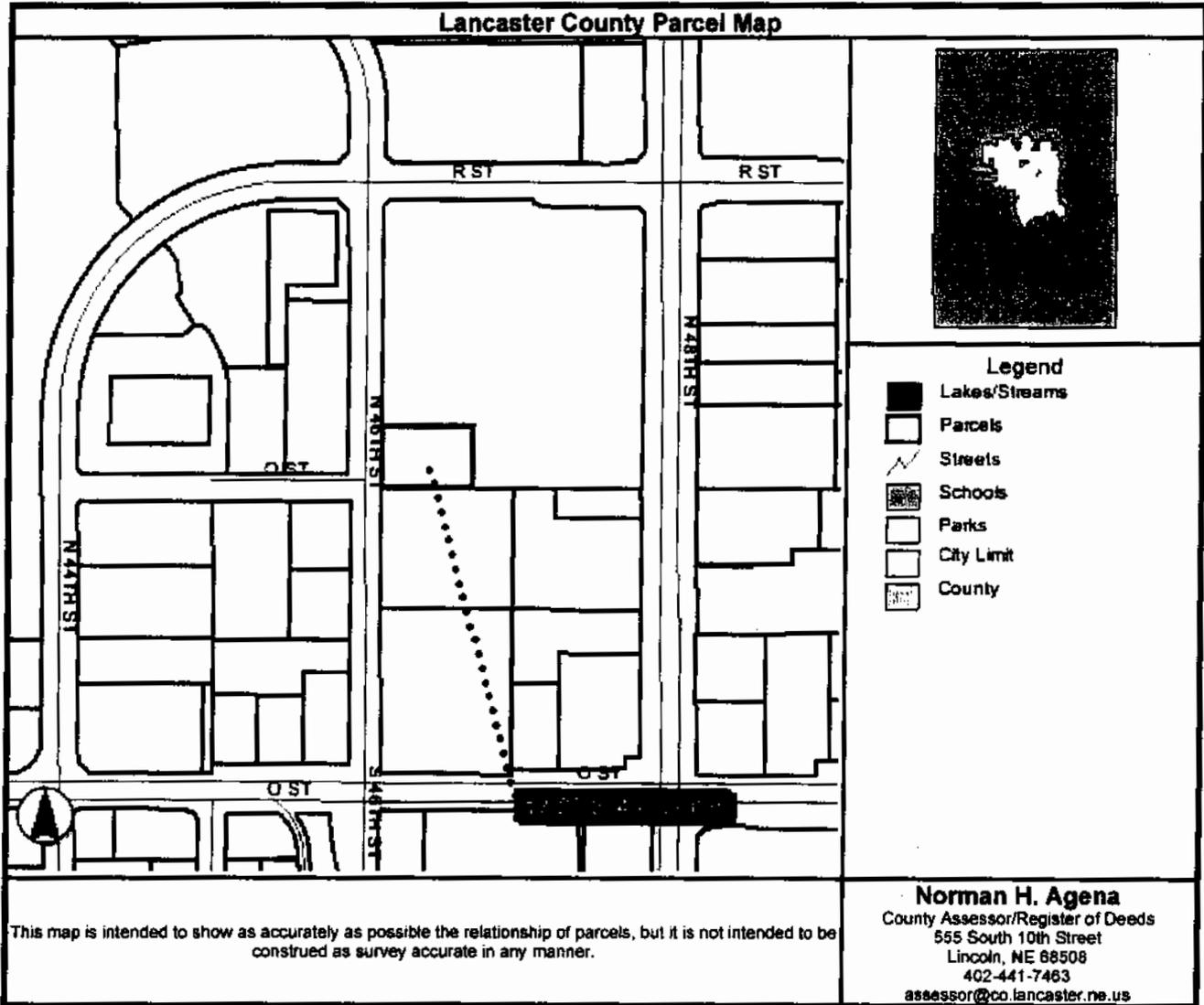
ATTACHMENT "B"  
TO  
CHANGE OF ZONE APPLICATION  
OF  
ENTERPRISE COMPANY, INC.

Legal Description of Lot:

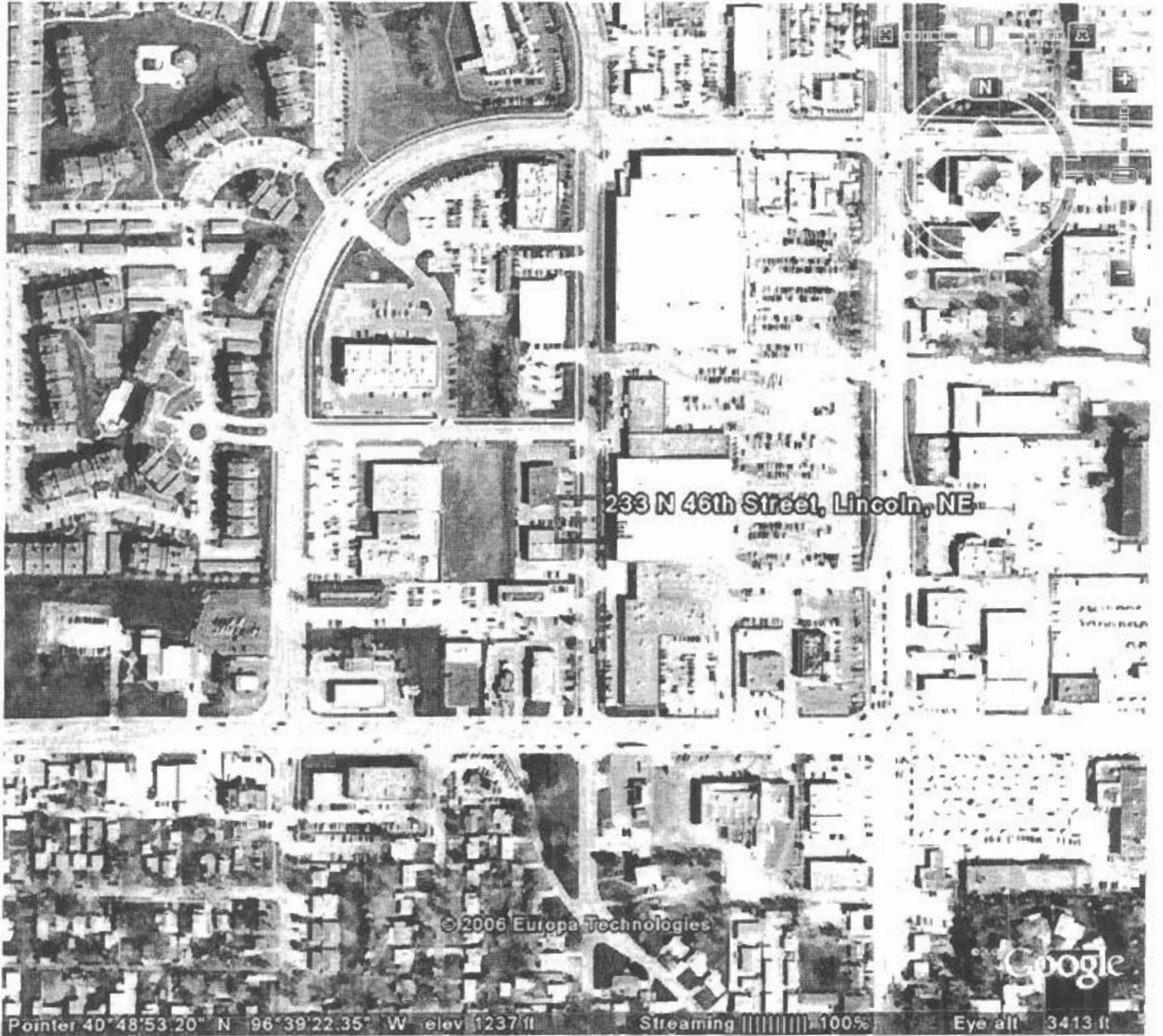
The West 200 feet of the South 132 feet of Lot 21, J G Miller's Subdivision of the S ½ of Sec.  
20, T 10 N, R 7 E of the 6<sup>th</sup> P.M., Lincoln, Lancaster County, Nebraska

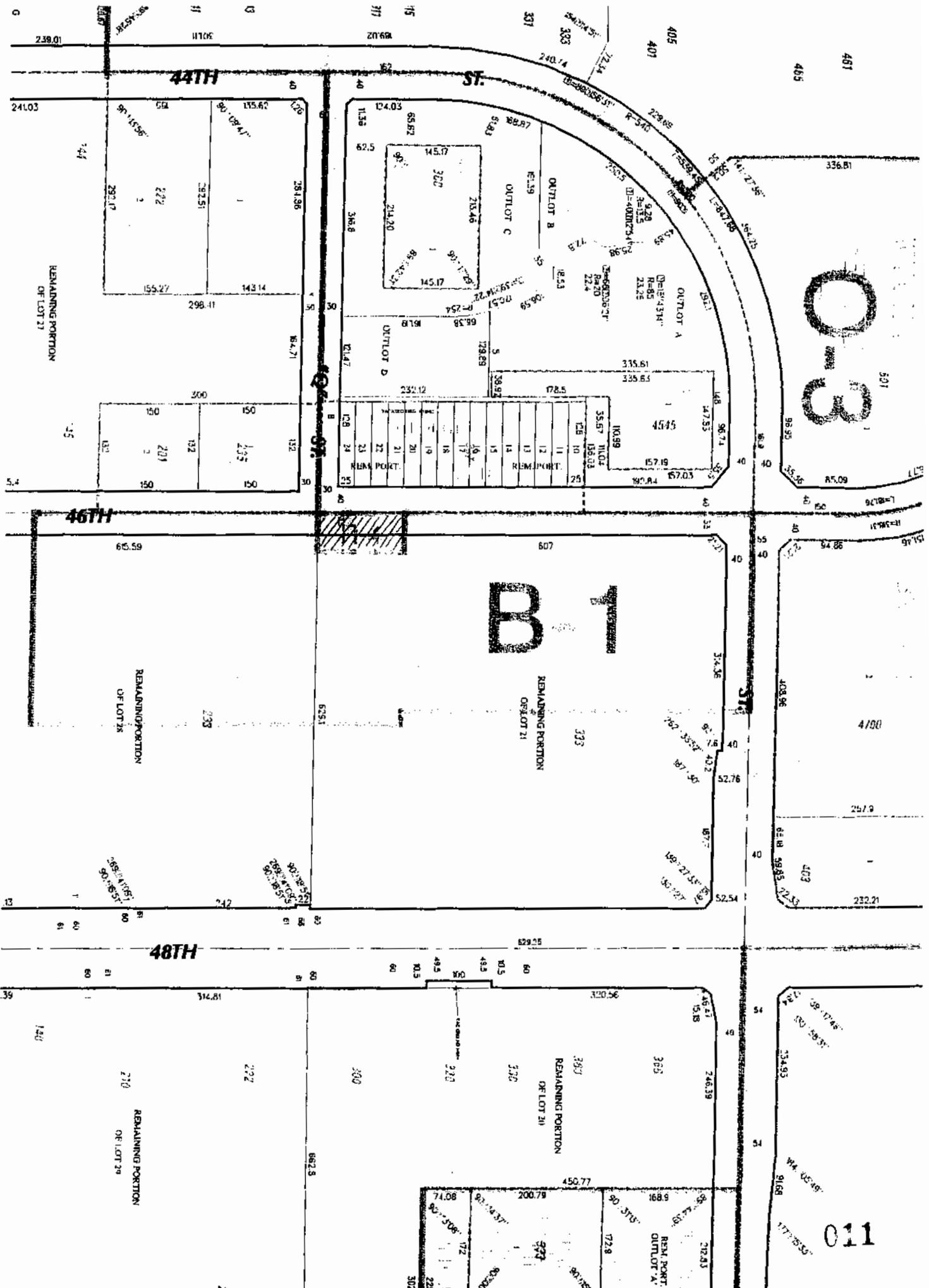


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Attachment "B-2"





011

**Witherbee Neighborhood Association**

Steve Schwab- President  
3510 Wood Ave.  
Lincoln, NE 68510



December 1, 2006

Lincoln/Lancaster County Planning Commission  
C/o Brandon Garrett, Staff Planner  
555 S. 10<sup>th</sup> Street, Room 213  
Lincoln, NE 68508

Re: Change of Zone No. 06078, from R-4 Residential District to B-1 Local Business District, on property generally located at N. 46<sup>th</sup> Street and "Q" Street.

Dear Mr. Garrett:

The Witherbee Neighborhood Association supports Change of Zone No. 06078 for the same reasons as stated in the Planning Department's staff analysis of this request (see attached). We also concur with the staff recommendation of the Planning Department to approve this request.

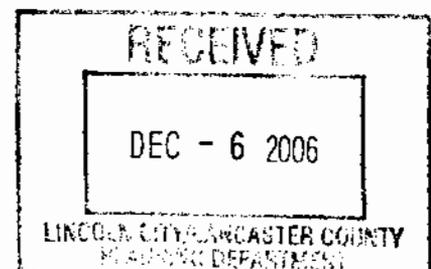
For the record, we ask that our letter of support in favor of Change of Zone No. 06078 be submitted as written testimony during the public hearing on this change of zone request at the December 6, 2006 Planning Commission Meeting.

We also would ask those members of the Planning Commission to vote for and approve this change of zone request.

Respectfully,

Steve Schwab  
President

Attachment



**ANALYSIS:**

1. The existing parcel is split by two zoning districts B-1 to the east and R-4 to the west with the larger part of the parcel in B-1.
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2005 aerial

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- P Public Use District

One Square Mile  
Sec. 20 T10N R07E



Zoning Jurisdiction Lines  
City Limit Jurisdiction





**WITHERBEE NEIGHBORHOOD ASSOCIATION BOUNDARIES**