

City Council Introduction: **Monday**, June 18, 2007
Public Hearing: **Monday**, June 25, 2007, at **5:30 p.m.**

Bill No. 07-101

FACTSHEET

TITLE: **CHANGE OF ZONE NO. 07029**, from R-3 Residential District to R-4 Residential District and O-3 Office Park District, requested by Capital Senior Living Properties, on property generally located at Gramercy Road and "A" Street.

STAFF RECOMMENDATION: Approval.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: Consent Agenda, 06/06/07
Administrative Action: 06/06/07

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

FINDINGS OF FACT:

1. This is a request to change the zoning from R-3 to R-4 Residential and O-3 Office Park on 7.41 acres, more or less, at Gramercy Hill. That portion of the site east of Gramercy Road is proposed for O-3, and the remainder of the site is proposed for R-4.
2. The staff recommendation of approval is based upon the "Analysis" as set forth on p.3-4, concluding that the proposed change of zone provides for a more efficient use of land by allowing the domiciliary care facility to achieve a higher density (5.8 acres proposed for R-4 Residential), and by allowing the development of an unused tract of land east of the private roadway (1.61 acres proposed for O-3 Office Park). This proposal should not impact the surrounding residential neighborhoods.
3. On June 6, 2007, this application appeared on the Consent Agenda of the Planning Commission and was opened for public hearing. No one came forward to speak.
4. On June 6, 2007, the Planning Commission agreed with the staff recommendation and voted 9-0 to recommend approval.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: June 11, 2007

REVIEWED BY: _____

DATE: June 11, 2007

REFERENCE NUMBER: FS\CC\2007\CZ.07029

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for June 6, 2007 PLANNING COMMISSION MEETING

PROJECT #: Change of Zone No. 07029 - Gramercy Hill/Prairie Life

PROPOSAL: From R-3 to R-4 and O-3

LOCATION: Gramercy Road and A Street

LAND AREA: 7.41 acres more or less.

EXISTING ZONING: R-3 Residential

CONCLUSION: This request provides for a more efficient use of land by allowing the domiciliary care facility to achieve a higher density, and by allowing the development of an unused tract of land east of the private roadway. This request allows for appropriate land uses on the site, and should not significantly impact the surrounding residential neighborhoods if approved.

RECOMMENDATION:	Approval
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GENERAL INFORMATION:

LEGAL DESCRIPTION: See attached legal descriptions on the site plan. The legal description for Parcel #1 is for R-3 to O-3. The legal description for Parcel #2 is for R-3 to R-4.

EXISTING LAND USE: Domiciliary Care Facility.

SURROUNDING LAND USE AND ZONING:

North:	Residential	R-3
South:	Residential	R-1, R-4
East:	Medical Office, Health Club, Restaurant	O-3
West:	Residential	R-3

ASSOCIATED APPLICATIONS:

FPPL#06088 - A final plat to create two lots. The common lot line between the two lots is the same as the proposed line between R-4 and O-3 zoning.

HISTORY:

May 6, 1998 - UP/SP#8B was approved for the Prairie Life Center allowing the health care facility to expand by 4,500 square feet.

April 6, 1998 - UP/SP#8A was approved adjusting the front yard setback from 20' to 10' to allow a sign closer to the street.

August 14, 1995 - UP/SP#8 was approved authorizing 20,475 square feet of medical office, health club and restaurant.

October 17, 1994 - SP#1064B was approved for Gramercy Hill as a domiciliary care facility and adjusted the density bonus to increase the allowed number of residents in the retirement housing component from 161 to 241.

June 22, 1994 - SP#1064A was approved authorizing an expansion of the retirement center to include a health care facility with up to 20 nursing care beds housed in 11 dwelling units.

November 14, 1983 - SP#1064 was approved for 150 units of retirement housing.

COMPREHENSIVE PLAN SPECIFICATIONS:

Pg 9 - The Urban Environment: Overall Form - Maximize the community's present infrastructure investment by planning for residential and commercial development in areas with available capacity. This can be accomplished in many ways including encouraging appropriate new development on unused land in older neighborhoods, and encouraging a greater amount of commercial space per acre and more dwelling units per acre in new neighborhoods.

Pg 17 - The Future Land Use map designates Urban Density Residential land uses for this site.

ANALYSIS:

1. This request seeks to change the zoning of the Gramercy Hill facility from R-3 to R-4 and O-3. That portion of the site east of Gramercy Road is proposed for O-3, and remainder of the site is proposed for R-4.
2. It is the intent of this request to allow the area re-zoned to O-3 to become part of UP/SP#8, which covers the O-3 on the tract adjacent to the east. That would allow additional area to accommodate the future expansion of the uses within the use permit. The O-3 zoning district has a 2-acre minimum, so if this request is approved the portion of the Gramercy site re-zoned to O-3 must be combined with UP/SP#8.
3. The original special permit for Gramercy Hill authorized a 150-unit retirement housing center. The amendment approved by SP#1604A allowed an expansion of the facility to include a health care facility wing for up to 20 beds, which has not yet been built. SP#1604B amended the use to a domiciliary care facility, and with the allowed density bonus approved up to 241 residents.
4. The Zoning Ordinance requires that domiciliary care facilities provide 2,000 square feet of lot area per resident in the R-3 zoning district, and 1,000 square feet of lot area in the R-4. The lot is 7.41 acres in area. The parcel requested to be zoned O-3 is 1.61 acres in area. The remaining 5.8 acre site is 252,648 square feet in area and can accommodate 189 residents (126 + 63 density bonus) in R-3, or 378 (252 + 126 density bonus) in the R-4.

5. R-4 is needed to allow the original number of residents approved in the domiciliary care facility on the smaller site. R-4 zoning actually allows the site to accommodate more residents than originally approved, where the extra density could be used for the health care wing if ever built. The additional density that would be allowed can be adequately accommodated and would not be excessive. O-3 zoning on the tract east of Gramercy Road allows use of an undeveloped tract where no specific land use had previously been proposed by the special permit.
6. R-4 zoning is compatible adjacent to R-3, and because the domiciliary care facility is existing, there will be little impact upon the adjacent R-3-zoned properties. The R-4 will remain as a buffer between the O-3 to the east and the surrounding residential neighborhood.
7. A private roadway will separate the two zoning districts.
8. No additional access points onto A Street will be required. Existing and future uses will be accommodated by existing access points.
9. Both the SP#1064B and UP/SP#8 must be amended to show revised site layouts if this request is approved. The amendment to SP#1064B can be reviewed and approved administratively by the Planning Director because it is a reduction in the area of the permit. A specific plan has not been presented for the amendment to UP/SP#8 so it is not possible to determine whether it will be reviewed administratively by the Director or if it will require Planning Commission approval.

Prepared by:

Brian Will
441-6362, bwill@lincoln.ne.gov
Planner
May 23, 2007

APPLICANT: Glen Campbell
14160 Dallas Pkwy, Ste 300
Dallas, TX 75254
972.770.5600

OWNER: Capital Senior Living Properties
14160 Dallas Pkwy, Ste 300
Dallas, TX 75254
972.770.5600

CONTACT: Michael Rierden
645 M Street, Ste 200
Lincoln, NE 68508
402.476.2413

CHANGE OF ZONE NO. 07029

CONSENT AGENDA

PUBLIC HEARING & ADMINISTRATIVE ACTION

BEFORE PLANNING COMMISSION:

May 23, 2007

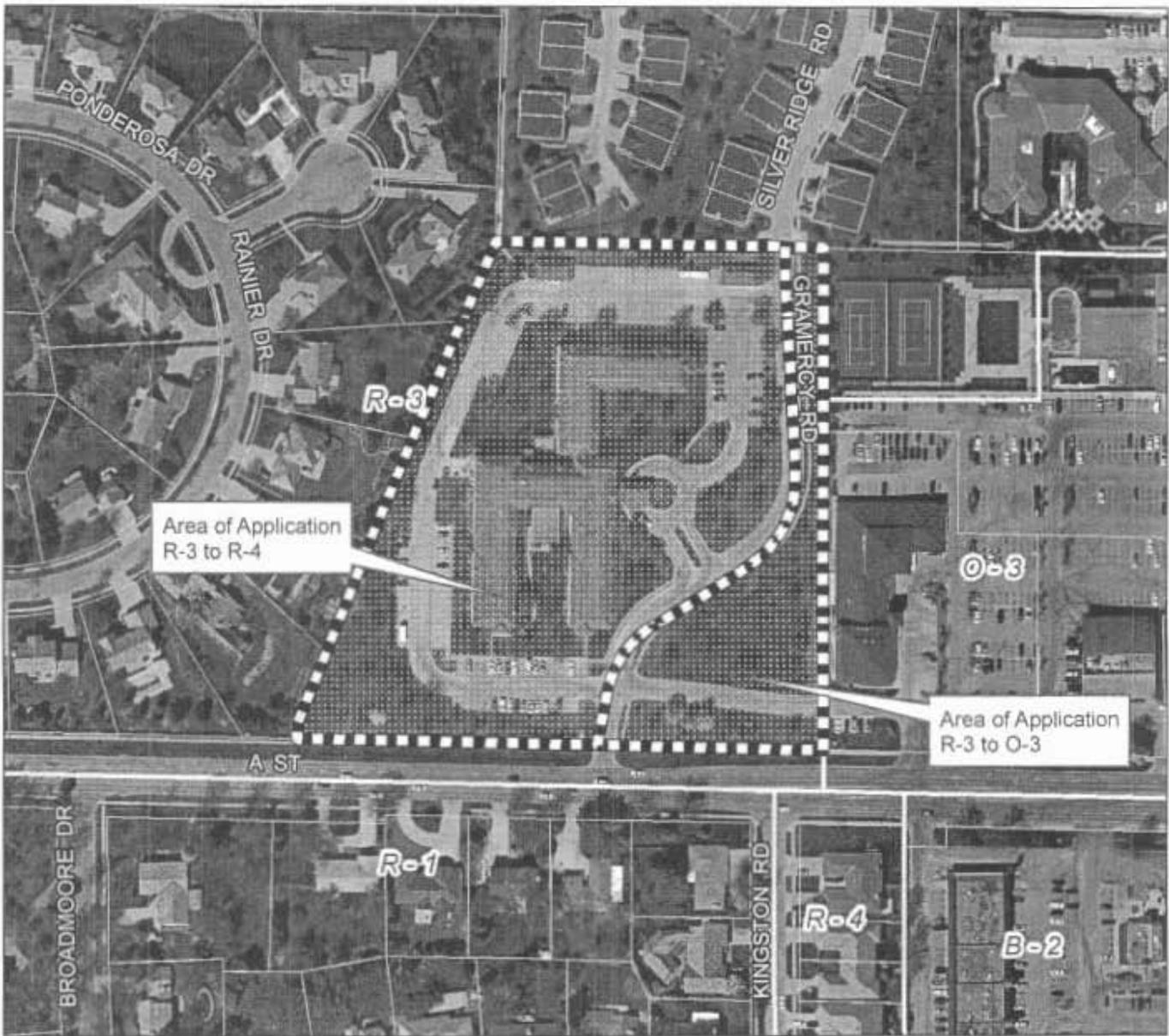
Members present: Carlson, Carroll, Cornelius, Esseks, Krieser, Larson, Strand, Sunderman and Taylor.

The Consent Agenda consisted of the following items: **COMPREHENSIVE PLAN CONFORMANCE NO. 07010; CHANGE OF ZONE NO. 07029; SPECIAL PERMIT NO. 07013; and SPECIAL PERMIT NO. 07014.**

Ex Parte Communications: None.

Carroll moved to approve the Consent Agenda, seconded by Strand and carried 9-0: Carlson, Carroll, Cornelius, Esseks, Krieser, Larson, Strand, Sunderman and Taylor voting 'yes'.

Note: This is final action on Special Permit No. 07013 and Special Permit No. 07014, unless appealed to the City Council by filing a letter of appeal with the City Clerk within 14 days of the action by the Planning Commission.



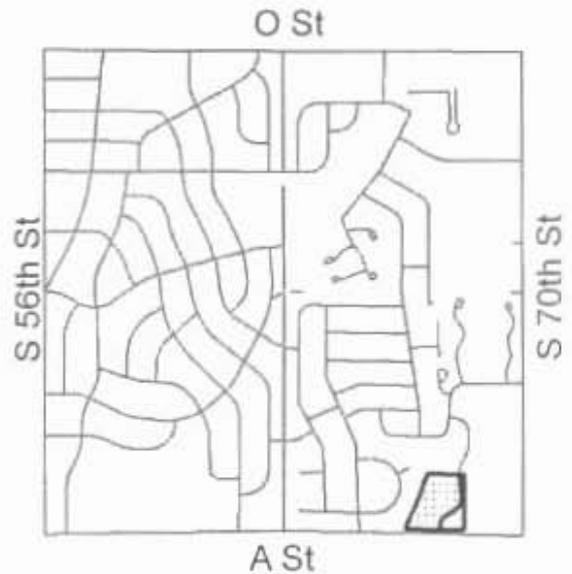
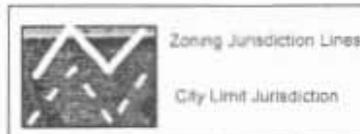
**Change of Zone #07029
S 68th & A St**

2005 aerial

Zoning:

- R-1 to R-4 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. 28 T10N R07E



Change of Zone from R-3 to O-3

LEGAL DESCRIPTION: PARCEL 1

A part of Lot 79 of Irregular Tracts located in the Southeast Quarter of Section 28 Township 10 North, Range 7 East of the 6th P.M., Lincoln, Lancaster County, Nebraska and more particularly described as follows:

Beginning at the Southeast Corner of said Lot 79 of Irregular Tracts; thence in a Northerly direction on the East line of said Lot 79 and on an assumed bearing of North 01 degrees 16 minutes 34 seconds West for a distance of 608.53 feet to the Northeast Corner of said Lot 79.

THENCE South 89 degrees 45 minutes 55 seconds West on the North line of said Lot 79 for a distance of 50.85 feet.

THENCE along a curve to the left having a radius of 891.26 feet and an arc length of 80.84 feet, being subtended by a chord of South 03 degrees 03 minutes 38 seconds East for a distance of 80.81 feet.

THENCE South 04 degrees 57 minutes 51 seconds East for a distance of 171.16 feet.

THENCE along a curve to the Right having a radius of 129.20 feet and an arc length of 158.33 feet, being subtended by a chord of South 29 degrees 18 minutes 25 seconds West for a distance of 148.61 feet.

THENCE South 57 degrees 07 minutes 59 seconds West for a distance of 97.11 feet.

THENCE along a curve to the left having a radius of 125.26 feet and an arc length of 101.15 feet, being subtended by a chord of South 33 degrees 39 minutes 12 seconds West for a distance of 98.42 feet.

THENCE South 09 degrees 33 minutes 42 seconds West for a distance of 94.05 feet to a point on the South line of said Lot 79.

THENCE North 90 degrees 00 minutes 00 seconds East on the South line of said Lot 79 for a distance of 269.75 feet to the POINT OF BEGINNING.

Together with and subject to covenants, easements, and restrictions of record.

Said property contains 1.61 acres more or less.

Change of Zone from R-3 to R-4

LEGAL DESCRIPTION: PARCEL 2

Beginning at the Southwest Corner of Lot 79 of Irregular Tracts located in the Southeast Quarter of Section 28 Township 10 North, Range 7 East of the 6th P.M., Lincoln, Lancaster County, Nebraska; thence in a Northerly direction on the Westerly line of said Lot 79 and on an assumed bearing of North 00 degrees 09 minutes 44 seconds East for a distance of 19.91 feet.

THENCE North 21 degrees 00 minutes 35 seconds East on the Northwestern line of said Lot 79 for a distance of 628.59 feet to the Northwest Corner of said Lot 79.

THENCE North 89 degrees 45 minutes 55 seconds East on the North line of Lot 79 for a distance of 357.52 feet.

THENCE along a curve to the left having a radius of 891.26 feet and an arc length of 80.84 feet, being subtended by a chord of South 03 degrees 03 minutes 38 seconds East for a distance of 80.81 feet.

THENCE South 04 degrees 57 minutes 51 seconds East for a distance of 171.16 feet.

THENCE along a curve to the right having a radius of 129.20 feet and an arc length of 158.33 feet, being subtended by a chord of South 29 degrees 18 minutes 25 seconds West for a distance of 148.61 feet.

THENCE South 57 degrees 07 minutes 59 seconds West for a distance of 97.11 feet.

THENCE along a curve to the left having a radius of 125.26 feet and an arc length of 101.15 feet, being subtended by a chord of South 33 degrees 39 minutes 12 seconds West for a distance of 98.42 feet.

THENCE South 09 degrees 33 minutes 42 seconds West for a distance of 94.05 feet to a point on the South line of said Lot 79.

THENCE South 90 degrees 00 minutes 00 seconds West on the South line of said Lot 79 for a distance of 377.59 feet to the POINT OF BEGINNING.

Together with and subject to covenants, easements, and restrictions of record.

Said property contains 5.80 acres more or less.

Change of Zone from R-3 to O-3

LEGAL DESCRIPTION, PARCEL 1

A part of Lot 79 of Irregular Tracts located in the Southeast Quarter of Section 28 Township 10 North, Range 7 East of the 6th P.M., Lincoln, Lancaster County, Nebraska and more particularly described as follows:

Beginning at the Southeast Corner of said Lot 79 of Irregular Tracts; thence in a Northerly direction on the East line of said Lot 79 and on an assumed bearing of North 01 degree 16 minutes 34 seconds West for a distance of 808.53 feet to the Northeast Corner of said Lot 79;

THENCE South 69 degrees 45 minutes 55 seconds West on the North line of said Lot 79 for a distance of 50.85 feet;

THENCE along a curve to the left having a radius of 891.26 feet and an arc length of 80.84 feet, being subtended by a chord of South 02 degrees 03 minutes 38 seconds East for a distance of 80.81 feet;

THENCE South 04 degrees 57 minutes 51 seconds East for a distance of 171.18 feet;

THENCE along a curve to the right having a radius of 129.20 feet and an arc length of 158.33 feet, being subtended by a chord of South 28 degrees 18 minutes 25 seconds West for a distance of 148.81 feet;

THENCE South 57 degrees 07 minutes 58 seconds West for a distance of 97.11 feet;

THENCE along a curve to the left having a radius of 125.28 feet and an arc length of 101.15 feet, being subtended by a chord of South 33 degrees 38 minutes 12 seconds West for a distance of 98.42 feet;

THENCE South 09 degrees 33 minutes 42 seconds West for a distance of 84.05 feet to a point on the South line of said Lot 79;

THENCE North 90 degrees 00 minutes 00 seconds East on the South line of said Lot 79 for a distance of 269.75 feet to the POINT OF BEGINNING.

Together with and subject to covenants, easements, and restrictions of record.

Said property contains 1.01 acres more or less.

Change of Zone from R-3 to R-4

LEGAL DESCRIPTION, PARCEL 2

beginning at the Southeast Corner of Lot 79 of Irregular Tracts located in the Northeast Quarter of Section 28 Township 10 North, Range 7 East of the 6th P.M., Lincoln, Lancaster County, Nebraska; thence in a Westerly direction on the Westerly line of said Lot 79 and on an assumed bearing of North 00 degree 08 minutes 04 seconds East for a distance of 18.81 feet;

THENCE North 21 degrees 00 minutes 34 seconds East on the Northwesterly line of said Lot 79 for a distance of 828.56 feet to the Northwest Corner of said Lot 79;

THENCE North 89 degrees 45 minutes 55 seconds East on the North line of Lot 79 for a distance of 357.52 feet;

THENCE along a curve to the left having a radius of 381.26 feet and an arc length of 80.84 feet, being subtended by a chord of South 03 degrees 03 minutes 38 seconds East for a distance of 80.81 feet;

THENCE South 04 degrees 57 minutes 51 seconds East for a distance of 171.18 feet;

THENCE along a curve to the right having a radius of 129.20 feet and an arc length of 158.33 feet, being subtended by a chord of South 28 degrees 18 minutes 25 seconds West for a distance of 148.81 feet;

THENCE South 57 degrees 07 minutes 58 seconds West for a distance of 97.11 feet;

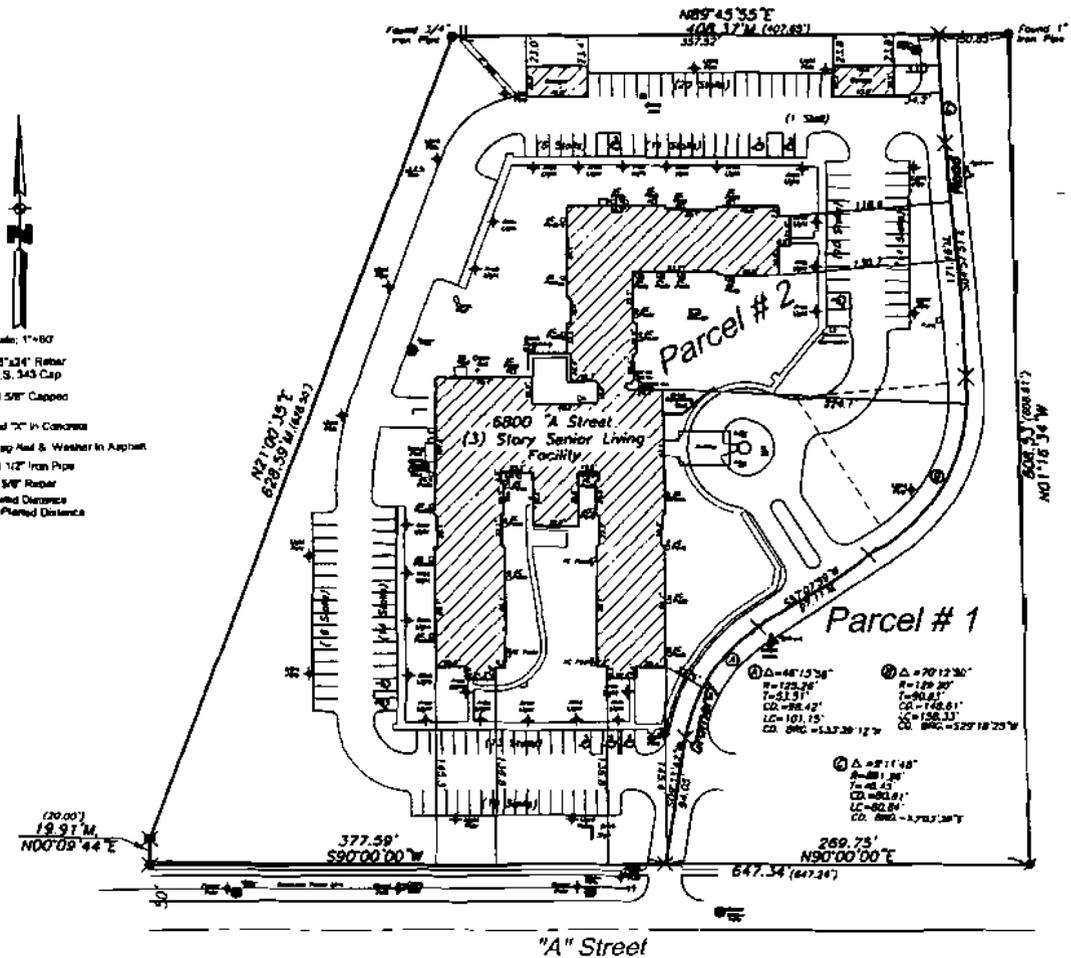
THENCE along a curve to the left having a radius of 125.28 feet and an arc length of 101.15 feet, being subtended by a chord of South 33 degrees 38 minutes 12 seconds West for a distance of 98.42 feet;

THENCE South 09 degrees 33 minutes 42 seconds West for a distance of 84.05 feet to a point on the South line of said Lot 79;

THENCE South 90 degrees 00 minutes 00 seconds East on the South line of said Lot 79 for a distance of 377.59 feet to the POINT OF BEGINNING.

Together with and subject to covenants, easements, and restrictions of record.

Said property contains 5.80 acres more or less.



- Scale: 1"=60'
- = Set 5/8"x24" Rebar with L.S. 343 Cap
 - ⊗ = Found 5/8" Capped Rebar
 - ⊗ = Delayed "X" in Concrete
 - ⊗ = Set Map Mail S. Washer in Asphalt
 - ⊗ = Found 1/2" Iron Pipe
 - ⊗ = Found 5/8" Rebar
 - M = Measured Distance
 - (0.00) = Planned Distance

SURVEYORS CERTIFICATE

I hereby certify that I have accurately surveyed the property in the above plat. All dimensions are in feet and decimals of a foot.

Signed this 27th day of December, 2008

NAME: DENNIS D. SIMONDS
 Surveyor's License # 343 (NEA)
 Nebraska L.S.



RECEIVED
 MAY 7 2007
 LINCOLN CITY/LANCASTER CO., NE
 PLANNING DEPARTMENT

Date: Job No. 35523-01 Scale: 1"=60'

ALLIED SURVEYING & MAPPING INC.
 6120 South 58th Street - Suite A, Lincoln, Nebraska 68516
 Phone (402) 434-2687 Fax (402) 434-2688

Sheet 1 of 1
 Filed:
 Revised:

600

**Zone Change
Purpose Statement**

We are requesting a change of Zone on Lot 79 Parcel #2 from R3 to R4 to allow for the density of the current Gramercy retirement facility to match that of the new R4 Zone after we sell Parcel #1 to the adjoining physician's group. The remaining land, Parcel #2, is not of sufficient size to allow for the existing structure under the R3 Zone.

**Zone Change
Purpose Statement**

We are requesting a change of Zone on Lot 79 Parcel #1 from R3 to O3 in order to sell the property to the adjoining physician's group so they can expand their practice.

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RECEIVED