City Council Introduction: **Monday**, September 24, 2007
Public Hearing: **Monday**, October 1, 2007, at **1:30** p.m. Bill No. 07-153

FACTSHEET

TITLE: **CHANGE OF ZONE NO. 07047,** from R-6 Residential District to R-4 Residential District, requested by William J. Wood, on property generally located between "A" and "F" Streets and South 8th and South 9th Streets.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 09/12/07
Administrative Action: 09/12/07

STAFF RECOMMENDATION: Approval.

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

FINDINGS OF FACT:

1. This is a downzone request from R-6 to R-4 Residential on approximately 18.3 acres, more or less, in the South Salt Creek neighborhood, generally located between A and F Streets and S. 8th and S. 9th Streets.

2. The staff recommendation of approval, is based upon the "Analysis" as set forth on p.5-9, concluding that the proposed downzone is consistent with the Comprehensive Plan in preserving the existing character of the area and is consistent with many past downzonings that have been approved. The staff presentation is found on p.10-11.

3. The applicant's testimony is found on p.11. The applicant stated that the purpose of this downzone request is to preserve the neighborhood as it is today and to avoid the establishment of apartment buildings in the neighborhood.

4. Other testimony in support is found on p.11, and the record consists of a petition in support bearing 18 signatures and three letters in support from the Everett Neighborhood Association, the Preservation Association of Lincoln and the South Salt Creek Community Organization (p.20-24).

5. There was no testimony in opposition; however, the records consists of one letter in opposition from the property owner at 1327 South 9th Street, which property is included in this downzone request (p.25). The staff continues to recommend that this property be included in the downzone in order to keep the cohesive pattern of R-4 zoning in the area.

6. On September 12, 2007, the Planning Commission voted 9-0 to recommend approval, as set forth in the staff report.

FACTSHEET PREPARED BY: Jean L. Walker **DATE**: September 17, 2007

REVIEWED BY:_____ **DATE**: September 17, 2007

REFERENCE NUMBER: FS\CC\2007\CZ.07047

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for SEPTEMBER 12, 2007 PLANNING COMMISSION MEETING

PROJECT #: Change of Zone No. 07047

PROPOSAL: From R-6 Residential to R-4 Residential.

LOCATION: Generally, between A Street and F Street and S. 8th Street and S. 9th Street

LAND AREA: 18.3 Acres

CONCLUSION: The R-6 to R-4 downzone is consistent with the Comprehensive Plan in preserving the existing character of the area, and with many past downzonings that have been approved.

RECOMMENDATION: Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION: Lots 1-12, Block 237; Lots 1-10, Block 222; Lots 1-12, Block 205; Lots 1-12, Block 192; and Lots 1-9, Block 175 and Lots A, B, and C of H. Burnhams Subdivision; all located in the Original Plat of the City of Lincoln, located in the SE 1/4 of Section 26-10-6, Lancaster County, Nebraska

EXISTING LAND USE: R-6 Residential

SURROUNDING LAND USE AND ZONING:

North:	R-6 Residential	Multifamily and single family
South:	R-6 Residential	Mostly single family
East:	R-6 Residential	Mostly multifamily, some single family
	B-3 Commercial	Warehouse showroom & material storage
West:	R-4 Residential	Mostly Single Family
	P Public	Park

HISTORY:

Oct 2006 Change of Zone #06054 to amend the handling of nonstandard uses due to downzoning and other related text amendments was approved by the City Council.

Oct 2006 Change of Zone #06045 by the Witherbee Neighborhood Association from R-4 Residential to R-2 Residential on approximately 48 blocks generally between 33rd and 48th, from O to Randolph Street, and from B-1 Local Business to R-2 Residential at 48th and Randolph St. and from O-2 Suburban Office to R-2 Residential for Calvary Cemetery at 40th and O Street was approved. Density was 4.1 units per acre.

Oct 2006 Change of Zone #06040 from R-4 to R-2 with small areas from R-5 and R-6, and B-1 to R-2 and one area from B-1 to R-4 by the 40th & A Neighborhood Association was approved. Density was 6.2 units per acre.

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, (19)

COMPREHENSIVE 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. (9)

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. (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. (67)

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. (67)

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

Strategies for New & Existing Residential Areas
In existing neighborhoods, retain existing predominately single family blocks in order to maintain the mix of housing types. The current mix within each neighborhood provides ample housing choices. Because existing neighborhoods have significantly greater populations and residential densities than other areas of the community, intensification will be detrimental to the neighborhoods and exceed infrastructure capacities. Codes, zoning and regulations that encourage changes in the current balance of housing types, should be revised to retain the existing character of the neighborhoods and to encourage maintenance of established older neighborhoods, not their extensive conversion to more intensive uses. (72)

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. (72)

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 deconversion of single family structures in multi-family use to single family use. (72)

OTHER RELEVANT COMPREHENSIVE 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. (9)

Transit Corridors", oriented to transit stops, when properly planned and coordinated, can help organize urban development and revitalize existing commercial centers. Transit corridors should be developed by providing transit stops and greater concentrations of commercial and residential uses along corridors, such as particular arterial streets, in order to minimize transit travel times and maximize ridership. (11)

Strategies for New Residential Areas
Structure incentives to encourage more efficient residential and commercial development to make greater utilization of the community's infrastructure. (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. (6)

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. (10)

ANALYSIS:

This neighborhood contains a large number of affordable single family homes. Approximately 66% of the dwelling units in the downzoning area are single family. The overall average density is 5.5 dwelling units per acre, which is higher than typical 5.3 in newer areas. Approval of this change of zone would preserve the current development pattern, aid in the preservation of affordable single family homes and may encourage home-ownership. This application is consistent with many other downzoning applications that have been approved in the past four years.

Zoning should provide a degree of certainty. The R-4 zoning provides future single home owners greater certainty as to the use of adjacent properties. Most new neighborhoods are zoned R-3 with some R-4 which provides more predictability for home owners.

The older neighborhoods provide the largest stock of affordable housing, both ownership and rental. This application will not significantly decrease the amount of affordable housing in Lincoln. To the contrary, it may aid in preserving affordable single family homes. Most single family homes have less floor area, fewer garage stalls and a smaller lot size than single family homes in newer neighborhoods, which means they will probably remain more affordable.

This application will also not decrease the amount of rental housing in the downzoned areas. Existing duplexes and apartments can remain even after the downzoning.

This application provides future direction for this neighborhood. The City should not wait until the mix of housing within the neighborhood is viewed as a "problem." This application establishes a future direction for this neighborhood as one that is primarily single family, but includes a significant mix of duplex and rental housing.

The R-6 to R-4 downzone is consistent with the Comprehensive Plan and many past downzonings that have been approved.

Below is a comparison between the R-4 and R-6 standards:

	R-4	**R-6**
Lot area, single family	5,000 sf	4,000 sq. ft.
Lot area, two family	2,500 sf / family	2,500 sf / family
Lot area, townhouse	N/A	2,500 sf / family
Lot area, multiple-family	N/A	1,100 sf / unit
Avg. lot width, single family	50 feet	50 feet
Avg. lot width, two family	25 feet / family	25 feet / family
Avg. lot width, townhouse	N/A	20 feet / family
Avg. lot width, multi-family	N/A	50 feet

Front yard, single-family	25 feet	20 feet
Front yard, two family	25 feet	20 feet
Front yard, townhouse	N/A	20 feet
Front yard, multiple-family	N/A	20 feet
Side yard, single family	5 feet	5 feet
Side yard, two family	5 feet, 0 at common wall	5 feet, 0 at common wall
Side yard, townhouse	N/A	5 feet, 0 at common wall
Side yard, multiple-family	N/A	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
Parking	2 spaces / dwelling unit	1.75 spaces / dwelling unit

Nonstandard Uses

1. In the fall of 2006 the Planning Department forwarded a series of text amendments addressing nonstandard uses. After public hearings by the Planning Commission and the City Council, they were approved on October 9, 2006. The main purpose of these amendments was to address some of the concerns in the past about downzoning and nonstandard uses. Previously, when a property was "downzoned" from one residential zoning district to another, it meant that some existing homes were now on lots that had a nonstandard lot area, lot width or setbacks, and potentially could no longer be expanded or rebuilt. In some cases, a financial institution or insurance company may require additional insurance on a home loan due to a house being classified as "nonstandard."

   Prior to fall of 2006, the zoning ordinance already contained many provisions to allow nonstandard lots to have single family or two family homes rebuilt on them. The amendments approved in 2006 revised the standards to allow most existing homes to be rebuilt or vacant lots to be built with a single family home or a two family home – and eliminate their categorization as "nonstandard." One special 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.

2. The area of the application for downzone, as a whole, is almost fully built, with a few vacant lots in addition to the lot the Zion Church previously occupied. There are a few lots with very small homes on them, that could also be removed to permit redevelopment for duplex use. Therefore, the primary opportunity for additional two-family and multifamily residences appears to be converting existing single-family dwellings, which would be permitted on most of these lots after downzoning.

3. The multi-family uses would be classified as non-standard, and if they were destroyed, they could be rebuilt with the licensed number of units by right if they could meet the new required setbacks of 25 foot front yard instead of 20 foot.

Older Neighborhood Characteristics

4. This neighborhood contains mostly single family with some two and multiple-family residences. The combined density for the blocks under consideration is 5.5 units per acre, which compares to densities of 3.8 to 10.7 units per acre in other neighborhoods where downzoning was approved.

5. Overall, the density in the older areas of Lincoln is 8.1 dwelling units per residential acre, which is over a 50% increase compared to the 5.3 units per acre in newer areas.

	Older Neighborhoods	Newer Neighborhoods
Occupied Residential Acres	6,379	9,091
Total Dwelling Units	51,623	48,306
Dwelling Units Per Residential Acre *	**8.1***	**5.3***
Multi-Family Units D. U.	17,812	11,810
Multi-Family Units Per Residential Acre	28.2	20.3
Single Family Detached D. U.	28,880	30,235
Duplex D. U.	4,584	1,444
Single Family Attached D. U.	347	4,817

Notes: *Residential acres don't include right-of-way, so this number is not strictly comparable to the density stated in downzoning reports which includes right-of-way. The city limits as of January 1, 1950 was used for the definition between "old" and "new" areas and the outer boundary of the "new" area was city limits as of August 31,2006. Dwelling unit and occupied acres count is as of January 1, 2006.

6. Currently, there are also about 6,000 more apartment units in older neighborhoods at this time. The Comprehensive Plan encourages apartments in older neighborhoods and also in newer neighborhoods so that there are housing choices near new shopping, employment, education and recreational areas.

Predictability in Zoning

7. Zoning should provide a degree of certainty. The R-4 zoning provides future single home owners greater certainty as to the use of adjacent properties. Most new neighborhoods are zoned R-3, when in combination with private covenants, provides more predictability for home owners. A review of recent new subdivisions zoned R-3 such as Big Thompson Creek, North Hills, Old Mill Village, Prairie Village, Stone Bridge Creek and Timber Valley revealed that about 5 to 25% of the lots were large enough for duplex use. This compares to older neighborhoods zoned R-4 where as much as 75% to 95% of the lots may permit duplex uses.

8. Even in the new neighborhoods where 20% of the lots would meet the lot size for a duplex, neighborhood covenants may prohibit duplex uses. Even if there were not protective covenants prohibiting a duplex use, once the neighborhood is built
out, it is less likely any of the single family homes would be converted to a duplex, do to the design of the building.

Analysis of Individual Changes of Zones:

9. Other downzonings which have recently been unanimously approved by the City Council include:

   a. Witherbee II (Change of Zone #06045),
   b. 40th & A (#06040),
   c. Irvingdale/ Country Club (#04026),
   d. Witherbee I (#3416),
   e. Antelope Park II (#3412) and
   f. Franklin Heights (#3397)

10. In each of these previous downzones, over 62 % of the dwelling units were in single family use with many duplexes mixed in the neighborhood. The density of these other downzones ranged from 4.0 to 6.5 dwelling units per acre. This downzone for a portion of the South Salt Creek Neighborhood is 66% single family and has a density of around 5.5 dwelling units per acre, which is comparable to the other applications

11. This downzone includes 10 duplex dwelling units and 24 multi-family units in 5 buildings. It also includes 3 churches. Overall 67 of all buildings or 80%, in the area of the downzone are in single family use.

12. The area east of 9th Street has a significant number of multifamily dwellings. The area from S. 9th to S. 13th Street and Garfield to E Street has 600 multifamily units or 75% of the total dwelling units. The downzone of the portion of the South Salt Creek neighborhood described in this application, combined with the higher density to the east provides for a mix of compatible housing options in this geographical area. See EXHIBIT C for a map of land uses in this area.

13. This downzone area is part of the South Bottoms Historic District, a local landmark district. The Comprehensive Plan encourages the preservation of historic buildings. Previous downzonings in the Near South and University Place included downzoning of local and National Register Historic Districts as one aspect of preservation efforts in these historic areas.

14. The B-3 commercial zoning district on the northwest corner of 9th and B Streets is not part of this downzoning application.

15. On August 15 the applicant held a community meeting with City staff to explain the downzone and what affect if any it might have on their properties. Approximately 15 neighbors attended the meeting. Many of the attendees voiced support of the downzone.

16. A letter of opposition in regards to the property on the southwest corner of 9th and B Streets has been recieved. Staff recommends not removing this property from the downzone to keep a cohesive pattern of R-4 zoning in this area.

Prepared by:

Christy Eichorn
ceichorn@lincoln.ne.gov
Planning Department, (402) 441-7603

Date: August 29, 2007

Applicant / Conctact: William J. Wood
808 D Street
Lincoln, NE 68502
402-435-6260

CHANGE OF ZONE NO. 07047

PUBLIC HEARING BEFORE PLANNING COMMISSION: September 12, 2007

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

Ex Parte Communications: None.

Staff recommendation: Approval.

Staff presentation: **Christy Eichorn of Planning staff** presented this application for a downzone from R-6 to R-4, which is consistent with the Comprehensive Plan in preserving the existing character of the area. She submitted three letters in support, including the Everett Neighborhood Association, the South Salt Creek Community Organization, and a petition signed by 18 members of the community. The Preservation Association of Lincoln had previously submitted a letter in support.

Eichorn noted that the Comprehensive Plan states that one of Lincoln's most valuable community assets is supply of single family homes available at very affordable costs. Preservation of these homes will protect residential neighborhoods. Although this downzone is intended to preserve single family homes, Eichorn pointed out that the multi-family uses existing in the neighborhood would be classified as nonstandard by this action, and if destroyed, they could be rebuilt with the same number of licensed units existing today if they can meet the new setback of 25'. This downzone will not decrease the amount of rental housing in the area. Existing duplexes and apartments can remain even after the downzoning.

This downzone includes 10 duplexes dwelling units, 24 multi-family units in five buildings and three churches. Overall, 67 (80%) of all buildings in the downzone are single family uses.

A community meeting was held on August 15, 2007, where approximately 15 neighbors were in attendance and many supported the downzone.

The record consists of a letter in opposition from the property owner at the southwest corner of 9th & D Streets. The staff recommends that this property not be removed from the downzone in order to keep the cohesive pattern of R-4 zoning in the area. Eichorn showed the property requesting to be removed from the downzone on the map. There is a small notch of commercial not included in the downzone. Strand wondered about extending the notch to include the single family home that is in opposition.

Esseks referred to Analysis #2 on page 6 of the staff report, where it states that:

> ...There are a few lots with very small homes on them that could also be removed to permit redevelopment for duplex use. Therefore, the primary opportunity for additional two-family and multi-family residences appears to be converting existing single family dwellings, which would be permitted on most of these lots after downzoning.

Esseks inquired whether the staff anticipates new multi-family residences in this area. Eichorn responded that most are single family and most lot sizes are conducive to single family and duplex, but there is an opportunity because some of the smaller single family residences could be brought down and multi-family put up. This downzone action seeks to avoid that scenario.

Proponents

1. William J. Wood, 808 D Street, appeared as the applicant who has lived in this area for the last 50 years. He advised the Commission that several neighbors were also a part of this application. Why did we make this application? Because we are a neighborhood constructed mostly between 1880 and 1927, mostly single family homes which are well preserved and they range from small cottages to large two-story homes. People seem to stay in the neighborhood for decades. It is a very walkable community. They want to preserve this neighborhood as it is today.

They want to avoid the establishment of apartment buildings in the neighborhood, which they have pretty much avoided. A lot of apartment buildings have been developed to the east of this neighborhood and the result has been more crime in the 11th to 13th and E area. He believes that other problems come with the larger multi-family dwelling units. Some are poorly built and not well-maintained. The infrastructure in this neighborhood is not conducive to the multi-family development. There are already water pressure problems and they do not want to exacerbate those types of problems. Wood advised that he has talked to people that live next to some of the multi-family buildings who have had to construct fences to keep debris out of their yard and they have had problems with noise during the night.

Wood advised that this neighborhood is within the South Salt Creek Community Organization, which has submitted a letter in support. The Everett Neighborhood Association has also submitted a letter in support. In fact, he believes that the Everett Neighborhood Association has an application on file that would downzone much of the area east of 9th Street, which has not yet been heard. The Preservation Association of Lincoln has also submitted a letter in support.

Strand inquired about the Zion Church property and whether the Church would be rebuilding there. Wood stated that the Zion Church property is at the northwest corner of 9th and D Street and is included in this request. He has talked to the church about this downzone and they have indicated that they plan to either reconstruct the church at this location or a possibly a “daughter” church at this site.

Four individuals stood in the audience in support.

2. Danny Walker, 427 E Street, testified in support. He noted that there have been drop-ins occurring in various neighborhoods which have not turned out very good. We do not want that to happen in this area. There are historical buildings and structures in the area which we desire to maintain and not allow drop-ins to occur. He also believes that some of the structures are on less than full lots, which leads to drop-ins.

There was no testimony in opposition.

ACTION BY PLANNING COMMISSION: September 12, 2007

Cornelius moved approval as recommended in the staff report, seconded by Carlson.

Cornelius believes this is another example, yet relatively small, of an area to have a zoning correction made. The area is already at relatively high density for Lincoln and the residents are asking to keep the density at that level – urban residential density. He believes it seems reasonable.

Looking to the west, which is R-4 zoning, Carlson suggested that it makes sense to move that boundary over to 9th Street making that a natural barrier.

Strand stated that she does not normally support downzoning. However, this is an unusual situation when you potentially have land being freed up by the Zion Church and this provides opportunity for some single family lots if Zion chooses not to rebuild.

Taylor expressed appreciation for the comments made by staff and the staff being more open toward the possibilities and the importance of using downzoning as a tool to better our community.

Carroll noted that 80% of the units are single family, which is very important. Secondly, the Planning Commission changed the standards for nonstandard uses, which now allows some flexibility.

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

Change of Zone #07047
8th to 9th from A to F Streets

2005 aerial

Zoning:

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential 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

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One Square Mile
Sec. 26 T10N R06E

N

Zoning Jurisdiction Lines

City Limit Jurisdiction

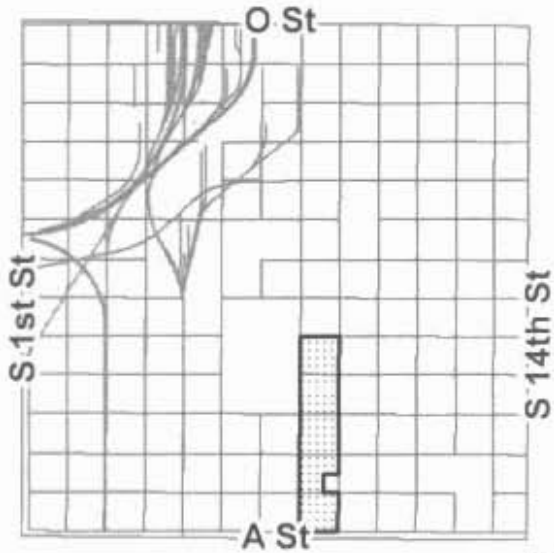

EXHIBIT A

EXISTING LAND USE

Change of Zone # 07047

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"Downzonings" 1995 to Present

As of August 14, 2007

Change Zone #	Neighborhood	General Location	Original Zoning	Total Dwelling Units	Total Acres	D. U.'s Per Acre	City Council Action	Council Vote	Percent Single Family	Single Family Units	S. F. Attchd/ Duplex Units	Multi-Family Units
07047	**South Salt Creek**	S. 8th - 9th, A - E Street	R-6	101	18.3	**5.5**	In process		66%	67	10	24
06048	**Everett II**	S. 9th -13th, Garfield - E	R-6/7	804	55.0	**14.6**	In process		16%	126	78	600
06066	**Woods Park**	S. 26th - 33rd, O - A St.	R-4/5/6	1,368	215.5	**6.3**	Approval 12/4/06	7-0	60%	818	300	250
06045	**Witherbee II**	S. 33 -48th, O to Randolph	R-4,	1,062	258.1	**4.1**	Approval 10/9/06	7-0	69%	737	272	53
06040	**40th & A**	S. 33 -46th, Randolph - A	R-4/5/6	986	158.5	**6.2**	Approval 10/2/06	7-0	62%	610	228	148
05021	**University Place**	N. 48th - 56th, Leighton/Adams	R-4/5/6/7	422	39.3	**10.7**	Approval 4/25/05	7-0	37%	155	64	203
05014	**Near South II**	S. 13th -27th, G - South St.	R-4/5/6/7	2,804	333.7	**8.4**	Approval 4/11/05	7-0	38%	1058	490	1256
04026	**Irvingdale/Country Club**	S. 16th -30th & South St.	R-4	576	117.0	**4.9**	Approval 5/24/04	7-0	84%	482	66	28
3424	**Everett I**	S. 9th-13th & A Street	R-4/5/6	389	67.8	**5.7**	Approval 1/26/04	6-1	56%	218	70	101
3416	**Witherbee I**	S. 37th & J	R-4	141	34.9	**4.0**	Approval 9/29/03	6-0	89%	125	16	0
3412	**Antelope Park II**	S. 27th & A Street	R-4	341	59.2	**5.8**	Approval 9/8/03	7-0	78%	265	70	6
3397	**Franklin Heights**	S. 26th & South Street	R-4	229	35.0	**6.5**	Approval 4/14/03	6-0	73%	168	10	51
3378	**Mount Emerald**	S. 21st & A Street	R-5/6	275	50.0	**5.5**	Approval 10/28/02	7-0	n/a	n/a	n/a	n/a
	NEW COMP PLAN MAY 28, 2002											
3354	**Antelope Park I**	S. 30th & Arlington	R-4	115	18.9	**6.1**	Approval 2/25/02	4-3	86%	99	10	6
2890	**Near South**	S. 26th & Washington	R-4	23	3.4	**6.8**	Approval 6/5/95	7-0	91%	21	2	0
		Total Approved to Date		**8,731**	**1,391**	**6.3**						

Notes:

University Place downzone was not all to R-2, included changes to R-4 and R-5. South Salt Creek is R-6 to R-4.

In CZ 05014, the density for the entire Near South neighborhood (South to "G", 27th to 13th) is 8.9 units per total acre.

Franklin Hts is estimate -- 168 single family, estimated 3 units per 17 conversions, 2 units per 5 duplex

Mt. Emerald is estimate -- No count at time; total is estimated 75 single family and 4 du's per bldg. for other 55 bldgs.

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EXHIBIT B

015

Multi-Family Dwelling (3 or more units)

Zoning:

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

Change of Zone #07047
8th to 9th from A to F Streets
EXHIBIT C

0 500 1,000 2,000 Feet

N W E S

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How Might This Application Impact My Property?

Not every property is identical in terms of zoning, setbacks and lot area within a neighborhood, so the impacts of this application vary. In general, this application is considered a "downzoning" – that is a change in the zoning from one district to a more restrictive district. Typical reasons given by applicants that request a downzoning is that they want to improve and protect the neighborhood and are concerned about the impact of the current zoning in terms of parking, increase in density, infrastructure, and noise. Downzonings have been successful in other neighborhoods in Lincoln and other cities at stabilizing the land use pattern and encouraging homeownership. However, it is difficult to predict the effects of zoning in any particular neighborhood. For example, a downzoning from R-6 to R-4 will prohibit an owner to convert a single family residence into three or more apartment units. For owners of a single family or duplex who do not wish to convert to more dwelling units, the downzoning should not have a significant impact on the property.

Last fall the City Council approved a series of text amendments addressing nonstandard uses. The main purpose of these amendments was to address some of the concerns in the past about downzoning and nonstandard uses. Previously, when a property was "downzoned" from one residential zoning district to another, it meant that some existing homes were now on lots that had a nonstandard lot area, lot width or setbacks, and potentially could no longer be expanded or rebuilt. In some cases, a financial institution or insurance company may have required additional insurance on a home loan due to a house being classified as "nonstandard."

Prior to last fall, the zoning ordinance already contained many provisions to allow nonstandard lots to have single family or two family homes rebuilt on them. The amendments approved last fall revised the standards to allow most existing homes to be rebuilt or vacant lots to be built with a single family home or a two family home – and eliminate their categorization as "nonstandard."

Nonstandard Label Removed from Existing Single Family and Two Family Residences

The Height and Area Regulations in the R-1 through R-8 Residential zoning districts were amended to state that when an existing lot is occupied by a single or two family dwelling and has less lot area or width or both, it shall **not** be considered nonstandard.

The revision also permitted, in the R-2 district, an existing two family dwelling with less than the required 10 foot side yard setback to be enlarged, extended or rebuilt, as long as a minimum 5 foot side yard setback (or existing setback, whichever is greater) is provided. It also stated that an existing two family dwelling with at least a 5 foot side yard setback will **not** be considered as nonstandard. A similar provision for R-1 was approved as long as a 10 foot side yard setback is maintained.

Amended Nonstandard Provisions for Multi-Family

Another part of the amendment changed R-1, R-2, R-3 and R-4 Residential zoning districts to clarify that multiple-family residential uses made nonstandard through a downzoning, if destroyed, retain the right to rebuild the licensed number of units they had at the time the building was destroyed. The ordinance was also revised to specify that "grandfathering" of multiple-family units that become nonstandard due to the zoning change (downzoning) should apply to all multiple-family dwellings licensed at the time of the change, not just those built prior to May, 1978.

When are Lots Considered Combined

Finally, the revised text clarified previous interpretations regarding adjacent vacant lots under the same ownership for R-1 through R-8. The Height and Area Regulations in R-1, R-2, R-3, R-4 were clarified that when a vacant lot has less lot area or width or both, then it may be used to build a new single family home, as long as the property owner of that lot does not also own an adjacent vacant lot. When two vacant lots, with less lot area or width or both, are adjacent and owned by the same owner they are considered as one premise. In the R-4 this provision also applied to lot width to permit a two family residence on a lot, as long it is not owned in common with an adjacent vacant lot. In R-5, R-6, R-7 and R-8 a similar provision permits a lot with less lot area or width, or both, to be used for single family, two family or any nondwelling use permitted in the district, as long it is not owned in common with an adjacent vacant lot. The specific text in the zoning ordinance, which is Chapter 27 of the Lincoln Municipal Code, can be found online at the City Attorney's Office at http://www.lincoln.ne.gov/city/attorn/lmc/contents.htm#27 .

What if I have other questions? Further questions regarding neighborhood downzoning can be directed to Stephen Henrichsen in the Planning Department by phone at 441-6374 or by email at shenrichsen@lincoln.ne.gov, or to Terry Kathe in the Building and Safety Department by phone at 441-6447 or by email at tkathe@lincoln.ne.gov.

William J. Wood
808 "D" Street
Lincoln, NE 68502
(402) 435-6260

City County Planning Department
City of Lincoln
555 So. 10th Street
Lincoln, NE 68508

In re: Change of Zone Request

To Whom It May Concern:

Attached is a change of zone request for the city blocks bounded by 8th Street, 9th Street, "A" Street, and "F" Street, except for Lots 11 and 12 in Block 222, Original Plat as those two lots are zoned for business.

The subject area is part of the South Salt Creek Neighborhood. The east boundary of the Neighborhood is 9th Street. The remainder of the neighborhood west of 8th Street is primarily zoned R-4. A one block strip from 8th to 9th is zoned R-6. This request to down zone is made to make the zoning in this one block wide area the same as the balance of the South Salt Creek Neighborhood, which is on the National Register of Historic Places. The Everett Neighborhood Association has an application on file to down zone much of the contiguous property east of 9th Street from R-7 to R-4. Leaving a small strip of property zoned for higher density makes little sense.

Development of this area into high density housing is unlikely to happen as few such units have been built in the area in the last 45 years. The homes are mostly historic single family homes and changing the zoning to R-4 would help preserve the character of the neighborhood.

The building of multiple dwellings in the neighborhoods to the east of this has led to deterioration, an increase in crime, an over-taxing of public utilities, parking problems, and a host of other problems that are mostly absent from the area in question.

Thank you for your consideration.

Sincerely,

William J. Wood

William J. Wood

Legal Description Attachment to Change of Zone Application

All of the Blocks described below are in the Original Plat of the City of Lincoln, Lancaster County, Nebraska:

Lots 1 through 12, Block 237
Lots 1 through 10, Block 222
Lots 1 through 12, Block 205
Lots 1 through 12, Block 192
Lots 1 through 9 and Lots A, B, and C of Burnhams
Subdivision of Lots 10, 11, and 12, Block 175

I support the effort to downzone the area between 8th to 9th Streets, "A" to "F" Street.
Lincoln, NE

Name	Address.
[illegible]	1020 SOUTH 8TH ST.
Kent [illegible]	912 D Street
Heidi [illegible]	1026 S 8th St
Steve Holland	819 'D' St.
Jason Morehead	1000 S. 8th St
Renae Morehead	1000 S. 8th St.
Myrna Wood	808 D St
Janet Stephens	900 So. 8
[illegible]	900 So. 8
[illegible]	912 D Street
Janine [illegible]	920 S. 8th St.
[illegible] JR.	1026 S. 8TH ST.
[illegible] Spencer	1020 S. 8th

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LINCOLN-LANCASTER COUNTY

I support the effort to downzone the area between 8th to 9th Streets, "A" to "F" Street
Lincoln, NE

Name	Address.
R L Sudway	1008 S. 8th St.
[illegible]	1008 S. 8th St.
Chris Holland	819 D Street
William J. Wood	808 "D" St.
Steven Larrick	920 South 8th (08)

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LINCOLN-LANCASTER COUNTY

September 11, 2007

Dear Lancaster Planning Commissioners:

I am writing this letter on behalf of the Everett Neighborhood Association in support of the down zoning 8th to 9th and A to F Streets. ENA voted to support the down zoning of this area in our July 16th Board meeting. Even though this area lies in the South Salt Creek Neighborhood, Everett is effeeted due to the close proximity. This down zoning is also consistent with Everett's proposal to down zone east of 9th Street.

The area west of South 9th Street is largely intact with the way it was originally built in the early 1900's. Fortunately, this area did not suffer an invasion of multi-apartment buildings in the 1970's and early 1980's. Down zoning will protect and preservc the single family nature of this fine neighborhood.

Home ownership is what stabilizes communities. You have families with vested interest in their homes *and* their community. Your vote to support the down zoning of A to F and 9th to 7th Streets in South Salt Creek is also a vote of support for families and home ownership.

Pat Anderson-Sifuentez, ENA Secretary
1500 South 11th Street
Lincoln, NE 68502
Cell #617-1580

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PLANNING DEPARTMENT

ITEM NO. 4.1: CHANGE OF ZONE NO. 07047
(p.81 - Public Hearing - 09/12/07)

SUPPORT

PRESERVATION ASSOCIATION OF LINCOLN

c/o ROGERS HOUSE 2145 B ST. LINCOLN, NEBRASKA 68502

9 September 2007

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

Re: Change of Zone No. 07047

Dear Commission Members:

The Preservation Association of Lincoln Board of Directors voted at its meeting of August 8, 2007, to support the above item which would down zone the area between A and F and 8th and 9th Streets. This area is part of the Original Plat of the City of Lincoln.

The downzone request is consistent with the Comprehensive Plan and would follow many that have already occurred.

Please vote in favor of this downzone request.

Thank you for your consideration in this matter.

Sincerely,

Jo Gutgsell
President

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LINCOLN CITY/LANCASTER COUNTY
PLANNING DEPARTMENT

SUPPORT

ITEM NO. 4.1: CHANGE OF ZONE NO. 07047
(p.81 - Public Hearing - 9/12/07)

SOUTH SALT CREEK COMMUNITY ORGANIZATION

Dear Planning Commission,

This a letter to say that the South Salt Creek Com. Org. is in favor of the Change of Zone No. 07047. It will beA good thing for the neighborhood and for al l the property owners that in the area o Ast. to F st. and between 8th and 9th street. Please pass this for all of the property owners and the neighborhood.

Gary Irvin Pres. SSCCO

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PLANNING DEPARTMENT

AUG 2 2 2007

August 15, 2007

TO: Jeffrey Tangeman ?
City/County Planning Commissioner

SUBJECT: Change of zone number 07047
South Salt Creek Neighborhood Down Zoning

As life long members of this community, my husband and I have lived—and raised four children—at our home at 1327 South 9th Street since 1942. We are writing to express our concern regarding the petition in front of you to consider a zone change allowing only single dwelling homes in our near south neighborhood.

We've certainly seen the landscape of Lincoln—and more specifically our neighborhood—change during the past 55 years. Watching from our porch and out our front window, we have learned to grow and adapt to families moving out and landlords moving in. Property owners who rarely take pride or care in the property they own.

Our 55 years of experience living in this home tells us that allowing the zoning change will continue that trend—more landlords, fewer homeowners, less personal pride and responsibility, and a continued decline in the neighborhood that we love.

While this mey contradict conventional wisdom, we have witnessed very nice, well kept apartment complexes constructed on the SW and NE corners of 10th and D Streets, which have added to the quality of the near south neighborhood. Twenty years later, these properties are still well maintained and an asset to the area.

We fear that a change of zone will continue to encourage absent landlords and in some cases slumlords. We are well acquainted with the conditions that some of the tenants in our neighborhood are forced to live because of that lack of commitment from absentee owners. For this reason we ask that you not change the zoning laws in our neighborhood.

My husband and I plan on living the rest of our lives in this neighborhood and this home. Please help us keep it a viable and wonderful part of this community that we love so much.

Thank you for your time.

Sincerely,

Norm and Jean Foreman
1327 S. 9th
477-8335

Norm and Jean Foreman
1327 South 9th Street
Lincoln, Nebraska 68502