

City Council Introduction: **Monday**, October 6, 2008  
Public Hearing: **Monday**, October 13, 2008, at **1:30** p.m.

Bill No. 08-139

## **FACTSHEET**

**TITLE:** **CHANGE OF ZONE NO. 08046**, from B-2 Planned Neighborhood Business District to R-3 Residential District, requested by the Historic Preservation Commission on behalf of the property owner, on property generally located at North 14<sup>th</sup> Street and Morton Street.

**STAFF RECOMMENDATION:** Approval.

**SPONSOR:** Planning Department

**BOARD/COMMITTEE:** Planning Commission  
Public Hearing: Consent Agenda: 09/24/08  
Administrative Action: 09/24/08

**RECOMMENDATION:** Approval (7-0: Carroll, Sunderman, Cornelius, Taylor, Larson, Esseks, and Francis voting 'yes'; Gaylor Baird and Partington absent).

### **FINDINGS OF FACT:**

1. This is a request to change the zoning from B-2 to R-3 on approximately 2.7 acres, more or less, generally located at North 14<sup>th</sup> Street and Morton Street.
2. On June 4, 2008, the Planning Commission recommended approval of a request to designate this property (the Dr. Slattery House, 5230 N. 14<sup>th</sup> Street) as a Historic Landmark (Change of Zone No. 08022 HP). That landmark designation was placed on the City Council pending list at the request of the Director of Planning to explore the compatibility of the proposed landmark designation with the surrounding zoning and with future circulation needs in the area. A neighborhood meeting was held on September 11, 2008.
3. The staff recommendation to approve the change of zone from B-2 to R-3 is based upon the "Analysis" as set forth on p.3-4, finding that the R-3 zoning is more in character with the Historic Landmark designation than B-2 zoning and that the R-3 zoning is in character with the surrounding land use with R-3 zoning to the north, east and west. The staff concludes that the change of zone to R-3 is in conformance with the Comprehensive Plan.
4. On September 24, 2008, this application appeared on the Consent Agenda of the Planning Commission and was opened for public hearing. No one came forward to speak.
5. On September 24, 2008, the Planning Commission agreed with the staff recommendation and voted 7-0 to recommend approval.
6. The Planning Department has requested that the City Council remove Change of Zone No. 08022HP (Bill #08-73) from the pending list and to schedule continued public hearing on October 13, 2008, at the same time as this change of zone request.

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

**DATE:** September 29, 2008

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

**DATE:** September 29, 2008

**REFERENCE NUMBER:** FS\CC\2008\CZ.08046

**LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT**  
**for SEPTEMBER 24, 2008 PLANNING COMMISSION MEETING**

**PROJECT #:** Change of Zone No.08046

**PROPOSAL:** From B-2 to R-3

**LOCATION:** N. 14<sup>th</sup> St. and Morton St.

**LAND AREA:** 2.7 acres, more or less

**EXISTING ZONING:** B-2, Planned Neighborhood Business District

**CONCLUSION:** The R-3 zoning is in conformance with the Comprehensive Plan and is compatible with the adjacent land use.

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

**LEGAL DESCRIPTION:** That portion of Lot 7, Block 1, North Hills 5<sup>th</sup> Addition which is zoned B-2, located in the NW 1/4 of Section 1-10-6, Lancaster County, Nebraska.

**EXISTING LAND USE:** Undeveloped

**SURROUNDING LAND USE AND ZONING:**

North:	R-3, Residential	Single family dwelling
South:	B-2, Business	Undeveloped
East:	R-3, Residential	Single family dwellings
West:	R-1, Residential	Single family dwellings

**HISTORY:**

June 4, 2008 Change of Zone 08022HP to designate as a historical landmark property known as the Dr. Slattery House, located at 5230 N. 14<sup>th</sup> St, was recommended for approval by the Planning Commission.

July 24, 2004 North Hills 5<sup>th</sup> Addition final plat was approved by the Planning Director.

November 1, 1999 Change of Zone #3175 from B-2 to R-3 on 0.33 acres located approximately at N. 15<sup>th</sup> St. and Prairie Lane was approved by the City Council.

November 1, 1999	North Hills Preliminary Plat was approved by the City Council.
November 9, 1998	Prairie Ridge 1 <sup>st</sup> Addition Preliminary Plat was approved by the City Council.
March 1984	Change of Zone #2087 from B-2 to R-3 on 5,460 sf. located approximately at N. 14 <sup>th</sup> St and Indigo Rd. was approved by the City Council.

**COMPREHENSIVE PLAN SPECIFICATIONS:**

Maximize the community’s present infrastructure investment by planning for residential and commercial development in areas with available capacity. This can be accomplished in many ways including encouraging appropriate new development on unused land in older neighborhoods. (P.9)

Affordable housing should be distributed throughout the region to be near job opportunities and to provide housing choices within every neighborhood. (P.10 & 65)

Encourage different housing types and choices, including affordable housing, throughout each neighborhood for an increasingly diverse population. (P.10 & 65)

Encourage in-fill development including residential. (P.10)

The Land Use Plan identifies this area as Commercial in the 2030 Comprehensive Plan.

The land use plan displays the generalized location of each land use. It is not intended to be used to determine the exact boundaries of each designation. (P.23)

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

Encourage convenient access to neighborhood services (stores, schools, parks) from residential areas. (P.66)

Encourage a mix of housing types, including single family, duplex, attached single family units, apartments, and elderly housing all within one area. Encourage multifamily near commercial areas. (P.68)

**UTILITIES:** All utilities are available.

**TRAFFIC ANALYSIS:** N. 14<sup>th</sup> St. is classified as a minor arterial in the 2030 Comprehensive Plan. The 2030 Comprehensive Plan shows N. 14<sup>th</sup> St as a proposed project for four lanes plus turn lanes.

**ANALYSIS:**

1. This application is for a change of zone from B-2, Planned Neighborhood Business to R-3, Residential. The application has been made by the Historic Preservation Commission on behalf of the property owner. The Planning Department requested and the applicant agreed to place the historic designation on pending at City Council. This enables the Planning staff to explore the compatibility of the proposed zoning designation with the surrounding zoning and with future circulation needs in the area.

2. The existing lot, Lot 7, Block 1 North Hills 5<sup>th</sup> Addition, has split zoning. The north half is zoned R-3 and the south half is zoned B-2.
3. There is an existing house on this lot within the area zoned R-3. On June 4, 2008, the Planning Commission recommended approval for a Historic Landmark designation for the house and the entire lot; including the area zoned B-2.
4. The R-3 is more in character with the Historic Landmark designation than B-2 zoning. There is R-3 zoning north, east and west of this property. The R-3 zoning is in character with the surrounding land use.
5. The B-2 zoning district requires a minimum of 5 acres. Due to the past zoning changes the B-2 area currently is less than 5 acres. This property, even with the abutting B-2 to the south, could not develop as B-2 because the area is less than 5 acres. There is a provision in the zoning ordinance that allows a use permit for a lot less than 5 acres if it meets certain criteria. This lot does not meet that criteria. The zoning designation on the abutting property to the south should also be change so it is in conformance with the zoning code.
6. There is a B-2 neighborhood business center approved for approximately 200,000 sf. of retail floor area located less than one-half mile north of this site. The Comprehensive Plan states that neighborhood centers should be spaced approximately ½ mile apart, depending upon their size, scale, function and the population of the surrounding area.
7. The surrounding land to the east was subdivided into residential lots with the expectation that Morton St. would be extended across the B-2 zoned land just south of the historic house, to N. 14<sup>th</sup> St. The applicant has expressed the desire to avoid the road extension, which would be a prerequisite if the land south of the house was developed for commercial uses. Public Works and Planning agree that with the residential zoning, traffic from the development east of N. 14<sup>th</sup> St. can be handled without the need for Morton St. to be extended.

Prepared by:  
Tom Cajka  
Planner

**DATE:** September 8, 2008

**APPLICANT/CONTACT:** Ed Zimmer, for Historic Preservation Commission  
Lincoln/Lancaster County Planning Department  
555 S. 10<sup>th</sup> St. Suite 213  
Lincoln, NE 68502  
(402) 441-6360

**OWNER:** AgInvest  
4900 N. 14<sup>th</sup> St.  
Lincoln, NE 68521

# CHANGE OF ZONE NO. 08046

**CONSENT AGENDA**  
**PUBLIC HEARING & ADMINISTRATIVE ACTION**  
**BEFORE PLANNING COMMISSION:**

September 24, 2008

Members present: Carroll, Cornelius, Esseks, Francis, Larson, Sunderman and Taylor; Gaylor Baird and Partington absent.

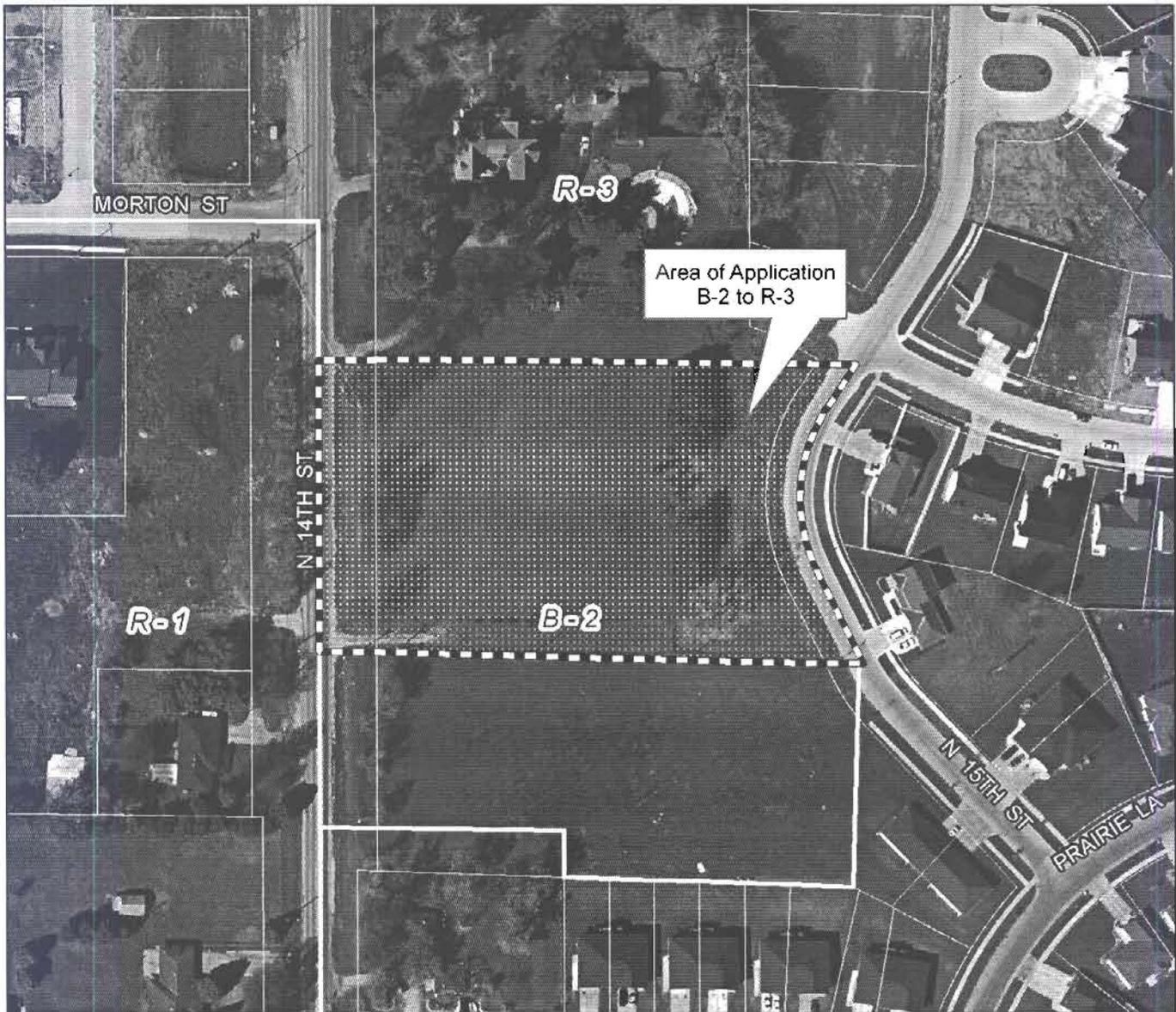
The Consent Agenda consisted of the following items: ***CHANGE OF ZONE NO. 08046***; ***CHANGE OF ZONE NO. 08043***; ***STREET AND ALLEY VACATION NO. 08008***; ***CHANGE OF ZONE NO. 08048***; ***SPECIAL PERMIT NO. 1965A, Hartland Homes Northwest 1<sup>st</sup> Addition Community Unit Plan***; ***SPECIAL PERMIT NO. 08039, Stone Bridge View Community Unit Plan***; and ***MISCELLANEOUS NO. 08014***.

Ex Parte Communications: None

**Item No. 1.4, Special Permit No. 08039**, was removed from the Consent Agenda and scheduled for separate public hearing.

Cornelius moved to approve the remaining Consent Agenda, seconded by Francis and carried 7-0: Carroll, Cornelius, Esseks, Francis, Larson, Sunderman and Taylor voting 'yes'; Gaylor Baird and Partington absent.

Note: This is final action on Special Permit No. 1965A, 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.



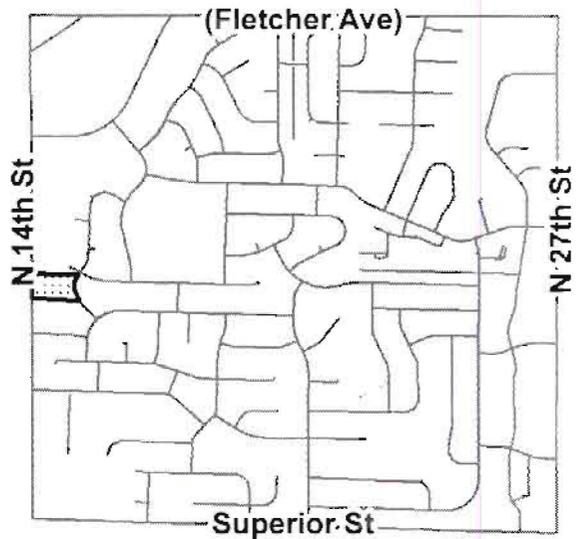
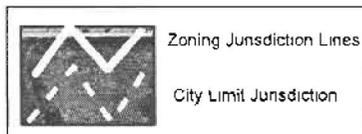
2007 aerial

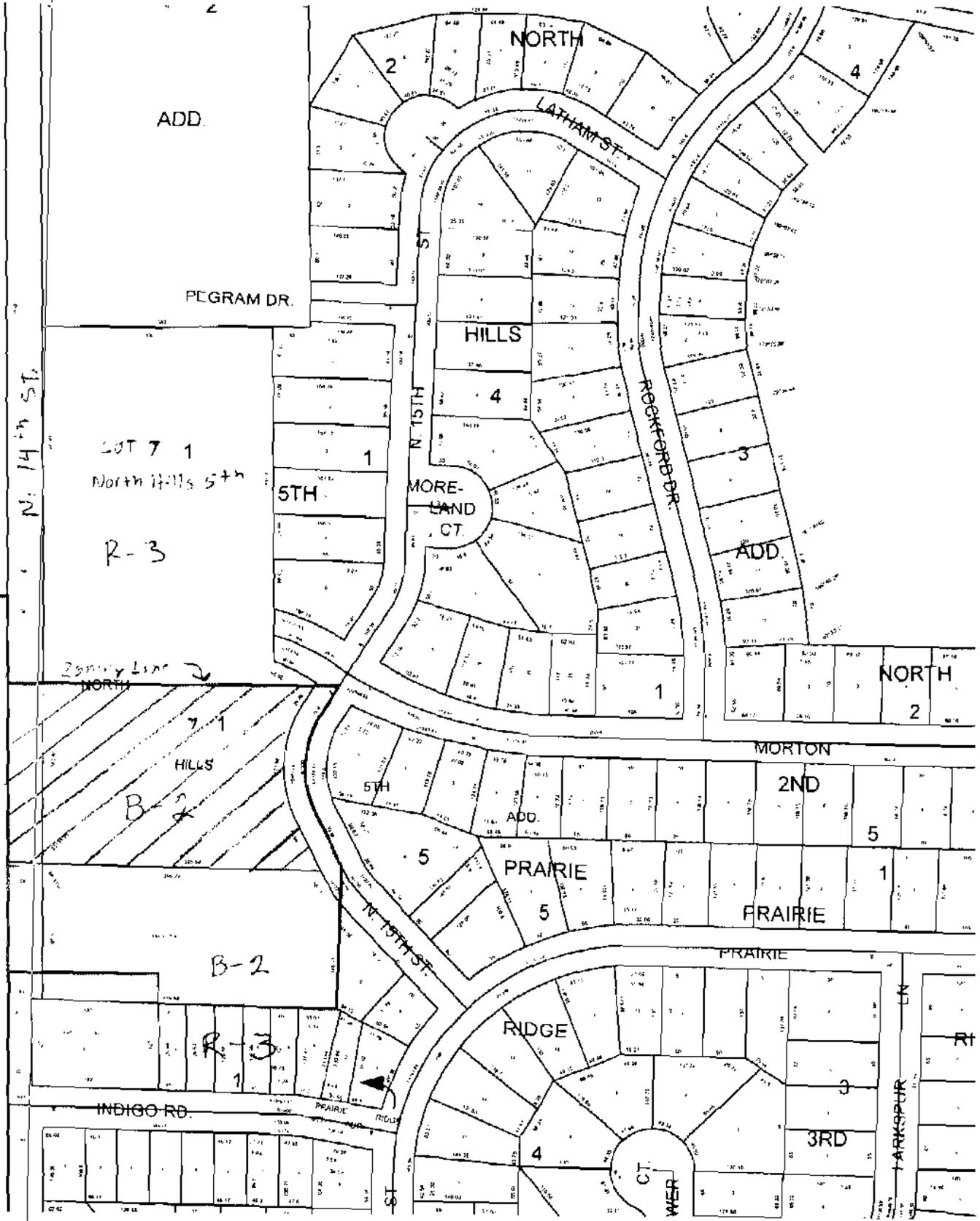
## Change of Zone #08046 N 14th & Morton St

### 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-6 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. 1 T10N R06E





ADD.

PEGRAM DR.

NORTH

LATHAM ST.

HILLS

LOT 7 1  
North Hills 5th

R-3

MORE-LAND CT.

ROCKFORD DR.

ADD.

Zoning Line  
NORTH

NORTH  
2

HILLS

B-2

MORTON

2ND

PRAIRIE

FRAIRIE

B-2

R-3

PRAIRIE

RIDGE

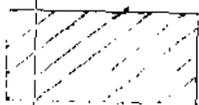
INDIGO RD.

3RD

WIER CT.

PARKSPUR LN.

RT



B-2 to R-3

CHANGE OF ZONE  
#03046

SEP 11 2008

8410 Navajo Trail  
Lincoln, NE 68520

September 10, 2008

Lincoln-Lancaster County Planning Dept.  
555 South 10<sup>th</sup> St, Suite 213  
Lincoln, NE 68508

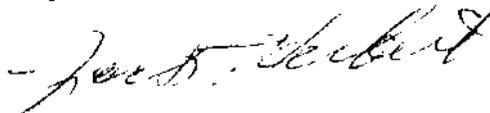
Attn: Tom Cajka  
Planner

Dear Mr. Cajka:

We received your notice, dated August 26, 2008, of a request for change of zoning for property owned by Aginvest at No. 14<sup>th</sup> St. and Morton St. The request was for change of zoning from B2 Business to R3 Residential.

We own a small parcel of land south of this property (Prairie Ridge 4<sup>th</sup> Addition Outlot A) zoned B2 also, which requires 5 acre developments. Since our property is smaller and adjoining, that zoning is unusable to us without their cooperation. We will need different zoning at some time if this change is accepted.

Sincerely,



Jack Herbert

8410 Navajo Trail  
Lincoln, NE 68520