

City Council Introduction: **Monday**, August 18, 2008
Public Hearing: **Monday**, August 25, 2008, at **5:30** p.m.

Bill No. 08-111

FACTSHEET

TITLE: **CHANGE OF ZONE NO. 08036**, from R-2 Residential District to R-5 Residential District, requested by Boyce Construction, on approximately 29,227 sq. ft., more or less, generally located at North 14th Street and Superior Street (4501 N. 14th Street).

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 07/16/08
Administrative Action: 07/16/08

STAFF RECOMMENDATION: Approval, subject to a conditional zoning and development agreement.

RECOMMENDATION: Approval, subject to a conditional zoning and development agreement, with amendment (7-1: Cornelius, Partington, Taylor, Sunderman, Larson, Francis and Carroll voting 'yes'; Gaylor Baird voting 'no'; Esseks absent).

ASSOCIATED REQUESTS: Conditional Zoning and Development Agreement (08R-193)

FINDINGS OF FACT:

1. This is a request to change the zoning on approximately 29,227 square feet, more or less, from R-2 Residential to R-5 Residential, for the purpose of developing a maximum of (6) dwelling units. The R-5 zoning district would allow up to 19 dwelling units on this parcel.
2. The staff recommendation of approval, subject to a conditional zoning and development agreement, is based upon the "Analysis" as set forth on p.3-4, concluding that the change of zone is compatible with the surrounding area, considering the commercial uses across North 14th Street, and is generally in conformance with the Comprehensive Plan. The staff presentation is found on p.5.
3. The applicant's testimony is found on p.5-6 and 7-8. The applicant agreed to the limitation of six (6) dwelling units.
4. Testimony in opposition is found on p.6-7. Verna Pate-Lewis testified that the residential neighborhood is opposed to multi-family units on the subject property, including concerns about traffic, parking and the access on North 14th Street being directly across from the access to the commercial uses on the east side of North 14th Street. Additional information submitted by the opposition, including letters from the applicant, is found on p.14-17. The record also consists of a letter in opposition from Ted Triplett on behalf of the Belmont Neighborhood Association (p.19-20).
5. On July 16, 2008, the majority of the Planning Commission agreed with the staff recommendation and voted 7-1 to recommend approval, subject to a conditional zoning and development agreement, as set forth in the staff report dated July 1, 2008, with amendment limiting the number of dwelling units to six (6).
6. Commissioner Gaylor Baird dissented with concerns about the potential impact of multi-family dwelling units on the existing single-family residences in the neighborhood.

FACTSHEET PREPARED BY: Jean L. Preister

DATE: August 11, 2008

REVIEWED BY: _____

DATE: August 11, 2008

REFERENCE NUMBER: FS\CC\2008\CZ.08036

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for JULY 16, 2008 PLANNING COMMISSION MEETING

****As Revised and Recommended for Approval**

by Planning Commission: 07/16/08**

PROJECT #: Change of Zone No.08036
PROPOSAL: From R-2 to R-5
LOCATION: 4501 N. 14th St.
LAND AREA: 29,227 square feet, more or less

EXISTING ZONING: R-2, Residential

CONCLUSION: The change of zone from R-2 to R-5 is compatible with the surrounding area, considering the commercial across N. 14th St. This application generally conforms with the Comprehensive Plan.

<u>RECOMMENDATION:</u>	Conditional approval
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GENERAL INFORMATION:

LEGAL DESCRIPTION: East 168 feet of Lot 16, Highland Place and the north half of vacated Holltorf St. adjacent thereto.

EXISTING LAND USE: Single family house.

SURROUNDING LAND USE AND ZONING:

North:	R-2, Residential	Single family house
South:	R-2, Residential	Single family house
East:	B-2, Planned Neighborhood Business	Commercial center
West:	P, Public	Goodrich Middle School

HISTORY: This area was changed from A-2, Single Family Dwelling District to R-2, Residential District in the 1979 zoning update.

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 Residential-Urban Density in the 2030 Comprehensive Plan.

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. 14th St. is classified as a minor arterial in the 2030 Comprehensive Plan

PUBLIC SERVICE: The nearest elementary school is Belmont located at N. 14th St and Judson St. Goodrich Middle School is immediately to the west.

The nearest fire station is located at N. 14th St and Adams St.

ANALYSIS:

1. This request is for a change of zone from R-2 to R-5. The R-5 dwelling district allows multiple dwellings, which are not allowed in R-2.
2. The applicant is proposing 6 dwelling units. However, the lot area requirement in the R-5 district for multiple dwellings is 1,500sf per unit. Based on the lot area of 29,227sf, this parcel could have up to 19 dwelling units.
3. The applicant has agreed to limit the number of dwelling units to six. The Planning Department has not requested this of the applicant and does not object to higher density.
4. A higher density residential zoning district is appropriate at this location due to the shopping center to the east and the school to the west. The Comprehensive Plan encourages different housing types within a neighborhood.
5. The applicant's letter states that 17' of the entire front of the property shall be dedicated to the City. This is inaccurate, the 17' dedication would only be required if there was a subdivision. The applicant is proposing a condominium regime, which does not require a subdivision.
6. The front of the buildings are set back 37' from the front property line because there is a 17' building line district. When a building line district exists, the setback is measured from the building line district, not the property line.

7. The Planning Department is requesting a zoning agreement be a condition of this change of zone. The zoning agreement shall require an access be provided to the north property line, to allow for a similar redevelopment of the lot to the north by sharing access with this lot and that the driveway off of N. 14th St. be in line with the existing driveway for the commercial center on the east side of N. 14th St.
8. The attached site plan is conceptual only. The layout of the units and parking are subject to change. The dwelling units are required to meet the Neighborhood Design Standards.

CONDITIONS OF APPROVAL:

Site Specific Conditions:

The applicant signs a zoning agreement before the City Council approves the change of zone.

1. In consideration for the City re-zoning the Property to R-5 Residential District the Developer agrees that the development of the Property shall be subject to the following restrictions:
 - A. The drive access to N. 14th St. shall align with the drive access across the street.
 - B. A drive access shall be provided to the north boundary of the lot.
2. The development shall be limited to six (6) units. (**Per Planning Commission, 07/16/08**)

Prepared by:

Tom Cajka
Planner

DATE: July 1, 2008

APPLICANT: Jerry Boyce
Boyce Construction
4631 S. 67th St.
Lincoln, NE 68516
(402) 310-6328

OWNER: Betty Keech
P.O. Box 4
Hickman, NE 68372

CONTACT: same as applicant

CHANGE OF ZONE NO. 08036,

PUBLIC HEARING BEFORE PLANNING COMMISSION:

July 16, 2008

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

Ex Parte Communications: None.

Staff recommendation: Approval, subject to conditional zoning and development agreement.

This application was removed from the Consent Agenda due to a letter received in opposition.

Additional information for the record: Tom Cajka of Planning staff submitted a letter in opposition from Ted Triplett, President of the Belmont Neighborhood Association, with concerns about the change of zone to R-5, including traffic and safety, quality of the buildings being built, additional noise, type of housing, potential impact on property values of the surrounding neighborhood, and how it would impact the look and feel of the current neighborhood.

Staff presentation: Tom Cajka of Planning staff explained that this is an application for change of zone from R-2 to R-5 for a future development for multi-family. The applicant in his letter states that he is only planning to build six units. The R-5 zoning, however, would allow a maximum of 19 units based on the size of the lot being 22,000 sq. ft. Multi-family in R-5 zoning is based on 1500 sq. ft. of lot area per unit, with parking of 1.75 parking stalls per unit.

Cajka stated that the staff is recommending approval based on the Comprehensive Plan, which encourages different types of housing in neighborhoods and affordable housing, proximity to the school and shopping.

Proponents

1. Jerry Boyce, Boyce Construction, 4631 S. 67th Street, presented the application as the applicant. In support of the proposal, he referred to the commercial developments on the northeast corner of 14th & Superior, the vacant ground on the southwest corner with the water department building that may some day be abandoned, with a possibility of commercial development someday in the future. He showed photographs of the existing development and residences in the area. The subject property is the only older age property in the neighborhood. It is in poor and deteriorated condition. He believes it might even be red-tagged if inspected. It is overgrown with vegetation. The two neighbors to the south are newer age, ranch homes. There is a vacated street on the south border and a heavy tree screen on the south neighboring property. The school is behind the property with a public easement sidewalk on the south edge of the property. He proposes to rebuild the public access sidewalk on the south edge of the property. There is one single family home to the north of this property. LPS owns a small 7' strip between the subject property and the north neighboring property. Boyce proposes to keep as much of the screening on the street side as possible. Public Works is requiring that the access drive be moved so that it lines up with the access to the shopping center across the street. Public Works is also requiring access to the north

neighboring property so that if and when it is ever developed, it will limit additional access to 14th Street if widened in the future.

Boyce also indicated that the total square footage of this rather large parcel is a little over 29,000 sq. ft., and it would support 19 units if the parking could be accommodated. Boyce clarified, however, that he has no intention of developing more than six units. The two duplex structures facing the street would have to meet the neighborhood design standards. He could not face the garages toward the street. There will be front door and windows on the street side, looking like single family homes from the street. The second unit entry will be on the back side of the property. The third duplex is tucked in behind the street-side duplex. These will be condominium units, individually sold, and he believes they would blend in very nicely with the neighborhood. He has support of the adjoining property owners.

The development will be heavily screened with the existing trees along the west boundary to screen the property from the Goodrich Middle School. He will keep as much of the screening on the street side as possible.

Cornelius inquired whether there will be some sort of covenant to maintain these units as owner-occupied. Boyce indicated that the condominium regime which will come later will dictate association-controlled maintenance and common utilities. That dictates better control over the grounds and maintenance. He would intend to contract lawn service, snow removal, etc.

Opposition

1. Verna Pate-Lewis, 4421 N. 14th Street, testified in opposition. She has been in contact with Mr. Boyce and has been talking to the neighbors. The neighborhood is very well-established – sort of like the gateway coming into Lincoln from the north – large lots, a lot of green space, landscaped yards. The neighborhood does not want apartments on 14th Street. There are none from Superior Street to the University. She has talked to all the neighbors and unfortunately Mr. Boyce does not have current information. All the neighbors are opposed to the zoning change, except Scott and Tracy Cobb whom she was unable to reach. She submitted a petition stating that the neighbors do not want this development. The neighborhood is ranch houses, single family, set back from the street. The three proposed units will have a lot of parking. Once we open the door to R-5, the neighbors are fearful the plan could change and become more dense. The neighbors are also very concerned about the access being across from the shopping center. 14th Street will not be widened for another 10 years. There are plenty of apartments in this neighborhood, to the east, north of Walgreens, further north on 14th, etc.

Pate-Lewis acknowledged that the neighbor to the north initially was not opposed, but he has reconsidered and signed the petition in opposition. The neighbor to the south was neutral because he wants the owner to have the opportunity to sell the property. She agreed that the house is deteriorated and overgrown.

Pate-Lewis has not met with the applicant face-to-face, but they have e-mailed several times back and forth. This is just not the right neighborhood. The neighborhood has not had time to organize anything official as a neighborhood association.

Cornelius inquired whether a delay for further discussions with the applicant would make a difference in the neighborhood's position. Pate-Lewis did not believe it would make any difference. The neighborhood does not want apartments. They are fearful that they may become rental units.

Staff questions

Carroll inquired about R-4 versus R-5 zoning. Cajka indicated that R-4 was discussed at first, but it only allows single family or duplex. To get six units, they looked at different ways to subdivide the land but ran into problems with subdivision because it would not meet some of the subdivision requirements. It was also the thought that increased density was acceptable because of the proximity for walking to shopping centers and the main arterials in the area.

Carroll inquired whether the zoning agreement being recommended by staff requires the applicant to only have six units. Cajka indicated that not to be a recommendation of the staff, although the applicant has indicated he would agree to a limit of six units. The only terms of the development agreement recommended by staff is that the driveway to 14th be in line with the commercial driveway at the request of Public Works as a safety issue. The other item is access to the property to the north in the case of future development so that there would not be any additional access to 14th Street.

Cornelius inquired whether the pedestrian walkway is a public right-of-way. Cajka believes it is a public access easement and it is used by the students getting to the middle school.

Response by the Applicant

Boyce responded to the opposition, stating that change is always new and different and hard to accept. He appreciates people in the neighborhood caring about their neighborhood and that's what makes it as nice as it is. This property is the only eyesore in the neighborhood. The development will not be apartments, per se, but two-unit townhomes under condominium regime allowing for individual ownership of all six units. If he had a vehicle to satisfy all the subdivision requirements, two duplexes could be built now under the R-2 zoning, with ground left over. This proposal is actually only one additional building than would be allowed under the current R-2 zoning.

Further, Boyce submitted that this proposal does comply with the Comprehensive Plan with mixed use in the neighborhood. If the southwest corner of 14th & Superior Street is ever developed as commercial, R-5 is typically the buffer zoning between commercial and the lower density residential. He suggested that approval of this change of zone may perhaps be saving the neighborhood from additional higher number of units and higher density on this property sometime in the future.

Taylor inquired whether the housing will be harmonious with the neighborhood. Boyce indicated that he has taken this into consideration. Most of the homes in the neighborhood are newer ranch style homes. The footprint is tight to get the square footage necessary and he may have to do some basement finish if ranch style as opposed to going upward. He is cognizant of the neighborhood concerns. The property will be very heavily screened from the street as well as from the school and to the north.

Gaylor Baird clarified that the applicant is open to the idea of remaining R-2. Boyce reiterated that there were going to be too many problems with anything less than R-5 in terms of subdividing. Public Works only wants one access on 14th Street, so if you were to subdivide into three separate lots, there would be a problem with three driveways, etc. R-5 does not require subdivision and gives him the units he needs to make it economically feasible.

Carroll inquired whether the applicant would agree to a condition limiting the development to maximum of six units. Boyce agreed. He has no intention to build more than six units. Cajka also clarified that such a limitation would run with the land if it were sold in the future. It was also clarified, however, that a request for change or variance of that limitation could also come forward in the future.

ACTION BY PLANNING COMMISSION:

July 16, 2008

Taylor moved approval, subject to the zoning agreement with amendment limiting the development to six units, seconded by Sunderman.

Cornelius expressed that he is sympathetic to the neighbors' concerns. The developer seems, however, to also be sympathetic to their concerns, and he is persuaded by the owner-occupied units along with the design standards imposed by the ordinance.

Sunderman added that this provides a nice transition from the businesses at the corner. Francis indicated that she has mixed feelings. She knows that there has been some good downzoning in older neighborhoods previously; she knows that Mr. Boyce builds a good product; and she likes that they will be one-story to blend in with the neighborhood.

Cornelius pointed out that this does not require the Planning Commission to approve every change of zone from R-2 to R-5, but this sounds like a good proposal.

Gaylor Baird commented that she lives in a neighborhood with lots of downzoning and apartments really do change the feel of the street and the block, even if they are well done. She is torn. She would like to see some of the neighbors purchase the property.

Motion for approval, subject to conditional zoning and development agreement as set forth in the staff report, with amendment limiting the development to six (6) units, carried 7-1: Cornelius, Partington, Taylor, Sunderman, Larson, Francis and Carroll voting 'yes'; Gaylor Baird voting 'no'; Esseks absent. This is a recommendation to the City Council.



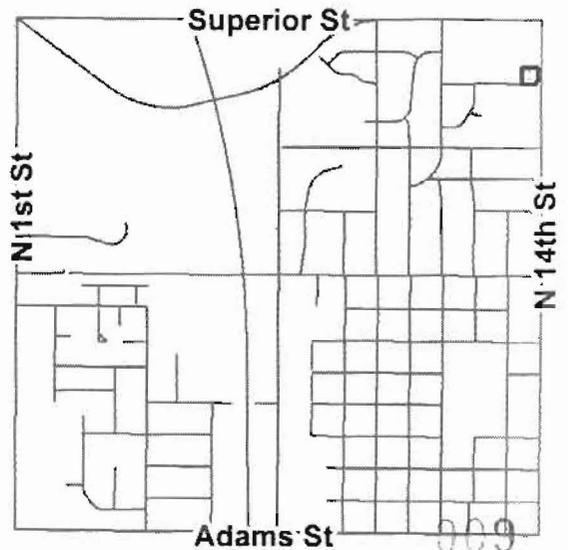
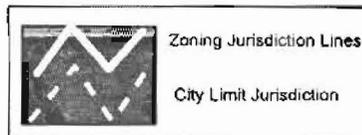
2007 aerial

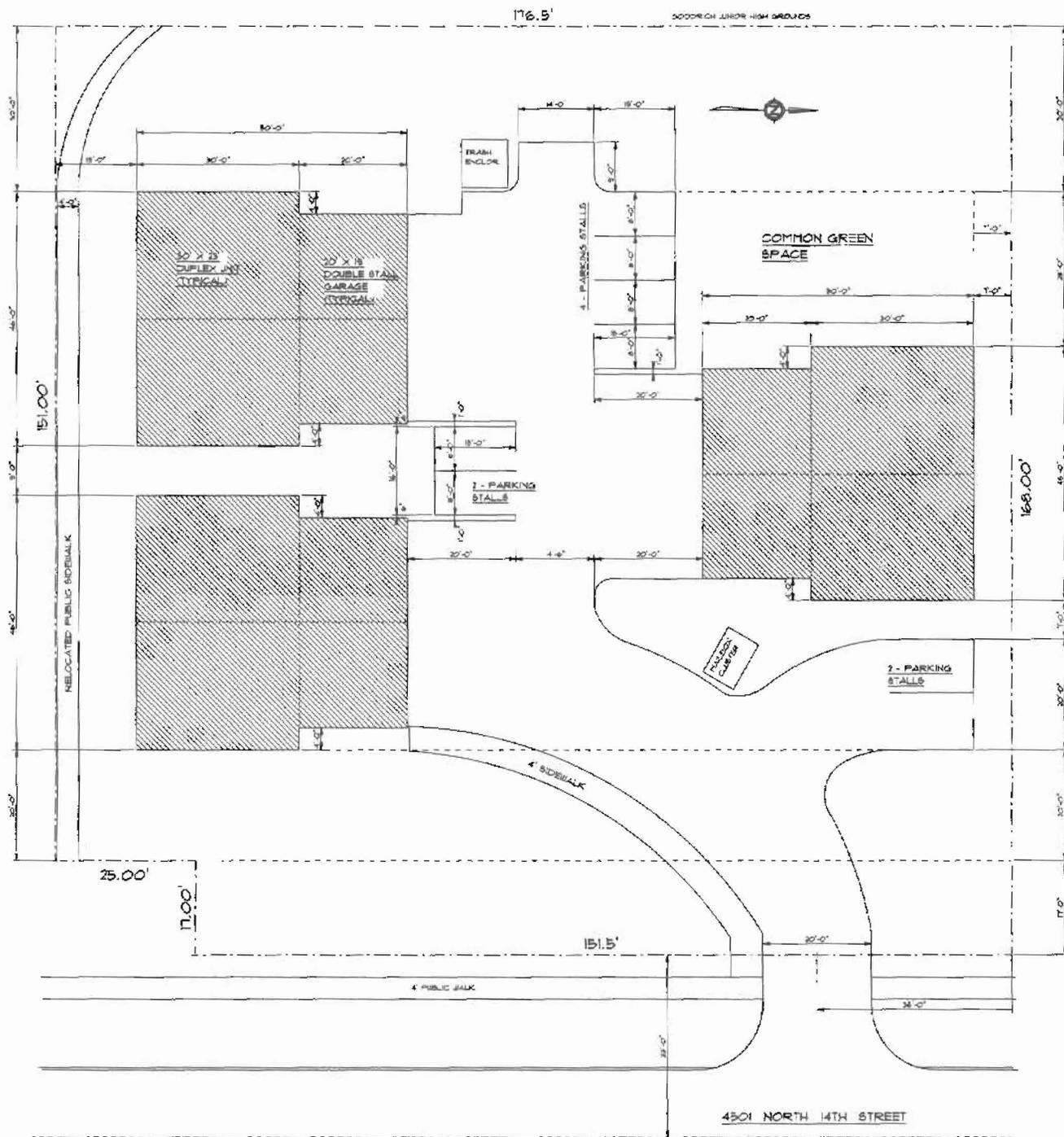
Change of Zone #08036 N 14th & Superior St

Zoning:

One Square Mile
Sec. 11 T10N R06E

- 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





LEGAL DESCRIPTION

THE EAST 168' OF LOT 16, HIGHLAND PLACE, AND THE NORTH HALF OF VACATED HOLLTORG STREET EXCEPT THE EAST 17' ABUTTING THEREON, ALL LOCATED IN THE NORTHEAST QUARTER OF SECTION 11, T 10 N R 8 E, OF THE 6TH P.M., LINCOLN, LANCASTER COUNTY, NEBRASKA

R - 5 RESIDENTIAL ZONING
 20' MIN. FRONT YARD
 5' MIN. SIDE YARD (DUPLEX)
 7' MIN. SIDE YARD (MULTI-FAMILY)
 30' MIN. REAR YARD

SITE PLAN

BOYCE CONSTRUCTION INC	
UNION	MEMBER
4501 NORTH 14TH STREET	
SCALE: 1" = 10' - 0"	DRAWN BY: KEN KOCH
DATE: 6 APR 2008	SHEET: 1 OF 1

010

Boyce Construction Inc.

4631 South 67th Street
Lincoln, Nebraska 68516

Jerry E. Boyce,
President

Ph #402-310-6328
Fax 402-488-3340

June 16, 2008

Marvin Krout, Director
City County Planning Department
555 South 10th Street
Lincoln, Nebraska 68508

JUN 16 2008

RE: 4501 North 14th Street
Change of Zone: R-2 to R-5

Mr. Krout:

On behalf of Betty L. Keech, owner and Boyce Construction Inc., contract purchaser, please accept this correspondence as supplemental information to the attached City Zoning Application. This application requests a change of zone on property located on the west side of North 14th Street, south of Superior street known as 4501 North 14th Street and legally described as: Highland Place, Lot 16, E168' & North ½ Vacated Holltorf Street Adjacent thereto. The total area of zoning application is ~~26,576~~ square feet.

Change of Zone R-2 to R-5

The proposed residential development on the property includes the construction of 6 living units in 3 duplex structures with attached garages. Each of the living units will be sold individually utilizing a condominium form of ownership which will be complementary to the neighborhood. Density calculations for the R-5 zoning district would allow more units. However the applicant is willing to restrict the total number of allowable units to 6.

A large common area is proposed in the northwest corner of the property to provide owners with area for outdoor activities. Parking for the residences include 12 garage stalls as well as 8 surface stalls.

A 17' dedication to the City of Lincoln of the entire front of the property is proposed. Building setbacks for the R-5 zoning district are 20' front yard, 30' rear yard and a side yard of 5' for the duplex structures. However, the buildings are proposed to be set back 9' from the south boundary to accommodate the required public sidewalk and 7' on the north boundary. The current 4' wide deteriorating public walkway is proposed to be rebuilt along the south boundary of the property.

“A Hands-On Builder”

www.boyceconstruction.com



The current access to the property is proposed to be eliminated and the new access shall line up directly across the street with the current access serving the B-2 zoned shopping center. The current 4' wide deteriorating public sidewalk is proposed to be rebuilt along the south boundary of the property within a pedestrian access easement running from the Goodrich Junior High School grounds on the west to North 14th Street on the front of the property. This sidewalk allows pedestrian traffic between the adjacent school and current developments to the west and the existing neighborhood and commercial development to the east along North 14th Street.

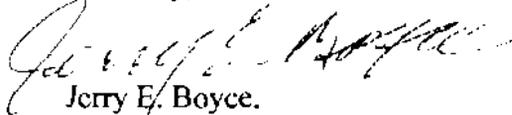
Screening along the property lines is currently very heavy on the west and east boundary with moderate on the north and limited on the south. This proposed site plan maintains all of the current west boundary screening and as much of the east boundary screening as possible except to allow for the new drive access. The moderate screening on the north will be retained in the proposed common green area and the north neighboring property is moderating screened as well. Therefore, no additional screening is proposed on the north or on the south which accommodates the public walkway and as the property to the south is already very heavily screened.

Neighborhood Input

I have had several phone conversations with each of the adjacent neighbors and 1 meeting with the neighbor to the north of the subject property. All of the north neighbor's concerns have been addressed in this plan except for whoever the new residents might be which is beyond the applicant's control. The neighbor to the south expressed no concerns whatsoever. Both indicated that the current property is overgrown and the current home and garage are in a deteriorated condition and both stated that something needs to be done with the property.

Thank you in advance for your favorable consideration of this application. Please advise if any additional information is needed.

Sincerely,



Jerry E. Boyce.
Boyce Construction Inc.

JUL 15 2008

M e m o r a n d u m

To: Tom Cajka, Planning Department
From: Charles W. Baker, Public Works and Utilities
Subject: 4501 North 14th Street Change of Zone #08036
Date: June 18, 2008
cc: Randy Hoskins

The City Engineer's Office of the Department of Public Works and Utilities has reviewed the 4501 North 14th Street Change of Zone #08036 from R-2 to R-5 on the west side of 14th Street, south of Superior. Public Works has no objections to the Change of Zone with the following comments on the submitted site plan:

- The drive access to the property appears to align with the drive access across the street as requested. Please add a note on the site plan stating that fact. The driveway width must also be 25' wide with 15' radii to meet standards.
- Drive aisle width requires an 18' wide path for two-way traffic. It appears that each parking area could be moved a couple of feet back to accomplish this requirement.
- Minimum parking stall width is 8.5'. The sides of the parking stalls do not need to be curbed as shown, allowing some additional width in the parking area.
- Show the easement required for the public sidewalk along the south portion of the property.
- A note should be added to the site plan stating the 20' wide area in the northeast portion of this plan is for "Future Connection" to the property to the north and eliminate the note that states two parking stalls.
- There will only be allowed one water service connection for this development. A master meter or meter building should be considered in the planning stages of this project.

OPPOSITION
SUBMITTED AT PUBLIC HEARING
BEFORE PLANNING COMMISSION
ON 7/16/08 by VERNA PATE-LEWIS

CHANGE OF ZONE NO. 08036

4631 South 67th Street
Lincoln, Nebraska 68516

Jerry F. Boyce
President

5126201
DATE: 7-28-08
RE: 08-08036

To: Donald Stech
4445 N. 14th
Lincoln, NE 68521

Date: June 28, 2008

Re: Final plan of action for 4501 N. 14th

Post-it® Fax Note		7671	Date	7-28-08	# of pages	4
To	Verna Pate-Lewis		From	Jerry Boyce		
Co./Dept.			Co.			
Phone #			Phone #	306-630-3340		
Fax #	464-8571		Fax #	464-7340		

Memo:

I wanted to update you on what was finally decided upon after many meetings and discussions with the planning department staff. Please refer to the enclosed copy of the final site plan which was submitted as a requirement associated with the change of zone request from the current R-2 to R-5 residential zoning.

Public works dictated that my entry drive had to line up with the drive into the commercial shopping center across the street. They also insisted on requiring a future access to my north neighboring property from my property. Thus the 2 current parking stalls shown in the deadend drive toward that property. These 2 parking stalls would be eliminated if the access is ever used.

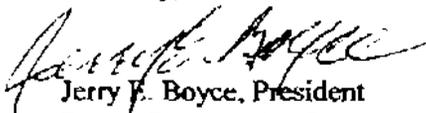
This plan maintains as much green space and current landscaping as possible and still allow for the construction of 3 duplex structures to be sold as condominium units.

I believe the schedule is that it goes before the planning commission for the public hearing on July 18th and if approved by them, it would go to the city council a couple of weeks thereafter for their approval.

I would of course like to have your approval and support at these public hearings before the planning commission and city council. If that is not the case, I would still appreciate you not publicly opposing this plan for redevelopment of the 4501 N. 14th property.

As always, please don't hesitate to call me with any questions or concerns. Thank you!

Sincerely,


Jerry F. Boyce, President
Boyce Construction Inc.

www.boyceconstruction.com

www.boyceconstruction.com



Boyce Construction Inc.
4631 South 67th Street
Lincoln, Nebraska 68516

John E. Boyce, Inc.
President

Lot # 014-014-0020
Year - 2006-03-10-10

June 16, 2008

Marvin Krout, Director
City County Planning Department
555 South 10th Street
Lincoln, Nebraska 68508

RE: 4501 North 14th Street
Change of Zone: R-2 to R-5

Mr. Krout:

On behalf of Betty L. Keech, owner and Boyce Construction Inc., contract purchaser, please accept this correspondence as supplemental information to the attached City Zoning Application. This application requests a change of zone on property located on the west side of North 14th Street, south of Superior street known as 4501 North 14th Street and legally described as: Highland Place, Lot 16, E168' & North 1/2 Vacated Holltorf Street Adjacent thereto. The total area of zoning application is 26, 576 square feet.

Change of Zone R-2 to R-5

The proposed residential development on the property includes the construction of 6 living units in 3 duplex structures with attached garages. Each of the living units will be sold individually utilizing a condominium form of ownership which will be complementary to the neighborhood. Density calculations for the R-5 zoning district would allow more units. However the applicant is willing to restrict the total number of allowable units to 6.

A large common area is proposed in the northwest corner of the property to provide owners with area for outdoor activities. Parking for the residences include 12 garage stalls as well as 8 surface stalls.

A 17' dedication to the City of Lincoln of the entire front of the property is proposed. Building setbacks for the R-5 zoning district are 20' front yard, 30' rear yard and a side yard of 5' for the duplex structures. However, the buildings are proposed to be set back 9' from the south boundary to accommodate the required public sidewalk and 7' on the north boundary. The current 4' wide deteriorating public walkway is proposed to be rebuilt along the south boundary of the property.

Boyce Construction Inc. (Faint)

www.boyceconstruction.com



The current access to the property is proposed to be eliminated and the new access shall line up directly across the street with the current access serving the B-2 zoned shopping center. The current 4' wide deteriorating public sidewalk is proposed to be rebuilt along the south boundary of the property within a pedestrian access easement running from the Goodrich Junior High School grounds on the west to North 14th Street on the front of the property. This sidewalk allows pedestrian traffic between the adjacent school and current developments to the west and the existing neighborhood and commercial development to the east along North 14th Street.

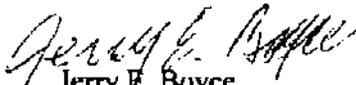
Screening along the property lines is currently very heavy on the west and east boundary with moderate on the north and limited on the south. This proposed site plan maintains all of the current west boundary screening and as much of the east boundary screening as possible except to allow for the new drive access. The moderate screening on the north will be retained in the proposed common green area and the north neighboring property is moderating screened as well. Therefore, no additional screening is proposed on the north or on the south which accommodates the public walkway and as the property to the south is already very heavily screened.

Neighborhood Input

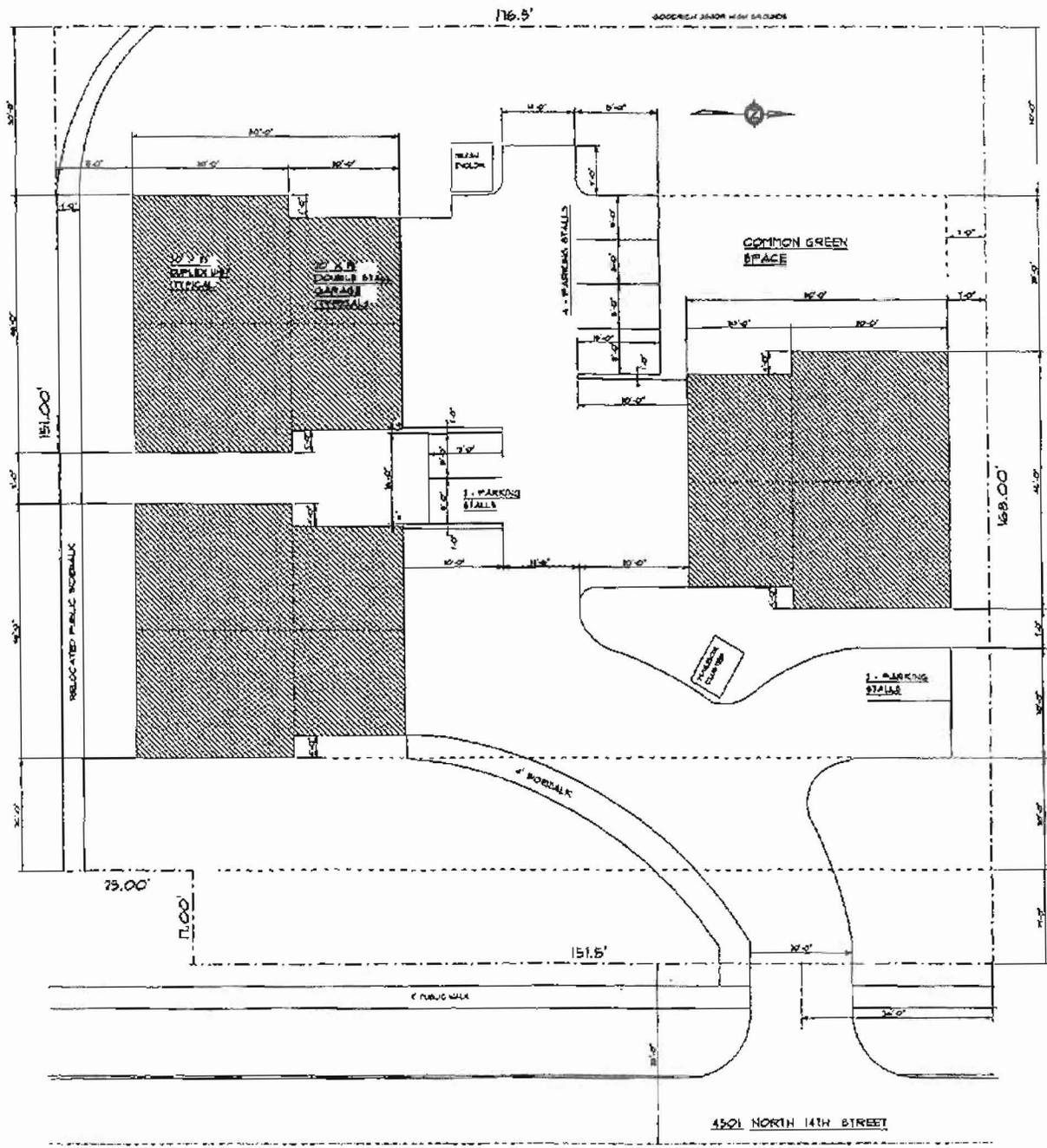
I have had several phone conversations with each of the adjacent neighbors and 1 meeting with the neighbor to the north of the subject property. All of the north neighbor's concerns have been addressed in this plan except for whoever the new residents might be which is beyond the applicant's control. The neighbor to the south expressed no concerns whatsoever. Both indicated that the current property is overgrown and the current home and garage are in a deteriorated condition and both stated that something needs to be done with the property.

Thank you in advance for your favorable consideration of this application. Please advise if any additional information is needed.

Sincerely,


Jerry F. Boyce,
Boyce Construction Inc.

270



LEGAL DESCRIPTION

THE EAST 1/2 OF LOT 16, HIGHLAND PLACE,
 AND THE NORTH HALF OF VACATED HOLLTORD
 STREET EXCEPT THE EAST 1/2 ADJUTING THEREON,
 ALL LOCATED IN THE NORTHEAST QUARTER OF
 SECTION 11, T 30 N, R 6 E, OF THE 6TH P.M.,
 LINCOLN, LANCASTER COUNTY,
 NEBRASKA.

R - 5 RESIDENTIAL ZONING
 30' MIN. FRONT YARD
 5' MIN. SIDE YARD (DUPLEX)
 1' MIN. SIDE YARD (MULTIFAMILY)
 50' MIN. REAR YARD

SITE PLAN

BOYCE CONSTRUCTION INC.	
OWNER	NO. 1111
4501 NORTH 14TH STREET	
SCALE: 1" = 10' - 0"	DRAWN BY: JEN KSON
DATE: 6/24/08	SHEET: 1 OF 1

We the undersigned object to a change of zone from R2 to R5 for the Keech property at 4501 N 14th
4535 N. 14th

4445 N. 14th - Don

4421 N. 14th - US

4410 N 14th

4420 N. 14th - ~~Red~~ Ted

4410 N 14th Margaret

Request to Review
Name: Dale Lewis object strongly
I strongly object
Margaret Lecker

4335

Vic & Kerry

4400 N 14th -

4325

REASSE@nab.org.com

Request for
402-432-2543
402-430-2614

4330 N 14th - Bruce & Linda Siffing
I object
Dana Siffing

4340 N. 14th

Rady Duke
I object

4335 N 14th

Kathy Nebesniak

I object

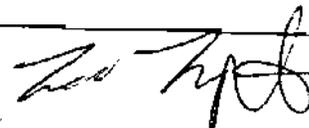
"

Vic Nebesniak

I object

4420 N. 14th

Ted Triplett



I object

President BELMONT
NEIGHBORHOOD ASSOCIATION

402-477-6699

4535 N. 14th

DAY MEGRAVE

RETHINKING

DO NOT WANT
RENTALS OR APARTMENTS

402-742-7195

4445 N 14 Dan Smith

I object - to 2014 zoning change.

4340 N 14



Tom Mithun

I object. 730-1635



Jean L Preister/Notes
07/16/2008 12:18 PM

To Jean L Preister/Notes.
cc
bcc
Subject Fw: Change of Zone No. 08036 - 14th Street and Superior Street

----- Forwarded by Thomas J Cajka/Notes on 07/16/2008 12:13 PM -----



Ted Triplett
<ttriplett@stellarstrategic.com
>
07/16/2008 11:47 AM

To <tcajka@lincoln.nc.gov>
cc
Subject Change of Zone No. 08036 - 14th Street and Superior Street

Tom,

Good morning. I received a letter late last week about an application for CHANGE OF ZONE NO. 08036, from R-2 Residential District to R-5 Residential District. I immediately started to be contacted by concerned neighbors

I wish I could be in attendance to get more information about this proposed change of zone. I could then share the information about the proposal to the neighborhood, so that we all could make a more informed decision. Unfortunately, I have a prior business commitment this afternoon. However, being the President of the Belmont Neighborhood association I thought I should at least present to you some of the things the neighbors expressed to me over the past weekend.

Important Note: The neighbors aren't concerned about a single family dwelling or a duplex being built on the property. No one wants to prevent the property owner from selling the property at present market value. Until perhaps recently, the property was simply overpriced... I myself had inquired about the property. We all realize that the only way the property owner will be able to sell the property for a better price is to sell it to a developer to build multi-dwelling units. The house on the property has no value.

Important Note: The neighbors have expressed that they want the property to remain R-2 zoning. Some neighbors have indicated an interest in purchasing the property (if necessary) to prevent the property from having multi-dwelling units built

There were many concerns were expressed by the neighbors. Here are a few that I can remember:

There are traffic and safety concerns.

There are concerns about the quality of the buildings that the developer would build on the property.

There were concerns about additional noise in the neighborhood

There were concerns about the type of housing being built...low income?

There were concerns about how this would impact property values in the neighborhood

There were concerns about how this would impact the "look" and "feel" of the current neighborhood.

There were concerns about this type of housing being built so close to Goodrich Middle School.

NOTE: A petition has been **started** by one neighbor who is against the re-zoning of the property. I signed the petition based on the knowledge I had, at the time, about this issue. The two neighbors next to the property (one to the south and one to the north) have since reconsidered and I believe have signed a petition against the re-zoning of the property. I was told (not sure fact) that the developer promised to help one neighbor with some tree removal if the proposal was approved. It's also my understanding that the developer sent a letter requesting that at least one neighbor not speak out publicly about the re-zoning issue (I saw the letter...however I didn't read it carefully).

Please contact me with any questions. Please confirm you rec'd this email!!!!

Thanks,

Ted Triplett
President, Belmont Neighborhood Association

Phone: 402-477-6699 or 402-310-9024