

FACTSHEET

TITLE: **CHANGE OF ZONE NO. 11039**, from R-3 Residential District and O-3 Office Park District to B-2 Planned Neighborhood Business District, requested by Grandmother's, Inc. and Prairie Life Limited Partnership, on property generally located northwest of the intersection of South 70th Street and A Street.

STAFF RECOMMENDATION: Approval.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: Consent Agenda: 11/16/11
Administrative Action: 11/16/11

RECOMMENDATION: Approval (9-0: Esseks, Lust, Larson, Gaylor Baird, Taylor, Sunderman, Partington, Francis and Cornelius voting 'yes'.)

FINDINGS:

1. This is a change of zone request from R-3 and O-3 to B-2 on approximately 6.48 acres, more or less, located northwest of the intersection of South 70th Street and A Street. The property is currently developed with a medical office building, a restaurant and a recreation facility which includes outdoor tennis courts and swimming pool. The change of zone is being requested to provide flexibility for retail uses within the development.
2. The staff recommendation of approval is based upon the "Analysis" as set forth on p.4-5, concluding that this change of zone request is consistent with the commercial land use designation as stated in the Comprehensive Plan. The orientation and layout of the center, combined with the range of uses allowed in the B-2 zoning district, are compatible with the surrounding properties and land uses.
3. A copy of the letter sent by the applicant to the surrounding neighbors is found on p.11.
4. On November 16, 2011, 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 November 16, 2011, the Planning Commission agreed with the staff recommendation and voted 9-0 to recommend approval.

FACTSHEET PREPARED BY: Jean L. Preister

DATE: November 28, 2011

REVIEWED BY: _____

DATE: November 28, 2011

REFERENCE NUMBER: Q:\FS\CC\2011\CZ11039

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT
for November 16, 2011 PLANNING COMMISSION MEETING

PROJECT #: Change of Zone No. 11039 - Grandmothers/Prairie Life

PROPOSAL: Change the zoning from R-3 Residential and O-3 Office Park to B-2 Planned Neighborhood Business

LOCATION: Northwest of the intersection of South 70th and A Streets

LAND AREA: Approximately 6.48 acres.

EXISTING ZONING: R-3 Residential, O-3 Office Park

CONCLUSION: This request is consistent with the commercial land use designation as stated in the Comprehensive Plan. The orientation and layout of the center combined with the range of uses allowed in the B-2 zoning district are compatible with the surrounding properties and land uses.

<u>RECOMMENDATION:</u>	Approval
-------------------------------	----------

GENERAL INFORMATION:

LEGAL DESCRIPTION: All of Lot 81 I.T. and all of Lot 3, Prairie Life Center from O-3 to B-2, and that portion of Lot 2, Prairie Life Center zoned O-3 to B-2, and that portion of Lot 2, Prairie Life Center zoned R-3 to B-2, all located in the SW 1/4 of Section 28, T10N, R7E, Lancaster County, Nebraska.

EXISTING LAND USE: Medical Office, recreation facility, restaurant.

SURROUNDING LAND USE AND ZONING:

North:	Retirement Housing	R-3
South:	Commercial (Clocktower Center)	B-2
East:	Seacrest Park	P
West:	Medical Office	O-3

HISTORY:

1959 - This area was zoned A-1 Single-family.

Sep 1970 - A request to re-zone this area to G Local Business, F Restricted Commercial, and D Multiple Dwelling was denied.

Mar 1971 - An request to re-zone to C Multiple Dwelling was denied.

Nov 1976 - A request to re-zone to G Local Business was denied.

May 1979 - This site was converted to R-3 Residential with the Zoning Update.

Jun 1980 - The site was re-zoned O-3 and Use Permit #6 and Special Permit #896 were approved allowing a medical testing lab, restaurant and recreation facility.

Dec 1981 - Use Permit #6A and Special Permit #896A were approved allowing a medical testing lab, recreation facility, restaurant, and bank were approved.

Aug 1995 - Combined UP/SP #8 was approved allowing a medical office building in addition to the existing uses.

Mar 1998 - Combined UP/SP#8A to adjust yard setbacks to allow signs closer to the street was withdrawn

May 1998 - Combined UP/SP#8B was approved allowing additional office floor area, waiving the limit on the number of signs allowed, adjusting setbacks, relocating required landscaping.

2040 COMPREHENSIVE PLAN SPECIFICATIONS:

Pg 1.9 - The Future Land Use Map designates this area for commercial land uses.

Pg 5.2 - Guiding Principles

- Seek to efficiently utilize investments in existing and future public infrastructure to advance economic development opportunities.
- Provide flexibility to the marketplace in siting future commercial and industrial locations.
- Strive for predictability for neighborhoods and developers.
- Encourage and provide incentives for mixed uses in future developments.
- Encourage commercial centers to encompass a broad range of land uses with the integration of compatible land use types.

Pg 5.5 - Commercial and Industrial Development

- Within the City of Lincoln or incorporated villages.
- Outside of saline wetlands, signature habitat areas, native prairie and floodplain areas (except for areas of existing commercial and industrial zoning).
- Where urban services and infrastructure are available or planned for in the near term.
- In sites supported by adequate road capacity - commercial development should be linked to the implementation of the transportation plan.
- In areas compatible with existing or planned residential uses.
- In existing underdeveloped or redeveloping commercial and industrial areas in order to remove blighted conditions and to more efficiently utilize existing infrastructure.
- In areas accessible by various modes of transportation (i.e. automobile, bicycle, transit, and pedestrian).

Pg 5.14 - Commercial Infill - Strategies

- Discourage auto-oriented strip commercial development and seek opportunities for residential mixed use redevelopment and/or transit oriented development of existing commercial strips.
- Develop infill commercial areas to be compatible with the character of the area.
- Maintain and encourage businesses that conveniently serve nearby residents, while ensuring compatibility with adjacent neighborhoods.

- Avoid encroachment into existing neighborhoods during expansion of existing commercial and industrial uses, and take steps to ensure expansions are in scale with the adjacent neighborhood, are properly screened, fulfill a demonstrated need and are beneficial to health and safety.
- Ensure the priority in older areas is on retaining areas for residential development. Prior to approving the removal of housing in order to provide for additional parking to support existing centers.

Pg 6.3 - Mixed Use Redevelopment Approach

- To provide flexibility to the marketplace in siting future mixed use redevelopment locations.
- To offer existing neighborhoods, present and future residents, developers, other businesses, and infrastructure providers a level of predictability as to where such mixed use redevelopment concentrations might be located.
- To encourage and provide incentives for residential mixed use in redeveloping commercial and industrial areas.

ANALYSIS:

1. This is a request to change the zoning from R-3 and O-3 to B-2. The site is currently developed with a medical office building, a restaurant, and a recreation facility which includes outdoor tennis courts and swimming pool.
2. The entire site is zoned O-3 except the area of the tennis courts and swimming pool which is zoned R-3. This site is bounded by major arterial streets on the east and south, and is adjacent to high-density residential retirement facilities on both the north and west. The northwest corner of the site near the tennis courts is adjacent to an outlot for common open space associated with the neighboring attached single-family residential development.
3. The applicant notes the change of zone is being requested to provide flexibility for retail uses within the development.
4. There is a currently a combined use permit/special permit over the site. The use permit was required to develop the medical office in the O-3 zoning district, and the associated special permit was necessary to allow the restaurant, recreation facility and the medical testing lab located in the medical office building.
5. If re-zoned to B-2, the site will be assigned a pre-existing use permit at the owner's request. From that point forward amendments and modification will be required to follow the provisions for such changes as provided for in the Zoning Ordinance and will be subject to all B-2 height, area and use permit requirements. The medical office building will remain O-3 and a part of UP/SP#8 so a mix of uses is ensured.
6. The site is consistent with other B-2-zoned centers located near major intersections with respect to the surrounding land use pattern. The B-2 zoning district was intended to be located near newer, suburban neighborhoods and contains development standards designed to promote compatibility. In this case, a good transition is provided by the adjacent high-density retirement facilities from the center to the surrounding lower density neighborhoods. The area closest to single-family dwellings is near the northwest corner of the site, which is where the tennis courts and swimming pool are located. The closest point of a tennis court to the nearest adjacent dwelling is approximately 60 feet.

7. A comparison of the setbacks and a list of selected typical permitted uses between the O-3 and B-2 zoning districts is as follows:

	<u>O-3</u>	<u>B-2</u>
Setbacks:		
Front -	30'	20'
Side -	15', or same as abutting district, whichever is greater	0', or 20' when abutting residential
Rear -	40'	0', or 50' when abutting Residential
Typical Permitted Uses:	Office, apartments, banks, domiciliary care, pharmacy, nonprofit, retirement housing, group home (LMC 27.27.020).	Banks, service stations, Office, restaurants, retail sales, garden centers, dry cleaning, private schools, enclosed recreation facility (LMC 27.31.030).

8. The proposed change of zone will potentially allow for more efficient use of the site by the expanded range of uses allowed in the B-2. It will provide additional flexibility to better provide a mix of uses more suited for the area as the needs of the neighborhood and surrounding market change. Future development and redevelopment will still be subject to the requirements of the B-2 zoning district thereby maintaining compatibility, but could serve to help the area to remain viable by enhancing development potential.

Prepared by:

Brian Will, 441-6362, bwill@lincoln.ne.gov
 Planner
 October 31, 2011

**APPLICANT/
 CONTACT:**

Mark Hunzeker
 1248 O Street Suite 600
 Lincoln, NE 68508
 402.475.1075

OWNER:

Grandmother's Inc. and Prairie Life Limited Partnership
 5310 South 84th Street Suite 200
 Omaha, NE 68127
 402.334.1007

CHANGE OF ZONE NO. 11039

CONSENT AGENDA
PUBLIC HEARING & ADMINISTRATIVE ACTION
BEFORE PLANNING COMMISSION:

November 16, 2011

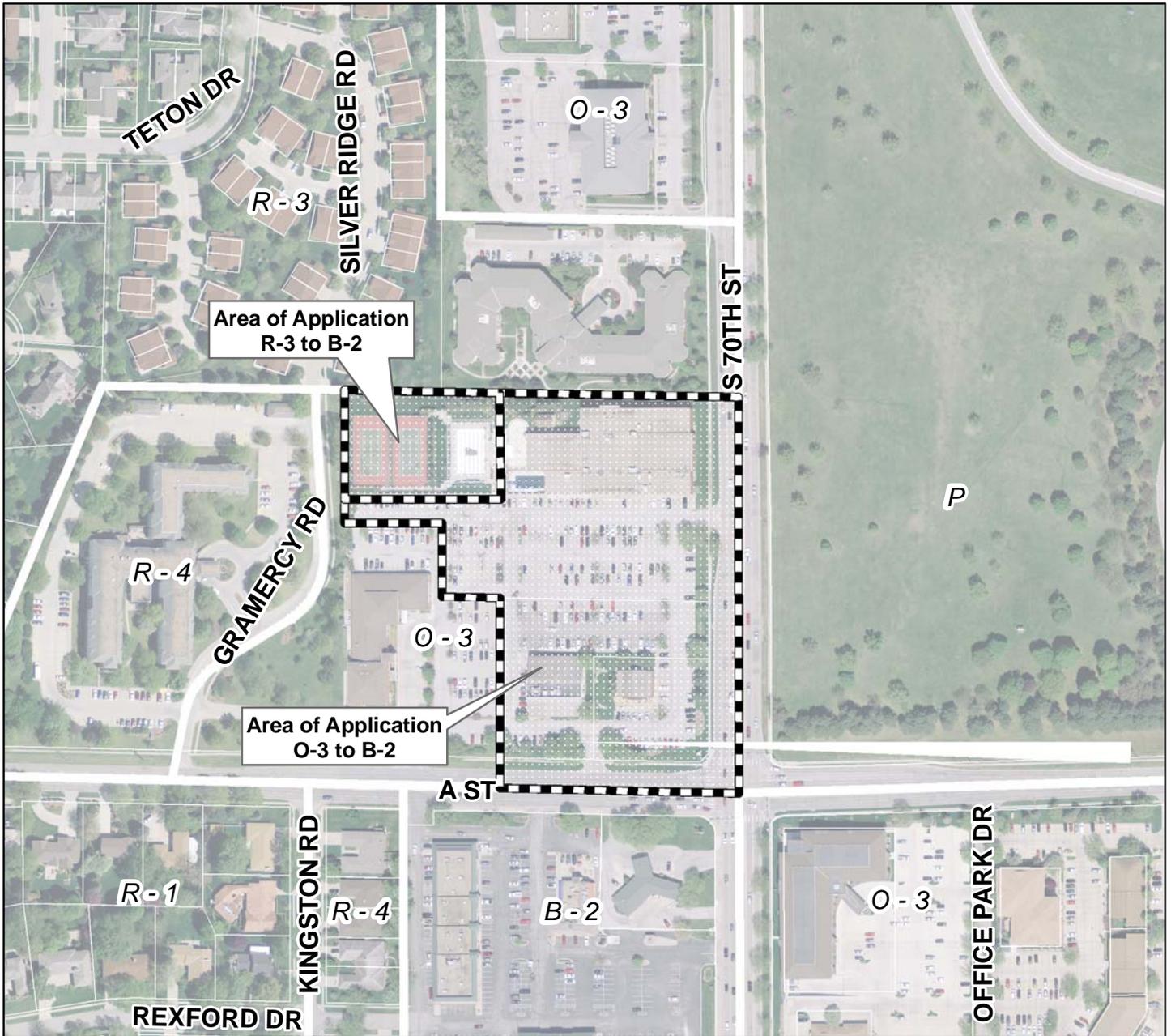
Members present: Gaylor Baird, Cornelius, Esseks, Francis, Larson, Lust, Partington, Sunderman and Taylor.

The Consent Agenda consisted of the following items: **CHANGE OF ZONE NO. 11039** and **SPECIAL PERMIT NO. 11028**.

Ex Parte Communications: None

Francis moved approval of the Consent Agenda, seconded by Lust and carried 9-0: Gaylor Baird, Cornelius, Esseks, Francis, Larson, Lust, Partington, Sunderman and Taylor voting 'yes'.

Note: This is final action on Special Permit No. 11028, 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.



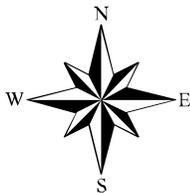
2010 aerial

**Change of Zone #11039
S 70th & A St
O-3 to B-2 and R-3 to B-2**

Zoning:

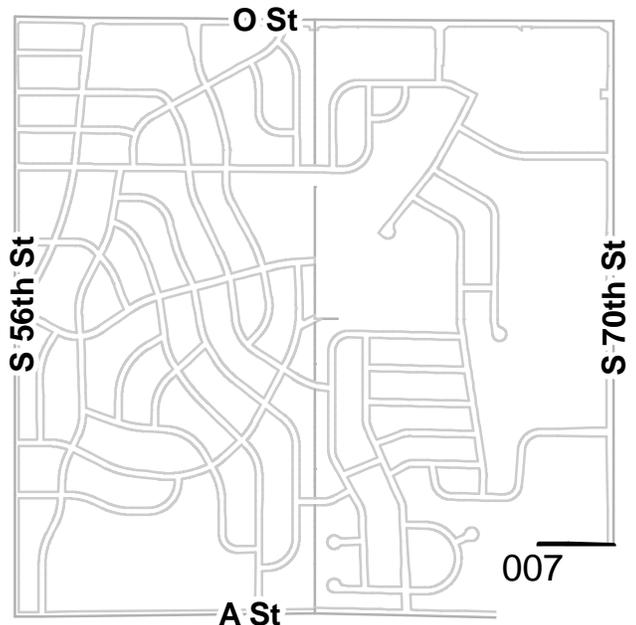
- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial 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

m:\plan\arcview\Agendadrawings.mxd (CZ11039)



**One Square Mile
Sec. 28 T10N R07E**

- Area of Application
- Zoning Jurisdiction Lines
- City Limit Jurisdiction





WALTER E. ZINK II
RANDALL L. GOYETTE*
STEPHEN S. GEALY
GAIL S. PERRY
DALLAS D. JONES
JILL GRADWOHL SCHRÖEDER
DAVID A. DUDLEY
BRENDA S. SPILKER
STEPHANIE F. STACY
W. SCOTT DAVIS
MARK A. HUNZEKER

WILLIAM G. BLAKE
PETER W. KATT
CHRISTOPHER M. FERDICO
DARLA S. IDEUS
JARROD S. BOJTNOTT
TIMOTHY E. CLARKE
ANDREW M. LOUDON
CHRISTINA L. BALL**
JENNY L. PANKO
CAROLINE M. WESTERHOLD*
DEREK C. ZIMMERMAN

JARROD P. CROUSE
ANDREA D. SNOWDEN
JULIE M. KARAVAS
COLIN A. MUES*
TORREY L. JANUS GERDES
CHRISTOPHER M. REID

OF COUNSEL
DONALD R. WITT
ROBERT T. GRIMIT
J. ARTHUR CURTISS

*ALSO ADMITTED IN IOWA
**ALSO ADMITTED IN KANSAS

October 19, 2011

Mr. Marvin Krout, Director
City County Planning Department
City of Lincoln
555 S. 10th Street
Lincoln, NE 68508

RE: Change of Zone; NW Corner of 70th and A Street

Dear Mr. Krout:

Attached is an Application for rezoning of Lots 2 and 3, Prairie Life Center Addition and Lot 81 I.T. in the SW ¼ of Section 28, T10N, R7E, of the 6th P.M., Lincoln, Lancaster County, Nebraska, except a portion of Lot 81 described as follows:

Beginning at the southeast corner of Lot 81 I.T.; thence west along the south line of said Lot 81 I.T. a distance of 15.03 feet; thence northeasterly along a line which deflects 133° 42' 09" right from the last described course, a distance of 21.23 feet to a point on the east line of said Lot 81 I.T., thence south along said east lot line a distance of 15.35 feet to the Point of Beginning, containing a calculated area of 115.34 square feet, more or less (Street Row).

The application is made on behalf of the owners, Prairie Life Limited Partnership and Grandmothers, Inc. The purpose of the application is to provide flexibility for retail uses in the development. Please call if you have any questions.

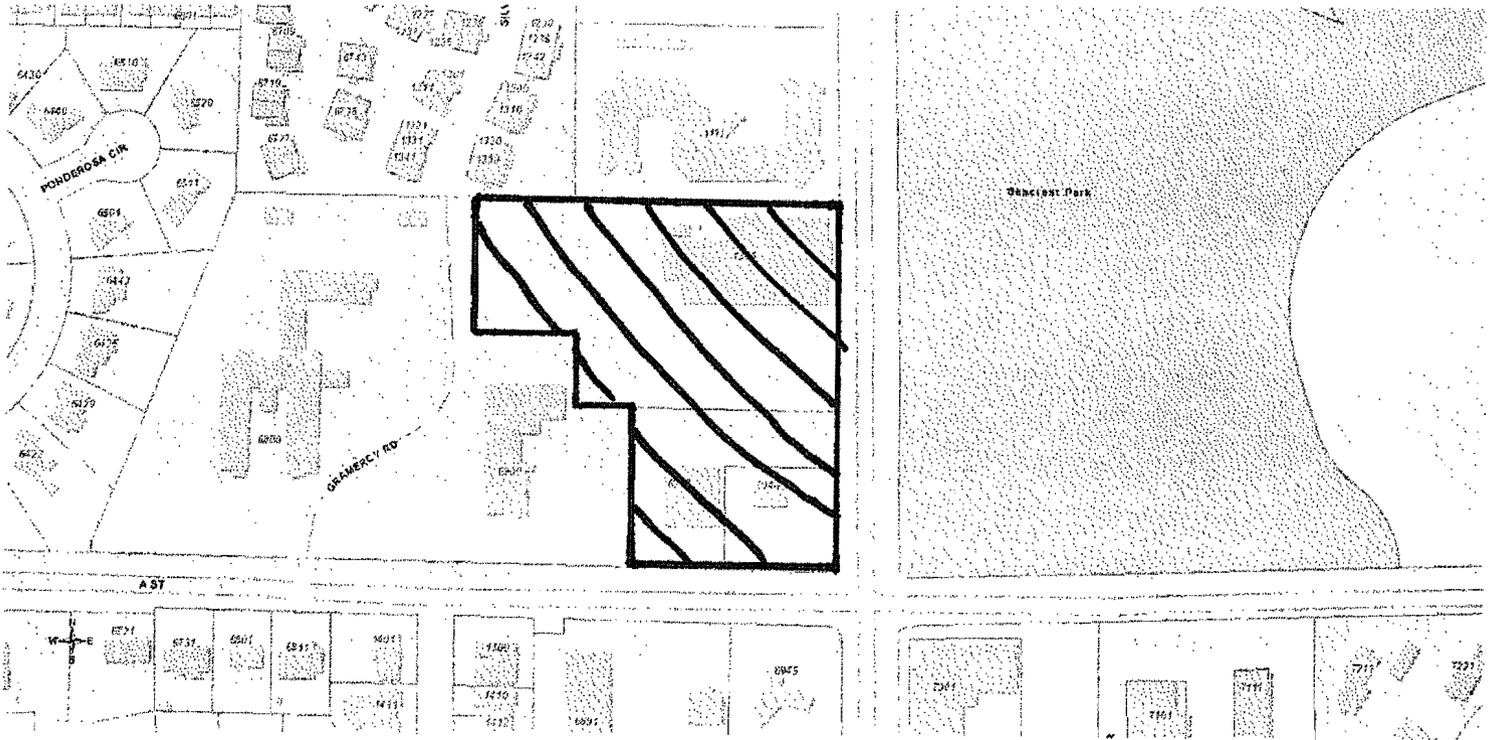
Sincerely,

Mark A. Hunzeker
For the Firm
mhunzeker@bayloreven.com

MAH/smj
Encl. 544871

008

City of Lincoln/Lancaster County GIS Map Area of Proposed Change of Zone



Printed on Mon Oct 10 2011 11:09:57 AM.

November 10, 2011

ITEM NO. 1.1: CHANGE OF ZONE NO. 11039
(p.1 - Consent Agenda - 11/16/11)

Dear neighbors:

You recently received a notice from the Planning Department that we have requested the rezoning of our property at 70th and A Streets from O-3 office to B-2 Planned Neighborhood Business District. The purpose of this letter is to explain our reasons for doing so.

First, I want to assure you that there will be NO CHANGES to the Prairie Life Center fitness club, pool and tennis court area. That area was included in our application because the B-2 District requires a minimum district size of five acres, and without that area we could not meet the requirement.

Second, as to the area nearest the 70th and A intersection, we have had inquiries about the possibility of retail type uses over the past few years. We have declined serious discussion of those opportunities because we had existing lease obligations. We have decided to request appropriate zoning to be in a position to consider future opportunities should they arise.

There are no immediate plans for change of any current uses. Any change will require submission of an application for a use permit which shows all proposed changes to buildings, parking, landscaping, etc. You will be notified of any such application as you were of this one, and it will have public hearing before the Planning Commission as well.

We believe we have been good neighbors over the past 26 years, and we have no intention of changing that. We will keep you informed if and when any change is proposed.

Sincerely,



Dean Rasmussen
President