

City Council Introduction: January 5, 2015
Public Hearing: January 12, 2015

Bill No. 15-7

FACTSHEET

TITLE: CHANGE OF ZONE NO. 14030
(North 44th Street and Colfax Circle)

BOARD/COMMITTEE: Planning Commission

APPLICANT: Acting Director of Planning

RECOMMENDATION: Approval (9-0: Sunderman, Harris, Beecham, Cornelius, Hove, Weber, Scheer, Corr and Lust voting 'yes').

STAFF RECOMMENDATION: Approval,

OTHER DEPARTMENTS AFFECTED: None.

SPONSOR: Planning Department

OPPONENTS: None

REASON FOR LEGISLATION:

To change the zoning from H-3 Highway Commercial District to R-2 Residential District and I-1 Industrial District on property generally located at North 44th Street and Colfax Circle.

DISCUSSION / FINDINGS OF FACT:

1. The purpose of the change of zone from H-3 to R-2 will make all of the houses conforming and match the R-2 zoning on the north side of Colfax Circle. The change of zone from H-3 to I-1 is a clean-up item.
2. The staff recommendation to approve the change of zone request is based upon the "Analysis" as set forth on p.3, concluding that the approval of this change of zone will correct the zoning and bring the residential properties into conformance.
3. On December 10, 2014, this application appeared on the Consent Agenda of the Planning Commission and was opened for public hearing. No one came forward to speak.
4. On December 10, 2014, the Planning Commission agreed with the staff recommendation and voted 9-0 to recommend approval of this change of zone request.

FACTSHEET PREPARED BY: Jean Preister, Administrative Officer

DATE: December 29, 2014

REVIEWED BY: Stephen S. Henrichsen, Development Review Manager

DATE: December 29, 2014

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT
for DECEMBER 10, 2014 PLANNING COMMISSION MEETING

PROJECT #: Change of Zone No.14030

PROPOSAL: From H-3 Highway Commercial to R-2 Residential on Lots 4-20, Block 1 Tranquility Base and from H-3 to I-1 Industrial on a portion of Lot 131 Irregular Tract.

LOCATION: N. 44th Street and Colfax Circle

LAND AREA: 2.2 acres, more or less

EXISTING ZONING: H-3 Highway Commercial

CONCLUSION: Approval of this change of zone will make the residential uses conforming and the R-2 zoning will match the zoning on the north side of Colfax Circle.

RECOMMENDATION:	Approval
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GENERAL INFORMATION:

LEGAL DESCRIPTION: Lots 4-20, Block 1, Tranquility Base and a portion of Lot 131 I.T located in the NW 1/4 of Section 8-10-7, Lancaster County, NE.

EXISTING LAND USE: Single family and two-family residential

SURROUNDING LAND USE AND ZONING:

North:	R-2 Residential	Single family and two-family residential
South:	H-3 Highway Commercial	Auto repair and auto sales
East:	H-3 Highway Commercial	Commercial
	I-1 Industrial	Warehouse and manufacturing
West	R-2 and R-5 Residential	Single family, two-family and multiple family residential

HISTORY:

This area was rezoned from H-2 Highway Commercial District to H-3 Highway Commercial District with the City wide 1979 zoning update.

COMPREHENSIVE PLAN SPECIFICATIONS:

Continue policies such as down-zoning that maintain a mix of single family and multi-family housing and support home ownership. (p.7.2)

Promote sustainability and resource conservation by preserving and improving housing in existing neighborhoods. (p.7.2)

Preserving existing housing and promoting homeownership should remain the focus in established neighborhoods. (p.7.8)

ANALYSIS:

1. This area was zoned H-2 Highway Commercial District pre 1979. In 1979 there was a city wide zoning update. This area was changed to H-3 Highway Commercial District. The Planning Director is the applicant to correct the zoning at this location.
2. When this area was zoned H-2, residential uses were allowed as a permitted use. When the new zoning code was adopted in 1979, residential uses were no longer allowed in the H-1, H-2, H-3 or H-4 districts. All of the houses were built pre 1979. Due to this change in the zoning ordinance all of the residential uses became non-conforming.
3. The non-conforming status creates an additional burden on property owners when they want to add on to their house or build an accessory structure. In order to get a building permit they must first get approval of a special permit for expansion of a non-conforming use by Planning Commission.
4. A letter was sent to all of the affected property owners by the Planning Department explaining the reason for the change of zone. To date the Planning Department has not received any objections to this change of zone.
5. This change of zone from H-3 to R-2 would make all of the houses conforming and would match the R-2 zoning on the north side of Colfax Circle.
6. The change of zone from H-3 to I-1 is a clean up item. All of Lot 131 I.T. is zoned I-1 except for this small portion.

Prepared by:

Tom Cajka
Planner

DATE: November 13, 2014

APPLICANT: David Cary, Acting Planning Director
Lincoln-Lancaster County Planning Department

CONTACT: Tom Cajka, Planner
Lincoln-Lancaster County Planning Department
402-441-5662

CHANGE OF ZONE NO. 14030

CONSENT AGENDA
PUBLIC HEARING & ADMINISTRATIVE ACTION
BEFORE PLANNING COMMISSION:

December 10, 2014

Members present: Scheer, Harris, Cornelius, Beecham, Corr, Sunderman, Weber, Hove and Lust.

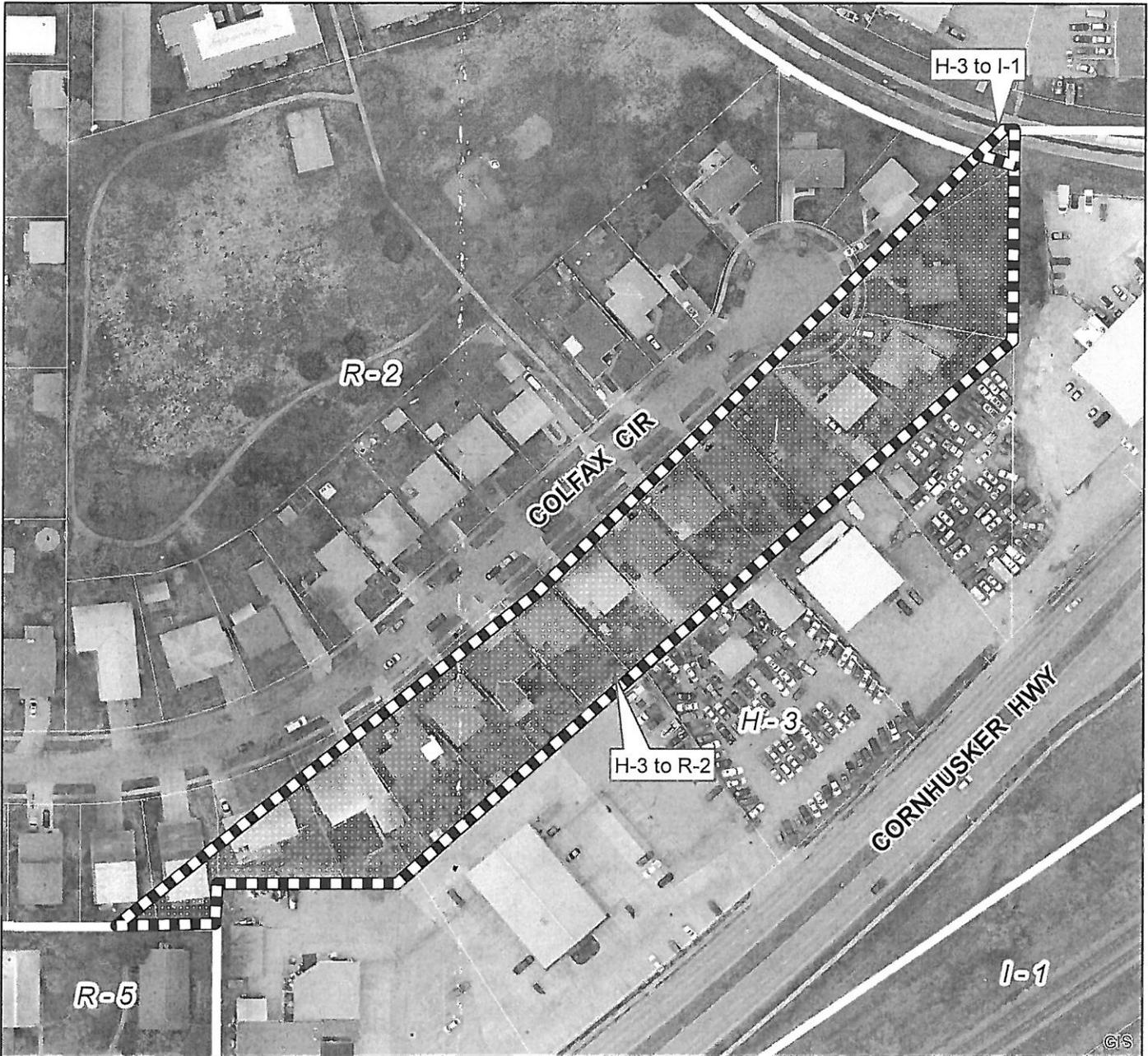
The Consent Agenda consisted of the following items: **CITY TEXT AMENDMENT NO. 14019 and COUNTY TEXT AMENDMENT NO. 14020; ANNEXATION NO. 14006, CHANGE OF ZONE NO. 14031 and SPECIAL PERMIT NO. 14050; CHANGE OF ZONE NO. 14030; SPECIAL PERMIT NO. 14048 and STREET & ALLEY VACATION NO. 14011; STREET & ALLEY VACATION NO. 14010; and STREET & ALLEY VACATION NO. 14012.**

There were no ex parte communications disclosed.

Item No. 1.5, Street & Alley Vacation No. 14010, was removed from the Consent Agenda and had separate public hearing.

Cornelius moved approval of the remaining Consent Agenda, seconded by Hove and carried 9-0: Scheer, Harris, Cornelius, Beecham, Corr, Sunderman, Weber, Hove and Lust voting 'yes'.

Note: This is final action on Special Permit No. 14050 and Special Permit No. 14048, unless appealed to the City Council by filing a letter of appeal with the City Clerk within 14 days.

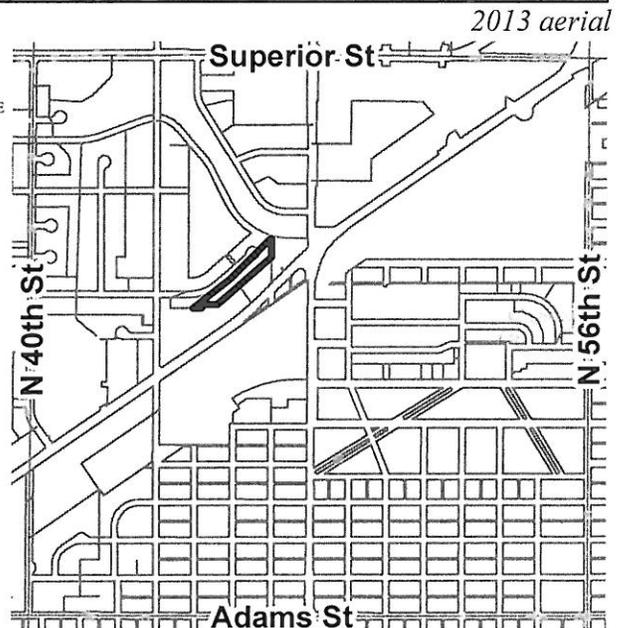
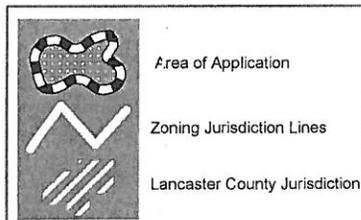


Change of Zone #: CZ14030
Tranquility Base
N 44th St & Colfax Cir

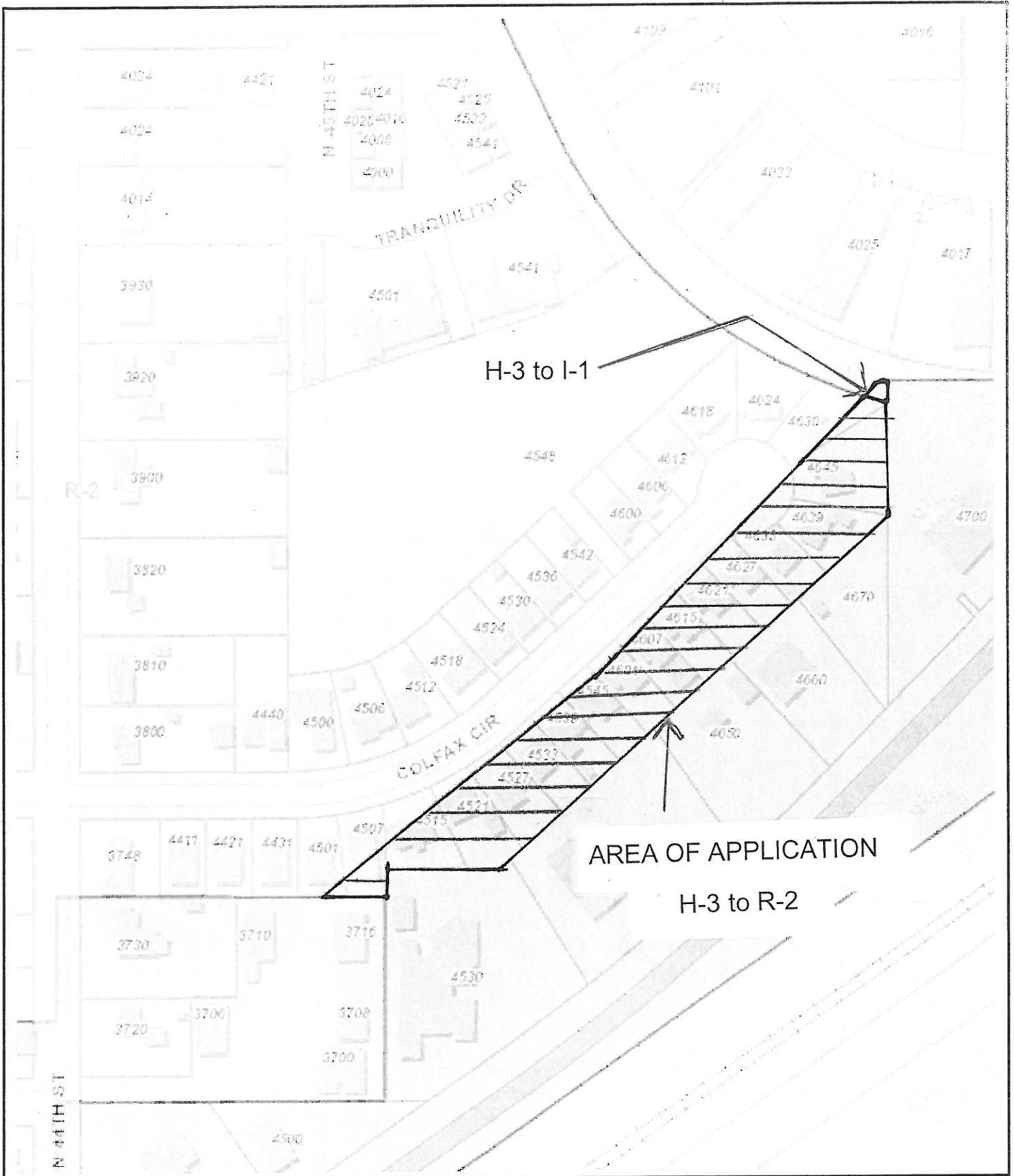
Zoning:

- 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

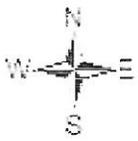
One Square Mile:
 Sec.08 T10N R07E



2013 aerial



Lancaster County/City of Lincoln GIS Map



Printed: Oct 28, 2014

DISCLAIMER: The information is presented on a best-efforts basis, and should not be relied upon for making financial, survey, legal or other commitments. If you have questions or comments regarding the data displayed on this map, please email ags@lincoln.ne.gov and you will be directed to the appropriate department.

November 4, 2014

RE: Change of Zone #14030 H-3 Highway Commercial to R-2 Residential

Dear Property Owner:

The purpose of this letter is to advise you that the Planning Director is proposing a change of zone on properties from 4507 to 4645 on the south side of Colfax Circle and 4630 Colfax Circle. Recently the property owner at 4627 Colfax Circle requested a building permit. The building permit was denied because the property is zoned H-3 Highway Commercial and is classified as a non-conforming use. Residential uses are not allowed in the H-3 District. The properties from 4507 to 4645 & 4630 south side of Colfax Circle are currently zoned H-3 Highway Commercial. (See shaded area on map). When these house were built, pre 1979, residential uses were allowed in commercial districts. In 1979 there was a city wide zoning update and residential uses were no longer permitted in Highway Commercial Districts. This resulted in residential uses becoming non-conforming in most commercial districts.

What this means is that if you wanted to add on to your house or build an accessory structure you would have to apply for a special permit for expansion of a non-conforming use and have a public hearing before the Planning Commission. The Planning Department is proposing a change of zone to R-2 Residential to alleviate the need for a special permit. The R-2 zoning would make all of the houses conforming and would match the zoning district on the north side of the street.

If you have any questions, please feel free to contact me at 441-5662, tcajka@lincoln.ne.gov

Sincerely,


Tom Cajka
Planner

