

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for January 7, 2004 PLANNING COMMISSION MEETING

P.A.S.: Change of Zone #3433

PROPOSAL: Change the zoning from R-4 Residential to O-3 Office Park on two lots adjacent to the Gallup campus, for the purpose of joining these lots to the existing use permit for Gallup, and constructing an office building.

LOCATION: Haverford Drive and "L" Street

LAND AREA: 14,400 square feet, more or less.

CONCLUSION: This request to change the zoning from R-4 to O-3 on these lots does not conform to the goals and principles of the Comprehensive Plan.

RECOMMENDATION:

Denial

GENERAL INFORMATION:

LEGAL DESCRIPTION:

Lots 3 and 4, Executive Center 1st Addition, located in the NE 1/4 of Section 29 T10N R7E, Lancaster County, Nebraska.

EXISTING ZONING: R-4 Residential

EXISTING LAND USE: Vacant

SURROUNDING LAND USE AND ZONING:

North:	Single-family Residential	R-4 Residential
South:	Single-family Residential	R-4 Residential
East:	Offices	O-3 Office Park
West:	Single-family Residential	R-4 Residential

ASSOCIATED APPLICATIONS: Use Permit #33C

HISTORY:

Oct 1994 Change of Zone #2852 approved the rezoning of Lots 12-20, Tews' Tract, from R-4 Residential to O-3 Office Park. The original proposal included Lots 9 and 10, now known as Lots 3 and 4, Executive Center 1st Addition, as well. The Planning Department opposed changing Lots 9 and 10, and Applicant subsequently removed those lots from the request.

May 1979 The zoning update changed zoning on this property from A-1 Single-Family Dwelling to R-4 Residential.

COMPREHENSIVE PLAN SPECIFICATIONS:

The 2025 Land Use Plan shows this area as Urban Residential. (F 25)

Urban Residential: Multi-family and single-family residential uses in areas with varying densities ranging from more than fifteen dwelling units per acre to less than one dwelling per acre. (F 27)

The community continues its commitment to neighborhoods. Neighborhoods remain one of Lincoln's great strengths and their conservation is fundamental to this plan. The health of Lincoln's varied neighborhoods and districts depends on implementing appropriate and individualized policies. The Comprehensive Plan is the basis for zoning and land development decisions. It guides decisions that will maintain the quality and character of the community's established neighborhoods. (F 15)

Guiding Principles for Commerce Centers

New or established commercial uses should not encroach upon, or expand into, existing neighborhoods. (F 41)

Guiding Principles for New and Existing Neighborhoods

Similar housing types face each other: single family faces single family, change to different use at rear of lot. (F 67)

Encourage a mix of compatible land uses in neighborhoods, but similar uses on the same block face. Similar housing types face each other: single-family faces single-family, change to different use at rear of lot...Expansion in existing [commercial] centers should not encroach, or expand to encroach, on existing neighborhoods, and commercial areas must be screened from residential areas. (F 69)

ALTERNATIVE USES:

These lots could be developed with single-family dwellings or townhouse, similar to the adjacent lots to the north, thereby providing a more substantial buffer between the established residential neighborhood and the office park.

ANALYSIS:

1. This is a request to change the zoning from R-4 Residential to O-3 Office Park on two lots adjacent to the Gallup campus, for the purpose of joining these lots to the existing use permit for Gallup, and constructing an office building.
2. These two lots are located at the intersection of Haverford Drive and "L" Street. Although currently vacant, the lots are adjacent to single-family attached dwellings on the north, and across Haverford Drive and "L" Street from single-family detached dwellings.
3. This is a sensitive part of the Taylor Park neighborhood. The homes along Haverford Drive have served as the place where the neighborhood is separated from the old

Gallup campus and the recently expanded St. Elizabeth's Hospital campus. The O-3 Office Park District is intended to provide an appealing atmosphere, stressing the quality of the environment. Therefore, changes from residential character to intense commercial/office use are designed to occur at the rear of residential lots, giving the neighborhood a boundary of houses fronting the street, rather than using a street to separate the two distinct use patterns.

4. Although the O-3 Office Park District is intended to provide a mix of compatible and complimentary commercial and residential uses, the use permit as proposed does not. It provides only large scale office uses with no mixture of residential. Further, the proposal provides no buffer between the office uses and the residential area of the neighborhood. The current use permit utilizes the open space on these two lots to account for the lack of buffering between the residences and its vast parking lot.
5. Initially, townhouses were proposed along Haverford Drive to serve as a buffer, which would have provided similar uses facing the existing residential lots across the street. Currently, only the townhouses adjacent and north of these two lots are constructed. These two lots were intended to be developed in a similar fashion.
6. The O-3 Office Park designation is intended to be located on arterial streets in close proximity to commercial uses. The area of this use permit, in general, is located off of "O" and 70th Streets, which are arterials. The two lots proposed to be added are not located along an arterial. The addition of these lots expands the office uses further into the residential portion of the neighborhood. An alternative, Applicant could propose to utilize existing open area within the current boundaries of the use permit.
7. If this change of zone is approved, the O-3 Office Park district would allow office buildings, as well as some retail and service retail uses. Available Special Use Permits would include restaurants, including alcohol sales, medical testing laboratories, clubs, health care facilities, hotels and motels, and outdoor seasonal sales.
8. As part of Change of Zone #2852, the Planning Department was opposed to changing these two lots from R-4 Residential to O-3 Office Park. These lots were withdrawn from the request by the Applicant. The Staff analysis noted "The transition between the R-1 District and the O-3 District will be eliminated. The duplex lots were to serve as the buffer to the neighborhood. Although the applicant proposes open space across the street from the houses on Haverford, their view will be of a parking lot and parking garage. The residential structures would have visually buffered the "ground activity" on the site for these neighbors." This argument is still valid, and the duplex units remain a more appropriate use for these lots, as was originally proposed with Combined Use Permit/Special Permit #7.

Prepared by:

Greg Czaplewski
Planner

Date: December 22, 2003

Applicant: Alodium, L.L.C.
911 Evergreen Drive
Lincoln, NE 68510
438.4421

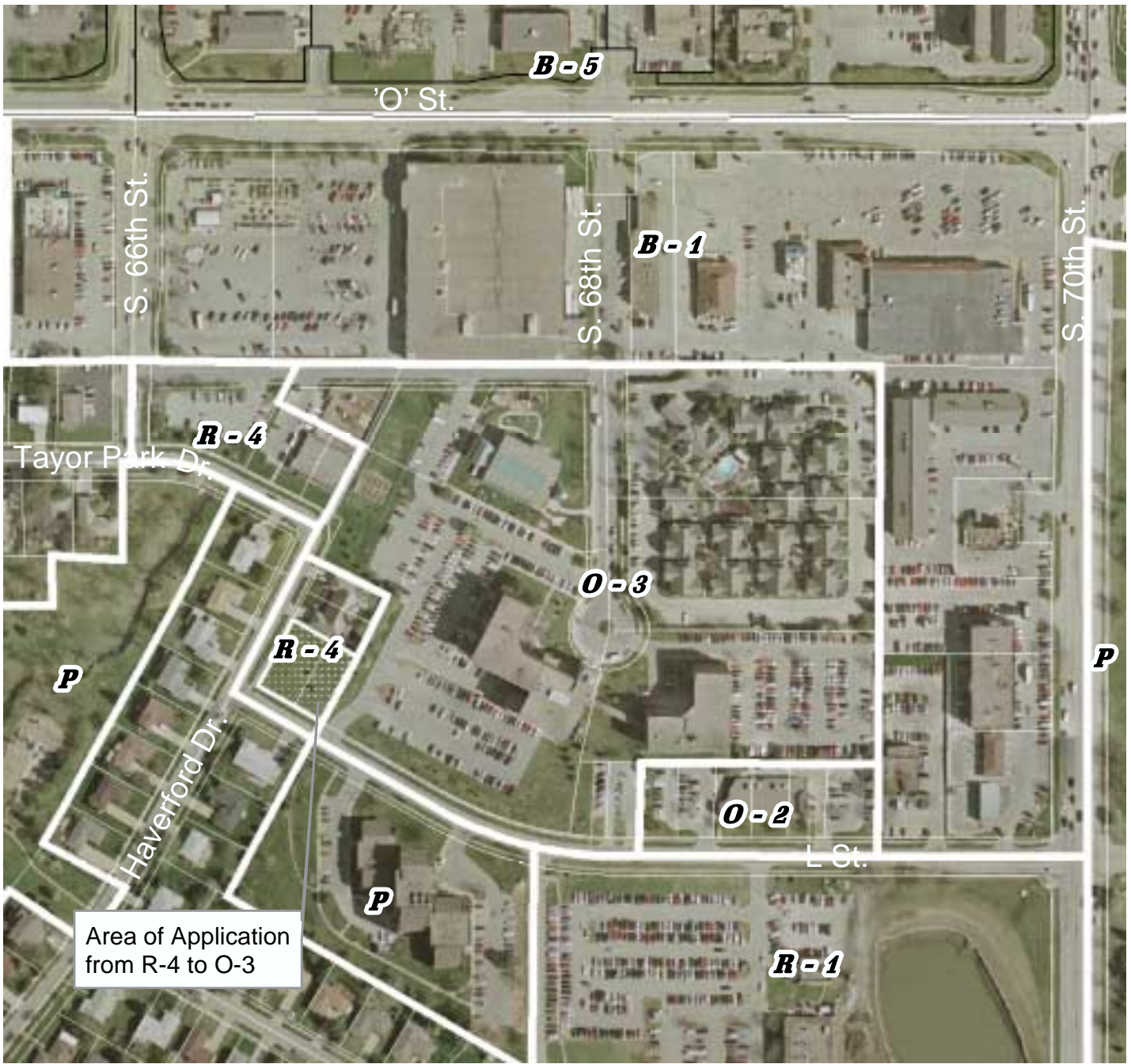
Owner: Gallup, Inc.
1001 Gallup Drive
Omaha, NE 68102
800.288.8592

Contact: Larry Albers
320 Commerce Court
1230 "O" Street
Lincoln, NE 68508
438.4421

Change of Zone #3433
Haverford Drive and "L" Street

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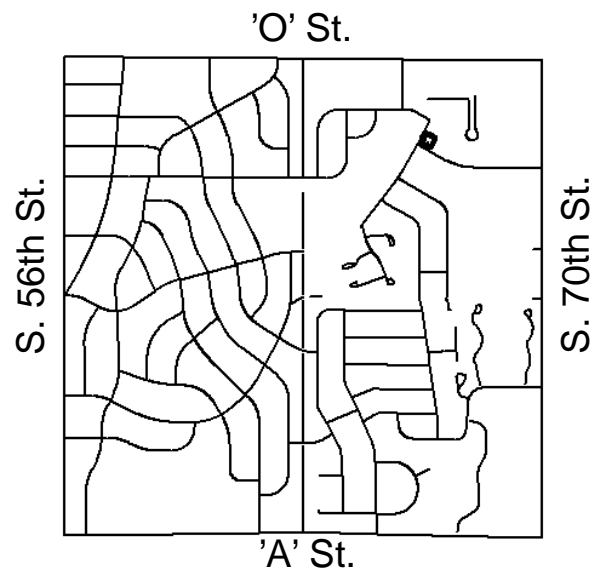
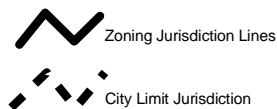
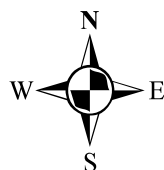
2002 aerial

Change of Zone #3433 Haverford Dr & L Street

Zoning:

- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- R-C Residential Conservation 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. 28 T10N R7E



Larry V. Albers

Attorney

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HAND DELIVERY

December 11, 2003

Greg Czaplewski
Lincoln-Lancaster County Planning Dept.
555 S 10th Street, Suite 213
Lincoln, NE 68508

DEC 11 2003

RE: Alodium, LLC: Application For Change of Zone and Application for Use Permit
Property: (Lots 3 & 4, Executive Center 1st Addition, Lincoln, Lancaster County,
Nebraska)

Dear Greg:

On behalf of Alodium, LLC, the Applicant, and Gallup, Inc., the Owner, I submit
the following:

- 1) City of Lincoln Zoning Application, the Application for Change of Zone;
- 2) City of Lincoln Zoning Application, the Application for Use Permit (7a,
amending Use Permit/Special Permit 7);
- 3) Use Permit Drawings - Davis Design - Existing Conditions (21 copies);
- 4) Use Permit Drawings Supplement - Alodium, LLC - Supplement No. 1 to Use
Permit Drawings - Existing Conditions prepared by Davis Design (21 Copies);
- 5) Use Permit Drawings Supplement - Alodium, LLC - Supplement No. 1 to Use
Permit Drawings - Existing Conditions prepared by Davis Design (21 Copies);
- 6) Use Permit Drawings - Davis Design - Proposed Conditions Phase 9 (21
copies);
- 7) Ownership Certificate;
- 8) A Check, No. 0097, for \$370.00 as filing fees for Change of Zone
Application; and
- 9) A Check, No. 0096, for \$740.00 as filing fees for Use Permit Application.

**COMBINED PURPOSE STATEMENT
CHANGE OF ZONE AND USE PERMIT**

The Introduction to the O-3 Zoning Classification reads as follows:

"This district is intended to provide a developing or redeveloping area primarily consisting of a mixture of office and other types of compatible and complementary commercial uses, and residential uses in suburban areas. This district is intended to be located on arterial streets in close proximity to commercial uses. This district is intended to provide an appealing atmosphere, stressing the quality of the environment."

The Applicant seeks to change the current zoning of the Property from R-4 to O-3, the zoning classification of the Gallup Office Park to the east and north. The initial development by David Tews called for approximately 30 lots to be zoned R-4 to run along the south border of the entire development tract, immediately adjacent to Haverford and L Streets. The original development was changed over the years until only 4 lots zoned R-4 remain, the rest of the lots having been rezoned to O-3. The only other lots remaining R-4 are immediately adjacent to the Property, improved with a duplex.

In the past, Gallup sought to use the Property for a parking lot associated with its larger office buildings. Gallup is selling all of its real estate in Lincoln, including the Property. The Applicant has met with the neighbors, as discussed below, and all parties affected are interest in seeing the Property's use remain compatible and complementary to the Office Park and to the abutting residential neighborhood.

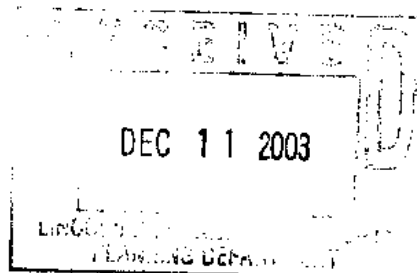
The Applicant also submits an application for a Use Permit as required by the City of Lincoln Zoning Code. The Applicant desires to construct a small office building on the Property with no more than 3,000 S.F. of floor area on the first floor, and 1,000 S.F. of floor area in the basement.

The Applicant believes it important that the new office building have a "transitional" design accommodating the residential character of the housing across Haverford and L Streets. To that end, the Applicant proposes further limiting conditions:

- 1) The Office Building will be limited to one story;
- 2) The exterior fascia to the Office Building will consist primarily of brick;
- 3) The Office Building will have a set back of 30 feet from the west property line as shown on the Use Permit Plans submitted, instead of the 20 feet otherwise allowed; and
- 4) Access will be limited to a drive located to the east directly into the access off L Street into the Gallup Office Park.

Space in the Office Building will be leased by the Applicant to Larry Albers for a law office. The traffic generated by such use is extremely low, perhaps 4 cars a day. The remaining space is anticipated to be leased for professional or other offices, the traffic to which is not anticipated to be significant given the limited parking of only 12 stalls on the Property.

Neighbors Interest.



Each neighbor within 200 feet of the site was sent a letter on September, 13, 2003, describing the proposed changes and a general description of the building and parking configuration. I then met with the Taylor Park Association President, Bill Brown, and reviewed the plans. Following the meeting, I called those neighbors with telephone numbers in the Alltel Directory to personally solicit any comments, concerns or suggestions. Then on Sunday, September 24, I attended the annual meeting of the Taylor Park Association held in Taylor Park, again reviewing the plans relating to parking, access, building size, use, and landscaping, I also solicited comments and questions from approximately 40 people in attendance.

The comments I received from the neighbors were encouraging, with most indicating a preference to a small office as opposed to a parking lot, or atypical residential housing. No one expressed any dissatisfaction with my plans, or offered any changes.

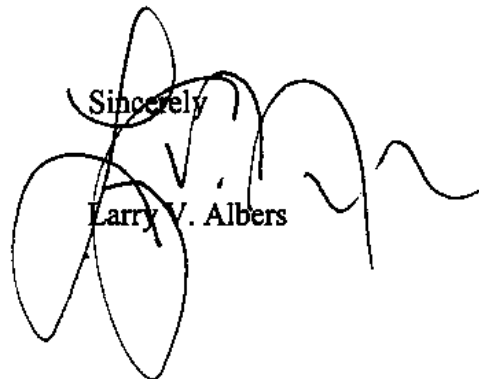
Since my discussions with the neighbors, the Applicant had to modify the plans to accommodate parking on the Property. A drawing showing the latest configuration was sent to all neighbors required or asked to be notified, and to the President of the Taylor Park Neighborhood Association.

Landscaping Plan.

Applicant requests that submittal and review of the landscaping plan be deferred until prior to the filing of an application for building permit. The deferral will allow Applicant to assess the final layout of the site. The landscaping plan submitted will comply with the City of Lincoln's "Design Standards For Screening And Landscaping."

If you have any questions, please let me know.

Thank you.

Sincerely

Larry V. Albers

LVA \ ss
cc: Evan Perkins (letter only)

