

City Council Introduction: **Monday**, April 28, 2003
Public Hearing: **Monday**, May 5, 2003, at **1:30 p.m.**

Bill No. 03-67

FACTSHEET

TITLE: CHANGE OF ZONE NO. 3402, from R-2 Residential to O-2 Suburban Office, requested by Dr. Dale Capek, on property generally located northwest of the intersection of South 48th and F Streets (875 South 48th Street).

STAFF RECOMMENDATION: Approval.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: Consent Agenda: 4/16/03
Administrative Action: 04/16/03

RECOMMENDATION: Approval (7-0: Carlson, Duvall, Larson, Newman, Schwinn, Steward and Bills-Strand voting 'yes'; Krieser and Taylor absent).

FINDINGS OF FACT:

1. The staff recommendation of approval is based upon the "Analysis" as set forth on p.3-4, concluding that the request is in conformance with the Comprehensive Plan.
2. On April 16, 2003, this application appeared on the Consent Agenda of the Planning Commission and was opened for public hearing. No one came forward to speak.
3. On April 16, 2003, the Planning Commission agreed with the staff recommendation and voted 7-0 to recommend approval of this change of zone request.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: April 21, 2003

REVIEWED BY: _____

DATE: April 21, 2003

REFERENCE NUMBER: FS\CC\2003\CZ.3402

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

P.A.S.: Change of Zone #3402

DATE: April 3, 2003

SCHEDULED PLANNING COMMISSION MEETING: April 16, 2003

PROPOSAL: Change of zone from R-2 to O-2.

PURPOSE: To allow the building to be used for general office uses and not be limited to a medical clinic per the approved special permit.

LAND AREA: Approximately 8,052 square feet.

CONCLUSION: This request is in conformance with the comprehensive plan.

RECOMMENDATION:

Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION: The south 60' of Sublot E, Lucas Subdivision, Lancaster County, Nebraska.

LOCATION: Northwest of the intersection of South 48th & F Streets.

EXISTING ZONING: R-2 Residential

EXISTING LAND USE: Office Building

SURROUNDING LAND USE AND ZONING:

North:	Office	O-2 Suburban Office
South:	Office	R-2 Residential
East:	Residential	R-2 Residential
West:	Residential	R-4 Residential

ASSOCIATED HISTORY: On **March 12, 2001**, City Council approved Change of Zone #3302 from R-2 to O-2 for the property adjacent to the north.

On **September 3, 1985**, City Council approved Change of Zone #2188 from R-2 to O-2 on property two lots to the north. The change of zone was found to be consistent with the Comprehensive Plan and to help promote stable land uses. Offices were previously allowed by special permit, but that provision has since been eliminated from the Zoning Ordinance.

On **August 30, 1982**, City Council approved Special Permit #65A, which allowed the expansion of the medical clinic on the NW corner of S. 48th St. and “F” St.

The subject property was converted from A-2 Single Family Dwelling to R-2 Residential with the **1979 Zoning Update**.

On **October 16, 1972**, City Council approved Special Permit #627 on the property two lots to the north. This permit allowed the operation of a radio station.

On **November 16, 1959**, City Council approved Special Permit #161, which allowed a medical clinic on the property to the north.

On **September 23, 1957**, City Council approved Special Permit #121, which allowed a medical clinic on the subject property.

On **September 6, 1955**, City Council approved Special Permit #65, which allowed a medical clinic on the NW corner of S. 48th St. and “F” St.

COMPREHENSIVE PLAN SPECIFICATIONS:

Page F17 - Preservation and renewal of historic buildings, districts, and landscapes is encouraged. Development and redevelopment should respect historical patterns, precedents, and boundaries in towns, cities and existing neighborhoods.

Page F25 - The Land Use Plan designates this site for future urban residential uses.

Page F38 - General Principles for all Commercial and Industrial Uses

Commercial and industrial districts in Lancaster County shall be located:

- 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 areas accessible by various modes of transportation (i.e. automobile, transit and pedestrian)
- so that they enhance entryways or public way corridors, when developing adjacent to these corridors
- in a manner that supports the creation and maintenance of green space as indicated in the environmental resources section of this Plan.

Page F49 - Encourage renovation and reuse of existing commercial centers. Infill commercial development should be compatible with the character of the area and pedestrian oriented.

UTILITIES: This site can be served by all utilities.

TRAFFIC ANALYSIS: This site is adjacent to and has driveway access off of South 48th Street, which is identified as an arterial street in the Comprehensive Plan.

ANALYSIS:

1. An office building has existed on this site since the special permit approving the medical clinic was approved in 1957. Other similar special permits have been approved in this area to the point where the entire block face along South 48th Street is occupied by office buildings.
2. In the past, medical clinics were allowed by special permit in any zoning district, however this provision has since been eliminated from the Zoning Ordinance. If this change of zone is approved, medical as well as other office uses would be permitted, and the existing special permit is no longer valid and will be rescinded.
3. The properties adjacent to the north are shown as Commercial on the Land Use Map of the Comprehensive Plan, however the subject property is shown as Urban Residential. The commercial designation recognizes the long-established uses in this area, as do the approved changes of zone to O-2. The commercial designation and zoning actions in this area are consistent with goals of the Comprehensive Plan that allow for both compatible infill development, and that recognize that office uses can serve as an appropriate transitional use.

Prepared by:

Brian Will
Planner

Applicant/

Contact: Dr. Dale Capek
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(402) 423-7588

Owner: Clayvena Capek
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(402) 423-7588

CHANGE OF ZONE NO. 3402

CONSENT AGENDA

PUBLIC HEARING AND ADMINISTRATIVE ACTION

BEFORE PLANNING COMMISSION:

April 16, 2003

Members present: Larson, Carlson, Bills-Strand, Duvall, Newman, Steward and Schwinn; Krieser and Taylor absent.

The Consent Agenda consisted of the following items: **CHANGE OF ZONE NO. 3402; PRE-EXISTING USE PERMIT NO. 3AB; FINAL PLAT NO. 03000, SUNSHINE HILLS ADDITION; and FINAL PLAT NO. 03005, LEE'S PLACE 5TH ADDITION.**

Steward moved to approve the Consent Agenda, seconded by Larson and carried 7-0: Carlson, Duvall, Larson, Newman, Schwinn, Steward and Bills-Strand voting 'yes'; Krieser and Taylor absent.

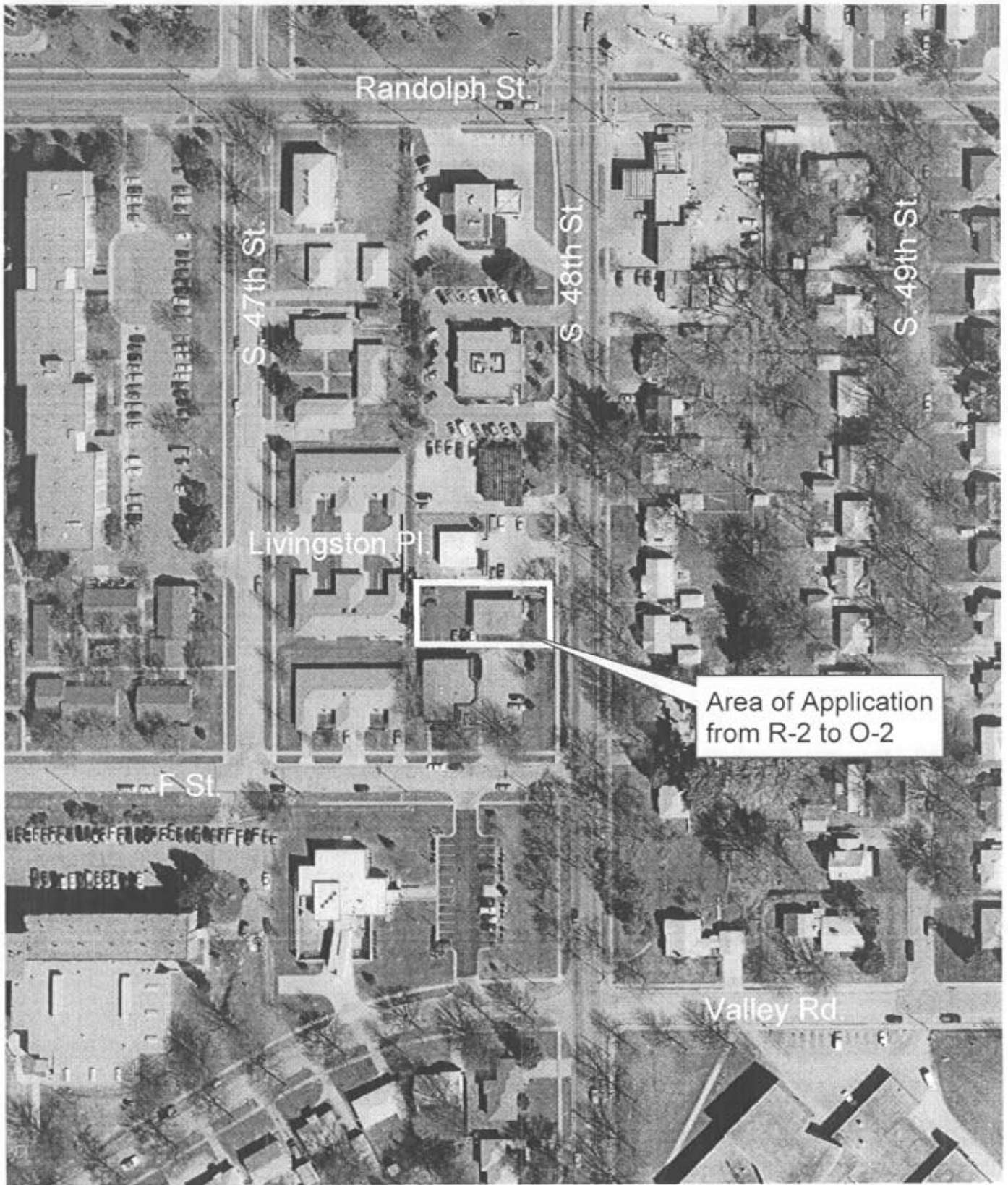
Note: This is final action on Sunshine hills Addition Final Plat No. 03000 and Lee's Place 5th Addition Final Plat No. 03005, unless appealed to the City Council by filing a letter of appeal with the City Clerk within 14 days of the action by the Planning Commission.

PURPOSE STATEMENT

The purpose of this Application is to request a change of zone from R-2 to O-2 for the property located at 875 South 48th Street, Lincoln, NE, the legal description of which is Lucas Sub Lot E S60'. The applicant, Dr. Dale Capek, requests this change of zone in order to allow investment advisors and other such professionals to use and occupy the subject property. Although currently zoned R-2, the property is subject to a special use permit allowing the property to be used as a dentist's office.

The applicant submits that the requested change in zone should be allowed for the following reasons, among others:

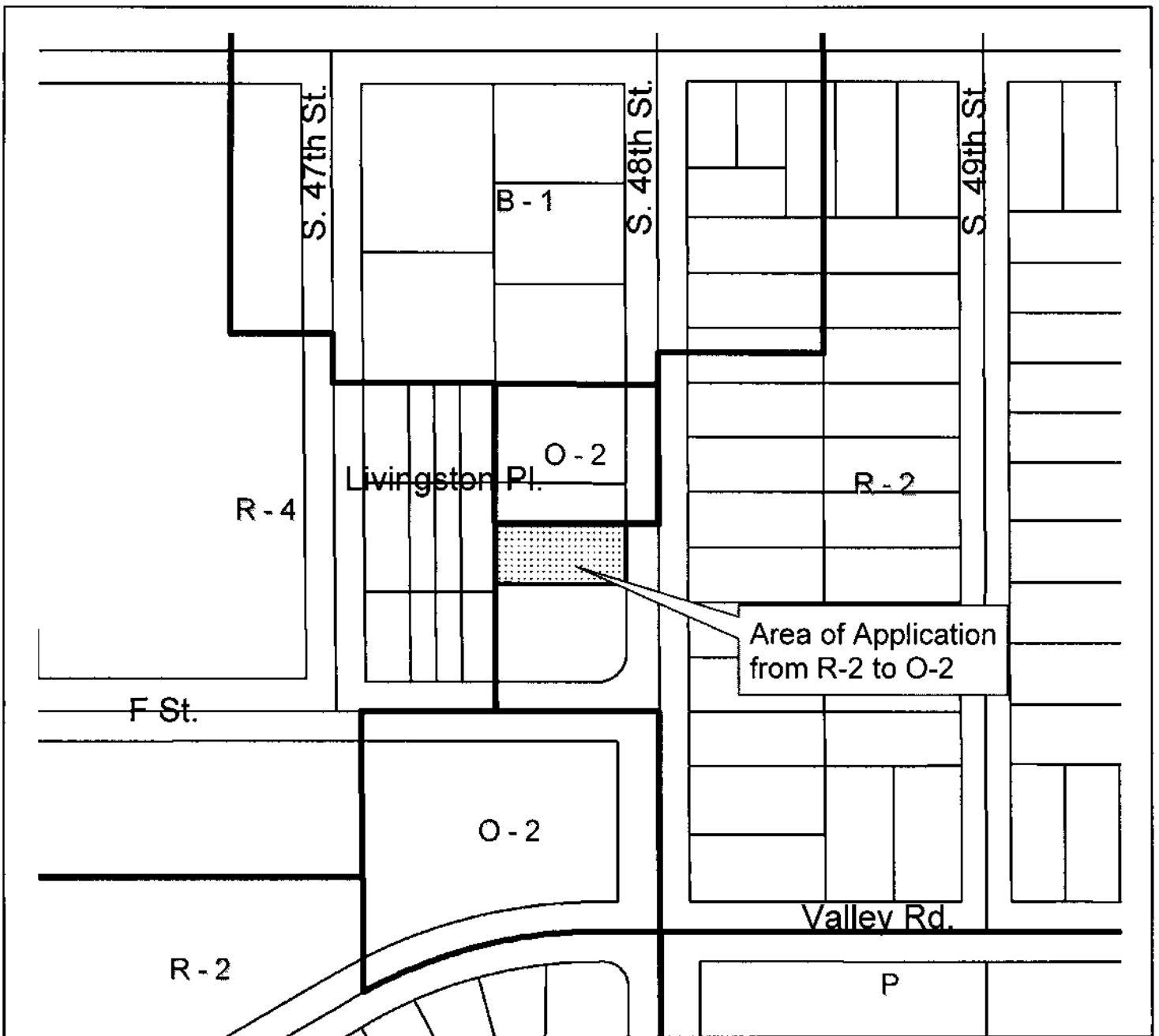
1. The northern 40' of Lucas Sub Lot E is currently zoned O-2;
2. Lucas Sub Lot D is currently zoned O-2;
3. Lucas Sub Lot F, although zoned R-2, is currently occupied by an office building;
4. The parking lot on the subject property is in conformance with the requirements of Lincoln Municipal Code §§ 27.26.060 and 27.67;
5. The height and area specifications of the subject property are in conformance with the requirements of Lincoln Municipal Code § 27.26.080; and
6. The proposed change of zone will have a minimal impact on the surrounding area.



**Change of Zone #3402
S. 48th & F St.**



Lincoln City - Lancaster County Planning Dept.
1997 aerial



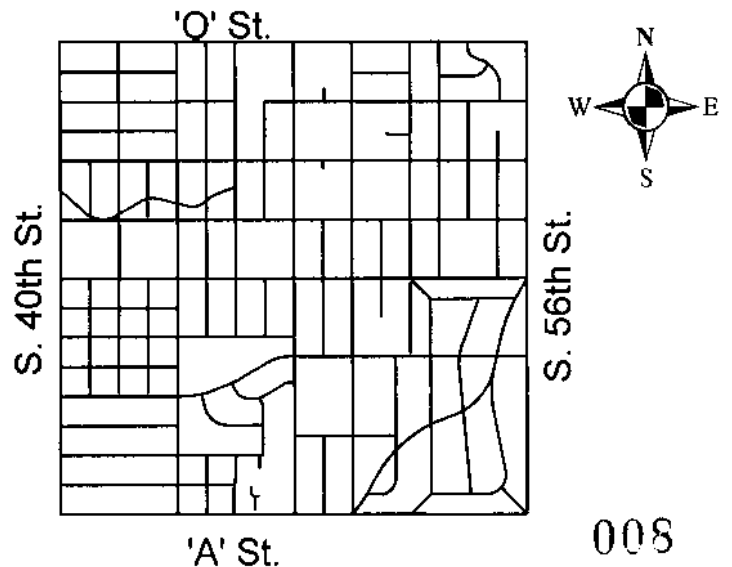
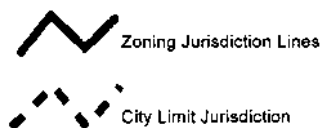
Change of Zone #3402

S. 48th & F St.

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. 29 T10N R7E



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