

City Council Introduction: **Monday**, March 29, 2004
Public Hearing: **Monday**, April 5, 2004, at **1:30 p.m.**

Bill No. 04-57

FACTSHEET

TITLE: **CHANGE OF ZONE NO. 04008**, a text amendment to Title 27 of the Lincoln Municipal Code, requested by Brian D. Carstens and Associates, to amend §§ 27.28.080(b) and (d) of the Zoning Ordinance to revise the parking requirements in the R-T Residential Transition zoning district to allow parking lots closer than 20 feet to a residential district when abutting a non-residential use.

STAFF RECOMMENDATION: Approval

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: Consent Agenda: 03/17/04
Administrative Action: 03/17/04

RECOMMENDATION: Approval (8-0: Carlson, Carroll, Larson, Marvin, Pearson, Bills-Strand, Sunderman and Taylor voting 'yes'; Krieser absent).

FINDINGS OF FACT:

1. The purpose of this proposed text amendment is to allow parking lots to be located closer than 20 feet to a residential district when the parking lot abuts a non-residential use.
2. The staff recommendation of approval is based upon the "Analysis" as set forth on p.2-3, concluding that the proposed text amendment does not change the buffer of the 20 ft. separation between parking lots and residential uses. This text change should not have any negative impact on neighborhoods.
3. On March 17, 2004, 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 March 17, 2004, the Planning Commission agreed with the staff recommendation and voted 8-0 to recommend approval.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: March 22, 2004

REVIEWED BY: _____

DATE: March 22, 2004

REFERENCE NUMBER: FS\CC\2004\CZ.04008

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for March 17, 2004 PLANNING COMMISSION MEETING

P.A.S.: Change of Zone #04008

PROPOSAL: Amend Section 27.28.080 (b) & (d) to revise the parking requirements in the R-T district.

CONCLUSION: The proposed text change would allow parking lots closer than 20 feet to a residential district when abutting a non residential use. This text change does not change the buffer of the 20 feet separation between parking lots and residential uses. This text change should not have any negative impact on neighborhoods.

RECOMMENDATION:

Approval

GENERAL INFORMATION:

HISTORY:

The R-T Residential Transition District was added to the Zoning Ordinance in October 1989.

ANALYSIS:

1. Following is the proposed text change:

27.28.080(b) When abutting a residential district, the side and rear yards shall be devoted entirely to trees, shrubs, and grasses, and secondary sidewalks in conjunction with landscaping; unless the abutting property is occupied by a non-residential use.

27.28.080(d) Parking lots, including driveways except for single-family and two-family dwellings, shall not be located closer than twenty feet to any residential zoning district, unless the abutting property is occupied by a non-residential use. ~~provided, however, the City Council may adjust these setbacks to facilitate the rehabilitation of existing houses.~~

2. The proposed text change applies only to the R-T District. Currently there are nine R-T areas within the City.

3. The proposed text change would allow parking lots to be located closer than 20 feet to a residential district when the parking lot abuts a non residential use. Non residential uses include, but are not limited to; libraries, parking lots, churches, cemeteries, broadcast towers, clubs, health care facilities and community buildings. In some cases this allows for a better parking lot design and circulation.

4. The intent of the 20 feet setback for parking lots was to provide a green space between the abutting residential dwelling and the parking lot. The proposed text change will not change the 20 feet setback when the parking lot abuts a residential use.
5. Although this proposed text change allows parking lots closer than 20 feet to residential districts in certain situations, the R-T district requires a Use Permit. The Use Permit allows the Planning Commission and City Council to review the site plan for compatibility with the adjacent neighborhood.

Prepared by:

Tom Cajka
Planner

APPLICANT: Brian D. Carstens & Associates
601 Old Cheney Rd. Suite C
Lincoln, NE 68512
(402) 434-2424

CONTACT: same as applicant

CHANGE OF ZONE NO. 04008

CONSENT AGENDA

PUBLIC HEARING & ADMINISTRATIVE ACTION

BEFORE PLANNING COMMISSION:

March 17, 2004

Members present: Carlson, Carroll, Larson, Marvin, Pearson, Bills-Strand, Sunderman and Taylor; Krieser absent.

The Consent Agenda consisted of the following items: ***CHANGE OF ZONE NO. 04008; CHANGE OF ZONE NO. 04002; ANNEXATION NO. 03008; CHANGE OF ZONE NO. 04013; SPECIAL PERMIT NO. 2045, HARTLAND'S CARDINAL HEIGHTS 2ND ADDITION; SPECIAL PERMIT NO. 04005; SPECIAL PERMIT NO. 04010; SPECIAL PERMIT AMENDMENT NO. 04002; and COMPREHENSIVE PLAN CONFORMANCE NO. 03013.***

Item No. 1.3a, Annexation No. 03008; Item No. 1.3b, Change of Zone No. 04013, Item No. 1.3c, Special Permit No. 2045 and Item No. 1.5, Special Permit No. 04010, were removed from the Consent Agenda and scheduled for separate public hearing.

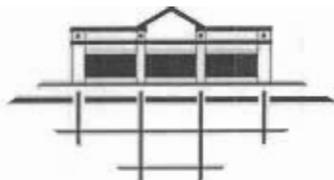
Carlson moved to approve the remaining Consent Agenda, seconded by Larson and carried 8-0: Carlson, Carroll, Larson, Marvin, Pearson, Bills-Strand, Sunderman and Taylor voting 'yes'; Krieser absent.

Note: This is final action on Special Permit Amendment No. 04002, 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.

Memorandum

To:	Tom Cajka, Planning Dept.
From:	Dennis Bartels, Engineering Services
Subject:	Change of Zone #04008
Date:	February 17, 2004
cc:	Randy Hoskins

Engineering Services finds Change of Zone #04008 for a text amendment to the parking requirements for RT zoning to be satisfactory.



BRIAN D. CARSTENS AND ASSOCIATES
LAND USE PLANNING RESIDENTIAL & COMMERCIAL DESIGN
601 Old Cheney Road, Suite C Lincoln, NE 68512 Phone: 402.434.2424

February 12, 2004

Mr. Marvin Krout
Director of Planning
City of Lincoln/ Lancaster County
555 South 10th Street
Lincoln, NE 68508

RE: TEXT AMENDMENT TO THE 'R-T' ZONING DISTRICT

Dear Marvin,

On behalf of WestPointe, L.L.C., I am submitting the following text amendment to Section 27.28.080 (b) and (d) of the Lincoln Municipal Code to allow for flexibility of parking lots in the R-T zoning district when they are located adjacent to non residential uses.

We are working on a new special permit at 5540 South Street to expand and re-orient parking on the site. With this text amendment, we can have a better traffic flow between the two R-T buildings and the existing medical/ office building.

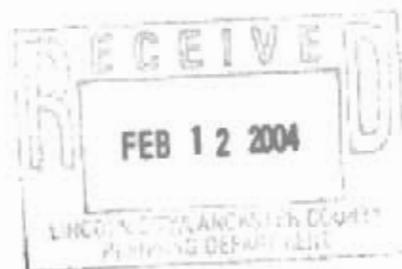
I have been working with both Tom and Ray, and I think we have come up with an amendment that will protect the interests of neighborhoods.

Please feel free to contact me if you have any further questions.

Sincerely,

Brian D. Carstens

Enclosures Zoning Application
 Copy of Proposed Text Amendment
 Application Fee of \$250.00



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