

FACTSHEET

TITLE: CHANGE OF ZONE NO. 05083, from R-3 Residential District to O-3 Office Park District, requested by the Nebraska School of Gymnastics South, Inc., on property generally located at 7545 Pioneers Boulevard.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: Consent Agenda: 01/04/06
Administrative Action: 01/04/06

STAFF RECOMMENDATION: Approval.

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

FINDINGS OF FACT:

1. This request seeks to change the zoning to O-3 Office Park, which is a "use permit" district. Any further development of the site will require approval of a use permit.
2. The staff recommendation of approval is based upon the "Analysis" as set forth on p.3-4, concluding that while the Comprehensive Plan discourages strip commercial, the character of this area is more commercial than residential. This is a small tract with commercial zoning on both sides, and the range of uses allowed in the O-3 district are compatible with the surrounding uses and zoning. This request is consistent with the goals of the Comprehensive Plan and would result in an appropriate use of this land that would not negatively impact the neighborhood.
3. On January 4, 2006, this application appeared on the Planning Commission Consent Agenda and was opened for public hearing. No one came forward to speak.
4. On January 4, 2006, the Planning Commission agreed with the staff recommendation and voted 8-0 to recommend approval (Taylor absent).

FACTSHEET PREPARED BY: Jean L. Walker

DATE: January 17, 2006

REVIEWED BY: _____

DATE: January 17, 2006

REFERENCE NUMBER: FS\CC\2006\CZ.05083

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for January 4, 2006 PLANNING COMMISSION MEETING

PROJECT #: Change of Zone #05083

PROPOSAL: From R-3 to O-3

LOCATION: 7545 Pioneers Blvd

LAND AREA: 2.41 acres

CONCLUSION: While the Comprehensive Plan discourages strip commercial, the character of this area is more commercial than residential. This is a small tract with commercial zoning on both sides, and the range of uses allowed in the O-3 district are compatible with surrounding uses and zoning. This request is consistent with the goals of the Comprehensive Plan and would result in an appropriate use of this land that would not negatively impact the neighborhood.

RECOMMENDATION:	Approval
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GENERAL INFORMATION:

LEGAL DESCRIPTION: Lot 1, Pioneer Subdivision, City of Lincoln, Lancaster County, Nebraska.

EXISTING ZONING: R-3 Residential **PROPOSED ZONING:** O-3 Office Park

EXISTING LAND USE: Private Gymnastics School

SURROUNDING LAND USE AND ZONING:

North:	Vacant (site of the recently approved Hamann Meadows preliminary plat)	R-3
South:	Single-family Residential	R-3
East:	Office	O-3
West:	Office/Commercial	O-3

HISTORY:

April 24, 1997 - FPPL#97010 was approved creating Lot 1, Pioneer Subdivision.

October 10, 1994 - SP#1393A was approved to allow an expansion of the special permit boundary to enlarge the parking lot.

January 21, 1991 - SP#1393 was approved to allow a private gymnastics school on this site.

1979 - The zoning was changed on this site from A-1 residential to R-3 residential with the 1979 zoning update.

COMPREHENSIVE PLAN SPECIFICATIONS:

Page 17 - Guiding Principles for the Urban Environment

Maximize the community's present infrastructure investment by planning for residential and commercial development in areas with available capacity. This can be accomplished in many ways including encouraging appropriate new development on unused land in older neighborhoods, and encouraging a greater amount of commercial space per acre and more dwelling units per acre in new neighborhoods.

Page F19 - Strip commercial development along transportation corridors is discouraged.

Page F37 - Commercial and Industrial Development Strategy

The commercial and industrial development strategy presented below seeks to fulfill two notable objectives: (1) the approach is designed to provide flexibility to the marketplace in siting future commercial and industrial locations; while at the same time (2) offering neighborhoods, present and future home owners, other businesses, and infrastructure providers a level of predictability as to where such employment concentrations might be located. Balancing these two objectives in a meaningful way will require diligence, mutual understanding, and an ongoing planning dialogue.

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.

ANALYSIS:

1. This request seeks to change the zoning from R-3 to O-3. O-3 is a "use permit" district, and any further development of the site will require approval of a use permit. The scope of this request is only the change of zone, and does not consider nor approve a specific site plan for the property.
2. The site, Lot 1, Pioneer Subdivision, is partially developed with a commercial building and a parking lot. Special Permit #1393 was approved in 1991 to allow a private gymnastics school, and was amended in 1994 to expand the parking lot to additional off-street parking. The Pioneer Gymnastics Academy occupies the building as allowed by Special Permit #1393A.
3. The final plat of Pioneer Subdivision was approved in 1997 creating Lot 1 and Outlot A. Additional right-of-way was dedicated with the plat to provide the required 50' of right-of-way south of the centerline of Pioneers Blvd (an arterial street) as called for in the Comprehensive

Plan. In their review Public Works notes that additional easements may be required to accommodate the bike trail along Pioneers Blvd, and that it would be desirable to acquire the easement at the same the change of zone is considered. However, the Law Department has determined there is no nexus between this change of zone request and construction of the trail. As a result, the additional easement cannot be required in conjunction with either this change zone or a use permit. This same conclusion was also reached at the time SP#1393 was approved.

4. Outlot A (to the east of this site) was subsequently subdivided and re-zoned O-3. UP#121 was approved August 19, 1999 allowing up to 25,000 square feet of medical office floor area.
5. The zoning on the property adjacent to the west was changed from R-3 to B-2 in 1995. UP#143 was approved October 10, 2002 allowing 11,500 square feet of office and commercial floor area.
6. The land zoned R-3 adjacent to the south of Lot 1 has been final platted for single-family residential development. The lot configuration of the residential area precludes a street connection to this site, and it is not feasible to make Lot 1 part of the residential development.
7. The O-3 district requires site plan review by the City as part of the use permit process. Further development of the site will require staff review and Planning Commission approval, and will be subject to the applicable provisions of the Zoning Ordinance and the Design Standards.
8. The O-3 district is designed to be located on arterial streets in proximity to commercial uses, and to provide an appealing atmosphere stressing the quality of the environment. The range of uses allowed in the O-3 is compatible with the surrounding zoning and existing land uses. The applicable landscaping and screening for the O-3 district are designed to minimize impact and help ensure future development does not negatively impact surrounding properties.
9. If approved, O-3 zoning potentially allows for more intensive development of the site provided the requirements of Lincoln Municipal Code and the Design Standards are met. This accommodates in-fill development and a more efficient use of the land consistent with the Comprehensive Plan.

Prepared by:

Brian Will
441-6362, bwill@lincoln.ne.gov
Planner
December 19, 2005

APPLICANT: Ed Aasen
7545 Pioneers Blvd
Lincoln, NE 68506

OWNER: Nebraska School of Gymnastics South, Inc.
7545 Pioneers Blvd
Lincoln, NE 68506

CONTACT: Alan Schmidt
Hutchison Architects, PC
4001 South 8th Street
Lincoln, NE 68502

CHANGE OF ZONE NO. 05083

CONSENT AGENDA
PUBLIC HEARING & ADMINISTRATIVE ACTION
BEFORE PLANNING COMMISSION:

January 4, 2006

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

The Consent Agenda consisted of the following items: **CHANGE OF ZONE NO. 05083** and **SPECIAL PERMIT NO. 1114D**.

Ex Parte Communications: None.

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

Note: This is final action on Special Permit No. 1114D, 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.



Change of Zone #05083 S 75th & Pioneers Blvd

2005 aerial

Pioneers Blvd



Zoning:

- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- R-C Residential Conversion 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. 10 T09N R07E



S 70th St

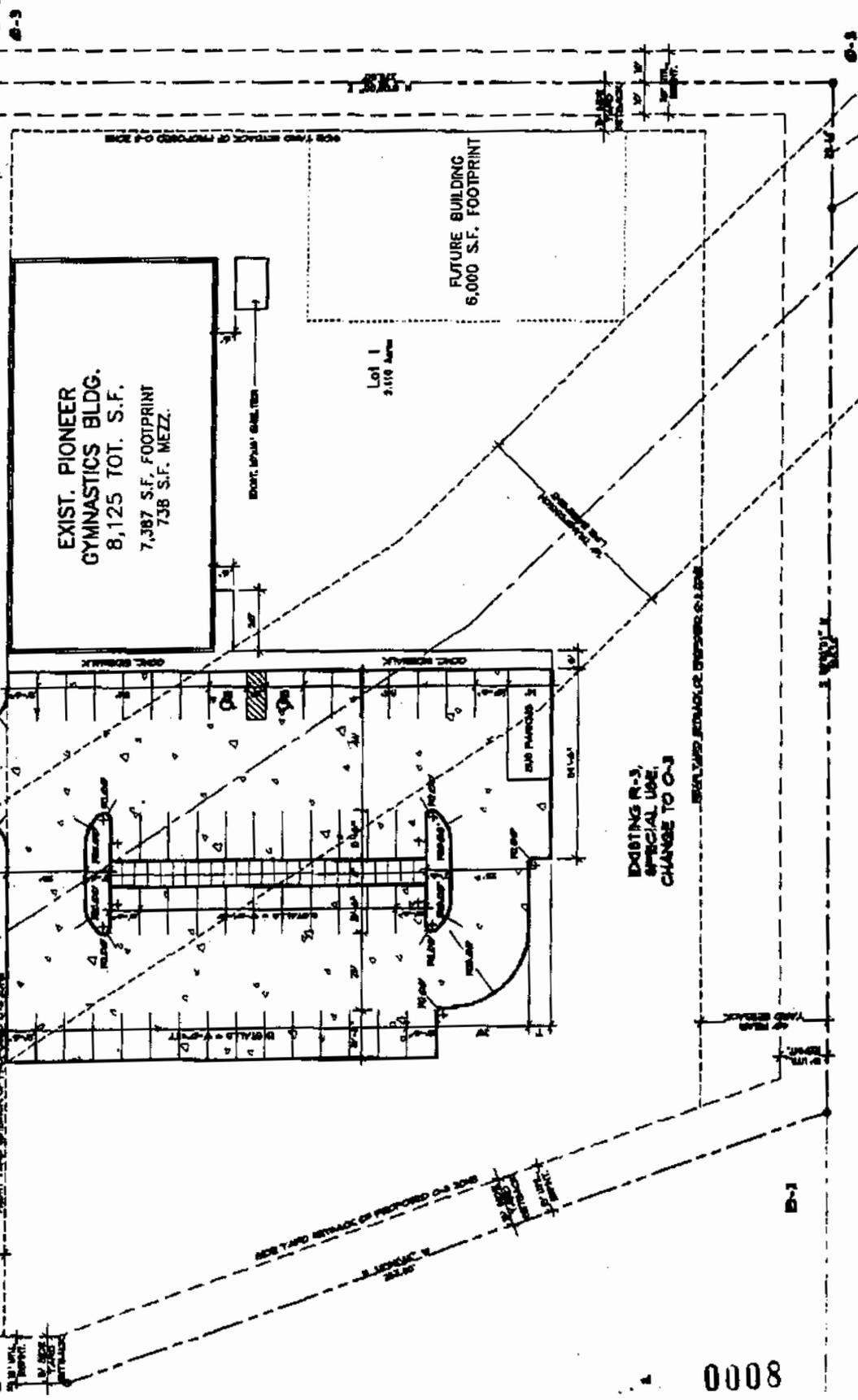
S 84th St



0007

Old Cheney Rd

PIONEERS BLVD.



EXIST. PIONEER
GYMNASTICS BLDG.
8,125 TOT. S.F.
7,387 S.F. FOOTPRINT
738 S.F. MEZZ.

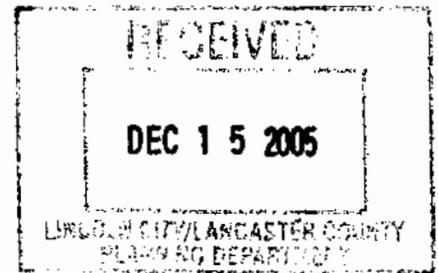
FUTURE BUILDING
6,000 S.F. FOOTPRINT

Lot 1
2110 Ave.

EXISTING R-3,
SPECIAL USE,
CHANGE TO C-3

0008

PAULA B. HUTCHINSON
ATTORNEY AT LAW



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December 7, 2005

Lancaster County Planning Department
555 South 10th Street
Lincoln, NE 68508

Re: Aasen Property; Legal Description and Purpose of Change of Zone
Application

Ladies and Gentlemen:

This letter will supplement the City of Lincoln Change of Zoning Application filed today by Ed Aasen, President of Nebraska School of Gymnastics South, Inc., d.b.a. Pioneer Gymnastics Academy, situated on property located at 7545 Pioneers Boulevard, and legally described as:

Pioneer Subdivision Lot 1.

This property presently is zoned R-3 (single family homes or duplexes). Mr. Aasen operates his business under Special Permit No. 1393, which authorizes the use of a gymnastics school on the property. Mr. Aasen has requested that I seek to have his property rezoned to O-3. Such rezoning would enhance the value of the subject property by allowing for its highest and best use, for the reasons set forth below.

When Mr. Aasen first built his gymnastics facility in or about 1991, his land was surrounded by agricultural or undeveloped land with small pockets of R-1 developments. In the past five to eight years, growth and development in the 70th & Pioneers area has been nothing short of explosive. Parcels of this previously-zoned agricultural land have been rezoned to B-1, B-2, O-3 (office park district) and R-5 (apartments, town homes, etc.). In fact, the subject property is abutted to the west by a parcel zoned B-2 and to the east by a parcel zoned O-3.

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December 7, 2005 Page 2

The change of zone would allow Mr. Aasen or future owners of the property to operate and to expand his gymnastics facility, or convert the land to another use compatible with adjacent development. His property's present zoning suppresses the value of the land and impairs development of the property consistent with its highest and best use. Mr. Aasen wishes to explore further development of the property to allow for activities related to his existing gymnastics facility, such as cheerleading and dance. Mr. Aasen is aware that such expansion, which is indicated in the site plan accompanying this application, would require an additional special use permit. Nonetheless, a change of zone would maximize the value of the land and facilitate the financing of this project, while ensuring that the land's zoning is compatible with the surrounding area. The change of zone is supported by the surrounding land owners, who will provide written input to the Planning Department.

If you have further questions, please feel free to contact me at the above number or Alan Schmidt of Hutchinson Architects, P.C., at 421.1502. In behalf of Mr. Aasen and myself, thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Paula B. Hutchinson", with a long horizontal flourish extending to the right.

Paula B. Hutchinson

PBH:cjs

cc: Mr. Ed Aasen

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M e m o r a n d u m

To: Brian Will, Planning Department
From: Dennis Bartels, Engineering Services
Subject: Nebraska Gymnastics Change of Zone
Date: December 19, 2005
cc: Randy Hoskins
Roger Figard
Thomas Shafer

Nebraska Gymnastics has requested a change of zone from R3 to O3 for the property at 7545 Pioneers Boulevard. Engineering Services has no objections to the O3 zoning for ultimate use of the property. However some of this property is needed for permanent and temporary easement for proposed construction of Pioneers Boulevard and the bike trail in this vicinity. The value of these easements may change because of the zone change. It would be desirable to have the use permit along with the proposed change of zone.