

City Council Introduction: **Monday**, February 4, 2013
Public Hearing: **Monday**, February 11, 2013, at **3:00** p.m.

Bill No. 13-17

FACTSHEET

TITLE: CHANGE OF ZONE NO. 12037, from P Public Use District to B-4 Lincoln Center Business District and I-1 Industrial District; and from B-4 Lincoln Center Business District, R-4 Residential District, R-6 Residential District, I-1 Industrial District and H-3 Highway Commercial District to P Public Use District, requested by the Director of Planning, on property generally bounded by Cornhusker Highway to P Street and North 10th Street to North 23rd Street.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 01/23/13
Administrative Action: 01/23/13

RECOMMENDATION: Approval, as revised (9-0: Francis, Sunderman, Lust, Weber, Scheer, Hove, Corr, Gaylor Baird and Cornelius voting 'yes').

STAFF RECOMMENDATION: Approval, as revised.

FINDINGS OF FACT:

1. The purpose of this change of zone request is to address zoning discrepancies with property ownership and land use resulting from the construction of Antelope Valley Parkway, which reconfigured certain property lines.
2. The staff recommendation of approval, as revised, is based upon the "Analysis" as set forth on p.3-4, concluding that the proposed change of zone will accurately reflect land use and ownership in the area and is in conformance with the 2040 Comprehensive Plan. The staff presentation is found on p.5.
3. Testimony in support is found on p.5.
4. There was no testimony in opposition; however, the record reflects email correspondence in opposition, resulting in the revised boundaries of the change of zone request (See p.14-17).
5. On January 23, 2013, the Planning Commission agreed with the staff recommendation and voted 9-0 to recommend approval, as revised, deleting one parcel located in Block 1, Lincoln Driving Park Company's First Subdivision, generally located in the south half of the block bounded by North 23rd Street, U Street, North 22nd Street and Vine Street.

FACTSHEET PREPARED BY: Jean L. Preister

DATE: January 28, 2013

REVIEWED BY: Marvin Krout, Director of Planning

DATE: January 28, 2013

REFERENCE NUMBER: FS\CC\2013\CZ12037

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT
for JANUARY 23, 2013 PLANNING COMMISSION MEETING

****As Revised and Recommended for Approval by Planning Commission****
January 23, 2013

PROJECT #: Change of Zone No. 12037

PROPOSAL: From P to B-4, B-4 to P, R-6 to P, I-1 to P, H-3 to P, P to I-1, and R-4 to P

LOCATION: UNL Environs, generally located from Cornhusker Highway to P Street and N. 10th Street to N. 23rd Street

LAND AREA: 74 acres, more or less

EXISTING ZONING: P, B-4, R-6, I-1, H-3 and R-4

CONCLUSION: This change of zone will accurately reflect land use and ownership in the area, and is in conformance with the 2040 Comprehensive Plan.

<u>RECOMMENDATION:</u>	Approval
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GENERAL INFORMATION:

LEGAL DESCRIPTION:

See attached Change of Zone map. (****The following property owned by the University of Nebraska was removed from the original change of zone request on January 17, 2013: The north 34 feet of Lot 22; the east 72 feet of Lots 23 & 24; the south 9 feet and east 72 feet of Lot 25; all of Lots 26-37; and the west 16.6 feet of Lot 38; all in Block 1, Lincoln Driving Park Company's First Subdivision, Lancaster County, Nebraska, generally located in the south half of the block bounded by N. 23rd Street, U Street, N. 22nd Street and Vine Street****).

EXISTING LAND USE: University facilities, parking lots, parks, former campground

SURROUNDING LAND USE AND ZONING:

This change of zone request encompasses a large area that includes Downtown, UNL and Antelope Valley. The area land uses generally include offices, retail, educational facilities, open space, and residential. The zoning districts found in this area include R-4 to R-6, I-1, B-1 to B-4, and P.

ASSOCIATED APPLICATIONS:

A portion of this change of zone application is associated with the project on the block bounded by R Street, Antelope Valley Parkway, Q Street, and N. 18th Street. The associated applications are listed below:

SAV12011; Vacation of N. 18th Street

CPC12023; Surplus Property Application

CPC12024; Comprehensive Plan Conformance for The Wrap Project

HISTORY:

This change of zone request encompasses a large area that includes Downtown, UNL and Antelope Valley. A number of zone changes have occurred over time, but the largest zone change for this area was completed with the update in 1979.

COMPREHENSIVE PLAN SPECIFICATIONS:

Enhance Downtown's role as the heart of the City. A strong downtown is important to the economic future of the community. (p.5.1)

The City should preserve and enhance Downtown's role as the hub of higher education (p. 5.4).

Maintain the urban environment, including a mix of land uses with a major focus on residential uses (p. 6.3).

From the Downtown Master Plan:

The University of Nebraska-Lincoln, other educational institutions, and downtown businesses and residents alike can benefit from working with each other and coordinating their development plans (p. 40).

Incorporate the "zipper zone" envisioned in the campus master plan - the blocks between R and Q Streets where town and gown overlap would be supported and enhanced (p. 40).

ANALYSIS:

1. This change of zone is sponsored by the City to address zoning discrepancies with property ownership and land use.
2. The construction of Antelope Valley Parkway reconfigured property lines. This change of zone will update the zoning districts to reflect the new property lines.
3. Several properties presently owned and used by public entities are not accurately zoned P. This change of zone will update the zoning on those properties to accurately reflect ownership and use.
4. The properties included in this change of zone are owned by the University of Nebraska, the City of Lincoln, Assurity and the Lower Platte South NRD.
5. One private property owned by Assurity is incorrectly zone P. This application proposes to rezone this portion from P to B-4 zoning like the rest of the Assurity property.

6. University owned properties lying between N. 10th Street, N. 18th Street, R Street and Q Street are proposed to be rezoned from B-4 to P to reflect their public use.
7. The property bounded by N. 18th Street, R Street, Antelope Valley Parkway, and Q Street is proposed to be rezoned from P to B-4 to reflect the redeveloped private use.
8. City owned properties adjacent to Antelope Valley Parkway are proposed to be rezoned from R-6, B-4, R-4, and I-1 to P to reflect their public use.
9. City and NRD owned property generally located at the northeast corner of Antelope Valley Parkway and Salt Creek Roadway is proposed to be rezoned from I-1 and R-4 to P.
10. The zoning on the UNL owned property located at Vine and Antelope Valley Parkway (former Cushman plant) will be adjusted and will remain I-1 zoning. UNL anticipates future redevelopment of this site which may include a public/private partnership. UNL may request a change of zone once the scope of the redevelopment is defined.
11. Additional University owned properties near Antelope Valley Parkway are proposed to be rezoned from I-1 and R-6 to P.
12. The University owned property generally located at southwest corner of Antelope Valley Parkway and Cornhusker Highway is proposed to be rezoned from H-3 to P to reflect the new ownership and use.

Prepared by:

Paul Barnes
Planner

DATE: January 10, 2013

APPLICANT: Marvin Krout, Planning Director
Lincoln-Lancaster Planning Department

CONTACT: Paul Barnes, Planner
Lincoln-Lancaster Planning Department
555 S. 10th Street, Suite 213
Lincoln, NE 68508
402-441-6372

CHANGE OF ZONE NO. 12037

PUBLIC HEARING BEFORE PLANNING COMMISSION:

January 23, 2013

Members present: Francis, Sunderman, Lust, Weber, Scheer, Hove, Corr, Gaylor Baird and Cornelius.

There were no ex parte communications disclosed.

Staff recommendation: Approval, as revised, removing one parcel from the change of zone request.

Staff presentation: **Paul Barnes of Planning staff** advised that the actual area covered in this change of zone request is about 74 acres. Most of these changes address land that is publicly owned and used and therefore should be zoned P Public Use. The ownerships for the most part include the City, the University of Nebraska-Lincoln (UNL) and the Lower Platte South NRD. There is a small portion that is privately owned by the Assurity Company at the northern tip of their property, which is proposed to be zoned B-4.

Barnes advised that the original change of zone request has been revised. One parcel has been withdrawn from the application. The staff did have communication with UNL after receiving opposition from an individual and the subject parcel was removed from the change of zone application at the request of UNL.

The Assurity property is the only privately owned parcel included in this application. A lot of this has to do with the Antelope Valley Parkway project with the street construction. This is an effort to clean up the zoning to accurately reflect ownership and use.

Francis asked Barnes to talk about the correspondence from Mary Collier in regard to use of property lying adjacent to her property at 708 N. 22nd Street. Barnes advised that the communication was forwarded to the Planning Commission members as well as UNL. The City Law Department advises that the issue is a private matter between Ms. Collier and UNL. Therefore, the outcome of that communication was to remove that parcel from this application to allow UNL and Ms. Collier to resolve their issues.

Support

1. **Tom Huston**, 233 S. 13th, testified in support because this change of zone includes a property at 18th & R which is currently zoned P and needs to be zoned B-4 for "The Warp Project" at 18th & Q Streets.

There was no testimony in opposition.

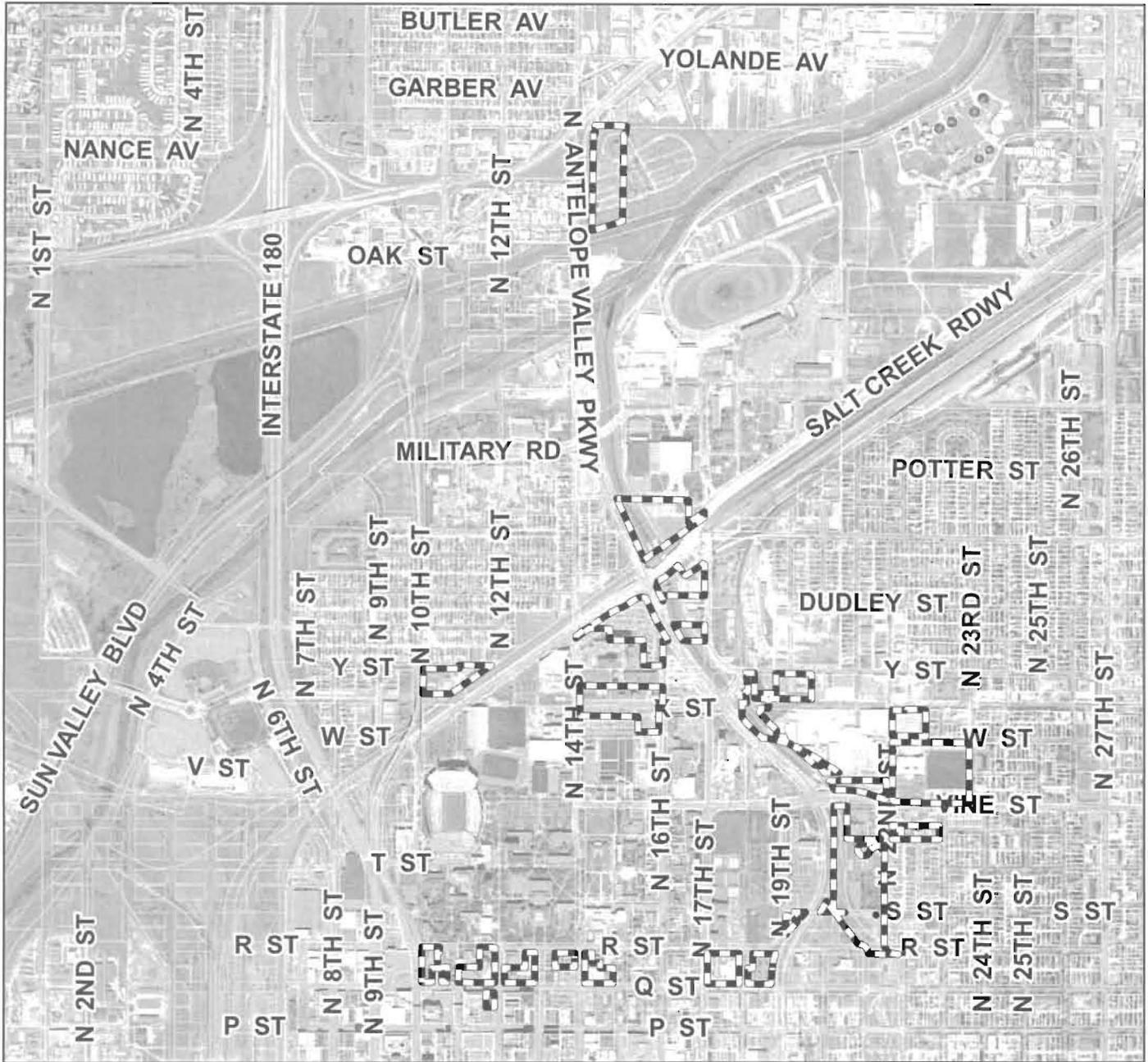
ACTION BY PLANNING COMMISSION:

January 23, 2013

Francis moved approval, as revised, seconded by Lust.

Cornelius commented that this is largely a cleaning up of the current land use versus the zoning map, and with removal of the parcel where the ownership is in dispute, it is a straight forward application.

Motion for approval, as revised, carried 9-0: Francis, Sunderman, Lust, Weber, Scheer, Hove, Corr, Gaylor Baird and Cornelius voting 'yes'. This is a recommendation to the City Council.



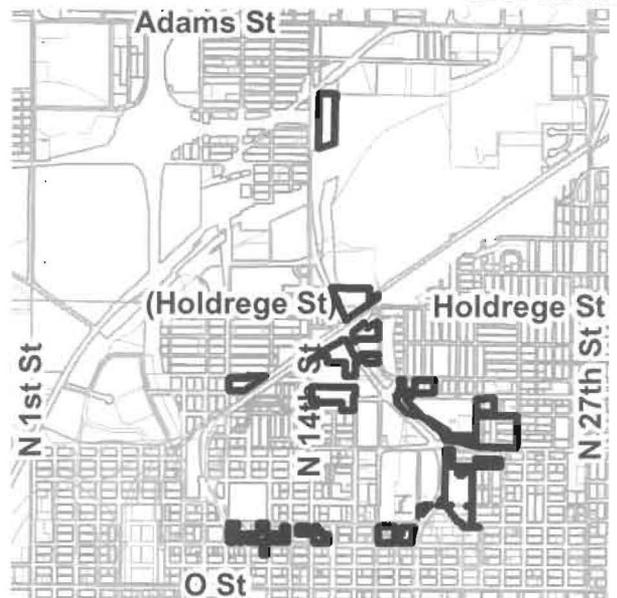
2010 aerial

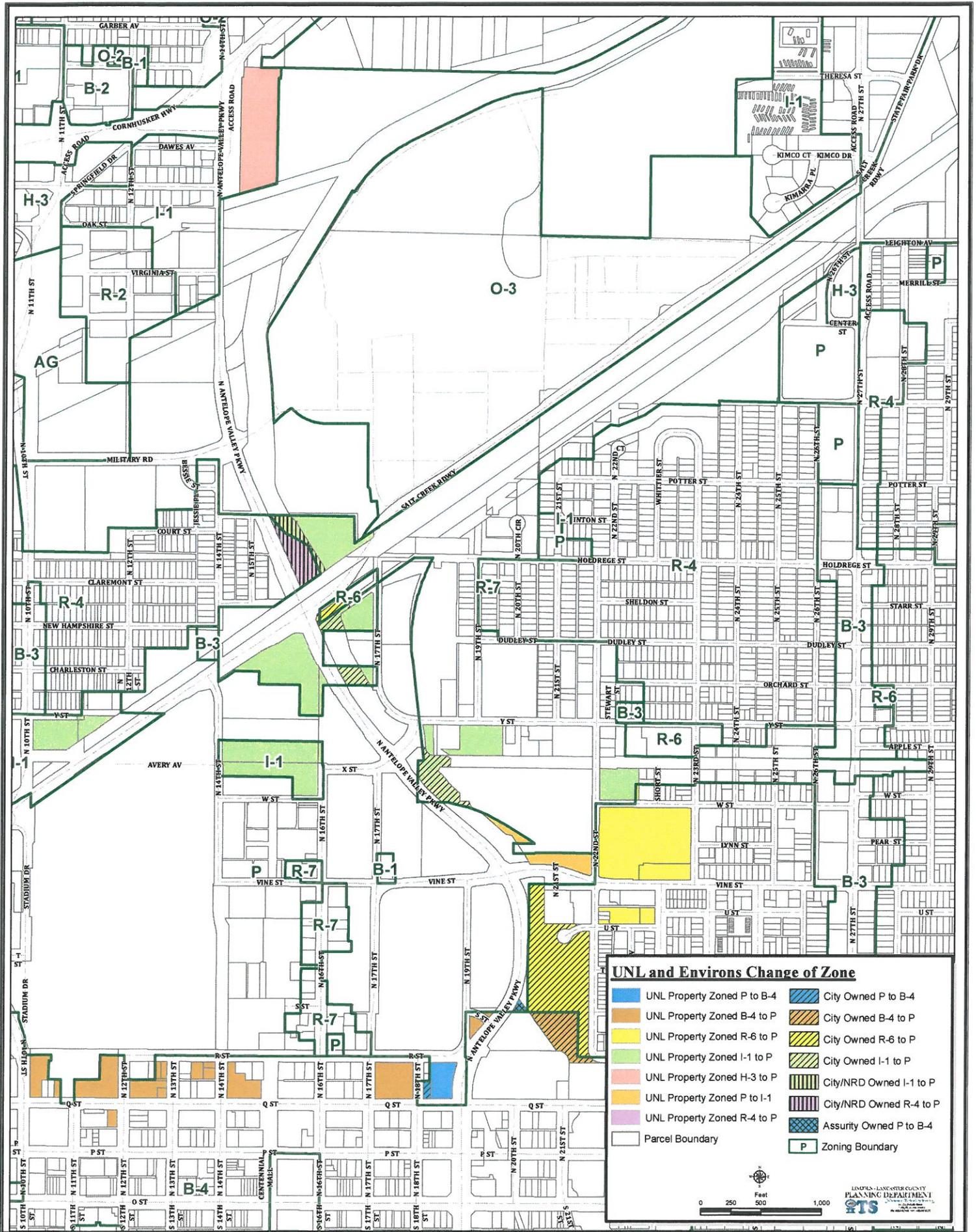
**Change of Zone #: CZ12037
UNL City Campus Area**

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

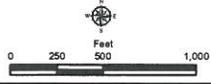
One Square Mile:
Sec.13 T10N R06E
Sec.23 T10N R06E
Sec.24 T10N R06E



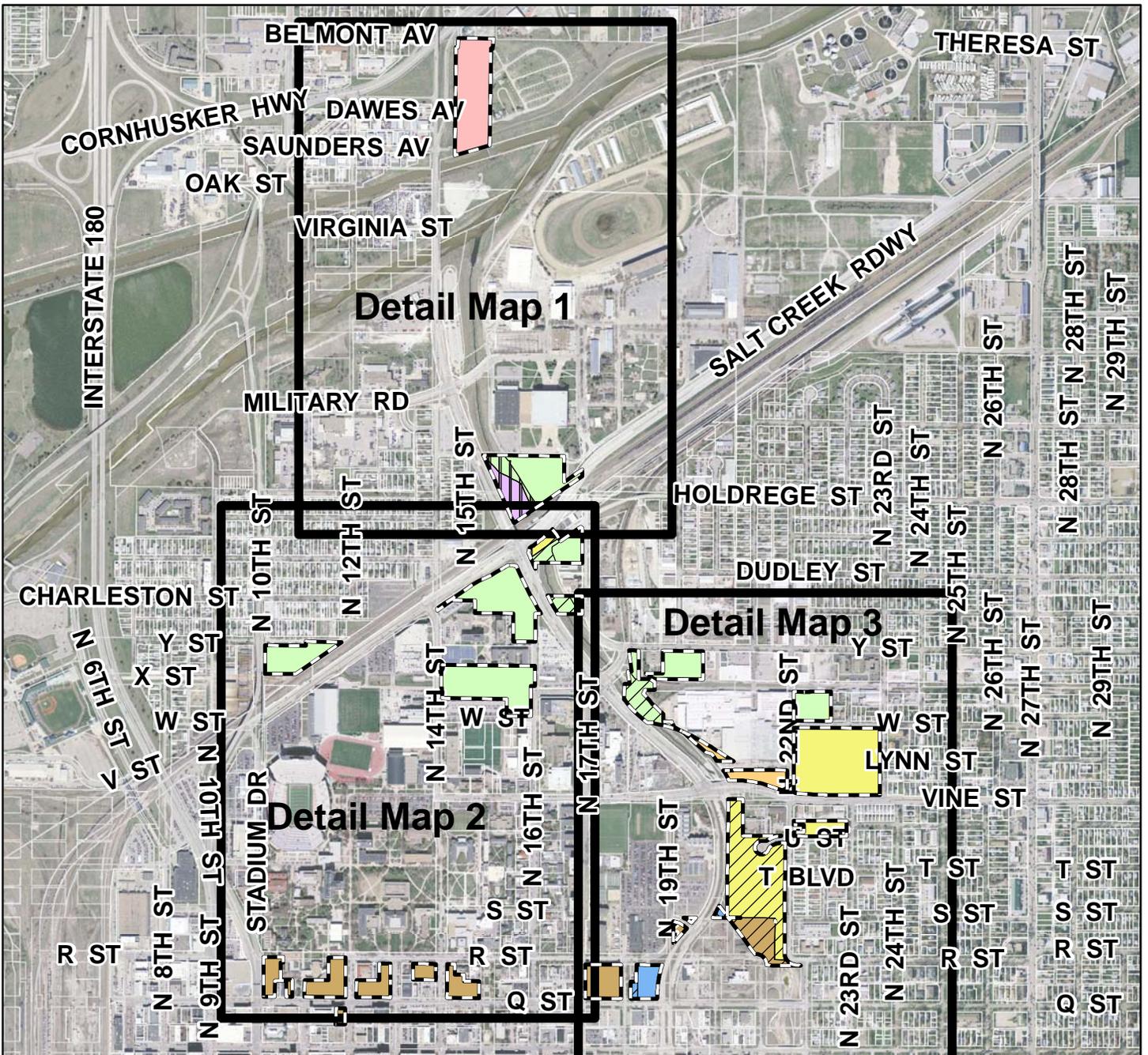


UNL and Environs Change of Zone

	UNL Property Zoned P to B-4		City Owned P to B-4
	UNL Property Zoned B-4 to P		City Owned B-4 to P
	UNL Property Zoned R-6 to P		City Owned R-6 to P
	UNL Property Zoned I-1 to P		City/NRD Owned I-1 to P
	UNL Property Zoned H-3 to P		City/NRD Owned H-3 to P
	UNL Property Zoned P to I-1		City/NRD Owned P to I-1
	UNL Property Zoned R-4 to P		Assurity Owned P to B-4
	Parcel Boundary		Zoning Boundary



LANCASTER COUNTY
PLANNING DEPARTMENT
ITS



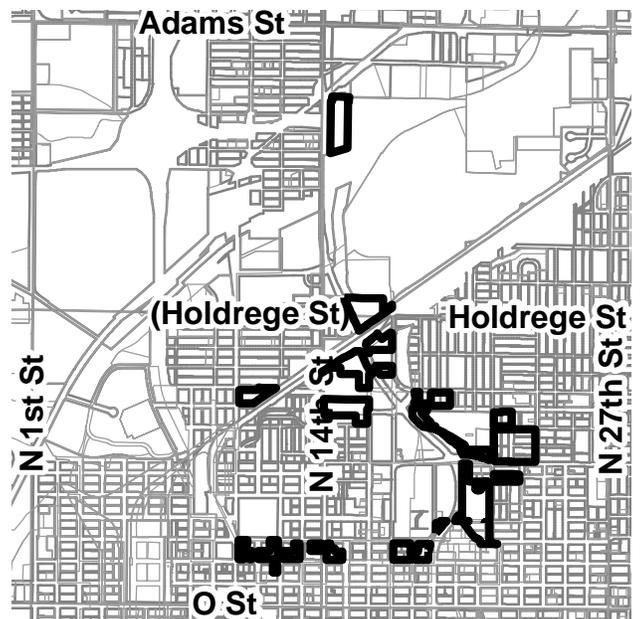
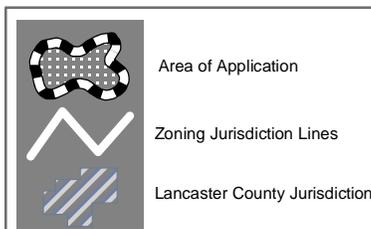
2010 aerial

Change of Zone #: CZ12037 UNL City Campus Area

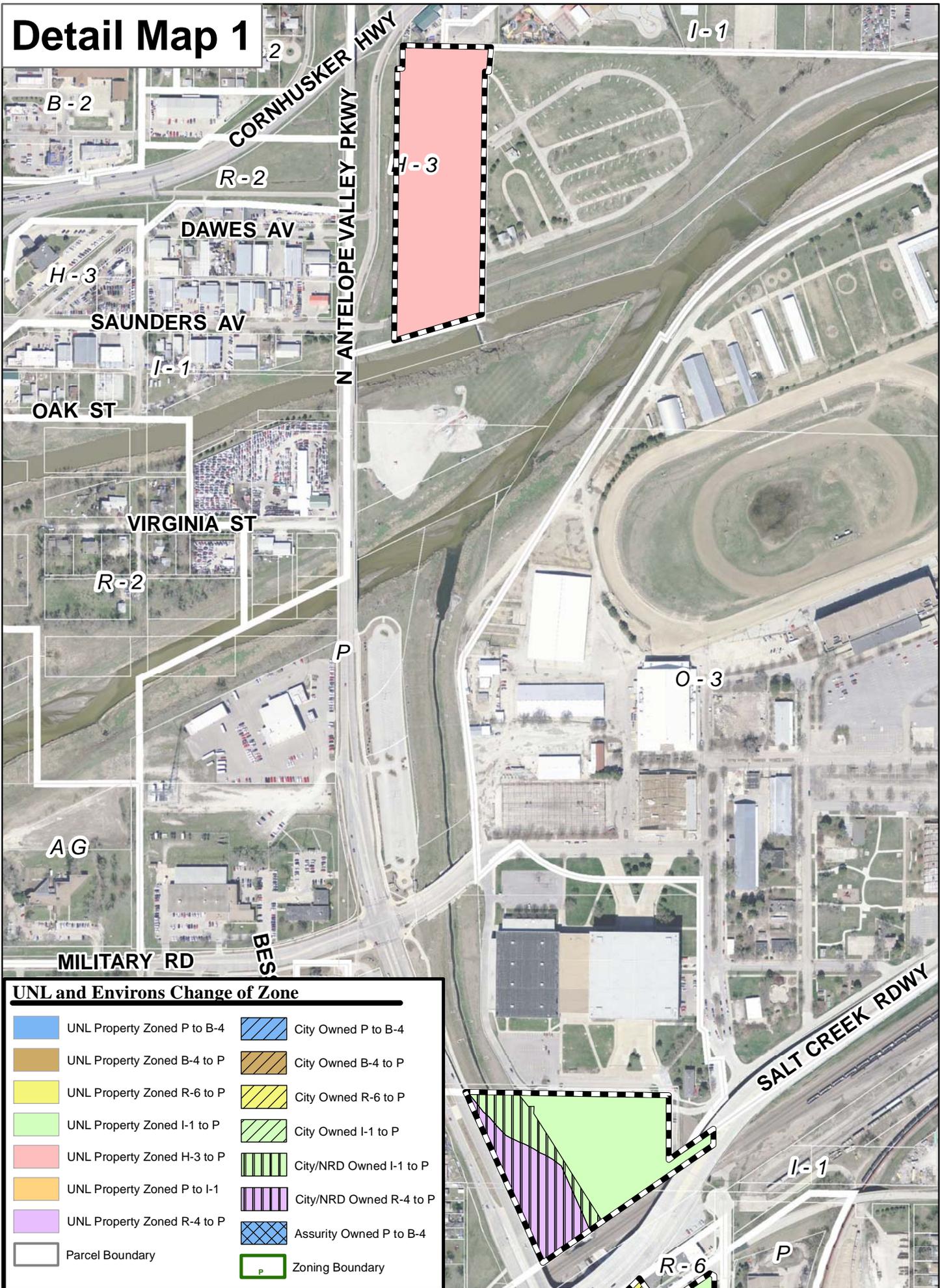
Zoning:

- 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.13 T10N R06E
Sec.23 T10N R06E
Sec.24 T10N R06E



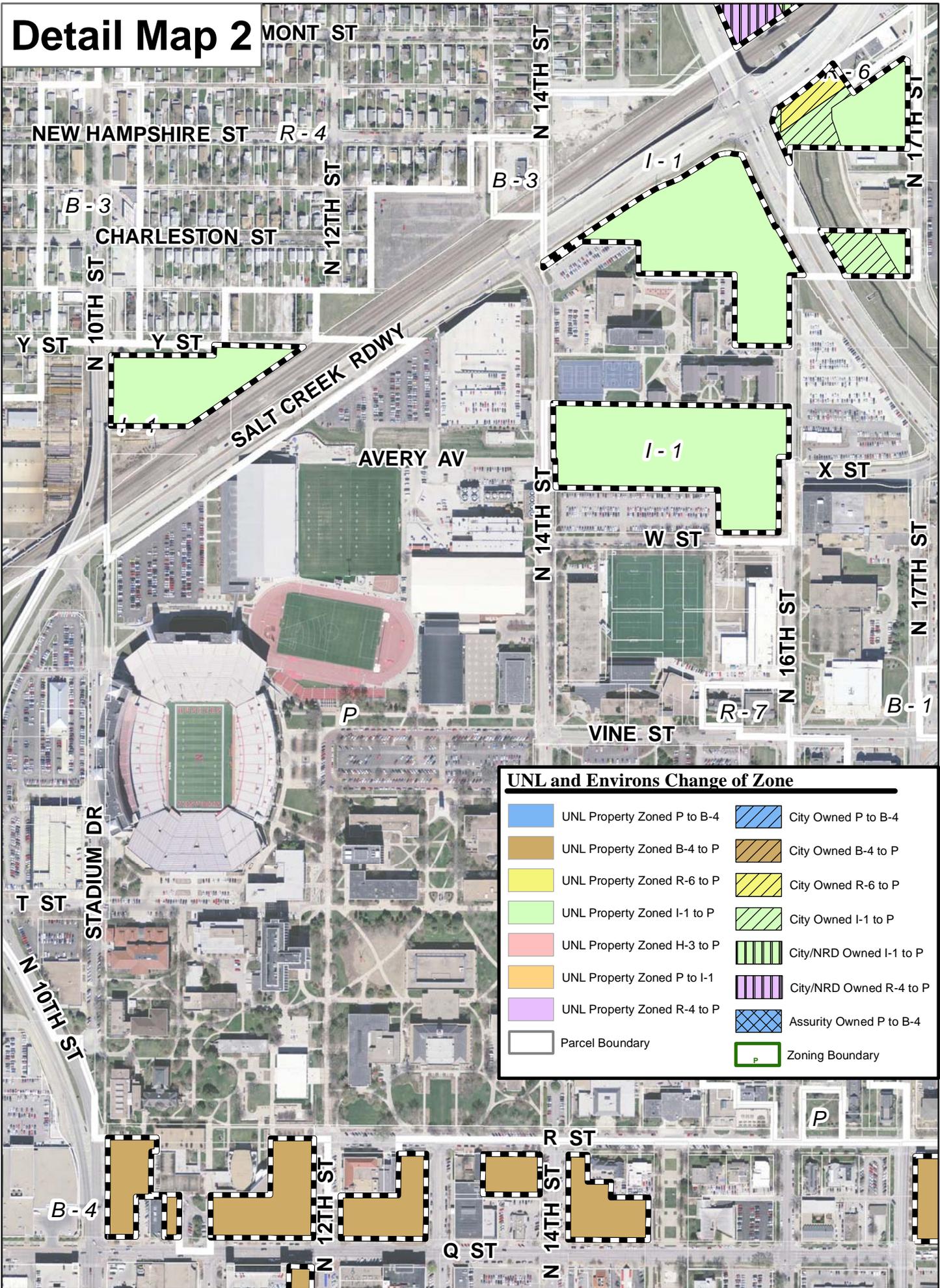
Detail Map 1



UNL and Environs Change of Zone

	UNL Property Zoned P to B-4		City Owned P to B-4
	UNL Property Zoned B-4 to P		City Owned B-4 to P
	UNL Property Zoned R-6 to P		City Owned R-6 to P
	UNL Property Zoned I-1 to P		City Owned I-1 to P
	UNL Property Zoned H-3 to P		City/NRD Owned I-1 to P
	UNL Property Zoned P to I-1		City/NRD Owned R-4 to P
	UNL Property Zoned R-4 to P		Assurity Owned P to B-4
	Parcel Boundary		Zoning Boundary

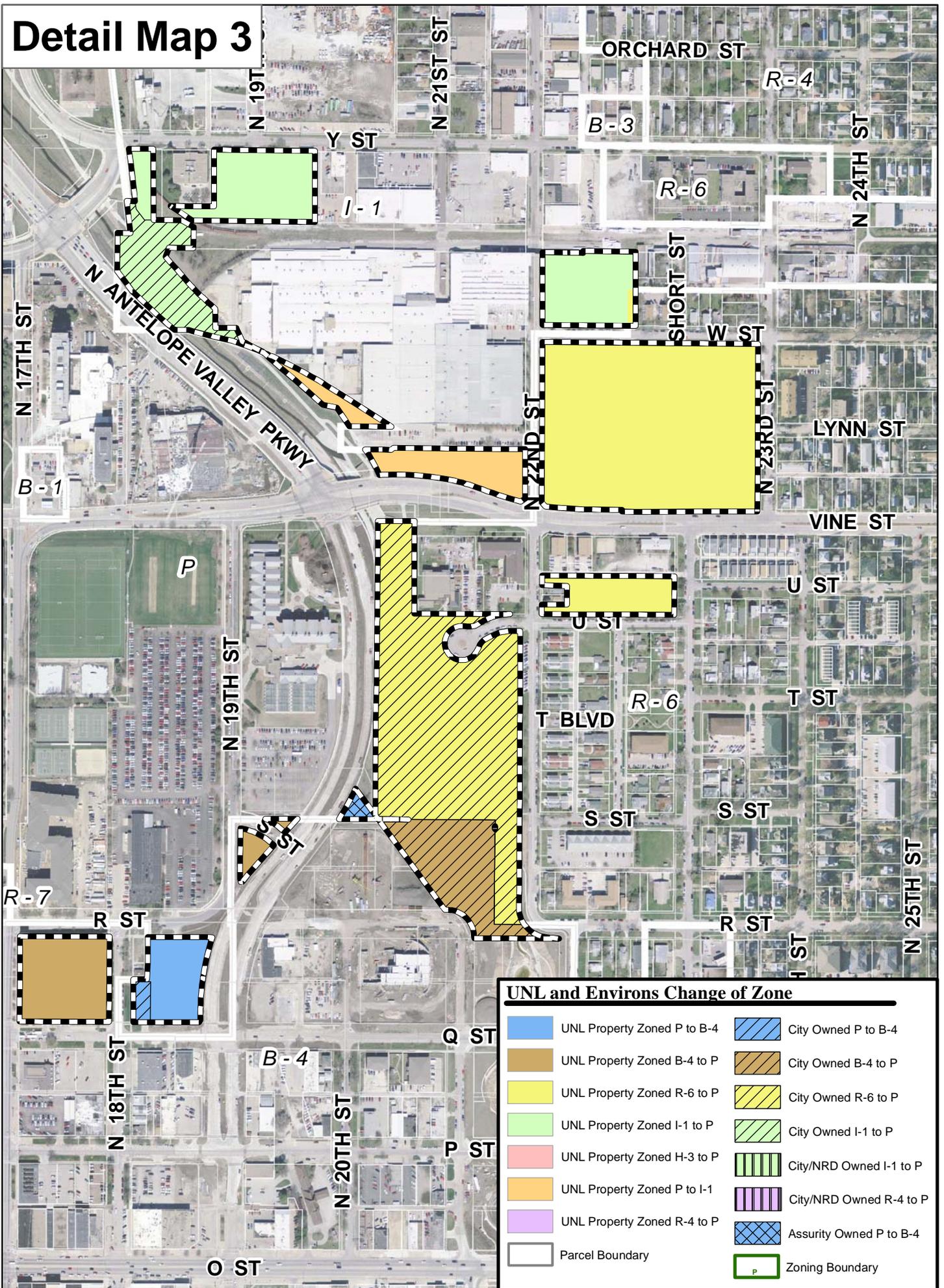
Detail Map 2



UNL and Environs Change of Zone

	UNL Property Zoned P to B-4		City Owned P to B-4
	UNL Property Zoned B-4 to P		City Owned B-4 to P
	UNL Property Zoned R-6 to P		City Owned R-6 to P
	UNL Property Zoned I-1 to P		City Owned I-1 to P
	UNL Property Zoned H-3 to P		City/NRD Owned I-1 to P
	UNL Property Zoned P to I-1		City/NRD Owned R-4 to P
	UNL Property Zoned R-4 to P		Assurity Owned P to B-4
	Parcel Boundary		Zoning Boundary

Detail Map 3



UNL and Environs Change of Zone			
	UNL Property Zoned P to B-4		City Owned P to B-4
	UNL Property Zoned B-4 to P		City Owned B-4 to P
	UNL Property Zoned R-6 to P		City Owned R-6 to P
	UNL Property Zoned I-1 to P		City Owned I-1 to P
	UNL Property Zoned H-3 to P		City/NRD Owned I-1 to P
	UNL Property Zoned P to I-1		City/NRD Owned R-4 to P
	UNL Property Zoned R-4 to P		Assurity Owned P to B-4
	Parcel Boundary		Zoning Boundary

Jean Preister

To: Jean Preister
Subject: Change of Zone No. 12037

From: mary collier [<mailto:marycollier57@gmail.com>]
Sent: Thursday, January 17, 2013 10:58 AM
To: Jean Preister
Subject: RE:

I hope I made myself clear....I live at 708 N22nd street. The property in question is just to north of my address. Its a strip of property that has been fenced off and used by my family for several years. B4 the university purchased the fraternirty house just behind my home to the east. The property was maintained by my family b4 university purchased the frat house and turned it into apartments they rent to university families. If the university wants to purchase my home and the property in question, and not just send out letters to confuse....or place signs on property in this area....on this block on the corner, I believe its in bad faith. Sneaky tactics used for this purpose are disturbing. Disturbing to say the least! Please respond.

From: Marycollier57 [<mailto:marycollier57@gmail.com>]
Sent: Thursday, January 17, 2013 9:49 AM
To: Jean Preister
Subject:

In response to the letter I received regarding property "owned by the university " deemed public use....I am letting you know the property to the north of me IS NOT public. I have had this piece of property fenced off for several years and use it for many personal activities. I have correspondence between the university and myself, going back several years. As you know, the UNiversity has been thought of as not being av "good neighbor" when it comes to aquiring land in my area. I am letting you know I am using the land....have used the land....and I am planning to continue using the land and wish for you to remove this piece of property from your plan to "re zone" please repond!

My address is 708 N 22nd street.....the property in question islot 22 except the south 2' of west 88 ft in block 1, lincoln driving park company's first subdivision, lincoln, lancaster county, nebr.

CONFIDENTIALITY NOTICE: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

Jean Preister

From: Marycollier57 [marycollier57@gmail.com]
Sent: Friday, January 18, 2013 4:03 PM
To: Jean Preister
Subject: Land issue

You state in your email the property in question was removed. However...I believe ownership of the property truly belongs to me, not UNL. Back in 1995 they purchased the land from the fraternity....not knowing or disclosed from the fraternity that I had fenced it off with wire fence years before the purchase of the fraternity. UNL Has deep pockets when it come to litigation, however I do not, and did not at the time. I explained this to UNL litigators and was in hopes ,quite imature of me at the time, that they would release the title to me. Didn't happen. We put up with several problems with the frat house before UNL purchased the property and fear of the plans that they had for use of the property was even scarier for us.I raised my 5 kids....5 other kids in this home. They are all grown now and have children of their own...2 of the grandkids live here with me. Its not like its a very large piece to them...and in good faith....I still have hopes for them to release it to me without draining any more of our money in legal fees. Like I said....its not a huge piece of land to them.....but to my family, its home. My garden, my chickens, my husband, who is disabled, has his hobbies are on the piece of land. Kids basketball hoop, and sheds with gardening and hobby tools. We have bbqs and kids play there. Its what we have worked on....taken care of and lived on for years.

Sent from my Samsung Epic™ 4G

Jean Preister

From: Paul D. Barnes
Sent: Tuesday, January 22, 2013 9:41 AM
To: 'marycollier57@gmail.com'
Cc: Jean Preister; Steve S. Henrichsen
Subject: Change of Zone Application

Mary:

This is Paul Barnes, Planner, in the Planning Department. We spoke previously on the phone regarding the notice you received for the Change of Zone application. As you know, that portion of property adjacent to your house has been removed from the Change of Zone application. The zoning of the property will not change with this action.

However, all matters regarding ownership should be addressed with UNL directly. At this time that is a matter between you and UNL and will not involve the Planning Commission.

Thank you.

Paul D. Barnes, MBA, AICP
Lincoln-Lancaster County Planning Department
555 South 10th Street, Suite 213
Lincoln, NE 68508
402-441-6372

MEMORANDUM

TO: Planning Commission

FROM: Paul Barnes, Planner

SUBJECT: UNL Environs Change of Zone Modification

DATE: January 17, 2013

CC: Jennifer Dam, UNL
Mary Collier

The purpose of this memo is to update the Planning Commission on the UNL Environs Change of Zone application. This application will be heard at the January 23, 2013 Planning Commission meeting.

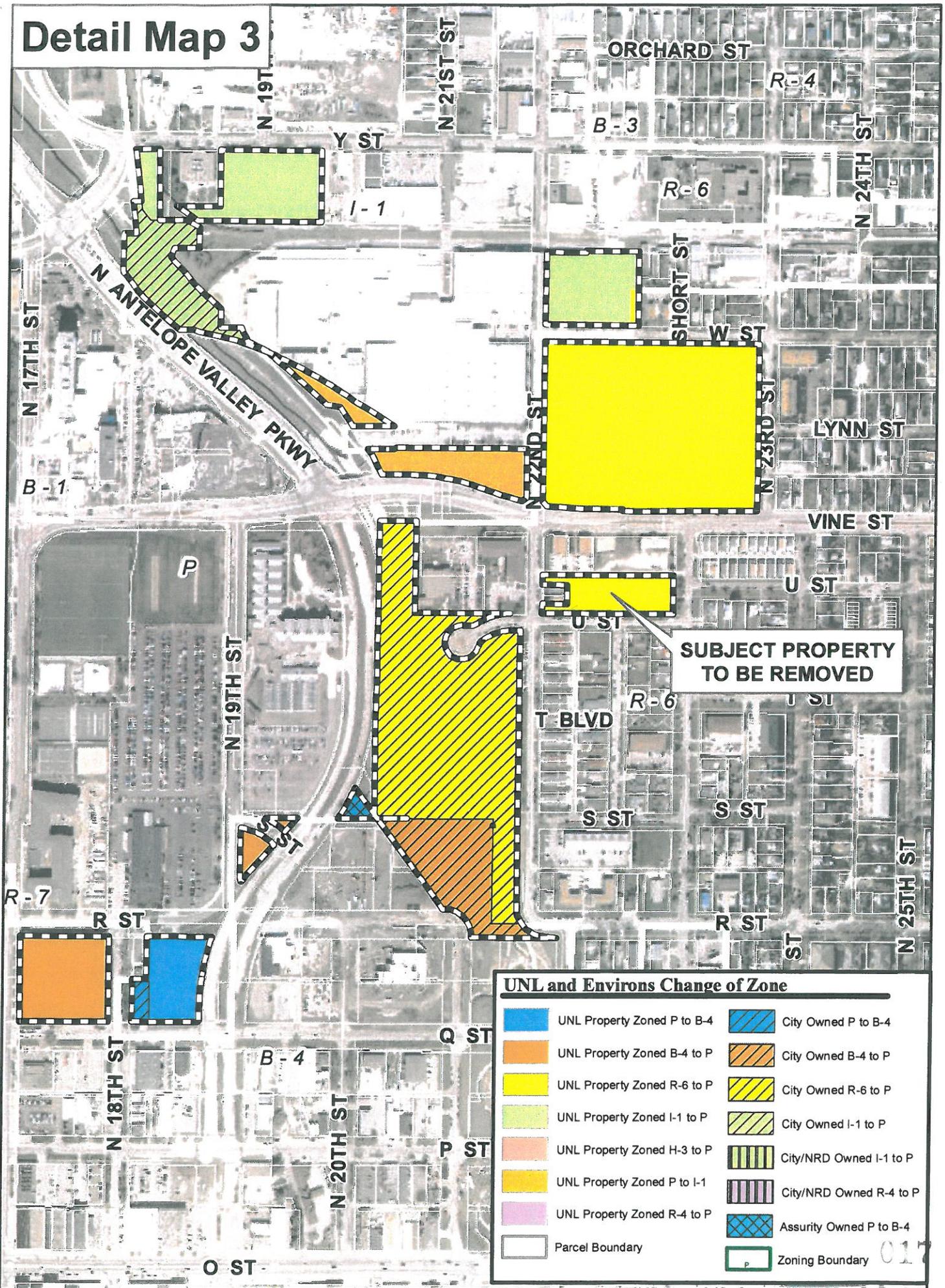
The Planning Department received correspondence from Mary Collier who owns property located at 708 N. 22nd Street. Ms. Collier claims that she has fenced off, uses and maintains a portion of the property that is currently owned by UNL. The property lies directly north of and adjacent to her property at 708 N. 22nd Street.

The Planning Department forwarded Ms. Collier's correspondence to UNL. At the request of UNL, the petition to rezone the property around Ms. Collier is removed from the application. This will allow UNL to address this issue without the zoning being a concern to Ms. Collier.

Thus, the staff recommendation is hereby amended to remove the property legally described as follows:

The north 34 feet of Lot 22; the east 72 feet of Lots 23 & 24; the south 9 feet and east 72 feet of Lot 25; all of Lots 26-37; and the west 16.6 feet of Lot 38; all in Block 1, Lincoln Driving Park Company's First Subdivision, Lancaster County, Nebraska. The subject property is generally located in the south half of the block bounded by N. 23rd Street, U Street, N. 22nd Street, and Vine Street.

Detail Map 3



SUBJECT PROPERTY TO BE REMOVED

UNL and Environs Change of Zone			
	UNL Property Zoned P to B-4		City Owned P to B-4
	UNL Property Zoned B-4 to P		City Owned B-4 to P
	UNL Property Zoned R-6 to P		City Owned R-6 to P
	UNL Property Zoned I-1 to P		City Owned I-1 to P
	UNL Property Zoned H-3 to P		City/NRD Owned I-1 to P
	UNL Property Zoned P to I-1		City/NRD Owned R-4 to P
	UNL Property Zoned R-4 to P		Assurity Owned P to B-4
	Parcel Boundary		Zoning Boundary