

## **FACTSHEET**

**TITLE:** CHANGE OF ZONE NO. 14016

**BOARD/COMMITTEE:** Planning Commission

**APPLICANT:** Jason Yuhasz and the Director of Planning

**RECOMMENDATION:** Approval (7-0: Beecham, Cornelius, Harris, Weber, Scheer, Sunderman and Hove voting 'yes'; Lust and Corr absent).

**STAFF RECOMMENDATION:** Approval

**OTHER DEPARTMENTS AFFECTED:** N/A

**SPONSOR:** Planning Department

**OPPONENTS:** None

**REASON FOR LEGISLATION:**

To change the zoning on approximately 0.6 acre generally located at North 70<sup>th</sup> Street and Adams Street from O-2 Suburban Office District to B-1 Local Business District.

**DISCUSSION/FINDINGS OF FACT:**

1. This is a request for a change of zone from O-2 to B-1 to allow the property to be utilized for uses other than office. The applicant is proposing to use the eastern property (Lot 41 I.T.) for a restaurant, which is not allowed in the O-2 district. The Director of Planning is proposing the change of zone on Lot 42 I.T. so as not to leave a small remnant piece of O-2 zoning in the area. This change of zone will remove the split zoning on Lot 42 I.T. The record consists of a letter in support from the owner of the parcel being recommended for change of zone by the Director of Planning (p.9).
2. The staff recommendation of approval is based upon the "Analysis" as set forth on p.3-4, concluding that the proposed change of zone would enable an existing building to be used for retail and other uses allowed in the B-1 Local Business District. The proposed B-1 zoning is compatible with surrounding properties and should have minimal impact on the area. The staff presentation is found on p.5.
3. The applicant's testimony is found on p.5.
4. There was no testimony in opposition.
5. On June 25, 2014, the Planning Commission voted 7-0 to recommend approval.

**FACTSHEET PREPARED BY:** Jean L. Preister

**DATE:** July 7, 2014

**REVIEW ED BY:** Marvin Krout, Director of Planning

**DATE:** July 7, 2014

**REFERENCE NUMBER:** FS\CC\2014\CZ14016

**LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT**  

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**for JUNE 25, 2014 PLANNING COMMISSION MEETING**

**PROJECT #:** Change of Zone No.14016

**PROPOSAL:** From O-2 Office to B-1 Local Business

**LOCATION:** N. 70<sup>th</sup> Street and Adams Street

**LAND AREA:** Approximately 0.6 acres

**EXISTING ZONING:** O-2 Office

**CONCLUSION:** The proposed change of zone would enable an existing building to be used for retail and other uses allowed in the B-1 District. The proposed B-1 zoning is compatible with surrounding properties and should have minimal impact on the area.

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

**LEGAL DESCRIPTION:** That portion of lots 41 and 42 both Irregular Tracts zoned O-2, located in the SE1/4 of Section 9, Township 10 North, Range 7 East, Lancaster County, NE

**EXISTING LAND USE:** Commercial

**SURROUNDING LAND USE AND ZONING:**

North:	R-4 Residential	Apartment complex
South:	B-1 Business	Retail
East:	B-1 Business	Bank and restaurant
West:	R-2 Residential	Single family houses

**HISTORY:**

July 1981                      Change of Zone #1869 from R-2 to O-2 was approved by the City Council.

May 1979                      The area was changed from A-2 Single Family to R-2 Residential during the 1979 zoning update.

**COMPREHENSIVE PLAN SPECIFICATIONS:**

Focus primarily on retention and expansion of existing businesses; attracting new businesses should also be encouraged. (p 5.1)

Seek to efficiently utilize investments in existing and future public infrastructure to advance economic development opportunities. (p.5.2)

Strive for predictability for neighborhoods and developers. (p.5.2)

Commercial centers should be in areas compatible with existing or planned residential use. (p.5.5)

Maintain and encourage businesses that conveniently serve nearby residents, while ensuring compatibility with adjacent neighborhoods. (p.5.14)

Detailed Strategies for Commercial Infill; "Maintain or adaptively reuse existing structures." (p.5.15)

Strive for predictability for neighborhoods and developers for residential development and redevelopment. (p.7.2)

The 2040 Lincoln Area Future Land Use Plan identifies this area as commercial. (p.12.3)

**TRAFFIC ANALYSIS:** N. 70<sup>th</sup> Street and Adams Street are both classified as a minor arterial in the 2040 Comprehensive Plan.

**ANALYSIS:**

1. This application is for a change of zone from O-2 Office to B-1 Business on a portion of Lots 41 and 42 Irregular Tracts (I.T.) located northwest of N. 70<sup>th</sup> St. and Adams St. A portion of these lots are already zoned B-1. This change of zone would eliminate the lots having two different zoning districts.
2. The site was previously a bank. It has been closed for several years. The parcel has both O-2 and B-1 zoning, with the drive-thru zoned B-1 and the rest of the building zoned O-2. There is B-1 zoning to the south and east of this site. There is R-4 zoning with an apartment complex to the north and R-2 zoning with single family housing to the west.
3. The parcel to the west, Lot 42 I.T., has the majority of the building in the B-1 District with only a small portion of the building zoned O-2.
4. The purpose of the change of zone is to allow the north part of the property to be utilized for uses other than office. The applicant is proposing to use the site for a restaurant. Restaurants are not allowed in the O-2 district.
5. The B-1 district has a side yard setback of 10 feet when abutting a residential district or zero when not abutting residential. The side yard setback in O-2 is 10 or 20 feet depending on the size of the lot. For this lot the setback would be 20 feet. The front yard setback is 20 feet for both B-1 and O-2.
6. The B-1 District is intended to provide a stable area of local retail relating to existing communities and existing neighborhoods. Some uses allowed in the B-1 District, but not the O-2 District include restaurants, retail, recreational facilities, gas stations and veterinary facilities. The B-1 district allows uses that can serve nearby residents.

7. The applicant is only requesting the change of zone on Lot 41 I.T., the eastern property. The Planning Department is proposing the change of zone on Lot 42 I. T. This request is proposed so as not to leave a small remnant piece of O-2 in the area. The change will remove the split zoning on Lot 42 I.T.

Prepared by:

Tom Cajka  
Planner

**DATE:** June 16, 2014

**APPLICANT:** Jason Yuhasz  
3940 SW Nottingham Rd.  
Topeka, Kansas 66610  
419-306-8472

**OWNER:** Hoogland Foods  
1022 E. Adams St.  
Springfield, Illinois 62703  
419-306-8472

**CONTACT:** Same as applicant

# CHANGE OF ZONE NO. 14016

## PUBLIC HEARING BEFORE PLANNING COMMISSION:

June 25, 2014

Members present: Scheer, Weber, Harris, Beecham, Cornelius, Sunderman and Hove; Corr and Lust absent.

This application was removed from the Consent Agenda at the request of the applicant.

Staff recommendation: Approval.

There were no ex parte communications disclosed.

Staff presentation: **Tom Cajka of Planning staff** explained that this change of zone request from O-2 to B-1 is for the property located at 70<sup>th</sup> Street just north of Adams Street. The main reason for this application is because the two parcels have split zoning, with the southern portion already zoned B-1 and part of the northern part zoned O-2. The zoning line actually splits the buildings. Cajka further explained that the applicant is only requesting the zoning change on the former bank building, but staff is recommending that the remaining remnant of O-2 also be included in this application. The owner of the adjoining parcel has no objection.

Cajka noted that the property in question was formerly a bank and has been vacant for several years. The applicant is seeking to do a restaurant, which is not allowed in the O-2 District, so rezoning all of the property to B-1 will make it easier for Building & Safety to interpret setbacks and uses with the entire parcel in one zoning district.

## Proponents

1. **Jason Yuhasz**, 3940 S.W. Nottingham in Topeka, Kansas, testified that he is purchasing the bank property, a portion of which is already zoned B-1 and he is requesting that the remainder be zoned B-1 for the purpose of a pizza carry-out delivery business.

There was no testimony in opposition.

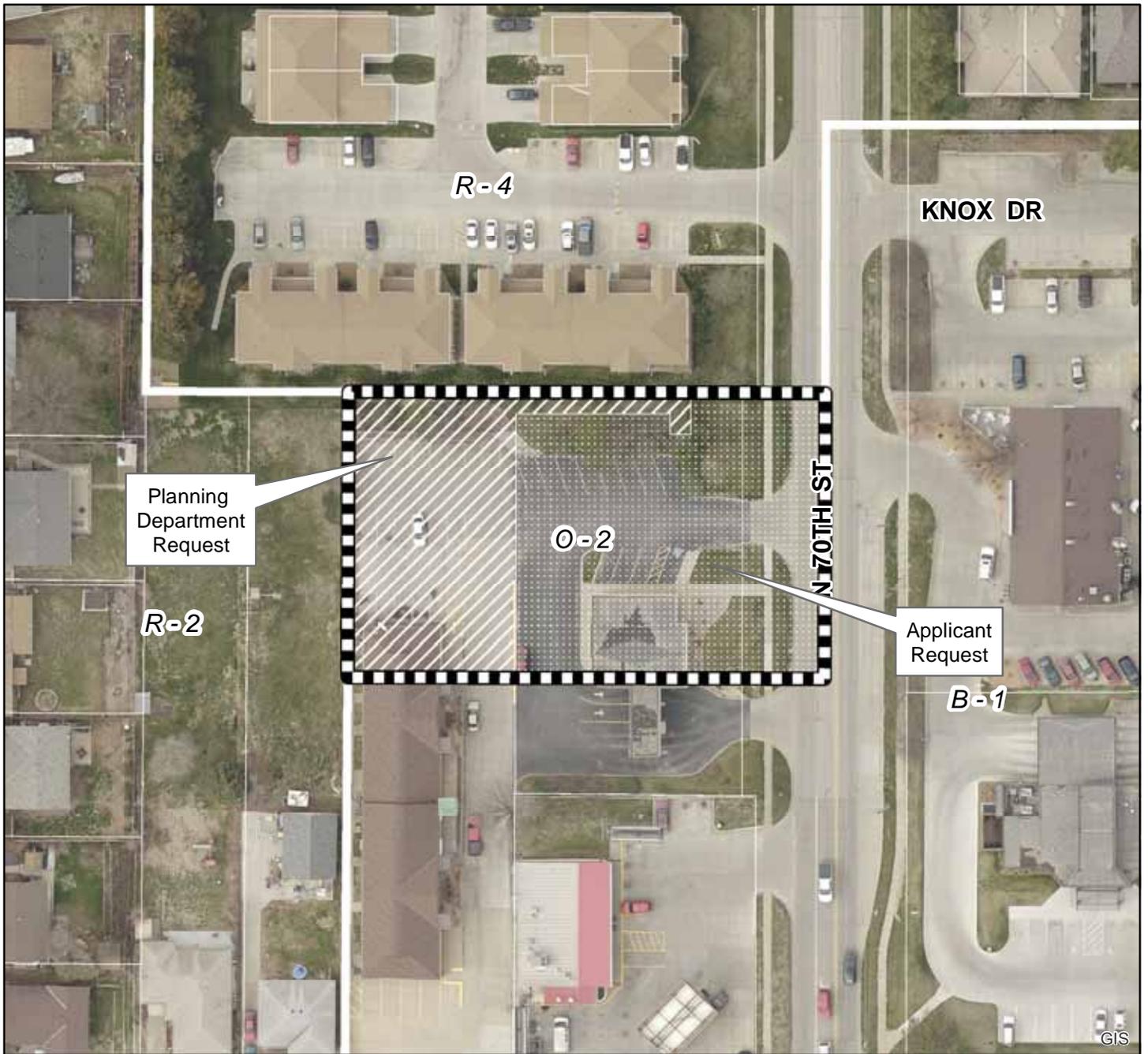
## ACTION BY PLANNING COMMISSION:

June 25, 2014

Cornelius moved approval, seconded by Beecham.

Cornelius noted that this application was on the Consent Agenda so it is relatively non-controversial. This will extend an already existing zoning area and it is in harmony with the surrounding zones.

Motion for approval carried 7-0: Scheer, Weber, Harris, Beecham, Cornelius, Sunderman and Hove voting 'yes'; Corr and Lust absent. This is a recommendation to the City Council.



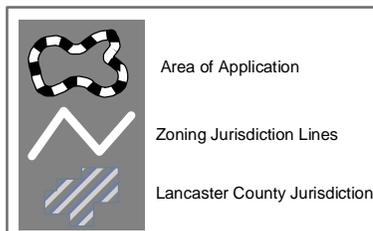
**Change of Zone #: CZ14016**  
**N 70th & Adams St**  
**O-2 to B-1**

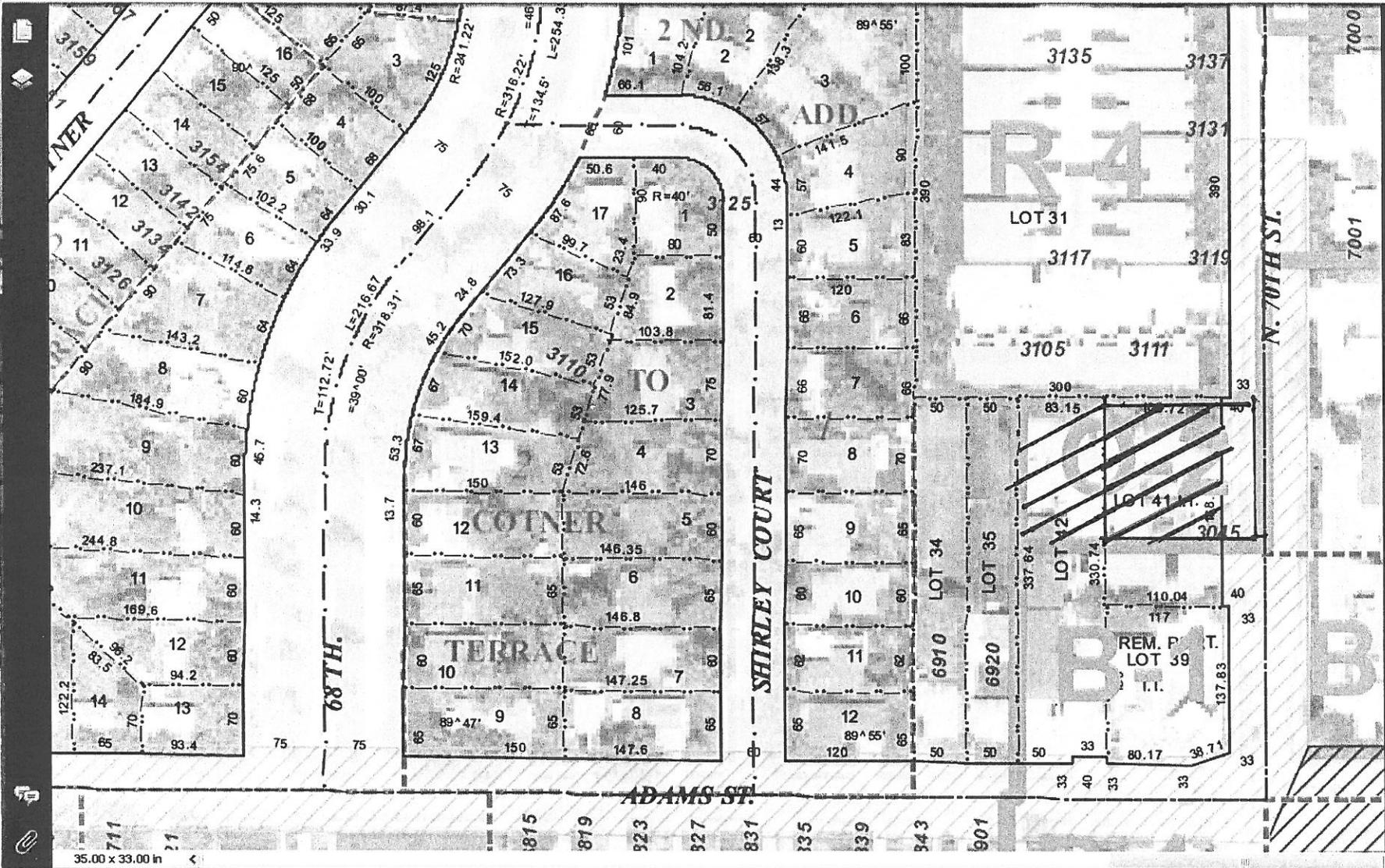
2013 aerial

**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.09 T10N R07E





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CHANGE OF ZONE O-2 TO B-1

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Hoogland Foods, LLC dba Marco's Pizza

1022 E. Adams St.

Springfield, IL

We are seeking a change of zone to allow for the operation of a new Marco's Pizza at 3045 N. 70<sup>th</sup> St., Lincoln, NE 68507. We are asking that the entire property is changed to B-1. Currently, the property is only partially B-1. The other property portion is O-2 and does not allow for restaurants.

Our business model is a delivery/carryout with a few tables.

Thank you,

Jason Yuhasz

Regional Director

Family Video and

Hoogland Foods

(419) 306-8472

[jason.yuhasz@familyvideo.com](mailto:jason.yuhasz@familyvideo.com)

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**To:** Jean Preister  
**Subject:** FW: change of zone

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**From:** Lloyd Hinkley [<mailto:lhinkley1@neb.rr.com>]  
**Sent:** Thursday, June 19, 2014 11:00 AM  
**To:** Tom J. Cajka  
**Subject:** change of zone

To Tom Cajka: We are in agreement with the change of zone to B-1 on our property at 3041 N 70th street. We do not object to the request for change of zone to B-1 on the property known as 3045 N 70th Street. Lloyd and Donna Hinkley