

FACTSHEET

TITLE: CHANGE OF ZONE NO. 16010
R-4 to B-3
(2201 South 17th Street)

BOARD/COMMITTEE: Planning Commission

APPLICANT: Kerry Eagan on behalf of the Lancaster County Board of Commissioners

RECOMMENDATION: DENIAL, (6-2: Cornelius, Corr, Harris, Lust, Scheer and Hove voting 'yes'; Sunderman and Weber dissenting; Beecham absent).

STAFF RECOMMENDATION:
Conditional Approval, subject to a Conditional Zoning Agreement

OTHER DEPARTMENTS AFFECTED: N/A

SPONSOR: Planning Department

OPPONENTS: 2; 1 present at hearing and 1 letter of opposition received.

REASON FOR LEGISLATION:

Request for a change from R-4 Residential District to B-3 Commercial District, on property generally located at 2201 South 17th Street.

DISCUSSION/FINDINGS OF FACT:

1. This property is owned by Lancaster County, which operated a Community Mental Health Center in this building prior to being leased to Lutheran Family Services, and is now being sold. The site has a building with approximately 28,641 sq. ft. in area. Under the current R-4 zoning allowed uses are limited. The applicant is requesting the change of zone to allow more uses on the property.
2. The staff recommendation of conditional approval is based upon the "Analysis" as set forth on pp.3-4, concluding that the change of zone to B-3 Commercial zoning, with limited allowed uses as described in the Development and Conditional Zoning Agreement, is in conformance with the goals of the Comprehensive Plan. The zoning agreement permits the existing use while limiting uses that may negatively impact residential uses to the east. The staff presentation is found on p. 5.
3. The applicant's testimony is found on p.6.
4. Testimony on behalf of an adjacent property owners in opposition to this application, is found on pp.6-8 and referenced handouts are found on pp.14-19. In addition, a letter of opposition was submitted and is found on pp.11-13.
5. On May 11, 2016, the Planning Commission voted 6-2 to recommend DENIAL of this change of zone request, primarily due to the fact that it is difficult to approve a change of zone without knowing what the proposed use will be for this site.
6. The associated proposed Development and Conditional Zoning Agreement as amended by the County Board, is also being introduced on May 23, 2016, as Bill No.16R-110, and can be found on pp.23-26.

FACTSHEET PREPARED BY: Geri Rorabaugh, Administrative Officer

DATE: May 16, 2016

REVIEWED BY: David R. Cary, Planning Director

DATE: May 16, 2016



\\devreview\factsheets\2016\cc\CZ16010

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for APRIL 27, 2016 PLANNING COMMISSION MEETING

PROJECT #: Change of Zone No.16010

PROPOSAL: From R-4 Residential to B-3 Commercial

LOCATION: 2201 South 17th Street

LAND AREA: 70,576 sq. ft., more or less

EXISTING ZONING: R-4 Residential with a Special Permit for Health Care Facility

CONCLUSION: The change of zone to B-3 Commercial zoning, with limited allowed uses as described in the Development and Conditional Zoning Agreement is in conformance with the goals of the Comprehensive Plan. The zoning agreement permits the existing use while limiting uses that may negatively impact residential uses to the east.

RECOMMENDATION:	Conditional Approval
------------------------	----------------------

GENERAL INFORMATION:

LEGAL DESCRIPTION: See attached

EXISTING LAND USE: Health Care facility

SURROUNDING LAND USE AND ZONING:

North:	B-3 Commercial	Parking lot and retail on the north side of South Street.
South:	R-4 Residential	Bryan Medical Center West
East:	R-2 Residential	Single family and duplex
West:	R-4 Residential	Bryan Medical Center West

HISTORY:

June 4, 2001 Special Permit #1020G to amend SP1020F to expand the hospital and medical offices and add a parking garage at Bryan Medical Center West was approved by the City Council.

March 10, 2014 Special Permit #14001 for a Non-residential Health Care Facility for Lutheran Family Services of Nebraska was approved by the City Council.

COMPREHENSIVE PLAN SPECIFICATIONS:

The 2040 Future Land Use Plan shows this property as Public and Semi-Public. (p.1.9)

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

Strive for predictability incentives for mixed uses in future developments. (p.5.2)

Develop infill commercial areas to be compatible with the character of the area. (p.5.14)

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

Diversity of land uses, including commercial and special needs housing, is important provided the use fits within the character of the block and neighborhood. (p.7.2)

Hospitals represent one of the highest and most important community service land uses. Lincoln has a growing number of medical campuses such as Bryan LGH East and West. (p.8.6)

Provide for accessible physical and mental health care services in appropriate areas in and around residential neighborhoods. (p.8.7)

UTILITIES: All utilities are available.

TRAFFIC ANALYSIS: South Street and South 17th Street are identified as Minor Arterial in the 2040 Comprehensive Plan.

ANALYSIS:

1. This application is for a change of zone from R-4 Residential to B-3 Commercial on property located southwest of S. 17th Street and South Street. The property is adjacent to Bryan Medical Center West and has a special permit for Non-Residential Health Care facility.
2. Lancaster County operated a Community Mental Health Center in this building prior to Lutheran Family Services. The property is being sold by the County Board. The site has a building with approximately 28,641 sq. ft. in area that was recently leased to Lutheran Family Services. Under the current R-4 zoning allowed uses are limited. The applicant is requesting the change of zone to allow more uses on the property.
3. The B-3 District allows uses such as: motor vehicle sales, motor vehicle repair, car wash, gas stations, convenience stores, restaurants, contractor services, social halls, and retail sales. Uses such as drive-thru restaurants, gas stations, car repair and car wash could have a negative impact to the residential area due to increased noise, additional outside lights and increase in traffic.
4. There is currently B-3 zoning to the north of this site. That site previously had a grocery store and large parking area. The special permit for Bryan West Hospital was amended to include the former grocery store site and now has a smaller parking lot and large landscaped area.
5. To allow additional uses on the property and to help offset potential negative impacts such as increased noise, additional outside lighting and increased traffic to the residential neighborhood, a Development and Conditional Zoning Agreement is proposed (see attached). The Agreement would allow all O-2 uses as well as

retail and personal services. Retail is a broad category but it does not include vehicle sales, restaurants or gas stations which are listed separately from retail in use groups in the zoning ordinance. Personal Services include uses such as barber shop, dry cleaner, laundromat and health club The O-2 District allows uses such as adult day services, early childhood care facilities, hospitals, neighborhood support services, office, medical office and residential and non-residential health care facilities,

6. The applicant has scheduled a neighborhood meeting for April 19th and will provide neighborhood feedback at the April 27th Planning Commission hearing.

CONDITIONS OF APPROVAL:

1. Sign the Development and Conditional Zoning Agreement before the City Council approves the change of zone.

Prepared by:

Tom Cajka
Planner

DATE: April 18, 2016

APPLICANT: Lancaster County
555 S. 10th Street, Suite 110
Lincoln, NE 68508

OWNER: Same as applicant

CONTACT: Kerry Eagan, Chief Administrative Officer
555 S. 10th Street, Suite 110
Lincoln, NE 68508
402-441-6865

CHANGE OF ZONE NO. 16010

CHANGE OF ZONE NO. 16010
FROM R-4 TO B-3 COMMERCIAL DISTRICT
ON PROPERTY GENERALLY LOCATED AT
2201 SOUTH 17TH STREET
PUBLIC HEARING BEFORE PLANNING COMMISSION:

May 11, 2016

Staff recommendation: Conditional Approval, subject to a Conditional Zoning Agreement.

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

There were no ex parte communications disclosed.

Staff presentation: Tom Cajka of the Planning Department stated that just north of this site was the former SunMart grocery store that is now owned by Bryan Hospital and has been torn down. The building is along the north with parking along 17th Street. Until recently, it was being leased by the County to Lutheran Family Services who has now moved to a new building. There is B-3 zoning to the north on the other side of South Street. There is R-2 to the east and R-4 to the west and south. The R-4 is mainly taken up by the hospital, which is allowed in a residential district by special permit. The only true residential is east of 17th Street and farther south. The applicant has agreed to a zoning agreement, which limits most of the uses in the B-3 District. What they have agreed to is basically a O-2 zoning with retail. They need the B-3 in order to have retail. For clarification, the way the code is written, retail would not include auto sales, on- or off-sale alcohol, car washes or that type of thing. We were trying to look at this to allow flexibility for the use while lessening the impacts to residential. We think with the restrictions on the more obtrusive uses, the compromise is a good fit for the area.

Harris asked for more information about screening that would be required in B-3 as it relates to the residential areas. Cajka said there is a screening requirement when it comes to commercial next to residential, but we do not consider residential across the street as being adjacent. There is screening for the parking lots which is 90% from the ground up. Since this is an existing lot, if remained as it is, screening would not be required. However, we do know there is already some substantial landscaping by the parking lot which probably already meets the requirements. Harris asked if a developer were to rip out the existing parking and build new, they would have to comply with the screening requirements. Cajka said yes.

Corr said this item appeared on the agenda a couple of weeks ago. She wondered if anything has changed in the zoning agreement between then and now. Cajka said there was a meeting with a hospital representative and, based on that, the County Board agreed to add two conditions to the agreement. First, in the case of any new construction, any new parking would be setback 20 feet along the lot line on 17th Street. Second, signs would be limited to 32 square feet and 9 feet in height.

Corr asked if that alleviated the concerns brought up in a letter of opposition that was received. Cajka said they are present and can answer.

Proponents:

1. Don Killeen, County Property Manager, came forward to state the primary reason for the County's request is to ensure that the future owner of the building that exists there can utilize the building in the manner that has been used by the County and Family Lutheran Services for the last 20 years. Under the O-2 zoning, there would be approximately 3,200 square feet of existing office space that would have to be considered as storage which diminishes the County's assets significantly.

Corr asked for clarification that if the change doesn't go through, that square footage would have to be changed to storage instead of office space. Killeen said yes.

Cajka clarified that the current zoning is R-4, so if this didn't get approved, it would remain R-4, and office is not allowed in R-4. Corr asked if that is why space would have to be converted to storage. Cajka said no. It could be used for what it had been, a residential healthcare facility. The storage part goes to the parking requirement for a medical office; there is not enough parking for this building to be utilized as a medical office. That is why when Family Lutheran Services was there, they leased a portion and the rest was storage.

Opponents:

1. Ken Seacrest, Seacrest & Kalkowski, came forward representing Bryan Health. This is a very unique application. The County is interested in selling this building. Unlike you and me, the County can only sell property one way, and that is to have an appraisal, hold an auction, and sell to the highest bidder. If it is substantially below fair market value, only then can they negotiate. To help them with the appraisal process and to get good sale proceeds, the County seeks to rezone to get a good market value, but they request a zone that does not require any additional review such as a special or use permit, so important details of potential negative impacts on neighbors cannot be determined.

Bryan is opposed to this request because we do not know what the next user will be. This zone does not require site review and we do not know what the next user will be. County has a self-interest to help improve their resale. Bryan Health also has self-interest. We want to buy the property and we want for it to be reasonably zoned. We will pay fair market value. A zone that is not appropriate could distort the market. If we are not the highest bidder, we have to live with whatever comes in. It could be a use that may not be compatible with the hospital and the neighborhood.

The County has been exempt from zoning, so it used to provide medical services and did not need to meet parking requirements. It got more complicated in 2007 when parking was deeded to Bryan. They flipped parking. The County gave up 126 parking stalls and went to 102 stalls, making the shortage worse. They had good reason at that time, when they needed important services from Bryan. As part of that exchange, they lost the stalls and that now has consequences for the next user who will have to comply. If they can't, it impacts the size and use of the building. What I am tactfully trying to say is that in 2007, the County "sold" some of the property when they exchanged it for services. Now they are trying to get that back in some way for the next user.

Another unique factor is that this County application puts the Planning department in a tough spot since they are also a County entity and, as such, the County is involved in the hiring and firing of the Director of Planning and in budget matters. Normally, they have no stake in the game when they make recommendations. Planning also did not realize the swap agreement had occurred so they did not know the parking shortfall was there.

The B-3 allows many more uses, some of which would not be appropriate. It is important to ask if there is enough retail in this area and do we need more, or does it take away from existing retail. The parking is detrimental. Other zones allow 1 stall per 300. This zone allows 1 per 600, in other words half the requirement. The building does not meet parking requirements in many other zones, but in the requested B-3, suddenly there is a surplus. What that does is allows them to do more with the building. Right now, if a medical office came in, 31% of the building could not be used because they would not have adequate parking. An office, they would lose 9.2%. With new construction, the office zone would allow up to 31,000 square feet, but the special B-3 zone allows around 60,000. The setbacks and heights allowed are also impacted in a similar manner.

The County's lot is an odd shape now since the change in 2007. It is important to ask what the appropriate zone is for this area. The building is clearly meant for office use, not retail. Normally there is an office zone between retail and residential. If there is retail, you begin to strip 17th Street, which sets up a bad precedent of having retail encroach into a neighborhood. This is not appropriate according to the Comprehensive Plan. Parking could become an issue for both Bryan and the neighborhoods.

Bryan is looking at delivering the best possible healthcare services on this campus into the future. The County gave away parts of the building. Now this zone would put it back, but that causes many negative ramifications. He spoke with the president of the Irvingdale Neighborhood Association. He asked that he relay that he agrees with the information presented today.

Hove asked if they are proposing O-2 or O-3 as an alternative. Seacrest said O-2. There is a motion to amend if you think that is a better option.

Lust asked if their proposal is that, normally with a change of zone request, there is an actual request, so your recommendation is to say no now until we know what will happen. Seacrest said that is preferred, but we also understand that the County might at least like to allow office.

Lust asked for clarification that the major concern with lack of parking is that people will park on the Bryan campus when Bryan needs that for their own operations. Seacrest said that is correct and that people will also start parking in the neighborhood, which can cause many problems, which is also not in Bryan's interest.

Lust wondered if the concern over the height was because a tall building would stand out too much in the neighborhood. Seacrest said he is fine with the height as long as there is parking. They cannot have a free pass. The neighbors would probably have a different perspective since they do not have the tall building that Bryan does.

Corr asked the age of the existing building. Killeen said it was fully remodeled in 1995.

Lust asked if Bryan thinks the proposed zoning agreement is enough to take care of concerns about what type of business might move into the area. Seacrest said it takes care of a handful of obnoxious uses, but it leaves retail. There could be very inappropriate uses allowed under that definition.

Harris asked if it is fair to say that you believe that B-3 with O-2 uses take care of some of the uses, but doesn't take care of height and other issues. Seacrest said the O-2 would allow office uses, including medical, so that makes sense to us. Retail is not appropriate or needed. It is too intense.

Lust wondered if Bryan's best defense would simply be to make sure they were the highest bidder. Seacrest said that is a fair statement, but what if we are not. We have fiduciary duties and money given through trust so we can't just go above fair market value. Someone could outbid us easily. Lust said that some may be skeptical and say you are trying to keep fair market value at a lower level. Seacrest said that realistically, the County has not had to live with any zoning. The job of this body is to ask what this property looks and feels like it should be used for.

Corr asked if Bryan doesn't win the bid but someone compatible does, would they be opposed to having a parking agreement with a new neighbor. Seacrest said they need to address their own parking needs first. They do not want to be a bad neighbor themselves. Bryan's goal is to keep all of the parking on the site. Medical parking is the most intense. If that agreement could be made, it may not be for as long as a developer would like, since we have to reserve our own right to meet the needs of the community in terms of quality medical service. Corr asked if there was excess parking now and the concern is over how long that will last.

2. David Reese, Bryan Health, stated that it depends on how you describe parking. There are different levels with patients and employees and the like. Parking ebbs and flows for patients. Our services continue to grow with the City so we have to find ways to continue that growth without having a negative impact on neighbors.

Steve Henrichsen of the Planning Department came forward to clarify that in a meeting I said we were in a unique position because we work for the Mayor, the City Council, the County Board, and we look at every change of zone, regardless of the applicant or final user, since users change. Like Staff, this body must consider the unique characteristics and facts in this case without concern for who you work for.

Lust asked if it was more typical that we would know the applicant and the use before we change the zone, instead of changing it in advance. Henrichsen said typically you would because the seller had the option to work with several buyers. The owner in this case does not legally have the ability to choose. So they want to say that there are other uses that would be appropriate for this site, such as a pharmacy. This building is blocked from 16th Street by Bryan property. It could potentially have a big building to the north that would block it. The applicant still feel there could be other uses.

Lust asked for clarification that even if something very inappropriate for the area wins the bid, there would be nothing to do at that point. Henrichsen said that is correct. This property is unique. It has very little visibility from surrounding areas, so it is important to ask

what type of use would choose this spot. The zoning with the agreement basically amounts to O-2 zoning, with a few additional uses on it, since there are other uses that would be compatible with the surroundings. Lust asked if a pharmacy is not allowed in O-2. Henrichsen said that is correct.

Cajka clarified that there is a setback of 30 feet if adjacent to a residential district.

Weber asked if there was any feedback from neighbors. Cajka said letters were sent out and one owner showed up to a meeting. He spoke with the President of the neighborhood association to ask whether his letter in opposition represented the whole neighborhood, the Board, or just himself; it was on behalf of the neighborhood board, where it was discussed at a board meeting. Corr asked if that board approved the letter. Cajka said yes.

Dave Derbin, County Attorney, came forward to state that the 2007 contract was a complicated agreement. There was real estate swapped, but there was no covenant that stated the County would never seek to rezone the property.

Killeen stated that the hospital approached the County switching the parking. Prior to that, as was indicated, we had 126 stalls across the street. With that offset of fees, he believes the purpose at that time was to compensate for the cost of the parking stalls themselves, not the diminished cost of the structure, so they are two separate things.

Corr asked how old the building is. Killeen said he believes it was built around 20 years before the remodel in 1995. Corr asked if the building is well-maintained and in good shape. Killeen said it is ready to be utilized by a new tenant. The believe that it might be scrapped would not be likely, in his estimation.

CHANGE OF ZONE NO. 16010
ACTION BY PLANNING COMMISSION:

May 11, 2016

Corr moved denial, seconded by Lust.

Corr said she finds this an unusual situation without a buyer. We do not know what will happen with this parcel so it is difficult to evaluate the zoning change. It is more appropriate to let the new owner, whenever that is decided, to pursue a change, if necessary.

Lust said she seconded to start discussion. This is a tough situation and she understands the position of both parties. This hinges on the fact that it is difficult to approve a zoning change without knowing what will go in. She might be more comfortable with the middle ground of the O-2 office district which gives a little more flexibility.

Cornelius stated he agrees with Lust. What he is hearing is two things. The hypothetical rezoning to O-2 is a resolution of conflict that exists with the office building in R-4. With regards to the B-3 application, if an owner came before us and said I'd like to change the zone with the opposition of the neighbors, in order to maximize the value for sale, we would very likely say 'no'. That is kind of the case here. Potential buyers have the capacity to imaging possibilities and apply for new zoning. Whether or not it should go to O-2 is a separate question. There has been so much work with the current application, and it is complicated enough that he is uncomfortable with the 2-line amendment to change it. So in a way, he is inclined to support the denial.

Harris said she shares the same sentiment. She is not comfortable with moving for the O-2 because the applicant is not asking for that change. She does not want to speculate if they prefer that versus a 'no'. She is more inclined to just wait for an applicant to come forward.

Lust said the vote to amend is not before the Commission. She stated for the record that the statements of Cornelius and Harris caused her to change her mind.

Weber said he will vote against the denial. He sees both sides. It is not zoned correctly now. He thought that in the past, zone changes have been made without a new owner. He would like to see the free market set the value.

Sunderman said he will also vote against denial. In looking at the parking lot, the way it is situated, the location of it and whether there will be cross-parking. People will be just as likely to park in Bryan's lot as to the south. According to the information provided, B-3 requires 58 stalls, a surplus of 48, which would be on the south side. Potential cross-parking is there.

Scheer said he will support the motion. The potential for a property to be rezoned to B-3 is exciting and there are good reasons to support it, but in his short time, he does not recall supporting a change of zone without knowing the applicant. Hopefully something will come forward that will support B-3.

Sunderman added that the location of this property could be hidden behind something up front. Even as B-3, he does not believe the consequences will be so onerous because at the end of the day, it will probably be a hidden property. It's primary use will be back to the campus.

Hove said he will support the denial. This is a very unique property that is surrounded on three sides by the same people. As Cornelius said, we would deny a similar application if another property were surrounded by opposition. We need to have a say in who goes in.

Motion carried, 6-2; Cornelius, Corr, Harris, Lust, Scheer, and Hove voting 'yes'; Sunderman and Weber voting 'no'; Beecham absent.

This is a recommendation to the City Council.

OPPOSITION

CHANGE OF ZONE NO. 16010
2201 South 17th Street
(PUBLIC HEARING/ACTION 4/27/16)

Subject: FW: Letter of opposition to Change of Zone CZ16010
Attachments: pc.letter.pdf

From: Doug Headlee [mailto:dougo_32@yahoo.com]
Sent: Monday, April 25, 2016 4:47 PM
To: Tom J. Cajka <tcajka@lincoln.ne.gov>; Geri K. Rorabaugh <grorabaugh@lincoln.ne.gov>
Subject: Letter of opposition to Change of Zone CZ16010

Mr. Cajka, Planning Commission Members:

Attached please find a letter attached expressing opposition to Change of Zone CZ16010 from R-4 (Residential District) to B-3 (Commercial District) on the property located at 2201 S. 17th St. (Community Mental Health Center). Unfortunately, I will be unable to attend the hearing this Wednesday.

Sincerely,

Doug Headlee
President
Irvingdale Neighborhood Association

April 25, 2016

Mr. David Cary
Tom Cajka
Planning Director
Lincoln/Lancaster County Planning Department
555 S. 10th Street
Lincoln, Nebraska
tcajka@lincoln.ne.gov

Planning Commission Members
Lincoln/Lancaster County Planning Department
555 S. 10th Street
Lincoln, Nebraska
plan@lincoln.ne.gov

Re: Change of Zone CZ16010—from R-4 (Residential District) to B-3(Commercial District)

Good day:

On behalf of the Irvingdale Neighborhood Association, we want to express our opposition to the Lancaster County's B-3 rezoning request for the Community Mental Health Building described above. The Irvingdale Neighborhood Association believes the more appropriate rezoning would be to O-2 instead of B-3 (subject to the Development and Conditional Zoning Agreement).

Irvingdale supports the O-2 rezoning and opposes the B-3 rezoning for the following reasons:

1. Permitting retail uses along S. 17th would be a major land use intrusion into the neighborhood and negatively impacting many homes. As recommended, the B-3 rezoning would allow 24-hour a day retailing, drive through, manufacturing of retail goods and outdoor storage of retail products.
2. The recommended B-3 parking requirement is only ½ the parking requirements of the normal Lincoln business zones, like O-2. It does not appear that the County's property has an adequate parking area and there is a good chance the next building occupant's parking users will not find adequate on-site parking. If not, then, the parkers will be force to park on the local Irvingdale residential streets.
3. The B-3 setback and height requirements do not adequately buffer and protect the neighborhood.
4. The B-3 signage rights would be much greater and less attractive from the neighborhood view corridors.

5. Together, the additional permitted land uses and less parking, height, setback, and signage requirement means more negative neighborhood impacts—increase noise, traffic, lighting, etc.—which leads to loss property values.
6. As an intercity neighborhood, having proper zoning abutting the neighborhood is critical. We believe the B-3 would set a dangerous precedent that would encourage others to seek and further threaten the neighborhood.

For these reasons, the Irvingdale Neighborhood Association would request the Planning Commission to deny the B-3 zoning request and instead recommends the County's property be rezoned to a more appropriate O-2 zoning that will better protect the neighborhood.

We appreciate your time and consideration of our request.



Doug Headlee
President
Irvingdale Neighborhood Association

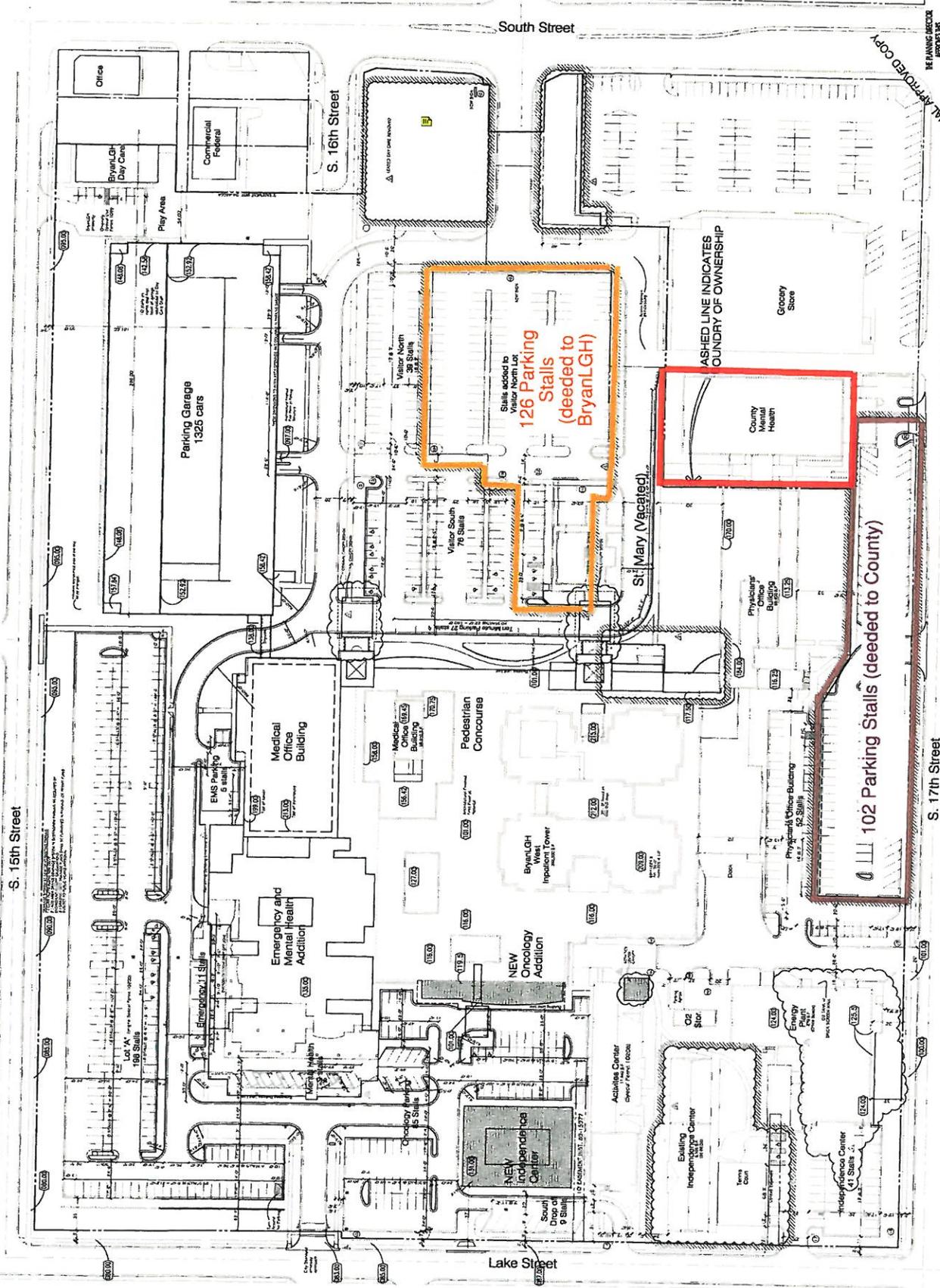
Lot #	Area	Area (sq ft)	Notes
101	Office	1,200	
102	Commercial Federal	1,500	
103	Play Area	500	
104	BryanLGH Day Care	1,000	
105	Parking Garage	13,228	cars
106	Visitor North	38	Stalls
107	Visitor South	78	Stalls
108	St. Mary (Vacated)		
109	County Mental Health		
110	Physician Office Building		
111	Physician Office Building		
112	102 Parking Stalls		(dedeed to County)
113	Medical Office Building		
114	Medical Office Building		
115	Pedestrian Concourse		
116	BryanLGH West Inpatient Tower		
117	NEW Oncology Addition		
118	Emergency and Mental Health Addition		
119	NEW Independence Center		
120	Independence Center		
121	Independence Center		
122	Activities Center		
123	Existing Independence Center		
124	Energy Plant		
125	O2 Stor		
126	South Drop off		
127	Chocky		
128	Medical Office Building		
129	Medical Office Building		
130	Medical Office Building		
131	Medical Office Building		
132	Medical Office Building		
133	Medical Office Building		
134	Medical Office Building		
135	Medical Office Building		
136	Medical Office Building		
137	Medical Office Building		
138	Medical Office Building		
139	Medical Office Building		
140	Medical Office Building		
141	Medical Office Building		
142	Medical Office Building		
143	Medical Office Building		
144	Medical Office Building		
145	Medical Office Building		
146	Medical Office Building		
147	Medical Office Building		
148	Medical Office Building		
149	Medical Office Building		
150	Medical Office Building		

SPECIAL PERMIT 1020G
CAMPUS PLAN

Scale: 1" = 40'



North



FINAL APPROVED COPY
RE PLANNING BOARD APPROVAL
DATE: 05/02/2001

Supra Note:
1. The information on this plan is the property of Davis Design.
2. This information is not to be used for any other project without the written consent of Davis Design.
3. This information is not to be used for any other project without the written consent of Davis Design.

Davis
DESIGN

Davis
DESIGN

County approves complex agreement with hospital officials

the Lincoln Journal Star Aug 21, 2007 (0)



The Lancaster County Board of Commissioners on Tuesday settled negotiations for health care services after using a land swap as a bargaining chip.

The board signed off on a new agreement with BryanLGH officials to lock in discounted rates of service for county jail inmates as well as Crisis Center and general assistance patients. The agreement is effective through 2013.

The deal will save millions of taxpayer dollars over time, County Board Chairman Bob Workman said.

The agreement has been almost four years in the making, said Mike Thew, chief deputy county attorney.

As part of the deal, county officials have agreed to a land swap — more specifically a parking lot swap. The county will give up a parking lot on the east side of the Lancaster County Community Mental Health Center, but gain a lot on the Bryan-LGH West campus next door.



End Of Social Security ▶ X

Leaked Evidence Stumps Obama and Stuns Retirees.

• ○

→

Latest galleries



Photos: Southwest vs. Pius X, girls district soccer



Photos: Blue Angels fly over Lincoln



Photos: HAC track championships



PhotoFiles: Lincoln in the 1950s

Zoning Regulations	R-4; Special Permit for Non-Residential Health Care Facility	0-2 Suburban Office District	Planning Department's Recommendation: B-3 Zoning requirements with O-2 Uses + Retail/Personal Services Uses
1 Health Care, Medical Office	Allowed	Allowed	Allowed
2 Office	Not allowed	Permitted	Permitted
3 Retail	Not allowed	Not allowed	Permitted
4 • Open 24-hours a day	Not allowed	Not allowed	Permitted
5 • Drive thru	Not allowed	Not allowed	Permitted
<p>Does neighborhood need more retail? South Street is strips with 8.5 block width of B-3 zoning; 33 acres; Or approximately 400,000 SF of retail buildings Many current users are very soft (smoke shop, church in retail building, convenience stores</p>			
6 • Outdoor storage of products associated	Not allowed	Not allowed	Permitted
7 Personal Services	Not allowed	Only 5,000 SF permitted	Permitted
8 Parking Requirements	One space/2.5 beds; plus one space/employee on the largest shift; Doctors' one space/225 sq. ft. of floor area	One parking stall per 300 feet; Doctors' one space/225 sq. ft. of floor area	One parking stall per 600 feet; Doctors' one space/225 sq. ft. of floor area
8a Existing Parking: Community Mental Health Building has 35,003 square feet of useable space and 106 parking stalls.	Required: 156 stalls Deficit: 50 parking stalls Deficit: - 32.1%	Required: 116 stalls Deficit: 10 parking stalls Deficit: -8.6%	Required: 58 stalls Surplus: 48 parking stalls No Deficit
8b Keep current building (35,003); next user's permitted building size	23,850 SF -11,153 SF loss -31.9% loss	31,800 SF -3,203 SF loss -9.2% loss	35,003 SF No SF loss
8c Scrap current building; build new construction (Lot= 66,905 SF)	(assume 18% first floor building footprint/area) Two floors = 23,850 SF Required parking = 106 stalls	(assume 24% first floor building footprint/area) Two floors = 31,800 SF Required parking = 106 stalls	(assume 24% first floor building footprint/area) Four floors = 31,800 + 28,800 (600 SF x. 48 surplus stalls) = 60,600 SF Required parking = 101 stalls

	Zoning Regulations	R-4; Special Permit for Non-Residential Health Care Facility	0-2 Suburban Office District	Planning Department's Recommendation: B-3 Zoning requirements with O-2 Uses + Retail/Personal Services Uses
9	<ul style="list-style-type: none"> Parking lots permitted in the front yard 	Not allowed	Not allowed	Permitted Planning Department new condition: In the east of new construction there shall be a 20' setback along S. 17 th Street for parking stalls
10	<ul style="list-style-type: none"> Parking within 300 feet 	Not allowed	Not allowed	Permitted
11	Setbacks			
	<ul style="list-style-type: none"> Front Yard 			
12	<ul style="list-style-type: none"> Side Yard if abutting Residential 		10 feet	5 feet
13	<ul style="list-style-type: none"> Rear Yard abutting nonresidential 		40 feet	0 feet
14	<ul style="list-style-type: none"> Rear Yard abutting Residential 		40 feet	30 feet
15	Height Signage		25 or 28 feet	45 feet
16	<ul style="list-style-type: none"> Wall Signs 		Not to exceed 25 square feet	30% of the architectural elevation; not to exceed 500 square feet
17	<ul style="list-style-type: none"> Freestanding 		32 square feet and 8 feet tall outside front yard	100 square feet and 25 feet tall outside front yard. Planning Department new condition: Signs shall be limited in size to 32 square feet and 8 feet in height
18	<ul style="list-style-type: none"> Projecting Signs 		Not to exceed 25 square feet; not allow on building side abutting residential district	100 square feet
19	<ul style="list-style-type: none"> Marquee Signs 		Not allowed	Permitted
19	<ul style="list-style-type: none"> Electronic Changeable Copy Signs 		Not allowed	Permitted

20	<p>Zoning Regulations</p> <ul style="list-style-type: none"> • Mobile Signs for 60 days a year 	R-4; Special Permit for Non-Residential Health Care Facility	0-2 Suburban Office District	<p>Planning Department's Recommendation: B-3 Zoning requirements with O-2 Uses + Retail/Personal Services Uses</p> <p>Permitted</p>
----	---	--	------------------------------	--

MOTION TO AMEND

I hereby move to amend Change of Zone No. 16010, to designate the real estate legally described therein from R-4 Residential to O-2 Suburban Office District.

Introduced by:

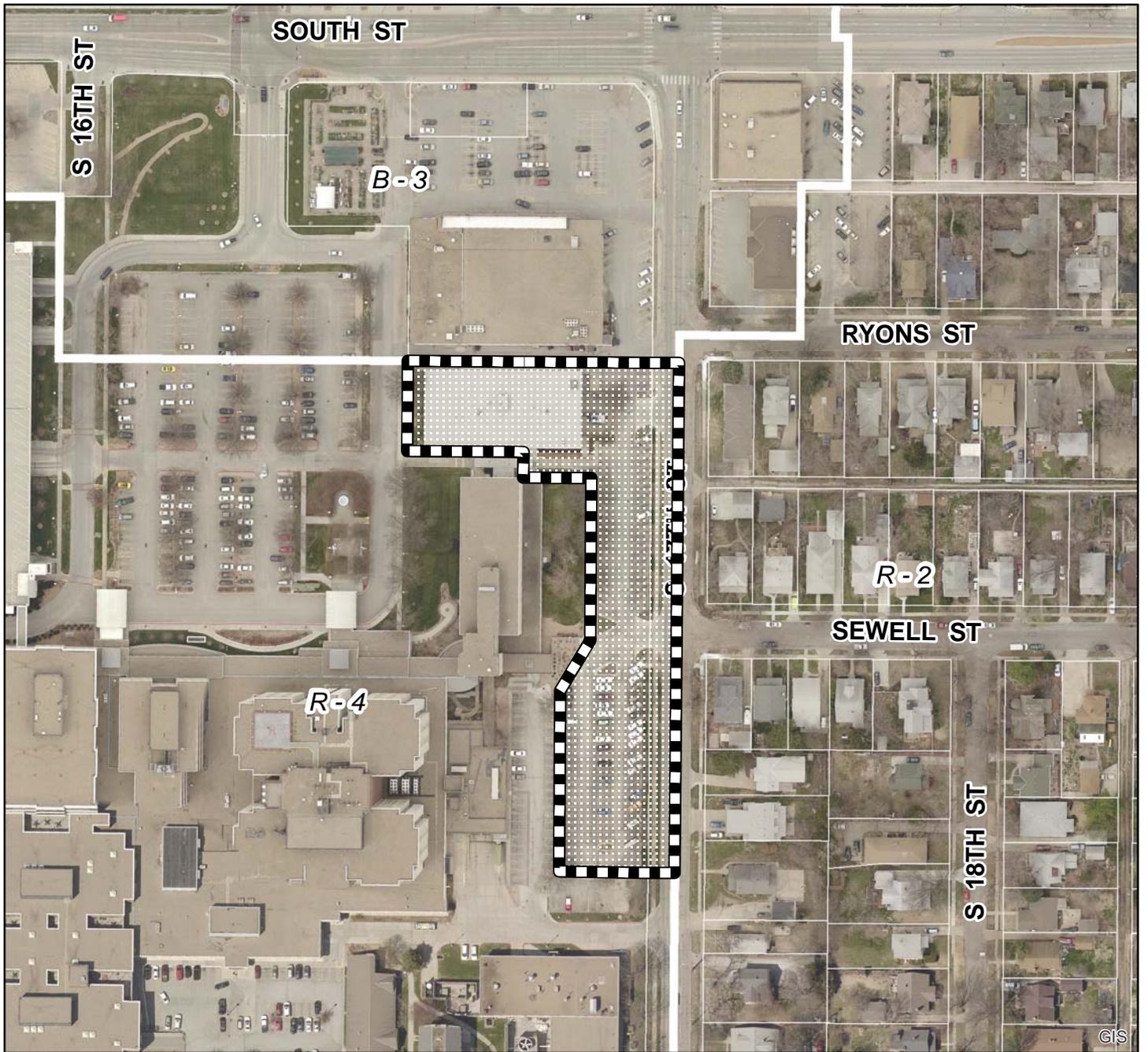
Approved as to Form & Legality:

City Attorney

Staff Review Completed:

Administrative Assistant

Requested by: SEACREST & KALKOWSKI, PC, LLO on behalf of Bryan Health

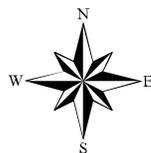


2013 aerial

**Change of Zone #: CZ16010 (R-4 to B-3)
S 17th St & South St**

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.36 T10N R06E

Area of Application

Zoning Jurisdiction Lines

Lancaster County Jurisdiction



DATE OF THE APPRAISAL

The effective date of this appraisal is **February 10, 2016**. For the purpose of this appraisal, the property was personally inspected on February 10, 2016, by Thomas W. Kubert, MAI, CCIM on behalf of the Great Plains Appraisal firm.

IDENTIFICATION OF THE PROPERTY

The subject property includes an existing mental health center and office building located at 2201 South 17th Street. The property is in use as a mental health center in association with Lancaster County. Portions of the property are occupied by Lutheran Family Services.

LEGAL DESCRIPTION

The following is the legal description of the subject property:

Lots 8, 9, 18, and 19, Lot 10 except the South 21.5 feet of the West 63.42 feet, Lot 17 except the South 21.5 feet, the East 65.38 feet of Lots 11, 12, and 13, and the vacated north-south alley lying between the north line of Lots 8 and 19 and a point located 28.5 feet south of the north line of Lots 10 and 17, all in Davis Subdivision, and part of the East Half of Lot 6, in the Southwest Quarter of Section 36, Township 10 North, Range 6 East of the 6th P.M., Lincoln, Lancaster County, Nebraska.

This appraisal is based on the subject property with a legal description as described above. The appraiser estimated the legal description based on legal descriptions contained within deeds related to historical transfers of the subject property and the Plat Map of Section 36, Township 10 North, Range 6 East of the 6th P.M. located in the Lancaster County Engineering Department Database. The analyst was not provided with a Certificate of Title relative to the subject property. The appraiser is not a qualified title or survey expert and any user of this report should seek the services of qualified experts to verify ownership, encumbrances, or other issues related to the subject property (See *Extraordinary Assumptions*).

OWNERSHIP

According to the records located in the Register of Deeds' Office, Lancaster County, Nebraska, the ownership of the subject property as of the date of the appraisal rests with:

Lancaster County



LANCASTER COUNTY BOARD OF COMMISSIONERS

Roma Amundson Larry Hudkins Deb Schorr Todd Wiltgen Bill Avery
Kerry Eagan, *Chief Administrative Officer* Gwen Thorpe, *Deputy Chief Administrative Officer*

April 6, 2016

You are invited to an Open Tuesday, April 19 on a proposed change of zone for County property at 2201 S. 17 Street. The Open House is from 5:30 - 6:30 pm in the lower level conference room at the Community Mental Health Center building, 2201 S. 17 Street.

The County is requesting a change of zone from the current R-4 to conditional B-3. The Planning Commission will hear the issue on April 27 and vote on the proposal, after which their recommendation will be sent to the City Council.

This property will be sold by the County after current services located in the building move.

The Open House will not include a formal presentation but those attending will be able to learn more about the proposed change of zone and provide feedback. Commissioner Bill Avery will make a few comments and City-County Planning staff will be on hand to answer questions.

Please contact our office if you have any questions.

Roma Amundson, Chair
Lancaster County Board of Commissioners

DEVELOPMENT AND CONDITIONAL ZONING AGREEMENT

This Development and Conditional Zoning Agreement (“Agreement”) is hereby made and entered into this _____ day of _____, 2016, by and between the County of Lancaster, Nebraska, a political subdivision of the State of Nebraska, hereinafter referred to as “Developer”, and the City of Lincoln, Nebraska, a municipal corporation, hereinafter referred to as “City.”

RECITALS

I.

Developer, as owner of the below described property, has petitioned the City for a change of zone (“CZ 16010”) from R-4 Residential District (“R-4”) to B-3 Commercial District (“B-3”) upon property generally located at 2201 South 17th Street and legally described as:

The east 60.00 feet of Lots 9 and 10, and the west 5.38 feet of the east 65.38 feet except the north 28.50 feet of Lot 10; the east 65.38 feet of Lots 11, 12 and 13, all in Davis’s Subdivision of Lot 3 in the Southwest Quarter of Section 36, Township 10 North, Range 6 East of the 6th P.M., Lancaster County, Nebraska; and

That part of the Northeast Quarter of Lot 6, State Subdivision of the Southwest Quarter of Section 36, Township 10 North, Range 6 East of the 6th P.M., Lancaster County, Nebraska, and more particularly described as follows:

Commencing at the northeast corner of said Northeast Quarter of Lot 6, State Subdivision of the Southwest Quarter of Section 36, said point being the centerline of platted 17th Street and Sewell Street; thence on an assumed bearing of south 89 degrees 59 minutes 15 seconds west, and with the north line of said Northeast Quarter of Lot 6, State Subdivision 30.00 feet to a point of the west right-of-way line of 17th Street, said point also being the POINT OF BEGINNING; thence south 00 degrees 20 minutes 19 seconds west, 30.00 feet west of as measured perpendicular to and parallel

with the east line of said Northeast Quarter of Lot 6, State Subdivision and with the west right-of-way line of 17th Street 265.77 feet; thence north 88 degrees 57 minutes 31 seconds west, 98.21 feet; thence north 00 degrees 19 minutes 56 seconds east, 200.38 feet; thence north 31 degrees 06 minutes 08 seconds east, 64.23 feet; thence north 00 degrees 21 minutes 52 seconds east, 8.60 feet to a point on the north line of said Northeast Quarter of Lot 6, State Subdivision, said point also being on the south line of Lot 13, Davis's Subdivision of Lot 3 in the Southwest Quarter of said Section 36; thence north 89 degrees 59 minutes 15 seconds east, with said north line of the Northeast Quarter of Lot 6, State Subdivision and with said south line of Lot 13, Davis's Subdivision 65.38 feet to the POINT OF BEGINNING (the "Property").

II.

Approval of this Change of Zone from R-4 to B-3 would allow the Developer to use the Property for a range of commercial and retail uses which would not be compatible with the surrounding neighborhood.

III.

The Developer has represented to the City that, in consideration of the City re-zoning the Property to B-3, the Developer will enter into an agreement with the City to restrict use on the Property to those uses listed in paragraph 2.a below.

IV.

The City desires an Agreement to be assured that Developer will develop the Property as represented should the Property be rezoned to B-3.

NOW THEREFORE, in consideration of the above recitals and the following terms and conditions, the parties agree as follows:

1. The City hereby agrees to grant Developer's petition to change the zoning map from R-4 Residential District to B-3 Commercial District on the Property.

2. In consideration for the City rezoning the Property to B-3 Commercial District, the Developer agrees that the development of the Property shall be subject to the following requirements:

a. The Property shall be only used for the following uses:

- i. Those use types designated in the Use Group Table in Chapter 27.06 of the Lincoln Municipal Code as a permitted use, permitted conditional use, or special permitted use in the O-2 Suburban Office District provided that any such permitted conditional use or permitted special use shall be in conformance with Chapter 27.62 conditions of approval for permitted conditional uses and in conformance with the conditions of approval under the special permit granted for such permitted special use in conformance with Chapter 27.63 of the Lincoln Municipal Code.
- ii. Retail Sales and Personal Service uses designated in the Use Group Table in Section 27.06.130 of the Lincoln Municipal Code as a permitted use in the B-3 Commercial District.
- iii. In the case of new construction there shall be a 20' setback along S. 17th Street for parking stalls.
- iv. Signs shall be limited in size to 32 square feet and 8 feet in height.

3. This Agreement shall run with the Property and shall be binding upon the parties hereto and their respective successors and assigns.

4. This Agreement, when executed by the parties hereto, shall be recorded by the City in the office of the Register of Deeds of Lancaster County, Nebraska, filling fees to be paid by Developer.

IN WITNESS WHEREOF, the parties herein have executed this Agreement on the day and year set forth above.

City of Lincoln, Nebraska
a municipal corporation

Chris Beutler, Mayor

ATTEST:

County of Lancaster, Nebraska,
a political subdivision of the State of Nebraska

By: _____
County Clerk

Roma Amundson, Chair

Approved as to form this ____ day of _____, 2016.

Deputy County Attorney for
Joe Kelly, Lancaster County Attorney

STATE OF NEBRASKA)
) ss.
COUNTY OF LANCASTER)

The foregoing instrument was acknowledged before me this ____ day of _____, 2016, by
Chris Beutler, Mayor of the City of Lincoln.

Notary Public

STATE OF NEBRASKA)
) ss.
COUNTY OF LANCASTER)

The foregoing instrument was acknowledged before me this ____ day of _____, 2016, by
Roma Amundson, Chair of the Board of Commissioners of the County of Lancaster, Nebraska.

Notary Public