

# LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

## for April 25, 2007 PLANNING COMMISSION MEETING

**PROJECT #:** Change of Zone #07019 - College View Seventh-Day Adventist Church

**PROPOSAL:** From R-4 Residential to R-6 Residential

**LOCATION:** 4801 Prescott Avenue

**LAND AREA:** Approximately 2.63 acres

**EXISTING ZONING:** R-4 Residential

**CONCLUSION:** Lots 1-10, Block 31 are zoned B-3, and Lots 1-8, Block 30 are zoned R-6. This request expands the existing R-6 boundary from the north to Lowell Avenue. There are scattered R-5 and R-6 districts in the neighborhood.

<b><u>RECOMMENDATION:</u></b>
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Approval

### **GENERAL INFORMATION:**

**LEGAL DESCRIPTION:** Lots 9-16, Block 30, and Lots 11-16, Block 31 and adjacent vacated rights-of-way, all in College View, located in the SE 1/4 of Section 5-9-7, Lancaster County, Nebraska.

**EXISTING LAND USE:** Church and associated parking lot, single-family residential.

### **SURROUNDING LAND USE AND ZONING:**

North:	Church, parking lot, residential	B-3, R-6
South:	Commercial, residential	B-3, O-2, R-4
East:	Residential	R-4
West:	Church, parking lot	B-3

### **ASSOCIATED APPLICATIONS:**

**SAV#07002** - A request to vacate 20' of right-of-way in Prescott Avenue, 5' of right-of-way in Lowell Avenue, and a portion of the east-west alley in Block 30.

## **HISTORY:**

**SAV#05010** - A request to vacate that portion of the east-west alley in Block 30 adjacent to Lots 6, 7, 10 and 11, approved July 24, 2006.

**SAV#03013** - A request to vacate South 49<sup>th</sup> Street between Lowell and Prescott Avenues, and that portion of the east-west alley in Block 30 adjacent to Lots 8 and 9, approved July 26, 2004.

**SP#1742** - A request to construct a 48-stall parking lot in the R-4 zoning district, located east of the now vacated South 49<sup>th</sup> Street, was approved September, 1998.

**1979 Zoning Update** - The B zoning designation was changed to R-4 with the 1979 Zoning Update.

## **COMPREHENSIVE PLAN SPECIFICATIONS:**

**Pg 17** - The 2030 Land Use Plan shows the entire area of this request as Urban Residential.

**Pg 68** - Guiding Principles for Existing Neighborhoods - The image is an example of how these principles might work together in an existing neighborhood, including the following principles:

1. Encourage a mix of compatible land uses in neighborhoods, but similar uses on the same block face. Similar housing types face each other: single family faces single family, change to different use at rear of lot. Commercial parking lots should not intrude into residential areas where residential uses predominate a block face. More intense commercial uses (gas stations, big box stores, car wash, fast food, etc.) may not be compatible due to impact on nearby housing. Expansion in existing centers should not encroach, or expand to encroach, on existing neighborhoods, and commercial areas must be screened from residential areas.
2. Encourage pedestrian orientation with parking at rear of residential and neighborhood commercial uses.
3. Require new development to be compatible with character of neighborhood and adjacent uses (i.e., parking at rear, similar setback, height and land use).
4. Encourage a mix of housing types, including single family, duplex, attached single family units, apartments, and elderly housing all within one area. Encourage multifamily near commercial areas.
5. Encourage retention of single family uses in order to maintain mix of housing.
6. Encourage historic preservation and the rehabilitation and maintenance of buildings.
7. Maintain small parks and open space within walking distance of all residences.

8. Support retention of public uses (elementary schools, churches) as centers of neighborhoods – encourage shared parking whenever possible — permit minor incursions of accessory parking for public/semi-public uses into neighborhoods if properly screened.

9. Transit stops integrated into commercial center, near arterial.

10. Maintain existing pattern of streets.

11. Maintain arterial streets that are compatible with the existing neighborhood character with two through lanes and a center turn lane.

### **ANALYSIS:**

1. This request seeks to change the zoning from R-4 Residential to R-6 Residential over 14 lots.
2. A copy of the Site Master Plan has been provided which shows an expanded church and parking. The Church owns all the lots in Blocks 30 and 31 except Lots 1, 2, 4, and 16, Block 30. The long-range plan is to vacate the remaining alley in Block 30 and consolidate all the land within Blocks 30 and 31 to accommodate the future expansion.
3. The two previously approved vacation requests were part of the consolidation effort and allowed the parking lot to be expanded. A change of zone from R-4 to R-6 is being requested to take advantage of the reduced front setback from 25' to 20'. The reduced setback will provide another 10' of usable area across the site and will allow another row of parking stalls to be built. The 20' setback will apply to all lot frontage along Prescott and Lowell Avenues, and South 51<sup>st</sup> Street. Parking is not allowed in this setback, and must be screened in accordance with Design Standards. For comparison, the R-3 Residential zoning district requires a 20' front setback.
4. The adjacent streets have wider than the usual 60' of right-of-way for local residential streets (100' in Prescott Avenue, 70' in Lowell Avenue). The associated vacation request (SAV#07002) seeks to vacate a portion of the rights-of-way in both Prescott and Lowell Avenues and the east-west alley in the attempt to also allow more usable area for parking.
5. The change of zone seeks to expand the R-6 boundary to the north that surrounds the Union College campus. The church, including the accessory parking lot, is a conditional use in the R-6 district. Beyond setbacks, the significant distinction between the R-4 and R-6 districts is that apartments are a permitted use in R-6. If approved, all uses in the R-6 district are allowed on the site and are not limited solely to a church.

6. The Comprehensive Plan calls for like uses to face each other, but also supports the retention of public uses, such as churches, in neighborhoods. The site could be developed with apartments if zoned R-6, which would not be the preferred land use facing the single-family dwellings along Lowell Avenue. However, the church is already there, and the majority of the area to be re-zoned is shown to be developed as parking. The expansion allows this facility to continue to serve the needs of the congregation and remain viable. The effort on the part of the church to re-zone land and vacate rights-of-way appear to be a sincere attempt to provide for its continued existence at this location. The likelihood that the site will be developed with uses other a church and parking appear remote.

Prepared by:

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Brian Will, 441-6362, [bwill@lincoln.ne.gov](mailto:bwill@lincoln.ne.gov)  
Planner  
April 11, 2007

**APPLICANT:** College View Seventh-Day Adventist Church  
4801 Prescott Avenue  
Lincoln, NE 68506

**OWNER:** KS/NE Conference of Seventh-Day Adventists  
3440 Urish Road  
Topeka, KS 66614

Mitchell Chunestudy  
5026 Lowell  
Lincoln, NE 68506  
402.489.6080

**CONTACT:** Marlyn Schwartz  
5300 Old Cheney Road  
Lincoln, NE 68516  
402.432.1344



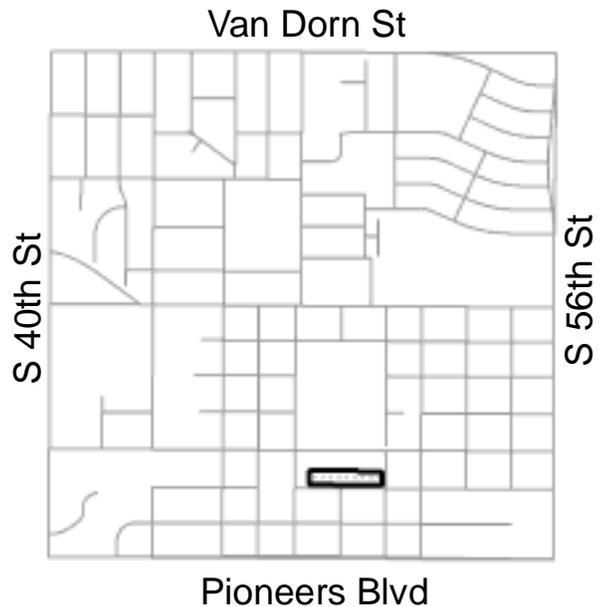
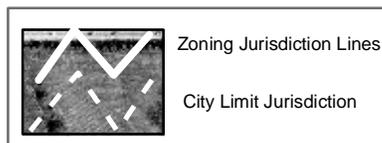
# Change of Zone #07019 S 49th St & Lowell Ave

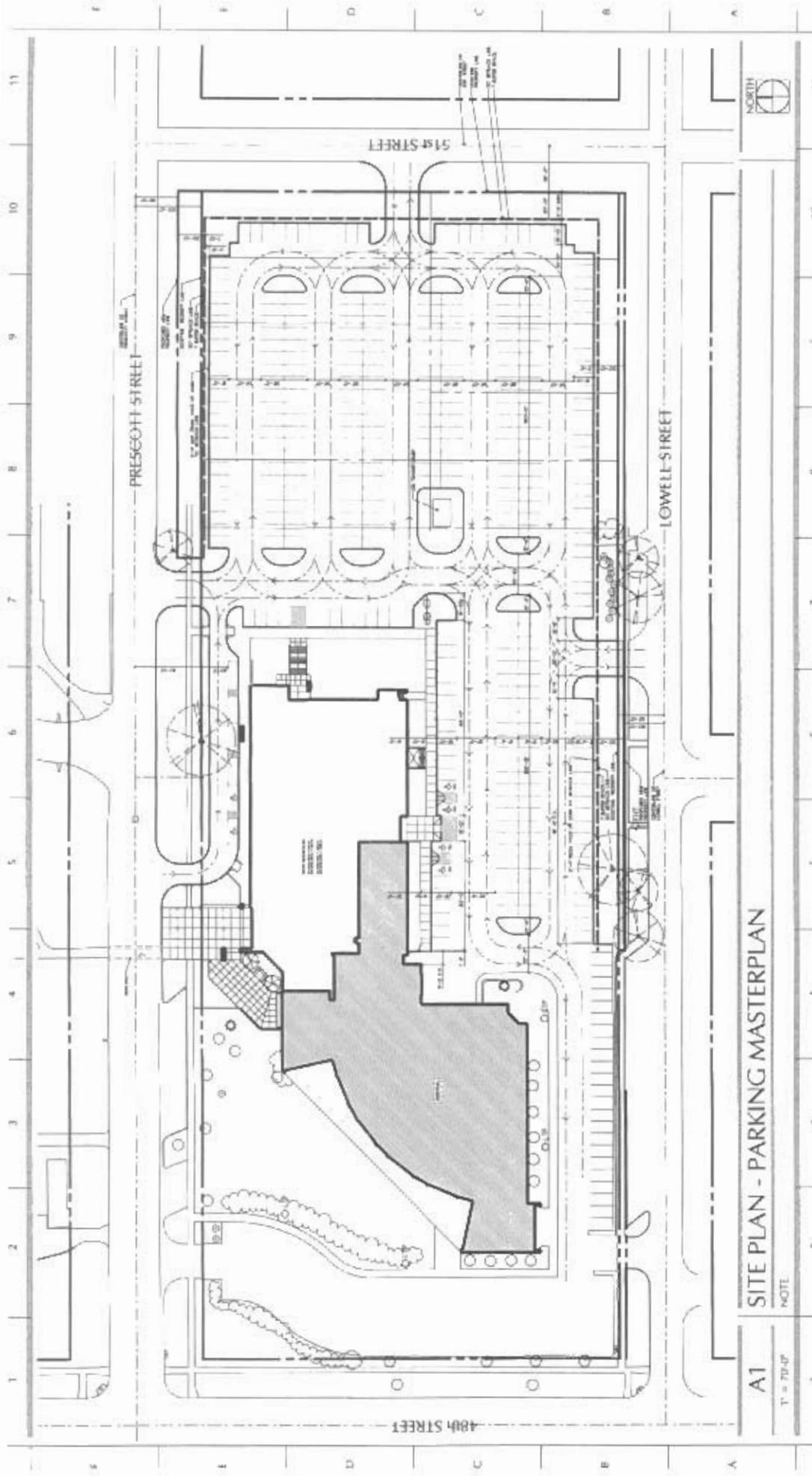
2005 aerial

## Zoning:

- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- R-C Residential Conservation 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. 5 T09N R07E





**A1 SITE PLAN - PARKING MASTERPLAN**

T' = 7/8" = 1" = 1/8"

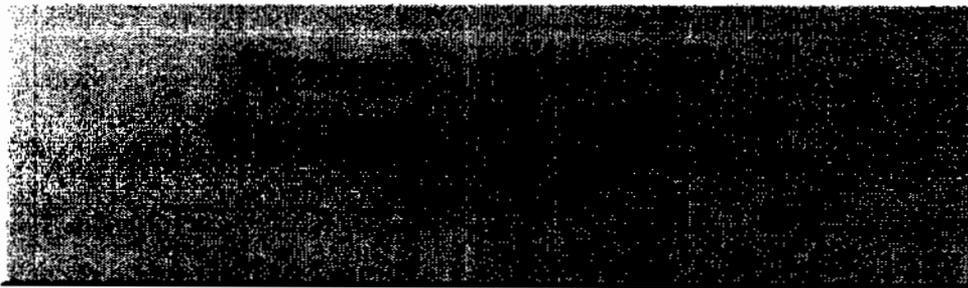
NOTE

ARCHITECT  
BAHR VERMEER HAECKER  
P. 402.475.4551  
F. 402.475.0326  
21 SOUTH 5TH STREET, NO. 2000  
LINCOLN, NEBRASKA 68508  
www.bvh.com  
info@bvh.com

BAHR VERMEER HAECKER  
College View Church  
Addition  
4013 South 69th St. PROJECT 109027 DATE 9 APRIL 2007  
Lincoln, Nebraska © 2007 BAHR VERMEER HAECKER ARCHITECTS, L.P.







Status of Review: **Active**

Reviewed By

ANY

Comments:

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Status of Review: **Active**

Reviewed By **Alltel**

ANY

Comments:

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Status of Review: **Complete**

Reviewed By **Building & Safety**

Terry Kathe

Comments:

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Status of Review: **Approved**

03/23/2007 12:52:02 PM

Reviewed By **Building & Safety**

BOB FIEDLER

Comments: **approved**

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Status of Review: **Complete**

03/23/2007 3:13:52 PM

Reviewed By **Fire Department**

ANY

Comments: **We have no issues from the perspective of our department.**

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Status of Review: **Approved**

03/27/2007 4:35:29 PM

Reviewed By **Health Department**

ANY

Comments: **LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT  
INTER-OFFICE COMMUNICATION**

TO: **Brian Will** DATE: **March 27, 2007**

DEPARTMENT: **Planning** FROM: **Chris Schroeder**

ATTENTION:  DEPARTMENT: **Health**

CARBONS TO: **EH File** SUBJECT: **College View**

**EH Administration** CZ #07019

The Lincoln-Lancaster County Health Department has reviewed the change of zone application and does not object to the approval of this application.

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Status of Review: **Complete**

03/27/2007 8:07:41 AM

Reviewed By **Lincoln Electric System**

JULIE WISMER

Comments: **March 26, 2007**

TO: **Brian Will, City Planning**

FROM: **Sharon Theobald (Ext. 7640)**

SUBJECT: **DEDICATED EASEMENTS** CZ #07019

**DN #40S-49E**

Attached is the Change of Zone Application for College View.

In reviewing the dedicated transmission line or other electrical easements shown on this plat, LES does not warrant, nor accept responsibility for the accuracy of any such dedicated easements.

Windstream Nebraska, Inc., Time Warner Cable, and the Lincoln Electric System will offer no objections to the proposed change of zone from R-4 to R-6 request.

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Status of Review: **Active**

Reviewed By **Lincoln Police Department**

ANY

Comments:

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Status of Review: **Approved**

Reviewed By **Parks & Recreation**

ANY

Comments:

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# M e m o r a n d u m

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**To:** Brian Will - Planning  
**From:** Byron Blum - Engineering Services  
**Subject:** Right-of-Way Vacation SAV #07002/Change of Zone CZ#07019  
**Date:** April 16, 2007  
**cc:** Randy Hoskins  
Dennis Bartels

The Department of Public Works does not support this proposed vacation as requested. If approved, it would create an inconsistent right-of-way width and leave public sidewalk on private property. A permanent easement would be required for both the sidewalk and the utilities in both streets if approved.

There are no City utilities in the area for proposed vacation. There is however public sidewalk in these areas. If approved, the portion along the south side of Prescott would be within 8' of an existing water main. The right-of-way vacation in Prescott Street should be reduced to the south 13' at most to provide the standard 16-1/2' of right-of-way from the back of curb to the property line. Prescott paving is 41' wide at 49th and Prescott.

The 5' of proposed vacation in Lowell Street west of 49th Street should not be allowed due to the existing parking setback west of 49th Street, which would allow vehicle overhang of the existing sidewalk.

Public Works recommends approval of a partial vacation subject to the following conditions:

- (1) The Prescott vacation be limited to the south 13' of right-of-way from the west line of vacated 49th Street east. An easement be reserved over the vacated 13 feet for the water main and the existing sidewalk.
- (2) The vacation of Lowell be limited to the north 5' of Lowell east of the west line of vacated 49th Street. An easement be reserved over the vacated 5 feet for existing sidewalk.

Status of Review: **Active**

Reviewed By **Urban Development**

**ANY**

Comments:

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Status of Review: **Active**

Reviewed By **US Post Office**

**ANY**

Comments:

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