

**LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT**

**for October 12, 2016 PLANNING COMMISSION MEETING**

**PROJECT #:** Change of Zone No. 16029

**PROPOSAL:** From R-2 Residential to R-T Residential Transition  
From R-2 Residential to R-4 Residential

**LOCATION:** N 46<sup>th</sup> and Y Streets

**LAND AREA:** 0.42 acres (R-2 to R-T), 0.35 acres (R-2 to R-4), more or less

**EXISTING ZONING:** R-2 Residential

**CONCLUSION:** This request will allow for development of an underutilized property with access to existing infrastructure and utilities. This request conforms to the Comprehensive Plan and Zoning Ordinance.

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

**GENERAL INFORMATION:**

**LEGAL DESCRIPTION:** See Attached

**EXISTING LAND USE:** Broadcast Tower, Vacant

**SURROUNDING LAND USE AND ZONING:**

North:	Residential	R-2 Residential
South:	Meeting Hall	R-2 Residential, H-2 Highway Business
East:	Donation Center/Store	H-2 Highway Business
West:	Residential	R-2 Residential

**ASSOCIATED APPLICATIONS:**

Street and Alley Vacation No. 16004 to vacate portion of N 46<sup>th</sup> Street right-of-way.

Use Permit No. 16008 for an R-T district office use.

**HISTORY:**

June 1891 Area originally platted with Mount Forest subdivision.

- December 1951      Area identified as A-2 Single Family Residential on City Zoning Map.
- June 1967            Special Permit No. 381 approved for a broadcast tower on the east end of the site.
- December 2006      Special Permit No. 381A approved to locate additional antennas on the tower.

**COMPREHENSIVE PLAN SPECIFICATIONS:**

- Page 1.9            The site is shown as Residential in the Future Land Use Plan.
- Page 5.14           Develop infill commercial areas to be compatible with the character of the area.
- Avoid encroachment into existing neighborhoods during expansion of existing commercial and industrial uses, and take steps to ensure expansions are in scale with the adjacent neighborhood, are properly screened, fulfill a demonstrated need and are beneficial to health and safety.
- Page 7.2            Provide a wide variety of housing types and choices for an increasingly diverse and aging population.
- Strive for predictability for neighborhoods and developers for residential development and redevelopment.
- Page 7.9            Recognize that broad economic diversity within existing neighborhoods encourages reinvestment and improves quality of life for all residents while acknowledging the need for affordable housing.
- Page 7.10           Encourage a mix of housing types all within one area.
- Redevelopment and infill should strive for compatibility with the character of the neighborhood and adjacent uses.
- Encourage pedestrian orientation with parking at rear of residential and neighborhood commercial uses.

**UTILITIES:** All utilities are available on site.

**AESTHETIC CONSIDERATIONS:**

New residences constructed in the R-2 and R-4 district areas, along with the R-T district office use, will be required to meet Neighborhood Design Standards.

**ANALYSIS:**

1. This request is for a change of zone from R-2 Residential to a mix of R-4 Residential and R-T Residential Transition. The site consists of six platted lots which are currently vacant with the exception of a broadcast tower on the eastern border. The change of zone also includes a portion of the N 46<sup>th</sup> Street right-of-way proposed to be vacated with the associated Street and Alley Vacation No. 16004.
2. The R-T district is for a proposed Habitat for Humanity office. The R-T office site plan is discussed in the associated staff report for Use Permit No. 16008.
3. The R-4 district is proposed to contain two lots of approximately 7,100 square feet. Per the R-4 district, each lot is large enough to contain a duplex, resulting in four total units in the R-4 area. The same area could only contain two total units if the site remained R-2.
4. The proposed lot layout is shown on the attached graphic. Lot 1 is the Habitat for Humanity office in the R-T district, Lots 2 and 3 are single family lots in the R-2 district, and Lots 4 and 5 are duplex lots in the R-4 district. A final plat legally creating the lots is required prior to the associated street vacation appearing at City Council.
5. A residence cannot be built on Lot 5 until the broadcast tower is removed; a single lot cannot contain two principal uses - in this case commercial (the tower) and residential.
6. The broadcast tower on the east end of the site is approved for 148 feet in height, with a fall zone of 74 feet. Portions of the Habitat for Humanity office and the duplex building on proposed Lot 4 could be within the fall zone. The fall zone is intended to apply to new towers locating near existing structures. This tower has existed since the late 1960's, so the new residence and office are knowingly accepting any potential hazard presented by the tower. Broadcast tower collapse is an extremely rare event, and when it occurs is almost always with towers much taller than 150 feet. The risk to residences, even within the fall zone, is very low. The Zoning Ordinance does not prohibit residences or any other structure from locating near an existing broadcast tower.
7. The R-T district is intended to provide a transitional area of office and small-scale commercial uses in close proximity to residential uses. The proposed building discussed in the associated staff report for Use Permit No. 16008 is a small-scale office that will provide an appropriate transition from heavier commercial uses on the east to residential uses on the west.

The office is for Habitat for Humanity and will only be used for administrative functions. Habitat for Humanity is seeking an office near their existing ReStore donation center/retail store, which is located directly east of the site. The office building will be constructed to match the character of the neighborhood and is required to meet Neighborhood Design Standards. The standards address items such as the orientation of windows and entrances, height, and massing. The R-T district also includes design criteria that limit the “office” appearance of the building.

8. The R-4 district is intended for residential uses at a slightly higher density than the R-2 district. R-4 is an appropriate transition from the commercial uses on the east to the lower density residential uses on the west.

9. The proposed R-T district will not abut any existing R-2 district residences. Surrounding zoning and uses for the R-T area are listed below:

North: An R-2 single family residence is located to the north, but it faces N 46<sup>th</sup> Street and is separated from the R-T district by Orchard Street.  
South: Proposed R-2 and R-4 district residences.  
East: Existing Habitat for Humanity donation center/store in H-2 district.  
West: Proposed single family residence in R-2 district.

The proposed R-4 district will also not abut any existing R-2 district residences. Surrounding zoning and uses for the R-4 area are listed below:

North: Proposed Habitat for Humanity office in R-T district.  
South: Meeting hall split between H-2 and R-2 districts, separated from the R-4 district by Y Street.  
East: Existing Habitat for Humanity donation center/store in H-2 district.  
West: Proposed single family residence in R-2 district.

10. Commercial structures are required to have a 10-foot setback per building code. Portions of the existing tower and associated structures appear closer than 10 feet to the north and west boundary of proposed Lot 5 (the east side meets the requirement because the 10 feet can be measured to the alley centerline). The boundaries of Lot 5 and Lot 1 to the north need to be slightly re-aligned for the tower and associated structures to maintain the required setback. This will require a slight adjustment of the R-T and R-4 district boundaries in the area.

11. This change of zone will allow for development of an underutilized site with access to existing utilities and infrastructure. It will provide an efficient utilization of the site while maintaining compatibility with the surrounding neighborhood.

**CONDITIONS OF APPROVAL:**

1. The City Council approves associated request:
  - 1.1 Street and Alley Vacation No. 16004.
  - 1.2 Use Permit No. 16008.
2. Before a final plat is approved:
  - 2.1 Revise R-4 and R-T district boundaries, with updated legal description, so existing tower and associated structures can maintain a setback of at least 10 feet from property lines.

Prepared by:

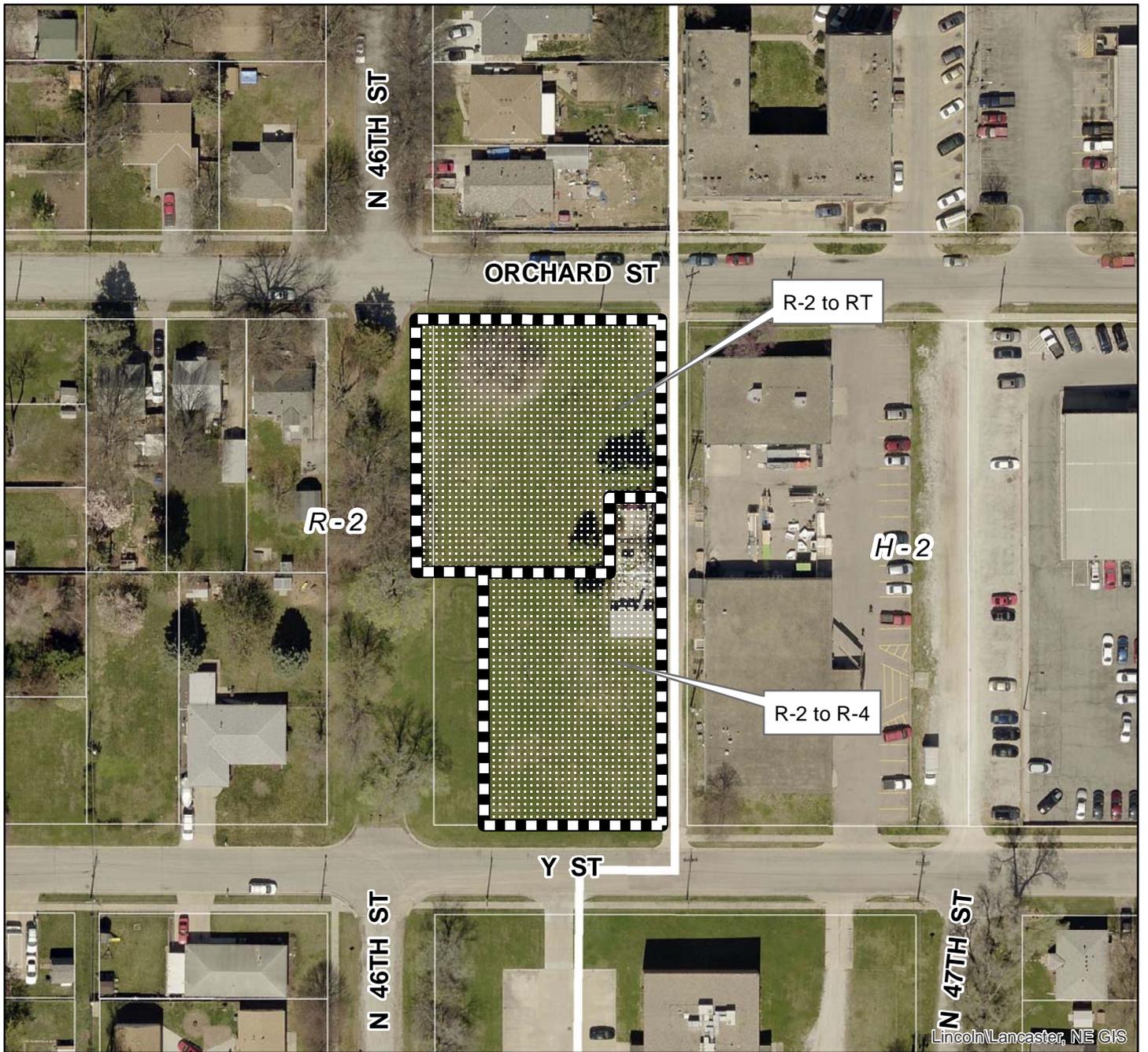
---

Andrew Thierolf  
Planner

October 3, 2016

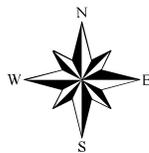
**APPLICANT/  
CONTACT:** J.D. Burt  
218 S 38<sup>th</sup> Street  
Lincoln, NE 68510

**OWNER:** Judeth and Harold Hoppe  
440 N 8<sup>th</sup> Street  
Lincoln, NE 68508



2016 aerial

**Change of Zone #: CZ16029**  
**Habitat for Humanity**  
**N 46th St & Orchard St**



One Square Mile:  
 Sec.20 T10N R07E

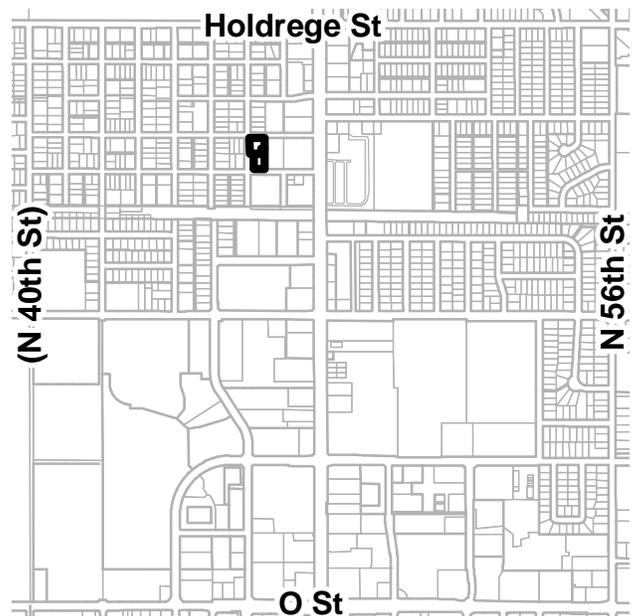
**Zoning:**

- 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

Area of Application

Zoning Jurisdiction Lines

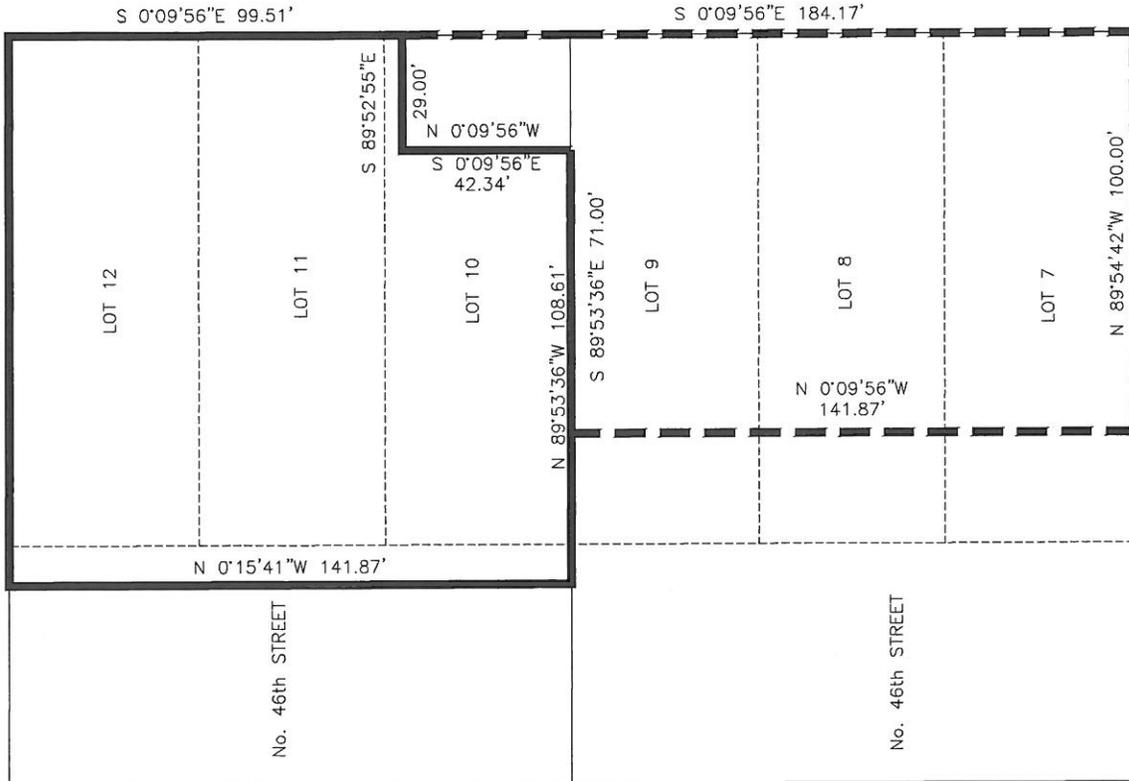
City of Lincoln Jurisdiction



ORCHARD STREET

S 89°52'55"E P=188.00' M=187.85'

S 89°52'55"E 137.85'



N 0°15'41"W P=142.00' M=141.88'

N 0°07'28"W P=142.00' M=141.90'

N 89°54'42"W P=188.00' M=187.71'

CHANGE OF ZONE RT DISTRICT

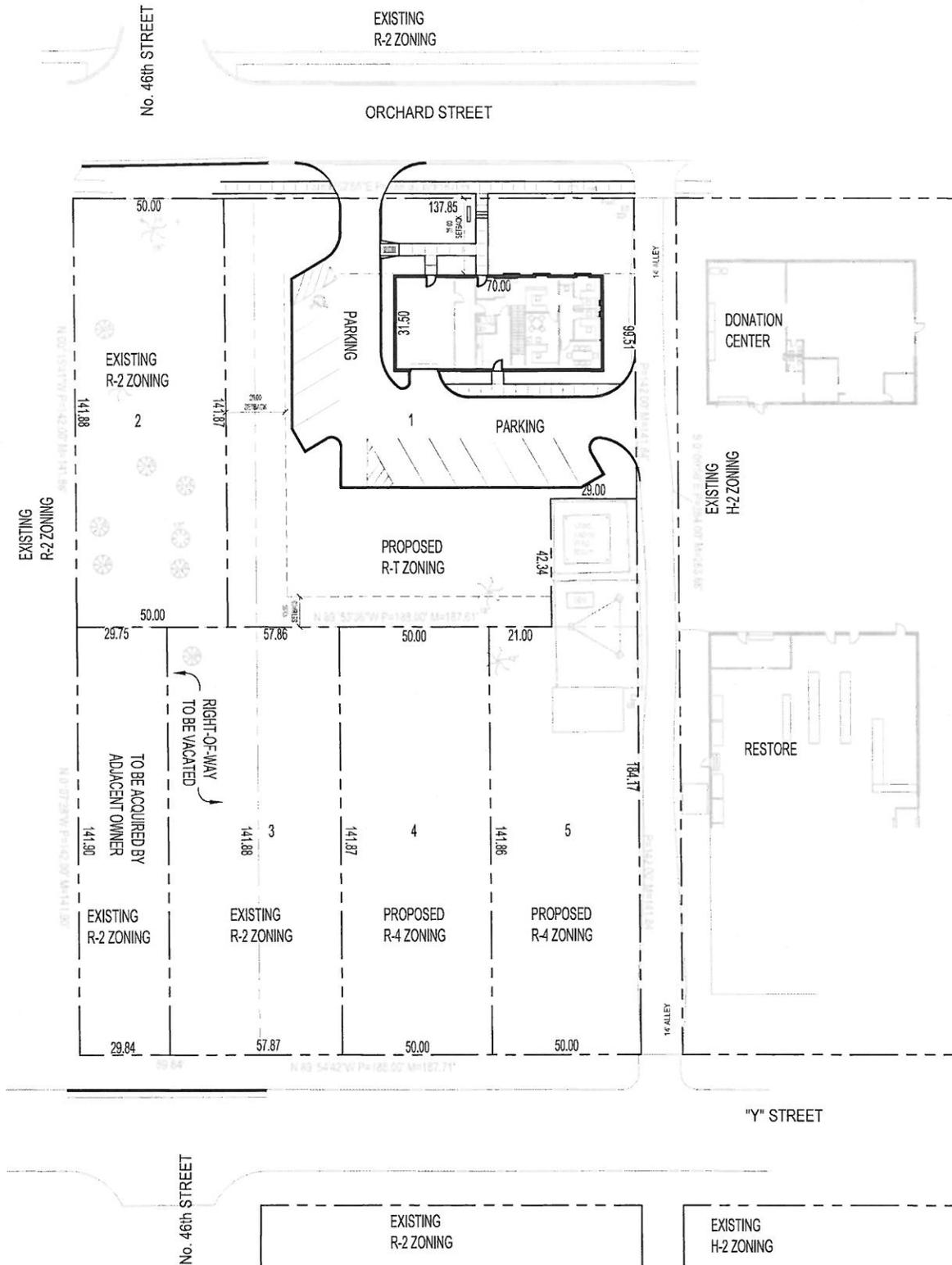
PART OF LOT 10, ALL OF LOTS 11 AND 12, BLOCK 15, MOUNT FOREST, AND PART OF NORTH 46th STREET ADJACENT THERETO, LINCOLN, LANCASTER COUNTY, NEBRASKA, ALL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGINNING AT THE NORTHEAST CORNER OF LOT 12, BLOCK 15, MOUNT FOREST; THENCE SOUTHERLY ON THE EAST LINE OF SAID LOTS 10, 11 AND 12, BLOCK 15, S 0°09'56"E 99.51'; THENCE WESTERLY, N 89°52'55"W 29.00'; THENCE SOUTHERLY, S 0°09'56"E 42.34', TO A POINT ON THE SOUTH LINE OF SAID LOT 10; THENCE WESTERLY ON SAID SOUTH LINE, N 89°53'36"W 108.61'; THENCE NORTHERLY, N 0°15'41"W 141.87', TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF ORCHARD STREET; THENCE EASTERLY ON SAID SOUTH RIGHT OF WAY LINE, S 89°52'55"E 137.85', TO THE POINT OF BEGINNING, SAID TRACT CONTAINING AN AREA OF 18,309.77 SQUARE FEET OR 0.42 ACRES, MORE OR LESS.

CHANGE OF ZONE R-4 DISTRICT

PART OF LOTS 7, 8, 9 AND 10, BLOCK 15, MOUNT FOREST, LINCOLN, LANCASTER COUNTY, NEBRASKA, ALL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGINNING AT THE SOUTHEAST CORNER OF LOT 7, BLOCK 15, MOUNT FOREST; THENCE WESTERLY ON THE SOUTH LINE OF SAID LOT 7, BLOCK 15, N 89°54'42"W 100.00'; THENCE NORTHERLY, N 0°09'56"W 141.87', TO A POINT ON THE NORTH LINE OF SAID LOT 10; THENCE EASTERLY ON SAID NORTH LINE, S 89°53'36"E 71.00'; THENCE NORTHERLY, N 0°09'56"W 42.34'; THENCE EASTERLY, S 89°52'55"E 29.00', TO A POINT ON THE EAST LINE OF SAID LOT 10; THENCE SOUTHERLY ON THE EAST LINE OF SAID LOTS 7, 8, 9 AND 10, S 0°09'56"E 184.17', TO THE POINT OF BEGINNING; SAID TRACT CONTAINING AN AREA OF 15,413.45 SQUARE FEET OR 0.35 ACRES, MORE OR LESS



The  
Clark  
Enersen  
Partners

Architecture + Landscape Architecture + Engineering + Interiors  
 1010 Lincoln Mall, Suite 200 Lincoln, NE 68508-2883  
 402.477.9291 Fax 402.477.6542  
 Kansas City, MO Fairway, KS www.clarkenersen.com

Habitat for Humanity Affiliate Office  
 Lincoln, NE  
 TCEP Project No.: 086-001-16

Site Layout

Date: Sept. 22, 2016

# Burt Real Estate, LLC

September 14, 2016

Andrew Thierolf  
Lincoln-Lancaster County Planning Department  
555 South 10<sup>th</sup> Street  
Lincoln, Nebraska 68508

RE: Petition to Vacate Public Way  
Change of Zone  
Use Permit

Andrew,

On behalf of the property owners, Judeth and Harold Hoppe, attached are applications to vacate 46<sup>th</sup> Street and amend zoning on the property located between Orchard and Y Street east of 46<sup>th</sup> Street.

The proposed development includes five components:

- Vacation of North 46<sup>th</sup> Street between Orchard and Y Streets;
- Change of Zone from R2 Residential District to Residential Transitional District zoning along Orchard east of 46<sup>th</sup> Street;
- Change of Zone from R2 Residential District to R4 Residential District along Y Street;
- Retention of R2 Residential District between the proposed RT and R4 districts and the existing single family residences located along the west side of 46<sup>th</sup> Street; and
- Use Permit for an office use for the proposed Residential Transitional District.

The proposed Street Vacation, Changes of Zone and Use Permit have been shared with the abutting property owners. Both owners have signed the petitions to vacate 46<sup>th</sup> Street and have not expressed any objection to the land use applications. A final plat will be submitted under separate cover to reconfigure lot lines.

The Use Permit development plan includes an office building having residential design elements and a footprint of approximately 1,850 square feet. Construction will include an off-street parking area containing 15 stalls. The construction is proposed by Habitat for Humanity for their administrative offices. This site was selected due to its proximity to the Habitat Restore retail facility which is located immediately east of the proposed Use Permit.

The R4 area is limited to two proposed lots located at the southwest corner of the property. These lots will provide a transition zoning between the H-2 Highway Commercial District located east of the property and the existing R2 zoning district located west of 46<sup>th</sup> Street.

# Burt Real Estate, LLC

The existing R2 zoning is being retained along the west limit of the property to provide one single family lot fronting Orchard Street and one single family lot fronting Y Street. These single family lots are proposed to create a buffer between the proposed RT and R4 districts and the adjacent single family residences which abut the subject property.

Thank you in advance for your assistance and support for these land use applications.

Please feel free to call or contact me if you have questions or are in need of additional information.

Regards,



J.D. Burt

Attachments: Petitions to Vacate Public Ways  
Application for Changes of Zone  
Application for Use Permit