

City Council Introduction: **Monday**, February 4, 2002
Public Hearing: **Monday**, February 11, 2002, at **1:30 p.m.**

Bill No. 02-18

FACTSHEET

TITLE: **CHANGE OF ZONE NO. 3349**, from P Public Use to R-4 Residential, requested by the Director of Planning, on property generally located at 3023 Arlington Avenue, east of the intersection of Arlington Avenue and Jefferson Avenue.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 01/09/02
Administrative Action: 01/09/02 and 01/23/02

STAFF RECOMMENDATION: Approval.

RECOMMENDATION: Approval (7-0: Steward, Newman, Bills, Carlson, Taylor, Krieser and Schwinn voting 'yes'; Duvall and Hunter absent).

ASSOCIATED REQUESTS: None

FINDINGS OF FACT:

1. The staff recommendation to approve this change of zone request is based upon the "Analysis" as set forth on p.3-4, concluding that this property has been in private ownership for decades and has been used for residential purposes. It should be zoned accordingly.
2. The minutes of the Planning Commission are found on p.5-11. The staff explained that this is an application by the Director of Planning to correct a mapping error. Additional information submitted by the staff in support of this change of zone and in response to inquiry from the Planning Commission is found on p.16-23.
3. Testimony in opposition by residents of the Antelope Park Neighborhood and on behalf of the Antelope Park Neighborhood Association is found on p.5-7, and the letter submitted by the Antelope Park Neighborhood Association in opposition to this change of zone and requesting deferral while the neighborhood and city officials determine the possibility of applying for a change of zone to R-2 throughout the entire neighborhood, is found on p.24-29. The record consists of one additional letter in opposition (p.30).
4. The Commission discussion with staff is found on p.7-9. The City Attorney urged that the Planning Commission should not defer this change of zone because it is a mapping error—the property should not be zoned P Public Use because it is and has been under private ownership (See Minutes, p.8-9).
5. Public hearing was closed on January 9, 2002, but the Planning Commission deferred action until January 23, 2002.
6. The letter and photographs submitted by the owner of the subject property subsequent to the public hearing are found on p.32-35.
7. The additional letter submitted by the Antelope Park Neighborhood Association subsequent to the public hearing, requesting the Commission to defer action until February 6, 2002, is found on p.31.
8. On January 23, 2002, the Planning Commission voted 7-0 to recommend approval of this change of zone request from P Public Use to R-4 Residential.
9. Change of Zone No. 3354 (Bill No. 02-15), from R-4 to R-2, requested by the Antelope Park Neighborhood Association, is also being introduced to the City Council on February 4, 2002; however, the Planning Commission is not scheduled to hear and act upon the change of zone from R-4 to R-2 until February 6, 2002.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: January 28, 2002

REVIEWED BY: _____

DATE: January 28, 2002

REFERENCE NUMBER: FS\CC\FSCZ3349

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

P.A.S.: Change of Zone #3349 **DATE:** December 10, 2001

PROPOSAL: To change the zoning from P Public Use to R-4 Residential on Lot 2, Block 4, Parkside Place, generally located at 3023 Arlington Ave.

LAND AREA: 6,900 square feet, more or less

CONCLUSION: This property is in private ownership and is being used for residential purposes. It should be zoned accordingly.

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

LEGAL DESCRIPTION: Lot 2, Block 4 Parkside Place, located in the NW 1/4 of Section 31, T10N, R7E of the 6th P.M., Lancaster County, Nebraska, generally located at 3023 Arlington Ave.

LOCATION: 3023 Arlington Ave., east of the intersection of Arlington Ave. and Jefferson Ave.

APPLICANT: Planning Director

OWNER: Herbert and Francis Hull

CONTACT: Jason Reynolds
Planning Department
555 S. 10th Street - Suite 213
Lincoln, NE 68508
402-441-7620

EXISTING ZONING: P Public Use

EXISTING LAND USE: Most of this lot is a yard for the residence on Lot 3, Block 4 Parkside Place. The two lots are under common ownership.

SURROUNDING LAND USE AND ZONING:

North: P Open space
South: R-4 Housing
East: P Bicycle trail and Antelope Park
West: R-4 Housing

HISTORY: Oct. 28, 1985

City Council approved Change of Zone 2204, which changed the zoning on a lot to the south from P to R-4.

1979

The lot was converted from B Two Family Dwelling District to P Public Use in the Zoning Update.

COMPREHENSIVE PLAN SPECIFICATIONS: The Land Use Plan identifies this lot as Public and Semi-Public.

Public/Semi-public land is that land use category, other than Parks and Open Space, which is owned by or operated to serve the general public. (p. 69)

UTILITIES: Available

TOPOGRAPHY: Flat

TRAFFIC ANALYSIS: Arlington Ave. is a local street

PUBLIC SERVICE: City of Lincoln Fire and Police

ALTERNATIVE USES: None apparent - this lot appears to have been in private ownership since 1923.

ANALYSIS:

1. The Comprehensive Plan lists criteria for the review of zoning proposals. These include portions of Nebraska Revised Statutes Section 15-902;
 1. Safety from fire, flood and other dangers;
 2. Promotion of the public health, safety, and general welfare;
 3. Consideration of the character of the various parts of the area, and their particular suitability for particular uses, and types of development;
 4. Conservation of property values; and
 5. Encouraging the most appropriate use of land throughout the area zoned, in accordance with a comprehensive plan.
2. As noted in the Comprehensive Plan, the Public/Semi-public designation applies to lands owned by or operated to serve the general public. The P Public Use zoning district applies to premises or buildings owned by governmental entities and in some form of public use.
3. According to records in the Register of Deeds, this property has been in private ownership for decades.

4. The property is in residential use and is surrounded by residential uses. It should be zoned accordingly.

Prepared by:

Jason Reynolds,
Planner

CHANGE OF ZONE NO. 3349

PUBLIC HEARING BEFORE PLANNING COMMISSION:

January 9, 2002

Members present: Duvall, Bills, Hunter, Carlson, Taylor, Newman, Krieser, Steward and Schwinn.

Staff recommendation: Approval.

Jason Reynolds of Planning staff submitted an email in opposition, alleging that this change of zone would allow a 12-plex to be built on the property. The primary objections in the email are parking problems and care and maintenance of the property. Reynolds advised that the R-4 zoning district would permit one two-family structure per lot, or a total of two duplexes.

Proponents

1. Jason Reynolds of Planning staff explained that this is an application by the Director of Planning to correct a mapping error. The subject lot is mostly vacant and is zoned "P" Public Use; however, the ownership records indicate that it has been in private ownership since about the 1920's. The line on the zoning map was drawn in error and the zoning on this property should reflect the ownership pattern. Therefore, the request is to change the zoning to R-4 to match the surrounding area.

Steward inquired why the question has been raised at this time. Reynolds advised that the subject lot was sold recently and through the title search, the new property owner became aware there might be a zoning question on the lots.

Schwinn confirmed that this application is being made to change the zoning to be in conformance with the rest of the neighborhood. Reynolds concurred.

Hunter noted that most of the homes in the area are single family. Reynolds acknowledged that could be true, but the entire neighborhood is zoned R-4 (which used to be the old 2-family zoning district). Reynolds did not have the data to support the declaration that the area is mostly single family residential.

Carlson noticed a "for sale" sign on the property and wondered whether the sale had actually occurred. Reynolds indicated that the last time he went by the property, the "for sale" was covered with a "sold" sign. He didn't have any further information.

Opposition

1. Marty Hager, 2810 Sumner, a Member of the Antelope Park Neighborhood Association Board, testified in opposition. He realizes that this seems like a straight-forward application, but he believes this change has wider implications to the neighborhood. Antelope Park is an older established neighborhood with a lot of single family homes; however, they do have more than their fair share of duplex, tri-plex and apartment buildings. He urged the Commission to look at this case, not only as a

matter of fact, but to consider the larger implications of changing the zoning from P to R-4. He also believes that Antelope Park was just made a “target” area in the 2000 Census 10 days ago. The subject property was put on the market prior to that. Hager urged the Commission to not make a quick judgment on this application because the Antelope Park Neighborhood Association is in the process of making application to change the entire neighborhood to R-2 to help keep the influx of slip-ins at a minimum.

2. Doug Beals, 2829 Franklin, testified in opposition. The City of Lincoln has always prided itself in quality and character of older established neighborhoods as set forth in the Comprehensive Plan. Back in the 1970's, we watched slip-in apartments invest in the Near South when there were no zoning controls. The slip-ins did change the character of the neighborhood. Since that time, the city has recognized the need to maintain the character of these neighborhoods. If this change of zone happens, he believes that the Antelope Park Neighborhood will be subject to blight. If this project moves forward, it sends a message that this neighborhood does not deserve the same consideration as other neighborhoods. Increasing the amount of rental property will change the character of the neighborhood in terms of the quantity and the quality. Personally, as the father of two small children, he is concerned about the additional traffic that would be generated near the park. If this area needs to be redeveloped, it should be single family, affordable housing. It is up to the Planning Commission to see that the character of the neighborhood is maintained without subjecting the residents to more rental property in this area.

3. Kathleen Hejl, 1745 Jefferson, testified in opposition. Her husband is President of the Antelope Park Neighborhood Association and is on active duty in the Army. She re-emphasized the traffic problems that could be created by this change of zone. This property is at a dead-end, ½ block east of Jefferson Avenue, right before you get to the bike path. There is a lot of foot traffic using the Arlington Street access to the park and the trail. There is already a traffic problem on Jefferson Avenue in both volume and speed. The number of the new units and the size proposed will likely draw at least 8 drivers into the area, and probably more. Hejl is a mother of three children and safety is a concern. The neighborhood is trying to maintain as many single family units as possible to minimize increased traffic and other problems.

4. Lisa Good, 3036 Franklin Street, serving as Interim President of the Antelope Park Neighborhood Association, testified in opposition. There is 100% consensus of the Board members in opposition. Antelope Park is the smallest neighborhood association in the City. Most of the neighborhood was built in the late 1910's and early 1920's, with mostly small bungalows. The Antelope Park neighborhood is comprised of approximately 500 homes, 61% being owner occupied (from 1990 Census). The residents of the neighborhood are mixed, with many older, long term residents (those who have lived in the neighborhood 20+ years). This neighborhood is starting to turn with the older residents going to care facilities. This is opening up single family homes to new prospective buyers. Generally, the neighborhood has been fortunate that families with children have found this an attractive, safe and viable place to live. There is overwhelming participation in the neighborhood association because of its smallness. The association recently completed a reforestation project where they replaced 70% of the street trees lost in the ice storm of 1996. Good stated that she is voicing the opinion of 50+ signatures in opposition to this change of zone in hopes of preserving the single family character of this neighborhood. Approximately 15-20 individuals stood in the audience in opposition.

Good requested that the Planning Commission defer this change of zone while the neighborhood investigates some long term solutions for the neighborhood zoning. We have just learned that we are now a target neighborhood. We have a committee working now on the zoning application for the neighborhood that is due tomorrow. Hopefully, they can identify parts of the neighborhood that would comply with R-2 zoning as opposed to R-4.

Steward noted on the map in the staff report that there are a number of similar P zoned lots to the north of the lot in question, which would be across Arlington Avenue and east of Jefferson, between Sumner and Arlington. He wondered whether the neighborhood would have similar concerns about that property. Good stated that it has come to their attention that there is a home for sale at 2929 Everett which is similarly located on a dead-end street with abutment to P zoning. In the interest of safety for bike and trails, the neighborhood wonders if it might not be wise to restrict the number of persons living close to those public access points.

(It was then noted that those particular lots north of the lot in question are part of a city reservoir and should never be developed).

Schwinn inquired about the declaration that this is a “target” neighborhood. Good advised that they have been informed verbally by the Urban Development Department that they may be a target area but they have not received anything official.

5. Bill Price, 1810 Jefferson Avenue, testified in opposition. The neighborhood association has expressed its concern about this change of zone and the proposed development of the property. It is the neighborhood’s understanding that the developer plans to build two duplexes with a total of 12 bedrooms, resulting in 24 additional people living in this half block. If this development is allowed, there would be a 100% increase in population on ½ a city block. This will redefine the living environment of this entire neighborhood. It is not pleasing to see high density and it does not promote neighborhood improvement. Another issue is access. There is no street along one side of the block and no alley, resulting in only one access for the 24+ new residents. Even with off-street parking, there will be increased noise and more parking on the street, causing neighborhood hazards. This will be inconsistent with the profile of this ½ block. Allowing such a large development is like putting a skyscraper on a prairie. Allowing this development will set precedents for further development of large-unit housing in the neighborhood. Price advised that the neighborhood association will be applying for new zoning to maintain the family atmosphere and integrity of this neighborhood. He requested that the Planning Commission defer the decision on this change of zone request to allow the neighborhood to research options towards saving and improving this neighborhood.

6. Walt Radcliffe, 1701 So. 33rd, on the east side of the bike path, testified in opposition. He urged the Commission to consider deferring this decision so that the suggested R-2 can be considered. This is a very active and viable neighborhood association and the Commission would be well-advised to let them come forward with their ideas and suggestions.

Staff questions

The Commission asked the Urban Development Department to respond to the declaration of this neighborhood as a “target” area. Marc Wullschleger, the Director of the Urban Development

Department, hopes what he said to the neighborhood did not get misconstrued. We have not yet gotten the census information. Urban Development has asked Neighborhoods, Inc. to go in and look at the property but for various reasons they have opted not to consider this property. The two biggest reasons were 1) financial--that it was tough to do because they would lose money on it; and 2) it was not in a "low-mod" area. Most of the projects they do are in low-mod areas. They are only allowed to do 4-6 properties on an annual basis.

Wullschleger advised that Urban Development has had ongoing discussions with the buyer of the subject property and Urban Development has made a verbal offer to step in and buy the property if he did want to sell it. Urban Development could step in and do that if need be.

Steward wondered whether it would matter to Urban Development what the zoning was in that circumstance. Wullschleger indicated that zoning might possibly be an issue. Under our "troubled property program", we would go in. If Neighborhoods, Inc. did undertake the property, they would tear the house down and build two houses on the two lots that are there, possibly a Habitat for Humanity house, and possibly a Nebraska Housing Resource house, or maybe even both. They would be single family dwellings.

Steward asked Wullschleger to define "low-mod" and the ramifications of that designation. Wullschleger stated that "low-mod" would apply to a family of four with maximum gross income of \$49,450.00. To qualify as a "target" area, the majority of the neighborhood has to be low-mod. We have several neighborhoods in the core of Lincoln that are low-mod and Wullschleger very much expects that the Antelope Park neighborhood will be declared low-mod in the new census information anticipated to be released the first quarter of this year.

Carlson sought confirmation that regardless of the "low-mod" designation, Urban Development is prepared to purchase the property from the owner. Wullschleger concurred and Urban Development has discussed this with the current owner; however, he does not like their offer.

Carlson wondered whether there is anything that would make it difficult to build single family. Wullschleger agreed that the property is very much suited for single family. To build another single family house, however, they would have to adjust the lot lines or tear the house down because the existing house is too close to the lot line to have the required setback, but there are two full-sized lots.

Rick Peo, City Law Department, interrupted the testimony to advise the Commission. He foresees a problem with deferring this action. It must be remembered that this is a mapping error. The property should not be zoned "P" Public Use because it is under private ownership. P zoning does not apply to privately owned property. Essentially, we have a property without zoning regulations on it and he does not believe a building permit could be denied at this time. Secondly, the property was "B 2-family" when the zoning designations were changed. Everyone else in the neighborhood that was zoned "B 2-family" got R-4 and this property should have become R-4 at that time as well. This property owner is entitled to R-4 zoning. To create any other type of zoning would be reverse spot zoning, i.e. singling out an individual and not allowing him the same development rights as other owners. The R-4 gives him the same rights to develop that anyone else in the neighborhood

has. If the whole neighborhood comes forward and looks at downzoning, that can be considered, but this application should not be deferred in anticipation that that might occur.

Peo further pointed out that the city went down this path one other time on a commercial situation where the issuance of a use permit was delayed. It was challenged in court and the city lost. Deferral of this change of zone application would create that same type scenario, in his opinion.

Newman wonders whether it is possible that this property should have been zoned R-2 instead of R-4. Peo reiterated that the whole area was zoned "B 2-family" and all of it was converted to R-4, except this one lot got zoned P in error. We didn't have the same classifications at that time. There are more classifications today than there were then.

Carlson posed the question: At what point does raw ground all of a sudden receive a particular designation and at what point do we decide that designation is in perpetuity? Peo's response was that once you establish a zoning criteria of surrounding properties, similar properties have to be treated the same.

Ray Hill of Planning staff offered further explanation. The city did not have the "P" Public Use district before 1979, and when the line was drawn to distinguish the park from the private property, the line was drawn in the wrong place. It is a mapping error. Before 1979, the 2-family zoning district (which is comparable to today's R-4) was the same character as a "B 2-family". The proper conversion was B 2-family to R-4, which happened. The mapping error occurred because the line simply was not drawn in the right place and that is why this property is zoned P today. This area has been zoned for 2-family for a long time, probably at least as far back as 1959.

Hunter believes this goes from a history of two-family to the potential of multi-plex. Hill clarified that R-4 allows two-family dwellings the same as the previous B 2-family.

Schwinn pointed out that all this discussion is hearsay. We don't have anyone saying they are going to build a duplex. Hunter was asking about the potential for more than a duplex and she has been informed that there is not.

Public hearing was closed.

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

January 9, 2002

Newman moved to place this change of zone on pending because we do not know the history. Motion was seconded by Carlson. If there was a designation created after a neighborhood was designated R-4 that is more suitable for the neighborhood such as R-2, Newman does not understand why the Commission can't put this on pending until we see if that R-2 is not a more appropriate zoning for the neighborhood.

Carlson's question is: If the P is a mistake, then what's the right zoning? Is the character of the surrounding property and the surrounding neighborhood R-4?

Steward stated that he has substantial empathy with the concern about what is possible on this site,

but he also has concern about the technical position that this deferral action will put the city in. What is the proper zoning designation? The only proper choices are P or R-4 under current zoning map conditions. And that surely doesn't fit what the neighbors would prefer, but this is not a single family neighborhood and has not been for some time. He believes that all due diligence should be performed to investigate the downzoning process, but he does not believe this property can be held hostage while that is transpiring because the rest of the neighborhood is already designated R-4. He will vote against placing this application on pending.

Hunter disagrees with the idea that because it was done that way is the way it has to be done now. It no longer fits what has been developed. How something got to P when P was not even a designation means there is something a little bit more behind this property's development than the history shows. She will support deferral.

Schwinn suggested that the property was most likely owned by one previous owner and he didn't even know it was zoned P. Then, upon sale, the P zoning was discovered in the title search and it was required to be brought into proper zoning classification in order to close the sale. The P designation is not appropriate for privately owned property. This is privately owned property with an erroneous zoning. He will vote against deferral because he doesn't think there is another option. Voting to defer this puts the city in a legal position that we cannot support and we've already lost a similar case.

Carlson stated that he does not disagree that P is incorrect zoning. He believes it should have some kind of residential zoning, but he does not know that the question of which residential zoning district has been answered for him. That is why he will vote to defer. He believes the surrounding neighborhood character is R-2.

Upon further discussion, the motion was amended to deferral for two weeks, as opposed to placing the application on pending.

Schwinn called the question.

Motion to defer for two weeks, with administrative action scheduled for January 23, 2002, carried 6-3: Bills, Hunter, Carlson, Taylor, Newman and Krieser voting 'yes'; Duvall, Steward and Schwinn voting 'no'.

The public hearing has been closed. There will be no further public testimony on January 23, 2002, other than questions by the Commission to staff.

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

January 23, 2002

Members present: Steward, Newman, Taylor, Bills, Carlson, Krieser and Schwinn; Hunter and Duvall absent.

Jason Reynolds of the Planning staff submitted a letter from the property owner of 3023 Arlington in support, responding to some of the testimony given at the public hearing. Reynolds also submitted a letter from Lisa Good, Interim President of Antelope Park Neighborhood Association,

requesting that the Planning Commission action on this change of zone be delayed until February 6, 2002, when a change of zone from R-4 to R-2 is going to be heard by the Planning Commission, which change of zone application includes the subject property.

Steward believes there is rationale for the request for further deferral on this since it would evolve into parallel discussions over the same property. He would like confirmation from staff before making a motion. Is there an action pending and will it be scheduled on February 6th? Reynolds confirmed that a request has been filed to change the zoning in an area of the neighborhood from R-4 to R-2 that includes this property. It has been advertised for the February 6th Planning Commission meeting.

Steward moved to defer action for two weeks, seconded by Newman.

Schwinn stated that he will vote against this motion because he believes this is a straight administrative action. What the neighborhood is doing has no impact on what we're looking at here. We probably shouldn't have even known about the neighborhood's proposal. This change of zone is a mistake that is being corrected. He does not see any point to delay this any longer.

Bills stated that she will also vote against deferral because it could change the value of the land and could have an impact on what this entity did.

Carlson noted that Schwinn and Bill's points are well taken; however, the net calendar effect may be the same. He does not know if staff has a preferred direction. Reynolds advised that, as noted in the staff report, the staff recommends approval of this change of zone. It may be possible to put these two applications together at the Council level, even if there is action on this one today.

Schwinn noted also that it is not a foregone conclusion that the neighborhood's change will even pass.

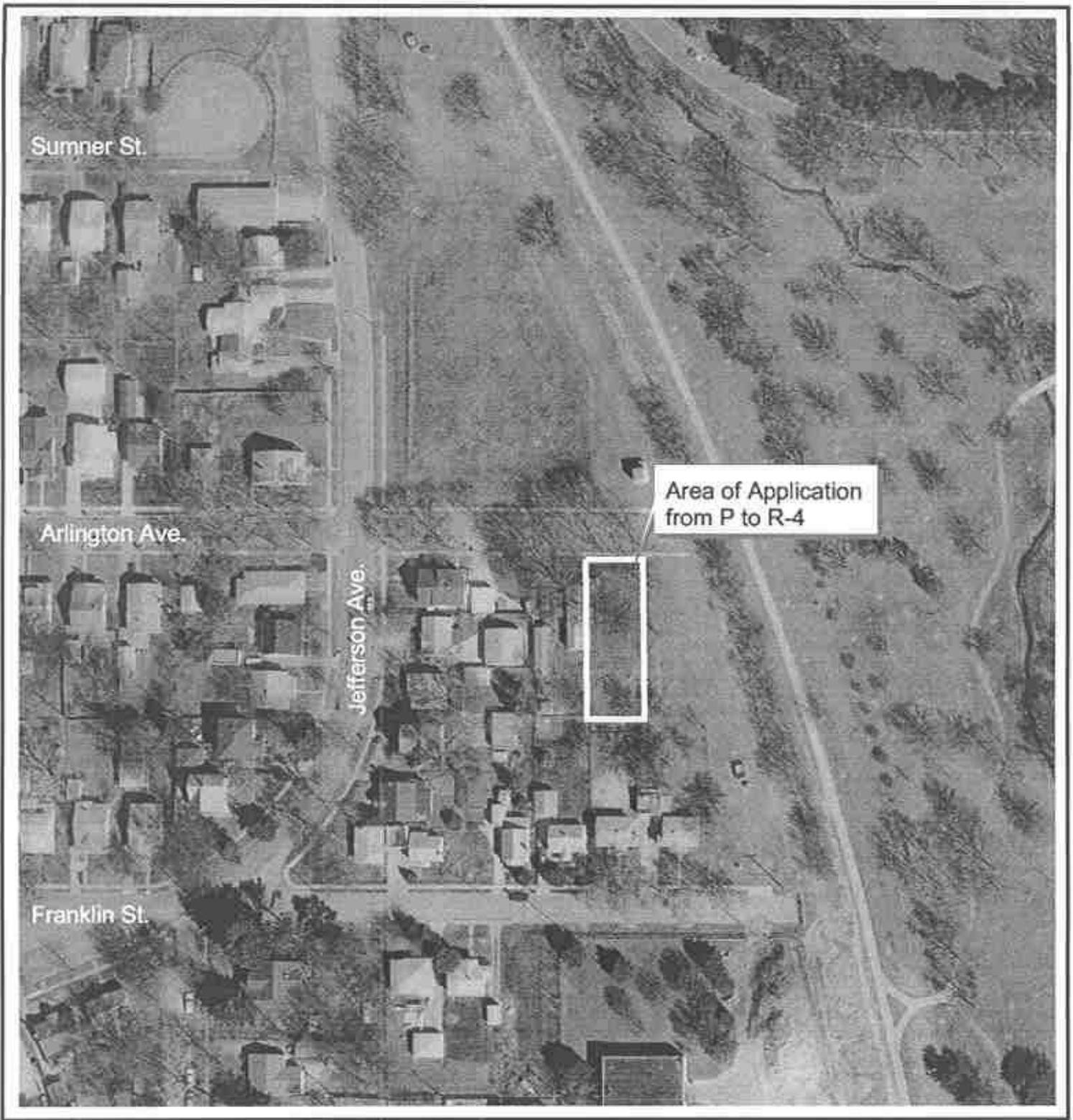
With permission of the second, Steward withdrew the motion to defer based upon the logic of the discussion. Newman agreed, but stated that she had seconded the motion to defer because she is not convinced the correct zoning is R-4 in this area. If this can catch up at Council and it can all be looked at at the same time, she will vote to move it forward.

Schwinn observed that ultimately, P is not the proper zoning in any event.

Bills moved approval, seconded by Steward.

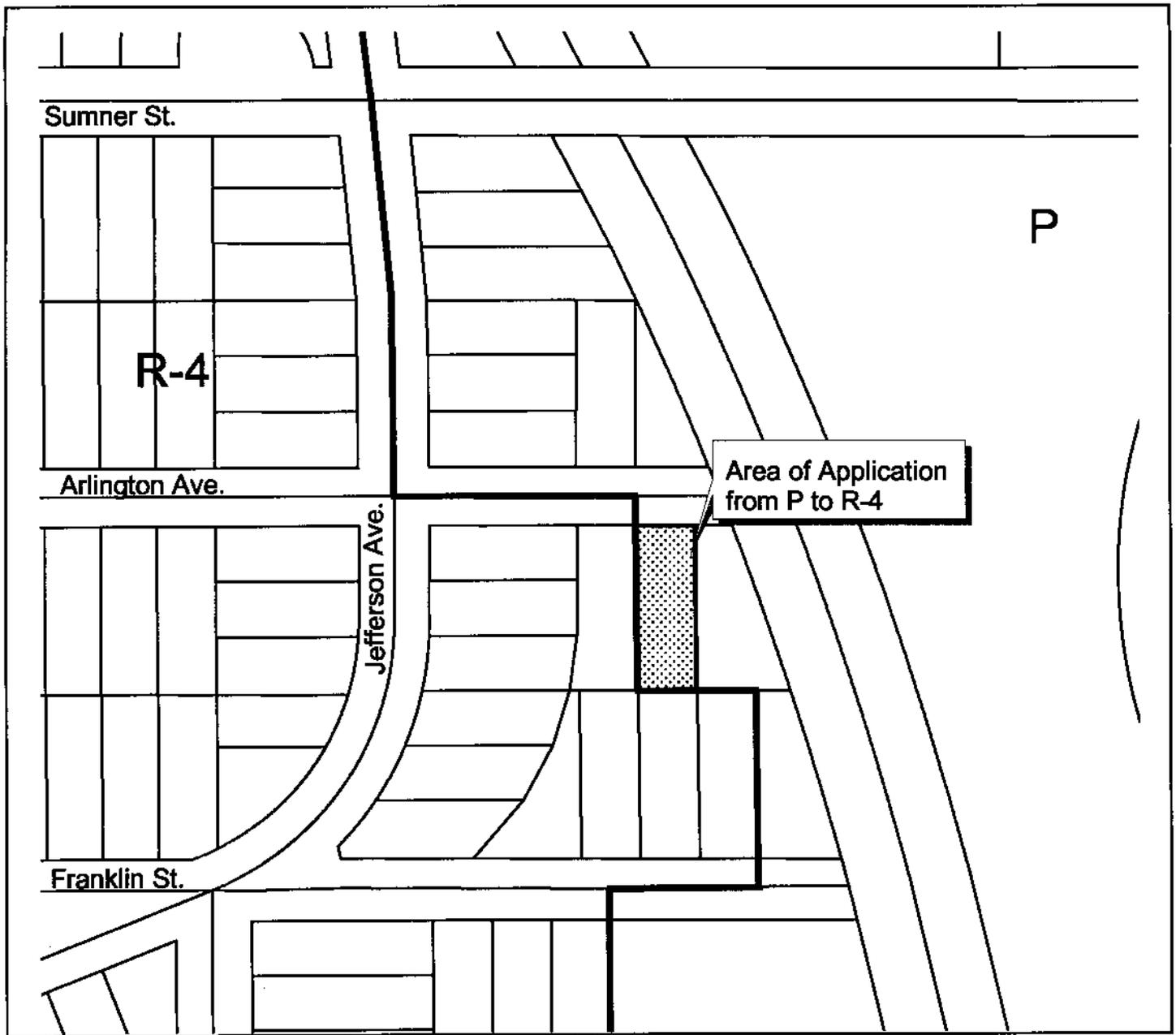
Carlson has concerns because he believes the general characteristics of this neighborhood may be more appropriate to R-2. But, the Commission must vote on the information before them now.

Motion for approval carried 7-0: Steward, Newman, Taylor, Bills, Carlson, Krieser and Schwinn voting 'yes'; Hunter and Duvall absent.



**Change of Zone #3349
Arlington Ave. and Jefferson St.**



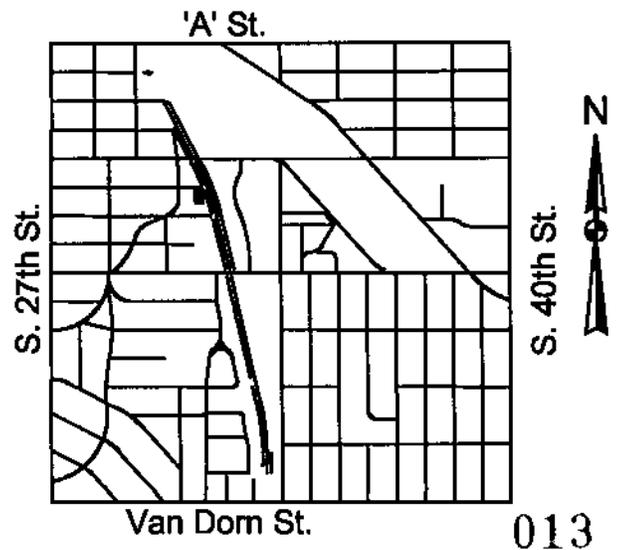
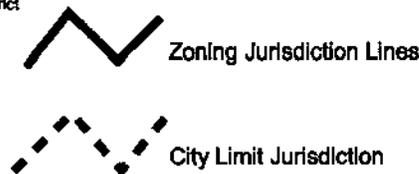


Change of Zone #3349 Arlington Ave. and Jefferson St.

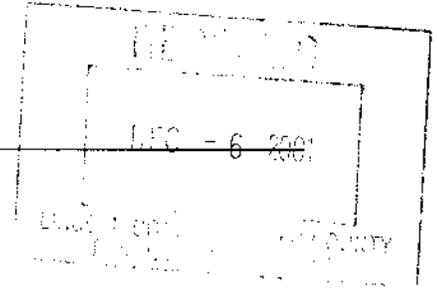
Zoning:

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. 31 T10N R7E



Memorandum



To: Jason Reynolds, Planning Department

From: Charles W. Baker, Public Works and Utilities *CWB*

Subject: Change of Zone # 3349, Parkside Addition

Date: December 5, 2001

cc: Roger Figard
Nicole Fleck-Tooze

The City Engineer's Office of the Department of Public Works and Utilities has reviewed the Change of Zone Request for Lots 1,2 and 14, Block 4, Parkside Addition located east of Jefferson Avenue between Franklin and Arlington Streets. Public Works has the following comments:

- Lincoln Water System operates an existing Well House (#13) on Lot 14 of this addition. An 8" water main runs north on the east 1/3 of the lot. The water main continues north across Lot 1 along the east side.
- It appears that the City has no interest in Lot 2. Lot 2 has abutting sanitary sewer and water mains.
- Public Works has no objections for the Change of Zone on Lot 2.

Clinton Thomas

11/29/2001 01:10 PM

To: Abigail P Davis/Notes@Notes
cc: Jason W Reynolds/Notes@Notes
Subject: Re: CZ3349, from P to R-1 

The west 31' (it appears) of Lot 14 was purchased by the City in 1921 as was Lot 1 in that block. Lots 2 and 3 were purchased together in 1923 from the developer who platted the subdivision. They have been in contiguous ownership ever since. The current owner of record (seller) and her husband have owned the lots since 1951. I suspect the existing house was built in the middle of the 2 lots in the early-mid 20's. Clint
Abigail P Davis



Abigail P Davis

11/29/2001 12:22 PM

To: Clinton Thomas/Notes@Notes
cc: Jason W Reynolds/Notes@Notes
Subject: CZ3349, from P to R-1

Clint-

Ray has asked me to request written clarification concerning the ownership of lot 1, 2, and 14, of block 4, Parkside Place. Lot 2 is zoned P but is privately owned. Clarification on the lot ownership along that area of the zoning line would also be appreciated. This would be running south fromd Garflied and Jefferson Ave. down to the block just south of Franklin. Jason will be working on this project.

Thanks,
Abby

LINCOLN CITY - LANCASTER COUNTY
PLANNING DEPARTMENT



MEMORANDUM

Date: January 11, 2002
To: Planning Commission
From: Jason Reynolds, Planning
Subject: Change of Zone #3349 RFI
CC: file

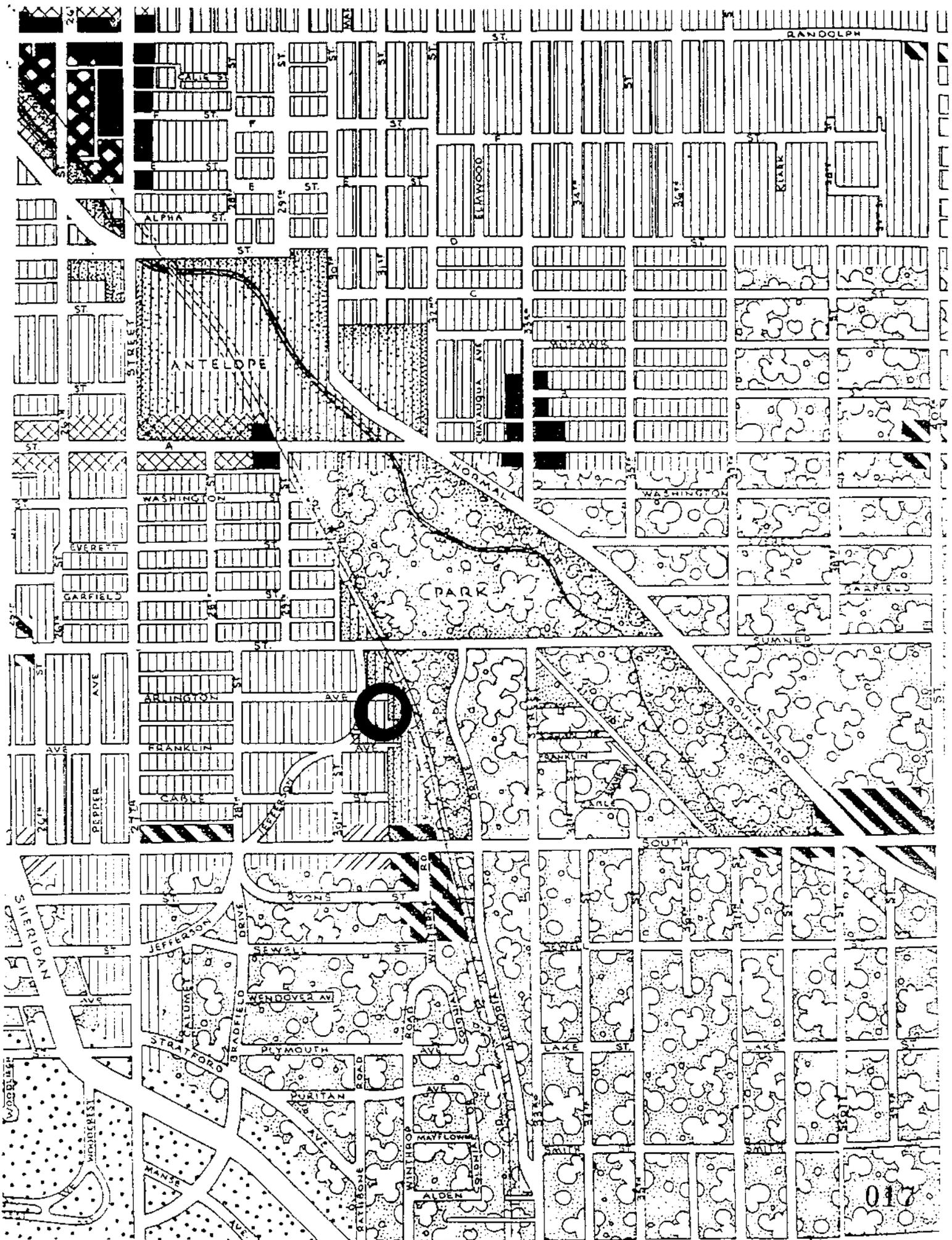
On January 9, 2002, Patte Newman asked:

When zoning changes were made in 1979 what was the basis in the Antelope Park neighborhood for changing to R-4 rather than R-2? Was this a neighborhood decision, a planning department decision, or was it based on existing setbacks, etc.?

From as early as 1956, the Antelope Park neighborhood was zoned B Two-Family Dwelling district, with some commercial and multiple family zoning along A Street and South Street. The railroad right-of-way (now the Rock Island Trail) formed the boundary between the B Two-Family zoning and the A-2 Single Family Residential zoning to the east. Before 1979, the park was zoned A-2 Single Family Residential. In 1979, the map revision assigned equivalent zoning districts to either side of the park: R-4 in the Antelope Park neighborhood and R-2 in the 40th & A neighborhood east of the park. The revision designated Antelope Park as P Public Use.

The table below demonstrates that R-4 and B are equivalents:

	B	R-4	A-2	R-2
Front Yard	25'	25'	25'	25'
Side Yard	5'	5'	5'	5'
Rear Yard	30'	30' or 20% of depth	30'	30' or 20% of depth
Lot area - single family dwelling	5,000 sq. ft.	5,000 sq. ft.	6,000 sq. ft.	6,000 sq. ft.
Lot area - two family dwelling	2,500 sq. ft. per family	2,500 sq. ft. per family	not permitted	5,000 sq. ft. per family



ANTELOPE

NORMAL

PARK

WASHINGTON

WASHINGTON

GARFIELD

GARFIELD

ARLINGTON

FRANKLIN

CABLE

PARK

BANKIN

SOUTH

SHERIDAN

JEFFERSON

WENDOVER AV

PLYMOUTH

PURITAN

WANS

DEVILS

SEWELL

BRADFIELD

WILLIAMS

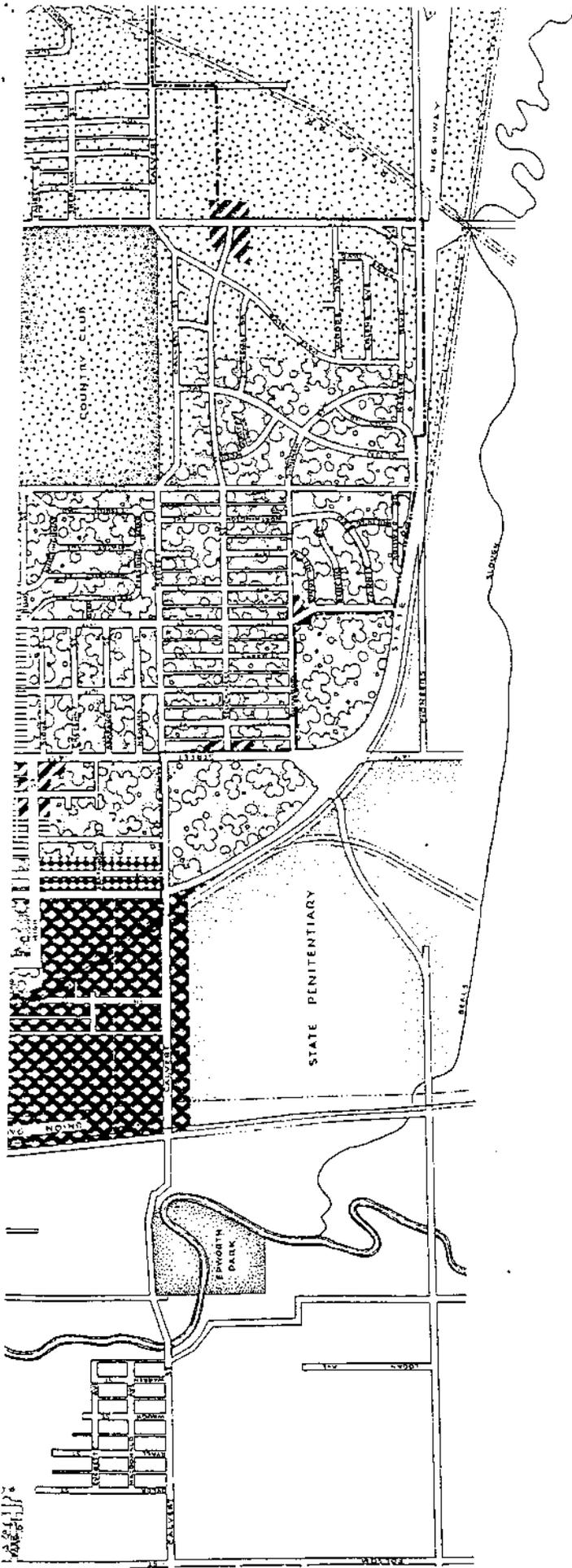
WINDING

WINDING

WYONS

WINDING

010



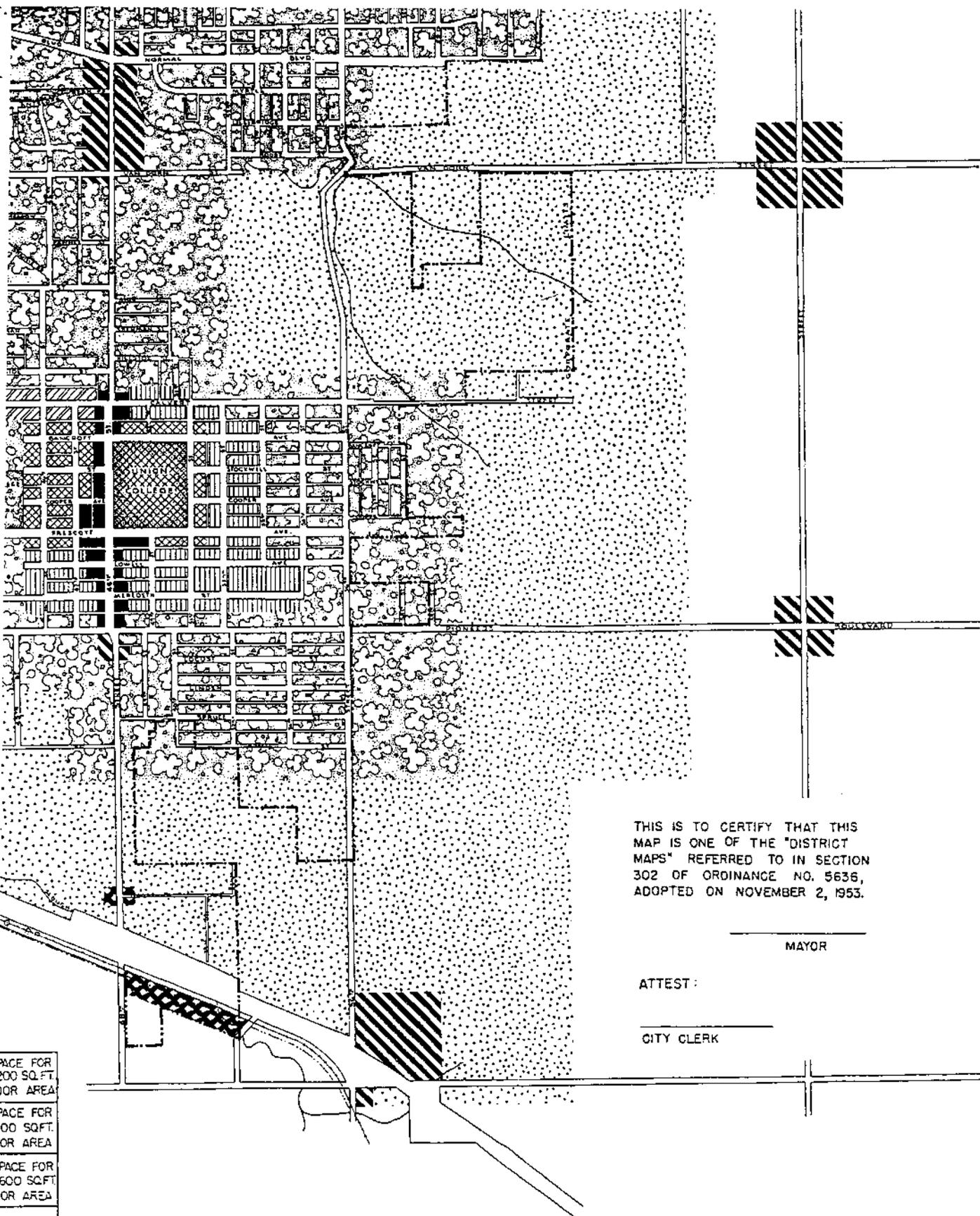
DISTRICT MAP

LEGEND AND SUMMARY OF ZONING REGULATIONS

REVISED TO DECEMBER 17, 1951
 REVISED TO FEBRUARY 2, 1953
 REVISED TO OCTOBER 15, 1953
 REVISED TO JULY 10, 1956

USE	DISTRICT SYMBOL	HEIGHT STORIES-FT.	FRONT YARD	SIDE YARD	REAR YARD	LOT AREA PER FAMILY	OFF STREET PARKING
RURAL AND PUBLIC USE FARMING, GOLF COURSES, MINING, SINGLE FAMILY HOMES, PUBLIC USES, ETC.	AA	2 1/2 - 35'	30'	15'	50'	ONE ACRE	ONE SPACE FOR EACH DWELLING UNIT
SINGLE FAMILY RES. SINGLE FAMILY HOMES, CHURCHES, SCHOOLS, PARKS, GOLF COURSES.	A-1	3 - 35'	30'	10'	30'	9,000 SQ. FT.	ONE SPACE FOR EACH DWELLING UNIT
SINGLE FAMILY RES. USES PERMITTED IN "A-1" DISTRICT.	A-2	3 - 35'	25'	5'	30'	6,000 SQ. FT.	ONE SPACE FOR EACH DWELLING UNIT
TWO FAMILY DWELLING USES PERMITTED IN "A-1" DISTRICT, TWO-FAMILY DWELLINGS.	B	3 - 35'	25'	5'	30'	5,000 SQ. FT. ONE FAM. 2,500 SQ. FT. TWO FAM.	ONE SPACE FOR EACH LIVING UNIT
FOUR FAMILY DWELLING USES PERMITTED IN "B" DISTRICT, THREE AND FOUR FAMILY DWELLINGS.	C	3 - 35'	20'	5'	30'	5,000 SQ. FT. ONE FAM. 2,500 SQ. FT. TWO FAM. 1,500 SQ. FT. MULTI-DWELL.	ONE SPACE FOR EACH LIVING UNIT
MULTIPLE DWELLING USES PERMITTED IN "C" DIST., MULTIPLE DWELLINGS, BOARDING & LODGING HOUSES, HOSPITALS, CLUBS.	D	4 - 45'	20'	5' 3-STORY OR 4-STORY	30'	4,000 SQ. FT. ONE FAM. 2,000 SQ. FT. TWO FAM. 1,000 SQ. FT. MULTI-DWELL.	ONE SPACE FOR EACH LIVING UNIT
MULTIPLE DWELLING USES PERMITTED IN "D" DISTRICT, APARTMENT HOTELS.	E	4 - 45' (A)	20'	5' 2 1/2 STRY 7 1/2' 3 STRY	30'	4,000 SQ. FT. ONE FAM. 2,000 SQ. FT. TWO FAM. 500 SQ. FT. MULTI-DWELL.	ONE SPACE FOR EACH TWO LIVING UNITS
RESTRICTED COM. USES PERMITTED IN "E" DIST. OFFICE BUILDINGS.	F	4 - 50'	20'	5' 2 1/2 STRY 7 1/2' 3 STRY OR 10' OFFICE	30' DWELL OR 10' OFFICE BLDGS.	SAME AS "E" DIST.	SAME AS "E" DIST.
LOCAL BUSINESS USES PERMITTED IN "F" DIST.	G	3 - 40'	20'	(B)	(A)	SAME AS "C" DIST.	ONE SPACE FOR EACH 300 SQ. FT. OF FLOOD AREA

USE	DISTRICT SYMBOL	HEIGHT STORIES-FT.	FRONT YARD	SIDE YARD	REAR YARD	LOT AREA PER FAMILY	OFF STREET PARKING
HIGHWAY BUSINESS USES PERMITTED IN "G" DISTRICT, SHOWROOMS, PRIVATE RECREATION, SIGNS, USED CAR LOTS, ETC.	H-1	4 - 50'					
HIGHWAY COMMERCIAL USES PERMITTED IN "H-1" DIST. SIGNS, BILLBOARDS, GARAGES, BAKERIES, BOTTLING WORKS, ETC.	H-2	3 - 35'					
COMMERCIAL USES PERMITTED IN "I" DISTRICT, SIGNS, BILLBOARDS, GARAGES, SMALL BAKERIES, LAUNDRIES, ETC.	I	4 - 45'					
BUSINESS ANY USE NOT OBVIOUS DUE TO EMISSION OF ODOR, DUST, NOISE, OR GAS.	J	12 - 150'					
LIGHT INDUSTRY USES PERMITTED IN "K" DISTRICT.	K	7 - 90'					
HEAVY INDUSTRY ANY USE EXCEPT THAT CERTAIN USES REQUIRE SPECIAL PERMIT.	L	NONE					



THIS IS TO CERTIFY THAT THIS
 MAP IS ONE OF THE "DISTRICT
 MAPS" REFERRED TO IN SECTION
 302 OF ORDINANCE NO. 5636,
 ADOPTED ON NOVEMBER 2, 1953.

 MAYOR

ATTEST:

 CITY CLERK

SPACE FOR
 200 SQ. FT.
 ZONING AREA

SPACE FOR
 100 SQ. FT.
 ZONING AREA

SPACE FOR
 600 SQ. FT.
 ZONING AREA

ONE

ONE

ONE

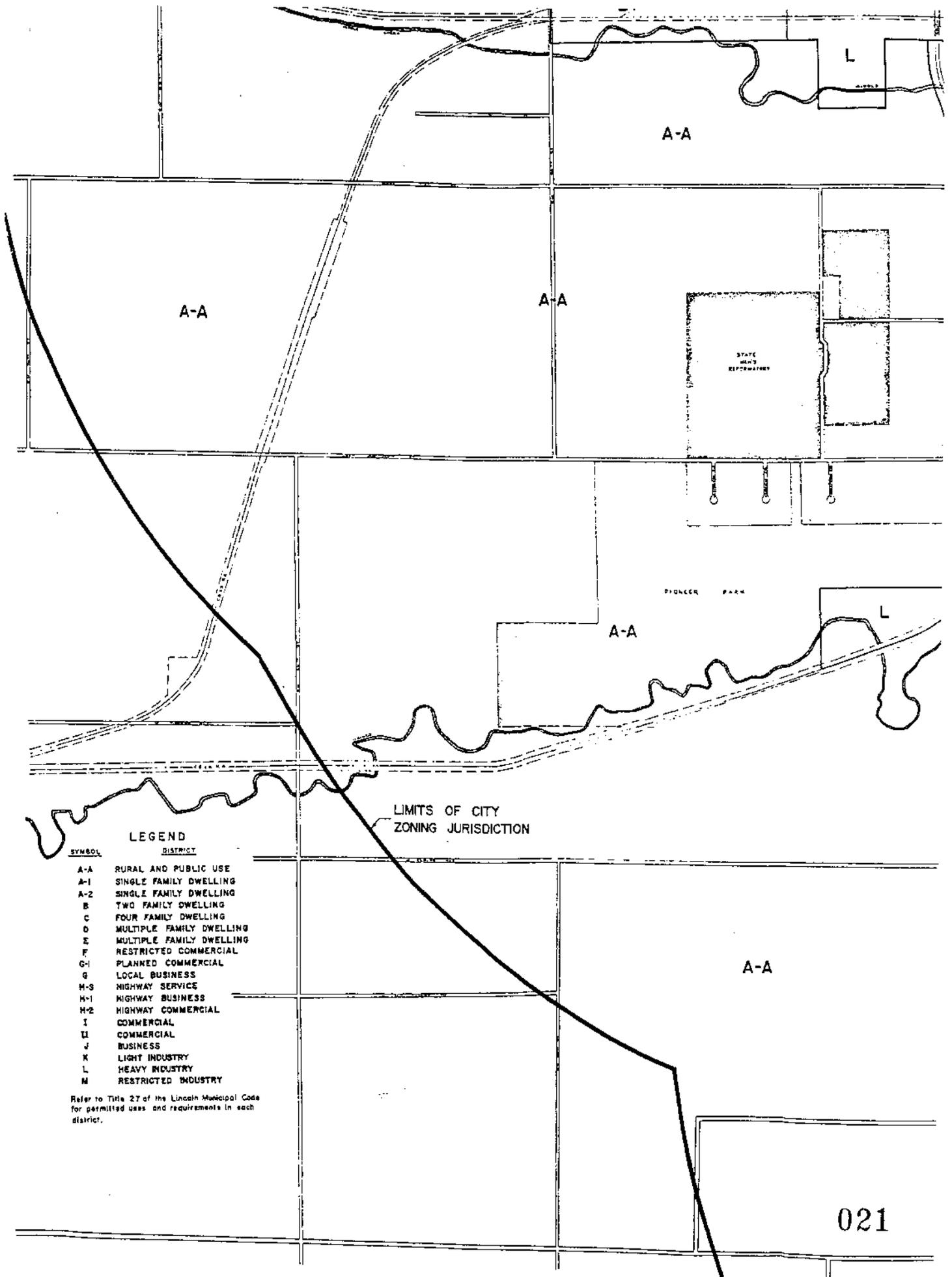
NOTE: SEE TEXT OF ORDINANCE FOR VARIATIONS
 AND EXCEPTIONS IN ALL CASES.

- (A) INDICATES PROVISIONS OF ORDINANCE TOO LENGTHY
 TO BE INCLUDED ON CHART.
- (B) YARDS REQUIRED WHERE DISTRICT IS ADJACENT TO
 A RESIDENCE DISTRICT.

THE CITY PLANNING COMMISSION
 LINCOLN,
 NEBRASKA

HARLAND BARTHOLOMEW & ASSOCIATES
 CITY PLANNERS
 SAINT LOUIS,
 MISSOURI

REVISED TO DEC. 17, 1951 - MAY 1, 1952 - FEB. 2, 1953 -
 JULY, 1955 JUNE 1, 1956

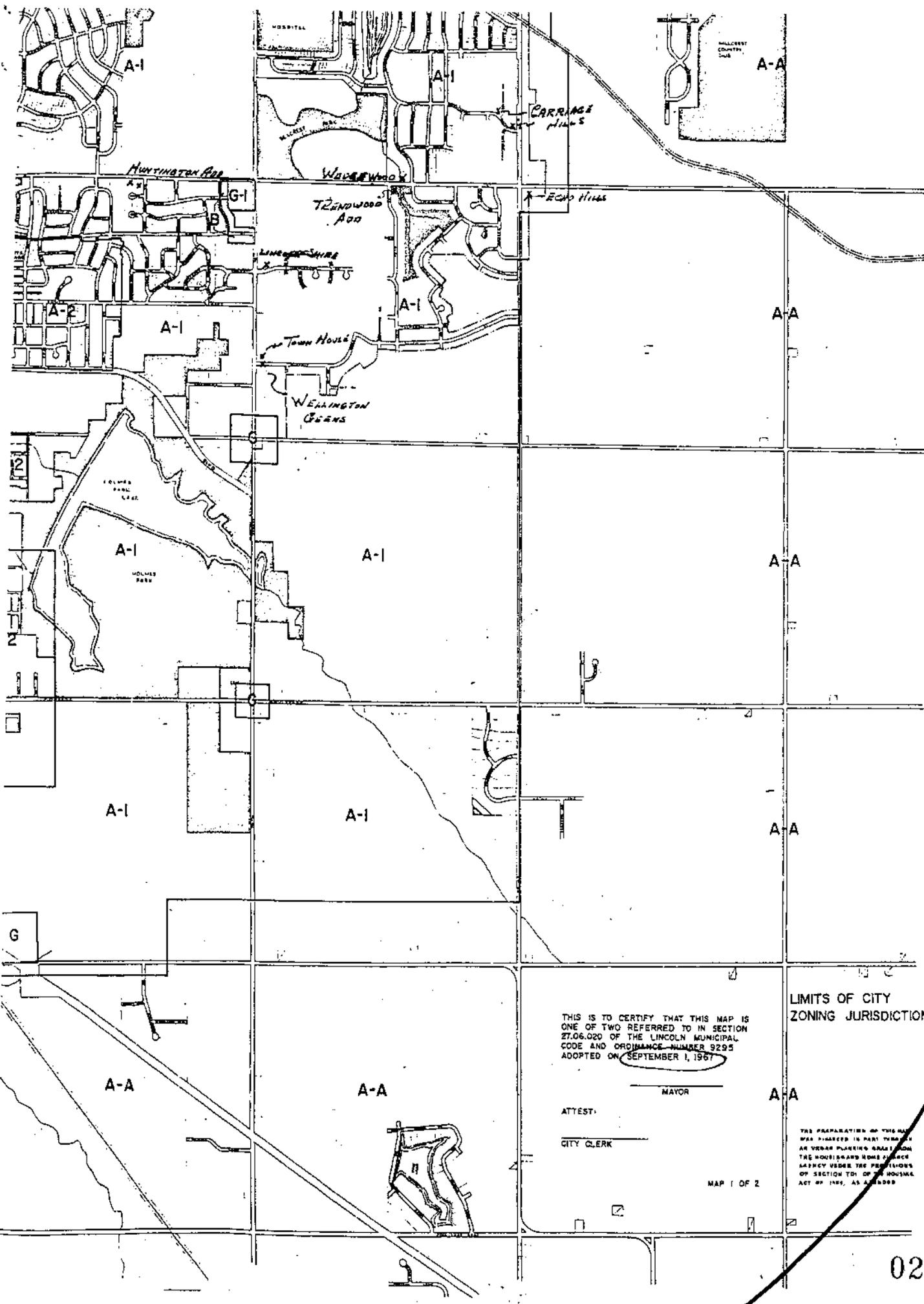


LEGEND

SYMBOL	DISTRICT
A-A	RURAL AND PUBLIC USE
A-1	SINGLE FAMILY DWELLING
A-2	SINGLE FAMILY DWELLING
B	TWO FAMILY DWELLING
C	FOUR FAMILY DWELLING
D	MULTIPLE FAMILY DWELLING
E	MULTIPLE FAMILY DWELLING
F	RESTRICTED COMMERCIAL
G-1	PLANNED COMMERCIAL
G	LOCAL BUSINESS
H-3	HIGHWAY SERVICE
H-1	HIGHWAY BUSINESS
H-2	HIGHWAY COMMERCIAL
I	COMMERCIAL
II	COMMERCIAL
J	BUSINESS
K	LIGHT INDUSTRY
L	HEAVY INDUSTRY
M	RESTRICTED INDUSTRY

Refer to Title 27 of the Lincoln Municipal Code for permitted uses and requirements in each district.

LIMITS OF CITY ZONING JURISDICTION



THIS IS TO CERTIFY THAT THIS MAP IS ONE OF TWO REFERRED TO IN SECTION 27.06.020 OF THE LINCOLN MUNICIPAL CODE AND ORDINANCE NUMBER 9295 ADOPTED ON SEPTEMBER 1, 1967

MAYOR

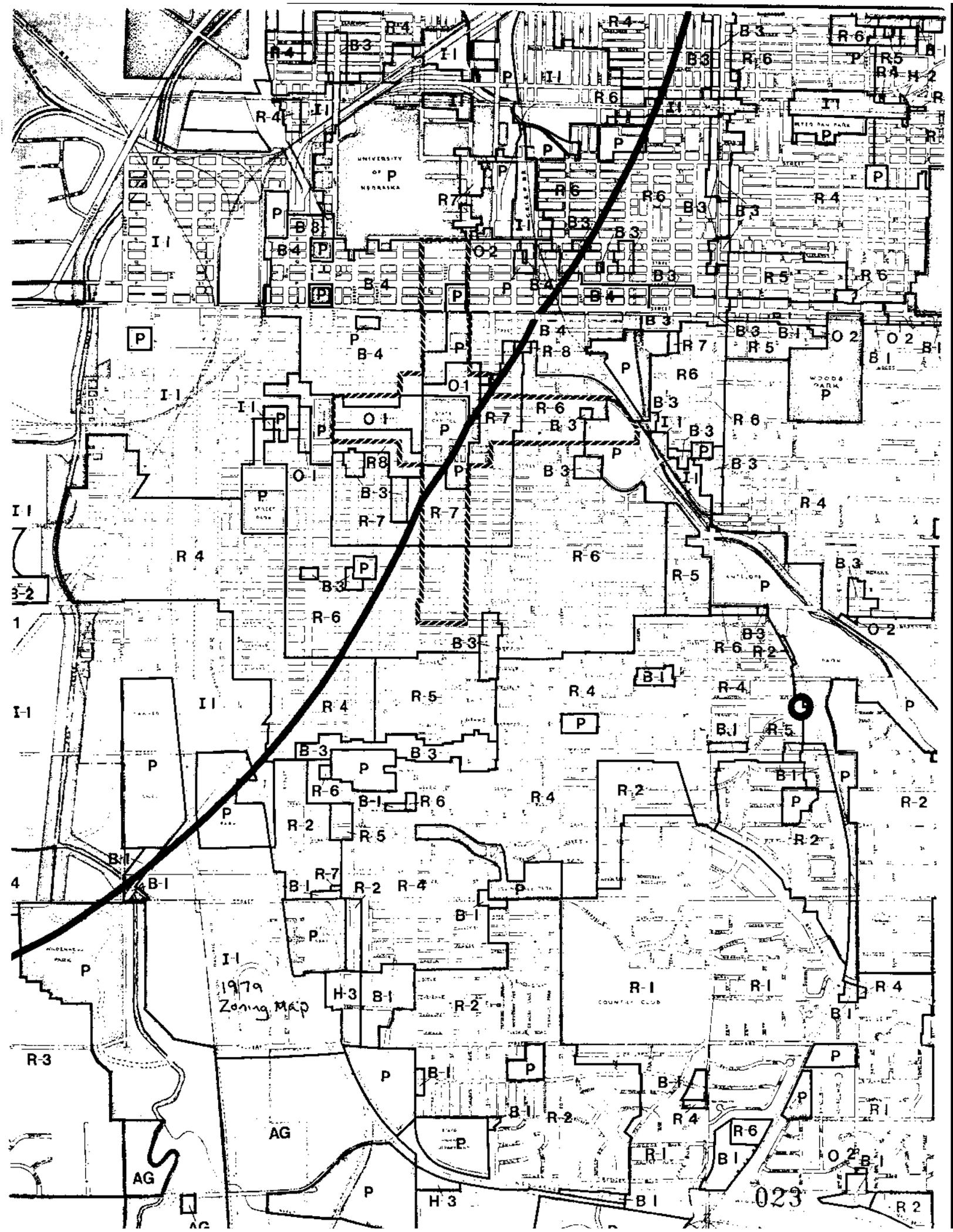
ATTEST:

CITY CLERK

MAP 1 OF 2

LIMITS OF CITY ZONING JURISDICTION

THE PREPARATION OF THIS MAP WAS FINANCED IN PART THROUGH AN URBAN PLANNING GRANT FROM THE HOUSING AND HOME FINANCE AGENCY UNDER THE PROVISIONS OF SECTION 201 OF THE HOUSING ACT OF 1962, AS AMENDED



UNIVERSITY
OF P
NEBRASKA

WOODS
PARK
P

COUNTRY CLUB

1979
Zoning Map

023

3-2

4

R-3

AG

AG

H-3

R-2

R-2

P

I-1

B-1

R-2

R-1

I-1

I-1

P

P

R-4

P

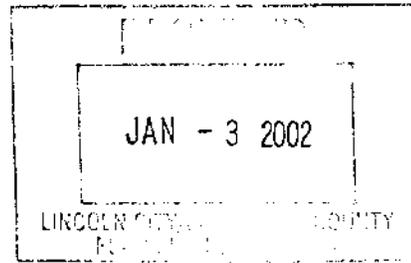
I-1

R-4

R-4

December 31, 2001

Antelope Park Neighborhood Association
Gary Hejl, President
1745 Jefferson
Lincoln, NE 68502



Re: Proposed Change of Zone at 3023 Arlington Avenue

Dear Planning Commission Members:

It has come to the attention of the Antelope Park Neighborhood Association members, families and neighbors that the existing R-4 zoning of our neighborhood, may, in the long term, be out of character with the existing primarily owner-occupied single-family housing we now have.

In the short term, the neighborhood wishes to express its most serious concern about the proposed zone change at 3023 Arlington, the only home on a dead-end street which some consider to be the most desirable location in the neighborhood. This property, legally called Park Side Place Block 4 Lots 2 and 3, parcel ID #17-31-130-014-000, has been a single-family residence since it was built in 1922. These two lots are zoned P and R-4, respectively, and have been enjoyed for many years by neighbors, friends and wildlife welcomed by the former resident. Currently, and against the owner's informed consent, the property has been purchased with plans in the works to develop two two-story duplexes, each with two 3-bedroom units (a total of 12 bedrooms) and parking for eight cars in garages.

The neighborhood respectfully requests that the item regarding the change of zone at 3023 Arlington be deferred while neighborhood and city officials determine through discussions and meetings the possibility of applying for R-2 zoning throughout the entire neighborhood, including the 3023 Arlington property. The neighborhood feels quite strongly that in order to preserve the integrity and maintain the single-family nature of a successful neighborhood, that a different zoning change from what is proposed may be appropriate.

We appreciate your thoughtful consideration and accommodation of our request to delay this action while discussions for long-term solutions are being sought. Please contact Lisa Good, interim president of the Antelope Park Neighborhood Association at 429-9718 for inquiries or comments regarding this matter. Our President Gary Hejl is currently on active duty assignment as a result of the terrorist attacks on our country. Thank you.

Sincerely,

The Antelope Park Neighborhood Association
Lisa J. Good, Interim President 402-429-9718
Katie Hejl, Board Member 402-438-1745
Marty Hager, Past President and Board Member
Britt Miller, Board Member
Sandie Hager, Secretary-Treasurer
and attached neighbor signatures

ANTELOPE PARK NEIGHBORHOOD
LETTER TO PLANNING COMMISSION ATTACHMENT

NAME PROPERTY ADDRESS PHONE NUMBER

Frankie Martin Hager	2848 GARFIELD	474-6964
Martin Hager	2810 Summer St	474-3490
Sandra Hager	2810 Summer St	474-3490
Kathleen Hejl	1745 Jefferson Av.	438-1745
Gary Hejl (signed by K.H.)	1745 Jefferson Av.	438-1745
Lisa J. Hood	3036 Franklin	489-0869 H 429-9718 C

ANTELOPE PARK NEIGHBORHOOD
LETTER TO PLANNING COMMISSION ATTACHMENT

NAME PROPERTY ADDRESS PHONE NUMBER

NAME	PROPERTY ADDRESS	PHONE NUMBER
Irena Wright	3040 Franklin	488-6797
Shirley Gell (Ridic)	3043 Franklin St. Av.	580-7158
Theresa Blomstrom	1826 Jefferson	483-0570
Robert Blomstrom	1828 Jefferson Av.	" "
Arta M. Smith	1800 Jefferson Ave.	483-0146
Randall Toll	3000 Cable Ave	489-4382
Theresa Toll	3000 Cable Ave.	489-4382
Roger B. Soudersky	1928 Jefferson Ave.	422-5982
Dana Hoffman	2916 Arlington Ave	
Eray Hoffman		
Jane Kitzmiller	2845 ARLINGTON AV.	477-7535
Gaiette Johnson	2917 Arlington Ave.	438-1651
Morris Johnson	2917 ARLINGTON AV.	438-1651
Maria J. Nitto	3948 Arlington Av.	475-4430
Bill & Clelia Puci	1810 Jefferson Ave.	483-7568
Roger + Barbara Friedman	1730 Memorial Dr.	489-4941
Sam + Mimi Weckler	1840 Memorial Dr.	483-4643
Herb + Kathy Friedrich	1700 Memorial Dr.	
Lorraine Soudersky	1928 Jefferson	488-5982

ANTELOPE PARK NEIGHBORHOOD
 LETTER TO PLANNING COMMISSION ATTACHMENT

NAME	PROPERTY ADDRESS	PHONE NUMBER
Matt Radcliffe	1707 So. 33 RD	488-0609
Sharon Kreimer	2932 Arlington Ave	438-4191
Ruth Wenzel	1820 Memorial Dr.	489-9691
John Smith	1520 Memorial Dr.	489-9691
Bob Smith	2932 ARLINGTON	438-4191
Barbara Katsmiller	2845 Arlington Ave	477-7535
Charles P. Johnson	701 Y ST.	476-6735

Antelope Park Neighborhood Association
 Signatures accompanying Zoning Change letter

Signature	Address	Phone Number
Mr. & Mrs. Lucas Taylor	1947 Jefferson Ave. Lincoln, NE 68502	482-742-5322
Carl B. Blair	2004 Jefferson Ave. Lincoln, Ne 68502	489-1991
Les Parvo	1950 Jefferson Ave Lincoln, Ne. 68502	432-7831
Judy Troutman	1950 Jefferson Ave Lincoln, NE 68502	588-5924
Anna Grossman	1940 Jefferson Ave	486-4381
Ed Grossman	2934 Franklin St.	475-6781
Ann-Dor Fischer	2940 Franklin St.	433-7828
Romeo R. [Signature]	1825 Jefferson Ave	438-7174
[Signature]	1809 JEFFERSON AVE	438-7344
Steven [Signature]	1914 5030	488-5009
Paula L. Stewart	3025 Cable Ave	483-1044
Marilyn Stewart	3028 Cable Ave.	483-1044
Ernie Paniconi	2946 Cable Ave	489-4021
[Signature]	1933 FRANKLIN AVE	742-5581 028

Antelope Park Neighborhood Association
Signatures accompanying Zoning Change letter

Signature	Address	Phone Number
Ruth Lebrande	1920 Jefferson	489-1833
Allan Lebrande	1920 Jefferson	489-1833
Ken Orr	1953 Jefferson Ave	474-1416
Tracy Orr	1953 Jefferson Ave	474-1416



Jean L Walker
01/09/2002 08:50 AM

To: Jean L Walker/Notes,
cc:
cc:
Subject: Zoning Change



"WANDA SCHMIDT"
<BRITTLEBRAIN@msn
.com >
01/08/02 10:07 PM

To: <lpeoples@ci.lincoln.ne.us>
cc:
Subject: Zoning Change

My name is Wanda N. Schmidt

I live at 2755 Franklin Street

I want to file an objection against the request for the zoning change just off Jefferson Street which would allow a 12-plex to be built there. I see no need for such a structure in this neighborhood.

This was a quiet, neat, safe neighborhood 10 years ago. I had no fear of going for a walk, even after dark, and/or alone. Now I will not walk alone, even during daylight hours. We have seen spot housing infiltrate this neighborhood and I was hopeful in the beginning that we would have good families move into those units. It has been a hope completely dashed. We have suffered numerous thefts on **our block** that have not been reported to police, making statistics untrue and invalid. A 12-plex can only increase those odds.

I can foresee major parking problems. How many people do you know who are one-car-families? The street is too narrow to park on both sides, meaning they are going to be parking all around the intersection, encroaching upon the space of neighbors who have too little space of their own!

The open field across from the proposed site has always been a safe place for the children to play a ball game, have a practice, neighbors to exercise their dogs, and access to the bike path. I can foresee the change to a place used for summer time parties, since it is not a park, with alcoholic consumption, loud cd players blaring til all hours, and the remains of broken bottles, empty beer cans and all the rest that goes along with undisciplined partying.

The residents of this Antelope Park neighborhood have tried hard to keep deterioration from encroaching upon it. We homeowners can do nothing about the appearance of rental units or the debris in the yards of people who don't care. Granted, many of the rental units here have occupants who do care and maintain their spaces in a proud manner. What we do not need is 12 more units with occupants who do not feel it is their responsibility to take care of the neighborhood. We have too many like that already.

Thank you for giving me the opportunity to voice my objection. I work days and can not attend the council meetings. Please forward this to the city council, the zoning department and mayor.

ANTELOPE PARK NEIGHBORHOOD ASSOCIATION

1745 Jefferson Lincoln, NE 68502

ITEM NO. 5.1: CHANGE OF ZONE NO. 3349
(p.57 - Administrative Action - 1/23/02)

January 21, 2002

Planning Department Commissioners
City of Lincoln and Lancaster County Planning Department

RE: Change of Zone No. 3349

Dear Planning Department Commissioners:

The Antelope Park Neighborhood Association members, family and friends appreciate the commission's vote on January 9th to delay the change of zone request No. 3349 so that long term solutions for our neighborhood could be sought. We wish to advise you of our progress to date:

The Antelope Park Neighborhood Association Board of Directors unanimously supports a zoning designation change which accurately reflects the single family home character of the neighborhood. This prevailing neighborhood character has allowed for the maintenance of property value, enhanced safety, fewer traffic problems, long term home ownership and increasing numbers of participants in neighborhood activities for the good of our community. To this end, an application for change of zone from R-4 to the more characteristic R-2 was submitted and has the considerable support of property owners.

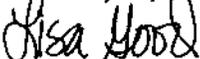
Secondly, the Antelope Park Neighborhood Association continues on-going discussions with many city departments, with emphasis on the urban development and the planning departments, to best determine a pro-active and positive approach for the future of the Antelope Park Neighborhood in accordance with Lincoln's present and future Comprehensive Plan.

Thirdly, an intensive neighbor-to-neighbor approach with information about the changes in our neighborhood has begun, allowing for the positive interaction, dialogue and strategic planning process of the Antelope Park Neighborhood residents, interfacing when possible with the adjacent inner-city neighborhoods and associations for combined effectiveness.

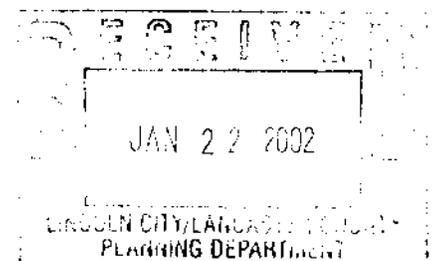
As applicants for a neighborhood area change of R-4 and P zones to an R-2 zone, we respectfully request your consideration of addressing the specific zone change No. 3349 on February 6th, when the Antelope Park Neighborhood zoning application is before the commission as well.

The goals of the Antelope Park Neighborhood Association, simply stated, are that we wish to maintain the success of the primarily single family, owner occupied neighborhood character that we now have. We feel these are positive initial steps to preserve and protect a fine inner-city Lincoln neighborhood. Please feel free to contact me with any questions or concerns at 402-429-9718.

Thank you,



Lisa Good, Interim President,
for the Antelope Park Neighborhood Association Board of Directors



031

IN SUPPORT

ITEM NO. 5.1: CHANGE OF ZONE NO. 3349
(p.57 - Administrative Action - 1/23/02)

REMBOLT LUDTKE & BERGER LLP
ATTORNEYS AT LAW

JAMES E. REMBOLT
DAVID A. LUDTKE
PENNY J. BERGER
ALAN D. SLATTERY
ROBERT L. NEFSKY
PETER C. WEGMAN
KEVIN C. SIEBERT
RICK D. LANGE
DANIEL E. KLAUS †
CARL J. SJULIN*
TIMOTHY F. CLARE
TIMOTHY L. MOLL
JANE F. LANGAN
MARK A. FAHLESON
MICHELLE S. KUGLER
BRITT J. EHLERS
BRIAN S. KRUSE

1201 LINCOLN MALL, SUITE 102
LINCOLN, NEBRASKA 68508
(402) 475-5100
FAX (402) 475-5087
WWW.REMLUD.COM

OF COUNSEL
JOHN H. BINNING

—SEWARD OFFICE—
125 SOUTH 6TH STREET
SEWARD, NE 68434
(402) 643-4770
FAX (402) 643-3969

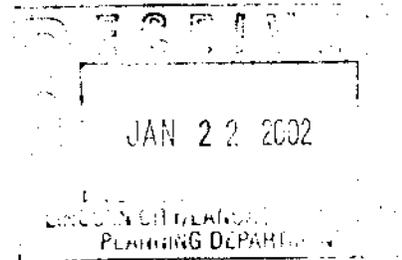
JOHN S. PIERCE
(1946-1995)

† ALSO ADMITTED IN COLORADO
* ALSO ADMITTED IN IOWA

January 22, 2002

HAND DELIVERY

Jason Reynolds
Planning Department
555 South 10th Street
Suite 213
Lincoln, NE 68508



RE: Change of Zone No. 3349

Dear Mr. Reynolds:

This firm has been retained to represent Silver Creek Investments, LLC ("Silver Creek") regarding the above-referenced change of zone filed by the Lincoln/Lancaster County Planning Department (the "Change of Zone"). If you believe it is helpful, please feel free to provide this letter to the members of the Lincoln/Lancaster County Planning Commission. I have enclosed additional copies of the enclosure for your convenience.

Silver Creek recently purchased Lots 2 and 3, Block 4 Parkside Place, located in NW 1/4 of Section 31, T10 N, R7 E of the 6th P.M., Lancaster County, Nebraska, generally located at 3023 Arlington Avenue (the "Lots"). Both of the Lots were purchased from Frances D. Hull.

At the present time, a home is situated upon both Lots. It is Silver Creek's intent to demolish the home due to its dilapidated condition, and build two new duplexes on the Lots. At the present time, Lot 3 is currently zoned R-4, while Lot 2 is zoned P.

As you are aware, it appears that a mistake was made when the city zoning map was drawn outlining zoning districts, and Lot 2 was accidentally designated for public use as opposed to private ownership with a zoning designation of R-4. As a result of this mistake, the Planning Department filed the above-referenced Change of Zone.

It is my understanding, both from speaking with individuals present at the January 9, 2002 Lincoln/Lancaster County Planning Commission meeting and reading various newspaper accounts of the meeting, that the main impetus for the Planning Commission to defer taking action on the Change of Zone

was the presence of several neighborhood residents concerned about the construction of two duplexes on the Lots. It is my hope that this letter will assist you in clearing up some of the statements and issues presented by such neighbors. My client did not attend the meeting and speak during the public hearing because it believed that the Change of Zone was merely a formality so that Lot 2 was recognized with the appropriate zoning designation which had always been applied to it.

At the meeting, neighborhood residents testified that they were concerned with parking, traffic, and other associated problems that accompany rental property, despite the fact that such rental property may meet all applicable codes and zoning requirements. According to one neighborhood resident, all of the surrounding properties are owner-occupied. In addition, the neighborhood resident contended that the transient nature of rentals which would be established by the building of these two duplexes would result in neighborhood residents not knowing their neighbors. Finally, the neighborhood resident represented to the Commission that "[t]he proposed buildings are two-story. We're all one-story. I'd feel like a bacterium in a petri dish."

In order to assist the Planning Department and the Commission with this issue, I am providing you with pictures of houses in the neighborhood where the Lots are located. The picture marked as Number 1 is a two-story home located across the street from the Lots. The picture marked as Number 2 is the two-story home owned by the neighborhood resident who represented that everyone in the neighborhood lived in one-story homes. This home is adjacent to the back perimeter of the Lots. The picture marked as Number 3 is a two-story tri-plex which is located on the same block as the Lots. The property identified in picture Number 4 is a two-story tri-plex located directly next door to the Lots.

As you can see, it is hard to reconcile the comments made by neighborhood residents before the Commission and the pictures which I have presented to you. These pictures represent only a few of the multi-story, multi-family properties in the neighborhood.

In addition, under Section 27.54.020 of the Lincoln Municipal Code, a public use designation cannot be applied to land that is in private ownership. Therefore, any such designation would be in error and void. As a result, it is clear that the zoning designation for Lot 2 should have the same zoning designation as lots immediately surrounding such lot due to the fact that it has been privately owned for decades. In this case, the surrounding lots are all designated as R-4; therefore, this is the appropriate zoning designation for Lot 2.

Thank you for your consideration of this matter. I would encourage you to visit the property at issue in this matter so that you can clear up any questions you may have. We appreciate your support on this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Britt J. Ehlers", written in a cursive style.

Britt J. Ehlers

bhlers@remtud.com

Enclosure

cc: Bill Meader

Daryl Lindsey

BJE/trj/J:\data\cog\BJE\Lindsey\reynolds-1.wpd
012202\259p
26791.002



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2.



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