

City Council Introduction: **Monday**, March 1, 2004
Public Hearing: **Monday**, March 8, 2004, at **1:30 p.m.**

Bill No. 04-45

FACTSHEET

TITLE: CHANGE OF ZONE NO. 04004, from R-3 Residential District to O-2 Suburban Office District, requested by Brian D. Carstens and Associates on behalf of Brian and Kym Pinkerton, on property generally located at the southwest corner of S. 84th Street and Pioneers Boulevard.

STAFF RECOMMENDATION: Approval.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: Consent Agenda: 02/18/04
Administrative Action: 02/18/04

RECOMMENDATION: Approval (8-0: Carlson, Carroll, Krieser, Marvin, Pearson, Bills-Strand, Sunderman and Taylor voting 'yes'; Larson absent).

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 while the Land Use Plan indicates the area should be urban residential, due to the widening of Pioneers Boulevard and 84th Street, and the land-locked nature of the parcel from adjacent streets, this change to O-2, which is a very restrictive office district, is acceptable.
2. On February 18, 2004, this application appeared on the Consent Agenda of the Planning Commission and was opened for public hearing. No one came forward to speak.
3. On February 18, 2004, the Planning Commission agreed with the staff recommendation and voted 8-0 to recommend approval.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: February 23, 2004

REVIEWED BY: _____

DATE: February 23, 2004

REFERENCE NUMBER: FS\CC\2004\CZ.04004

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for February 18, 2004 PLANNING COMMISSION MEETING

- P.A.S.:** Change of Zone #04004
- PROPOSAL:** From R-3, Residential to O-2, Suburban Office district.
- LOCATION:** Located on the southwest corner of S. 84th Street and Pioneers Blvd.
- LAND AREA:** 1 acre, more or less.
- CONCLUSION:** While the Land Use plan indicates the area should be urban residential, due to the widening of Pioneers Boulevard and 84th Street and the land-locked nature of the parcel from adjacent streets, this change to O-2, which is a very restrictive office district, is acceptable.

RECOMMENDATION:	Approval
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GENERAL INFORMATION:

- LEGAL DESCRIPTION:** Lot 63 I.T.
- EXISTING ZONING:** R-3, Residential.
- EXISTING LAND USE:** Single family detached residential.

SURROUNDING LAND USE AND ZONING:

North:	O-2, Suburban Office	Offices
South:	R-3, Residential	Residential
East:	O-3, Office Park, AGR, Agricultural Residential	Offices, residential
West:	R-3, Residential	Residential

COMPREHENSIVE PLAN SPECIFICATIONS: This area is shown as Urban Residential in the Comprehensive Plan. (F-25)

"The land use plan displays the generalized location of each land use. It is not intended to be used to determine the exact boundaries of each designation. The area of transition from one land use is often gradual. The Comprehensive Plan also encourages the integration of compatible land uses, rather than a strict segregation of different land uses". (F-27)

The area to the north is shown as Urban Residential but is zoned O-2. (F-27)

The area to the east is indicated as a Neighborhood Commercial center. (F-41)

"New ... commercial uses should not encroach upon, or expand into, existing neighborhoods". (F-41)

“Commerce Centers should be developed as integrated centers – “four corner commercial development” should be discouraged. Centers should be appropriately dispersed throughout the community to support convenience of access and to lessen impacts on infrastructure.” (F-41)

HISTORY: Change of Zone #3138 from R-1 to O-2 (to the north) was approved by the City Council on August 3, 1998.

Special permit #1722 Pioneer Greens CUP, Change of Zone #3112 from AG to R-3 and O-3 and Use permit #108 (to the east) were approved by City Council on July 20, 1998.

Special Permit #1498, Pagoda Pine CUP (to the west) was approved by City Council on December 19, 1994.

During the 1979 Zoning Update the area was converted from A-1 to R-3.

TRAFFIC ANALYSIS: S. 84th Street is classified as an urban principal arterial and Pioneers Boulevard is classified as an urban minor arterial (F-103). Both streets are scheduled for widening at the intersection. Both are to be 4 lanes plus a center turn lane (F-105). Both widening projects are currently committed projects in the 2004 CIP. (F-109)

ALTERNATIVE USES: Remain single family, be redeveloped with adjacent single family lots for multi-family or other residential use.

ANALYSIS:

1. This is a request to change the zoning from R-3, Residential to O-2, Office.
2. This lot fronts S. 84th Street and Pioneers Boulevard, both of which will require widening in the near future and need to acquire additional right-of-way.
3. The applicant indicates that due to the future widening projects, and the resulting loss of mature pine trees that currently screen the property, there has been little interest of anyone to buy the property for residential use. The property has been on the Multiple Listing Service since August 2002. The property was marketed as commercial from the beginning of its listing period, which may explain why there was no interest in the use as a single family residence.
4. The applicant indicated that the potential user of the proposed office zoning would reuse the existing building and add a parking lot, however, the existing building could be demolished and a new office building erected at any time.
5. The applicant requested O-2 rather than O-3 because of the minimum acreage requirement of the O-3 district of 2 acres. There is a 2 acre minimum for O-3, but the applicant can become part of the existing O-3 district to the east if so desires. The Planning Department does not see an added value to the O-3 over the O-2 district at this time. The O-3 district requires a use permit and added site plan review, however, the Planning Department feels this may be extraneous in this case.

6. The Public Works and Utilities Department determined that the access to the property will be right-turn in and out only to 84th Street so that there is no negative impact on the surrounding infrastructure. The Public Works and Utilities Department indicated that the office use will generate some additional traffic over and above a residential use, but that they do not object to the change of zone. The Public Works and Utilities Department indicated that the small size of the lot minimizes any adverse traffic impacts.
7. The lot will be less than 1 acre in size once the additional right of way is taken for the widening of Pioneers Boulevard. Because the lot is so small, it is difficult for the residential use to buffer itself from the arterial roadways, making it undesirable. There are several cases of residential corner lots on two 4 lane arterial streets in Lincoln, however, most of those are larger than 1 acre in size. Due to the configuration of the lot the access can be located outside a turn lane, minimizing traffic conflicts.
8. While the Comprehensive Plan indicates this specific area as Urban Residential, the Planning Department recognizes that in the specific situation of this lot, a residential use may not be realistic at this time. The proposed O-2 zoning district requires significant screening between residential and office zoning and only allows office and related uses.
9. The Comprehensive Plan discourages the encroachment into existing neighborhoods, however, Planning Staff believes this is not an encroachment. Traffic will not be traveling through the neighborhood, additional required screening will help buffer the lot from its residential neighbors.
10. The Planning Department does not support any future expansion of this lot, use or zoning district beyond its current proposal. The two abutting single family residential lots do not have the same circumstances as this lot and will not be considered as favorable candidates for re-zoning to any use other than residential. Planning staff opposed the O-2 zoning north of this property, although the City Council (4-2) approved the request at the recommendation of the Planning Commission (7-1).

Prepared by:

Becky Horner
Planner

DATE: January 30, 2004

APPLICANT: Brian Carstens and Associates
& CONTACT: 601 Old Cheney Road, Suite C
(402)434-2424

OWNER: Brian & Kym Pinkerton
4301 S. 84th Street
(402)486-3434

CHANGE OF ZONE NO. 04004

CONSENT AGENDA

PUBLIC HEARING & ADMINISTRATIVE ACTION

BEFORE PLANNING COMMISSION:

February 4, 2004

Members present: Carlson, Carroll, Krieser, Marvin, Pearson, Bills-Strand, Sunderman and Taylor; Larson absent.

The Consent Agenda consisted of the following items: **CHANGE OF ZONE NO. 04004.**

Taylor moved to approve the Consent Agenda, seconded by Krieser and carried 8-0: Carlson, Carroll, Krieser, Marvin, Pearson, Bills-Strand, Sunderman and Taylor voting 'yes'; Larson absent.



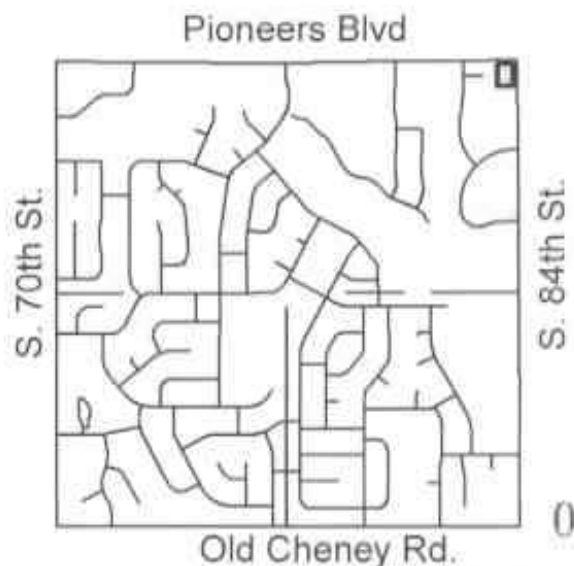
2002 aerial

Change of Zone #04004 S. 84th St. & Pioneers Blvd

Zoning:

- R-1 to R-6 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. 10 T9N R7E



Page 2

We feel this is going to be an appropriate land use based on the existing zoning patterns, and the removal of mature trees during the widening of South 84th Street.

Please feel free to contact me if you have any further questions regarding this application.

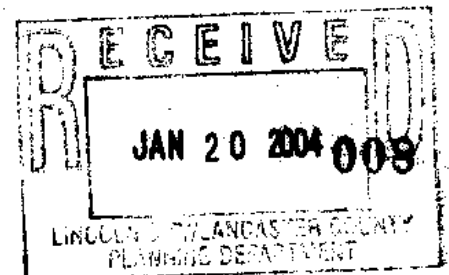
Sincerely,



Brian D. Carstens

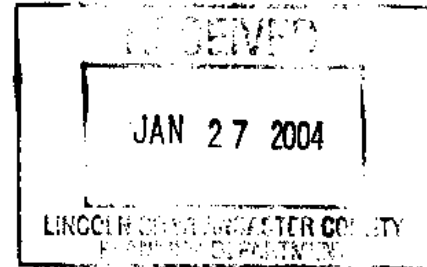
Enclosures: Application for a Change of Zone
Application Fee of \$740.00
Map of Proposed Change of Zone
Existing Site Plan of 4301 South 84th Street

cc. Brian & Kym Pinkerton
Steve Sorenberg- Van Duling Travel
Mike Thammala and Larry Corbett- Woods Bros. Realty



M e m o r a n d u m

To: Becky Horner, Planning Department
From: Dennis Bartels, Engineering Services
Subject: Change of Zone R3 to O2 at 84th & Pioneers
Date: January 26, 2004
cc: Randy Hoskins
Clint Thomas
Thomas Shafer



Engineering Services has reviewed the proposed change of zone from R3 to O2 for Lot 63 I.T. at the southwest corner of 84th and Pioneers and have the following comments:

1. Access to the property will be right-turn in and out only whether the property remains residential or is changed to O2.
2. The plan submitted as part of the application shows a right-of-way dedication along Pioneers Boulevard. The City is negotiating to purchase this right-of-way as part of the 84th Street widening project.
3. Although the office we described will generate some additional traffic over the existing residential use, I do not object to the change of zone. The small size of the lot will minimize any adverse traffic impacts.

January 20, 2004

Mr. Marvin [Redacted]
City of Lincoln
515 South 10th Street
Lincoln, NE 68508

RE: CHANGE OF ZONE FROM 'R-3' TO 'O-2'
507 SOUTH 10TH - SOUTH 84TH AND FINGERS BLVD.

Dear Marvin,

On behalf of [Redacted] Estate, the current property owner, I am requesting a change of zoning from R-3 to O-2 on the property located at the southeast corner of South 10th and Fingers Blvd. The property is a half-acre in size at this time. The City of Lincoln is working with the Estate to purchase additional right of way and easements for the widening of South 84th Street. The existing pine trees and existing sidewalk will be removed with the proposed widening of South 84th Street.

The property has been on the market for quite some time. There has been little or no interest in this property as a single family residence once the widening takes place. The character of the property will change greatly.

[Redacted] Estate is entering into a purchase agreement to sell the property to Van [Redacted]. Thus the request for a change of zone to O-2 is being requested.

The existing zoning does not allow for expanding the existing residence connecting the driveway to the main lot area. The building will be used for a bank room and associated storage. A new parking lot for approximately 8 vehicles will be required for their intended use. All new construction will comply with the requirements of the Lincoln Zoning Ordinance relating to parking, setbacks, setbacks, zoning regulations/standards and other provisions. No other changes are planned for the property at this time.

The property is currently zoned 'O-2' which is the same 'O-3' which is the same 'R-3' which is the same 'R-3' single family with a minimum lot size for a single house on the west.

We would have applied for a change of zone to 'O-3', however we do not have the minimum land area of 2 acres.

RECEIVED
JAN 20 2004
LINCOLN CITY/LANCASTER COUNTY