

City Council Introduction: **Monday**, August 13, 2007
Public Hearing: **Monday**, August 20, 2007, at **1:30 p.m.**

Bill No. 07-127

FACTSHEET

TITLE: **CHANGE OF ZONE NO. 07038**, from R-4 Residential District to O-2 Suburban Office Park District, requested by Ron and Harriett Biloff, on property generally located southeast of the intersection of South 47th Street and Lowell Avenue.

STAFF RECOMMENDATION: Approval.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: Consent Agenda, 08/01/07
Administrative Action: 08/01/07

RECOMMENDATION: Approval (7-0: Strand, Sunderman, Carroll, Larson, Krieser, Cornelius and Carlson voting 'yes'; Esseks and Taylor absent).

FINDINGS OF FACT:

1. This is a request to change the zoning from R-4 Residential to O-2 Suburban Office on two platted lots, for a total area of 14,200 square feet, more or less, located southeast of the intersection of South 47th Street and Lowell Avenue.
2. The staff recommendation of approval is based upon the "Analysis" as set forth on p.3-4, concluding that the proposed change of zone is consistent with the goals of the Comprehensive Plan and will result in an appropriate use of land at this location.
3. On August 1, 2007, this application appeared on the Consent Agenda of the Planning Commission and was opened for public hearing. No one came forward to speak.
4. On August 1, 2007, the Planning Commission agreed with the staff recommendation and voted 7-0 to recommend approval (Esseks and Taylor absent).

FACTSHEET PREPARED BY: Jean L. Walker

DATE: August 3, 2007

REVIEWED BY: _____

DATE: August 3, 2007

REFERENCE NUMBER: FS\CC\2007\CZ.07038

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for the August 1, 2007 PLANNING COMMISSION MEETING

PROJECT #: Change of Zone No. 07038

PROPOSAL: From R-4 Residential to O-2 Suburban Office

LOCATION: Southeast of the intersection of South 47th Street and Lowell Avenue

LAND AREA: Approximately 14,200 square feet

EXISTING ZONING: R-4 Residential

CONCLUSION: This request is consistent with the goals of the comprehensive and will result in an appropriate use of land at this location.

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

GENERAL INFORMATION:

LEGAL DESCRIPTION: Lots 5 and 6, Block 39, College View, Lancaster County, Nebraska.

EXISTING LAND USE: Residential

SURROUNDING LAND USE AND ZONING:

North:	Residential	B-3
South:	Residential	R-4
East:	Commercial	B-3
West:	Residential	R-4

HISTORY: The zoning was changed from B Two-family Dwelling to R-4 Residential with the 1979 Zoning Update.

COMPREHENSIVE PLAN SPECIFICATIONS:

Pg 9 - The Urban Environment: Overall Form - Maximize the community's present infrastructure investment by planning for residential and commercial development in areas with available capacity. This can be accomplished in many ways including encouraging appropriate new development on unused land in older neighborhoods, and encouraging a greater amount of commercial space per acre and more dwelling units per acre in new neighborhoods.

Pg 17 - The Future Land Use map designates Urban Density Residential land uses for this site.

Pg 29 - The Economy - Guiding Principles - The City should emphasize the following in order to encourage economic development in the community:

-The creation of office sites is an important aspect of job growth for the community.

Pg 37 - Commercial and industrial districts in Lancaster County shall be located:

- within the City of Lincoln or incorporated villages
- outside of saline wetlands, signature habitat areas, native prairie and floodplain areas (except for areas of existing commercial and industrial zoning)
- where urban services and infrastructure are available or planned for in the near term
- in sites supported by adequate road capacity – commercial development should be linked to the implementation of the transportation plan
- in areas compatible with existing or planned residential uses
- in areas accessible by various modes of transportation (i.e. automobile, transit and pedestrian)

Encourage renovation and reuse of existing commercial centers. Infill commercial development should be compatible with the character of the area and pedestrian oriented. As additional centers are built, the City and developers should be proactive in redevelopment of existing centers to make sure that redevelopment is sensitive to the surrounding neighborhood and happens quickly to reduce vacancies.

Pg 48 - Strategies for Existing Commercial Centers

Maintain and encourage retail establishments and businesses that are convenient to and serve neighborhood residents, yet are compatible with but not intrusive upon residential neighborhoods.

Encourage mixed-use commercial centers, including residential uses on upper floors and at the rear of commercial buildings.

Pg 68 - Guiding Principles for Existing Neighborhoods - 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.

ANALYSIS:

1. This is a request to change the zoning from R-4 to O-2 for two platted lots, each 50' x 142' in area for a total of 14,200 square feet.
2. The subject lots are adjacent to commercial uses on the east zoned B-3, across the street from residential uses to the north also zoned B-3, and across the street and alley respectively from residential uses to the west and south which are zoned R-4.
3. The Comprehensive Plan's Guiding Principles encourage similar uses to face one another, to have similar uses on a single block face, and for land uses to change at the rear of the lots. Office and commercial development should also be compatible with residential uses. If approved, the entire block face fronting onto Lowell Avenue will be zoned either O-2 or B-3 and will face an entire block face zoned B-3 to the north, and land uses will change at the rear of lots.
4. The O-2 zoning district is intended for properties located adjacent to and within 150' of a B-1, B-3, B-4, H-2, H-3, or I-1 district. O-2 is meant as a transitional district to be located between commercial and residential zoning districts. The range of uses allowed in the O-2 district is more consistent with that of the B-3 than the R-4.

5. The Design Standards require O-2 zoning to provide a screen equal to 60% of the area from the ground to 10' located adjacent to residential zoning. The rear yard setback in the O-2 district is 40'.
6. If approved, the homes on the two lots will become nonconforming. LMC §27.61.040 includes the nonconforming use regulations. In general, a nonconforming use may be continued, but not expanded or enlarged. If the use is damaged beyond 60% of its value, or if the use is discontinued for two years or more, any rebuilding or new use must conform to the zoning regulations. The Building and Safety Department notes that converting residential structures to accommodate commercial uses requires a building permit, and that conversion can be costly.

Prepared by:

Brian Will
441-6362, bwill@lincoln.ne.gov
Planner
July 18, 2007

**APPLICANT/
CONTACT:**

Ron Biloff
5400 Concord Road
Lincoln, NE 68516
402.423.0523

OWNER:

Harriett Biloff
5400 Concord Road
Lincoln, NE 68516
402.423.0523

CHANGE OF ZONE NO. 07038

CONSENT AGENDA

PUBLIC HEARING & ADMINISTRATIVE ACTION

BEFORE PLANNING COMMISSION:

August 1, 2007

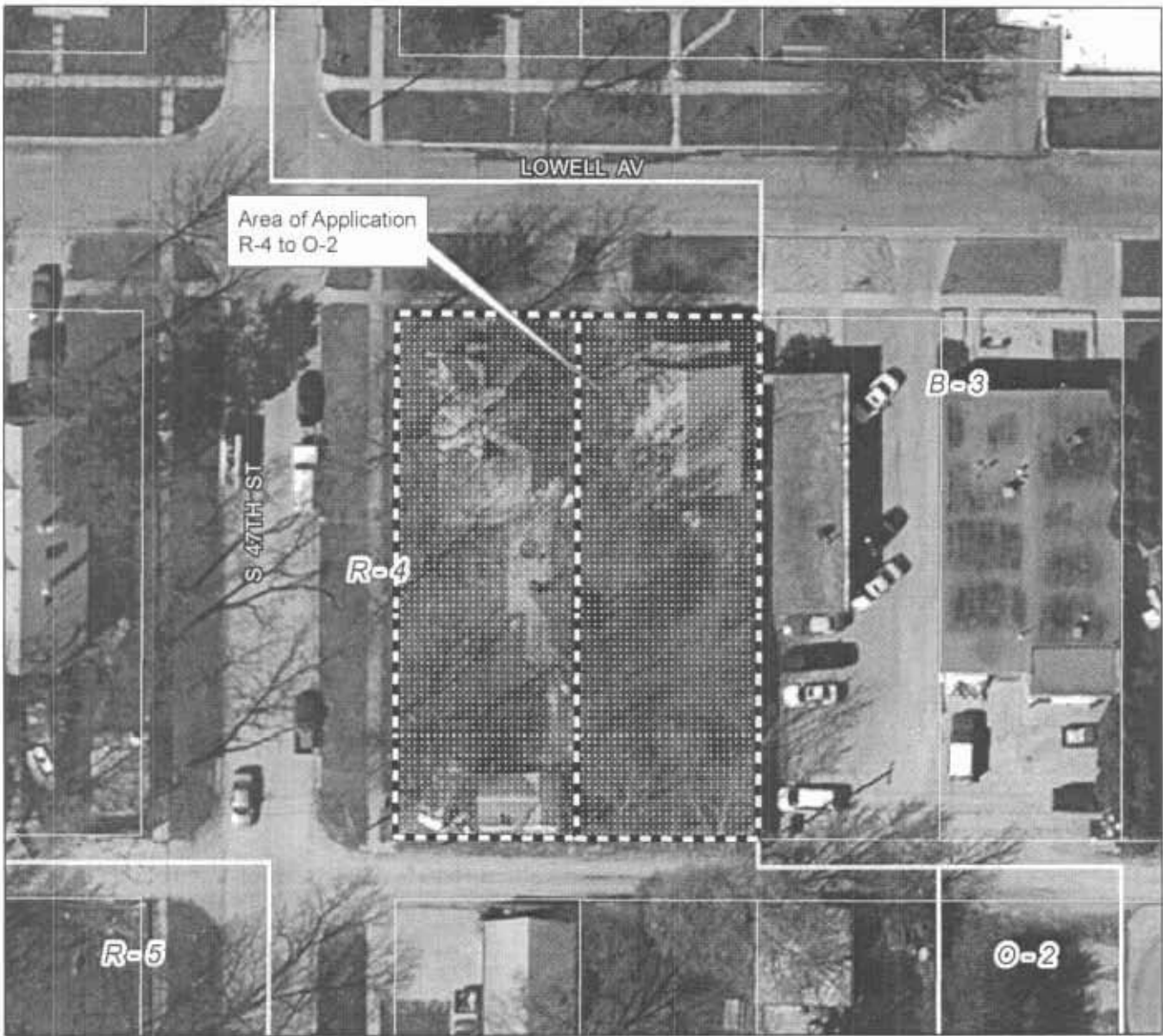
Members present: Carlson, Carroll, Cornelius, Krieser, Larson, Strand and Sunderman; Esseks and Taylor absent.

The Consent Agenda consisted of the following items: **CHANGE OF ZONE NO. 07038 AND SPECIAL PERMIT NO. 07028.**

Ex Parte Communications: None.

Carroll moved to approve the Consent Agenda, seconded by Strand and carried 7-0: Carlson, Carroll, Cornelius, Krieser, Larson, Strand and Sunderman voting 'yes'; Esseks and Taylor absent.

Note: This is final action on Special Permit No. 07028, unless appealed to the City Council by filing a letter of appeal with the City Clerk within 14 days of the action by the Planning Commission.



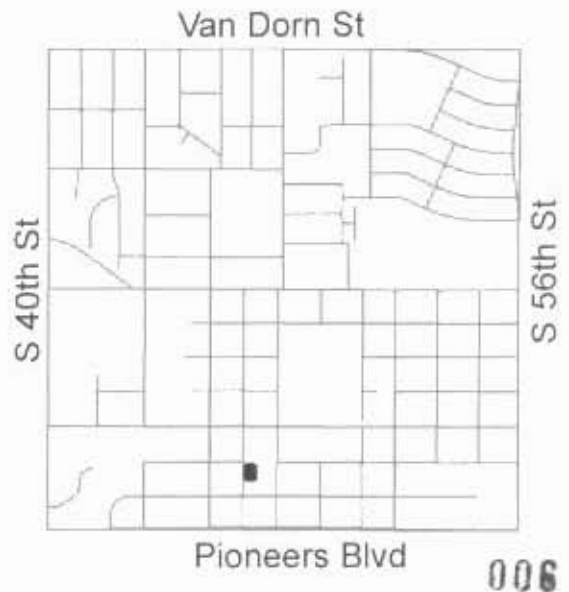
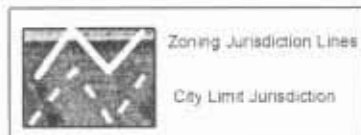
2005 aerial

Change of Zone #07038 S 47th St & Lowell Ave

Zoning:

- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial District
- B-4 Lincoln Center Business District
- B-5 Planned Regional Business District
- H-1 Interstate Commercial District
- H-2 Highway Business District
- H-3 Highway Commercial District
- H-4 General Commercial District
- I-1 Industrial District
- I-2 Industrial Park District
- I-3 Employment Center District
- P Public Use District

One Square Mile
Sec. 05 T09N R07E



4612	4620	4628	4634	12	4642
50					50

4018	4720	4726	4029	4035	142
142	7	10	11	12	142
50	4704	4712			50

142	9	10
50		

LOWELL AVE.

4615	4623	4629	4645	142	50

4705	4713	4717	4727	4708	50
142	5			2	142

142	8	4811
50		

38

39

4620	4640	4646	142
5			50

4706	4714	4716	4730	4735	142
142				11	142
5					50

4130	4144	142	9	10
50				

47TH

48TH

MEREDETH ST.

4615	4631	4639	4645	142	50
5	4				

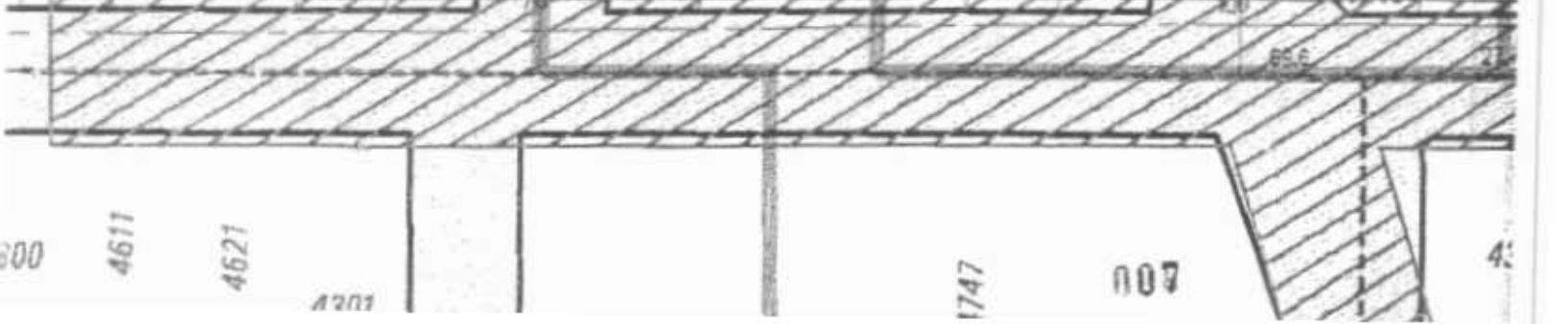
4707	4715	4723	4731	4203	50
142				2	142
				1	

4805	142	8	7	50
------	-----	---	---	----

4634	4642	147.12	50
8	9	10	

4704	4724	4235	146.87	50
147.07	9	10	12	

REM. PORT	4240	136.80	9	10
5				





Status of Review: FYI

07/03/2007 8:21:29 AM

Reviewed By Building & Safety

Terry Kathe

Comments: The 2 current residential uses will become non-conforming uses and converting residential to commercial will need a building permit and can be costly and complicated.

Status of Review: Approved

07/11/2007 3:22:09 PM

Reviewed By Health Department

ANY

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

TO: Brian Will DATE: July 11, 2007

DEPARTMENT: Planning FROM: Chris Schroeder
ATTENTION: DEPARTMENT: Health

CARBONS TO: EH File SUBJECT: B-4 to O-2 S. 47th ST
EH Administration & Lowell Ave.
CZ #07038

The Lincoln-Lancaster County Health Department (LLCHD) has reviewed the change of zone application with the following noted:

The LLCHD advises that noise pollution can be an issue when locating commercial uses adjacent to residential zoning.

Lincoln Municipal Code (LMC) 8.24 Noise Control Ordinance does address noise pollution by regulating source sound levels based upon the receiving land-use category or zoning. However, the LLCHD does have case history involving residential uses and abutting commercial uses in which the commercial source does comply with LMC 8.24, but the residential receptors still perceive the noise pollution as a nuisance. The LLCHD strongly advises the applicant to become familiar with LMC 8.24. The LLCHD advises against locating loading docks, trash compactors, etc. adjacent to residential zoning. Therefore, creative site design should be utilized to locate potential sources of noise pollution as far as possible from residential zoning.

Status of Review: Complete

07/11/2007 8:15:08 AM

Reviewed By Lincoln Police Department

NCSBJW

Comments: Mr. Will,

Can you provide additional information regarding the project described as B-4 to O-2 S. 47th Street and Lowell Ave? I do not know what intent of the applicant is in this case. If you could advise, I would appreciate it.

Thanks.

Don

Sergeant Don Scheinost, #798
Lincoln Police Department
Management Services
402.441.7215

Status of Review: Complete

07/13/2007 12:37:45 PM

Reviewed By Lincoln Police Department

NCSBJW

Comments: Mr. Will,

The Lincoln Police Department does not object to the B-4 to O-2 S. 47th Street and Lowell Avenue application.

Sergeant Don Scheinost, #798
Lincoln Police Department
Management Services
402.441.7215

Status of Review: Routed

Reviewed By Planning Department

COUNTER

Comments:

Status of Review: Active

Reviewed By Planning Department

BRIAN WILL

Comments:

Status of Review: Complete

Reviewed By Planning Department

RAY HILL

Comments:

009

Status of Review: Complete

07/10/2007 10:35:08 AM

Reviewed By Public Works - Development Services

SIETDQ

Comments: Memorandum□□

To:□Brian Will, Planning Department

From:□Dennis Bartels, Engineering Services

Subject:□Change of Zone #07038 - B4 to O2 at 47th and Lowell

Date:□July 10, 2007

cc:□Randy Hoskins

□

The proposed change of zone from B4 to O2 at the southeast corner of 47th and Lowell is satisfactory to Engineering Services.

010