

City Council Introduction: **Monday**, February 2, 2009
Public Hearing: **Monday**, February 9, 2009, at **1:30 p.m.**

Bill No. 09-12

FACTSHEET

TITLE: **CHANGE OF ZONE NO. 08066, ANTELOPE VILLAGE PLANNED UNIT DEVELOPMENT**, requested by the Director of Planning, over a four-block area from North 22nd Street to North 24th Street and from P Street to R Street.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 01/14/09
Administrative Action: 01/14/09

STAFF RECOMMENDATION: Approval.

RECOMMENDATION: Approval (8-0: Carroll, Cornelius, Esseks, Larson, Partington, Francis, Sunderman and Taylor voting 'yes'; Gaylor Baird absent).

ASSOCIATES REQUESTS: Amendment to the Antelope Valley Redevelopment Plan (09R-17).

FINDINGS:

1. This proposed Antelope Village Planned Unit Development and the associated amendment to the Antelope Valley Redevelopment Plan (Comprehensive Plan Conformance No. 08028) were heard at the same time before the Planning Commission.
2. The purpose of this proposed Planned Unit Development designation is to foster a transitional area of residences and other compatible uses between the urban mixed use areas of Downtown/Antelope Valley and "O" Street and the residential neighborhood to the north and east. It is also intended to encourage high quality development, especially across from the future Union Plaza. The proposed location for NeighborWorks pursuant to the associated amendment to the Antelope Valley Redevelopment Plan could not be developed without this PUD overlay.
3. The staff recommendation of approval is based upon the "Analysis" as set forth on p.5, concluding that the proposed PUD is consistent with the goals of the Antelope Valley Redevelopment Plan and the Comprehensive Plan. The PUD overlay is designed to promote mixed-use development and to sustain existing residential neighborhoods. The main goals of the PUD are to encourage high-quality development in proximity to Union Plaza, to provide a transition from a broad range of businesses to a mixed-use area and to provide a residential area that provides a transition from the high density to the west to the residential to the east. The staff presentation is found on p.7-8.
4. Testimony in support by Tom Huston on behalf of NeighborWorks Lincoln is found on p.8.
5. There was no testimony in opposition.
6. On January 14, 2009, the Planning Commission agreed with the staff recommendation and voted 8-0 to recommend approval of the Antelope Village Planned Unit Development.

FACTSHEET PREPARED BY: Jean L. Preister

DATE: January 26, 2009

REVIEWED BY: _____

DATE: January 26, 2009

REFERENCE NUMBER: FS\CC\2009\CZ.08066 PUD+

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for JANUARY 14, 2009 PLANNING COMMISSION MEETING

PROJECT #: Change of Zone #08066 Antelope Village Planned Unit Development

PROPOSAL: For a PUD overlay district over a four block area from N. 22nd St. to N. 24th St. and from "P" St. To "R" St.

LOCATION: N. 22nd St. to N. 24th St and from "P" St. To "R" St.

LAND AREA: 8.2 acres, more or less

EXISTING ZONING: B-3, Commercial District and R-6, Residential District

WAIVER /MODIFICATION REQUEST:

1. Permit dwellings on first floor in the B-3 district.
2. Front yard setback reduced to 10 feet
3. Rear yard setback reduced to 10 feet.
4. Height limit from 35 feet to 45 feet for the R-6 district.
5. Lot area reduced to 1,100 sf per unit for two-family, townhouses and multiple dwellings.
6. Parking at one stall per dwelling unit from 1.75 per unit in the R-6 district.
7. An open unenclosed porch may project into a required front yard for a distance not exceeding 5 feet.
8. prohibit off premises signs.
9. prohibit pole signs and to allow permitted ground signs not to exceed 50 square feet in total area or 8 feet in height.
10. ~~waive the requirement that the PUD provide design standards for buildings.~~
(Deleted by staff at Planning Commission public hearing: 1/14/09**)**

CONCLUSION: The Antelope Village PUD is consistent with the goals of the Antelope Valley Redevelopment Plan and the 2030 Comprehensive Plan. The PUD overlay is designed to promote mixed-use development and to sustain existing residential neighborhoods. The main goals of the PUD are to encourage high-quality development in proximity to Union Plaza, provide a transition from a broad range of businesses to a mixed-use area and provide a residential area that provides a transition from the high density to the west to the residential to the east.

RECOMMENDATION:

Approval

Waivers/modifications:

Approval for all listed below:

1. Dwelling on first floor in the B-3 district.
2. Front yard setback reduced to 10 feet
3. Rear yard setback reduced to 10 feet.
4. Height limit from 35 feet to 45 feet for the R-6 district
5. Lot area reduced to 1,100 sf per unit for two-family, townhouses and multiple dwellings.
6. Parking at one stall per dwelling unit from 1.75 per unit in the R-6 district.
7. An open unenclosed porch may project into a required front yard for a distance not exceeding 5 feet.
8. prohibit off premises signs.
9. prohibit pole signs and to allow permitted ground signs not to exceed 50 square feet in total area or 8 feet in height.
10. ~~waive the requirement that the PUD provide design standards for buildings.~~
(Deleted by staff at Planning Commission public hearing: 01/14/09**)**

GENERAL INFORMATION:

LEGAL DESCRIPTION: Lots 3-12, Block 4; Lots 1-12, Block 5; Lots 1-6, east half of Lot 8 and Lots 9-12, Block 16; and Lots 1-12, Block 17 Kinneys O St Addition and Lots A-D, Stewarts Subdivision and Lots A-C Websters Subdivision; located in the SW1/4 of Sec24-10-06, Lancaster County, NE

EXISTING LAND USE: Commercial and residential.

SURROUNDING LAND USE AND ZONING:

North: R-6, Residential	Single-family, two-family and multiple-family residential
South: B-4, Commercial	Auto sales
East: R-6, Residential	Single-family, two-family and multiple-family residential
West: B-4, Lincoln Center Business District	Future Antelope Creek and park

ASSOCIATED APPLICATIONS: Comprehensive Plan Conformance #08028

HISTORY:

September 8, 2008 CZ#08026 from B-3 to B-4 on property west of N. 22nd St. was approved by the City Council.

January 17, 1995 CZ #2866 from R-6 to B-3 was approved on Lots 7-9, Block 5, Kinneys O Street Addition by the City Council.

This area was zoned D-Multiple Dwelling District and I-Commercial District prior to the 1979 zoning update.

COMPREHENSIVE PLAN SPECIFICATIONS:

Maximize the community's present infrastructure investment by planning for residential and commercial development in areas with available capacity. This can be encouraged in many ways including encouraging appropriate new development on unused land in older neighborhoods. (p9)

Encourage mixed-use redevelopment, adaptive reuse, and in-fill development including residential , commercial and retail uses. These uses may develop along transit routes and provide residential opportunities for persons who do not want to or cannot drive an automobile. Promote residential development, economic development and employment opportunities throughout the City. (p.10)

Design standards or zoning overlays in the Downtown and Antelope Valley area should be implemented very soon. Design standards and overlay districts are tools that can encourage investment by providing some assurance of the quality of surrounding development. (p.32)

A public entity or public/private partnership will probably be necessary to acquire and hold property in the Downtown/Antelope Valley area for future development. Site acquisition and consolidation is key for some development projects. (p.32)

Support development and implementation of the Antelope Valley project which is to provide neighborhood revitalization, transportation and transit opportunities and stormwater improvements on the east side of Downtown, the UNL campus and surrounding neighborhoods. As the Antelope Valley project progresses, ensure that new development is compatible with the existing Downtown and is pedestrian oriented. Development in the existing and expanded Downtown will maintain the urban environment, including a mix of land uses and residential types. Higher density development with parking areas at the rear of buildings or on upper floors of multi-use parking structures is encouraged. (p.37)

Encourage a variety of housing types in the Downtown and Antelope valley area. (p.72)

From the Antelope Valley Redevelopment Plan:

The Redevelopment Plan and the follow-up implementation documents--zoning and design standards--are guided by four purposes:

- Support the development and conservation of livable neighborhoods;
- Strengthen Downtown Lincoln and the University of Nebraska;
- Provide direction for shaping infill development in East Downtown and the surrounding residential Neighborhoods; and
- Leverage the public's large investment in the flood control and transportation improvements of the Antelope Valley Projects. (p10)

Viable neighborhoods start with sound housing stock. Yet, quality and sustainable neighborhoods also require in close proximity a broad range of neighborhood support service and economic opportunities; such as schools, churches, jobs, retail, entertainment, infrastructure, public safety, human services, arts, and cultural experiences. The Antelope Valley vision strives to provide this broad range of services and opportunities to residents, workers, customers, clients and visitors of the Antelope Valley Area. (p11)

UTILITIES: All utilities are existing

TRAFFIC ANALYSIS:

“P” Street and “Q” Street are classified as minor arterial; “R” Street is classified as a collector. N 22nd St, N 23rd St and N24th St are local streets.

ANALYSIS:

1. The purpose of this Planned Unit Development (PUD) is intended to foster a transitional area of residences and other compatible uses between the urban mixed use areas of Downtown/Antelope Valley and “O” St. and the residential neighborhood to the north and east. It is also intended to encourage high quality development, especially across from the future Union Plaza.
2. The PUD is divided into three areas; mixed-use, neighborhood business, and residential (see exhibit). The Mixed Use Area fronts on N. 22nd St and “P” Street. N. 22nd St is across from the future Union Plaza. Care should be taken in the future use of this area so not to detract from Union Plaza, but rather compliment it. The mixed-use area is intended to encourage a mix of office, retail and residential uses. Office and commercial uses must have residential uses above. There are some limitations on uses such as no vehicle body repair shops or drive-thru facilities. The fronts of buildings must be oriented to N. 22nd St. and no parking lots may face N. 22nd St. Pole signs and off-premise (billboards) are prohibited. The Lincoln Downtown Design standards apply in this area.
3. The Neighborhood Business Area in within the area zoned B-3. This area is intended to provide a transition from a broad range of business uses to a more compatible blend of commercial and residential uses. This area as the same limit on uses as the Mixed-Use Area. Pole signs and off-premise signs are prohibited.
4. The Residential Area fronts on N. 24th street. This area is intended to be a residential area with density that provides a transition from the high density and mixed uses to the south and west, to the residential neighborhood to the east and north. This area is zoned R-6 and the requirements of the R-6 district apply, except as modified in the PUD. Modifications include reduction in lot size for two-family dwellings and townhouses from 2,500 sf per family to 1,100 sf per family. Setbacks have also been reduced to allow more density.
5. The Neighborhood Design Standards, except as modified by the PUD, apply throughout the PUD area.
6. The Antelope Village PUD is designed so that a building permit may be issued if the applicant meets the requirements of the PUD. It will not be necessary for them to submit a site plan for review. If however an applicant wants to modify the PUD requirements, a site plan is required for review by the Planning Director. The modification to the PUD may be approved by the Planning Director.

This approval permits any number of dwelling units and square footage of other uses subject to the requirements of the PUD and zoning ordinance.

CONDITIONS OF APPROVAL:

The following conditions are applicable to all requests:

All new construction or changes in use within the boundaries of the PUD shall adhere to B-3 and R-6 zoning except where modified by the PUD. The PUD is attached.

Prepared by:

Tom Cajka
Planner

DATE: December 22, 2008

APPLICANT: Marvin Krout, Director
Lincoln/Lancaster County Planning Department
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Lincoln, NE 68508

CONTACT: Tom Cajka, Planner
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555 S. 10th St. Suite 213
Lincoln, NE 68508

**COMPREHENSIVE PLAN AMENDMENT NO. 08028
AMENDMENT TO THE ANTELOPE VALLEY REDEVELOPMENT
PLAN
and
CHANGE OF ZONE NO. 08066,
ANTELOPE VILLAGE PLANNED UNIT DEVELOPMENT**

PUBLIC HEARING BEFORE PLANNING COMMISSION:

January 14, 2009

Members present: Cornelius, Francis, Partington, Larson, Taylor, Esseks, Sunderman and Carroll; Gaylor Baird absent.

Ex Parte Communications: None.

Staff recommendation: A finding on conformance with the Comprehensive Plan on the amendment to the redevelopment plan and approval of the planned unit development.

Staff presentation: **Tom Cajka of Planning staff** explained that this is a request to review a proposed amendment to Antelope Valley Redevelopment Plan as to conformance with the Comprehensive Plan. The project to be added is located between P and Q, 23rd to 24th, and is proposed for an office complex with townhomes above it; eighteen townhomes will surround the office complex. Earlier this year, the city approved surplusizing a portion of this property. This is a good infill project. All of the infrastructure and utilities and streets are in place. Staff finds this to be in conformance with the Comprehensive Plan.

The Antelope Village Planned Unit Development (PUD) includes a four block area including the aforementioned project, P to R, 22nd to 24th, next to the Antelope Valley Parkway stream corridor and Union Plaza. It will include the NeighborWorks project of mixed use, neighborhood business and residential. The components of mixed use would be office, retail and residential above. The intent is to keep the uses compatible with the park to the west. There would be no parking lots facing 22nd Street and the fronts of buildings would face 22nd Street. The neighborhood business area is the typical commercial type development. The residential area on the east would be straight residential with no commercial. The underlying B-3 and R-6 zoning would remain as it is today, but the PUD overlay would take precedence over the straight zoning district. Without the PUD, NeighborWorks would not be able to do the plan that they are now showing due to reductions in setbacks. The PUD allows for front yards and rear yards to have a 10' setback to get the residences closer to the street and a more pedestrian friendly neighborhood.

The Neighborhood Design Standards and Downtown Design Standards would apply throughout the PUD area. Cajka then amended the staff report on page 123 to strike waiver #10, which is not necessary.

Proponents

1. Wynn Hjermsstad of Urban Development explained that this project has been around for quite a few years. In November of 2004, when the Antelope Valley Redevelopment Plan was adopted, this project was identified. It is now back because the project has changed somewhat. It had been identified as residential and we are trying to encourage some new housing types. The mixed use is the change with NeighborWorks building their new office at this location. The configuration has also changed. There will be 8-10 condo units above the NeighborWorks office and a community room for use by neighborhood associations, etc. The parking lot will be a shared parking lot with Union Plaza. They are looking at the first LEED certified neighborhood – the first anywhere between Chicago and Denver – which means there are efforts underway to make energy efficient units. One of the main facets of this project is the opportunity for increased home ownership. The Malone/Hawley area has been the lowest of the city in terms of home ownership. This is projected to be an 8.2 million dollar project, \$650,000 in TIF, including public improvements such as realignment of the sewer, sidewalk improvements, energy efficiency standards, etc. The next step in this process is hearing at the City Council to amend the Redevelopment Plan and then back to the City Council with a redevelopment agreement. There may be other items in the process that will require Planning Commission review.

2. Tom Huston, 233 S. 13th Street, appeared on behalf of **NeighborWorks of Lincoln**. With regard to the Comprehensive Plan Conformance item, the state statute does set forth a standard for the Planning Commission review. The Comprehensive Plan does identify this area at 23rd and P as urban residential and commercial. The Comprehensive Plan also encourages maximization of use of present infrastructure, encourages mix of uses in this type of infill development; and encourages appropriate density for the location. Huston pointed out that the staff report talks about the existing improvements on this block and the staff report describes the process of removing the units at 2323 Q Street as a “razing” effort. Because this project will be LEED certified, it will be considered a “deconstructed” effort, which means it will take three times as long as the normal demolition but 80% of the material can be reused.

With regard to the PUD, Huston suggested that the PUD overlay is entirely appropriate for this property. The southeast corner of the area where the office building will be located would not be allowed without the PUD. This development will provide home ownership opportunities. The 18 townhomes are designed to be pedestrian oriented with rear entry garages. Associations will be created for both the townhomes and condo units but will ultimately be sold to private homeowners.

Larson confirmed that because this is a blighted area, there will be RFP's for private developers to sell off the units. Huston stated that Urban Development has already published its invitation for private development proposals, and NeighborWorks is responding to that invitation with this project. NeighborWorks now has control of all the property on the block.

There was no testimony in opposition.

COMPREHENSIVE PLAN CONFORMANCE NO. 08028

ACTION BY PLANNING COMMISSION:

January 14, 2009

Cornelius moved a finding of conformance with the Comprehensive Plan, seconded by Francis.

Cornelius believes this looks like a good project.

Larson believes this is an outstanding project. It is right in the center of the area that was designated in the Antelope Valley plan for community improvement.

Carroll agreed - this is a first step in Antelope Valley and it is a good one.

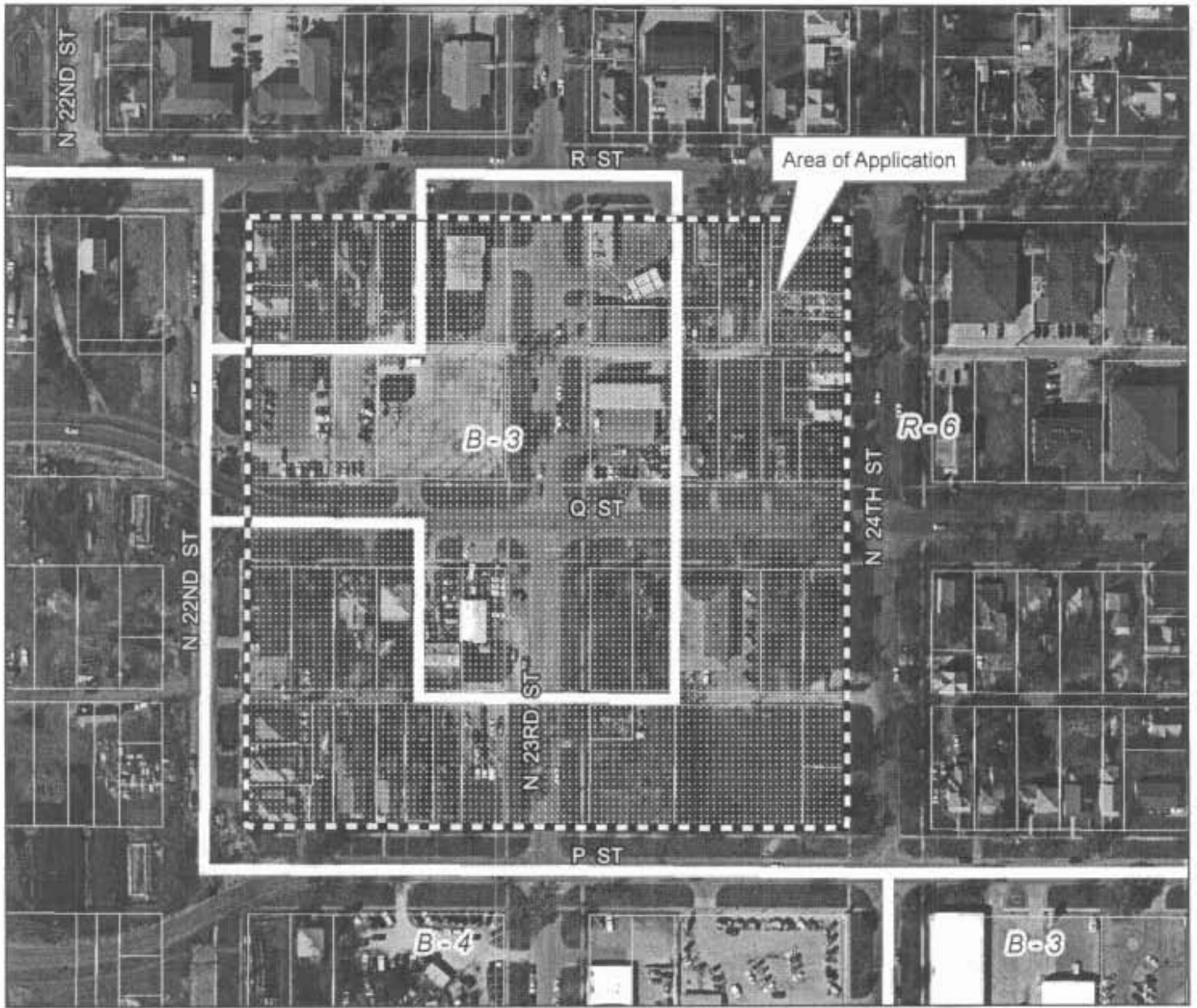
Motion for a finding of conformance carried 8-0: Cornelius, Francis, Partington, Larson, Taylor, Esseks, Sunderman and Carroll voting 'yes'; Gaylor Baird absent. This is a recommendation to the City Council.

CHANGE OF ZONE NO. 08066

ACTION BY PLANNING COMMISSION:

January 14, 2009

Cornelius moved to approve, with the deletion of Waiver #10, seconded by Francis and carried 8-0: Cornelius, Francis, Partington, Larson, Taylor, Esseks, Sunderman and Carroll voting 'yes'; Gaylor Baird absent. This is a recommendation to the City Council.



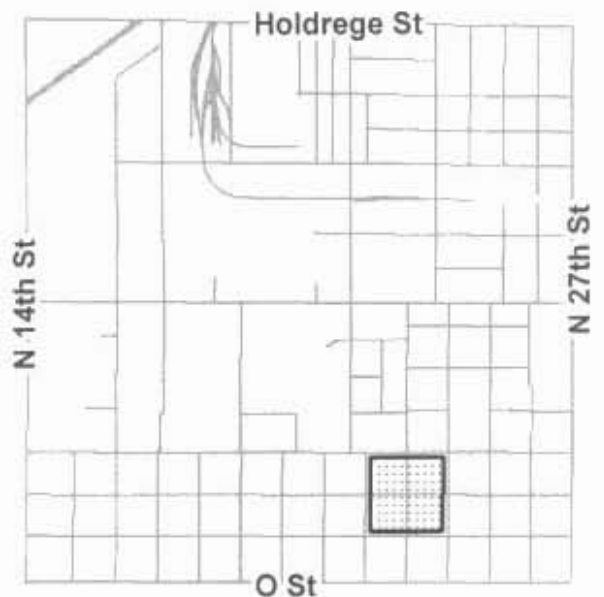
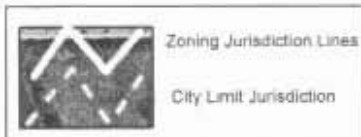
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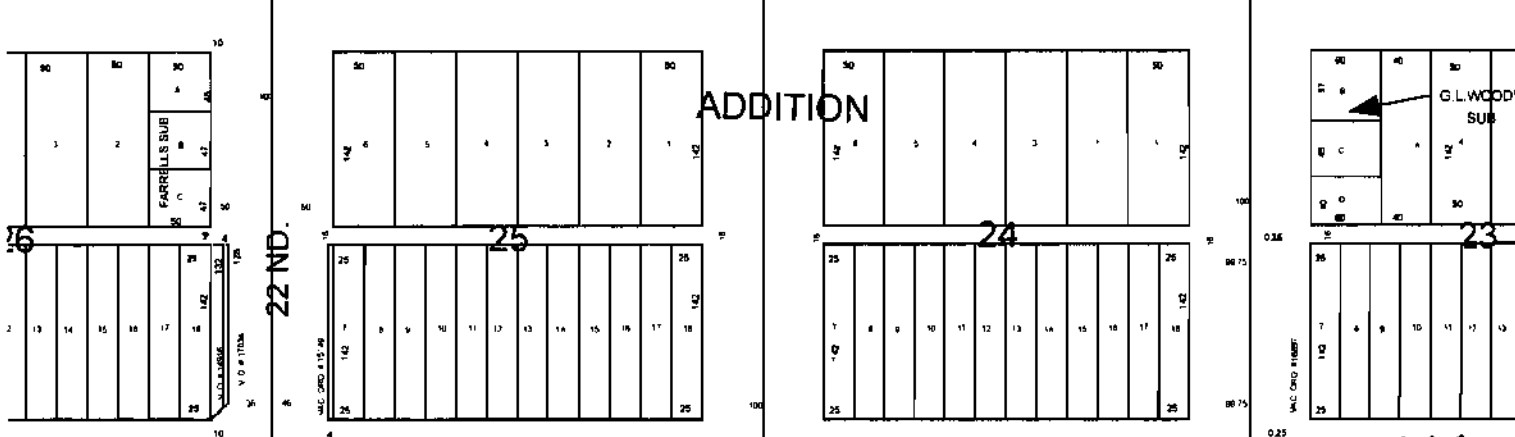
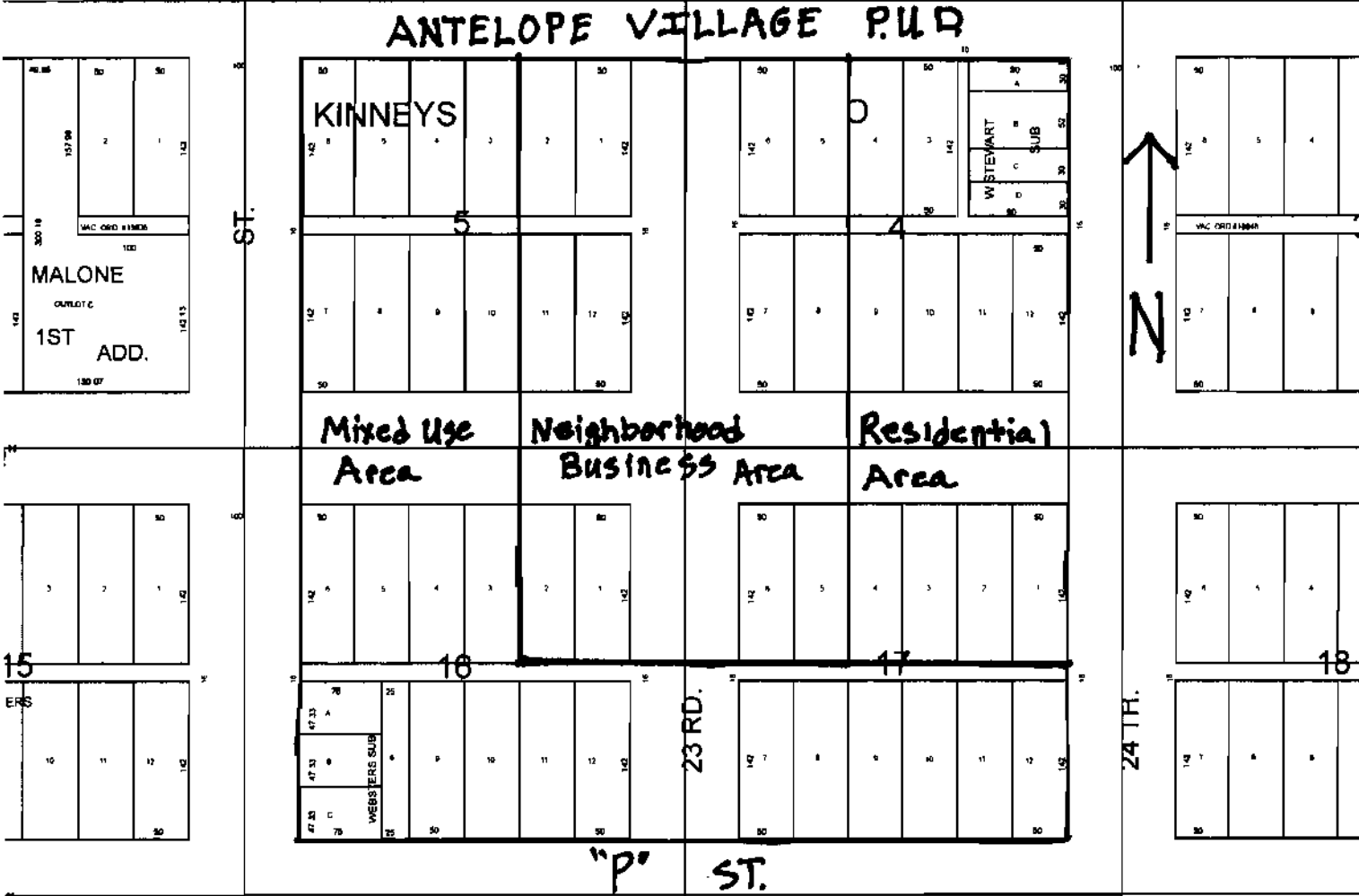
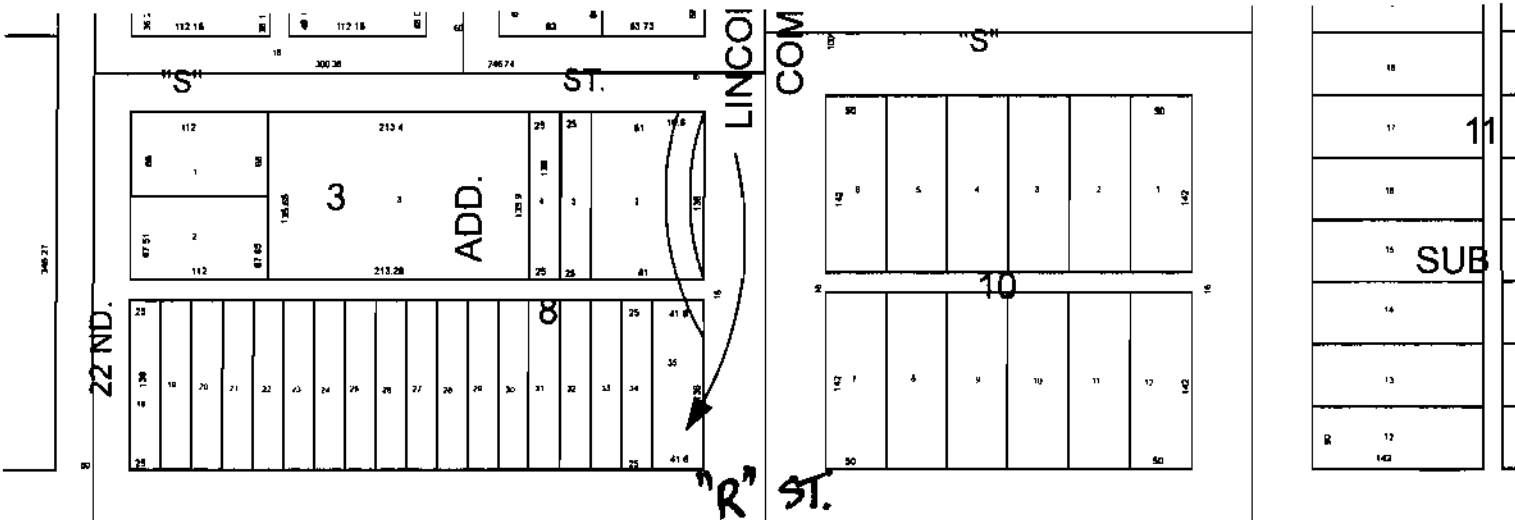
Change of Zone #08066
Antelope Valley PUD
N 22nd & P St

Zoning:

One Square Mile
 Sec. 24 T10N R06E

- 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





ANTELOPE VILLAGE PLANNED UNIT DEVELOPMENT

Purpose:

Antelope Valley Planned Unit Development ("the PUD") is intended to foster a transitional area of residences and other compatible uses between the urban mixed use areas of Downtown and O Street, and the residential neighborhood to the north and east.

The following applies to the Mixed Use Area: (From N. 22nd St. to 200' west of N. 22nd St. and from "P" St. to one-half block north of "P" St. between N. 22nd and N. 24th St.)

Purpose:

This area is intended to foster high-quality redevelopment in proximity to Union Plaza as a moderately dense residential area with limited and compatible business uses within residential buildings.

The regulations of the B-3 district shall apply except where modified by the PUD as follows:

1. LAND USE

- A. Dwellings are permitted on the first floor.
- B. Single family, two-family, townhouses and multiple dwellings are permitted.
- C. Commercial and office uses are only allowed below upper-story residential uses.
- D. All other uses shall comply with the B-3 District except as modified below:
The following uses are not allowed
 - (1) Drive-thru facilities
 - (2) Milk distribution station
 - (3) Food storage lockers
 - (4) Automobile wash facility
 - (5) Contractor yards
 - (6) Recycling centers
 - (7) Vehicle body repair shops
 - (8) Service stations and automobile or appliance sales and repairs.
 - (9) Tire stores and sales, including vulcanizing.
- E. Permitted Conditional Uses and Permitted Special Uses in the R-6 District are allowed per the requirements of the R-6 District.

2. SIGNS

- A. Pole signs are prohibited.
- B. Off-premise signs are prohibited.
- C. Permitted ground signs not to exceed 8' in height or 50 square feet in total area.

3. **PARKING**

A. No parking lot shall be adjacent or take access to N. 22nd St.

4. **HEIGHT and AREA**

A. All uses: front yard 10', side yard 5' or 0' on party wall, rear yard 10'.

B. Height limit of 45'

C. The minimum lot area shall be 1,000 sf per dwelling unit

5. **PORCHES**

An open, unenclosed porch may project into a required front yard for a distance not exceeding 5 feet.

6. **DESIGN STANDARDS**

The Lincoln Downtown Design Standards shall apply to the Mixed Use Area.

The fronts of buildings must be oriented to N. 22nd Street.

The following applies to the "Neighborhood Business Area"

(100' east and west of N. 23rd St from one-half block north of "P" to "R" St)

Purpose:

This area is intended to provide a transition from a broad range of business uses to a more compatible blend of commercial and residential uses.

The regulations of the B-3 district shall apply except where modified by the PUD as follows:

1. **LAND USE:**

A. Dwellings are permitted on the first floor.

B. Single family, two-family, townhouses and multiple dwellings are permitted.

C. All uses shall comply with the B-3 District except as modified below:

The following uses are not allowed

(1) Drive-thru facilities

(2) Milk distribution station

(3) Food storage lockers

(4) Automobile wash facility

(5) Contractor yards

(6) Recycling centers

(7) Vehicle body repair shops

(8) Service stations and automobile or appliance sales and repairs.

(9) Tire stores and sales, including vulcanizing.

2. SIGNS

The regulations for signs per LMC 27.69.050 shall apply to all uses except single family and two-family and where modified by the PUD as follows:

- A. Pole signs are prohibited.
- B. Off-premise signs are prohibited.
- C. Permitted ground signs not to exceed 8' in height or 50 square feet in total area.

3. PARKING

- A. The parking requirements of the B-3 district shall apply.

4. HEIGHT and AREA

- A. All uses: front yard 10', side yard 5' or 0' on party wall, rear yard 10'.
- B. Height limit of 45'
- C. The minimum lot area shall be 1,000 sf per dwelling unit

5. PORCHES

An open, unenclosed porch may project into a required front yard for a distance not exceeding 5 feet.

The following applies to the Residential Area: (200' west of N. 24th St., ½ block north of "P" St. to "R" St.)

Purpose:

This area is intended to be a residential area with density that provides a transition from the high density and mixed uses to the south and west, to the residential neighborhood to the east and north.

This area shall comply with the R-6 zoning district except where modified by the PUD as follows:

1. HEIGHT AND AREA

- A. All uses: front yard 10', side yard 5' or 0' on party wall, rear yard 10'.
- B. Height limit of 35'.
- C. The minimum lot area for single family dwelling is 4,000 sf.
- D. The minimum lot area shall be 1,100 sf for two-family dwelling, townhouses and multiple dwellings.

2. PARKING

Parking shall be one stall per dwelling unit.

3. PORCHES

An open, unenclosed porch may project into a required front yard for a distance not exceeding 5 feet.

THE FOLLOWING APPLIES THROUGHOUT THE ANTELOPE VILLAGE PUD

1. Any requirement in the Antelope Village PUD, except for non-permitted uses, may be amended by administrative amendment approved by the Planning Director. A site plan is required with the administrative amendment.
2. The Planning Director may waive by administrative amendment the requirement that lots have frontage and access to a public or private street.
3. The Neighborhood Design Standards apply except:
 1. Pitched roofs are not required.
 2. Roofs may be concealed by parapets.
 3. Porches are not required on non-residential property.
 4. Non-residential properties shall meet the requirement for an entrance and windows oriented to the street.
 5. Height regulations of this PUD supercede those of the Neighborhood Design Standards.
 6. Mechanical equipment on rooftops shall be architecturally screened with materials compatible with the main walls of the building so they are not visible from adjacent streets.
4. In case any conflicts arise between the Downtown Design Standards and the Neighborhood Design Standards, or other zoning requirements and the requirements of the PUD, the more specific requirement applies.