

## **FACTSHEET**

**TITLE:** **CHANGE OF ZONE NO. 09026**, requested by Mark Hunzeker, to amend Section 27.45.020 of the Lincoln Municipal Code.

**STAFF RECOMMENDATION:** Approval.

**SPONSOR:** Planning Department

**BOARD/COMMITTEE:** Planning Commission  
Public Hearing: Consent Agenda: 10/07/09  
Administrative Action: 10/07/09

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

### **FINDINGS OF FACT:**

1. This is a request to amend Section 27.45.020 of the Lincoln Municipal Code (Zoning Ordinance) to add "office buildings" as a permitted use in the H-4 General Commercial District.
2. The staff recommendation of approval is based upon the "Analysis" as set forth on p.3, concluding that, based upon the land uses that are allowed by right or by special permit in the H-4 zoning district today and the fact that office buildings are currently a permitted use in the H-2 and H-3 zoning districts, it appears appropriate to allow office buildings by right in the H-4 General Commercial District. Adding office buildings to H-4 is consistent with the Comprehensive Plan.
3. On October 7, 2009, 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 October 7, 2009, the Planning Commission agreed with the staff recommendation and voted 8-0 to recommend approval.

**FACTSHEET PREPARED BY:** Jean L. Preister

**DATE:** October 12, 2009

**REVIEWED BY:** \_\_\_\_\_

**DATE:** October 12, 2009

**REFERENCE NUMBER:** FS\CC\2009\CZ.09026 text

# LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

## for OCTOBER 7, 2009 PLANNING COMMISSION MEETING

- PROJECT #:** Change of Zone No. 09026
- PROPOSAL:** Add "Office Buildings" as a permitted use in the H-4 General Commercial District.
- LOCATION:** Section 27.45.020
- CONCLUSION:** Office buildings are currently permitted in the H-2 and H-3 zoning districts and allowed in H-4 by special permit for "Planned Service Commercial". Adding office buildings to H-4 is consistent with the Comprehensive Plan.

<b>RECOMMENDATION:</b>	Approval
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### **GENERAL INFORMATION:**

**LEGAL DESCRIPTION:** Section 27.45.020. See proposed text amendment attached.

### **HISTORY:**

- May 8, 1979: The H-4 General Commercial District was created. It did not include office buildings at that time.
- December 13, 1982: Ordinance #13510 for Change of Zone #1980 was approved by City Council. The text amendment created a special permit for "Planned Service Commercial" which allowed office buildings in H-4 up to 15,000 square feet.

### **COMPREHENSIVE PLAN SPECIFICATIONS:**

#### **DOWNTOWN LINCOLN - THE HEART OF OUR COMMUNITY**

Downtown Lincoln is the heart of our community, a unique common ground for all Lincoln and Lancaster County residents. At the same time, Downtown Lincoln belongs to all residents of Nebraska because "downtown" is synonymous with the University of Nebraska, state government, and the State Capitol building. This state-wide ownership has strong economic implications, and for that reason, as well as the desire to maintain downtown as the "heart" of the community, the Comprehensive Plan will ensure that downtown remains a special place. The Plan will seek to preserve vistas and institutions of cultural importance, to reinforce the district as a center of entertainment, and to promote a rich diversity of activities and uses, including housing, education, government, offices and commerce.

*The following principles are based on this Downtown Lincoln statement and describe the desired end state:*

Downtown Lincoln continues to serve as the heart of our community and is an asset for all Nebraska residents. Downtown Lincoln continues to serve its role as the central location for commerce, government, entertainment and the arts. Views to the State Capitol have been preserved, as they have in the past, as part of our community form. P. 8-9

One of the principles of future commercial centers includes: "Mix of office, retail, and service uses." P. 36

## **ANALYSIS:**

1. The H-4 General Commercial District allows a wide variety of commercial activities ranging from warehouses and truck stops to banks and restaurants. Currently, offices are allowed as accessory uses to the uses allowed in the district. Alternatively, office buildings could locate in H-4 if they are a part of a special permit for Planned Service Commercial.
2. Office buildings are currently a permitted use in the H-2 Highway Business District and the H-3 Highway Commercial District.
3. It appears the reason that “office buildings” was not included in 1979 was in order to protect Downtown office space. Since 1979, office space has grown in the Downtown and in developing areas. There are now significant suburban sites zoned O-3 Office Park District to accommodate office needs outside of Downtown. Thus, if the goal in 1979 was to not allow office in the H-4, it is no longer necessary to keep this restriction. The Comprehensive Plan encourages a mix of uses in new commercial areas and development of office space outside of the Downtown.
4. Based on the land uses that are allowed by right or by special permit in H-4 today and the fact that office buildings are currently a permitted use in H-2 and H-3, it appears appropriate to allow office buildings by right in the H-4 General Commercial District.

Prepared by:

Brandon M. Garrett, AICP  
Planner

**DATE:** September 21, 2009

**APPLICANT/  
CONTACT:** Mark Hunzeker  
Baylor, Evnen, Curtiss, Gritmit, & Witt, LLP  
1248 O Street, Ste. 600  
Lincoln, NE 68508

# CHANGE OF ZONE NO. 09026

## CONSENT AGENDA

### PUBLIC HEARING & ADMINISTRATIVE ACTION

#### BEFORE PLANNING COMMISSION:

October 7, 2009

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

The Consent Agenda consisted of the following items: **COMPREHENSIVE PLAN CONFORMANCE NO. 09010, CHANGE OF ZONE NO. 09023** and **CHANGE OF ZONE NO. 09026.**

Ex Parte Communications: None

**Item No. 1.1, Conformance No. 09010**, was removed from the Consent Agenda and scheduled for separate public hearing at the request of Commissioner Gaylor Baird.

Lust moved to approve the remaining Consent Agenda, seconded by Taylor and carried 8-0: Gaylor Baird, Cornelius, Esseks, Larson, Lust, Partington, Sunderman and Taylor voting 'yes'; Francis absent.



M. DOUGLAS DEITCHLER  
WALTER E. ZINK II  
RANDALL L. GOYETTE  
STEPHEN S. GEALY  
GAIL S. PERRY  
DALLAS D. JONES  
JILL GRADWOHL SCHROEDER  
DAVID A. DUDLEY  
BRENDA S. SPILKER  
STEPHANIE F. STACY  
W. SCOTT DAVIS

MARK A. HUNZEKER  
WILLIAM G. BLAKE  
PETER W. KATI  
CHRISTOPHER M. FERGICO  
DARLA S. IDEUS  
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TIMOTHY E. CLARKE  
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\*ALSO ADMITTED IN IOWA  
\*\*ALSO ADMITTED IN KANSAS

September 9, 2009

Marvin Krout  
555 S. 10<sup>th</sup> Street Room #213  
Lincoln, NE 68508

RE: Text Amendment

Dear Marvin:

The purpose of the attached text amendment is to allow "office buildings" as a permitted use in the H-4 Highway Commercial zoning district. The district already provides for a variety of office-like uses, and allows "office buildings" under the special permit for Planned Services Commercial. Office buildings are compatible with the other permitted uses in the district, and ought to be allowed as a matter of right.

Sincerely,

Mark A. Hunzeker  
For the Firm  
mhunzeker@baylorevnen.com

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