

FACTSHEET

TITLE: CHANGE OF ZONE NO. 12011, from B-4 Lincoln Center Business District to P Public Use District, and from P Public Use District to B-4 Lincoln Center Business District, requested by the Director of the Urban Development Department, on property generally located east of South 21st Street, south of N Street.

STAFF RECOMMENDATION: Approval.

ASSOCIATED REQUEST: Declaration of Surplus Property (12-60)

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 05/16/12
Administrative Action: 05/16/12

RECOMMENDATION: Approval (8-0: Weber, Esseks, Hove, Cornelius, Sunderman, Butcher, Gaylor Baird and Francis voting 'yes'; Lust absent).

FINDINGS OF FACT:

1. This change of zone requested and the associated proposed declaration of surplus property (Bill #12-60) were heard at the same time before the Planning Commission.
2. The Director of the Urban Development Department is requesting a change of zone from P to B-4 on the property included in the associated proposal for declaration of surplus property (Bill #12-60) and other zoning changes as part of a map clean-up effort in this general area south of N Street and east of South 21st Street to reflect public and private ownership as a result of the Antelope Valley Redevelopment project. B-4 zoning is proposed for the developable portions and P zoning is proposed for public portions such as Elliott Elementary School parking lot, Antelope Creek, Antelope Park and vacated right-of-way between K and L Streets.
3. The Planning staff recommendation of approval is based upon the "Analysis" as set forth on p.4, concluding that the changes from B-4 to P will accurately reflect public property ownership. The changes from P to B-4 will reflect public land proposed for private development. The staff presentation is found on p.6-8.
4. There was no testimony in opposition.
5. On May 16, 2012, the Planning Commission agreed with the staff recommendation and voted 8-0 to recommend approval (Lust absent).
6. On May 16, 2012, the Planning Commission also voted 8-0 to find the proposed declaration of surplus property to be in conformance with the Comprehensive Plan (Bill #12-60).

FACTSHEET PREPARED BY: Jean L. Preister

DATE: May 24, 2012

REVIEWED BY: _____

DATE: May 24, 2012

REFERENCE NUMBER: FS\CC\2011\CZ12011+

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for MAY 16, 2012 PLANNING COMMISSION MEETING

PROJECT #: Change of Zone No. 12011

PROPOSAL: From B-4 Lincoln Center Business District to P Public Use District and P Public Use District to B-4 Lincoln Center Business District.

LOCATION: East of S. 21st Street, south of N Street

LAND AREA: 10 Acres, more or less

EXISTING ZONING: B-4 Lincoln Center Business District and P Public Use District

CONCLUSION: The changes from B-4 to P will accurately reflect public property ownership. The changes from P to B-4 will reflect public land proposed for private development.

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

LEGAL DESCRIPTION:

That portion of Lot 3, Block 7 and Outlot "G", Antelope Valley 2nd Addition and vacated right of way S. 22nd Street between K and L Streets, located in Section 25, Township 10 North, Range 6 East, Lancaster County, Nebraska that is zoned B-4 Lincoln Center Business District change to P Public Use District;

that portion of Lot 2, Block 7 and Outlot "I", Antelope Valley 2nd Addition, and Lot 2, Block 4 Avondale Addition and adjacent vacated right of way, located in Section 25, Township 10 North, Range 6 East, Lancaster County, Nebraska that is zoned P Public Use District change to B-4 Lincoln Center Business District.

EXISTING LAND USE: City of Lincoln Parks and Recreation Department Community Forestry/Parks Maintenance Shops, Windstream property, Antelope Creek, and Antelope Park

SURROUNDING LAND USE AND ZONING:

North: Commercial uses and Antelope Creek (B-4)
South: Windstream telecommunications building (B-4 and P)
Lincoln High School (P)
East: Antelope Creek and Antelope Park (B-4 and P)
Elliott Elementary School parking (P)

West: Windstream telecommunications building, car wash, and industrial (B-4)
Restaurant and gas station (B-3)
Lincoln High School (P)

ASSOCIATED APPLICATIONS: CPC#11011 and CPC#12006

HISTORY:

- August 28, 1998 "Draft Single Package" for Antelope Valley was approved.
- November 24, 2004 Antelope Valley Redevelopment Plan was approved. It has been amended seven times as of April 21, 2011.
- September 26, 2005 The Downtown Master Plan was approved.
- August 18, 2011 Final Plat #10049 was approved for Antelope Valley 2nd Addition.
- November 2, 2011 Planning Commission approved Comprehensive Plan Conformance #11011 to surplus land for a parking lot at Elliott Elementary School, but it has not yet been scheduled on the City Council agenda.
- December 6, 2011 Miscellaneous #11006 was approved for an Affidavit of Correction to Antelope Valley 2nd Addition.

COMPREHENSIVE PLAN SPECIFICATIONS:

This area is designated as Commercial and Green Space. Page 1.9

Enhance Downtown's role as the heart of the City. A strong downtown is important to the economic future of the community. Lincoln's Downtown is unique in the community as the home of State government, the State Capitol Building, and the flagship campus of the University of Nebraska. Together with Antelope Valley and the surrounding neighborhoods, it forms a vital core for the City. Page 5.1

Support development and implementation of the *Downtown Master Plan* and the *Antelope Valley Redevelopment Plan*. Page 6.3

ANTELOPE VALLEY REDEVELOPMENT PLAN SPECIFICATIONS:

This area is designated as MU-Mixed Use. Page 54

The Mixed Use (MU) area east of traditional downtown is intended to accommodate a wide variety of land uses compatible with adjacent residential areas and supportive of downtown as the community's center. Within this wider area, certain subdistricts should be encouraged through incentives and regulations. Residential uses are encouraged throughout the MU area to capitalize on public investment and to provide a variety of housing options near the downtown core. In particular, high-density, high-amenity urban residential uses are very desirable between 17th St. and the new Antelope Creek and park. Improvements in the "triangle" bounded by 19th St., the Creek, and O Street should be strongly encouraged to foster development of an "urban village"- Haymarket without the history. South of O St. and east of 17th St. there is an opportunity to strengthen housing in proximity to the Capitol and other employment centers. Page 57

Another noteworthy Mixed-Use area is along the west side of the waterway south of "O" Street. This land benefits by proximity to open space and the Creek and from the possibility of assembling some larger tracts than in traditional downtown. This area offers opportunities for high-quality office, residential, or mixed-use development. Page 58

DOWNTOWN MASTER PLAN SPECIFICATIONS:

This area is designated as High Density Residential and Existing Parks and Open Space . Page 20

Compatible Land Uses: The adopted Antelope Valley redevelopment plan maps the area between 17th Street and the new Antelope Creek channel/ park as serving a generalized "Mixed Use," but describes more specific concepts in the text. The Downtown Master Plan incorporates these more specific uses with some further detail. Page37

Residential Mixed Use: The predominant land use emphasis in the area of Antelope Valley on the east side of downtown should be residential. The area provides great opportunities for a variety of housing types unique in Lincoln and supportive of both their adjacent residential neighborhoods and of downtown. The downtown master plan suggests that higher residential densities may occur between R and M Streets. Page 37

UTILITIES:

Utilities are available to the developable land.

ANALYSIS:

1. This application includes a change of zone from P to B-4 for a related application to surplus Parks and Recreation facilities (CPC#12006). Additionally, it includes other zoning changes as part of a map clean up effort in this general area south of N Street and east of S. 21st Street to reflect public and private ownership as a result of the Antelope Valley Redevelopment project. B-4 zoning is proposed for the developable portions and P zoning is proposed for public portions such as the Elliott Elementary School parking lot, Antelope Creek, Antelope Park, and vacated right of way between K and L.
2. There are two small fragments of land (approximately 2,100 sq. ft.) on the Windstream property located at 330 S. 21st Street that was mistakenly zoned P in the past. This proposal makes the minor correction to B-4 to match the zoning of the rest of the Windstream parcel.
3. The city owns Lot 2 and Outlot I where the existing Parks Department forestry and maintenance shops are, and the Planning & Construction and Athletics Offices are, but that land is intended to be surplus for private redevelopment as part of the Antelope Valley redevelopment effort; therefore, this land is being proposed to be changed from P to B-4.
4. B-4 Lincoln Center Business District is applied to most of the downtown from Antelope Creek to the West Haymarket. B-4 zoning is subject to the Lincoln Downtown Design Standards, which includes standards such as build-to lines, minimum height, screening of parking, and architectural features.
5. P Public Use District zoning is generally applied to publicly-owned properties including Lincoln Public Schools, Lincoln Electric System, City, County, State, federal, and other entities.
6. The proposed changes to the zoning in this area are appropriate for current and future use of these properties.

Prepared by:

Brandon M. Garrett, AICP
Planner

DATE: May 8, 2012

APPLICANT: David Landis, Director
Urban Development Department
555 S. 10th Street, Ste. 205
Lincoln, NE 68508

CONTACT: Wynn Hjermsstad
Urban Development Department
555 S. 10th Street, Ste. 205
Lincoln, NE 68508
402-441-7606
whjermsstad@lincoln.ne.gov

OWNERS: City of Lincoln
555 S. 10th Street
Lincoln, NE 68508

Windstream Nebraska Inc.
PO Box 260888
Plano, TX 75026-0888

COMPREHENSIVE PLAN CONFORMANCE NO. 12006 and CHANGE OF ZONE NO. 12011

PUBLIC HEARING BEFORE PLANNING COMMISSION:

May 16, 2012

Members present: Weber, Esseks, Hove, Cornelius, Sunderman, Butcher, Gaylor Baird and Francis; Lust absent.

Staff recommendation: A finding of conformance with the Comprehensive Plan on the proposed declaration of surplus property and approval of the change of zone.

There were no ex parte communications disclosed.

Planning staff presentation: **Davis Landis, Director of Urban Development**, advised that the land in question includes the property owned by the NRD and occupied by People's City Mission; land occupied by Parks & Recreation for maintenance operations, including the Muny bath house; and the Windstream property, which is privately held. One of the purposes of this proposal is to match the P zoning with B-4 in furtherance of the city's desire to place the property on the market.

With regard to the surplus property, there are no other plans for the use of this property by any city department. The building belongs to the NRD and they agree with the idea of moving towards the sale of these properties. Landis believes there will be interest in development of this property. The area of surplus is 6.5 acres plus the Muny bath house, for a total of 7.4 acres. It is in the heart of Downtown, where one does not find six or seven available pieces of property for sale. It overcomes one of the chief problems of establishing developments in highly dense areas that have been built up for a long time, and that is property acquisition. For example, Assurity required 16 separate acquisitions. Here we have one piece in coordination that is proximate to the Union Plaza Park. We have a valuable commodity and the city would like to put it back on the tax roles and in private hands. It is well located for a multi-use purpose. Landis stated that the city would prefer to have the Muny bath house stay and be part of a rehabilitation; however, it is the intent to create an invitation for RFP (request for proposal). In that setting, we usually indicate what we want to build. An "invitation" for RFP says, if you can think of a money-making idea, we'd like to know what it is. We don't try to tell the market what they have to do but invite the market to tell us what they think can be done with this property.

Landis submitted that this is a good location for some services (commercial use) and for some residential, but if there is a better and more profitable use or a use that can bring a better rate of return, the city is prepared to examine the idea.

Generally, if you were to find a theme, it is to take land which now has uses which we can meet in other parts of the city, aggregate that land, take it to the market place and move the land to a higher and better use that makes use of the fact that it is strategically located in Antelope Valley, and continue this dynamic of having lifted land out of the floodplain, out of its industrial or commercial uses into higher and better denser uses with more tax value, more tax base and more economic value to the community.

Lynn Johnson, Director of Parks & Recreation, described what happens on the site today. The central portion is currently the Parks maintenance facility – two maintenance sections occupy one of the buildings and the Community Forestry and public garden section occupies the other building. This property was identified in the Antelope Valley Redevelopment Plan for redevelopment. As the city looked at acquiring the Experian property, the vision was the Experian property would be able to accommodate most of the functions off this site. The eastern portion is the former Muny pool bath house built in 1920, which was the original bath house for the pool located to the east. It has been in Parks & Recreation use since the pool was closed. For the last 10 years, Parks has done some adaptive reuse of the interior and it is actually office space for the Parks Planning and Construction and the Athletic section.

Johnson advised that the Parks & Recreation Advisory Board is recommending that the western portion of the property be declared surplus, with the eastern portion with the Muny bath house not surplus. Today, two Parks functions occupy that building and it continues to be a good use of that building. The Advisory Board does understand that there is probably a broader economic development perspective on this and their discussion recognized that thought, but as they narrowed their thoughts they came back to Parks occupying it today and recommending against declaring that portion surplus.

Johnson then clarified, however, that the staff recommendation is that all of it be declared surplus.

Butcher wondered whether the Parks functions in the eastern portion would be able to move to another facility if that property is surplus. Johnson stated that there is a small house over by Auld Pavilion, the former home of the Child Advocacy Center, which is vacant. It has been converted to office space and a portion of the functions from the Muny bath house would be moved to that building. Parks has some other underutilized space that could be used as well.

Francis inquired whether there is a lot of walk-in traffic at the bath house offices. Johnson acknowledged that Planning and Construction does get a little walk-in traffic on a limited basis; however, there is a fairly significant amount of traffic moving in and out of the Athletics Office.

Francis inquired whether these offices could be found just as easily if they were relocated. Johnson believes that is possible. The Athletics Office was in an old library building in Van Dorn Park for a number of years and it became too small and hard to access. They relocated to this space temporarily, and when Antelope Valley construction was taking place, they moved to the Ager Golf Course building temporarily and then moved back.

Gaylor Baird confirmed that the Parks Department would like to encourage its preservation in some way as well as the Parks Advisory Board. Help us understand our choices. If we allow it to be surplus, will it likely be torn down? Landis suggested that there are two tools available to development: TIF, which does not have a relationship to the historical use, and use of historical tax credits, which is a tool that can alter the financing for a project and produce a third party influx of resources. If the property is surplus, the RFP would state that preservation of that building is our preference. Attached to that is the possibility of a financing tool if the building is kept and refurbished. On the other hand, if surplus, the city is asking for any and every idea and we will sift through for the best. We would have the discretion to either choose to keep the building -- to not sell that land and keep control – or sell to a developer who might raze the building.

Johnson also advised that the draft RFP states that it is the city's preference that the building be preserved. As the evaluation of the proposals comes in, we think that one of the evaluations will be whether someone is making good and creative use of that building.

Cornelius clarified that a proposed development will receive approval if it includes a component which preserves that building. Landis agreed that to be the preference. If you get two different price tags, at some point the city might sell that land for a purpose that did not include the preservation of that building if it was a development that is attractive, etc. It is fair to acknowledge that it is in play, but with a preference. That's about as good as we can do.

Butcher inquired about the accessibility to the bath house should the western parcel be redeveloped. Johnson explained that today the access to the building parallels the channel and comes to the parking area east of the building. There is a very large sanitary trunk line that runs through this area that will be a constraint. If the city retained ownership, we would ask for an access easement across the remainder of the property. Lower Platte South NRD will need access for maintenance of the channel. As the redevelopment proposal comes through, we will be looking for those access easements.

Butcher inquired whether there is any historical designation in regard to this building. Landis stated, "no, it is part of the Antelope Valley project." This site was reviewed for National Registry eligibility and, oddly enough, it was found not to be eligible. However, the staff report states that subsequent improvements to the building and its setting prompt its re-evaluation, and it is likely the building could successfully be nominated to the National Register. Landis pointed out that it is ironic that recent changes may have made the building more historic.

Esseks wanted to establish for the record that the property on the corner of N and 23rd now used by the City Mission is not a subject of the Planning Commission recommendation today. Landis responded by stating that, "we do not own that land." We do have a working relationship with the NRD. They are a public entity. We need the whole property to be B-4. Then when we surplus it, our land will be part of a larger silhouette including the NRD and hopefully Windstream. We will describe all of that land in the RFP. The developer would have to deal with all three of us collectively. We don't now own it, but we are working in concert with them and anticipate the RFP would include their land.

Johnson advised that the NRD board has had the discussion and they do plan on making it available for sale. The Mission is occupying on a month-to-month basis and they have identified a new location. It is already zoned B-4.

There was no testimony in opposition.

COMPREHENSIVE PLAN CONFORMANCE NO. 12006

ACTION BY PLANNING COMMISSION:

May 16, 2012

Hove moved to approve the staff recommendation of a finding of conformance with the Comprehensive Plan, seconded by Francis

Cornelius commented that he is heartened that consideration has and will be given to the preservation of this building which might or might not be eligible for landmark status.

Motion carried 8-0: Weber, Esseks, Hove, Cornelius, Sunderman, Butcher, Gaylor Baird and Francis voting 'yes'; Lust absent. This is a recommendation to the City Council.

CHANGE OF ZONE NO. 12011

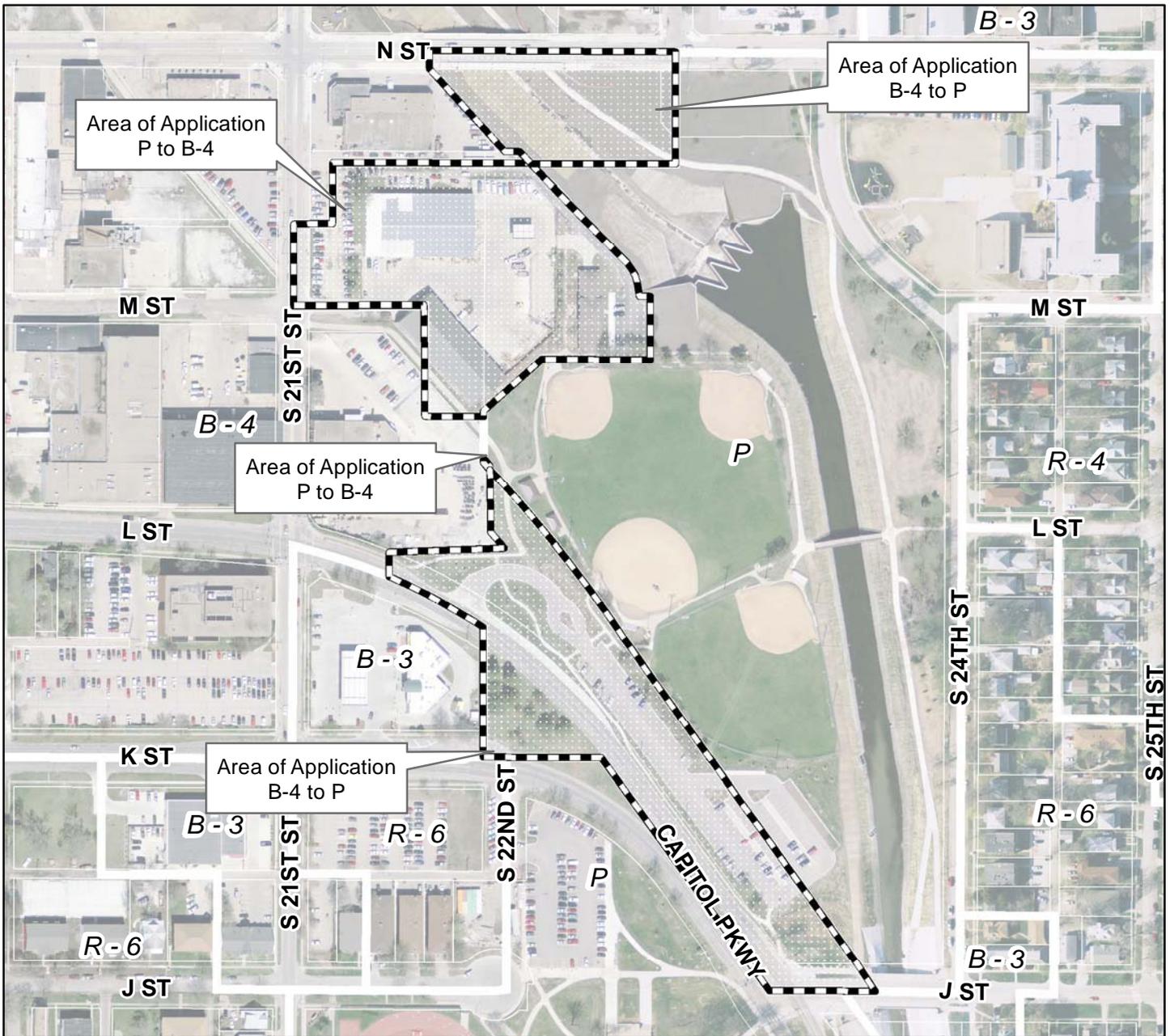
ACTION BY PLANNING COMMISSION:

May 16, 2012

Francis moved approval, seconded by Hove.

Cornelius finds this exciting. He knows we hear over and over the theme of land assembly being one of the obstacles to infill and redevelopment, and infill and redevelopment are major goals stated in the Comprehensive Plan, so he will support this motion.

Motion for approval carried 8-0: Weber, Esseks, Hove, Cornelius, Sunderman, Butcher, Gaylor Baird and Francis voting 'yes'; Lust absent. This is a recommendation to the City Council.



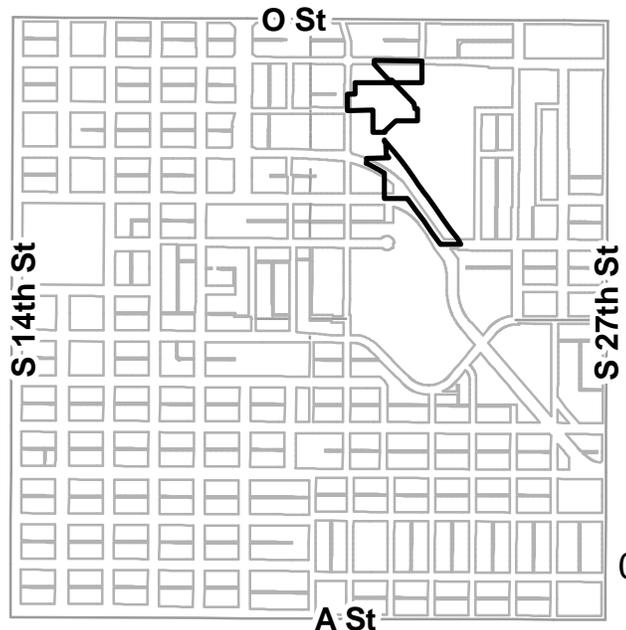
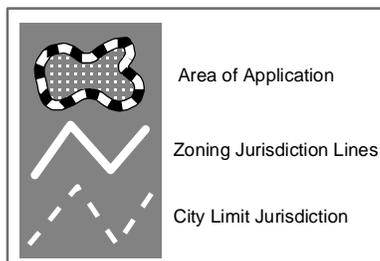
**Change of Zone #12011
S 21st & M St**

2010 aerial

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. 25 T10N R06E



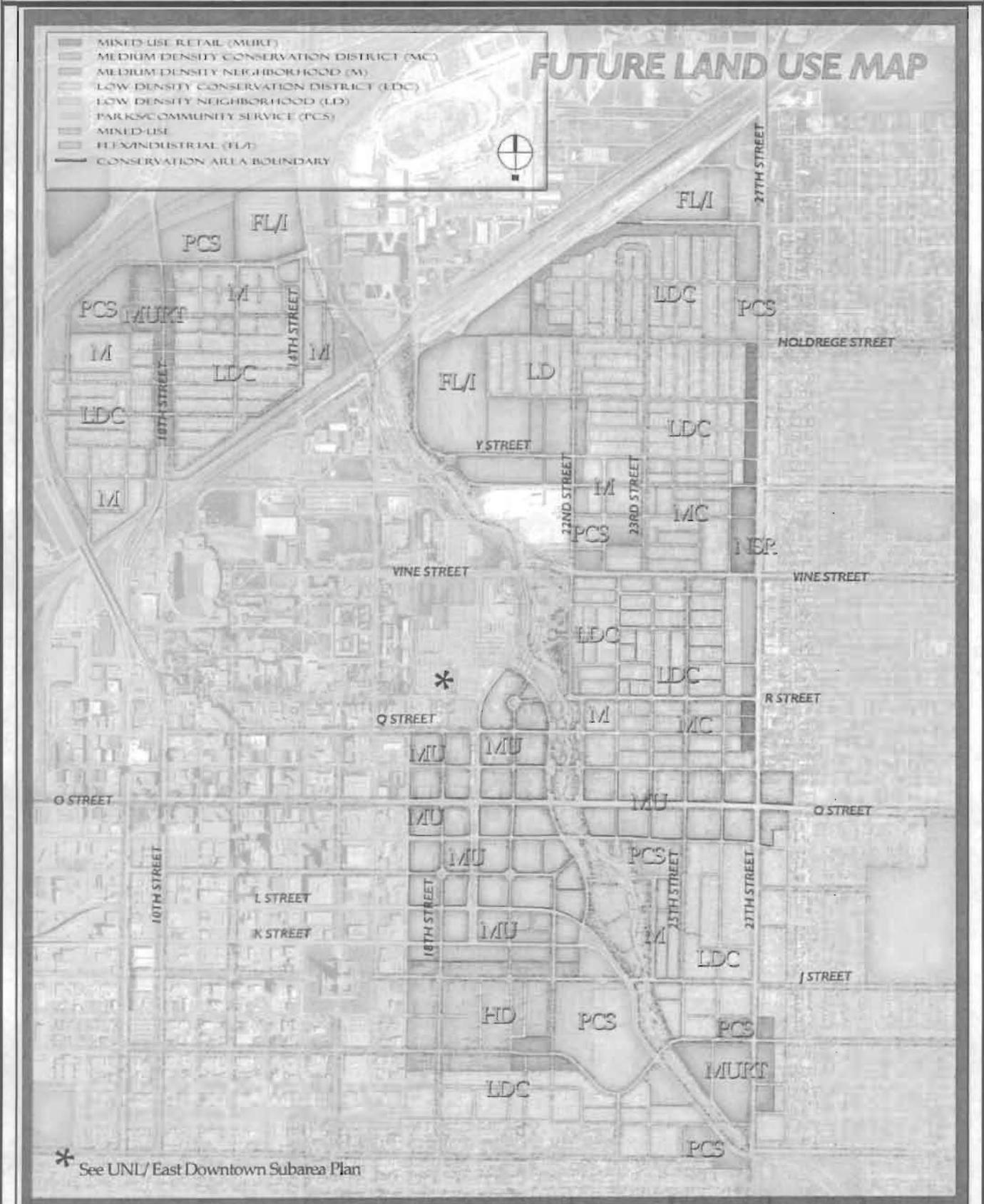


Figure 18



Application Information			
Application #	CZ12011	Title	21ST AND M PARK FACILITIES
Associated Requests	CPC12006		

Planning Department Use Only			
Submission Date	4/18/2012	Review Due	4/28/2012
Project Planner	Brandon Garrett		

Review Comments		
Planning	<input checked="" type="radio"/> Corrections Needed for Review <input type="radio"/> Insufficient Information for Review <input type="radio"/> Recommend Denial <input type="radio"/> Recommend Approval with Conditions <input type="radio"/> Recommend Approval <input type="radio"/> No Review Required Review 1:	
Building & Safety (Terry Kathe)	<input type="radio"/> Corrections Needed for Review <input type="radio"/> Insufficient Information for Review <input type="radio"/> Recommend Denial <input type="radio"/> Recommend Approval with Conditions <input type="radio"/> Recommend Approval <input type="radio"/> No Review Required Review 1:	
County Health (Chris Schroeder)	<input type="radio"/> Corrections Needed for Review <input type="radio"/> Insufficient Information for Review <input type="radio"/> Recommend Denial <input type="radio"/> Recommend Approval with Conditions <input checked="" type="radio"/> Recommend Approval <input type="radio"/> No Review Required Review 1: The Lincoln-Lancaster County Health Department does not object to the approval of the proposed change of zone.	

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<p>Development Review Manager (Steve Henrichsen)</p>	<p> <input type="radio"/> Corrections Needed for Review <input type="radio"/> Insufficient Information for Review <input type="radio"/> Recommend Denial <input type="radio"/> Recommend Approval with Conditions <input type="radio"/> Recommend Approval <input type="radio"/> No Review Required </p> <p>Review 1:</p>	
<p>Public Works (Buff Baker)</p>	<p> <input type="radio"/> Corrections Needed for Review <input type="radio"/> Insufficient Information for Review <input type="radio"/> Recommend Denial <input checked="" type="radio"/> Recommend Approval with Conditions <input type="radio"/> Recommend Approval <input type="radio"/> No Review Required </p> <p>Review 1: Public Works has no objections to the CZ, however be aware there is a 48" Sanitary Sewer that runs Cattywampus to the northwest from the ball fields to a point that is 50' north of the centerline of Vacated M Street, 325' east of 21st to 130' east of 21st, then cattywampus again to the NW crossing 21st at about 115' north of M street. There are also two Storm Sewer Inlets in vacated M street that could be tapped or relocated with future B Zoning and grate inlet serving the parking area in the NW portion of the site plan.</p>	
<p>Public Works (Dennis Bartels)</p>	<p> <input type="radio"/> Corrections Needed for Review <input type="radio"/> Insufficient Information for Review <input type="radio"/> Recommend Denial <input checked="" type="radio"/> Recommend Approval with Conditions <input type="radio"/> Recommend Approval <input type="radio"/> No Review Required </p> <p>Review 1: subject to retention of required easements when the property is sold</p>	
<p>School District - Lincoln (Scott Wieskamp)</p>	<p> <input type="radio"/> Corrections Needed for Review <input type="radio"/> Insufficient Information for Review <input type="radio"/> Recommend Denial <input type="radio"/> Recommend Approval with Conditions <input type="radio"/> Recommend Approval <input type="radio"/> No Review Required </p> <p>Review 1:</p>	
<p>Stronger Safer Neighborhoods (Jon Carlson)</p>	<p> <input type="radio"/> Corrections Needed for Review <input type="radio"/> Insufficient Information for Review <input type="radio"/> Recommend Denial <input type="radio"/> Recommend Approval with Conditions <input type="radio"/> Recommend Approval <input type="radio"/> No Review Required </p> <p>Review 1:</p>	
<p>Windstream (Ken Adams)</p>	<p> <input type="radio"/> Corrections Needed for Review <input type="radio"/> Insufficient Information for Review <input type="radio"/> Recommend Denial <input type="radio"/> Recommend Approval with Conditions <input type="radio"/> Recommend Approval <input type="radio"/> No Review Required </p>	



CITY OF LINCOLN
NEBRASKA

MAYOR CHRIS BEUTLER
lincoln.ne.gov

Urban Development Department
David Landis, Director
555 S. 10th Street
Suite 205
Lincoln, Nebraska 68508
402-441-7606
fax: 402-441-8711

April 20, 2012

Marvin Krout, Director
Lincoln/Lancaster County Planning Department
555 South 10th Street, Room 213
Lincoln, NE 68508

Re: Change of zone and surplus requests, vicinity of 21st and N Streets

Dear Marvin:

Please find attached a change of zone request for Lot 2, Block 7 and Outlot I of the Antelope Valley 2nd Addition, generally known as the Parks and Recreation Department Community Forestry/Park Maintenance Shops and Muny Building. The request is to rezone from P Public to B-4 Lincoln Center Business District.

I am also requesting that these same City-owned properties be surplused to allow for their sale. The Parks and Recreation Advisory Board discussed the surplus of the two properties at their April 12, 2012 meeting. The matter was referred back to their Fees and Facilities committee who considered the surplus request at their April 19, 2012 meeting. The committee is recommending to the Parks and Recreation Advisory Board approval of surplusing Lot 2 and the western portion of Outlot I. The committee further recommends that the City retain the eastern portion of Outlot I for Parks and Recreation Department offices.

Both the rezoning and surplus are part of the redevelopment process for the larger 21st and N Street redevelopment project area. An Invitation for Redevelopment Proposals (IFRP) will be issued in May with proposals due November 1, 2012.

Please forward these requests to the Planning Commission for their earliest consideration. If you have questions or need further information, please contact Wynn Hjermstad at 402-441-8211 or whjermstad@lincoln.ne.gov. Thank you.

Sincerely,



Dave Landis
Director

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