FACTSHEET

TITLE: CHANGE OF ZONE NO. 17037 - R-3 to R-4
(3720 North 1st Street)

APPLICANT: Jerry Boyce


STAFF RECOMMENDATION: Approval

OTHER DEPARTMENTS AFFECTED: N/A

SPONSOR: Planning Department

OPPONENTS: No one present at the hearing.

REASON FOR LEGISLATION:

This is a request for a change of zone from R-3 Residential to R-4 Residential on approximately 1.42 acres associated with a proposed new Community Unit Plan.

DISCUSSION/FINDINGS OF FACT:

1. This change of zone request and the associated Special Permit No. 17053 appeared on the Consent Agenda of the Planning Commission.

2. The staff recommendation of approval of this change of zone is based upon the "Analysis" as set forth on pp.2-3, concluding that a change of zone to R-4 is consistent with the Future Land Use Map and the zoning pattern of the area, and is compatible with the adjacent development based on the site plan for the proposed Community Unit Plan.

3. On January 17, 2018, the Planning Commission voted 8-0 (Scheer declared a conflict of interest) to recommend approval of this change of zone.

4. On January 17, 2018, the Planning Commission also voted 8-0 (Scheer declared a conflict of interest) to adopt PC Resolution No. PC-01585 approving associated Special Permit No. 17053.

FACTSHEET PREPARED BY: Geri Rorabaugh, Administrative Officer

REVIEWED BY: David R. Cary, Planning Director

DATE: January 19, 2018
BRIEF SUMMARY OF REQUEST
This is a request for a change of zone from R-3 Residential to R-4 Residential on approximately 1.42 acres associated with a proposed new Community Unit Plan.

JUSTIFICATION FOR RECOMMENDATION
A change of zone to R-4 is consistent with the Future Land Use Map and the zoning pattern of the area, and is compatible with the adjacent development based on the site plan for the proposed Community Unit Plan.

COMPATIBILITY WITH THE COMPREHENSIVE PLAN
The proposed zoning aligns with the designated future land use of urban density residential.
KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

P. 12.3 - this site is shown as future urban density residential on the 2040 Lincoln Area Future Land Use Plan.

P. 1.6 - Approximately 20% of new dwelling units will be built within the existing City, with about 3,000 in the Downtown and Antelope Valley areas, 1,000 in existing neighborhoods, and 4,000 in mixed use redevelopment nodes and corridors.

P. 7.2 - Neighborhoods & Housing Guiding Principles
• Promote sustainability and resource conservation by preserving and improving housing in existing neighborhoods.
• Distribute and preserve affordable housing throughout the community to be near job opportunities and to provide housing choices within existing and developing neighborhoods.
• Make available a safe residential dwelling for all citizens.
• Provide a wide variety of housing types and choices for an increasingly diverse and aging population.
• Provide flexibility to the marketplace in siting future residential development locations.
• Strive for predictability for neighborhoods and developers for residential development and redevelopment.
• Provide safe and decent affordable and special needs housing for low- and moderate-income households.

P. 7.8 - Preserving existing housing and promoting homeownership should remain the focus in established neighborhoods, with modest opportunities for infill and redevelopment.

P. 7.8 - 1,000 well-designed and appropriately-placed dwelling units are projected for neighborhoods in the existing city — a one percent increase to the existing housing stock—on vacant lots, expansions of existing apartment complexes with undeveloped land, and through accessory dwelling units. Residential redevelopment in existing neighborhoods tends to occur naturally without public intervention over a long period of time, as individual properties become obsolete or are acquired piecemeal by private or nonprofit developers.

P. 7.9 - Strategies for Redevelopment in Existing Neighborhoods
• Promote the preservation, maintenance and renovation of existing housing and neighborhoods throughout the city, with special emphasis on low and moderate income neighborhoods.
• Maintain and enhance infrastructure and services in existing neighborhoods.
• Encourage well-designed and appropriately placed density, including within existing apartment complexes and special needs housing where there is land available for additional buildings or expansions.
• Recognize that broad economic diversity within existing neighborhoods encourages reinvestment and improves quality of life for all residents while acknowledging the need for affordable housing.
• Preserve, protect and promote the character and unique features of urban neighborhoods, including their historical and architectural elements.
• Retain existing predominately single-family blocks in some existing neighborhoods, in order to maintain the mix of housing types.

ANALYSIS

1. This request is for a change of zone from R-3 to R-4 on approximately 1.42 acres at N. 1st and Fairfield Streets.

2. The purpose of the change of zone is to allow for an additional dwelling unit on the site associated with a proposed new Community Unit Plan (CUP) for 10 attached dwelling units. Under R-3 zoning a maximum of 9 dwelling units would be allowed with a CUP. R-4 zoning would allow up to 19 dwelling units with a CUP. However, the applicant is only requesting one additional dwelling unit above what would be allowed under R-3 zoning for a maximum of 10 units.

3. There are four other areas of R-4 zoning adjacent to N. 1st Street between Superior Street and Cornhusker Highway, approved between approximately 1981 and 2001 (see attached exhibit titled “R-4 Zoning on N. 1st Street”). Two of the changes of zone were for proposed multifamily developments, and the others were for attached and detached single family developments. Several were initially controversial but were ultimately approved by the City Council based on a density that was considered appropriate adjacent to an arterial street and to the R-2 and R-3 zoned single family areas. The proposed R-4 zoning is similarly supportable given that the dwellings will be attached or detached single family and limited to an appropriate maximum of 10 units. Multifamily dwellings would be prohibited per a note on the Community Unit Plan.
4. This change of zone is consistent with the Comprehensive Plan based on the proposed residential use. In addition, the proposed density is suitable adjacent to N. 1st Street and fits with the designated future urban density residential land use identified for the site.

EXISTING LAND USE & ZONING: Single family residential dwelling; R-3

SURROUNDING LAND USE & ZONING
North: Single family attached dwelling; R-3
South: Single family detached dwelling; R-3
East: Single family detached dwelling; R-3
West: Mobile home court; R-3

APPROXIMATE LAND AREA: 1.42 acres, more or less

LEGAL DESCRIPTION: Lot 39, I.T., except the west 7 feet of the north 60 feet thereof, located in the SW 1/4 of Section 11-10-6, Lincoln, Lancaster County, Nebraska.

Prepared by

Rachel Jones, Planner
Date: January 9, 2018

Applicant: Jerry Boyce
4631 S. 67th Street
Lincoln, NE 68516
jerry.boyce23@gmail.com

Contact: Tim Gergen
The Clark Enersen Partners
1010 Lincoln Mall, Suite 200
Lincoln, NE 68508
(402) 477-9291 or tim.gergen@clarkenersen.com

Owner: Thomas and Betty King
6007 N. 14th Street
Lincoln, NE 68521
(402) 432-8920

F:\DevReview\CZ\17000\CZ17053 Joy's Garden Townhomes.rkj.docx
Change of Zone #: CZ17037 (R-3 to R-4) & Special Permit #: SP17053
Joy's Garden Townhomes CUP N 1st St & Fairfield St

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.11 T10N R06E

Area of Application
Zoning Jurisdiction Lines
Lancaster County Jurisdiction

2016 aerial
CONSENT AGENDA
PUBLIC HEARING & ADMINISTRATIVE ACTION
BEFORE PLANNING COMMISSION: January 17, 2018


The Consent Agenda consisted of the following items: CHANGE OF ZONE NO. 17037, SPECIAL PERMIT NO. 17053, SPECIAL PERMIT NO. 687A, and SPECIAL PERMIT NO. 17051.

SPECIAL PERMIT NO. 687A, and SPECIAL PERMIT NO. 17051 were removed from the Consent Agenda to have separate public hearing.

Commissioner Scheer declare a Conflict of Interest on CHANGE OF ZONE NO. 17037 and SPECIAL PERMIT NO. 17053 and exited the chambers. Commissioner Corr continued as Vice-Chair.

There were no ex parte communications disclosed.

Beckius moved approval of the remaining Consent Agenda, seconded by Hove, and carried, 8-0: Beckius, Edgerton, Finnegan, Harris, Hove, Joy, Washington and Corr voting 'yes'; Scheer absent.

Note: This is a recommendation to City Council on CHANGE OF ZONE NO. 17037. This is FINAL ACTION on SPECIAL PERMIT NO. 17053 unless appealed to the City Clerk within 14 days.